ACTS

OF THE

GENERAL ASSEMBLY



2024 REGULAR SESSION

VOLUME I

VOLUME II

VOLUME III

ACTS

OF THE

GENERAL ASSEMBLY

OF THE

COMMONWEALTH OF VIRGINIA

2024 REGULAR SESSION

which met at the State Capitol, Richmond

Convened Wednesday, January 10, 2024

Adjourned sine die Saturday, March 9, 2024

Reconvened Wednesday, April 17, 2024

Adjourned sine die Wednesday, April 17, 2024

VOLUME I

CHAPTERS 1-451

COMMONWEALTH OF VIRGINIA
RICHMOND
2024

Compiled by the Clerk's Office

The House of Delegates

G. Paul Nardo
Clerk of the House of Delegates
and
Keeper of the Rolls of the Commonwealth

Jacqueline D. Scott
Indexing and Enrolling Director

Indexing and Enrolling Assistant Clerks

Sarah A. Armistead
Jeannine B. Layell

Indexing and Enrolling Assistants

Kellie M. Bolden
Mary T. Davis
Caroline M. Espinosa
Jan Garver-Flanders
Julia L. Glowatsky
Jarl K. Jackson
Kyle W. Mathews
Melisa G. Milton
Chayton S. Mouzon
Taylah D. Randall

in cooperation with the

Senate of Virginia,
Division of Legislative Services,
and
Division of Legislative Automated Systems

TABLE OF CONTENTS
2024 REGULAR SESSION

VOLUME I

CHAPTERS 1-451 1

VOLUME II

CHAPTERS 452-845 973

CERTIFICATION OF THE 2024 REGULAR SESSION ACTS OF ASSEMBLY 1920

VOLUME III

RESOLUTIONS OF THE GENERAL ASSEMBLY-2024 REGULAR SESSION
House Joint Resolutions and House Resolutions 1921
Senate Joint Resolutions and Senate Resolutions 2380

APPENDIX
Summary of 2024 Regular Session Legislation 2659
House Bills Approved with Chapter and Page Numbers 2660
Senate Bills Approved with Chapter and Page Numbers 2663
Bills Vetoed by Governor 2665
Members of the House of Delegates 2676
Members of the Senate 2680
Senators and Delegates by Counties 2682
Senators and Delegates by Cities 2686
Counties and Cities--Land Area and Population 2688
Counties and Cities--Ranked by Population 2689
Table of Titles of the Code of Virginia 2690

INDEX 2693

ACTS OF THE GENERAL ASSEMBLY

2024 REGULAR SESSION

CHAPTER 1

An Act to amend and reenact § 45.2-1725 of the Code of Virginia, relating to Virginia Brownfield and Coal Mine Renewable Energy Grant Fund and Program; allocation of funds.

[S 25]

Approved March 8, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 45.2-1725 of the Code of Virginia is amended and reenacted as follows:

§ 45.2-1725. Virginia Brownfield and Coal Mine Renewable Energy Grant Fund and Program.

A. For the purposes of this section:

"Brownfield" means real property, the expansion, redevelopment, or reuse of which may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant.

"Fund" means the Virginia Brownfield and Coal Mine Renewable Energy Grant Fund.

"Previously coal mined lands" means lands, associated waters, and surrounding watersheds where coal extraction, beneficiation, or processing has occurred.

"Program" means Virginia Brownfield and Coal Mine Renewable Energy Grant Program.

"Project" means all or any part of the following activities necessary or desirable for the restoration and redevelopment of a brownfield site or previously coal mined lands for renewable energy purposes: (i) environmental or cultural resource site assessments; (ii) the monitoring, remediation, cleanup, or containment of property to remove hazardous substances, hazardous wastes, solid wastes, or petroleum; (iii) the appropriate treatment of grave sites, and the appropriate and necessary treatment of significant archaeological resources, or the stabilization or restoration of structures listed on or eligible for the Virginia Landmarks Register; (iv) the demolition and removal of existing structures, or other site work necessary to make a site or certain real property usable for economic development; (v) the development of a remediation and reuse plan; and (vi) the development or operation of such site for renewable energy generation or storage.

"Renewable energy" means energy derived from sunlight, wind, and geothermal power.

B. There is hereby created in the state treasury a special nonreverting fund to be known as the Virginia Brownfield and Coal Mine Renewable Energy Grant Fund. The Fund shall be established on the books of the Comptroller. All funds appropriated for such purpose and any gifts, donations, grants, bequests, and other funds received on its behalf shall be paid into the state treasury and credited to the Fund. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. Moneys in the Fund shall be used solely for the purposes of (i) awarding grants on a competitive basis through the Virginia Brownfield and Coal Mine Renewable Energy Grant Program established pursuant to subsection C or (ii) implementing and administering the Virginia Brownfield and Coal Mine Renewable Energy Grant Fund and Program. Moneys used for implementing and administering the Fund and Program shall be limited to 10 percent of the amount available in the Fund each year. Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants issued by the Comptroller upon written request signed by the Director.

C. The Virginia Brownfield and Coal Mine Renewable Energy Grant Program is hereby established for the purpose of awarding grants on a competitive basis from such funds as may be available from the Fund to renewable energy projects located on brownfields or previously coal mined lands. The Program shall be administered by the Department. In administering the Program, the Department shall consult with the Department of Environmental Quality and establish and publish guidelines and criteria for grant awards, including guidelines and criteria governing agreements between the Department and grant recipients relating to the development of renewable energy projects on brownfields or previously coal mined lands. The criteria for grant recipients shall include requirements for project developers to hire local residents. The Department shall oversee each grant awarded through the Program and ensure thorough annual reporting on each such grant.

D. Grants shall be awarded in an amount of $500 per kilowatt of nameplate capacity from renewable energy sources that are located on previously coal mined lands and $100 per kilowatt of nameplate capacity from renewable energy sources that are located on brownfields. No more than $10 million shall be awarded to any single previously coal mined lands project and no more than $5 million shall be awarded to any single brownfield project that is not located on previously coal mined lands. If a project is eligible to receive a grant as a previously coal mined lands project, it shall not be eligible to receive a grant as a brownfields project, and vice versa.

No more than $35 million per year shall be allocated by the Program. Of this amount, $20 million shall be reserved for projects sited on previously coal mined lands. However, if less than $20 million is distributed to previously coal mined lands projects in a given year, any remaining funds may be reallocated to brownfield projects.

E. The Department shall, in consultation with the Department of Environmental Quality, localities, interest groups, private businesses, and other stakeholders, develop an online handbook for renewable energy and energy storage development on brownfields and previously coal mined lands. The online handbook shall include a discussion of coal mining permit types and reclamation requirements, permitting requirements for development on brownfields and previously coal mined lands, and policy recommendations for encouraging renewable energy development on brownfields and coal mines. The handbook shall be completed no later than July 1, 2022, and shall be updated as needed at the discretion of the Department.

F. ~~Notwithstanding any provision to the contrary, in no event shall any allocation of funds be made to the Fund or the Program unless federal funds are available to cover the entire cost of such allocation.~~

~~G.~~ The Department shall submit an annual report to the General Assembly regarding administration of the Fund and Program for the preceding fiscal year. The report shall include the number of grants awarded, the number of acres reclaimed or revitalized, the amount of nameplate capacity constructed, the number of jobs created, and the general economic impact of the Fund and Program. The report shall be furnished to the Chairmen of the House Committee on Labor and Commerce and the Senate Committee on Commerce and Labor no later than November 1 of each year. However, no annual report shall be required if the Fund and Program do not receive funding.

CHAPTER 2

An Act to amend the Code of Virginia by adding a section numbered 23.1-407.2, relating to public institutions of higher education; admissions applications; legacy admissions and admissions based on donor status prohibited.

[S 46]

Approved March 8, 2024

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 23.1-407.2 as follows:

§ 23.1-407.2. Admissions applications; legacy admissions and admissions based on donor status prohibited.

A. As used in this section, "legacy status" means the familial relationship of an individual applying for admission to an institution of higher education to an alumnus of such institution.

B. No public institution of higher education shall provide any manner of preferential treatment in the admissions decision to any student applicant on the basis of such student's legacy status or such student's familial relationship to any donor to such institution.

CHAPTER 3

An Act to amend and reenact § 23.1-200 of the Code of Virginia, relating to State Council of Higher Education for Virginia; membership.

[S 159]

Approved March 8, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 23.1-200 of the Code of Virginia is amended and reenacted as follows:

§ 23.1-200. State Council of Higher Education for Virginia established; purpose; membership; terms; officers.

A. The State Council of Higher Education for Virginia is established to advocate for and promote the development and operation of an educationally and economically sound, vigorous, progressive, and coordinated system of higher education in the Commonwealth and lead state-level strategic planning and policy development and implementation based on research and analysis and in accordance with § 23.1-301 and subsection A of § 23.1-1002. The Council shall seek to facilitate collaboration among institutions of higher education that will enhance quality and create operational efficiencies and work with institutions of higher education and their governing boards on board development.

B. The Council shall be composed of individuals selected from the Commonwealth at large without regard to political affiliation but with due consideration of geographical representation. Nonlegislative citizen members shall have demonstrated experience, knowledge, and understanding of higher education and workforce needs. Nonlegislative citizen members shall be selected for their ability and all appointments shall be of such nature as to aid the work of the Council and inspire the highest degree of cooperation and confidence. No officer, employee, trustee, or member of the governing board of any institution of higher education, employee of the Commonwealth, member of the General Assembly, or member of the Board of Education is eligible for appointment to the Council except as specified in this section. All members of the Council are members at large who shall serve the best interests of the whole Commonwealth. No member shall act as the representative of any particular region or of any particular institution of higher education.

C. The Council shall consist of 13 members: 12 nonlegislative citizen members appointed by the Governor and one ex officio member. At least one nonlegislative citizen member shall have served as a chief executive officer of a public institution of higher education. *At least one nonlegislative citizen member shall have served as a chief executive officer of an accredited nonprofit private institution of higher education whose primary purpose is to provide collegiate, graduate, or professional education and not to provide religious training or theological education.* At least one nonlegislative citizen member shall be a division superintendent or the Superintendent of Public Instruction. The President of the Virginia Economic Development Partnership Authority shall serve ex officio with voting privileges.

D. All terms shall begin July 1.

E. Nonlegislative citizen members shall serve for terms of four years. Vacancies occurring other than by expiration of a term shall be filled for the unexpired term. No nonlegislative citizen member shall serve for more than two consecutive terms; however, a nonlegislative citizen member appointed to serve an unexpired term is eligible to serve two consecutive four-year terms. No nonlegislative citizen member who has served two consecutive four-year terms is eligible to serve on the Council until at least two years have passed since the end of his second consecutive four-year term. All appointments are subject to confirmation by the General Assembly. Nonlegislative citizen members shall continue to hold office until their successors have been appointed and qualified. ex officio members shall serve terms coincident with their terms of office.

F. The Council shall elect a chairman and a vice-chairman from its membership. The Council shall appoint a secretary and such other officers as it deems necessary and prescribe their duties and terms of office.

G. At each meeting, the Council shall involve the chief executive officer of each public institution of higher education in its agenda. The chief executive officers shall present information and comment on issues of common interest and choose presenters to the Council from among themselves who reflect the diversity of the institutions.

H. At each meeting, the Council may involve other groups, including the presidents of private institutions of higher education, in its agenda.

I. As used in this section, "chief executive officer" includes the president of any accredited nonprofit private institution of higher education whose primary purpose is to provide collegiate, graduate, or professional education and not to provide religious training or theological education.

2. That the provisions of this act shall become effective on July 1, 2026.

CHAPTER 4

An Act to amend and reenact § 54.1-2200 of the Code of Virginia, relating to Department of Professional and Occupational Regulation; practice of geology; definitions.

[S 184]

Approved March 8, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 54.1-2200 of the Code of Virginia is amended and reenacted as follows:

§ 54.1-2200. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Board" means the Board for Professional Soil Scientists, Wetland Professionals, and Geologists.

"Department" means the Department of Professional and Occupational Regulation.

"Eligible soil scientist" means a person who possesses the qualifications specified in this chapter to become licensed.

"Eligible wetland professional" means a person who possesses the qualifications specified in this chapter to become certified.

"Geological mapping" means the process of creating a map on which is recorded geological information, such as the distribution, nature, and age of relationships of rock units, in which surficial deposits may or may not be mapped separately, and the occurrence of structural features such as folds, faults, and joints; mineral deposits; and fossil localities. "Geological mapping" may indicate geologic structure by means of formational outcrop patterns, by conventional symbols giving the direction and amount of dip at certain points, or by structure-contour lines.

"Geologist" means a person engaged in the ~~public~~ practice of geology.

"Geology" means the science ~~dealing with~~ *encompassing those principles and methods related to* (i) the earth and its history in general; (ii) the investigation, prediction, evaluation, and location of materials and structures ~~which~~ *that* compose the earth; (iii) the natural processes that cause changes in the earth; and (iv) the application of knowledge of the earth, its processes, and its constituent rocks, minerals, liquids, gases, and other natural materials.

"Practice of geology" means the performance of any *professional* service or work ~~for the general public~~ wherein the principles and methods of geology are applied*, including (i) investigating, evaluating, and consulting; (ii) geological mapping; (iii) describing the natural processes that act upon the earth's materials; (iv) predicting the probable occurrence of natural processes; and (v) inspecting, planning, and performing and supervising geological work in order to enhance and protect the health, safety, and welfare of the public and the environment*.

"Practice of soil evaluation" means the evaluation of soil by accepted principles and methods including, ~~but not limited to,~~ observation, investigation, and consultation on measured, observed, and inferred soils and their properties; analysis of

the effects of these properties on the use and management of various kinds of soil; and preparation of soil descriptions, maps, reports, and interpretive drawings.

"Practice of wetland delineation" means the delineation of wetlands by accepted principles and methods including, ~~but not limited to,~~ observation, investigation, and consultation on soil, vegetation, and hydrologic parameters; and preparation of wetland delineations, descriptions, reports, and interpretive drawings.

"Qualified geologist" means an uncertified person who possesses all the qualifications specified in this chapter for certification.

"Soil" means the groups of natural bodies occupying the unconsolidated portion of the earth's surface which are capable of supporting plant life and have properties caused by the combined effects, as modified by topography and time, of climate and living organisms upon parent materials.

"Soil evaluation" means plotting soil boundaries, describing and evaluating the kinds of soil, and predicting their suitability for and response to various uses.

"Soil science" means the science dealing with the physical, chemical, mineralogical, and biological properties of soils as natural bodies.

"Soil scientist" means a person having special knowledge of soil science and the methods and principles of soil evaluation as acquired by education and experience in the formation, description, and mapping of soils.

"Virginia certified professional geologist" means a person who possesses all qualifications specified in this chapter for certification and whose competence has been attested by the Board through certification.

"Virginia certified professional wetland delineator" means a person who possesses the qualifications required for certification by the provisions of this chapter and the regulations of the Board and who is granted certification by the Board.

"Virginia licensed professional soil scientist" means a person who possesses the qualifications required for licensure by the provisions of this chapter and the regulations of the Board and who has been granted a license by the Board.

"Wetland delineation" means delineating wetland limits in accordance with prevailing state and federal regulatory guidance and describing wetland types.

"Wetland professional" means a person having special knowledge of wetland science and the methods and principles of wetland delineation as acquired by education and experience in the formation, description, and mapping of wetlands.

"Wetland science" means the science dealing with the physical, chemical, and biological properties of wetland systems integrated through ecological and morphological relationships.

"Wetlands" means the same as that term is defined in §§ 28.2-1300 and 62.1-44.3.

CHAPTER 5

An Act to amend and reenact § 62.1-44.15:55, as it shall become effective, of the Code of Virginia, relating to regulated land-disturbing activities; submission and approval of erosion and sediment control plan.

[S 365]

Approved March 8, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 62.1-44.15:55, as it shall become effective, of the Code of Virginia is amended and reenacted as follows:

§ 62.1-44.15:55. (Effective July 1, 2024) Regulated land-disturbing activities; submission and approval of erosion and sediment control plan.

A. Except as provided in § 62.1-44.15:31 for a land-disturbing activity conducted by a state agency, federal entity, or other specified entity, no person shall engage in any land-disturbing activity until *(i)* he has submitted to the VESCP authority an erosion and sediment control plan for the land-disturbing activity and the plan has been reviewed and approved. ~~Where~~ *and (ii) where* Virginia Pollutant Discharge Elimination System permit coverage is required, ~~a~~ *the* VESCP authority ~~shall be required to obtain~~ *has obtained* evidence of such *permit* coverage from the Department's online reporting system prior to ~~approving the erosion and sediment control plan~~ *issuing its land-disturbance approval*. A VESCP authority may enter into an agreement with an adjacent VESCP or VESMP authority regarding the administration of multijurisdictional projects specifying who shall be responsible for all or part of the administrative procedures. Should adjacent authorities fail to come to such an agreement, each shall be responsible for administering the area of the multijurisdictional project that lies within its jurisdiction. Where the land-disturbing activity results from the construction of a ~~(i)~~ *(a)* single-family residence or ~~(ii)~~ *(b)* farm building or structure on a parcel of land with a total impervious cover percentage, including the impervious cover from the farm building or structure to be constructed, of less than five percent, an agreement in lieu of a plan may be substituted for an erosion and sediment control plan if executed by the VESCP authority.

B. The VESCP authority shall review erosion and sediment control plans submitted to it and grant written approval within 60 days of the receipt of the plan if it determines that the plan meets the requirements of this article and the Board's regulations and if the person responsible for carrying out the plan certifies that he will properly perform the erosion and sediment control measures included in the plan and shall comply with the provisions of this article. In addition, as a prerequisite to engaging in the land-disturbing activities shown on the approved plan, the person responsible for carrying out the plan shall provide the name of an individual holding a certificate to the VESCP authority, as provided by § 62.1-44.15:52, who will be in charge of and responsible for carrying out the land-disturbing activity. However, any VESCP authority may

waive the certificate requirement for an agreement in lieu of a plan. If a violation occurs during the land-disturbing activity, then the person responsible for carrying out the agreement in lieu of a plan shall correct the violation and provide the name of an individual holding a certificate, as provided by § 62.1-44.15:52. Failure to provide the name of an individual holding a certificate prior to engaging in land-disturbing activities may result in revocation of the approval of the plan and the person responsible for carrying out the plan shall be subject to the penalties provided in this article.

When a plan is determined to be inadequate, written notice of disapproval stating the specific reasons for disapproval shall be communicated to the applicant within 45 days. The notice shall specify the modifications, terms, and conditions that will permit approval of the plan. If no action is taken by the VESCP authority within the time specified in this subsection, the plan shall be deemed approved and the person authorized to proceed with the proposed activity. The VESCP authority shall act on any erosion and sediment control plan that has been previously disapproved within 45 days after the plan has been revised, resubmitted for approval, and deemed adequate.

C. The VESCP authority may require changes to an approved plan in the following cases:

1. Where inspection has revealed that the plan is inadequate to satisfy applicable regulations; or

2. Where the person responsible for carrying out the approved plan finds that because of changed circumstances or for other reasons the approved plan cannot be effectively carried out, and proposed amendments to the plan, consistent with the requirements of this article and associated regulations, are agreed to by the VESCP authority and the person responsible for carrying out the plan.

D. In order to prevent further erosion, a VESCP authority may require approval of an erosion and sediment control plan for any land identified by the VESCP authority as an erosion impact area.

E. For the purposes of subsections A and B, when land-disturbing activity will be required of a contractor performing construction work pursuant to a construction contract, the preparation, submission, and approval of an erosion and sediment control plan shall be the responsibility of the owner.

F. Notwithstanding any other provisions of this article, the following activities are not required to comply with the requirements of this article unless otherwise required by federal law:

1. Disturbance of a land area of less than 10,000 square feet in size or less than 2,500 square feet in an area designated as a Chesapeake Bay Preservation Area pursuant to the Chesapeake Bay Preservation Act (§ 62.1-44.15:67 et seq.). However, the governing body of the program authority may reduce this exception to a smaller area of disturbed land or qualify the conditions under which this exception shall apply;

2. Minor land-disturbing activities such as home gardens and individual home landscaping, repairs, and maintenance work;

3. Installation, maintenance, or repair of any individual service connection;

4. Installation, maintenance, or repair of any underground utility line when such activity occurs on an existing hard surfaced road, street, or sidewalk, provided the land-disturbing activity is confined to the area of the road, street, or sidewalk that is hard surfaced;

5. Installation, maintenance, or repair of any septic tank line or drainage field unless included in an overall plan for land-disturbing activity relating to construction of the building to be served by the septic tank system;

6. Permitted surface or deep mining operations and projects, or oil and gas operations and projects conducted pursuant to Title 45.2;

7. Clearing of lands specifically for bona fide agricultural purposes; the management, tilling, planting, or harvesting of agricultural, horticultural, or forest crops; livestock feedlot operations; agricultural engineering operations, including construction of terraces, terrace outlets, check dams, desilting basins, dikes, ponds, ditches, strip cropping, lister furrowing, contour cultivating, contour furrowing, land drainage, and land irrigation; or as additionally set forth by the Board in regulations. However, this exception shall not apply to harvesting of forest crops unless the area on which harvesting occurs is reforested artificially or naturally in accordance with the provisions of Chapter 11 (§ 10.1-1100 et seq.) of Title 10.1 or is converted to bona fide agricultural or improved pasture use as described in subsection B of § 10.1-1163;

8. Installation of fence and sign posts or telephone and electric poles and other kinds of posts or poles;

9. Shoreline erosion control projects on tidal waters when all of the land-disturbing activities are within the regulatory authority of and approved by local wetlands boards, the Marine Resources Commission, or the United States Army Corps of Engineers; however, any associated land that is disturbed outside of this exempted area shall remain subject to this article and the regulations adopted pursuant thereto;

10. Land-disturbing activities in response to a public emergency where the related work requires immediate authorization to avoid imminent endangerment to human health or the environment. In such situations, the VESMP authority shall be advised of the disturbance within seven days of commencing the land-disturbing activity, and compliance with the administrative requirements of subsection A is required within 30 days of commencing the land-disturbing activity;

11. Discharges to a sanitary sewer or a combined sewer system that are not from a land-disturbing activity; and

12. Repair or rebuilding of the tracks, rights-of-way, bridges, communication facilities, and other related structures and facilities of a railroad company.

CHAPTER 6

An Act to amend and reenact §§ 3 and 4 of Chapter 826 and §§ 3 and 4 of Chapter 827 of the Acts of Assembly of 2017, relating to combined sewer overflow outfalls; compliance with regulations; Chesapeake Bay Watershed.

[S 372]

Approved March 8, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 3 and 4 of Chapter 826 and §§ 3 and 4 of Chapter 827 of the Acts of Assembly of 2017 are amended and reenacted as follows:

§ 3. Any owner of a CSO outfall that discharges into the Chesapeake Bay Watershed not under a state order or decree related to the CSO as of January 1, 2017, shall, by July 1, 2023, initiate construction activities necessary to bring the CSO outfall into compliance and shall, by July 1, ~~2025~~ *2026*, bring the CSO outfall into compliance with Virginia law, the federal Clean Water Act, and the Presumption Approach described in the EPA CSO Control Policy, unless a higher level of control is necessary to comply with a TMDL.

§ 4. Any owner of a CSO outfall that discharges into the Chesapeake Bay Watershed not under a state order or decree related to the CSO as of January 1, 2017, shall report annually to DEQ on its progress pursuant to § 3. No later than January 1 of each year, DEQ shall transmit, with any additional information the Director of DEQ determines to be appropriate, the CSO outfall progress reports to the Chairmen of the Senate Committee on Finance *and Appropriations*, the Senate Committee on Agriculture, Conservation and Natural Resources, the House Committee on Appropriations, and the House Committee on Agriculture, Chesapeake and Natural Resources; the Virginia delegation to the Chesapeake Bay Commission; the Secretary of Natural *and Historic* Resources; and the Governor.

CHAPTER 7

An Act to amend and reenact §§ 22.1-207, 22.1-253.13:1, as it shall become effective, and 22.1-279.9 of the Code of Virginia, relating to public high schools; research-based hazing prevention instruction.

[S 379]

Approved March 8, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 22.1-207, 22.1-253.13:1, as it shall become effective, and 22.1-279.9 of the Code of Virginia are amended and reenacted as follows:

§ 22.1-207. Physical and health education.

A. Physical and health education shall be emphasized throughout the public school curriculum by lessons, drills, and physical exercises, and all pupils in the public elementary, middle, and high schools shall receive as part of the educational program such health instruction and physical training as shall be prescribed by the Board ~~of Education~~ and approved by the State Board of Health. Such health instruction shall incorporate standards that recognize the multiple dimensions of health by including mental health and the relationship of physical and mental health so as to enhance student understanding, attitudes, and behavior that promote health, well-being, and human dignity. Such health instruction may include an age-appropriate program of instruction on the safe use of and risks of abuse of prescription drugs that is consistent with curriculum guidelines developed by the Board and approved by the State Board of Health.

B. The Board shall develop Standards of Learning and curriculum guidelines for research-based hazing prevention instruction to be provided as a part of physical or health education instruction provided to students in grade nine or 10. Such Standards of Learning and curriculum guidelines for such research-based hazing prevention instruction shall include age-appropriate, extensive, and current education about hazing, including (i) examples of hazing; (ii) the dangers of hazing, including the consequences of alcohol intoxication; and (iii) school policies and laws relating to hazing, including criminal penalties and bystander intervention.

C. Each local school board shall provide as a part of physical or health education instruction provided to students in grade nine or 10 research-based hazing prevention instruction in accordance with the Standards of Learning and curriculum guidelines developed by the Board pursuant to subsection B. Such research-based hazing prevention instruction shall be offered in person, provided that each local school board shall provide options for virtual participation for any student who is enrolled in an online or virtual physical or health education program.

§ 22.1-253.13:1. (For effective date, see 2022 Acts cc. 549, 550, cl. 2) Standard 1. Instructional programs supporting the Standards of Learning and other educational objectives.

A. The General Assembly and the Board believe that the fundamental goal of the public schools of the Commonwealth must be to enable each student to develop the skills that are necessary for success in school, preparation for life, and reaching their full potential. The General Assembly and the Board find that the quality of education is dependent upon the provision of (i) the appropriate working environment, benefits, and salaries necessary to ensure the availability of high-quality instructional personnel; (ii) the appropriate learning environment designed to promote student achievement; (iii) quality instruction that enables each student to become a productive and educated citizen of Virginia and the

United States of America; and (iv) the adequate commitment of other resources. In keeping with this goal, the General Assembly shall provide for the support of public education as set forth in Article VIII, § 1 of the Constitution of Virginia.

B. The Board shall establish educational objectives known as the Standards of Learning, which shall form the core of Virginia's educational program, and other educational objectives, which together are designed to ensure the development of the skills that are necessary for success in school and for preparation for life in the years beyond. At a minimum, the Board shall establish Standards of Learning for English, mathematics, science, and history and social science. The Standards of Learning shall not be construed to be regulations as defined in § 2.2-4001.

The Board shall seek to ensure that the Standards of Learning are consistent with a high-quality foundation educational program. The Standards of Learning shall include, but not be limited to, the basic skills of communication (listening, speaking, reading, and writing); computation and critical reasoning, including problem solving and decision making; proficiency in the use of computers and related technology; computer science and computational thinking, including computer coding; and the skills to manage personal finances and to make sound financial decisions.

The English Standards of Learning for reading in kindergarten through grade eight shall align with evidence-based literacy instruction and science-based reading research.

The Standards of Learning in all subject areas shall be subject to regular review and revision to maintain rigor and to reflect a balance between content knowledge and the application of knowledge in preparation for eventual employment and lifelong learning. The Board shall establish a regular schedule, in a manner it deems appropriate, for the review, and revision as may be necessary, of the Standards of Learning in all subject areas. Such review of each subject area shall occur at least once every seven years. Nothing in this section shall be construed to prohibit the Board from conducting such review and revision on a more frequent basis.

To provide appropriate opportunity for input from the general public, teachers, and local school boards, the Board shall conduct public hearings prior to establishing revised Standards of Learning. Thirty days prior to conducting such hearings, the Board shall give notice of the date, time, and place of the hearings to all local school boards and any other persons requesting to be notified of the hearings and publish notice of its intention to revise the Standards of Learning in the Virginia Register of Regulations. Interested parties shall be given reasonable opportunity to be heard and present information prior to final adoption of any revisions of the Standards of Learning.

In addition, the Department shall make available and maintain a website, either separately or through an existing website utilized by the Department, enabling public elementary, middle, and high school educators to submit recommendations for improvements relating to the Standards of Learning, when under review by the Board according to its established schedule, and related assessments required by the Standards of Quality pursuant to this chapter. Such website shall facilitate the submission of recommendations by educators.

School boards shall implement the Standards of Learning or objectives specifically designed for their school divisions that are equivalent to or exceed the Board's requirements. Students shall be expected to achieve the educational objectives established by the school division at appropriate age or grade levels. The curriculum adopted by the local school division shall be aligned to the Standards of Learning.

The Board shall include in the Standards of Learning for history and social science the study of contributions to society of diverse people. For the purposes of this subsection, "diverse" includes consideration of disability, ethnicity, race, and gender.

The Board shall include in the Standards of Learning for health instruction in emergency first aid, cardiopulmonary resuscitation, and the use of an automated external defibrillator, including hands-on practice of the skills necessary to perform cardiopulmonary resuscitation. Such instruction shall be based on the current national evidence-based emergency cardiovascular care guidelines for cardiopulmonary resuscitation and the use of an automated external defibrillator, such as a program developed by the American Heart Association or the American Red Cross. No teacher who is in compliance with subdivision D 3 of § 22.1-298.1 shall be required to be certified as a trainer of cardiopulmonary resuscitation to provide instruction for non-certification.

The Board shall include in the Standards of Learning for physical and health education for grade nine or 10 research-based hazing prevention instruction, in accordance with the Standards of Learning and curriculum guidelines for research-based hazing prevention instruction developed by the Board pursuant to subsection B of § 22.1-207.

With such funds as are made available for this purpose, the Board shall regularly review and revise the competencies for career and technical education programs to require the full integration of English, mathematics, science, and history and social science Standards of Learning. Career and technical education programs shall be aligned with industry and professional standard certifications, where they exist.

The Board shall establish content standards and curriculum guidelines for courses in career investigation in elementary school, middle school, and high school. Each school board shall (i) require each middle school student to take at least one course in career investigation or (ii) select an alternate means of delivering the career investigation course to each middle school student, provided that such alternative is equivalent in content and rigor and provides the foundation for such students to develop their academic and career plans. Any school board may require (a) such courses in career investigation at the high school level as it deems appropriate, subject to Board approval as required in subsection A of § 22.1-253.13:4, and (b) such courses in career investigation at the elementary school level as it deems appropriate. The Board shall develop and disseminate to each school board career investigation resource materials that are designed to ensure that students have the ability to further explore interest in career and technical education opportunities in middle and high school. In

developing such resource materials, the Board shall consult with representatives of career and technical education, industry, skilled trade associations, chambers of commerce or similar organizations, and contractor organizations.

C. Local school boards shall develop and implement a program of instruction for grades K through 12 that is aligned to the Standards of Learning and meets or exceeds the requirements of the Board. The program of instruction shall emphasize reading, writing, speaking, mathematical concepts and computations, proficiency in the use of computers and related technology, computer science and computational thinking, including computer coding, and scientific concepts and processes; essential skills and concepts of citizenship, including knowledge of Virginia history and world and United States history, economics, government, foreign languages, international cultures, health and physical education, environmental issues, and geography necessary for responsible participation in American society and in the international community; fine arts, which may include, but need not be limited to, music and art, and practical arts; knowledge and skills needed to qualify for further education, gainful employment, or training in a career or technical field; and development of the ability to apply such skills and knowledge in preparation for eventual employment and lifelong learning and to achieve economic self-sufficiency.

Local school boards shall also develop and implement programs of prevention, intervention, or remediation for students who are educationally at risk including, but not limited to, those who fail to achieve a passing score on any Standards of Learning assessment in grades three through eight or who fail an end-of-course test required for the award of a verified unit of credit. Such programs shall include components that are research-based.

Any student who achieves a passing score on one or more, but not all, of the Standards of Learning assessments for the relevant grade level in grades three through eight may be required to attend a remediation program.

Any student who fails to achieve a passing score on all of the Standards of Learning assessments for the relevant grade level in grades three through eight or who fails an end-of-course test required for the award of a verified unit of credit shall be required to attend a remediation program or to participate in another form of remediation. Division superintendents shall require such students to take special programs of prevention, intervention, or remediation, which may include attendance in public summer school programs, in accordance with clause (ii) of subsection A of § 22.1-254 and § 22.1-254.01.

Remediation programs shall include, when applicable, a procedure for early identification of students who are at risk of failing the Standards of Learning assessments in grades three through eight or who fail an end-of-course test required for the award of a verified unit of credit. Such programs may also include summer school for all elementary and middle school grades and for all high school academic courses, as defined by regulations promulgated by the Board, or other forms of remediation. Summer school remediation programs or other forms of remediation shall be chosen by the division superintendent to be appropriate to the academic needs of the student. Students who are required to attend such summer school programs or to participate in another form of remediation shall not be charged tuition by the school division.

The requirement for remediation may, however, be satisfied by the student's attendance in a program of prevention, intervention or remediation that has been selected by his parent, in consultation with the division superintendent or his designee, and is either (i) conducted by an accredited private school or (ii) a special program that has been determined to be comparable to the required public school remediation program by the division superintendent. The costs of such private school remediation program or other special remediation program shall be borne by the student's parent.

The Board shall establish standards for full funding of summer remedial programs that shall include, but not be limited to, the minimum number of instructional hours or the equivalent thereof required for full funding and an assessment system designed to evaluate program effectiveness. Based on the number of students attending and the Commonwealth's share of the per pupil instructional costs, state funds shall be provided for the full cost of summer and other remediation programs as set forth in the appropriation act, provided such programs comply with such standards as shall be established by the Board, pursuant to § 22.1-199.2.

D. Local school boards shall also implement the following:

1. Programs in grades K through three that emphasize developmentally appropriate learning to enhance success.

2. Programs based on prevention, intervention, or remediation designed to increase the number of students who earn a high school diploma and to prevent students from dropping out of school. Such programs shall include components that are research-based.

3. Career and technical education programs incorporated into the K through 12 curricula that include:

a. Knowledge of careers and all types of employment opportunities, including, but not limited to, apprenticeships, entrepreneurship and small business ownership, the military, and the teaching profession, and emphasize the advantages of completing school with marketable skills;

b. Career exploration opportunities in the middle school grades;

c. Competency-based career and technical education programs that integrate academic outcomes, career guidance, and job-seeking skills for all secondary students. Programs shall be based upon labor market needs and student interest. Career guidance shall include counseling about available employment opportunities and placement services for students exiting school. Each school board shall develop and implement a plan to ensure compliance with the provisions of this subdivision. Such plan shall be developed with the input of area business and industry representatives and local comprehensive community colleges and shall be submitted to the Superintendent in accordance with the timelines established by federal law;

d. Annual notice on its website to enrolled high school students and their parents of (i) the availability of the postsecondary education and employment data published by the State Council of Higher Education on its website pursuant

to § 23.1-204.1 and (ii) the opportunity for such students to obtain a nationally recognized career readiness certificate at a local public high school, comprehensive community college, or workforce center; and

e. As part of each student's academic and career plan, a list of (i) the top 100 professions in the Commonwealth by median pay and the education, training, and skills required for each such profession and (ii) the top 10 degree programs at institutions of higher education in the Commonwealth by median pay of program graduates. The Department shall annually compile such lists and provide them to each local school board.

4. Educational objectives in middle and high school that emphasize economic education and financial literacy pursuant to § 22.1-200.03.

5. Early identification of students with disabilities and enrollment of such students in appropriate instructional programs consistent with state and federal law.

6. Early identification of gifted students and enrollment of such students in appropriately differentiated instructional programs.

7. Educational alternatives for students whose needs are not met in programs prescribed elsewhere in these standards. Such students shall be counted in average daily membership (ADM) in accordance with the regulations of the Board.

8. Adult education programs for individuals functioning below the high school completion level. Such programs may be conducted by the school board as the primary agency or through a collaborative arrangement between the school board and other agencies.

9. A plan to make achievements for students who are educationally at risk a divisionwide priority that shall include procedures for measuring the progress of such students.

10. An agreement for postsecondary degree attainment with a comprehensive community college in the Commonwealth specifying the options for students to complete an associate degree or a one-year Uniform Certificate of General Studies from a comprehensive community college concurrent with a high school diploma. Such agreement shall specify the credit available for dual enrollment courses and Advanced Placement courses with qualifying exam scores of three or higher.

11. A plan to notify students and their parents of the availability of dual enrollment and advanced placement classes; career and technical education programs, including internships, externships, apprenticeships, credentialing programs, certification programs, licensure programs, and other work-based learning experiences; the International Baccalaureate Program and Academic Year Governor's School Programs; the qualifications for enrolling in such classes, programs, and experiences; and the availability of financial assistance to low-income and needy students to take the advanced placement and International Baccalaureate examinations. This plan shall include notification to students and parents of the agreement with a comprehensive community college in the Commonwealth to enable students to complete an associate degree or a one-year Uniform Certificate of General Studies concurrent with a high school diploma.

12. Identification of students with limited English proficiency and enrollment of such students in appropriate instructional programs, which programs may include dual language programs whereby such students receive instruction in English and in a second language.

13. Early identification, diagnosis, and assistance for students with mathematics problems and provision of instructional strategies and mathematics practices that benefit the development of mathematics skills for all students.

Local school divisions shall provide algebra readiness intervention services to students in grades six through nine who are at risk of failing the Algebra I end-of-course test, as demonstrated by their individual performance on any diagnostic test that has been approved by the Department. Local school divisions shall report the results of the diagnostic tests to the Department on an annual basis, at a time to be determined by the Superintendent. Each student who receives algebra readiness intervention services will be assessed again at the end of that school year. Funds appropriated for prevention, intervention, and remediation; summer school remediation; at-risk; or algebra readiness intervention services may be used to meet the requirements of this subdivision.

14. Incorporation of art, music, and physical education as a part of the instructional program at the elementary school level.

15. A program of physical activity available to all students in grades kindergarten through five consisting of at least 20 minutes per day or an average of 100 minutes per week during the regular school year and available to all students in grades six through 12 with a goal of at least 150 minutes per week on average during the regular school year. Such program may include any combination of (i) physical education classes, (ii) extracurricular athletics, (iii) recess, or (iv) other programs and physical activities deemed appropriate by the local school board. Each local school board shall implement such program during the regular school year. Any physical education class offered to students in grades seven and eight shall include at least one hour of personal safety training per school year in each such grade level that is developed and delivered in partnership with the local law-enforcement agency and consists of situational safety awareness training and social media education. *Each local school board shall offer to all students in grade nine or 10 a physical education class that includes research-based hazing prevention instruction pursuant to subsection C of § 22.1-207, unless such hazing prevention instruction is provided as part of a separate health education class offered to students in grade nine or 10.*

16. A program of student services for kindergarten through grade 12 that shall be designed to aid students in their educational, social, and career development.

17. The collection and analysis of data and the use of the results to evaluate and make decisions about the instructional program.

18. A program of instruction in the high school Virginia and U.S. Government course on all information and concepts contained in the civics portion of the U.S. Naturalization Test.

E. From such funds as may be appropriated or otherwise received for such purpose, there shall be established within the Department a unit to (i) conduct evaluative studies; (ii) provide the resources and technical assistance to increase the capacity for school divisions to deliver quality instruction; and (iii) assist school divisions in implementing those programs and practices that will enhance pupil academic performance and improve family and community involvement in the public schools. Such unit shall identify and analyze effective instructional programs and practices and professional development initiatives; evaluate the success of programs encouraging parental and family involvement; assess changes in student outcomes prompted by family involvement; and collect and disseminate among school divisions information regarding effective instructional programs and practices, initiatives promoting family and community involvement, and potential funding and support sources. Such unit may also provide resources supporting professional development for administrators and teachers. In providing such information, resources, and other services to school divisions, the unit shall give priority to those divisions demonstrating a less than 70 percent passing rate on the Standards of Learning assessments.

F. Each local school board may enter into agreements for postsecondary course credit, credential, certification, or license attainment, hereinafter referred to as College and Career Access Pathways Partnerships (Partnerships), with comprehensive community colleges or other public institutions of higher education or educational institutions established pursuant to Title 23.1 that offer a career and technical education curriculum. Such Partnerships shall (i) specify the options for students to take courses as part of the career and technical education curriculum that lead to course credit or an industry-recognized credential, certification, or license concurrent with a high school diploma; (ii) specify the credit, credentials, certifications, or licenses available for such courses; and (iii) specify available options for students to participate in pre-apprenticeship and apprenticeship programs at comprehensive community colleges concurrent with the pursuit of a high school diploma and receive college credit and high school credit for successful completion of any such program.

G. Each local school board shall provide a program of literacy instruction that is aligned with science-based reading research and provides evidenced-based literacy instruction to students in kindergarten through grade eight and is consistent with the school board's literacy plan as required by subsection B of § 22.1-253.13:6. Pursuant to such program:

1. Each local school board shall provide reading intervention services to students in kindergarten through grade eight who demonstrate substantial deficiencies based on their individual performance on the Standards of Learning reading assessment or a literacy screener provided or approved by the Department. Such reading intervention services shall consist of evidence-based literacy instruction, align with science-based reading research, and be documented for each student in a written student reading plan, consistent with the requirements in subdivision 2 and the list developed by the Department pursuant to subdivision H 2.

2. A reading specialist, in collaboration with the teacher of any student who receives reading intervention services pursuant to subdivision 1, shall develop, oversee implementation of, and monitor student progress on a student reading plan. The parent of each student who receives reading intervention services pursuant to subdivision 1 shall receive notice of and have the opportunity to participate in the development of the student reading plan. Each student reading plan (i) shall follow the Department template created pursuant to subdivision H 3; (ii) shall document such reading intervention services; (iii) shall include, at a minimum, (a) the student's specific, diagnosed reading skill deficiencies as determined or identified by diagnostic assessment data or the literacy screener provided or approved by the Department; (b) the goals and benchmarks for student growth in reading; (c) a description of the specific measures that will be used to evaluate and monitor the student's reading progress; (d) the specific evidence-based literacy instruction that the student will receive; (e) the strategies, resources, and materials that will be provided to the student's parent to support the student to make reading progress; and (f) any additional services the teacher deems available and appropriate to accelerate the student's reading skill development; and (iv) may include the following services for the student: instruction from a reading specialist, trained aide, computer-based reading tutorial program, or classroom teacher with support from an aide, extended instructional time in the school day or school year, or, for students in grades six through eight, a literacy course, in addition to the course required by the Standards of Learning in English, that provides the specific evidence-based literacy instruction identified in the student's reading plan. In accordance with § 22.1-215.2, the parent of each student shall receive notice before services begin and a copy of the student reading plan.

3. Each student who receives such reading intervention services shall be assessed utilizing either the literacy screener provided or approved by the Department or the grade-level reading Standards of Learning assessment again at the end of that school year.

Funds appropriated for prevention, intervention, and remediation, summer school remediation, the at-risk add-on, or early intervention reading may be used to meet the requirements of this subsection.

H. In order to assist local school boards to implement the provisions of subsection G:

1. The Board shall provide guidance on the content of student reading plans;

2. The Department shall develop a list of core literacy curricula, supplemental instruction practices and programs, and intervention programs that consist of evidence-based literacy instruction aligned with science-based reading research for students in kindergarten through grade eight. The list shall be approved by the Board;

3. The Department shall develop a template for student reading plans that aligns with the requirements of subsection G;

4. The Department shall develop and implement a plan for the annual collection and public reporting of division-level and school-level literacy data, at a time to be determined by the Superintendent, to include results on the literacy screeners provided or approved by the Department and the reading Standards of Learning assessments; and

5. The Department shall provide free online evidence-based literacy instruction resources that can be accessed by parents and local school boards to support student literacy development at home.

§ 22.1-279.9. Development of programs to prevent crime and violence; hazing prevention training program.

All school boards shall develop, in cooperation with the local law-enforcement agencies, juvenile and domestic relations *district* court judges*,* and personnel, parents, and the community at large, programs to prevent violence and crime on school property and at school-sponsored events, which shall include ~~prevention of~~ *research-based* hazing *prevention*. Activities designed to prevent the recurrence of violence and crime, including hazing, may include such interventions as education relating to Virginia's criminal law, school crime lines, peer mediation, conflict resolution, community service requirements, and any program focused on demonstrating the consequences of violence and crime. School boards are encouraged to develop and use a network of volunteer services in implementing these prevention activities.

2. That each school board shall, beginning with the school year following the Board of Education's adoption of revised Standards of Learning for physical and health education for grades nine and 10 incorporating such research-based hazing prevention instruction, provide research-based hazing prevention instruction in accordance with the provisions of this act. The Department of Education shall, prior to the adoption of such revised Standards of Learning for physical and health education for grades nine and 10, develop and post on its official website guidance documents for the purpose of making such research-based hazing prevention training available to local school boards.

CHAPTER 8

An Act to amend and reenact §§ 16.1-305.1 and 22.1-289 of the Code of Virginia, relating to public schools; transfer and management of scholastic records; disclosure of information in court notices; transfer of disciplinary records; requirements.

[S 443]

Approved March 8, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 16.1-305.1 and 22.1-289 of the Code of Virginia are amended and reenacted as follows:

§ 16.1-305.1. Disclosure of disposition in certain delinquency cases.

Upon a court's disposition of a proceeding where a juvenile is charged with a crime listed in subsection G of § 16.1-260 in which a juvenile is adjudicated delinquent, convicted, found not guilty or the charges are reduced, the clerk of the court in which the disposition is entered shall, within 15 days of the expiration of the appeal period, if there has been no notice of an appeal, provide written notice of the disposition ordered by the court, including the nature of the offense upon which the disposition was based, to the superintendent of the school division in which the child is enrolled at the time of the disposition or, if he is not then enrolled in school, the division in which he was enrolled at the time of the offense. If the court defers disposition, or the charges are nolle prosequi, withdrawn, or dismissed the clerk shall, within 15 days of such action, provide written notice of such action to the superintendent of the school division in which the child is enrolled at such time or, if he is not then enrolled in school, the division in which he was enrolled at the time of the offense. If charges are withdrawn in intake or handled informally without a court disposition, the intake officer shall, within 15 days of such action, provide written notification of the action to the superintendent of the school division in which the child is enrolled at that time or, if he is not then enrolled in school, the division in which he was enrolled at the time of the offense.

If the child is not enrolled in the school division that receives notification under this section, the superintendent of that division ~~may~~ *shall* forward the notification to the superintendent of the school division where the child is enrolled *or where the child intends to enroll, as evidenced by the school division's receipt of a request from another school division for such child's scholastic record.*

A superintendent who receives notification under this section may disclose the information received to anyone to whom he or a principal disclosed that a petition had been filed. Further disclosure of information received under this section by the superintendent to school personnel is authorized only as provided in § 22.1-288.2.

§ 22.1-289. Transfer and management of scholastic records; disclosure of information in court notices; penalty.

A. As used in this section:

"Scholastic record" means those records that are directly related to a student and are maintained by an educational agency or institution or by a party acting for the agency or institution. These include, but are not limited to, documentation pertinent to the educational growth and development of students as they progress through school, student disciplinary records, achievement and test data, cumulative health records, reports of assessments for eligibility for special education services, and Individualized Education Programs. Such records may be recorded in any way, including, but not limited to, handwriting, print, computer media, video or audio tape, film, microfilm, and microfiche.

A notice of adjudication or conviction received by a superintendent relating to an incident ~~which~~ *that* did not occur on school property or during a school-sponsored activity shall not be a part of a student's scholastic record.

~~The~~ ~~term~~ ~~"scholastic~~ *"Scholastic* record" also ~~shall~~ *does* not include records of instructional, supervisory, administrative, and ancillary educational personnel that are kept in the sole possession of the maker of the record and are not accessible or revealed to any other person except a temporary substitute for the maker of the record.

B. Whenever a pupil transfers from one school division to another, the scholastic record or a copy of the scholastic record *and a copy of the complete student disciplinary record, including copies of any relevant correspondence sent to the pupil or such pupil's parent and copies of any correspondence and documentation relating to such pupil's placement in an alternative education program pursuant to § 22.1-209.1:2 or 22.1-277.2:1,* shall be transferred to the school division to which the pupil transfers upon request from such school division. Permission of the parent, guardian, or other person having control or charge of the student shall not be required for transfer of such scholastic ~~record~~ *and disciplinary records* to another school or school division within or outside the Commonwealth.

C. Any notice of disposition received pursuant to § 16.1-305.1 shall not be retained after the student has been awarded a diploma or a certificate as provided in § 22.1-253.13:4.

D. Every student's scholastic record shall be available to the student and his parent, guardian, or other person having control or charge of the student for inspection during the regular school day. Permission of the parent, guardian, or other person having control or charge of the student, or of a student who is 18 years of age or older, shall not be required for transfer of such scholastic record to another school or school division within or ~~without~~ *outside* this Commonwealth.

Consistent with federal law and regulation, each school shall annually notify parents of students currently enrolled and in attendance of their rights under the federal Family Educational Rights and Privacy Act (20 U.S.C. § 1232g) and related regulations.

A school responding to a request for the transfer of the scholastic record from another school division need not provide written notice of the transfer of the record, including the identity of the requester, to the parent, guardian, or other person having control or charge of the student, or to a student who is 18 years of age or older, if the school has previously included in the annual notice required by this subsection a statement that it forwards such records to such requesting school divisions.

E. Whenever the division superintendent is notified by the Department of Juvenile Justice, pursuant to § 16.1-287, or by a school division employee responsible for education programs in a local jail or a detention center, that a pupil who last attended a school within the school division is a pupil in a school of a juvenile correctional center of the Department of Juvenile Justice, or a pupil in an educational program in a local jail or detention center, the school division superintendent or his designee shall transfer the scholastic record of such pupil to the designated juvenile correctional center or local jail or a detention center, as the case may be, within five work days. The Department of Juvenile Justice shall transfer the scholastic record of a student who has been discharged from a juvenile correctional center to the relevant school division within five work days of the student's discharge.

The Board of Education shall adopt regulations concerning the transfer and management of scholastic records from one school division to another, to the learning centers of the Department of Juvenile Justice, and to educational programs in local jails and detention centers.

Upon receiving notice of a foster care placement of a student across jurisdictional lines, the sending school division and the receiving school division, as such school divisions are defined in subsection D of § 22.1-3.4, shall expedite the transfer of the scholastic record of the student.

F. The division superintendent or his designee shall notify the local police or sheriff's department for investigation as a possible missing child of any enrolled pupil whose scholastic record he is unable to obtain within 60 days or sooner, if the division superintendent or his designee has reason to suspect that the pupil is a missing child.

G. Superintendents and their designees shall be immune from any civil or criminal liability in connection with any notice to a police or sheriff's department of a pupil lacking a scholastic record or failure to give such notice as required by this section.

H. Except as provided in §§ 16.1-309 and 22.1-287 and this section, a superintendent or his designee, or other school personnel who unlawfully discloses information obtained pursuant to § 16.1-305.1 ~~shall be~~ *is* guilty of a Class 3 misdemeanor.

CHAPTER 9

An Act to amend and reenact § 23.1-818 of the Code of Virginia and to amend the Code of Virginia by adding in Article 1 of Chapter 31 of Title 23.1 a section numbered 23.1-3100.1, relating to institutions of higher education; campus safety; governing boards of educational institutions; employment of security services and personnel authorized.

[S 613]

Approved March 8, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 23.1-818 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding in Article 1 of Chapter 31 of Title 23.1 a section numbered 23.1-3100.1 as follows:

§ 23.1-818. Security departments and other security services.

Nothing in this article shall abridge the authority of the governing board of a public institution of higher education or private institution of higher education to establish security departments, whose officers and employees shall not have the

powers and duties set forth in § 23.1-815, in place of or in addition to campus police departments, rely upon local or state police forces, or contract for security services from private parties. Nothing in this article shall abridge the authority of the Board of Visitors of the Virginia School for the Deaf and the Blind to establish and maintain a campus security department and to employ campus security personnel therein in accordance with the provisions of subsection F of § 22.1-346.2. *Nothing in this article shall abridge the authority of the governing board of any educational institution established pursuant to Chapter 31 (§ 23.1-3100 et seq.) to establish and maintain a campus security department and to employ campus security personnel therein.*

§ 23.1-3100.1. Governing boards of educational institutions; powers.

The governing board of any educational institution established pursuant to this chapter is hereby authorized to establish and maintain a campus security department and to employ campus security personnel therein.

CHAPTER 10

An Act to amend and reenact §§ 2.2-1509.4, 3.2-102, as it is currently effective and as it shall become effective, 10.1-1105.1, 46.2-749.102, and 58.1-512 of the Code of Virginia; to amend the Code of Virginia by adding in Chapter 11 of Title 10.1 an article numbered 2.1, consisting of sections numbered 10.1-1119.2 through 10.1-1119.7; and to repeal Chapter 2 (§§ 3.2-200 through 3.2-205) of Title 3.2 of the Code of Virginia, relating to Department of Agriculture and Consumer Services; Department of Forestry; Office of Farmland Preservation transferred.

[S 616]

Approved March 8, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-1509.4, 3.2-102, as it is currently effective and as it shall become effective, 10.1-1105.1, 46.2-749.102, and 58.1-512 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Chapter 11 of Title 10.1 an article numbered 2.1, consisting of sections numbered 10.1-1119.2 through 10.1-1119.7, as follows:

§ 2.2-1509.4. Budget bill to include an appropriation for land preservation.

Each year the Governor shall include in "The Budget Bill" submitted pursuant to subsection A of § 2.2-1509 or in his amendments to the general appropriation act in effect submitted pursuant to subsection E of § 2.2-1509 a recommended appropriation from the general fund pursuant to subdivision D 4 c of § 58.1-512 to be allocated as follows: 80 percent of such amount to the Virginia Land Conservation Fund to be used in accordance with § 10.1-1020, with no less than 50 percent of such appropriation to be used for fee simple acquisitions with public access or acquisitions of easements with public access; 10 percent of such amount to the Virginia Battlefield Preservation Fund to be used in accordance with § 10.1-2202.4; and 10 percent of such amount to the Virginia Farmland *and Forestland* Preservation Fund to be used in accordance with § ~~3.2-201~~ *10.1-1119.3*.

§ 3.2-102. (Effective until July 1, 2024) General powers and duties of the Commissioner.

A. The Commissioner shall be vested with the powers and duties set out in § 2.2-601, the powers and duties herein provided, and such other powers and duties as may be prescribed by law, including those prescribed in Title 59.1. He shall be the executive officer of the Board, and shall see that its orders are carried out. He shall see to the proper execution of laws relating to the Department. Unless the Governor expressly reserves such power to himself, the Commissioner shall promote, protect, and develop the agricultural interests of the Commonwealth. The Commissioner shall develop, implement, and maintain programs within the Department including those that promote the development and marketing of the Commonwealth's agricultural products in domestic and international markets, including promotions, market development and research, marketing assistance, market information, and product grading and certification; promote the creation of new agribusiness including new crops, biotechnology and new uses of agricultural products, and the expansion of existing agribusiness within the Commonwealth; develop, promote, and maintain consumer protection programs that protect the safety and quality of the Commonwealth's food supply through food and dairy inspection activities, industry and consumer education, and information on food safety; *work with other state agencies to* preserve the Commonwealth's agricultural lands; ensure animal health and protect the Commonwealth's livestock industries through disease control and surveillance, maintaining animal health diagnostic laboratories, and encouraging the humane treatment and care of animals; protect public health and the environment through regulation and proper handling of pesticides, agricultural stewardship, and protection of endangered plant and insect species; protect crop and plant health and productivity; ensure consumer protection and fair trade practices in commerce; develop plans and emergency response protocols to protect the agriculture industry from bioterrorism, plant and animal diseases, and agricultural pests; assist as directed by the Governor in the Commonwealth's response to natural disasters; develop and implement programs and inspection activities to ensure that the Commonwealth's agricultural products move freely in trade domestically and internationally; and enter into agreements with federal, state, and local governments, land grant universities, and other organizations that include marketing, plant protection, pest control, pesticides, and meat and poultry inspection.

B. In addition, the Commissioner shall:

1. Establish and maintain a farm-to-school website. The purpose of the website shall be to facilitate and promote the purchase of Virginia farm products by schools, universities, and other educational institutions under the jurisdiction of the

State Department of Education. The website shall present such current information as the availability of Virginia farm products, including the types and amount of products, and the names of and contact information for farmers, farm organizations, and businesses marketing such products;

2. Establish and operate a nonprofit, nonstock corporation under Chapter 10 (§ 13.1-801 et seq.) of Title 13.1 as a public instrumentality exercising public and essential governmental functions to promote, develop, and sustain markets for licensed Virginia wineries and farm wineries, as defined in § 4.1-100. Such corporation shall provide wholesale wine distribution services for wineries and farm wineries licensed in accordance with § 4.1-206.1. The board of directors of such corporation shall be composed of the Commissioner and four members appointed by the Board, including one owner or manager of a winery or farm winery licensee that is not served by a wholesaler when the owner or manager is appointed to the board; one owner or manager of a winery or farm winery licensee that produces no more than 10,000 cases per year; and two owners or managers of wine wholesaler licensees. In making appointments to the board of directors, the Board shall consider nominations of winery and farm winery licensees submitted by the Virginia Wineries Association and wine wholesale licensees submitted by the Virginia Wine Wholesalers Association. The Commissioner shall require such corporation to report to him at least annually on its activities, including reporting the quantity of wine distributed for each winery and farm winery during the preceding year. The provisions of the Virginia Public Procurement Act shall not apply to the establishment of such corporation nor to the exercise of any of its powers granted under this section;

3. Promulgate regulations in accordance with the Administrative Process Act (§ 2.2-4000 et seq.) not inconsistent with the laws of Virginia necessary to carry out the provisions of Article 1.1:1 (§ 18.2-340.15 et seq.) of Chapter 8 of Title 18.2. Such regulations may include penalties for violations; and

4. Ensure that the Department compiles and publishes the annual report relating to foreign adversary ownership of agricultural land required under § 55.1-509.

§ 3.2-102. (Effective July 1, 2024) General powers and duties of the Commissioner.

A. The Commissioner shall be vested with the powers and duties set out in § 2.2-601, the powers and duties herein provided, and such other powers and duties as may be prescribed by law, including those prescribed in Title 59.1. He shall be the executive officer of the Board, and shall see that its orders are carried out. He shall see to the proper execution of laws relating to the Department. Unless the Governor expressly reserves such power to himself, the Commissioner shall promote, protect, and develop the agricultural interests of the Commonwealth. The Commissioner shall develop, implement, and maintain programs within the Department including those that promote the development and marketing of the Commonwealth's agricultural products in domestic and international markets, including promotions, market development and research, marketing assistance, market information, and product grading and certification; promote the creation of new agribusiness including new crops, biotechnology and new uses of agricultural products, and the expansion of existing agribusiness within the Commonwealth; develop, promote, and maintain consumer protection programs that protect the safety and quality of the Commonwealth's food supply through food and dairy inspection activities, industry and consumer education, and information on food safety; *work with other state agencies to* preserve the Commonwealth's agricultural lands; ensure animal health and protect the Commonwealth's livestock industries through disease control and surveillance, maintaining animal health diagnostic laboratories, and encouraging the humane treatment and care of animals; protect public health and the environment through regulation and proper handling of pesticides, agricultural stewardship, and protection of endangered plant and insect species; protect crop and plant health and productivity; ensure consumer protection and fair trade practices in commerce; develop plans and emergency response protocols to protect the agriculture industry from bioterrorism, plant and animal diseases, and agricultural pests; assist as directed by the Governor in the Commonwealth's response to natural disasters; develop and implement programs and inspection activities to ensure that the Commonwealth's agricultural products move freely in trade domestically and internationally; and enter into agreements with federal, state, and local governments, land grant universities, and other organizations that include marketing, plant protection, pest control, pesticides, and meat and poultry inspection.

B. In addition, the Commissioner shall:

1. Establish and maintain a farm-to-school website. The purpose of the website shall be to facilitate and promote the purchase of Virginia farm products by schools, universities, and other educational institutions under the jurisdiction of the State Department of Education. The website shall present such current information as the availability of Virginia farm products, including the types and amount of products, and the names of and contact information for farmers, farm organizations, and businesses marketing such products;

2. Establish and operate a nonprofit, nonstock corporation under Chapter 10 (§ 13.1-801 et seq.) of Title 13.1 as a public instrumentality exercising public and essential governmental functions to promote, develop, and sustain markets for licensed Virginia wineries and farm wineries, as defined in § 4.1-100. Such corporation shall provide wholesale wine distribution services for wineries and farm wineries licensed in accordance with § 4.1-206.1. The board of directors of such corporation shall be composed of the Commissioner and four members appointed by the Board, including one owner or manager of a winery or farm winery licensee that is not served by a wholesaler when the owner or manager is appointed to the board; one owner or manager of a winery or farm winery licensee that produces no more than 10,000 cases per year; and two owners or managers of wine wholesaler licensees. In making appointments to the board of directors, the Board shall consider nominations of winery and farm winery licensees submitted by the Virginia Wineries Association and wine wholesale licensees submitted by the Virginia Wine Wholesalers Association. The Commissioner shall require such corporation to report to him at least annually on its activities, including reporting the quantity of wine distributed for each

winery and farm winery during the preceding year. The provisions of the Virginia Public Procurement Act (§ 2.2-4300 et seq.) shall not apply to the establishment of such corporation nor to the exercise of any of its powers granted under this section;

3. Establish and operate a nonprofit, nonstock corporation under Chapter 10 (§ 13.1-801 et seq.) of Title 13.1 as a public instrumentality exercising public and essential governmental functions to promote, develop, and sustain markets for Virginia breweries and limited breweries. Such corporation shall provide wholesale beer distribution services for Virginia breweries and limited breweries licensed in accordance with § 4.1-206.1. The board of directors of such corporation shall be composed of the Commissioner and four members appointed by the Board, (i) two of whom shall be an owner or manager of a Virginia beer wholesale licensee, (ii) one of whom shall be an owner or manager of a brewery or limited brewery licensee, and (iii) one of whom shall be an owner or manager of a brewery or limited brewery licensee that is not served by a wholesaler at the time such owner or manager is appointed to the board of directors. In making appointments to the board of directors, the Board shall consider nominations submitted by the Virginia Beer Wholesalers Association regarding members listed in clause (i) and nominations submitted by the Virginia Craft Brewers Guild regarding members listed in clauses (ii) and (iii). At least annually, such corporation shall be required to report to the Commissioner on its activities, including reporting the quantity of beer distributed for each brewery or limited brewery licensee during the preceding year. The Commissioner shall report such information to the General Assembly. The provisions of the Virginia Public Procurement Act (§ 2.2-4300 et seq.) shall not apply to the establishment of such corporation nor to the exercise of any of its powers granted under this section;

4. Promulgate regulations in accordance with the Administrative Process Act (§ 2.2-4000 et seq.) not inconsistent with the laws of Virginia necessary to carry out the provisions of Article 1.1:1 (§ 18.2-340.15 et seq.) of Chapter 8 of Title 18.2. Such regulations may include penalties for violations; and

5. Ensure that the Department compiles and publishes the annual report relating to foreign adversary ownership of agricultural land required under § 55.1-509.

§ 10.1-1105.1. Century forest and farm programs.

A. The State Forester shall establish and administer a century forest program to honor families in the Commonwealth whose property has been in the same family for 100 years or more and includes at least 20 contiguous acres of managed forest. In order to be eligible for recognition under the program, a property shall (i) have been owned by the same family for at least 100 consecutive years; (ii) be lived on, or actually managed by, a descendant of the original owners; and (iii) have a documented history of timber harvests or forest management activities.

B. The State Forester shall establish and administer a century farm program to honor farm families in the Commonwealth whose property has been in the same family for 100 years or more. In order to be eligible for recognition under the program, a farm shall (i) have been owned by the same family for at least 100 consecutive years; (ii) be lived on, or actually farmed, by a descendant of the original owners; and (iii) gross more than $2,500 annually from the sale of farm products.

Article 2.1.

Office of Working Lands Preservation.

§ 10.1-1119.2. Office of Working Lands Preservation established.

A. The Office of Working Lands Preservation is established in the Department of Forestry under the supervision of the State Forester.

B. As used in this article, unless the context requires a different meaning:

"Fund" means the Virginia Farmland and Forestland Preservation Fund.

"Office" means the Office of Working Lands Preservation.

§ 10.1-1119.3. Powers and duties of the Office; Virginia Farmland and Forestland Preservation Fund.

A. The Office shall have the following powers and duties:

1. To develop, in cooperation with the Department of Small Business and Supplier Diversity, the Virginia Farm Bureau Federation, the American Farmland Trust, the Virginia Land Conservation Foundation, the Virginia Outdoors Foundation, the Virginia Association of Counties, and the Virginia Cooperative Extension, (i) model policies and practices that may be used as a guide to establish local purchase of development rights programs; (ii) criteria for the certification of local purchase of development rights programs as eligible to receive grants, loans, or other funds from public sources; and (iii) methods and sources of revenue for allocating funds to localities to purchase agricultural and forestal conservation easements;

2. To create programs to educate the public about the importance of farmland and forestland preservation to the quality of life in the Commonwealth;

3. To provide technical, professional, and other assistance to farmers on matters related to farmland and forestland preservation;

4. To provide technical, professional, and other assistance to local governments interested in developing additional farmland and forestland preservation policies and programs. Such policies and programs shall include (i) use value assessment and taxation pursuant to §§ 58.1-3230 and 58.1-3231; (ii) transfer of development rights pursuant to Article 7.1 (§ 15.2-2316.1 et seq.) of Chapter 22 of Title 15.2; (iii) agricultural and forestal districts pursuant to Chapter 43 (§ 15.2-4300 et seq.) of Title 15.2; and (iv) establishment of local lease of development rights; and

5. To administer the Virginia Farm Link Program established pursuant to § 10.1-1119.4.

B. State grants shall be distributed to local purchase of development rights programs under policies, procedures, and guidelines developed by the Office. In general, for each $1 in grant moneys awarded by the Office, the applicable local purchase of development rights program of the county or city shall be required to provide a $1 match. However, as part of these policies, procedures, and guidelines developed by the Office, the Office shall include incentives that recognize and encourage counties and cities participating in use value taxation pursuant to Article 4 (§ 58.1-3229 et seq.) of Chapter 32 of Title 58.1.

C. There is hereby created in the state treasury a special nonreverting fund to be known as the Virginia Farmland and Forestland Preservation Fund. The Fund shall be established on the books of the Comptroller. The Fund shall consist of all moneys appropriated to it by the General Assembly and such moneys as may be made available from any other source, public or private. All moneys shall be paid into the state treasury and credited to the Fund. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. Moneys in the Fund shall be used solely for the purposes of carrying out the provisions of this article. Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants issued by the Comptroller upon written request signed by the State Forester.

§ 10.1-1119.4. Virginia Farm Link Program.

The Virginia Farm Link Program is hereby established in the Office to assist retiring farmers and individuals seeking to become active farmers in the transition of farm businesses and properties from retiring farmers to active farmers. Such assistance shall include (i) assistance in the preparation of business plans for the transition of business interests; (ii) assistance in the facilitation of transfers of existing properties and agricultural operations to interested buyers; (iii) information on innovative farming methods and techniques; (iv) research assistance on agricultural, financial, marketing, and other matters; and (v) assistance in locating conservation programs aimed at improving water quality.

§ 10.1-1119.5. Reporting requirements.

The State Forester shall submit a written report on the operation of the Office by December 1 of each year to the Chairmen of the House Committee on Agriculture, Chesapeake and Natural Resources and the Senate Committee on Agriculture, Conservation and Natural Resources. The provisions of this article shall not preclude local purchase of development rights programs established pursuant to the Open-Space Land Act (§ 10.1-1700 et seq.) from being eligible to receive grants, loans, or other funds from public sources.

§ 10.1-1119.6. Review of capital projects and availability of working lands.

In preparing its report on each major state project, as required in Article 2 (§ 10.1-1188 et seq.) of Chapter 11.1, each state agency shall demonstrate that it has considered the impact that project would have on the availability of working farm and forest lands as required in § 10.1-1119.7, and has adequately considered alternatives and mitigating measures. The Department of Environmental Quality, in conducting its review of each major state project, shall ensure that such consideration has been demonstrated and shall incorporate its evaluation of the effects that project would have on the availability of working farm and forest lands in its comments to the State Forester and Governor. The procedures for review of highway and road construction projects established in accordance with subsection B of § 10.1-1188 shall include provisions requiring that the factors listed in § 10.1-1119.7 are considered as part of the review of each project.

§ 10.1-1119.7. Characteristics to be considered in evaluating impacts on farm and forest lands.

A. In preparing environmental impact reports in accordance with § 10.1-1119.6, state agencies shall consider the impact of the major state project on all farm and forest lands that:

1. Have soil classified as capability class I, II, III, or IV;

2. Have an exceptional combination of physical characteristics for the production of food, feed, fiber, forest products, forage, oilseed, and other agricultural crops with minimum inputs of fuel, fertilizer, pesticides, and labor, and without intolerable soil erosion;

3. Are valuable for production of specific high-value food and fiber crops, such as fruits, vegetables, and nursery crops and have a special combination of soil quality, location, growing season, and moisture supply needed to economically produce sustained high quality or high yields of such crops when treated and managed according to acceptable farming methods;

4. Are of statewide or local importance for the production of food, feed, fiber, forest products, forage, or oilseed crops;

5. Have been recognized under a state program such as the Clean Water Farm Award Program or the Century Farm Program or Century Forest Program;

6. Are part of an agricultural or forestal district or are participating in a use value assessment and taxation program for real estate devoted to agricultural, horticultural, or forest use in accordance with the provisions of Article 4 (§ 58.1-3229 et seq.) of Chapter 32 of Title 58.1; or

7. Make a significant contribution to the local economy or the rural character of the area where the land is located.

B. The governing body of each locality, with the cooperation of the U.S. Department of Agriculture, may designate the important farmlands within its jurisdiction. In designating important farmlands the governing body shall demonstrate that adequate provision has been made for nonagricultural uses within its jurisdiction.

C. As used in this article, "farmland" includes all land defined as follows:

"Important farmland," other than prime or unique farmland, is land that is of statewide or local importance for the production of food, feed, fiber, forage, nursery, oilseed, or other agricultural crops, as determined by the appropriate state

agency or local government agency, and that the U.S. Department of Agriculture determines should be considered as farmland for the purposes of this article;

"Prime farmland" is land that has the best combination of physical and chemical characteristics for producing food, feed, fiber, forage, oilseed, nursery, and other agricultural crops with minimum inputs of fuel, fertilizer, pesticides, and labor, and without intolerable soil erosion. Prime farmland includes land that possesses the above characteristics but is being used currently to produce livestock and timber. It does not include land already in or committed to urban development or water storage; and

"Unique farmland" is land other than prime farmland that is used for production of specific high-value food and fiber crops, as determined by the U.S. Department of Agriculture. It has the special combination of soil quality, location, growing season, and moisture supply needed to economically produce sustained high quality or high yields of specific crops when treated and managed according to acceptable farming methods.

§ 46.2-749.102. Special license plates; supporters of Virginia agriculture; fees.

A. On receipt of an application and payment of the fee prescribed by this section, the Commissioner shall issue special license plates to supporters of Virginia agriculture.

B. The annual fee for plates issued pursuant to this section shall be $25 in addition to the prescribed fee for state license plates. For each such $25 fee collected in excess of 1,000 registrations pursuant to this section, $15 shall be paid into the state treasury and credited to a special nonreverting fund known as the Virginia Agricultural Vitality Program Fund, established within the Department of Accounts. These funds shall be paid annually to the Office of ~~Farm Land~~ *Working Lands* Preservation ~~and used to support the Virginia Agricultural Vitality Program~~ *within the Department of Forestry*.

§ 58.1-512. Land preservation tax credits for individuals and corporations.

A. 1. For taxable years beginning on or after January 1, 2000, there shall be allowed as a credit against the tax liability imposed by §§ 58.1-320 and 58.1-400, an amount equal to 50 percent of the fair market value of any land or interest in land located in Virginia that is conveyed for the purpose of agricultural and forestal use, open space, natural resource, and/or biodiversity conservation, or land, agricultural, watershed and/or historic preservation, as an unconditional donation by the landowner/taxpayer to a public or private conservation agency eligible to hold such land and interests therein for conservation or preservation purposes. For such conveyances made on or after January 1, 2007, the tax credit shall be 40 percent of the fair market value of the land or interest in land so conveyed.

2. a. If the Commonwealth or an instrumentality thereof operates a facility on a conveyance, including charging fees for the use of such facility, such operation shall not disqualify the conveyance from eligibility for the tax credit, so long as any fees are used for conservation or preservation purposes.

b. If the Commonwealth or an instrumentality thereof enters into an agreement with a third party to lease or manage a facility on a conveyance, the fact that such third party is operated primarily as a business with intent for profit shall not disqualify the conveyance from eligibility for the tax credit, so long as such agreement is for conservation or preservation purposes.

B. The fair market value of qualified donations made under this section shall be determined in accordance with § 58.1-512.1 and substantiated by a "qualified appraisal" prepared by a "qualified appraiser," as those terms are defined under applicable federal law and regulations governing charitable contributions. The value of the donated interest in land that qualifies for credit under this section, as determined according to appropriate federal law and regulations, shall be subject to the limits established by United States Internal Revenue Code § 170(e). In order to qualify for a tax credit under this section, the qualified appraisal shall be signed by the qualified appraiser, who must be licensed in the Commonwealth of Virginia as provided in § 54.1-2011, and a copy of the appraisal shall be submitted to the Department. In the event that any appraiser falsely or fraudulently overstates the value of the contributed property in an appraisal that the appraiser has signed, the Department may disallow further appraisals signed by the appraiser and shall refer the appraiser to the Real Estate Appraiser Board for appropriate disciplinary action pursuant to § 54.1-2013, which may include, but need not be limited to, revocation of the appraiser's license. Any appraisal that, upon audit by the Department, is determined to be false or fraudulent, may be disregarded by the Department in determining the fair market value of the property and the amount of tax credit to be allowed under this section.

C. 1. The amount of the credit that may be claimed by each taxpayer, including credit claimed by applying unused credits as provided under subsection C of § 58.1-513, shall not exceed $50,000 for 2000 taxable years; $75,000 for 2001 taxable years; $100,000 for each of 2002 through 2008 taxable years; $50,000 for each of 2009, 2010, and 2011 taxable years; $100,000 for each of 2012, 2013, and 2014 taxable years; $20,000 for each of 2015, 2016, and 2017 taxable years; and $50,000 for 2018 taxable years and for each taxable year thereafter. However, for any fee simple donation of land conveyed to the Commonwealth on or after January 1, 2015, the amount of the credit claimed shall not exceed $100,000 for each taxable year, provided that no part of the charitable contributions deduction under § 170 of the Internal Revenue Code related to such fee simple donation is allowable by reason of a sale or exchange of property. In addition, for each taxpayer, in any one taxable year the credit used may not exceed the amount of individual, fiduciary or corporate income tax otherwise due. Any portion of the credit that is unused in any one taxable year may be carried over for a maximum of 10 taxable years following the taxable year in which the credit originated until fully expended. A credit shall not be reduced by the amount of unused credit that could have been claimed in a prior year by the taxpayer but was unclaimed. For taxpayers affected by the credit reduction for taxable years 2009, 2010, 2011, and 2015 and thereafter, any portion of the

credit that is unused in any one taxable year may be carried over for a maximum of 13 consecutive taxable years following the taxable year in which the credit originated until fully expended.

2. Qualified donations shall include the conveyance of a fee interest in real property or the conveyance in perpetuity of a less-than-fee interest in real property, such as a conservation restriction, preservation restriction, agricultural preservation restriction, or watershed preservation restriction, provided that such less-than-fee interest qualifies as a charitable deduction under § 170(h) of the United States Internal Revenue Code of 1986, as amended.

The Department of Conservation and Recreation shall compile an annual report on qualified donations of less-than-fee interests accepted by any public or private conservation agency in the respective calendar year and shall submit the report by December 1 of each year to the Chairmen of the House Committee on Appropriations, House Committee on Finance, and the Senate Committee on Finance and Appropriations. In preparing such report, the Department of Conservation and Recreation shall consult and coordinate with the Department of Taxation and the Departments of Forestry and Agriculture and Consumer Services to provide an estimate of the number of acres of land currently being used for "production agriculture and silviculture" as defined in § 3.2-300 that have been protected by qualified donations of less-than-fee interests. This report shall include information, when available, on land qualifying for credits being used for "production agriculture and silviculture" that have onsite operational best management practices, which are designed to reduce the amount of nutrients and sediment entering public waters. In addition, the report shall include information, when available, on riparian buffers, both vegetated/forested buffers and no-plow buffers, required by deed restriction on land qualifying for credits in order to protect water quality. This information shall be reported in summary fashion as appropriate to preserve confidentiality of information. Qualified donations shall not include the conveyance of a fee interest, or a less-than-fee interest, in real property by a charitable organization that (i) meets the definition of "holder" in § 10.1-1009 and (ii) holds one or more conservation easements acquired pursuant to the authority conferred on a "holder" by § 10.1-1010.

3. Any fee interest, or a less-than-fee interest, in real property that has been dedicated as open space within, or as part of, a residential subdivision or any other type of residential or commercial development; dedicated as open space in, or as part of, any real estate development plan; or dedicated for the purpose of fulfilling density requirements to obtain approvals for zoning, subdivision, site plan, or building permits shall not be a qualified donation under this article.

4. Qualified donations shall be eligible for the tax credit herein described if such donations are made to the Commonwealth of Virginia, an instrumentality thereof, or a charitable organization described in § 501(c)(3) of the United States Internal Revenue Code of 1986, as amended, if such charitable organization (i) meets the requirements of § 509(a)(2) or (ii) meets the requirements of § 509(a)(3) and is controlled by an organization described in § 509(a)(2).

5. The preservation, agricultural preservation, historic preservation or similar use and purpose of such property shall be assured in perpetuity. In the case of conveyances of a fee interest to a charitable organization that is a "holder" as defined in § 10.1-1009, the credit shall not be allowed until the charitable organization agrees that subsequent conveyances of the fee interest in the property will be (i) subject to a previous conveyance in perpetuity of a conservation easement, as that term is defined in § 10.1-1009, or subject to the conveyance in perpetuity of an open-space easement, as that term is defined in § 10.1-1700, or (ii) conveyed to the Commonwealth of Virginia or to a federal conservation agency. No credit shall be allowed with respect to any subsequent conveyances by the charitable organization.

D. The issuance of tax credits under this article for donations made on and after January 1, 2007, shall be in accordance with procedures and deadlines established by the Department and shall be administered under the following conditions:

1. The taxpayer shall apply for a credit after completing the donation by submitting a form or forms prescribed by the Department in consultation with the Department of Conservation and Recreation. If the application requests a credit of $1 million or more or if the donation meets the conditions of subdivision 3 c, then a copy of the application shall also be filed with the Department of Conservation and Recreation by the taxpayer. The application shall include, but not be limited to:

a. A description of the conservation purpose or purposes being served by the donation;

b. The fair market value of land being donated in the absence of any easement or other restriction;

c. The public benefit derived from the donation;

d. The extent to which water quality best management practices will be implemented on the property; and

e. Whether the property is fully or partially forested and a forest management plan is included in the terms of the donation.

2. Applications for otherwise qualified donations of a less-than-fee interest shall be accompanied by an affidavit describing how the donated interest in land meets the requirements of § 170(h) of the United States Internal Revenue Code of 1986, as amended, and the regulations adopted thereunder. The application with accompanying affidavit shall be submitted to the Department of Taxation, with a copy also provided to the Department of Conservation and Recreation.

3. a. No credit in the amount of $1 million or more shall be issued with respect to a donation unless the conservation value of the donation has been verified by the Director of the Department of Conservation and Recreation, based on the criteria adopted by the Virginia Land Conservation Foundation for this purpose. Such criteria and subsequent amendments shall be exempt from the Administrative Process Act (§ 2.2-4000 et seq.), but the Virginia Land Conservation Foundation shall provide for adequate public participation, including adequate notice and opportunity to provide comments on the proposed criteria. The Director shall act on applications within 90 days of his receipt of a complete application and shall notify the taxpayer and the Department of Taxation of his action.

b. For purposes of determining whether a credit requires verification of the conservation value, the credits allowed under this article with respect to donations of any other portion of a recorded parcel of land within the preceding 11 years

shall be aggregated with the credit claimed for the current donation. This subdivision shall not apply if (i) all owners of the parcel who have been allowed credit for a qualified donation are not affiliated with the person or entity seeking credit for the current donation of a different portion of the parcel and (ii) in the case of an individual seeking credit, the individual has not previously made a qualified donation for any portion of the parcel and is not an immediate family member of any such owners.

c. If (i) the real property that is the subject of the donation was partitioned from or part of another parcel of land and any other portion of such parcel, or any land partitioned from such parcel of land, has been allowed a tax credit under this article (or an application for tax credit is pending) within three years of such donation and (ii) the tax credit that would otherwise be allowed to the donor for such donation is at least $250,000, then no credit under this article shall be issued with respect to such donation described in clause (i) unless the conservation value of the donation has been verified by the Director of the Department of Conservation and Recreation. The Director shall act on applications within 90 days of his receipt of a complete application and shall notify the taxpayer and the Department of Taxation of his action. Nothing in this subdivision shall be construed or interpreted (a) as allowing additional tax credit for any land or interest in land previously conveyed for which tax credit has already been allowed under this article or (b) affecting the validity of any tax credit allowed under this article for a prior conveyance of any land or interest in land.

4. a. Tax credits shall be issued on a calendar year basis, and in no case shall the Department issue more than the maximum allowed for the calendar year. The maximum amount of credits that may be issued in a calendar year shall be $100 million plus any credits previously issued under this article but subsequently disallowed or invalidated by the Department. Credits previously issued but subsequently disallowed or invalidated shall be reissued in a subsequent calendar year. All credits shall be issued in the order that each complete application is filed. For filings by mail or a recognized commercial delivery service, the postmark or confirmation of shipment shall determine the date of filing. If within 30 days after an application for credits has been filed the Tax Commissioner provides written notice to the donor that he has determined that the preparation of a second qualified appraisal is warranted, the application shall not be deemed complete until the fair market value of the donation has been finally determined by the Tax Commissioner. The Tax Commissioner shall make a final determination within 180 days of notifying the donor, unless the donor has filed an appeal. The donor shall have the right to appeal any decision of the Department in accordance with the provisions of Chapter 18 (§ 58.1-1800 et seq.). If more than one complete application is filed at the same time, the credits with respect to those applications shall be issued in the order that the conveyances were recorded in the appropriate circuit court of the Commonwealth. In the event that a credit requires verification of the conservation value by the Department of Conservation and Recreation and such verification has not been received at the time the maximum $100 million allowed is reached for the calendar year of the donation, such credit shall not be issued for that calendar year but shall be issued in the calendar year that the conservation value of the credit is verified by the Department of Conservation and Recreation.

No credit shall be allowed for any land or interest in land conveyed unless (i) for a conveyance made before January 1, 2020, a complete application for tax credit with regard to the conveyance has been filed with the Department by December 31 of the third year following the calendar year of the conveyance or (ii) for a conveyance made on or after January 1, 2020, a complete application for tax credit with regard to the conveyance has been filed with the Department by December 31 of the second year following the calendar year of the conveyance. For filings by mail or a recognized commercial delivery service, the postmark or confirmation of shipment shall determine the date of filing. Solely for purposes of this condition, any application for which the Tax Commissioner has given written notice to the donor that the preparation of a second qualified appraisal is warranted shall be deemed timely filed, provided that the application was otherwise complete as of such filing deadline. For conveyances made on and after January 1, 2017, the deadlines provided by clauses (i) and (ii) of this subdivision shall be extended for any number of days exceeding 90 during which an application for tax credit is being reviewed for verification of conservation value by the Department of Conservation and Recreation, if the application was otherwise complete at the time of the original filing deadline.

b. Beginning with calendar year 2008, the $100 million amount contained in subdivision 4 a shall be increased by an amount equal to $100 million multiplied by the percentage by which the consumer price index for all-urban consumers published by the United States Department of Labor (CPI-U) for the 12-month period ending August 31 of the preceding year exceeds the CPI-U for the 12-month period ending August 31, 2006.

c. Beginning with calendar year 2015, the maximum amount of credits that may be issued in a calendar year shall not exceed $75 million. In no case shall the Department issue any tax credit for a donation from any allocation or pool of tax credits attributable to a calendar year prior to the year in which the complete tax credit application for the donation was filed.

Beginning with the submission due on or before December 20, 2015, and in each year thereafter, the Governor shall include in "The Budget Bill" submitted pursuant to subsection A of § 2.2-1509 or in his amendments to the general appropriation act in effect submitted pursuant to subsection E of § 2.2-1509 a recommended appropriation from the general fund equal to the difference between the amount calculated pursuant to subdivision b and $75 million, but not more than $20 million, to be allocated as follows: 80 percent to the Virginia Land Conservation Fund to be used in accordance with § 10.1-1020, with no less than 50 percent of such appropriation to be used for fee simple acquisitions with public access or acquisitions of easements with public access; 10 percent to the Virginia Battlefield Preservation Fund to be used in accordance with § 10.1-2202.4; and 10 percent to the Virginia Farmland *and Forestland* Preservation Fund to be used in accordance with § ~~3.2-201~~ *10.1-1119.3*.

5. a. Any taxpayer that has been issued a tax credit by the Department shall be allowed to use such credit for his or its taxable year that begins in the calendar year for which such credit was issued and for succeeding taxable years in accordance with the 10 consecutive taxable year carryforward provisions of this article, except for any taxpayer affected by the credit limitation for taxable years 2009, 2010, 2011, and 2015 and taxable years thereafter. Such a taxpayer shall be allowed to use such credit for his or its taxable year that begins in the calendar year for which such credit was issued and for succeeding taxable years in accordance with the 13 consecutive taxable year carryforward provisions of this article.

b. Any taxpayer to whom a credit has been transferred may use such credit for the taxable year in which the transfer occurred and unused amounts may be carried forward to succeeding taxable years, but in no event may such transferred credit be used more than 11 years after it was originally issued by the Department or in any taxable year of such taxpayer that ended prior to the date of transfer, except for any taxpayer affected by the credit limitation for taxable years 2009, 2010, 2011, and 2015 and taxable years thereafter. Such a taxpayer may use such credit for the taxable year in which the transfer occurred and unused amounts may be carried forward to succeeding taxable years, but in no event may such transferred credit be used more than 14 years after it was originally issued by the Department or in any taxable year of such taxpayer that ended prior to the date of transfer.

6. Neither the verification of conservation value by the Department of Conservation and Recreation nor the issuance of a credit by the Department of Taxation shall in any way be construed or interpreted as prohibiting the Department of Taxation or the Tax Commissioner from auditing any credit claimed pursuant to the provisions of this article or from assessing tax relating to the claiming of any credit under this article.

E. In any review or appeal before the Tax Commissioner or in any court in the Commonwealth the burden of proof shall be on the taxpayer to show that the fair market value and conservation value at the time of the qualified donation is consistent with this section and that all requirements of this article have been satisfied.

2. That Chapter 2 (§§ 3.2-200 through 3.2-205) of Title 3.2 of the Code of Virginia is repealed.

3. That by July 1 of each year, the Department of Environmental Quality shall report to the Department of Forestry the following information about nonpoint source nutrient credits certified in the previous year pursuant to § 62.1-44.19:20 of the Code of Virginia and 9VAC25-900 of the Administrative Code of Virginia that involve land use conversion: (i) the name of the nonpoint source nutrient credit-generating practice, (ii) the acreage of the forest or agricultural lands that could be impacted by the nonpoint source nutrient credits, and (iii) the location of the generation of the nonpoint source nutrient credits, including the locality in which such nonpoint source nutrient credit-generating practice is located.

CHAPTER 11

An Act to amend and reenact §§ 3.01, 7.03, as amended, and 7.05, as amended, of Chapter 542 of the Acts of Assembly of 1990, which provided a charter for the City of Bristol, relating to voting precincts; human resources department; fire department.

[S 618]

Approved March 8, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 3.01, 7.03, as amended, and 7.05, as amended, of Chapter 542 of the Acts of Assembly of 1990 are amended and reenacted as follows:

§ 3.01. Voting precincts.

The city shall be geographically divided into ~~four~~ *five* voting precincts, the boundaries of which are set forth in the office of the register of deeds for the city as shall have been approved by the U.S. Department of Justice and the appropriate agencies of the Commonwealth of Virginia and a ~~fifth~~ central absentee voter election district situate at City Hall to receive, count and record all absentee ballots within the city for all elections; local, state and federal. City council may by ordinance designate the voting place within each voting district and may from time to time change such voting place by amendment of the ordinance.

§ 7.03. ~~Personnel~~ *Human resources* department.

A. Generally. There shall be a ~~personnel~~ *human resources* department which shall consist of the ~~personnel director,~~ *Director of Human Resources* and such employees as may be ~~provided for by the council. Until the city council for the City of Bristol, Virginia, shall, by written resolution, direct that the office of personnel director shall be otherwise filled, the city manager shall serve as personnel director~~ *funded within the budget*.

B. Powers and duties of the ~~personnel director~~ *Director of Human Resources*. The ~~personnel director~~ *Director of Human Resources* shall have the following powers and duties:

1. To formulate and propose a comprehensive personnel policy to the city council for adoption, and as the need may arise, to propose to the council amendments, additions and deletions to the comprehensive personnel policy, and to oversee and enforce the uniform application of the personnel policy to all the employees of the city. Nothing in this charter, nor in any policy manual promulgated pursuant to this charter, nor in any ordinance or act of the council of the City of Bristol, Virginia, shall be construed to create any contractual relationship between the City of Bristol, Virginia, and any of its employees or agents. The comprehensive personnel policy adopted pursuant to this provision shall not be a contract with the

employees of the city and so may be amended from time to time as the needs of the city may require, no rights being vested in any city employee by virtue of this section or any policy adopted pursuant thereto.

2. To, with the cooperation of each department head, formulate and promulgate standard operating procedures in addition to a comprehensive personnel policy that may be needed and applicable to the individual departments and the employees thereof as such requirements may exist and submit to the council for adoption and from time to time for amendment.

3. To oversee and aid each department head in the formulation and promulgation of competitive examinations for all original appointments to department jobs and for promotions within each department to provide for the hiring and promotion of the best qualified personnel available to the city.

4. To oversee the maintenance by each department of a list of eligible employees based upon examination and other hiring criteria for each department and to promulgate regulations to assure that such lists are kept current, that all vacancies are well publicized and that the best possible employees of the City of Bristol, Virginia, be hired for each such vacancy.

5. To formulate and recommend to the council for adoption such additions, deletions, and amendments of the current city pay plan covering all employees of the city as may from time to time be advisable.

6. To direct and enforce the maintenance by all departments, boards, commissions, offices and agencies of the city of such personnel records of employees of such departments, boards, etc., as the ~~personnel director~~ *Director of Human Resources* shall prescribe.

7. To establish a temporary employment list for filling positions which are temporarily vacant.

8. To oversee and advise the department heads in the promulgation of a systematic program of in-service training for all employees qualifying them for advancement in the service of the city.

9. To oversee and enforce the operation of an employee grievance procedure in accordance with the laws of the Commonwealth.

10. To investigate any and all matters relating to conditions of employment in the service of the city and to make ~~at least annually~~ a report of his findings to the council.

11. To oversee and advise department heads in all cases of adverse employment decisions before any disciplinary actions are taken.

12. Such other powers and duties as may be assigned ~~him~~ *to the Director of Human Resources* from time to time by ~~council~~ *the City Manager*.

§ 7.05. Fire department.

A. Generally. The fire department shall consist of the fire chief and such other officers and employees of such ranks and grades as may be established by council. The fire department shall be responsible for the protection from fire, of life and property within the city.

The fire department shall also operate and be responsible for the operation of the hazardous material response team which shall implement the hazardous materials response plan developed by the city in accordance with general laws of the Commonwealth and local laws and regulations.

B. Powers and duties of the fire chief. The head of the fire department shall be the fire chief. Under the supervision of the city manager, he shall be in direct command of the fire department. He shall assign all members of the department to their respective posts, shifts, details and duties. He shall, with the approval of the city manager, make rules and regulations in conformity with this charter and the ordinances of the city concerning the operation of the department, the conduct of officers and employees thereof, their uniforms, equipment and training and the penalties to be imposed for infractions of such rules and regulations. The fire chief shall be responsible for the efficiency, discipline and good conduct of the department. Orders of the city manager relating to the fire department shall be transmitted in all cases to the fire chief or in his absence from the city or incapacity, through an officer of the department designated as acting chief by the city manager. Disobedience of the lawful commands of the fire chief or violation of the rules and regulations made by him with the approval of the ~~director~~ *Director* of ~~the Personnel Department~~ *Human Resources* shall be grounds for removal or other disciplinary action as provided in such rules and regulations.

C. Fire prevention. Fire prevention shall be the duty of the fire chief to secure the enforcement of all laws and ordinances relating to fire prevention and fire safety and to issue from time to time regulations having the force of law for the purpose of implementing such laws and ordinances. The penalty for violation of such rules and regulations shall be as provided for by ordinance. The fire chief may assign this duty to a fire ~~inspector~~ *official*.

CHAPTER 12

An Act to amend and reenact §§ 22.1-1, 22.1-253.13:1, and 22.1-253.13:6, as they shall become effective, of the Code of Virginia, relating to public education; student literacy measures.

[S 624]

Approved March 8, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 22.1-1, 22.1-253.13:1, and 22.1-253.13:6, as they shall become effective, of the Code of Virginia are amended and reenacted as follows:

§ 22.1-1. (For effective date, see Acts 2022, cc. 549, 550, cl. 2) Definitions.

As used in this title, unless the context requires a different meaning:

"Board" or "State Board" means the Board of Education.

"Department" means the Department of Education.

"Division superintendent" means the division superintendent of schools of a school division.

"Elementary" includes kindergarten.

"Elementary and secondary" and "elementary or secondary" include elementary, middle, and high school grades.

"Evidence-based literacy instruction" means structured instructional practices, including sequential, systematic, explicit, and cumulative teaching, that (i) are based on reliable, trustworthy, and valid evidence consistent with science-based reading research; (ii) are used in core or general instruction, supplemental instruction, intervention services, and intensive intervention services; (iii) have a demonstrated record of success in adequately increasing students' reading competency, vocabulary, oral language, and comprehension and in building mastery of the foundational reading skills of phonological and phonemic awareness, alphabetic principle, phonics, spelling, and text reading fluency; and (iv) are able to be differentiated in order to meet the individual needs of students. *"Evidence-based literacy instruction" does not include practices that instruct students to gain meaning from print through the use of (i) three-cueing, which includes semantic, syntactic, and graphophonic cues; (ii) meaning, structure, and visual cues; or (iii) visual memory for word recognition.*

"Governing body" or "local governing body" means the board of supervisors of a county, council of a city, or council of a town, responsible for appropriating funds for such locality, as the context may require.

"Middle school" means separate schools for early adolescents and the middle school grades that might be housed at elementary or high schools.

"Parent" or "parents" means any parent, guardian, legal custodian, or other person having control or charge of a child.

"Person of school age" means a person who will have reached his fifth birthday on or before September 30 of the school year and who has not reached twenty years of age on or before August 1 of the school year.

"School board" means the school board that governs a school division.

"Science-based reading research" means research that (i) applies rigorous, systematic, and objective observational or experimental procedures to obtain valid knowledge relevant to reading development, reading instruction, and reading and writing difficulties and (ii) explains how proficient reading and writing develop, why some children have difficulties developing key literacy skills, and how schools can best assess and instruct early literacy, including the use of evidence-based literacy instruction practices to promote reading and writing achievement.

"Superintendent" means the Superintendent of Public Instruction.

§ 22.1-253.13:1. (For effective date, see Acts 2022, cc. 549, 550, cl. 2) Standard 1. Instructional programs supporting the Standards of Learning and other educational objectives.

A. The General Assembly and the Board believe that the fundamental goal of the public schools of the Commonwealth must be to enable each student to develop the skills that are necessary for success in school, preparation for life, and reaching their full potential. The General Assembly and the Board find that the quality of education is dependent upon the provision of (i) the appropriate working environment, benefits, and salaries necessary to ensure the availability of high-quality instructional personnel; (ii) the appropriate learning environment designed to promote student achievement; (iii) quality instruction that enables each student to become a productive and educated citizen of Virginia and the United States of America; and (iv) the adequate commitment of other resources. In keeping with this goal, the General Assembly shall provide for the support of public education as set forth in Article VIII, § 1 of the Constitution of Virginia.

B. The Board shall establish educational objectives known as the Standards of Learning, which shall form the core of Virginia's educational program, and other educational objectives, which together are designed to ensure the development of the skills that are necessary for success in school and for preparation for life in the years beyond. At a minimum, the Board shall establish Standards of Learning for English, mathematics, science, and history and social science. The Standards of Learning shall not be construed to be regulations as defined in § 2.2-4001.

The Board shall seek to ensure that the Standards of Learning are consistent with a high-quality foundation educational program. The Standards of Learning shall include, but not be limited to, the basic skills of communication (listening, speaking, reading, and writing); computation and critical reasoning, including problem solving and decision making; proficiency in the use of computers and related technology; computer science and computational thinking, including computer coding; and the skills to manage personal finances and to make sound financial decisions.

The English Standards of Learning for reading in kindergarten through grade eight shall align with evidence-based literacy instruction and science-based reading research.

The Standards of Learning in all subject areas shall be subject to regular review and revision to maintain rigor and to reflect a balance between content knowledge and the application of knowledge in preparation for eventual employment and lifelong learning. The Board shall establish a regular schedule, in a manner it deems appropriate, for the review, and revision as may be necessary, of the Standards of Learning in all subject areas. Such review of each subject area shall occur at least once every seven years. Nothing in this section shall be construed to prohibit the Board from conducting such review and revision on a more frequent basis.

To provide appropriate opportunity for input from the general public, teachers, and local school boards, the Board shall conduct public hearings prior to establishing revised Standards of Learning. Thirty days prior to conducting such hearings, the Board shall give notice of the date, time, and place of the hearings to all local school boards and any other persons

requesting to be notified of the hearings and publish notice of its intention to revise the Standards of Learning in the Virginia Register of Regulations. Interested parties shall be given reasonable opportunity to be heard and present information prior to final adoption of any revisions of the Standards of Learning.

In addition, the Department shall make available and maintain a website, either separately or through an existing website utilized by the Department, enabling public elementary, middle, and high school educators to submit recommendations for improvements relating to the Standards of Learning, when under review by the Board according to its established schedule, and related assessments required by the Standards of Quality pursuant to this chapter. Such website shall facilitate the submission of recommendations by educators.

School boards shall implement the Standards of Learning or objectives specifically designed for their school divisions that are equivalent to or exceed the Board's requirements. Students shall be expected to achieve the educational objectives established by the school division at appropriate age or grade levels. The curriculum adopted by the local school division shall be aligned to the Standards of Learning.

The Board shall include in the Standards of Learning for history and social science the study of contributions to society of diverse people. For the purposes of this subsection, "diverse" includes consideration of disability, ethnicity, race, and gender.

The Board shall include in the Standards of Learning for health instruction in emergency first aid, cardiopulmonary resuscitation, and the use of an automated external defibrillator, including hands-on practice of the skills necessary to perform cardiopulmonary resuscitation. Such instruction shall be based on the current national evidence-based emergency cardiovascular care guidelines for cardiopulmonary resuscitation and the use of an automated external defibrillator, such as a program developed by the American Heart Association or the American Red Cross. No teacher who is in compliance with subdivision D 3 of § 22.1-298.1 shall be required to be certified as a trainer of cardiopulmonary resuscitation to provide instruction for non-certification.

With such funds as are made available for this purpose, the Board shall regularly review and revise the competencies for career and technical education programs to require the full integration of English, mathematics, science, and history and social science Standards of Learning. Career and technical education programs shall be aligned with industry and professional standard certifications, where they exist.

The Board shall establish content standards and curriculum guidelines for courses in career investigation in elementary school, middle school, and high school. Each school board shall (i) require each middle school student to take at least one course in career investigation or (ii) select an alternate means of delivering the career investigation course to each middle school student, provided that such alternative is equivalent in content and rigor and provides the foundation for such students to develop their academic and career plans. Any school board may require (a) such courses in career investigation at the high school level as it deems appropriate, subject to Board approval as required in subsection A of § 22.1-253.13:4, and (b) such courses in career investigation at the elementary school level as it deems appropriate. The Board shall develop and disseminate to each school board career investigation resource materials that are designed to ensure that students have the ability to further explore interest in career and technical education opportunities in middle and high school. In developing such resource materials, the Board shall consult with representatives of career and technical education, industry, skilled trade associations, chambers of commerce or similar organizations, and contractor organizations.

C. Local school boards shall develop and implement a program of instruction for grades K through 12 that is aligned to the Standards of Learning and meets or exceeds the requirements of the Board. The program of instruction shall emphasize reading, writing, speaking, mathematical concepts and computations, proficiency in the use of computers and related technology, computer science and computational thinking, including computer coding, and scientific concepts and processes; essential skills and concepts of citizenship, including knowledge of Virginia history and world and United States history, economics, government, foreign languages, international cultures, health and physical education, environmental issues, and geography necessary for responsible participation in American society and in the international community; fine arts, which may include, but need not be limited to, music and art, and practical arts; knowledge and skills needed to qualify for further education, gainful employment, or training in a career or technical field; and development of the ability to apply such skills and knowledge in preparation for eventual employment and lifelong learning and to achieve economic self-sufficiency.

Local school boards shall also develop and implement programs of prevention, intervention, or remediation for students who are educationally at risk including, but not limited to, those who fail to achieve a passing score on any Standards of Learning assessment in grades three through eight or who fail an end-of-course test required for the award of a verified unit of credit. Such programs shall include components that are research-based.

Any student who achieves a passing score on one or more, but not all, of the Standards of Learning assessments for the relevant grade level in grades three through eight may be required to attend a remediation program.

Any student who fails to achieve a passing score on all of the Standards of Learning assessments for the relevant grade level in grades three through eight or who fails an end-of-course test required for the award of a verified unit of credit shall be required to attend a remediation program or to participate in another form of remediation. Division superintendents shall require such students to take special programs of prevention, intervention, or remediation, which may include attendance in public summer school programs, in accordance with clause (ii) of subsection A of § 22.1-254 and § 22.1-254.01.

Remediation programs shall include, when applicable, a procedure for early identification of students who are at risk of failing the Standards of Learning assessments in grades three through eight or who fail an end-of-course test required for the

award of a verified unit of credit. Such programs may also include summer school for all elementary and middle school grades and for all high school academic courses, as defined by regulations promulgated by the Board, or other forms of remediation. Summer school remediation programs or other forms of remediation shall be chosen by the division superintendent to be appropriate to the academic needs of the student. Students who are required to attend such summer school programs or to participate in another form of remediation shall not be charged tuition by the school division.

The requirement for remediation may, however, be satisfied by the student's attendance in a program of prevention, intervention or remediation that has been selected by his parent, in consultation with the division superintendent or his designee, and is either (i) conducted by an accredited private school or (ii) a special program that has been determined to be comparable to the required public school remediation program by the division superintendent. The costs of such private school remediation program or other special remediation program shall be borne by the student's parent.

The Board shall establish standards for full funding of summer remedial programs that shall include, but not be limited to, the minimum number of instructional hours or the equivalent thereof required for full funding and an assessment system designed to evaluate program effectiveness. Based on the number of students attending and the Commonwealth's share of the per pupil instructional costs, state funds shall be provided for the full cost of summer and other remediation programs as set forth in the appropriation act, provided such programs comply with such standards as shall be established by the Board, pursuant to § 22.1-199.2.

D. Local school boards shall also implement the following:

1. Programs in grades K through three that emphasize developmentally appropriate learning to enhance success.

2. Programs based on prevention, intervention, or remediation designed to increase the number of students who earn a high school diploma and to prevent students from dropping out of school. Such programs shall include components that are research-based.

3. Career and technical education programs incorporated into the K through 12 curricula that include:

a. Knowledge of careers and all types of employment opportunities, including, but not limited to, apprenticeships, entrepreneurship and small business ownership, the military, and the teaching profession, and emphasize the advantages of completing school with marketable skills;

b. Career exploration opportunities in the middle school grades;

c. Competency-based career and technical education programs that integrate academic outcomes, career guidance, and job-seeking skills for all secondary students. Programs shall be based upon labor market needs and student interest. Career guidance shall include counseling about available employment opportunities and placement services for students exiting school. Each school board shall develop and implement a plan to ensure compliance with the provisions of this subdivision. Such plan shall be developed with the input of area business and industry representatives and local comprehensive community colleges and shall be submitted to the Superintendent in accordance with the timelines established by federal law;

d. Annual notice on its website to enrolled high school students and their parents of (i) the availability of the postsecondary education and employment data published by the State Council of Higher Education on its website pursuant to § 23.1-204.1 and (ii) the opportunity for such students to obtain a nationally recognized career readiness certificate at a local public high school, comprehensive community college, or workforce center; and

e. As part of each student's academic and career plan, a list of (i) the top 100 professions in the Commonwealth by median pay and the education, training, and skills required for each such profession and (ii) the top 10 degree programs at institutions of higher education in the Commonwealth by median pay of program graduates. The Department shall annually compile such lists and provide them to each local school board.

4. Educational objectives in middle and high school that emphasize economic education and financial literacy pursuant to § 22.1-200.03.

5. Early identification of students with disabilities and enrollment of such students in appropriate instructional programs consistent with state and federal law.

6. Early identification of gifted students and enrollment of such students in appropriately differentiated instructional programs.

7. Educational alternatives for students whose needs are not met in programs prescribed elsewhere in these standards. Such students shall be counted in average daily membership (ADM) in accordance with the regulations of the Board.

8. Adult education programs for individuals functioning below the high school completion level. Such programs may be conducted by the school board as the primary agency or through a collaborative arrangement between the school board and other agencies.

9. A plan to make achievements for students who are educationally at risk a divisionwide priority that shall include procedures for measuring the progress of such students.

10. An agreement for postsecondary degree attainment with a comprehensive community college in the Commonwealth specifying the options for students to complete an associate degree or a one-year Uniform Certificate of General Studies from a comprehensive community college concurrent with a high school diploma. Such agreement shall specify the credit available for dual enrollment courses and Advanced Placement courses with qualifying exam scores of three or higher.

11. A plan to notify students and their parents of the availability of dual enrollment and advanced placement classes; career and technical education programs, including internships, externships, apprenticeships, credentialing programs,

certification programs, licensure programs, and other work-based learning experiences; the International Baccalaureate Program and Academic Year Governor's School Programs; the qualifications for enrolling in such classes, programs, and experiences; and the availability of financial assistance to low-income and needy students to take the advanced placement and International Baccalaureate examinations. This plan shall include notification to students and parents of the agreement with a comprehensive community college in the Commonwealth to enable students to complete an associate degree or a one-year Uniform Certificate of General Studies concurrent with a high school diploma.

12. Identification of students with limited English proficiency and enrollment of such students in appropriate instructional programs, which programs may include dual language programs whereby such students receive instruction in English and in a second language.

13. Early identification, diagnosis, and assistance for students with mathematics problems and provision of instructional strategies and mathematics practices that benefit the development of mathematics skills for all students.

Local school divisions shall provide algebra readiness intervention services to students in grades six through nine who are at risk of failing the Algebra I end-of-course test, as demonstrated by their individual performance on any diagnostic test that has been approved by the Department. Local school divisions shall report the results of the diagnostic tests to the Department on an annual basis, at a time to be determined by the Superintendent. Each student who receives algebra readiness intervention services will be assessed again at the end of that school year. Funds appropriated for prevention, intervention, and remediation; summer school remediation; at-risk; or algebra readiness intervention services may be used to meet the requirements of this subdivision.

14. Incorporation of art, music, and physical education as a part of the instructional program at the elementary school level.

15. A program of physical activity available to all students in grades kindergarten through five consisting of at least 20 minutes per day or an average of 100 minutes per week during the regular school year and available to all students in grades six through 12 with a goal of at least 150 minutes per week on average during the regular school year. Such program may include any combination of (i) physical education classes, (ii) extracurricular athletics, (iii) recess, or (iv) other programs and physical activities deemed appropriate by the local school board. Each local school board shall implement such program during the regular school year. Any physical education class offered to students in grades seven and eight shall include at least one hour of personal safety training per school year in each such grade level that is developed and delivered in partnership with the local law-enforcement agency and consists of situational safety awareness training and social media education.

16. A program of student services for kindergarten through grade 12 that shall be designed to aid students in their educational, social, and career development.

17. The collection and analysis of data and the use of the results to evaluate and make decisions about the instructional program.

18. A program of instruction in the high school Virginia and U.S. Government course on all information and concepts contained in the civics portion of the U.S. Naturalization Test.

E. From such funds as may be appropriated or otherwise received for such purpose, there shall be established within the Department a unit to (i) conduct evaluative studies; (ii) provide the resources and technical assistance to increase the capacity for school divisions to deliver quality instruction; and (iii) assist school divisions in implementing those programs and practices that will enhance pupil academic performance and improve family and community involvement in the public schools. Such unit shall identify and analyze effective instructional programs and practices and professional development initiatives; evaluate the success of programs encouraging parental and family involvement; assess changes in student outcomes prompted by family involvement; and collect and disseminate among school divisions information regarding effective instructional programs and practices, initiatives promoting family and community involvement, and potential funding and support sources. Such unit may also provide resources supporting professional development for administrators and teachers. In providing such information, resources, and other services to school divisions, the unit shall give priority to those divisions demonstrating a less than 70 percent passing rate on the Standards of Learning assessments.

F. Each local school board may enter into agreements for postsecondary course credit, credential, certification, or license attainment, hereinafter referred to as College and Career Access Pathways Partnerships (Partnerships), with comprehensive community colleges or other public institutions of higher education or educational institutions established pursuant to Title 23.1 that offer a career and technical education curriculum. Such Partnerships shall (i) specify the options for students to take courses as part of the career and technical education curriculum that lead to course credit or an industry-recognized credential, certification, or license concurrent with a high school diploma; (ii) specify the credit, credentials, certifications, or licenses available for such courses; and (iii) specify available options for students to participate in pre-apprenticeship and apprenticeship programs at comprehensive community colleges concurrent with the pursuit of a high school diploma and receive college credit and high school credit for successful completion of any such program.

G. Each local school board shall provide a program of literacy instruction that is aligned with science-based reading research and provides evidenced-based literacy instruction to students in kindergarten through grade eight and is consistent with the school board's literacy plan as required by subsection B of § 22.1-253.13:6. Pursuant to such program:

1. Each local school board shall provide reading intervention services to students in kindergarten through grade eight who demonstrate substantial deficiencies based on their individual performance on the Standards of Learning reading assessment or a literacy screener provided ~~or approved~~ by the Department. Such reading intervention services shall consist

of evidence-based literacy instruction, align with science-based reading research, and be documented for each student in a written student reading plan, consistent with the requirements in subdivision 2 and the list developed by the Department pursuant to subdivision H 2.

2. A reading specialist, in collaboration with the teacher of any student who receives reading intervention services pursuant to subdivision 1, shall develop, oversee implementation of, and monitor student progress on a student reading plan. The parent of each student who receives reading intervention services pursuant to subdivision 1 shall receive notice of and have the opportunity to participate in the development of the student reading plan. Each student reading plan (i) shall follow the Department template created pursuant to subdivision H 3; (ii) shall document such reading intervention services; (iii) shall include, at a minimum, (a) the student's specific, diagnosed reading skill deficiencies as determined or identified by diagnostic assessment data or the literacy screener provided ~~or approved~~ by the Department; (b) the goals and benchmarks for student growth in reading; (c) a description of the specific measures that will be used to evaluate and monitor the student's reading progress; (d) the specific evidence-based literacy instruction that the student will receive; (e) the strategies, resources, and materials that will be provided to the student's parent to support the student to make reading progress; and (f) any additional services the teacher deems available and appropriate to accelerate the student's reading skill development; and (iv) may include the following services for the student: instruction from a reading specialist, trained aide, computer-based reading tutorial program, or classroom teacher with support from an aide, extended instructional time in the school day or school year, or, for students in grades six through eight, a literacy course, in addition to the course required by the Standards of Learning in English, that provides the specific evidence-based literacy instruction identified in the student's reading plan. In accordance with § 22.1-215.2, the parent of each student shall receive notice before services begin and a copy of the student reading plan.

3. Each student who receives such reading intervention services shall be assessed utilizing either the literacy screener provided ~~or approved~~ by the Department or the grade-level reading Standards of Learning assessment again at the end of that school year.

Funds appropriated for prevention, intervention, and remediation, summer school remediation, the at-risk add-on, or early intervention reading may be used to meet the requirements of this subsection.

H. In order to assist local school boards to implement the provisions of subsection G:

1. The Board shall provide guidance on the content of student reading plans;

2. The Department shall develop a list of core literacy curricula~~,~~ *for students in kindergarten through grade five and* supplemental instruction practices and programs~~,~~ and intervention programs *for students in kindergarten through grade eight* that consist of evidence-based literacy instruction aligned with science-based reading research ~~for students in kindergarten through grade eight~~. The list shall be approved by the Board;

3. The Department shall develop a template for student reading plans that aligns with the requirements of subsection G;

4. The Department shall develop and implement a plan for the annual collection and public reporting of division-level and school-level literacy data, at a time to be determined by the Superintendent, to include results on the literacy screeners provided ~~or approved~~ by the Department and the reading Standards of Learning assessments; and

5. The Department shall provide free online evidence-based literacy instruction resources that can be accessed by parents and local school boards to support student literacy development at home.

§ 22.1-253.13:6. (For effective date, see Acts 2022, cc. 549, 550, cl. 2) Standard 6. Planning and public involvement.

A. The Board shall adopt a statewide comprehensive, unified, long-range plan based on data collection, analysis, and evaluation. Such plan shall be developed with statewide participation. The Board shall review the plan biennially and adopt any necessary revisions. The Board shall post the plan on the Department's website if practicable, and, in any case, shall make a hard copy of such plan available for public inspection and copying.

This plan shall include the objectives of public education in Virginia, including strategies for first improving student achievement, particularly the achievement of educationally at-risk students, then maintaining high levels of student achievement; an assessment of the extent to which these objectives are being achieved; a forecast of enrollment changes; and an assessment of the needs of public education in the Commonwealth. In the annual report required by § 22.1-18, the Board shall include an analysis of the extent to which these Standards of Quality have been achieved and the objectives of the statewide comprehensive plan have been met. The Board shall also develop, consistent with, or as a part of, its comprehensive plan, a detailed comprehensive, long-range plan to integrate educational technology into the Standards of Learning and the curricula of the public schools in Virginia, including career and technical education programs. The Board shall review and approve the comprehensive plan for educational technology and may require the revision of such plan as it deems necessary.

B. Each local school board shall adopt a divisionwide comprehensive, unified, long-range plan based on data collection, an analysis of the data, and how the data will be utilized to improve classroom instruction and student achievement. The plan shall be developed with staff and community involvement and shall include, or be consistent with, all other divisionwide plans required by state and federal laws and regulations. Each local school board shall review the plan biennially and adopt any necessary revisions. Prior to the adoption of any divisionwide comprehensive plan or revisions thereto, each local school board shall post such plan or revisions on the division's Internet website if practicable, and, in any case, shall make a hard copy of the plan or revisions available for public inspection and copying and shall conduct at least one public hearing to solicit public comment on the divisionwide plan or revisions.

The divisionwide comprehensive plan shall include, but shall not be limited to, (i) the objectives of the school division, including strategies for first improving student achievement, particularly the achievement of educationally at-risk students, then maintaining high levels of student achievement; (ii) an assessment of the extent to which these objectives are being achieved; (iii) a forecast of enrollment changes; (iv) a plan for projecting and managing enrollment changes including consideration of the consolidation of schools to provide for a more comprehensive and effective delivery of instructional services to students and economies in school operations; (v) an evaluation of the appropriateness of establishing regional programs and services in cooperation with neighboring school divisions; (vi) a plan for implementing such regional programs and services when appropriate; (vii) a technology plan designed to integrate educational technology into the instructional programs of the school division, including the school division's career and technical education programs, consistent with, or as a part of, the comprehensive technology plan for Virginia adopted by the Board; (viii) an assessment of the needs of the school division and evidence of community participation, including parental participation, in the development of the plan; (ix) any corrective action plan required pursuant to § 22.1-253.13:3; and (x) a plan for parent and family involvement to include building successful school and parent partnerships that shall be developed with staff and community involvement, including participation by parents.

The divisionwide comprehensive plan shall also include a divisionwide literacy plan for pre-kindergarten through grade eight. The Board shall issue guidance on the contents of such plans. The Department shall develop a template for such plans. Each divisionwide literacy plan shall follow such template and address how the local school board will align ~~(i)~~ *(a)* literacy professional development~~,~~ ~~(ii)~~*; (b)* core reading and literacy curriculum *for students in kindergarten through grade five*~~,~~*;* and ~~(iii)~~ *(c)* screening, supplemental instruction, and interventions *for students in kindergarten through grade eight* with evidence-based literacy instruction practices aligned with science-based reading research and how the school board will support parents to support the literacy development of their children. When developing such divisionwide literacy plan, each local school board shall use programs from the lists developed by the Department pursuant to subsection C of § 22.1-253.13:5 and subdivision H 2 of § 22.1-253.13:1 or seek approval from the Department for the use of alternative programs that consist of evidence-based literacy instruction and align with science-based reading research. Each such divisionwide literacy plan shall be submitted to the Department and shall identify which core literacy curricula, supplemental instructional practices and programs, and intervention programs from the list developed by the Department pursuant to subdivision H 2 of § 22.1-253.13:1 or alternative programs approved by the Department that consist of evidence-based literacy instruction and align with science-based reading research will be used in each grade level, kindergarten through 12, at each of the schools within such school division. Each local school board shall post, maintain, and update as necessary on such school board's website a copy of its divisionwide literacy plan and the job description and contact information for any reading specialist employed by such school division pursuant to subsection G of § 22.1-253.13:2 and for any dyslexia specialist employed by such school division. The Department shall post each divisionwide literacy plan on its website.

A report shall be presented by each school board to the public by November 1 of each odd-numbered year on the extent to which the objectives of the divisionwide comprehensive plan have been met during the previous two school years.

C. Each public school shall also prepare a comprehensive, unified, long-range plan, which the relevant school board shall consider in the development of its divisionwide comprehensive plan.

D. The Board shall, in a timely manner, make available to local school boards information about where current Virginia school laws, Board regulations and revisions, and copies of relevant Opinions of the Attorney General of Virginia may be located online.

CHAPTER 13

An Act to amend and reenact §§ 10.1-659, 10.1-660, and 62.1-223.2 of the Code of Virginia, relating to Virginia Coastal Resilience Collaborative at The College of William and Mary in Virginia.

[S 674]

Approved March 8, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 10.1-659, 10.1-660, and 62.1-223.2 of the Code of Virginia are amended and reenacted as follows:

§ 10.1-659. Flood protection programs; coordination.

A. The provisions of this chapter shall be coordinated with the Virginia Coastal Resilience Master Plan, the Virginia Flood Protection Master Plan, and federal, state, and local flood prevention and water quality programs to minimize loss of life, property damage, and negative impacts on the environment. This program coordination shall include but not be limited to the following: flood prevention, flood plain management, small watershed protection, dam safety, shoreline erosion and public beach preservation, and soil conservation programs of the Department of Conservation and Recreation; the construction activities of the Department of Transportation, including projects that result in hydrologic modification of rivers, streams, and flood plains; the nontidal wetlands, water quality, Chesapeake Bay Preservation Area criteria, stormwater management, erosion and sediment control, and other water management programs of the State Water Control Board; the Virginia Coastal Zone Management Program at the Department of Environmental Quality; forested watershed management programs of the Department of Forestry; the agricultural stewardship, farmland preservation, and disaster

assistance programs of the Department of Agriculture and Consumer Services; the statewide building code and other land use control programs of the Department of Housing and Community Development; the habitat management programs of the Virginia Marine Resources Commission; the hazard mitigation planning and disaster response programs of the Department of Emergency Management; the fish and wildlife habitat protection programs of the Department of Wildlife Resources; the mineral extraction regulatory program of the Department of Energy; the flood plain restrictions of the Virginia Waste Management Board; flooding-related research programs of the state universities; local government assistance programs of the Virginia Soil and Water Conservation Board; the Virginia Antiquities Act program of the Department of Historic Resources; the public health and preparedness programs of the Virginia Department of Health; the State Council of Higher Education for Virginia; the State Corporation Commission; and any other state agency programs deemed necessary by the Director, the Chief Resilience Officer of the Commonwealth, and the Special Assistant to the Governor for Coastal Adaptation and Protection. The Department shall also coordinate with soil and water conservation districts, Virginia Cooperative Extension agents, and planning district commissions, and shall coordinate and cooperate with localities in rendering assistance to such localities in their efforts to comply with the planning, subdivision of land, and zoning provisions of Chapter 22 (§ 15.2-2200 et seq.) of Title 15.2.

B. The Director, in coordination with the Special Assistant to the Governor for Coastal Adaptation and Protection and the Chief Resilience Officer, shall hold meetings of representatives of the programs, entities, and localities described in subsection A at least annually in order to determine, coordinate, and prioritize the Commonwealth's efforts and expenditures to increase flooding resilience and flood preparedness and to implement the Virginia Coastal Resilience Master Plan and the Virginia Flood Protection Master Plan. The Department shall review any revisions to the Virginia Flood Protection Master Plan and provide an update on the progress of the implementation of the Virginia Coastal Resilience Master Plan at any such meetings. The Department shall cooperate with other public and private agencies having flood plain management programs and shall coordinate its responsibilities under this article and any other law. These activities shall constitute the Commonwealth's flood resilience, preparedness, prevention, and protection program.

C. 1. The Chief Resilience Officer, in coordination with the Special Assistant to the Governor for Coastal Adaptation and Protection and the Director, shall establish the Virginia Coastal Resilience Technical Advisory Committee (the Committee) to assist with developing, updating, and implementing the Virginia Coastal Resilience Master Plan.

2. The Committee shall be comprised of representatives of state agencies, coastal planning district commissions, regional commissions, academic advisors, and any other representatives as needed. Members shall serve at the pleasure of the Governor and shall include the following individuals or their designees: the executive directors of coastal planning district commissions and regional commissions; the Special Assistant to the Governor for Coastal Adaptation and Protection; the Director; the Director of the Virginia Department of Emergency Management; the Director of the Virginia Department of Housing and Community Development; the Executive Director of the Virginia Resources Authority; the Director of the Department of Environmental Quality; the Commissioner of the Virginia Department of Transportation; the Director of the Virginia Transportation Research Council; the Commissioner of the Virginia Marine Resources Commission; the Director of the Institute for Coastal Adaptation and Resilience; the Associate Dean for Research and Advisory Services at the Virginia Institute of Marine Science; the Director of the *Virginia Coastal Resilience Collaborative at The College of* William and Mary ~~School of Law Coastal Policy Center~~ *in Virginia*; the Director of the Virginia Tech Center for Coastal Studies; the Director of the Environmental Resilience Institute at the University of Virginia; the Director of Virginia Sea Grant; the Director of Diversity, Equity, and Inclusion; and the Chief Data Officer of the Commonwealth. The Chief Resilience Officer shall serve as chairman of the Committee.

3. The Chief Resilience Officer shall invite participation by the Commander of the U.S. Army Corps of Engineers, Norfolk District; the Commander of the Navy Region Mid-Atlantic; and representatives of the seven federally recognized Tribal Nations indigenous to the Commonwealth of Virginia.

4. Appointed members shall serve in an advisory role without compensation.

5. The Committee shall meet at least quarterly.

6. The Department, the Special Assistant to the Governor for Coastal Adaptation and Protection, and the Coastal Zone Management Program shall provide staff support to the Committee.

7. The Committee shall ensure that (i) risk evaluations and project prioritization protocols are regularly updated and are informed by the best applicable scientific and technical data; (ii) statewide and regional needs are addressed using the best applicable science and long-term resilience approaches; and (iii) the Virginia Coastal Resilience Master Planning Framework is adhered to in the development and updating of the Virginia Coastal Resilience Master Plan. The Committee shall also review updates to the Virginia Coastal Resilience Master Plan and receive updates about the progress of the Virginia Flood Protection Master Plan at each meeting. Additionally, the Committee may be called upon to assist the Department with the development and updating of the Virginia Flood Protection Master Plan.

§ 10.1-660. Coastal resilience policy; research university collaborative.

The Secretary of Natural and Historic Resources (the Secretary) and all relevant agencies, when setting coastal resilience policies, may seek input and consultation from the Commonwealth's research university collaborative, including the Virginia Coastal ~~Policy Center~~ *Resilience Collaborative at The College of William and Mary in Virginia*, Virginia Sea Grant, Virginia Cooperative Extension, and the Institute for Coastal Adaptation and Resilience. The Secretary and all relevant agencies may utilize such research university collaborative's expertise, research, and data analysis for the implementation of water management techniques and coastal resilience strategies.

§ 62.1-223.2. (Expires July 1, 2030) Wastewater Infrastructure Policy Working Group.

A. The Wastewater Infrastructure Policy Working Group (the Working Group) is established as an advisory board within the meaning of § 2.2-2100 in the executive branch of state government. The purpose of the Working Group is to continually assess wastewater infrastructure needs in the Commonwealth and develop policy recommendations.

B. The Working Group shall have a total membership of four ex officio members. The Director of the Department of Environmental Quality, the State Health Commissioner, the Director of the Department of Housing and Community Development, and the Executive Director of the Virginia Resources Authority, or their designees, shall serve ex officio with voting privileges. Members of the Working Group shall serve terms coincident with their terms of office. A majority of the members shall constitute a quorum.

C. The Working Group shall invite participation in its meetings by the Virginia Association of Counties, the Virginia Association of Planning District Commissions, the U.S. Department of Agriculture Rural Development, the Virginia Onsite Wastewater Recycling Association, the Virginia Association of Municipal Wastewater Agencies, the Virginia Rural Water Association, and SERCAP, Inc.

D. The Working Group shall have the following powers and duties:

1. Assess wastewater infrastructure needs in the Commonwealth and develop policy recommendations.

2. Promote public education about the importance of adequate wastewater treatment.

3. Encourage collaboration among local, state, and federal government entities, including consistent collaboration and coordination of grant requirements and timelines.

4. Endorse community-based and regional projects as opposed to cumulative and repetitive site-by-site individual solutions and integrated solutions across sewer and onsite wastewater treatment systems.

5. Support prioritized, focused, and innovative use of state and federal funding to address needs determined pursuant to § 62.1-223.3.

6. Prioritize universal access to wastewater treatment that protects public health and the environment and supports local economic growth and stability.

7. Support the incorporation of the effects of climate change into wastewater treatment regulatory and funding programs.

8. Submit an annual report to the Governor and the General Assembly for publication as a report document as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports. The Secretary of Natural and Historic Resources shall submit to the Governor and the General Assembly an annual executive summary of the interim activity and work of the Working Group no later than the first day of each regular session of the General Assembly. The executive summary shall be submitted as a report document as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.

E. The Secretaries of Natural and Historic Resources, Commerce and Trade, and Health and Human Resources shall provide staff support to the Working Group. The Center for Coastal Resources Management at the Virginia Institute of Marine Science and the Virginia Coastal ~~Policy Center~~ *Resilience Collaborative* at *The College of* William and Mary ~~Law School~~ *in Virginia* shall advise the Working Group. All agencies of the Commonwealth shall provide assistance to the Working Group upon request.

F. Notwithstanding the provisions of § 30-19.1:9, the provisions of this section shall expire on July 1, 2030.

CHAPTER 14

An Act to amend and reenact § 58.1-3330 of the Code of Virginia, relating to real property tax; notice of rate and assessment changes.

[S 677]

Approved March 8, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 58.1-3330 of the Code of Virginia is amended and reenacted as follows:

§ 58.1-3330. Notice of change in assessment.

A. Whenever in any county, city, or town there is a reassessment of real estate, or any change in the assessed value of any real estate, notice shall be given by mail directly to each property owner, as shown by the land books of the county, city, or town whose assessment has been changed. Such notice shall be sent by postpaid mail at least 15 days prior to the date of a hearing to protest such change to the address of the property owner as shown on such land books. The governing body of the county, city, or town shall require the officer of such county, city, or town charged with the assessment of real estate to send such notices or it shall provide funds or services to the persons making such reassessment so that such persons can send such notices.

B. Every notice shall, among other matters, show the magisterial or other district, if any, in which the real estate is located, the amount and the new and immediately prior two tax years' final assessed values of land, and the new and immediately prior two tax years' final assessed values of improvements. It shall further set out the time and place at which persons may appear before the officers making such reassessment or change and present objections thereto. The notice shall

also inform each property owner of the right to view and make copies of records maintained by the local assessment office pursuant to §§ 58.1-3331 and 58.1-3332 and inform each property owner that the records available and the procedure for accessing them are set out in §§ 58.1-3331 and 58.1-3332. In counties that have elected by ordinance to prepare land and personal property books in alphabetical order as authorized by § 58.1-3301 B, such notice may omit reference to districts, as provided herein.

The following requirements shall apply to any notice of change in assessment other than one in which the change arises solely from the construction or addition of new improvements to the real estate. If the tax rate that will apply to the new assessed value has been established, then the notice shall set out such rate. In addition, whether or not the tax rate applicable to the new assessed value has been established, the notice shall set out the tax rates for the immediately prior two tax years, the total amount of the new tax levy, based on the current tax rate at the time the notices are prepared, and the amounts of the total tax levies for the immediately prior two tax years, based on the final tax rates for those tax years multiplied by the final assessed values of land and improvements for those tax years, and the percentage changes in the new tax levy from the tax levies in the immediately prior two tax years.

If the tax rate that will apply to the new assessed value has not been established, then the notice shall set out the time and place of the next meeting of the local governing body at which public testimony will be accepted on any real estate tax rate changes. Additionally, in any county, city, or town that conducts an annual or biennial reassessment of real estate or in which reassessment of real estate is conducted primarily by employees of the county, city, or town under direction of the commissioner of the revenue, if ~~the proposed rate exceeds the lowered tax rate, as that term is described in subdivision C 2 of § 58.1-3321, the notice shall set out the effective tax rate increase, as that term is described in subdivision C 3 of § 58.1-3321~~ *the overall total assessed value of real property in the locality, excluding additional assessments due to new construction or improvements to real property, would result in an increase of one percent or more in the total real property tax levied in the locality, the notice shall set forth the tax rate that would levy the same amount of real estate tax as the previous year when multiplied by the new total assessed value of real estate, excluding additional assessments due to new construction or improvements to real property*. If this meeting will be more than 60 days from the date of the reassessment notice, then instead of the date of the meeting, the notice shall include information on when the date of the meeting will be set and where it will be publicized.

C. Any person other than the owner who receives such reassessment notice shall transmit the notice to such owner, at his last known address, immediately on receipt thereof and shall be liable to such owner in an action at law for liquidated damages in the amount of $25, in the event of a failure to so transmit the notice. Mailing such notice to the last known address of the property owner shall be deemed to satisfy the requirements of this section.

D. Notwithstanding the provisions of this section, if the address of the taxpayer as shown on the tax record is in care of a lender, the lender shall upon request furnish the county, city, or town a list of such property owners, together with their current addresses as they appear on the books of the lender, or the parties may by agreement permit the lender to forward such notices to the property owner, with the cost of postage to be paid by the county, city, or town.

CHAPTER 15

An Act to amend the Code of Virginia by adding a section numbered 23.1-407.2, relating to public institutions of higher education; admissions applications; legacy admissions and admissions based on donor status prohibited.

[H 48]

Approved March 8, 2024

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 23.1-407.2 as follows:

§ 23.1-407.2. Admissions applications; legacy admissions and admissions based on donor status prohibited.

A. As used in this section, "legacy status" means the familial relationship of an individual applying for admission to an institution of higher education to an alumnus of such institution.

B. No public institution of higher education shall provide any manner of preferential treatment in the admissions decision to any student applicant on the basis of such student's legacy status or such student's familial relationship to any donor to such institution.

CHAPTER 16

An Act to amend and reenact § 35.1-25 of the Code of Virginia, relating to restaurant exemptions; certain organizations participating in fundraising events.

[H 57]

Approved March 8, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 35.1-25 of the Code of Virginia is amended and reenacted as follows:

§ 35.1-25. Exemptions.

A. The provisions of this title applicable to restaurants shall not apply to:

1. Boardinghouses that do not accommodate transients;

2. Cafeterias operated by industrial plants for employees only;

3. Churches; fraternal or school organizations; organizations that are exempt from taxation under § 501(c)(3) of the Internal Revenue Code; and volunteer fire departments and volunteer emergency medical services agencies that hold *or participate in* occasional dinners, bazaars, and other ~~fund-raisers~~ *fundraisers* of one or two days' duration, at which food (i) prepared in the homes of members; (ii) prepared in the kitchen of the church, school, or organization; or (iii) purchased or donated from a restaurant licensed pursuant to Chapter 3 (§ 35.1-18 et seq.) is offered for sale to the public. Restaurants licensed pursuant to Chapter 3 that donate or sell food to the entities identified in this subdivision shall not be required to apply for any additional permits from, or pay any additional permit application fees to, the Department for the proposed occasional dinner, bazaar, or other fundraiser;

4. Grocery stores, including the delicatessen portion that is a part of a grocery store selling exclusively for off-premises consumption, and places manufacturing or selling packaged or canned goods;

5. Churches that serve meals consisting of food prepared in the homes of members or in the kitchen of the church or purchased or donated from a restaurant licensed pursuant to Chapter 3 (§ 35.1-18 et seq.) for their members or their invited guests;

6. Convenience stores or gas stations that are subject to the Department of Agriculture and Consumer Services' Retail Food Establishment Regulations or any regulations subsequently adopted and that (i) have 15 or fewer seats at which food is served to the public on the premises of the convenience store or gas station and (ii) are not associated with a national or regional restaurant chain. Notwithstanding this exemption, such convenience stores or gas stations shall remain responsible for collecting any applicable local meals tax;

7. Concession stands at youth athletic activities, if such stands are promoted or sponsored by a youth athletic association or by any charitable nonprofit organization or group thereof that has been recognized as being a part of the recreational program of the political subdivision where the association or organization is located by an ordinance or resolution of such political subdivision; or

8. Any bed-and-breakfast operation that prepares food for and offers food to guests, regardless of the time the food is prepared and offered, if (i) the premises of the bed-and-breakfast operation is a home that is owner occupied or owner-agent occupied, (ii) the bed-and-breakfast operation prepares food for and offers food to transient guests of the bed and breakfast only, (iii) the number of guests served by the bed-and-breakfast operation does not exceed 18 on any single day, and (iv) guests for whom food is prepared and to whom food is offered are informed in a manner established by the Board in regulations that the food is prepared in a kitchen that is not licensed as a restaurant and is not subject to regulations governing restaurants.

B. No regulation issued by the Board shall require any restaurant that is operated by (i) a nonprofit civic service organization, (ii) a volunteer fire department, or (iii) a volunteer emergency medical services agency to employ a certified food protection manager.

CHAPTER 17

An Act to amend and reenact §§ 64.2-2002, 64.2-2011, and 64.2-2020 of the Code of Virginia, relating to guardians and conservators; order of appointment and certificate of qualification; annual report.

[H 115]

Approved March 8, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 64.2-2002, 64.2-2011, and 64.2-2020 of the Code of Virginia are amended and reenacted as follows:

§ 64.2-2002. Who may file petition; contents.

A. Any person, including a community services board and any other local or state governmental agency, may file a petition for the appointment of a guardian, a conservator, or both.

B. A petition for the appointment of a guardian, a conservator, or both, shall state the petitioner's name, place of residence, post office address, and relationship, if any, to the respondent and, to the extent known as of the date of filing, shall include the following:

1. The respondent's name, date of birth, place of residence or location, post office address, and the sealed filing of the social security number;

2. The basis for the court's jurisdiction under the provisions of Article 2 (§ 64.2-2105 et seq.) of Chapter 21;

3. The names and post office addresses of the respondent's spouse, adult children, parents, and adult siblings or, if no such relatives are known to the petitioner, at least three other known relatives of the respondent, including stepchildren. If a total of three such persons cannot be identified and located, the petitioner shall certify that fact in the petition, and the court shall set forth such finding in the final order;

4. The name, place of residence or location, and post office address of the individual or facility, if any, that is responsible for or has assumed responsibility for the respondent's care or custody;

5. The name, place of residence or location, and post office address of any agent designated under a durable power of attorney or an advance directive of which the respondent is the principal, and any guardian, committee, or conservator currently acting, whether in this state or elsewhere, and the petitioner shall attach a copy of any such durable power of attorney, advance directive, or order appointing the guardian, committee, or conservator, if available;

5a. The name, location, and post office address of the respondent's primary health care provider, if any;

6. The type of guardianship or conservatorship requested and a brief description of the nature and extent of the respondent's alleged incapacity;

7. When the petition requests appointment of a guardian, a brief description of the services currently being provided for the respondent's health, care, safety, or rehabilitation and, where appropriate, a recommendation as to living arrangements and treatment plan;

8. If the appointment of a limited guardian is requested, the specific areas of protection and assistance to be included in the order of appointment and, if the appointment of a limited conservator is requested, the specific areas of management and assistance to be included in the order of appointment;

9. The name and post office address of any proposed guardian or conservator or any guardian or conservator nominated by the respondent and that person's relationship to the respondent;

10. The native language of the respondent and any necessary alternative mode of communication;

11. A statement of the financial resources of the respondent that shall, to the extent known, list the approximate value of the respondent's property and the respondent's anticipated annual gross income, other receipts, and debts, contained in a separate confidential addendum, pursuant to § 64.2-2000.1;

12. A statement of whether the petitioner believes that the respondent's attendance at the hearing would be detrimental to the respondent's health, care, or safety; and

13. A request for appointment of a guardian ad litem.

C. The petitioner shall complete and file with the petition for appointment of a guardian, a conservator, or both, a cover sheet on a form prepared by the Office of the Executive Secretary of the Supreme Court of Virginia. Such cover sheet shall contain such information as the Executive Secretary deems necessary.

§ 64.2-2011. Qualification of guardian or conservator; clerk to record order and issue certificate; reliance on certificate.

A. A guardian or conservator appointed in the court order shall qualify before the clerk upon the following:

1. Subscribing to an oath promising to faithfully perform the duties of the office in accordance with all provisions of this chapter;

2. Posting of bond, but no surety shall be required on the bond of the guardian, and the conservator's bond may be with or without surety, as ordered by the court; and

3. Acceptance in writing by the guardian or conservator of any educational materials provided by the court.

B. Upon qualification, the clerk shall issue to the guardian or conservator a certificate with a copy of the order *of appointment* appended thereto. The clerk shall record the order in the same manner as a power of attorney would be recorded and shall, in addition to the requirements of § 64.2-2014, provide a copy of the order to the commissioner of accounts. It shall be the duty of a conservator having the power to sell real estate to record the order in the office of the clerk of any jurisdiction where the respondent owns real property. If the order appoints a guardian, the clerk shall promptly forward a copy of the order *of appointment and a copy of the certificate of qualification* to the local department of social services in the jurisdiction where the respondent then resides and *a copy of the order of appointment* to the Department of Medical Assistance Services.

C. A conservator shall have all powers granted pursuant to § 64.2-2021 as are necessary and proper for the performance of his duties in accordance with this chapter, subject to the limitations that are prescribed in the order. The powers granted to a guardian shall only be those powers enumerated in the court order.

D. Any individual or entity conducting business in good faith with a guardian or conservator who presents a currently effective certificate of qualification may presume that the guardian or conservator is properly authorized to act as to any matter or transaction, except to the extent of any limitations upon the fiduciary's powers contained in the court's order of appointment.

1. A person that refuses in violation of this subsection to accept a certificate of qualification is subject to (i) a court order mandating acceptance of the certificate of qualification and (ii) liability for reasonable attorney fees and costs incurred in any action or proceeding that confirms the validity of the certificate of qualification or mandates acceptance of the certificate of qualification.

2. A person shall either accept or reject a certificate of qualification no later than seven business days after presentation of such certificate of qualification for acceptance. A person is not required to accept a certificate of qualification for a transaction if:

a. Engaging in the transaction with the guardian or conservator would be inconsistent with state or federal law;

b. The person has actual knowledge of the termination of the authority of the guardian or conservator or of the certificate of qualification before exercise of the power;

c. The person in good faith believes that the certificate of qualification is not valid or that the guardian or conservator does not have the authority to perform the act requested; or

d. The person believes in good faith that the transaction may involve, facilitate, result in, or contribute to financial exploitation.

§ 64.2-2020. Annual reports by guardians.

A. ~~A~~ *Within six months from the date of qualification, a* guardian *appointed pursuant to § 64.2-2009* shall file an *initial* annual report ~~in compliance with the filing deadlines in § 64.2-1305~~ *reflecting the first four months of guardianship since qualification* with the local department of social services for the jurisdiction where the incapacitated person then resides. *After such initial annual report has been filed, the second and subsequent annual reports for each succeeding 12-month period shall be due within four months from the last day of the 12-month period covered by the previous annual report.* The annual report shall be on a form prepared by the Office of the Executive Secretary of the Supreme Court and shall be accompanied by a filing fee of $5. To the extent practicable, the annual report shall be formatted in a manner to encourage standardized and detailed responses from guardians. The local department shall retain the fee in the jurisdiction where the fee is collected for use in the provision of services to adults in need of protection. Within 60 days of receipt of the annual report, the local department shall file a copy of the annual report with the clerk of the circuit court that appointed the guardian, to be placed with the court papers pertaining to the guardianship case. Twice each year the local department shall file with the clerk of the circuit court a list of all guardians who are more than 90 days delinquent in filing an annual report as required by this section. If the guardian is also a conservator, a settlement of accounts shall also be filed with the commissioner of accounts as provided in § 64.2-1305.

B. The annual report to the local department of social services shall include:

1. A description of the current mental, physical, and social condition of the incapacitated person, including any change in diagnosis or assessment of any such condition of such incapacitated person by any medical provider since the last report;

2. A description of the incapacitated person's living arrangements during the reported period, including a specific assessment of the adequacy of such living arrangement;

3. The medical, educational, vocational, social, recreational, and any other professional services and activities provided to the incapacitated person and the guardian's opinion as to the adequacy of the incapacitated person's care. The information required by this subdivision shall include (i) the specific names of the medical providers that have treated the incapacitated person and a description of the frequency or number of times the incapacitated person was seen by such providers; (ii) the date and location of and reason for any hospitalization of such incapacitated person; and (iii) a description of the educational, vocational, social, and recreational activities in which such incapacitated person participated;

4. A statement of whether the guardian agrees with the current treatment or habilitation plan;

5. A statement of whether the incapacitated person has been an alleged victim in a report of abuse, neglect, or exploitation made pursuant to Article 2 (§ 63.2-1603 et seq.) of Chapter 16 of Title 63.2, to the extent known, and whether there are any other indications of abuse, neglect, or exploitation of such incapacitated person;

6. A recommendation as to the need for continued guardianship and any recommended changes in the scope of the guardianship;

7. The name of any persons whose access to communicate, visit, or interact with the incapacitated person has been restricted and the reasons for such restriction;

8. A self-assessment by the guardian as to whether he feels he is able to continue to carry out the powers and duties imposed upon him by § 64.2-2019 and as specified in the court's order of appointment pursuant to § 64.2-2009;

9. Unless the incapacitated person resides with the guardian, a statement of the frequency and nature of any (i) in-person visits from the guardian with the incapacitated person over the course of the previous year and (ii) visits over the course of the previous year from a designee who is directly supervised or contracted by the guardian, including the name of the designee performing such visit. If any visit described in this section is made virtually, the guardian shall include such information in the annual report;

10. If no visit is made within a 120-day period, the guardian shall describe any challenges or limitations in completing such visit;

11. A general description of the activities taken on by the guardian for the benefit of the incapacitated person during the past year;

12. Any other information deemed necessary by the Office of the Executive Secretary of the Supreme Court of Virginia or the Department for Aging and Rehabilitative Services to understand the condition, treatment, and well-being of the incapacitated person;

13. Any other information useful in the opinion of the guardian; and

14. The compensation requested and the reasonable and necessary expenses incurred by the guardian.

The guardian shall certify by signing under oath that the information contained in the annual report is true and correct to the best of his knowledge. If a guardian makes a false entry or statement in the annual report, he shall be subject to a civil penalty of not more than $500. Such penalty shall be collected by the attorney for the Commonwealth or the county or city attorney, and the proceeds shall be deposited into the general fund.

C. If the local department of social services files notice that the annual report has not been timely filed in accordance with subsection A with the clerk of the circuit court, the court may issue a summons or rule to show cause why the guardian has failed to file such annual report.

2. That nothing in this act shall be construed to preclude the clerk of a circuit court from establishing and maintaining his own case management system or other independent technology system provided by a private vendor

or the locality. Any data from such clerk's independent system may be provided directly from such clerk to designated state agencies or through an interface with the technology systems operated by the Office of the Executive Secretary of the Supreme Court of Virginia.

CHAPTER 18

An Act to amend and reenact § 54.1-104 of the Code of Virginia, relating to Department of Professional and Occupational Regulation; Department of Health Professions; certain suspensions not considered disciplinary action.

[H 120]

Approved March 8, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 54.1-104 of the Code of Virginia is amended and reenacted as follows:

§ 54.1-104. Suspension of license, certificate, registration, permit, or authority for dishonor of fee payment; reinstatement.

The Department of Professional and Occupational Regulation and the Department of Health Professions may suspend the license, certificate, registration, permit, or authority it has issued any person who submits a check, money draft, or similar instrument for payment of a fee required by statute or regulation ~~which~~ *that* is not honored by the bank or financial institution named. The suspension shall become effective 10 days following delivery by certified mail of written notice of the dishonor and the impending suspension to such person's address. *However, such suspension shall only be reported as a suspension and shall not be considered or described as a disciplinary action by the board issuing such suspension.* Upon notification of suspension, the person may reinstate the license, certificate, registration, permit, or authority upon payment of the fee and penalties required under statute or regulation. Suspension under this provision shall be exempt from the Administrative Process Act (§ 2.2-4000 et seq.).

CHAPTER 19

An Act to allow the City of Staunton to waive utility connection fees in certain areas.

[H 136]

Approved March 8, 2024

Be it enacted by the General Assembly of Virginia:

1. *§ 1. That the City of Staunton may establish criteria to reduce or waive utility connection fees in the following described area located within the City of Staunton; Beginning at the intersection of Statler Boulevard and CSX Railroad near the intersection of Statler Boulevard and Richmond Avenue, those lots immediately adjacent to the northern side of the railroad with frontage on Summerson Row and Anthony Street, to also include four lots located on the northern side of Anthony Street, situated between the parcels currently operating as Allied Concrete and Staunton Wrecking; and continuing to those lots that adjoin the southern side of undeveloped Anthony Street, to include the lot at the intersection of National Avenue and Anthony Street; and continuing southwest, all of those lots to the south of CSX Railroad on the eastern side of National Avenue, then moving westerly to include the lots on the northern side of Richmond Avenue to the eastern corner of Young Street; including all of those lots on the eastern side of Young Street, inclusive of all of those lots situated between Young Street and National Avenue and Richmond Avenue and CSX Railroad. The parcels being further identified as City Parcel Identification Numbers: 4798, 1093, 7508, 7509, 2915, 4178, 7968, 954, 99, 1851, 1847, 8136, 1095, 1864, 8138, 1096, 1867, 8860, 1863, 1097, 1879, 1284, 8134, 1880, 1865, 100722, 1098, 1848, 1876, 7507, 98, 1811, 8496, 10320, 7712, 1845, 1842, 1840, 1843, 9013, 4994, 4993, 1, 4995, 7613, 7610, 7609, 7607, 7611, 3928, 3929, 5395, 101541, 101542, 7196, 1846, 6243, 8458, 1877, 3074, 7612, 100, 2914, 8839, 7608, 8843, 8678, 2913, 626, 8582, 3576, 3578, 3577, 1883, 1884, 5481, 2916, 11556, 2318, 8581, 786, 1376, 2912, 1882, 5599, 5151, 809, 2319, 3104, 5149, and 1094.*

2. That after the establishment of criteria for the reduction or waiving of utility connection fees for the area specified in this act, the Staunton City Council is authorized to adopt an ordinance to reduce or waive utility connection fees for the area.

CHAPTER 20

An Act to amend and reenact § 8.01-271.1 of the Code of Virginia, relating to signing of pleadings, motions, and other papers; electronic signatures.

[H 171]

Approved March 8, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 8.01-271.1 of the Code of Virginia is amended and reenacted as follows:

§ 8.01-271.1. Signing of pleadings, motions, and other papers; oral motions; sanctions.

A. Except as otherwise provided in §§ 16.1-260 and 63.2-1901, every pleading, motion, or other paper of a party represented by an attorney shall be signed by at least one attorney of record who is an active member in good standing of the Virginia State Bar in his individual name, and the attorney's address shall be stated on the first pleading filed by that attorney in the action. A party who is not represented by an attorney, including a person confined in a state or local correctional facility proceeding pro se, shall sign his pleading, motion, or other paper and state his address. The signature of a person other than counsel of record who is an active member in good standing of the Virginia State Bar or a pro se litigant is not a valid signature. A minor who is not represented by an attorney shall sign his pleading, motion, or other paper by his next friend. Either or both parents of such minor may sign on behalf of such minor as his next friend. However, a parent may not sign on behalf of a minor if such signature is otherwise prohibited by subdivision 6 of § 64.2-716. *The signature required by this section may be an electronic signature as defined in § 59.1-480 or a digital image of a signature.* If a pleading, motion, or other paper is not signed in compliance with this paragraph, it is defective. Such a defect renders the pleading, motion, or other paper voidable.

B. The signature of an attorney or party constitutes a certificate by him that (i) he has read the pleading, motion, or other paper, (ii) to the best of his knowledge, information and belief, formed after reasonable inquiry, it is well grounded in fact and is warranted by existing law or a good faith argument for the extension, modification, or reversal of existing law, and (iii) it is not interposed for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation.

C. An oral motion made by an attorney or party in any court of the Commonwealth constitutes a representation by him that (i) to the best of his knowledge, information and belief formed after reasonable inquiry it is well grounded in fact and is warranted by existing law or a good faith argument for the extension, modification or reversal of existing law, and (ii) it is not interposed for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation.

D. If a pleading, motion, or other paper is signed or made in violation of this section, the court, upon motion or upon its own initiative, shall impose upon the person who signed the paper or made the motion, a represented party, or both, an appropriate sanction, which may include an order to pay to the other party or parties the amount of the reasonable expenses incurred because of the filing of the pleading, motion, or other paper or making of the motion, including reasonable attorney fees.

E. Failure to raise the issue of a signature defect in a pleading, motion, or other paper before the trial court's jurisdiction expires pursuant to Rule 1:1 (a) and Rule 1:1B waives any challenge to that pleading, motion, or other paper based on such a defect.

F. Signature defects in appellate filings, including the notice of appeal, shall be raised in the appellate court where the appeal is taken. Failure to timely raise the issue of a defective signature in an appellate pleading, motion, or other paper while the case is pending before the appellate court waives any challenge to that pleading, motion, or other paper based on such a defect.

G. If a signature defect is not timely and properly cured after it is brought to the attention of the pleader or movant, the pleading, motion, or other paper is invalid and shall be stricken. A signature defect shall be cured within 21 days after it is brought to the attention of the pleader or movant. If a signature defect is timely and properly cured, the pleading, motion, or other paper shall be valid and relate back to the date it was originally served or filed.

CHAPTER 21

An Act to amend the Code of Virginia by adding a section numbered 20-13.2, relating to marriage lawful regardless of sex, gender, or race of parties; issuance of marriage license.

[H 174]

Approved March 8, 2024

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 20-13.2 as follows:

§ 20-13.2. Marriage lawful regardless of sex, gender, or race of parties.

No person authorized by § 20-14 to issue a marriage license shall deny the issuance of such license to two parties contemplating a lawful marriage on the basis of the sex, gender, or race of such parties. Such lawful marriages shall be recognized in the Commonwealth regardless of the sex, gender, or race of the parties.

Religious organizations and members of the clergy acting in their religious capacity shall have the right to refuse to perform any marriage.

CHAPTER 22

An Act to amend and reenact §§ 20-108 and 20-124.7 of the Code of Virginia, relating to Virginia Military Parents Equal Protection Act; Space Force; deployment.

[H 194]

Approved March 8, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 20-108 and 20-124.7 of the Code of Virginia are amended and reenacted as follows:

§ 20-108. Revision and alteration of such decrees.

The court may, from time to time after decreeing as provided in § 20-107.2, on petition of either of the parents, or on its own motion or upon petition of any probation officer or the Department of Social Services, which petition shall set forth the reasons for the relief sought, revise and alter such decree concerning the care, custody, and maintenance of the children and make a new decree concerning the same, as the circumstances of the parents and the benefit of the children may require. The intentional withholding of visitation of a child from the other parent without just cause may constitute a material change of circumstances justifying a change of custody in the discretion of the court.

No support order may be retroactively modified, but may be modified with respect to any period during which there is a pending petition for modification in any court, but only from the date that notice of such petition has been given to the responding party.

Any member of the United States Army, Navy, Air Force, Marine Corps, Coast Guard, *Space Force,* National Guard, or any other reserve component thereof, who files a petition or is a party to a petition requesting the adjudication of the custody, visitation or support of a child based on a change of circumstances due to one of the parent's deployment, as that term is defined in § 20-124.7, shall be entitled to have such a petition expedited on the docket of the court.

§ 20-124.7. Definitions.

For purposes of this chapter:

"Deploying parent or guardian" means a parent of a child under the age of 18 whose parental rights have not been terminated by a court of competent jurisdiction or a guardian of a child under the age of 18 who is deployed or who has received written orders to deploy with the United States Army, Navy, Air Force, Marine Corps, Coast Guard, *Space Force,* National Guard, or any other reserve component thereof.

"Deployment" means compliance with military orders received by a member of the United States Army, Navy, Air Force, Marine Corps, Coast Guard, *Space Force,* National Guard, or any other reserve component thereof to report for combat operations or other active service for which the deploying parent or guardian is required to report unaccompanied by any family member.

CHAPTER 23

An Act to amend and reenact § 54.1-2200 of the Code of Virginia, relating to Department of Professional and Occupational Regulation; practice of geology; definitions.

[H 287]

Approved March 8, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 54.1-2200 of the Code of Virginia is amended and reenacted as follows:

§ 54.1-2200. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Board" means the Board for Professional Soil Scientists, Wetland Professionals, and Geologists.

"Department" means the Department of Professional and Occupational Regulation.

"Eligible soil scientist" means a person who possesses the qualifications specified in this chapter to become licensed.

"Eligible wetland professional" means a person who possesses the qualifications specified in this chapter to become certified.

"Geological mapping" means the process of creating a map on which is recorded geological information, such as the distribution, nature, and age of relationships of rock units, in which surficial deposits may or may not be mapped separately, and the occurrence of structural features such as folds, faults, and joints; mineral deposits; and fossil localities. "Geological mapping" may indicate geologic structure by means of formational outcrop patterns, by conventional symbols giving the direction and amount of dip at certain points, or by structure-contour lines.

"Geologist" means a person engaged in the ~~public~~ practice of geology.

"Geology" means the science ~~dealing with~~ *encompassing those principles and methods related to* (i) the earth and its history in general; (ii) the investigation, prediction, evaluation, and location of materials and structures ~~which~~ *that* compose the earth; (iii) the natural processes that cause changes in the earth; and (iv) the application of knowledge of the earth, its processes, and its constituent rocks, minerals, liquids, gases, and other natural materials.

"Practice of geology" means the performance of any *professional* service or work ~~for the general public~~ wherein the principles and methods of geology are applied*, including (i) investigating, evaluating, and consulting; (ii) geological mapping; (iii) describing the natural processes that act upon the earth's materials; (iv) predicting the probable occurrence of natural processes; and (v) inspecting, planning, and performing and supervising geological work in order to enhance and protect the health, safety, and welfare of the public and the environment*.

"Practice of soil evaluation" means the evaluation of soil by accepted principles and methods including, ~~but not limited to,~~ observation, investigation, and consultation on measured, observed*,* and inferred soils and their properties; analysis of the effects of these properties on the use and management of various kinds of soil; and preparation of soil descriptions, maps, reports*,* and interpretive drawings.

"Practice of wetland delineation" means the delineation of wetlands by accepted principles and methods including, ~~but not limited to,~~ observation, investigation, and consultation on soil, vegetation, and hydrologic parameters; and preparation of wetland delineations, descriptions, reports*,* and interpretive drawings.

"Qualified geologist" means an uncertified person who possesses all the qualifications specified in this chapter for certification.

"Soil" means the groups of natural bodies occupying the unconsolidated portion of the earth's surface which are capable of supporting plant life and have properties caused by the combined effects, as modified by topography and time, of climate and living organisms upon parent materials.

"Soil evaluation" means plotting soil boundaries, describing and evaluating the kinds of soil*,* and predicting their suitability for and response to various uses.

"Soil science" means the science dealing with the physical, chemical, mineralogical, and biological properties of soils as natural bodies.

"Soil scientist" means a person having special knowledge of soil science and the methods and principles of soil evaluation as acquired by education and experience in the formation, description*,* and mapping of soils.

"Virginia certified professional geologist" means a person who possesses all qualifications specified in this chapter for certification and whose competence has been attested by the Board through certification.

"Virginia certified professional wetland delineator" means a person who possesses the qualifications required for certification by the provisions of this chapter and the regulations of the Board and who is granted certification by the Board.

"Virginia licensed professional soil scientist" means a person who possesses the qualifications required for licensure by the provisions of this chapter and the regulations of the Board and who has been granted a license by the Board.

"Wetland delineation" means delineating wetland limits in accordance with prevailing state and federal regulatory guidance and describing wetland types.

"Wetland professional" means a person having special knowledge of wetland science and the methods and principles of wetland delineation as acquired by education and experience in the formation, description*,* and mapping of wetlands.

"Wetland science" means the science dealing with the physical, chemical, and biological properties of wetland systems integrated through ecological and morphological relationships.

"Wetlands" means the same as that term is defined in §§ 28.2-1300 and 62.1-44.3.

CHAPTER 24

An Act to amend and reenact § 32.1-330 of the Code of Virginia, relating to long-term services and supports screening; expedited screening; screening exemption; emergency.

[H 291]

Approved March 8, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 32.1-330 of the Code of Virginia is amended and reenacted as follows:

§ 32.1-330. Long-term services and supports screening required.

A. As used in this section, "acute care hospital" includes an acute care hospital, a rehabilitation hospital, a rehabilitation unit in an acute care hospital, or a psychiatric unit in an acute care hospital.

B. Every individual who applies for or requests community or institutional long-term services and supports as defined in the state plan for medical assistance services may choose to receive services in a community or institutional setting. Every individual who applies for or requests community or institutional long-term services and supports shall be afforded the opportunity to choose the setting and provider of long-term services and supports.

C. Every individual who applies for or requests community or institutional long-term services and supports shall be screened prior to ~~admission to~}*, or in the situations described in subsection F within three business days of, initiation of* such community or institutional long-term services and supports to determine his need for long-term services and supports, including nursing facility services as defined in the state plan for medical assistance services. The type of long-term services and supports screening performed shall not limit the long-term services and supports settings or providers for which the individual is eligible.

D. ~~If~~ *Except as otherwise provided in this subsection, if* an individual who applies for or requests long-term services and supports as defined in the state plan for medical assistance services is residing in a community setting at the time of

such application or request, the screening for long-term services and supports required pursuant to subsection C shall be completed by a long-term services and supports screening team that includes a nurse, social worker or other assessor designated by the Department who is an employee of the Department of Health or the local department of social services and a physician who is employed or engaged by the Department of Health. *To the extent such screening team determines it is unable to complete the long-term services and supports screening within 30 days and the individual is in imminent need of nursing facility placement, such screening team shall confer as to which entity can most expeditiously conduct the long-term services and supports screening. The nursing facility screening team as described in subsection F shall be authorized to conduct such screening if it is determined that it is the most expeditious option.*

E. If an individual who applies for or requests long-term services and supports as defined in the state plan for medical assistance services is receiving inpatient services in an acute care hospital at the time of such application or request and will *immediately* begin receiving long-term services and supports as defined in the state plan for medical assistance services pursuant to a discharge order from an acute care hospital, the screening for long-term services and supports required pursuant to subsection C shall be completed by the acute care hospital in accordance with the screening requirements established by the Department. *Any individual receiving inpatient services in an acute care hospital discharged to a nursing facility for skilled care only is not required to be screened prior to discharge from the hospital unless the individual requests the screening.*

F. If an individual who applies for or requests long-term services and supports as defined in the state plan for medical assistance services is receiving skilled nursing services ~~that are not covered by the Commonwealth's program of medical assistance services in an institutional setting following discharge from an acute care hospital,~~ *in a nursing facility, or in the situation described in subsection D where the nursing facility screening team is authorized to conduct the long-term services and supports screening,* the Department shall require qualified staff of the ~~skilled~~ nursing ~~institution~~ *facility* to conduct the long-term services and supports screening *prior to or within three business days of initiation of long-term services and supports and* in accordance with the requirements established by the Department, with the results certified by a physician prior to ~~the~~ *or within three business days of* initiation of long-term services and supports under the state plan for medical assistance services.

G. If an individual is admitted to a ~~skilled~~ nursing facility ~~for skilled nursing services~~ and such individual was not screened but is subsequently determined to have been required to be screened prior to admission to the ~~skilled~~ nursing facility, then the qualified staff designated in subsection F may conduct a screening after admission. Coverage of institutional long-term services and supports under this subsection by the Commonwealth's program of medical assistance services indicated by the screening shall not begin until six months after the initial admission to the ~~skilled~~ nursing facility. During this six-month period, the nursing home in which the individual resides shall be responsible for all costs indicated for institutional long-term services and supports that would otherwise have been covered by the Commonwealth's program of medical assistance services, without accessing patient funds. Six months after the date of admission to the ~~skilled~~ nursing facility, and as indicated through the eligibility determination, the Commonwealth's program of medical assistance services shall assume coverage of such services. To the extent that sufficient evidence is provided to indicate that the admission without screening was of no fault of the ~~skilled~~ nursing facility, the Department shall begin coverage of institutional long-term services and supports under this subsection by the Commonwealth's program of medical assistance services immediately upon the completion of the functional screening indicating nursing facility level of care pending the financial eligibility determination.

H. In any jurisdiction in which a long-term services and supports screening team described in subsection D or E has failed or is unable to perform the long-term services and supports screenings required by subsection D or E within 30 days of receipt of the individual's application or request for long-term services and supports under the state plan, the Department shall enter into contracts with other public or private entities to conduct such long-term services and supports screenings in addition to or in lieu of the long-term services and supports screening teams described in subsections D and E. *This subsection shall not apply to the specific circumstance outlined in subsection D where the qualified staff of a nursing facility agree to conduct such screening.*

I. The Department shall require all individuals who perform long-term services and supports screenings pursuant to this section to receive training on and be certified in the use of the long-term services and supports screening tool for eligibility for community or institutional long-term services and supports provided in accordance with the state plan for medical assistance services prior to conducting such long-term services and supports screenings.

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

2. That an emergency exists and this act is in force from its passage.

3. That the Department of Medical Assistance Services shall promulgate regulations to implement the provisions of this act to be effective within 280 days of its enactment.

CHAPTER 25

An Act to amend and reenact §§ 18.2-251.02 and 18.2-254.1 of the Code of Virginia, relating to Drug Treatment Court Act; name change.

[H 292]

Approved March 8, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 18.2-251.02 and 18.2-254.1 of the Code of Virginia are amended and reenacted as follows:

§ 18.2-251.02. Drug Offender Assessment and Treatment Fund.

There is hereby established in the state treasury the Drug Offender Assessment and Treatment Fund, which shall consist of moneys received from fees imposed on certain drug offense convictions pursuant to § 16.1-69.48:3 and subdivisions A 10 and 11 of § 17.1-275. All interest derived from the deposit and investment of moneys in the Fund shall be credited to the Fund. Any moneys not appropriated by the General Assembly shall remain in the Drug Offender Assessment and Treatment Fund and shall not be transferred or revert to the general fund at the end of any fiscal year. All moneys in the Fund shall be subject to annual appropriation by the General Assembly to the Department of Corrections, the Department of Juvenile Justice, and the Commission on VASAP to implement and operate the offender substance abuse screening and assessment program; the Department of Criminal Justice Services for the support of community-based probation and local pretrial services agencies; and the Office of the Executive Secretary of the Supreme Court of Virginia for the support of ~~drug treatment~~ *recovery* court programs.

§ 18.2-254.1. Recovery Court Act.

A. This section shall be known and may be cited as the ~~"Drug Treatment~~ *"Recovery* Court Act."

B. The General Assembly recognizes that there is a critical need in the Commonwealth for effective treatment programs that reduce the incidence of drug use, drug addiction, family separation due to parental substance abuse, and drug-related crimes. It is the intent of the General Assembly by this section to enhance public safety by facilitating the creation of ~~drug treatment~~ *recovery* courts as means by which to accomplish this purpose.

C. The goals of ~~drug treatment~~ *recovery* courts include: (i) reducing drug addiction and drug dependency among offenders; (ii) reducing recidivism; (iii) reducing drug-related court workloads; (iv) increasing personal, familial and societal accountability among offenders; and~~,~~ (v) promoting effective planning and use of resources among the criminal justice system and community agencies.

D. ~~Drug treatment~~ *Recovery* courts are specialized court dockets within the existing structure of Virginia's court system offering judicial monitoring of intensive treatment and strict supervision of addicts in drug and drug-related cases. Local officials must complete a recognized planning process before establishing a ~~drug treatment~~ *recovery* court program.

E. Administrative oversight for implementation of the ~~Drug Treatment~~ *Recovery* Court Act shall be conducted by the Supreme Court of Virginia. The Supreme Court of Virginia shall be responsible for (i) providing oversight for the distribution of funds for ~~drug treatment~~ *recovery* courts; (ii) providing technical assistance to ~~drug treatment~~ *recovery* courts; (iii) providing training for judges who preside over ~~drug treatment~~ *recovery* courts; (iv) providing training to the providers of administrative, case management, and treatment services to ~~drug treatment~~ *recovery* courts; and (v) monitoring the completion of evaluations of the effectiveness and efficiency of ~~drug treatment~~ *recovery* courts in the Commonwealth.

F. ~~A~~ *The* state ~~drug treatment court advisory committee~~ *Recovery Court Advisory Committee* shall be established to (i) evaluate and recommend standards for the planning and implementation of ~~drug treatment~~ *recovery* courts; (ii) assist in the evaluation of their effectiveness and efficiency; and (iii) encourage and enhance cooperation among agencies that participate in their planning and implementation. The committee shall be chaired by the Chief Justice of the Supreme Court of Virginia or his designee and shall include a member of the Judicial Conference of Virginia who presides over a ~~drug treatment~~ *recovery* court; a district court judge; the Executive Secretary or his designee; the directors of the following executive branch agencies: Department of Corrections, Department of Criminal Justice Services, Department of Juvenile Justice, Department of Behavioral Health and Developmental Services, Department of Social Services; a representative of the following entities: a local community-based probation and pretrial services agency, the Commonwealth's Attorney's Association, the Virginia Indigent Defense Commission, the Circuit Court Clerk's Association, the Virginia Sheriff's Association, the Virginia Association of Chiefs of Police, the Commission on VASAP, and two representatives designated by the Virginia Drug Court Association.

G. Each jurisdiction or combination of jurisdictions that intend to establish a ~~drug treatment~~ *recovery* court or continue the operation of an existing one shall establish a local ~~drug treatment~~ *recovery* court advisory committee. Jurisdictions that establish separate adult and juvenile ~~drug treatment~~ *recovery* courts may establish an advisory committee for each such court. Each advisory committee shall ensure quality, efficiency, and fairness in the planning, implementation, and operation of the ~~drug treatment~~ *recovery* court or courts that serve the jurisdiction or combination of jurisdictions. Advisory committee membership shall include, but shall not be limited to the following people or their designees: (i) the ~~drug treatment~~ *recovery* court judge; (ii) the attorney for the Commonwealth, or, where applicable, the city or county attorney who has responsibility for the prosecution of misdemeanor offenses; (iii) the public defender or a member of the local criminal defense bar in jurisdictions in which there is no public defender; (iv) the clerk of the court in which the ~~drug treatment~~ *recovery* court is located; (v) a representative of the Virginia Department of Corrections, or the Department of

Juvenile Justice, or both, from the local office which serves the jurisdiction or combination of jurisdictions; (vi) a representative of a local community-based probation and pretrial services agency; (vii) a local law-enforcement officer; (viii) a representative of the Department of Behavioral Health and Developmental Services or a representative of local drug treatment providers; (ix) the ~~drug~~ *recovery* court administrator; (x) a representative of the Department of Social Services; (xi) county administrator or city manager; and (xii) any other people selected by the ~~drug treatment~~ *recovery* court advisory committee.

H. Each local ~~drug treatment~~ *recovery* court advisory committee shall establish criteria for the eligibility and participation of offenders who have been determined to be addicted to or dependent upon drugs. Subject to the provisions of this section, neither the establishment of a ~~drug treatment~~ *recovery* court nor anything herein shall be construed as limiting the discretion of the attorney for the Commonwealth to prosecute any criminal case arising therein which he deems advisable to prosecute, except to the extent the participating attorney for the Commonwealth agrees to do so. As defined in § 17.1-805 or 19.2-297.1, adult offenders who have been convicted of a violent criminal offense within the preceding 10 years, or juvenile offenders who previously have been adjudicated not innocent of any such offense within the preceding 10 years, shall not be eligible for participation in any ~~drug treatment~~ *recovery* court established or continued in operation pursuant to this section.

I. Each ~~drug treatment~~ *recovery* court advisory committee shall establish policies and procedures for the operation of the court to attain the following goals: (i) effective integration of drug and alcohol treatment services with criminal justice system case processing; (ii) enhanced public safety through intensive offender supervision and drug treatment; (iii) prompt identification and placement of eligible participants; (iv) efficient access to a continuum of alcohol, drug, and related treatment and rehabilitation services; (v) verified participant abstinence through frequent alcohol and other drug testing; (vi) prompt response to participants' noncompliance with program requirements through a coordinated strategy; (vii) ongoing judicial interaction with each ~~drug~~ *recovery* court participant; (viii) ongoing monitoring and evaluation of program effectiveness and efficiency; (ix) ongoing interdisciplinary education and training in support of program effectiveness and efficiency; and (x) ongoing collaboration among ~~drug treatment~~ *recovery* courts, public agencies, and community-based organizations to enhance program effectiveness and efficiency.

J. Participation by an offender in a ~~drug treatment~~ *recovery* court shall be voluntary and made pursuant only to a written agreement entered into by and between the offender and the Commonwealth with the concurrence of the court.

K. Nothing in this section shall preclude the establishment of substance abuse treatment programs and services pursuant to the deferred judgment provisions of § 18.2-251.

L. Each offender shall contribute to the cost of the substance abuse treatment he receives while participating in a ~~drug treatment~~ *recovery* court pursuant to guidelines developed by the ~~drug treatment~~ *recovery* court advisory committee.

M. Nothing contained in this section shall confer a right or an expectation of a right to treatment for an offender or be construed as requiring a local ~~drug treatment~~ *recovery* court advisory committee to accept for participation every offender.

N. The Office of the Executive Secretary shall, with the assistance of the state ~~drug treatment court advisory committee~~ *Recovery Court Advisory Committee*, develop a statewide evaluation model and conduct ongoing evaluations of the effectiveness and efficiency of all local ~~drug treatment~~ *recovery* courts. A report of these evaluations shall be submitted to the General Assembly by December 1 of each year. Each local ~~drug treatment~~ *recovery* court advisory committee shall submit evaluative reports to the Office of the Executive Secretary as requested.

O. Notwithstanding any other provision of this section, no ~~drug treatment~~ *recovery* court shall be established subsequent to March 1, 2004, unless the jurisdiction or jurisdictions intending or proposing to establish such court have been specifically granted permission under the Code of Virginia to establish such court. The provisions of this subsection shall not apply to any ~~drug treatment~~ *recovery* court established on or before March 1, 2004, and operational as of July 1, 2004.

P. Subject to the requirements and conditions established by the state ~~Drug Treatment~~ *Recovery* Court Advisory Committee, there shall be established a ~~drug treatment~~ *recovery* court in the following jurisdictions: the City of Chesapeake and the City of Newport News.

Q. Subject to the requirements and conditions established by the state ~~Drug Treatment~~ *Recovery* Court Advisory Committee, there shall be established a ~~drug treatment~~ *recovery* court in the Juvenile and Domestic Relations District Court for the County of Franklin, provided that such court is funded solely through local sources.

R. Subject to the requirements and conditions established by the state ~~Drug Treatment~~ *Recovery* Court Advisory Committee, there shall be established a ~~drug treatment~~ *recovery* court in the City of Bristol and the County of Tazewell, provided that the court is funded within existing state and local appropriations.

2. That the Supreme Court of Virginia shall rename the state Drug Treatment Court Advisory Committee as the state Recovery Court Advisory Committee. Any requirements and conditions established by the state Drug Treatment Court Advisory Committee shall continue to exist under the state Recovery Court Advisory Committee.

CHAPTER 26

An Act to amend and reenact § 16.1-279.1 of the Code of Virginia, relating to protective order in case of family abuse; termination of temporary order of child support.

[H 294]

Approved March 8, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 16.1-279.1 of the Code of Virginia is amended and reenacted as follows:

§ 16.1-279.1. Protective order in cases of family abuse.

A. In cases of family abuse, including any case involving an incarcerated or recently incarcerated respondent against whom a preliminary protective order has been issued pursuant to § 16.1-253.1, the court may issue a protective order to protect the health and safety of the petitioner and family or household members of the petitioner. A protective order issued under this section may include any one or more of the following conditions to be imposed on the respondent:

1. Prohibiting acts of family abuse or criminal offenses that result in injury to person or property;

2. Prohibiting such contacts by the respondent with the petitioner or family or household members of the petitioner as the court deems necessary for the health or safety of such persons;

3. Granting the petitioner possession of the residence occupied by the parties to the exclusion of the respondent; however, no such grant of possession shall affect title to any real or personal property;

4. Enjoining the respondent from terminating any necessary utility service to the residence to which the petitioner was granted possession pursuant to subdivision 3 or, where appropriate, ordering the respondent to restore utility services to that residence;

5. Granting the petitioner and, where appropriate, any other family or household member of the petitioner, exclusive use and possession of a cellular telephone number or electronic device and the password to such device. The court may enjoin the respondent from terminating a cellular telephone number or electronic device before the expiration of the contract term with a third-party provider. The court may enjoin the respondent from using a cellular telephone or other electronic device to locate or surveille the petitioner;

6. Granting the petitioner temporary possession or use of a motor vehicle owned by the petitioner alone or jointly owned by the parties to the exclusion of the respondent and enjoining the respondent from terminating any insurance, registration, or taxes on the motor vehicle and directing the respondent to maintain the insurance, registration, and taxes, as appropriate; however, no such grant of possession or use shall affect title to the vehicle;

7. Requiring that the respondent provide suitable alternative housing for the petitioner and, if appropriate, any other family or household member and where appropriate, requiring the respondent to pay deposits to connect or restore necessary utility services in the alternative housing provided;

8. Ordering the respondent to participate in treatment, counseling or other programs as the court deems appropriate;

9. Granting the petitioner the possession of any companion animal as defined in § 3.2-6500 if such petitioner meets the definition of owner in § 3.2-6500; and

10. Any other relief necessary for the protection of the petitioner and family or household members of the petitioner, including a provision for temporary custody or visitation of a minor child.

A1. If a protective order is issued pursuant to subsection A, the court may also issue a temporary child support order for the support of any children of the petitioner whom the respondent has a legal obligation to support. Such *temporary child support* order shall terminate upon the determination of support pursuant to § 20-108.1 *or upon the termination of such protective order, whichever occurs first.*

B. 1. The protective order may be issued for a specified period of time up to a maximum of two years. The protective order shall expire at 11:59 p.m. on the last day specified or at 11:59 p.m. on the last day of the two-year period if no date is specified. Prior to the expiration of the protective order, a petitioner may file a written motion requesting a hearing to extend the order. Proceedings to extend a protective order shall be given precedence on the docket of the court. A written motion requesting a hearing to extend the protective order shall be served as soon as possible on the respondent.

If the petitioner was a family or household member of the respondent at the time the initial protective order was issued, the court may extend the protective order for a period not longer than two years to protect the health and safety of the petitioner or persons who are family or household members of the petitioner at the time the request for an extension is made. The extension of the protective order shall expire at 11:59 p.m. on the last day specified or at 11:59 p.m. on the last day of the two-year period if no date is specified. Nothing herein shall limit the number of extensions that may be requested or issued.

2. Upon the filing of a written motion requesting a hearing to extend the protective order, the court may issue an ex parte preliminary protective order pursuant to § 16.1-253.1 until the extension hearing. The ex parte preliminary protective order shall specify a date for the extension hearing, which shall be held within 15 days of the issuance of the ex parte preliminary protective order and may be held after the expiration of the protective order. If the respondent fails to appear at the extension hearing because the respondent was not personally served, the court shall schedule a new date for the extension hearing and may extend the ex parte preliminary protective order until such new date. The extended ex parte preliminary protective order shall be served as soon as possible on the respondent. If the respondent was personally served,

where the petitioner shows by clear and convincing evidence that a continuance is necessary to meet the ends of justice or the respondent shows good cause, the court may continue the extension hearing and such ex parte preliminary protective order shall remain in effect until the extension hearing.

C. A copy of the protective order shall be served on the respondent and provided to the petitioner as soon as possible. The court, including a circuit court if the circuit court issued the order, shall forthwith, but in all cases no later than the end of the business day on which the order was issued, enter and transfer electronically to the Virginia Criminal Information Network the respondent's identifying information and the name, date of birth, sex, and race of each protected person provided to the court and shall forthwith forward the attested copy of the protective order containing any such identifying information to the primary law-enforcement agency responsible for service and entry of protective orders. Upon receipt of the order by the primary law-enforcement agency, the agency shall forthwith verify and enter any modification as necessary to the identifying information and other appropriate information required by the Department of State Police into the Virginia Criminal Information Network established and maintained by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52 and the order shall be served forthwith upon the respondent and due return made to the court. Upon service, the agency making service shall enter the date and time of service and other appropriate information required by the Department of State Police into the Virginia Criminal Information Network and make due return to the court. If the order is later dissolved or modified, a copy of the dissolution or modification order shall also be attested, forwarded forthwith to the primary law-enforcement agency responsible for service and entry of protective orders, and upon receipt of the order by the primary law-enforcement agency, the agency shall forthwith verify and enter any modification as necessary to the identifying information and other appropriate information required by the Department of State Police into the Virginia Criminal Information Network as described above and the order shall be served forthwith and due return made to the court.

D. Except as otherwise provided in § 16.1-253.2, a violation of a protective order issued under this section shall constitute contempt of court.

E. The court may assess costs and attorney fees against either party regardless of whether an order of protection has been issued as a result of a full hearing.

F. Any judgment, order or decree, whether permanent or temporary, issued by a court of appropriate jurisdiction in another state, the United States or any of its territories, possessions or Commonwealths, the District of Columbia or by any tribal court of appropriate jurisdiction for the purpose of preventing violent or threatening acts or harassment against or contact or communication with or physical proximity to another person, including any of the conditions specified in subsection A, shall be accorded full faith and credit and enforced in the Commonwealth as if it were an order of the Commonwealth, provided reasonable notice and opportunity to be heard were given by the issuing jurisdiction to the person against whom the order is sought to be enforced sufficient to protect such person's due process rights and consistent with federal law. A person entitled to protection under such a foreign order may file the order in any juvenile and domestic relations district court by filing with the court an attested or exemplified copy of the order. Upon such a filing, the clerk shall forthwith forward an attested copy of the order to the primary law-enforcement agency responsible for service and entry of protective orders which shall, upon receipt, enter the name of the person subject to the order and other appropriate information required by the Department of State Police into the Virginia Criminal Information Network established and maintained by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52. Where practical, the court may transfer information electronically to the Virginia Criminal Information Network.

Upon inquiry by any law-enforcement agency of the Commonwealth, the clerk shall make a copy available of any foreign order filed with that court. A law-enforcement officer may, in the performance of his duties, rely upon a copy of a foreign protective order or other suitable evidence which has been provided to him by any source and may also rely upon the statement of any person protected by the order that the order remains in effect.

G. Either party may at any time file a written motion with the court requesting a hearing to dissolve or modify the order. Proceedings to dissolve or modify a protective order shall be given precedence on the docket of the court. Upon petitioner's motion to dissolve the protective order, a dissolution order may be issued ex parte by the court with or without a hearing. If an ex parte hearing is held, it shall be heard by the court as soon as practicable. If a dissolution order is issued ex parte, the court shall serve a copy of such dissolution order on respondent in conformity with §§ 8.01-286.1 and 8.01-296.

H. As used in this section:

"Copy" includes a facsimile copy.

"Protective order" includes an initial, modified or extended protective order.

I. Neither a law-enforcement agency, the attorney for the Commonwealth, a court nor the clerk's office, nor any employee of them, may disclose, except among themselves, the residential address, telephone number, or place of employment of the person protected by the order or that of the family of such person, except to the extent that disclosure is (i) required by law or the Rules of the Supreme Court, (ii) necessary for law-enforcement purposes, or (iii) permitted by the court for good cause.

J. No fee shall be charged for filing or serving any petition or order pursuant to this section.

K. Upon issuance of a protective order, the clerk of the court shall make available to the petitioner information that is published by the Department of Criminal Justice Services for victims of domestic violence or for petitioners in protective order cases.

L. An appeal of a final protective order issued by a circuit court pursuant to this section shall be given expedited review by the Court of Appeals.

CHAPTER 27

An Act to amend the Code of Virginia by adding in Chapter 16 of Title 55.1 sections numbered 55.1-1606 through 55.1-1609 and to repeal Article 2 (§§ 55.1-1406 through 55.1-1409) of Chapter 14 of Title 55.1 of the Code of Virginia, relating to rental conveyances; leases; assignments.

[H 312]

Approved March 8, 2024

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Chapter 16 of Title 55.1 sections numbered 55.1-1606 through 55.1-1609 as follows:

§ 55.1-1606. Grantees and assignees have same rights against lessees as lessors.

A grantee or assignee of any land leased, or of the reversion thereof, and his heirs, personal representative, or assigns, shall enjoy against the lessee, and his heirs, personal representative, or assigns, the like advantage, by action or entry for any forfeiture or by action upon any covenant or promise in the lease that the grantor, assignor, or lessor, or his heirs, might have enjoyed.

§ 55.1-1607. Lessees have same rights against grantees as against lessors.

A lessee, his personal representative, or his assigns may have against a grantee or alienee of the reversion, or of any part of such reversion, his heirs, or his assigns the like benefit of any condition, covenant, or promise in the lease as he could have had against the lessor himself and his heirs and assigns, except the benefit of any warranty, in deed or law.

§ 55.1-1608. What powers to pass to grantee or devisee; when attornment unnecessary.

In conveyances or devises of rents in fee, with powers of distress and reentry, or either of them, such powers shall pass to the grantee or devisee without express words. A grant or devise of a rent, or of a reversion or remainder, is good and effectual without attornment of the tenant, but no tenant who, before notice of the grant, paid the rent to the grantor shall suffer any damage as a result of such payment.

§ 55.1-1609. When attornment void.

The attornment of a tenant to any stranger is void, unless it is with the consent of the landlord of such tenant or pursuant to or in consequence of the judgment or order of a court.

2. That Article 2 (§§ 55.1-1406 through 55.1-1409) of Chapter 14 of Title 55.1 of the Code of Virginia is repealed.

CHAPTER 28

An Act to amend and reenact § 55.1-1235 of the Code of Virginia, relating to Virginia Residential Landlord and Tenant Act; early termination for military personnel; stop movement order.

[H 352]

Approved March 8, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 55.1-1235 of the Code of Virginia is amended and reenacted as follows:

§ 55.1-1235. Early termination of rental agreement by military personnel.

A. Any member of the Armed Forces of the United States or a member of the National Guard serving on full-time duty or as a civil service technician with the National Guard may, through the procedure detailed in subsection B, terminate his rental agreement if the member (i) has received permanent change of station orders ~~to depart 35 miles or more (radius) from the location of the dwelling unit,~~*;* (ii) has received temporary duty orders in excess of three months' duration ~~to depart 35 miles or more (radius) from the location of the dwelling unit,~~*;* (iii) is discharged or released from active duty with the Armed Forces of the United States or from his full-time duty or technician status with the National Guard~~, or~~*;* (iv) is ordered to report to government-supplied quarters resulting in the forfeiture of basic allowance for quarters*; or (v) has received a stop movement order in response to a local, national, or global emergency that is effective for an indefinite period or for a period of not less than 30 days and that prevents the service member from occupying the leased dwelling unit for a residential purpose.*

B. Tenants who qualify to terminate a rental agreement pursuant to subsection A shall do so by serving on the landlord a written notice of termination to be effective on a date stated in such written notice, such date to be not less than 30 days after the first date on which the next rental payment is due and payable after the date on which the written notice is given. The termination date shall be no more than 60 days prior to the date of departure necessary to comply with the official orders or any supplemental instructions for interim training or duty prior to the transfer. Prior to the termination date, the tenant shall furnish the landlord with a copy of the official notification of the orders or a signed letter, confirming the orders, from the tenant's commanding officer.

C. The landlord may not charge any liquidated damages.

D. Nothing in this section shall affect the tenant's obligations established by § 55.1-1227.

2. That an emergency exists and this act is in force from its passage.

CHAPTER 29

An Act to amend and reenact § 54.1-2105.03 of the Code of Virginia, relating to Department of Professional and Occupational Regulation; real estate board; continuing education requirements for real estate brokers and salespersons.

[H 383]

Approved March 8, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 54.1-2105.03 of the Code of Virginia is amended and reenacted as follows:

§ 54.1-2105.03. Continuing education; relicensure of brokers and salespersons.

A. Board regulations shall include educational requirements as a condition for relicensure of brokers and salespersons to whom active licenses have been issued by the Board beyond those now specified by law as conditions for licensure.

1. Brokers to whom active licenses have been issued by the Board shall be required to satisfactorily complete courses of not less than 24 hours of classroom or correspondence or other distance learning instruction during each licensing term. Of the total 24 hours, the curriculum shall consist of:

a. A minimum of ~~eight~~ *11* required hours to include at least three hours of ethics and standards of conduct, two hours of fair housing, ~~and the remaining three~~ *two* hours of legal updates and emerging trends~~,~~ *including* flood hazard areas and the National Flood Insurance Program, *two hours of* real estate agency, and *two hours of* real estate contracts;

b. A minimum of eight hours of courses relating to supervision and management of real estate agents and the management of real estate brokerage firms as are approved by the Board, two hours of which shall include an overview of the broker supervision requirements under this chapter and the Board regulations; and

c. ~~Eight~~ *Five* hours of general elective courses as are approved by the Board.

The Board may, on a year-by-year basis, adjust the required hours and course topics specified in this subdivision for the next succeeding year, applicable to a licensee in the next renewal period for his license, including the addition of topics deemed by the Board to be essential. Such designation or adjustment by the Board shall be made prior to September 1 of any given calendar year. The action of the Board in making such adjustment shall be subject to § 2.2-4012.1.

The fair housing requirements shall include an update on current cases and administrative decisions under fair housing laws. If the licensee submits a notarized affidavit to the Board that certifies that he does not practice residential real estate and shall not do so during the licensing term, training in fair housing shall not be required; instead, such licensee shall receive training in other applicable federal and state discrimination laws and regulations.

2. Salespersons to whom active licenses have been issued by the Board shall be required to satisfactorily complete courses of not less than 16 hours of classroom or correspondence or other distance learning instruction during each licensing term. Of the total 16 hours, the curriculum shall consist of:

a. A minimum of ~~eight~~ *11* required hours to include at least three hours of ethics and standards of conduct, two hours of fair housing, ~~and the remaining three~~ *two* hours of legal updates and emerging trends *including flood hazard areas and the National Flood Insurance Program*, *two hours of* real estate agency, *and two hours of* real estate contracts~~, and flood hazard areas and the National Flood Insurance Program~~; and

b. ~~Eight~~ *Five* hours of general elective courses as are approved by the Board.

The Board may, on a year-by-year basis, readjust the required hours and course topics specified in this subdivision for the next succeeding year, applicable to a licensee in the next renewal period for his license, including the addition of topics deemed by the Board to be essential. Such designation or adjustment by the Board shall be made prior to September 1 of any given calendar year. The action of the Board in making such adjustment shall be subject to § 2.2-4012.1.

3. The Board shall approve a continuing education curriculum of not less than three hours, and as of July 1, 2012, every applicant for relicensure as an active broker or salesperson shall complete at a minimum one three-hour continuing education course on the changes to residential standard agency effective as of July 1, 2011, to Article 3 (§ 54.1-2130 et seq.) prior to renewal or reinstatement of his license. If the licensee submits a notarized affidavit to the Board that certifies that he does not practice residential real estate and shall not do so during the licensing term, training in residential representation shall not be required. A licensee who takes one three-hour continuing education class on residential representation shall satisfy the requirements for continuing education and may, but shall not be required to, take any further continuing education on residential standard agency.

The fair housing requirements shall include an update on current cases and administrative decisions under fair housing laws. If the licensee submits a notarized affidavit to the Board that certifies that he does not practice residential real estate and shall not do so during the licensing term, training in fair housing shall not be required; instead, such licensee shall receive training in other applicable federal and state discrimination laws and regulations.

4. For correspondence and other distance learning instruction offered by an approved provider, the Board shall establish the appropriate testing procedures to verify completion of the course and require the licensee to file a notarized affidavit certifying compliance with the course requirements. The Board may establish procedures to ensure the quality of the courses. The Board shall not require testing for continuing education courses completed through classroom instruction.

B. Every applicant for relicensure as an active salesperson or broker shall complete the continuing education requirements prior to each renewal or reinstatement of his license. The continuing education requirement shall also apply to

inactive licensees who make application for an active license. Notwithstanding this requirement, military personnel called to active duty in the armed forces of the United States may complete the required continuing education within six months of their release from active duty.

C. The Board shall establish procedures for the carryover of continuing education credits completed by licensees from the licensee's current license period to the licensee's next renewal period.

D. The Board may grant exemptions or waive or reduce the number of continuing education hours required in cases of certified illness or undue hardship as demonstrated to the Board.

2. That the Real Estate Board shall promulgate regulations to implement the provisions of this act to be effective against current licensees beginning in such licensee's next full renewal cycle following the effective date of such regulations.

CHAPTER 30

An Act to amend and reenact § 37.2-431.1 of the Code of Virginia, relating to recovery residences; death and serious injury reports.

[S 19]

Approved March 8, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 37.2-431.1 of the Code of Virginia is amended and reenacted as follows:

§ 37.2-431.1. Recovery residences.

A. As used in this section:

"Credentialing entity" means a nonprofit organization that develops and administers professional certification programs according to standards of the National Alliance for Recovery Residences or standards endorsed by Oxford House, Inc.

"Level of support" means the level of support and structure that a recovery residence provides to residents, as specified in the standards of the National Alliance for Recovery Residences.

"Recovery residence" means a housing facility that is certified by the Department in accordance with regulations adopted by the Board and provides alcohol-free and illicit-drug-free housing to individuals with substance abuse disorders and individuals with co-occurring mental illnesses and substance abuse disorders that does not include clinical treatment services.

B. Every recovery residence shall disclose to each prospective resident its credentialing entity. If the credentialing entity is the National Alliance for Recovery Residences, the recovery residence shall disclose the level of support provided by the recovery residence. If the credentialing entity is Oxford House, Inc., the recovery residence shall disclose that the recovery residence is self-governed and unstaffed.

C. No person shall operate a recovery residence or advertise, represent, or otherwise imply to the public that a recovery residence or other housing facility is certified by the Department unless such recovery residence or other housing facility has been certified by the Department in accordance with regulations adopted by the Board. Such regulations (i) may require accreditation by or membership in a credentialing agency as a condition of certification ~~and~~*;* (ii) shall require the recovery residence, as a condition of certification, to comply with any minimum square footage requirements related to beds and sleeping rooms established by the credentialing entity or the square footage requirements set forth in § 36-105.4, whichever is greater*; and (iii) shall require recovery residences to report to the Department any death or serious injury that occurs in the recovery residence*.

D. The Department shall maintain a list of recovery residences on its website and shall provide (i) for each recovery residence included on such list, the credentialing entity; (ii) for recovery residences for which the National Alliance of Recovery Residences is the credentialing entity, the level of support provided by the recovery residence; and (iii) for recovery residences for which Oxford House, Inc., is the credentialing entity, a disclosure that the recovery residence is self-governed and unstaffed.

E. The Department may institute civil proceedings in the name of the Commonwealth to enjoin any person from violating the provisions of this section and to recover a civil penalty of at least $200 but no more than $1,000 for each violation. Such proceedings shall be brought in the general district or circuit court for the county or city in which the violation occurred or where the defendant resides. Civil penalties assessed under this section shall be paid into the Behavioral Health and Developmental Services Trust Fund established in § 37.2-318.

CHAPTER 31

An Act to amend the Code of Virginia by adding in Chapter 27 of Title 54.1 an article numbered 5, consisting of a section numbered 54.1-2729.02, relating to the Dentist and Dental Hygienist Compact.

[S 22]

Approved March 8, 2024

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Chapter 27 of Title 54.1 an article numbered 5, consisting of a section numbered 54.1-2729.02, as follows:

Article 5.

Dentist and Dental Hygienist Compact.

§ 54.1-2729.02. Dentist and Dental Hygienist Compact.

The General Assembly hereby enacts, and the Commonwealth of Virginia hereby enters into, the Dentist and Dental Hygienist Compact with any and all states legally joining therein according to its terms, in the form substantially as follows:

DENTIST AND DENTAL HYGIENIST COMPACT.

Article 1.

Title; Purpose.

This article shall be known and cited as the Dentist and Dental Hygienist Compact. The purposes of this Compact are to facilitate the interstate practice of dentistry and dental hygiene and improve public access to dentistry and dental hygiene services by providing dentists and dental hygienists licensed in a participating state the ability to practice in participating states in which they are not licensed. The Compact does this by establishing a pathway for dentists and dental hygienists licensed in a participating state to obtain a compact privilege that authorizes them to practice in another participating state in which they are not licensed. The Compact enables participating states to protect the public health and safety with respect to the practice of such dentists and dental hygienists, through the state's authority to regulate the practice of dentistry and dental hygiene in the state. The Compact:

1. Enables dentists and dental hygienists who qualify for a compact privilege to practice in other participating states without satisfying burdensome and duplicative requirements associated with securing a license to practice in those states;

2. Promotes mobility and addresses workforce shortages through each participating state's acceptance of a compact privilege to practice in that state;

3. Increases public access to qualified licensed dentists and dental hygienists by creating a responsible, streamlined pathway for licensees to practice in participating states;

4. Enhances the ability of participating states to protect the public's health and safety;

5. Does not interfere with licensure requirements established by a participating state;

6. Facilitates the sharing of licensure and disciplinary information among participating states;

7. Requires dentists and dental hygienists who practice in a participating state pursuant to a compact privilege to practice within the scope of practice authorized in that state;

8. Extends the authority of a participating state to regulate the practice of dentistry and dental hygiene within its borders to dentists and dental hygienists who practice in the state through a compact privilege;

9. Promotes the cooperation of participating states in regulating the practice of dentistry and dental hygiene within those states; and

10. Facilitates the relocation of military members and their spouses who are licensed to practice dentistry or dental hygiene.

Article 2.

Definitions.

As used in this Compact, unless the context requires otherwise, the following definitions shall apply:

"Active military member" means any person with full-time duty status in the Armed Forces of the United States, including members of the National Guard and Reserve.

"Adverse action" means disciplinary action or encumbrance imposed on a license or compact privilege by a state licensing authority.

"Alternative program" means a nondisciplinary monitoring or practice remediation process applicable to a dentist or dental hygienist approved by a state licensing authority of a participating state in which the dentist or dental hygienist is licensed. This includes, but is not limited to, programs to which licensees with substance abuse or addiction issues are referred in lieu of adverse action.

"Clinical assessment" means an examination or process required for licensure as a dentist or dental hygienist, as applicable, that provides evidence of clinical competence in dentistry or dental hygiene.

"Commissioner" means the individual appointed by a participating state to serve as the member of the Commission for that participating state.

"Compact" means this Dentist and Dental Hygienist Compact.

"Compact privilege" means the authorization granted by a remote state to allow a licensee from a participating state to practice as a dentist or dental hygienist in a remote state.

"Continuing professional development" means a requirement, as a condition of license renewal to provide evidence of successful participation in educational or professional activities relevant to practice or area of work.

"Criminal background check" means the submission of fingerprints or other biometric-based information for a license applicant for the purpose of obtaining that applicant's criminal history record information as defined in 28 C.F.R. § 20.3(d) from the Federal Bureau of Investigation and the state's criminal history record repository as defined in 28 C.F.R. § 20.3(f).

"Data system" means the Commission's repository of information about licensees, including but not limited to examination, licensure, investigative, compact privilege, adverse action, and alternative program information.

"Dental hygienist" means an individual who is licensed by a state licensing authority to practice dental hygiene.

"Dentist" means an individual who is licensed by a state licensing authority to practice dentistry.

"Dentist and Dental Hygienist Compact Commission" or "Commission" means a joint government agency established by this Compact comprised of each state that has enacted the Compact and a national administrative body comprised of a commissioner from each state that has enacted this Compact.

"Encumbered license" means a license that a state licensing authority has limited in any way other than through an alternative program.

"Executive board" means the chair, vice chair, secretary, and treasurer and any other commissioners as may be determined by commission rule or bylaw.

"Jurisprudence requirement" means the assessment of an individual's knowledge of the laws and rules governing the practice of dentistry or dental hygiene, as applicable, in a state.

"License" means current authorization by a state, other than authorization pursuant to a compact privilege, or other privilege, for an individual to practice as a dentist or dental hygienist in that state.

"Licensee" means an individual who holds an unrestricted license from a participating state to practice as a dentist or dental hygienist in that state.

"Model compact" means the model for the Dentist and Dental Hygienist Compact on file with the Council of State Governments or other entity as designated by the Commission.

"Participating state" means a state that has enacted this Compact and been admitted to the Commission in accordance with the provisions herein and commission rules.

"Qualifying license" means a license that is not an encumbered license issued by a participating state to practice dentistry or dental hygiene.

"Remote state" means a participating state where a licensee who is not licensed as a dentist or dental hygienist is exercising or seeking to exercise the compact privilege.

"Rule" means a regulation promulgated by an entity that has the force of law.

"Scope of practice" means the procedures, actions, and processes a dentist or dental hygienist licensed in a state is permitted to undertake in that state and the circumstances under which the licensee is permitted to undertake those procedures, actions, and processes. Such procedures, actions, and processes and the circumstances under which they may be undertaken may be established through means, including, but not limited to, statute, regulations, case law, and other processes, available to the state licensing authority or other government agency.

"Significant investigative information" means information, records, and documents received or generated by a state licensing authority pursuant to an investigation for which a determination has been made that there is probable cause to believe that the licensee has violated a statute or regulation that is considered more than a minor infraction for which the state licensing authority could pursue adverse action against the licensee.

"State" means any state, commonwealth, district, or territory of the United States that regulates the practices of dentistry and dental hygiene.

"State licensing authority" means an agency or other entity of a state that is responsible for the licensing and regulation of dentists or dental hygienists.

Article 3.

State Participation in the Compact.

A. In order to join this Compact and thereafter continue as a participating state, a state must:

1. Enact a compact that is not materially different from the model compact as determined in accordance with Commission rules;

2. Participate fully in the Commission's data system;

3. Have a mechanism in place for receiving and investigating complaints about its licensees and license applicants;

4. Notify the Commission, in compliance with the terms of this Compact and Commission rules, of any adverse action or the availability of significant investigative information regarding a licensee and license applicant;

5. Fully implement a criminal background check requirement, within a time frame established by Commission rule, by receiving the results of a qualifying criminal background check;

6. Comply with the Commission rules applicable to a participating state;

7. Accept the National Board Examinations of the Joint Commission on National Dental Examinations or another examination accepted by Commission rule as a licensure examination;

8. Accept for licensure such applicants for a dentist license who graduate from a predoctoral dental education program accredited by the Commission on Dental Accreditation, or another accrediting agency recognized by the U.S. Department of Education for the accreditation of dentistry and dental hygiene education programs, resulting in the Doctor of Dental Surgery (D.D.S.) or Doctor of Dental Medicine (D.M.D.) degree;

9. Accept for licensure such applicants for a dental hygienist license who graduate from a dental hygiene education program accredited by the Commission on Dental Accreditation or another accrediting agency recognized by the U.S. Department of Education for the accreditation of dentistry and dental hygiene education programs;

10. Require for licensure that applicants successfully complete a clinical assessment;

11. Have continuing professional development requirements as a condition for license renewal; and

12. Pay a participation fee to the Commission as established by Commission rule.

B. Providing alternative pathways for an individual to obtain an unrestricted license does not disqualify a state from participating in this Compact.

C. When conducting a criminal background check, the state licensing authority shall:

1. Consider such information in making a licensure decision;

2. Maintain documentation of completion of the criminal background check and background check information to the extent allowed by state and federal law; and

3. Report to the Commission whether it has completed the criminal background check and whether the individual was granted or denied a license.

D. A licensee of a participating state who has a qualifying license in that state and does not hold an encumbered license in any other participating state shall be issued a compact privilege in a remote state in accordance with the terms of this Compact and Commission rules. If a remote state has a jurisprudence requirement, a compact privilege will not be issued to the licensee unless the licensee has satisfied the jurisprudence requirement.

Article 4.

Compact Privilege.

A. To obtain and exercise the compact privilege under the terms and provisions of this Compact, the licensee shall:

1. Have a qualifying license as a dentist or dental hygienist in a participating state;

2. Be eligible for a compact privilege in any remote state in accordance with subsections D, G, and H of this section;

3. Submit to an application process whenever the licensee is seeking a compact privilege;

4. Pay any applicable Commission and remote state fees for a compact privilege in the remote state;

5. Meet any jurisprudence requirement established by a remote state in which the licensee is seeking a compact privilege;

6. Have passed a National Board Examination of the Joint Commission on National Dental Examinations or another examination accepted by Commission rule;

7. For a dentist, have graduated from a predoctoral dental education program accredited by the Commission on Dental Accreditation, or another accrediting agency recognized by the U.S. Department of Education for the accreditation of dentistry and dental hygiene education programs, resulting in the Doctor of Dental Surgery (D.D.S.) or Doctor of Dental Medicine (D.M.D.) degree;

8. For a dental hygienist, have graduated from a dental hygiene education program accredited by the Commission on Dental Accreditation or another accrediting agency recognized by the U.S. Department of Education for the accreditation of dentistry and dental hygiene education programs;

9. Have successfully completed a clinical assessment for licensure;

10. Report to the Commission adverse action taken by any nonparticipating state when applying for a compact privilege and, otherwise, within 30 days from the date the adverse action is taken;

11. Report to the Commission when applying for a compact privilege the address of the licensee's primary residence and thereafter immediately report to the Commission any change in the address of the licensee's primary residence; and

12. Consent to accept service of process by mail at the licensee's primary residence on record with the Commission with respect to any action brought against the licensee by the Commission or a participating state, and consent to accept service of a subpoena by mail at the licensee's primary residence on record with the Commission with respect to any action brought or investigation conducted by the Commission or a participating state.

B. The licensee must comply with the requirements of subsection A of this section to maintain the compact privilege in the remote state. If those requirements are met, the compact privilege will continue as long as the licensee maintains a qualifying license in the state through which the licensee applied for the compact privilege and pays any applicable compact privilege renewal fees.

C. A licensee providing dentistry or dental hygiene in a remote state under the compact privilege shall function within the scope of practice authorized by the remote state for a dentist or dental hygienist licensed in that state.

D. A licensee providing dentistry or dental hygiene pursuant to a compact privilege in a remote state is subject to that state's regulatory authority. A remote state may, in accordance with due process and that state's laws, by adverse action revoke or remove a licensee's compact privilege in the remote state for a specific period of time and impose fines or take any other necessary actions to protect the health and safety of its citizens. If a remote state imposes an adverse action against a compact privilege that limits the compact privilege, that adverse action applies to all compact privileges in all remote states. A licensee whose compact privilege in a remote state is removed for a specified period of time is not eligible for a compact privilege in any other remote state until the specific time for removal of the compact privilege has passed and all encumbrance requirements are satisfied.

E. If a license in a participating state is an encumbered license, the licensee shall lose the compact privilege in a remote state and shall not be eligible for a compact privilege in any remote state until the license is no longer encumbered.

F. Once an encumbered license in a participating state is restored to good standing, the licensee must meet the requirements of subsection A of this section to obtain a compact privilege in a remote state.

G. If a licensee's compact privilege in a remote state is removed by the remote state, the individual shall lose or be ineligible for the compact privilege in any remote state until the following occur:

1. The specific period of time for which the compact privilege was removed has ended; and

2. All conditions for removal of the compact privilege have been satisfied.

H. Once the requirements of subsection G of this section have been met, the licensee must meet the requirements in subsection A of this section to obtain a compact privilege in a remote state.

Article 5.

Active Military Members or Their Spouses.

Active military members and their spouses shall not be required to pay to the Commission the fee otherwise charged by the Commission for a compact privilege. If a remote state chooses to charge a fee for a compact privilege, it may choose to charge a reduced fee or no fee to active military members and their spouses for a compact privilege.

Article 6.

Adverse Actions.

A. A participating state in which a licensee is licensed shall have exclusive authority to impose adverse action against the qualifying license issued by that participating state.

B. A participating state may take adverse action based on the significant investigative information of a remote state, so long as the participating state follows its own procedures for imposing adverse action.

C. Nothing in this Compact shall override a participating state's decision that participation in an alternative program may be used in lieu of adverse action and that such participation shall remain nonpublic if required by the participating state's laws. Participating states must require licensees who enter any alternative program in lieu of discipline to agree not to practice pursuant to a compact privilege in any other participating state during the term of the alternative program without prior authorization from such other participating state.

D. Any participating state in which a licensee is applying to practice or is practicing pursuant to a compact privilege may investigate actual or alleged violations of the statutes and regulations authorizing the practice of dentistry or dental hygiene in any other participating state in which the dentist or dental hygienist holds a license or compact privilege.

E. A remote state shall have the authority to:

1. Take adverse actions as set forth in subsection D of Article 4 against a licensee's compact privilege in the state;

2. In furtherance of its rights and responsibilities under this Compact and the Commission's rules issue subpoenas for both hearings and investigations that require the attendance and testimony of witnesses and the production of evidence. Subpoenas issued by a state licensing authority in a participating state for the attendance and testimony of witnesses, or the production of evidence from another participating state, shall be enforced in the latter state by any court of competent jurisdiction, according to the practice and procedure of that court applicable to subpoenas issued in proceedings pending before it. The issuing authority shall pay any witness fees, travel expenses, mileage, and other fees required by the service statutes of the state where the witnesses or evidence are located; and

3. If otherwise permitted by state law, recover from the licensee the costs of investigations and disposition of cases resulting from any adverse action taken against that licensee.

F. Joint investigations.

1. In addition to the authority granted to a participating state by its dentist or dental hygienist licensure act or other applicable state law, a participating state may jointly investigate licensees with other participating states.

2. Participating states shall share any significant investigative information, litigation, or compliance materials in furtherance of any joint or individual investigation initiated under this Compact.

G. Authority to continue investigation.

1. After a licensee's compact privilege in a remote state is terminated, the remote state may continue an investigation of the licensee that began when the licensee had a compact privilege in that remote state.

2. If the investigation yields what would be significant investigative information had the licensee continued to have a compact privilege in that remote state, the remote state shall report the presence of such information to the data system as required by subdivision B 6 of Article 8 as if it was significant investigative information.

Article 7.

Establishment and Operation of the Dentist and Dental Hygienist Compact Commission.

A. The Compact participating states hereby create and establish a joint government agency whose membership consists of all participating states that have enacted the Compact. The Dentist and Dental Hygienist Compact Commission is an instrumentality of the participating states acting jointly and not an instrumentality of any one state. The Commission shall come into existence on or after the effective date of the Compact as set forth in subsection A of Article 11.

B. Participation, voting, and meetings.

1. Each participating state shall have and be limited to one commissioner selected by that participating state's state licensing authority or, if the state has more than one state licensing authority, selected collectively by the state licensing authorities.

2. The commissioner shall be a member or designee of such authority or authorities.

3. The Commission may by rule or bylaw establish a term of office for commissioners and may by rule or bylaw establish term limits.

4. The Commission may recommend to a state licensing authority or authorities, as applicable, removal or suspension of an individual as the state's commissioner.

5. A participating state's state licensing authority, or authorities, as applicable, shall fill any vacancy of its commissioner on the Commission within 60 days of the vacancy.

6. Each commissioner shall be entitled to one vote on all matters that are voted upon by the Commission.

7. The Commission shall meet at least once during each calendar year. Additional meetings may be held as set forth in the bylaws. The Commission may meet by telecommunication, video conference, or other similar electronic means.

C. The Commission shall have the following powers:

1. Establish the fiscal year of the Commission;

2. Establish a code of conduct and conflict of interest policies;

3. Adopt rules and bylaws;

4. Maintain its financial records in accordance with the bylaws;

5. Meet and take such actions as are consistent with the provisions of this Compact, the Commission's rules, and the bylaws;

6. Initiate and conclude legal proceedings or actions in the name of the Commission, provided that the standing of any state licensing authority to sue or be sued under applicable law shall not be affected;

7. Maintain and certify records and information provided to a participating state as the authenticated business records of the Commission and designate a person to do so on the Commission's behalf;

8. Purchase and maintain insurance and bonds;

9. Borrow, accept, or contract for services of personnel, including, but not limited to, employees of a participating state;

10. Conduct an annual financial review;

11. Hire employees, elect or appoint officers, fix compensation, define duties, grant such individuals appropriate authority to carry out the purposes of this Compact, and establish the Commission's personnel policies and programs relating to conflicts of interest, qualifications of personnel, and other related personnel matters;

12. As set forth in the Commission rules, charge a fee to a licensee for the grant of a compact privilege in a remote state and thereafter, as may be established by Commission rule, charge the licensee a compact privilege renewal fee for each renewal period in which that licensee exercises or intends to exercise the compact privilege in that remote state. Nothing herein shall be construed to prevent a remote state from charging a licensee a fee for a compact privilege or renewals of a compact privilege, or a fee for the jurisprudence requirement if the remote state imposes such a requirement for the grant of a compact privilege;

13. Accept any and all appropriate gifts, donations, grants of money, other sources of revenue, equipment, supplies, materials, and services, and receive, utilize, and dispose of the same, provided that at all times the Commission shall avoid any appearance of impropriety and/or conflict of interest;

14. Lease, purchase, retain, own, hold, improve, or use any property, real, personal, or mixed, or any undivided interest therein;

15. Sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property, real, personal, or mixed;

16. Establish a budget and make expenditures;

17. Borrow money;

18. Appoint committees, including standing committees, which may be composed of members, state regulators, state legislators or their representatives, and consumer representatives, and such other interested persons as may be designated in this Compact and the bylaws;

19. Provide and receive information from, and cooperate with, law-enforcement agencies;

20. Elect a chair, vice chair, secretary, and treasurer and such other officers of the Commission as provided in the Commission's bylaws;

21. Establish and elect an executive board;

22. Adopt and provide to the participating states an annual report;

23. Determine whether a state's enacted compact is materially different from the model compact language such that the state would not qualify for participation in this Compact; and

24. Perform such other functions as may be necessary or appropriate to achieve the purposes of this Compact.

D. Meetings of the Commission.

1. All meetings of the Commission that are not closed pursuant to this subsection shall be open to the public. Notice of public meetings shall be posted on the Commission's website at least 30 days prior to the public meeting.

2. Notwithstanding subdivision 1 of this subsection, the Commission may convene an emergency public meeting by providing at least 24 hours prior notice on the Commission's website, and any other means as provided in the Commission's rules, for any of the reasons it may dispense with notice of proposed rulemaking under subsection L of Article 9. The Commission's legal counsel shall certify that one of the reasons justifying an emergency public meeting has been met.

3. Notice of all Commission meetings shall provide the time, date, and location of the meeting, and if the meeting is to be held or accessible via telecommunication, video conference, or other electronic means, the notice shall include the mechanism for access to the meeting through such means.

4. The Commission may convene in a closed, nonpublic meeting for the Commission to receive legal advice or to discuss:

a. Noncompliance of a participating state with its obligations under this Compact;

b. The employment, compensation, discipline, or other matters, practices, or procedures related to specific employees or other matters related to the Commission's internal personnel practices and procedures;

c. Current or threatened discipline of a licensee or compact privilege holder by the Commission or by a participating state's licensing authority;

d. Current, threatened, or reasonably anticipated litigation;

e. Negotiation of contracts for the purchase, lease, or sale of goods, services, or real estate;

f. Accusing any person of a crime or formally censuring any person;

g. Trade secrets or commercial or financial information that is privileged or confidential;

h. Information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;

i. Investigative records compiled for law-enforcement purposes;

j. Information related to any investigative reports prepared by or on behalf of or for use of the Commission or other committee charged with responsibility of investigation or determination of compliance issues pursuant to this Compact;

k. Legal advice;

l. Matters specifically exempted from disclosure to the public by federal or participating state law; and

m. Other matters as promulgated by the Commission by rule.

5. If a meeting, or portion of a meeting, is closed, the presiding officer shall state that the meeting will be closed and reference each relevant exempting provision, and such reference shall be recorded in the minutes.

6. The Commission shall keep minutes that fully and clearly describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken, and the reasons therefor, including a description of the views expressed. All documents considered in connection with an action shall be identified in such minutes. All minutes and documents of a closed meeting shall remain under seal, subject to release only by a majority vote of the Commission or order of a court of competent jurisdiction.

E. Financing of the Commission.

1. The Commission shall pay, or provide for the payment of, the reasonable expenses of its establishment, organization, and ongoing activities.

2. The Commission may accept any and all appropriate sources of revenue, donations, and grants of money, equipment, supplies, materials, and services.

3. The Commission may levy on and collect an annual assessment from each participating state and impose fees on licensees of participating states when a compact privilege is granted, to cover the cost of the operations and activities of the Commission and its staff, which must be in a total amount sufficient to cover its annual budget as approved each fiscal year for which sufficient revenue is not provided by other sources. The aggregate annual assessment amount for participating states shall be allocated based upon a formula that the Commission shall promulgate by rule.

4. The Commission shall not incur obligations of any kind prior to securing the funds adequate to meet the same, nor shall the Commission pledge the credit of any participating state, except by and with the authority of the participating state.

5. The Commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the Commission shall be subject to the financial review and accounting procedures established under its bylaws. All receipts and disbursements of funds handled by the Commission shall be subject to an annual financial review by a certified or licensed public accountant, and the report of the financial review shall be included in and become part of the annual report of the Commission.

F. The executive board.

1. The executive board shall have the power to act on behalf of the Commission according to the terms of this Compact. The powers, duties, and responsibilities of the executive board shall include:

a. Overseeing the day-to-day activities of the administration of this Compact, including compliance with the provisions of the Compact and the Commission's rules and bylaws;

b. Recommending to the Commission changes to the rules or bylaws, changes to this Compact legislation, fees charged to Compact participating states, fees charged to licensees, and other fees;

c. Ensuring compact administration services are appropriately provided, including by contract;

d. Preparing and recommending the budget;

e. Maintaining financial records on behalf of the Commission;

f. Monitoring Compact compliance of participating states and providing compliance reports to the Commission;

g. Establishing additional committees as necessary;

h. Exercising the powers and duties of the Commission during the interim between Commission meetings, except for adopting or amending rules, adopting or amending bylaws, and exercising any other powers and duties expressly reserved to the Commission by rule or bylaw; and

i. Other duties as provided in the rules or bylaws of the Commission.

2. The executive board shall be composed of up to seven members:

a. The chair, vice chair, secretary, and treasurer of the Commission and any other members of the Commission who serve on the executive board shall be voting members of the executive board; and

b. Other than the chair, vice chair, secretary, and treasurer, the Commission may elect up to three voting members from the current membership of the Commission.

3. The Commission may remove any member of the executive board as provided in the Commission's bylaws.

4. The executive board shall meet at least annually.

a. An executive board meeting at which it takes or intends to take formal action on a matter shall be open to the public, except that the executive board may meet in a closed, nonpublic session of a public meeting when dealing with any of the matters covered under subdivision D 4 of this section.

b. The executive board shall give five business days' notice of its public meetings, posted on its website and as it may otherwise determine to provide notice to persons with an interest in the public matters the executive board intends to address at those meetings.

5. The executive board may hold an emergency meeting when acting for the Commission to:

a. Meet an imminent threat to public health, safety, or welfare;

b. Prevent a loss of Commission or participating state funds; or

c. Protect public health and safety.

G. Qualified immunity, defense, and indemnification.

1. The members, officers, executive director, employees, and representatives of the Commission shall be immune from suit and liability, both personally and in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused by or arising out of any actual or alleged act, error, or omission that occurred, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of Commission employment, duties, or responsibilities, provided that nothing in this subdivision shall be construed to protect any such person from suit or liability for any damage, loss, injury, or liability caused by the intentional or willful or wanton misconduct of that person. The procurement of insurance of any type by the Commission shall not in any way compromise or limit the immunity granted hereunder.

2. The Commission shall defend any member, officer, executive director, employee, and representative of the Commission in any civil action seeking to impose liability arising out of any actual or alleged act, error, or omission that occurred within the scope of Commission employment, duties, or responsibilities, or as determined by the Commission that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of Commission employment, duties, or responsibilities, provided that nothing herein shall be construed to prohibit that person from retaining his own counsel at his own expense, and provided further, that the actual or alleged act, error, or omission did not result from that person's intentional or willful or wanton misconduct.

3. Notwithstanding subdivision 1 of this subsection, should any member, officer, executive director, employee, or representative of the Commission be held liable for the amount of any settlement or judgment arising out of any actual or alleged act, error, or omission that occurred within the scope of that individual's employment, duties, or responsibilities for the Commission, or that the person to whom that individual is liable had a reasonable basis for believing occurred within the scope of the individual's employment, duties, or responsibilities for the Commission, the Commission shall indemnify and hold harmless such individual, provided that the actual or alleged act, error, or omission did not result from the intentional or willful or wanton misconduct of the individual.

4. Nothing herein shall be construed as a limitation on the liability of any licensee for professional malpractice or misconduct, which shall be governed solely by any other applicable state laws.

5. Nothing in this Compact shall be interpreted to waive or otherwise abrogate a participating state's state action immunity or state action affirmative defense with respect to antitrust claims under the Sherman Act, Clayton Act, or any other state or federal antitrust or anticompetitive law or regulation.

6. Nothing in this Compact shall be construed to be a waiver of sovereign immunity by the participating states or by the Commission.

Article 8.

Data System.

A. The Commission shall provide for the development, maintenance, operation, and utilization of a coordinated database and reporting system containing licensure, adverse action, and the presence of significant investigative information on all licensees and applicants for a license in participating states.

B. Notwithstanding any other provision of state law to the contrary, a participating state shall submit a uniform data set to the data system on all individuals to whom this Compact is applicable as required by the rules of the Commission, including:

1. Identifying information;

2. Licensure data;

3. Adverse actions against a licensee, license applicant, or compact privilege and information related thereto;

4. Nonconfidential information related to alternative program participation, the beginning and ending dates of such participation, and other information related to such participation;

5. Any denial of an application for licensure, and the reason(s) for such denial, (excluding the reporting of any criminal history record information where prohibited by law);

6. The presence of significant investigative information; and

7. Other information that may facilitate the administration of this Compact or the protection of the public, as determined by the rules of the Commission.

C. The records and information provided to a participating state pursuant to this Compact or through the data system, when certified by the Commission or an agent thereof, shall constitute the authenticated business records of the Commission

and shall be entitled to any associated hearsay exception in any relevant judicial, quasi-judicial or administrative proceedings in a participating state.

D. Significant investigative information pertaining to a licensee in any participating state will only be available to other participating states.

E. It is the responsibility of the participating states to monitor the database to determine whether adverse action has been taken against a licensee or license applicant. Adverse action information pertaining to a licensee or license applicant in any participating state will be available to any other participating state.

F. Participating states contributing information to the data system may designate information that may not be shared with the public without the express permission of the contributing state.

G. Any information submitted to the data system that is subsequently expunged pursuant to federal law or the laws of the participating state contributing the information shall be removed from the data system.

Article 9.

Rulemaking.

A. The Commission shall promulgate reasonable rules in order to effectively and efficiently implement and administer the purposes and provisions of this Compact. A Commission rule shall be invalid and have no force or effect only if a court of competent jurisdiction holds that the rule is invalid because the Commission exercised its rulemaking authority in a manner that is beyond the scope and purposes of this Compact, or the powers granted hereunder, or based upon another applicable standard of review.

B. The rules of the Commission shall have the force of law in each participating state, provided, however, that where the rules of the Commission conflict with the laws of the participating state that establish the participating state's scope of practice as held by a court of competent jurisdiction, the rules of the Commission shall be ineffective in that state to the extent of the conflict.

C. The Commission shall exercise its rulemaking powers pursuant to the criteria set forth in this section and the rules adopted thereunder. Rules shall become binding as of the date specified by the Commission for each rule.

D. If a majority of the legislatures of the participating states rejects a Commission rule or portion of a Commission rule, by enactment of a statute or resolution in the same manner used to adopt this Compact within four years of the date of adoption of the rule, then such rule shall have no further force and effect in any participating state or to any state applying to participate in this Compact.

E. Rules shall be adopted at a regular or special meeting of the Commission.

F. Prior to adoption of a proposed rule, the Commission shall hold a public hearing and allow persons to provide oral and written comments, data, facts, opinions, and arguments.

G. Prior to adoption of a proposed rule by the Commission, and at least 30 days in advance of the meeting at which the Commission will hold a public hearing on the proposed rule, the Commission shall provide a notice of proposed rulemaking:

1. On the website of the Commission or other publicly accessible platform;

2. To persons who have requested notice of the Commission's notices of proposed rulemaking; and

3. In such other way(s) as the Commission may by rule specify.

H. The notice of proposed rulemaking shall include:

1. The time, date, and location of the public hearing at which the Commission will hear public comments on the proposed rule and, if different, the time, date, and location of the meeting where the Commission will consider and vote on the proposed rule;

2. If the hearing is held via telecommunication, video conference, or other electronic means, the Commission shall include the mechanism for access to the hearing in the notice of proposed rulemaking;

3. The text of the proposed rule and the reason therefor;

4. A request for comments on the proposed rule from any interested person; and

5. The manner in which interested persons may submit written comments.

I. All hearings will be recorded. A copy of the recording and all written comments and documents received by the Commission in response to the proposed rule shall be available to the public.

J. Nothing in this section shall be construed as requiring a separate hearing on each Commission rule. Rules may be grouped for the convenience of the Commission at hearings required by this section.

K. The Commission shall, by majority vote of all commissioners, take final action on the proposed rule based on the rulemaking record.

1. The Commission may adopt changes to the proposed rule provided the changes do not enlarge the original purpose of the proposed rule.

2. The Commission shall provide an explanation of the reasons for substantive changes made to the proposed rule as well as reasons for substantive changes not made that were recommended by commenters.

3. The Commission shall determine a reasonable effective date for the rule. Except for an emergency as provided in subsection L of this section, the effective date of the rule shall be no sooner than 30 days after the Commission issuing the notice that it adopted or amended the rule.

L. Upon determination that an emergency exists, the Commission may consider and adopt an emergency rule with 24 hours' notice, with opportunity to comment, provided that the usual rulemaking procedures provided in this Compact and

in this section shall be retroactively applied to the rule as soon as reasonably possible, in no event later than 90 days after the effective date of the rule. For the purposes of this provision, an emergency rule is one that must be adopted immediately in order to:

1. Meet an imminent threat to public health, safety, or welfare;

2. Prevent a loss of Commission or participating state funds;

3. Meet a deadline for the promulgation of a rule that is established by federal law or rule; or

4. Protect public health and safety.

M. The Commission or an authorized committee of the Commission may direct revisions to a previously adopted rule for purposes of correcting typographical errors, errors in format, errors in consistency, or grammatical errors. Public notice of any revisions shall be posted on the website of the Commission. The revision shall be subject to challenge by any person for a period of 30 days after posting. The revision may be challenged only on grounds that the revision results in a material change to a rule. A challenge shall be made in writing and delivered to the Commission prior to the end of the notice period. If no challenge is made, the revision will take effect without further action. If the revision is challenged, the revision may not take effect without the approval of the Commission.

N. No participating state's rulemaking requirements shall apply under this Compact.

Article 10.

Oversight, Dispute Resolution, and Enforcement.

A. Oversight.

1. The executive and judicial branches of state government in each participating state shall enforce this Compact and take all actions necessary and appropriate to implement the Compact.

2. Venue is proper and judicial proceedings by or against the Commission shall be brought solely and exclusively in a court of competent jurisdiction where the principal office of the Commission is located. The Commission may waive venue and jurisdictional defenses to the extent it adopts or consents to participate in alternative dispute resolution proceedings. Nothing herein shall affect or limit the selection or propriety of venue in any action against a licensee for professional malpractice, misconduct, or any such similar matter.

3. The Commission shall be entitled to receive service of process in any proceeding regarding the enforcement or interpretation of this Compact or a Commission rule and shall have standing to intervene in such a proceeding for all purposes. Failure to provide the Commission service of process shall render a judgment or order void as to the Commission, this Compact, or promulgated rules.

B. Default, technical assistance, and termination.

1. If the Commission determines that a participating state has defaulted in the performance of its obligations or responsibilities under this Compact or the promulgated rules, the Commission shall provide written notice to the defaulting state. The notice of default shall describe the default, the proposed means of curing the default, and any other action that the Commission may take and shall offer training and specific technical assistance regarding the default.

2. The Commission shall provide a copy of the notice of default to the other participating states.

C. If a state in default fails to cure the default, the defaulting state may be terminated from this Compact upon an affirmative vote of a majority of the commissioners, and all rights, privileges, and benefits conferred on that state by this Compact may be terminated on the effective date of termination. A cure of the default does not relieve the offending state of obligations or liabilities incurred during the period of default.

D. Termination of participation in this Compact shall be imposed only after all other means of securing compliance have been exhausted. Notice of intent to suspend or terminate shall be given by the Commission to the governor, the majority and minority leaders of the defaulting state's legislature, the defaulting state's state licensing authority or authorities, as applicable, and each of the participating states' state licensing authority or authorities, as applicable.

E. A state that has been terminated is responsible for all assessments, obligations, and liabilities incurred through the effective date of termination, including obligations that extend beyond the effective date of termination.

F. Upon the termination of a state's participation in this Compact, that state shall immediately provide notice to all licensees of the state, including licensees of other participating states issued a compact privilege to practice within that state, of such termination. The terminated state shall continue to recognize all compact privileges then in effect in that state for a minimum of 180 days after the date of said notice of termination.

G. The Commission shall not bear any costs related to a state that is found to be in default or that has been terminated from this Compact, unless agreed upon in writing between the Commission and the defaulting state.

H. The defaulting state may appeal the action of the Commission by petitioning the U.S. District Court for the District of Columbia or the federal district where the Commission has its principal offices. The prevailing party shall be awarded all costs of such litigation, including reasonable attorney fees.

I. Dispute resolution.

1. Upon request by a participating state, the Commission shall attempt to resolve disputes related to this Compact that arise among participating states and between participating states and nonparticipating states.

2. The Commission shall promulgate a rule providing for both mediation and binding dispute resolution for disputes as appropriate.

J. Enforcement.

1. The Commission, in the reasonable exercise of its discretion, shall enforce the provisions of this Compact and the Commission's rules.

2. By majority vote, the Commission may initiate legal action against a participating state in default in the United States District Court for the District of Columbia or the federal district where the Commission has its principal offices to enforce compliance with the provisions of this Compact and its promulgated rules. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing party shall be awarded all costs of such litigation, including reasonable attorney fees. The remedies herein shall not be the exclusive remedies of the Commission. The Commission may pursue any other remedies available under federal or the defaulting participating state's law.

3. A participating state may initiate legal action against the Commission in the U.S. District Court for the District of Columbia or the federal district where the Commission has its principal offices to enforce compliance with the provisions of this Compact and its promulgated rules. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing party shall be awarded all costs of such litigation, including reasonable attorney fees.

4. No individual or entity other than a participating state may enforce this Compact against the Commission.

Article 11.

Effective Date, Withdrawal, and Amendment.

A. This Compact shall come into effect on the date on which the compact statute is enacted into law in the seventh participating state.

1. On or after the effective date of this Compact, the Commission shall convene and review the enactment of each of the states that enacted the Compact prior to the Commission convening (charter participating states) to determine if the statute enacted by each such charter participating state is materially different than the model compact.

a. A charter participating state whose enactment is found to be materially different from the model compact shall be entitled to the default process set forth in Article 10.

b. If any participating state is later found to be in default, or is terminated or withdraws from the Compact, the Commission shall remain in existence and the Compact shall remain in effect even if the number of participating states should be less than seven.

2. Participating states enacting the Compact subsequent to the charter participating states shall be subject to the process set forth in subdivision C 23 of Article 7 to determine if their enactments are materially different from the model compact and whether they qualify for participation in the Compact.

3. All actions taken for the benefit of the Commission or in furtherance of the purposes of the administration of the Compact prior to the effective date of the Compact or the Commission coming into existence shall be considered to be actions of the Commission unless specifically repudiated by the Commission.

4. Any state that joins the Compact subsequent to the Commission's initial adoption of the rules and bylaws shall be subject to the Commission's rules and bylaws as they exist on the date on which the Compact becomes law in that state. Any rule that has been previously adopted by the Commission shall have the full force and effect of law on the day the Compact becomes law in that state.

B. Any participating state may withdraw from this Compact by enacting a statute repealing that state's enactment of the Compact.

1. A participating state's withdrawal shall not take effect until 180 days after enactment of the repealing statute.

2. Withdrawal shall not affect the continuing requirement of the withdrawing state's licensing authority or authorities to comply with the investigative and adverse action reporting requirements of this Compact prior to the effective date of withdrawal.

3. Upon the enactment of a statute withdrawing from this Compact, the state shall immediately provide notice of such withdrawal to all licensees within that state. Notwithstanding any subsequent statutory enactment to the contrary, such withdrawing state shall continue to recognize all compact privileges to practice within that state granted pursuant to this Compact for a minimum of 180 days after the date of such notice of withdrawal.

C. Nothing contained in this Compact shall be construed to invalidate or prevent any licensure agreement or other cooperative arrangement between a participating state and a nonparticipating state that does not conflict with the provisions of this Compact.

D. This Compact may be amended by the participating states. No amendment to this Compact shall become effective and binding upon any participating state until it is enacted into the laws of all participating states.

Article 12.

Construction and Severability.

A. This Compact and the Commission's rulemaking authority shall be liberally construed so as to effectuate the purposes and the implementation and administration of the Compact. Provisions of the Compact expressly authorizing or requiring the promulgation of rules shall not be construed to limit the Commission's rulemaking authority solely for those purposes.

B. The provisions of this Compact shall be severable and if any phrase, clause, sentence, or provision of this Compact is held by a court of competent jurisdiction to be contrary to the constitution of any participating state, a state seeking participation in the Compact, or of the United States, or the applicability thereof to any government, agency, person, or

circumstance is held to be unconstitutional by a court of competent jurisdiction, the validity of the remainder of this Compact and the applicability thereof to any other government, agency, person, or circumstance shall not be affected thereby.

C. Notwithstanding subsection B of this section, the Commission may deny a state's participation in this Compact or, in accordance with the requirements of subsection B of Article 10, terminate a participating state's participation in the Compact, if it determines that a constitutional requirement of a participating state is a material departure from the Compact. Otherwise, if this Compact shall be held to be contrary to the constitution of any participating state, the Compact shall remain in full force and effect as to the remaining participating states and in full force and effect as to the participating state affected as to all severable matters.

Article 13.

Consistent Effect and Conflict with Other State Laws.

A. Nothing herein shall prevent or inhibit the enforcement of any other law of a participating state that is not inconsistent with this Compact.

B. Any laws, statutes, regulations, or other legal requirements in a participating state in conflict with this Compact are superseded to the extent of the conflict.

C. All permissible agreements between the Commission and the participating states are binding in accordance with their terms.

2. Pursuant to Article 11 of § 54.1-2729.02 of the Code of Virginia, as created by this act, the Dentist and Dental Hygienist Compact (the Compact) will become effective on the date the Compact is enacted by a seventh participating state or upon the effective date of this act, whichever is later.

CHAPTER 32

An Act to amend and reenact the fourth enactment of Chapter 355 and the fourth enactment of Chapter 356 of the Acts of Assembly of 2019, as amended by Chapter 797 of the Acts of Assembly of 2022, relating to Virginia Residential Landlord and Tenant Act; Eviction Diversion Pilot Program; expiration.

[S 50]

Approved March 8, 2024

Be it enacted by the General Assembly of Virginia:

1. That the fourth enactment of Chapter 355 and the fourth enactment of Chapter 356 of the Acts of Assembly of 2019, as amended by Chapter 797 of the Acts of Assembly of 2022, are amended and reenacted as follows:

4. That the provisions of the first enactment of this act shall expire on July 1, ~~2024~~ *2025*.

CHAPTER 33

An Act to amend and reenact § 54.1-2523 of the Code of Virginia, relating to Prescription Monitoring Program; release of records to drug court administrators and behavioral health docket administrators.

[S 74]

Approved March 8, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 54.1-2523 of the Code of Virginia is amended and reenacted as follows:

§ 54.1-2523. Confidentiality of data; disclosure of information; discretionary authority of Director.

A. All data, records, and reports relating to the prescribing and dispensing of covered substances to recipients and any abstracts from such data, records, and reports that are in the possession of the Prescription Monitoring Program pursuant to this chapter and any material relating to the operation or security of the program shall be confidential and shall be exempt from the Virginia Freedom of Information Act (§ 2.2-3700 et seq.) pursuant to subdivision 2 of § 2.2-3705.5. Records in possession of the Prescription Monitoring Program shall not be available for civil subpoena, nor shall such records be disclosed, discoverable, or compelled to be produced in any civil proceeding, nor shall such records be deemed admissible as evidence in any civil proceeding for any reason. Further, the Director shall only have discretion to disclose any such information as provided in subsections B and C.

B. Upon receiving a request for information in accordance with the Department's regulations and in compliance with applicable federal law and regulations, the Director shall disclose the following:

1. Information relevant to a specific investigation of a specific recipient or of a specific dispenser or prescriber to an agent who has completed the Virginia State Police Drug Diversion School designated by the superintendent of the Department of State Police or designated by the chief law-enforcement officer of any county, city, or town or campus police department to conduct drug diversion investigations pursuant to § 54.1-3405.

2. Information relevant to an investigation or inspection of or allegation of misconduct by a specific person licensed, certified, or registered by or an applicant for licensure, certification, or registration by a health regulatory board; information relevant to a disciplinary proceeding before a health regulatory board or in any subsequent trial or appeal of an action or

board order to designated employees of the Department of Health Professions; or to designated persons operating the Health Practitioners' Monitoring Program pursuant to Chapter 25.1 (§ 54.1-2515 et seq.).

3. Information relevant to the proceedings of any investigatory grand jury or special grand jury that has been properly impaneled in accordance with the provisions of Chapter 13 (§ 19.2-191 et seq.) of Title 19.2.

4. Information relevant to a specific investigation of a specific recipient, dispenser, or prescriber to an agent of a federal law-enforcement agency with authority to conduct drug diversion investigations.

5. Information relevant to a specific investigation, supervision, or monitoring of a specific recipient for purposes of the administration of criminal justice pursuant to Chapter 1 (§ 9.1-100 et seq.) of Title 9.1 to a probation or parole officer as described in Article 2 (§ 53.1-141 et seq.) of Chapter 4 of Title 53.1 ~~or~~, a local community-based probation officer as described in § 9.1-176.1*, a drug court administrator as described in § 18.2-254.1, or a behavioral health docket administrator as described in § 18.2-254.3* who has completed the Virginia State Police Drug Diversion School designated by the Director of the Department of Corrections or his designee.

6. Information relevant to a specific investigation of a specific individual into a possible delivery of a controlled substance in violation of § 18.2-474.1 to an investigator for the Department of Corrections who has completed the Virginia State Police Drug Diversion School and who has been designated by the Director of the Department of Corrections or his designee.

7. Information about a specific recipient to the Smartchart Network Program in accordance with subdivision B 7 of § 32.1-372.

C. In accordance with the Department's regulations and applicable federal law and regulations, the Director may, in his discretion, disclose:

1. Information in the possession of the Prescription Monitoring Program concerning a recipient who is over the age of 18 to that recipient. The information shall be mailed to the street or mailing address indicated on the recipient request form.

2. Information on a specific recipient to a prescriber, as defined in this chapter, for the purpose of establishing the treatment history of the specific recipient when such recipient is either under care and treatment by the prescriber or the prescriber is consulting on or initiating treatment of such recipient. In a manner specified by the Director in regulation, notice shall be given to patients that information may be requested by the prescriber from the Prescription Monitoring Program.

3. Information on a specific recipient to a dispenser for the purpose of establishing a prescription history to assist the dispenser in (i) determining the validity of a prescription in accordance with § 54.1-3303 or (ii) providing clinical consultation on the care and treatment of the recipient. In a manner specified by the Director in regulation, notice shall be given to patients that information may be requested by the dispenser from the Prescription Monitoring Program.

4. Information relevant to an investigation or regulatory proceeding of a specific dispenser or prescriber to other regulatory authorities concerned with granting, limiting or denying licenses, certificates or registrations to practice a health profession when such regulatory authority licenses such dispenser or prescriber or such dispenser or prescriber is seeking licensure by such other regulatory authority.

5. Information relevant to an investigation relating to a specific dispenser or prescriber who is a participating provider in the Virginia Medicaid program or information relevant to an investigation relating to a specific recipient who is currently eligible for and receiving or who has been eligible for and has received medical assistance services to the Medicaid Fraud Control Unit of the Office of the Attorney General or to designated employees of the Department of Medical Assistance Services, as appropriate.

6. Information relevant to determination of the cause of death of a specific recipient to the designated employees of the Office of the Chief Medical Examiner.

7. Information for the purpose of bona fide research or education to qualified personnel; however, data elements that would reasonably identify a specific recipient, prescriber, or dispenser shall be deleted or redacted from such information prior to disclosure. Further, release of the information shall only be made pursuant to a written agreement between such qualified personnel and the Director in order to ensure compliance with this subdivision.

8. Information relating to prescriptions for covered substances issued by a specific prescriber, which have been dispensed and reported to the Prescription Monitoring Program, to that prescriber.

9. Information about a specific recipient who is a member of a Virginia Medicaid managed care program to a physician or pharmacist licensed in the Commonwealth and employed by the Virginia Medicaid managed care program or to his clinical designee who holds a multistate licensure privilege to practice nursing or a license issued by a health regulatory board within the Department of Health Professions and is employed by the Virginia Medicaid managed care program. Such information shall only be used to determine eligibility for and to manage the care of the specific recipient in a Patient Utilization Management Safety or similar program. Notice shall be given to recipients that information may be requested by a licensed physician or pharmacist employed by the Virginia Medicaid managed care program from the Prescription Monitoring Program.

10. [Expired.]

11. Information about a specific recipient who is currently eligible for and receiving medical assistance from the Department of Medical Assistance Services to a physician or pharmacist licensed in the Commonwealth or to his clinical designee who holds a multistate licensure privilege to practice nursing or a license issued by a health regulatory board within the Department of Health Professions and is employed by the Department of Medical Assistance Services.

Such information shall be used only to determine eligibility for and to manage the care of the specific recipient in a Patient Utilization Management Safety or similar program. Notice shall be given to recipients that information may be requested by a licensed physician or pharmacist employed by the Department of Medical Assistance Services from the Prescription Monitoring Program.

D. The Director may enter into agreements for mutual exchange of information among prescription monitoring programs in other jurisdictions, which shall only use the information for purposes allowed by this chapter.

E. This section shall not be construed to supersede the provisions of § 54.1-3406 concerning the divulging of confidential records relating to investigative information.

F. Confidential information that has been received, maintained or developed by any board or disclosed by the board pursuant to subsection A shall not, under any circumstances, be available for discovery or court subpoena or introduced into evidence in any medical malpractice suit or other action for damages arising out of the provision of or failure to provide services. However, this subsection shall not be construed to inhibit any investigation or prosecution conducted pursuant to Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2.

CHAPTER 34

An Act to amend and reenact §§ 2.2-2339, 2.2-2340, and 2.2-2345 of the Code of Virginia, relating to Fort Monroe Authority; powers and duties.

[S 89]

Approved March 8, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-2339, 2.2-2340, and 2.2-2345 of the Code of Virginia are amended and reenacted as follows:

§ 2.2-2339. Duties of the Authority.

The Authority shall have the power and duty:

1. To do all things necessary and proper to further an appreciation of the contributions of the first permanent English-speaking settlers as well as the Virginia Indians to the building of our Commonwealth and nation, to commemorate the establishment of the first coastal fortification in the English-speaking New World, to commemorate the lives of prominent Virginians who were connected to the largest moated fortification in the United States, to commemorate the important role of African Americans in the history of the site, including the "Contraband" slave decision in 1861 that earned Fort Monroe the designation as "Freedom's Fortress," to commemorate Old Point Comfort's role in establishing international trade and British maritime law in Virginia, and to commemorate almost 250 years of continuous service as a coastal defense fortification of the United States of America;

2. To hire and develop a professional staff including ~~an~~ *a chief* executive ~~director~~ *officer* and such other staff as is necessary to discharge the responsibilities of the Authority;

3. To establish personnel policies and benefits for staff;

4. To oversee the preservation, conservation, protection, and maintenance of the Commonwealth's natural resources and real property interests at Fort Monroe and the renewal of Fort Monroe as a vibrant and thriving community;

5. To adopt an annual budget, which shall be submitted to the Chairmen of the Senate Committee on Finance and Appropriations and the House Committee on Appropriations and the Department of Planning and Budget by July 1 of each year;

6. To provide for additional, more complete, or more timely services than are generally available in the City of Hampton as a whole;

7. To create and manage a department within the Authority for the purpose of overseeing and managing all property and facilities provided, owned, operated, or financed by the Authority; and

8. To serve as the Commonwealth's management agent for all the land in the Area of Operation and for the implementation of actions and fulfillment of federal and state obligations for public and private land under the Fort Monroe Master Plan, Programmatic Agreement, Design Standards, Reuse Plan, State Memorandum of Understanding, and any other agreements regarding Fort Monroe to which the Commonwealth is a party, ensuring adherence to the findings, declarations, and policies set forth in this article, unless the Commonwealth and the Authority specifically agree in writing to the contrary.

§ 2.2-2340. Additional declaration of policy; powers of the Authority; penalty.

A. It is the policy of the Commonwealth that the historic, cultural, and natural resources of Fort Monroe be protected in any conveyance or alienation of real property interests by the Authority. Real property in the Area of Operation at Fort Monroe may be maintained as Commonwealth-owned land that is leased, whether by short-term operating/revenue lease or long-term ground lease, to appropriate public, private, or joint venture entities, with such historic, cultural, and natural resources being protected in any such lease, to be approved as to form by the Attorney General of the Commonwealth of Virginia. If sold as provided in this article, real property interests in the Area of Operation at Fort Monroe may only be sold under covenants, historic conservation easements, historic preservation easements, or other appropriate legal restrictions approved as to form by the Attorney General that protect these historic and natural resources. Properties in the Wherry Quarter and Inner Fort areas identified in the Fort Monroe Reuse Plan may only be sold with the consent of both the

Governor and the General Assembly, except that any transfer to the National Park Service shall require only the approval of the Governor. The proceeds from the sale or pre-paid lease of any real or personal property within the Area of Operation shall be retained by the Authority and used for infrastructure improvements in the Area of Operation.

B. The Authority shall have the power and duty:

1. To sue and be sued; to adopt and use a common seal and to alter the same as may be deemed expedient; to have perpetual succession; to make and execute contracts and other instruments necessary or convenient to the exercise of the powers of the Authority; and to make and from time to time amend and repeal bylaws, rules, and regulations, not inconsistent with law, to carry into effect the powers and purposes of the Authority;

2. To foster and stimulate the economic and other development of Fort Monroe, including without limitation development for business, employment, housing, commercial, recreational, educational, and other public purposes; to prepare and carry out plans and projects to accomplish such objectives; to provide for the construction, reconstruction, rehabilitation, reuse, improvement, alteration, maintenance, removal, equipping, or repair of any buildings, structures, or land of any kind; to lease or rent to others or to develop, operate, or manage with others in a joint venture or other partnering arrangement, on such terms as it deems proper and which are consistent with the provisions of the Programmatic Agreement, Design Standards, and Reuse Plan governing any lands, dwellings, houses, accommodations, structures, buildings, facilities, or appurtenances embraced within Fort Monroe; to establish, collect, and revise the rents charged and terms and conditions of occupancy thereof; to terminate any such lease or rental obligation upon the failure of the lessee or renter to comply with any of the obligations thereof; to arrange or contract for the furnishing by any person or agency, public or private, of works, services, privileges, or facilities in connection with any activity in which the Authority may engage, provided, however, that if services are provided by the City of Hampton pursuant to § 2.2-2341 for which the City is compensated pursuant to subsection B of § 2.2-2342, then the Authority may provide for additional, more complete, or more timely services than are generally available in the City of Hampton as a whole if deemed necessary or appropriate by the Authority; to acquire, own, hold, and improve real or personal property; to purchase, lease, obtain options upon, acquire by gift, grant, bequest, devise, easement, dedication, or otherwise any real or personal property or any interest therein, which purchase, lease, or acquisition may only be made for less than fair market value if the Board of Trustees determines, upon the advice of the Attorney General, that the transaction is consistent with the fiduciary obligation of the Authority to the Commonwealth and if necessary or appropriate to further the purposes of the Authority; as provided in this article, to sell, lease, exchange, transfer, assign, or pledge any real or personal property or any interest therein, which sale, lease, or other transfer or assignment may be made for less than fair market value; as provided in this article, to dedicate, make a gift of, or lease for a nominal amount any real or personal property or any interest therein to the Commonwealth, the City of Hampton, or other localities or agencies, public or private, within the Area of Operation or adjacent thereto, jointly or severally, for public use or benefit, such as, but not limited to, game preserves, playgrounds, park and recreational areas and facilities, hospitals, clinics, schools, and airports; to acquire, lease, maintain, alter, operate, improve, expand, sell, or otherwise dispose of onsite utility and infrastructure systems or sell any excess service capacity for offsite use; to acquire, lease, construct, maintain, and operate and dispose of tracks, spurs, crossings, terminals, warehouses, and terminal facilities of every kind and description necessary or useful in the transportation and storage of goods, wares, and merchandise; and to insure or provide for the insurance of any real or personal property or operation of the Authority against any risks or hazards;

3. To invest any funds held in reserves or sinking funds, or any funds not required for immediate disbursements, in property or security in which fiduciaries may legally invest funds subject to their control; to purchase its bonds at a price not more than the principal amount thereof and accrued interest, all bonds so purchased to be cancelled;

4. To undertake and carry out examinations, investigations, studies, and analyses of the business, industrial, agricultural, utility, transportation, and other economic development needs, requirements, and potentialities of its Area of Operation or offsite needs, requirements, and potentialities that directly affect the success of the Authority at Fort Monroe, and the manner in which such needs and requirements and potentialities are being met, or should be met, in order to accomplish the purposes for which it is created; to make use of the facts determined in such research and analyses in its own operation; and to make the results of such studies and analyses available to public bodies and to private individuals, groups, and businesses, except as such information may be exempted pursuant to the Virginia Freedom of Information Act (§ 2.2-3700 et seq.);

5. To administer, develop, and maintain at Fort Monroe permanent commemorative cultural and historical museums and memorials;

6. To adopt names, flags, seals, and other emblems for use in connection with such shrines and to copyright the same in the name of the Commonwealth;

7. To enter into any contracts not otherwise specifically authorized in this article to further the purposes of the Authority, after approval as to form by the Attorney General;

8. To establish nonprofit corporations as instrumentalities to assist in administering the affairs of the Authority;

9. To exercise the power of eminent domain in the manner provided by Chapter 3 (§ 25.1-300 et seq.) of Title 25.1 within the Authority's Area of Operation; however, eminent domain may only be used to obtain easements across property on Fort Monroe for the provision of water, sewer, electrical, ingress and egress, and other necessary or useful services to further the purposes of the Authority, unless the Governor has expressly granted authority to obtain interests for other purposes;

10. To fix, charge, and collect rents, fees, and charges (i) for the use of, or the benefit derived from, the services or facilities provided, owned, operated, or financed by the Authority benefiting property within the Authority's Area of Operation and (ii) for the consumption within the Area of Operation of goods and services being provided in exchange for value by any person or business located and operating, permanently or temporarily, within the Area of Operation. Such rents, fees, and charges may be charged to and collected by such persons and in such manner as the Authority may determine from (a) any person contracting for the services or using the Authority facilities or (b) the owners, tenants, or customers of the real estate and improvements that are served by, or benefit from the use of, any such services or facilities, in such manner as shall be authorized by the Authority in connection with the provision of such services or facilities. Such rents, fees, and charges shall not be chargeable to the Commonwealth or, where such rents, fees or charges relate to services or facilities utilized by the City of Hampton to provide municipal services, to the City of Hampton except as may be provided by lease or other agreement and may be used to fund the provision of the additional, more complete, or more timely services authorized under subdivision 6 of § 2.2-2339, the payments provided under § 2.2-2342, or for other purposes as the Authority may determine to be appropriate, subject to the provisions of subsection B of § 2.2-2342;

11. To receive and expend gifts, grants, and donations from whatever source derived for the purposes of the Authority;

12. To employ ~~an~~ *a chief* executive ~~director~~ *officer* and such deputies and assistants as may be required;

13. To elect any past chairman of the Board of Trustees to the honorary position of chairman emeritus. Chairmen emeriti shall serve as honorary members for life. Chairmen emeriti shall be elected in addition to the nonlegislative citizen member positions defined in § 2.2-2338;

14. To determine what paintings, statuary, works of art, manuscripts, and artifacts may be acquired by purchase, gift, or loan and to exchange or sell the same if not inconsistent with the terms of such purchase, gift, loan, or other acquisition;

15. To change the form of investment of any funds, securities, or other property, real or personal, provided the same are not inconsistent with the terms of the instrument under which the same were acquired, and to sell, grant, or convey any such property, subject to the provisions of subsection A of § 2.2-2340;

16. To cooperate with the federal government, the Commonwealth, the City of Hampton, or other nearby localities in the discharge of its enumerated powers;

17. To exercise all or any part or combination of powers granted in this article;

18. To do any and all other acts and things that may be reasonably necessary and convenient to carry out its purposes and powers;

19. To adopt, amend or repeal, by the Board of Trustees, or the executive committee thereof, regulations concerning the use of, access to and visitation of properties under the control of the Authority in order to protect or secure such properties and the public enjoyment thereof, with any violation of such regulations being punishable by a civil penalty of up to $100 for the first violation and up to $250 for any subsequent violation, such civil penalty to be paid to the Authority;

20. To provide parking and traffic rules and regulations on property owned by the Authority; and

21. To provide that any person who knowingly violates a regulation of the Authority may be requested by an agent or employee of the Authority to leave the property and upon the failure of such person so to do shall be guilty of a trespass as provided in § 18.2-119.

§ 2.2-2345. Powers and duties of chief executive officer.

The *chief* executive ~~director~~ *officer* shall exercise such powers and duties relating to the Authority conferred upon the Board as may be delegated to him by the Board, including powers and duties involving the exercise of discretion. The *chief* executive ~~director~~ *officer* shall also exercise and perform such other powers and duties as may be lawfully delegated to him and such powers and duties as may be conferred or imposed upon him by law.

CHAPTER 35

An Act to amend and reenact § 2.2-2348.1 of the Code of Virginia, relating to Fort Monroe Authority; land and utility ownership.

[S 90]

Approved March 8, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 2.2-2348.1 of the Code of Virginia is amended and reenacted as follows:

§ 2.2-2348.1. Ratification of the ownership of certain lands in the City of Hampton known as Fort Monroe; ownership and operation of utilities.

A. Notwithstanding any other provision of law, the ownership of certain property located in the City of Hampton, Virginia, ~~consisting of 312.75 acres, more or less,~~ generally known as "Fort Monroe," ~~shall be deemed~~ *and shown in the land records of the City of Hampton as being owned by the Commonwealth, whether in the name of the Commonwealth or the Fort Monroe Authority, is* validly vested in the Commonwealth, with all rights, title, and interest therein~~, being more particularly described as follows: All that certain lot, piece, or parcel of land situate, lying, and being in the City of Hampton, in the Commonwealth of Virginia, containing 312.75 acres, more or less, described in Exhibit A and illustrated in Exhibit B of that certain Quitclaim Deed recorded in the Clerk's Office of the Circuit Court of the City of Hampton on June 14, 2013, as Instrument No. 130009559~~.

B. Notwithstanding any other provision of law, the ownership of the roads, water, sewer, and other utility services on that certain property located in the City of Hampton, Virginia, consisting of 561.345 acres, more or less, generally known as "Fort Monroe," shall be deemed validly vested in the Commonwealth, being more particularly described as follows: All those certain lots, pieces, or parcels of land situate, lying, and being in the City of Hampton, in the Commonwealth of Virginia, containing 561.345 acres, more or less, described as Parcels A, B, C, D, E, F, G, and H on that certain survey by the Norfolk District Corps of Engineers dated July 20, 2009, last revised November 15, 2012, entitled "Plat Showing 8 Parcels of Land Totaling +/-561.345 Acres Situated on Fort Monroe, Virginia," and recorded in the Clerk's Office of the Circuit Court of the City of Hampton in Instrument No. 130009559 at Pages 286 and 287.

1. The Authority shall maintain such roads as public rights-of-way to ensure lawful access to the properties within said acreage; however, the Commonwealth may convey its right, title, and interests in such roads to the City of Hampton or the Virginia Department of Transportation, and thereby transfer the obligation to maintain such roads.

2. The Authority shall maintain and operate such water, sewer, and other utility services to ensure that the properties within said acreage have access to such utility services; however, the Commonwealth may convey its right, title, and interest in any such utility owned by the Commonwealth to a public or private entity and thereafter transfer the obligation to maintain and operate such utilities.

CHAPTER 36

An Act to amend and reenact § 30-343 of the Code of Virginia, relating to the Health Insurance Reform Commission; assessment of certain legislation.

[S 132]

Approved March 8, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 30-343 of the Code of Virginia is amended and reenacted as follows:

§ 30-343. Standing committees to request Commission assessment.

A. Whenever a legislative measure containing a mandated health insurance benefit or provider is proposed that is not identical or substantially similar to a legislative measure previously reviewed by the Commission within the three-year period immediately preceding the then-current session of the General Assembly, the Chair of the House Committee on Labor and Commerce or Senate Committee on Commerce and Labor having jurisdiction over the proposal shall (i) request that the Commission assess the proposal and (ii) send a copy of such request to the Bureau of Insurance of the State Corporation Commission (the Bureau). The Commission shall be given a period of 24 months to complete and submit its assessment *on each such request*. A report summarizing the Commission's assessment shall be forwarded to the Chairman of the standing committee that requested the assessment. For the purposes of this section, "mandated health insurance benefit or provider" has the same meaning as "state-mandated health benefit" provided in § 38.2-3406.1.

B. Upon receipt of a copy of such a request, the Bureau shall prepare an analysis of the extent to which the proposed mandate is currently available under qualified health plans in the Commonwealth and advise the Commission as to whether the applicable agency has determined or would likely determine, in accordance with applicable federal rules, that the proposed mandate exceeds the scope of the essential health benefits. The Bureau's analysis shall be advisory only and not binding upon the Commission, the Bureau, the State Corporation Commission, or any other parties. As used in this section, "applicable agency" means the governmental agency that in accordance with applicable federal rules is responsible for identifying state-mandated benefits that are in addition to the essential health benefits. If the applicable federal rules require an agency of the Commonwealth to identify the state-mandated benefits that are in addition to the essential health benefits but do not identify a specific agency that is responsible for making such identification, the Bureau shall be the applicable agency. Following the Bureau's analysis, the Commission shall determine if the proposed mandate shall be (i) considered as part of an essential health benefits benchmark plan review in accordance with the provisions of § 30-343.1, (ii) assessed jointly by the Bureau and the Joint Legislative Audit and Review Commission in accordance with subsection C, or (iii) considered in another manner by the Commission.

C. Upon request of the Commission, the Bureau and the Joint Legislative Audit and Review Commission shall jointly assess the social and financial impact and the medical efficacy of the proposed mandate, which assessment shall include an estimate of the effects of enactment of the proposed mandate on the costs of health coverage in the Commonwealth, including any estimated additional costs that the Commonwealth may be responsible for pursuant to § 1311(d)(3)(B) of the Patient Protection and Affordable Care Act should the proposed mandate ultimately be determined by the applicable agency to be a benefit that exceeds the scope of the essential health benefits. Upon completion of the assessment by the Bureau and the Joint Legislative Audit and Review Commission, the Commission may make a recommendation regarding its support of or opposition to the enactment of the proposed mandate. The Commission's recommendation may address whether the proposed mandate should be provided under health care plans offered through a health benefit exchange or outside a health benefit exchange.

The Commission shall be given a period of 24 months to complete and submit its assessment *on each such request*. A report summarizing the Commission's study shall be forwarded to the Governor and the General Assembly.

D. Whenever a legislative measure containing a mandated health insurance benefit or provider is identical or substantially similar to a legislative measure previously reviewed by the Commission within the three-year period immediately preceding the then-current session of the General Assembly, the standing committee may request the Commission to study the measure as provided in subsection A.

CHAPTER 37

An Act to amend and reenact §§ 4.1-1600, 8.01-225.03, 19.2-389, 32.1-127, as it is currently effective and as it shall become effective, 35.1-1, 36-99.5:1, 44-146.19, 51.5-182, 51.5-183, 54.1-3408, 63.2-100, 63.2-1700, 63.2-1701, 63.2-1705, 63.2-1706, 63.2-1708, 63.2-1709, 63.2-1709.2, 63.2-1710, 63.2-1710.2 through 63.2-1713, 63.2-1720, 63.2-1722, 63.2-1728 through 63.2-1731, and 63.2-1733 of the Code of Virginia, relating to adult day care centers; name change.

[S 173]

Approved March 8, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 4.1-1600, 8.01-225.03, 19.2-389, 32.1-127, as it is currently effective and as it shall become effective, 35.1-1, 36-99.5:1, 44-146.19, 51.5-182, 51.5-183, 54.1-3408, 63.2-100, 63.2-1700, 63.2-1701, 63.2-1705, 63.2-1706, 63.2-1708, 63.2-1709, 63.2-1709.2, 63.2-1710, 63.2-1710.2 through 63.2-1713, 63.2-1720, 63.2-1722, 63.2-1728 through 63.2-1731, and 63.2-1733 of the Code of Virginia are amended and reenacted as follows:

§ 4.1-1600. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Botanical cannabis" means cannabis that is composed wholly of usable cannabis from the same parts of the same chemovar of cannabis plant.

"Cannabis dispensing facility" means a facility that (i) has obtained a permit from the Board pursuant to § 4.1-1602; (ii) is owned, at least in part, by a pharmaceutical processor; and (iii) dispenses cannabis products produced by a pharmaceutical processor to a patient, his registered agent, or, if such patient is a minor or a vulnerable adult as defined in § 18.2-369, such patient's parent or legal guardian.

"Cannabis oil" means any formulation of processed Cannabis plant extract, which may include industrial hemp extracts, including isolates and distillates, acquired by a pharmaceutical processor pursuant to § 4.1-1602, or a dilution of the resin of the Cannabis plant that contains, except as otherwise provided in this chapter, no more than 10 milligrams of tetrahydrocannabinol per dose. "Cannabis oil" does not include industrial hemp, as defined in § 3.2-4112, that is grown, handled, or processed in compliance with state or federal law, unless it has been grown and processed in the Commonwealth by a registered industrial hemp processor and acquired and formulated by a pharmaceutical processor.

"Cannabis product" means a product that (i) is formulated with cannabis oil or botanical cannabis; (ii) is produced by a pharmaceutical processor and sold by a pharmaceutical processor or cannabis dispensing facility; (iii) is registered with the Board; (iv) contains, except as otherwise provided in this chapter, no more than 10 milligrams of tetrahydrocannabinol per dose; and (v) is compliant with testing requirements.

"Designated caregiver facility" means any hospice or hospice facility licensed pursuant to § 32.1-162.3, or home care organization as defined in § 32.1-162.7 that provides pharmaceutical services or home health services, private provider licensed by the Department of Behavioral Health and Developmental Services pursuant to Article 2 (§ 37.2-403 et seq.) of Chapter 4 of Title 37.2, assisted living facility licensed pursuant to § 63.2-1701, or adult day ~~care~~ center licensed pursuant to § 63.2-1701.

"Dispense" means the same as that term is defined in § 54.1-3300.

"Pharmaceutical processor" means a facility that (i) has obtained a permit from the Board pursuant to § 4.1-1602 and (ii) cultivates Cannabis plants intended only for the production of cannabis oil, botanical cannabis, and usable cannabis, produces cannabis products, and dispenses cannabis products to a patient pursuant to a written certification, his registered agent, or, if such patient is a minor or a vulnerable adult as defined in § 18.2-369, such patient's parent or legal guardian.

"Pharmacist" means the same as that term is defined in § 54.1-3300.

"Pharmacy intern" means the same as that term is defined in § 54.1-3300.

"Pharmacy technician" means the same as that term is defined in § 54.1-3300.

"Pharmacy technician trainee" means the same as that term is defined in § 54.1-3300.

"Practitioner" means a practitioner of medicine or osteopathy licensed by the Board of Medicine, a physician assistant licensed by the Board of Medicine, or an advanced practice registered nurse practitioner jointly licensed by the Boards of Nursing and Medicine.

"Registered agent" means an individual designated by a patient who has been issued a written certification, or, if such patient is a minor or a vulnerable adult as defined in § 18.2-369, designated by such patient's parent or legal guardian, and registered with the Board pursuant to subsection F of § 4.1-1601.

"Usable cannabis" means any cannabis plant material, including seeds, but not (i) resin that has been extracted from any part of the cannabis plant, its seeds, or its resin; (ii) the mature stalks, fiber produced from the stalks, or any other

compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks; or (iii) oil or cake made from the seeds of the plant.

§ 8.01-225.03. Certain immunity for certain hospices, home care organizations, private providers, assisted living facilities, and adult day centers during a disaster under specific circumstances.

A. As used in this section:

"Disaster" or "emergency" means a public health emergency related to the COVID-19 virus declared by the Governor pursuant to § 44-146.17 and set forth in Executive Order 51 (2020) on March 12, 2020.

B. In the absence of gross negligence or willful misconduct, any (i) hospice licensed pursuant to § 32.1-162.3, (ii) home care organization licensed pursuant to § 32.1-162.9, (iii) private provider licensed by the Department of Behavioral Health and Developmental Services pursuant to Article 2 (§ 37.2-403 et seq.) of Chapter 4 of Title 37.2, (iv) assisted living facility licensed pursuant to § 63.2-1701, or (v) adult day ~~care~~ center licensed pursuant to § 63.2-1701 that delivers care to or withholds care from a patient, resident, or person receiving services who is diagnosed as being or is believed to be infected with the COVID-19 virus shall not be liable for any injury or wrongful death of such patient, resident, or person receiving services arising from the delivery or withholding of care when the emergency and subsequent conditions caused by the emergency result in a lack of resources, attributable to the disaster, that render such hospice, home care organization, private provider licensed by the Department of Behavioral Health and Developmental Services, assisted living facility, or adult day ~~care~~ center unable to provide the level or manner of care that otherwise would have been required in the absence of the emergency and that resulted in the injury or wrongful death at issue.

C. The immunity provided by this section shall be in addition to, and not be in lieu of, any immunities provided in other state or federal law, including §§ 8.01-225 and 44-146.23.

D. The immunity provided by this section shall only apply to causes of action arising between March 12, 2020, and such time as the declaration of a state of emergency related to the COVID-19 virus set forth in Executive Order 51 (2020) is no longer in effect.

§ 19.2-389. Dissemination of criminal history record information.

A. Criminal history record information shall be disseminated, whether directly or through an intermediary, only to:

1. Authorized officers or employees of criminal justice agencies, as defined by § 9.1-101, for purposes of the administration of criminal justice and the screening of an employment application or review of employment by a criminal justice agency with respect to its own employees or applicants, and dissemination to the Virginia Parole Board, pursuant to this subdivision, of such information on all state-responsible inmates for the purpose of making parole determinations pursuant to subdivisions 1, 2, 3, 4, and 6 of § 53.1-136 shall include collective dissemination by electronic means every 30 days. For purposes of this subdivision, criminal history record information includes information sent to the Central Criminal Records Exchange pursuant to §§ 37.2-819 and 64.2-2014 when disseminated to any full-time or part-time employee of the State Police, a police department or sheriff's office that is a part of or administered by the Commonwealth or any political subdivision thereof, and who is responsible for the prevention and detection of crime and the enforcement of the penal, traffic or highway laws of the Commonwealth for the purposes of the administration of criminal justice;

2. Such other individuals and agencies that require criminal history record information to implement a state or federal statute or executive order of the President of the United States or Governor that expressly refers to criminal conduct and contains requirements or exclusions expressly based upon such conduct, except that information concerning the arrest of an individual may not be disseminated to a noncriminal justice agency or individual if an interval of one year has elapsed from the date of the arrest and no disposition of the charge has been recorded and no active prosecution of the charge is pending;

3. Individuals and agencies pursuant to a specific agreement with a criminal justice agency to provide services required for the administration of criminal justice pursuant to that agreement which shall specifically authorize access to data, limit the use of data to purposes for which given, and ensure the security and confidentiality of the data;

4. Individuals and agencies for the express purpose of research, evaluative, or statistical activities pursuant to an agreement with a criminal justice agency that shall specifically authorize access to data, limit the use of data to research, evaluative, or statistical purposes, and ensure the confidentiality and security of the data;

5. Agencies of state or federal government that are authorized by state or federal statute or executive order of the President of the United States or Governor to conduct investigations determining employment suitability or eligibility for security clearances allowing access to classified information;

6. Individuals and agencies where authorized by court order or court rule;

7. Agencies of any political subdivision of the Commonwealth, public transportation companies owned, operated or controlled by any political subdivision, and any public service corporation that operates a public transit system owned by a local government for the conduct of investigations of applicants for employment, permit, or license whenever, in the interest of public welfare or safety, it is necessary to determine under a duly enacted ordinance if the past criminal conduct of a person with a conviction record would be compatible with the nature of the employment, permit, or license under consideration;

7a. Commissions created pursuant to the Transportation District Act of 1964 (§ 33.2-1900 et seq.) of Title 33.2 and their contractors, for the conduct of investigations of individuals who have been offered a position of employment whenever, in the interest of public welfare or safety and as authorized in the Transportation District Act of 1964, it is necessary to determine if the past criminal conduct of a person with a conviction record would be compatible with the nature of the employment under consideration;

8. Public or private agencies when authorized or required by federal or state law or interstate compact to investigate (i) applicants for foster or adoptive parenthood or (ii) any individual, and the adult members of that individual's household, with whom the agency is considering placing a child or from whom the agency is considering removing a child due to abuse or neglect, on an emergency, temporary, or permanent basis pursuant to §§ 63.2-901.1 and 63.2-1505, subject to the restriction that the data shall not be further disseminated to any party other than a federal or state authority or court as may be required to comply with an express requirement of law;

9. To the extent permitted by federal law or regulation, public service companies as defined in § 56-1, for the conduct of investigations of applicants for employment when such employment involves personal contact with the public or when past criminal conduct of an applicant would be incompatible with the nature of the employment under consideration;

10. The appropriate authority for purposes of granting citizenship and for purposes of international travel, including, but not limited to, issuing visas and passports;

11. A person requesting a copy of his own criminal history record information as defined in § 9.1-101 at his cost, except that criminal history record information shall be supplied at no charge to a person who has applied to be a volunteer with (i) a Virginia affiliate of Big Brothers/Big Sisters of America; (ii) a volunteer fire company; (iii) the Volunteer Emergency Families for Children; (iv) any affiliate of Prevent Child Abuse, Virginia; (v) any Virginia affiliate of Compeer; or (vi) any board member or any individual who has been offered membership on the board of a Crime Stoppers, Crime Solvers or Crime Line program as defined in § 15.2-1713.1;

12. Administrators and board presidents of and applicants for licensure or registration as a child welfare agency as defined in § 63.2-100 for dissemination to the Commissioner of Social Services' representative pursuant to § 63.2-1702 for the conduct of investigations with respect to employees of and volunteers at such facilities, caretakers, and foster and adoptive parent applicants of private child-placing agencies, pursuant to §§ 63.2-1719, 63.2-1720, and 63.2-1721, subject to the restriction that the data shall not be further disseminated by the facility or agency to any party other than the data subject, the Commissioner of Social Services' representative or a federal or state authority or court as may be required to comply with an express requirement of law for such further dissemination; however, nothing in this subdivision shall be construed to prohibit the Commissioner of Social Services' representative from issuing written certifications regarding the results of a background check that was conducted before July 1, 2021, in accordance with subsection J of § 22.1-289.035 or § 22.1-289.039;

13. The school boards of the Commonwealth for the purpose of screening individuals who are offered or who accept public school employment and those current school board employees for whom a report of arrest has been made pursuant to § 19.2-83.1;

14. The Virginia Lottery for the conduct of investigations as set forth in the Virginia Lottery Law (§ 58.1-4000 et seq.) and casino gaming as set forth in Chapter 41 (§ 58.1-4100 et seq.) of Title 58.1, and the Department of Agriculture and Consumer Services for the conduct of investigations as set forth in Article 1.1:1 (§ 18.2-340.15 et seq.) of Chapter 8 of Title 18.2;

15. Licensed nursing homes, hospitals and home care organizations for the conduct of investigations of applicants for compensated employment in licensed nursing homes pursuant to § 32.1-126.01, hospital pharmacies pursuant to § 32.1-126.02, and home care organizations pursuant to § 32.1-162.9:1, subject to the limitations set out in subsection E;

16. Licensed assisted living facilities and licensed adult day ~~care~~ centers for the conduct of investigations of applicants for compensated employment in licensed assisted living facilities and licensed adult day ~~care~~ centers pursuant to § 63.2-1720, subject to the limitations set out in subsection F;

17. The Virginia Alcoholic Beverage Control Authority for the conduct of investigations as set forth in § 4.1-103.1;

18. The State Board of Elections and authorized officers and employees thereof and general registrars appointed pursuant to § 24.2-110 in the course of conducting necessary investigations with respect to voter registration, limited to any record of felony convictions;

19. The Commissioner of Behavioral Health and Developmental Services (the Commissioner) or his designees for individuals who are committed to the custody of or being evaluated by the Commissioner pursuant to §§ 19.2-168.1, 19.2-169.1, 19.2-169.2, 19.2-169.5, 19.2-169.6, 19.2-182.2, 19.2-182.3, 19.2-182.8, and 19.2-182.9 where such information may be beneficial for the purpose of placement, evaluation, treatment, or discharge planning;

20. Any alcohol safety action program certified by the Commission on the Virginia Alcohol Safety Action Program for (i) interventions with first offenders under § 18.2-251 or (ii) services to offenders under § 18.2-51.4, 18.2-266, or 18.2-266.1;

21. Residential facilities for juveniles regulated or operated by the Department of Social Services, the Department of Education, or the Department of Behavioral Health and Developmental Services for the purpose of determining applicants' fitness for employment or for providing volunteer or contractual services;

22. The Department of Behavioral Health and Developmental Services and facilities operated by the Department for the purpose of determining an individual's fitness for employment pursuant to departmental instructions;

23. Pursuant to § 22.1-296.3, the governing boards or administrators of private elementary or secondary schools which are accredited pursuant to § 22.1-19 or a private organization coordinating such records information on behalf of such governing boards or administrators pursuant to a written agreement with the Department of State Police;

24. Public institutions of higher education and nonprofit private institutions of higher education for the purpose of screening individuals who are offered or accept employment;

25. Members of a threat assessment team established by a local school board pursuant to § 22.1-79.4, by a public institution of higher education pursuant to § 23.1-805, or by a private nonprofit institution of higher education, for the purpose of assessing or intervening with an individual whose behavior may present a threat to safety; however, no member of a threat assessment team shall redisclose any criminal history record information obtained pursuant to this section or otherwise use any record of an individual beyond the purpose that such disclosure was made to the threat assessment team;

26. Executive directors of community services boards or the personnel director serving the community services board for the purpose of determining an individual's fitness for employment, approval as a sponsored residential service provider, permission to enter into a shared living arrangement with a person receiving medical assistance services pursuant to a waiver, or permission for any person under contract with the community services board to serve in a direct care position on behalf of the community services board pursuant to §§ 37.2-506, 37.2-506.1, and 37.2-607;

27. Executive directors of behavioral health authorities as defined in § 37.2-600 for the purpose of determining an individual's fitness for employment, approval as a sponsored residential service provider, permission to enter into a shared living arrangement with a person receiving medical assistance services pursuant to a waiver, or permission for any person under contract with the behavioral health authority to serve in a direct care position on behalf of the behavioral health authority pursuant to §§ 37.2-506, 37.2-506.1, and 37.2-607;

28. The Commissioner of Social Services for the purpose of locating persons who owe child support or who are alleged in a pending paternity proceeding to be a putative father, provided that only the name, address, demographics and social security number of the data subject shall be released;

29. Authorized officers or directors of agencies licensed pursuant to Article 2 (§ 37.2-403 et seq.) of Chapter 4 of Title 37.2 by the Department of Behavioral Health and Developmental Services for the purpose of determining if any applicant who accepts employment in any direct care position or requests approval as a sponsored residential service provider, permission to enter into a shared living arrangement with a person receiving medical assistance services pursuant to a waiver, or permission for any person under contract with the provider to serve in a direct care position has been convicted of a crime that affects his fitness to have responsibility for the safety and well-being of individuals with mental illness, intellectual disability, or substance abuse pursuant to §§ 37.2-416, 37.2-416.1, 37.2-506, 37.2-506.1, and 37.2-607;

30. The Commissioner of the Department of Motor Vehicles, for the purpose of evaluating applicants for and holders of a motor carrier certificate or license subject to the provisions of Chapters 20 (§ 46.2-2000 et seq.) and 21 (§ 46.2-2100 et seq.) of Title 46.2;

31. The Chairman of the Senate Committee on the Judiciary or the Chairman of the House Committee for Courts of Justice for the purpose of determining if any person being considered for election to any judgeship has been convicted of a crime;

32. Heads of state agencies in which positions have been identified as sensitive for the purpose of determining an individual's fitness for employment in positions designated as sensitive under Department of Human Resource Management policies developed pursuant to § 2.2-1201.1;

33. The Office of the Attorney General, for all criminal justice activities otherwise permitted under subdivision A 1 and for purposes of performing duties required by the Civil Commitment of Sexually Violent Predators Act (§ 37.2-900 et seq.);

34. Shipyards, to the extent permitted by federal law or regulation, engaged in the design, construction, overhaul, or repair of nuclear vessels for the United States Navy, including their subsidiary companies, for the conduct of investigations of applications for employment or for access to facilities, by contractors, leased laborers, and other visitors;

35. Any employer of individuals whose employment requires that they enter the homes of others, for the purpose of screening individuals who apply for, are offered, or have accepted such employment;

36. Public agencies when and as required by federal or state law to investigate (i) applicants as providers of adult foster care and home-based services or (ii) any individual with whom the agency is considering placing an adult on an emergency, temporary, or permanent basis pursuant to § 63.2-1601.1, subject to the restriction that the data shall not be further disseminated by the agency to any party other than a federal or state authority or court as may be required to comply with an express requirement of law for such further dissemination, subject to limitations set out in subsection G;

37. The Department of Medical Assistance Services, or its designee, for the purpose of screening individuals who, through contracts, subcontracts, or direct employment, volunteer, apply for, are offered, or have accepted a position related to the provision of transportation services to enrollees in the Medicaid Program or the Family Access to Medical Insurance Security (FAMIS) Program, or any other program administered by the Department of Medical Assistance Services;

38. The State Corporation Commission for the purpose of investigating individuals who are current or proposed members, senior officers, directors, and principals of an applicant or person licensed under Chapter 16 (§ 6.2-1600 et seq.), Chapter 19 (§ 6.2-1900 et seq.), or Chapter 26 (§ 6.2-2600 et seq.) of Title 6.2. Notwithstanding any other provision of law, if an application is denied based in whole or in part on information obtained from the Central Criminal Records Exchange pursuant to Chapter 16, 19, or 26 of Title 6.2, the Commissioner of Financial Institutions or his designee may disclose such information to the applicant or its designee;

39. The Department of Professional and Occupational Regulation for the purpose of investigating individuals for initial licensure pursuant to § 54.1-2106.1;

40. The Department for Aging and Rehabilitative Services and the Department for the Blind and Vision Impaired for the purpose of evaluating an individual's fitness for various types of employment and for the purpose of delivering

comprehensive vocational rehabilitation services pursuant to Article 11 (§ 51.5-170 et seq.) of Chapter 14 of Title 51.5 that will assist the individual in obtaining employment;

41. Bail bondsmen, in accordance with the provisions of § 19.2-120;

42. The State Treasurer for the purpose of determining whether a person receiving compensation for wrongful incarceration meets the conditions for continued compensation under § 8.01-195.12;

43. The Department of Education or its agents or designees for the purpose of screening individuals seeking to enter into a contract with the Department of Education or its agents or designees for the provision of child care services for which child care subsidy payments may be provided;

44. The Department of Juvenile Justice to investigate any parent, guardian, or other adult members of a juvenile's household when completing a predispositional or postdispositional report required by § 16.1-273 or a Board of Juvenile Justice regulation promulgated pursuant to § 16.1-233;

45. The State Corporation Commission, for the purpose of screening applicants for insurance licensure under Chapter 18 (§ 38.2-1800 et seq.) of Title 38.2;

46. Administrators and board presidents of and applicants for licensure or registration as a child day program or family day system, as such terms are defined in § 22.1-289.02, for dissemination to the Superintendent of Public Instruction's representative pursuant to § 22.1-289.013 for the conduct of investigations with respect to employees of and volunteers at such facilities pursuant to §§ 22.1-289.034 through 22.1-289.037, subject to the restriction that the data shall not be further disseminated by the facility or agency to any party other than the data subject, the Superintendent of Public Instruction's representative, or a federal or state authority or court as may be required to comply with an express requirement of law for such further dissemination; however, nothing in this subdivision shall be construed to prohibit the Superintendent of Public Instruction's representative from issuing written certifications regarding the results of prior background checks in accordance with subsection J of § 22.1-289.035 or § 22.1-289.039;

47. The National Center for Missing and Exploited Children for the purpose of screening individuals who are offered or accept employment or will be providing volunteer or contractual services with the National Center for Missing and Exploited Children; and

48. Other entities as otherwise provided by law.

Upon an ex parte motion of a defendant in a felony case and upon the showing that the records requested may be relevant to such case, the court shall enter an order requiring the Central Criminal Records Exchange to furnish the defendant, as soon as practicable, copies of any records of persons designated in the order on whom a report has been made under the provisions of this chapter.

Notwithstanding any other provision of this chapter to the contrary, upon a written request sworn to before an officer authorized to take acknowledgments, the Central Criminal Records Exchange, or the criminal justice agency in cases of offenses not required to be reported to the Exchange, shall furnish a copy of conviction data covering the person named in the request to the person making the request; however, such person on whom the data is being obtained shall consent in writing, under oath, to the making of such request. A person receiving a copy of his own conviction data may utilize or further disseminate that data as he deems appropriate. In the event no conviction data is maintained on the data subject, the person making the request shall be furnished at his cost a certification to that effect.

B. Use of criminal history record information disseminated to noncriminal justice agencies under this section shall be limited to the purposes for which it was given and may not be disseminated further, except as otherwise provided in subdivision A 46.

C. No criminal justice agency or person shall confirm the existence or nonexistence of criminal history record information for employment or licensing inquiries except as provided by law.

D. Criminal justice agencies shall establish procedures to query the Central Criminal Records Exchange prior to dissemination of any criminal history record information on offenses required to be reported to the Central Criminal Records Exchange to ensure that the most up-to-date disposition data is being used. Inquiries of the Exchange shall be made prior to any dissemination except in those cases where time is of the essence and the normal response time of the Exchange would exceed the necessary time period. A criminal justice agency to whom a request has been made for the dissemination of criminal history record information that is required to be reported to the Central Criminal Records Exchange may direct the inquirer to the Central Criminal Records Exchange for such dissemination. Dissemination of information regarding offenses not required to be reported to the Exchange shall be made by the criminal justice agency maintaining the record as required by § 15.2-1722.

E. Criminal history information provided to licensed nursing homes, hospitals and to home care organizations pursuant to subdivision A 15 shall be limited to the convictions on file with the Exchange for any offense specified in §§ 32.1-126.01, 32.1-126.02, and 32.1-162.9:1.

F. Criminal history information provided to licensed assisted living facilities and licensed adult day ~~care~~ centers pursuant to subdivision A 16 shall be limited to the convictions on file with the Exchange for any offense specified in § 63.2-1720.

G. Criminal history information provided to public agencies pursuant to subdivision A 36 shall be limited to the convictions on file with the Exchange for any offense set forth in clause (i) of the definition of barrier crime in § 19.2-392.02.

H. Upon receipt of a written request from an employer or prospective employer, the Central Criminal Records Exchange, or the criminal justice agency in cases of offenses not required to be reported to the Exchange, shall furnish at the employer's cost a copy of conviction data covering the person named in the request to the employer or prospective employer making the request, provided that the person on whom the data is being obtained has consented in writing to the making of such request and has presented a photo-identification to the employer or prospective employer. In the event no conviction data is maintained on the person named in the request, the requesting employer or prospective employer shall be furnished at his cost a certification to that effect. The criminal history record search shall be conducted on forms provided by the Exchange.

I. Nothing in this section shall preclude the dissemination of a person's criminal history record information pursuant to the rules of court for obtaining discovery or for review by the court.

§ 32.1-127. (Effective until July 1, 2025) Regulations.

A. The regulations promulgated by the Board to carry out the provisions of this article shall be in substantial conformity to the standards of health, hygiene, sanitation, construction and safety as established and recognized by medical and health care professionals and by specialists in matters of public health and safety, including health and safety standards established under provisions of Title XVIII and Title XIX of the Social Security Act, and to the provisions of Article 2 (§ 32.1-138 et seq.).

B. Such regulations:

1. Shall include minimum standards for (i) the construction and maintenance of hospitals, nursing homes and certified nursing facilities to ensure the environmental protection and the life safety of its patients, employees, and the public; (ii) the operation, staffing and equipping of hospitals, nursing homes and certified nursing facilities; (iii) qualifications and training of staff of hospitals, nursing homes and certified nursing facilities, except those professionals licensed or certified by the Department of Health Professions; (iv) conditions under which a hospital or nursing home may provide medical and nursing services to patients in their places of residence; and (v) policies related to infection prevention, disaster preparedness, and facility security of hospitals, nursing homes, and certified nursing facilities;

2. Shall provide that at least one physician who is licensed to practice medicine in this Commonwealth shall be on call at all times, though not necessarily physically present on the premises, at each hospital which operates or holds itself out as operating an emergency service;

3. May classify hospitals and nursing homes by type of specialty or service and may provide for licensing hospitals and nursing homes by bed capacity and by type of specialty or service;

4. Shall also require that each hospital establish a protocol for organ donation, in compliance with federal law and the regulations of the Centers for Medicare and Medicaid Services (CMS), particularly 42 C.F.R. § 482.45. Each hospital shall have an agreement with an organ procurement organization designated in CMS regulations for routine contact, whereby the provider's designated organ procurement organization certified by CMS (i) is notified in a timely manner of all deaths or imminent deaths of patients in the hospital and (ii) is authorized to determine the suitability of the decedent or patient for organ donation and, in the absence of a similar arrangement with any eye bank or tissue bank in Virginia certified by the Eye Bank Association of America or the American Association of Tissue Banks, the suitability for tissue and eye donation. The hospital shall also have an agreement with at least one tissue bank and at least one eye bank to cooperate in the retrieval, processing, preservation, storage, and distribution of tissues and eyes to ensure that all usable tissues and eyes are obtained from potential donors and to avoid interference with organ procurement. The protocol shall ensure that the hospital collaborates with the designated organ procurement organization to inform the family of each potential donor of the option to donate organs, tissues, or eyes or to decline to donate. The individual making contact with the family shall have completed a course in the methodology for approaching potential donor families and requesting organ or tissue donation that (a) is offered or approved by the organ procurement organization and designed in conjunction with the tissue and eye bank community and (b) encourages discretion and sensitivity according to the specific circumstances, views, and beliefs of the relevant family. In addition, the hospital shall work cooperatively with the designated organ procurement organization in educating the staff responsible for contacting the organ procurement organization's personnel on donation issues, the proper review of death records to improve identification of potential donors, and the proper procedures for maintaining potential donors while necessary testing and placement of potential donated organs, tissues, and eyes takes place. This process shall be followed, without exception, unless the family of the relevant decedent or patient has expressed opposition to organ donation, the chief administrative officer of the hospital or his designee knows of such opposition, and no donor card or other relevant document, such as an advance directive, can be found;

5. Shall require that each hospital that provides obstetrical services establish a protocol for admission or transfer of any pregnant woman who presents herself while in labor;

6. Shall also require that each licensed hospital develop and implement a protocol requiring written discharge plans for identified, substance-abusing, postpartum women and their infants. The protocol shall require that the discharge plan be discussed with the patient and that appropriate referrals for the mother and the infant be made and documented. Appropriate referrals may include, but need not be limited to, treatment services, comprehensive early intervention services for infants and toddlers with disabilities and their families pursuant to Part H of the Individuals with Disabilities Education Act, 20 U.S.C. § 1471 et seq., and family-oriented prevention services. The discharge planning process shall involve, to the extent possible, the other parent of the infant and any members of the patient's extended family who may participate in the follow-up care for the mother and the infant. Immediately upon identification, pursuant to § 54.1-2403.1, of any

substance-abusing, postpartum woman, the hospital shall notify, subject to federal law restrictions, the community services board of the jurisdiction in which the woman resides to appoint a discharge plan manager. The community services board shall implement and manage the discharge plan;

7. Shall require that each nursing home and certified nursing facility fully disclose to the applicant for admission the home's or facility's admissions policies, including any preferences given;

8. Shall require that each licensed hospital establish a protocol relating to the rights and responsibilities of patients which shall include a process reasonably designed to inform patients of such rights and responsibilities. Such rights and responsibilities of patients, a copy of which shall be given to patients on admission, shall be consistent with applicable federal law and regulations of the Centers for Medicare and Medicaid Services;

9. Shall establish standards and maintain a process for designation of levels or categories of care in neonatal services according to an applicable national or state-developed evaluation system. Such standards may be differentiated for various levels or categories of care and may include, but need not be limited to, requirements for staffing credentials, staff/patient ratios, equipment, and medical protocols;

10. Shall require that each nursing home and certified nursing facility train all employees who are mandated to report adult abuse, neglect, or exploitation pursuant to § 63.2-1606 on such reporting procedures and the consequences for failing to make a required report;

11. Shall permit hospital personnel, as designated in medical staff bylaws, rules and regulations, or hospital policies and procedures, to accept emergency telephone and other verbal orders for medication or treatment for hospital patients from physicians, and other persons lawfully authorized by state statute to give patient orders, subject to a requirement that such verbal order be signed, within a reasonable period of time not to exceed 72 hours as specified in the hospital's medical staff bylaws, rules and regulations or hospital policies and procedures, by the person giving the order, or, when such person is not available within the period of time specified, co-signed by another physician or other person authorized to give the order;

12. Shall require, unless the vaccination is medically contraindicated or the resident declines the offer of the vaccination, that each certified nursing facility and nursing home provide or arrange for the administration to its residents of (i) an annual vaccination against influenza and (ii) a pneumococcal vaccination, in accordance with the most recent recommendations of the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention;

13. Shall require that each nursing home and certified nursing facility register with the Department of State Police to receive notice of the registration, reregistration, or verification of registration information of any person required to register with the Sex Offender and Crimes Against Minors Registry pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1 within the same or a contiguous zip code area in which the home or facility is located, pursuant to § 9.1-914;

14. Shall require that each nursing home and certified nursing facility ascertain, prior to admission, whether a potential patient is required to register with the Sex Offender and Crimes Against Minors Registry pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1, if the home or facility anticipates the potential patient will have a length of stay greater than three days or in fact stays longer than three days;

15. Shall require that each licensed hospital include in its visitation policy a provision allowing each adult patient to receive visits from any individual from whom the patient desires to receive visits, subject to other restrictions contained in the visitation policy including, but not limited to, those related to the patient's medical condition and the number of visitors permitted in the patient's room simultaneously;

16. Shall require that each nursing home and certified nursing facility shall, upon the request of the facility's family council, send notices and information about the family council mutually developed by the family council and the administration of the nursing home or certified nursing facility, and provided to the facility for such purpose, to the listed responsible party or a contact person of the resident's choice up to six times per year. Such notices may be included together with a monthly billing statement or other regular communication. Notices and information shall also be posted in a designated location within the nursing home or certified nursing facility. No family member of a resident or other resident representative shall be restricted from participating in meetings in the facility with the families or resident representatives of other residents in the facility;

17. Shall require that each nursing home and certified nursing facility maintain liability insurance coverage in a minimum amount of $1 million, and professional liability coverage in an amount at least equal to the recovery limit set forth in § 8.01-581.15, to compensate patients or individuals for injuries and losses resulting from the negligent or criminal acts of the facility. Failure to maintain such minimum insurance shall result in revocation of the facility's license;

18. Shall require each hospital that provides obstetrical services to establish policies to follow when a stillbirth, as defined in § 32.1-69.1, occurs that meet the guidelines pertaining to counseling patients and their families and other aspects of managing stillbirths as may be specified by the Board in its regulations;

19. Shall require each nursing home to provide a full refund of any unexpended patient funds on deposit with the facility following the discharge or death of a patient, other than entrance-related fees paid to a continuing care provider as defined in § 38.2-4900, within 30 days of a written request for such funds by the discharged patient or, in the case of the death of a patient, the person administering the person's estate in accordance with the Virginia Small Estates Act (§ 64.2-600 et seq.);

20. Shall require that each hospital that provides inpatient psychiatric services establish a protocol that requires, for any refusal to admit (i) a medically stable patient referred to its psychiatric unit, direct verbal communication between the on-call physician in the psychiatric unit and the referring physician, if requested by such referring physician, and prohibits on-call physicians or other hospital staff from refusing a request for such direct verbal communication by a referring physician and (ii) a patient for whom there is a question regarding the medical stability or medical appropriateness of admission for inpatient psychiatric services due to a situation involving results of a toxicology screening, the on-call physician in the psychiatric unit to which the patient is sought to be transferred to participate in direct verbal communication, either in person or via telephone, with a clinical toxicologist or other person who is a Certified Specialist in Poison Information employed by a poison control center that is accredited by the American Association of Poison Control Centers to review the results of the toxicology screen and determine whether a medical reason for refusing admission to the psychiatric unit related to the results of the toxicology screen exists, if requested by the referring physician;

21. Shall require that each hospital that is equipped to provide life-sustaining treatment shall develop a policy governing determination of the medical and ethical appropriateness of proposed medical care, which shall include (i) a process for obtaining a second opinion regarding the medical and ethical appropriateness of proposed medical care in cases in which a physician has determined proposed care to be medically or ethically inappropriate; (ii) provisions for review of the determination that proposed medical care is medically or ethically inappropriate by an interdisciplinary medical review committee and a determination by the interdisciplinary medical review committee regarding the medical and ethical appropriateness of the proposed health care; and (iii) requirements for a written explanation of the decision reached by the interdisciplinary medical review committee, which shall be included in the patient's medical record. Such policy shall ensure that the patient, his agent, or the person authorized to make medical decisions pursuant to § 54.1-2986 (a) are informed of the patient's right to obtain his medical record and to obtain an independent medical opinion and (b) afforded reasonable opportunity to participate in the medical review committee meeting. Nothing in such policy shall prevent the patient, his agent, or the person authorized to make medical decisions pursuant to § 54.1-2986 from obtaining legal counsel to represent the patient or from seeking other remedies available at law, including seeking court review, provided that the patient, his agent, or the person authorized to make medical decisions pursuant to § 54.1-2986, or legal counsel provides written notice to the chief executive officer of the hospital within 14 days of the date on which the physician's determination that proposed medical treatment is medically or ethically inappropriate is documented in the patient's medical record;

22. Shall require every hospital with an emergency department to establish a security plan. Such security plan shall be developed using standards established by the International Association for Healthcare Security and Safety or other industry standard and shall be based on the results of a security risk assessment of each emergency department location of the hospital and shall include the presence of at least one off-duty law-enforcement officer or trained security personnel who is present in the emergency department at all times as indicated to be necessary and appropriate by the security risk assessment. Such security plan shall be based on identified risks for the emergency department, including trauma level designation, overall volume, volume of psychiatric and forensic patients, incidents of violence against staff, and level of injuries sustained from such violence, and prevalence of crime in the community, in consultation with the emergency department medical director and nurse director. The security plan shall also outline training requirements for security personnel in the potential use of and response to weapons, defensive tactics, de-escalation techniques, appropriate physical restraint and seclusion techniques, crisis intervention, and trauma-informed approaches. Such training shall also include instruction on safely addressing situations involving patients, family members, or other persons who pose a risk of harm to themselves or others due to mental illness or substance abuse or who are experiencing a mental health crisis. Such training requirements may be satisfied through completion of the Department of Criminal Justice Services minimum training standards for auxiliary police officers as required by § 15.2-1731. The Commissioner shall provide a waiver from the requirement that at least one off-duty law-enforcement officer or trained security personnel be present at all times in the emergency department if the hospital demonstrates that a different level of security is necessary and appropriate for any of its emergency departments based upon findings in the security risk assessment;

23. Shall require that each hospital establish a protocol requiring that, before a health care provider arranges for air medical transportation services for a patient who does not have an emergency medical condition as defined in 42 U.S.C. § 1395dd(e)(1), the hospital shall provide the patient or his authorized representative with written or electronic notice that the patient (i) may have a choice of transportation by an air medical transportation provider or medically appropriate ground transportation by an emergency medical services provider and (ii) will be responsible for charges incurred for such transportation in the event that the provider is not a contracted network provider of the patient's health insurance carrier or such charges are not otherwise covered in full or in part by the patient's health insurance plan;

24. Shall establish an exemption from the requirement to obtain a license to add temporary beds in an existing hospital or nursing home, including beds located in a temporary structure or satellite location operated by the hospital or nursing home, provided that the ability remains to safely staff services across the existing hospital or nursing home, (i) for a period of no more than the duration of the Commissioner's determination plus 30 days when the Commissioner has determined that a natural or man-made disaster has caused the evacuation of a hospital or nursing home and that a public health emergency exists due to a shortage of hospital or nursing home beds or (ii) for a period of no more than the duration of the emergency order entered pursuant to § 32.1-13 or 32.1-20 plus 30 days when the Board, pursuant to § 32.1-13, or the Commissioner, pursuant to § 32.1-20, has entered an emergency order for the purpose of suppressing a nuisance dangerous to public health or a communicable, contagious, or infectious disease or other danger to the public life and health;

25. Shall establish protocols to ensure that any patient scheduled to receive an elective surgical procedure for which the patient can reasonably be expected to require outpatient physical therapy as a follow-up treatment after discharge is informed that he (i) is expected to require outpatient physical therapy as a follow-up treatment and (ii) will be required to select a physical therapy provider prior to being discharged from the hospital;

26. Shall permit nursing home staff members who are authorized to possess, distribute, or administer medications to residents to store, dispense, or administer cannabis oil to a resident who has been issued a valid written certification for the use of cannabis oil in accordance with § 4.1-1601;

27. Shall require each hospital with an emergency department to establish a protocol for the treatment and discharge of individuals experiencing a substance use-related emergency, which shall include provisions for (i) appropriate screening and assessment of individuals experiencing substance use-related emergencies to identify medical interventions necessary for the treatment of the individual in the emergency department and (ii) recommendations for follow-up care following discharge for any patient identified as having a substance use disorder, depression, or mental health disorder, as appropriate, which may include, for patients who have been treated for substance use-related emergencies, including opioid overdose, or other high-risk patients, (a) the dispensing of naloxone or other opioid antagonist used for overdose reversal pursuant to subsection X of § 54.1-3408 at discharge or (b) issuance of a prescription for and information about accessing naloxone or other opioid antagonist used for overdose reversal, including information about accessing naloxone or other opioid antagonist used for overdose reversal at a community pharmacy, including any outpatient pharmacy operated by the hospital, or through a community organization or pharmacy that may dispense naloxone or other opioid antagonist used for overdose reversal without a prescription pursuant to a statewide standing order. Such protocols may also provide for referrals of individuals experiencing a substance use-related emergency to peer recovery specialists and community-based providers of behavioral health services, or to providers of pharmacotherapy for the treatment of drug or alcohol dependence or mental health diagnoses;

28. During a public health emergency related to COVID-19, shall require each nursing home and certified nursing facility to establish a protocol to allow each patient to receive visits, consistent with guidance from the Centers for Disease Control and Prevention and as directed by the Centers for Medicare and Medicaid Services and the Board. Such protocol shall include provisions describing (i) the conditions, including conditions related to the presence of COVID-19 in the nursing home, certified nursing facility, and community, under which in-person visits will be allowed and under which in-person visits will not be allowed and visits will be required to be virtual; (ii) the requirements with which in-person visitors will be required to comply to protect the health and safety of the patients and staff of the nursing home or certified nursing facility; (iii) the types of technology, including interactive audio or video technology, and the staff support necessary to ensure visits are provided as required by this subdivision; and (iv) the steps the nursing home or certified nursing facility will take in the event of a technology failure, service interruption, or documented emergency that prevents visits from occurring as required by this subdivision. Such protocol shall also include (a) a statement of the frequency with which visits, including virtual and in-person, where appropriate, will be allowed, which shall be at least once every 10 calendar days for each patient; (b) a provision authorizing a patient or the patient's personal representative to waive or limit visitation, provided that such waiver or limitation is included in the patient's health record; and (c) a requirement that each nursing home and certified nursing facility publish on its website or communicate to each patient or the patient's authorized representative, in writing or via electronic means, the nursing home's or certified nursing facility's plan for providing visits to patients as required by this subdivision;

29. Shall require each hospital, nursing home, and certified nursing facility to establish and implement policies to ensure the permissible access to and use of an intelligent personal assistant provided by a patient, in accordance with such regulations, while receiving inpatient services. Such policies shall ensure protection of health information in accordance with the requirements of the federal Health Insurance Portability and Accountability Act of 1996, 42 U.S.C. § 1320d et seq., as amended. For the purposes of this subdivision, "intelligent personal assistant" means a combination of an electronic device and a specialized software application designed to assist users with basic tasks using a combination of natural language processing and artificial intelligence, including such combinations known as "digital assistants" or "virtual assistants";

30. During a declared public health emergency related to a communicable disease of public health threat, shall require each hospital, nursing home, and certified nursing facility to establish a protocol to allow patients to receive visits from a rabbi, priest, minister, or clergy of any religious denomination or sect consistent with guidance from the Centers for Disease Control and Prevention and the Centers for Medicare and Medicaid Services and subject to compliance with any executive order, order of public health, Department guidance, or any other applicable federal or state guidance having the effect of limiting visitation. Such protocol may restrict the frequency and duration of visits and may require visits to be conducted virtually using interactive audio or video technology. Any such protocol may require the person visiting a patient pursuant to this subdivision to comply with all reasonable requirements of the hospital, nursing home, or certified nursing facility adopted to protect the health and safety of the person, patients, and staff of the hospital, nursing home, or certified nursing facility; and

31. Shall require that every hospital that makes health records, as defined in § 32.1-127.1:03, of patients who are minors available to such patients through a secure website shall make such health records available to such patient's parent or guardian through such secure website, unless the hospital cannot make such health record available in a manner that

prevents disclosure of information, the disclosure of which has been denied pursuant to subsection F of § 32.1-127.1:03 or for which consent required in accordance with subsection E of § 54.1-2969 has not been provided.

C. Upon obtaining the appropriate license, if applicable, licensed hospitals, nursing homes, and certified nursing facilities may operate adult day ~~care~~ centers.

D. All facilities licensed by the Board pursuant to this article which provide treatment or care for hemophiliacs and, in the course of such treatment, stock clotting factors, shall maintain records of all lot numbers or other unique identifiers for such clotting factors in order that, in the event the lot is found to be contaminated with an infectious agent, those hemophiliacs who have received units of this contaminated clotting factor may be apprised of this contamination. Facilities which have identified a lot that is known to be contaminated shall notify the recipient's attending physician and request that he notify the recipient of the contamination. If the physician is unavailable, the facility shall notify by mail, return receipt requested, each recipient who received treatment from a known contaminated lot at the individual's last known address.

E. Hospitals in the Commonwealth may enter into agreements with the Department of Health for the provision to uninsured patients of naloxone or other opioid antagonists used for overdose reversal.

§ 32.1-127. (Effective July 1, 2025) Regulations.

A. The regulations promulgated by the Board to carry out the provisions of this article shall be in substantial conformity to the standards of health, hygiene, sanitation, construction and safety as established and recognized by medical and health care professionals and by specialists in matters of public health and safety, including health and safety standards established under provisions of Title XVIII and Title XIX of the Social Security Act, and to the provisions of Article 2 (§ 32.1-138 et seq.).

B. Such regulations:

1. Shall include minimum standards for (i) the construction and maintenance of hospitals, nursing homes and certified nursing facilities to ensure the environmental protection and the life safety of its patients, employees, and the public; (ii) the operation, staffing and equipping of hospitals, nursing homes and certified nursing facilities; (iii) qualifications and training of staff of hospitals, nursing homes and certified nursing facilities, except those professionals licensed or certified by the Department of Health Professions; (iv) conditions under which a hospital or nursing home may provide medical and nursing services to patients in their places of residence; and (v) policies related to infection prevention, disaster preparedness, and facility security of hospitals, nursing homes, and certified nursing facilities;

2. Shall provide that at least one physician who is licensed to practice medicine in this Commonwealth shall be on call at all times, though not necessarily physically present on the premises, at each hospital which operates or holds itself out as operating an emergency service;

3. May classify hospitals and nursing homes by type of specialty or service and may provide for licensing hospitals and nursing homes by bed capacity and by type of specialty or service;

4. Shall also require that each hospital establish a protocol for organ donation, in compliance with federal law and the regulations of the Centers for Medicare and Medicaid Services (CMS), particularly 42 C.F.R. § 482.45. Each hospital shall have an agreement with an organ procurement organization designated in CMS regulations for routine contact, whereby the provider's designated organ procurement organization certified by CMS (i) is notified in a timely manner of all deaths or imminent deaths of patients in the hospital and (ii) is authorized to determine the suitability of the decedent or patient for organ donation and, in the absence of a similar arrangement with any eye bank or tissue bank in Virginia certified by the Eye Bank Association of America or the American Association of Tissue Banks, the suitability for tissue and eye donation. The hospital shall also have an agreement with at least one tissue bank and at least one eye bank to cooperate in the retrieval, processing, preservation, storage, and distribution of tissues and eyes to ensure that all usable tissues and eyes are obtained from potential donors and to avoid interference with organ procurement. The protocol shall ensure that the hospital collaborates with the designated organ procurement organization to inform the family of each potential donor of the option to donate organs, tissues, or eyes or to decline to donate. The individual making contact with the family shall have completed a course in the methodology for approaching potential donor families and requesting organ or tissue donation that (a) is offered or approved by the organ procurement organization and designed in conjunction with the tissue and eye bank community and (b) encourages discretion and sensitivity according to the specific circumstances, views, and beliefs of the relevant family. In addition, the hospital shall work cooperatively with the designated organ procurement organization in educating the staff responsible for contacting the organ procurement organization's personnel on donation issues, the proper review of death records to improve identification of potential donors, and the proper procedures for maintaining potential donors while necessary testing and placement of potential donated organs, tissues, and eyes takes place. This process shall be followed, without exception, unless the family of the relevant decedent or patient has expressed opposition to organ donation, the chief administrative officer of the hospital or his designee knows of such opposition, and no donor card or other relevant document, such as an advance directive, can be found;

5. Shall require that each hospital that provides obstetrical services establish a protocol for admission or transfer of any pregnant woman who presents herself while in labor;

6. Shall also require that each licensed hospital develop and implement a protocol requiring written discharge plans for identified, substance-abusing, postpartum women and their infants. The protocol shall require that the discharge plan be discussed with the patient and that appropriate referrals for the mother and the infant be made and documented. Appropriate referrals may include, but need not be limited to, treatment services, comprehensive early intervention services for infants and toddlers with disabilities and their families pursuant to Part H of the Individuals with Disabilities Education Act,

20 U.S.C. § 1471 et seq., and family-oriented prevention services. The discharge planning process shall involve, to the extent possible, the other parent of the infant and any members of the patient's extended family who may participate in the follow-up care for the mother and the infant. Immediately upon identification, pursuant to § 54.1-2403.1, of any substance-abusing, postpartum woman, the hospital shall notify, subject to federal law restrictions, the community services board of the jurisdiction in which the woman resides to appoint a discharge plan manager. The community services board shall implement and manage the discharge plan;

7. Shall require that each nursing home and certified nursing facility fully disclose to the applicant for admission the home's or facility's admissions policies, including any preferences given;

8. Shall require that each licensed hospital establish a protocol relating to the rights and responsibilities of patients which shall include a process reasonably designed to inform patients of such rights and responsibilities. Such rights and responsibilities of patients, a copy of which shall be given to patients on admission, shall be consistent with applicable federal law and regulations of the Centers for Medicare and Medicaid Services;

9. Shall establish standards and maintain a process for designation of levels or categories of care in neonatal services according to an applicable national or state-developed evaluation system. Such standards may be differentiated for various levels or categories of care and may include, but need not be limited to, requirements for staffing credentials, staff/patient ratios, equipment, and medical protocols;

10. Shall require that each nursing home and certified nursing facility train all employees who are mandated to report adult abuse, neglect, or exploitation pursuant to § 63.2-1606 on such reporting procedures and the consequences for failing to make a required report;

11. Shall permit hospital personnel, as designated in medical staff bylaws, rules and regulations, or hospital policies and procedures, to accept emergency telephone and other verbal orders for medication or treatment for hospital patients from physicians, and other persons lawfully authorized by state statute to give patient orders, subject to a requirement that such verbal order be signed, within a reasonable period of time not to exceed 72 hours as specified in the hospital's medical staff bylaws, rules and regulations or hospital policies and procedures, by the person giving the order, or, when such person is not available within the period of time specified, co-signed by another physician or other person authorized to give the order;

12. Shall require, unless the vaccination is medically contraindicated or the resident declines the offer of the vaccination, that each certified nursing facility and nursing home provide or arrange for the administration to its residents of (i) an annual vaccination against influenza and (ii) a pneumococcal vaccination, in accordance with the most recent recommendations of the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention;

13. Shall require that each nursing home and certified nursing facility register with the Department of State Police to receive notice of the registration, reregistration, or verification of registration information of any person required to register with the Sex Offender and Crimes Against Minors Registry pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1 within the same or a contiguous zip code area in which the home or facility is located, pursuant to § 9.1-914;

14. Shall require that each nursing home and certified nursing facility ascertain, prior to admission, whether a potential patient is required to register with the Sex Offender and Crimes Against Minors Registry pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1, if the home or facility anticipates the potential patient will have a length of stay greater than three days or in fact stays longer than three days;

15. Shall require that each licensed hospital include in its visitation policy a provision allowing each adult patient to receive visits from any individual from whom the patient desires to receive visits, subject to other restrictions contained in the visitation policy including, but not limited to, those related to the patient's medical condition and the number of visitors permitted in the patient's room simultaneously;

16. Shall require that each nursing home and certified nursing facility shall, upon the request of the facility's family council, send notices and information about the family council mutually developed by the family council and the administration of the nursing home or certified nursing facility, and provided to the facility for such purpose, to the listed responsible party or a contact person of the resident's choice up to six times per year. Such notices may be included together with a monthly billing statement or other regular communication. Notices and information shall also be posted in a designated location within the nursing home or certified nursing facility. No family member of a resident or other resident representative shall be restricted from participating in meetings in the facility with the families or resident representatives of other residents in the facility;

17. Shall require that each nursing home and certified nursing facility maintain liability insurance coverage in a minimum amount of $1 million, and professional liability coverage in an amount at least equal to the recovery limit set forth in § 8.01-581.15, to compensate patients or individuals for injuries and losses resulting from the negligent or criminal acts of the facility. Failure to maintain such minimum insurance shall result in revocation of the facility's license;

18. Shall require each hospital that provides obstetrical services to establish policies to follow when a stillbirth, as defined in § 32.1-69.1, occurs that meet the guidelines pertaining to counseling patients and their families and other aspects of managing stillbirths as may be specified by the Board in its regulations;

19. Shall require each nursing home to provide a full refund of any unexpended patient funds on deposit with the facility following the discharge or death of a patient, other than entrance-related fees paid to a continuing care provider as defined in § 38.2-4900, within 30 days of a written request for such funds by the discharged patient or, in the case of the

death of a patient, the person administering the person's estate in accordance with the Virginia Small Estates Act (§ 64.2-600 et seq.);

20. Shall require that each hospital that provides inpatient psychiatric services establish a protocol that requires, for any refusal to admit (i) a medically stable patient referred to its psychiatric unit, direct verbal communication between the on-call physician in the psychiatric unit and the referring physician, if requested by such referring physician, and prohibits on-call physicians or other hospital staff from refusing a request for such direct verbal communication by a referring physician and (ii) a patient for whom there is a question regarding the medical stability or medical appropriateness of admission for inpatient psychiatric services due to a situation involving results of a toxicology screening, the on-call physician in the psychiatric unit to which the patient is sought to be transferred to participate in direct verbal communication, either in person or via telephone, with a clinical toxicologist or other person who is a Certified Specialist in Poison Information employed by a poison control center that is accredited by the American Association of Poison Control Centers to review the results of the toxicology screen and determine whether a medical reason for refusing admission to the psychiatric unit related to the results of the toxicology screen exists, if requested by the referring physician;

21. Shall require that each hospital that is equipped to provide life-sustaining treatment shall develop a policy governing determination of the medical and ethical appropriateness of proposed medical care, which shall include (i) a process for obtaining a second opinion regarding the medical and ethical appropriateness of proposed medical care in cases in which a physician has determined proposed care to be medically or ethically inappropriate; (ii) provisions for review of the determination that proposed medical care is medically or ethically inappropriate by an interdisciplinary medical review committee and a determination by the interdisciplinary medical review committee regarding the medical and ethical appropriateness of the proposed health care; and (iii) requirements for a written explanation of the decision reached by the interdisciplinary medical review committee, which shall be included in the patient's medical record. Such policy shall ensure that the patient, his agent, or the person authorized to make medical decisions pursuant to § 54.1-2986 (a) are informed of the patient's right to obtain his medical record and to obtain an independent medical opinion and (b) afforded reasonable opportunity to participate in the medical review committee meeting. Nothing in such policy shall prevent the patient, his agent, or the person authorized to make medical decisions pursuant to § 54.1-2986 from obtaining legal counsel to represent the patient or from seeking other remedies available at law, including seeking court review, provided that the patient, his agent, or the person authorized to make medical decisions pursuant to § 54.1-2986, or legal counsel provides written notice to the chief executive officer of the hospital within 14 days of the date on which the physician's determination that proposed medical treatment is medically or ethically inappropriate is documented in the patient's medical record;

22. Shall require every hospital with an emergency department to establish a security plan. Such security plan shall be developed using standards established by the International Association for Healthcare Security and Safety or other industry standard and shall be based on the results of a security risk assessment of each emergency department location of the hospital and shall include the presence of at least one off-duty law-enforcement officer or trained security personnel who is present in the emergency department at all times as indicated to be necessary and appropriate by the security risk assessment. Such security plan shall be based on identified risks for the emergency department, including trauma level designation, overall volume, volume of psychiatric and forensic patients, incidents of violence against staff, and level of injuries sustained from such violence, and prevalence of crime in the community, in consultation with the emergency department medical director and nurse director. The security plan shall also outline training requirements for security personnel in the potential use of and response to weapons, defensive tactics, de-escalation techniques, appropriate physical restraint and seclusion techniques, crisis intervention, and trauma-informed approaches. Such training shall also include instruction on safely addressing situations involving patients, family members, or other persons who pose a risk of harm to themselves or others due to mental illness or substance abuse or who are experiencing a mental health crisis. Such training requirements may be satisfied through completion of the Department of Criminal Justice Services minimum training standards for auxiliary police officers as required by § 15.2-1731. The Commissioner shall provide a waiver from the requirement that at least one off-duty law-enforcement officer or trained security personnel be present at all times in the emergency department if the hospital demonstrates that a different level of security is necessary and appropriate for any of its emergency departments based upon findings in the security risk assessment;

23. Shall require that each hospital establish a protocol requiring that, before a health care provider arranges for air medical transportation services for a patient who does not have an emergency medical condition as defined in 42 U.S.C. § 1395dd(e)(1), the hospital shall provide the patient or his authorized representative with written or electronic notice that the patient (i) may have a choice of transportation by an air medical transportation provider or medically appropriate ground transportation by an emergency medical services provider and (ii) will be responsible for charges incurred for such transportation in the event that the provider is not a contracted network provider of the patient's health insurance carrier or such charges are not otherwise covered in full or in part by the patient's health insurance plan;

24. Shall establish an exemption from the requirement to obtain a license to add temporary beds in an existing hospital or nursing home, including beds located in a temporary structure or satellite location operated by the hospital or nursing home, provided that the ability remains to safely staff services across the existing hospital or nursing home, (i) for a period of no more than the duration of the Commissioner's determination plus 30 days when the Commissioner has determined that a natural or man-made disaster has caused the evacuation of a hospital or nursing home and that a public health emergency exists due to a shortage of hospital or nursing home beds or (ii) for a period of no more than the duration of the emergency order entered pursuant to § 32.1-13 or 32.1-20 plus 30 days when the Board, pursuant to § 32.1-13, or the Commissioner,

pursuant to § 32.1-20, has entered an emergency order for the purpose of suppressing a nuisance dangerous to public health or a communicable, contagious, or infectious disease or other danger to the public life and health;

25. Shall establish protocols to ensure that any patient scheduled to receive an elective surgical procedure for which the patient can reasonably be expected to require outpatient physical therapy as a follow-up treatment after discharge is informed that he (i) is expected to require outpatient physical therapy as a follow-up treatment and (ii) will be required to select a physical therapy provider prior to being discharged from the hospital;

26. Shall permit nursing home staff members who are authorized to possess, distribute, or administer medications to residents to store, dispense, or administer cannabis oil to a resident who has been issued a valid written certification for the use of cannabis oil in accordance with § 4.1-1601;

27. Shall require each hospital with an emergency department to establish a protocol for the treatment and discharge of individuals experiencing a substance use-related emergency, which shall include provisions for (i) appropriate screening and assessment of individuals experiencing substance use-related emergencies to identify medical interventions necessary for the treatment of the individual in the emergency department and (ii) recommendations for follow-up care following discharge for any patient identified as having a substance use disorder, depression, or mental health disorder, as appropriate, which may include, for patients who have been treated for substance use-related emergencies, including opioid overdose, or other high-risk patients, (a) the dispensing of naloxone or other opioid antagonist used for overdose reversal pursuant to subsection X of § 54.1-3408 at discharge or (b) issuance of a prescription for and information about accessing naloxone or other opioid antagonist used for overdose reversal, including information about accessing naloxone or other opioid antagonist used for overdose reversal at a community pharmacy, including any outpatient pharmacy operated by the hospital, or through a community organization or pharmacy that may dispense naloxone or other opioid antagonist used for overdose reversal without a prescription pursuant to a statewide standing order. Such protocols may also provide for referrals of individuals experiencing a substance use-related emergency to peer recovery specialists and community-based providers of behavioral health services, or to providers of pharmacotherapy for the treatment of drug or alcohol dependence or mental health diagnoses;

28. During a public health emergency related to COVID-19, shall require each nursing home and certified nursing facility to establish a protocol to allow each patient to receive visits, consistent with guidance from the Centers for Disease Control and Prevention and as directed by the Centers for Medicare and Medicaid Services and the Board. Such protocol shall include provisions describing (i) the conditions, including conditions related to the presence of COVID-19 in the nursing home, certified nursing facility, and community, under which in-person visits will be allowed and under which in-person visits will not be allowed and visits will be required to be virtual; (ii) the requirements with which in-person visitors will be required to comply to protect the health and safety of the patients and staff of the nursing home or certified nursing facility; (iii) the types of technology, including interactive audio or video technology, and the staff support necessary to ensure visits are provided as required by this subdivision; and (iv) the steps the nursing home or certified nursing facility will take in the event of a technology failure, service interruption, or documented emergency that prevents visits from occurring as required by this subdivision. Such protocol shall also include (a) a statement of the frequency with which visits, including virtual and in-person, where appropriate, will be allowed, which shall be at least once every 10 calendar days for each patient; (b) a provision authorizing a patient or the patient's personal representative to waive or limit visitation, provided that such waiver or limitation is included in the patient's health record; and (c) a requirement that each nursing home and certified nursing facility publish on its website or communicate to each patient or the patient's authorized representative, in writing or via electronic means, the nursing home's or certified nursing facility's plan for providing visits to patients as required by this subdivision;

29. Shall require each hospital, nursing home, and certified nursing facility to establish and implement policies to ensure the permissible access to and use of an intelligent personal assistant provided by a patient, in accordance with such regulations, while receiving inpatient services. Such policies shall ensure protection of health information in accordance with the requirements of the federal Health Insurance Portability and Accountability Act of 1996, 42 U.S.C. § 1320d et seq., as amended. For the purposes of this subdivision, "intelligent personal assistant" means a combination of an electronic device and a specialized software application designed to assist users with basic tasks using a combination of natural language processing and artificial intelligence, including such combinations known as "digital assistants" or "virtual assistants";

30. During a declared public health emergency related to a communicable disease of public health threat, shall require each hospital, nursing home, and certified nursing facility to establish a protocol to allow patients to receive visits from a rabbi, priest, minister, or clergy of any religious denomination or sect consistent with guidance from the Centers for Disease Control and Prevention and the Centers for Medicare and Medicaid Services and subject to compliance with any executive order, order of public health, Department guidance, or any other applicable federal or state guidance having the effect of limiting visitation. Such protocol may restrict the frequency and duration of visits and may require visits to be conducted virtually using interactive audio or video technology. Any such protocol may require the person visiting a patient pursuant to this subdivision to comply with all reasonable requirements of the hospital, nursing home, or certified nursing facility adopted to protect the health and safety of the person, patients, and staff of the hospital, nursing home, or certified nursing facility;

31. Shall require that every hospital that makes health records, as defined in § 32.1-127.1:03, of patients who are minors available to such patients through a secure website shall make such health records available to such patient's parent

or guardian through such secure website, unless the hospital cannot make such health record available in a manner that prevents disclosure of information, the disclosure of which has been denied pursuant to subsection F of § 32.1-127.1:03 or for which consent required in accordance with subsection E of § 54.1-2969 has not been provided; and

32. Shall require each certified nursing facility eligible to participate in the Virginia Medicaid Nursing Facility Value-Based Purchasing (VBP) program, as referenced in Chapter 2 of the Acts of Assembly of 2022, Special Session I, to provide at least 3.08 hours of case mix-adjusted total nurse staffing hours per resident per day on average as determined annually by the Department of Medical Assistance Services for use in the VBP program, utilizing job codes for the calculation of total nurse staffing hours per resident per day following the Centers for Medicare and Medicaid Services (CMS) definitions as of January 1, 2022, used for similar purposes and including certified nursing assistants, licensed practical nurses, and registered nurses. No additional reporting shall be required by a certified nursing facility under this subdivision.

C. Upon obtaining the appropriate license, if applicable, licensed hospitals, nursing homes, and certified nursing facilities may operate adult day ~~care~~ centers.

D. All facilities licensed by the Board pursuant to this article which provide treatment or care for hemophiliacs and, in the course of such treatment, stock clotting factors, shall maintain records of all lot numbers or other unique identifiers for such clotting factors in order that, in the event the lot is found to be contaminated with an infectious agent, those hemophiliacs who have received units of this contaminated clotting factor may be apprised of this contamination. Facilities which have identified a lot that is known to be contaminated shall notify the recipient's attending physician and request that he notify the recipient of the contamination. If the physician is unavailable, the facility shall notify by mail, return receipt requested, each recipient who received treatment from a known contaminated lot at the individual's last known address.

E. Hospitals in the Commonwealth may enter into agreements with the Department of Health for the provision to uninsured patients of naloxone or other opioid antagonists used for overdose reversal.

§ 35.1-1. Definitions.

As used in this title, unless the context requires a different meaning:

"Bed-and-breakfast operation" means a residential-type establishment that provides (i) two or more rental accommodations for transient guests and food service to a maximum of 18 transient guests on any single day for five or more days in any calendar year or (ii) at least one rental accommodation for transient guests and food service to a maximum of 18 transient guests on any single day for 30 or more days in any calendar year.

"Board" or "State Board" means the State Board of Health.

"Campground" means any area, place, parcel, or tract of land, by whatever name called, on which three or more campsites are occupied or intended for occupancy, or facilities are established or maintained, wholly or in part, for the accommodation of camping units for periods of overnight or longer, whether the use of the campsites and facilities is granted gratuitously, or by rental fee, lease, or conditional sale, or by covenants, restrictions, and easements, including any travel trailer camp, recreation camp, family campground, camping resort, or camping community. "Campground" does not mean a summer camp, migrant labor camp, or park for manufactured homes as defined in this section and in §§ 32.1-203 and 36-85.3, or a construction camp, storage area for unoccupied camping units, or property upon which the individual owner may choose to camp and not be prohibited or encumbered by covenants, restrictions, and conditions from providing his sanitary facilities within his property lines.

"Camping unit" means any device or vehicular type structure for use as temporary living quarters or shelter during periods of recreation, vacation, leisure time, or travel, including any tent, tent trailer, travel trailer, camping trailer, pickup camper, or motor home.

"Campsite" means any plot of ground within a campground used or intended for occupation by the camping unit.

"Certified food protection manager" means a person who has demonstrated proficiency in food safety issues, regulations, and techniques in maintaining a safe-food environment by passing a test and receiving a certification as part of a program that is accredited by the Board.

"Commissioner" means the State Health Commissioner.

"Department" means the State Department of Health.

"Hotel" means any place offering to the public for compensation transitory lodging or sleeping accommodations, overnight or otherwise, including facilities known by varying nomenclatures or designations as hotels, motels, travel lodges, tourist homes, or hostels.

"Person" means an individual, corporation, partnership, association, or any other legal entity.

"Restaurant" means:

1. Any place where food is prepared for service to the public on or off the premises, or any place where food is served, including lunchrooms, short order places, cafeterias, coffee shops, cafes, taverns, delicatessens, dining accommodations of public or private clubs, kitchen facilities of hospitals and nursing homes, dining accommodations of public and private schools and institutions of higher education, and kitchen areas of local correctional facilities subject to standards adopted under § 53.1-68.

2. Any place or operation that prepares or stores food for distribution to persons of the same business operation or of a related business operation for service to the public, including operations preparing or storing food for catering services, push cart operations, hotdog stands, and other mobile points of service.

3. Mobile points of service to which food is distributed by a place or operation described in subdivision 2 unless the point of service and of consumption is in a private residence.

4. Any place or operation that prepares or stores food for distribution to child or adult day ~~care~~ centers or schools, regardless of whether the receiving day ~~care~~ center or school holds a restaurant license.

"Restaurant" does not include any place manufacturing packaged or canned foods that are distributed to grocery stores or other similar retailers for sale to the public.

"Summer camp" means any building, tent, or vehicle, or group of buildings, tents, or vehicles, if operated as one place or establishment, or any other place or establishment, public or private, together with the land and waters adjacent thereto, that is operated or used in this Commonwealth for the entertainment, education, recreation, religious instruction or activities, physical education, or health of persons under 18 years of age who are not related to the operator of such place or establishment by blood or marriage within the third degree of consanguinity or affinity, if 12 or more such persons at any one time are accommodated, gratuitously or for compensation, overnight and during any portion of more than two consecutive days.

§ 36-99.5:1. Smoke alarms and other fire detection and suppression systems in assisted living facilities, adult day centers and nursing homes and facilities.

A. Battery operated or AC powered smoke alarm devices shall be installed in all assisted living facilities and adult day ~~care~~ centers licensed by the Department of Social Services, regardless of when the building was constructed. The location and installation of the smoke alarms shall be determined by the Building Code.

The licensee shall obtain a certificate of compliance from the building official of the locality in which the facility or center is located, or in the case of state-owned buildings, from the Department of General Services.

The licensee shall maintain the smoke alarm devices in good working order.

B. The Board of Housing and Community Development shall promulgate regulations in accordance with the Administrative Process Act (§ 2.2-4000 et seq.) establishing standards for requiring (i) smoke alarms and (ii) such other fire detection and suppression systems as deemed necessary by the Board to increase the safety of persons in assisted living facilities, residential dwelling units designed or developed and marketed to senior citizens, nursing homes, and nursing facilities. All nursing homes and nursing facilities that are already equipped with sprinkler systems shall comply with regulations relating to smoke alarms.

§ 44-146.19. Powers and duties of political subdivisions.

A. Each political subdivision within the Commonwealth shall be within the jurisdiction of and served by the Department of Emergency Management and be responsible for local disaster mitigation, preparedness, response, and recovery. Each political subdivision shall maintain in accordance with state disaster preparedness plans and programs an agency of emergency management which, except as otherwise provided under this chapter, has jurisdiction over and services the entire political subdivision.

B. Each political subdivision shall have a director of emergency management who, after the term of the person presently serving in this capacity has expired and in the absence of an executive order by the Governor, shall be the following:

1. In the case of a city, the mayor or city manager, who shall appoint a coordinator of emergency management with consent of council;

2. In the case of a county, a member of the board of supervisors selected by the board or the chief administrative officer for the county, who shall appoint a coordinator of emergency management with the consent of the governing body;

3. A coordinator of emergency management shall be appointed by the council of any town to ensure integration of its organization into the county emergency management organization;

4. In the case of the Towns of Chincoteague and West Point and of towns with a population in excess of 5,000 having an emergency management organization separate from that of the county, the mayor or town manager shall appoint a coordinator of emergency services with consent of council;

5. In Smyth County and in York County, the chief administrative officer for the county shall appoint a director of emergency management, with the consent of the governing body, who shall appoint a coordinator of emergency management with the consent of the governing body.

C. Whenever the Governor has declared a state of emergency, each political subdivision within the disaster area may, under the supervision and control of the Governor or his designated representative, control, restrict, allocate, or regulate the use, sale, production, and distribution of food, fuel, clothing, and other commodities, materials, goods, services, and resource systems which fall only within the boundaries of that jurisdiction and which do not impact systems affecting adjoining or other political subdivisions, enter into contracts and incur obligations necessary to combat such threatened or actual disaster, protect the health and safety of persons and property, and provide emergency assistance to the victims of such disaster. In exercising the powers vested under this section, under the supervision and control of the Governor, the political subdivision may proceed without regard to time-consuming procedures and formalities prescribed by law (except mandatory constitutional requirements) pertaining to the performance of public work, entering into contracts, incurring of obligations, employment of temporary workers, rental of equipment, purchase of supplies and materials, levying of taxes, and appropriation and expenditure of public funds.

D. The director of each local organization for emergency management may, in collaboration with (i) other public and private agencies within the Commonwealth or (ii) other states or localities within other states, develop or cause to be

developed mutual aid arrangements for reciprocal assistance in case of a disaster too great to be dealt with unassisted. Such arrangements shall be consistent with state plans and programs and it shall be the duty of each local organization for emergency management to render assistance in accordance with the provisions of such mutual aid arrangements. Except where a mutual aid arrangement for reciprocal assistance exists between localities, no locality shall prohibit another locality from providing emergency medical services across local boundaries solely on the basis of financial considerations.

E. Each local and interjurisdictional agency shall prepare and keep current a local or interjurisdictional emergency operations plan for its area. The plan shall include, but not be limited to, responsibilities of all local agencies and shall establish a chain of command, and a provision that the Department of Criminal Justice Services and the Virginia Criminal Injuries Compensation Fund shall be contacted immediately to deploy assistance in the event of an emergency as defined in the emergency response plan when there are victims as defined in § 19.2-11.01. The Department of Criminal Justice Services and the Virginia Criminal Injuries Compensation Fund shall be the lead coordinating agencies for those individuals determined to be victims, and the plan shall also contain current contact information for both agencies. Such plan shall also contain provisions to ensure that the plan is applied equitably and that the needs of minority and vulnerable communities are met during emergencies. Every four years, each local and interjurisdictional agency shall conduct a comprehensive review and revision of its emergency operations plan to ensure that the plan remains current, and the revised plan shall be formally adopted by the locality's governing body. In the case of an interjurisdictional agency, the plan shall be formally adopted by the governing body of each of the localities encompassed by the agency. Each political subdivision having a nuclear power station or other nuclear facility within 10 miles of its boundaries shall, if so directed by the Department of Emergency Management, prepare and keep current an appropriate emergency plan for its area for response to nuclear accidents at such station or facility.

F. All political subdivisions shall provide (i) an annually updated emergency management assessment and (ii) data related to emergency sheltering capabilities, including emergency shelter locations, evacuation zones, capacity by person, medical needs capacity, current wind rating, standards compliance, backup power, and lead agency for staffing, to the State Coordinator of Emergency Management on or before August 1 of each year.

G. By July 1, 2005, all localities with a population greater than 50,000 shall establish an alert and warning plan for the dissemination of adequate and timely warning to the public in the event of an emergency or threatened disaster. The governing body of the locality, in consultation with its local emergency management organization, shall amend its local emergency operations plan that may include rules for the operation of its alert and warning system, to include sirens, Emergency Alert System (EAS), NOAA Weather Radios, or other personal notification systems, amateur radio operators, or any combination thereof.

H. Localities that have established an agency of emergency management shall have authority to require the review of, and suggest amendments to, the emergency plans of nursing homes, assisted living facilities, adult day ~~care~~ centers, and child day care centers that are located within the locality.

§ 51.5-182. Responsibility for complaints and investigations.

In addition to its responsibilities for complaints regarding services provided by long-term care facilities pursuant to the Older Americans Act, 42 U.S.C. § 3001 et seq., as amended, the Office of the State Long-Term Care Ombudsman shall investigate complaints regarding services provided by (i) licensed adult day ~~care~~ centers as defined in § 63.2-100, (ii) home care organizations as defined in § 32.1-162.7, (iii) hospice facilities as defined in § 32.1-162.1, (iv) providers as defined in § 37.2-403, (v) state hospitals operated by the Department of Behavioral Health and Developmental Services, and (vi) an area agency on aging or any private nonprofit or proprietary agency providing services.

Nothing in this section shall affect the services provided by local departments of social services pursuant to § 63.2-1605.

§ 51.5-183. Access to clients, patients, individuals, providers, and records by Office of the State Long-Term Care Ombudsman; interference, retaliation, and reprisals against complainants.

A. The Office of the State Long-Term Care Ombudsman pursuant to the Older Americans Act, 42 U.S.C. § 3001 et seq., shall, in the performance of its functions, responsibilities, and duties, have access to (i) licensed assisted living facilities and adult day ~~care~~ centers as those terms are defined in § 63.2-100, (ii) home care organizations as defined in § 32.1-162.7, (iii) hospice facilities as defined in § 32.1-162.1, (iv) certified nursing facilities and nursing homes as those terms are defined in § 32.1-123, (v) providers as defined in § 37.2-403, (vi) state hospitals operated by the Department of Behavioral Health and Developmental Services, and (vii) providers of services by an area agency on aging or any private nonprofit or proprietary agency providing services; the clients, patients, and individuals receiving services; and the records of such clients, patients, and individuals whenever the Office of the State Long-Term Care Ombudsman has the consent of the client, patient, or individual receiving services or his legal representative. However, if a client, patient, or individual receiving services is unable to consent to the review of his medical and social records and has no legal representative, and access to the records is necessary to investigate a complaint, access shall be granted to the extent necessary to conduct the investigation. Further, access shall be granted to the Office of the State Long-Term Care Ombudsman if a legal representative of the client, patient, or individual receiving services refuses to give consent and the Office of the State Long-Term Care Ombudsman has reasonable cause to believe that the legal representative is not acting in the best interests of the client, patient, or individual receiving services. Notwithstanding the provisions of § 32.1-125.1, the Office of the State Long-Term Care Ombudsman shall have access to state hospitals in accordance with this section. Access to patients, residents, and individuals receiving services and their records and to providers shall be available at any time during a

provider's regular business or visiting hours and at any other time when access is required by the circumstances to be investigated. Records that are confidential under federal or state law shall be maintained as confidential by the Office of the State Long-Term Care Ombudsman and shall not be further disclosed, except as permitted by law. However, notwithstanding the provisions of this section, there shall be no right of access to privileged communications pursuant to § 8.01-581.17.

B. No provider, entity, or person may interfere with, retaliate against, or subject to reprisals a person who in good faith complains or provides information to, or otherwise cooperates with, the Office of the State Long-Term Care Ombudsman or any of its representatives or designees. The Commissioner shall promulgate regulations regarding the investigation of allegations of interference, retaliation, or reprisals and the implementation of sanctions with respect to such interference, retaliation, or reprisals as required under the Older Americans Act, 42 U.S.C. § 3001 et seq.

§ 54.1-3408. Professional use by practitioners.

A. A practitioner of medicine, osteopathy, podiatry, dentistry, or veterinary medicine, a licensed advanced practice registered nurse pursuant to § 54.1-2957.01, a licensed certified midwife pursuant to § 54.1-2957.04, a licensed physician assistant pursuant to § 54.1-2952.1, or a TPA-certified optometrist pursuant to Article 5 (§ 54.1-3222 et seq.) of Chapter 32 shall only prescribe, dispense, or administer controlled substances in good faith for medicinal or therapeutic purposes within the course of his professional practice. A licensed midwife pursuant to § 54.1-2957.7 shall only obtain, possess, and administer controlled substances in good faith for medicinal or therapeutic purposes within the course of his professional practice.

B. The prescribing practitioner's order may be on a written prescription or pursuant to an oral prescription as authorized by this chapter. The prescriber may administer drugs and devices, or he may cause drugs or devices to be administered by:

1. A nurse, physician assistant, or intern under his direction and supervision;

2. Persons trained to administer drugs and devices to patients in state-owned or state-operated hospitals or facilities licensed as hospitals by the Board of Health or psychiatric hospitals licensed by the Department of Behavioral Health and Developmental Services who administer drugs under the control and supervision of the prescriber or a pharmacist;

3. Emergency medical services personnel certified and authorized to administer drugs and devices pursuant to regulations of the Board of Health who act within the scope of such certification and pursuant to an oral or written order or standing protocol;

4. Persons who are employed or engaged at a medical care facility, as defined in § 32.1-3, who have a valid emergency medical services provider certification issued by the Board of Health as a requirement of being employed or engaged at the medical care facility within the scope of such certification, pursuant to an oral or written order or standing protocol to administer drugs and devices at the medical care facility; or

5. A licensed respiratory therapist as defined in § 54.1-2954 who administers by inhalation controlled substances used in inhalation or respiratory therapy.

C. Pursuant to an oral or written order or standing protocol, the prescriber, who is authorized by state or federal law to possess and administer radiopharmaceuticals in the scope of his practice, may authorize a nuclear medicine technologist to administer, under his supervision, radiopharmaceuticals used in the diagnosis or treatment of disease.

D. Pursuant to an oral or written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize registered nurses and licensed practical nurses to possess (i) epinephrine and oxygen for administration in treatment of emergency medical conditions and (ii) heparin and sterile normal saline to use for the maintenance of intravenous access lines.

Pursuant to the regulations of the Board of Health, certain emergency medical services technicians may possess and administer epinephrine in emergency cases of anaphylactic shock.

Pursuant to an order or standing protocol issued by the prescriber within the course of his professional practice, any school nurse, school board employee, employee of a local governing body, or employee of a local health department who is authorized by a prescriber and trained in the administration of epinephrine may possess and administer epinephrine.

Pursuant to an order or standing protocol that shall be issued by the local health director within the course of his professional practice, any school nurse, licensed athletic trainer under contract with a local school division, school board employee, employee of a local governing body, or employee of a local health department who is authorized by the local health director and trained in the administration of albuterol inhalers and valved holding chambers or nebulized albuterol may possess or administer an albuterol inhaler and a valved holding chamber or nebulized albuterol to a student diagnosed with a condition requiring an albuterol inhaler or nebulized albuterol when the student is believed to be experiencing or about to experience an asthmatic crisis.

Pursuant to an order or a standing protocol issued by the prescriber within the course of his professional practice, any employee of a school for students with disabilities, as defined in § 22.1-319 and licensed by the Board of Education, or any employee of a private school that is accredited pursuant to § 22.1-19 as administered by the Virginia Council for Private Education who is authorized by a prescriber and trained in the administration of (a) epinephrine may possess and administer epinephrine and (b) albuterol inhalers or nebulized albuterol may possess or administer an albuterol inhaler or nebulized albuterol to a student diagnosed with a condition requiring an albuterol inhaler or nebulized albuterol when the student is believed to be experiencing or about to experience an asthmatic crisis.

Pursuant to an order or a standing protocol issued by the prescriber within the course of his professional practice, any nurse at an early childhood care and education entity, employee at the entity, or employee of a local health department who is authorized by a prescriber and trained in the administration of epinephrine may possess and administer epinephrine.

Pursuant to an order or a standing protocol issued by the prescriber within the course of his professional practice, any employee of a public institution of higher education or a private institution of higher education who is authorized by a prescriber and trained in the administration of epinephrine may possess and administer epinephrine.

Pursuant to an order or a standing protocol issued by the prescriber within the course of his professional practice, any employee of an organization providing outdoor educational experiences or programs for youth who is authorized by a prescriber and trained in the administration of epinephrine may possess and administer epinephrine.

Pursuant to an order or a standing protocol issued by the prescriber within the course of his professional practice, and in accordance with policies and guidelines established by the Department of Health, such prescriber may authorize any employee of a restaurant licensed pursuant to Chapter 3 (§ 35.1-18 et seq.) of Title 35.1 to possess and administer epinephrine on the premises of the restaurant at which the employee is employed, provided that such person is trained in the administration of epinephrine.

Pursuant to an order issued by the prescriber within the course of his professional practice, an employee of a provider licensed by the Department of Behavioral Health and Developmental Services or a person providing services pursuant to a contract with a provider licensed by the Department of Behavioral Health and Developmental Services may possess and administer epinephrine, provided such person is authorized and trained in the administration of epinephrine.

Pursuant to an order or standing protocol issued by the prescriber within the course of his professional practice, any employee of a public place, as defined in § 15.2-2820, who is authorized by a prescriber and trained in the administration of epinephrine may possess and administer epinephrine.

Pursuant to an oral or written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize pharmacists to possess epinephrine and oxygen for administration in treatment of emergency medical conditions.

E. Pursuant to an oral or written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize licensed physical therapists to possess and administer topical corticosteroids, topical lidocaine, and any other Schedule VI topical drug.

F. Pursuant to an oral or written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize licensed athletic trainers to possess and administer topical corticosteroids, topical lidocaine, or other Schedule VI topical drugs; oxygen and IV saline for use in emergency situations; subcutaneous lidocaine for wound closure; epinephrine for use in emergency cases of anaphylactic shock; and naloxone or other opioid antagonist for overdose reversal.

G. Pursuant to an oral or written order or standing protocol issued by the prescriber within the course of his professional practice, and in accordance with policies and guidelines established by the Department of Health pursuant to § 32.1-50.2, such prescriber may authorize registered nurses or licensed practical nurses under the supervision of a registered nurse to possess and administer tuberculin purified protein derivative (PPD) in the absence of a prescriber. The Department of Health's policies and guidelines shall be consistent with applicable guidelines developed by the Centers for Disease Control and Prevention for preventing transmission of mycobacterium tuberculosis and shall be updated to incorporate any subsequently implemented standards of the Occupational Safety and Health Administration and the Department of Labor and Industry to the extent that they are inconsistent with the Department of Health's policies and guidelines. Such standing protocols shall explicitly describe the categories of persons to whom the tuberculin test is to be administered and shall provide for appropriate medical evaluation of those in whom the test is positive. The prescriber shall ensure that the nurse implementing such standing protocols has received adequate training in the practice and principles underlying tuberculin screening.

The Health Commissioner or his designee may authorize registered nurses, acting as agents of the Department of Health, to possess and administer, at the nurse's discretion, tuberculin purified protein derivative (PPD) to those persons in whom tuberculin skin testing is indicated based on protocols and policies established by the Department of Health.

H. Pursuant to a written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize, with the consent of the parents as defined in § 22.1-1, an employee of (i) a school board, (ii) a school for students with disabilities as defined in § 22.1-319 licensed by the Board of Education, or (iii) a private school accredited pursuant to § 22.1-19 as administered by the Virginia Council for Private Education who is trained in the administration of insulin and glucagon to assist with the administration of insulin or administer glucagon to a student diagnosed as having diabetes and who requires insulin injections during the school day or for whom glucagon has been prescribed for the emergency treatment of hypoglycemia. Such authorization shall only be effective when a licensed nurse, an advanced practice registered nurse, a physician, or a physician assistant is not present to perform the administration of the medication.

Pursuant to a written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize an employee of a public institution of higher education or a private institution of higher education who is trained in the administration of insulin and glucagon to assist with the administration of insulin or administration of glucagon to a student diagnosed as having diabetes and who requires insulin injections or for whom glucagon has been prescribed for the emergency treatment of hypoglycemia. Such authorization shall only be effective

when a licensed nurse, an advanced practice registered nurse, a physician, or a physician assistant is not present to perform the administration of the medication.

Pursuant to a written order issued by the prescriber within the course of his professional practice, such prescriber may authorize an employee of a provider licensed by the Department of Behavioral Health and Developmental Services or a person providing services pursuant to a contract with a provider licensed by the Department of Behavioral Health and Developmental Services to assist with the administration of insulin or to administer glucagon to a person diagnosed as having diabetes and who requires insulin injections or for whom glucagon has been prescribed for the emergency treatment of hypoglycemia, provided such employee or person providing services has been trained in the administration of insulin and glucagon.

I. A prescriber may authorize, pursuant to a protocol approved by the Board of Nursing, the administration of vaccines to adults for immunization, when a practitioner with prescriptive authority is not physically present, by (i) licensed pharmacists, (ii) registered nurses, or (iii) licensed practical nurses under the supervision of a registered nurse. A prescriber acting on behalf of and in accordance with established protocols of the Department of Health may authorize the administration of vaccines to any person by a pharmacist, nurse, or designated emergency medical services provider who holds an advanced life support certificate issued by the Commissioner of Health under the direction of an operational medical director when the prescriber is not physically present. The emergency medical services provider shall provide documentation of the vaccines to be recorded in the Virginia Immunization Information System.

J. A dentist may cause Schedule VI topical drugs to be administered under his direction and supervision by either a dental hygienist or by an authorized agent of the dentist.

Further, pursuant to a written order and in accordance with a standing protocol issued by the dentist in the course of his professional practice, a dentist may authorize a dental hygienist under his general supervision, as defined in § 54.1-2722, or his remote supervision, as defined in subsection E or F of § 54.1-2722, to possess and administer topical oral fluorides, topical oral anesthetics, topical and directly applied antimicrobial agents for treatment of periodontal pocket lesions, and any other Schedule VI topical drug approved by the Board of Dentistry.

In addition, a dentist may authorize a dental hygienist under his direction to administer Schedule VI nitrous oxide and oxygen inhalation analgesia and, to persons 18 years of age or older, Schedule VI local anesthesia.

K. Pursuant to an oral or written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize registered professional nurses certified as sexual assault nurse examiners-A (SANE-A) under his supervision and when he is not physically present to possess and administer preventive medications for victims of sexual assault as recommended by the Centers for Disease Control and Prevention.

L. This section shall not prevent the administration of drugs by a person who has satisfactorily completed a training program for this purpose approved by the Board of Nursing and who administers such drugs in accordance with a prescriber's instructions pertaining to dosage, frequency, and manner of administration, and in accordance with regulations promulgated by the Board of Pharmacy relating to security and record keeping, when the drugs administered would be normally self-administered by (i) an individual receiving services in a program licensed by the Department of Behavioral Health and Developmental Services; (ii) a resident of the Virginia Rehabilitation Center for the Blind and Vision Impaired; (iii) a resident of a facility approved by the Board or Department of Juvenile Justice for the placement of children in need of services or delinquent or alleged delinquent youth; (iv) a program participant of an adult ~~day care~~ *day* center licensed by the Department of Social Services; (v) a resident of any facility authorized or operated by a state or local government whose primary purpose is not to provide health care services; (vi) a resident of a private children's residential facility, as defined in § 63.2-100 and licensed by the Department of Social Services, Department of Education, or Department of Behavioral Health and Developmental Services; or (vii) a student in a school for students with disabilities, as defined in § 22.1-319 and licensed by the Board of Education.

In addition, this section shall not prevent a person who has successfully completed a training program for the administration of drugs via percutaneous gastrostomy tube approved by the Board of Nursing and been evaluated by a registered nurse as having demonstrated competency in administration of drugs via percutaneous gastrostomy tube from administering drugs to a person receiving services from a program licensed by the Department of Behavioral Health and Developmental Services to such person via percutaneous gastrostomy tube. The continued competency of a person to administer drugs via percutaneous gastrostomy tube shall be evaluated semiannually by a registered nurse.

M. Medication aides registered by the Board of Nursing pursuant to Article 7 (§ 54.1-3041 et seq.) of Chapter 30 may administer drugs that would otherwise be self-administered to residents of any assisted living facility licensed by the Department of Social Services. A registered medication aide shall administer drugs pursuant to this section in accordance with the prescriber's instructions pertaining to dosage, frequency, and manner of administration; in accordance with regulations promulgated by the Board of Pharmacy relating to security and recordkeeping; in accordance with the assisted living facility's Medication Management Plan; and in accordance with such other regulations governing their practice promulgated by the Board of Nursing.

N. In addition, this section shall not prevent the administration of drugs by a person who administers such drugs in accordance with a physician's instructions pertaining to dosage, frequency, and manner of administration and with written authorization of a parent, and in accordance with school board regulations relating to training, security and record keeping, when the drugs administered would be normally self-administered by a student of a Virginia public school. Training for

such persons shall be accomplished through a program approved by the local school boards, in consultation with the local departments of health.

O. In addition, this section shall not prevent the administration of drugs by a person to (i) a child in a child day program as defined in § 22.1-289.02 and regulated by the Board of Education or a local government pursuant to § 15.2-914, or (ii) a student of a private school that is accredited pursuant to § 22.1-19 as administered by the Virginia Council for Private Education, provided such person (a) has satisfactorily completed a training program for this purpose approved by the Board of Nursing and taught by a registered nurse, a licensed practical nurse, an advanced practice registered nurse, a physician assistant, a doctor of medicine or osteopathic medicine, or a pharmacist; (b) has obtained written authorization from a parent or guardian; (c) administers drugs only to the child identified on the prescription label in accordance with the prescriber's instructions pertaining to dosage, frequency, and manner of administration; and (d) administers only those drugs that were dispensed from a pharmacy and maintained in the original, labeled container that would normally be self-administered by the child or student, or administered by a parent or guardian to the child or student.

P. In addition, this section shall not prevent the administration or dispensing of drugs and devices by persons if they are authorized by the State Health Commissioner in accordance with protocols established by the State Health Commissioner pursuant to § 32.1-42.1 when (i) the Governor has declared a disaster or a state of emergency, the United States Secretary of Health and Human Services has issued a declaration of an actual or potential bioterrorism incident or other actual or potential public health emergency, or the Board of Health has made an emergency order pursuant to § 32.1-13 for the purpose of suppressing nuisances dangerous to the public health and communicable, contagious, and infectious diseases and other dangers to the public life and health and for the limited purpose of administering vaccines as an approved countermeasure for such communicable, contagious, and infectious diseases; (ii) it is necessary to permit the provision of needed drugs or devices; and (iii) such persons have received the training necessary to safely administer or dispense the needed drugs or devices. Such persons shall administer or dispense all drugs or devices under the direction, control, and supervision of the State Health Commissioner.

Q. Nothing in this title shall prohibit the administration of normally self-administered drugs by unlicensed individuals to a person in his private residence.

R. This section shall not interfere with any prescriber issuing prescriptions in compliance with his authority and scope of practice and the provisions of this section to a Board agent for use pursuant to subsection G of § 18.2-258.1. Such prescriptions issued by such prescriber shall be deemed to be valid prescriptions.

S. Nothing in this title shall prevent or interfere with dialysis care technicians or dialysis patient care technicians who are certified by an organization approved by the Board of Health Professions or persons authorized for provisional practice pursuant to Chapter 27.01 (§ 54.1-2729.1 et seq.), in the ordinary course of their duties in a Medicare-certified renal dialysis facility, from administering heparin, topical needle site anesthetics, dialysis solutions, sterile normal saline solution, and blood volumizers, for the purpose of facilitating renal dialysis treatment, when such administration of medications occurs under the orders of a licensed physician, an advanced practice registered nurse, or a physician assistant and under the immediate and direct supervision of a licensed registered nurse. Nothing in this chapter shall be construed to prohibit a patient care dialysis technician trainee from performing dialysis care as part of and within the scope of the clinical skills instruction segment of a supervised dialysis technician training program, provided such trainee is identified as a "trainee" while working in a renal dialysis facility.

The dialysis care technician or dialysis patient care technician administering the medications shall have demonstrated competency as evidenced by holding current valid certification from an organization approved by the Board of Health Professions pursuant to Chapter 27.01 (§ 54.1-2729.1 et seq.).

T. Persons who are otherwise authorized to administer controlled substances in hospitals shall be authorized to administer influenza or pneumococcal vaccines pursuant to § 32.1-126.4.

U. Pursuant to a specific order for a patient and under his direct and immediate supervision, a prescriber may authorize the administration of controlled substances by personnel who have been properly trained to assist a doctor of medicine or osteopathic medicine, provided the method does not include intravenous, intrathecal, or epidural administration and the prescriber remains responsible for such administration.

V. A physician assistant, nurse, dental hygienist, or authorized agent of a doctor of medicine, osteopathic medicine, or dentistry may possess and administer topical fluoride varnish pursuant to an oral or written order or a standing protocol issued by a doctor of medicine, osteopathic medicine, or dentistry.

W. A prescriber, acting in accordance with guidelines developed pursuant to § 32.1-46.02, may authorize the administration of influenza vaccine to minors by a licensed pharmacist, registered nurse, licensed practical nurse under the direction and immediate supervision of a registered nurse, or emergency medical services provider who holds an advanced life support certificate issued by the Commissioner of Health when the prescriber is not physically present.

X. Notwithstanding the provisions of § 54.1-3303, pursuant to an oral, written, or standing order issued by a prescriber or a standing order issued by the Commissioner of Health or his designee authorizing the dispensing of naloxone or other opioid antagonist used for overdose reversal in the absence of an oral or written order for a specific patient issued by a prescriber, and in accordance with protocols developed by the Board of Pharmacy in consultation with the Board of Medicine and the Department of Health, a pharmacist, a health care provider providing services in a hospital emergency department, and emergency medical services personnel, as that term is defined in § 32.1-111.1, may dispense naloxone or other opioid antagonist used for overdose reversal and a person to whom naloxone or other opioid antagonist has been

dispensed pursuant to this subsection may possess and administer naloxone or other opioid antagonist used for overdose reversal to a person who is believed to be experiencing or about to experience a life-threatening opioid overdose. Law-enforcement officers as defined in § 9.1-101, employees of the Department of Forensic Science, employees of the Office of the Chief Medical Examiner, employees of the Department of General Services Division of Consolidated Laboratory Services, employees of the Department of Corrections designated by the Director of the Department of Corrections or designated as probation and parole officers or as correctional officers as defined in § 53.1-1, employees of the Department of Juvenile Justice designated as probation and parole officers or as juvenile correctional officers, employees of regional jails, school nurses, local health department employees that are assigned to a public school pursuant to an agreement between the local health department and the school board, other school board employees or individuals contracted by a school board to provide school health services, and firefighters may also possess and administer naloxone or other opioid antagonist used for overdose reversal and may dispense naloxone or other opioid antagonist used for overdose reversal pursuant to an oral, written, or standing order issued by a prescriber or a standing order issued by the Commissioner of Health or his designee in accordance with protocols developed by the Board of Pharmacy in consultation with the Board of Medicine and the Department of Health.

Notwithstanding the provisions of § 54.1-3303, pursuant to an oral, written, or standing order issued by a prescriber or a standing order issued by the Commissioner of Health or his designee authorizing the dispensing of naloxone or other opioid antagonist used for overdose reversal in the absence of an oral or written order for a specific patient issued by a prescriber, and in accordance with protocols developed by the Board of Pharmacy in consultation with the Board of Medicine and the Department of Health, any person may possess and administer naloxone or other opioid antagonist used for overdose reversal, other than naloxone in an injectable formulation with a hypodermic needle or syringe, in accordance with protocols developed by the Board of Pharmacy in consultation with the Board of Medicine and the Department of Health.

Y. Notwithstanding any other law or regulation to the contrary, a person who is acting on behalf of an organization that provides services to individuals at risk of experiencing an opioid overdose or training in the administration of naloxone for overdose reversal may dispense naloxone, provided that such dispensing is (i) pursuant to a standing order issued by a prescriber and (ii) in accordance with protocols developed by the Board of Pharmacy in consultation with the Board of Medicine and the Department of Health. If the person acting on behalf of an organization dispenses naloxone in an injectable formulation with a hypodermic needle or syringe, he shall first obtain authorization from the Department of Behavioral Health and Developmental Services to train individuals on the proper administration of naloxone by and proper disposal of a hypodermic needle or syringe, and he shall obtain a controlled substance registration from the Board of Pharmacy. The Board of Pharmacy shall not charge a fee for the issuance of such controlled substance registration. The dispensing may occur at a site other than that of the controlled substance registration provided the entity possessing the controlled substances registration maintains records in accordance with regulations of the Board of Pharmacy. No person who dispenses naloxone on behalf of an organization pursuant to this subsection shall charge a fee for the dispensing of naloxone that is greater than the cost to the organization of obtaining the naloxone dispensed. A person to whom naloxone has been dispensed pursuant to this subsection may possess naloxone and may administer naloxone to a person who is believed to be experiencing or about to experience a life-threatening opioid overdose.

Z. A person who is not otherwise authorized to administer naloxone or other opioid antagonist used for overdose reversal may administer naloxone or other opioid antagonist used for overdose reversal to a person who is believed to be experiencing or about to experience a life-threatening opioid overdose.

AA. Pursuant to a written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize, with the consent of the parents as defined in § 22.1-1, an employee of (i) a school board, (ii) a school for students with disabilities as defined in § 22.1-319 licensed by the Board of Education, or (iii) a private school accredited pursuant to § 22.1-19 as administered by the Virginia Council for Private Education who is trained in the administration of injected medications for the treatment of adrenal crisis resulting from a condition causing adrenal insufficiency to administer such medication to a student diagnosed with a condition causing adrenal insufficiency when the student is believed to be experiencing or about to experience an adrenal crisis. Such authorization shall be effective only when a licensed nurse, an advanced practice registered nurse, a physician, or a physician assistant is not present to perform the administration of the medication.

§ 63.2-100. Definitions.

As used in this title, unless the context requires a different meaning:

"Abused or neglected child" means any child less than 18 years of age:

1. Whose parents or other person responsible for his care creates or inflicts, threatens to create or inflict, or allows to be created or inflicted upon such child a physical or mental injury by other than accidental means, or creates a substantial risk of death, disfigurement, or impairment of bodily or mental functions, including, but not limited to, a child who is with his parent or other person responsible for his care either (i) during the manufacture or attempted manufacture of a Schedule I or II controlled substance, or (ii) during the unlawful sale of such substance by that child's parents or other person responsible for his care, where such manufacture, or attempted manufacture or unlawful sale would constitute a felony violation of § 18.2-248;

2. Whose parents or other person responsible for his care neglects or refuses to provide care necessary for his health. However, no child who in good faith is under treatment solely by spiritual means through prayer in accordance with the

tenets and practices of a recognized church or religious denomination shall for that reason alone be considered to be an abused or neglected child. Further, a decision by parents who have legal authority for the child or, in the absence of parents with legal authority for the child, any person with legal authority for the child, who refuses a particular medical treatment for a child with a life-threatening condition shall not be deemed a refusal to provide necessary care if (i) such decision is made jointly by the parents or other person with legal authority and the child; (ii) the child has reached 14 years of age and is sufficiently mature to have an informed opinion on the subject of his medical treatment; (iii) the parents or other person with legal authority and the child have considered alternative treatment options; and (iv) the parents or other person with legal authority and the child believe in good faith that such decision is in the child's best interest. No child whose parent or other person responsible for his care allows the child to engage in independent activities without adult supervision shall for that reason alone be considered to be an abused or neglected child, provided that (a) such independent activities are appropriate based on the child's age, maturity, and physical and mental abilities and (b) such lack of supervision does not constitute conduct that is so grossly negligent as to endanger the health or safety of the child. Such independent activities include traveling to or from school or nearby locations by bicycle or on foot, playing outdoors, or remaining at home for a reasonable period of time. Nothing in this subdivision shall be construed to limit the provisions of § 16.1-278.4;

3. Whose parents or other person responsible for his care abandons such child;

4. Whose parents or other person responsible for his care, or an intimate partner of such parent or person, commits or allows to be committed any act of sexual exploitation or any sexual act upon a child in violation of the law;

5. Who is without parental care or guardianship caused by the unreasonable absence or the mental or physical incapacity of the child's parent, guardian, legal custodian or other person standing in loco parentis;

6. Whose parents or other person responsible for his care creates a substantial risk of physical or mental injury by knowingly leaving the child alone in the same dwelling, including an apartment as defined in § 55.1-2000, with a person to whom the child is not related by blood or marriage and who the parent or other person responsible for his care knows has been convicted of an offense against a minor for which registration is required as a Tier III offender pursuant to § 9.1-902; or

7. Who has been identified as a victim of sex trafficking or severe forms of trafficking as defined in the Trafficking Victims Protection Act of 2000, 22 U.S.C. § 7102 et seq., and in the Justice for Victims of Trafficking Act of 2015, 42 U.S.C. § 5101 et seq.

If a civil proceeding under this title is based solely on the parent having left the child at a hospital or emergency medical services agency, it shall be an affirmative defense that such parent safely delivered the child within 30 days of the child's birth to (i) a hospital that provides 24-hour emergency services, (ii) an attended emergency medical services agency that employs emergency medical services providers, or (iii) a newborn safety device located at and operated by such hospital or emergency medical services agency. For purposes of terminating parental rights pursuant to § 16.1-283 and placement for adoption, the court may find such a child is a neglected child upon the ground of abandonment.

"Adoptive home" means any family home selected and approved by a parent, local board or a licensed child-placing agency for the placement of a child with the intent of adoption.

"Adoptive placement" means arranging for the care of a child who is in the custody of a child-placing agency in an approved home for the purpose of adoption.

"Adult abuse" means the willful infliction of physical pain, injury or mental anguish or unreasonable confinement of an adult as defined in § 63.2-1603.

"Adult day ~~care~~ center" means any facility that is either operated for profit or that desires licensure and that provides supplementary care and protection during only a part of the day to four or more adults who are aged or infirm or who have disabilities and who reside elsewhere, except (i) a facility or portion of a facility licensed by the State Board of Health or the Department of Behavioral Health and Developmental Services, and (ii) the home or residence of an individual who cares for only persons related to him by blood or marriage. Included in this definition are any two or more places, establishments or institutions owned, operated or controlled by a single entity and providing such supplementary care and protection to a combined total of four or more adults who are aged or infirm or who have disabilities.

"Adult exploitation" means the illegal, unauthorized, improper, or fraudulent use of an adult as defined in § 63.2-1603 or his funds, property, benefits, resources, or other assets for another's profit, benefit, or advantage, including a caregiver or person serving in a fiduciary capacity, or that deprives the adult of his rightful use of or access to such funds, property, benefits, resources, or other assets. "Adult exploitation" includes (i) an intentional breach of a fiduciary obligation to an adult to his detriment or an intentional failure to use the financial resources of an adult in a manner that results in neglect of such adult; (ii) the acquisition, possession, or control of an adult's financial resources or property through the use of undue influence, coercion, or duress; and (iii) forcing or coercing an adult to pay for goods or services or perform services against his will for another's profit, benefit, or advantage if the adult did not agree, or was tricked, misled, or defrauded into agreeing, to pay for such goods or services or to perform such services.

"Adult foster care" means room and board, supervision, and special services to an adult who has a physical or mental condition. Adult foster care may be provided by a single provider for up to three adults. "Adult foster care" does not include services or support provided to individuals through the Fostering Futures program set forth in Article 2 (§ 63.2-917 et seq.) of Chapter 9.

"Adult neglect" means that an adult as defined in § 63.2-1603 is living under such circumstances that he is not able to provide for himself or is not being provided services necessary to maintain his physical and mental health and that the failure to receive such necessary services impairs or threatens to impair his well-being. However, no adult shall be

considered neglected solely on the basis that such adult is receiving religious nonmedical treatment or religious nonmedical nursing care in lieu of medical care, provided that such treatment or care is performed in good faith and in accordance with the religious practices of the adult and there is a written or oral expression of consent by that adult.

"Adult protective services" means services provided by the local department that are necessary to protect an adult as defined in § 63.2-1603 from abuse, neglect or exploitation.

"Assisted living care" means a level of service provided by an assisted living facility for adults who may have physical or mental impairments and require at least a moderate level of assistance with activities of daily living.

"Assisted living facility" means any congregate residential setting that provides or coordinates personal and health care services, 24-hour supervision, and assistance (scheduled and unscheduled) for the maintenance or care of four or more adults who are aged or infirm or who have disabilities and who are cared for in a primarily residential setting, except (i) a facility or portion of a facility licensed by the State Board of Health or the Department of Behavioral Health and Developmental Services, but including any portion of such facility not so licensed; (ii) the home or residence of an individual who cares for or maintains only persons related to him by blood or marriage; (iii) a facility or portion of a facility serving individuals who are infirm or who have disabilities between the ages of 18 and 21, or 22 if enrolled in an educational program for individuals with disabilities pursuant to § 22.1-214, when such facility is licensed by the Department as a children's residential facility under Chapter 17 (§ 63.2-1700 et seq.), but including any portion of the facility not so licensed; and (iv) any housing project for individuals who are 62 years of age or older or individuals with disabilities that provides no more than basic coordination of care services and is funded by the U.S. Department of Housing and Urban Development, by the U.S. Department of Agriculture, or by the Virginia Housing Development Authority. Included in this definition are any two or more places, establishments or institutions owned or operated by a single entity and providing maintenance or care to a combined total of four or more adults who are aged or infirm or who have disabilities. Maintenance or care means the protection, general supervision and oversight of the physical and mental well-being of an individual who is aged or infirm or who has a disability.

"Auxiliary grants" means cash payments made to certain aged, blind or disabled individuals who receive benefits under Title XVI of the Social Security Act, as amended, or would be eligible to receive these benefits except for excess income.

"Birth family" or "birth sibling" means the child's biological family or biological sibling.

"Birth parent" means the child's biological parent and, for purposes of adoptive placement, means parent(s) by previous adoption.

"Board" means the State Board of Social Services.

"Child" means any natural person who is (i) under 18 years of age or (ii) for purposes of the Fostering Futures program set forth in Article 2 (§ 63.2-917 et seq.) of Chapter 9, under 21 years of age and meets the eligibility criteria set forth in § 63.2-919.

"Child-placing agency" means (i) any person who places children in foster homes, adoptive homes or independent living arrangements pursuant to § 63.2-1819, (ii) a local board that places children in foster homes or adoptive homes pursuant to §§ 63.2-900, 63.2-903, and 63.2-1221, or (iii) an entity that assists parents with the process of delegating parental and legal custodial powers of their children pursuant to Chapter 10 (§ 20-166 et seq.) of Title 20. "Child-placing agency" does not include the persons to whom such parental or legal custodial powers are delegated pursuant to Chapter 10 (§ 20-166 et seq.) of Title 20. Officers, employees, or agents of the Commonwealth, or any locality acting within the scope of their authority as such, who serve as or maintain a child-placing agency, shall not be required to be licensed.

"Child-protective services" means the identification, receipt and immediate response to complaints and reports of alleged child abuse or neglect for children under 18 years of age. It also includes assessment, and arranging for and providing necessary protective and rehabilitative services for a child and his family when the child has been found to have been abused or neglected or is at risk of being abused or neglected.

"Child support services" means any civil, criminal or administrative action taken by the Division of Child Support Enforcement to locate parents; establish paternity; and establish, modify, enforce, or collect child support, or child and spousal support.

"Child-welfare agency" means a child-placing agency, children's residential facility, or independent foster home.

"Children's residential facility" means any facility, child-caring institution, or group home that is maintained for the purpose of receiving children separated from their parents or guardians for full-time care, maintenance, protection and guidance, or for the purpose of providing independent living services to persons between 18 and 21 years of age who are in the process of transitioning out of foster care. Children's residential facility shall not include:

1. A licensed or accredited educational institution whose pupils, in the ordinary course of events, return annually to the homes of their parents or guardians for not less than two months of summer vacation;

2. An establishment required to be licensed as a summer camp by § 35.1-18; and

3. A licensed or accredited hospital legally maintained as such.

"Commissioner" means the Commissioner of the Department, his designee or authorized representative.

"Department" means the State Department of Social Services.

"Department of Health and Human Services" means the Department of Health and Human Services of the United States government or any department or agency thereof that may hereafter be designated as the agency to administer the Social Security Act, as amended.

"Disposable income" means that part of the income due and payable of any individual remaining after the deduction of any amount required by law to be withheld.

"Energy assistance" means benefits to assist low-income households with their home heating and cooling needs, including, but not limited to, purchase of materials or substances used for home heating, repair or replacement of heating equipment, emergency intervention in no-heat situations, purchase or repair of cooling equipment, and payment of electric bills to operate cooling equipment, in accordance with § 63.2-805, or provided under the Virginia Energy Assistance Program established pursuant to the Low-Income Home Energy Assistance Act of 1981 (Title XXVI of P.L. 97-35), as amended.

"Family and permanency team" means the group of individuals assembled by the local department to assist with determining planning and placement options for a child, which shall include, as appropriate, all biological relatives and fictive kin of the child, as well as any professionals who have served as a resource to the child or his family, such as teachers, medical or mental health providers, and clergy members. In the case of a child who is 14 years of age or older, the family and permanency team shall also include any members of the child's case planning team that were selected by the child in accordance with subsection A of § 16.1-281.

"Federal-Funded Kinship Guardianship Assistance program" means a program consistent with 42 U.S.C. § 673 that provides, subject to a kinship guardianship assistance agreement developed in accordance with § 63.2-1305, payments to eligible individuals who have received custody of a child of whom they had been the foster parents.

"Fictive kin" means persons who are not related to a child by blood or adoption but have an established relationship with the child or his family.

"Foster care placement" means placement of a child through (i) an agreement between the parents or guardians and the local board where legal custody remains with the parents or guardians or (ii) an entrustment or commitment of the child to the local board or licensed child-placing agency. "Foster care placement" does not include placement of a child in accordance with a power of attorney pursuant to Chapter 10 (§ 20-166 et seq.) of Title 20.

"Foster home" means a residence approved by a child-placing agency or local board in which any child, other than a child by birth or adoption of such person or a child who is the subject of a power of attorney to delegate parental or legal custodial powers by his parents or legal custodian to the natural person who has been designated the child's legal guardian pursuant to Chapter 10 (§ 20-166 et seq.) of Title 20 and who exercises legal authority over the child on a continuous basis for at least 24 hours without compensation, resides as a member of the household.

"General relief" means money payments and other forms of relief made to those persons mentioned in § 63.2-802 in accordance with the regulations of the Board and reimbursable in accordance with § 63.2-401.

"Independent foster home" means a private family home in which any child, other than a child by birth or adoption of such person, resides as a member of the household and has been placed therein independently of a child-placing agency except (i) a home in which are received only children related by birth or adoption of the person who maintains such home and children of personal friends of such person; (ii) a home in which is received a child or children committed under the provisions of subdivision A 4 of § 16.1-278.2, subdivision 6 of § 16.1-278.4, or subdivision A 13 of § 16.1-278.8; and (iii) a home in which are received only children who are the subject of a properly executed power of attorney pursuant to Chapter 10 (§ 20-166 et seq.) of Title 20.

"Independent living" means a planned program of services designed to assist a child age 16 and over and persons who are former foster care children or were formerly committed to the Department of Juvenile Justice and are between the ages of 18 and 21 in transitioning to self-sufficiency.

"Independent living arrangement" means placement of (i) a child at least 16 years of age who is in the custody of a local board or licensed child-placing agency by the local board or licensed child-placing agency or (ii) a child at least 16 years of age or a person between the ages of 18 and 21 who was committed to the Department of Juvenile Justice immediately prior to placement by the Department of Juvenile Justice, in a living arrangement in which such child or person does not have daily substitute parental supervision.

"Independent living services" means services and activities provided to a child in foster care 14 years of age or older who was committed or entrusted to a local board of social services, child welfare agency, or private child-placing agency. "Independent living services" may also mean services and activities provided to a person who (i) was in foster care on his 18th birthday and has not yet reached the age of 21 years; (ii) is between the ages of 18 and 21 and who, immediately prior to his commitment to the Department of Juvenile Justice, was in the custody of a local board of social services; or (iii) is a child at least 16 years of age or a person between the ages of 18 and 21 who was committed to the Department of Juvenile Justice immediately prior to placement in an independent living arrangement. Such services shall include counseling, education, housing, employment, and money management skills development, access to essential documents, and other appropriate services to help children or persons prepare for self-sufficiency.

"Independent physician" means a physician who is chosen by the resident of the assisted living facility and who has no financial interest in the assisted living facility, directly or indirectly, as an owner, officer, or employee or as an independent contractor with the residence.

"Intercountry placement" means the arrangement for the care of a child in an adoptive home or foster care placement into or out of the Commonwealth by a licensed child-placing agency, court, or other entity authorized to make such placements in accordance with the laws of the foreign country under which it operates.

"Interstate placement" means the arrangement for the care of a child in an adoptive home, foster care placement or in the home of the child's parent or with a relative or nonagency guardian, into or out of the Commonwealth, by a child-placing agency or court when the full legal right of the child's parent or nonagency guardian to plan for the child has been voluntarily terminated or limited or severed by the action of any court.

"Kinship care" means the full-time care, nurturing, and protection of children by relatives.

"Kinship guardian" means the adult relative of a child in a kinship guardianship established in accordance with § 63.2-1305 or 63.2-1306 who has been awarded custody of the child by the court after acting as the child's foster parent.

"Kinship guardianship" means a relationship established in accordance with § 63.2-1305 or 63.2-1306 between a child and an adult relative of the child who has formerly acted as the child's foster parent that is intended to be permanent and self-sustaining as evidenced by the transfer by the court to the adult relative of the child of the authority necessary to ensure the protection, education, care and control, and custody of the child and the authority for decision making for the child.

"Local board" means the local board of social services representing one or more counties or cities.

"Local department" means the local department of social services of any county or city in the Commonwealth.

"Local director" means the director or his designated representative of the local department of the city or county.

"Merit system plan" means those regulations adopted by the Board in the development and operation of a system of personnel administration meeting requirements of the federal Office of Personnel Management.

"Parental placement" means locating or effecting the placement of a child or the placing of a child in a family home by the child's parent or legal guardian for the purpose of foster care or adoption.

"Public assistance" means Temporary Assistance for Needy Families (TANF); auxiliary grants to the aged, blind and disabled; medical assistance; energy assistance; food stamps; employment services; child care; and general relief.

"Qualified assessor" means an entity contracting with the Department of Medical Assistance Services to perform nursing facility pre-admission screening or to complete the uniform assessment instrument for a home and community-based waiver program, including an independent physician contracting with the Department of Medical Assistance Services to complete the uniform assessment instrument for residents of assisted living facilities, or any hospital that has contracted with the Department of Medical Assistance Services to perform nursing facility pre-admission screenings.

"Qualified individual" means a trained professional or licensed clinician who is not an employee of the local board of social services or licensed child-placing agency that placed the child in a qualified residential treatment program and is not affiliated with any placement setting in which children are placed by such local board of social services or licensed child-placing agency.

"Qualified residential treatment program" means a program that (i) provides 24-hour residential placement services for children in foster care; (ii) has adopted a trauma-informed treatment model that meets the clinical and other needs of children with serious emotional or behavioral disorders, including any clinical or other needs identified through assessments conducted pursuant to clause (viii) of this definition; (iii) employs registered or licensed nursing and other clinical staff who provide care, on site and within the scope of their practice, and are available 24 hours a day, 7 days a week; (iv) conducts outreach with the child's family members, including efforts to maintain connections between the child and his siblings and other family; documents and maintains records of such outreach efforts; and maintains contact information for any known biological family and fictive kin of the child; (v) whenever appropriate and in the best interest of the child, facilitates participation by family members in the child's treatment program before and after discharge and documents the manner in which such participation is facilitated; (vi) provides discharge planning and family-based aftercare support for at least six months after discharge; (vii) is licensed in accordance with 42 U.S.C. § 671(a)(10) and accredited by an organization approved by the federal Secretary of Health and Human Services; and (viii) requires that any child placed in the program receive an assessment within 30 days of such placement by a qualified individual that (a) assesses the strengths and needs of the child using an age-appropriate, evidence-based, validated, and functional assessment tool approved by the Commissioner of Social Services; (b) identifies whether the needs of the child can be met through placement with a family member or in a foster home or, if not, in a placement setting authorized by 42 U.S.C. § 672(k)(2), including a qualified residential treatment program, that would provide the most effective and appropriate level of care for the child in the least restrictive environment and be consistent with the short-term and long-term goals established for the child in his foster care or permanency plan; (c) establishes a list of short-term and long-term mental and behavioral health goals for the child; and (d) is documented in a written report to be filed with the court prior to any hearing on the child's placement pursuant to § 16.1-281, 16.1-282, 16.1-282.1, or 16.1-282.2.

"Residential living care" means a level of service provided by an assisted living facility for adults who may have physical or mental impairments and require only minimal assistance with the activities of daily living. The definition of "residential living care" includes the services provided by independent living facilities that voluntarily become licensed.

"Sibling" means each of two or more children having one or more parents in common.

"Social services" means foster care, adoption, adoption assistance, child-protective services, domestic violence services, or any other services program implemented in accordance with regulations adopted by the Board. Social services also includes adult services pursuant to Article 4 (§ 51.5-144 et seq.) of Chapter 14 of Title 51.5 and adult protective services pursuant to Article 5 (§ 51.5-148) of Chapter 14 of Title 51.5 provided by local departments of social services in accordance with regulations and under the supervision of the Commissioner for Aging and Rehabilitative Services.

"Special order" means an order imposing an administrative sanction issued to any party licensed pursuant to this title by the Commissioner that has a stated duration of not more than 12 months. A special order shall be considered a case decision as defined in § 2.2-4001.

"State-Funded Kinship Guardianship Assistance program" means a program that provides payments to eligible individuals who have received custody of a relative child subject to a kinship guardianship assistance agreement developed in accordance with § 63.2-1306.

"Supervised independent living setting" means the residence of a person 18 years of age or older who is participating in the Fostering Futures program set forth in Article 2 (§ 63.2-917 et seq.) of Chapter 9 where supervision includes a monthly visit with a service worker or, when appropriate, contracted supervision. "Supervised independent living setting" does not include residential facilities or group homes.

"Temporary Assistance for Needy Families" or "TANF" means the program administered by the Department through which a relative can receive monthly cash assistance for the support of his eligible children.

"Temporary Assistance for Needy Families-Unemployed Parent" or "TANF-UP" means the Temporary Assistance for Needy Families program for families in which both natural or adoptive parents of a child reside in the home and neither parent is exempt from Virginia Initiative for Education and Work (VIEW) participation under § 63.2-609.

"Title IV-E Foster Care" means a federal program authorized under §§ 472 and 473 of the Social Security Act, as amended, and administered by the Department through which foster care is provided on behalf of qualifying children.

§ 63.2-1700. Application fees; regulations and schedules; use of fees; certain facilities, centers, and agencies exempt.

The Board is authorized to adopt regulations and schedules for fees to be charged for processing applications for licenses to operate assisted living facilities, adult day ~~care~~ centers, and child welfare agencies. Such schedules shall specify minimum and maximum fees and, where appropriate, gradations based on the capacity of such facilities, centers, and agencies. Fees shall be used for the development and delivery of training for operators and staff of facilities, centers, and agencies. Fees shall be expended for this purpose within two fiscal years following the fiscal year in which they are collected. These fees shall not be applicable to facilities, centers, or agencies operated by federal entities.

§ 63.2-1701. Licenses required; issuance, expiration, and renewal; maximum number of residents, participants or children; posting of licenses.

A. As used in this section, "person" means any individual; corporation; partnership; association; limited liability company; local government; state agency, including any department, institution, authority, instrumentality, board, or other administrative agency of the Commonwealth; or other legal or commercial entity that operates or maintains a child welfare agency, adult day ~~care~~ center, or assisted living facility.

B. Every person who constitutes, or who operates or maintains, an assisted living facility, adult day ~~care~~ center, or child welfare agency shall obtain the appropriate license from the Commissioner, which may be renewed. However, no license shall be required for an adult day ~~care~~ center that provides services only to individuals enrolled in a Programs of All-Inclusive Care for the Elderly program operated in accordance with an agreement between the provider, the Department of Medical Assistance Services and the Centers for Medicare and Medicaid Services. The Commissioner, upon request, shall consult with, advise, and assist any person interested in securing and maintaining any such license. Each application for a license shall be made to the Commissioner, in such form as he may prescribe. It shall contain the name and address of the applicant and, if the applicant is an association, partnership, limited liability company, or corporation, the names and addresses of its officers and agents. The application shall also contain a description of the activities proposed to be engaged in and the facilities and services to be employed, together with other pertinent information as the Commissioner may require. In the case of an application for licensure as a children's residential facility, the application shall also contain information regarding any complaints, enforcement actions, or sanctions against a license to operate a children's residential facility held by the applicant in another state.

C. The licenses shall be issued on forms prescribed by the Commissioner. Any two or more licenses may be issued for concurrent operation of more than one assisted living facility, adult day ~~care~~ center, or child welfare agency, but each license shall be issued upon a separate form. Each license and renewals thereof for an assisted living facility, adult day ~~care~~ center, or child welfare agency may be issued for periods of up to three successive years, unless sooner revoked or surrendered.

D. The length of each license or renewal thereof for an assisted living facility shall be based on the judgment of the Commissioner regarding the compliance history of the facility and the extent to which it meets or exceeds state licensing standards. On the basis of this judgment, the Commissioner may issue licenses or renewals thereof for periods of six months, one year, two years, or three years.

E. The Commissioner may extend or shorten the duration of licensure periods for a child welfare agency whenever, in his sole discretion, it is administratively necessary to redistribute the workload for greater efficiency in staff utilization.

F. Each license shall indicate the maximum number of persons who may be cared for in the assisted living facility, adult day ~~care~~ center, or child welfare agency for which it is issued.

G. The license and any other documents required by the Commissioner shall be posted in a conspicuous place on the licensed premises.

H. Every person issued a license that has not been suspended or revoked shall renew such license prior to its expiration.

I. Officers, employees, or agents of the Commonwealth, or of any county, city, or town acting within the scope of their authority as such, who serve as or maintain a child-placing agency shall not be required to be licensed.

§ 63.2-1705. Compliance with Uniform Statewide Building Code.

A. Buildings licensed as assisted living facilities, adult day ~~care~~ centers and child welfare agencies shall be classified by and meet the specifications for the proper Use Group as required by the Virginia Uniform Statewide Building Code.

B. Buildings used for assisted living facilities or adult day ~~care~~ centers shall be licensed for ambulatory or nonambulatory residents or participants. Ambulatory means the condition of a resident or participant who is physically and mentally capable of self-preservation by evacuating in response to an emergency to a refuge area as defined by the Uniform Statewide Building Code without the assistance of another person, or from the structure itself without the assistance of another person if there is no such refuge area within the structure, even if such resident or participant may require the assistance of a wheelchair, walker, cane, prosthetic device, or a single verbal command to evacuate. Nonambulatory means the condition of a resident or participant who by reason of physical or mental impairment is not capable of self-preservation without the assistance of another person.

§ 63.2-1706. Inspections and interviews.

A. Applicants for licensure and licensees shall at all times afford the Commissioner reasonable opportunity to inspect all of their facilities, books and records, and to interview their agents and employees and any person living or participating in such facilities, or under their custody, control, direction or supervision. Interviews conducted pursuant to this section with persons living or participating in a facility operated by or under the custody, control, direction, or supervision of an applicant for licensure or a licensee shall be (i) authorized by the person to be interviewed or his legally authorized representative and (ii) limited to discussion of issues related to the applicant's or licensee's compliance with applicable laws and regulations, including ascertaining if assessments and reassessments of residents' cognitive and physical needs are performed as required under regulations of the Board.

B. For any adult day ~~care~~ center issued a license or renewal thereof for a period of six months, the Commissioner shall make at least two inspections during the six-month period, one of which shall be unannounced. For any adult day ~~care~~ center issued a license or renewal thereof for a period of one year, the Commissioner shall make at least three inspections each year, at least two of which shall be unannounced. For any adult day ~~care~~ center issued a license or a renewal thereof for a period of two years, the Commissioner shall make at least two inspections each year, at least one of which shall be unannounced. For any adult day ~~care~~ center issued a three-year license, the Commissioner shall make at least one inspection each year, which shall be unannounced.

For any assisted living facility issued a license or renewal thereof for a period of six months, the Commissioner shall make at least two inspections during the six-month period, one of which shall be unannounced. For any assisted living facility issued a license or renewal thereof for a period of one, two, or three years, the Commissioner shall make at least one inspection each year, which shall be unannounced, and as needed based on compliance with applicable laws and regulations.

C. All licensed child welfare agencies shall be inspected not less than twice annually, and one of those inspections shall be unannounced.

D. The activities, services and facilities of each applicant for renewal of his license as an assisted living facility, adult day ~~care~~ center or child welfare agency shall be subject to an inspection or examination by the Commissioner to determine if he is in compliance with current regulations of the Board.

E. For any licensed assisted living facility, adult day ~~care~~ center or child welfare agency, the Commissioner may authorize such other announced or unannounced inspections as the Commissioner considers appropriate.

§ 63.2-1708. Records and reports.

Every licensed assisted living facility, licensed adult day ~~care~~ center, or licensed child welfare agency shall keep such records and make such reports to the Commissioner as he may require. The forms to be used in the making of such reports shall be prescribed and furnished by the Commissioner.

§ 63.2-1709. Enforcement and sanctions; assisted living facilities and adult day centers; interim administration; receivership, revocation, denial, summary suspension.

A. Upon receipt and verification by the Commissioner of information from any source indicating an imminent and substantial risk of harm to residents, the Commissioner may require an assisted living facility to contract with an individual licensed by the Board of Long-Term Care Administrators, to be either selected from a list created and maintained by the Department of Medical Assistance Services or selected from a pool of appropriately licensed administrators recommended by the owner of the assisted living facility, to administer, manage, or operate the assisted living facility on an interim basis, and to attempt to bring the facility into compliance with all relevant requirements of law, regulation, or any plan of correction approved by the Commissioner. Such contract shall require the interim administrator to comply with any and all requirements established by the Department to ensure the health, safety, and welfare of the residents. Prior to or upon conclusion of the period of interim administration, management, or operation, an inspection shall be conducted to determine whether operation of the assisted living facility shall be permitted to continue or should cease. Such interim administration, management, or operation shall not be permitted when defects in the conditions of the premises of the assisted living facility (i) present immediate and substantial risks to the health, safety, and welfare of residents, and (ii) may not be corrected within a reasonable period of time. Any decision by the Commissioner to require the employment of a person to administer, manage, or operate an assisted living facility shall be subject to the rights of judicial review and appeal as provided in the Administrative Process Act (§ 2.2-4000 et seq.). Actual and reasonable costs of such interim administration shall be the responsibility of and shall be borne by the owner of the assisted living facility.

B. The Board shall adopt regulations for the Commissioner to use in determining when the imposition of administrative sanctions or initiation of court proceedings, severally or jointly, is appropriate in order to ensure prompt correction of violations in assisted living facilities and adult day ~~care~~ centers involving noncompliance with state law or regulation as discovered through any inspection or investigation conducted by the Departments of Social Services, Health, or Behavioral Health and Developmental Services. The Commissioner may impose such sanctions or take such actions as are appropriate for violation of any of the provisions of this subtitle or any regulation adopted under any provision of this subtitle that adversely affects the health, safety or welfare of an assisted living facility resident or an adult day ~~care~~ *center* participant. Such sanctions or actions may include (i) petitioning the court to appoint a receiver for any assisted living facility or adult day ~~care~~ center and (ii) revoking or denying renewal of the license for the assisted living facility or adult day ~~care~~ center for violation of any of the provisions of this subtitle, § 54.1-3408 or any regulation adopted under this subtitle that violation adversely affects, or is an immediate and substantial threat to, the health, safety or welfare of the person cared for therein, or for permitting, aiding or abetting the commission of any illegal act in an assisted living facility or adult day ~~care~~ center.

C. The Commissioner may issue a notice of summary suspension of the license to operate the assisted living facility pursuant to (i) for assisted living facilities operated by agencies of the Commonwealth, the procedures set forth in § 63.2-1710.1 or (ii) for all other assisted living facilities, the procedures hereinafter set forth in conjunction with any proceeding for revocation, denial, or other action when conditions or practices exist that pose an immediate and substantial threat to the health, safety, and welfare of the residents. The notice of summary suspension shall set forth (a) the summary suspension procedures, (b) hearing and appeal rights as provided under this subsection, (c) facts and evidence that formed the basis for which the summary suspension is sought, and (d) the time, date, and location of the hearing to determine whether the suspension is appropriate. Such notice shall be served on the assisted living facility or its designee as soon as practicable thereafter by personal service or certified mail, return receipt requested, to the address of record of the assisted living facility.

The summary suspension hearing shall be presided over by a hearing officer selected by the Commissioner from a list prepared by the Executive Secretary of the Supreme Court of Virginia and shall be held as soon as practicable, but in no event later than 15 business days following service of the notice of hearing; however, the hearing officer may grant a written request for a continuance, not to exceed an additional 10 business days, for good cause shown. Within 10 business days after such hearing, the hearing officer shall provide to the Commissioner written findings and conclusions, together with a recommendation as to whether the license should be summarily suspended.

Within 10 business days of the receipt of the hearing officer's findings, conclusions, and recommendation, the Commissioner may issue a final order of summary suspension or an order that such summary suspension is not warranted by the facts and circumstances presented. The Commissioner shall adopt the hearing officer's recommended decision unless to do so would be an error of law or Department policy. In the event that the Commissioner rejects a hearing officer's findings, conclusions, or recommended decision, the Commissioner shall state with particularity the basis for rejection. In issuing a final order of summary suspension, the Commissioner may suspend the license of the assisted living facility or suspend only certain authority of the assisted living facility to provide certain services or perform certain functions that the Commissioner determines should be restricted or modified in order to protect the health, safety, and welfare of the residents receiving care. A final order of summary suspension shall include notice that the assisted living facility may appeal the Commissioner's decision to the appropriate circuit court no later than 10 days following service of the order. A copy of any final order of summary suspension shall be prominently displayed by the provider at each public entrance of the facility, or in lieu thereof, the provider may display a written statement summarizing the terms of the order in a prominent location, printed in a clear and legible size and typeface, and identifying the location within the facility where the final order of summary suspension may be reviewed.

Upon appeal, the sole issue before the court shall be whether the Department had reasonable grounds to require the assisted living facility to cease operations during the pendency of the concurrent revocation, denial, or other proceeding. Any concurrent revocation, denial, or other proceeding shall not be affected by the outcome of any hearing on the appropriateness of the summary suspension. The willful and material failure to comply with the final order of summary suspension shall constitute an offense under subdivision 3 of § 63.2-1712. At the request of the Commissioner, all agencies and subdivisions of the Commonwealth shall cooperate with the Commissioner in the relocation of residents of an assisted living facility whose license has been summarily suspended pursuant to this section and in any other actions necessary to reduce the risk of further harm to residents.

D. Notice of the Commissioner's intent to revoke or deny renewal of the license for an assisted living facility or to summarily suspend the license of an assisted living facility shall be provided by the Department and a copy of such notice shall be posted in a prominent place at each public entrance of the licensed premises to advise consumers of serious or persistent violations. In determining whether to deny, revoke, or summarily suspend a license, the Commissioner may choose to deny, revoke, or summarily suspend only certain authority of the assisted living facility to operate and may restrict or modify the assisted living facility's authority to provide certain services or perform certain functions that the Commissioner determines should be restricted or modified in order to protect the health, safety, or welfare of the residents. Such proposed denial, revocation, or summary suspension of certain services or functions may be appealed (i) if the assisted living facility is operated by an agency of the Commonwealth in accordance with the provisions of § 63.2-1710.2 and

(ii) for all other assisted living facilities as otherwise provided in this subtitle for any denial, revocation, or summary suspension.

§ 63.2-1709.2. Enforcement and sanctions; special orders; civil penalties.

A. Notwithstanding any other provision of law, following a proceeding as provided in § 2.2-4019, the Commissioner may issue a special order (i) for violation of any of the provisions of this subtitle, § 54.1-3408, or any regulation adopted under any provision of this subtitle which violation adversely affects, or is an imminent and substantial threat to, the health, safety, or welfare of the person cared for therein, or (ii) for permitting, aiding, or abetting the commission of any illegal act in an assisted living facility, adult day ~~care~~ center, or child welfare agency. Notice of the Commissioner's intent to take any of the actions enumerated in subdivisions B 1 through B 7 shall be provided by the Department and a copy of such notice shall be posted in a prominent place at each public entrance of the licensed premises to advise consumers of serious or persistent violations. The issuance of a special order shall be considered a case decision as defined in § 2.2-4001. Actions set forth in subsection B may be appealed by (a) an assisted living facility, adult day ~~care~~ center, or child welfare agency operated by an agency of the Commonwealth in accordance with § 63.2-1710.2 or (b) any other assisted living facility, adult day ~~care~~ center, or child welfare agency in accordance with the Administrative Process Act (§ 2.2-4000 et seq.). The Commissioner shall not delegate his authority to impose civil penalties in conjunction with the issuance of special orders.

B. The Commissioner may take the following actions regarding assisted living facilities, adult day ~~care~~ centers, and child welfare agencies through the issuance of a special order and may require a copy of the special order provided by the Department to be posted in a prominent place at each public entrance of the licensed premises to advise consumers of serious or persistent violations:

1. Place a licensee on probation upon finding that the licensee is substantially out of compliance with the terms of its license and that the health and safety of residents, participants, or children are at risk;

2. Reduce licensed capacity or prohibit new admissions when the Commissioner concludes that the licensee cannot make necessary corrections to achieve compliance with regulations except by a temporary restriction of its scope of service;

3. Mandate training for the licensee or licensee's employees, with any costs to be borne by the licensee, when the Commissioner concludes that the lack of such training has led directly to violations of regulations;

4. Assess civil penalties for each day the assisted living facility is or was out of compliance with the terms of its license and the health, safety, and welfare of residents are at risk, which shall be paid into the state treasury and credited to the Assisted Living Facility Education, Training, and Technical Assistance Fund created pursuant to § 63.2-1803.1; however, no civil penalty shall be imposed pursuant to this subdivision on any assisted living facility operated by an agency of the Commonwealth. The aggregate amount of such civil penalties shall not exceed $10,000 for assisted living facilities in any 12-month period. Criteria for imposition of civil penalties and amounts, expressed in ranges, shall be developed by the Board, and shall be based upon the severity, pervasiveness, duration, and degree of risk to the health, safety, or welfare of residents. Such civil penalties shall be applied by the Commissioner in a consistent manner. Such criteria shall also provide that (i) the Commissioner may accept a plan of correction, including a schedule of compliance, from an assisted living facility prior to setting a civil penalty, and (ii) the Commissioner may reduce or abate the penalty amount if the facility complies with the plan of correction within its terms.

A single act, omission, or incident shall not give rise to imposition of multiple civil penalties even though such act, omission, or incident may violate more than one statute or regulation. A civil penalty that is not appealed becomes due on the first day after the appeal period expires. The license of an assisted living facility that has failed to pay a civil penalty due under this section shall not be renewed until the civil penalty has been paid in full, with interest, provided that the Commissioner may renew a license when an unpaid civil penalty is the subject of a pending appeal;

5. Assess civil penalties of not more than $500 per inspection upon finding that the adult day ~~care~~ center or child welfare agency is substantially out of compliance with the terms of its license and the health and safety of residents, participants, or children are at risk; however, no civil penalty shall be imposed pursuant to this subdivision on any adult day ~~care~~ center or child welfare agency operated by an agency of the Commonwealth;

6. Require licensees to contact parents, guardians, or other responsible persons in writing regarding health and safety violations; and

7. Prevent licensees who are substantially out of compliance with the licensure terms or in violation of the regulations from receiving public funds.

C. The Board shall adopt regulations to implement the provisions of this section.

§ 63.2-1710. Appeal from refusal, denial of renewal, or revocation of license.

A. Whenever the Commissioner refuses to issue a license or to renew a license or revokes a license for an assisted living facility, adult day ~~care~~ center, or child welfare agency operated by an agency of the Commonwealth, the provisions of § 63.2-1710.2 shall apply. Whenever the Commissioner refuses to issue a license or to renew a license or revokes a license for an assisted living facility, adult day ~~care~~ center, or child welfare agency other than an assisted living facility, adult day ~~care~~ center, or child welfare agency operated by an agency of the Commonwealth, the provisions of the Administrative Process Act (§ 2.2-4000 et seq.) shall apply, except that all appeals from notice of the Commissioner's intent to refuse to issue or renew, or revoke a license shall be received in writing from the assisted living facility, adult day ~~care~~ center or child welfare agency operator within 15 days of the date of receipt of the notice. Judicial review of a final review agency decision shall be in accordance with the provisions of the Administrative Process Act. No stay may be granted upon appeal to the Court of Appeals.

B. In every appeal to a court of record, the Commissioner shall be named defendant.

C. An appeal, taken as provided in this section, shall operate to stay any criminal prosecution for operation without a license.

D. When issuance or renewal of a license as an assisted living facility or adult day ~~care~~ center has been refused by the Commissioner, the applicant shall not thereafter for a period of one year apply again for such license unless the Commissioner in his sole discretion believes that there has been such a change in the conditions on account of which he refused the prior application as to justify considering the new application. When an appeal is taken by the applicant pursuant to subsection A, the one-year period shall be extended until a final decision has been rendered on appeal.

E. When issuance or renewal of a license for a child welfare agency has been refused by the Commissioner, the applicant shall not thereafter for a period of six months apply again for such license unless the Commissioner in his sole discretion believes that there has been such a change in the conditions on account of which he refused the prior application as to justify considering the new application. When an appeal is taken by the applicant pursuant to subsection A, the six-month period shall be extended until a final decision has been rendered on appeal.

§ 63.2-1710.2. Right to appeal notice of intent; assisted living facilities, adult day centers, and child welfare agencies operated by agencies of the Commonwealth.

An assisted living facility, adult day ~~care~~ center, or child welfare agency operated by an agency of the Commonwealth shall have the right to appeal any notice of intent as follows:

1. Within 30 days after receiving a notice of intent to impose a sanction, the licensee shall request in writing that the Commissioner review the intended agency action and may submit, together with such request, relevant information, documentation, or other pertinent data supporting its appeal. The Commissioner shall issue a decision within 60 days after receiving the request and shall have the authority to uphold the sanction or take whatever action he deems appropriate to resolve the controversy.

2. If the assisted living facility, adult day ~~care~~ center, or child welfare agency disputes the Commissioner's decision, the licensee shall request, within 30 days of receiving the Commissioner's decision, that the Commissioner refer the matter to the Secretary of Health and Human Resources. The Secretary shall issue a decision within 60 days of receiving the request for review. The Secretary's decision shall be final and shall not be subject to review.

§ 63.2-1711. Injunction against operation without license.

Any circuit court having jurisdiction in the county or city where the principal office of any assisted living facility, adult day ~~care~~ center or child welfare agency is located shall, at the suit of the Commissioner, have jurisdiction to enjoin its operation without a license required by this subtitle.

§ 63.2-1712. Offenses; penalty.

Any person, and each officer and each member of the governing board of any association or corporation that operates an assisted living facility, adult day ~~care~~ center or child welfare agency, is guilty of a Class 1 misdemeanor if he:

1. Interferes with any representative of the Commissioner in the discharge of his duties under this subtitle;

2. Makes to the Commissioner or any representative of the Commissioner any report or statement, with respect to the operation of any assisted living facility, adult day ~~care~~ center, or child welfare agency, that is known by such person to be false or untrue;

3. Operates or engages in the conduct of an assisted living facility, adult day ~~care~~ center, or child welfare agency without first obtaining a license as required by this subtitle or after such license has been revoked or suspended or has expired and not been renewed. No violation shall occur if the facility, center, or agency has applied to the Department for renewal prior to the expiration date of the license. Every day's violation of this subdivision shall constitute a separate offense; or

4. Operates or engages in the conduct of an assisted living facility, adult day ~~care~~ center, or child welfare agency serving more persons than the maximum stipulated in the license.

§ 63.2-1713. Misleading advertising prohibited.

No assisted living facility, adult day ~~care~~ center, or child welfare agency shall make, publish, disseminate, circulate, or place before the public or cause, directly or indirectly, to be made, published, disseminated, circulated, or placed before the public in ~~this~~ *the* Commonwealth, in a newspaper or other publication; in the form of a book, notice, handbill, poster, blueprint, map, bill, tag, label, circular, pamphlet, or letter; or via electronic mail, website, automatic mailing list services (listservs), newsgroups, facsimile, chat rooms; or in any other way an advertisement of any sort regarding services or anything so offered to the public, which advertisement contains any promise, assertion, representation, or statement of fact that is untrue, deceptive, or misleading.

§ 63.2-1720. Assisted living facilities and adult day centers; employment for compensation of persons or use of volunteers convicted of certain offenses prohibited; background check required; penalty.

A. No assisted living facility or adult day ~~care~~ center shall hire for compensated employment or continue to employ persons who have been convicted of any offense set forth in clause (i) of the definition of barrier crime in § 19.2-392.02. A child-placing agency or independent foster home licensed in accordance with the provisions of this chapter shall not hire for compensated employment or continue to employ persons who (i) have been convicted of any barrier crime as defined in § 19.2-392.02 or (ii) are the subject of a founded complaint of child abuse or neglect within or outside the Commonwealth. All applicants for employment shall undergo background checks pursuant to subsection C.

B. A licensed assisted living facility or adult day ~~care~~ center may hire an applicant or continue to employ a person convicted of one misdemeanor barrier crime not involving abuse or neglect, or any substantially similar offense under the laws of another jurisdiction, if five years have elapsed following the conviction.

C. Background checks pursuant to subsection A require:

1. A sworn statement or affirmation disclosing whether the person has a criminal conviction or is the subject of any pending criminal charges within or outside the Commonwealth and, in the case of licensed child-placing agencies or independent foster homes, whether or not the person has been the subject of a founded complaint of child abuse or neglect within or outside the Commonwealth;

2. A criminal history records check through the Central Criminal Records Exchange pursuant to § 19.2-389; and

3. In the case of licensed child-placing agencies or independent foster homes, a search of the central registry maintained pursuant to § 63.2-1515 for any founded complaint of child abuse and neglect.

D. Any person making a materially false statement regarding the sworn statement or affirmation provided pursuant to subdivision C 1 is guilty of a Class 1 misdemeanor.

E. A licensed assisted living facility, licensed adult day ~~care~~ center, licensed child-placing agency, or licensed independent foster home shall obtain for any compensated employees within 30 days of employment (i) an original criminal record clearance with respect to convictions for any offense set forth in clause (i) of the definition of barrier crime in § 19.2-392.02 or an original criminal history record from the Central Criminal Records Exchange and (ii) in the case of licensed child-placing agencies or independent foster homes, (a) an original criminal record clearance with respect to any barrier crime as defined in § 19.2-392.02 or an original criminal history record from the Central Criminal Records Exchange and (b) a copy of the information from the central registry for any compensated employee within 30 days of employment. However, no employee shall be permitted to work in a position that involves direct contact with a person or child receiving services until an original criminal record clearance or original criminal history record has been received, unless such person works under the direct supervision of another employee for whom a background check has been completed in accordance with the requirements of this section. If an applicant is denied employment because of information from the central registry or convictions appearing on his criminal history record, the licensed assisted living facility, adult day ~~care~~ center, child-placing agency, or independent foster home shall provide a copy of the information obtained from the central registry or the Central Criminal Records Exchange or both to the applicant.

F. No volunteer who (i) has been convicted of any barrier crime as defined in § 19.2-392.02 or (ii) is the subject of a founded complaint of child abuse or neglect within or outside the Commonwealth shall be permitted to serve in a licensed child-placing agency or independent foster home. Any person desiring to volunteer at a licensed child-placing agency or independent foster home shall provide the agency, system, or home with a sworn statement or affirmation pursuant to subdivision C 1. Such licensed child-placing agency or independent foster home shall obtain for any volunteers, within 30 days of commencement of volunteer service, a copy of (a) the information from the central registry and (b) an original criminal record clearance with respect to any barrier crime as defined in § 19.2-392.02 or an original criminal history record from the Central Criminal Records Exchange. Any person making a materially false statement regarding the sworn statement or affirmation provided pursuant to subdivision C 1 is guilty of a Class 1 misdemeanor. If a volunteer is denied service because of information from the central registry or convictions appearing on his criminal history record, such licensed child-placing agency or independent foster home shall provide a copy of the information obtained from the central registry or the Central Criminal Records Exchange or both to the volunteer. The provisions of this subsection shall apply only to volunteers who will be alone with any child in the performance of their duties and shall not apply to a parent-volunteer of a child attending a licensed child-placing agency or independent foster home, whether or not such parent-volunteer will be alone with any child in the performance of his duties. A parent-volunteer is someone supervising, without pay, a group of children that includes the parent-volunteer's own child in a program that operates no more than four hours per day, provided that the parent-volunteer works under the direct supervision of a person who has received a clearance pursuant to this section.

G. No volunteer shall be permitted to serve in a licensed assisted living facility or licensed adult day ~~care~~ center without the permission or under the supervision of a person who has received a clearance pursuant to this section.

H. Further dissemination of the background check information is prohibited other than to the Commissioner's representative or a federal or state authority or court as may be required to comply with an express requirement of law for such further dissemination.

I. Notwithstanding any other provision of law, a licensed adult day ~~care~~ center that provides services to individuals receiving services under the state plan for medical assistance services or any waiver thereto may disclose to the Department of Medical Assistance Services (i) whether a criminal history background check has been completed for an employee in accordance with this section and (ii) whether such employee is eligible for employment.

J. A licensed assisted living facility shall notify and provide all students a copy of the provisions of this article prior to or upon enrollment in a certified nurse aide program operated by such assisted living facility.

K. A person who complies in good faith with the provisions of this section shall not be liable for any civil damages for any act or omission in the performance of duties under this section unless the act or omission was the result of gross negligence or willful misconduct.

§ 63.2-1722. Revocation or denial of renewal based on background checks; failure to obtain background check.

A. The Commissioner may revoke or deny renewal of a license of a child welfare agency, assisted living facility, or adult day ~~care~~ center and a child-placing agency may revoke the approval of a foster home if the assisted living facility, adult day ~~care~~ center, child welfare agency, or foster home has knowledge that a person specified in § 63.2-1720 or 63.2-1721 required to have a background check (i) has been convicted of any barrier crime as defined in § 19.2-392.02 or (ii) in the case of a child welfare agency or foster home, is the subject of a founded complaint of child abuse or neglect within or outside the Commonwealth, and such person has not been granted a waiver by the Commissioner pursuant to § 63.2-1723 or is not subject to the exceptions in subsection B of § 63.2-1720 or subsection E, F, G, or H of § 63.2-1721, and the facility, center, or agency refuses to separate such person from employment or service or allows the household member to continue to reside in the home.

B. Failure to obtain background checks pursuant to §§ 63.2-1720 and 63.2-1721 shall be grounds for denial, revocation, or termination of a license, registration, or approval or any contract with the Department or a local department to provide child care services to clients of the Department or local department. No violation shall occur if the assisted living facility, adult day ~~care~~ center, child-placing agency, or independent foster home has applied for the background check timely and it has not been obtained due to administrative delay. The provisions of this section shall be enforced by the Department.

§ 63.2-1728. Establishment of toll-free telephone line for complaints; investigation on receipt of complaints.

With such funds as are appropriated for this purpose, the Commissioner shall establish a toll-free telephone line to respond to complaints regarding operations of assisted living facilities, adult day ~~care~~ centers and child welfare agencies. Upon receipt of a complaint concerning the operation of an assisted living facility, adult day ~~care~~ center or child welfare agency, regardless of whether the program is subject to licensure, the Commissioner shall, for good cause shown, cause an investigation to be made, including on-site visits as he deems necessary, of the activities, services, records and facilities. The assisted living facility, adult day ~~care~~ center or child welfare agency shall afford the Commissioner reasonable opportunity to inspect all of the operator's activities, services, records and facilities and to interview its agents and employees and any child or other person within its custody or control. Whenever an assisted living facility, adult day ~~care~~ center or child welfare agency subject to inspection under this section is determined by the Commissioner to be in noncompliance with the provisions of this subtitle or with regulations adopted pursuant to this subtitle, the Commissioner shall give reasonable notice to the assisted living facility, adult day ~~care~~ center or child welfare agency of the nature of its noncompliance and may thereafter take appropriate action as provided by law, including a suit to enjoin the operation of the assisted living facility, adult day ~~care~~ center or child welfare agency.

An incident report filed by an assisted living facility, pursuant to regulations adopted by the Board, for any major incident that negatively affects or threatens the life, health, safety, or welfare of any resident of the facility shall not be considered a complaint for purposes of this section and shall not be posted by the Department on a website maintained by the Department. However, upon receipt of an incident report for any major incident that negatively affects or threatens the life, health, safety, or welfare of any resident of an assisted living facility, the Commissioner may initiate an investigation including an on-site visit to the facility if the Commissioner finds, for good cause shown based upon the seriousness of the incident and the nature of any response to the incident, including any implementation of a plan of correction to address the situation giving rise to the incident, that an investigation is required to protect the life, health, safety, or welfare of a resident of the assisted living facility.

§ 63.2-1729. Confidentiality of complainant's identity.

Whenever the Department conducts inspections and investigations in response to complaints received from the public, the identity of the complainant and the identity of any resident, participant or child who is the subject of the complaint, or identified therein, shall be confidential and shall not be open to inspection by members of the public. Identities of the complainant and resident, participant or child who is the subject of the complaint shall be revealed only if a court order so requires. Nothing contained herein shall prevent the Department, in its discretion, from disclosing to the assisted living facility, adult day ~~care~~ center or child welfare agency the nature of the complaint or the identity of the resident, participant or child who is the subject of the complaint. Nothing contained herein shall prevent the Department or its employees from making reports under Chapter 15 (§ 63.2-1500 et seq.) of this title or Article 2 (§ 63.2-1603 et seq.) of Chapter 16 of this title. If the Department intends to rely, in whole or in part, on any statements made by the complainant, at any administrative hearing brought against the assisted living facility, adult day ~~care~~ center or child welfare agency, the Department shall disclose the identity of the complainant to the assisted living facility, adult day ~~care~~ center or child welfare agency a reasonable time in advance of such hearing.

§ 63.2-1730. Retaliation or discrimination against complainants.

No assisted living facility, adult day ~~care~~ center or child welfare agency may retaliate or discriminate in any manner against any person who (i) in good faith complains or provides information to, or otherwise cooperates with, the Department or any other agency of government or any person or entity operating under contract with an agency of government, having responsibility for protecting the rights of residents of assisted living facilities, participants in adult day ~~care~~ centers or children in child welfare agencies, (ii) attempts to assert any right protected by state or federal law, or (iii) assists any person in asserting such right.

§ 63.2-1731. Retaliation against reports of child or adult abuse or neglect.

No assisted living facility, adult day ~~care~~ center or child welfare agency may retaliate in any manner against any person who in good faith reports adult or child abuse or neglect pursuant to Chapter 15 (§ 63.2-1500 et seq.) of this title or Article 2 (§ 63.2-1603 et seq.) of Chapter 16 of this title.

§ 63.2-1733. Regulations for adult day centers.

A. The Board shall have the authority to adopt and enforce regulations to carry out the provisions of this subtitle and to protect the health, safety, welfare, and individual rights of participants of adult day ~~care~~ centers and to promote their highest level of functioning.

B. Regulations shall include standards for care and services to be provided to participants; administration of medication; staffing; staff qualifications and training; and facility design, construction, and equipment.

CHAPTER 38

An Act to amend and reenact § 4.1-111 of the Code of Virginia, relating to alcoholic beverage control; advertisements.

[S 182]

Approved March 8, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 4.1-111 of the Code of Virginia is amended and reenacted as follows:

§ 4.1-111. Regulations of Board.

A. The Board may promulgate reasonable regulations, not inconsistent with this subtitle or the general laws of the Commonwealth, which it deems necessary to carry out the provisions of this subtitle and to prevent the illegal manufacture, bottling, sale, distribution, and transportation of alcoholic beverages. The Board may amend or repeal such regulations. Such regulations shall be promulgated, amended or repealed in accordance with the Administrative Process Act (§ 2.2-4000 et seq.) and shall have the effect of law.

B. The Board shall promulgate regulations that:

1. Prescribe what hours and on what days alcoholic beverages shall not be sold by licensees or consumed on any licensed premises, including a provision that mixed beverages may be sold only at such times as wine and beer may be sold.

2. Require mixed beverage caterer licensees to notify the Board in advance of any event to be served by such licensee.

3. Maintain the reasonable separation of retailer interests from those of the manufacturers, bottlers, brokers, importers, and wholesalers in accordance with § 4.1-216 and in consideration of the established trade customs, quantity, and value of the articles or services involved; prevent undue competitive domination of any person by any other person engaged in the manufacture, distribution, and sale at retail or wholesale of alcoholic beverages in the Commonwealth; and promote reasonable accommodation of arm's length business transactions.

4. Establish requirements for the form, content, and retention of all records and accounts, including the (i) reporting and collection of taxes required by § 4.1-236 and (ii) the sale of alcoholic beverages in kegs, by all licensees.

5. Require retail licensees to file an appeal from any hearing decision rendered by a hearing officer within 30 days of the date the notice of the decision is sent. The notice shall be sent to the licensee at the address on record with the Board by certified mail, return receipt requested, and by regular mail.

6. Prescribe the terms and conditions under which persons who collect or trade designer or vintage spirit bottles may sell such bottles at auction, provided that (i) the auction is conducted in accordance with the provisions of Chapter 6 (§ 54.1-600 et seq.) of Title 54.1 and (ii) the bottles are unopened and the manufacturers' seals, marks, or stamps affixed to the bottles are intact.

7. Prescribe the terms and conditions under which credit or debit cards may be accepted from licensees for purchases at government stores, including provision for the collection, where appropriate, of related fees, penalties, and service charges.

8. Require that banquet licensees in charge of public events as defined by Board regulations report to the Board the income and expenses associated with the public event on a form prescribed by the Board when the banquet licensee engages another person to organize, conduct, or operate the event on behalf of the banquet licensee. Such regulations shall be applicable only to public events where alcoholic beverages are being sold.

9. Provide alternative methods for licensees to maintain and store business records that are subject to Board inspection, including methods for Board-approved electronic and off-site storage.

10. Require off-premises retail licensees to place any premixed alcoholic energy drinks containing one-half of one percent or more of alcohol by volume in the same location where wine and beer are available for sale within the licensed premises.

11. Prescribe the terms and conditions under which mixed beverage licensees may infuse, store, and sell flavored distilled spirits, including a provision that limits infusion containers to a maximum of 20 liters.

12. Prescribe the schedule of proration for refunded license taxes to licensees who qualify pursuant to subsection C of § 4.1-232.

13. Establish reasonable time, place, and manner restrictions on outdoor advertising of alcoholic beverages, not inconsistent with the provisions of this subtitle, so that such advertising does not encourage or otherwise promote the consumption of alcoholic beverages by persons to whom alcoholic beverages may not be lawfully sold. Such regulations shall:

a. Restrict outdoor advertising of alcoholic beverages in publicly visible locations consistent with (i) the general prohibition against tied interests between retail licensees and manufacturers or wholesale licensees as provided in §§ 4.1-215 and 4.1-216; (ii) the prohibition against manufacturer control of wholesale licensees as set forth in § 4.1-223 and

Board regulations adopted pursuant thereto; and (iii) the general prohibition against cooperative advertising between manufacturers, wholesalers, or importers and retail licensees as set forth in Board regulation; and

b. Permit (i) any outdoor signage or advertising not otherwise prohibited by this subtitle and (ii) the display of outdoor alcoholic beverage advertising on lawfully erected billboard signs regulated under Chapter 12 (§ 33.2-1200 et seq.) of Title 33.2 where such signs are located on commercial real estate as defined in § 55.1-1100, but only in accordance with this subtitle.

14. Prescribe the terms and conditions under which a licensed brewery may manufacture beer pursuant to an agreement with a brand owner not under common control with the manufacturing brewery and sell and deliver the beer so manufactured to the brand owner. The regulations shall require that (i) the brand owner be an entity appropriately licensed as a brewery or beer wholesaler, (ii) a written agreement be entered into by the parties, and (iii) records as deemed appropriate by the Board are maintained by the parties.

15. Prescribe the terms for any "happy hour" conducted by on-premises licensees. Such regulations shall permit on-premises licensees to advertise any alcoholic beverage products featured during a happy hour and any pricing related to such happy hour. Such regulations shall not prohibit on-premises licensees from using creative marketing techniques in such advertisements, provided that such techniques do not tend to induce overconsumption or consumption by minors.

16. Permit retail on-premises licensees to give a gift of one alcoholic beverage to a patron or one bottle of wine to a group of two or more patrons, provided that (i) such gifts only are made to individuals to whom such products may lawfully be sold and (ii) only one such gift is given during any 24-hour period and subject to any Board limitations on the frequency of such gifts.

17. Permit the sale of beer and cider for off-premises consumption in resealable growlers made of glass, ceramic, metal, or other materials approved by the Board, or other resealable containers approved by the Board, with a maximum capacity of 128 fluid ounces or, for metric-sized containers, four liters.

18. Permit the sale of wine for off-premises consumption in resealable growlers made of glass, ceramic, metal, or other materials approved by the Board, or other resealable containers approved by the Board, with a maximum capacity of 64 fluid ounces or, for metric-sized containers, two liters. Wine growlers may be used only by persons licensed to sell wine for both on-premises and off-premises consumption or by gourmet shops granted a retail off-premises wine and beer license. Growlers sold by gourmet shops shall be labeled with (i) the manufacturer's name or trade name, (ii) the place of production, (iii) the net contents in fluid ounces, and (iv) the name and address of the retailer.

19. Permit the sale of wine, cider, and beer by retailers licensed to sell beer and wine for both on-premises and off-premises consumption, or by gourmet shops granted a retail off-premises wine and beer license for off-premises consumption in sealed containers made of metal or other materials approved by the Board with a maximum capacity of 32 fluid ounces or, for metric-sized containers, one liter, provided that the alcoholic beverage is placed in the container following an order from the consumer.

20. Permit mixed beverage licensees to premix containers of sangria and other mixed alcoholic beverages and to serve such alcoholic beverages in pitchers, subject to size and quantity limitations established by the Board.

21. Establish and make available to all licensees and permittees for which on-premises consumption of alcoholic beverages is allowed and employees of such licensees and permittees who serve as a bartender or otherwise sell, serve, or dispense alcoholic beverages for on-premises consumption a bar bystander training module, which shall include (i) information that enables licensees, permittees, and their employees to recognize situations that may lead to sexual assault and (ii) intervention strategies to prevent such situations from culminating in sexual assault.

22. Require mixed beverage licensees, except for mixed beverage casino licensees, to have food, cooked or prepared on the licensed premises, available for on-premises consumption until at least 30 minutes prior to an establishment's closing. Such food shall be available in all areas of the licensed premises in which spirits are sold or served.

23. Prescribe the terms and conditions under which the Board may suspend the privilege of a mixed beverage licensee to purchase spirits from the Board upon such licensee's failure to submit any records or other documents necessary to verify the licensee's compliance with applicable minimum food sale requirements within 30 days of the date such records or documents are due.

24. Prescribe the terms and conditions under which manufacturers, brokers, importers, and wholesalers may advertise and promote alcoholic beverages via the Internet, social media, direct-to-consumer electronic communication, or other electronic means in a manner not inconsistent with the provisions of this subtitle.

C. The Board may promulgate regulations that:

1. Provide for the waiver of the license tax for an applicant for a banquet license, such waiver to be based on (i) the amount of alcoholic beverages to be provided by the applicant, (ii) the not-for-profit status of the applicant, and (iii) the condition that no profits are to be generated from the event. For the purposes of clause (ii), the applicant shall submit with the application, an affidavit certifying its not-for-profit status. The granting of such waiver shall be limited to two events per year for each applicant.

2. Establish limitations on the quantity and value of any gifts of alcoholic beverages made in the course of any business entertainment pursuant to subdivision A 22 of § 4.1-325 or subsection C of § 4.1-325.2.

3. Provide incentives to licensees with a proven history of compliance with state and federal laws and regulations to encourage licensees to conduct their business and related activities in a manner that is beneficial to the Commonwealth.

D. Board regulations shall be uniform in their application, except those relating to hours of sale for licensees.

E. Courts shall take judicial notice of Board regulations.

F. The Board's power to regulate shall be broadly construed.

CHAPTER 39

An Act to authorize the Department of Conservation and Recreation to quitclaim and release certain real property rights related to lands of the agency.

[H 428]

Approved March 8, 2024

Be it enacted by the General Assembly of Virginia:

1. *§ 1. That in accordance with and as evidence of General Assembly approval pursuant to § 2.2-1151 of the Code of Virginia, the Department of Conservation and Recreation (Department) is hereby authorized to quitclaim and release its rights and any interest it may hold in a portion of real estate related to an offsite well and water system serving New River Trail State Park to Wythe County Solar Project, LLC or its successors or assigns, acquired by the Department via that certain Deed dated October 2, 1995, recorded in the Clerk's Office of the Circuit Court of Wythe County, Virginia (Clerk's Office) in Deed Book 453, Page 118 and by that certain Deed dated March 9, 2006, recorded in the Clerk's Office as Instrument Number 060002600 and by those certain Deeds dated November 8, 1995, recorded in the Clerk's Office in (i) Deed Book 457, Page 99, (ii) Deed Book 457, Page 104, and (iii) Deed Book 457, Page 110, upon terms and conditions as the Department deems proper, with the approval of the Department of General Services and the Secretary of Administration and in a form approved by the Attorney General. The purpose of this quitclaim and release is to remove the Department's rights to the well and water system on an adjacent property for the adjacent landowner to enjoy the opportunity to privately develop their land, as New River Trail State Park no longer relies on this well and water system for its water needs.*

CHAPTER 40

An Act to amend and reenact § 8.01-353 of the Code of Virginia, relating to making copy of jury panel available to counsel.

[H 432]

Approved March 8, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 8.01-353 of the Code of Virginia is amended and reenacted as follows:

§ 8.01-353. Notice to jurors; making copy of jury panel available to counsel; objection to notice.

A. The sheriff shall notify the jurors on the list, or such number of them as the judge may direct to appear in court on such day as the court may direct. Such notice shall be given a juror as provided by § 8.01-298. Verbal direction given by the judge, or at his direction, to a juror who has been given notice as hereinbefore provided that he appear at a later specified date, shall be a sufficient notice. Any notice given as provided herein shall have the effect of an order of court. No particular time in advance of the required appearance date shall be necessary for verbal notice hereunder, but the court may, in its discretion, excuse from service a juror who claims lack of sufficient notice. Upon request, the clerk or sheriff or other officer responsible for notifying jurors to appear in court for the trial of a case shall make available to all counsel of record in that case, a copy of the jury panel to be used for the trial of the case at least ~~three~~ *five* full business days before the trial. Such copy of the jury panel shall show the name, age, address, occupation, and employer of each person on the panel. Any error in the information shown on such copy of the jury panel shall not be grounds for a mistrial or assignable as error on appeal, and the parties in the case shall be responsible for verifying the accuracy of such information.

B. No judgment shall be arrested or reversed for the failure of the record to show that there was service upon a juror of notice to appear in court unless made a ground of exception in the trial before the jury is sworn.

CHAPTER 41

An Act to amend and reenact § 52-46 of the Code of Virginia, relating to Virginia Rap Back Service; criminal history record monitoring.

[H 444]

Approved March 8, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 52-46 of the Code of Virginia is amended and reenacted as follows:

§ 52-46. Virginia Rap Back Service; criminal history record monitoring; maintenance; dissemination; penalty.

A. The Department of State Police, through the Virginia Record of Arrest and Prosecution (Rap) Back Service, shall participate in the Federal Bureau of Investigation's (FBI) Next Generation Identification (NGI) Rap Back Service. The purpose of the Virginia Rap Back Service shall be to allow governmental entities that require a fingerprint-based criminal

background check as a condition of (i) providing care to (a) children, (b) the disabled, or (c) the elderly or (ii) (a) licensure, (b) certification, (c) employment, or (d) volunteer service to be advised when an individual subject to such screening is *the subject of a Rap Back notification event including being* arrested for, or convicted of, a criminal offense. The Department is authorized to submit fingerprints and accompanying records to the FBI to be retained in ~~and advised through~~ the FBI's NGI Rap Back Service ~~when an enrolled individual is arrested for, or convicted of, a criminal offense~~. Fingerprints submitted to the FBI may be used for future searches, including latent searches.

B. As used in this section:

"Individual" means any person who has submitted to a fingerprint-based background check in order to (i) care for (a) children, (b) the disabled, or (c) the elderly or (ii) (a) be licensed, (b) be certified, (c) be employed, or (d) perform volunteer service with a participating entity and who has been enrolled by that participating entity in the Virginia Rap Back Service.

"Participating entity" means a governmental entity that requires a fingerprint-based background check as a condition of (i) caring for (a) children, (b) the disabled, or (c) the elderly or (ii) (a) licensure, (b) certification, (c) employment, or (d) volunteer service and that has elected to enroll individuals in the Virginia Rap Back Service.

C. The Department of State Police shall ensure that notification is made forthwith to the participating entity that enrolls an individual in the Virginia Rap Back Service when an FBI Rap Back ~~report~~ *notification* is received. The information contained in the notification shall be used by the participating entity for purposes of determining the eligibility of the continued service of the individual and shall not be further disseminated.

D. Use of the information submitted to the Virginia Rap Back Service for purposes not authorized by this section is prohibited, and a willful violation of this section with the intent to harass or intimidate another shall be punished as a Class 1 misdemeanor.

E. No liability shall be imposed upon any law-enforcement official who disseminates information or fails to disseminate information in good faith compliance with the requirements of this section, but this provision shall not be construed to grant immunity for gross negligence or willful misconduct.

F. The Department of State Police shall promulgate regulations governing the operation and maintenance of the Virginia Rap Back Service and the removal and destruction of records on individuals who are deceased or who are no longer individuals as defined in this section. Such regulations shall provide that a participating entity shall disenroll any individual who is deceased or is no longer an individual as defined in this section within ~~30~~ *five business* days of death or such event that no longer requires such individual to be enrolled in the Virginia Rap Back Service, in order to ensure the prompt removal and destruction of records from the Virginia Rap Back Service.

G. The Department of State Police may charge an annual fee not to exceed $12 per individual enrolled in the Virginia Rap Back Service. The fee shall be paid by any participating entity enrolling an individual in the Virginia Rap Back Service. ~~An individual who moves from one participating entity to another need not be reprinted.~~ When more than one participating entity enrolls the same individual in the Virginia Rap Back Service, both participating entities shall be responsible for paying the full cost for maintenance and notification. Any fees collected shall be deposited in a special account to be used to offset the costs of subscription fees, maintenance fees, and enhancements related to the Criminal and Rap Back Information System.

H. The Department of State Police shall make the Virginia Rap Back Service available no later than July 1, 2025, unless funds necessary to develop and operate the Virginia Rap Back Service are unavailable.

I. No participating entity authorized to submit fingerprints shall be considered negligent per se in a civil action solely because the entity elected not to enroll an individual in the Virginia Rap Back Service pursuant to this section.

CHAPTER 42

An Act to amend and reenact the fourth enactment of Chapter 355 and the fourth enactment of Chapter 356 of the Acts of Assembly of 2019, as amended by Chapter 797 of the Acts of Assembly of 2022, relating to Virginia Residential Landlord and Tenant Act; Eviction Diversion Pilot Program; expiration.

[H 477]

Approved March 8, 2024

Be it enacted by the General Assembly of Virginia:

1. That the fourth enactment of Chapter 355 and the fourth enactment of Chapter 356 of the Acts of Assembly of 2019, as amended by Chapter 797 of the Acts of Assembly of 2022, are amended and reenacted as follows:

4. That the provisions of the first enactment of this act shall expire on July 1, ~~2024~~ *2025*.

CHAPTER 43

An Act to amend and reenact § 1-510 of the Code of Virginia, relating to official emblems and designations; state pollinator; European honey bee.

[H 517]

Approved March 8, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 1-510 of the Code of Virginia is amended and reenacted as follows:

§ 1-510. Official emblems and designations.

The following are hereby designated official emblems and designations of the Commonwealth:

Artisan Center — "Virginia Artisans Center," located in the City of Waynesboro.

Bat — Virginia Big-eared bat (Corynorhinos townsendii virginianus).

Beverage — Milk.

Bird — Northern Cardinal (Cardinalis cardinalis).

Blue Ridge Folklore State Center — Blue Ridge Institute located in the village of Ferrum.

Boat — "Chesapeake Bay Deadrise."

Cabin Capital of Virginia — Page County.

Coal Miners' Memorial — The Richlands Coal Miners' Memorial located in Tazewell County.

Covered Bridge Capital of the Commonwealth — Patrick County.

Covered Bridge Festival — Virginia Covered Bridge Festival held in Patrick County.

Dog — American Foxhound.

Fish (Freshwater) — Brook Trout.

Fish (Saltwater) — Striped Bass.

Flag of Remembrance of September 11, 2001 — Freedom Flag, designed by a Virginian, as the flag of remembrance of September 11, 2001.

Fleet — Replicas of the three ships, Susan Constant, Godspeed, and Discovery, which comprised the Commonwealth's founding fleet that brought the first permanent English settlers to Jamestown in 1607, and which are exhibited at the Jamestown Settlement in Williamsburg.

Flower — American Dogwood (Cornus florida).

Folk dance — Square dancing, the American folk dance that traces its ancestry to the English Country Dance and the French Ballroom Dance, and is called, cued, or prompted to the dancers, and includes squares, rounds, clogging, contra, line, the Virginia Reel, and heritage dances.

Fossil — Chesapecten jeffersonius.

Gold mining interpretive center — Monroe Park, located in the County of Fauquier.

Insect — Tiger Swallowtail Butterfly (Papilio glaucus ~~Linne~~).

Maple Festival — The Highland County Maple Festival.

Motor sports museum — "Wood Brothers Racing Museum and Virginia Motor Sports Hall of Fame," located in Patrick County.

Opry — The Virginia Opry.

Outdoor drama — "The Trail of the Lonesome Pine Outdoor Drama," adapted for the stage by Clara Lou Kelly and performed in the Town of Big Stone Gap.

Outdoor drama, historical — "The Long Way Home" based on the life of Mary Draper Ingles, adapted for the stage by Earl Hobson Smith, and performed in the City of Radford.

Pollinator — Honey Bee (Apis mellifera).

Pony — Chincoteague Pony.

Rock — Nelsonite.

Salamander — Red Salamander (Pseudotriton ruber).

Shakespeare festival — The Virginia Shakespeare Festival held in the City of Williamsburg.

Shell — Oyster shell (Crassostrea virginica).

Snake — Eastern Garter Snake (Thamnophis sirtalis sirtalis).

Song emeritus — "Carry Me Back to Old Virginny," by James A. Bland, as set out in the House Joint Resolution 10, adopted by the General Assembly of Virginia at the Session of 1940.

Song (Popular) — "Sweet Virginia Breeze," by Robbin Thompson and Steve Bassett.

Song (Traditional) — "Our Great Virginia," lyrics by Mike Greenly and arranged by Jim Papoulis with music from the original American folk song "Oh Shenandoah."

Spirit — George Washington's rye whiskey produced at Mount Vernon, Virginia.

Sports hall of fame — "Virginia Sports Hall of Fame," located in the City of Portsmouth.

Television series — "Song of the Mountains."

Tree — American Dogwood (Cornus florida).

War memorial museum — "Virginia War Museum," (formerly known as the War Memorial Museum of Virginia), located in the City of Newport News.

CHAPTER 44

An Act to amend and reenact §§ 22.1-1, 22.1-253.13:1, and 22.1-253.13:6, as they shall become effective, of the Code of Virginia, relating to public education; student literacy measures.

[H 647]

Approved March 8, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 22.1-1, 22.1-253.13:1, and 22.1-253.13:6, as they shall become effective, of the Code of Virginia are amended and reenacted as follows:

§ 22.1-1. (For effective date, see Acts 2022, cc. 549, 550, cl. 2) Definitions.

As used in this title, unless the context requires a different meaning:

"Board" or "State Board" means the Board of Education.

"Department" means the Department of Education.

"Division superintendent" means the division superintendent of schools of a school division.

"Elementary" includes kindergarten.

"Elementary and secondary" and "elementary or secondary" include elementary, middle, and high school grades.

"Evidence-based literacy instruction" means structured instructional practices, including sequential, systematic, explicit, and cumulative teaching, that (i) are based on reliable, trustworthy, and valid evidence consistent with science-based reading research; (ii) are used in core or general instruction, supplemental instruction, intervention services, and intensive intervention services; (iii) have a demonstrated record of success in adequately increasing students' reading competency, vocabulary, oral language, and comprehension and in building mastery of the foundational reading skills of phonological and phonemic awareness, alphabetic principle, phonics, spelling, and text reading fluency; and (iv) are able to be differentiated in order to meet the individual needs of students. *"Evidence-based literacy instruction" does not include practices that instruct students to gain meaning from print through the use of (i) three-cueing, which includes semantic, syntactic, and graphophonic cues; (ii) meaning, structure, and visual cues; or (iii) visual memory for word recognition.*

"Governing body" or "local governing body" means the board of supervisors of a county, council of a city, or council of a town, responsible for appropriating funds for such locality, as the context may require.

"Middle school" means separate schools for early adolescents and the middle school grades that might be housed at elementary or high schools.

"Parent" or "parents" means any parent, guardian, legal custodian, or other person having control or charge of a child.

"Person of school age" means a person who will have reached his fifth birthday on or before September 30 of the school year and who has not reached twenty years of age on or before August 1 of the school year.

"School board" means the school board that governs a school division.

"Science-based reading research" means research that (i) applies rigorous, systematic, and objective observational or experimental procedures to obtain valid knowledge relevant to reading development, reading instruction, and reading and writing difficulties and (ii) explains how proficient reading and writing develop, why some children have difficulties developing key literacy skills, and how schools can best assess and instruct early literacy, including the use of evidence-based literacy instruction practices to promote reading and writing achievement.

"Superintendent" means the Superintendent of Public Instruction.

§ 22.1-253.13:1. (For effective date, see Acts 2022, cc. 549, 550, cl. 2) Standard 1. Instructional programs supporting the Standards of Learning and other educational objectives.

A. The General Assembly and the Board believe that the fundamental goal of the public schools of the Commonwealth must be to enable each student to develop the skills that are necessary for success in school, preparation for life, and reaching their full potential. The General Assembly and the Board find that the quality of education is dependent upon the provision of (i) the appropriate working environment, benefits, and salaries necessary to ensure the availability of high-quality instructional personnel; (ii) the appropriate learning environment designed to promote student achievement; (iii) quality instruction that enables each student to become a productive and educated citizen of Virginia and the United States of America; and (iv) the adequate commitment of other resources. In keeping with this goal, the General Assembly shall provide for the support of public education as set forth in Article VIII, § 1 of the Constitution of Virginia.

B. The Board shall establish educational objectives known as the Standards of Learning, which shall form the core of Virginia's educational program, and other educational objectives, which together are designed to ensure the development of the skills that are necessary for success in school and for preparation for life in the years beyond. At a minimum, the Board shall establish Standards of Learning for English, mathematics, science, and history and social science. The Standards of Learning shall not be construed to be regulations as defined in § 2.2-4001.

The Board shall seek to ensure that the Standards of Learning are consistent with a high-quality foundation educational program. The Standards of Learning shall include, but not be limited to, the basic skills of communication (listening, speaking, reading, and writing); computation and critical reasoning, including problem solving and decision making;

proficiency in the use of computers and related technology; computer science and computational thinking, including computer coding; and the skills to manage personal finances and to make sound financial decisions.

The English Standards of Learning for reading in kindergarten through grade eight shall align with evidence-based literacy instruction and science-based reading research.

The Standards of Learning in all subject areas shall be subject to regular review and revision to maintain rigor and to reflect a balance between content knowledge and the application of knowledge in preparation for eventual employment and lifelong learning. The Board shall establish a regular schedule, in a manner it deems appropriate, for the review, and revision as may be necessary, of the Standards of Learning in all subject areas. Such review of each subject area shall occur at least once every seven years. Nothing in this section shall be construed to prohibit the Board from conducting such review and revision on a more frequent basis.

To provide appropriate opportunity for input from the general public, teachers, and local school boards, the Board shall conduct public hearings prior to establishing revised Standards of Learning. Thirty days prior to conducting such hearings, the Board shall give notice of the date, time, and place of the hearings to all local school boards and any other persons requesting to be notified of the hearings and publish notice of its intention to revise the Standards of Learning in the Virginia Register of Regulations. Interested parties shall be given reasonable opportunity to be heard and present information prior to final adoption of any revisions of the Standards of Learning.

In addition, the Department shall make available and maintain a website, either separately or through an existing website utilized by the Department, enabling public elementary, middle, and high school educators to submit recommendations for improvements relating to the Standards of Learning, when under review by the Board according to its established schedule, and related assessments required by the Standards of Quality pursuant to this chapter. Such website shall facilitate the submission of recommendations by educators.

School boards shall implement the Standards of Learning or objectives specifically designed for their school divisions that are equivalent to or exceed the Board's requirements. Students shall be expected to achieve the educational objectives established by the school division at appropriate age or grade levels. The curriculum adopted by the local school division shall be aligned to the Standards of Learning.

The Board shall include in the Standards of Learning for history and social science the study of contributions to society of diverse people. For the purposes of this subsection, "diverse" includes consideration of disability, ethnicity, race, and gender.

The Board shall include in the Standards of Learning for health instruction in emergency first aid, cardiopulmonary resuscitation, and the use of an automated external defibrillator, including hands-on practice of the skills necessary to perform cardiopulmonary resuscitation. Such instruction shall be based on the current national evidence-based emergency cardiovascular care guidelines for cardiopulmonary resuscitation and the use of an automated external defibrillator, such as a program developed by the American Heart Association or the American Red Cross. No teacher who is in compliance with subdivision D 3 of § 22.1-298.1 shall be required to be certified as a trainer of cardiopulmonary resuscitation to provide instruction for non-certification.

With such funds as are made available for this purpose, the Board shall regularly review and revise the competencies for career and technical education programs to require the full integration of English, mathematics, science, and history and social science Standards of Learning. Career and technical education programs shall be aligned with industry and professional standard certifications, where they exist.

The Board shall establish content standards and curriculum guidelines for courses in career investigation in elementary school, middle school, and high school. Each school board shall (i) require each middle school student to take at least one course in career investigation or (ii) select an alternate means of delivering the career investigation course to each middle school student, provided that such alternative is equivalent in content and rigor and provides the foundation for such students to develop their academic and career plans. Any school board may require (a) such courses in career investigation at the high school level as it deems appropriate, subject to Board approval as required in subsection A of § 22.1-253.13:4, and (b) such courses in career investigation at the elementary school level as it deems appropriate. The Board shall develop and disseminate to each school board career investigation resource materials that are designed to ensure that students have the ability to further explore interest in career and technical education opportunities in middle and high school. In developing such resource materials, the Board shall consult with representatives of career and technical education, industry, skilled trade associations, chambers of commerce or similar organizations, and contractor organizations.

C. Local school boards shall develop and implement a program of instruction for grades K through 12 that is aligned to the Standards of Learning and meets or exceeds the requirements of the Board. The program of instruction shall emphasize reading, writing, speaking, mathematical concepts and computations, proficiency in the use of computers and related technology, computer science and computational thinking, including computer coding, and scientific concepts and processes; essential skills and concepts of citizenship, including knowledge of Virginia history and world and United States history, economics, government, foreign languages, international cultures, health and physical education, environmental issues, and geography necessary for responsible participation in American society and in the international community; fine arts, which may include, but need not be limited to, music and art, and practical arts; knowledge and skills needed to qualify for further education, gainful employment, or training in a career or technical field; and development of the ability to apply such skills and knowledge in preparation for eventual employment and lifelong learning and to achieve economic self-sufficiency.

Local school boards shall also develop and implement programs of prevention, intervention, or remediation for students who are educationally at risk including, but not limited to, those who fail to achieve a passing score on any Standards of Learning assessment in grades three through eight or who fail an end-of-course test required for the award of a verified unit of credit. Such programs shall include components that are research-based.

Any student who achieves a passing score on one or more, but not all, of the Standards of Learning assessments for the relevant grade level in grades three through eight may be required to attend a remediation program.

Any student who fails to achieve a passing score on all of the Standards of Learning assessments for the relevant grade level in grades three through eight or who fails an end-of-course test required for the award of a verified unit of credit shall be required to attend a remediation program or to participate in another form of remediation. Division superintendents shall require such students to take special programs of prevention, intervention, or remediation, which may include attendance in public summer school programs, in accordance with clause (ii) of subsection A of § 22.1-254 and § 22.1-254.01.

Remediation programs shall include, when applicable, a procedure for early identification of students who are at risk of failing the Standards of Learning assessments in grades three through eight or who fail an end-of-course test required for the award of a verified unit of credit. Such programs may also include summer school for all elementary and middle school grades and for all high school academic courses, as defined by regulations promulgated by the Board, or other forms of remediation. Summer school remediation programs or other forms of remediation shall be chosen by the division superintendent to be appropriate to the academic needs of the student. Students who are required to attend such summer school programs or to participate in another form of remediation shall not be charged tuition by the school division.

The requirement for remediation may, however, be satisfied by the student's attendance in a program of prevention, intervention or remediation that has been selected by his parent, in consultation with the division superintendent or his designee, and is either (i) conducted by an accredited private school or (ii) a special program that has been determined to be comparable to the required public school remediation program by the division superintendent. The costs of such private school remediation program or other special remediation program shall be borne by the student's parent.

The Board shall establish standards for full funding of summer remedial programs that shall include, but not be limited to, the minimum number of instructional hours or the equivalent thereof required for full funding and an assessment system designed to evaluate program effectiveness. Based on the number of students attending and the Commonwealth's share of the per pupil instructional costs, state funds shall be provided for the full cost of summer and other remediation programs as set forth in the appropriation act, provided such programs comply with such standards as shall be established by the Board, pursuant to § 22.1-199.2.

D. Local school boards shall also implement the following:

1. Programs in grades K through three that emphasize developmentally appropriate learning to enhance success.

2. Programs based on prevention, intervention, or remediation designed to increase the number of students who earn a high school diploma and to prevent students from dropping out of school. Such programs shall include components that are research-based.

3. Career and technical education programs incorporated into the K through 12 curricula that include:

a. Knowledge of careers and all types of employment opportunities, including, but not limited to, apprenticeships, entrepreneurship and small business ownership, the military, and the teaching profession, and emphasize the advantages of completing school with marketable skills;

b. Career exploration opportunities in the middle school grades;

c. Competency-based career and technical education programs that integrate academic outcomes, career guidance, and job-seeking skills for all secondary students. Programs shall be based upon labor market needs and student interest. Career guidance shall include counseling about available employment opportunities and placement services for students exiting school. Each school board shall develop and implement a plan to ensure compliance with the provisions of this subdivision. Such plan shall be developed with the input of area business and industry representatives and local comprehensive community colleges and shall be submitted to the Superintendent in accordance with the timelines established by federal law;

d. Annual notice on its website to enrolled high school students and their parents of (i) the availability of the postsecondary education and employment data published by the State Council of Higher Education on its website pursuant to § 23.1-204.1 and (ii) the opportunity for such students to obtain a nationally recognized career readiness certificate at a local public high school, comprehensive community college, or workforce center; and

e. As part of each student's academic and career plan, a list of (i) the top 100 professions in the Commonwealth by median pay and the education, training, and skills required for each such profession and (ii) the top 10 degree programs at institutions of higher education in the Commonwealth by median pay of program graduates. The Department shall annually compile such lists and provide them to each local school board.

4. Educational objectives in middle and high school that emphasize economic education and financial literacy pursuant to § 22.1-200.03.

5. Early identification of students with disabilities and enrollment of such students in appropriate instructional programs consistent with state and federal law.

6. Early identification of gifted students and enrollment of such students in appropriately differentiated instructional programs.

7. Educational alternatives for students whose needs are not met in programs prescribed elsewhere in these standards. Such students shall be counted in average daily membership (ADM) in accordance with the regulations of the Board.

8. Adult education programs for individuals functioning below the high school completion level. Such programs may be conducted by the school board as the primary agency or through a collaborative arrangement between the school board and other agencies.

9. A plan to make achievements for students who are educationally at risk a divisionwide priority that shall include procedures for measuring the progress of such students.

10. An agreement for postsecondary degree attainment with a comprehensive community college in the Commonwealth specifying the options for students to complete an associate degree or a one-year Uniform Certificate of General Studies from a comprehensive community college concurrent with a high school diploma. Such agreement shall specify the credit available for dual enrollment courses and Advanced Placement courses with qualifying exam scores of three or higher.

11. A plan to notify students and their parents of the availability of dual enrollment and advanced placement classes; career and technical education programs, including internships, externships, apprenticeships, credentialing programs, certification programs, licensure programs, and other work-based learning experiences; the International Baccalaureate Program and Academic Year Governor's School Programs; the qualifications for enrolling in such classes, programs, and experiences; and the availability of financial assistance to low-income and needy students to take the advanced placement and International Baccalaureate examinations. This plan shall include notification to students and parents of the agreement with a comprehensive community college in the Commonwealth to enable students to complete an associate degree or a one-year Uniform Certificate of General Studies concurrent with a high school diploma.

12. Identification of students with limited English proficiency and enrollment of such students in appropriate instructional programs, which programs may include dual language programs whereby such students receive instruction in English and in a second language.

13. Early identification, diagnosis, and assistance for students with mathematics problems and provision of instructional strategies and mathematics practices that benefit the development of mathematics skills for all students.

Local school divisions shall provide algebra readiness intervention services to students in grades six through nine who are at risk of failing the Algebra I end-of-course test, as demonstrated by their individual performance on any diagnostic test that has been approved by the Department. Local school divisions shall report the results of the diagnostic tests to the Department on an annual basis, at a time to be determined by the Superintendent. Each student who receives algebra readiness intervention services will be assessed again at the end of that school year. Funds appropriated for prevention, intervention, and remediation; summer school remediation; at-risk; or algebra readiness intervention services may be used to meet the requirements of this subdivision.

14. Incorporation of art, music, and physical education as a part of the instructional program at the elementary school level.

15. A program of physical activity available to all students in grades kindergarten through five consisting of at least 20 minutes per day or an average of 100 minutes per week during the regular school year and available to all students in grades six through 12 with a goal of at least 150 minutes per week on average during the regular school year. Such program may include any combination of (i) physical education classes, (ii) extracurricular athletics, (iii) recess, or (iv) other programs and physical activities deemed appropriate by the local school board. Each local school board shall implement such program during the regular school year. Any physical education class offered to students in grades seven and eight shall include at least one hour of personal safety training per school year in each such grade level that is developed and delivered in partnership with the local law-enforcement agency and consists of situational safety awareness training and social media education.

16. A program of student services for kindergarten through grade 12 that shall be designed to aid students in their educational, social, and career development.

17. The collection and analysis of data and the use of the results to evaluate and make decisions about the instructional program.

18. A program of instruction in the high school Virginia and U.S. Government course on all information and concepts contained in the civics portion of the U.S. Naturalization Test.

E. From such funds as may be appropriated or otherwise received for such purpose, there shall be established within the Department a unit to (i) conduct evaluative studies; (ii) provide the resources and technical assistance to increase the capacity for school divisions to deliver quality instruction; and (iii) assist school divisions in implementing those programs and practices that will enhance pupil academic performance and improve family and community involvement in the public schools. Such unit shall identify and analyze effective instructional programs and practices and professional development initiatives; evaluate the success of programs encouraging parental and family involvement; assess changes in student outcomes prompted by family involvement; and collect and disseminate among school divisions information regarding effective instructional programs and practices, initiatives promoting family and community involvement, and potential funding and support sources. Such unit may also provide resources supporting professional development for administrators and teachers. In providing such information, resources, and other services to school divisions, the unit shall give priority to those divisions demonstrating a less than 70 percent passing rate on the Standards of Learning assessments.

F. Each local school board may enter into agreements for postsecondary course credit, credential, certification, or license attainment, hereinafter referred to as College and Career Access Pathways Partnerships (Partnerships), with comprehensive community colleges or other public institutions of higher education or educational institutions established pursuant to Title 23.1 that offer a career and technical education curriculum. Such Partnerships shall (i) specify the options for students to take courses as part of the career and technical education curriculum that lead to course credit or an industry-recognized credential, certification, or license concurrent with a high school diploma; (ii) specify the credit, credentials, certifications, or licenses available for such courses; and (iii) specify available options for students to participate in pre-apprenticeship and apprenticeship programs at comprehensive community colleges concurrent with the pursuit of a high school diploma and receive college credit and high school credit for successful completion of any such program.

G. Each local school board shall provide a program of literacy instruction that is aligned with science-based reading research and provides evidenced-based literacy instruction to students in kindergarten through grade eight and is consistent with the school board's literacy plan as required by subsection B of § 22.1-253.13:6. Pursuant to such program:

1. Each local school board shall provide reading intervention services to students in kindergarten through grade eight who demonstrate substantial deficiencies based on their individual performance on the Standards of Learning reading assessment or a literacy screener provided ~~or approved~~ by the Department. Such reading intervention services shall consist of evidence-based literacy instruction, align with science-based reading research, and be documented for each student in a written student reading plan, consistent with the requirements in subdivision 2 and the list developed by the Department pursuant to subdivision H 2.

2. A reading specialist, in collaboration with the teacher of any student who receives reading intervention services pursuant to subdivision 1, shall develop, oversee implementation of, and monitor student progress on a student reading plan. The parent of each student who receives reading intervention services pursuant to subdivision 1 shall receive notice of and have the opportunity to participate in the development of the student reading plan. Each student reading plan (i) shall follow the Department template created pursuant to subdivision H 3; (ii) shall document such reading intervention services; (iii) shall include, at a minimum, (a) the student's specific, diagnosed reading skill deficiencies as determined or identified by diagnostic assessment data or the literacy screener provided ~~or approved~~ by the Department; (b) the goals and benchmarks for student growth in reading; (c) a description of the specific measures that will be used to evaluate and monitor the student's reading progress; (d) the specific evidence-based literacy instruction that the student will receive; (e) the strategies, resources, and materials that will be provided to the student's parent to support the student to make reading progress; and (f) any additional services the teacher deems available and appropriate to accelerate the student's reading skill development; and (iv) may include the following services for the student: instruction from a reading specialist, trained aide, computer-based reading tutorial program, or classroom teacher with support from an aide, extended instructional time in the school day or school year, or, for students in grades six through eight, a literacy course, in addition to the course required by the Standards of Learning in English, that provides the specific evidence-based literacy instruction identified in the student's reading plan. In accordance with § 22.1-215.2, the parent of each student shall receive notice before services begin and a copy of the student reading plan.

3. Each student who receives such reading intervention services shall be assessed utilizing either the literacy screener provided ~~or approved~~ by the Department or the grade-level reading Standards of Learning assessment again at the end of that school year.

Funds appropriated for prevention, intervention, and remediation, summer school remediation, the at-risk add-on, or early intervention reading may be used to meet the requirements of this subsection.

H. In order to assist local school boards to implement the provisions of subsection G:

1. The Board shall provide guidance on the content of student reading plans;

2. The Department shall develop a list of core literacy curricula~~,~~ *for students in kindergarten through grade five and* supplemental instruction practices and programs~~,~~ and intervention programs *for students in kindergarten through grade eight* that consist of evidence-based literacy instruction aligned with science-based reading research ~~for students in kindergarten through grade eight~~. The list shall be approved by the Board;

3. The Department shall develop a template for student reading plans that aligns with the requirements of subsection G;

4. The Department shall develop and implement a plan for the annual collection and public reporting of division-level and school-level literacy data, at a time to be determined by the Superintendent, to include results on the literacy screeners provided ~~or approved~~ by the Department and the reading Standards of Learning assessments; and

5. The Department shall provide free online evidence-based literacy instruction resources that can be accessed by parents and local school boards to support student literacy development at home.

§ 22.1-253.13:6. (For effective date, see Acts 2022, cc. 549, 550, cl. 2) Standard 6. Planning and public involvement.

A. The Board shall adopt a statewide comprehensive, unified, long-range plan based on data collection, analysis, and evaluation. Such plan shall be developed with statewide participation. The Board shall review the plan biennially and adopt any necessary revisions. The Board shall post the plan on the Department's website if practicable, and, in any case, shall make a hard copy of such plan available for public inspection and copying.

This plan shall include the objectives of public education in Virginia, including strategies for first improving student achievement, particularly the achievement of educationally at-risk students, then maintaining high levels of student achievement; an assessment of the extent to which these objectives are being achieved; a forecast of enrollment changes;

and an assessment of the needs of public education in the Commonwealth. In the annual report required by § 22.1-18, the Board shall include an analysis of the extent to which these Standards of Quality have been achieved and the objectives of the statewide comprehensive plan have been met. The Board shall also develop, consistent with, or as a part of, its comprehensive plan, a detailed comprehensive, long-range plan to integrate educational technology into the Standards of Learning and the curricula of the public schools in Virginia, including career and technical education programs. The Board shall review and approve the comprehensive plan for educational technology and may require the revision of such plan as it deems necessary.

B. Each local school board shall adopt a divisionwide comprehensive, unified, long-range plan based on data collection, an analysis of the data, and how the data will be utilized to improve classroom instruction and student achievement. The plan shall be developed with staff and community involvement and shall include, or be consistent with, all other divisionwide plans required by state and federal laws and regulations. Each local school board shall review the plan biennially and adopt any necessary revisions. Prior to the adoption of any divisionwide comprehensive plan or revisions thereto, each local school board shall post such plan or revisions on the division's Internet website if practicable, and, in any case, shall make a hard copy of the plan or revisions available for public inspection and copying and shall conduct at least one public hearing to solicit public comment on the divisionwide plan or revisions.

The divisionwide comprehensive plan shall include, but shall not be limited to, (i) the objectives of the school division, including strategies for first improving student achievement, particularly the achievement of educationally at-risk students, then maintaining high levels of student achievement; (ii) an assessment of the extent to which these objectives are being achieved; (iii) a forecast of enrollment changes; (iv) a plan for projecting and managing enrollment changes including consideration of the consolidation of schools to provide for a more comprehensive and effective delivery of instructional services to students and economies in school operations; (v) an evaluation of the appropriateness of establishing regional programs and services in cooperation with neighboring school divisions; (vi) a plan for implementing such regional programs and services when appropriate; (vii) a technology plan designed to integrate educational technology into the instructional programs of the school division, including the school division's career and technical education programs, consistent with, or as a part of, the comprehensive technology plan for Virginia adopted by the Board; (viii) an assessment of the needs of the school division and evidence of community participation, including parental participation, in the development of the plan; (ix) any corrective action plan required pursuant to § 22.1-253.13:3; and (x) a plan for parent and family involvement to include building successful school and parent partnerships that shall be developed with staff and community involvement, including participation by parents.

The divisionwide comprehensive plan shall also include a divisionwide literacy plan for pre-kindergarten through grade eight. The Board shall issue guidance on the contents of such plans. The Department shall develop a template for such plans. Each divisionwide literacy plan shall follow such template and address how the local school board will align ~~(i)~~ *(a)* literacy professional development~~, (ii)~~*; (b)* core reading and literacy curriculum *for students in kindergarten through grade five*~~,~~*;* and ~~(iii)~~ *(c)* screening, supplemental instruction, and interventions *for students in kindergarten through grade eight* with evidence-based literacy instruction practices aligned with science-based reading research and how the school board will support parents to support the literacy development of their children. When developing such divisionwide literacy plan, each local school board shall use programs from the lists developed by the Department pursuant to subsection C of § 22.1-253.13:5 and subdivision H 2 of § 22.1-253.13:1 or seek approval from the Department for the use of alternative programs that consist of evidence-based literacy instruction and align with science-based reading research. Each such divisionwide literacy plan shall be submitted to the Department and shall identify which core literacy curricula, supplemental instructional practices and programs, and intervention programs from the list developed by the Department pursuant to subdivision H 2 of § 22.1-253.13:1 or alternative programs approved by the Department that consist of evidence-based literacy instruction and align with science-based reading research will be used in each grade level, kindergarten through 12, at each of the schools within such school division. Each local school board shall post, maintain, and update as necessary on such school board's website a copy of its divisionwide literacy plan and the job description and contact information for any reading specialist employed by such school division pursuant to subsection G of § 22.1-253.13:2 and for any dyslexia specialist employed by such school division. The Department shall post each divisionwide literacy plan on its website.

A report shall be presented by each school board to the public by November 1 of each odd-numbered year on the extent to which the objectives of the divisionwide comprehensive plan have been met during the previous two school years.

C. Each public school shall also prepare a comprehensive, unified, long-range plan, which the relevant school board shall consider in the development of its divisionwide comprehensive plan.

D. The Board shall, in a timely manner, make available to local school boards information about where current Virginia school laws, Board regulations and revisions, and copies of relevant Opinions of the Attorney General of Virginia may be located online.

CHAPTER 45

An Act to amend and reenact § 32.1-261 of the Code of Virginia, relating to vital records; birth certificates; adoption; members of the military.

[H 649]

Approved March 8, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 32.1-261 of the Code of Virginia is amended and reenacted as follows:

§ 32.1-261. New certificate of birth established on proof of adoption, legitimation, or determination of paternity, or change of sex.

A. The State Registrar shall establish a new certificate of birth for a person born in the Commonwealth upon receipt of the following:

1. An adoption report as provided in § 32.1-262, a report of adoption prepared and filed in accordance with the laws of another state or foreign country, or a certified copy of the decree of adoption together with the information necessary to identify the original certificate of birth and to establish a new certificate of birth; except that a new certificate of birth shall not be established if so requested by the court decreeing the adoption, the adoptive parents, or the adopted person if 18 years of age or older.

2. A request that a new certificate be established and such evidence as may be required by regulation of the Board proving that such person has been legitimated or that a court of the Commonwealth has, by final order, determined the paternity of such person. The request shall state that no appeal has been taken from the final order and that the time allowed to perfect an appeal has expired.

3. An order entered pursuant to subsection D of § 20-160. The order shall contain sufficient information to identify the original certificate of birth and to establish a new certificate of birth in the names of the intended parents.

4. A surrogate consent and report form as authorized by § 20-162. The report shall contain sufficient information to identify the original certificate of birth and to establish a new certificate of birth in the names of the intended parents.

5. Upon request of a person and in accordance with requirements of the Board, the State Registrar shall issue a new certificate of birth to show a change of sex of the person and, if a certified copy of a court order changing the person's name is submitted, to show a new name. Requirements related to obtaining a new certificate of birth to show a change of sex shall include a requirement that the person requesting the new certificate of birth submit a form furnished by the State Registrar and completed by a health care provider from whom the person has received treatment stating that the person has undergone clinically appropriate treatment for gender transition. Requirements related to obtaining a new certificate of birth to show a change of sex shall not include any requirement for evidence or documentation of any medical procedure.

6. Nothing in this section shall deprive the circuit court of equitable jurisdiction to adjudicate, upon application of a person, that the sex of such person residing within the territorial jurisdiction of the circuit court has been changed. In such an action, the person may petition for the application of the standard of the person's jurisdiction of birth; otherwise, the requirements of this section shall apply.

B. When a new certificate of birth is established pursuant to subsection A, the actual place and date of birth shall be shown. It shall be substituted for the original certificate of birth. Thereafter, the original certificate and the evidence of adoption, paternity or legitimation shall be sealed and filed and not be subject to inspection except upon order of a court of the Commonwealth or in accordance with § 32.1-252. However, upon receipt of notice of a decision or order granting an adult adopted person access to identifying information regarding his birth parents from the Commissioner of Social Services or a circuit court, and proof of identification and payment, the State Registrar shall mail an adult adopted person a copy of the original certificate of birth.

C. Upon receipt of a report of an amended decree of adoption, the certificate of birth shall be amended as provided by regulation.

D. Upon receipt of notice or decree of annulment of adoption, the original certificate of birth shall be restored to its place in the files and the new certificate and evidence shall not be subject to inspection except upon order of a court of the Commonwealth or in accordance with § 32.1-252.

E. The State Registrar shall, upon request, establish and register a Virginia certificate of birth for a person born in a foreign country (i) upon receipt of a report of adoption for an adoption finalized pursuant to the laws of the foreign country as provided in subsection B of § 63.2-1200.1~~,~~ or (ii) upon receipt of a report or final order of adoption entered in a court of the Commonwealth as provided in § 32.1-262; however, a Virginia certificate of birth shall not be established or registered if so requested by the court decreeing the adoption, the adoptive parents or the adopted person if 18 years of age or older. If a circuit court of the Commonwealth corrects or establishes a date of birth for a person born in a foreign country during the adoption proceedings or upon a petition to amend a certificate of foreign birth, the State Registrar shall issue a certificate showing the date of birth established by the court. After registration of the birth certificate in the new name of the adopted person, the State Registrar shall seal and file the report of adoption which shall not be subject to inspection except upon order of a court of the Commonwealth or in accordance with § 32.1-252. The birth certificate shall (i) show the true or probable foreign country of birth and (ii) state that the certificate is not evidence of United States citizenship for the child for whom it is issued or for the adoptive parents. However, for any adopted person who has attained United States

citizenship, the State Registrar shall, upon request and receipt of evidence demonstrating such citizenship, establish and register a new certificate of birth that does not contain the statement required by clause (ii).

F. If no certificate of birth is on file for the person for whom a new certificate is to be established under this section, a delayed certificate of birth shall be filed with the State Registrar as provided in § 32.1-259 or 32.1-260 before a new certificate of birth is established, except that when the date and place of birth and parentage have been established in the adoption proceedings, a delayed certificate shall not be required.

G. When a new certificate of birth is established pursuant to subdivision A 1, the State Registrar shall issue along with the new certificate of birth a document, furnished by the Department of Social Services pursuant to § 63.2-1220, listing all post-adoption services available to adoptive families.

H. When a new certificate of birth is established pursuant to subdivision A 1, and (i) at least one adoptive parent is an active duty or retired member of the military or military reserves and (ii) the filer notifies the clerk of court in writing that an adoptive parent has military status as required herein, the clerk of the court decreeing the adoption shall deliver the adoption records and a standardized confirmation of active duty or retired military or military reserves membership of either adoptive parent to the State Registrar no later than five business days after receipt by such clerk of the final decree from the judge who entered such decree. The State Registrar shall expedite the issuance of the new certificate of birth to the adoptive parents upon receipt of (a) adoption records as provided for in § 32.1-261, (b) standardized notice from the court that finalized the adoption that at least one adoptive parent is an active duty or retired member of the military or military reserves, and (c) a completed request to the Virginia Department of Health that a new certificate of birth for the registrant be prepared. Requirements set forth in §§ 32.1-271, 32.1-272, and 32.1-273 shall apply to the disclosure of information or issuance of the adopted registrant's new certificate of birth.

CHAPTER 46

An Act to amend and reenact § 55.1-1229 of the Code of Virginia, relating to Virginia Residential Landlord and Tenant Act; routine maintenance; notice to tenant.

[H 701]

Approved March 8, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 55.1-1229 of the Code of Virginia is amended and reenacted as follows:

§ 55.1-1229. Access; consent; correction of nonemergency conditions; relocation of tenant; security systems.

A. 1. The tenant shall not unreasonably withhold consent to the landlord to enter into the dwelling unit in order to inspect the premises; make necessary or agreed-upon repairs, decorations, alterations, or improvements; supply necessary or agreed-upon services; or exhibit the dwelling unit to prospective or actual purchasers, mortgagees, tenants, workmen, or contractors.

2. If, upon inspection of a dwelling unit during the term of a tenancy, the landlord determines there is a violation by the tenant of § 55.1-1227 or the rental agreement materially affecting health and safety that can be remedied by repair, replacement of a damaged item, or cleaning in accordance with § 55.1-1248, the landlord may make such repairs and send the tenant an invoice for payment. If, upon inspection of the dwelling unit during the term of a tenancy, the landlord discovers a violation of the rental agreement, this chapter, or other applicable law, the landlord may send a written notice of termination pursuant to § 55.1-1245.

3. If the rental agreement so provides and if a tenant without reasonable justification declines to permit the landlord or managing agent to exhibit the dwelling unit for sale or lease, the landlord may recover damages, costs, and reasonable attorney fees against such tenant.

As used in this subdivision, "reasonable justification" includes the tenant's reasonable concern for his own health, or the health of any authorized occupant, during a state of emergency declared by the Governor pursuant to § 44-146.17 in response to a communicable disease of public health threat as defined in § 44-146.16, provided that the tenant has provided written notice to the landlord informing the landlord of such concern. In such circumstances, the tenant shall provide to the landlord or managing agent a video tour of the dwelling unit or other acceptable substitute for exhibiting the dwelling unit for sale or lease.

4. The landlord may enter the dwelling unit without consent of the tenant in case of emergency. The landlord shall not abuse the right of access or use it to harass the tenant. Except in case of emergency or if it is impractical to do so, the landlord shall give the tenant notice of his intent to enter and may enter only at reasonable times. Unless impractical to do so, the landlord shall give the tenant at least 72 hours' notice of routine maintenance to be performed that has not been requested by the tenant. *Such routine maintenance shall be performed within 14 days of delivery of the notice to the tenant, and the notice shall state the last date on which the maintenance may possibly be performed.* If the tenant makes a request for maintenance, the landlord is not required to provide notice to the tenant. Notwithstanding the foregoing, during a state of emergency declared by the Governor pursuant to § 44-146.17 in response to a communicable disease of public health threat as defined in § 44-146.16, the tenant may provide written notice to the landlord requesting that one or more nonemergency property conditions in the dwelling unit not be addressed in the normal course of business of the landlord due to such communicable disease of public health threat. In such case, the tenant shall be deemed to have waived any and all claims

and rights under this chapter against the landlord for failure to address such nonemergency property conditions. At any time thereafter, the tenant may consent in writing to the landlord addressing such nonemergency property conditions in the normal course of business of the landlord. In the case of a tenant who has provided notice that he does not want nonemergency repairs made during the state of emergency due to a communicable disease of public health threat, the landlord may nonetheless enter the dwelling unit to do nonemergency repairs and maintenance with at least seven days' written notice to the tenant and at a time consented to by the tenant, no more than once every six months, provided that the employees and agents sent by the landlord are wearing all appropriate and reasonable personal protective equipment as required by state law. Furthermore, if the landlord is required to conduct maintenance or an inspection pursuant to the agreement for the loan or insurance policy that covers the dwelling unit, the tenant shall allow such maintenance or inspection, provided that the employees and agents sent by the landlord are wearing all appropriate personal protective equipment as required by state law.

5. During the pendency of an unlawful detainer filed by the landlord against the tenant, the landlord may request the court to enter an order requiring the tenant to provide the landlord with access to such dwelling unit.

B. Upon the sole determination by the landlord of the existence of a nonemergency property condition in the dwelling unit that requires the tenant to temporarily vacate the dwelling unit in order for the landlord to properly remedy such property condition, the landlord may, upon at least 30 days' written notice to the tenant, require the tenant to temporarily vacate the dwelling unit for a period not to exceed 30 days to a comparable dwelling unit, or hotel, as selected by the landlord and at no expense or cost to the tenant. The landlord shall not be required to pay for any other expenses of the tenant that arise after the temporary relocation period. The landlord and tenant may agree for the tenant to temporarily vacate the dwelling unit in less than 30 days. For purposes of this subsection, "nonemergency property condition" means (i) a condition in the dwelling unit that, in the determination of the landlord, is necessary for the landlord to remedy in order for the landlord to be in compliance with § 55.1-1220; (ii) the condition does not need to be remedied within a 24-hour period, with any condition that needs to be remedied within 24 hours being defined as an "emergency condition"; and (iii) the condition can only be effectively remedied by the temporary relocation of the tenant pursuant to the provisions of this subsection.

The tenant shall continue to be responsible for payment of rent under the rental agreement during the period of any temporary relocation. The landlord shall pay all costs of repairs or remediation required to address the nonemergency property condition. Refusal of the tenant to cooperate with a temporary relocation pursuant to this subsection shall be deemed a breach of the rental agreement, unless the tenant agrees to vacate the unit and terminate the rental agreement within the 30-day notice period. If the landlord properly remedies the nonemergency property condition within the 30-day period, nothing in this section shall be construed to entitle the tenant to terminate the rental agreement. Further, nothing in this section shall be construed to limit the landlord from taking legal action against the tenant for any noncompliance that occurs during the period of any temporary relocation pursuant to this subsection. During the pendency of an unlawful detainer filed by the landlord against the tenant, the landlord may request the court to enter an order requiring the tenant to provide the landlord with access to such dwelling unit.

C. The landlord has no other right to access except by court order or that permitted by §§ 55.1-1248 and 55.1-1249 or if the tenant has abandoned or surrendered the premises.

D. The tenant may install within the dwelling unit new security systems that the tenant may believe necessary to ensure his safety, including chain latch devices approved by the landlord and fire detection devices, provided that:

1. Installation does no permanent damage to any part of the dwelling unit;

2. A duplicate of all keys and instructions for the operation of all devices are given to the landlord; and

3. Upon termination of the tenancy, the tenant is responsible for payment to the landlord for reasonable costs incurred for the removal of all such devices and repairs to all damaged areas.

E. Upon written request of a tenant in a dwelling unit, the landlord shall install a carbon monoxide alarm in the tenant's dwelling unit within 90 days. The landlord may charge the tenant a reasonable fee to recover the costs of the equipment and labor for such installation. The landlord's installation of a carbon monoxide alarm shall be in compliance with the Uniform Statewide Building Code (§ 36-97 et seq.).

CHAPTER 47

An Act to amend and reenact § 2.2-1124 of the Code of Virginia, relating to Department of General Services; Division of Purchases and Supply; disposition of surplus materials; technological equipment.

[H 728]

Approved March 8, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 2.2-1124 of the Code of Virginia is amended and reenacted as follows:

§ 2.2-1124. Disposition of surplus materials.

A. For purposes of this section, "surplus materials" means personal property, including materials, supplies, equipment, and recyclable items, but does not include property as defined in § 2.2-1147 that is determined to be surplus. "Surplus materials" does not include finished products that a state hospital or training center operated by the Department of

Behavioral Health and Developmental Services sells for the benefit of individuals receiving services in the state hospital or training center, provided that (i) most of the supplies, equipment, or products have been donated to the state hospital or training center; (ii) the individuals in the state hospital or training center have substantially altered the supplies, equipment, or products in the course of occupational or other therapy; and (iii) the substantial alterations have resulted in a finished product.

B. The Department shall establish procedures for the disposition of surplus materials from departments, divisions, institutions, and agencies of the Commonwealth. Such procedures shall:

1. Permit surplus materials to be transferred between or sold to departments, divisions, institutions, or agencies of the Commonwealth;

2. Permit surplus materials to be sold to Virginia charitable corporations granted tax-exempt status under § 501(c)(3) of the Internal Revenue Code and operating as clinics for the indigent and uninsured that are organized for the delivery of primary health care services (i) as federally qualified health centers designated by the Health Care Financing Administration or (ii) at a reduced or sliding fee scale or without charge;

3. Permit public sales or auctions, including online public auctions;

4. Permit surplus motor vehicles to be sold prior to public sale or auction to local social service departments for the purpose of resale at cost to TANF recipients;

5. Permit surplus materials to be sold to Virginia charitable corporations granted tax-exempt status under § 501(c)(3) of the Internal Revenue Code and operating as children's homes;

6. Permit donations to political subdivisions of the Commonwealth under the circumstances specified in this section;

7. Permit other methods of disposal when (a) the cost of the sale will exceed the potential revenue to be derived therefrom or (b) the surplus material is not suitable for sale;

8. Permit any animal especially trained for police work to be sold at a price of $1 to the handler who last was in control of the animal. The agency or institution may allow the immediate survivor of any full-time sworn law-enforcement officer who (i) is killed in the line of duty or (ii) dies in service and has at least 10 years of service to purchase the service animal at a price of $1. Any such sale shall not be deemed a violation of the State and Local Government Conflict of Interests Act (§ 2.2-3100 et seq.);

9. Permit the transfer of surplus clothing to an appropriate department, division, institution, or agency of the Commonwealth for distribution to needy individuals by and through local social services boards;

10. Encourage the recycling of paper products, beverage containers, electronics, and used motor oil;

11. Require the proceeds from any sale or recycling of surplus materials be promptly deposited into the state treasury in accordance with § 2.2-1802 and report the deposit to the State Comptroller;

12. Permit donations of surplus computers and related equipment to:

a. Public schools in the Commonwealth;

b. Virginia charitable corporations granted tax-exempt status under § 501(c)(3) of the Internal Revenue Code and providing services to persons with disabilities, at-risk youths, or low-income families. For the purposes of this subdivision, "at-risk youths" means school-age children approved eligible to receive free or reduced price meals in the federally funded lunch program; and

c. Organizations in the Commonwealth granted tax-exempt status under § 501(c)(3) of the Internal Revenue Code that refurbish computers and related equipment for donation to veterans and active military, naval, or air service members, as defined in § 2.2-2000.1. Any donation to an organization under this subdivision shall be conditioned upon, and in consideration of, the organization's promise to refurbish the donated equipment and distribute it free of charge to such veterans or active military, naval, or air service members.

13. Permit surplus materials to be transferred or sold, prior to public sale or auction, to public television stations located in the state and other nonprofit organizations approved for the distribution of federal surplus materials;

14. Permit a public institution of higher education to dispose of its surplus materials at the location where the surplus materials are held and to retain any proceeds from such disposal, provided that the institution meets the conditions prescribed in subsection A of § 23.1-1002 and § 23.1-1019 (regardless of whether or not the institution has been granted any authority under Article 4 (§ 23.1-1004 et seq.) of Chapter 10 of Title 23.1);

15. Permit surplus materials from (i) the Department of Defense Excess Property Program or (ii) other surplus property programs administered by the Commonwealth to be transferred or sold to Virginia charitable corporations granted tax-exempt status under § 501(c)(3) of the Internal Revenue Code and operating as an educational institution devoted to emergency management training, preparedness, and response;

16. Require, to the extent practicable, the recycling and disposal of computers and other information technology assets*, including the option to enter into an agreement with a purchasing vendor to buy back or trade in any technological equipment*. Additionally, for computers or information technology assets that may contain confidential state data or personal identifying information of citizens of the Commonwealth, the Department shall ensure all policies for the transfer or other disposition of computers or information technology assets are consistent with data and information security policies developed by the Virginia Information Technologies Agency; and

17. Permit surplus materials to be sold, prior to public sale or auction, to (i) service disabled veteran-owned businesses, (ii) veterans service organizations, (iii) active military-owned businesses, and (iv) military spouse-owned businesses.

For purposes of this subdivision:

"Active military" means military service members who perform full-time duty in the Armed Forces of the United States, or a reserve component thereof, including the National Guard.

"Military spouse" means a person whose spouse is an active military, naval, or air service member or veteran as those terms are defined in § 2.2-2000.1.

"Military spouse-owned business" means a business concern that is at least 51 percent owned by one or more military spouses or, in the case of a corporation, partnership, or limited liability company or other entity, at least 51 percent of the equity ownership interest in the corporation, partnership, or limited liability company or other entity is owned by one or more individuals who are military spouses and both the management and daily business operations are controlled by one or more individuals who are military spouses.

"Service disabled veteran" means the same as that term is defined in § 2.2-2000.1.

"Service disabled veteran-owned business" means the same as that term is defined in § 2.2-2000.1.

"Veterans service organization" means an association or other entity organized for the benefit of veterans that has been recognized by the U.S. Department of Veterans Affairs or chartered by Congress.

C. The Department shall dispose of surplus materials pursuant to the procedures established in subsection B or permit any department, division, institution, or agency of the Commonwealth to dispose of its surplus materials consistent with the procedures so established. No surplus materials shall be disposed of without prior consent of the head of the department, division, institution, or agency of the Commonwealth in possession of such surplus materials or the Governor.

D. Departments, divisions, institutions, or agencies of the Commonwealth or the Governor may donate surplus materials only under the following circumstances:

1. Emergencies declared in accordance with § 44-146.18:2 or 44-146.28;

2. As set forth in the budget bill as defined by § 2.2-1509, provided that (a) the budget bill contains a description of the surplus materials, the method by which the surplus materials shall be distributed, and the anticipated recipients, and (b) such information shall be provided by the Department to the Department of Planning and Budget in sufficient time for inclusion in the budget bill;

3. When the market value of the surplus materials, which shall be donated for a public purpose, is less than $500; however, the total market value of all surplus materials so donated by any department, division, institution, or agency shall not exceed 25 percent of the revenue generated by such department's, division's, institution's, or agency's sale of surplus materials in the fiscal year, except these limits shall not apply in the case of surplus computer equipment and related items donated to Virginia public schools; or

4. During a local emergency, upon written request of the head of a local government or a political subdivision in the Commonwealth to the head of a department, division, institution, or agency.

E. On or before October 1 of each year, the Department shall prepare, and file with the Secretary of the Commonwealth, a plan that describes the expected disposition of surplus materials in the upcoming fiscal year pursuant to subdivision B 6.

F. The Department may make available to any local public body of the Commonwealth the services or facilities authorized by this section; however, the furnishing of any such services shall not limit or impair any services normally rendered any department, division, institution, or agency of the Commonwealth. All public bodies shall be authorized to use the services of the Department's Surplus Property Program under the guidelines established pursuant to this section and the surplus property policies and procedures of the Department. Proceeds from the sale of the surplus property shall be returned to the local body minus a service fee. The service fee charged by the Department shall be consistent with the fee charged by the Department to state public bodies.

CHAPTER 48

An Act to amend and reenact § 32.1-330 of the Code of Virginia, relating to long-term services and support screening; PACE programs; emergency.

[H 729]

Approved March 8, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 32.1-330 of the Code of Virginia is amended and reenacted as follows:

§ 32.1-330. Long-term services and supports screening required.

A. As used in this section, "acute care hospital" includes an acute care hospital, a rehabilitation hospital, a rehabilitation unit in an acute care hospital, or a psychiatric unit in an acute care hospital.

B. Every individual who applies for or requests community or institutional long-term services and supports as defined in the state plan for medical assistance services may choose to receive services in a community or institutional setting. Every individual who applies for or requests community or institutional long-term services and supports shall be afforded the opportunity to choose the setting and provider of long-term services and supports.

C. Every individual who applies for or requests community or institutional long-term services and supports shall be screened prior to admission to such community or institutional long-term services and supports to determine his need for long-term services and supports, including nursing facility services as defined in the state plan for medical assistance

services. The type of long-term services and supports screening performed shall not limit the long-term services and supports settings or providers for which the individual is eligible.

D. ~~If~~ *Except as otherwise provided in this subsection, if* an individual who applies for or requests long-term services and supports as defined in the state plan for medical assistance services is residing in a community setting at the time of such application or request, the screening for long-term services and supports required pursuant to subsection C shall be completed by a long-term services and supports screening team that includes a nurse, social worker or other assessor designated by the Department who is an employee of the Department of Health or the local department of social services, and a physician who is employed or engaged by the Department of Health. *To the extent such screening team determines it is unable to complete the long-term services and supports screening within 30 days or the individual has requested enrollment in a program of all-inclusive care for the elderly (PACE) as defined in § 32.1-330.3, such screening team shall confer as to which entity can most expeditiously conduct the long-term services and supports screening. Qualified staff of the PACE program shall be organized to conduct such screening if it is determined that it is the most expeditious option.*

E. If an individual who applies for or requests long-term services and supports as defined in the state plan for medical assistance services is receiving inpatient services in an acute care hospital at the time of such application or request and will begin receiving long-term services and supports as defined in the state plan for medical assistance services pursuant to a discharge order from an acute care hospital, the screening for long-term services and supports required pursuant to subsection C shall be completed by the acute care hospital in accordance with the screening requirements established by the Department.

F. If an individual who applies for or requests long-term services and supports as defined in the state plan for medical assistance services is receiving skilled nursing services that are not covered by the Commonwealth's program of medical assistance services in an institutional setting following discharge from an acute care hospital, the Department shall require qualified staff of the skilled nursing institution to conduct the long-term services and supports screening in accordance with the requirements established by the Department, with the results certified by a physician prior to the initiation of long-term services and supports under the state plan for medical assistance services.

G. If an individual is admitted to a skilled nursing facility for skilled nursing services and such individual was not screened but is subsequently determined to have been required to be screened prior to admission to the skilled nursing facility, then the qualified staff designated in subsection F may conduct a screening after admission. Coverage of institutional long-term services and supports under this subsection by the Commonwealth's program of medical assistance services indicated by the screening shall not begin until six months after the initial admission to the skilled nursing facility. During this six-month period, the nursing home in which the individual resides shall be responsible for all costs indicated for institutional long-term services and supports that would otherwise have been covered by the Commonwealth's program of medical assistance services, without accessing patient funds. Six months after the date of admission to the skilled nursing facility, and as indicated through the eligibility determination, the Commonwealth's program of medical assistance services shall assume coverage of such services. To the extent that sufficient evidence is provided to indicate that the admission without screening was of no fault of the skilled nursing facility, the Department shall begin coverage of institutional long-term services and supports under this subsection by the Commonwealth's program of medical assistance services immediately upon the completion of the functional screening indicating nursing facility level of care pending the financial eligibility determination.

H. *If an individual seeks enrollment in a program of all-inclusive care for the elderly (PACE) as defined in § 32.1-330.3, qualified staff of the PACE program may conduct the long-term services and supports screening in accordance with the requirements established by the Department, with the results certified by the PACE program's physician prior to the initiation of long-term services and supports under the state plan for medical assistance services. If a PACE program is unable to complete the long-term services and supports screening of an individual, the screening teams described in subsection D or the acute care hospital described in subsection E shall conduct the screening.*

I. In any jurisdiction in which a long-term services and supports screening team described in subsection D or *the acute care hospital described in subsection* E has failed or is unable to perform the long-term services and supports screenings required by subsection D or E within 30 days of receipt of the individual's application or request for long-term services and supports under the state plan, the Department shall enter into contracts with other public or private entities to conduct such long-term services and supports screenings in addition to or in lieu of the long-term services and supports screening teams described in ~~subsections~~ *subsection* D ~~and~~ *or the acute care hospitals described in subsection* E. *This subsection shall not apply to the specific circumstance outlined in subsection D where the qualified staff of a PACE program agree to conduct such screening.*

~~I.~~ *J.* The Department shall require all individuals who perform long-term services and supports screenings pursuant to this section to receive training on and be certified in the use of the long-term services and supports screening tool for eligibility for community or institutional long-term services and supports provided in accordance with the state plan for medical assistance services prior to conducting such long-term services and supports screenings.

~~J.~~ *K.* The Department shall report annually by August 1 to the Governor and the Chairmen of the House Committee on Health, Welfare and Institutions and the Senate Committee on Education and Health regarding (i) the number of long-term services and supports screenings for eligibility for community and institutional long-term services and supports conducted pursuant to this section and (ii) the number of cases in which the Department or the public or private entity with which the

Department has entered into a contract to conduct such long-term services and supports screenings fails to complete such long-term services and supports screenings within 30 days.

2. That the Department of Medical Assistance Services shall promulgate regulations to implement the provisions of this act to be effective within 280 days of its enactment.

3. That an emergency exists and this act is in force from its passage.

CHAPTER 49

An Act to amend and reenact § 22.1-289.030 of the Code of Virginia, relating to early childhood care and education; exemption from licensure for certain child day programs.

[H 739]

Approved March 8, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 22.1-289.030 of the Code of Virginia is amended and reenacted as follows:

§ 22.1-289.030. Exemptions from licensure.

A. The following programs are not child day programs and shall not be required to be licensed:

1. A program of instructional experience in a single focus, such as, but not limited to, computer science, archaeology, sport clinics, or music, if children under the age of six do not attend at all and if no child is allowed to attend for more than 25 days in any three-month period commencing with enrollment. This exemption does not apply if children merely change their enrollment to a different focus area at a site offering a variety of activities and such children's attendance exceeds 25 days in a three-month period.

2. Programs of instructional or recreational activities wherein no child under age six attends for more than six hours weekly with no class or activity period to exceed one and one-half hours, and no child six years of age or above attends for more than six hours weekly when school is in session or 12 hours weekly when school is not in session. Competition, performances, and exhibitions related to the instructional or recreational activity shall be excluded when determining the hours of program operation.

3. Instructional programs offered by private schools that serve school-age children and that satisfy compulsory attendance laws or provide services under the Individuals with Disabilities Education Act, as amended, and programs of school-sponsored extracurricular activities that are focused on single interests such as, but not limited to, music, sports, drama, civic service, or foreign language.

4. Instructional programs offered by public schools that serve preschool-age children, satisfy compulsory attendance laws, or provide services under the Individuals with Disabilities Education Act (20 U.S.C. § 1400 et seq.), as amended, and programs of school-sponsored extracurricular activities that are focused on single interests such as, but not limited to, music, sports, drama, civic service, or foreign language.

5. Early intervention programs for children eligible under Part C of the Individuals with Disabilities Education Act (20 U.S.C. § 1431 et seq.), as amended, wherein no child attends for more than a total of six hours per week.

6. Practice or competition in organized competitive sports leagues.

7. Programs of religious instruction, such as Sunday schools, vacation Bible schools, Bar Mitzvah or Bat Mitzvah classes, and nurseries offered by religious institutions and provided for the duration of specified religious services or related activities to allow parents or guardians or their designees who are on site to attend such religious services and activities.

8. A program of instructional or athletic experience operated during the summer months by, and as an extension of, an accredited private elementary, middle, or high school program as set forth in § 22.1-19 and administered by the Virginia Council for Private Education.

B. The following child day programs shall not be required to be licensed:

1. A child day center that has obtained an exemption pursuant to § 22.1-289.031.

2. A program where, by written policy given to and signed by a parent or guardian, school-age children are free to enter and leave the premises without permission. A program that would qualify for this exemption except that it assumes responsibility for the supervision, protection, and well-being of several children with disabilities who are mainstreamed shall not be subject to licensure.

3. A program that operates no more than a total of 20 program days in the course of a calendar year, provided that programs serving children under age six operate no more than two consecutive weeks without a break of at least a week.

4. Child-minding services that are not available for more than three hours per day for any individual child offered on site in commercial or recreational establishments if the parent or guardian (i) can be contacted and can resume responsibility for the child's supervision within 30 minutes and (ii) is receiving or providing services or participating in activities offered by the establishment.

5. A certified preschool or nursery school program operated by an accredited private school as set forth in § 22.1-19 and administered by the Virginia Council for Private Education that complies with the provisions of § 22.1-289.032.

6. A program of recreational activities offered by local governments, staffed by local government employees, and attended by school-age children. Such programs shall be subject to safety and supervisory standards established by the local government offering the program.

7. A program offered by a local school division, operated for no more than four hours per day on full instructional days or for more than four hours per day on shortened instructional days or noninstructional days, staffed by local school division employees, and attended by children who are at least three years of age and are enrolled in public school or a preschool program within such school division. Such programs shall be subject to safety and supervisory standards established by the local school division offering the program.

8. Child-minding services offered by a business on the premises of the business to no more than four children under the age of 13 at any given time and for no more than eight hours per day, provided that the parent or guardian of every child receiving care is an employee of the business who is on the premises of the business and can resume responsibility for the child's supervision within 30 minutes upon request.

9. A program offered by a private school accredited by and in good standing with the Virginia Council for Private Education, operated for no more than four hours per day, staffed by the accredited private school's employees, and attended by school-age children who are enrolled in the accredited private school. Such programs shall be subject to safety and supervisory standards established by the Virginia Council for Private Education.

10. A child day program that (i) serves only dependent children of military personnel and (ii) (a) is located on a military base or federal property or (b) is certified as a family child care provider by a branch of the Armed Forces of the United States. Any branch of the Armed Forces of the United States or its agent, including an installation commander of a military base on which a child day program is located, may assume responsibility for approving or determining which children may be served by the program that is so exempted from licensure.

C. Child day programs that are exempt from licensure pursuant to subsection B, except for child day programs that are exempt from licensure pursuant to subdivision B 1 or 5, shall:

1. File with the Superintendent annually and prior to beginning operation of a child day program a statement indicating the intent to operate a child day program, identifying the specific provision of this section relied upon for exemption from licensure, and certifying that the child day program has disclosed in writing to the parents or guardians of the children in the program the fact that it is exempt from licensure;

2. Report to the Superintendent all incidents involving serious physical injury to or death of children attending the child day program. Reports of serious physical injuries, which shall include any physical injuries that require an emergency referral to an offsite health care professional or treatment in a hospital, shall be submitted annually. Reports of deaths shall be submitted no later than one business day after the death occurred; and

3. Post in a visible location on the premises notice that the child day program is operating as a program exempt from licensure with basic health and safety requirements but has no direct oversight by the Department.

D. Child day programs that are exempt from licensure pursuant to subsection B, except for child day programs that are exempt from licensure pursuant to subdivision B 1, 5, 6, or 7 shall:

1. Have a person trained and certified in first aid and cardiopulmonary resuscitation present at the child day program whenever children are present or at any other location in which children attending the child day program are present;

2. Maintain daily attendance records that document the arrival and departure of all children;

3. Have an emergency preparedness plan in place;

4. Comply with all applicable laws and regulations governing transportation of children; and

5. Comply with all safe sleep guidelines recommended by the American Academy of Pediatrics.

E. The Superintendent shall inspect child day programs that are exempt from licensure pursuant to subsection B to determine compliance with the provisions of this section only upon receipt of a complaint, except as otherwise provided by law.

F. Family day homes that are members of a licensed family day system shall not be required to obtain a license from the Superintendent.

CHAPTER 50

An Act to amend and reenact §§ 8.01-262 and 64.2-454 of the Code of Virginia, relating to permissible venue; personal injury and wrongful death actions; appointment of administrator on behalf of estate of decedent.

[H 779]

Approved March 8, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 8.01-262 and 64.2-454 of the Code of Virginia are amended and reenacted as follows:

§ 8.01-262. Category B or permissible venue.

In any actions to which this chapter applies except those actions enumerated in Category A where preferred venue is specified, one or more of the following counties or cities shall be permissible forums, such forums being sometimes referred to as "Category B" in this title:

1. Wherein the defendant resides or has his principal place of employment or, if the defendant is not an individual, wherein its principal office or principal place of business is located;

2. Wherein the defendant has a registered office, has appointed an agent to receive process, or such agent has been appointed by operation of the law; or, in case of withdrawal from the Commonwealth by such defendant, wherein venue herein was proper at the time of such withdrawal;

3. Provided there exists any practical nexus to the forum including, but not limited to, the location of fact witnesses, plaintiffs, or other evidence to the action, wherein the defendant regularly conducts substantial business activity, or in the case of withdrawal from the Commonwealth by such defendant, wherein venue herein was proper at the time of such withdrawal;

4. Wherein the cause of action, or any part thereof, arose;

5. In actions to recover or partition personal property, whether tangible or intangible, the county or city:

a. Wherein such property is physically located; or

b. Wherein the evidence of such property is located;

c. And if subdivisions a and b do not apply, wherein the plaintiff resides.

6. In actions against a fiduciary as defined in § 8.01-2 appointed under court authority, the county or city wherein such fiduciary qualified;

7. In actions for improper message transmission or misdelivery wherein the message was transmitted or delivered or wherein the message was accepted for delivery or was misdelivered;

8. In actions arising based on delivery of goods, wherein the goods were received;

9. If there is no other forum available in subdivisions 1 through 8 of this category, then the county or city where the defendant has property or debts owing to him subject to seizure by any civil process; or

10. Wherein any of the plaintiffs reside if (i) all of the defendants are unknown or are nonresidents of the Commonwealth or if (ii) there is no other forum available under any other provisions of § 8.01-261 or this section.

Notwithstanding the provisions of this section, in actions in which an administrator has been appointed pursuant to § 64.2-454, permissible venue shall only lie in a county or city in which venue would have been properly laid if the person for whom such appointment is made had survived.

§ 64.2-454. Appointment of administrator for prosecution of action for personal injury or wrongful death against or on behalf of estate of deceased resident or nonresident.

An administrator may be appointed in any case in which it is represented that either a civil action for personal injury or death by wrongful act, or both, arising within the Commonwealth is contemplated against or on behalf of the estate or the beneficiaries of the estate of a resident or nonresident of the Commonwealth who has died within or outside the Commonwealth if at least 60 days have elapsed since the decedent's death and an executor or administrator of the estate has not been appointed under § 64.2-500 or 64.2-502, solely for the purpose of prosecution or defense of any such actions, by the clerk of ~~the~~ *a* circuit court ~~in the county or city in which jurisdiction and venue would have been properly laid for such actions if the person for whom the appointment is sought had survived~~. An administrator appointed pursuant to this section may prosecute actions for both personal injury and death by wrongful act.

If a fiduciary has been appointed in a foreign jurisdiction, the fiduciary may qualify as administrator. The appointment of a fiduciary in a foreign jurisdiction shall not preclude a resident or nonresident from qualifying as an administrator for the purposes of maintaining a wrongful death action pursuant to § 8.01-50 or a personal injury action in the Commonwealth.

A resident and nonresident may be appointed as coadministrators.

CHAPTER 51

An Act to amend and reenact §§ 20-60.3 and 20-107.1 of the Code of Virginia, relating to entry or modification of support orders; determination of support overages.

[H 784]

Approved March 8, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 20-60.3 and 20-107.1 of the Code of Virginia are amended and reenacted as follows:

§ 20-60.3. Contents of support orders.

All orders directing the payment of spousal support where there are minor children whom the parties have a mutual duty to support and all orders directing the payment of child support, including those orders confirming separation agreements, entered on or after October 1, 1985, whether they are original orders or modifications of existing orders, shall contain the following:

1. Notice that support payments may be withheld as they become due pursuant to § 20-79.1 or § 20-79.2, from income as defined in § 63.2-1900, without further amendments of this order or having to file an application for services with the Department of Social Services; however, absence of such notice in an order entered prior to July 1, 1988, shall not bar withholding of support payments pursuant to § 20-79.1;

2. Notice that support payments may be withheld pursuant to Chapter 19 (§ 63.2-1900 et seq.) of Title 63.2 without further amendments to the order upon application for services with the Department of Social Services; however, absence of such notice in an order entered prior to July 1, 1988, shall not bar withholding of support payments pursuant to Chapter 19 (§ 63.2-1900 et seq.) of Title 63.2;

3. The name, date of birth, and last four digits of the social security number of each child to whom a duty of support is then owed by the parent;

4. If known, the name, date of birth, and last four digits of the social security number of each parent of the child and, unless otherwise ordered, each parent's residential and, if different, mailing address, residential and employer telephone number, and number appearing on a driver's license or other document issued under Chapter 3 (§ 46.2-300 et seq.) of Title 46.2 or the comparable law of another jurisdiction, and the name and address of each parent's employer; however, when a protective order has been issued or the court otherwise finds reason to believe that a party is at risk of physical or emotional harm from the other party, information other than the name of the party at risk shall not be included in the order;

5. Notice that, pursuant to § 20-124.2, support will continue to be paid for any child over the age of 18 who is (i) a full-time high school student, (ii) not self-supporting, and (iii) living in the home of the party seeking or receiving child support until such child reaches the age of 19 or graduates from high school, whichever occurs first, and that the court may also order that support be paid or continue to be paid for any child over the age of 18 who is (a) severely and permanently mentally or physically disabled, and such disability existed prior to the child reaching the age of 18 or the age of 19 if the child met the requirements of clauses (i), (ii), and (iii); (b) unable to live independently and support himself; and (c) residing in the home of the parent seeking or receiving child support;

6. On and after July 1, 1994, notice that a petition may be filed for suspension of any license, certificate, registration or other authorization to engage in a profession, trade, business, occupation, or recreational activity issued by the Commonwealth to a parent as provided in § 63.2-1937 upon a delinquency for a period of 90 days or more or in an amount of $5,000 or more. The order shall indicate whether either or both parents currently hold such an authorization and, if so, the type of authorization held;

7. The monthly amount of support and the effective date of the order. In proceedings on initial petitions, the effective date shall be the date of filing of the petition; in modification proceedings, the effective date may be the date of notice to the responding party. The first monthly payment shall be due on the first day of the month following the hearing date and on the first day of each month thereafter. In addition, an amount shall be assessed for any full and partial months between the effective date of the order and the date that the first monthly payment is due. The assessment for the initial partial month shall be prorated from the effective date through the end of that month, based on the current monthly obligation;

8. a. An order for health care coverage, including the health insurance policy information, for dependent children pursuant to §§ 20-108.1 and 20-108.2 if available at reasonable cost as defined in § 63.2-1900, or a written statement that health care coverage is not available at a reasonable cost as defined in such section, and a statement as to whether there is an order for health care coverage for a spouse or former spouse; and

b. A statement as to whether cash medical support, as defined in § 63.2-1900, is to be paid by or reimbursed to a party pursuant to subsections D and G of § 20-108.2, and if such expenses are ordered, then the provisions governing how such payment is to be made;

9. *a.* If support arrearages exist, (i) to whom an arrearage is owed and the amount of the arrearage, (ii) the period of time for which such arrearage is calculated, and (iii) a direction that all payments are to be credited to current support obligations first, with any payment in excess of the current obligation applied to arrearages; *and*

b. If support overages exist, (i) to whom an overage is owed and the amount of the overage, (ii) the period of time for which such overage is calculated, and (iii) how such overage is to be paid;

10. If child support payments are ordered to be paid through the Department of Social Services or directly to the obligee, and unless the court for good cause shown orders otherwise, the parties shall give each other and the court and, when payments are to be made through the Department, the Department of Social Services at least 30 days' written notice, in advance, of any change of address and any change of telephone number within 30 days after the change;

11. If child support payments are ordered to be paid through the Department of Social Services, a provision requiring an obligor to keep the Department of Social Services informed, or if payments are ordered to be paid directly to the obligee, a provision requiring an obligor to keep the court informed, of (i) the name, address, and telephone number of his current employer; (ii) any change to his employment status; and (iii) if he has filed a claim for or is receiving benefits under the provisions of Title 60.2. The provision shall further specify that any such change in employment status or filing of a claim shall be communicated to the Department of Social Services or the court in writing within 30 days of such change or filing;

12. If child support payments are ordered to be paid through the Department of Social Services, a provision requiring the party obligated to provide health care coverage to keep the Department of Social Services informed of any changes in the availability of the health care coverage for the minor child or children, or if payments are ordered to be paid directly to the obligee, a provision requiring the party obligated to provide health care coverage to keep the other party informed of any changes in the availability of the health care coverage for the minor child or children;

13. The separate amounts due to each person under the order, unless the court specifically orders a unitary award of child and spousal support due or the order affirms a separation agreement containing provision for such unitary award;

14. Notice that in determination of a support obligation, the support obligation as it becomes due and unpaid creates a judgment by operation of law. The order shall also provide, pursuant to § 20-78.2, for interest on the arrearage at the judgment rate as established by § 6.2-302 unless the obligee, in a writing submitted to the court, waives the collection of interest;

15. Notice that on and after July 1, 1994, the Department of Social Services may, pursuant to Chapter 19 (§ 63.2-1900 et seq.) of Title 63.2 and in accordance with §§ 20-108.2 and 63.2-1921, initiate a review of the amount of support ordered by any court;

16. A statement that if any arrearages for child support, including interest or fees, exist at the time the youngest child included in the order emancipates, payments shall continue in the total amount due (current support plus amount applied toward arrearages) at the time of emancipation until all arrearages are paid; and

17. Notice that, in cases enforced by the Department of Social Services, the Department of Motor Vehicles may suspend or refuse to renew the driver's license, or other document issued under Chapter 3 (§ 46.2-300 et seq.) of Title 46.2 authorizing the operation of a motor vehicle upon the highways, of any person upon receipt of notice from the Department of Social Services that the person (i) is delinquent in the payment of child support by 90 days or in an amount of $5,000 or more or (ii) has failed to comply with a subpoena, summons, or warrant relating to paternity or child support proceedings.

The provisions of this section shall not apply to divorce decrees where there are no minor children whom the parties have a mutual duty to support.

§ 20-107.1. Court may decree as to maintenance and support of spouses.

A. Pursuant to any proceeding arising under subsection L of § 16.1-241 or upon the entry of a decree providing (i) for the dissolution of a marriage, (ii) for a divorce, whether from the bond of matrimony or from bed and board, (iii) that neither party is entitled to a divorce, or (iv) for separate maintenance, the court may make such further decree as it shall deem expedient concerning the maintenance and support of the spouses, notwithstanding a party's failure to prove his grounds for divorce, provided that a claim for support has been properly pled by the party seeking support. However, the court shall have no authority to decree maintenance and support payable by the estate of a deceased spouse.

B. Any maintenance and support shall be subject to the provisions of § 20-109, and no permanent maintenance and support shall be awarded from a spouse if there exists in such spouse's favor a ground of divorce under the provisions of subdivision A (1) of § 20-91. However, the court may make such an award notwithstanding the existence of such ground if the court determines from clear and convincing evidence, that a denial of support and maintenance would constitute a manifest injustice, based upon the respective degrees of fault during the marriage and the relative economic circumstances of the parties.

C. The court, in its discretion, may decree that maintenance and support of a spouse be made in periodic payments for a defined duration, or in periodic payments for an undefined duration, or in a lump sum award, or in any combination thereof.

D. In addition to or in lieu of an award pursuant to subsection C, the court may reserve the right of a party to receive support in the future. In any case in which the right to support is so reserved, there shall be a rebuttable presumption that the reservation will continue for a period equal to 50 percent of the length of time between the date of the marriage and the date of separation. Once granted, the duration of such a reservation shall not be subject to modification. Unless otherwise provided by stipulation or contract executed on or after July 1, 2020, or unless otherwise ordered by the court on or after July 1, 2020, a party seeking to exercise his right to support so reserved shall be required to prove a material change of circumstances as a prerequisite for the court to consider exercise of such reservation.

E. The court, in determining whether to award support and maintenance for a spouse, shall consider the circumstances and factors which contributed to the dissolution of the marriage, specifically including adultery and any other ground for divorce under the provisions of subdivision A (3) or (6) of § 20-91 or § 20-95. In determining the nature, amount and duration of an award pursuant to this section, the court shall consider the following:

1. The obligations, needs and financial resources of the parties, including but not limited to income from all pension, profit sharing or retirement plans, of whatever nature;

2. The standard of living established during the marriage;

3. The duration of the marriage;

4. The age and physical and mental condition of the parties and any special circumstances of the family;

5. The extent to which the age, physical or mental condition or special circumstances of any child of the parties would make it appropriate that a party not seek employment outside of the home;

6. The contributions, monetary and nonmonetary, of each party to the well-being of the family;

7. The property interests of the parties, both real and personal, tangible and intangible;

8. The provisions made with regard to the marital property under § 20-107.3;

9. The earning capacity, including the skills, education and training of the parties and the present employment opportunities for persons possessing such earning capacity;

10. The opportunity for, ability of, and the time and costs involved for a party to acquire the appropriate education, training and employment to obtain the skills needed to enhance his earning ability;

11. The decisions regarding employment, career, economics, education and parenting arrangements made by the parties during the marriage and their effect on present and future earning potential, including the length of time one or both of the parties have been absent from the job market;

12. The extent to which either party has contributed to the attainment of education, training, career position or profession of the other party; and

13. Such other factors, including the tax consequences to each party and the circumstances and factors that contributed to the dissolution, specifically including any ground for divorce, as are necessary to consider the equities between the parties.

F. In contested cases in the circuit courts, any order granting, reserving or denying a request for spousal support shall be accompanied by written findings and conclusions of the court identifying the factors in subsection E which support the court's order. Any order granting or reserving any request for spousal support shall state whether the retirement of either party was contemplated by the court and specifically considered by the court in making its award, and, if so, the order shall state the facts the court contemplated and specifically considered as to the retirement of the party. If the court awards periodic support for a defined duration, such findings shall identify the basis for the nature, amount and duration of the award and, if appropriate, a specification of the events and circumstances reasonably contemplated by the court which support the award.

G. For purposes of this section and § 20-109, "date of separation" means the earliest date at which the parties are physically separated and at least one party intends such separation to be permanent provided the separation is continuous thereafter and "defined duration" means a period of time (i) with a specific beginning and ending date or (ii) specified in relation to the occurrence or cessation of an event or condition other than death or termination pursuant to § 20-110.

H. Where there are no minor children whom the parties have a mutual duty to support, an order directing the payment of spousal support, including those orders confirming separation agreements, entered on or after October 1, 1985, whether they are original orders or modifications of existing orders, shall contain the following:

1. If known, the name, date of birth, and social security number of each party and, unless otherwise ordered, each party's residential and, if different, mailing address, residential and employer telephone number, and number appearing on a driver's license or other document issued under Chapter 3 (§ 46.2-300 et seq.) of Title 46.2 or the comparable law of another jurisdiction, and the name and address of each party's employer; however, when a protective order has been issued or the court otherwise finds reason to believe that a party is at risk of physical or emotional harm from the other party, information other than the name of the party at risk shall not be included in the order;

2. The amount of periodic spousal support expressed in fixed sums, together with the payment interval, the date payments are due, and the date the first payment is due;

3. A statement as to whether there is an order for health care coverage for a party;

4. If support arrearages exist, (i) to whom an arrearage is owed and the amount of the arrearage, (ii) the period of time for which such arrearage is calculated, and (iii) a direction that all payments are to be credited to current spousal support obligations first, with any payment in excess of the current obligation applied to arrearages;

5. *If support overages exist, (i) to whom an overage is owed and the amount of the overage, (ii) the period of time for which such overage is calculated, and (iii) how such overage is to be paid;*

6. If spousal support payments are ordered to be paid directly to the obligee, and unless the court for good cause shown orders otherwise, the parties shall give each other and the court at least 30 days' written notice, in advance, of any change of address and any change of telephone number within 30 days after the change; and

~~6.~~ *7.* Notice that in determination of a spousal support obligation, the support obligation as it becomes due and unpaid creates a judgment by operation of law.

CHAPTER 52

An Act to amend and reenact §§ 55.1-124, 55.1-125, 55.1-127, and 55.1-128 of the Code of Virginia, relating to Uniform Statutory Rule Against Perpetuities; trusts; certain nonvested property interests or powers of appointment over property or property interests.

[H 836]

Approved March 8, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 55.1-124, 55.1-125, 55.1-127, and 55.1-128 of the Code of Virginia are amended and reenacted as follows:

§ 55.1-124. Uniform Statutory Rule Against Perpetuities.

A. A nonvested property interest is invalid unless:

1. When the interest is created, it is certain to vest or terminate no later than 21 years after the death of an individual then alive; or

2. The interest either vests or terminates within 90 years after its creation.

B. A general power of appointment not presently exercisable because of a condition precedent is invalid unless:

1. When the power is created, the condition precedent is certain to be satisfied or becomes impossible to satisfy no later than 21 years after the death of an individual then alive; or

2. The condition precedent either is satisfied or becomes impossible to satisfy within 90 years after its creation.

C. A nongeneral power of appointment or a general testamentary power of appointment is invalid unless:

1. When the power is created, it is certain to be irrevocably exercised or otherwise to terminate no later than 21 years after the death of an individual then alive; or

2. The power is irrevocably exercised or otherwise terminates within 90 years after its creation.

D. In determining whether a nonvested property interest or a power of appointment is valid under subdivision A 1, B 1, or C 1, the possibility that a child will be born to an individual after the individual's death is disregarded.

E. If, in measuring a period from the creation of a trust or other property arrangement, language in a governing instrument (i) seeks to disallow the vesting or termination of any interest or trust beyond, (ii) seeks to postpone the vesting or termination of any interest or trust until, or (iii) seeks to operate in effect in any similar fashion upon, the later of (a) the expiration of a period of time not exceeding 21 years after the death of the survivor of specified lives in being at the creation of the trust or other property arrangement or (b) the expiration of a period of time that exceeds or might exceed 21 years after the death of the survivor of lives in being at the creation of the trust or other property arrangement, that language is inoperative to the extent it produces a period of time that exceeds 21 years after the death of the survivor of the specified lives.

F. For any nonvested interest in or power of appointment over personal property held in trust, or a power of appointment over personal property granted under a trust, if such interest or power is created on or after July 1, 2024, §§ 55.1-124 through 55.1-129 shall apply to such interest or power by substituting "1,000 years" in each instance in which the term "90 years" appears in §§ 55.1-124 through 55.1-129. This subsection shall not extend to a nonvested property interest in, or a power of appointment over, real property held in trust or a power of appointment over real property granted under a trust. For the purposes of this subsection, real property does not include an interest in a corporation, limited liability company, partnership, business trust, or other entity, even if such entity owns an interest in real property.

§ 55.1-125. When nonvested property interest or power of appointment created.

A. Except as provided in ~~subsections B and C~~ *this section* and in *subsection B of* § 55.1-128, the time of creation of a nonvested property interest or a power of appointment is determined under general principles of property law.

B. For the purposes of §§ 55.1-124 through 55.1-129, if there is a person who alone can exercise a power created by a governing instrument to become the unqualified beneficial owner of (i) a nonvested property interest or (ii) a property interest subject to a power of appointment described in subsection B or C ~~in~~ *of* § 55.1-124, the nonvested property interest or power of appointment is created when the power to become the unqualified beneficial owner terminates.

C. For the purposes of §§ 55.1-124 through 55.1-129, a nonvested property interest or a power of appointment arising from a transfer of property to a previously funded trust or other existing property arrangement is created when the nonvested property interest or power of appointment in the original contribution was created.

D. For the purposes of §§ 55.1-124 through 55.1-129, except as provided in subsection B of § 55.1-128, if a nongeneral or testamentary power of appointment is exercised to create another nongeneral or testamentary power of appointment, every nonvested property interest or power of appointment created through the exercise of such other nongeneral or testamentary power is considered to have been created at the time of the creation of the first nongeneral or testamentary power of appointment.

§ 55.1-127. Exclusions from statutory rule against perpetuities.

A. Section 55.1-124 does not apply to:

1. A nonvested property interest or a power of appointment arising out of a nondonative transfer, except a nonvested property interest or a power of appointment arising out of (i) a premarital or postmarital agreement; (ii) a separation or divorce settlement; (iii) a spouse's election; (iv) a similar arrangement arising out of a prospective, existing, or previous marital relationship between the parties; (v) a contract to make or not to revoke a will or trust; (vi) a contract to exercise or not to exercise a power of appointment; (vii) a transfer in satisfaction of a duty of support; or (viii) a reciprocal transfer;

2. A fiduciary's power relating to the administration or management of assets, including the power of a fiduciary to sell, lease, or mortgage property, and the power of a fiduciary to determine principal and income;

3. A power to appoint a fiduciary;

4. A discretionary power of trustee to distribute principal before termination of a trust to a beneficiary having an indefensibly vested interest in the income and principal;

5. A nonvested property interest held by a charity, government, or governmental agency or subdivision, if the nonvested property interest is preceded by an interest held by another charity, government, or governmental agency or subdivision;

6. A nonvested property interest in or a power of appointment with respect to a trust or other property arrangement forming part of a pension, profit-sharing, stock bonus, health, disability, death benefit, income deferral, or other current or deferred benefit plan for one or more employees, independent contractors, or their beneficiaries or spouses, to which contributions are made for the purpose of distributing to or for the benefit of the participants or their beneficiaries or spouses the property, income, or principal in the trust or other property arrangement, except a nonvested property interest or a power of appointment that is created by an election of a participant or a beneficiary or spouse;

7. A property interest, power of appointment, or arrangement that was not subject to the common-law rule against perpetuities or is excluded by another statute of the Commonwealth; or

8. A nonvested interest in or power of appointment over personal property held in trust, or a power of appointment over personal property granted under a trust, if the trust instrument, by its terms, provides that § 55.1-124 shall not apply, *provided that such interest or power was created between July 1, 2000, and June 30, 2024. If a nonvested interest in or power of appointment over personal property held in trust, or a power of appointment over personal property granted under a trust, was created on or after July 1, 2024, the provisions of the first sentence of this subdivision shall not apply, and any*

terms in the trust instrument providing that § 55.1-124 does not apply shall not be operative and shall not prevent the application of § 55.1-124 to such interest or power.

B. The exception to the Uniform Statutory Rule Against Perpetuities under *the first sentence of* subdivision A 8 shall not extend to real property held in trust. For purposes of this subsection, real property does not include an interest in a corporation, limited liability company, partnership, business trust, or other entity, even if such entity owns an interest in real property.

§ 55.1-128. Prospective application.

A. Sections 55.1-124 through 55.1-129 apply to a nonvested property interest or a power of appointment that is created on or after July 1, 2000.

B. For purposes of ~~this section~~ *subsection A, the first sentence of subsection F of § 55.1-124, and subdivision A 8 of § 55.1-127,* a nonvested property interest or a power of appointment created by the exercise of a power of appointment is created when the power is irrevocably exercised or when a revocable exercise becomes irrevocable.

CHAPTER 53

An Act to amend and reenact § 59.1-392 of the Code of Virginia, relating to pari-mutuel wagering; historical horse racing; percentage retained for distribution.

[H 843]

Approved March 8, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 59.1-392 of the Code of Virginia is amended and reenacted as follows:

§ 59.1-392. Percentage retained; tax.

A. Any person holding an operator's license to operate a horse racetrack or satellite facility in the Commonwealth pursuant to this chapter shall be authorized to conduct pari-mutuel wagering on horse racing subject to the provisions of this chapter and the conditions and regulations of the Commission.

B. On pari-mutuel pools generated by wagering at the racetrack on live horse racing conducted within the Commonwealth, involving win, place*,* and show wagering, the licensee shall retain a percentage amount approved by the Commission as jointly requested by a recognized majority horsemen's group and a licensee and the legitimate breakage, out of which shall be paid ~~one and one-quarter~~ *1.25* percent to be distributed as follows: ~~one~~ *1.0* percent to the Commonwealth as a license tax and ~~one-quarter~~ *0.25* percent to the locality in which the racetrack is located. The remainder of the retainage shall be paid as provided in subsection D, provided, however, that if the percentage amount approved by the Commission is other than 18 percent, the amounts provided in subdivisions D 1, 2*,* and 3 shall be adjusted by the proportion that the approved percentage amount bears to 18 percent.

C. On pari-mutuel pools generated by wagering at each Virginia satellite facility on live horse racing conducted within the Commonwealth, involving win, place*,* and show wagering, the licensee shall retain a percentage amount approved by the Commission as jointly requested by a recognized majority horsemen's group and a licensee and the legitimate breakage, out of which shall be paid ~~one and one-quarter~~ *1.25* percent to be distributed as follows: ~~three-quarters~~ *0.75* percent to the Commonwealth as a license tax, ~~one-quarter~~ *0.25* percent to the locality in which the satellite facility is located, and ~~one-quarter~~ *0.25* percent to the locality in which the racetrack is located. The remainder of the retainage shall be paid as provided in subsection D~~;~~*,* provided, however, that if the percentage amount approved by the Commission is other than 18 percent, the amounts provided in subdivisions D 1, 2*,* and 3 shall be adjusted by the proportion that the approved percentage amount bears to 18 percent.

D. On pari-mutuel pools generated by wagering at the racetrack and each Virginia satellite facility on live horse racing conducted within the Commonwealth, involving win, place*,* and show wagering, the licensee shall retain a percentage amount approved by the Commission as jointly requested by a recognized majority horsemen's group and a licensee and the legitimate breakage, out of which shall be paid:

1. Eight percent as purses or prizes to the participants in such race meeting;

2. Seven and one-half percent~~,~~ and all of the breakage and the proceeds of pari-mutuel tickets unredeemed 180 days from the date on which the race was conducted, to the operator;

3. One percent to the Virginia Breeders Fund;

4. Fifteen one-hundredths percent to the Virginia-Maryland Regional College of Veterinary Medicine;

5. Five one-hundredths percent to the Virginia Horse Center Foundation;

6. Five one-hundredths percent to the Virginia Horse Industry Board; and

7. The remainder of the retainage shall be paid as appropriate under subsection B or C.

E. On pari-mutuel pools generated by wagering at the racetrack on live horse racing conducted within the Commonwealth involving wagering other than win, place*,* and show wagering, the licensee shall retain a percentage amount approved by the Commission as jointly requested by a recognized majority horsemen's group and a licensee and the legitimate breakage, out of which shall be paid ~~two and three-quarters~~ *2.75* percent to be distributed as follows: ~~two and one-quarter~~ *2.25* percent to the Commonwealth as a license tax, and ~~one-half~~ *0.5* percent to the locality in which the racetrack is located. The remainder of the retainage shall be paid as provided in subsection G~~;~~*,* provided, however, that if the

percentage amount approved by the Commission is other than 22 percent, the amounts provided in subdivisions G 1, 2, and 3 shall be adjusted by the proportion that the approved percentage amount bears to 22 percent.

F. On pari-mutuel pools generated by wagering at each Virginia satellite facility on live horse racing conducted within the Commonwealth involving wagering other than win, place, and show wagering, the licensee shall retain a percentage amount approved by the Commission as jointly requested by a recognized majority horsemen's group and a licensee and the legitimate breakage, out of which shall be paid ~~two and three-quarters~~ *2.75* percent to be distributed as follows: ~~one and three-quarters~~ *1.75* percent to the Commonwealth as a license tax, ~~one-half~~ *0.5* percent to the locality in which the satellite facility is located, and ~~one-half~~ *0.5* percent to the locality in which the racetrack is located. The remainder of the retainage shall be paid as provided in subsection G~~;~~*,* provided, however, that if the percentage amount approved by the Commission is other than 22 percent, the amounts provided in subdivisions G 1, 2, and 3 shall be adjusted by the proportion that the approved percentage amount bears to 22 percent.

G. On pari-mutuel pools generated by wagering at the racetrack and each Virginia satellite facility on live horse racing conducted within the Commonwealth involving wagering other than win, place, and show wagering, the licensee shall retain a percentage amount approved by the Commission as jointly requested by a recognized majority horsemen's group and a licensee and the legitimate breakage, out of which shall be paid:

1. Nine percent as purses or prizes to the participants in such race meeting;

2. Nine percent~~,~~ and the proceeds of the pari-mutuel tickets unredeemed 180 days from the date on which the race was conducted, to the operator;

3. One percent to the Virginia Breeders Fund;

4. Fifteen one-hundredths percent to the Virginia-Maryland Regional College of Veterinary Medicine;

5. Five one-hundredths percent to the Virginia Horse Center Foundation;

6. Five one-hundredths percent to the Virginia Horse Industry Board; and

7. The remainder of the retainage shall be paid as appropriate under subsection E or F.

H. On pari-mutuel wagering generated by simulcast horse racing transmitted from jurisdictions outside the Commonwealth, the licensee may, with the approval of the Commission, commingle pools with the racetrack where the transmission emanates or establish separate pools for wagering within the Commonwealth. All simulcast horse racing in this subsection must comply with the Interstate Horse Racing Act of 1978 (15 U.S.C. § 3001 et seq.).

I. On pari-mutuel pools generated by wagering at the racetrack on simulcast horse racing transmitted from jurisdictions outside the Commonwealth, involving win, place, and show wagering, the licensee shall retain ~~one and one-quarter~~ *1.25* percent of such pool to be distributed as follows: ~~three-quarters~~ *0.75* percent to the Commonwealth as a license tax, and ~~one-half~~ *0.5* percent to the Virginia locality in which the racetrack is located.

J. On pari-mutuel pools generated by wagering at each Virginia satellite facility on simulcast horse racing transmitted from jurisdictions outside the Commonwealth, involving win, place, and show wagering, the licensee shall retain ~~one and one-quarter~~ *1.25* percent of such pool to be distributed as follows: ~~three-quarters~~ *0.75* percent to the Commonwealth as a license tax, ~~one-quarter~~ *0.25* percent to the locality in which the satellite facility is located, and ~~one-quarter~~ *0.25* percent to the Virginia locality in which the racetrack is located.

K. On pari-mutuel pools generated by wagering at the racetrack and each Virginia satellite facility on simulcast horse racing transmitted from jurisdictions outside the Commonwealth, involving win, place, and show wagering, the licensee shall retain ~~one and thirty one-hundredths~~ *1.3* percent of such pool to be distributed as follows:

1. One percent of the pool to the Virginia Breeders Fund;

2. Fifteen one-hundredths percent to the Virginia-Maryland Regional College of Veterinary Medicine;

3. Five one-hundredths percent to the Virginia Horse Center Foundation;

4. Five one-hundredths percent to the Virginia Horse Industry Board; and

5. Five one-hundredths percent to the Virginia Thoroughbred Association for the promotion of breeding in the Commonwealth.

L. On pari-mutuel pools generated by wagering at the racetrack on simulcast horse racing transmitted from jurisdictions outside the Commonwealth, involving wagering other than win, place, and show wagering, the licensee shall retain ~~two and three-quarters~~ *2.75* percent of such pool to be distributed as follows: ~~one and three-quarters~~ *1.75* percent to the Commonwealth as a license tax, and ~~one~~ *1.0* percent to the Virginia locality in which the racetrack is located.

M. On pari-mutuel pools generated by wagering at each Virginia satellite facility on simulcast horse racing transmitted from jurisdictions outside the Commonwealth, involving wagering other than win, place, and show wagering, the licensee shall retain ~~two and three-quarters~~ *2.75* percent of such pool to be distributed as follows: ~~one and three-quarters~~ *1.75* percent to the Commonwealth as a license tax, ~~one-half~~ *0.5* percent to the locality in which the satellite facility is located, and ~~one-half~~ *0.5* percent to the Virginia locality in which the racetrack is located.

N. On pari-mutuel pools generated by wagering at the racetrack and each Virginia satellite facility on simulcast horse racing transmitted from jurisdictions outside the Commonwealth, involving wagering other than win, place, and show wagering, the licensee shall retain ~~one and thirty one-hundredths~~ *1.3* percent of such pool to be distributed as follows:

1. One percent of the pool to the Virginia Breeders Fund;

2. Fifteen one-hundredths percent to the Virginia-Maryland Regional College of Veterinary Medicine;

3. Five one-hundredths percent to the Virginia Horse Center Foundation;

4. Five one-hundredths percent to the Virginia Horse Industry Board; and

5. Five one-hundredths percent to the Virginia Thoroughbred Association for the promotion of breeding in the Commonwealth.

O. Moneys payable to the Commonwealth shall be deposited in the general fund. Gross receipts for license tax purposes under Chapter 37 (§ 58.1-3700 et seq.) of Title 58.1 shall not include pari-mutuel wagering pools and license taxes authorized by this section.

P. All payments by the licensee to the Commonwealth or any locality shall be made within five days from the date on which such wagers are received by the licensee. All payments by the licensee to the Virginia Breeders Fund shall be made to the Commission within five days from the date on which such wagers are received by the licensee. All payments by the licensee to the Virginia-Maryland Regional College of Veterinary Medicine, the Virginia Horse Center Foundation, the Virginia Horse Industry Board, and the Virginia Thoroughbred Association shall be made by the first day of each quarter of the calendar year. All payments made under this section shall be used in support of the policy of the Commonwealth to sustain and promote the growth of a native industry.

Q. If a satellite facility is located in more than one locality, any amount a licensee is required to pay under this section to the locality in which the satellite facility is located shall be prorated in equal shares among those localities.

R. Any contractual agreement between a licensee and other entities concerning the distribution of the remaining portion of the retainage under subsections I through N and subsections U and V shall be subject to the approval of the Commission.

S. The recognized majority horsemen's group racing at a licensed race meeting may, subject to the approval of the Commission, withdraw for administrative costs associated with serving the interests of the horsemen an amount not to exceed two percent of the amount in the horsemen's account.

T. The legitimate breakage from each pari-mutuel pool for live, historical, and simulcast horse racing shall be distributed as follows:

1. Seventy percent to be retained by the licensee to be used for capital improvements that are subject to approval of the Commission; and

2. Thirty percent to be deposited in the Racing Benevolence Fund, administered jointly by the licensee and the recognized majority horsemen's group racing at a licensed race meeting, to be disbursed with the approval of the Commission for gambling addiction and substance abuse counseling, recreational, educational, or other related programs.

U. On pari-mutuel pools generated by wagering on historical horse racing on the first 3,000 terminals authorized, the licensee shall retain 1.25 percent of such pool to be distributed as follows:

1. ~~Seventy-four hundredths percent to the Commonwealth as a license tax and 0.01 percent to the Problem Gambling Treatment and Support Fund established pursuant to § 37.2-314.2; and~~

~~2.~~ a. If generated at a racetrack, 0.5 percent to the locality in which the racetrack is located; or

b. If generated at a satellite facility, 0.25 percent to the locality in which the satellite facility is located and 0.25 percent to the Virginia locality in which the racetrack is located*;*

2. To the Problem Gambling Treatment and Support Fund established pursuant to § 37.2-314.2, 0.01 percent;

3. To the (i) Virginia Breeders Fund, (ii) Virginia-Maryland Regional College of Veterinary Medicine for its equine programs, (iii) Virginia Horse Center Foundation, and (iv) Virginia Horse Industry Board, 0.025 percent each; and

4. The remainder to the Commonwealth as a license tax.

V. On pari-mutuel pools generated by wagering on historical *horse* racing on the 2,000 terminals authorized by the seventh enactment of Chapters 1197 and 1248 of the Acts of Assembly of 2020, the licensee shall retain 1.6 percent of such pool to be distributed as follows:

1. ~~Ninety-five hundredths percent to the Commonwealth as a license tax and 0.01 percent to the Problem Gambling Treatment and Support Fund established pursuant to § 37.2-314.2; and~~

~~2.~~ a. If generated at a racetrack, 0.64 percent to the locality in which the racetrack is located; or

b. If generated at a satellite facility, 0.32 percent to the locality in which the satellite facility is located and 0.32 percent to the Virginia locality in which the racetrack is located*;*

2. To the Problem Gambling Treatment and Support Fund established pursuant to § 37.2-314.2, 0.01 percent;

3. To the (i) Virginia Breeders Fund, (ii) Virginia-Maryland Regional College of Veterinary Medicine for its equine programs, (iii) Virginia Horse Center Foundation, and (iv) Virginia Horse Industry Board, 0.025 percent each; and

4. The remainder to the Commonwealth as a license tax.

CHAPTER 54

An Act to amend and reenact §§ 55.1-2308 through 55.1-2312, 55.1-2316, and 55.1-2317 of the Code of Virginia, relating to Resale Disclosure Act; delivery of resale certificate; remedies.

[H 876]

Approved March 8, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 55.1-2308 through 55.1-2312, 55.1-2316, and 55.1-2317 of the Code of Virginia are amended and reenacted as follows:

§ 55.1-2308. Contract for resale; disclosures.

Unless exempt pursuant to § 55.1-2317, any contract for the resale of a unit in a common interest community shall disclose (i) that the unit is located in a common interest community; (ii) that the seller *or the seller's agent* is required to obtain from the association a resale certificate and provide it to the purchaser *or the purchaser's agent*; (iii) the purchaser's right to cancel the contract pursuant to § 55.1-2312; (iv) that the purchaser *or the purchaser's agent* may request an updated resale certificate pursuant to § 55.1-2311; and (v) that the purchaser's right to receive the resale certificate and the right to cancel the contract are waived conclusively if not exercised before settlement. If the contract does not contain the disclosures required by this section, the purchaser's sole remedy is to cancel the contract prior to settlement.

§ 55.1-2309. Resale certificate; delivery.

A. The seller *or the seller's agent* shall ~~be required to~~ obtain the resale certificate from the association and provide such resale certificate to the purchaser *or the purchaser's agent. This requirement shall not be waived or changed by agreement.*

B. Unless exempt pursuant to § 55.1-2317, the association, the association's managing agent, or any third party preparing the resale certificate on behalf of the association shall deliver such resale certificate within 14 days after a written request by a seller or seller's agent. *If no resale certificate is delivered within 14 days after such request, the resale certificate shall be deemed unavailable.*

C. The association, association's managing agent, or any third party preparing the resale certificate on behalf of the association shall deliver the resale certificate to the seller, or to such person as the seller may direct, either printed or in a generally accepted electronic format as the seller may request.

D. The information contained in the resale certificate shall be current as of a date specified on the resale certificate. The seller or purchaser may request an updated resale certificate as provided in § 55.1-2311.

§ 55.1-2310. Resale certificate; form and contents.

A. The association shall include the completed resale certificate form, developed by the common interest community board pursuant to subdivision 3 of § 54.1-2350, with supporting documentation set out in the following order:

1. The name, address, and phone numbers of the preparer of the resale certificate and any managing agent of the association;

2. A copy of the governing documents and any rules and regulations of the association;

3. A statement disclosing any restraint on the alienability of the unit for which the resale certificate is being issued;

4. A statement of the amount and payment schedules of assessments and any unpaid assessments currently due and payable to the association;

5. A statement of any other fees due and payable by an owner of the unit;

6. A statement of any other entity or facility to which the owner of the unit being sold may be liable for assessments, fees, or other charges due to the ownership of the unit;

7. A statement of the amount and payment schedule of any approved additional or special assessment and any unpaid additional or special assessment currently due and payable;

8. A statement of any capital expenditures approved by the association for the current and succeeding fiscal years;

9. A statement of the amount of any reserves for capital expenditures and of any portions of those reserves designated by the association for any specified projects;

10. The most recent balance sheet and income and expense statement, if any, of the association;

11. The current operating budget of the association;

12. The current reserve study, or a summary of such study;

13. A statement of any unsatisfied judgments against the association and the nature and status of any pending actions in which the association is a party and that could have a material impact on the association, the owners, or the unit being sold;

14. A statement describing any insurance coverage provided by the association for the benefit of the owners, including fidelity coverage, and any insurance coverage recommended or required to be obtained by the owners;

15. A statement as to whether the board has given or received written notice that any existing uses, occupancies, alterations, or improvements in or to the unit being sold or to the limited elements assigned thereto violate any provision of the governing documents or rules and regulations together with copies of any notices provided;

16. A statement as to whether the board has received written notice from a governmental agency of any violation of environmental, health, or building codes with respect to the unit being sold, the limited elements assigned thereto, or any other portion of the common interest community that has not been cured;

17. A copy of any approved minutes of meetings of the board held during the last six months;

18. A copy of any approved or draft minutes of the most recent association meeting;

19. A statement of the remaining term of any leasehold estate affecting a common area or common element, as those terms are defined in §§ 55.1-1800, 55.1-1900, and 55.1-2100, in the common interest community and the provisions governing any extension or renewal of such leasehold;

20. A statement of any limitation in the governing documents on the number or age of persons who may occupy a unit as a dwelling;

21. A statement setting forth any restriction, limitation, or prohibition on the right of an owner to display the flag of the United States, including reasonable restrictions as to the size, time, place, and manner of placement or display of such flag;

22. A statement setting forth any restriction, limitation, or prohibition on the right of an owner to install or use solar energy collection devices on the owner's unit or limited element;

23. A statement setting forth any restriction, limitation, or prohibition on the size, placement, or duration of display of political, for sale, or any other signs on the property;

24. A statement identifying any parking or vehicle restriction, limitation, or prohibition in the governing documents or rules and regulations;

25. A statement setting forth any restriction, limitation, or prohibition on the operation of a home-based business that otherwise complies with all applicable local ordinances;

26. A statement setting forth any restriction, limitation, or prohibition on an owner's ability to rent the unit;

27. In a cooperative, ~~an accountant's statement, if any was prepared, as to the deductibility for federal income tax purposes by the owner of real estate taxes and interest paid by the association~~ *a statement setting forth whether the cooperative association is aware of any statute, regulation, or rule applicable to the cooperative that would affect an owner's ability to deduct real estate taxes and interest paid by the cooperative association for federal income tax purposes*;

28. A statement describing any pending sale or encumbrance of common elements;

29. A statement indicating any known project approvals currently in effect issued by secondary mortgage market agencies; and

30. Certification that the association has filed with the Common Interest Community Board the annual report required by law, which certification shall indicate the filing number assigned by the Common Interest Community Board and the expiration date of such filing.

§ 55.1-2311. Updated resale certificate; financial update.

A. If a resale certificate was issued more than 30 days but less than 12 months before settlement, the seller or the purchaser, upon proof of being the contract purchaser of the unit, may request an updated resale certificate. The updated resale certificate shall be delivered to the person requesting it, or as such person may direct, in the format requested. The updated resale certificate shall be delivered within 10 days after the written request.

B. The updated resale certificate shall contain current information for all items that may have changed from the original resale certificate or a statement that there are no changes.

C. A settlement agent *or other third party* authorized by the seller or purchaser may request a financial update and the association shall provide such information within three business days after the written request.

§ 55.1-2312. Cancellation of contract by purchaser.

A. ~~The purchaser may cancel the contract:~~

~~1. Within three days, or up to seven days if extended by the ratified real estate contract, after the ratification date of the contract if the purchaser receives the resale certificate, whether or not complete pursuant to § 55.1-2310, or a notice that the resale certificate is unavailable on or before the date that the contract is ratified;~~

~~2. Within three days, or up to seven days if extended by the ratified real estate contract, from the date the purchaser receives the resale certificate, whether or not complete pursuant to § 55.1-2310, or a notice that the resale certificate is unavailable if delivery occurs after the contract is ratified; or~~

~~3. At any time prior to settlement if the resale certificate is not delivered to the purchaser.~~ *If delivery of the resale certificate to the purchaser or purchaser's agent, whether or not complete pursuant to § 55.1-2310, or a notice that the resale certificate is unavailable, occurs before the contract is ratified, the purchaser may cancel the contract within a time period agreed upon by all parties in the ratified real estate contract. If no time period is specified in the ratified real estate contract, the purchaser shall have three days from the date of ratification to cancel the contract.*

B. If delivery of the resale certificate to the purchaser or purchaser's agent, whether or not complete pursuant to § 55.1-2310, or a notice that such resale certificate is unavailable, occurs after the contract is ratified, the purchaser may cancel the contract within a time period agreed upon by all parties to the real estate contract. If no time period is specified in the ratified real estate contract, the purchaser shall have three days from receipt of the resale certificate or notice that the resale certificate is unavailable to cancel the contract.

C. If the resale certificate or notice that the resale certificate is unavailable has not been delivered to the purchaser, the purchaser or purchaser's agent may cancel the contract at any time prior to settlement.

~~B.~~ *D.* Written notice of cancellation shall be provided to the seller in accordance with the terms of the contract. The purchaser shall have the burden to demonstrate delivery of the notice of cancellation.

~~C.~~ *E.* If the unit is governed by more than one association, the timeframe for the purchaser's right of cancellation shall run from the date of delivery of the last resale certificate.

~~D.~~ *F.* Cancellation shall be without penalty, and the seller shall cause any deposit or escrowed funds to be returned promptly to the purchaser.

§ 55.1-2316. Resale certificate; fees.

A. An association may charge a post-closing fee and fees for preparation, delivery, and expedited delivery of a resale certificate, an updated resale certificate, or financial update and for the inspection of a unit performed to prepare the resale certificate or updated resale certificate. ~~Unless provided otherwise by the association, the appropriate fees shall be paid when the resale certificate, updated resale certificate, or financial update is requested.~~ The seller shall be responsible for all fees associated with the preparation and delivery of the resale certificate, including any fees for inspection of the unit. The requesting party shall pay any fees for the preparation and delivery of the updated resale certificate ~~or financial update~~. *The seller shall be responsible for all fees associated with the preparation and delivery of the financial update. However, a*

settlement agent or other requesting party may pay such fees up front, regardless of whether such settlement agent or other requesting party requests to be reimbursed for such fees from the seller.

B. *Unless provided otherwise by the association or this section, fees charged by an association for the preparation and delivery of a resale certificate, an updated resale certificate, or a financial update shall be paid when the resale certificate, updated resale certificate, or financial update is requested. However, if the seller agrees to pay the fees for preparation and delivery of the financial update, the association or the association's management agent shall either (i) upon receipt of the request for the financial update, send instructions by electronic means to the seller for electronic payment or (ii) accept payment of such fees at the time of closing.*

C. The Common Interest Community Board shall establish the maximum fees that the association may charge for such post-closing and preparation, delivery, and inspection; such maximum fees shall be commercially reasonable and consistent with the effort required to comply with the resale certificate requirements. The maximum allowable fees, as published by the Common Interest Community Board and effective as of January 12, 2023, shall be adjusted no less than every five years, as of January 1 of that year, in an amount not less than the annual increases for that five-year period in the United States Average Consumer Price Index for all items, all urban consumers (CPI-U), as published by the Bureau of Labor Statistics of the U.S. Department of Labor or an equivalent successor index.

~~C.~~ *D.* The association shall publish and make available a schedule of the applicable fees (i) for preparation and delivery of the resale certificate, updated resale certificate, and financial update; (ii) for the inspection of a unit; and (iii) related to any post-closing costs.

~~D.~~ *E.* A post-closing fee to be collected at settlement may be imposed on the purchaser of the property for the purpose of establishing the purchaser as the owner of the property in the records of the association.

~~E.~~ *F.* No association may collect fees authorized by this section unless the association (i) is registered with the Common Interest Community Board; (ii) is current in filing the most recent annual report and fee with the Common Interest Community Board pursuant to § 55.1-1835*, 55.1-1980, or 55.1-2182*; (iii) is current in paying any assessment made by the Common Interest Community Board pursuant to § 54.1-2354.5; and (iv) provides the option to receive the disclosure packet electronically.

§ 55.1-2317. Exemptions.

A. The resale certificate required by this chapter need not be provided in the case of:

1. An initial disposition ~~by a declarant~~ *of a unit to a person or entity that is not acquiring the unit for his own residence or for the construction of a dwelling unit to be occupied as his own residence, unless requested by such person or entity. The person or entity acquiring the unit shall nevertheless be obligated to abide by the declaration, bylaws, rules and regulations, and architectural guidelines of the association as to all matters*;

2. A disposition of a unit by gift;

3. A disposition of a unit pursuant to court order if the court so directs;

4. A disposition of a unit by foreclosure or deed in lieu of foreclosure;

5. A disposition of a unit by a sale at auction, when the resale certificate was made available as part of the auction package for prospective purchasers prior to the auction; or

6. A disposition of a unit in a common interest community containing no residential units.

B. In any transaction in which a resale certificate is required and a trustee acts as the seller in the sale or resale of a unit, the trustee shall obtain the resale certificate from the association and provide the resale certificate to the purchaser.

CHAPTER 55

An Act to amend and reenact §§ 8.01-463, 55.1-1815, 55.1-1833, 55.1-1945, 55.1-1966, 55.1-2148, 55.1-2151, and 55.1-2305 of the Code of Virginia, relating to common interest communities; foreclosure remedy.

[H 880]

Approved March 8, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 8.01-463, 55.1-1815, 55.1-1833, 55.1-1945, 55.1-1966, 55.1-2148, 55.1-2151, and 55.1-2305 of the Code of Virginia are amended and reenacted as follows:

§ 8.01-463. Enforcement of lien when judgment does not exceed $25,000.

~~If the amount of the judgment does not exceed $25,000, exclusive of interest and costs, no~~ *No* bill to enforce ~~the~~ *a* lien~~,~~ pursuant to § 8.01-462~~, thereof~~ shall be entertained if the real estate is the judgment debtor's primary residence *and the amount of the judgment exclusive of interest and costs does not exceed $25,000. However, if the judgment is for assessments levied by a common interest community association pursuant to Chapter 18 (§ 55.1-1800 et seq.), 19 (§ 55.1-1900 et seq.), 21 (55.1-2100 et seq.), or 23 (§ 55.1-2300 et seq.) of Title 55.1, no bill to enforce a lien shall be entertained if the total amount secured by one or more judgments exclusive of interest and costs does not exceed $5,000.*

§ 55.1-1815. Access to association records; association meetings; notice.

A. The association shall keep detailed records of receipts and expenditures affecting the operation and administration of the association. All financial books and records shall be kept in accordance with generally accepted accounting practices.

The association shall maintain individual assessment account records. The association shall maintain a record of any recorded lien at least as long as the lien remains effective.

B. Subject to the provisions of subsection C and so long as the request is for a proper purpose related to his membership in the association, all books and records kept by or on behalf of the association shall be available for examination and copying by a member in good standing or his authorized agent, including:

1. The association's membership list and addresses, which shall not be used for purposes of pecuniary gain or commercial solicitation; and

2. The actual salary of the six highest compensated employees of the association earning over $75,000 and aggregate salary information of all other employees of the association; however, individual salary information shall not be available for examination and copying during the declarant control period.

Notwithstanding any provision of law to the contrary, this right of examination shall exist without reference to the duration of membership and may be exercised (i) only during reasonable business hours or at a mutually convenient time and location and (ii) upon five business days' written notice for an association managed by a common interest community manager and 10 business days' written notice for a self-managed association, which notice reasonably identifies the purpose for the request and the specific books and records of the association requested.

C. Books and records kept by or on behalf of an association may be withheld from inspection and copying to the extent that they concern:

1. Personnel matters relating to specific, identified persons or a person's medical records;

2. Contracts, leases, and other commercial transactions to purchase or provide goods or services, currently in or under negotiation;

3. Pending or probable litigation. For purposes of this subdivision, "probable litigation" means those instances where there has been a specific threat of litigation from a person or the legal counsel of such person;

4. Matters involving state or local administrative or other formal proceedings before a government tribunal for enforcement of the association documents or rules and regulations promulgated pursuant to § 55.1-1819;

5. Communications with legal counsel that relate to subdivisions 1 through 4 or that are protected by the attorney-client privilege or the attorney work product doctrine;

6. Disclosure of information in violation of law;

7. Meeting minutes or other confidential records of an executive session of the board of directors held in accordance with subsection C of § 55.1-1816;

8. Documentation, correspondence, or management or board reports compiled for or on behalf of the association or the board by its agents or committees for consideration by the board in executive session; or

9. Individual lot owner or member files, other than those of the requesting lot owner, including any individual lot owner's or member's files kept by or on behalf of the association.

D. Books and records kept by or on behalf of an association shall be withheld from inspection and copying in their entirety only to the extent that an exclusion from disclosure under subsection C applies to the entire content of such books and records. Otherwise, only those portions of the books and records containing information subject to an exclusion under subsection C may be withheld or redacted, and all portions of the books and records that are not so excluded shall be available for examination and copying, provided that the requesting member shall be responsible to the association for paying or reimbursing the association for any reasonable costs incurred by the association in responding to the request for the books and records and review for redaction of the same.

E. Prior to providing copies of any books and records to a member in good standing under this section, the association may impose and collect a charge, reflecting the reasonable costs of materials and labor, not to exceed the actual costs of such materials and labor. Charges may be imposed only in accordance with a cost schedule adopted by the board of directors in accordance with this subsection. The cost schedule shall (i) specify the charges for materials and labor, (ii) apply equally to all members in good standing, and (iii) be provided to such requesting member at the time the request is made.

F. Notwithstanding the provisions of subsections B and C, all books and records of the association, including individual salary information for all employees and payments to independent contractors, shall be available for examination and copying upon request by a member of the board of directors in the discharge of his duties as a director.

G. Meetings of the association shall be held in accordance with the provisions of the bylaws at least once each year after the formation of the association. The bylaws shall specify an officer or his agent who shall, at least 14 days in advance of any annual or regularly scheduled meeting and at least seven days in advance of any other meeting, send to each member notice of the time, place, and purposes of such meeting. In the event of cancellation of any annual meeting of the association at which directors are elected, the seven-day notice of any subsequent meeting scheduled to elect such directors shall include a statement that the meeting is scheduled for the purpose of the election of directors.

Notice shall be sent by United States mail to all members at the address of their respective lots unless the member has provided to such officer or his agent an address other than the address of the member's lot. In lieu of sending such notice by United States mail, notice may instead be (i) hand delivered by the officer or his agent, provided that the officer or his agent certifies in writing that notice was delivered to the member, or (ii) sent to the member by electronic mail, provided that the member has elected to receive such notice by electronic mail and, in the event that such electronic mail is returned as undeliverable, notice is subsequently sent by United States mail. Except as provided in subdivision C 7, draft minutes of the board of directors shall be open for inspection and copying (a) within 60 days from the conclusion of the meeting to which

such minutes appertain or (b) when such minutes are distributed to board members as part of an agenda package for the next meeting of the board of directors, whichever occurs first.

H. Unless expressly prohibited by the governing documents, a member may vote at a meeting of the association in person, by proxy, or by absentee ballot. Such voting may take place by electronic means, provided that the board of directors has adopted guidelines for such voting by electronic means. Members voting by absentee ballot or proxy shall be deemed to be present at the meeting for all purposes.

§ 55.1-1833. Lien for assessments; foreclosure.

A. The association shall have a lien, once perfected, on every lot for unpaid assessments levied against that lot in accordance with the provisions of this chapter and all lawful provisions of the declaration. The lien, once perfected, shall be prior to all other subsequent liens and encumbrances except (i) real estate tax liens on that lot, (ii) liens and encumbrances recorded prior to the recordation of the declaration, and (iii) sums unpaid on and owing under any mortgage or deed of trust recorded prior to the perfection of such lien. The provisions of this subsection shall not affect the priority of mechanics' and materialmen's liens. Notice of a memorandum of lien to a holder of a credit line deed of trust under § 55.1-318 shall be given in the same fashion as if the association's lien were a judgment.

B. The association, in order to perfect the lien given by this section, shall file, before the expiration of 12 months from the time the first such assessment became due and payable in the clerk's office of the circuit court in the county or city in which such development is situated, a memorandum, verified by the oath of the principal officer of the association or such other officer or officers as the declaration may specify, which contains the following:

1. The name of the development;

2. A description of the lot;

3. The name or names of the persons constituting the owners of that lot;

4. The amount of unpaid assessments currently due or past due relative to such lot together with the date when each fell due;

5. The date of issuance of the memorandum;

6. The name of the association and the name and current address of the person to contact to arrange for payment or release of the lien; and

7. A statement that the association is obtaining a lien in accordance with the provisions of the Property Owners' Association Act as set forth in Chapter 18 (§ 55.1-1800 et seq.) of Title 55.1.

It shall be the duty of the clerk in whose office such memorandum is filed as provided in this section to record and index the same as provided in subsection D, in the names of the persons identified in such memorandum as well as in the name of the association. The cost of recording and releasing the memorandum shall be taxed against the person found liable in any judgment or order enforcing such lien.

C. Prior to filing a memorandum of lien, a written notice shall be sent to the property owner by certified mail, at the property owner's last known address, informing the property owner that a memorandum of lien will be filed in the circuit court clerk's office of the applicable county or city. The notice shall be sent at least 10 days before the actual filing date of the memorandum of lien.

D. Notwithstanding any other provision of this section or any other provision of law requiring documents to be recorded in the miscellaneous lien books or the deed books in the clerk's office of any court, on or after July 1, 1989, all memoranda of liens arising under this section shall be recorded in the deed books in the clerk's office. Any memorandum shall be indexed in the general index to deeds, and the general index shall identify the lien as a lien for lot assessments.

E. *Any lien perfected pursuant to subsection B may be enforced by filing a civil action to conduct a judicial foreclosure in the circuit court in the county or city where the lot is located or by nonjudicial foreclosure pursuant to subsections I and J.* No ~~action to enforce~~ *foreclosure of* any lien perfected under ~~subsection B~~ *this section* shall be ~~brought or action to foreclose any lien perfected under subsection I shall be~~ initiated after ~~36~~ *120* months from the time when the memorandum of lien was recorded~~, however, the~~. *The* filing of ~~a petition~~ *a civil action* to enforce any such lien ~~in any action in which the petition may be properly filed~~ *by foreclosure through judicial means or issuance of notice of nonjudicial foreclosure under subdivision J 1* shall be regarded as the institution of an action under this section. Nothing in this subsection shall extend the time within which any such lien may be perfected.

F. The judgment or order in an action brought pursuant to this section shall include reimbursement for costs and reasonable attorney fees of the prevailing party. If the association prevails, it may also recover interest at the legal rate for the sums secured by the lien from the time each such sum became due and payable.

G. When payment or satisfaction is made of a debt secured by ~~the~~ *any* lien perfected ~~by~~ *pursuant to* subsection B, ~~the~~ *such* lien shall be released in accordance with the provisions of § 55.1-339. Any lien that is not so released shall subject the lien creditor to the penalty set forth in subdivision B 1 of § 55.1-339. For the purposes of § 55.1-339, the principal officer of the association, or any other officer or officers as the declaration may specify, shall be deemed the duly authorized agent of the lien creditor.

H. Nothing in this section shall be construed to prohibit actions at law to recover sums for which subsection A creates a lien, maintainable pursuant to § 55.1-1828.

I. ~~At any time after perfecting the lien pursuant to this section, the property owners' association may sell the lot at public sale, subject to prior liens~~ *The association may conduct a judicial or nonjudicial foreclosure sale upon a lot against which the association has perfected one or more liens pursuant to this section if the total sums secured are in excess of*

$5,000, exclusive of attorney fees and costs. For purposes of this section, the association shall have the power both to sell and convey the lot and shall be deemed the lot owner's statutory agent for the purpose of transferring title to the lot.

J. A nonjudicial foreclosure sale shall be conducted in compliance with the following:

1. The association shall give notice to the lot owner prior to advertisement required by subdivision 4. The notice shall specify (i) the debt secured by the perfected lien; (ii) the action required to satisfy the debt secured by the perfected lien; (iii) the date, not less than 60 days from the date the notice is given to the lot owner, by which the debt secured by the lien must be satisfied; and (iv) that failure to satisfy the debt secured by the lien on or before the date specified in the notice may result in the sale of the lot. The notice shall further inform the lot owner of the right to bring a court action in the circuit court of the county or city where the lot is located to assert the nonexistence of a debt or any other defense of the lot owner to the sale.

2. After expiration of the 60-day notice period specified in subdivision 1, the association may appoint a trustee to conduct the sale. The appointment of the trustee shall be filed in the clerk's office of the circuit court in the county or city in which such development is situated. It shall be the duty of the clerk in whose office such appointment is filed to record and index the same as provided in subsection D, in the names of the persons identified in such appointment as well as in the name of the association. The association, at its option, may from time to time remove the trustee and appoint a successor trustee.

3. If the lot owner meets the conditions specified in this subdivision prior to the date of the foreclosure sale, the lot owner shall have the right to have enforcement of the perfected lien discontinued prior to the sale of the lot. Those conditions are that the lot owner (i) satisfy the debt secured by lien that is the subject of the nonjudicial foreclosure sale and (ii) pay all expenses and costs incurred in perfecting and enforcing the lien, including advertising costs and reasonable attorney fees.

4. In addition to the advertisement required by subdivision 5, the association shall give written notice of the time, date, and place of any proposed sale in execution of the lien, including the name, address, and telephone number of the trustee, by hand delivery or by mail to (i) the present owner of the property to be sold at his last known address as such owner and address appear in the records of the association, (ii) any lienholder who holds a note against the property secured by a deed of trust recorded at least 30 days prior to the proposed sale and whose address is recorded with the deed of trust, and (iii) any assignee of such a note secured by a deed of trust, provided that the assignment and address of the assignee are likewise recorded at least 30 days prior to the proposed sale. Mailing a copy of the advertisement or the notice containing the same information to the owner by certified or registered mail no less than 14 days prior to such sale and to lienholders and their assigns, at the addresses noted in the memorandum of lien, by United States mail, postage prepaid, no less than 14 days prior to such sale, shall be a sufficient compliance with the requirement of notice.

5. The advertisement of sale by the association shall be in a newspaper having a general circulation in the county or city in which the property to be sold, or any portion of such property, is located pursuant to the following provisions:

a. The association shall advertise once a week for four successive weeks; however, if the property or some portion of such property is located in a city or in a county immediately contiguous to a city, publication of the advertisement on five different days, which may be consecutive days, shall be deemed adequate. The sale shall be held on any day following the day of the last advertisement that is no earlier than eight days following the first advertisement nor more than 30 days following the last advertisement.

b. Such advertisement shall be placed in that section of the newspaper where legal notices appear or where the type of property being sold is generally advertised for sale. The advertisement of sale, in addition to such other matters as the association finds appropriate, shall set forth a description of the property to be sold, which description need not be as extensive as that contained in the deed of trust but shall identify the property by street address, if any, or, if none, shall give the general location of the property with reference to streets, routes, or known landmarks. Where available, tax map identification may be used but is not required. The advertisement shall also include the date, time, place, and terms of sale and the name of the association. It shall set forth the name, address, and telephone number of the representative, agent, or attorney who may be able to respond to inquiries concerning the sale.

c. In addition to the advertisement required by subdivisions a and b, the association may further advertise as the association finds appropriate.

6. In the event of postponement of sale, which postponement shall be at the discretion of the association, advertisement of such postponed sale shall be in the same manner as the original advertisement of sale.

7. Failure to comply with the requirements for advertisement contained in this section shall, upon petition, render a sale of the property voidable by the court.

8. The association shall have the following powers and duties upon a sale:

a. Written one-price bids may be made and shall be received by the trustee from the association or any person for entry by announcement at the sale. Any person other than the trustee may bid at the foreclosure sale, including a person who has submitted a written one-price bid. Upon request to the trustee, any other bidder in attendance at a foreclosure sale shall be permitted to inspect written bids. Unless otherwise provided in the declaration, the association may bid to purchase the lot at a foreclosure sale. The association may own, lease, encumber, exchange, sell, or convey the lot. Whenever the written bid of the association is the highest bid submitted at the sale, such written bid shall be filed by the trustee with his account of sale required under subdivision ~~I~~ *J* 10 and § 64.2-1309. The written bid submitted pursuant to this subsection may be prepared by the association, its agent, or its attorney.

b. The association may require any bidder at any sale to post a cash deposit of as much as 10 percent of the sale price before his bid is received, which shall be refunded to him if the property is not sold to him. The deposit of the successful bidder shall be applied to his credit at settlement, or, if such bidder fails to complete his purchase promptly, the deposit shall be applied to pay the costs and expenses of the sale, and the balance, if any, shall be retained by the association in connection with that sale.

c. The ~~property owners'~~ association shall receive and receipt for the proceeds of sale, no purchaser being required to see to the application of the proceeds, and apply the same in the following order: first, to the reasonable expenses of sale, including attorney fees; second, to the satisfaction of all taxes, levies, and assessments, with costs and interest; third, to the satisfaction of the lien for the owners' assessments; fourth, to the satisfaction in the order of priority of any remaining inferior claims of record; and fifth, to pay the residue of the proceeds to the owner or his assigns, provided, however, that, as to the payment of such residue, the association shall not be bound by any inheritance, devise, conveyance, assignment, or lien of or upon the owner's equity, without actual notice thereof prior to distribution.

9. The trustee shall deliver to the purchaser a trustee's deed conveying the lot with special warranty of title. The trustee shall not be required to take possession of the property prior to the sale of such property or to deliver possession of the lot to the purchaser at the sale.

10. The trustee shall file an accounting of the sale with the commissioner of accounts pursuant to § 64.2-1309, and every account of a sale shall be recorded pursuant to § 64.2-1310. In addition, the accounting shall be made available for inspection and copying pursuant to § 55.1-1815 upon the written request of the prior lot owner, the current lot owner, or any holder of a recorded lien against the lot at the time of the sale. The association shall maintain a copy of the accounting for at least 12 months following the foreclosure sale.

11. If the sale of a lot is made pursuant to subsection I and the accounting is made by the trustee, the title of the purchaser at such sale shall not be disturbed unless within 12 months from the confirmation of the accounting by the commissioner of accounts the sale is set aside by the court or an appeal is filed in the Court of Appeals or granted by the Supreme Court and an order is entered requiring such sale to be set aside.

§ 55.1-1945. Books, minutes, and records; inspection.

A. The declarant, managing agent, unit owners' association, or person specified in the bylaws of the association shall keep detailed records of the receipts and expenditures affecting the operation and administration of the condominium and specifying the maintenance and repair expenses of the common elements and any other expenses incurred by or on behalf of the association. Subject to the provisions of subsections B, C, and E, upon request, any unit owner shall be provided a copy of such records and minutes. All financial books and records shall be kept in accordance with generally accepted accounting practices. *The unit owners' association shall maintain individual assessment account records. The unit owners' association shall maintain a record of any recorded lien at least as long as the lien remains effective.*

B. Subject to the provisions of subsection C, all books and records kept by or on behalf of the unit owners' association, including the unit owners' association membership list, and addresses and aggregate salary information of unit owners' association employees, shall be available for examination and copying by a unit owner in good standing or his authorized agent so long as the request is for a proper purpose related to his membership in the unit owners' association and not for pecuniary gain or commercial solicitation. Notwithstanding any provision of law to the contrary, this right of examination shall exist without reference to the duration of membership and may be exercised (i) only during reasonable business hours or at a mutually convenient time and location and (ii) upon five business days' written notice for a unit owner association managed by a common interest community manager and 10 business days' written notice for a self-managed unit owners' association, which notice shall reasonably identify the purpose for the request and the specific books and records of the unit owners' association requested.

C. Books and records kept by or on behalf of a unit owners' association may be withheld from examination or copying by unit owners and contract purchasers to the extent that they are drafts not yet incorporated into the books and records of the unit owners' association or if such books and records concern:

1. Personnel matters relating to specific, identified persons or a person's medical records;

2. Contracts, leases, and other commercial transactions to purchase or provide goods or services, currently in or under negotiation;

3. Pending or probable litigation. For purposes of this subdivision, "probable litigation" means those instances where there has been a specific threat of litigation from a person or the legal counsel of such person;

4. Matters involving state or local administrative or other formal proceedings before a government tribunal for enforcement of the condominium instruments or rules and regulations promulgated by the executive board;

5. Communications with legal counsel that relate to subdivisions 1 through 4 or that are protected by the attorney-client privilege or the attorney work product doctrine;

6. Disclosure of information in violation of law;

7. Meeting minutes or other confidential records of an executive session of the executive board held pursuant to subsection C of § 55.1-1949;

8. Documentation, correspondence or management or executive board reports compiled for or on behalf of the unit owners' association or the executive board by its agents or committees for consideration by the executive board in executive session; or

9. Individual unit owner or member files, other than those of the requesting unit owner, including any individual unit owner's files kept by or on behalf of the unit owners' association.

D. Books and records kept by or on behalf of a unit owners' association shall be withheld from examination and copying in their entirety only to the extent that an exclusion from disclosure under subsection C applies to the entire content of such books and records. Otherwise, only those portions of the books and records containing information subject to an exclusion under subsection C may be withheld or redacted, and all portions of the books and records that are not so excluded shall be available for examination and copying, provided that the requesting member shall be responsible to the association for paying or reimbursing the association for any reasonable costs incurred by the association in responding to the request for the books and records and review for redaction of the same.

E. Prior to providing copies of any books and records, the unit owners' association may impose and collect a charge, not to exceed the reasonable costs of materials and labor, incurred to provide such copies. Charges may be imposed only in accordance with a cost schedule adopted by the executive board in accordance with this subsection. The cost schedule shall (i) specify the charges for materials and labor, (ii) apply equally to all unit owners in good standing, and (iii) be provided to such requesting unit owner at the time the request is made.

§ 55.1-1966. Lien for assessments; foreclosure.

A. The unit owners' association shall have a lien on each condominium unit for unpaid assessments levied against that condominium unit in accordance with the provisions of this chapter and all lawful provisions of the condominium instruments. The lien, once perfected, shall be prior to all other liens and encumbrances except (i) real estate tax liens on that condominium unit, (ii) liens and encumbrances recorded prior to the recordation of the declaration, and (iii) sums unpaid on any first mortgages or first deeds of trust recorded prior to the perfection of such lien for assessments and securing institutional lenders. The provisions of this subsection shall not affect the priority of mechanics' and materialmen's liens.

B. Notwithstanding any other provision of this section, or any other provision of law requiring documents to be recorded in the miscellaneous lien books or the deed books in the clerk's office of any court, on or after July 1, 1974, all memoranda of liens arising under this section shall, in the discretion of the clerk, be recorded in the miscellaneous lien books or the deed books in such clerk's office. Any such memorandum shall be indexed in the general index to deeds, and such general index shall identify the lien as a lien for condominium assessments.

C. In order to perfect the lien given by this section, the unit owners' association shall file a memorandum verified by the oath of the principal officer of the unit owners' association, or such other officer as the condominium instruments may specify, before the expiration of 90 days from the time the first such assessment became due and payable. The memorandum shall be filed in the clerk's office of the circuit court in the county or city in which such condominium is situated. The memorandum shall contain the following:

1. A description of the condominium unit in accordance with the provisions of § 55.1-1909.

2. The name or names of the persons constituting the unit owners of that condominium unit.

3. The amount of unpaid assessments currently due or past due together with the date when each fell due.

4. The date of issuance of the memorandum.

The clerk in whose office such memorandum is filed shall record and index the memorandum as provided in subsection B, in the names of the persons identified in such memorandum as well as in the name of the unit owners' association. The cost of recording such memorandum shall be taxed against the person found liable in any judgment enforcing such lien.

D. *Any lien perfected pursuant to this section may be enforced by filing a civil action to conduct a judicial foreclosure in the circuit court in the county or city where the condominium is or a nonjudicial foreclosure pursuant to subsections I and J.* No ~~action to enforce~~ *foreclosure of* any lien perfected under ~~subsection C~~ *this section* shall ~~be brought or action to foreclose any lien perfected under subsection I shall~~ be initiated after ~~36~~ *120* months from the time when the memorandum of lien was recorded~~; however, the~~. *The* filing of a ~~petition~~ *civil action* to enforce any such lien ~~in any action in which such petition may be properly filed~~ *by foreclosure through judicial means or issuance of notice of nonjudicial foreclosure under subdivision J 1* shall be regarded as the institution of an action under this section. Nothing in this subsection shall extend the time within which any such lien may be perfected.

E. The judgment in an action brought pursuant to this section shall include reimbursement for costs and attorney fees of the prevailing party. If the *unit owners'* association prevails, ~~it~~ *such unit owners' association* may also recover interest at the legal rate for the sums secured by the lien from the time each such sum became due and payable.

F. When payment or satisfaction is made of a debt secured by the lien perfected ~~by~~ *pursuant to* subsection C, such lien shall be released in accordance with the provisions of § 55.1-339. Any lien that is not so released shall subject the lien creditor to the penalty set forth in subdivision B 1 of § 55.1-339. For the purposes of that section, the principal officer of the unit owners' association, or such other officer as the condominium instruments may specify, shall be deemed the duly authorized agent of the lien creditor.

G. Nothing in this section shall be construed to prohibit actions at law to recover sums for which subsection A creates a lien, maintainable pursuant to § 55.1-1915.

H. Any unit owner or purchaser of a condominium unit, having executed a contract for the disposition of such condominium unit, shall be entitled upon request to a recordable statement setting forth the amount of unpaid assessments currently levied against that unit. Such request shall be in writing, directed to the principal officer of the unit owners'

association or to such other officer as the condominium instruments may specify. Failure to furnish or make available such a statement within 10 days of the receipt of such request shall extinguish the lien created by subsection A as to the condominium unit involved. Such statement shall be binding on the unit owners' association, the executive board, and every unit owner. Payment of a fee not exceeding $10 may be required as a prerequisite to the issuance of such a statement if the condominium instruments so provide.

I. ~~At any time after perfecting the lien pursuant to this section, the unit owners' association may sell the unit at public sale, subject to prior liens~~ *The unit owners' association may conduct a judicial or nonjudicial foreclosure sale upon a unit against which the unit owners' association has perfected one or more liens pursuant to this section if the total sums secured are in excess of $5,000, exclusive of attorney fees and costs.* For purposes of this section, the unit owners' association shall have the power both to sell and convey the unit and shall be deemed the unit owner's statutory agent for the purpose of transferring title to the unit.

J. A nonjudicial foreclosure sale shall be conducted in compliance with the following:

1. The unit owners' association shall give notice to the unit owner prior to advertisement required by subdivision 4. The notice shall specify (i) the debt secured by the perfected lien; (ii) the action required to satisfy the debt secured by the perfected lien; (iii) the date, not less than 60 days from the date the notice is given to the unit owner, by which the debt secured by the lien must be satisfied; and (iv) that failure to satisfy the debt secured by the lien on or before the date specified in the notice may result in the sale of the unit. The notice shall further inform the unit owner of the right to bring a court action in the circuit court of the county or city where the condominium is located to assert the nonexistence of a debt or any other defense of the unit owner to the sale.

2. After expiration of the 60-day notice period provided in subdivision 1, the unit owners' association may appoint a trustee to conduct the sale. The appointment of the trustee shall be filed in the clerk's office of the circuit court in the county or city in which the condominium is located. The clerk in whose office such appointment is filed shall record and index the appointment as provided in subsection C, in the names of the persons identified therein as well as in the name of the unit owners' association. The unit owners' association, at its option, may from time to time remove the trustee and appoint a successor trustee.

3. If the unit owner meets the conditions specified in this subdivision prior to the date of the foreclosure sale, the unit owner shall have the right to have enforcement of the perfected lien discontinued prior to the sale of the unit. Those conditions are that the unit owner (a) satisfy the debt secured by lien that is the subject of the nonjudicial foreclosure sale and (b) pays all expenses and costs incurred in perfecting and enforcing the lien, including advertising costs and reasonable attorney fees.

4. In addition to the advertisement required by subdivision 5, the unit owners' association shall give written notice of the time, date, and place of any proposed sale in execution of the lien, and shall include the name, address, and telephone number of the trustee, by personal delivery or by mail to (i) the present owner of the condominium unit to be sold at his last known address as such owner and address appear in the records of the unit owners' association, (ii) any lienholder who holds a note against the condominium unit secured by a deed of trust recorded at least 30 days prior to the proposed sale and whose address is recorded with the deed of trust, and (iii) any assignee of such a note secured by a deed of trust provided the assignment and address of the assignee are likewise recorded at least 30 days prior to the proposed sale. Mailing a copy of the advertisement or the notice containing the same information to the owner by certified or registered mail no less than 14 days prior to such sale and to the lienholders and their assigns, at the addresses noted in the memorandum of lien, by ordinary mail no less than 14 days prior to such sale shall be a sufficient compliance with the requirement of notice.

5. The advertisement of sale by the unit owners' association shall be in a newspaper having a general circulation in the locality in which the condominium unit to be sold, or any portion of such unit, is located pursuant to the following provisions:

a. The unit owners' association shall advertise once a week for four successive weeks; however, if the condominium unit or some portion of such unit is located in a city or in a county immediately contiguous to a city, publication of the advertisement five different days, which may be consecutive days, shall be deemed adequate. The sale shall be held on any day following the day of the last advertisement that is no earlier than eight days following the first advertisement nor more than 30 days following the last advertisement.

b. Such advertisement shall be placed in that section of the newspaper where legal notices appear or where the type of property being sold is generally advertised for sale. The advertisement of sale, in addition to such other matters as the unit owners' association finds appropriate, shall set forth a description of the condominium unit to be sold, which description need not be as extensive as that contained in the deed of trust but shall identify the condominium unit by street address, if any, or, if none, shall give the general location of the condominium unit with reference to streets, routes, or known landmarks. Where available, tax map identification may be used but is not required. The advertisement shall also include the date, time, place, and terms of sale and the name of the unit owners' association. The advertisement shall set forth the name, address, and telephone number of the representative, agent, or attorney who may be able to respond to inquiries concerning the sale.

c. In addition to the advertisement required by subdivisions a and b, the unit owners' association may give such other further and different advertisement as the association finds appropriate.

6. In the event of postponement of a sale, which postponement shall be at the discretion of the unit owners' association, advertisement of such postponed sale shall be in the same manner as the original advertisement of sale.

7. Failure to comply with the requirements for advertisement contained in this section shall, upon petition, render a sale of the condominium unit voidable by the court.

8. In the event of a sale, the unit owners' association shall have the following powers and duties:

a. Written one-price bids may be made and shall be received by the trustee from the unit owners' association or any person for entry by announcement at the sale. Any person other than the trustee may bid at the foreclosure sale, including a person who has submitted a written one-price bid. Upon request to the trustee, any other bidder in attendance at a foreclosure sale shall be permitted to inspect written bids. Unless otherwise provided in the condominium instruments, the unit owners' association may bid to purchase the unit at a foreclosure sale. The unit owners' association may own, lease, encumber, exchange, sell, or convey the unit. Whenever the written bid of the unit owners' association is the highest bid submitted at the sale, such written bid shall be filed by the trustee with his account of sale required under subdivision 10 of this subsection and § 64.2-1309. The written bid submitted pursuant to this subsection may be prepared by the unit owners' association or its agent or attorney.

b. The unit owners' association may require of any bidder at any sale a cash deposit of as much as 10 percent of the sale price before his bid is received, which shall be refunded to him if the condominium unit is not sold to him. The deposit of the successful bidder shall be applied to his credit at settlement, or if such bidder fails to complete his purchase promptly, the deposit shall be applied to pay the costs and expenses of the sale, and the balance, if any, shall be retained by the unit owners' association in connection with that sale.

c. The unit owners' association shall receive and receipt for the proceeds of sale, no purchaser being required to see to the application of the proceeds, and apply the same in the following order: first, to the reasonable expenses of sale, including reasonable attorney fees; second, to the satisfaction of all taxes, levies, and assessments, with costs and interest; third, to the satisfaction of the lien for the unit owners' assessments; fourth, to the satisfaction in the order of priority of any remaining inferior claims of record; and fifth, to pay the residue of the proceeds to the unit owner or his assigns, provided, however, that the association as to such residue shall not be bound by any inheritance, devise, conveyance, assignment, or lien of or upon the unit owner's equity, without actual notice of such encumbrance prior to distribution.

9. The trustee shall deliver to the purchaser a trustee's deed conveying the unit with special warranty of title. The trustee shall not be required to take possession of the condominium unit prior to the sale or to deliver possession of the unit to the purchaser at the sale.

10. The trustee shall file an accounting of the sale with the commissioner of accounts pursuant to § 64.2-1309 and every account of a sale shall be recorded pursuant to § 64.2-1310. In addition, the accounting shall be made available for inspection and copying pursuant to § 55.1-1945 upon the written request of the prior unit owner, current unit owner, or any holder of a recorded lien against the unit at the time of the sale. The unit owners' association shall maintain a copy of the accounting for at least 12 months following the foreclosure sale.

11. If the sale of a unit is made pursuant to this subsection and the accounting is made by the trustee, the title of the purchaser at such sale shall not be disturbed unless within 12 months from the confirmation of the accounting by the commissioner of accounts, the sale is set aside by the court or an appeal is filed in the Court of Appeals or granted by the Supreme Court and an order is entered requiring such sale to be set aside.

§ 55.1-2148. Remedies for nonpayment of assessments; lien; foreclosure.

A. The association has a lien on a cooperative interest for any assessment levied against that cooperative interest or fines imposed against its owner from the time the assessment or fines become due. Unless the declaration otherwise provides, fees, charges, late charges, fines, and interest charged pursuant to subdivisions A 11 and 12 of § 55.1-2133 are enforceable as assessments under this section. If an assessment is payable in installments, the full amount of the assessment is a lien from the time the first installment becomes due. Upon nonpayment of the assessment, the proprietary lessee may be evicted in the same manner as provided by law in the case of an unlawful holdover by a commercial tenant, and the lien may be foreclosed as provided by this section. The association's lien may be foreclosed (i) by judicial sale in like manner as a mortgage on real estate or (ii) by power of sale as provided in subsection I.

B. A lien under this section is prior to all other liens and encumbrances on a cooperative interest except (i) liens and encumbrances on the cooperative that the association creates, assumes, or takes subject to; (ii) any first security interest encumbering only the cooperative interest of a proprietary lessee and perfected before the date on which the assessment sought to be enforced became delinquent; and (iii) liens for real estate taxes and other governmental assessments or charges against the cooperative or the cooperative interest. The lien is also prior to the security interests described in clause (ii) to the extent of the common expense assessments based on the periodic budget adopted by the association pursuant to subsection A of § 55.1-2133 that would have become due in the absence of acceleration during the six months immediately preceding institution of an action to enforce the lien. This subsection does not affect the priority of mechanics' or materialmen's liens or the priority of liens for other assessments made by the association. The lien under this section is not subject to homestead or other exemptions.

C. Unless the declaration otherwise provides, if two or more associations have liens for assessments created at any time on the same property, those liens have equal priority.

D. Recording of the declaration constitutes record notice and perfection of the lien. No further recordation or filing of any claim of lien for assessment under this section is required.

E. A lien for unpaid assessments is extinguished unless proceedings to enforce the lien are instituted within ~~three years~~ *120 months* after the full amount of the assessment becomes due.

F. This section does not prohibit actions to recover sums for which subsection A creates a lien or prohibit an association from taking a transfer in lieu of foreclosure.

G. A judgment in any action brought under this section shall include costs and reasonable attorney fees for the prevailing party.

H. Upon written request, the association shall furnish to a proprietary lessee a statement setting forth the amount of unpaid assessments against his cooperative interest. The statement shall be in recordable form. The statement shall be furnished within 10 business days after receipt of the request and is binding on the association, the executive board, and every proprietary lessee.

I. ~~The association, upon nonpayment of assessments and compliance with this subsection, may sell the cooperative interest~~ *The association may conduct a judicial or nonjudicial foreclosure sale of the cooperative interest against which the association has perfected one or more liens pursuant to this section if the total sums secured are in excess of $5,000, exclusive of attorney fees and costs.* Sale may be at a public sale or by private negotiation and at any time and place, but every aspect of the sale, including the method, advertising, time, place, and terms, must be reasonable. The association shall give to the proprietary lessee and any sublessees of the proprietary lessee reasonable written notice of the time and place of any public sale or, if a private sale is intended, of the intention of entering into a contract to sell and of the time after which a private disposition may be made. The same notice must also be sent to any other person who has a recorded interest in the cooperative interest that would be cut off by the sale, but only if the interest was on record seven weeks before the date specified in the notice as the date of any public sale or seven weeks before the date specified in the notice as the date after which a private sale may be made. The notices required by this subsection may be sent to any address reasonable in the circumstances. Sale may not be held until five weeks after the sending of the notice. The association may buy at any public sale and, if the sale is conducted by a fiduciary or other person not related to the association, at a private sale.

J. The proceeds of a sale under subsection I shall be applied in the following order:

1. The reasonable expenses of sale;

2. The reasonable expenses of securing possession before sale; holding, maintaining, and preparing the cooperative interest for sale, including payment of taxes and other governmental charges, premiums on hazard and liability insurance, and, to the extent provided for by agreement between the association and the proprietary lessee, reasonable attorney fees and other legal expenses incurred by the association;

3. Satisfaction in the order of priority of any prior claims of record;

4. Satisfaction of the association's lien;

5. Satisfaction in the order of priority of any subordinate claim of record; and

6. Remittance of any excess to the proprietary lessee. Unless otherwise agreed, the proprietary lessee is liable for any deficiency.

K. If a cooperative interest is sold under subsection I, a good faith purchaser for value acquires the proprietary lessee's interest in the cooperative interest free of the association's debt that gave rise to the lien under which the sale occurred and any subordinate interest, even though the association or other person conducting the sale failed to comply with the requirements of this section. The person conducting the sale under subsection I shall execute a conveyance to the purchaser sufficient to convey the cooperative interest that states that the conveyance is executed by him, after a foreclosure by power of sale of the association's lien and that he has power to make the sale. Signature and title or authority of the person signing the conveyance as grantor and a recital of the facts of nonpayment of the assessment and of the giving of the notices required by subsection I are sufficient proof of the facts recited and of his authority to sign. Further proof of authority is not required even though the association is named as grantee in the conveyance.

L. At any time before the association has disposed of the cooperative interest or entered into a contract for its disposition under the power of sale, the proprietary lessee or the holder of any subordinate security interest may cure the proprietary lessee's default and prevent sale or other disposition by tendering the performance due under the security agreement, including any amounts due because of exercise of a right to accelerate, plus the reasonable expenses of proceeding to foreclosure incurred to the time of tender, including reasonable attorney fees of the creditor.

§ 55.1-2151. Association records.

The association shall keep financial records sufficiently detailed to enable the association to comply with § 55.1-2309. All financial and other records shall be made reasonably available for examination by any proprietary lessee and his authorized agents. *The association shall maintain a record of any recorded lien at least as long as the lien remains effective.*

§ 55.1-2305. Management, regulation, and control of subdivisions with common facilities or property owners' associations; assessments; liens.

A. The covenants, deed restrictions, articles of incorporation, bylaws, or other instruments for the management, regulation, and control of subdivisions that include facilities or amenities for which the lot owners are assessed on a regular or special basis for the use, enjoyment, and maintenance of such facilities or amenities shall provide for at a minimum:

1. Formation of an association to be composed of lot owners within the subdivision, such formation occurring prior to the sale of the first lot within the subdivision by the developer;

2. A description of the areas or interests to be owned or controlled by the association, including those facilities or amenities for which the lot owners are subject to regular or special assessments;

3. The transfer of title, control, and maintenance responsibilities of common areas and common facilities to the association, which transfer is to take place no later than at such time as the developer transfers legal or equitable ownership

of at least 75 percent of the lots within the subdivision to purchasers of such lots or when all of the amenities and facilities are completed, whichever occurs first, but in no event any sooner than two years from the date the developer sells his first lot within the subdivision should the developer elect to retain title to the common areas and common facilities for such period. The transfer of such title, control, and maintenance responsibilities required of the developer shall not exonerate the developer from the responsibility of completion of the common areas and facilities once the transfer takes place.

Nothing in this section shall preclude the developer from transferring the common areas and common facilities for consideration, provided that (i) such consideration does not exceed the lesser of the fair market value of such common areas and common facilities at the time of transfer or the actual cost expended by the developer for such common areas and common facilities and (ii) the developer affirmatively discloses the following information to the purchaser, in writing, at the time the initial contract of purchase is signed:

a. That the common areas and common facilities will be transferred only upon payment of consideration by the association;

b. The terms upon which such transfer will be made; and

c. An estimate of the amount of consideration to be paid by the association.

In the event the developer seeks payment for the areas or facilities transferred, the association shall have the option of deferring such payment, evidence by a deed of trust note covering a period of not less than five years at the legal rate of interest allowed in the Commonwealth and secured by a deed of trust covering the areas or facilities transferred;

4. Procedures for determining and collecting regular assessments to defray expenses attributable to the ownership, use, enjoyment, and operation of common areas and facilities transferred to the association;

5. Procedures for establishing and collecting special assessments for capital improvements or other purposes;

6. Procedures to be employed upon the annexation of additional land to the existing subdivision that shall disclose whether or not per capita assessments on account of such annexation shall be subject to an increase, in the event additional amenities or common facilities are provided lot owners within the subdivision;

7. Such procedures and restrictions, if any, that apply to the voluntary or involuntary resale of a lot within a subdivision by a purchaser or his agent, which shall be established prior to the sale of the first lot by the developer within the subdivision;

8. Monetary penalties or use privilege and voting suspension of members for breaches of the restrictions, bylaws, or other instruments for management and control of the subdivision, or for nonpayment of regular or special assessments, with procedures for hearings for the disciplined members;

9. Creation of a board of directors or other governing body for the association with the members of the board or body to be elected by a vote of members of the association in good standing at an annual meeting or special meeting to be held not later than six months after the transfer of the areas of facilities provided for in subdivision 3;

10. Enumeration of the power of the board of directors or governing body that is consistent with and not otherwise provided by law;

11. The preparation of an annual balance sheet and operating statement for each fiscal year with provision for distribution of a copy of the reports to each member of the association in good standing within 90 days after the end of the fiscal year;

12. Quorum requirements for meetings of members of the association who are in good standing; and

13. Such other provisions as may be required by the Virginia Nonstock Corporation Act (§ 13.1-801 et seq.) if the association is a Virginia nonstock corporation.

B. Any developer of a subdivision, successor or otherwise, when such subdivision is subject to the provisions of this chapter, shall be obligated to complete the facilities and amenities as promised and outlined in subsection A by the initial developer of the subdivision subject to the transfer of title, control, and maintenance responsibilities of common areas and common facilities to the lot owners' association. The foregoing shall not be deemed to apply to any purchaser at foreclosure or grantee in a deed in lieu of foreclosure, provided that the purchaser or grantee is a financial institution and the mortgagee, creditor, or beneficiary under the instrument being foreclosed or giving rise to the deed in lieu of foreclosure. For the purposes of this subsection, "financial institution" means a bank, savings institution, real estate investment trust, insurance company, pension or profit sharing trust, or other institution regularly engaged in the business of making real estate loans. For purposes of this subsection, the lot owners' association shall not be deemed a developer if at a meeting of its members in good standing a vote is taken and at least 50 percent of the members vote to be exempt from the requirements of this subsection.

C. The association, once formed and in existence, and the title owner of the common areas and common facilities within the subdivision and which has been in existence for a period of at least five years shall have the authority to pass special assessments against and raise the annual assessments of the members of the association and to collect such assessments from such members according to law, if the purpose in so doing is for the maintenance of such common areas and common facilities. The authority granted and conferred upon the association by this subsection exists only where the restrictions and covenants of record do not contain specific language that precludes the adoption of special assessments or increases the annual dues or assessments.

D. The association shall have a lien on every lot within its subdivision for unpaid regular or special assessments levied against such lot in accordance with the provisions of this chapter. The lien, once perfected, shall be prior to all other liens and encumbrances except (i) real estate tax liens on such lot, (ii) liens and encumbrances recorded prior to the perfected

lien, and (iii) any sums unpaid on any first mortgages or first deeds of trust recorded prior to the perfection of the lien for regular or special assessments and securing institutional lenders. The provisions of this subsection shall not affect the priority of mechanics' and materialmen's liens.

Notwithstanding any other provision of this chapter, or any other provisions of law requiring documents to be recorded in the miscellaneous lien books or the deed books of the clerk's office of any court, from July 1, 1978, all memoranda of liens arising under this subsection shall, in the discretion of the clerk, be recorded in the miscellaneous lien books or the deed books in such clerk's office. Any memorandum shall be indexed in the general index to deeds, and such general index shall identify the lien as a lien for subdivision regular or special assessments.

The association, in order to perfect the lien given by this subsection, shall file before the expiration of 90 days from the time such regular or special assessment became due and payable in the clerk's office of the county or city in which the subdivision is situated a memorandum, verified by the oath of the president of the association, which shall contain:

1. A description of the subdivision;

2. The name or names of the owners of the lot;

3. The amount of unpaid regular or special assessments currently due or past due applicable to the lot, together with the date when each fell due; and

4. The date of issuance of the memorandum.

The clerk in whose office the memorandum is filed shall record and index such memorandum as provided in this subsection, in the names of the persons identified in such memorandum, as well as in the name of the association. The cost of recording the memorandum shall be taxed against the person found liable for any judgment or order enforcing such lien. It is lawful for the memorandum to be filed as one statement listing the information required in subdivisions 1 through 4 and each of the lot owners whose property within the subdivision is liened. The cost of filing shall be as provided in subdivision A 2 of § 17.1-275.

Any lien perfected pursuant to this section may be enforced by filing a civil action to conduct a judicial foreclosure in the circuit court in the county or city where the lot is located or a nonjudicial foreclosure. No ~~action to enforce~~ *foreclosure of* any lien perfected under this ~~subsection~~ *section* shall be ~~brought~~ *initiated* after ~~one year~~ *120 months* from the time when the memorandum of lien was recorded~~; however, the~~. *The* filing of a ~~petition~~ *civil action* to enforce any such lien ~~in any action in which such petition may be properly filed~~ *by foreclosure through judicial means or issuance of notice of nonjudicial foreclosure* shall be regarded as the institution of an action under this subsection. Nothing in this subsection shall be construed to extend the time within which any such lien may be perfected. Nothing shall preclude the association from filing a single action listing all unpaid delinquent and enumerated lot owners as defendants and obtaining judgment against those so adjudicated by the court hearing the action. *The association may conduct a judicial or nonjudicial foreclosure sale upon a lot against which the association has perfected one or more liens pursuant to this section if the total sums secured are in excess of $5,000, exclusive of attorney fees and costs.*

The judgment in an action brought pursuant to this subsection shall include, without limitation, reimbursement for costs and attorney fees, together with the interest at the maximum lawful rate for the sums secured by the lien from the time each sum became due and payable.

When payment or satisfaction is made of a debt secured by the lien perfected by this subsection, the lien shall be released in accordance with the provisions of § 55.1-339. For the purposes of § 55.1-339, the president or secretary of the association is the duly authorized agent of the lien creditor.

Nothing in this subsection shall be construed to prohibit the recovery of sums for which this subsection creates a lien.

Any lot owner within the subdivision having executed a contract for the disposition of the lot is entitled, upon request, to a recordable statement setting forth the amount of unpaid regular or special assessments currently levied against that lot. Such request shall be in writing, directed to the president of the association, and delivered to the principal office of the association. Failure of the association to furnish or make available such a statement within five business days from the receipt of such written request shall extinguish the lien created by this subsection as to the lot involved. Payment of a fee not exceeding $15 may be required as a prerequisite to the issuance of such a statement if the bylaws of the association so provide.

E. If, upon July 1, 1978, and a subdivision becoming subject to the terms and requirements outlined in subdivisions A 1 through 8 have not been performed, then the requirements shall have to be fully complied with within a period of 90 days from July 1, 1978, and upon failure to fully perform all of such requirements within the 90-day period the failure so to do shall constitute a violation of this subsection.

F. Each lot owner within a subdivision that falls within the scope of this chapter shall be responsible for his pro rata share of the cost of maintaining the common facilities and common areas owned by the association. For purposes of this subsection, "common facilities and common areas" means only the roads and lakes within the subdivision, and "maintaining" includes any orderly program for the continued upkeep and improvement of such roads and lakes. The association has the responsibility of determining the pro rata share assessed against each lot owner, and such amount assessed shall be in addition to the annual or special assessment otherwise obligated by each member of the association.

G. If a subdivision of land meets the requirement in subdivision 2 of the definition of subdivision as provided in § 55.1-2300, then the property owners' association of the subject subdivision has the powers and duties enumerated in subsections C, D, and F as well as the rights and authority to establish those procedures outlined in subdivisions A 4, 5,

and 6 and the penalties in subdivision A 8, and also has the obligations imposed by such subdivisions and those of subdivisions A 9 through 12.

CHAPTER 56

An Act to amend and reenact § 2.2-3708.3 of the Code of Virginia, relating to the Virginia Freedom of Information Act; electronic meetings.

[H 894]

Approved March 8, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 2.2-3708.3 of the Code of Virginia is amended and reenacted as follows:

§ 2.2-3708.3. Meetings held through electronic communication means; situations other than declared states of emergency.

A. Public bodies are encouraged to (i) provide public access, both in person and through electronic communication means, to public meetings and (ii) provide avenues for public comment at public meetings when public comment is customarily received, which may include public comments made in person or by electronic communication means or other methods.

B. Individual members of a public body may use remote participation instead of attending a public meeting in person if, in advance of the public meeting, the public body has adopted a policy as described in subsection D and the member notifies the public body chair that:

1. The member has a temporary or permanent disability or other medical condition that prevents the member's physical attendance;

2. A medical condition of a member of the member's family requires the member to provide care that prevents the member's physical attendance;

3. The member's principal residence is more than 60 miles from the meeting location identified in the required notice for such meeting; or

4. The member is unable to attend the meeting due to a personal matter and identifies with specificity the nature of the personal matter. However, the member may not use remote participation due to personal matters more than two meetings per calendar year or 25 percent of the meetings held per calendar year rounded up to the next whole number, whichever is greater.

If participation by a member through electronic communication means is approved pursuant to this subsection, the public body holding the meeting shall record in its minutes the remote location from which the member participated; however, the remote location need not be open to the public and may be identified in the minutes by a general description. If participation is approved pursuant to subdivision 1 or 2, the public body shall also include in its minutes the fact that the member participated through electronic communication means due to a (i) temporary or permanent disability or other medical condition that prevented the member's physical attendance or (ii) family member's medical condition that required the member to provide care for such family member, thereby preventing the member's physical attendance. If participation is approved pursuant to subdivision 3, the public body shall also include in its minutes the fact that the member participated through electronic communication means due to the distance between the member's principal residence and the meeting location. If participation is approved pursuant to subdivision 4, the public body shall also include in its minutes the specific nature of the personal matter cited by the member.

If a member's participation from a remote location pursuant to this subsection is disapproved because such participation would violate the policy adopted pursuant to subsection D, such disapproval shall be recorded in the minutes with specificity.

C. With the exception of local governing bodies, local school boards, planning commissions, architectural review boards, zoning appeals boards, and boards with the authority to deny, revoke, or suspend a professional or occupational license, any public body may hold all-virtual public meetings, provided that the public body follows the other requirements in this chapter for meetings, the public body has adopted a policy as described in subsection D, and:

1. An indication of whether the meeting will be an in-person or all-virtual public meeting is included in the required meeting notice along with a statement notifying the public that the method by which a public body chooses to meet shall not be changed unless the public body provides a new meeting notice in accordance with the provisions of § 2.2-3707;

2. Public access to the all-virtual public meeting is provided via electronic communication means;

3. The electronic communication means used allows the public to hear all members of the public body participating in the all-virtual public meeting and, when audio-visual technology is available, to see the members of the public body as well. *When audio-visual technology is available, a member of a public body shall, for purposes of a quorum, be considered absent from any portion of the meeting during which visual communication with the member is voluntarily disconnected or otherwise fails or during which audio communication involuntarily fails*;

4. A phone number or other live contact information is provided to alert the public body if the audio or video transmission of the meeting provided by the public body fails, the public body monitors such designated means of

communication during the meeting, and the public body takes a recess until public access is restored if the transmission fails for the public;

5. A copy of the proposed agenda and all agenda packets and, unless exempt, all materials furnished to members of a public body for a meeting is made available to the public in electronic format at the same time that such materials are provided to members of the public body;

6. The public is afforded the opportunity to comment through electronic means, including by way of written comments, at those public meetings when public comment is customarily received;

7. No more than two members of the public body are together in any one remote location unless that remote location is open to the public to physically access it;

8. If a closed session is held during an all-virtual public meeting, transmission of the meeting to the public resumes before the public body votes to certify the closed meeting as required by subsection D of § 2.2-3712;

9. The public body does not convene an all-virtual public meeting (i) more than two times per calendar year or ~~25~~ *50* percent of the meetings held per calendar year rounded up to the next whole number, whichever is greater, or (ii) consecutively with another all-virtual public meeting; and

10. Minutes of all-virtual public meetings held by electronic communication means are taken as required by § 2.2-3707 and include the fact that the meeting was held by electronic communication means and the type of electronic communication means by which the meeting was held. If a member's participation from a remote location pursuant to this subsection is disapproved because such participation would violate the policy adopted pursuant to subsection D, such disapproval shall be recorded in the minutes with specificity.

D. Before a public body uses all-virtual public meetings as described in subsection C or allows members to use remote participation as described in subsection B, the public body shall ~~first~~ *at least once annually* adopt a policy, by recorded vote at a public meeting, that shall be applied strictly and uniformly, without exception, to the entire membership and without regard to the identity of the member requesting remote participation or the matters that will be considered or voted on at the meeting. The policy shall:

1. Describe the circumstances under which an all-virtual public meeting and remote participation will be allowed and the process the public body will use for making requests to use remote participation, approving or denying such requests, and creating a record of such requests; and

2. Fix the number of times remote participation for personal matters or all-virtual public meetings can be used per calendar year, not to exceed the limitations set forth in subdivisions B 4 and C 9.

Any public body that creates a committee, subcommittee, or other entity however designated of the public body to perform delegated functions of the public body or to advise the public body may also adopt a policy on behalf of its committee, subcommittee, or other entity that shall apply to the committee, subcommittee, or other entity's use of individual remote participation and all-virtual public meetings.

CHAPTER 57

An Act to amend and reenact § 8.01-384 of the Code of Virginia, relating to interlocutory ruling, order, or action; motion to reconsider.

[H 901]

Approved March 8, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 8.01-384 of the Code of Virginia is amended and reenacted as follows:

§ 8.01-384. Formal exceptions to rulings or orders of court unnecessary; motion for new trial unnecessary in certain cases.

A. Formal exceptions to rulings or orders of the court shall be unnecessary; but for all purposes for which an exception has heretofore been necessary, it shall be sufficient that a party, at the time the ruling or order of the court is made or sought, makes known to the court the action which he desires the court to take or his objections to the action of the court and his grounds therefor; and, if a party has no opportunity to object to a ruling or order at the time it is made, the absence of an objection shall not thereafter prejudice him on motion for a new trial or on appeal. No party, after having made an objection or motion known to the court, shall be required to *(i)* make such objection or motion again in order to preserve his right to appeal, challenge, or move for reconsideration of, a ruling, order, or action of the court *or (ii) move for reconsideration in order to preserve his right to appeal a ruling, order, or action of the court, even if such ruling, order, or action is without prejudice to a motion to reconsider*. No party shall be deemed to have agreed to, or acquiesced in, any written order of a trial court so as to forfeit his right to contest such order on appeal except by express written agreement in his endorsement of the order. Arguments made at trial via written pleading, memorandum, recital of objections in a final order, oral argument reduced to transcript, or agreed written statements of facts shall, unless expressly withdrawn or waived, be deemed preserved therein for assertion on appeal.

B. The failure to make a motion for a new trial in any case in which an appeal, writ of error, or supersedeas lies to or from a higher court shall not be deemed a waiver of any objection made during the trial if such objection be properly made a part of the record.

CHAPTER 58

An Act to amend and reenact § 16.1-122.4 of the Code of Virginia, relating to small claims court; representation of certain entities.

[H 934]

Approved March 8, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 16.1-122.4 of the Code of Virginia is amended and reenacted as follows:

§ 16.1-122.4. Representation and removal; rights of parties.

A. All parties shall be represented by themselves in actions before the small claims court except as follows:

1. A ~~corporate or~~ *corporation,* partnership ~~plaintiff or defendant~~*, limited liability company, or other legal or commercial entity* may be represented by an owner, a general partner, an officer*, a member,* or an employee of that corporation ~~or~~*,* partnership*, limited liability company, or other legal or commercial entity* who shall have all the rights and privileges given an individual to represent, plead*,* and try a case without an attorney. An attorney may serve in this capacity if he is appearing pro se, but he may not serve in a representative capacity.

2. A plaintiff or defendant who, in the judge's opinion, is unable to understand or participate on his own behalf in the hearing may be represented by a friend or relative if the representative is familiar with the facts of the case and is not an attorney.

B. A defendant shall have the right to remove the case to the general district court at any point preceding the handing down of the decision by the judge and may be represented by an attorney for that purpose.

CHAPTER 59

An Act to amend and reenact § 23.1-200 of the Code of Virginia, relating to State Council of Higher Education for Virginia; membership.

[H 1044]

Approved March 8, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 23.1-200 of the Code of Virginia is amended and reenacted as follows:

§ 23.1-200. State Council of Higher Education for Virginia established; purpose; membership; terms; officers.

A. The State Council of Higher Education for Virginia is established to advocate for and promote the development and operation of an educationally and economically sound, vigorous, progressive, and coordinated system of higher education in the Commonwealth and lead state-level strategic planning and policy development and implementation based on research and analysis and in accordance with § 23.1-301 and subsection A of § 23.1-1002. The Council shall seek to facilitate collaboration among institutions of higher education that will enhance quality and create operational efficiencies and work with institutions of higher education and their governing boards on board development.

B. The Council shall be composed of individuals selected from the Commonwealth at large without regard to political affiliation but with due consideration of geographical representation. Nonlegislative citizen members shall have demonstrated experience, knowledge, and understanding of higher education and workforce needs. Nonlegislative citizen members shall be selected for their ability and all appointments shall be of such nature as to aid the work of the Council and inspire the highest degree of cooperation and confidence. No officer, employee, trustee, or member of the governing board of any institution of higher education, employee of the Commonwealth, member of the General Assembly, or member of the Board of Education is eligible for appointment to the Council except as specified in this section. All members of the Council are members at large who shall serve the best interests of the whole Commonwealth. No member shall act as the representative of any particular region or of any particular institution of higher education.

C. The Council shall consist of 13 members: 12 nonlegislative citizen members appointed by the Governor and one ex officio member. At least one nonlegislative citizen member shall have served as a chief executive officer of a public institution of higher education. *At least one nonlegislative citizen member shall have served as a chief executive officer of an accredited nonprofit private institution of higher education whose primary purpose is to provide collegiate, graduate, or professional education and not to provide religious training or theological education.* At least one nonlegislative citizen member shall be a division superintendent or the Superintendent of Public Instruction. The President of the Virginia Economic Development Partnership Authority shall serve ex officio with voting privileges.

D. All terms shall begin July 1.

E. Nonlegislative citizen members shall serve for terms of four years. Vacancies occurring other than by expiration of a term shall be filled for the unexpired term. No nonlegislative citizen member shall serve for more than two consecutive terms; however, a nonlegislative citizen member appointed to serve an unexpired term is eligible to serve two consecutive four-year terms. No nonlegislative citizen member who has served two consecutive four-year terms is eligible to serve on the Council until at least two years have passed since the end of his second consecutive four-year term. All appointments are

subject to confirmation by the General Assembly. Nonlegislative citizen members shall continue to hold office until their successors have been appointed and qualified. ex officio members shall serve terms coincident with their terms of office.

F. The Council shall elect a chairman and a vice-chairman from its membership. The Council shall appoint a secretary and such other officers as it deems necessary and prescribe their duties and terms of office.

G. At each meeting, the Council shall involve the chief executive officer of each public institution of higher education in its agenda. The chief executive officers shall present information and comment on issues of common interest and choose presenters to the Council from among themselves who reflect the diversity of the institutions.

H. At each meeting, the Council may involve other groups, including the presidents of private institutions of higher education, in its agenda.

I. As used in this section, "chief executive officer" includes the president of any accredited nonprofit private institution of higher education whose primary purpose is to provide collegiate, graduate, or professional education and not to provide religious training or theological education.

2. That the provisions of this act shall become effective on July 1, 2026.

CHAPTER 60

An Act to amend and reenact § 2.2-4303.2 of the Code of Virginia, relating to Virginia Public Procurement Act; job order contracting; limitations.

[H 1113]

Approved March 8, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 2.2-4303.2 of the Code of Virginia is amended and reenacted as follows:

§ 2.2-4303.2. Job order contracting; limitations.

A. A job order contract may be awarded by a public body for multiple jobs, provided (i) the jobs require similar experience and expertise, (ii) the nature of the jobs is clearly identified in the solicitation, and (iii) the contract is limited to a term of one year or when the cumulative total project fees reach the maximum authorized in this section, whichever occurs first. Contractors may be selected through either competitive sealed bidding or competitive negotiation.

B. Such contracts may be renewable for ~~two~~ *three* additional one-year terms at the option of the public body. The fair and reasonable prices as negotiated shall be used in determining the cost of each job performed, and the sum of all jobs performed in a one-year contract term shall not exceed the maximum threshold amount.

Beginning on July 1, ~~2019~~ *2024*, the maximum threshold amount shall be ~~$6~~ *$10* million.

Subject to the maximum threshold amount, no individual job order shall exceed ~~$500,000~~ *$1 million*.

C. For the purposes of this section, any unused amounts from one contract term shall not be carried forward to any additional term.

D. Order splitting with the intent of keeping a job order under the maximum dollar amounts prescribed in subsection B is prohibited.

E. No public body shall issue or use a job order, under a job order contract, solely for the purpose of receiving professional architectural or engineering services that constitute the practice of architecture or the practice of engineering as those terms are defined in § 54.1-400. However, professional architectural or engineering services may be included on a job order where such professional services (i) are incidental and directly related to the job, (ii) do not exceed $25,000 per job order, and (iii) do not exceed $75,000 per contract term.

F. Job order contracting shall not be used for construction, maintenance, or asset management services for a highway, bridge, tunnel, or overpass. However, job order contracting may be used for safety improvements or traffic calming measures for individual job orders up to $250,000, subject to the maximum annual threshold amount established in this section.

2. That the provisions of this act shall only apply to contracts entered into on or after July 1, 2024.

CHAPTER 61

An Act to amend and reenact §§ 16.1-305.1 and 22.1-289 of the Code of Virginia, relating to public schools; transfer and management of scholastic records; disclosure of information in court notices; transfer of disciplinary records; requirements.

[H 1317]

Approved March 8, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 16.1-305.1 and 22.1-289 of the Code of Virginia are amended and reenacted as follows:

§ 16.1-305.1. Disclosure of disposition in certain delinquency cases.

Upon a court's disposition of a proceeding where a juvenile is charged with a crime listed in subsection G of § 16.1-260 in which a juvenile is adjudicated delinquent, convicted, found not guilty or the charges are reduced, the clerk of the court in

which the disposition is entered shall, within 15 days of the expiration of the appeal period, if there has been no notice of an appeal, provide written notice of the disposition ordered by the court, including the nature of the offense upon which the disposition was based, to the superintendent of the school division in which the child is enrolled at the time of the disposition or, if he is not then enrolled in school, the division in which he was enrolled at the time of the offense. If the court defers disposition, or the charges are nolle prosequi, withdrawn, or dismissed the clerk shall, within 15 days of such action, provide written notice of such action to the superintendent of the school division in which the child is enrolled at such time or, if he is not then enrolled in school, the division in which he was enrolled at the time of the offense. If charges are withdrawn in intake or handled informally without a court disposition, the intake officer shall, within 15 days of such action, provide written notification of the action to the superintendent of the school division in which the child is enrolled at that time or, if he is not then enrolled in school, the division in which he was enrolled at the time of the offense.

If the child is not enrolled in the school division that receives notification under this section, the superintendent of that division ~~may~~ *shall* forward the notification to the superintendent of the school division where the child is enrolled *or where the child intends to enroll, as evidenced by the school division's receipt of a request from another school division for such child's scholastic record*.

A superintendent who receives notification under this section may disclose the information received to anyone to whom he or a principal disclosed that a petition had been filed. Further disclosure of information received under this section by the superintendent to school personnel is authorized only as provided in § 22.1-288.2.

§ 22.1-289. Transfer and management of scholastic records; disclosure of information in court notices; penalty.

A. As used in this section:

"Scholastic record" means those records that are directly related to a student and are maintained by an educational agency or institution or by a party acting for the agency or institution. These include, but are not limited to, documentation pertinent to the educational growth and development of students as they progress through school, student disciplinary records, achievement and test data, cumulative health records, reports of assessments for eligibility for special education services, and Individualized Education Programs. Such records may be recorded in any way, including, but not limited to, handwriting, print, computer media, video or audio tape, film, microfilm, and microfiche.

A notice of adjudication or conviction received by a superintendent relating to an incident ~~which~~ *that* did not occur on school property or during a school-sponsored activity shall not be a part of a student's scholastic record.

~~The term "scholastic~~ *"Scholastic* record" also ~~shall~~ *does* not include records of instructional, supervisory, administrative, and ancillary educational personnel that are kept in the sole possession of the maker of the record and are not accessible or revealed to any other person except a temporary substitute for the maker of the record.

B. Whenever a pupil transfers from one school division to another, the scholastic record or a copy of the scholastic record *and a copy of the complete student disciplinary record, including copies of any relevant correspondence sent to the pupil or such pupil's parent and copies of any correspondence and documentation relating to such pupil's placement in an alternative education program pursuant to § 22.1-209.1:2 or 22.1-277.2:1,* shall be transferred to the school division to which the pupil transfers upon request from such school division. Permission of the parent, guardian, or other person having control or charge of the student shall not be required for transfer of such scholastic ~~record~~ *and disciplinary records* to another school or school division within or outside the Commonwealth.

C. Any notice of disposition received pursuant to § 16.1-305.1 shall not be retained after the student has been awarded a diploma or a certificate as provided in § 22.1-253.13:4.

D. Every student's scholastic record shall be available to the student and his parent, guardian, or other person having control or charge of the student for inspection during the regular school day. Permission of the parent, guardian, or other person having control or charge of the student, or of a student who is 18 years of age or older, shall not be required for transfer of such scholastic record to another school or school division within or ~~without~~ *outside* this Commonwealth.

Consistent with federal law and regulation, each school shall annually notify parents of students currently enrolled and in attendance of their rights under the federal Family Educational Rights and Privacy Act (20 U.S.C. § 1232g) and related regulations.

A school responding to a request for the transfer of the scholastic record from another school division need not provide written notice of the transfer of the record, including the identity of the requester, to the parent, guardian, or other person having control or charge of the student, or to a student who is 18 years of age or older, if the school has previously included in the annual notice required by this subsection a statement that it forwards such records to such requesting school divisions.

E. Whenever the division superintendent is notified by the Department of Juvenile Justice, pursuant to § 16.1-287, or by a school division employee responsible for education programs in a local jail or a detention center, that a pupil who last attended a school within the school division is a pupil in a school of a juvenile correctional center of the Department of Juvenile Justice, or a pupil in an educational program in a local jail or detention center, the school division superintendent or his designee shall transfer the scholastic record of such pupil to the designated juvenile correctional center or local jail or a detention center, as the case may be, within five work days. The Department of Juvenile Justice shall transfer the scholastic record of a student who has been discharged from a juvenile correctional center to the relevant school division within five work days of the student's discharge.

The Board of Education shall adopt regulations concerning the transfer and management of scholastic records from one school division to another, to the learning centers of the Department of Juvenile Justice, and to educational programs in local jails and detention centers.

Upon receiving notice of a foster care placement of a student across jurisdictional lines, the sending school division and the receiving school division, as such school divisions are defined in subsection D of § 22.1-3.4, shall expedite the transfer of the scholastic record of the student.

F. The division superintendent or his designee shall notify the local police or sheriff's department for investigation as a possible missing child of any enrolled pupil whose scholastic record he is unable to obtain within 60 days or sooner, if the division superintendent or his designee has reason to suspect that the pupil is a missing child.

G. Superintendents and their designees shall be immune from any civil or criminal liability in connection with any notice to a police or sheriff's department of a pupil lacking a scholastic record or failure to give such notice as required by this section.

H. Except as provided in §§ 16.1-309 and 22.1-287 and this section, a superintendent or his designee, or other school personnel who unlawfully discloses information obtained pursuant to § 16.1-305.1 ~~shall be~~ *is* guilty of a Class 3 misdemeanor.

CHAPTER 62

An Act to amend and reenact §§ 54.1-3446, 54.1-3448, 54.1-3452, and 54.1-3454 of the Code of Virginia, relating to Drug Control Act; Schedule I; Schedule II; Schedule IV; Schedule V.

[H 1333]

Approved March 8, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 54.1-3446, 54.1-3448, 54.1-3452, and 54.1-3454 of the Code of Virginia are amended and reenacted as follows:

§ 54.1-3446. Schedule I.

The controlled substances listed in this section are included in Schedule I:

1. Any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, unless specifically excepted, whenever the existence of these isomers, esters, ethers and salts is possible within the specific chemical designation:

1-{1-[1-(4-bromophenyl)ethyl]-4-piperidinyl}-1,3-dihydro-2H-benzimidazol-2-one (other name: Brorphine);

1-[2-methyl-4-(3-phenyl-2-propen-1-yl)-1-piperazinyl]-1-butanone (other name: 2-methyl AP-237);

1-(2-phenylethyl)-4-phenyl-4-acetyloxypiperidine (other name: PEPAP);

1-(4-cinnamyl-2,6-dimethylpiperazin-1-yl)propan-1-one (other name: AP-238);

1-methoxy-3-[4-(2-methoxy-2-phenylethyl)piperazin-1-yl]-1-phenylpropan-2-ol (other name: zipeprol);

1-methyl-4-phenyl-4-propionoxypiperidine (other name: MPPP);

2-(4-ethoxybenzyl)-5-nitro-1-[2-(pyrrolidin-1-yl)ethyl]-1H-benzimidazole (other names: N-pyrrolidino etonitazene, etonitazepyne);

2-[(4-methoxyphenyl)methyl]-N,N-diethyl-5-nitro-1H-benzimidazole-1-ethanamine (other name: Metonitazene);

2-methoxy-N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl]-acetamide (other name: Methoxyacetyl fentanyl);

3,4-dichloro-N-[2-(dimethylamino)cyclohexyl]-N-methyl-benzamide (other name: U-47700);

3,4-dichloro-N-{[1-(dimethylamino)cyclohexyl]methyl}benzamide (other name: AH-7921);

Acetyl fentanyl (other name: desmethyl fentanyl);

Acetylmethadol;

Allylprodine;

Alphacetylmethadol (except levo-alphacetylmethadol, also known as levo-alpha-acetylmethadol, levomethadyl acetate, or LAAM);

Alphameprodine;

Alphamethadol;

Benzethidine;

Betacetylmethadol;

Betameprodine;

Betamethadol;

Betaprodine;

Clonitazene;

Dextromoramide;

Diampromide;

Diethylthiambutene;

Difenoxin;

Dimenoxadol;

Dimepheptanol;

Dimethylthiambutene;

Dioxaphetylbutyrate;

Dipipanone;
Ethyl N-phenyl-N-[1-(2-phenylethyl)piperidin-4-yl]carbamate (other name: fentanyl carbamate);
Ethylmethylthiambutene;
Etonitazene;
Etoxeridine;
Furethidine;
Hydroxypethidine;
Ketobemidone;
Levomoramide;
Levophenacylmorphan;
Morpheridine;
MT-45 (1-cyclohexyl-4-(1,2-diphenylethyl)piperazine);
N-(1-phenethylpiperidin-4-yl)-N-phenylcyclopropanecarboxamide (other name: Cyclopropyl fentanyl);
N-(1-phenethylpiperidin-4-yl)-N-phenyltetrahydrofuran-2-carboxamide (other name: Tetrahydrofuranyl fentanyl);
N-[1-[1-methyl-2-(2-thienyl)ethyl]-4-piperidyl]-N-phenylpropanamide (other name: alpha-methylthiofentanyl);
N-[1-(1-methyl-2-phenylethyl)-4-piperidyl]-N-phenylacetamide (other name: acetyl-alpha-methylfentanyl);
N-{1-[2-hydroxy-2-(2-thienyl)ethyl]-4-piperidinyl}-N-phenylpropanamide (other name: beta-hydroxythiofentanyl);
N-[1-(2-hydroxy-2-phenyl)ethyl-4-piperidyl]-N-phenylpropanamide (other name: beta-hydroxyfentanyl);
N-[1-(alpha-methyl-beta-phenyl)ethyl-4-piperidyl]propionanilide (other names: 1-(1-methyl-2-phenylethyl)-4-(N-propanilido) piperidine, alpha-methylfentanyl);
N-(2-fluorophenyl)-N-[1-(2-phenylethyl)piperidin-4-yl]prop-2-enamide (other name: ortho-fluoroacryl fentanyl);
N-(2-fluorophenyl)-N-[1-(2-phenylethyl)-4-piperidinyl]-propanamide (other names: 2-fluorofentanyl, ortho-fluorofentanyl);
N-(2-fluorophenyl)-2-methyl-N-[1-(2-phenylethyl)piperidin-4-yl]propanamide (other name: ortho-fluoroisobutyryl fentanyl);
N-(2-fluorophenyl)-N-[1-[2-(2-fluorophenyl)ethyl]piperidin-4-yl]propanamide (other names: 2'-fluoro ortho-fluorofentanyl; 2'-fluoro 2-fluorofentanyl);
N-[1-[2-(4-methylphenyl)ethyl]piperidin-4-yl]-N-phenylacetamide (other name: 4'-methyl acetyl fentanyl);
N,3-diphenyl-N-[1-(2-phenylethyl)piperidin-4-yl]propanamide (other names: beta'-phenyl fentanyl; beta'-phenyl fentanyl; 3-phenylpropanoyl fentanyl);
N-phenyl-N-[1-(2-phenylpropyl)piperidin-4-yl]propanamide (other name: beta-methyl fentanyl);
N-(2-fluorophenyl)-N-[1-(2-phenylethyl)piperidin-4-yl]butanamide (other name: ortho-fluorobutyryl fentanyl; 2-fluorobutyryl fentanyl);
N-(2-methylphenyl)-N-[1-(2-phenylethyl)piperidin-4-yl]acetamide (other names: ortho-methyl acetylfentanyl; 2-methyl acetylfentanyl);
N-(4-methylphenyl)-N-[1-(2-phenylethyl)piperidin-4-yl]propanamide (other names: para-methylfentanyl; 4-methylfentanyl);
N-(4-chlorophenyl)-2-methyl-N-[1-(2-phenylethyl)piperidin-4-yl]propanamide (other name: para-chloroisobutyryl fentanyl);
N-(3-fluorophenyl)-N-[1-(2-phenylethyl)-4-piperidinyl]-propanamide (other name: 3-fluorofentanyl);
N-[3-methyl-1-(2-hydroxy-2-phenylethyl)4-piperidyl]-N-phenylpropanamide (other name: beta-hydroxy-3-methylfentanyl);
N-[3-methyl-1-(2-phenylethyl)-4-piperidyl]-N-phenylpropanamide (other name: 3-methylfentanyl);
N-[3-methyl-1-(2-thienyl)ethyl-4-piperidinyl]-N-phenylpropanamide (other name: 3-methylthiofentanyl);
N-(4-chlorophenyl)-N-[1-(2-phenylethyl)-4-piperidinyl]-propanamide (other names: para-chlorofentanyl, 4-chlorofentanyl);
N-(4-fluorophenyl)-2-methyl-N-[1-(2-phenylethyl)-4-piperidinyl]-propanamide (other name: para-fluoroisobutyryl fentanyl);
N-(4-fluorophenyl)-N-[1-(2-phenylethyl)piperidin-4-yl]furan-2-carboxamide (other name: para-fluoro furanyl fentanyl);
N-(4-fluorophenyl)-N-[1-(2-phenylethyl)-4-piperidinyl]-butanamide (other name: para-fluorobutyrylfentanyl);
N-(4-fluorophenyl)-N-1-(2-phenylethyl)-4-piperidinyl]-propanamide (other name: para-fluorofentanyl);
N,N-diethyl-2-[2-[(4-fluorophenyl)methyl]-5-nitrobenzimidazol-1-yl] ethanamine (other name: Flunitazene);
N,N-diethyl-2-(2-(4-isopropoxybenzyl)-5-nitro-1H-benzimidazol-1-yl)ethan-1-amine (other name: Isotonitazene);
N,N-diethyl-2-{[(4-ethoxyphenyl) methyl]-1H-benzimidazol-1-yl}-ethan-1-amine (other names: Etazene, Desnitroetonitazene);
N,N-diethyl-2-[(4-methoxyphenyl)methyl]-1H-benzimidazole-1-ethanamine (other name: Metodesnitazene);
N,N-diethyl-2-[5-nitro-2-(4-propoxybenzyl)-1H-benzimidazol-1-yl]ethanamine (other name: Protonitazene);
N-phenyl-N-[1-(2-phenylmethyl)-4-piperidinyl]-2-furancarboxamide (other name: N-benzyl Furanyl norfentanyl);
N-phenyl-N-(4-piperidinyl)-propanamide (other name: Norfentanyl);
Noracymethadol;

Norlevorphanol;
Normethadone;
Norpipanone;
N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl]-2-furancarboxamide (other name: Furanyl fentanyl);
N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl]-2-propenamide (other name: Acryl fentanyl);
N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl]-butanamide (other name: butyryl fentanyl);
N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl]-pentanamide (other name: Pentanoyl fentanyl);
N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl]-propanamide (other name: thiofentanyl);
N-phenyl-N-[1-(2-phenylethyl)piperidin-4-yl]thiophene-2-carboxamide (other name: thiophene fentanyl);
Phenadoxone;
Phenampromide;
Phenomorphan;
Phenoperidine;
Piritramide;
Proheptazine;
Properidine;
Propiram;
Racemoramide;
Tilidine;
Trimeperidine;
N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl]-1,3-benzodioxole-5-carboxamide (other name: Benzodioxole fentanyl);
3,4-dichloro-N-[2-(diethylamino)cyclohexyl]-N-methylbenzamide (other name: U-49900);
2-methoxy-N-(2-methylphenyl)-N-[1-(2-phenylethyl)piperidin-4-yl]acetamide (other names: ortho-methyl methoxyacetylfentanyl; 2-methyl methoxyacetyl fentanyl);
2-methyl-N-phenyl-N-[1-(2-phenylethyl)piperidin-4-yl]butanamide (other name: 2-methyl butyryl fentanyl);
2-[2-[(4-butoxyphenyl)methyl]-5-nitrobenzimidazol-1-yl]-N,N-diethylethanamine (other name: Butonitazene);
2-(2,4-dichlorophenyl)-N-[2-(dimethylamino)cyclohexyl]-N-methyl acetamide (other name: U-48800);
2-(3,4-dichlorophenyl)-N-[2-(dimethylamino)cyclohexyl]-N-methyl acetamide (other name: U-51754);
2-(4-isopropoxybenzyl)-5-nitro-1-[2-(pyrrolidin-1-yl)ethyl]-1H-benzo[d]imidazole (other name: N-Pyrrolidino Isotonitazene);
N-(2-fluorophenyl)-2-methoxy-N-[1-(2-phenylethyl)-4-piperidinyl]-acetamide (other name: Ocfentanil);
N-(4-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)pentanamide (other names: para-fluoro valeryl fentanyl, para-fluoro pentanoyl fentanyl);
N-(4-fluorophenyl)-N-[1-(2-phenylethyl)piperidin-4-yl]acetamide (other name: para-fluoroacetyl fentanyl);
N-(4-methoxyphenyl)-N-[1-(2-phenylethyl)-4-piperidinyl]-butanamide (other name: 4-methoxybutyrylfentanyl);
N-phenyl-2-methyl-N-[1-(2-phenylethyl)-4-piperidinyl]-propanamide (other name: Isobutyryl fentanyl);
N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl]-cyclopentanecarboxamide (other name: Cyclopentyl fentanyl);
N-phenyl-N-(1-methyl-4-piperidinyl)-propanamide (other name: N-methyl norfentanyl);
N-phenyl-N-(1-propionyl-4-piperidinyl)-propanamide (other name: N-propionyl norfentanyl);
N-[2-(dimethylamino)cyclohexyl]-N-methyl-1,3-benzodioxole-5-carboxamide (other names: 3,4-methylenedioxy U-47700 or 3,4-MDO-U-47700);
N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl]-2-butenamide (other name: Crotonyl fentanyl);
N-phenyl-N-[4-phenyl-1-(2-phenylethyl)-4-piperidinyl]-propanamide (other name: 4-phenylfentanyl);
N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl]-benzamide (other names: Phenyl fentanyl, Benzoyl fentanyl);
N-[2-(dimethylamino)cyclohexyl]-N-phenylfuran-2-carboxamide (other name: Furanyl UF-17);
N-[2-(dimethylamino)cyclohexyl]-N-phenylpropionamide (other name: UF-17);
3,4-dichloro-N-[2-(dimethylamino)cyclohexyl]-N-isopropyl-benzamide (other name: Isopropyl U-47700).*;*
5-nitro-2-(4-propoxybenzyl)-1-[2-(pyrrolidin-1-yl)ethyl]-1H-benzo[d]imidazole (other names: N-Pyrrolidino Protonitazene, Protonitazepyne).

2. Any of the following opium derivatives, their salts, isomers and salts of isomers, unless specifically excepted, whenever the existence of these salts, isomers and salts of isomers is possible within the specific chemical designation:

Acetorphine;
Acetyldihydrocodeine;
Benzylmorphine;
Codeine methylbromide;
Codeine-N-Oxide;
Cyprenorphine;
Desomorphine;
Dihydromorphine;
Drotebanol;
Etorphine;

Heroin;
Hydromorphinol;
Methyldesorphine;
Methyldihydromorphine;
Morphine methylbromide;
Morphine methylsulfonate;
Morphine-N-Oxide;
Myrophine;
Nicocodeine;
Nicomorphine;
Normorphine;
Pholcodine;
Thebacon.

3. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation, which contains any quantity of the following hallucinogenic substances, or which contains any of its salts, isomers, and salts of isomers, whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation (for purposes of this subdivision only, the term "isomer" includes the optical, position, and geometric isomers):

Alpha-ethyltryptamine (some trade or other names: Monase; a-ethyl-1H-indole-3-ethanamine; 3-2-aminobutyl] indole; a-ET; AET);

4-Bromo-2,5-dimethoxyphenethylamine (some trade or other names: 2-4-bromo-2,5-dimethoxyphenyl]-1-aminoethane;alpha-desmethyl DOB; 2C-B; Nexus);

3,4-methylenedioxy amphetamine;

5-methoxy-3,4-methylenedioxy amphetamine;

3,4,5-trimethoxy amphetamine;

Alpha-methyltryptamine (other name: AMT);

Bufotenine;

Diethyltryptamine;

Dimethyltryptamine;

4-methyl-2,5-dimethoxyamphetamine;

2,5-dimethoxy-4-ethylamphetamine (DOET);

4-fluoro-N-ethylamphetamine;

2,5-dimethoxy-4-(n)-propylthiophenethylamine (other name: 2C-T-7);

Ibogaine;

5-methoxy-N,N-diisopropyltryptamine (other name: 5-MeO-DIPT);

Lysergic acid diethylamide;

Mescaline;

Parahexyl (some trade or other names: 3-Hexyl-1-hydroxy-7,8,9,10-tetrahydro-6,6,9-trimethyl-6H-dibenzo [b,d] pyran; Synhexyl);

Peyote;

N-ethyl-3-piperidyl benzilate;

N-methyl-3-piperidyl benzilate;

Psilocybin;

Psilocyn;

Salvinorin A;

2,5-dimethoxyamphetamine (some trade or other names: 2,5-dimethoxy-a-methylphenethylamine; 2,5-DMA);

3,4-methylenedioxymethamphetamine (MDMA), its optical, positional and geometric isomers, salts and salts of isomers;

3,4-methylenedioxy-N-ethylamphetamine (also known as N-ethyl-alpha-methyl-3,4 (methylenedioxy)phenethylamine, N-ethyl MDA, MDE, MDEA);

N-hydroxy-3,4-methylenedioxyamphetamine (some other names: N-hydroxy-alpha-methyl-3,4(methylenedioxy)phenethylamine, and N-hydroxy MDA);

4-bromo-2,5-dimethoxyamphetamine (some trade or other names: 4-bromo-2,5-dimethoxy-a-methylphenethylamine; 4-bromo-2,5-DMA);

4-methoxyamphetamine (some trade or other names: 4-methoxy-a-methylphenethylamine; paramethoxyamphetamine; PMA);

Ethylamine analog of phencyclidine (some other names: N-ethyl-1-phenylcyclohexylamine, (1-phenylcyclohexyl) ethylamine, N-(1-phenylcyclohexyl) ethylamine, cyclohexamine, PCE);

Pyrrolidine analog of phencyclidine (some other names: 1-(1-phenylcyclohexyl)-pyrrolidine, PCPy, PHP);

Thiophene analog of phencyclidine (some other names: 1-[1-(2-thienyl)-cyclohexyl]-piperidine, 2-thienyl analog of phencyclidine, TPCP, TCP);

1-1-(2-thienyl)cyclohexyl]pyrrolidine (other name: TCPy);

3,4-methylenedioxypyrovalerone (other name: MDPV);
4-methylmethcathinone (other names: mephedrone, 4-MMC);
3,4-methylenedioxymethcathinone (other name: methylone);
Naphthylpyrovalerone (other name: naphyrone);
4-fluoromethcathinone (other names: flephedrone, 4-FMC);
4-methoxymethcathinone (other names: methedrone; bk-PMMA);
Ethcathinone (other name: N-ethylcathinone);
3,4-methylenedioxyethcathinone (other name: ethylone);
Beta-keto-N-methyl-3,4-benzodioxolylbutanamine (other name: butylone);
N,N-dimethylcathinone (other name: metamfepramone);
Alpha-pyrrolidinopropiophenone (other name: alpha-PPP);
4-methoxy-alpha-pyrrolidinopropiophenone (other name: MOPPP);
3,4-methylenedioxy-alpha-pyrrolidinopropiophenone (other name: MDPPP);
Alpha-pyrrolidinovalerophenone (other name: alpha-PVP);
6,7-dihydro-5H-indeno-(5,6-d)-1,3-dioxol-6-amine (other name: MDAI);
3-fluoromethcathinone (other name: 3-FMC);
4-Ethyl-2,5-dimethoxyphenethylamine (other name: 2C-E);
4-Iodo-2,5-dimethoxyphenethylamine (other name: 2C-I);
4-Methylethcathinone (other name: 4-MEC);
4-Ethylmethcathinone (other name: 4-EMC);
N,N-diallyl-5-methoxytryptamine (other name: 5-MeO-DALT);
Beta-keto-methylbenzodioxolylpentanamine (other names: Pentylone, bk-MBDP);
Alpha-methylamino-butyrophenone (other name: Buphedrone);
Alpha-methylamino-valerophenone (other name: Pentedrone);
3,4-Dimethylmethcathinone (other name: 3,4-DMMC);
4-methyl-alpha-pyrrolidinopropiophenone (other name: MPPP);
4-Iodo-2,5-dimethoxy-N-[(2-methoxyphenyl)methyl]-benzeneethanamine (other names: 25-I, 25I-NBOMe, 2C-I-NBOMe);
Methoxetamine (other names: MXE, 3-MeO-2-Oxo-PCE);
4-Fluoromethamphetamine (other name: 4-FMA);
4-Fluoroamphetamine (other name: 4-FA);
2-(2,5-Dimethoxy-4-methylphenyl)ethanamine (other name: 2C-D);
2-(4-Chloro-2,5-dimethoxyphenyl)ethanamine (other name: 2C-C);
2-[4-(Ethylthio)-2,5-dimethoxyphenyl]ethanamine (other name: 2C-T-2);
2-[4-(Isopropylthio)-2,5-dimethoxyphenyl]ethanamine (other name: 2C-T-4);
2-(2,5-Dimethoxyphenyl)ethanamine (other name: 2C-H);
2-(2,5-Dimethoxy-4-nitro-phenyl)ethanamine (other name: 2C-N);
2-(2,5-Dimethoxy-4-(n)-propylphenyl)ethanamine (other name: 2C-P);
(2-aminopropyl)benzofuran (other name: APB);
(2-aminopropyl)-2,3-dihydrobenzofuran (other name: APDB);
4-chloro-2,5-dimethoxy-N-[(2-methoxyphenyl)methyl]-benzeneethanamine (other names: 2C-C-NBOMe, 25C-NBOMe, 25C);
4-bromo-2,5-dimethoxy-N-[(2-methoxyphenyl)methyl]-benzeneethanamine (other names: 2C-B-NBOMe, 25B-NBOMe, 25B);
Acetoxydimethyltryptamine (other names: AcO-Psilocin, AcO-DMT, Psilacetin);
Benocyclidine (other names: BCP, BTCP);
Alpha-pyrrolidinobutiophenone (other name: alpha-PBP);
3,4-methylenedioxy-N,N-dimethylcathinone (other names: Dimethylone, bk-MDDMA);
4-bromomethcathinone (other name: 4-BMC);
4-chloromethcathinone (other name: 4-CMC);
4-Iodo-2,5-dimethoxy-N-[(2-hydroxyphenyl)methyl]-benzeneethanamine (other name: 25I-NBOH);
Alpha-Pyrrolidinohexiophenone (other name: alpha-PHP);
Alpha-Pyrrolidinoheptiophenone (other name: PV8);
5-methoxy-N,N-methylisopropyltryptamine (other name: 5-MeO-MIPT);
Beta-keto-N,N-dimethylbenzodioxolylbutanamine (other names: Dibutylone, bk-DMBDB);
Beta-keto-4-bromo-2,5-dimethoxyphenethylamine (other name: bk-2C-B);
1-(1,3-benzodioxol-5-yl)-2-(ethylamino)-1-pentanone (other name: N-ethylpentylone);
1-[1-(3-methoxyphenyl)cyclohexyl]piperidine (other name: 3-methoxy PCP);
1-[1-(4-methoxyphenyl)cyclohexyl]piperidine (other name: 4-methoxy PCP);
4-Chloroethcathinone (other name: 4-CEC);
3-Methoxy-2-(methylamino)-1-(4-methylphenyl)-1-propanone (other name: Mexedrone);

1-propionyl lysergic acid diethylamide (other name: 1P-LSD);
(2-Methylaminopropyl)benzofuran (other name: MAPB);
1-(1,3-benzodioxol-5-yl)-2-(dimethylamino)-1-pentanone (other names: N,N-Dimethylpentylone, Dipentylone);
1-(4-methoxyphenyl)-2-(pyrrolidin-1-yl)octan-1-one (other name: 4-methoxy-PV9);
3,4-tetramethylene-alpha-pyrrolidinovalerophenone (other name: TH-PVP);
4-allyloxy-3,5-dimethoxyphenethylamine (other name: Allylescaline);
4-Bromo-2,5-dimethoxy-N-[(2-hydroxyphenyl)methyl]-benzeneethanamine (other name: 25B-NBOH);
4-chloro-alpha-methylamino-valerophenone (other name: 4-chloropentedrone);
4-chloro-alpha-Pyrrolidinovalerophenone (other name: 4-chloro-alpha-PVP);
4-fluoro-alpha-Pyrrolidinoheptiophenone (other name: 4-fluoro-PV8);
4-hydroxy-N,N-diisopropyltryptamine (other name: 4-OH-DIPT);
4-methyl-alpha-ethylaminopentiophenone;
4-methyl-alpha-Pyrrolidinohexiophenone (other name: MPHP);
5-methoxy-N,N-dimethyltryptamine (other name: 5-MeO-DMT);
5-methoxy-N-ethyl-N-isopropyltryptamine (other name: 5-MeO-EIPT);
6-ethyl-6-nor-lysergic acid diethylamide (other name: ETH-LAD);
6-allyl-6-nor-lysergic acid diethylamide (other name: AL-LAD);
(N-methyl aminopropyl)-2,3-dihydrobenzofuran (other name: MAPDB);
2-(methylamino)-2-phenyl-cyclohexanone (other name: Deschloroketamine);
2-(ethylamino)-2-phenyl-cyclohexanone (other name: deschloro-N-ethyl-ketamine);
2-methyl-1-(4-(methylthio)phenyl)-2-morpholinopropiophenone (other name: MMMP);
Alpha-ethylaminohexanophenone (other name: N-ethylhexedrone);
N-ethyl-1-(3-methoxyphenyl)cyclohexylamine (other name: 3-methoxy-PCE);
4-fluoro-alpha-pyrrolidinohexiophenone (other name: 4-fluoro-alpha-PHP);
N-ethyl-1,2-diphenylethylamine (other name: Ephenidine);
2,5-dimethoxy-4-chloroamphetamine (other name: DOC);
3,4-methylenedioxy-N-tert-butylcathinone;
Alpha-pyrrolidinoisohexiophenone (other name: alpha-PiHP);
1-[1-(3-hydroxyphenyl)cyclohexyl]piperidine (other name: 3-hydroxy PCP);
4-acetyloxy-N,N-diallyltryptamine (other name: 4-AcO-DALT);
4-hydroxy-N,N-methylisopropyltryptamine (other name: 4-hydroxy-MiPT);
3,4-Methylenedioxy-alpha-pyrrolidinohexanophenone (other name: MDPHP);
5-methoxy-N,N-dibutyltryptamine (other name: 5-methoxy-DBT);
1-(1,3-benzodioxol-5-yl)-2-(ethylamino)-1-butanone (other names: Eutylone, bk-EBDB);
1-(1,3-benzodioxol-5-yl)-2-(butylamino)-1-pentanone (other name: N-butylpentylone);
N-benzyl-3,4-dimethoxyamphetamine (other name: N-benzyl-3,4-DMA);
1-(benzo[d][1,3]dioxol-5-yl)-2-(sec-butylamino)pentan-1-one (other name: N-sec-butyl Pentylone);
1-cyclopropionyl lysergic acid diethylamide (other name: 1cP-LSD);
2-(ethylamino)-1-phenylheptan-1-one (other name: N-ethylheptedrone);
(2-ethylaminopropyl)benzofuran (other name: EAPB);
4-ethyl-2,5-dimethoxy-N-[(2-hydroxyphenyl)methyl]-benzeneethanamine (other name: 25E-NBOH);
2-fluoro-Deschloroketamine (other name: 2-(2-fluorophenyl)-2-(methylamino)-cyclohexanone);
4-hydroxy-N-ethyl-N-propyltryptamine (other name: 4-hydroxy-EPT);
2-(isobutylamino)-1-phenylhexan-1-one (other names: N-Isobutyl Hexedrone, alpha-isobutylaminohexanphenone);
1-(4-methoxyphenyl)-N-methylpropan-2-amine (other names: para-Methoxymethamphetamine, PMMA);
N-ethyl-1-(3-hydroxyphenyl)cyclohexylamine (other name: 3-hydroxy-PCE);
N-heptyl-3,4-dimethoxyamphetamine (other name: N-heptyl-3,4-DMA);
N-hexyl-3,4-dimethoxyamphetamine (other name: N-hexyl-3,4-DMA);
4-fluoro-3-methyl-alpha-pyrrolidinovalerophenone (other name: 4-fluoro-3-methyl-alpha-PVP);
4-fluoro-alpha-methylamino-valerophenone (other name: 4-fluoropentedrone);
N-(1,4-dimethylpentyl)-3,4-dimethoxyamphetamine (other name: N-(1,4-dimethylpentyl)-3,4-DMA);
4,5-methylenedioxy-N,N-diisopropyltryptamine (other name: 4,5-MDO-DiPT);
Alpha-pyrrolidinocyclohexanophenone (other name: alpha-PCYP);
3,4-methylenedioxy-alpha-pyrrolidinoheptiophenone (other name: MDPV8);
4-chloro-alpha-methylaminobutiophenone (other name: 4-chloro Buphedrone);
1-(1,3-benzodioxol-5-yl)-2-(cyclohexylamino)butan-1-one (other names: Cybutylone, N-cyclohexyl Butylone);
1-(1,3-benzodioxol-5-yl)-2-(propylamino)-1-butanone (other names: 3,4-Methylenedioxy-alpha-propylaminobutiophenone; N-propyl butylone);
1-[1-(3-chlorophenyl)cyclohexyl]-piperidine (other names: 3-Chloro Phencyclidine, 3Cl-PCP, 3-chloro PCP);
1-[1-(3-fluorophenyl)cyclohexyl]piperidine (other names: 3-fluoro Phencyclidine, 3F-PCP);

1-(7-methoxy-1,3-benzodioxol-5-yl)propan-2-amine (other names: 5-methoxy-3,4-methylenedioxyamphetamine, 3-methoxy MDA, MMDA);

2-(ethylamino)-1-phenylpentan-1-one (other names: N-ethylpentedrone, alpha-ethylaminopentiophenone);

2-(ethylamino)-2-(2-fluorophenyl)-cyclohexanone (other names: 2-fluoro-2-oxo PCE, 2-fluoro NENDCK);

3,4-methylenedioxy-alpha-cyclohexylaminopropiophenone (other name: Cyputylone);

3,4-methylenedioxy-alpha-cyclohexylmethylaminopropiophenone (other name: 3,4-Methylenedioxy-N,N-cyclohexylmethcathinone);

3,4-methylenedioxy-alpha-isopropylaminobutiophenone (other name: N-isopropyl butylone);

4-chloro-N-butylcathinone (other names: 4-chlorobutylcathinone, para-chloro-N-butylcathinone);

4-hydroxy-N-methyl-N-ethyltryptamine (other names: 4-hydroxy MET, Metocin);

4-methallyloxy-3,5-dimethoxyphenethylamine (other name: Methallylescaline);

Alpha-pyrrolidino-2-phenylacetophenone (other name: alpha-D2PV).

4. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system, including its salts, isomers and salts of isomers whenever the existence of such salts, isomers and salts of isomers is possible within the specific chemical designation:

5-(2-chlorophenyl)-1,3-dihydro-3-methyl-7-nitro-2H-1,4-benzodiazepin-2-one (other name: Meclonazepam);

7-chloro-5-(2-fluorophenyl)-1,3-dihydro-1,4-benzodiazepin-2-one (other name: Norfludiazepam);

Bromazolam;

Clonazolam;

Deschloroetizolam;

Etizolam;

Flualprazolam;

Flubromazepam;

Flubromazolam;

Gamma hydroxybutyric acid (some other names include GHB; gamma hydroxybutyrate; 4-hydroxybutyrate; 4-hydroxybutanoic acid; sodium oxybate; sodium oxybutyrate);

Mecloqualone;

Methaqualone*;*

6-(4-chlorophenyl)-1-methyl-4H-[1,2,4]triazolo[4,3-a][1,4]benzodiazepine (other names: 4'-chloro Deschloroalprazolam, 4'Cl-Deschloroalprazolam);

7-bromo-5-phenyl-1,3-dihydro-1,4-benzodiazepin-2-one (other names: Desalkylgidazepam, Bromonordiazepam);

7-chloro-5-(2-chlorophenyl)-1-methyl-3H-1,4-benzodiazepin-2-one (other names: Diclazepam, 2-Chlorodiazepam);

8-bromo-6-(2-chlorophenyl)-1-methyl-4H-[1,2,4]triazolo[4,3-a][1,4]benzodiazepine (other names: Clobromazolam, Phenazolam).

5. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers and salts of isomers:

2-(3-fluorophenyl)-3-methylmorpholine (other name: 3-fluorophenmetrazine);

Aminorex (some trade or other names; aminoxaphen; 2-amino-5-phenyl-2-oxazoline; 4,5-dihydro-5-phenyl-2-oxazolamine);

Cathinone (some trade or other names: 2-amino-1-phenyl-1-propanone, alpha-aminopropiophenone, 2-aminopropiophenone, norephedrone), and any plant material from which Cathinone may be derived;

Cis-4-methylaminorex (other name: cis-4,5-dihydro-4-methyl-5-phenyl-2-oxazolamine);

Ethylamphetamine;

Ethyl phenyl(piperidin-2-yl)acetate (other name: Ethylphenidate);

Fenethylline;

Methcathinone (some other names: 2-(methylamino)-propiophenone; alpha-(methylamino)-propiophenone; 2-(methylamino)-1-phenylpropan-1-one; alpha-N-methylaminopropiophenone; monomethylpropion; ephedrone; N-methylcathinone; methylcathinone; AL-464; AL-422; AL-463 and UR 1432);

N-Benzylpiperazine (some other names: BZP, 1-benzylpiperazine);

N-methyl-1-(thiophen-2-yl)propan-2-amine (other name: methiopropamine);

N,N-dimethylamphetamine (other names: N,N-alpha-trimethyl-benzeneethanamine, N,N-alpha-trimethylphenethylamine);

N-phenyl-N'-(3-(1-phenylpropan-2-yl)-1,2,3-oxadiazol-3-ium-5-yl)carbamimidate (other name: mesocarb);

Methyl 2-(4-fluorophenyl)-2-(2-piperidinyl)acetate (other name: 4-fluoromethylphenidate);

Isopropyl-2-phenyl-2-(2-piperidinyl)acetate (other name: Isopropylphenidate);

2-(3-chlorophenyl)-3-methylmorpholine (other name: 3-chlorophenmetrazine);

4-chloro-N,N-dimethylcathinone;

3,4-methylenedioxy-N-benzylcathinone (other name: BMDP);

4-methylmethamphetamine (other names: N-alpha,4-trimethyl-benzeneethanamine, 4-MMA)*;*

4-methyl-5-(4-methylphenyl)-4,5-dihydro-1,3-oxazol-2-amine (other names: 4,4'-Dimethylaminorex, 4,4'-DMAR);

7-[(10,11-dihydro-5H-dibenzo[a,d]cyclohepten-5-yl)amino]heptanoic acid (other name: amineptine).

6. Any substance that contains one or more cannabimimetic agents or that contains their salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation, and any preparation, mixture, or substance containing, or mixed or infused with, any detectable amount of one or more cannabimimetic agents.

a. "Cannabimimetic agents" includes any substance that is within any of the following structural classes:

2-(3-hydroxycyclohexyl)phenol with substitution at the 5-position of the phenolic ring by alkyl or alkenyl, whether or not substituted on the cyclohexyl ring to any extent;

3-(1-naphthoyl)indole or 1H-indol-3-yl-(1-naphthyl)methane with substitution at the nitrogen atom of the indole ring, whether or not further substituted on the indole ring to any extent, whether or not substituted on the naphthoyl or naphthyl ring to any extent;

3-(1-naphthoyl)pyrrole with substitution at the nitrogen atom of the pyrrole ring, whether or not further substituted in the pyrrole ring to any extent, whether or not substituted on the naphthoyl ring to any extent;

1-(1-naphthylmethyl)indene with substitution of the 3-position of the indene ring, whether or not further substituted in the indene ring to any extent, whether or not substituted on the naphthyl ring to any extent;

3-phenylacetylindole or 3-benzoylindole with substitution at the nitrogen atom of the indole ring, whether or not further substituted in the indole ring to any extent, whether or not substituted on the phenyl ring to any extent;

3-cyclopropoylindole with substitution at the nitrogen atom of the indole ring, whether or not further substituted on the indole ring to any extent, whether or not substituted on the cyclopropyl ring to any extent;

3-adamantoylindole with substitution at the nitrogen atom of the indole ring, whether or not further substituted on the indole ring to any extent, whether or not substituted on the adamantyl ring to any extent;

N-(adamantyl)-indole-3-carboxamide with substitution at the nitrogen atom of the indole ring, whether or not further substituted on the indole ring to any extent, whether or not substituted on the adamantyl ring to any extent; and

N-(adamantyl)-indazole-3-carboxamide with substitution at a nitrogen atom of the indazole ring, whether or not further substituted on the indazole ring to any extent, whether or not substituted on the adamantyl ring to any extent.

b. The term "cannabimimetic agents" includes:

5-bromo-N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1H-indazole-3-carboxamide (other name: ADB-5Br-INACA);

5-(1,1-Dimethylheptyl)-2-[3-hydroxycyclohexyl]-phenol (other name: CP 47,497);

5-(1,1-Dimethylhexyl)-2-[3-hydroxycyclohexyl]-phenol (other name: CP 47,497 C6 homolog);

5-(1,1-Dimethyloctyl)-2-[3-hydroxycyclohexyl]-phenol (other name: CP 47,497 C8 homolog);

5-(1,1-Dimethylnonyl)-2-[3-hydroxycyclohexyl]-phenol (other name: CP 47,497 C9 homolog);

1-pentyl-3-(1-naphthoyl)indole (other names: JWH-018, AM-678);

1-butyl-3-(1-naphthoyl)indole (other name: JWH-073);

1-pentyl-3-(2-methoxyphenylacetyl)indole (other name: JWH-250);

1-hexyl-3-(naphthalen-1-oyl)indole (other name: JWH-019);

1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole (other name: JWH-200);

(6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tet rahydrobenzo[c]chromen-1-ol (other name: HU-210);

1-pentyl-3-(4-methoxy-1-naphthoyl)indole (other name: JWH-081);

1-pentyl-3-(4-methyl-1-naphthoyl)indole (other name: JWH-122);

1-pentyl-3-(2-chlorophenylacetyl)indole (other name: JWH-203);

1-pentyl-3-(4-ethyl-1-naphthoyl)indole (other name: JWH-210);

1-pentyl-3-(4-chloro-1-naphthoyl)indole (other name: JWH-398);

1-(5-fluoropentyl)-3-(2-iodobenzoyl)indole (other name: AM-694);

1-((N-methylpiperidin-2-yl)methyl)-3-(1-naphthoyl)indole (other name: AM-1220);

1-(5-fluoropentyl)-3-(1-naphthoyl)indole (other name: AM-2201);

1-[(N-methylpiperidin-2-yl)methyl]-3-(2-iodobenzoyl)indole (other name: AM-2233);

Pravadoline (4-methoxyphenyl)-[2-methyl-1-(2-(4-morpholinyl)ethyl)indol-3-yl]methanone (other name: WIN 48,098);

1-pentyl-3-(4-methoxybenzoyl)indole (other names: RCS-4, SR-19);

1-(2-cyclohexylethyl)-3-(2-methoxyphenylacetyl)indole (other names: RCS-8, SR-18);

1-pentyl-3-(2,2,3,3-tetramethylcyclopropylmethanone)indole (other name: UR-144);

1-(5-fluoropentyl)-3-(2,2,3,3-tetramethylcyclopropylmethanone)indole (other names: XLR-11, 5-fluoro-UR-144);

N-adamantyl-1-fluoropentylindole-3-carboxamide (other name: STS-135);

N-adamantyl-1-pentylindazole-3-carboxamide (other names: AKB48, APINACA);

1-pentyl-3-(1-adamantoyl)indole (other name: AB-001);

(8-quinolinyl)(1-pentylindol-3-yl)carboxylate (other name: PB-22);

(8-quinolinyl)(1-(5-fluoropentyl)indol-3-yl)carboxylate (other name: 5-fluoro-PB-22);

(8-quinolinyl)(1-cyclohexylmethyl-indol-3-yl)carboxylate (other name: BB-22);

N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-5-bromo-1-butylindazole-3-carboxamide (other name: ADB-5'Br-BUTINACA);

N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-pentylindazole-3-carboxamide (other name: AB-PINACA);

N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)indazole-3-carboxamide (other name: AB-FUBINACA);

1-(5-fluoropentyl)-3-(1-naphthoyl)indazole (other name: THJ-2201);

N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-pentylindazole-3-carboxamide (other name: ADB-PINACA);

N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)indazole-3-carboxamide (other name: AB-CHMINACA);

N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(5-fluoropentyl)indazole-3-carboxamide (other name: 5-fluoro-AB-PINACA);

N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)indazole-3-carboxamide (other names: ADB-CHMINACA, MAB-CHMINACA);

Methyl N-[(5-bromo-1H-indazol-3-yl)carbonyl]-3-methyl-valinate (other name: MDMB-5Br-INACA);

Methyl-2-(1-(5-fluoropentyl)-1H-indazole-3-carboxamido)-3-methylbutanoate (other name: 5-fluoro-AMB);

1-naphthalenyl 1-(5-fluoropentyl)-1H-indole-3-carboxylate (other name: NM-2201);

1-(4-fluorobenzyl)-3-(2,2,3,3-tetramethylcyclopropylmethanone)indole (other name: FUB-144);

1-(5-fluoropentyl)-3-(4-methyl-1-naphthoyl)indole (other name MAM-2201);

N-(1-Amino-3,3-dimethyl-1-oxobutan-2-yl)-1-[(4-fluorophenyl)methyl]-1H-indazole-3-carboxamide (other name: ADB-FUBINACA);

Methyl 2-[1-[(4-fluorophenyl)methyl]-1H-indazole-3-carboxamido]-3,3-dimethylbutanoate (other name: MDMB-FUBINACA);

Methyl 2-[1-(5-fluoropentyl)-1H-indazole-3-carboxamido]-3,3-dimethylbutanoate (other names: 5-fluoro-ADB, 5-Fluoro-MDMB-PINACA);

Methyl 2-({1-[(4-fluorophenyl)methyl]-1H-indazole-3-carbonyl}amino)-3-methylbutanoate (other names: AMB-FUBINACA, FUB-AMB);

N-(adamantan-1-yl)-1-(4-fluorobenzyl)-1H-indazole-3-carboxamide (other names: FUB-AKB48, 5F-APINACA);

N-(adamantan-1-yl)-1-(5-fluoropentyl)-1H-indazole-3-carboxamide (other name: 5F-AKB48);

N-(adamantanyl)-1-(5-chloropentyl) indazole-3-carboxamide (other name: 5-chloro-AKB48);

Naphthalen-1-yl 1-pentyl-1H-indazole-3-carboxylate (other name: SDB-005);

N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)indole-3-carboxamide (other name: AB-CHMICA);

1-pentyl-N-(phenylmethyl)-1H-indole-3-carboxamide (other name: SDB-006);

Quinolin-8-yl 1-(4-fluorobenzyl)-1H-indole-3-carboxylate (other name: FUB-PB-22);

Methyl N-[1-(cyclohexylmethyl)-1H-indole-3-carbonyl]valinate (other name: MMB-CHMICA);

N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(5-fluoropentyl)indazole-3-carboxamide (other name: 5-fluoro-ADB-PINACA);

1-(4-cyanobutyl)-N-(1-methyl-1-phenylethyl)-1H-indazole-3-carboxamide (other name: 4-cyano CUMYL-BUTINACA);

Methyl 2-[1-(5-fluoropentyl)-1H-indole-3-carboxamido]-3,3-dimethylbutanoate (other names: 5-fluoro MDMB-PICA, 5F-MDMB-PICA);

Ethyl 2-({1-[(4-fluorophenyl)methyl]-1H-indazole-3-carbonyl}amino)-3-methylbutanoate (other name: EMB-FUBINACA);

Methyl 2-[1-4-fluorobutyl)-1H-indazole-3-carboxamido]-3,3-dimethylbutanoate (other name: 4-fluoro-MDMB-BUTINACA);

1-(5-fluoropentyl)-N-(1-methyl-1-phenylethyl)-1H-indole-3-carboxamide (other name: 5-fluoro CUMYL-PICA);

Methyl 2-[1-(pent-4-enyl)-1H-indazole-3-carboxamindo]-3,3-dimethylbutanoate (other name: MDMB-4en-PINACA);

Methyl 2-({1-[(4-fluorophenyl)methyl]-1H-indole-3-carbonyl}amino)-3-methylbutanoate (other names: MMB-FUBICA, AMB-FUBICA);

Methyl 2-[1-(4-penten-1-yl)-1H-indole-3-carboxamido]-3-methylbutanoate (other names: MMB022, MMB-4en-PICA);

Methyl 2-[1-(5-fluoropentyl)-1H-indole-3-carboxamido]-3-methylbutanoate (other name: MMB 2201);

Methyl 2-[1-(5-fluoropentyl)-1H-indole-3-carboxamido]-3-phenylpropanoate (other name: 5-fluoro-MPP-PICA);

N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-butylindazole-3-carboxamide (other name: ADB-BUTINACA);

N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(5-chloropentyl)indazole-3-carboxamide (other name: 5-chloro-AB-PINACA);

1-(5-fluoropentyl)-N-(2-phenylpropan-2-yl)-1H-indazole-3-carboxamide (other names: 5F-CUMYL-PINACA, 5-fluoro CUMYL-PINACA, CUMYL-5F-PINACA);

1-(5-fluoropentyl)-N-(2-phenylpropan-2-yl)pyrrolo[2,3-b]pyridine-3-carboxamide (other name: 5F-CUMYL-P7AICA);

Ethyl 2-[1-(5-fluoropentyl)-1H-indazole-3-carboxamido]-3,3-dimethylbutanoate (other names: 5F-EDMB-PINACA, 5-fluoro EDMB-PINACA);

Ethyl-2-[1-(5-fluoropentyl)-1H-indazole-3-carboxamido]-3-methylbutanoate (other names: 5-fluoro-EMB-PINACA, 5F-AEB);

Ethyl 2-[1-(5-fluoropentyl)-1H-indole-3-carboxamido]-3-methylbutanoate (other name: 5-fluoro-EMB-PICA);

Ethyl-2-[1-(5-fluoropentyl)-1H-indole-3-carboxamido]-3,3-dimethylbutanoate (other name: 5-fluoro EDMB-PICA);

Methyl 2-[1-(4-fluorobutyl)-1H-indole-3-carboxamido]-3,3-dimethylbutanoate (other name: 4-fluoro-MDMB-BUTICA);

Methyl 2-(1-(cyclohexylmethyl)-1H-indole-3-carboxamido)-3,3-dimethylbutanoate (other names: MDMB-CHMICA, MMB-CHMINACA);

N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(pent-4-enyl)indazole-3-carboxamide (other name: ADB-4en-PINACA);

Ethyl 2-[1-pentyl-1H-indazole-3-carboxamido]-3,3-dimethylbutanoate (other name: EDMB-PINACA);

N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-phenethyl-1H-indazole-3-carboxamide (other name: ADB-PHETINACA);

N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)-1H-indole-3-acetamide (other names: ADB-FUBIATA, AD-18, FUB-ACADB).

§ 54.1-3448. Schedule II.

The controlled substances listed in this section are included in Schedule II:

1. Any of the following substances, except those narcotic drugs listed in other schedules, whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by combination of extraction and chemical synthesis:

Opium and opiate, and any salt, compound, derivative, or preparation of opium or opiate, excluding apomorphine, thebaine-derived butorphanol, dextrorphan, nalbuphine, naldemedine, nalmefene, naloxone, naltrexone and their respective salts, but including the following:

Raw opium;

Opium extracts;

Opium fluid extracts;

Powdered opium;

Granulated opium;

Tincture of opium;

Codeine;

Dihydroetorphine;

Ethylmorphine;

Etorphine hydrochloride;

Hydrocodone;

Hydromorphone;

Metopon;

Oripavine (3-O-demethylthebaine or 6,7,8,14-tetradehydro-4, 5-alpha-epoxy-6-methoxy-17-methylmorphinan-3-ol);

Morphine;

Noroxymorphone;

Oxycodone;

Oxymorphone;

Thebaine.

Any salt, compound, isomer, derivative, or preparation thereof which is chemically equivalent or identical with any of the substances referred to in this subdivision, but not including the isoquinoline alkaloids of opium.

Opium poppy and poppy straw.

Coca leaves and any salt, compound, derivative, or preparation of coca leaves, and any salt, compound, derivative, or preparation thereof which is chemically equivalent or identical with any of these substances, but not including decocainized coca leaves or extractions which do not contain cocaine or ecgonine; cocaine or any salt or isomer thereof.

Concentrate of poppy straw, the crude extract of poppy straw in either liquid, solid or powder form, which contains the phenanthrene alkaloids of the opium poppy.

2. Any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, whenever the existence of these isomers, esters, ethers and salts is possible within the specific chemical designation:

Alfentanil;

Alphaprodine;

Anileridine;

Bezitramide;

Bulk dextropropoxyphene (nondosage forms);

Carfentanil;

Dihydrocodeine;

Diphenoxylate;

Fentanyl;

Isomethadone;
Levo-alphacetylmethadol (levo-alpha-acetylmethadol)(levomethadyl acetate)(LAAM);
Levomethorphan;
Levorphanol;
Metazocine;
Methadone;
Methadone — Intermediate, 4-cyano-2-dimethylamino-4, 4-diphenyl butane;
Moramide — Intermediate, 2-methyl-3-morpholino-1, 1-diphenyl-propane-carboxylicacid;
Oliceridine;
Pethidine (other name: meperidine);
Pethidine — Intermediate — A, 4-cyano-1-methyl-4-phenylpiperidine;
Pethidine — Intermediate — B, ethyl-4-phenylpiperidine-4-carboxylate;
Pethidine — Intermediate — C, 1-methyl-4-phenylpiperidine-4-carboxylic acid;
Phenazocine;
Piminodine;
Racemethorphan;
Racemorphan;
Remifentanil;
Sufentanil;
Tapentadol;
Thiafentanil.

3. Any material, compound, mixture or preparation which contains any quantity of the following substances having a potential for abuse associated with a stimulant effect on the central nervous system:

Amphetamine, its salts, optical isomers, and salts of its optical isomers;
Phenmetrazine and its salts;
Any substance which contains any quantity of methamphetamine, including its salts, isomers, and salts of isomers;
Methylphenidate;
Lisdexamfetamine, its salts, isomers, and salts of its isomers.

4. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system, including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

Amobarbital;
Glutethimide;
Secobarbital;
Pentobarbital;
Phencyclidine.

5. The following hallucinogenic substances:

Nabilone;
Dronabinol ((-)-delta-9-trans tetrahydrocannabinol) in an oral solution in a drug product approved for marketing by the U.S. Food and Drug Administration.

6. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances which are:

a. Immediate precursors to amphetamine and methamphetamine:
Phenylacetone.
b. Immediate precursor to phencyclidine:
1-phenylcyclohexylamine;
1-piperidinocyclohexanecarbonitrile (other name: PCC).
c. Immediate precursor to fentanyl:
4-anilino-N-phenethyl-4-piperidine (ANPP).

§ 54.1-3452. Schedule IV.

The controlled substances listed in this section are included in Schedule IV unless specifically excepted or listed in another schedule:

1. Any material, compound, mixture, or preparation which contains any quantity of the following substances having a potential for abuse associated with a depressant effect on the central nervous system:

Alfaxalone (5[alpha]-pregnan-3[alpha]-ol-11,20-dione), previously spelled "alphaxalone," including its salts, isomers, and salts of isomers;
Alprazolam;
Barbital;
Brexanolone;
Bromazepam;

Camazepam;
Carisoprodol;
Chloral betaine;
Chloral hydrate;
Chlordiazepoxide;
Clobazam;
Clonazepam;
Clorazepate;
Clotiazepam;
Cloxazolam;
Daridorexant;
Delorazepam;
Diazepam;
Dichloralphenazone;
Estazolam;
Ethchlorvynol;
Ethinamate;
Ethyl loflazepate;
Fludiazepam;
Flunitrazepam;
Flurazepam;
Fospropofol;
Halazepam;
Haloxazolam;
Ketazolam;
Lemborexant;
Loprazolam;
Lorazepam;
Lormetazepam;
Mebutamate;
Medazepam;
Methohexital;
Meprobamate;
Methylphenobarbital;
Midazolam;
Nimetazepam;
Nitrazepam;
Nordiazepam;
Oxazepam;
Oxazolam;
Paraldehyde;
Petrichloral;
Phenobarbital;
Pinazepam;
Prazepam;
Quazepam;
Remimazolam;
Suvorexant ([(7R)-4-(5-chloro-1,3-benzoxazol-2-yl)-7-methyl-1,4-diazepan-1-yl][5-methyl-2- (2H-1, 2, 3-triazol-2-yl)phenyl]methanone), including its salts, isomers, and salts of isomers;
Temazepam;
Tetrazepam;
Triazolam;
Zaleplon;
Zolpidem;
Zopiclone.

2. Any compound, mixture or preparation which contains any quantity of the following substances including any salts or isomers thereof:

~~Fenfluramine;~~

Lorcaserin.

3. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including

its salts, isomers (whether optical, position, or geometric), and salts of such isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

Cathine (+)-norpseudoephedrine;

Diethylpropion;

Fencamfamin;

Fenproprex;

Mazindol;

Mefenorex;

Modafinil;

Phentermine;

Pemoline (including organometallic complexes and chelates thereof);

Pipradrol;

Serdexmethylphenidate;

Sibutramine;

Solriamfetol (2-amino-3-phenylpropyl carbamate);

SPA (-)-1-dimethylamino-1,2-diphenylethane.

4. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation containing any of the following narcotic drugs, or their salts calculated as the free anhydrous base or alkaloid, in limited quantities as set forth below:

Dextropropoxyphene (alpha-(+)-4-dimethylamino-1,2-diphenyl-3-methyl-2-propionoxybutane);

Not more than 1 milligram of difenoxin and not less than 25 micrograms of atropine sulfate per dosage unit;

2-[(dimethylamino) methyl]-1-(3-methoxyphenyl)cyclohexanol, its salts, optical and geometric isomers, and salts of such isomers, including tramadol.

5. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances, including their salts:

Butorphanol (including its optical isomers);

Eluxadoline (including its optical isomers and its salts, isomers, and salts of isomers);

Pentazocine.

6. The Board may except by regulation any compound, mixture, or preparation containing any depressant substance listed in subdivision 1 from the application of all or any part of this chapter if the compound, mixture, or preparation contains one or more active medicinal ingredients not having a depressant effect on the central nervous system, and if the admixtures are included therein in combinations, quantity, proportion, or concentration that vitiate the potential for abuse of the substances which have a depressant effect on the central nervous system.

§ 54.1-3454. Schedule V.

The controlled substances listed in this section are included in Schedule V:

1. Any compound, mixture, or preparation containing limited quantities of any of the following narcotic drugs, which also contains one or more nonnarcotic active medicinal ingredients in sufficient proportion to confer upon the compound, mixture, or preparation, valuable medicinal qualities other than those possessed by the narcotic drug alone:

Not more than 200 milligrams of codeine, or any of its salts, per 100 milliliters or per 100 grams;

Not more than 100 milligrams of dihydrocodeine, or any of its salts, per 100 milliliters or per 100 grams;

Not more than 100 milligrams of ethylmorphine, or any of its salts, per 100 milliliters or per 100 grams;

Not more than 2.5 milligrams of diphenoxylate and not less than 25 micrograms of atropine sulfate per dosage unit;

Not more than 100 milligrams of opium per 100 milliliters or per 100 grams;

Not more than 0.5 milligrams of difenoxin and not less than 25 micrograms of atropine sulfate per dosage unit.

The Board may except by regulation any compound, mixture, or preparation containing any depressant substance listed in subdivision 1 from the application of all or any part of this chapter and such substances so excepted may be dispensed pursuant to § 54.1-3416.

2. Unless specifically excepted or listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers, and salts of isomers:

Pyrovalerone.

3. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of the following substances having a depressant effect on the central nervous system, including its salts:

Brivaracetam ((2S)-2-[(4R)-2-oxo-4-propylpyrrolidin-1-yl] butanamide) (also referred to as BRV; UCB-34714; Briviact);

Ezogabine [N-[2-amino-4-(4-fluorobenzylamino)-phenyl]-carbamic acid ethyl ester]-2779;

Gabapentin [1-(aminomethyl)cyclohexaneacetic acid];

Ganaxolone;

Lacosamide [(R)-2-acetoamido-N-benzyl-3-methoxy-propionamide];

Lasmiditan [2,4,6-trifluoro-N-(6-(1-methylpiperidine-4-carbonyl)pyridine-2-yl-benzamide];

Pregabalin [(S)-3-(aminomethyl)-5-methylhexanoic acid].

2. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation is $0 for periods of imprisonment in state adult correctional facilities and is $0 for periods of commitment to the custody of the Department of Juvenile Justice.

CHAPTER 63

An Act to amend and reenact §§ 54.1-3401, 54.1-3423, and 54.1-3434.02 of the Code of Virginia, relating to crisis stabilization services; facilities licensed by Department of Behavioral Health and Developmental Services; nursing homes; dispensing and administration of drugs; emergency.

[H 1336]

Approved March 8, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 54.1-3401, 54.1-3423, and 54.1-3434.02 of the Code of Virginia are amended and reenacted as follows:

§ 54.1-3401. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Administer" means the direct application of a controlled substance, whether by injection, inhalation, ingestion, or any other means, to the body of a patient or research subject by (i) a practitioner or by his authorized agent and under his direction or (ii) the patient or research subject at the direction and in the presence of the practitioner.

"Advertisement" means all representations disseminated in any manner or by any means, other than by labeling, for the purpose of inducing, or which are likely to induce, directly or indirectly, the purchase of drugs or devices.

"Agent" means an authorized person who acts on behalf of or at the direction of a manufacturer, distributor, or dispenser. ~~It~~ *"Agent"* does not include a common or contract carrier, public warehouseman, or employee of the carrier or warehouseman.

"Anabolic steroid" means any drug or hormonal substance, chemically and pharmacologically related to testosterone, other than estrogens, progestins, corticosteroids, and dehydroepiandrosterone.

"Animal" means any nonhuman animate being endowed with the power of voluntary action.

"Automated drug dispensing system" means a mechanical or electronic system that performs operations or activities, other than compounding or administration, relating to pharmacy services, including the storage, dispensing, or distribution of drugs and the collection, control, and maintenance of all transaction information, to provide security and accountability for such drugs.

"Biological product" means a virus, therapeutic serum, toxin, antitoxin, vaccine, blood, blood component or derivative, allergenic product, protein other than a chemically synthesized polypeptide, or analogous product, or arsphenamine or any derivative of arsphenamine or any other trivalent organic arsenic compound, applicable to the prevention, treatment, or cure of a disease or condition of human beings.

"Biosimilar" means a biological product that is highly similar to a specific reference biological product, notwithstanding minor differences in clinically inactive compounds, such that there are no clinically meaningful differences between the reference biological product and the biological product that has been licensed as a biosimilar pursuant to 42 U.S.C. § 262(k) in terms of safety, purity, and potency of the product.

"Board" means the Board of Pharmacy.

"Bulk drug substance" means any substance that is represented for use, and that, when used in the compounding, manufacturing, processing, or packaging of a drug, becomes an active ingredient or a finished dosage form of the drug; however, "bulk drug substance" ~~shall~~ *does* not include intermediates that are used in the synthesis of such substances.

"Change of ownership" of an existing entity permitted, registered, or licensed by the Board means (i) the sale or transfer of all or substantially all of the assets of the entity or of any corporation that owns or controls the entity; (ii) the creation of a partnership by a sole proprietor, the dissolution of a partnership, or change in partnership composition; (iii) the acquisition or disposal of 50 percent or more of the outstanding shares of voting stock of a corporation owning the entity or of the parent corporation of a wholly owned subsidiary owning the entity, except that this shall not apply to any corporation the voting stock of which is actively traded on any securities exchange or in any over-the-counter market; (iv) the merger of a corporation owning the entity or of the parent corporation of a wholly-owned subsidiary owning the entity with another business or corporation; or (v) the expiration or forfeiture of a corporation's charter.

"Co-licensed partner" means a person who, with at least one other person, has the right to engage in the manufacturing or marketing of a prescription drug, consistent with state and federal law.

"Compounding" means the combining of two or more ingredients to fabricate such ingredients into a single preparation and includes the mixing, assembling, packaging, or labeling of a drug or device (i) by a pharmacist, or within a permitted pharmacy, pursuant to a valid prescription issued for a medicinal or therapeutic purpose in the context of a bona fide practitioner-patient-pharmacist relationship, or in expectation of receiving a valid prescription based on observed historical patterns of prescribing and dispensing; (ii) by a practitioner of medicine, osteopathy, podiatry, dentistry, or veterinary medicine as an incident to his administering or dispensing, if authorized to dispense, a controlled substance in the course of

his professional practice; or (iii) for the purpose of, or as incident to, research, teaching, or chemical analysis and not for sale or for dispensing. The mixing, diluting, or reconstituting of a manufacturer's product drugs for the purpose of administration to a patient, when performed by a practitioner of medicine or osteopathy licensed under Chapter 29 (§ 54.1-2900 et seq.), a person supervised by such practitioner pursuant to subdivision A 6 or 19 of § 54.1-2901, or a person supervised by such practitioner or a licensed advanced practice registered nurse or physician assistant pursuant to subdivision A 4 of § 54.1-2901 shall not be considered compounding.

"Controlled substance" means a drug, substance, or immediate precursor in Schedules I through VI of this chapter. ~~The term shall~~ *"Controlled substance" does* not include distilled spirits, wine, malt beverages, or tobacco as those terms are defined or used in Title 3.2 or Title 4.1. The term "controlled substance" includes a controlled substance analog that has been placed into Schedule I or II by the Board pursuant to the regulatory authority in subsection D of § 54.1-3443.

"Controlled substance analog" means a substance the chemical structure of which is substantially similar to the chemical structure of a controlled substance in Schedule I or II and either (i) which has a stimulant, depressant, or hallucinogenic effect on the central nervous system that is substantially similar to or greater than the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled substance in Schedule I or II or (ii) with respect to a particular person, which such person represents or intends to have a stimulant, depressant, or hallucinogenic effect on the central nervous system that is substantially similar to or greater than the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled substance in Schedule I or II. "Controlled substance analog" does not include (a) any substance for which there is an approved new drug application as defined under § 505 of the federal Food, Drug, and Cosmetic Act (21 U.S.C. § 355) or that is generally recognized as safe and effective pursuant to §§ 501, 502, and 503 of the federal Food, Drug, and Cosmetic Act (21 U.S.C. §§ 351, 352, and 353) and 21 C.F.R. Part 330; (b) with respect to a particular person, any substance for which an exemption is in effect for investigational use for that person under § 505 of the federal Food, Drug, and Cosmetic Act to the extent that the conduct with respect to that substance is pursuant to such exemption; or (c) any substance to the extent not intended for human consumption before such an exemption takes effect with respect to that substance.

"DEA" means the Drug Enforcement Administration, U.S. Department of Justice, or its successor agency.

"Deliver" or "delivery" means the actual, constructive, or attempted transfer of any item regulated by this chapter, whether or not there exists an agency relationship, including delivery of a Schedule VI prescription device to an ultimate user or consumer on behalf of a medical equipment supplier by a manufacturer, nonresident manufacturer, wholesale distributor, nonresident wholesale distributor, warehouser, nonresident warehouser, third-party logistics provider, or nonresident third-party logistics provider at the direction of a medical equipment supplier in accordance with § 54.1-3415.1.

"Device" means instruments, apparatus, and contrivances, including their components, parts, and accessories, intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or animals or to affect the structure or any function of the body of man or animals.

"Dialysis care technician" or "dialysis patient care technician" means an individual who is certified by an organization approved by the Board of Health Professions pursuant to Chapter 27.01 (§ 54.1-2729.1 et seq.) and who, under the supervision of a licensed physician, an advanced practice registered nurse, a physician assistant, or a registered nurse, assists in the care of patients undergoing renal dialysis treatments in a Medicare-certified renal dialysis facility.

"Dialysis solution" means either the commercially available, unopened, sterile solutions whose purpose is to be instilled into the peritoneal cavity during the medical procedure known as peritoneal dialysis, or commercially available solutions whose purpose is to be used in the performance of hemodialysis not to include any solutions administered to the patient intravenously.

"Dispense" means to deliver a drug to an ultimate user or research subject by or pursuant to the lawful order of a practitioner, including the prescribing and administering, packaging, labeling, or compounding necessary to prepare the substance for that delivery. However, *"*dispensing ~~shall~~*" does* not include the transportation of drugs mixed, diluted, or reconstituted in accordance with this chapter to other sites operated by such practitioner or that practitioner's medical practice for the purpose of administration of such drugs to patients of the practitioner or that practitioner's medical practice at such other sites. For practitioners of medicine or osteopathy, "dispense" ~~shall~~ *includes* only ~~include~~ the provision of drugs by a practitioner to patients to take with them away from the practitioner's place of practice.

"Dispenser" means a practitioner who dispenses.

"Distribute" means to deliver other than by administering or dispensing a controlled substance.

"Distributor" means a person who distributes.

"Drug" means (i) articles or substances recognized in the official United States Pharmacopoeia National Formulary or official Homeopathic Pharmacopoeia of the United States, or any supplement to any of them; (ii) articles or substances intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or animals; (iii) articles or substances, other than food, intended to affect the structure or any function of the body of man or animals; (iv) articles or substances intended for use as a component of any article specified in clause (i), (ii), or (iii); or (v) a biological product. "Drug" does not include devices or their components, parts, or accessories.

"Drug product" means a specific drug in dosage form from a known source of manufacture, whether by brand or therapeutically equivalent drug product name.

"Electronic prescription" means a written prescription that is generated on an electronic application and is transmitted to a pharmacy as an electronic data file; ~~Schedule~~ *Schedules* II through V prescriptions shall be transmitted in accordance with 21 C.F.R. Part 1300.

"Facsimile (FAX) prescription" means a written prescription or order that is transmitted by an electronic device over telephone lines that sends the exact image to the receiving pharmacy in hard copy form.

"FDA" means the U.S. Food and Drug Administration.

"Immediate precursor" means a substance which the Board of Pharmacy has found to be and by regulation designates as being the principal compound commonly used or produced primarily for use, and which is an immediate chemical intermediary used or likely to be used in the manufacture of a controlled substance, the control of which is necessary to prevent, curtail, or limit manufacture.

"Interchangeable" means a biosimilar that meets safety standards for determining interchangeability pursuant to 42 U.S.C. § 262(k)(4).

"Label" means a display of written, printed, or graphic matter upon the immediate container of any article. A requirement made by or under authority of this chapter that any word, statement, or other information appear on the label shall not be considered to be complied with unless such word, statement, or other information also appears on the outside container or wrapper, if any, of the retail package of such article or is easily legible through the outside container or wrapper.

"Labeling" means all labels and other written, printed, or graphic matter on an article or any of its containers or wrappers, or accompanying such article.

"Manufacture" means the production, preparation, propagation, conversion, or processing of any item regulated by this chapter, either directly or indirectly by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and includes any packaging or repackaging of the substance or labeling or relabeling of its container. ~~This term~~ *"Manufacture"* does not include compounding.

"Manufacturer" means every person who manufactures, a manufacturer's co-licensed partner, or a repackager.

"Marijuana" means any part of a plant of the genus Cannabis whether growing or not, its seeds, or its resin; and every compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds, its resin, or any extract containing one or more cannabinoids. "Marijuana" does not include (i) the mature stalks of such plant, fiber produced from such stalk, or oil or cake made from the seeds of such plant, unless such stalks, fiber, oil, or cake is combined with other parts of plants of the genus Cannabis; (ii) industrial hemp, as defined in § 3.2-4112, that is possessed by a person registered pursuant to subsection A of § 3.2-4115 or his agent; (iii) industrial hemp, as defined in § 3.2-4112, that is possessed by a person who holds a hemp producer license issued by the U.S. Department of Agriculture pursuant to 7 C.F.R. Part 990; (iv) a hemp product, as defined in § 3.2-4112; (v) an industrial hemp extract, as defined in § 3.2-5145.1; or (vi) any substance containing a tetrahydrocannabinol isomer, ester, ether, salt, or salts of such isomer, ester, or ether that has been placed by the Board of Pharmacy into one of the schedules set forth in the Drug Control Act (§ 54.1-3400 et seq.) pursuant to § 54.1-3443.

"Medical equipment supplier" means any person, as defined in § 1-230, engaged in the delivery to the ultimate consumer, pursuant to the lawful order of a practitioner, of hypodermic syringes and needles, medicinal oxygen, Schedule VI controlled devices, those Schedule VI controlled substances with no medicinal properties that are used for the operation and cleaning of medical equipment, solutions for peritoneal dialysis, and sterile water or saline for irrigation.

"Narcotic drug" means any of the following, whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis: (i) opium, opiates, and any salt, compound, derivative, or preparation of opium or opiates; (ii) any salt, compound, isomer, derivative, or preparation thereof which is chemically equivalent or identical with any of the substances referred to in clause (i), but not including the isoquinoline alkaloids of opium; (iii) opium poppy and poppy straw; *or* (iv) coca leaves and any salt, compound, derivative, or preparation of coca leaves, and any salt, compound, isomer, derivative, or preparation thereof which is chemically equivalent or identical with any of these substances, but not including decocainized coca leaves or extraction of coca leaves which do not contain cocaine or ecgonine.

"New drug" means (i) any drug, except a new animal drug or an animal feed bearing or containing a new animal drug, the composition of which is such that such drug is not generally recognized, among experts qualified by scientific training and experience to evaluate the safety and effectiveness of drugs, as safe and effective for use under the conditions prescribed, recommended, or suggested in the labeling, except that such a drug not so recognized shall not be deemed to be a "new drug" if at any time prior to the enactment of this chapter it was subject to the Food and Drugs Act of June 30, 1906, as amended, and if at such time its labeling contained the same representations concerning the conditions of its use, or (ii) any drug, except a new animal drug or an animal feed bearing or containing a new animal drug, the composition of which is such that such drug, as a result of investigations to determine its safety and effectiveness for use under such conditions, has become so recognized, but which has not, otherwise than in such investigations, been used to a material extent or for a material time under such conditions.

"Nuclear medicine technologist" means an individual who holds a current certification with the American Registry of Radiological Technologists or the Nuclear Medicine Technology Certification Board.

"Official compendium" means the official United States Pharmacopoeia National Formulary, official Homeopathic Pharmacopoeia of the United States, or any supplement to any of them.

"Official written order" means an order written on a form provided for that purpose by the U.S. Drug Enforcement Administration, under any laws of the United States making provision therefor, if such order forms are authorized and required by federal law, and if no such order form is provided then on an official form provided for that purpose by the Board of Pharmacy.

"Opiate" means any substance having an addiction-forming or addiction-sustaining liability similar to morphine or being capable of conversion into a drug having such addiction-forming or addiction-sustaining liability. ~~It~~ *"Opiate"* does not include, unless specifically designated as controlled under Article 4 (§ 54.1-3437 et seq.), the dextrorotatory isomer of 3-methoxy-n-methylmorphinan and its salts (dextromethorphan). ~~It~~ *"Opiate"* does include its racemic and levorotatory forms.

"Opium poppy" means the plant of the species Papaver somniferum L., except the seeds thereof.

"Original package" means the unbroken container or wrapping in which any drug or medicine is enclosed together with label and labeling, put up by or for the manufacturer, wholesaler, or distributor for use in the delivery or display of such article.

"Outsourcing facility" means a facility that is engaged in the compounding of sterile drugs and is currently registered as an outsourcing facility with the U.S. Secretary of Health and Human Services and that complies with all applicable requirements of federal and state law, including the Federal Food, Drug, and Cosmetic Act.

"Person" means both the plural and singular, as the case demands, and includes an individual, partnership, corporation, association, governmental agency, trust, or other institution or entity.

"Pharmacist-in-charge" means the person who, being licensed as a pharmacist, signs the application for a pharmacy permit and assumes full legal responsibility for the operation of the relevant pharmacy in a manner complying with the laws and regulations for the practice of pharmacy and the sale and dispensing of controlled substances; the "pharmacist-in-charge" shall personally supervise the pharmacy and the pharmacy's personnel as required by § 54.1-3432.

"Poppy straw" means all parts, except the seeds, of the opium poppy, after mowing.

"Practitioner" means a physician, dentist, licensed advanced practice registered nurse pursuant to § 54.1-2957.01, licensed physician assistant pursuant to § 54.1-2952.1, pharmacist pursuant to § 54.1-3300, TPA-certified optometrist pursuant to Article 5 (§ 54.1-3222 et seq.) of Chapter 32, veterinarian, scientific investigator, or other person licensed, registered, or otherwise permitted to distribute, dispense, prescribe and administer, or conduct research with respect to a controlled substance in the course of professional practice or research in the Commonwealth.

"Prescriber" means a practitioner who is authorized pursuant to §§ 54.1-3303 and 54.1-3408 to issue a prescription.

"Prescription" means an order for drugs or medical supplies, written or signed or transmitted by word of mouth, telephone, telegraph, or other means of communication to a pharmacist by a duly licensed physician, dentist, veterinarian, or other practitioner authorized by law to prescribe and administer such drugs or medical supplies.

"Prescription drug" means any drug required by federal law or regulation to be dispensed only pursuant to a prescription, including finished dosage forms and active ingredients subject to § 503(b) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. § 353(b)).

"Production" or "produce" includes the manufacture, planting, cultivation, growing, or harvesting of a controlled substance or marijuana.

"Proprietary medicine" means a completely compounded nonprescription drug in its unbroken, original package which does not contain any controlled substance or marijuana as defined in this chapter and is not in itself poisonous, and which is sold, offered, promoted, or advertised directly to the general public by or under the authority of the manufacturer or primary distributor, under a trademark, trade name, or other trade symbol privately owned, and the labeling of which conforms to the requirements of this chapter and applicable federal law. However, ~~this definition shall~~ *"proprietary medicine" does* not include a drug that is only advertised or promoted professionally to licensed practitioners, a narcotic or drug containing a narcotic, a drug that may be dispensed only upon prescription or the label of which bears substantially the statement "Warning — may be habit-forming," or a drug intended for injection.

"Radiopharmaceutical" means any drug that exhibits spontaneous disintegration of unstable nuclei with the emission of nuclear particles or photons and includes any non-radioactive reagent kit or radionuclide generator that is intended to be used in the preparation of any such substance, but does not include drugs such as carbon-containing compounds or potassium-containing salts that include trace quantities of naturally occurring radionuclides. ~~The term~~ *"Radiopharmaceutical"* also includes any biological product that is labeled with a radionuclide or intended solely to be labeled with a radionuclide.

"Reference biological product" means the single biological product licensed pursuant to 42 U.S.C. § 262(a) against which a biological product is evaluated in an application submitted to the U.S. Food and Drug Administration for licensure of biological products as biosimilar or interchangeable pursuant to 42 U.S.C. § 262(k).

"Remote dispensing system" means a profile-driven automated drug dispensing system that performs operations or activities relative to the storage, packaging, labeling, or dispensing of medications employing bidirectional audio-visual technology to facilitate pharmacist communication with a patient, authorized agent of the patient, or person licensed to administer drugs, and collects, controls, and maintains all information online. Drugs intended to be administered by the patient or a person not licensed to administer drugs must fully comply with the labeling requirements in §§ 54.1-3410 and 54.1-3463 and Board regulations. Directions for use may only be abbreviated when drugs are administered exclusively by persons licensed to administer drugs.

"Sale" includes barter, exchange, or gift, or offer therefor, and each such transaction made by any person, whether as an individual, proprietor, agent, servant, or employee.

"Tetrahydrocannabinol" means any naturally occurring or synthetic tetrahydrocannabinol, including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation and any preparation, mixture, or substance containing, or mixed or infused with, any detectable amount of tetrahydrocannabinol. For the purposes of this definition, "isomer" means the optical, position, and geometric isomers.

"Therapeutically equivalent drug products" means drug products that contain the same active ingredients and are identical in strength or concentration, dosage form, and route of administration and that are classified as being therapeutically equivalent by the U.S. Food and Drug Administration pursuant to the definition of "therapeutically equivalent drug products" set forth in the most recent edition of the Approved Drug Products with Therapeutic Equivalence Evaluations, otherwise known as the "Orange Book."

"Third-party logistics provider" means a person that provides or coordinates warehousing of or other logistics services for a drug or device in interstate commerce on behalf of a manufacturer, wholesale distributor, or dispenser of the drug or device but does not take ownership of the product or have responsibility for directing the sale or disposition of the product.

"Total tetrahydrocannabinol" means the sum, after the application of any necessary conversion factor, of the percentage by weight of tetrahydrocannabinol and the percentage by weight of tetrahydrocannabinolic acid.

"USP-NF" means the current edition of the United States Pharmacopeia-National Formulary.

"Warehouser" means any person, other than a wholesale distributor, manufacturer, or third-party logistics provider, engaged in the business of (i) selling or otherwise distributing prescription drugs or devices to any person who is not the ultimate user or consumer and (ii) delivering Schedule VI prescription devices to the ultimate user or consumer pursuant to § 54.1-3415.1. No person shall be subject to any state or local tax by reason of this definition.

"Wholesale distribution" means (i) distribution of prescription drugs to persons other than consumers or patients and (ii) delivery of Schedule VI prescription devices to the ultimate user or consumer pursuant to § 54.1-3415.1, subject to the exemptions set forth in the federal Drug Supply Chain Security Act.

"Wholesale distributor" means any person other than a manufacturer, a manufacturer's co-licensed partner, a third-party logistics provider, or a repackager that engages in wholesale distribution.

The words "drugs" and "devices" as used in Chapter 33 (§ 54.1-3300 et seq.) and in this chapter ~~shall~~ *do* not include surgical or dental instruments, physical therapy equipment, X-ray apparatus, or glasses or lenses for the eyes.

The terms "pharmacist," "pharmacy," and "practice of pharmacy" as used in this chapter ~~shall be defined~~ *have the same meanings* as provided in Chapter 33 (§ 54.1-3300 et seq.) unless the context requires a different meaning.

§ 54.1-3423. Board to issue registration unless inconsistent with public interest; authorization to conduct research; application and fees.

A. The Board shall register an applicant to manufacture or distribute controlled substances included in Schedules I through V unless it determines that the issuance of that registration would be inconsistent with the public interest. In determining the public interest, the Board shall consider the following factors:

1. Maintenance of effective controls against diversion of controlled substances into other than legitimate medical, scientific, or industrial channels;

2. Compliance with applicable state and local law;

3. Any convictions of the applicant under any federal and state laws relating to any controlled substance;

4. Past experience in the manufacture or distribution of controlled substances, and the existence in the applicant's establishment of effective controls against diversion;

5. Furnishing by the applicant of false or fraudulent material in any application filed under this chapter;

6. Suspension or revocation of the applicant's federal registration to manufacture, distribute, or dispense controlled substances as authorized by federal law; and

7. Any other factors relevant to and consistent with the public health and safety.

B. Registration under subsection A does not entitle a registrant to manufacture and distribute controlled substances in Schedule I or II other than those specified in the registration.

C. Practitioners must be registered to conduct research or laboratory analysis with controlled substances in Schedules II through VI or marijuana. Practitioners registered under federal law to conduct research with Schedule I substances, other than marijuana, may conduct research with Schedule I *controlled* substances within the Commonwealth upon furnishing the evidence of that federal registration.

D. The Board may register other persons or entities to possess controlled substances listed on Schedules II through VI upon a determination that (i) there is a documented need, (ii) the issuance of the registration is consistent with the public interest, (iii) the possession and subsequent use of the controlled substances complies with applicable state and federal laws and regulations, and (iv) the subsequent storage, use, and recordkeeping of the controlled substances will be under the general supervision of a licensed pharmacist, practitioner of medicine, osteopathy, podiatry, dentistry, or veterinary medicine as specified in the Board's regulations. The Board shall consider, at a minimum, the factors listed in subsection A in determining whether the registration shall be issued. Notwithstanding the exceptions listed in § 54.1-3422 A, the Board may mandate a controlled substances registration for sites maintaining certain types and quantities of Schedules II through VI

controlled substances as it may specify in its regulations. The Board shall promulgate regulations related to requirements or criteria for the issuance of such controlled substances registration, storage, security, supervision, and recordkeeping.

E. The Board may register a public or private animal shelter as defined in § 3.2-6500 to purchase, possess, and administer certain ~~Schedule~~ *Schedules* II through VI controlled substances approved by the State Veterinarian for the purpose of euthanizing injured, sick, homeless, and unwanted domestic pets and animals and to purchase, possess, and administer certain Schedule VI drugs and biological products for the purpose of preventing, controlling, and treating certain communicable diseases that failure to control would result in transmission to the animal population in the shelter. Controlled substances used for euthanasia shall be administered only in accordance with protocols established by the State Veterinarian and only by persons trained in accordance with instructions by the State Veterinarian. The list of Schedule VI drugs and biological products used for treatment and prevention of communicable diseases within the shelter shall be determined by the supervising veterinarian of the shelter and the drugs and biological products shall be administered only pursuant to written protocols established or approved by the supervising veterinarian of the shelter and only by persons who have been trained in accordance with instructions established or approved by the supervising veterinarian. The shelter shall maintain a copy of the approved list of drugs and biological products, written protocols for administering, and training records of those persons administering drugs and biological products on the premises of the shelter.

F. The Board may register a *facility, as defined in § 37.2-100, that provides* crisis stabilization ~~unit established pursuant to § 37.2-500 or 37.2-601~~ *services* and *is* licensed by the Department of Behavioral Health and Developmental Services ~~to~~. *Such facility may* maintain a stock of ~~Schedule~~ *Schedules II through* VI controlled substances necessary for immediate treatment of patients admitted to ~~the crisis stabilization unit~~ *such facility*, which may be accessed and administered by a ~~nurse~~ *person licensed to administer drugs* pursuant to a written or oral order of a prescriber in the absence of a prescriber. ~~Schedule II through Schedule V controlled substances shall only be maintained if so authorized by federal law and Board regulations.~~

G. The Board may register an entity at which a patient is treated by the use of instrumentation and diagnostic equipment through which images and medical records may be transmitted electronically for the purpose of establishing a bona fide practitioner-patient relationship and is prescribed ~~Schedule~~ *Schedules* II through VI controlled substances when such prescribing is in compliance with federal requirements for the practice of telemedicine and the patient is not in the physical presence of a practitioner registered with the U.S. Drug Enforcement Administration. In determining whether the registration shall be issued, the Board shall consider (i) the factors listed in subsection A, (ii) whether there is a documented need for such registration, and (iii) whether the issuance of the registration is consistent with the public interest.

H. Applications for controlled substances registration certificates and renewals thereof shall be made on a form prescribed by the Board and such applications shall be accompanied by a fee in an amount to be determined by the Board.

I. Upon (i) any change in ownership or control of a business, (ii) any change of location of the controlled substances stock, (iii) the termination of authority by or of the person named as the responsible party on a controlled substances registration, or (iv) a change in the supervising practitioner, if applicable, the registrant or responsible party shall immediately surrender the registration. The registrant shall, within 14 days following surrender of a registration, file a new application and, if applicable, name the new responsible party or supervising practitioner.

§ 54.1-3434.02. Automated drug dispensing systems and remote dispensing systems.

A. Hospitals *or nursing homes* licensed pursuant to Title 32.1 ~~or~~*, state facilities as defined in § 37.2-100 established pursuant to* Title 37.2*, facilities as defined in § 37.2-100 that are licensed by the Department of Behavioral Health and Developmental Services and provide site-based crisis stabilization services, or other facilities authorized by the Board* may use automated drug dispensing systems *and remote dispensing systems*, as defined in § 54.1-3401, upon meeting the following conditions:

1. Drugs are placed in the automated drug dispensing system *or remote dispensing system* in ~~a~~ *such* hospital*, nursing home, or facility* and are under the control of a pharmacy providing services to the hospital*, nursing home, or facility*;

2. The pharmacist-in-charge of the pharmacy providing services to the hospital*, nursing home, or facility* has established procedures for ~~assuring~~ *ensuring* the accurate stocking and proper storage of drugs in the automated drug dispensing system *or remote dispensing system* and for ensuring accountability for and security of all drugs utilized in ~~the automated drug dispensing~~ *such* system until the time such drugs are removed from ~~the automated drug dispensing~~ *such* system for administration to the patients;

3. Removal of drugs from any automated drug dispensing system *or remote dispensing system* for administration to patients can only be made pursuant to a valid prescription or lawful order of a prescriber;

4. Adequate security for automated drug dispensing systems *or remote dispensing systems* is provided, as evidenced by written policies and procedures, for (i) preventing unauthorized access, (ii) complying with federal and state regulations on prescribing and dispensing controlled substances, (iii) maintaining patient confidentiality, and (iv) ~~assuring~~ *ensuring* compliance with the requirements of this section;

5. Accountability for drugs dispensed from automated drug dispensing systems *or remote dispensing systems* is vested in the pharmacist-in-charge of a pharmacy located within the hospital*, nursing home, or facility* or the pharmacist-in-charge of ~~any~~ *the* outside pharmacy providing pharmacy services to the hospital*, nursing home, or facility*;

6. Filling and stocking of all drugs in automated drug dispensing systems *or remote dispensing systems* shall be performed under the direction of the pharmacist-in-charge. The task of filling and stocking of drugs into ~~an automated drug dispensing~~ *such* system shall be performed by a pharmacist or a registered pharmacy technician, who shall be an employee

of the provider pharmacy and shall be properly trained in accordance with established standards set forth in a policy and procedure manual maintained by the provider pharmacy. The pharmacist stocking and filling ~~the automated drug dispensing~~ *such* system or the pharmacist-in-charge, if ~~the automated drug dispensing~~ *such* system is stocked and filled by a registered pharmacy technician, shall be responsible for the proper and accurate stocking and filling of the automated drug dispensing system *or remote dispensing system; and*

7. Except when the automated drug dispensing system is used exclusively for administration of drugs for emergencies, a pharmacy located outside of the hospital, nursing home, or facility it services according to this subsection shall first obtain a controlled substances registration issued in the name of the pharmacy at the address of the hospital, nursing home, or facility and a registration from the Drug Enforcement Administration, if required, prior to stocking controlled substances in Schedules II through VI.

B. ~~Drugs~~ *Except as authorized by the Board, drugs* placed into and removed from automated drug dispensing systems *or remote dispensing systems* for administration to patients shall be in the manufacturer's or distributor's sealed original packaging or in unit-dose containers packaged by the pharmacy. Drugs in multi-dose packaging~~,~~ ~~other than those administered orally,~~ *or in a liquid, injectable, or inhaled formulation* may be placed in such a device if approved by the pharmacist-in-charge in consultation with ~~a standing hospital committee comprised of~~ pharmacy, medical, and nursing staff *of the hospital, nursing home, or facility*.

C. The pharmacist-in-charge in a pharmacy located within a hospital*, nursing home, or facility* or the pharmacist-in-charge of any outside pharmacy providing pharmacy services to a hospital*, nursing home, or facility* shall be responsible for establishing procedures for (i) periodically inspecting and auditing automated drug dispensing systems *and remote dispensing systems* to ~~assure~~ *ensure* the proper storage, security, and accountability for all drugs placed in and removed from automated drug dispensing systems *and remote dispensing systems*~~,~~ and (ii) reviewing the operation and maintenance of automated drug dispensing systems *and remote dispensing systems*. ~~This~~ *For hospitals with a pharmacy located within the hospital,* monitoring shall be reviewed by a pharmacist while on the premises of the hospital and in accordance with the pharmacist-in-charge's procedures and the Board of Pharmacy's regulations.

D. The Board of Pharmacy shall promulgate regulations establishing minimum requirements for random periodic inspections and monthly audits of automated drug dispensing systems *and remote dispensing systems* to ~~assure~~ *ensure* the proper storage, security, and accountability of all drugs placed in and removed from ~~automated drug dispensing~~ *such* systems and for reviewing the operation and maintenance of ~~automated drug dispensing~~ *such* systems.

E. Notwithstanding this section, the Board shall promulgate regulations for the use of a remote dispensing system to store drugs previously dispensed and labeled by the provider pharmacy in compliance with current laws and regulations. Such regulations shall identify the location where such system may be placed and requirements to ensure the security of the drug, confidentiality of protected health information, and appropriate recordkeeping.

2. That an emergency exists and this act is in force from its passage.

3. That the Board of Pharmacy shall promulgate regulations to implement the provisions of this act to be effective within 280 days of its enactment.

CHAPTER 64

An Act to amend and reenact § 2.2-3705.3 of the Code of Virginia, relating to Virginia Freedom of Information Act; exemption for complainant personal contact information.

[H 1412]

Approved March 8, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 2.2-3705.3 of the Code of Virginia is amended and reenacted as follows:

§ 2.2-3705.3. Exclusions to application of chapter; records relating to administrative investigations.

The following information contained in a public record is excluded from the mandatory disclosure provisions of this chapter but may be disclosed by the custodian in his discretion, except where such disclosure is prohibited by law. Redaction of information excluded under this section from a public record shall be conducted in accordance with § 2.2-3704.01.

1. Information relating to investigations of applicants for licenses and permits, and of all licensees and permittees, made by or submitted to the Virginia Alcoholic Beverage Control Authority, the Virginia Lottery pursuant to Chapter 40 (§ 58.1-4000 et seq.) and Chapter 41 (§ 58.1-4100 et seq.) of Title 58.1, the Virginia Racing Commission, the Department of Agriculture and Consumer Services relating to investigations and applications pursuant to Article 1.1:1 (§ 18.2-340.15 et seq.) of Chapter 8 of Title 18.2, or the Private Security Services Unit of the Department of Criminal Justice Services.

2. Records of active investigations being conducted by the Department of Health Professions or by any health regulatory board in the Commonwealth pursuant to § 54.1-108.

3. Investigator notes, and other correspondence and information, furnished in confidence with respect to an active investigation of individual employment discrimination complaints made to the Department of Human Resource Management, to such personnel of any local public body, including local school boards, as are responsible for conducting such investigations in confidence, or to any public institution of higher education. However, nothing in this subdivision

shall prevent the disclosure of information taken from inactive reports in a form that does not reveal the identity of charging parties, persons supplying the information, or other individuals involved in the investigation.

4. Records of active investigations being conducted by the Department of Medical Assistance Services pursuant to Chapter 10 (§ 32.1-323 et seq.) of Title 32.1.

5. Investigative notes and other correspondence and information furnished in confidence with respect to an investigation or conciliation process involving an alleged unlawful discriminatory practice under the Virginia Human Rights Act (§ 2.2-3900 et seq.) or under any local ordinance adopted in accordance with the authority specified in § 2.2-524, or adopted pursuant to § 15.2-965, or adopted prior to July 1, 1987, in accordance with applicable law, relating to local human rights or human relations commissions. However, nothing in this subdivision shall prevent the distribution of information taken from inactive reports in a form that does not reveal the identity of the parties involved or other persons supplying information.

6. Information relating to studies and investigations by the Virginia Lottery of (i) lottery agents, (ii) lottery vendors, (iii) lottery crimes under §§ 58.1-4014 through 58.1-4018, (iv) defects in the law or regulations that cause abuses in the administration and operation of the lottery and any evasions of such provisions, or (v) the use of the lottery as a subterfuge for organized crime and illegal gambling where such information has not been publicly released, published or copyrighted. All studies and investigations referred to under clauses (iii), (iv), and (v) shall be open to inspection and copying upon completion of the study or investigation.

7. Investigative notes, correspondence and information furnished in confidence, and records otherwise exempted by this chapter or any Virginia statute, provided to or produced by or for (i) the Auditor of Public Accounts; (ii) the Joint Legislative Audit and Review Commission; (iii) an appropriate authority as defined in § 2.2-3010 with respect to an allegation of wrongdoing or abuse under the Fraud and Abuse Whistle Blower Protection Act (§ 2.2-3009 et seq.); (iv) the Office of the State Inspector General with respect to an investigation initiated through the Fraud, Waste and Abuse Hotline or an investigation initiated pursuant to Chapter 3.2 (§ 2.2-307 et seq.); (v) internal auditors appointed by the head of a state agency or by any public institution of higher education; (vi) the committee or the auditor with respect to an investigation or audit conducted pursuant to § 15.2-825; (vii) the auditors, appointed by the local governing body of any county, city, or town or a school board, who by charter, ordinance, or statute have responsibility for conducting an investigation of any officer, department, or program of such body; or (viii) the Behavioral Health Commission. Information contained in completed investigations shall be disclosed in a form that does not reveal the identity of the complainants or persons supplying information to investigators. Unless disclosure is excluded by this subdivision, the information disclosed shall include the agency involved, the identity of the person who is the subject of the complaint, the nature of the complaint, and the actions taken to resolve the complaint. If an investigation does not lead to corrective action, the identity of the person who is the subject of the complaint may be released only with the consent of the subject person. Local governing bodies shall adopt guidelines to govern the disclosure required by this subdivision.

8. The names~~, addresses, and telephone numbers~~ *and personal contact information* of complainants furnished in confidence with respect to an investigation of individual zoning enforcement complaints or complaints relating to the Uniform Statewide Building Code (§ 36-97 et seq.) or the Statewide Fire Prevention Code (§ 27-94 et seq.) made to a local governing body. *As used in this subdivision, "personal contact information" includes the complainant's home or business (i) address, (ii) email address, or (iii) telephone number or comparable number assigned to any other electronic communication device.*

9. Records of active investigations being conducted by the Department of Criminal Justice Services pursuant to Article 4 (§ 9.1-138 et seq.), Article 4.1 (§ 9.1-150.1 et seq.), Article 11 (§ 9.1-185 et seq.), and Article 12 (§ 9.1-186 et seq.) of Chapter 1 of Title 9.1.

10. Information furnished to or prepared by the Board of Education pursuant to subsection D of § 22.1-253.13:3 in connection with the review or investigation of any alleged breach in security, unauthorized alteration, or improper administration of tests by local school board employees responsible for the distribution or administration of the tests. However, this section shall not prohibit the disclosure of such information to (i) a local school board or division superintendent for the purpose of permitting such board or superintendent to consider or to take personnel action with regard to an employee or (ii) any requester, after the conclusion of a review or investigation, in a form that (a) does not reveal the identity of any person making a complaint or supplying information to the Board on a confidential basis and (b) does not compromise the security of any test mandated by the Board.

11. Information contained in (i) an application for licensure or renewal of a license for teachers and other school personnel, including transcripts or other documents submitted in support of an application, and (ii) an active investigation conducted by or for the Board of Education related to the denial, suspension, cancellation, revocation, or reinstatement of teacher and other school personnel licenses including investigator notes and other correspondence and information, furnished in confidence with respect to such investigation. However, this subdivision shall not prohibit the disclosure of such (a) application information to the applicant at his own expense or (b) investigation information to a local school board or division superintendent for the purpose of permitting such board or superintendent to consider or to take personnel action with regard to an employee. Information contained in completed investigations shall be disclosed in a form that does not reveal the identity of any complainant or person supplying information to investigators. The completed investigation information disclosed shall include information regarding the school or facility involved, the identity of the person who was the subject of the complaint, the nature of the complaint, and the actions taken to resolve the complaint. If an investigation

fails to support a complaint or does not lead to corrective action, the identity of the person who was the subject of the complaint may be released only with the consent of the subject person. No personally identifiable information regarding a current or former student shall be released except as permitted by state or federal law.

12. Information provided in confidence and related to an investigation by the Attorney General under Article 1 (§ 3.2-4200 et seq.) or Article 3 (§ 3.2-4204 et seq.) of Chapter 42 of Title 3.2, Article 10 (§ 18.2-246.6 et seq.) of Chapter 6 or Chapter 13 (§ 18.2-512 et seq.) of Title 18.2, or Article 1 (§ 58.1-1000) of Chapter 10 of Title 58.1. However, information related to an investigation that has been inactive for more than six months shall, upon request, be disclosed provided such disclosure is not otherwise prohibited by law and does not reveal the identity of charging parties, complainants, persons supplying information, witnesses, or other individuals involved in the investigation.

13. Records of active investigations being conducted by the Department of Behavioral Health and Developmental Services pursuant to Chapter 4 (§ 37.2-400 et seq.) of Title 37.2.

CHAPTER 65

An Act to amend and reenact § 2.2-4511 of the Code of Virginia, relating to Investment of Public Funds Act; investment of funds in asset-backed securities.

[H 356]

Approved March 14, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 2.2-4511 of the Code of Virginia is amended and reenacted as follows:

§ 2.2-4511. Investment of funds in asset-backed securities.

A. For purposes of this section, "qualified public entity" means any state agency, institution of the Commonwealth, or statewide authority created under the laws of the Commonwealth having an internal or external public funds manager with professional investment management capabilities.

B. Notwithstanding any provision of law to the contrary, any qualified public entity of the Commonwealth may invest any and all moneys belonging to it or within its control, other than sinking funds, in asset-backed securities with a duration of no more than five years *(i) that are unconditionally guaranteed as to payment of principal and interest by the United States or any agency thereof or (ii)* with a rating of at least AAA or Aaa by two rating agencies. One of the two qualifying ratings shall be ~~(i)~~ *(a)* at least Aaa by Moody's Investors Service, Inc.; ~~(ii)~~ *(b)* at least AAA by Standard and Poor's; or ~~(iii)~~ *(c)* at least AAA by Fitch Ratings, Inc.

~~As used in this section, "qualified public entity" means any state agency, institution of the Commonwealth or statewide authority created under the laws of the Commonwealth having an internal or external public funds manager with professional investment management capabilities.~~

CHAPTER 66

An Act to amend and reenact § 2.2-4511 of the Code of Virginia, relating to Investment of Public Funds Act; investment of funds in asset-backed securities.

[S 510]

Approved March 14, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 2.2-4511 of the Code of Virginia is amended and reenacted as follows:

§ 2.2-4511. Investment of funds in asset-backed securities.

A. For purposes of this section, "qualified public entity" means any state agency, institution of the Commonwealth, or statewide authority created under the laws of the Commonwealth having an internal or external public funds manager with professional investment management capabilities.

B. Notwithstanding any provision of law to the contrary, any qualified public entity of the Commonwealth may invest any and all moneys belonging to it or within its control, other than sinking funds, in asset-backed securities with a duration of no more than five years *(i) that are unconditionally guaranteed as to payment of principal and interest by the United States or any agency thereof or (ii)* with a rating of at least AAA or Aaa by two rating agencies. One of the two qualifying ratings shall be ~~(i)~~ *(a)* at least Aaa by Moody's Investors Service, Inc.; ~~(ii)~~ *(b)* at least AAA by Standard and Poor's; or ~~(iii)~~ *(c)* at least AAA by Fitch Ratings, Inc.

~~As used in this section, "qualified public entity" means any state agency, institution of the Commonwealth or statewide authority created under the laws of the Commonwealth having an internal or external public funds manager with professional investment management capabilities.~~

CHAPTER 67

An Act to amend and reenact § 46.2-819.3:1 of the Code of Virginia, relating to toll invoices; mail.

[H 1109]

Approved March 14, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 46.2-819.3:1 of the Code of Virginia is amended and reenacted as follows:

§ 46.2-819.3:1. Installation and use of video-monitoring system and automatic vehicle identification system in conjunction with all-electronic toll facilities; penalty.

A. For purposes of this section:

"Automatic vehicle identification device" means an electronic device that communicates by wireless transmission with an automatic vehicle identification system.

"Automatic vehicle identification system" means an electronic vehicle identification system installed to work in conjunction with a toll collection device that automatically produces an electronic record of each vehicle equipped with an automatic vehicle identification device that uses a toll facility.

"Debt collection" means the collection of unpaid tolls and applicable administrative fees by (i) retention of a third-party debt collector or (ii) collection practices undertaken by employees of a toll facility operator that are materially similar to a third-party debt collector.

"Operator" means a person who was driving a vehicle that was the subject of a toll violation but who is not the owner of the vehicle.

"Operator of a toll facility other than the Department of Transportation" means any agency, political subdivision, authority, or other entity that operates a toll facility.

"Owner" means the registered owner of a vehicle on record with the Department of Motor Vehicles or with the equivalent agency in another state. "Owner" does not mean a vehicle rental or vehicle leasing company.

"Video-monitoring system" means a vehicle sensor installed to work in conjunction with a toll collection device that automatically produces one or more photographs, one or more microphotographs, a videotape, or other recorded images of each vehicle at the time it is used or operated in violation of this section.

B. The operator of any toll facility or the locality within which such toll facility is located may install and operate or cause to be installed and operated a video-monitoring system in conjunction with an automatic vehicle identification system on facilities for which tolls are collected for the use of such toll facility and that do not offer manual toll collection. A video-monitoring system shall include, but not be limited to, electronic systems that monitor and capture images of vehicles using a toll facility to enable toll collection for vehicles that do not pay using a toll collection device. The operator of a toll facility shall send an invoice for unpaid tolls in accordance with the requirements of § 46.2-819.6 to the owner of a vehicle as part of a video-monitoring toll collection process, prior to seeking remedies under this section.

C. Information collected by a video-monitoring system in conjunction with an automatic vehicle identification system installed and operated pursuant to subsection B shall be limited exclusively to that information that is necessary for the collection of unpaid tolls and establishing when violations occur, including use in any proceeding to determine whether a violation occurred. Notwithstanding any other provision of law, all images or other data collected by a video-monitoring system in conjunction with an automatic vehicle identification system shall be protected in a database with security comparable to that of the Department of Motor Vehicles' system and used exclusively for the collection of unpaid tolls and for efforts to pursue violators of this section and shall not (i) be open to the public; (ii) be sold and/or used for sales, solicitation, or marketing purposes other than those of the toll facility operator to facilitate toll payment; (iii) be disclosed to any other entity except as may be necessary for the collection of unpaid tolls or to a vehicle owner or operator as part of a challenge to the imposition of a toll; and/or (iv) be used in a court in a pending action or proceeding unless the action or proceeding relates to a violation of this section or upon order from a court of competent jurisdiction. Except as provided above, information collected under this section shall be purged and not retained later than 30 days after the collection and reconciliation of any unpaid tolls, administrative fees, and/or civil penalties. Any entity operating a video-monitoring system in conjunction with an automatic vehicle identification system shall annually certify compliance with this section and make all records pertaining to such system available for inspection and audit by the Commissioner of Highways or the Commissioner of the Department of Motor Vehicles or their designee. Any violation of this subsection shall constitute a Class 1 misdemeanor. In addition to any fines or other penalties provided for by law, any money or other thing of value obtained as a result of a violation of this section shall be forfeited to the Commonwealth.

If a vehicle uses a toll facility without paying the toll, the owner or operator shall be in violation of this section if he refuses to pay the toll within 30 days of notification. The toll facility operator may impose and collect an administrative fee in addition to the unpaid toll so as to recover the expenses of collecting the unpaid toll, which administrative fee shall be reasonably related to the actual cost of collecting the unpaid toll and not exceed $100 per violation. Such fee shall not be levied upon the owner or operator of the vehicle unless the toll has not been paid by the owner or operator within 30 days after receipt of the invoice for the unpaid toll, which nonpayment for 30 days shall constitute the violation of this section. Once such a violation has occurred, the owner or operator of the vehicle shall pay the unpaid tolls and any administrative

fee detailed in the invoice for the unpaid toll issued by a toll facility operator. If paid within 60 days of the toll violation, the administrative fee shall not exceed $25.

The toll facility operator may levy charges for the direct cost of use of and processing for a video-monitoring system and to cover the cost of the invoice, which are in addition to the toll and may not exceed double the amount of the base toll, provided that potential toll facility users are provided notice before entering the facility by conspicuous signs that clearly indicate that the toll for use of the facility could be tripled for any vehicle that does not have an active, functioning automatic vehicle identification device registered for and in use in the vehicle using the toll facility, and such signs are posted at a location where the operator can still choose to avoid the use of the toll facility if he chooses not to pay the toll.

A person receiving an invoice for an unpaid toll under this section may (a) pay the toll and administrative fees directly to the toll facility operator or (b) file with the toll facility operator a notice, on a form provided by the toll facility operator as required under subsection B of § 46.2-819.6, to contest liability for a toll violation. The notice to contest liability for a toll violation may be filed by any person receiving an invoice for an unpaid toll by mailing or delivering the notice to the toll facility operator within 60 days of receiving such invoice for an unpaid toll. Upon receipt of such notice, the toll facility operator may issue a summons pursuant to subsection I and may not seek withholding of registration or renewal thereof under subsection L until a court of competent jurisdiction has found the alleged violator liable for tolls under this section.

D. If the matter proceeds to court, the owner or operator of a vehicle shall be liable for a civil penalty as follows: for a first offense, $50; for a second offense within one year from the first offense, $100; for a third offense within two years from the second offense, $250; and for a fourth and any subsequent offense within three years from the second offense, $500; plus, in each case, the unpaid toll, all accrued administrative fees imposed by the toll facility operator, and applicable court costs if the vehicle is found, as evidenced by information obtained from a video-monitoring system in conjunction with an automatic vehicle identification system as provided in this section, to have used such a toll facility without payment of the required toll within 30 days of receipt of the invoice for the toll.

E. Notwithstanding subsections C and D, for a first conviction of an operator or owner of a vehicle under this section the total amount for the first conviction shall not exceed $2,200, including civil penalties and administrative fees regardless of the total number of offenses the operator or owner of a vehicle is convicted of on that date.

F. No summons may be issued by a toll facility operator for a violation of this section unless the toll facility operator can demonstrate that (i) there was an attempt to collect the unpaid tolls and applicable administrative fees through debt collection not less than 30 days prior to issuance of the summons and (ii) 120 days have elapsed since the unpaid toll or, in a summons for multiple violations, 120 days have elapsed since the most recent unpaid toll noticed on the summons.

G. Any action under this section shall be brought in the general district court of the county or city in which the toll facility is located and shall be commenced within two years of the commission of the offense. Such action shall be considered a traffic infraction. The attorney for the Commonwealth may represent the interests of the toll facility operator. Any authorized agent or employee of a toll facility operator acting on behalf of a governmental entity shall be allowed the privileges accorded by § 16.1-88.03 in such cases.

H. Proof of a violation of this section shall be evidenced by information obtained from a video-monitoring system or automatic vehicle identification system as provided in this section. A certificate, sworn to or affirmed by a technician employed or authorized by the operator of a toll facility or by the locality wherein the toll facility is located, or a facsimile of such a certificate, based on inspection of photographs, microphotographs, videotapes, or other recorded images produced by a video-monitoring system or of electronic data collected by an automatic vehicle identification system, shall be prima facie evidence of the facts contained therein. Any photographs, microphotographs, videotape, or other recorded images or electronic data evidencing such a violation shall be available for inspection in any proceeding to adjudicate the liability for such violation under this section. A record of communication by an automatic vehicle identification device with the automatic vehicle identification system at the time of a violation of this section shall be prima facie evidence that the automatic vehicle identification device was located in the vehicle registered to use such device in the records of the Department of Transportation.

I. On a form prescribed by the Supreme Court, a summons for a violation of this section may be executed as provided in § 19.2-76.2. A summons for a violation of this section may set forth multiple violations occurring within one jurisdiction. Notwithstanding the provisions of § 19.2-76, a summons for a violation of unpaid tolls may be executed by mailing by first-class mail a copy thereof to the address of the owner or, if the owner has named and provided a valid address for the operator of the vehicle at the time of the violation in an affidavit executed pursuant to subsection J, such named operator of the vehicle. Such summons shall be signed either originally or by electronic signature. If the summoned person fails to appear on the date of return set out in the summons mailed pursuant to this section, the summons shall be executed in the manner set out in § 19.2-76.3.

J. Upon a finding by a court of competent jurisdiction that the vehicle described in the summons issued pursuant to subsection I was in violation of this section, the court shall impose a civil penalty upon the owner or operator of such vehicle in accordance with the amounts specified in subsection D, together with applicable court costs, the operator's administrative fee, and the toll due. Penalties assessed as the result of action initiated by the Department of Transportation shall be remanded by the clerk of the court that adjudicated the action to the Department of Transportation's Toll Facilities Revolving Account. Penalties assessed as the result of action initiated by an operator of a toll facility other than the Department of Transportation shall be remanded by the clerk of the court that adjudicated the action to the treasurer or director of finance of the county or city in which the violation occurred for payment to the toll facility operator.

The owner of such vehicle shall be given reasonable notice by way of a summons as provided in subsection I that his vehicle had been used in violation of this section, and such owner shall be given notice of the time and place of the hearing as well as the civil penalty and costs for such offense.

It shall be prima facie evidence that the vehicle described in the summons issued pursuant to subsection I was operated in violation of this section. Records obtained from the Department of Motor Vehicles pursuant to subsection P and certified in accordance with § 46.2-215 or from the equivalent agency in another state and certified as true and correct copies by the head of such agency or his designee identifying the owner of such vehicle shall give rise to a rebuttable presumption that the owner of the vehicle is the person named in the summons.

Upon the filing of an affidavit by the owner of the vehicle with the toll facility operator within 14 days of receipt of an invoice for unpaid toll or a summons stating that such owner was not the operator of the vehicle on the date of the violation and providing the legal name and address of the operator of the vehicle at the time of the violation, an invoice for unpaid toll or summons, whichever the case may be, will also be issued to the alleged operator of the vehicle at the time of the offense.

In any action against a vehicle operator, an affidavit made by the owner providing the name and address of the vehicle operator at the time of the violation shall constitute prima facie evidence that the person named in the affidavit was operating the vehicle at all the relevant times relating to the matter named in the affidavit.

If the owner of the vehicle produces for the toll facility operator or the court a certified copy of a police report showing that the vehicle had been reported to the police as stolen prior to the time of the alleged offense and remained stolen at the time of the alleged offense, then the toll facility operator shall not pursue the owner for the unpaid toll contained in the invoice for unpaid toll or the court shall dismiss the summons issued to the owner of the vehicle.

K. Upon a finding by a court that a person has two or more unpaid tolls and such person fails to pay the required penalties, fees, and unpaid tolls, then the court or toll facility operator shall notify the Commissioner of the Department of Motor Vehicles, who shall refuse to issue or renew any vehicle registration certificate of any applicant or the license plate issued for the vehicle driven in the commission of the offense or, when the vehicle is registered in a state with which the Commonwealth has entered into an agreement to enforce tolling violations pursuant to § 46.2-819.9, who shall provide to the entity authorized to issue vehicle registration certificates or license plates in the state in which the vehicle is registered sufficient evidence of the court's finding to take action against the vehicle registration certificate or license plates in accordance with the terms of the agreement, until the court has notified the Commissioner that such penalties, fees, and unpaid tolls have been paid. Upon receipt of such notification from the court, the Commissioner of the Department of Motor Vehicles shall notify the state where the vehicle is registered of such payment. If it is proven that the vehicle owner was not the operator at the time of the offense and upon a finding by a court that the person identified in an affidavit pursuant to subsection J as the operator violated this section and such person fails to pay the required penalties, fees, and unpaid tolls, the court shall notify the Commissioner, who shall refuse to issue or renew any vehicle registration certificate of any applicant or the license plate issued for any vehicle owned or co-owned by such person or, when such vehicle is registered in a state with which the Commonwealth has entered into an agreement to enforce tolling violations pursuant to § 46.2-819.9, who shall provide to the entity authorized to issue vehicle registration certificates or license plates in the state in which the vehicle is registered sufficient evidence of the court's finding to take action against the vehicle registration certificate or license plates in accordance with the terms of the agreement, until the court has notified the Commissioner that such penalties, fees, and unpaid tolls have been paid. Upon receipt of such notification from the court, the Commissioner of the Department of Motor Vehicles shall notify the state where the vehicle is registered of such payment. Such funds representing payment of unpaid tolls and all administrative fees of the toll facility operator shall be transferred from the court to the Department of Transportation's Toll Facilities Revolving Account or, in the case of an action initiated by an operator of a toll facility other than the Department of Transportation, to the treasurer or director of finance of the county or city in which the violation occurred for payment to the toll facility operator. The Commissioner shall collect a $40 administrative fee from the owner or operator of the vehicle to defray the cost of processing and removing an order to deny registration or registration renewal.

L. If an owner of a vehicle has received at least one invoice for two or more unpaid tolls in accordance with § 46.2-819.6 by certified mail *or other equivalent form of trackable correspondence* and has (i) failed to pay the unpaid tolls and administrative fees and (ii) failed to file a notice to contest liability for a toll violation, then the toll facility operator may notify the Commissioner, who shall, if no form contesting liability has been timely filed with the toll facility operator pursuant to this section, refuse to issue or renew the vehicle registration certificate of any applicant therefor or the license plate issued for any vehicle driven in the commission of the offense until the toll facility operator has notified the Commissioner that such fees and unpaid tolls have been paid.

If the vehicle owner was not the operator at the time of the offense and the person identified in an affidavit pursuant to subsection J as the operator has received at least one invoice for two or more unpaid tolls in accordance with § 46.2-819.6 by certified mail *or other equivalent form of trackable correspondence* and such person has (a) failed to pay the unpaid tolls and administrative fees and (b) failed to file a notice to contest liability for a toll violation, then the toll facility operator may notify the Commissioner, who shall, if no form contesting liability has been timely filed with the toll facility operator pursuant to this section, refuse to issue or renew any vehicle registration certificate of any applicant therefor or the license plate issued for any vehicle owned or co-owned by such person until the toll facility operator has notified the Commissioner that such fees and unpaid tolls have been paid.

The Commissioner may only refuse to issue or renew any vehicle registration pursuant to this subsection upon the request of a toll facility operator if such toll facility operator has entered into an agreement with the Commissioner whereby the Commissioner will refuse to issue or renew any vehicle registration of any applicant therefor who owes unpaid tolls and administrative fees to the toll facility operator. The toll facility operator seeking to collect unpaid tolls and administrative fees through the withholding of registration or renewal thereof by the Commissioner as provided for in this subsection shall notify the Commissioner in the manner provided for in his agreement with the Commissioner and supply to the Commissioner information necessary to identify the violator whose registration or renewal is to be denied. The Commissioner shall charge a $40 fee to defray the cost of processing and withholding the registration or registration renewal, and the toll facility operator may add this fee to the amount of the unpaid tolls and administrative fees. Any agreement entered into pursuant to the provisions of this subsection shall provide for the Department to send the violator notice of the intent to deny renewal of registration at least 30 days prior to the expiration date of a current vehicle registration and such notice shall include a form, as required under subsection B of § 46.2-819.6, to contest liability of the underlying toll violation. The notice provided by the Commissioner shall include instructions for filing the form to contest liability with the toll facility operator within 21 days after the date of mailing of the Commissioner's notice. Upon timely receipt of the form, the toll facility operator shall notify the Commissioner, who shall refrain from withholding the registration or renewal thereof, after which the toll facility operator may proceed to issue a summons for unpaid toll. For the purposes of this subsection, notice by first-class mail to the registrant's address as maintained in the records of the Department shall be deemed sufficient.

M. Any vehicle rental or vehicle leasing company, if it receives an invoice for unpaid toll or is named in a summons, shall be released as a party to the action if it provides the operator of the toll facility a copy of the vehicle rental agreement or lease or an affidavit identifying the renter or lessee within 30 days of receipt of the invoice or summons. Upon receipt of such rental agreement, lease, or affidavit, an invoice for unpaid toll shall be mailed to the renter or lessee identified therein. Release of this information shall not be deemed a violation of any provision of the Government Data Collection and Dissemination Practices Act (§ 2.2-3800 et seq.) or the Insurance Information and Privacy Protection Act (§ 38.2-600 et seq.). The toll facility operator shall allow at least 30 days from the date of such mailing before pursuing other remedies under this section. In any action against the vehicle operator, a copy of the vehicle rental agreement, lease, or affidavit identifying the renter or lessee of the vehicle at the time of the violation is prima facie evidence that the person named in the rental agreement, lease, or affidavit was operating the vehicle at all the relevant times relating to the matter named in the summons.

N. Imposition of a civil penalty pursuant to this section shall not be deemed a conviction as an operator and shall not be made part of the driving record of the person upon whom such civil penalty is imposed, nor shall it be used for insurance purposes in the provision of motor vehicle insurance coverage.

O. The toll facility operator may offer to the owner an option to pay the unpaid toll and fees plus a reduced civil penalty of $25 for a first or second offense or $50 for a third, fourth, or subsequent offense, as specified on the summons, provided the owner actually pays to the toll facility operator the entire amount so calculated at least 14 days prior to the hearing date specified on the summons. If the owner accepts such offer and such amount is actually received by the toll facility operator at least 14 days prior to the hearing date specified on the summons, the toll facility operator shall move the court at least five business days prior to the date set for trial to dismiss the summons issued to the owner of the vehicle, and the court shall dismiss upon such motion.

P. The operator of a toll facility may enter into an agreement with the Department, in accordance with the provisions of subdivision B 21 of § 46.2-208, to obtain vehicle owner information regarding the owners of vehicles that fail to pay tolls required for the use of toll facilities and with the Department of Transportation to obtain any information that is necessary to conduct electronic toll collection. Such agreement may include any information that may be obtained by the Department of Motor Vehicles in accordance with any agreement entered into pursuant to § 46.2-819.9. Information provided to the operator of a toll facility shall be used only for the collection of unpaid tolls, and the operator of the toll facility shall be subject to the same conditions and penalties regarding release of the information as contained in subsection C.

Q. No person shall be subject to both the provisions of this section and to prosecution under § 46.2-819 for actions arising out of the same transaction or occurrence.

CHAPTER 68

An Act to amend and reenact § 46.2-819.3:1 of the Code of Virginia, relating to toll invoices; mail.

[S 205]

Approved March 14, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 46.2-819.3:1 of the Code of Virginia is amended and reenacted as follows:

§ 46.2-819.3:1. Installation and use of video-monitoring system and automatic vehicle identification system in conjunction with all-electronic toll facilities; penalty.

A. For purposes of this section:

"Automatic vehicle identification device" means an electronic device that communicates by wireless transmission with an automatic vehicle identification system.

"Automatic vehicle identification system" means an electronic vehicle identification system installed to work in conjunction with a toll collection device that automatically produces an electronic record of each vehicle equipped with an automatic vehicle identification device that uses a toll facility.

"Debt collection" means the collection of unpaid tolls and applicable administrative fees by (i) retention of a third-party debt collector or (ii) collection practices undertaken by employees of a toll facility operator that are materially similar to a third-party debt collector.

"Operator" means a person who was driving a vehicle that was the subject of a toll violation but who is not the owner of the vehicle.

"Operator of a toll facility other than the Department of Transportation" means any agency, political subdivision, authority, or other entity that operates a toll facility.

"Owner" means the registered owner of a vehicle on record with the Department of Motor Vehicles or with the equivalent agency in another state. "Owner" does not mean a vehicle rental or vehicle leasing company.

"Video-monitoring system" means a vehicle sensor installed to work in conjunction with a toll collection device that automatically produces one or more photographs, one or more microphotographs, a videotape, or other recorded images of each vehicle at the time it is used or operated in violation of this section.

B. The operator of any toll facility or the locality within which such toll facility is located may install and operate or cause to be installed and operated a video-monitoring system in conjunction with an automatic vehicle identification system on facilities for which tolls are collected for the use of such toll facility and that do not offer manual toll collection. A video-monitoring system shall include, but not be limited to, electronic systems that monitor and capture images of vehicles using a toll facility to enable toll collection for vehicles that do not pay using a toll collection device. The operator of a toll facility shall send an invoice for unpaid tolls in accordance with the requirements of § 46.2-819.6 to the owner of a vehicle as part of a video-monitoring toll collection process, prior to seeking remedies under this section.

C. Information collected by a video-monitoring system in conjunction with an automatic vehicle identification system installed and operated pursuant to subsection B shall be limited exclusively to that information that is necessary for the collection of unpaid tolls and establishing when violations occur, including use in any proceeding to determine whether a violation occurred. Notwithstanding any other provision of law, all images or other data collected by a video-monitoring system in conjunction with an automatic vehicle identification system shall be protected in a database with security comparable to that of the Department of Motor Vehicles' system and used exclusively for the collection of unpaid tolls and for efforts to pursue violators of this section and shall not (i) be open to the public; (ii) be sold and/or used for sales, solicitation, or marketing purposes other than those of the toll facility operator to facilitate toll payment; (iii) be disclosed to any other entity except as may be necessary for the collection of unpaid tolls or to a vehicle owner or operator as part of a challenge to the imposition of a toll; and/or (iv) be used in a court in a pending action or proceeding unless the action or proceeding relates to a violation of this section or upon order from a court of competent jurisdiction. Except as provided above, information collected under this section shall be purged and not retained later than 30 days after the collection and reconciliation of any unpaid tolls, administrative fees, and/or civil penalties. Any entity operating a video-monitoring system in conjunction with an automatic vehicle identification system shall annually certify compliance with this section and make all records pertaining to such system available for inspection and audit by the Commissioner of Highways or the Commissioner of the Department of Motor Vehicles or their designee. Any violation of this subsection shall constitute a Class 1 misdemeanor. In addition to any fines or other penalties provided for by law, any money or other thing of value obtained as a result of a violation of this section shall be forfeited to the Commonwealth.

If a vehicle uses a toll facility without paying the toll, the owner or operator shall be in violation of this section if he refuses to pay the toll within 30 days of notification. The toll facility operator may impose and collect an administrative fee in addition to the unpaid toll so as to recover the expenses of collecting the unpaid toll, which administrative fee shall be reasonably related to the actual cost of collecting the unpaid toll and not exceed $100 per violation. Such fee shall not be levied upon the owner or operator of the vehicle unless the toll has not been paid by the owner or operator within 30 days after receipt of the invoice for the unpaid toll, which nonpayment for 30 days shall constitute the violation of this section. Once such a violation has occurred, the owner or operator of the vehicle shall pay the unpaid tolls and any administrative fee detailed in the invoice for the unpaid toll issued by a toll facility operator. If paid within 60 days of the toll violation, the administrative fee shall not exceed $25.

The toll facility operator may levy charges for the direct cost of use of and processing for a video-monitoring system and to cover the cost of the invoice, which are in addition to the toll and may not exceed double the amount of the base toll, provided that potential toll facility users are provided notice before entering the facility by conspicuous signs that clearly indicate that the toll for use of the facility could be tripled for any vehicle that does not have an active, functioning automatic vehicle identification device registered for and in use in the vehicle using the toll facility, and such signs are posted at a location where the operator can still choose to avoid the use of the toll facility if he chooses not to pay the toll.

A person receiving an invoice for an unpaid toll under this section may (a) pay the toll and administrative fees directly to the toll facility operator or (b) file with the toll facility operator a notice, on a form provided by the toll facility operator as required under subsection B of § 46.2-819.6, to contest liability for a toll violation. The notice to contest liability for a toll violation may be filed by any person receiving an invoice for an unpaid toll by mailing or delivering the notice to the toll

facility operator within 60 days of receiving such invoice for an unpaid toll. Upon receipt of such notice, the toll facility operator may issue a summons pursuant to subsection I and may not seek withholding of registration or renewal thereof under subsection L until a court of competent jurisdiction has found the alleged violator liable for tolls under this section.

D. If the matter proceeds to court, the owner or operator of a vehicle shall be liable for a civil penalty as follows: for a first offense, $50; for a second offense within one year from the first offense, $100; for a third offense within two years from the second offense, $250; and for a fourth and any subsequent offense within three years from the second offense, $500; plus, in each case, the unpaid toll, all accrued administrative fees imposed by the toll facility operator, and applicable court costs if the vehicle is found, as evidenced by information obtained from a video-monitoring system in conjunction with an automatic vehicle identification system as provided in this section, to have used such a toll facility without payment of the required toll within 30 days of receipt of the invoice for the toll.

E. Notwithstanding subsections C and D, for a first conviction of an operator or owner of a vehicle under this section the total amount for the first conviction shall not exceed $2,200, including civil penalties and administrative fees regardless of the total number of offenses the operator or owner of a vehicle is convicted of on that date.

F. No summons may be issued by a toll facility operator for a violation of this section unless the toll facility operator can demonstrate that (i) there was an attempt to collect the unpaid tolls and applicable administrative fees through debt collection not less than 30 days prior to issuance of the summons and (ii) 120 days have elapsed since the unpaid toll or, in a summons for multiple violations, 120 days have elapsed since the most recent unpaid toll noticed on the summons.

G. Any action under this section shall be brought in the general district court of the county or city in which the toll facility is located and shall be commenced within two years of the commission of the offense. Such action shall be considered a traffic infraction. The attorney for the Commonwealth may represent the interests of the toll facility operator. Any authorized agent or employee of a toll facility operator acting on behalf of a governmental entity shall be allowed the privileges accorded by § 16.1-88.03 in such cases.

H. Proof of a violation of this section shall be evidenced by information obtained from a video-monitoring system or automatic vehicle identification system as provided in this section. A certificate, sworn to or affirmed by a technician employed or authorized by the operator of a toll facility or by the locality wherein the toll facility is located, or a facsimile of such a certificate, based on inspection of photographs, microphotographs, videotapes, or other recorded images produced by a video-monitoring system or of electronic data collected by an automatic vehicle identification system, shall be prima facie evidence of the facts contained therein. Any photographs, microphotographs, videotape, or other recorded images or electronic data evidencing such a violation shall be available for inspection in any proceeding to adjudicate the liability for such violation under this section. A record of communication by an automatic vehicle identification device with the automatic vehicle identification system at the time of a violation of this section shall be prima facie evidence that the automatic vehicle identification device was located in the vehicle registered to use such device in the records of the Department of Transportation.

I. On a form prescribed by the Supreme Court, a summons for a violation of this section may be executed as provided in § 19.2-76.2. A summons for a violation of this section may set forth multiple violations occurring within one jurisdiction. Notwithstanding the provisions of § 19.2-76, a summons for a violation of unpaid tolls may be executed by mailing by first-class mail a copy thereof to the address of the owner or, if the owner has named and provided a valid address for the operator of the vehicle at the time of the violation in an affidavit executed pursuant to subsection J, such named operator of the vehicle. Such summons shall be signed either originally or by electronic signature. If the summoned person fails to appear on the date of return set out in the summons mailed pursuant to this section, the summons shall be executed in the manner set out in § 19.2-76.3.

J. Upon a finding by a court of competent jurisdiction that the vehicle described in the summons issued pursuant to subsection I was in violation of this section, the court shall impose a civil penalty upon the owner or operator of such vehicle in accordance with the amounts specified in subsection D, together with applicable court costs, the operator's administrative fee, and the toll due. Penalties assessed as the result of action initiated by the Department of Transportation shall be remanded by the clerk of the court that adjudicated the action to the Department of Transportation's Toll Facilities Revolving Account. Penalties assessed as the result of action initiated by an operator of a toll facility other than the Department of Transportation shall be remanded by the clerk of the court that adjudicated the action to the treasurer or director of finance of the county or city in which the violation occurred for payment to the toll facility operator.

The owner of such vehicle shall be given reasonable notice by way of a summons as provided in subsection I that his vehicle had been used in violation of this section, and such owner shall be given notice of the time and place of the hearing as well as the civil penalty and costs for such offense.

It shall be prima facie evidence that the vehicle described in the summons issued pursuant to subsection I was operated in violation of this section. Records obtained from the Department of Motor Vehicles pursuant to subsection P and certified in accordance with § 46.2-215 or from the equivalent agency in another state and certified as true and correct copies by the head of such agency or his designee identifying the owner of such vehicle shall give rise to a rebuttable presumption that the owner of the vehicle is the person named in the summons.

Upon the filing of an affidavit by the owner of the vehicle with the toll facility operator within 14 days of receipt of an invoice for unpaid toll or a summons stating that such owner was not the operator of the vehicle on the date of the violation and providing the legal name and address of the operator of the vehicle at the time of the violation, an invoice for unpaid toll or summons, whichever the case may be, will also be issued to the alleged operator of the vehicle at the time of the offense.

In any action against a vehicle operator, an affidavit made by the owner providing the name and address of the vehicle operator at the time of the violation shall constitute prima facie evidence that the person named in the affidavit was operating the vehicle at all the relevant times relating to the matter named in the affidavit.

If the owner of the vehicle produces for the toll facility operator or the court a certified copy of a police report showing that the vehicle had been reported to the police as stolen prior to the time of the alleged offense and remained stolen at the time of the alleged offense, then the toll facility operator shall not pursue the owner for the unpaid toll contained in the invoice for unpaid toll or the court shall dismiss the summons issued to the owner of the vehicle.

K. Upon a finding by a court that a person has two or more unpaid tolls and such person fails to pay the required penalties, fees, and unpaid tolls, then the court or toll facility operator shall notify the Commissioner of the Department of Motor Vehicles, who shall refuse to issue or renew any vehicle registration certificate of any applicant or the license plate issued for the vehicle driven in the commission of the offense or, when the vehicle is registered in a state with which the Commonwealth has entered into an agreement to enforce tolling violations pursuant to § 46.2-819.9, who shall provide to the entity authorized to issue vehicle registration certificates or license plates in the state in which the vehicle is registered sufficient evidence of the court's finding to take action against the vehicle registration certificate or license plates in accordance with the terms of the agreement, until the court has notified the Commissioner that such penalties, fees, and unpaid tolls have been paid. Upon receipt of such notification from the court, the Commissioner of the Department of Motor Vehicles shall notify the state where the vehicle is registered of such payment. If it is proven that the vehicle owner was not the operator at the time of the offense and upon a finding by a court that the person identified in an affidavit pursuant to subsection J as the operator violated this section and such person fails to pay the required penalties, fees, and unpaid tolls, the court shall notify the Commissioner, who shall refuse to issue or renew any vehicle registration certificate of any applicant or the license plate issued for any vehicle owned or co-owned by such person or, when such vehicle is registered in a state with which the Commonwealth has entered into an agreement to enforce tolling violations pursuant to § 46.2-819.9, who shall provide to the entity authorized to issue vehicle registration certificates or license plates in the state in which the vehicle is registered sufficient evidence of the court's finding to take action against the vehicle registration certificate or license plates in accordance with the terms of the agreement, until the court has notified the Commissioner that such penalties, fees, and unpaid tolls have been paid. Upon receipt of such notification from the court, the Commissioner of the Department of Motor Vehicles shall notify the state where the vehicle is registered of such payment. Such funds representing payment of unpaid tolls and all administrative fees of the toll facility operator shall be transferred from the court to the Department of Transportation's Toll Facilities Revolving Account or, in the case of an action initiated by an operator of a toll facility other than the Department of Transportation, to the treasurer or director of finance of the county or city in which the violation occurred for payment to the toll facility operator. The Commissioner shall collect a $40 administrative fee from the owner or operator of the vehicle to defray the cost of processing and removing an order to deny registration or registration renewal.

L. If an owner of a vehicle has received at least one invoice for two or more unpaid tolls in accordance with § 46.2-819.6 by certified mail *or other equivalent form of trackable correspondence* and has (i) failed to pay the unpaid tolls and administrative fees and (ii) failed to file a notice to contest liability for a toll violation, then the toll facility operator may notify the Commissioner, who shall, if no form contesting liability has been timely filed with the toll facility operator pursuant to this section, refuse to issue or renew the vehicle registration certificate of any applicant therefor or the license plate issued for any vehicle driven in the commission of the offense until the toll facility operator has notified the Commissioner that such fees and unpaid tolls have been paid.

If the vehicle owner was not the operator at the time of the offense and the person identified in an affidavit pursuant to subsection J as the operator has received at least one invoice for two or more unpaid tolls in accordance with § 46.2-819.6 by certified mail *or other equivalent form of trackable correspondence* and such person has (a) failed to pay the unpaid tolls and administrative fees and (b) failed to file a notice to contest liability for a toll violation, then the toll facility operator may notify the Commissioner, who shall, if no form contesting liability has been timely filed with the toll facility operator pursuant to this section, refuse to issue or renew any vehicle registration certificate of any applicant therefor or the license plate issued for any vehicle owned or co-owned by such person until the toll facility operator has notified the Commissioner that such fees and unpaid tolls have been paid.

The Commissioner may only refuse to issue or renew any vehicle registration pursuant to this subsection upon the request of a toll facility operator if such toll facility operator has entered into an agreement with the Commissioner whereby the Commissioner will refuse to issue or renew any vehicle registration of any applicant therefor who owes unpaid tolls and administrative fees to the toll facility operator. The toll facility operator seeking to collect unpaid tolls and administrative fees through the withholding of registration or renewal thereof by the Commissioner as provided for in this subsection shall notify the Commissioner in the manner provided for in his agreement with the Commissioner and supply to the Commissioner information necessary to identify the violator whose registration or renewal is to be denied. The Commissioner shall charge a $40 fee to defray the cost of processing and withholding the registration or registration renewal, and the toll facility operator may add this fee to the amount of the unpaid tolls and administrative fees. Any agreement entered into pursuant to the provisions of this subsection shall provide for the Department to send the violator notice of the intent to deny renewal of registration at least 30 days prior to the expiration date of a current vehicle registration and such notice shall include a form, as required under subsection B of § 46.2-819.6, to contest liability of the underlying toll violation. The notice provided by the Commissioner shall include instructions for filing the form to contest

liability with the toll facility operator within 21 days after the date of mailing of the Commissioner's notice. Upon timely receipt of the form, the toll facility operator shall notify the Commissioner, who shall refrain from withholding the registration or renewal thereof, after which the toll facility operator may proceed to issue a summons for unpaid toll. For the purposes of this subsection, notice by first-class mail to the registrant's address as maintained in the records of the Department shall be deemed sufficient.

M. Any vehicle rental or vehicle leasing company, if it receives an invoice for unpaid toll or is named in a summons, shall be released as a party to the action if it provides the operator of the toll facility a copy of the vehicle rental agreement or lease or an affidavit identifying the renter or lessee within 30 days of receipt of the invoice or summons. Upon receipt of such rental agreement, lease, or affidavit, an invoice for unpaid toll shall be mailed to the renter or lessee identified therein. Release of this information shall not be deemed a violation of any provision of the Government Data Collection and Dissemination Practices Act (§ 2.2-3800 et seq.) or the Insurance Information and Privacy Protection Act (§ 38.2-600 et seq.). The toll facility operator shall allow at least 30 days from the date of such mailing before pursuing other remedies under this section. In any action against the vehicle operator, a copy of the vehicle rental agreement, lease, or affidavit identifying the renter or lessee of the vehicle at the time of the violation is prima facie evidence that the person named in the rental agreement, lease, or affidavit was operating the vehicle at all the relevant times relating to the matter named in the summons.

N. Imposition of a civil penalty pursuant to this section shall not be deemed a conviction as an operator and shall not be made part of the driving record of the person upon whom such civil penalty is imposed, nor shall it be used for insurance purposes in the provision of motor vehicle insurance coverage.

O. The toll facility operator may offer to the owner an option to pay the unpaid toll and fees plus a reduced civil penalty of $25 for a first or second offense or $50 for a third, fourth, or subsequent offense, as specified on the summons, provided the owner actually pays to the toll facility operator the entire amount so calculated at least 14 days prior to the hearing date specified on the summons. If the owner accepts such offer and such amount is actually received by the toll facility operator at least 14 days prior to the hearing date specified on the summons, the toll facility operator shall move the court at least five business days prior to the date set for trial to dismiss the summons issued to the owner of the vehicle, and the court shall dismiss upon such motion.

P. The operator of a toll facility may enter into an agreement with the Department, in accordance with the provisions of subdivision B 21 of § 46.2-208, to obtain vehicle owner information regarding the owners of vehicles that fail to pay tolls required for the use of toll facilities and with the Department of Transportation to obtain any information that is necessary to conduct electronic toll collection. Such agreement may include any information that may be obtained by the Department of Motor Vehicles in accordance with any agreement entered into pursuant to § 46.2-819.9. Information provided to the operator of a toll facility shall be used only for the collection of unpaid tolls, and the operator of the toll facility shall be subject to the same conditions and penalties regarding release of the information as contained in subsection C.

Q. No person shall be subject to both the provisions of this section and to prosecution under § 46.2-819 for actions arising out of the same transaction or occurrence.

CHAPTER 69

An Act to amend and reenact §§ 8.01-53 and 63.2-1215 of the Code of Virginia, relating to adoption; award of damages; death by wrongful act.

[H 140]

Approved March 14, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 8.01-53 and 63.2-1215 of the Code of Virginia are amended and reenacted as follows:

§ 8.01-53. Class and beneficiaries; when determined.

A. The damages awarded pursuant to § 8.01-52 shall be distributed as specified under § 8.01-54 to (i) the surviving spouse, children of the deceased and children of any deceased child of the deceased, and, only if there is a surviving spouse, children of the deceased, or children of any deceased child of the deceased, the parents of the decedent if any of such parents, within 12 months prior to the decedent's death, regularly received support or regularly received services from the decedent for necessaries, including living expenses, food, shelter, health care expenses, or in-home assistance or care, or (ii) if there is no surviving spouse, children of the deceased, or children of any deceased child of the deceased, then to the parents, brothers and sisters of the deceased, and to any other relative who is primarily dependent on the decedent for support or services and is also a member of the same household as the decedent or (iii) if the decedent has left both surviving spouse and parent or parents, but no child or grandchild, the award shall be distributed to the surviving spouse and such parent or parents or (iv) if there are survivors under clause (i) or clause (iii), the award shall be distributed to those beneficiaries and to any other relative who is primarily dependent on the decedent for support or services and is also a member of the same household as the decedent or (v) if no survivors exist under clause (i), (ii), (iii), or (iv), the award shall be distributed in the course of descents as provided for in § 64.2-200. ~~Provided, however~~ *However*, no parent whose parental rights and responsibilities have been terminated by a court of competent jurisdiction or pursuant to a permanent entrustment agreement with a child welfare agency shall be eligible as a beneficiary under this section. For purposes of this

section, a relative is any person related to the decedent by blood, marriage, or adoption and also includes a stepchild of the decedent.

B. The class and beneficiaries thereof eligible to receive such distribution shall be fixed (i) at the time the verdict is entered if the jury makes the specification, or (ii) at the time the judgment is rendered if the court specifies the distribution.

C. A beneficiary may renounce his interest in any claim brought pursuant to § 8.01-50 and, in such event, the damages shall be distributed to the beneficiaries in the same class as the renouncing beneficiary or, if there are none, to the beneficiaries in any subsequent class in the order of priority set forth in subsection A.

D. For the purposes of this section, children of the deceased shall include any child of the decedent who is adopted after the death of the decedent, provided that the parental rights of the decedent were not terminated by a court of competent jurisdiction prior to his death. The provisions of this subsection shall apply to any adoption finalized on or after July 1, 2024.

§ 63.2-1215. Legal effects of adoption.

A. The birth parents, and the parents by previous adoption, if any, other than any such parent who is the husband or wife of one of the petitioners, shall, by final order of adoption, be divested of all legal rights and obligations in respect to the child including the right to petition any court for visitation with the child. Except where a final order of adoption is entered pursuant to § 63.2-1241, any person whose interest in the child derives from or through the birth parent or previous adoptive parent, including but not limited to grandparents, stepparents, former stepparents, blood relatives, and family members, shall, by final order of adoption, be divested of all legal rights and obligations in respect to the child including the right to petition any court for visitation with the child. In all cases the child shall be free from all legal obligations of obedience and maintenance in respect to such persons divested of legal rights. Any child adopted under the provisions of this chapter shall, from and after the entry of the interlocutory order or from and after the entry of the final order where no such interlocutory order is entered, be, to all intents and purposes, the child of the person or persons so adopting him, and, unless and until such interlocutory order or final order is subsequently revoked, shall be entitled to all the rights and privileges, and subject to all the obligations, of a child of such person or persons born in lawful wedlock. An adopted person is the child of an adopting parent, and as such, the adopting parent shall be entitled to testify in all cases civil and criminal, as if the adopted child was born of the adopting parent in lawful wedlock.

B. Nothing in this section shall be construed to prohibit any child of a deceased person from receiving an award of damages in an action for death by wrongful act in accordance with the provisions of Article 5 (§ 8.01-50 et seq.) of Chapter 3 of Title 8.01 if such child is adopted after the death of the deceased person, provided that the parental rights of such deceased person were not terminated by a court of competent jurisdiction prior to his death. The provisions of this subsection shall apply to any adoption finalized on or after July 1, 2024.

CHAPTER 70

An Act to amend and reenact §§ 8.01-53 and 63.2-1215 of the Code of Virginia, relating to adoption; award of damages; death by wrongful act.

[S 209]

Approved March 14, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 8.01-53 and 63.2-1215 of the Code of Virginia are amended and reenacted as follows:

§ 8.01-53. Class and beneficiaries; when determined.

A. The damages awarded pursuant to § 8.01-52 shall be distributed as specified under § 8.01-54 to (i) the surviving spouse, children of the deceased and children of any deceased child of the deceased, and, only if there is a surviving spouse, children of the deceased, or children of any deceased child of the deceased, the parents of the decedent if any of such parents, within 12 months prior to the decedent's death, regularly received support or regularly received services from the decedent for necessaries, including living expenses, food, shelter, health care expenses, or in-home assistance or care, or (ii) if there is no surviving spouse, children of the deceased, or children of any deceased child of the deceased, then to the parents, brothers and sisters of the deceased, and to any other relative who is primarily dependent on the decedent for support or services and is also a member of the same household as the decedent or (iii) if the decedent has left both surviving spouse and parent or parents, but no child or grandchild, the award shall be distributed to the surviving spouse and such parent or parents or (iv) if there are survivors under clause (i) or clause (iii), the award shall be distributed to those beneficiaries and to any other relative who is primarily dependent on the decedent for support or services and is also a member of the same household as the decedent or (v) if no survivors exist under clause (i), (ii), (iii), or (iv), the award shall be distributed in the course of descents as provided for in § 64.2-200. ~~Provided, however~~ *However*, no parent whose parental rights and responsibilities have been terminated by a court of competent jurisdiction or pursuant to a permanent entrustment agreement with a child welfare agency shall be eligible as a beneficiary under this section. For purposes of this section, a relative is any person related to the decedent by blood, marriage, or adoption and also includes a stepchild of the decedent.

B. The class and beneficiaries thereof eligible to receive such distribution shall be fixed (i) at the time the verdict is entered if the jury makes the specification, or (ii) at the time the judgment is rendered if the court specifies the distribution.

C. A beneficiary may renounce his interest in any claim brought pursuant to § 8.01-50 and, in such event, the damages shall be distributed to the beneficiaries in the same class as the renouncing beneficiary or, if there are none, to the beneficiaries in any subsequent class in the order of priority set forth in subsection A.

D. For the purposes of this section, children of the deceased shall include any child of the decedent who is adopted after the death of the decedent, provided that the parental rights of the decedent were not terminated by a court of competent jurisdiction prior to his death. The provisions of this subsection shall apply to any adoption finalized on or after July 1, 2024.

§ 63.2-1215. Legal effects of adoption.

A. The birth parents, and the parents by previous adoption, if any, other than any such parent who is the husband or wife of one of the petitioners, shall, by final order of adoption, be divested of all legal rights and obligations in respect to the child including the right to petition any court for visitation with the child. Except where a final order of adoption is entered pursuant to § 63.2-1241, any person whose interest in the child derives from or through the birth parent or previous adoptive parent, including but not limited to grandparents, stepparents, former stepparents, blood relatives*,* and family members*,* shall, by final order of adoption, be divested of all legal rights and obligations in respect to the child including the right to petition any court for visitation with the child. In all cases the child shall be free from all legal obligations of obedience and maintenance in respect to such persons divested of legal rights. Any child adopted under the provisions of this chapter shall, from and after the entry of the interlocutory order or from and after the entry of the final order where no such interlocutory order is entered, be, to all intents and purposes, the child of the person or persons so adopting him~~,~~ and, unless and until such interlocutory order or final order is subsequently revoked, shall be entitled to all the rights and privileges, and subject to all the obligations, of a child of such person or persons born in lawful wedlock. An adopted person is the child of an adopting parent, and as such, the adopting parent shall be entitled to testify in all cases civil and criminal, as if the adopted child was born of the adopting parent in lawful wedlock.

B. Nothing in this section shall be construed to prohibit any child of a deceased person from receiving an award of damages in an action for death by wrongful act in accordance with the provisions of Article 5 (§ 8.01-50 et seq.) of Chapter 3 of Title 8.01 if such child is adopted after the death of the deceased person, provided that the parental rights of such deceased person were not terminated by a court of competent jurisdiction prior to his death. The provisions of this subsection shall apply to any adoption finalized on or after July 1, 2024.

CHAPTER 71

An Act to amend and reenact § 8.01-341.1 of the Code of Virginia, relating to exemptions from jury service upon request; age.

[H 156]

Approved March 14, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 8.01-341.1 of the Code of Virginia is amended and reenacted as follows:

§ 8.01-341.1. Exemptions from jury service upon request.

Any of the following persons may serve on juries in civil and criminal cases but shall be exempt from jury service upon his request:

1. through 3. [Repealed.]

4. A mariner actually employed in maritime service;

5. through 7. [Repealed.]

8. A person who has legal custody of and is necessarily and personally responsible for a child or children 16 years of age or younger requiring continuous care by him during normal court hours, or any mother who is breast-feeding a child;

9. A person who is necessarily and personally responsible for a person having a physical or mental impairment requiring continuous care by him during normal court hours;

10. Any person over ~~70~~ *73* years of age;

11. Any person whose spouse is summoned to serve on the same jury panel;

12. Any person who is the only person performing services for a business, commercial or agricultural enterprise and whose services are so essential to the operations of the business, commercial or agricultural enterprise that such enterprise must close or cease to function if such person is required to perform jury duty;

13. Any person who is the only person performing services for a political subdivision as a firefighter, as defined in § 65.2-102, and whose services are so essential to the operations of the political subdivision that such political subdivision will suffer an undue hardship in carrying out such services if such person is required to perform jury duty;

14. Any person employed by the Office of the Clerk of the House of Delegates, the Office of the Clerk of the Senate, the Division of Legislative Services, and the Division of Legislative Automated Systems; however, this exemption shall apply only to jury service starting (i) during the period beginning 60 days prior to the day any regular session commences and ending 30 days after the day of adjournment of such session and (ii) during the period beginning seven days prior to the day any reconvened or special session commences and ending seven days after the day of adjournment of such session;

15. Any general registrar, member of a local electoral board, or person appointed or employed by either the general registrar or the local electoral board, except officers of election appointed pursuant to Article 5 (§ 24.2-115 et seq.) of

Chapter 1 of Title 24.2; however, this exemption shall apply only to jury service starting (i) during the period beginning 90 days prior to any election and continuing through election day, (ii) during the period to ascertain the results of the election and continuing for 10 days after the local electoral board certifies the results of the election under § 24.2-671 or the State Board of Elections certifies the results of the election under § 24.2-679, or (iii) during the period of an election recount or contested election pursuant to Chapter 8 (§ 24.2-800 et seq.) of Title 24.2. Any officer of election shall be exempt from jury service only on election day and during the periods set forth in clauses (ii) and (iii); and

16. Any member of the armed services of the United States or the diplomatic service of the United States appointed under the Foreign Service Act (22 U.S.C. § 3901 et seq.) who will be serving outside of the United States at the time of such jury service.

CHAPTER 72

An Act to amend and reenact § 8.01-341.1 of the Code of Virginia, relating to exemptions from jury service upon request; age.

[S 638]

Approved March 14, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 8.01-341.1 of the Code of Virginia is amended and reenacted as follows:

§ 8.01-341.1. Exemptions from jury service upon request.

Any of the following persons may serve on juries in civil and criminal cases but shall be exempt from jury service upon his request:

1. through 3. [Repealed.]

4. A mariner actually employed in maritime service;

5. through 7. [Repealed.]

8. A person who has legal custody of and is necessarily and personally responsible for a child or children 16 years of age or younger requiring continuous care by him during normal court hours, or any mother who is breast-feeding a child;

9. A person who is necessarily and personally responsible for a person having a physical or mental impairment requiring continuous care by him during normal court hours;

10. Any person over ~~70~~ *73* years of age;

11. Any person whose spouse is summoned to serve on the same jury panel;

12. Any person who is the only person performing services for a business, commercial or agricultural enterprise and whose services are so essential to the operations of the business, commercial or agricultural enterprise that such enterprise must close or cease to function if such person is required to perform jury duty;

13. Any person who is the only person performing services for a political subdivision as a firefighter, as defined in § 65.2-102, and whose services are so essential to the operations of the political subdivision that such political subdivision will suffer an undue hardship in carrying out such services if such person is required to perform jury duty;

14. Any person employed by the Office of the Clerk of the House of Delegates, the Office of the Clerk of the Senate, the Division of Legislative Services, and the Division of Legislative Automated Systems; however, this exemption shall apply only to jury service starting (i) during the period beginning 60 days prior to the day any regular session commences and ending 30 days after the day of adjournment of such session and (ii) during the period beginning seven days prior to the day any reconvened or special session commences and ending seven days after the day of adjournment of such session;

15. Any general registrar, member of a local electoral board, or person appointed or employed by either the general registrar or the local electoral board, except officers of election appointed pursuant to Article 5 (§ 24.2-115 et seq.) of Chapter 1 of Title 24.2; however, this exemption shall apply only to jury service starting (i) during the period beginning 90 days prior to any election and continuing through election day, (ii) during the period to ascertain the results of the election and continuing for 10 days after the local electoral board certifies the results of the election under § 24.2-671 or the State Board of Elections certifies the results of the election under § 24.2-679, or (iii) during the period of an election recount or contested election pursuant to Chapter 8 (§ 24.2-800 et seq.) of Title 24.2. Any officer of election shall be exempt from jury service only on election day and during the periods set forth in clauses (ii) and (iii); and

16. Any member of the armed services of the United States or the diplomatic service of the United States appointed under the Foreign Service Act (22 U.S.C. § 3901 et seq.) who will be serving outside of the United States at the time of such jury service.

CHAPTER 73

An Act to authorize the Department of Wildlife Resources to grant and convey an ingress-egress easement and right-of-way at Land's End Wildlife Management Area.

[H 879]

Approved March 14, 2024

Be it enacted by the General Assembly of Virginia:

1. *§ 1. That in accordance with and as evidence of General Assembly approval, the Department of Wildlife Resources (Department) is hereby authorized to grant a permanent, nonexclusive easement for ingress and egress (Easement) to Joseph C. Frank III, Betty J. Frank, Jacob C. Ackerman, and Crystal F. Ackerman, (collectively, Grantees), over and across that portion of the Land's End Wildlife Management Area (WMA) that adjoins the lands of the Grantees located in King George County, identified as Tax Map Numbers 40-3, 40-4, and 40-4A. The purpose of this Easement is to convey to the Grantees a 50-foot-wide right-of-way on the location of an existing driveway on the WMA to serve adjacent, landlocked parcels owned by the Grantees and to provide access between State Route 625 (Salem Church Road) and the Grantees' properties. The final location of the Easement may vary as necessary to reach the boundary of the Grantees' properties.*

§ 2. The granting and conveying of this Easement shall be made upon terms the Department deems proper, with the approval of the U.S. Fish and Wildlife Service, the Department of General Services, and the Secretary of Administration, and in a form approved by the Attorney General.

CHAPTER 74

An Act to amend and reenact § 19.2-123 of the Code of Virginia, relating to bail; violation of conditions of release; report available to attorney for the Commonwealth and counsel of record.

[H 430]

Approved March 14, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 19.2-123 of the Code of Virginia is amended and reenacted as follows:

§ 19.2-123. Release of accused on secured or unsecured bond or promise to appear; conditions of release.

A. Any person arrested for a felony who has previously been convicted of a felony, or who is presently on bond for an unrelated arrest in any jurisdiction, or who is on probation or parole, may be released only upon a secure bond. This provision may be waived with the approval of the judicial officer and with the concurrence of the attorney for the Commonwealth or the attorney for the county, city or town. Subject to the foregoing, when a person is arrested for either a felony or a misdemeanor, any judicial officer may impose any one or any combination of the following conditions of release:

1. Place the person in the custody and supervision of a designated person, organization or pretrial services agency which, for the purposes of this section, shall not include a court services unit established pursuant to § 16.1-233;

2. Place restrictions on the travel, association or place of abode of the person during the period of release and restrict contacts with household members for a specified period of time;

2a. Require the execution of an unsecured bond;

3. Require the execution of a secure bond which at the option of the accused shall be satisfied with sufficient solvent sureties, or the deposit of cash in lieu thereof. Only the actual value of any interest in real estate or personal property owned by the proposed surety shall be considered in determining solvency and solvency shall be found if the value of the proposed surety's equity in the real estate or personal property equals or exceeds the amount of the bond;

3a. Require that the person do any or all of the following: (i) maintain employment or, if unemployed, actively seek employment; (ii) maintain or commence an educational program; (iii) avoid all contact with an alleged victim of the crime and with any potential witness who may testify concerning the offense; (iv) comply with a specified curfew; (v) refrain from possessing a firearm, destructive device, or other dangerous weapon; (vi) refrain from excessive use of alcohol, or use of any illegal drug or any controlled substance not prescribed by a health care provider; and (vii) submit to testing for drugs and alcohol until the final disposition of his case;

3b. Place a prohibition on a person who holds an elected constitutional office and who is accused of a felony arising from the performance of his duties from physically returning to his constitutional office;

3c. Require the accused to accompany the arresting officer to the jurisdiction's fingerprinting facility and submit to having his photograph and fingerprints taken prior to release; or

4. Impose any other condition deemed reasonably necessary to assure appearance as required, and to assure his good behavior pending trial, including a condition requiring that the person return to custody after specified hours or be placed on home electronic incarceration pursuant to § 53.1-131.2 or, when the person is required to execute a secured bond, be subject to monitoring by a GPS (Global Positioning System) tracking device, or other similar device. The defendant may be ordered by the court to pay the cost of the device.

Upon satisfaction of the terms of recognizance, the accused shall be released forthwith.

In addition, where the accused is an individual receiving services in a state training center for individuals with intellectual disability, the judicial officer may place the individual in the custody of the director of the training center, if the director agrees to accept custody. The director is hereby authorized to take custody of the individual and to maintain him at the training center prior to a trial or hearing under such circumstances as will reasonably assure the appearance of the accused for the trial or hearing.

B. In any jurisdiction served by a pretrial services agency which offers a drug or alcohol screening or testing program approved for the purposes of this subsection by the chief general district court judge, any such person charged with a crime

may be requested by such agency to give voluntarily a urine sample, submit to a drug or alcohol screening, or take a breath test for presence of alcohol. A sample may be analyzed for the presence of phencyclidine (PCP), barbiturates, cocaine, opiates or such other drugs as the agency may deem appropriate prior to any hearing to establish bail. The judicial officer and agency shall inform the accused or juvenile being screened or tested that test results shall be used by a judicial officer only at a bail hearing and only to determine appropriate conditions of release or to reconsider the conditions of bail at a subsequent hearing. All screening or test results, and any pretrial investigation report containing the screening or test results, shall be confidential with access thereto limited to judicial officers, the attorney for the Commonwealth, defense counsel, other pretrial service agencies, any criminal justice agency as defined in § 9.1-101 and, in cases where a juvenile is screened or tested, the parents or legal guardian or custodian of such juvenile. However, in no event shall the judicial officer have access to any screening or test result prior to making a bail release determination or to determining the amount of bond, if any. Following this determination, the judicial officer shall consider the screening or test results and the screening or testing agency's report and accompanying recommendations, if any, in setting appropriate conditions of release. In no event shall a decision regarding a release determination be subject to reversal on the sole basis of such screening or test results. Any accused or juvenile whose urine sample has tested positive for such drugs and who is admitted to bail may, as a condition of release, be ordered to refrain from use of alcohol or illegal drugs and may be required to be tested on a periodic basis until final disposition of his case to ensure his compliance with the order. Sanctions for a violation of any condition of release, which violations shall include subsequent positive drug or alcohol test results or failure to report as ordered for testing, may be imposed in the discretion of the judicial officer and may include imposition of more stringent conditions of release, contempt of court proceedings, or revocation of release. *Any report of a violation of any pretrial condition of release provided to the court shall be sent by the pretrial services agency to the attorney for the Commonwealth and the counsel of record for the accused or juvenile, or directly to the accused or juvenile if such person is not represented by counsel.* Any test given under the provisions of this subsection which yields a positive drug or alcohol test result shall be reconfirmed by a second test if the person tested denies or contests the initial drug or alcohol test positive result. The results of any drug or alcohol test conducted pursuant to this subsection shall not be admissible in any judicial proceeding other than for the imposition of sanctions for a violation of a condition of release.

C. [Repealed.]

D. Nothing in this section shall be construed to prevent an officer taking a juvenile into custody from releasing that juvenile pursuant to § 16.1-247. If any condition of release imposed under the provisions of this section is violated, a judicial officer may issue a capias or order to show cause why the recognizance should not be revoked.

E. Nothing in this section shall be construed to prevent a court from imposing a recognizance or bond designed to secure a spousal or child support obligation pursuant to § 16.1-278.16, Chapter 5 (§ 20-61 et seq.) of Title 20, or § 20-114 in addition to any recognizance or bond imposed pursuant to this chapter.

CHAPTER 75

An Act to amend and reenact § 15.2-4904 of the Code of Virginia, relating to economic development authorities; Craig County.

[S 134]

Approved March 14, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 15.2-4904 of the Code of Virginia is amended and reenacted as follows:

§ 15.2-4904. Directors; qualifications; terms; vacancies; compensation and expenses; quorum; records; certification and distribution of report concerning bond issuance.

A. The authority shall be governed by a board of directors in which all powers of the authority shall be vested and which board shall be composed of seven directors, appointed by the governing body of the locality. The seven directors shall be appointed initially for terms of one, two, three, and four years; two being appointed for one-year terms; two being appointed for two-year terms; two being appointed for three-year terms, and one being appointed for a four-year term. Subsequent appointments shall be for terms of four years, except appointments to fill vacancies, which shall be for the unexpired terms. All terms of office shall be deemed to commence upon the date of the initial appointment to the authority, and thereafter, in accordance with the provisions of the immediately preceding sentence. If at the end of any term of office of any director a successor thereto has not been appointed, then the director whose term of office has expired shall continue to hold office until his successor is appointed and qualified.

Notwithstanding the provisions of this subsection, the board of supervisors of Wise County may appoint eight members to serve on the board of the authority, with terms staggered as agreed upon by the board of supervisors; the board of supervisors of Henrico County may appoint 10 members to serve on the board of the authority, two from each magisterial district, with terms staggered as agreed upon by the board of supervisors; the board of supervisors of Roanoke County may appoint 10 members to serve on the board of the authority, two from each magisterial district, with terms staggered as agreed upon by the board of supervisors; the board of supervisors of Mathews County may appoint from five to seven members to serve on the board of the authority; the town council of the Town of Louisa may appoint from five to seven members to serve on the board of the authority, with terms staggered as agreed upon by the town council; the board of

supervisors of King William County may appoint nine members to serve on the board of the authority, with terms staggered as agreed upon by the board of supervisors; the town council of the Town of Saint Paul may appoint 10 members to serve on the board of the authority, with terms staggered as agreed upon by the town council; however, the town council of the Town of Saint Paul may at its option return to a seven-member board by removing the last three members appointed; the board of supervisors of Russell County may appoint nine members, two of whom shall come from a town that has used its borrowing capacity to borrow $2 million or more for industrial development, with terms staggered as agreed upon by the board of supervisors, and the town council of the Town of South Boston shall appoint two at-large members; Page County may appoint nine members, with one member from each incorporated town, one member from each magisterial district, and one member at-large, with terms staggered as agreed upon by the board of supervisors; Halifax County shall appoint five at-large members to serve on the board of the authority jointly created by the Town of South Boston and Halifax County pursuant to § 15.2-4916, with terms staggered as agreed upon by the governing bodies of the Town of South Boston and Halifax County in the concurrent resolutions creating such authority; the board of supervisors of Goochland County may appoint five members to serve on the board of the authority; the board of supervisors of Powhatan County may appoint five members to serve on the board of the authority; the town council of the Town of Coeburn may appoint five members to serve on the board of the authority, with terms staggered as agreed upon by the town council; the town council of the Town of Kenbridge may appoint five members to serve on the board of the authority, with terms staggered as agreed upon by the town council; the town council of the Town of Victoria may appoint five members to serve on the board of the authority, with terms staggered as agreed upon by the town council; the city council of Suffolk may appoint eight members to serve on the board of the authority, with one member from each of the boroughs and one at-large member, with terms staggered as agreed upon by the city council; and the City of Chesapeake may appoint nine members, with terms staggered as agreed upon by the city council; however, in the City of Chesapeake, after July 1, 2017, no member shall serve more than two consecutive terms. Any person who has served more than one and one-half terms as a member of the Chesapeake Economic Development Authority as of July 1, 2017, shall not be eligible for reappointment for another consecutive term. A member of the Chesapeake Economic Development Authority shall serve at the pleasure of the city council of the City of Chesapeake. No Chesapeake Economic Development Authority member shall work for the Authority within one year after serving as a member. The city council of the City of Norfolk may appoint 11 members, with terms staggered as agreed upon by the city council, and the board of supervisors of Louisa County may appoint directors to serve on the board of the authority for terms coincident with members of the board of supervisors.

A member of the board of directors of the authority may be removed from office by the local governing body without limitation in the event that the board member is absent from any three consecutive meetings of the authority or is absent from any four meetings of the authority within any 12-month period or upon unanimous vote of the board of supervisors. In any such event, a successor shall be appointed by the governing body for the unexpired portion of the term of the member who has been removed.

B. Each director shall, upon appointment or reappointment, before entering upon his duties take and subscribe the oath prescribed by § 49-1.

C. No director shall be an officer or employee of the locality except (i) in a town with a population of less than 3,500 where members of the town governing body may serve as directors provided they do not constitute a majority of the board, (ii) in Buchanan County where a constitutional officer who has previously served on the board of directors may serve as a director provided the governing body of such county approves, (iii) in Essex County where the board of supervisors may appoint one employee of the locality to the Economic Development Authority of the County of Essex, (iv) in Frederick County where the board of supervisors may appoint one of its members to the Economic Development Authority of the County of Frederick, Virginia, ~~and~~ (v) in Mathews County where the board of supervisors may appoint one employee of the locality to the Economic Development Authority of the County of Mathews*, and (vi) in Craig County where the board of supervisors may appoint one of its members to the Economic Development Authority of the County of Craig*. Every director shall, at the time of his appointment and thereafter, reside in a locality within which the authority operates or in an adjoining locality. When a director ceases to be a resident of such locality, the director's office shall be vacant and a new director may be appointed for the remainder of the term.

D. The directors shall elect from their membership a chairman, a vice-chairman, and from their membership or not, as they desire, a secretary and a treasurer, or a secretary-treasurer, who shall continue to hold such office until their respective successors are elected. The directors shall receive no salary but may be compensated such amount per regular, special, or committee meeting or per each official representation as may be approved by the appointing authority, not to exceed $200 per meeting or official representation, and shall be reimbursed for necessary traveling and other expenses incurred in the performance of their duties.

E. Except as provided herein, four members of the board of directors shall constitute a quorum of the board for the purposes of conducting its business and exercising its powers and for all other purposes, except that no facilities owned by the authority shall be leased or disposed of in any manner without a majority vote of the members of the board of directors. No vacancy in the membership of the board shall impair the right of a quorum to exercise all the powers and perform all the duties of the board. In the case of the Economic Development Authority of Goochland County, the Economic Development Authority of Powhatan County, the Industrial Development Authority of the Town of Kenbridge, and the Industrial Development Authority of the Town of Victoria, three members of the board of directors shall constitute a quorum of the board for the purposes of conducting its business and exercising its powers and for all other purposes, except that no

facilities owned by the authority shall be leased or disposed of in any manner without a majority vote of the members of the board of directors.

F. The board shall keep detailed minutes of its proceedings, which shall be open to public inspection at all times. It shall keep suitable records of its financial transactions and, unless exempted by § 30-140, it shall arrange to have the records audited annually. Copies of each such audit shall be furnished to the governing body of the locality and shall be open to public inspection.

Two copies of the report concerning issuance of bonds required to be filed with the United States Internal Revenue Service shall be certified as true and correct copies by the secretary or assistant secretary of the authority. One copy shall be furnished to the governing body of the locality and the other copy mailed to the Department of Small Business and Supplier Diversity.

CHAPTER 76

An Act to amend and reenact § 46.2-1024 of the Code of Virginia, relating to certain warning light units.

[H 15]

Approved March 14, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 46.2-1024 of the Code of Virginia is amended and reenacted as follows:

§ 46.2-1024. Flashing or steady-burning red or red and white warning light units.

Any member of a fire department, volunteer fire company, or volunteer emergency medical services agency and any police chaplain may equip one vehicle owned by him with no more than ~~two~~ *four* flashing or steady-burning red or red and white combination warning light units of types approved by the Superintendent. Warning light units permitted by this section shall be lit only when answering emergency calls. A vehicle equipped with warning light units as authorized in this section shall be operated by a police chaplain only if he has successfully completed a course of training in the safe operation of a motor vehicle under emergency conditions and a certificate attesting to such successful completion, signed by the course instructor, is carried at all times in the vehicle when operated by the police chaplain to whom the certificate applies.

CHAPTER 77

An Act to amend and reenact § 46.2-1024 of the Code of Virginia, relating to certain warning light units.

[S 150]

Approved March 14, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 46.2-1024 of the Code of Virginia is amended and reenacted as follows:

§ 46.2-1024. Flashing or steady-burning red or red and white warning light units.

Any member of a fire department, volunteer fire company, or volunteer emergency medical services agency and any police chaplain may equip one vehicle owned by him with no more than ~~two~~ *four* flashing or steady-burning red or red and white combination warning light units of types approved by the Superintendent. Warning light units permitted by this section shall be lit only when answering emergency calls. A vehicle equipped with warning light units as authorized in this section shall be operated by a police chaplain only if he has successfully completed a course of training in the safe operation of a motor vehicle under emergency conditions and a certificate attesting to such successful completion, signed by the course instructor, is carried at all times in the vehicle when operated by the police chaplain to whom the certificate applies.

CHAPTER 78

An Act to amend and reenact § 36-98.1 of the Code of Virginia, relating to Uniform Statewide Building Code; Virginia Passenger Rail Authority exemption.

[H 1425]

Approved March 14, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 36-98.1 of the Code of Virginia is amended and reenacted as follows:

§ 36-98.1. State buildings; exception for certain transportation assets.

A. The Building Code shall be applicable to all state-owned buildings and structures, and to all buildings and structures built on state-owned property, with the exception that §§ 2.2-1159 through 2.2-1161 shall provide the standards for ready access to and use of state-owned buildings by individuals with physical disabilities.

Any state-owned building or structure, or building or structure built on state-owned property, for which preliminary plans were prepared or on which construction commenced after the initial effective date of the Uniform Statewide Building Code, shall remain subject to the provisions of the Uniform Statewide Building Code that were in effect at the time such

plans were completed or such construction commenced. Subsequent reconstruction, renovation or demolition of such building or structure shall be subject to the pertinent provisions of the Building Code.

Acting through the Division of Engineering and Buildings, the Department of General Services shall function as the building official for any state-owned buildings or structures and for all buildings and structures built on state-owned property. The Department shall review and approve plans and specifications, grant modifications, and establish such rules and regulations as may be necessary to implement this section. It may provide for the (i) inspection of state-owned buildings or structures and for all buildings and structures built on state-owned property and (ii) enforcement of the Building Code and standards for access by individuals with physical disabilities by delegating inspection and Building Code enforcement duties to the State Fire Marshal's Office, to other appropriate state agencies having needed expertise, and to local building departments, all of which shall provide such assistance within a reasonable time and in the manner requested. State agencies and institutions occupying buildings shall pay to the local building department the same fees as would be paid by a private citizen for the services rendered when such services are requested by the Department of General Services. The Department of General Services may alter or overrule any decision of the local building department after having first considered the local building department's report or other rationale given for its decision. When altering or overruling any decision of a local building department, the Department of General Services shall provide the local building department with a written summary of its reasons for doing so.

B. Notwithstanding the provisions of subsection A and § 27-99, roadway *and railway* tunnels and bridges owned by *either* the Department of Transportation *or the Virginia Passenger Rail Authority* shall be exempt from the Building Code and the Statewide Fire Prevention Code Act (§ 27-94 et seq.). The Department of General Services shall not have jurisdiction over such roadway *and railway* tunnels, bridges, and other limited access highways; provided, however, that the Department of General Services shall have jurisdiction over any occupied buildings within any Department of Transportation *or Virginia Passenger Rail Authority* rights-of-way that are subject to the Building Code.

Roadway *and railway* tunnels and bridges shall be designed, constructed, and operated to comply with fire safety standards based on nationally recognized model codes and standards to be developed by the Department of Transportation*, in the case of roadway tunnels and bridges, and by the Virginia Passenger Rail Authority, in the case of railway tunnels and bridges, in each case* in consultation with the State Fire Marshal. Emergency response planning and activities related to the standards shall be developed by the Department of Transportation *or the Virginia Passenger Rail Authority, respectively,* and coordinated with the appropriate local officials and emergency services providers. On an annual basis the Department of Transportation shall provide a report on the maintenance and operability of installed fire protection and detection systems in roadway tunnels and bridges *and the Virginia Passenger Rail Authority shall provide a report on the maintenance and operability of installed fire protection and detection systems in its railway tunnels and bridges* to the State Fire Marshal.

C. Except as provided in subsection E of § 23.1-1016, and notwithstanding the provisions of subsection A, at the request of a public institution of higher education, the Department, as further set forth in this subsection, shall authorize that institution of higher education to contract with a building official of the locality in which the construction is taking place to perform any inspection and certifications required for the purpose of complying with the Uniform Statewide Building Code (§ 36-97 et seq.). The Department shall publish administrative procedures that shall be followed in contracting with a building official of the locality. The authority granted to a public institution of higher education under this subsection to contract with a building official of the locality shall be subject to the institution meeting the conditions prescribed in subsection A of § 23.1-1002.

D. This section shall not apply to the nonhabitable structures, equipment, and wiring owned by a public service company, a certificated provider of telecommunications services, or a franchised cable operator that are built on rights-of-way owned or controlled by the Commonwealth Transportation Board.

CHAPTER 79

An Act to amend and reenact §§ 46.2-373 and 46.2-379 of the Code of Virginia, relating to crash reports; contracted service provider.

[H 1409]

Approved March 14, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 46.2-373 and 46.2-379 of the Code of Virginia are amended and reenacted as follows:

§ 46.2-373. Report by law-enforcement officer investigating accident.

A. Every law-enforcement officer who in the course of duty investigates a motor vehicle accident resulting in injury to or death of any person or total property damage to an apparent extent of $1,500 or more, either at the time of and at the scene of the accident or thereafter and elsewhere, by interviewing participants or witnesses shall, within twenty-four hours after completing the investigation, forward a written report of the accident to the Department. The report shall include the name or names of the insurance carrier or of the insurance agent of the automobile liability policy on each vehicle involved in the accident. *A law-enforcement agency may utilize a contracted service provider to forward reports electronically to the Department in compliance with this section and to manage or disseminate copies of such reports to persons identified in,*

and in a manner consistent with, § 46.2-380, provided such contracted service provider complies with the requirements applicable to an agency in Chapter 38 (§ 2.2-3800 et. seq.) of Title 2.2.

B. Any report filed pursuant to subsection A of this section shall include information as to (i) the speed of each vehicle involved in the accident and (ii) the type of vehicles involved in all accidents between passenger vehicles and vehicles or combinations of vehicles used to transport property, and (iii) whether any trucks involved in such accidents were covered or uncovered.

C. The Department shall supply copies of accident reports received under this section to the Commissioner of Highways who shall exercise the authority granted to him under §§ 46.2-870 through 46.2-878 to reduce speed limits where accident frequency or severity or other factors may indicate the course of action to be warranted.

§ 46.2-379. Use of crash reports made by investigating officers.

All crash reports made by investigating officers shall be for the confidential use of the Department and of other state agencies for accident prevention purposes and shall not be used as evidence in any trial, civil or criminal, arising out of any accident. If otherwise authorized by law, the Department may disclose from the reports, on request of any person, the date, time, and location of the accident and the names and addresses of the drivers, the owners of the vehicles involved, the injured persons, the witnesses, and one investigating officer. *A law-enforcement agency may release nonpersonally identifiable vehicle information from crash reports to a contracted service provider.*

CHAPTER 80

An Act to amend and reenact §§ 46.2-373 and 46.2-379 of the Code of Virginia, relating to crash reports; contracted service provider.

[S 732]

Approved March 14, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 46.2-373 and 46.2-379 of the Code of Virginia are amended and reenacted as follows:

§ 46.2-373. Report by law-enforcement officer investigating accident.

A. Every law-enforcement officer who in the course of duty investigates a motor vehicle accident resulting in injury to or death of any person or total property damage to an apparent extent of $1,500 or more, either at the time of and at the scene of the accident or thereafter and elsewhere, by interviewing participants or witnesses shall, within twenty-four hours after completing the investigation, forward a written report of the accident to the Department. The report shall include the name or names of the insurance carrier or of the insurance agent of the automobile liability policy on each vehicle involved in the accident. *A law-enforcement agency may utilize a contracted service provider to forward reports electronically to the Department in compliance with this section and to manage or disseminate copies of such reports to persons identified in, and in a manner consistent with, § 46.2-380, provided such contracted service provider complies with the requirements applicable to an agency in Chapter 38 (§ 2.2-3800 et. seq.) of Title 2.2.*

B. Any report filed pursuant to subsection A of this section shall include information as to (i) the speed of each vehicle involved in the accident and (ii) the type of vehicles involved in all accidents between passenger vehicles and vehicles or combinations of vehicles used to transport property, and (iii) whether any trucks involved in such accidents were covered or uncovered.

C. The Department shall supply copies of accident reports received under this section to the Commissioner of Highways who shall exercise the authority granted to him under §§ 46.2-870 through 46.2-878 to reduce speed limits where accident frequency or severity or other factors may indicate the course of action to be warranted.

§ 46.2-379. Use of crash reports made by investigating officers.

All crash reports made by investigating officers shall be for the confidential use of the Department and of other state agencies for accident prevention purposes and shall not be used as evidence in any trial, civil or criminal, arising out of any accident. If otherwise authorized by law, the Department may disclose from the reports, on request of any person, the date, time, and location of the accident and the names and addresses of the drivers, the owners of the vehicles involved, the injured persons, the witnesses, and one investigating officer. *A law-enforcement agency may release nonpersonally identifiable vehicle information from crash reports to a contracted service provider.*

CHAPTER 81

An Act to amend and reenact § 54.1-2985 of the Code of Virginia, relating to revocation of advance directive; divorce or annulment; custody or visitation.

[H 436]

Approved March 14, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 54.1-2985 of the Code of Virginia is amended and reenacted as follows:

§ 54.1-2985. Revocation of an advance directive.

A. ~~An~~ *Except as provided by subsection A1, an* advance directive may be revoked at any time by the declarant who is capable of understanding the nature and consequences of his actions (i) by a signed, dated writing; (ii) by physical cancellation or destruction of the advance directive by the declarant or another in his presence and at his direction; or (iii) by oral expression of intent to revoke. A declarant may make a partial revocation of his advance directive, in which case any remaining and nonconflicting provisions of the advance directive shall remain in effect. In the event of the revocation of the designation of an agent, subsequent decisions about health care shall be made consistent with the provisions of this article. Any such revocation shall be effective when communicated to the attending physician. No civil or criminal liability shall be imposed upon any person for a failure to act upon a revocation unless that person has actual knowledge of such revocation.

A1. The filing of either (i) an action for the divorce or annulment of the marriage of the declarant and agent or (ii) a petition for custody or visitation of a child or children born to the declarant and agent shall revoke the authority of the agent. In the event of such revocation upon such filing, subsequent decisions about health care shall be made consistent with the provisions of this article.

B. If an advance directive has been submitted to the Advance Health Care Directive Registry pursuant to Article 9 (§ 54.1-2994 et seq.) of this chapter, any revocation of such directive shall also be notarized before being submitted to the Department of Health for removal from the registry. However, failure to notify the Department of Health of the revocation of a document filed with the registry shall not affect the validity of the revocation, as long as it meets the requirements of subsection A *or A1*.

2. That the provisions of this act shall apply to advance directives executed on or after July 1, 2024.

CHAPTER 82

An Act to amend and reenact § 55.1-1816 of the Code of Virginia, relating to the Property Owners' Association Act; meetings of the board of directors; inconsistent provisions.

[H 723]

Approved March 14, 2023

Be it enacted by the General Assembly of Virginia:

1. That § 55.1-1816 of the Code of Virginia is amended and reenacted as follows:

§ 55.1-1816. Meetings of the board of directors.

A. All meetings of the board of directors, including any subcommittee or other committee of the board of directors, where the business of the association is discussed or transacted shall be open to all members of record. The board of directors shall not use work sessions or other informal gatherings of the board of directors to circumvent the open meeting requirements of this section. Minutes of the meetings of the board of directors shall be recorded and shall be available as provided in subsection B of § 55.1-1815.

B. Notice of the time, date, and place of each meeting of the board of directors or of any subcommittee or other committee of the board of directors shall be published where it is reasonably calculated to be available to a majority of the lot owners.

A lot owner may make a request to be notified on a continual basis of any such meetings. Such request shall be made at least once a year in writing and include the lot owner's name, address, zip code, and any email address as appropriate. Notice of the time, date, and place shall be sent to any lot owner requesting notice (i) by first-class mail or email in the case of meetings of the board of directors or (ii) by email in the case of meetings of any subcommittee or other committee of the board of directors.

Notice, reasonable under the circumstances, of special or emergency meetings shall be given contemporaneously with the notice provided to members of the association's board of directors or any subcommittee or other committee of the board of directors conducting the meeting.

Unless otherwise exempt as relating to an executive session pursuant to subsection C, at least one copy of all agenda packets and materials furnished to members of an association's board of directors or subcommittee or other committee of the board of directors for a meeting shall be made available for inspection by the membership of the association at the same time such documents are furnished to the members of the board of directors or any subcommittee or committee of the board of directors.

Any member may record any portion of a meeting that is required to be open. The board of directors or subcommittee or other committee of the board of directors conducting the meeting may adopt rules (a) governing the placement and use of equipment necessary for recording a meeting to prevent interference with the proceedings and (b) requiring the member recording the meeting to provide notice that the meeting is being recorded.

Except for the election of officers, voting by secret or written ballot in an open meeting shall be a violation of this chapter.

C. The board of directors or any subcommittee or other committee of the board of directors may (i) convene in executive session to consider personnel matters; (ii) consult with legal counsel; (iii) discuss and consider contracts, pending or probable litigation, and matters involving violations of the declaration or rules and regulations; or (iv) discuss and consider the personal liability of members to the association, upon the affirmative vote in an open meeting to assemble in executive session. The motion shall state specifically the purpose for the executive session. Reference to the motion and the

stated purpose for the executive session shall be included in the minutes. The board of directors shall restrict the consideration of matters during such portions of meetings to only those purposes specifically exempted and stated in the motion. No contract, motion, or other action adopted, passed, or agreed to in executive session shall become effective unless the board of directors or subcommittee or other committee of the board of directors, following the executive session, reconvenes in open meeting and takes a vote on such contract, motion, or other action, which shall have its substance reasonably identified in the open meeting. The requirements of this section shall not require the disclosure of information in violation of law.

D. Subject to reasonable rules adopted by the board of directors, the board of directors shall provide a designated period during each meeting to allow members an opportunity to comment on any matter relating to the association. During a meeting at which the agenda is limited to specific topics or at a special meeting, the board of directors may limit the comments of members to the topics listed on the meeting agenda.

E. The requirements of this section govern the conduct of meetings of the board of directors without regard to whether the property owners' association is incorporated or unincorporated but shall not be interpreted to supersede corporate authorities otherwise established by law or the governing documents.

CHAPTER 83

An Act to amend and reenact § 29.1-539 of the Code of Virginia, relating to claiming deer, bear, turkey, or elk struck by motor vehicle.

[H 1025]

Approved March 14, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 29.1-539 of the Code of Virginia is amended and reenacted as follows:

§ 29.1-539. Claiming deer, bear, turkey, or elk struck by motor vehicle.

A. Any person driving a motor vehicle who collides with a deer ~~or~~, bear*, turkey, or elk or who discovers a deer, bear, turkey, or elk that has been killed in a collision with a motor vehicle* may, upon compliance with the provisions of this section *and at any time of year*, ~~keep the deer or bear~~ *claim such animal* for his own use as if the animal had been killed by that person during hunting season for the animal.

B. Any person so killing any deer ~~or~~, bear*, turkey, or elk or who discovers a deer, bear, turkey, or elk that has been killed in a collision with a motor vehicle* shall immediately report the accident to ~~the~~ *a* conservation police officer or other law-enforcement officer of the county or city where the accident occurred. The conservation police officer or other law-enforcement officer shall view ~~the deer or bear~~ *such animal* and if he believes that ~~the deer or bear~~ *such animal* was killed by ~~the~~ *a* collision with ~~the~~ *a* motor vehicle or injured to such an extent as to require its death, he shall award the animal to the person claiming ~~the deer or bear,~~ *it* and shall give the person a ~~certificate to that effect on forms furnished by the Department~~ *call for service number or a report number*.

C. If any person driving a motor vehicle who collides with a deer, bear, turkey, or elk, or person who discovers a deer, bear, turkey, or elk that has been killed in a collision with a motor vehicle, does not claim such animal, a conservation police officer or other law-enforcement officer may award such animal to any other person who wishes to claim it pursuant to this section.

CHAPTER 84

An Act to amend and reenact §§ 46.2-1583, 46.2-1586, and 46.2-1589 of the Code of Virginia, relating to motor vehicle dealers; independent dealer-operator recertification; exam.

[H 1106]

Approved March 14, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 46.2-1583, 46.2-1586, and 46.2-1589 of the Code of Virginia are amended and reenacted as follows:

§ 46.2-1583. Definitions.

As used in this article, unless the context requires a different meaning:

"Certificate of qualification" means a designation issued by the Board acknowledging that the individual has been certified by the Board as an independent dealer-operator pursuant to § 46.2-1511.

"Course" means a course of study leading to recertification for independent dealer-operators offered by correspondence, electronically, or in person.

"Course provider" or "provider" means any person or entity presenting or offering one or more recertification education courses.

"Exam" or "examination" means a test administered by the Board *or the Department*.

"Executive Director" means the Executive Director of the Board.

"Independent dealer-operator" means the individual who works at the established place of business of an independent motor vehicle dealer and who is responsible for and in charge of day-to-day operations of that place of business.

"Independent motor vehicle dealer" or "independent dealer" means a dealer in used motor vehicles that is not also licensed as a franchised motor vehicle dealer.

"Original application" means an application for an independent dealer-operator certificate of qualification from an applicant who has never been issued an independent dealer-operator certificate of qualification in Virginia or whose Virginia independent dealer-operator certificate of qualification has been expired for more than 60 days.

"Recertification" means completing the requirements of this article to recertify an independent dealer-operator certificate of qualification.

§ 46.2-1586. Recertification requirements.

A. To become recertified, an independent dealer-operator shall (i) complete one live instructor-led course certified by the Board with at least four hours of instruction and ~~(ii)~~ pass an examination that may be administered in person or virtually *by the course provider or (ii) pass the independent dealer-operator recertification exam administered by the Department*. Such course may be attended in person or virtually, provided that any virtual participation shall require the participant to view the instructor and be viewed by the instructor throughout the course. The Board shall ensure that any such course is available at least monthly.

B. The provisions of this section shall not apply to any independent dealer-operator who completes a training program approved by the Executive Director and administered by a dealer that employs at least 50 licensed salespersons in the Commonwealth. Any such training program shall not be subject to the requirements of §§ 46.2-1587 and 46.2-1588.

§ 46.2-1589. Fees.

A. The recertification application fee shall be $50 for taking the course and shall be paid directly to the course provider.

B. The fee for returned checks shall be $35.

C. In addition to the recertification application fee, course providers may charge applicants a course fee of no more than $300.

D. The recertification application fee for taking the exam shall be $50 and shall be paid at the time the exam is administered. *If the applicant is taking the independent dealer-operator recertification exam administered by the Department, the Department shall collect such $50 fee at the time the exam is administered and transmit $48 from such fee to the Board within 15 days of receiving the fee from the applicant, and the Department shall retain the remaining $2 to cover the costs incurred in administering such exams.*

CHAPTER 85

An Act to amend and reenact §§ 46.2-1583, 46.2-1586, and 46.2-1589 of the Code of Virginia, relating to motor vehicle dealers; independent dealer-operator recertification; exam.

[S 452]

Approved March 14, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 46.2-1583, 46.2-1586, and 46.2-1589 of the Code of Virginia are amended and reenacted as follows:

§ 46.2-1583. Definitions.

As used in this article, unless the context requires a different meaning:

"Certificate of qualification" means a designation issued by the Board acknowledging that the individual has been certified by the Board as an independent dealer-operator pursuant to § 46.2-1511.

"Course" means a course of study leading to recertification for independent dealer-operators offered by correspondence, electronically, or in person.

"Course provider" or "provider" means any person or entity presenting or offering one or more recertification education courses.

"Exam" or "examination" means a test administered by the Board *or the Department*.

"Executive Director" means the Executive Director of the Board.

"Independent dealer-operator" means the individual who works at the established place of business of an independent motor vehicle dealer and who is responsible for and in charge of day-to-day operations of that place of business.

"Independent motor vehicle dealer" or "independent dealer" means a dealer in used motor vehicles that is not also licensed as a franchised motor vehicle dealer.

"Original application" means an application for an independent dealer-operator certificate of qualification from an applicant who has never been issued an independent dealer-operator certificate of qualification in Virginia or whose Virginia independent dealer-operator certificate of qualification has been expired for more than 60 days.

"Recertification" means completing the requirements of this article to recertify an independent dealer-operator certificate of qualification.

§ 46.2-1586. Recertification requirements.

A. To become recertified, an independent dealer-operator shall (i) complete one live instructor-led course certified by the Board with at least four hours of instruction and ~~(ii)~~ pass an examination that may be administered in person or virtually

by the course provider or (ii) pass the independent dealer-operator recertification exam administered by the Department. Such course may be attended in person or virtually, provided that any virtual participation shall require the participant to view the instructor and be viewed by the instructor throughout the course. The Board shall ensure that any such course is available at least monthly.

B. The provisions of this section shall not apply to any independent dealer-operator who completes a training program approved by the Executive Director and administered by a dealer that employs at least 50 licensed salespersons in the Commonwealth. Any such training program shall not be subject to the requirements of §§ 46.2-1587 and 46.2-1588.

§ 46.2-1589. Fees.

A. The recertification application fee shall be $50 for taking the course and shall be paid directly to the course provider.

B. The fee for returned checks shall be $35.

C. In addition to the recertification application fee, course providers may charge applicants a course fee of no more than $300.

D. The recertification application fee for taking the exam shall be $50 and shall be paid at the time the exam is administered. *If the applicant is taking the independent dealer-operator recertification exam administered by the Department, the Department shall collect such $50 fee at the time the exam is administered and transmit $48 from such fee to the Board within 15 days of receiving the fee from the applicant, and the Department shall retain the remaining $2 to cover the costs incurred in administering such exams.*

CHAPTER 86

An Act to amend and reenact §§ 46.2-1528 and 46.2-1575 of the Code of Virginia, relating to Motor Vehicle Dealer Board; examination costs.

[H 1107]

Approved March 14, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 46.2-1528 and 46.2-1575 of the Code of Virginia are amended and reenacted as follows:

§ 46.2-1528. Examination or audit of licensee; costs.

The Board or authorized representatives of the Board may examine, during the posted business hours, the records required to be maintained by this chapter. If a licensee is found to have violated this chapter or any order of the Board, the ~~actual~~ cost of the examination *as established by the Board* shall be paid by the licensee so examined within ~~thirty~~ *30* days after demand therefor by the Board. ~~The Board may maintain an action for the recovery of these costs in any court of competent jurisdiction.~~

§ 46.2-1575. Grounds for denying, suspending, or revoking licenses or certificates of dealer registration or qualification.

A license or certificate of dealer registration or qualification issued under this subtitle may be denied, suspended, or revoked on any one or more of the following grounds:

1. Material misstatement or omission in application for license, dealer's license plates, certificate of dealer registration, certificate of qualification, or certificate of title;

2. Failure to comply subsequent to receipt of a written warning from the Department or the Board or any willful failure to comply with any provision of this chapter or any regulation promulgated by the Commissioner or the Board under this chapter;

3. Failure to have an established place of business as defined in § 46.2-1510 or failure to have as the dealer-operator an individual who holds a valid certificate of qualification;

4. Defrauding any retail buyer, to the buyer's damage, or any other person in the conduct of the licensee's or registrant's business;

5. Employment of fraudulent devices, methods or practices in connection with compliance with the requirements under the statutes of the Commonwealth with respect to the retaking of vehicles under retail installment contracts and the redemption and resale of those vehicles;

6. Having used deceptive acts or practices;

7. Knowingly advertising by any means any assertion, representation, or statement of fact which is untrue, misleading, or deceptive in any particular relating to the conduct of the business licensed or registered or for which a license or registration is sought;

8. Having been convicted of any fraudulent act in connection with the business of selling vehicles or any consumer-related fraud;

9. Having been convicted of any criminal act involving the business of selling vehicles;

10. Willfully retaining in his possession title to a motor vehicle that has not been completely and legally assigned to him;

11. Failure to comply with any provision of Chapter 4.1 (§ 36-85.2 et seq.) of Title 36 or any regulation promulgated pursuant to that chapter;

12. Leasing, renting, lending, or otherwise allowing the use of a dealer's license plate by persons not specifically authorized under this title;

13. Having been convicted of a felony;

14. Failure to submit to the Department, within thirty days from the date of sale, any application, tax, or fee collected for the Department on behalf of a buyer;

15. Having been convicted of larceny of a vehicle or receipt or sale of a stolen vehicle;

16. Having been convicted of odometer tampering or any related violation;

17. If a salvage dealer, salvage pool, or rebuilder, failing to comply with any provision of Chapter 16 (§ 46.2-1600 et seq.) of this title or any regulation promulgated by the Commissioner under that chapter;

18. Failing to maintain automobile liability insurance, issued by a company licensed to do business in the Commonwealth, or a certificate of self-insurance as defined in § 46.2-368, with respect to each dealer's license plate issued to the dealer by the Department; or

19. Failing or refusing to pay civil penalties *or examination costs* imposed by the Board pursuant to § 46.2-1507 *or 46.2-1528*.

CHAPTER 87

An Act to amend and reenact § 58.1-3505 of the Code of Virginia, relating to tangible personal property tax; indoor agriculture equipment and machinery.

[H 1429]

Approved March 14, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 58.1-3505 of the Code of Virginia is amended and reenacted as follows:

§ 58.1-3505. Classification of farm animals, certain grains, agricultural products, farm machinery, farm implements and equipment; governing body may exempt.

A. Farm animals, grains and other feeds used for the nurture of farm animals, agricultural products as defined in § 3.2-6400, farm machinery and farm implements are hereby defined as separate items of taxation and classified as follows:

1. Horses, mules and other kindred animals.

2. Cattle.

3. Sheep and goats.

4. Hogs.

5. Poultry.

6. Grains and other feeds used for the nurture of farm animals.

7. Grain; tobacco; wine produced by farm wineries as defined in § 4.1-100 and other agricultural products in the hands of a producer.

8. *a.* Farm machinery and farm implements other than the farm machinery and farm implements described in subdivision 10, which shall include (i) equipment and machinery used by farm wineries as defined in § 4.1-100 in the production of wine; (ii) equipment and machinery used by a nursery for the production of horticultural products; (iii) any farm tractor as defined in § 46.2-100, regardless of whether such farm tractor is used exclusively for agricultural purposes; (iv) motor vehicles that are used primarily for agricultural purposes, for which the owner is not required to obtain a registration certificate, license plate, and decal or pay a registration fee pursuant to § 46.2-665, 46.2-666, or 46.2-670; and (v) privately owned trailers as defined in § 46.2-100 that are primarily used by farmers in their farming operations for the transportation of farm animals or other farm products as enumerated in subdivisions 1 through 7. For purposes of this section, "nursery" means any premises where nursery stock is propagated, grown, fumigated, treated, packed, stored, or otherwise prepared for sale or distribution, and "nursery stock" means all trees, shrubs, woody vines (including ornamentals), bush fruits, grapevines, fruit trees, and nut trees offered for sale and distribution; all buds, grafts, scions, and cuttings from such plants; and any container, soil, and other packing material with such plants or plant products. "Nursery stock" also means herbaceous plants and any florist or greenhouse plants.

b. Farm machinery, farm equipment, and farm implements, other than farm machinery and farm implements described in subdivision 10, used by an indoor, closed, controlled-environment commercial agricultural facility, including property described in subdivisions 8 a and b of § 58.1-609.2, for the production of agricultural products. For purposes of this subdivision, "indoor, closed, controlled-environment commercial agricultural facility" shall include indoor vertical farming or a greenhouse.

9. Equipment used by farmers or farm cooperatives qualifying under § 521 of the Internal Revenue Code to manufacture industrial ethanol, provided that the materials from which the ethanol is derived consist primarily of farm products.

10. Farm machinery designed solely for the planting, production or harvesting of a single product or commodity.

11. Unless exempted by subdivision 8, privately owned trailers as defined in § 46.2-100 that are primarily used by farmers in their farming operations for the transportation of farm animals or other farm products as enumerated in subdivisions 1 through 7.

12. Unless exempted by subdivision 8, motor vehicles that are used primarily for agricultural purposes, for which the owner is not required to obtain a registration certificate, license plate, and decal or pay a registration fee pursuant to § 46.2-665, 46.2-666, or 46.2-670, or pickup or panel trucks or sport utility vehicles for which the owner is required to obtain a permanent farm use placard pursuant to § 46.2-684.2.

13. Trucks or tractor trucks as defined in § 46.2-100, that are primarily used by farmers in their farming operations for the transportation of farm animals or other farm products as enumerated in subdivisions 1 through 7 or for the transport of farm-related machinery.

14. Farm machinery and farm implements, other than the farm machinery and farm implements described in subdivisions 8 and 10, which shall include equipment and machinery used for forest harvesting and silvicultural activities.

15. Farm machinery and farm implements, other than the farm machinery and farm implements described in subdivisions 8, 10, and 14, which shall include season-extending vegetable hoop houses used for in-field production of produce.

B. The governing body of any county, city or town may, by ordinance duly adopted, exempt in whole or in part from taxation, or provide a different rate of tax upon, all or any of the above classes of farm animals, grains and feeds used for the nurture of farm animals, farm vehicles, and farm machinery, implements or equipment set forth in subsection A.

C. Grain; tobacco; wine produced by farm wineries as defined in § 4.1-100; and other agricultural products, as defined in § 3.2-6400, shall be exempt from taxation under this chapter while in the hands of a producer.

CHAPTER 88

An Act to amend and reenact § 58.1-3505 of the Code of Virginia, relating to tangible personal property tax; indoor agriculture equipment and machinery.

[S 483]

Approved March 14, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 58.1-3505 of the Code of Virginia is amended and reenacted as follows:

§ 58.1-3505. Classification of farm animals, certain grains, agricultural products, farm machinery, farm implements and equipment; governing body may exempt.

A. Farm animals, grains and other feeds used for the nurture of farm animals, agricultural products as defined in § 3.2-6400, farm machinery and farm implements are hereby defined as separate items of taxation and classified as follows:

1. Horses, mules and other kindred animals.

2. Cattle.

3. Sheep and goats.

4. Hogs.

5. Poultry.

6. Grains and other feeds used for the nurture of farm animals.

7. Grain; tobacco; wine produced by farm wineries as defined in § 4.1-100 and other agricultural products in the hands of a producer.

8. *a.* Farm machinery and farm implements other than the farm machinery and farm implements described in subdivision 10, which shall include (i) equipment and machinery used by farm wineries as defined in § 4.1-100 in the production of wine; (ii) equipment and machinery used by a nursery for the production of horticultural products; (iii) any farm tractor as defined in § 46.2-100, regardless of whether such farm tractor is used exclusively for agricultural purposes; (iv) motor vehicles that are used primarily for agricultural purposes, for which the owner is not required to obtain a registration certificate, license plate, and decal or pay a registration fee pursuant to § 46.2-665, 46.2-666, or 46.2-670; and (v) privately owned trailers as defined in § 46.2-100 that are primarily used by farmers in their farming operations for the transportation of farm animals or other farm products as enumerated in subdivisions 1 through 7. For purposes of this section, "nursery" means any premises where nursery stock is propagated, grown, fumigated, treated, packed, stored, or otherwise prepared for sale or distribution, and "nursery stock" means all trees, shrubs, woody vines (including ornamentals), bush fruits, grapevines, fruit trees, and nut trees offered for sale and distribution; all buds, grafts, scions, and cuttings from such plants; and any container, soil, and other packing material with such plants or plant products. "Nursery stock" also means herbaceous plants and any florist or greenhouse plants.

b. Farm machinery, farm equipment, and farm implements, other than farm machinery and farm implements described in subdivision 10, used by an indoor, closed, controlled-environment commercial agricultural facility, including property described in subdivisions 8 a and b of § 58.1-609.2, for the production of agricultural products. For purposes of this subdivision, "indoor, closed, controlled-environment commercial agricultural facility" shall include indoor vertical farming or a greenhouse.

9. Equipment used by farmers or farm cooperatives qualifying under § 521 of the Internal Revenue Code to manufacture industrial ethanol, provided that the materials from which the ethanol is derived consist primarily of farm products.

10. Farm machinery designed solely for the planting, production or harvesting of a single product or commodity.

11. Unless exempted by subdivision 8, privately owned trailers as defined in § 46.2-100 that are primarily used by farmers in their farming operations for the transportation of farm animals or other farm products as enumerated in subdivisions 1 through 7.

12. Unless exempted by subdivision 8, motor vehicles that are used primarily for agricultural purposes, for which the owner is not required to obtain a registration certificate, license plate, and decal or pay a registration fee pursuant to § 46.2-665, 46.2-666, or 46.2-670, or pickup or panel trucks or sport utility vehicles for which the owner is required to obtain a permanent farm use placard pursuant to § 46.2-684.2.

13. Trucks or tractor trucks as defined in § 46.2-100, that are primarily used by farmers in their farming operations for the transportation of farm animals or other farm products as enumerated in subdivisions 1 through 7 or for the transport of farm-related machinery.

14. Farm machinery and farm implements, other than the farm machinery and farm implements described in subdivisions 8 and 10, which shall include equipment and machinery used for forest harvesting and silvicultural activities.

15. Farm machinery and farm implements, other than the farm machinery and farm implements described in subdivisions 8, 10, and 14, which shall include season-extending vegetable hoop houses used for in-field production of produce.

B. The governing body of any county, city or town may, by ordinance duly adopted, exempt in whole or in part from taxation, or provide a different rate of tax upon, all or any of the above classes of farm animals, grains and feeds used for the nurture of farm animals, farm vehicles, and farm machinery, implements or equipment set forth in subsection A.

C. Grain; tobacco; wine produced by farm wineries as defined in § 4.1-100; and other agricultural products, as defined in § 3.2-6400, shall be exempt from taxation under this chapter while in the hands of a producer.

CHAPTER 89

An Act to amend and reenact § 46.2-105.2 of the Code of Virginia, relating to venue; obtaining documents from the Department of Motor Vehicles when not entitled thereto; penalty.

[H 1469]

Approved March 14, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 46.2-105.2 of the Code of Virginia is amended and reenacted as follows:

§ 46.2-105.2. Obtaining documents from the Department when not entitled thereto; penalty.

A. It shall be unlawful for any person to obtain a Virginia driver's license, special identification card, vehicle registration, certificate of title, or other document issued by the Department if such person has not satisfied all legal and procedural requirements for the issuance thereof, or is otherwise not legally entitled thereto, including obtaining any document issued by the Department through the use of counterfeit, forged, or altered documents.

B. It shall be unlawful to aid any person to obtain any driver's license, special identification card, vehicle registration, certificate of title, or other document in violation of the provisions of subsection A.

C. It shall be unlawful to knowingly possess or use for any purpose any driver's license, special identification card, vehicle registration, certificate of title, or other document obtained in violation of the provisions of subsection A.

D. A violation of any provision of this section shall constitute a Class 2 misdemeanor if a person is charged and convicted of a violation of this section that involved the unlawful obtaining or possession of any document issued by the Department for the purpose of engaging in any age-limited activity, including but not limited to obtaining, possessing, or consuming alcoholic beverages. However, if a person is charged and convicted of any other violation of this section, such offense shall constitute a Class 6 felony.

E. Whenever it appears to the satisfaction of the Commissioner that any driver's license, special identification card, vehicle registration, certificate of title, or other document issued by the Department has been obtained in violation of this section, it may be cancelled by the Commissioner, who shall mail notice of the cancellation to the address of record maintained by the Department.

F. A violation of this section may be prosecuted in the jurisdiction (i) from which any person obtained any document issued by the Department, (ii) where any person received or created any counterfeit, forged, or altered document used to obtain any document issued by the Department, or (iii) where any counterfeit, forged, or altered document has been filed with the Department.

CHAPTER 90

An Act to amend and reenact §§ 20-166, 20-167, 63.2-1201.1, and 63.2-1230 of the Code of Virginia, relating to adoption; parental placement and agency adoption; discharge of newborn infant.

[H 783]

Approved March 14, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 20-166, 20-167, 63.2-1201.1, and 63.2-1230 of the Code of Virginia are amended and reenacted as follows:

§ 20-166. Power of attorney to delegate parental or legal custodial powers.

A. A parent or legal custodian of a child, by a properly executed power of attorney pursuant to § 20-167, may delegate to another person, for a period not to exceed 180 days, any of the powers regarding the custody, care, and property of the child except the power to consent to marriage or adoption of the child, the performance or inducement of an abortion on or for the child, or the termination of parental rights to the child. In the event that both parents of a child are exercising joint custody, both parents shall be required to execute such power of attorney.

Such parent or legal custodian who is a service member may delegate such powers for a period longer than 180 days while on active duty service if such active duty is longer than 180 days, but such period shall not exceed the term of active duty service plus 30 days. For the purposes of this section, "service member" means (i) a member of the Armed Forces of the United States, (ii) a member of the Armed Forces Reserves, (iii) a member of the National Guard, (iv) a member of the commissioned corps of the National Oceanic and Atmospheric Administration, (v) a member of the commissioned corps of the U.S. Public Health Services, or (vi) any person otherwise required to enter or serve in the active military services of the United States under a call or order of the President of the United States or to serve on state active duty.

A delegation of powers under this section shall not operate to change or modify any parental or legal rights, obligations, or authority established by an existing court order or deprive a parent or legal custodian of any parental or legal rights, obligations, or authority regarding the custody, visitation, or support of any child under this title.

B. Any power of attorney properly executed pursuant to § 20-167 shall be signed by *(i)* all persons with authority to make decisions concerning the child pursuant to Chapter 6.1 (§ 20-124.1 et seq.)~~,~~ *and (ii)* the person to whom powers are delegated under the power of attorney, ~~and~~ *including prospective adoptive parents in a direct parental placement adoption pursuant to § 63.2-1230, or* a representative of a licensed child-placing agency that assists parents and legal guardians with the process of delegating parental and legal custodial powers of their children, including assistance with identifying appropriate placements for their children and providing services and resources to support children, parents and legal guardians, and persons to whom parental or legal custodial powers are delegated pursuant to this chapter. ~~That~~ *Such licensed child-placing* agency shall file notice of the arrangement authorized by the power of attorney with the local department of social services in the jurisdiction where the parents or legal guardian resides within seven days of its execution.

C. Any person who has signed the form under § 20-167 shall have the authority to revoke or withdraw the power of attorney authorized by subsection A at any time *unless such authority is superseded by a court order*. If the delegation of authority lasts longer than 180 days, a new power of attorney shall be executed. Where such delegation is executed by a service member, if the delegation is longer than 180 days while on active duty service and exceeds the term of active duty service plus 30 days, a new power of attorney shall be executed.

D. The attorney-in-fact shall exercise parental or legal authority on a continuous basis for not less than 24 hours and without compensation for the intended duration of the power of attorney authorized by subsection A and shall not be subject to the licensing requirements of § 63.2-1701.

E. The execution of a power of attorney by a parent or legal custodian authorized by subsection A shall not constitute abandonment, abuse, or neglect as defined in § 63.2-100 unless the parent or legal custodian fails to make contact or execute a new power of attorney after the time limit has elapsed.

F. Under a delegation of powers as authorized by subsection A, the child subject to the power of attorney shall not be deemed placed in foster care, in a foster home, or in an independent foster home as defined in § 63.2-100, and the parties shall not be subject to any of the licensing requirements or regulations for foster care.

G. A licensed child-placing agency that assists parents and legal guardians with the process of delegating parental and legal custodial powers of their children shall (i) comply with background check requirements established by regulations of the Board of Social Services or otherwise provided by law; (ii) develop and implement written policies and procedures for (a) governing active and closed cases, (b) governing admissions, (c) monitoring the administration of medications, (d) prohibiting corporal punishment, (e) ensuring that children are not subjected to abuse or neglect, (f) investigating allegations of misconduct toward children, (g) implementing back-up emergency care plans for children, (h) assigning designated casework staff, (i) managing all records, (j) utilizing discharge policies, and (k) regulating the use of seclusion and restraint; and (iii) provide pre-service and ongoing training for temporary placement providers and staff. Any person to whom any powers are delegated pursuant to this section shall comply with background check requirements established by regulations of the Board of Social Services or otherwise provided by law.

H. Except as may be permitted by the federal No Child Left Behind Act, 20 U.S.C. §§ 6301 et seq. and 7801 et seq., a power of attorney executed pursuant to § 20-167 shall be invalid if executed for the primary purpose of enrolling the child in a school for the sole purpose of participating in the academic or interscholastic athletics programs provided by that school or for any other unlawful purpose. Violation of this subsection shall be punishable in accordance with the laws of the Commonwealth and may require, in addition to any other remedies, repayment by such parent of all costs incurred by the school as a result of the violation.

§ 20-167. Statutory form for power of attorney to delegate parental or legal custodial powers.

A. A power of attorney to delegate parental or legal authority executed pursuant to this chapter shall be substantially as follows:

POWER OF ATTORNEY TO DELEGATE PARENTAL OR LEGAL CUSTODIAL POWERS

1. I/We certify that I/we am/are the parent or legal custodian of:

Full name of minor child: _____ Date of birth: _____

Full name of minor child: _____ Date of birth: _____

Full name of minor child: _____ Date of birth: _____

2. I/We designate _____ (insert full name, address, and phone number of designated attorney-in-fact) as the attorney-in-fact of each child listed above.

3. I/We delegate to the attorney-in-fact all of my/our power and authority regarding the care, custody, and property of each minor child named above, including *discharge of a newborn infant from the hospital of birth, the initial physical placement of a child with the prospective adoptive parent in accordance with the provisions of Title 63.2 of the Code of Virginia,* the right to enroll the child in school, the right to inspect and obtain copies of education records and other records concerning the child, the right to attend school activities and other functions concerning the child, and the right to give or withhold any consent or waiver with respect to school activities, medical and dental treatment, and any other activity, function, or treatment that may concern the child. This delegation shall not include the power or authority to consent to marriage or adoption of the child, the performance or inducement of an abortion on or for the child, or the termination of parental rights to the child. I/We understand that this power of attorney shall not operate to change or modify any parental or legal rights, obligations, or authority established by an existing court order or deprive a parent or legal custodian of any parental or legal rights, obligations, or authority regarding the custody, visitation, or support of any child under Title 20 of the Code of Virginia, and I/we understand that I/we shall continue to be bound by any obligations in such order. By my/our signature below, I/we hereby certify that I/we am/are not executing this power of attorney for any unlawful purpose or for the primary purpose of enrolling my/our child/children in a school for the sole purpose of participating in the academic or interscholastic athletics programs provided by that school.

OR

3. I/We delegate to the attorney-in-fact the following specific powers and responsibilities:

_____

_____.

This delegation shall not include the power or authority to consent to marriage or adoption of the child, the performance or inducement of an abortion on or for the child, or the termination of parental rights to the child. I/We understand that this power of attorney shall not operate to change or modify any parental or legal rights, obligations, or authority established by an existing court order or deprive a parent or legal custodian of any parental or legal rights, obligations, or authority regarding the custody, visitation, or support of any child under Title 20 of the Code of Virginia, and I/we understand that I/we shall continue to be bound by any obligations in such order. By my/our signature below, I/we hereby certify that I/we am/are not executing this power of attorney for any unlawful purpose or for the primary purpose of enrolling my/our child/children in a school for the sole purpose of participating in the academic or interscholastic athletics programs provided by that school.

4. This power of attorney is effective for a period not to exceed 180 days, beginning _____ (insert date) and ending _____ (insert date). I/We reserve the right to revoke this authority at any time.

OR

4. I/We am/are a service member, as defined by § 20-166 of the Code of Virginia, and am/are on, or am/are scheduled to be on, active duty for a period that is set to last longer than 180 days. This power of attorney is effective for a period not to exceed the period of active duty plus 30 days, beginning _____ (insert date) and ending _____ (insert date). I/We reserve the right to revoke this authority at any time.

Signature(s) of parent/legal custodian: _____ Date: _____

5. I hereby accept my designation as attorney-in-fact for the minor child/children specified in this power of attorney and agree to act at all times in the best interests of the child/children specified herein and within the limits of the powers delegated to me. I understand that this power of attorney does not change or modify any parental or legal rights, obligations, or authority established by an existing court order or deprive a parent or legal custodian of any parental or legal rights, obligations, or authority regarding the custody, visitation, or support of the child/children specified herein. By my signature below, I affirm that I have received notice of any existing court order regarding the custody, visitation, or support of the child/children and agree to honor the rights of a parent or legal custodian of the child/children as specified in such order.

Signature of attorney-in-fact: _____ Date: _____

6. I, _____ (insert name of representative of licensed child-placing agency), on behalf of _____ (insert name of licensed child-placing agency), hereby approve the designation of the aforementioned attorney-in-fact for the minor child/children specified in this power of attorney and accept responsibility for the supervision of the placement during the time the child/children is/are in the care of the attorney-in-fact.

Signature of representative of licensed child-placing agency: _____ Date: _____

B. A power of attorney executed under this chapter is legally sufficient if the wording of the form complies substantially with subsection A, the form is properly completed, and the signatures of the parties are acknowledged or verified before a notary public.

§ 63.2-1201.1. Previously married persons who stood in loco parentis during the time of the marriage may adopt in the same manner as married persons.

A. ~~A man and woman~~ *Persons* previously married to each other who stood in loco parentis to a child during their marriage to each other, and who could have adopted or readopted the child pursuant to this chapter while married to each other, but whose marriage is void, has been annulled, or has dissolved, may adopt or readopt the child pursuant to the provisions in this chapter that are applicable to married persons.

B. An individual previously married to a parent of a child by birth or adoption, and who stood in loco parentis to that child during the marriage, and who could have adopted the child pursuant to § 63.2-1241 during the marriage, may, with the consent of the prior spouse who is a parent of the child by birth or adoption, adopt the child, after the marriage has been dissolved, annulled, or voided, pursuant to the provisions of this chapter that are applicable to step-parents.

C. Any person or persons seeking to adopt or readopt pursuant to this section may be permitted to do so even if they have remarried.

D. Nothing in this section shall be construed to permit any child to have more than two living parents by birth or adoption~~,~~ who have legal rights and obligations in respect to the child~~, in the form of one father and one mother~~.

§ 63.2-1230. Placement of children by parent or guardian.

The birth parent, legal guardian, or adoptive parent of a child may place his child for adoption directly with the *prospective* adoptive parents of his choice. *Such parent or legal guardian may execute a power of attorney to the prospective adoptive parent for discharge of a newborn infant from a hospital or for the initial physical placement of a child with a prospective adoptive parent pursuant to subsection B of § 20-166 and subsection A of § 54.1-2969.* Consent to the proposed adoption shall be executed upon compliance with the provisions of this chapter before a juvenile and domestic relations district court or, if the birth parent or legal guardian does not reside in Virginia, before a court having jurisdiction over child custody matters in the jurisdiction where the birth parent or legal guardian resides when requested by a juvenile and domestic relations district court of this Commonwealth, pursuant to § 20-146.11. Consent proceedings shall be advanced on the juvenile and domestic relations district court docket so as to be heard by the court within ~~ten~~ *10* days of filing of the petition, or as soon thereafter as practicable so as to provide the earliest possible disposition.

CHAPTER 91

An Act to amend the Code of Virginia by adding in Title 59.1 a chapter numbered 22.22, consisting of a section numbered 59.1-284.43, relating to Financial Services Expansion Grant Fund.

[H 468]

Approved March 14, 2024

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Title 59.1 a chapter numbered 22.22, consisting of a section numbered 59.1-284.43, as follows:

CHAPTER 22.22.

FINANCIAL SERVICES EXPANSION GRANT FUND.

§ 59.1-284.43. Financial Services Expansion Grant Fund.

A. As used in this chapter, unless the context requires a different meaning:

"Capital investment" means an expenditure by or on behalf of a qualified company on or after July 1, 2023, in real property, taxable tangible personal property, or both, at a facility in an eligible county that is properly chargeable to a capital account or would be so chargeable with a proper election. The purchase or lease of furniture, fixtures, business personal property, machinery and tools, including under an operating lease, and expected building construction and up-fit by or on behalf of a qualified company shall qualify as capital investment.

"Eligible county" means Roanoke County.

"Facility" means the building, group of buildings, or corporate campus, including any related machinery and tools, furniture, fixtures, and business personal property, that is located at or near a qualified company's operations in an eligible county and is owned, leased, licensed, occupied, or otherwise operated by a qualified company as an operations facility for use in provision of customer support for financial services.

"Fund" means the Financial Services Expansion Grant Fund.

"Grants" means the grant payments from the Fund awarded to a qualified company in an amount not to exceed $15 million in the aggregate during the time frame described in subsections C and D. The proceeds of the grants may be used by the qualified company for payment or reimbursement of the costs of workforce development, costs of construction and development of the facility, or any other lawful purpose.

"Memorandum of understanding" means a performance agreement or related documents entered into on September 25, 2023, by a qualified company, the Commonwealth, and VEDP that sets forth the requirements for capital investment and the creation of new full-time jobs by a qualified company in order for a qualified company to be eligible for grants from the Fund.

"New full-time job" means a job position in which the employee of a qualified company is principally located at a facility, for which the average annual wage for the applicable year is at least equal to the average annual wage for that year required by the memorandum of understanding, and for which the qualified company provides standard fringe benefits. Such position shall require a minimum of either (i) 35 hours of an employee's time per week for the entire normal year of the

qualified company's operations, which "normal year" shall consist of at least 48 weeks, or (ii) 1,680 hours per year. Seasonal or temporary positions and positions with construction contractors, vendors, suppliers, and similar multiplier or spin-off jobs shall not qualify as "new full-time jobs". The Commonwealth may gauge compliance with the new full-time job requirements for a qualified company by reference to the new payroll generated by a qualified company, if so indicated in the memorandum of understanding.

"Qualified company" means a company, including its affiliates, that engages in the provision of customer support for financial services in an eligible county and that between July 1, 2023, and December 31, 2033, is expected to (i) make a capital investment of at least $87 million and (ii) create at least 1,100 new full-time jobs related to or supportive of its business.

"Secretary" means the Secretary of Commerce and Trade or his designee.

"VEDP" means the Virginia Economic Development Partnership Authority.

B. There is hereby created in the state treasury a special nonreverting fund to be known as the Financial Services Expansion Grant Fund. The Fund shall be established on the books of the Comptroller. All funds appropriated to the Fund shall be paid into the state treasury and credited to the Fund. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. Moneys in the Fund shall be used to pay grants pursuant to this chapter. Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants issued by the Comptroller pursuant to subsection F.

C. A qualified company shall be eligible to receive grants each fiscal year expected to begin with the Commonwealth's fiscal year starting on July 1, 2024, and ending with the Commonwealth's fiscal year starting on July 1, 2033, unless such timeframe is extended in accordance with a memorandum of understanding. Grants paid pursuant to this section shall be subject to appropriation by the General Assembly during each such fiscal year and are contingent on a qualified company meeting the requirements set forth in this chapter and the memorandum of understanding for the number of new full-time jobs created and maintained and the amount of capital investment made. The first grant payment shall not be awarded until a qualified company has created at least 377 new full-time jobs and achieved at least $65 million in capital investment.

D. The aggregate amount of grants payable under this section shall not exceed $15 million. Grants are anticipated to be paid in 10 annual installments, calculated in accordance with a memorandum of understanding as follows:

1. $1,633,216 for the Commonwealth's fiscal year beginning July 1, 2024;

2. $3,037,459, less the total amount of grants previously awarded pursuant to this subsection, for the Commonwealth's fiscal year beginning July 1, 2025;

3. $4,532,777, less the total amount of grants previously awarded pursuant to this subsection, for the Commonwealth's fiscal year beginning July 1, 2026;

4. $6,032,777, less the total amount of grants previously awarded pursuant to this subsection, for the Commonwealth's fiscal year beginning July 1, 2027;

5. $7,532,777, less the total amount of grants previously awarded pursuant to this subsection, for the Commonwealth's fiscal year beginning July 1, 2028;

6. $9,032,777, less the total amount of grants previously awarded pursuant to this subsection, for the Commonwealth's fiscal year beginning July 1, 2029;

7. $10,532,777, less the total amount of grants previously awarded pursuant to this subsection, for the Commonwealth's fiscal year beginning July 1, 2030;

8. $12,032,777, less the total amount of grants previously awarded pursuant to this subsection, for the Commonwealth's fiscal year beginning July 1, 2031;

9. $13,532,777, less the total amount of grants previously awarded pursuant to this subsection, for the Commonwealth's fiscal year beginning July 1, 2032; and

10. $15 million, less the total amount of grants previously awarded pursuant to this subsection, for the Commonwealth's fiscal year beginning July 1, 2033.

In accordance with a memorandum of understanding, actual payment amounts and fiscal years may differ from the schedule above and may be extended beyond the fiscal year beginning July 1, 2033, but the aggregate amount of grant payments shall not exceed $15 million.

E. A qualified company applying for a grant installment under this section shall provide evidence satisfactory to the Secretary of (i) the aggregate number of new full-time jobs created and maintained as of the last day of the calendar year preceding the application and (ii) the amount of capital investment made in the calendar year preceding the application. The application and evidence shall be filed with the Secretary in person, by mail, or as otherwise agreed upon in a memorandum of understanding no later than April 1 of each year reflecting performance through the last day of the prior calendar year. Failure to meet the filing deadline shall result in a deferral of a scheduled grant installment payment set forth in subsection D. For filings by mail, the postmark cancellation shall govern the date of the filing determination.

F. Within 60 days of receiving an application and evidence pursuant to subsection E, the Secretary shall certify to the Comptroller and the qualified company the amount of grants to which such qualified company is entitled for payment. Payment of such grants shall be made by check issued by the State Treasurer on warrant of the Comptroller in the Commonwealth's fiscal year following the submission of an application. The Comptroller shall not draw any warrant to issue checks for grants without a specific appropriation for the same.

G. As a condition of receipt of grants under this section, a qualified company shall make available to the Secretary for inspection, upon request, all documents relevant and applicable to determining whether the qualified company has met the requirements for receipt of a grant as set forth in this section and subject to the memorandum of understanding. All such documents appropriately identified by a qualified company shall be considered confidential and proprietary.

CHAPTER 92

An Act to amend the Code of Virginia by adding in Title 59.1 a chapter numbered 22.22, consisting of a section numbered 59.1-284.43, relating to Financial Services Expansion Grant Fund.

[S 156]

Approved March 14, 2024

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Title 59.1 a chapter numbered 22.22, consisting of a section numbered 59.1-284.43, as follows:

CHAPTER 22.22.

FINANCIAL SERVICES EXPANSION GRANT FUND.

§ 59.1-284.43. Financial Services Expansion Grant Fund.

A. As used in this chapter, unless the context requires a different meaning:

"Capital investment" means an expenditure by or on behalf of a qualified company on or after July 1, 2023, in real property, taxable tangible personal property, or both, at a facility in an eligible county that is properly chargeable to a capital account or would be so chargeable with a proper election. The purchase or lease of furniture, fixtures, business personal property, machinery and tools, including under an operating lease, and expected building construction and up-fit by or on behalf of a qualified company shall qualify as capital investment.

"Eligible county" means Roanoke County.

"Facility" means the building, group of buildings, or corporate campus, including any related machinery and tools, furniture, fixtures, and business personal property, that is located at or near a qualified company's operations in an eligible county and is owned, leased, licensed, occupied, or otherwise operated by a qualified company as an operations facility for use in provision of customer support for financial services.

"Fund" means the Financial Services Expansion Grant Fund.

"Grants" means the grant payments from the Fund awarded to a qualified company in an amount not to exceed $15 million in the aggregate during the time frame described in subsections C and D. The proceeds of the grants may be used by the qualified company for payment or reimbursement of the costs of workforce development, costs of construction and development of the facility, or any other lawful purpose.

"Memorandum of understanding" means a performance agreement or related documents entered into on September 25, 2023, by a qualified company, the Commonwealth, and VEDP that sets forth the requirements for capital investment and the creation of new full-time jobs by a qualified company in order for a qualified company to be eligible for grants from the Fund.

"New full-time job" means a job position in which the employee of a qualified company is principally located at a facility, for which the average annual wage for the applicable year is at least equal to the average annual wage for that year required by the memorandum of understanding, and for which the qualified company provides standard fringe benefits. Such position shall require a minimum of either (i) 35 hours of an employee's time per week for the entire normal year of the qualified company's operations, which "normal year" shall consist of at least 48 weeks, or (ii) 1,680 hours per year. Seasonal or temporary positions and positions with construction contractors, vendors, suppliers, and similar multiplier or spin-off jobs shall not qualify as "new full-time jobs". The Commonwealth may gauge compliance with the new full-time job requirements for a qualified company by reference to the new payroll generated by a qualified company, if so indicated in the memorandum of understanding.

"Qualified company" means a company, including its affiliates, that engages in the provision of customer support for financial services in an eligible county and that between July 1, 2023, and December 31, 2033, is expected to (i) make a capital investment of at least $87 million and (ii) create at least 1,100 new full-time jobs related to or supportive of its business.

"Secretary" means the Secretary of Commerce and Trade or his designee.

"VEDP" means the Virginia Economic Development Partnership Authority.

B. There is hereby created in the state treasury a special nonreverting fund to be known as the Financial Services Expansion Grant Fund. The Fund shall be established on the books of the Comptroller. All funds appropriated to the Fund shall be paid into the state treasury and credited to the Fund. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. Moneys in the Fund shall be used to pay grants pursuant to this chapter. Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants issued by the Comptroller pursuant to subsection F.

C. A qualified company shall be eligible to receive grants each fiscal year expected to begin with the Commonwealth's fiscal year starting on July 1, 2024, and ending with the Commonwealth's fiscal year starting on July 1, 2033, unless such timeframe is extended in accordance with a memorandum of understanding. Grants paid pursuant to this section shall be subject to appropriation by the General Assembly during each such fiscal year and are contingent on a qualified company meeting the requirements set forth in this chapter and the memorandum of understanding for the number of new full-time jobs created and maintained and the amount of capital investment made. The first grant payment shall not be awarded until a qualified company has created at least 377 new full-time jobs and achieved at least $65 million in capital investment.

D. The aggregate amount of grants payable under this section shall not exceed $15 million. Grants are anticipated to be paid in 10 annual installments, calculated in accordance with a memorandum of understanding as follows:

1. $1,633,216 for the Commonwealth's fiscal year beginning July 1, 2024;

2. $3,037,459, less the total amount of grants previously awarded pursuant to this subsection, for the Commonwealth's fiscal year beginning July 1, 2025;

3. $4,532,777, less the total amount of grants previously awarded pursuant to this subsection, for the Commonwealth's fiscal year beginning July 1, 2026;

4. $6,032,777, less the total amount of grants previously awarded pursuant to this subsection, for the Commonwealth's fiscal year beginning July 1, 2027;

5. $7,532,777, less the total amount of grants previously awarded pursuant to this subsection, for the Commonwealth's fiscal year beginning July 1, 2028;

6. $9,032,777, less the total amount of grants previously awarded pursuant to this subsection, for the Commonwealth's fiscal year beginning July 1, 2029;

7. $10,532,777, less the total amount of grants previously awarded pursuant to this subsection, for the Commonwealth's fiscal year beginning July 1, 2030;

8. $12,032,777, less the total amount of grants previously awarded pursuant to this subsection, for the Commonwealth's fiscal year beginning July 1, 2031;

9. $13,532,777, less the total amount of grants previously awarded pursuant to this subsection, for the Commonwealth's fiscal year beginning July 1, 2032; and

10. $15 million, less the total amount of grants previously awarded pursuant to this subsection, for the Commonwealth's fiscal year beginning July 1, 2033.

In accordance with a memorandum of understanding, actual payment amounts and fiscal years may differ from the schedule above and may be extended beyond the fiscal year beginning July 1, 2033, but the aggregate amount of grant payments shall not exceed $15 million.

E. A qualified company applying for a grant installment under this section shall provide evidence satisfactory to the Secretary of (i) the aggregate number of new full-time jobs created and maintained as of the last day of the calendar year preceding the application and (ii) the amount of capital investment made in the calendar year preceding the application. The application and evidence shall be filed with the Secretary in person, by mail, or as otherwise agreed upon in a memorandum of understanding no later than April 1 of each year reflecting performance through the last day of the prior calendar year. Failure to meet the filing deadline shall result in a deferral of a scheduled grant installment payment set forth in subsection D. For filings by mail, the postmark cancellation shall govern the date of the filing determination.

F. Within 60 days of receiving an application and evidence pursuant to subsection E, the Secretary shall certify to the Comptroller and the qualified company the amount of grants to which such qualified company is entitled for payment. Payment of such grants shall be made by check issued by the State Treasurer on warrant of the Comptroller in the Commonwealth's fiscal year following the submission of an application. The Comptroller shall not draw any warrant to issue checks for grants without a specific appropriation for the same.

G. As a condition of receipt of grants under this section, a qualified company shall make available to the Secretary for inspection, upon request, all documents relevant and applicable to determining whether the qualified company has met the requirements for receipt of a grant as set forth in this section and subject to the memorandum of understanding. All such documents appropriately identified by a qualified company shall be considered confidential and proprietary.

CHAPTER 93

An Act to amend and reenact §§ 54.1-500, 54.1-500.1, 54.1-501, 54.1-503, 54.1-512, 54.1-516, and 54.1-517 of the Code of Virginia, relating to Virginia Board for Asbestos, Lead, and Home Inspectors.

[H 1005]

Approved March 14, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 54.1-500, 54.1-500.1, 54.1-501, 54.1-503, 54.1-512, 54.1-516, and 54.1-517 of the Code of Virginia are amended and reenacted as follows:

§ 54.1-500. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Accredited asbestos training program" means a training program that has been approved by the Board to provide training for individuals to engage in asbestos abatement, conduct asbestos inspections, prepare management plans, prepare project designs or act as project monitors.

"Accredited lead training program" means a training program that has been approved by the Board to provide training for individuals to engage in lead-based paint activities.

~~"Accredited renovation training program" means a training program that has been approved by the Board to provide training for individuals to engage in renovation or dust clearance sampling.~~

"Asbestos" means the asbestiform varieties of actinolite, amosite, anthophyllite, chrysotile, crocidolite, and tremolite.

"Asbestos analytical laboratory license" means an authorization issued by the Board to perform phase contrast, polarized light, or transmission electron microscopy on material known or suspected to contain asbestos.

"Asbestos contractor's license" means an authorization issued by the Board permitting a person to enter into contracts to perform an asbestos abatement project.

"Asbestos-containing materials" or "ACM" means any material or product which contains more than 1.0 percent asbestos or such other percentage as established by EPA final rule.

"Asbestos inspector's license" means an authorization issued by the Board permitting a person to perform on-site investigations to identify, classify, record, sample, test and prioritize by exposure potential asbestos-containing materials.

"Asbestos management plan" means a program designed to control or abate any potential risk to human health from asbestos.

"Asbestos management planner's license" means an authorization issued by the Board permitting a person to develop or alter an asbestos management plan.

"Asbestos project" or "asbestos abatement project" means an activity involving job set-up for containment, removal, encapsulation, enclosure, encasement, renovation, repair, construction or alteration of an asbestos-containing material. An asbestos project or asbestos abatement project shall not include nonfriable asbestos-containing roofing, flooring and siding materials which when installed, encapsulated or removed do not become friable.

"Asbestos project designer's license" means an authorization issued by the Board permitting a person to design an asbestos abatement project.

"Asbestos project monitor's license" means an authorization issued by the Board permitting a person to monitor an asbestos project, subject to Department regulations.

"Asbestos supervisor" means any person so designated by an asbestos contractor who provides on-site supervision and direction to the workers engaged in asbestos projects.

"Asbestos worker's license" means an authorization issued by the Board permitting an individual to work on an asbestos project.

"Board" means the Virginia Board for Asbestos, Lead, and Home Inspectors.

~~"Dust clearance sampling" means an on-site collection of dust or other debris that is present after the completion of a renovation to determine the presence of lead-based paint hazards and the provisions of a report explaining the results.~~

~~"Dust sampling technician" means an individual licensed by the Board to perform dust clearance sampling.~~

"Friable" means that the material when dry may be crumbled, pulverized, or reduced to powder by hand pressure and includes previously nonfriable material after such previously nonfriable material becomes damaged to the extent that when dry it may be crumbled, pulverized, or reduced to powder by hand pressure.

"Home inspection" means any inspection of a residential building for compensation conducted by a licensed home inspector. A home inspection shall include a written evaluation of the readily accessible components of a residential building, including heating, cooling, plumbing, and electrical systems; structural components; foundation; roof; masonry structure; exterior and interior components; and other related residential housing components. A home inspection may be limited in scope as provided in a home inspection contract, provided that such contract is not inconsistent with the provisions of this chapter or the regulations of the Board. For purposes of this chapter, residential building energy analysis alone, as defined in § 54.1-1144, shall not be considered a home inspection.

"Home inspector" means a person who meets the criteria of education, experience, and testing required by this chapter and regulations of the Board and who has been licensed by the Board to perform home inspections.

"Lead abatement" means any measure or set of measures designed to permanently eliminate lead-based paint hazards, including lead-contaminated dust or soil.

"Lead-based paint" means paint or other surface coatings that contain lead equal to or in excess of 1.0 milligrams per square centimeter or more than 0.5 percent by weight.

"Lead-based paint activity" means lead inspection, lead risk assessment, lead project design and abatement of lead-based paint and lead-based paint hazards, including lead-contaminated dust and lead-contaminated soil.

~~"Lead-contaminated dust" means surface dust that contains an area or mass concentration of lead at or in excess of levels identified by the Environmental Protection Agency pursuant to § 403 of TSCA (15 U.S.C. § 2683).~~

"Lead-contaminated soil" means bare soil that contains lead at or in excess of levels identified by the Environmental Protection Agency.

"Lead contractor" means a person who has met the Board's requirements and has been issued a license by the Board to enter into contracts to perform lead abatements.

"Lead inspection" means a surface-by-surface investigation to determine the presence of lead-based paint and the provisions of a report explaining the results of the investigation.

"Lead inspector" means an individual who has been licensed by the Board to conduct lead inspections and abatement clearance testing.

"Lead project design" means any descriptive form written as instructions or drafted as a plan describing the construction or setting up of a lead abatement project area and the work practices to be utilized during the lead abatement project.

"Lead project designer" means an individual who has been licensed by the Board to prepare lead project designs.

"Lead risk assessment" means (i) an on-site investigation to determine the existence, nature, severity and location of lead-based paint hazards and (ii) the provision of a report by the individual or the firm conducting the risk assessment, explaining the results of the investigation and options for reducing lead-based paint hazards.

"Lead risk assessor" means an individual who has been licensed by the Board to conduct lead inspections, lead risk assessments and abatement clearance testing.

"Lead supervisor" means an individual who has been licensed by the Board to supervise lead abatements.

"Lead worker" or "lead abatement worker" means an individual who has been licensed by the Board to perform lead abatement.

"Person" means a corporation, partnership, sole proprietorship, firm, enterprise, franchise, association or any other individual or entity.

"Principal instructor" means the individual who has the primary responsibility for organizing and teaching an accredited asbestos training program, an accredited lead training program~~, an accredited renovation training program~~, or any combination thereof.

~~"Renovation" means the modification of any existing structure or portion thereof, for compensation, that results in the disturbance of painted surfaces, unless that activity is (i) performed as a part of a lead abatement or (ii) limited in scope to the site work or remediation as referenced in the definition of contractor in § 54.1-1100. As used in this definition, "compensation" shall include the receipt of (a) pay for work performed, such as that paid to contractors and subcontractors; (b) wages, including but not limited to those paid to employees of contractors, building owners, property management companies, child-occupied facilities operators, state and local government agencies, and nonprofit organizations; and (c) rent for housing constructed before January 1, 1978, or child-occupied facilities in public or commercial building space.~~

~~"Renovation contractor" means a person who has met the Board's requirements and has been issued a license by the Board to conduct renovations.~~

~~"Renovator" means an individual who has been issued a license by the Board to perform renovations or to direct others who perform renovations.~~

"Residential building" means, for the purposes of home inspection, a structure consisting of one to four dwelling units used or occupied, or intended to be used or occupied, for residential purposes.

"Training manager" means the individual responsible for administering a training program and monitoring the performance of instructors for an accredited asbestos training~~,~~ *or* accredited lead training program ~~or accredited renovation training program~~.

§ 54.1-500.1. Virginia Board for Asbestos, Lead, and Home Inspectors; membership; meetings; offices; quorum.

The Virginia Board for Asbestos, Lead, and Home Inspectors shall be appointed by the Governor and composed of ~~13~~ *12* members as follows: (i) one shall be a representative of a Virginia-licensed asbestos contractor, (ii) one shall be a representative of a Virginia-licensed lead contractor, (iii) ~~one shall be a representative of a Virginia-licensed renovation contractor,~~ (iv) one shall be either a Virginia-licensed asbestos inspector or project monitor, ~~(v)~~ *(iv)* one shall be a Virginia-licensed lead risk assessor, ~~(vi)~~ *(v)* one shall be a representative of a Virginia-licensed asbestos analytical laboratory, ~~(vii)~~ *(vi)* one shall be a representative of an asbestos~~,~~ *or* lead~~, or renovation~~ training program, ~~(viii)~~ *(vii)* one shall be a member of the Board for Contractors, ~~(ix)~~ *(viii)* three shall be Virginia-licensed home inspectors, and ~~(x)~~ *(ix)* two shall be citizen members. After the initial staggering of terms, the terms of members of the Board shall be four years, except that vacancies may be filled for the remainder of the unexpired term. The home inspector ~~and renovation contractor~~ members appointed to the Board shall have practiced as a home inspector ~~and a renovation contractor, respectively,~~ for at least five consecutive years immediately prior to appointment.

The Board shall meet at least once each year and other such times as it deems necessary. The Board shall elect from its membership a chairman and a vice-chairman to serve for a period of one year. *Seven members of the Board shall constitute a quorum.* The Board is vested with the powers and duties necessary to execute the purposes of this chapter.

§ 54.1-501. Powers and duties of the Board.

The Board shall administer and enforce this chapter. The Board shall:

1. Promulgate regulations necessary to carry out the requirements of this chapter in accordance with the provisions of the Administrative Process Act (§ 2.2-4000 et seq.) to include but not be limited to the prescription of fees, procedures, and qualifications for the issuance and renewal of asbestos~~,~~ *and* lead~~, and renovation~~ licenses, and governing conflicts of interest among various categories of asbestos~~,~~ *and* lead~~, and renovation~~ licenses;

2. Approve the criteria for accredited asbestos training programs, accredited lead training programs, ~~accredited renovation training programs,~~ training managers, and principal instructors;

3. Approve accredited asbestos training programs, accredited lead training programs, ~~accredited renovation training programs,~~ examinations and the grading system for testing applicants for asbestos~~,~~ *and* lead~~, and renovation~~ licensure;

4. Promulgate regulations governing the licensing of and establishing performance criteria applicable to asbestos analytical laboratories;

5. Promulgate regulations governing the functions and duties of project monitors on asbestos projects, circumstances in which project monitors shall be required for asbestos projects, and training requirements for project monitors;

6. Promulgate, in accordance with the Administrative Process Act, regulations necessary to establish procedures and requirements for the: (i) approval of accredited lead training programs, (ii) licensure of individuals and firms to engage in lead-based paint activities, and (iii) establishment of standards for performing lead-based paint activities consistent with the Residential Lead-based Paint Hazard Reduction Act and United States Environmental Protection Agency regulations. If the United States Environmental Protection Agency (EPA) has adopted, prior to the promulgation of any related regulations by the Board, any final regulations relating to lead-based paint activities, then the related regulations of the Board shall not be more stringent than the EPA regulations in effect as of the date of such promulgation. In addition, if the EPA shall have outstanding any proposed regulations relating to lead-based paint activities (other than as amendments to existing EPA regulations), as of the date of promulgation of any related regulations by the Board, then the related regulations of the Board shall not be more stringent than the proposed EPA regulations. In the event that the EPA shall adopt any final regulations subsequent to the promulgation by the Board of related regulations, then the Board shall, as soon as practicable, amend its existing regulations so as to be not more stringent than such EPA regulations; *and*

7. Promulgate regulations for the licensing of home inspectors not inconsistent with this chapter regarding the professional qualifications of home inspectors applicants, the requirements necessary for passing home inspectors examinations, the proper conduct of its examinations, the proper conduct of the home inspectors licensed by the Board, and the proper discharge of its duties~~; and~~

~~8. Promulgate, in accordance with the Administrative Process Act, regulations necessary to establish procedures and requirements for the (i) approval of accredited renovation training programs, (ii) licensure of individuals and firms to engage in renovation, and (iii) establishment of standards for performing renovation consistent with the Residential Lead-based Paint Hazard Reduction Act and United States Environmental Protection Agency (EPA) regulations. Such regulations of the Board shall be consistent with the EPA Lead Renovation, Repair, and Painting Program final rule~~.

§ 54.1-503. Licenses required.

A. It shall be unlawful for any person who does not have an asbestos contractor's license to contract with another person, for compensation, to carry out an asbestos project or to perform any work on an asbestos project. It shall be unlawful for any person who does not have an asbestos project designer's license to develop an asbestos project design. It shall be unlawful for any person who does not have an asbestos inspector's license to conduct an asbestos inspection. It shall be unlawful for any person who does not have an asbestos management planner's license to develop an asbestos management plan. It shall be unlawful for any person who does not have a license as an asbestos project monitor to act as project monitor on an asbestos project.

B. It shall be unlawful for any person who does not possess a valid asbestos analytical laboratory license issued by the Board to communicate the findings of an analysis, verbally or in writing, for a fee, performed on material known or suspected to contain asbestos for the purpose of determining the presence or absence of asbestos.

C. It shall be unlawful for any person who does not possess a license as a lead contractor to contract with another person to perform lead abatement activities or to perform any lead abatement activity or work on a lead abatement project. It shall be unlawful for any person who does not possess a lead supervisor's license to act as a lead supervisor on a lead abatement project. It shall be unlawful for any person who does not possess a lead worker's license to act as a lead worker on a lead abatement project. It shall be unlawful for any person who does not possess a lead project designer's license to develop a lead project design. It shall be unlawful for any person who does not possess a lead inspector's license to conduct a lead inspection. It shall be unlawful for any person who does not possess a lead risk assessor's license to conduct a lead risk assessment. It shall be unlawful for any person who does not possess a lead inspector's or lead risk assessor's license to conduct lead abatement clearance testing.

D. ~~It shall be unlawful for any person who does not possess a license as a renovation contractor to perform renovation. It shall be unlawful for any person who does not possess a renovator's license to perform or direct others to perform renovation. It shall be unlawful for any person who does not possess a dust sampling technician's license to perform dust clearance sampling.~~

~~E.~~ It shall be unlawful for any individual who does not possess a license as a home inspector issued by the Board to perform a home inspection for compensation on a residential building. It shall be unlawful for any individual who does not possess a home inspector license with the new residential structure endorsement to conduct a home inspection for compensation on any new residential structure. For purposes of this chapter, "new residential structure" means a residential structure for which the first conveyance of record title to a purchaser has not occurred, or of which a purchaser has not taken possession, whichever occurs later.

§ 54.1-512. Exemptions from licensure.

A. In an emergency, the Board may, at its discretion, waive the requirement for asbestos contractor's, supervisor's and worker's licenses.

B. Any employer, and any employee of such employer, who conducts an asbestos project on premises owned or leased by such employer shall be exempt from licensure.

C. Notwithstanding the provisions of the Virginia Tort Claims Act (§ 8.01-195.1 et seq.), neither the Commonwealth nor any agency or employee of the Commonwealth shall be subject to any liability as the result of a determination made by the Board hereunder.

D. Nothing in this chapter shall be construed as requiring the licensure of a contractor who contracts to undertake a project, a portion of which constitutes an asbestos or lead abatement project ~~or renovation,~~ if all of the asbestos or lead abatement work ~~or renovation~~ is subcontracted to a person licensed to perform such work in accordance with the provisions of this chapter.

E. This chapter shall not apply to any person who performs lead-based paint activities within residences which they own, unless the residence is occupied by a person or persons other than the owner or the owner's immediate family while these activities are being conducted or a child is residing in the property and has been identified as having an elevated blood-lead level.

~~F. This chapter shall not apply to renovations of owner-occupied housing constructed before 1978, provided the person performing renovations obtains a statement signed by the owner providing that (i) no child under the age of six or pregnant woman resides in the structure, (ii) the residence is not a child-occupied facility, and (iii) the owner acknowledges that renovations may not include all of the lead-safe work practices contained in the EPA Lead Renovation, Repair, and Painting Program final rule.~~

~~G. This chapter shall not apply to any person who performs renovations on (i) housing constructed after January 1, 1978, (ii) housing for the elderly or persons with disabilities, unless a child under the age of six resides or is expected to reside in the structure, or (iii) a structure that does not have bedrooms.~~

§ 54.1-516. Disciplinary actions.

A. The Board may reprimand, fine, suspend or revoke (i) the license of a lead contractor, lead inspector, lead risk assessor, lead project designer, lead supervisor, lead worker, asbestos contractor, asbestos supervisor, asbestos inspector, asbestos analytical laboratory, asbestos management planner, asbestos project designer, asbestos project monitor, asbestos worker~~, renovator, dust sampling technician, renovation contractor~~, or home inspector or (ii) the approval of an accredited asbestos training program, accredited lead training program, ~~accredited renovation training program,~~ training manager or principal instructor, if the licensee or approved person or program:

1. Fraudulently or deceptively obtains or attempts to obtain a license or approval;

2. Fails at any time to meet the qualifications for a license or approval or to comply with the requirements of this chapter or any regulation adopted by the Board; or

3. Fails to meet any applicable federal or state standard when performing an asbestos project or service~~,~~ *or* performing lead-based paint activities~~, or performing renovations~~.

B. The Board may reprimand, fine, suspend or revoke the license of (i) any asbestos contractor who employs or permits an individual without an asbestos supervisor's or worker's license to work on an asbestos project~~,~~ *or* (ii) any lead contractor who employs or permits an individual without a lead supervisor's or lead worker's license to work on a lead abatement project~~, or (iii) any renovation contractor who employs or permits an individual without a renovator's license to perform or to direct others who perform renovations~~.

C. The Board may reprimand, fine, suspend or revoke the license of a home inspector.

§ 54.1-517. Penalties for willful violations.

Notwithstanding any other provision of law, any person who willfully violates any provision of this chapter or any regulation related to licensure or training adopted pursuant to this chapter shall be guilty of a Class 1 misdemeanor for the first two violations and a Class 6 felony for a third and each subsequent violation within a three-year period.

In addition, licensed asbestos contractors, asbestos supervisors, asbestos inspectors, asbestos management planners, asbestos project designers, asbestos project monitors, asbestos analytical laboratories and asbestos workers, lead contractors, lead inspectors, lead risk assessors, lead project designers, lead supervisors, lead workers~~, renovators, dust sampling technicians, renovation contractors~~, and accredited asbestos training programs, accredited lead training programs, ~~accredited renovator training programs,~~ training managers or principal instructors may be assessed a civil penalty by the Board of not more than $1,000 for an initial violation and $5,000 for each subsequent violation within a three-year period arising from a willful violation of standards established by the Environmental Protection Agency, Occupational Safety and Health Administration, Department of Labor and Industry, or the Divisions of Air Pollution Control and Waste Management of the Department of Environmental Quality in a three-year period.

2. That the terms of the members of the Board for Asbestos, Lead, and Home Inspectors whose membership is repealed by the enactment of this act shall expire on the effective date of this act.

CHAPTER 94

An Act to amend and reenact §§ 54.1-500, 54.1-500.1, 54.1-501, 54.1-503, 54.1-512, 54.1-516, and 54.1-517 of the Code of Virginia, relating to Virginia Board for Asbestos, Lead, and Home Inspectors.

[S 560]

Approved March 14, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 54.1-500, 54.1-500.1, 54.1-501, 54.1-503, 54.1-512, 54.1-516, and 54.1-517 of the Code of Virginia are amended and reenacted as follows:

§ 54.1-500. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Accredited asbestos training program" means a training program that has been approved by the Board to provide training for individuals to engage in asbestos abatement, conduct asbestos inspections, prepare management plans, prepare project designs or act as project monitors.

"Accredited lead training program" means a training program that has been approved by the Board to provide training for individuals to engage in lead-based paint activities.

~~"Accredited renovation training program" means a training program that has been approved by the Board to provide training for individuals to engage in renovation or dust clearance sampling.~~

"Asbestos" means the asbestiform varieties of actinolite, amosite, anthophyllite, chrysotile, crocidolite, and tremolite.

"Asbestos analytical laboratory license" means an authorization issued by the Board to perform phase contrast, polarized light, or transmission electron microscopy on material known or suspected to contain asbestos.

"Asbestos contractor's license" means an authorization issued by the Board permitting a person to enter into contracts to perform an asbestos abatement project.

"Asbestos-containing materials" or "ACM" means any material or product which contains more than 1.0 percent asbestos or such other percentage as established by EPA final rule.

"Asbestos inspector's license" means an authorization issued by the Board permitting a person to perform on-site investigations to identify, classify, record, sample, test and prioritize by exposure potential asbestos-containing materials.

"Asbestos management plan" means a program designed to control or abate any potential risk to human health from asbestos.

"Asbestos management planner's license" means an authorization issued by the Board permitting a person to develop or alter an asbestos management plan.

"Asbestos project" or "asbestos abatement project" means an activity involving job set-up for containment, removal, encapsulation, enclosure, encasement, renovation, repair, construction or alteration of an asbestos-containing material. An asbestos project or asbestos abatement project shall not include nonfriable asbestos-containing roofing, flooring and siding materials which when installed, encapsulated or removed do not become friable.

"Asbestos project designer's license" means an authorization issued by the Board permitting a person to design an asbestos abatement project.

"Asbestos project monitor's license" means an authorization issued by the Board permitting a person to monitor an asbestos project, subject to Department regulations.

"Asbestos supervisor" means any person so designated by an asbestos contractor who provides on-site supervision and direction to the workers engaged in asbestos projects.

"Asbestos worker's license" means an authorization issued by the Board permitting an individual to work on an asbestos project.

"Board" means the Virginia Board for Asbestos, Lead, and Home Inspectors.

~~"Dust clearance sampling" means an on-site collection of dust or other debris that is present after the completion of a renovation to determine the presence of lead-based paint hazards and the provisions of a report explaining the results.~~

~~"Dust sampling technician" means an individual licensed by the Board to perform dust clearance sampling.~~

"Friable" means that the material when dry may be crumbled, pulverized, or reduced to powder by hand pressure and includes previously nonfriable material after such previously nonfriable material becomes damaged to the extent that when dry it may be crumbled, pulverized, or reduced to powder by hand pressure.

"Home inspection" means any inspection of a residential building for compensation conducted by a licensed home inspector. A home inspection shall include a written evaluation of the readily accessible components of a residential building, including heating, cooling, plumbing, and electrical systems; structural components; foundation; roof; masonry structure; exterior and interior components; and other related residential housing components. A home inspection may be limited in scope as provided in a home inspection contract, provided that such contract is not inconsistent with the provisions of this chapter or the regulations of the Board. For purposes of this chapter, residential building energy analysis alone, as defined in § 54.1-1144, shall not be considered a home inspection.

"Home inspector" means a person who meets the criteria of education, experience, and testing required by this chapter and regulations of the Board and who has been licensed by the Board to perform home inspections.

"Lead abatement" means any measure or set of measures designed to permanently eliminate lead-based paint hazards, including lead-contaminated dust or soil.

"Lead-based paint" means paint or other surface coatings that contain lead equal to or in excess of 1.0 milligrams per square centimeter or more than 0.5 percent by weight.

"Lead-based paint activity" means lead inspection, lead risk assessment, lead project design and abatement of lead-based paint and lead-based paint hazards, including lead-contaminated dust and lead-contaminated soil.

~~"Lead-contaminated dust" means surface dust that contains an area or mass concentration of lead at or in excess of levels identified by the Environmental Protection Agency pursuant to § 403 of TSCA (15 U.S.C. § 2683).~~

"Lead-contaminated soil" means bare soil that contains lead at or in excess of levels identified by the Environmental Protection Agency.

"Lead contractor" means a person who has met the Board's requirements and has been issued a license by the Board to enter into contracts to perform lead abatements.

"Lead inspection" means a surface-by-surface investigation to determine the presence of lead-based paint and the provisions of a report explaining the results of the investigation.

"Lead inspector" means an individual who has been licensed by the Board to conduct lead inspections and abatement clearance testing.

"Lead project design" means any descriptive form written as instructions or drafted as a plan describing the construction or setting up of a lead abatement project area and the work practices to be utilized during the lead abatement project.

"Lead project designer" means an individual who has been licensed by the Board to prepare lead project designs.

"Lead risk assessment" means (i) an on-site investigation to determine the existence, nature, severity and location of lead-based paint hazards and (ii) the provision of a report by the individual or the firm conducting the risk assessment, explaining the results of the investigation and options for reducing lead-based paint hazards.

"Lead risk assessor" means an individual who has been licensed by the Board to conduct lead inspections, lead risk assessments and abatement clearance testing.

"Lead supervisor" means an individual who has been licensed by the Board to supervise lead abatements.

"Lead worker" or "lead abatement worker" means an individual who has been licensed by the Board to perform lead abatement.

"Person" means a corporation, partnership, sole proprietorship, firm, enterprise, franchise, association or any other individual or entity.

"Principal instructor" means the individual who has the primary responsibility for organizing and teaching an accredited asbestos training program, an accredited lead training program~~, an accredited renovation training program~~, or any combination thereof.

~~"Renovation" means the modification of any existing structure or portion thereof, for compensation, that results in the disturbance of painted surfaces, unless that activity is (i) performed as a part of a lead abatement or (ii) limited in scope to the site work or remediation as referenced in the definition of contractor in § 54.1-1100. As used in this definition, "compensation" shall include the receipt of (a) pay for work performed, such as that paid to contractors and subcontractors; (b) wages, including but not limited to those paid to employees of contractors, building owners, property management companies, child-occupied facilities operators, state and local government agencies, and nonprofit organizations; and (c) rent for housing constructed before January 1, 1978, or child-occupied facilities in public or commercial building space.~~

~~"Renovation contractor" means a person who has met the Board's requirements and has been issued a license by the Board to conduct renovations.~~

~~"Renovator" means an individual who has been issued a license by the Board to perform renovations or to direct others who perform renovations.~~

"Residential building" means, for the purposes of home inspection, a structure consisting of one to four dwelling units used or occupied, or intended to be used or occupied, for residential purposes.

"Training manager" means the individual responsible for administering a training program and monitoring the performance of instructors for an accredited asbestos training~~,~~ *or* accredited lead training program ~~or accredited renovation training program~~.

§ 54.1-500.1. Virginia Board for Asbestos, Lead, and Home Inspectors; membership; meetings; offices; quorum.

The Virginia Board for Asbestos, Lead, and Home Inspectors shall be appointed by the Governor and composed of ~~13~~ *12* members as follows: (i) one shall be a representative of a Virginia-licensed asbestos contractor, (ii) one shall be a representative of a Virginia-licensed lead contractor, (iii) ~~one shall be a representative of a Virginia-licensed renovation contractor,~~ ~~(iv)~~ one shall be either a Virginia-licensed asbestos inspector or project monitor, ~~(v)~~ *(iv)* one shall be a Virginia-licensed lead risk assessor, ~~(vi)~~ *(v)* one shall be a representative of a Virginia-licensed asbestos analytical laboratory, ~~(vii)~~ *(vi)* one shall be a representative of an asbestos~~,~~ *or* lead~~, or renovation~~ training program, ~~(viii)~~ *(vii)* one shall be a member of the Board for Contractors, ~~(ix)~~ *(viii)* three shall be Virginia-licensed home inspectors, and ~~(x)~~ *(ix)* two shall be citizen members. After the initial staggering of terms, the terms of members of the Board shall be four years, except that vacancies may be filled for the remainder of the unexpired term. The home inspector ~~and renovation contractor~~ members appointed to the Board shall have practiced as a home inspector ~~and a renovation contractor, respectively,~~ for at least five consecutive years immediately prior to appointment.

The Board shall meet at least once each year and other such times as it deems necessary. The Board shall elect from its membership a chairman and a vice-chairman to serve for a period of one year. *Seven members of the Board shall constitute a quorum.* The Board is vested with the powers and duties necessary to execute the purposes of this chapter.

§ 54.1-501. Powers and duties of the Board.

The Board shall administer and enforce this chapter. The Board shall:

1. Promulgate regulations necessary to carry out the requirements of this chapter in accordance with the provisions of the Administrative Process Act (§ 2.2-4000 et seq.) to include but not be limited to the prescription of fees, procedures, and

qualifications for the issuance and renewal of asbestos~~,~~ *and* lead~~, and renovation~~ licenses, and governing conflicts of interest among various categories of asbestos~~,~~ *and* lead~~, and renovation~~ licenses;

2. Approve the criteria for accredited asbestos training programs, accredited lead training programs, ~~accredited renovation training programs,~~ training managers, and principal instructors;

3. Approve accredited asbestos training programs, accredited lead training programs, ~~accredited renovation training programs,~~ examinations and the grading system for testing applicants for asbestos~~,~~ *and* lead~~, and renovation~~ licensure;

4. Promulgate regulations governing the licensing of and establishing performance criteria applicable to asbestos analytical laboratories;

5. Promulgate regulations governing the functions and duties of project monitors on asbestos projects, circumstances in which project monitors shall be required for asbestos projects, and training requirements for project monitors;

6. Promulgate, in accordance with the Administrative Process Act, regulations necessary to establish procedures and requirements for the: (i) approval of accredited lead training programs, (ii) licensure of individuals and firms to engage in lead-based paint activities, and (iii) establishment of standards for performing lead-based paint activities consistent with the Residential Lead-based Paint Hazard Reduction Act and United States Environmental Protection Agency regulations. If the United States Environmental Protection Agency (EPA) has adopted, prior to the promulgation of any related regulations by the Board, any final regulations relating to lead-based paint activities, then the related regulations of the Board shall not be more stringent than the EPA regulations in effect as of the date of such promulgation. In addition, if the EPA shall have outstanding any proposed regulations relating to lead-based paint activities (other than as amendments to existing EPA regulations), as of the date of promulgation of any related regulations by the Board, then the related regulations of the Board shall not be more stringent than the proposed EPA regulations. In the event that the EPA shall adopt any final regulations subsequent to the promulgation by the Board of related regulations, then the Board shall, as soon as practicable, amend its existing regulations so as to be not more stringent than such EPA regulations; *and*

7. Promulgate regulations for the licensing of home inspectors not inconsistent with this chapter regarding the professional qualifications of home inspectors applicants, the requirements necessary for passing home inspectors examinations, the proper conduct of its examinations, the proper conduct of the home inspectors licensed by the Board, and the proper discharge of its duties~~; and~~

~~8. Promulgate, in accordance with the Administrative Process Act, regulations necessary to establish procedures and requirements for the (i) approval of accredited renovation training programs, (ii) licensure of individuals and firms to engage in renovation, and (iii) establishment of standards for performing renovation consistent with the Residential Lead-based Paint Hazard Reduction Act and United States Environmental Protection Agency (EPA) regulations. Such regulations of the Board shall be consistent with the EPA Lead Renovation, Repair, and Painting Program final rule~~.

§ 54.1-503. Licenses required.

A. It shall be unlawful for any person who does not have an asbestos contractor's license to contract with another person, for compensation, to carry out an asbestos project or to perform any work on an asbestos project. It shall be unlawful for any person who does not have an asbestos project designer's license to develop an asbestos project design. It shall be unlawful for any person who does not have an asbestos inspector's license to conduct an asbestos inspection. It shall be unlawful for any person who does not have an asbestos management planner's license to develop an asbestos management plan. It shall be unlawful for any person who does not have a license as an asbestos project monitor to act as project monitor on an asbestos project.

B. It shall be unlawful for any person who does not possess a valid asbestos analytical laboratory license issued by the Board to communicate the findings of an analysis, verbally or in writing, for a fee, performed on material known or suspected to contain asbestos for the purpose of determining the presence or absence of asbestos.

C. It shall be unlawful for any person who does not possess a license as a lead contractor to contract with another person to perform lead abatement activities or to perform any lead abatement activity or work on a lead abatement project. It shall be unlawful for any person who does not possess a lead supervisor's license to act as a lead supervisor on a lead abatement project. It shall be unlawful for any person who does not possess a lead worker's license to act as a lead worker on a lead abatement project. It shall be unlawful for any person who does not possess a lead project designer's license to develop a lead project design. It shall be unlawful for any person who does not possess a lead inspector's license to conduct a lead inspection. It shall be unlawful for any person who does not possess a lead risk assessor's license to conduct a lead risk assessment. It shall be unlawful for any person who does not possess a lead inspector's or lead risk assessor's license to conduct lead abatement clearance testing.

D. ~~It shall be unlawful for any person who does not possess a license as a renovation contractor to perform renovation. It shall be unlawful for any person who does not possess a renovator's license to perform or direct others to perform renovation. It shall be unlawful for any person who does not possess a dust sampling technician's license to perform dust clearance sampling.~~

~~E.~~ It shall be unlawful for any individual who does not possess a license as a home inspector issued by the Board to perform a home inspection for compensation on a residential building. It shall be unlawful for any individual who does not possess a home inspector license with the new residential structure endorsement to conduct a home inspection for compensation on any new residential structure. For purposes of this chapter, "new residential structure" means a residential structure for which the first conveyance of record title to a purchaser has not occurred, or of which a purchaser has not taken possession, whichever occurs later.

§ 54.1-512. Exemptions from licensure.

A. In an emergency, the Board may, at its discretion, waive the requirement for asbestos contractor's, supervisor's and worker's licenses.

B. Any employer, and any employee of such employer, who conducts an asbestos project on premises owned or leased by such employer shall be exempt from licensure.

C. Notwithstanding the provisions of the Virginia Tort Claims Act (§ 8.01-195.1 et seq.), neither the Commonwealth nor any agency or employee of the Commonwealth shall be subject to any liability as the result of a determination made by the Board hereunder.

D. Nothing in this chapter shall be construed as requiring the licensure of a contractor who contracts to undertake a project, a portion of which constitutes an asbestos or lead abatement project ~~or renovation,~~ if all of the asbestos or lead abatement work ~~or renovation~~ is subcontracted to a person licensed to perform such work in accordance with the provisions of this chapter.

E. This chapter shall not apply to any person who performs lead-based paint activities within residences which they own, unless the residence is occupied by a person or persons other than the owner or the owner's immediate family while these activities are being conducted or a child is residing in the property and has been identified as having an elevated blood-lead level.

~~F. This chapter shall not apply to renovations of owner-occupied housing constructed before 1978, provided the person performing renovations obtains a statement signed by the owner providing that (i) no child under the age of six or pregnant woman resides in the structure, (ii) the residence is not a child-occupied facility, and (iii) the owner acknowledges that renovations may not include all of the lead-safe work practices contained in the EPA Lead Renovation, Repair, and Painting Program final rule.~~

~~G. This chapter shall not apply to any person who performs renovations on (i) housing constructed after January 1, 1978, (ii) housing for the elderly or persons with disabilities, unless a child under the age of six resides or is expected to reside in the structure, or (iii) a structure that does not have bedrooms.~~

§ 54.1-516. Disciplinary actions.

A. The Board may reprimand, fine, suspend or revoke (i) the license of a lead contractor, lead inspector, lead risk assessor, lead project designer, lead supervisor, lead worker, asbestos contractor, asbestos supervisor, asbestos inspector, asbestos analytical laboratory, asbestos management planner, asbestos project designer, asbestos project monitor, asbestos worker~~, renovator, dust sampling technician, renovation contractor~~, or home inspector or (ii) the approval of an accredited asbestos training program, accredited lead training program, ~~accredited renovation training program,~~ training manager or principal instructor, if the licensee or approved person or program:

1. Fraudulently or deceptively obtains or attempts to obtain a license or approval;

2. Fails at any time to meet the qualifications for a license or approval or to comply with the requirements of this chapter or any regulation adopted by the Board; or

3. Fails to meet any applicable federal or state standard when performing an asbestos project or service~~,~~ *or* performing lead-based paint activities~~, or performing renovations~~.

B. The Board may reprimand, fine, suspend or revoke the license of (i) any asbestos contractor who employs or permits an individual without an asbestos supervisor's or worker's license to work on an asbestos project~~,~~ *or* (ii) any lead contractor who employs or permits an individual without a lead supervisor's or lead worker's license to work on a lead abatement project~~, or (iii) any renovation contractor who employs or permits an individual without a renovator's license to perform or to direct others who perform renovations~~.

C. The Board may reprimand, fine, suspend or revoke the license of a home inspector.

§ 54.1-517. Penalties for willful violations.

Notwithstanding any other provision of law, any person who willfully violates any provision of this chapter or any regulation related to licensure or training adopted pursuant to this chapter shall be guilty of a Class 1 misdemeanor for the first two violations and a Class 6 felony for a third and each subsequent violation within a three-year period.

In addition, licensed asbestos contractors, asbestos supervisors, asbestos inspectors, asbestos management planners, asbestos project designers, asbestos project monitors, asbestos analytical laboratories and asbestos workers, lead contractors, lead inspectors, lead risk assessors, lead project designers, lead supervisors, lead workers~~, renovators, dust sampling technicians, renovation contractors~~, and accredited asbestos training programs, accredited lead training programs, ~~accredited renovator training programs,~~ training managers or principal instructors may be assessed a civil penalty by the Board of not more than $1,000 for an initial violation and $5,000 for each subsequent violation within a three-year period arising from a willful violation of standards established by the Environmental Protection Agency, Occupational Safety and Health Administration, Department of Labor and Industry, or the Divisions of Air Pollution Control and Waste Management of the Department of Environmental Quality in a three-year period.

2. That the terms of the members of the Board for Asbestos, Lead, and Home Inspectors whose membership is repealed by the enactment of this act shall expire on the effective date of this act.

CHAPTER 95

An Act to amend and reenact § 46.2-1025 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 46.2-1025.1, relating to amber warning lights; certain hunting vehicles.

[H 24]

Approved March 20, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 46.2-1025 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 46.2-1025.1 as follows:

§ 46.2-1025. Flashing amber, purple, or green warning lights.

A. The following vehicles may be equipped with flashing, blinking, or alternating amber warning lights of types approved by the Superintendent:

1. Vehicles used for the principal purpose of towing or servicing disabled vehicles;

2. Vehicles used in constructing, maintaining, and repairing highways or utilities on or along public highways, or in assisting with the management of roadside and traffic incidents, or performing traffic management services along public highways;

3. Vehicles used for the principal purpose of removing hazardous or polluting substances from state waters and drainage areas on or along public highways, or state vehicles used to perform other state-required environmental activities, provided that the amber lights are not lit while the vehicle is in motion;

4. Vehicles used for servicing automatic teller machines, provided the amber lights are not lit while the vehicle is in motion;

5. Vehicles used in refuse collection, provided the amber lights are lit only when the vehicles are engaged in refuse collection operations;

6. Vehicles used by individuals for emergency snow-removal purposes;

7. Hi-rail vehicles, provided the amber lights are lit only when the vehicles are operated on railroad rails;

8. Fire apparatus and emergency medical services vehicles, provided the amber lights are used in addition to lights permitted under § 46.2-1023 and are so mounted or installed as to be visible from behind the vehicle;

9. Vehicles owned and used by businesses providing security services, provided the amber lights are not lit while the vehicle is being operated on a public highway;

10. Vehicles used to collect and deliver the United States mail, provided the amber lights are lit only when the vehicle is actually engaged in such collection or delivery;

11. Vehicles used to collect and deliver packages weighing less than 150 pounds by a national package delivery company that delivers such packages in all 50 states, provided that the amber lights are lit only when the vehicle is stopped and its operator is engaged in such collection and delivery;

12. Vehicles used to transport petroleum or propane products, provided the amber light is mounted on the rear of the vehicle and is lit when parked while making a delivery of petroleum or propane products, or when the vehicle's back-up lights are lit and its device producing an audible signal when the vehicle is operated in reverse gear, as provided for in § 46.2-1175.1, is in operation;

13. Vehicles used by law-enforcement agency personnel in the enforcement of laws governing motor vehicle parking;

14. Government-owned law-enforcement vehicles, provided the lights are used for the purpose of giving directional warning to vehicular traffic to move one direction or another and are not lit while the vehicle is in motion;

15. Chase vehicles when used to unload a hot air balloon or used to load a hot air balloon after landing, provided the amber lights are not lit while the vehicle is in motion;

16. Vehicles used for farm, agricultural, or horticultural purposes, or any farm tractor;

17. Vehicles owned and used by construction companies operating under Virginia contractors licenses;

18. Vehicles used to lead or provide escorts for bicycle races authorized by the Department of Transportation or the locality in which the race is being conducted;

19. Vehicles used by radio or television stations for remote broadcasts, provided that the amber lights are not lit while the vehicle is in motion;

20. Vehicles used by municipal safety officers in the performance of their official duties. For the purpose of this subdivision, "municipal safety officers" means municipal employees responsible for managing municipal safety programs and ensuring municipal compliance with safety and environmental regulatory mandates;

21. Vehicles used as pace cars, security vehicles, or firefighting vehicles by any speedway or motor vehicle race track, provided that the amber lights are not lit while the vehicle is being operated on a public highway;

22. Vehicles used in patrol work by members of neighborhood watch groups approved by the chief law-enforcement officer of the locality in their assigned neighborhood watch program area, provided that the vehicles are clearly identified as neighborhood watch vehicles, and the amber lights are not lit while the vehicle is in motion;

23. Vehicles that are not tow trucks as defined in § 46.2-100, but are owned or controlled by a towing and recovery business, provided that the amber lights are lit only when the vehicle is being used at a towing and recovery site;

24. Vehicles used or operated by federally licensed amateur radio operators (i) while participating in emergency communications or drills on behalf of federal, state, or local authorities or (ii) while providing communications services to localities for public service events authorized by the Department of Transportation where the event is being conducted;

25. Publicly owned or operated transit buses; ~~and~~

26. Vehicles used for hauling trees, logs, or any other forest products when hauling such products, provided that the amber lights are mounted or installed so as to be visible from behind the vehicle*; and*

27. Vehicles authorized to use amber lights pursuant to § 46.2-1025.1.

B. Except as otherwise provided in this section, such amber lights shall be lit only when performing the functions which qualify them to be equipped with such lights.

C. Vehicles used to lead or provide escorts for funeral processions may use either amber warning lights or purple warning lights, but amber warning lights and purple warning lights shall not simultaneously be used on the same vehicle. The Superintendent of State Police shall develop standards and specifications for purple lights authorized in this subsection.

D. Vehicles used by police, firefighting, or emergency medical services personnel as command centers at the scene of incidents may be equipped with and use green warning lights of a type approved by the Superintendent. Such lights shall not be activated while the vehicle is operating upon the highway.

§ 46.2-1025.1. Flashing amber warning lights on certain fox hunting vehicles.

A. For the purposes of this section, a "road whip" is a vehicle operator guiding or assisting with a hunt under the direction of a hunt master.

B. During a fox hunt, a road whip for a hunt organization exempt from federal taxation pursuant to § 501(c) of the Internal Revenue Code that is a member in good standing of the Masters of Foxhounds Association of North America may use a vehicle equipped with flashing amber warning lights for the purpose of warning other vehicles of such fox hunt happening in the area. Such road whip shall be (i) at least 21 years of age; (ii) in possession of a valid Virginia driver's license; (iii) an experienced member of such hunt organization; (iv) aware of the land being used for such hunt; (v) knowledgeable of the path the hunt may take and any highway where vehicles, hunters, horses, or hounds may be present; and (vi) under the supervision of the masters of the hunt, including having global positioning system (GPS) location monitoring and radio communication with such masters of the hunt or other hunting staff. Each such hunt may authorize such flashing amber warning lights on no more than two vehicles operated by such road whips per hunt. Any vehicle using flashing amber warning lights as authorized in this section shall display a sign on the rear of such vehicle that reads "Horse Crossing With Rider" in print large enough for a passing motorist to read. No flashing amber warning lights authorized pursuant to this section may be used while such vehicle is in motion.

CHAPTER 96

An Act to amend and reenact §§ 8.01-581.16 and 54.1-2400.6 of the Code of Virginia, relating to civil immunity; dentists and dental hygienists; mental health treatment for health care professionals; reporting requirements.

[H 42]

Approved March 20, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 8.01-581.16 and 54.1-2400.6 of the Code of Virginia are amended and reenacted as follows:

§ 8.01-581.16. Civil immunity for members of or consultants to certain boards or committees.

A. Every member of, or health care professional consultant to, any committee, board, group, commission or other entity shall be immune from civil liability for any act, decision, omission, or utterance done or made in performance of his duties while serving as a member of or consultant to such committee, board, group, commission or other entity that functions primarily to review, evaluate, or make recommendations on (i) the duration of patient stays in health care facilities; (ii) the professional services furnished with respect to the medical, dental, psychological, podiatric, chiropractic, veterinary, or optometric necessity for such services; (iii) the purpose of promoting the most efficient use or monitoring the quality of care of available health care facilities and services, or of emergency medical services agencies and services; (iv) the adequacy or quality of professional services; (v) the competency and qualifications for professional staff privileges; (vi) the reasonableness or appropriateness of charges made by or on behalf of health care facilities; (vii) patient safety, including entering into contracts with patient safety organizations, provided that such committee, board, group, commission, or other entity has been established pursuant to federal or state law or regulation, the requirements of a national accrediting organization granted authority by the Centers for Medicare and Medicaid Services to assure compliance with Medicare conditions of participation pursuant to § 1865 of Title XVIII of the Social Security Act (42 U.S.C. § 1395bb), or guidelines approved or adopted by a statewide or local association representing health care providers licensed in the Commonwealth pursuant to clause (iii)(f) of subsection B of § 8.01-581.17, or established and duly constituted by one or more public or licensed private hospitals, health systems, community services boards, or behavioral health authorities, or with a governmental agency, and provided further that such act, decision, omission, or utterance is not done or made in bad faith or with malicious intent.

B. Every member of, or health care professional consultant to, any committee, board, group, commission, or other entity that functions primarily to *(i)* review, evaluate*,* or make recommendations on a professional program to address issues

related to career fatigue and wellness *or (ii) arrange for or provide outpatient health care related to career fatigue and wellness for* ~~in~~ health care professionals licensed, registered, or certified by the Boards of *Dentistry,* Medicine, Nursing, or Pharmacy, or in students enrolled in a school of *dentistry, dental hygiene,* medicine, osteopathic medicine, nursing, or pharmacy located in the Commonwealth, that is established or contracted for by a statewide association, that is exempt under 26 U.S.C. § 501(c)(6) of the Internal Revenue Code, and that primarily represents health care professionals licensed to practice *dentistry, dental hygiene,* medicine*,* or osteopathic medicine in multiple specialties*,* shall be immune from civil liability for any act, decision, omission, or utterance done or made in performance of his duties while serving as a member of or consultant to such committee, board, group, commission, or other entity. No active participant in a professional program described in this subsection shall be employed or engaged by such professional program or have a financial ownership interest in such professional program.

§ 54.1-2400.6. Hospitals, other health care institutions, home health and hospice organizations, and assisted living facilities required to report disciplinary actions against and certain disorders of health professionals; immunity from liability; failure to report.

A. The chief executive officer and the chief of staff of every hospital or other health care institution in the Commonwealth, the director of every licensed home health or hospice organization, the director of every accredited home health organization exempt from licensure, the administrator of every licensed assisted living facility, and the administrator of every provider licensed by the Department of Behavioral Health and Developmental Services in the Commonwealth shall report within 30 days, except as provided in ~~subdivision~~ *subdivisions* 1 *and 2*, to the Director of the Department of Health Professions, or in the case of a director of a home health or hospice organization, to the Office of Licensure and Certification at the Department of Health (the Office), the following information regarding any person (i) licensed, certified, or registered by a health regulatory board or (ii) holding a multistate licensure privilege to practice nursing or an applicant for licensure, certification or registration unless exempted under subsection E:

1. Any information of which he may become aware in his official capacity indicating a reasonable belief that such a health professional ~~is in need of treatment or has been voluntarily admitted as a patient, either at his institution or any other health care institution, for treatment of substance abuse or a psychiatric illness that may render the health professional a danger to himself, the public or his patients. If such health care professional~~ has been involuntarily admitted as a patient, either in his own institution or any other health care institution, for treatment of substance abuse or a psychiatric illness~~, the~~. *The* report required by this ~~section~~ *subdivision* shall be made within five days of the date on which the chief executive officer, chief of staff, director, or administrator learns of the health care professional's involuntary admission.

2. *Any information of which he may become aware in his official capacity indicating a reasonable belief that such a health professional has been voluntarily admitted as a patient, either at his institution or any other health care institution, for treatment of a substance abuse or psychiatric illness and such substance abuse or psychiatric illness may continue for more than 30 days after admission. A report required by this subdivision shall be made within five days after the 30-day period concludes unless the physician, physician assistant, or nurse practitioner treating the health professional for substance abuse or psychiatric illness provides written confirmation to the entity required to make such report that the health professional no longer is believed to be a danger to himself, the public, or his patients.*

3. Any information of which he may become aware in his official capacity indicating a reasonable belief, after review and, if necessary, an investigation or consultation with the appropriate internal boards or committees authorized to impose disciplinary action on a health professional, that a health professional may have engaged in unethical, fraudulent or unprofessional conduct as defined by the pertinent licensing statutes and regulations. The report required under this subdivision shall be submitted within 30 days of the date that the chief executive officer, chief of staff, director, or administrator determines that such reasonable belief exists.

~~3.~~ *4.* Any disciplinary proceeding begun by the institution, organization, facility, or provider as a result of conduct involving (i) intentional or negligent conduct that causes or is likely to cause injury to a patient or patients, (ii) professional ethics, (iii) professional incompetence, (iv) moral turpitude, or (v) substance abuse. The report required under this subdivision shall be submitted within 30 days of the date of written communication to the health professional notifying him of the initiation of a disciplinary proceeding.

~~4.~~ *5.* Any disciplinary action taken during or at the conclusion of disciplinary proceedings or while under investigation, including but not limited to denial or termination of employment, denial or termination of privileges or restriction of privileges that results from conduct involving (i) intentional or negligent conduct that causes or is likely to cause injury to a patient or patients, (ii) professional ethics, (iii) professional incompetence, (iv) moral turpitude, or (v) substance abuse. The report required under this subdivision shall be submitted within 30 days of the date of written communication to the health professional notifying him of any disciplinary action.

~~5.~~ *6.* The voluntary resignation from the staff of the health care institution, home health or hospice organization, assisted living facility, or provider, or voluntary restriction or expiration of privileges at the institution, organization, facility, or provider, of any health professional while such health professional is under investigation or is the subject of disciplinary proceedings taken or begun by the institution, organization, facility, or provider or a committee thereof for any reason related to possible intentional or negligent conduct that causes or is likely to cause injury to a patient or patients, medical incompetence, unprofessional conduct, moral turpitude, mental or physical impairment, or substance abuse.

Any report required by this section shall be in writing directed to the Director of the Department of Health Professions or to the Director of the Office of Licensure and Certification at the Department of Health, shall give the name, address, and

date of birth of the person who is the subject of the report and shall fully describe the circumstances surrounding the facts required to be reported. The report shall include the names and contact information of individuals with knowledge about the facts required to be reported and the names and contact information of individuals from whom the hospital or health care institution, organization, facility, or provider sought information to substantiate the facts required to be reported. All relevant medical records shall be attached to the report if patient care or the health professional's health status is at issue. The reporting hospital, health care institution, home health or hospice organization, assisted living facility, or provider shall also provide notice to the Department or the Office that it has submitted a report to the National Practitioner Data Bank under the Health Care Quality Improvement Act (42 U.S.C. § 11101 et seq.). The reporting hospital, health care institution, home health or hospice organization, assisted living facility, or provider shall give the health professional who is the subject of the report an opportunity to review the report. The health professional may submit a separate report if he disagrees with the substance of the report.

This section shall not be construed to require the hospital, health care institution, home health or hospice organization, assisted living facility, or provider to submit any proceedings, minutes, records, or reports that are privileged under § 8.01-581.17, except that the provisions of § 8.01-581.17 shall not bar (i) any report required by this section or (ii) any requested medical records that are necessary to investigate unprofessional conduct reported pursuant to this subtitle or unprofessional conduct that should have been reported pursuant to this subtitle. Under no circumstances shall compliance with this section be construed to waive or limit the privilege provided in § 8.01-581.17. No person or entity shall be obligated to report any matter to the Department or the Office if the person or entity has actual notice that the same matter has already been reported to the Department or the Office. No person or entity shall be obligated to report a health care provider who is participating in a professional program as described in subsection B of § 8.01-581.16 unless there is a reasonable belief that the participant is not competent to continue to practice or is a danger to himself or to the health and welfare of his patients or the public.

B. The State Health Commissioner, Commissioner of Social Services, and Commissioner of Behavioral Health and Developmental Services shall report to the Department any information of which their agencies may become aware in the course of their duties that a health professional may be guilty of fraudulent, unethical, or unprofessional conduct as defined by the pertinent licensing statutes and regulations. However, the State Health Commissioner shall not be required to report information reported to the Director of the Office of Licensure and Certification pursuant to this section to the Department of Health Professions.

C. Any person making a report by this section, providing information pursuant to an investigation or testifying in a judicial or administrative proceeding as a result of such report shall be immune from any civil liability alleged to have resulted therefrom unless such person acted in bad faith or with malicious intent.

D. Medical records or information learned or maintained in connection with an alcohol or drug prevention function that is conducted, regulated, or directly or indirectly assisted by any department or agency of the United States shall be exempt from the reporting requirements of this section to the extent that such reporting is in violation of 42 U.S.C. § 290dd-2 or regulations adopted thereunder.

E. Any person who fails to make a report to the Department as required by this section shall be subject to a civil penalty not to exceed $25,000 assessed by the Director. The Director shall report the assessment of such civil penalty to the Commissioner of Health, Commissioner of Social Services, or Commissioner of Behavioral Health and Developmental Services, as appropriate. Any person assessed a civil penalty pursuant to this section shall not receive a license or certification or renewal of such unless such penalty has been paid pursuant to § 32.1-125.01. The Medical College of Virginia Hospitals and the University of Virginia Hospitals shall not receive certification pursuant to § 32.1-137 or Article 1.1 (§ 32.1-102.1 et seq.) of Chapter 4 of Title 32.1 unless such penalty has been paid.

CHAPTER 97

An Act to amend and reenact §§ 3 and 4 of Chapter 826 and §§ 3 and 4 of Chapter 827 of the Acts of Assembly of 2017, relating to combined sewer overflow outfalls; compliance with regulations; Chesapeake Bay Watershed.

[H 71]

Approved March 20, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 3 and 4 of Chapter 826 and §§ 3 and 4 of Chapter 827 of the Acts of Assembly of 2017 are amended and reenacted as follows:

§ 3. Any owner of a CSO outfall that discharges into the Chesapeake Bay Watershed not under a state order or decree related to the CSO as of January 1, 2017, shall, by July 1, 2023, initiate construction activities necessary to bring the CSO outfall into compliance and shall, by July 1, ~~2025~~ *2026*, bring the CSO outfall into compliance with Virginia law, the federal Clean Water Act, and the Presumption Approach described in the EPA CSO Control Policy, unless a higher level of control is necessary to comply with a TMDL.

§ 4. Any owner of a CSO outfall that discharges into the Chesapeake Bay Watershed not under a state order or decree related to the CSO as of January 1, 2017, shall report annually to DEQ on its progress pursuant to § 3. No later than January 1 of each year, DEQ shall transmit, with any additional information the Director of DEQ determines to be

appropriate, the CSO outfall progress reports to the Chairmen of the Senate Committee on Finance *and Appropriations*, the Senate Committee on Agriculture, Conservation and Natural Resources, the House Committee on Appropriations, and the House Committee on Agriculture, Chesapeake and Natural Resources; the Virginia delegation to the Chesapeake Bay Commission; the Secretary of Natural *and Historic* Resources; and the Governor.

CHAPTER 98

An Act to amend and reenact § 30-339 of the Code of Virginia, relating to the Health Insurance Reform Commission; membership.

[H 114]

Approved March 20, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 30-339 of the Code of Virginia is amended and reenacted as follows:

§ 30-339. Health Insurance Reform Commission established; membership; terms.

A. The Health Insurance Reform Commission (the Commission) is established in the legislative branch of state government.

B. The Commission shall consist of ~~10~~ *12* members that include ~~eight~~ *10* legislative members and two nonvoting ex officio members as follows: four members of the House Committee on Labor and Commerce *and one member of the House Committee on Appropriations* appointed by the Speaker of the House of Delegates in accordance with the principles of proportional representation contained in the Rules of the House of Delegates; four members of the Senate Committee on Commerce and Labor *and one member of the Senate Committee on Finance and Appropriations* appointed by the Senate Committee on Rules; and the Secretary of Health and Human Resources and the Commissioner of Insurance, or their designees.

C. Members of the Commission shall serve terms coincident with their terms of office. Appointments to fill vacancies, other than by expiration of a term, shall be for the unexpired terms. Vacancies shall be filled in the same manner as the original appointments. All members may be reappointed.

D. The Commission annually shall elect a chairman and vice-chairman from among its membership, who shall be members of the General Assembly.

CHAPTER 99

An Act to amend the Code of Virginia by adding sections numbered 53.1-39.3 and 66-21.1, relating to use of canines in state correctional and juvenile correctional facilities; prohibited acts.

[H 159]

Approved March 20, 2024

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding sections numbered 53.1-39.3 and 66-21.1 as follows:

§ 53.1-39.3. Use of canines in state correctional facilities; prohibited acts; policies and regulations made public; incidents of use of canines reported; exception.

A. It is unlawful for any correctional officer or other employee of a state correctional facility who is permitted to handle canines to use a patrol or security canine in any state correctional facility unless such correctional officer or other employee (i) reasonably believes that the use of a patrol or security canine is immediately necessary to protect any prisoner or any officer or employee from the threat of serious bodily injury or death or (ii) has the prior approval of the warden or a supervisor to use a patrol or security canine to intervene in an altercation, fight, or other incident between three or more prisoners. If feasible, the correctional officer shall provide a warning to the subject of any canine use of force prior to the deployment of a canine.

B. The Department shall make public any policies and regulations relating to (i) the use of canines, (ii) training requirements for both canines and the handlers of such canines, and (iii) the supervision of the officers or employees who are permitted to handle such canines.

C. The Department shall track all canine uses of force and all incidents in which canines were present or requested for assistance but no canine use of force occurred. The information collected shall be reported publicly and made available on the Department's website.

D. The provisions of this section shall not apply to the training or use of detector canines or detector canine handlers.

E. Nothing in this section shall be construed as prohibiting the use of a canine to locate a prisoner who has escaped from a state correctional facility.

§ 66-21.1. Use of canines in juvenile correctional facilities; prohibited acts; exception.

A. It is unlawful for any juvenile correctional officer or other employee of a juvenile correctional facility to use a patrol or security canine in any juvenile correctional facility.

B. The provisions of this section shall not apply to the training or use of detector canines or detector canine handlers.

C. Nothing in this section shall be construed as prohibiting the use of a canine to locate a juvenile who has escaped from a juvenile correctional facility.

CHAPTER 100

An Act to amend and reenact § 45.2-1725 of the Code of Virginia, relating to Virginia Brownfield and Coal Mine Renewable Energy Grant Fund and Program; allocation of funds.

[H 199]

Approved March 20, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 45.2-1725 of the Code of Virginia is amended and reenacted as follows:

§ 45.2-1725. Virginia Brownfield and Coal Mine Renewable Energy Grant Fund and Program.

A. For the purposes of this section:

"Brownfield" means real property, the expansion, redevelopment, or reuse of which may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant.

"Fund" means the Virginia Brownfield and Coal Mine Renewable Energy Grant Fund.

"Previously coal mined lands" means lands, associated waters, and surrounding watersheds where coal extraction, beneficiation, or processing has occurred.

"Program" means Virginia Brownfield and Coal Mine Renewable Energy Grant Program.

"Project" means all or any part of the following activities necessary or desirable for the restoration and redevelopment of a brownfield site or previously coal mined lands for renewable energy purposes: (i) environmental or cultural resource site assessments; (ii) the monitoring, remediation, cleanup, or containment of property to remove hazardous substances, hazardous wastes, solid wastes, or petroleum; (iii) the appropriate treatment of grave sites, and the appropriate and necessary treatment of significant archaeological resources, or the stabilization or restoration of structures listed on or eligible for the Virginia Landmarks Register; (iv) the demolition and removal of existing structures, or other site work necessary to make a site or certain real property usable for economic development; (v) the development of a remediation and reuse plan; and (vi) the development or operation of such site for renewable energy generation or storage.

"Renewable energy" means energy derived from sunlight, wind, and geothermal power.

B. There is hereby created in the state treasury a special nonreverting fund to be known as the Virginia Brownfield and Coal Mine Renewable Energy Grant Fund. The Fund shall be established on the books of the Comptroller. All funds appropriated for such purpose and any gifts, donations, grants, bequests, and other funds received on its behalf shall be paid into the state treasury and credited to the Fund. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. Moneys in the Fund shall be used solely for the purposes of (i) awarding grants on a competitive basis through the Virginia Brownfield and Coal Mine Renewable Energy Grant Program established pursuant to subsection C or (ii) implementing and administering the Virginia Brownfield and Coal Mine Renewable Energy Grant Fund and Program. Moneys used for implementing and administering the Fund and Program shall be limited to 10 percent of the amount available in the Fund each year. Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants issued by the Comptroller upon written request signed by the Director.

C. The Virginia Brownfield and Coal Mine Renewable Energy Grant Program is hereby established for the purpose of awarding grants on a competitive basis from such funds as may be available from the Fund to renewable energy projects located on brownfields or previously coal mined lands. The Program shall be administered by the Department. In administering the Program, the Department shall consult with the Department of Environmental Quality and establish and publish guidelines and criteria for grant awards, including guidelines and criteria governing agreements between the Department and grant recipients relating to the development of renewable energy projects on brownfields or previously coal mined lands. The criteria for grant recipients shall include requirements for project developers to hire local residents. The Department shall oversee each grant awarded through the Program and ensure thorough annual reporting on each such grant.

D. Grants shall be awarded in an amount of $500 per kilowatt of nameplate capacity from renewable energy sources that are located on previously coal mined lands and $100 per kilowatt of nameplate capacity from renewable energy sources that are located on brownfields. No more than $10 million shall be awarded to any single previously coal mined lands project and no more than $5 million shall be awarded to any single brownfield project that is not located on previously coal mined lands. If a project is eligible to receive a grant as a previously coal mined lands project, it shall not be eligible to receive a grant as a brownfields project, and vice versa.

No more than $35 million per year shall be allocated by the Program. Of this amount, $20 million shall be reserved for projects sited on previously coal mined lands. However, if less than $20 million is distributed to previously coal mined lands projects in a given year, any remaining funds may be reallocated to brownfield projects.

E. The Department shall, in consultation with the Department of Environmental Quality, localities, interest groups, private businesses, and other stakeholders, develop an online handbook for renewable energy and energy storage development on brownfields and previously coal mined lands. The online handbook shall include a discussion of coal

mining permit types and reclamation requirements, permitting requirements for development on brownfields and previously coal mined lands, and policy recommendations for encouraging renewable energy development on brownfields and coal mines. The handbook shall be completed no later than July 1, 2022, and shall be updated as needed at the discretion of the Department.

F. ~~Notwithstanding any provision to the contrary, in no event shall any allocation of funds be made to the Fund or the Program unless federal funds are available to cover the entire cost of such allocation.~~

~~G.~~ The Department shall submit an annual report to the General Assembly regarding administration of the Fund and Program for the preceding fiscal year. The report shall include the number of grants awarded, the number of acres reclaimed or revitalized, the amount of nameplate capacity constructed, the number of jobs created, and the general economic impact of the Fund and Program. The report shall be furnished to the Chairmen of the House Committee on Labor and Commerce and the Senate Committee on Commerce and Labor no later than November 1 of each year. However, no annual report shall be required if the Fund and Program do not receive funding.

CHAPTER 101

An Act to amend the Code of Virginia by adding in Chapter 27 of Title 54.1 an article numbered 5, consisting of a section numbered 54.1-2729.02, relating to the Dentist and Dental Hygienist Compact.

[H 225]

Approved March 20, 2024

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Chapter 27 of Title 54.1 an article numbered 5, consisting of a section numbered 54.1-2729.02, as follows:

Article 5.

Dentist and Dental Hygienist Compact.

§ 54.1-2729.02. Dentist and Dental Hygienist Compact.

The General Assembly hereby enacts, and the Commonwealth of Virginia hereby enters into, the Dentist and Dental Hygienist Compact with any and all states legally joining therein according to its terms, in the form substantially as follows:

DENTIST AND DENTAL HYGIENIST COMPACT.

Article 1.

Title; Purpose.

This article shall be known and cited as the Dentist and Dental Hygienist Compact. The purposes of this Compact are to facilitate the interstate practice of dentistry and dental hygiene and improve public access to dentistry and dental hygiene services by providing dentists and dental hygienists licensed in a participating state the ability to practice in participating states in which they are not licensed. The Compact does this by establishing a pathway for dentists and dental hygienists licensed in a participating state to obtain a compact privilege that authorizes them to practice in another participating state in which they are not licensed. The Compact enables participating states to protect the public health and safety with respect to the practice of such dentists and dental hygienists, through the state's authority to regulate the practice of dentistry and dental hygiene in the state. The Compact:

1. Enables dentists and dental hygienists who qualify for a compact privilege to practice in other participating states without satisfying burdensome and duplicative requirements associated with securing a license to practice in those states;

2. Promotes mobility and addresses workforce shortages through each participating state's acceptance of a compact privilege to practice in that state;

3. Increases public access to qualified licensed dentists and dental hygienists by creating a responsible, streamlined pathway for licensees to practice in participating states;

4. Enhances the ability of participating states to protect the public's health and safety;

5. Does not interfere with licensure requirements established by a participating state;

6. Facilitates the sharing of licensure and disciplinary information among participating states;

7. Requires dentists and dental hygienists who practice in a participating state pursuant to a compact privilege to practice within the scope of practice authorized in that state;

8. Extends the authority of a participating state to regulate the practice of dentistry and dental hygiene within its borders to dentists and dental hygienists who practice in the state through a compact privilege;

9. Promotes the cooperation of participating states in regulating the practice of dentistry and dental hygiene within those states; and

10. Facilitates the relocation of military members and their spouses who are licensed to practice dentistry or dental hygiene.

Article 2.

Definitions.

As used in this Compact, unless the context requires otherwise, the following definitions shall apply:

"Active military member" means any person with full-time duty status in the Armed Forces of the United States, including members of the National Guard and Reserve.

"Adverse action" means disciplinary action or encumbrance imposed on a license or compact privilege by a state licensing authority.

"Alternative program" means a nondisciplinary monitoring or practice remediation process applicable to a dentist or dental hygienist approved by a state licensing authority of a participating state in which the dentist or dental hygienist is licensed. This includes, but is not limited to, programs to which licensees with substance abuse or addiction issues are referred in lieu of adverse action.

"Clinical assessment" means an examination or process required for licensure as a dentist or dental hygienist, as applicable, that provides evidence of clinical competence in dentistry or dental hygiene.

"Commissioner" means the individual appointed by a participating state to serve as the member of the Commission for that participating state.

"Compact" means this Dentist and Dental Hygienist Compact.

"Compact privilege" means the authorization granted by a remote state to allow a licensee from a participating state to practice as a dentist or dental hygienist in a remote state.

"Continuing professional development" means a requirement, as a condition of license renewal to provide evidence of successful participation in educational or professional activities relevant to practice or area of work.

"Criminal background check" means the submission of fingerprints or other biometric-based information for a license applicant for the purpose of obtaining that applicant's criminal history record information as defined in 28 C.F.R. § 20.3(d) from the Federal Bureau of Investigation and the state's criminal history record repository as defined in 28 C.F.R. § 20.3(f).

"Data system" means the Commission's repository of information about licensees, including but not limited to examination, licensure, investigative, compact privilege, adverse action, and alternative program information.

"Dental hygienist" means an individual who is licensed by a state licensing authority to practice dental hygiene.

"Dentist" means an individual who is licensed by a state licensing authority to practice dentistry.

"Dentist and Dental Hygienist Compact Commission" or "Commission" means a joint government agency established by this Compact comprised of each state that has enacted the Compact and a national administrative body comprised of a commissioner from each state that has enacted this Compact.

"Encumbered license" means a license that a state licensing authority has limited in any way other than through an alternative program.

"Executive board" means the chair, vice chair, secretary, and treasurer and any other commissioners as may be determined by commission rule or bylaw.

"Jurisprudence requirement" means the assessment of an individual's knowledge of the laws and rules governing the practice of dentistry or dental hygiene, as applicable, in a state.

"License" means current authorization by a state, other than authorization pursuant to a compact privilege, or other privilege, for an individual to practice as a dentist or dental hygienist in that state.

"Licensee" means an individual who holds an unrestricted license from a participating state to practice as a dentist or dental hygienist in that state.

"Model compact" means the model for the Dentist and Dental Hygienist Compact on file with the Council of State Governments or other entity as designated by the Commission.

"Participating state" means a state that has enacted this Compact and been admitted to the Commission in accordance with the provisions herein and commission rules.

"Qualifying license" means a license that is not an encumbered license issued by a participating state to practice dentistry or dental hygiene.

"Remote state" means a participating state where a licensee who is not licensed as a dentist or dental hygienist is exercising or seeking to exercise the compact privilege.

"Rule" means a regulation promulgated by an entity that has the force of law.

"Scope of practice" means the procedures, actions, and processes a dentist or dental hygienist licensed in a state is permitted to undertake in that state and the circumstances under which the licensee is permitted to undertake those procedures, actions, and processes. Such procedures, actions, and processes and the circumstances under which they may be undertaken may be established through means, including, but not limited to, statute, regulations, case law, and other processes, available to the state licensing authority or other government agency.

"Significant investigative information" means information, records, and documents received or generated by a state licensing authority pursuant to an investigation for which a determination has been made that there is probable cause to believe that the licensee has violated a statute or regulation that is considered more than a minor infraction for which the state licensing authority could pursue adverse action against the licensee.

"State" means any state, commonwealth, district, or territory of the United States that regulates the practices of dentistry and dental hygiene.

"State licensing authority" means an agency or other entity of a state that is responsible for the licensing and regulation of dentists or dental hygienists.

Article 3.

State Participation in the Compact.

A. In order to join this Compact and thereafter continue as a participating state, a state must:

1. Enact a compact that is not materially different from the model compact as determined in accordance with Commission rules;

2. Participate fully in the Commission's data system;

3. Have a mechanism in place for receiving and investigating complaints about its licensees and license applicants;

4. Notify the Commission, in compliance with the terms of this Compact and Commission rules, of any adverse action or the availability of significant investigative information regarding a licensee and license applicant;

5. Fully implement a criminal background check requirement, within a time frame established by Commission rule, by receiving the results of a qualifying criminal background check;

6. Comply with the Commission rules applicable to a participating state;

7. Accept the National Board Examinations of the Joint Commission on National Dental Examinations or another examination accepted by Commission rule as a licensure examination;

8. Accept for licensure such applicants for a dentist license who graduate from a predoctoral dental education program accredited by the Commission on Dental Accreditation, or another accrediting agency recognized by the U.S. Department of Education for the accreditation of dentistry and dental hygiene education programs, resulting in the Doctor of Dental Surgery (D.D.S.) or Doctor of Dental Medicine (D.M.D.) degree;

9. Accept for licensure such applicants for a dental hygienist license who graduate from a dental hygiene education program accredited by the Commission on Dental Accreditation or another accrediting agency recognized by the U.S. Department of Education for the accreditation of dentistry and dental hygiene education programs;

10. Require for licensure that applicants successfully complete a clinical assessment;

11. Have continuing professional development requirements as a condition for license renewal; and

12. Pay a participation fee to the Commission as established by Commission rule.

B. Providing alternative pathways for an individual to obtain an unrestricted license does not disqualify a state from participating in this Compact.

C. When conducting a criminal background check, the state licensing authority shall:

1. Consider such information in making a licensure decision;

2. Maintain documentation of completion of the criminal background check and background check information to the extent allowed by state and federal law; and

3. Report to the Commission whether it has completed the criminal background check and whether the individual was granted or denied a license.

D. A licensee of a participating state who has a qualifying license in that state and does not hold an encumbered license in any other participating state shall be issued a compact privilege in a remote state in accordance with the terms of this Compact and Commission rules. If a remote state has a jurisprudence requirement, a compact privilege will not be issued to the licensee unless the licensee has satisfied the jurisprudence requirement.

Article 4.

Compact Privilege.

A. To obtain and exercise the compact privilege under the terms and provisions of this Compact, the licensee shall:

1. Have a qualifying license as a dentist or dental hygienist in a participating state;

2. Be eligible for a compact privilege in any remote state in accordance with subsections D, G, and H of this section;

3. Submit to an application process whenever the licensee is seeking a compact privilege;

4. Pay any applicable Commission and remote state fees for a compact privilege in the remote state;

5. Meet any jurisprudence requirement established by a remote state in which the licensee is seeking a compact privilege;

6. Have passed a National Board Examination of the Joint Commission on National Dental Examinations or another examination accepted by Commission rule;

7. For a dentist, have graduated from a predoctoral dental education program accredited by the Commission on Dental Accreditation, or another accrediting agency recognized by the U.S. Department of Education for the accreditation of dentistry and dental hygiene education programs, resulting in the Doctor of Dental Surgery (D.D.S.) or Doctor of Dental Medicine (D.M.D.) degree;

8. For a dental hygienist, have graduated from a dental hygiene education program accredited by the Commission on Dental Accreditation or another accrediting agency recognized by the U.S. Department of Education for the accreditation of dentistry and dental hygiene education programs;

9. Have successfully completed a clinical assessment for licensure;

10. Report to the Commission adverse action taken by any nonparticipating state when applying for a compact privilege and, otherwise, within 30 days from the date the adverse action is taken;

11. Report to the Commission when applying for a compact privilege the address of the licensee's primary residence and thereafter immediately report to the Commission any change in the address of the licensee's primary residence; and

12. Consent to accept service of process by mail at the licensee's primary residence on record with the Commission with respect to any action brought against the licensee by the Commission or a participating state, and consent to accept service of a subpoena by mail at the licensee's primary residence on record with the Commission with respect to any action brought or investigation conducted by the Commission or a participating state.

B. The licensee must comply with the requirements of subsection A of this section to maintain the compact privilege in the remote state. If those requirements are met, the compact privilege will continue as long as the licensee maintains a qualifying license in the state through which the licensee applied for the compact privilege and pays any applicable compact privilege renewal fees.

C. A licensee providing dentistry or dental hygiene in a remote state under the compact privilege shall function within the scope of practice authorized by the remote state for a dentist or dental hygienist licensed in that state.

D. A licensee providing dentistry or dental hygiene pursuant to a compact privilege in a remote state is subject to that state's regulatory authority. A remote state may, in accordance with due process and that state's laws, by adverse action revoke or remove a licensee's compact privilege in the remote state for a specific period of time and impose fines or take any other necessary actions to protect the health and safety of its citizens. If a remote state imposes an adverse action against a compact privilege that limits the compact privilege, that adverse action applies to all compact privileges in all remote states. A licensee whose compact privilege in a remote state is removed for a specified period of time is not eligible for a compact privilege in any other remote state until the specific time for removal of the compact privilege has passed and all encumbrance requirements are satisfied.

E. If a license in a participating state is an encumbered license, the licensee shall lose the compact privilege in a remote state and shall not be eligible for a compact privilege in any remote state until the license is no longer encumbered.

F. Once an encumbered license in a participating state is restored to good standing, the licensee must meet the requirements of subsection A of this section to obtain a compact privilege in a remote state.

G. If a licensee's compact privilege in a remote state is removed by the remote state, the individual shall lose or be ineligible for the compact privilege in any remote state until the following occur:

1. The specific period of time for which the compact privilege was removed has ended; and

2. All conditions for removal of the compact privilege have been satisfied.

H. Once the requirements of subsection G of this section have been met, the licensee must meet the requirements in subsection A of this section to obtain a compact privilege in a remote state.

Article 5.

Active Military Members or Their Spouses.

Active military members and their spouses shall not be required to pay to the Commission the fee otherwise charged by the Commission for a compact privilege. If a remote state chooses to charge a fee for a compact privilege, it may choose to charge a reduced fee or no fee to active military members and their spouses for a compact privilege.

Article 6.

Adverse Actions.

A. A participating state in which a licensee is licensed shall have exclusive authority to impose adverse action against the qualifying license issued by that participating state.

B. A participating state may take adverse action based on the significant investigative information of a remote state, so long as the participating state follows its own procedures for imposing adverse action.

C. Nothing in this Compact shall override a participating state's decision that participation in an alternative program may be used in lieu of adverse action and that such participation shall remain nonpublic if required by the participating state's laws. Participating states must require licensees who enter any alternative program in lieu of discipline to agree not to practice pursuant to a compact privilege in any other participating state during the term of the alternative program without prior authorization from such other participating state.

D. Any participating state in which a licensee is applying to practice or is practicing pursuant to a compact privilege may investigate actual or alleged violations of the statutes and regulations authorizing the practice of dentistry or dental hygiene in any other participating state in which the dentist or dental hygienist holds a license or compact privilege.

E. A remote state shall have the authority to:

1. Take adverse actions as set forth in subsection D of Article 4 against a licensee's compact privilege in the state;

2. In furtherance of its rights and responsibilities under this Compact and the Commission's rules issue subpoenas for both hearings and investigations that require the attendance and testimony of witnesses and the production of evidence. Subpoenas issued by a state licensing authority in a participating state for the attendance and testimony of witnesses, or the production of evidence from another participating state, shall be enforced in the latter state by any court of competent jurisdiction, according to the practice and procedure of that court applicable to subpoenas issued in proceedings pending before it. The issuing authority shall pay any witness fees, travel expenses, mileage, and other fees required by the service statutes of the state where the witnesses or evidence are located; and

3. If otherwise permitted by state law, recover from the licensee the costs of investigations and disposition of cases resulting from any adverse action taken against that licensee.

F. Joint investigations.

1. In addition to the authority granted to a participating state by its dentist or dental hygienist licensure act or other applicable state law, a participating state may jointly investigate licensees with other participating states.

2. Participating states shall share any significant investigative information, litigation, or compliance materials in furtherance of any joint or individual investigation initiated under this Compact.

G. Authority to continue investigation.

1. After a licensee's compact privilege in a remote state is terminated, the remote state may continue an investigation of the licensee that began when the licensee had a compact privilege in that remote state.

2. If the investigation yields what would be significant investigative information had the licensee continued to have a compact privilege in that remote state, the remote state shall report the presence of such information to the data system as required by subdivision B 6 of Article 8 as if it was significant investigative information.

Article 7.

Establishment and Operation of the Dentist and Dental Hygienist Compact Commission.

A. The Compact participating states hereby create and establish a joint government agency whose membership consists of all participating states that have enacted the Compact. The Dentist and Dental Hygienist Compact Commission is an instrumentality of the participating states acting jointly and not an instrumentality of any one state. The Commission shall come into existence on or after the effective date of the Compact as set forth in subsection A of Article 11.

B. Participation, voting, and meetings.

1. Each participating state shall have and be limited to one commissioner selected by that participating state's state licensing authority or, if the state has more than one state licensing authority, selected collectively by the state licensing authorities.

2. The commissioner shall be a member or designee of such authority or authorities.

3. The Commission may by rule or bylaw establish a term of office for commissioners and may by rule or bylaw establish term limits.

4. The Commission may recommend to a state licensing authority or authorities, as applicable, removal or suspension of an individual as the state's commissioner.

5. A participating state's state licensing authority, or authorities, as applicable, shall fill any vacancy of its commissioner on the Commission within 60 days of the vacancy.

6. Each commissioner shall be entitled to one vote on all matters that are voted upon by the Commission.

7. The Commission shall meet at least once during each calendar year. Additional meetings may be held as set forth in the bylaws. The Commission may meet by telecommunication, video conference, or other similar electronic means.

C. The Commission shall have the following powers:

1. Establish the fiscal year of the Commission;

2. Establish a code of conduct and conflict of interest policies;

3. Adopt rules and bylaws;

4. Maintain its financial records in accordance with the bylaws;

5. Meet and take such actions as are consistent with the provisions of this Compact, the Commission's rules, and the bylaws;

6. Initiate and conclude legal proceedings or actions in the name of the Commission, provided that the standing of any state licensing authority to sue or be sued under applicable law shall not be affected;

7. Maintain and certify records and information provided to a participating state as the authenticated business records of the Commission and designate a person to do so on the Commission's behalf;

8. Purchase and maintain insurance and bonds;

9. Borrow, accept, or contract for services of personnel, including, but not limited to, employees of a participating state;

10. Conduct an annual financial review;

11. Hire employees, elect or appoint officers, fix compensation, define duties, grant such individuals appropriate authority to carry out the purposes of this Compact, and establish the Commission's personnel policies and programs relating to conflicts of interest, qualifications of personnel, and other related personnel matters;

12. As set forth in the Commission rules, charge a fee to a licensee for the grant of a compact privilege in a remote state and thereafter, as may be established by Commission rule, charge the licensee a compact privilege renewal fee for each renewal period in which that licensee exercises or intends to exercise the compact privilege in that remote state. Nothing herein shall be construed to prevent a remote state from charging a licensee a fee for a compact privilege or renewals of a compact privilege, or a fee for the jurisprudence requirement if the remote state imposes such a requirement for the grant of a compact privilege;

13. Accept any and all appropriate gifts, donations, grants of money, other sources of revenue, equipment, supplies, materials, and services, and receive, utilize, and dispose of the same, provided that at all times the Commission shall avoid any appearance of impropriety and/or conflict of interest;

14. Lease, purchase, retain, own, hold, improve, or use any property, real, personal, or mixed, or any undivided interest therein;

15. Sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property, real, personal, or mixed;

16. Establish a budget and make expenditures;

17. Borrow money;

18. Appoint committees, including standing committees, which may be composed of members, state regulators, state legislators or their representatives, and consumer representatives, and such other interested persons as may be designated in this Compact and the bylaws;

19. Provide and receive information from, and cooperate with, law-enforcement agencies;

20. Elect a chair, vice chair, secretary, and treasurer and such other officers of the Commission as provided in the Commission's bylaws;

21. Establish and elect an executive board;

22. Adopt and provide to the participating states an annual report;

23. Determine whether a state's enacted compact is materially different from the model compact language such that the state would not qualify for participation in this Compact; and

24. Perform such other functions as may be necessary or appropriate to achieve the purposes of this Compact.

D. Meetings of the Commission.

1. All meetings of the Commission that are not closed pursuant to this subsection shall be open to the public. Notice of public meetings shall be posted on the Commission's website at least 30 days prior to the public meeting.

2. Notwithstanding subdivision 1 of this subsection, the Commission may convene an emergency public meeting by providing at least 24 hours prior notice on the Commission's website, and any other means as provided in the Commission's rules, for any of the reasons it may dispense with notice of proposed rulemaking under subsection L of Article 9. The Commission's legal counsel shall certify that one of the reasons justifying an emergency public meeting has been met.

3. Notice of all Commission meetings shall provide the time, date, and location of the meeting, and if the meeting is to be held or accessible via telecommunication, video conference, or other electronic means, the notice shall include the mechanism for access to the meeting through such means.

4. The Commission may convene in a closed, nonpublic meeting for the Commission to receive legal advice or to discuss:

a. Noncompliance of a participating state with its obligations under this Compact;

b. The employment, compensation, discipline, or other matters, practices, or procedures related to specific employees or other matters related to the Commission's internal personnel practices and procedures;

c. Current or threatened discipline of a licensee or compact privilege holder by the Commission or by a participating state's licensing authority;

d. Current, threatened, or reasonably anticipated litigation;

e. Negotiation of contracts for the purchase, lease, or sale of goods, services, or real estate;

f. Accusing any person of a crime or formally censuring any person;

g. Trade secrets or commercial or financial information that is privileged or confidential;

h. Information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;

i. Investigative records compiled for law-enforcement purposes;

j. Information related to any investigative reports prepared by or on behalf of or for use of the Commission or other committee charged with responsibility of investigation or determination of compliance issues pursuant to this Compact;

k. Legal advice;

l. Matters specifically exempted from disclosure to the public by federal or participating state law; and

m. Other matters as promulgated by the Commission by rule.

5. If a meeting, or portion of a meeting, is closed, the presiding officer shall state that the meeting will be closed and reference each relevant exempting provision, and such reference shall be recorded in the minutes.

6. The Commission shall keep minutes that fully and clearly describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken, and the reasons therefor, including a description of the views expressed. All documents considered in connection with an action shall be identified in such minutes. All minutes and documents of a closed meeting shall remain under seal, subject to release only by a majority vote of the Commission or order of a court of competent jurisdiction.

E. Financing of the Commission.

1. The Commission shall pay, or provide for the payment of, the reasonable expenses of its establishment, organization, and ongoing activities.

2. The Commission may accept any and all appropriate sources of revenue, donations, and grants of money, equipment, supplies, materials, and services.

3. The Commission may levy on and collect an annual assessment from each participating state and impose fees on licensees of participating states when a compact privilege is granted, to cover the cost of the operations and activities of the Commission and its staff, which must be in a total amount sufficient to cover its annual budget as approved each fiscal year for which sufficient revenue is not provided by other sources. The aggregate annual assessment amount for participating states shall be allocated based upon a formula that the Commission shall promulgate by rule.

4. The Commission shall not incur obligations of any kind prior to securing the funds adequate to meet the same, nor shall the Commission pledge the credit of any participating state, except by and with the authority of the participating state.

5. The Commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the Commission shall be subject to the financial review and accounting procedures established under its bylaws. All receipts and disbursements of funds handled by the Commission shall be subject to an annual financial review by a certified or licensed public accountant, and the report of the financial review shall be included in and become part of the annual report of the Commission.

F. The executive board.

1. The executive board shall have the power to act on behalf of the Commission according to the terms of this Compact. The powers, duties, and responsibilities of the executive board shall include:

a. Overseeing the day-to-day activities of the administration of this Compact, including compliance with the provisions of the Compact and the Commission's rules and bylaws;

b. Recommending to the Commission changes to the rules or bylaws, changes to this Compact legislation, fees charged to Compact participating states, fees charged to licensees, and other fees;

c. Ensuring compact administration services are appropriately provided, including by contract;

d. Preparing and recommending the budget;

e. Maintaining financial records on behalf of the Commission;

f. Monitoring Compact compliance of participating states and providing compliance reports to the Commission;

g. Establishing additional committees as necessary;

h. Exercising the powers and duties of the Commission during the interim between Commission meetings, except for adopting or amending rules, adopting or amending bylaws, and exercising any other powers and duties expressly reserved to the Commission by rule or bylaw; and

i. Other duties as provided in the rules or bylaws of the Commission.

2. The executive board shall be composed of up to seven members:

a. The chair, vice chair, secretary, and treasurer of the Commission and any other members of the Commission who serve on the executive board shall be voting members of the executive board; and

b. Other than the chair, vice chair, secretary, and treasurer, the Commission may elect up to three voting members from the current membership of the Commission.

3. The Commission may remove any member of the executive board as provided in the Commission's bylaws.

4. The executive board shall meet at least annually.

a. An executive board meeting at which it takes or intends to take formal action on a matter shall be open to the public, except that the executive board may meet in a closed, nonpublic session of a public meeting when dealing with any of the matters covered under subdivision D 4 of this section.

b. The executive board shall give five business days' notice of its public meetings, posted on its website and as it may otherwise determine to provide notice to persons with an interest in the public matters the executive board intends to address at those meetings.

5. The executive board may hold an emergency meeting when acting for the Commission to:

a. Meet an imminent threat to public health, safety, or welfare;

b. Prevent a loss of Commission or participating state funds; or

c. Protect public health and safety.

G. Qualified immunity, defense, and indemnification.

1. The members, officers, executive director, employees, and representatives of the Commission shall be immune from suit and liability, both personally and in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused by or arising out of any actual or alleged act, error, or omission that occurred, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of Commission employment, duties, or responsibilities, provided that nothing in this subdivision shall be construed to protect any such person from suit or liability for any damage, loss, injury, or liability caused by the intentional or willful or wanton misconduct of that person. The procurement of insurance of any type by the Commission shall not in any way compromise or limit the immunity granted hereunder.

2. The Commission shall defend any member, officer, executive director, employee, and representative of the Commission in any civil action seeking to impose liability arising out of any actual or alleged act, error, or omission that occurred within the scope of Commission employment, duties, or responsibilities, or as determined by the Commission that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of Commission employment, duties, or responsibilities, provided that nothing herein shall be construed to prohibit that person from retaining his own counsel at his own expense, and provided further, that the actual or alleged act, error, or omission did not result from that person's intentional or willful or wanton misconduct.

3. Notwithstanding subdivision 1 of this subsection, should any member, officer, executive director, employee, or representative of the Commission be held liable for the amount of any settlement or judgment arising out of any actual or alleged act, error, or omission that occurred within the scope of that individual's employment, duties, or responsibilities for the Commission, or that the person to whom that individual is liable had a reasonable basis for believing occurred within the scope of the individual's employment, duties, or responsibilities for the Commission, the Commission shall indemnify and hold harmless such individual, provided that the actual or alleged act, error, or omission did not result from the intentional or willful or wanton misconduct of the individual.

4. Nothing herein shall be construed as a limitation on the liability of any licensee for professional malpractice or misconduct, which shall be governed solely by any other applicable state laws.

5. Nothing in this Compact shall be interpreted to waive or otherwise abrogate a participating state's state action immunity or state action affirmative defense with respect to antitrust claims under the Sherman Act, Clayton Act, or any other state or federal antitrust or anticompetitive law or regulation.

6. Nothing in this Compact shall be construed to be a waiver of sovereign immunity by the participating states or by the Commission.

Article 8.

Data System.

A. The Commission shall provide for the development, maintenance, operation, and utilization of a coordinated database and reporting system containing licensure, adverse action, and the presence of significant investigative information on all licensees and applicants for a license in participating states.

B. Notwithstanding any other provision of state law to the contrary, a participating state shall submit a uniform data set to the data system on all individuals to whom this Compact is applicable as required by the rules of the Commission, including:

1. Identifying information;

2. Licensure data;

3. Adverse actions against a licensee, license applicant, or compact privilege and information related thereto;

4. Nonconfidential information related to alternative program participation, the beginning and ending dates of such participation, and other information related to such participation;

5. Any denial of an application for licensure, and the reason(s) for such denial, (excluding the reporting of any criminal history record information where prohibited by law);

6. The presence of significant investigative information; and

7. Other information that may facilitate the administration of this Compact or the protection of the public, as determined by the rules of the Commission.

C. The records and information provided to a participating state pursuant to this Compact or through the data system, when certified by the Commission or an agent thereof, shall constitute the authenticated business records of the Commission and shall be entitled to any associated hearsay exception in any relevant judicial, quasi-judicial or administrative proceedings in a participating state.

D. Significant investigative information pertaining to a licensee in any participating state will only be available to other participating states.

E. It is the responsibility of the participating states to monitor the database to determine whether adverse action has been taken against a licensee or license applicant. Adverse action information pertaining to a licensee or license applicant in any participating state will be available to any other participating state.

F. Participating states contributing information to the data system may designate information that may not be shared with the public without the express permission of the contributing state.

G. Any information submitted to the data system that is subsequently expunged pursuant to federal law or the laws of the participating state contributing the information shall be removed from the data system.

Article 9.

Rulemaking.

A. The Commission shall promulgate reasonable rules in order to effectively and efficiently implement and administer the purposes and provisions of this Compact. A Commission rule shall be invalid and have no force or effect only if a court of competent jurisdiction holds that the rule is invalid because the Commission exercised its rulemaking authority in a manner that is beyond the scope and purposes of this Compact, or the powers granted hereunder, or based upon another applicable standard of review.

B. The rules of the Commission shall have the force of law in each participating state, provided, however, that where the rules of the Commission conflict with the laws of the participating state that establish the participating state's scope of practice as held by a court of competent jurisdiction, the rules of the Commission shall be ineffective in that state to the extent of the conflict.

C. The Commission shall exercise its rulemaking powers pursuant to the criteria set forth in this section and the rules adopted thereunder. Rules shall become binding as of the date specified by the Commission for each rule.

D. If a majority of the legislatures of the participating states rejects a Commission rule or portion of a Commission rule, by enactment of a statute or resolution in the same manner used to adopt this Compact within four years of the date of adoption of the rule, then such rule shall have no further force and effect in any participating state or to any state applying to participate in this Compact.

E. Rules shall be adopted at a regular or special meeting of the Commission.

F. Prior to adoption of a proposed rule, the Commission shall hold a public hearing and allow persons to provide oral and written comments, data, facts, opinions, and arguments.

G. Prior to adoption of a proposed rule by the Commission, and at least 30 days in advance of the meeting at which the Commission will hold a public hearing on the proposed rule, the Commission shall provide a notice of proposed rulemaking:

1. On the website of the Commission or other publicly accessible platform;

2. To persons who have requested notice of the Commission's notices of proposed rulemaking; and

3. In such other way(s) as the Commission may by rule specify.

H. The notice of proposed rulemaking shall include:

1. The time, date, and location of the public hearing at which the Commission will hear public comments on the proposed rule and, if different, the time, date, and location of the meeting where the Commission will consider and vote on the proposed rule;

2. If the hearing is held via telecommunication, video conference, or other electronic means, the Commission shall include the mechanism for access to the hearing in the notice of proposed rulemaking;

3. The text of the proposed rule and the reason therefor;

4. A request for comments on the proposed rule from any interested person; and

5. The manner in which interested persons may submit written comments.

I. All hearings will be recorded. A copy of the recording and all written comments and documents received by the Commission in response to the proposed rule shall be available to the public.

J. Nothing in this section shall be construed as requiring a separate hearing on each Commission rule. Rules may be grouped for the convenience of the Commission at hearings required by this section.

K. The Commission shall, by majority vote of all commissioners, take final action on the proposed rule based on the rulemaking record.

1. The Commission may adopt changes to the proposed rule provided the changes do not enlarge the original purpose of the proposed rule.

2. The Commission shall provide an explanation of the reasons for substantive changes made to the proposed rule as well as reasons for substantive changes not made that were recommended by commenters.

3. The Commission shall determine a reasonable effective date for the rule. Except for an emergency as provided in subsection L of this section, the effective date of the rule shall be no sooner than 30 days after the Commission issuing the notice that it adopted or amended the rule.

L. Upon determination that an emergency exists, the Commission may consider and adopt an emergency rule with 24 hours' notice, with opportunity to comment, provided that the usual rulemaking procedures provided in this Compact and in this section shall be retroactively applied to the rule as soon as reasonably possible, in no event later than 90 days after the effective date of the rule. For the purposes of this provision, an emergency rule is one that must be adopted immediately in order to:

1. Meet an imminent threat to public health, safety, or welfare;

2. Prevent a loss of Commission or participating state funds;

3. Meet a deadline for the promulgation of a rule that is established by federal law or rule; or

4. Protect public health and safety.

M. The Commission or an authorized committee of the Commission may direct revisions to a previously adopted rule for purposes of correcting typographical errors, errors in format, errors in consistency, or grammatical errors. Public notice of any revisions shall be posted on the website of the Commission. The revision shall be subject to challenge by any person for a period of 30 days after posting. The revision may be challenged only on grounds that the revision results in a material change to a rule. A challenge shall be made in writing and delivered to the Commission prior to the end of the notice period. If no challenge is made, the revision will take effect without further action. If the revision is challenged, the revision may not take effect without the approval of the Commission.

N. No participating state's rulemaking requirements shall apply under this Compact.

Article 10.

Oversight, Dispute Resolution, and Enforcement.

A. Oversight.

1. The executive and judicial branches of state government in each participating state shall enforce this Compact and take all actions necessary and appropriate to implement the Compact.

2. Venue is proper and judicial proceedings by or against the Commission shall be brought solely and exclusively in a court of competent jurisdiction where the principal office of the Commission is located. The Commission may waive venue and jurisdictional defenses to the extent it adopts or consents to participate in alternative dispute resolution proceedings. Nothing herein shall affect or limit the selection or propriety of venue in any action against a licensee for professional malpractice, misconduct, or any such similar matter.

3. The Commission shall be entitled to receive service of process in any proceeding regarding the enforcement or interpretation of this Compact or a Commission rule and shall have standing to intervene in such a proceeding for all purposes. Failure to provide the Commission service of process shall render a judgment or order void as to the Commission, this Compact, or promulgated rules.

B. Default, technical assistance, and termination.

1. If the Commission determines that a participating state has defaulted in the performance of its obligations or responsibilities under this Compact or the promulgated rules, the Commission shall provide written notice to the defaulting state. The notice of default shall describe the default, the proposed means of curing the default, and any other action that the Commission may take and shall offer training and specific technical assistance regarding the default.

2. The Commission shall provide a copy of the notice of default to the other participating states.

C. If a state in default fails to cure the default, the defaulting state may be terminated from this Compact upon an affirmative vote of a majority of the commissioners, and all rights, privileges, and benefits conferred on that state by this

Compact may be terminated on the effective date of termination. A cure of the default does not relieve the offending state of obligations or liabilities incurred during the period of default.

D. Termination of participation in this Compact shall be imposed only after all other means of securing compliance have been exhausted. Notice of intent to suspend or terminate shall be given by the Commission to the governor, the majority and minority leaders of the defaulting state's legislature, the defaulting state's state licensing authority or authorities, as applicable, and each of the participating states' state licensing authority or authorities, as applicable.

E. A state that has been terminated is responsible for all assessments, obligations, and liabilities incurred through the effective date of termination, including obligations that extend beyond the effective date of termination.

F. Upon the termination of a state's participation in this Compact, that state shall immediately provide notice to all licensees of the state, including licensees of other participating states issued a compact privilege to practice within that state, of such termination. The terminated state shall continue to recognize all compact privileges then in effect in that state for a minimum of 180 days after the date of said notice of termination.

G. The Commission shall not bear any costs related to a state that is found to be in default or that has been terminated from this Compact, unless agreed upon in writing between the Commission and the defaulting state.

H. The defaulting state may appeal the action of the Commission by petitioning the U.S. District Court for the District of Columbia or the federal district where the Commission has its principal offices. The prevailing party shall be awarded all costs of such litigation, including reasonable attorney fees.

I. Dispute resolution.

1. Upon request by a participating state, the Commission shall attempt to resolve disputes related to this Compact that arise among participating states and between participating states and nonparticipating states.

2. The Commission shall promulgate a rule providing for both mediation and binding dispute resolution for disputes as appropriate.

J. Enforcement.

1. The Commission, in the reasonable exercise of its discretion, shall enforce the provisions of this Compact and the Commission's rules.

2. By majority vote, the Commission may initiate legal action against a participating state in default in the United States District Court for the District of Columbia or the federal district where the Commission has its principal offices to enforce compliance with the provisions of this Compact and its promulgated rules. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing party shall be awarded all costs of such litigation, including reasonable attorney fees. The remedies herein shall not be the exclusive remedies of the Commission. The Commission may pursue any other remedies available under federal or the defaulting participating state's law.

3. A participating state may initiate legal action against the Commission in the U.S. District Court for the District of Columbia or the federal district where the Commission has its principal offices to enforce compliance with the provisions of this Compact and its promulgated rules. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing party shall be awarded all costs of such litigation, including reasonable attorney fees.

4. No individual or entity other than a participating state may enforce this Compact against the Commission.

Article 11.

Effective Date, Withdrawal, and Amendment.

A. This Compact shall come into effect on the date on which the compact statute is enacted into law in the seventh participating state.

1. On or after the effective date of this Compact, the Commission shall convene and review the enactment of each of the states that enacted the Compact prior to the Commission convening (charter participating states) to determine if the statute enacted by each such charter participating state is materially different than the model compact.

a. A charter participating state whose enactment is found to be materially different from the model compact shall be entitled to the default process set forth in Article 10.

b. If any participating state is later found to be in default, or is terminated or withdraws from the Compact, the Commission shall remain in existence and the Compact shall remain in effect even if the number of participating states should be less than seven.

2. Participating states enacting the Compact subsequent to the charter participating states shall be subject to the process set forth in subdivision C 23 of Article 7 to determine if their enactments are materially different from the model compact and whether they qualify for participation in the Compact.

3. All actions taken for the benefit of the Commission or in furtherance of the purposes of the administration of the Compact prior to the effective date of the Compact or the Commission coming into existence shall be considered to be actions of the Commission unless specifically repudiated by the Commission.

4. Any state that joins the Compact subsequent to the Commission's initial adoption of the rules and bylaws shall be subject to the Commission's rules and bylaws as they exist on the date on which the Compact becomes law in that state. Any rule that has been previously adopted by the Commission shall have the full force and effect of law on the day the Compact becomes law in that state.

B. Any participating state may withdraw from this Compact by enacting a statute repealing that state's enactment of the Compact.

1. A participating state's withdrawal shall not take effect until 180 days after enactment of the repealing statute.

2. Withdrawal shall not affect the continuing requirement of the withdrawing state's licensing authority or authorities to comply with the investigative and adverse action reporting requirements of this Compact prior to the effective date of withdrawal.

3. Upon the enactment of a statute withdrawing from this Compact, the state shall immediately provide notice of such withdrawal to all licensees within that state. Notwithstanding any subsequent statutory enactment to the contrary, such withdrawing state shall continue to recognize all compact privileges to practice within that state granted pursuant to this Compact for a minimum of 180 days after the date of such notice of withdrawal.

C. Nothing contained in this Compact shall be construed to invalidate or prevent any licensure agreement or other cooperative arrangement between a participating state and a nonparticipating state that does not conflict with the provisions of this Compact.

D. This Compact may be amended by the participating states. No amendment to this Compact shall become effective and binding upon any participating state until it is enacted into the laws of all participating states.

Article 12.

Construction and Severability.

A. This Compact and the Commission's rulemaking authority shall be liberally construed so as to effectuate the purposes and the implementation and administration of the Compact. Provisions of the Compact expressly authorizing or requiring the promulgation of rules shall not be construed to limit the Commission's rulemaking authority solely for those purposes.

B. The provisions of this Compact shall be severable and if any phrase, clause, sentence, or provision of this Compact is held by a court of competent jurisdiction to be contrary to the constitution of any participating state, a state seeking participation in the Compact, or of the United States, or the applicability thereof to any government, agency, person, or circumstance is held to be unconstitutional by a court of competent jurisdiction, the validity of the remainder of this Compact and the applicability thereof to any other government, agency, person, or circumstance shall not be affected thereby.

C. Notwithstanding subsection B of this section, the Commission may deny a state's participation in this Compact or, in accordance with the requirements of subsection B of Article 10, terminate a participating state's participation in the Compact, if it determines that a constitutional requirement of a participating state is a material departure from the Compact. Otherwise, if this Compact shall be held to be contrary to the constitution of any participating state, the Compact shall remain in full force and effect as to the remaining participating states and in full force and effect as to the participating state affected as to all severable matters.

Article 13.

Consistent Effect and Conflict with Other State Laws.

A. Nothing herein shall prevent or inhibit the enforcement of any other law of a participating state that is not inconsistent with this Compact.

B. Any laws, statutes, regulations, or other legal requirements in a participating state in conflict with this Compact are superseded to the extent of the conflict.

C. All permissible agreements between the Commission and the participating states are binding in accordance with their terms.

2. Pursuant to Article 11 of § 54.1-2729.02 of the Code of Virginia, as created by this act, the Dentist and Dental Hygienist Compact (the Compact) will become effective on the date the Compact is enacted by a seventh participating state or upon the effective date of this act, whichever is later.

CHAPTER 102

An Act to repeal § 63.2-620 of the Code of Virginia, relating to TANF; child care services; reporting; repeal.

[H 472]

Approved March 20, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 63.2-620 of the Code of Virginia is repealed.

CHAPTER 103

An Act to direct the Department of Medical Assistance Services and the Department of Behavioral Health and Developmental Services to amend its regulations related to slot-retention requests for Developmental Disability waiver slots; sunset.

[H 577]

Approved March 20, 2024

Be it enacted by the General Assembly of Virginia:

1. *§ 1. That the Department of Medical Assistance Services and the Department of Behavioral Health and Developmental Services shall amend their regulations to allow for support coordinators to request and subsequently obtain approval of consecutive waiver slot-retention requests for a period of up to 365 calendar days for individuals who have been assigned a Developmental Disability waiver slot.*

2. That the provisions of this act shall expire on June 30, 2026.

CHAPTER 104

An Act to amend and reenact § 62.1-44.15:55, as it shall become effective, of the Code of Virginia, relating to regulated land-disturbing activities; submission and approval of erosion and sediment control plan.

[H 656]

Approved March 20, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 62.1-44.15:55, as it shall become effective, of the Code of Virginia is amended and reenacted as follows:

§ 62.1-44.15:55. (Effective July 1, 2024) Regulated land-disturbing activities; submission and approval of erosion and sediment control plan.

A. Except as provided in § 62.1-44.15:31 for a land-disturbing activity conducted by a state agency, federal entity, or other specified entity, no person shall engage in any land-disturbing activity until *(i)* he has submitted to the VESCP authority an erosion and sediment control plan for the land-disturbing activity and the plan has been reviewed and approved~~.~~ ~~Where~~ *and (ii) where* Virginia Pollutant Discharge Elimination System permit coverage is required, ~~a~~ *the* VESCP authority ~~shall be required to obtain~~ *has obtained* evidence of such *permit* coverage from the Department's online reporting system prior to ~~approving the erosion and sediment control plan~~ *issuing its land-disturbance approval*. A VESCP authority may enter into an agreement with an adjacent VESCP or VESMP authority regarding the administration of multijurisdictional projects specifying who shall be responsible for all or part of the administrative procedures. Should adjacent authorities fail to come to such an agreement, each shall be responsible for administering the area of the multijurisdictional project that lies within its jurisdiction. Where the land-disturbing activity results from the construction of a ~~(i)~~ *(a)* single-family residence or ~~(ii)~~ *(b)* farm building or structure on a parcel of land with a total impervious cover percentage, including the impervious cover from the farm building or structure to be constructed, of less than five percent, an agreement in lieu of a plan may be substituted for an erosion and sediment control plan if executed by the VESCP authority.

B. The VESCP authority shall review erosion and sediment control plans submitted to it and grant written approval within 60 days of the receipt of the plan if it determines that the plan meets the requirements of this article and the Board's regulations and if the person responsible for carrying out the plan certifies that he will properly perform the erosion and sediment control measures included in the plan and shall comply with the provisions of this article. In addition, as a prerequisite to engaging in the land-disturbing activities shown on the approved plan, the person responsible for carrying out the plan shall provide the name of an individual holding a certificate to the VESCP authority, as provided by § 62.1-44.15:52, who will be in charge of and responsible for carrying out the land-disturbing activity. However, any VESCP authority may waive the certificate requirement for an agreement in lieu of a plan. If a violation occurs during the land-disturbing activity, then the person responsible for carrying out the agreement in lieu of a plan shall correct the violation and provide the name of an individual holding a certificate, as provided by § 62.1-44.15:52. Failure to provide the name of an individual holding a certificate prior to engaging in land-disturbing activities may result in revocation of the approval of the plan and the person responsible for carrying out the plan shall be subject to the penalties provided in this article.

When a plan is determined to be inadequate, written notice of disapproval stating the specific reasons for disapproval shall be communicated to the applicant within 45 days. The notice shall specify the modifications, terms, and conditions that will permit approval of the plan. If no action is taken by the VESCP authority within the time specified in this subsection, the plan shall be deemed approved and the person authorized to proceed with the proposed activity. The VESCP authority shall act on any erosion and sediment control plan that has been previously disapproved within 45 days after the plan has been revised, resubmitted for approval, and deemed adequate.

C. The VESCP authority may require changes to an approved plan in the following cases:

1. Where inspection has revealed that the plan is inadequate to satisfy applicable regulations; or

2. Where the person responsible for carrying out the approved plan finds that because of changed circumstances or for other reasons the approved plan cannot be effectively carried out, and proposed amendments to the plan, consistent with the requirements of this article and associated regulations, are agreed to by the VESCP authority and the person responsible for carrying out the plan.

D. In order to prevent further erosion, a VESCP authority may require approval of an erosion and sediment control plan for any land identified by the VESCP authority as an erosion impact area.

E. For the purposes of subsections A and B, when land-disturbing activity will be required of a contractor performing construction work pursuant to a construction contract, the preparation, submission, and approval of an erosion and sediment control plan shall be the responsibility of the owner.

F. Notwithstanding any other provisions of this article, the following activities are not required to comply with the requirements of this article unless otherwise required by federal law:

1. Disturbance of a land area of less than 10,000 square feet in size or less than 2,500 square feet in an area designated as a Chesapeake Bay Preservation Area pursuant to the Chesapeake Bay Preservation Act (§ 62.1-44.15:67 et seq.). However, the governing body of the program authority may reduce this exception to a smaller area of disturbed land or qualify the conditions under which this exception shall apply;

2. Minor land-disturbing activities such as home gardens and individual home landscaping, repairs, and maintenance work;

3. Installation, maintenance, or repair of any individual service connection;

4. Installation, maintenance, or repair of any underground utility line when such activity occurs on an existing hard surfaced road, street, or sidewalk, provided the land-disturbing activity is confined to the area of the road, street, or sidewalk that is hard surfaced;

5. Installation, maintenance, or repair of any septic tank line or drainage field unless included in an overall plan for land-disturbing activity relating to construction of the building to be served by the septic tank system;

6. Permitted surface or deep mining operations and projects, or oil and gas operations and projects conducted pursuant to Title 45.2;

7. Clearing of lands specifically for bona fide agricultural purposes; the management, tilling, planting, or harvesting of agricultural, horticultural, or forest crops; livestock feedlot operations; agricultural engineering operations, including construction of terraces, terrace outlets, check dams, desilting basins, dikes, ponds, ditches, strip cropping, lister furrowing, contour cultivating, contour furrowing, land drainage, and land irrigation; or as additionally set forth by the Board in regulations. However, this exception shall not apply to harvesting of forest crops unless the area on which harvesting occurs is reforested artificially or naturally in accordance with the provisions of Chapter 11 (§ 10.1-1100 et seq.) of Title 10.1 or is converted to bona fide agricultural or improved pasture use as described in subsection B of § 10.1-1163;

8. Installation of fence and sign posts or telephone and electric poles and other kinds of posts or poles;

9. Shoreline erosion control projects on tidal waters when all of the land-disturbing activities are within the regulatory authority of and approved by local wetlands boards, the Marine Resources Commission, or the United States Army Corps of Engineers; however, any associated land that is disturbed outside of this exempted area shall remain subject to this article and the regulations adopted pursuant thereto;

10. Land-disturbing activities in response to a public emergency where the related work requires immediate authorization to avoid imminent endangerment to human health or the environment. In such situations, the VESMP authority shall be advised of the disturbance within seven days of commencing the land-disturbing activity, and compliance with the administrative requirements of subsection A is required within 30 days of commencing the land-disturbing activity;

11. Discharges to a sanitary sewer or a combined sewer system that are not from a land-disturbing activity; and

12. Repair or rebuilding of the tracks, rights-of-way, bridges, communication facilities, and other related structures and facilities of a railroad company.

CHAPTER 105

An Act to amend and reenact §§ 4.1-204, 4.1-206.3, and 4.1-212.1, as they are currently effective and as they shall become effective, § 4.1-230, and § 4.1-231.1, as it is currently effective and as it shall become effective, of the Code of Virginia and to repeal § 4.1-212.2 of the Code of Virginia and the second enactment of Chapter 281 and the second enactment of Chapter 282 of the Acts of Assembly of 2021, Special Session I, as amended by the second enactment of Chapter 78 and the second enactment of Chapter 79 of the Acts of Assembly of 2022, relating to alcoholic beverage control; sale and delivery of mixed beverages and pre-mixed wine for off-premises consumption; third-party delivery licenses; sunset; repeal.

[H 688]

Approved March 20, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 4.1-204, 4.1-206.3, and 4.1-212.1, as they are currently effective and as they shall become effective, § 4.1-230, and § 4.1-231.1, as it is currently effective and as it shall become effective, of the Code of Virginia are amended and reenacted as follows:

§ 4.1-204. (Effective until July 1, 2024) Records of licensees; inspection of records and places of business.

A. Manufacturers, bottlers or wholesalers. — Every licensed manufacturer, bottler or wholesaler shall keep complete, accurate and separate records in accordance with Board regulations of all alcoholic beverages purchased, manufactured, bottled, sold or shipped by him, and the applicable tax required by § 4.1-234 or 4.1-236, if any.

B. Retailers. — Every retail licensee shall keep complete, accurate, and separate records, in accordance with Board regulations, of all purchases of alcoholic beverages, the prices charged such licensee therefor, and the names and addresses of the persons from whom purchased. Every retail licensee shall also preserve all invoices showing his purchases for a period as specified by Board regulations. He shall also keep an accurate account of daily sales, showing quantities of alcoholic beverages sold and the total price charged by him therefor. Except as otherwise provided in subsection D, such

account need not give the names or addresses of the purchasers thereof, except as may be required by Board regulation for the sale of alcoholic beverages in kegs. In the case of persons holding retail licenses that require sales of food to determine their qualifications for such licenses, the records shall also include purchases and sales of food and nonalcoholic beverages.

Notwithstanding the provisions of subsection F, electronic records of retail licensees may be stored off site, provided that such records are readily retrievable and available for electronic inspection by the Board or its special agents at the licensed premises. However, in the case that such electronic records are not readily available for electronic inspection on the licensed premises, the retail licensee may obtain Board approval, for good cause shown, to permit the retail licensee to provide the records to a special agent of the Board within three business days or less, as determined by the Board, after a request is made to inspect the records.

C. Common carriers. — Common carriers of passengers by train, boat, bus, or airplane shall keep records of purchases and sales of alcoholic beverages and food as required by Board regulation.

D. Wine and beer shippers. — Every wine and beer shipper licensee shall keep complete, accurate, and separate records in accordance with Board regulations of all shipments of wine or beer to persons in the Commonwealth. Such licensees shall also remit on a monthly basis an accurate account stating whether any wine, farm wine, or beer products were sold and shipped and, if so, stating the total quantities of wine and beer sold and the total price charged for such wine and beer. Such records shall include the names and addresses of the purchasers to whom the wine and beer is shipped.

E. Deliveries. — Every licensee or permittee that is authorized to make deliveries pursuant to § 4.1-212.1 shall keep complete, accurate, and separate records for a period of at least two years in accordance with Board regulations of all deliveries of alcoholic beverages to persons in the Commonwealth. Such records shall include (i) the types of alcoholic beverages sold, (ii) the total quantities of alcoholic beverages sold, (iii) the total price charged for such alcoholic beverages, (iv) the name and date of birth of the person to whom the alcoholic beverages are delivered, and (v) the address to which the alcoholic beverages are delivered. Licensees and permittees shall remit such records on a monthly basis for any month during which the licensee or permittee makes a delivery for which the licensee or permittee is required to collect and remit excise taxes due to the Authority pursuant to subsection H of § 4.1-212.1.

~~Every licensee that is authorized to make deliveries pursuant to § 4.1-212.2 shall keep complete, accurate, and separate records for a period of at least two years in accordance with Board regulations of all deliveries of alcoholic beverages to persons in the Commonwealth. Such records shall include all information prescribed by Board regulations. Licensees shall remit such records within 24 hours of a records request by the Authority; however, the licensee may obtain Board approval, for good cause shown, to permit the licensee to provide records to a special agent of the Board within three business days or less, as determined by the Board, after a request is made to inspect the records.~~

F. Inspection. — The Board and its special agents shall be allowed free access during reasonable hours to every place in the Commonwealth and to the premises of both (i) every wine and beer shipper licensee and (ii) every licensee or permittee authorized to make deliveries wherever located where alcoholic beverages are manufactured, bottled, stored, offered for sale or sold, for the purpose of examining and inspecting such place and all records, invoices and accounts therein. The Board may engage the services of alcoholic beverage control authorities in any state to assist with the inspection of the premises of a wine and beer shipper licensee, licensee or permittee authorized to make deliveries, or any applicant for such license or permit.

For purposes of a Board inspection of the records of any retail licensees, "reasonable hours" means the hours between 9 a.m. and 5 p.m.; however, if the licensee generally is not open to the public substantially during the same hours, "reasonable hours" shall mean the business hours when the licensee is open to the public. At any other time of day, if the retail licensee's records are not available for inspection, the retailer shall provide the records to a special agent of the Board within 24 hours after a request is made to inspect the records.

§ 4.1-204. (Effective July 1, 2024) Records of licensees; inspection of records and places of business.

A. Manufacturers, bottlers or wholesalers. — Every licensed manufacturer, bottler or wholesaler shall keep complete, accurate and separate records in accordance with Board regulations of all alcoholic beverages purchased, manufactured, bottled, sold or shipped by him, and the applicable tax required by § 4.1-234 or 4.1-236, if any.

B. Retailers. — Every retail licensee shall keep complete, accurate, and separate records, in accordance with Board regulations, of all purchases of alcoholic beverages, the prices charged such licensee therefor, and the names and addresses of the persons from whom purchased. Every retail licensee shall also preserve all invoices showing his purchases for a period as specified by Board regulations. He shall also keep an accurate account of daily sales, showing quantities of alcoholic beverages sold and the total price charged by him therefor. Except as otherwise provided in subsection D, such account need not give the names or addresses of the purchasers thereof, except as may be required by Board regulation for the sale of alcoholic beverages in kegs. In the case of persons holding retail licenses that require sales of food to determine their qualifications for such licenses, the records shall also include purchases and sales of food and nonalcoholic beverages.

Notwithstanding the provisions of subsection F, electronic records of retail licensees may be stored off site, provided that such records are readily retrievable and available for electronic inspection by the Board or its special agents at the licensed premises. However, in the case that such electronic records are not readily available for electronic inspection on the licensed premises, the retail licensee may obtain Board approval, for good cause shown, to permit the retail licensee to provide the records to a special agent of the Board within three business days or less, as determined by the Board, after a request is made to inspect the records.

C. Common carriers. — Common carriers of passengers by train, boat, bus, or airplane shall keep records of purchases and sales of alcoholic beverages and food as required by Board regulation.

D. Wine and beer shippers. — Every wine and beer shipper licensee shall keep complete, accurate, and separate records in accordance with Board regulations of all shipments of wine or beer to persons in the Commonwealth. Such licensees shall also remit on a monthly basis an accurate account stating whether any wine, farm wine, or beer products were sold and shipped and, if so, stating the total quantities of wine and beer sold and the total price charged for such wine and beer. Such records shall include the names and addresses of the purchasers to whom the wine and beer is shipped.

E. Deliveries. — Every licensee or permittee that is authorized to make deliveries pursuant to § 4.1-212.1 shall keep complete, accurate, and separate records for a period of at least two years in accordance with Board regulations of all deliveries of wine or beer to persons in the Commonwealth. Such records shall include (i) the types of wine and beer sold, (ii) the total quantities of wine and beer sold, (iii) the total price charged for such wine and beer, (iv) the name and date of birth of the person to whom the wine and beer is delivered, and (v) the address to which the wine and beer is delivered. Licensees and permittees shall remit such records on a monthly basis for any month during which the licensee or permittee makes a delivery for which the licensee or permittee is required to collect and remit excise taxes due to the Authority pursuant to subsection E of § 4.1-212.1.

~~Every licensee that is authorized to make deliveries pursuant to § 4.1-212.2 shall keep complete, accurate, and separate records for a period of at least two years in accordance with Board regulations of all deliveries of alcoholic beverages to persons in the Commonwealth. Such records shall include all information prescribed by Board regulations. Licensees shall remit such records within 24 hours of a records request by the Authority; however, the licensee may obtain Board approval, for good cause shown, to permit the licensee to provide records to a special agent of the Board within three business days or less, as determined by the Board, after a request is made to inspect the records.~~

F. Inspection. — The Board and its special agents shall be allowed free access during reasonable hours to every place in the Commonwealth and to the premises of both (i) every wine and beer shipper licensee and (ii) every licensee or permittee authorized to make deliveries wherever located where alcoholic beverages are manufactured, bottled, stored, offered for sale or sold, for the purpose of examining and inspecting such place and all records, invoices and accounts therein. The Board may engage the services of alcoholic beverage control authorities in any state to assist with the inspection of the premises of a wine and beer shipper licensee, licensee or permittee authorized to make deliveries, or any applicant for such license or permit.

For purposes of a Board inspection of the records of any retail licensees, "reasonable hours" means the hours between 9 a.m. and 5 p.m.; however, if the licensee generally is not open to the public substantially during the same hours, "reasonable hours" shall mean the business hours when the licensee is open to the public. At any other time of day, if the retail licensee's records are not available for inspection, the retailer shall provide the records to a special agent of the Board within 24 hours after a request is made to inspect the records.

§ 4.1-206.3. (Effective until July 1, 2024) Retail licenses.

A. The Board may grant the following mixed beverages licenses:

1. Mixed beverage restaurant licenses, which shall authorize the licensee to sell and serve mixed beverages for on-premises consumption in dining areas and other designated areas of such restaurant or off-premises consumption. Such license may be granted only to persons (i) who operate a restaurant and (ii) whose gross receipts from the sale of food cooked, or prepared, and consumed on the premises and nonalcoholic beverages served on the premises, after issuance of such license, amount to at least 45 percent of the gross receipts from the sale of mixed beverages and food. For the purposes of this subdivision, other designated areas shall include outdoor dining areas, whether or not contiguous to the licensed premises, which outdoor dining areas may have more than one means of ingress and egress to an adjacent public thoroughfare, provided such areas are under the control of the licensee and approved by the Board. Such noncontiguous designated areas shall not be approved for any retail license issued pursuant to subdivision A 5 of § 4.1-201.

If the restaurant is located on the premises of a hotel or motel with no fewer than four permanent bedrooms where food and beverage service is customarily provided by the restaurant in designated areas, bedrooms, and other private rooms of such hotel or motel, such licensee may (a) sell and serve mixed beverages for on-premises consumption in such designated areas, bedrooms, and other private rooms or off-premises consumption and (b) sell spirits packaged in original closed containers purchased from the Board for on-premises consumption to registered guests and at scheduled functions of such hotel or motel only in such bedrooms or private rooms. However, with regard to a hotel classified as a resort complex, the Board may authorize the sale and on-premises consumption of alcoholic beverages in all areas within the resort complex deemed appropriate by the Board. Nothing herein shall prohibit any person from keeping and consuming his own lawfully acquired spirits in bedrooms or private rooms.

If the restaurant is located on the premises of and operated by a private, nonprofit, or profit club exclusively for its members and their guests, or members of another private, nonprofit, or profit club in another city with which it has an agreement for reciprocal dining privileges, such license shall also authorize the licensees to (1) sell and serve mixed beverages for on-premises or off-premises consumption and (2) sell spirits that are packaged in original closed containers with a maximum capacity of two fluid ounces or 50 milliliters and purchased from the Board for on-premises consumption. Where such club prepares no food in its restaurant but purchases its food requirements from a restaurant licensed by the Board and located on another portion of the premises of the same hotel or motel building, this fact shall not prohibit the granting of a license by the Board to such club qualifying in all other respects. The club's gross receipts from the sale of

nonalcoholic beverages consumed on the premises and food resold to its members and guests and consumed on the premises shall amount to at least 45 percent of its gross receipts from the sale of mixed beverages and food. The food sales made by a restaurant to such a club shall be excluded in any consideration of the qualifications of such restaurant for a license from the Board.

If the restaurant is located on the premises of and operated by a municipal golf course, the Board shall recognize the seasonal nature of the business and waive any applicable monthly food sales requirements for those months when weather conditions may reduce patronage of the golf course, provided that prepared food, including meals, is available to patrons during the same months. The gross receipts from the sale of food cooked, or prepared, and consumed on the premises and nonalcoholic beverages served on the premises, after the issuance of such license, shall amount to at least 45 percent of the gross receipts from the sale of mixed beverages and food on an annualized basis.

If the restaurant is located on the premises of and operated by a culinary lodging resort, such license shall authorize the licensee to (A) sell alcoholic beverages, without regard to the amount of gross receipts from the sale of food prepared and consumed on the premises, for off-premises consumption or for on-premises consumption in areas upon the licensed premises approved by the Board and other designated areas of the resort, including outdoor areas under the control of the licensee, and (B) permit the possession and consumption of lawfully acquired alcoholic beverages by persons to whom overnight lodging is being provided in bedrooms and private guest rooms.

If the restaurant is located on the premises of a mixed beverage casino licensee owned by an operator licensed under Article 3 (§ 58.1-4108 et seq.) of Chapter 41 of Title 58.1, such mixed beverage restaurant license shall authorize the licensee to sell alcoholic beverages for on-premises consumption on the licensed premises of the restaurant during all hours of operation of the mixed beverage casino licensee. Any alcoholic beverages purchased from such restaurant may be (I) taken onto the premises of the mixed beverage casino licensee and (II) possessed or consumed in areas designated by the Board, after consultation with the mixed beverage casino licensee. Designated areas may include any areas on the premises of the mixed beverage casino licensee, including entertainment venues, conference rooms, private rooms, hotels, pools, marinas, or green spaces. Alcoholic beverages purchased from a restaurant pursuant to this subdivision shall be contained in glassware or a paper, plastic, or similar disposable container that clearly displays the name or logo of the restaurant from which the alcoholic beverage was purchased.

The granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption and in closed containers for off-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

2. Mixed beverage caterer's licenses, which may be granted only to a person regularly engaged in the business of providing food and beverages to others for service at private gatherings or at special events, which shall authorize the licensee to sell and serve alcoholic beverages for on-premises consumption. The annual gross receipts from the sale of food cooked and prepared for service and nonalcoholic beverages served at gatherings and events referred to in this subdivision shall amount to at least 45 percent of the gross receipts from the sale of mixed beverages and food.

3. Mixed beverage limited caterer's licenses, which may be granted only to a person regularly engaged in the business of providing food and beverages to others for service at private gatherings or at special events, not to exceed 12 gatherings or events per year, which shall authorize the licensee to sell and serve alcoholic beverages for on-premises consumption. The annual gross receipts from the sale of food cooked and prepared for service and nonalcoholic beverages served at gatherings and events referred to in this subdivision shall amount to at least 45 percent of the gross receipts from the sale of mixed beverages and food.

4. Mixed beverage carrier licenses to (i) persons operating a common carrier of passengers by train, boat, bus, or airplane, which shall authorize the licensee to sell and serve mixed beverages anywhere in the Commonwealth to passengers while in transit aboard any such common carrier, and in designated rooms of establishments of air carriers at airports in the Commonwealth and (ii) financial institutions, subsidiaries of a financial institution, or persons approved by the applicable airport authority that have entered into a contract with a financial institution or subsidiary of a financial institution to operate a passenger lounge, which shall authorize the licensee to sell and serve mixed beverages in designated areas of a passenger lounge for ticketed air carrier passengers that is located within an airport in the Commonwealth. For purposes of supplying its airplanes, as well as any airplanes of a licensed express carrier flying under the same brand, an air carrier licensee may appoint an authorized representative to load alcoholic beverages onto the same airplanes and to transport and store alcoholic beverages at or in close proximity to the airport where the alcoholic beverages will be delivered onto airplanes of the air carrier and any such licensed express carrier. The air carrier licensee shall (a) designate for purposes of its license all locations where the inventory of alcoholic beverages may be stored and from which the alcoholic beverages will be delivered onto airplanes of the air carrier and any such licensed express carrier and (b) maintain records of all alcoholic beverages to be transported, stored, and delivered by its authorized representative. The granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption or in closed containers for off-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

For the purposes of this subdivision:

"Financial institution" means any bank, trust company, savings institution, industrial loan association, consumer finance company, or credit union.

"Passenger lounge" means any restricted-access passenger waiting room or lounge leased to persons by the applicable airport authority in which food and beverage services are provided to ticketed passengers.

5. Annual mixed beverage motor sports facility licenses, which shall authorize the licensee to sell mixed beverages, in paper, plastic, or similar disposable containers or in single original metal cans, during scheduled events, as well as events or performances immediately subsequent thereto, to patrons in all dining facilities, seating areas, viewing areas, walkways, concession areas, or similar facilities, for on-premises consumption. Such license may be granted to persons operating food concessions at an outdoor motor sports facility that (i) is located on 1,200 acres of rural property bordering the Dan River and has a track surface of 3.27 miles in length or (ii) hosts a NASCAR national touring race. Upon authorization of the licensee, any person may keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas and locations covered by the license. The granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption or in closed containers for off-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

6. Limited mixed beverage restaurant licenses, which shall authorize the licensee to sell and serve dessert wines as defined by Board regulation and no more than six varieties of liqueurs, which liqueurs shall be combined with coffee or other nonalcoholic beverages, for on-premises consumption in dining areas of the restaurant or off-premises consumption. Such license may be granted only to persons who operate a restaurant and in no event shall the sale of such wine or liqueur-based drinks, together with the sale of any other alcoholic beverages, exceed 10 percent of the total annual gross sales of all food and alcoholic beverages. The granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption or in closed containers for off-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

7. Annual mixed beverage performing arts facility licenses, which shall (i) authorize the licensee to sell, on the dates of performances or events, alcoholic beverages in paper, plastic, or similar disposable containers or in single original metal cans for on-premises consumption in all seating areas, concourses, walkways, concession areas, similar facilities, and other areas upon the licensed premises approved by the Board and (ii) automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption or in closed containers for off-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1. Such licenses may be granted to the following:

a. Corporations or associations operating a performing arts facility, provided the performing arts facility (i) is owned by a governmental entity; (ii) is occupied by a for-profit entity under a bona fide lease, the original term of which was for more than one year's duration; and (iii) has been rehabilitated in accordance with historic preservation standards;

b. Persons operating food concessions at any performing arts facility located in the City of Norfolk or the City of Richmond, provided that the performing arts facility (i) is occupied under a bona fide long-term lease or concession agreement, the original term of which was more than five years; (ii) has a capacity in excess of 1,400 patrons; (iii) has been rehabilitated in accordance with historic preservation standards; and (iv) has monthly gross receipts from the sale of food cooked, or prepared, and consumed on the premises and nonalcoholic beverages served on the premises that meet or exceed the monthly minimum established by Board regulations for mixed beverage restaurants;

c. Persons operating food concessions at any performing arts facility located in the City of Waynesboro, provided that the performing arts facility (i) is occupied under a bona fide long-term lease or concession agreement, the original term of which was more than five years; (ii) has a total capacity in excess of 550 patrons; and (iii) has been rehabilitated in accordance with historic preservation standards;

d. Persons operating food concessions at any performing arts facility located in the arts and cultural district of the City of Harrisonburg, provided that the performing arts facility (i) is occupied under a bona fide long-term lease or concession agreement, the original term of which was more than five years; (ii) has been rehabilitated in accordance with historic preservation standards; (iii) has monthly gross receipts from the sale of food cooked, or prepared, and consumed on the premises and nonalcoholic beverages served on the premises that meet or exceed the monthly minimum established by Board regulations for mixed beverage restaurants; and (iv) has a total capacity in excess of 900 patrons;

e. Persons operating food concessions at any multipurpose theater located in the historical district of the Town of Bridgewater, provided that the theater (i) is owned and operated by a governmental entity and (ii) has a total capacity in excess of 100 patrons;

f. Persons operating food concessions at any outdoor performing arts amphitheater, arena, or similar facility that has seating for more than 20,000 persons and is located in Prince William County or the City of Virginia Beach;

g. Persons operating food concessions at any outdoor performing arts amphitheater, arena, or similar facility that has seating for more than 5,000 persons and is located in the City of Alexandria or the City of Portsmouth; or

h. Persons operating food concessions at any corporate and performing arts facility located in Fairfax County, provided that the corporate and performing arts facility (i) is occupied under a bona fide long-term lease, management, or concession agreement, the original term of which was more than one year and (ii) has a total capacity in excess of 1,400 patrons. Such license shall authorize the sale, on the dates of performances or events, of alcoholic beverages for on-premises consumption in areas upon the licensed premises approved by the Board.

8. Combined mixed beverage restaurant and caterer's licenses, which may be granted to any restaurant or hotel that meets the qualifications for both a mixed beverage restaurant pursuant to subdivision 1 and mixed beverage caterer pursuant to subdivision 2 for the same business location, and which license shall authorize the licensee to operate as both a mixed beverage restaurant and mixed beverage caterer at the same business premises designated in the license, with a common alcoholic beverage inventory for purposes of the restaurant and catering operations. Such licensee shall meet the separate food qualifications established for the mixed beverage restaurant license pursuant to subdivision 1 and mixed beverage caterer's license pursuant to subdivision 2. The granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption or in closed containers for off-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

9. Bed and breakfast licenses, which shall authorize the licensee to (i) serve alcoholic beverages in dining areas, private guest rooms, and other designated areas to persons to whom overnight lodging is being provided, with or without meals, for on-premises consumption only in such rooms and areas, and without regard to the amount of gross receipts from the sale of food prepared and consumed on the premises and (ii) permit the consumption of lawfully acquired alcoholic beverages by persons to whom overnight lodging is being provided in (a) bedrooms or private guest rooms or (b) other designated areas of the bed and breakfast establishment. For purposes of this subdivision, "other designated areas" includes outdoor dining areas, whether or not contiguous to the licensed premises, which may have more than one means of ingress and egress to an adjacent public thoroughfare, provided that such outdoor dining areas are under the control of the licensee and approved by the Board. Such noncontiguous designated areas shall not be approved for any retail license issued pursuant to subdivision A 5 of § 4.1-201.

10. Museum licenses, which may be issued to nonprofit museums exempt from taxation under § 501(c)(3) of the Internal Revenue Code, which shall authorize the licensee to (i) permit the consumption of lawfully acquired alcoholic beverages on the premises of the licensee by any bona fide member and guests thereof and (ii) serve alcoholic beverages on the premises of the licensee to any bona fide member and guests thereof. However, alcoholic beverages shall not be sold or charged for in any way by the licensee. The privileges of this license shall be limited to the premises of the museum, regularly occupied and utilized as such.

11. Motor car sporting event facility licenses, which shall authorize the licensee to permit the consumption of lawfully acquired alcoholic beverages on the premises of the licensee by patrons thereof during such events. However, alcoholic beverages shall not be sold or charged for in any way, directly or indirectly, by the licensee. The privileges of this license shall be limited to those areas of the licensee's premises designated by the Board that are regularly occupied and utilized for motor car sporting events.

12. Commercial lifestyle center licenses, which may be issued only to a commercial owners' association governing a commercial lifestyle center, which shall authorize any retail on-premises restaurant licensee that is a tenant of the commercial lifestyle center to sell alcoholic beverages to any bona fide customer to whom alcoholic beverages may be lawfully sold for consumption on that portion of the licensed premises of the commercial lifestyle center designated by the Board, including (i) plazas, seating areas, concourses, walkways, or such other similar areas and (ii) the premises of any tenant location of the commercial lifestyle center that is not a retail licensee of the Board, upon approval of such tenant, but excluding any parking areas. Only alcoholic beverages purchased from such retail on-premises restaurant licensees may be consumed on the licensed premises of the commercial lifestyle center, and such alcoholic beverages shall be contained in paper, plastic, or similar disposable containers with the name or logo of the restaurant licensee that sold the alcoholic beverage clearly displayed. Alcoholic beverages shall not be sold or charged for in any way by the commercial lifestyle center licensee. The licensee shall post appropriate signage clearly demarcating for the public the boundaries of the licensed premises; however, no physical barriers shall be required for this purpose. The licensee shall provide adequate security for the licensed premises to ensure compliance with the applicable provisions of this subtitle and Board regulations.

13. Mixed beverage port restaurant licenses, which shall authorize the licensee to sell and serve mixed beverages for consumption in dining areas and other designated areas of such restaurant. Such license may be granted only to persons operating a business (i) that is primarily engaged in the sale of meals; (ii) that is located on property owned by the United States government or an agency thereof and used as a port of entry to or egress from the United States; and (iii) whose gross receipts from the sale of food cooked, or prepared, and consumed on the premises and nonalcoholic beverages served on the premises, after issuance of such license, amount to at least 45 percent of the gross receipts from the sale of mixed beverages and food. For the purposes of this subdivision, other designated areas shall include outdoor dining areas, whether or not contiguous to the licensed premises, which outdoor dining areas may have more than one means of ingress and egress to an adjacent public thoroughfare, provided such areas are under the control of the licensee and approved by the Board. Such noncontiguous designated areas shall not be approved for any retail license issued pursuant to subdivision A 5 of § 4.1-201. The granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption or in closed containers for off-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

14. Annual mixed beverage special events licenses to (i) a duly organized nonprofit corporation or association operating either a performing arts facility or an art education and exhibition facility; (ii) a nonprofit corporation or association chartered by Congress for the preservation of sites, buildings, and objects significant in American history and culture; (iii) persons operating an agricultural event and entertainment park or similar facility that has a minimum of

50,000 square feet of indoor exhibit space and equine and other livestock show areas, which includes barns, pavilions, or other structures equipped with roofs, exterior walls, and open-door or closed-door access; or (iv) a locality for special events conducted on the premises of a museum for historic interpretation that is owned and operated by the locality. The operation in all cases shall be upon premises owned by such licensee or occupied under a bona fide lease, the original term of which was for more than one year's duration. Such license shall authorize the licensee to sell alcoholic beverages during scheduled events and performances for on-premises consumption in areas upon the licensed premises approved by the Board.

15. Mixed beverage casino licenses, which shall authorize the licensee to (i) sell and serve mixed beverages for on-premises consumption in areas designated by the Board, after consultation with the mixed beverage casino licensee, without regard to the amount of gross receipts from the sale of food prepared and consumed on the premises and (ii) provide complimentary mixed beverages to patrons for on-premises consumption in private areas or restricted access areas designated by the Board, after consultation with the mixed beverage casino licensee. Designated areas may include any areas on the premises of the mixed beverage casino licensee, including entertainment venues, private rooms, conference rooms, hotels, pools, marinas, or green spaces. The granting of a license pursuant to this subdivision shall authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption and in closed containers for off-premises consumption in accordance with the provisions of this subdivision governing mixed beverages; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1. Notwithstanding any law or regulation to the contrary, a mixed beverage casino licensee may exercise the privileges of its license as set forth in this subdivision during all hours of operation of the casino gaming establishment; however, such licensee shall not sell wine or beer for off-premises consumption between the hours of 12 a.m. and 6 a.m.

A mixed beverage casino licensee may (a) provide patrons gifts of alcoholic beverages in closed containers for personal consumption off the licensed premises or in areas designated by the Board, after consultation with the mixed beverage casino licensee, and (b) enable patrons who participate in a loyalty or reward credit program to redeem credits for the purchase of alcoholic beverages for on-premises consumption. A summary of the operation of such loyalty or reward credit program shall be provided to the Board upon request.

A mixed beverage casino license may only be issued to a casino gaming establishment owned by an operator licensed under Article 3 (§ 58.1-4108 et seq.) of Chapter 41 of Title 58.1.

B. The Board may grant an on-and-off-premises wine and beer license to the following:

1. Hotels, restaurants, and clubs, which shall authorize the licensee to sell wine and beer (i) in closed containers for off-premises consumption or (ii) for on-premises consumption, either with or without meals, in dining areas and other designated areas of such restaurants, or in dining areas, private guest rooms, and other designated areas of such hotels or clubs, for consumption only in such rooms and areas. However, with regard to a hotel classified by the Board as (a) a resort complex, the Board may authorize the sale and consumption of alcoholic beverages in all areas within the resort complex deemed appropriate by the Board or (b) a limited service hotel, the Board may authorize the sale and consumption of alcoholic beverages in dining areas, private guest rooms, and other designated areas to persons to whom overnight lodging is being provided, for on-premises consumption in such rooms or areas, and without regard to the amount of gross receipts from the sale of food prepared and consumed on the premises, provided that at least one meal is provided each day by the hotel to such guests. With regard to facilities registered in accordance with Chapter 49 (§ 38.2-4900 et seq.) of Title 38.2 as continuing care communities that are also licensed by the Board under this subdivision, any resident may, upon authorization of the licensee, keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas covered by the license. For purposes of this subdivision, "other designated areas" includes outdoor dining areas, whether or not contiguous to the licensed premises, which may have more than one means of ingress and egress to an adjacent public thoroughfare, provided that such outdoor dining areas are under the control of the licensee and approved by the Board. Such noncontiguous designated areas shall not be approved for any retail license issued pursuant to subdivision A 5 of § 4.1-201.

2. Hospitals, which shall authorize the licensee to sell wine and beer (i) in the rooms of patients for their on-premises consumption only in such rooms, provided the consent of the patient's attending physician is first obtained or (ii) in closed containers for off-premises consumption.

3. Rural grocery stores, which shall authorize the licensee to sell wine and beer for on-premises consumption or in closed containers for off-premises consumption. No license shall be granted unless (i) the grocery store is located in any town or in a rural area outside the corporate limits of any city or town and (ii) it appears affirmatively that a substantial public demand for such licensed establishment exists and that public convenience and the purposes of this subtitle will be promoted by granting the license.

4. Coliseums, stadiums, and racetracks, which shall authorize the licensee to sell wine and beer during any event and immediately subsequent thereto to patrons within all seating areas, concourses, walkways, concession areas, and additional locations designated by the Board (i) in closed containers for off-premises consumption or (ii) in paper, plastic, or similar disposable containers or in single original metal cans for on-premises consumption. Upon authorization of the licensee, any person may keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas and locations covered by the license. Such licenses may be granted to persons operating food concessions at coliseums, stadiums, racetracks, or similar facilities.

5. Performing arts food concessionaires, which shall authorize the licensee to sell wine and beer during the performance of any event to patrons within all seating areas, concourses, walkways, or concession areas, or other areas approved by the Board (i) in closed containers for off-premises consumption or (ii) in paper, plastic, or similar disposable

containers or in single original metal cans for on-premises consumption. Upon authorization of the licensee, any person may keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas and locations covered by the license. Such licenses may be granted to persons operating food concessions at any outdoor performing arts amphitheater, arena, or similar facility that (a) has seating for more than 20,000 persons and is located in Prince William County or the City of Virginia Beach; (b) has seating or capacity for more than 3,500 persons and is located in the County of Albemarle, Alleghany, Augusta, Nelson, Pittsylvania, or Rockingham or the City of Charlottesville, Danville, or Roanoke; or (c) has capacity for more than 9,500 persons and is located in Henrico County.

6. Exhibition halls, which shall authorize the licensee to sell wine and beer during the event to patrons or attendees within all seating areas, exhibition areas, concourses, walkways, concession areas, and such additional locations designated by the Board in such facilities (i) in closed containers for off-premises consumption or (ii) in paper, plastic, or similar disposable containers or in single original metal cans for on-premises consumption. Upon authorization of the licensee, any person may keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas and locations covered by the license. Such licenses may be granted to persons operating food concessions at exhibition or exposition halls, convention centers, or similar facilities located in any county operating under the urban county executive form of government or any city that is completely surrounded by such county. For purposes of this subdivision, "exhibition or exposition hall" and "convention centers" mean facilities conducting private or public trade shows or exhibitions in an indoor facility having in excess of 100,000 square feet of floor space.

7. Concert and dinner-theaters, which shall authorize the licensee to sell wine and beer during events to patrons or attendees within all seating areas, exhibition areas, concourses, walkways, concession areas, dining areas, and such additional locations designated by the Board in such facilities, for on-premises consumption or in closed containers for off-premises consumption. Persons licensed pursuant to this subdivision shall serve food, prepared on or off premises, whenever wine or beer is served. Such licenses may be granted to persons operating concert or dinner-theater venues on property fronting Natural Bridge School Road in Natural Bridge Station and formerly operated as Natural Bridge High School.

8. Historic cinema houses, which shall authorize the licensee to sell wine and beer, either with or without meals, during any showing of a motion picture to patrons to whom alcoholic beverages may be lawfully sold, for on-premises consumption or in closed containers for off-premises consumption. The privileges of this license shall be limited to the premises of the historic cinema house regularly occupied and utilized as such.

9. Nonprofit museums, which shall authorize the licensee to sell wine and beer for on-premises consumption or in closed containers for off-premises consumption in areas approved by the Board. Such licenses may be granted to persons operating a nonprofit museum exempt from taxation under § 501(c)(3) of the Internal Revenue Code, located in the Town of Front Royal, and dedicated to educating the consuming public about historic beer products. The privileges of this license shall be limited to the premises of the museum, regularly occupied and utilized as such.

C. The Board may grant the following off-premises wine and beer licenses:

1. Retail off-premises wine and beer licenses, which may be granted to a convenience grocery store, delicatessen, drugstore, gift shop, gourmet oyster house, gourmet shop, grocery store, or marina store as defined in § 4.1-100 and Board regulations. Such license shall authorize the licensee to sell wine and beer in closed containers for off-premises consumption and, notwithstanding the provisions of § 4.1-308, to give to any person to whom wine or beer may be lawfully sold a sample of wine or beer for on-premises consumption; however, no single sample shall exceed four ounces of beer or two ounces of wine and no more than 12 ounces of beer or five ounces of wine shall be served to any person per day. The licensee may also give samples of wine and beer in designated areas at events held by the licensee for the purpose of featuring and educating the consuming public about the alcoholic beverages being tasted. With the consent of the licensee, farm wineries, wineries, breweries, distillers, and wholesale licensees or authorized representatives of such licensees may participate in such tastings, including the pouring of samples. The licensee shall comply with any food inventory and sales volume requirements established by Board regulation.

2. Gourmet brewing shop licenses, which shall authorize the licensee to sell to any person to whom wine or beer may be lawfully sold, ingredients for making wine or brewing beer, including packaging, and to rent to such persons facilities for manufacturing, fermenting, and bottling such wine or beer, for off-premises consumption in accordance with subdivision 6 of § 4.1-200.

3. Confectionery licenses, which shall authorize the licensee to prepare and sell on the licensed premises for off-premises consumption confectionery that contains five percent or less alcohol by volume. Any alcohol contained in such confectionery shall not be in liquid form at the time such confectionery is sold.

D. The Board may grant the following banquet, special event, and tasting licenses:

1. Per-day event licenses.

a. Banquet licenses to persons in charge of private banquets, and to duly organized nonprofit corporations or associations in charge of special events, which shall authorize the licensee to sell or give wine and beer in rooms or areas approved by the Board for the occasion for on-premises consumption in such rooms or areas. Licensees who are nonprofit corporations or associations conducting fundraisers (i) shall also be authorized to sell wine, as part of any fundraising activity, in closed containers for off-premises consumption to persons to whom wine may be lawfully sold; (ii) shall be limited to no more than one such fundraiser per year; and (iii) if conducting such fundraiser through an online meeting platform, may ship such wine, in accordance with Board regulations, in closed containers to persons located within the

Commonwealth. Except as provided in § 4.1-215, a separate license shall be required for each day of each banquet or special event. For the purposes of this subdivision, when the location named in the original application for a license is outdoors, the application may also name an alternative location in the event of inclement weather. However, no such license shall be required of any hotel, restaurant, or club holding a retail wine and beer license.

b. Mixed beverage special events licenses to a duly organized nonprofit corporation or association in charge of a special event, which shall authorize the licensee to sell and serve mixed beverages for on-premises consumption in areas approved by the Board on the premises of the place designated in the license. A separate license shall be required for each day of each special event.

c. Mixed beverage club events licenses to a club holding a wine and beer club license, which shall authorize the licensee to sell and serve mixed beverages for on-premises consumption by club members and their guests in areas approved by the Board on the club premises. A separate license shall be required for each day of each club event. No more than 12 such licenses shall be granted to a club in any calendar year. The granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

d. Tasting licenses, which shall authorize the licensee to sell or give samples of alcoholic beverages of the type specified in the license in designated areas at events held by the licensee. A tasting license shall be issued for the purpose of featuring and educating the consuming public about the alcoholic beverages being tasted. A separate license shall be required for each day of each tasting event. No tasting license shall be required for conduct authorized by § 4.1-201.1.

2. Annual licenses.

a. Annual banquet licenses to duly organized private nonprofit fraternal, patriotic, or charitable membership organizations that are exempt from state and federal taxation and in charge of banquets conducted exclusively for members and their guests, which shall authorize the licensee to serve wine and beer in rooms or areas approved by the Board for the occasion for on-premises consumption in such rooms or areas. Such license shall authorize the licensee to conduct no more than 12 banquets per calendar year. For the purposes of this subdivision, when the location named in the original application for a license is outdoors, the application may also name an alternative location in the event of inclement weather. However, no such license shall be required of any hotel, restaurant, or club holding a retail wine and beer license.

b. Banquet facility licenses to volunteer fire departments and volunteer emergency medical services agencies, which shall authorize the licensee to permit the consumption of lawfully acquired alcoholic beverages on the premises of the licensee by any person, and bona fide members and guests thereof, otherwise eligible for a banquet license. However, lawfully acquired alcoholic beverages shall not be purchased or sold by the licensee or sold or charged for in any way by the person permitted to use the premises. Such premises shall be a volunteer fire or volunteer emergency medical services agency station or both, regularly occupied as such and recognized by the governing body of the county, city, or town in which it is located. Under conditions as specified by Board regulation, such premises may be other than a volunteer fire or volunteer emergency medical services agency station, provided such other premises are occupied and under the control of the volunteer fire department or volunteer emergency medical services agency while the privileges of its license are being exercised.

c. Designated outdoor refreshment area licenses to a locality, business improvement district, or nonprofit organization, which shall authorize (i) the licensee to permit the consumption of alcoholic beverages within the area designated by the Board for the designated outdoor refreshment area and (ii) any permanent retail on-premises licensee that is located within the area designated by the Board for the designated outdoor refreshment area to sell alcoholic beverages within the permanent retail location for consumption in the area designated for the designated outdoor refreshment area, including sidewalks and the premises of businesses not licensed to sell alcoholic beverages at retail, upon approval of such businesses. In determining the designated area for the designated outdoor refreshment area, the Board shall consult with the locality. Designated outdoor refreshment area licensees shall be limited to 16 events per year, and the duration of any event shall not exceed three consecutive days. However, the Board may increase the frequency and duration of events after adoption of an ordinance by a locality requesting such increase in frequency and duration. Such ordinance shall include the size and scope of the area within which such events will be held, a public safety plan, and any other considerations deemed necessary by the Board. Such limitations on the number of events that may be held shall not apply during the effective dates of any rule, regulation, or order that is issued by the Governor or State Health Commissioner to meet a public health emergency and that effectively reduces allowable restaurant seating capacity; however, designated outdoor refreshment area licensees shall be subject to all other applicable provisions of this subtitle and Board regulations and shall provide notice to the Board regarding the days and times during which the privileges of the license will be exercised. Only alcoholic beverages purchased from permanent retail on-premises licensees located within the designated area may be consumed at the event, and such alcoholic beverages shall be contained in paper, plastic, or similar disposable containers that clearly display the name or logo of the retail on-premises licensee from which the alcoholic beverage was purchased. Alcoholic beverages shall not be sold or charged for in any way by the designated outdoor refreshment area licensee. The designated outdoor refreshment area licensee shall post appropriate signage clearly demarcating for the public the boundaries of the event; however, no physical barriers shall be required for this purpose. The designated outdoor refreshment area licensee shall provide adequate security for the event to ensure compliance with the applicable provisions of this subtitle and Board regulations.

d. Annual mixed beverage banquet licenses to duly organized private nonprofit fraternal, patriotic, or charitable membership organizations that are exempt from state and federal taxation and in charge of banquets conducted exclusively for members and their guests, which shall authorize the licensee to serve mixed beverages for on-premises consumption in areas approved by the Board on the premises of the place designated in the license. Such license shall authorize the licensee to conduct no more than 12 banquets per calendar year. The granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

e. Equine sporting event licenses, which may be issued to organizations holding equestrian, hunt, and steeplechase events, which shall authorize the licensee to permit the consumption of lawfully acquired alcoholic beverages on the premises of the licensee by patrons thereof during such event. However, alcoholic beverages shall not be sold or charged for in any way by the licensee. The privileges of this license shall be (i) limited to the premises of the licensee, regularly occupied and utilized for equestrian, hunt, and steeplechase events, and (ii) exercised on no more than four calendar days per year.

f. Annual arts venue event licenses, to persons operating an arts venue, which shall authorize the licensee participating in a community art walk that is open to the public to serve lawfully acquired wine or beer on the premises of the licensee to adult patrons thereof during such events. However, alcoholic beverages shall not be sold or charged for in any way, directly or indirectly, by the licensee, and the licensee shall not give more than two five-ounce glasses of wine or two 12-ounce glasses of beer to any one adult patron. The privileges of this license shall be (i) limited to the premises of the arts venue regularly occupied and used as such and (ii) exercised on no more than 12 calendar days per year.

E. The Board may grant a marketplace license to persons operating a business enterprise of which the primary function is not the sale of alcoholic beverages, which shall authorize the licensee to serve complimentary wine or beer to bona fide customers on the licensed premises subject to any limitations imposed by the Board; however, the licensee shall not give more than two five-ounce glasses of wine or two 12-ounce glasses of beer to any customer per day, nor shall it sell or otherwise charge a fee to such customer for the wine or beer served or consumed. In order to be eligible for and retain a marketplace license, the applicant's business enterprise must (i) provide a single category of goods or services in a manner intended to create a personalized experience for the customer; (ii) employ staff with expertise in such goods or services; (iii) be ineligible for any other license granted by the Board; (iv) have an alcoholic beverage control manager on the licensed premises at all times alcohol is served; (v) ensure that all employees satisfy any training requirements imposed by the Board; and (vi) purchase all wine and beer to be served from a licensed wholesaler or the Authority and retain purchase records as prescribed by the Board. In determining whether to grant a marketplace license, the Board shall consider (a) the average amount of time customers spend at the business; (b) the business's hours of operation; (c) the amount of time that the business has been in operation; and (d) any other requirements deemed necessary by the Board to protect the public health, safety, and welfare.

F. The Board may grant the following shipper, bottler, and related licenses:

1. Wine and beer shipper licenses, which shall carry the privileges and limitations set forth in § 4.1-209.1.

2. Internet wine and beer retailer licenses, which shall authorize persons located within or outside the Commonwealth to sell and ship wine and beer, in accordance with § 4.1-209.1 and Board regulations, in closed containers to persons in the Commonwealth to whom wine and beer may be lawfully sold for off-premises consumption. Such licensee shall not be required to comply with the monthly food sale requirement established by Board regulations.

3. Bottler licenses, which shall authorize the licensee to acquire and receive deliveries and shipments of beer in closed containers and to bottle, sell, and deliver or ship it, in accordance with Board regulations to (i) wholesale beer licensees for the purpose of resale, (ii) owners of boats registered under the laws of the United States sailing for ports of call of a foreign country or another state, and (iii) persons outside the Commonwealth for resale outside the Commonwealth.

4. Fulfillment warehouse licenses, which shall authorize associations as defined in § 13.1-313 with a place of business located in the Commonwealth to (i) receive deliveries and shipments of wine or beer owned by holders of wine and beer shipper's licenses; (ii) store such wine or beer on behalf of the owner; and (iii) pick, pack, and ship such wine or beer as directed by the owner, all in accordance with Board regulations. No wholesale wine or wholesale beer licensee, whether licensed in the Commonwealth or not, or any person under common control of such licensee, shall acquire or hold any financial interest, direct or indirect, in the business for which any fulfillment warehouse license is issued.

5. Marketing portal licenses, which shall authorize agricultural cooperative associations organized under the provisions of the Agricultural Cooperative Association Act (§ 13.1-312 et seq.), with a place of business located in the Commonwealth, in accordance with Board regulations, to solicit and receive orders for wine or beer through the use of the Internet from persons in the Commonwealth to whom wine or beer may be lawfully sold, on behalf of holders of wine and beer shipper's licenses. Upon receipt of an order for wine or beer, the licensee shall forward it to a holder of a wine and beer shipper's license for fulfillment. Marketing portal licensees may also accept payment on behalf of the shipper.

~~6. Third-party delivery licenses, which shall carry the privileges and limitations set forth in § 4.1-212.2.~~

§ 4.1-206.3. (Effective July 1, 2024) Retail licenses.

A. The Board may grant the following mixed beverages licenses:

1. Mixed beverage restaurant licenses, which shall authorize the licensee to sell and serve mixed beverages for consumption in dining areas and other designated areas of such restaurant. Such license may be granted only to persons (i) who operate a restaurant and (ii) whose gross receipts from the sale of food cooked, or prepared, and consumed on the

premises and nonalcoholic beverages served on the premises, after issuance of such license, amount to at least 45 percent of the gross receipts from the sale of mixed beverages and food. For the purposes of this subdivision, other designated areas shall include outdoor dining areas, whether or not contiguous to the licensed premises, which outdoor dining areas may have more than one means of ingress and egress to an adjacent public thoroughfare, provided such areas are under the control of the licensee and approved by the Board. Such noncontiguous designated areas shall not be approved for any retail license issued pursuant to subdivision A 5 of § 4.1-201.

If the restaurant is located on the premises of a hotel or motel with no fewer than four permanent bedrooms where food and beverage service is customarily provided by the restaurant in designated areas, bedrooms, and other private rooms of such hotel or motel, such licensee may (a) sell and serve mixed beverages for consumption in such designated areas, bedrooms, and other private rooms and (b) sell spirits packaged in original closed containers purchased from the Board for on-premises consumption to registered guests and at scheduled functions of such hotel or motel only in such bedrooms or private rooms. However, with regard to a hotel classified as a resort complex, the Board may authorize the sale and on-premises consumption of alcoholic beverages in all areas within the resort complex deemed appropriate by the Board. Nothing herein shall prohibit any person from keeping and consuming his own lawfully acquired spirits in bedrooms or private rooms.

If the restaurant is located on the premises of and operated by a private, nonprofit, or profit club exclusively for its members and their guests, or members of another private, nonprofit, or profit club in another city with which it has an agreement for reciprocal dining privileges, such license shall also authorize the licensees to (1) sell and serve mixed beverages for on-premises consumption and (2) sell spirits that are packaged in original closed containers with a maximum capacity of two fluid ounces or 50 milliliters and purchased from the Board for on-premises consumption. Where such club prepares no food in its restaurant but purchases its food requirements from a restaurant licensed by the Board and located on another portion of the premises of the same hotel or motel building, this fact shall not prohibit the granting of a license by the Board to such club qualifying in all other respects. The club's gross receipts from the sale of nonalcoholic beverages consumed on the premises and food resold to its members and guests and consumed on the premises shall amount to at least 45 percent of its gross receipts from the sale of mixed beverages and food. The food sales made by a restaurant to such a club shall be excluded in any consideration of the qualifications of such restaurant for a license from the Board.

If the restaurant is located on the premises of and operated by a municipal golf course, the Board shall recognize the seasonal nature of the business and waive any applicable monthly food sales requirements for those months when weather conditions may reduce patronage of the golf course, provided that prepared food, including meals, is available to patrons during the same months. The gross receipts from the sale of food cooked, or prepared, and consumed on the premises and nonalcoholic beverages served on the premises, after the issuance of such license, shall amount to at least 45 percent of the gross receipts from the sale of mixed beverages and food on an annualized basis.

If the restaurant is located on the premises of and operated by a culinary lodging resort, such license shall authorize the licensee to (A) sell alcoholic beverages for on-premises consumption, without regard to the amount of gross receipts from the sale of food prepared and consumed on the premises, in areas upon the licensed premises approved by the Board and other designated areas of the resort, including outdoor areas under the control of the licensee, and (B) permit the possession and consumption of lawfully acquired alcoholic beverages by persons to whom overnight lodging is being provided in bedrooms and private guest rooms.

If the restaurant is located on the premises of a mixed beverage casino licensee owned by an operator licensed under Article 3 (§ 58.1-4108 et seq.) of Chapter 41 of Title 58.1, such mixed beverage restaurant license shall authorize the licensee to sell alcoholic beverages for on-premises consumption on the licensed premises of the restaurant during all hours of operation of the mixed beverage casino licensee. Any alcoholic beverages purchased from such restaurant may be (I) taken onto the premises of the mixed beverage casino licensee and (II) possessed or consumed in areas designated by the Board, after consultation with the mixed beverage casino licensee. Designated areas may include any areas on the premises of the mixed beverage casino licensee, including entertainment venues, conference rooms, private rooms, hotels, pools, marinas, or green spaces. Alcoholic beverages purchased from a restaurant pursuant to this subdivision shall be contained in glassware or a paper, plastic, or similar disposable container that clearly displays the name or logo of the restaurant from which the alcoholic beverage was purchased.

The granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption and in closed containers for off-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

2. Mixed beverage caterer's licenses, which may be granted only to a person regularly engaged in the business of providing food and beverages to others for service at private gatherings or at special events, which shall authorize the licensee to sell and serve alcoholic beverages for on-premises consumption. The annual gross receipts from the sale of food cooked and prepared for service and nonalcoholic beverages served at gatherings and events referred to in this subdivision shall amount to at least 45 percent of the gross receipts from the sale of mixed beverages and food.

3. Mixed beverage limited caterer's licenses, which may be granted only to a person regularly engaged in the business of providing food and beverages to others for service at private gatherings or at special events, not to exceed 12 gatherings or events per year, which shall authorize the licensee to sell and serve alcoholic beverages for on-premises consumption. The annual gross receipts from the sale of food cooked and prepared for service and nonalcoholic beverages served at

gatherings and events referred to in this subdivision shall amount to at least 45 percent of the gross receipts from the sale of mixed beverages and food.

4. Mixed beverage carrier licenses to (i) persons operating a common carrier of passengers by train, boat, bus, or airplane, which shall authorize the licensee to sell and serve mixed beverages anywhere in the Commonwealth to passengers while in transit aboard any such common carrier, and in designated rooms of establishments of air carriers at airports in the Commonwealth and (ii) financial institutions, subsidiaries of a financial institution, or persons approved by the applicable airport authority that have entered into a contract with a financial institution or subsidiary of a financial institution to operate a passenger lounge, which shall authorize the licensee to sell and serve mixed beverages in designated areas of a passenger lounge for ticketed air carrier passengers that is located within an airport in the Commonwealth. For purposes of supplying its airplanes, as well as any airplanes of a licensed express carrier flying under the same brand, an air carrier licensee may appoint an authorized representative to load alcoholic beverages onto the same airplanes and to transport and store alcoholic beverages at or in close proximity to the airport where the alcoholic beverages will be delivered onto airplanes of the air carrier and any such licensed express carrier. The air carrier licensee shall (a) designate for purposes of its license all locations where the inventory of alcoholic beverages may be stored and from which the alcoholic beverages will be delivered onto airplanes of the air carrier and any such licensed express carrier and (b) maintain records of all alcoholic beverages to be transported, stored, and delivered by its authorized representative. The granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption or in closed containers for off-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

For the purposes of this subdivision:

"Financial institution" means any bank, trust company, savings institution, industrial loan association, consumer finance company, or credit union.

"Passenger lounge" means any restricted-access passenger waiting room or lounge leased to persons by the applicable airport authority in which food and beverage services are provided to ticketed passengers.

5. Annual mixed beverage motor sports facility licenses, which shall authorize the licensee to sell mixed beverages, in paper, plastic, or similar disposable containers or in single original metal cans, during scheduled events, as well as events or performances immediately subsequent thereto, to patrons in all dining facilities, seating areas, viewing areas, walkways, concession areas, or similar facilities, for on-premises consumption. Such license may be granted to persons operating food concessions at an outdoor motor sports facility that (i) is located on 1,200 acres of rural property bordering the Dan River and has a track surface of 3.27 miles in length or (ii) hosts a NASCAR national touring race. Upon authorization of the licensee, any person may keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas and locations covered by the license. The granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption or in closed containers for off-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

6. Limited mixed beverage restaurant licenses, which shall authorize the licensee to sell and serve dessert wines as defined by Board regulation and no more than six varieties of liqueurs, which liqueurs shall be combined with coffee or other nonalcoholic beverages, for consumption in dining areas of the restaurant. Such license may be granted only to persons who operate a restaurant and in no event shall the sale of such wine or liqueur-based drinks, together with the sale of any other alcoholic beverages, exceed 10 percent of the total annual gross sales of all food and alcoholic beverages. The granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption or in closed containers for off-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

7. Annual mixed beverage performing arts facility licenses, which shall (i) authorize the licensee to sell, on the dates of performances or events, alcoholic beverages in paper, plastic, or similar disposable containers or in single original metal cans for on-premises consumption in all seating areas, concourses, walkways, concession areas, similar facilities, and other areas upon the licensed premises approved by the Board and (ii) automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption or in closed containers for off-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1. Such licenses may be granted to the following:

a. Corporations or associations operating a performing arts facility, provided the performing arts facility (i) is owned by a governmental entity; (ii) is occupied by a for-profit entity under a bona fide lease, the original term of which was for more than one year's duration; and (iii) has been rehabilitated in accordance with historic preservation standards;

b. Persons operating food concessions at any performing arts facility located in the City of Norfolk or the City of Richmond, provided that the performing arts facility (i) is occupied under a bona fide long-term lease or concession agreement, the original term of which was more than five years; (ii) has a capacity in excess of 1,400 patrons; (iii) has been rehabilitated in accordance with historic preservation standards; and (iv) has monthly gross receipts from the sale of food cooked, or prepared, and consumed on the premises and nonalcoholic beverages served on the premises that meet or exceed the monthly minimum established by Board regulations for mixed beverage restaurants;

c. Persons operating food concessions at any performing arts facility located in the City of Waynesboro, provided that the performing arts facility (i) is occupied under a bona fide long-term lease or concession agreement, the original term of

which was more than five years; (ii) has a total capacity in excess of 550 patrons; and (iii) has been rehabilitated in accordance with historic preservation standards;

d. Persons operating food concessions at any performing arts facility located in the arts and cultural district of the City of Harrisonburg, provided that the performing arts facility (i) is occupied under a bona fide long-term lease or concession agreement, the original term of which was more than five years; (ii) has been rehabilitated in accordance with historic preservation standards; (iii) has monthly gross receipts from the sale of food cooked, or prepared, and consumed on the premises and nonalcoholic beverages served on the premises that meet or exceed the monthly minimum established by Board regulations for mixed beverage restaurants; and (iv) has a total capacity in excess of 900 patrons;

e. Persons operating food concessions at any multipurpose theater located in the historical district of the Town of Bridgewater, provided that the theater (i) is owned and operated by a governmental entity and (ii) has a total capacity in excess of 100 patrons;

f. Persons operating food concessions at any outdoor performing arts amphitheater, arena, or similar facility that has seating for more than 20,000 persons and is located in Prince William County or the City of Virginia Beach;

g. Persons operating food concessions at any outdoor performing arts amphitheater, arena, or similar facility that has seating for more than 5,000 persons and is located in the City of Alexandria or the City of Portsmouth; or

h. Persons operating food concessions at any corporate and performing arts facility located in Fairfax County, provided that the corporate and performing arts facility (i) is occupied under a bona fide long-term lease, management, or concession agreement, the original term of which was more than one year and (ii) has a total capacity in excess of 1,400 patrons. Such license shall authorize the sale, on the dates of performances or events, of alcoholic beverages for on-premises consumption in areas upon the licensed premises approved by the Board.

8. Combined mixed beverage restaurant and caterer's licenses, which may be granted to any restaurant or hotel that meets the qualifications for both a mixed beverage restaurant pursuant to subdivision 1 and mixed beverage caterer pursuant to subdivision 2 for the same business location, and which license shall authorize the licensee to operate as both a mixed beverage restaurant and mixed beverage caterer at the same business premises designated in the license, with a common alcoholic beverage inventory for purposes of the restaurant and catering operations. Such licensee shall meet the separate food qualifications established for the mixed beverage restaurant license pursuant to subdivision 1 and mixed beverage caterer's license pursuant to subdivision 2. The granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption or in closed containers for off-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

9. Bed and breakfast licenses, which shall authorize the licensee to (i) serve alcoholic beverages in dining areas, private guest rooms, and other designated areas to persons to whom overnight lodging is being provided, with or without meals, for on-premises consumption only in such rooms and areas, and without regard to the amount of gross receipts from the sale of food prepared and consumed on the premises and (ii) permit the consumption of lawfully acquired alcoholic beverages by persons to whom overnight lodging is being provided in (a) bedrooms or private guest rooms or (b) other designated areas of the bed and breakfast establishment. For purposes of this subdivision, "other designated areas" includes outdoor dining areas, whether or not contiguous to the licensed premises, which may have more than one means of ingress and egress to an adjacent public thoroughfare, provided that such outdoor dining areas are under the control of the licensee and approved by the Board. Such noncontiguous designated areas shall not be approved for any retail license issued pursuant to subdivision A 5 of § 4.1-201.

10. Museum licenses, which may be issued to nonprofit museums exempt from taxation under § 501(c)(3) of the Internal Revenue Code, which shall authorize the licensee to (i) permit the consumption of lawfully acquired alcoholic beverages on the premises of the licensee by any bona fide member and guests thereof and (ii) serve alcoholic beverages on the premises of the licensee to any bona fide member and guests thereof. However, alcoholic beverages shall not be sold or charged for in any way by the licensee. The privileges of this license shall be limited to the premises of the museum, regularly occupied and utilized as such.

11. Motor car sporting event facility licenses, which shall authorize the licensee to permit the consumption of lawfully acquired alcoholic beverages on the premises of the licensee by patrons thereof during such events. However, alcoholic beverages shall not be sold or charged for in any way, directly or indirectly, by the licensee. The privileges of this license shall be limited to those areas of the licensee's premises designated by the Board that are regularly occupied and utilized for motor car sporting events.

12. Commercial lifestyle center licenses, which may be issued only to a commercial owners' association governing a commercial lifestyle center, which shall authorize any retail on-premises restaurant licensee that is a tenant of the commercial lifestyle center to sell alcoholic beverages to any bona fide customer to whom alcoholic beverages may be lawfully sold for consumption on that portion of the licensed premises of the commercial lifestyle center designated by the Board, including (i) plazas, seating areas, concourses, walkways, or such other similar areas and (ii) the premises of any tenant location of the commercial lifestyle center that is not a retail licensee of the Board, upon approval of such tenant, but excluding any parking areas. Only alcoholic beverages purchased from such retail on-premises restaurant licensees may be consumed on the licensed premises of the commercial lifestyle center, and such alcoholic beverages shall be contained in paper, plastic, or similar disposable containers with the name or logo of the restaurant licensee that sold the alcoholic beverage clearly displayed. Alcoholic beverages shall not be sold or charged for in any way by the commercial lifestyle

center licensee. The licensee shall post appropriate signage clearly demarcating for the public the boundaries of the licensed premises; however, no physical barriers shall be required for this purpose. The licensee shall provide adequate security for the licensed premises to ensure compliance with the applicable provisions of this subtitle and Board regulations.

13. Mixed beverage port restaurant licenses, which shall authorize the licensee to sell and serve mixed beverages for consumption in dining areas and other designated areas of such restaurant. Such license may be granted only to persons operating a business (i) that is primarily engaged in the sale of meals; (ii) that is located on property owned by the United States government or an agency thereof and used as a port of entry to or egress from the United States; and (iii) whose gross receipts from the sale of food cooked, or prepared, and consumed on the premises and nonalcoholic beverages served on the premises, after issuance of such license, amount to at least 45 percent of the gross receipts from the sale of mixed beverages and food. For the purposes of this subdivision, other designated areas shall include outdoor dining areas, whether or not contiguous to the licensed premises, which outdoor dining areas may have more than one means of ingress and egress to an adjacent public thoroughfare, provided such areas are under the control of the licensee and approved by the Board. Such noncontiguous designated areas shall not be approved for any retail license issued pursuant to subdivision A 5 of § 4.1-201. The granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption or in closed containers for off-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

14. Annual mixed beverage special events licenses to (i) a duly organized nonprofit corporation or association operating either a performing arts facility or an art education and exhibition facility; (ii) a nonprofit corporation or association chartered by Congress for the preservation of sites, buildings, and objects significant in American history and culture; (iii) persons operating an agricultural event and entertainment park or similar facility that has a minimum of 50,000 square feet of indoor exhibit space and equine and other livestock show areas, which includes barns, pavilions, or other structures equipped with roofs, exterior walls, and open-door or closed-door access; or (iv) a locality for special events conducted on the premises of a museum for historic interpretation that is owned and operated by the locality. The operation in all cases shall be upon premises owned by such licensee or occupied under a bona fide lease, the original term of which was for more than one year's duration. Such license shall authorize the licensee to sell alcoholic beverages during scheduled events and performances for on-premises consumption in areas upon the licensed premises approved by the Board.

15. Mixed beverage casino licenses, which shall authorize the licensee to (i) sell and serve mixed beverages for on-premises consumption in areas designated by the Board, after consultation with the mixed beverage casino licensee, without regard to the amount of gross receipts from the sale of food prepared and consumed on the premises and (ii) provide complimentary mixed beverages to patrons for on-premises consumption in private areas or restricted access areas designated by the Board, after consultation with the mixed beverage casino licensee. Designated areas may include any areas on the premises of the mixed beverage casino licensee, including entertainment venues, private rooms, conference rooms, hotels, pools, marinas, or green spaces. The granting of a license pursuant to this subdivision shall authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption and in closed containers for off-premises consumption in accordance with the provisions of this subdivision governing mixed beverages; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1. Notwithstanding any law or regulation to the contrary, a mixed beverage casino licensee may exercise the privileges of its license as set forth in this subdivision during all hours of operation of the casino gaming establishment; however, such licensee shall not sell wine or beer for off-premises consumption between the hours of 12 a.m. and 6 a.m.

A mixed beverage casino licensee may (a) provide patrons gifts of alcoholic beverages in closed containers for personal consumption off the licensed premises or in areas designated by the Board, after consultation with the mixed beverage casino licensee, and (b) enable patrons who participate in a loyalty or reward credit program to redeem credits for the purchase of alcoholic beverages for on-premises consumption. A summary of the operation of such loyalty or reward credit program shall be provided to the Board upon request.

A mixed beverage casino license may only be issued to a casino gaming establishment owned by an operator licensed under Article 3 (§ 58.1-4108 et seq.) of Chapter 41 of Title 58.1.

B. The Board may grant an on-and-off-premises wine and beer license to the following:

1. Hotels, restaurants, and clubs, which shall authorize the licensee to sell wine and beer (i) in closed containers for off-premises consumption or (ii) for on-premises consumption, either with or without meals, in dining areas and other designated areas of such restaurants, or in dining areas, private guest rooms, and other designated areas of such hotels or clubs, for consumption only in such rooms and areas. However, with regard to a hotel classified by the Board as (a) a resort complex, the Board may authorize the sale and consumption of alcoholic beverages in all areas within the resort complex deemed appropriate by the Board or (b) a limited service hotel, the Board may authorize the sale and consumption of alcoholic beverages in dining areas, private guest rooms, and other designated areas to persons to whom overnight lodging is being provided, for on-premises consumption in such rooms or areas, and without regard to the amount of gross receipts from the sale of food prepared and consumed on the premises, provided that at least one meal is provided each day by the hotel to such guests. With regard to facilities registered in accordance with Chapter 49 (§ 38.2-4900 et seq.) of Title 38.2 as continuing care communities that are also licensed by the Board under this subdivision, any resident may, upon authorization of the licensee, keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas covered by the license. For purposes of this subdivision, "other designated areas" includes outdoor dining areas, whether or not contiguous to the licensed premises, which may have more than one means of ingress and egress to an adjacent public

thoroughfare, provided that such outdoor dining areas are under the control of the licensee and approved by the Board. Such noncontiguous designated areas shall not be approved for any retail license issued pursuant to subdivision A 5 of § 4.1-201.

2. Hospitals, which shall authorize the licensee to sell wine and beer (i) in the rooms of patients for their on-premises consumption only in such rooms, provided the consent of the patient's attending physician is first obtained or (ii) in closed containers for off-premises consumption.

3. Rural grocery stores, which shall authorize the licensee to sell wine and beer for on-premises consumption or in closed containers for off-premises consumption. No license shall be granted unless (i) the grocery store is located in any town or in a rural area outside the corporate limits of any city or town and (ii) it appears affirmatively that a substantial public demand for such licensed establishment exists and that public convenience and the purposes of this subtitle will be promoted by granting the license.

4. Coliseums, stadiums, and racetracks, which shall authorize the licensee to sell wine and beer during any event and immediately subsequent thereto to patrons within all seating areas, concourses, walkways, concession areas, and additional locations designated by the Board (i) in closed containers for off-premises consumption or (ii) in paper, plastic, or similar disposable containers or in single original metal cans for on-premises consumption. Upon authorization of the licensee, any person may keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas and locations covered by the license. Such licenses may be granted to persons operating food concessions at coliseums, stadiums, racetracks, or similar facilities.

5. Performing arts food concessionaires, which shall authorize the licensee to sell wine and beer during the performance of any event to patrons within all seating areas, concourses, walkways, or concession areas, or other areas approved by the Board (i) in closed containers for off-premises consumption or (ii) in paper, plastic, or similar disposable containers or in single original metal cans for on-premises consumption. Upon authorization of the licensee, any person may keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas and locations covered by the license. Such licenses may be granted to persons operating food concessions at any outdoor performing arts amphitheater, arena, or similar facility that (a) has seating for more than 20,000 persons and is located in Prince William County or the City of Virginia Beach; (b) has seating or capacity for more than 3,500 persons and is located in the County of Albemarle, Alleghany, Augusta, Nelson, Pittsylvania, or Rockingham or the City of Charlottesville, Danville, or Roanoke; or (c) has capacity for more than 9,500 persons and is located in Henrico County.

6. Exhibition halls, which shall authorize the licensee to sell wine and beer during the event to patrons or attendees within all seating areas, exhibition areas, concourses, walkways, concession areas, and such additional locations designated by the Board in such facilities (i) in closed containers for off-premises consumption or (ii) in paper, plastic, or similar disposable containers or in single original metal cans for on-premises consumption. Upon authorization of the licensee, any person may keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas and locations covered by the license. Such licenses may be granted to persons operating food concessions at exhibition or exposition halls, convention centers, or similar facilities located in any county operating under the urban county executive form of government or any city that is completely surrounded by such county. For purposes of this subdivision, "exhibition or exposition hall" and "convention centers" mean facilities conducting private or public trade shows or exhibitions in an indoor facility having in excess of 100,000 square feet of floor space.

7. Concert and dinner-theaters, which shall authorize the licensee to sell wine and beer during events to patrons or attendees within all seating areas, exhibition areas, concourses, walkways, concession areas, dining areas, and such additional locations designated by the Board in such facilities, for on-premises consumption or in closed containers for off-premises consumption. Persons licensed pursuant to this subdivision shall serve food, prepared on or off premises, whenever wine or beer is served. Such licenses may be granted to persons operating concert or dinner-theater venues on property fronting Natural Bridge School Road in Natural Bridge Station and formerly operated as Natural Bridge High School.

8. Historic cinema houses, which shall authorize the licensee to sell wine and beer, either with or without meals, during any showing of a motion picture to patrons to whom alcoholic beverages may be lawfully sold, for on-premises consumption or in closed containers for off-premises consumption. The privileges of this license shall be limited to the premises of the historic cinema house regularly occupied and utilized as such.

9. Nonprofit museums, which shall authorize the licensee to sell wine and beer for on-premises consumption or in closed containers for off-premises consumption in areas approved by the Board. Such licenses may be granted to persons operating a nonprofit museum exempt from taxation under § 501(c)(3) of the Internal Revenue Code, located in the Town of Front Royal, and dedicated to educating the consuming public about historic beer products. The privileges of this license shall be limited to the premises of the museum, regularly occupied and utilized as such.

C. The Board may grant the following off-premises wine and beer licenses:

1. Retail off-premises wine and beer licenses, which may be granted to a convenience grocery store, delicatessen, drugstore, gift shop, gourmet oyster house, gourmet shop, grocery store, or marina store as defined in § 4.1-100 and Board regulations. Such license shall authorize the licensee to sell wine and beer in closed containers for off-premises consumption and, notwithstanding the provisions of § 4.1-308, to give to any person to whom wine or beer may be lawfully sold a sample of wine or beer for on-premises consumption; however, no single sample shall exceed four ounces of beer or two ounces of wine and no more than 12 ounces of beer or five ounces of wine shall be served to any person per day. The licensee may also give samples of wine and beer in designated areas at events held by the licensee for the purpose of

featuring and educating the consuming public about the alcoholic beverages being tasted. With the consent of the licensee, farm wineries, wineries, breweries, distillers, and wholesale licensees or authorized representatives of such licensees may participate in such tastings, including the pouring of samples. The licensee shall comply with any food inventory and sales volume requirements established by Board regulation.

2. Gourmet brewing shop licenses, which shall authorize the licensee to sell to any person to whom wine or beer may be lawfully sold, ingredients for making wine or brewing beer, including packaging, and to rent to such persons facilities for manufacturing, fermenting, and bottling such wine or beer, for off-premises consumption in accordance with subdivision 6 of § 4.1-200.

3. Confectionery licenses, which shall authorize the licensee to prepare and sell on the licensed premises for off-premises consumption confectionery that contains five percent or less alcohol by volume. Any alcohol contained in such confectionery shall not be in liquid form at the time such confectionery is sold.

D. The Board may grant the following banquet, special event, and tasting licenses:

1. Per-day event licenses.

a. Banquet licenses to persons in charge of private banquets, and to duly organized nonprofit corporations or associations in charge of special events, which shall authorize the licensee to sell or give wine and beer in rooms or areas approved by the Board for the occasion for on-premises consumption in such rooms or areas. Licensees who are nonprofit corporations or associations conducting fundraisers (i) shall also be authorized to sell wine, as part of any fundraising activity, in closed containers for off-premises consumption to persons to whom wine may be lawfully sold; (ii) shall be limited to no more than one such fundraiser per year; and (iii) if conducting such fundraiser through an online meeting platform, may ship such wine, in accordance with Board regulations, in closed containers to persons located within the Commonwealth. Except as provided in § 4.1-215, a separate license shall be required for each day of each banquet or special event. For the purposes of this subdivision, when the location named in the original application for a license is outdoors, the application may also name an alternative location in the event of inclement weather. However, no such license shall be required of any hotel, restaurant, or club holding a retail wine and beer license.

b. Mixed beverage special events licenses to a duly organized nonprofit corporation or association in charge of a special event, which shall authorize the licensee to sell and serve mixed beverages for on-premises consumption in areas approved by the Board on the premises of the place designated in the license. A separate license shall be required for each day of each special event.

c. Mixed beverage club events licenses to a club holding a wine and beer club license, which shall authorize the licensee to sell and serve mixed beverages for on-premises consumption by club members and their guests in areas approved by the Board on the club premises. A separate license shall be required for each day of each club event. No more than 12 such licenses shall be granted to a club in any calendar year. The granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

d. Tasting licenses, which shall authorize the licensee to sell or give samples of alcoholic beverages of the type specified in the license in designated areas at events held by the licensee. A tasting license shall be issued for the purpose of featuring and educating the consuming public about the alcoholic beverages being tasted. A separate license shall be required for each day of each tasting event. No tasting license shall be required for conduct authorized by § 4.1-201.1.

2. Annual licenses.

a. Annual banquet licenses to duly organized private nonprofit fraternal, patriotic, or charitable membership organizations that are exempt from state and federal taxation and in charge of banquets conducted exclusively for members and their guests, which shall authorize the licensee to serve wine and beer in rooms or areas approved by the Board for the occasion for on-premises consumption in such rooms or areas. Such license shall authorize the licensee to conduct no more than 12 banquets per calendar year. For the purposes of this subdivision, when the location named in the original application for a license is outdoors, the application may also name an alternative location in the event of inclement weather. However, no such license shall be required of any hotel, restaurant, or club holding a retail wine and beer license.

b. Banquet facility licenses to volunteer fire departments and volunteer emergency medical services agencies, which shall authorize the licensee to permit the consumption of lawfully acquired alcoholic beverages on the premises of the licensee by any person, and bona fide members and guests thereof, otherwise eligible for a banquet license. However, lawfully acquired alcoholic beverages shall not be purchased or sold by the licensee or sold or charged for in any way by the person permitted to use the premises. Such premises shall be a volunteer fire or volunteer emergency medical services agency station or both, regularly occupied as such and recognized by the governing body of the county, city, or town in which it is located. Under conditions as specified by Board regulation, such premises may be other than a volunteer fire or volunteer emergency medical services agency station, provided such other premises are occupied and under the control of the volunteer fire department or volunteer emergency medical services agency while the privileges of its license are being exercised.

c. Designated outdoor refreshment area licenses to a locality, business improvement district, or nonprofit organization, which shall authorize (i) the licensee to permit the consumption of alcoholic beverages within the area designated by the Board for the designated outdoor refreshment area and (ii) any permanent retail on-premises licensee that is located within the area designated by the Board for the designated outdoor refreshment area to sell alcoholic beverages within the permanent retail location for consumption in the area designated for the designated outdoor refreshment area, including

sidewalks and the premises of businesses not licensed to sell alcoholic beverages at retail, upon approval of such businesses. In determining the designated area for the designated outdoor refreshment area, the Board shall consult with the locality. Designated outdoor refreshment area licensees shall be limited to 16 events per year, and the duration of any event shall not exceed three consecutive days. However, the Board may increase the frequency and duration of events after adoption of an ordinance by a locality requesting such increase in frequency and duration. Such ordinance shall include the size and scope of the area within which such events will be held, a public safety plan, and any other considerations deemed necessary by the Board. Such limitations on the number of events that may be held shall not apply during the effective dates of any rule, regulation, or order that is issued by the Governor or State Health Commissioner to meet a public health emergency and that effectively reduces allowable restaurant seating capacity; however, designated outdoor refreshment area licensees shall be subject to all other applicable provisions of this subtitle and Board regulations and shall provide notice to the Board regarding the days and times during which the privileges of the license will be exercised. Only alcoholic beverages purchased from permanent retail on-premises licensees located within the designated area may be consumed at the event, and such alcoholic beverages shall be contained in paper, plastic, or similar disposable containers that clearly display the name or logo of the retail on-premises licensee from which the alcoholic beverage was purchased. Alcoholic beverages shall not be sold or charged for in any way by the designated outdoor refreshment area licensee. The designated outdoor refreshment area licensee shall post appropriate signage clearly demarcating for the public the boundaries of the event; however, no physical barriers shall be required for this purpose. The designated outdoor refreshment area licensee shall provide adequate security for the event to ensure compliance with the applicable provisions of this subtitle and Board regulations.

d. Annual mixed beverage banquet licenses to duly organized private nonprofit fraternal, patriotic, or charitable membership organizations that are exempt from state and federal taxation and in charge of banquets conducted exclusively for members and their guests, which shall authorize the licensee to serve mixed beverages for on-premises consumption in areas approved by the Board on the premises of the place designated in the license. Such license shall authorize the licensee to conduct no more than 12 banquets per calendar year. The granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

e. Equine sporting event licenses, which may be issued to organizations holding equestrian, hunt, and steeplechase events, which shall authorize the licensee to permit the consumption of lawfully acquired alcoholic beverages on the premises of the licensee by patrons thereof during such event. However, alcoholic beverages shall not be sold or charged for in any way by the licensee. The privileges of this license shall be (i) limited to the premises of the licensee, regularly occupied and utilized for equestrian, hunt, and steeplechase events, and (ii) exercised on no more than four calendar days per year.

f. Annual arts venue event licenses, to persons operating an arts venue, which shall authorize the licensee participating in a community art walk that is open to the public to serve lawfully acquired wine or beer on the premises of the licensee to adult patrons thereof during such events. However, alcoholic beverages shall not be sold or charged for in any way, directly or indirectly, by the licensee, and the licensee shall not give more than two five-ounce glasses of wine or two 12-ounce glasses of beer to any one adult patron. The privileges of this license shall be (i) limited to the premises of the arts venue regularly occupied and used as such and (ii) exercised on no more than 12 calendar days per year.

E. The Board may grant a marketplace license to persons operating a business enterprise of which the primary function is not the sale of alcoholic beverages, which shall authorize the licensee to serve complimentary wine or beer to bona fide customers on the licensed premises subject to any limitations imposed by the Board; however, the licensee shall not give more than two five-ounce glasses of wine or two 12-ounce glasses of beer to any customer per day, nor shall it sell or otherwise charge a fee to such customer for the wine or beer served or consumed. In order to be eligible for and retain a marketplace license, the applicant's business enterprise must (i) provide a single category of goods or services in a manner intended to create a personalized experience for the customer; (ii) employ staff with expertise in such goods or services; (iii) be ineligible for any other license granted by the Board; (iv) have an alcoholic beverage control manager on the licensed premises at all times alcohol is served; (v) ensure that all employees satisfy any training requirements imposed by the Board; and (vi) purchase all wine and beer to be served from a licensed wholesaler or the Authority and retain purchase records as prescribed by the Board. In determining whether to grant a marketplace license, the Board shall consider (a) the average amount of time customers spend at the business; (b) the business's hours of operation; (c) the amount of time that the business has been in operation; and (d) any other requirements deemed necessary by the Board to protect the public health, safety, and welfare.

F. The Board may grant the following shipper, bottler, and related licenses:

1. Wine and beer shipper licenses, which shall carry the privileges and limitations set forth in § 4.1-209.1.

2. Internet wine and beer retailer licenses, which shall authorize persons located within or outside the Commonwealth to sell and ship wine and beer, in accordance with § 4.1-209.1 and Board regulations, in closed containers to persons in the Commonwealth to whom wine and beer may be lawfully sold for off-premises consumption. Such licensee shall not be required to comply with the monthly food sale requirement established by Board regulations.

3. Bottler licenses, which shall authorize the licensee to acquire and receive deliveries and shipments of beer in closed containers and to bottle, sell, and deliver or ship it, in accordance with Board regulations to (i) wholesale beer licensees for

the purpose of resale, (ii) owners of boats registered under the laws of the United States sailing for ports of call of a foreign country or another state, and (iii) persons outside the Commonwealth for resale outside the Commonwealth.

4. Fulfillment warehouse licenses, which shall authorize associations as defined in § 13.1-313 with a place of business located in the Commonwealth to (i) receive deliveries and shipments of wine or beer owned by holders of wine and beer shipper's licenses; (ii) store such wine or beer on behalf of the owner; and (iii) pick, pack, and ship such wine or beer as directed by the owner, all in accordance with Board regulations. No wholesale wine or wholesale beer licensee, whether licensed in the Commonwealth or not, or any person under common control of such licensee, shall acquire or hold any financial interest, direct or indirect, in the business for which any fulfillment warehouse license is issued.

5. Marketing portal licenses, which shall authorize agricultural cooperative associations organized under the provisions of the Agricultural Cooperative Association Act (§ 13.1-312 et seq.), with a place of business located in the Commonwealth, in accordance with Board regulations, to solicit and receive orders for wine or beer through the use of the Internet from persons in the Commonwealth to whom wine or beer may be lawfully sold, on behalf of holders of wine and beer shipper's licenses. Upon receipt of an order for wine or beer, the licensee shall forward it to a holder of a wine and beer shipper's license for fulfillment. Marketing portal licensees may also accept payment on behalf of the shipper.

~~6. Third-party delivery licenses, which shall carry the privileges and limitations set forth in § 4.1-212.2.~~

§ 4.1-212.1. (Effective until July 1, 2024) Delivery of wine and beer; kegs; regulations of Board.

A. Any brewery, winery, or farm winery located within or outside the Commonwealth that is authorized to engage in the retail sale of wine or beer for off-premises consumption may deliver the brands of beer, wine, and farm wine produced by the same brewery, winery, or farm winery in closed containers to consumers within the Commonwealth for personal off-premises consumption.

B. Any person licensed to sell wine and beer at retail for off-premises consumption in the Commonwealth, and who is not a brewery, winery, or farm winery, may deliver the brands of beer, wine, and farm wine it is authorized to sell in closed containers to consumers within the Commonwealth for personal off-premises consumption. Notwithstanding any provision of law to the contrary, such deliveries may be made to (i) a person's vehicle if located in a designated parking area of the licensee's premises where such person has electronically ordered beer, wine, or farm wine in advance of the delivery or (ii) such other locations as may be permitted by Board regulation.

C. Any person located outside the Commonwealth who is authorized to sell wine or beer at retail for off-premises consumption in its state of domicile, and who is not a brewery, winery, or farm winery, may apply for a delivery permit that shall authorize the delivery of any brands of beer, wine, and farm wine it is authorized to sell in its state of domicile, in closed containers, to consumers within the Commonwealth for personal off-premises consumption.

D. Any person licensed to sell mixed beverages at retail for off-premises consumption in the Commonwealth may deliver any mixed beverages it is authorized to sell in closed containers to consumers within the Commonwealth for personal off-premises consumption. Notwithstanding any provision of law to the contrary, such deliveries may be made to (i) a person's vehicle if located in a designated parking area of the licensee's premises where such person has electronically ordered mixed beverages in advance of the delivery or (ii) such other locations as may be permitted by Board regulation.

E. Any distiller that has been appointed as an agent of the Board pursuant to subsection D of § 4.1-119 may deliver to consumers within the Commonwealth for personal consumption any alcoholic beverages the distiller is authorized to sell through organized tasting events in accordance with subsection G of § 4.1-119 and Board regulations. Notwithstanding any provision of law to the contrary, such deliveries may be made to (i) a person's vehicle if located in a designated parking area of the licensee's premises where such person has electronically ordered mixed beverages in advance of the delivery or (ii) such other locations as may be permitted by Board regulation.

F. All deliveries made pursuant to this section shall be to consumers within the Commonwealth for personal consumption only and not for resale. Such deliveries shall be performed by ~~either~~ ~~(i)~~ the owner or any officer, director, shareholder, or employee of the licensee or permittee ~~or~~ ~~(ii)~~ ~~a third-party delivery licensee pursuant to § 4.1-212.2~~. The licensee performing the delivery shall be liable for any administrative violations of this section or § 4.1-304 committed during transport through completion of the delivery. Alcoholic beverages shall not be delivered after 11:00 p.m. or before 6:00 a.m. Only one individual may take possession of the alcoholic beverages during the course of the delivery. No more than four cases of wine nor more than four cases of beer may be delivered at one time to any person in Virginia to whom alcoholic beverages may be lawfully sold, except that the licensee or permittee may deliver more than four cases of wine or more than four cases of beer if he notifies the Authority in writing at least one business day in advance of any such delivery, which notice contains the name and address of the intended recipient. Except as otherwise provided in this subtitle, alcoholic beverages sold for off-premises consumption or delivered pursuant to this section that are not in the manufacturer's original sealed container shall ~~(a)~~ *(i)* be enclosed in a container that has no straw holes or other openings and is sealed in a manner that allows a person to readily discern whether the container has been opened or tampered with subsequent to its original closure; ~~(b)~~ *(ii)* display the name of the licensee from which the alcoholic beverages were purchased; ~~(c)~~ *(iii)* be clearly marked with the phrase "contains alcoholic beverages"; ~~(d)~~ *(iv)* in the case of wine, beer, or, if purchased from a mixed beverage restaurant or limited mixed beverage restaurant licensee, mixed beverages, have a maximum volume of 16 ounces per beverage; and ~~(e)~~ *(v)* during delivery, be stored ~~(1)~~ *(a)* in the trunk of the vehicle, ~~(2)~~ *(b)* in an area that is rear of the driver's seat, ~~(3)~~ *(c)* in a locked container or compartment, or ~~(4)~~ *(d)* in the case of delivery by bicycle, in a compartment behind the bicyclist.

The Board may adopt such regulations as it reasonably deems necessary to implement the provisions of this section. Such regulations shall include provisions that require ~~(A)~~ *(1)* the recipient to demonstrate, upon delivery, that he is at least 21 years of age and ~~(B)~~ *(2)* the recipient to sign an electronic or paper form or other acknowledgement of receipt as approved by the Board.

G. In addition to other applicable requirements set forth in this section, the following provisions shall apply to the sale of mixed beverages for off-premises consumption and the delivery of mixed beverages pursuant to this section:

1. No distiller shall sell for off-premises consumption or deliver more than two mixed beverages at any one time, and no mixed beverage restaurant or limited mixed beverage restaurant licensee may sell for off-premises consumption or deliver more than four mixed beverages at any one time;

2. All mixed beverages sold for off-premises consumption or delivered by a mixed beverage restaurant or limited mixed beverage restaurant licensee shall contain at least one mixer; and

3. Mixed beverage restaurant and limited mixed beverage restaurant licensees shall serve at least one meal with every two mixed beverages sold for off-premises consumption or delivered.

The Board may summarily revoke a licensee's privileges to sell or deliver mixed beverages for off-premises consumption for noncompliance with the provisions of this section or § 4.1-225 or 4.1-325. Any summary revocation by the Board pursuant to this paragraph (i) shall not be subject to the provisions of § 4.1-227, (ii) shall not be subject to appeal, and (iii) shall become effective upon personal service of the notice of summary revocation to the licensee or upon the fourth business day after such notice is mailed to the licensee's residence or the address listed for the licensed premises on the initial license application.

H. For purposes of §§ 4.1-234 and 4.1-236 and Chapter 6 (§ 58.1-600 et seq.) of Title 58.1, each delivery of wine, beer, or mixed beverages by a licensee or permittee shall constitute a sale in Virginia. The licensee or permittee shall collect the taxes due to the Commonwealth and remit any excise taxes monthly to the Authority and any sales taxes to the Department of Taxation, if such taxes have not already been paid.

I. Any manufacturer or retailer who is licensed to sell wine, beer, or both for off-premises consumption may sell such wine or beer in kegs, subject to any limitations imposed by Board regulation. The Board may impose a fee for keg registration seals. For purposes of this subsection, "keg registration seal" means any document, stamp, declaration, seal, decal, sticker, or device that is approved by the Board, designed to be affixed to kegs, and displays a registration number and such other information as may be prescribed by the Board.

§ 4.1-212.1. (Effective July 1, 2024) Delivery of wine and beer; kegs; regulations of Board.

A. Any brewery, winery, or farm winery located within or outside the Commonwealth that is authorized to engage in the retail sale of wine or beer for off-premises consumption may deliver the brands of beer, wine, and farm wine produced by the same brewery, winery, or farm winery in closed containers to consumers within the Commonwealth for personal off-premises consumption.

B. Any person licensed to sell wine and beer at retail for off-premises consumption in the Commonwealth, and who is not a brewery, winery, or farm winery, may deliver the brands of beer, wine, and farm wine it is authorized to sell in closed containers to consumers within the Commonwealth for personal off-premises consumption. Notwithstanding any provision of law to the contrary, such deliveries may be made to (i) a person's vehicle if located in a designated parking area of the licensee's premises where such person has electronically ordered beer, wine, or farm wine in advance of the delivery or (ii) such other locations as may be permitted by Board regulation.

C. Any person located outside the Commonwealth who is authorized to sell wine or beer at retail for off-premises consumption in its state of domicile, and who is not a brewery, winery, or farm winery, may apply for a delivery permit that shall authorize the delivery of any brands of beer, wine, and farm wine it is authorized to sell in its state of domicile, in closed containers, to consumers within the Commonwealth for personal off-premises consumption.

D. All such deliveries shall be to consumers within the Commonwealth for personal consumption only and not for resale. All such deliveries of beer, wine, or farm wine shall be performed by ~~either~~ ~~(i)~~ the owner or any officer, director, shareholder, or employee of the licensee or permittee ~~or~~ ~~(ii)~~ ~~a~~ ~~third-party~~ ~~delivery~~ ~~licensee~~ ~~pursuant~~ ~~to~~ ~~§ 4.1-212.2~~. The licensee performing the delivery shall be liable for any administrative violations of this section or § 4.1-304 committed during transport through completion of the delivery. Alcoholic beverages shall not be delivered after 11:00 p.m. or before 6:00 a.m. Only one individual may take possession of the beer, wine, or farm wine during the course of the delivery. No more than four cases of wine nor more than four cases of beer may be delivered at one time to any person in Virginia to whom alcoholic beverages may be lawfully sold, except that the licensee or permittee may deliver more than four cases of wine or more than four cases of beer if he notifies the Authority in writing at least one business day in advance of any such delivery, which notice contains the name and address of the intended recipient. Except as otherwise provided in this subtitle, wine or beer sold for off-premises consumption or delivered pursuant to this section that are not in the manufacturer's original sealed container shall ~~(a)~~ *(i)* be enclosed in a container that has no straw holes or other openings and is sealed in a manner that allows a person to readily discern whether the container has been opened or tampered with subsequent to its original closure; ~~(b)~~ *(ii)* display the name of the licensee from which the wine or beer was purchased; ~~(c)~~ *(iii)* be clearly marked with the phrase "contains alcoholic beverages"; ~~(d)~~ *(iv)* have a maximum volume of 16 ounces per beverage; and ~~(e)~~ *(v)* during delivery, be stored ~~(1)~~ *(a)* in the trunk of the vehicle, ~~(2)~~ *(b)* in an area that is rear of the driver's seat, ~~(3)~~ *(c)* in a locked container or compartment, or ~~(4)~~ *(d)* in the case of delivery by bicycle, in a compartment behind the bicyclist.

The Board may adopt such regulations as it reasonably deems necessary to implement the provisions of this section. Such regulations shall include provisions that require ~~(A)~~ *(1)* the recipient to demonstrate, upon delivery, that he is at least 21 years of age and ~~(B)~~ *(2)* the recipient to sign an electronic or paper form or other acknowledgement of receipt as approved by the Board.

E. For purposes of §§ 4.1-234 and 4.1-236 and Chapter 6 (§ 58.1-600 et seq.) of Title 58.1, each delivery of wine or beer by a licensee or permittee shall constitute a sale in Virginia. The licensee or permittee shall collect the taxes due to the Commonwealth and remit any excise taxes monthly to the Authority and any sales taxes to the Department of Taxation, if such taxes have not already been paid.

F. Any manufacturer or retailer who is licensed to sell wine, beer, or both for off-premises consumption may sell such wine or beer in kegs, subject to any limitations imposed by Board regulation. The Board may impose a fee for keg registration seals. For purposes of this subsection, "keg registration seal" means any document, stamp, declaration, seal, decal, sticker, or device that is approved by the Board, designed to be affixed to kegs, and displays a registration number and such other information as may be prescribed by the Board.

§ 4.1-230. Applications for licenses; publication; notice to localities; fees; permits.

A. Every person intending to apply for any license authorized by this chapter shall file with the Board an application on forms provided by the Board and a statement in writing by the applicant swearing and affirming that all of the information contained therein is true.

Applicants for retail licenses for establishments that serve food or are otherwise required to obtain a food establishment permit from the Department of Health or an inspection by the Department of Agriculture and Consumer Services shall provide a copy of such permit, proof of inspection, proof of a pending application for such permit, or proof of a pending request for such inspection. If the applicant provides a copy of such permit, proof of inspection, proof of a pending application for a permit, or proof of a pending request for an inspection, a license may be issued to the applicant. If a license is issued on the basis of a pending application or inspection, such license shall authorize the licensee to purchase alcoholic beverages in accordance with the provisions of this subtitle; however, the licensee shall not sell or serve alcoholic beverages until a permit is issued or an inspection is completed.

B. In addition, each applicant for a license under the provisions of this chapter, except applicants for annual banquet, banquet, tasting, special events, club events, annual mixed beverage banquet, wine and beer shipper's, delivery permit, annual arts venue, or museum licenses issued under the provisions of Chapter 2 (§ 4.1-200 et seq.), or beer or wine importer's licenses, shall post a notice of his application with the Board on the front door of the building, place, or room where he proposes to engage in such business for no more than 30 days and not less than 10 days. Such notice shall be of a size and contain such information as required by the Board, including a statement that any objections shall be submitted to the Board not more than 30 days following initial publication of the notice required pursuant to this subsection.

The applicant shall also cause notice to be published at least once a week for two consecutive weeks in a newspaper published in or having a general circulation in the county, city, or town wherein such applicant proposes to engage in such business. Such notice shall contain such information as required by the Board, including a statement that any objections to the issuance of the license be submitted to the Board not later than 30 days from the date of the initial newspaper publication. In the case of wine and beer shipper's licensees, ~~third-party delivery licensees,~~ delivery permittees, or operators of boats, dining cars, buffet cars, club cars, buses, and airplanes, the posting and publishing of notice shall not be required.

Except for applicants for annual banquet, banquet, tasting, mixed beverage special events, club events, annual mixed beverage banquet, wine and beer shipper's, beer or wine importer's, annual arts venue, or museum licenses, the Board shall conduct a background investigation, to include a criminal history records search, which may include a fingerprint-based national criminal history records search, on each applicant for a license. However, the Board may waive, for good cause shown, the requirement for a criminal history records search and completed personal data form for officers, directors, nonmanaging members, or limited partners of any applicant corporation, limited liability company, or limited partnership.

Except for applicants for wine and beer shipper's licenses and delivery permits, the Board shall notify the local governing body of each license application through the county or city attorney or the chief law-enforcement or administrative officer of the locality. Local governing bodies shall submit objections to the granting of a license within 30 days of the filing of the application.

C. Each applicant shall pay the required application fee at the time the application is filed. Each license application fee, including annual banquet and annual mixed beverage banquet, shall be $195, plus the actual cost charged to the Department of State Police by the Federal Bureau of Investigation or the Central Criminal Records Exchange for processing any fingerprints through the Federal Bureau of Investigation or the Central Criminal Records Exchange for each criminal history records search required by the Board, except for banquet, tasting, or mixed beverage club events licenses, in which case the application fee shall be $15. The application fee for banquet special event and mixed beverage special event licenses shall be $45. Application fees shall be in addition to the state license fee required pursuant to § 4.1-231.1 and shall not be refunded.

D. Subsection A shall not apply to the continuance of licenses granted under this chapter; however, all licensees shall file and maintain with the Board a current, accurate record of the information required by the Board pursuant to subsection A and notify the Board of any changes to such information in accordance with Board regulations.

E. Every application for a permit granted pursuant to § 4.1-212 shall be on a form provided by the Board. Such permits shall confer upon their holders no authority to make solicitations in the Commonwealth as otherwise provided by law.

The fee for a temporary permit shall be one-twelfth of the combined fees required by this section for applicable licenses to sell wine, beer, or mixed beverages computed to the nearest cent and multiplied by the number of months for which the permit is granted.

F. The Board shall have the authority to increase state license fees from the amounts set forth in § 4.1-231.1 as it was in effect on January 1, 2022. The Board shall set the amount of such increases on the basis of the consumer price index and shall not increase fees more than once every three years. Prior to implementing any state license fee increase, the Board shall provide notice to all licensees and the general public of (i) the Board's intent to impose a fee increase and (ii) the new fee that would be required for any license affected by the Board's proposed fee increases. Such notice shall be provided on or before November 1 in any year in which the Board has decided to increase state license fees, and such increases shall become effective July 1 of the following year.

§ 4.1-231.1. (Effective until July 1, 2024) Fees on state licenses.

A. (Contingent expiration date) The annual fees on state licenses shall be as follows:

1. Manufacturer licenses. For each:

a. Distiller's license and limited distiller's license, if not more than 5,000 gallons of alcohol or spirits, or both, manufactured during the year in which the license is granted, $490; if more than 5,000 gallons but not more than 36,000 gallons manufactured during such year, $2,725; and if more than 36,000 gallons manufactured during such year, $4,060;

b. Brewery license and limited brewery license, if not more than 500 barrels of beer manufactured during the year in which the license is granted, $380; if not more than 10,000 barrels of beer manufactured during the year in which the license is granted, $2,350; and if more than 10,000 barrels manufactured during such year, $4,690;

c. Winery license, if not more than 5,000 gallons of wine manufactured during the year in which the license is granted, $215, and if more than 5,000 gallons manufactured during such year, $4,210;

d. Farm winery license, $275 for any Class I or Class II license, $500 for any Class III license, and $4,000 for any Class IV license;

e. Wine importer's license, $460; and

f. Beer importer's license, $460.

2. Wholesale licenses. For each:

a. (1) Wholesale beer license, $1,005 for any wholesaler who sells 300,000 cases of beer a year or less, $1,545 for any wholesaler who sells more than 300,000 but not more than 600,000 cases of beer a year, and $2,010 for any wholesaler who sells more than 600,000 cases of beer a year; and

(2) Wholesale beer license applicable to two or more premises, the annual state license tax shall be the amount set forth in subdivision a (1), multiplied by the number of separate locations covered by the license;

b. (1) Wholesale wine license, $240 for any wholesaler who sells 30,000 gallons of wine or less per year, $1,200 for any wholesaler who sells more than 30,000 gallons per year but not more than 150,000 gallons of wine per year, $1,845 for any wholesaler who sells more than 150,000 but not more than 300,000 gallons of wine per year, and $2,400 for any wholesaler who sells more than 300,000 gallons of wine per year; and

(2) Wholesale wine license, including that granted pursuant to subdivision 3 of § 4.1-206.2, applicable to two or more premises, the annual state license tax shall be the amount set forth in subdivision b (1), multiplied by the number of separate locations covered by the license.

3. Retail licenses — mixed beverage. For each:

a. Mixed beverage restaurant license, granted to persons operating restaurants, including restaurants located on premises of and operated by casinos, hotels or motels, or other persons:

(1) With a seating capacity at tables for up to 100 persons, $1,050;

(2) With a seating capacity at tables for more than 100 but not more than 150 persons, $1,495;

(3) With a seating capacity at tables for more than 150 persons but not more than 500 persons, $1,980;

(4) With a seating capacity at tables for more than 500 persons but not more than 1,000 persons, $2,500; and

(5) With a seating capacity at tables for more than 1,000 persons, $3,100;

b. Mixed beverage restaurant license for restaurants located on the premises of and operated by private, nonprofit clubs:

(1) With an average yearly membership of not more than 200 resident members, $1,250;

(2) With an average yearly membership of more than 200 but not more than 500 resident members, $2,440; and

(3) With an average yearly membership of more than 500 resident members, $3,410;

c. Mixed beverage casino license, $3,100 plus an additional $5 for each gaming station located on the premises of the casino gaming establishment. For the purposes of this subdivision, "gaming station" means each slot machine and each casino gaming table that is in active use, as determined annually on December 31;

d. Mixed beverage caterer's license, $1,990;

e. Mixed beverage limited caterer's license, $550;

f. Mixed beverage carrier license:

(1) $520 for each of the average number of dining cars, buffet cars, or club cars operated daily in the Commonwealth by a common carrier of passengers by train;

(2) $910 for each common carrier of passengers by boat;

(3) $520 for each common carrier of passengers by bus; and
(4) $2,360 for each license granted to a common carrier of passengers by airplane;
g. Annual mixed beverage motor sports facility license, $630;
h. Limited mixed beverage restaurant license:
(1) With a seating capacity at tables for up to 100 persons, $945;
(2) With a seating capacity at tables for more than 100 but not more than 150 persons, $1,385; and
(3) With a seating capacity at tables for more than 150 persons, $1,875;
i. Annual mixed beverage performing arts facility license, $630;
j. Bed and breakfast license, $100;
k. Museum license, $260;
l. Motor car sporting event facility license, $300;
m. Commercial lifestyle center license, $300;
n. Mixed beverage port restaurant license, $1,050; and
o. Annual mixed beverage special events license, $630.
4. Retail licenses — on-and-off-premises wine and beer. For each on-and-off premises wine and beer license, $450.
5. Retail licenses — off-premises wine and beer. For each:
a. Retail off-premises wine and beer license, $300;
b. Gourmet brewing shop license, $320; and
c. Confectionery license, $170.
6. Retail licenses — banquet, special event, and tasting licenses.
a. Per-day event licenses. For each:
(1) Banquet license, $40 per license granted by the Board, except for banquet licenses granted by the Board pursuant to subsection A of § 4.1-215, which shall be $100 per license;
(2) Mixed beverage special events license, $45 for each day of each event;
(3) Mixed beverage club events license, $35 for each day of each event; and
(4) Tasting license, $40.
b. Annual licenses. For each:
(1) Annual banquet license, $300;
(2) Banquet facility license, $260;
(3) Designated outdoor refreshment area license, $300. However, for any designated outdoor refreshment area license issued pursuant to a local ordinance, the annual fee shall be $3,000;
(4) Annual mixed beverage banquet license, $630;
(5) Equine sporting event license, $300; and
(6) Annual arts venue event license, $300.
7. Retail licenses — marketplace. For each marketplace license, $1,000. However, if the license privileges are exercised during a period of six or less consecutive months and such period is specified prior to the beginning of the license year, the annual fee shall be $500.
8. Retail licenses — shipper, bottler, and related licenses. For each:
a. Wine and beer shipper's license, $230;
b. Internet wine and beer retailer license, $240;
c. Bottler license, $1,500;
d. Fulfillment warehouse license, $210; *and*
e. Marketing portal license, $285~~;~~ ~~and~~
~~f. Third-party delivery license, $7,500, unless the licensee provides written certification to the Board that the licensee has no more than 25 delivery personnel, including employees, agents, and independent contractors that engage in direct-to-consumer alcoholic beverage delivery, in which case the license fee shall be $2,500~~.
9. Temporary licenses. For each temporary license authorized by § 4.1-211, one-half of the tax imposed by this section on the license for which the applicant applied.
B. The tax on each license granted or reissued for a period other than 12, 24, or 36 months shall be equal to one-twelfth of the taxes required by subsection A computed to the nearest cent, multiplied by the number of months in the license period, and then increased by five percent. Such tax shall not be refundable, except as provided in § 4.1-232.
C. Nothing in this chapter shall exempt any licensee from any state merchants' license or state restaurant license or any other state tax. Every licensee, in addition to the taxes imposed by this chapter, shall be liable to state merchants' license taxation and state restaurant license taxation and other state taxation the same as if the alcoholic beverages were nonalcoholic. In ascertaining the liability of a beer wholesaler to merchants' license taxation, however, and in computing the wholesale merchants' license tax on a beer wholesaler, the first $163,800 of beer purchases shall be disregarded; and in ascertaining the liability of a wholesale wine distributor to merchants' license taxation, and in computing the wholesale merchants' license tax on a wholesale wine distributor, the first $163,800 of wine purchases shall be disregarded.
D. In addition to the taxes set forth in this section, a fee of $5 may be imposed on any license purchased in person from the Board if such license is available for purchase online.

§ 4.1-231.1. (Effective July 1, 2024) Fees on state licenses.

A. (Contingent expiration date) The annual fees on state licenses shall be as follows:

1. Manufacturer licenses. For each:

a. Distiller's license and limited distiller's license, if not more than 5,000 gallons of alcohol or spirits, or both, manufactured during the year in which the license is granted, $490; if more than 5,000 gallons but not more than 36,000 gallons manufactured during such year, $2,725; and if more than 36,000 gallons manufactured during such year, $4,060;

b. Brewery license and limited brewery license, if not more than 500 barrels of beer manufactured during the year in which the license is granted, $380; if not more than 10,000 barrels of beer manufactured during the year in which the license is granted, $2,350; and if more than 10,000 barrels manufactured during such year, $4,690;

c. Winery license, if not more than 5,000 gallons of wine manufactured during the year in which the license is granted, $215, and if more than 5,000 gallons manufactured during such year, $4,210;

d. Farm winery license, $275 for any Class I or Class II license, $500 for any Class III license, and $4,000 for any Class IV license;

e. Wine importer's license, $460; and

f. Beer importer's license, $460.

2. Wholesale licenses. For each:

a. (1) Wholesale beer license, $1,005 for any wholesaler who sells 300,000 cases of beer a year or less, $1,545 for any wholesaler who sells more than 300,000 but not more than 600,000 cases of beer a year, and $2,010 for any wholesaler who sells more than 600,000 cases of beer a year; and

(2) Wholesale beer license, including a license granted pursuant to subdivision 2 of § 4.1-206.2, applicable to two or more premises, the annual state license tax shall be the amount set forth in subdivision a (1), multiplied by the number of separate locations covered by the license;

b. (1) Wholesale wine license, $240 for any wholesaler who sells 30,000 gallons of wine or less per year, $1,200 for any wholesaler who sells more than 30,000 gallons per year but not more than 150,000 gallons of wine per year, $1,845 for any wholesaler who sells more than 150,000 but not more than 300,000 gallons of wine per year, and $2,400 for any wholesaler who sells more than 300,000 gallons of wine per year; and

(2) Wholesale wine license, including a license granted pursuant to subdivision 4 of § 4.1-206.2, applicable to two or more premises, the annual state license tax shall be the amount set forth in subdivision b (1), multiplied by the number of separate locations covered by the license.

3. Retail licenses — mixed beverage. For each:

a. Mixed beverage restaurant license, granted to persons operating restaurants, including restaurants located on premises of and operated by casinos, hotels or motels, or other persons:

(1) With a seating capacity at tables for up to 100 persons, $1,050;

(2) With a seating capacity at tables for more than 100 but not more than 150 persons, $1,495;

(3) With a seating capacity at tables for more than 150 persons but not more than 500 persons, $1,980;

(4) With a seating capacity at tables for more than 500 persons but not more than 1,000 persons, $2,500; and

(5) With a seating capacity at tables for more than 1,000 persons, $3,100;

b. Mixed beverage restaurant license for restaurants located on the premises of and operated by private, nonprofit clubs:

(1) With an average yearly membership of not more than 200 resident members, $1,250;

(2) With an average yearly membership of more than 200 but not more than 500 resident members, $2,440; and

(3) With an average yearly membership of more than 500 resident members, $3,410;

c. Mixed beverage casino license, $3,100 plus an additional $5 for each gaming station located on the premises of the casino gaming establishment. For the purposes of this subdivision, "gaming station" means each slot machine and each casino gaming table that is in active use, as determined annually on December 31;

d. Mixed beverage caterer's license, $1,990;

e. Mixed beverage limited caterer's license, $550;

f. Mixed beverage carrier license:

(1) $520 for each of the average number of dining cars, buffet cars, or club cars operated daily in the Commonwealth by a common carrier of passengers by train;

(2) $910 for each common carrier of passengers by boat;

(3) $520 for each common carrier of passengers by bus; and

(4) $2,360 for each license granted to a common carrier of passengers by airplane;

g. Annual mixed beverage motor sports facility license, $630;

h. Limited mixed beverage restaurant license:

(1) With a seating capacity at tables for up to 100 persons, $945;

(2) With a seating capacity at tables for more than 100 but not more than 150 persons, $1,385; and

(3) With a seating capacity at tables for more than 150 persons, $1,875;

i. Annual mixed beverage performing arts facility license, $630;

j. Bed and breakfast license, $100;

k. Museum license, $260;

l. Motor car sporting event facility license, $300;

m. Commercial lifestyle center license, $300;

n. Mixed beverage port restaurant license, $1,050; and

o. Annual mixed beverage special events license, $630.

4. Retail licenses — on-and-off-premises wine and beer. For each on-and-off premises wine and beer license, $450.

5. Retail licenses — off-premises wine and beer. For each:

a. Retail off-premises wine and beer license, $300;

b. Gourmet brewing shop license, $320; and

c. Confectionery license, $170.

6. Retail licenses — banquet, special event, and tasting licenses.

a. Per-day event licenses. For each:

(1) Banquet license, $40 per license granted by the Board, except for banquet licenses granted by the Board pursuant to subsection A of § 4.1-215, which shall be $100 per license;

(2) Mixed beverage special events license, $45 for each day of each event;

(3) Mixed beverage club events license, $35 for each day of each event; and

(4) Tasting license, $40.

b. Annual licenses. For each:

(1) Annual banquet license, $300;

(2) Banquet facility license, $260;

(3) Designated outdoor refreshment area license, $300. However, for any designated outdoor refreshment area license issued pursuant to a local ordinance, the annual fee shall be $3,000;

(4) Annual mixed beverage banquet license, $630;

(5) Equine sporting event license, $300; and

(6) Annual arts venue event license, $300.

7. Retail licenses — marketplace. For each marketplace license, $1,000. However, if the license privileges are exercised during a period of six or less consecutive months and such period is specified prior to the beginning of the license year, the annual fee shall be $500.

8. Retail licenses — shipper, bottler, and related licenses. For each:

a. Wine and beer shipper's license, $230;

b. Internet wine and beer retailer license, $240;

c. Bottler license, $1,500;

d. Fulfillment warehouse license, $210; *and*

e. Marketing portal license, $285~~; and~~

~~f. Third-party delivery license, $7,500, unless the licensee provides written certification to the Board that the licensee has no more than 25 delivery personnel, including employees, agents, and independent contractors that engage in direct-to-consumer alcoholic beverage delivery, in which case the license fee shall be $2,500~~.

9. Temporary licenses. For each temporary license authorized by § 4.1-211, one-half of the tax imposed by this section on the license for which the applicant applied.

B. The tax on each license granted or reissued for a period other than 12, 24, or 36 months shall be equal to one-twelfth of the taxes required by subsection A computed to the nearest cent, multiplied by the number of months in the license period, and then increased by five percent. Such tax shall not be refundable, except as provided in § 4.1-232.

C. Nothing in this chapter shall exempt any licensee from any state merchants' license or state restaurant license or any other state tax. Every licensee, in addition to the taxes imposed by this chapter, shall be liable to state merchants' license taxation and state restaurant license taxation and other state taxation the same as if the alcoholic beverages were nonalcoholic. In ascertaining the liability of a beer wholesaler to merchants' license taxation, however, and in computing the wholesale merchants' license tax on a beer wholesaler, the first $163,800 of beer purchases shall be disregarded; and in ascertaining the liability of a wholesale wine distributor to merchants' license taxation, and in computing the wholesale merchants' license tax on a wholesale wine distributor, the first $163,800 of wine purchases shall be disregarded.

D. In addition to the taxes set forth in this section, a fee of $5 may be imposed on any license purchased in person from the Board if such license is available for purchase online.

2. That § 4.1-212.2 of the Code of Virginia is repealed.

3. That the second enactment of Chapter 281 and the second enactment of Chapter 282 of the Acts of Assembly of 2021, Special Session I, as amended by the second enactment of Chapter 78 and the second enactment of Chapter 79 of the Acts of Assembly of 2022, are repealed.

4. That the provisions of the first and second enactments of this act shall become effective on July 1, 2026.

5. That the Virginia Alcoholic Beverage Control Authority (the Authority) shall convene a work group to review third-party delivery licenses. The work group shall (i) analyze compliance by third-party delivery licensees and delivery personnel with the provisions § 4.1-212.2 of the Code of Virginia, as repealed by this act, (ii) consider the results of no less than 200 decoy delivery operations conducted by the Authority and any other available data, (iii) identify and analyze the efficacy of strategies used by third-party delivery entities to prevent unlawful deliveries to persons younger than 21 years of age, (iv) review and compare the laws of other states regarding third-party

delivery licenses, and (v) make recommendations regarding any legislative or regulatory changes that may be beneficial regarding third-party delivery licenses in the Commonwealth. The work group shall include representatives of third-party delivery licensees, representatives of retail licensees, and any other stakeholders deemed relevant by the Authority. The work group shall meet no less than three times and submit a report of its findings and recommendations, including all relevant data obtained, to the Chairmen of the House Committee on General Laws and the Senate Committee on Rehabilitation and Social Services by November 15, 2024.

CHAPTER 106

An Act to authorize the issuance of special license plates marking the 250th anniversary of the American Revolution; fees.

[H 840]

Approved March 20, 2024

Be it enacted by the General Assembly of Virginia:

1. *§ 1. Special license plates marking the 250th anniversary of the American Revolution; fees.*

A. On receipt of an application and payment of the fee prescribed by this section, the Commissioner of the Department of Motor Vehicles shall issue to the applicant special license plates marking the 250th anniversary of the American Revolution.

B. The annual fee for plates issued pursuant to this section shall be $25 in addition to the prescribed fee for state license plates. For each such $25 fee collected, $15 shall be paid into the state treasury and credited to a special nonreverting fund known as the Virginia American Revolution 250 Fund established within the Department of Accounts. These funds shall be paid annually to the Virginia American Revolution 250 Commission and used to support its operation and programs in Virginia. All other fees imposed under the provisions of this section shall be paid to, and received by, the Commissioner of the Department of Motor Vehicles and paid by him into the state treasury and set aside as a special fund to be used to meet the necessary expenses incurred by the Department of Motor Vehicles.

C. The provisions of subdivisions 1 and 2 of subsection B of § 46.2-725 of the Code of Virginia shall not apply to plates issued pursuant to this act.

2. That the provisions of this act shall expire on July 1, 2032. On or after such date, the Commissioner of the Department of Motor Vehicles shall not issue new plates pursuant to this act. Plates issued pursuant to this act may continue in use for a period determined by the Commissioner of the Department of Motor Vehicles if the proper fee is paid as required in § 46.2-694 of the Code of Virginia.

CHAPTER 107

An Act to amend and reenact §§ 46.2-341.4, 46.2-341.12, 46.2-1700, and 46.2-1708 of the Code of Virginia, relating to commercial driver's licenses and commercial learner's permits; definitions; commercial driver training; drug and alcohol violations.

[H 844]

Approved March 20, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 46.2-341.4, 46.2-341.12, 46.2-1700, and 46.2-1708 of the Code of Virginia are amended and reenacted as follows:

§ 46.2-341.4. Definitions.

As used in this article, unless the context requires a different meaning:

"Air brake" means any braking system operating fully or partially on the air brake principle.

"Applicant" means an individual who applies to obtain, transfer, upgrade, or renew a commercial driver's license or to obtain or renew a commercial learner's permit.

"Automatic transmission" means, for the purposes of the skills test and the restriction, any transmission other than a manual transmission.

"CDLIS driver record" means the electronic record of the individual commercial driver's status and history stored by the State of Record as part of the Commercial Driver's License Information System (CDLIS).

"Commercial driver's license" means any driver's license issued to a person in accordance with the provisions of this article, or if the license is issued by another state, any license issued to a person in accordance with the federal Commercial Motor Vehicle Safety Act, which authorizes such person to drive a commercial motor vehicle of the class and type and with the restrictions indicated on the license.

"Commercial driver's license information system" or "CDLIS" means the commercial driver's license information system established by the Federal Motor Carrier Safety Administration pursuant to § 12007 of the Commercial Motor Vehicle Safety Act of 1986.

"Commercial learner's permit" means a permit issued to an individual in accordance with the provisions of this article or, if issued by another state, a permit issued in accordance with the standards contained in the Federal Motor Carrier Safety

Regulations, which, when carried with a valid driver's license issued by the same state or jurisdiction, authorizes the individual to operate a class of commercial motor vehicle when accompanied by a holder of a valid commercial driver's license for purposes of behind-the-wheel training. When issued to a commercial driver's license holder, a commercial learner's permit serves as authorization for accompanied behind-the-wheel training in a commercial motor vehicle for which the holder's current commercial driver's license is not valid.

"Commercial motor vehicle" means, except for those vehicles specifically excluded in this definition, every motor vehicle, vehicle or combination of vehicles used to transport passengers or property which either: (i) has *a gross vehicle weight or* a gross vehicle weight rating of 26,001 or more pounds*, whichever is greater*; (ii) has *a gross combination weight or* a gross combination weight rating of 26,001 or more pounds*, whichever is greater,* inclusive of a towed vehicle with a gross vehicle weight rating of more than 10,000 pounds; (iii) is designed to transport 16 or more passengers including the driver; or (iv) is of any size and is used in the transportation of hazardous materials as defined in this section. Every such motor vehicle or combination of vehicles shall be considered a commercial motor vehicle whether or not it is used in a commercial or profit-making activity.

The following are excluded from the definition of commercial motor vehicle:

1. Any vehicle when used by an individual solely for his own personal purposes, such as personal recreational activities;

2. Any vehicle that (i) is controlled and operated by a farmer, whether or not it is owned by the farmer, and that is used exclusively for farm use, as provided in §§ 46.2-649.3 and 46.2-698; (ii) is used to transport either agricultural products, farm machinery, or farm supplies to or from a farm; (iii) is not used in the operation of a common or contract motor carrier; and (iv) is used within 150 miles of the farmer's farm;

3. Any vehicle operated for military purposes by (i) active duty military personnel; (ii) members of the military reserves; (iii) members of the national guard on active duty, including personnel on full-time national guard duty, personnel on part-time national guard training, and national guard military technicians (civilians who are required to wear military uniforms), but not U.S. Reserve technicians; and (iv) active duty U.S. Coast Guard personnel; or

4. Emergency equipment operated by a member of a firefighting, rescue, or emergency entity in the performance of his official duties.

"Commercial Motor Vehicle Safety Act" means the federal Commercial Motor Vehicle Safety Act of 1986, Title XII of P.L. 99-570, as amended.

"Conviction" means an unvacated adjudication of guilt, or a determination that a person has violated or failed to comply with the law in a court of original jurisdiction, an unvacated forfeiture of bond, bail, or collateral deposited to secure the person's appearance in court, a plea of guilty or nolo contendere accepted by the court, the payment of a fine or court costs in lieu of trial, a violation of a condition of release without bail, regardless of whether the penalty is rebated, suspended, or probated, or, for the purposes of alcohol or drug-related offenses involving the operation of a motor vehicle, a civil or an administrative determination of a violation. For the purposes of this definition, an administrative determination includes an unvacated certification or finding by an administrative or authorized law-enforcement official that a person has violated a provision of law.

"Disqualification" means a prohibition against driving, operating, or being in physical control of a commercial motor vehicle for a specified period of time, imposed by a court or a magistrate, or by an authorized administrative or law-enforcement official or body.

"Domicile" means a person's true, fixed, and permanent home and principal residence, to which he intends to return whenever he is absent.

"Employee" means a payroll employee or person employed under lease or contract, or a person who has applied for employment and whose employment is contingent upon obtaining a commercial driver's license.

"Employer" means a person who owns or leases commercial motor vehicles and assigns employees to drive such vehicles.

"Endorsement" means an authorization to an individual's commercial driver's license or commercial learner's permit required to permit the individual to operate certain types of commercial motor vehicles.

"Entry-level driver" means an individual who (i) must complete the commercial driver's license skills test requirements under FMCSA regulations prior to receiving a commercial driver's license for the first time, (ii) is upgrading to a Class A or Class B commercial driver's license for the first time, or (iii) is obtaining a hazardous materials, passenger, or school bus endorsement for the first time. This definition does not include individuals exempt from such requirements under 49 C.F.R. § 380.603.

"Entry-level driver training" means training an entry-level driver receives from an entity listed on the FMCSA's Training Provider Registry, as provided for in 49 C.F.R. § 380.700 et seq., prior to taking the (i) commercial driver's license skills test required to (a) receive a commercial driver's license for the first time, (b) receive the Class A or Class B commercial driver's license for the first time, (c) upgrade to a Class A or B commercial driver's license for the first time, or (d) obtain a passenger or school bus endorsement for the first time or (ii) commercial driver's license knowledge test required to obtain a hazardous materials endorsement for the first time.

"FMCSA" means the Federal Motor Carrier Safety Administration of the U.S. Department of Transportation.

"Full air brake" means any braking system operating fully on the air brake principle.

"Gross combination weight rating" means the value specified by the manufacturers of an articulated vehicle or combination of vehicles as the maximum loaded weight of such vehicles. In the absence of such a value specified by the manufacturer, for law-enforcement purposes, the gross combination weight rating shall be the greater of (i) the gross vehicle weight rating of the power units of the combination vehicle plus the total weight of the towed units, including any loads thereon, or (ii) the gross weight at which the articulated vehicle or combination of vehicles is registered in its state of registration; however, the registered gross weight shall not be applicable for determining the classification of an articulated vehicle or combination of vehicles for purposes of skills testing pursuant to § 46.2-341.14 or 46.2-341.16.

"Gross vehicle weight rating" means the value specified by the manufacturer of the vehicle as the maximum loaded weight of a single vehicle. In the absence of such a value specified by the manufacturer, for law-enforcement purposes, the gross vehicle weight rating shall be the greater of (i) the actual gross weight of the vehicle, including any load thereon, or (ii) the gross weight at which the vehicle is registered in its state of registration; however, the registered gross weight of the vehicle shall not be applicable for determining the classification of a vehicle for purposes of skills testing pursuant to § 46.2-341.14 or 46.2-341.16.

"Hazardous materials" means materials designated to be hazardous in accordance with § 103 of the federal Hazardous Materials Transportation Act, 49 U.S.C. § 5101 et seq., as amended, and which require placarding when transported by motor vehicle as provided in the federal Hazardous Materials Regulations, 49 C.F.R. Part 172, Subpart F; it also includes any quantity of any material listed as a select agent or toxin in federal Public Health Service Regulations at 42 C.F.R. Part 73.

"Manual transmission," also known as a stick shift, stick, straight drive, or standard transmission, means a transmission utilizing a driver-operated clutch that is activated by a pedal or lever and a gear-shift mechanism operated by either hand or foot.

"Noncommercial driver's license" means any other type of motor vehicle license, such as an automobile driver's license, a chauffeur's license, or a motorcycle license.

"Nondomiciled commercial learner's permit" or "nondomiciled commercial driver's license" means a commercial learner's permit or commercial driver's license, respectively, issued to a person in accordance with the provisions of this article or, if issued by another state, under either of the following two conditions: (i) to an individual domiciled in a foreign jurisdiction that does not test drivers and issue commercial driver's licenses in accordance with, or under standards similar to, the standards contained in subparts F, G, and H of Part 383 of the Federal Motor Carrier Safety Regulations or (ii) to an individual domiciled in another state while that state is prohibited from issuing commercial driver's licenses in accordance with decertification requirements of 49 C.F.R. § 384.405.

"Out-of-service order" or "out-of-service declaration" means an order by a judicial officer pursuant to § 46.2-341.26:2 or 46.2-341.26:3 or an order or declaration by an authorized law-enforcement officer under § 46.2-1001 or regulations promulgated pursuant to § 52-8.4 relating to Motor Carrier Safety, and including similar actions by authorized judicial officers or enforcement officers acting pursuant to similar laws of other states, the United States, the Canadian Provinces, Canada, Mexico, and localities within them, and also including actions by federal or other jurisdictions' officers pursuant to Federal Motor Carrier Safety Regulations, that a driver, a commercial motor vehicle, or a motor carrier is out of service. Such order or declaration as to a driver means that the driver is prohibited from operating a commercial motor vehicle for the duration of the out-of-service period. Such order or declaration as to a vehicle means that such vehicle cannot be operated until the hazardous condition that resulted in the order or declaration has been removed and the vehicle has been cleared for further operation. Such order or declaration as to a motor carrier means that no vehicle may be operated for or on behalf of such carrier until the out-of-service order or declaration has been lifted. For purposes of this article, the provisions of the Federal Motor Carrier Safety Regulations, 49 C.F.R. Parts 390 through 397, including such regulations or any substantially similar regulations as may have been adopted by any state of the United States, the Provinces of Canada, Canada, Mexico, or any locality shall be considered laws similar to the laws of the Commonwealth referenced herein.

"Person" means a natural person, firm, partnership, association, corporation, or a governmental entity including a school board.

"Restriction" means a prohibition on a commercial driver's license or commercial learner's permit that prohibits the holder from operating certain commercial motor vehicles.

"Seasonal restricted commercial driver's license" means a commercial driver's license issued under the authority of the waiver promulgated by the federal Department of Transportation (49 C.F.R. § 383.3) by the Commonwealth or any other jurisdiction to an individual who has not passed the knowledge or skills tests required of other commercial driver's license holders. This license authorizes operation of a commercial motor vehicle only on a seasonal basis, stated on the license, by a seasonal employee of a farm service business, within 150 miles of the place of business or the farm currently being served.

"State" means one of the 50 states of the United States or the District of Columbia.

"Tank vehicle" means any commercial motor vehicle that is designed to transport any liquid or gaseous materials within a tank or tanks having an individual rated capacity of more than 119 gallons and an aggregate rated capacity of 1,000 gallons or more that is either permanently or temporarily attached to the vehicle or the chassis. Such vehicles include, but are not limited to, cargo tanks and portable tanks, as defined in 49 C.F.R. Part 171. However, this definition does not include portable tanks having a rated capacity under 1,000 gallons as provided in 49 C.F.R. Part 383. A commercial motor vehicle transporting an empty storage container tank, not designed for transportation, with a rated capacity of 1,000 gallons or more that is temporarily attached to a flatbed trailer is not considered a tank vehicle.

"Third party examiner" means an individual who is an employee of a third party tester and who is certified by the Department to administer tests required for a commercial driver's license.

"Third party instructor" means an individual who is an employee of a third party tester or a training provider and who (i) is authorized by the Department to provide entry-level driver training required for a commercial driver's license and (ii) meets the requirements for either a theory or behind-the-wheel instructor as defined in § 46.2-1700.

"Third party tester" means a person (including another state, a motor carrier, a private institution, the military, a government entity, including each comprehensive community college in the Virginia Community College System established by the State Board for Community Colleges pursuant to Chapter 29 (§ 23.1-2900 et seq.) of Title 23.1, or a department, agency, or instrumentality of a local government) certified by the Department to employ third party examiners to administer a test program for testing commercial driver's license applicants in accordance with this article.

"Training provider" means a person that provides entry-level driver training and that is (i) a Virginia licensed Class A driver training school or a Virginia certified third party tester and is listed on the federal Training Provider Registry or (ii) an entity that is otherwise licensed, certified, registered, or authorized to provide training in accordance with the laws of the Commonwealth or the applicable laws of another state and is listed on the federal Training Provider Registry.

"VAMCSR" means the Virginia Motor Carrier Safety Regulations (19VAC30-20) adopted by the Department of State Police pursuant to § 52-8.4.

§ 46.2-341.12. Application for commercial driver's license or commercial learner's permit.

A. No entry-level driver shall be eligible to (i) apply for a Virginia Class A or Class B commercial driver's license for the first time, (ii) upgrade to a Class A or Class B commercial driver's license for the first time, or (iii) apply for a hazardous materials, passenger, or school bus endorsement for the first time, unless he has completed an entry-level driver training course related to the license, classification, or endorsement he is applying for and the training is provided by a training provider. An individual is not required to complete an entry-level driver training course related to the license, classification, or endorsement he is applying for if he is exempted from such requirements under 49 C.F.R. § 380.603.

B. Every application to the Department for a commercial driver's license or commercial learner's permit shall be made upon a form approved and furnished by the Department, and the applicant shall write his usual signature in ink in the space provided. The applicant shall provide the following information:

1. Full legal name;

2. Current mailing and residential addresses;

3. Physical description including sex, height, weight, and eye and hair color;

4. Year, month, and date of birth;

5. Social security number;

6. Domicile or, if not domiciled in the Commonwealth, proof of status as a member of the active duty military, military reserves, National Guard, active duty United States Coast Guard, or Coast Guard Auxiliary pursuant to 49 U.S.C. § 31311(a)(12); and

7. Any other information required on the application form.

Applicants shall be permitted to choose between "male," "female," or "non-binary" when designating the applicant's sex on the commercial driver's license or commercial learner's permit application form.

The applicant's social security number shall be provided to the Commercial Driver's License Information System as required by 49 C.F.R. § 383.153.

C. Every applicant for a commercial driver's license or commercial learner's permit shall also submit to the Department the following:

1. A consent to release driving record information;

2. Certifications that:

a. He either meets the federal qualification requirements of 49 C.F.R. Parts 383 and 391, or he is exempt from or is not subject to such federal requirements;

b. He either meets the state qualification requirements established pursuant to § 52-8.4, or he is exempt from or is not subject to such requirements;

c. The motor vehicle in which the applicant takes the skills test is representative of the class and, if applicable, the type of motor vehicle for which the applicant seeks to be licensed;

d. He is not subject to any disqualification, suspension, revocation or cancellation of his driving privileges;

e. He does not have more than one driver's license;

3. Other certifications required by the Department;

4. Any evidence required by the Department to establish proof of identity, citizenship or lawful permanent residency, domicile, and social security number notwithstanding the provisions of § 46.2-328.1 and pursuant to 49 C.F.R. Part 383;

5. A statement indicating whether (i) the applicant has previously been licensed to drive any type of motor vehicle during the previous 10 years and, if so, all states that licensed the applicant and the dates he was licensed, and (ii) whether or not he has ever been disqualified, or his license suspended, revoked or canceled and, if so, the date of and reason therefor; and

6. An unexpired employment authorization document (EAD) issued by the U.S. Citizenship and Immigration Services (USCIS) or an unexpired foreign passport accompanied by an approved Form I-94 documenting the applicant's most recent

admittance into the United States for persons applying for a nondomiciled commercial driver's license or nondomiciled commercial learner's permit.

D. Every application for a commercial driver's license shall include a photograph of the applicant supplied under arrangements made therefor by the Department in accordance with § 46.2-323.

E. The Department shall disqualify any commercial driver for a period of one year when the records of the Department clearly show to the satisfaction of the Commissioner that such person has made a material false statement on any application or certification made for a commercial driver's license or commercial learner's permit. The Department shall take such action within 30 days after discovering such falsification.

F. The Department shall review the driving record of any person who applies for a Virginia commercial driver's license or commercial learner's permit, for the renewal or reinstatement of such license or permit or for an additional commercial classification or endorsement, including the driving record from all jurisdictions where, during the previous 10 years, the applicant was licensed to drive any type of motor vehicle. Such review shall include checking the photograph on record whenever the applicant or holder appears in person to renew, upgrade, transfer, reinstate, or obtain a duplicate commercial driver's license or to renew, upgrade, reinstate, or obtain a duplicate commercial learner's permit. If appropriate, the Department shall incorporate information from such other jurisdictions' records into the applicant's Virginia driving record, and shall make a notation on the applicant's driving record confirming that such review has been completed and the date it was completed. The Department's review shall include (i) research through the Commercial ~~Driver~~ *Driver's* License Information System established pursuant to the Commercial Motor Vehicle Safety Act and the National Driver Register Problem Driver Pointer System in addition to the driver record maintained by the applicant's previous jurisdictions of licensure and (ii) requesting information from the Drug and Alcohol Clearinghouse in accordance with 49 C.F.R. § 382.725. This research shall be completed prior to the issuance, renewal, transfer, or reinstatement of a *commercial learner's permit,* commercial driver's license or additional commercial classification or endorsement.

1. If the information the Department receives from the Drug and Alcohol Clearinghouse indicates that the applicant is prohibited from operating a commercial motor vehicle, the Department shall deny the application. If the applicant currently holds a commercial driver's license or a commercial learner's permit, the Department must initiate a CDL downgrade of the applicant's commercial driver's license or commercial learner's permit as defined in 49 C.F.R. § 383.5.

2. If the FMCSA notifies the Department that an existing holder of a commercial driver's license or commercial learner's permit is prohibited from operating a commercial motor vehicle pursuant to 49 C.F.R. § 382.501(a), the Department shall initiate a CDL downgrade of the driver's commercial driver's license or commercial learner's permit as defined in 49 C.F.R. § 383.5 and record the CDL downgrade on the driver's record on the Commercial Driver's License Information System within 60 days of receiving the notification.

3. If the FMCSA notifies the Department that an existing holder of a commercial driver's license or commercial learner's permit was erroneously identified as prohibited from operating a commercial motor vehicle, the Department shall both reinstate the driver's commercial driver's license or commercial learner's permit privilege and remove any reference to the driver's erroneous prohibited status from the driver's record on the Commercial Driver's License Information System as expeditiously as possible, but no later than 10 days from receiving such notification from the FMCSA.

G. The Department shall verify the name, date of birth, and social security number provided by the applicant with the information on file with the Social Security Administration for initial issuance of a commercial learner's permit or transfer of a commercial driver's license from another state. The Department shall make a notation in the driver's record confirming that the necessary verification has been completed and noting the date it was done. The Department shall also make a notation confirming that proof of citizenship or lawful permanent residency has been presented and the date it was done.

~~G.~~ *H.* Every new applicant for a commercial driver's license or commercial learner's permit, including any person applying for a commercial driver's license or permit after revocation of his driving privileges, who certifies that he will operate a commercial motor vehicle in non-excepted interstate or intrastate commerce shall provide the Department with an original or certified copy of a medical examiner's certificate prepared by a medical examiner as defined in 49 C.F.R. § 390.5. Upon receipt of an appropriate medical examiner's certificate, the Department shall post a certification status of "certified" on the *driver's* record ~~of the driver~~ on the Commercial Driver's License Information System. Any new applicant for a commercial driver's license or commercial learner's permit who fails to comply with the requirements of this subsection shall be denied the issuance of a commercial driver's license or commercial learner's permit by the Department.

~~H.~~ *I.* Every existing holder of a commercial driver's license or commercial learner's permit who certifies that he will operate a commercial motor vehicle in non-excepted interstate or intrastate commerce shall provide the Department with an original or certified copy of a medical examiner's certificate prepared by a medical examiner as defined in 49 C.F.R. § 390.5. Upon receipt of an appropriate medical examiner's certificate, the Department shall post a certification status of "certified" and any other necessary information on the *driver's* record ~~of the driver~~ on the Commercial Driver's License Information System. If an existing holder of a commercial driver's license fails to provide the Department with a medical certificate as required by this subsection, the Department shall post a certification status of "noncertified" on the *driver's* record ~~of the driver~~ on the Commercial Driver's License Information System and initiate a *CDL* downgrade of his commercial driver's license as defined in 49 C.F.R. § 383.5.

~~I.~~ *J.* Any person who provides a medical certificate to the Department pursuant to the requirements of subsections ~~G and~~ H *and I* shall keep the medical certificate information current and shall notify the Department of any change in the

status of the medical certificate. If the Department determines that the medical certificate is no longer valid, the Department shall initiate a *CDL* downgrade of the driver's commercial driver's license as defined in 49 C.F.R. § 383.5.

~~J.~~ *K.* If the Department receives notice that the holder of a commercial driver's license has been issued a medical variance as defined in 49 C.F.R. § 390.5, the Department shall indicate the existence of such medical variance on the commercial driver's license document of the driver and on the *driver's* record ~~of the driver~~ on the Commercial Driver's License Information System using the restriction code "V."

~~K.~~ *L.* Any holder of a commercial driver's license who has been issued a medical variance shall keep the medical variance information current and shall notify the Department of any change in the status of the medical variance. If the Department determines that the medical variance is no longer valid, the Department shall initiate a *CDL* downgrade of the driver's commercial driver's license as defined in 49 C.F.R. § 383.5.

~~L.~~ *M.* Any applicant applying for a hazardous materials endorsement must comply with Transportation Security Administration requirements in 49 C.F.R. Part 1572. A lawful permanent resident of the United States requesting a hazardous materials endorsement must additionally provide his U.S. Citizenship and Immigration Services (USCIS) alien registration number.

~~M.~~ *N.* Notwithstanding the provisions of § 46.2-208, the Department may release to the FMCSA medical information relating to the issuance of a commercial driver's license or a commercial learner's permit collected by the Department pursuant to the provisions of subsections F, G, H, I, ~~and~~ J*, and K*.

§ 46.2-1700. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Behind-the-wheel instructor" means an individual who meets the requirements for licensure under § 46.2-1708 and is employed by a training provider who provides behind-the-wheel training involving the actual operation of a commercial motor vehicle by an entry-level driver on a range or a public road.

"Behind-the-wheel training" means training provided by a licensed behind-the-wheel instructor when an entry-level driver has actual control of the power unit during a driving lesson conducted on a range or on a public road. "Behind-the-wheel training" does not include time an entry-level driver spends observing the operation of a commercial motor vehicle when he is not in control of the vehicle.

"Class A licensee" means a driver training school that provides *entry-level driver* training in the operation of commercial motor vehicles as defined in § 46.2-341.4.

"Class B licensee" means a driver training school that provides training in the operation of any type of motor vehicle other than motorcycles and commercial motor vehicles as defined in § 46.2-341.4.

"Computer-based driver education course" means the classroom portion of driver education offered by a computer-based driver education provider through the Internet or other electronic means approved by the Department whose content and quality is comparable to that of courses offered in the Commonwealth's public schools.

"Computer-based driver education provider" means a driver training school licensed by the Department in accordance with this chapter to conduct computer-based driver education courses.

"Driver training school" or "school" means a business enterprise conducted by an individual, association, partnership, or corporation, for the education and training of persons, either practically or theoretically or both, to operate or drive motor vehicles, and charging a consideration or tuition for such services. "Driver training school" or "school" does not mean any institution of higher education, school established pursuant to § 46.2-1314, school maintained or classes conducted by employers for their own employees where no fee or tuition is charged, schools or classes owned and operated by or under the authority of bona fide religious institutions, or by the Commonwealth or any political subdivision thereof, training programs for school bus operators established pursuant to § 22.1-181, driver education programs established pursuant to § 22.1-205, or schools accredited by accrediting associations approved by the Department of Education; however, if any such entity or program excluded from the definition of "driver training school" offers driver education and training through a contractual arrangement with another person for consideration, then that other person shall be considered a driver training school subject to the requirements of this chapter.

"Entry-level driver" means the same as defined in § 46.2-341.4.

"Entry-level driver training" means the same as defined in § 46.2-341.4.

"FMCSA" means the same as defined in § 46.2-341.4.

"Instructor" means any person, whether acting for himself as operator of a driver training school or for such school for compensation, who teaches, conducts classes, gives demonstrations, or supervises persons learning to operate or drive a motor vehicle.

"Key information" means the training provider name, address, phone number, type or types of training offered, training provider status, and any change in state licensure, certification, or accreditation status.

"Range" means an area that is free of obstructions, enables the driver to maneuver safely and free from interference from other vehicles and hazards, and has adequate sight lines.

"Theory instruction" means knowledge instruction on the operation of a commercial motor vehicle and related matters provided by a licensed theory instructor through lectures, demonstrations, audio-visual presentations, computer-based instruction, driving simulation devices, online training, or similar means.

"Theory instructor" means an individual who meets the requirements for licensure under § 46.2-1708 and is employed by a training provider and who provides knowledge instruction on the operation of a commercial motor vehicle.

"Training provider" means the same as defined in § 46.2-341.4.

§ 46.2-1708. Licenses required for school and instructors.

A. ~~If a~~ *A* Class A driver training school ~~elects to provide entry-level driver training to driver trainees, that Class A driver training school~~ shall not provide ~~such~~ *entry-level driver* training *in the Commonwealth* until it has (i) been licensed ~~to provide training in the Commonwealth~~ pursuant to this ~~section~~ *chapter* and (ii) provided the Commissioner with its unique Training Provider Registry number issued by FMCSA pursuant to 49 C.F.R. § 380.703 in a form prescribed by the Department.

B. ~~If a~~ *To become a* Class A driver training school ~~elects to provide entry-level driver training, upon~~ *an applicant shall include with its* application ~~for a Class A license by such driver training school the applicant driver training school shall also provide~~ evidence that:

1. The curriculum used for theory instruction and behind-the-wheel training complies with the curriculum requirements prescribed by the Department;

2. The facilities used for entry-level driver training for both theory instruction and behind-the-wheel training comply with all federal and state safety requirements;

3. The instructors employed by the applicant driver training school are licensed under this section;

4. The applicant driver training school (i) uses written assessments that comply with the requirements prescribed by the Department to determine the driver trainee's proficiency in the knowledge objectives of each unit of instruction in the curriculum and (ii) requires driver trainees to achieve an overall minimum score of 80 percent for passage of the theory instruction portion of the course; and

5. The applicant driver training school instructors evaluate and document the driver trainee's proficiency in the behind-the-wheel skills in accordance with the curriculum requirements prescribed by the Department.

C. The Commissioner shall not license a behind-the-wheel instructor or theory instructor unless the applicant provides evidence that his commercial driver's license has not been disqualified, canceled, suspended, or revoked due to any of the disqualifying offenses identified in 49 C.F.R. § 383.51, unless his commercial driver's license was reinstated more than two years prior to the application date, and that he either:

1. Currently holds a commercial driver's license of the same class or higher with all endorsements necessary to operate the commercial motor vehicle for which training will be provided and has at least two years of experience driving a commercial motor vehicle requiring a commercial driver's license of the same or higher class or the same endorsement; or

2. Currently holds a commercial driver's license of the same class or higher with all endorsements necessary to operate the commercial motor vehicle for which training will be provided, and has at least two years of experience as a behind-the-wheel commercial motor vehicle instructor.

D. The Commissioner may issue an order suspending, revoking, cancelling, or denying renewal of a training provider's license, certification, or authorization to provide training effective immediately if the order is based upon the removal of the school from the federal Training Provider Registry pursuant to 49 C.F.R. § 380.723. Notice of such order shall be in writing and mailed to the training provider by registered mail to the address as shown on the training provider's most recent application and shall be considered served when mailed. Upon receipt of a request for a hearing appealing such order, the training provider shall be afforded the opportunity for a hearing as soon as practicable, but in no case later than 30 days from receipt of the hearing request. The order shall remain in effect pending the outcome of the hearing.

CHAPTER 108

An Act to amend and reenact §§ 16.1-253.2 and 18.2-60.4 of the Code of Virginia, relating to violation of protective orders; venue.

[H 895]

Approved March 20, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 16.1-253.2 and 18.2-60.4 of the Code of Virginia are amended and reenacted as follows:

§ 16.1-253.2. Violation of provisions of protective orders; penalty.

A. In addition to any other penalty provided by law, any person who violates any provision of a protective order issued pursuant to § 16.1-253.1, 16.1-253.4, 16.1-278.14, or 16.1-279.1 or subsection B of § 20-103, when such violation involves a provision of the protective order that prohibits such person from (i) going or remaining upon land, buildings, or premises; (ii) further acts of family abuse; or (iii) committing a criminal offense, or which prohibits contacts by the respondent with the allegedly abused person or family or household members of the allegedly abused person as the court deems appropriate, is guilty of a Class 1 misdemeanor. The punishment for any person convicted of a second offense of violating a protective order, when the offense is committed within five years of the prior conviction and when either the instant or prior offense was based on an act or threat of violence, shall include a mandatory minimum term of confinement of 60 days. Any person convicted of a third or subsequent offense of violating a protective order, when the offense is committed within 20 years of the first conviction and when either the instant or one of the prior offenses was based on an act or threat of violence is guilty of a Class 6 felony and the punishment shall include a mandatory minimum term of confinement of six months. The

mandatory minimum terms of confinement prescribed for violations of this section shall be served consecutively with any other sentence.

B. In addition to any other penalty provided by law, any person who, while knowingly armed with a firearm or other deadly weapon, violates any provision of a protective order with which he has been served issued pursuant to § 16.1-253.1, 16.1-253.4, 16.1-278.14, or 16.1-279.1 or subsection B of § 20-103 is guilty of a Class 6 felony.

C. If the respondent commits an assault and battery upon any party protected by the protective order resulting in bodily injury to the party or stalks any party protected by the protective order in violation of § 18.2-60.3, he is guilty of a Class 6 felony. Any person who violates such a protective order by furtively entering the home of any protected party while the party is present, or by entering and remaining in the home of the protected party until the party arrives, is guilty of a Class 6 felony, in addition to any other penalty provided by law.

D. Upon conviction of any offense hereunder for which a mandatory minimum term of confinement is not specified, the person shall be sentenced to a term of confinement and in no case shall the entire term imposed be suspended. Upon conviction, the court shall, in addition to the sentence imposed, enter a protective order pursuant to § 16.1-279.1 for a specified period not exceeding two years from the date of conviction.

E. A violation of this section may be prosecuted in the jurisdiction where the protective order was issued ~~or~~, in any county ~~or~~, city, *or town* where any act constituting the violation of the protective order occurred, *or in the jurisdiction where the party protected by the protective order resided at the time of such violation*.

§ 18.2-60.4. Violation of protective orders; penalty.

A. Any person who violates any provision of a protective order issued pursuant to § 19.2-152.8, 19.2-152.9, or 19.2-152.10 is guilty of a Class 1 misdemeanor. Conviction hereunder shall bar a finding of contempt for the same act. The punishment for any person convicted of a second offense of violating a protective order, other than a protective order issued pursuant to subsection C of § 19.2-152.10, when the offense is committed within five years of the prior conviction and when either the instant or prior offense was based on an act or threat of violence, shall include a mandatory minimum term of confinement of 60 days. Any person convicted of a third or subsequent offense of violating a protective order, other than a protective order issued pursuant to subsection C of § 19.2-152.10, when the offense is committed within 20 years of the first conviction and when either the instant or one of the prior offenses was based on an act or threat of violence, is guilty of a Class 6 felony and the punishment shall include a mandatory minimum term of confinement of six months. The mandatory minimum terms of confinement prescribed for violations of this section shall be served consecutively with any other sentence.

B. In addition to any other penalty provided by law, any person who, while knowingly armed with a firearm or other deadly weapon, violates any provision of a protective order with which he has been served issued pursuant to § 19.2-152.8, 19.2-152.9, or 19.2-152.10, other than a protective order issued pursuant to subsection C of § 19.2-152.10, is guilty of a Class 6 felony.

C. If the respondent commits an assault and battery upon any party protected by the protective order, other than a protective order issued pursuant to subsection C of § 19.2-152.10, resulting in bodily injury to the party or stalks any party protected by the protective order in violation of § 18.2-60.3, he is guilty of a Class 6 felony. Any person who violates such a protective order, other than a protective order issued pursuant to subsection C of § 19.2-152.10, by furtively entering the home of any protected party while the party is present, or by entering and remaining in the home of the protected party until the party arrives, is guilty of a Class 6 felony, in addition to any other penalty provided by law.

D. Upon conviction of any offense hereunder for which a mandatory minimum term of confinement is not specified, the person shall be sentenced to a term of confinement and in no case shall the entire term imposed be suspended.

E. Upon conviction, the court shall, in addition to the sentence imposed, enter a protective order pursuant to § 19.2-152.10 for a specified period not exceeding two years from the date of conviction.

F. A violation of this section may be prosecuted in the jurisdiction where the protective order was issued ~~or~~, in any county ~~or~~, city, *or town* where any act constituting the violation of the protective order occurred, *or in the jurisdiction where the party protected by the protective order resided at the time of such violation*.

CHAPTER 109

An Act to amend and reenact §§ 18.2-456 and 19.2-128 of the Code of Virginia, relating to failure to appear; contempt.

[H 1114]

Approved March 20, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 18.2-456 and 19.2-128 of the Code of Virginia are amended and reenacted as follows:

§ 18.2-456. Cases in which courts and judges may punish summarily for contempt.

A. The courts and judges may issue attachments for contempt, and punish them summarily, only in the following cases:

1. Misbehavior in the presence of the court, or so near thereto as to obstruct or interrupt the administration of justice;

2. Violence, or threats of violence, to a judge or officer of the court, or to a juror, witness, or party going to, attending, or returning from the court, for or in respect of any act or proceeding had, or to be had, in such court;

3. Vile, contemptuous, or insulting language addressed to or published of a judge for or in respect of any act or proceeding had, or to be had, in such court, or like language used in his presence and intended for his hearing for or in respect of such act or proceeding;

4. Misbehavior of an officer of the court in his official character;

5. Disobedience or resistance of an officer of the court, juror, witness, or other person to any lawful process, judgment, decree, or order of the court; and

6. Willful failure to appear before any court or judicial officer as required after having been charged with a felony offense or misdemeanor offense or released on a summons pursuant to § 19.2-73 or 19.2-74.

B. The judge shall indicate, in writing, under which subdivision in subsection A a person is being charged and punished for contempt.

C. Nothing in subdivision A 6 shall be construed to prohibit prosecution under § 19.2-128. *The provisions of subdivision A 6 shall not apply to any person who is (i) incarcerated in any correctional facility or (ii) (a) detained in any state or federal facility or (b) in the custody of a law-enforcement officer at the time such person is required to appear before any court or judicial officer.*

§ 19.2-128. Penalties for failure to appear.

A. Whoever, having been released pursuant to this chapter or § 19.2-319 or on a summons pursuant to § 19.2-73 or ~~§~~ 19.2-74, willfully fails to appear before any court or judicial officer as required, shall, after notice to all interested parties, incur a forfeiture of any security ~~which~~ *that* may have been given or pledged for his release, unless one of the parties can show good cause for excusing the absence, or unless the court, in its sound discretion, shall determine that neither the interests of justice nor the power of the court to conduct orderly proceedings will be served by such forfeiture.

B. Any person (i) charged with a felony offense or (ii) convicted of a felony offense and execution of sentence is suspended pursuant to § 19.2-319 who willfully fails to appear before any court as required ~~shall be~~ *is* guilty of a Class 6 felony.

C. Any person (i) charged with a misdemeanor offense or (ii) convicted of a misdemeanor offense and execution of sentence is suspended pursuant to § 19.2-319 who willfully fails to appear before any court as required ~~shall be~~ *is* guilty of a Class 1 misdemeanor.

D. The provisions of this section shall not apply to any person who is (i) incarcerated in any correctional facility or (ii) (a) detained in any state or federal facility or (b) in the custody of a law-enforcement officer at the time such person is required to appear before any court or judicial officer.

CHAPTER 110

An Act to amend and reenact §§ 24.2-948.1 and 24.2-948.2 of the Code of Virginia, relating to elections; campaign finance; exemption for candidates for local office or directors of soil and water conservation districts.

[H 1346]

Approved March 20, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 24.2-948.1 and 24.2-948.2 of the Code of Virginia are amended and reenacted as follows:

§ 24.2-948.1. Exemption from reporting requirements for certain candidates for local office and for directors of soil and water conservation districts.

A. This section shall apply to candidates for local office and for director of soil and water conservation districts. A candidate for local office or for director of a soil and water conservation district may seek an exemption from the requirements for filing campaign finance disclosure reports set out in this chapter except for the filing requirements of §§ 24.2-945.2, 24.2-947.1, ~~24.2-947.9,~~ and 24.2-948.4 pertaining to certain independent expenditures, the statement of organization, ~~large contributions,~~ and the filing of a final report. The request for an exemption shall be filed with the general registrar of the county or city where the candidate resides on a form prescribed by the State Board and in accordance with instructions by the State Board for the time for filing and the process for approval by the general registrar.

B. To qualify for an exemption, the candidate shall certify on the form that (i) he has not and will not solicit or accept any contribution from any other person or political committee during the course of his campaign, (ii) he has not and will not contribute to his own campaign more than $1,000, (iii) he has not and will not expend more than $1,000 in the course of his campaign, and (iv) that he has complied and will comply with the requirements of this chapter. This certification shall apply for the duration of the campaign until the filing of a final report in compliance with § 24.2-948.4 after the election. A candidate may rescind his certification and exemption at any time during the campaign and shall file in accordance with the appropriate filing schedule thereafter, provided that the candidate rescinds his certification prior to engaging in the activities described in clauses (i), (ii), and (iii) of this subsection. The first report filed shall account for all prior contributions and expenditures pertaining to his campaign.

C. *A candidate for director of a soil and water conservation district may also seek an exemption from the requirement that he designate a separate campaign depository pursuant to § 24.2-947.1 by certifying, on the same form as provided for other exemptions in subsection A, that (i) he has not and will not contribute any money to his own campaign and (ii) he has not and will not expend any money in the course of the campaign.*

A candidate may rescind his certification and exemption at any time during the campaign and shall file in accordance with the appropriate filing schedule thereafter, provided that the candidate rescinds his certification prior to engaging in the activities described in clauses (i) and (ii).

D. Any candidate who has qualified for an exemption from reporting requirements pursuant to this section shall not be permitted to qualify for any office, enter upon the duties thereof, or receive any salary or emoluments therefrom until a final report has been filed that details all financial activity of the candidate's campaign and states that all reporting for the nomination and election is complete and final. No officer authorized by the laws of the Commonwealth to issue certificates of election shall issue one to any person determined to be elected to any such office, until copies of the final report cited above have been filed as required in this chapter.

~~D.~~ *E.* A candidate who has a current exemption under the provisions of this section, or who is otherwise exempt from reporting contributions and expenditures under this chapter, may purchase voter lists from the State Board under the provisions of §§ 24.2-405 and 24.2-406 with a check drawn on the candidate's personal account.

§ 24.2-948.2. Reports as condition to qualification for office.

A. No person shall be permitted to qualify for any office, enter upon the duties thereof, or receive any salary or emoluments therefrom until he has filed the campaign finance reports required in subdivisions A 3 through A 9 of § 24.2-947.6; subdivisions A 3 through A 6 of § 24.2-947.7; and subdivisions B 1 and B 2 of § 24.2-947.8, as applicable; and a final report if required by subsection ~~C~~ *D* of § 24.2-948.1; and has responded to and complied with any notice that additional information is required to complete a report in compliance with § 24.2-953.3. No person shall be permitted to qualify for any office, enter upon the duties thereof, or receive any salary or emoluments therefrom until he has paid any civil penalty and returned any contribution required to be returned pursuant to § 24.2-953.5. No officer authorized by the laws of this Commonwealth to issue certificates of election shall issue one to any person determined to be elected to any such office, until copies of the reports cited above have been filed as required in this article.

B. Notwithstanding the requirements of subsection A, a person who is elected to fill a vacancy at a special election held on a general election day may qualify for the office and be issued a certificate of election in advance of filing the postelection report required to be filed under subdivision A 9 of § 24.2-947.6 in the case of a November election, or under subdivision A 6 of § 24.2-947.7 in the case of a May election, upon the filing of a postelection report complete through the election day.

CHAPTER 111

An Act to amend and reenact §§ 4.1-100, 4.1-103, 4.1-206.3, as it is currently effective and as it shall become effective, 4.1-209, 4.1-231.1, as it is currently effective and as it shall become effective, 4.1-233.1, 4.1-309, and 4.1-325 of the Code of Virginia, relating to alcoholic beverage control; annual mixed beverage performing arts facility licenses; on-and-off premises wine and beer licenses.

[H 1349]

Approved March 20, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 4.1-100, 4.1-103, 4.1-206.3, as it is currently effective and as it shall become effective, 4.1-209, 4.1-231.1, as it is currently effective and as it shall become effective, 4.1-233.1, 4.1-309, and 4.1-325 of the Code of Virginia are amended and reenacted as follows:

§ 4.1-100. Definitions.

As used in this subtitle unless the context requires a different meaning:

"Alcohol" means the product known as ethyl or grain alcohol obtained by distillation of any fermented liquor, rectified either once or more often, whatever the origin, and shall include synthetic ethyl alcohol, but shall not include methyl alcohol and alcohol completely denatured in accordance with formulas approved by the government of the United States.

"Alcohol vaporizing device" means any device, machine, or process that mixes any alcoholic beverages with pure oxygen or other gas to produce a vaporized product for the purpose of consumption by inhalation.

"Alcoholic beverages" includes alcohol, spirits, wine, and beer, and any one or more of such varieties containing one-half of one percent or more of alcohol by volume, including mixed alcoholic beverages, and every liquid or solid, powder or crystal, patented or not, containing alcohol, spirits, wine, or beer and capable of being consumed by a human being. Any liquid or solid containing more than one of the four varieties shall be considered as belonging to that variety which has the higher percentage of alcohol, however obtained, according to the order in which they are set forth in this definition; except that beer may be manufactured to include flavoring materials and other nonbeverage ingredients containing alcohol, as long as no more than 49 percent of the overall alcohol content of the finished product is derived from the addition of flavors and other nonbeverage ingredients containing alcohol for products with an alcohol content of no more than six percent by volume; or, in the case of products with an alcohol content of more than six percent by volume, as long as no more than one and one-half percent of the volume of the finished product consists of alcohol derived from added flavors and other nonbeverage ingredients containing alcohol.

"Arts venue" means a commercial or nonprofit establishment that is open to the public and in which works of art are sold or displayed.

"Authority" means the Virginia Alcoholic Beverage Control Authority created pursuant to this subtitle.

"Barrel" means any container or vessel having a capacity of more than 43 ounces.

"Bed and breakfast establishment" means any establishment (i) having no more than 15 bedrooms; (ii) offering to the public, for compensation, transitory lodging or sleeping accommodations; and (iii) offering at least one meal per day, which may but need not be breakfast, to each person to whom overnight lodging is provided. For purposes of the licensing requirements of this subtitle, "bed and breakfast establishment" includes any property offered to the public for short-term rental, as that term is defined in § 15.2-983, other than a hotel as defined in this section, regardless of whether a meal is offered to each person to whom overnight lodging is provided.

"Beer" means any alcoholic beverage obtained by the fermentation of an infusion or decoction of barley, malt, and hops or of any similar products in drinkable water and containing one-half of one percent or more of alcohol by volume.

"Board" means the Board of Directors of the Virginia Alcoholic Beverage Control Authority.

"Bottle" means any vessel intended to contain liquids and having a capacity of not more than 43 ounces.

"Bus" means a motor vehicle that (i) is operated by a common carrier licensed under Chapter 20 (§ 46.2-2000 et seq.) of Title 46.2 to transport passengers for compensation over the highways of the Commonwealth on regular or irregular routes of not less than 100 miles, (ii) seats no more than 24 passengers, (iii) is 40 feet in length or longer, (iv) offers wireless Internet services, (v) is equipped with charging stations at every seat for cellular phones or other portable devices, and (vi) during the transportation of passengers, is staffed by an attendant who has satisfied all training requirements set forth in this subtitle or Board regulation.

"Club" means any private nonprofit corporation or association which is the owner, lessee, or occupant of an establishment operated solely for a national, social, patriotic, political, athletic, or other like purpose, but not for pecuniary gain, the advantages of which belong to all of the members. It also means the establishment so operated. A corporation or association shall not lose its status as a club because of the conduct of charitable gaming conducted pursuant to Article 1.1:1 (§ 18.2-340.15 et seq.) of Chapter 8 of Title 18.2 in which nonmembers participate frequently or in large numbers, provided that no alcoholic beverages are served or consumed in the room where such charitable gaming is being conducted while such gaming is being conducted and that no alcoholic beverages are made available upon the premises to any person who is neither a member nor a bona fide guest of a member.

Any such corporation or association which has been declared exempt from federal and state income taxes as one which is not organized and operated for pecuniary gain or profit shall be deemed a nonprofit corporation or association.

"Commercial lifestyle center" means a mixed-use commercial development covering a minimum of 10 acres of land and having at least 100,000 square feet of retail space featuring national specialty chain stores and a combination of dining, entertainment, office, residential, or hotel establishments located in a physically integrated outdoor setting that is pedestrian friendly and that is governed by a commercial owners' association that is responsible for the management, maintenance, and operation of the common areas thereof.

"Container" means any barrel, bottle, carton, keg, vessel, or other receptacle used for holding alcoholic beverages.

"Contract winemaking facility" means the premises of a licensed winery or farm winery that obtains grapes, fruits, and other agricultural products from a person holding a winery or farm winery license and crushes, processes, ferments, bottles, or provides any combination of such services pursuant to an agreement with the winery or farm winery licensee. For all purposes of this subtitle, wine produced by a contract winemaking facility for a winery or farm winery shall be considered to be wine owned and produced by the winery or farm winery that supplied the grapes, fruits, or other agricultural products used in the production of the wine. The contract winemaking facility shall have no right to sell the wine so produced, unless the terms of payment have not been fulfilled in accordance with the contract. The contract winemaking facility may charge the winery or farm winery for its services. A winery licensee may utilize contract winemaking services only for the manufacture or processing of wine of which no less than 90 percent of the grapes, fruits, and other agricultural products used to make such wine are grown in the Commonwealth.

"Convenience grocery store" means an establishment that (i) has an enclosed room in a permanent structure where stock is displayed and offered for sale and (ii) maintains an inventory of edible items intended for human consumption consisting of a variety of such items of the types normally sold in grocery stores.

"Culinary lodging resort" means a facility (i) having not less than 13 overnight guest rooms in a building that has at least 20,000 square feet of indoor floor space; (ii) located on a farm in the Commonwealth with at least 1,000 acres of land zoned agricultural; (iii) equipped with a full-service kitchen; and (iv) offering to the public, for compensation, at least one meal per day, lodging, and recreational and educational activities related to farming, livestock, and other rural activities.

"Delicatessen" means an establishment that sells a variety of prepared foods or foods requiring little preparation, such as cheeses, salads, cooked meats, and related condiments.

"Designated area" means a room or area approved by the Board for on-premises licensees.

"Dining area" means a public room or area in which meals are regularly served.

"Drugstore" means an establishment that sells medicines prepared by a licensed pharmacist pursuant to a prescription and other medicines and items for home and general use.

"Establishment" means any place where alcoholic beverages of one or more varieties are lawfully manufactured, sold, or used.

"Farm winery" means (i) an establishment or cooperative located in the Commonwealth on land zoned agricultural that has (a) a vineyard, orchard, or similar growing area that produces fruits or other agricultural products used to manufacture

the wine of such farm winery, subject to the requirements set forth in § 4.1-219, and (b) facilities for fermenting and bottling wine on the premises where such farm winery manufactures wine that contains not more than 21 percent alcohol by volume or (ii) an accredited public or private institution of higher education, provided that (a) no wine manufactured by the institution shall be sold, (b) the wine manufactured by the institution shall be used solely for research and educational purposes, (c) the wine manufactured by the institution shall be stored on the premises of such farm winery that shall be separate and apart from all other facilities of the institution, and (d) such farm winery is operated in strict conformance with the requirements of this clause (ii) and Board regulations. As used in this definition, the term "cooperative" means a cooperative formed by an association of individuals for the purpose of manufacturing wine. In determining whether a cooperative licensed as a farm winery has met the requirements set forth in clause (i), the Board shall consider all land in the Commonwealth that is owned or leased by a member of the cooperative. For purposes of this definition, "land zoned agricultural" means (1) land zoned as an agricultural district or classification or (2) land otherwise permitted by a locality for farm winery use. For purposes of this definition, "land zoned agricultural" does not include land zoned "residential conservation." Except for the limitation on land zoned "residential conservation," nothing in the definition of "land zoned agricultural" shall otherwise limit or affect local zoning authority.

"Gift shop" means any bona fide retail store selling, predominantly, gifts, books, souvenirs, specialty items relating to history, original and handmade arts and products, collectibles, crafts, and floral arrangements, which is open to the public on a regular basis. Such shop shall be a permanent structure where stock is displayed and offered for sale and which has facilities to properly secure any stock of wine or beer. Such shop may be located (i) on the premises or grounds of a government registered national, state or local historic building or site or (ii) within the premises of a museum. The Board shall consider the purpose, characteristics, nature, and operation of the shop in determining whether it shall be considered a gift shop.

"Gourmet brewing shop" means an establishment which sells to persons to whom wine or beer may lawfully be sold, ingredients for making wine or brewing beer, including packaging, and rents to such persons facilities for manufacturing, fermenting and bottling such wine or beer.

"Gourmet oyster house" means an establishment that (i) is located on the premises of a commercial marina, (ii) is permitted by the Department of Health to serve oysters and other fresh seafood for consumption on the premises, and (iii) offers to the public events for the purpose of featuring and educating the consuming public about local oysters and other seafood products.

"Gourmet shop" means an establishment provided with adequate inventory, shelving, and storage facilities, where, in consideration of payment, substantial amounts of domestic and imported wines and beers of various types and sizes and related products such as cheeses and gourmet foods are habitually furnished to persons.

"Government store" means a store established by the Authority for the sale of alcoholic beverages.

"Grocery store" means an establishment that sells food and other items intended for human consumption, including a variety of ingredients commonly used in the preparation of meals.

"Historic cinema house" means a nonprofit establishment exempt from taxation under § 501(c)(3) of the Internal Revenue Code that was built prior to 1970 and that exists for the primary purpose of showing motion pictures to the public.

"Hotel" means any duly licensed establishment, provided with special space and accommodation, where, in consideration of payment, food and lodging are habitually furnished to persons, and which has four or more bedrooms. It shall also mean the person who operates such hotel.

"Interdicted person" means a person to whom the sale of alcoholic beverages is prohibited by order pursuant to this subtitle.

"Internet wine and beer retailer" means a person who owns or operates an establishment with adequate inventory, shelving, and storage facilities, where, in consideration of payment, Internet or telephone orders are taken and shipped directly to consumers and which establishment is not a retail store open to the public.

"Intoxicated" means a condition in which a person has drunk enough alcoholic beverages to observably affect his manner, disposition, speech, muscular movement, general appearance, or behavior.

"Licensed" means the holding of a valid license granted by the Authority.

"Licensee" means any person to whom a license has been granted by the Authority.

"Liqueur" means any of a class of highly flavored alcoholic beverages that do not exceed an alcohol content of 25 percent by volume.

"Low alcohol beverage cooler" means a drink containing one-half of one percent or more of alcohol by volume, but not more than seven and one-half percent alcohol by volume, and consisting of spirits mixed with nonalcoholic beverages or flavoring or coloring materials; it may also contain water, fruit juices, fruit adjuncts, sugar, carbon dioxide, preservatives or other similar products manufactured by fermenting fruit or fruit juices. Low alcohol beverage coolers shall be treated as wine for all purposes of this subtitle, except that low alcohol beverage coolers may be manufactured by a licensed distiller or a distiller located outside the Commonwealth.

"Marina store" means an establishment that is located on the same premises as a marina, is operated by the owner of such marina, and sells food and nautical and fishing supplies.

"Meals" means, for a mixed beverage license, an assortment of foods commonly ordered in bona fide, full-service restaurants as principal meals of the day. Such restaurants shall include establishments specializing in full course meals with a single substantial entree.

"Member of a club" means (i) a person who maintains his membership in the club by the payment of monthly, quarterly, or annual dues in the manner established by the rules and regulations thereof or (ii) a person who is a member of a bona fide auxiliary, local chapter, or squadron composed of direct lineal descendants of a bona fide member, whether alive or deceased, of a national or international organization to which an individual lodge holding a club license is an authorized member in the same locality. It shall also mean a lifetime member whose financial contribution is not less than 10 times the annual dues of resident members of the club, the full amount of such contribution being paid in advance in a lump sum.

"Mixed beverage" or "mixed alcoholic beverage" means a drink composed in whole or in part of spirits.

"Mixer" means any prepackaged ingredients containing beverages or flavoring or coloring materials, and which may also contain water, fruit juices, fruit adjuncts, sugar, carbon dioxide, or preservatives which are not commonly consumed unless combined with alcoholic beverages, whether or not such ingredients contain alcohol. Such specialty beverage product shall be manufactured or distributed by a Virginia corporation.

"Municipal golf course" means any golf course that is owned by any town incorporated in 1849 and which is the county seat of Smyth County.

"Performing arts facility" means an indoor or outdoor amphitheater, arena, multipurpose theater, or similar facility at which live musical, dance, theatre, or similar performances, the types of which are approved by the Authority, are performed, provided that the facility has stationary stadium or similar seating for more than 500 persons.

"Place or premises" means the real estate, together with any buildings or other improvements thereon, designated in the application for a license as the place at which the manufacture, bottling, distribution, use or sale of alcoholic beverages shall be performed, except that portion of any such building or other improvement actually and exclusively used as a private residence.

"Principal stockholder" means any person who individually or in concert with his spouse and immediate family members beneficially owns or controls, directly or indirectly, five percent or more of the equity ownership of any person that is a licensee of the Authority, or who in concert with his spouse and immediate family members has the power to vote or cause the vote of five percent or more of any such equity ownership. "Principal stockholder" does not include a broker-dealer registered under the Securities Exchange Act of 1934, as amended, that holds in inventory shares for sale on the financial markets for a publicly traded corporation holding, directly or indirectly, a license from the Authority.

"Public place" means any place, building, or conveyance to which the public has, or is permitted to have, access, including restaurants, soda fountains, hotel dining areas, lobbies and corridors of hotels, and any park, place of public resort or amusement, highway, street, lane, or sidewalk adjoining any highway, street, or lane.

"Public place" does not include (i) hotel or restaurant dining areas or ballrooms while in use for private meetings or private parties limited in attendance to members and guests of a particular group, association or organization; (ii) restaurants licensed by the Authority in office buildings or industrial or similar facilities while such restaurant is closed to the public and in use for private meetings or parties limited in attendance to employees and nonpaying guests of the owner or a lessee of all or part of such building or facility; (iii) offices, office buildings or industrial facilities while closed to the public and in use for private meetings or parties limited in attendance to employees and nonpaying guests of the owner or a lessee of all or part of such building or facility; or (iv) private recreational or chartered boats which are not licensed by the Board and on which alcoholic beverages are not sold.

"Residence" means any building or part of a building or structure where a person resides, but does not include any part of a building that is not actually and exclusively used as a private residence, nor any part of a hotel or club other than a private guest room thereof.

"Resort complex" means a facility (i) with a hotel owning year-round sports and recreational facilities located contiguously on the same property; (ii) owned by a nonstock, nonprofit, taxable corporation with voluntary membership which, as its primary function, makes available golf, ski, and other recreational facilities both to its members and to the general public; or (iii) operated by a corporation that operates as a management company which, as its primary function, makes available (a) vacation accommodations, guest rooms, or dwelling units and (b) golf, ski, and other recreational facilities to members of the managed entities and the general public. The hotel or corporation shall have or manage a minimum of 140 private guest rooms or dwelling units contained on not less than 50 acres, whether or not contiguous to the licensed premises; if the guest rooms or dwelling units are located on property that is not contiguous to the licensed premises, such guest rooms and dwelling units shall be located within the same locality. The Authority may consider the purpose, characteristics, and operation of the applicant establishment in determining whether it shall be considered as a resort complex. All other pertinent qualifications established by the Board for a hotel operation shall be observed by such licensee.

"Restaurant" means, for a wine and beer license or a limited mixed beverage restaurant license, any establishment provided with special space and accommodation, where, in consideration of payment, meals or other foods prepared on the premises are regularly sold.

"Restaurant" means, for a mixed beverage license other than a limited mixed beverage restaurant license, an established place of business (i) where meals with substantial entrees are regularly sold and (ii) which has adequate facilities and sufficient employees for cooking, preparing, and serving such meals for consumption at tables in dining areas on the premises, and includes establishments specializing in full course meals with a single substantial entree.

"Sale" and "sell" includes soliciting or receiving an order for; keeping, offering or exposing for sale; peddling, exchanging or bartering; or delivering otherwise than gratuitously, by any means, alcoholic beverages.

"Sangria" means a drink consisting of red or white wine mixed with some combination of sweeteners, fruit, fruit juice, soda, or soda water that may also be mixed with brandy, triple sec, or other similar spirits.

"Special agent" means an employee of the Virginia Alcoholic Beverage Control Authority whom the Board has designated as a law-enforcement officer pursuant to § 4.1-105.

"Special event" means an event sponsored by a duly organized nonprofit corporation or association and conducted for an athletic, charitable, civic, educational, political, or religious purpose.

"Spirits" means any beverage that contains alcohol obtained by distillation mixed with drinkable water and other substances, in solution, and includes, among other things, brandy, rum, whiskey, and gin, or any one or more of the last four named ingredients, but shall not include any such liquors completely denatured in accordance with formulas approved by the United States government.

"Sports facility" means a coliseum, stadium, racetrack, or similar facility at which professional sports, as defined in § 58.1-4030, or similar events, the types of which are approved by the Authority, are conducted.

"Wine" means any alcoholic beverage, including cider, obtained by the fermentation of the natural sugar content of fruits or other agricultural products containing (i) sugar, including honey and milk, either with or without additional sugar; (ii) one-half of one percent or more of alcohol by volume; and (iii) no product of distillation. "Wine" includes any wine to which wine spirits have been added, as provided in the Internal Revenue Code, to make products commonly known as "fortified wine" which do not exceed an alcohol content of 21 percent by volume.

"Wine cooler" means a drink containing one-half of one percent or more of alcohol by volume, and not more than three and two-tenths percent of alcohol by weight or four percent by volume consisting of wine mixed with nonalcoholic beverages or flavoring or coloring materials, and which may also contain water, fruit juices, fruit adjuncts, sugar, carbon dioxide, or preservatives and shall include other similar products manufactured by fermenting fruit or fruit juices. Wine coolers and similar fermented fruit juice beverages shall be treated as wine for all purposes except for taxation under § 4.1-236.

"With or without meals" means the selling and serving of alcoholic beverages by retail licensees for on-premises consumption whether or not accompanied by food so long as the total food-beverage ratio required by § 4.1-206.3, or the monthly food sale requirement established by Board regulation, is met by such retail licensee.

§ 4.1-103. General powers of Board.

The Board shall have the power to:

1. Sue and be sued, implead and be impleaded, and complain and defend in all courts;

2. Adopt, use, and alter at will a common seal;

3. Fix, alter, charge, and collect rates, rentals, fees, and other charges for the use of property of, the sale of products of, or services rendered by the Authority at rates to be determined by the Authority for the purpose of providing for the payment of the expenses of the Authority;

4. Make and enter into all contracts and agreements necessary or incidental to the performance of its duties, the furtherance of its purposes, and the execution of its powers under this subtitle, including agreements with any person or federal agency;

5. Employ, at its discretion, consultants, researchers, architects, engineers, accountants, financial experts, investment bankers, superintendents, managers, and such other employees and special agents as may be necessary and fix their compensation to be payable from funds made available to the Authority. Legal services for the Authority shall be provided by the Attorney General in accordance with Chapter 5 (§ 2.2-500 et seq.) of Title 2.2;

6. Receive and accept from any federal or private agency, foundation, corporation, association, or person grants or other aid to be expended in accomplishing the objectives of the Authority, and receive and accept from the Commonwealth or any state and any municipality, county, or other political subdivision thereof or from any other source aid or contributions of either money, property, or other things of value, to be held, used, and applied only for the purposes for which such grants and contributions may be made. All federal moneys accepted under this section shall be accepted and expended by the Authority upon such terms and conditions as are prescribed by the United States and as are consistent with state law, and all state moneys accepted under this section shall be expended by the Authority upon such terms and conditions as are prescribed by the Commonwealth;

7. Adopt, alter, and repeal bylaws, rules, and regulations governing the manner in which its business shall be transacted and the manner in which the powers of the Authority shall be exercised and its duties performed. The Board may delegate or assign any duty or task to be performed by the Authority to any officer or employee of the Authority. The Board shall remain responsible for the performance of any such duties or tasks. Any delegation pursuant to this subdivision shall, where appropriate, be accompanied by written guidelines for the exercise of the duties or tasks delegated. Where appropriate, the guidelines shall require that the Board receive summaries of actions taken. Such delegation or assignment shall not relieve the Board of the responsibility to ensure faithful performance of the duties and tasks;

8. Conduct or engage in any lawful business, activity, effort, or project consistent with the Authority's purposes or necessary or convenient to exercise its powers;

9. Develop policies and procedures generally applicable to the procurement of goods, services, and construction, based upon competitive principles;

10. Develop policies and procedures consistent with Article 4 (§ 2.2-4347 et seq.) of Chapter 43 of Title 2.2;

11. Buy, import and sell alcoholic beverages other than beer and wine not produced by farm wineries, and to have alcoholic beverages other than beer and wine not produced by farm wineries in its possession for sale;

12. Buy and sell any mixers;

13. Buy and sell products licensed by the Virginia Tourism Corporation that are within international trademark classes 16 (paper goods and printer matters), 18 (leather goods), 21 (housewares and glass), and 25 (clothing);

14. Control the possession, sale, transportation, and delivery of alcoholic beverages;

15. Determine, subject to § 4.1-121, the localities within which government stores shall be established or operated and the location of such stores;

16. Maintain warehouses for alcoholic beverages and control the storage and delivery of alcoholic beverages to and from such warehouses;

17. Acquire, purchase, hold, use, lease, or otherwise dispose of any property, real, personal or mixed, tangible or intangible, or any interest therein necessary or desirable for carrying out the purposes of the Authority; lease as lessee any property, real, personal or mixed, tangible or intangible, or any interest therein, at such annual rental and on such terms and conditions as may be determined by the Board; lease as lessor to any person any property, real, personal or mixed, tangible or intangible, or any interest therein, at any time acquired by the Authority, whether wholly or partially completed, at such annual rental and on such terms and conditions as may be determined by the Board; sell, transfer, or convey any property, real, personal or mixed, tangible or intangible, or any interest therein, at any time acquired or held by the Authority on such terms and conditions as may be determined by the Board; and occupy and improve any land or building required for the purposes of this subtitle;

18. Purchase, lease, or acquire the use of, by any manner, any plant or equipment that may be considered necessary or useful in carrying into effect the purposes of this subtitle, including rectifying, blending, and processing plants. The Board may purchase, build, lease, and operate distilleries and manufacture alcoholic beverages;

19. Determine the nature, form and capacity of all containers used for holding alcoholic beverages to be kept or sold under this subtitle, and prescribe the form and content of all labels and seals to be placed thereon; however, no container sold in or shipped into the Commonwealth shall include powdered or crystalline alcohol;

20. Appoint every agent and employee required for its operations; require any or all of them to give bonds payable to the Commonwealth in such penalty as shall be fixed by the Board; and engage the services of experts and professionals;

21. Hold and conduct hearings; issue subpoenas requiring the attendance of witnesses and the production of records, memoranda, papers and other documents before the Board or any agent of the Board; and administer oaths and take testimony thereunder. The Board may authorize any Board member or agent of the Board to hold and conduct hearings, issue subpoenas, administer oaths and take testimony thereunder, and decide cases, subject to final decision by the Board, on application of any party aggrieved. The Board may enter into consent agreements and may request and accept from any applicant or licensee a consent agreement in lieu of proceedings on (i) objections to the issuance of a license or (ii) disciplinary action. Any such consent agreement shall include findings of fact and may include an admission or a finding of a violation. A consent agreement shall not be considered a case decision of the Board and shall not be subject to judicial review under the provisions of the Administrative Process Act (§ 2.2-4000 et seq.), but may be considered by the Board in future disciplinary proceedings;

22. Make a reasonable charge for preparing and furnishing statistical information and compilations to persons other than (i) officials, including court and police officials, of the Commonwealth and of its subdivisions if the information requested is for official use and (ii) persons who have a personal or legal interest in obtaining the information requested if such information is not to be used for commercial or trade purposes;

23. Promulgate regulations in accordance with the Administrative Process Act (§ 2.2-4000 et seq.) and § 4.1-111;

24. Grant, suspend, and revoke licenses for the manufacture, bottling, distribution, importation, and sale of alcoholic beverages;

25. Assess and collect civil penalties and civil charges for violations of this subtitle and Board regulations;

26. Maintain actions to enjoin common nuisances as defined in § 4.1-317;

27. Establish minimum food sale requirements for all retail licensees;

28. Review and approve any proposed legislative or regulatory changes suggested by the Chief Executive Officer as the Board deems appropriate;

29. Report quarterly to the Secretary of Public Safety and Homeland Security on the law-enforcement activities undertaken to enforce the provisions of this subtitle;

30. Establish and collect fees for all permits set forth in this subtitle, including fees associated with applications for such permits;

31. Impose a requirement that a mixed beverage casino licensee pursuant to subdivision A ~~15~~ *14* of § 4.1-206.3 pay for any cost incurred by the Board to enforce such license in excess of the applicable state license fee; and

32. Do all acts necessary or advisable to carry out the purposes of this subtitle.

§ 4.1-206.3. (Effective until July 1, 2024) Retail licenses.

A. The Board may grant the following mixed beverages licenses:

1. Mixed beverage restaurant licenses, which shall authorize the licensee to sell and serve mixed beverages for on-premises consumption in dining areas and other designated areas of such restaurant or off-premises consumption. Such license may be granted only to persons (i) who operate a restaurant and (ii) whose gross receipts from the sale of food

cooked, or prepared, and consumed on the premises and nonalcoholic beverages served on the premises, after issuance of such license, amount to at least 45 percent of the gross receipts from the sale of mixed beverages and food. For the purposes of this subdivision, other designated areas shall include outdoor dining areas, whether or not contiguous to the licensed premises, which outdoor dining areas may have more than one means of ingress and egress to an adjacent public thoroughfare, provided such areas are under the control of the licensee and approved by the Board. Such noncontiguous designated areas shall not be approved for any retail license issued pursuant to subdivision A 5 of § 4.1-201.

If the restaurant is located on the premises of a hotel or motel with no fewer than four permanent bedrooms where food and beverage service is customarily provided by the restaurant in designated areas, bedrooms, and other private rooms of such hotel or motel, such licensee may (a) sell and serve mixed beverages for on-premises consumption in such designated areas, bedrooms, and other private rooms or off-premises consumption and (b) sell spirits packaged in original closed containers purchased from the Board for on-premises consumption to registered guests and at scheduled functions of such hotel or motel only in such bedrooms or private rooms. However, with regard to a hotel classified as a resort complex, the Board may authorize the sale and on-premises consumption of alcoholic beverages in all areas within the resort complex deemed appropriate by the Board. Nothing herein shall prohibit any person from keeping and consuming his own lawfully acquired spirits in bedrooms or private rooms.

If the restaurant is located on the premises of and operated by a private, nonprofit, or profit club exclusively for its members and their guests, or members of another private, nonprofit, or profit club in another city with which it has an agreement for reciprocal dining privileges, such license shall also authorize the licensees to (1) sell and serve mixed beverages for on-premises or off-premises consumption and (2) sell spirits that are packaged in original closed containers with a maximum capacity of two fluid ounces or 50 milliliters and purchased from the Board for on-premises consumption. Where such club prepares no food in its restaurant but purchases its food requirements from a restaurant licensed by the Board and located on another portion of the premises of the same hotel or motel building, this fact shall not prohibit the granting of a license by the Board to such club qualifying in all other respects. The club's gross receipts from the sale of nonalcoholic beverages consumed on the premises and food resold to its members and guests and consumed on the premises shall amount to at least 45 percent of its gross receipts from the sale of mixed beverages and food. The food sales made by a restaurant to such a club shall be excluded in any consideration of the qualifications of such restaurant for a license from the Board.

If the restaurant is located on the premises of and operated by a municipal golf course, the Board shall recognize the seasonal nature of the business and waive any applicable monthly food sales requirements for those months when weather conditions may reduce patronage of the golf course, provided that prepared food, including meals, is available to patrons during the same months. The gross receipts from the sale of food cooked, or prepared, and consumed on the premises and nonalcoholic beverages served on the premises, after the issuance of such license, shall amount to at least 45 percent of the gross receipts from the sale of mixed beverages and food on an annualized basis.

If the restaurant is located on the premises of and operated by a culinary lodging resort, such license shall authorize the licensee to (A) sell alcoholic beverages, without regard to the amount of gross receipts from the sale of food prepared and consumed on the premises, for off-premises consumption or for on-premises consumption in areas upon the licensed premises approved by the Board and other designated areas of the resort, including outdoor areas under the control of the licensee, and (B) permit the possession and consumption of lawfully acquired alcoholic beverages by persons to whom overnight lodging is being provided in bedrooms and private guest rooms.

If the restaurant is located on the premises of a mixed beverage casino licensee owned by an operator licensed under Article 3 (§ 58.1-4108 et seq.) of Chapter 41 of Title 58.1, such mixed beverage restaurant license shall authorize the licensee to sell alcoholic beverages for on-premises consumption on the licensed premises of the restaurant during all hours of operation of the mixed beverage casino licensee. Any alcoholic beverages purchased from such restaurant may be (I) taken onto the premises of the mixed beverage casino licensee and (II) possessed or consumed in areas designated by the Board, after consultation with the mixed beverage casino licensee. Designated areas may include any areas on the premises of the mixed beverage casino licensee, including entertainment venues, conference rooms, private rooms, hotels, pools, marinas, or green spaces. Alcoholic beverages purchased from a restaurant pursuant to this subdivision shall be contained in glassware or a paper, plastic, or similar disposable container that clearly displays the name or logo of the restaurant from which the alcoholic beverage was purchased.

The granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption and in closed containers for off-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

2. Mixed beverage caterer's licenses, which may be granted only to a person regularly engaged in the business of providing food and beverages to others for service at private gatherings or at special events, which shall authorize the licensee to sell and serve alcoholic beverages for on-premises consumption. The annual gross receipts from the sale of food cooked and prepared for service and nonalcoholic beverages served at gatherings and events referred to in this subdivision shall amount to at least 45 percent of the gross receipts from the sale of mixed beverages and food.

3. Mixed beverage limited caterer's licenses, which may be granted only to a person regularly engaged in the business of providing food and beverages to others for service at private gatherings or at special events, not to exceed 12 gatherings or events per year, which shall authorize the licensee to sell and serve alcoholic beverages for on-premises consumption. The annual gross receipts from the sale of food cooked and prepared for service and nonalcoholic beverages served at

gatherings and events referred to in this subdivision shall amount to at least 45 percent of the gross receipts from the sale of mixed beverages and food.

4. Mixed beverage carrier licenses to (i) persons operating a common carrier of passengers by train, boat, bus, or airplane, which shall authorize the licensee to sell and serve mixed beverages anywhere in the Commonwealth to passengers while in transit aboard any such common carrier, and in designated rooms of establishments of air carriers at airports in the Commonwealth and (ii) financial institutions, subsidiaries of a financial institution, or persons approved by the applicable airport authority that have entered into a contract with a financial institution or subsidiary of a financial institution to operate a passenger lounge, which shall authorize the licensee to sell and serve mixed beverages in designated areas of a passenger lounge for ticketed air carrier passengers that is located within an airport in the Commonwealth. For purposes of supplying its airplanes, as well as any airplanes of a licensed express carrier flying under the same brand, an air carrier licensee may appoint an authorized representative to load alcoholic beverages onto the same airplanes and to transport and store alcoholic beverages at or in close proximity to the airport where the alcoholic beverages will be delivered onto airplanes of the air carrier and any such licensed express carrier. The air carrier licensee shall (a) designate for purposes of its license all locations where the inventory of alcoholic beverages may be stored and from which the alcoholic beverages will be delivered onto airplanes of the air carrier and any such licensed express carrier and (b) maintain records of all alcoholic beverages to be transported, stored, and delivered by its authorized representative. The granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption or in closed containers for off-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

For the purposes of this subdivision:

"Financial institution" means any bank, trust company, savings institution, industrial loan association, consumer finance company, or credit union.

"Passenger lounge" means any restricted-access passenger waiting room or lounge leased to persons by the applicable airport authority in which food and beverage services are provided to ticketed passengers.

5. Annual mixed beverage ~~motor~~ sports facility licenses *to persons operating a sports facility or food concessions at a sports facility*, which shall authorize the licensee to sell mixed beverages~~, in paper, plastic, or similar disposable containers or in single original metal cans, during scheduled events, as well as events or performances immediately subsequent thereto, to patrons in all dining facilities, seating areas, viewing areas, walkways, concession areas, or similar facilities, for on-premises consumption. Such license may be granted to persons operating food concessions at an outdoor motor sports facility that (i) is located on 1,200 acres of rural property bordering the Dan River and has a track surface of 3.27 miles in length or (ii) hosts a NASCAR national touring race~~ *during any event and immediately subsequent thereto to patrons within all seating areas, concourses, walkways, concession areas, and additional locations designated by the Board (i) in closed containers for off-premises consumption or (ii) in paper, plastic, or similar disposable containers or in single original metal cans for on-premises consumption*. Upon authorization of the licensee, any person may keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas and locations covered by the license. The granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption or in closed containers for off-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

6. Limited mixed beverage restaurant licenses, which shall authorize the licensee to sell and serve dessert wines as defined by Board regulation and no more than six varieties of liqueurs, which liqueurs shall be combined with coffee or other nonalcoholic beverages, for on-premises consumption in dining areas of the restaurant or off-premises consumption. Such license may be granted only to persons who operate a restaurant and in no event shall the sale of such wine or liqueur-based drinks, together with the sale of any other alcoholic beverages, exceed 10 percent of the total annual gross sales of all food and alcoholic beverages. The granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption or in closed containers for off-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

7. Annual mixed beverage performing arts facility licenses, which shall (i) authorize the licensee to sell, on the dates of performances or events, alcoholic beverages in paper, plastic, or similar disposable containers or in single original metal cans for on-premises consumption in all seating areas, concourses, walkways, concession areas, similar facilities, and other areas upon the licensed premises approved by the Board and (ii) automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption or in closed containers for off-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1. Such licenses may be granted to ~~the following:~~

~~a. Corporations or associations~~ *persons* operating a performing arts facility~~, provided the~~ *or food concessions at a* performing arts facility ~~(i) is owned by a governmental entity; (ii) is occupied by a for-profit entity under a bona fide lease, the original term of which was for more than one year's duration; and (iii) has been rehabilitated in accordance with historic preservation standards;~~

~~b. Persons operating food concessions at any performing arts facility located in the City of Norfolk or the City of Richmond, provided that the performing arts facility (i) is occupied under a bona fide long-term lease or concession agreement, the original term of which was more than five years; (ii) has a capacity in excess of 1,400 patrons; (iii) has been~~

~~rehabilitated in accordance with historic preservation standards; and (iv) has monthly gross receipts from the sale of food cooked, or prepared, and consumed on the premises and nonalcoholic beverages served on the premises that meet or exceed the monthly minimum established by Board regulations for mixed beverage restaurants;~~

~~c. Persons operating food concessions at any performing arts facility located in the City of Waynesboro, provided that the performing arts facility (i) is occupied under a bona fide long-term lease or concession agreement, the original term of which was more than five years; (ii) has a total capacity in excess of 550 patrons; and (iii) has been rehabilitated in accordance with historic preservation standards;~~

~~d. Persons operating food concessions at any performing arts facility located in the arts and cultural district of the City of Harrisonburg, provided that the performing arts facility (i) is occupied under a bona fide long-term lease or concession agreement, the original term of which was more than five years; (ii) has been rehabilitated in accordance with historic preservation standards; (iii) has monthly gross receipts from the sale of food cooked, or prepared, and consumed on the premises and nonalcoholic beverages served on the premises that meet or exceed the monthly minimum established by Board regulations for mixed beverage restaurants; and (iv) has a total capacity in excess of 900 patrons;~~

~~e. Persons operating food concessions at any multipurpose theater located in the historical district of the Town of Bridgewater, provided that the theater (i) is owned and operated by a governmental entity and (ii) has a total capacity in excess of 100 patrons;~~

~~f. Persons operating food concessions at any outdoor performing arts amphitheater, arena, or similar facility that has seating for more than 20,000 persons and is located in Prince William County or the City of Virginia Beach;~~

~~g. Persons operating food concessions at any outdoor performing arts amphitheater, arena, or similar facility that has seating for more than 5,000 persons and is located in the City of Alexandria or the City of Portsmouth; or~~

~~h. Persons operating food concessions at any corporate and performing arts facility located in Fairfax County, provided that the corporate and performing arts facility (i) is occupied under a bona fide long-term lease, management, or concession agreement, the original term of which was more than one year and (ii) has a total capacity in excess of 1,400 patrons. Such license shall authorize the sale, on the dates of performances or events, of alcoholic beverages for on-premises consumption in areas upon the licensed premises approved by the Board~~.

8. Combined mixed beverage restaurant and caterer's licenses, which may be granted to any restaurant or hotel that meets the qualifications for both a mixed beverage restaurant pursuant to subdivision 1 and mixed beverage caterer pursuant to subdivision 2 for the same business location, and which license shall authorize the licensee to operate as both a mixed beverage restaurant and mixed beverage caterer at the same business premises designated in the license, with a common alcoholic beverage inventory for purposes of the restaurant and catering operations. Such licensee shall meet the separate food qualifications established for the mixed beverage restaurant license pursuant to subdivision 1 and mixed beverage caterer's license pursuant to subdivision 2. The granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption or in closed containers for off-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

9. Bed and breakfast licenses, which shall authorize the licensee to (i) serve alcoholic beverages in dining areas, private guest rooms, and other designated areas to persons to whom overnight lodging is being provided, with or without meals, for on-premises consumption only in such rooms and areas, and without regard to the amount of gross receipts from the sale of food prepared and consumed on the premises and (ii) permit the consumption of lawfully acquired alcoholic beverages by persons to whom overnight lodging is being provided in (a) bedrooms or private guest rooms or (b) other designated areas of the bed and breakfast establishment. For purposes of this subdivision, "other designated areas" includes outdoor dining areas, whether or not contiguous to the licensed premises, which may have more than one means of ingress and egress to an adjacent public thoroughfare, provided that such outdoor dining areas are under the control of the licensee and approved by the Board. Such noncontiguous designated areas shall not be approved for any retail license issued pursuant to subdivision A 5 of § 4.1-201.

10. Museum licenses, which may be issued to nonprofit museums exempt from taxation under § 501(c)(3) of the Internal Revenue Code, which shall authorize the licensee to (i) permit the consumption of lawfully acquired alcoholic beverages on the premises of the licensee by any bona fide member and guests thereof and (ii) serve alcoholic beverages on the premises of the licensee to any bona fide member and guests thereof. However, alcoholic beverages shall not be sold or charged for in any way by the licensee. The privileges of this license shall be limited to the premises of the museum, regularly occupied and utilized as such.

11. ~~Motor car sporting event facility licenses, which shall authorize the licensee to permit the consumption of lawfully acquired alcoholic beverages on the premises of the licensee by patrons thereof during such events. However, alcoholic beverages shall not be sold or charged for in any way, directly or indirectly, by the licensee. The privileges of this license shall be limited to those areas of the licensee's premises designated by the Board that are regularly occupied and utilized for motor car sporting events.~~

~~12.~~ Commercial lifestyle center licenses, which may be issued only to a commercial owners' association governing a commercial lifestyle center, which shall authorize any retail on-premises restaurant licensee that is a tenant of the commercial lifestyle center to sell alcoholic beverages to any bona fide customer to whom alcoholic beverages may be lawfully sold for consumption on that portion of the licensed premises of the commercial lifestyle center designated by the Board, including (i) plazas, seating areas, concourses, walkways, or such other similar areas and (ii) the premises of any

tenant location of the commercial lifestyle center that is not a retail licensee of the Board, upon approval of such tenant, but excluding any parking areas. Only alcoholic beverages purchased from such retail on-premises restaurant licensees may be consumed on the licensed premises of the commercial lifestyle center, and such alcoholic beverages shall be contained in paper, plastic, or similar disposable containers with the name or logo of the restaurant licensee that sold the alcoholic beverage clearly displayed. Alcoholic beverages shall not be sold or charged for in any way by the commercial lifestyle center licensee. The licensee shall post appropriate signage clearly demarcating for the public the boundaries of the licensed premises; however, no physical barriers shall be required for this purpose. The licensee shall provide adequate security for the licensed premises to ensure compliance with the applicable provisions of this subtitle and Board regulations.

~~13.~~ *12.* Mixed beverage port restaurant licenses, which shall authorize the licensee to sell and serve mixed beverages for consumption in dining areas and other designated areas of such restaurant. Such license may be granted only to persons operating a business (i) that is primarily engaged in the sale of meals; (ii) that is located on property owned by the United States government or an agency thereof and used as a port of entry to or egress from the United States; and (iii) whose gross receipts from the sale of food cooked, or prepared, and consumed on the premises and nonalcoholic beverages served on the premises, after issuance of such license, amount to at least 45 percent of the gross receipts from the sale of mixed beverages and food. For the purposes of this subdivision, other designated areas shall include outdoor dining areas, whether or not contiguous to the licensed premises, which outdoor dining areas may have more than one means of ingress and egress to an adjacent public thoroughfare, provided such areas are under the control of the licensee and approved by the Board. Such noncontiguous designated areas shall not be approved for any retail license issued pursuant to subdivision A 5 of § 4.1-201. The granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption or in closed containers for off-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

~~14.~~ *13.* Annual mixed beverage special events licenses to (i) a duly organized nonprofit corporation or association operating either a performing arts facility or an art education and exhibition facility; (ii) a nonprofit corporation or association chartered by Congress for the preservation of sites, buildings, and objects significant in American history and culture; (iii) persons operating an agricultural event and entertainment park or similar facility that has a minimum of 50,000 square feet of indoor exhibit space and equine and other livestock show areas, which includes barns, pavilions, or other structures equipped with roofs, exterior walls, and open-door or closed-door access; or (iv) a locality for special events conducted on the premises of a museum for historic interpretation that is owned and operated by the locality. The operation in all cases shall be upon premises owned by such licensee or occupied under a bona fide lease, the original term of which was for more than one year's duration. Such license shall authorize the licensee to sell alcoholic beverages during scheduled events and performances for on-premises consumption in areas upon the licensed premises approved by the Board.

~~15.~~ *14.* Mixed beverage casino licenses, which shall authorize the licensee to (i) sell and serve mixed beverages for on-premises consumption in areas designated by the Board, after consultation with the mixed beverage casino licensee, without regard to the amount of gross receipts from the sale of food prepared and consumed on the premises and (ii) provide complimentary mixed beverages to patrons for on-premises consumption in private areas or restricted access areas designated by the Board, after consultation with the mixed beverage casino licensee. Designated areas may include any areas on the premises of the mixed beverage casino licensee, including entertainment venues, private rooms, conference rooms, hotels, pools, marinas, or green spaces. The granting of a license pursuant to this subdivision shall authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption and in closed containers for off-premises consumption in accordance with the provisions of this subdivision governing mixed beverages; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1. Notwithstanding any law or regulation to the contrary, a mixed beverage casino licensee may exercise the privileges of its license as set forth in this subdivision during all hours of operation of the casino gaming establishment; however, such licensee shall not sell wine or beer for off-premises consumption between the hours of 12 a.m. and 6 a.m.

A mixed beverage casino licensee may (a) provide patrons gifts of alcoholic beverages in closed containers for personal consumption off the licensed premises or in areas designated by the Board, after consultation with the mixed beverage casino licensee, and (b) enable patrons who participate in a loyalty or reward credit program to redeem credits for the purchase of alcoholic beverages for on-premises consumption. A summary of the operation of such loyalty or reward credit program shall be provided to the Board upon request.

A mixed beverage casino license may only be issued to a casino gaming establishment owned by an operator licensed under Article 3 (§ 58.1-4108 et seq.) of Chapter 41 of Title 58.1.

B. The Board may grant an on-and-off-premises wine and beer license to the following:

1. Hotels, restaurants, and clubs, which shall authorize the licensee to sell wine and beer (i) in closed containers for off-premises consumption or (ii) for on-premises consumption, either with or without meals, in dining areas and other designated areas of such restaurants, or in dining areas, private guest rooms, and other designated areas of such hotels or clubs, for consumption only in such rooms and areas. However, with regard to a hotel classified by the Board as (a) a resort complex, the Board may authorize the sale and consumption of alcoholic beverages in all areas within the resort complex deemed appropriate by the Board or (b) a limited service hotel, the Board may authorize the sale and consumption of alcoholic beverages in dining areas, private guest rooms, and other designated areas to persons to whom overnight lodging is being provided, for on-premises consumption in such rooms or areas, and without regard to the amount of gross receipts from the sale of food prepared and consumed on the premises, provided that at least one meal is provided each day by the

hotel to such guests. With regard to facilities registered in accordance with Chapter 49 (§ 38.2-4900 et seq.) of Title 38.2 as continuing care communities that are also licensed by the Board under this subdivision, any resident may, upon authorization of the licensee, keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas covered by the license. For purposes of this subdivision, "other designated areas" includes outdoor dining areas, whether or not contiguous to the licensed premises, which may have more than one means of ingress and egress to an adjacent public thoroughfare, provided that such outdoor dining areas are under the control of the licensee and approved by the Board. Such noncontiguous designated areas shall not be approved for any retail license issued pursuant to subdivision A 5 of § 4.1-201.

2. Hospitals, which shall authorize the licensee to sell wine and beer (i) in the rooms of patients for their on-premises consumption only in such rooms, provided the consent of the patient's attending physician is first obtained or (ii) in closed containers for off-premises consumption.

3. Rural grocery stores, which shall authorize the licensee to sell wine and beer for on-premises consumption or in closed containers for off-premises consumption. No license shall be granted unless (i) the grocery store is located in any town or in a rural area outside the corporate limits of any city or town and (ii) it appears affirmatively that a substantial public demand for such licensed establishment exists and that public convenience and the purposes of this subtitle will be promoted by granting the license.

4. Coliseums, stadiums, and racetracks, which shall authorize the licensee to sell wine and beer during any event and immediately subsequent thereto to patrons within all seating areas, concourses, walkways, concession areas, and additional locations designated by the Board (i) in closed containers for off-premises consumption or (ii) in paper, plastic, or similar disposable containers or in single original metal cans for on-premises consumption. Upon authorization of the licensee, any person may keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas and locations covered by the license. Such licenses may be granted to persons operating food concessions at coliseums, stadiums, racetracks, or similar facilities.

5. Performing arts food concessionaires, which shall authorize the licensee to sell wine and beer during the performance of any event to patrons within all seating areas, concourses, walkways, or concession areas, or other areas approved by the Board (i) in closed containers for off-premises consumption or (ii) in paper, plastic, or similar disposable containers or in single original metal cans for on-premises consumption. Upon authorization of the licensee, any person may keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas and locations covered by the license. Such licenses may be granted to persons operating food concessions at any ~~outdoor~~ performing arts ~~amphitheater, arena, or similar~~ facility ~~that (a) has seating for more than 20,000 persons and is located in Prince William County or the City of Virginia Beach; (b) has seating or capacity for more than 3,500 persons and is located in the County of Albemarle, Alleghany, Augusta, Nelson, Pittsylvania, or Rockingham or the City of Charlottesville, Danville, or Roanoke; or (c) has capacity for more than 9,500 persons and is located in Henrico County~~.

6. Exhibition halls, which shall authorize the licensee to sell wine and beer during the event to patrons or attendees within all seating areas, exhibition areas, concourses, walkways, concession areas, and such additional locations designated by the Board in such facilities (i) in closed containers for off-premises consumption or (ii) in paper, plastic, or similar disposable containers or in single original metal cans for on-premises consumption. Upon authorization of the licensee, any person may keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas and locations covered by the license. Such licenses may be granted to persons operating food concessions at exhibition or exposition halls, convention centers, or similar facilities located in any county operating under the urban county executive form of government or any city that is completely surrounded by such county. For purposes of this subdivision, "exhibition or exposition hall" and "convention centers" mean facilities conducting private or public trade shows or exhibitions in an indoor facility having in excess of 100,000 square feet of floor space.

7. Concert and dinner-theaters, which shall authorize the licensee to sell wine and beer during events to patrons or attendees within all seating areas, exhibition areas, concourses, walkways, concession areas, dining areas, and such additional locations designated by the Board in such facilities, for on-premises consumption or in closed containers for off-premises consumption. Persons licensed pursuant to this subdivision shall serve food, prepared on or off premises, whenever wine or beer is served. Such licenses may be granted to persons operating concert or dinner-theater venues on property fronting Natural Bridge School Road in Natural Bridge Station and formerly operated as Natural Bridge High School.

8. Historic cinema houses, which shall authorize the licensee to sell wine and beer, either with or without meals, during any showing of a motion picture to patrons to whom alcoholic beverages may be lawfully sold, for on-premises consumption or in closed containers for off-premises consumption. The privileges of this license shall be limited to the premises of the historic cinema house regularly occupied and utilized as such.

9. Nonprofit museums, which shall authorize the licensee to sell wine and beer for on-premises consumption or in closed containers for off-premises consumption in areas approved by the Board. Such licenses may be granted to persons operating a nonprofit museum exempt from taxation under § 501(c)(3) of the Internal Revenue Code, located in the Town of Front Royal, and dedicated to educating the consuming public about historic beer products. The privileges of this license shall be limited to the premises of the museum, regularly occupied and utilized as such.

C. The Board may grant the following off-premises wine and beer licenses:

1. Retail off-premises wine and beer licenses, which may be granted to a convenience grocery store, delicatessen, drugstore, gift shop, gourmet oyster house, gourmet shop, grocery store, or marina store as defined in § 4.1-100 and Board

regulations. Such license shall authorize the licensee to sell wine and beer in closed containers for off-premises consumption and, notwithstanding the provisions of § 4.1-308, to give to any person to whom wine or beer may be lawfully sold a sample of wine or beer for on-premises consumption; however, no single sample shall exceed four ounces of beer or two ounces of wine and no more than 12 ounces of beer or five ounces of wine shall be served to any person per day. The licensee may also give samples of wine and beer in designated areas at events held by the licensee for the purpose of featuring and educating the consuming public about the alcoholic beverages being tasted. With the consent of the licensee, farm wineries, wineries, breweries, distillers, and wholesale licensees or authorized representatives of such licensees may participate in such tastings, including the pouring of samples. The licensee shall comply with any food inventory and sales volume requirements established by Board regulation.

2. Gourmet brewing shop licenses, which shall authorize the licensee to sell to any person to whom wine or beer may be lawfully sold, ingredients for making wine or brewing beer, including packaging, and to rent to such persons facilities for manufacturing, fermenting, and bottling such wine or beer, for off-premises consumption in accordance with subdivision 6 of § 4.1-200.

3. Confectionery licenses, which shall authorize the licensee to prepare and sell on the licensed premises for off-premises consumption confectionery that contains five percent or less alcohol by volume. Any alcohol contained in such confectionery shall not be in liquid form at the time such confectionery is sold.

D. The Board may grant the following banquet, special event, and tasting licenses:

1. Per-day event licenses.

a. Banquet licenses to persons in charge of private banquets, and to duly organized nonprofit corporations or associations in charge of special events, which shall authorize the licensee to sell or give wine and beer in rooms or areas approved by the Board for the occasion for on-premises consumption in such rooms or areas. Licensees who are nonprofit corporations or associations conducting fundraisers (i) shall also be authorized to sell wine, as part of any fundraising activity, in closed containers for off-premises consumption to persons to whom wine may be lawfully sold; (ii) shall be limited to no more than one such fundraiser per year; and (iii) if conducting such fundraiser through an online meeting platform, may ship such wine, in accordance with Board regulations, in closed containers to persons located within the Commonwealth. Except as provided in § 4.1-215, a separate license shall be required for each day of each banquet or special event. For the purposes of this subdivision, when the location named in the original application for a license is outdoors, the application may also name an alternative location in the event of inclement weather. However, no such license shall be required of any hotel, restaurant, or club holding a retail wine and beer license.

b. Mixed beverage special events licenses to a duly organized nonprofit corporation or association in charge of a special event, which shall authorize the licensee to sell and serve mixed beverages for on-premises consumption in areas approved by the Board on the premises of the place designated in the license. A separate license shall be required for each day of each special event.

c. Mixed beverage club events licenses to a club holding a wine and beer club license, which shall authorize the licensee to sell and serve mixed beverages for on-premises consumption by club members and their guests in areas approved by the Board on the club premises. A separate license shall be required for each day of each club event. No more than 12 such licenses shall be granted to a club in any calendar year. The granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

d. Tasting licenses, which shall authorize the licensee to sell or give samples of alcoholic beverages of the type specified in the license in designated areas at events held by the licensee. A tasting license shall be issued for the purpose of featuring and educating the consuming public about the alcoholic beverages being tasted. A separate license shall be required for each day of each tasting event. No tasting license shall be required for conduct authorized by § 4.1-201.1.

2. Annual licenses.

a. Annual banquet licenses to duly organized private nonprofit fraternal, patriotic, or charitable membership organizations that are exempt from state and federal taxation and in charge of banquets conducted exclusively for members and their guests, which shall authorize the licensee to serve wine and beer in rooms or areas approved by the Board for the occasion for on-premises consumption in such rooms or areas. Such license shall authorize the licensee to conduct no more than 12 banquets per calendar year. For the purposes of this subdivision, when the location named in the original application for a license is outdoors, the application may also name an alternative location in the event of inclement weather. However, no such license shall be required of any hotel, restaurant, or club holding a retail wine and beer license.

b. Banquet facility licenses to volunteer fire departments and volunteer emergency medical services agencies, which shall authorize the licensee to permit the consumption of lawfully acquired alcoholic beverages on the premises of the licensee by any person, and bona fide members and guests thereof, otherwise eligible for a banquet license. However, lawfully acquired alcoholic beverages shall not be purchased or sold by the licensee or sold or charged for in any way by the person permitted to use the premises. Such premises shall be a volunteer fire or volunteer emergency medical services agency station or both, regularly occupied as such and recognized by the governing body of the county, city, or town in which it is located. Under conditions as specified by Board regulation, such premises may be other than a volunteer fire or volunteer emergency medical services agency station, provided such other premises are occupied and under the control of the volunteer fire department or volunteer emergency medical services agency while the privileges of its license are being exercised.

c. Designated outdoor refreshment area licenses to a locality, business improvement district, or nonprofit organization, which shall authorize (i) the licensee to permit the consumption of alcoholic beverages within the area designated by the Board for the designated outdoor refreshment area and (ii) any permanent retail on-premises licensee that is located within the area designated by the Board for the designated outdoor refreshment area to sell alcoholic beverages within the permanent retail location for consumption in the area designated for the designated outdoor refreshment area, including sidewalks and the premises of businesses not licensed to sell alcoholic beverages at retail, upon approval of such businesses. In determining the designated area for the designated outdoor refreshment area, the Board shall consult with the locality. Designated outdoor refreshment area licensees shall be limited to 16 events per year, and the duration of any event shall not exceed three consecutive days. However, the Board may increase the frequency and duration of events after adoption of an ordinance by a locality requesting such increase in frequency and duration. Such ordinance shall include the size and scope of the area within which such events will be held, a public safety plan, and any other considerations deemed necessary by the Board. Such limitations on the number of events that may be held shall not apply during the effective dates of any rule, regulation, or order that is issued by the Governor or State Health Commissioner to meet a public health emergency and that effectively reduces allowable restaurant seating capacity; however, designated outdoor refreshment area licensees shall be subject to all other applicable provisions of this subtitle and Board regulations and shall provide notice to the Board regarding the days and times during which the privileges of the license will be exercised. Only alcoholic beverages purchased from permanent retail on-premises licensees located within the designated area may be consumed at the event, and such alcoholic beverages shall be contained in paper, plastic, or similar disposable containers that clearly display the name or logo of the retail on-premises licensee from which the alcoholic beverage was purchased. Alcoholic beverages shall not be sold or charged for in any way by the designated outdoor refreshment area licensee. The designated outdoor refreshment area licensee shall post appropriate signage clearly demarcating for the public the boundaries of the event; however, no physical barriers shall be required for this purpose. The designated outdoor refreshment area licensee shall provide adequate security for the event to ensure compliance with the applicable provisions of this subtitle and Board regulations.

d. Annual mixed beverage banquet licenses to duly organized private nonprofit fraternal, patriotic, or charitable membership organizations that are exempt from state and federal taxation and in charge of banquets conducted exclusively for members and their guests, which shall authorize the licensee to serve mixed beverages for on-premises consumption in areas approved by the Board on the premises of the place designated in the license. Such license shall authorize the licensee to conduct no more than 12 banquets per calendar year. The granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

e. Equine sporting event licenses, which may be issued to organizations holding equestrian, hunt, and steeplechase events, which shall authorize the licensee to permit the consumption of lawfully acquired alcoholic beverages on the premises of the licensee by patrons thereof during such event. However, alcoholic beverages shall not be sold or charged for in any way by the licensee. The privileges of this license shall be (i) limited to the premises of the licensee, regularly occupied and utilized for equestrian, hunt, and steeplechase events, and (ii) exercised on no more than four calendar days per year.

f. Annual arts venue event licenses, to persons operating an arts venue, which shall authorize the licensee participating in a community art walk that is open to the public to serve lawfully acquired wine or beer on the premises of the licensee to adult patrons thereof during such events. However, alcoholic beverages shall not be sold or charged for in any way, directly or indirectly, by the licensee, and the licensee shall not give more than two five-ounce glasses of wine or two 12-ounce glasses of beer to any one adult patron. The privileges of this license shall be (i) limited to the premises of the arts venue regularly occupied and used as such and (ii) exercised on no more than 12 calendar days per year.

E. The Board may grant a marketplace license to persons operating a business enterprise of which the primary function is not the sale of alcoholic beverages, which shall authorize the licensee to serve complimentary wine or beer to bona fide customers on the licensed premises subject to any limitations imposed by the Board; however, the licensee shall not give more than two five-ounce glasses of wine or two 12-ounce glasses of beer to any customer per day, nor shall it sell or otherwise charge a fee to such customer for the wine or beer served or consumed. In order to be eligible for and retain a marketplace license, the applicant's business enterprise must (i) provide a single category of goods or services in a manner intended to create a personalized experience for the customer; (ii) employ staff with expertise in such goods or services; (iii) be ineligible for any other license granted by the Board; (iv) have an alcoholic beverage control manager on the licensed premises at all times alcohol is served; (v) ensure that all employees satisfy any training requirements imposed by the Board; and (vi) purchase all wine and beer to be served from a licensed wholesaler or the Authority and retain purchase records as prescribed by the Board. In determining whether to grant a marketplace license, the Board shall consider (a) the average amount of time customers spend at the business; (b) the business's hours of operation; (c) the amount of time that the business has been in operation; and (d) any other requirements deemed necessary by the Board to protect the public health, safety, and welfare.

F. The Board may grant the following shipper, bottler, and related licenses:

1. Wine and beer shipper licenses, which shall carry the privileges and limitations set forth in § 4.1-209.1.

2. Internet wine and beer retailer licenses, which shall authorize persons located within or outside the Commonwealth to sell and ship wine and beer, in accordance with § 4.1-209.1 and Board regulations, in closed containers to persons in the

Commonwealth to whom wine and beer may be lawfully sold for off-premises consumption. Such licensee shall not be required to comply with the monthly food sale requirement established by Board regulations.

3. Bottler licenses, which shall authorize the licensee to acquire and receive deliveries and shipments of beer in closed containers and to bottle, sell, and deliver or ship it, in accordance with Board regulations to (i) wholesale beer licensees for the purpose of resale, (ii) owners of boats registered under the laws of the United States sailing for ports of call of a foreign country or another state, and (iii) persons outside the Commonwealth for resale outside the Commonwealth.

4. Fulfillment warehouse licenses, which shall authorize associations as defined in § 13.1-313 with a place of business located in the Commonwealth to (i) receive deliveries and shipments of wine or beer owned by holders of wine and beer shipper's licenses; (ii) store such wine or beer on behalf of the owner; and (iii) pick, pack, and ship such wine or beer as directed by the owner, all in accordance with Board regulations. No wholesale wine or wholesale beer licensee, whether licensed in the Commonwealth or not, or any person under common control of such licensee, shall acquire or hold any financial interest, direct or indirect, in the business for which any fulfillment warehouse license is issued.

5. Marketing portal licenses, which shall authorize agricultural cooperative associations organized under the provisions of the Agricultural Cooperative Association Act (§ 13.1-312 et seq.), with a place of business located in the Commonwealth, in accordance with Board regulations, to solicit and receive orders for wine or beer through the use of the Internet from persons in the Commonwealth to whom wine or beer may be lawfully sold, on behalf of holders of wine and beer shipper's licenses. Upon receipt of an order for wine or beer, the licensee shall forward it to a holder of a wine and beer shipper's license for fulfillment. Marketing portal licensees may also accept payment on behalf of the shipper.

6. Third-party delivery licenses, which shall carry the privileges and limitations set forth in § 4.1-212.2.

§ 4.1-206.3. (Effective July 1, 2024) Retail licenses.

A. The Board may grant the following mixed beverages licenses:

1. Mixed beverage restaurant licenses, which shall authorize the licensee to sell and serve mixed beverages for consumption in dining areas and other designated areas of such restaurant. Such license may be granted only to persons (i) who operate a restaurant and (ii) whose gross receipts from the sale of food cooked, or prepared, and consumed on the premises and nonalcoholic beverages served on the premises, after issuance of such license, amount to at least 45 percent of the gross receipts from the sale of mixed beverages and food. For the purposes of this subdivision, other designated areas shall include outdoor dining areas, whether or not contiguous to the licensed premises, which outdoor dining areas may have more than one means of ingress and egress to an adjacent public thoroughfare, provided such areas are under the control of the licensee and approved by the Board. Such noncontiguous designated areas shall not be approved for any retail license issued pursuant to subdivision A 5 of § 4.1-201.

If the restaurant is located on the premises of a hotel or motel with no fewer than four permanent bedrooms where food and beverage service is customarily provided by the restaurant in designated areas, bedrooms, and other private rooms of such hotel or motel, such licensee may (a) sell and serve mixed beverages for consumption in such designated areas, bedrooms, and other private rooms and (b) sell spirits packaged in original closed containers purchased from the Board for on-premises consumption to registered guests and at scheduled functions of such hotel or motel only in such bedrooms or private rooms. However, with regard to a hotel classified as a resort complex, the Board may authorize the sale and on-premises consumption of alcoholic beverages in all areas within the resort complex deemed appropriate by the Board. Nothing herein shall prohibit any person from keeping and consuming his own lawfully acquired spirits in bedrooms or private rooms.

If the restaurant is located on the premises of and operated by a private, nonprofit, or profit club exclusively for its members and their guests, or members of another private, nonprofit, or profit club in another city with which it has an agreement for reciprocal dining privileges, such license shall also authorize the licensees to (1) sell and serve mixed beverages for on-premises consumption and (2) sell spirits that are packaged in original closed containers with a maximum capacity of two fluid ounces or 50 milliliters and purchased from the Board for on-premises consumption. Where such club prepares no food in its restaurant but purchases its food requirements from a restaurant licensed by the Board and located on another portion of the premises of the same hotel or motel building, this fact shall not prohibit the granting of a license by the Board to such club qualifying in all other respects. The club's gross receipts from the sale of nonalcoholic beverages consumed on the premises and food resold to its members and guests and consumed on the premises shall amount to at least 45 percent of its gross receipts from the sale of mixed beverages and food. The food sales made by a restaurant to such a club shall be excluded in any consideration of the qualifications of such restaurant for a license from the Board.

If the restaurant is located on the premises of and operated by a municipal golf course, the Board shall recognize the seasonal nature of the business and waive any applicable monthly food sales requirements for those months when weather conditions may reduce patronage of the golf course, provided that prepared food, including meals, is available to patrons during the same months. The gross receipts from the sale of food cooked, or prepared, and consumed on the premises and nonalcoholic beverages served on the premises, after the issuance of such license, shall amount to at least 45 percent of the gross receipts from the sale of mixed beverages and food on an annualized basis.

If the restaurant is located on the premises of and operated by a culinary lodging resort, such license shall authorize the licensee to (A) sell alcoholic beverages for on-premises consumption, without regard to the amount of gross receipts from the sale of food prepared and consumed on the premises, in areas upon the licensed premises approved by the Board and other designated areas of the resort, including outdoor areas under the control of the licensee, and (B) permit the possession

and consumption of lawfully acquired alcoholic beverages by persons to whom overnight lodging is being provided in bedrooms and private guest rooms.

If the restaurant is located on the premises of a mixed beverage casino licensee owned by an operator licensed under Article 3 (§ 58.1-4108 et seq.) of Chapter 41 of Title 58.1, such mixed beverage restaurant license shall authorize the licensee to sell alcoholic beverages for on-premises consumption on the licensed premises of the restaurant during all hours of operation of the mixed beverage casino licensee. Any alcoholic beverages purchased from such restaurant may be (I) taken onto the premises of the mixed beverage casino licensee and (II) possessed or consumed in areas designated by the Board, after consultation with the mixed beverage casino licensee. Designated areas may include any areas on the premises of the mixed beverage casino licensee, including entertainment venues, conference rooms, private rooms, hotels, pools, marinas, or green spaces. Alcoholic beverages purchased from a restaurant pursuant to this subdivision shall be contained in glassware or a paper, plastic, or similar disposable container that clearly displays the name or logo of the restaurant from which the alcoholic beverage was purchased.

The granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption and in closed containers for off-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

2. Mixed beverage caterer's licenses, which may be granted only to a person regularly engaged in the business of providing food and beverages to others for service at private gatherings or at special events, which shall authorize the licensee to sell and serve alcoholic beverages for on-premises consumption. The annual gross receipts from the sale of food cooked and prepared for service and nonalcoholic beverages served at gatherings and events referred to in this subdivision shall amount to at least 45 percent of the gross receipts from the sale of mixed beverages and food.

3. Mixed beverage limited caterer's licenses, which may be granted only to a person regularly engaged in the business of providing food and beverages to others for service at private gatherings or at special events, not to exceed 12 gatherings or events per year, which shall authorize the licensee to sell and serve alcoholic beverages for on-premises consumption. The annual gross receipts from the sale of food cooked and prepared for service and nonalcoholic beverages served at gatherings and events referred to in this subdivision shall amount to at least 45 percent of the gross receipts from the sale of mixed beverages and food.

4. Mixed beverage carrier licenses to (i) persons operating a common carrier of passengers by train, boat, bus, or airplane, which shall authorize the licensee to sell and serve mixed beverages anywhere in the Commonwealth to passengers while in transit aboard any such common carrier, and in designated rooms of establishments of air carriers at airports in the Commonwealth and (ii) financial institutions, subsidiaries of a financial institution, or persons approved by the applicable airport authority that have entered into a contract with a financial institution or subsidiary of a financial institution to operate a passenger lounge, which shall authorize the licensee to sell and serve mixed beverages in designated areas of a passenger lounge for ticketed air carrier passengers that is located within an airport in the Commonwealth. For purposes of supplying its airplanes, as well as any airplanes of a licensed express carrier flying under the same brand, an air carrier licensee may appoint an authorized representative to load alcoholic beverages onto the same airplanes and to transport and store alcoholic beverages at or in close proximity to the airport where the alcoholic beverages will be delivered onto airplanes of the air carrier and any such licensed express carrier. The air carrier licensee shall (a) designate for purposes of its license all locations where the inventory of alcoholic beverages may be stored and from which the alcoholic beverages will be delivered onto airplanes of the air carrier and any such licensed express carrier and (b) maintain records of all alcoholic beverages to be transported, stored, and delivered by its authorized representative. The granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption or in closed containers for off-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

For the purposes of this subdivision:

"Financial institution" means any bank, trust company, savings institution, industrial loan association, consumer finance company, or credit union.

"Passenger lounge" means any restricted-access passenger waiting room or lounge leased to persons by the applicable airport authority in which food and beverage services are provided to ticketed passengers.

5. Annual mixed beverage ~~motor~~ sports facility licenses *to persons operating a sports facility or food concessions at a sports facility*, which shall authorize the licensee to sell mixed beverages~~, in paper, plastic, or similar disposable containers or in single original metal cans, during scheduled events, as well as events or performances immediately subsequent thereto, to patrons in all dining facilities, seating areas, viewing areas, walkways, concession areas, or similar facilities, for on-premises consumption. Such license may be granted to persons operating food concessions at an outdoor motor sports facility that (i) is located on 1,200 acres of rural property bordering the Dan River and has a track surface of 3.27 miles in length or (ii) hosts a NASCAR national touring race~~ *during any event and immediately subsequent thereto to patrons within all seating areas, concourses, walkways, concession areas, and additional locations designated by the Board (i) in closed containers for off-premises consumption or (ii) in paper, plastic, or similar disposable containers or in single original metal cans for on-premises consumption*. Upon authorization of the licensee, any person may keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas and locations covered by the license. The granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer for

on-premises consumption or in closed containers for off-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

6. Limited mixed beverage restaurant licenses, which shall authorize the licensee to sell and serve dessert wines as defined by Board regulation and no more than six varieties of liqueurs, which liqueurs shall be combined with coffee or other nonalcoholic beverages, for consumption in dining areas of the restaurant. Such license may be granted only to persons who operate a restaurant and in no event shall the sale of such wine or liqueur-based drinks, together with the sale of any other alcoholic beverages, exceed 10 percent of the total annual gross sales of all food and alcoholic beverages. The granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption or in closed containers for off-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

7. Annual mixed beverage performing arts facility licenses, which shall (i) authorize the licensee to sell, on the dates of performances or events, alcoholic beverages in paper, plastic, or similar disposable containers or in single original metal cans for on-premises consumption in all seating areas, concourses, walkways, concession areas, similar facilities, and other areas upon the licensed premises approved by the Board and (ii) automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption or in closed containers for off-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1. Such licenses may be granted to ~~the following:~~

~~a. Corporations or associations~~ *persons* operating a performing arts facility~~, provided the~~ *or food concessions at a* performing arts facility ~~(i) is owned by a governmental entity; (ii) is occupied by a for-profit entity under a bona fide lease, the original term of which was for more than one year's duration; and (iii) has been rehabilitated in accordance with historic preservation standards;~~

~~b. Persons operating food concessions at any performing arts facility located in the City of Norfolk or the City of Richmond, provided that the performing arts facility (i) is occupied under a bona fide long-term lease or concession agreement, the original term of which was more than five years; (ii) has a capacity in excess of 1,400 patrons; (iii) has been rehabilitated in accordance with historic preservation standards; and (iv) has monthly gross receipts from the sale of food cooked, or prepared, and consumed on the premises and nonalcoholic beverages served on the premises that meet or exceed the monthly minimum established by Board regulations for mixed beverage restaurants;~~

~~c. Persons operating food concessions at any performing arts facility located in the City of Waynesboro, provided that the performing arts facility (i) is occupied under a bona fide long-term lease or concession agreement, the original term of which was more than five years; (ii) has a total capacity in excess of 550 patrons; and (iii) has been rehabilitated in accordance with historic preservation standards;~~

~~d. Persons operating food concessions at any performing arts facility located in the arts and cultural district of the City of Harrisonburg, provided that the performing arts facility (i) is occupied under a bona fide long-term lease or concession agreement, the original term of which was more than five years; (ii) has been rehabilitated in accordance with historic preservation standards; (iii) has monthly gross receipts from the sale of food cooked, or prepared, and consumed on the premises and nonalcoholic beverages served on the premises that meet or exceed the monthly minimum established by Board regulations for mixed beverage restaurants; and (iv) has a total capacity in excess of 900 patrons;~~

~~e. Persons operating food concessions at any multipurpose theater located in the historical district of the Town of Bridgewater, provided that the theater (i) is owned and operated by a governmental entity and (ii) has a total capacity in excess of 100 patrons;~~

~~f. Persons operating food concessions at any outdoor performing arts amphitheater, arena, or similar facility that has seating for more than 20,000 persons and is located in Prince William County or the City of Virginia Beach;~~

~~g. Persons operating food concessions at any outdoor performing arts amphitheater, arena, or similar facility that has seating for more than 5,000 persons and is located in the City of Alexandria or the City of Portsmouth; or~~

~~h. Persons operating food concessions at any corporate and performing arts facility located in Fairfax County, provided that the corporate and performing arts facility (i) is occupied under a bona fide long-term lease, management, or concession agreement, the original term of which was more than one year and (ii) has a total capacity in excess of 1,400 patrons. Such license shall authorize the sale, on the dates of performances or events, of alcoholic beverages for on-premises consumption in areas upon the licensed premises approved by the Board~~.

8. Combined mixed beverage restaurant and caterer's licenses, which may be granted to any restaurant or hotel that meets the qualifications for both a mixed beverage restaurant pursuant to subdivision 1 and mixed beverage caterer pursuant to subdivision 2 for the same business location, and which license shall authorize the licensee to operate as both a mixed beverage restaurant and mixed beverage caterer at the same business premises designated in the license, with a common alcoholic beverage inventory for purposes of the restaurant and catering operations. Such licensee shall meet the separate food qualifications established for the mixed beverage restaurant license pursuant to subdivision 1 and mixed beverage caterer's license pursuant to subdivision 2. The granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption or in closed containers for off-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

9. Bed and breakfast licenses, which shall authorize the licensee to (i) serve alcoholic beverages in dining areas, private guest rooms, and other designated areas to persons to whom overnight lodging is being provided, with or without meals, for

on-premises consumption only in such rooms and areas, and without regard to the amount of gross receipts from the sale of food prepared and consumed on the premises and (ii) permit the consumption of lawfully acquired alcoholic beverages by persons to whom overnight lodging is being provided in (a) bedrooms or private guest rooms or (b) other designated areas of the bed and breakfast establishment. For purposes of this subdivision, "other designated areas" includes outdoor dining areas, whether or not contiguous to the licensed premises, which may have more than one means of ingress and egress to an adjacent public thoroughfare, provided that such outdoor dining areas are under the control of the licensee and approved by the Board. Such noncontiguous designated areas shall not be approved for any retail license issued pursuant to subdivision A 5 of § 4.1-201.

10. Museum licenses, which may be issued to nonprofit museums exempt from taxation under § 501(c)(3) of the Internal Revenue Code, which shall authorize the licensee to (i) permit the consumption of lawfully acquired alcoholic beverages on the premises of the licensee by any bona fide member and guests thereof and (ii) serve alcoholic beverages on the premises of the licensee to any bona fide member and guests thereof. However, alcoholic beverages shall not be sold or charged for in any way by the licensee. The privileges of this license shall be limited to the premises of the museum, regularly occupied and utilized as such.

~~11. Motor car sporting event facility licenses, which shall authorize the licensee to permit the consumption of lawfully acquired alcoholic beverages on the premises of the licensee by patrons thereof during such events. However, alcoholic beverages shall not be sold or charged for in any way, directly or indirectly, by the licensee. The privileges of this license shall be limited to those areas of the licensee's premises designated by the Board that are regularly occupied and utilized for motor car sporting events.~~

~~12.~~ Commercial lifestyle center licenses, which may be issued only to a commercial owners' association governing a commercial lifestyle center, which shall authorize any retail on-premises restaurant licensee that is a tenant of the commercial lifestyle center to sell alcoholic beverages to any bona fide customer to whom alcoholic beverages may be lawfully sold for consumption on that portion of the licensed premises of the commercial lifestyle center designated by the Board, including (i) plazas, seating areas, concourses, walkways, or such other similar areas and (ii) the premises of any tenant location of the commercial lifestyle center that is not a retail licensee of the Board, upon approval of such tenant, but excluding any parking areas. Only alcoholic beverages purchased from such retail on-premises restaurant licensees may be consumed on the licensed premises of the commercial lifestyle center, and such alcoholic beverages shall be contained in paper, plastic, or similar disposable containers with the name or logo of the restaurant licensee that sold the alcoholic beverage clearly displayed. Alcoholic beverages shall not be sold or charged for in any way by the commercial lifestyle center licensee. The licensee shall post appropriate signage clearly demarcating for the public the boundaries of the licensed premises; however, no physical barriers shall be required for this purpose. The licensee shall provide adequate security for the licensed premises to ensure compliance with the applicable provisions of this subtitle and Board regulations.

~~13.~~ *12.* Mixed beverage port restaurant licenses, which shall authorize the licensee to sell and serve mixed beverages for consumption in dining areas and other designated areas of such restaurant. Such license may be granted only to persons operating a business (i) that is primarily engaged in the sale of meals; (ii) that is located on property owned by the United States government or an agency thereof and used as a port of entry to or egress from the United States; and (iii) whose gross receipts from the sale of food cooked, or prepared, and consumed on the premises and nonalcoholic beverages served on the premises, after issuance of such license, amount to at least 45 percent of the gross receipts from the sale of mixed beverages and food. For the purposes of this subdivision, other designated areas shall include outdoor dining areas, whether or not contiguous to the licensed premises, which outdoor dining areas may have more than one means of ingress and egress to an adjacent public thoroughfare, provided such areas are under the control of the licensee and approved by the Board. Such noncontiguous designated areas shall not be approved for any retail license issued pursuant to subdivision A 5 of § 4.1-201. The granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption or in closed containers for off-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

~~14.~~ *13.* Annual mixed beverage special events licenses to (i) a duly organized nonprofit corporation or association operating either a performing arts facility or an art education and exhibition facility; (ii) a nonprofit corporation or association chartered by Congress for the preservation of sites, buildings, and objects significant in American history and culture; (iii) persons operating an agricultural event and entertainment park or similar facility that has a minimum of 50,000 square feet of indoor exhibit space and equine and other livestock show areas, which includes barns, pavilions, or other structures equipped with roofs, exterior walls, and open-door or closed-door access; or (iv) a locality for special events conducted on the premises of a museum for historic interpretation that is owned and operated by the locality. The operation in all cases shall be upon premises owned by such licensee or occupied under a bona fide lease, the original term of which was for more than one year's duration. Such license shall authorize the licensee to sell alcoholic beverages during scheduled events and performances for on-premises consumption in areas upon the licensed premises approved by the Board.

~~15.~~ *14.* Mixed beverage casino licenses, which shall authorize the licensee to (i) sell and serve mixed beverages for on-premises consumption in areas designated by the Board, after consultation with the mixed beverage casino licensee, without regard to the amount of gross receipts from the sale of food prepared and consumed on the premises and (ii) provide complimentary mixed beverages to patrons for on-premises consumption in private areas or restricted access areas designated by the Board, after consultation with the mixed beverage casino licensee. Designated areas may include any areas on the premises of the mixed beverage casino licensee, including entertainment venues, private rooms, conference

rooms, hotels, pools, marinas, or green spaces. The granting of a license pursuant to this subdivision shall authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption and in closed containers for off-premises consumption in accordance with the provisions of this subdivision governing mixed beverages; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1. Notwithstanding any law or regulation to the contrary, a mixed beverage casino licensee may exercise the privileges of its license as set forth in this subdivision during all hours of operation of the casino gaming establishment; however, such licensee shall not sell wine or beer for off-premises consumption between the hours of 12 a.m. and 6 a.m.

A mixed beverage casino licensee may (a) provide patrons gifts of alcoholic beverages in closed containers for personal consumption off the licensed premises or in areas designated by the Board, after consultation with the mixed beverage casino licensee, and (b) enable patrons who participate in a loyalty or reward credit program to redeem credits for the purchase of alcoholic beverages for on-premises consumption. A summary of the operation of such loyalty or reward credit program shall be provided to the Board upon request.

A mixed beverage casino license may only be issued to a casino gaming establishment owned by an operator licensed under Article 3 (§ 58.1-4108 et seq.) of Chapter 41 of Title 58.1.

B. The Board may grant an on-and-off-premises wine and beer license to the following:

1. Hotels, restaurants, and clubs, which shall authorize the licensee to sell wine and beer (i) in closed containers for off-premises consumption or (ii) for on-premises consumption, either with or without meals, in dining areas and other designated areas of such restaurants, or in dining areas, private guest rooms, and other designated areas of such hotels or clubs, for consumption only in such rooms and areas. However, with regard to a hotel classified by the Board as (a) a resort complex, the Board may authorize the sale and consumption of alcoholic beverages in all areas within the resort complex deemed appropriate by the Board or (b) a limited service hotel, the Board may authorize the sale and consumption of alcoholic beverages in dining areas, private guest rooms, and other designated areas to persons to whom overnight lodging is being provided, for on-premises consumption in such rooms or areas, and without regard to the amount of gross receipts from the sale of food prepared and consumed on the premises, provided that at least one meal is provided each day by the hotel to such guests. With regard to facilities registered in accordance with Chapter 49 (§ 38.2-4900 et seq.) of Title 38.2 as continuing care communities that are also licensed by the Board under this subdivision, any resident may, upon authorization of the licensee, keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas covered by the license. For purposes of this subdivision, "other designated areas" includes outdoor dining areas, whether or not contiguous to the licensed premises, which may have more than one means of ingress and egress to an adjacent public thoroughfare, provided that such outdoor dining areas are under the control of the licensee and approved by the Board. Such noncontiguous designated areas shall not be approved for any retail license issued pursuant to subdivision A 5 of § 4.1-201.

2. Hospitals, which shall authorize the licensee to sell wine and beer (i) in the rooms of patients for their on-premises consumption only in such rooms, provided the consent of the patient's attending physician is first obtained or (ii) in closed containers for off-premises consumption.

3. Rural grocery stores, which shall authorize the licensee to sell wine and beer for on-premises consumption or in closed containers for off-premises consumption. No license shall be granted unless (i) the grocery store is located in any town or in a rural area outside the corporate limits of any city or town and (ii) it appears affirmatively that a substantial public demand for such licensed establishment exists and that public convenience and the purposes of this subtitle will be promoted by granting the license.

4. Coliseums, stadiums, and racetracks, which shall authorize the licensee to sell wine and beer during any event and immediately subsequent thereto to patrons within all seating areas, concourses, walkways, concession areas, and additional locations designated by the Board (i) in closed containers for off-premises consumption or (ii) in paper, plastic, or similar disposable containers or in single original metal cans for on-premises consumption. Upon authorization of the licensee, any person may keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas and locations covered by the license. Such licenses may be granted to persons operating food concessions at coliseums, stadiums, racetracks, or similar facilities.

5. Performing arts food concessionaires, which shall authorize the licensee to sell wine and beer during the performance of any event to patrons within all seating areas, concourses, walkways, or concession areas, or other areas approved by the Board (i) in closed containers for off-premises consumption or (ii) in paper, plastic, or similar disposable containers or in single original metal cans for on-premises consumption. Upon authorization of the licensee, any person may keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas and locations covered by the license. Such licenses may be granted to persons operating food concessions at any ~~outdoor~~ performing arts ~~amphitheater, arena, or similar~~ facility ~~that (a) has seating for more than 20,000 persons and is located in Prince William County or the City of Virginia Beach; (b) has seating or capacity for more than 3,500 persons and is located in the County of Albemarle, Alleghany, Augusta, Nelson, Pittsylvania, or Rockingham or the City of Charlottesville, Danville, or Roanoke; or (c) has capacity for more than 9,500 persons and is located in Henrico County~~.

6. Exhibition halls, which shall authorize the licensee to sell wine and beer during the event to patrons or attendees within all seating areas, exhibition areas, concourses, walkways, concession areas, and such additional locations designated by the Board in such facilities (i) in closed containers for off-premises consumption or (ii) in paper, plastic, or similar disposable containers or in single original metal cans for on-premises consumption. Upon authorization of the licensee, any person may keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas and locations

covered by the license. Such licenses may be granted to persons operating food concessions at exhibition or exposition halls, convention centers, or similar facilities located in any county operating under the urban county executive form of government or any city that is completely surrounded by such county. For purposes of this subdivision, "exhibition or exposition hall" and "convention centers" mean facilities conducting private or public trade shows or exhibitions in an indoor facility having in excess of 100,000 square feet of floor space.

7. Concert and dinner-theaters, which shall authorize the licensee to sell wine and beer during events to patrons or attendees within all seating areas, exhibition areas, concourses, walkways, concession areas, dining areas, and such additional locations designated by the Board in such facilities, for on-premises consumption or in closed containers for off-premises consumption. Persons licensed pursuant to this subdivision shall serve food, prepared on or off premises, whenever wine or beer is served. Such licenses may be granted to persons operating concert or dinner-theater venues on property fronting Natural Bridge School Road in Natural Bridge Station and formerly operated as Natural Bridge High School.

8. Historic cinema houses, which shall authorize the licensee to sell wine and beer, either with or without meals, during any showing of a motion picture to patrons to whom alcoholic beverages may be lawfully sold, for on-premises consumption or in closed containers for off-premises consumption. The privileges of this license shall be limited to the premises of the historic cinema house regularly occupied and utilized as such.

9. Nonprofit museums, which shall authorize the licensee to sell wine and beer for on-premises consumption or in closed containers for off-premises consumption in areas approved by the Board. Such licenses may be granted to persons operating a nonprofit museum exempt from taxation under § 501(c)(3) of the Internal Revenue Code, located in the Town of Front Royal, and dedicated to educating the consuming public about historic beer products. The privileges of this license shall be limited to the premises of the museum, regularly occupied and utilized as such.

C. The Board may grant the following off-premises wine and beer licenses:

1. Retail off-premises wine and beer licenses, which may be granted to a convenience grocery store, delicatessen, drugstore, gift shop, gourmet oyster house, gourmet shop, grocery store, or marina store as defined in § 4.1-100 and Board regulations. Such license shall authorize the licensee to sell wine and beer in closed containers for off-premises consumption and, notwithstanding the provisions of § 4.1-308, to give to any person to whom wine or beer may be lawfully sold a sample of wine or beer for on-premises consumption; however, no single sample shall exceed four ounces of beer or two ounces of wine and no more than 12 ounces of beer or five ounces of wine shall be served to any person per day. The licensee may also give samples of wine and beer in designated areas at events held by the licensee for the purpose of featuring and educating the consuming public about the alcoholic beverages being tasted. With the consent of the licensee, farm wineries, wineries, breweries, distillers, and wholesale licensees or authorized representatives of such licensees may participate in such tastings, including the pouring of samples. The licensee shall comply with any food inventory and sales volume requirements established by Board regulation.

2. Gourmet brewing shop licenses, which shall authorize the licensee to sell to any person to whom wine or beer may be lawfully sold, ingredients for making wine or brewing beer, including packaging, and to rent to such persons facilities for manufacturing, fermenting, and bottling such wine or beer, for off-premises consumption in accordance with subdivision 6 of § 4.1-200.

3. Confectionery licenses, which shall authorize the licensee to prepare and sell on the licensed premises for off-premises consumption confectionery that contains five percent or less alcohol by volume. Any alcohol contained in such confectionery shall not be in liquid form at the time such confectionery is sold.

D. The Board may grant the following banquet, special event, and tasting licenses:

1. Per-day event licenses.

a. Banquet licenses to persons in charge of private banquets, and to duly organized nonprofit corporations or associations in charge of special events, which shall authorize the licensee to sell or give wine and beer in rooms or areas approved by the Board for the occasion for on-premises consumption in such rooms or areas. Licensees who are nonprofit corporations or associations conducting fundraisers (i) shall also be authorized to sell wine, as part of any fundraising activity, in closed containers for off-premises consumption to persons to whom wine may be lawfully sold; (ii) shall be limited to no more than one such fundraiser per year; and (iii) if conducting such fundraiser through an online meeting platform, may ship such wine, in accordance with Board regulations, in closed containers to persons located within the Commonwealth. Except as provided in § 4.1-215, a separate license shall be required for each day of each banquet or special event. For the purposes of this subdivision, when the location named in the original application for a license is outdoors, the application may also name an alternative location in the event of inclement weather. However, no such license shall be required of any hotel, restaurant, or club holding a retail wine and beer license.

b. Mixed beverage special events licenses to a duly organized nonprofit corporation or association in charge of a special event, which shall authorize the licensee to sell and serve mixed beverages for on-premises consumption in areas approved by the Board on the premises of the place designated in the license. A separate license shall be required for each day of each special event.

c. Mixed beverage club events licenses to a club holding a wine and beer club license, which shall authorize the licensee to sell and serve mixed beverages for on-premises consumption by club members and their guests in areas approved by the Board on the club premises. A separate license shall be required for each day of each club event. No more than 12 such licenses shall be granted to a club in any calendar year. The granting of a license pursuant to this subdivision

shall automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

d. Tasting licenses, which shall authorize the licensee to sell or give samples of alcoholic beverages of the type specified in the license in designated areas at events held by the licensee. A tasting license shall be issued for the purpose of featuring and educating the consuming public about the alcoholic beverages being tasted. A separate license shall be required for each day of each tasting event. No tasting license shall be required for conduct authorized by § 4.1-201.1.

2. Annual licenses.

a. Annual banquet licenses to duly organized private nonprofit fraternal, patriotic, or charitable membership organizations that are exempt from state and federal taxation and in charge of banquets conducted exclusively for members and their guests, which shall authorize the licensee to serve wine and beer in rooms or areas approved by the Board for the occasion for on-premises consumption in such rooms or areas. Such license shall authorize the licensee to conduct no more than 12 banquets per calendar year. For the purposes of this subdivision, when the location named in the original application for a license is outdoors, the application may also name an alternative location in the event of inclement weather. However, no such license shall be required of any hotel, restaurant, or club holding a retail wine and beer license.

b. Banquet facility licenses to volunteer fire departments and volunteer emergency medical services agencies, which shall authorize the licensee to permit the consumption of lawfully acquired alcoholic beverages on the premises of the licensee by any person, and bona fide members and guests thereof, otherwise eligible for a banquet license. However, lawfully acquired alcoholic beverages shall not be purchased or sold by the licensee or sold or charged for in any way by the person permitted to use the premises. Such premises shall be a volunteer fire or volunteer emergency medical services agency station or both, regularly occupied as such and recognized by the governing body of the county, city, or town in which it is located. Under conditions as specified by Board regulation, such premises may be other than a volunteer fire or volunteer emergency medical services agency station, provided such other premises are occupied and under the control of the volunteer fire department or volunteer emergency medical services agency while the privileges of its license are being exercised.

c. Designated outdoor refreshment area licenses to a locality, business improvement district, or nonprofit organization, which shall authorize (i) the licensee to permit the consumption of alcoholic beverages within the area designated by the Board for the designated outdoor refreshment area and (ii) any permanent retail on-premises licensee that is located within the area designated by the Board for the designated outdoor refreshment area to sell alcoholic beverages within the permanent retail location for consumption in the area designated for the designated outdoor refreshment area, including sidewalks and the premises of businesses not licensed to sell alcoholic beverages at retail, upon approval of such businesses. In determining the designated area for the designated outdoor refreshment area, the Board shall consult with the locality. Designated outdoor refreshment area licensees shall be limited to 16 events per year, and the duration of any event shall not exceed three consecutive days. However, the Board may increase the frequency and duration of events after adoption of an ordinance by a locality requesting such increase in frequency and duration. Such ordinance shall include the size and scope of the area within which such events will be held, a public safety plan, and any other considerations deemed necessary by the Board. Such limitations on the number of events that may be held shall not apply during the effective dates of any rule, regulation, or order that is issued by the Governor or State Health Commissioner to meet a public health emergency and that effectively reduces allowable restaurant seating capacity; however, designated outdoor refreshment area licensees shall be subject to all other applicable provisions of this subtitle and Board regulations and shall provide notice to the Board regarding the days and times during which the privileges of the license will be exercised. Only alcoholic beverages purchased from permanent retail on-premises licensees located within the designated area may be consumed at the event, and such alcoholic beverages shall be contained in paper, plastic, or similar disposable containers that clearly display the name or logo of the retail on-premises licensee from which the alcoholic beverage was purchased. Alcoholic beverages shall not be sold or charged for in any way by the designated outdoor refreshment area licensee. The designated outdoor refreshment area licensee shall post appropriate signage clearly demarcating for the public the boundaries of the event; however, no physical barriers shall be required for this purpose. The designated outdoor refreshment area licensee shall provide adequate security for the event to ensure compliance with the applicable provisions of this subtitle and Board regulations.

d. Annual mixed beverage banquet licenses to duly organized private nonprofit fraternal, patriotic, or charitable membership organizations that are exempt from state and federal taxation and in charge of banquets conducted exclusively for members and their guests, which shall authorize the licensee to serve mixed beverages for on-premises consumption in areas approved by the Board on the premises of the place designated in the license. Such license shall authorize the licensee to conduct no more than 12 banquets per calendar year. The granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

e. Equine sporting event licenses, which may be issued to organizations holding equestrian, hunt, and steeplechase events, which shall authorize the licensee to permit the consumption of lawfully acquired alcoholic beverages on the premises of the licensee by patrons thereof during such event. However, alcoholic beverages shall not be sold or charged for in any way by the licensee. The privileges of this license shall be (i) limited to the premises of the licensee, regularly occupied and utilized for equestrian, hunt, and steeplechase events, and (ii) exercised on no more than four calendar days per year.

f. Annual arts venue event licenses, to persons operating an arts venue, which shall authorize the licensee participating in a community art walk that is open to the public to serve lawfully acquired wine or beer on the premises of the licensee to adult patrons thereof during such events. However, alcoholic beverages shall not be sold or charged for in any way, directly or indirectly, by the licensee, and the licensee shall not give more than two five-ounce glasses of wine or two 12-ounce glasses of beer to any one adult patron. The privileges of this license shall be (i) limited to the premises of the arts venue regularly occupied and used as such and (ii) exercised on no more than 12 calendar days per year.

E. The Board may grant a marketplace license to persons operating a business enterprise of which the primary function is not the sale of alcoholic beverages, which shall authorize the licensee to serve complimentary wine or beer to bona fide customers on the licensed premises subject to any limitations imposed by the Board; however, the licensee shall not give more than two five-ounce glasses of wine or two 12-ounce glasses of beer to any customer per day, nor shall it sell or otherwise charge a fee to such customer for the wine or beer served or consumed. In order to be eligible for and retain a marketplace license, the applicant's business enterprise must (i) provide a single category of goods or services in a manner intended to create a personalized experience for the customer; (ii) employ staff with expertise in such goods or services; (iii) be ineligible for any other license granted by the Board; (iv) have an alcoholic beverage control manager on the licensed premises at all times alcohol is served; (v) ensure that all employees satisfy any training requirements imposed by the Board; and (vi) purchase all wine and beer to be served from a licensed wholesaler or the Authority and retain purchase records as prescribed by the Board. In determining whether to grant a marketplace license, the Board shall consider (a) the average amount of time customers spend at the business; (b) the business's hours of operation; (c) the amount of time that the business has been in operation; and (d) any other requirements deemed necessary by the Board to protect the public health, safety, and welfare.

F. The Board may grant the following shipper, bottler, and related licenses:

1. Wine and beer shipper licenses, which shall carry the privileges and limitations set forth in § 4.1-209.1.

2. Internet wine and beer retailer licenses, which shall authorize persons located within or outside the Commonwealth to sell and ship wine and beer, in accordance with § 4.1-209.1 and Board regulations, in closed containers to persons in the Commonwealth to whom wine and beer may be lawfully sold for off-premises consumption. Such licensee shall not be required to comply with the monthly food sale requirement established by Board regulations.

3. Bottler licenses, which shall authorize the licensee to acquire and receive deliveries and shipments of beer in closed containers and to bottle, sell, and deliver or ship it, in accordance with Board regulations to (i) wholesale beer licensees for the purpose of resale, (ii) owners of boats registered under the laws of the United States sailing for ports of call of a foreign country or another state, and (iii) persons outside the Commonwealth for resale outside the Commonwealth.

4. Fulfillment warehouse licenses, which shall authorize associations as defined in § 13.1-313 with a place of business located in the Commonwealth to (i) receive deliveries and shipments of wine or beer owned by holders of wine and beer shipper's licenses; (ii) store such wine or beer on behalf of the owner; and (iii) pick, pack, and ship such wine or beer as directed by the owner, all in accordance with Board regulations. No wholesale wine or wholesale beer licensee, whether licensed in the Commonwealth or not, or any person under common control of such licensee, shall acquire or hold any financial interest, direct or indirect, in the business for which any fulfillment warehouse license is issued.

5. Marketing portal licenses, which shall authorize agricultural cooperative associations organized under the provisions of the Agricultural Cooperative Association Act (§ 13.1-312 et seq.), with a place of business located in the Commonwealth, in accordance with Board regulations, to solicit and receive orders for wine or beer through the use of the Internet from persons in the Commonwealth to whom wine or beer may be lawfully sold, on behalf of holders of wine and beer shipper's licenses. Upon receipt of an order for wine or beer, the licensee shall forward it to a holder of a wine and beer shipper's license for fulfillment. Marketing portal licensees may also accept payment on behalf of the shipper.

6. Third-party delivery licenses, which shall carry the privileges and limitations set forth in § 4.1-212.2.

§ 4.1-209. Wine and beer license privileges; advertising; displays; tastings.

A. Notwithstanding any provision of law to the contrary, persons granted a wine and beer license pursuant to § 4.1-206.3 may display within their licensed premises point-of-sale advertising materials that incorporate the use of any professional athlete or athletic team, provided that such advertising materials (i) otherwise comply with the applicable regulations of the federal Bureau of Alcohol, Tobacco and Firearms and (ii) do not depict any athlete consuming or about to consume alcohol prior to or while engaged in an athletic activity, do not depict an athlete consuming alcohol while the athlete is operating or about to operate a motor vehicle or other machinery, and do not imply that the alcoholic beverage so advertised enhances athletic prowess.

B. Persons granted a license to sell wine and beer for off-premises consumption that display such wine and beer outside a clearly discernible location reserved for alcoholic beverages shall (i) not place wine or beer in an area immediately adjacent to nonalcoholic beverages containing the same or similar brand name, logo, or packaging as an alcoholic beverage and (ii) equip any such display with signage that indicates the product is an alcoholic beverage, is clearly visible to consumers, and is of sufficient size to notify the consumer that the product contains alcohol. Nothing in this subsection shall prohibit the placement of nonalcoholic wine or beer in or near a display of alcoholic beverages that contain the same or similar brand name, logo, or packaging as the nonalcoholic wine or beer.

C. Persons granted retail on-and-off-premises wine and beer licenses pursuant to the following provisions may conduct wine or beer tastings sponsored by the licensee for its customers for on-premises consumption:

1. Subdivision A 1, 4, 5, 6, 7, 8, or ~~14~~ *13* of § 4.1-206.3;

2. Subdivision B 1, 2, 4, 5, 6, 7, or 8 of § 4.1-206.3;

3. Subdivision C 1 or 2 of § 4.1-206.3;

4. Subdivision D 1 a, b, or d or 2 a of § 4.1-206.3; or

5. Subdivision F 4 or 5 of § 4.1-206.3.

Such licensees may sell or give samples of wine and beer in designated areas at events held by the licensee for the purpose of featuring and educating the consuming public about the alcoholic beverages being tasted. Additionally, with the consent of the licensee, farm wineries, wineries, and breweries may participate in tastings held by licensees authorized to conduct tastings, including the pouring of samples to any person to whom alcoholic beverages may be lawfully sold. No single sample shall exceed four ounces of beer or two ounces of wine, and no more than 12 ounces of beer or five ounces of wine shall be given or sold to any person per day.

§ 4.1-231.1. (Effective until July 1, 2024) Fees on state licenses.

A. (Contingent expiration date) The annual fees on state licenses shall be as follows:

1. Manufacturer licenses. For each:

a. Distiller's license and limited distiller's license, if not more than 5,000 gallons of alcohol or spirits, or both, manufactured during the year in which the license is granted, $490; if more than 5,000 gallons but not more than 36,000 gallons manufactured during such year, $2,725; and if more than 36,000 gallons manufactured during such year, $4,060;

b. Brewery license and limited brewery license, if not more than 500 barrels of beer manufactured during the year in which the license is granted, $380; if not more than 10,000 barrels of beer manufactured during the year in which the license is granted, $2,350; and if more than 10,000 barrels manufactured during such year, $4,690;

c. Winery license, if not more than 5,000 gallons of wine manufactured during the year in which the license is granted, $215, and if more than 5,000 gallons manufactured during such year, $4,210;

d. Farm winery license, $275 for any Class I or Class II license, $500 for any Class III license, and $4,000 for any Class IV license;

e. Wine importer's license, $460; and

f. Beer importer's license, $460.

2. Wholesale licenses. For each:

a. (1) Wholesale beer license, $1,005 for any wholesaler who sells 300,000 cases of beer a year or less, $1,545 for any wholesaler who sells more than 300,000 but not more than 600,000 cases of beer a year, and $2,010 for any wholesaler who sells more than 600,000 cases of beer a year; and

(2) Wholesale beer license applicable to two or more premises, the annual state license tax shall be the amount set forth in subdivision a (1), multiplied by the number of separate locations covered by the license;

b. (1) Wholesale wine license, $240 for any wholesaler who sells 30,000 gallons of wine or less per year, $1,200 for any wholesaler who sells more than 30,000 gallons per year but not more than 150,000 gallons of wine per year, $1,845 for any wholesaler who sells more than 150,000 but not more than 300,000 gallons of wine per year, and $2,400 for any wholesaler who sells more than 300,000 gallons of wine per year; and

(2) Wholesale wine license, including that granted pursuant to subdivision 3 of § 4.1-206.2, applicable to two or more premises, the annual state license tax shall be the amount set forth in subdivision b (1), multiplied by the number of separate locations covered by the license.

3. Retail licenses — mixed beverage. For each:

a. Mixed beverage restaurant license, granted to persons operating restaurants, including restaurants located on premises of and operated by casinos, hotels or motels, or other persons:

(1) With a seating capacity at tables for up to 100 persons, $1,050;

(2) With a seating capacity at tables for more than 100 but not more than 150 persons, $1,495;

(3) With a seating capacity at tables for more than 150 persons but not more than 500 persons, $1,980;

(4) With a seating capacity at tables for more than 500 persons but not more than 1,000 persons, $2,500; and

(5) With a seating capacity at tables for more than 1,000 persons, $3,100;

b. Mixed beverage restaurant license for restaurants located on the premises of and operated by private, nonprofit clubs:

(1) With an average yearly membership of not more than 200 resident members, $1,250;

(2) With an average yearly membership of more than 200 but not more than 500 resident members, $2,440; and

(3) With an average yearly membership of more than 500 resident members, $3,410;

c. Mixed beverage casino license, $3,100 plus an additional $5 for each gaming station located on the premises of the casino gaming establishment. For the purposes of this subdivision, "gaming station" means each slot machine and each casino gaming table that is in active use, as determined annually on December 31;

d. Mixed beverage caterer's license, $1,990;

e. Mixed beverage limited caterer's license, $550;

f. Mixed beverage carrier license:

(1) $520 for each of the average number of dining cars, buffet cars, or club cars operated daily in the Commonwealth by a common carrier of passengers by train;

(2) $910 for each common carrier of passengers by boat;

(3) $520 for each common carrier of passengers by bus; and
(4) $2,360 for each license granted to a common carrier of passengers by airplane;
g. Annual mixed beverage ~~motor~~ sports facility license, $630;
h. Limited mixed beverage restaurant license:
(1) With a seating capacity at tables for up to 100 persons, $945;
(2) With a seating capacity at tables for more than 100 but not more than 150 persons, $1,385; and
(3) With a seating capacity at tables for more than 150 persons, $1,875;
i. Annual mixed beverage performing arts facility license, $630;
j. Bed and breakfast license, $100;
k. Museum license, $260;
l. ~~Motor car sporting event facility license, $300;~~
~~m.~~ Commercial lifestyle center license, $300;
~~n.~~ *m.* Mixed beverage port restaurant license, $1,050; and
~~o.~~ *n.* Annual mixed beverage special events license, $630.
4. Retail licenses — on-and-off-premises wine and beer. For each on-and-off premises wine and beer license, $450.
5. Retail licenses — off-premises wine and beer. For each:
a. Retail off-premises wine and beer license, $300;
b. Gourmet brewing shop license, $320; and
c. Confectionery license, $170.
6. Retail licenses — banquet, special event, and tasting licenses.
a. Per-day event licenses. For each:
(1) Banquet license, $40 per license granted by the Board, except for banquet licenses granted by the Board pursuant to subsection A of § 4.1-215, which shall be $100 per license;
(2) Mixed beverage special events license, $45 for each day of each event;
(3) Mixed beverage club events license, $35 for each day of each event; and
(4) Tasting license, $40.
b. Annual licenses. For each:
(1) Annual banquet license, $300;
(2) Banquet facility license, $260;
(3) Designated outdoor refreshment area license, $300. However, for any designated outdoor refreshment area license issued pursuant to a local ordinance, the annual fee shall be $3,000;
(4) Annual mixed beverage banquet license, $630;
(5) Equine sporting event license, $300; and
(6) Annual arts venue event license, $300.
7. Retail licenses — marketplace. For each marketplace license, $1,000. However, if the license privileges are exercised during a period of six or less consecutive months and such period is specified prior to the beginning of the license year, the annual fee shall be $500.
8. Retail licenses — shipper, bottler, and related licenses. For each:
a. Wine and beer shipper's license, $230;
b. Internet wine and beer retailer license, $240;
c. Bottler license, $1,500;
d. Fulfillment warehouse license, $210;
e. Marketing portal license, $285; and
f. Third-party delivery license, $7,500, unless the licensee provides written certification to the Board that the licensee has no more than 25 delivery personnel, including employees, agents, and independent contractors that engage in direct-to-consumer alcoholic beverage delivery, in which case the license fee shall be $2,500.
9. Temporary licenses. For each temporary license authorized by § 4.1-211, one-half of the tax imposed by this section on the license for which the applicant applied.
B. The tax on each license granted or reissued for a period other than 12, 24, or 36 months shall be equal to one-twelfth of the taxes required by subsection A computed to the nearest cent, multiplied by the number of months in the license period, and then increased by five percent. Such tax shall not be refundable, except as provided in § 4.1-232.
C. Nothing in this chapter shall exempt any licensee from any state merchants' license or state restaurant license or any other state tax. Every licensee, in addition to the taxes imposed by this chapter, shall be liable to state merchants' license taxation and state restaurant license taxation and other state taxation the same as if the alcoholic beverages were nonalcoholic. In ascertaining the liability of a beer wholesaler to merchants' license taxation, however, and in computing the wholesale merchants' license tax on a beer wholesaler, the first $163,800 of beer purchases shall be disregarded; and in ascertaining the liability of a wholesale wine distributor to merchants' license taxation, and in computing the wholesale merchants' license tax on a wholesale wine distributor, the first $163,800 of wine purchases shall be disregarded.
D. In addition to the taxes set forth in this section, a fee of $5 may be imposed on any license purchased in person from the Board if such license is available for purchase online.

§ 4.1-231.1. (Effective July 1, 2024) Fees on state licenses.

A. (Contingent expiration date) The annual fees on state licenses shall be as follows:

1. Manufacturer licenses. For each:

a. Distiller's license and limited distiller's license, if not more than 5,000 gallons of alcohol or spirits, or both, manufactured during the year in which the license is granted, $490; if more than 5,000 gallons but not more than 36,000 gallons manufactured during such year, $2,725; and if more than 36,000 gallons manufactured during such year, $4,060;

b. Brewery license and limited brewery license, if not more than 500 barrels of beer manufactured during the year in which the license is granted, $380; if not more than 10,000 barrels of beer manufactured during the year in which the license is granted, $2,350; and if more than 10,000 barrels manufactured during such year, $4,690;

c. Winery license, if not more than 5,000 gallons of wine manufactured during the year in which the license is granted, $215, and if more than 5,000 gallons manufactured during such year, $4,210;

d. Farm winery license, $275 for any Class I or Class II license, $500 for any Class III license, and $4,000 for any Class IV license;

e. Wine importer's license, $460; and

f. Beer importer's license, $460.

2. Wholesale licenses. For each:

a. (1) Wholesale beer license, $1,005 for any wholesaler who sells 300,000 cases of beer a year or less, $1,545 for any wholesaler who sells more than 300,000 but not more than 600,000 cases of beer a year, and $2,010 for any wholesaler who sells more than 600,000 cases of beer a year; and

(2) Wholesale beer license, including a license granted pursuant to subdivision 2 of § 4.1-206.2, applicable to two or more premises, the annual state license tax shall be the amount set forth in subdivision a (1), multiplied by the number of separate locations covered by the license;

b. (1) Wholesale wine license, $240 for any wholesaler who sells 30,000 gallons of wine or less per year, $1,200 for any wholesaler who sells more than 30,000 gallons per year but not more than 150,000 gallons of wine per year, $1,845 for any wholesaler who sells more than 150,000 but not more than 300,000 gallons of wine per year, and $2,400 for any wholesaler who sells more than 300,000 gallons of wine per year; and

(2) Wholesale wine license, including a license granted pursuant to subdivision 4 of § 4.1-206.2, applicable to two or more premises, the annual state license tax shall be the amount set forth in subdivision b (1), multiplied by the number of separate locations covered by the license.

3. Retail licenses — mixed beverage. For each:

a. Mixed beverage restaurant license, granted to persons operating restaurants, including restaurants located on premises of and operated by casinos, hotels or motels, or other persons:

(1) With a seating capacity at tables for up to 100 persons, $1,050;

(2) With a seating capacity at tables for more than 100 but not more than 150 persons, $1,495;

(3) With a seating capacity at tables for more than 150 persons but not more than 500 persons, $1,980;

(4) With a seating capacity at tables for more than 500 persons but not more than 1,000 persons, $2,500; and

(5) With a seating capacity at tables for more than 1,000 persons, $3,100;

b. Mixed beverage restaurant license for restaurants located on the premises of and operated by private, nonprofit clubs:

(1) With an average yearly membership of not more than 200 resident members, $1,250;

(2) With an average yearly membership of more than 200 but not more than 500 resident members, $2,440; and

(3) With an average yearly membership of more than 500 resident members, $3,410;

c. Mixed beverage casino license, $3,100 plus an additional $5 for each gaming station located on the premises of the casino gaming establishment. For the purposes of this subdivision, "gaming station" means each slot machine and each casino gaming table that is in active use, as determined annually on December 31;

d. Mixed beverage caterer's license, $1,990;

e. Mixed beverage limited caterer's license, $550;

f. Mixed beverage carrier license:

(1) $520 for each of the average number of dining cars, buffet cars, or club cars operated daily in the Commonwealth by a common carrier of passengers by train;

(2) $910 for each common carrier of passengers by boat;

(3) $520 for each common carrier of passengers by bus; and

(4) $2,360 for each license granted to a common carrier of passengers by airplane;

g. Annual mixed beverage ~~motor~~ sports facility license, $630;

h. Limited mixed beverage restaurant license:

(1) With a seating capacity at tables for up to 100 persons, $945;

(2) With a seating capacity at tables for more than 100 but not more than 150 persons, $1,385; and

(3) With a seating capacity at tables for more than 150 persons, $1,875;

i. Annual mixed beverage performing arts facility license, $630;

j. Bed and breakfast license, $100;

k. Museum license, $260;

l. ~~Motor car sporting event facility license, $300;~~

~~m.~~ Commercial lifestyle center license, $300;

~~n.~~ *m.* Mixed beverage port restaurant license, $1,050; and

~~o.~~ *n.* Annual mixed beverage special events license, $630.

4. Retail licenses — on-and-off-premises wine and beer. For each on-and-off premises wine and beer license, $450.

5. Retail licenses — off-premises wine and beer. For each:

a. Retail off-premises wine and beer license, $300;

b. Gourmet brewing shop license, $320; and

c. Confectionery license, $170.

6. Retail licenses — banquet, special event, and tasting licenses.

a. Per-day event licenses. For each:

(1) Banquet license, $40 per license granted by the Board, except for banquet licenses granted by the Board pursuant to subsection A of § 4.1-215, which shall be $100 per license;

(2) Mixed beverage special events license, $45 for each day of each event;

(3) Mixed beverage club events license, $35 for each day of each event; and

(4) Tasting license, $40.

b. Annual licenses. For each:

(1) Annual banquet license, $300;

(2) Banquet facility license, $260;

(3) Designated outdoor refreshment area license, $300. However, for any designated outdoor refreshment area license issued pursuant to a local ordinance, the annual fee shall be $3,000;

(4) Annual mixed beverage banquet license, $630;

(5) Equine sporting event license, $300; and

(6) Annual arts venue event license, $300.

7. Retail licenses — marketplace. For each marketplace license, $1,000. However, if the license privileges are exercised during a period of six or less consecutive months and such period is specified prior to the beginning of the license year, the annual fee shall be $500.

8. Retail licenses — shipper, bottler, and related licenses. For each:

a. Wine and beer shipper's license, $230;

b. Internet wine and beer retailer license, $240;

c. Bottler license, $1,500;

d. Fulfillment warehouse license, $210;

e. Marketing portal license, $285; and

f. Third-party delivery license, $7,500, unless the licensee provides written certification to the Board that the licensee has no more than 25 delivery personnel, including employees, agents, and independent contractors that engage in direct-to-consumer alcoholic beverage delivery, in which case the license fee shall be $2,500.

9. Temporary licenses. For each temporary license authorized by § 4.1-211, one-half of the tax imposed by this section on the license for which the applicant applied.

B. The tax on each license granted or reissued for a period other than 12, 24, or 36 months shall be equal to one-twelfth of the taxes required by subsection A computed to the nearest cent, multiplied by the number of months in the license period, and then increased by five percent. Such tax shall not be refundable, except as provided in § 4.1-232.

C. Nothing in this chapter shall exempt any licensee from any state merchants' license or state restaurant license or any other state tax. Every licensee, in addition to the taxes imposed by this chapter, shall be liable to state merchants' license taxation and state restaurant license taxation and other state taxation the same as if the alcoholic beverages were nonalcoholic. In ascertaining the liability of a beer wholesaler to merchants' license taxation, however, and in computing the wholesale merchants' license tax on a beer wholesaler, the first $163,800 of beer purchases shall be disregarded; and in ascertaining the liability of a wholesale wine distributor to merchants' license taxation, and in computing the wholesale merchants' license tax on a wholesale wine distributor, the first $163,800 of wine purchases shall be disregarded.

D. In addition to the taxes set forth in this section, a fee of $5 may be imposed on any license purchased in person from the Board if such license is available for purchase online.

§ 4.1-233.1. Fees on local licenses.

A. In addition to the state license taxes, the annual local license taxes that may be collected shall not exceed the following sums:

1. Manufacturer licenses. For each:

a. Distiller's license and limited distiller's license, if more than 5,000 gallons but not more than 36,000 gallons manufactured during such year, $750; if more than 36,000 gallons manufactured during such year, $1,000; and no local license shall be required for any person who manufactures not more than 5,000 gallons of alcohol or spirits, or both, during such license year;

b. Brewery license and limited brewery license, if not more than 500 barrels of beer manufactured during the year in which the license is granted, $250, and if more than 500 barrels manufactured during such year, $1,000;

c. Winery license, $50; and

d. Farm winery license, $50.

2. Wholesale licenses. For each:

a. Wholesale beer license, in a city, $250, and in a county or town, $75; and

b. Wholesale wine license, $50.

3. Retail licenses — mixed beverage. For each:

a. Mixed beverage restaurant license, granted to persons operating restaurants, including restaurants located on premises of and operated by casinos, hotels or motels, or other persons:

(1) With a seating capacity at tables for up to 100 persons, $200;

(2) With a seating capacity at tables for more than 100 but not more than 150 persons, $350;

(3) With a seating capacity at tables for more than 150 persons but not more than 500 persons, $500;

(4) With a seating capacity at tables for more than 500 persons but not more than 1,000 persons, $650; and

(5) With a seating capacity at tables for more than 1,000 persons, $800;

b. Mixed beverage restaurant license for restaurants located on the premises of and operated by private, nonprofit clubs, $350;

c. Mixed beverage casino license, $800 plus an additional $2 for each gaming station located on the premises of the casino gaming establishment. For the purposes of this subdivision, "gaming station" means each slot machine and each casino gaming table that is in active use, as determined annually on December 31;

d. Mixed beverage caterer's license, $500;

e. Mixed beverage limited caterer's license, $100;

f. Annual mixed beverage ~~motor~~ sports facility license, $300;

g. Limited mixed beverage restaurant license:

(1) With a seating capacity at tables for up to 100 persons, $100;

(2) With a seating capacity at tables for more than 100 but not more than 150 persons, $250; or

(3) With a seating capacity at tables for more than 150 persons, $400;

h. Annual mixed beverage performing arts facility license, $300;

i. Bed and breakfast license, $40;

j. Museum license, $10;

k. ~~Motor car sporting event facility license, $10;~~

~~l.~~ Commercial lifestyle center license, $60; and

~~m.~~ *l.* Annual mixed beverage special events license, $300.

4. Retail licenses — on-and-off-premises wine and beer. For each on-and-off premises wine and beer license issued to:

a. Hotels, restaurants, and clubs, in a city, $150, and in a county or town, $37.50;

b. Hospitals, $10;

c. Rural grocery stores, $37.50; and

d. Historic cinema houses, $20.

5. Retail licenses — off-premises wine and beer. For each:

a. Retail off-premises wine and beer license, in a city, $150, and in a county or town, $37.50;

b. Gourmet brewing shop license, $150; and

c. Confectionery license, $20.

6. Retail licenses — banquet, special event, and tasting licenses. For each:

a. Per-day event licenses. For each:

(1) Banquet license, $5 per license granted by the Board, except for banquet licenses granted by the Board pursuant to subsection A of § 4.1-215, which shall be $20 per license;

(2) Mixed beverage special events license, $10 for each day of each event;

(3) Mixed beverage club events license, $10 for each day of each event; and

(4) Tasting license, $10.

b. Annual licenses. For each:

(1) Annual banquet license, $15;

(2) Designated outdoor refreshment area license, $60. However, for any designated outdoor refreshment area license issued pursuant to a local ordinance, the annual tax shall be $600;

(3) Annual mixed beverage banquet license, $75;

(4) Equine sporting event license, $10; and

(5) Annual arts venue event license, $10.

7. Retail licenses — marketplace. For each marketplace license, $200. However, if the license privileges are exercised during a period of six or less consecutive months and such period is specified prior to the beginning of the license year, the annual tax shall be $100.

8. Retail licenses — shipper, bottler, and related licenses. For each:

a. Wine and beer shipper's license, $10; and

b. Bottler license, $500.

B. Common carriers. No local license tax shall be either charged or collected for the privilege of selling alcoholic beverages in (i) passenger trains, boats, buses, or airplanes or (ii) rooms designated by the Board of establishments of air carriers of passengers at airports in the Commonwealth for on-premises consumption only.

C. Merchants' and restaurants' license taxes. The governing body of each county, city, or town in the Commonwealth, in imposing local wholesale merchants' license taxes measured by purchases, local retail merchants' license taxes measured by sales, and local restaurant license taxes measured by sales, may include alcoholic beverages in the base for measuring such local license taxes the same as if the alcoholic beverages were nonalcoholic. No local alcoholic beverage license authorized by this chapter shall exempt any licensee from any local merchants' or local restaurant license tax, but such local merchants' and local restaurant license taxes may be in addition to the local alcoholic beverage license taxes authorized by this chapter.

The governing body of any county, city, or town, in adopting an ordinance under this section, shall provide that in ascertaining the liability of (i) a beer wholesaler to local merchants' license taxation under the ordinance, and in computing the local wholesale merchants' license tax on such beer wholesaler, purchases of beer up to a stated amount shall be disregarded, which stated amount shall be the amount of beer purchases which would be necessary to produce a local wholesale merchants' license tax equal to the local wholesale beer license tax paid by such wholesaler and (ii) a wholesale wine licensee to local merchants' license taxation under the ordinance, and in computing the local wholesale merchants' license tax on such wholesale wine licensee, purchases of wine up to a stated amount shall be disregarded, which stated amount shall be the amount of wine purchases which would be necessary to produce a local wholesale merchants' license tax equal to the local wholesale wine licensee license tax paid by such wholesale wine licensee.

D. Delivery. No county, city, or town shall impose any local alcoholic beverage license tax on any wholesaler for the privilege of delivering alcoholic beverages in the county, city, or town when such wholesaler maintains no place of business in such county, city, or town.

E. Application of county tax within town. Any county license tax imposed under this section shall not apply within the limits of any town located in such county, where such town imposes a town license tax on the same privilege.

§ 4.1-309. Drinking or possessing alcoholic beverages in or on public school grounds; penalty.

A. No person shall possess or drink any alcoholic beverage in or upon the grounds of any public elementary or secondary school during school hours or school or student activities.

B. In addition, no person shall drink and no organization shall serve any alcoholic beverage in or upon the grounds of any public elementary or secondary school after school hours or school or student activities, except for religious congregations using wine for sacramental purposes only.

C. Any person convicted of a violation of this section shall be guilty of a Class 2 misdemeanor.

D. This section shall not prohibit any person from possessing or drinking alcoholic beverages or any organization from serving alcoholic beverages in areas approved by the Board at a performing arts ~~center owned by the City of Alexandria or the City of Portsmouth~~ *facility*, provided the organization operating the performing arts ~~center~~ *facility* or its lessee has a license granted by the Board.

§ 4.1-325. Prohibited acts by mixed beverage licensees; penalty.

A. In addition to § 4.1-324, no mixed beverage licensee nor any agent or employee of such licensee shall:

1. Sell or serve any alcoholic beverage other than as authorized by law;

2. Sell any authorized alcoholic beverage to any person or at any place except as authorized by law;

3. Allow at the place described in his license the consumption of alcoholic beverages in violation of this subtitle;

4. Keep at the place described in his license any alcoholic beverage other than that which he is licensed to sell;

5. Misrepresent the brand of any alcoholic beverage sold or offered for sale;

6. Keep any alcoholic beverage other than in the bottle or container in which it was purchased by him except (i) for a frozen alcoholic beverage, which may include alcoholic beverages in a frozen drink dispenser of a type approved by the Board; (ii) in the case of wine, in containers of a type approved by the Board pending automatic dispensing and sale of such wine; and (iii) as otherwise provided by Board regulation. Neither this subdivision nor any Board regulation shall prohibit any mixed beverage licensee from premixing containers of sangria, to which spirits may be added, to be served and sold for consumption on the licensed premises;

7. Refill or partly refill any bottle or container of alcoholic beverage or dilute or otherwise tamper with the contents of any bottle or container of alcoholic beverage, except as provided by Board regulation adopted pursuant to subdivision B 11 of § 4.1-111;

8. Sell or serve any brand of alcoholic beverage which is not the same as that ordered by the purchaser without first advising such purchaser of the difference;

9. Remove or obliterate any label, mark, or stamp affixed to any container of alcoholic beverages offered for sale;

10. Deliver or sell the contents of any container if the label, mark, or stamp has been removed or obliterated;

11. Allow any obscene conduct, language, literature, pictures, performance, or materials on the licensed premises;

12. Allow any striptease act on the licensed premises;

13. Allow persons connected with the licensed business to appear nude or partially nude;

14. Consume or allow the consumption by an employee of any alcoholic beverages while on duty and in a position that is involved in the selling or serving of alcoholic beverages to customers.

The provisions of this subdivision shall not prohibit any retail licensee or his designated employee from (i) consuming product samples or sample servings of (a) beer or wine provided by a representative of a licensed beer or wine wholesaler or manufacturer or (b) a distilled spirit provided by a permittee of the Board who represents a distiller, if such samples are provided in accordance with Board regulations and the retail licensee or his designated employee does not violate the provisions of subdivision A 1 f of § 4.1-225 or (ii) tasting an alcoholic beverage that has been or will be delivered to a customer for quality control purposes;

15. Deliver to a consumer an original bottle of an alcoholic beverage purchased under such license whether the closure is broken or unbroken except in accordance with § 4.1-206.3.

The provisions of this subdivision shall not apply to the delivery of:

a. "Soju." For the purposes of this subdivision, "soju" means a traditional Korean alcoholic beverage distilled from rice, barley or sweet potatoes; or

b. Spirits, provided (i) the original container is no larger than 375 milliliters, (ii) the alcohol content is no greater than 15 percent by volume, and (iii) the contents of the container are carbonated and perishable;

16. Be intoxicated while on duty or employ an intoxicated person on the licensed premises;

17. Conceal any sale or consumption of any alcoholic beverages;

18. Fail or refuse to make samples of any alcoholic beverages available to the Board upon request or obstruct special agents of the Board in the discharge of their duties;

19. Store alcoholic beverages purchased under the license in any unauthorized place or remove any such alcoholic beverages from the premises;

20. Knowingly employ in the licensed business any person who has the general reputation as a prostitute, panderer, habitual law violator, person of ill repute, user or peddler of narcotics, or person who drinks to excess or engages in illegal gambling;

21. Keep on the licensed premises, except for the premises of a mixed beverage casino licensee, a slot machine or any prohibited gambling or gaming device, machine, or apparatus;

22. Make any gift of an alcoholic beverage, other than as a gift made (i) to a personal friend, as a matter of normal social intercourse, so long as the gift is in no way a shift or device to evade the restriction set forth in this subdivision; (ii) to a person responsible for the planning, preparation or conduct on any conference, convention, trade show or event held or to be held on the premises of the licensee, when such gift is made in the course of usual and customary business entertainment and is in no way a shift or device to evade the restriction set forth in this subdivision; (iii) pursuant to subsection C of § 4.1-209; (iv) pursuant to subdivision A 10 of § 4.1-201; (v) by a mixed beverage casino licensee to a patron of such licensee in accordance with the provisions of subdivision A ~~15~~ *14* of § 4.1-206.3; or (vi) pursuant to any Board regulation. Any gift permitted by this subdivision shall be subject to the taxes imposed by this subtitle on sales of alcoholic beverages. The licensee shall keep complete and accurate records of gifts given in accordance with this subdivision; or

23. Establish any normal or customary pricing of its alcoholic beverages that is intended as a shift or device to evade any "happy hour" regulations adopted by the Board; however, a licensee may increase the volume of an alcoholic beverage sold to a customer if there is a commensurate increase in the normal or customary price charged for the same alcoholic beverage.

B. Any person convicted of a violation of this section is guilty of a Class 1 misdemeanor.

C. The provisions of subdivisions A 12 and A 13 shall not apply to persons operating theaters, concert halls, art centers, museums, or similar establishments that are devoted primarily to the arts or theatrical performances, when the performances that are presented are expressing matters of serious literary, artistic, scientific, or political value.

2. That the provisions of this act shall not prohibit any person from obtaining or retaining an annual mixed beverage performing arts facility license or an on-and-off-premises wine and beer license as a performing arts food concessionaire for a premises that operated as (i) a mixed beverage performing arts facility or a performing arts food concessionaire pursuant to § 4.1-206.3 of the Code of Virginia on June 30, 2024, or (ii) a mixed beverage performing arts facility pursuant to the third enactment of this act on December 31, 2024.

3. That the Board of Directors (Board) of the Virginia Alcoholic Beverage Control Authority may issue an annual mixed beverage performing arts facility license, pursuant to § 4.1-206.3 of the Code of Virginia, as amended by this act, to persons operating food concessions at any performing arts facility located in the City of Richmond, provided that the performing arts facility (i) is occupied under a bona fide long-term lease or concession agreement, the original term of which was more than five years; (ii) has a capacity in excess of 400 patrons; (iii) has been rehabilitated in accordance with historic preservation standards; and (iv) has monthly gross receipts from the sale of food cooked, or prepared, and consumed on the premises and nonalcoholic beverages served on the premises that meet or exceed the monthly minimum established by Board regulations for mixed beverage restaurants. The provisions of this enactment shall expire on January 1, 2025.

CHAPTER 112

An Act to amend the Code of Virginia by adding a section numbered 10.1-1183.1, relating to Department of Environmental Quality reports; consolidation.

[H 1379]

Approved March 20, 2024

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 10.1-1183.1 as follows:

§ 10.1-1183.1. Department of Environmental Quality consolidated annual report.

A. As used in this section, "consolidated report" means the report submitted by the Department pursuant to this section in satisfaction of any requirements of §§ 10.1-1186.1, 10.1-1307, 10.1-1307.04, 10.1-1322, 10.1-1322.5, 10.1-1330, 10.1-1402.1, 10.1-1413.1, 10.1-1425.17, 62.1-44.15:6, 62.1-44.17:3, 62.1-44.34:21, 62.1-44.40, 62.1-69.35:2, 62.1-69.44, 62.1-223.3, and 62.1-256.2.

B. Notwithstanding any other provision of §§ 10.1-1186.1, 10.1-1307, 10.1-1307.04, 10.1-1322, 10.1-1322.5, 10.1-1330, 10.1-1402.1, 10.1-1413.1, 10.1-1425.17, 62.1-44.15:6, 62.1-44.17:3, 62.1-44.34:21, 62.1-44.40, 62.1-69.35:2, 62.1-69.44, 62.1-223.3, and 62.1-256.2, the Department shall be deemed to have satisfied the reporting requirements of those sections by submitting the consolidated report to the Governor and the General Assembly no later than October 1 of each year.

C. Each year, the consolidated report shall include the reports required pursuant to §§ 10.1-1186.1, 10.1-1307, 10.1-1322.5, 10.1-1330, 10.1-1413.1, 10.1-1425.17, 62.1-44.40, 62.1-69.35:2, 62.1-69.44, and 62.1-256.2.

D. In even-numbered years, the consolidated report shall also include the reports required pursuant to §§ 10.1-1322, 10.1-1402.1, and 62.1-44.15:6.

E. In odd-numbered years, the consolidated report shall also include the reports required pursuant to §§ 62.1-44.17:3 and 62.1-44.34:21.

F. Beginning in 2026 and every four years thereafter, the consolidated report shall also include the report required pursuant to § 10.1-1307.04.

G. Beginning in 2027 and every four years thereafter, the consolidated report shall also include the report required pursuant to § 62.1-223.3.

2. That the provisions of this act shall become effective on January 1, 2025.

CHAPTER 113

An Act to amend and reenact § 58.1-1812 of the Code of Virginia, relating to assessment of omitted taxes; erroneous payments.

[H 1508]

Approved March 20, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 58.1-1812 of the Code of Virginia is amended and reenacted as follows:

§ 58.1-1812. Assessment of omitted taxes by the Department of Taxation.

A. If the Tax Commissioner ascertains that any person has failed to make a proper return or to pay in full any proper tax, he shall assess the taxes prescribed by law, adding to the taxes so assessed the penalty prescribed by law, if any, for the failure to file a return (if a return was required by law but not filed within the time prescribed by law) and the penalty or penalties prescribed by law for the failure to pay the taxes and penalty or penalties within the time prescribed by law. If no penalty is so prescribed, he shall assess a penalty of five percent of the tax due, or if the failure to pay in full was fraudulent, a penalty of 100 percent of the tax due. In addition thereto, interest on the outstanding tax and penalty shall be charged at the rate established under § 58.1-15 for the period between the due date and the date of full payment.

Except as otherwise provided by law, the amount of tax shall be assessed within three years after the return was filed, whether such return was filed on or after the date prescribed, and no proceeding in court without assessment shall be begun for the collection of such tax after the expiration of such period. A return of tax filed before the last day prescribed by law for the timely filing thereof shall be considered as filed on the last day. A return of recordation tax shall be considered as having been filed on the date of recordation. If no return is filed, the tax may be assessed within six years of the date such return was due. If a false or fraudulent return is filed with intent to evade the payment of tax, an assessment may be made at any time.

Upon such assessment, the Department of Taxation shall send a bill therefor to the taxpayer and the taxes, penalties, and interest shall be remitted to the Department of Taxation within 30 days from the date of such bill. Effective January 1, 2023, such bill and notice of assessment shall identify the date the initial return or payment was received by the Department, any payment amounts received, and an explanation of the taxes, penalties, and interest related to such assessment on such taxpayer. If such taxes, penalties, and interest are not paid within such 30 days, interest at the rate provided herein shall accrue thereon from the date of such assessment until payment.

B. The Department of Taxation shall not assess penalty or interest on any assessment of tax for the recovery of an erroneous refund, provided that the tax is paid to the Department within 30 days from the date of the bill. If the tax is not remitted to the Department within 30 days from the date of such bill, interest at the rate provided herein shall accrue thereon from the date of such assessment until payment.

As used in this section, "erroneous refund" means any refund of tax resulting solely from an error by the Department of Taxation that results in the taxpayer receiving a refund to which the taxpayer is not entitled.

C. Upon the application of a taxpayer, if the Department determines that a taxpayer has erroneously remitted retail sales tax payments to the Department with respect to a transaction under § 58.1-610 and for which the Department has made a use tax assessment, and such taxpayer has not so requested, the Department shall apply the erroneously remitted retail sales tax proceeds to a use tax assessment of the taxpayer for the same transactions. To be eligible, the taxpayer shall provide evidence of the erroneously paid retail sales tax amount collected and remitted in each transaction. However, in no case shall any taxpayer apply for and receive the relief described in this subsection if he has previously applied for and received the relief described in this subsection, or in the case of a false or fraudulent action by the taxpayer with the intention of evading the tax.

2. That the provisions of this act shall not entitle any taxpayer to a refund of any retail sales tax payments erroneously remitted unless or until the taxpayer can affirmatively show that the tax has since been refunded to the purchaser or credited to such purchaser's account pursuant to § 58.1-625 of the Code of Virginia.

CHAPTER 114

An Act to amend and reenact §§ 2.2-2339, 2.2-2340, and 2.2-2345 of the Code of Virginia, relating to Fort Monroe Authority; powers and duties.

[H 1138]

Approved March 20, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-2339, 2.2-2340, and 2.2-2345 of the Code of Virginia are amended and reenacted as follows:

§ 2.2-2339. Duties of the Authority.

The Authority shall have the power and duty:

1. To do all things necessary and proper to further an appreciation of the contributions of the first permanent English-speaking settlers as well as the Virginia Indians to the building of our Commonwealth and nation, to commemorate the establishment of the first coastal fortification in the English-speaking New World, to commemorate the lives of prominent Virginians who were connected to the largest moated fortification in the United States, to commemorate the important role of African Americans in the history of the site, including the "Contraband" slave decision in 1861 that earned Fort Monroe the designation as "Freedom's Fortress," to commemorate Old Point Comfort's role in establishing international trade and British maritime law in Virginia, and to commemorate almost 250 years of continuous service as a coastal defense fortification of the United States of America;

2. To hire and develop a professional staff including ~~an~~ *a chief* executive ~~director~~ *officer* and such other staff as is necessary to discharge the responsibilities of the Authority;

3. To establish personnel policies and benefits for staff;

4. To oversee the preservation, conservation, protection, and maintenance of the Commonwealth's natural resources and real property interests at Fort Monroe and the renewal of Fort Monroe as a vibrant and thriving community;

5. To adopt an annual budget, which shall be submitted to the Chairmen of the Senate Committee on Finance and Appropriations and the House Committee on Appropriations and the Department of Planning and Budget by July 1 of each year;

6. To provide for additional, more complete, or more timely services than are generally available in the City of Hampton as a whole;

7. To create and manage a department within the Authority for the purpose of overseeing and managing all property and facilities provided, owned, operated, or financed by the Authority; and

8. To serve as the Commonwealth's management agent for all the land in the Area of Operation and for the implementation of actions and fulfillment of federal and state obligations for public and private land under the Fort Monroe Master Plan, Programmatic Agreement, Design Standards, Reuse Plan, State Memorandum of Understanding, and any other agreements regarding Fort Monroe to which the Commonwealth is a party, ensuring adherence to the findings, declarations, and policies set forth in this article, unless the Commonwealth and the Authority specifically agree in writing to the contrary.

§ 2.2-2340. Additional declaration of policy; powers of the Authority; penalty.

A. It is the policy of the Commonwealth that the historic, cultural, and natural resources of Fort Monroe be protected in any conveyance or alienation of real property interests by the Authority. Real property in the Area of Operation at Fort Monroe may be maintained as Commonwealth-owned land that is leased, whether by short-term operating/revenue lease or long-term ground lease, to appropriate public, private, or joint venture entities, with such historic, cultural, and natural resources being protected in any such lease, to be approved as to form by the Attorney General of the Commonwealth of

Virginia. If sold as provided in this article, real property interests in the Area of Operation at Fort Monroe may only be sold under covenants, historic conservation easements, historic preservation easements, or other appropriate legal restrictions approved as to form by the Attorney General that protect these historic and natural resources. Properties in the Wherry Quarter and Inner Fort areas identified in the Fort Monroe Reuse Plan may only be sold with the consent of both the Governor and the General Assembly, except that any transfer to the National Park Service shall require only the approval of the Governor. The proceeds from the sale or pre-paid lease of any real or personal property within the Area of Operation shall be retained by the Authority and used for infrastructure improvements in the Area of Operation.

B. The Authority shall have the power and duty:

1. To sue and be sued; to adopt and use a common seal and to alter the same as may be deemed expedient; to have perpetual succession; to make and execute contracts and other instruments necessary or convenient to the exercise of the powers of the Authority; and to make and from time to time amend and repeal bylaws, rules, and regulations, not inconsistent with law, to carry into effect the powers and purposes of the Authority;

2. To foster and stimulate the economic and other development of Fort Monroe, including without limitation development for business, employment, housing, commercial, recreational, educational, and other public purposes; to prepare and carry out plans and projects to accomplish such objectives; to provide for the construction, reconstruction, rehabilitation, reuse, improvement, alteration, maintenance, removal, equipping, or repair of any buildings, structures, or land of any kind; to lease or rent to others or to develop, operate, or manage with others in a joint venture or other partnering arrangement, on such terms as it deems proper and which are consistent with the provisions of the Programmatic Agreement, Design Standards, and Reuse Plan governing any lands, dwellings, houses, accommodations, structures, buildings, facilities, or appurtenances embraced within Fort Monroe; to establish, collect, and revise the rents charged and terms and conditions of occupancy thereof; to terminate any such lease or rental obligation upon the failure of the lessee or renter to comply with any of the obligations thereof; to arrange or contract for the furnishing by any person or agency, public or private, of works, services, privileges, or facilities in connection with any activity in which the Authority may engage, provided, however, that if services are provided by the City of Hampton pursuant to § 2.2-2341 for which the City is compensated pursuant to subsection B of § 2.2-2342, then the Authority may provide for additional, more complete, or more timely services than are generally available in the City of Hampton as a whole if deemed necessary or appropriate by the Authority; to acquire, own, hold, and improve real or personal property; to purchase, lease, obtain options upon, acquire by gift, grant, bequest, devise, easement, dedication, or otherwise any real or personal property or any interest therein, which purchase, lease, or acquisition may only be made for less than fair market value if the Board of Trustees determines, upon the advice of the Attorney General, that the transaction is consistent with the fiduciary obligation of the Authority to the Commonwealth and if necessary or appropriate to further the purposes of the Authority; as provided in this article, to sell, lease, exchange, transfer, assign, or pledge any real or personal property or any interest therein, which sale, lease, or other transfer or assignment may be made for less than fair market value; as provided in this article, to dedicate, make a gift of, or lease for a nominal amount any real or personal property or any interest therein to the Commonwealth, the City of Hampton, or other localities or agencies, public or private, within the Area of Operation or adjacent thereto, jointly or severally, for public use or benefit, such as, but not limited to, game preserves, playgrounds, park and recreational areas and facilities, hospitals, clinics, schools, and airports; to acquire, lease, maintain, alter, operate, improve, expand, sell, or otherwise dispose of onsite utility and infrastructure systems or sell any excess service capacity for offsite use; to acquire, lease, construct, maintain, and operate and dispose of tracks, spurs, crossings, terminals, warehouses, and terminal facilities of every kind and description necessary or useful in the transportation and storage of goods, wares, and merchandise; and to insure or provide for the insurance of any real or personal property or operation of the Authority against any risks or hazards;

3. To invest any funds held in reserves or sinking funds, or any funds not required for immediate disbursements, in property or security in which fiduciaries may legally invest funds subject to their control; to purchase its bonds at a price not more than the principal amount thereof and accrued interest, all bonds so purchased to be cancelled;

4. To undertake and carry out examinations, investigations, studies, and analyses of the business, industrial, agricultural, utility, transportation, and other economic development needs, requirements, and potentialities of its Area of Operation or offsite needs, requirements, and potentialities that directly affect the success of the Authority at Fort Monroe, and the manner in which such needs and requirements and potentialities are being met, or should be met, in order to accomplish the purposes for which it is created; to make use of the facts determined in such research and analyses in its own operation; and to make the results of such studies and analyses available to public bodies and to private individuals, groups, and businesses, except as such information may be exempted pursuant to the Virginia Freedom of Information Act (§ 2.2-3700 et seq.);

5. To administer, develop, and maintain at Fort Monroe permanent commemorative cultural and historical museums and memorials;

6. To adopt names, flags, seals, and other emblems for use in connection with such shrines and to copyright the same in the name of the Commonwealth;

7. To enter into any contracts not otherwise specifically authorized in this article to further the purposes of the Authority, after approval as to form by the Attorney General;

8. To establish nonprofit corporations as instrumentalities to assist in administering the affairs of the Authority;

9. To exercise the power of eminent domain in the manner provided by Chapter 3 (§ 25.1-300 et seq.) of Title 25.1 within the Authority's Area of Operation; however, eminent domain may only be used to obtain easements across property on Fort Monroe for the provision of water, sewer, electrical, ingress and egress, and other necessary or useful services to further the purposes of the Authority, unless the Governor has expressly granted authority to obtain interests for other purposes;

10. To fix, charge, and collect rents, fees, and charges (i) for the use of, or the benefit derived from, the services or facilities provided, owned, operated, or financed by the Authority benefiting property within the Authority's Area of Operation and (ii) for the consumption within the Area of Operation of goods and services being provided in exchange for value by any person or business located and operating, permanently or temporarily, within the Area of Operation. Such rents, fees, and charges may be charged to and collected by such persons and in such manner as the Authority may determine from (a) any person contracting for the services or using the Authority facilities or (b) the owners, tenants, or customers of the real estate and improvements that are served by, or benefit from the use of, any such services or facilities, in such manner as shall be authorized by the Authority in connection with the provision of such services or facilities. Such rents, fees, and charges shall not be chargeable to the Commonwealth or, where such rents, fees or charges relate to services or facilities utilized by the City of Hampton to provide municipal services, to the City of Hampton except as may be provided by lease or other agreement and may be used to fund the provision of the additional, more complete, or more timely services authorized under subdivision 6 of § 2.2-2339, the payments provided under § 2.2-2342, or for other purposes as the Authority may determine to be appropriate, subject to the provisions of subsection B of § 2.2-2342;

11. To receive and expend gifts, grants, and donations from whatever source derived for the purposes of the Authority;

12. To employ ~~an~~ *a chief* executive ~~director~~ *officer* and such deputies and assistants as may be required;

13. To elect any past chairman of the Board of Trustees to the honorary position of chairman emeritus. Chairmen emeriti shall serve as honorary members for life. Chairmen emeriti shall be elected in addition to the nonlegislative citizen member positions defined in § 2.2-2338;

14. To determine what paintings, statuary, works of art, manuscripts, and artifacts may be acquired by purchase, gift, or loan and to exchange or sell the same if not inconsistent with the terms of such purchase, gift, loan, or other acquisition;

15. To change the form of investment of any funds, securities, or other property, real or personal, provided the same are not inconsistent with the terms of the instrument under which the same were acquired, and to sell, grant, or convey any such property, subject to the provisions of subsection A of § 2.2-2340;

16. To cooperate with the federal government, the Commonwealth, the City of Hampton, or other nearby localities in the discharge of its enumerated powers;

17. To exercise all or any part or combination of powers granted in this article;

18. To do any and all other acts and things that may be reasonably necessary and convenient to carry out its purposes and powers;

19. To adopt, amend or repeal, by the Board of Trustees, or the executive committee thereof, regulations concerning the use of, access to and visitation of properties under the control of the Authority in order to protect or secure such properties and the public enjoyment thereof, with any violation of such regulations being punishable by a civil penalty of up to $100 for the first violation and up to $250 for any subsequent violation, such civil penalty to be paid to the Authority;

20. To provide parking and traffic rules and regulations on property owned by the Authority; and

21. To provide that any person who knowingly violates a regulation of the Authority may be requested by an agent or employee of the Authority to leave the property and upon the failure of such person so to do shall be guilty of a trespass as provided in § 18.2-119.

§ 2.2-2345. Powers and duties of chief executive officer.

The *chief* executive ~~director~~ *officer* shall exercise such powers and duties relating to the Authority conferred upon the Board as may be delegated to him by the Board, including powers and duties involving the exercise of discretion. The *chief* executive ~~director~~ *officer* shall also exercise and perform such other powers and duties as may be lawfully delegated to him and such powers and duties as may be conferred or imposed upon him by law.

CHAPTER 115

An Act to amend and reenact § 2.2-2348.1 of the Code of Virginia, relating to Fort Monroe Authority; land and utility ownership.

[H 1139]

Approved March 20, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 2.2-2348.1 of the Code of Virginia is amended and reenacted as follows:

§ 2.2-2348.1. Ratification of the ownership of certain lands in the City of Hampton known as Fort Monroe; ownership and operation of utilities.

A. Notwithstanding any other provision of law, the ownership of certain property located in the City of Hampton, Virginia, ~~consisting of 312.75 acres, more or less,~~ generally known as "Fort Monroe," ~~shall be deemed~~ *and shown in the land records of the City of Hampton as being owned by the Commonwealth, whether in the name of the Commonwealth or*

the Fort Monroe Authority, is validly vested in the Commonwealth, with all rights, title, and interest therein~~, being more particularly described as follows: All that certain lot, piece, or parcel of land situate, lying, and being in the City of Hampton, in the Commonwealth of Virginia, containing 312.75 acres, more or less, described in Exhibit A and illustrated in Exhibit B of that certain Quitclaim Deed recorded in the Clerk's Office of the Circuit Court of the City of Hampton on June 14, 2013, as Instrument No. 130009559~~.

B. Notwithstanding any other provision of law, the ownership of the roads, water, sewer, and other utility services on that certain property located in the City of Hampton, Virginia, consisting of 561.345 acres, more or less, generally known as "Fort Monroe," shall be deemed validly vested in the Commonwealth, being more particularly described as follows: All those certain lots, pieces, or parcels of land situate, lying, and being in the City of Hampton, in the Commonwealth of Virginia, containing 561.345 acres, more or less, described as Parcels A, B, C, D, E, F, G, and H on that certain survey by the Norfolk District Corps of Engineers dated July 20, 2009, last revised November 15, 2012, entitled "Plat Showing 8 Parcels of Land Totaling +/-561.345 Acres Situated on Fort Monroe, Virginia," and recorded in the Clerk's Office of the Circuit Court of the City of Hampton in Instrument No. 130009559 at Pages 286 and 287.

1. The Authority shall maintain such roads as public rights-of-way to ensure lawful access to the properties within said acreage; however, the Commonwealth may convey its right, title, and interests in such roads to the City of Hampton or the Virginia Department of Transportation, and thereby transfer the obligation to maintain such roads.

2. The Authority shall maintain and operate such water, sewer, and other utility services to ensure that the properties within said acreage have access to such utility services; however, the Commonwealth may convey its right, title, and interest in any such utility owned by the Commonwealth to a public or private entity and thereafter transfer the obligation to maintain and operate such utilities.

CHAPTER 116

An Act to amend and reenact §§ 54.1-2951.1, 54.1-2952, 54.1-2952.1, and 54.1-2953 of the Code of Virginia, relating to physician assistants; practice agreement exemption.

[S 133]

Approved March 20, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 54.1-2951.1, 54.1-2952, 54.1-2952.1, and 54.1-2953 of the Code of Virginia are amended and reenacted as follows:

§ 54.1-2951.1. Requirements for licensure and practice as a physician assistant; licensure by endorsement.

A. The Board shall promulgate regulations establishing requirements for licensure as a physician assistant that shall include the following:

1. Successful completion of a physician assistant program or surgical physician assistant program accredited by the Accreditation Review Commission on Education for the Physician Assistant;

2. Passage of the certifying examination administered by the National Commission on Certification of Physician Assistants; and

3. Documentation that the applicant for licensure has not had his license or certification as a physician assistant suspended or revoked and is not the subject of any disciplinary proceedings in another jurisdiction.

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

C. ~~Every~~ *Except as provided in subsection E, every* physician assistant shall practice as part of a patient care team and shall provide care in accordance with a written or electronic practice agreement with one or more patient care team physicians or patient care team podiatrists.

A practice agreement shall include acts pursuant to § 54.1-2952, provisions for the periodic review of patient charts or electronic health records, guidelines for collaboration and consultation among the parties to the agreement and the patient, periodic joint evaluation of the services delivered, and provisions for appropriate physician input in complex clinical cases, in patient emergencies, and for referrals.

A practice agreement may include provisions for periodic site visits by a patient care team physician or patient care team podiatrist who is part of the patient care team at a location other than where the licensee regularly practices. Such visits shall be in the manner and at the frequency as determined by the patient care team physician or patient care team podiatrist who is part of the patient care team.

D. ~~Evidence~~ *Except as provided in subsection E, evidence* of a practice agreement shall be maintained by the physician assistant and provided to the Board upon request. The practice agreement may be maintained in writing or electronically and may be a part of credentialing documents, practice protocols, or procedures.

E. Physician assistants employed by a hospital as defined in § 32.1-123 or employed in (i) a state facility as defined in § 37.2-100 operated by the Department of Behavioral Health and Developmental Services or (ii) a federally qualified health center designated by the Centers for Medicare and Medicaid Services may practice without a separate practice

agreement if the credentialing and privileging requirements of the applicable facility include a practice arrangement that incorporates the components of a practice agreement set forth in the provisions of subsection C, including requiring and designating a patient care team physician or podiatrist, and the patient care team requirements of § 54.1-2952. Such physician assistants shall continue to practice as part of a patient care team in collaboration and consultation with patient care team physicians or patient care team podiatrists.

§ 54.1-2952. Role of patient care team physician or patient care team podiatrist on patient care teams; services that may be performed by physician assistants; responsibility of licensee; employment of physician assistants.

A. A patient care team physician or patient care team podiatrist licensed under this chapter may serve on a patient care team with physician assistants and shall provide collaboration and consultation to such physician assistants. No patient care team physician or patient care team podiatrist shall be allowed to collaborate or consult with more than six physician assistants on a patient care team at any one time.

Service as part of a patient care team by a patient care team physician or patient care team podiatrist shall not, by the existence of such service alone, establish or create vicarious liability for the actions or inactions of other team members.

B. Physician assistants may practice medicine to the extent and in the manner authorized by the Board. A patient care team physician or patient care team podiatrist shall be available at all times to collaborate and consult with physician assistants. Each patient care team shall identify the relevant physician assistant's scope of practice and an evaluation process for the physician assistant's performance.

C. Physician assistants appointed as medical examiners pursuant to § 32.1-282 may practice without a written or electronic practice agreement.

D. Any professional corporation or partnership of any licensee, any hospital and any commercial enterprise having medical facilities for its employees that are supervised by one or more physicians or podiatrists may employ one or more physician assistants in accordance with the provisions of this section.

Activities shall be performed in a manner consistent with sound medical practice and the protection of the health and safety of the patient. Such activities shall be set forth in a practice agreement *or by the credentialing and privileging practice arrangement requirements of a facility described in subsection E of § 54.1-2951.1* and may include health care services that are educational, diagnostic, therapeutic, or preventive, including establishing a diagnosis, providing treatment, and performing procedures. Prescribing or dispensing of drugs may be permitted as provided in § 54.1-2952.1. In addition, a physician assistant may perform initial and ongoing evaluation and treatment of any patient in a hospital, including its emergency department, in accordance with the practice agreement *or the credentialing and privileging practice arrangement requirements of a facility described in subsection E of § 54.1-2951.1*, including tasks performed, relating to the provision of medical care in an emergency department.

A patient care team physician or the on-duty emergency department physician shall be available at all times for collaboration and consultation with both the physician assistant and the emergency department physician. No person shall have responsibility for any physician assistant who is not employed by the person or the person's business entity.

E. No physician assistant shall perform any acts beyond those set forth in the practice agreement or authorized as part of the patient care team. No physician assistant practicing in a hospital shall render care to a patient unless the physician responsible for that patient is available for collaboration or consultation, pursuant to regulations of the Board.

F. Notwithstanding the provisions of § 54.1-2956.8:1, a licensed physician assistant who (i) is working in the field of radiology or orthopedics as part of a patient care team, (ii) has been trained in the proper use of equipment for the purpose of performing radiologic technology procedures consistent with Board regulations, and (iii) has successfully completed the exam administered by the American Registry of Radiologic Technologists for physician assistants for the purpose of performing radiologic technology procedures may use fluoroscopy for guidance of diagnostic and therapeutic procedures.

§ 54.1-2952.1. Prescription of certain controlled substances and devices by licensed physician assistants.

A. In accordance with the provisions of this section and pursuant to the requirements of Chapter 33 (§ 54.1-3300 et seq.), a licensed physician assistant shall have the authority to prescribe controlled substances and devices as set forth in Chapter 34 (§ 54.1-3400 et seq.) and as provided in a practice agreement *or by the credentialing and privileging practice arrangement requirements of a facility described in subsection E of § 54.1-2951.1*. Such practice agreements shall include a statement of the controlled substances the physician assistant is or is not authorized to prescribe and may restrict such prescriptive authority as deemed appropriate by the patient care team physician or patient care team podiatrist.

B. It ~~shall be~~ *is* unlawful for the physician assistant to prescribe controlled substances or devices pursuant to this section unless such prescription is authorized by the practice agreement *or by the credentialing and privileging practice arrangement requirements of a facility described in subsection E of § 54.1-2951.1* and the requirements in this section.

C. The Board of Medicine, in consultation with the Board of Pharmacy, shall promulgate such regulations governing the prescriptive authority of physician assistants as are deemed reasonable and necessary to ensure an appropriate standard of care for patients.

The regulations promulgated pursuant to this section shall include, at a minimum, (i) such requirements as may be necessary to ensure continued physician assistant competency, which may include continuing education, testing, and any other requirement and shall address the need to promote ethical practice, an appropriate standard of care, patient safety, the use of new pharmaceuticals, and appropriate communication with patients, and (ii) a requirement that the physician assistant disclose to his patients his name, address, and telephone number and that he is a physician assistant. If a patient or

his representative requests to speak with the patient care team physician or patient care team podiatrist, the physician assistant shall arrange for communication between the parties or provide the necessary information.

D. This section shall not prohibit a licensed physician assistant from administering controlled substances in compliance with the definition of "administer" in § 54.1-3401 or from receiving and dispensing manufacturers' professional samples of controlled substances in compliance with the provisions of this section.

§ 54.1-2953. Renewal, revocation, suspension, and refusal.

The Board may revoke, suspend, or refuse to renew a license to practice as a physician assistant for any of the following:

1. Any action by a physician assistant constituting unprofessional conduct pursuant to § 54.1-2915;

2. Practice by a physician assistant other than as part of a patient care team, including practice without entering into a practice agreement with one or more patient care team physicians or patient care team podiatrists*, except as provided in subsection E of § 54.1-2951.1*;

3. Failure of the physician assistant to practice in accordance with the requirements of his practice agreement;

4. Negligence or incompetence on the part of the physician assistant or other member of the patient care team;

5. Violation of or cooperation in the violation of any provision of this chapter or the regulations of the Board; or

6. Failure to comply with any regulation of the Board required for licensure of a physician assistant.

CHAPTER 117

An Act to amend and reenact § 52-46 of the Code of Virginia, relating to Virginia Rap Back Service; criminal history record monitoring.

[S 169]

Approved March 20, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 52-46 of the Code of Virginia is amended and reenacted as follows:

§ 52-46. Virginia Rap Back Service; criminal history record monitoring; maintenance; dissemination; penalty.

A. The Department of State Police, through the Virginia Record of Arrest and Prosecution (Rap) Back Service, shall participate in the Federal Bureau of Investigation's (FBI) Next Generation Identification (NGI) Rap Back Service. The purpose of the Virginia Rap Back Service shall be to allow governmental entities that require a fingerprint-based criminal background check as a condition of (i) providing care to (a) children, (b) the disabled, or (c) the elderly or (ii) (a) licensure, (b) certification, (c) employment, or (d) volunteer service to be advised when an individual subject to such screening is *the subject of a Rap Back notification event including being* arrested for, or convicted of, a criminal offense. The Department is authorized to submit fingerprints and accompanying records to the FBI to be retained in ~~and advised through~~ the FBI's NGI Rap Back Service ~~when an enrolled individual is arrested for, or convicted of, a criminal offense~~. Fingerprints submitted to the FBI may be used for future searches, including latent searches.

B. As used in this section:

"Individual" means any person who has submitted to a fingerprint-based background check in order to (i) care for (a) children, (b) the disabled, or (c) the elderly or (ii) (a) be licensed, (b) be certified, (c) be employed, or (d) perform volunteer service with a participating entity and who has been enrolled by that participating entity in the Virginia Rap Back Service.

"Participating entity" means a governmental entity that requires a fingerprint-based background check as a condition of (i) caring for (a) children, (b) the disabled, or (c) the elderly or (ii) (a) licensure, (b) certification, (c) employment, or (d) volunteer service and that has elected to enroll individuals in the Virginia Rap Back Service.

C. The Department of State Police shall ensure that notification is made forthwith to the participating entity that enrolls an individual in the Virginia Rap Back Service when an FBI Rap Back ~~report~~ *notification* is received. The information contained in the notification shall be used by the participating entity for purposes of determining the eligibility of the continued service of the individual and shall not be further disseminated.

D. Use of the information submitted to the Virginia Rap Back Service for purposes not authorized by this section is prohibited, and a willful violation of this section with the intent to harass or intimidate another shall be punished as a Class 1 misdemeanor.

E. No liability shall be imposed upon any law-enforcement official who disseminates information or fails to disseminate information in good faith compliance with the requirements of this section, but this provision shall not be construed to grant immunity for gross negligence or willful misconduct.

F. The Department of State Police shall promulgate regulations governing the operation and maintenance of the Virginia Rap Back Service and the removal and destruction of records on individuals who are deceased or who are no longer individuals as defined in this section. Such regulations shall provide that a participating entity shall disenroll any individual who is deceased or is no longer an individual as defined in this section within ~~30~~ *five business* days of death or such event that no longer requires such individual to be enrolled in the Virginia Rap Back Service, in order to ensure the prompt removal and destruction of records from the Virginia Rap Back Service.

G. The Department of State Police may charge an annual fee not to exceed $12 per individual enrolled in the Virginia Rap Back Service. The fee shall be paid by any participating entity enrolling an individual in the Virginia Rap Back Service. ~~An individual who moves from one participating entity to another need not be reprinted.~~ When more than one participating entity enrolls the same individual in the Virginia Rap Back Service, both participating entities shall be responsible for paying the full cost for maintenance and notification. Any fees collected shall be deposited in a special account to be used to offset the costs of subscription fees, maintenance fees, and enhancements related to the Criminal and Rap Back Information System.

H. The Department of State Police shall make the Virginia Rap Back Service available no later than July 1, 2025, unless funds necessary to develop and operate the Virginia Rap Back Service are unavailable.

I. No participating entity authorized to submit fingerprints shall be considered negligent per se in a civil action solely because the entity elected not to enroll an individual in the Virginia Rap Back Service pursuant to this section.

CHAPTER 118

An Act to amend and reenact §§ 16.1-253.2 and 18.2-60.4 of the Code of Virginia, relating to violation of protective orders; venue.

[S 211]

Approved March 20, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 16.1-253.2 and 18.2-60.4 of the Code of Virginia are amended and reenacted as follows:

§ 16.1-253.2. Violation of provisions of protective orders; penalty.

A. In addition to any other penalty provided by law, any person who violates any provision of a protective order issued pursuant to § 16.1-253.1, 16.1-253.4, 16.1-278.14, or 16.1-279.1 or subsection B of § 20-103, when such violation involves a provision of the protective order that prohibits such person from (i) going or remaining upon land, buildings, or premises; (ii) further acts of family abuse; or (iii) committing a criminal offense, or which prohibits contacts by the respondent with the allegedly abused person or family or household members of the allegedly abused person as the court deems appropriate, is guilty of a Class 1 misdemeanor. The punishment for any person convicted of a second offense of violating a protective order, when the offense is committed within five years of the prior conviction and when either the instant or prior offense was based on an act or threat of violence, shall include a mandatory minimum term of confinement of 60 days. Any person convicted of a third or subsequent offense of violating a protective order, when the offense is committed within 20 years of the first conviction and when either the instant or one of the prior offenses was based on an act or threat of violence is guilty of a Class 6 felony and the punishment shall include a mandatory minimum term of confinement of six months. The mandatory minimum terms of confinement prescribed for violations of this section shall be served consecutively with any other sentence.

B. In addition to any other penalty provided by law, any person who, while knowingly armed with a firearm or other deadly weapon, violates any provision of a protective order with which he has been served issued pursuant to § 16.1-253.1, 16.1-253.4, 16.1-278.14, or 16.1-279.1 or subsection B of § 20-103 is guilty of a Class 6 felony.

C. If the respondent commits an assault and battery upon any party protected by the protective order resulting in bodily injury to the party or stalks any party protected by the protective order in violation of § 18.2-60.3, he is guilty of a Class 6 felony. Any person who violates such a protective order by furtively entering the home of any protected party while the party is present, or by entering and remaining in the home of the protected party until the party arrives, is guilty of a Class 6 felony, in addition to any other penalty provided by law.

D. Upon conviction of any offense hereunder for which a mandatory minimum term of confinement is not specified, the person shall be sentenced to a term of confinement and in no case shall the entire term imposed be suspended. Upon conviction, the court shall, in addition to the sentence imposed, enter a protective order pursuant to § 16.1-279.1 for a specified period not exceeding two years from the date of conviction.

E. A violation of this section may be prosecuted in the jurisdiction where the protective order was issued ~~or~~*,* in any county ~~or~~*,* city*, or town* where any act constituting the violation of the protective order occurred*, or in the jurisdiction where the party protected by the protective order resided at the time of such violation.*

§ 18.2-60.4. Violation of protective orders; penalty.

A. Any person who violates any provision of a protective order issued pursuant to § 19.2-152.8, 19.2-152.9, or 19.2-152.10 is guilty of a Class 1 misdemeanor. Conviction hereunder shall bar a finding of contempt for the same act. The punishment for any person convicted of a second offense of violating a protective order, other than a protective order issued pursuant to subsection C of § 19.2-152.10, when the offense is committed within five years of the prior conviction and when either the instant or prior offense was based on an act or threat of violence, shall include a mandatory minimum term of confinement of 60 days. Any person convicted of a third or subsequent offense of violating a protective order, other than a protective order issued pursuant to subsection C of § 19.2-152.10, when the offense is committed within 20 years of the first conviction and when either the instant or one of the prior offenses was based on an act or threat of violence, is guilty of a Class 6 felony and the punishment shall include a mandatory minimum term of confinement of six months. The mandatory

minimum terms of confinement prescribed for violations of this section shall be served consecutively with any other sentence.

B. In addition to any other penalty provided by law, any person who, while knowingly armed with a firearm or other deadly weapon, violates any provision of a protective order with which he has been served issued pursuant to § 19.2-152.8, 19.2-152.9, or 19.2-152.10, other than a protective order issued pursuant to subsection C of § 19.2-152.10, is guilty of a Class 6 felony.

C. If the respondent commits an assault and battery upon any party protected by the protective order, other than a protective order issued pursuant to subsection C of § 19.2-152.10, resulting in bodily injury to the party or stalks any party protected by the protective order in violation of § 18.2-60.3, he is guilty of a Class 6 felony. Any person who violates such a protective order, other than a protective order issued pursuant to subsection C of § 19.2-152.10, by furtively entering the home of any protected party while the party is present, or by entering and remaining in the home of the protected party until the party arrives, is guilty of a Class 6 felony, in addition to any other penalty provided by law.

D. Upon conviction of any offense hereunder for which a mandatory minimum term of confinement is not specified, the person shall be sentenced to a term of confinement and in no case shall the entire term imposed be suspended.

E. Upon conviction, the court shall, in addition to the sentence imposed, enter a protective order pursuant to § 19.2-152.10 for a specified period not exceeding two years from the date of conviction.

F. A violation of this section may be prosecuted in the jurisdiction where the protective order was issued ~~or~~, in any county ~~or~~, city, *or town* where any act constituting the violation of the protective order occurred*, or in the jurisdiction where the party protected by the protective order resided at the time of such violation*.

CHAPTER 119

An Act to amend and reenact § 32.1-261 of the Code of Virginia, relating to vital records; birth certificates; adoption; members of the military.

[S 325]

Approved March 20, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 32.1-261 of the Code of Virginia is amended and reenacted as follows:

§ 32.1-261. New certificate of birth established on proof of adoption, legitimation, or determination of paternity, or change of sex.

A. The State Registrar shall establish a new certificate of birth for a person born in the Commonwealth upon receipt of the following:

1. An adoption report as provided in § 32.1-262, a report of adoption prepared and filed in accordance with the laws of another state or foreign country, or a certified copy of the decree of adoption together with the information necessary to identify the original certificate of birth and to establish a new certificate of birth; except that a new certificate of birth shall not be established if so requested by the court decreeing the adoption, the adoptive parents, or the adopted person if 18 years of age or older.

2. A request that a new certificate be established and such evidence as may be required by regulation of the Board proving that such person has been legitimated or that a court of the Commonwealth has, by final order, determined the paternity of such person. The request shall state that no appeal has been taken from the final order and that the time allowed to perfect an appeal has expired.

3. An order entered pursuant to subsection D of § 20-160. The order shall contain sufficient information to identify the original certificate of birth and to establish a new certificate of birth in the names of the intended parents.

4. A surrogate consent and report form as authorized by § 20-162. The report shall contain sufficient information to identify the original certificate of birth and to establish a new certificate of birth in the names of the intended parents.

5. Upon request of a person and in accordance with requirements of the Board, the State Registrar shall issue a new certificate of birth to show a change of sex of the person and, if a certified copy of a court order changing the person's name is submitted, to show a new name. Requirements related to obtaining a new certificate of birth to show a change of sex shall include a requirement that the person requesting the new certificate of birth submit a form furnished by the State Registrar and completed by a health care provider from whom the person has received treatment stating that the person has undergone clinically appropriate treatment for gender transition. Requirements related to obtaining a new certificate of birth to show a change of sex shall not include any requirement for evidence or documentation of any medical procedure.

6. Nothing in this section shall deprive the circuit court of equitable jurisdiction to adjudicate, upon application of a person, that the sex of such person residing within the territorial jurisdiction of the circuit court has been changed. In such an action, the person may petition for the application of the standard of the person's jurisdiction of birth; otherwise, the requirements of this section shall apply.

B. When a new certificate of birth is established pursuant to subsection A, the actual place and date of birth shall be shown. It shall be substituted for the original certificate of birth. Thereafter, the original certificate and the evidence of adoption, paternity or legitimation shall be sealed and filed and not be subject to inspection except upon order of a court of the Commonwealth or in accordance with § 32.1-252. However, upon receipt of notice of a decision or order granting an

adult adopted person access to identifying information regarding his birth parents from the Commissioner of Social Services or a circuit court, and proof of identification and payment, the State Registrar shall mail an adult adopted person a copy of the original certificate of birth.

C. Upon receipt of a report of an amended decree of adoption, the certificate of birth shall be amended as provided by regulation.

D. Upon receipt of notice or decree of annulment of adoption, the original certificate of birth shall be restored to its place in the files and the new certificate and evidence shall not be subject to inspection except upon order of a court of the Commonwealth or in accordance with § 32.1-252.

E. The State Registrar shall, upon request, establish and register a Virginia certificate of birth for a person born in a foreign country (i) upon receipt of a report of adoption for an adoption finalized pursuant to the laws of the foreign country as provided in subsection B of § 63.2-1200.1~~,~~ or (ii) upon receipt of a report or final order of adoption entered in a court of the Commonwealth as provided in § 32.1-262; however, a Virginia certificate of birth shall not be established or registered if so requested by the court decreeing the adoption, the adoptive parents or the adopted person if 18 years of age or older. If a circuit court of the Commonwealth corrects or establishes a date of birth for a person born in a foreign country during the adoption proceedings or upon a petition to amend a certificate of foreign birth, the State Registrar shall issue a certificate showing the date of birth established by the court. After registration of the birth certificate in the new name of the adopted person, the State Registrar shall seal and file the report of adoption which shall not be subject to inspection except upon order of a court of the Commonwealth or in accordance with § 32.1-252. The birth certificate shall (i) show the true or probable foreign country of birth and (ii) state that the certificate is not evidence of United States citizenship for the child for whom it is issued or for the adoptive parents. However, for any adopted person who has attained United States citizenship, the State Registrar shall, upon request and receipt of evidence demonstrating such citizenship, establish and register a new certificate of birth that does not contain the statement required by clause (ii).

F. If no certificate of birth is on file for the person for whom a new certificate is to be established under this section, a delayed certificate of birth shall be filed with the State Registrar as provided in § 32.1-259 or 32.1-260 before a new certificate of birth is established, except that when the date and place of birth and parentage have been established in the adoption proceedings, a delayed certificate shall not be required.

G. When a new certificate of birth is established pursuant to subdivision A 1, the State Registrar shall issue along with the new certificate of birth a document, furnished by the Department of Social Services pursuant to § 63.2-1220, listing all post-adoption services available to adoptive families.

H. When a new certificate of birth is established pursuant to subdivision A 1, and (i) at least one adoptive parent is an active duty or retired member of the military or military reserves and (ii) the filer notifies the clerk of court in writing that an adoptive parent has military status as required herein, the clerk of the court decreeing the adoption shall deliver the adoption records and a standardized confirmation of active duty or retired military or military reserves membership of either adoptive parent to the State Registrar no later than five business days after receipt by such clerk of the final decree from the judge who entered such decree. The State Registrar shall expedite the issuance of the new certificate of birth to the adoptive parents upon receipt of (a) adoption records as provided for in § 32.1-261, (b) standardized notice from the court that finalized the adoption that at least one adoptive parent is an active duty or retired member of the military or military reserves, and (c) a completed request to the Virginia Department of Health that a new certificate of birth for the registrant be prepared. Requirements set forth in §§ 32.1-271, 32.1-272, and 32.1-273 shall apply to the disclosure of information or issuance of the adopted registrant's new certificate of birth.

CHAPTER 120

An Act to amend and reenact § 54.1-2105.03 of the Code of Virginia, relating to Department of Professional and Occupational Regulation; real estate board; continuing education requirements for real estate brokers and salespersons.

[S 330]

Approved March 20, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 54.1-2105.03 of the Code of Virginia is amended and reenacted as follows:

§ 54.1-2105.03. Continuing education; relicensure of brokers and salespersons.

A. Board regulations shall include educational requirements as a condition for relicensure of brokers and salespersons to whom active licenses have been issued by the Board beyond those now specified by law as conditions for licensure.

1. Brokers to whom active licenses have been issued by the Board shall be required to satisfactorily complete courses of not less than 24 hours of classroom or correspondence or other distance learning instruction during each licensing term. Of the total 24 hours, the curriculum shall consist of:

a. A minimum of ~~eight~~ *11* required hours to include at least three hours of ethics and standards of conduct, two hours of fair housing, ~~and the remaining three~~ *two* hours of legal updates and emerging trends~~,~~ *including* flood hazard areas and the National Flood Insurance Program, *two hours of* real estate agency, and *two hours of* real estate contracts;

b. A minimum of eight hours of courses relating to supervision and management of real estate agents and the management of real estate brokerage firms as are approved by the Board, two hours of which shall include an overview of the broker supervision requirements under this chapter and the Board regulations; and

c. ~~Eight~~ *Five* hours of general elective courses as are approved by the Board.

The Board may, on a year-by-year basis, adjust the required hours and course topics specified in this subdivision for the next succeeding year, applicable to a licensee in the next renewal period for his license, including the addition of topics deemed by the Board to be essential. Such designation or adjustment by the Board shall be made prior to September 1 of any given calendar year. The action of the Board in making such adjustment shall be subject to § 2.2-4012.1.

The fair housing requirements shall include an update on current cases and administrative decisions under fair housing laws. If the licensee submits a notarized affidavit to the Board that certifies that he does not practice residential real estate and shall not do so during the licensing term, training in fair housing shall not be required; instead, such licensee shall receive training in other applicable federal and state discrimination laws and regulations.

2. Salespersons to whom active licenses have been issued by the Board shall be required to satisfactorily complete courses of not less than 16 hours of classroom or correspondence or other distance learning instruction during each licensing term. Of the total 16 hours, the curriculum shall consist of:

a. A minimum of ~~eight~~ *11* required hours to include at least three hours of ethics and standards of conduct, two hours of fair housing, ~~and the remaining three~~ *two* hours of legal updates and emerging trends *including flood hazard areas and the National Flood Insurance Program*, *two hours of* real estate agency, *and two hours of* real estate contracts~~, and flood hazard areas and the National Flood Insurance Program~~; and

b. ~~Eight~~ *Five* hours of general elective courses as are approved by the Board.

The Board may, on a year-by-year basis, readjust the required hours and course topics specified in this subdivision for the next succeeding year, applicable to a licensee in the next renewal period for his license, including the addition of topics deemed by the Board to be essential. Such designation or adjustment by the Board shall be made prior to September 1 of any given calendar year. The action of the Board in making such adjustment shall be subject to § 2.2-4012.1.

3. The Board shall approve a continuing education curriculum of not less than three hours, and as of July 1, 2012, every applicant for relicensure as an active broker or salesperson shall complete at a minimum one three-hour continuing education course on the changes to residential standard agency effective as of July 1, 2011, to Article 3 (§ 54.1-2130 et seq.) prior to renewal or reinstatement of his license. If the licensee submits a notarized affidavit to the Board that certifies that he does not practice residential real estate and shall not do so during the licensing term, training in residential representation shall not be required. A licensee who takes one three-hour continuing education class on residential representation shall satisfy the requirements for continuing education and may, but shall not be required to, take any further continuing education on residential standard agency.

The fair housing requirements shall include an update on current cases and administrative decisions under fair housing laws. If the licensee submits a notarized affidavit to the Board that certifies that he does not practice residential real estate and shall not do so during the licensing term, training in fair housing shall not be required; instead, such licensee shall receive training in other applicable federal and state discrimination laws and regulations.

4. For correspondence and other distance learning instruction offered by an approved provider, the Board shall establish the appropriate testing procedures to verify completion of the course and require the licensee to file a notarized affidavit certifying compliance with the course requirements. The Board may establish procedures to ensure the quality of the courses. The Board shall not require testing for continuing education courses completed through classroom instruction.

B. Every applicant for relicensure as an active salesperson or broker shall complete the continuing education requirements prior to each renewal or reinstatement of his license. The continuing education requirement shall also apply to inactive licensees who make application for an active license. Notwithstanding this requirement, military personnel called to active duty in the armed forces of the United States may complete the required continuing education within six months of their release from active duty.

C. The Board shall establish procedures for the carryover of continuing education credits completed by licensees from the licensee's current license period to the licensee's next renewal period.

D. The Board may grant exemptions or waive or reduce the number of continuing education hours required in cases of certified illness or undue hardship as demonstrated to the Board.

2. That the Real Estate Board shall promulgate regulations to implement the provisions of this act to be effective against current licensees beginning in such licensee's next full renewal cycle following the effective date of such regulations.

CHAPTER 121

An Act to amend and reenact §§ 46.2-341.4, 46.2-341.12, 46.2-1700, and 46.2-1708 of the Code of Virginia, relating to commercial driver's licenses and commercial learner's permits; definitions; commercial driver training; drug and alcohol violations.

[S 353]

Approved March 20, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 46.2-341.4, 46.2-341.12, 46.2-1700, and 46.2-1708 of the Code of Virginia are amended and reenacted as follows:

§ 46.2-341.4. Definitions.

As used in this article, unless the context requires a different meaning:

"Air brake" means any braking system operating fully or partially on the air brake principle.

"Applicant" means an individual who applies to obtain, transfer, upgrade, or renew a commercial driver's license or to obtain or renew a commercial learner's permit.

"Automatic transmission" means, for the purposes of the skills test and the restriction, any transmission other than a manual transmission.

"CDLIS driver record" means the electronic record of the individual commercial driver's status and history stored by the State of Record as part of the Commercial Driver's License Information System (CDLIS).

"Commercial driver's license" means any driver's license issued to a person in accordance with the provisions of this article, or if the license is issued by another state, any license issued to a person in accordance with the federal Commercial Motor Vehicle Safety Act, which authorizes such person to drive a commercial motor vehicle of the class and type and with the restrictions indicated on the license.

"Commercial driver's license information system" or "CDLIS" means the commercial driver's license information system established by the Federal Motor Carrier Safety Administration pursuant to § 12007 of the Commercial Motor Vehicle Safety Act of 1986.

"Commercial learner's permit" means a permit issued to an individual in accordance with the provisions of this article or, if issued by another state, a permit issued in accordance with the standards contained in the Federal Motor Carrier Safety Regulations, which, when carried with a valid driver's license issued by the same state or jurisdiction, authorizes the individual to operate a class of commercial motor vehicle when accompanied by a holder of a valid commercial driver's license for purposes of behind-the-wheel training. When issued to a commercial driver's license holder, a commercial learner's permit serves as authorization for accompanied behind-the-wheel training in a commercial motor vehicle for which the holder's current commercial driver's license is not valid.

"Commercial motor vehicle" means, except for those vehicles specifically excluded in this definition, every motor vehicle, vehicle or combination of vehicles used to transport passengers or property which either: (i) has *a gross vehicle weight or* a gross vehicle weight rating of 26,001 or more pounds*, whichever is greater*; (ii) has *a gross combination weight or* a gross combination weight rating of 26,001 or more pounds*, whichever is greater,* inclusive of a towed vehicle with a gross vehicle weight rating of more than 10,000 pounds; (iii) is designed to transport 16 or more passengers including the driver; or (iv) is of any size and is used in the transportation of hazardous materials as defined in this section. Every such motor vehicle or combination of vehicles shall be considered a commercial motor vehicle whether or not it is used in a commercial or profit-making activity.

The following are excluded from the definition of commercial motor vehicle:

1. Any vehicle when used by an individual solely for his own personal purposes, such as personal recreational activities;

2. Any vehicle that (i) is controlled and operated by a farmer, whether or not it is owned by the farmer, and that is used exclusively for farm use, as provided in §§ 46.2-649.3 and 46.2-698; (ii) is used to transport either agricultural products, farm machinery, or farm supplies to or from a farm; (iii) is not used in the operation of a common or contract motor carrier; and (iv) is used within 150 miles of the farmer's farm;

3. Any vehicle operated for military purposes by (i) active duty military personnel; (ii) members of the military reserves; (iii) members of the national guard on active duty, including personnel on full-time national guard duty, personnel on part-time national guard training, and national guard military technicians (civilians who are required to wear military uniforms), but not U.S. Reserve technicians; and (iv) active duty U.S. Coast Guard personnel; or

4. Emergency equipment operated by a member of a firefighting, rescue, or emergency entity in the performance of his official duties.

"Commercial Motor Vehicle Safety Act" means the federal Commercial Motor Vehicle Safety Act of 1986, Title XII of P.L. 99-570, as amended.

"Conviction" means an unvacated adjudication of guilt, or a determination that a person has violated or failed to comply with the law in a court of original jurisdiction, an unvacated forfeiture of bond, bail, or collateral deposited to secure the person's appearance in court, a plea of guilty or nolo contendere accepted by the court, the payment of a fine or court costs in lieu of trial, a violation of a condition of release without bail, regardless of whether the penalty is rebated, suspended, or probated, or, for the purposes of alcohol or drug-related offenses involving the operation of a motor vehicle, a civil or an administrative determination of a violation. For the purposes of this definition, an administrative determination includes an unvacated certification or finding by an administrative or authorized law-enforcement official that a person has violated a provision of law.

"Disqualification" means a prohibition against driving, operating, or being in physical control of a commercial motor vehicle for a specified period of time, imposed by a court or a magistrate, or by an authorized administrative or law-enforcement official or body.

"Domicile" means a person's true, fixed, and permanent home and principal residence, to which he intends to return whenever he is absent.

"Employee" means a payroll employee or person employed under lease or contract, or a person who has applied for employment and whose employment is contingent upon obtaining a commercial driver's license.

"Employer" means a person who owns or leases commercial motor vehicles and assigns employees to drive such vehicles.

"Endorsement" means an authorization to an individual's commercial driver's license or commercial learner's permit required to permit the individual to operate certain types of commercial motor vehicles.

"Entry-level driver" means an individual who (i) must complete the commercial driver's license skills test requirements under FMCSA regulations prior to receiving a commercial driver's license for the first time, (ii) is upgrading to a Class A or Class B commercial driver's license for the first time, or (iii) is obtaining a hazardous materials, passenger, or school bus endorsement for the first time. This definition does not include individuals exempt from such requirements under 49 C.F.R. § 380.603.

"Entry-level driver training" means training an entry-level driver receives from an entity listed on the FMCSA's Training Provider Registry, as provided for in 49 C.F.R. § 380.700 et seq., prior to taking the (i) commercial driver's license skills test required to (a) receive a commercial driver's license for the first time, (b) receive the Class A or Class B commercial driver's license for the first time, (c) upgrade to a Class A or B commercial driver's license for the first time, or (d) obtain a passenger or school bus endorsement for the first time or (ii) commercial driver's license knowledge test required to obtain a hazardous materials endorsement for the first time.

"FMCSA" means the Federal Motor Carrier Safety Administration of the U.S. Department of Transportation.

"Full air brake" means any braking system operating fully on the air brake principle.

"Gross combination weight rating" means the value specified by the manufacturers of an articulated vehicle or combination of vehicles as the maximum loaded weight of such vehicles. In the absence of such a value specified by the manufacturer, for law-enforcement purposes, the gross combination weight rating shall be the greater of (i) the gross vehicle weight rating of the power units of the combination vehicle plus the total weight of the towed units, including any loads thereon, or (ii) the gross weight at which the articulated vehicle or combination of vehicles is registered in its state of registration; however, the registered gross weight shall not be applicable for determining the classification of an articulated vehicle or combination of vehicles for purposes of skills testing pursuant to § 46.2-341.14 or 46.2-341.16.

"Gross vehicle weight rating" means the value specified by the manufacturer of the vehicle as the maximum loaded weight of a single vehicle. In the absence of such a value specified by the manufacturer, for law-enforcement purposes, the gross vehicle weight rating shall be the greater of (i) the actual gross weight of the vehicle, including any load thereon, or (ii) the gross weight at which the vehicle is registered in its state of registration; however, the registered gross weight of the vehicle shall not be applicable for determining the classification of a vehicle for purposes of skills testing pursuant to § 46.2-341.14 or 46.2-341.16.

"Hazardous materials" means materials designated to be hazardous in accordance with § 103 of the federal Hazardous Materials Transportation Act, 49 U.S.C. § 5101 et seq., as amended, and which require placarding when transported by motor vehicle as provided in the federal Hazardous Materials Regulations, 49 C.F.R. Part 172, Subpart F; it also includes any quantity of any material listed as a select agent or toxin in federal Public Health Service Regulations at 42 C.F.R. Part 73.

"Manual transmission," also known as a stick shift, stick, straight drive, or standard transmission, means a transmission utilizing a driver-operated clutch that is activated by a pedal or lever and a gear-shift mechanism operated by either hand or foot.

"Noncommercial driver's license" means any other type of motor vehicle license, such as an automobile driver's license, a chauffeur's license, or a motorcycle license.

"Nondomiciled commercial learner's permit" or "nondomiciled commercial driver's license" means a commercial learner's permit or commercial driver's license, respectively, issued to a person in accordance with the provisions of this article or, if issued by another state, under either of the following two conditions: (i) to an individual domiciled in a foreign jurisdiction that does not test drivers and issue commercial driver's licenses in accordance with, or under standards similar to, the standards contained in subparts F, G, and H of Part 383 of the Federal Motor Carrier Safety Regulations or (ii) to an individual domiciled in another state while that state is prohibited from issuing commercial driver's licenses in accordance with decertification requirements of 49 C.F.R. § 384.405.

"Out-of-service order" or "out-of-service declaration" means an order by a judicial officer pursuant to § 46.2-341.26:2 or 46.2-341.26:3 or an order or declaration by an authorized law-enforcement officer under § 46.2-1001 or regulations promulgated pursuant to § 52-8.4 relating to Motor Carrier Safety, and including similar actions by authorized judicial officers or enforcement officers acting pursuant to similar laws of other states, the United States, the Canadian Provinces, Canada, Mexico, and localities within them, and also including actions by federal or other jurisdictions' officers pursuant to Federal Motor Carrier Safety Regulations, that a driver, a commercial motor vehicle, or a motor carrier is out of service. Such order or declaration as to a driver means that the driver is prohibited from operating a commercial motor vehicle for the duration of the out-of-service period. Such order or declaration as to a vehicle means that such vehicle cannot be operated until the hazardous condition that resulted in the order or declaration has been removed and the vehicle has been cleared for further operation. Such order or declaration as to a motor carrier means that no vehicle may be operated for or on behalf of such carrier until the out-of-service order or declaration has been lifted. For purposes of this article, the provisions

of the Federal Motor Carrier Safety Regulations, 49 C.F.R. Parts 390 through 397, including such regulations or any substantially similar regulations as may have been adopted by any state of the United States, the Provinces of Canada, Canada, Mexico, or any locality shall be considered laws similar to the laws of the Commonwealth referenced herein.

"Person" means a natural person, firm, partnership, association, corporation, or a governmental entity including a school board.

"Restriction" means a prohibition on a commercial driver's license or commercial learner's permit that prohibits the holder from operating certain commercial motor vehicles.

"Seasonal restricted commercial driver's license" means a commercial driver's license issued under the authority of the waiver promulgated by the federal Department of Transportation (49 C.F.R. § 383.3) by the Commonwealth or any other jurisdiction to an individual who has not passed the knowledge or skills tests required of other commercial driver's license holders. This license authorizes operation of a commercial motor vehicle only on a seasonal basis, stated on the license, by a seasonal employee of a farm service business, within 150 miles of the place of business or the farm currently being served.

"State" means one of the 50 states of the United States or the District of Columbia.

"Tank vehicle" means any commercial motor vehicle that is designed to transport any liquid or gaseous materials within a tank or tanks having an individual rated capacity of more than 119 gallons and an aggregate rated capacity of 1,000 gallons or more that is either permanently or temporarily attached to the vehicle or the chassis. Such vehicles include, but are not limited to, cargo tanks and portable tanks, as defined in 49 C.F.R. Part 171. However, this definition does not include portable tanks having a rated capacity under 1,000 gallons as provided in 49 C.F.R. Part 383. A commercial motor vehicle transporting an empty storage container tank, not designed for transportation, with a rated capacity of 1,000 gallons or more that is temporarily attached to a flatbed trailer is not considered a tank vehicle.

"Third party examiner" means an individual who is an employee of a third party tester and who is certified by the Department to administer tests required for a commercial driver's license.

"Third party instructor" means an individual who is an employee of a third party tester or a training provider and who (i) is authorized by the Department to provide entry-level driver training required for a commercial driver's license and (ii) meets the requirements for either a theory or behind-the-wheel instructor as defined in § 46.2-1700.

"Third party tester" means a person (including another state, a motor carrier, a private institution, the military, a government entity, including each comprehensive community college in the Virginia Community College System established by the State Board for Community Colleges pursuant to Chapter 29 (§ 23.1-2900 et seq.) of Title 23.1, or a department, agency, or instrumentality of a local government) certified by the Department to employ third party examiners to administer a test program for testing commercial driver's license applicants in accordance with this article.

"Training provider" means a person that provides entry-level driver training and that is (i) a Virginia licensed Class A driver training school or a Virginia certified third party tester and is listed on the federal Training Provider Registry or (ii) an entity that is otherwise licensed, certified, registered, or authorized to provide training in accordance with the laws of the Commonwealth or the applicable laws of another state and is listed on the federal Training Provider Registry.

"VAMCSR" means the Virginia Motor Carrier Safety Regulations (19VAC30-20) adopted by the Department of State Police pursuant to § 52-8.4.

§ 46.2-341.12. Application for commercial driver's license or commercial learner's permit.

A. No entry-level driver shall be eligible to (i) apply for a Virginia Class A or Class B commercial driver's license for the first time, (ii) upgrade to a Class A or Class B commercial driver's license for the first time, or (iii) apply for a hazardous materials, passenger, or school bus endorsement for the first time, unless he has completed an entry-level driver training course related to the license, classification, or endorsement he is applying for and the training is provided by a training provider. An individual is not required to complete an entry-level driver training course related to the license, classification, or endorsement he is applying for if he is exempted from such requirements under 49 C.F.R. § 380.603.

B. Every application to the Department for a commercial driver's license or commercial learner's permit shall be made upon a form approved and furnished by the Department, and the applicant shall write his usual signature in ink in the space provided. The applicant shall provide the following information:

1. Full legal name;

2. Current mailing and residential addresses;

3. Physical description including sex, height, weight, and eye and hair color;

4. Year, month, and date of birth;

5. Social security number;

6. Domicile or, if not domiciled in the Commonwealth, proof of status as a member of the active duty military, military reserves, National Guard, active duty United States Coast Guard, or Coast Guard Auxiliary pursuant to 49 U.S.C. § 31311(a)(12); and

7. Any other information required on the application form.

Applicants shall be permitted to choose between "male," "female," or "non-binary" when designating the applicant's sex on the commercial driver's license or commercial learner's permit application form.

The applicant's social security number shall be provided to the Commercial Driver's License Information System as required by 49 C.F.R. § 383.153.

C. Every applicant for a commercial driver's license or commercial learner's permit shall also submit to the Department the following:

1. A consent to release driving record information;

2. Certifications that:

a. He either meets the federal qualification requirements of 49 C.F.R. Parts 383 and 391, or he is exempt from or is not subject to such federal requirements;

b. He either meets the state qualification requirements established pursuant to § 52-8.4, or he is exempt from or is not subject to such requirements;

c. The motor vehicle in which the applicant takes the skills test is representative of the class and, if applicable, the type of motor vehicle for which the applicant seeks to be licensed;

d. He is not subject to any disqualification, suspension, revocation or cancellation of his driving privileges;

e. He does not have more than one driver's license;

3. Other certifications required by the Department;

4. Any evidence required by the Department to establish proof of identity, citizenship or lawful permanent residency, domicile, and social security number notwithstanding the provisions of § 46.2-328.1 and pursuant to 49 C.F.R. Part 383;

5. A statement indicating whether (i) the applicant has previously been licensed to drive any type of motor vehicle during the previous 10 years and, if so, all states that licensed the applicant and the dates he was licensed, and (ii) whether or not he has ever been disqualified, or his license suspended, revoked or canceled and, if so, the date of and reason therefor; and

6. An unexpired employment authorization document (EAD) issued by the U.S. Citizenship and Immigration Services (USCIS) or an unexpired foreign passport accompanied by an approved Form I-94 documenting the applicant's most recent admittance into the United States for persons applying for a nondomiciled commercial driver's license or nondomiciled commercial learner's permit.

D. Every application for a commercial driver's license shall include a photograph of the applicant supplied under arrangements made therefor by the Department in accordance with § 46.2-323.

E. The Department shall disqualify any commercial driver for a period of one year when the records of the Department clearly show to the satisfaction of the Commissioner that such person has made a material false statement on any application or certification made for a commercial driver's license or commercial learner's permit. The Department shall take such action within 30 days after discovering such falsification.

F. The Department shall review the driving record of any person who applies for a Virginia commercial driver's license or commercial learner's permit, for the renewal or reinstatement of such license or permit or for an additional commercial classification or endorsement, including the driving record from all jurisdictions where, during the previous 10 years, the applicant was licensed to drive any type of motor vehicle. Such review shall include checking the photograph on record whenever the applicant or holder appears in person to renew, upgrade, transfer, reinstate, or obtain a duplicate commercial driver's license or to renew, upgrade, reinstate, or obtain a duplicate commercial learner's permit. If appropriate, the Department shall incorporate information from such other jurisdictions' records into the applicant's Virginia driving record, and shall make a notation on the applicant's driving record confirming that such review has been completed and the date it was completed. The Department's review shall include (i) research through the Commercial ~~Driver~~ *Driver's* License Information System established pursuant to the Commercial Motor Vehicle Safety Act and the National Driver Register Problem Driver Pointer System in addition to the driver record maintained by the applicant's previous jurisdictions of licensure and (ii) requesting information from the Drug and Alcohol Clearinghouse in accordance with 49 C.F.R. § 382.725. This research shall be completed prior to the issuance, renewal, transfer, or reinstatement of a *commercial learner's permit,* commercial driver's license or additional commercial classification or endorsement.

1. If the information the Department receives from the Drug and Alcohol Clearinghouse indicates that the applicant is prohibited from operating a commercial motor vehicle, the Department shall deny the application. If the applicant currently holds a commercial driver's license or a commercial learner's permit, the Department must initiate a CDL downgrade of the applicant's commercial driver's license or commercial learner's permit as defined in 49 C.F.R. § 383.5.

2. If the FMCSA notifies the Department that an existing holder of a commercial driver's license or commercial learner's permit is prohibited from operating a commercial motor vehicle pursuant to 49 C.F.R. § 382.501(a), the Department shall initiate a CDL downgrade of the driver's commercial driver's license or commercial learner's permit as defined in 49 C.F.R. § 383.5 and record the CDL downgrade on the driver's record on the Commercial Driver's License Information System within 60 days of receiving the notification.

3. If the FMCSA notifies the Department that an existing holder of a commercial driver's license or commercial learner's permit was erroneously identified as prohibited from operating a commercial motor vehicle, the Department shall both reinstate the driver's commercial driver's license or commercial learner's permit privilege and remove any reference to the driver's erroneous prohibited status from the driver's record on the Commercial Driver's License Information System as expeditiously as possible, but no later than 10 days from receiving such notification from the FMCSA.

G. The Department shall verify the name, date of birth, and social security number provided by the applicant with the information on file with the Social Security Administration for initial issuance of a commercial learner's permit or transfer of a commercial driver's license from another state. The Department shall make a notation in the driver's record confirming that the necessary verification has been completed and noting the date it was done. The Department shall also make a notation confirming that proof of citizenship or lawful permanent residency has been presented and the date it was done.

~~G.~~ *H.* Every new applicant for a commercial driver's license or commercial learner's permit, including any person applying for a commercial driver's license or permit after revocation of his driving privileges, who certifies that he will

operate a commercial motor vehicle in non-excepted interstate or intrastate commerce shall provide the Department with an original or certified copy of a medical examiner's certificate prepared by a medical examiner as defined in 49 C.F.R. § 390.5. Upon receipt of an appropriate medical examiner's certificate, the Department shall post a certification status of "certified" on the *driver's* record ~~of the driver~~ on the Commercial Driver's License Information System. Any new applicant for a commercial driver's license or commercial learner's permit who fails to comply with the requirements of this subsection shall be denied the issuance of a commercial driver's license or commercial learner's permit by the Department.

~~H.~~ *I.* Every existing holder of a commercial driver's license or commercial learner's permit who certifies that he will operate a commercial motor vehicle in non-excepted interstate or intrastate commerce shall provide the Department with an original or certified copy of a medical examiner's certificate prepared by a medical examiner as defined in 49 C.F.R. § 390.5. Upon receipt of an appropriate medical examiner's certificate, the Department shall post a certification status of "certified" and any other necessary information on the *driver's* record ~~of the driver~~ on the Commercial Driver's License Information System. If an existing holder of a commercial driver's license fails to provide the Department with a medical certificate as required by this subsection, the Department shall post a certification status of "noncertified" on the *driver's* record ~~of the driver~~ on the Commercial Driver's License Information System and initiate a *CDL* downgrade of his commercial driver's license as defined in 49 C.F.R. § 383.5.

~~I.~~ *J.* Any person who provides a medical certificate to the Department pursuant to the requirements of subsections ~~G and~~ H *and I* shall keep the medical certificate information current and shall notify the Department of any change in the status of the medical certificate. If the Department determines that the medical certificate is no longer valid, the Department shall initiate a *CDL* downgrade of the driver's commercial driver's license as defined in 49 C.F.R. § 383.5.

~~J.~~ *K.* If the Department receives notice that the holder of a commercial driver's license has been issued a medical variance as defined in 49 C.F.R. § 390.5, the Department shall indicate the existence of such medical variance on the commercial driver's license document of the driver and on the *driver's* record ~~of the driver~~ on the Commercial Driver's License Information System using the restriction code "V."

~~K.~~ *L.* Any holder of a commercial driver's license who has been issued a medical variance shall keep the medical variance information current and shall notify the Department of any change in the status of the medical variance. If the Department determines that the medical variance is no longer valid, the Department shall initiate a *CDL* downgrade of the driver's commercial driver's license as defined in 49 C.F.R. § 383.5.

~~L.~~ *M.* Any applicant applying for a hazardous materials endorsement must comply with Transportation Security Administration requirements in 49 C.F.R. Part 1572. A lawful permanent resident of the United States requesting a hazardous materials endorsement must additionally provide his U.S. Citizenship and Immigration Services (USCIS) alien registration number.

~~M.~~ *N.* Notwithstanding the provisions of § 46.2-208, the Department may release to the FMCSA medical information relating to the issuance of a commercial driver's license or a commercial learner's permit collected by the Department pursuant to the provisions of subsections F, G, H, I, ~~and~~ J*, and K*.

§ 46.2-1700. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Behind-the-wheel instructor" means an individual who meets the requirements for licensure under § 46.2-1708 and is employed by a training provider who provides behind-the-wheel training involving the actual operation of a commercial motor vehicle by an entry-level driver on a range or a public road.

"Behind-the-wheel training" means training provided by a licensed behind-the-wheel instructor when an entry-level driver has actual control of the power unit during a driving lesson conducted on a range or on a public road. "Behind-the-wheel training" does not include time an entry-level driver spends observing the operation of a commercial motor vehicle when he is not in control of the vehicle.

"Class A licensee" means a driver training school that provides *entry-level driver* training in the operation of commercial motor vehicles as defined in § 46.2-341.4.

"Class B licensee" means a driver training school that provides training in the operation of any type of motor vehicle other than motorcycles and commercial motor vehicles as defined in § 46.2-341.4.

"Computer-based driver education course" means the classroom portion of driver education offered by a computer-based driver education provider through the Internet or other electronic means approved by the Department whose content and quality is comparable to that of courses offered in the Commonwealth's public schools.

"Computer-based driver education provider" means a driver training school licensed by the Department in accordance with this chapter to conduct computer-based driver education courses.

"Driver training school" or "school" means a business enterprise conducted by an individual, association, partnership, or corporation, for the education and training of persons, either practically or theoretically or both, to operate or drive motor vehicles, and charging a consideration or tuition for such services. "Driver training school" or "school" does not mean any institution of higher education, school established pursuant to § 46.2-1314, school maintained or classes conducted by employers for their own employees where no fee or tuition is charged, schools or classes owned and operated by or under the authority of bona fide religious institutions, or by the Commonwealth or any political subdivision thereof, training programs for school bus operators established pursuant to § 22.1-181, driver education programs established pursuant to § 22.1-205, or schools accredited by accrediting associations approved by the Department of Education; however, if any such entity or program excluded from the definition of "driver training school" offers driver education and training through

a contractual arrangement with another person for consideration, then that other person shall be considered a driver training school subject to the requirements of this chapter.

"Entry-level driver" means the same as defined in § 46.2-341.4.

"Entry-level driver training" means the same as defined in § 46.2-341.4.

"FMCSA" means the same as defined in § 46.2-341.4.

"Instructor" means any person, whether acting for himself as operator of a driver training school or for such school for compensation, who teaches, conducts classes, gives demonstrations, or supervises persons learning to operate or drive a motor vehicle.

"Key information" means the training provider name, address, phone number, type or types of training offered, training provider status, and any change in state licensure, certification, or accreditation status.

"Range" means an area that is free of obstructions, enables the driver to maneuver safely and free from interference from other vehicles and hazards, and has adequate sight lines.

"Theory instruction" means knowledge instruction on the operation of a commercial motor vehicle and related matters provided by a licensed theory instructor through lectures, demonstrations, audio-visual presentations, computer-based instruction, driving simulation devices, online training, or similar means.

"Theory instructor" means an individual who meets the requirements for licensure under § 46.2-1708 and is employed by a training provider and who provides knowledge instruction on the operation of a commercial motor vehicle.

"Training provider" means the same as defined in § 46.2-341.4.

§ 46.2-1708. Licenses required for school and instructors.

A. ~~If a~~ *A* Class A driver training school ~~elects to provide entry-level driver training to driver trainees, that Class A driver training school~~ shall not provide ~~such~~ *entry-level driver* training *in the Commonwealth* until it has (i) been licensed ~~to provide training in the Commonwealth~~ pursuant to this ~~section~~ *chapter* and (ii) provided the Commissioner with its unique Training Provider Registry number issued by FMCSA pursuant to 49 C.F.R. § 380.703 in a form prescribed by the Department.

B. ~~If a~~ *To become a* Class A driver training school ~~elects to provide entry-level driver training, upon~~ *an applicant shall include with its* application ~~for a Class A license by such driver training school the applicant driver training school shall also provide~~ evidence that:

1. The curriculum used for theory instruction and behind-the-wheel training complies with the curriculum requirements prescribed by the Department;

2. The facilities used for entry-level driver training for both theory instruction and behind-the-wheel training comply with all federal and state safety requirements;

3. The instructors employed by the applicant driver training school are licensed under this section;

4. The applicant driver training school (i) uses written assessments that comply with the requirements prescribed by the Department to determine the driver trainee's proficiency in the knowledge objectives of each unit of instruction in the curriculum and (ii) requires driver trainees to achieve an overall minimum score of 80 percent for passage of the theory instruction portion of the course; and

5. The applicant driver training school instructors evaluate and document the driver trainee's proficiency in the behind-the-wheel skills in accordance with the curriculum requirements prescribed by the Department.

C. The Commissioner shall not license a behind-the-wheel instructor or theory instructor unless the applicant provides evidence that his commercial driver's license has not been disqualified, canceled, suspended, or revoked due to any of the disqualifying offenses identified in 49 C.F.R. § 383.51, unless his commercial driver's license was reinstated more than two years prior to the application date, and that he either:

1. Currently holds a commercial driver's license of the same class or higher with all endorsements necessary to operate the commercial motor vehicle for which training will be provided and has at least two years of experience driving a commercial motor vehicle requiring a commercial driver's license of the same or higher class or the same endorsement; or

2. Currently holds a commercial driver's license of the same class or higher with all endorsements necessary to operate the commercial motor vehicle for which training will be provided, and has at least two years of experience as a behind-the-wheel commercial motor vehicle instructor.

D. The Commissioner may issue an order suspending, revoking, cancelling, or denying renewal of a training provider's license, certification, or authorization to provide training effective immediately if the order is based upon the removal of the school from the federal Training Provider Registry pursuant to 49 C.F.R. § 380.723. Notice of such order shall be in writing and mailed to the training provider by registered mail to the address as shown on the training provider's most recent application and shall be considered served when mailed. Upon receipt of a request for a hearing appealing such order, the training provider shall be afforded the opportunity for a hearing as soon as practicable, but in no case later than 30 days from receipt of the hearing request. The order shall remain in effect pending the outcome of the hearing.

CHAPTER 122

An Act to permit certain student assessment flexibility for the 2024-2026 school years.

[S 435]

Approved March 20, 2024

Be it enacted by the General Assembly of Virginia:

1. *§ 1. Notwithstanding subsection C of § 22.1-253.13:3 of the Code of Virginia, the Board of Education shall permit school boards to administer, during the 2024–2026 school years, assessments as alternatives to the through-year growth assessment system established by the Board of Education pursuant to such provision of law, provided that any such alternative assessment is aligned to the Standards of Learning.*

CHAPTER 123

An Act to amend and reenact §§ 55.1-124, 55.1-125, 55.1-127, and 55.1-128 of the Code of Virginia, relating to Uniform Statutory Rule Against Perpetuities; trusts; certain nonvested property interests or powers of appointment over property or property interests.

[S 470]

Approved March 20, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 55.1-124, 55.1-125, 55.1-127, and 55.1-128 of the Code of Virginia are amended and reenacted as follows:

§ 55.1-124. Uniform Statutory Rule Against Perpetuities.

A. A nonvested property interest is invalid unless:

1. When the interest is created, it is certain to vest or terminate no later than 21 years after the death of an individual then alive; or

2. The interest either vests or terminates within 90 years after its creation.

B. A general power of appointment not presently exercisable because of a condition precedent is invalid unless:

1. When the power is created, the condition precedent is certain to be satisfied or becomes impossible to satisfy no later than 21 years after the death of an individual then alive; or

2. The condition precedent either is satisfied or becomes impossible to satisfy within 90 years after its creation.

C. A nongeneral power of appointment or a general testamentary power of appointment is invalid unless:

1. When the power is created, it is certain to be irrevocably exercised or otherwise to terminate no later than 21 years after the death of an individual then alive; or

2. The power is irrevocably exercised or otherwise terminates within 90 years after its creation.

D. In determining whether a nonvested property interest or a power of appointment is valid under subdivision A 1, B 1, or C 1, the possibility that a child will be born to an individual after the individual's death is disregarded.

E. If, in measuring a period from the creation of a trust or other property arrangement, language in a governing instrument (i) seeks to disallow the vesting or termination of any interest or trust beyond, (ii) seeks to postpone the vesting or termination of any interest or trust until, or (iii) seeks to operate in effect in any similar fashion upon, the later of (a) the expiration of a period of time not exceeding 21 years after the death of the survivor of specified lives in being at the creation of the trust or other property arrangement or (b) the expiration of a period of time that exceeds or might exceed 21 years after the death of the survivor of lives in being at the creation of the trust or other property arrangement, that language is inoperative to the extent it produces a period of time that exceeds 21 years after the death of the survivor of the specified lives.

F. For any nonvested interest in or power of appointment over personal property held in trust, or a power of appointment over personal property granted under a trust, if such interest or power is created on or after July 1, 2024, §§ 55.1-124 through 55.1-129 shall apply to such interest or power by substituting "1,000 years" in each instance in which the term "90 years" appears in §§ 55.1-124 through 55.1-129. This subsection shall not extend to a nonvested property interest in, or a power of appointment over, real property held in trust or a power of appointment over real property granted under a trust. For the purposes of this subsection, real property does not include an interest in a corporation, limited liability company, partnership, business trust, or other entity, even if such entity owns an interest in real property.

§ 55.1-125. When nonvested property interest or power of appointment created.

A. Except as provided in ~~subsections B and C~~ *this section* and in *subsection B of* § 55.1-128, the time of creation of a nonvested property interest or a power of appointment is determined under general principles of property law.

B. For the purposes of §§ 55.1-124 through 55.1-129, if there is a person who alone can exercise a power created by a governing instrument to become the unqualified beneficial owner of (i) a nonvested property interest or (ii) a property interest subject to a power of appointment described in subsection B or C ~~in~~ *of* § 55.1-124, the nonvested property interest or power of appointment is created when the power to become the unqualified beneficial owner terminates.

C. For the purposes of §§ 55.1-124 through 55.1-129, a nonvested property interest or a power of appointment arising from a transfer of property to a previously funded trust or other existing property arrangement is created when the nonvested property interest or power of appointment in the original contribution was created.

D. For the purposes of §§ 55.1-124 through 55.1-129, except as provided in subsection B of § 55.1-128, if a nongeneral or testamentary power of appointment is exercised to create another nongeneral or testamentary power of appointment, every nonvested property interest or power of appointment created through the exercise of such other nongeneral or testamentary power is considered to have been created at the time of the creation of the first nongeneral or testamentary power of appointment.

§ 55.1-127. Exclusions from statutory rule against perpetuities.

A. Section 55.1-124 does not apply to:

1. A nonvested property interest or a power of appointment arising out of a nondonative transfer, except a nonvested property interest or a power of appointment arising out of (i) a premarital or postmarital agreement; (ii) a separation or divorce settlement; (iii) a spouse's election; (iv) a similar arrangement arising out of a prospective, existing, or previous marital relationship between the parties; (v) a contract to make or not to revoke a will or trust; (vi) a contract to exercise or not to exercise a power of appointment; (vii) a transfer in satisfaction of a duty of support; or (viii) a reciprocal transfer;

2. A fiduciary's power relating to the administration or management of assets, including the power of a fiduciary to sell, lease, or mortgage property, and the power of a fiduciary to determine principal and income;

3. A power to appoint a fiduciary;

4. A discretionary power of trustee to distribute principal before termination of a trust to a beneficiary having an indefensibly vested interest in the income and principal;

5. A nonvested property interest held by a charity, government, or governmental agency or subdivision, if the nonvested property interest is preceded by an interest held by another charity, government, or governmental agency or subdivision;

6. A nonvested property interest in or a power of appointment with respect to a trust or other property arrangement forming part of a pension, profit-sharing, stock bonus, health, disability, death benefit, income deferral, or other current or deferred benefit plan for one or more employees, independent contractors, or their beneficiaries or spouses, to which contributions are made for the purpose of distributing to or for the benefit of the participants or their beneficiaries or spouses the property, income, or principal in the trust or other property arrangement, except a nonvested property interest or a power of appointment that is created by an election of a participant or a beneficiary or spouse;

7. A property interest, power of appointment, or arrangement that was not subject to the common-law rule against perpetuities or is excluded by another statute of the Commonwealth; or

8. A nonvested interest in or power of appointment over personal property held in trust, or a power of appointment over personal property granted under a trust, if the trust instrument, by its terms, provides that § 55.1-124 shall not apply*, provided that such interest or power was created between July 1, 2000, and June 30, 2024. If a nonvested interest in or power of appointment over personal property held in trust, or a power of appointment over personal property granted under a trust, was created on or after July 1, 2024, the provisions of the first sentence of this subdivision shall not apply, and any terms in the trust instrument providing that § 55.1-124 does not apply shall not be operative and shall not prevent the application of § 55.1-124 to such interest or power.*

B. The exception to the Uniform Statutory Rule Against Perpetuities under *the first sentence of* subdivision A 8 shall not extend to real property held in trust. For purposes of this subsection, real property does not include an interest in a corporation, limited liability company, partnership, business trust, or other entity, even if such entity owns an interest in real property.

§ 55.1-128. Prospective application.

A. Sections 55.1-124 through 55.1-129 apply to a nonvested property interest or a power of appointment that is created on or after July 1, 2000.

B. For purposes of ~~this section~~ *subsection A*, *the first sentence of subsection F of § 55.1-124, and subdivision A 8 of § 55.1-127,* a nonvested property interest or a power of appointment created by the exercise of a power of appointment is created when the power is irrevocably exercised or when a revocable exercise becomes irrevocable.

CHAPTER 124

An Act to amend and reenact §§ 24.2-948.1 and 24.2-948.2 of the Code of Virginia, relating to elections; campaign finance; exemption for candidates for local office or directors of soil and water conservation districts.

[S 577]

Approved March 20, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 24.2-948.1 and 24.2-948.2 of the Code of Virginia are amended and reenacted as follows:

§ 24.2-948.1. Exemption from reporting requirements for certain candidates for local office and for directors of soil and water conservation districts.

A. This section shall apply to candidates for local office and for director of soil and water conservation districts. A candidate for local office or for director of a soil and water conservation district may seek an exemption from the requirements for filing campaign finance disclosure reports set out in this chapter except for the filing requirements of §§ 24.2-945.2, 24.2-947.1, ~~24.2-947.9,~~ and 24.2-948.4 pertaining to certain independent expenditures, the statement of organization, ~~large contributions,~~ and the filing of a final report. The request for an exemption shall be filed with the general registrar of the county or city where the candidate resides on a form prescribed by the State Board and in accordance with instructions by the State Board for the time for filing and the process for approval by the general registrar.

B. To qualify for an exemption, the candidate shall certify on the form that (i) he has not and will not solicit or accept any contribution from any other person or political committee during the course of his campaign, (ii) he has not and will not

contribute to his own campaign more than $1,000, (iii) he has not and will not expend more than $1,000 in the course of his campaign, and (iv) that he has complied and will comply with the requirements of this chapter. This certification shall apply for the duration of the campaign until the filing of a final report in compliance with § 24.2-948.4 after the election. A candidate may rescind his certification and exemption at any time during the campaign and shall file in accordance with the appropriate filing schedule thereafter, provided that the candidate rescinds his certification prior to engaging in the activities described in clauses (i), (ii), and (iii) of this subsection. The first report filed shall account for all prior contributions and expenditures pertaining to his campaign.

C. *A candidate for director of a soil and water conservation district may also seek an exemption from the requirement that he designate a separate campaign depository pursuant to § 24.2-947.1 by certifying, on the same form as provided for other exemptions in subsection A, that (i) he has not and will not contribute any money to his own campaign and (ii) he has not and will not expend any money in the course of the campaign.*

A candidate may rescind his certification and exemption at any time during the campaign and shall file in accordance with the appropriate filing schedule thereafter, provided that the candidate rescinds his certification prior to engaging in the activities described in clauses (i) and (ii).

D. Any candidate who has qualified for an exemption from reporting requirements pursuant to this section shall not be permitted to qualify for any office, enter upon the duties thereof, or receive any salary or emoluments therefrom until a final report has been filed that details all financial activity of the candidate's campaign and states that all reporting for the nomination and election is complete and final. No officer authorized by the laws of the Commonwealth to issue certificates of election shall issue one to any person determined to be elected to any such office, until copies of the final report cited above have been filed as required in this chapter.

~~D.~~ *E.* A candidate who has a current exemption under the provisions of this section, or who is otherwise exempt from reporting contributions and expenditures under this chapter, may purchase voter lists from the State Board under the provisions of §§ 24.2-405 and 24.2-406 with a check drawn on the candidate's personal account.

§ 24.2-948.2. Reports as condition to qualification for office.

A. No person shall be permitted to qualify for any office, enter upon the duties thereof, or receive any salary or emoluments therefrom until he has filed the campaign finance reports required in subdivisions A 3 through A 9 of § 24.2-947.6; subdivisions A 3 through A 6 of § 24.2-947.7; and subdivisions B 1 and B 2 of § 24.2-947.8, as applicable; and a final report if required by subsection ~~C~~ *D* of § 24.2-948.1; and has responded to and complied with any notice that additional information is required to complete a report in compliance with § 24.2-953.3. No person shall be permitted to qualify for any office, enter upon the duties thereof, or receive any salary or emoluments therefrom until he has paid any civil penalty and returned any contribution required to be returned pursuant to § 24.2-953.5. No officer authorized by the laws of this Commonwealth to issue certificates of election shall issue one to any person determined to be elected to any such office, until copies of the reports cited above have been filed as required in this article.

B. Notwithstanding the requirements of subsection A, a person who is elected to fill a vacancy at a special election held on a general election day may qualify for the office and be issued a certificate of election in advance of filing the postelection report required to be filed under subdivision A 9 of § 24.2-947.6 in the case of a November election, or under subdivision A 6 of § 24.2-947.7 in the case of a May election, upon the filing of a postelection report complete through the election day.

CHAPTER 125

An Act to direct the Department of Medical Assistance Services and the Department of Behavioral Health and Developmental Services to amend its regulations related to slot-retention requests for Developmental Disability waiver slots; sunset.

[S 610]

Approved March 20, 2024

Be it enacted by the General Assembly of Virginia:

1. *§ 1. That the Department of Medical Assistance Services and the Department of Behavioral Health and Developmental Services shall amend their regulations to allow for support coordinators to request and subsequently obtain approval of consecutive waiver slot-retention requests for a period of up to 365 calendar days for individuals who have been assigned a Developmental Disability waiver slot.*

2. That the provisions of this act shall expire on June 30, 2026.

CHAPTER 126

An Act to amend and reenact §§ 8.01-581.16 and 54.1-2400.6 of the Code of Virginia, relating to civil immunity; dentists and dental hygienists; mental health treatment for health care professionals; reporting requirements.

[S 629]

Approved March 20, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 8.01-581.16 and 54.1-2400.6 of the Code of Virginia are amended and reenacted as follows:

§ 8.01-581.16. Civil immunity for members of or consultants to certain boards or committees.

A. Every member of, or health care professional consultant to, any committee, board, group, commission or other entity shall be immune from civil liability for any act, decision, omission, or utterance done or made in performance of his duties while serving as a member of or consultant to such committee, board, group, commission or other entity that functions primarily to review, evaluate, or make recommendations on (i) the duration of patient stays in health care facilities; (ii) the professional services furnished with respect to the medical, dental, psychological, podiatric, chiropractic, veterinary, or optometric necessity for such services; (iii) the purpose of promoting the most efficient use or monitoring the quality of care of available health care facilities and services, or of emergency medical services agencies and services; (iv) the adequacy or quality of professional services; (v) the competency and qualifications for professional staff privileges; (vi) the reasonableness or appropriateness of charges made by or on behalf of health care facilities; (vii) patient safety, including entering into contracts with patient safety organizations, provided that such committee, board, group, commission, or other entity has been established pursuant to federal or state law or regulation, the requirements of a national accrediting organization granted authority by the Centers for Medicare and Medicaid Services to assure compliance with Medicare conditions of participation pursuant to § 1865 of Title XVIII of the Social Security Act (42 U.S.C. § 1395bb), or guidelines approved or adopted by a statewide or local association representing health care providers licensed in the Commonwealth pursuant to clause (iii)(f) of subsection B of § 8.01-581.17, or established and duly constituted by one or more public or licensed private hospitals, health systems, community services boards, or behavioral health authorities, or with a governmental agency, and provided further that such act, decision, omission, or utterance is not done or made in bad faith or with malicious intent.

B. Every member of, or health care professional consultant to, any committee, board, group, commission, or other entity that functions primarily to *(i)* review, evaluate, or make recommendations on a professional program to address issues related to career fatigue and wellness *or (ii) arrange for or provide outpatient health care related to career fatigue and wellness for* ~~in~~ health care professionals licensed, registered, or certified by the Boards of *Dentistry,* Medicine, Nursing, or Pharmacy, or in students enrolled in a school of *dentistry, dental hygiene,* medicine, osteopathic medicine, nursing, or pharmacy located in the Commonwealth, that is established or contracted for by a statewide association, that is exempt under 26 U.S.C. § 501(c)(6) of the Internal Revenue Code, and that primarily represents health care professionals licensed to practice *dentistry, dental hygiene,* medicine, or osteopathic medicine in multiple specialties, shall be immune from civil liability for any act, decision, omission, or utterance done or made in performance of his duties while serving as a member of or consultant to such committee, board, group, commission, or other entity. No active participant in a professional program described in this subsection shall be employed or engaged by such professional program or have a financial ownership interest in such professional program.

§ 54.1-2400.6. Hospitals, other health care institutions, home health and hospice organizations, and assisted living facilities required to report disciplinary actions against and certain disorders of health professionals; immunity from liability; failure to report.

A. The chief executive officer and the chief of staff of every hospital or other health care institution in the Commonwealth, the director of every licensed home health or hospice organization, the director of every accredited home health organization exempt from licensure, the administrator of every licensed assisted living facility, and the administrator of every provider licensed by the Department of Behavioral Health and Developmental Services in the Commonwealth shall report within 30 days, except as provided in ~~subdivision~~ *subdivisions* 1 *and 2*, to the Director of the Department of Health Professions, or in the case of a director of a home health or hospice organization, to the Office of Licensure and Certification at the Department of Health (the Office), the following information regarding any person (i) licensed, certified, or registered by a health regulatory board or (ii) holding a multistate licensure privilege to practice nursing or an applicant for licensure, certification or registration unless exempted under subsection E:

1. Any information of which he may become aware in his official capacity indicating a reasonable belief that such a health professional ~~is in need of treatment or has been voluntarily admitted as a patient, either at his institution or any other health care institution, for treatment of substance abuse or a psychiatric illness that may render the health professional a danger to himself, the public or his patients. If such health care professional~~ has been involuntarily admitted as a patient, either in his own institution or any other health care institution, for treatment of substance abuse or a psychiatric illness~~, the~~. *The* report required by this ~~section~~ *subdivision* shall be made within five days of the date on which the chief executive officer, chief of staff, director, or administrator learns of the health care professional's involuntary admission.

2. *Any information of which he may become aware in his official capacity indicating a reasonable belief that such a health professional has been voluntarily admitted as a patient, either at his institution or any other health care institution, for treatment of a substance abuse or psychiatric illness and such substance abuse or psychiatric illness may continue for more than 30 days after admission. A report required by this subdivision shall be made within five days after the 30-day period concludes unless the physician, physician assistant, or nurse practitioner treating the health professional for substance abuse or psychiatric illness provides written confirmation to the entity required to make such report that the health professional no longer is believed to be a danger to himself, the public, or his patients.*

3. Any information of which he may become aware in his official capacity indicating a reasonable belief, after review and, if necessary, an investigation or consultation with the appropriate internal boards or committees authorized to impose

disciplinary action on a health professional, that a health professional may have engaged in unethical, fraudulent or unprofessional conduct as defined by the pertinent licensing statutes and regulations. The report required under this subdivision shall be submitted within 30 days of the date that the chief executive officer, chief of staff, director, or administrator determines that such reasonable belief exists.

~~3.~~ *4.* Any disciplinary proceeding begun by the institution, organization, facility, or provider as a result of conduct involving (i) intentional or negligent conduct that causes or is likely to cause injury to a patient or patients, (ii) professional ethics, (iii) professional incompetence, (iv) moral turpitude, or (v) substance abuse. The report required under this subdivision shall be submitted within 30 days of the date of written communication to the health professional notifying him of the initiation of a disciplinary proceeding.

~~4.~~ *5.* Any disciplinary action taken during or at the conclusion of disciplinary proceedings or while under investigation, including but not limited to denial or termination of employment, denial or termination of privileges or restriction of privileges that results from conduct involving (i) intentional or negligent conduct that causes or is likely to cause injury to a patient or patients, (ii) professional ethics, (iii) professional incompetence, (iv) moral turpitude, or (v) substance abuse. The report required under this subdivision shall be submitted within 30 days of the date of written communication to the health professional notifying him of any disciplinary action.

~~5.~~ *6.* The voluntary resignation from the staff of the health care institution, home health or hospice organization, assisted living facility, or provider, or voluntary restriction or expiration of privileges at the institution, organization, facility, or provider, of any health professional while such health professional is under investigation or is the subject of disciplinary proceedings taken or begun by the institution, organization, facility, or provider or a committee thereof for any reason related to possible intentional or negligent conduct that causes or is likely to cause injury to a patient or patients, medical incompetence, unprofessional conduct, moral turpitude, mental or physical impairment, or substance abuse.

Any report required by this section shall be in writing directed to the Director of the Department of Health Professions or to the Director of the Office of Licensure and Certification at the Department of Health, shall give the name, address, and date of birth of the person who is the subject of the report and shall fully describe the circumstances surrounding the facts required to be reported. The report shall include the names and contact information of individuals with knowledge about the facts required to be reported and the names and contact information of individuals from whom the hospital or health care institution, organization, facility, or provider sought information to substantiate the facts required to be reported. All relevant medical records shall be attached to the report if patient care or the health professional's health status is at issue. The reporting hospital, health care institution, home health or hospice organization, assisted living facility, or provider shall also provide notice to the Department or the Office that it has submitted a report to the National Practitioner Data Bank under the Health Care Quality Improvement Act (42 U.S.C. § 11101 et seq.). The reporting hospital, health care institution, home health or hospice organization, assisted living facility, or provider shall give the health professional who is the subject of the report an opportunity to review the report. The health professional may submit a separate report if he disagrees with the substance of the report.

This section shall not be construed to require the hospital, health care institution, home health or hospice organization, assisted living facility, or provider to submit any proceedings, minutes, records, or reports that are privileged under § 8.01-581.17, except that the provisions of § 8.01-581.17 shall not bar (i) any report required by this section or (ii) any requested medical records that are necessary to investigate unprofessional conduct reported pursuant to this subtitle or unprofessional conduct that should have been reported pursuant to this subtitle. Under no circumstances shall compliance with this section be construed to waive or limit the privilege provided in § 8.01-581.17. No person or entity shall be obligated to report any matter to the Department or the Office if the person or entity has actual notice that the same matter has already been reported to the Department or the Office. No person or entity shall be obligated to report a health care provider who is participating in a professional program as described in subsection B of § 8.01-581.16 unless there is a reasonable belief that the participant is not competent to continue to practice or is a danger to himself or to the health and welfare of his patients or the public.

B. The State Health Commissioner, Commissioner of Social Services, and Commissioner of Behavioral Health and Developmental Services shall report to the Department any information of which their agencies may become aware in the course of their duties that a health professional may be guilty of fraudulent, unethical, or unprofessional conduct as defined by the pertinent licensing statutes and regulations. However, the State Health Commissioner shall not be required to report information reported to the Director of the Office of Licensure and Certification pursuant to this section to the Department of Health Professions.

C. Any person making a report by this section, providing information pursuant to an investigation or testifying in a judicial or administrative proceeding as a result of such report shall be immune from any civil liability alleged to have resulted therefrom unless such person acted in bad faith or with malicious intent.

D. Medical records or information learned or maintained in connection with an alcohol or drug prevention function that is conducted, regulated, or directly or indirectly assisted by any department or agency of the United States shall be exempt from the reporting requirements of this section to the extent that such reporting is in violation of 42 U.S.C. § 290dd-2 or regulations adopted thereunder.

E. Any person who fails to make a report to the Department as required by this section shall be subject to a civil penalty not to exceed $25,000 assessed by the Director. The Director shall report the assessment of such civil penalty to the Commissioner of Health, Commissioner of Social Services, or Commissioner of Behavioral Health and Developmental

Services, as appropriate. Any person assessed a civil penalty pursuant to this section shall not receive a license or certification or renewal of such unless such penalty has been paid pursuant to § 32.1-125.01. The Medical College of Virginia Hospitals and the University of Virginia Hospitals shall not receive certification pursuant to § 32.1-137 or Article 1.1 (§ 32.1-102.1 et seq.) of Chapter 4 of Title 32.1 unless such penalty has been paid.

CHAPTER 127

An Act to convey certain property from the Department of Corrections to the Town of Craigsville; Augusta Correctional Center.

[S 691]

Approved March 20, 2024

Be it enacted by the General Assembly of Virginia:

1. *§ 1. That the Augusta Correctional Center operated by the Department of Corrections shall be sold in accordance with the provisions of § 2.2-1156 of the Code of Virginia. Notwithstanding the provisions of § 2.2-1156 of the Code of Virginia or any other provisions of law, the proceeds of the sale of the Augusta Correctional Center shall be paid into the general fund. Furthermore, notwithstanding the foregoing, the Commonwealth of Virginia, through the Department of Corrections, shall convey, in accordance with § 2.2-1150 of Code of Virginia, without monetary consideration, to the Town of Craigsville the following parcels of land, including all improvements thereon and appurtenances thereunto belonging, lying in the Pastures Magisterial District of Augusta County: (i) all of Tax Map No. 70, Parcel 28D and (ii) the portion of Tax Map No. 70, Parcel 28 that contains a water tank and its related facilities located thereon that are utilized in support of operations related to the water tank, and shall further convey any easements and rights of way across the property that are a part of the Augusta Correctional Center (a) that are necessary for the Town of Craigsville to access Tax Map No. 70, Parcel 28D and to access the portion of Tax Map No. 70, Parcel 28 conveyed to it and (b) that contain facilities associated with the Town of Craigsville's water system or facilities being incorporated therein as a result of the conveyances contemplated hereby.*

CHAPTER 128

An Act to amend and reenact § 58.1-1812 of the Code of Virginia, relating to assessment of omitted taxes; erroneous payments.

[S 709]

Approved March 20, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 58.1-1812 of the Code of Virginia is amended and reenacted as follows:

§ 58.1-1812. Assessment of omitted taxes by the Department of Taxation.

A. If the Tax Commissioner ascertains that any person has failed to make a proper return or to pay in full any proper tax, he shall assess the taxes prescribed by law, adding to the taxes so assessed the penalty prescribed by law, if any, for the failure to file a return (if a return was required by law but not filed within the time prescribed by law) and the penalty or penalties prescribed by law for the failure to pay the taxes and penalty or penalties within the time prescribed by law. If no penalty is so prescribed, he shall assess a penalty of five percent of the tax due, or if the failure to pay in full was fraudulent, a penalty of 100 percent of the tax due. In addition thereto, interest on the outstanding tax and penalty shall be charged at the rate established under § 58.1-15 for the period between the due date and the date of full payment.

Except as otherwise provided by law, the amount of tax shall be assessed within three years after the return was filed, whether such return was filed on or after the date prescribed, and no proceeding in court without assessment shall be begun for the collection of such tax after the expiration of such period. A return of tax filed before the last day prescribed by law for the timely filing thereof shall be considered as filed on the last day. A return of recordation tax shall be considered as having been filed on the date of recordation. If no return is filed, the tax may be assessed within six years of the date such return was due. If a false or fraudulent return is filed with intent to evade the payment of tax, an assessment may be made at any time.

Upon such assessment, the Department of Taxation shall send a bill therefor to the taxpayer and the taxes, penalties, and interest shall be remitted to the Department of Taxation within 30 days from the date of such bill. Effective January 1, 2023, such bill and notice of assessment shall identify the date the initial return or payment was received by the Department, any payment amounts received, and an explanation of the taxes, penalties, and interest related to such assessment on such taxpayer. If such taxes, penalties, and interest are not paid within such 30 days, interest at the rate provided herein shall accrue thereon from the date of such assessment until payment.

B. The Department of Taxation shall not assess penalty or interest on any assessment of tax for the recovery of an erroneous refund, provided that the tax is paid to the Department within 30 days from the date of the bill. If the tax is not remitted to the Department within 30 days from the date of such bill, interest at the rate provided herein shall accrue thereon from the date of such assessment until payment.

As used in this section, "erroneous refund" means any refund of tax resulting solely from an error by the Department of Taxation that results in the taxpayer receiving a refund to which the taxpayer is not entitled.

C. Upon the application of a taxpayer, if the Department determines that a taxpayer has erroneously remitted retail sales tax payments to the Department with respect to a transaction under § 58.1-610 and for which the Department has made a use tax assessment, and such taxpayer has not so requested, the Department shall apply the erroneously remitted retail sales tax proceeds to a use tax assessment of the taxpayer for the same transactions. To be eligible, the taxpayer shall provide evidence of the erroneously paid retail sales tax amount collected and remitted in each transaction. However, in no case shall any taxpayer apply for and receive the relief described in this subsection if he has previously applied for and received the relief described in this subsection, or in the case of a false or fraudulent action by the taxpayer with the intention of evading the tax.

2. That the provisions of this act shall not entitle any taxpayer to a refund of any retail sales tax payments erroneously remitted unless or until the taxpayer can affirmatively show that the tax has since been refunded to the purchaser or credited to such purchaser's account pursuant to § 58.1-625 of the Code of Virginia.

CHAPTER 129

An Act to amend and reenact § 2.2-3708.3 of the Code of Virginia, relating to the Virginia Freedom of Information Act; electronic meetings.

[S 734]

Approved March 20, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 2.2-3708.3 of the Code of Virginia is amended and reenacted as follows:

§ 2.2-3708.3. Meetings held through electronic communication means; situations other than declared states of emergency.

A. Public bodies are encouraged to (i) provide public access, both in person and through electronic communication means, to public meetings and (ii) provide avenues for public comment at public meetings when public comment is customarily received, which may include public comments made in person or by electronic communication means or other methods.

B. Individual members of a public body may use remote participation instead of attending a public meeting in person if, in advance of the public meeting, the public body has adopted a policy as described in subsection D and the member notifies the public body chair that:

1. The member has a temporary or permanent disability or other medical condition that prevents the member's physical attendance;

2. A medical condition of a member of the member's family requires the member to provide care that prevents the member's physical attendance;

3. The member's principal residence is more than 60 miles from the meeting location identified in the required notice for such meeting; or

4. The member is unable to attend the meeting due to a personal matter and identifies with specificity the nature of the personal matter. However, the member may not use remote participation due to personal matters more than two meetings per calendar year or 25 percent of the meetings held per calendar year rounded up to the next whole number, whichever is greater.

If participation by a member through electronic communication means is approved pursuant to this subsection, the public body holding the meeting shall record in its minutes the remote location from which the member participated; however, the remote location need not be open to the public and may be identified in the minutes by a general description. If participation is approved pursuant to subdivision 1 or 2, the public body shall also include in its minutes the fact that the member participated through electronic communication means due to a (i) temporary or permanent disability or other medical condition that prevented the member's physical attendance or (ii) family member's medical condition that required the member to provide care for such family member, thereby preventing the member's physical attendance. If participation is approved pursuant to subdivision 3, the public body shall also include in its minutes the fact that the member participated through electronic communication means due to the distance between the member's principal residence and the meeting location. If participation is approved pursuant to subdivision 4, the public body shall also include in its minutes the specific nature of the personal matter cited by the member.

If a member's participation from a remote location pursuant to this subsection is disapproved because such participation would violate the policy adopted pursuant to subsection D, such disapproval shall be recorded in the minutes with specificity.

C. With the exception of local governing bodies, local school boards, planning commissions, architectural review boards, zoning appeals boards, and boards with the authority to deny, revoke, or suspend a professional or occupational license, any public body may hold all-virtual public meetings, provided that the public body follows the other requirements in this chapter for meetings, the public body has adopted a policy as described in subsection D, and:

1. An indication of whether the meeting will be an in-person or all-virtual public meeting is included in the required meeting notice along with a statement notifying the public that the method by which a public body chooses to meet shall not be changed unless the public body provides a new meeting notice in accordance with the provisions of § 2.2-3707;

2. Public access to the all-virtual public meeting is provided via electronic communication means;

3. The electronic communication means used allows the public to hear all members of the public body participating in the all-virtual public meeting and, when audio-visual technology is available, to see the members of the public body as well. *When audio-visual technology is available, a member of a public body shall, for purposes of a quorum, be considered absent from any portion of the meeting during which visual communication with the member is voluntarily disconnected or otherwise fails or during which audio communication involuntarily fails*;

4. A phone number or other live contact information is provided to alert the public body if the audio or video transmission of the meeting provided by the public body fails, the public body monitors such designated means of communication during the meeting, and the public body takes a recess until public access is restored if the transmission fails for the public;

5. A copy of the proposed agenda and all agenda packets and, unless exempt, all materials furnished to members of a public body for a meeting is made available to the public in electronic format at the same time that such materials are provided to members of the public body;

6. The public is afforded the opportunity to comment through electronic means, including by way of written comments, at those public meetings when public comment is customarily received;

7. No more than two members of the public body are together in any one remote location unless that remote location is open to the public to physically access it;

8. If a closed session is held during an all-virtual public meeting, transmission of the meeting to the public resumes before the public body votes to certify the closed meeting as required by subsection D of § 2.2-3712;

9. The public body does not convene an all-virtual public meeting (i) more than two times per calendar year or ~~25~~ *50* percent of the meetings held per calendar year rounded up to the next whole number, whichever is greater, or (ii) consecutively with another all-virtual public meeting; and

10. Minutes of all-virtual public meetings held by electronic communication means are taken as required by § 2.2-3707 and include the fact that the meeting was held by electronic communication means and the type of electronic communication means by which the meeting was held. If a member's participation from a remote location pursuant to this subsection is disapproved because such participation would violate the policy adopted pursuant to subsection D, such disapproval shall be recorded in the minutes with specificity.

D. Before a public body uses all-virtual public meetings as described in subsection C or allows members to use remote participation as described in subsection B, the public body shall ~~first~~ *at least once annually* adopt a policy, by recorded vote at a public meeting, that shall be applied strictly and uniformly, without exception, to the entire membership and without regard to the identity of the member requesting remote participation or the matters that will be considered or voted on at the meeting. The policy shall:

1. Describe the circumstances under which an all-virtual public meeting and remote participation will be allowed and the process the public body will use for making requests to use remote participation, approving or denying such requests, and creating a record of such requests; and

2. Fix the number of times remote participation for personal matters or all-virtual public meetings can be used per calendar year, not to exceed the limitations set forth in subdivisions B 4 and C 9.

Any public body that creates a committee, subcommittee, or other entity however designated of the public body to perform delegated functions of the public body or to advise the public body may also adopt a policy on behalf of its committee, subcommittee, or other entity that shall apply to the committee, subcommittee, or other entity's use of individual remote participation and all-virtual public meetings.

CHAPTER 130

An Act to amend and reenact §§ 18.2-251.02 and 18.2-254.1 of the Code of Virginia, relating to Drug Treatment Court Act; name change.

[S 725]

Approved March 20, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 18.2-251.02 and 18.2-254.1 of the Code of Virginia are amended and reenacted as follows:

§ 18.2-251.02. Drug Offender Assessment and Treatment Fund.

There is hereby established in the state treasury the Drug Offender Assessment and Treatment Fund, which shall consist of moneys received from fees imposed on certain drug offense convictions pursuant to § 16.1-69.48:3 and subdivisions A 10 and 11 of § 17.1-275. All interest derived from the deposit and investment of moneys in the Fund shall be credited to the Fund. Any moneys not appropriated by the General Assembly shall remain in the Drug Offender Assessment and Treatment Fund and shall not be transferred or revert to the general fund at the end of any fiscal year. All moneys in the Fund shall be subject to annual appropriation by the General Assembly to the Department of Corrections, the Department of

Juvenile Justice, and the Commission on VASAP to implement and operate the offender substance abuse screening and assessment program; the Department of Criminal Justice Services for the support of community-based probation and local pretrial services agencies; and the Office of the Executive Secretary of the Supreme Court of Virginia for the support of ~~drug treatment~~ *recovery* court programs.

§ 18.2-254.1. Recovery Court Act.

A. This section shall be known and may be cited as the ~~"Drug Treatment~~ *"Recovery* Court Act."

B. The General Assembly recognizes that there is a critical need in the Commonwealth for effective treatment programs that reduce the incidence of drug use, drug addiction, family separation due to parental substance abuse, and drug-related crimes. It is the intent of the General Assembly by this section to enhance public safety by facilitating the creation of ~~drug treatment~~ *recovery* courts as means by which to accomplish this purpose.

C. The goals of ~~drug treatment~~ *recovery* courts include: (i) reducing drug addiction and drug dependency among offenders; (ii) reducing recidivism; (iii) reducing drug-related court workloads; (iv) increasing personal, familial and societal accountability among offenders; and~~,~~ (v) promoting effective planning and use of resources among the criminal justice system and community agencies.

D. ~~Drug treatment~~ *Recovery* courts are specialized court dockets within the existing structure of Virginia's court system offering judicial monitoring of intensive treatment and strict supervision of addicts in drug and drug-related cases. Local officials must complete a recognized planning process before establishing a ~~drug treatment~~ *recovery* court program.

E. Administrative oversight for implementation of the ~~Drug Treatment~~ *Recovery* Court Act shall be conducted by the Supreme Court of Virginia. The Supreme Court of Virginia shall be responsible for (i) providing oversight for the distribution of funds for ~~drug treatment~~ *recovery* courts; (ii) providing technical assistance to ~~drug treatment~~ *recovery* courts; (iii) providing training for judges who preside over ~~drug treatment~~ *recovery* courts; (iv) providing training to the providers of administrative, case management, and treatment services to ~~drug treatment~~ *recovery* courts; and (v) monitoring the completion of evaluations of the effectiveness and efficiency of ~~drug treatment~~ *recovery* courts in the Commonwealth.

F. ~~A~~ *The* state ~~drug treatment court advisory committee~~ *Recovery Court Advisory Committee* shall be established to (i) evaluate and recommend standards for the planning and implementation of ~~drug treatment~~ *recovery* courts; (ii) assist in the evaluation of their effectiveness and efficiency; and (iii) encourage and enhance cooperation among agencies that participate in their planning and implementation. The committee shall be chaired by the Chief Justice of the Supreme Court of Virginia or his designee and shall include a member of the Judicial Conference of Virginia who presides over a ~~drug treatment~~ *recovery* court; a district court judge; the Executive Secretary or his designee; the directors of the following executive branch agencies: Department of Corrections, Department of Criminal Justice Services, Department of Juvenile Justice, Department of Behavioral Health and Developmental Services, Department of Social Services; a representative of the following entities: a local community-based probation and pretrial services agency, the Commonwealth's Attorney's Association, the Virginia Indigent Defense Commission, the Circuit Court Clerk's Association, the Virginia Sheriff's Association, the Virginia Association of Chiefs of Police, the Commission on VASAP, and two representatives designated by the Virginia Drug Court Association.

G. Each jurisdiction or combination of jurisdictions that intend to establish a ~~drug treatment~~ *recovery* court or continue the operation of an existing one shall establish a local ~~drug treatment~~ *recovery* court advisory committee. Jurisdictions that establish separate adult and juvenile ~~drug treatment~~ *recovery* courts may establish an advisory committee for each such court. Each advisory committee shall ensure quality, efficiency, and fairness in the planning, implementation, and operation of the ~~drug treatment~~ *recovery* court or courts that serve the jurisdiction or combination of jurisdictions. Advisory committee membership shall include, but shall not be limited to the following people or their designees: (i) the ~~drug treatment~~ *recovery* court judge; (ii) the attorney for the Commonwealth, or, where applicable, the city or county attorney who has responsibility for the prosecution of misdemeanor offenses; (iii) the public defender or a member of the local criminal defense bar in jurisdictions in which there is no public defender; (iv) the clerk of the court in which the ~~drug treatment~~ *recovery* court is located; (v) a representative of the Virginia Department of Corrections, or the Department of Juvenile Justice, or both, from the local office which serves the jurisdiction or combination of jurisdictions; (vi) a representative of a local community-based probation and pretrial services agency; (vii) a local law-enforcement officer; (viii) a representative of the Department of Behavioral Health and Developmental Services or a representative of local drug treatment providers; (ix) the ~~drug~~ *recovery* court administrator; (x) a representative of the Department of Social Services; (xi) county administrator or city manager; and (xii) any other people selected by the ~~drug treatment~~ *recovery* court advisory committee.

H. Each local ~~drug treatment~~ *recovery* court advisory committee shall establish criteria for the eligibility and participation of offenders who have been determined to be addicted to or dependent upon drugs. Subject to the provisions of this section, neither the establishment of a ~~drug treatment~~ *recovery* court nor anything herein shall be construed as limiting the discretion of the attorney for the Commonwealth to prosecute any criminal case arising therein which he deems advisable to prosecute, except to the extent the participating attorney for the Commonwealth agrees to do so. As defined in § 17.1-805 or 19.2-297.1, adult offenders who have been convicted of a violent criminal offense within the preceding 10 years, or juvenile offenders who previously have been adjudicated not innocent of any such offense within the preceding 10 years, shall not be eligible for participation in any ~~drug treatment~~ *recovery* court established or continued in operation pursuant to this section.

I. Each ~~drug treatment~~ *recovery* court advisory committee shall establish policies and procedures for the operation of the court to attain the following goals: (i) effective integration of drug and alcohol treatment services with criminal justice system case processing; (ii) enhanced public safety through intensive offender supervision and drug treatment; (iii) prompt identification and placement of eligible participants; (iv) efficient access to a continuum of alcohol, drug, and related treatment and rehabilitation services; (v) verified participant abstinence through frequent alcohol and other drug testing; (vi) prompt response to participants' noncompliance with program requirements through a coordinated strategy; (vii) ongoing judicial interaction with each ~~drug~~ *recovery* court participant; (viii) ongoing monitoring and evaluation of program effectiveness and efficiency; (ix) ongoing interdisciplinary education and training in support of program effectiveness and efficiency; and (x) ongoing collaboration among ~~drug treatment~~ *recovery* courts, public agencies, and community-based organizations to enhance program effectiveness and efficiency.

J. Participation by an offender in a ~~drug treatment~~ *recovery* court shall be voluntary and made pursuant only to a written agreement entered into by and between the offender and the Commonwealth with the concurrence of the court.

K. Nothing in this section shall preclude the establishment of substance abuse treatment programs and services pursuant to the deferred judgment provisions of § 18.2-251.

L. Each offender shall contribute to the cost of the substance abuse treatment he receives while participating in a ~~drug treatment~~ *recovery* court pursuant to guidelines developed by the ~~drug treatment~~ *recovery* court advisory committee.

M. Nothing contained in this section shall confer a right or an expectation of a right to treatment for an offender or be construed as requiring a local ~~drug treatment~~ *recovery* court advisory committee to accept for participation every offender.

N. The Office of the Executive Secretary shall, with the assistance of the state ~~drug treatment court advisory committee~~ *Recovery Court Advisory Committee*, develop a statewide evaluation model and conduct ongoing evaluations of the effectiveness and efficiency of all local ~~drug treatment~~ *recovery* courts. A report of these evaluations shall be submitted to the General Assembly by December 1 of each year. Each local ~~drug treatment~~ *recovery* court advisory committee shall submit evaluative reports to the Office of the Executive Secretary as requested.

O. Notwithstanding any other provision of this section, no ~~drug treatment~~ *recovery* court shall be established subsequent to March 1, 2004, unless the jurisdiction or jurisdictions intending or proposing to establish such court have been specifically granted permission under the Code of Virginia to establish such court. The provisions of this subsection shall not apply to any ~~drug treatment~~ *recovery* court established on or before March 1, 2004, and operational as of July 1, 2004.

P. Subject to the requirements and conditions established by the state ~~Drug Treatment~~ *Recovery* Court Advisory Committee, there shall be established a ~~drug treatment~~ *recovery* court in the following jurisdictions: the City of Chesapeake and the City of Newport News.

Q. Subject to the requirements and conditions established by the state ~~Drug Treatment~~ *Recovery* Court Advisory Committee, there shall be established a ~~drug treatment~~ *recovery* court in the Juvenile and Domestic Relations District Court for the County of Franklin, provided that such court is funded solely through local sources.

R. Subject to the requirements and conditions established by the state ~~Drug Treatment~~ *Recovery* Court Advisory Committee, there shall be established a ~~drug treatment~~ *recovery* court in the City of Bristol and the County of Tazewell, provided that the court is funded within existing state and local appropriations.

2. That the Supreme Court of Virginia shall rename the state Drug Treatment Court Advisory Committee as the state Recovery Court Advisory Committee. Any requirements and conditions established by the state Drug Treatment Court Advisory Committee shall continue to exist under the state Recovery Court Advisory Committee.

CHAPTER 131

An Act to amend and reenact § 3.2-5130 of the Code of Virginia, relating to food inspections; private homes; pickles and acidified vegetables; gross sales.

[H 759]

Approved March 25, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 3.2-5130 of the Code of Virginia is amended and reenacted as follows:

§ 3.2-5130. Inspections required to operate food establishment.

A. It is unlawful to operate as a food manufacturer, food storage warehouse, or retail food establishment until (i) such food manufacturer, food storage warehouse, or retail food establishment has been inspected by the Commissioner and (ii) the Commissioner has issued a permit pursuant to subsection C of § 3.2-5100 for the operation of the food manufacturer, food storage warehouse, or retail food establishment. If the inspection finds no significant health hazards to the public, any food manufacturer, food storage warehouse, or retail food establishment may operate until receipt of the permit. Such permit shall be processed within 30 days of the inspection date.

B. If the Commissioner determines that conditions exist in a food manufacturer, food storage warehouse, or retail food establishment that would render such entity significantly out of compliance with an applicable provision of this chapter or regulation adopted pursuant to this chapter, the Commissioner may, in accordance with the Administrative Process Act (§ 2.2-4000 et seq.), deny, suspend, or revoke the permit of such entity. If the Commissioner determines that conditions

exist in a food manufacturer, food storage warehouse, or retail food establishment that present a significant and immediate public health hazard, the Commissioner may suspend the permit of such entity and shall seek an expedited informal fact-finding proceeding pursuant to § 2.2-4019.

C. The provisions of subsections A and B shall not apply to:

1. Food manufacturers operating under a grant of inspection from the Office of Meat and Poultry Services or a permit from the Office of Dairy and Foods in the Department; and Grade A fluid milk manufacturing plants and shellfish and crustacea processing plants operating under a permit from the Virginia Department of Health;

2. Nonprofit organizations holding one-day food sales;

3. Private homes where the resident processes and prepares candies, jams, and jellies not considered to be low-acid or acidified low-acid food products, dried fruits, dry herbs, dry seasonings, dry mixtures, coated and uncoated nuts, vinegars and flavored vinegars, popcorn, popcorn balls, cotton candy, dried pasta, dry baking mixes, roasted coffee, dried tea, cereals, trail mixes, granola, and baked goods ~~that do not require time or temperature control after preparation~~ if such products are~~:~~ (i) *those that do not require time or temperature control after preparation; (ii)* sold *in person in the Commonwealth* to an individual for his own consumption and not for resale *or consignment*; ~~(ii)~~ *(iii)* sold at the private home*, at a temporary event that operates for a period of no more than 14 consecutive days,* or at *a* farmers ~~markets~~ *market*; ~~(iii)~~ *(iv)* not offered for sale to be used in or offered for consumption in retail food establishments; ~~(iv) not offered for sale over the Internet or in interstate commerce;~~ and (v) affixed with a label *placed on the principal display panel or, for a product in packaging not large enough to bear such a label, offered for sale with a sign* displaying the name, physical address, and telephone number of the person preparing the food product, the date the food product was processed, and the statement "NOT FOR RESALE — PROCESSED AND PREPARED WITHOUT STATE INSPECTION." ~~shall be placed on the principal display panel.~~ Nothing in this subdivision shall create or diminish the authority of the Commissioner under § 3.2-5102 *or shall prohibit a resident selling a food product in accordance with this subdivision from advertising such food product on the Internet*;

4. Private homes where the resident processes and prepares pickles and other acidified vegetables that have an equilibrium pH value of 4.6 or lower if such products are (i) sold *in person in the Commonwealth* to an individual for his own consumption and not for resale *or consignment*; (ii) sold at the private home*, at a temporary event that operates for a period of no more than 14 consecutive days,* or at *a* farmers ~~markets~~ *market*; (iii) not offered for sale to be used in or offered for consumption in retail food establishments; (iv) ~~not offered for sale over the Internet or in interstate commerce;~~ ~~(v)~~ affixed with a label *placed on the principal display panel* displaying the name, physical address, and telephone number of the person preparing the food product, the date the food product was processed, and the statement "NOT FOR RESALE — PROCESSED AND PREPARED WITHOUT STATE INSPECTION" ~~shall be placed on the principal display panel~~; and ~~(vi)~~ *(v)* not exceeding ~~$3,000~~ *$9,000* in gross sales in a calendar year. Nothing in this subdivision shall create or diminish the authority of the Commissioner under § 3.2-5102 *or shall prohibit a resident selling a food product in accordance with this subdivision from advertising such food product on the Internet*;

5. Private homes where the resident processes and prepares honey produced by his own hives, if: (i) the resident sells less than 250 gallons of honey annually; (ii) the resident does not process and sell other food products in addition to honey, except as allowed by subdivisions 3 and 4; (iii) the product complies with the other provisions of this chapter; and (iv) the product is labeled "PROCESSED AND PREPARED WITHOUT STATE INSPECTION. WARNING: Do Not Feed Honey to Infants Under One Year Old." Nothing in this subdivision shall increase or diminish the authority of the Commissioner under § 3.2-5102; and

6. Retail establishments that (i) do not prepare or serve food; (ii) sell only food or beverages that are sealed in packaging by the manufacturer and have been officially inspected in the manufacturing process; (iii) do not sell infant formulas; (iv) do not sell salvaged foods; and (v) certify to the Department that they meet the provisions of this subdivision.

D. Nonprofit organizations, private homes, and retail establishments that qualify for an exception under subsection C shall be exempt from the permit and inspection requirements of this chapter and the inspection fees. Nothing in this section shall prevent the Department from inspecting any nonprofit organization, private home, or retail establishment if a consumer complaint is received.

E. Any person who violates any provision of this section is guilty of a Class 1 misdemeanor.

CHAPTER 132

An Act to amend and reenact §§ 2.2-2699.3, 2.2-2720, and 3.2-3103 of the Code of Virginia, relating to the Center for Rural Virginia; name change.

[H 1381]

Approved March 26, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-2699.3, 2.2-2720, and 3.2-3103 of the Code of Virginia are amended and reenacted as follows:

§ 2.2-2699.3. Broadband Advisory Council; purpose; membership; compensation; chairman.

A. The Broadband Advisory Council (the Council) is established as an advisory council, within the meaning of § 2.2-2100, in the executive branch of state government. The purpose of the Council shall be to advise the Governor on policy and funding priorities to expedite deployment and reduce the cost of broadband access in the Commonwealth.

B. The Council shall have a total membership of 17 members that shall consist of seven legislative members, six nonlegislative citizen members, and four ex officio members. Members shall be appointed as follows: four members of the House of Delegates to be appointed by the Speaker of the House of Delegates in accordance with the principles of proportional representation contained in the Rules of the House of Delegates; three members of the Senate to be appointed by the Senate Committee on Rules; and six nonlegislative citizen members to be appointed by the Governor, of whom one shall be a representative of the Virginia Cable Telecommunications Association, one shall be a representative of the Virginia Telecommunications Industry Association, one shall be a representative from local government recommended by the Virginia Municipal League and Virginia Association of Counties, one shall be a representative of the Virginia Wireless Internet Service Providers Association, one shall be a representative of a wireless service authority, and one shall be a representative of the Virginia, Maryland and Delaware Association of Electric Cooperatives. The executive director of the *Senator Frank M. Ruff, Jr.* Center for Rural Virginia and three Secretaries as defined in § 2.2-200 to be appointed by the Governor shall serve ex officio. Legislative and ex officio members shall serve terms coincident with their terms of office. Other members shall be appointed for terms of two years. Appointments to fill vacancies, other than by expiration of a term, shall be for the unexpired terms. Vacancies shall be filled in the same manner as the original appointments. All members may be reappointed.

C. Legislative members of the Council shall receive such compensation as provided in § 30-19.12. Nonlegislative citizen members shall serve without compensation. All members shall be reimbursed for all reasonable and necessary expenses incurred in the performance of their duties as provided in §§ 2.2-2813 and 2.2-2825. Funding for compensation and expenses of legislative members shall be provided by the operating budgets of the Clerk of the House of Delegates and the Clerk of the Senate upon approval of the Joint Rules Committee. The Governor shall designate the office of one of the secretaries appointed pursuant to subsection B to provide funding for the costs of expenses of the nonlegislative citizen members and all other expenses of the Council.

D. The Council shall elect a chairman and a vice-chairman annually from among its membership. A majority of the members shall constitute a quorum. The Council shall meet at such times as may be called by the chairman or a majority of the Council.

E. Staff to the Council shall be provided by the Secretary of Commerce and Trade. The Division of Legislative Services shall provide additional staff support to legislative members serving on the Council.

Article 7.

The *Senator Frank M. Ruff, Jr.* Center for Rural Virginia.

§ 2.2-2720. The Senator Frank M. Ruff, Jr. Center for Rural Virginia; purpose.

The *Senator Frank M. Ruff, Jr.* Center for Rural Virginia, hereinafter referred to as "the Center," is hereby created as an independent nonprofit local entity without political subdivision status, for the purpose of sustaining economic growth in the rural areas of the Commonwealth and lessening the burdens of government through the activities prescribed in subsection B of § 2.2-2723.

§ 3.2-3103. Powers and duties of the Tobacco Region Revitalization Commission.

A. The Commission shall have the power and duty to:

1. Adopt, use, and alter at will an official seal;

2. Make bylaws for the management and regulation of its affairs;

3. Maintain an office at such place or places within the Commonwealth as it may designate;

4. Accept, hold, and administer moneys, grants, securities, or other property transferred, given, or bequeathed to the Commission, absolutely or in trust, for the purposes for which the Commission is created;

5. Determine how moneys in the Fund are to be distributed;

6. Authorize grants, loans, or other distributions of moneys in the Fund for the purposes set forth in this chapter;

7. For each economic development grant or award, including a grant from the Tobacco Region Opportunity Fund, require a dollar-for-dollar match from non-Commission sources. Performance bonds shall be considered acceptable matching payment. No more than 25 percent of the match shall be in-kind. However, a match of less than 50 percent may be considered by a two-thirds majority vote of the Commission;

8. Adopt policies governing the Tobacco Region Opportunity Fund, including a repayment policy. The Commission shall apply the policies consistently;

9. Enter into a contractual or employment agreement with a financial viability manager (the Manager). The management agreement shall require the Manager to provide a written financial viability and feasibility report to the Commission as to the financial propriety of certain loans, grants, or other distributions of money made for the revitalization of a tobacco-dependent locality as proposed in accordance with the Commission's strategic objectives. The Commission shall not make any loan, except a loan made through the Virginia Tobacco Region Revolving Fund created in Chapter 31.1 (§ 3.2-3112 et seq.); grant; or other distribution of money until the Manager has provided the Commission with a written recommendation as to the financial viability and feasibility of the proposed distribution of funds. However, nothing in this section shall eliminate consideration of strategic economic initiatives;

10. Make and execute contracts and all other instruments and agreements necessary or convenient for the exercise of its powers and functions;

11. Invest its funds as provided in this chapter or permitted by applicable law; and

12. Do any lawful act necessary or appropriate to carry out the powers herein granted or reasonably implied, including use of whatever lawful means may be necessary and appropriate to recover any payments wrongfully made from the Fund.

B. The Commission shall undertake studies and gather information and data in order to determine: (i) the economic consequences of the reduction in or elimination of quota for tobacco growers; (ii) the potential for alternative cash crops; and (iii) any other matters the Commission believes will affect tobacco growers in the Commonwealth.

C. The Commission shall at least biennially develop a strategic plan containing specific priorities, measurable goals, and quantifiable outcomes. In developing the Strategic Plan, the Commission shall solicit input from local and regional economic developers, the Virginia Department of Agriculture and Consumer Services, the Virginia Economic Development Partnership, the Virginia Department of Housing and Community Development, the Virginia Tourism Authority, the Virginia Resources Authority, and the *Senator Frank M. Ruff, Jr.* Center for Rural Virginia. The Strategic Plan shall state how each Fund award is consistent with the Commission's achievement of measurable goals and outcomes and its advancement of the specific priorities of the Strategic Plan. The Strategic Plan shall also state how awards from the Fund are projected to affect key economic indicators of employment, income, educational attainment, amount of Virginia-grown agricultural and forestal products used by the project, and return on investment.

D. The Commission shall develop a publicly available online database of all Commission awards, listing for each project the project's goals, the means by which the project fits into the Strategic Plan, the project's expected and achieved outcomes, and the total amount of funding the Commission has awarded to the project through any prior grants.

E. The Commission shall submit a report annually to the Governor and the General Assembly.

CHAPTER 133

An Act to amend and reenact §§ 2.2-2699.3, 2.2-2720, and 3.2-3103 of the Code of Virginia, relating to the Center for Rural Virginia; name change.

[S 704]

Approved March 26, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-2699.3, 2.2-2720, and 3.2-3103 of the Code of Virginia are amended and reenacted as follows:

§ 2.2-2699.3. Broadband Advisory Council; purpose; membership; compensation; chairman.

A. The Broadband Advisory Council (the Council) is established as an advisory council, within the meaning of § 2.2-2100, in the executive branch of state government. The purpose of the Council shall be to advise the Governor on policy and funding priorities to expedite deployment and reduce the cost of broadband access in the Commonwealth.

B. The Council shall have a total membership of 17 members that shall consist of seven legislative members, six nonlegislative citizen members, and four ex officio members. Members shall be appointed as follows: four members of the House of Delegates to be appointed by the Speaker of the House of Delegates in accordance with the principles of proportional representation contained in the Rules of the House of Delegates; three members of the Senate to be appointed by the Senate Committee on Rules; and six nonlegislative citizen members to be appointed by the Governor, of whom one shall be a representative of the Virginia Cable Telecommunications Association, one shall be a representative of the Virginia Telecommunications Industry Association, one shall be a representative from local government recommended by the Virginia Municipal League and Virginia Association of Counties, one shall be a representative of the Virginia Wireless Internet Service Providers Association, one shall be a representative of a wireless service authority, and one shall be a representative of the Virginia, Maryland and Delaware Association of Electric Cooperatives. The executive director of the *Senator Frank M. Ruff, Jr.* Center for Rural Virginia and three Secretaries as defined in § 2.2-200 to be appointed by the Governor shall serve ex officio. Legislative and ex officio members shall serve terms coincident with their terms of office. Other members shall be appointed for terms of two years. Appointments to fill vacancies, other than by expiration of a term, shall be for the unexpired terms. Vacancies shall be filled in the same manner as the original appointments. All members may be reappointed.

C. Legislative members of the Council shall receive such compensation as provided in § 30-19.12. Nonlegislative citizen members shall serve without compensation. All members shall be reimbursed for all reasonable and necessary expenses incurred in the performance of their duties as provided in §§ 2.2-2813 and 2.2-2825. Funding for compensation and expenses of legislative members shall be provided by the operating budgets of the Clerk of the House of Delegates and the Clerk of the Senate upon approval of the Joint Rules Committee. The Governor shall designate the office of one of the secretaries appointed pursuant to subsection B to provide funding for the costs of expenses of the nonlegislative citizen members and all other expenses of the Council.

D. The Council shall elect a chairman and a vice-chairman annually from among its membership. A majority of the members shall constitute a quorum. The Council shall meet at such times as may be called by the chairman or a majority of the Council.

E. Staff to the Council shall be provided by the Secretary of Commerce and Trade. The Division of Legislative Services shall provide additional staff support to legislative members serving on the Council.

Article 7.

The *Senator Frank M. Ruff, Jr.* Center for Rural Virginia.

§ 2.2-2720. The Senator Frank M. Ruff, Jr. Center for Rural Virginia; purpose.

The *Senator Frank M. Ruff, Jr.* Center for Rural Virginia, hereinafter referred to as "the Center," is hereby created as an independent nonprofit local entity without political subdivision status, for the purpose of sustaining economic growth in the rural areas of the Commonwealth and lessening the burdens of government through the activities prescribed in subsection B of § 2.2-2723.

§ 3.2-3103. Powers and duties of the Tobacco Region Revitalization Commission.

A. The Commission shall have the power and duty to:

1. Adopt, use, and alter at will an official seal;

2. Make bylaws for the management and regulation of its affairs;

3. Maintain an office at such place or places within the Commonwealth as it may designate;

4. Accept, hold, and administer moneys, grants, securities, or other property transferred, given, or bequeathed to the Commission, absolutely or in trust, for the purposes for which the Commission is created;

5. Determine how moneys in the Fund are to be distributed;

6. Authorize grants, loans, or other distributions of moneys in the Fund for the purposes set forth in this chapter;

7. For each economic development grant or award, including a grant from the Tobacco Region Opportunity Fund, require a dollar-for-dollar match from non-Commission sources. Performance bonds shall be considered acceptable matching payment. No more than 25 percent of the match shall be in-kind. However, a match of less than 50 percent may be considered by a two-thirds majority vote of the Commission;

8. Adopt policies governing the Tobacco Region Opportunity Fund, including a repayment policy. The Commission shall apply the policies consistently;

9. Enter into a contractual or employment agreement with a financial viability manager (the Manager). The management agreement shall require the Manager to provide a written financial viability and feasibility report to the Commission as to the financial propriety of certain loans, grants, or other distributions of money made for the revitalization of a tobacco-dependent locality as proposed in accordance with the Commission's strategic objectives. The Commission shall not make any loan, except a loan made through the Virginia Tobacco Region Revolving Fund created in Chapter 31.1 (§ 3.2-3112 et seq.); grant; or other distribution of money until the Manager has provided the Commission with a written recommendation as to the financial viability and feasibility of the proposed distribution of funds. However, nothing in this section shall eliminate consideration of strategic economic initiatives;

10. Make and execute contracts and all other instruments and agreements necessary or convenient for the exercise of its powers and functions;

11. Invest its funds as provided in this chapter or permitted by applicable law; and

12. Do any lawful act necessary or appropriate to carry out the powers herein granted or reasonably implied, including use of whatever lawful means may be necessary and appropriate to recover any payments wrongfully made from the Fund.

B. The Commission shall undertake studies and gather information and data in order to determine: (i) the economic consequences of the reduction in or elimination of quota for tobacco growers; (ii) the potential for alternative cash crops; and (iii) any other matters the Commission believes will affect tobacco growers in the Commonwealth.

C. The Commission shall at least biennially develop a strategic plan containing specific priorities, measurable goals, and quantifiable outcomes. In developing the Strategic Plan, the Commission shall solicit input from local and regional economic developers, the Virginia Department of Agriculture and Consumer Services, the Virginia Economic Development Partnership, the Virginia Department of Housing and Community Development, the Virginia Tourism Authority, the Virginia Resources Authority, and the *Senator Frank M. Ruff, Jr.* Center for Rural Virginia. The Strategic Plan shall state how each Fund award is consistent with the Commission's achievement of measurable goals and outcomes and its advancement of the specific priorities of the Strategic Plan. The Strategic Plan shall also state how awards from the Fund are projected to affect key economic indicators of employment, income, educational attainment, amount of Virginia-grown agricultural and forestal products used by the project, and return on investment.

D. The Commission shall develop a publicly available online database of all Commission awards, listing for each project the project's goals, the means by which the project fits into the Strategic Plan, the project's expected and achieved outcomes, and the total amount of funding the Commission has awarded to the project through any prior grants.

E. The Commission shall submit a report annually to the Governor and the General Assembly.

CHAPTER 134

An Act to amend and reenact § 33.2-359 of the Code of Virginia, relating to unpaved secondary highway funds.

[H 74]

Approved March 26, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 33.2-359 of the Code of Virginia is amended and reenacted as follows:

§ 33.2-359. Unpaved secondary highway funds.

A. Funds from the highway construction district grant programs established pursuant to § 33.2-371 shall be allocated for the improvement of nonsurface treated secondary highways that carry 50 or more vehicles per day. *Such improvement may consist of enhancements to such highway or highway segment other than paving, such as improved materials, drainage upgrades, or enhanced design of the highway profile. Other techniques shall be considered improvements if they increase safety, reduce maintenance costs, or enhance the historic qualities of the highway or highway segment.* Funds shall be deducted from the allocation made to each highway construction district pursuant to subsection D of § 33.2-371 and such deduction shall be based on the ratio of nonsurface treated secondary highways in each highway construction district that carry 50 or more vehicles per day to the total number of such nonsurface treated secondary highways in the Commonwealth.

Total funds of the Commonwealth allocated by the Board under this section shall not exceed $25 million annually.

B. Such funds shall be distributed to counties in the secondary state highway system based on the ratio of nonsurface treated roads in each county carrying 50 vehicles or more per day to the total number of such nonsurface treated roads in the Commonwealth. *The local governing body of the county shall select the highways or highway segments to be improved pursuant to this section, after consulting with the Department. Improvements pursuant to this section shall be designed and implemented utilizing project standards that conform to then-existing federal and state requirements and standards and, if no such standards exist, that conform to standards as mutually agreed upon by the Department and the locality.*

CHAPTER 135

An Act to amend and reenact § 45.2-1105 of the Code of Virginia, relating to mineral mining and processing; use of cyanide or a cyanide compound prohibited.

[H 85]

Approved March 26, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 45.2-1105 of the Code of Virginia is amended and reenacted as follows:

§ 45.2-1105. Prohibited acts by miners or other persons; miners to comply with law.

A. No miner or other person shall (i) knowingly damage any shaft, lamp, instrument, air course, or brattice or obstruct any airway; (ii) carry in a mine any intoxicating liquors or controlled drugs without the prescription of a licensed physician; (iii) disturb any part of the machinery or appliances in a mine; (iv) open a door used for directing ventilation and fail to close it again; (v) enter any part of a mine against caution or a warning sign or barricade; *(vi) use cyanide or a cyanide compound in any mineral mining or processing operation;* or ~~(vi)~~ *(vii)* disobey any order issued pursuant to the provisions of the Act.

B. Each miner at any mine shall comply fully with the provisions of the Act and other mining laws of the Commonwealth, including regulations adopted by the Department, that pertain to his duties.

CHAPTER 136

An Act to amend and reenact § 53.1-5 of the Code of Virginia, relating to State Board of Local and Regional Jails; powers and duties.

[H 103]

Approved March 26, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 53.1-5 of the Code of Virginia is amended and reenacted as follows:

§ 53.1-5. Powers and duties of Board.

The Board shall have the following powers and duties:

1. To develop and establish operational and fiscal standards governing the operation of local, regional, and community correctional facilities;

2. To advise the Governor and Director on matters relating to corrections;

3. To make, adopt and promulgate such rules and regulations as may be necessary to carry out the provisions of this title and other laws of the Commonwealth pertaining to local, regional, and community correctional facilities. *The Board, when promulgating regulations and adopting any policy or guidance document related to the enforcement of any minimum standards applicable to local, regional, and community correctional facilities, shall expressly and specifically include such items in its published agenda for meetings of the Board or any of its subcommittees. No standard, policy, or guidance document may be promulgated, amended, or rescinded in entirety or in part without compliance with this article*;

4. To ensure the development of programs to educate citizens and elicit public support for the activities of the Department;

5. To develop and implement policies and procedures for the review of the death of any inmate that the Board determines warrants review that occurs in any local, regional, or community correctional facility. Such policies and

procedures shall incorporate the Board's authority under § 53.1-6 to ensure the production of evidence necessary to conduct a thorough review of any such death. *Notwithstanding any other provision of law, the Board shall adhere to procedures of the Administrative Process Act (§ 2.2-4000 et seq.) in promulgating such policies and procedures*;

6. To establish minimum standards for health care services, including medical, dental, pharmaceutical, and behavioral health services, in local, regional, and community correctional facilities and procedures for enforcing such minimum standards, with the advice of and guidance from the Commissioner of Behavioral Health and Developmental Services and State Health Commissioner or their designees. *Notwithstanding any other provision of law, the Board shall adhere to procedures of the Administrative Process Act (§ 2.2-4000 et seq.) in promulgating such policies and procedures.* Such minimum standards shall require that each local, regional, and community correctional facility submit a standardized quarterly continuous quality improvement report documenting the delivery of health care services, along with any improvements made to those services, to the Board. The Board shall make such reports available to the public on its website. The Board may determine that any local, regional, or community correctional facility that is accredited by the American Correctional Association or National Commission on Correctional Health Care meets such minimum standards solely on the basis of such facility's accreditation status; however, without exception, the requirement that each local, regional, and community correctional facility submit a standardized quarterly continuous quality improvement report to the Board shall be a mandatory minimum standard; and

7. To report annually on or before December 1 to the General Assembly and the Governor on the results of the inspections and audits of local, regional, or community correctional facilities conducted pursuant to § 53.1-68 and the reviews of the deaths of inmates that occur in any local, regional, or community correctional facility conducted pursuant to § 53.1-69.1. The report shall include (i) a summary of the results of such inspections, audits, and reviews, including any trends identified by such inspections, audits, and reviews and the frequency of violations of each standard established for local, regional, or community correctional facilities, and (ii) any recommendations for changes to the standards established for local, regional, or community correctional facilities or the policies and procedures for conducting reviews of the death of inmates to improve the operations, safety, and security of local, regional, or community correctional facilities.

CHAPTER 137

An Act to amend and reenact §§ 13.1-604 and 13.1-804 of the Code of Virginia, relating to State Corporation Commission; annual report filing requirements.

[H 124]

Approved March 26, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 13.1-604 and 13.1-804 of the Code of Virginia are amended and reenacted as follows:

§ 13.1-604. Filing requirements.

A. A document shall satisfy the requirements of this section, and of any other section that adds to or varies these requirements, to be entitled to be filed with the Commission.

B. To be entitled to be filed with the Commission, this chapter shall require or permit the document to be filed with the Commission.

C. The document shall contain the information required by this chapter and may contain other information as well.

D. The document shall be typewritten or printed or, if electronically transmitted, shall be in a format that can be retrieved or reproduced in typewritten or printed form. The typewritten or printed portion shall be in black. Photocopies, or other reproduced copies, of typewritten or printed documents may be filed. In every case, information in the document shall be legible and the document shall be capable of being reformatted and reproduced in copies of archival quality.

E. The document shall be in the English language. A corporate name need not be in English if written in English letters or Arabic or Roman numerals. The articles of incorporation, duly authenticated by the official having custody of corporate records in the jurisdiction of formation of the foreign corporation, that are required of foreign corporations need not be in English if accompanied by a reasonably authenticated English translation.

F. The document shall be signed in the name of the domestic or foreign corporation:

1. By the chairman or any vice-chairman of the board of directors, the president, or any other of its officers;

2. If directors have not been selected or the corporation has not been formed, by an incorporator; or

3. If the corporation is in the hands of a receiver, trustee, or other court-appointed fiduciary, by that fiduciary.

G. Any annual report required to be filed by § 13.1-775 shall be signed in the name of the corporation by an officer ~~or~~, director ~~listed in the report~~, *or other person authorized by the corporation to sign the annual report,* or, if the corporation is in the hands of a receiver, trustee, or other court-appointed fiduciary, by that fiduciary.

H. The person executing the document shall sign it and state beneath or opposite his signature his name and the capacity in which the document is signed. The document may but need not contain a corporate seal, attestation, acknowledgment, or verification.

I. If, pursuant to any provision of this chapter, the Commission has prescribed a mandatory form for the document, the document shall be in or on the prescribed form.

J. The document shall be delivered to the Commission for filing and shall be accompanied by the correct filing fee, and any franchise tax, charter or entrance fee, registration fee, or penalty required by this chapter to be paid at the time of delivery for filing.

K. The Commission may accept the electronic transmission of any document or other information required or permitted to be filed by this chapter and may prescribe the methods of execution, recording, reproduction and certification of electronically transmitted information pursuant to § 59.1-496.

L. Whenever a provision of this chapter permits any of the terms of a plan or a filed document to be dependent on facts objectively ascertainable outside the plan or filed document, the following provisions apply:

1. The plan or filed document shall specify the nationally recognized news or information medium in which the facts can be found or otherwise state the manner in which the facts can be objectively ascertained. The manner in which the facts will operate upon the terms of the plan or filed document shall be set forth in the plan or filed document.

2. The facts may include:

a. Any of the following that is available in a nationally recognized news or information medium either in print or electronically: statistical or market indices, market prices of any security or group of securities, interest rates, currency exchange rates, or similar economic or financial data;

b. A determination or action by any person or body, including the corporation or any other party to a plan or filed document; or

c. The terms of, or actions taken under, an agreement to which the corporation is a party, or any other agreement or document.

3. As used in this subsection:

a. "Filed document" means a document filed with the Commission under § 13.1-619 or Article 11 (§ 13.1-705 et seq.), 12 (§ 13.1-715.1 et seq.), 12.1 (§ 13.1-722.1:1 et seq.), 12.2 (§ 13.1-722.8 et seq.), 16 (§ 13.1-742 et seq.), or 22 (§ 13.1-782 et seq.); and

b. "Plan" means a plan of domestication, conversion, merger, or share exchange.

4. The following terms of a plan or filed document may not be made dependent on facts outside the plan or filed document:

a. The name and address of any person required in a filed document;

b. A purpose that is required to be set forth in a filed document;

c. The registered office address of any entity required in a filed document;

d. The name or qualification of the registered agent of any entity required in a filed document;

e. The number of authorized shares and the designation of each class or series of shares;

f. The effective date of a filed document; and

g. Any required statement in a filed document of the date on which the underlying transaction was approved or the manner in which that approval was given.

5. If a term of a filed document is made dependent on a fact objectively ascertainable outside of the filed document, and that fact is not objectively ascertainable by reference to a source described in subdivision 2 a or a document that is a matter of public record, nor has notice of the fact been given by the corporation to the affected shareholders, then the corporation shall file with the Commission articles of amendment setting forth the fact promptly after the time when the fact referred to is first ascertainable or thereafter changes. Articles of amendment under this subdivision are deemed to be authorized by the authorization of the original filed document or plan to which they relate and may be filed by the corporation without further action by the board of directors or the shareholders.

6. The provisions of subdivisions 1, 2, and 5 shall not be considered by the Commission in deciding whether the terms of a plan or filed document comply with the requirements of law.

§ 13.1-804. Filing requirements.

A. A document shall satisfy the requirements of this section, and of any other section that adds to or varies these requirements, to be entitled to be filed with the Commission.

B. The document shall be one that this Act requires or permits to be filed with the Commission.

C. The document shall contain the information required by this Act. It may contain other information as well.

D. The document shall be typewritten or printed or, if electronically transmitted, shall be in a format that can be retrieved or reproduced in typewritten or printed form. The typewritten or printed portion shall be in black. Photocopies, or other reproduced copies, of typewritten or printed documents may be filed. In every case, information in the document shall be legible and the document shall be capable of being reformatted and reproduced in copies of archival quality.

E. The document shall be in the English language. A corporate name need not be in English if written in English letters or Arabic or Roman numerals. The articles of incorporation, duly authenticated by the official having custody of corporate records in the state or country under whose law the corporation is incorporated, which are required of foreign corporations need not be in English if accompanied by a reasonably authenticated English translation.

F. The document shall be signed in the name of the domestic or foreign corporation:

1. By the chairman or any vice-chairman of the board of directors, the president, or any other of its officers authorized to act on behalf of the corporation;

2. If directors have not been selected or the corporation has not been formed, by an incorporator; or

3. If the corporation is in the hands of a receiver, trustee, or other court-appointed fiduciary, by that fiduciary.

G. Any annual report required to be filed by § 13.1-936 shall be signed in the name of the corporation by an officer ~~or~~, director ~~listed in the report~~, *or other person authorized by the corporation to sign the annual report,* or, if the corporation is in the hands of a receiver, trustee, or other court-appointed fiduciary, by that fiduciary.

H. The person signing the document shall state beneath or opposite his signature his name and the capacity in which he signs. Any signature may be a facsimile. The document may but need not contain a corporate seal, attestation, acknowledgment, or verification.

I. If, pursuant to any provision of this Act, the Commission has prescribed a mandatory form for the document, the document shall be in or on the prescribed form.

J. The document shall be delivered to the Commission for filing and shall be accompanied by the required filing fee, and any charter or entrance fee or registration fee required by this Act.

K. The Commission may accept the electronic filing of any information required or permitted to be filed by this Act and may prescribe the methods of execution, recording, reproduction and certification of electronically filed information pursuant to § 59.1-496.

L. Whenever a provision of this Act permits any of the terms of a plan or a filed document to be dependent on facts objectively ascertainable outside the plan or filed document, the following provisions apply:

1. The plan or filed document shall specify the nationally recognized news or information medium in which the facts may be found or otherwise state the manner in which the facts can be objectively ascertained. The manner in which the facts will operate upon the terms of the plan or filed document shall be set forth in the plan or filed document.

2. The facts may include:

a. Any of the following that are available in a nationally recognized news or information medium either in print or electronically: statistical or market indices, market prices of any security or group of securities, interest rates, currency exchange rates, or similar economic or financial data;

b. A determination or action by any person or body, including the corporation or any other party to a plan or filed document; or

c. The terms of or actions taken under an agreement to which the corporation is a party, or any other agreement or document.

3. As used in this subsection:

a. "Filed document" means a document filed with the Commission under § 13.1-819 or Article 10 (§ 13.1-884 et seq.) or 11 (§ 13.1-893.1 et seq.) of this Act; and

b. "Plan" means a plan of merger.

4. The following terms of a plan or filed document may not be made dependent on facts outside the plan or filed document:

a. The name and address of any person required in a filed document;

b. The registered office of any entity required in a filed document;

c. The registered agent of any entity required in a filed document;

d. The number of members and designation of each class of members;

e. The effective date of a filed document; and

f. Any required statement in a filed document of the date on which the underlying transaction was approved or the manner in which that approval was given.

5. If a term of a filed document is made dependent on a fact objectively ascertainable outside of the filed document and that fact is not objectively ascertainable by reference to a source described in subdivision 2a or to a document that is a matter of public record, or if the affected members have not received notice of the fact from the corporation, then the corporation shall file with the Commission articles of amendment setting forth the fact promptly after the time when the fact referred to is first objectively ascertainable or thereafter changes. Articles of amendment under this subdivision are deemed to be authorized by the authorization of the original filed document or plan to which they relate and may be filed by the corporation without further action by the board of directors or the members.

6. The provisions of subdivisions 1, 2, and 5 of this subsection shall not be considered by the Commission in deciding whether the terms of a plan or filed document comply with the requirements of law.

CHAPTER 138

An Act to amend the Code of Virginia by adding a section numbered 46.2-808.3, relating to moving violations; highway work zones.

[H 282]

Approved March 26, 2024

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 46.2-808.3 as follows:

§ 46.2-808.3. Violations committed within highway work zone; penalty.

Operation of any motor vehicle in a manner constituting a moving violation of any provision of this chapter in a highway work zone, as defined in § 46.2-878.1, when workers are present and when such highway work zone is indicated by

appropriately placed signs shall be unlawful and shall constitute a traffic infraction punishable by a fine of not less than $300 for the first offense and not less than $500 for any subsequent offense. However, if any such subsequent offense occurs within the same 12-month period as any other moving violation of any provision of this chapter while operating a motor vehicle in a highway work zone, as defined in § 46.2-878.1, such fine shall be not less than $750.

A prosecution or proceeding under § 46.2-878.1 is a bar to a prosecution or proceeding under this section for the same act, and a prosecution or proceeding under this section is a bar to a prosecution or proceeding under § 46.2-878.1 for the same act.

Nothing in this section shall preclude the prosecution or conviction for reckless driving of any motor vehicle operator whose operation of any motor vehicle in a highway work zone demonstrates a reckless disregard for life, limb, or property.

CHAPTER 139

An Act to amend and reenact § 4.1-111 of the Code of Virginia, relating to alcoholic beverage control; advertisements.

[H 522]

Approved March 26, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 4.1-111 of the Code of Virginia is amended and reenacted as follows:

§ 4.1-111. Regulations of Board.

A. The Board may promulgate reasonable regulations, not inconsistent with this subtitle or the general laws of the Commonwealth, which it deems necessary to carry out the provisions of this subtitle and to prevent the illegal manufacture, bottling, sale, distribution, and transportation of alcoholic beverages. The Board may amend or repeal such regulations. Such regulations shall be promulgated, amended or repealed in accordance with the Administrative Process Act (§ 2.2-4000 et seq.) and shall have the effect of law.

B. The Board shall promulgate regulations that:

1. Prescribe what hours and on what days alcoholic beverages shall not be sold by licensees or consumed on any licensed premises, including a provision that mixed beverages may be sold only at such times as wine and beer may be sold.

2. Require mixed beverage caterer licensees to notify the Board in advance of any event to be served by such licensee.

3. Maintain the reasonable separation of retailer interests from those of the manufacturers, bottlers, brokers, importers, and wholesalers in accordance with § 4.1-216 and in consideration of the established trade customs, quantity, and value of the articles or services involved; prevent undue competitive domination of any person by any other person engaged in the manufacture, distribution, and sale at retail or wholesale of alcoholic beverages in the Commonwealth; and promote reasonable accommodation of arm's length business transactions.

4. Establish requirements for the form, content, and retention of all records and accounts, including the (i) reporting and collection of taxes required by § 4.1-236 and (ii) the sale of alcoholic beverages in kegs, by all licensees.

5. Require retail licensees to file an appeal from any hearing decision rendered by a hearing officer within 30 days of the date the notice of the decision is sent. The notice shall be sent to the licensee at the address on record with the Board by certified mail, return receipt requested, and by regular mail.

6. Prescribe the terms and conditions under which persons who collect or trade designer or vintage spirit bottles may sell such bottles at auction, provided that (i) the auction is conducted in accordance with the provisions of Chapter 6 (§ 54.1-600 et seq.) of Title 54.1 and (ii) the bottles are unopened and the manufacturers' seals, marks, or stamps affixed to the bottles are intact.

7. Prescribe the terms and conditions under which credit or debit cards may be accepted from licensees for purchases at government stores, including provision for the collection, where appropriate, of related fees, penalties, and service charges.

8. Require that banquet licensees in charge of public events as defined by Board regulations report to the Board the income and expenses associated with the public event on a form prescribed by the Board when the banquet licensee engages another person to organize, conduct, or operate the event on behalf of the banquet licensee. Such regulations shall be applicable only to public events where alcoholic beverages are being sold.

9. Provide alternative methods for licensees to maintain and store business records that are subject to Board inspection, including methods for Board-approved electronic and off-site storage.

10. Require off-premises retail licensees to place any premixed alcoholic energy drinks containing one-half of one percent or more of alcohol by volume in the same location where wine and beer are available for sale within the licensed premises.

11. Prescribe the terms and conditions under which mixed beverage licensees may infuse, store, and sell flavored distilled spirits, including a provision that limits infusion containers to a maximum of 20 liters.

12. Prescribe the schedule of proration for refunded license taxes to licensees who qualify pursuant to subsection C of § 4.1-232.

13. Establish reasonable time, place, and manner restrictions on outdoor advertising of alcoholic beverages, not inconsistent with the provisions of this subtitle, so that such advertising does not encourage or otherwise promote the consumption of alcoholic beverages by persons to whom alcoholic beverages may not be lawfully sold. Such regulations shall:

a. Restrict outdoor advertising of alcoholic beverages in publicly visible locations consistent with (i) the general prohibition against tied interests between retail licensees and manufacturers or wholesale licensees as provided in §§ 4.1-215 and 4.1-216; (ii) the prohibition against manufacturer control of wholesale licensees as set forth in § 4.1-223 and Board regulations adopted pursuant thereto; and (iii) the general prohibition against cooperative advertising between manufacturers, wholesalers, or importers and retail licensees as set forth in Board regulation; and

b. Permit (i) any outdoor signage or advertising not otherwise prohibited by this subtitle and (ii) the display of outdoor alcoholic beverage advertising on lawfully erected billboard signs regulated under Chapter 12 (§ 33.2-1200 et seq.) of Title 33.2 where such signs are located on commercial real estate as defined in § 55.1-1100, but only in accordance with this subtitle.

14. Prescribe the terms and conditions under which a licensed brewery may manufacture beer pursuant to an agreement with a brand owner not under common control with the manufacturing brewery and sell and deliver the beer so manufactured to the brand owner. The regulations shall require that (i) the brand owner be an entity appropriately licensed as a brewery or beer wholesaler, (ii) a written agreement be entered into by the parties, and (iii) records as deemed appropriate by the Board are maintained by the parties.

15. Prescribe the terms for any "happy hour" conducted by on-premises licensees. Such regulations shall permit on-premises licensees to advertise any alcoholic beverage products featured during a happy hour and any pricing related to such happy hour. Such regulations shall not prohibit on-premises licensees from using creative marketing techniques in such advertisements, provided that such techniques do not tend to induce overconsumption or consumption by minors.

16. Permit retail on-premises licensees to give a gift of one alcoholic beverage to a patron or one bottle of wine to a group of two or more patrons, provided that (i) such gifts only are made to individuals to whom such products may lawfully be sold and (ii) only one such gift is given during any 24-hour period and subject to any Board limitations on the frequency of such gifts.

17. Permit the sale of beer and cider for off-premises consumption in resealable growlers made of glass, ceramic, metal, or other materials approved by the Board, or other resealable containers approved by the Board, with a maximum capacity of 128 fluid ounces or, for metric-sized containers, four liters.

18. Permit the sale of wine for off-premises consumption in resealable growlers made of glass, ceramic, metal, or other materials approved by the Board, or other resealable containers approved by the Board, with a maximum capacity of 64 fluid ounces or, for metric-sized containers, two liters. Wine growlers may be used only by persons licensed to sell wine for both on-premises and off-premises consumption or by gourmet shops granted a retail off-premises wine and beer license. Growlers sold by gourmet shops shall be labeled with (i) the manufacturer's name or trade name, (ii) the place of production, (iii) the net contents in fluid ounces, and (iv) the name and address of the retailer.

19. Permit the sale of wine, cider, and beer by retailers licensed to sell beer and wine for both on-premises and off-premises consumption, or by gourmet shops granted a retail off-premises wine and beer license for off-premises consumption in sealed containers made of metal or other materials approved by the Board with a maximum capacity of 32 fluid ounces or, for metric-sized containers, one liter, provided that the alcoholic beverage is placed in the container following an order from the consumer.

20. Permit mixed beverage licensees to premix containers of sangria and other mixed alcoholic beverages and to serve such alcoholic beverages in pitchers, subject to size and quantity limitations established by the Board.

21. Establish and make available to all licensees and permittees for which on-premises consumption of alcoholic beverages is allowed and employees of such licensees and permittees who serve as a bartender or otherwise sell, serve, or dispense alcoholic beverages for on-premises consumption a bar bystander training module, which shall include (i) information that enables licensees, permittees, and their employees to recognize situations that may lead to sexual assault and (ii) intervention strategies to prevent such situations from culminating in sexual assault.

22. Require mixed beverage licensees, except for mixed beverage casino licensees, to have food, cooked or prepared on the licensed premises, available for on-premises consumption until at least 30 minutes prior to an establishment's closing. Such food shall be available in all areas of the licensed premises in which spirits are sold or served.

23. Prescribe the terms and conditions under which the Board may suspend the privilege of a mixed beverage licensee to purchase spirits from the Board upon such licensee's failure to submit any records or other documents necessary to verify the licensee's compliance with applicable minimum food sale requirements within 30 days of the date such records or documents are due.

24. Prescribe the terms and conditions under which manufacturers, brokers, importers, and wholesalers may advertise and promote alcoholic beverages via the Internet, social media, direct-to-consumer electronic communication, or other electronic means in a manner not inconsistent with the provisions of this subtitle.

C. The Board may promulgate regulations that:

1. Provide for the waiver of the license tax for an applicant for a banquet license, such waiver to be based on (i) the amount of alcoholic beverages to be provided by the applicant, (ii) the not-for-profit status of the applicant, and (iii) the condition that no profits are to be generated from the event. For the purposes of clause (ii), the applicant shall submit with the application, an affidavit certifying its not-for-profit status. The granting of such waiver shall be limited to two events per year for each applicant.

2. Establish limitations on the quantity and value of any gifts of alcoholic beverages made in the course of any business entertainment pursuant to subdivision A 22 of § 4.1-325 or subsection C of § 4.1-325.2.

3. Provide incentives to licensees with a proven history of compliance with state and federal laws and regulations to encourage licensees to conduct their business and related activities in a manner that is beneficial to the Commonwealth.

D. Board regulations shall be uniform in their application, except those relating to hours of sale for licensees.

E. Courts shall take judicial notice of Board regulations.

F. The Board's power to regulate shall be broadly construed.

CHAPTER 140

An Act to amend and reenact § 58.1-801 of the Code of Virginia, relating to recordation tax; value of interest conveyed.

[H 574]

Approved March 26, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 58.1-801 of the Code of Virginia is amended and reenacted as follows:

§ 58.1-801. Deeds generally; charter amendments.

A. On every deed admitted to record, except a deed exempt from taxation by law, there is hereby levied a state recordation tax. The rate of the tax shall be 25 cents on every $100 or fraction thereof of *(i)* the consideration of the deed or *(ii)* the actual value of the property conveyed, whichever is greater. *For the purposes of this chapter, "value of the property conveyed" or "value of the interest" means the most recent property tax assessment for such property at the time the property is conveyed.*

Upon deeds conveying property lying partly within the Commonwealth and partly without the Commonwealth, the tax herein imposed shall apply only to the value of so much of the property conveyed as is situated within the Commonwealth.

B. When the charter of a corporation is amended, and the only effect of such amendment is to change the corporate name of such corporation, the tax upon the recordation of a deed conveying to, or vesting in, such corporation under its changed name, the title to any or all of the real or personal property of such corporation held in its name as it existed immediately prior to such amendment, shall be 50 cents.

CHAPTER 141

An Act to amend and reenact § 9.1-102 of the Code of Virginia, relating to training standards for law-enforcement officers; drug use.

[H 586]

Approved March 26, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 9.1-102 of the Code of Virginia is amended and reenacted as follows:

§ 9.1-102. Powers and duties of the Board and the Department.

The Department, under the direction of the Board, which shall be the policy-making body for carrying out the duties and powers hereunder, shall have the power and duty to:

1. Adopt regulations, pursuant to the Administrative Process Act (§ 2.2-4000 et seq.), for the administration of this chapter including the authority to require the submission of reports and information by law-enforcement officers within the Commonwealth. Any proposed regulations concerning the privacy, confidentiality, and security of criminal justice information shall be submitted for review and comment to any board, commission, or committee or other body which may be established by the General Assembly to regulate the privacy, confidentiality, and security of information collected and maintained by the Commonwealth or any political subdivision thereof;

2. Establish compulsory minimum training standards subsequent to employment as a law-enforcement officer in (i) permanent positions and (ii) temporary or probationary status and establish the time required for completion of such training. Such compulsory minimum training standards shall include crisis intervention training in accordance with clause (i) of § 9.1-188;

3. Establish minimum training standards and qualifications for certification and recertification for law-enforcement officers serving as field training officers;

4. Establish compulsory minimum curriculum requirements for in-service and advanced courses and programs for schools, whether located in or outside the Commonwealth, which are operated for the specific purpose of training law-enforcement officers;

5. Establish (i) compulsory minimum training standards for law-enforcement officers who utilize radar or an electrical or microcomputer device to measure the speed of motor vehicles as provided in § 46.2-882 and establish the time required for completion of the training and (ii) compulsory minimum qualifications for certification and recertification of instructors who provide such training;

6. [Repealed];

7. Establish compulsory minimum entry-level, in-service and advanced training standards for those persons designated to provide courthouse and courtroom security pursuant to the provisions of § 53.1-120, and to establish the time required for completion of such training;

8. Establish compulsory minimum entry-level, in-service and advanced training standards for deputy sheriffs designated to serve process pursuant to the provisions of § 8.01-293, and establish the time required for the completion of such training;

9. Establish compulsory minimum entry-level, in-service, and advanced training standards, as well as the time required for completion of such training, for persons employed as deputy sheriffs and jail officers by local criminal justice agencies and correctional officers employed by the Department of Corrections under the provisions of Title 53.1. For correctional officers employed by the Department of Corrections, such standards shall include training on the general care of pregnant women, the impact of restraints on pregnant inmates and fetuses, the impact of being placed in restrictive housing or solitary confinement on pregnant inmates, and the impact of body cavity searches on pregnant inmates;

10. Establish compulsory minimum training standards for all dispatchers employed by or in any local or state government agency, whose duties include the dispatching of law-enforcement personnel. Such training standards shall apply only to dispatchers hired on or after July 1, 1988;

11. Establish compulsory minimum training standards for all auxiliary police officers employed by or in any local or state government agency. Such training shall be graduated and based on the type of duties to be performed by the auxiliary police officers. Such training standards shall not apply to auxiliary police officers exempt pursuant to § 15.2-1731;

12. Consult and cooperate with counties, municipalities, agencies of the Commonwealth, other state and federal governmental agencies, and institutions of higher education within or outside the Commonwealth, concerning the development of police training schools and programs or courses of instruction;

13. Approve institutions, curricula and facilities, whether located in or outside the Commonwealth, for school operation for the specific purpose of training law-enforcement officers; but this shall not prevent the holding of any such school whether approved or not;

14. Establish and maintain police training programs through such agencies and institutions as the Board deems appropriate;

15. Establish compulsory minimum qualifications of certification and recertification for instructors in criminal justice training academies approved by the Department;

16. Conduct and stimulate research by public and private agencies which shall be designed to improve police administration and law enforcement;

17. Make recommendations concerning any matter within its purview pursuant to this chapter;

18. Coordinate its activities with those of any interstate system for the exchange of criminal history record information, nominate one or more of its members to serve upon the council or committee of any such system, and participate when and as deemed appropriate in any such system's activities and programs;

19. Conduct inquiries and investigations it deems appropriate to carry out its functions under this chapter and, in conducting such inquiries and investigations, may require any criminal justice agency to submit information, reports, and statistical data with respect to its policy and operation of information systems or with respect to its collection, storage, dissemination, and usage of criminal history record information and correctional status information, and such criminal justice agencies shall submit such information, reports, and data as are reasonably required;

20. Conduct audits as required by § 9.1-131;

21. Conduct a continuing study and review of questions of individual privacy and confidentiality of criminal history record information and correctional status information;

22. Advise criminal justice agencies and initiate educational programs for such agencies with respect to matters of privacy, confidentiality, and security as they pertain to criminal history record information and correctional status information;

23. Maintain a liaison with any board, commission, committee, or other body which may be established by law, executive order, or resolution to regulate the privacy and security of information collected by the Commonwealth or any political subdivision thereof;

24. Adopt regulations establishing guidelines and standards for the collection, storage, and dissemination of criminal history record information and correctional status information, and the privacy, confidentiality, and security thereof necessary to implement state and federal statutes, regulations, and court orders;

25. Operate a statewide criminal justice research center, which shall maintain an integrated criminal justice information system, produce reports, provide technical assistance to state and local criminal justice data system users, and provide analysis and interpretation of criminal justice statistical information;

26. Develop a comprehensive, statewide, long-range plan for strengthening and improving law enforcement and the administration of criminal justice throughout the Commonwealth, and periodically update that plan;

27. Cooperate with, and advise and assist, all agencies, departments, boards and institutions of the Commonwealth, and units of general local government, or combinations thereof, including planning district commissions, in planning, developing, and administering programs, projects, comprehensive plans, and other activities for improving law enforcement and the administration of criminal justice throughout the Commonwealth, including allocating and subgranting funds for these purposes;

28. Define, develop, organize, encourage, conduct, coordinate, and administer programs, projects and activities for the Commonwealth and units of general local government, or combinations thereof, in the Commonwealth, designed to strengthen and improve law enforcement and the administration of criminal justice at every level throughout the Commonwealth;

29. Review and evaluate programs, projects, and activities, and recommend, where necessary, revisions or alterations to such programs, projects, and activities for the purpose of improving law enforcement and the administration of criminal justice;

30. Coordinate the activities and projects of the state departments, agencies, and boards of the Commonwealth and of the units of general local government, or combination thereof, including planning district commissions, relating to the preparation, adoption, administration, and implementation of comprehensive plans to strengthen and improve law enforcement and the administration of criminal justice;

31. Do all things necessary on behalf of the Commonwealth and its units of general local government, to determine and secure benefits available under the Omnibus Crime Control and Safe Streets Act of 1968 (P.L. 90-351, 82 Stat. 197), as amended, and under any other federal acts and programs for strengthening and improving law enforcement, the administration of criminal justice, and delinquency prevention and control;

32. Receive, administer, and expend all funds and other assistance available to the Board and the Department for carrying out the purposes of this chapter and the Omnibus Crime Control and Safe Streets Act of 1968, as amended;

33. Apply for and accept grants from the United States government or any other source in carrying out the purposes of this chapter and accept any and all donations both real and personal, and grants of money from any governmental unit or public agency, or from any institution, person, firm or corporation, and may receive, utilize and dispose of the same. Any arrangements pursuant to this section shall be detailed in the annual report of the Board. Such report shall include the identity of the donor, the nature of the transaction, and the conditions, if any. Any moneys received pursuant to this section shall be deposited in the state treasury to the account of the Department. To these ends, the Board shall have the power to comply with conditions and execute such agreements as may be necessary;

34. Make and enter into all contracts and agreements necessary or incidental to the performance of its duties and execution of its powers under this chapter, including but not limited to, contracts with the United States, units of general local government or combinations thereof, in Virginia or other states, and with agencies and departments of the Commonwealth;

35. Adopt and administer reasonable regulations for the planning and implementation of programs and activities and for the allocation, expenditure and subgranting of funds available to the Commonwealth and to units of general local government, and for carrying out the purposes of this chapter and the powers and duties set forth herein;

36. Certify and decertify law-enforcement officers in accordance with §§ 15.2-1706 and 15.2-1707;

37. Establish training standards and publish and periodically update model policies for law-enforcement personnel in the following subjects:

a. The handling of family abuse, domestic violence, sexual assault, and stalking cases, including standards for determining the predominant physical aggressor in accordance with § 19.2-81.3. The Department shall provide technical support and assistance to law-enforcement agencies in carrying out the requirements set forth in subsection A of § 9.1-1301;

b. The identification of, communication with, and facilitation of the safe return of individuals diagnosed with Alzheimer's disease and dementia, which shall include (i) techniques for respectful and effective communication with individuals with Alzheimer's disease and dementia and their caregivers; (ii) techniques for addressing the behavioral symptoms of Alzheimer's disease and dementia, including alternatives to physical restraint; (iii) protocols for identifying and reporting incidents of abuse, neglect, and exploitation of individuals with Alzheimer's disease and dementia to adult protective services; (iv) protocols for contacting caregivers when an individual with Alzheimer's disease or dementia is found wandering or during an emergency or crisis situation; (v) a reference list of local resources available for individuals with Alzheimer's disease and dementia; and (vi) a reference list of local and national organizations that assist law-enforcement personnel with locating missing and wandering individuals with Alzheimer's disease and dementia and returning them to their caregivers;

c. Sensitivity to and awareness of systemic and individual racism, cultural diversity, and the potential for racially biased policing and bias-based profiling as defined in § 52-30.1, which shall include recognizing implicit biases in interacting with persons who have a mental illness, substance use disorder, or developmental or cognitive disability;

d. Protocols for local and regional sexual assault response teams;

e. Communication of death notifications;

f. The questioning of individuals suspected of driving while intoxicated concerning the physical location of such individual's last consumption of an alcoholic beverage and the communication of such information to the Virginia Alcoholic Beverage Control Authority;

g. Vehicle patrol duties that embody current best practices for pursuits and for responding to emergency calls;

h. Criminal investigations that embody current best practices for conducting photographic and live lineups;

i. Sensitivity to and awareness of human trafficking offenses and the identification of victims of human trafficking offenses for personnel involved in criminal investigations or assigned to vehicle or street patrol duties;

j. The recognition, prevention, and reporting of human trafficking;

k. Missing children, missing adults, and search and rescue protocol; ~~and~~

l. The handling and use of tear gas or other gases and kinetic impact munitions, as defined in § 19.2-83.3, that embody current best practices for using such items as a crowd control measure or during an arrest or detention of another person; *and*

m. The use of naloxone or other opioid antagonists to prevent opioid overdose deaths, in coordination with statewide naloxone training programs developed by the Department of Behavioral Health and Developmental Services and the Virginia Department of Health;

38. Establish compulsory training standards for basic training and the recertification of law-enforcement officers to ensure (i) sensitivity to and awareness of systemic and individual racism, cultural diversity, and the potential for racially biased policing and bias-based profiling as defined in § 52-30.1, which shall include recognizing implicit biases in interacting with persons who have a mental illness, substance use disorder, or developmental or cognitive disability; (ii) training in de-escalation techniques; and (iii) training in the lawful use of force, including the use of deadly force, as defined in § 19.2-83.3, only when necessary to protect the law-enforcement officer or another person;

39. Review and evaluate community-policing programs in the Commonwealth, and recommend where necessary statewide operating procedures, guidelines, and standards that strengthen and improve such programs, including sensitivity to and awareness of systemic and individual racism, cultural diversity, and the potential for racially biased policing and bias-based profiling as defined in § 52-30.1, which shall include recognizing implicit biases in interacting with persons who have a mental illness, substance use disorder, or developmental or cognitive disability;

40. Establish a Virginia Law-Enforcement Accreditation Center. The Center may, in cooperation with Virginia law-enforcement agencies, provide technical assistance and administrative support, including staffing, for the establishment of voluntary state law-enforcement accreditation standards. The Center may provide accreditation assistance and training, resource material, and research into methods and procedures that will assist the Virginia law-enforcement community efforts to obtain Virginia accreditation status;

41. Promote community policing philosophy and practice throughout the Commonwealth by providing community policing training and technical assistance statewide to all law-enforcement agencies, community groups, public and private organizations and citizens; developing and distributing innovative policing curricula and training tools on general community policing philosophy and practice and contemporary critical issues facing Virginia communities; serving as a consultant to Virginia organizations with specific community policing needs; facilitating continued development and implementation of community policing programs statewide through discussion forums for community policing leaders, development of law-enforcement instructors; promoting a statewide community policing initiative; and serving as a statewide information source on the subject of community policing including, but not limited to periodic newsletters, a website and an accessible lending library;

42. Establish, in consultation with the Department of Education and the Virginia State Crime Commission, compulsory minimum standards for employment and job-entry and in-service training curricula and certification requirements for school security officers, including school security officers described in clause (b) of § 22.1-280.2:1, which training and certification shall be administered by the Virginia Center for School and Campus Safety (VCSCS) pursuant to § 9.1-184. Such training standards shall be specific to the role and responsibility of school security officers and shall include (i) relevant state and federal laws; (ii) school and personal liability issues; (iii) security awareness in the school environment; (iv) mediation and conflict resolution, including de-escalation techniques such as a physical alternative to restraint; (v) disaster and emergency response; (vi) awareness of systemic and individual racism, cultural diversity, and implicit bias; (vii) working with students with disabilities, mental health needs, substance use disorders, and past traumatic experiences; and (viii) student behavioral dynamics, including child and adolescent development and brain research. The Department shall establish an advisory committee consisting of local school board representatives, principals, superintendents, and school security personnel to assist in the development of the standards and certification requirements in this subdivision. The Department shall require any school security officer who carries a firearm in the performance of his duties to provide proof that he has completed a training course provided by a federal, state, or local law-enforcement agency that includes training in active shooter emergency response, emergency evacuation procedure, and threat assessment;

43. License and regulate property bail bondsmen and surety bail bondsmen in accordance with Article 11 (§ 9.1-185 et seq.);

44. License and regulate bail enforcement agents in accordance with Article 12 (§ 9.1-186 et seq.);

45. In conjunction with the Virginia State Police and the State Compensation Board, advise criminal justice agencies regarding the investigation, registration, and dissemination of information requirements as they pertain to the Sex Offender and Crimes Against Minors Registry Act (§ 9.1-900 et seq.);

46. Establish minimum standards for (i) employment, (ii) job-entry and in-service training curricula, and (iii) certification requirements for campus security officers. Such training standards shall include, but not be limited to, the role and responsibility of campus security officers, relevant state and federal laws, school and personal liability issues, security awareness in the campus environment, and disaster and emergency response. The Department shall provide technical support and assistance to campus police departments and campus security departments on the establishment and implementation of policies and procedures, including but not limited to: the management of such departments, investigatory procedures, judicial referrals, the establishment and management of databases for campus safety and security information sharing, and development of uniform record keeping for disciplinary records and statistics, such as campus crime logs, judicial referrals and Clery Act statistics. The Department shall establish an advisory committee consisting of college

administrators, college police chiefs, college security department chiefs, and local law-enforcement officials to assist in the development of the standards and certification requirements and training pursuant to this subdivision;

47. Assess and report, in accordance with § 9.1-190, the crisis intervention team programs established pursuant to § 9.1-187;

48. In conjunction with the Office of the Attorney General, advise law-enforcement agencies and attorneys for the Commonwealth regarding the identification, investigation, and prosecution of human trafficking offenses using the common law and existing criminal statutes in the Code of Virginia;

49. Register tow truck drivers in accordance with § 46.2-116 and carry out the provisions of § 46.2-117;

50. Administer the activities of the Virginia Sexual and Domestic Violence Program Professional Standards Committee by providing technical assistance and administrative support, including staffing, for the Committee;

51. In accordance with § 9.1-102.1, design and approve the issuance of photo-identification cards to private security services registrants registered pursuant to Article 4 (§ 9.1-138 et seq.);

52. In consultation with the State Council of Higher Education for Virginia and the Virginia Association of Campus Law Enforcement Administrators, develop multidisciplinary curricula on trauma-informed sexual assault investigation;

53. In consultation with the Department of Behavioral Health and Developmental Services, develop a model addiction recovery program that may be administered by sheriffs, deputy sheriffs, jail officers, administrators, or superintendents in any local or regional jail. Such program shall be based on any existing addiction recovery programs that are being administered by any local or regional jails in the Commonwealth. Participation in the model addiction recovery program shall be voluntary, and such program may address aspects of the recovery process, including medical and clinical recovery, peer-to-peer support, availability of mental health resources, family dynamics, and aftercare aspects of the recovery process;

54. Establish compulsory minimum training standards for certification and recertification of law-enforcement officers serving as school resource officers. Such training shall be specific to the role and responsibility of a law-enforcement officer working with students in a school environment and shall include (i) relevant state and federal laws; (ii) school and personal liability issues; (iii) security awareness in the school environment; (iv) mediation and conflict resolution, including de-escalation techniques; (v) disaster and emergency response; (vi) awareness of systemic and individual racism, cultural diversity, and implicit bias; (vii) working with students with disabilities, mental health needs, substance use disorders, or past traumatic experiences; and (viii) student behavioral dynamics, including current child and adolescent development and brain research;

55. Establish a model policy for the operation of body-worn camera systems as defined in § 15.2-1723.1 that also addresses the storage and maintenance of body-worn camera system records;

56. Establish compulsory minimum training standards for detector canine handlers employed by the Department of Corrections, standards for the training and retention of detector canines used by the Department of Corrections, and a central database on the performance and effectiveness of such detector canines that requires the Department of Corrections to submit comprehensive information on each canine handler and detector canine, including the number and types of calls and searches, substances searched for and whether or not detected, and the number of false positives, false negatives, true positives, and true negatives;

57. Establish compulsory training standards for basic training of law-enforcement officers for recognizing and managing stress, self-care techniques, and resiliency;

58. Establish guidelines and standards for psychological examinations conducted pursuant to subsection C of § 15.2-1705;

59. Establish compulsory in-service training standards, to include frequency of retraining, for law-enforcement officers in the following subjects: (i) relevant state and federal laws; (ii) awareness of cultural diversity and the potential for bias-based profiling as defined in § 52-30.1; (iii) de-escalation techniques; (iv) working with individuals with disabilities, mental health needs, or substance use disorders; and (v) the lawful use of force, including the use of deadly force, as defined in § 19.2-83.3, only when necessary to protect the law-enforcement officer or another person;

60. Develop a uniform curriculum and lesson plans for the compulsory minimum entry-level, in-service, and advanced training standards to be employed by criminal justice training academies approved by the Department when conducting training;

61. Adopt statewide professional standards of conduct applicable to all certified law-enforcement officers and certified jail officers and appropriate due process procedures for decertification based on serious misconduct in violation of those standards;

62. Establish and administer a waiver process, in accordance with §§ 2.2-5515 and 15.2-1721.1, for law-enforcement agencies to use certain military property. Any waivers granted by the Criminal Justice Services Board shall be published by the Department on the Department's website;

63. Establish compulsory training standards for basic training and the recertification of law-enforcement officers to include crisis intervention training in accordance with clause (ii) of § 9.1-188;

64. Advise and assist the Department of Behavioral Health and Developmental Services, and support local law-enforcement cooperation, with the development and implementation of the Marcus alert system, as defined in § 37.2-311.1, including the establishment of local protocols for law-enforcement participation in the Marcus alert system pursuant to § 9.1-193 and for reporting requirements pursuant to §§ 9.1-193 and 37.2-311.1;

65. Develop an online course to train hotel proprietors and their employees to recognize and report instances of suspected human trafficking; and

66. Perform such other acts as may be necessary or convenient for the effective performance of its duties.

CHAPTER 142

An Act to amend and reenact § 58.1-3330 of the Code of Virginia, relating to real property tax; notice of rate and assessment changes.

[H 639]

Approved March 26, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 58.1-3330 of the Code of Virginia is amended and reenacted as follows:

§ 58.1-3330. Notice of change in assessment.

A. Whenever in any county, city, or town there is a reassessment of real estate, or any change in the assessed value of any real estate, notice shall be given by mail directly to each property owner, as shown by the land books of the county, city, or town whose assessment has been changed. Such notice shall be sent by postpaid mail at least 15 days prior to the date of a hearing to protest such change to the address of the property owner as shown on such land books. The governing body of the county, city, or town shall require the officer of such county, city, or town charged with the assessment of real estate to send such notices or it shall provide funds or services to the persons making such reassessment so that such persons can send such notices.

B. Every notice shall, among other matters, show the magisterial or other district, if any, in which the real estate is located, the amount and the new and immediately prior two tax years' final assessed values of land, and the new and immediately prior two tax years' final assessed values of improvements. It shall further set out the time and place at which persons may appear before the officers making such reassessment or change and present objections thereto. The notice shall also inform each property owner of the right to view and make copies of records maintained by the local assessment office pursuant to §§ 58.1-3331 and 58.1-3332 and inform each property owner that the records available and the procedure for accessing them are set out in §§ 58.1-3331 and 58.1-3332. In counties that have elected by ordinance to prepare land and personal property books in alphabetical order as authorized by § 58.1-3301 B, such notice may omit reference to districts, as provided herein.

The following requirements shall apply to any notice of change in assessment other than one in which the change arises solely from the construction or addition of new improvements to the real estate. If the tax rate that will apply to the new assessed value has been established, then the notice shall set out such rate. In addition, whether or not the tax rate applicable to the new assessed value has been established, the notice shall set out the tax rates for the immediately prior two tax years, the total amount of the new tax levy, based on the current tax rate at the time the notices are prepared, and the amounts of the total tax levies for the immediately prior two tax years, based on the final tax rates for those tax years multiplied by the final assessed values of land and improvements for those tax years, and the percentage changes in the new tax levy from the tax levies in the immediately prior two tax years.

If the tax rate that will apply to the new assessed value has not been established, then the notice shall set out the time and place of the next meeting of the local governing body at which public testimony will be accepted on any real estate tax rate changes. Additionally, in any county, city, or town that conducts an annual or biennial reassessment of real estate or in which reassessment of real estate is conducted primarily by employees of the county, city, or town under direction of the commissioner of the revenue, if ~~the proposed rate exceeds the lowered tax rate, as that term is described in subdivision C 2 of § 58.1-3321, the notice shall set out the effective tax rate increase, as that term is described in subdivision C 3 of § 58.1-3321~~ *the overall total assessed value of real property in the locality, excluding additional assessments due to new construction or improvements to real property, would result in an increase of one percent or more in the total real property tax levied in the locality, the notice shall set forth the tax rate that would levy the same amount of real estate tax as the previous year when multiplied by the new total assessed value of real estate, excluding additional assessments due to new construction or improvements to real property*. If this meeting will be more than 60 days from the date of the reassessment notice, then instead of the date of the meeting, the notice shall include information on when the date of the meeting will be set and where it will be publicized.

C. Any person other than the owner who receives such reassessment notice shall transmit the notice to such owner, at his last known address, immediately on receipt thereof and shall be liable to such owner in an action at law for liquidated damages in the amount of $25, in the event of a failure to so transmit the notice. Mailing such notice to the last known address of the property owner shall be deemed to satisfy the requirements of this section.

D. Notwithstanding the provisions of this section, if the address of the taxpayer as shown on the tax record is in care of a lender, the lender shall upon request furnish the county, city, or town a list of such property owners, together with their current addresses as they appear on the books of the lender, or the parties may by agreement permit the lender to forward such notices to the property owner, with the cost of postage to be paid by the county, city, or town.

CHAPTER 143

An Act for the relief of David Wayne Kingrea, relating to compensation for wrongful incarceration; sex offender registry.

[H 641]

Approved March 26, 2024

Whereas, David Wayne Kingrea (Mr. Kingrea) was convicted in 2014 in the Montgomery County Circuit Court of the felony offense of taking indecent liberties with Mr. Smith, the minor son of his then-girlfriend, a crime that he did not commit; and

Whereas, Mr. Kingrea was sentenced to 12 months in jail for such conviction and was required to register as a sex offender; and

Whereas, Mr. Kingrea served 12 months in the custody of the Virginia Department of Corrections; and

Whereas, Mr. Kingrea spent over 8 years as a registered sex offender; and

Whereas, Mr. Smith testified at Mr. Kingrea's trial that Mr. Kingrea sexually abused him on multiple occasions; and

Whereas, Mr. Smith recanted his testimony in October 2020; and

Whereas, Mr. Kingrea began pursuing exoneration at that time; and

Whereas, Mr. Kingrea pursued a writ of actual innocence in the Virginia Court of Appeals on August 19, 2021; and

Whereas, the Virginia Court of Appeals granted Mr. Kingrea's petition and issued a writ of actual innocence, vacating his convictions on June 6, 2022, pursuant to Chapter 19.3 (§ 19.2-327.10 et seq.) of Title 19.2 of the Code of Virginia; and

Whereas, Mr. Kingrea, as a result of his wrongful registration on the sex offender registry, lost countless life experiences and opportunities, including relationships with friends and family, and suffered unjustified discrimination as a result of such registration; and

Whereas, Mr. Kingrea has no other means to obtain adequate relief except by action of this body; now, therefore,

Be it enacted by the General Assembly of Virginia:

1. *§ 1. That there is hereby appropriated from the general fund of the state treasury the sum of an amount to be provided in the appropriation act for the relief of David Wayne Kingrea, to be paid by check issued by the State Treasurer on warrant of the Comptroller in accordance with the provisions of Article 18.2 (§ 8.01-195.10 et. seq.) of Chapter 3 of Title 8.01 of the Code of Virginia.*

2. That the provisions of § 8.01-195.12 of the Code of Virginia shall apply to any compensation awarded under this act.

CHAPTER 144

An Act to amend and reenact §§ 22.1-207, 22.1-253.13:1, as it shall become effective, and 22.1-279.9 of the Code of Virginia, relating to public high schools; research-based hazing prevention instruction.

[H 719]

Approved March 26, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 22.1-207, 22.1-253.13:1, as it shall become effective, and 22.1-279.9 of the Code of Virginia are amended and reenacted as follows:

§ 22.1-207. Physical and health education.

A. Physical and health education shall be emphasized throughout the public school curriculum by lessons, drills, and physical exercises, and all pupils in the public elementary, middle, and high schools shall receive as part of the educational program such health instruction and physical training as shall be prescribed by the Board ~~of Education~~ and approved by the State Board of Health. Such health instruction shall incorporate standards that recognize the multiple dimensions of health by including mental health and the relationship of physical and mental health so as to enhance student understanding, attitudes, and behavior that promote health, well-being, and human dignity. Such health instruction may include an age-appropriate program of instruction on the safe use of and risks of abuse of prescription drugs that is consistent with curriculum guidelines developed by the Board and approved by the State Board of Health.

B. The Board shall develop Standards of Learning and curriculum guidelines for research-based hazing prevention instruction to be provided as a part of physical or health education instruction provided to students in grade nine or 10. Such Standards of Learning and curriculum guidelines for such research-based hazing prevention instruction shall include age-appropriate, extensive, and current education about hazing, including (i) examples of hazing; (ii) the dangers of hazing, including the consequences of alcohol intoxication; and (iii) school policies and laws relating to hazing, including criminal penalties and bystander intervention.

C. Each local school board shall provide as a part of physical or health education instruction provided to students in grade nine or 10 research-based hazing prevention instruction in accordance with the Standards of Learning and curriculum guidelines developed by the Board pursuant to subsection B. Such research-based hazing prevention instruction shall be offered in person, provided that each local school board shall provide options for virtual participation for any student who is enrolled in an online or virtual physical or health education program.

§ 22.1-253.13:1. (For effective date, see 2022 Acts cc. 549, 550, cl. 2) Standard 1. Instructional programs supporting the Standards of Learning and other educational objectives.

A. The General Assembly and the Board believe that the fundamental goal of the public schools of the Commonwealth must be to enable each student to develop the skills that are necessary for success in school, preparation for life, and reaching their full potential. The General Assembly and the Board find that the quality of education is dependent upon the provision of (i) the appropriate working environment, benefits, and salaries necessary to ensure the availability of high-quality instructional personnel; (ii) the appropriate learning environment designed to promote student achievement; (iii) quality instruction that enables each student to become a productive and educated citizen of Virginia and the United States of America; and (iv) the adequate commitment of other resources. In keeping with this goal, the General Assembly shall provide for the support of public education as set forth in Article VIII, § 1 of the Constitution of Virginia.

B. The Board shall establish educational objectives known as the Standards of Learning, which shall form the core of Virginia's educational program, and other educational objectives, which together are designed to ensure the development of the skills that are necessary for success in school and for preparation for life in the years beyond. At a minimum, the Board shall establish Standards of Learning for English, mathematics, science, and history and social science. The Standards of Learning shall not be construed to be regulations as defined in § 2.2-4001.

The Board shall seek to ensure that the Standards of Learning are consistent with a high-quality foundation educational program. The Standards of Learning shall include, but not be limited to, the basic skills of communication (listening, speaking, reading, and writing); computation and critical reasoning, including problem solving and decision making; proficiency in the use of computers and related technology; computer science and computational thinking, including computer coding; and the skills to manage personal finances and to make sound financial decisions.

The English Standards of Learning for reading in kindergarten through grade eight shall align with evidence-based literacy instruction and science-based reading research.

The Standards of Learning in all subject areas shall be subject to regular review and revision to maintain rigor and to reflect a balance between content knowledge and the application of knowledge in preparation for eventual employment and lifelong learning. The Board shall establish a regular schedule, in a manner it deems appropriate, for the review, and revision as may be necessary, of the Standards of Learning in all subject areas. Such review of each subject area shall occur at least once every seven years. Nothing in this section shall be construed to prohibit the Board from conducting such review and revision on a more frequent basis.

To provide appropriate opportunity for input from the general public, teachers, and local school boards, the Board shall conduct public hearings prior to establishing revised Standards of Learning. Thirty days prior to conducting such hearings, the Board shall give notice of the date, time, and place of the hearings to all local school boards and any other persons requesting to be notified of the hearings and publish notice of its intention to revise the Standards of Learning in the Virginia Register of Regulations. Interested parties shall be given reasonable opportunity to be heard and present information prior to final adoption of any revisions of the Standards of Learning.

In addition, the Department shall make available and maintain a website, either separately or through an existing website utilized by the Department, enabling public elementary, middle, and high school educators to submit recommendations for improvements relating to the Standards of Learning, when under review by the Board according to its established schedule, and related assessments required by the Standards of Quality pursuant to this chapter. Such website shall facilitate the submission of recommendations by educators.

School boards shall implement the Standards of Learning or objectives specifically designed for their school divisions that are equivalent to or exceed the Board's requirements. Students shall be expected to achieve the educational objectives established by the school division at appropriate age or grade levels. The curriculum adopted by the local school division shall be aligned to the Standards of Learning.

The Board shall include in the Standards of Learning for history and social science the study of contributions to society of diverse people. For the purposes of this subsection, "diverse" includes consideration of disability, ethnicity, race, and gender.

The Board shall include in the Standards of Learning for health instruction in emergency first aid, cardiopulmonary resuscitation, and the use of an automated external defibrillator, including hands-on practice of the skills necessary to perform cardiopulmonary resuscitation. Such instruction shall be based on the current national evidence-based emergency cardiovascular care guidelines for cardiopulmonary resuscitation and the use of an automated external defibrillator, such as a program developed by the American Heart Association or the American Red Cross. No teacher who is in compliance with subdivision D 3 of § 22.1-298.1 shall be required to be certified as a trainer of cardiopulmonary resuscitation to provide instruction for non-certification.

The Board shall include in the Standards of Learning for physical and health education for grade nine or 10 research-based hazing prevention instruction, in accordance with the Standards of Learning and curriculum guidelines for research-based hazing prevention instruction developed by the Board pursuant to subsection B of § 22.1-207.

With such funds as are made available for this purpose, the Board shall regularly review and revise the competencies for career and technical education programs to require the full integration of English, mathematics, science, and history and social science Standards of Learning. Career and technical education programs shall be aligned with industry and professional standard certifications, where they exist.

The Board shall establish content standards and curriculum guidelines for courses in career investigation in elementary school, middle school, and high school. Each school board shall (i) require each middle school student to take at least one course in career investigation or (ii) select an alternate means of delivering the career investigation course to each middle school student, provided that such alternative is equivalent in content and rigor and provides the foundation for such students to develop their academic and career plans. Any school board may require (a) such courses in career investigation at the high school level as it deems appropriate, subject to Board approval as required in subsection A of § 22.1-253.13:4, and (b) such courses in career investigation at the elementary school level as it deems appropriate. The Board shall develop and disseminate to each school board career investigation resource materials that are designed to ensure that students have the ability to further explore interest in career and technical education opportunities in middle and high school. In developing such resource materials, the Board shall consult with representatives of career and technical education, industry, skilled trade associations, chambers of commerce or similar organizations, and contractor organizations.

C. Local school boards shall develop and implement a program of instruction for grades K through 12 that is aligned to the Standards of Learning and meets or exceeds the requirements of the Board. The program of instruction shall emphasize reading, writing, speaking, mathematical concepts and computations, proficiency in the use of computers and related technology, computer science and computational thinking, including computer coding, and scientific concepts and processes; essential skills and concepts of citizenship, including knowledge of Virginia history and world and United States history, economics, government, foreign languages, international cultures, health and physical education, environmental issues, and geography necessary for responsible participation in American society and in the international community; fine arts, which may include, but need not be limited to, music and art, and practical arts; knowledge and skills needed to qualify for further education, gainful employment, or training in a career or technical field; and development of the ability to apply such skills and knowledge in preparation for eventual employment and lifelong learning and to achieve economic self-sufficiency.

Local school boards shall also develop and implement programs of prevention, intervention, or remediation for students who are educationally at risk including, but not limited to, those who fail to achieve a passing score on any Standards of Learning assessment in grades three through eight or who fail an end-of-course test required for the award of a verified unit of credit. Such programs shall include components that are research-based.

Any student who achieves a passing score on one or more, but not all, of the Standards of Learning assessments for the relevant grade level in grades three through eight may be required to attend a remediation program.

Any student who fails to achieve a passing score on all of the Standards of Learning assessments for the relevant grade level in grades three through eight or who fails an end-of-course test required for the award of a verified unit of credit shall be required to attend a remediation program or to participate in another form of remediation. Division superintendents shall require such students to take special programs of prevention, intervention, or remediation, which may include attendance in public summer school programs, in accordance with clause (ii) of subsection A of § 22.1-254 and § 22.1-254.01.

Remediation programs shall include, when applicable, a procedure for early identification of students who are at risk of failing the Standards of Learning assessments in grades three through eight or who fail an end-of-course test required for the award of a verified unit of credit. Such programs may also include summer school for all elementary and middle school grades and for all high school academic courses, as defined by regulations promulgated by the Board, or other forms of remediation. Summer school remediation programs or other forms of remediation shall be chosen by the division superintendent to be appropriate to the academic needs of the student. Students who are required to attend such summer school programs or to participate in another form of remediation shall not be charged tuition by the school division.

The requirement for remediation may, however, be satisfied by the student's attendance in a program of prevention, intervention or remediation that has been selected by his parent, in consultation with the division superintendent or his designee, and is either (i) conducted by an accredited private school or (ii) a special program that has been determined to be comparable to the required public school remediation program by the division superintendent. The costs of such private school remediation program or other special remediation program shall be borne by the student's parent.

The Board shall establish standards for full funding of summer remedial programs that shall include, but not be limited to, the minimum number of instructional hours or the equivalent thereof required for full funding and an assessment system designed to evaluate program effectiveness. Based on the number of students attending and the Commonwealth's share of the per pupil instructional costs, state funds shall be provided for the full cost of summer and other remediation programs as set forth in the appropriation act, provided such programs comply with such standards as shall be established by the Board, pursuant to § 22.1-199.2.

D. Local school boards shall also implement the following:

1. Programs in grades K through three that emphasize developmentally appropriate learning to enhance success.

2. Programs based on prevention, intervention, or remediation designed to increase the number of students who earn a high school diploma and to prevent students from dropping out of school. Such programs shall include components that are research-based.

3. Career and technical education programs incorporated into the K through 12 curricula that include:

a. Knowledge of careers and all types of employment opportunities, including, but not limited to, apprenticeships, entrepreneurship and small business ownership, the military, and the teaching profession, and emphasize the advantages of completing school with marketable skills;

b. Career exploration opportunities in the middle school grades;

c. Competency-based career and technical education programs that integrate academic outcomes, career guidance, and job-seeking skills for all secondary students. Programs shall be based upon labor market needs and student interest. Career guidance shall include counseling about available employment opportunities and placement services for students exiting school. Each school board shall develop and implement a plan to ensure compliance with the provisions of this subdivision. Such plan shall be developed with the input of area business and industry representatives and local comprehensive community colleges and shall be submitted to the Superintendent in accordance with the timelines established by federal law;

d. Annual notice on its website to enrolled high school students and their parents of (i) the availability of the postsecondary education and employment data published by the State Council of Higher Education on its website pursuant to § 23.1-204.1 and (ii) the opportunity for such students to obtain a nationally recognized career readiness certificate at a local public high school, comprehensive community college, or workforce center; and

e. As part of each student's academic and career plan, a list of (i) the top 100 professions in the Commonwealth by median pay and the education, training, and skills required for each such profession and (ii) the top 10 degree programs at institutions of higher education in the Commonwealth by median pay of program graduates. The Department shall annually compile such lists and provide them to each local school board.

4. Educational objectives in middle and high school that emphasize economic education and financial literacy pursuant to § 22.1-200.03.

5. Early identification of students with disabilities and enrollment of such students in appropriate instructional programs consistent with state and federal law.

6. Early identification of gifted students and enrollment of such students in appropriately differentiated instructional programs.

7. Educational alternatives for students whose needs are not met in programs prescribed elsewhere in these standards. Such students shall be counted in average daily membership (ADM) in accordance with the regulations of the Board.

8. Adult education programs for individuals functioning below the high school completion level. Such programs may be conducted by the school board as the primary agency or through a collaborative arrangement between the school board and other agencies.

9. A plan to make achievements for students who are educationally at risk a divisionwide priority that shall include procedures for measuring the progress of such students.

10. An agreement for postsecondary degree attainment with a comprehensive community college in the Commonwealth specifying the options for students to complete an associate degree or a one-year Uniform Certificate of General Studies from a comprehensive community college concurrent with a high school diploma. Such agreement shall specify the credit available for dual enrollment courses and Advanced Placement courses with qualifying exam scores of three or higher.

11. A plan to notify students and their parents of the availability of dual enrollment and advanced placement classes; career and technical education programs, including internships, externships, apprenticeships, credentialing programs, certification programs, licensure programs, and other work-based learning experiences; the International Baccalaureate Program and Academic Year Governor's School Programs; the qualifications for enrolling in such classes, programs, and experiences; and the availability of financial assistance to low-income and needy students to take the advanced placement and International Baccalaureate examinations. This plan shall include notification to students and parents of the agreement with a comprehensive community college in the Commonwealth to enable students to complete an associate degree or a one-year Uniform Certificate of General Studies concurrent with a high school diploma.

12. Identification of students with limited English proficiency and enrollment of such students in appropriate instructional programs, which programs may include dual language programs whereby such students receive instruction in English and in a second language.

13. Early identification, diagnosis, and assistance for students with mathematics problems and provision of instructional strategies and mathematics practices that benefit the development of mathematics skills for all students.

Local school divisions shall provide algebra readiness intervention services to students in grades six through nine who are at risk of failing the Algebra I end-of-course test, as demonstrated by their individual performance on any diagnostic test that has been approved by the Department. Local school divisions shall report the results of the diagnostic tests to the Department on an annual basis, at a time to be determined by the Superintendent. Each student who receives algebra readiness intervention services will be assessed again at the end of that school year. Funds appropriated for prevention, intervention, and remediation; summer school remediation; at-risk; or algebra readiness intervention services may be used to meet the requirements of this subdivision.

14. Incorporation of art, music, and physical education as a part of the instructional program at the elementary school level.

15. A program of physical activity available to all students in grades kindergarten through five consisting of at least 20 minutes per day or an average of 100 minutes per week during the regular school year and available to all students in grades six through 12 with a goal of at least 150 minutes per week on average during the regular school year. Such program may include any combination of (i) physical education classes, (ii) extracurricular athletics, (iii) recess, or (iv) other programs and physical activities deemed appropriate by the local school board. Each local school board shall implement such program during the regular school year. Any physical education class offered to students in grades seven and eight

shall include at least one hour of personal safety training per school year in each such grade level that is developed and delivered in partnership with the local law-enforcement agency and consists of situational safety awareness training and social media education. *Each local school board shall offer to all students in grade nine or 10 a physical education class that includes research-based hazing prevention instruction pursuant to subsection C of § 22.1-207, unless such hazing prevention instruction is provided as part of a separate health education class offered to students in grade nine or 10.*

16. A program of student services for kindergarten through grade 12 that shall be designed to aid students in their educational, social, and career development.

17. The collection and analysis of data and the use of the results to evaluate and make decisions about the instructional program.

18. A program of instruction in the high school Virginia and U.S. Government course on all information and concepts contained in the civics portion of the U.S. Naturalization Test.

E. From such funds as may be appropriated or otherwise received for such purpose, there shall be established within the Department a unit to (i) conduct evaluative studies; (ii) provide the resources and technical assistance to increase the capacity for school divisions to deliver quality instruction; and (iii) assist school divisions in implementing those programs and practices that will enhance pupil academic performance and improve family and community involvement in the public schools. Such unit shall identify and analyze effective instructional programs and practices and professional development initiatives; evaluate the success of programs encouraging parental and family involvement; assess changes in student outcomes prompted by family involvement; and collect and disseminate among school divisions information regarding effective instructional programs and practices, initiatives promoting family and community involvement, and potential funding and support sources. Such unit may also provide resources supporting professional development for administrators and teachers. In providing such information, resources, and other services to school divisions, the unit shall give priority to those divisions demonstrating a less than 70 percent passing rate on the Standards of Learning assessments.

F. Each local school board may enter into agreements for postsecondary course credit, credential, certification, or license attainment, hereinafter referred to as College and Career Access Pathways Partnerships (Partnerships), with comprehensive community colleges or other public institutions of higher education or educational institutions established pursuant to Title 23.1 that offer a career and technical education curriculum. Such Partnerships shall (i) specify the options for students to take courses as part of the career and technical education curriculum that lead to course credit or an industry-recognized credential, certification, or license concurrent with a high school diploma; (ii) specify the credit, credentials, certifications, or licenses available for such courses; and (iii) specify available options for students to participate in pre-apprenticeship and apprenticeship programs at comprehensive community colleges concurrent with the pursuit of a high school diploma and receive college credit and high school credit for successful completion of any such program.

G. Each local school board shall provide a program of literacy instruction that is aligned with science-based reading research and provides evidenced-based literacy instruction to students in kindergarten through grade eight and is consistent with the school board's literacy plan as required by subsection B of § 22.1-253.13:6. Pursuant to such program:

1. Each local school board shall provide reading intervention services to students in kindergarten through grade eight who demonstrate substantial deficiencies based on their individual performance on the Standards of Learning reading assessment or a literacy screener provided or approved by the Department. Such reading intervention services shall consist of evidence-based literacy instruction, align with science-based reading research, and be documented for each student in a written student reading plan, consistent with the requirements in subdivision 2 and the list developed by the Department pursuant to subdivision H 2.

2. A reading specialist, in collaboration with the teacher of any student who receives reading intervention services pursuant to subdivision 1, shall develop, oversee implementation of, and monitor student progress on a student reading plan. The parent of each student who receives reading intervention services pursuant to subdivision 1 shall receive notice of and have the opportunity to participate in the development of the student reading plan. Each student reading plan (i) shall follow the Department template created pursuant to subdivision H 3; (ii) shall document such reading intervention services; (iii) shall include, at a minimum, (a) the student's specific, diagnosed reading skill deficiencies as determined or identified by diagnostic assessment data or the literacy screener provided or approved by the Department; (b) the goals and benchmarks for student growth in reading; (c) a description of the specific measures that will be used to evaluate and monitor the student's reading progress; (d) the specific evidence-based literacy instruction that the student will receive; (e) the strategies, resources, and materials that will be provided to the student's parent to support the student to make reading progress; and (f) any additional services the teacher deems available and appropriate to accelerate the student's reading skill development; and (iv) may include the following services for the student: instruction from a reading specialist, trained aide, computer-based reading tutorial program, or classroom teacher with support from an aide, extended instructional time in the school day or school year, or, for students in grades six through eight, a literacy course, in addition to the course required by the Standards of Learning in English, that provides the specific evidence-based literacy instruction identified in the student's reading plan. In accordance with § 22.1-215.2, the parent of each student shall receive notice before services begin and a copy of the student reading plan.

3. Each student who receives such reading intervention services shall be assessed utilizing either the literacy screener provided or approved by the Department or the grade-level reading Standards of Learning assessment again at the end of that school year.

Funds appropriated for prevention, intervention, and remediation, summer school remediation, the at-risk add-on, or early intervention reading may be used to meet the requirements of this subsection.

H. In order to assist local school boards to implement the provisions of subsection G:

1. The Board shall provide guidance on the content of student reading plans;

2. The Department shall develop a list of core literacy curricula, supplemental instruction practices and programs, and intervention programs that consist of evidence-based literacy instruction aligned with science-based reading research for students in kindergarten through grade eight. The list shall be approved by the Board;

3. The Department shall develop a template for student reading plans that aligns with the requirements of subsection G;

4. The Department shall develop and implement a plan for the annual collection and public reporting of division-level and school-level literacy data, at a time to be determined by the Superintendent, to include results on the literacy screeners provided or approved by the Department and the reading Standards of Learning assessments; and

5. The Department shall provide free online evidence-based literacy instruction resources that can be accessed by parents and local school boards to support student literacy development at home.

§ 22.1-279.9. Development of programs to prevent crime and violence; hazing prevention training program.

All school boards shall develop, in cooperation with the local law-enforcement agencies, juvenile and domestic relations *district* court judges*,* and personnel, parents, and the community at large, programs to prevent violence and crime on school property and at school-sponsored events, which shall include ~~prevention of~~ *research-based* hazing *prevention*. Activities designed to prevent the recurrence of violence and crime, including hazing, may include such interventions as education relating to Virginia's criminal law, school crime lines, peer mediation, conflict resolution, community service requirements, and any program focused on demonstrating the consequences of violence and crime. School boards are encouraged to develop and use a network of volunteer services in implementing these prevention activities.

2. That each school board shall, beginning with the school year following the Board of Education's adoption of revised Standards of Learning for physical and health education for grades nine and 10 incorporating such research-based hazing prevention instruction, provide research-based hazing prevention instruction in accordance with the provisions of this act. The Department of Education shall, prior to the adoption of such revised Standards of Learning for physical and health education for grades nine and 10, develop and post on its official website guidance documents for the purpose of making such research-based hazing prevention training available to local school boards.

CHAPTER 145

An Act to amend and reenact §§ 3.2-6540 and 3.2-6540.03 of the Code of Virginia, relating to dangerous dogs; extending the time for adjudication.

[H 804]

Approved March 26, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 3.2-6540 and 3.2-6540.03 of the Code of Virginia are amended and reenacted as follows:

§ 3.2-6540. Dangerous dogs; investigation, summons, and hearing.

A. As used in this section, "dog" includes a hybrid canine as defined in § 3.2-6581.

B. Any law-enforcement officer or animal control officer who (i) has reason to believe that an animal is a dangerous dog and (ii) is located in the jurisdiction where the animal resides or in the jurisdiction where the act was committed may apply to a magistrate for the issuance of a summons requiring the owner, if known, to appear before a general district court at a specified time. The summons shall advise the owner of the nature of the proceeding and the matters at issue.

C. No law-enforcement officer or animal control officer shall apply for a summons pursuant to subsection B if, upon investigation, the officer finds (i) in the case of an injury to a companion animal that is a dog or cat, that no serious injury has occurred as a result of the attack or bite, that both animals are owned by the same person, or that the incident originated on the property of the attacking or biting dog's owner or (ii) in the case of an injury to a person, that the injury caused by the dog upon the person consists solely of a single nip or bite resulting only in a scratch, abrasion, or other minor injury. In determining whether serious injury to a companion animal that is a dog or cat has occurred, the officer may consult with a licensed veterinarian.

D. A law-enforcement officer or animal control officer who applies for a summons pursuant to subsection B shall provide the owner with written notice of such application. For 30 days following such provision of written notice, the owner shall not dispose of the animal other than by surrender to the animal control officer or by euthanasia by a licensed veterinarian. Following such provision of written notice, an owner who elects to euthanize a dog that is the subject of a dangerous dog investigation shall provide documentation of such euthanasia to the animal control officer.

E. If a law-enforcement officer successfully makes an application for the issuance of a summons pursuant to subsection B, he shall contact the local animal control officer and inform him of the location of the dog and the relevant facts pertaining to his belief that the dog is dangerous.

F. Following the issuance of a summons following an application pursuant to subsection B, an animal control officer may confine the animal until the evidence is heard and a verdict rendered. If the animal control officer determines that the

owner can confine the animal in a manner that protects the public safety, he may permit the owner to confine the animal until the evidence is heard and a verdict rendered. Upon being served with a summons for a dangerous dog, the owner shall not dispose of the animal, other than by euthanasia, until the case has been adjudicated. The court, through its contempt powers, may compel the owner of the animal to produce the animal and to provide documentation that it has been, or will be within three business days, implanted with electronic identification registered to the owner. The owner shall provide the registration information to the animal control officer.

G. Nothing in this section shall prohibit an animal control officer or law-enforcement officer from securing a summons for a hearing to determine whether a dog that is surrendered but not euthanized is a dangerous dog.

H. Unless good cause is determined by the court, the evidentiary hearing pursuant to the dangerous dog summons shall be ~~held not more than~~ *within* 30 days *or as soon as practicable* from the issuance of the summons. The procedure for appeal and trial shall be the same as provided by law for misdemeanors. Trial by jury shall be as provided in Article 4 (§ 19.2-260 et seq.) of Chapter 15 of Title 19.2. The Commonwealth shall be required to prove its case beyond a reasonable doubt. The court shall determine that the animal is a dangerous dog if the evidence shows that it (i) killed a companion animal that is a dog or cat or inflicted serious injury on a companion animal that is a dog or cat, including a serious impairment of health or bodily function that requires significant medical attention, a serious disfigurement, any injury that has a reasonable potential to cause death, or any injury other than a sprain or strain or (ii) directly caused serious injury to a person, including laceration, broken bone, or substantial puncture of skin by teeth. Unless good cause is determined by the court, the appeal of a dangerous dog finding shall be heard within 30 days.

I. If after hearing the evidence the court finds that the animal is a dangerous dog, the court:

1. Shall order the animal's owner to comply with the provisions of this section and §§ 3.2-6540.01, 3.2-6542, and 3.2-6542.1;

2. May order the owner of the animal to pay restitution for actual damages to any person injured by the animal or whose companion animal was injured or killed by the animal. Such order shall not preclude the injured person from pursuing civil remedies, including damages that accrue after the original finding that the animal is a dangerous dog; and

3. May order the owner to pay all reasonable expenses incurred in caring and providing for such dangerous dog from the time the animal is taken into custody until such time as the animal is disposed of or returned to the owner.

J. If after hearing the evidence the court decides to defer further proceedings without entering an adjudication that the animal is a dangerous dog, it may do so, notwithstanding any other provision of this section. A court that defers further proceedings shall place specific conditions upon the owner of the dog, including the requirement that the owner provide documentation that the dog has been, or will be within three business days, implanted with electronic identification registered to the owner. The registration information shall be provided to the animal control officer. If the owner violates any of the conditions, the court may enter an adjudication that the animal is a dangerous dog and proceed as otherwise provided in this section. Upon fulfillment of the conditions, the court shall dismiss the proceedings against the animal and the owner without an adjudication that the animal is a dangerous dog.

K. No animal shall be found by the court to be a dangerous dog:

1. Solely because it is a particular breed;

2. If the threat, injury, or damage was sustained by a person who was (i) committing at the time a crime upon the premises occupied by the animal's owner; (ii) committing at the time a willful trespass upon the premises occupied by the animal's owner; or (iii) provoking, tormenting, or physically abusing the animal or can be shown to have repeatedly provoked, tormented, abused, or assaulted the animal at other times;

3. If the animal is a police dog that was engaged in the performance of its duties as such at the time of the act complained of;

4. If at the time of the acts complained of the animal was responding to pain or injury or was protecting itself, its kennel, its offspring, a person, or its owner's property;

5. As a result of killing or inflicting serious injury on a dog or cat while engaged with its owner as part of lawful hunting or participating in an organized, lawful dog handling event; or

6. If the court determines based on the totality of the evidence before it, or for other good cause, that the dog is not dangerous or a threat to the community.

L. If the owner of an animal found to be a dangerous dog is a minor, the custodial parent or legal guardian shall be responsible for complying with all requirements of this section and §§ 3.2-6540.01, 3.2-6540.02, 3.2-6540.03, 3.2-6540.04, 3.2-6542, and 3.2-6542.1.

§ 3.2-6540.03. Violation of law by owner of dangerous dog; penalty.

A. If an owner of an animal previously found to be a dangerous dog pursuant to § 3.2-6540 is charged with a violation of § 3.2-6540, 3.2-6540.01, 3.2-6540.02, or 3.2-6540.04, the animal control officer shall confine the dangerous dog until such time as evidence shall be heard and a verdict rendered pursuant to § 3.2-6540. Unless good cause is determined by the court, such evidentiary hearing shall be held within 30 days *or as soon as practicable* of the issuance of the summons. The court, through its contempt powers, may compel the owner of the animal to produce the animal.

B. Upon conviction, the court may (i) order the dangerous dog to be disposed of by a local governing body pursuant to § 3.2-6562 or (ii) grant the owner up to 30 days to comply with the requirements of § 3.2-6540.01, during which time the dangerous dog shall remain in the custody of the animal control officer until compliance has been verified. If the owner fails to achieve compliance within the time specified by the court, the court shall order the dangerous dog to be disposed of by a

local governing body pursuant to § 3.2-6562. The court may order the owner to pay all reasonable expenses incurred in caring and providing for such dangerous dog from the time the animal is taken into custody until such time that the animal is disposed of or returned to the owner.

C. Any owner of a dangerous dog who is charged with a violation pursuant to subsection A and is found to have willfully failed to comply with the requirements of § 3.2-6540, 3.2-6540.01, 3.2-6540.02, or 3.2-6540.04 is guilty of a Class 1 misdemeanor. The court may determine that a person convicted under this subsection shall be prohibited from owning, possessing, or residing on the same property with a dog.

CHAPTER 146

An Act to amend and reenact §§ 2.2-1509.4, 3.2-102, as it is currently effective and as it shall become effective, 10.1-1105.1, 46.2-749.102, and 58.1-512 of the Code of Virginia; to amend the Code of Virginia by adding in Chapter 11 of Title 10.1 an article numbered 2.1, consisting of sections numbered 10.1-1119.2 through 10.1-1119.7; and to repeal Chapter 2 (§§ 3.2-200 through 3.2-205) of Title 3.2 of the Code of Virginia, relating to Department of Agriculture and Consumer Services; Department of Forestry; Office of Farmland Preservation transferred.

[H 892]

Approved March 26, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-1509.4, 3.2-102, as it is currently effective and as it shall become effective, 10.1-1105.1, 46.2-749.102, and 58.1-512 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Chapter 11 of Title 10.1 an article numbered 2.1, consisting of sections numbered 10.1-1119.2 through 10.1-1119.7, as follows:

§ 2.2-1509.4. Budget bill to include an appropriation for land preservation.

Each year the Governor shall include in "The Budget Bill" submitted pursuant to subsection A of § 2.2-1509 or in his amendments to the general appropriation act in effect submitted pursuant to subsection E of § 2.2-1509 a recommended appropriation from the general fund pursuant to subdivision D 4 c of § 58.1-512 to be allocated as follows: 80 percent of such amount to the Virginia Land Conservation Fund to be used in accordance with § 10.1-1020, with no less than 50 percent of such appropriation to be used for fee simple acquisitions with public access or acquisitions of easements with public access; 10 percent of such amount to the Virginia Battlefield Preservation Fund to be used in accordance with § 10.1-2202.4; and 10 percent of such amount to the Virginia Farmland *and Forestland* Preservation Fund to be used in accordance with § ~~3.2-201~~ *10.1-1119.3*.

§ 3.2-102. (Effective until July 1, 2024) General powers and duties of the Commissioner.

A. The Commissioner shall be vested with the powers and duties set out in § 2.2-601, the powers and duties herein provided, and such other powers and duties as may be prescribed by law, including those prescribed in Title 59.1. He shall be the executive officer of the Board, and shall see that its orders are carried out. He shall see to the proper execution of laws relating to the Department. Unless the Governor expressly reserves such power to himself, the Commissioner shall promote, protect, and develop the agricultural interests of the Commonwealth. The Commissioner shall develop, implement, and maintain programs within the Department including those that promote the development and marketing of the Commonwealth's agricultural products in domestic and international markets, including promotions, market development and research, marketing assistance, market information, and product grading and certification; promote the creation of new agribusiness including new crops, biotechnology and new uses of agricultural products, and the expansion of existing agribusiness within the Commonwealth; develop, promote, and maintain consumer protection programs that protect the safety and quality of the Commonwealth's food supply through food and dairy inspection activities, industry and consumer education, and information on food safety; *work with other state agencies to* preserve the Commonwealth's agricultural lands; ensure animal health and protect the Commonwealth's livestock industries through disease control and surveillance, maintaining animal health diagnostic laboratories, and encouraging the humane treatment and care of animals; protect public health and the environment through regulation and proper handling of pesticides, agricultural stewardship, and protection of endangered plant and insect species; protect crop and plant health and productivity; ensure consumer protection and fair trade practices in commerce; develop plans and emergency response protocols to protect the agriculture industry from bioterrorism, plant and animal diseases, and agricultural pests; assist as directed by the Governor in the Commonwealth's response to natural disasters; develop and implement programs and inspection activities to ensure that the Commonwealth's agricultural products move freely in trade domestically and internationally; and enter into agreements with federal, state, and local governments, land grant universities, and other organizations that include marketing, plant protection, pest control, pesticides, and meat and poultry inspection.

B. In addition, the Commissioner shall:

1. Establish and maintain a farm-to-school website. The purpose of the website shall be to facilitate and promote the purchase of Virginia farm products by schools, universities, and other educational institutions under the jurisdiction of the State Department of Education. The website shall present such current information as the availability of Virginia farm products, including the types and amount of products, and the names of and contact information for farmers, farm organizations, and businesses marketing such products;

2. Establish and operate a nonprofit, nonstock corporation under Chapter 10 (§ 13.1-801 et seq.) of Title 13.1 as a public instrumentality exercising public and essential governmental functions to promote, develop, and sustain markets for licensed Virginia wineries and farm wineries, as defined in § 4.1-100. Such corporation shall provide wholesale wine distribution services for wineries and farm wineries licensed in accordance with § 4.1-206.1. The board of directors of such corporation shall be composed of the Commissioner and four members appointed by the Board, including one owner or manager of a winery or farm winery licensee that is not served by a wholesaler when the owner or manager is appointed to the board; one owner or manager of a winery or farm winery licensee that produces no more than 10,000 cases per year; and two owners or managers of wine wholesaler licensees. In making appointments to the board of directors, the Board shall consider nominations of winery and farm winery licensees submitted by the Virginia Wineries Association and wine wholesale licensees submitted by the Virginia Wine Wholesalers Association. The Commissioner shall require such corporation to report to him at least annually on its activities, including reporting the quantity of wine distributed for each winery and farm winery during the preceding year. The provisions of the Virginia Public Procurement Act shall not apply to the establishment of such corporation nor to the exercise of any of its powers granted under this section;

3. Promulgate regulations in accordance with the Administrative Process Act (§ 2.2-4000 et seq.) not inconsistent with the laws of Virginia necessary to carry out the provisions of Article 1.1:1 (§ 18.2-340.15 et seq.) of Chapter 8 of Title 18.2. Such regulations may include penalties for violations; and

4. Ensure that the Department compiles and publishes the annual report relating to foreign adversary ownership of agricultural land required under § 55.1-509.

§ 3.2-102. (Effective July 1, 2024) General powers and duties of the Commissioner.

A. The Commissioner shall be vested with the powers and duties set out in § 2.2-601, the powers and duties herein provided, and such other powers and duties as may be prescribed by law, including those prescribed in Title 59.1. He shall be the executive officer of the Board, and shall see that its orders are carried out. He shall see to the proper execution of laws relating to the Department. Unless the Governor expressly reserves such power to himself, the Commissioner shall promote, protect, and develop the agricultural interests of the Commonwealth. The Commissioner shall develop, implement, and maintain programs within the Department including those that promote the development and marketing of the Commonwealth's agricultural products in domestic and international markets, including promotions, market development and research, marketing assistance, market information, and product grading and certification; promote the creation of new agribusiness including new crops, biotechnology and new uses of agricultural products, and the expansion of existing agribusiness within the Commonwealth; develop, promote, and maintain consumer protection programs that protect the safety and quality of the Commonwealth's food supply through food and dairy inspection activities, industry and consumer education, and information on food safety; *work with other state agencies to* preserve the Commonwealth's agricultural lands; ensure animal health and protect the Commonwealth's livestock industries through disease control and surveillance, maintaining animal health diagnostic laboratories, and encouraging the humane treatment and care of animals; protect public health and the environment through regulation and proper handling of pesticides, agricultural stewardship, and protection of endangered plant and insect species; protect crop and plant health and productivity; ensure consumer protection and fair trade practices in commerce; develop plans and emergency response protocols to protect the agriculture industry from bioterrorism, plant and animal diseases, and agricultural pests; assist as directed by the Governor in the Commonwealth's response to natural disasters; develop and implement programs and inspection activities to ensure that the Commonwealth's agricultural products move freely in trade domestically and internationally; and enter into agreements with federal, state, and local governments, land grant universities, and other organizations that include marketing, plant protection, pest control, pesticides, and meat and poultry inspection.

B. In addition, the Commissioner shall:

1. Establish and maintain a farm-to-school website. The purpose of the website shall be to facilitate and promote the purchase of Virginia farm products by schools, universities, and other educational institutions under the jurisdiction of the State Department of Education. The website shall present such current information as the availability of Virginia farm products, including the types and amount of products, and the names of and contact information for farmers, farm organizations, and businesses marketing such products;

2. Establish and operate a nonprofit, nonstock corporation under Chapter 10 (§ 13.1-801 et seq.) of Title 13.1 as a public instrumentality exercising public and essential governmental functions to promote, develop, and sustain markets for licensed Virginia wineries and farm wineries, as defined in § 4.1-100. Such corporation shall provide wholesale wine distribution services for wineries and farm wineries licensed in accordance with § 4.1-206.1. The board of directors of such corporation shall be composed of the Commissioner and four members appointed by the Board, including one owner or manager of a winery or farm winery licensee that is not served by a wholesaler when the owner or manager is appointed to the board; one owner or manager of a winery or farm winery licensee that produces no more than 10,000 cases per year; and two owners or managers of wine wholesaler licensees. In making appointments to the board of directors, the Board shall consider nominations of winery and farm winery licensees submitted by the Virginia Wineries Association and wine wholesale licensees submitted by the Virginia Wine Wholesalers Association. The Commissioner shall require such corporation to report to him at least annually on its activities, including reporting the quantity of wine distributed for each winery and farm winery during the preceding year. The provisions of the Virginia Public Procurement Act (§ 2.2-4300 et seq.) shall not apply to the establishment of such corporation nor to the exercise of any of its powers granted under this section;

3. Establish and operate a nonprofit, nonstock corporation under Chapter 10 (§ 13.1-801 et seq.) of Title 13.1 as a public instrumentality exercising public and essential governmental functions to promote, develop, and sustain markets for Virginia breweries and limited breweries. Such corporation shall provide wholesale beer distribution services for Virginia breweries and limited breweries licensed in accordance with § 4.1-206.1. The board of directors of such corporation shall be composed of the Commissioner and four members appointed by the Board, (i) two of whom shall be an owner or manager of a Virginia beer wholesale licensee, (ii) one of whom shall be an owner or manager of a brewery or limited brewery licensee, and (iii) one of whom shall be an owner or manager of a brewery or limited brewery licensee that is not served by a wholesaler at the time such owner or manager is appointed to the board of directors. In making appointments to the board of directors, the Board shall consider nominations submitted by the Virginia Beer Wholesalers Association regarding members listed in clause (i) and nominations submitted by the Virginia Craft Brewers Guild regarding members listed in clauses (ii) and (iii). At least annually, such corporation shall be required to report to the Commissioner on its activities, including reporting the quantity of beer distributed for each brewery or limited brewery licensee during the preceding year. The Commissioner shall report such information to the General Assembly. The provisions of the Virginia Public Procurement Act (§ 2.2-4300 et seq.) shall not apply to the establishment of such corporation nor to the exercise of any of its powers granted under this section;

4. Promulgate regulations in accordance with the Administrative Process Act (§ 2.2-4000 et seq.) not inconsistent with the laws of Virginia necessary to carry out the provisions of Article 1.1:1 (§ 18.2-340.15 et seq.) of Chapter 8 of Title 18.2. Such regulations may include penalties for violations; and

5. Ensure that the Department compiles and publishes the annual report relating to foreign adversary ownership of agricultural land required under § 55.1-509.

§ 10.1-1105.1. Century forest and farm programs.

A. The State Forester shall establish and administer a century forest program to honor families in the Commonwealth whose property has been in the same family for 100 years or more and includes at least 20 contiguous acres of managed forest. In order to be eligible for recognition under the program, a property shall (i) have been owned by the same family for at least 100 consecutive years; (ii) be lived on, or actually managed by, a descendant of the original owners; and (iii) have a documented history of timber harvests or forest management activities.

B. The State Forester shall establish and administer a century farm program to honor farm families in the Commonwealth whose property has been in the same family for 100 years or more. In order to be eligible for recognition under the program, a farm shall (i) have been owned by the same family for at least 100 consecutive years; (ii) be lived on, or actually farmed, by a descendant of the original owners; and (iii) gross more than $2,500 annually from the sale of farm products.

Article 2.1.

Office of Working Lands Preservation.

§ 10.1-1119.2. Office of Working Lands Preservation established.

A. The Office of Working Lands Preservation is established in the Department of Forestry under the supervision of the State Forester.

B. As used in this article, unless the context requires a different meaning:

"Fund" means the Virginia Farmland and Forestland Preservation Fund.

"Office" means the Office of Working Lands Preservation.

§ 10.1-1119.3. Powers and duties of the Office; Virginia Farmland and Forestland Preservation Fund.

A. The Office shall have the following powers and duties:

1. To develop, in cooperation with the Department of Small Business and Supplier Diversity, the Virginia Farm Bureau Federation, the American Farmland Trust, the Virginia Land Conservation Foundation, the Virginia Outdoors Foundation, the Virginia Association of Counties, and the Virginia Cooperative Extension, (i) model policies and practices that may be used as a guide to establish local purchase of development rights programs; (ii) criteria for the certification of local purchase of development rights programs as eligible to receive grants, loans, or other funds from public sources; and (iii) methods and sources of revenue for allocating funds to localities to purchase agricultural and forestal conservation easements;

2. To create programs to educate the public about the importance of farmland and forestland preservation to the quality of life in the Commonwealth;

3. To provide technical, professional, and other assistance to farmers on matters related to farmland and forestland preservation;

4. To provide technical, professional, and other assistance to local governments interested in developing additional farmland and forestland preservation policies and programs. Such policies and programs shall include (i) use value assessment and taxation pursuant to §§ 58.1-3230 and 58.1-3231; (ii) transfer of development rights pursuant to Article 7.1 (§ 15.2-2316.1 et seq.) of Chapter 22 of Title 15.2; (iii) agricultural and forestal districts pursuant to Chapter 43 (§ 15.2-4300 et seq.) of Title 15.2; and (iv) establishment of local lease of development rights; and

5. To administer the Virginia Farm Link Program established pursuant to § 10.1-1119.4.

B. State grants shall be distributed to local purchase of development rights programs under policies, procedures, and guidelines developed by the Office. In general, for each $1 in grant moneys awarded by the Office, the applicable local purchase of development rights program of the county or city shall be required to provide a $1 match. However, as part of

these policies, procedures, and guidelines developed by the Office, the Office shall include incentives that recognize and encourage counties and cities participating in use value taxation pursuant to Article 4 (§ 58.1-3229 et seq.) of Chapter 32 of Title 58.1.

C. There is hereby created in the state treasury a special nonreverting fund to be known as the Virginia Farmland and Forestland Preservation Fund. The Fund shall be established on the books of the Comptroller. The Fund shall consist of all moneys appropriated to it by the General Assembly and such moneys as may be made available from any other source, public or private. All moneys shall be paid into the state treasury and credited to the Fund. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. Moneys in the Fund shall be used solely for the purposes of carrying out the provisions of this article. Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants issued by the Comptroller upon written request signed by the State Forester.

§ 10.1-1119.4. Virginia Farm Link Program.

The Virginia Farm Link Program is hereby established in the Office to assist retiring farmers and individuals seeking to become active farmers in the transition of farm businesses and properties from retiring farmers to active farmers. Such assistance shall include (i) assistance in the preparation of business plans for the transition of business interests; (ii) assistance in the facilitation of transfers of existing properties and agricultural operations to interested buyers; (iii) information on innovative farming methods and techniques; (iv) research assistance on agricultural, financial, marketing, and other matters; and (v) assistance in locating conservation programs aimed at improving water quality.

§ 10.1-1119.5. Reporting requirements.

The State Forester shall submit a written report on the operation of the Office by December 1 of each year to the Chairmen of the House Committee on Agriculture, Chesapeake and Natural Resources and the Senate Committee on Agriculture, Conservation and Natural Resources. The provisions of this article shall not preclude local purchase of development rights programs established pursuant to the Open-Space Land Act (§ 10.1-1700 et seq.) from being eligible to receive grants, loans, or other funds from public sources.

§ 10.1-1119.6. Review of capital projects and availability of working lands.

In preparing its report on each major state project, as required in Article 2 (§ 10.1-1188 et seq.) of Chapter 11.1, each state agency shall demonstrate that it has considered the impact that project would have on the availability of working farm and forest lands as required in § 10.1-1119.7, and has adequately considered alternatives and mitigating measures. The Department of Environmental Quality, in conducting its review of each major state project, shall ensure that such consideration has been demonstrated and shall incorporate its evaluation of the effects that project would have on the availability of working farm and forest lands in its comments to the State Forester and Governor. The procedures for review of highway and road construction projects established in accordance with subsection B of § 10.1-1188 shall include provisions requiring that the factors listed in § 10.1-1119.7 are considered as part of the review of each project.

§ 10.1-1119.7. Characteristics to be considered in evaluating impacts on farm and forest lands.

A. In preparing environmental impact reports in accordance with § 10.1-1119.6, state agencies shall consider the impact of the major state project on all farm and forest lands that:

1. Have soil classified as capability class I, II, III, or IV;

2. Have an exceptional combination of physical characteristics for the production of food, feed, fiber, forest products, forage, oilseed, and other agricultural crops with minimum inputs of fuel, fertilizer, pesticides, and labor, and without intolerable soil erosion;

3. Are valuable for production of specific high-value food and fiber crops, such as fruits, vegetables, and nursery crops and have a special combination of soil quality, location, growing season, and moisture supply needed to economically produce sustained high quality or high yields of such crops when treated and managed according to acceptable farming methods;

4. Are of statewide or local importance for the production of food, feed, fiber, forest products, forage, or oilseed crops;

5. Have been recognized under a state program such as the Clean Water Farm Award Program or the Century Farm Program or Century Forest Program;

6. Are part of an agricultural or forestal district or are participating in a use value assessment and taxation program for real estate devoted to agricultural, horticultural, or forest use in accordance with the provisions of Article 4 (§ 58.1-3229 et seq.) of Chapter 32 of Title 58.1; or

7. Make a significant contribution to the local economy or the rural character of the area where the land is located.

B. The governing body of each locality, with the cooperation of the U.S. Department of Agriculture, may designate the important farmlands within its jurisdiction. In designating important farmlands the governing body shall demonstrate that adequate provision has been made for nonagricultural uses within its jurisdiction.

C. As used in this article, "farmland" includes all land defined as follows:

"Important farmland," other than prime or unique farmland, is land that is of statewide or local importance for the production of food, feed, fiber, forage, nursery, oilseed, or other agricultural crops, as determined by the appropriate state agency or local government agency, and that the U.S. Department of Agriculture determines should be considered as farmland for the purposes of this article;

"Prime farmland" is land that has the best combination of physical and chemical characteristics for producing food, feed, fiber, forage, oilseed, nursery, and other agricultural crops with minimum inputs of fuel, fertilizer, pesticides, and

labor, and without intolerable soil erosion. Prime farmland includes land that possesses the above characteristics but is being used currently to produce livestock and timber. It does not include land already in or committed to urban development or water storage; and

"Unique farmland" is land other than prime farmland that is used for production of specific high-value food and fiber crops, as determined by the U.S. Department of Agriculture. It has the special combination of soil quality, location, growing season, and moisture supply needed to economically produce sustained high quality or high yields of specific crops when treated and managed according to acceptable farming methods.

§ 46.2-749.102. Special license plates; supporters of Virginia agriculture; fees.

A. On receipt of an application and payment of the fee prescribed by this section, the Commissioner shall issue special license plates to supporters of Virginia agriculture.

B. The annual fee for plates issued pursuant to this section shall be $25 in addition to the prescribed fee for state license plates. For each such $25 fee collected in excess of 1,000 registrations pursuant to this section, $15 shall be paid into the state treasury and credited to a special nonreverting fund known as the Virginia Agricultural Vitality Program Fund, established within the Department of Accounts. These funds shall be paid annually to the Office of ~~Farm Land~~ *Working Lands* Preservation ~~and used to support the Virginia Agricultural Vitality Program~~ *within the Department of Forestry*.

§ 58.1-512. Land preservation tax credits for individuals and corporations.

A. 1. For taxable years beginning on or after January 1, 2000, there shall be allowed as a credit against the tax liability imposed by §§ 58.1-320 and 58.1-400, an amount equal to 50 percent of the fair market value of any land or interest in land located in Virginia that is conveyed for the purpose of agricultural and forestal use, open space, natural resource, and/or biodiversity conservation, or land, agricultural, watershed and/or historic preservation, as an unconditional donation by the landowner/taxpayer to a public or private conservation agency eligible to hold such land and interests therein for conservation or preservation purposes. For such conveyances made on or after January 1, 2007, the tax credit shall be 40 percent of the fair market value of the land or interest in land so conveyed.

2. a. If the Commonwealth or an instrumentality thereof operates a facility on a conveyance, including charging fees for the use of such facility, such operation shall not disqualify the conveyance from eligibility for the tax credit, so long as any fees are used for conservation or preservation purposes.

b. If the Commonwealth or an instrumentality thereof enters into an agreement with a third party to lease or manage a facility on a conveyance, the fact that such third party is operated primarily as a business with intent for profit shall not disqualify the conveyance from eligibility for the tax credit, so long as such agreement is for conservation or preservation purposes.

B. The fair market value of qualified donations made under this section shall be determined in accordance with § 58.1-512.1 and substantiated by a "qualified appraisal" prepared by a "qualified appraiser," as those terms are defined under applicable federal law and regulations governing charitable contributions. The value of the donated interest in land that qualifies for credit under this section, as determined according to appropriate federal law and regulations, shall be subject to the limits established by United States Internal Revenue Code § 170(e). In order to qualify for a tax credit under this section, the qualified appraisal shall be signed by the qualified appraiser, who must be licensed in the Commonwealth of Virginia as provided in § 54.1-2011, and a copy of the appraisal shall be submitted to the Department. In the event that any appraiser falsely or fraudulently overstates the value of the contributed property in an appraisal that the appraiser has signed, the Department may disallow further appraisals signed by the appraiser and shall refer the appraiser to the Real Estate Appraiser Board for appropriate disciplinary action pursuant to § 54.1-2013, which may include, but need not be limited to, revocation of the appraiser's license. Any appraisal that, upon audit by the Department, is determined to be false or fraudulent, may be disregarded by the Department in determining the fair market value of the property and the amount of tax credit to be allowed under this section.

C. 1. The amount of the credit that may be claimed by each taxpayer, including credit claimed by applying unused credits as provided under subsection C of § 58.1-513, shall not exceed $50,000 for 2000 taxable years; $75,000 for 2001 taxable years; $100,000 for each of 2002 through 2008 taxable years; $50,000 for each of 2009, 2010, and 2011 taxable years; $100,000 for each of 2012, 2013, and 2014 taxable years; $20,000 for each of 2015, 2016, and 2017 taxable years; and $50,000 for 2018 taxable years and for each taxable year thereafter. However, for any fee simple donation of land conveyed to the Commonwealth on or after January 1, 2015, the amount of the credit claimed shall not exceed $100,000 for each taxable year, provided that no part of the charitable contributions deduction under § 170 of the Internal Revenue Code related to such fee simple donation is allowable by reason of a sale or exchange of property. In addition, for each taxpayer, in any one taxable year the credit used may not exceed the amount of individual, fiduciary or corporate income tax otherwise due. Any portion of the credit that is unused in any one taxable year may be carried over for a maximum of 10 consecutive taxable years following the taxable year in which the credit originated until fully expended. A credit shall not be reduced by the amount of unused credit that could have been claimed in a prior year by the taxpayer but was unclaimed. For taxpayers affected by the credit reduction for taxable years 2009, 2010, 2011, and 2015 and thereafter, any portion of the credit that is unused in any one taxable year may be carried over for a maximum of 13 consecutive taxable years following the taxable year in which the credit originated until fully expended.

2. Qualified donations shall include the conveyance of a fee interest in real property or the conveyance in perpetuity of a less-than-fee interest in real property, such as a conservation restriction, preservation restriction, agricultural preservation

restriction, or watershed preservation restriction, provided that such less-than-fee interest qualifies as a charitable deduction under § 170(h) of the United States Internal Revenue Code of 1986, as amended.

The Department of Conservation and Recreation shall compile an annual report on qualified donations of less-than-fee interests accepted by any public or private conservation agency in the respective calendar year and shall submit the report by December 1 of each year to the Chairmen of the House Committee on Appropriations, House Committee on Finance, and the Senate Committee on Finance and Appropriations. In preparing such report, the Department of Conservation and Recreation shall consult and coordinate with the Department of Taxation and the Departments of Forestry and Agriculture and Consumer Services to provide an estimate of the number of acres of land currently being used for "production agriculture and silviculture" as defined in § 3.2-300 that have been protected by qualified donations of less-than-fee interests. This report shall include information, when available, on land qualifying for credits being used for "production agriculture and silviculture" that have onsite operational best management practices, which are designed to reduce the amount of nutrients and sediment entering public waters. In addition, the report shall include information, when available, on riparian buffers, both vegetated/forested buffers and no-plow buffers, required by deed restriction on land qualifying for credits in order to protect water quality. This information shall be reported in summary fashion as appropriate to preserve confidentiality of information. Qualified donations shall not include the conveyance of a fee interest, or a less-than-fee interest, in real property by a charitable organization that (i) meets the definition of "holder" in § 10.1-1009 and (ii) holds one or more conservation easements acquired pursuant to the authority conferred on a "holder" by § 10.1-1010.

3. Any fee interest, or a less-than-fee interest, in real property that has been dedicated as open space within, or as part of, a residential subdivision or any other type of residential or commercial development; dedicated as open space in, or as part of, any real estate development plan; or dedicated for the purpose of fulfilling density requirements to obtain approvals for zoning, subdivision, site plan, or building permits shall not be a qualified donation under this article.

4. Qualified donations shall be eligible for the tax credit herein described if such donations are made to the Commonwealth of Virginia, an instrumentality thereof, or a charitable organization described in § 501(c)(3) of the United States Internal Revenue Code of 1986, as amended, if such charitable organization (i) meets the requirements of § 509(a)(2) or (ii) meets the requirements of § 509(a)(3) and is controlled by an organization described in § 509(a)(2).

5. The preservation, agricultural preservation, historic preservation or similar use and purpose of such property shall be assured in perpetuity. In the case of conveyances of a fee interest to a charitable organization that is a "holder" as defined in § 10.1-1009, the credit shall not be allowed until the charitable organization agrees that subsequent conveyances of the fee interest in the property will be (i) subject to a previous conveyance in perpetuity of a conservation easement, as that term is defined in § 10.1-1009, or subject to the conveyance in perpetuity of an open-space easement, as that term is defined in § 10.1-1700, or (ii) conveyed to the Commonwealth of Virginia or to a federal conservation agency. No credit shall be allowed with respect to any subsequent conveyances by the charitable organization.

D. The issuance of tax credits under this article for donations made on and after January 1, 2007, shall be in accordance with procedures and deadlines established by the Department and shall be administered under the following conditions:

1. The taxpayer shall apply for a credit after completing the donation by submitting a form or forms prescribed by the Department in consultation with the Department of Conservation and Recreation. If the application requests a credit of $1 million or more or if the donation meets the conditions of subdivision 3 c, then a copy of the application shall also be filed with the Department of Conservation and Recreation by the taxpayer. The application shall include, but not be limited to:

a. A description of the conservation purpose or purposes being served by the donation;

b. The fair market value of land being donated in the absence of any easement or other restriction;

c. The public benefit derived from the donation;

d. The extent to which water quality best management practices will be implemented on the property; and

e. Whether the property is fully or partially forested and a forest management plan is included in the terms of the donation.

2. Applications for otherwise qualified donations of a less-than-fee interest shall be accompanied by an affidavit describing how the donated interest in land meets the requirements of § 170(h) of the United States Internal Revenue Code of 1986, as amended, and the regulations adopted thereunder. The application with accompanying affidavit shall be submitted to the Department of Taxation, with a copy also provided to the Department of Conservation and Recreation.

3. a. No credit in the amount of $1 million or more shall be issued with respect to a donation unless the conservation value of the donation has been verified by the Director of the Department of Conservation and Recreation, based on the criteria adopted by the Virginia Land Conservation Foundation for this purpose. Such criteria and subsequent amendments shall be exempt from the Administrative Process Act (§ 2.2-4000 et seq.), but the Virginia Land Conservation Foundation shall provide for adequate public participation, including adequate notice and opportunity to provide comments on the proposed criteria. The Director shall act on applications within 90 days of his receipt of a complete application and shall notify the taxpayer and the Department of Taxation of his action.

b. For purposes of determining whether a credit requires verification of the conservation value, the credits allowed under this article with respect to donations of any other portion of a recorded parcel of land within the preceding 11 years shall be aggregated with the credit claimed for the current donation. This subdivision shall not apply if (i) all owners of the parcel who have been allowed credit for a qualified donation are not affiliated with the person or entity seeking credit for the current donation of a different portion of the parcel and (ii) in the case of an individual seeking credit, the individual has not

previously made a qualified donation for any portion of the parcel and is not an immediate family member of any such owners.

c. If (i) the real property that is the subject of the donation was partitioned from or part of another parcel of land and any other portion of such parcel, or any land partitioned from such parcel of land, has been allowed a tax credit under this article (or an application for tax credit is pending) within three years of such donation and (ii) the tax credit that would otherwise be allowed to the donor for such donation is at least $250,000, then no credit under this article shall be issued with respect to such donation described in clause (i) unless the conservation value of the donation has been verified by the Director of the Department of Conservation and Recreation. The Director shall act on applications within 90 days of his receipt of a complete application and shall notify the taxpayer and the Department of Taxation of his action. Nothing in this subdivision shall be construed or interpreted (a) as allowing additional tax credit for any land or interest in land previously conveyed for which tax credit has already been allowed under this article or (b) affecting the validity of any tax credit allowed under this article for a prior conveyance of any land or interest in land.

4. a. Tax credits shall be issued on a calendar year basis, and in no case shall the Department issue more than the maximum allowed for the calendar year. The maximum amount of credits that may be issued in a calendar year shall be $100 million plus any credits previously issued under this article but subsequently disallowed or invalidated by the Department. Credits previously issued but subsequently disallowed or invalidated shall be reissued in a subsequent calendar year. All credits shall be issued in the order that each complete application is filed. For filings by mail or a recognized commercial delivery service, the postmark or confirmation of shipment shall determine the date of filing. If within 30 days after an application for credits has been filed the Tax Commissioner provides written notice to the donor that he has determined that the preparation of a second qualified appraisal is warranted, the application shall not be deemed complete until the fair market value of the donation has been finally determined by the Tax Commissioner. The Tax Commissioner shall make a final determination within 180 days of notifying the donor, unless the donor has filed an appeal. The donor shall have the right to appeal any decision of the Department in accordance with the provisions of Chapter 18 (§ 58.1-1800 et seq.). If more than one complete application is filed at the same time, the credits with respect to those applications shall be issued in the order that the conveyances were recorded in the appropriate circuit court of the Commonwealth. In the event that a credit requires verification of the conservation value by the Department of Conservation and Recreation and such verification has not been received at the time the maximum $100 million allowed is reached for the calendar year of the donation, such credit shall not be issued for that calendar year but shall be issued in the calendar year that the conservation value of the credit is verified by the Department of Conservation and Recreation.

No credit shall be allowed for any land or interest in land conveyed unless (i) for a conveyance made before January 1, 2020, a complete application for tax credit with regard to the conveyance has been filed with the Department by December 31 of the third year following the calendar year of the conveyance or (ii) for a conveyance made on or after January 1, 2020, a complete application for tax credit with regard to the conveyance has been filed with the Department by December 31 of the second year following the calendar year of the conveyance. For filings by mail or a recognized commercial delivery service, the postmark or confirmation of shipment shall determine the date of filing. Solely for purposes of this condition, any application for which the Tax Commissioner has given written notice to the donor that the preparation of a second qualified appraisal is warranted shall be deemed timely filed, provided that the application was otherwise complete as of such filing deadline. For conveyances made on and after January 1, 2017, the deadlines provided by clauses (i) and (ii) of this subdivision shall be extended for any number of days exceeding 90 during which an application for tax credit is being reviewed for verification of conservation value by the Department of Conservation and Recreation, if the application was otherwise complete at the time of the original filing deadline.

b. Beginning with calendar year 2008, the $100 million amount contained in subdivision 4 a shall be increased by an amount equal to $100 million multiplied by the percentage by which the consumer price index for all-urban consumers published by the United States Department of Labor (CPI-U) for the 12-month period ending August 31 of the preceding year exceeds the CPI-U for the 12-month period ending August 31, 2006.

c. Beginning with calendar year 2015, the maximum amount of credits that may be issued in a calendar year shall not exceed $75 million. In no case shall the Department issue any tax credit for a donation from any allocation or pool of tax credits attributable to a calendar year prior to the year in which the complete tax credit application for the donation was filed.

Beginning with the submission due on or before December 20, 2015, and in each year thereafter, the Governor shall include in "The Budget Bill" submitted pursuant to subsection A of § 2.2-1509 or in his amendments to the general appropriation act in effect submitted pursuant to subsection E of § 2.2-1509 a recommended appropriation from the general fund equal to the difference between the amount calculated pursuant to subdivision b and $75 million, but not more than $20 million, to be allocated as follows: 80 percent to the Virginia Land Conservation Fund to be used in accordance with § 10.1-1020, with no less than 50 percent of such appropriation to be used for fee simple acquisitions with public access or acquisitions of easements with public access; 10 percent to the Virginia Battlefield Preservation Fund to be used in accordance with § 10.1-2202.4; and 10 percent to the Virginia Farmland *and Forestland* Preservation Fund to be used in accordance with § ~~3.2-201~~ *10.1-1119.3*.

5. a. Any taxpayer that has been issued a tax credit by the Department shall be allowed to use such credit for his or its taxable year that begins in the calendar year for which such credit was issued and for succeeding taxable years in accordance with the 10 consecutive taxable year carryforward provisions of this article, except for any taxpayer affected by

the credit limitation for taxable years 2009, 2010, 2011, and 2015 and taxable years thereafter. Such a taxpayer shall be allowed to use such credit for his or its taxable year that begins in the calendar year for which such credit was issued and for succeeding taxable years in accordance with the 13 consecutive taxable year carryforward provisions of this article.

b. Any taxpayer to whom a credit has been transferred may use such credit for the taxable year in which the transfer occurred and unused amounts may be carried forward to succeeding taxable years, but in no event may such transferred credit be used more than 11 years after it was originally issued by the Department or in any taxable year of such taxpayer that ended prior to the date of transfer, except for any taxpayer affected by the credit limitation for taxable years 2009, 2010, 2011, and 2015 and taxable years thereafter. Such a taxpayer may use such credit for the taxable year in which the transfer occurred and unused amounts may be carried forward to succeeding taxable years, but in no event may such transferred credit be used more than 14 years after it was originally issued by the Department or in any taxable year of such taxpayer that ended prior to the date of transfer.

6. Neither the verification of conservation value by the Department of Conservation and Recreation nor the issuance of a credit by the Department of Taxation shall in any way be construed or interpreted as prohibiting the Department of Taxation or the Tax Commissioner from auditing any credit claimed pursuant to the provisions of this article or from assessing tax relating to the claiming of any credit under this article.

E. In any review or appeal before the Tax Commissioner or in any court in the Commonwealth the burden of proof shall be on the taxpayer to show that the fair market value and conservation value at the time of the qualified donation is consistent with this section and that all requirements of this article have been satisfied.

2. That Chapter 2 (§§ 3.2-200 through 3.2-205) of Title 3.2 of the Code of Virginia is repealed.

3. That by July 1 of each year, the Department of Environmental Quality shall report to the Department of Forestry the following information about nonpoint source nutrient credits certified in the previous year pursuant to § 62.1-44.19:20 of the Code of Virginia and 9VAC25-900 of the Administrative Code of Virginia that involve land use conversion: (i) the name of the nonpoint source nutrient credit-generating practice, (ii) the acreage of the forest or agricultural lands that could be impacted by the nonpoint source nutrient credits, and (iii) the location of the generation of the nonpoint source nutrient credits, including the locality in which such nonpoint source nutrient credit-generating practice is located.

CHAPTER 147

An Act to amend the Code of Virginia by adding in Title 22.1 a chapter numbered 28, consisting of sections numbered 22.1-381, 22.1-382, and 22.1-383, relating to Dolly Parton's Imagination Library of Virginia Program established.

[H 1075]

Approved March 26, 2024

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Title 22.1 a chapter numbered 28, consisting of sections numbered 22.1-381, 22.1-382, and 22.1-383, as follows:

CHAPTER 28.

DOLLY PARTON'S IMAGINATION LIBRARY OF VIRGINIA PROGRAM.

§ 22.1-381. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Program" means the Dolly Parton's Imagination Library of Virginia Program as established in this chapter.

"Program administrator" means a nonprofit entity that is exempt from federal income taxation pursuant to § 501(c)(3) of the Internal Revenue Code, dedicated to statewide early literacy advocacy, and chosen by the Department to administer the Program.

"Reading selection" means any high-quality, age-appropriate book provided to an eligible child under the Program.

§ 22.1-382. Dolly Parton's Imagination Library of Virginia Program established.

The Dolly Parton's Imagination Library of Virginia Program is established as a statewide program for the purpose of promoting a comprehensive statewide initiative for encouraging preschool-age children to develop a love of reading and learning whereby, with such funds as are provided for such purpose pursuant to the general appropriation act, one reading selection per month is provided to each registered child from birth to age five, inclusive, in each participating county through Dolly Parton's Imagination Library at no cost to the family of such child. The Program shall contribute to local programs a 50 percent match of funds, if available, required of such local programs participating in Dolly Parton's Imagination Library in the Commonwealth. Moneys appropriated for the Program shall be allocated to affiliates that agree to a dollar match for the purposes of the Program.

§ 22.1-383. Program administrator; duties.

A. The Program administrator shall be responsible for the development, implementation, and administration of the Program. The Department shall serve as the state Program sponsor and shall oversee its development, implementation, and administration.

B. In administering the Program, the Program administrator shall:

1. Determine the amount of funds needed for each school year to distribute sufficient money to fund the Program;

2. Establish a nonprofit entity organized solely to promote a love of reading and learning in children in the Commonwealth through the implementation of the Program; and

3. Provide oversight over the nonprofit entity established pursuant to subdivision 2 in carrying out the following duties:

a. Managing the daily operations of the Program;

b. Advancing, strengthening, and promoting the statewide development of local Dolly Parton's Imagination Library programs with the goal of increasing enrollment;

c. Developing community engagement initiatives;

d. Developing, promoting, and coordinating a public awareness program to make donors aware of the opportunity to donate to the Program and increase public awareness of the opportunity to register eligible children to receive reading selections at no cost on a monthly basis;

e. Developing statewide marketing and communication plans;

f. Executing a data sharing agreement with the Dollywood Foundation;

g. Soliciting donations, gifts, and other funding to financially support local Dolly Parton's Imagination Library programs;

h. Administering the local match requirement and coordinating the collection and remittance of local Dolly Parton's Imagination Library program costs for books and postage; and

i. Providing an annual report to the Senate Committee on Education and Health and the House Committee on Education detailing the activities of the Program for the immediately preceding year, including (i) the total appropriations received and expenditures made by the Program administrator, (ii) the number of participating local programs, (iii) the number of children registered in the Program, and (iv) the number of books sent to registered children.

2. That the provisions of this act shall expire on January 1, 2029.

CHAPTER 148

An Act to permit certain student assessment flexibility for the 2024–2026 school years.

[H 1076]

Approved March 26, 2024

Be it enacted by the General Assembly of Virginia:

1. *§ 1. Notwithstanding subsection C of § 22.1-253.13:3 of the Code of Virginia, the Board of Education shall permit school boards to administer, during the 2024–2026 school years, assessments as alternatives to the through-year growth assessment system established by the Board of Education pursuant to such provision of law, provided that any such alternative assessment is aligned to the Standards of Learning.*

CHAPTER 149

An Act to amend and reenact §§ 3.2-2307 and 3.2-2312 of the Code of Virginia, relating to Soybean Board; assessment from sale of soybeans.

[H 1377]

Approved March 26, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 3.2-2307 and 3.2-2312 of the Code of Virginia are amended and reenacted as follows:

§ 3.2-2307. Question to be printed on ballots.

The question to be printed on the ballots used in a referendum held pursuant to this chapter shall be as follows:

"Do you favor additional research, education, publicity and the promotion of the sale and use of soybeans and the continuation of the levy of an assessment ~~of two cents ($0.02)~~ *at a rate of one half of one percent of the net market price* per bushel in accordance with the provisions of the Soybean Board?

_____ Yes

_____ No."

§ 3.2-2312. Collection and disposition of assessment by handler; reports.

A. Every handler shall deduct from payments made to the producer for soybeans an assessment ~~of two cents ($0.02)~~ *at a rate of one half of one percent of the net market price* per bushel and shall remit such assessment to the Tax Commissioner pursuant to this chapter. The handler shall also deduct from payments made to the producer for soybeans any national assessment that shall be approved under federal law to supersede the state law and shall remit such assessment to the Tax Commissioner pursuant to this chapter. The Tax Commissioner shall provide to the Soybean Board copies of excise tax returns and other information as may be necessary for the Soybean Board to comply with Virginia and federal soybean assessment programs.

B. A report to the Tax Commissioner shall be on forms prescribed and furnished by the Tax Commissioner, and shall be a statement of the gross volume of soybeans handled by the handler and shall be filed with the Tax Commissioner by the

date or dates as set forth by the Tax Commissioner covering soybeans handled during the preceding period, as set forth by the Tax Commissioner. The Tax Commissioner shall set forth the filing date or dates for reports and assessments and the period or periods to be covered after consultation with the Virginia Soybean Association and Soybean Board. The assessment levied on soybeans shall be due by the handler on the same day as the report is due. The assessment shall be paid to the Tax Commissioner and be promptly paid into the state treasury to the credit of the Virginia Soybean Fund.

C. Any assessment that is not paid when due shall be collected pursuant to § 3.2-1102.

CHAPTER 150

An Act to amend and reenact §§ 4.1-1600, 8.01-225.03, 19.2-389, 32.1-127, as it is currently effective and as it shall become effective, 35.1-1, 36-99.5:1, 44-146.19, 51.5-182, 51.5-183, 54.1-3408, 63.2-100, 63.2-1700, 63.2-1701, 63.2-1705, 63.2-1706, 63.2-1708, 63.2-1709, 63.2-1709.2, 63.2-1710, 63.2-1710.2 through 63.2-1713, 63.2-1720, 63.2-1722, 63.2-1728 through 63.2-1731, and 63.2-1733 of the Code of Virginia, relating to adult day care centers; name change.

[H 1498]

Approved March 26, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 4.1-1600, 8.01-225.03, 19.2-389, 32.1-127, as it is currently effective and as it shall become effective, 35.1-1, 36-99.5:1, 44-146.19, 51.5-182, 51.5-183, 54.1-3408, 63.2-100, 63.2-1700, 63.2-1701, 63.2-1705, 63.2-1706, 63.2-1708, 63.2-1709, 63.2-1709.2, 63.2-1710, 63.2-1710.2 through 63.2-1713, 63.2-1720, 63.2-1722, 63.2-1728 through 63.2-1731, and 63.2-1733 of the Code of Virginia are amended and reenacted as follows:

§ 4.1-1600. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Botanical cannabis" means cannabis that is composed wholly of usable cannabis from the same parts of the same chemovar of cannabis plant.

"Cannabis dispensing facility" means a facility that (i) has obtained a permit from the Board pursuant to § 4.1-1602; (ii) is owned, at least in part, by a pharmaceutical processor; and (iii) dispenses cannabis products produced by a pharmaceutical processor to a patient, his registered agent, or, if such patient is a minor or a vulnerable adult as defined in § 18.2-369, such patient's parent or legal guardian.

"Cannabis oil" means any formulation of processed Cannabis plant extract, which may include industrial hemp extracts, including isolates and distillates, acquired by a pharmaceutical processor pursuant to § 4.1-1602, or a dilution of the resin of the Cannabis plant that contains, except as otherwise provided in this chapter, no more than 10 milligrams of tetrahydrocannabinol per dose. "Cannabis oil" does not include industrial hemp, as defined in § 3.2-4112, that is grown, handled, or processed in compliance with state or federal law, unless it has been grown and processed in the Commonwealth by a registered industrial hemp processor and acquired and formulated by a pharmaceutical processor.

"Cannabis product" means a product that (i) is formulated with cannabis oil or botanical cannabis; (ii) is produced by a pharmaceutical processor and sold by a pharmaceutical processor or cannabis dispensing facility; (iii) is registered with the Board; (iv) contains, except as otherwise provided in this chapter, no more than 10 milligrams of tetrahydrocannabinol per dose; and (v) is compliant with testing requirements.

"Designated caregiver facility" means any hospice or hospice facility licensed pursuant to § 32.1-162.3, or home care organization as defined in § 32.1-162.7 that provides pharmaceutical services or home health services, private provider licensed by the Department of Behavioral Health and Developmental Services pursuant to Article 2 (§ 37.2-403 et seq.) of Chapter 4 of Title 37.2, assisted living facility licensed pursuant to § 63.2-1701, or adult day ~~care~~ center licensed pursuant to § 63.2-1701.

"Dispense" means the same as that term is defined in § 54.1-3300.

"Pharmaceutical processor" means a facility that (i) has obtained a permit from the Board pursuant to § 4.1-1602 and (ii) cultivates Cannabis plants intended only for the production of cannabis oil, botanical cannabis, and usable cannabis, produces cannabis products, and dispenses cannabis products to a patient pursuant to a written certification, his registered agent, or, if such patient is a minor or a vulnerable adult as defined in § 18.2-369, such patient's parent or legal guardian.

"Pharmacist" means the same as that term is defined in § 54.1-3300.

"Pharmacy intern" means the same as that term is defined in § 54.1-3300.

"Pharmacy technician" means the same as that term is defined in § 54.1-3300.

"Pharmacy technician trainee" means the same as that term is defined in § 54.1-3300.

"Practitioner" means a practitioner of medicine or osteopathy licensed by the Board of Medicine, a physician assistant licensed by the Board of Medicine, or an advanced practice registered nurse practitioner jointly licensed by the Boards of Nursing and Medicine.

"Registered agent" means an individual designated by a patient who has been issued a written certification, or, if such patient is a minor or a vulnerable adult as defined in § 18.2-369, designated by such patient's parent or legal guardian, and registered with the Board pursuant to subsection F of § 4.1-1601.

"Usable cannabis" means any cannabis plant material, including seeds, but not (i) resin that has been extracted from any part of the cannabis plant, its seeds, or its resin; (ii) the mature stalks, fiber produced from the stalks, or any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks; or (iii) oil or cake made from the seeds of the plant.

§ 8.01-225.03. Certain immunity for certain hospices, home care organizations, private providers, assisted living facilities, and adult day centers during a disaster under specific circumstances.

A. As used in this section:

"Disaster" or "emergency" means a public health emergency related to the COVID-19 virus declared by the Governor pursuant to § 44-146.17 and set forth in Executive Order 51 (2020) on March 12, 2020.

B. In the absence of gross negligence or willful misconduct, any (i) hospice licensed pursuant to § 32.1-162.3, (ii) home care organization licensed pursuant to § 32.1-162.9, (iii) private provider licensed by the Department of Behavioral Health and Developmental Services pursuant to Article 2 (§ 37.2-403 et seq.) of Chapter 4 of Title 37.2, (iv) assisted living facility licensed pursuant to § 63.2-1701, or (v) adult day ~~care~~ center licensed pursuant to § 63.2-1701 that delivers care to or withholds care from a patient, resident, or person receiving services who is diagnosed as being or is believed to be infected with the COVID-19 virus shall not be liable for any injury or wrongful death of such patient, resident, or person receiving services arising from the delivery or withholding of care when the emergency and subsequent conditions caused by the emergency result in a lack of resources, attributable to the disaster, that render such hospice, home care organization, private provider licensed by the Department of Behavioral Health and Developmental Services, assisted living facility, or adult day ~~care~~ center unable to provide the level or manner of care that otherwise would have been required in the absence of the emergency and that resulted in the injury or wrongful death at issue.

C. The immunity provided by this section shall be in addition to, and not be in lieu of, any immunities provided in other state or federal law, including §§ 8.01-225 and 44-146.23.

D. The immunity provided by this section shall only apply to causes of action arising between March 12, 2020, and such time as the declaration of a state of emergency related to the COVID-19 virus set forth in Executive Order 51 (2020) is no longer in effect.

§ 19.2-389. Dissemination of criminal history record information.

A. Criminal history record information shall be disseminated, whether directly or through an intermediary, only to:

1. Authorized officers or employees of criminal justice agencies, as defined by § 9.1-101, for purposes of the administration of criminal justice and the screening of an employment application or review of employment by a criminal justice agency with respect to its own employees or applicants, and dissemination to the Virginia Parole Board, pursuant to this subdivision, of such information on all state-responsible inmates for the purpose of making parole determinations pursuant to subdivisions 1, 2, 3, 4, and 6 of § 53.1-136 shall include collective dissemination by electronic means every 30 days. For purposes of this subdivision, criminal history record information includes information sent to the Central Criminal Records Exchange pursuant to §§ 37.2-819 and 64.2-2014 when disseminated to any full-time or part-time employee of the State Police, a police department or sheriff's office that is a part of or administered by the Commonwealth or any political subdivision thereof, and who is responsible for the prevention and detection of crime and the enforcement of the penal, traffic or highway laws of the Commonwealth for the purposes of the administration of criminal justice;

2. Such other individuals and agencies that require criminal history record information to implement a state or federal statute or executive order of the President of the United States or Governor that expressly refers to criminal conduct and contains requirements or exclusions expressly based upon such conduct, except that information concerning the arrest of an individual may not be disseminated to a noncriminal justice agency or individual if an interval of one year has elapsed from the date of the arrest and no disposition of the charge has been recorded and no active prosecution of the charge is pending;

3. Individuals and agencies pursuant to a specific agreement with a criminal justice agency to provide services required for the administration of criminal justice pursuant to that agreement which shall specifically authorize access to data, limit the use of data to purposes for which given, and ensure the security and confidentiality of the data;

4. Individuals and agencies for the express purpose of research, evaluative, or statistical activities pursuant to an agreement with a criminal justice agency that shall specifically authorize access to data, limit the use of data to research, evaluative, or statistical purposes, and ensure the confidentiality and security of the data;

5. Agencies of state or federal government that are authorized by state or federal statute or executive order of the President of the United States or Governor to conduct investigations determining employment suitability or eligibility for security clearances allowing access to classified information;

6. Individuals and agencies where authorized by court order or court rule;

7. Agencies of any political subdivision of the Commonwealth, public transportation companies owned, operated or controlled by any political subdivision, and any public service corporation that operates a public transit system owned by a local government for the conduct of investigations of applicants for employment, permit, or license whenever, in the interest of public welfare or safety, it is necessary to determine under a duly enacted ordinance if the past criminal conduct of a person with a conviction record would be compatible with the nature of the employment, permit, or license under consideration;

7a. Commissions created pursuant to the Transportation District Act of 1964 (§ 33.2-1900 et seq.) of Title 33.2 and their contractors, for the conduct of investigations of individuals who have been offered a position of employment whenever, in the interest of public welfare or safety and as authorized in the Transportation District Act of 1964, it is

necessary to determine if the past criminal conduct of a person with a conviction record would be compatible with the nature of the employment under consideration;

8. Public or private agencies when authorized or required by federal or state law or interstate compact to investigate (i) applicants for foster or adoptive parenthood or (ii) any individual, and the adult members of that individual's household, with whom the agency is considering placing a child or from whom the agency is considering removing a child due to abuse or neglect, on an emergency, temporary, or permanent basis pursuant to §§ 63.2-901.1 and 63.2-1505, subject to the restriction that the data shall not be further disseminated to any party other than a federal or state authority or court as may be required to comply with an express requirement of law;

9. To the extent permitted by federal law or regulation, public service companies as defined in § 56-1, for the conduct of investigations of applicants for employment when such employment involves personal contact with the public or when past criminal conduct of an applicant would be incompatible with the nature of the employment under consideration;

10. The appropriate authority for purposes of granting citizenship and for purposes of international travel, including, but not limited to, issuing visas and passports;

11. A person requesting a copy of his own criminal history record information as defined in § 9.1-101 at his cost, except that criminal history record information shall be supplied at no charge to a person who has applied to be a volunteer with (i) a Virginia affiliate of Big Brothers/Big Sisters of America; (ii) a volunteer fire company; (iii) the Volunteer Emergency Families for Children; (iv) any affiliate of Prevent Child Abuse, Virginia; (v) any Virginia affiliate of Compeer; or (vi) any board member or any individual who has been offered membership on the board of a Crime Stoppers, Crime Solvers or Crime Line program as defined in § 15.2-1713.1;

12. Administrators and board presidents of and applicants for licensure or registration as a child welfare agency as defined in § 63.2-100 for dissemination to the Commissioner of Social Services' representative pursuant to § 63.2-1702 for the conduct of investigations with respect to employees of and volunteers at such facilities, caretakers, and foster and adoptive parent applicants of private child-placing agencies, pursuant to §§ 63.2-1719, 63.2-1720, and 63.2-1721, subject to the restriction that the data shall not be further disseminated by the facility or agency to any party other than the data subject, the Commissioner of Social Services' representative or a federal or state authority or court as may be required to comply with an express requirement of law for such further dissemination; however, nothing in this subdivision shall be construed to prohibit the Commissioner of Social Services' representative from issuing written certifications regarding the results of a background check that was conducted before July 1, 2021, in accordance with subsection J of § 22.1-289.035 or § 22.1-289.039;

13. The school boards of the Commonwealth for the purpose of screening individuals who are offered or who accept public school employment and those current school board employees for whom a report of arrest has been made pursuant to § 19.2-83.1;

14. The Virginia Lottery for the conduct of investigations as set forth in the Virginia Lottery Law (§ 58.1-4000 et seq.) and casino gaming as set forth in Chapter 41 (§ 58.1-4100 et seq.) of Title 58.1, and the Department of Agriculture and Consumer Services for the conduct of investigations as set forth in Article 1.1:1 (§ 18.2-340.15 et seq.) of Chapter 8 of Title 18.2;

15. Licensed nursing homes, hospitals and home care organizations for the conduct of investigations of applicants for compensated employment in licensed nursing homes pursuant to § 32.1-126.01, hospital pharmacies pursuant to § 32.1-126.02, and home care organizations pursuant to § 32.1-162.9:1, subject to the limitations set out in subsection E;

16. Licensed assisted living facilities and licensed adult day ~~care~~ centers for the conduct of investigations of applicants for compensated employment in licensed assisted living facilities and licensed adult day ~~care~~ centers pursuant to § 63.2-1720, subject to the limitations set out in subsection F;

17. The Virginia Alcoholic Beverage Control Authority for the conduct of investigations as set forth in § 4.1-103.1;

18. The State Board of Elections and authorized officers and employees thereof and general registrars appointed pursuant to § 24.2-110 in the course of conducting necessary investigations with respect to voter registration, limited to any record of felony convictions;

19. The Commissioner of Behavioral Health and Developmental Services (the Commissioner) or his designees for individuals who are committed to the custody of or being evaluated by the Commissioner pursuant to §§ 19.2-168.1, 19.2-169.1, 19.2-169.2, 19.2-169.5, 19.2-169.6, 19.2-182.2, 19.2-182.3, 19.2-182.8, and 19.2-182.9 where such information may be beneficial for the purpose of placement, evaluation, treatment, or discharge planning;

20. Any alcohol safety action program certified by the Commission on the Virginia Alcohol Safety Action Program for (i) interventions with first offenders under § 18.2-251 or (ii) services to offenders under § 18.2-51.4, 18.2-266, or 18.2-266.1;

21. Residential facilities for juveniles regulated or operated by the Department of Social Services, the Department of Education, or the Department of Behavioral Health and Developmental Services for the purpose of determining applicants' fitness for employment or for providing volunteer or contractual services;

22. The Department of Behavioral Health and Developmental Services and facilities operated by the Department for the purpose of determining an individual's fitness for employment pursuant to departmental instructions;

23. Pursuant to § 22.1-296.3, the governing boards or administrators of private elementary or secondary schools which are accredited pursuant to § 22.1-19 or a private organization coordinating such records information on behalf of such governing boards or administrators pursuant to a written agreement with the Department of State Police;

24. Public institutions of higher education and nonprofit private institutions of higher education for the purpose of screening individuals who are offered or accept employment;

25. Members of a threat assessment team established by a local school board pursuant to § 22.1-79.4, by a public institution of higher education pursuant to § 23.1-805, or by a private nonprofit institution of higher education, for the purpose of assessing or intervening with an individual whose behavior may present a threat to safety; however, no member of a threat assessment team shall redisclose any criminal history record information obtained pursuant to this section or otherwise use any record of an individual beyond the purpose that such disclosure was made to the threat assessment team;

26. Executive directors of community services boards or the personnel director serving the community services board for the purpose of determining an individual's fitness for employment, approval as a sponsored residential service provider, permission to enter into a shared living arrangement with a person receiving medical assistance services pursuant to a waiver, or permission for any person under contract with the community services board to serve in a direct care position on behalf of the community services board pursuant to §§ 37.2-506, 37.2-506.1, and 37.2-607;

27. Executive directors of behavioral health authorities as defined in § 37.2-600 for the purpose of determining an individual's fitness for employment, approval as a sponsored residential service provider, permission to enter into a shared living arrangement with a person receiving medical assistance services pursuant to a waiver, or permission for any person under contract with the behavioral health authority to serve in a direct care position on behalf of the behavioral health authority pursuant to §§ 37.2-506, 37.2-506.1, and 37.2-607;

28. The Commissioner of Social Services for the purpose of locating persons who owe child support or who are alleged in a pending paternity proceeding to be a putative father, provided that only the name, address, demographics and social security number of the data subject shall be released;

29. Authorized officers or directors of agencies licensed pursuant to Article 2 (§ 37.2-403 et seq.) of Chapter 4 of Title 37.2 by the Department of Behavioral Health and Developmental Services for the purpose of determining if any applicant who accepts employment in any direct care position or requests approval as a sponsored residential service provider, permission to enter into a shared living arrangement with a person receiving medical assistance services pursuant to a waiver, or permission for any person under contract with the provider to serve in a direct care position has been convicted of a crime that affects his fitness to have responsibility for the safety and well-being of individuals with mental illness, intellectual disability, or substance abuse pursuant to §§ 37.2-416, 37.2-416.1, 37.2-506, 37.2-506.1, and 37.2-607;

30. The Commissioner of the Department of Motor Vehicles, for the purpose of evaluating applicants for and holders of a motor carrier certificate or license subject to the provisions of Chapters 20 (§ 46.2-2000 et seq.) and 21 (§ 46.2-2100 et seq.) of Title 46.2;

31. The Chairman of the Senate Committee on the Judiciary or the Chairman of the House Committee for Courts of Justice for the purpose of determining if any person being considered for election to any judgeship has been convicted of a crime;

32. Heads of state agencies in which positions have been identified as sensitive for the purpose of determining an individual's fitness for employment in positions designated as sensitive under Department of Human Resource Management policies developed pursuant to § 2.2-1201.1;

33. The Office of the Attorney General, for all criminal justice activities otherwise permitted under subdivision A 1 and for purposes of performing duties required by the Civil Commitment of Sexually Violent Predators Act (§ 37.2-900 et seq.);

34. Shipyards, to the extent permitted by federal law or regulation, engaged in the design, construction, overhaul, or repair of nuclear vessels for the United States Navy, including their subsidiary companies, for the conduct of investigations of applications for employment or for access to facilities, by contractors, leased laborers, and other visitors;

35. Any employer of individuals whose employment requires that they enter the homes of others, for the purpose of screening individuals who apply for, are offered, or have accepted such employment;

36. Public agencies when and as required by federal or state law to investigate (i) applicants as providers of adult foster care and home-based services or (ii) any individual with whom the agency is considering placing an adult on an emergency, temporary, or permanent basis pursuant to § 63.2-1601.1, subject to the restriction that the data shall not be further disseminated by the agency to any party other than a federal or state authority or court as may be required to comply with an express requirement of law for such further dissemination, subject to limitations set out in subsection G;

37. The Department of Medical Assistance Services, or its designee, for the purpose of screening individuals who, through contracts, subcontracts, or direct employment, volunteer, apply for, are offered, or have accepted a position related to the provision of transportation services to enrollees in the Medicaid Program or the Family Access to Medical Insurance Security (FAMIS) Program, or any other program administered by the Department of Medical Assistance Services;

38. The State Corporation Commission for the purpose of investigating individuals who are current or proposed members, senior officers, directors, and principals of an applicant or person licensed under Chapter 16 (§ 6.2-1600 et seq.), Chapter 19 (§ 6.2-1900 et seq.), or Chapter 26 (§ 6.2-2600 et seq.) of Title 6.2. Notwithstanding any other provision of law, if an application is denied based in whole or in part on information obtained from the Central Criminal Records Exchange pursuant to Chapter 16, 19, or 26 of Title 6.2, the Commissioner of Financial Institutions or his designee may disclose such information to the applicant or its designee;

39. The Department of Professional and Occupational Regulation for the purpose of investigating individuals for initial licensure pursuant to § 54.1-2106.1;

40. The Department for Aging and Rehabilitative Services and the Department for the Blind and Vision Impaired for the purpose of evaluating an individual's fitness for various types of employment and for the purpose of delivering comprehensive vocational rehabilitation services pursuant to Article 11 (§ 51.5-170 et seq.) of Chapter 14 of Title 51.5 that will assist the individual in obtaining employment;

41. Bail bondsmen, in accordance with the provisions of § 19.2-120;

42. The State Treasurer for the purpose of determining whether a person receiving compensation for wrongful incarceration meets the conditions for continued compensation under § 8.01-195.12;

43. The Department of Education or its agents or designees for the purpose of screening individuals seeking to enter into a contract with the Department of Education or its agents or designees for the provision of child care services for which child care subsidy payments may be provided;

44. The Department of Juvenile Justice to investigate any parent, guardian, or other adult members of a juvenile's household when completing a predispositional or postdispositional report required by § 16.1-273 or a Board of Juvenile Justice regulation promulgated pursuant to § 16.1-233;

45. The State Corporation Commission, for the purpose of screening applicants for insurance licensure under Chapter 18 (§ 38.2-1800 et seq.) of Title 38.2;

46. Administrators and board presidents of and applicants for licensure or registration as a child day program or family day system, as such terms are defined in § 22.1-289.02, for dissemination to the Superintendent of Public Instruction's representative pursuant to § 22.1-289.013 for the conduct of investigations with respect to employees of and volunteers at such facilities pursuant to §§ 22.1-289.034 through 22.1-289.037, subject to the restriction that the data shall not be further disseminated by the facility or agency to any party other than the data subject, the Superintendent of Public Instruction's representative, or a federal or state authority or court as may be required to comply with an express requirement of law for such further dissemination; however, nothing in this subdivision shall be construed to prohibit the Superintendent of Public Instruction's representative from issuing written certifications regarding the results of prior background checks in accordance with subsection J of § 22.1-289.035 or § 22.1-289.039;

47. The National Center for Missing and Exploited Children for the purpose of screening individuals who are offered or accept employment or will be providing volunteer or contractual services with the National Center for Missing and Exploited Children; and

48. Other entities as otherwise provided by law.

Upon an ex parte motion of a defendant in a felony case and upon the showing that the records requested may be relevant to such case, the court shall enter an order requiring the Central Criminal Records Exchange to furnish the defendant, as soon as practicable, copies of any records of persons designated in the order on whom a report has been made under the provisions of this chapter.

Notwithstanding any other provision of this chapter to the contrary, upon a written request sworn to before an officer authorized to take acknowledgments, the Central Criminal Records Exchange, or the criminal justice agency in cases of offenses not required to be reported to the Exchange, shall furnish a copy of conviction data covering the person named in the request to the person making the request; however, such person on whom the data is being obtained shall consent in writing, under oath, to the making of such request. A person receiving a copy of his own conviction data may utilize or further disseminate that data as he deems appropriate. In the event no conviction data is maintained on the data subject, the person making the request shall be furnished at his cost a certification to that effect.

B. Use of criminal history record information disseminated to noncriminal justice agencies under this section shall be limited to the purposes for which it was given and may not be disseminated further, except as otherwise provided in subdivision A 46.

C. No criminal justice agency or person shall confirm the existence or nonexistence of criminal history record information for employment or licensing inquiries except as provided by law.

D. Criminal justice agencies shall establish procedures to query the Central Criminal Records Exchange prior to dissemination of any criminal history record information on offenses required to be reported to the Central Criminal Records Exchange to ensure that the most up-to-date disposition data is being used. Inquiries of the Exchange shall be made prior to any dissemination except in those cases where time is of the essence and the normal response time of the Exchange would exceed the necessary time period. A criminal justice agency to whom a request has been made for the dissemination of criminal history record information that is required to be reported to the Central Criminal Records Exchange may direct the inquirer to the Central Criminal Records Exchange for such dissemination. Dissemination of information regarding offenses not required to be reported to the Exchange shall be made by the criminal justice agency maintaining the record as required by § 15.2-1722.

E. Criminal history information provided to licensed nursing homes, hospitals and to home care organizations pursuant to subdivision A 15 shall be limited to the convictions on file with the Exchange for any offense specified in §§ 32.1-126.01, 32.1-126.02, and 32.1-162.9:1.

F. Criminal history information provided to licensed assisted living facilities and licensed adult day ~~care~~ centers pursuant to subdivision A 16 shall be limited to the convictions on file with the Exchange for any offense specified in § 63.2-1720.

G. Criminal history information provided to public agencies pursuant to subdivision A 36 shall be limited to the convictions on file with the Exchange for any offense set forth in clause (i) of the definition of barrier crime in § 19.2-392.02.

H. Upon receipt of a written request from an employer or prospective employer, the Central Criminal Records Exchange, or the criminal justice agency in cases of offenses not required to be reported to the Exchange, shall furnish at the employer's cost a copy of conviction data covering the person named in the request to the employer or prospective employer making the request, provided that the person on whom the data is being obtained has consented in writing to the making of such request and has presented a photo-identification to the employer or prospective employer. In the event no conviction data is maintained on the person named in the request, the requesting employer or prospective employer shall be furnished at his cost a certification to that effect. The criminal history record search shall be conducted on forms provided by the Exchange.

I. Nothing in this section shall preclude the dissemination of a person's criminal history record information pursuant to the rules of court for obtaining discovery or for review by the court.

§ 32.1-127. (Effective until July 1, 2025) Regulations.

A. The regulations promulgated by the Board to carry out the provisions of this article shall be in substantial conformity to the standards of health, hygiene, sanitation, construction and safety as established and recognized by medical and health care professionals and by specialists in matters of public health and safety, including health and safety standards established under provisions of Title XVIII and Title XIX of the Social Security Act, and to the provisions of Article 2 (§ 32.1-138 et seq.).

B. Such regulations:

1. Shall include minimum standards for (i) the construction and maintenance of hospitals, nursing homes and certified nursing facilities to ensure the environmental protection and the life safety of its patients, employees, and the public; (ii) the operation, staffing and equipping of hospitals, nursing homes and certified nursing facilities; (iii) qualifications and training of staff of hospitals, nursing homes and certified nursing facilities, except those professionals licensed or certified by the Department of Health Professions; (iv) conditions under which a hospital or nursing home may provide medical and nursing services to patients in their places of residence; and (v) policies related to infection prevention, disaster preparedness, and facility security of hospitals, nursing homes, and certified nursing facilities;

2. Shall provide that at least one physician who is licensed to practice medicine in this Commonwealth shall be on call at all times, though not necessarily physically present on the premises, at each hospital which operates or holds itself out as operating an emergency service;

3. May classify hospitals and nursing homes by type of specialty or service and may provide for licensing hospitals and nursing homes by bed capacity and by type of specialty or service;

4. Shall also require that each hospital establish a protocol for organ donation, in compliance with federal law and the regulations of the Centers for Medicare and Medicaid Services (CMS), particularly 42 C.F.R. § 482.45. Each hospital shall have an agreement with an organ procurement organization designated in CMS regulations for routine contact, whereby the provider's designated organ procurement organization certified by CMS (i) is notified in a timely manner of all deaths or imminent deaths of patients in the hospital and (ii) is authorized to determine the suitability of the decedent or patient for organ donation and, in the absence of a similar arrangement with any eye bank or tissue bank in Virginia certified by the Eye Bank Association of America or the American Association of Tissue Banks, the suitability for tissue and eye donation. The hospital shall also have an agreement with at least one tissue bank and at least one eye bank to cooperate in the retrieval, processing, preservation, storage, and distribution of tissues and eyes to ensure that all usable tissues and eyes are obtained from potential donors and to avoid interference with organ procurement. The protocol shall ensure that the hospital collaborates with the designated organ procurement organization to inform the family of each potential donor of the option to donate organs, tissues, or eyes or to decline to donate. The individual making contact with the family shall have completed a course in the methodology for approaching potential donor families and requesting organ or tissue donation that (a) is offered or approved by the organ procurement organization and designed in conjunction with the tissue and eye bank community and (b) encourages discretion and sensitivity according to the specific circumstances, views, and beliefs of the relevant family. In addition, the hospital shall work cooperatively with the designated organ procurement organization in educating the staff responsible for contacting the organ procurement organization's personnel on donation issues, the proper review of death records to improve identification of potential donors, and the proper procedures for maintaining potential donors while necessary testing and placement of potential donated organs, tissues, and eyes takes place. This process shall be followed, without exception, unless the family of the relevant decedent or patient has expressed opposition to organ donation, the chief administrative officer of the hospital or his designee knows of such opposition, and no donor card or other relevant document, such as an advance directive, can be found;

5. Shall require that each hospital that provides obstetrical services establish a protocol for admission or transfer of any pregnant woman who presents herself while in labor;

6. Shall also require that each licensed hospital develop and implement a protocol requiring written discharge plans for identified, substance-abusing, postpartum women and their infants. The protocol shall require that the discharge plan be discussed with the patient and that appropriate referrals for the mother and the infant be made and documented. Appropriate referrals may include, but need not be limited to, treatment services, comprehensive early intervention services for infants and toddlers with disabilities and their families pursuant to Part H of the Individuals with Disabilities Education Act,

20 U.S.C. § 1471 et seq., and family-oriented prevention services. The discharge planning process shall involve, to the extent possible, the other parent of the infant and any members of the patient's extended family who may participate in the follow-up care for the mother and the infant. Immediately upon identification, pursuant to § 54.1-2403.1, of any substance-abusing, postpartum woman, the hospital shall notify, subject to federal law restrictions, the community services board of the jurisdiction in which the woman resides to appoint a discharge plan manager. The community services board shall implement and manage the discharge plan;

7. Shall require that each nursing home and certified nursing facility fully disclose to the applicant for admission the home's or facility's admissions policies, including any preferences given;

8. Shall require that each licensed hospital establish a protocol relating to the rights and responsibilities of patients which shall include a process reasonably designed to inform patients of such rights and responsibilities. Such rights and responsibilities of patients, a copy of which shall be given to patients on admission, shall be consistent with applicable federal law and regulations of the Centers for Medicare and Medicaid Services;

9. Shall establish standards and maintain a process for designation of levels or categories of care in neonatal services according to an applicable national or state-developed evaluation system. Such standards may be differentiated for various levels or categories of care and may include, but need not be limited to, requirements for staffing credentials, staff/patient ratios, equipment, and medical protocols;

10. Shall require that each nursing home and certified nursing facility train all employees who are mandated to report adult abuse, neglect, or exploitation pursuant to § 63.2-1606 on such reporting procedures and the consequences for failing to make a required report;

11. Shall permit hospital personnel, as designated in medical staff bylaws, rules and regulations, or hospital policies and procedures, to accept emergency telephone and other verbal orders for medication or treatment for hospital patients from physicians, and other persons lawfully authorized by state statute to give patient orders, subject to a requirement that such verbal order be signed, within a reasonable period of time not to exceed 72 hours as specified in the hospital's medical staff bylaws, rules and regulations or hospital policies and procedures, by the person giving the order, or, when such person is not available within the period of time specified, co-signed by another physician or other person authorized to give the order;

12. Shall require, unless the vaccination is medically contraindicated or the resident declines the offer of the vaccination, that each certified nursing facility and nursing home provide or arrange for the administration to its residents of (i) an annual vaccination against influenza and (ii) a pneumococcal vaccination, in accordance with the most recent recommendations of the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention;

13. Shall require that each nursing home and certified nursing facility register with the Department of State Police to receive notice of the registration, reregistration, or verification of registration information of any person required to register with the Sex Offender and Crimes Against Minors Registry pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1 within the same or a contiguous zip code area in which the home or facility is located, pursuant to § 9.1-914;

14. Shall require that each nursing home and certified nursing facility ascertain, prior to admission, whether a potential patient is required to register with the Sex Offender and Crimes Against Minors Registry pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1, if the home or facility anticipates the potential patient will have a length of stay greater than three days or in fact stays longer than three days;

15. Shall require that each licensed hospital include in its visitation policy a provision allowing each adult patient to receive visits from any individual from whom the patient desires to receive visits, subject to other restrictions contained in the visitation policy including, but not limited to, those related to the patient's medical condition and the number of visitors permitted in the patient's room simultaneously;

16. Shall require that each nursing home and certified nursing facility shall, upon the request of the facility's family council, send notices and information about the family council mutually developed by the family council and the administration of the nursing home or certified nursing facility, and provided to the facility for such purpose, to the listed responsible party or a contact person of the resident's choice up to six times per year. Such notices may be included together with a monthly billing statement or other regular communication. Notices and information shall also be posted in a designated location within the nursing home or certified nursing facility. No family member of a resident or other resident representative shall be restricted from participating in meetings in the facility with the families or resident representatives of other residents in the facility;

17. Shall require that each nursing home and certified nursing facility maintain liability insurance coverage in a minimum amount of $1 million, and professional liability coverage in an amount at least equal to the recovery limit set forth in § 8.01-581.15, to compensate patients or individuals for injuries and losses resulting from the negligent or criminal acts of the facility. Failure to maintain such minimum insurance shall result in revocation of the facility's license;

18. Shall require each hospital that provides obstetrical services to establish policies to follow when a stillbirth, as defined in § 32.1-69.1, occurs that meet the guidelines pertaining to counseling patients and their families and other aspects of managing stillbirths as may be specified by the Board in its regulations;

19. Shall require each nursing home to provide a full refund of any unexpended patient funds on deposit with the facility following the discharge or death of a patient, other than entrance-related fees paid to a continuing care provider as defined in § 38.2-4900, within 30 days of a written request for such funds by the discharged patient or, in the case of the

death of a patient, the person administering the person's estate in accordance with the Virginia Small Estates Act (§ 64.2-600 et seq.);

20. Shall require that each hospital that provides inpatient psychiatric services establish a protocol that requires, for any refusal to admit (i) a medically stable patient referred to its psychiatric unit, direct verbal communication between the on-call physician in the psychiatric unit and the referring physician, if requested by such referring physician, and prohibits on-call physicians or other hospital staff from refusing a request for such direct verbal communication by a referring physician and (ii) a patient for whom there is a question regarding the medical stability or medical appropriateness of admission for inpatient psychiatric services due to a situation involving results of a toxicology screening, the on-call physician in the psychiatric unit to which the patient is sought to be transferred to participate in direct verbal communication, either in person or via telephone, with a clinical toxicologist or other person who is a Certified Specialist in Poison Information employed by a poison control center that is accredited by the American Association of Poison Control Centers to review the results of the toxicology screen and determine whether a medical reason for refusing admission to the psychiatric unit related to the results of the toxicology screen exists, if requested by the referring physician;

21. Shall require that each hospital that is equipped to provide life-sustaining treatment shall develop a policy governing determination of the medical and ethical appropriateness of proposed medical care, which shall include (i) a process for obtaining a second opinion regarding the medical and ethical appropriateness of proposed medical care in cases in which a physician has determined proposed care to be medically or ethically inappropriate; (ii) provisions for review of the determination that proposed medical care is medically or ethically inappropriate by an interdisciplinary medical review committee and a determination by the interdisciplinary medical review committee regarding the medical and ethical appropriateness of the proposed health care; and (iii) requirements for a written explanation of the decision reached by the interdisciplinary medical review committee, which shall be included in the patient's medical record. Such policy shall ensure that the patient, his agent, or the person authorized to make medical decisions pursuant to § 54.1-2986 (a) are informed of the patient's right to obtain his medical record and to obtain an independent medical opinion and (b) afforded reasonable opportunity to participate in the medical review committee meeting. Nothing in such policy shall prevent the patient, his agent, or the person authorized to make medical decisions pursuant to § 54.1-2986 from obtaining legal counsel to represent the patient or from seeking other remedies available at law, including seeking court review, provided that the patient, his agent, or the person authorized to make medical decisions pursuant to § 54.1-2986, or legal counsel provides written notice to the chief executive officer of the hospital within 14 days of the date on which the physician's determination that proposed medical treatment is medically or ethically inappropriate is documented in the patient's medical record;

22. Shall require every hospital with an emergency department to establish a security plan. Such security plan shall be developed using standards established by the International Association for Healthcare Security and Safety or other industry standard and shall be based on the results of a security risk assessment of each emergency department location of the hospital and shall include the presence of at least one off-duty law-enforcement officer or trained security personnel who is present in the emergency department at all times as indicated to be necessary and appropriate by the security risk assessment. Such security plan shall be based on identified risks for the emergency department, including trauma level designation, overall volume, volume of psychiatric and forensic patients, incidents of violence against staff, and level of injuries sustained from such violence, and prevalence of crime in the community, in consultation with the emergency department medical director and nurse director. The security plan shall also outline training requirements for security personnel in the potential use of and response to weapons, defensive tactics, de-escalation techniques, appropriate physical restraint and seclusion techniques, crisis intervention, and trauma-informed approaches. Such training shall also include instruction on safely addressing situations involving patients, family members, or other persons who pose a risk of harm to themselves or others due to mental illness or substance abuse or who are experiencing a mental health crisis. Such training requirements may be satisfied through completion of the Department of Criminal Justice Services minimum training standards for auxiliary police officers as required by § 15.2-1731. The Commissioner shall provide a waiver from the requirement that at least one off-duty law-enforcement officer or trained security personnel be present at all times in the emergency department if the hospital demonstrates that a different level of security is necessary and appropriate for any of its emergency departments based upon findings in the security risk assessment;

23. Shall require that each hospital establish a protocol requiring that, before a health care provider arranges for air medical transportation services for a patient who does not have an emergency medical condition as defined in 42 U.S.C. § 1395dd(e)(1), the hospital shall provide the patient or his authorized representative with written or electronic notice that the patient (i) may have a choice of transportation by an air medical transportation provider or medically appropriate ground transportation by an emergency medical services provider and (ii) will be responsible for charges incurred for such transportation in the event that the provider is not a contracted network provider of the patient's health insurance carrier or such charges are not otherwise covered in full or in part by the patient's health insurance plan;

24. Shall establish an exemption from the requirement to obtain a license to add temporary beds in an existing hospital or nursing home, including beds located in a temporary structure or satellite location operated by the hospital or nursing home, provided that the ability remains to safely staff services across the existing hospital or nursing home, (i) for a period of no more than the duration of the Commissioner's determination plus 30 days when the Commissioner has determined that a natural or man-made disaster has caused the evacuation of a hospital or nursing home and that a public health emergency exists due to a shortage of hospital or nursing home beds or (ii) for a period of no more than the duration of the emergency order entered pursuant to § 32.1-13 or 32.1-20 plus 30 days when the Board, pursuant to § 32.1-13, or the Commissioner,

pursuant to § 32.1-20, has entered an emergency order for the purpose of suppressing a nuisance dangerous to public health or a communicable, contagious, or infectious disease or other danger to the public life and health;

25. Shall establish protocols to ensure that any patient scheduled to receive an elective surgical procedure for which the patient can reasonably be expected to require outpatient physical therapy as a follow-up treatment after discharge is informed that he (i) is expected to require outpatient physical therapy as a follow-up treatment and (ii) will be required to select a physical therapy provider prior to being discharged from the hospital;

26. Shall permit nursing home staff members who are authorized to possess, distribute, or administer medications to residents to store, dispense, or administer cannabis oil to a resident who has been issued a valid written certification for the use of cannabis oil in accordance with § 4.1-1601;

27. Shall require each hospital with an emergency department to establish a protocol for the treatment and discharge of individuals experiencing a substance use-related emergency, which shall include provisions for (i) appropriate screening and assessment of individuals experiencing substance use-related emergencies to identify medical interventions necessary for the treatment of the individual in the emergency department and (ii) recommendations for follow-up care following discharge for any patient identified as having a substance use disorder, depression, or mental health disorder, as appropriate, which may include, for patients who have been treated for substance use-related emergencies, including opioid overdose, or other high-risk patients, (a) the dispensing of naloxone or other opioid antagonist used for overdose reversal pursuant to subsection X of § 54.1-3408 at discharge or (b) issuance of a prescription for and information about accessing naloxone or other opioid antagonist used for overdose reversal, including information about accessing naloxone or other opioid antagonist used for overdose reversal at a community pharmacy, including any outpatient pharmacy operated by the hospital, or through a community organization or pharmacy that may dispense naloxone or other opioid antagonist used for overdose reversal without a prescription pursuant to a statewide standing order. Such protocols may also provide for referrals of individuals experiencing a substance use-related emergency to peer recovery specialists and community-based providers of behavioral health services, or to providers of pharmacotherapy for the treatment of drug or alcohol dependence or mental health diagnoses;

28. During a public health emergency related to COVID-19, shall require each nursing home and certified nursing facility to establish a protocol to allow each patient to receive visits, consistent with guidance from the Centers for Disease Control and Prevention and as directed by the Centers for Medicare and Medicaid Services and the Board. Such protocol shall include provisions describing (i) the conditions, including conditions related to the presence of COVID-19 in the nursing home, certified nursing facility, and community, under which in-person visits will be allowed and under which in-person visits will not be allowed and visits will be required to be virtual; (ii) the requirements with which in-person visitors will be required to comply to protect the health and safety of the patients and staff of the nursing home or certified nursing facility; (iii) the types of technology, including interactive audio or video technology, and the staff support necessary to ensure visits are provided as required by this subdivision; and (iv) the steps the nursing home or certified nursing facility will take in the event of a technology failure, service interruption, or documented emergency that prevents visits from occurring as required by this subdivision. Such protocol shall also include (a) a statement of the frequency with which visits, including virtual and in-person, where appropriate, will be allowed, which shall be at least once every 10 calendar days for each patient; (b) a provision authorizing a patient or the patient's personal representative to waive or limit visitation, provided that such waiver or limitation is included in the patient's health record; and (c) a requirement that each nursing home and certified nursing facility publish on its website or communicate to each patient or the patient's authorized representative, in writing or via electronic means, the nursing home's or certified nursing facility's plan for providing visits to patients as required by this subdivision;

29. Shall require each hospital, nursing home, and certified nursing facility to establish and implement policies to ensure the permissible access to and use of an intelligent personal assistant provided by a patient, in accordance with such regulations, while receiving inpatient services. Such policies shall ensure protection of health information in accordance with the requirements of the federal Health Insurance Portability and Accountability Act of 1996, 42 U.S.C. § 1320d et seq., as amended. For the purposes of this subdivision, "intelligent personal assistant" means a combination of an electronic device and a specialized software application designed to assist users with basic tasks using a combination of natural language processing and artificial intelligence, including such combinations known as "digital assistants" or "virtual assistants";

30. During a declared public health emergency related to a communicable disease of public health threat, shall require each hospital, nursing home, and certified nursing facility to establish a protocol to allow patients to receive visits from a rabbi, priest, minister, or clergy of any religious denomination or sect consistent with guidance from the Centers for Disease Control and Prevention and the Centers for Medicare and Medicaid Services and subject to compliance with any executive order, order of public health, Department guidance, or any other applicable federal or state guidance having the effect of limiting visitation. Such protocol may restrict the frequency and duration of visits and may require visits to be conducted virtually using interactive audio or video technology. Any such protocol may require the person visiting a patient pursuant to this subdivision to comply with all reasonable requirements of the hospital, nursing home, or certified nursing facility adopted to protect the health and safety of the person, patients, and staff of the hospital, nursing home, or certified nursing facility; and

31. Shall require that every hospital that makes health records, as defined in § 32.1-127.1:03, of patients who are minors available to such patients through a secure website shall make such health records available to such patient's parent

or guardian through such secure website, unless the hospital cannot make such health record available in a manner that prevents disclosure of information, the disclosure of which has been denied pursuant to subsection F of § 32.1-127.1:03 or for which consent required in accordance with subsection E of § 54.1-2969 has not been provided.

C. Upon obtaining the appropriate license, if applicable, licensed hospitals, nursing homes, and certified nursing facilities may operate adult day ~~care~~ centers.

D. All facilities licensed by the Board pursuant to this article which provide treatment or care for hemophiliacs and, in the course of such treatment, stock clotting factors, shall maintain records of all lot numbers or other unique identifiers for such clotting factors in order that, in the event the lot is found to be contaminated with an infectious agent, those hemophiliacs who have received units of this contaminated clotting factor may be apprised of this contamination. Facilities which have identified a lot that is known to be contaminated shall notify the recipient's attending physician and request that he notify the recipient of the contamination. If the physician is unavailable, the facility shall notify by mail, return receipt requested, each recipient who received treatment from a known contaminated lot at the individual's last known address.

E. Hospitals in the Commonwealth may enter into agreements with the Department of Health for the provision to uninsured patients of naloxone or other opioid antagonists used for overdose reversal.

§ 32.1-127. (Effective July 1, 2025) Regulations.

A. The regulations promulgated by the Board to carry out the provisions of this article shall be in substantial conformity to the standards of health, hygiene, sanitation, construction and safety as established and recognized by medical and health care professionals and by specialists in matters of public health and safety, including health and safety standards established under provisions of Title XVIII and Title XIX of the Social Security Act, and to the provisions of Article 2 (§ 32.1-138 et seq.).

B. Such regulations:

1. Shall include minimum standards for (i) the construction and maintenance of hospitals, nursing homes and certified nursing facilities to ensure the environmental protection and the life safety of its patients, employees, and the public; (ii) the operation, staffing and equipping of hospitals, nursing homes and certified nursing facilities; (iii) qualifications and training of staff of hospitals, nursing homes and certified nursing facilities, except those professionals licensed or certified by the Department of Health Professions; (iv) conditions under which a hospital or nursing home may provide medical and nursing services to patients in their places of residence; and (v) policies related to infection prevention, disaster preparedness, and facility security of hospitals, nursing homes, and certified nursing facilities;

2. Shall provide that at least one physician who is licensed to practice medicine in this Commonwealth shall be on call at all times, though not necessarily physically present on the premises, at each hospital which operates or holds itself out as operating an emergency service;

3. May classify hospitals and nursing homes by type of specialty or service and may provide for licensing hospitals and nursing homes by bed capacity and by type of specialty or service;

4. Shall also require that each hospital establish a protocol for organ donation, in compliance with federal law and the regulations of the Centers for Medicare and Medicaid Services (CMS), particularly 42 C.F.R. § 482.45. Each hospital shall have an agreement with an organ procurement organization designated in CMS regulations for routine contact, whereby the provider's designated organ procurement organization certified by CMS (i) is notified in a timely manner of all deaths or imminent deaths of patients in the hospital and (ii) is authorized to determine the suitability of the decedent or patient for organ donation and, in the absence of a similar arrangement with any eye bank or tissue bank in Virginia certified by the Eye Bank Association of America or the American Association of Tissue Banks, the suitability for tissue and eye donation. The hospital shall also have an agreement with at least one tissue bank and at least one eye bank to cooperate in the retrieval, processing, preservation, storage, and distribution of tissues and eyes to ensure that all usable tissues and eyes are obtained from potential donors and to avoid interference with organ procurement. The protocol shall ensure that the hospital collaborates with the designated organ procurement organization to inform the family of each potential donor of the option to donate organs, tissues, or eyes or to decline to donate. The individual making contact with the family shall have completed a course in the methodology for approaching potential donor families and requesting organ or tissue donation that (a) is offered or approved by the organ procurement organization and designed in conjunction with the tissue and eye bank community and (b) encourages discretion and sensitivity according to the specific circumstances, views, and beliefs of the relevant family. In addition, the hospital shall work cooperatively with the designated organ procurement organization in educating the staff responsible for contacting the organ procurement organization's personnel on donation issues, the proper review of death records to improve identification of potential donors, and the proper procedures for maintaining potential donors while necessary testing and placement of potential donated organs, tissues, and eyes takes place. This process shall be followed, without exception, unless the family of the relevant decedent or patient has expressed opposition to organ donation, the chief administrative officer of the hospital or his designee knows of such opposition, and no donor card or other relevant document, such as an advance directive, can be found;

5. Shall require that each hospital that provides obstetrical services establish a protocol for admission or transfer of any pregnant woman who presents herself while in labor;

6. Shall also require that each licensed hospital develop and implement a protocol requiring written discharge plans for identified, substance-abusing, postpartum women and their infants. The protocol shall require that the discharge plan be discussed with the patient and that appropriate referrals for the mother and the infant be made and documented. Appropriate referrals may include, but need not be limited to, treatment services, comprehensive early intervention services for infants

and toddlers with disabilities and their families pursuant to Part H of the Individuals with Disabilities Education Act, 20 U.S.C. § 1471 et seq., and family-oriented prevention services. The discharge planning process shall involve, to the extent possible, the other parent of the infant and any members of the patient's extended family who may participate in the follow-up care for the mother and the infant. Immediately upon identification, pursuant to § 54.1-2403.1, of any substance-abusing, postpartum woman, the hospital shall notify, subject to federal law restrictions, the community services board of the jurisdiction in which the woman resides to appoint a discharge plan manager. The community services board shall implement and manage the discharge plan;

7. Shall require that each nursing home and certified nursing facility fully disclose to the applicant for admission the home's or facility's admissions policies, including any preferences given;

8. Shall require that each licensed hospital establish a protocol relating to the rights and responsibilities of patients which shall include a process reasonably designed to inform patients of such rights and responsibilities. Such rights and responsibilities of patients, a copy of which shall be given to patients on admission, shall be consistent with applicable federal law and regulations of the Centers for Medicare and Medicaid Services;

9. Shall establish standards and maintain a process for designation of levels or categories of care in neonatal services according to an applicable national or state-developed evaluation system. Such standards may be differentiated for various levels or categories of care and may include, but need not be limited to, requirements for staffing credentials, staff/patient ratios, equipment, and medical protocols;

10. Shall require that each nursing home and certified nursing facility train all employees who are mandated to report adult abuse, neglect, or exploitation pursuant to § 63.2-1606 on such reporting procedures and the consequences for failing to make a required report;

11. Shall permit hospital personnel, as designated in medical staff bylaws, rules and regulations, or hospital policies and procedures, to accept emergency telephone and other verbal orders for medication or treatment for hospital patients from physicians, and other persons lawfully authorized by state statute to give patient orders, subject to a requirement that such verbal order be signed, within a reasonable period of time not to exceed 72 hours as specified in the hospital's medical staff bylaws, rules and regulations or hospital policies and procedures, by the person giving the order, or, when such person is not available within the period of time specified, co-signed by another physician or other person authorized to give the order;

12. Shall require, unless the vaccination is medically contraindicated or the resident declines the offer of the vaccination, that each certified nursing facility and nursing home provide or arrange for the administration to its residents of (i) an annual vaccination against influenza and (ii) a pneumococcal vaccination, in accordance with the most recent recommendations of the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention;

13. Shall require that each nursing home and certified nursing facility register with the Department of State Police to receive notice of the registration, reregistration, or verification of registration information of any person required to register with the Sex Offender and Crimes Against Minors Registry pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1 within the same or a contiguous zip code area in which the home or facility is located, pursuant to § 9.1-914;

14. Shall require that each nursing home and certified nursing facility ascertain, prior to admission, whether a potential patient is required to register with the Sex Offender and Crimes Against Minors Registry pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1, if the home or facility anticipates the potential patient will have a length of stay greater than three days or in fact stays longer than three days;

15. Shall require that each licensed hospital include in its visitation policy a provision allowing each adult patient to receive visits from any individual from whom the patient desires to receive visits, subject to other restrictions contained in the visitation policy including, but not limited to, those related to the patient's medical condition and the number of visitors permitted in the patient's room simultaneously;

16. Shall require that each nursing home and certified nursing facility shall, upon the request of the facility's family council, send notices and information about the family council mutually developed by the family council and the administration of the nursing home or certified nursing facility, and provided to the facility for such purpose, to the listed responsible party or a contact person of the resident's choice up to six times per year. Such notices may be included together with a monthly billing statement or other regular communication. Notices and information shall also be posted in a designated location within the nursing home or certified nursing facility. No family member of a resident or other resident representative shall be restricted from participating in meetings in the facility with the families or resident representatives of other residents in the facility;

17. Shall require that each nursing home and certified nursing facility maintain liability insurance coverage in a minimum amount of $1 million, and professional liability coverage in an amount at least equal to the recovery limit set forth in § 8.01-581.15, to compensate patients or individuals for injuries and losses resulting from the negligent or criminal acts of the facility. Failure to maintain such minimum insurance shall result in revocation of the facility's license;

18. Shall require each hospital that provides obstetrical services to establish policies to follow when a stillbirth, as defined in § 32.1-69.1, occurs that meet the guidelines pertaining to counseling patients and their families and other aspects of managing stillbirths as may be specified by the Board in its regulations;

19. Shall require each nursing home to provide a full refund of any unexpended patient funds on deposit with the facility following the discharge or death of a patient, other than entrance-related fees paid to a continuing care provider as

defined in § 38.2-4900, within 30 days of a written request for such funds by the discharged patient or, in the case of the death of a patient, the person administering the person's estate in accordance with the Virginia Small Estates Act (§ 64.2-600 et seq.);

20. Shall require that each hospital that provides inpatient psychiatric services establish a protocol that requires, for any refusal to admit (i) a medically stable patient referred to its psychiatric unit, direct verbal communication between the on-call physician in the psychiatric unit and the referring physician, if requested by such referring physician, and prohibits on-call physicians or other hospital staff from refusing a request for such direct verbal communication by a referring physician and (ii) a patient for whom there is a question regarding the medical stability or medical appropriateness of admission for inpatient psychiatric services due to a situation involving results of a toxicology screening, the on-call physician in the psychiatric unit to which the patient is sought to be transferred to participate in direct verbal communication, either in person or via telephone, with a clinical toxicologist or other person who is a Certified Specialist in Poison Information employed by a poison control center that is accredited by the American Association of Poison Control Centers to review the results of the toxicology screen and determine whether a medical reason for refusing admission to the psychiatric unit related to the results of the toxicology screen exists, if requested by the referring physician;

21. Shall require that each hospital that is equipped to provide life-sustaining treatment shall develop a policy governing determination of the medical and ethical appropriateness of proposed medical care, which shall include (i) a process for obtaining a second opinion regarding the medical and ethical appropriateness of proposed medical care in cases in which a physician has determined proposed care to be medically or ethically inappropriate; (ii) provisions for review of the determination that proposed medical care is medically or ethically inappropriate by an interdisciplinary medical review committee and a determination by the interdisciplinary medical review committee regarding the medical and ethical appropriateness of the proposed health care; and (iii) requirements for a written explanation of the decision reached by the interdisciplinary medical review committee, which shall be included in the patient's medical record. Such policy shall ensure that the patient, his agent, or the person authorized to make medical decisions pursuant to § 54.1-2986 (a) are informed of the patient's right to obtain his medical record and to obtain an independent medical opinion and (b) afforded reasonable opportunity to participate in the medical review committee meeting. Nothing in such policy shall prevent the patient, his agent, or the person authorized to make medical decisions pursuant to § 54.1-2986 from obtaining legal counsel to represent the patient or from seeking other remedies available at law, including seeking court review, provided that the patient, his agent, or the person authorized to make medical decisions pursuant to § 54.1-2986, or legal counsel provides written notice to the chief executive officer of the hospital within 14 days of the date on which the physician's determination that proposed medical treatment is medically or ethically inappropriate is documented in the patient's medical record;

22. Shall require every hospital with an emergency department to establish a security plan. Such security plan shall be developed using standards established by the International Association for Healthcare Security and Safety or other industry standard and shall be based on the results of a security risk assessment of each emergency department location of the hospital and shall include the presence of at least one off-duty law-enforcement officer or trained security personnel who is present in the emergency department at all times as indicated to be necessary and appropriate by the security risk assessment. Such security plan shall be based on identified risks for the emergency department, including trauma level designation, overall volume, volume of psychiatric and forensic patients, incidents of violence against staff, and level of injuries sustained from such violence, and prevalence of crime in the community, in consultation with the emergency department medical director and nurse director. The security plan shall also outline training requirements for security personnel in the potential use of and response to weapons, defensive tactics, de-escalation techniques, appropriate physical restraint and seclusion techniques, crisis intervention, and trauma-informed approaches. Such training shall also include instruction on safely addressing situations involving patients, family members, or other persons who pose a risk of harm to themselves or others due to mental illness or substance abuse or who are experiencing a mental health crisis. Such training requirements may be satisfied through completion of the Department of Criminal Justice Services minimum training standards for auxiliary police officers as required by § 15.2-1731. The Commissioner shall provide a waiver from the requirement that at least one off-duty law-enforcement officer or trained security personnel be present at all times in the emergency department if the hospital demonstrates that a different level of security is necessary and appropriate for any of its emergency departments based upon findings in the security risk assessment;

23. Shall require that each hospital establish a protocol requiring that, before a health care provider arranges for air medical transportation services for a patient who does not have an emergency medical condition as defined in 42 U.S.C. § 1395dd(e)(1), the hospital shall provide the patient or his authorized representative with written or electronic notice that the patient (i) may have a choice of transportation by an air medical transportation provider or medically appropriate ground transportation by an emergency medical services provider and (ii) will be responsible for charges incurred for such transportation in the event that the provider is not a contracted network provider of the patient's health insurance carrier or such charges are not otherwise covered in full or in part by the patient's health insurance plan;

24. Shall establish an exemption from the requirement to obtain a license to add temporary beds in an existing hospital or nursing home, including beds located in a temporary structure or satellite location operated by the hospital or nursing home, provided that the ability remains to safely staff services across the existing hospital or nursing home, (i) for a period of no more than the duration of the Commissioner's determination plus 30 days when the Commissioner has determined that a natural or man-made disaster has caused the evacuation of a hospital or nursing home and that a public health emergency exists due to a shortage of hospital or nursing home beds or (ii) for a period of no more than the duration of the emergency

order entered pursuant to § 32.1-13 or 32.1-20 plus 30 days when the Board, pursuant to § 32.1-13, or the Commissioner, pursuant to § 32.1-20, has entered an emergency order for the purpose of suppressing a nuisance dangerous to public health or a communicable, contagious, or infectious disease or other danger to the public life and health;

25. Shall establish protocols to ensure that any patient scheduled to receive an elective surgical procedure for which the patient can reasonably be expected to require outpatient physical therapy as a follow-up treatment after discharge is informed that he (i) is expected to require outpatient physical therapy as a follow-up treatment and (ii) will be required to select a physical therapy provider prior to being discharged from the hospital;

26. Shall permit nursing home staff members who are authorized to possess, distribute, or administer medications to residents to store, dispense, or administer cannabis oil to a resident who has been issued a valid written certification for the use of cannabis oil in accordance with § 4.1-1601;

27. Shall require each hospital with an emergency department to establish a protocol for the treatment and discharge of individuals experiencing a substance use-related emergency, which shall include provisions for (i) appropriate screening and assessment of individuals experiencing substance use-related emergencies to identify medical interventions necessary for the treatment of the individual in the emergency department and (ii) recommendations for follow-up care following discharge for any patient identified as having a substance use disorder, depression, or mental health disorder, as appropriate, which may include, for patients who have been treated for substance use-related emergencies, including opioid overdose, or other high-risk patients, (a) the dispensing of naloxone or other opioid antagonist used for overdose reversal pursuant to subsection X of § 54.1-3408 at discharge or (b) issuance of a prescription for and information about accessing naloxone or other opioid antagonist used for overdose reversal, including information about accessing naloxone or other opioid antagonist used for overdose reversal at a community pharmacy, including any outpatient pharmacy operated by the hospital, or through a community organization or pharmacy that may dispense naloxone or other opioid antagonist used for overdose reversal without a prescription pursuant to a statewide standing order. Such protocols may also provide for referrals of individuals experiencing a substance use-related emergency to peer recovery specialists and community-based providers of behavioral health services, or to providers of pharmacotherapy for the treatment of drug or alcohol dependence or mental health diagnoses;

28. During a public health emergency related to COVID-19, shall require each nursing home and certified nursing facility to establish a protocol to allow each patient to receive visits, consistent with guidance from the Centers for Disease Control and Prevention and as directed by the Centers for Medicare and Medicaid Services and the Board. Such protocol shall include provisions describing (i) the conditions, including conditions related to the presence of COVID-19 in the nursing home, certified nursing facility, and community, under which in-person visits will be allowed and under which in-person visits will not be allowed and visits will be required to be virtual; (ii) the requirements with which in-person visitors will be required to comply to protect the health and safety of the patients and staff of the nursing home or certified nursing facility; (iii) the types of technology, including interactive audio or video technology, and the staff support necessary to ensure visits are provided as required by this subdivision; and (iv) the steps the nursing home or certified nursing facility will take in the event of a technology failure, service interruption, or documented emergency that prevents visits from occurring as required by this subdivision. Such protocol shall also include (a) a statement of the frequency with which visits, including virtual and in-person, where appropriate, will be allowed, which shall be at least once every 10 calendar days for each patient; (b) a provision authorizing a patient or the patient's personal representative to waive or limit visitation, provided that such waiver or limitation is included in the patient's health record; and (c) a requirement that each nursing home and certified nursing facility publish on its website or communicate to each patient or the patient's authorized representative, in writing or via electronic means, the nursing home's or certified nursing facility's plan for providing visits to patients as required by this subdivision;

29. Shall require each hospital, nursing home, and certified nursing facility to establish and implement policies to ensure the permissible access to and use of an intelligent personal assistant provided by a patient, in accordance with such regulations, while receiving inpatient services. Such policies shall ensure protection of health information in accordance with the requirements of the federal Health Insurance Portability and Accountability Act of 1996, 42 U.S.C. § 1320d et seq., as amended. For the purposes of this subdivision, "intelligent personal assistant" means a combination of an electronic device and a specialized software application designed to assist users with basic tasks using a combination of natural language processing and artificial intelligence, including such combinations known as "digital assistants" or "virtual assistants";

30. During a declared public health emergency related to a communicable disease of public health threat, shall require each hospital, nursing home, and certified nursing facility to establish a protocol to allow patients to receive visits from a rabbi, priest, minister, or clergy of any religious denomination or sect consistent with guidance from the Centers for Disease Control and Prevention and the Centers for Medicare and Medicaid Services and subject to compliance with any executive order, order of public health, Department guidance, or any other applicable federal or state guidance having the effect of limiting visitation. Such protocol may restrict the frequency and duration of visits and may require visits to be conducted virtually using interactive audio or video technology. Any such protocol may require the person visiting a patient pursuant to this subdivision to comply with all reasonable requirements of the hospital, nursing home, or certified nursing facility adopted to protect the health and safety of the person, patients, and staff of the hospital, nursing home, or certified nursing facility;

31. Shall require that every hospital that makes health records, as defined in § 32.1-127.1:03, of patients who are minors available to such patients through a secure website shall make such health records available to such patient's parent or guardian through such secure website, unless the hospital cannot make such health record available in a manner that prevents disclosure of information, the disclosure of which has been denied pursuant to subsection F of § 32.1-127.1:03 or for which consent required in accordance with subsection E of § 54.1-2969 has not been provided; and

32. Shall require each certified nursing facility eligible to participate in the Virginia Medicaid Nursing Facility Value-Based Purchasing (VBP) program, as referenced in Chapter 2 of the Acts of Assembly of 2022, Special Session I, to provide at least 3.08 hours of case mix-adjusted total nurse staffing hours per resident per day on average as determined annually by the Department of Medical Assistance Services for use in the VBP program, utilizing job codes for the calculation of total nurse staffing hours per resident per day following the Centers for Medicare and Medicaid Services (CMS) definitions as of January 1, 2022, used for similar purposes and including certified nursing assistants, licensed practical nurses, and registered nurses. No additional reporting shall be required by a certified nursing facility under this subdivision.

C. Upon obtaining the appropriate license, if applicable, licensed hospitals, nursing homes, and certified nursing facilities may operate adult day ~~care~~ centers.

D. All facilities licensed by the Board pursuant to this article which provide treatment or care for hemophiliacs and, in the course of such treatment, stock clotting factors, shall maintain records of all lot numbers or other unique identifiers for such clotting factors in order that, in the event the lot is found to be contaminated with an infectious agent, those hemophiliacs who have received units of this contaminated clotting factor may be apprised of this contamination. Facilities which have identified a lot that is known to be contaminated shall notify the recipient's attending physician and request that he notify the recipient of the contamination. If the physician is unavailable, the facility shall notify by mail, return receipt requested, each recipient who received treatment from a known contaminated lot at the individual's last known address.

E. Hospitals in the Commonwealth may enter into agreements with the Department of Health for the provision to uninsured patients of naloxone or other opioid antagonists used for overdose reversal.

§ 35.1-1. Definitions.

As used in this title, unless the context requires a different meaning:

"Bed-and-breakfast operation" means a residential-type establishment that provides (i) two or more rental accommodations for transient guests and food service to a maximum of 18 transient guests on any single day for five or more days in any calendar year or (ii) at least one rental accommodation for transient guests and food service to a maximum of 18 transient guests on any single day for 30 or more days in any calendar year.

"Board" or "State Board" means the State Board of Health.

"Campground" means any area, place, parcel, or tract of land, by whatever name called, on which three or more campsites are occupied or intended for occupancy, or facilities are established or maintained, wholly or in part, for the accommodation of camping units for periods of overnight or longer, whether the use of the campsites and facilities is granted gratuitously, or by rental fee, lease, or conditional sale, or by covenants, restrictions, and easements, including any travel trailer camp, recreation camp, family campground, camping resort, or camping community. "Campground" does not mean a summer camp, migrant labor camp, or park for manufactured homes as defined in this section and in §§ 32.1-203 and 36-85.3, or a construction camp, storage area for unoccupied camping units, or property upon which the individual owner may choose to camp and not be prohibited or encumbered by covenants, restrictions, and conditions from providing his sanitary facilities within his property lines.

"Camping unit" means any device or vehicular type structure for use as temporary living quarters or shelter during periods of recreation, vacation, leisure time, or travel, including any tent, tent trailer, travel trailer, camping trailer, pickup camper, or motor home.

"Campsite" means any plot of ground within a campground used or intended for occupation by the camping unit.

"Certified food protection manager" means a person who has demonstrated proficiency in food safety issues, regulations, and techniques in maintaining a safe-food environment by passing a test and receiving a certification as part of a program that is accredited by the Board.

"Commissioner" means the State Health Commissioner.

"Department" means the State Department of Health.

"Hotel" means any place offering to the public for compensation transitory lodging or sleeping accommodations, overnight or otherwise, including facilities known by varying nomenclatures or designations as hotels, motels, travel lodges, tourist homes, or hostels.

"Person" means an individual, corporation, partnership, association, or any other legal entity.

"Restaurant" means:

1. Any place where food is prepared for service to the public on or off the premises, or any place where food is served, including lunchrooms, short order places, cafeterias, coffee shops, cafes, taverns, delicatessens, dining accommodations of public or private clubs, kitchen facilities of hospitals and nursing homes, dining accommodations of public and private schools and institutions of higher education, and kitchen areas of local correctional facilities subject to standards adopted under § 53.1-68.

2. Any place or operation that prepares or stores food for distribution to persons of the same business operation or of a related business operation for service to the public, including operations preparing or storing food for catering services, push cart operations, hotdog stands, and other mobile points of service.

3. Mobile points of service to which food is distributed by a place or operation described in subdivision 2 unless the point of service and of consumption is in a private residence.

4. Any place or operation that prepares or stores food for distribution to child or adult day ~~care~~ centers or schools, regardless of whether the receiving day ~~care~~ center or school holds a restaurant license.

"Restaurant" does not include any place manufacturing packaged or canned foods that are distributed to grocery stores or other similar retailers for sale to the public.

"Summer camp" means any building, tent, or vehicle, or group of buildings, tents, or vehicles, if operated as one place or establishment, or any other place or establishment, public or private, together with the land and waters adjacent thereto, that is operated or used in this Commonwealth for the entertainment, education, recreation, religious instruction or activities, physical education, or health of persons under 18 years of age who are not related to the operator of such place or establishment by blood or marriage within the third degree of consanguinity or affinity, if 12 or more such persons at any one time are accommodated, gratuitously or for compensation, overnight and during any portion of more than two consecutive days.

§ 36-99.5:1. Smoke alarms and other fire detection and suppression systems in assisted living facilities, adult day centers and nursing homes and facilities.

A. Battery operated or AC powered smoke alarm devices shall be installed in all assisted living facilities and adult day ~~care~~ centers licensed by the Department of Social Services, regardless of when the building was constructed. The location and installation of the smoke alarms shall be determined by the Building Code.

The licensee shall obtain a certificate of compliance from the building official of the locality in which the facility or center is located, or in the case of state-owned buildings, from the Department of General Services.

The licensee shall maintain the smoke alarm devices in good working order.

B. The Board of Housing and Community Development shall promulgate regulations in accordance with the Administrative Process Act (§ 2.2-4000 et seq.) establishing standards for requiring (i) smoke alarms and (ii) such other fire detection and suppression systems as deemed necessary by the Board to increase the safety of persons in assisted living facilities, residential dwelling units designed or developed and marketed to senior citizens, nursing homes, and nursing facilities. All nursing homes and nursing facilities that are already equipped with sprinkler systems shall comply with regulations relating to smoke alarms.

§ 44-146.19. Powers and duties of political subdivisions.

A. Each political subdivision within the Commonwealth shall be within the jurisdiction of and served by the Department of Emergency Management and be responsible for local disaster mitigation, preparedness, response, and recovery. Each political subdivision shall maintain in accordance with state disaster preparedness plans and programs an agency of emergency management which, except as otherwise provided under this chapter, has jurisdiction over and services the entire political subdivision.

B. Each political subdivision shall have a director of emergency management who, after the term of the person presently serving in this capacity has expired and in the absence of an executive order by the Governor, shall be the following:

1. In the case of a city, the mayor or city manager, who shall appoint a coordinator of emergency management with consent of council;

2. In the case of a county, a member of the board of supervisors selected by the board or the chief administrative officer for the county, who shall appoint a coordinator of emergency management with the consent of the governing body;

3. A coordinator of emergency management shall be appointed by the council of any town to ensure integration of its organization into the county emergency management organization;

4. In the case of the Towns of Chincoteague and West Point and of towns with a population in excess of 5,000 having an emergency management organization separate from that of the county, the mayor or town manager shall appoint a coordinator of emergency services with consent of council;

5. In Smyth County and in York County, the chief administrative officer for the county shall appoint a director of emergency management, with the consent of the governing body, who shall appoint a coordinator of emergency management with the consent of the governing body.

C. Whenever the Governor has declared a state of emergency, each political subdivision within the disaster area may, under the supervision and control of the Governor or his designated representative, control, restrict, allocate, or regulate the use, sale, production, and distribution of food, fuel, clothing, and other commodities, materials, goods, services, and resource systems which fall only within the boundaries of that jurisdiction and which do not impact systems affecting adjoining or other political subdivisions, enter into contracts and incur obligations necessary to combat such threatened or actual disaster, protect the health and safety of persons and property, and provide emergency assistance to the victims of such disaster. In exercising the powers vested under this section, under the supervision and control of the Governor, the political subdivision may proceed without regard to time-consuming procedures and formalities prescribed by law (except mandatory constitutional requirements) pertaining to the performance of public work, entering into contracts, incurring of

obligations, employment of temporary workers, rental of equipment, purchase of supplies and materials, levying of taxes, and appropriation and expenditure of public funds.

D. The director of each local organization for emergency management may, in collaboration with (i) other public and private agencies within the Commonwealth or (ii) other states or localities within other states, develop or cause to be developed mutual aid arrangements for reciprocal assistance in case of a disaster too great to be dealt with unassisted. Such arrangements shall be consistent with state plans and programs and it shall be the duty of each local organization for emergency management to render assistance in accordance with the provisions of such mutual aid arrangements. Except where a mutual aid arrangement for reciprocal assistance exists between localities, no locality shall prohibit another locality from providing emergency medical services across local boundaries solely on the basis of financial considerations.

E. Each local and interjurisdictional agency shall prepare and keep current a local or interjurisdictional emergency operations plan for its area. The plan shall include, but not be limited to, responsibilities of all local agencies and shall establish a chain of command, and a provision that the Department of Criminal Justice Services and the Virginia Criminal Injuries Compensation Fund shall be contacted immediately to deploy assistance in the event of an emergency as defined in the emergency response plan when there are victims as defined in § 19.2-11.01. The Department of Criminal Justice Services and the Virginia Criminal Injuries Compensation Fund shall be the lead coordinating agencies for those individuals determined to be victims, and the plan shall also contain current contact information for both agencies. Such plan shall also contain provisions to ensure that the plan is applied equitably and that the needs of minority and vulnerable communities are met during emergencies. Every four years, each local and interjurisdictional agency shall conduct a comprehensive review and revision of its emergency operations plan to ensure that the plan remains current, and the revised plan shall be formally adopted by the locality's governing body. In the case of an interjurisdictional agency, the plan shall be formally adopted by the governing body of each of the localities encompassed by the agency. Each political subdivision having a nuclear power station or other nuclear facility within 10 miles of its boundaries shall, if so directed by the Department of Emergency Management, prepare and keep current an appropriate emergency plan for its area for response to nuclear accidents at such station or facility.

F. All political subdivisions shall provide (i) an annually updated emergency management assessment and (ii) data related to emergency sheltering capabilities, including emergency shelter locations, evacuation zones, capacity by person, medical needs capacity, current wind rating, standards compliance, backup power, and lead agency for staffing, to the State Coordinator of Emergency Management on or before August 1 of each year.

G. By July 1, 2005, all localities with a population greater than 50,000 shall establish an alert and warning plan for the dissemination of adequate and timely warning to the public in the event of an emergency or threatened disaster. The governing body of the locality, in consultation with its local emergency management organization, shall amend its local emergency operations plan that may include rules for the operation of its alert and warning system, to include sirens, Emergency Alert System (EAS), NOAA Weather Radios, or other personal notification systems, amateur radio operators, or any combination thereof.

H. Localities that have established an agency of emergency management shall have authority to require the review of, and suggest amendments to, the emergency plans of nursing homes, assisted living facilities, adult day ~~care~~ centers, and child day care centers that are located within the locality.

§ 51.5-182. Responsibility for complaints and investigations.

In addition to its responsibilities for complaints regarding services provided by long-term care facilities pursuant to the Older Americans Act, 42 U.S.C. § 3001 et seq., as amended, the Office of the State Long-Term Care Ombudsman shall investigate complaints regarding services provided by (i) licensed adult day ~~care~~ centers as defined in § 63.2-100, (ii) home care organizations as defined in § 32.1-162.7, (iii) hospice facilities as defined in § 32.1-162.1, (iv) providers as defined in § 37.2-403, (v) state hospitals operated by the Department of Behavioral Health and Developmental Services, and (vi) an area agency on aging or any private nonprofit or proprietary agency providing services.

Nothing in this section shall affect the services provided by local departments of social services pursuant to § 63.2-1605.

§ 51.5-183. Access to clients, patients, individuals, providers, and records by Office of the State Long-Term Care Ombudsman; interference, retaliation, and reprisals against complainants.

A. The Office of the State Long-Term Care Ombudsman pursuant to the Older Americans Act, 42 U.S.C. § 3001 et seq., shall, in the performance of its functions, responsibilities, and duties, have access to (i) licensed assisted living facilities and adult day ~~care~~ centers as those terms are defined in § 63.2-100, (ii) home care organizations as defined in § 32.1-162.7, (iii) hospice facilities as defined in § 32.1-162.1, (iv) certified nursing facilities and nursing homes as those terms are defined in § 32.1-123, (v) providers as defined in § 37.2-403, (vi) state hospitals operated by the Department of Behavioral Health and Developmental Services, and (vii) providers of services by an area agency on aging or any private nonprofit or proprietary agency providing services; the clients, patients, and individuals receiving services; and the records of such clients, patients, and individuals whenever the Office of the State Long-Term Care Ombudsman has the consent of the client, patient, or individual receiving services or his legal representative. However, if a client, patient, or individual receiving services is unable to consent to the review of his medical and social records and has no legal representative, and access to the records is necessary to investigate a complaint, access shall be granted to the extent necessary to conduct the investigation. Further, access shall be granted to the Office of the State Long-Term Care Ombudsman if a legal representative of the client, patient, or individual receiving services refuses to give consent and the Office of the State

Long-Term Care Ombudsman has reasonable cause to believe that the legal representative is not acting in the best interests of the client, patient, or individual receiving services. Notwithstanding the provisions of § 32.1-125.1, the Office of the State Long-Term Care Ombudsman shall have access to state hospitals in accordance with this section. Access to patients, residents, and individuals receiving services and their records and to providers shall be available at any time during a provider's regular business or visiting hours and at any other time when access is required by the circumstances to be investigated. Records that are confidential under federal or state law shall be maintained as confidential by the Office of the State Long-Term Care Ombudsman and shall not be further disclosed, except as permitted by law. However, notwithstanding the provisions of this section, there shall be no right of access to privileged communications pursuant to § 8.01-581.17.

B. No provider, entity, or person may interfere with, retaliate against, or subject to reprisals a person who in good faith complains or provides information to, or otherwise cooperates with, the Office of the State Long-Term Care Ombudsman or any of its representatives or designees. The Commissioner shall promulgate regulations regarding the investigation of allegations of interference, retaliation, or reprisals and the implementation of sanctions with respect to such interference, retaliation, or reprisals as required under the Older Americans Act, 42 U.S.C. § 3001 et seq.

§ 54.1-3408. Professional use by practitioners.

A. A practitioner of medicine, osteopathy, podiatry, dentistry, or veterinary medicine, a licensed advanced practice registered nurse pursuant to § 54.1-2957.01, a licensed certified midwife pursuant to § 54.1-2957.04, a licensed physician assistant pursuant to § 54.1-2952.1, or a TPA-certified optometrist pursuant to Article 5 (§ 54.1-3222 et seq.) of Chapter 32 shall only prescribe, dispense, or administer controlled substances in good faith for medicinal or therapeutic purposes within the course of his professional practice. A licensed midwife pursuant to § 54.1-2957.7 shall only obtain, possess, and administer controlled substances in good faith for medicinal or therapeutic purposes within the course of his professional practice.

B. The prescribing practitioner's order may be on a written prescription or pursuant to an oral prescription as authorized by this chapter. The prescriber may administer drugs and devices, or he may cause drugs or devices to be administered by:

1. A nurse, physician assistant, or intern under his direction and supervision;

2. Persons trained to administer drugs and devices to patients in state-owned or state-operated hospitals or facilities licensed as hospitals by the Board of Health or psychiatric hospitals licensed by the Department of Behavioral Health and Developmental Services who administer drugs under the control and supervision of the prescriber or a pharmacist;

3. Emergency medical services personnel certified and authorized to administer drugs and devices pursuant to regulations of the Board of Health who act within the scope of such certification and pursuant to an oral or written order or standing protocol;

4. Persons who are employed or engaged at a medical care facility, as defined in § 32.1-3, who have a valid emergency medical services provider certification issued by the Board of Health as a requirement of being employed or engaged at the medical care facility within the scope of such certification, pursuant to an oral or written order or standing protocol to administer drugs and devices at the medical care facility; or

5. A licensed respiratory therapist as defined in § 54.1-2954 who administers by inhalation controlled substances used in inhalation or respiratory therapy.

C. Pursuant to an oral or written order or standing protocol, the prescriber, who is authorized by state or federal law to possess and administer radiopharmaceuticals in the scope of his practice, may authorize a nuclear medicine technologist to administer, under his supervision, radiopharmaceuticals used in the diagnosis or treatment of disease.

D. Pursuant to an oral or written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize registered nurses and licensed practical nurses to possess (i) epinephrine and oxygen for administration in treatment of emergency medical conditions and (ii) heparin and sterile normal saline to use for the maintenance of intravenous access lines.

Pursuant to the regulations of the Board of Health, certain emergency medical services technicians may possess and administer epinephrine in emergency cases of anaphylactic shock.

Pursuant to an order or standing protocol issued by the prescriber within the course of his professional practice, any school nurse, school board employee, employee of a local governing body, or employee of a local health department who is authorized by a prescriber and trained in the administration of epinephrine may possess and administer epinephrine.

Pursuant to an order or standing protocol that shall be issued by the local health director within the course of his professional practice, any school nurse, licensed athletic trainer under contract with a local school division, school board employee, employee of a local governing body, or employee of a local health department who is authorized by the local health director and trained in the administration of albuterol inhalers and valved holding chambers or nebulized albuterol may possess or administer an albuterol inhaler and a valved holding chamber or nebulized albuterol to a student diagnosed with a condition requiring an albuterol inhaler or nebulized albuterol when the student is believed to be experiencing or about to experience an asthmatic crisis.

Pursuant to an order or a standing protocol issued by the prescriber within the course of his professional practice, any employee of a school for students with disabilities, as defined in § 22.1-319 and licensed by the Board of Education, or any employee of a private school that is accredited pursuant to § 22.1-19 as administered by the Virginia Council for Private Education who is authorized by a prescriber and trained in the administration of (a) epinephrine may possess and administer

epinephrine and (b) albuterol inhalers or nebulized albuterol may possess or administer an albuterol inhaler or nebulized albuterol to a student diagnosed with a condition requiring an albuterol inhaler or nebulized albuterol when the student is believed to be experiencing or about to experience an asthmatic crisis.

Pursuant to an order or a standing protocol issued by the prescriber within the course of his professional practice, any nurse at an early childhood care and education entity, employee at the entity, or employee of a local health department who is authorized by a prescriber and trained in the administration of epinephrine may possess and administer epinephrine.

Pursuant to an order or a standing protocol issued by the prescriber within the course of his professional practice, any employee of a public institution of higher education or a private institution of higher education who is authorized by a prescriber and trained in the administration of epinephrine may possess and administer epinephrine.

Pursuant to an order or a standing protocol issued by the prescriber within the course of his professional practice, any employee of an organization providing outdoor educational experiences or programs for youth who is authorized by a prescriber and trained in the administration of epinephrine may possess and administer epinephrine.

Pursuant to an order or a standing protocol issued by the prescriber within the course of his professional practice, and in accordance with policies and guidelines established by the Department of Health, such prescriber may authorize any employee of a restaurant licensed pursuant to Chapter 3 (§ 35.1-18 et seq.) of Title 35.1 to possess and administer epinephrine on the premises of the restaurant at which the employee is employed, provided that such person is trained in the administration of epinephrine.

Pursuant to an order issued by the prescriber within the course of his professional practice, an employee of a provider licensed by the Department of Behavioral Health and Developmental Services or a person providing services pursuant to a contract with a provider licensed by the Department of Behavioral Health and Developmental Services may possess and administer epinephrine, provided such person is authorized and trained in the administration of epinephrine.

Pursuant to an order or standing protocol issued by the prescriber within the course of his professional practice, any employee of a public place, as defined in § 15.2-2820, who is authorized by a prescriber and trained in the administration of epinephrine may possess and administer epinephrine.

Pursuant to an oral or written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize pharmacists to possess epinephrine and oxygen for administration in treatment of emergency medical conditions.

E. Pursuant to an oral or written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize licensed physical therapists to possess and administer topical corticosteroids, topical lidocaine, and any other Schedule VI topical drug.

F. Pursuant to an oral or written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize licensed athletic trainers to possess and administer topical corticosteroids, topical lidocaine, or other Schedule VI topical drugs; oxygen and IV saline for use in emergency situations; subcutaneous lidocaine for wound closure; epinephrine for use in emergency cases of anaphylactic shock; and naloxone or other opioid antagonist for overdose reversal.

G. Pursuant to an oral or written order or standing protocol issued by the prescriber within the course of his professional practice, and in accordance with policies and guidelines established by the Department of Health pursuant to § 32.1-50.2, such prescriber may authorize registered nurses or licensed practical nurses under the supervision of a registered nurse to possess and administer tuberculin purified protein derivative (PPD) in the absence of a prescriber. The Department of Health's policies and guidelines shall be consistent with applicable guidelines developed by the Centers for Disease Control and Prevention for preventing transmission of mycobacterium tuberculosis and shall be updated to incorporate any subsequently implemented standards of the Occupational Safety and Health Administration and the Department of Labor and Industry to the extent that they are inconsistent with the Department of Health's policies and guidelines. Such standing protocols shall explicitly describe the categories of persons to whom the tuberculin test is to be administered and shall provide for appropriate medical evaluation of those in whom the test is positive. The prescriber shall ensure that the nurse implementing such standing protocols has received adequate training in the practice and principles underlying tuberculin screening.

The Health Commissioner or his designee may authorize registered nurses, acting as agents of the Department of Health, to possess and administer, at the nurse's discretion, tuberculin purified protein derivative (PPD) to those persons in whom tuberculin skin testing is indicated based on protocols and policies established by the Department of Health.

H. Pursuant to a written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize, with the consent of the parents as defined in § 22.1-1, an employee of (i) a school board, (ii) a school for students with disabilities as defined in § 22.1-319 licensed by the Board of Education, or (iii) a private school accredited pursuant to § 22.1-19 as administered by the Virginia Council for Private Education who is trained in the administration of insulin and glucagon to assist with the administration of insulin or administer glucagon to a student diagnosed as having diabetes and who requires insulin injections during the school day or for whom glucagon has been prescribed for the emergency treatment of hypoglycemia. Such authorization shall only be effective when a licensed nurse, an advanced practice registered nurse, a physician, or a physician assistant is not present to perform the administration of the medication.

Pursuant to a written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize an employee of a public institution of higher education or a private institution of higher

education who is trained in the administration of insulin and glucagon to assist with the administration of insulin or administration of glucagon to a student diagnosed as having diabetes and who requires insulin injections or for whom glucagon has been prescribed for the emergency treatment of hypoglycemia. Such authorization shall only be effective when a licensed nurse, an advanced practice registered nurse, a physician, or a physician assistant is not present to perform the administration of the medication.

Pursuant to a written order issued by the prescriber within the course of his professional practice, such prescriber may authorize an employee of a provider licensed by the Department of Behavioral Health and Developmental Services or a person providing services pursuant to a contract with a provider licensed by the Department of Behavioral Health and Developmental Services to assist with the administration of insulin or to administer glucagon to a person diagnosed as having diabetes and who requires insulin injections or for whom glucagon has been prescribed for the emergency treatment of hypoglycemia, provided such employee or person providing services has been trained in the administration of insulin and glucagon.

I. A prescriber may authorize, pursuant to a protocol approved by the Board of Nursing, the administration of vaccines to adults for immunization, when a practitioner with prescriptive authority is not physically present, by (i) licensed pharmacists, (ii) registered nurses, or (iii) licensed practical nurses under the supervision of a registered nurse. A prescriber acting on behalf of and in accordance with established protocols of the Department of Health may authorize the administration of vaccines to any person by a pharmacist, nurse, or designated emergency medical services provider who holds an advanced life support certificate issued by the Commissioner of Health under the direction of an operational medical director when the prescriber is not physically present. The emergency medical services provider shall provide documentation of the vaccines to be recorded in the Virginia Immunization Information System.

J. A dentist may cause Schedule VI topical drugs to be administered under his direction and supervision by either a dental hygienist or by an authorized agent of the dentist.

Further, pursuant to a written order and in accordance with a standing protocol issued by the dentist in the course of his professional practice, a dentist may authorize a dental hygienist under his general supervision, as defined in § 54.1-2722, or his remote supervision, as defined in subsection E or F of § 54.1-2722, to possess and administer topical oral fluorides, topical oral anesthetics, topical and directly applied antimicrobial agents for treatment of periodontal pocket lesions, and any other Schedule VI topical drug approved by the Board of Dentistry.

In addition, a dentist may authorize a dental hygienist under his direction to administer Schedule VI nitrous oxide and oxygen inhalation analgesia and, to persons 18 years of age or older, Schedule VI local anesthesia.

K. Pursuant to an oral or written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize registered professional nurses certified as sexual assault nurse examiners-A (SANE-A) under his supervision and when he is not physically present to possess and administer preventive medications for victims of sexual assault as recommended by the Centers for Disease Control and Prevention.

L. This section shall not prevent the administration of drugs by a person who has satisfactorily completed a training program for this purpose approved by the Board of Nursing and who administers such drugs in accordance with a prescriber's instructions pertaining to dosage, frequency, and manner of administration, and in accordance with regulations promulgated by the Board of Pharmacy relating to security and record keeping, when the drugs administered would be normally self-administered by (i) an individual receiving services in a program licensed by the Department of Behavioral Health and Developmental Services; (ii) a resident of the Virginia Rehabilitation Center for the Blind and Vision Impaired; (iii) a resident of a facility approved by the Board or Department of Juvenile Justice for the placement of children in need of services or delinquent or alleged delinquent youth; (iv) a program participant of an adult ~~day care~~ *day* center licensed by the Department of Social Services; (v) a resident of any facility authorized or operated by a state or local government whose primary purpose is not to provide health care services; (vi) a resident of a private children's residential facility, as defined in § 63.2-100 and licensed by the Department of Social Services, Department of Education, or Department of Behavioral Health and Developmental Services; or (vii) a student in a school for students with disabilities, as defined in § 22.1-319 and licensed by the Board of Education.

In addition, this section shall not prevent a person who has successfully completed a training program for the administration of drugs via percutaneous gastrostomy tube approved by the Board of Nursing and been evaluated by a registered nurse as having demonstrated competency in administration of drugs via percutaneous gastrostomy tube from administering drugs to a person receiving services from a program licensed by the Department of Behavioral Health and Developmental Services to such person via percutaneous gastrostomy tube. The continued competency of a person to administer drugs via percutaneous gastrostomy tube shall be evaluated semiannually by a registered nurse.

M. Medication aides registered by the Board of Nursing pursuant to Article 7 (§ 54.1-3041 et seq.) of Chapter 30 may administer drugs that would otherwise be self-administered to residents of any assisted living facility licensed by the Department of Social Services. A registered medication aide shall administer drugs pursuant to this section in accordance with the prescriber's instructions pertaining to dosage, frequency, and manner of administration; in accordance with regulations promulgated by the Board of Pharmacy relating to security and recordkeeping; in accordance with the assisted living facility's Medication Management Plan; and in accordance with such other regulations governing their practice promulgated by the Board of Nursing.

N. In addition, this section shall not prevent the administration of drugs by a person who administers such drugs in accordance with a physician's instructions pertaining to dosage, frequency, and manner of administration and with written

authorization of a parent, and in accordance with school board regulations relating to training, security and record keeping, when the drugs administered would be normally self-administered by a student of a Virginia public school. Training for such persons shall be accomplished through a program approved by the local school boards, in consultation with the local departments of health.

O. In addition, this section shall not prevent the administration of drugs by a person to (i) a child in a child day program as defined in § 22.1-289.02 and regulated by the Board of Education or a local government pursuant to § 15.2-914, or (ii) a student of a private school that is accredited pursuant to § 22.1-19 as administered by the Virginia Council for Private Education, provided such person (a) has satisfactorily completed a training program for this purpose approved by the Board of Nursing and taught by a registered nurse, a licensed practical nurse, an advanced practice registered nurse, a physician assistant, a doctor of medicine or osteopathic medicine, or a pharmacist; (b) has obtained written authorization from a parent or guardian; (c) administers drugs only to the child identified on the prescription label in accordance with the prescriber's instructions pertaining to dosage, frequency, and manner of administration; and (d) administers only those drugs that were dispensed from a pharmacy and maintained in the original, labeled container that would normally be self-administered by the child or student, or administered by a parent or guardian to the child or student.

P. In addition, this section shall not prevent the administration or dispensing of drugs and devices by persons if they are authorized by the State Health Commissioner in accordance with protocols established by the State Health Commissioner pursuant to § 32.1-42.1 when (i) the Governor has declared a disaster or a state of emergency, the United States Secretary of Health and Human Services has issued a declaration of an actual or potential bioterrorism incident or other actual or potential public health emergency, or the Board of Health has made an emergency order pursuant to § 32.1-13 for the purpose of suppressing nuisances dangerous to the public health and communicable, contagious, and infectious diseases and other dangers to the public life and health and for the limited purpose of administering vaccines as an approved countermeasure for such communicable, contagious, and infectious diseases; (ii) it is necessary to permit the provision of needed drugs or devices; and (iii) such persons have received the training necessary to safely administer or dispense the needed drugs or devices. Such persons shall administer or dispense all drugs or devices under the direction, control, and supervision of the State Health Commissioner.

Q. Nothing in this title shall prohibit the administration of normally self-administered drugs by unlicensed individuals to a person in his private residence.

R. This section shall not interfere with any prescriber issuing prescriptions in compliance with his authority and scope of practice and the provisions of this section to a Board agent for use pursuant to subsection G of § 18.2-258.1. Such prescriptions issued by such prescriber shall be deemed to be valid prescriptions.

S. Nothing in this title shall prevent or interfere with dialysis care technicians or dialysis patient care technicians who are certified by an organization approved by the Board of Health Professions or persons authorized for provisional practice pursuant to Chapter 27.01 (§ 54.1-2729.1 et seq.), in the ordinary course of their duties in a Medicare-certified renal dialysis facility, from administering heparin, topical needle site anesthetics, dialysis solutions, sterile normal saline solution, and blood volumizers, for the purpose of facilitating renal dialysis treatment, when such administration of medications occurs under the orders of a licensed physician, an advanced practice registered nurse, or a physician assistant and under the immediate and direct supervision of a licensed registered nurse. Nothing in this chapter shall be construed to prohibit a patient care dialysis technician trainee from performing dialysis care as part of and within the scope of the clinical skills instruction segment of a supervised dialysis technician training program, provided such trainee is identified as a "trainee" while working in a renal dialysis facility.

The dialysis care technician or dialysis patient care technician administering the medications shall have demonstrated competency as evidenced by holding current valid certification from an organization approved by the Board of Health Professions pursuant to Chapter 27.01 (§ 54.1-2729.1 et seq.).

T. Persons who are otherwise authorized to administer controlled substances in hospitals shall be authorized to administer influenza or pneumococcal vaccines pursuant to § 32.1-126.4.

U. Pursuant to a specific order for a patient and under his direct and immediate supervision, a prescriber may authorize the administration of controlled substances by personnel who have been properly trained to assist a doctor of medicine or osteopathic medicine, provided the method does not include intravenous, intrathecal, or epidural administration and the prescriber remains responsible for such administration.

V. A physician assistant, nurse, dental hygienist, or authorized agent of a doctor of medicine, osteopathic medicine, or dentistry may possess and administer topical fluoride varnish pursuant to an oral or written order or a standing protocol issued by a doctor of medicine, osteopathic medicine, or dentistry.

W. A prescriber, acting in accordance with guidelines developed pursuant to § 32.1-46.02, may authorize the administration of influenza vaccine to minors by a licensed pharmacist, registered nurse, licensed practical nurse under the direction and immediate supervision of a registered nurse, or emergency medical services provider who holds an advanced life support certificate issued by the Commissioner of Health when the prescriber is not physically present.

X. Notwithstanding the provisions of § 54.1-3303, pursuant to an oral, written, or standing order issued by a prescriber or a standing order issued by the Commissioner of Health or his designee authorizing the dispensing of naloxone or other opioid antagonist used for overdose reversal in the absence of an oral or written order for a specific patient issued by a prescriber, and in accordance with protocols developed by the Board of Pharmacy in consultation with the Board of Medicine and the Department of Health, a pharmacist, a health care provider providing services in a hospital emergency

department, and emergency medical services personnel, as that term is defined in § 32.1-111.1, may dispense naloxone or other opioid antagonist used for overdose reversal and a person to whom naloxone or other opioid antagonist has been dispensed pursuant to this subsection may possess and administer naloxone or other opioid antagonist used for overdose reversal to a person who is believed to be experiencing or about to experience a life-threatening opioid overdose. Law-enforcement officers as defined in § 9.1-101, employees of the Department of Forensic Science, employees of the Office of the Chief Medical Examiner, employees of the Department of General Services Division of Consolidated Laboratory Services, employees of the Department of Corrections designated by the Director of the Department of Corrections or designated as probation and parole officers or as correctional officers as defined in § 53.1-1, employees of the Department of Juvenile Justice designated as probation and parole officers or as juvenile correctional officers, employees of regional jails, school nurses, local health department employees that are assigned to a public school pursuant to an agreement between the local health department and the school board, other school board employees or individuals contracted by a school board to provide school health services, and firefighters may also possess and administer naloxone or other opioid antagonist used for overdose reversal and may dispense naloxone or other opioid antagonist used for overdose reversal pursuant to an oral, written, or standing order issued by a prescriber or a standing order issued by the Commissioner of Health or his designee in accordance with protocols developed by the Board of Pharmacy in consultation with the Board of Medicine and the Department of Health.

Notwithstanding the provisions of § 54.1-3303, pursuant to an oral, written, or standing order issued by a prescriber or a standing order issued by the Commissioner of Health or his designee authorizing the dispensing of naloxone or other opioid antagonist used for overdose reversal in the absence of an oral or written order for a specific patient issued by a prescriber, and in accordance with protocols developed by the Board of Pharmacy in consultation with the Board of Medicine and the Department of Health, any person may possess and administer naloxone or other opioid antagonist used for overdose reversal, other than naloxone in an injectable formulation with a hypodermic needle or syringe, in accordance with protocols developed by the Board of Pharmacy in consultation with the Board of Medicine and the Department of Health.

Y. Notwithstanding any other law or regulation to the contrary, a person who is acting on behalf of an organization that provides services to individuals at risk of experiencing an opioid overdose or training in the administration of naloxone for overdose reversal may dispense naloxone, provided that such dispensing is (i) pursuant to a standing order issued by a prescriber and (ii) in accordance with protocols developed by the Board of Pharmacy in consultation with the Board of Medicine and the Department of Health. If the person acting on behalf of an organization dispenses naloxone in an injectable formulation with a hypodermic needle or syringe, he shall first obtain authorization from the Department of Behavioral Health and Developmental Services to train individuals on the proper administration of naloxone by and proper disposal of a hypodermic needle or syringe, and he shall obtain a controlled substance registration from the Board of Pharmacy. The Board of Pharmacy shall not charge a fee for the issuance of such controlled substance registration. The dispensing may occur at a site other than that of the controlled substance registration provided the entity possessing the controlled substances registration maintains records in accordance with regulations of the Board of Pharmacy. No person who dispenses naloxone on behalf of an organization pursuant to this subsection shall charge a fee for the dispensing of naloxone that is greater than the cost to the organization of obtaining the naloxone dispensed. A person to whom naloxone has been dispensed pursuant to this subsection may possess naloxone and may administer naloxone to a person who is believed to be experiencing or about to experience a life-threatening opioid overdose.

Z. A person who is not otherwise authorized to administer naloxone or other opioid antagonist used for overdose reversal may administer naloxone or other opioid antagonist used for overdose reversal to a person who is believed to be experiencing or about to experience a life-threatening opioid overdose.

AA. Pursuant to a written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize, with the consent of the parents as defined in § 22.1-1, an employee of (i) a school board, (ii) a school for students with disabilities as defined in § 22.1-319 licensed by the Board of Education, or (iii) a private school accredited pursuant to § 22.1-19 as administered by the Virginia Council for Private Education who is trained in the administration of injected medications for the treatment of adrenal crisis resulting from a condition causing adrenal insufficiency to administer such medication to a student diagnosed with a condition causing adrenal insufficiency when the student is believed to be experiencing or about to experience an adrenal crisis. Such authorization shall be effective only when a licensed nurse, an advanced practice registered nurse, a physician, or a physician assistant is not present to perform the administration of the medication.

§ 63.2-100. Definitions.

As used in this title, unless the context requires a different meaning:

"Abused or neglected child" means any child less than 18 years of age:

1. Whose parents or other person responsible for his care creates or inflicts, threatens to create or inflict, or allows to be created or inflicted upon such child a physical or mental injury by other than accidental means, or creates a substantial risk of death, disfigurement, or impairment of bodily or mental functions, including, but not limited to, a child who is with his parent or other person responsible for his care either (i) during the manufacture or attempted manufacture of a Schedule I or II controlled substance, or (ii) during the unlawful sale of such substance by that child's parents or other person responsible for his care, where such manufacture, or attempted manufacture or unlawful sale would constitute a felony violation of § 18.2-248;

2. Whose parents or other person responsible for his care neglects or refuses to provide care necessary for his health. However, no child who in good faith is under treatment solely by spiritual means through prayer in accordance with the tenets and practices of a recognized church or religious denomination shall for that reason alone be considered to be an abused or neglected child. Further, a decision by parents who have legal authority for the child or, in the absence of parents with legal authority for the child, any person with legal authority for the child, who refuses a particular medical treatment for a child with a life-threatening condition shall not be deemed a refusal to provide necessary care if (i) such decision is made jointly by the parents or other person with legal authority and the child; (ii) the child has reached 14 years of age and is sufficiently mature to have an informed opinion on the subject of his medical treatment; (iii) the parents or other person with legal authority and the child have considered alternative treatment options; and (iv) the parents or other person with legal authority and the child believe in good faith that such decision is in the child's best interest. No child whose parent or other person responsible for his care allows the child to engage in independent activities without adult supervision shall for that reason alone be considered to be an abused or neglected child, provided that (a) such independent activities are appropriate based on the child's age, maturity, and physical and mental abilities and (b) such lack of supervision does not constitute conduct that is so grossly negligent as to endanger the health or safety of the child. Such independent activities include traveling to or from school or nearby locations by bicycle or on foot, playing outdoors, or remaining at home for a reasonable period of time. Nothing in this subdivision shall be construed to limit the provisions of § 16.1-278.4;

3. Whose parents or other person responsible for his care abandons such child;

4. Whose parents or other person responsible for his care, or an intimate partner of such parent or person, commits or allows to be committed any act of sexual exploitation or any sexual act upon a child in violation of the law;

5. Who is without parental care or guardianship caused by the unreasonable absence or the mental or physical incapacity of the child's parent, guardian, legal custodian or other person standing in loco parentis;

6. Whose parents or other person responsible for his care creates a substantial risk of physical or mental injury by knowingly leaving the child alone in the same dwelling, including an apartment as defined in § 55.1-2000, with a person to whom the child is not related by blood or marriage and who the parent or other person responsible for his care knows has been convicted of an offense against a minor for which registration is required as a Tier III offender pursuant to § 9.1-902; or

7. Who has been identified as a victim of sex trafficking or severe forms of trafficking as defined in the Trafficking Victims Protection Act of 2000, 22 U.S.C. § 7102 et seq., and in the Justice for Victims of Trafficking Act of 2015, 42 U.S.C. § 5101 et seq.

If a civil proceeding under this title is based solely on the parent having left the child at a hospital or emergency medical services agency, it shall be an affirmative defense that such parent safely delivered the child within 30 days of the child's birth to (i) a hospital that provides 24-hour emergency services, (ii) an attended emergency medical services agency that employs emergency medical services providers, or (iii) a newborn safety device located at and operated by such hospital or emergency medical services agency. For purposes of terminating parental rights pursuant to § 16.1-283 and placement for adoption, the court may find such a child is a neglected child upon the ground of abandonment.

"Adoptive home" means any family home selected and approved by a parent, local board or a licensed child-placing agency for the placement of a child with the intent of adoption.

"Adoptive placement" means arranging for the care of a child who is in the custody of a child-placing agency in an approved home for the purpose of adoption.

"Adult abuse" means the willful infliction of physical pain, injury or mental anguish or unreasonable confinement of an adult as defined in § 63.2-1603.

"Adult day ~~care~~ center" means any facility that is either operated for profit or that desires licensure and that provides supplementary care and protection during only a part of the day to four or more adults who are aged or infirm or who have disabilities and who reside elsewhere, except (i) a facility or portion of a facility licensed by the State Board of Health or the Department of Behavioral Health and Developmental Services, and (ii) the home or residence of an individual who cares for only persons related to him by blood or marriage. Included in this definition are any two or more places, establishments or institutions owned, operated or controlled by a single entity and providing such supplementary care and protection to a combined total of four or more adults who are aged or infirm or who have disabilities.

"Adult exploitation" means the illegal, unauthorized, improper, or fraudulent use of an adult as defined in § 63.2-1603 or his funds, property, benefits, resources, or other assets for another's profit, benefit, or advantage, including a caregiver or person serving in a fiduciary capacity, or that deprives the adult of his rightful use of or access to such funds, property, benefits, resources, or other assets. "Adult exploitation" includes (i) an intentional breach of a fiduciary obligation to an adult to his detriment or an intentional failure to use the financial resources of an adult in a manner that results in neglect of such adult; (ii) the acquisition, possession, or control of an adult's financial resources or property through the use of undue influence, coercion, or duress; and (iii) forcing or coercing an adult to pay for goods or services or perform services against his will for another's profit, benefit, or advantage if the adult did not agree, or was tricked, misled, or defrauded into agreeing, to pay for such goods or services or to perform such services.

"Adult foster care" means room and board, supervision, and special services to an adult who has a physical or mental condition. Adult foster care may be provided by a single provider for up to three adults. "Adult foster care" does not include services or support provided to individuals through the Fostering Futures program set forth in Article 2 (§ 63.2-917 et seq.) of Chapter 9.

"Adult neglect" means that an adult as defined in § 63.2-1603 is living under such circumstances that he is not able to provide for himself or is not being provided services necessary to maintain his physical and mental health and that the failure to receive such necessary services impairs or threatens to impair his well-being. However, no adult shall be considered neglected solely on the basis that such adult is receiving religious nonmedical treatment or religious nonmedical nursing care in lieu of medical care, provided that such treatment or care is performed in good faith and in accordance with the religious practices of the adult and there is a written or oral expression of consent by that adult.

"Adult protective services" means services provided by the local department that are necessary to protect an adult as defined in § 63.2-1603 from abuse, neglect or exploitation.

"Assisted living care" means a level of service provided by an assisted living facility for adults who may have physical or mental impairments and require at least a moderate level of assistance with activities of daily living.

"Assisted living facility" means any congregate residential setting that provides or coordinates personal and health care services, 24-hour supervision, and assistance (scheduled and unscheduled) for the maintenance or care of four or more adults who are aged or infirm or who have disabilities and who are cared for in a primarily residential setting, except (i) a facility or portion of a facility licensed by the State Board of Health or the Department of Behavioral Health and Developmental Services, but including any portion of such facility not so licensed; (ii) the home or residence of an individual who cares for or maintains only persons related to him by blood or marriage; (iii) a facility or portion of a facility serving individuals who are infirm or who have disabilities between the ages of 18 and 21, or 22 if enrolled in an educational program for individuals with disabilities pursuant to § 22.1-214, when such facility is licensed by the Department as a children's residential facility under Chapter 17 (§ 63.2-1700 et seq.), but including any portion of the facility not so licensed; and (iv) any housing project for individuals who are 62 years of age or older or individuals with disabilities that provides no more than basic coordination of care services and is funded by the U.S. Department of Housing and Urban Development, by the U.S. Department of Agriculture, or by the Virginia Housing Development Authority. Included in this definition are any two or more places, establishments or institutions owned or operated by a single entity and providing maintenance or care to a combined total of four or more adults who are aged or infirm or who have disabilities. Maintenance or care means the protection, general supervision and oversight of the physical and mental well-being of an individual who is aged or infirm or who has a disability.

"Auxiliary grants" means cash payments made to certain aged, blind or disabled individuals who receive benefits under Title XVI of the Social Security Act, as amended, or would be eligible to receive these benefits except for excess income.

"Birth family" or "birth sibling" means the child's biological family or biological sibling.

"Birth parent" means the child's biological parent and, for purposes of adoptive placement, means parent(s) by previous adoption.

"Board" means the State Board of Social Services.

"Child" means any natural person who is (i) under 18 years of age or (ii) for purposes of the Fostering Futures program set forth in Article 2 (§ 63.2-917 et seq.) of Chapter 9, under 21 years of age and meets the eligibility criteria set forth in § 63.2-919.

"Child-placing agency" means (i) any person who places children in foster homes, adoptive homes or independent living arrangements pursuant to § 63.2-1819, (ii) a local board that places children in foster homes or adoptive homes pursuant to §§ 63.2-900, 63.2-903, and 63.2-1221, or (iii) an entity that assists parents with the process of delegating parental and legal custodial powers of their children pursuant to Chapter 10 (§ 20-166 et seq.) of Title 20. "Child-placing agency" does not include the persons to whom such parental or legal custodial powers are delegated pursuant to Chapter 10 (§ 20-166 et seq.) of Title 20. Officers, employees, or agents of the Commonwealth, or any locality acting within the scope of their authority as such, who serve as or maintain a child-placing agency, shall not be required to be licensed.

"Child-protective services" means the identification, receipt and immediate response to complaints and reports of alleged child abuse or neglect for children under 18 years of age. It also includes assessment, and arranging for and providing necessary protective and rehabilitative services for a child and his family when the child has been found to have been abused or neglected or is at risk of being abused or neglected.

"Child support services" means any civil, criminal or administrative action taken by the Division of Child Support Enforcement to locate parents; establish paternity; and establish, modify, enforce, or collect child support, or child and spousal support.

"Child-welfare agency" means a child-placing agency, children's residential facility, or independent foster home.

"Children's residential facility" means any facility, child-caring institution, or group home that is maintained for the purpose of receiving children separated from their parents or guardians for full-time care, maintenance, protection and guidance, or for the purpose of providing independent living services to persons between 18 and 21 years of age who are in the process of transitioning out of foster care. Children's residential facility shall not include:

1. A licensed or accredited educational institution whose pupils, in the ordinary course of events, return annually to the homes of their parents or guardians for not less than two months of summer vacation;

2. An establishment required to be licensed as a summer camp by § 35.1-18; and

3. A licensed or accredited hospital legally maintained as such.

"Commissioner" means the Commissioner of the Department, his designee or authorized representative.

"Department" means the State Department of Social Services.

"Department of Health and Human Services" means the Department of Health and Human Services of the United States government or any department or agency thereof that may hereafter be designated as the agency to administer the Social Security Act, as amended.

"Disposable income" means that part of the income due and payable of any individual remaining after the deduction of any amount required by law to be withheld.

"Energy assistance" means benefits to assist low-income households with their home heating and cooling needs, including, but not limited to, purchase of materials or substances used for home heating, repair or replacement of heating equipment, emergency intervention in no-heat situations, purchase or repair of cooling equipment, and payment of electric bills to operate cooling equipment, in accordance with § 63.2-805, or provided under the Virginia Energy Assistance Program established pursuant to the Low-Income Home Energy Assistance Act of 1981 (Title XXVI of P.L. 97-35), as amended.

"Family and permanency team" means the group of individuals assembled by the local department to assist with determining planning and placement options for a child, which shall include, as appropriate, all biological relatives and fictive kin of the child, as well as any professionals who have served as a resource to the child or his family, such as teachers, medical or mental health providers, and clergy members. In the case of a child who is 14 years of age or older, the family and permanency team shall also include any members of the child's case planning team that were selected by the child in accordance with subsection A of § 16.1-281.

"Federal-Funded Kinship Guardianship Assistance program" means a program consistent with 42 U.S.C. § 673 that provides, subject to a kinship guardianship assistance agreement developed in accordance with § 63.2-1305, payments to eligible individuals who have received custody of a child of whom they had been the foster parents.

"Fictive kin" means persons who are not related to a child by blood or adoption but have an established relationship with the child or his family.

"Foster care placement" means placement of a child through (i) an agreement between the parents or guardians and the local board where legal custody remains with the parents or guardians or (ii) an entrustment or commitment of the child to the local board or licensed child-placing agency. "Foster care placement" does not include placement of a child in accordance with a power of attorney pursuant to Chapter 10 (§ 20-166 et seq.) of Title 20.

"Foster home" means a residence approved by a child-placing agency or local board in which any child, other than a child by birth or adoption of such person or a child who is the subject of a power of attorney to delegate parental or legal custodial powers by his parents or legal custodian to the natural person who has been designated the child's legal guardian pursuant to Chapter 10 (§ 20-166 et seq.) of Title 20 and who exercises legal authority over the child on a continuous basis for at least 24 hours without compensation, resides as a member of the household.

"General relief" means money payments and other forms of relief made to those persons mentioned in § 63.2-802 in accordance with the regulations of the Board and reimbursable in accordance with § 63.2-401.

"Independent foster home" means a private family home in which any child, other than a child by birth or adoption of such person, resides as a member of the household and has been placed therein independently of a child-placing agency except (i) a home in which are received only children related by birth or adoption of the person who maintains such home and children of personal friends of such person; (ii) a home in which is received a child or children committed under the provisions of subdivision A 4 of § 16.1-278.2, subdivision 6 of § 16.1-278.4, or subdivision A 13 of § 16.1-278.8; and (iii) a home in which are received only children who are the subject of a properly executed power of attorney pursuant to Chapter 10 (§ 20-166 et seq.) of Title 20.

"Independent living" means a planned program of services designed to assist a child age 16 and over and persons who are former foster care children or were formerly committed to the Department of Juvenile Justice and are between the ages of 18 and 21 in transitioning to self-sufficiency.

"Independent living arrangement" means placement of (i) a child at least 16 years of age who is in the custody of a local board or licensed child-placing agency by the local board or licensed child-placing agency or (ii) a child at least 16 years of age or a person between the ages of 18 and 21 who was committed to the Department of Juvenile Justice immediately prior to placement by the Department of Juvenile Justice, in a living arrangement in which such child or person does not have daily substitute parental supervision.

"Independent living services" means services and activities provided to a child in foster care 14 years of age or older who was committed or entrusted to a local board of social services, child welfare agency, or private child-placing agency. "Independent living services" may also mean services and activities provided to a person who (i) was in foster care on his 18th birthday and has not yet reached the age of 21 years; (ii) is between the ages of 18 and 21 and who, immediately prior to his commitment to the Department of Juvenile Justice, was in the custody of a local board of social services; or (iii) is a child at least 16 years of age or a person between the ages of 18 and 21 who was committed to the Department of Juvenile Justice immediately prior to placement in an independent living arrangement. Such services shall include counseling, education, housing, employment, and money management skills development, access to essential documents, and other appropriate services to help children or persons prepare for self-sufficiency.

"Independent physician" means a physician who is chosen by the resident of the assisted living facility and who has no financial interest in the assisted living facility, directly or indirectly, as an owner, officer, or employee or as an independent contractor with the residence.

"Intercountry placement" means the arrangement for the care of a child in an adoptive home or foster care placement into or out of the Commonwealth by a licensed child-placing agency, court, or other entity authorized to make such placements in accordance with the laws of the foreign country under which it operates.

"Interstate placement" means the arrangement for the care of a child in an adoptive home, foster care placement or in the home of the child's parent or with a relative or nonagency guardian, into or out of the Commonwealth, by a child-placing agency or court when the full legal right of the child's parent or nonagency guardian to plan for the child has been voluntarily terminated or limited or severed by the action of any court.

"Kinship care" means the full-time care, nurturing, and protection of children by relatives.

"Kinship guardian" means the adult relative of a child in a kinship guardianship established in accordance with § 63.2-1305 or 63.2-1306 who has been awarded custody of the child by the court after acting as the child's foster parent.

"Kinship guardianship" means a relationship established in accordance with § 63.2-1305 or 63.2-1306 between a child and an adult relative of the child who has formerly acted as the child's foster parent that is intended to be permanent and self-sustaining as evidenced by the transfer by the court to the adult relative of the child of the authority necessary to ensure the protection, education, care and control, and custody of the child and the authority for decision making for the child.

"Local board" means the local board of social services representing one or more counties or cities.

"Local department" means the local department of social services of any county or city in the Commonwealth.

"Local director" means the director or his designated representative of the local department of the city or county.

"Merit system plan" means those regulations adopted by the Board in the development and operation of a system of personnel administration meeting requirements of the federal Office of Personnel Management.

"Parental placement" means locating or effecting the placement of a child or the placing of a child in a family home by the child's parent or legal guardian for the purpose of foster care or adoption.

"Public assistance" means Temporary Assistance for Needy Families (TANF); auxiliary grants to the aged, blind and disabled; medical assistance; energy assistance; food stamps; employment services; child care; and general relief.

"Qualified assessor" means an entity contracting with the Department of Medical Assistance Services to perform nursing facility pre-admission screening or to complete the uniform assessment instrument for a home and community-based waiver program, including an independent physician contracting with the Department of Medical Assistance Services to complete the uniform assessment instrument for residents of assisted living facilities, or any hospital that has contracted with the Department of Medical Assistance Services to perform nursing facility pre-admission screenings.

"Qualified individual" means a trained professional or licensed clinician who is not an employee of the local board of social services or licensed child-placing agency that placed the child in a qualified residential treatment program and is not affiliated with any placement setting in which children are placed by such local board of social services or licensed child-placing agency.

"Qualified residential treatment program" means a program that (i) provides 24-hour residential placement services for children in foster care; (ii) has adopted a trauma-informed treatment model that meets the clinical and other needs of children with serious emotional or behavioral disorders, including any clinical or other needs identified through assessments conducted pursuant to clause (viii) of this definition; (iii) employs registered or licensed nursing and other clinical staff who provide care, on site and within the scope of their practice, and are available 24 hours a day, 7 days a week; (iv) conducts outreach with the child's family members, including efforts to maintain connections between the child and his siblings and other family; documents and maintains records of such outreach efforts; and maintains contact information for any known biological family and fictive kin of the child; (v) whenever appropriate and in the best interest of the child, facilitates participation by family members in the child's treatment program before and after discharge and documents the manner in which such participation is facilitated; (vi) provides discharge planning and family-based aftercare support for at least six months after discharge; (vii) is licensed in accordance with 42 U.S.C. § 671(a)(10) and accredited by an organization approved by the federal Secretary of Health and Human Services; and (viii) requires that any child placed in the program receive an assessment within 30 days of such placement by a qualified individual that (a) assesses the strengths and needs of the child using an age-appropriate, evidence-based, validated, and functional assessment tool approved by the Commissioner of Social Services; (b) identifies whether the needs of the child can be met through placement with a family member or in a foster home or, if not, in a placement setting authorized by 42 U.S.C. § 672(k)(2), including a qualified residential treatment program, that would provide the most effective and appropriate level of care for the child in the least restrictive environment and be consistent with the short-term and long-term goals established for the child in his foster care or permanency plan; (c) establishes a list of short-term and long-term mental and behavioral health goals for the child; and (d) is documented in a written report to be filed with the court prior to any hearing on the child's placement pursuant to § 16.1-281, 16.1-282, 16.1-282.1, or 16.1-282.2.

"Residential living care" means a level of service provided by an assisted living facility for adults who may have physical or mental impairments and require only minimal assistance with the activities of daily living. The definition of "residential living care" includes the services provided by independent living facilities that voluntarily become licensed.

"Sibling" means each of two or more children having one or more parents in common.

"Social services" means foster care, adoption, adoption assistance, child-protective services, domestic violence services, or any other services program implemented in accordance with regulations adopted by the Board. Social services also includes adult services pursuant to Article 4 (§ 51.5-144 et seq.) of Chapter 14 of Title 51.5 and adult protective

services pursuant to Article 5 (§ 51.5-148) of Chapter 14 of Title 51.5 provided by local departments of social services in accordance with regulations and under the supervision of the Commissioner for Aging and Rehabilitative Services.

"Special order" means an order imposing an administrative sanction issued to any party licensed pursuant to this title by the Commissioner that has a stated duration of not more than 12 months. A special order shall be considered a case decision as defined in § 2.2-4001.

"State-Funded Kinship Guardianship Assistance program" means a program that provides payments to eligible individuals who have received custody of a relative child subject to a kinship guardianship assistance agreement developed in accordance with § 63.2-1306.

"Supervised independent living setting" means the residence of a person 18 years of age or older who is participating in the Fostering Futures program set forth in Article 2 (§ 63.2-917 et seq.) of Chapter 9 where supervision includes a monthly visit with a service worker or, when appropriate, contracted supervision. "Supervised independent living setting" does not include residential facilities or group homes.

"Temporary Assistance for Needy Families" or "TANF" means the program administered by the Department through which a relative can receive monthly cash assistance for the support of his eligible children.

"Temporary Assistance for Needy Families-Unemployed Parent" or "TANF-UP" means the Temporary Assistance for Needy Families program for families in which both natural or adoptive parents of a child reside in the home and neither parent is exempt from Virginia Initiative for Education and Work (VIEW) participation under § 63.2-609.

"Title IV-E Foster Care" means a federal program authorized under §§ 472 and 473 of the Social Security Act, as amended, and administered by the Department through which foster care is provided on behalf of qualifying children.

§ 63.2-1700. Application fees; regulations and schedules; use of fees; certain facilities, centers, and agencies exempt.

The Board is authorized to adopt regulations and schedules for fees to be charged for processing applications for licenses to operate assisted living facilities, adult day ~~care~~ centers, and child welfare agencies. Such schedules shall specify minimum and maximum fees and, where appropriate, gradations based on the capacity of such facilities, centers, and agencies. Fees shall be used for the development and delivery of training for operators and staff of facilities, centers, and agencies. Fees shall be expended for this purpose within two fiscal years following the fiscal year in which they are collected. These fees shall not be applicable to facilities, centers, or agencies operated by federal entities.

§ 63.2-1701. Licenses required; issuance, expiration, and renewal; maximum number of residents, participants or children; posting of licenses.

A. As used in this section, "person" means any individual; corporation; partnership; association; limited liability company; local government; state agency, including any department, institution, authority, instrumentality, board, or other administrative agency of the Commonwealth; or other legal or commercial entity that operates or maintains a child welfare agency, adult day ~~care~~ center, or assisted living facility.

B. Every person who constitutes, or who operates or maintains, an assisted living facility, adult day ~~care~~ center, or child welfare agency shall obtain the appropriate license from the Commissioner, which may be renewed. However, no license shall be required for an adult day ~~care~~ center that provides services only to individuals enrolled in a Programs of All-Inclusive Care for the Elderly program operated in accordance with an agreement between the provider, the Department of Medical Assistance Services and the Centers for Medicare and Medicaid Services. The Commissioner, upon request, shall consult with, advise, and assist any person interested in securing and maintaining any such license. Each application for a license shall be made to the Commissioner, in such form as he may prescribe. It shall contain the name and address of the applicant and, if the applicant is an association, partnership, limited liability company, or corporation, the names and addresses of its officers and agents. The application shall also contain a description of the activities proposed to be engaged in and the facilities and services to be employed, together with other pertinent information as the Commissioner may require. In the case of an application for licensure as a children's residential facility, the application shall also contain information regarding any complaints, enforcement actions, or sanctions against a license to operate a children's residential facility held by the applicant in another state.

C. The licenses shall be issued on forms prescribed by the Commissioner. Any two or more licenses may be issued for concurrent operation of more than one assisted living facility, adult day ~~care~~ center, or child welfare agency, but each license shall be issued upon a separate form. Each license and renewals thereof for an assisted living facility, adult day ~~care~~ center, or child welfare agency may be issued for periods of up to three successive years, unless sooner revoked or surrendered.

D. The length of each license or renewal thereof for an assisted living facility shall be based on the judgment of the Commissioner regarding the compliance history of the facility and the extent to which it meets or exceeds state licensing standards. On the basis of this judgment, the Commissioner may issue licenses or renewals thereof for periods of six months, one year, two years, or three years.

E. The Commissioner may extend or shorten the duration of licensure periods for a child welfare agency whenever, in his sole discretion, it is administratively necessary to redistribute the workload for greater efficiency in staff utilization.

F. Each license shall indicate the maximum number of persons who may be cared for in the assisted living facility, adult day ~~care~~ center, or child welfare agency for which it is issued.

G. The license and any other documents required by the Commissioner shall be posted in a conspicuous place on the licensed premises.

H. Every person issued a license that has not been suspended or revoked shall renew such license prior to its expiration.

I. Officers, employees, or agents of the Commonwealth, or of any county, city, or town acting within the scope of their authority as such, who serve as or maintain a child-placing agency shall not be required to be licensed.

§ 63.2-1705. Compliance with Uniform Statewide Building Code.

A. Buildings licensed as assisted living facilities, adult day ~~care~~ centers and child welfare agencies shall be classified by and meet the specifications for the proper Use Group as required by the Virginia Uniform Statewide Building Code.

B. Buildings used for assisted living facilities or adult day ~~care~~ centers shall be licensed for ambulatory or nonambulatory residents or participants. Ambulatory means the condition of a resident or participant who is physically and mentally capable of self-preservation by evacuating in response to an emergency to a refuge area as defined by the Uniform Statewide Building Code without the assistance of another person, or from the structure itself without the assistance of another person if there is no such refuge area within the structure, even if such resident or participant may require the assistance of a wheelchair, walker, cane, prosthetic device, or a single verbal command to evacuate. Nonambulatory means the condition of a resident or participant who by reason of physical or mental impairment is not capable of self-preservation without the assistance of another person.

§ 63.2-1706. Inspections and interviews.

A. Applicants for licensure and licensees shall at all times afford the Commissioner reasonable opportunity to inspect all of their facilities, books and records, and to interview their agents and employees and any person living or participating in such facilities, or under their custody, control, direction or supervision. Interviews conducted pursuant to this section with persons living or participating in a facility operated by or under the custody, control, direction, or supervision of an applicant for licensure or a licensee shall be (i) authorized by the person to be interviewed or his legally authorized representative and (ii) limited to discussion of issues related to the applicant's or licensee's compliance with applicable laws and regulations, including ascertaining if assessments and reassessments of residents' cognitive and physical needs are performed as required under regulations of the Board.

B. For any adult day ~~care~~ center issued a license or renewal thereof for a period of six months, the Commissioner shall make at least two inspections during the six-month period, one of which shall be unannounced. For any adult day ~~care~~ center issued a license or renewal thereof for a period of one year, the Commissioner shall make at least three inspections each year, at least two of which shall be unannounced. For any adult day ~~care~~ center issued a license or a renewal thereof for a period of two years, the Commissioner shall make at least two inspections each year, at least one of which shall be unannounced. For any adult day ~~care~~ center issued a three-year license, the Commissioner shall make at least one inspection each year, which shall be unannounced.

For any assisted living facility issued a license or renewal thereof for a period of six months, the Commissioner shall make at least two inspections during the six-month period, one of which shall be unannounced. For any assisted living facility issued a license or renewal thereof for a period of one, two, or three years, the Commissioner shall make at least one inspection each year, which shall be unannounced, and as needed based on compliance with applicable laws and regulations.

C. All licensed child welfare agencies shall be inspected not less than twice annually, and one of those inspections shall be unannounced.

D. The activities, services and facilities of each applicant for renewal of his license as an assisted living facility, adult day ~~care~~ center or child welfare agency shall be subject to an inspection or examination by the Commissioner to determine if he is in compliance with current regulations of the Board.

E. For any licensed assisted living facility, adult day ~~care~~ center or child welfare agency, the Commissioner may authorize such other announced or unannounced inspections as the Commissioner considers appropriate.

§ 63.2-1708. Records and reports.

Every licensed assisted living facility, licensed adult day ~~care~~ center, or licensed child welfare agency shall keep such records and make such reports to the Commissioner as he may require. The forms to be used in the making of such reports shall be prescribed and furnished by the Commissioner.

§ 63.2-1709. Enforcement and sanctions; assisted living facilities and adult day centers; interim administration; receivership, revocation, denial, summary suspension.

A. Upon receipt and verification by the Commissioner of information from any source indicating an imminent and substantial risk of harm to residents, the Commissioner may require an assisted living facility to contract with an individual licensed by the Board of Long-Term Care Administrators, to be either selected from a list created and maintained by the Department of Medical Assistance Services or selected from a pool of appropriately licensed administrators recommended by the owner of the assisted living facility, to administer, manage, or operate the assisted living facility on an interim basis, and to attempt to bring the facility into compliance with all relevant requirements of law, regulation, or any plan of correction approved by the Commissioner. Such contract shall require the interim administrator to comply with any and all requirements established by the Department to ensure the health, safety, and welfare of the residents. Prior to or upon conclusion of the period of interim administration, management, or operation, an inspection shall be conducted to determine whether operation of the assisted living facility shall be permitted to continue or should cease. Such interim administration, management, or operation shall not be permitted when defects in the conditions of the premises of the assisted living facility (i) present immediate and substantial risks to the health, safety, and welfare of residents, and (ii) may not be corrected within a reasonable period of time. Any decision by the Commissioner to require the employment of a person to administer, manage, or operate an assisted living facility shall be subject to the rights of judicial review and appeal as provided in the

Administrative Process Act (§ 2.2-4000 et seq.). Actual and reasonable costs of such interim administration shall be the responsibility of and shall be borne by the owner of the assisted living facility.

B. The Board shall adopt regulations for the Commissioner to use in determining when the imposition of administrative sanctions or initiation of court proceedings, severally or jointly, is appropriate in order to ensure prompt correction of violations in assisted living facilities and adult day ~~care~~ centers involving noncompliance with state law or regulation as discovered through any inspection or investigation conducted by the Departments of Social Services, Health, or Behavioral Health and Developmental Services. The Commissioner may impose such sanctions or take such actions as are appropriate for violation of any of the provisions of this subtitle or any regulation adopted under any provision of this subtitle that adversely affects the health, safety or welfare of an assisted living facility resident or an adult day ~~care~~ *center* participant. Such sanctions or actions may include (i) petitioning the court to appoint a receiver for any assisted living facility or adult day ~~care~~ center and (ii) revoking or denying renewal of the license for the assisted living facility or adult day ~~care~~ center for violation of any of the provisions of this subtitle, § 54.1-3408 or any regulation adopted under this subtitle that violation adversely affects, or is an immediate and substantial threat to, the health, safety or welfare of the person cared for therein, or for permitting, aiding or abetting the commission of any illegal act in an assisted living facility or adult day ~~care~~ center.

C. The Commissioner may issue a notice of summary suspension of the license to operate the assisted living facility pursuant to (i) for assisted living facilities operated by agencies of the Commonwealth, the procedures set forth in § 63.2-1710.1 or (ii) for all other assisted living facilities, the procedures hereinafter set forth in conjunction with any proceeding for revocation, denial, or other action when conditions or practices exist that pose an immediate and substantial threat to the health, safety, and welfare of the residents. The notice of summary suspension shall set forth (a) the summary suspension procedures, (b) hearing and appeal rights as provided under this subsection, (c) facts and evidence that formed the basis for which the summary suspension is sought, and (d) the time, date, and location of the hearing to determine whether the suspension is appropriate. Such notice shall be served on the assisted living facility or its designee as soon as practicable thereafter by personal service or certified mail, return receipt requested, to the address of record of the assisted living facility.

The summary suspension hearing shall be presided over by a hearing officer selected by the Commissioner from a list prepared by the Executive Secretary of the Supreme Court of Virginia and shall be held as soon as practicable, but in no event later than 15 business days following service of the notice of hearing; however, the hearing officer may grant a written request for a continuance, not to exceed an additional 10 business days, for good cause shown. Within 10 business days after such hearing, the hearing officer shall provide to the Commissioner written findings and conclusions, together with a recommendation as to whether the license should be summarily suspended.

Within 10 business days of the receipt of the hearing officer's findings, conclusions, and recommendation, the Commissioner may issue a final order of summary suspension or an order that such summary suspension is not warranted by the facts and circumstances presented. The Commissioner shall adopt the hearing officer's recommended decision unless to do so would be an error of law or Department policy. In the event that the Commissioner rejects a hearing officer's findings, conclusions, or recommended decision, the Commissioner shall state with particularity the basis for rejection. In issuing a final order of summary suspension, the Commissioner may suspend the license of the assisted living facility or suspend only certain authority of the assisted living facility to provide certain services or perform certain functions that the Commissioner determines should be restricted or modified in order to protect the health, safety, and welfare of the residents receiving care. A final order of summary suspension shall include notice that the assisted living facility may appeal the Commissioner's decision to the appropriate circuit court no later than 10 days following service of the order. A copy of any final order of summary suspension shall be prominently displayed by the provider at each public entrance of the facility, or in lieu thereof, the provider may display a written statement summarizing the terms of the order in a prominent location, printed in a clear and legible size and typeface, and identifying the location within the facility where the final order of summary suspension may be reviewed.

Upon appeal, the sole issue before the court shall be whether the Department had reasonable grounds to require the assisted living facility to cease operations during the pendency of the concurrent revocation, denial, or other proceeding. Any concurrent revocation, denial, or other proceeding shall not be affected by the outcome of any hearing on the appropriateness of the summary suspension. The willful and material failure to comply with the final order of summary suspension shall constitute an offense under subdivision 3 of § 63.2-1712. At the request of the Commissioner, all agencies and subdivisions of the Commonwealth shall cooperate with the Commissioner in the relocation of residents of an assisted living facility whose license has been summarily suspended pursuant to this section and in any other actions necessary to reduce the risk of further harm to residents.

D. Notice of the Commissioner's intent to revoke or deny renewal of the license for an assisted living facility or to summarily suspend the license of an assisted living facility shall be provided by the Department and a copy of such notice shall be posted in a prominent place at each public entrance of the licensed premises to advise consumers of serious or persistent violations. In determining whether to deny, revoke, or summarily suspend a license, the Commissioner may choose to deny, revoke, or summarily suspend only certain authority of the assisted living facility to operate and may restrict or modify the assisted living facility's authority to provide certain services or perform certain functions that the Commissioner determines should be restricted or modified in order to protect the health, safety, or welfare of the residents. Such proposed denial, revocation, or summary suspension of certain services or functions may be appealed (i) if the assisted

living facility is operated by an agency of the Commonwealth in accordance with the provisions of § 63.2-1710.2 and (ii) for all other assisted living facilities as otherwise provided in this subtitle for any denial, revocation, or summary suspension.

§ 63.2-1709.2. Enforcement and sanctions; special orders; civil penalties.

A. Notwithstanding any other provision of law, following a proceeding as provided in § 2.2-4019, the Commissioner may issue a special order (i) for violation of any of the provisions of this subtitle, § 54.1-3408, or any regulation adopted under any provision of this subtitle which violation adversely affects, or is an imminent and substantial threat to, the health, safety, or welfare of the person cared for therein, or (ii) for permitting, aiding, or abetting the commission of any illegal act in an assisted living facility, adult day ~~care~~ center, or child welfare agency. Notice of the Commissioner's intent to take any of the actions enumerated in subdivisions B 1 through B 7 shall be provided by the Department and a copy of such notice shall be posted in a prominent place at each public entrance of the licensed premises to advise consumers of serious or persistent violations. The issuance of a special order shall be considered a case decision as defined in § 2.2-4001. Actions set forth in subsection B may be appealed by (a) an assisted living facility, adult day ~~care~~ center, or child welfare agency operated by an agency of the Commonwealth in accordance with § 63.2-1710.2 or (b) any other assisted living facility, adult day ~~care~~ center, or child welfare agency in accordance with the Administrative Process Act (§ 2.2-4000 et seq.). The Commissioner shall not delegate his authority to impose civil penalties in conjunction with the issuance of special orders.

B. The Commissioner may take the following actions regarding assisted living facilities, adult day ~~care~~ centers, and child welfare agencies through the issuance of a special order and may require a copy of the special order provided by the Department to be posted in a prominent place at each public entrance of the licensed premises to advise consumers of serious or persistent violations:

1. Place a licensee on probation upon finding that the licensee is substantially out of compliance with the terms of its license and that the health and safety of residents, participants, or children are at risk;

2. Reduce licensed capacity or prohibit new admissions when the Commissioner concludes that the licensee cannot make necessary corrections to achieve compliance with regulations except by a temporary restriction of its scope of service;

3. Mandate training for the licensee or licensee's employees, with any costs to be borne by the licensee, when the Commissioner concludes that the lack of such training has led directly to violations of regulations;

4. Assess civil penalties for each day the assisted living facility is or was out of compliance with the terms of its license and the health, safety, and welfare of residents are at risk, which shall be paid into the state treasury and credited to the Assisted Living Facility Education, Training, and Technical Assistance Fund created pursuant to § 63.2-1803.1; however, no civil penalty shall be imposed pursuant to this subdivision on any assisted living facility operated by an agency of the Commonwealth. The aggregate amount of such civil penalties shall not exceed $10,000 for assisted living facilities in any 12-month period. Criteria for imposition of civil penalties and amounts, expressed in ranges, shall be developed by the Board, and shall be based upon the severity, pervasiveness, duration, and degree of risk to the health, safety, or welfare of residents. Such civil penalties shall be applied by the Commissioner in a consistent manner. Such criteria shall also provide that (i) the Commissioner may accept a plan of correction, including a schedule of compliance, from an assisted living facility prior to setting a civil penalty, and (ii) the Commissioner may reduce or abate the penalty amount if the facility complies with the plan of correction within its terms.

A single act, omission, or incident shall not give rise to imposition of multiple civil penalties even though such act, omission, or incident may violate more than one statute or regulation. A civil penalty that is not appealed becomes due on the first day after the appeal period expires. The license of an assisted living facility that has failed to pay a civil penalty due under this section shall not be renewed until the civil penalty has been paid in full, with interest, provided that the Commissioner may renew a license when an unpaid civil penalty is the subject of a pending appeal;

5. Assess civil penalties of not more than $500 per inspection upon finding that the adult day ~~care~~ center or child welfare agency is substantially out of compliance with the terms of its license and the health and safety of residents, participants, or children are at risk; however, no civil penalty shall be imposed pursuant to this subdivision on any adult day ~~care~~ center or child welfare agency operated by an agency of the Commonwealth;

6. Require licensees to contact parents, guardians, or other responsible persons in writing regarding health and safety violations; and

7. Prevent licensees who are substantially out of compliance with the licensure terms or in violation of the regulations from receiving public funds.

C. The Board shall adopt regulations to implement the provisions of this section.

§ 63.2-1710. Appeal from refusal, denial of renewal, or revocation of license.

A. Whenever the Commissioner refuses to issue a license or to renew a license or revokes a license for an assisted living facility, adult day ~~care~~ center, or child welfare agency operated by an agency of the Commonwealth, the provisions of § 63.2-1710.2 shall apply. Whenever the Commissioner refuses to issue a license or to renew a license or revokes a license for an assisted living facility, adult day ~~care~~ center, or child welfare agency other than an assisted living facility, adult day ~~care~~ center, or child welfare agency operated by an agency of the Commonwealth, the provisions of the Administrative Process Act (§ 2.2-4000 et seq.) shall apply, except that all appeals from notice of the Commissioner's intent to refuse to issue or renew, or revoke a license shall be received in writing from the assisted living facility, adult day ~~care~~ center or child welfare agency operator within 15 days of the date of receipt of the notice. Judicial review of a final review agency decision

shall be in accordance with the provisions of the Administrative Process Act. No stay may be granted upon appeal to the Court of Appeals.

B. In every appeal to a court of record, the Commissioner shall be named defendant.

C. An appeal, taken as provided in this section, shall operate to stay any criminal prosecution for operation without a license.

D. When issuance or renewal of a license as an assisted living facility or adult day ~~care~~ center has been refused by the Commissioner, the applicant shall not thereafter for a period of one year apply again for such license unless the Commissioner in his sole discretion believes that there has been such a change in the conditions on account of which he refused the prior application as to justify considering the new application. When an appeal is taken by the applicant pursuant to subsection A, the one-year period shall be extended until a final decision has been rendered on appeal.

E. When issuance or renewal of a license for a child welfare agency has been refused by the Commissioner, the applicant shall not thereafter for a period of six months apply again for such license unless the Commissioner in his sole discretion believes that there has been such a change in the conditions on account of which he refused the prior application as to justify considering the new application. When an appeal is taken by the applicant pursuant to subsection A, the six-month period shall be extended until a final decision has been rendered on appeal.

§ 63.2-1710.2. Right to appeal notice of intent; assisted living facilities, adult day centers, and child welfare agencies operated by agencies of the Commonwealth.

An assisted living facility, adult day ~~care~~ center, or child welfare agency operated by an agency of the Commonwealth shall have the right to appeal any notice of intent as follows:

1. Within 30 days after receiving a notice of intent to impose a sanction, the licensee shall request in writing that the Commissioner review the intended agency action and may submit, together with such request, relevant information, documentation, or other pertinent data supporting its appeal. The Commissioner shall issue a decision within 60 days after receiving the request and shall have the authority to uphold the sanction or take whatever action he deems appropriate to resolve the controversy.

2. If the assisted living facility, adult day ~~care~~ center, or child welfare agency disputes the Commissioner's decision, the licensee shall request, within 30 days of receiving the Commissioner's decision, that the Commissioner refer the matter to the Secretary of Health and Human Resources. The Secretary shall issue a decision within 60 days of receiving the request for review. The Secretary's decision shall be final and shall not be subject to review.

§ 63.2-1711. Injunction against operation without license.

Any circuit court having jurisdiction in the county or city where the principal office of any assisted living facility, adult day ~~care~~ center or child welfare agency is located shall, at the suit of the Commissioner, have jurisdiction to enjoin its operation without a license required by this subtitle.

§ 63.2-1712. Offenses; penalty.

Any person, and each officer and each member of the governing board of any association or corporation that operates an assisted living facility, adult day ~~care~~ center or child welfare agency, is guilty of a Class 1 misdemeanor if he:

1. Interferes with any representative of the Commissioner in the discharge of his duties under this subtitle;

2. Makes to the Commissioner or any representative of the Commissioner any report or statement, with respect to the operation of any assisted living facility, adult day ~~care~~ center, or child welfare agency, that is known by such person to be false or untrue;

3. Operates or engages in the conduct of an assisted living facility, adult day ~~care~~ center, or child welfare agency without first obtaining a license as required by this subtitle or after such license has been revoked or suspended or has expired and not been renewed. No violation shall occur if the facility, center, or agency has applied to the Department for renewal prior to the expiration date of the license. Every day's violation of this subdivision shall constitute a separate offense; or

4. Operates or engages in the conduct of an assisted living facility, adult day ~~care~~ center, or child welfare agency serving more persons than the maximum stipulated in the license.

§ 63.2-1713. Misleading advertising prohibited.

No assisted living facility, adult day ~~care~~ center, or child welfare agency shall make, publish, disseminate, circulate, or place before the public or cause, directly or indirectly, to be made, published, disseminated, circulated, or placed before the public in ~~this~~ *the* Commonwealth, in a newspaper or other publication; in the form of a book, notice, handbill, poster, blueprint, map, bill, tag, label, circular, pamphlet, or letter; or via electronic mail, website, automatic mailing list services (listservs), newsgroups, facsimile, chat rooms; or in any other way an advertisement of any sort regarding services or anything so offered to the public, which advertisement contains any promise, assertion, representation, or statement of fact that is untrue, deceptive, or misleading.

§ 63.2-1720. Assisted living facilities and adult day centers; employment for compensation of persons or use of volunteers convicted of certain offenses prohibited; background check required; penalty.

A. No assisted living facility or adult day ~~care~~ center shall hire for compensated employment or continue to employ persons who have been convicted of any offense set forth in clause (i) of the definition of barrier crime in § 19.2-392.02. A child-placing agency or independent foster home licensed in accordance with the provisions of this chapter shall not hire for compensated employment or continue to employ persons who (i) have been convicted of any barrier crime as defined in

§ 19.2-392.02 or (ii) are the subject of a founded complaint of child abuse or neglect within or outside the Commonwealth. All applicants for employment shall undergo background checks pursuant to subsection C.

B. A licensed assisted living facility or adult day ~~care~~ center may hire an applicant or continue to employ a person convicted of one misdemeanor barrier crime not involving abuse or neglect, or any substantially similar offense under the laws of another jurisdiction, if five years have elapsed following the conviction.

C. Background checks pursuant to subsection A require:

1. A sworn statement or affirmation disclosing whether the person has a criminal conviction or is the subject of any pending criminal charges within or outside the Commonwealth and, in the case of licensed child-placing agencies or independent foster homes, whether or not the person has been the subject of a founded complaint of child abuse or neglect within or outside the Commonwealth;

2. A criminal history records check through the Central Criminal Records Exchange pursuant to § 19.2-389; and

3. In the case of licensed child-placing agencies or independent foster homes, a search of the central registry maintained pursuant to § 63.2-1515 for any founded complaint of child abuse and neglect.

D. Any person making a materially false statement regarding the sworn statement or affirmation provided pursuant to subdivision C 1 is guilty of a Class 1 misdemeanor.

E. A licensed assisted living facility, licensed adult day ~~care~~ center, licensed child-placing agency, or licensed independent foster home shall obtain for any compensated employees within 30 days of employment (i) an original criminal record clearance with respect to convictions for any offense set forth in clause (i) of the definition of barrier crime in § 19.2-392.02 or an original criminal history record from the Central Criminal Records Exchange and (ii) in the case of licensed child-placing agencies or independent foster homes, (a) an original criminal record clearance with respect to any barrier crime as defined in § 19.2-392.02 or an original criminal history record from the Central Criminal Records Exchange and (b) a copy of the information from the central registry for any compensated employee within 30 days of employment. However, no employee shall be permitted to work in a position that involves direct contact with a person or child receiving services until an original criminal record clearance or original criminal history record has been received, unless such person works under the direct supervision of another employee for whom a background check has been completed in accordance with the requirements of this section. If an applicant is denied employment because of information from the central registry or convictions appearing on his criminal history record, the licensed assisted living facility, adult day ~~care~~ center, child-placing agency, or independent foster home shall provide a copy of the information obtained from the central registry or the Central Criminal Records Exchange or both to the applicant.

F. No volunteer who (i) has been convicted of any barrier crime as defined in § 19.2-392.02 or (ii) is the subject of a founded complaint of child abuse or neglect within or outside the Commonwealth shall be permitted to serve in a licensed child-placing agency or independent foster home. Any person desiring to volunteer at a licensed child-placing agency or independent foster home shall provide the agency, system, or home with a sworn statement or affirmation pursuant to subdivision C 1. Such licensed child-placing agency or independent foster home shall obtain for any volunteers, within 30 days of commencement of volunteer service, a copy of (a) the information from the central registry and (b) an original criminal record clearance with respect to any barrier crime as defined in § 19.2-392.02 or an original criminal history record from the Central Criminal Records Exchange. Any person making a materially false statement regarding the sworn statement or affirmation provided pursuant to subdivision C 1 is guilty of a Class 1 misdemeanor. If a volunteer is denied service because of information from the central registry or convictions appearing on his criminal history record, such licensed child-placing agency or independent foster home shall provide a copy of the information obtained from the central registry or the Central Criminal Records Exchange or both to the volunteer. The provisions of this subsection shall apply only to volunteers who will be alone with any child in the performance of their duties and shall not apply to a parent-volunteer of a child attending a licensed child-placing agency or independent foster home, whether or not such parent-volunteer will be alone with any child in the performance of his duties. A parent-volunteer is someone supervising, without pay, a group of children that includes the parent-volunteer's own child in a program that operates no more than four hours per day, provided that the parent-volunteer works under the direct supervision of a person who has received a clearance pursuant to this section.

G. No volunteer shall be permitted to serve in a licensed assisted living facility or licensed adult day ~~care~~ center without the permission or under the supervision of a person who has received a clearance pursuant to this section.

H. Further dissemination of the background check information is prohibited other than to the Commissioner's representative or a federal or state authority or court as may be required to comply with an express requirement of law for such further dissemination.

I. Notwithstanding any other provision of law, a licensed adult day ~~care~~ center that provides services to individuals receiving services under the state plan for medical assistance services or any waiver thereto may disclose to the Department of Medical Assistance Services (i) whether a criminal history background check has been completed for an employee in accordance with this section and (ii) whether such employee is eligible for employment.

J. A licensed assisted living facility shall notify and provide all students a copy of the provisions of this article prior to or upon enrollment in a certified nurse aide program operated by such assisted living facility.

K. A person who complies in good faith with the provisions of this section shall not be liable for any civil damages for any act or omission in the performance of duties under this section unless the act or omission was the result of gross negligence or willful misconduct.

§ 63.2-1722. Revocation or denial of renewal based on background checks; failure to obtain background check.

A. The Commissioner may revoke or deny renewal of a license of a child welfare agency, assisted living facility, or adult day ~~care~~ center and a child-placing agency may revoke the approval of a foster home if the assisted living facility, adult day ~~care~~ center, child welfare agency, or foster home has knowledge that a person specified in § 63.2-1720 or 63.2-1721 required to have a background check (i) has been convicted of any barrier crime as defined in § 19.2-392.02 or (ii) in the case of a child welfare agency or foster home, is the subject of a founded complaint of child abuse or neglect within or outside the Commonwealth, and such person has not been granted a waiver by the Commissioner pursuant to § 63.2-1723 or is not subject to the exceptions in subsection B of § 63.2-1720 or subsection E, F, G, or H of § 63.2-1721, and the facility, center, or agency refuses to separate such person from employment or service or allows the household member to continue to reside in the home.

B. Failure to obtain background checks pursuant to §§ 63.2-1720 and 63.2-1721 shall be grounds for denial, revocation, or termination of a license, registration, or approval or any contract with the Department or a local department to provide child care services to clients of the Department or local department. No violation shall occur if the assisted living facility, adult day ~~care~~ center, child-placing agency, or independent foster home has applied for the background check timely and it has not been obtained due to administrative delay. The provisions of this section shall be enforced by the Department.

§ 63.2-1728. Establishment of toll-free telephone line for complaints; investigation on receipt of complaints.

With such funds as are appropriated for this purpose, the Commissioner shall establish a toll-free telephone line to respond to complaints regarding operations of assisted living facilities, adult day ~~care~~ centers and child welfare agencies. Upon receipt of a complaint concerning the operation of an assisted living facility, adult day ~~care~~ center or child welfare agency, regardless of whether the program is subject to licensure, the Commissioner shall, for good cause shown, cause an investigation to be made, including on-site visits as he deems necessary, of the activities, services, records and facilities. The assisted living facility, adult day ~~care~~ center or child welfare agency shall afford the Commissioner reasonable opportunity to inspect all of the operator's activities, services, records and facilities and to interview its agents and employees and any child or other person within its custody or control. Whenever an assisted living facility, adult day ~~care~~ center or child welfare agency subject to inspection under this section is determined by the Commissioner to be in noncompliance with the provisions of this subtitle or with regulations adopted pursuant to this subtitle, the Commissioner shall give reasonable notice to the assisted living facility, adult day ~~care~~ center or child welfare agency of the nature of its noncompliance and may thereafter take appropriate action as provided by law, including a suit to enjoin the operation of the assisted living facility, adult day ~~care~~ center or child welfare agency.

An incident report filed by an assisted living facility, pursuant to regulations adopted by the Board, for any major incident that negatively affects or threatens the life, health, safety, or welfare of any resident of the facility shall not be considered a complaint for purposes of this section and shall not be posted by the Department on a website maintained by the Department. However, upon receipt of an incident report for any major incident that negatively affects or threatens the life, health, safety, or welfare of any resident of an assisted living facility, the Commissioner may initiate an investigation including an on-site visit to the facility if the Commissioner finds, for good cause shown based upon the seriousness of the incident and the nature of any response to the incident, including any implementation of a plan of correction to address the situation giving rise to the incident, that an investigation is required to protect the life, health, safety, or welfare of a resident of the assisted living facility.

§ 63.2-1729. Confidentiality of complainant's identity.

Whenever the Department conducts inspections and investigations in response to complaints received from the public, the identity of the complainant and the identity of any resident, participant or child who is the subject of the complaint, or identified therein, shall be confidential and shall not be open to inspection by members of the public. Identities of the complainant and resident, participant or child who is the subject of the complaint shall be revealed only if a court order so requires. Nothing contained herein shall prevent the Department, in its discretion, from disclosing to the assisted living facility, adult day ~~care~~ center or child welfare agency the nature of the complaint or the identity of the resident, participant or child who is the subject of the complaint. Nothing contained herein shall prevent the Department or its employees from making reports under Chapter 15 (§ 63.2-1500 et seq.) of this title or Article 2 (§ 63.2-1603 et seq.) of Chapter 16 of this title. If the Department intends to rely, in whole or in part, on any statements made by the complainant, at any administrative hearing brought against the assisted living facility, adult day ~~care~~ center or child welfare agency, the Department shall disclose the identity of the complainant to the assisted living facility, adult day ~~care~~ center or child welfare agency a reasonable time in advance of such hearing.

§ 63.2-1730. Retaliation or discrimination against complainants.

No assisted living facility, adult day ~~care~~ center or child welfare agency may retaliate or discriminate in any manner against any person who (i) in good faith complains or provides information to, or otherwise cooperates with, the Department or any other agency of government or any person or entity operating under contract with an agency of government, having responsibility for protecting the rights of residents of assisted living facilities, participants in adult day ~~care~~ centers or children in child welfare agencies, (ii) attempts to assert any right protected by state or federal law, or (iii) assists any person in asserting such right.

§ 63.2-1731. Retaliation against reports of child or adult abuse or neglect.

No assisted living facility, adult day ~~care~~ center or child welfare agency may retaliate in any manner against any person who in good faith reports adult or child abuse or neglect pursuant to Chapter 15 (§ 63.2-1500 et seq.) of this title or Article 2 (§ 63.2-1603 et seq.) of Chapter 16 of this title.

§ 63.2-1733. Regulations for adult day centers.

A. The Board shall have the authority to adopt and enforce regulations to carry out the provisions of this subtitle and to protect the health, safety, welfare, and individual rights of participants of adult day ~~care~~ centers and to promote their highest level of functioning.

B. Regulations shall include standards for care and services to be provided to participants; administration of medication; staffing; staff qualifications and training; and facility design, construction, and equipment.

CHAPTER 151

An Act to amend the Code of Virginia by adding in Title 22.1 a chapter numbered 28, consisting of sections numbered 22.1-381, 22.1-382, and 22.1-383, relating to Science, Technology, Engineering, Mathematics, and Computing (STEM+C) Competition Team Grant Program; established.

[S 5]

Approved March 26, 2024

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Title 22.1 a chapter numbered 28, consisting of sections numbered 22.1-381, 22.1-382, and 22.1-383, as follows:

CHAPTER 28.

SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, AND COMPUTING (STEM+C) COMPETITION TEAM GRANT PROGRAM.

§ 22.1-381. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Computing" means computer science, computational thinking, and computer coding.

"STEM+C" means science, technology, engineering, mathematics, and computing.

"STEM+C competition team" means an extracurricular team-building activity that has a primary objective of engaging students in STEM+C-related activities and may include participating in project-based team competitions.

§ 22.1-382. STEM+C Competition Team Grant Program created; purpose.

The STEM+C Competition Team Grant Program is established to encourage interest in STEM+C-related subject areas and support STEM+C extracurricular team-building activities in public schools in the Commonwealth by providing grants for use in establishing or supporting STEM+C competition teams.

§ 22.1-383. Board to develop and issue grant guidelines; application; administration.

The Board shall develop and issue guidelines for the general requirements of qualifying for a grant and shall develop the grant application form. Such guidelines shall be exempt from the provisions of the Administrative Process Act (§ 2.2-4000 et seq.).

CHAPTER 152

An Act to amend and reenact § 32.1-330 of the Code of Virginia, relating to long-term services and supports screening; expedited screening; screening exemption; emergency.

[S 24]

Approved March 26, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 32.1-330 of the Code of Virginia is amended and reenacted as follows:

§ 32.1-330. Long-term services and supports screening required.

A. As used in this section, "acute care hospital" includes an acute care hospital, a rehabilitation hospital, a rehabilitation unit in an acute care hospital, or a psychiatric unit in an acute care hospital.

B. Every individual who applies for or requests community or institutional long-term services and supports as defined in the state plan for medical assistance services may choose to receive services in a community or institutional setting. Every individual who applies for or requests community or institutional long-term services and supports shall be afforded the opportunity to choose the setting and provider of long-term services and supports.

C. Every individual who applies for or requests community or institutional long-term services and supports shall be screened prior to ~~admission to~~*, or in the situations described in subsection F within three business days of, initiation of* such community or institutional long-term services and supports to determine his need for long-term services and supports, including nursing facility services as defined in the state plan for medical assistance services. The type of long-term services and supports screening performed shall not limit the long-term services and supports settings or providers for which the individual is eligible.

D. ~~If~~ *Except as otherwise provided in this subsection, if* an individual who applies for or requests long-term services and supports as defined in the state plan for medical assistance services is residing in a community setting at the time of such application or request, the screening for long-term services and supports required pursuant to subsection C shall be completed by a long-term services and supports screening team that includes a nurse, social worker or other assessor designated by the Department who is an employee of the Department of Health or the local department of social services and a physician who is employed or engaged by the Department of Health. *To the extent such screening team determines it is unable to complete the long-term services and supports screening within 30 days and the individual is in imminent need of nursing facility placement, such screening team shall confer as to which entity can most expeditiously conduct the long-term services and supports screening. The nursing facility screening team as described in subsection F shall be authorized to conduct such screening if it is determined that it is the most expeditious option.*

E. If an individual who applies for or requests long-term services and supports as defined in the state plan for medical assistance services is receiving inpatient services in an acute care hospital at the time of such application or request and will *immediately* begin receiving long-term services and supports as defined in the state plan for medical assistance services pursuant to a discharge order from an acute care hospital, the screening for long-term services and supports required pursuant to subsection C shall be completed by the acute care hospital in accordance with the screening requirements established by the Department. *Any individual receiving inpatient services in an acute care hospital discharged to a nursing facility for skilled care only is not required to be screened prior to discharge from the hospital unless the individual requests the screening.*

F. If an individual who applies for or requests long-term services and supports as defined in the state plan for medical assistance services is receiving skilled nursing services ~~that are not covered by the Commonwealth's program of medical assistance services in an institutional setting following discharge from an acute care hospital,~~ *in a nursing facility, or in the situation described in subsection D where the nursing facility screening team is authorized to conduct the long-term services and supports screening,* the Department shall require qualified staff of the ~~skilled~~ nursing ~~institution~~ *facility* to conduct the long-term services and supports screening *prior to or within three business days of initiation of long-term services and supports and* in accordance with the requirements established by the Department, with the results certified by a physician prior to ~~the~~ *or within three business days of* initiation of long-term services and supports under the state plan for medical assistance services.

G. If an individual is admitted to a ~~skilled~~ nursing facility ~~for skilled nursing services~~ and such individual was not screened but is subsequently determined to have been required to be screened prior to admission to the ~~skilled~~ nursing facility, then the qualified staff designated in subsection F may conduct a screening after admission. Coverage of institutional long-term services and supports under this subsection by the Commonwealth's program of medical assistance services indicated by the screening shall not begin until six months after the initial admission to the ~~skilled~~ nursing facility. During this six-month period, the nursing home in which the individual resides shall be responsible for all costs indicated for institutional long-term services and supports that would otherwise have been covered by the Commonwealth's program of medical assistance services, without accessing patient funds. Six months after the date of admission to the ~~skilled~~ nursing facility, and as indicated through the eligibility determination, the Commonwealth's program of medical assistance services shall assume coverage of such services. To the extent that sufficient evidence is provided to indicate that the admission without screening was of no fault of the ~~skilled~~ nursing facility, the Department shall begin coverage of institutional long-term services and supports under this subsection by the Commonwealth's program of medical assistance services immediately upon the completion of the functional screening indicating nursing facility level of care pending the financial eligibility determination.

H. In any jurisdiction in which a long-term services and supports screening team described in subsection D or E has failed or is unable to perform the long-term services and supports screenings required by subsection D or E within 30 days of receipt of the individual's application or request for long-term services and supports under the state plan, the Department shall enter into contracts with other public or private entities to conduct such long-term services and supports screenings in addition to or in lieu of the long-term services and supports screening teams described in subsections D and E. *This subsection shall not apply to the specific circumstance outlined in subsection D where the qualified staff of a nursing facility agree to conduct such screening.*

I. The Department shall require all individuals who perform long-term services and supports screenings pursuant to this section to receive training on and be certified in the use of the long-term services and supports screening tool for eligibility for community or institutional long-term services and supports provided in accordance with the state plan for medical assistance services prior to conducting such long-term services and supports screenings.

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

2. That an emergency exists and this act is in force from its passage.

3. That the Department of Medical Assistance Services shall promulgate regulations to implement the provisions of this act to be effective within 280 days of its enactment.

CHAPTER 153

An Act to amend and reenact §§ 37.2-505 and 37.2-837 of the Code of Virginia, relating to state hospitals; discharge planning.

[S 179]

Approved March 26, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 37.2-505 and 37.2-837 of the Code of Virginia are amended and reenacted as follows:

§ 37.2-505. Coordination of services for preadmission screening and discharge planning.

A. The community services board shall fulfill the following responsibilities:

1. Be responsible for coordinating the community services necessary to accomplish effective preadmission screening and discharge planning for persons referred to the community services board. When preadmission screening reports are required by the court on an emergency basis pursuant to Article 5 (§ 37.2-814 et seq.) of Chapter 8, the community services board shall ensure the development of the report for the court. To accomplish this coordination, the community services board shall establish a structure and procedures involving staff from the community services board and, as appropriate, representatives from (i) the state hospital or training center serving the board's service area, (ii) the local department of social services, (iii) the health department, (iv) the Department for Aging and Rehabilitative Services office in the board's service area, (v) the local school division, and (vi) other public and private human services agencies, including licensed hospitals.

2. Provide preadmission screening services prior to the admission for treatment pursuant to § 37.2-805 or Article 5 (§ 37.2-814 et seq.) of Chapter 8 of any person who requires emergency mental health services while in a city or county served by the community services board. In the case of inmates incarcerated in a regional jail, each community services board that serves a county or city that is a participant in the regional jail shall review any existing Memorandum of Understanding between the community services board and any other community services boards that serve the regional jail to ensure that such memorandum sets forth the roles and responsibilities of each community services board in the preadmission screening process, provides for communication and information sharing protocols between the community services boards, and provides for due consideration, including financial consideration, should there be disproportionate obligations on one of the community services boards.

3. Provide, in consultation with the appropriate state hospital or training center, discharge planning for any individual who, prior to admission, resided in a city or county served by the community services board ~~or who chooses to reside after discharge in a city or county served by the board and who is to be released from a state hospital or training center pursuant to § 37.2-837~~. *In the case of any individual to be discharged from Central State Hospital, Southwestern Virginia Mental Health Institute, or Southern Virginia Mental Health Institute in 30 days or less after admission, the appropriate community services board shall implement the discharge plan developed by the state facility.* Upon initiation of discharge planning, the community services board that serves the city or county where the individual resided prior to admission shall inform the individual that he may choose to return to the county or city in which he resided prior to admission or to any other county or city in the Commonwealth. If the individual is unable to make informed decisions regarding his care, the community services board shall so inform his authorized representative, who may choose the county or city in which the individual shall reside upon discharge. In either case and to the extent permitted by federal law, for individuals who choose to return to the county or city in which they resided prior to admission, the community services board shall make every reasonable effort to place the individuals in such county or city. The community services board serving the county or city in which he will reside following discharge shall be responsible for arranging transportation for the individual upon request following the discharge protocols developed by the Department.

The discharge plan shall be completed prior to the individual's discharge. The plan shall be prepared with the involvement and participation of the individual receiving services or his representative and must reflect the individual's preferences to the greatest extent possible. The plan shall include the mental health, developmental, substance abuse, social, educational, medical, employment, housing, legal, advocacy, transportation, and other services that the individual will need upon discharge into the community and identify the public or private agencies that have agreed to provide these services.

No individual shall be discharged from a state hospital or training center without completion by the community services board of the discharge plan described in this subdivision. If state hospital or training center staff identify an individual as ready for discharge and the community services board that is responsible for the individual's care disagrees, the community services board shall document in the treatment plan within 72 hours of the individual's identification any reasons for not accepting the individual for discharge. If the state hospital or training center disagrees with the community services board and the board refuses to develop a discharge plan to accept the individual back into the community, the state hospital or training center or the community services board shall ask the Commissioner to review the state hospital's or training center's determination that the individual is ready for discharge in accordance with procedures established by the Department in collaboration with state hospitals, training centers, and community services boards. If the Commissioner determines that the individual is ready for discharge, a discharge plan shall be developed by the Department to ensure the availability of adequate services for the individual and the protection of the community. The Commissioner also shall verify that sufficient state-controlled funds have been allocated to the community services board through the performance contract.

If sufficient state-controlled funds have been allocated, the Commissioner may contract with a private provider, another community services board, or a behavioral health authority to deliver the services specified in the discharge plan and withhold allocated funds applicable to that individual's discharge plan from the community services board in accordance with subsections C and E of § 37.2-508.

4. Provide information, if available, to all hospitals licensed pursuant to Article 1 (§ 32.1-123 et seq.) of Chapter 5 of Title 32.1 about alcohol and substance abuse services available to minors.

B. The community services board may perform the functions set out in subdivision A 1 in the case of children by referring them to the locality's family assessment and planning team and by cooperating with the community policy and management team in the coordination of services for troubled youths and their families. The community services board may involve the family assessment and planning team and the community policy and management team, but it remains responsible for performing the functions set out in subdivisions A 2 and ~~A~~ 3 in the case of children.

§ 37.2-837. Discharge from state hospitals or training centers, conditional release, and trial or home visits for individuals.

A. Except for an individual receiving services in a state hospital who is held upon an order of a court for a criminal proceeding, the director of a state hospital or training center may discharge, after the preparation of a discharge plan:

1. Any individual in a state hospital who, in his judgment, ~~(a)~~ *(i)* is recovered, ~~(b)~~ *(ii)* does not have a mental illness, or ~~(c)~~ *(iii)* is impaired or not recovered but whose discharge will not be detrimental to the public welfare or injurious to the individual;

2. Any individual in a state hospital who is not a proper case for treatment within the purview of this chapter; or

3. Any individual in a training center who chooses to be discharged or, if the individual lacks the mental capacity to choose, whose legally authorized representative chooses for him to be discharged. Pursuant to regulations of the Centers for Medicare & Medicaid Services and the Department of Medical Assistance Services, no individual at a training center who is enrolled in Medicaid shall be discharged if the individual or his legally authorized representative on his behalf chooses to continue receiving services in a training center.

Central State Hospital, Southern Virginia Mental Health Institute, and Southwestern Virginia Mental Health Institute shall, in consultation with the appropriate community services board or behavioral health authority, provide discharge planning for any individual to be discharged from the state hospital in 30 days or less after admission. For all individuals discharged *from any other state facility in 30 days or less after admission, or from a state hospital more than 30 days after admission, or from a state training center*, the discharge plan shall be formulated in accordance with the provisions of § 37.2-505 by the community services board or behavioral health authority that serves the city or county where the individual resided prior to admission or by the board or authority that serves the city or county where the individual or his legally authorized representative on his behalf chooses to reside immediately following the discharge. The discharge plan shall be contained in a uniform discharge document developed by the Department and used by all state hospitals, training centers, and community services boards or behavioral health authorities~~,~~ and shall identify (i) the services, including mental health, developmental, substance abuse, social, educational, medical, employment, housing, legal, advocacy, transportation, and other services that the individual will require upon discharge into the community, and (ii) the public or private agencies that have agreed to provide these services. If the individual will be housed in an assisted living facility, as defined in § 63.2-100, the discharge plan shall identify the facility, document its appropriateness for housing and capacity to care for the individual, contain evidence of the facility's agreement to admit and care for the individual, and describe how the community services board or behavioral health authority will monitor the individual's care in the facility. Prior to discharging an individual pursuant to subdivision A 1 or 2 who has not executed an advance directive, the director of a state hospital or his designee shall give to the individual a written explanation of the procedures for executing an advance directive in accordance with the Health Care Decisions Act (§ 54.1-2981 et seq.) and an advance directive form, which may be the form set forth in § 54.1-2984.

B. The director may grant a trial or home visit to an individual receiving services in accordance with regulations adopted by the Board. The state facility granting a trial or home visit to an individual shall not be liable for his expenses during the period of that visit. Such liability shall devolve upon the relative, conservator, person to whose care the individual is entrusted while on the trial or home visit, or the appropriate local department of social services of the county or city in which the individual resided at the time of admission pursuant to regulations adopted by the State Board of Social Services.

C. Any individual who is discharged pursuant to subdivision A 2 shall, if necessary for his welfare, be received and cared for by the appropriate local department of social services. The provision of public assistance or social services to the individual shall be the responsibility of the appropriate local department of social services as determined by regulations adopted by the State Board of Social Services. Expenses incurred for the provision of public assistance to the individual who is receiving 24-hour care while in an assisted living facility licensed pursuant to Chapters 17 (§ 63.2-1700 et seq.) and 18 (§ 63.2-1800 et seq.) of Title 63.2 shall be the responsibility of the appropriate local department of social services of the county or city in which the individual resided at the time of admission.

2. That the Department of Behavioral Health and Developmental Services shall report to the Governor and the General Assembly by August 1, 2025, and each year thereafter, the following information: (i) the readmission rates of any individual discharged from Central State Hospital, Southern Virginia Mental Health Institute, and Southwestern Virginia Mental Health Institute in 30 days or less after admission; (ii) the impact of the changes to

discharge planning implemented by this act on Central State Hospital, Southern Virginia Mental Health Institute, and Southwestern Virginia Mental Health Institute; and (iii) census information of Central State Hospital, Southern Virginia Mental Health Institute, and Southwestern Virginia Mental Health Institute.

3. That the Department of Behavioral Health and Developmental Services shall provide the Senate Committee on Education and Health and the House Committee on Health and Human Services with an evaluation of the impact of the changes to discharge planning implemented by this act by November 1, 2025.

4. That the provisions of this act shall become effective on January 1, 2025.

CHAPTER 154

An Act to amend and reenact § 55.1-1235 of the Code of Virginia, relating to Virginia Residential Landlord and Tenant Act; early termination for military personnel; stop movement order.

[S 213]

Approved March 26, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 55.1-1235 of the Code of Virginia is amended and reenacted as follows:

§ 55.1-1235. Early termination of rental agreement by military personnel.

A. Any member of the Armed Forces of the United States or a member of the National Guard serving on full-time duty or as a civil service technician with the National Guard may, through the procedure detailed in subsection B, terminate his rental agreement if the member (i) has received permanent change of station orders ~~to depart 35 miles or more (radius) from the location of the dwelling unit,~~*;* (ii) has received temporary duty orders in excess of three months' duration ~~to depart 35 miles or more (radius) from the location of the dwelling unit,~~*;* (iii) is discharged or released from active duty with the Armed Forces of the United States or from his full-time duty or technician status with the National Guard~~, or~~*;* (iv) is ordered to report to government-supplied quarters resulting in the forfeiture of basic allowance for quarters*; or (v) has received a stop movement order in response to a local, national, or global emergency that is effective for an indefinite period or for a period of not less than 30 days and that prevents the service member from occupying the leased dwelling unit for a residential purpose.*

B. Tenants who qualify to terminate a rental agreement pursuant to subsection A shall do so by serving on the landlord a written notice of termination to be effective on a date stated in such written notice, such date to be not less than 30 days after the first date on which the next rental payment is due and payable after the date on which the written notice is given. The termination date shall be no more than 60 days prior to the date of departure necessary to comply with the official orders or any supplemental instructions for interim training or duty prior to the transfer. Prior to the termination date, the tenant shall furnish the landlord with a copy of the official notification of the orders or a signed letter, confirming the orders, from the tenant's commanding officer.

C. The landlord may not charge any liquidated damages.

D. Nothing in this section shall affect the tenant's obligations established by § 55.1-1227.

2. That an emergency exists and this act is in force from its passage.

CHAPTER 155

An Act to authorize the issuance of special license plates marking the 250th anniversary of the American Revolution; fees.

[S 216]

Approved March 26, 2024

Be it enacted by the General Assembly of Virginia:

1. *§ 1. Special license plates marking the 250th anniversary of the American Revolution; fees.*

A. On receipt of an application and payment of the fee prescribed by this section, the Commissioner of the Department of Motor Vehicles shall issue to the applicant special license plates marking the 250th anniversary of the American Revolution.

B. The annual fee for plates issued pursuant to this section shall be $25 in addition to the prescribed fee for state license plates. For each such $25 fee collected, $15 shall be paid into the state treasury and credited to a special nonreverting fund known as the Virginia American Revolution 250 Fund established within the Department of Accounts. These funds shall be paid annually to the Virginia American Revolution 250 Commission and used to support its operation and programs in Virginia. All other fees imposed under the provisions of this section shall be paid to, and received by, the Commissioner of the Department of Motor Vehicles and paid by him into the state treasury and set aside as a special fund to be used to meet the necessary expenses incurred by the Department of Motor Vehicles.

C. The provisions of subdivisions 1 and 2 of subsection B of § 46.2-725 of the Code of Virginia shall not apply to plates issued pursuant to this act.

2. That the provisions of this act shall expire on July 1, 2032. On or after such date, the Commissioner of the Department of Motor Vehicles shall not issue new plates pursuant to this act. Plates issued pursuant to this act may

continue in use for a period determined by the Commissioner of the Department of Motor Vehicles if the proper fee is paid as required in § 46.2-694 of the Code of Virginia.

CHAPTER 156

An Act to amend and reenact §§ 64.2-2002, 64.2-2011, and 64.2-2020 of the Code of Virginia, relating to guardians and conservators; order of appointment and certificate of qualification; annual report.

[S 290]

Approved March 26, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 64.2-2002, 64.2-2011, and 64.2-2020 of the Code of Virginia are amended and reenacted as follows:

§ 64.2-2002. Who may file petition; contents.

A. Any person, including a community services board and any other local or state governmental agency, may file a petition for the appointment of a guardian, a conservator, or both.

B. A petition for the appointment of a guardian, a conservator, or both, shall state the petitioner's name, place of residence, post office address, and relationship, if any, to the respondent and, to the extent known as of the date of filing, shall include the following:

1. The respondent's name, date of birth, place of residence or location, post office address, and the sealed filing of the social security number;

2. The basis for the court's jurisdiction under the provisions of Article 2 (§ 64.2-2105 et seq.) of Chapter 21;

3. The names and post office addresses of the respondent's spouse, adult children, parents, and adult siblings or, if no such relatives are known to the petitioner, at least three other known relatives of the respondent, including stepchildren. If a total of three such persons cannot be identified and located, the petitioner shall certify that fact in the petition, and the court shall set forth such finding in the final order;

4. The name, place of residence or location, and post office address of the individual or facility, if any, that is responsible for or has assumed responsibility for the respondent's care or custody;

5. The name, place of residence or location, and post office address of any agent designated under a durable power of attorney or an advance directive of which the respondent is the principal, and any guardian, committee, or conservator currently acting, whether in this state or elsewhere, and the petitioner shall attach a copy of any such durable power of attorney, advance directive, or order appointing the guardian, committee, or conservator, if available;

5a. The name, location, and post office address of the respondent's primary health care provider, if any;

6. The type of guardianship or conservatorship requested and a brief description of the nature and extent of the respondent's alleged incapacity;

7. When the petition requests appointment of a guardian, a brief description of the services currently being provided for the respondent's health, care, safety, or rehabilitation and, where appropriate, a recommendation as to living arrangements and treatment plan;

8. If the appointment of a limited guardian is requested, the specific areas of protection and assistance to be included in the order of appointment and, if the appointment of a limited conservator is requested, the specific areas of management and assistance to be included in the order of appointment;

9. The name and post office address of any proposed guardian or conservator or any guardian or conservator nominated by the respondent and that person's relationship to the respondent;

10. The native language of the respondent and any necessary alternative mode of communication;

11. A statement of the financial resources of the respondent that shall, to the extent known, list the approximate value of the respondent's property and the respondent's anticipated annual gross income, other receipts, and debts, contained in a separate confidential addendum, pursuant to § 64.2-2000.1;

12. A statement of whether the petitioner believes that the respondent's attendance at the hearing would be detrimental to the respondent's health, care, or safety; and

13. A request for appointment of a guardian ad litem.

C. The petitioner shall complete and file with the petition for appointment of a guardian, a conservator, or both, a cover sheet on a form prepared by the Office of the Executive Secretary of the Supreme Court of Virginia. Such cover sheet shall contain such information as the Executive Secretary deems necessary.

§ 64.2-2011. Qualification of guardian or conservator; clerk to record order and issue certificate; reliance on certificate.

A. A guardian or conservator appointed in the court order shall qualify before the clerk upon the following:

1. Subscribing to an oath promising to faithfully perform the duties of the office in accordance with all provisions of this chapter;

2. Posting of bond, but no surety shall be required on the bond of the guardian, and the conservator's bond may be with or without surety, as ordered by the court; and

3. Acceptance in writing by the guardian or conservator of any educational materials provided by the court.

B. Upon qualification, the clerk shall issue to the guardian or conservator a certificate with a copy of the order *of appointment* appended thereto. The clerk shall record the order in the same manner as a power of attorney would be recorded and shall, in addition to the requirements of § 64.2-2014, provide a copy of the order to the commissioner of accounts. It shall be the duty of a conservator having the power to sell real estate to record the order in the office of the clerk of any jurisdiction where the respondent owns real property. If the order appoints a guardian, the clerk shall promptly forward a copy of the order *of appointment and a copy of the certificate of qualification* to the local department of social services in the jurisdiction where the respondent then resides and *a copy of the order of appointment* to the Department of Medical Assistance Services.

C. A conservator shall have all powers granted pursuant to § 64.2-2021 as are necessary and proper for the performance of his duties in accordance with this chapter, subject to the limitations that are prescribed in the order. The powers granted to a guardian shall only be those powers enumerated in the court order.

D. Any individual or entity conducting business in good faith with a guardian or conservator who presents a currently effective certificate of qualification may presume that the guardian or conservator is properly authorized to act as to any matter or transaction, except to the extent of any limitations upon the fiduciary's powers contained in the court's order of appointment.

1. A person that refuses in violation of this subsection to accept a certificate of qualification is subject to (i) a court order mandating acceptance of the certificate of qualification and (ii) liability for reasonable attorney fees and costs incurred in any action or proceeding that confirms the validity of the certificate of qualification or mandates acceptance of the certificate of qualification.

2. A person shall either accept or reject a certificate of qualification no later than seven business days after presentation of such certificate of qualification for acceptance. A person is not required to accept a certificate of qualification for a transaction if:

a. Engaging in the transaction with the guardian or conservator would be inconsistent with state or federal law;

b. The person has actual knowledge of the termination of the authority of the guardian or conservator or of the certificate of qualification before exercise of the power;

c. The person in good faith believes that the certificate of qualification is not valid or that the guardian or conservator does not have the authority to perform the act requested; or

d. The person believes in good faith that the transaction may involve, facilitate, result in, or contribute to financial exploitation.

§ 64.2-2020. Annual reports by guardians.

A. ~~A~~ *Within six months from the date of qualification, a* guardian *appointed pursuant to § 64.2-2009* shall file an *initial* annual report ~~in compliance with the filing deadlines in § 64.2-1305~~ *reflecting the first four months of guardianship since qualification* with the local department of social services for the jurisdiction where the incapacitated person then resides. *After such initial annual report has been filed, the second and subsequent annual reports for each succeeding 12-month period shall be due within four months from the last day of the 12-month period covered by the previous annual report.* The annual report shall be on a form prepared by the Office of the Executive Secretary of the Supreme Court and shall be accompanied by a filing fee of $5. To the extent practicable, the annual report shall be formatted in a manner to encourage standardized and detailed responses from guardians. The local department shall retain the fee in the jurisdiction where the fee is collected for use in the provision of services to adults in need of protection. Within 60 days of receipt of the annual report, the local department shall file a copy of the annual report with the clerk of the circuit court that appointed the guardian, to be placed with the court papers pertaining to the guardianship case. Twice each year the local department shall file with the clerk of the circuit court a list of all guardians who are more than 90 days delinquent in filing an annual report as required by this section. If the guardian is also a conservator, a settlement of accounts shall also be filed with the commissioner of accounts as provided in § 64.2-1305.

B. The annual report to the local department of social services shall include:

1. A description of the current mental, physical, and social condition of the incapacitated person, including any change in diagnosis or assessment of any such condition of such incapacitated person by any medical provider since the last report;

2. A description of the incapacitated person's living arrangements during the reported period, including a specific assessment of the adequacy of such living arrangement;

3. The medical, educational, vocational, social, recreational, and any other professional services and activities provided to the incapacitated person and the guardian's opinion as to the adequacy of the incapacitated person's care. The information required by this subdivision shall include (i) the specific names of the medical providers that have treated the incapacitated person and a description of the frequency or number of times the incapacitated person was seen by such providers; (ii) the date and location of and reason for any hospitalization of such incapacitated person; and (iii) a description of the educational, vocational, social, and recreational activities in which such incapacitated person participated;

4. A statement of whether the guardian agrees with the current treatment or habilitation plan;

5. A statement of whether the incapacitated person has been an alleged victim in a report of abuse, neglect, or exploitation made pursuant to Article 2 (§ 63.2-1603 et seq.) of Chapter 16 of Title 63.2, to the extent known, and whether there are any other indications of abuse, neglect, or exploitation of such incapacitated person;

6. A recommendation as to the need for continued guardianship and any recommended changes in the scope of the guardianship;

7. The name of any persons whose access to communicate, visit, or interact with the incapacitated person has been restricted and the reasons for such restriction;

8. A self-assessment by the guardian as to whether he feels he is able to continue to carry out the powers and duties imposed upon him by § 64.2-2019 and as specified in the court's order of appointment pursuant to § 64.2-2009;

9. Unless the incapacitated person resides with the guardian, a statement of the frequency and nature of any (i) in-person visits from the guardian with the incapacitated person over the course of the previous year and (ii) visits over the course of the previous year from a designee who is directly supervised or contracted by the guardian, including the name of the designee performing such visit. If any visit described in this section is made virtually, the guardian shall include such information in the annual report;

10. If no visit is made within a 120-day period, the guardian shall describe any challenges or limitations in completing such visit;

11. A general description of the activities taken on by the guardian for the benefit of the incapacitated person during the past year;

12. Any other information deemed necessary by the Office of the Executive Secretary of the Supreme Court of Virginia or the Department for Aging and Rehabilitative Services to understand the condition, treatment, and well-being of the incapacitated person;

13. Any other information useful in the opinion of the guardian; and

14. The compensation requested and the reasonable and necessary expenses incurred by the guardian.

The guardian shall certify by signing under oath that the information contained in the annual report is true and correct to the best of his knowledge. If a guardian makes a false entry or statement in the annual report, he shall be subject to a civil penalty of not more than $500. Such penalty shall be collected by the attorney for the Commonwealth or the county or city attorney, and the proceeds shall be deposited into the general fund.

C. If the local department of social services files notice that the annual report has not been timely filed in accordance with subsection A with the clerk of the circuit court, the court may issue a summons or rule to show cause why the guardian has failed to file such annual report.

2. That nothing in this act shall be construed to preclude the clerk of a circuit court from establishing and maintaining his own case management system or other independent technology system provided by a private vendor or the locality. Any data from such clerk's independent system may be provided directly from such clerk to designated state agencies or through an interface with the technology systems operated by the Office of the Executive Secretary of the Supreme Court of Virginia.

CHAPTER 157

An Act to amend and reenact § 54.1-205 of the Code of Virginia, relating to Department of Professional and Occupational Regulation; reciprocal licensing for neighboring states.

[S 554]

Approved March 26, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 54.1-205 of the Code of Virginia is amended and reenacted as follows:

§ 54.1-205. Universal license recognition.

A. *For purposes of this section,*

"Another state" or "other state" means any state, territory, possession, or jurisdiction of the United States.

"Neighboring state" means the District of Columbia, Maryland, North Carolina, Kentucky, Tennessee, or West Virginia.

~~The~~ *B. Except as provided in subsection D, the* regulatory boards within the Department of Professional and Occupational Regulation shall, upon application by an individual, recognize licenses or certificates issued by another state as fulfillment of qualifications for licensure or government certification in the Commonwealth if the following conditions are met:

1. The individual holds a current and valid professional or occupational license or government certification in another state in a profession or occupation with a similar scope of practice, as determined by the board in the Commonwealth;

2. The individual has held the professional or occupational license or government certification in the other state for at least three years;

3. The board in the other state or state of original licensure required the individual to pass an examination and to meet certain standards related to education, training, or experience;

4. There are no pending investigations or unresolved complaints against the individual, and the board in the other state holds the individual in good standing;

5. The individual does not have a disqualifying criminal record as determined by the board in the Commonwealth in accordance with § 54.1-204;

6. No board in another state has imposed discipline on the licensee, except for discipline involving only a financial penalty and no harm to the health or economic well-being of the public; and

7. The individual pays all applicable fees.

~~B. The~~ *C. Except as provided in subsection D, the* regulatory boards within the Department of Professional and Occupational Regulation shall, upon application by an individual, recognize work experience in another state as fulfillment of qualifications for licensure or government certification in the Commonwealth if the following conditions are met:

1. The individual worked in another state that does not use a professional or occupational license or government certification to regulate a profession or occupation, but the Commonwealth uses a professional or occupational license or government certification to regulate a profession or occupation with a similar scope of practice, as determined by the board;

2. The individual has worked in the profession or occupation for at least three years;

3. The individual passes any examination required by the board of applicants for licensure or certification; and

4. The individual satisfies the conditions outlined in subdivisions ~~A~~ *B* 5, 6, and 7.

D. The Real Estate Appraiser Board, the Real Estate Board, the Board for Waste Management Facility Operators, and the Board for Waterworks and Wastewater Works Operators and Onsite Sewage System Professionals shall, upon application by an individual, and without examination, immediately recognize the licenses or certificates issued by a neighboring state as fulfillment of qualifications for licensure in the Commonwealth if the following conditions are met:

1. The individual holds a current and valid professional or occupational license or government certification in a neighboring state in a profession or occupation with a similar scope of practice, as determined by the board in the Commonwealth;

2. There are no pending investigations or unresolved complaints against the individual, and the other state holds the individual in good standing;

3. The individual does not have a disqualifying criminal record as determined by the board in accordance with § 54.1-204; and

4. No other state has imposed discipline on the licensee, except for discipline involving only a financial penalty and no harm to the health or economic well-being of the public.

~~C.~~ *E.* The regulatory boards within the Department of Professional and Occupational Regulation may require an individual seeking a professional or occupational licensure or government certification pursuant to this section to pass a jurisprudential examination specific to relevant state laws and administrative rules that regulate such profession or occupation if such an examination is required of other applicants for the same license or certification.

~~D. For purposes of this section, "other state" or "another state" means any state, territory, possession, or jurisdiction of the United States.~~

~~E.~~ *F.* This section shall not apply to any professional services, as defined in § 2.2-4301.

CHAPTER 158

An Act to amend the Code of Virginia by adding in Chapter 16 of Title 55.1 sections numbered 55.1-1606 through 55.1-1609 and to repeal Article 2 (§§ 55.1-1406 through 55.1-1409) of Chapter 14 of Title 55.1 of the Code of Virginia, relating to rental conveyances; leases; assignments.

[S 589]

Approved March 26, 2024

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Chapter 16 of Title 55.1 sections numbered 55.1-1606 through 55.1-1609 as follows:

§ 55.1-1606. Grantees and assignees have same rights against lessees as lessors.

A grantee or assignee of any land leased, or of the reversion thereof, and his heirs, personal representative, or assigns, shall enjoy against the lessee, and his heirs, personal representative, or assigns, the like advantage, by action or entry for any forfeiture or by action upon any covenant or promise in the lease that the grantor, assignor, or lessor, or his heirs, might have enjoyed.

§ 55.1-1607. Lessees have same rights against grantees as against lessors.

A lessee, his personal representative, or his assigns may have against a grantee or alienee of the reversion, or of any part of such reversion, his heirs, or his assigns the like benefit of any condition, covenant, or promise in the lease as he could have had against the lessor himself and his heirs and assigns, except the benefit of any warranty, in deed or law.

§ 55.1-1608. What powers to pass to grantee or devisee; when attornment unnecessary.

In conveyances or devises of rents in fee, with powers of distress and reentry, or either of them, such powers shall pass to the grantee or devisee without express words. A grant or devise of a rent, or of a reversion or remainder, is good and effectual without attornment of the tenant, but no tenant who, before notice of the grant, paid the rent to the grantor shall suffer any damage as a result of such payment.

§ 55.1-1609. When attornment void.

The attornment of a tenant to any stranger is void, unless it is with the consent of the landlord of such tenant or pursuant to or in consequence of the judgment or order of a court.

2. That Article 2 (§§ 55.1-1406 through 55.1-1409) of Chapter 14 of Title 55.1 of the Code of Virginia is repealed.

CHAPTER 159

An Act to amend and reenact §§ 4.1-204, 4.1-206.3, and 4.1-212.1, as they are currently effective and as they shall become effective, § 4.1-230, and § 4.1-231.1, as it is currently effective and as it shall become effective, of the Code of Virginia and to repeal § 4.1-212.2 of the Code of Virginia and the second enactment of Chapter 281 and the second enactment of Chapter 282 of the Acts of Assembly of 2021, Special Session I, as amended by the second enactment of Chapter 78 and the second enactment of Chapter 79 of the Acts of Assembly of 2022, relating to alcoholic beverage control; sale and delivery of mixed beverages and pre-mixed wine for off-premises consumption; third-party delivery licenses; sunset; repeal.

[S 635]

Approved March 26, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 4.1-204, 4.1-206.3, and 4.1-212.1, as they are currently effective and as they shall become effective, § 4.1-230, and § 4.1-231.1, as it is currently effective and as it shall become effective, of the Code of Virginia are amended and reenacted as follows:

§ 4.1-204. (Effective until July 1, 2024) Records of licensees; inspection of records and places of business.

A. Manufacturers, bottlers or wholesalers. — Every licensed manufacturer, bottler or wholesaler shall keep complete, accurate and separate records in accordance with Board regulations of all alcoholic beverages purchased, manufactured, bottled, sold or shipped by him, and the applicable tax required by § 4.1-234 or 4.1-236, if any.

B. Retailers. — Every retail licensee shall keep complete, accurate, and separate records, in accordance with Board regulations, of all purchases of alcoholic beverages, the prices charged such licensee therefor, and the names and addresses of the persons from whom purchased. Every retail licensee shall also preserve all invoices showing his purchases for a period as specified by Board regulations. He shall also keep an accurate account of daily sales, showing quantities of alcoholic beverages sold and the total price charged by him therefor. Except as otherwise provided in subsection D, such account need not give the names or addresses of the purchasers thereof, except as may be required by Board regulation for the sale of alcoholic beverages in kegs. In the case of persons holding retail licenses that require sales of food to determine their qualifications for such licenses, the records shall also include purchases and sales of food and nonalcoholic beverages.

Notwithstanding the provisions of subsection F, electronic records of retail licensees may be stored off site, provided that such records are readily retrievable and available for electronic inspection by the Board or its special agents at the licensed premises. However, in the case that such electronic records are not readily available for electronic inspection on the licensed premises, the retail licensee may obtain Board approval, for good cause shown, to permit the retail licensee to provide the records to a special agent of the Board within three business days or less, as determined by the Board, after a request is made to inspect the records.

C. Common carriers. — Common carriers of passengers by train, boat, bus, or airplane shall keep records of purchases and sales of alcoholic beverages and food as required by Board regulation.

D. Wine and beer shippers. — Every wine and beer shipper licensee shall keep complete, accurate, and separate records in accordance with Board regulations of all shipments of wine or beer to persons in the Commonwealth. Such licensees shall also remit on a monthly basis an accurate account stating whether any wine, farm wine, or beer products were sold and shipped and, if so, stating the total quantities of wine and beer sold and the total price charged for such wine and beer. Such records shall include the names and addresses of the purchasers to whom the wine and beer is shipped.

E. Deliveries. — Every licensee or permittee that is authorized to make deliveries pursuant to § 4.1-212.1 shall keep complete, accurate, and separate records for a period of at least two years in accordance with Board regulations of all deliveries of alcoholic beverages to persons in the Commonwealth. Such records shall include (i) the types of alcoholic beverages sold, (ii) the total quantities of alcoholic beverages sold, (iii) the total price charged for such alcoholic beverages, (iv) the name and date of birth of the person to whom the alcoholic beverages are delivered, and (v) the address to which the alcoholic beverages are delivered. Licensees and permittees shall remit such records on a monthly basis for any month during which the licensee or permittee makes a delivery for which the licensee or permittee is required to collect and remit excise taxes due to the Authority pursuant to subsection H of § 4.1-212.1.

~~Every licensee that is authorized to make deliveries pursuant to § 4.1-212.2 shall keep complete, accurate, and separate records for a period of at least two years in accordance with Board regulations of all deliveries of alcoholic beverages to persons in the Commonwealth. Such records shall include all information prescribed by Board regulations. Licensees shall remit such records within 24 hours of a records request by the Authority; however, the licensee may obtain Board approval, for good cause shown, to permit the licensee to provide records to a special agent of the Board within three business days or less, as determined by the Board, after a request is made to inspect the records.~~

F. Inspection. — The Board and its special agents shall be allowed free access during reasonable hours to every place in the Commonwealth and to the premises of both (i) every wine and beer shipper licensee and (ii) every licensee or permittee authorized to make deliveries wherever located where alcoholic beverages are manufactured, bottled, stored, offered for sale or sold, for the purpose of examining and inspecting such place and all records, invoices and accounts therein. The Board may engage the services of alcoholic beverage control authorities in any state to assist with the

inspection of the premises of a wine and beer shipper licensee, licensee or permittee authorized to make deliveries, or any applicant for such license or permit.

For purposes of a Board inspection of the records of any retail licensees, "reasonable hours" means the hours between 9 a.m. and 5 p.m.; however, if the licensee generally is not open to the public substantially during the same hours, "reasonable hours" shall mean the business hours when the licensee is open to the public. At any other time of day, if the retail licensee's records are not available for inspection, the retailer shall provide the records to a special agent of the Board within 24 hours after a request is made to inspect the records.

§ 4.1-204. (Effective July 1, 2024) Records of licensees; inspection of records and places of business.

A. Manufacturers, bottlers or wholesalers. — Every licensed manufacturer, bottler or wholesaler shall keep complete, accurate and separate records in accordance with Board regulations of all alcoholic beverages purchased, manufactured, bottled, sold or shipped by him, and the applicable tax required by § 4.1-234 or 4.1-236, if any.

B. Retailers. — Every retail licensee shall keep complete, accurate, and separate records, in accordance with Board regulations, of all purchases of alcoholic beverages, the prices charged such licensee therefor, and the names and addresses of the persons from whom purchased. Every retail licensee shall also preserve all invoices showing his purchases for a period as specified by Board regulations. He shall also keep an accurate account of daily sales, showing quantities of alcoholic beverages sold and the total price charged by him therefor. Except as otherwise provided in subsection D, such account need not give the names or addresses of the purchasers thereof, except as may be required by Board regulation for the sale of alcoholic beverages in kegs. In the case of persons holding retail licenses that require sales of food to determine their qualifications for such licenses, the records shall also include purchases and sales of food and nonalcoholic beverages.

Notwithstanding the provisions of subsection F, electronic records of retail licensees may be stored off site, provided that such records are readily retrievable and available for electronic inspection by the Board or its special agents at the licensed premises. However, in the case that such electronic records are not readily available for electronic inspection on the licensed premises, the retail licensee may obtain Board approval, for good cause shown, to permit the retail licensee to provide the records to a special agent of the Board within three business days or less, as determined by the Board, after a request is made to inspect the records.

C. Common carriers. — Common carriers of passengers by train, boat, bus, or airplane shall keep records of purchases and sales of alcoholic beverages and food as required by Board regulation.

D. Wine and beer shippers. — Every wine and beer shipper licensee shall keep complete, accurate, and separate records in accordance with Board regulations of all shipments of wine or beer to persons in the Commonwealth. Such licensees shall also remit on a monthly basis an accurate account stating whether any wine, farm wine, or beer products were sold and shipped and, if so, stating the total quantities of wine and beer sold and the total price charged for such wine and beer. Such records shall include the names and addresses of the purchasers to whom the wine and beer is shipped.

E. Deliveries. — Every licensee or permittee that is authorized to make deliveries pursuant to § 4.1-212.1 shall keep complete, accurate, and separate records for a period of at least two years in accordance with Board regulations of all deliveries of wine or beer to persons in the Commonwealth. Such records shall include (i) the types of wine and beer sold, (ii) the total quantities of wine and beer sold, (iii) the total price charged for such wine and beer, (iv) the name and date of birth of the person to whom the wine and beer is delivered, and (v) the address to which the wine and beer is delivered. Licensees and permittees shall remit such records on a monthly basis for any month during which the licensee or permittee makes a delivery for which the licensee or permittee is required to collect and remit excise taxes due to the Authority pursuant to subsection E of § 4.1-212.1.

~~Every licensee that is authorized to make deliveries pursuant to § 4.1-212.2 shall keep complete, accurate, and separate records for a period of at least two years in accordance with Board regulations of all deliveries of alcoholic beverages to persons in the Commonwealth. Such records shall include all information prescribed by Board regulations. Licensees shall remit such records within 24 hours of a request by the Authority; however, the licensee may obtain Board approval, for good cause shown, to permit the licensee to provide records to a special agent of the Board within three business days or less, as determined by the Board, after a request is made to inspect the records.~~

F. Inspection. — The Board and its special agents shall be allowed free access during reasonable hours to every place in the Commonwealth and to the premises of both (i) every wine and beer shipper licensee and (ii) every licensee or permittee authorized to make deliveries wherever located where alcoholic beverages are manufactured, bottled, stored, offered for sale or sold, for the purpose of examining and inspecting such place and all records, invoices and accounts therein. The Board may engage the services of alcoholic beverage control authorities in any state to assist with the inspection of the premises of a wine and beer shipper licensee, licensee or permittee authorized to make deliveries, or any applicant for such license or permit.

For purposes of a Board inspection of the records of any retail licensees, "reasonable hours" means the hours between 9 a.m. and 5 p.m.; however, if the licensee generally is not open to the public substantially during the same hours, "reasonable hours" shall mean the business hours when the licensee is open to the public. At any other time of day, if the retail licensee's records are not available for inspection, the retailer shall provide the records to a special agent of the Board within 24 hours after a request is made to inspect the records.

§ 4.1-206.3. (Effective until July 1, 2024) Retail licenses.

A. The Board may grant the following mixed beverages licenses:

1. Mixed beverage restaurant licenses, which shall authorize the licensee to sell and serve mixed beverages for on-premises consumption in dining areas and other designated areas of such restaurant or off-premises consumption. Such license may be granted only to persons (i) who operate a restaurant and (ii) whose gross receipts from the sale of food cooked, or prepared, and consumed on the premises and nonalcoholic beverages served on the premises, after issuance of such license, amount to at least 45 percent of the gross receipts from the sale of mixed beverages and food. For the purposes of this subdivision, other designated areas shall include outdoor dining areas, whether or not contiguous to the licensed premises, which outdoor dining areas may have more than one means of ingress and egress to an adjacent public thoroughfare, provided such areas are under the control of the licensee and approved by the Board. Such noncontiguous designated areas shall not be approved for any retail license issued pursuant to subdivision A 5 of § 4.1-201.

If the restaurant is located on the premises of a hotel or motel with no fewer than four permanent bedrooms where food and beverage service is customarily provided by the restaurant in designated areas, bedrooms, and other private rooms of such hotel or motel, such licensee may (a) sell and serve mixed beverages for on-premises consumption in such designated areas, bedrooms, and other private rooms or off-premises consumption and (b) sell spirits packaged in original closed containers purchased from the Board for on-premises consumption to registered guests and at scheduled functions of such hotel or motel only in such bedrooms or private rooms. However, with regard to a hotel classified as a resort complex, the Board may authorize the sale and on-premises consumption of alcoholic beverages in all areas within the resort complex deemed appropriate by the Board. Nothing herein shall prohibit any person from keeping and consuming his own lawfully acquired spirits in bedrooms or private rooms.

If the restaurant is located on the premises of and operated by a private, nonprofit, or profit club exclusively for its members and their guests, or members of another private, nonprofit, or profit club in another city with which it has an agreement for reciprocal dining privileges, such license shall also authorize the licensees to (1) sell and serve mixed beverages for on-premises or off-premises consumption and (2) sell spirits that are packaged in original closed containers with a maximum capacity of two fluid ounces or 50 milliliters and purchased from the Board for on-premises consumption. Where such club prepares no food in its restaurant but purchases its food requirements from a restaurant licensed by the Board and located on another portion of the premises of the same hotel or motel building, this fact shall not prohibit the granting of a license by the Board to such club qualifying in all other respects. The club's gross receipts from the sale of nonalcoholic beverages consumed on the premises and food resold to its members and guests and consumed on the premises shall amount to at least 45 percent of its gross receipts from the sale of mixed beverages and food. The food sales made by a restaurant to such a club shall be excluded in any consideration of the qualifications of such restaurant for a license from the Board.

If the restaurant is located on the premises of and operated by a municipal golf course, the Board shall recognize the seasonal nature of the business and waive any applicable monthly food sales requirements for those months when weather conditions may reduce patronage of the golf course, provided that prepared food, including meals, is available to patrons during the same months. The gross receipts from the sale of food cooked, or prepared, and consumed on the premises and nonalcoholic beverages served on the premises, after the issuance of such license, shall amount to at least 45 percent of the gross receipts from the sale of mixed beverages and food on an annualized basis.

If the restaurant is located on the premises of and operated by a culinary lodging resort, such license shall authorize the licensee to (A) sell alcoholic beverages, without regard to the amount of gross receipts from the sale of food prepared and consumed on the premises, for off-premises consumption or for on-premises consumption in areas upon the licensed premises approved by the Board and other designated areas of the resort, including outdoor areas under the control of the licensee, and (B) permit the possession and consumption of lawfully acquired alcoholic beverages by persons to whom overnight lodging is being provided in bedrooms and private guest rooms.

If the restaurant is located on the premises of a mixed beverage casino licensee owned by an operator licensed under Article 3 (§ 58.1-4108 et seq.) of Chapter 41 of Title 58.1, such mixed beverage restaurant license shall authorize the licensee to sell alcoholic beverages for on-premises consumption on the licensed premises of the restaurant during all hours of operation of the mixed beverage casino licensee. Any alcoholic beverages purchased from such restaurant may be (I) taken onto the premises of the mixed beverage casino licensee and (II) possessed or consumed in areas designated by the Board, after consultation with the mixed beverage casino licensee. Designated areas may include any areas on the premises of the mixed beverage casino licensee, including entertainment venues, conference rooms, private rooms, hotels, pools, marinas, or green spaces. Alcoholic beverages purchased from a restaurant pursuant to this subdivision shall be contained in glassware or a paper, plastic, or similar disposable container that clearly displays the name or logo of the restaurant from which the alcoholic beverage was purchased.

The granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption and in closed containers for off-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

2. Mixed beverage caterer's licenses, which may be granted only to a person regularly engaged in the business of providing food and beverages to others for service at private gatherings or at special events, which shall authorize the licensee to sell and serve alcoholic beverages for on-premises consumption. The annual gross receipts from the sale of food cooked and prepared for service and nonalcoholic beverages served at gatherings and events referred to in this subdivision shall amount to at least 45 percent of the gross receipts from the sale of mixed beverages and food.

3. Mixed beverage limited caterer's licenses, which may be granted only to a person regularly engaged in the business of providing food and beverages to others for service at private gatherings or at special events, not to exceed 12 gatherings or events per year, which shall authorize the licensee to sell and serve alcoholic beverages for on-premises consumption. The annual gross receipts from the sale of food cooked and prepared for service and nonalcoholic beverages served at gatherings and events referred to in this subdivision shall amount to at least 45 percent of the gross receipts from the sale of mixed beverages and food.

4. Mixed beverage carrier licenses to (i) persons operating a common carrier of passengers by train, boat, bus, or airplane, which shall authorize the licensee to sell and serve mixed beverages anywhere in the Commonwealth to passengers while in transit aboard any such common carrier, and in designated rooms of establishments of air carriers at airports in the Commonwealth and (ii) financial institutions, subsidiaries of a financial institution, or persons approved by the applicable airport authority that have entered into a contract with a financial institution or subsidiary of a financial institution to operate a passenger lounge, which shall authorize the licensee to sell and serve mixed beverages in designated areas of a passenger lounge for ticketed air carrier passengers that is located within an airport in the Commonwealth. For purposes of supplying its airplanes, as well as any airplanes of a licensed express carrier flying under the same brand, an air carrier licensee may appoint an authorized representative to load alcoholic beverages onto the same airplanes and to transport and store alcoholic beverages at or in close proximity to the airport where the alcoholic beverages will be delivered onto airplanes of the air carrier and any such licensed express carrier. The air carrier licensee shall (a) designate for purposes of its license all locations where the inventory of alcoholic beverages may be stored and from which the alcoholic beverages will be delivered onto airplanes of the air carrier and any such licensed express carrier and (b) maintain records of all alcoholic beverages to be transported, stored, and delivered by its authorized representative. The granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption or in closed containers for off-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

For the purposes of this subdivision:

"Financial institution" means any bank, trust company, savings institution, industrial loan association, consumer finance company, or credit union.

"Passenger lounge" means any restricted-access passenger waiting room or lounge leased to persons by the applicable airport authority in which food and beverage services are provided to ticketed passengers.

5. Annual mixed beverage motor sports facility licenses, which shall authorize the licensee to sell mixed beverages, in paper, plastic, or similar disposable containers or in single original metal cans, during scheduled events, as well as events or performances immediately subsequent thereto, to patrons in all dining facilities, seating areas, viewing areas, walkways, concession areas, or similar facilities, for on-premises consumption. Such license may be granted to persons operating food concessions at an outdoor motor sports facility that (i) is located on 1,200 acres of rural property bordering the Dan River and has a track surface of 3.27 miles in length or (ii) hosts a NASCAR national touring race. Upon authorization of the licensee, any person may keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas and locations covered by the license. The granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption or in closed containers for off-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

6. Limited mixed beverage restaurant licenses, which shall authorize the licensee to sell and serve dessert wines as defined by Board regulation and no more than six varieties of liqueurs, which liqueurs shall be combined with coffee or other nonalcoholic beverages, for on-premises consumption in dining areas of the restaurant or off-premises consumption. Such license may be granted only to persons who operate a restaurant and in no event shall the sale of such wine or liqueur-based drinks, together with the sale of any other alcoholic beverages, exceed 10 percent of the total annual gross sales of all food and alcoholic beverages. The granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption or in closed containers for off-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

7. Annual mixed beverage performing arts facility licenses, which shall (i) authorize the licensee to sell, on the dates of performances or events, alcoholic beverages in paper, plastic, or similar disposable containers or in single original metal cans for on-premises consumption in all seating areas, concourses, walkways, concession areas, similar facilities, and other areas upon the licensed premises approved by the Board and (ii) automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption or in closed containers for off-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1. Such licenses may be granted to the following:

a. Corporations or associations operating a performing arts facility, provided the performing arts facility (i) is owned by a governmental entity; (ii) is occupied by a for-profit entity under a bona fide lease, the original term of which was for more than one year's duration; and (iii) has been rehabilitated in accordance with historic preservation standards;

b. Persons operating food concessions at any performing arts facility located in the City of Norfolk or the City of Richmond, provided that the performing arts facility (i) is occupied under a bona fide long-term lease or concession agreement, the original term of which was more than five years; (ii) has a capacity in excess of 1,400 patrons; (iii) has been

rehabilitated in accordance with historic preservation standards; and (iv) has monthly gross receipts from the sale of food cooked, or prepared, and consumed on the premises and nonalcoholic beverages served on the premises that meet or exceed the monthly minimum established by Board regulations for mixed beverage restaurants;

c. Persons operating food concessions at any performing arts facility located in the City of Waynesboro, provided that the performing arts facility (i) is occupied under a bona fide long-term lease or concession agreement, the original term of which was more than five years; (ii) has a total capacity in excess of 550 patrons; and (iii) has been rehabilitated in accordance with historic preservation standards;

d. Persons operating food concessions at any performing arts facility located in the arts and cultural district of the City of Harrisonburg, provided that the performing arts facility (i) is occupied under a bona fide long-term lease or concession agreement, the original term of which was more than five years; (ii) has been rehabilitated in accordance with historic preservation standards; (iii) has monthly gross receipts from the sale of food cooked, or prepared, and consumed on the premises and nonalcoholic beverages served on the premises that meet or exceed the monthly minimum established by Board regulations for mixed beverage restaurants; and (iv) has a total capacity in excess of 900 patrons;

e. Persons operating food concessions at any multipurpose theater located in the historical district of the Town of Bridgewater, provided that the theater (i) is owned and operated by a governmental entity and (ii) has a total capacity in excess of 100 patrons;

f. Persons operating food concessions at any outdoor performing arts amphitheater, arena, or similar facility that has seating for more than 20,000 persons and is located in Prince William County or the City of Virginia Beach;

g. Persons operating food concessions at any outdoor performing arts amphitheater, arena, or similar facility that has seating for more than 5,000 persons and is located in the City of Alexandria or the City of Portsmouth; or

h. Persons operating food concessions at any corporate and performing arts facility located in Fairfax County, provided that the corporate and performing arts facility (i) is occupied under a bona fide long-term lease, management, or concession agreement, the original term of which was more than one year and (ii) has a total capacity in excess of 1,400 patrons. Such license shall authorize the sale, on the dates of performances or events, of alcoholic beverages for on-premises consumption in areas upon the licensed premises approved by the Board.

8. Combined mixed beverage restaurant and caterer's licenses, which may be granted to any restaurant or hotel that meets the qualifications for both a mixed beverage restaurant pursuant to subdivision 1 and mixed beverage caterer pursuant to subdivision 2 for the same business location, and which license shall authorize the licensee to operate as both a mixed beverage restaurant and mixed beverage caterer at the same business premises designated in the license, with a common alcoholic beverage inventory for purposes of the restaurant and catering operations. Such licensee shall meet the separate food qualifications established for the mixed beverage restaurant license pursuant to subdivision 1 and mixed beverage caterer's license pursuant to subdivision 2. The granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption or in closed containers for off-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

9. Bed and breakfast licenses, which shall authorize the licensee to (i) serve alcoholic beverages in dining areas, private guest rooms, and other designated areas to persons to whom overnight lodging is being provided, with or without meals, for on-premises consumption only in such rooms and areas, and without regard to the amount of gross receipts from the sale of food prepared and consumed on the premises and (ii) permit the consumption of lawfully acquired alcoholic beverages by persons to whom overnight lodging is being provided in (a) bedrooms or private guest rooms or (b) other designated areas of the bed and breakfast establishment. For purposes of this subdivision, "other designated areas" includes outdoor dining areas, whether or not contiguous to the licensed premises, which may have more than one means of ingress and egress to an adjacent public thoroughfare, provided that such outdoor dining areas are under the control of the licensee and approved by the Board. Such noncontiguous designated areas shall not be approved for any retail license issued pursuant to subdivision A 5 of § 4.1-201.

10. Museum licenses, which may be issued to nonprofit museums exempt from taxation under § 501(c)(3) of the Internal Revenue Code, which shall authorize the licensee to (i) permit the consumption of lawfully acquired alcoholic beverages on the premises of the licensee by any bona fide member and guests thereof and (ii) serve alcoholic beverages on the premises of the licensee to any bona fide member and guests thereof. However, alcoholic beverages shall not be sold or charged for in any way by the licensee. The privileges of this license shall be limited to the premises of the museum, regularly occupied and utilized as such.

11. Motor car sporting event facility licenses, which shall authorize the licensee to permit the consumption of lawfully acquired alcoholic beverages on the premises of the licensee by patrons thereof during such events. However, alcoholic beverages shall not be sold or charged for in any way, directly or indirectly, by the licensee. The privileges of this license shall be limited to those areas of the licensee's premises designated by the Board that are regularly occupied and utilized for motor car sporting events.

12. Commercial lifestyle center licenses, which may be issued only to a commercial owners' association governing a commercial lifestyle center, which shall authorize any retail on-premises restaurant licensee that is a tenant of the commercial lifestyle center to sell alcoholic beverages to any bona fide customer to whom alcoholic beverages may be lawfully sold for consumption on that portion of the licensed premises of the commercial lifestyle center designated by the Board, including (i) plazas, seating areas, concourses, walkways, or such other similar areas and (ii) the premises of any

tenant location of the commercial lifestyle center that is not a retail licensee of the Board, upon approval of such tenant, but excluding any parking areas. Only alcoholic beverages purchased from such retail on-premises restaurant licensees may be consumed on the licensed premises of the commercial lifestyle center, and such alcoholic beverages shall be contained in paper, plastic, or similar disposable containers with the name or logo of the restaurant licensee that sold the alcoholic beverage clearly displayed. Alcoholic beverages shall not be sold or charged for in any way by the commercial lifestyle center licensee. The licensee shall post appropriate signage clearly demarcating for the public the boundaries of the licensed premises; however, no physical barriers shall be required for this purpose. The licensee shall provide adequate security for the licensed premises to ensure compliance with the applicable provisions of this subtitle and Board regulations.

13. Mixed beverage port restaurant licenses, which shall authorize the licensee to sell and serve mixed beverages for consumption in dining areas and other designated areas of such restaurant. Such license may be granted only to persons operating a business (i) that is primarily engaged in the sale of meals; (ii) that is located on property owned by the United States government or an agency thereof and used as a port of entry to or egress from the United States; and (iii) whose gross receipts from the sale of food cooked, or prepared, and consumed on the premises and nonalcoholic beverages served on the premises, after issuance of such license, amount to at least 45 percent of the gross receipts from the sale of mixed beverages and food. For the purposes of this subdivision, other designated areas shall include outdoor dining areas, whether or not contiguous to the licensed premises, which outdoor dining areas may have more than one means of ingress and egress to an adjacent public thoroughfare, provided such areas are under the control of the licensee and approved by the Board. Such noncontiguous designated areas shall not be approved for any retail license issued pursuant to subdivision A 5 of § 4.1-201. The granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption or in closed containers for off-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

14. Annual mixed beverage special events licenses to (i) a duly organized nonprofit corporation or association operating either a performing arts facility or an art education and exhibition facility; (ii) a nonprofit corporation or association chartered by Congress for the preservation of sites, buildings, and objects significant in American history and culture; (iii) persons operating an agricultural event and entertainment park or similar facility that has a minimum of 50,000 square feet of indoor exhibit space and equine and other livestock show areas, which includes barns, pavilions, or other structures equipped with roofs, exterior walls, and open-door or closed-door access; or (iv) a locality for special events conducted on the premises of a museum for historic interpretation that is owned and operated by the locality. The operation in all cases shall be upon premises owned by such licensee or occupied under a bona fide lease, the original term of which was for more than one year's duration. Such license shall authorize the licensee to sell alcoholic beverages during scheduled events and performances for on-premises consumption in areas upon the licensed premises approved by the Board.

15. Mixed beverage casino licenses, which shall authorize the licensee to (i) sell and serve mixed beverages for on-premises consumption in areas designated by the Board, after consultation with the mixed beverage casino licensee, without regard to the amount of gross receipts from the sale of food prepared and consumed on the premises and (ii) provide complimentary mixed beverages to patrons for on-premises consumption in private areas or restricted access areas designated by the Board, after consultation with the mixed beverage casino licensee. Designated areas may include any areas on the premises of the mixed beverage casino licensee, including entertainment venues, private rooms, conference rooms, hotels, pools, marinas, or green spaces. The granting of a license pursuant to this subdivision shall authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption and in closed containers for off-premises consumption in accordance with the provisions of this subdivision governing mixed beverages; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1. Notwithstanding any law or regulation to the contrary, a mixed beverage casino licensee may exercise the privileges of its license as set forth in this subdivision during all hours of operation of the casino gaming establishment; however, such licensee shall not sell wine or beer for off-premises consumption between the hours of 12 a.m. and 6 a.m.

A mixed beverage casino licensee may (a) provide patrons gifts of alcoholic beverages in closed containers for personal consumption off the licensed premises or in areas designated by the Board, after consultation with the mixed beverage casino licensee, and (b) enable patrons who participate in a loyalty or reward credit program to redeem credits for the purchase of alcoholic beverages for on-premises consumption. A summary of the operation of such loyalty or reward credit program shall be provided to the Board upon request.

A mixed beverage casino license may only be issued to a casino gaming establishment owned by an operator licensed under Article 3 (§ 58.1-4108 et seq.) of Chapter 41 of Title 58.1.

B. The Board may grant an on-and-off-premises wine and beer license to the following:

1. Hotels, restaurants, and clubs, which shall authorize the licensee to sell wine and beer (i) in closed containers for off-premises consumption or (ii) for on-premises consumption, either with or without meals, in dining areas and other designated areas of such restaurants, or in dining areas, private guest rooms, and other designated areas of such hotels or clubs, for consumption only in such rooms and areas. However, with regard to a hotel classified by the Board as (a) a resort complex, the Board may authorize the sale and consumption of alcoholic beverages in all areas within the resort complex deemed appropriate by the Board or (b) a limited service hotel, the Board may authorize the sale and consumption of alcoholic beverages in dining areas, private guest rooms, and other designated areas to persons to whom overnight lodging is being provided, for on-premises consumption in such rooms or areas, and without regard to the amount of gross receipts from the sale of food prepared and consumed on the premises, provided that at least one meal is provided each day by the

hotel to such guests. With regard to facilities registered in accordance with Chapter 49 (§ 38.2-4900 et seq.) of Title 38.2 as continuing care communities that are also licensed by the Board under this subdivision, any resident may, upon authorization of the licensee, keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas covered by the license. For purposes of this subdivision, "other designated areas" includes outdoor dining areas, whether or not contiguous to the licensed premises, which may have more than one means of ingress and egress to an adjacent public thoroughfare, provided that such outdoor dining areas are under the control of the licensee and approved by the Board. Such noncontiguous designated areas shall not be approved for any retail license issued pursuant to subdivision A 5 of § 4.1-201.

2. Hospitals, which shall authorize the licensee to sell wine and beer (i) in the rooms of patients for their on-premises consumption only in such rooms, provided the consent of the patient's attending physician is first obtained or (ii) in closed containers for off-premises consumption.

3. Rural grocery stores, which shall authorize the licensee to sell wine and beer for on-premises consumption or in closed containers for off-premises consumption. No license shall be granted unless (i) the grocery store is located in any town or in a rural area outside the corporate limits of any city or town and (ii) it appears affirmatively that a substantial public demand for such licensed establishment exists and that public convenience and the purposes of this subtitle will be promoted by granting the license.

4. Coliseums, stadiums, and racetracks, which shall authorize the licensee to sell wine and beer during any event and immediately subsequent thereto to patrons within all seating areas, concourses, walkways, concession areas, and additional locations designated by the Board (i) in closed containers for off-premises consumption or (ii) in paper, plastic, or similar disposable containers or in single original metal cans for on-premises consumption. Upon authorization of the licensee, any person may keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas and locations covered by the license. Such licenses may be granted to persons operating food concessions at coliseums, stadiums, racetracks, or similar facilities.

5. Performing arts food concessionaires, which shall authorize the licensee to sell wine and beer during the performance of any event to patrons within all seating areas, concourses, walkways, or concession areas, or other areas approved by the Board (i) in closed containers for off-premises consumption or (ii) in paper, plastic, or similar disposable containers or in single original metal cans for on-premises consumption. Upon authorization of the licensee, any person may keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas and locations covered by the license. Such licenses may be granted to persons operating food concessions at any outdoor performing arts amphitheater, arena, or similar facility that (a) has seating for more than 20,000 persons and is located in Prince William County or the City of Virginia Beach; (b) has seating or capacity for more than 3,500 persons and is located in the County of Albemarle, Alleghany, Augusta, Nelson, Pittsylvania, or Rockingham or the City of Charlottesville, Danville, or Roanoke; or (c) has capacity for more than 9,500 persons and is located in Henrico County.

6. Exhibition halls, which shall authorize the licensee to sell wine and beer during the event to patrons or attendees within all seating areas, exhibition areas, concourses, walkways, concession areas, and such additional locations designated by the Board in such facilities (i) in closed containers for off-premises consumption or (ii) in paper, plastic, or similar disposable containers or in single original metal cans for on-premises consumption. Upon authorization of the licensee, any person may keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas and locations covered by the license. Such licenses may be granted to persons operating food concessions at exhibition or exposition halls, convention centers, or similar facilities located in any county operating under the urban county executive form of government or any city that is completely surrounded by such county. For purposes of this subdivision, "exhibition or exposition hall" and "convention centers" mean facilities conducting private or public trade shows or exhibitions in an indoor facility having in excess of 100,000 square feet of floor space.

7. Concert and dinner-theaters, which shall authorize the licensee to sell wine and beer during events to patrons or attendees within all seating areas, exhibition areas, concourses, walkways, concession areas, dining areas, and such additional locations designated by the Board in such facilities, for on-premises consumption or in closed containers for off-premises consumption. Persons licensed pursuant to this subdivision shall serve food, prepared on or off premises, whenever wine or beer is served. Such licenses may be granted to persons operating concert or dinner-theater venues on property fronting Natural Bridge School Road in Natural Bridge Station and formerly operated as Natural Bridge High School.

8. Historic cinema houses, which shall authorize the licensee to sell wine and beer, either with or without meals, during any showing of a motion picture to patrons to whom alcoholic beverages may be lawfully sold, for on-premises consumption or in closed containers for off-premises consumption. The privileges of this license shall be limited to the premises of the historic cinema house regularly occupied and utilized as such.

9. Nonprofit museums, which shall authorize the licensee to sell wine and beer for on-premises consumption or in closed containers for off-premises consumption in areas approved by the Board. Such licenses may be granted to persons operating a nonprofit museum exempt from taxation under § 501(c)(3) of the Internal Revenue Code, located in the Town of Front Royal, and dedicated to educating the consuming public about historic beer products. The privileges of this license shall be limited to the premises of the museum, regularly occupied and utilized as such.

C. The Board may grant the following off-premises wine and beer licenses:

1. Retail off-premises wine and beer licenses, which may be granted to a convenience grocery store, delicatessen, drugstore, gift shop, gourmet oyster house, gourmet shop, grocery store, or marina store as defined in § 4.1-100 and Board

regulations. Such license shall authorize the licensee to sell wine and beer in closed containers for off-premises consumption and, notwithstanding the provisions of § 4.1-308, to give to any person to whom wine or beer may be lawfully sold a sample of wine or beer for on-premises consumption; however, no single sample shall exceed four ounces of beer or two ounces of wine and no more than 12 ounces of beer or five ounces of wine shall be served to any person per day. The licensee may also give samples of wine and beer in designated areas at events held by the licensee for the purpose of featuring and educating the consuming public about the alcoholic beverages being tasted. With the consent of the licensee, farm wineries, wineries, breweries, distillers, and wholesale licensees or authorized representatives of such licensees may participate in such tastings, including the pouring of samples. The licensee shall comply with any food inventory and sales volume requirements established by Board regulation.

2. Gourmet brewing shop licenses, which shall authorize the licensee to sell to any person to whom wine or beer may be lawfully sold, ingredients for making wine or brewing beer, including packaging, and to rent to such persons facilities for manufacturing, fermenting, and bottling such wine or beer, for off-premises consumption in accordance with subdivision 6 of § 4.1-200.

3. Confectionery licenses, which shall authorize the licensee to prepare and sell on the licensed premises for off-premises consumption confectionery that contains five percent or less alcohol by volume. Any alcohol contained in such confectionery shall not be in liquid form at the time such confectionery is sold.

D. The Board may grant the following banquet, special event, and tasting licenses:

1. Per-day event licenses.

a. Banquet licenses to persons in charge of private banquets, and to duly organized nonprofit corporations or associations in charge of special events, which shall authorize the licensee to sell or give wine and beer in rooms or areas approved by the Board for the occasion for on-premises consumption in such rooms or areas. Licensees who are nonprofit corporations or associations conducting fundraisers (i) shall also be authorized to sell wine, as part of any fundraising activity, in closed containers for off-premises consumption to persons to whom wine may be lawfully sold; (ii) shall be limited to no more than one such fundraiser per year; and (iii) if conducting such fundraiser through an online meeting platform, may ship such wine, in accordance with Board regulations, in closed containers to persons located within the Commonwealth. Except as provided in § 4.1-215, a separate license shall be required for each day of each banquet or special event. For the purposes of this subdivision, when the location named in the original application for a license is outdoors, the application may also name an alternative location in the event of inclement weather. However, no such license shall be required of any hotel, restaurant, or club holding a retail wine and beer license.

b. Mixed beverage special events licenses to a duly organized nonprofit corporation or association in charge of a special event, which shall authorize the licensee to sell and serve mixed beverages for on-premises consumption in areas approved by the Board on the premises of the place designated in the license. A separate license shall be required for each day of each special event.

c. Mixed beverage club events licenses to a club holding a wine and beer club license, which shall authorize the licensee to sell and serve mixed beverages for on-premises consumption by club members and their guests in areas approved by the Board on the club premises. A separate license shall be required for each day of each club event. No more than 12 such licenses shall be granted to a club in any calendar year. The granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

d. Tasting licenses, which shall authorize the licensee to sell or give samples of alcoholic beverages of the type specified in the license in designated areas at events held by the licensee. A tasting license shall be issued for the purpose of featuring and educating the consuming public about the alcoholic beverages being tasted. A separate license shall be required for each day of each tasting event. No tasting license shall be required for conduct authorized by § 4.1-201.1.

2. Annual licenses.

a. Annual banquet licenses to duly organized private nonprofit fraternal, patriotic, or charitable membership organizations that are exempt from state and federal taxation and in charge of banquets conducted exclusively for members and their guests, which shall authorize the licensee to serve wine and beer in rooms or areas approved by the Board for the occasion for on-premises consumption in such rooms or areas. Such license shall authorize the licensee to conduct no more than 12 banquets per calendar year. For the purposes of this subdivision, when the location named in the original application for a license is outdoors, the application may also name an alternative location in the event of inclement weather. However, no such license shall be required of any hotel, restaurant, or club holding a retail wine and beer license.

b. Banquet facility licenses to volunteer fire departments and volunteer emergency medical services agencies, which shall authorize the licensee to permit the consumption of lawfully acquired alcoholic beverages on the premises of the licensee by any person, and bona fide members and guests thereof, otherwise eligible for a banquet license. However, lawfully acquired alcoholic beverages shall not be purchased or sold by the licensee or sold or charged for in any way by the person permitted to use the premises. Such premises shall be a volunteer fire or volunteer emergency medical services agency station or both, regularly occupied as such and recognized by the governing body of the county, city, or town in which it is located. Under conditions as specified by Board regulation, such premises may be other than a volunteer fire or volunteer emergency medical services agency station, provided such other premises are occupied and under the control of the volunteer fire department or volunteer emergency medical services agency while the privileges of its license are being exercised.

c. Designated outdoor refreshment area licenses to a locality, business improvement district, or nonprofit organization, which shall authorize (i) the licensee to permit the consumption of alcoholic beverages within the area designated by the Board for the designated outdoor refreshment area and (ii) any permanent retail on-premises licensee that is located within the area designated by the Board for the designated outdoor refreshment area to sell alcoholic beverages within the permanent retail location for consumption in the area designated for the designated outdoor refreshment area, including sidewalks and the premises of businesses not licensed to sell alcoholic beverages at retail, upon approval of such businesses. In determining the designated area for the designated outdoor refreshment area, the Board shall consult with the locality. Designated outdoor refreshment area licensees shall be limited to 16 events per year, and the duration of any event shall not exceed three consecutive days. However, the Board may increase the frequency and duration of events after adoption of an ordinance by a locality requesting such increase in frequency and duration. Such ordinance shall include the size and scope of the area within which such events will be held, a public safety plan, and any other considerations deemed necessary by the Board. Such limitations on the number of events that may be held shall not apply during the effective dates of any rule, regulation, or order that is issued by the Governor or State Health Commissioner to meet a public health emergency and that effectively reduces allowable restaurant seating capacity; however, designated outdoor refreshment area licensees shall be subject to all other applicable provisions of this subtitle and Board regulations and shall provide notice to the Board regarding the days and times during which the privileges of the license will be exercised. Only alcoholic beverages purchased from permanent retail on-premises licensees located within the designated area may be consumed at the event, and such alcoholic beverages shall be contained in paper, plastic, or similar disposable containers that clearly display the name or logo of the retail on-premises licensee from which the alcoholic beverage was purchased. Alcoholic beverages shall not be sold or charged for in any way by the designated outdoor refreshment area licensee. The designated outdoor refreshment area licensee shall post appropriate signage clearly demarcating for the public the boundaries of the event; however, no physical barriers shall be required for this purpose. The designated outdoor refreshment area licensee shall provide adequate security for the event to ensure compliance with the applicable provisions of this subtitle and Board regulations.

d. Annual mixed beverage banquet licenses to duly organized private nonprofit fraternal, patriotic, or charitable membership organizations that are exempt from state and federal taxation and in charge of banquets conducted exclusively for members and their guests, which shall authorize the licensee to serve mixed beverages for on-premises consumption in areas approved by the Board on the premises of the place designated in the license. Such license shall authorize the licensee to conduct no more than 12 banquets per calendar year. The granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

e. Equine sporting event licenses, which may be issued to organizations holding equestrian, hunt, and steeplechase events, which shall authorize the licensee to permit the consumption of lawfully acquired alcoholic beverages on the premises of the licensee by patrons thereof during such event. However, alcoholic beverages shall not be sold or charged for in any way by the licensee. The privileges of this license shall be (i) limited to the premises of the licensee, regularly occupied and utilized for equestrian, hunt, and steeplechase events, and (ii) exercised on no more than four calendar days per year.

f. Annual arts venue event licenses, to persons operating an arts venue, which shall authorize the licensee participating in a community art walk that is open to the public to serve lawfully acquired wine or beer on the premises of the licensee to adult patrons thereof during such events. However, alcoholic beverages shall not be sold or charged for in any way, directly or indirectly, by the licensee, and the licensee shall not give more than two five-ounce glasses of wine or two 12-ounce glasses of beer to any one adult patron. The privileges of this license shall be (i) limited to the premises of the arts venue regularly occupied and used as such and (ii) exercised on no more than 12 calendar days per year.

E. The Board may grant a marketplace license to persons operating a business enterprise of which the primary function is not the sale of alcoholic beverages, which shall authorize the licensee to serve complimentary wine or beer to bona fide customers on the licensed premises subject to any limitations imposed by the Board; however, the licensee shall not give more than two five-ounce glasses of wine or two 12-ounce glasses of beer to any customer per day, nor shall it sell or otherwise charge a fee to such customer for the wine or beer served or consumed. In order to be eligible for and retain a marketplace license, the applicant's business enterprise must (i) provide a single category of goods or services in a manner intended to create a personalized experience for the customer; (ii) employ staff with expertise in such goods or services; (iii) be ineligible for any other license granted by the Board; (iv) have an alcoholic beverage control manager on the licensed premises at all times alcohol is served; (v) ensure that all employees satisfy any training requirements imposed by the Board; and (vi) purchase all wine and beer to be served from a licensed wholesaler or the Authority and retain purchase records as prescribed by the Board. In determining whether to grant a marketplace license, the Board shall consider (a) the average amount of time customers spend at the business; (b) the business's hours of operation; (c) the amount of time that the business has been in operation; and (d) any other requirements deemed necessary by the Board to protect the public health, safety, and welfare.

F. The Board may grant the following shipper, bottler, and related licenses:

1. Wine and beer shipper licenses, which shall carry the privileges and limitations set forth in § 4.1-209.1.

2. Internet wine and beer retailer licenses, which shall authorize persons located within or outside the Commonwealth to sell and ship wine and beer, in accordance with § 4.1-209.1 and Board regulations, in closed containers to persons in the

Commonwealth to whom wine and beer may be lawfully sold for off-premises consumption. Such licensee shall not be required to comply with the monthly food sale requirement established by Board regulations.

3. Bottler licenses, which shall authorize the licensee to acquire and receive deliveries and shipments of beer in closed containers and to bottle, sell, and deliver or ship it, in accordance with Board regulations to (i) wholesale beer licensees for the purpose of resale, (ii) owners of boats registered under the laws of the United States sailing for ports of call of a foreign country or another state, and (iii) persons outside the Commonwealth for resale outside the Commonwealth.

4. Fulfillment warehouse licenses, which shall authorize associations as defined in § 13.1-313 with a place of business located in the Commonwealth to (i) receive deliveries and shipments of wine or beer owned by holders of wine and beer shipper's licenses; (ii) store such wine or beer on behalf of the owner; and (iii) pick, pack, and ship such wine or beer as directed by the owner, all in accordance with Board regulations. No wholesale wine or wholesale beer licensee, whether licensed in the Commonwealth or not, or any person under common control of such licensee, shall acquire or hold any financial interest, direct or indirect, in the business for which any fulfillment warehouse license is issued.

5. Marketing portal licenses, which shall authorize agricultural cooperative associations organized under the provisions of the Agricultural Cooperative Association Act (§ 13.1-312 et seq.), with a place of business located in the Commonwealth, in accordance with Board regulations, to solicit and receive orders for wine or beer through the use of the Internet from persons in the Commonwealth to whom wine or beer may be lawfully sold, on behalf of holders of wine and beer shipper's licenses. Upon receipt of an order for wine or beer, the licensee shall forward it to a holder of a wine and beer shipper's license for fulfillment. Marketing portal licensees may also accept payment on behalf of the shipper.

~~6. Third-party delivery licenses, which shall carry the privileges and limitations set forth in § 4.1-212.2.~~

§ 4.1-206.3. (Effective July 1, 2024) Retail licenses.

A. The Board may grant the following mixed beverages licenses:

1. Mixed beverage restaurant licenses, which shall authorize the licensee to sell and serve mixed beverages for consumption in dining areas and other designated areas of such restaurant. Such license may be granted only to persons (i) who operate a restaurant and (ii) whose gross receipts from the sale of food cooked, or prepared, and consumed on the premises and nonalcoholic beverages served on the premises, after issuance of such license, amount to at least 45 percent of the gross receipts from the sale of mixed beverages and food. For the purposes of this subdivision, other designated areas shall include outdoor dining areas, whether or not contiguous to the licensed premises, which outdoor dining areas may have more than one means of ingress and egress to an adjacent public thoroughfare, provided such areas are under the control of the licensee and approved by the Board. Such noncontiguous designated areas shall not be approved for any retail license issued pursuant to subdivision A 5 of § 4.1-201.

If the restaurant is located on the premises of a hotel or motel with no fewer than four permanent bedrooms where food and beverage service is customarily provided by the restaurant in designated areas, bedrooms, and other private rooms of such hotel or motel, such licensee may (a) sell and serve mixed beverages for consumption in such designated areas, bedrooms, and other private rooms and (b) sell spirits packaged in original closed containers purchased from the Board for on-premises consumption to registered guests and at scheduled functions of such hotel or motel only in such bedrooms or private rooms. However, with regard to a hotel classified as a resort complex, the Board may authorize the sale and on-premises consumption of alcoholic beverages in all areas within the resort complex deemed appropriate by the Board. Nothing herein shall prohibit any person from keeping and consuming his own lawfully acquired spirits in bedrooms or private rooms.

If the restaurant is located on the premises of and operated by a private, nonprofit, or profit club exclusively for its members and their guests, or members of another private, nonprofit, or profit club in another city with which it has an agreement for reciprocal dining privileges, such license shall also authorize the licensees to (1) sell and serve mixed beverages for on-premises consumption and (2) sell spirits that are packaged in original closed containers with a maximum capacity of two fluid ounces or 50 milliliters and purchased from the Board for on-premises consumption. Where such club prepares no food in its restaurant but purchases its food requirements from a restaurant licensed by the Board and located on another portion of the premises of the same hotel or motel building, this fact shall not prohibit the granting of a license by the Board to such club qualifying in all other respects. The club's gross receipts from the sale of nonalcoholic beverages consumed on the premises and food resold to its members and guests and consumed on the premises shall amount to at least 45 percent of its gross receipts from the sale of mixed beverages and food. The food sales made by a restaurant to such a club shall be excluded in any consideration of the qualifications of such restaurant for a license from the Board.

If the restaurant is located on the premises of and operated by a municipal golf course, the Board shall recognize the seasonal nature of the business and waive any applicable monthly food sales requirements for those months when weather conditions may reduce patronage of the golf course, provided that prepared food, including meals, is available to patrons during the same months. The gross receipts from the sale of food cooked, or prepared, and consumed on the premises and nonalcoholic beverages served on the premises, after the issuance of such license, shall amount to at least 45 percent of the gross receipts from the sale of mixed beverages and food on an annualized basis.

If the restaurant is located on the premises of and operated by a culinary lodging resort, such license shall authorize the licensee to (A) sell alcoholic beverages for on-premises consumption, without regard to the amount of gross receipts from the sale of food prepared and consumed on the premises, in areas upon the licensed premises approved by the Board and other designated areas of the resort, including outdoor areas under the control of the licensee, and (B) permit the possession

and consumption of lawfully acquired alcoholic beverages by persons to whom overnight lodging is being provided in bedrooms and private guest rooms.

If the restaurant is located on the premises of a mixed beverage casino licensee owned by an operator licensed under Article 3 (§ 58.1-4108 et seq.) of Chapter 41 of Title 58.1, such mixed beverage restaurant license shall authorize the licensee to sell alcoholic beverages for on-premises consumption on the licensed premises of the restaurant during all hours of operation of the mixed beverage casino licensee. Any alcoholic beverages purchased from such restaurant may be (I) taken onto the premises of the mixed beverage casino licensee and (II) possessed or consumed in areas designated by the Board, after consultation with the mixed beverage casino licensee. Designated areas may include any areas on the premises of the mixed beverage casino licensee, including entertainment venues, conference rooms, private rooms, hotels, pools, marinas, or green spaces. Alcoholic beverages purchased from a restaurant pursuant to this subdivision shall be contained in glassware or a paper, plastic, or similar disposable container that clearly displays the name or logo of the restaurant from which the alcoholic beverage was purchased.

The granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption and in closed containers for off-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

2. Mixed beverage caterer's licenses, which may be granted only to a person regularly engaged in the business of providing food and beverages to others for service at private gatherings or at special events, which shall authorize the licensee to sell and serve alcoholic beverages for on-premises consumption. The annual gross receipts from the sale of food cooked and prepared for service and nonalcoholic beverages served at gatherings and events referred to in this subdivision shall amount to at least 45 percent of the gross receipts from the sale of mixed beverages and food.

3. Mixed beverage limited caterer's licenses, which may be granted only to a person regularly engaged in the business of providing food and beverages to others for service at private gatherings or at special events, not to exceed 12 gatherings or events per year, which shall authorize the licensee to sell and serve alcoholic beverages for on-premises consumption. The annual gross receipts from the sale of food cooked and prepared for service and nonalcoholic beverages served at gatherings and events referred to in this subdivision shall amount to at least 45 percent of the gross receipts from the sale of mixed beverages and food.

4. Mixed beverage carrier licenses to (i) persons operating a common carrier of passengers by train, boat, bus, or airplane, which shall authorize the licensee to sell and serve mixed beverages anywhere in the Commonwealth to passengers while in transit aboard any such common carrier, and in designated rooms of establishments of air carriers at airports in the Commonwealth and (ii) financial institutions, subsidiaries of a financial institution, or persons approved by the applicable airport authority that have entered into a contract with a financial institution or subsidiary of a financial institution to operate a passenger lounge, which shall authorize the licensee to sell and serve mixed beverages in designated areas of a passenger lounge for ticketed air carrier passengers that is located within an airport in the Commonwealth. For purposes of supplying its airplanes, as well as any airplanes of a licensed express carrier flying under the same brand, an air carrier licensee may appoint an authorized representative to load alcoholic beverages onto the same airplanes and to transport and store alcoholic beverages at or in close proximity to the airport where the alcoholic beverages will be delivered onto airplanes of the air carrier and any such licensed express carrier. The air carrier licensee shall (a) designate for purposes of its license all locations where the inventory of alcoholic beverages may be stored and from which the alcoholic beverages will be delivered onto airplanes of the air carrier and any such licensed express carrier and (b) maintain records of all alcoholic beverages to be transported, stored, and delivered by its authorized representative. The granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption or in closed containers for off-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

For the purposes of this subdivision:

"Financial institution" means any bank, trust company, savings institution, industrial loan association, consumer finance company, or credit union.

"Passenger lounge" means any restricted-access passenger waiting room or lounge leased to persons by the applicable airport authority in which food and beverage services are provided to ticketed passengers.

5. Annual mixed beverage motor sports facility licenses, which shall authorize the licensee to sell mixed beverages, in paper, plastic, or similar disposable containers or in single original metal cans, during scheduled events, as well as events or performances immediately subsequent thereto, to patrons in all dining facilities, seating areas, viewing areas, walkways, concession areas, or similar facilities, for on-premises consumption. Such license may be granted to persons operating food concessions at an outdoor motor sports facility that (i) is located on 1,200 acres of rural property bordering the Dan River and has a track surface of 3.27 miles in length or (ii) hosts a NASCAR national touring race. Upon authorization of the licensee, any person may keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas and locations covered by the license. The granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption or in closed containers for off-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

6. Limited mixed beverage restaurant licenses, which shall authorize the licensee to sell and serve dessert wines as defined by Board regulation and no more than six varieties of liqueurs, which liqueurs shall be combined with coffee or

other nonalcoholic beverages, for consumption in dining areas of the restaurant. Such license may be granted only to persons who operate a restaurant and in no event shall the sale of such wine or liqueur-based drinks, together with the sale of any other alcoholic beverages, exceed 10 percent of the total annual gross sales of all food and alcoholic beverages. The granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption or in closed containers for off-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

7. Annual mixed beverage performing arts facility licenses, which shall (i) authorize the licensee to sell, on the dates of performances or events, alcoholic beverages in paper, plastic, or similar disposable containers or in single original metal cans for on-premises consumption in all seating areas, concourses, walkways, concession areas, similar facilities, and other areas upon the licensed premises approved by the Board and (ii) automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption or in closed containers for off-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1. Such licenses may be granted to the following:

a. Corporations or associations operating a performing arts facility, provided the performing arts facility (i) is owned by a governmental entity; (ii) is occupied by a for-profit entity under a bona fide lease, the original term of which was for more than one year's duration; and (iii) has been rehabilitated in accordance with historic preservation standards;

b. Persons operating food concessions at any performing arts facility located in the City of Norfolk or the City of Richmond, provided that the performing arts facility (i) is occupied under a bona fide long-term lease or concession agreement, the original term of which was more than five years; (ii) has a capacity in excess of 1,400 patrons; (iii) has been rehabilitated in accordance with historic preservation standards; and (iv) has monthly gross receipts from the sale of food cooked, or prepared, and consumed on the premises and nonalcoholic beverages served on the premises that meet or exceed the monthly minimum established by Board regulations for mixed beverage restaurants;

c. Persons operating food concessions at any performing arts facility located in the City of Waynesboro, provided that the performing arts facility (i) is occupied under a bona fide long-term lease or concession agreement, the original term of which was more than five years; (ii) has a total capacity in excess of 550 patrons; and (iii) has been rehabilitated in accordance with historic preservation standards;

d. Persons operating food concessions at any performing arts facility located in the arts and cultural district of the City of Harrisonburg, provided that the performing arts facility (i) is occupied under a bona fide long-term lease or concession agreement, the original term of which was more than five years; (ii) has been rehabilitated in accordance with historic preservation standards; (iii) has monthly gross receipts from the sale of food cooked, or prepared, and consumed on the premises and nonalcoholic beverages served on the premises that meet or exceed the monthly minimum established by Board regulations for mixed beverage restaurants; and (iv) has a total capacity in excess of 900 patrons;

e. Persons operating food concessions at any multipurpose theater located in the historical district of the Town of Bridgewater, provided that the theater (i) is owned and operated by a governmental entity and (ii) has a total capacity in excess of 100 patrons;

f. Persons operating food concessions at any outdoor performing arts amphitheater, arena, or similar facility that has seating for more than 20,000 persons and is located in Prince William County or the City of Virginia Beach;

g. Persons operating food concessions at any outdoor performing arts amphitheater, arena, or similar facility that has seating for more than 5,000 persons and is located in the City of Alexandria or the City of Portsmouth; or

h. Persons operating food concessions at any corporate and performing arts facility located in Fairfax County, provided that the corporate and performing arts facility (i) is occupied under a bona fide long-term lease, management, or concession agreement, the original term of which was more than one year and (ii) has a total capacity in excess of 1,400 patrons. Such license shall authorize the sale, on the dates of performances or events, of alcoholic beverages for on-premises consumption in areas upon the licensed premises approved by the Board.

8. Combined mixed beverage restaurant and caterer's licenses, which may be granted to any restaurant or hotel that meets the qualifications for both a mixed beverage restaurant pursuant to subdivision 1 and mixed beverage caterer pursuant to subdivision 2 for the same business location, and which license shall authorize the licensee to operate as both a mixed beverage restaurant and mixed beverage caterer at the same business premises designated in the license, with a common alcoholic beverage inventory for purposes of the restaurant and catering operations. Such licensee shall meet the separate food qualifications established for the mixed beverage restaurant license pursuant to subdivision 1 and mixed beverage caterer's license pursuant to subdivision 2. The granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption or in closed containers for off-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

9. Bed and breakfast licenses, which shall authorize the licensee to (i) serve alcoholic beverages in dining areas, private guest rooms, and other designated areas to persons to whom overnight lodging is being provided, with or without meals, for on-premises consumption only in such rooms and areas, and without regard to the amount of gross receipts from the sale of food prepared and consumed on the premises and (ii) permit the consumption of lawfully acquired alcoholic beverages by persons to whom overnight lodging is being provided in (a) bedrooms or private guest rooms or (b) other designated areas of the bed and breakfast establishment. For purposes of this subdivision, "other designated areas" includes outdoor dining areas, whether or not contiguous to the licensed premises, which may have more than one means of ingress and egress to an

adjacent public thoroughfare, provided that such outdoor dining areas are under the control of the licensee and approved by the Board. Such noncontiguous designated areas shall not be approved for any retail license issued pursuant to subdivision A 5 of § 4.1-201.

10. Museum licenses, which may be issued to nonprofit museums exempt from taxation under § 501(c)(3) of the Internal Revenue Code, which shall authorize the licensee to (i) permit the consumption of lawfully acquired alcoholic beverages on the premises of the licensee by any bona fide member and guests thereof and (ii) serve alcoholic beverages on the premises of the licensee to any bona fide member and guests thereof. However, alcoholic beverages shall not be sold or charged for in any way by the licensee. The privileges of this license shall be limited to the premises of the museum, regularly occupied and utilized as such.

11. Motor car sporting event facility licenses, which shall authorize the licensee to permit the consumption of lawfully acquired alcoholic beverages on the premises of the licensee by patrons thereof during such events. However, alcoholic beverages shall not be sold or charged for in any way, directly or indirectly, by the licensee. The privileges of this license shall be limited to those areas of the licensee's premises designated by the Board that are regularly occupied and utilized for motor car sporting events.

12. Commercial lifestyle center licenses, which may be issued only to a commercial owners' association governing a commercial lifestyle center, which shall authorize any retail on-premises restaurant licensee that is a tenant of the commercial lifestyle center to sell alcoholic beverages to any bona fide customer to whom alcoholic beverages may be lawfully sold for consumption on that portion of the licensed premises of the commercial lifestyle center designated by the Board, including (i) plazas, seating areas, concourses, walkways, or such other similar areas and (ii) the premises of any tenant location of the commercial lifestyle center that is not a retail licensee of the Board, upon approval of such tenant, but excluding any parking areas. Only alcoholic beverages purchased from such retail on-premises restaurant licensees may be consumed on the licensed premises of the commercial lifestyle center, and such alcoholic beverages shall be contained in paper, plastic, or similar disposable containers with the name or logo of the restaurant licensee that sold the alcoholic beverage clearly displayed. Alcoholic beverages shall not be sold or charged for in any way by the commercial lifestyle center licensee. The licensee shall post appropriate signage clearly demarcating for the public the boundaries of the licensed premises; however, no physical barriers shall be required for this purpose. The licensee shall provide adequate security for the licensed premises to ensure compliance with the applicable provisions of this subtitle and Board regulations.

13. Mixed beverage port restaurant licenses, which shall authorize the licensee to sell and serve mixed beverages for consumption in dining areas and other designated areas of such restaurant. Such license may be granted only to persons operating a business (i) that is primarily engaged in the sale of meals; (ii) that is located on property owned by the United States government or an agency thereof and used as a port of entry to or egress from the United States; and (iii) whose gross receipts from the sale of food cooked, or prepared, and consumed on the premises and nonalcoholic beverages served on the premises, after issuance of such license, amount to at least 45 percent of the gross receipts from the sale of mixed beverages and food. For the purposes of this subdivision, other designated areas shall include outdoor dining areas, whether or not contiguous to the licensed premises, which outdoor dining areas may have more than one means of ingress and egress to an adjacent public thoroughfare, provided such areas are under the control of the licensee and approved by the Board. Such noncontiguous designated areas shall not be approved for any retail license issued pursuant to subdivision A 5 of § 4.1-201. The granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption or in closed containers for off-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

14. Annual mixed beverage special events licenses to (i) a duly organized nonprofit corporation or association operating either a performing arts facility or an art education and exhibition facility; (ii) a nonprofit corporation or association chartered by Congress for the preservation of sites, buildings, and objects significant in American history and culture; (iii) persons operating an agricultural event and entertainment park or similar facility that has a minimum of 50,000 square feet of indoor exhibit space and equine and other livestock show areas, which includes barns, pavilions, or other structures equipped with roofs, exterior walls, and open-door or closed-door access; or (iv) a locality for special events conducted on the premises of a museum for historic interpretation that is owned and operated by the locality. The operation in all cases shall be upon premises owned by such licensee or occupied under a bona fide lease, the original term of which was for more than one year's duration. Such license shall authorize the licensee to sell alcoholic beverages during scheduled events and performances for on-premises consumption in areas upon the licensed premises approved by the Board.

15. Mixed beverage casino licenses, which shall authorize the licensee to (i) sell and serve mixed beverages for on-premises consumption in areas designated by the Board, after consultation with the mixed beverage casino licensee, without regard to the amount of gross receipts from the sale of food prepared and consumed on the premises and (ii) provide complimentary mixed beverages to patrons for on-premises consumption in private areas or restricted access areas designated by the Board, after consultation with the mixed beverage casino licensee. Designated areas may include any areas on the premises of the mixed beverage casino licensee, including entertainment venues, private rooms, conference rooms, hotels, pools, marinas, or green spaces. The granting of a license pursuant to this subdivision shall authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption and in closed containers for off-premises consumption in accordance with the provisions of this subdivision governing mixed beverages; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1. Notwithstanding any law or regulation to the contrary, a mixed beverage casino licensee may exercise the privileges of its license as set forth

in this subdivision during all hours of operation of the casino gaming establishment; however, such licensee shall not sell wine or beer for off-premises consumption between the hours of 12 a.m. and 6 a.m.

A mixed beverage casino licensee may (a) provide patrons gifts of alcoholic beverages in closed containers for personal consumption off the licensed premises or in areas designated by the Board, after consultation with the mixed beverage casino licensee, and (b) enable patrons who participate in a loyalty or reward credit program to redeem credits for the purchase of alcoholic beverages for on-premises consumption. A summary of the operation of such loyalty or reward credit program shall be provided to the Board upon request.

A mixed beverage casino license may only be issued to a casino gaming establishment owned by an operator licensed under Article 3 (§ 58.1-4108 et seq.) of Chapter 41 of Title 58.1.

B. The Board may grant an on-and-off-premises wine and beer license to the following:

1. Hotels, restaurants, and clubs, which shall authorize the licensee to sell wine and beer (i) in closed containers for off-premises consumption or (ii) for on-premises consumption, either with or without meals, in dining areas and other designated areas of such restaurants, or in dining areas, private guest rooms, and other designated areas of such hotels or clubs, for consumption only in such rooms and areas. However, with regard to a hotel classified by the Board as (a) a resort complex, the Board may authorize the sale and consumption of alcoholic beverages in all areas within the resort complex deemed appropriate by the Board or (b) a limited service hotel, the Board may authorize the sale and consumption of alcoholic beverages in dining areas, private guest rooms, and other designated areas to persons to whom overnight lodging is being provided, for on-premises consumption in such rooms or areas, and without regard to the amount of gross receipts from the sale of food prepared and consumed on the premises, provided that at least one meal is provided each day by the hotel to such guests. With regard to facilities registered in accordance with Chapter 49 (§ 38.2-4900 et seq.) of Title 38.2 as continuing care communities that are also licensed by the Board under this subdivision, any resident may, upon authorization of the licensee, keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas covered by the license. For purposes of this subdivision, "other designated areas" includes outdoor dining areas, whether or not contiguous to the licensed premises, which may have more than one means of ingress and egress to an adjacent public thoroughfare, provided that such outdoor dining areas are under the control of the licensee and approved by the Board. Such noncontiguous designated areas shall not be approved for any retail license issued pursuant to subdivision A 5 of § 4.1-201.

2. Hospitals, which shall authorize the licensee to sell wine and beer (i) in the rooms of patients for their on-premises consumption only in such rooms, provided the consent of the patient's attending physician is first obtained or (ii) in closed containers for off-premises consumption.

3. Rural grocery stores, which shall authorize the licensee to sell wine and beer for on-premises consumption or in closed containers for off-premises consumption. No license shall be granted unless (i) the grocery store is located in any town or in a rural area outside the corporate limits of any city or town and (ii) it appears affirmatively that a substantial public demand for such licensed establishment exists and that public convenience and the purposes of this subtitle will be promoted by granting the license.

4. Coliseums, stadiums, and racetracks, which shall authorize the licensee to sell wine and beer during any event and immediately subsequent thereto to patrons within all seating areas, concourses, walkways, concession areas, and additional locations designated by the Board (i) in closed containers for off-premises consumption or (ii) in paper, plastic, or similar disposable containers or in single original metal cans for on-premises consumption. Upon authorization of the licensee, any person may keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas and locations covered by the license. Such licenses may be granted to persons operating food concessions at coliseums, stadiums, racetracks, or similar facilities.

5. Performing arts food concessionaires, which shall authorize the licensee to sell wine and beer during the performance of any event to patrons within all seating areas, concourses, walkways, or concession areas, or other areas approved by the Board (i) in closed containers for off-premises consumption or (ii) in paper, plastic, or similar disposable containers or in single original metal cans for on-premises consumption. Upon authorization of the licensee, any person may keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas and locations covered by the license. Such licenses may be granted to persons operating food concessions at any outdoor performing arts amphitheater, arena, or similar facility that (a) has seating for more than 20,000 persons and is located in Prince William County or the City of Virginia Beach; (b) has seating or capacity for more than 3,500 persons and is located in the County of Albemarle, Alleghany, Augusta, Nelson, Pittsylvania, or Rockingham or the City of Charlottesville, Danville, or Roanoke; or (c) has capacity for more than 9,500 persons and is located in Henrico County.

6. Exhibition halls, which shall authorize the licensee to sell wine and beer during the event to patrons or attendees within all seating areas, exhibition areas, concourses, walkways, concession areas, and such additional locations designated by the Board in such facilities (i) in closed containers for off-premises consumption or (ii) in paper, plastic, or similar disposable containers or in single original metal cans for on-premises consumption. Upon authorization of the licensee, any person may keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas and locations covered by the license. Such licenses may be granted to persons operating food concessions at exhibition or exposition halls, convention centers, or similar facilities located in any county operating under the urban county executive form of government or any city that is completely surrounded by such county. For purposes of this subdivision, "exhibition or exposition hall" and "convention centers" mean facilities conducting private or public trade shows or exhibitions in an indoor facility having in excess of 100,000 square feet of floor space.

7. Concert and dinner-theaters, which shall authorize the licensee to sell wine and beer during events to patrons or attendees within all seating areas, exhibition areas, concourses, walkways, concession areas, dining areas, and such additional locations designated by the Board in such facilities, for on-premises consumption or in closed containers for off-premises consumption. Persons licensed pursuant to this subdivision shall serve food, prepared on or off premises, whenever wine or beer is served. Such licenses may be granted to persons operating concert or dinner-theater venues on property fronting Natural Bridge School Road in Natural Bridge Station and formerly operated as Natural Bridge High School.

8. Historic cinema houses, which shall authorize the licensee to sell wine and beer, either with or without meals, during any showing of a motion picture to patrons to whom alcoholic beverages may be lawfully sold, for on-premises consumption or in closed containers for off-premises consumption. The privileges of this license shall be limited to the premises of the historic cinema house regularly occupied and utilized as such.

9. Nonprofit museums, which shall authorize the licensee to sell wine and beer for on-premises consumption or in closed containers for off-premises consumption in areas approved by the Board. Such licenses may be granted to persons operating a nonprofit museum exempt from taxation under § 501(c)(3) of the Internal Revenue Code, located in the Town of Front Royal, and dedicated to educating the consuming public about historic beer products. The privileges of this license shall be limited to the premises of the museum, regularly occupied and utilized as such.

C. The Board may grant the following off-premises wine and beer licenses:

1. Retail off-premises wine and beer licenses, which may be granted to a convenience grocery store, delicatessen, drugstore, gift shop, gourmet oyster house, gourmet shop, grocery store, or marina store as defined in § 4.1-100 and Board regulations. Such license shall authorize the licensee to sell wine and beer in closed containers for off-premises consumption and, notwithstanding the provisions of § 4.1-308, to give to any person to whom wine or beer may be lawfully sold a sample of wine or beer for on-premises consumption; however, no single sample shall exceed four ounces of beer or two ounces of wine and no more than 12 ounces of beer or five ounces of wine shall be served to any person per day. The licensee may also give samples of wine and beer in designated areas at events held by the licensee for the purpose of featuring and educating the consuming public about the alcoholic beverages being tasted. With the consent of the licensee, farm wineries, wineries, breweries, distillers, and wholesale licensees or authorized representatives of such licensees may participate in such tastings, including the pouring of samples. The licensee shall comply with any food inventory and sales volume requirements established by Board regulation.

2. Gourmet brewing shop licenses, which shall authorize the licensee to sell to any person to whom wine or beer may be lawfully sold, ingredients for making wine or brewing beer, including packaging, and to rent to such persons facilities for manufacturing, fermenting, and bottling such wine or beer, for off-premises consumption in accordance with subdivision 6 of § 4.1-200.

3. Confectionery licenses, which shall authorize the licensee to prepare and sell on the licensed premises for off-premises consumption confectionery that contains five percent or less alcohol by volume. Any alcohol contained in such confectionery shall not be in liquid form at the time such confectionery is sold.

D. The Board may grant the following banquet, special event, and tasting licenses:

1. Per-day event licenses.

a. Banquet licenses to persons in charge of private banquets, and to duly organized nonprofit corporations or associations in charge of special events, which shall authorize the licensee to sell or give wine and beer in rooms or areas approved by the Board for the occasion for on-premises consumption in such rooms or areas. Licensees who are nonprofit corporations or associations conducting fundraisers (i) shall also be authorized to sell wine, as part of any fundraising activity, in closed containers for off-premises consumption to persons to whom wine may be lawfully sold; (ii) shall be limited to no more than one such fundraiser per year; and (iii) if conducting such fundraiser through an online meeting platform, may ship such wine, in accordance with Board regulations, in closed containers to persons located within the Commonwealth. Except as provided in § 4.1-215, a separate license shall be required for each day of each banquet or special event. For the purposes of this subdivision, when the location named in the original application for a license is outdoors, the application may also name an alternative location in the event of inclement weather. However, no such license shall be required of any hotel, restaurant, or club holding a retail wine and beer license.

b. Mixed beverage special events licenses to a duly organized nonprofit corporation or association in charge of a special event, which shall authorize the licensee to sell and serve mixed beverages for on-premises consumption in areas approved by the Board on the premises of the place designated in the license. A separate license shall be required for each day of each special event.

c. Mixed beverage club events licenses to a club holding a wine and beer club license, which shall authorize the licensee to sell and serve mixed beverages for on-premises consumption by club members and their guests in areas approved by the Board on the club premises. A separate license shall be required for each day of each club event. No more than 12 such licenses shall be granted to a club in any calendar year. The granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

d. Tasting licenses, which shall authorize the licensee to sell or give samples of alcoholic beverages of the type specified in the license in designated areas at events held by the licensee. A tasting license shall be issued for the purpose of

featuring and educating the consuming public about the alcoholic beverages being tasted. A separate license shall be required for each day of each tasting event. No tasting license shall be required for conduct authorized by § 4.1-201.1.

2. Annual licenses.

a. Annual banquet licenses to duly organized private nonprofit fraternal, patriotic, or charitable membership organizations that are exempt from state and federal taxation and in charge of banquets conducted exclusively for members and their guests, which shall authorize the licensee to serve wine and beer in rooms or areas approved by the Board for the occasion for on-premises consumption in such rooms or areas. Such license shall authorize the licensee to conduct no more than 12 banquets per calendar year. For the purposes of this subdivision, when the location named in the original application for a license is outdoors, the application may also name an alternative location in the event of inclement weather. However, no such license shall be required of any hotel, restaurant, or club holding a retail wine and beer license.

b. Banquet facility licenses to volunteer fire departments and volunteer emergency medical services agencies, which shall authorize the licensee to permit the consumption of lawfully acquired alcoholic beverages on the premises of the licensee by any person, and bona fide members and guests thereof, otherwise eligible for a banquet license. However, lawfully acquired alcoholic beverages shall not be purchased or sold by the licensee or sold or charged for in any way by the person permitted to use the premises. Such premises shall be a volunteer fire or volunteer emergency medical services agency station or both, regularly occupied as such and recognized by the governing body of the county, city, or town in which it is located. Under conditions as specified by Board regulation, such premises may be other than a volunteer fire or volunteer emergency medical services agency station, provided such other premises are occupied and under the control of the volunteer fire department or volunteer emergency medical services agency while the privileges of its license are being exercised.

c. Designated outdoor refreshment area licenses to a locality, business improvement district, or nonprofit organization, which shall authorize (i) the licensee to permit the consumption of alcoholic beverages within the area designated by the Board for the designated outdoor refreshment area and (ii) any permanent retail on-premises licensee that is located within the area designated by the Board for the designated outdoor refreshment area to sell alcoholic beverages within the permanent retail location for consumption in the area designated for the designated outdoor refreshment area, including sidewalks and the premises of businesses not licensed to sell alcoholic beverages at retail, upon approval of such businesses. In determining the designated area for the designated outdoor refreshment area, the Board shall consult with the locality. Designated outdoor refreshment area licensees shall be limited to 16 events per year, and the duration of any event shall not exceed three consecutive days. However, the Board may increase the frequency and duration of events after adoption of an ordinance by a locality requesting such increase in frequency and duration. Such ordinance shall include the size and scope of the area within which such events will be held, a public safety plan, and any other considerations deemed necessary by the Board. Such limitations on the number of events that may be held shall not apply during the effective dates of any rule, regulation, or order that is issued by the Governor or State Health Commissioner to meet a public health emergency and that effectively reduces allowable restaurant seating capacity; however, designated outdoor refreshment area licensees shall be subject to all other applicable provisions of this subtitle and Board regulations and shall provide notice to the Board regarding the days and times during which the privileges of the license will be exercised. Only alcoholic beverages purchased from permanent retail on-premises licensees located within the designated area may be consumed at the event, and such alcoholic beverages shall be contained in paper, plastic, or similar disposable containers that clearly display the name or logo of the retail on-premises licensee from which the alcoholic beverage was purchased. Alcoholic beverages shall not be sold or charged for in any way by the designated outdoor refreshment area licensee. The designated outdoor refreshment area licensee shall post appropriate signage clearly demarcating for the public the boundaries of the event; however, no physical barriers shall be required for this purpose. The designated outdoor refreshment area licensee shall provide adequate security for the event to ensure compliance with the applicable provisions of this subtitle and Board regulations.

d. Annual mixed beverage banquet licenses to duly organized private nonprofit fraternal, patriotic, or charitable membership organizations that are exempt from state and federal taxation and in charge of banquets conducted exclusively for members and their guests, which shall authorize the licensee to serve mixed beverages for on-premises consumption in areas approved by the Board on the premises of the place designated in the license. Such license shall authorize the licensee to conduct no more than 12 banquets per calendar year. The granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

e. Equine sporting event licenses, which may be issued to organizations holding equestrian, hunt, and steeplechase events, which shall authorize the licensee to permit the consumption of lawfully acquired alcoholic beverages on the premises of the licensee by patrons thereof during such event. However, alcoholic beverages shall not be sold or charged for in any way by the licensee. The privileges of this license shall be (i) limited to the premises of the licensee, regularly occupied and utilized for equestrian, hunt, and steeplechase events, and (ii) exercised on no more than four calendar days per year.

f. Annual arts venue event licenses, to persons operating an arts venue, which shall authorize the licensee participating in a community art walk that is open to the public to serve lawfully acquired wine or beer on the premises of the licensee to adult patrons thereof during such events. However, alcoholic beverages shall not be sold or charged for in any way, directly or indirectly, by the licensee, and the licensee shall not give more than two five-ounce glasses of wine or two 12-ounce

glasses of beer to any one adult patron. The privileges of this license shall be (i) limited to the premises of the arts venue regularly occupied and used as such and (ii) exercised on no more than 12 calendar days per year.

E. The Board may grant a marketplace license to persons operating a business enterprise of which the primary function is not the sale of alcoholic beverages, which shall authorize the licensee to serve complimentary wine or beer to bona fide customers on the licensed premises subject to any limitations imposed by the Board; however, the licensee shall not give more than two five-ounce glasses of wine or two 12-ounce glasses of beer to any customer per day, nor shall it sell or otherwise charge a fee to such customer for the wine or beer served or consumed. In order to be eligible for and retain a marketplace license, the applicant's business enterprise must (i) provide a single category of goods or services in a manner intended to create a personalized experience for the customer; (ii) employ staff with expertise in such goods or services; (iii) be ineligible for any other license granted by the Board; (iv) have an alcoholic beverage control manager on the licensed premises at all times alcohol is served; (v) ensure that all employees satisfy any training requirements imposed by the Board; and (vi) purchase all wine and beer to be served from a licensed wholesaler or the Authority and retain purchase records as prescribed by the Board. In determining whether to grant a marketplace license, the Board shall consider (a) the average amount of time customers spend at the business; (b) the business's hours of operation; (c) the amount of time that the business has been in operation; and (d) any other requirements deemed necessary by the Board to protect the public health, safety, and welfare.

F. The Board may grant the following shipper, bottler, and related licenses:

1. Wine and beer shipper licenses, which shall carry the privileges and limitations set forth in § 4.1-209.1.

2. Internet wine and beer retailer licenses, which shall authorize persons located within or outside the Commonwealth to sell and ship wine and beer, in accordance with § 4.1-209.1 and Board regulations, in closed containers to persons in the Commonwealth to whom wine and beer may be lawfully sold for off-premises consumption. Such licensee shall not be required to comply with the monthly food sale requirement established by Board regulations.

3. Bottler licenses, which shall authorize the licensee to acquire and receive deliveries and shipments of beer in closed containers and to bottle, sell, and deliver or ship it, in accordance with Board regulations to (i) wholesale beer licensees for the purpose of resale, (ii) owners of boats registered under the laws of the United States sailing for ports of call of a foreign country or another state, and (iii) persons outside the Commonwealth for resale outside the Commonwealth.

4. Fulfillment warehouse licenses, which shall authorize associations as defined in § 13.1-313 with a place of business located in the Commonwealth to (i) receive deliveries and shipments of wine or beer owned by holders of wine and beer shipper's licenses; (ii) store such wine or beer on behalf of the owner; and (iii) pick, pack, and ship such wine or beer as directed by the owner, all in accordance with Board regulations. No wholesale wine or wholesale beer licensee, whether licensed in the Commonwealth or not, or any person under common control of such licensee, shall acquire or hold any financial interest, direct or indirect, in the business for which any fulfillment warehouse license is issued.

5. Marketing portal licenses, which shall authorize agricultural cooperative associations organized under the provisions of the Agricultural Cooperative Association Act (§ 13.1-312 et seq.), with a place of business located in the Commonwealth, in accordance with Board regulations, to solicit and receive orders for wine or beer through the use of the Internet from persons in the Commonwealth to whom wine or beer may be lawfully sold, on behalf of holders of wine and beer shipper's licenses. Upon receipt of an order for wine or beer, the licensee shall forward it to a holder of a wine and beer shipper's license for fulfillment. Marketing portal licensees may also accept payment on behalf of the shipper.

~~6. Third-party delivery licenses, which shall carry the privileges and limitations set forth in § 4.1-212.2.~~

§ 4.1-212.1. (Effective until July 1, 2024) Delivery of wine and beer; kegs; regulations of Board.

A. Any brewery, winery, or farm winery located within or outside the Commonwealth that is authorized to engage in the retail sale of wine or beer for off-premises consumption may deliver the brands of beer, wine, and farm wine produced by the same brewery, winery, or farm winery in closed containers to consumers within the Commonwealth for personal off-premises consumption.

B. Any person licensed to sell wine and beer at retail for off-premises consumption in the Commonwealth, and who is not a brewery, winery, or farm winery, may deliver the brands of beer, wine, and farm wine it is authorized to sell in closed containers to consumers within the Commonwealth for personal off-premises consumption. Notwithstanding any provision of law to the contrary, such deliveries may be made to (i) a person's vehicle if located in a designated parking area of the licensee's premises where such person has electronically ordered beer, wine, or farm wine in advance of the delivery or (ii) such other locations as may be permitted by Board regulation.

C. Any person located outside the Commonwealth who is authorized to sell wine or beer at retail for off-premises consumption in its state of domicile, and who is not a brewery, winery, or farm winery, may apply for a delivery permit that shall authorize the delivery of any brands of beer, wine, and farm wine it is authorized to sell in its state of domicile, in closed containers, to consumers within the Commonwealth for personal off-premises consumption.

D. Any person licensed to sell mixed beverages at retail for off-premises consumption in the Commonwealth may deliver any mixed beverages it is authorized to sell in closed containers to consumers within the Commonwealth for personal off-premises consumption. Notwithstanding any provision of law to the contrary, such deliveries may be made to (i) a person's vehicle if located in a designated parking area of the licensee's premises where such person has electronically ordered mixed beverages in advance of the delivery or (ii) such other locations as may be permitted by Board regulation.

E. Any distiller that has been appointed as an agent of the Board pursuant to subsection D of § 4.1-119 may deliver to consumers within the Commonwealth for personal consumption any alcoholic beverages the distiller is authorized to sell

through organized tasting events in accordance with subsection G of § 4.1-119 and Board regulations. Notwithstanding any provision of law to the contrary, such deliveries may be made to (i) a person's vehicle if located in a designated parking area of the licensee's premises where such person has electronically ordered mixed beverages in advance of the delivery or (ii) such other locations as may be permitted by Board regulation.

F. All deliveries made pursuant to this section shall be to consumers within the Commonwealth for personal consumption only and not for resale. Such deliveries shall be performed by ~~either~~ ~~(i)~~ the owner or any officer, director, shareholder, or employee of the licensee or permittee ~~or (ii) a third-party delivery licensee pursuant to § 4.1-212.2~~. The licensee performing the delivery shall be liable for any administrative violations of this section or § 4.1-304 committed during transport through completion of the delivery. Alcoholic beverages shall not be delivered after 11:00 p.m. or before 6:00 a.m. Only one individual may take possession of the alcoholic beverages during the course of the delivery. No more than four cases of wine nor more than four cases of beer may be delivered at one time to any person in Virginia to whom alcoholic beverages may be lawfully sold, except that the licensee or permittee may deliver more than four cases of wine or more than four cases of beer if he notifies the Authority in writing at least one business day in advance of any such delivery, which notice contains the name and address of the intended recipient. Except as otherwise provided in this subtitle, alcoholic beverages sold for off-premises consumption or delivered pursuant to this section that are not in the manufacturer's original sealed container shall ~~(a)~~ *(i)* be enclosed in a container that has no straw holes or other openings and is sealed in a manner that allows a person to readily discern whether the container has been opened or tampered with subsequent to its original closure; ~~(b)~~ *(ii)* display the name of the licensee from which the alcoholic beverages were purchased; ~~(c)~~ *(iii)* be clearly marked with the phrase "contains alcoholic beverages"; ~~(d)~~ *(iv)* in the case of wine, beer, or, if purchased from a mixed beverage restaurant or limited mixed beverage restaurant licensee, mixed beverages, have a maximum volume of 16 ounces per beverage; and ~~(e)~~ *(v)* during delivery, be stored ~~(1)~~ *(a)* in the trunk of the vehicle, ~~(2)~~ *(b)* in an area that is rear of the driver's seat, ~~(3)~~ *(c)* in a locked container or compartment, or ~~(4)~~ *(d)* in the case of delivery by bicycle, in a compartment behind the bicyclist.

The Board may adopt such regulations as it reasonably deems necessary to implement the provisions of this section. Such regulations shall include provisions that require ~~(A)~~ *(1)* the recipient to demonstrate, upon delivery, that he is at least 21 years of age and ~~(B)~~ *(2)* the recipient to sign an electronic or paper form or other acknowledgement of receipt as approved by the Board.

G. In addition to other applicable requirements set forth in this section, the following provisions shall apply to the sale of mixed beverages for off-premises consumption and the delivery of mixed beverages pursuant to this section:

1. No distiller shall sell for off-premises consumption or deliver more than two mixed beverages at any one time, and no mixed beverage restaurant or limited mixed beverage restaurant licensee may sell for off-premises consumption or deliver more than four mixed beverages at any one time;

2. All mixed beverages sold for off-premises consumption or delivered by a mixed beverage restaurant or limited mixed beverage restaurant licensee shall contain at least one mixer; and

3. Mixed beverage restaurant and limited mixed beverage restaurant licensees shall serve at least one meal with every two mixed beverages sold for off-premises consumption or delivered.

The Board may summarily revoke a licensee's privileges to sell or deliver mixed beverages for off-premises consumption for noncompliance with the provisions of this section or § 4.1-225 or 4.1-325. Any summary revocation by the Board pursuant to this paragraph (i) shall not be subject to the provisions of § 4.1-227, (ii) shall not be subject to appeal, and (iii) shall become effective upon personal service of the notice of summary revocation to the licensee or upon the fourth business day after such notice is mailed to the licensee's residence or the address listed for the licensed premises on the initial license application.

H. For purposes of §§ 4.1-234 and 4.1-236 and Chapter 6 (§ 58.1-600 et seq.) of Title 58.1, each delivery of wine, beer, or mixed beverages by a licensee or permittee shall constitute a sale in Virginia. The licensee or permittee shall collect the taxes due to the Commonwealth and remit any excise taxes monthly to the Authority and any sales taxes to the Department of Taxation, if such taxes have not already been paid.

I. Any manufacturer or retailer who is licensed to sell wine, beer, or both for off-premises consumption may sell such wine or beer in kegs, subject to any limitations imposed by Board regulation. The Board may impose a fee for keg registration seals. For purposes of this subsection, "keg registration seal" means any document, stamp, declaration, seal, decal, sticker, or device that is approved by the Board, designed to be affixed to kegs, and displays a registration number and such other information as may be prescribed by the Board.

§ 4.1-212.1. (Effective July 1, 2024) Delivery of wine and beer; kegs; regulations of Board.

A. Any brewery, winery, or farm winery located within or outside the Commonwealth that is authorized to engage in the retail sale of wine or beer for off-premises consumption may deliver the brands of beer, wine, and farm wine produced by the same brewery, winery, or farm winery in closed containers to consumers within the Commonwealth for personal off-premises consumption.

B. Any person licensed to sell wine and beer at retail for off-premises consumption in the Commonwealth, and who is not a brewery, winery, or farm winery, may deliver the brands of beer, wine, and farm wine it is authorized to sell in closed containers to consumers within the Commonwealth for personal off-premises consumption. Notwithstanding any provision of law to the contrary, such deliveries may be made to (i) a person's vehicle if located in a designated parking area of the

licensee's premises where such person has electronically ordered beer, wine, or farm wine in advance of the delivery or (ii) such other locations as may be permitted by Board regulation.

C. Any person located outside the Commonwealth who is authorized to sell wine or beer at retail for off-premises consumption in its state of domicile, and who is not a brewery, winery, or farm winery, may apply for a delivery permit that shall authorize the delivery of any brands of beer, wine, and farm wine it is authorized to sell in its state of domicile, in closed containers, to consumers within the Commonwealth for personal off-premises consumption.

D. All such deliveries shall be to consumers within the Commonwealth for personal consumption only and not for resale. All such deliveries of beer, wine, or farm wine shall be performed by ~~either~~ ~~(i)~~ the owner or any officer, director, shareholder, or employee of the licensee or permittee ~~or~~ ~~(ii)~~ ~~a~~ ~~third-party~~ ~~delivery~~ ~~licensee~~ ~~pursuant~~ ~~to~~ ~~§ 4.1-212.2~~. The licensee performing the delivery shall be liable for any administrative violations of this section or § 4.1-304 committed during transport through completion of the delivery. Alcoholic beverages shall not be delivered after 11:00 p.m. or before 6:00 a.m. Only one individual may take possession of the beer, wine, or farm wine during the course of the delivery. No more than four cases of wine nor more than four cases of beer may be delivered at one time to any person in Virginia to whom alcoholic beverages may be lawfully sold, except that the licensee or permittee may deliver more than four cases of wine or more than four cases of beer if he notifies the Authority in writing at least one business day in advance of any such delivery, which notice contains the name and address of the intended recipient. Except as otherwise provided in this subtitle, wine or beer sold for off-premises consumption or delivered pursuant to this section that are not in the manufacturer's original sealed container shall ~~(a)~~ *(i)* be enclosed in a container that has no straw holes or other openings and is sealed in a manner that allows a person to readily discern whether the container has been opened or tampered with subsequent to its original closure; ~~(b)~~ *(ii)* display the name of the licensee from which the wine or beer was purchased; ~~(c)~~ *(iii)* be clearly marked with the phrase "contains alcoholic beverages"; ~~(d)~~ *(iv)* have a maximum volume of 16 ounces per beverage; and ~~(e)~~ *(v)* during delivery, be stored ~~(1)~~ *(a)* in the trunk of the vehicle, ~~(2)~~ *(b)* in an area that is rear of the driver's seat, ~~(3)~~ *(c)* in a locked container or compartment, or ~~(4)~~ *(d)* in the case of delivery by bicycle, in a compartment behind the bicyclist.

The Board may adopt such regulations as it reasonably deems necessary to implement the provisions of this section. Such regulations shall include provisions that require ~~(A)~~ *(1)* the recipient to demonstrate, upon delivery, that he is at least 21 years of age and ~~(B)~~ *(2)* the recipient to sign an electronic or paper form or other acknowledgement of receipt as approved by the Board.

E. For purposes of §§ 4.1-234 and 4.1-236 and Chapter 6 (§ 58.1-600 et seq.) of Title 58.1, each delivery of wine or beer by a licensee or permittee shall constitute a sale in Virginia. The licensee or permittee shall collect the taxes due to the Commonwealth and remit any excise taxes monthly to the Authority and any sales taxes to the Department of Taxation, if such taxes have not already been paid.

F. Any manufacturer or retailer who is licensed to sell wine, beer, or both for off-premises consumption may sell such wine or beer in kegs, subject to any limitations imposed by Board regulation. The Board may impose a fee for keg registration seals. For purposes of this subsection, "keg registration seal" means any document, stamp, declaration, seal, decal, sticker, or device that is approved by the Board, designed to be affixed to kegs, and displays a registration number and such other information as may be prescribed by the Board.

§ 4.1-230. Applications for licenses; publication; notice to localities; fees; permits.

A. Every person intending to apply for any license authorized by this chapter shall file with the Board an application on forms provided by the Board and a statement in writing by the applicant swearing and affirming that all of the information contained therein is true.

Applicants for retail licenses for establishments that serve food or are otherwise required to obtain a food establishment permit from the Department of Health or an inspection by the Department of Agriculture and Consumer Services shall provide a copy of such permit, proof of inspection, proof of a pending application for such permit, or proof of a pending request for such inspection. If the applicant provides a copy of such permit, proof of inspection, proof of a pending application for a permit, or proof of a pending request for an inspection, a license may be issued to the applicant. If a license is issued on the basis of a pending application or inspection, such license shall authorize the licensee to purchase alcoholic beverages in accordance with the provisions of this subtitle; however, the licensee shall not sell or serve alcoholic beverages until a permit is issued or an inspection is completed.

B. In addition, each applicant for a license under the provisions of this chapter, except applicants for annual banquet, banquet, tasting, special events, club events, annual mixed beverage banquet, wine and beer shipper's, delivery permit, annual arts venue, or museum licenses issued under the provisions of Chapter 2 (§ 4.1-200 et seq.), or beer or wine importer's licenses, shall post a notice of his application with the Board on the front door of the building, place, or room where he proposes to engage in such business for no more than 30 days and not less than 10 days. Such notice shall be of a size and contain such information as required by the Board, including a statement that any objections shall be submitted to the Board not more than 30 days following initial publication of the notice required pursuant to this subsection.

The applicant shall also cause notice to be published at least once a week for two consecutive weeks in a newspaper published in or having a general circulation in the county, city, or town wherein such applicant proposes to engage in such business. Such notice shall contain such information as required by the Board, including a statement that any objections to the issuance of the license be submitted to the Board not later than 30 days from the date of the initial newspaper publication. In the case of wine and beer shipper's licensees, ~~third-party~~ ~~delivery~~ ~~licensees,~~ delivery permittees, or operators of boats, dining cars, buffet cars, club cars, buses, and airplanes, the posting and publishing of notice shall not be required.

Except for applicants for annual banquet, banquet, tasting, mixed beverage special events, club events, annual mixed beverage banquet, wine and beer shipper's, beer or wine importer's, annual arts venue, or museum licenses, the Board shall conduct a background investigation, to include a criminal history records search, which may include a fingerprint-based national criminal history records search, on each applicant for a license. However, the Board may waive, for good cause shown, the requirement for a criminal history records search and completed personal data form for officers, directors, nonmanaging members, or limited partners of any applicant corporation, limited liability company, or limited partnership.

Except for applicants for wine and beer shipper's licenses and delivery permits, the Board shall notify the local governing body of each license application through the county or city attorney or the chief law-enforcement or administrative officer of the locality. Local governing bodies shall submit objections to the granting of a license within 30 days of the filing of the application.

C. Each applicant shall pay the required application fee at the time the application is filed. Each license application fee, including annual banquet and annual mixed beverage banquet, shall be $195, plus the actual cost charged to the Department of State Police by the Federal Bureau of Investigation or the Central Criminal Records Exchange for processing any fingerprints through the Federal Bureau of Investigation or the Central Criminal Records Exchange for each criminal history records search required by the Board, except for banquet, tasting, or mixed beverage club events licenses, in which case the application fee shall be $15. The application fee for banquet special event and mixed beverage special event licenses shall be $45. Application fees shall be in addition to the state license fee required pursuant to § 4.1-231.1 and shall not be refunded.

D. Subsection A shall not apply to the continuance of licenses granted under this chapter; however, all licensees shall file and maintain with the Board a current, accurate record of the information required by the Board pursuant to subsection A and notify the Board of any changes to such information in accordance with Board regulations.

E. Every application for a permit granted pursuant to § 4.1-212 shall be on a form provided by the Board. Such permits shall confer upon their holders no authority to make solicitations in the Commonwealth as otherwise provided by law.

The fee for a temporary permit shall be one-twelfth of the combined fees required by this section for applicable licenses to sell wine, beer, or mixed beverages computed to the nearest cent and multiplied by the number of months for which the permit is granted.

F. The Board shall have the authority to increase state license fees from the amounts set forth in § 4.1-231.1 as it was in effect on January 1, 2022. The Board shall set the amount of such increases on the basis of the consumer price index and shall not increase fees more than once every three years. Prior to implementing any state license fee increase, the Board shall provide notice to all licensees and the general public of (i) the Board's intent to impose a fee increase and (ii) the new fee that would be required for any license affected by the Board's proposed fee increases. Such notice shall be provided on or before November 1 in any year in which the Board has decided to increase state license fees, and such increases shall become effective July 1 of the following year.

§ 4.1-231.1. (Effective until July 1, 2024) Fees on state licenses.

A. (Contingent expiration date) The annual fees on state licenses shall be as follows:

1. Manufacturer licenses. For each:

a. Distiller's license and limited distiller's license, if not more than 5,000 gallons of alcohol or spirits, or both, manufactured during the year in which the license is granted, $490; if more than 5,000 gallons but not more than 36,000 gallons manufactured during such year, $2,725; and if more than 36,000 gallons manufactured during such year, $4,060;

b. Brewery license and limited brewery license, if not more than 500 barrels of beer manufactured during the year in which the license is granted, $380; if not more than 10,000 barrels of beer manufactured during the year in which the license is granted, $2,350; and if more than 10,000 barrels manufactured during such year, $4,690;

c. Winery license, if not more than 5,000 gallons of wine manufactured during the year in which the license is granted, $215, and if more than 5,000 gallons manufactured during such year, $4,210;

d. Farm winery license, $275 for any Class I or Class II license, $500 for any Class III license, and $4,000 for any Class IV license;

e. Wine importer's license, $460; and

f. Beer importer's license, $460.

2. Wholesale licenses. For each:

a. (1) Wholesale beer license, $1,005 for any wholesaler who sells 300,000 cases of beer a year or less, $1,545 for any wholesaler who sells more than 300,000 but not more than 600,000 cases of beer a year, and $2,010 for any wholesaler who sells more than 600,000 cases of beer a year; and

(2) Wholesale beer license applicable to two or more premises, the annual state license tax shall be the amount set forth in subdivision a (1), multiplied by the number of separate locations covered by the license;

b. (1) Wholesale wine license, $240 for any wholesaler who sells 30,000 gallons of wine or less per year, $1,200 for any wholesaler who sells more than 30,000 gallons per year but not more than 150,000 gallons of wine per year, $1,845 for any wholesaler who sells more than 150,000 but not more than 300,000 gallons of wine per year, and $2,400 for any wholesaler who sells more than 300,000 gallons of wine per year; and

(2) Wholesale wine license, including that granted pursuant to subdivision 3 of § 4.1-206.2, applicable to two or more premises, the annual state license tax shall be the amount set forth in subdivision b (1), multiplied by the number of separate locations covered by the license.

3. Retail licenses — mixed beverage. For each:

a. Mixed beverage restaurant license, granted to persons operating restaurants, including restaurants located on premises of and operated by casinos, hotels or motels, or other persons:

(1) With a seating capacity at tables for up to 100 persons, $1,050;

(2) With a seating capacity at tables for more than 100 but not more than 150 persons, $1,495;

(3) With a seating capacity at tables for more than 150 persons but not more than 500 persons, $1,980;

(4) With a seating capacity at tables for more than 500 persons but not more than 1,000 persons, $2,500; and

(5) With a seating capacity at tables for more than 1,000 persons, $3,100;

b. Mixed beverage restaurant license for restaurants located on the premises of and operated by private, nonprofit clubs:

(1) With an average yearly membership of not more than 200 resident members, $1,250;

(2) With an average yearly membership of more than 200 but not more than 500 resident members, $2,440; and

(3) With an average yearly membership of more than 500 resident members, $3,410;

c. Mixed beverage casino license, $3,100 plus an additional $5 for each gaming station located on the premises of the casino gaming establishment. For the purposes of this subdivision, "gaming station" means each slot machine and each casino gaming table that is in active use, as determined annually on December 31;

d. Mixed beverage caterer's license, $1,990;

e. Mixed beverage limited caterer's license, $550;

f. Mixed beverage carrier license:

(1) $520 for each of the average number of dining cars, buffet cars, or club cars operated daily in the Commonwealth by a common carrier of passengers by train;

(2) $910 for each common carrier of passengers by boat;

(3) $520 for each common carrier of passengers by bus; and

(4) $2,360 for each license granted to a common carrier of passengers by airplane;

g. Annual mixed beverage motor sports facility license, $630;

h. Limited mixed beverage restaurant license:

(1) With a seating capacity at tables for up to 100 persons, $945;

(2) With a seating capacity at tables for more than 100 but not more than 150 persons, $1,385; and

(3) With a seating capacity at tables for more than 150 persons, $1,875;

i. Annual mixed beverage performing arts facility license, $630;

j. Bed and breakfast license, $100;

k. Museum license, $260;

l. Motor car sporting event facility license, $300;

m. Commercial lifestyle center license, $300;

n. Mixed beverage port restaurant license, $1,050; and

o. Annual mixed beverage special events license, $630.

4. Retail licenses — on-and-off-premises wine and beer. For each on-and-off premises wine and beer license, $450.

5. Retail licenses — off-premises wine and beer. For each:

a. Retail off-premises wine and beer license, $300;

b. Gourmet brewing shop license, $320; and

c. Confectionery license, $170.

6. Retail licenses — banquet, special event, and tasting licenses.

a. Per-day event licenses. For each:

(1) Banquet license, $40 per license granted by the Board, except for banquet licenses granted by the Board pursuant to subsection A of § 4.1-215, which shall be $100 per license;

(2) Mixed beverage special events license, $45 for each day of each event;

(3) Mixed beverage club events license, $35 for each day of each event; and

(4) Tasting license, $40.

b. Annual licenses. For each:

(1) Annual banquet license, $300;

(2) Banquet facility license, $260;

(3) Designated outdoor refreshment area license, $300. However, for any designated outdoor refreshment area license issued pursuant to a local ordinance, the annual fee shall be $3,000;

(4) Annual mixed beverage banquet license, $630;

(5) Equine sporting event license, $300; and

(6) Annual arts venue event license, $300.

7. Retail licenses — marketplace. For each marketplace license, $1,000. However, if the license privileges are exercised during a period of six or less consecutive months and such period is specified prior to the beginning of the license year, the annual fee shall be $500.

8. Retail licenses — shipper, bottler, and related licenses. For each:

a. Wine and beer shipper's license, $230;

b. Internet wine and beer retailer license, $240;

c. Bottler license, $1,500;

d. Fulfillment warehouse license, $210; *and*

e. Marketing portal license, $285~~; and~~

~~f. Third-party delivery license, $7,500, unless the licensee provides written certification to the Board that the licensee has no more than 25 delivery personnel, including employees, agents, and independent contractors that engage in direct-to-consumer alcoholic beverage delivery, in which case the license fee shall be $2,500~~.

9. Temporary licenses. For each temporary license authorized by § 4.1-211, one-half of the tax imposed by this section on the license for which the applicant applied.

B. The tax on each license granted or reissued for a period other than 12, 24, or 36 months shall be equal to one-twelfth of the taxes required by subsection A computed to the nearest cent, multiplied by the number of months in the license period, and then increased by five percent. Such tax shall not be refundable, except as provided in § 4.1-232.

C. Nothing in this chapter shall exempt any licensee from any state merchants' license or state restaurant license or any other state tax. Every licensee, in addition to the taxes imposed by this chapter, shall be liable to state merchants' license taxation and state restaurant license taxation and other state taxation the same as if the alcoholic beverages were nonalcoholic. In ascertaining the liability of a beer wholesaler to merchants' license taxation, however, and in computing the wholesale merchants' license tax on a beer wholesaler, the first $163,800 of beer purchases shall be disregarded; and in ascertaining the liability of a wholesale wine distributor to merchants' license taxation, and in computing the wholesale merchants' license tax on a wholesale wine distributor, the first $163,800 of wine purchases shall be disregarded.

D. In addition to the taxes set forth in this section, a fee of $5 may be imposed on any license purchased in person from the Board if such license is available for purchase online.

§ 4.1-231.1. (Effective July 1, 2024) Fees on state licenses.

A. (Contingent expiration date) The annual fees on state licenses shall be as follows:

1. Manufacturer licenses. For each:

a. Distiller's license and limited distiller's license, if not more than 5,000 gallons of alcohol or spirits, or both, manufactured during the year in which the license is granted, $490; if more than 5,000 gallons but not more than 36,000 gallons manufactured during such year, $2,725; and if more than 36,000 gallons manufactured during such year, $4,060;

b. Brewery license and limited brewery license, if not more than 500 barrels of beer manufactured during the year in which the license is granted, $380; if not more than 10,000 barrels of beer manufactured during the year in which the license is granted, $2,350; and if more than 10,000 barrels manufactured during such year, $4,690;

c. Winery license, if not more than 5,000 gallons of wine manufactured during the year in which the license is granted, $215, and if more than 5,000 gallons manufactured during such year, $4,210;

d. Farm winery license, $275 for any Class I or Class II license, $500 for any Class III license, and $4,000 for any Class IV license;

e. Wine importer's license, $460; and

f. Beer importer's license, $460.

2. Wholesale licenses. For each:

a. (1) Wholesale beer license, $1,005 for any wholesaler who sells 300,000 cases of beer a year or less, $1,545 for any wholesaler who sells more than 300,000 but not more than 600,000 cases of beer a year, and $2,010 for any wholesaler who sells more than 600,000 cases of beer a year; and

(2) Wholesale beer license, including a license granted pursuant to subdivision 2 of § 4.1-206.2, applicable to two or more premises, the annual state license tax shall be the amount set forth in subdivision a (1), multiplied by the number of separate locations covered by the license;

b. (1) Wholesale wine license, $240 for any wholesaler who sells 30,000 gallons of wine or less per year, $1,200 for any wholesaler who sells more than 30,000 gallons per year but not more than 150,000 gallons of wine per year, $1,845 for any wholesaler who sells more than 150,000 but not more than 300,000 gallons of wine per year, and $2,400 for any wholesaler who sells more than 300,000 gallons of wine per year; and

(2) Wholesale wine license, including a license granted pursuant to subdivision 4 of § 4.1-206.2, applicable to two or more premises, the annual state license tax shall be the amount set forth in subdivision b (1), multiplied by the number of separate locations covered by the license.

3. Retail licenses — mixed beverage. For each:

a. Mixed beverage restaurant license, granted to persons operating restaurants, including restaurants located on premises of and operated by casinos, hotels or motels, or other persons:

(1) With a seating capacity at tables for up to 100 persons, $1,050;

(2) With a seating capacity at tables for more than 100 but not more than 150 persons, $1,495;

(3) With a seating capacity at tables for more than 150 persons but not more than 500 persons, $1,980;

(4) With a seating capacity at tables for more than 500 persons but not more than 1,000 persons, $2,500; and

(5) With a seating capacity at tables for more than 1,000 persons, $3,100;

b. Mixed beverage restaurant license for restaurants located on the premises of and operated by private, nonprofit clubs:

(1) With an average yearly membership of not more than 200 resident members, $1,250;

(2) With an average yearly membership of more than 200 but not more than 500 resident members, $2,440; and

(3) With an average yearly membership of more than 500 resident members, $3,410;

c. Mixed beverage casino license, $3,100 plus an additional $5 for each gaming station located on the premises of the casino gaming establishment. For the purposes of this subdivision, "gaming station" means each slot machine and each casino gaming table that is in active use, as determined annually on December 31;

d. Mixed beverage caterer's license, $1,990;

e. Mixed beverage limited caterer's license, $550;

f. Mixed beverage carrier license:

(1) $520 for each of the average number of dining cars, buffet cars, or club cars operated daily in the Commonwealth by a common carrier of passengers by train;

(2) $910 for each common carrier of passengers by boat;

(3) $520 for each common carrier of passengers by bus; and

(4) $2,360 for each license granted to a common carrier of passengers by airplane;

g. Annual mixed beverage motor sports facility license, $630;

h. Limited mixed beverage restaurant license:

(1) With a seating capacity at tables for up to 100 persons, $945;

(2) With a seating capacity at tables for more than 100 but not more than 150 persons, $1,385; and

(3) With a seating capacity at tables for more than 150 persons, $1,875;

i. Annual mixed beverage performing arts facility license, $630;

j. Bed and breakfast license, $100;

k. Museum license, $260;

l. Motor car sporting event facility license, $300;

m. Commercial lifestyle center license, $300;

n. Mixed beverage port restaurant license, $1,050; and

o. Annual mixed beverage special events license, $630.

4. Retail licenses — on-and-off-premises wine and beer. For each on-and-off premises wine and beer license, $450.

5. Retail licenses — off-premises wine and beer. For each:

a. Retail off-premises wine and beer license, $300;

b. Gourmet brewing shop license, $320; and

c. Confectionery license, $170.

6. Retail licenses — banquet, special event, and tasting licenses.

a. Per-day event licenses. For each:

(1) Banquet license, $40 per license granted by the Board, except for banquet licenses granted by the Board pursuant to subsection A of § 4.1-215, which shall be $100 per license;

(2) Mixed beverage special events license, $45 for each day of each event;

(3) Mixed beverage club events license, $35 for each day of each event; and

(4) Tasting license, $40.

b. Annual licenses. For each:

(1) Annual banquet license, $300;

(2) Banquet facility license, $260;

(3) Designated outdoor refreshment area license, $300. However, for any designated outdoor refreshment area license issued pursuant to a local ordinance, the annual fee shall be $3,000;

(4) Annual mixed beverage banquet license, $630;

(5) Equine sporting event license, $300; and

(6) Annual arts venue event license, $300.

7. Retail licenses — marketplace. For each marketplace license, $1,000. However, if the license privileges are exercised during a period of six or less consecutive months and such period is specified prior to the beginning of the license year, the annual fee shall be $500.

8. Retail licenses — shipper, bottler, and related licenses. For each:

a. Wine and beer shipper's license, $230;

b. Internet wine and beer retailer license, $240;

c. Bottler license, $1,500;

d. Fulfillment warehouse license, $210; *and*

e. Marketing portal license, $285~~; and~~

~~f. Third-party delivery license, $7,500, unless the licensee provides written certification to the Board that the licensee has no more than 25 delivery personnel, including employees, agents, and independent contractors that engage in direct-to-consumer alcoholic beverage delivery, in which case the license fee shall be $2,500.~~

9. Temporary licenses. For each temporary license authorized by § 4.1-211, one-half of the tax imposed by this section on the license for which the applicant applied.

B. The tax on each license granted or reissued for a period other than 12, 24, or 36 months shall be equal to one-twelfth of the taxes required by subsection A computed to the nearest cent, multiplied by the number of months in the license period, and then increased by five percent. Such tax shall not be refundable, except as provided in § 4.1-232.

C. Nothing in this chapter shall exempt any licensee from any state merchants' license or state restaurant license or any other state tax. Every licensee, in addition to the taxes imposed by this chapter, shall be liable to state merchants' license taxation and state restaurant license taxation and other state taxation the same as if the alcoholic beverages were nonalcoholic. In ascertaining the liability of a beer wholesaler to merchants' license taxation, however, and in computing the wholesale merchants' license tax on a beer wholesaler, the first $163,800 of beer purchases shall be disregarded; and in ascertaining the liability of a wholesale wine distributor to merchants' license taxation, and in computing the wholesale merchants' license tax on a wholesale wine distributor, the first $163,800 of wine purchases shall be disregarded.

D. In addition to the taxes set forth in this section, a fee of $5 may be imposed on any license purchased in person from the Board if such license is available for purchase online.

2. That § 4.1-212.2 of the Code of Virginia is repealed.

3. That the second enactment of Chapter 281 and the second enactment of Chapter 282 of the Acts of Assembly of 2021, Special Session I, as amended by the second enactment of Chapter 78 and the second enactment of Chapter 79 of the Acts of Assembly of 2022, are repealed.

4. That the provisions of the first and second enactments of this act shall become effective on July 1, 2026.

5. That the Virginia Alcoholic Beverage Control Authority (the Authority) shall convene a work group to review third-party delivery licenses. The work group shall (i) analyze compliance by third-party delivery licensees and delivery personnel with the provisions § 4.1-212.2 of the Code of Virginia, as repealed by this act, (ii) consider the results of no less than 200 decoy delivery operations conducted by the Authority and any other available data, (iii) identify and analyze the efficacy of strategies used by third-party delivery entities to prevent unlawful deliveries to persons younger than 21 years of age, (iv) review and compare the laws of other states regarding third-party delivery licenses, and (v) make recommendations regarding any legislative or regulatory changes that may be beneficial regarding third-party delivery licenses in the Commonwealth. The work group shall include representatives of third-party delivery licensees, representatives of retail licensees, and any other stakeholders deemed relevant by the Authority. The work group shall meet no less than three times and submit a report of its findings and recommendations, including all relevant data obtained, to the Chairmen of the House Committee on General Laws and the Senate Committee on Rehabilitation and Social Services by November 15, 2024.

CHAPTER 160

An Act to amend and reenact § 33.2-359 of the Code of Virginia, relating to unpaved secondary highway funds.

[S 644]

Approved March 26, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 33.2-359 of the Code of Virginia is amended and reenacted as follows:

§ 33.2-359. Unpaved secondary highway funds.

A. Funds from the highway construction district grant programs established pursuant to § 33.2-371 shall be allocated for the improvement of nonsurface treated secondary highways that carry 50 or more vehicles per day. *Such improvement may consist of enhancements to such highway or highway segment other than paving, such as improved materials, drainage upgrades, or enhanced design of the highway profile. Other techniques shall be considered improvements if they increase safety, reduce maintenance costs, or enhance the historic qualities of the highway or highway segment.* Funds shall be deducted from the allocation made to each highway construction district pursuant to subsection D of § 33.2-371 and such deduction shall be based on the ratio of nonsurface treated secondary highways in each highway construction district that carry 50 or more vehicles per day to the total number of such nonsurface treated secondary highways in the Commonwealth.

Total funds of the Commonwealth allocated by the Board under this section shall not exceed $25 million annually.

B. Such funds shall be distributed to counties in the secondary state highway system based on the ratio of nonsurface treated roads in each county carrying 50 vehicles or more per day to the total number of such nonsurface treated roads in the Commonwealth. *The local governing body of the county shall select the highways or highway segments to be improved pursuant to this section, after consulting with the Department. Improvements pursuant to this section shall be designed and implemented utilizing project standards that conform to then-existing federal and state requirements and standards and, if no such standards exist, that conform to standards as mutually agreed upon by the Department and the locality.*

CHAPTER 161

An Act to amend and reenact §§ 18.2-371.1 and 53.1-202.3 of the Code of Virginia, relating to abuse and neglect of children; causing or enabling child to gain possession of a firearm; penalty.

[H 36]

Approved March 26, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 18.2-371.1 and 53.1-202.3 of the Code of Virginia are amended and reenacted as follows:

§ 18.2-371.1. Abuse and neglect of children; penalties; abandoned infant.

A. Any parent, guardian, or other person responsible for the care of a child under the age of 18 who by willful act or willful omission or refusal to provide any necessary care for the child's health causes or permits serious injury to the life or health of such child is guilty of a Class 4 felony. For purposes of this subsection, "serious injury" includes but is not limited to (i) disfigurement, (ii) a fracture, (iii) a severe burn or laceration, (iv) mutilation, (v) maiming, (vi) forced ingestion of dangerous substances, and (vii) life-threatening internal injuries. For purposes of this subsection, "willful act or willful omission" includes operating or engaging in the conduct of a child welfare agency as defined in § 63.2-100 or a child day program or family day system as defined in § 22.1-289.02 without first obtaining a license such person knows is required by Subtitle IV (§ 63.2-1700 et seq.) of Title 63.2 or Article 3 (§ 22.1-289.010 et seq.) of Chapter 14.1 of Title 22.1 or after such license has been revoked or has expired and not been renewed.

B. 1. Any parent, guardian, or other person responsible for the care of a child under the age of 18 whose willful act or omission in the care of such child was so gross, wanton, and culpable as to show a reckless disregard for human life is guilty of a Class 6 felony.

2. If a prosecution under this subsection is based solely on the accused parent having left the child at a hospital or emergency medical services agency, it shall be an affirmative defense to prosecution of a parent under this subsection that such parent safely delivered the child within the first 30 days of the child's life to (i) a hospital that provides 24-hour emergency services, (ii) an attended emergency medical services agency that employs emergency medical services personnel, or (iii) a newborn safety device located at and operated by such hospital or emergency medical services agency. In order for the affirmative defense to apply, the child shall be delivered in a manner reasonably calculated to ensure the child's safety.

C. *1. Any parent, guardian, or other person who is 18 years of age or older and is responsible for the care of a child under the age of 18 whose willful act or omission causes or enables that child to gain possession of a firearm (i) after having received notice of a preliminary determination pursuant to § 22.1-79.4 that the child poses a threat of violence or physical harm to self or others or (ii) when such parent, guardian, or other person responsible for the care of the child knows or reasonably should know that such child has charges pending for or has been convicted or adjudicated delinquent of a violent juvenile felony as defined in § 16.1-228 is guilty of a Class 5 felony.*

2. No person shall be subject to arrest or prosecution for a violation of this subsection (i) related to clause (i) of subdivision 1 after such person has received notice that the threat assessment team that made such preliminary determination has concluded that the child does not indicate a threat of violence or physical harm to self or others or that any case or review opened or conducted by that threat assessment team as a result of such preliminary determination has been closed or (ii) related to clause (ii) of subdivision 1 after such person has received notice that any pending charge for a violent juvenile felony has been dismissed or a nolle prosequi has been entered.

3. It is an affirmative defense to prosecution for a violation of this subsection if the parent, guardian, or other person responsible for the care of a child caused or enabled such child to gain possession of a firearm while in a dwelling because of a reasonable belief that he or such child was in imminent danger of bodily injury.

D. Any parent, guardian, or other person having care, custody, or control of a minor child who in good faith is under treatment solely by spiritual means through prayer in accordance with the tenets and practices of a recognized church or religious denomination shall not, for that reason alone, be considered in violation of this section.

§ 53.1-202.3. Rate at which sentence credits may be earned; prerequisites.

A. A maximum of 4.5 sentence credits may be earned for each 30 days served on a sentence for a conviction for any offense of:

1. A Class 1 felony;

2. Solicitation to commit murder under § 18.2-29 or any violation of § 18.2-32, 18.2-32.1, 18.2-32.2, or 18.2-33;

3. Any violation of § 18.2-40 or 18.2-45;

4. Any violation of subsection A of § 18.2-46.5, of subsection D of § 18.2-46.5 if the death of any person results from providing any material support, or of subsection A of § 18.2-46.6;

5. Any kidnapping or abduction felony under Article 3 (§ 18.2-47 et seq.) of Chapter 4 of Title 18.2;

6. Any malicious felonious assault or malicious bodily wounding under Article 4 (§ 18.2-51 et seq.) of Chapter 4 of Title 18.2, any violation of § 18.2-51.6 or 18.2-51.7, or any felony violation of § 18.2-57.2;

7. Any felony violation of § 18.2-60.3;

8. Any felony violation of § 16.1-253.2 or 18.2-60.4;

9. Robbery under § 18.2-58 or carjacking under § 18.2-58.1;

10. Criminal sexual assault punishable as a felony under Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2;

11. Any violation of § 18.2-90;

12. Any violation of § 18.2-289 or subsection A of § 18.2-300;

13. Any felony offense in Article 3 (§ 18.2-346 et seq.) of Chapter 8 of Title 18.2;

14. Any felony offense in Article 4 (§ 18.2-362 et seq.) of Chapter 8 of Title 18.2, except for a violation of § 18.2-362 or subsection B *or C* of § 18.2-371.1;

15. Any felony offense in Article 5 (§ 18.2-372 et seq.) of Chapter 8 of Title 18.2, except for a violation of subsection A of § 18.2-374.1:1;

16. Any violation of subsection F of § 3.2-6570, any felony violation of § 18.2-128, or any violation of § 18.2-481, 37.2-917, 37.2-918, 40.1-100.2, or 40.1-103; or

17. A second or subsequent violation of the following offenses, in any combination, when such offenses were not part of a common act, transaction, or scheme and such person has been at liberty as defined in § 53.1-151 between each conviction:

a. Any felony violation of § 3.2-6571;

b. Voluntary manslaughter under Article 1 (§ 18.2-30 et seq.) of Chapter 4 of Title 18.2;

c. Any violation of § 18.2-41 or felony violation of § 18.2-42.1;

d. Any violation of subsection B, C, or D of § 18.2-46.5 or § 18.2-46.7;

e. Any violation of § 18.2-51 when done unlawfully but not maliciously, § 18.2-51.1 when done unlawfully but not maliciously, or § 18.2-54.1 or 18.2-54.2;

f. Arson in violation of § 18.2-77 when the structure burned was occupied or a Class 3 felony violation of § 18.2-79;

g. Any violation of § 18.2-89 or 18.2-92;

h. Any violation of subsection A of § 18.2-374.1:1;

i. Any violation of § 18.2-423, 18.2-423.01, 18.2-423.1, 18.2-423.2, or 18.2-433.2; or

j. Any violation of subdivision E 2 of § 40.1-29.

The earning of sentence credits shall be conditioned, in part, upon full participation in and cooperation with programs to which a person is assigned pursuant to § 53.1-32.1.

B. For any offense other than those enumerated in subsection A for which sentence credits may be earned, earned sentence credits shall be awarded and calculated using the following four-level classification system:

1. Level I. For persons receiving Level I sentence credits, 15 days shall be deducted from the person's sentence for every 30 days served. Level I sentence credits shall be awarded to persons who participate in and cooperate with all programs to which the person is assigned pursuant to § 53.1-32.1 and who have no more than one minor correctional infraction and no serious correctional infractions as established by the Department's policies or procedures.

2. Level II. For persons receiving Level II sentence credits, 7.5 days shall be deducted from the person's sentence for every 30 days served. Level II sentence credits shall be awarded to persons who participate in and cooperate with all programs, job assignments, and educational curriculums to which the person is assigned pursuant to § 53.1-32.1, but who require improvement in not more than one area as established by the Department's policies or procedures.

3. Level III. For persons receiving Level III sentence credits, 3.5 days shall be deducted from the person's sentence for every 30 days served. Level III sentence credits shall be awarded to persons who participate in and cooperate with all programs, job assignments, and educational curriculums to which the person is assigned pursuant to § 53.1-32.1, but who require significant improvement in two or more areas as established by the Department's policies or procedures.

4. Level IV. No sentence credits shall be awarded to persons classified in Level IV. A person will be classified in Level IV if that person willfully fails to participate in or cooperate with all programs, job assignments, and educational curriculums to which the person is assigned pursuant to § 53.1-32.1 or that person causes substantial security or operational problems at the correctional facility as established by the Department's policies or procedures.

C. A person's classification level under subsection B shall be reviewed at least once annually, and the classification level may be adjusted based upon that person's participation in and cooperation with programs, job assignments, and educational curriculums assigned pursuant to § 53.1-32.1. A person's classification and calculation of earned sentence credits shall not be lowered or withheld due to a lack of programming, educational, or employment opportunities at the correctional facility at which the person is confined. Records from this review, including an explanation of the reasons why a person's classification level was or was not adjusted, shall be maintained in the person's correctional file.

D. A person's classification level under subsection B may be immediately reviewed and adjusted following removal from a program, job assignment, or educational curriculum that was assigned pursuant to § 53.1-32.1 for disciplinary or noncompliance reasons.

E. A person may appeal a reclassification determination under subsection C or D in the manner set forth in the grievance procedure established by the Director pursuant to his powers and duties as set forth in § 53.1-10.

F. For a juvenile sentenced to serve a portion of his sentence as a serious juvenile offender under § 16.1-285.1, consideration for earning sentence credits shall be conditioned, in part, upon full participation in and cooperation with programs afforded to the juvenile during that portion of the sentence. The Department of Juvenile Justice shall provide a report that describes the juvenile's adherence to the facility's rules and the juvenile's progress toward treatment goals and objectives while sentenced as a serious juvenile offender under § 16.1-285.1.

G. Notwithstanding any other provision of law, no portion of any sentence credits earned shall be applied to reduce the period of time a person must serve before becoming eligible for parole upon any sentence.

2. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter 1 of the Acts of Assembly of 2023, Special Session I, requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of $50,000. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.

CHAPTER 162

An Act to amend and reenact §§ 18.2-371.1 and 53.1-202.3 of the Code of Virginia, relating to abuse and neglect of children; causing or enabling child to gain possession of a firearm; penalty.

[S 44]

Approved March 26, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 18.2-371.1 and 53.1-202.3 of the Code of Virginia are amended and reenacted as follows:

§ 18.2-371.1. Abuse and neglect of children; penalties; abandoned infant.

A. Any parent, guardian, or other person responsible for the care of a child under the age of 18 who by willful act or willful omission or refusal to provide any necessary care for the child's health causes or permits serious injury to the life or health of such child is guilty of a Class 4 felony. For purposes of this subsection, "serious injury" includes but is not limited to (i) disfigurement, (ii) a fracture, (iii) a severe burn or laceration, (iv) mutilation, (v) maiming, (vi) forced ingestion of dangerous substances, and (vii) life-threatening internal injuries. For purposes of this subsection, "willful act or willful omission" includes operating or engaging in the conduct of a child welfare agency as defined in § 63.2-100 or a child day program or family day system as defined in § 22.1-289.02 without first obtaining a license such person knows is required by Subtitle IV (§ 63.2-1700 et seq.) of Title 63.2 or Article 3 (§ 22.1-289.010 et seq.) of Chapter 14.1 of Title 22.1 or after such license has been revoked or has expired and not been renewed.

B. 1. Any parent, guardian, or other person responsible for the care of a child under the age of 18 whose willful act or omission in the care of such child was so gross, wanton, and culpable as to show a reckless disregard for human life is guilty of a Class 6 felony.

2. If a prosecution under this subsection is based solely on the accused parent having left the child at a hospital or emergency medical services agency, it shall be an affirmative defense to prosecution of a parent under this subsection that such parent safely delivered the child within the first 30 days of the child's life to (i) a hospital that provides 24-hour emergency services, (ii) an attended emergency medical services agency that employs emergency medical services personnel, or (iii) a newborn safety device located at and operated by such hospital or emergency medical services agency. In order for the affirmative defense to apply, the child shall be delivered in a manner reasonably calculated to ensure the child's safety.

C. *1. Any parent, guardian, or other person who is 18 years of age or older and is responsible for the care of a child under the age of 18 whose willful act or omission causes or enables that child to gain possession of a firearm (i) after having received notice of a preliminary determination pursuant to § 22.1-79.4 that the child poses a threat of violence or physical harm to self or others or (ii) when such parent, guardian, or other person responsible for the care of the child knows or reasonably should know that such child has charges pending for or has been convicted or adjudicated delinquent of a violent juvenile felony as defined in § 16.1-228 is guilty of a Class 5 felony.*

2. No person shall be subject to arrest or prosecution for a violation of this subsection (i) related to clause (i) of subdivision 1 after such person has received notice that the threat assessment team that made such preliminary determination has concluded that the child does not indicate a threat of violence or physical harm to self or others or that any case or review opened or conducted by that threat assessment team as a result of such preliminary determination has been closed or (ii) related to clause (ii) of subdivision 1 after such person has received notice that any pending charge for a violent juvenile felony has been dismissed or a nolle prosequi has been entered.

3. It is an affirmative defense to prosecution for a violation of this subsection if the parent, guardian, or other person responsible for the care of a child caused or enabled such child to gain possession of a firearm while in a dwelling because of a reasonable belief that he or such child was in imminent danger of bodily injury.

D. Any parent, guardian, or other person having care, custody, or control of a minor child who in good faith is under treatment solely by spiritual means through prayer in accordance with the tenets and practices of a recognized church or religious denomination shall not, for that reason alone, be considered in violation of this section.

§ 53.1-202.3. Rate at which sentence credits may be earned; prerequisites.

A. A maximum of 4.5 sentence credits may be earned for each 30 days served on a sentence for a conviction for any offense of:

1. A Class 1 felony;

2. Solicitation to commit murder under § 18.2-29 or any violation of § 18.2-32, 18.2-32.1, 18.2-32.2, or 18.2-33;

3. Any violation of § 18.2-40 or 18.2-45;

4. Any violation of subsection A of § 18.2-46.5, of subsection D of § 18.2-46.5 if the death of any person results from providing any material support, or of subsection A of § 18.2-46.6;

5. Any kidnapping or abduction felony under Article 3 (§ 18.2-47 et seq.) of Chapter 4 of Title 18.2;

6. Any malicious felonious assault or malicious bodily wounding under Article 4 (§ 18.2-51 et seq.) of Chapter 4 of Title 18.2, any violation of § 18.2-51.6 or 18.2-51.7, or any felony violation of § 18.2-57.2;

7. Any felony violation of § 18.2-60.3;

8. Any felony violation of § 16.1-253.2 or 18.2-60.4;

9. Robbery under § 18.2-58 or carjacking under § 18.2-58.1;

10. Criminal sexual assault punishable as a felony under Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2;

11. Any violation of § 18.2-90;

12. Any violation of § 18.2-289 or subsection A of § 18.2-300;

13. Any felony offense in Article 3 (§ 18.2-346 et seq.) of Chapter 8 of Title 18.2;

14. Any felony offense in Article 4 (§ 18.2-362 et seq.) of Chapter 8 of Title 18.2, except for a violation of § 18.2-362 or subsection B *or C* of § 18.2-371.1;

15. Any felony offense in Article 5 (§ 18.2-372 et seq.) of Chapter 8 of Title 18.2, except for a violation of subsection A of § 18.2-374.1:1;

16. Any violation of subsection F of § 3.2-6570, any felony violation of § 18.2-128, or any violation of § 18.2-481, 37.2-917, 37.2-918, 40.1-100.2, or 40.1-103; or

17. A second or subsequent violation of the following offenses, in any combination, when such offenses were not part of a common act, transaction, or scheme and such person has been at liberty as defined in § 53.1-151 between each conviction:

a. Any felony violation of § 3.2-6571;

b. Voluntary manslaughter under Article 1 (§ 18.2-30 et seq.) of Chapter 4 of Title 18.2;

c. Any violation of § 18.2-41 or felony violation of § 18.2-42.1;

d. Any violation of subsection B, C, or D of § 18.2-46.5 or § 18.2-46.7;

e. Any violation of § 18.2-51 when done unlawfully but not maliciously, § 18.2-51.1 when done unlawfully but not maliciously, or § 18.2-54.1 or 18.2-54.2;

f. Arson in violation of § 18.2-77 when the structure burned was occupied or a Class 3 felony violation of § 18.2-79;

g. Any violation of § 18.2-89 or 18.2-92;

h. Any violation of subsection A of § 18.2-374.1:1;

i. Any violation of § 18.2-423, 18.2-423.01, 18.2-423.1, 18.2-423.2, or 18.2-433.2; or

j. Any violation of subdivision E 2 of § 40.1-29.

The earning of sentence credits shall be conditioned, in part, upon full participation in and cooperation with programs to which a person is assigned pursuant to § 53.1-32.1.

B. For any offense other than those enumerated in subsection A for which sentence credits may be earned, earned sentence credits shall be awarded and calculated using the following four-level classification system:

1. Level I. For persons receiving Level I sentence credits, 15 days shall be deducted from the person's sentence for every 30 days served. Level I sentence credits shall be awarded to persons who participate in and cooperate with all programs to which the person is assigned pursuant to § 53.1-32.1 and who have no more than one minor correctional infraction and no serious correctional infractions as established by the Department's policies or procedures.

2. Level II. For persons receiving Level II sentence credits, 7.5 days shall be deducted from the person's sentence for every 30 days served. Level II sentence credits shall be awarded to persons who participate in and cooperate with all programs, job assignments, and educational curriculums to which the person is assigned pursuant to § 53.1-32.1, but who require improvement in not more than one area as established by the Department's policies or procedures.

3. Level III. For persons receiving Level III sentence credits, 3.5 days shall be deducted from the person's sentence for every 30 days served. Level III sentence credits shall be awarded to persons who participate in and cooperate with all programs, job assignments, and educational curriculums to which the person is assigned pursuant to § 53.1-32.1, but who require significant improvement in two or more areas as established by the Department's policies or procedures.

4. Level IV. No sentence credits shall be awarded to persons classified in Level IV. A person will be classified in Level IV if that person willfully fails to participate in or cooperate with all programs, job assignments, and educational curriculums to which the person is assigned pursuant to § 53.1-32.1 or that person causes substantial security or operational problems at the correctional facility as established by the Department's policies or procedures.

C. A person's classification level under subsection B shall be reviewed at least once annually, and the classification level may be adjusted based upon that person's participation in and cooperation with programs, job assignments, and educational curriculums assigned pursuant to § 53.1-32.1. A person's classification and calculation of earned sentence credits shall not be lowered or withheld due to a lack of programming, educational, or employment opportunities at the correctional facility at which the person is confined. Records from this review, including an explanation of the reasons why a person's classification level was or was not adjusted, shall be maintained in the person's correctional file.

D. A person's classification level under subsection B may be immediately reviewed and adjusted following removal from a program, job assignment, or educational curriculum that was assigned pursuant to § 53.1-32.1 for disciplinary or noncompliance reasons.

E. A person may appeal a reclassification determination under subsection C or D in the manner set forth in the grievance procedure established by the Director pursuant to his powers and duties as set forth in § 53.1-10.

F. For a juvenile sentenced to serve a portion of his sentence as a serious juvenile offender under § 16.1-285.1, consideration for earning sentence credits shall be conditioned, in part, upon full participation in and cooperation with programs afforded to the juvenile during that portion of the sentence. The Department of Juvenile Justice shall provide a report that describes the juvenile's adherence to the facility's rules and the juvenile's progress toward treatment goals and objectives while sentenced as a serious juvenile offender under § 16.1-285.1.

G. Notwithstanding any other provision of law, no portion of any sentence credits earned shall be applied to reduce the period of time a person must serve before becoming eligible for parole upon any sentence.

2. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter 1 of the Acts of Assembly of 2023, Special Session I, requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of $50,000. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.

CHAPTER 163

An Act to amend and reenact §§ 18.2-308.5:1 and 19.2-386.28 of the Code of Virginia, relating to manufacture, importation, sale, etc., of auto sears; prohibition; penalty.

[H 22]

Approved March 26, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 18.2-308.5:1 and 19.2-386.28 of the Code of Virginia are amended and reenacted as follows:

§ 18.2-308.5:1. Manufacture, importation, sale, possession, transfer, or transportation of auto sears and trigger activators prohibited; penalty.

A. As used in this section~~, "trigger~~*:*

"Auto sear" means a device, other than a trigger activator, designed for use in converting a semi-automatic firearm to shoot automatically more than one shot, without manual reloading, by a single function of the trigger.

"Trigger activator" means a device designed to allow a semi-automatic firearm to shoot more than one shot with a single pull of the trigger by harnessing the recoil energy of any semi-automatic firearm to which it is affixed so that the trigger resets and continues firing without additional physical manipulation of the trigger by the shooter.

B. It is unlawful for any person to manufacture, import, sell, offer for sale, possess, transfer, or transport ~~a~~ *an auto sear or a* trigger activator in the Commonwealth.

C. A violation of this section is punishable as a Class 6 felony.

D. Nothing in this section shall be construed to prohibit a person from manufacturing, importing, selling, offering for sale, possessing, receiving, transferring, or transporting any item for which such person is in compliance with the National Firearms Act (26 U.S.C. § 5801 et seq.).

§ 19.2-386.28. Forfeiture of weapons, etc., that are concealed, possessed, transported, or carried in violation of law.

~~Any~~ *If any* firearm, stun weapon as defined by § 18.2-308.1, ~~or any~~ weapon*, auto sear, or trigger activator is* concealed, possessed, transported*,* or carried in violation of § 18.2-283.1, 18.2-287.01, 18.2-287.4, 18.2-308.1:2, 18.2-308.1:3, 18.2-308.1:4, 18.2-308.1:8, 18.2-308.2, 18.2-308.2:01, 18.2-308.2:1, 18.2-308.4, 18.2-308.5, *18.2-308.5:1,* 18.2-308.7, or 18.2-308.8*, it* shall be forfeited to the Commonwealth and disposed of as provided in § 19.2-386.29.

2. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter 1 of the Acts of Assembly of 2023, Special Session I, requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of $50,000. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.

CHAPTER 164

An Act to amend and reenact §§ 18.2-308.5:1 and 19.2-386.28 of the Code of Virginia, relating to manufacture, importation, sale, etc., of auto sears; prohibition; penalty.

[S 210]

Approved March 26, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 18.2-308.5:1 and 19.2-386.28 of the Code of Virginia are amended and reenacted as follows:

§ 18.2-308.5:1. Manufacture, importation, sale, possession, transfer, or transportation of auto sears and trigger activators prohibited; penalty.

A. As used in this section~~, "trigger~~*:*

"Auto sear" means a device, other than a trigger activator, designed for use in converting a semi-automatic firearm to shoot automatically more than one shot, without manual reloading, by a single function of the trigger.

"Trigger activator" means a device designed to allow a semi-automatic firearm to shoot more than one shot with a single pull of the trigger by harnessing the recoil energy of any semi-automatic firearm to which it is affixed so that the trigger resets and continues firing without additional physical manipulation of the trigger by the shooter.

B. It is unlawful for any person to manufacture, import, sell, offer for sale, possess, transfer, or transport ~~a~~ *an auto sear or a* trigger activator in the Commonwealth.

C. A violation of this section is punishable as a Class 6 felony.

D. Nothing in this section shall be construed to prohibit a person from manufacturing, importing, selling, offering for sale, possessing, receiving, transferring, or transporting any item for which such person is in compliance with the National Firearms Act (26 U.S.C. § 5801 et seq.).

§ 19.2-386.28. Forfeiture of weapons, etc., that are concealed, possessed, transported, or carried in violation of law.

~~Any~~ *If any* firearm, stun weapon as defined by § 18.2-308.1, ~~or any~~ weapon*, auto sear, or trigger activator is* concealed, possessed, transported*,* or carried in violation of § 18.2-283.1, 18.2-287.01, 18.2-287.4, 18.2-308.1:2, 18.2-308.1:3, 18.2-308.1:4, 18.2-308.1:8, 18.2-308.2, 18.2-308.2:01, 18.2-308.2:1, 18.2-308.4, 18.2-308.5, *18.2-308.5:1,* 18.2-308.7, or 18.2-308.8*, it* shall be forfeited to the Commonwealth and disposed of as provided in § 19.2-386.29.

2. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter 1 of the Acts of Assembly of 2023, Special Session I, requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of $50,000. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.

CHAPTER 165

An Act to amend and reenact §§ 60.2-528.1 and 60.2-619 of the Code of Virginia, relating to unemployment compensation; employer failure to respond to requests for information; determinations and decisions by deputy.

[H 14]

Approved March 28, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 60.2-528.1 and 60.2-619 of the Code of Virginia are amended and reenacted as follows:

§ 60.2-528.1. Charging of benefits relating to certain overpayments; penalty for pattern of failure to respond to requests for information.

A. As used in this section, unless the context requires a different meaning:

"Employer," with regard to the timeliness and adequacy of responses, includes an agent of the employer used by the employer to respond to the Commission on the employer's behalf; however, an employer's agent's failure to respond timely or adequately to requests for information with regard to claims involving the agent's other clients shall not be used in determining whether the employer has established a pattern of failing to respond timely or adequately to written requests for information.

"Erroneous payment" means a payment of benefits under this title made prior to a determination by the Commission that the claimant is not eligible or qualified for the benefits paid.

"Information relating to a claim" means information material to a determination or decision by the Commission relating to the payment of benefits under this title, including separation information and information required by the Commission for the establishment of a claim for compensation and information about wages, days, and hours worked.

"Review period" means the 48 consecutive calendar month period ending on the June 30 that precedes the Commission's next annual calculation of the employer's benefit ratio pursuant to subdivision A 1 a of § 60.2-530.

"Written request" includes a request sent electronically.

B. An employer's account shall not be relieved of charges relating to an erroneous payment if the Commission determines that~~:1. The erroneous payment was made because~~ the employer *has* failed to respond timely or adequately to a written request by the Commission for information relating to the claim~~;~~ and

~~2. The~~ *the* employer has established a pattern of failing to respond timely or adequately to written requests by the Commission for information relating to claims.

C. For purposes of this section, an employer's response to a written request by the Commission for information relating to a claim shall be deemed not to be:

1. "Adequate" if it fails to provide sufficient material facts to enable the Commission to make a correct determination regarding a claim for benefits; however, (i) a response shall not be deemed inadequate if the Commission failed to request the necessary information or if information is provided in a format other than as requested, provided that the information is capable of being read by the recipient, and (ii) there shall be a rebuttable presumption that an employer that participates in a fact-finding interview or responds fully to the questions set out on the written request for information has provided an adequate response; or

2. "Timely" if it is not made within 10 calendar days after the delivery or mailing of the Commission's request for information.

D. An employer shall be deemed to have established a pattern of failing to respond timely or adequately to written requests for information relating to claims if the Commission determines that the employer has failed to respond timely or adequately to a written request for information relating to a claim on ~~four~~ *three* or more occasions within the applicable review period. The Commission shall not find that an employer has established a pattern of failing to respond timely or adequately to written requests for information relating to claims unless the Commission has provided the employer with the notices required pursuant to subsection E. *The Commission shall include in any written request for information from an employer notice of (i) the deadline to provide a timely response, (ii) the requirement to provide an adequate response, and (iii) the consequences of such employer's failure to provide such timely and adequate response.*

E. The Commission shall provide the employer with a written notice following ~~the employer's first, second, and third determinations that~~ *each instance in which* the employer ~~failed~~ *fails* to respond timely or adequately to a written request for information relating to a claim ~~within the applicable review period~~. Each such notice shall be *electronically* delivered*, including delivery through the Employer Self-Service Tax System website maintained by the Commission,* or mailed to the ~~employer's last known address of agency record~~ *employer* and shall advise the employer of the ~~potential~~ implications of the employer's failure to respond timely or adequately to written requests for such information. *The Commission shall (i) provide employers who are not registered for a State Information Data Exchange System E-Response or System Integration Account in Virginia with the option to elect delivery of such notices to a designated mailing address and (ii) ensure such notices are delivered to a physical or electronic mailing address customarily used by the employer's designated attorney or authorized representative for unemployment insurance claim matters.*

F. *1.* Upon the Commission's ~~third~~ *second* determination within the applicable review period that an employer failed to respond timely or adequately to a written request for information relating to a claim, the Commission shall assess upon the employer a civil penalty of ~~$75~~ *$100*. A copy of the notice of assessment of a civil penalty shall be delivered or mailed to the employer with the notice of the employer's ~~third~~ *second* such failure as required pursuant to subsection E. Civil penalties collected pursuant to this subsection shall be paid into the Special Unemployment Compensation Administration Fund established pursuant to § 60.2-314. The Commission may compromise, settle, and adjust any such penalty as authorized by § 60.2-521.

2. Upon the Commission's third determination, and for each subsequent determination, within the applicable review period that an employer failed to respond timely or adequately to a written request for information relating to a claim, the employer shall be considered to have waived all rights in connection with the claim, including participation and appeal rights otherwise available pursuant to Article 5 (§ 60.2-619 et seq.) of Chapter 6, unless the employer demonstrates to the Commission that good cause exists for such failure.

G. An employer shall not be found to have failed to respond timely or adequately to a written request by the Commission for information relating to a claim if the Commission finds good cause for such failure. The Commission may not find good cause for an employer's failure to respond timely or adequately to such a written request unless the failure is due to compelling and necessitous circumstances beyond the employer's control. *The Commission shall find good cause for an employer's failure to respond timely or adequately to such a written request if the employer demonstrates that the Commission (i) did not deliver such request to the physical or electronic mailing address specified in writing by the employer for unemployment insurance claim matters or (ii) did not deliver such request to the employer's designated attorney or authorized representative for unemployment insurance claim matters.*

H. If the Commission has determined that an employer has established a pattern of failing to respond timely or adequately to written requests for information relating to claims, such determination shall remain in effect until the end of the applicable review period. Any benefit charges for an erroneous payment that the Commission has determined are not to be relieved from the employer's account pursuant to subsection B shall remain chargeable to the employer's account through the period ending on the fourth June 30 following the Commission's determination.

I. ~~The issue of whether an employer's account shall be relieved of charges relating to an erroneous payment, including whether an erroneous payment was made because the employer failed to respond timely or adequately to a written request by the Commission for information relating to the claim, shall be decided in every Commission proceeding arising from an~~

~~employer's appeal of an award of benefits. Any such decision shall be subject to appeal pursuant to § 60.2-620. Final decisions shall be used in determining whether the employer has established a pattern of failing to respond timely or adequately to written requests for information relating to claims, whether the employer is subject to a civil penalty pursuant to subsection F, and whether the Commission has given the notices required pursuant to subsection E.~~

~~J.~~ The costs of benefits charged to any governmental entity, Indian tribe, or nonprofit entity that is a reimbursable employing unit under this title shall not include any credits of benefit overpayments actually collected by the Commission if the Commission finds that ~~the overpayment was made because~~ the entity or its agent was at fault for failing to respond timely or adequately to a written request for information relating to a claim and the entity or agent has established a pattern of failing to respond timely or adequately to such requests.

~~K.~~ *J.* If the erroneous payment results from a combined-wage claim, the determination of noncharging for the combined-wage claim shall be made by the paying state. If the response from the employer does not meet the criteria established by the paying state for an adequate or timely response, the paying state shall promptly notify the transferring state of its determination, and the employer shall be appropriately charged.

~~L.~~ *K.* This section applies to erroneous payments established on or after July 7, 2013.

§ 60.2-619. Determinations and decisions by deputy; appeals therefrom.

A. 1. A representative designated by the Commission as a deputy~~,~~ shall promptly examine the claim. *The deputy shall only examine or consider in the claim review process information or evidence from an employer or third party if the deputy (i) has provided the claimant with a reasonable opportunity to review and respond to all potentially disqualifying issues or conflicting or otherwise adverse material facts within such information or evidence, (ii) has documented all material responsive information received from the claimant pursuant to clause (i), and (iii) considers material responsive information in the deputy's evaluation of the claim.* On the basis of the facts found by him, the deputy shall either:

a. Determine whether or not such claim is valid, and if valid, the week with respect to which benefits shall commence, the weekly benefit amount payable and the maximum duration thereof; or

b. Refer such claim or any question involved therein to any appeal tribunal or to the Commission, which tribunal or Commission shall make its determination in accordance with the procedure described in § 60.2-620.

2. When the payment or denial of benefits will be determined by the provisions of subdivision A 2 of § 60.2-612, the deputy shall promptly transmit his full finding of fact with respect to that subdivision to any appeal tribunal, which shall make its determination in accordance with the procedure described in § 60.2-620.

B. Upon the filing of an initial claim for benefits, the Commission shall cause an informatory notice of such filing to be mailed to the most recent 30-day or 240-hour employing unit of the claimant and all subsequent employing units, and any reimbursable employing units which may be liable for reimbursement to the Commission for any benefits paid. However, the failure to furnish such notice shall not have any effect upon the claim for benefits.

C. Notice of determination upon a claim*, the reasoning behind the decision, and a statement of case-specific facts material to the determination* shall be promptly given to the claimant by delivering or by mailing such notice to the claimant's last known address. In addition, notice of any determination which involves the application of the provisions of § 60.2-618, together with the reasons therefor, shall be promptly given in the same manner to the most recent 30-day or 240-hour employing unit by whom the claimant was last employed and any subsequent employing unit which is a party. The Commission may dispense with the giving of notice of any determination to any employing unit, and such employing unit shall not be entitled to such notice if it has failed to respond timely or adequately to a written request of the Commission for information, as required by § 60.2-528.1, from which the deputy may have determined that the claimant may be ineligible or disqualified under any provision of this title. The deputy shall promptly notify the claimant of any decision made by ~~him~~ *the deputy, the reasoning behind the decision, and a statement of case-specific facts material to the determination* at any time which in any manner denies benefits to the claimant for one or more weeks. *As used in this subsection, the reasoning behind the decision means an explanation in plain language of (i) the law or regulation upon which the determination is based; (ii) the application of the law to the material information or evidence obtained from the claimant, employer, or third party; and (iii) the legal conclusion drawn from the application of the law to such information or evidence.*

D. Such determination or decision shall be final unless the claimant or any such employing unit files an appeal from such determination or decision (i) within 30 calendar days after the delivery of such notification, (ii) within 30 calendar days after such notification was mailed to his last known address, or (iii) within 30 days after such notification was mailed to the last known address of an interstate claimant. For good cause shown, the 30-day period may be extended. A claim that the Commission has determined to be invalid because of monetary ineligibility shall first be subject to review only upon a request for redetermination pursuant to § 60.2-629. The Commission shall issue a new monetary determination as a result of such review, and such monetary determination shall become final unless appealed by the claimant within 30 days of the date of mailing. The Commission shall clearly set out the process for requesting a redetermination and the process for filing an appeal on each monetary determination issued. Monetary ineligibility does not include an appeal on the effective date of the claim, unless the claimant has requested and received a redetermination of the monetary determination pursuant to § 60.2-629.

E. Benefits shall be paid promptly in accordance with a determination or redetermination under this chapter, or decision of an appeal tribunal, the Commission, the Board of Review or a reviewing court under §§ 60.2-625 and 60.2-631 upon the issuance of such determination, redetermination or decision, regardless of the pendency of the period to file an appeal or petition for judicial review that is provided in this chapter, or the pendency of any such appeal or review. Such

benefits shall be paid unless or until such determination, redetermination or decision has been modified or reversed by a subsequent redetermination or decision, in which event benefits shall be paid or denied for weeks of unemployment thereafter in accordance with such modifying or reversing redetermination or decision. If a decision of an appeal tribunal allowing benefits is affirmed in any amount by the Commission, benefits shall continue to be paid until such time as a court decision has become final so that no further appeal can be taken. If an appeal is taken from the Commission's decision, benefits paid shall result in a benefit charge to the account of the employer under § 60.2-530 only when, and as of the date on which, as the result of an appeal, the courts finally determine that the Commission should have awarded benefits to the claimant or claimants involved in such appeal.

2. That the provisions of this act shall become effective on July 1, 2025.

3. That the provisions of this act amending § 60.2-528.1 of the Code of Virginia shall apply to erroneous payments established on or after July 1, 2025.

CHAPTER 166

An Act to amend and reenact § 24.2-612.2 of the Code of Virginia and to amend the Code of Virginia by adding in Article 4 of Chapter 5 of Title 24.2 a section numbered 24.2-538.1, relating to primary elections; candidates for nomination; withdrawal of candidacy resulting in unopposed primary; primary cancellation and nomination procedure.

[H 55]

Approved March 28, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 24.2-612.2 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding in Article 4 of Chapter 5 of Title 24.2 a section numbered 24.2-538.1 as follows:

§ 24.2-538.1. Procedure when pre-election withdrawal of candidacy results in unopposed primary.

A. If a person who is a candidate for nomination by a political party at a primary election and who has qualified to have his name printed on the ballot for such election, submits, on or after the forty-fourth day before but prior to the Tuesday immediately preceding the primary election, a signed and notarized notice of his intent to withdraw in accordance with § 24.2-612.2, and the result of such withdrawal is one remaining candidate who is now unopposed for nomination by the political party, such remaining candidate shall be declared the nominee of such political party for the office sought and the primary election shall be canceled as set forth in subsection B.

B. Upon receipt of a candidate's signed and notarized notice of withdrawal made pursuant to § 24.2-612.2, the general registrar shall immediately transmit such notice to the local electoral board and the State Board and certify that the remaining candidate, identified by name, is now unopposed for nomination by the political party for the office sought. Within one calendar day of receiving such notice and certification, the State Board shall declare the remaining candidate to be the nominee of such political party for the office sought. As soon as possible thereafter, the local electoral board shall petition the circuit court for the cancellation of the primary election.

C. The State Board shall prescribe the procedures for canceling a primary election pursuant to this section, including instructions for locking and securing voting systems, the disposition of marked and unmarked absentee ballots, and voter notification.

D. The provisions of this section shall not apply to primaries for the nomination of candidates for the office of President of the United States held pursuant to Article 7 (§ 24.2-544 et seq.).

§ 24.2-612.2. Notice of withdrawal of candidates.

A candidate who has qualified to have his name printed on the ballot for an election shall not be deemed to have withdrawn from such election until he has submitted a signed ~~written~~ *and notarized* notice declaring his intent to withdraw from such election and that notice has been received by the general registrar. Such notice shall be provided to the general registrar of the county or city in which ~~he~~ *the candidate* resides. In the case of an election held in more than one county or city, the recipient general registrar shall notify the appropriate general registrars of the candidate's withdrawal.

The Department shall include in its candidate guidance documents the requirements and process for candidate withdrawal.

2. That the provisions of the first enactment of this act shall become effective on January 1, 2025.

CHAPTER 167

An Act to amend and reenact § 15.2-6402 of the Code of Virginia, relating to Virginia Regional Industrial Facilities Act; Planning Districts 13 and 14.

[H 59]

Approved March 28, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 15.2-6402 of the Code of Virginia is amended and reenacted as follows:

§ 15.2-6402. Procedure for creation of authorities.

The governing bodies of any two or more localities within the region, provided that at least two or more of the localities are cities or counties or a combination thereof, may, in conformance with the procedure set forth herein, create a regional industrial facility authority by adopting ordinances proposing to create an authority which shall (i) set forth the name of the proposed regional industrial facility authority (which shall include the words "industrial facility authority"); (ii) name the member localities; (iii) contain findings that the economic growth and development of the locality and the comfort, convenience and welfare of its citizens require the development of facilities and that joint action through a regional industrial facility authority by the localities which are to be members of the proposed authority will facilitate the development of the needed facilities; and (iv) authorize the execution of an agreement establishing the respective rights and obligations of the member localities with respect to the authority consistent with the provisions of this chapter. However, with regard to Planning Districts 2, 3, 10, 11 ~~and~~, 12, *13, and 14,* the governing bodies of any two or more localities within the region, provided that one or more of the localities is a city or county, may adopt such an ordinance. Such ordinances shall be filed with the Secretary of the Commonwealth. Upon certification by the Secretary of the Commonwealth that the ordinances required by this chapter have been filed and, upon the basis of the facts set forth therein, satisfy such requirements, the proposed authority shall be and constitute an authority for all of the purposes of this chapter, to be known and designated by the name stated in the ordinances. Upon the issuance of such certificate, the authority shall be deemed to have been lawfully and properly created and established and authorized to exercise its powers under this chapter. Each authority created pursuant to this chapter is hereby created as a political subdivision of the Commonwealth. At any time subsequent to the creation of an authority under this chapter, the membership of the authority may, with the approval of the authority's board, be expanded to include any locality within the region that would have been eligible to be an initial member of the authority. The governing body of a locality seeking to become a member of an existing authority shall evidence its intent to become a member by adopting an ordinance proposing to join the authority that conforms, to the extent applicable, to the requirements for an ordinance set forth in clauses (i), (iii), and (iv) ~~of this section~~.

CHAPTER 168

An Act to amend and reenact § 24.2-228 of the Code of Virginia, relating to vacancies in elected local offices; interim appointments; notice requirement.

[H 69]

Approved March 28, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 24.2-228 of the Code of Virginia is amended and reenacted as follows:

§ 24.2-228. Interim appointment to local governing body or elected school board; elected mayor.

A. When a vacancy occurs in a local governing body or an elected school board, the remaining members of the body or board, respectively, within 45 days of the office becoming vacant, may appoint a qualified voter of the election district in which the vacancy occurred to fill the vacancy. *At least seven days prior to making such interim appointment, the body or board shall hold a public meeting in accordance with § 2.2-3707 at which the body or board shall announce the names of all persons being proposed for the interim appointment and shall make available for inspection each person's resume and any other materials required by the body or board.* If a majority of the remaining members of the body or board cannot agree, or do not act, the judges of the circuit court of the county or city may make the appointment.

Notwithstanding any charter provisions to the contrary, the person so appointed shall hold office only until the qualified voters fill the vacancy by special election pursuant to § 24.2-682 and the person so elected has qualified. Any person so appointed shall hold office the same as an elected person and shall exercise all powers of the elected office.

If a majority of the seats on any governing body or elected school board are vacant, the remaining members shall not make interim appointments and the vacancies shall be filled as provided in § 24.2-227.

B. When a vacancy occurs in the office of a mayor who is elected by the voters, the council shall make an interim appointment to fill the vacancy as provided in subsection A.

C. For the purposes of this article and subsection D of § 22.1-57.3, local school boards comprised of elected and appointed members shall be deemed elected school boards.

D. The failure of a member of a local governing body or elected school board or mayor to take the oath of office required by § 49-1 before attending the first meeting of the governing body or school board held after his election shall not be deemed to create a vacancy in his office provided that he takes the oath within 30 days after that first meeting.

CHAPTER 169

An Act to amend and reenact § 24.2-520 of the Code of Virginia, relating to elections; candidates; declaration of candidacy for primary.

[H 90]

Approved March 28, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 24.2-520 of the Code of Virginia is amended and reenacted as follows:

§ 24.2-520. Declaration of candidacy required.

A candidate for nomination by primary for any office shall be required to file a written declaration of candidacy on a form prescribed by the State Board. The declaration shall include the name of the political party of which the candidate is a member, a designation of the office for which he is a candidate, and a statement that, if ~~defeated in the~~ *his name appears on the* primary *ballot and he is not nominated*, his name is not to be printed on the ballots for that office in the succeeding general election. The declaration shall be acknowledged before some officer who has the authority to take acknowledgments to deeds, or attested by two witnesses who are qualified voters of the election district.

CHAPTER 170

An Act to amend and reenact § 55.1-2316 of the Code of Virginia, relating to Resale Disclosure Act; resale certificate; fees.

[H 105]

Approved March 28, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 55.1-2316 of the Code of Virginia is amended and reenacted as follows:

§ 55.1-2316. Resale certificate; fees.

A. An association may charge a post-closing fee and fees for preparation, delivery, and expedited delivery of a resale certificate, an updated resale certificate, or financial update and for the inspection of a unit performed to prepare the resale certificate or updated resale certificate. Unless provided otherwise by the association, the appropriate fees shall be paid when the resale certificate, updated resale certificate, or financial update is requested. The seller shall be responsible for all fees associated with the preparation and delivery of the resale certificate, including any fees for inspection of the unit. The requesting party shall pay any fees for the preparation and delivery of the updated resale certificate or financial update.

B. The Common Interest Community Board shall establish the maximum fees that the association may charge for such post-closing and preparation, delivery, and inspection; such maximum fees shall be commercially reasonable and consistent with the effort required to comply with the resale certificate requirements. The maximum allowable fees, as published by the Common Interest Community Board and effective as of January 12, 2023, shall be adjusted no less than every five years, as of January 1 of that year, in an amount not less than the annual increases for that five-year period in the United States Average Consumer Price Index for all items, all urban consumers (CPI-U), as published by the Bureau of Labor Statistics of the U.S. Department of Labor or an equivalent successor index.

C. The association shall publish and make available a schedule of the applicable fees (i) for preparation and delivery of the resale certificate, updated resale certificate, and financial update; (ii) for the inspection of a unit; and (iii) related to any post-closing costs.

D. A post-closing fee to be collected at settlement may be imposed on the purchaser of the property for the purpose of establishing the purchaser as the owner of the property in the records of the association.

E. No association may collect fees authorized by this section unless the association (i) is registered with the Common Interest Community Board; (ii) is current in filing the most recent annual report and fee with the Common Interest Community Board pursuant to § 55.1-1835*, 55.1-1980, or 55.1-2182*; (iii) is current in paying any assessment made by the Common Interest Community Board pursuant to § 54.1-2354.5; and (iv) provides the option to receive the ~~disclosure packet~~ *resale certificate* electronically.

CHAPTER 171

An Act to amend the Code of Virginia by adding a section numbered 22.1-274.2:1, relating to grade nine and grade 10 health education Standards of Learning instruction; severe allergic reaction awareness training.

[H 121]

Approved March 28, 2024

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 22.1-274.2:1 as follows:

§ 22.1-274.2:1. Grade nine and grade 10 health education Standards of Learning; severe allergic reaction awareness training.

The Board shall include in the Standards of Learning for health education for grade nine and grade 10 an in-person or online severe allergic reaction awareness training that includes the following content:

1. The definition of and distinction between normal allergic reaction and anaphylaxis;

2. Types of allergens, including common and less common allergens;

3. The signs and symptoms of normal allergic reaction and anaphylaxis;

4. Treatments for anaphylaxis; and

5. The proper response to suspected anaphylaxis, including notifying the nearest staff member trained to respond to anaphylaxis and administer epinephrine.

2. That the Board of Education shall review the video training produced by students at McLean High School in Fairfax County and shall consider whether to approve such training or develop a similar training for use as the severe allergic reaction awareness training to be included in the Standards of Learning for health education for grade nine and grade 10 as required in § 22.1-274.2:1 of the Code of Virginia, as created by this act.

3. That beginning with the school year following the Board of Education's adoption of revised Standards of Learning for health education for grades nine and 10 incorporating severe allergic reaction awareness training pursuant to § 22.1-274.2:1 of the Code of Virginia, as created by this act, each school board shall incorporate such severe allergic reaction awareness training into any health education instruction provided at grades nine and 10 in accordance with the provisions of this act. The Department of Education shall, in the interim, develop and post on its official website guidance documents for the purpose of making such severe allergic reaction awareness training available to school boards prior to the adoption of such revised Standards of Learning.

CHAPTER 172

An Act to amend and reenact § 15.2-913 of the Code of Virginia, relating to local regulation of door-to-door vendors; political parties exempted.

[H 128]

Approved March 28, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 15.2-913 of the Code of Virginia is amended and reenacted as follows:

§ 15.2-913. Ordinances regulating certain vendors.

A. Any locality may by ordinance provide for the regulation of persons not otherwise licensed by the Commonwealth under Title 38.2, offering any item for sale within the locality when such persons go from one place of human habitation to another offering an item, other than newspapers and fresh farm products, for sale. The purpose of such ordinance is to reasonably control the activities of door-to-door vendors for the safety and well-being of the people residing in the locality. However, the locality may in such ordinance exempt such activities when they are conducted on behalf of a nonprofit charitable, civic, or religious organization and may provide for other reasonable exemptions in such ordinance.

B. Any locality adopting an ordinance under this section may collect a fee in an amount not to exceed ~~twenty~~ ~~dollars~~ *$20*, from each person granted a permit to sell door to door.

C. Nothing herein shall be construed to apply to any person who, on behalf of any political party as defined in § 24.2-101 or any political campaign committee required to file a report or statement of contributions and expenditures, engages in providing information, opinion-sampling, poll-taking, or other similar canvassing activity.

CHAPTER 173

An Act to require the Department of Education to maintain a learning needs dashboard.

[H 131]

Approved March 28, 2024

Be it enacted by the General Assembly of Virginia:

1. *§ 1. In order to enable the visualization of trends in annual pass rates on Standards of Learning assessments before, during, and after the COVID-19 pandemic to inform understanding of students' learning needs, the Department of Education shall continue to maintain a learning needs dashboard that includes an interactive bar chart feature to compare annual pass rates and an interactive scatterplot feature to compare changes in pass rates between select years on history and social sciences, mathematics, reading, science, and writing Standards of Learning assessments on a statewide basis and for specific local school divisions, public elementary and secondary schools, and student subgroups.*

2. That the provisions of this act shall expire on July 1, 2029.

CHAPTER 174

An Act to direct the Department of Fire Programs to convene a work group to identify and analyze options to provide preemptive and ongoing health care to local government employees exposed to toxic materials.

[H 133]

Approved March 28, 2024

Be it enacted by the General Assembly of Virginia:

1. *§ 1. That the Department of Fire Programs shall convene a work group to identify and analyze options to help ensure that local government employees who respond to emergencies that expose them to toxic materials have appropriate preemptive*

and ongoing health care and are able to pay any health expenses related to such emergency and its aftereffects that are not covered by relevant health insurance plans. The work group shall consist of representatives from the Virginia Department of Fire Programs, the Department of Planning and Budget, the Virginia Retirement System, and the Department of the Treasury; a designee from each of the Virginia Fire Chiefs Association, the Virginia State Firefighters Association, and the Virginia State Police Association; and staff of the House Committee on Appropriations and the Senate Committee on Finance and Appropriations, and may include any other relevant stakeholders.

The work group shall consider: (i) options for creating and determining eligibility for a grant program to assist local government employee responders, factors that would qualify an event as an emergency for which such grants may be awarded, and what other emergencies in the past 15 years could or should qualify; (ii) a detailed plan for administering grants and moneys to support such grant program; (iii) a review of relevant approaches used in other states and at the federal level for assisting such responders; (iv) identification of the appropriate body to invest and manage the funds; (v) a detailed plan for providing annual cancer screenings for eligible local government employee responders; and (vi) what types of out-of-pocket expenses should be addressed by grant funding. The work group shall report its findings to the General Assembly by November 1, 2024.

CHAPTER 175

An Act to amend and reenact § 19.2-368.5 of the Code of Virginia, relating to Criminal Injuries Compensation Fund; claims.

[H 155]

Approved March 28, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 19.2-368.5 of the Code of Virginia is amended and reenacted as follows:

§ 19.2-368.5. Filing of claims; deferral of proceedings; restitution.

A. A claim may be filed by a person eligible to receive an award, as provided in § 19.2-368.4, or if such person is a minor, by his parent or guardian. In any case in which the person entitled to make a claim is incapacitated, the claim may be filed on his behalf by his guardian, conservator or such other individual authorized to administer his estate.

B. A claim shall be filed by the claimant not later than one year after the occurrence of the crime upon which such claim is based, or not later than one year after the death of the victim. However, (i) in cases involving claims made on behalf of a minor or a person who is incapacitated, the provisions of subsection A of § 8.01-229 shall apply to toll the one-year period; (ii) in cases involving claims made by a victim against profits of crime held in escrow pursuant to Chapter 21.2 (§ 19.2-368.19 et seq.) of this title, the claim shall be filed within five years of the date of the special order of escrow; and (iii) in cases involving claims of sexual abuse of a minor, the claim shall be filed within 10 years after the minor's eighteenth birthday*, except for in cases involving claims of sexual abuse of a minor where the conduct constitutes a felony, the passage of time shall not be a barrier to when the victim can file a claim*. For good cause shown, the Commission may extend the time for filing for a crime committed on or after July 1, 2001.

In the case of a crime committed on or after July 1, 1977, and before July 1, 2001, for which a claim was not filed in a timely manner, the Commission may, for good cause shown, extend the time for filing if the attorney for the Commonwealth sends written notification to the Commission that the crime is being investigated as a result of newly discovered evidence. For any claim filed pursuant to this paragraph, the Commission shall only consider expenses and loss of earnings that the claimant accrues after the date of newly discovered evidence as stipulated in the written notification by the attorney for the Commonwealth.

C. Claims shall be filed in the office of the Commission in person, by mail, or by electronic means in accordance with standards approved by the Commission. The Commission shall accept for filing all claims submitted by persons eligible under subsection A of this section and alleging the jurisdictional requirements set forth in this chapter and meeting the requirements as to form in the rules and regulations of the Commission.

D. Upon filing of a claim pursuant to this chapter, the Commission shall promptly notify the attorney for the Commonwealth of the jurisdiction wherein the crime is alleged to have occurred. If, within 10 days after such notification, the attorney for the Commonwealth so notified advises the Commission that a criminal prosecution is pending upon the same alleged crime, the Commission shall defer all proceedings under this chapter until such time as such criminal prosecution has been concluded in the circuit court unless notification is received from the attorney for the Commonwealth that no objection is made to a continuation of the investigation and determination of the claim. When such criminal prosecution has been concluded in the circuit court the attorney for the Commonwealth shall promptly so notify the Commission. Nothing in this section shall be construed to mean that the Commission is to defer proceedings upon the filing of an appeal, nor shall this section be construed to limit the authority of the Commission to grant emergency awards as hereinafter provided. Upon awarding a claim pursuant to this chapter, the Commission shall promptly notify the attorney for the Commonwealth of the jurisdiction wherein the crime is alleged to have occurred. If a criminal prosecution occurs regarding the same alleged crime, the attorney for the Commonwealth shall request the court to order restitution. However, neither the lack of a restitution order, nor the failure of the attorney for the Commonwealth to request such an order, shall preclude the Fund from exercising its subrogation rights pursuant to § 19.2-368.15. Any such restitution shall be paid over

to the Comptroller for deposit into the Criminal Injuries Compensation Fund to the extent of the amount of the award paid from the Fund.

CHAPTER 176

An Act to amend and reenact § 23.1-802.1 of the Code of Virginia, relating to public institutions of higher education; student identification cards; emergency services website page and telephone numbers.

[H 163]

Approved March 28, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 23.1-802.1 of the Code of Virginia is amended and reenacted as follows:

§ 23.1-802.1. Student identification cards; 988 Suicide and Crisis Lifeline; emergency services website page and telephone numbers.

A. As used in this section, unless the context requires a different meaning:

"Digital student identification card" means a digital identification or digital wallet issued by a public institution of higher education to identify and authenticate a student's status or information.

"Emergency services website page" means the website page required to be maintained by each public institution of higher education pursuant to subsection D.

"Physical student identification card" means a tangible, non-digital card or document issued by a public institution of higher education to identify and authenticate a student's status or information.

"QR code" means a two-dimensional matrix barcode consisting of blocks arranged in a grid that can be read by an imaging device.

"URL" means Uniform Resource Locator.

B. Each public institution of higher education that issues *physical* student identification cards shall print on one side of each student identification card "988 Suicide and Crisis Lifeline~~.~~" *and the URL of its emergency services website page. Each public institution of higher education may print on one side of each student identification card a QR code that directs to such URL.* Each *such* public institution of higher education shall also:

1. Ensure that "988 Suicide and Crisis Lifeline" is clearly printed and conspicuously labeled on each *physical* student identification card; and

2. Annually review the telephone number for the 988 Suicide and Crisis Lifeline ~~being~~ included on each *physical* student identification card to ensure *that* such contact information is accurate and current.

C. Each public institution of higher education that issues digital student identification cards shall include alongside other student resources on such cards "988 Suicide and Crisis Lifeline" and the URL of its emergency services website page. Each such public institution of higher education shall also annually review the telephone number for the 988 Suicide and Crisis Lifeline included on each digital student identification card to ensure that such contact information is accurate and current.

D. Each public institution of higher education shall maintain and annually update as necessary to ensure accuracy and currency a website page that includes telephone numbers for the following emergency services:

1. The law enforcement, fire department, and emergency medical services applicable to the geographical area in which such institution is located;

2. The institution's campus police department, any additional security departments or services available on campus pursuant to § 23.1-818, and any emergency medical services or student health departments available on campus; and

3. The sexual assault crisis center or victim support service with which such institution entered into a memorandum of understanding pursuant to § 23.1-807 and the National Sexual Assault Hotline.

2. That the provisions of this act shall apply to each new digital or physical student identification card and any replacement digital or physical student identification card issued by any public institution of higher education beginning with the 2024–2025 academic year.

CHAPTER 177

An Act to amend and reenact § 65.2-605.1 of the Code of Virginia, relating to workers' compensation; prompt payment; limitation on claims.

[H 205]

Approved March 28, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 65.2-605.1 of the Code of Virginia is amended and reenacted as follows:

§ 65.2-605.1. Prompt payment; limitation on claims.

A. Payment for health care services that the employer does not contest, deny, or consider incomplete shall be made to the health care provider within 60 days after receipt of each separate itemization of the health care services provided.

B. If the itemization or a portion thereof is contested, denied, or considered incomplete, the employer or the employer's workers' compensation insurance carrier shall notify the health care provider within 45 days after receipt of the itemization that the itemization is contested, denied, or considered incomplete. The notification shall include the following information:

1. The reasons for contesting or denying the itemization, or the reasons the itemization is considered incomplete;

2. If the itemization is considered incomplete, all additional information required to make a decision; and

3. The remedies available to the health care provider if the health care provider disagrees.

Payment or denial shall be made within 60 days after receipt from the health care provider of the information requested by the employer or employer's workers' compensation carrier for an incomplete claim under this subsection.

C. Payment due for any properly documented health care services that are neither contested within the 45-day period nor paid within the 60-day period, as required by this section, shall be increased by interest at the judgment rate of interest as provided in § 6.2-302 retroactive to the date payment was due under this section.

D. An employer's liability to a health care provider under this section shall not affect its liability to an employee.

E. No employer or workers' compensation carrier may seek recovery of a payment made to a health care provider for health care services rendered ~~after July 1, 2014,~~ to a claimant, unless such recovery is sought less than one year from the date payment was made to the health care provider, except in cases of fraud. The Commission shall have jurisdiction over any disputes over recoveries.

F. No health care provider shall submit a claim to the Commission contesting the sufficiency of payment for health care services rendered to a claimant ~~after July 1, 2014,~~ unless (i) such claim is filed within one year of the date the last payment is received by the health care provider pursuant to this section or (ii) if the employer denied or contested payment for any portion of the health care services, then, as to that service or portion thereof, such claim is filed within one year of the date the medical award covering such date of service for a specific item or treatment in question becomes final.

G. No health care provider shall submit, nor shall the Commission adjudicate, any claim to the Commission seeking additional payment for medical services rendered to a claimant before July 1, 2014, if the health care provider has previously accepted payment for the same medical services pursuant to the Longshore and Harbor Workers' Compensation Act, 33 U.S.C. § 901 et seq.

H. The Commission, by January 1, 2016, shall establish a schedule pursuant to which employers, employers' workers' compensation insurance carriers, and providers of workers' compensation medical services shall be required, by a date determined by the Commission that is no earlier than July 1, 2016, and no later than December 31, 2018, to adopt and implement infrastructure under which (i) providers of workers' compensation medical services (providers) shall submit their billing, claims, case management, health records, and all supporting documentation electronically to employers or employers' workers' compensation insurance carriers, as applicable (payers) and (ii) payers shall return actual payment, claim status, and remittance information electronically to providers that submit their billing and required supporting documentation electronically. The Commission shall establish standards and methods for such electronic submissions and transactions that are consistent with International Association of Industrial Accident Boards and Commission Medical Billing and Payment guidelines. The Commission shall determine the date by which payers and providers shall be required to adopt and implement the infrastructure, which determinations shall be based on the volume and complexity of workers' compensation cases in which the payer or provider is involved, the resources of the payer or provider, and such other criteria as the Commission determines to be appropriate.

CHAPTER 178

An Act to amend the Code of Virginia by adding a section numbered 32.1-172.1 and by adding in Article 4 of Chapter 3.1 of Title 62.1 a section numbered 62.1-44.19:3.5, relating to water facilities; staffing; licensed operators.

[H 220]

Approved March 28, 2024

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 32.1-172.1 and by adding in Article 4 of Chapter 3.1 of Title 62.1 a section numbered 62.1-44.19:3.5 as follows:

§ 32.1-172.1. Attendance by licensed operator.

A. The owner of every waterworks or treatment facility identified as a classified waterworks or treatment facility by the Department shall employ or contract an operator who holds a current waterworks operator license, issued in accordance with Chapter 23 (§ 54.1-2300 et seq.) of Title 54.1, of the appropriate class for the classification of the waterworks or treatment facility, as determined by the Board, or higher class at the owner's option. If the position of the licensed operator of the appropriate class is unexpectedly vacated due to death, extended illness, firing for cause, resignation, or similar cause, the classified waterworks or treatment facility owner shall notify the Department promptly and in accordance with any specific timeframe directed by the Board. The Department shall temporarily waive the licensed operator requirement for the interim, provided the owner (i) informs the Department in writing of its designation of another licensed operator responsible for interim operations within five days of the vacancy, (ii) informs the Department in writing within 10 days of the vacancy arising of its plan to hire a replacement licensed operator of the appropriate class as soon as practicable, (iii) implements the hiring plan diligently, and (iv) provides a monthly report to the Department on the implementation and

progress of such hiring plan. The Department may revoke the temporary waiver if the Department finds that continued operation pursuant to the waiver presents a public health threat due to statutory, regulatory, or permit violations.

B. Where a waterworks or treatment facility identified as a classified waterworks or treatment facility by the Department is equipped with adequate technological capability, the Department shall credit remote monitoring of the facility by a licensed operator of the appropriate class as operator attendance, provided that the owner submits and the Department approves a remote monitoring plan demonstrating that the waterworks or treatment facility possesses sufficient technology for the remote operator to adequately monitor the waterworks or treatment facility and manage onsite operators with a lower license class, mechanics, or other staff to operate the waterworks or treatment facility under the remote operator's direct supervision. In determining whether to approve a remote monitoring plan for multiple waterworks or treatment facilities, the Department may consider the number of waterworks or treatment facilities the remote operator is monitoring simultaneously, whether the multiple facilities being monitored remotely are under common ownership, whether the remote operator is employed by the owner of multiple facilities, and whether occasional in-person attendance is provided, among other factors. The Department may cease crediting remote monitoring if the Department finds that continued operation pursuant to the remote monitoring plan presents a public health threat due to statutory, regulatory, or permit violations. The Department shall not credit remote monitoring by an operator without the appropriate license class who is operating the waterworks or treatment facility pursuant to a temporary waiver issued under subsection A.

C. Reduced operator attendance for Class 1 through Class 6 waterworks may be considered by the Department on a case-by-case basis.

§ 62.1-44.19:3.5. Attendance by licensed operator.

A. Every sewage treatment works owner shall employ or contract an operator who holds a current wastewater operator license, issued in accordance with Chapter 23 (§ 54.1-2300 et seq.) of Title 54.1, of the appropriate class for the type of facility, as determined by the Department, or higher class at the owner's option. If the position of the licensed operator of the appropriate class is unexpectedly vacated due to death, extended illness, firing for cause, resignation, or similar cause, the treatment works owner shall notify the Department promptly and in accordance with any specific timeframe directed by the Department. The Department shall temporarily waive the licensed operator requirement for the interim, provided the owner (i) informs the Department in writing of its designation of another licensed operator or professional engineer responsible for interim operations within five days of the vacancy, (ii) informs the Department in writing within 10 days of the vacancy arising of its plan to hire a replacement licensed operator of the appropriate class as soon as practicable, (iii) implements the hiring plan diligently, and (iv) provides a monthly report to the Department on the implementation and progress of such hiring plan. The Department may revoke the temporary waiver if the Department finds that continued operation pursuant to the waiver presents a public health or water quality threat due to statutory, regulatory, or permit violations.

B. Where the facility is equipped with adequate technological capability, the Department shall credit remote monitoring of the facility by a licensed operator of the appropriate class as operator attendance toward recommended licensed operator attendance hours, provided that the owner submits and the Department approves a remote monitoring plan demonstrating that the facility possesses sufficient technology for the remote operator to adequately monitor the facility and manage onsite operators with a lower license class, mechanics, or other staff to operate the facility under the remote operator's direct supervision. In determining whether to approve a remote monitoring plan for multiple facilities, the Department may consider the number of facilities the remote operator is monitoring simultaneously, whether the multiple facilities being monitored remotely are under common ownership, whether the remote operator is employed by the owner of the multiple facilities, and whether occasional in-person attendance is provided, among other factors. The Department may cease crediting remote monitoring if the Department finds that continued operation pursuant to the remote monitoring plan presents a public health or water quality threat due to statutory, regulatory, or permit violations. The Department shall not credit remote monitoring by an operator without the appropriate license class who is operating the waterworks or treatment facility pursuant to a temporary waiver issued under subsection A.

CHAPTER 179

An Act to amend and reenact § 3.2-6570 of the Code of Virginia, relating to cruelty to animals; possession and ownership of animals.

[H 223]

Approved March 28, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 3.2-6570 of the Code of Virginia is amended and reenacted as follows:

§ 3.2-6570. Cruelty to animals; penalty.

A. Any person who (i) overrides, overdrives, overloads, ill-treats, or abandons any animal, whether belonging to himself or another; (ii) tortures any animal, willfully inflicts inhumane injury or pain not connected with bona fide scientific or medical experimentation on any animal, or cruelly or unnecessarily beats, maims, mutilates, or kills any animal, whether belonging to himself or another; (iii) deprives any animal of necessary food, drink, shelter, or emergency veterinary treatment; (iv) sores any equine for any purpose or administers drugs or medications to alter or mask such soring for the

purpose of sale, show, or exhibition of any kind, unless such administration of drugs or medications is within the context of a veterinary client-patient relationship and solely for therapeutic purposes; (v) ropes, lassoes, or otherwise obstructs or interferes with one or more legs of an equine in order to intentionally cause it to trip or fall for the purpose of engagement in a rodeo, contest, exhibition, entertainment, or sport unless such actions are in the practice of accepted animal husbandry or for the purpose of allowing veterinary care; (vi) willfully sets on foot, instigates, engages in, or in any way furthers any act of cruelty to any animal; (vii) carries or causes to be carried by any vehicle, vessel or otherwise any animal in a cruel, brutal, or inhumane manner, so as to produce torture or unnecessary suffering; or (viii) causes any of the above things, or being the owner of such animal permits such acts to be done by another is guilty of a Class 1 misdemeanor.

In addition to the penalties provided in this subsection, the court may, in its discretion, require any person convicted of a violation of this subsection to attend an anger management or other appropriate treatment program or obtain psychiatric or psychological counseling. The court may impose the costs of such a program or counseling upon the person convicted.

B. Any person who (i) tortures, willfully inflicts inhumane injury or pain not connected with bona fide scientific or medical experimentation, or cruelly and unnecessarily beats, maims, mutilates or kills any animal whether belonging to himself or another; (ii) sores any equine for any purpose or administers drugs or medications to alter or mask such soring for the purpose of sale, show, or exhibit of any kind, unless such administration of drugs or medications is under the supervision of a licensed veterinarian and solely for therapeutic purposes; (iii) ropes, lassoes, or otherwise obstructs or interferes with one or more legs of an equine in order to intentionally cause it to trip or fall for the purpose of engagement in a rodeo, contest, exhibition, entertainment, or sport unless such actions are in the practice of accepted animal husbandry or for the purpose of allowing veterinary care; (iv) maliciously deprives any companion animal of necessary food, drink, shelter or emergency veterinary treatment; (v) instigates, engages in, or in any way furthers any act of cruelty to any animal set forth in clauses (i) through (iv); or (vi) causes any of the actions described in clauses (i) through (v), or being the owner of such animal permits such acts to be done by another; and has been within five years convicted of a violation of this subsection or subsection A, is guilty of a Class 6 felony if the current violation or any previous violation of this subsection or subsection A resulted in the death of an animal or the euthanasia of an animal based on the recommendation of a licensed veterinarian upon determination that such euthanasia was necessary due to the condition of the animal, and such condition was a direct result of a violation of this subsection or subsection A.

C. Nothing in this section shall be construed to prohibit the dehorning of cattle conducted in a reasonable and customary manner.

D. This section shall not prohibit authorized wildlife management activities or hunting, fishing or trapping as regulated under other titles of the Code of Virginia, including Title 29.1, or to farming activities as provided under this title or regulations adopted hereunder.

E. It is unlawful for any person to kill a domestic dog or cat for the purpose of obtaining the hide, fur or pelt of the dog or cat. A violation of this subsection is a Class 1 misdemeanor. A second or subsequent violation of this subsection is a Class 6 felony.

F. Any person who (i) tortures, willfully inflicts inhumane injury or pain not connected with bona fide scientific or medical experimentation, or cruelly and unnecessarily beats, maims, or mutilates any dog or cat that is a companion animal whether belonging to him or another and (ii) as a direct result causes serious bodily injury to such dog or cat that is a companion animal, the death of such dog or cat that is a companion animal, or the euthanasia of such animal on the recommendation of a licensed veterinarian upon determination that such euthanasia was necessary due to the condition of the animal is guilty of a Class 6 felony. If a dog or cat is attacked on its owner's property by a dog so as to cause injury or death, the owner of the injured dog or cat may use all reasonable and necessary force against the dog at the time of the attack to protect his dog or cat. Such owner may be presumed to have taken necessary and appropriate action to defend his dog or cat and shall therefore be presumed not to have violated this subsection. The provisions of this subsection shall not overrule § 3.2-6540, 3.2-6540.1, or 3.2-6552.

For the purposes of this subsection, "serious bodily injury" means bodily injury that involves substantial risk of death, extreme physical pain, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ, or mental faculty.

G. Any person convicted of ~~violating~~ *a violation of* this section *that is punishable as a felony* may be prohibited by the court from possession or ownership of companion *or equine* animals *for life, and any person convicted of a violation of this section that is punishable as a misdemeanor may be prohibited by the court from possession or ownership of such animals for a period of up to five years. In addition, a violation of any prohibition or restriction imposed by the sentencing court pursuant to this subsection is a Class 1 misdemeanor, and all animals under the court's order may be seized and forfeited. The court may order that any animal possessed or owned by such person may be disposed of by a local governing body pursuant to subsection D of § 3.2-6546 or delivered to another person with a right of property in the animal.*

H. Any person who has his rights to possession or ownership of companion or equine animals prohibited pursuant to a felony conviction in accordance with subsection G may petition the court where such conviction occurred for a restoration of his rights after five years from the date of conviction.

CHAPTER 180

An Act to amend and reenact §§ 5.5, 6.19, as amended, 8.12, 10.1, 10.2, 10.3, as amended, and 12.7 of Chapter 213 of the Acts of Assembly of 1960, which provided a charter for the City of Colonial Heights, and to repeal §§ 10.4, 10.5, as amended, 10.6, as amended, and 12.8 of Chapter 213 of the Acts of Assembly of 1960, relating to city manager; city attorney; purchasing; capital improvements.

[H 227]

Approved March 28, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 5.5, 6.19, as amended, 8.12, 10.1, 10.2, 10.3, as amended, and 12.7 of Chapter 213 of the Acts of Assembly of 1960 are amended and reenacted as follows:

§ 5.5. Duties.

It shall be the duty of the city manager to~~:~~ (a) attend all meetings of the council with the right to speak but not to vote; (b) keep the council advised of the financial condition and the future needs of the city and of all matters pertaining to its proper administration, and make such recommendations as may seem to him desirable; (c) prepare and submit the annual budget to the council as provided in Chapter 6 of this charter and be responsible for its administration after its adoption; (d) prepare *or have prepared* in suitable form for publication and submit to the council ~~not later than sixty days after the end of each fiscal year of the city a concise, comprehensive report of the financial transactions and administrative activities of the city government during the preceding fiscal year~~ *a report of the city's annual financial audit in the format and by the due date the Commonwealth of Virginia requires,* and cause to be printed such number of copies thereof as the council shall direct; (e) present adequate financial and activity reports at each regular meeting of the council; and (f) perform such other duties as may be prescribed by this charter or required of him in accordance therewith by the council or which may be required of the chief executive officer of a city by the general laws of the Commonwealth other than the duties conferred on the mayor by this charter.

§ 6.19. Certification of funds.

No payment shall be made and no obligation incurred by or on behalf of the city except in accordance with an appropriation duly made~~;~~*,* provided that the council shall have the power to authorize and direct ~~and~~ *the* making of expenditures and contracts for the expenditure of funds not appropriated in any budget for the ~~then~~ current fiscal year. No payment shall be made from or obligation incurred against any allotment or appropriation, except those of the ~~School Board~~ *school board*, unless the director of finance shall first ~~certify~~ *determine* that there is a sufficient unexpended and unencumbered balance in such allotment or appropriation to meet the same~~; provided that nothing herein shall be taken to prevent the advance authorization of expenditures for small purchases as provided in this charter. Every payment made in violation of the provisions of this charter shall be deemed illegal and every official who shall knowingly authorize or make such payment or knowingly take part therein and every person who shall knowingly receive such payment or any part thereof shall be jointly and severally liable to the city for the full amount so paid or received. If any officer, member of a board or commission, or employee of the city shall knowingly incur any obligation or shall authorize or make any expenditure in violation of the provisions of this charter or knowingly take part therein, such action shall be cause for his removal~~.

§ 8.12. Accounting control of purchasing.

All purchases made and contracts executed by the purchasing agent shall be pursuant to a written requisition, in such form as may be prescribed by the director of finance, from the head of the using agency whose appropriation is to be charged, or from the head of a bureau or other operating unit to whom such authority has been delegated in writing, filed with the purchasing agent~~; except as provided in subsection (f) of § 8.3 of this charter, by the head of the using agency~~. No purchase order made or contract entered into by the purchasing agent shall be valid unless ~~there be endorsed thereon the certificate of~~ the director of finance *determines* that there is an unexpended and unencumbered balance in the appropriation and allotment applicable thereto. Nothing herein, however, shall be taken to prevent the purchasing agent from making purchases from a store's revolving fund which the council is hereby authorized to establish, or from making sales from the stores to the several using agencies based on their requisitions, provided the director of finance ~~certified~~ *determined* that there is an unexpended and unencumbered balance in the appropriation to be charged.

Chapter 10.

~~Department of Law~~ *Office of the City Attorney*.

§ 10.1. ~~Department of law~~ *Office of the City Attorney*.

There shall be ~~a department of law which shall consist of the city attorney and such assistant city attorneys and other employees as may be provided by ordinance~~ *an Office of the City Attorney, which shall consist of the City Attorney and such Deputy and Assistant City Attorneys and other employees as the City Council authorizes.*

§ 10.2. Qualifications ~~and~~*,* appointment*, and compensation of the City Attorney*.

The head of the ~~department of law shall be the city attorney. He shall be an attorney at law licensed to practice under the laws of the Commonwealth. He shall be chosen in the manner provided in § 10.5~~ *Office of the City Attorney shall be the City Attorney. The City Council shall appoint the City Attorney, who shall be an attorney-at-law licensed to practice law in*

the Commonwealth of Virginia. The City Attorney shall not be required to reside in the City when he is appointed or during his tenure as City Attorney. The City Council shall determine the City Attorney's salary and other compensation.

§ 10.3. *Powers and duties of the* City ~~attorney; powers and duties~~ *Attorney.*

~~The city attorney shall (a) be the legal advisor of (1) the council, (2) the city manager, (3) the city school board, and (4) all departments, boards, commissions, and agencies of the city, in all matters affecting the interests of the city, and shall, upon written request, furnish a written opinion of any question of law involving their respective official powers and duties; (b) at the request of the city manager or any member of the council, prepare ordinances for introduction and at the request of the council or any member thereof shall examine any ordinance after introduction and render his opinion as to the form and legality thereof; (c) draw or approve all bonds, deeds, leases, contracts or other instruments to which the city or city school board is a part or in which it has an interest; (d) have the management and control of all the law business of the city and of the city school board and the departments, boards, commissions and agencies thereof, or in which the city has an interest, and represent the city and the city school board as counsel in any civil case in which it is interested and in criminal cases in which the constitutionality or validity of any ordinance is brought in issue; (e) with the approval of the council or of the city school board, as the case may be, institute and prosecute all legal proceedings he shall deem necessary or proper to protect the interests of the city or the city school board; (f) attend in person or assign one of his assistants to attend all meetings of the council and any regular meeting of the city school board when requested by the Superintendent of Schools; (g) appoint and remove such assistant city attorneys and other employees as shall be authorized by the council, subject to the provisions of Chapter 9 of this charter as to employees in the classified service, and authorize the assistant city attorneys or any of them or special counsel to perform any of the duties imposed upon him in this charter; and (h) have such other powers and duties as may be assigned to him by ordinance. The city attorney may, with the concurrence of the Commonwealth's Attorney, prosecute misdemeanor violations of city ordinances not prosecuted by the Commonwealth's Attorney pursuant to § 21.7 of this charter. The approval or withholding of approval by the city attorney in the matters provided for in §§ 8.7 (c) and 8.7 (d) shall relate only to the legality of the proposed action.~~ *The City Attorney shall (1) be the legal advisor of the City Council, the City Manager, and all of the City's departments, boards, commissions, and agencies, and he shall furnish to them written or oral opinions concerning any questions of law involving their powers and duties; (2) upon request of the City Manager or any City Council Member, prepare ordinances and resolutions for consideration; (3) draft or approve all bonds, deeds, leases, contracts, or other documents to which the City is a party, and review any other document in which the City has an interest; (4) manage all of the City's legal business and either represent the City as counsel in any civil case in which the City is a party or arrange for other legal counsel to represent the City; (5) with City Council approval, institute and litigate civil legal proceedings he deems necessary or proper to protect the City's interests; (6) whenever practicable, attend in person or have a Deputy or Assistant City Attorney attend City Council meetings; (7) employ Deputy and Assistant City Attorneys and other employees that the City Council approves, contract with special counsel, and authorize the Deputy or Assistant City Attorneys, or special counsel, to perform any duties the City Attorney delegates to them; and (8) have any other power or duty that the City Council assigns to him in an ordinance or resolution or which this Charter or general law imposes on him. The City Attorney may, with the concurrence of the Attorney for the Commonwealth, prosecute misdemeanor violations of the City Code which the Attorney for the Commonwealth does not prosecute.*

§ 12.7. Contracts for capital improvement projects.

~~Whenever any capital improvement project is to be undertaken by the city or any department, board, commission or agency thereof, including the school board, the department of public works shall cause plans, specifications and estimates of cost of such capital improvement project to be made. The school board and department of public utilities may utilize the services of the department of public works in preparing plans, specifications and estimates of cost for capital improvement projects relating to their respective functions but they may, in the discretion of the school board or director of public utilities, as the case may be, cause such plans and specifications to be prepared by their own employees or by architects and engineers engaged for the purpose. In the case of any capital improvement project, except one relating to school buildings and grounds, if the estimate of cost is $10,000 or less it may, in the discretion of the city manager, be constructed either by contract or by the employees of the department of public works or the department of public utilities, as the case may be. If the estimate of cost is more than $10,000, such capital improvement project shall, except as hereinafter provided, be constructed by contract. No contract for any capital improvement project estimated to cost more than $1000 shall be let except upon sealed bids based on the plans and specifications prepared by the department of public utilities, which bids shall be advertised for, received, opened and tabulated by the purchasing agent in the manner and subject to the conditions prescribed by ordinance. The contract shall be awarded by the purchasing agent to the lowest responsible bidder, provided that the city manager, when the estimated cost of the capital improvement project is $10,000 or less, and the council in all cases, may authorize the rejection of all bids, instruct the purchasing agent to readvertise for bids with or without modification of the plans and specifications for such capital improvement project or order the same to be constructed by the department of public works or the department of public utilities, as the case may be. A record of all bids, showing the names of the bidders and the amounts of the bids and indicating in each case the successful bidder, together with the originals of all sealed bids and other documents pertaining to the award of contracts, shall be preserved by the purchasing agent for six years in a file which shall be open to public inspection during regular business hours. No capital improvement project which is essentially a unit shall be divided for the purpose of evading the intent of this section.~~

Before and during the construction of a capital improvement project, the city, and any of its departments, offices, or other component entities administering the project, shall comply with the public procurement requirements specified by

general law and the Colonial Heights City Code. Also, before and during the construction of a capital improvement project, the city school board shall comply with the public procurement requirements specified by general law and any policies the school board has adopted.

2. That §§ 10.4, 10.5, as amended, 10.6, as amended, and 12.8 of Chapter 213 of the Acts of Assembly of 1960 are repealed.

CHAPTER 181

An Act to amend and reenact § 38.2-3418.7:1 of the Code of Virginia, relating to health insurance; coverage for colorectal cancer screening.

[H 238]

Approved March 28, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 38.2-3418.7:1 of the Code of Virginia is amended and reenacted as follows:

§ 38.2-3418.7:1. Coverage for colorectal cancer screening.

A. Notwithstanding the provisions of § 38.2-3419, each insurer proposing to issue individual or group accident and sickness insurance policies providing hospital, medical and surgical, or major medical coverage on an expense-incurred basis; each corporation providing individual or group accident and sickness subscription contracts; and each health maintenance organization providing a health care plan for health care services shall provide coverage for colorectal cancer screening under any such policy, contract, or plan delivered, issued for delivery, or renewed in this Commonwealth~~, on and after July 1, 2000~~.

B. Coverage for colorectal cancer screening, ~~specifically screening with an annual fecal occult blood test, flexible sigmoidoscopy or colonoscopy, or in appropriate circumstances radiologic imaging,~~ *examinations, and laboratory tests* shall be provided in accordance with the most recently published recommendations established by ~~the American College of Gastroenterology, in consultation with~~ the ~~American Cancer Society, for the ages, family histories, and frequencies referenced in such recommendations~~ *U.S. Preventive Services Task Force for colorectal cancer screening for which a rating of A or B is in effect with respect to the individual involved. A follow-up colonoscopy after a positive noninvasive stool-based screening test or direct visualization screening test shall be covered.*

C. The coverage provided under this section shall not be ~~more restrictive than or separate from coverage provided for any other illness, condition or disorder for purposes of determining deductibles, benefit year or lifetime durational limits, benefit year or lifetime dollar limits, lifetime episodes or treatment limits, copayment and coinsurance factors, and benefit year maximum for deductibles and copayments and coinsurance factors~~ *subject to any deductible, coinsurance, or any other cost-sharing requirements for services received from participating providers under the policy, contract, or plan.*

D. The provisions of this section shall not apply to (i) short-term travel, accident only, limited or specified disease policies, other than cancer policies, (ii) short-term nonrenewable policies of not more than six months duration, or (iii) policies or contracts designed for issuance to persons eligible for coverage under Title XVIII of the Social Security Act, known as Medicare, or any other similar coverage under state or federal governmental plans.

2. That the provisions of this act shall apply to individual or group accident and sickness insurance policies, individual or group accident and sickness subscription contracts, or health care plans delivered, issued for delivery, or renewed in the Commonwealth on and after January 1, 2025.

CHAPTER 182

An Act to amend the Code of Virginia by adding in Chapter 2 of Title 32.1 an article numbered 21, consisting of a section numbered 32.1-73.21, relating to adult wellness screening; sickle cell disease or sickle cell trait.

[H 255]

Approved March 28, 2024

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Chapter 2 of Title 32.1 an article numbered 21, consisting of a section numbered 32.1-73.21, as follows:

Article 21.

Adult Wellness Screening.

§ 32.1-73.21. Adult wellness screening for sickle cell disease or the sickle cell trait.

In order to prevent disability or death, every adult resident of the Commonwealth may be offered screening tests for sickle cell disease or sickle cell trait, with an emphasis on individuals of reproductive age and individuals who are unaware of their sickle cell trait status.

The health care professional in charge of the adult's annual health examination may cause such tests to be performed, and if performed, shall provide education and appropriate counseling regarding the test results.

The program for screening adults for sickle cell disease or the sickle cell trait may be conducted in addition to the programs provided for in Article 8 (§ 32.1-68 et seq.).

CHAPTER 183

An Act to require the Board of Education to amend certain regulations relating to the Provisional (Career Switcher) License.

[H 269]

Approved March 28, 2024

Be it enacted by the General Assembly of Virginia:

1. *§ 1. The Board of Education shall amend subsection A of 8VAC20-23-90 to permit any career switcher who seeks a teaching endorsement preK through grade 12, including any career switcher who seeks a teaching endorsement in special education, to pursue a Provisional (Career Switcher) License through the career switcher alternate route to licensure program in accordance with all of the requirements set forth in such subsection. However, nothing in this section shall be construed to supplant, eliminate, or otherwise alter the Provisional (Special Education) License option established in subsection C of 8VAC20-23-90 and the Board shall clarify in its regulations that the option for a career switcher who seeks a teaching endorsement in special education to pursue a Provisional (Career Switcher) License through the career switcher alternate route to licensure program does not supplant subsection C of 8VAC20-23-90 but rather provides an additional pathway to a provisional license for an individual who seeks a teaching endorsement in special education.*

§ 2. The Board of Education shall amend subsection A of 8VAC20-23-90 to require each individual pursuing a Provisional (Career Switcher) License who seeks an endorsement in special education to complete at least 60 percent of the requirements set forth in 8VAC20-543-500 as part of Level I preparation and to complete the remaining requirements set forth in 8VAC20-543-500 as part of Level II and Level III preparation.

CHAPTER 184

An Act to amend and reenact §§ 44-93 and 44-204 of the Code of Virginia, relating to military leaves of absence for employees of Commonwealth or political subdivisions; professional firefighters.

[H 279]

Approved March 28, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 44-93 and 44-204 of the Code of Virginia are amended and reenacted as follows:

§ 44-93. Leaves of absence for employees of Commonwealth or political subdivisions.

A. All officers and employees of the Commonwealth or of any political subdivision of the Commonwealth who are former members of the armed services or members of the organized reserve forces of any of the armed services of the United States or National Guard shall be entitled to leaves of absence from their respective duties, without loss of seniority, accrued leave, or efficiency rating, on all days during which they are engaged in federally funded military duty, to include training duty, or when called forth by the Governor pursuant to the provisions of § 44-75.1 or ~~§~~ 44-78.1.

There shall be no loss of regular employer pay during such leaves of absence, except that paid leaves of absence for federally funded military duty, to include training duty, shall not exceed 21 workdays per federal fiscal year*, unless such officer or employee is a professional firefighter*, and except that no officers or employees shall receive paid leave for more than 21 workdays per federally funded tour of active military duty. *Any officer or employee of the Commonwealth or of any political subdivision of the Commonwealth who is a professional firefighter shall receive paid leaves of absence for all work hours for which a leave of absence is required, regardless of whether such amount of work hours exceeds 21 workdays per federal fiscal year but shall not exceed a total of 388 work hours, during which such officer or employee who is a professional firefighter is engaged in federally funded military duty, to include training duty, or is called forth by the Governor pursuant to the provisions of § 44-75.1 or 44-78.1.*

When relieved from *any* such duty, ~~they~~ *officers and employees described in this section* shall be restored to positions held by them when ordered to duty. If the office or position has been abolished or otherwise has ceased to exist during such leave of absence, they shall be reinstated in a position of like seniority, status*,* and pay, if the position exists, or in a comparable vacant position for which they are qualified, unless to do so would be unreasonable.

For the purposes of this section, with respect to employees of the Commonwealth or its political subdivisions who do not normally work approximately equal workdays on five or more days of each calendar week, the term "workday" shall mean 1/260 of the total working hours such employee would be scheduled to work during an entire federal fiscal year, not taking into account any state holidays, annual leave, military leave, or other absences. Where such employee returns from federally funded military duty and the eight-hour rest period required by the Uniformed Services Employment and Reemployment Rights Act (38 U.S.C. § 4301 et seq.) overlaps such employee's scheduled work shift, the employee shall receive paid military leave to the extent of such overlap.

B. In addition to the provisions of subsection A, any local government may pay such employee when activated for federally funded military duty all or any portion of the difference between his regular pay and the military pay received during all or any part of the term of active federally funded duty.

§ 44-204. Leaves of absence for employees of Commonwealth or political subdivisions.

All officers and employees of the Commonwealth, or of any political subdivision of the Commonwealth who are members of the Virginia Defense Force or National Defense Executive Reserve shall be entitled to leaves of absence from their respective duties without loss of pay, seniority, accrued leave, or efficiency rating on all days during which they shall be engaged in training approved by the Governor or his designee, not to exceed 21 workdays per federal fiscal year *unless such officer or employee is a professional firefighter. Any officer or employee of the Commonwealth or of any political subdivision of the Commonwealth who is a professional firefighter and a member of the Virginia Defense Force or National Defense Executive Reserve shall receive paid leaves of absence for all work hours that a leave of absence is required, regardless of whether such amount of work hours exceeds 21 workdays per federal fiscal year but shall not exceed a total of 388 work hours, during which such officer or employee who is a professional firefighter shall be engaged in training approved by the Governor or his designee.* When relieved from *any* such duty, ~~they~~ *officers and employees described in this section* shall be restored to positions held by them when ordered to duty.

CHAPTER 185

An Act to amend the Code of Virginia by adding a section numbered 15.2-2292.2, relating to early childhood care and education; child day programs; use of office buildings; waiver of zoning requirements.

[H 281]

Approved March 28, 2024

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 15.2-2292.2 as follows:

§ 15.2-2292.2. Waiver of zoning permit requirements; child day programs.

Any locality may provide, by ordinance, for the waiver of any requirements for zoning permits for the operation of a child day program in an office building, defined as any building containing more than two rental units that are rented primarily for retail, commercial, or professional use, provided that such facility satisfies the requirements for state licensure as a child day program.

CHAPTER 186

An Act to amend and reenact §§ 29.1-344 and 29.1-345 of the Code of Virginia, relating to stationary blinds for waterfowl; providing location of blinds to Department of Wildlife Resources.

[H 288]

Approved March 28, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 29.1-344 and 29.1-345 of the Code of Virginia are amended and reenacted as follows:

§ 29.1-344. Stationary blinds on shore and in the public waters for owners of riparian rights.

A. Notwithstanding the provisions of § 29.1-340, each year, the owners of riparian rights, their lessees or permittees shall have the exclusive privilege of licensing and erecting stationary blinds on their shoreline, and the prior right of licensing and erecting stationary blinds in the public waters in front of their shoreline, to shoot waterfowl over the public waters. Such blinds shall not be located in water having a depth greater than eight feet at mean high tide, nor shall they be located farther than halfway across the body of water from the riparian owner's shoreline, except on the shores and waters of Back Bay in the City of Virginia Beach where such blinds are limited to (i) the riparian owner's shoreline at the mean low water mark or (ii) blinds erected and licensed by the riparian owner in 2011. When licensing a stationary blind, the location of each blind licensed shall be provided as latitude and longitude coordinates. When such a license has been obtained and a stake or a stationary blind has been erected on the site with the license for that season properly affixed, no other stationary or floating blind shall be located in the public waters within 500 yards of the licensed site without the consent of the riparian owner, lessee or permittee.

B. At the time of the license transaction pursuant to subsection A, the licensee shall provide the unique location of each stationary waterfowl blind to the Department, identified as standardized latitude and longitude coordinates, using the decimal degrees format with a minimum of five digit precision. The Department shall publish such coordinates by November 1 of each year, excluding any customer personal information, on its website in a searchable, publicly accessible, and conspicuous manner.

§ 29.1-345. Stationary blinds in the public waters for nonriparian owners.

A. Unless a license has been obtained pursuant to § 29.1-344, and a stake or a blind has been erected and marked within the time stated as specified in § 29.1-344, in any year, the owners of riparian rights, their lessees or permittees shall forfeit the privilege of licensing blinds on their shores and also lose priority for licensing stationary blinds in the public waters

adjoining such shores. Any locations remaining in the public waters shall belong to whoever first obtains a license and erects a stake or a blind. The blind shall not be located in a marked navigation channel on the site selected. In addition, the blind must be at least 500 yards from any other stationary blind, and the license for that season must be properly affixed to the structure. When licensing a stationary blind, the location of each blind licensed shall be provided as latitude and longitude coordinates.

B. At the time of the license transaction pursuant to subsection A, the licensee shall provide the unique location of each stationary waterfowl blind to the Department, identified as standardized latitude and longitude coordinates, using the decimal degrees format with a minimum of five digit precision. The Department shall publish such coordinates by November 1 of each year, excluding any customer personal information, on its website in a searchable, publicly accessible, and conspicuous manner.

2. That the provisions of this act shall become effective on January 1, 2025.

CHAPTER 187

An Act to amend and reenact § 3.2-6528 of the Code of Virginia, relating to license tax; retired police or military dogs; exemption.

[H 299]

Approved March 28, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 3.2-6528 of the Code of Virginia is amended and reenacted as follows:

§ 3.2-6528. Amount of license tax.

A. The governing body of each county or city shall impose by ordinance a license tax on the ownership of dogs within its jurisdiction. The governing body of any locality that has adopted an ordinance pursuant to subsection B of § 3.2-6524 shall impose by ordinance a license tax on the ownership of cats within its jurisdiction. The governing body may establish different rates of taxation for ownership of female dogs, male dogs, spayed or neutered dogs, female cats, male cats, and spayed or neutered cats. The tax for each dog or cat shall not be more than $10 for each year or $50 for a lifetime license issued pursuant to subsection B of § 3.2-6530. If the dog or cat has been spayed, the tax shall not exceed the tax provided for a male dog or cat. Any ordinance may provide for an annual license tax for kennels of 10, 20, 30, 40, or 50 dogs or cats not to exceed $50 for any one such block of kennels.

No license tax shall be levied on any dog that is trained and serves as (i) a guide dog for a blind person, (ii) a hearing dog for a person who is deaf or hard of hearing, or (iii) a service dog for a mobility-impaired or otherwise disabled person.

As used in this ~~section~~ *subsection*, "hearing dog," "mobility-impaired person," "otherwise disabled person," and "service dog" have the same meanings as assigned in § 51.5-40.1.

B. A locality may by ordinance exempt any dog that served as a police or law-enforcement dog or military working dog from the license tax provided in subsection A. Such ordinance shall include a verification process for vaccination records of such dog.

CHAPTER 188

An Act to amend and reenact § 46.2-743 of the Code of Virginia, relating to special license plates; United States Air Force.

[H 380]

Approved March 28, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 46.2-743 of the Code of Virginia is amended and reenacted as follows:

§ 46.2-743. Special license plates for active duty members of the Armed Forces of the United States and certain veterans; fees.

A. On receipt of an application and written evidence that the applicant is an honorably discharged former member of one of the ~~armed forces~~ *Armed Forces* of the United States, the Commissioner shall issue to the applicant special license plates. Unremarried surviving spouses of persons eligible to receive special license plates under this subsection may also be issued special license plates under this subsection.

B. On receipt of an application and written evidence that the applicant is on active duty with, has been honorably discharged after at least six months of active duty service in, or has retired from the United States Marine Corps, the Commissioner shall issue to the applicant special license plates whose design incorporates an emblem of the United States Marine Corps. Unremarried surviving spouses of persons eligible to receive special license plates under this subsection may also be issued special license plates under this subsection.

C. On receipt of an application and written evidence that the applicant is on active duty with, has been honorably discharged after at least six months of active duty service in, or has retired from the United States Army, the Commissioner shall issue to the applicant special license plates whose design incorporates an emblem of the United States Army.

Unremarried surviving spouses of persons eligible to receive special license plates under this subsection may also be issued special license plates under this subsection.

D. On receipt of an application and written evidence that the applicant is on active duty with, has been honorably discharged after at least six months of active duty service in, or has retired from the United States Coast Guard, the Commissioner shall issue to the applicant special license plates whose design incorporates an emblem of the United States Coast Guard. Unremarried surviving spouses of persons eligible to receive special license plates under this subsection may also be issued special license plates under this subsection.

E. On receipt of an application and written evidence that the applicant is on active duty with, has been honorably discharged after at least six months of active duty service in, or has retired from the United States Navy, the Commissioner shall issue to the applicant special license plates whose design incorporates an emblem of the United States Navy. Unremarried surviving spouses of persons eligible to receive special license plates under this subsection may also be issued special license plates under this subsection. The annual fee for plates issued pursuant to this subsection shall be $25 in addition to the prescribed fee for state license plates. For each such $25 fee collected in excess of 1,000 registrations pursuant to this subsection, $15 shall be paid into the state treasury and credited to a special nonreverting fund known as the Navy-Marine Corps Relief Society Fund established within the Department of Accounts. These funds shall be paid annually to the Navy-Marine Corps Relief Society and used to support its operation and programs in Virginia. All other fees imposed under the provisions of this subsection shall be paid to, and received by, the Commissioner of the Department of Motor Vehicles and paid by him into the state treasury and set aside as a special fund to be used to meet the necessary expenses incurred by the Department of Motor Vehicles.

F. *On receipt of an application and written evidence that the applicant is on active duty with, has been honorably discharged after at least six months of active duty service in, or has retired from the United States Air Force, the Commissioner shall issue to the applicant special license plates whose design incorporates an emblem of the United States Air Force. Unremarried surviving spouses of persons eligible to receive special license plates under this subsection may also be issued special license plates under this subsection.*

G. All special license plates that have been developed and issued pursuant to subsection B, C, D, ~~or~~ E*, or F* shall also be issued to applicants who can provide documentation from the U.S. Department of Veterans Affairs indicating that the applicant has been designated disabled, and that his disability is service-connected, and that he has been honorably discharged from a branch of the ~~armed forces~~ *Armed Forces* of the United States.

~~G.~~ *H.* On receipt of an application and written evidence that the applicant is a veteran of World War II, the Commissioner shall issue special license plates to veterans of World War II. For each set of license plates issued under this subsection, the Commissioner shall charge, in addition to the prescribed cost of state license plates, a one-time fee of $10 at the time the plates are issued. Unremarried surviving spouses of persons eligible to receive special license plates under this subsection may also be issued special license plates under this subsection.

~~H.~~ *I.* On receipt of an application and written evidence that the applicant is a veteran of the Korean War, the Commissioner shall issue special license plates to veterans of the Korean War. Unremarried surviving spouses of persons eligible to receive special license plates under this subsection may also be issued special license plates under this subsection.

~~I.~~ *J.* On receipt of an application and written evidence that the applicant is a veteran of the Vietnam War, the Commissioner shall issue special license plates to veterans of the Vietnam War. Unremarried surviving spouses of persons eligible to receive special license plates under this subsection may also be issued special license plates under this subsection.

~~J.~~ *K.* On receipt of an application and written evidence that the applicant is a veteran of the Asiatic-Pacific Campaign, the Commissioner shall issue special license plates to veterans of that campaign. For each set of license plates issued under this subsection, the Commissioner shall charge, in addition to the prescribed cost of state license plates, a one-time fee of $10 at the time the plates are issued. Unremarried surviving spouses of persons eligible to receive special license plates under this subsection may also be issued special license plates under this subsection.

~~K.~~ *L.* On receipt of an application and written evidence that the applicant is a veteran of Operation Iraqi Freedom, the Commissioner shall issue special license plates to veterans of Operation Iraqi Freedom. Unremarried surviving spouses of persons eligible to receive special license plates under this subsection may also be issued special license plates under this subsection.

~~L.~~ *M.* On receipt of an application and written evidence that the applicant is a veteran of Operation Enduring Freedom, the Commissioner shall issue special license plates to veterans of Operation Enduring Freedom. Unremarried surviving spouses of persons eligible to receive special license plates under this subsection may also be issued special license plates under this subsection.

~~M.~~ *N.* On receipt of an application and written evidence that the applicant is a member of the Virginia Defense Force, the Commissioner shall issue special license plates to members of the Virginia Defense Force. Unremarried surviving spouses of persons eligible to receive special license plates under this subsection may also be issued special license plates under this subsection.

~~N.~~ *O.* On receipt of an application and written evidence that the applicant is a veteran of Operation Desert Shield or Operation Desert Storm, the Commissioner shall issue special license plates to veterans of those military operations.

Unremarried surviving spouses of persons eligible to receive special license plates under this subsection may also be issued special license plates under this subsection.

~~O.~~ *P.* The provisions of subdivisions B 1 and ~~B~~ 2 of § 46.2-725 shall not apply to license plates issued under subsections ~~G,~~ *F,* H, *I,* J, K, L, M, ~~and~~ N*, and O*.

CHAPTER 189

An Act to amend and reenact § 46.2-208 of the Code of Virginia, relating to Department of Motor Vehicles; release of privileged information.

[H 425]

Approved March 28, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 46.2-208 of the Code of Virginia is amended and reenacted as follows:

§ 46.2-208. Records of Department; when open for inspection; release of privileged information.

A. The following information shall be considered privileged and unless otherwise provided for in this title shall not be released except as provided in subsection B:

1. Personal information as defined in § 2.2-3801;

2. Driver information, defined as all data that relates to driver's license status and driver activity;

3. Special identification card information, defined as all data that relates to identification card status; and

4. Vehicle information, including all descriptive vehicle data and title, registration, and vehicle activity data, but excluding crash data.

B. The Commissioner shall release such information only under the following conditions:

1. Notwithstanding other provisions of this section, medical information included in personal information shall be released only to a physician, a physician assistant, or an advanced practice registered nurse in accordance with a proceeding under §§ 46.2-321 and 46.2-322.

2, 3. [Repealed.]

4. Upon the request of (i) the subject of the information, (ii) the parent of a minor who is the subject of the information, (iii) the guardian of the subject of the information, (iv) the authorized agent or representative of the subject of the information, or (v) the owner of the vehicle that is the subject of the information, the Commissioner shall provide him with the requested information and a complete explanation of it. Requests for such information need not be made in writing or in person and may be made orally or by telephone, provided that the Department is satisfied that there is adequate verification of the requester's identity. When so requested in writing by (a) the subject of the information, (b) the parent of a minor who is the subject of the information, (c) the guardian of the subject of the information, (d) the authorized agent or representative of the subject of the information, or (e) the owner of the vehicle that is the subject of the information, the Commissioner shall verify and, if necessary, correct the personal information provided and furnish driver, special identification card, or vehicle information. If the requester is requesting such information in the scope of his official business as counsel from a public defender's office or as counsel appointed by a court, such records shall be provided free of charge.

5. Upon the written request of any insurance carrier or surety, or authorized agent of either, the Commissioner shall furnish to such requester information in the record of any person subject to the provisions of this title. The transcript shall include any record of any conviction of a violation of any provision of any statute or ordinance relating to the operation or ownership of a motor vehicle or of any injury or damage in which he was involved and a report filed pursuant to § 46.2-373. No such report of any conviction or crash shall be made after 60 months from the date of the conviction or crash unless the Commissioner or court used the conviction or crash as a reason for the suspension or revocation of a driver's license or driving privilege, in which case the revocation or suspension and any conviction or crash pertaining thereto shall not be reported after 60 months from the date that the driver's license or driving privilege has been reinstated. The response of the Commissioner under this subdivision shall not be admissible in evidence in any court proceedings.

6. Upon the written request of any business organization or its authorized agent, in the conduct of its business, the Commissioner shall compare personal information supplied by the requester with that contained in the Department's records and, when the information supplied by the requester is different from that contained in the Department's records, provide the requester with correct information as contained in the Department's records. Personal information provided under this subdivision shall be used solely for the purpose of pursuing remedies that require locating an individual.

7. Upon the written request of any business organization or its authorized agent, the Commissioner shall provide vehicle information to the requester. Disclosures made under this subdivision shall not include any personal information, driver information, or special identification card information and shall not be subject to the limitations contained in subdivision 6.

8. Upon the written request of any motor vehicle rental or leasing company or its authorized agent, the Commissioner shall (i) compare personal information supplied by the requester with that contained in the Department's records and, when the information supplied by the requester is different from that contained in the Department's records, provide the requester with correct information as contained in the Department's records and (ii) provide the requester with driver information of any person subject to the provisions of this title. Such information shall include any record of any conviction of a violation

of any provision of any statute or ordinance relating to the operation or ownership of a motor vehicle or of any injury or damage in which the subject of the information was involved and a report of which was filed pursuant to § 46.2-373. No such information shall include any record of any conviction or crash more than 60 months after the date of such conviction or crash unless the Commissioner or court used the conviction or crash as a reason for the suspension or revocation of a driver's license or driving privilege, in which case the revocation or suspension and any conviction or crash pertaining thereto shall cease to be included in such information after 60 months from the date on which the driver's license or driving privilege was reinstated. The response of the Commissioner under this subdivision shall not be admissible in evidence in any court proceedings.

9. Upon the request of any federal, state, or local governmental entity, local government group self-insurance pool, law-enforcement officer, attorney for the Commonwealth, or court, or the authorized agent of any of the foregoing, the Commissioner shall compare personal information supplied by the requester with that contained in the Department's records and, when the information supplied by the requester is different from that contained in the Department's records, provide the requester with correct information as contained in the Department's records. The Commissioner shall also provide driver, special identification card, and vehicle information as requested pursuant to this subdivision. The Commissioner may release other appropriate information to the governmental entity upon request. Upon request in accordance with this subdivision, the Commissioner shall furnish a certificate, under seal of the Department, setting forth a distinguishing number or license plate of a motor vehicle, trailer, or semitrailer, together with the name and address of its owner. The certificate shall be prima facie evidence in any court in the Commonwealth of the ownership of the vehicle, trailer, or semitrailer to which the distinguishing number or license plate has been assigned by the Department. However, the Commissioner shall not release any photographs pursuant to this subdivision unless the requester provides the depicted individual's name and other sufficient identifying information contained on such individual's record. The information in this subdivision shall be provided free of charge.

The Department shall release to a requester information that is required for a requester to carry out the requester's official functions in accordance with this subdivision. If the requester has entered into an agreement with the Department, such agreement shall be in a manner prescribed by the Department, and such agreement shall contain the legal authority that authorizes the performance of the requester's official functions and a description of how such information will be used to carry out such official functions. If the Commissioner determines that sufficient authority has not been provided by the requester to show that the purpose for which the information shall be used is one of the requester's official functions, the Commissioner shall refuse to enter into any agreement. If the requester submits a request for information in accordance with this subdivision without an existing agreement to receive the information, the request shall be in a manner prescribed by the Department, and such request shall contain the legal authority that authorizes the performance of the requester's official functions and a description of how such information will be used to carry out such official functions. If the Commissioner determines that sufficient authority has not been provided by the requester to show that the purpose for which such information shall be used is one of the requester's official functions, the Commissioner shall deny such request.

Notwithstanding the provisions of this subdivision, the Department shall not disseminate to any federal, state, or local government entity, law-enforcement officer, or law-enforcement agency any privileged information for any purposes related to civil immigration enforcement unless (i) the subject of the information provides consent or (ii) the requesting agency presents a lawful judicial order, judicial subpoena, or judicial warrant. When responding to a lawful judicial order, judicial subpoena, or judicial warrant, the Department shall disclose only those records or information specifically requested. Within three business days of receiving a request for information for the purpose of civil immigration enforcement, the Commissioner shall send a notification to the individual about whom such information was requested that such a request was made and the identity of the entity that made such request.

The Department shall not enter into any agreement pursuant to subsection E with a requester pursuant to this subdivision unless the requester certifies that the information obtained will not be used for civil immigration purposes or knowingly disseminated to any third party for any purpose related to civil immigration enforcement.

10. Upon the request of the driver licensing authority in any foreign country, the Commissioner shall provide whatever driver and vehicle information the requesting authority shall require to carry out its official functions. The information shall be provided free of charge.

11. a. For the purpose of obtaining information regarding noncommercial driver's license holders, upon the written request of any employer, prospective employer, or authorized agent of either, and with the written consent of the individual concerned, the Commissioner shall (i) compare personal information supplied by the requester with that contained in the Department's records and, when the information supplied by the requester is different from that contained in the Department's records, provide the requester with correct information as contained in the Department's records and (ii) provide the requester with driver information in the form of a transcript of an individual's record, including all convictions, all crashes, any type of driver's license that the individual currently possesses, and all driver's license suspensions, revocations, cancellations, or forfeiture, provided that such individual's position or the position that the individual is being considered for involves the operation of a motor vehicle.

b. For the purpose of obtaining information regarding commercial driver's license holders, upon the written request of any employer, prospective employer, or authorized agent of either, the Commissioner shall (i) compare personal information supplied by the requester with that contained in the Department's records and, when the information supplied by the requester is different from that contained in the Department's records, provide the requester with correct information as

contained in the Department's records and (ii) provide the requester with driver information in the form of a transcript of such individual's record, including all convictions, all crashes, any type of driver's license that the individual currently possesses, and all driver's license suspensions, revocations, cancellations, forfeitures, or disqualifications, provided that such individual's position or the position that the individual is being considered for involves the operation of a commercial motor vehicle.

12. Upon the written request of any member of a volunteer fire company or volunteer emergency medical services agency and with written consent of the individual concerned, or upon the request of an applicant for membership in a volunteer fire company or to serve as volunteer emergency medical services personnel, the Commissioner shall (i) compare personal information supplied by the requester with that contained in the Department's records and, when the information supplied by the requester is different from that contained in the Department's records, provide the requester with correct information as contained in the Department's records and (ii) provide driver information in the form of a transcript of the individual's record, including all convictions, all crashes, any type of driver's license that the individual currently possesses, and all license suspensions, revocations, cancellations, or forfeitures. Such transcript shall be provided free of charge if the request is accompanied by appropriate written evidence that the person is a member of or applicant for membership in a volunteer fire company or a volunteer emergency medical services agency and the transcript is needed by the requester to establish the qualifications of the member, volunteer, or applicant to operate equipment owned by the volunteer fire company or volunteer emergency medical services agency.

13. Upon the written request of a Virginia affiliate of Big Brothers Big Sisters of America, a Virginia affiliate of Compeer, or the Virginia Council of the Girl Scouts of the USA, and with the consent of the individual who is the subject of the information and has applied to be a volunteer with the requester, or on the written request of a Virginia chapter of the American Red Cross, a Virginia chapter of the Civil Air Patrol, or Faith in Action, and with the consent of the individual who is the subject of the information and applied to be a volunteer vehicle operator with the requester, the Commissioner shall (i) compare personal information supplied by the requester with that contained in the Department's records and, when the information supplied by the requester is different from that contained in the Department's records, provide the requester with correct information as contained in the Department's records and (ii) provide driver information in the form of a transcript of the applicant's record, including all convictions, all crashes, any type of driver's license that the individual currently possesses, and all license suspensions, revocations, cancellations, or forfeitures. Such transcript shall be provided at a fee that is one-half the normal charge if the request is accompanied by appropriate written evidence that the person has applied to be a volunteer or volunteer vehicle operator with the requester as provided in this subdivision.

14. On the written request of any person who has applied to be a volunteer with a court-appointed special advocate program pursuant to § 9.1-153, the Commissioner shall provide a transcript of the applicant's record, including all convictions, all crashes, any type of driver's license that the individual currently possesses, and all license suspensions, revocations, cancellations, or forfeitures. Such transcript shall be provided free of charge if the request is accompanied by appropriate written evidence that the person has applied to be a volunteer with a court-appointed special advocate program pursuant to § 9.1-153.

15, 16. [Repealed.]

17. Upon the request of an attorney representing a person involved in a motor vehicle crash, the Commissioner shall provide the vehicle information for any vehicle involved in the crash and the name and address of the owner of any such vehicle.

18. Upon the request, in the course of business, of any authorized agent of an insurance company or of any not-for-profit entity organized to prevent and detect insurance fraud, or perform rating and underwriting activities, the Commissioner shall provide (i) all vehicle information, the owner's name and address, descriptive data and title, registration, and vehicle activity data, as requested, or (ii) the driver name, license number and classification, date of birth, and address information for each driver under the age of 22 licensed in the Commonwealth, provided that such request includes the driver's license number or address information of such driver. Use of such information shall be limited to use in connection with insurance claims investigation activities, antifraud activities, rating, or underwriting.

19. [Repealed.]

20. Upon the written request of the compliance agent of a private security services business, as defined in § 9.1-138, which is licensed by the Virginia Department of Criminal Justice Services, the Commissioner shall provide the name and address of the owner of the vehicle under procedures determined by the Commissioner.

21. (For contingent expiration date, see Acts 2023, c. 738, cl. 2) Upon the request of the operator of a toll facility, a traffic light signal violation monitoring system acting on behalf of a government entity, a traffic control device violation monitoring system acting on behalf of a government entity, or the Dulles Access Highway, or an authorized agent or employee of a toll facility operator, a traffic light signal violation monitoring system operator acting on behalf of a government entity, a traffic control device violation monitoring system operator acting on behalf of a government entity, or the Dulles Access Highway, for the purpose of obtaining vehicle owner data under subsection H of § 15.2-968.1, subsection A of § 33.2-504, subsection M of § 46.2-819.1, subsection P of § 46.2-819.3:1, or subsection N of § 46.2-819.5. Information released pursuant to this subdivision shall be limited to (i) the name, physical address, and, if available, email or other electronic address of the owner of the vehicle having failed to pay a toll, comply with a traffic light signal, or comply with a traffic control device or having improperly used the Dulles Access Highway and (ii) the vehicle information, including all descriptive vehicle data and title and registration data of the same vehicle.

21. (For contingent effective date, see Acts 2023, c. 738, cl. 2) Upon the request of the operator of a toll facility, a traffic light photo monitoring system acting on behalf of a government entity, or the Dulles Access Highway, or an authorized agent or employee of a toll facility operator or traffic light photo monitoring system operator acting on behalf of a government entity or the Dulles Access Highway, for the purpose of obtaining vehicle owner data under subsection H of § 15.2-968.1, subsection A of § 33.2-504, subsection M of § 46.2-819.1, subsection P of § 46.2-819.3:1, or subsection N of § 46.2-819.5. Information released pursuant to this subdivision shall be limited to the name, physical address, and, if available, email or other electronic address of the owner of the vehicle having failed to pay a toll or having failed to comply with a traffic light signal or having improperly used the Dulles Access Highway and the vehicle information, including all descriptive vehicle data and title registration data of the same vehicle.

22-26. [Repealed.]

27. Upon the written request of the executor or administrator of a deceased person's estate, the Department shall, if the deceased person had been issued a driver's license or special identification card by the Department, supply the requester with a hard copy image of any photograph of the deceased person kept in the Department's records.

28. [Repealed.]

29. a. Upon written agreement, the Commissioner may digitally verify the authenticity and validity of a driver's license, learner's permit, or special identification card to the American Association of Motor Vehicle Administrators, a motor vehicle dealer as defined in § 46.2-1500, or another organization approved by the Commissioner.

b. Upon written agreement, the Commissioner may release minimum information as needed in the Department's record through any American Association of Motor Vehicle Administrators service program created for the purpose of the exchange of information to any business, government agency, or authorized agent who would otherwise be authorized to receive the information requested pursuant to this section.

30. Upon the request of the operator of a video-monitoring system as defined in § 46.2-844 acting on behalf of a government entity, the Commissioner shall provide vehicle owner data pursuant to subsection B of § 46.2-844. Information released pursuant to this subdivision shall be limited to the name and address of the owner of the vehicle having passed a stopped school bus and the vehicle information, including all descriptive vehicle data and title and registration data for such vehicle.

31. Upon the request of the operator of a photo speed monitoring device as defined in § 46.2-882.1 acting on behalf of a government entity, the Commissioner shall provide vehicle owner data pursuant to subsection B of § 46.2-882.1. Information released pursuant to this subdivision shall be limited to the name and address of the owner of the vehicle having committed a violation of § 46.2-873 or 46.2-878.1 and the vehicle information, including all descriptive vehicle data and title and registration data, for such vehicle.

32. Notwithstanding the provisions of this section other than subdivision 33, the Department shall not release, except upon request by the subject of the information, the guardian of the subject of the information, the parent of a minor who is the subject of the information, or the authorized agent of the subject of the information, or pursuant to a court order, (i) proof documents submitted for the purpose of obtaining a driving credential or a special identification card, (ii) the information in the Department's records indicating the type of proof documentation that was provided, or (iii) applications relating to the issuance of a driving credential or a special identification card. As used in this subdivision, "proof document" means any document not originally created by the Department that is submitted to the Department for the issuance of any driving credential or special identification card. "Proof document" does not include any information contained on a driving credential or special identification card.

33. Notwithstanding the provisions of this section, the Department may release the information in the Department's records that it deems reasonable and necessary for the purpose of federal compliance audits.

34. The Department may release to a party that is subject to an administrative proceeding conducted by the Department nonmedical privileged information necessary to participate in such administrative proceeding. Such information shall be limited to matters of fact and law asserted or questioned by the Department, as are required to be provided pursuant to §§ 2.2-4019 and 2.2-4020. The Department may also release such information to other parties to the same administrative proceeding. Notwithstanding the provisions of subsection E, no information released pursuant to this subdivision shall be disseminated to any third party that is not a party to such administrative proceeding.

C. Information disclosed or furnished shall be assessed a fee as specified in § 46.2-214, unless as otherwise provided in this section.

D. Upon the receipt of a completed application and payment of applicable processing fees, the Commissioner may enter into an agreement with any governmental authority or business to exchange information specified in this section by electronic or other means.

E. The Department shall not release any privileged information pursuant to this title unless the Department has entered into a written agreement authorizing such release. The Department shall require the requesting entity to specify the purpose authorized pursuant to this title that forms the basis for the request and provide the permissible purpose as defined under 18 U.S.C. § 2721(b). Privileged information requested by an entity that has been altered or aggregated may be used only for the original purposes specified in the written agreement consistent with this title. The requesting entity shall disseminate privileged information only to third parties subject to the original purpose specified in the written agreement consistent with this title. Any agreement that does not allow third-party distribution shall include a statement that such distribution is prohibited. Such agreement may limit the scope of any authorized distribution consistent with this title. Privileged

information distributed to any third party shall only be further distributed by such third party subject to the original purpose specified and consistent with this title, or unless such third party is the subject of the information, the parent of a minor who is the subject of the information, the guardian of the subject of the information, the authorized agent or representative of the subject of the information, or the owner of the vehicle that is the subject of the information.

Any agreement entered into pursuant to this subsection between the Department and the Department of State Police shall specify (i) that privileged information shall be distributed only to authorized personnel of an entity meeting the definition of a criminal justice agency as defined in § 9.1-101 and other comparable local, state, and federal criminal justice agencies and entities issued a Virginia S-Originating Agency Identification (S-ORI) status; (ii) that privileged information shall be accessed, used, and disseminated only for the administration of criminal justice as defined in § 9.1-101; and (iii) that no local, state, or federal government entity, through the Virginia Criminal Information Network (VCIN) or any other method of dissemination controlled by the Department of State Police, has access to information stored by the Department in violation of the protections contained in this section. The Department of State Police shall notify the Department prior to when a new entity is to be granted S-ORI status and provide a copy of the S-ORI application to the Department. The Department of State Police shall not allow any entity to access Department data through VCIN if the Department objects in writing to the entity obtaining such data.

The provisions of this subsection shall not apply to (a) requests for information made pursuant to subdivision B 4; (b) a request made by an entity authorized to receive privileged information pursuant to subsection B, provided that such request is made on a form provided by the Department, other than a written agreement, that requires the requester to certify that such entity is entitled to receive such information pursuant to this title, state the purpose authorized pursuant to subsection B that forms the basis for the request, explain why the information requested is necessary to accomplish the stated purpose, and certify that the information will be used only for the stated purpose and the information received shall not be disseminated to third parties unless there is authorization to do so; or (c) the release of information to a law-enforcement officer or agency during an emergency situation, provided that (1) the requesting entity is authorized to receive such information pursuant to subdivision B 9, (2) the timely release of such information is in the interest of public safety, and (3) the requesting entity completes the form required pursuant to clause (b) within 48 hours of the release of such information.

F. Any person that receives any privileged information that such person knows or has reason to know was received in violation of this title shall not disseminate any such information and shall notify the Department of the receipt of such privileged information.

G. The Department shall conduct audits annually based on a risk assessment to ensure that privileged information released by the Department pursuant to this title is being used as authorized by law and pursuant to the agreements entered into by the Department. If the Department finds that privileged information has been used in a manner contrary to law or the relevant agreement, the Department may revoke access.

H. Any request for privileged information by an authorized agent of a governmental entity shall be governed by the provisions of subdivision B 9.

CHAPTER 190

An Act to amend and reenact § 32.1-45.1 of the Code of Virginia, relating to law-enforcement officers; exposure to bodily fluids; petition to the general district court by local attorney for the Commonwealth.

[H 435]

Approved March 28, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 32.1-45.1 of the Code of Virginia is amended and reenacted as follows:

§ 32.1-45.1. Deemed consent to testing and release of test results related to infection with human immunodeficiency virus or hepatitis B or C viruses.

A. Whenever any health care provider, or any person employed by or under the direction and control of a health care provider, is directly exposed to body fluids of a patient in a manner that may, according to the then current guidelines of the Centers for Disease Control and Prevention, transmit human immunodeficiency virus or hepatitis B or C viruses, the patient whose body fluids were involved in the exposure shall be deemed to have consented to testing for infection with human immunodeficiency virus or hepatitis B or C viruses. Such patient shall also be deemed to have consented to the release of such test results to the person who was exposed. In other than emergency situations, it shall be the responsibility of the health care provider to inform patients of this provision prior to providing them with health care services which create a risk of such exposure.

B. Whenever any patient is directly exposed to body fluids of a health care provider, or of any person employed by or under the direction and control of a health care provider, in a manner that may, according to the then current guidelines of the Centers for Disease Control and Prevention, transmit human immunodeficiency virus or hepatitis B or C viruses, the person whose body fluids were involved in the exposure shall be deemed to have consented to testing for infection with human immunodeficiency virus or hepatitis B or C viruses. Such person shall also be deemed to have consented to the release of such test results to the patient who was exposed.

C. For the purposes of this section, "health care provider" means any person, facility or agency licensed or certified to provide care or treatment by the Department of Health, Department of Behavioral Health and Developmental Services, Department of Rehabilitative Services, or the Department of Social Services, any person licensed or certified by a health regulatory board within the Department of Health Professions except for the Boards of Funeral Directors and Embalmers and Veterinary Medicine or any personal care agency contracting with the Department of Medical Assistance Services.

D. "Health care provider," as defined in subsection C, shall be deemed to include any person who renders emergency care or assistance, without compensation and in good faith, at the scene of an accident, fire, or any life-threatening emergency, or while en route therefrom to any hospital, medical clinic or doctor's office during the period while rendering such emergency care or assistance. The Department of Health shall provide appropriate counseling and opportunity for face-to-face disclosure of any test results to any such person.

E. Whenever any law-enforcement officer, salaried or volunteer firefighter, or salaried or volunteer emergency medical services provider is directly exposed to body fluids of a person in a manner that may, according to the then current guidelines of the Centers for Disease Control and Prevention, transmit human immunodeficiency virus or hepatitis B or C viruses, the person whose body fluids were involved in the exposure shall be deemed to have consented to testing for infection with human immunodeficiency virus or hepatitis B or C viruses. Such person shall also be deemed to have consented to the release of such test results to the person who was exposed. If the person whose body fluids were involved in the exposure is deceased, the decedent's next of kin shall be deemed to have consented to testing of the decedent's blood for infection with human immunodeficiency virus or hepatitis B or C viruses and release of such test results to the person who was exposed.

F. Whenever a person is directly exposed to the body fluids of a law-enforcement officer, salaried or volunteer firefighter, or salaried or volunteer emergency medical services provider in a manner that may, according to the then current guidelines of the Centers for Disease Control and Prevention, transmit human immunodeficiency virus or hepatitis B or C viruses, the person whose body fluids were involved in the exposure shall be deemed to have consented to testing for infection with human immunodeficiency virus or hepatitis B or C viruses. The law-enforcement officer, salaried or volunteer firefighter, or salaried or volunteer emergency medical services provider shall also be deemed to have consented to the release of such test results to the person who was exposed.

G. For the purposes of this section, "law-enforcement officer" means a person who is both (i) engaged in his public duty at the time of such exposure and (ii) employed by any sheriff's office, any adult or youth correctional facility, or any state or local law-enforcement agency, or any agency or department under the direction and control of the Commonwealth or any local governing body that employs persons who have law-enforcement authority.

H. Whenever any school board employee is directly exposed to body fluids of any person in a manner that may, according to the then current guidelines of the Centers for Disease Control and Prevention, transmit human immunodeficiency virus or hepatitis B or C viruses, the person whose body fluids were involved in the exposure shall be deemed to have consented to testing for infection with human immunodeficiency virus or hepatitis B or C viruses. Such person shall also be deemed to have consented to the release of such test results to the school board employee who was exposed.

I. Whenever any person is directly exposed to the body fluids of a school board employee in a manner that may, according to the then current guidelines of the Centers for Disease Control and Prevention, transmit human immunodeficiency virus or hepatitis B or C viruses, the school board employee whose body fluids were involved in the exposure shall be deemed to have consented to testing for infection with human immunodeficiency virus or hepatitis B or C viruses. The school board employee shall also be deemed to have consented to the release of such test results to the person.

J. For the purposes of this section, "school board employee" means a person who is both (i) acting in the course of employment at the time of such exposure and (ii) employed by any local school board in the Commonwealth.

K. For purposes of this section, if the person whose blood specimen is sought for testing is a minor, consent for obtaining such specimen shall be obtained from the parent, guardian, or person standing in loco parentis of such minor prior to initiating such testing. If the parent or guardian or person standing in loco parentis withholds such consent, or is not reasonably available, the person potentially exposed to the human immunodeficiency virus or hepatitis B or C viruses, or the employer of such person, may petition the juvenile and domestic relations district court in the county or city where the minor resides or resided, or, in the case of a nonresident, the county or city where the health care provider, law-enforcement agency or school board has its principal office or, in the case of a health care provider rendering emergency care pursuant to subsection D, the county or city where the exposure occurred, for an order requiring the minor to provide a blood specimen or to submit to testing and to disclose the test results in accordance with this section.

L. Except as provided in subsection K, if the person whose blood specimen is sought for testing refuses to provide such specimen, any person identified by this section who was potentially exposed to the human immunodeficiency virus or the hepatitis B or C viruses in the manner described by this section, or the employer of such person, *or the local attorney for the Commonwealth in the county or city in which the exposure occurred if such exposed person is a law-enforcement officer,* may petition, on a form to be provided by the Office of the Executive Secretary of the Supreme Court of Virginia, the general district court of the county or city in which the person whose specimen is sought resides or resided, or, in the case of a nonresident, the county or city where the health care provider, law-enforcement agency or school board has its principal office or, in the case of a health care provider rendering emergency care pursuant to subsection D, the county or city where the exposure occurred, for an order requiring the person to provide a blood specimen or to submit to testing and to disclose

the test results in accordance with this section. A hearing on such a petition shall be given precedence on the docket so as to be heard by the court within 48 hours of the filing of the petition, or, if the court is closed during such time period, such petition shall be heard on the next day that the court is in session. A copy of the petition, which shall specify the date and location of the hearing, shall be provided to the person whose specimen is sought. At any hearing before the court, the person whose specimen is sought or his counsel may appear. The court may be advised by the Commissioner or his designee prior to entering any testing order. If the general district court determines that there is probable cause to believe that a person identified by this section has been exposed in the manner prescribed by this section, the court shall issue an order requiring the person whose bodily fluids were involved in the exposure to provide a blood specimen or to submit to testing and to disclose the test results in accordance with this section. If a testing order is issued, both the petitioner and the person from whom the blood specimen is sought shall receive counseling and opportunity for face-to-face disclosure of any test results by a licensed practitioner or trained counselor.

M. Any person who is subject to a testing order may appeal the order of the general district court to the circuit court of the same jurisdiction within 10 days of receiving notice of the order. Any hearing conducted pursuant to this subsection shall be held in camera as soon as practicable. The record shall be sealed. The order of the circuit court shall be final and nonappealable.

N. No specimen obtained pursuant to this section shall be tested for any purpose other than for the purpose provided for in this section, nor shall the specimen or the results of any testing pursuant to this section be used for any purpose in any criminal matter or investigation. Any violation of this subsection shall constitute reversible error in any criminal case in which the specimen or results were used.

CHAPTER 191

An Act to amend and reenact §§ 24.2-101 and 24.2-649.1 of the Code of Virginia, relating to assistance for certain voters outside of the polling place; definition of "person with a disability"; training.

[H 441]

Approved March 28, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 24.2-101 and 24.2-649.1 of the Code of Virginia are amended and reenacted as follows:

§ 24.2-101. Definitions.

As used in this title, unless the context requires a different meaning:

"Ballot scanner machine" means the electronic counting machine in which a voter inserts a marked ballot to be scanned and the results tabulated.

"Candidate" means a person who seeks or campaigns for an office of the Commonwealth or one of its governmental units in a general, primary, or special election and who is qualified to have his name placed on the ballot for the office. "Candidate" shall include a person who seeks the nomination of a political party or who, by reason of receiving the nomination of a political party for election to an office, is referred to as its nominee. For the purposes of Chapters 8 (§ 24.2-800 et seq.), 9.3 (§ 24.2-945 et seq.), and 9.5 (§ 24.2-955 et seq.), "candidate" shall include any write-in candidate. However, no write-in candidate who has received less than 15 percent of the votes cast for the office shall be eligible to initiate an election contest pursuant to Article 2 (§ 24.2-803 et seq.) of Chapter 8. For the purposes of Chapters 9.3 (§ 24.2-945 et seq.) and 9.5 (§ 24.2-955 et seq.), "candidate" shall include any person who raises or spends funds in order to seek or campaign for an office of the Commonwealth, excluding federal offices, or one of its governmental units in a party nomination process or general, primary, or special election; and such person shall be considered a candidate until a final report is filed pursuant to Article 3 (§ 24.2-947 et seq.) of Chapter 9.3.

"Central absentee voter precinct" means a precinct established pursuant to § 24.2-712 for the processing of absentee ballots for the county or city or any combination of precincts within the county or city.

"Constitutional office" or "constitutional officer" means a county or city office or officer referred to in Article VII, § 4 of the Constitution of Virginia: clerk of the circuit court, attorney for the Commonwealth, sheriff, commissioner of the revenue, and treasurer.

"Department of Elections" or "Department" means the state agency headed by the Commissioner of Elections.

"Direct recording electronic machine" or "DRE" means the electronic voting machine on which a voter touches areas of a computer screen, or uses other control features, to mark a ballot and his vote is recorded electronically.

"Election" means a general, primary, or special election.

"Election district" means the territory designated by proper authority or by law which is represented by an official elected by the people, including the Commonwealth, a congressional district, a General Assembly district, or a district for the election of an official of a county, city, town, or other governmental unit.

"Electoral board" or "local electoral board" means a board appointed pursuant to § 24.2-106 to administer elections for a county or city. The electoral board of the county in which a town or the greater part of a town is located shall administer the town's elections.

"Entrance of polling place" or "entrance to polling place" means an opening in the wall used for ingress to a structure.

"General election" means an election held in the Commonwealth on the Tuesday after the first Monday in November or on the first Tuesday in May for the purpose of filling offices regularly scheduled by law to be filled at those times.

"General registrar" means the person appointed by the electoral board of a county or city pursuant to § 24.2-110 to be responsible for all aspects of voter registration, in addition to other duties prescribed by this title. When performing duties related to the administration of elections, the general registrar is acting in his capacity as the director of elections for the locality in which he serves.

"Machine-readable ballot" means a tangible ballot that is marked by a voter or by a system or device operated by a voter, is available for verification by the voter at the time the ballot is cast, and is then fed into and scanned by a separate counting machine capable of reading ballots and tabulating results.

"Officer of election" means a person appointed by an electoral board pursuant to § 24.2-115 to serve at a polling place for any election.

"Paper ballot" means a tangible ballot that is marked by a voter and then manually counted.

"Party" or "political party" means an organization of citizens of the Commonwealth which, at either of the two preceding statewide general elections, received at least 10 percent of the total vote cast for any statewide office filled in that election. The organization shall have a state central committee and an office of elected state chairman which have been continually in existence for the six months preceding the filing of a nominee for any office.

"Person with a disability" means a person with a disability as defined ~~by the Virginians with Disabilities Act (§ 51.5-1 et seq.)~~ *in § 51.5-40.1*.

"Polling place" means the structure that contains the one place provided for each precinct at which the qualified voters who are residents of the precinct may vote.

"Precinct" means the territory designated by the governing body of a county, city, or town to be served by one polling place.

"Primary" or "primary election" means an election held for the purpose of selecting a candidate to be the nominee of a political party for election to office.

"Printed ballot" means a tangible ballot that is printed on paper and includes both machine-readable ballots and paper ballots.

"Qualified voter" means a person who is entitled to vote pursuant to the Constitution of Virginia and who is (i) 18 years of age on or before the day of the election or qualified pursuant to § 24.2-403 or subsection D of § 24.2-544, (ii) a resident of the Commonwealth and of the precinct in which he offers to vote, and (iii) a registered voter. No person who has been convicted of a felony shall be a qualified voter unless his civil rights have been restored by the Governor or other appropriate authority. No person adjudicated incapacitated shall be a qualified voter unless his capacity has been reestablished as provided by law. Whether a signature should be counted towards satisfying the signature requirement of any petition shall be determined based on the signer of the petition's qualification to vote. For purposes of determining if a signature on a petition shall be included in the count toward meeting the signature requirements of any petition, "qualified voter" shall include only persons maintained on the Virginia voter registration system (a) with active status and (b) with inactive status who are qualified to vote for the office for which the petition was circulated.

"Qualified voter in a town" means a person who is a resident within the corporate boundaries of the town in which he offers to vote, duly registered in the county of his residence, and otherwise a qualified voter.

"Referendum" means any election held pursuant to law to submit a question to the voters for approval or rejection.

"Registered voter" means any person who is maintained on the Virginia voter registration system. All registered voters shall be maintained on the Virginia voter registration system with active status unless assigned to inactive status by a general registrar in accordance with Chapter 4 (§ 24.2-400 et seq.). For purposes of applying the precinct size requirements of § 24.2-307, calculating election machine requirements pursuant to Article 3 (§ 24.2-625 et seq.) of Chapter 6, mailing notices of local election district, precinct or polling place changes as required by subdivision 13 of § 24.2-114 and § 24.2-306, and determining the number of signatures required for candidate and voter petitions, "registered voter" shall include only persons maintained on the Virginia voter registration system with active status. For purposes of determining if a signature on a petition shall be included in the count toward meeting the signature requirements of any petition, "registered voter" shall include only persons maintained on the Virginia voter registration system (i) with active status and (ii) on inactive status who are qualified to vote for the office for which the petition was circulated.

"Registration records" means all official records concerning the registration of qualified voters and shall include all records, lists, applications, and files, whether maintained in books, on cards, on automated data bases, or by any other legally permitted record-keeping method.

"Residence" or "resident," for all purposes of qualification to register and vote, means and requires both domicile and a place of abode. To establish domicile, a person must live in a particular locality with the intention to remain. A place of abode is the physical place where a person dwells.

"Special election" means any election that is held pursuant to law to fill a vacancy in office or to hold a referendum.

"State Board" or "Board" means the State Board of Elections.

"Virginia voter registration system" or "voter registration system" means the automated central record-keeping system for all voters registered within the Commonwealth that is maintained as provided in Article 2 (§ 24.2-404 et seq.) of Chapter 4.

"Voting system" means the electronic voting and counting machines used at elections, including direct recording electronic machines (DRE), ballot scanner machines, and on-demand ballot printing systems and ballot marking devices used to manufacture or mark ballots to be cast by voters on electronic voting and counting machines.

§ 24.2-649.1. Assistance for certain voters outside of the polling place.

A. Any *qualified* voter *who is a person* with a disability or who is age 65 or older shall be entitled to vote outside of the polling place in accordance with the provisions of this section. However, during a declared state of emergency related to a communicable disease of public health threat, any voter, regardless of age or disability, shall be entitled to vote outside of the polling place in accordance with the provisions of this section. For purposes of this section, a disability shall include a permanent ~~physical disability,~~ ~~a~~ *or* temporary ~~physical~~ disability, or an injury.

B. The area designated for voting outside of the polling place shall be within 150 feet of the entrance to the polling place. This area shall be clearly marked, and instructions on how to notify an officer of election of the voter's request to vote outside of the polling place shall be prominently displayed. The Department shall prescribe the form and content of such instructions, but in no case shall the voter be required to enter the polling place to provide such notice.

C. A voter eligible pursuant to subsection A shall be handed a printed ballot by an officer of election. He shall mark the ballot in the officer's presence but in a secret manner and, obscuring his vote, shall return the ballot to the officer. The officer shall immediately return to the polling place and shall deposit a paper ballot in the ballot container in accordance with § 24.2-646 or a machine-readable ballot in the ballot scanner machine in accordance with the instructions of the State Board.

D. Any county or city that has acquired an electronic voting machine that is so constructed as to be easily portable may use the voting machine in lieu of a printed ballot for voting outside of the polling place, so long as: (i) the voting machine remains in the plain view of two officers of election representing two political parties, or in a primary election, two officers of election representing the party conducting the primary, provided that if the use of two officers for this purpose would result in too few officers remaining in the polling place to meet legal requirements, the voting machine shall remain in plain view of one officer who shall be either the chief officer or the assistant chief officer and (ii) the voter casts his ballot in a secret manner unless the voter requests assistance pursuant to § 24.2-649.

After the voter has completed voting his ballot, the officer or officers shall immediately return the voting machine to its assigned location inside the polling place~~,~~ and shall record (a) the machine number, (b) the time that the machine was removed and the time that it was returned, (c) the number on the machine's public counter before the machine was removed and the number on the same counter when it was returned, and (d) the name or names of the officer or officers who accompanied the machine on the statement of results. The names of the voters who used the machine while it was removed shall also be recorded, provided that secrecy of the ballot is maintained in accordance with guidance from the State Board. If a polling place fails to record the information required in clause (a), (b), (c), or (d), or it is later proven that the information recorded was intentionally falsified, the local electoral board or general registrar shall dismiss at a minimum the chief officer or the assistant chief officer, or both, as appropriate, and shall dismiss any other officer of election who is shown to have caused the failure to record the required information intentionally or by gross negligence or to have intentionally falsified the information. The dismissed officers shall not be allowed thereafter to serve as an officer or other election official anywhere in the Commonwealth.

E. Training on providing assistance for voters outside of the polling place pursuant to this section shall be provided to all officers of election as part of the training required by subsection A of § 24.2-115.2.

2. That the Department of Elections shall incorporate into guidance documents for election officials the processes and procedures for voting outside of the polling place pursuant to § 24.2-649.1 of the Code of Virginia, as amended by this act, including best practices for providing assistance for voters with disabilities.

CHAPTER 192

An Act to continue the Cumberlands Airport Commission and provide for its rights, powers, duties, and functions and to repeal Chapter 439 of the Acts of Assembly of 1958, which created the Cumberlands Airport Commission.

[H 460]

Approved March 28, 2024

Be it enacted by the General Assembly of Virginia:

1.

Amended Cumberlands Airport Commission Act.

§ 1. Short title.

This Amended Act shall be known and may be cited as the Amended Cumberlands Airport Commission Act of 2024.

§ 2. Creation; public purpose.

The Cumberlands Airport Commission (the Commission) was created in 1958 by the Virginia General Assembly. This Amended Act redefines the potential participating political subdivisions to be only those including and within the Counties of Wise and Dickenson and the City of Norton. The Commission shall thereupon exist for such participating political subdivisions and shall exercise its newly amended powers and functions as prescribed herein in this Amended Act. The

region for which such Commission shall exist shall be coterminous with the boundaries of the participating political subdivisions.

In any suit, action, or proceeding involving the validity or enforcement of or relating to any contract of the Cumberlands Airport Commission, such Commission shall be conclusively deemed to have been created as a body corporate and to have been established and authorized to transact business and exercise its powers under this Amended Act. Any political subdivision within the region for which such Commission shall exist is authorized to join such Commission pursuant to the terms and conditions of this Amended Act.

It is hereby declared that the ownership and operation by the Commission of modern and efficient air transportation and related facilities and the exercise of powers conferred by this Amended Act are proper and essential governmental functions and public purposes and matters of public necessity for which public moneys may be spent and private property acquired as hereinafter provided.

§ 3. Definitions.

As used in this Amended Act, the following words and terms have the following meanings unless a different meaning clearly appears from the context:

"Act" means the original Cumberlands Airport Commission Act of 1958.

"Amended Act" means this Amended Cumberlands Airport Commission Act of 2024.

"Commission" means the Cumberlands Airport Commission continued by this Amended Act and shall consist of members from the participating political subdivisions.

"Commonwealth" means the Commonwealth of Virginia.

"Facility" means any and all airports, terminals, runways, hangars, loading facilities, repair shops, parking areas, facilities for the preparation of in-flight meals, restaurants and accommodations for temporary or overnight use by passengers, and other facilities functionally related to the needs or convenience of passengers, shipping companies and airlines, and industrial and commercial facilities, purchased, constructed, or otherwise acquired or operated by the Commission.

Any facility may consist of or include any or all buildings or other structures, improvements, additions, extensions, replacements, machinery, or equipment, together with appurtenances, lands, rights in land, avigation rights, water rights, franchises, furnishings, landscaping, utilities, approaches, roadways, or other facilities necessary or desirable in connection therewith or incidental thereto.

"Lonesome Pine Airport" means the airport facilities located at 6225 Airport Road, Wise, Virginia, and any other facilities necessary, incidental, or convenient to the operation of the facilities.

"Participating political subdivision" means either of the Counties of Wise and Dickenson, any of the incorporated political subdivisions therein, and the City of Norton.

"Political subdivision" means a county or incorporated municipality of the Commonwealth.

§ 4. Participating political subdivision.

A participating political subdivision should budget for and set forth a financial contribution to be made annually by such political subdivision to the Commission.

No pecuniary liability of any kind shall be imposed upon any participating political subdivision because of any act, omission, agreement, contract, tort, malfeasance, misfeasance, or nonfeasance by or on the part of the Commission or any member thereof, or its agents, servants, or employees, except as otherwise provided in this Amended Act with respect to contracts and agreements between the Commission and any other political subdivision.

§ 5. Appointment, tenure, and payment of members.

The governing body of each participating political subdivision shall appoint one member for a four-year term. The governing body of each participating political subdivision is empowered to remove at any time, without cause, any member appointed by it and appoint a successor member to fill the unexpired portion of the removed member's term. If the appointment of a member is nullified through political subdivision disincorporation, or the governing body chooses to no longer be a participating political subdivision, then the Commission will advise the remaining participating political subdivisions of such an event and its effects, if any, upon the Commission.

Each member may be reimbursed by the Commission for the amount of actual expenses incurred by such member in the performance of his duties such as meeting attendance, conference trips, or trips to meet with the Virginia Department of Aviation, Federal Aviation Administration, or contractor officials. In addition to actual expenses incurred, each Commission member may receive reasonable payment for meeting attendance, as determined by the Commission.

§ 6. Organization.

A majority of the members in office shall constitute a quorum. No vacancy in the membership of the Commission shall impair the right of a quorum to exercise all the rights and perform all the duties of the Commission.

The Commission shall hold regular meetings at such times and places as may be established by its bylaws. Special meetings of the Commission may be called by any two members or by the Chairman upon at least 48 hours' written notice via hand-carried letter to each member served personally or left at his usual place of business or residence, or via email or text message with acknowledgement of receipt.

The Commission shall annually elect a chairman, a vice-chairman, a secretary, and a treasurer (or a secretary-treasurer) from its membership and such other officers as it may deem appropriate. The Commission may appoint

an Airport Manager, who shall not be a member, who shall exercise such powers and duties as may be delegated to him by the Commission, including powers and duties involving the exercise of discretion.

The Commission may make and from time to time adopt rules and regulations for its own procedure and government, amend and repeal bylaws, not inconsistent with this Amended Act, governing the manner in which the Commission's business may be transacted and in which the power granted to it may be enjoyed. The Commission may appoint such committees as it may deem advisable and fix the duties and responsibilities of such committees.

§ 7. Powers.

The Commission is hereby granted all powers necessary or appropriate to carry out the purposes of this Amended Act, including, for purposes of illustration, the following:

1. To sue and be sued in its own name;

2. To have perpetual succession;

3. To adopt a corporate seal;

4. To maintain offices at such places as it may designate in the Town of Wise and in Wise County, with the preferred location at Lonesome Pine Airport;

5. To acquire, establish, construct, enlarge, improve, maintain, equip, operate and regulate any airport, air landing fields, structures, avigation facilities, and other property incidental thereto within the territorial limits of the participating political subdivisions subject to the limitation that such power shall be limited to such items as may be necessary for the operation of the Lonesome Pine Airport;

6. To construct, install, maintain, and operate facilities for the servicing and storage of aircraft and for the accommodation of cargo, freight, mail, express, and similar items, and for the accommodation and comfort of air travelers, and for lease or sale to industrial or commercial users, and to purchase and sell equipment and supplies incidental to the operation of its airport facilities;

7. To grant to others the privilege to operate for profit concessions, leases, and franchises, including but not limited to the sale of airplanes, fuel, parts, and equipment, maintenance of aircraft, the accommodation and comfort of persons using its facilities, and the providing of ground transportation and parking facilities for such persons; such concessions, leases, and franchises shall be exclusive or limited when deemed by the Commission necessary to further the public safety, improve the quality of air service, avoid duplication of service, or conserve airport property and the airport operation;

8. To determine fees, rates, and charges for the use of its facilities;

9. To apply for and accept gifts, or grants of money, or gifts, grants, or loans of other property or other financial assistance from the United States and agencies and instrumentalities thereof, the Commonwealth and political subdivisions, agencies, and instrumentalities thereof, or any other person or entity, for or in aid of the construction, acquisition, ownership, operation, maintenance, or repair of the Commission's facilities or for the payment of principal of any indebtedness of the Commission, interest thereon, or other cost incident thereto, and to this end the Commission shall have the power to render such services, comply with such conditions, and execute such agreements and legal instruments as may be necessary, convenient, or desirable or imposed as a condition to such financial aid;

10. To appoint, employ, or engage such officers, employees, architects, engineers, attorneys, accountants, financial advisors, investment bankers, and other advisors, consultants, and agents as may be necessary or appropriate, and to fix their duties and compensation;

11. To contract with a participating political subdivision;

12. To establish personnel policies and rules;

13. To own, purchase, lease, obtain options upon, acquire by gift, grant, or bequest or otherwise acquire any property, real or personal, or any interest therein, and in connection therewith to assume or take subject to any indebtedness secured by such property;

14. To sell, lease, grant options upon, exchange, transfer, assign, or otherwise dispose of any property, real or personal, or any interest therein, subject to the provisions of any deed or deeds to the Commission and any agreement or agreements among or between the Commission and any participating political subdivision, if such disposition is in the public interest and in furtherance of the purposes of this Amended Act or if such property is not necessary for the purposes of the Commission;

15. To make, assume, and enter into all contracts, leases, and arrangements necessary or incidental to the exercise of its powers, including contracts for the management or operation of all or any part of its facilities;

16. a. To borrow money, as hereinafter provided, and to borrow money for the purpose of meeting casual deficits in its revenues;

b. The total indebtedness of the Commission at no time shall exceed the amount of $500,000, in principal, whether by purchase of encumbered property, direct loan, bonded indebtedness, or debt in any other form except as agreed to by each participating political subdivision by resolution of the governing body thereof, in which case the total amount of indebtedness shall be expressed in the resolution of each such governing body;

c. Notwithstanding any other provision of law, no interest or right in the real property conveyed, in any form, to the Commission by a participating political subdivision, shall be conveyed, pledged, or otherwise transferred by the Commission for the purpose of obtaining or securing any indebtedness, nor shall any such property be encumbered by the Commission unless and until such subdivision has approved the nature of, terms of, and amount of such conveyance, pledge, transfer, or encumbrance, by resolution of the governing body of said subdivision;

17. To adopt, amend, and repeal rules and regulations for the use, maintenance, and operation of its facilities, for governing the conduct of persons and organizations using its facilities, and for the enforcement of such rules and regulations and all other rules, regulations, ordinances, and statutes relating to its facilities, all as hereinafter provided;

18. To pay pensions and establish pension plans, pension trusts, and other compensation plans for any of its employees;

19. To purchase and maintain insurance or to provide indemnification on behalf of any person who is or was a member, officer, employee, or agent of the Commission against any liability asserted against him or incurred by him in any such capacity or arising out of his status as such; and

20. To do all things necessary or convenient to the purposes of this Amended Act.

The powers of the Commission expressed in this Amended Act shall be limited to those powers necessary for the construction and operation of the Lonesome Pine Airport. To that end, property acquired, owned, or conveyed to the Commission, contracts entered into, financial assistance, indebtedness, rules and regulations adopted by the Commission, and any other actions thereof may only pertain to said airport.

The grant of regulatory authority to the Commission by this Amended Act, including regulations that displace, eliminate, or limit competition by or among persons or entities, is based on the policy of the Commonwealth to provide for the safe, adequate, economical, and efficient provision of air transportation and related facilities and services to the public.

§ 8. Name of airport.

The name of the airport operated by the Commission shall be Lonesome Pine Airport.

§ 9. Rules and regulations.

The Commission shall have the power to adopt, amend, and repeal rules and regulations for the use, maintenance, and operation of its facilities and governing the conduct of persons and organizations using its facilities.

Unless the Commission shall by unanimous vote of the Commission determine that an emergency exists, the Commission shall, prior to the adoption of any rule or regulation or alteration, amendment, or modification thereof:

1. Make such rule, regulation, alteration, amendment, or modification in convenient form available for public inspection in the office of the Commission for at least 10 business days; and

2. Post in a public place a notice declaring the Commission's intention to consider adopting such rule, regulation, alteration, amendment, or modification and informing the public that the Commission will at a public meeting consider the adoption of such rule or regulation or such alterations, amendment, or modification, on a day and at a time to be specified in the notice, after the expiration of at least 10 business days from the first day of the posting of the notice thereof. The Commission's rules and regulations shall be available for public inspection at the Commission's primary office.

The Commission's rules and regulations relating to (i) traffic, including but not limited to motor vehicle speed limits and the location of and payment of public parking; (ii) access to Commission facilities, including but not limited to solicitation, hand billing, and picketing; and (iii) aircraft operation and maintenance shall have the force of law, as shall any other rule or regulation of the Commission that shall contain a determination by the Commission that it is necessary to accord the same force and effect of law in the interest of the public safety; however, with respect to motor vehicle traffic rules and regulations, the Commission shall obtain the approval of the traffic engineer or comparable official of the political subdivision in which such rules or regulations are to be enforced.

The violation of any rule or regulation of the Commission relating to motor vehicle traffic shall be tried and punished in the same manner as if it had been committed on the public roads of the participating political subdivision in which such violation occurred. All other violations of the rules and regulations having the force of law shall be punishable as misdemeanors.

All ordinances, rules, and regulations duly adopted for the regulation, administration, and operation of Lonesome Pine Airport in force at the effective date of this Amended Act shall remain in full force insofar as they or any part thereof are not inconsistent with the provisions of this Amended Act until amended or repealed in accordance with this Amended Act.

§ 10. Reports, records, and audits.

The Commission shall keep minutes of its proceedings, which minutes shall be open to public inspection during normal business hours. It shall keep suitable records of all its financial transactions and shall arrange to have audited by an independent certified public accountant any and all financial records required by the Federal Aviation Administration or the Commonwealth. Copies of each such audit shall be open to public inspection.

§ 11. Procurement and small purchase procedures.

All contracts that the Commission may let for construction or materials shall be subject to the Virginia Public Procurement Act (§ 2.2-4300 et seq. of the Code of Virginia). Additionally, where feasible, small purchase procedures established by the Commission will be used.

§ 12. Deposit and investment of funds.

Except as provided by contract with a participating political subdivision, all moneys received by the Commission pursuant to this Amended Act, whether as revenues or otherwise, shall be deemed to be trust funds to be held and applied solely as provided in this Amended Act. All moneys of the Commission shall be deposited as soon as practicable in a separate account or accounts in one or more banks or trust companies organized under the laws of the Commonwealth or national banking associations having their principal offices in the Commonwealth. Such deposits shall be continuously secured in accordance with the Virginia Security for Public Deposits Act (§ 2.2-4400 et seq. of the Code of Virginia).

Funds of the Commission not needed for immediate use or disbursement may be invested in securities that are considered lawful investments for fiduciaries.

§ 13. Fees, rents, and charges.

The Commission is hereby authorized to and shall fix, revise, charge, and collect fees, rents, and other charges for the use and services of any facilities. Such fees, rents, and other charges shall be so fixed and adjusted as to provide a fund sufficient with other revenues to pay the cost of maintaining, repairing, and operating the facilities. Such fees, rents, and charges shall not be subject to supervision or regulation by any commission, board, bureau, or agency of the Commonwealth or any participating political subdivision.

§ 14. Taxation.

The exercise of the powers granted by this Amended Act shall in all respects be presumed to be for the benefit of the inhabitants of the Commonwealth, for the increase of their commerce, and for the promotion of their health, safety, welfare, convenience, and prosperity, and as the operation and maintenance of any project that the Commission is authorized to undertake will constitute the performance of an essential governmental function, the Commission shall not be required to pay any taxes or assessments upon any facilities acquired and constructed by it under the provisions of this Amended Act. Under the provisions of this Amended Act, any profit made on the sale or transfer thereof shall at all times be free and exempt from taxation by the Commonwealth and by any political subdivision thereof.

Persons, firms, partnerships, associations, corporations, and organizations leasing property of the Commission or doing business on property of the Commission shall be subject to and liable for payment of all applicable taxes of the political subdivision in which such leased property lies or in which business is conducted, including, but not limited to, any leasehold tax on real property and taxes on tangible personal property and machinery and tools, taxes for admission, taxes on hotel and motel rooms, taxes on the sale of tobacco products, taxes on the sale of meals and beverages, privilege taxes and local general retail sales and use taxes, taxes to be paid on licenses in respect to any business, profession, vocation, or calling, and taxes upon consumers of gas, electricity, telephone, and other public utility services.

§ 15. Appropriation by political subdivision.

Any participating political subdivision is authorized to provide services, to donate real or personal property, and to make appropriations to the Commission for the acquisition, construction, maintenance, and operation of the Commission's facilities. Any such political subdivision is hereby authorized to issue its bonds, including general obligation bonds, in the manner provided in the Public Finance Act (§ 15.2-2600 et seq. of the Code of Virginia) or in any applicable municipal charter for the purpose of providing funds to be appropriated to the Commission, and such political subdivisions may enter into contracts obligating such bond proceeds to the Commission. The Commission may agree to assume, or reimburse a participating political subdivision for, any indebtedness incurred by such participating political subdivision with respect to facilities conveyed by it to the Commission. With the consent of the governing body of the participating political subdivision, any such agreement may be made subordinate to the Commission's indebtedness to others.

§ 16. Commission budget.

1. The Commission shall annually prepare and submit to the participating political subdivisions (i) a proposed operating budget showing its estimated general fund revenues and expenses on an accrual basis for the forthcoming fiscal year, and if such estimated expenses exceed such estimated revenues, the portion of the deficit proposed to be borne by each participating political subdivision, and (ii) a proposed capital budget showing its estimated expenditures for such fiscal year for assets costing more than $20,000, or such higher amount as the Commission and the participating political subdivisions may determine, and having an estimated useful life of 20 years or more and the source of funds for such expenditures, including any amount requested from the participating political subdivisions. No depreciation shall be included in the Commission's operating budget with respect to assets purchased by the Commission with funds appropriated to it for such purpose by a participating political subdivision and, for this determination, it shall be assumed that any appropriation so made is for the purchase of assets set forth in the applicable Commission budget to the extent such purchase price is included in the approved budget. Assets purchased by the Commission with bond proceeds shall be depreciated over the term of the bond issue in proportion to the maturities, including sinking fund installments, of the bond issue.

2. If the governing body of a participating political subdivision agrees with the Commission's proposed operating budget, it shall appropriate to the Commission such political subdivision's portion of such budget, subject to the availability of funds in regard to the budget of the political subdivision.

3. If the governing body of a participating political subdivision agrees with the Commission's proposed capital budget, it shall appropriate to the Commission such participating political subdivision's portion of the expenditures set forth therein. Any such appropriation may be reduced by the participating political subdivision's proportionate share of any grant funds received by the Commission for the purchase of assets included in the Commission's approved capital budget in excess of the grant funds shown in such capital budget as a source of funds for such expenditure, unless prohibited by the basic provider of the grant funds.

4. The Commission may expend any and all moneys within its control without obtaining the approval of the participating political subdivisions, except as otherwise provided in this Amended Act with respect to contracts and agreements between the Commission and any political subdivision, the Commission shall not commit any participating political subdivision in an amount in excess of that appropriated to the Commission by the governing body of such political subdivision.

5. If at any time during any fiscal year it shall appear that the cash disbursements of the Commission will exceed its cash receipts for such fiscal year, including amounts appropriated to it by the participating political subdivisions, the Commission may request supplemental appropriations from the participating political subdivisions and any other political subdivision.

§ 17. Allocation of deficit.

Any deficit budgeted by the Commission in any fiscal year, i.e., any excess of its estimated general fund expenses over its estimated general fund revenues, and the cost of any budgeted capital expenditures in excess of the amount shown as available therefor, as shown on the Commission's operating and capital budgets, agreed to by the participating political subdivisions, shall be allocated among the participating political subdivisions as agreed upon by the participating political subdivisions and subject to the availability of funds in regard to the budgets of the political subdivisions.

§ 18. Dissolution of Commission.

Whenever it shall appear to the Commission that the need for the Commission no longer exists, the Commission may petition the court of competent jurisdiction for the dissolution of the Commission. If the court shall determine that the need for the Commission as set forth in this Amended Act no longer exists and that all debts and pecuniary obligations of the Commission have been fully paid or provided for, it may enter an order dissolving the Commission.

Upon dissolution, the court, while considering the requirements of § 5.1-2.6 of the Code of Virginia, shall order any real property contributed to the Commission by a participating political subdivision, together with any improvements thereon, returned to such participating political subdivision. The remaining assets of the Commission shall be distributed to the participating political subdivisions in proportion to their respective contributions theretofore made to the Commission. Each participating political subdivision and all holders of the Commission's bonds shall be made parties to any such proceeding and shall be given notice as provided by law. Any party defendant may reply to such petition at any time within six months after the filing of the petition.

§ 19. Liberal construction.

Neither this Amended Act, nor anything herein contained, is or shall be construed as a restriction or limitation upon any powers that the Commission might otherwise have under any laws of the Commonwealth, and this Amended Act is cumulative to any such powers. This Amended Act does and shall be construed to provide a complete, additional, and alternative method for the accomplishment of actions and undertakings authorized hereby and shall be regarded as supplemental and additional to powers conferred by other laws.

The provisions of this Amended Act are severable, and if any of its provisions shall be held unconstitutional by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the other provisions of this Amended Act.

§ 20. Application of local ordinances, service charges, and taxes upon leaseholds.

Nothing herein contained shall be construed to exempt the Commission's property from any applicable zoning, subdivision, erosion and sediment control, and fire prevention codes or from building regulations of a political subdivision in which such property is located.

Nor shall anything herein contained exempt the property of the Commission from any service charge authorized by the General Assembly pursuant to Article X, Section 6 (g) of the Constitution of Virginia, or exempt any lessee of any of the Commission's property from any tax imposed upon his leasehold interest in such property or upon the receipts derived therefrom.

§ 21. Existing contracts, leases, franchises, not impaired.

No provisions of this Amended Act shall relieve, impair, or affect any right, duty, liability, or obligation arising out of any contract, concession, lease, or franchise now in existence except to the extent that such contract, concession, lease, or franchise may permit. Notwithstanding the foregoing provisions of this section, the Commission may renegotiate, renew, extend the term of, or otherwise modify at any time any contract, concession, lease, or franchise now in existence in such manner and on such terms and conditions as it may deem appropriate, provided that the operator of or under any said contract, concession, lease, or franchise consents to said renegotiation, renewal, extension, or modification.

2. That Chapter 439 of the Acts of Assembly of 1958 is repealed.

CHAPTER 193

An Act to amend and reenact § 53.1-33 of the Code of Virginia, relating to physical examination of prisoner; licensed nurse practitioner; licensed physician assistant.

[H 479]

Approved March 28, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 53.1-33 of the Code of Virginia is amended and reenacted as follows:

§ 53.1-33. Physical examination of prisoner; ability to work.

Each person received by the Department shall be examined by a licensed physician ~~or~~*, licensed nurse practitioner, or licensed physician assistant* upon his arrival, within 30 days prior to any work assignment in food services, medical services, or cosmetological services or a change in work assignment, and at such other times thereafter as may be deemed

necessary. The work that a prisoner is required to do shall be dependent upon the report of the physician*, nurse practitioner, or physician assistant* as to his physical and mental capacity.

The warden, in consultation with the physician, may exclude prisoners, on a case-by-case basis, from work assignments based upon the classification of the institution and the safety and good order of the institution. Special consideration should be used in assigning any inmate with an infectious disease to assignments in food services, medical services, and cosmetological services.

CHAPTER 194

An Act to amend the Code of Virginia by adding a section numbered 22.1-137.4, relating to school building evacuation plans, policies, and protocols; students with mobility impairments.

[H 501]

Approved March 28, 2024

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 22.1-137.4 as follows:

§ 22.1-137.4. School building evacuation plans, policies, and protocols; students with mobility impairments.

Any divisionwide or public elementary or secondary school-specific school building evacuation plan, policy, or protocol shall include provisions that seek to maximize the opportunity for students with mobility impairments to evacuate the school building alongside their non-mobility-impaired peers.

CHAPTER 195

An Act to amend and reenact § 23.1-200 of the Code of Virginia, relating to State Council of Higher Education for Virginia; membership; representative of a historically black college or university.

[H 566]

Approved March 28, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 23.1-200 of the Code of Virginia is amended and reenacted as follows:

§ 23.1-200. State Council of Higher Education for Virginia established; purpose; membership; terms; officers.

A. The State Council of Higher Education for Virginia is established to advocate for and promote the development and operation of an educationally and economically sound, vigorous, progressive, and coordinated system of higher education in the Commonwealth and lead state-level strategic planning and policy development and implementation based on research and analysis and in accordance with § 23.1-301 and subsection A of § 23.1-1002. The Council shall seek to facilitate collaboration among institutions of higher education that will enhance quality and create operational efficiencies and work with institutions of higher education and their governing boards on board development.

B. The Council shall be composed of individuals selected from the Commonwealth at large without regard to political affiliation but with due consideration of geographical representation. Nonlegislative citizen members shall have demonstrated experience, knowledge, and understanding of higher education and workforce needs. Nonlegislative citizen members shall be selected for their ability and all appointments shall be of such nature as to aid the work of the Council and inspire the highest degree of cooperation and confidence. No officer, employee, trustee, or member of the governing board of any institution of higher education, employee of the Commonwealth, member of the General Assembly, or member of the Board of Education is eligible for appointment to the Council except as specified in this section. All members of the Council are members at large who shall serve the best interests of the whole Commonwealth. No member shall act as the representative of any particular region or of any particular institution of higher education.

C. The Council shall consist of 13 members: 12 nonlegislative citizen members appointed by the Governor and one ex officio member. At least one nonlegislative citizen member shall have served as a chief executive officer of a public institution of higher education. *At least one nonlegislative citizen member shall have served as a chief executive officer of one of the Commonwealth's historically black colleges or universities as defined in § 2.2-1604.* At least one nonlegislative citizen member shall be a division superintendent or the Superintendent of Public Instruction. The President of the Virginia Economic Development Partnership Authority shall serve ex officio with voting privileges.

D. All terms shall begin July 1.

E. Nonlegislative citizen members shall serve for terms of four years. Vacancies occurring other than by expiration of a term shall be filled for the unexpired term. No nonlegislative citizen member shall serve for more than two consecutive terms; however, a nonlegislative citizen member appointed to serve an unexpired term is eligible to serve two consecutive four-year terms. No nonlegislative citizen member who has served two consecutive four-year terms is eligible to serve on the Council until at least two years have passed since the end of his second consecutive four-year term. All appointments are subject to confirmation by the General Assembly. Nonlegislative citizen members shall continue to hold office until their successors have been appointed and qualified. ex officio members shall serve terms coincident with their terms of office.

F. The Council shall elect a chairman and a vice-chairman from its membership. The Council shall appoint a secretary and such other officers as it deems necessary and prescribe their duties and terms of office.

G. At each meeting, the Council shall involve the chief executive officer of each public institution of higher education in its agenda. The chief executive officers shall present information and comment on issues of common interest and choose presenters to the Council from among themselves who reflect the diversity of the institutions.

H. At each meeting, the Council may involve other groups, including the presidents of private institutions of higher education, in its agenda.

2. That the provisions of this act shall become effective on July 1, 2026.

CHAPTER 196

An Act to amend and reenact § 22.1-291.1 of the Code of Virginia, relating to public school teachers; daily lunch breaks; data collection; report.

[H 583]

Approved March 28, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 22.1-291.1 of the Code of Virginia is amended and reenacted as follows:

§ 22.1-291.1. Planning time for public elementary school teachers; data on lunch breaks.

A. Each school board shall ensure that all elementary school teachers in its employment are provided at least an average of 30 minutes per day during the students' school week as planning time.

B. The Department shall annually collect and present in the Virginia School Survey of Climate and Working Conditions school-level and division-level data on the share of teachers that are provided each working day a lunch break of at least 30 minutes in length and unencumbered by any teaching or supervisory duties.

CHAPTER 197

An Act to amend and reenact §§ 38.2-325 and 38.2-4509 of the Code of Virginia, relating to insurance; conducting business by electronic means; agreement on behalf of a party.

[H 595]

Approved March 28, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 38.2-325 and 38.2-4509 of the Code of Virginia are amended and reenacted as follows:

§ 38.2-325. Electronic delivery.

A. *As used in this section, "plan sponsor" means a person, other than the regulated entity, who establishes, adopts, or maintains a health benefit plan, including a dental or vision benefit plan, that covers individuals in the Commonwealth, including a plan established, adopted, or maintained by an employer or jointly by an employer and one or more employee organizations, an association, a committee, a joint board of trustees, or any similar group of representatives who establish, adopt, or maintain a plan.*

B. If parties have agreed to conduct business by electronic means, and the agent of record, if applicable, has been so notified by the insurer, any information that is required to be delivered in writing may be delivered by (i) placing such information within the body of the electronic message; (ii) placing such information as an attachment to the electronic message that may be opened through the use of software that is readily available; (iii) displaying the information, or a clear and conspicuous link to the information, as an essential step to completing the transaction to which the information relates; or (iv) placing such information on the insurer's secured server and an electronic message is provided advising that insurance information or, when appropriate, time-sensitive insurance information has been placed on the insurer's secured server and is available for retrieval. This section should be construed to be consistent with the Electronic Signatures in Global and National Commerce Act (15 U.S.C. § 7001 et seq.).

~~B.~~ *C.* If parties have agreed to conduct business by electronic means, and notice is provided by the insurer to the named insured pursuant to § 38.2-231, 38.2-2113, 38.2-2114, 38.2-2208, or 38.2-2212, an electronic notification shall also be provided to the agent of record of the named insured, if the named insured has an agent of record. Such electronic notification shall be transmitted to the agent of record as soon as practicable, but in no case more than 72 hours after electronic notice is transmitted to the named insured.

~~C.~~ *D.* The insurer shall retain evidence of electronic notification to the agent of record for at least one year from the date of transmittal. Failure to provide such notice to the agent of record shall not be deemed to invalidate any electronic notice otherwise properly provided to the named insured. For purposes of this section, an electronic notification to the agent of record shall mean a copy of the actual notice, as set forth herein, or in the alternative, shall include the named insured's name, policy number, and termination date. Electronic notice need not be given to the agent of record if the agent (i) is an employee of the insurer, (ii) is a non-employee exclusive agent of the insurer, or (iii) has waived the receipt of such notices in writing.

~~D.~~ *E.* Notwithstanding any other provision of law, any property and casualty insurance forms and endorsements that do not contain personally identifiable information may be posted to the insurer's publicly available website in lieu of any other method of delivery, provided that:

1. Such forms and endorsements are readily accessible on the insurer's website and that once such forms or endorsements are no longer used in the Commonwealth they are stored in a readily accessible archive portion of the insurer's website;

2. Such forms and endorsements are posted in such a manner that they may be readily printed and downloaded without charge and without the use of any special program or application that is not readily available to the public without charge;

3. The insurer provides written notice at time of the issuance of the initial policy forms and any renewal forms of a method by which policyholders may obtain, upon request and without charge, a paper or electronic copy of their policy or contract; and

4. The insurer gives notice, in the manner it customarily communicates with a policyholder, of any changes to the forms or endorsements, and of the policyholder's right to obtain, upon request and without charge, a paper or electronic copy of such forms or endorsements.

~~E.~~ *F.* The notification to an insurer of any change of the electronic address for the named insured shall be the sole responsibility of the named insured *or the plan sponsor, if applicable*. The giving to the agent of record by any person of notice of such change of the named insured's electronic address shall not be deemed to be notice to the insurer unless it is specifically identified as a change and receipt has been accepted by the agent of record.

~~F.~~ *G.* Notwithstanding any other provision of law, any evidence of coverage or other forms that do not contain personally identifiable information that a health carrier is required to provide to a policyholder, subscriber, or enrollee may be delivered electronically to the policyholder, subscriber, or enrollee or posted to the health carrier's publicly available website in lieu of any other method of delivery, provided that:

1. Such evidence of coverage and endorsements, riders, or amendments to it are readily accessible on the health carrier's website and that once such evidence of coverage and endorsements, riders, or amendments to it are no longer used in the Commonwealth they will be made available electronically upon request;

2. Such evidence of coverage and endorsements, riders, or amendments to it are posted in such a manner that they may be readily printed and downloaded without charge and without the use of any special program or application that is not readily available to the public without charge;

3. The health carrier provides written notice at the time of the issuance of the initial evidence of coverage and any renewals of a method by which the policyholder, subscriber, or enrollee may obtain, upon request and without charge, a paper or electronic copy of such person's evidence of coverage or endorsements, riders, or amendments to it; and

4. The health carrier gives notice, in the manner in which it customarily communicates with a policyholder, subscriber, or enrollee, of any changes to the evidence of coverage or endorsements, riders, or amendments to it and of the right of such policyholder, subscriber, or enrollee to obtain a paper or electronic copy of such evidence of coverage or endorsements, riders, or amendments to it.

H. A plan sponsor may agree on behalf of a party enrolled in the sponsored health benefit plan to conduct business by electronic means, provided that the plan sponsor, prior to agreeing on behalf of the party, has confirmed that the party routinely uses electronic communications during the normal course of employment and has provided notice to the party regarding the ability to opt out of using electronic means at any time. The insurer shall provide notice of the procedures the party is required to follow to withdraw consent and to update the person's email address. Such notice shall include a statement of the right of the party to have any notice or document delivered, upon request, in paper form free of charge.

§ 38.2-4509. Application of certain laws.

A. No provision of this title except this chapter and, insofar as they are not inconsistent with this chapter, §§ 38.2-200, 38.2-203, 38.2-209 through 38.2-213, 38.2-218 through 38.2-225, 38.2-229, 38.2-316, *38.2-325,* 38.2-326, 38.2-400, 38.2-402 through 38.2-413, 38.2-500 through 38.2-515, 38.2-600 through 38.2-629, 38.2-900 through 38.2-904, 38.2-1038, 38.2-1040 through 38.2-1044, Articles 1 (§ 38.2-1300 et seq.) and 2 (§ 38.2-1306.2 et seq.) of Chapter 13, §§ 38.2-1312, 38.2-1314, 38.2-1315.1, Articles 4 (§ 38.2-1317 et seq.), 5 (§ 38.2-1322 et seq.), and 6 (§ 38.2-1335 et seq.) of Chapter 13, §§ 38.2-1400 through 38.2-1442, 38.2-1446, 38.2-1447, 38.2-1800 through 38.2-1836, 38.2-3401, 38.2-3404, 38.2-3405, 38.2-3407.1, 38.2-3407.4, 38.2-3407.10, 38.2-3407.10:1, 38.2-3407.13, 38.2-3407.14, 38.2-3407.15, 38.2-3407.17, 38.2-3407.17:1, 38.2-3407.19, 38.2-3415, 38.2-3541, Article 5 (§ 38.2-3551 et seq.) of Chapter 35, §§ 38.2-3600 through 38.2-3603, Chapter 55 (§ 38.2-5500 et seq.), Chapter 58 (§ 38.2-5800 et seq.), and Chapter 65 (§ 38.2-6500 et seq.) shall apply to the operation of a plan.

B. The provisions of subsection A of § 38.2-322 shall apply to an optometric services plan. The provisions of subsection C of § 38.2-322 shall apply to a dental services plan.

C. The provisions of Article 1.2 (§ 32.1-137.7 et seq.) of Chapter 5 of Title 32.1 shall not apply to either an optometric or dental services plan.

D. The provisions of § 38.2-3407.1 shall apply to claim payments made on or after January 1, 2014. No optometric or dental services plan shall be required to pay interest computed under § 38.2-3407.1 if the total interest is less than $5.

CHAPTER 198

An Act to amend and reenact §§ 28.2-208.1 and 28.2-1208 of the Code of Virginia and to amend the Code of Virginia by adding in Article 1 of Chapter 2 of Title 28.2 a section numbered 28.2-208.3, relating to Fisheries Innovation for Sustainable Harvest Fund established.

[H 596]

Approved March 28, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 28.2-208.1 and 28.2-1208 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Article 1 of Chapter 2 of Title 28.2 a section numbered 28.2-208.3 as follows:

§ 28.2-208.1. Commercial Fishing Advisory Board established.

A. There is hereby established the Commercial Fishing Advisory Board~~, which shall hereinafter be known as~~ *(*the Board*)*. The Board shall advise the Commission on the expenditure of ~~those moneys received~~ *the Marine Fishing Improvement Fund established in § 28.2-208 and the Fisheries Innovation for Sustainable Harvest Fund established in § 28.2-208.3*.

B. The Board shall consist of nine members appointed by the Commissioner from a list of nominees submitted by organizations representing commercial fishing interests. The membership shall be representative of the geographic area covered by the commercial fishing license.

C. The term of each member shall be for three years~~, provided that initial appointments shall be three members appointed for three years, three members appointed for two years and three members appointed for one year~~. Appointments to fill vacancies shall be made to fill the unexpired terms.

D. Members shall receive no compensation for their services but shall receive reimbursement for actual expenses. The Board shall meet at the call of the Commissioner or at least four times yearly *and shall formally review all funding applications prior to Commission review*.

§ 28.2-208.3. Fisheries Innovation for Sustainable Harvest Fund.

A. There is hereby created in the state treasury a special nonreverting fund to be known as the Fisheries Innovation for Sustainable Harvest Fund, referred to in this section as "the Fund." The Fund shall be established on the books of the Comptroller. The Fund shall consist of sums appropriated to it by the General Assembly, fees, rents, and royalties collected pursuant to § 28.2-1208, and such other moneys as may be made available from any other source, public or private, including any federal grants solicited or received for the specific purposes of the Fund, and all interest and income from investment of the Fund. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund.

B. The Fund shall be administered by the Commission for the sole purpose of supporting and promoting the economic growth and development of Virginia's seafood economy while enhancing the sustainability of Virginia's marine fisheries resources through the awarding of grants, revolving loans, or other financial tools in the following areas:

1. Infrastructure development;

2. Technological advancements;

3. Market and value chain development;

4. Training and capacity building; and

5. Entrepreneurship and business support.

§ 28.2-1208. Granting easements in, permitting the use of, or leasing the beds of certain waters.

A. The Commission may, with the approval of the Attorney General and the Governor, grant easements over or under or lease the beds of the waters of the Commonwealth outside of the Baylor Survey. Every easement or lease executed pursuant to this section shall be for a period not to exceed five years, except in the case of offshore renewable energy leases described in clause (ii), in which case the period shall not exceed 30 years, and shall specify the rent and such other terms deemed expedient and proper. Such easements and leases may include the right to renew the same for an additional period not to exceed five years. Any lease that authorizes grantees or lessees to (i) prospect for and take from the bottoms covered thereby specified minerals and mineral substances or (ii) generate electrical energy from wave or tidal action, currents, offshore winds, or thermal or salinity gradients, and transmit energy from such sources to shore shall require a royalty. Except for offshore renewable energy leases, purchase payment for any easement granted to a public service corporation, certificated telephone company, interstate natural gas company, or provider of cable television or other multichannel video programming service shall be $100 and shall be for a period of 40 years. However, no easement or lease shall in any way affect or interfere with the rights vouchsafed to the people of the Commonwealth concerning fishing, fowling, and the catching and taking of oysters and other shellfish in and from the leased bottoms or the waters above.

B. All easements granted and leases made pursuant to this section shall be executed for, and in the name and on behalf of, the Commonwealth by the Attorney General and shall be countersigned by the Governor.

C. All mineral royalties collected from such easements or leases on and after July 1, 2000, shall be paid into the state treasury to the credit of the Marine Habitat and Waterways Improvement Fund. All royalties collected as a result of the generation or transmission of electrical or compressed air energy from offshore renewable sources, including wave or tidal

action, currents, offshore winds, and thermal or salinity gradients, shall be paid into the state treasury and appropriated to the ~~Virginia Coastal Energy Research Consortium~~ *Fisheries Innovation for Sustainable Harvest Fund* established pursuant to § ~~45.2-1714~~ *28.2-208.3*.

D. Prior to December 1 of each year, the Commissioner and the Attorney General shall make reports to the General Assembly on all easements and leases executed pursuant to this section during the preceding 12 months.

E. The Commission shall, in cooperation with the Division of Geology and Mineral Resources of the Department of Energy and with the assistance of affected state agencies, departments, and institutions, including the Virginia Coastal Energy Research Consortium, maintain a State Subaqueous Minerals and Coastal Energy Management Plan that shall supplement the State Minerals Management Plan set forth in § 2.2-1157 and the Virginia Energy Plan (§ 45.2-1710 et seq.). The State Subaqueous Minerals and Coastal Energy Management Plan shall include provisions for (i) the holding of public hearings, (ii) public advertising for competitive bids or proposals for mineral and renewable energy leasing and extraction activities, (iii) preparation of environmental impact reports to be reviewed by the appropriate agency of the Commonwealth, and (iv) review and approval of leases by the Attorney General and the Governor as required by subsection A. The environmental impact reports shall address, but not be limited to:

1. The environmental impact of the proposed activity;
2. Any adverse environmental effects that cannot be avoided if the proposed activity is undertaken;
3. Measures proposed to minimize the impact of the proposed activity;
4. Any alternative to the proposed activity; and
5. Any irreversible environmental changes which would be involved in the proposed activity.

For the purposes of subdivision 4 ~~of this subsection~~, the report shall contain all alternatives considered and the reasons why the alternatives were rejected. If a report does not set forth alternatives, it shall state why alternatives were not considered.

F. Neither the Commission nor the Department of Energy shall grant any lease, easement, or permit allowing on the beds of any of the coastal waters of the Commonwealth any infrastructure for conveying to shore oil or gas produced from an offshore oil or gas lease in the portion of the Atlantic Ocean identified as the Outer Continental Shelf (OCS) Planning Area by the U.S. Bureau of Ocean Energy Management. For purposes of this section, the term "infrastructure" includes pipelines, gathering systems, processing facilities, and storage facilities. The provisions of this subsection shall not apply to any infrastructure in existence as of July 1, 2020.

CHAPTER 199

An Act to amend and reenact §§ 38.2-3412.1, 38.2-3438, and 38.2-3445 of the Code of Virginia, relating to health insurance; emergency services; mobile crisis response services.

[H 601]

Approved March 28, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 38.2-3412.1, 38.2-3438, and 38.2-3445 of the Code of Virginia are amended and reenacted as follows:

§ 38.2-3412.1. Coverage for mental health and substance use disorders.

A. As used in this section:

"Adult" means any person who is 19 years of age or older.

"Alcohol or drug rehabilitation facility" means a facility in which a state-approved program for the treatment of alcoholism or drug addiction is provided. The facility shall be either (i) licensed by the State Board of Health pursuant to Chapter 5 (§ 32.1-123 et seq.) of Title 32.1 or by the Department of Behavioral Health and Developmental Services pursuant to Article 2 (§ 37.2-403 et seq.) of Chapter 4 of Title 37.2 or (ii) a state agency or institution.

"Child or adolescent" means any person under the age of 19 years.

"Crisis receiving center" means a community-based facility licensed by the Department of Behavioral Health and Developmental Services to provide short-term assessment, observation, and crisis stabilization services.

"Inpatient treatment" means mental health or substance abuse services delivered on a 24-hour per day basis in a hospital, alcohol or drug rehabilitation facility, an intermediate care facility or an inpatient unit of a mental health treatment center.

"Intermediate care facility" means a licensed, residential public or private facility that is not a hospital and that is operated primarily for the purpose of providing a continuous, structured 24-hour per day, state-approved program of inpatient substance abuse services.

"Medication management visit" means a visit no more than 20 minutes in length with a licensed physician or other licensed health care provider with prescriptive authority for the sole purpose of monitoring and adjusting medications prescribed for mental health or substance abuse treatment.

"Mental health services" or "mental health benefits" means benefits with respect to items or services for mental health conditions as defined under the terms of the health benefit plan. Any condition defined by the health benefit plan as being or as not being a mental health condition shall be defined to be consistent with generally recognized independent standards of current medical practice.

"Mental health treatment center" means a treatment facility organized to provide care and treatment for mental illness through multiple modalities or techniques pursuant to a written plan approved and monitored by a physician, clinical psychologist, or a psychologist licensed to practice in this Commonwealth. The facility shall be (i) licensed by the Commonwealth, (ii) funded or eligible for funding under federal or state law, or (iii) affiliated with a hospital under a contractual agreement with an established system for patient referral.

"Mobile crisis response services" means services ~~delivered~~ *licensed by the Department of Behavioral Health and Developmental Services* to provide for rapid response to, assessment of, and early intervention for individuals experiencing an acute mental health crisis that are deployed at the location of the individual.

"Network adequacy" means access to services by measure of distance, time, and average length of referral to scheduled visit.

"Outpatient treatment" means mental health or substance abuse treatment services rendered to a person as an individual or part of a group while not confined as an inpatient. Such treatment shall not include services delivered through a partial hospitalization or intensive outpatient program as defined herein.

"Partial hospitalization" means a licensed or approved day or evening treatment program that includes the major diagnostic, medical, psychiatric and psychosocial rehabilitation treatment modalities designed for patients with mental, emotional, or nervous disorders, and alcohol or other drug dependence who require coordinated, intensive, comprehensive and multi-disciplinary treatment. Such a program shall provide treatment over a period of six or more continuous hours per day to individuals or groups of individuals who are not admitted as inpatients. Such term shall also include intensive outpatient programs for the treatment of alcohol or other drug dependence which provide treatment over a period of three or more continuous hours per day to individuals or groups of individuals who are not admitted as inpatients.

"Residential crisis stabilization unit" means a *community-based,* short-term residential program ~~providing~~ *licensed by the Department of Behavioral Health and Developmental Services to provide short-term assessment, observation,* support*,* and *crisis* stabilization for individuals who are experiencing an acute mental health crisis.

"Substance abuse services" or "substance use disorder benefits" means benefits with respect to items or services for substance use disorders as defined under the terms of the health benefit plan. Any disorder defined by the health benefit plan as being or as not being a substance use disorder shall be defined to be consistent with generally recognized independent standards of current medical practice.

"Treatment" means services including diagnostic evaluation, medical, psychiatric and psychological care, and psychotherapy for mental, emotional or nervous disorders or alcohol or other drug dependence rendered by a hospital, alcohol or drug rehabilitation facility, intermediate care facility, mental health treatment center, a physician, psychologist, clinical psychologist, licensed clinical social worker, licensed professional counselor, licensed substance abuse treatment practitioner, licensed marriage and family therapist or clinical nurse specialist. Treatment for physiological or psychological dependence on alcohol or other drugs shall also include the services of counseling and rehabilitation as well as services rendered by a state certified alcoholism, drug, or substance abuse counselor or substance abuse counseling assistant, limited to the scope of practice set forth in § 54.1-3507.1 or 54.1-3507.2, respectively, employed by a facility or program licensed to provide such treatment.

B. Except as provided in subsections C and D, group and individual health insurance coverage, as defined in § 38.2-3431, shall provide coverage for mental health and substance use disorder benefits. Such benefits shall be in parity with the medical and surgical benefits contained in the coverage in accordance with the federal Mental Health Parity and Addiction Equity Act of 2008 (MHPAEA), P.L. 110-343, even where those requirements would not otherwise apply directly. Coverage required under this subsection shall include mobile crisis response services and support and stabilization services provided in a residential crisis stabilization unit *or crisis receiving center* to the extent that such services are covered in other settings or modalities, regardless of any difference in billing codes.

C. Any grandfathered plan as defined in § 38.2-3438 in the small group market shall either continue to provide benefits in accordance with subsection B or continue to provide coverage for inpatient and partial hospitalization mental health and substance abuse services as follows:

1. Treatment for an adult as an inpatient at a hospital, inpatient unit of a mental health treatment center, alcohol or drug rehabilitation facility or intermediate care facility for a minimum period of 20 days per policy or contract year.

2. Treatment for a child or adolescent as an inpatient at a hospital, inpatient unit of a mental health treatment center, alcohol or drug rehabilitation facility or intermediate care facility for a minimum period of 25 days per policy or contract year.

3. Up to 10 days of the inpatient benefit set forth in subdivisions 1 and 2 of this subsection may be converted when medically necessary at the option of the person or the parent, as defined in § 16.1-336, of a child or adolescent receiving such treatment to a partial hospitalization benefit applying a formula which shall be no less favorable than an exchange of 1.5 days of partial hospitalization coverage for each inpatient day of coverage. An insurance policy or subscription contract described herein that provides inpatient benefits in excess of 20 days per policy or contract year for adults or 25 days per policy or contract year for a child or adolescent may provide for the conversion of such excess days on the terms set forth in this subdivision.

4. The limits of the benefits set forth in this subsection shall not be more restrictive than for any other illness, except that the benefits may be limited as set out in this subsection.

5. This subsection shall not apply to any excepted benefits policy as defined in § 38.2-3431, nor to policies or contracts designed for issuance to persons eligible for coverage under Title XVIII of the Social Security Act, known as Medicare, or any other similar coverage under state or federal governmental plans.

D. Any grandfathered plan as defined in § 38.2-3438 in the small group market shall also either continue to provide benefits in accordance with subsection B or continue to provide coverage for outpatient mental health and substance abuse services as follows:

1. A minimum of 20 visits for outpatient treatment of an adult, child or adolescent shall be provided in each policy or contract year.

2. The limits of the benefits set forth in this subsection shall be no more restrictive than the limits of benefits applicable to physical illness; however, the coinsurance factor applicable to any outpatient visit beyond the first five of such visits covered in any policy or contract year shall be at least 50 percent.

3. For the purpose of this section, medication management visits shall be covered in the same manner as a medication management visit for the treatment of physical illness and shall not be counted as an outpatient treatment visit in the calculation of the benefit set forth herein.

4. For the purpose of this subsection, if all covered expenses for a visit for outpatient mental health or substance abuse treatment apply toward any deductible required by a policy or contract, such visit shall not count toward the outpatient visit benefit maximum set forth in the policy or contract.

5. This subsection shall not apply to any excepted benefits policy as defined in § 38.2-3431, nor to policies or contracts designed for issuance to persons eligible for coverage under Title XVIII of the Social Security Act, known as Medicare, or any other similar coverage under state or federal governmental plans.

E. The requirements of this section shall apply to all insurance policies and subscription contracts delivered, issued for delivery, reissued, renewed, or extended, or at any time when any term of the policy or contract is changed or any premium adjustment made.

F. The provisions of this section shall not apply in any instance in which the provisions of this section are inconsistent or in conflict with a provision of Article 6 (§ 38.2-3438 et seq.) of Chapter 34.

G. The Bureau of Insurance, in consultation with health carriers providing coverage for mental health and substance use disorder benefits pursuant to this section, shall develop reporting requirements regarding denied claims, complaints, appeals, and network adequacy involving such coverage set forth in this section. By November 1 of each year, the Bureau shall compile the information for the preceding year into a report that ensures the confidentiality of individuals whose information has been reported and is written in nontechnical, readily understandable language. The Bureau shall include in the report a summary of all comparative analyses prepared by health carriers pursuant to 42 U.S.C. § 300gg-26(a)(8) that the Bureau requested during the reporting period. This summary shall include the Bureau's explanation of whether the analyses were accepted as compliant, rejected as noncompliant, or are in process of review. For analyses that were noncompliant, the report shall include the corrective actions that the Bureau required the health carrier to take to come into compliance. The Bureau shall make the report available to the public by, among such other means as the Bureau finds appropriate, posting the reports on the Bureau's website and submit the report to the House Committee on Commerce and Energy and the Senate Committee on Commerce and Labor.

§ 38.2-3438. Definitions.

As used this article, unless the context requires a different meaning:

"Allowed amount" means the maximum portion of a billed charge a health carrier will pay, including any applicable cost-sharing requirements, for a covered service or item rendered by a participating provider or by a nonparticipating provider.

"Balance bill" means a bill sent to an enrollee by an out-of-network provider for health care services provided to the enrollee after the provider's billed amount is not fully reimbursed by the carrier, exclusive of applicable cost-sharing requirements.

"Behavioral health crisis service provider" means a provider licensed by the Department of Behavioral Health and Developmental Services to provide mental health or substance abuse services as a provider of mobile crisis response, residential crisis stabilization, or a crisis receiving center.

"Child" means a son, daughter, stepchild, adopted child, including a child placed for adoption, foster child, or any other child eligible for coverage under the health benefit plan.

"Cost-sharing requirement" means an enrollee's deductible, copayment amount, or coinsurance rate.

"Covered benefits" or "benefits" means those health care services to which an individual is entitled under the terms of a health benefit plan.

"Covered person" means a policyholder, subscriber, enrollee, participant, or other individual covered by a health benefit plan.

"Dependent" means the spouse or child of an eligible employee, subject to the applicable terms of the policy, contract, or plan covering the eligible employee.

"Emergency medical condition" means, regardless of the final diagnosis rendered to a covered person, a medical condition manifesting itself by acute symptoms of sufficient severity, including severe pain, so that a prudent layperson, who possesses an average knowledge of health and medicine, could reasonably expect the absence of immediate medical attention to result in (i) serious jeopardy to the mental or physical health of the individual, (ii) danger of serious impairment

to bodily functions, (iii) serious dysfunction of any bodily organ or part, or (iv) in the case of a pregnant woman, serious jeopardy to the health of the fetus.

"Emergency services" means with respect to an emergency medical condition (i) *(a)* a medical screening examination as required under § 1867 of the Social Security Act (42 U.S.C. § 1395dd) that is within the capability of the emergency department of a hospital, including ancillary services routinely available to the emergency department to evaluate such emergency medical condition*,* and ~~(ii)~~ *(b)* such further medical examination and treatment, to the extent they are within the capabilities of the staff and facilities available at the hospital, as are required under § 1867 of the Social Security Act (42 U.S.C. § 1395dd (e)(3)) to stabilize the patient *and (ii) as it relates to any mental health services or substance abuse services, as those terms are defined in § 38.2-3412.1, rendered at a behavioral health crisis service provider (a) a behavioral health assessment that is within the capability of a behavioral health crisis service provider, including ancillary services routinely available to evaluate such emergency medical condition, and (b) such further examination and treatment, to the extent that they are within the capabilities of the staff and facilities available at the behavioral health crisis service provider, as are required so that the patient's condition does not deteriorate.*

"ERISA" means the Employee Retirement Income Security Act of 1974.

"Essential health benefits" include the following general categories and the items and services covered within the categories in accordance with regulations issued pursuant to the PPACA as of January 1, 2019: (i) ambulatory patient services; (ii) emergency services; (iii) hospitalization; (iv) laboratory services; (v) maternity and newborn care; (vi) mental health and substance abuse disorder services, including behavioral health treatment; (vii) pediatric services, including oral and vision care; (viii) prescription drugs; (ix) preventive and wellness services and chronic disease management; and (x) rehabilitative and habilitative services and devices.

"Facility" means an institution providing health care related services or a health care setting, including hospitals and other licensed inpatient centers; ambulatory surgical or treatment centers; skilled nursing centers; residential treatment centers; diagnostic, laboratory, and imaging centers; and rehabilitation and other therapeutic health settings.

"Genetic information" means, with respect to an individual, information about: (i) the individual's genetic tests; (ii) the genetic tests of the individual's family members; (iii) the manifestation of a disease or disorder in family members of the individual; or (iv) any request for, or receipt of, genetic services, or participation in clinical research that includes genetic services, by the individual or any family member of the individual. "Genetic information" does not include information about the sex or age of any individual. As used in this definition, "family member" includes a first-degree, second-degree, third-degree, or fourth-degree relative of a covered person.

"Genetic services" means (i) a genetic test; (ii) genetic counseling, including obtaining, interpreting, or assessing genetic information; or (iii) genetic education.

"Genetic test" means an analysis of human DNA, RNA, chromosomes, proteins, or metabolites, if the analysis detects genotypes, mutations, or chromosomal changes. "Genetic test" does not include an analysis of proteins or metabolites that is directly related to a manifested disease, disorder, or pathological condition.

"Grandfathered plan" means coverage provided by a health carrier to (i) a small employer on March 23, 2010, or (ii) an individual that was enrolled on March 23, 2010, including any extension of coverage to an individual who becomes a dependent of a grandfathered enrollee after March 23, 2010, for as long as such plan maintains that status in accordance with federal law.

"Group health insurance coverage" means health insurance coverage offered in connection with a group health benefit plan.

"Group health plan" means an employee welfare benefit plan as defined in § 3(1) of ERISA to the extent that the plan provides medical care within the meaning of § 733(a) of ERISA to employees, including both current and former employees, or their dependents as defined under the terms of the plan directly or through insurance, reimbursement, or otherwise.

"Health benefit plan" means a policy, contract, certificate, or agreement offered by a health carrier to provide, deliver, arrange for, pay for, or reimburse any of the costs of health care services. "Health benefit plan" includes short-term and catastrophic health insurance policies, and a policy that pays on a cost-incurred basis, except as otherwise specifically exempted in this definition. "Health benefit plan" does not include the "excepted benefits" as defined in § 38.2-3431.

"Health care professional" means a physician or other health care practitioner licensed, accredited, or certified to perform specified health care services consistent with state law.

"Health care provider" or "provider" means a health care professional or facility.

"Health care services" means services for the diagnosis, prevention, treatment, cure, or relief of a health condition, illness, injury, or disease.

"Health carrier" means an entity subject to the insurance laws and regulations of the Commonwealth and subject to the jurisdiction of the Commission that contracts or offers to contract to provide, deliver, arrange for, pay for, or reimburse any of the costs of health care services, including an insurer licensed to sell accident and sickness insurance, a health maintenance organization, a health services plan, or any other entity providing a plan of health insurance, health benefits, or health care services.

"Health maintenance organization" means a person licensed pursuant to Chapter 43 (§ 38.2-4300 et seq.).

"Health status-related factor" means any of the following factors: health status; medical condition, including physical and mental illnesses; claims experience; receipt of health care services; medical history; genetic information; evidence of

insurability, including conditions arising out of acts of domestic violence; disability; or any other health status-related factor as determined by federal regulation.

"Individual health insurance coverage" means health insurance coverage offered to individuals in the individual market, which includes a health benefit plan provided to individuals through a trust arrangement, association, or other discretionary group that is not an employer plan, but does not include coverage defined as "excepted benefits" in § 38.2-3431 or short-term limited duration insurance. Student health insurance coverage shall be considered a type of individual health insurance coverage.

"Individual market" means the market for health insurance coverage offered to individuals other than in connection with a group health plan.

"In-network" or "participating" means a provider that has contracted with a carrier or a carrier's contractor or subcontractor to provide health care services to enrollees and be reimbursed by the carrier at a contracted rate as payment in full for the health care services, including applicable cost-sharing requirements.

"Managed care plan" means a health benefit plan that either requires a covered person to use, or creates incentives, including financial incentives, for a covered person to use health care providers managed, owned, under contract with, or employed by the health carrier.

"Network" means the group of participating providers providing services to a managed care plan.

"Nonprofit data services organization" means the nonprofit organization with which the Commissioner of Health negotiates and enters into contracts or agreements for the compilation, storage, analysis, and evaluation of data submitted by data suppliers pursuant to § 32.1-276.4.

"Offer to pay" or "payment notification" means a claim that has been adjudicated and paid by a carrier or determined by a carrier to be payable by an enrollee to an out-of-network provider for services described in subsection A of § 38.2-3445.01.

"Open enrollment" means, with respect to individual health insurance coverage, the period of time during which any individual has the opportunity to apply for coverage under a health benefit plan offered by a health carrier and must be accepted for coverage under the plan without regard to a preexisting condition exclusion.

"Out-of-network" or "nonparticipating" means a provider that has not contracted with a carrier or a carrier's contractor or subcontractor to provide health care services to enrollees.

"Out-of-pocket maximum" or "maximum out-of-pocket" means the maximum amount an enrollee is required to pay in the form of cost-sharing requirements for covered benefits in a plan year, after which the carrier covers the entirety of the allowed amount of covered benefits under the contract of coverage.

"Participating health care professional" means a health care professional who, under contract with the health carrier or with its contractor or subcontractor, has agreed to provide health care services to covered persons with an expectation of receiving payments, other than coinsurance, copayments, or deductibles, directly or indirectly from the health carrier.

"PPACA" means the Patient Protection and Affordable Care Act (P.L. 111-148), as amended by the Health Care and Education Reconciliation Act of 2010 (P.L. 111-152), and as it may be further amended.

"Preexisting condition exclusion" means a limitation or exclusion of benefits, including a denial of coverage, based on the fact that the condition was present before the effective date of coverage, or if the coverage is denied, the date of denial, whether or not any medical advice, diagnosis, care, or treatment was recommended or received before the effective date of coverage. "Preexisting condition exclusion" also includes a condition identified as a result of a pre-enrollment questionnaire or physical examination given to an individual, or review of medical records relating to the pre-enrollment period.

"Premium" means all moneys paid by an employer, eligible employee, or covered person as a condition of coverage from a health carrier, including fees and other contributions associated with the health benefit plan.

"Preventive services" means (i) evidence-based items or services for which a rating of A or B is in effect in the recommendations of the U.S. Preventive Services Task Force with respect to the individual involved; (ii) immunizations for routine use in children, adolescents, and adults for which a recommendation of the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention is in effect with respect to the individual involved; (iii) evidence-informed preventive care and screenings provided for in comprehensive guidelines supported by the Health Resources and Services Administration with respect to infants, children, and adolescents; and (iv) evidence-informed preventive care and screenings recommended in comprehensive guidelines supported by the Health Resources and Services Administration with respect to women. For purposes of this definition, a recommendation of the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention is considered in effect after it has been adopted by the Director of the Centers for Disease Control and Prevention, and a recommendation is considered to be for routine use if it is listed on the Immunization Schedules of the Centers for Disease Control and Prevention.

"Primary care health care professional" means a health care professional designated by a covered person to supervise, coordinate, or provide initial care or continuing care to the covered person and who may be required by the health carrier to initiate a referral for specialty care and maintain supervision of health care services rendered to the covered person.

"Rescission" means a cancellation or discontinuance of coverage under a health benefit plan that has a retroactive effect. "Rescission" does not include:

1. A cancellation or discontinuance of coverage under a health benefit plan if the cancellation or discontinuance of coverage has only a prospective effect, or the cancellation or discontinuance of coverage is effective retroactively to the extent it is attributable to a failure to timely pay required premiums or contributions towards the cost of coverage; or

2. A cancellation or discontinuance of coverage when the health benefit plan covers active employees and, if applicable, dependents and those covered under continuation coverage provisions, if the employee pays no premiums for coverage after termination of employment and the cancellation or discontinuance of coverage is effective retroactively back to the date of termination of employment due to a delay in administrative recordkeeping.

"Stabilize" means with respect to an emergency medical condition, to provide such medical treatment as may be necessary to assure, within reasonable medical probability, that no material deterioration of the condition is likely to result from or occur during the transfer of the individual from a facility, or, with respect to a pregnant woman, that the woman has delivered, including the placenta.

"Student health insurance coverage" means a type of individual health insurance coverage that is provided pursuant to a written agreement between an institution of higher education, as defined by the Higher Education Act of 1965, and a health carrier and provided to students enrolled in that institution of higher education and their dependents, and that does not make health insurance coverage available other than in connection with enrollment as a student, or as a dependent of a student, in the institution of higher education, and does not condition eligibility for health insurance coverage on any health status-related factor related to a student or a dependent of the student.

"Surgical or ancillary services" means professional services, including surgery, anesthesiology, pathology, radiology, or hospitalist services and laboratory services.

"Wellness program" means a program offered by an employer that is designed to promote health or prevent disease.

§ 38.2-3445. Patient access to emergency services.

A. Notwithstanding any provision of § 38.2-3407.11, 38.2-4312.3, or any other section of this title to the contrary, if a health carrier providing individual or group health insurance coverage provides any benefits with respect to services in an emergency department of a hospital, the health carrier shall provide coverage for emergency services:

1. Without the need for any prior authorization determination, regardless of whether the emergency services are provided on an in-network or out-of-network basis;

2. Without regard to the final diagnosis rendered to the covered person or whether the health care provider furnishing the emergency services is a participating health care provider with respect to such services;

3. If such services are provided out-of-network, without imposing any administrative requirement or limitation on coverage that is more restrictive than the requirements or limitations that apply to such services received from an in-network provider;

4. If such services are provided out-of-network, the health carrier shall pay the out-of-network provider in accordance with § 38.2-3445.01 less any cost-sharing requirement. Any such cost-sharing requirement shall not exceed the cost-sharing requirement that would apply if such services were provided in-network as provided in § 38.2-3445.01; and

5. Without regard to any term or condition of such coverage other than the exclusion of or coordination of benefits or an affiliation or waiting period.

B. Coverage for emergency services that are related to mental health services or substance abuse services, as those terms are defined in § 38.2-3412.1, shall be provided in accordance with the federal Mental Health Parity and Addiction Equity Act of 2008, P.L. 110-343, even where those requirements would not otherwise apply directly. Such emergency services may be rendered at a location other than the emergency department of a hospital, such as a behavioral health crisis service provider, as required.

CHAPTER 200

An Act to amend and reenact § 54.1-2807.01 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 54.1-2807.03, relating to funeral arrangements; disputes between next of kin; proof of next of kin status.

[H 652]

Approved March 28, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 54.1-2807.01 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 54.1-2807.03 as follows:

§ 54.1-2807.01. When next of kin disagree.

A. In the absence of a designation under § 54.1-2825, when there is a disagreement among a decedent's next of kin concerning the arrangements for his funeral or the disposition of his remains, any of the next of kin may petition the circuit court where the decedent resided at the time of his death to determine which of the next of kin shall have the authority to make arrangements for the decedent's funeral or the disposition of his remains. The court may require notice to and the convening of such of the next of kin as it deems proper.

B. In determining the matter before it, the court shall consider the expressed wishes, if any, of the decedent, the legal and factual relationship between or among the disputing next of kin and between each of the disputing next of kin and the decedent, and any other factor the court considers relevant to determine who should be authorized to make the arrangements for the decedent's funeral or the disposition of his remains.

C. When there is a disagreement among a decedent's next of kin concerning the arrangements for his funeral or the disposition of his remains, at least one of the next of kin shall, within 48 hours of the funeral service establishment receiving

the decedent's remains, notify such funeral service establishment of the dispute, at which time the funeral service establishment shall immediately stop making arrangements for the decedent's funeral or for the disposition of the decedent's remains until such time as an agreement is reached by the disputing next of kin or a court of appropriate jurisdiction has ruled on any petition filed by such disputing next of kin.

D. If there is a dispute regarding the identity of any persons who have the right to make arrangements and otherwise be responsible for the decedent's funeral and the disposition of such decedent's remains, a funeral service establishment shall not be liable for refusing to dispose of the decedent's remains or complete the arrangements for the final disposition of such remains until the funeral service establishment receives a court order or written agreement signed by the disputing next of kin that establishes the final disposition of the decedent's remains. If the funeral service establishment retains the decedent's remains for final disposition while any such dispute is pending, the funeral service establishment may embalm or refrigerate and shelter the decedent's body for preservation purposes until the dispute is resolved. Any person or persons adjudged or agreed to have the right to make arrangements and otherwise be responsible for the decedent's funeral and the disposition of the decedent's remains shall be responsible for any costs incurred by the funeral service establishment pursuant to this subsection.

§ 54.1-2807.03. Proof of next of kin status.

A. A funeral service licensee may require that a person claiming next of kin status, in accordance with the definition of next of kin in § 54.1-2800, execute a document affirming that such person is the next of kin. Upon execution of this form, the funeral service licensee is exempt from any liability for allowing such person to proceed with funeral planning for the decedent.

B. A funeral service licensee may, as a part of affirming that such person is next of kin under this section, rely on the decedent's will that names such person as the individual the decedent wishes to serve as next of kin for making funeral and burial arrangements, regardless of whether the will has been probated.

CHAPTER 201

An Act to amend and reenact § 19.2-48.1 of the Code of Virginia, relating to quarters for magistrates; certain minimum standards for security and accessibility.

[H 679]

Approved March 28, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 19.2-48.1 of the Code of Virginia is amended and reenacted as follows:

§ 19.2-48.1. Quarters for magistrates.

A. The counties and cities served by a magistrate or magistrates shall provide suitable quarters for such magistrates, including a site for any videoconferencing *and other* equipment necessary to provide *secure,* remote access *and the transmission of paperwork* to such magistrates *by the public and law-enforcement officers*. ~~Insofar as possible, such~~ *Such* quarters ~~should~~ *shall* be located in a ~~public~~ facility *open to the public* and ~~should be~~ appropriate to conduct the affairs of a judicial officer as well as provide convenient*, 24-hour* access to the public and law-enforcement officers. *Where practicable, such quarters shall be in a courthouse or a law-enforcement office where business is regularly conducted and shall include an entrance, exit, and parking for magistrates that is separate from those for members of the public. Such quarters shall provide for the physical security of the magistrate and shall include controlled access to interior spaces or intrusion detection, a secure physical barrier between the magistrate and members of the public, and a readily accessible duress button that connects the magistrate to local law enforcement.* The county or city shall also provide all furniture and other equipment necessary for the efficient operation of the office.

B. Wherever practical, the office of magistrate shall be located at the county seat. However, offices may be located at other locations in the county, or city adjacent thereto, whenever such additional offices are necessary to effect the efficient administration of justice.

CHAPTER 202

An Act to amend and reenact § 23.1-818 of the Code of Virginia and to amend the Code of Virginia by adding in Article 1 of Chapter 31 of Title 23.1 a section numbered 23.1-3100.1, relating to institutions of higher education; campus safety; governing boards of educational institutions; employment of security services and personnel authorized.

[H 690]

Approved March 28, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 23.1-818 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding in Article 1 of Chapter 31 of Title 23.1 a section numbered 23.1-3100.1 as follows:

§ 23.1-818. Security departments and other security services.

Nothing in this article shall abridge the authority of the governing board of a public institution of higher education or private institution of higher education to establish security departments, whose officers and employees shall not have the powers and duties set forth in § 23.1-815, in place of or in addition to campus police departments, rely upon local or state police forces, or contract for security services from private parties. Nothing in this article shall abridge the authority of the Board of Visitors of the Virginia School for the Deaf and the Blind to establish and maintain a campus security department and to employ campus security personnel therein in accordance with the provisions of subsection F of § 22.1-346.2. *Nothing in this article shall abridge the authority of the governing board of any educational institution established pursuant to Chapter 31 (§ 23.1-3100 et seq.) to establish and maintain a campus security department and to employ campus security personnel therein.*

§ 23.1-3100.1. Governing boards of educational institutions; powers.

The governing board of any educational institution established pursuant to this chapter is hereby authorized to establish and maintain a campus security department and to employ campus security personnel therein.

CHAPTER 203

An Act to amend and reenact § 2.2-1503.1 of the Code of Virginia, relating to six-year financial plan.

[H 712]

Approved March 28, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 2.2-1503.1 of the Code of Virginia is amended and reenacted as follows:

§ 2.2-1503.1. Filing of six-year financial outline by Governor.

A. On or before the first day of each regular session of the General Assembly ~~held in an even-numbered year~~, the Governor shall prepare and submit to the members of the General Assembly a financial plan for a prospective period of six years. The plan shall consist of (i) the Governor's biennial budget submitted pursuant to subsection A of § 2.2-1508, (ii) estimates of anticipated general fund and nongeneral fund revenue prepared for an additional period of four years pursuant to § 2.2-1503, and (iii) estimates of the general and nongeneral fund appropriations required for each major program for an additional period of four years. In preparing such financial plan, the Governor may utilize the estimate prepared by each agency pursuant to § 2.2-1504, or such other information as he may deem necessary.

B. The financial plan required by this section shall ensure a structural balance between the projected revenues described in clause (ii) of subsection A and the projected expenditures described in clause (iii) of subsection A consistent with the provisions of Article X, Section 7 of the Constitution of Virginia.

CHAPTER 204

An Act to amend the Code of Virginia by adding in Article 2 of Chapter 8 of Title 23.1 a section numbered 23.1-808.2, relating to institutions of higher education; campus safety and emergency preparedness training; first-year completion and biennial review.

[H 713]

Approved March 28, 2024

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Article 2 of Chapter 8 of Title 23.1 a section numbered 23.1-808.2 as follows:

§ 23.1-808.2. Campus safety and emergency preparedness training; first-year completion and biennial review.

A. The governing board of each public institution of higher education shall develop and implement policies requiring that a campus safety and emergency preparedness training program be provided to and completed by all first-year students by the last day of each student's first academic term and reviewed biennially by each returning student at such institution. Such training program shall focus on active shooter event preparedness and may be offered in any format, including a virtual format, and may include any supplementary materials that the governing board of each public institution of higher education deems appropriate.

B. The Council shall encourage private institutions of higher education to develop and implement policies requiring a campus safety and emergency preparedness training program be provided to and completed by all first-year students by the last day of each student's first academic term and reviewed biennially by each returning student enrolled at such institutions.

CHAPTER 205

An Act to create a six-year capital outlay plan for projects to be funded entirely or partially from general fund-supported resources and to repeal Chapters 140 and 141 of the Acts of Assembly of 2023.

[H 715]

Approved March 28, 2024

Be it enacted by the General Assembly of Virginia:

1. *§ 1. That the following capital outlay projects and descriptive information shall constitute the Commonwealth's capital outlay plan, pursuant to § 2.2-1518 of the Code of Virginia, for the capital projects supported entirely or partially from the general fund for the six-year period beginning July 1, 2024. These projects do not include projects that were previously funded and authorized to proceed to construction.*

Agency Code/Agency	*Priority*	*Project Name*	*Cost Category*
123—Department of Military Affairs	*1*	*Renovate Facilities at Camp Pendleton to House Job Challenge Program*	*$0 to $10,000,000*
156—Department of State Police	*1*	*Construct Division Six Headquarters*	*$25,000,001 to $50,000,000*
194—Department of General Services	*1*	*Construct Commonwealth Courts Building*	*Above $100,000,000*
	2	*Construct New State Office Building and Parking Deck*	*Above $100,000,000*
	3	*Construct New State Laboratory Building*	*Above $100,000,000*
	4	*Renovate Library Building*	*$50,000,001 to $75,000,000*
199—Department of Conservation and Recreation	*1*	*Renovate Cabins*	*$10,000,001 to $25,000,000*
	2	*Construct Revenue-Generating Facilities*	*$10,000,001 to $25,000,000*
207—University of Virginia	*1*	*Construct Center for the Arts*	*Above $100,000,000*
208—Virginia Polytechnic Institute and State University	*1*	*Expand Virginia Tech-Carilion School of Medicine and Fralin Biomedical Research Institute*	*Above $100,000,000*
211—Virginia Military Institute	*1*	*Renovate Financial Aid and Admissions Offices*	*$10,000,001 to $25,000,000*
	2	*Improve New Market Battlefield State Historical Park*	*$25,000,001 to $50,000,000*
	3	*Improve Hinty Hall and Facility Infrastructure*	*$10,000,001 to $25,000,000*
	4	*Construct Moody Hall*	*$50,000,001 to $75,000,000*
	5	*Construct Center for Leadership and Ethics, Phase 2*	*$75,000,001 to $100,000,000*
212—Virginia State University	*1*	*Construct BOLT Leadership Center for Social Responsibility*	*$50,000,001 to $75,000,000*
213—Norfolk State University	*1*	*Renovate/Replace Fine Arts Building*	*$75,000,001 to $100,000,000*
218—Virginia School for the Deaf and the Blind	*1*	*Renovate Main Hall and Repair Chapel*	*$25,000,001 to $50,000,000*
229—Virginia Cooperative Extension and Agricultural Experiment Station	*1*	*Improve Center Woods Complex*	*$10,000,001 to $25,000,000*

234—Cooperative Extension and Agricultural Research Services	*1*	*Renovate Summerseat for Urban Agriculture Center*	*$0 to $10,000,000*
236—Virginia Commonwealth University	*1*	*Construct Interdisciplinary Classroom and Laboratory Building*	*Above $100,000,000*
	2	*Construct New School of Dentistry Building*	*Above $100,000,000*
242—Christopher Newport University	*1*	*Replace Plant Operations and Warehouse Building*	*$25,000,001 to $50,000,000*
246—University of Virginia's College at Wise	*1*	*Renovate Darden Hall*	*$25,000,001 to $50,000,000*
247—George Mason University	*1*	*Construct Academic VIII - STEM Prince William Campus*	*Above $100,000,000*
	2	*Renovate Space to Accommodate Virtual Online Campus*	*$10,000,001 to $25,000,000*
	3	*Construct and Renovate Advanced Computational Infrastructure and Hybrid Learning Labs*	*$10,000,001 to $25,000,000*
417—Gunston Hall	*1*	*Construct Archaeology and Maintenance Facilities*	*$0 to $10,000,000*
720—Department of Behavioral Health and Developmental Services	*1*	*Renovate Food Services Statewide*	*$25,000,001 to $50,000,000*
	2	*Renovate Eastern State Hospital, Phase IV*	*$25,000,001 to $50,000,000*
	3	*Child and Adolescent Psychiatric Treatment Facility*	*Above $100,000,000*
799—Department of Corrections	*1*	*Replace Powhatan Infirmary*	*$25,000,001 to $50,000,000*
	2	*Expand Deerfield Correctional Center*	*$25,000,001 to $50,000,000*
885—Institute for Advanced Learning and Research	*1*	*Expand Center for Manufacturing Advancement*	*$25,000,001 to $50,000,000*
942—Virginia Museum of Natural History	*1*	*Construct Satellite Facility in Waynesboro*	*$10,000,001 to $25,000,000*
949—Central Capital	*1*	*Workforce Development Projects*	*$25,000,001 to $50,000,000*

2. That Chapters 140 and 141 of the Acts of Assembly of 2023 are repealed.

CHAPTER 206

An Act to amend and reenact § 24.2-945.2 of the Code of Virginia, relating to campaign finance; independent expenditure reports; electronic filing required.

[H 730]

Approved March 28, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 24.2-945.2 of the Code of Virginia is amended and reenacted as follows:

§ 24.2-945.2. Persons required to file independent expenditure disclosure reports; filing deadline.

A. Any person, candidate campaign committee, or political committee that makes independent expenditures, in the aggregate during an election cycle, of $1,000 or more for a statewide election or $200 or more for any other election shall maintain records and report pursuant to this chapter all such independent expenditures made for the purpose of expressly advocating the election or defeat of a clearly identified candidate.

B. Independent expenditure reports shall be due (i) within 24 hours of the time when the funds were expended or (ii) within 24 hours of the time when materials, as described in subsection A of this section, are published or broadcast to the public, whichever (i) or (ii) first occurs. ~~The reports shall be filed with the State Board if the funds were expended to support or oppose a candidate for statewide office or the General Assembly or with the general registrar of the county or city in which the candidate resides if the funds were expended to support or oppose a candidate for local office.~~ The report filed by a political action committee or political party committee shall include the information required for a statement of organization as listed in subdivisions A 1 through A 8 of § 24.2-949.2 or subdivisions 1 through 6 of § 24.2-950.2, as appropriate, unless the committee has a current statement of organization on file with the State Board.

C. Independent expenditure reports required by this section ~~may~~ *shall* be filed electronically pursuant to § 24.2-946.1 ~~or in writing on a form developed by the State Board. If the report is filed in writing, the report shall be (i) received by the State Board or the general registrar, as appropriate, within 24 hours of the time when the funds were expended or (ii) transmitted to the State Board or the general registrar, as appropriate, by telephonic transmission to a facsimile device within 24 hours of the time when the funds were expended with an original copy of the report mailed to the State Board or the general registrar, as appropriate, and postmarked within 24 hours of the time when the funds were expended~~.

2. That the provisions of this act shall become effective on July 1, 2025.

CHAPTER 207

An Act to amend and reenact § 32.1-127, as it shall become effective, of the Code of Virginia, relating to Board of Health; hospital regulations; use of smoke evacuation systems during surgical procedures.

[H 763]

Approved March 28, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 32.1-127, as it shall become effective, of the Code of Virginia is amended and reenacted as follows:

§ 32.1-127. (Effective July 1, 2025) Regulations.

A. The regulations promulgated by the Board to carry out the provisions of this article shall be in substantial conformity to the standards of health, hygiene, sanitation, construction and safety as established and recognized by medical and health care professionals and by specialists in matters of public health and safety, including health and safety standards established under provisions of Title XVIII and Title XIX of the Social Security Act, and to the provisions of Article 2 (§ 32.1-138 et seq.).

B. Such regulations:

1. Shall include minimum standards for (i) the construction and maintenance of hospitals, nursing homes and certified nursing facilities to ensure the environmental protection and the life safety of its patients, employees, and the public; (ii) the operation, staffing and equipping of hospitals, nursing homes and certified nursing facilities; (iii) qualifications and training of staff of hospitals, nursing homes and certified nursing facilities, except those professionals licensed or certified by the Department of Health Professions; (iv) conditions under which a hospital or nursing home may provide medical and nursing services to patients in their places of residence; and (v) policies related to infection prevention, disaster preparedness, and facility security of hospitals, nursing homes, and certified nursing facilities;

2. Shall provide that at least one physician who is licensed to practice medicine in this Commonwealth shall be on call at all times, though not necessarily physically present on the premises, at each hospital which operates or holds itself out as operating an emergency service;

3. May classify hospitals and nursing homes by type of specialty or service and may provide for licensing hospitals and nursing homes by bed capacity and by type of specialty or service;

4. Shall also require that each hospital establish a protocol for organ donation, in compliance with federal law and the regulations of the Centers for Medicare and Medicaid Services (CMS), particularly 42 C.F.R. § 482.45. Each hospital shall have an agreement with an organ procurement organization designated in CMS regulations for routine contact, whereby the provider's designated organ procurement organization certified by CMS (i) is notified in a timely manner of all deaths or imminent deaths of patients in the hospital and (ii) is authorized to determine the suitability of the decedent or patient for organ donation and, in the absence of a similar arrangement with any eye bank or tissue bank in Virginia certified by the Eye Bank Association of America or the American Association of Tissue Banks, the suitability for tissue and eye donation. The hospital shall also have an agreement with at least one tissue bank and at least one eye bank to cooperate in the retrieval, processing, preservation, storage, and distribution of tissues and eyes to ensure that all usable tissues and eyes are obtained from potential donors and to avoid interference with organ procurement. The protocol shall ensure that the hospital collaborates with the designated organ procurement organization to inform the family of each potential donor of the option to donate organs, tissues, or eyes or to decline to donate. The individual making contact with the family shall have completed a course in the methodology for approaching potential donor families and requesting organ or tissue donation that (a) is offered or approved by the organ procurement organization and designed in conjunction with the tissue and eye bank community and (b) encourages discretion and sensitivity according to the specific circumstances, views, and beliefs of the relevant family. In addition, the hospital shall work cooperatively with the designated organ procurement organization in educating the staff responsible for contacting the organ procurement organization's personnel on donation issues, the proper

review of death records to improve identification of potential donors, and the proper procedures for maintaining potential donors while necessary testing and placement of potential donated organs, tissues, and eyes takes place. This process shall be followed, without exception, unless the family of the relevant decedent or patient has expressed opposition to organ donation, the chief administrative officer of the hospital or his designee knows of such opposition, and no donor card or other relevant document, such as an advance directive, can be found;

5. Shall require that each hospital that provides obstetrical services establish a protocol for admission or transfer of any pregnant woman who presents herself while in labor;

6. Shall also require that each licensed hospital develop and implement a protocol requiring written discharge plans for identified, substance-abusing, postpartum women and their infants. The protocol shall require that the discharge plan be discussed with the patient and that appropriate referrals for the mother and the infant be made and documented. Appropriate referrals may include, but need not be limited to, treatment services, comprehensive early intervention services for infants and toddlers with disabilities and their families pursuant to Part H of the Individuals with Disabilities Education Act, 20 U.S.C. § 1471 et seq., and family-oriented prevention services. The discharge planning process shall involve, to the extent possible, the other parent of the infant and any members of the patient's extended family who may participate in the follow-up care for the mother and the infant. Immediately upon identification, pursuant to § 54.1-2403.1, of any substance-abusing, postpartum woman, the hospital shall notify, subject to federal law restrictions, the community services board of the jurisdiction in which the woman resides to appoint a discharge plan manager. The community services board shall implement and manage the discharge plan;

7. Shall require that each nursing home and certified nursing facility fully disclose to the applicant for admission the home's or facility's admissions policies, including any preferences given;

8. Shall require that each licensed hospital establish a protocol relating to the rights and responsibilities of patients which shall include a process reasonably designed to inform patients of such rights and responsibilities. Such rights and responsibilities of patients, a copy of which shall be given to patients on admission, shall be consistent with applicable federal law and regulations of the Centers for Medicare and Medicaid Services;

9. Shall establish standards and maintain a process for designation of levels or categories of care in neonatal services according to an applicable national or state-developed evaluation system. Such standards may be differentiated for various levels or categories of care and may include, but need not be limited to, requirements for staffing credentials, staff/patient ratios, equipment, and medical protocols;

10. Shall require that each nursing home and certified nursing facility train all employees who are mandated to report adult abuse, neglect, or exploitation pursuant to § 63.2-1606 on such reporting procedures and the consequences for failing to make a required report;

11. Shall permit hospital personnel, as designated in medical staff bylaws, rules and regulations, or hospital policies and procedures, to accept emergency telephone and other verbal orders for medication or treatment for hospital patients from physicians, and other persons lawfully authorized by state statute to give patient orders, subject to a requirement that such verbal order be signed, within a reasonable period of time not to exceed 72 hours as specified in the hospital's medical staff bylaws, rules and regulations or hospital policies and procedures, by the person giving the order, or, when such person is not available within the period of time specified, co-signed by another physician or other person authorized to give the order;

12. Shall require, unless the vaccination is medically contraindicated or the resident declines the offer of the vaccination, that each certified nursing facility and nursing home provide or arrange for the administration to its residents of (i) an annual vaccination against influenza and (ii) a pneumococcal vaccination, in accordance with the most recent recommendations of the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention;

13. Shall require that each nursing home and certified nursing facility register with the Department of State Police to receive notice of the registration, reregistration, or verification of registration information of any person required to register with the Sex Offender and Crimes Against Minors Registry pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1 within the same or a contiguous zip code area in which the home or facility is located, pursuant to § 9.1-914;

14. Shall require that each nursing home and certified nursing facility ascertain, prior to admission, whether a potential patient is required to register with the Sex Offender and Crimes Against Minors Registry pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1, if the home or facility anticipates the potential patient will have a length of stay greater than three days or in fact stays longer than three days;

15. Shall require that each licensed hospital include in its visitation policy a provision allowing each adult patient to receive visits from any individual from whom the patient desires to receive visits, subject to other restrictions contained in the visitation policy including, but not limited to, those related to the patient's medical condition and the number of visitors permitted in the patient's room simultaneously;

16. Shall require that each nursing home and certified nursing facility shall, upon the request of the facility's family council, send notices and information about the family council mutually developed by the family council and the administration of the nursing home or certified nursing facility, and provided to the facility for such purpose, to the listed responsible party or a contact person of the resident's choice up to six times per year. Such notices may be included together with a monthly billing statement or other regular communication. Notices and information shall also be posted in a designated location within the nursing home or certified nursing facility. No family member of a resident or other resident

representative shall be restricted from participating in meetings in the facility with the families or resident representatives of other residents in the facility;

17. Shall require that each nursing home and certified nursing facility maintain liability insurance coverage in a minimum amount of $1 million, and professional liability coverage in an amount at least equal to the recovery limit set forth in § 8.01-581.15, to compensate patients or individuals for injuries and losses resulting from the negligent or criminal acts of the facility. Failure to maintain such minimum insurance shall result in revocation of the facility's license;

18. Shall require each hospital that provides obstetrical services to establish policies to follow when a stillbirth, as defined in § 32.1-69.1, occurs that meet the guidelines pertaining to counseling patients and their families and other aspects of managing stillbirths as may be specified by the Board in its regulations;

19. Shall require each nursing home to provide a full refund of any unexpended patient funds on deposit with the facility following the discharge or death of a patient, other than entrance-related fees paid to a continuing care provider as defined in § 38.2-4900, within 30 days of a written request for such funds by the discharged patient or, in the case of the death of a patient, the person administering the person's estate in accordance with the Virginia Small Estates Act (§ 64.2-600 et seq.);

20. Shall require that each hospital that provides inpatient psychiatric services establish a protocol that requires, for any refusal to admit (i) a medically stable patient referred to its psychiatric unit, direct verbal communication between the on-call physician in the psychiatric unit and the referring physician, if requested by such referring physician, and prohibits on-call physicians or other hospital staff from refusing a request for such direct verbal communication by a referring physician and (ii) a patient for whom there is a question regarding the medical stability or medical appropriateness of admission for inpatient psychiatric services due to a situation involving results of a toxicology screening, the on-call physician in the psychiatric unit to which the patient is sought to be transferred to participate in direct verbal communication, either in person or via telephone, with a clinical toxicologist or other person who is a Certified Specialist in Poison Information employed by a poison control center that is accredited by the American Association of Poison Control Centers to review the results of the toxicology screen and determine whether a medical reason for refusing admission to the psychiatric unit related to the results of the toxicology screen exists, if requested by the referring physician;

21. Shall require that each hospital that is equipped to provide life-sustaining treatment shall develop a policy governing determination of the medical and ethical appropriateness of proposed medical care, which shall include (i) a process for obtaining a second opinion regarding the medical and ethical appropriateness of proposed medical care in cases in which a physician has determined proposed care to be medically or ethically inappropriate; (ii) provisions for review of the determination that proposed medical care is medically or ethically inappropriate by an interdisciplinary medical review committee and a determination by the interdisciplinary medical review committee regarding the medical and ethical appropriateness of the proposed health care; and (iii) requirements for a written explanation of the decision reached by the interdisciplinary medical review committee, which shall be included in the patient's medical record. Such policy shall ensure that the patient, his agent, or the person authorized to make medical decisions pursuant to § 54.1-2986 (a) are informed of the patient's right to obtain his medical record and to obtain an independent medical opinion and (b) afforded reasonable opportunity to participate in the medical review committee meeting. Nothing in such policy shall prevent the patient, his agent, or the person authorized to make medical decisions pursuant to § 54.1-2986 from obtaining legal counsel to represent the patient or from seeking other remedies available at law, including seeking court review, provided that the patient, his agent, or the person authorized to make medical decisions pursuant to § 54.1-2986, or legal counsel provides written notice to the chief executive officer of the hospital within 14 days of the date on which the physician's determination that proposed medical treatment is medically or ethically inappropriate is documented in the patient's medical record;

22. Shall require every hospital with an emergency department to establish a security plan. Such security plan shall be developed using standards established by the International Association for Healthcare Security and Safety or other industry standard and shall be based on the results of a security risk assessment of each emergency department location of the hospital and shall include the presence of at least one off-duty law-enforcement officer or trained security personnel who is present in the emergency department at all times as indicated to be necessary and appropriate by the security risk assessment. Such security plan shall be based on identified risks for the emergency department, including trauma level designation, overall volume, volume of psychiatric and forensic patients, incidents of violence against staff, and level of injuries sustained from such violence, and prevalence of crime in the community, in consultation with the emergency department medical director and nurse director. The security plan shall also outline training requirements for security personnel in the potential use of and response to weapons, defensive tactics, de-escalation techniques, appropriate physical restraint and seclusion techniques, crisis intervention, and trauma-informed approaches. Such training shall also include instruction on safely addressing situations involving patients, family members, or other persons who pose a risk of harm to themselves or others due to mental illness or substance abuse or who are experiencing a mental health crisis. Such training requirements may be satisfied through completion of the Department of Criminal Justice Services minimum training standards for auxiliary police officers as required by § 15.2-1731. The Commissioner shall provide a waiver from the requirement that at least one off-duty law-enforcement officer or trained security personnel be present at all times in the emergency department if the hospital demonstrates that a different level of security is necessary and appropriate for any of its emergency departments based upon findings in the security risk assessment;

23. Shall require that each hospital establish a protocol requiring that, before a health care provider arranges for air medical transportation services for a patient who does not have an emergency medical condition as defined in 42 U.S.C.

§ 1395dd(e)(1), the hospital shall provide the patient or his authorized representative with written or electronic notice that the patient (i) may have a choice of transportation by an air medical transportation provider or medically appropriate ground transportation by an emergency medical services provider and (ii) will be responsible for charges incurred for such transportation in the event that the provider is not a contracted network provider of the patient's health insurance carrier or such charges are not otherwise covered in full or in part by the patient's health insurance plan;

24. Shall establish an exemption from the requirement to obtain a license to add temporary beds in an existing hospital or nursing home, including beds located in a temporary structure or satellite location operated by the hospital or nursing home, provided that the ability remains to safely staff services across the existing hospital or nursing home, (i) for a period of no more than the duration of the Commissioner's determination plus 30 days when the Commissioner has determined that a natural or man-made disaster has caused the evacuation of a hospital or nursing home and that a public health emergency exists due to a shortage of hospital or nursing home beds or (ii) for a period of no more than the duration of the emergency order entered pursuant to § 32.1-13 or 32.1-20 plus 30 days when the Board, pursuant to § 32.1-13, or the Commissioner, pursuant to § 32.1-20, has entered an emergency order for the purpose of suppressing a nuisance dangerous to public health or a communicable, contagious, or infectious disease or other danger to the public life and health;

25. Shall establish protocols to ensure that any patient scheduled to receive an elective surgical procedure for which the patient can reasonably be expected to require outpatient physical therapy as a follow-up treatment after discharge is informed that he (i) is expected to require outpatient physical therapy as a follow-up treatment and (ii) will be required to select a physical therapy provider prior to being discharged from the hospital;

26. Shall permit nursing home staff members who are authorized to possess, distribute, or administer medications to residents to store, dispense, or administer cannabis oil to a resident who has been issued a valid written certification for the use of cannabis oil in accordance with § 4.1-1601;

27. Shall require each hospital with an emergency department to establish a protocol for the treatment and discharge of individuals experiencing a substance use-related emergency, which shall include provisions for (i) appropriate screening and assessment of individuals experiencing substance use-related emergencies to identify medical interventions necessary for the treatment of the individual in the emergency department and (ii) recommendations for follow-up care following discharge for any patient identified as having a substance use disorder, depression, or mental health disorder, as appropriate, which may include, for patients who have been treated for substance use-related emergencies, including opioid overdose, or other high-risk patients, (a) the dispensing of naloxone or other opioid antagonist used for overdose reversal pursuant to subsection X of § 54.1-3408 at discharge or (b) issuance of a prescription for and information about accessing naloxone or other opioid antagonist used for overdose reversal, including information about accessing naloxone or other opioid antagonist used for overdose reversal at a community pharmacy, including any outpatient pharmacy operated by the hospital, or through a community organization or pharmacy that may dispense naloxone or other opioid antagonist used for overdose reversal without a prescription pursuant to a statewide standing order. Such protocols may also provide for referrals of individuals experiencing a substance use-related emergency to peer recovery specialists and community-based providers of behavioral health services, or to providers of pharmacotherapy for the treatment of drug or alcohol dependence or mental health diagnoses;

28. During a public health emergency related to COVID-19, shall require each nursing home and certified nursing facility to establish a protocol to allow each patient to receive visits, consistent with guidance from the Centers for Disease Control and Prevention and as directed by the Centers for Medicare and Medicaid Services and the Board. Such protocol shall include provisions describing (i) the conditions, including conditions related to the presence of COVID-19 in the nursing home, certified nursing facility, and community, under which in-person visits will be allowed and under which in-person visits will not be allowed and visits will be required to be virtual; (ii) the requirements with which in-person visitors will be required to comply to protect the health and safety of the patients and staff of the nursing home or certified nursing facility; (iii) the types of technology, including interactive audio or video technology, and the staff support necessary to ensure visits are provided as required by this subdivision; and (iv) the steps the nursing home or certified nursing facility will take in the event of a technology failure, service interruption, or documented emergency that prevents visits from occurring as required by this subdivision. Such protocol shall also include (a) a statement of the frequency with which visits, including virtual and in-person, where appropriate, will be allowed, which shall be at least once every 10 calendar days for each patient; (b) a provision authorizing a patient or the patient's personal representative to waive or limit visitation, provided that such waiver or limitation is included in the patient's health record; and (c) a requirement that each nursing home and certified nursing facility publish on its website or communicate to each patient or the patient's authorized representative, in writing or via electronic means, the nursing home's or certified nursing facility's plan for providing visits to patients as required by this subdivision;

29. Shall require each hospital, nursing home, and certified nursing facility to establish and implement policies to ensure the permissible access to and use of an intelligent personal assistant provided by a patient, in accordance with such regulations, while receiving inpatient services. Such policies shall ensure protection of health information in accordance with the requirements of the federal Health Insurance Portability and Accountability Act of 1996, 42 U.S.C. § 1320d et seq., as amended. For the purposes of this subdivision, "intelligent personal assistant" means a combination of an electronic device and a specialized software application designed to assist users with basic tasks using a combination of natural language processing and artificial intelligence, including such combinations known as "digital assistants" or "virtual assistants";

30. During a declared public health emergency related to a communicable disease of public health threat, shall require each hospital, nursing home, and certified nursing facility to establish a protocol to allow patients to receive visits from a rabbi, priest, minister, or clergy of any religious denomination or sect consistent with guidance from the Centers for Disease Control and Prevention and the Centers for Medicare and Medicaid Services and subject to compliance with any executive order, order of public health, Department guidance, or any other applicable federal or state guidance having the effect of limiting visitation. Such protocol may restrict the frequency and duration of visits and may require visits to be conducted virtually using interactive audio or video technology. Any such protocol may require the person visiting a patient pursuant to this subdivision to comply with all reasonable requirements of the hospital, nursing home, or certified nursing facility adopted to protect the health and safety of the person, patients, and staff of the hospital, nursing home, or certified nursing facility;

31. Shall require that every hospital that makes health records, as defined in § 32.1-127.1:03, of patients who are minors available to such patients through a secure website shall make such health records available to such patient's parent or guardian through such secure website, unless the hospital cannot make such health record available in a manner that prevents disclosure of information, the disclosure of which has been denied pursuant to subsection F of § 32.1-127.1:03 or for which consent required in accordance with subsection E of § 54.1-2969 has not been provided; ~~and~~

32. Shall require each certified nursing facility eligible to participate in the Virginia Medicaid Nursing Facility Value-Based Purchasing (VBP) program, as referenced in Chapter 2 of the Acts of Assembly of 2022, Special Session I, to provide at least 3.08 hours of case mix-adjusted total nurse staffing hours per resident per day on average as determined annually by the Department of Medical Assistance Services for use in the VBP program, utilizing job codes for the calculation of total nurse staffing hours per resident per day following the Centers for Medicare and Medicaid Services (CMS) definitions as of January 1, 2022, used for similar purposes and including certified nursing assistants, licensed practical nurses, and registered nurses. No additional reporting shall be required by a certified nursing facility under this subdivision*; and*

33. Shall require that every hospital where surgical procedures are performed adopt a policy requiring the use of a smoke evacuation system for all planned surgical procedures that are likely to generate surgical smoke. For the purposes of this subdivision, "smoke evacuation system" means smoke evacuation equipment and technologies designed to capture, filter, and remove surgical smoke at the site of origin and to prevent surgical smoke from making ocular contact or contact with a person's respiratory tract.

C. Upon obtaining the appropriate license, if applicable, licensed hospitals, nursing homes, and certified nursing facilities may operate adult day care centers.

D. All facilities licensed by the Board pursuant to this article which provide treatment or care for hemophiliacs and, in the course of such treatment, stock clotting factors, shall maintain records of all lot numbers or other unique identifiers for such clotting factors in order that, in the event the lot is found to be contaminated with an infectious agent, those hemophiliacs who have received units of this contaminated clotting factor may be apprised of this contamination. Facilities which have identified a lot that is known to be contaminated shall notify the recipient's attending physician and request that he notify the recipient of the contamination. If the physician is unavailable, the facility shall notify by mail, return receipt requested, each recipient who received treatment from a known contaminated lot at the individual's last known address.

E. Hospitals in the Commonwealth may enter into agreements with the Department of Health for the provision to uninsured patients of naloxone or other opioid antagonists used for overdose reversal.

2. That the provisions of this act shall become effective on July 1, 2025.

CHAPTER 208

An Act to amend and reenact § 23.1-3222 of the Code of Virginia, relating to Virginia Commission for the Arts; membership.

[H 832]

Approved March 28, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 23.1-3222 of the Code of Virginia is amended and reenacted as follows:

§ 23.1-3222. Virginia Commission for the Arts established; purpose; membership.

A. The Virginia Commission for the Arts (the Commission) is established as a supervisory commission within the meaning of § 2.2-2100 in the executive branch of state government.

B. The Commission is designated the official agency of the Commonwealth to receive and disburse any funds made available to the Commonwealth by the National Endowment for the Arts and the Fund pursuant to § 23.1-3227.

C. The Commission shall consist of ~~13~~ *nine* members appointed by the Governor subject to confirmation by the General Assembly. No ~~employee of the Commonwealth or~~ member of the General Assembly is eligible for appointment as a member of the Commission. At least one ~~but no more than two members~~ *member* shall be appointed from each ~~congressional district in the Commonwealth~~ *of the eight superintendent's regions*.

D. Members shall be appointed for one term of five years; however, a member appointed to serve an unexpired term is eligible to serve a full five-year term immediately succeeding the unexpired term. Appointments to fill vacancies, other than

by expiration of a term, shall be for the unexpired terms. Vacancies shall be filled in the same manner as the original appointments. No member who serves a full five-year term is eligible for reappointment during the five-year period following the expiration of his term.

E. The Commission shall elect a chairman from among its membership.

F. A majority of the members of the Commission shall constitute a quorum.

G. The members of the Commission shall receive no compensation for their services but shall be reimbursed for the reasonable and necessary expenses incurred in the performance of their duties as provided in § 2.2-2825.

H. Any person designated by the board to handle the funds of the Commission shall give bond, with corporate surety, in a penalty fixed by the Governor, conditioned upon the faithful discharge of his duties. Any premium on the bond shall be paid from funds available to the Commission.

CHAPTER 209

An Act to amend and reenact § 62.1-44.19:3 of the Code of Virginia, relating to sewage sludge regulations; relief from administrative requirements; adverse and unusual weather events.

[H 870]

Approved March 28, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 62.1-44.19:3 of the Code of Virginia is amended and reenacted as follows:

§ 62.1-44.19:3. Prohibition on land application, marketing and distribution of sewage sludge without permit; ordinances; notice requirement; fees.

A. 1. No owner of a sewage treatment works shall land apply, market or distribute sewage sludge from such treatment works except in compliance with a valid Virginia Pollutant Discharge Elimination System Permit or valid Virginia Pollution Abatement Permit.

2. Sewage sludge shall be treated to meet standards for land application as required by Board regulation prior to delivery at the land application site. No person shall alter the composition of sewage sludge at a site approved for land application of sewage sludge under a Virginia Pollution Abatement Permit or a Virginia Pollutant Discharge Elimination System. Any person who engages in the alteration of such sewage sludge shall be subject to the penalties provided in Article 6 (§ 62.1-44.31 et seq.) of this chapter. The addition of lime or deodorants to sewage sludge that has been treated to meet land application standards shall not constitute alteration of the composition of sewage sludge. The Department may authorize public institutions of higher education to conduct scientific research on the composition of sewage sludge that may be applied to land.

3. No person shall contract or propose to contract, with the owner of a sewage treatment works, to land apply, market or distribute sewage sludge in the Commonwealth, nor shall any person land apply, market or distribute sewage sludge in the Commonwealth without a current Virginia Pollution Abatement Permit authorizing land application, marketing or distribution of sewage sludge and specifying the location or locations, and the terms and conditions of such land application, marketing or distribution. The permit application shall not be complete unless it includes the landowner's written consent to apply sewage sludge on his property.

4. The land disposal of lime-stabilized septage and unstabilized septage is prohibited.

5. Beginning July 1, 2007, no application for a permit or variance to authorize the storage of sewage sludge shall be complete unless it contains certification from the governing body of the locality in which the sewage sludge is to be stored that the storage site is consistent with all applicable ordinances. The governing body shall confirm or deny consistency within 30 days of receiving a request for certification. If the governing body does not so respond, the site shall be deemed consistent.

B. The Board, with the assistance of the Department of Conservation and Recreation and the Department of Health, shall adopt regulations to ensure that (i) sewage sludge permitted for land application, marketing, or distribution is properly treated or stabilized; (ii) land application, marketing, and distribution of sewage sludge is performed in a manner that will protect public health and the environment; and (iii) the escape, flow or discharge of sewage sludge into state waters, in a manner that would cause pollution of state waters, as those terms are defined in § 62.1-44.3, shall be prevented.

C. Regulations adopted by the Board, with the assistance of the Department of Conservation and Recreation and the Department of Health pursuant to subsection B, shall include:

1. Requirements and procedures for the issuance and amendment of permits, including general permits, authorizing the land application, marketing or distribution of sewage sludge;

2. Procedures for amending land application permits to include additional application sites and sewage sludge types;

3. Standards for treatment or stabilization of sewage sludge prior to land application, marketing or distribution;

4. Requirements for determining the suitability of land application sites and facilities used in land application, marketing or distribution of sewage sludge;

5. Required procedures for land application, marketing, and distribution of sewage sludge;

6. Requirements for sampling, analysis, recordkeeping, and reporting in connection with land application, marketing, and distribution of sewage sludge;

7. Provisions for notification of local governing bodies to ensure compliance with §§ 62.1-44.15:3 and 62.1-44.19:3.4;

8. Requirements for site-specific nutrient management plans, which shall be developed by persons certified in accordance with § 10.1-104.2 prior to land application for all sites where sewage sludge is land applied, and approved by the Department of Conservation and Recreation prior to permit issuance under specific conditions, including but not limited to, sites operated by an owner or lessee of a Confined Animal Feeding Operation, as defined in subsection A of § 62.1-44.17:1, or Confined Poultry Feeding Operation, as defined in § 62.1-44.17:1.1, sites where the permit authorizes land application more frequently than once every three years at greater than 50 percent of the annual agronomic rate, and other sites based on site-specific conditions that increase the risk that land application may adversely impact state waters;

9. Procedures for the prompt investigation and disposition of complaints concerning land application of sewage sludge, including the requirements that (i) holders of permits issued under this section shall report all complaints received by them to the Department and to the local governing body of the jurisdiction in which the complaint originates, and (ii) localities receiving complaints concerning land application of sewage sludge shall notify the Department and the permit holder. The Department shall maintain a searchable electronic database of complaints received during the current and preceding calendar year, which shall include information detailing each complaint and how it was resolved; ~~and~~

10. Procedures for receiving and responding to public comments on applications for permits and for permit amendments authorizing land application at additional sites. Such procedures shall provide that an application for any permit amendments to increase the acreage authorized by the initial permit by 50 percent or more shall be treated as a new application for purposes of public notice and public hearings*; and*

11. Procedures for addressing administrative, staging, signage, and additional on-site and alternative storage site requirements when routine and on-site storage facility capacity and holding times are anticipated to be exceeded for the purpose of protecting against the release of sewage sludge into state waters, and to account for increased intensity, frequency, and duration of storm events.

D. Prior to issuance of a permit authorizing the land application, marketing or distribution of sewage sludge, the Department shall consult with, and give full consideration to the written recommendations of the Department of Health and the Department of Conservation and Recreation. Such consultation shall include any public health risks or water quality impacts associated with the permitted activity. The Department of Health and the Department of Conservation and Recreation may submit written comments on proposed permits within 30 days after notification by the Department.

E. Where, because of site-specific conditions, including soil type, identified during the permit application review process, the Department determines that special requirements are necessary to protect the environment or the health, safety or welfare of persons residing in the vicinity of a proposed land application site, the Department may incorporate in the permit at the time it is issued reasonable special conditions regarding buffering, transportation routes, slope, material source, methods of handling and application, and time of day restrictions exceeding those required by the regulations adopted under this section. Before incorporating any such conditions into the permit, the Department shall provide written notice to the permit applicant, specifying the reasons therefor and identifying the site-specific conditions justifying the additional requirements. The Department shall incorporate into the notice any written requests or recommendations concerning such site-specific conditions submitted by the local governing body where the land application is to take place. The permit applicant shall have at least 14 days in which to review and respond to the proposed conditions.

F. The Board shall adopt regulations prescribing a fee to be charged to all permit holders and persons applying for permits and permit modifications pursuant to this section. All fees collected pursuant to this subsection shall be deposited into the Sludge Management Fund. The fee for the initial issuance of a permit shall be $5,000. The fee for the reissuance, amendment, or modification of a permit for an existing site shall not exceed $1,000 and shall be charged only for permit actions initiated by the permit holder. Fees collected under this section shall be exempt from statewide indirect costs charged and collected by the Department of Accounts and shall not supplant or reduce the general fund appropriation to the Department.

G. There is hereby established in the treasury a special fund to be known as the Sludge Management Fund, hereinafter referred to as the Fund. The fees required by this section and by subsection E of § 62.1-44.16 shall be transmitted to the Comptroller to be deposited into the Fund. The income and principal of the Fund shall be used only and exclusively (i) for the Department's direct and indirect costs associated with the processing of an application to issue, reissue, amend, or modify any permit to land apply, distribute, or market sewage sludge or industrial wastes, the administration and management of the Department's sewage sludge and industrial wastes land application programs, including monitoring and inspecting, and the Department of Conservation and Recreation's costs for implementation of the sewage sludge application program and (ii) to reimburse localities with duly adopted ordinances providing for the testing and monitoring of the land application of sewage sludge or solid or semisolid industrial wastes. The State Treasurer shall be the custodian of the moneys deposited in the Fund. No part of the Fund, either principal or interest earned thereon, shall revert to the general fund of the state treasury.

H. All persons holding or applying for a permit authorizing the land application of sewage sludge shall provide to the Board written evidence of financial responsibility, which shall be available to pay claims for cleanup costs, personal injury, and property damages resulting from the transportation, storage or land application of sewage sludge. The Board shall, by regulation, establish and prescribe mechanisms for meeting the financial responsibility requirements of this section.

I. Any county, city or town may adopt an ordinance that provides for the testing and monitoring of the land application of sewage sludge within its political boundaries to ensure compliance with applicable laws and regulations.

J. The Department, upon the timely request of any individual to test the sewage sludge at a specific site, shall collect samples of the sewage sludge at the site prior to the land application and submit such samples to a laboratory. The testing shall include an analysis of the (i) concentration of trace elements, (ii) coliform count, and (iii) pH level. The results of the laboratory analysis shall be (a) furnished to the individual requesting that the test be conducted and (b) reviewed by the Department. The person requesting the test and analysis of the sewage sludge shall pay the costs of sampling, testing, and analysis.

K. At least 100 days prior to commencing land application of sewage sludge at a permitted site, the permit holder shall deliver or cause to be delivered written notification to the chief executive officer or his designee for the local government where the site is located. The notice shall identify the location of the permitted site and the expected sources of the sewage sludge to be applied to the site. This requirement may be satisfied by providing a list of all available permitted sites in the locality at least 100 days prior to commencing the application at any site on the list. This requirement shall not apply to any application commenced prior to October 10, 2005. If the site is located in more than one county, the notice shall be provided to all jurisdictions where the site is located.

L. The permit holder shall deliver or cause to be delivered written notification to the Department at least 14 days prior to commencing land application of sewage sludge at a permitted site. The notice shall identify the location of the permitted site and the expected sources of the sewage sludge to be applied to the site.

M. The Department shall randomly conduct unannounced site inspections while land application of sewage sludge is in progress at a sufficient frequency to determine compliance with the requirements of this section, § 62.1-44.19:3.1, or regulations adopted under those sections.

N. Surface incorporation into the soil of sewage sludge applied to cropland may be required when practicable and compatible with a soil conservation plan meeting the standards and specifications of the U.S. Department of Agriculture Natural Resources Conservation Service.

O. The Board shall develop regulations specifying and providing for extended buffers to be employed for application of sewage sludge (i) to hay, pasture, and forestlands; or (ii) to croplands where surface incorporation is not practicable or is incompatible with a soil conservation plan meeting the standards and specifications of the U.S. Department of Agriculture Natural Resources Conservation Service. Such extended buffers may be included by the Department as site specific permit conditions pursuant to subsection E, as an alternative to surface incorporation when necessary to protect odor sensitive receptors as determined by the Department or the local monitor.

P. The Board shall adopt regulations requiring the payment of a fee for the land application of sewage sludge, pursuant to permits issued under this section. The person land applying sewage sludge shall (i) provide advance notice of the estimated fee to the generator of the sewage sludge unless notification is waived, (ii) collect the fee from the generator, and (iii) remit the fee to the Department as provided for by regulation. The fee shall be imposed on each dry ton of sewage sludge that is land applied in the Commonwealth. The regulations shall include requirements and procedures for:

1. Collection of fees by the Department;

2. Deposit of the fees into the Fund; and

3. Disbursement of proceeds by the Department pursuant to subsection G.

Q. The Department, in consultation with the Department of Health, the Department of Conservation and Recreation, the Department of Agriculture and Consumer Services, and the Virginia Cooperative Extension Service, shall establish and implement a program to train persons employed by those local governments that have adopted ordinances, pursuant to this section, to test and monitor the land application of sewage sludge. The program shall include, at a minimum, instruction in: (i) the provisions of the Virginia Biosolids Use Regulations; (ii) land application methods and equipment, including methods and processes for preparation and stabilization of sewage sludge that is land applied; (iii) sampling and chain of custody control; (iv) preparation and implementation of nutrient management plans for land application sites; (v) complaint response and preparation of complaint and inspection reports; (vi) enforcement authority and procedures; (vii) interaction and communication with the public; and (viii) preparation of applications for reimbursement of local monitoring costs disbursed pursuant to subsection G. To the extent feasible, the program shall emphasize in-field instruction and practical training. Persons employed by local governments shall successfully complete such training before the local government may request reimbursement from the Board for testing and monitoring of land application of sewage sludge performed by the person. The completion of training shall not be a prerequisite to the exercise of authority granted to local governments by any applicable provision of law.

The Department may:

1. Charge attendees a reasonable fee to recover the actual costs of preparing course materials and providing facilities and instructors for the program. The fee shall be reimbursable from the Fund established pursuant to this section; and

2. Request and accept the assistance and participation of other state agencies and institutions in preparing and presenting the course of training established by this subsection.

R. Localities, as part of their zoning ordinances, may designate or reasonably restrict the storage of sewage sludge based on criteria directly related to the public health, safety, and welfare of its citizens and the environment. Notwithstanding any contrary provision of law, a locality may by ordinance require that a special exception or a special use permit be obtained to begin the storage of sewage sludge on any property in its jurisdiction, including any area that is zoned as an agricultural district or classification. Such ordinances shall not restrict the storage of sewage sludge on a farm as long as such sludge is being stored (i) solely for land application on that farm and (ii) for a period no longer than 45 days. No

person shall apply to the State Health Commissioner or the Department of Environmental Quality for a permit, a variance, or a permit modification authorizing such storage without first complying with all requirements adopted pursuant to this subsection.

2. That the State Water Control Board shall update the Virginia Pollution Abatement (VPA) Permit Regulation (9VAC25-32) in accordance with this act.

3. That prior to the State Water Control Board (the Board) adopting regulations as required by this act, the Department of Environmental Quality (the Department) shall form a regulatory advisory panel consisting of representatives from the Virginia Biosolids Council, Virginia Association of Municipal Wastewater Agencies, Chesapeake Bay Foundation, James River Association, and any other relevant organization that the Department deems necessary for the purpose of assisting the Board in developing the regulations as required by this act.

CHAPTER 210

An Act to amend and reenact §§ 9.1-1104, 9.1-1111, 19.2-187.01, 19.2-270.5, 19.2-310.4, and 19.2-310.5 of the Code of Virginia, relating to Department of Forensic Science; laboratory procedures; requirements regarding DNA profiles.

[H 898]

Approved March 28, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 9.1-1104, 9.1-1111, 19.2-187.01, 19.2-270.5, 19.2-310.4, and 19.2-310.5 of the Code of Virginia are amended and reenacted as follows:

§ 9.1-1104. Rights of accused person or his attorney to results of investigation or to investigation.

Upon the request of any person accused of a crime or upon the request of an accused person's attorney, the Department or the Division of Consolidated Laboratory Services shall furnish to the accused or his attorney the results of any investigation that has been conducted by it and that is related in any way to a crime for which the person is accused. In any case in which an attorney of record for a person accused of violation of any criminal law of the Commonwealth, or the accused, may desire a scientific investigation, he shall, by motion filed before the court in which the charge is pending, certify that in good faith he believes that a scientific investigation may be relevant to the criminal charge *and that the Department or the Division of Consolidated Laboratory Services has indicated it has a methodology to perform the requested scientific investigation*. The motion shall be heard ex parte as soon as practicable, and the court shall, after a hearing upon the motion and being satisfied as to the correctness of the certification, order that the same be performed by the Department or the Division of Consolidated Laboratory Services and shall prescribe in its order the method of custody, transfer, and return of evidence submitted for scientific investigation. Upon the request of the attorney for the Commonwealth of the jurisdiction in which the charge is pending, he shall be furnished the results of the scientific investigation.

§ 9.1-1111. Scientific Advisory Committee; membership.

The Scientific Advisory Committee is hereby established as an advisory board within the meaning of § 2.2-2100, in the executive branch of state government. The Scientific Advisory Committee (the Committee) shall consist of 13 members, consisting of the Director of the Department, and 12 members appointed by the Governor as follows: a director of a private or federal forensic laboratory ~~located in the Commonwealth~~; a forensic scientist or any other person, with an advanced degree, who has received substantial education, training, or experience in the subject of laboratory standards or quality assurance regulation and monitoring; a forensic scientist with an advanced degree who has received substantial education, training, or experience in the discipline of molecular biology; a forensic scientist with an advanced degree and having experience in the discipline of population genetics; a scientist with an advanced degree and having experience in the discipline of forensic chemistry; a scientist with an advanced degree and having experience in the discipline of forensic biology; a forensic scientist or any other person, with an advanced degree who has received substantial education, training, or experience in the discipline of trace evidence; a scientist with a doctoral degree and having experience in the discipline of forensic toxicology, who is certified by the American Board of Forensic ~~Toxicologists~~ *Toxicology*; a member of the Board of the International Association for Identification when initially appointed; a member of the Board of the Association of Firearms and ~~Toolmark~~ *Tool Mark* Examiners when initially appointed; a member of the International Association for Chemical Testing; and a member of the American Society of Crime Laboratory Directors.

Members of the Committee initially appointed shall serve the following terms: four members shall serve a term of one year, four members shall serve a term of two years, and four members shall serve a term of four years. Thereafter, all appointments shall be for a term of four years. A vacancy other than by expiration of term shall be filled by the Governor for the unexpired term.

Members of the Committee shall be paid reasonable and necessary expenses incurred in the performance of their duties, and shall receive compensation for their services as provided in §§ 2.2-2813 and 2.2-2825.

§ 19.2-187.01. Certificate of analysis as evidence of chain of custody of material described therein.

A report of analysis duly attested by the person performing such analysis or examination in any laboratory operated by (i) the Division of Consolidated Laboratory Services, the Department of Forensic Science or any of its regional laboratories, or by any laboratory authorized by such Division or Department to conduct such analysis or examination; (ii) the Federal

Bureau of Investigation; (iii) the federal Bureau of Alcohol, Tobacco and Firearms; (iv) the Naval Criminal Investigative Service; (v) the federal Drug Enforcement Administration; (vi) the United States Postal Service; (vii) the U.S. Secret Service; or (viii) the Forensic Document Laboratory of the U.S. Department of Homeland Security shall be prima facie evidence in a criminal or civil proceeding as to the custody of the material described therein from the time such material is received by an authorized agent of such laboratory until such material is released subsequent to such analysis or examination. Any such certificate of analysis purporting to be signed by any such person shall be admissible as evidence in such hearing or trial without any proof of the seal or signature or of the official character of the person whose name is signed to it. The signature of the person who received the material for the laboratory on the request for laboratory examination form *or evidence submission receipt, either by hand or by electronic means,* shall be deemed prima facie evidence that the person receiving the material was an authorized agent and that such receipt constitutes proper receipt by the laboratory for purposes of this section. For purposes of this section, any laboratory that has entered into a contract with the Department of Forensic Science for the provision of forensic laboratory services shall be deemed authorized by the Department to conduct such analyses or examinations.

§ 19.2-270.5. DNA profile admissible in criminal proceeding.

In any criminal proceeding, DNA (deoxyribonucleic acid) testing shall be deemed to be a reliable scientific technique and the evidence of a DNA profile comparison may be admitted to prove or disprove the identity of any person. This section shall not otherwise limit the introduction of any relevant evidence bearing upon any question at issue before the court, including the accuracy and reliability of the procedures employed in the collection and analysis of a particular DNA sample. The court shall, regardless of the results of the DNA analysis, if any, consider such other relevant evidence of the identity of the accused as shall be admissible in evidence.

At least ~~twenty-one~~ *21* days prior to commencement of the proceeding in which the results of a DNA analysis will be offered as evidence, the party intending to offer the evidence shall notify the opposing party, in writing, of the intent to offer the analysis and shall provide or make available copies of ~~the profiles and~~ the report or statement to be introduced. In the event that such notice is not given, and the person proffers such evidence, then the court may in its discretion either allow the opposing party a continuance or, under appropriate circumstances, bar the person from presenting such evidence. The period of any such continuance shall not be counted for speedy trial purposes under § 19.2-243. If the opposing party intends to object to the admissibility of such evidence he shall give written notice of that fact and the basis for his objections at least ~~ten~~ *10* days prior to commencement of the proceedings.

Nothing in this section shall be construed to limit the ability of the parties to obtain additional writings or documents, including the profiles, used to reach the conclusion in the report pursuant to § 19.2-187.2, and the opposing party shall be entitled to a continuance of the proceeding if requested to allow for their inspection.

§ 19.2-310.4. Procedures for conducting DNA analysis of blood, saliva or tissue sample.

Whether or not the results of an analysis are to be included in the data bank, the Department shall conduct the DNA analysis in accordance with procedures adopted by the Department to determine identification characteristics specific to the individual whose sample is being analyzed. The Director or his designated representative shall complete and maintain on file a form indicating the name of the person whose sample is to be analyzed, the date and by whom the blood, saliva or tissue sample was received and examined, and a statement that the seal on the tube or envelope containing the sample had not been broken or otherwise tampered with. The remainder of a blood, saliva or tissue sample submitted for analysis and inclusion in the data bank pursuant to § 19.2-310.2 or 19.2-310.2:1 may be divided, labeled as provided for the original sample, and securely stored by the Department in accordance with specific procedures adopted by regulation of the Department to ensure the integrity and confidentiality of the samples. All or part of the remainder of that sample may be used only (i) to create a statistical ~~data base~~ *database* provided no identifying information on the individual whose sample is being analyzed is included or (ii) for retesting by the Department to validate or update the original analysis.

A report of the results of a DNA analysis conducted by the Department as authorized~~, including the profile and identifying information,~~ shall be made and maintained at the Department. A certificate and the results of the analysis shall be admissible in any court as evidence of the facts therein stated. Except as specifically provided in this section and § 19.2-310.5, the results of the analysis shall be securely stored and shall remain confidential.

§ 19.2-310.5. DNA data bank.

A. It shall be the duty of the Department to receive samples of human biological evidence and to analyze, classify, and file the results of DNA identification characteristics profiles of samples of human biological evidence submitted pursuant to § 19.2-310.2 or 19.2-310.2:1 and to make such information available as provided in this section. The results of an analysis and comparison of evidence submitted to the Department pursuant to § 9.1-1101 to the identification characteristics of human biological evidence so analyzed, classified, and filed shall be made available directly to duly authorized members of federal, state, and local law-enforcement agencies or private police departments that have been designated as criminal justice agencies by the Department of Criminal Justice Services as defined by § 9.1-101, attorneys for the Commonwealth or attorneys for the United States Department of Justice, or the Office of the Chief Medical Examiner upon request made in furtherance of an official investigation or prosecution of any criminal offense, or to an accused or his attorney pursuant to § 9.1-1104. The Department shall confirm whether or not there is a DNA profile on file for a specific individual if a federal, state, or local law-enforcement officer *or any federal, state, or local criminal justice agency that participates in the National DNA Index System* requests that information in furtherance of an official investigation of any criminal offense. *For law-enforcement identification purposes, the Department shall provide to any federal, state, or local criminal justice agency*

that participates in the National DNA Index System the personally identifiable information for any confirmed candidate match associated with a DNA data bank record. The name of the requestor and the purpose for which the information is requested shall be maintained on file with the Department.

B. The Department shall adopt regulations governing (i) the methods of obtaining information from the data bank in accordance with this section and (ii) procedures for verification of the identity and authority of the requestor. The Department shall specify the positions in that agency which require regular access to the data bank and samples submitted as a necessary function of the job.

C. The Department shall create a separate statistical ~~data base~~ *database* comprised of DNA profiles of samples of human biological evidence of persons whose identity is unknown. Nothing in this section or § 19.2-310.6 shall prohibit the Department from sharing or otherwise disseminating the information in the statistical ~~data base~~ *database* with law-enforcement or criminal justice agencies within or without the Commonwealth.

D. The Department may charge a reasonable fee to search and provide a comparative analysis of DNA profiles in the data bank to any authorized law-enforcement agency outside of the Commonwealth.

CHAPTER 211

An Act to require the Department of Medical Assistance Services to amend the financial eligibility standards for certain waivers providing services to individuals with developmental disabilities.

[H 908]

Approved March 28, 2024

Be it enacted by the General Assembly of Virginia:

1. *§ 1. The Department of Medical Assistance Services (the Department) shall amend the financial eligibility standards for individuals receiving services under the Family and Individual Support Waiver, Community Living Waiver, and Building Independence Waiver (the DD Waivers). When determining financial eligibility for the DD Waivers, the Department shall disregard any Social Security Disability Insurance (SSDI) income above the maximum monthly Supplemental Security Income as determined by the Social Security Administration. Such SSDI income shall not be disregarded for purposes of determining an individual's patient pay obligation.*

2. That the Department of Medical Assistance Services (the Department) shall analyze the implications of amending the financial eligibility standards for individuals receiving services under the Family and Individual Support Waiver, Community Living Waiver, and Building Independence Waiver, so that Social Security Disability Insurance income is disregarded by the Department when calculating such individuals' financial eligibility for such waivers. The analysis shall determine the costs and the number of individuals who would benefit from amending the financial eligibility standards. The Department shall provide a report of its findings to the Chairmen of the Senate Committees on Education and Health and Finance and Appropriations and the House Committees on Health and Human Services and Appropriations no later than November 1, 2024.

3. That the provisions of this act shall expire on July 1, 2026.

CHAPTER 212

An Act to amend and reenact §§ 58.1-337, 58.1-339.3, 58.1-436, and 58.1-439.5 of the Code of Virginia, relating to agricultural best management practices tax; agricultural equipment purchase tax credit; sunset date.

[H 1015]

Approved March 28, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 58.1-337, 58.1-339.3, 58.1-436, and 58.1-439.5 of the Code of Virginia are amended and reenacted as follows:

§ 58.1-337. Tax credit for purchase of conservation tillage and precision agriculture equipment.

A. 1. For taxable years beginning on or after January 1, 2021, but before January 1, ~~2026~~ *2030*, any individual engaged in agricultural production for market who has in place a soil conservation plan approved by the local soil and water conservation district and is implementing a nutrient management plan developed by a certified nutrient management planner in accordance with § 10.1-104.2 by the required tax return filing date of the individual shall be allowed a refundable credit against the tax imposed by § 58.1-320 of an amount equaling 25 percent of all expenditures made by such individual for the purchase of equipment certified by the Virginia Soil and Water Conservation Board as reducing soil compaction such as a "no-till" planter, drill, or other equipment or equipment that provides more precise pesticide and fertilizer application or injection. For purposes of this section, equipment that reduces soil compaction includes equipment utilizing guidance systems to control traffic patterns that are designed to minimize the disturbance of soil in planting crops, including such planters, drills, or other equipment that may be attached to equipment already owned by the taxpayer.

2. Virginia Polytechnic Institute and State University and Virginia State University shall provide at the request of the Virginia Soil and Water Conservation Board technical assistance in determining appropriate specifications for certified

equipment which would provide for more precise pesticide and fertilizer application to reduce the potential for adverse environmental impacts. The equipment shall be divided into the following categories:

a. Sprayers for pesticides and liquid fertilizers;

b. Pneumatic fertilizer applicators;

c. Monitors, computer regulators, and height-adjustable booms for sprayers and liquid fertilizer applicators;

d. Manure applicators;

e. Tramline adapters; and

f. Starter fertilizer banding attachments for planters.

3. The amount of such credit under this subsection shall not exceed $17,500 in the year of purchase. If the amount of the credit exceeds the taxpayer's liability for such taxable year, the excess may be refunded by the Tax Commissioner. Tax credits shall be refunded by the Tax Commissioner on behalf of the Commonwealth for 100 percent of face value. Tax credits shall be refunded within 90 days after the filing date of the income tax return on which the individual applies for the refund.

4. For purposes of this subsection, the amount of any credit attributable to the purchase of equipment certified by the Virginia Soil and Water Conservation Board as reducing soil compaction or providing more precise pesticide and fertilizer application or injection by a partnership or electing small business corporation (S corporation) shall be allocated to the individual partners or shareholders in proportion to their ownership or interest in the partnership or S corporation.

B. 1. For taxable years beginning before January 1, 2021, any individual engaged in agricultural production for market who has in place a nutrient management plan approved by the local soil and water conservation district by the required tax return filing date of the individual shall be allowed a credit against the tax imposed by § 58.1-320 of an amount equaling 25 percent of all expenditures made by such individual for the purchase of equipment certified by the Virginia Soil and Water Conservation Board as providing more precise pesticide and fertilizer application. Virginia Polytechnic Institute and State University and Virginia State University shall provide at the request of the Virginia Soil and Water Conservation Board technical assistance in determining appropriate specifications for certified equipment which would provide for more precise pesticide and fertilizer application to reduce the potential for adverse environmental impacts. The equipment shall be divided into the following categories:

a. Sprayers for pesticides and liquid fertilizers;

b. Pneumatic fertilizer applicators;

c. Monitors, computer regulators, and height-adjustable booms for sprayers and liquid fertilizer applicators;

d. Manure applicators;

e. Tramline adapters; and

f. Starter fertilizer banding attachments for planters.

2. The amount of such credit under subdivision 1 shall not exceed $3,750 or the total amount of the tax imposed by this chapter, whichever is less, in the year of purchase. If the amount of such credit exceeds the taxpayer's tax liability for such taxable year, the amount which exceeds the tax liability may be carried over for credit against the income taxes of such individual in the next five taxable years until the total amount of the tax credit has been taken.

3. For purposes of this subsection, the amount of any credit attributable to the purchase of equipment certified by the Virginia Soil and Water Conservation Board as providing more precise pesticide and fertilizer application by a partnership or electing small business corporation (S corporation) shall be allocated to the individual partners or shareholders in proportion to their ownership or interest in the partnership or S corporation.

§ 58.1-339.3. Agricultural best management practices tax credit.

A. 1. As used in this section, "agricultural best management practice" means a practice approved by the Virginia Soil and Water Conservation Board that will provide a significant improvement to water quality in the state's streams and rivers and the Chesapeake Bay and is consistent with other state and federal programs that address agricultural, nonpoint source pollution management. A detailed list of the standards and criteria for agricultural best management practices eligible for credit shall be found in the most recently approved "Virginia Agricultural BMP Manual" published annually prior to July 1 by the Department of Conservation and Recreation.

2. For all taxable years beginning on and after January 1, 1998, but before January 1, ~~2025~~ *2030*, any individual who is engaged in agricultural production for market, or has equines that create needs for agricultural best management practices to reduce nonpoint source pollutants, and has in place a soil conservation plan approved by the local Soil And Water Conservation District (SWCD), shall be allowed a refundable credit against the tax imposed by § 58.1-320 in an amount equaling 25 percent of the first $100,000 expended for agricultural best management practices by the individual.

3. For all taxable years beginning on and after January 1, 2021, but before January 1, ~~2025~~ *2030*, any individual who is engaged in agricultural production for market, or who has equines that create needs for agricultural best management practices to reduce nonpoint source pollutants, and has in place a resource management plan approved by the local SWCD shall be allowed a refundable credit against the tax imposed by § 58.1-320 in an amount equaling 50 percent of the first $100,000 expended for agricultural best management practices implemented by the individual on the acreage included in the resource management plan.

B. 1. Any eligible practice approved by the local Soil and Water Conservation District Board shall be completed within the taxable year in which the credit is claimed. After the practice installation has been completed, the local SWCD Board shall certify the practice as approved and completed, and eligible for credit. The applicant shall forward the certification to

the Department of Taxation on forms provided by the Department. The credit shall be allowed only for expenditures made by the taxpayer from funds of his own sources.

2. To the extent that a taxpayer participates in the Virginia Agricultural Best Management Practices Cost-Share Program, the taxpayer may claim the credit under subdivision A 2 for any remaining liability after such cost-share, but may not claim the credit under subdivision A 3 for any such remaining liability, subject to the other provisions of this section. For purposes of this subdivision, "liability after such cost-share" means the limitation of the tax credits to the total costs incurred by the taxpayer for agricultural best management practices reduced by any funding received by participation in the Virginia Agricultural Best Management Practices Cost-Share Program.

C. 1. The aggregate amount of such credit claimed under subdivisions A 2 and 3 shall not exceed $75,000 or the total amount of the tax imposed by this chapter, whichever is less, in the year the project was completed, as certified by the Board. Any taxpayer claiming a tax credit under this section shall not claim a credit under any similar Virginia law for costs related to the same eligible practices. A taxpayer may not claim credit for the same practice in the same management area under both subdivisions A 2 and A 3.

2. If the amount of the credit exceeds the taxpayer's liability for such taxable year, the excess may be refunded by the Tax Commissioner. Tax credits shall be refunded by the Tax Commissioner on behalf of the Commonwealth for 100 percent of face value. Tax credits shall be refunded within 90 days after the filing date of the income tax return on which the individual applies for the refund.

D. For purposes of this section, the amount of any credit attributable to agricultural best management practices by a pass-through entity such as a partnership, limited liability company, or electing small business corporation (S Corporation) shall be allocated to the individual partners, members, or shareholders in proportion to their ownership or interest in such entity.

E. A pass-through tax entity, such as a partnership, limited liability company or electing small business corporation (S corporation), may appoint a tax matters representative, who shall be a general partner, member-manager or shareholder, and register that representative with the Tax Commissioner. The Tax Commissioner shall be entitled to deal with the tax matters representative as representative of the taxpayers to whom credits have been allocated by the entity under this article with respect to those credits. In the event a pass-through tax entity allocates tax credits arising under this article to its partners, members or shareholders and the allocated credits shall be disallowed, in whole or in part, such that an assessment of additional tax against a taxpayer shall be made, the Tax Commissioner shall first make written demand for payment of any additional tax, together with interest and penalties, from the tax matters representative. In the event such payment demand is not satisfied, the Tax Commissioner shall proceed to collection against the taxpayers in accordance with the provisions of Chapter 18 (§ 58.1-1800 et seq.).

§ 58.1-436. Tax credit for purchase of conservation tillage and precision agricultural application equipment.

A. 1. For taxable years beginning on or after January 1, 2021, but before January 1, ~~2026~~ *2030*, any corporation engaged in agricultural production for market which has in place a soil conservation plan approved by the local soil and water conservation district and is implementing a nutrient management plan developed by a certified nutrient management planner in accordance with § 10.1-104.2 by the required tax return filing date of the corporation shall be allowed a refundable credit against the tax imposed by § 58.1-400 in an amount equaling 25 percent of all expenditures made by such corporation for the purchase of equipment certified by the Virginia Soil and Water Conservation Board as reducing soil compaction such as a "no-till" planter, drill, or other equipment or equipment that provides more precise pesticide and fertilizer application or injection. For purposes of this section, equipment that reduces soil compaction includes equipment utilizing guidance systems to control traffic patterns that are designed to minimize the disturbance of soil in planting crops, including such planters, drills, or other equipment that may be attached to equipment already owned by the taxpayer.

2. Virginia Polytechnic Institute and State University and Virginia State University shall provide at the request of the Virginia Soil and Water Conservation Board technical assistance in determining appropriate specifications for certified equipment which would provide for more precise pesticide and fertilizer application to reduce the potential for adverse environmental impacts. The equipment shall be divided into the following categories:

a. Sprayers for pesticides and liquid fertilizers;

b. Pneumatic fertilizer applicators;

c. Monitors, computer regulators, and height-adjustable booms for sprayers and liquid fertilizer applicators;

d. Manure applicators;

e. Tramline adapters; and

f. Starter fertilizer banding attachments for planters.

3. The amount of such credit under this subsection shall not exceed $17,500 in the year of purchase. If the amount of the credit exceeds the taxpayer's liability for such taxable year, the excess shall be refunded by the Tax Commissioner. Tax credits shall be refunded by the Tax Commissioner on behalf of the Commonwealth for 100 percent of face value. Tax credits shall be refunded within 90 days after the filing date of the income tax return on which the taxpayer applies for the refund.

4. For purposes of this subsection, the amount of any credit attributable to the purchase of equipment certified by the Virginia Soil and Water Conservation Board as reducing soil compaction or providing more precise pesticide and fertilizer application or injection by a partnership or S corporation shall be allocated to the individual partners or shareholders in proportion to their ownership or interest in the partnership or S corporation.

B. 1. For taxable years beginning before January 1, 2021, any corporation engaged in agricultural production for market which has in place a nutrient management plan approved by the local soil and water conservation district by the required tax return filing date of the corporation shall be allowed a credit against the tax imposed by § 58.1-400 of an amount equaling 25 percent of all expenditures made by such corporation for the purchase of equipment certified by the Virginia Soil and Water Conservation Board as providing more precise pesticide and fertilizer application. Virginia Polytechnic Institute and State University and Virginia State University shall provide at the request of the Virginia Soil and Water Conservation Board technical assistance in determining appropriate specifications for certified equipment which would provide for more precise pesticide and fertilizer application to reduce the potential for adverse environmental impacts. The equipment shall be divided into the following categories:

a. Sprayers for pesticides and liquid fertilizers;

b. Pneumatic fertilizer applicators;

c. Monitors, computer regulators, and height adjustable booms for sprayers and liquid fertilizer applicators;

d. Manure applicators;

e. Tramline adapters; and

f. Starter fertilizer banding attachments for planters.

2. The amount of such credit under subdivision 1 shall not exceed $3,750 or the total amount of the tax imposed by this chapter, whichever is less, in the year of purchase. If the amount of such credit exceeds the taxpayer's tax liability for such taxable year, the amount which exceeds the tax liability may be carried over for credit against the income taxes of such corporation in the next five taxable years until the total amount of the tax credit has been taken. Credits granted to a partnership or electing small business corporation (S corporation) shall be passed through to the partners or shareholders, respectively.

3. For purposes of this subsection, the amount of any credit attributable to the purchase of equipment certified by the Virginia Soil and Water Conservation Board as providing more precise pesticide and fertilizer application by a partnership or S corporation shall be allocated to the individual partners or shareholders in proportion to their ownership or interest in the partnership or S corporation.

§ 58.1-439.5. Agricultural best management practices tax credit.

A. 1. As used in this section, "agricultural best management practice" means a practice approved by the Virginia Soil and Water Conservation Board that will provide a significant improvement to water quality in the state's streams and rivers and the Chesapeake Bay and is consistent with other state and federal programs that address agricultural, nonpoint source pollution management.

A detailed list of the standards and criteria for agricultural best management practices eligible for credit shall be found in the most recently approved "Virginia Agricultural BMP Implementation Manual" published by the Department of Conservation and Recreation.

2. For all taxable years beginning on and after January 1, 1998, but before January 1, ~~2025~~ *2030*, any corporation engaged in agricultural production for market that has in place a soil conservation plan approved by the local Soil and Water Conservation District (SWCD) shall be allowed a refundable credit against the tax imposed by § 58.1-400 of an amount equaling 25 percent of the first $100,000 expended for agricultural best management practices by the corporation.

3. For all taxable years beginning on and after January 1, 2021, but before January 1, ~~2025~~ *2030*, any corporation that is engaged in agricultural production for market, or that has equines that create needs for agricultural best management practices to reduce nonpoint source pollutants, and has in place a resource management plan approved by the local SWCD, shall be allowed a refundable credit against the tax imposed by § 58.1-400 in an amount equaling 50 percent of the first $100,000 expended for agricultural best management practices implemented by the corporation on the acreage included in the resource management plan.

B. 1. Any eligible practice approved by the local Soil and Water Conservation District Board shall be completed within the taxable year in which the credit is claimed. After the practice installation has been completed, the local SWCD Board shall certify the practice as approved and completed, and eligible for credit. The applicant shall forward the certification to the Department of Taxation on forms provided by the Department. The credit shall be allowed only for expenditures made by the taxpayer from funds of his own sources.

2. To the extent that a taxpayer participates in the Virginia Agricultural Best Management Practices Cost-Share Program, the taxpayer may claim the credit under subdivision A 2 for any remaining liability after such cost-share, but may not claim the credit under subdivision A 3 for any such remaining liability, subject to the other provisions of this section. For purposes of this subdivision, "liability after such cost-share" means the limitation of the tax credits to the total costs incurred by the taxpayer for agricultural best management practices reduced by any funding received by participation in the Virginia Agricultural Best Management Practices Cost-Share Program.

C. 1. The aggregate amount of such credit claimed under subdivisions A 2 and 3 shall not exceed $75,000 or the total amount of the tax imposed by this chapter, whichever is less, in the year the project was completed, as certified by the Board. Any taxpayer claiming a tax credit under this section shall not claim a credit under any similar Virginia law for costs related to the same eligible practices. A taxpayer may not claim credit for the same practice in the same management area under both subdivisions A 2 and A 3.

2. If the amount of the credit exceeds the taxpayer's liability for such taxable year, the excess shall be refunded by the Tax Commissioner. Tax credits shall be refunded by the Tax Commissioner on behalf of the Commonwealth for 100 percent

of face value. Tax credits shall be refunded within 90 days after the filing date of the income tax return on which the taxpayer applies for the refund.

D. For purposes of this section, the amount of any credit attributable to agricultural best management practices by a partnership or electing small business corporation (S Corporation) shall be allocated to the individual partners or shareholders in proportion to their ownership or interest in the partnership or S Corporation.

CHAPTER 213

An Act to amend the Code of Virginia by adding a section numbered 29.1-350.1, relating to Department of Wildlife Resources; singular license for waterfowl blinds in Chesapeake Bay Public Access Authorities.

[H 1058]

Approved March 28, 2024

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 29.1-350.1 as follows:

§ 29.1-350.1. Permits for waterfowl blinds in Chesapeake Bay Public Access Authorities.

The Department shall develop a singular license for all riparian stationary blinds issued to the Middle Peninsula Chesapeake Bay Public Access Authority created pursuant to Chapter 66 (§ 15.2-6600 et seq.) of Title 15.2 and the Northern Neck Chesapeake Bay Public Access Authority established in Chapter 66.1 (§ 15.2-6626 et seq.) of Title 15.2. The Department shall develop a fee schedule for such license. The provisions of this section shall be in addition and supplemental to the provisions of this article.

CHAPTER 214

An Act to amend and reenact §§ 54.1-3300, 54.1-3320, and 54.1-3321 of the Code of Virginia, relating to pharmacy technicians; expansion of allowable duties.

[H 1067]

Approved March 28, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 54.1-3300, 54.1-3320, and 54.1-3321 of the Code of Virginia are amended and reenacted as follows:

§ 54.1-3300. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Board" means the Board of Pharmacy.

"Collaborative agreement" means a voluntary, written, or electronic arrangement between one pharmacist and his designated alternate pharmacists involved directly in patient care at a single physical location where patients receive services and (i) any person licensed to practice medicine, osteopathy, or podiatry together with any person licensed, registered, or certified by a health regulatory board of the Department of Health Professions who provides health care services to patients of such person licensed to practice medicine, osteopathy, or podiatry; (ii) a physician's office as defined in § 32.1-276.3, provided that such collaborative agreement is signed by each physician participating in the collaborative agreement; (iii) any licensed physician assistant working under the supervision of a person licensed to practice medicine, osteopathy, or podiatry; or (iv) any licensed advanced practice registered nurse working in accordance with the provisions of § 54.1-2957, involved directly in patient care which authorizes cooperative procedures with respect to patients of such practitioners. Collaborative procedures shall be related to treatment using drug therapy, laboratory tests, or medical devices, under defined conditions or limitations, for the purpose of improving patient outcomes. A collaborative agreement is not required for the management of patients of an inpatient facility.

"Dispense" means to deliver a drug to an ultimate user or research subject by or pursuant to the lawful order of a practitioner, including the prescribing and administering, packaging, labeling, or compounding necessary to prepare the substance for delivery.

"On-hold prescription" means a valid prescription that is received and maintained by the pharmacy for initial dispensing on a future date.

"Pharmacist" means a person holding a license issued by the Board to practice pharmacy.

"Pharmacy" means every establishment or institution in which drugs, medicines, or medicinal chemicals are dispensed or offered for sale, or a sign is displayed bearing the word or words "pharmacist," "pharmacy," "apothecary," "drugstore," "druggist," "drugs," "medicine store," "drug sundries," "prescriptions filled," or any similar words intended to indicate that the practice of pharmacy is being conducted.

"Pharmacy intern" means a student currently enrolled in or a graduate of an approved school of pharmacy who is registered with the Board for the purpose of gaining the practical experience required to apply for licensure as a pharmacist.

"Pharmacy technician" means a person registered with the Board to assist a pharmacist under the pharmacist's supervision.

"Pharmacy technician trainee" means a person registered with the Board for the purpose of performing duties restricted to a pharmacy technician as part of a pharmacy technician training program in accordance with the provisions of subsection G of § 54.1-3321.

"Practice of pharmacy" means the personal health service that is concerned with the art and science of selecting, procuring, recommending, administering, preparing, compounding, packaging, and dispensing of drugs, medicines, and devices used in the diagnosis, treatment, or prevention of disease, whether compounded or dispensed on a prescription or otherwise legally dispensed or distributed, and shall include (i) the proper and safe storage and distribution of drugs; (ii) the maintenance of proper records; (iii) the responsibility of providing information concerning drugs and medicines and their therapeutic values and uses in the treatment and prevention of disease; (iv) the management of patient care under the terms of a collaborative agreement as defined in this section; and (v) the initiating of treatment with or dispensing or administering of certain drugs, devices, or controlled paraphernalia in accordance with the provisions of § 54.1-3303.1.

"Supervision" means the direction and control by a pharmacist of the activities of a pharmacy intern or a pharmacy technician whereby the supervising pharmacist is physically present in the pharmacy or in the facility in which the pharmacy is located when the intern or technician is performing duties restricted to a pharmacy intern or technician, respectively, and is available for immediate oral communication.

Other terms used in the context of this chapter shall be defined as provided in Chapter 34 (§ 54.1-3400 et seq.) unless the context requires a different meaning.

§ 54.1-3320. Acts restricted to pharmacists.

A. Within the practice of pharmacy as defined in § 54.1-3300, the following acts shall be performed by pharmacists, except as provided in subsection B:

1. The review of a prescription, in conformance with this chapter and Chapter 34 (§ 54.1-3400 et seq.) of this title and with current practices in pharmacy, for its completeness, validity, safety, and drug-therapy appropriateness, including, but not limited to, interactions, contraindications, adverse effects, incorrect dosage or duration of treatment, clinical misuse or abuse, and noncompliance and duplication of therapy;

2. The receipt of an oral prescription from a practitioner or his authorized agent;

3. The conduct of a prospective drug review and counseling as required by § 54.1-3319 prior to the dispensing or refilling of any prescription;

4. The provision of information to the public or to a practitioner concerning the therapeutic value and use of drugs in the treatment and prevention of disease;

5. The communication with the prescriber, or the prescriber's agent, involving any modification other than refill authorization of a prescription or of any drug therapy, resolution of any drug therapy problem, or the substitution of any drug prescribed*, except for tasks that may be performed by a pharmacy technician as set forth in subdivisions A 7 and 8 of § 54.1-3321*;

6. The verification of the accuracy of a completed prescription prior to dispensing the prescription;

7. The supervision of pharmacy interns and pharmacy technicians; and

8. Any other activity required by regulation to be performed by a pharmacist.

B. A pharmacy intern may engage in the acts to be performed by a pharmacist as set forth in subsection A or the Drug Control Act (§ 54.1-3400 et seq.) for the purpose of obtaining practical experience required for licensure as a pharmacist, if the supervising pharmacist is directly monitoring these activities.

C. A registered pharmacy technician, working under the direct supervision of a qualified nuclear pharmacist, as defined by regulations of the Board, may accept oral prescriptions for diagnostic, nonpatient specific radiopharmaceuticals in accordance with subsection C of § 54.1-3410.1.

D. Consistent with patient safety, a pharmacist shall exercise sole authority in determining the maximum number of pharmacy technicians that he shall supervise; however, no pharmacist shall supervise more pharmacy technicians than allowed by Board regulations.

§ 54.1-3321. Registration of pharmacy technicians.

A. No person shall perform the duties of a pharmacy technician without first being registered as a pharmacy technician with the Board. Upon being registered with the Board as a pharmacy technician, the following tasks may be performed:

1. The entry of prescription information and drug history into a data system or other record keeping system;

2. The preparation of prescription labels or patient information;

3. The removal of the drug to be dispensed from inventory;

4. The counting, measuring, or compounding of the drug to be dispensed;

5. The packaging and labeling of the drug to be dispensed and the repackaging thereof;

6. The stocking or loading of automated dispensing devices or other devices used in the dispensing process;

7. The acceptance of refill authorization *of a prescription for a Schedule III through Schedule VI drug and clarification of quantity or refills for a prescription issued for a Schedule VI drug* from a prescriber or his authorized ~~agency~~ *agent*, so long as there is no *other* change to the original prescription;

8. The acceptance of an electronic transfer of a refill for a Schedule VI drug upon order of the pharmacist-in-charge or pharmacist on duty if the refill is not an on-hold prescription;

~~8.~~ *9.* Under the supervision of a pharmacist, meaning the supervising pharmacist is at the same physical location of the technician or pharmacy intern, and consistent with the requirements of § 54.1-3303.1, administration of the following drugs

and devices to persons three years of age or older as set forth in regulations of the Board: vaccines included on the Immunization Schedule published by the Centers for Disease Control and Prevention and vaccines for COVID-19; and

~~9.~~ *10.* The performance of any other task restricted to pharmacy technicians by the Board's regulations.

B. To be registered as a pharmacy technician, a person shall submit:

1. An application and fee specified in regulations of the Board;

2. Evidence that he has successfully completed a training program that is (i) an accredited training program, including an accredited training program operated through the Department of Education's Career and Technical Education program or approved by the Board, or (ii) operated through a federal agency or branch of the military; and

3. Evidence that he has successfully passed a national certification examination administered by the Pharmacy Technician Certification Board or the National Healthcareer Association.

C. The Board shall promulgate regulations establishing requirements for:

1. Issuance of a registration as a pharmacy technician to a person who, prior to the effective date of such regulations, (i) successfully completed or was enrolled in a Board-approved pharmacy technician training program or (ii) passed a national certification examination required by the Board but did not complete a Board-approved pharmacy technician training program;

2. Issuance of a registration as a pharmacy technician to a person who (i) has previously practiced as a pharmacy technician in another U.S. jurisdiction and (ii) has passed a national certification examination required by the Board; and

3. Evidence of continued competency as a condition of renewal of a registration as a pharmacy technician.

D. The Board shall waive the initial registration fee for a pharmacy technician applicant who works as a pharmacy technician exclusively in a free clinic pharmacy. A person registered pursuant to this subsection shall be issued a limited-use registration. A pharmacy technician with a limited-use registration shall not perform pharmacy technician tasks in any setting other than a free clinic pharmacy. The Board shall also waive renewal fees for such limited-use registrations. A pharmacy technician with a limited-use registration may convert to an unlimited registration by paying the current renewal fee.

E. Any person registered as a pharmacy technician prior to the effective date of regulations implementing the provisions of this section shall not be required to comply with the requirements of subsection B in order to maintain or renew registration as a pharmacy technician.

F. A pharmacy technician trainee enrolled in a training program for pharmacy technicians described in subdivision B 2 may engage in the acts set forth in subsection A for the purpose of obtaining practical experience required for completion of the training program, so long as such activities are directly monitored by a supervising pharmacist.

G. To be registered as a pharmacy technician trainee, a person shall submit an application and a fee specified in regulations of the Board. Such registration shall only be valid while the person is enrolled in a pharmacy technician training program described in subsection B and actively progressing toward completion of such program. A registration card issued pursuant to this section shall be invalid and shall be returned to the Board if such person fails to enroll in a pharmacy technician training program described in subsection B.

H. A pharmacy intern may perform the duties set forth for pharmacy technicians in subsection A when registered with the Board for the purpose of gaining the practical experience required to apply for licensure as a pharmacist.

I. A registered nurse or licensed practical nurse practicing at an opioid treatment program pharmacy may perform the duties set forth for pharmacy technicians in subsection A, provided that all take-home medication doses are verified for accuracy by a pharmacist prior to dispensing.

CHAPTER 215

An Act to amend and reenact § 60.2-114 of the Code of Virginia, relating to the Virginia Employment Commission; provision of certain confidential information to the Virginia Port Authority.

[H 1103]

Approved March 28, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 60.2-114 of the Code of Virginia is amended and reenacted as follows:

§ 60.2-114. Records and reports.

A. Each employing unit shall keep true and accurate work records, containing such information as the Commission may prescribe. Such records shall be open to inspection and be subject to being copied by the Commission or its authorized representatives at any reasonable time and as often as may be necessary. The Commission may require from any employing unit any sworn or unsworn reports, with respect to persons employed by it, which the Commission deems necessary for the effective administration of this title. Information thus obtained shall not be published or be open to public inspection, other than to public employees in the performance of their public duties, in any manner revealing the employing unit's identity, except as the Commissioner or his delegates deem appropriate, nor shall such information be used in any judicial or administrative proceeding other than one arising out of the provisions of this title; however, the Commission shall make its records about a claimant available to the Workers' Compensation Commission if it requests such records. However, any claimant at a hearing before an appeal tribunal or the Commission shall be supplied with information from such records to

the extent necessary for the proper presentation of his claim. Notwithstanding other provisions of this section, the Commissioner, or his delegate, may, in his discretion, reveal information when such communication is not inconsistent with the proper administration of this title.

B. Notwithstanding the provisions of subsection A, the Commission shall, on a reimbursable basis, furnish wage and unemployment compensation information contained in its records to the Secretary of Health and Human Services and the Division of Child Support Enforcement of the Department of Social Services for their use as necessary for the purposes of the National Directory of New Hires established under § 453(i) of the Social Security Act.

C. Notwithstanding the provisions of subsection A, the Commission shall, upon written request, furnish:

1. Any agency or political subdivision of the Commonwealth, or its designated agent, such information as it may require for the purpose of collecting fines, penalties, and costs owed to the Commonwealth or its political subdivisions. Such information shall not be published or used in any administrative or judicial proceeding, except in matters arising out of the collection of fines, penalties, and costs owed to the Commonwealth or its political subdivisions;

2. The Virginia Economic Development Partnership Authority such information as it may require to facilitate the administration and enforcement by the Authority of performance agreements with businesses that have received incentive awards. Any information provided to the Authority under this subdivision shall be confidential pursuant to 20 C.F.R. Part 603 and shall only be disclosed to members of the Authority who are public officials or employees of the Authority for the performance of their official duties. No public official or employee shall redisclose any confidential information obtained pursuant to this subdivision to nonlegislative citizen members of the Authority or to the public. Any information so provided shall be used by the Authority solely for the purpose of verifying employment and wage claims of those businesses that have received incentive awards; ~~and~~

3. (Expires July 1, 2027) An arresting official such information as he may require to comply with the provisions of § 19.2-83.1. Such information shall not be published or used in any administrative or judicial proceeding*; and*

4. The Virginia Port Authority such information as it may require to facilitate the administration and enforcement by the Authority of performance agreements with businesses that have received incentive awards. Any information provided to the Authority under this subdivision shall be confidential pursuant to 20 C.F.R. Part 603 and shall only be disclosed to members of the Authority who are public officials or employees of the Authority for the performance of their official duties. No public official or employee shall redisclose any confidential information obtained pursuant to this subdivision to nonlegislative citizen members of the Authority or to the public. Any information so provided shall be used by the Authority solely for the purpose of verifying employment and wage claims of those businesses that have received incentive awards.

D. Each employing unit shall report to the Virginia New Hire Reporting Center the employment of any newly hired employee in compliance with § 63.2-1946.

E. Any member or employee of the Commission and any member, employee, or agent of any agency or political subdivision of the Commonwealth who violates any provision of this section shall be guilty of a Class 2 misdemeanor.

CHAPTER 216

An Act to amend and reenact § 46.2-1608.2 of the Code of Virginia, relating to auto recyclers; database search.

[H 1112]

Approved March 28, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 46.2-1608.2 of the Code of Virginia is amended and reenacted as follows:

§ 46.2-1608.2. Licensees to update records of the Department for motor vehicles that are to be demolished or dismantled.

A. A licensed auto recycler may be exempted from the waiting period in subsection B of § 46.2-1608.1 by:

1. Entering into a contractual agreement with the Department to update records of motor vehicles to be demolished or dismantled if such motor vehicles either have been issued a certificate of title, salvage certificate, or nonrepairable certificate in the Commonwealth or are titled in another state. In addition to the contractual agreement, the licensed auto recycler shall be required to comply with the Department's procedures for securely accessing and updating the Department's records; and

2. Notifying the Department that a motor vehicle is being demolished or dismantled or of the intention to demolish, dismantle, or reduce the motor vehicle to a state where it can no longer be considered a motor vehicle. Licensed auto recyclers shall electronically notify the Department of the demolished or dismantled vehicle's certificate of title, salvage certificate, or nonrepairable certificate number and vehicle identification number.

B. Licensed auto recyclers in possession of the certificate of title, salvage certificate, or nonrepairable certificate from the Commonwealth may demolish or dismantle the subject motor vehicle. Licensed auto recyclers shall electronically notify the Department in a manner prescribed by the Commissioner of the demolished or dismantled vehicle's certificate of title, salvage certificate, or nonrepairable certificate number and vehicle identification number within required time frames pursuant to subsection D of § 46.2-1603.1.

C. Licensed auto recyclers in possession of a certificate of title issued by another state may demolish or dismantle the subject motor vehicle. Licensed auto recyclers shall electronically notify the Department of the demolished or dismantled

vehicle's certificate of title number, vehicle identification number, year, make, and model within required time frames pursuant to subsection D of § 46.2-1603.1.

D. Licensed auto recyclers that do not possess a certificate of title, salvage certificate, or nonrepairable certificate may demolish the subject motor vehicle if the motor vehicle is a model year that is at least 10 years older than the current model year. The licensed auto recycler shall provide electronically to the Department the vehicle identification number and the year, make, and model of the motor vehicle and shall remit to the Department the fees set out in § 46.2-627 and an additional $10 transaction fee. Upon receipt of such notification, the Department shall check the records of *a* nationally recognized ~~databases~~ *crime database and the records of a nationally recognized vehicle title database for owner and lienholder information*. The licensed auto recycler may not demolish or dismantle the vehicle until the Department has notified the licensed auto recycler of the results of that inquiry. If a licensed auto recycler is not in possession of the certificate of title, salvage certificate, or nonrepairable certificate and the subject motor vehicle is of the current model year or of a model year that is nine years old or less, that vehicle shall be processed in accordance with § 46.2-1202.

E. Nothing in this section shall release a licensed auto recycler from complying with the provisions of §§ 46.2-1603.1, 46.2-1608, and 46.2-1608.1.

2. That the provisions of this act shall become effective on July 1, 2025.

CHAPTER 217

An Act to amend and reenact §§ 2.2-2744, 2.2-2753, 2.2-2905, 2.2-3114, 2.2-3705.4, as it is currently effective and as it may become effective, 2.2-3705.7, 2.2-3711, as it is currently effective and as it may become effective, 2.2-4006, 2.2-4343, as it is currently effective and as it may become effective, 8.01-424, 23.1-306, 23.1-700, 23.1-701, 23.1-1004, 30-330 through 30-333, 30-335, 51.1-505.01, 58.1-322.02, 58.1-322.03, as it is currently effective and as it may become effective, and 58.1-344.4 of the Code of Virginia, relating to Virginia College Savings Plan; renamed Commonwealth Savers Plan.

[H 1133]

Approved March 28, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-2744, 2.2-2753, 2.2-2905, 2.2-3114, 2.2-3705.4, as it is currently effective and as it may become effective, 2.2-3705.7, 2.2-3711, as it is currently effective and as it may become effective, 2.2-4006, 2.2-4343, as it is currently effective and as it may become effective, 8.01-424, 23.1-306, 23.1-700, 23.1-701, 23.1-1004, 30-330 through 30-333, 30-335, 51.1-505.01, 58.1-322.02, 58.1-322.03, as it is currently effective and as it may become effective, and 58.1-344.4 of the Code of Virginia are amended and reenacted as follows:

§ 2.2-2744. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Board" means the governing board of the ~~Virginia College Savings~~ *Commonwealth Savers* Plan.

"Committee" means the Program Advisory Committee established pursuant to § 2.2-2746.

"Eligible employee" means any individual who is (i) 18 years of age or older, (ii) currently employed at least 30 hours a week, and (iii) receiving wages.

"Eligible employer" means a nongovernmental business, industry, trade, profession, or other enterprise in the Commonwealth, whether conducted on a for-profit or nonprofit basis, that employed 25 or more eligible employees, as reported to the Virginia Employment Commission pursuant to 16VAC5-32-20, or any successor regulation, for the quarter ending December 31 and the preceding three quarters of the preceding calendar year and has been operating for at least two years prior to Program implementation. "Eligible employer" does not include an employer that sponsors, maintains, or contributes to an automatic enrollment payroll deduction IRA or a qualified retirement plan in compliance with federal law for its employees, including plans qualified under § 401(a), 403(a), 403(b), 408(k), or 408(p) of the Internal Revenue Code. An employer shall become an eligible employer at any time if it meets the eligibility requirements under this chapter.

"Fee" means any investment management charges, administrative charges, investment advice charges, trading fees, marketing and sales fees, revenue sharing, broker fees, and other costs necessary to run the Program.

"Individual retirement account" or "IRA" means a Roth or traditional individual retirement account or annuity under § 408 or 408A of the Internal Revenue Code.

"Participating employee" means any eligible employee who is enrolled in the Program.

"Participating employer" means an employer that facilitates a payroll deposit retirement savings agreement pursuant to this chapter for its eligible employees.

"Participating individual" means any individual who enrolls in the Program independent of an employment relationship with an eligible employer, maintains an account in the Program, and is not a participating employee.

"Payroll deposit retirement savings agreement" means an arrangement by which an employer allows employees to remit payroll deduction contributions to the Program.

"Plan" means the ~~Virginia College Savings~~ *Commonwealth Savers* Plan.

"Program" means the state-facilitated IRA savings program established in this chapter and administered by the Plan.

"Program Trust" means the Program trust fund established by § 2.2-2752.

"Wages" means any compensation, as such term is defined in § 219(f)(1) of the Internal Revenue Code, that is paid to an eligible employee by his employer during the calendar year.

§ 2.2-2753. Audit and annual reports.

The Program shall be subject to the reporting requirements set forth in § 23.1-709. The Program shall be subject to the applicable provisions of the ~~Virginia College Savings~~ *Commonwealth Savers* Plan Oversight Act (§ 30-330 et seq.).

§ 2.2-2905. Certain officers and employees exempt from chapter.

The provisions of this chapter shall not apply to:

1. Officers and employees for whom the Constitution specifically directs the manner of selection;

2. Officers and employees of the Supreme Court and the Court of Appeals;

3. Officers appointed by the Governor, whether confirmation by the General Assembly or by either house thereof is required or not;

4. Officers elected by popular vote or by the General Assembly or either house thereof;

5. Members of boards and commissions however selected;

6. Judges, referees, receivers, arbiters, masters and commissioners in chancery, commissioners of accounts, and any other persons appointed by any court to exercise judicial functions, and jurors and notaries public;

7. Officers and employees of the General Assembly and persons employed to conduct temporary or special inquiries, investigations, or examinations on its behalf;

8. The presidents and teaching and research staffs of state educational institutions;

9. Commissioned officers and enlisted personnel of the National Guard;

10. Student employees at institutions of higher education and patient or inmate help in other state institutions;

11. Upon general or special authorization of the Governor, laborers, temporary employees, and employees compensated on an hourly or daily basis;

12. County, city, town, and district officers, deputies, assistants, and employees;

13. The employees of the Virginia Workers' Compensation Commission;

14. The officers and employees of the Virginia Retirement System;

15. Employees whose positions are identified by the State Council of Higher Education and the boards of the Virginia Museum of Fine Arts, The Science Museum of Virginia, the Jamestown-Yorktown Foundation, the Frontier Culture Museum of Virginia, the Virginia Museum of Natural History, the New College Institute, the Southern Virginia Higher Education Center, and The Library of Virginia, and approved by the Director of the Department of Human Resource Management as requiring specialized and professional training;

16. Employees of the Virginia Lottery;

17. Employees of the Department for the Blind and Vision Impaired's rehabilitative manufacturing and service industries who have a human resources classification of industry worker;

18. Employees of the Virginia Commonwealth University Health System Authority;

19. Employees of the University of Virginia Medical Center. Any changes in compensation plans for such employees shall be subject to the review and approval of the Board of Visitors of the University of Virginia. The University of Virginia shall ensure that its procedures for hiring University of Virginia Medical Center personnel are based on merit and fitness. Such employees shall remain subject to the provisions of the State Grievance Procedure (§ 2.2-3000 et seq.);

20. In executive branch agencies the employee who has accepted serving in the capacity of chief deputy, or equivalent, and the employee who has accepted serving in the capacity of a confidential assistant for policy or administration. An employee serving in either one of these two positions shall be deemed to serve on an employment-at-will basis. An agency may not exceed two employees who serve in this exempt capacity;

21. Employees of Virginia Correctional Enterprises. Such employees shall remain subject to the provisions of the State Grievance Procedure (§ 2.2-3000 et seq.);

22. Officers and employees of the Virginia Port Authority;

23. Employees of the ~~Virginia College Savings~~ *Commonwealth Savers* Plan;

24. Directors of state facilities operated by the Department of Behavioral Health and Developmental Services employed or reemployed by the Commissioner after July 1, 1999, under a contract pursuant to § 37.2-707. Such employees shall remain subject to the provisions of the State Grievance Procedure (§ 2.2-3000 et seq.);

25. Employees of the Virginia Foundation for Healthy Youth. Such employees shall be treated as state employees for purposes of participation in the Virginia Retirement System, health insurance, and all other employee benefits offered by the Commonwealth to its classified employees;

26. Employees of the Virginia Indigent Defense Commission;

27. Any chief of a campus police department that has been designated by the governing body of a public institution of higher education as exempt, pursuant to § 23.1-809;

28. The Chief Executive Officer, agents, officers, and employees of the Virginia Alcoholic Beverage Control Authority; and

29. Officers and employees of the Fort Monroe Authority.

§ 2.2-3114. Disclosure by state officers and employees.

A. In accordance with the requirements set forth in § 2.2-3118.2, the Governor, Lieutenant Governor, Attorney General, Justices of the Supreme Court, judges of the Court of Appeals, judges of any circuit court, judges and substitute

judges of any district court, members of the State Corporation Commission, members of the Virginia Workers' Compensation Commission, members of the Commonwealth Transportation Board, members of the Board of Trustees of the Virginia Retirement System, members of the Board of Directors of the Virginia Alcoholic Beverage Control Authority, members of the board of directors of the Commonwealth of Virginia Innovation Partnership Authority, members of the Board of the ~~Virginia College Savings~~ *Commonwealth Savers* Plan, and members of the Virginia Lottery Board and other persons occupying such offices or positions of trust or employment in state government, including members of the governing bodies of authorities, as may be designated by the Governor, or officers or employees of the legislative branch, as may be designated by the Joint Rules Committee of the General Assembly, shall file with the Council, as a condition to assuming office or employment, a disclosure statement of their personal interests and such other information as is required on the form prescribed by the Council pursuant to § 2.2-3117 and thereafter shall file such a statement annually on or before February 1.

B. In accordance with the requirements set forth in § 2.2-3118.2, nonsalaried citizen members of all policy and supervisory boards, commissions, and councils in the executive branch of state government, other than the members of the Commonwealth Transportation Board, members of the Board of Trustees of the Virginia Retirement System, members of the board of directors of the Commonwealth of Virginia Innovation Partnership Authority, members of the Board of the ~~Virginia College Savings~~ *Commonwealth Savers* Plan, and members of the Virginia Lottery Board, shall file with the Council, as a condition to assuming office, a disclosure form of their personal interests and such other information as is required on the form prescribed by the Council pursuant to § 2.2-3118 and thereafter shall file such form annually on or before February 1. Nonsalaried citizen members of other boards, commissions, and councils, including advisory boards and authorities, may be required to file a disclosure form if so designated by the Governor, in which case the form shall be that prescribed by the Council pursuant to § 2.2-3118.

C. The disclosure forms required by subsections A and B shall be made available by the Council at least 30 days prior to the filing deadline. Disclosure forms shall be filed electronically with the Council in accordance with the standards approved by it pursuant to § 30-356. All forms shall be maintained as public records for five years in the office of the Council. Such forms shall be made public no later than six weeks after the filing deadline.

D. Candidates for the offices of Governor, Lieutenant Governor, or Attorney General shall file a disclosure statement of their personal interests as required by § 24.2-502.

E. Any officer or employee of state government who has a personal interest in any transaction before the governmental or advisory agency of which he is an officer or employee and who is disqualified from participating in that transaction pursuant to subsection A of § 2.2-3112, or otherwise elects to disqualify himself, shall forthwith make disclosure of the existence of his interest, including the full name and address of the business and the address or parcel number for the real estate if the interest involves a business or real estate, and his disclosure shall also be reflected in the public records of the agency for five years in the office of the administrative head of the officer's or employee's governmental agency or advisory agency or, if the agency has a clerk, in the clerk's office.

F. An officer or employee of state government who is required to declare his interest pursuant to subdivision B 1 of § 2.2-3112, shall declare his interest by stating (i) the transaction involved, (ii) the nature of the officer's or employee's personal interest affected by the transaction, (iii) that he is a member of a business, profession, occupation, or group the members of which are affected by the transaction, and (iv) that he is able to participate in the transaction fairly, objectively, and in the public interest. The officer or employee shall either make his declaration orally to be recorded in written minutes for his agency or file a signed written declaration with the clerk or administrative head of his governmental or advisory agency, as appropriate, who shall, in either case, retain and make available for public inspection such declaration for a period of five years from the date of recording or receipt. If reasonable time is not available to comply with the provisions of this subsection prior to participation in the transaction, the officer or employee shall prepare and file the required declaration by the end of the next business day.

G. An officer or employee of state government who is required to declare his interest pursuant to subdivision B 2 of § 2.2-3112, shall declare his interest by stating (i) the transaction involved, (ii) that a party to the transaction is a client of his firm, (iii) that he does not personally represent or provide services to the client, and (iv) that he is able to participate in the transaction fairly, objectively, and in the public interest. The officer or employee shall either make his declaration orally to be recorded in written minutes for his agency or file a signed written declaration with the clerk or administrative head of his governmental or advisory agency, as appropriate, who shall, in either case, retain and make available for public inspection such declaration for a period of five years from the date of recording or receipt. If reasonable time is not available to comply with the provisions of this subsection prior to participation in the transaction, the officer or employee shall prepare and file the required declaration by the end of the next business day.

H. Notwithstanding any other provision of law, chairs of departments at a public institution of higher education in the Commonwealth shall not be required to file the disclosure form prescribed by the Council pursuant to § 2.2-3117 or 2.2-3118.

§ 2.2-3705.4. (Effective until date pursuant to Acts 2023, cc. 756 and 778, cl. 5) Exclusions to application of chapter; educational records and certain records of educational institutions.

A. The following information contained in a public record is excluded from the mandatory disclosure provisions of this chapter but may be disclosed by the custodian in his discretion, except as provided in subsection B or where such disclosure

is otherwise prohibited by law. Redaction of information excluded under this section from a public record shall be conducted in accordance with § 2.2-3704.01.

1. Scholastic records containing information concerning identifiable individuals, except that such access shall not be denied to the person who is the subject thereof, or the parent or legal guardian of the student. However, no student shall have access to (i) financial records of a parent or guardian or (ii) records of instructional, supervisory, and administrative personnel and educational personnel ancillary thereto, that are in the sole possession of the maker thereof and that are not accessible or revealed to any other person except a substitute.

The parent or legal guardian of a student may prohibit, by written request, the release of any individual information regarding that student until the student reaches the age of 18 years. For scholastic records of students under the age of 18 years, the right of access may be asserted only by his legal guardian or parent, including a noncustodial parent, unless such parent's parental rights have been terminated or a court of competent jurisdiction has restricted or denied such access. For scholastic records of students who are emancipated or attending a public institution of higher education in the Commonwealth, the right of access may be asserted by the student.

Any person who is the subject of any scholastic record and who is 18 years of age or older may waive, in writing, the protections afforded by this subdivision. If the protections are so waived, such records shall be disclosed.

2. Confidential letters and statements of recommendation placed in the records of educational agencies or institutions respecting (i) admission to any educational agency or institution, (ii) an application for employment or promotion, or (iii) receipt of an honor or honorary recognition.

3. Information held by the Brown v. Board of Education Scholarship Committee that would reveal personally identifiable information, including scholarship applications, personal financial information, and confidential correspondence and letters of recommendation.

4. Information of a proprietary nature produced or collected by or for faculty or staff of public institutions of higher education, other than the institutions' financial or administrative records, in the conduct of or as a result of study or research on medical, scientific, technical or scholarly issues, whether sponsored by the institution alone or in conjunction with a governmental body or a private concern, where such information has not been publicly released, published, copyrighted or patented.

5. Information held by the University of Virginia or the University of Virginia Medical Center or Eastern Virginia Medical School, as the case may be, that contain proprietary, business-related information pertaining to the operations of the University of Virginia Medical Center or Eastern Virginia Medical School, as the case may be, including business development or marketing strategies and activities with existing or future joint venturers, partners, or other parties with whom the University of Virginia Medical Center or Eastern Virginia Medical School, as the case may be, has formed, or forms, any arrangement for the delivery of health care, if disclosure of such information would be harmful to the competitive position of the University of Virginia Medical Center or Eastern Virginia Medical School, as the case may be.

6. Personal information, as defined in § 2.2-3801, provided to the Board of the ~~Virginia College Savings~~ *Commonwealth Savers* Plan or its employees by or on behalf of individuals who have requested information about, applied for, or entered into prepaid tuition contracts or savings trust account agreements pursuant to Chapter 7 (§ 23.1-700 et seq.) of Title 23.1, including personal information related to (i) qualified beneficiaries as that term is defined in § 23.1-700, (ii) designated survivors, or (iii) authorized individuals. Nothing in this subdivision shall be construed to prevent disclosure or publication of information in a statistical or other form that does not identify individuals or provide personal information. Individuals shall be provided access to their own personal information.

For purposes of this subdivision:

"Authorized individual" means an individual who may be named by the account owner to receive information regarding the account but who does not have any control or authority over the account.

"Designated survivor" means the person who will assume account ownership in the event of the account owner's death.

7. Information maintained in connection with fundraising activities by or for a public institution of higher education that would reveal (i) personal fundraising strategies relating to identifiable donors or prospective donors or (ii) wealth assessments; estate, financial, or tax planning information; health-related information; employment, familial, or marital status information; electronic mail addresses, facsimile or telephone numbers; birth dates or social security numbers of identifiable donors or prospective donors. The exclusion provided by this subdivision shall not apply to protect from disclosure (a) information relating to the amount, date, purpose, and terms of the pledge or donation or the identity of the donor or (b) the identities of sponsors providing grants to or contracting with the institution for the performance of research services or other work or the terms and conditions of such grants or contracts. For purposes of clause (a), the identity of the donor may be withheld if (1) the donor has requested anonymity in connection with or as a condition of making a pledge or donation and (2) the pledge or donation does not impose terms or conditions directing academic decision-making.

8. Information held by a threat assessment team established by a local school board pursuant to § 22.1-79.4 or by a public institution of higher education pursuant to § 23.1-805 relating to the assessment or intervention with a specific individual. However, in the event an individual who has been under assessment commits an act, or is prosecuted for the commission of an act that has caused the death of, or caused serious bodily injury, including any felony sexual assault, to another person, such information of the threat assessment team concerning the individual under assessment shall be made available as provided by this chapter, with the exception of any criminal history records obtained pursuant to § 19.2-389 or 19.2-389.1, health records obtained pursuant to § 32.1-127.1:03, or scholastic records as defined in § 22.1-289. The public

body providing such information shall remove personally identifying information of any person who provided information to the threat assessment team under a promise of confidentiality.

9. Records provided to the Governor or the designated reviewers by a qualified institution, as those terms are defined in § 23.1-1239, related to a proposed memorandum of understanding, or proposed amendments to a memorandum of understanding, submitted pursuant to Chapter 12.1 (§ 23.1-1239 et seq.) of Title 23.1. A memorandum of understanding entered into pursuant to such chapter shall be subject to public disclosure after it is agreed to and signed by the Governor.

B. The custodian of a scholastic record shall not release the address, phone number, or email address of a student in response to a request made under this chapter without written consent. For any student who is (i) 18 years of age or older, (ii) under the age of 18 and emancipated, or (iii) attending an institution of higher education, written consent of the student shall be required. For any other student, written consent of the parent or legal guardian of such student shall be required.

§ 2.2-3705.4. (Effective pursuant to Acts 2023, cc. 756 and 778, cl. 5) Exclusions to application of chapter; educational records and certain records of educational institutions.

A. The following information contained in a public record is excluded from the mandatory disclosure provisions of this chapter but may be disclosed by the custodian in his discretion, except as provided in subsection B or where such disclosure is otherwise prohibited by law. Redaction of information excluded under this section from a public record shall be conducted in accordance with § 2.2-3704.01.

1. Scholastic records containing information concerning identifiable individuals, except that such access shall not be denied to the person who is the subject thereof, or the parent or legal guardian of the student. However, no student shall have access to (i) financial records of a parent or guardian or (ii) records of instructional, supervisory, and administrative personnel and educational personnel ancillary thereto, that are in the sole possession of the maker thereof and that are not accessible or revealed to any other person except a substitute.

The parent or legal guardian of a student may prohibit, by written request, the release of any individual information regarding that student until the student reaches the age of 18 years. For scholastic records of students under the age of 18 years, the right of access may be asserted only by his legal guardian or parent, including a noncustodial parent, unless such parent's parental rights have been terminated or a court of competent jurisdiction has restricted or denied such access. For scholastic records of students who are emancipated or attending a public institution of higher education in the Commonwealth, the right of access may be asserted by the student.

Any person who is the subject of any scholastic record and who is 18 years of age or older may waive, in writing, the protections afforded by this subdivision. If the protections are so waived, such records shall be disclosed.

2. Confidential letters and statements of recommendation placed in the records of educational agencies or institutions respecting (i) admission to any educational agency or institution, (ii) an application for employment or promotion, or (iii) receipt of an honor or honorary recognition.

3. Information held by the Brown v. Board of Education Scholarship Committee that would reveal personally identifiable information, including scholarship applications, personal financial information, and confidential correspondence and letters of recommendation.

4. Information of a proprietary nature produced or collected by or for faculty or staff of public institutions of higher education, other than the institutions' financial or administrative records, in the conduct of or as a result of study or research on medical, scientific, technical or scholarly issues, whether sponsored by the institution alone or in conjunction with a governmental body or a private concern, where such information has not been publicly released, published, copyrighted or patented.

5. Information held by the University of Virginia, the University of Virginia Medical Center, Old Dominion University, or the Eastern Virginia Health Sciences Center at Old Dominion University, as the case may be, that contain proprietary, business-related information pertaining to the operations of the University of Virginia Medical Center or the Eastern Virginia Health Sciences Center at Old Dominion University, as the case may be, including business development or marketing strategies and activities with existing or future joint venturers, partners, or other parties with whom the University of Virginia Medical Center or the Eastern Virginia Health Sciences Center at Old Dominion University, as the case may be, has formed, or forms, any arrangement for the delivery of health care, if disclosure of such information would be harmful to the competitive position of the University of Virginia Medical Center or Eastern Virginia Health Sciences Center at Old Dominion University, as the case may be.

6. Personal information, as defined in § 2.2-3801, provided to the Board of the ~~Virginia College Savings~~ *Commonwealth Savers* Plan or its employees by or on behalf of individuals who have requested information about, applied for, or entered into prepaid tuition contracts or savings trust account agreements pursuant to Chapter 7 (§ 23.1-700 et seq.) of Title 23.1, including personal information related to (i) qualified beneficiaries as that term is defined in § 23.1-700, (ii) designated survivors, or (iii) authorized individuals. Nothing in this subdivision shall be construed to prevent disclosure or publication of information in a statistical or other form that does not identify individuals or provide personal information. Individuals shall be provided access to their own personal information.

For purposes of this subdivision:

"Authorized individual" means an individual who may be named by the account owner to receive information regarding the account but who does not have any control or authority over the account.

"Designated survivor" means the person who will assume account ownership in the event of the account owner's death.

7. Information maintained in connection with fundraising activities by or for a public institution of higher education that would reveal (i) personal fundraising strategies relating to identifiable donors or prospective donors or (ii) wealth assessments; estate, financial, or tax planning information; health-related information; employment, familial, or marital status information; electronic mail addresses, facsimile or telephone numbers; birth dates or social security numbers of identifiable donors or prospective donors. The exclusion provided by this subdivision shall not apply to protect from disclosure (a) information relating to the amount, date, purpose, and terms of the pledge or donation or the identity of the donor or (b) the identities of sponsors providing grants to or contracting with the institution for the performance of research services or other work or the terms and conditions of such grants or contracts. For purposes of clause (a), the identity of the donor may be withheld if (1) the donor has requested anonymity in connection with or as a condition of making a pledge or donation and (2) the pledge or donation does not impose terms or conditions directing academic decision-making.

8. Information held by a threat assessment team established by a local school board pursuant to § 22.1-79.4 or by a public institution of higher education pursuant to § 23.1-805 relating to the assessment or intervention with a specific individual. However, in the event an individual who has been under assessment commits an act, or is prosecuted for the commission of an act that has caused the death of, or caused serious bodily injury, including any felony sexual assault, to another person, such information of the threat assessment team concerning the individual under assessment shall be made available as provided by this chapter, with the exception of any criminal history records obtained pursuant to § 19.2-389 or 19.2-389.1, health records obtained pursuant to § 32.1-127.1:03, or scholastic records as defined in § 22.1-289. The public body providing such information shall remove personally identifying information of any person who provided information to the threat assessment team under a promise of confidentiality.

9. Records provided to the Governor or the designated reviewers by a qualified institution, as those terms are defined in § 23.1-1239, related to a proposed memorandum of understanding, or proposed amendments to a memorandum of understanding, submitted pursuant to Chapter 12.1 (§ 23.1-1239 et seq.) of Title 23.1. A memorandum of understanding entered into pursuant to such chapter shall be subject to public disclosure after it is agreed to and signed by the Governor.

B. The custodian of a scholastic record shall not release the address, phone number, or email address of a student in response to a request made under this chapter without written consent. For any student who is (i) 18 years of age or older, (ii) under the age of 18 and emancipated, or (iii) attending an institution of higher education, written consent of the student shall be required. For any other student, written consent of the parent or legal guardian of such student shall be required.

§ 2.2-3705.7. Exclusions to application of chapter; records of specific public bodies and certain other limited exclusions.

The following information contained in a public record is excluded from the mandatory disclosure provisions of this chapter but may be disclosed by the custodian in his discretion, except where such disclosure is prohibited by law. Redaction of information excluded under this section from a public record shall be conducted in accordance with § 2.2-3704.01.

1. State income, business, and estate tax returns, personal property tax returns, and confidential records held pursuant to § 58.1-3.

2. Working papers and correspondence of the Office of the Governor, the Lieutenant Governor, or the Attorney General; the members of the General Assembly, the Division of Legislative Services, or the Clerks of the House of Delegates or the Senate of Virginia; the mayor or chief executive officer of any political subdivision of the Commonwealth; or the president or other chief executive officer of any public institution of higher education in the Commonwealth. However, no information that is otherwise open to inspection under this chapter shall be deemed excluded by virtue of the fact that it has been attached to or incorporated within any working paper or correspondence. Further, information publicly available or not otherwise subject to an exclusion under this chapter or other provision of law that has been aggregated, combined, or changed in format without substantive analysis or revision shall not be deemed working papers. Nothing in this subdivision shall be construed to authorize the withholding of any resumes or applications submitted by persons who are appointed by the Governor pursuant to § 2.2-106 or 2.2-107.

As used in this subdivision:

"Members of the General Assembly" means each member of the Senate of Virginia and the House of Delegates and their legislative aides when working on behalf of such member.

"Office of the Governor" means the Governor; the Governor's chief of staff, counsel, director of policy, and Cabinet Secretaries; the Assistant to the Governor for Intergovernmental Affairs; and those individuals to whom the Governor has delegated his authority pursuant to § 2.2-104.

"Working papers" means those records prepared by or for a public official identified in this subdivision for his personal or deliberative use.

3. Information contained in library records that can be used to identify (i) both (a) any library patron who has borrowed or accessed material or resources from a library and (b) the material or resources such patron borrowed or accessed or (ii) any library patron under 18 years of age. For the purposes of clause (ii), access shall not be denied to the parent, including a noncustodial parent, or guardian of such library patron.

4. Contract cost estimates prepared for the confidential use of the Department of Transportation in awarding contracts for construction or the purchase of goods or services, and records and automated systems prepared for the Department's Bid Analysis and Monitoring Program.

5. Lists of registered owners of bonds issued by a political subdivision of the Commonwealth, whether the lists are maintained by the political subdivision itself or by a single fiduciary designated by the political subdivision.

6. Information furnished by a member of the General Assembly to a meeting of a standing committee, special committee, or subcommittee of his house established solely for the purpose of reviewing members' annual disclosure statements and supporting materials filed under § 30-110 or of formulating advisory opinions to members on standards of conduct, or both.

7. Customer account information of a public utility affiliated with a political subdivision of the Commonwealth, including the customer's name and service address, but excluding the amount of utility service provided and the amount of money charged or paid for such utility service.

8. Personal information, as defined in § 2.2-3801, (i) filed with the Virginia Housing Development Authority concerning individuals who have applied for or received loans or other housing assistance or who have applied for occupancy of or have occupied housing financed, owned or otherwise assisted by the Virginia Housing Development Authority; (ii) concerning persons participating in or persons on the waiting list for federally funded rent-assistance programs; (iii) filed with any local redevelopment and housing authority created pursuant to § 36-4 concerning persons participating in or persons on the waiting list for housing assistance programs funded by local governments or by any such authority; or (iv) filed with any local redevelopment and housing authority created pursuant to § 36-4 or any other local government agency concerning persons who have applied for occupancy or who have occupied affordable dwelling units established pursuant to § 15.2-2304 or 15.2-2305. However, access to one's own information shall not be denied.

9. Information regarding the siting of hazardous waste facilities, except as provided in § 10.1-1441, if disclosure of such information would have a detrimental effect upon the negotiating position of a governing body or on the establishment of the terms, conditions, and provisions of the siting agreement.

10. Information on the site-specific location of rare, threatened, endangered, or otherwise imperiled plant and animal species, natural communities, caves, and significant historic and archaeological sites if, in the opinion of the public body that has the responsibility for such information, disclosure of the information would jeopardize the continued existence or the integrity of the resource. This exclusion shall not apply to requests from the owner of the land upon which the resource is located.

11. Memoranda, graphics, video or audio tapes, production models, data, and information of a proprietary nature produced by or for or collected by or for the Virginia Lottery relating to matters of a specific lottery game design, development, production, operation, ticket price, prize structure, manner of selecting the winning ticket, manner of payment of prizes to holders of winning tickets, frequency of drawings or selections of winning tickets, odds of winning, advertising, or marketing, where such information not been publicly released, published, copyrighted, or patented. Whether released, published, or copyrighted, all game-related information shall be subject to public disclosure under this chapter upon the first day of sales for the specific lottery game to which it pertains.

12. Information held by the Virginia Retirement System, acting pursuant to § 51.1-124.30, or a local retirement system, acting pursuant to § 51.1-803, or by a local finance board or board of trustees of a trust established by one or more local public bodies to invest funds for post-retirement benefits other than pensions, acting pursuant to Article 8 (§ 15.2-1544 et seq.) of Chapter 15 of Title 15.2, or by the board of visitors of the University of Virginia, acting pursuant to § 23.1-2210, or by the board of visitors of The College of William and Mary in Virginia, acting pursuant to § 23.1-2803, or by the ~~Virginia College Savings~~ *Commonwealth Savers* Plan, acting pursuant to § 23.1-704, relating to the acquisition, holding, or disposition of a security or other ownership interest in an entity, where such security or ownership interest is not traded on a governmentally regulated securities exchange, if disclosure of such information would (i) reveal confidential analyses prepared for the board of visitors of the University of Virginia, prepared for the board of visitors of The College of William and Mary in Virginia, prepared by the retirement system, a local finance board or board of trustees, or the ~~Virginia College Savings~~ *Commonwealth Savers* Plan, or provided to the retirement system, a local finance board or board of trustees, or the ~~Virginia College Savings~~ *Commonwealth Savers* Plan under a promise of confidentiality of the future value of such ownership interest or the future financial performance of the entity and (ii) have an adverse effect on the value of the investment to be acquired, held, or disposed of by the retirement system, a local finance board or board of trustees, the board of visitors of the University of Virginia, the board of visitors of The College of William and Mary in Virginia, or the ~~Virginia College Savings~~ *Commonwealth Savers* Plan. Nothing in this subdivision shall be construed to prevent the disclosure of information relating to the identity of any investment held, the amount invested, or the present value of such investment.

13. Financial, medical, rehabilitative, and other personal information concerning applicants for or recipients of loan funds submitted to or maintained by the Assistive Technology Loan Fund Authority under Chapter 11 (§ 51.5-53 et seq.) of Title 51.5.

14. Information held by the Virginia Commonwealth University Health System Authority pertaining to any of the following: an individual's qualifications for or continued membership on its medical or teaching staffs; proprietary information gathered by or in the possession of the Authority from third parties pursuant to a promise of confidentiality; contract cost estimates prepared for confidential use in awarding contracts for construction or the purchase of goods or services; information of a proprietary nature produced or collected by or for the Authority or members of its medical or teaching staffs; financial statements not publicly available that may be filed with the Authority from third parties; the identity, accounts, or account status of any customer of the Authority; consulting or other reports paid for by the Authority to assist the Authority in connection with its strategic planning and goals; the determination of marketing and operational

strategies where disclosure of such strategies would be harmful to the competitive position of the Authority; and information of a proprietary nature produced or collected by or for employees of the Authority, other than the Authority's financial or administrative records, in the conduct of or as a result of study or research on medical, scientific, technical, or scholarly issues, whether sponsored by the Authority alone or in conjunction with a governmental body or a private concern, when such information has not been publicly released, published, copyrighted, or patented. This exclusion shall also apply when such information is in the possession of Virginia Commonwealth University.

15. Information held by the Department of Environmental Quality, the State Water Control Board, the State Air Pollution Control Board, or the Virginia Waste Management Board relating to (i) active federal environmental enforcement actions that are considered confidential under federal law and (ii) enforcement strategies, including proposed sanctions for enforcement actions. Upon request, such information shall be disclosed after a proposed sanction resulting from the investigation has been proposed to the director of the agency. This subdivision shall not be construed to prevent the disclosure of information related to inspection reports, notices of violation, and documents detailing the nature of any environmental contamination that may have occurred or similar documents.

16. Information related to the operation of toll facilities that identifies an individual, vehicle, or travel itinerary, including vehicle identification data or vehicle enforcement system information; video or photographic images; Social Security or other identification numbers appearing on driver's licenses; credit card or bank account data; home addresses; phone numbers; or records of the date or time of toll facility use.

17. Information held by the Virginia Lottery pertaining to (i) the social security number, tax identification number, state sales tax number, home address and telephone number, personal and lottery banking account and transit numbers of a retailer, and financial information regarding the nonlottery operations of specific retail locations and (ii) individual lottery winners, except that a winner's name, hometown, and amount won shall be disclosed. If the value of the prize won by the winner exceeds $10 million, the information described in clause (ii) shall not be disclosed unless the winner consents in writing to such disclosure.

18. Information held by the Board for Branch Pilots relating to the chemical or drug testing of a person regulated by the Board, where such person has tested negative or has not been the subject of a disciplinary action by the Board for a positive test result.

19. Information pertaining to the planning, scheduling, and performance of examinations of holder records pursuant to the Virginia Disposition of Unclaimed Property Act (§ 55.1-2500 et seq.) prepared by or for the State Treasurer or his agents or employees or persons employed to perform an audit or examination of holder records.

20. Information held by the Virginia Department of Emergency Management or a local governing body relating to citizen emergency response teams established pursuant to an ordinance of a local governing body that reveal the name, address, including e-mail address, telephone or pager numbers, or operating schedule of an individual participant in the program.

21. Information held by state or local park and recreation departments and local and regional park authorities concerning identifiable individuals under the age of 18 years. However, nothing in this subdivision shall operate to prevent the disclosure of information defined as directory information under regulations implementing the federal Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g, unless the public body has undertaken the parental notification and opt-out requirements provided by such regulations. Access shall not be denied to the parent, including a noncustodial parent, or guardian of such person, unless the parent's parental rights have been terminated or a court of competent jurisdiction has restricted or denied such access. For such information of persons who are emancipated, the right of access may be asserted by the subject thereof. Any parent or emancipated person who is the subject of the information may waive, in writing, the protections afforded by this subdivision. If the protections are so waived, the public body shall open such information for inspection and copying.

22. Information submitted for inclusion in the Statewide Alert Network administered by the Department of Emergency Management that reveal names, physical addresses, email addresses, computer or internet protocol information, telephone numbers, pager numbers, other wireless or portable communications device information, or operating schedules of individuals or agencies, where the release of such information would compromise the security of the Statewide Alert Network or individuals participating in the Statewide Alert Network.

23. Information held by the Judicial Inquiry and Review Commission made confidential by § 17.1-913.

24. Information held by the Virginia Retirement System acting pursuant to § 51.1-124.30, a local retirement system acting pursuant to § 51.1-803 (hereinafter collectively referred to as the retirement system), or the ~~Virginia College Savings~~ *Commonwealth Savers* Plan, acting pursuant to § 23.1-704 relating to:

a. Internal deliberations of or decisions by the retirement system or the ~~Virginia College Savings~~ *Commonwealth Savers* Plan on the pursuit of particular investment strategies, or the selection or termination of investment managers, prior to the execution of such investment strategies or the selection or termination of such managers, if disclosure of such information would have an adverse impact on the financial interest of the retirement system or the ~~Virginia College Savings~~ *Commonwealth Savers* Plan; and

b. Trade secrets provided by a private entity to the retirement system or the ~~Virginia College Savings~~ *Commonwealth Savers* Plan if disclosure of such records would have an adverse impact on the financial interest of the retirement system or the ~~Virginia College Savings~~ *Commonwealth Savers* Plan.

For the records specified in subdivision b to be excluded from the provisions of this chapter, the entity shall make a written request to the retirement system or the ~~Virginia College Savings~~ *Commonwealth Savers* Plan:

(1) Invoking such exclusion prior to or upon submission of the data or other materials for which protection from disclosure is sought;

(2) Identifying with specificity the data or other materials for which protection is sought; and

(3) Stating the reasons why protection is necessary.

The retirement system or the ~~Virginia College Savings~~ *Commonwealth Savers* Plan shall determine whether the requested exclusion from disclosure meets the requirements set forth in subdivision b.

Nothing in this subdivision shall be construed to prevent the disclosure of the identity or amount of any investment held or the present value and performance of all asset classes and subclasses.

25. Information held by the Department of Corrections made confidential by former § 53.1-233.

26. Information maintained by the Department of the Treasury or participants in the Local Government Investment Pool (§ 2.2-4600 et seq.) and required to be provided by such participants to the Department to establish accounts in accordance with § 2.2-4602.

27. Personal information, as defined in § 2.2-3801, contained in the Veterans Care Center Resident Trust Funds concerning residents or patients of the Department of Veterans Services Care Centers, except that access shall not be denied to the person who is the subject of the information.

28. Information maintained in connection with fundraising activities by the Veterans Services Foundation pursuant to § 2.2-2716 that reveal the address, electronic mail address, facsimile or telephone number, social security number or other identification number appearing on a driver's license or other document issued under Chapter 3 (§ 46.2-300 et seq.) of Title 46.2 or the comparable law of another jurisdiction, or credit card or bank account data of identifiable donors, except that access shall not be denied to the person who is the subject of the information. Nothing in this subdivision, however, shall be construed to prevent the disclosure of information relating to the amount, date, purpose, and terms of the pledge or donation or the identity of the donor, unless the donor has requested anonymity in connection with or as a condition of making a pledge or donation. The exclusion provided by this subdivision shall not apply to protect from disclosure (i) the identities of sponsors providing grants to or contracting with the foundation for the performance of services or other work or (ii) the terms and conditions of such grants or contracts.

29. Information prepared for and utilized by the Commonwealth's Attorneys' Services Council in the training of state prosecutors or law-enforcement personnel, where such information is not otherwise available to the public and the disclosure of such information would reveal confidential strategies, methods, or procedures to be employed in law-enforcement activities or materials created for the investigation and prosecution of a criminal case.

30. Information provided to the Department of Aviation by other entities of the Commonwealth in connection with the operation of aircraft where the information would not be subject to disclosure by the entity providing the information. The entity providing the information to the Department of Aviation shall identify the specific information to be protected and the applicable provision of this chapter that excludes the information from mandatory disclosure.

31. Information created or maintained by or on the behalf of the judicial performance evaluation program related to an evaluation of any individual justice or judge made confidential by § 17.1-100.

32. Information reflecting the substance of meetings in which (i) individual sexual assault cases are discussed by any sexual assault response team established pursuant to § 15.2-1627.4, (ii) individual child abuse or neglect cases or sex offenses involving a child are discussed by multidisciplinary child sexual abuse response teams established pursuant to § 15.2-1627.5, or (iii) individual cases of abuse, neglect, or exploitation of adults as defined in § 63.2-1603 are discussed by multidisciplinary teams established pursuant to §§ 15.2-1627.5 and 63.2-1605. The findings of any such team may be disclosed or published in statistical or other aggregated form that does not disclose the identity of specific individuals.

33. Information contained in the strategic plan, marketing plan, or operational plan prepared by the Virginia Economic Development Partnership Authority pursuant to § 2.2-2237.1 regarding target companies, specific allocation of resources and staff for marketing activities, and specific marketing activities that would reveal to the Commonwealth's competitors for economic development projects the strategies intended to be deployed by the Commonwealth, thereby adversely affecting the financial interest of the Commonwealth. The executive summaries of the strategic plan, marketing plan, and operational plan shall not be redacted or withheld pursuant to this subdivision.

34. Information discussed in a closed session of the Physical Therapy Compact Commission or the Executive Board or other committees of the Commission for purposes set forth in subsection E of § 54.1-3491.

35. Information held by the Commonwealth of Virginia Innovation Partnership Authority (the Authority), an advisory committee of the Authority, or any other entity designated by the Authority, relating to (i) internal deliberations of or decisions by the Authority on the pursuit of particular investment strategies prior to the execution of such investment strategies and (ii) trade secrets, as defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.), provided by a private entity to the Authority, if such disclosure of records pursuant to clause (i) or (ii) would have an adverse impact on the financial interest of the Authority or a private entity.

36. Personal information provided to or obtained by the Virginia Lottery in connection with the voluntary exclusion program administered pursuant to § 58.1-4015.1.

37. Personal information provided to or obtained by the Virginia Lottery concerning the identity of any person reporting prohibited conduct pursuant to § 58.1-4043.

§ 2.2-3711. (Effective until date pursuant to Acts 2023, cc. 756 and 778, cl. 5) Closed meetings authorized for certain limited purposes.

A. Public bodies may hold closed meetings only for the following purposes:

1. Discussion, consideration, or interviews of prospective candidates for employment; assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of any public body; and evaluation of performance of departments or schools of public institutions of higher education where such evaluation will necessarily involve discussion of the performance of specific individuals. Any teacher shall be permitted to be present during a closed meeting in which there is a discussion or consideration of a disciplinary matter that involves the teacher and some student and the student involved in the matter is present, provided the teacher makes a written request to be present to the presiding officer of the appropriate board. Nothing in this subdivision, however, shall be construed to authorize a closed meeting by a local governing body or an elected school board to discuss compensation matters that affect the membership of such body or board collectively.

2. Discussion or consideration of admission or disciplinary matters or any other matters that would involve the disclosure of information contained in a scholastic record concerning any student of any public institution of higher education in the Commonwealth or any state school system. However, any such student, legal counsel and, if the student is a minor, the student's parents or legal guardians shall be permitted to be present during the taking of testimony or presentation of evidence at a closed meeting, if such student, parents, or guardians so request in writing and such request is submitted to the presiding officer of the appropriate board.

3. Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body.

4. The protection of the privacy of individuals in personal matters not related to public business.

5. Discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community.

6. Discussion or consideration of the investment of public funds where competition or bargaining is involved, where, if made public initially, the financial interest of the governmental unit would be adversely affected.

7. Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body. For the purposes of this subdivision, "probable litigation" means litigation that has been specifically threatened or on which the public body or its legal counsel has a reasonable basis to believe will be commenced by or against a known party. Nothing in this subdivision shall be construed to permit the closure of a meeting merely because an attorney representing the public body is in attendance or is consulted on a matter.

8. Consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel. Nothing in this subdivision shall be construed to permit the closure of a meeting merely because an attorney representing the public body is in attendance or is consulted on a matter.

9. Discussion or consideration by governing boards of public institutions of higher education of matters relating to gifts, bequests and fund-raising activities, and of grants and contracts for services or work to be performed by such institution. However, the terms and conditions of any such gifts, bequests, grants, and contracts made by a foreign government, a foreign legal entity, or a foreign person and accepted by a public institution of higher education in the Commonwealth shall be subject to public disclosure upon written request to the appropriate board of visitors. For the purpose of this subdivision, (i) "foreign government" means any government other than the United States government or the government of a state or a political subdivision thereof, (ii) "foreign legal entity" means any legal entity (a) created under the laws of the United States or of any state thereof if a majority of the ownership of the stock of such legal entity is owned by foreign governments or foreign persons or if a majority of the membership of any such entity is composed of foreign persons or foreign legal entities or (b) created under the laws of a foreign government, and (iii) "foreign person" means any individual who is not a citizen or national of the United States or a trust territory or protectorate thereof.

10. Discussion or consideration by the boards of trustees of the Virginia Museum of Fine Arts, the Virginia Museum of Natural History, the Jamestown-Yorktown Foundation, the Fort Monroe Authority, and The Science Museum of Virginia of matters relating to specific gifts, bequests, and grants from private sources.

11. Discussion or consideration of honorary degrees or special awards.

12. Discussion or consideration of tests, examinations, or other information used, administered, or prepared by a public body and subject to the exclusion in subdivision 4 of § 2.2-3705.1.

13. Discussion, consideration, or review by the appropriate House or Senate committees of possible disciplinary action against a member arising out of the possible inadequacy of the disclosure statement filed by the member, provided the member may request in writing that the committee meeting not be conducted in a closed meeting.

14. Discussion of strategy with respect to the negotiation of a hazardous waste siting agreement or to consider the terms, conditions, and provisions of a hazardous waste siting agreement if the governing body in open meeting finds that an open meeting will have an adverse effect upon the negotiating position of the governing body or the establishment of the terms, conditions and provisions of the siting agreement, or both. All discussions with the applicant or its representatives may be conducted in a closed meeting.

15. Discussion by the Governor and any economic advisory board reviewing forecasts of economic activity and estimating general and nongeneral fund revenues.

16. Discussion or consideration of medical and mental health records subject to the exclusion in subdivision 1 of § 2.2-3705.5.

17. Deliberations of the Virginia Lottery Board in a licensing appeal action conducted pursuant to subsection D of § 58.1-4007 regarding the denial or revocation of a license of a lottery sales agent; and discussion, consideration or review of Virginia Lottery matters related to proprietary lottery game information and studies or investigations excluded from disclosure under subdivision 6 of § 2.2-3705.3 and subdivision 11 of § 2.2-3705.7.

18. Those portions of meetings in which the State Board of Local and Regional Jails discusses or discloses the identity of, or information tending to identify, any prisoner who (i) provides information about crimes or criminal activities, (ii) renders assistance in preventing the escape of another prisoner or in the apprehension of an escaped prisoner, or (iii) voluntarily or at the instance of a prison official renders other extraordinary services, the disclosure of which is likely to jeopardize the prisoner's life or safety.

19. Discussion of plans to protect public safety as it relates to terrorist activity or specific cybersecurity threats or vulnerabilities and briefings by staff members, legal counsel, or law-enforcement or emergency service officials concerning actions taken to respond to such matters or a related threat to public safety; discussion of information subject to the exclusion in subdivision 2 or 14 of § 2.2-3705.2, where discussion in an open meeting would jeopardize the safety of any person or the security of any facility, building, structure, information technology system, or software program; or discussion of reports or plans related to the security of any governmental facility, building or structure, or the safety of persons using such facility, building or structure.

20. Discussion by the Board of the Virginia Retirement System, acting pursuant to § 51.1-124.30, or of any local retirement system, acting pursuant to § 51.1-803, or by a local finance board or board of trustees of a trust established by one or more local public bodies to invest funds for postemployment benefits other than pensions, acting pursuant to Article 8 (§ 15.2-1544 et seq.) of Chapter 15 of Title 15.2, or by the board of visitors of the University of Virginia, acting pursuant to § 23.1-2210, or by the Board of the ~~Virginia College Savings~~ *Commonwealth Savers* Plan, acting pursuant to § 23.1-706, regarding the acquisition, holding or disposition of a security or other ownership interest in an entity, where such security or ownership interest is not traded on a governmentally regulated securities exchange, to the extent that such discussion (i) concerns confidential analyses prepared for the board of visitors of the University of Virginia, prepared by the retirement system, or a local finance board or board of trustees, or the ~~Virginia College Savings~~ *Commonwealth Savers* Plan or provided to the retirement system, a local finance board or board of trustees, or the ~~Virginia College Savings~~ *Commonwealth Savers* Plan under a promise of confidentiality, of the future value of such ownership interest or the future financial performance of the entity, and (ii) would have an adverse effect on the value of the investment to be acquired, held, or disposed of by the retirement system, a local finance board or board of trustees, the board of visitors of the University of Virginia, or the ~~Virginia College Savings~~ *Commonwealth Savers* Plan. Nothing in this subdivision shall be construed to prevent the disclosure of information relating to the identity of any investment held, the amount invested or the present value of such investment.

21. Those portions of meetings in which individual child death cases are discussed by the State Child Fatality Review Team established pursuant to § 32.1-283.1, those portions of meetings in which individual child death cases are discussed by a regional or local child fatality review team established pursuant to § 32.1-283.2, those portions of meetings in which individual death cases are discussed by family violence fatality review teams established pursuant to § 32.1-283.3, those portions of meetings in which individual adult death cases are discussed by the state Adult Fatality Review Team established pursuant to § 32.1-283.5, those portions of meetings in which individual adult death cases are discussed by a local or regional adult fatality review team established pursuant to § 32.1-283.6, those portions of meetings in which individual death cases are discussed by overdose fatality review teams established pursuant to § 32.1-283.7, those portions of meetings in which individual maternal death cases are discussed by the Maternal Mortality Review Team pursuant to § 32.1-283.8, and those portions of meetings in which individual death cases of persons with developmental disabilities are discussed by the Developmental Disabilities Mortality Review Committee established pursuant to § 37.2-314.1.

22. Those portions of meetings of the board of visitors of the University of Virginia or the Eastern Virginia Medical School Board of Visitors, as the case may be, and those portions of meetings of any persons to whom management responsibilities for the University of Virginia Medical Center or Eastern Virginia Medical School, as the case may be, have been delegated, in which there is discussed proprietary, business-related information pertaining to the operations of the University of Virginia Medical Center or Eastern Virginia Medical School, as the case may be, including business development or marketing strategies and activities with existing or future joint venturers, partners, or other parties with whom the University of Virginia Medical Center or Eastern Virginia Medical School, as the case may be, has formed, or forms, any arrangement for the delivery of health care, if disclosure of such information would adversely affect the competitive position of the Medical Center or Eastern Virginia Medical School, as the case may be.

23. Discussion or consideration by the Virginia Commonwealth University Health System Authority or the board of visitors of Virginia Commonwealth University of any of the following: the acquisition or disposition by the Authority of real property, equipment, or technology software or hardware and related goods or services, where disclosure would adversely affect the bargaining position or negotiating strategy of the Authority; matters relating to gifts or bequests to, and fund-raising activities of, the Authority; grants and contracts for services or work to be performed by the Authority;

marketing or operational strategies plans of the Authority where disclosure of such strategies or plans would adversely affect the competitive position of the Authority; and members of the Authority's medical and teaching staffs and qualifications for appointments thereto.

24. Those portions of the meetings of the Health Practitioners' Monitoring Program Committee within the Department of Health Professions to the extent such discussions identify any practitioner who may be, or who actually is, impaired pursuant to Chapter 25.1 (§ 54.1-2515 et seq.) of Title 54.1.

25. Meetings or portions of meetings of the Board of the ~~Virginia College Savings~~ *Commonwealth Savers* Plan wherein personal information, as defined in § 2.2-3801, which has been provided to the Board or its employees by or on behalf of individuals who have requested information about, applied for, or entered into prepaid tuition contracts or savings trust account agreements pursuant to Chapter 7 (§ 23.1-700 et seq.) of Title 23.1 is discussed.

26. Discussion or consideration, by the former Wireless Carrier E-911 Cost Recovery Subcommittee created pursuant to former § 56-484.15, of trade secrets submitted by CMRS providers, as defined in § 56-484.12, related to the provision of wireless E-911 service.

27. Those portions of disciplinary proceedings by any regulatory board within the Department of Professional and Occupational Regulation, Department of Health Professions, or the Board of Accountancy conducted pursuant to § 2.2-4019 or 2.2-4020 during which the board deliberates to reach a decision or meetings of health regulatory boards or conference committees of such boards to consider settlement proposals in pending disciplinary actions or modifications to previously issued board orders as requested by either of the parties.

28. Discussion or consideration of information subject to the exclusion in subdivision 11 of § 2.2-3705.6 by a responsible public entity or an affected locality or public entity, as those terms are defined in § 33.2-1800, or any independent review panel appointed to review information and advise the responsible public entity concerning such records.

29. Discussion of the award of a public contract involving the expenditure of public funds, including interviews of bidders or offerors, and discussion of the terms or scope of such contract, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the public body.

30. Discussion or consideration of grant or loan application information subject to the exclusion in subdivision 17 of § 2.2-3705.6 by the Commonwealth Health Research Board.

31. Discussion or consideration by the Commitment Review Committee of information subject to the exclusion in subdivision 5 of § 2.2-3705.2 relating to individuals subject to commitment as sexually violent predators under Chapter 9 (§ 37.2-900 et seq.) of Title 37.2.

32. Discussion or consideration of confidential proprietary information and trade secrets developed and held by a local public body providing certain telecommunication services or cable television services and subject to the exclusion in subdivision 18 of § 2.2-3705.6. However, the exemption provided by this subdivision shall not apply to any authority created pursuant to the BVU Authority Act (§ 15.2-7200 et seq.).

33. Discussion or consideration by a local authority created in accordance with the Virginia Wireless Service Authorities Act (§ 15.2-5431.1 et seq.) of confidential proprietary information and trade secrets subject to the exclusion in subdivision 19 of § 2.2-3705.6.

34. Discussion or consideration by the State Board of Elections or local electoral boards of voting security matters made confidential pursuant to § 24.2-410.2 or 24.2-625.1.

35. Discussion or consideration by the Forensic Science Board or the Scientific Advisory Committee created pursuant to Article 2 (§ 9.1-1109 et seq.) of Chapter 11 of Title 9.1 of criminal investigative files.

36. Discussion or consideration by the Brown v. Board of Education Scholarship Committee of information or confidential matters subject to the exclusion in subdivision A 3 of § 2.2-3705.4, and meetings of the Committee to deliberate concerning the annual maximum scholarship award, review and consider scholarship applications and requests for scholarship award renewal, and cancel, rescind, or recover scholarship awards.

37. Discussion or consideration by the Virginia Port Authority of information subject to the exclusion in subdivision 1 of § 2.2-3705.6 related to certain proprietary information gathered by or for the Virginia Port Authority.

38. Discussion or consideration by the Board of Trustees of the Virginia Retirement System acting pursuant to § 51.1-124.30, by the Investment Advisory Committee appointed pursuant to § 51.1-124.26, by any local retirement system, acting pursuant to § 51.1-803, by the Board of the ~~Virginia College Savings~~ *Commonwealth Savers* Plan acting pursuant to § 23.1-706, or by the ~~Virginia College Savings~~ *Commonwealth Savers* Plan's Investment Advisory Committee appointed pursuant to § 23.1-702 of information subject to the exclusion in subdivision 24 of § 2.2-3705.7.

39. Discussion or consideration of information subject to the exclusion in subdivision 3 of § 2.2-3705.6 related to economic development.

40. Discussion or consideration by the Board of Education of information relating to the denial, suspension, or revocation of teacher licenses subject to the exclusion in subdivision 11 of § 2.2-3705.3.

41. Those portions of meetings of the Virginia Military Advisory Council or any commission created by executive order for the purpose of studying and making recommendations regarding preventing closure or realignment of federal military and national security installations and facilities located in Virginia and relocation of such facilities to Virginia, or a local or regional military affairs organization appointed by a local governing body, during which there is discussion of information subject to the exclusion in subdivision 8 of § 2.2-3705.2.

42. Discussion or consideration by the Board of Trustees of the Veterans Services Foundation of information subject to the exclusion in subdivision 28 of § 2.2-3705.7 related to personally identifiable information of donors.

43. Discussion or consideration by the Virginia Tobacco Region Revitalization Commission of information subject to the exclusion in subdivision 23 of § 2.2-3705.6 related to certain information contained in grant applications.

44. Discussion or consideration by the board of directors of the Commercial Space Flight Authority of information subject to the exclusion in subdivision 24 of § 2.2-3705.6 related to rate structures or charges for the use of projects of, the sale of products of, or services rendered by the Authority and certain proprietary information of a private entity provided to the Authority.

45. Discussion or consideration of personal and proprietary information related to the resource management plan program and subject to the exclusion in (i) subdivision 25 of § 2.2-3705.6 or (ii) subsection E of § 10.1-104.7. This exclusion shall not apply to the discussion or consideration of records that contain information that has been certified for release by the person who is the subject of the information or transformed into a statistical or aggregate form that does not allow identification of the person who supplied, or is the subject of, the information.

46. Discussion or consideration by the Board of Directors of the Virginia Alcoholic Beverage Control Authority of information subject to the exclusion in subdivision 1 of § 2.2-3705.3 related to investigations of applicants for licenses and permits and of licensees and permittees.

47. Discussion or consideration of grant, loan, or investment application records subject to the exclusion in subdivision 28 of § 2.2-3705.6 for a grant, loan, or investment pursuant to Article 11 (§ 2.2-2351 et seq.) of Chapter 22.

48. Discussion or development of grant proposals by a regional council established pursuant to Article 26 (§ 2.2-2484 et seq.) of Chapter 24 to be submitted for consideration to the Virginia Growth and Opportunity Board.

49. Discussion or consideration of (i) individual sexual assault cases by a sexual assault response team established pursuant to § 15.2-1627.4, (ii) individual child abuse or neglect cases or sex offenses involving a child by a child sexual abuse response team established pursuant to § 15.2-1627.5, or (iii) individual cases involving abuse, neglect, or exploitation of adults as defined in § 63.2-1603 pursuant to §§ 15.2-1627.5 and 63.2-1605.

50. Discussion or consideration by the Board of the Virginia Economic Development Partnership Authority, the Joint Legislative Audit and Review Commission, or any subcommittees thereof, of the portions of the strategic plan, marketing plan, or operational plan exempt from disclosure pursuant to subdivision 33 of § 2.2-3705.7.

51. Those portions of meetings of the subcommittee of the Board of the Virginia Economic Development Partnership Authority established pursuant to subsection F of § 2.2-2237.3 to review and discuss information received from the Virginia Employment Commission pursuant to subdivision C 2 of § 60.2-114 and the Department of Workforce Development and Advancement pursuant to subsection B of § 2.2-2040.

52. Discussion or consideration by the Commonwealth of Virginia Innovation Partnership Authority (the Authority), an advisory committee of the Authority, or any other entity designated by the Authority, of information subject to the exclusion in subdivision 35 of § 2.2-3705.7.

53. Deliberations of the Virginia Lottery Board conducted pursuant to § 58.1-4105 regarding the denial or revocation of a license of a casino gaming operator, or the refusal to issue, suspension of, or revocation of any license or permit related to casino gaming, and discussion, consideration, or review of matters related to investigations excluded from mandatory disclosure under subdivision 1 of § 2.2-3705.3.

54. Deliberations of the Virginia Lottery Board in an appeal conducted pursuant to § 58.1-4007 regarding the denial of, revocation of, suspension of, or refusal to renew any license or permit related to sports betting and any discussion, consideration, or review of matters related to investigations excluded from mandatory disclosure under subdivision 1 of § 2.2-3705.3.

B. No resolution, ordinance, rule, contract, regulation or motion adopted, passed or agreed to in a closed meeting shall become effective unless the public body, following the meeting, reconvenes in open meeting and takes a vote of the membership on such resolution, ordinance, rule, contract, regulation, or motion that shall have its substance reasonably identified in the open meeting.

C. Public officers improperly selected due to the failure of the public body to comply with the other provisions of this section shall be de facto officers and, as such, their official actions are valid until they obtain notice of the legal defect in their election.

D. Nothing in this section shall be construed to prevent the holding of conferences between two or more public bodies, or their representatives, but these conferences shall be subject to the same procedures for holding closed meetings as are applicable to any other public body.

E. This section shall not be construed to (i) require the disclosure of any contract between the Department of Health Professions and an impaired practitioner entered into pursuant to Chapter 25.1 (§ 54.1-2515 et seq.) of Title 54.1 or (ii) require the board of directors of any authority created pursuant to the Industrial Development and Revenue Bond Act (§ 15.2-4900 et seq.), or any public body empowered to issue industrial revenue bonds by general or special law, to identify a business or industry to which subdivision A 5 applies. However, such business or industry shall be identified as a matter of public record at least 30 days prior to the actual date of the board's authorization of the sale or issuance of such bonds.

§ 2.2-3711. (Effective pursuant to Acts 2023, cc. 756 and 778, cl. 5) Closed meetings authorized for certain limited purposes.

A. Public bodies may hold closed meetings only for the following purposes:

1. Discussion, consideration, or interviews of prospective candidates for employment; assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of any public body; and evaluation of performance of departments or schools of public institutions of higher education where such evaluation will necessarily involve discussion of the performance of specific individuals. Any teacher shall be permitted to be present during a closed meeting in which there is a discussion or consideration of a disciplinary matter that involves the teacher and some student and the student involved in the matter is present, provided that the teacher makes a written request to be present to the presiding officer of the appropriate board. Nothing in this subdivision, however, shall be construed to authorize a closed meeting by a local governing body or an elected school board to discuss compensation matters that affect the membership of such body or board collectively.

2. Discussion or consideration of admission or disciplinary matters or any other matters that would involve the disclosure of information contained in a scholastic record concerning any student of any public institution of higher education in the Commonwealth or any state school system. However, any such student, legal counsel and, if the student is a minor, the student's parents or legal guardians shall be permitted to be present during the taking of testimony or presentation of evidence at a closed meeting, if such student, parents, or guardians so request in writing and such request is submitted to the presiding officer of the appropriate board.

3. Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body.

4. The protection of the privacy of individuals in personal matters not related to public business.

5. Discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community.

6. Discussion or consideration of the investment of public funds where competition or bargaining is involved, where, if made public initially, the financial interest of the governmental unit would be adversely affected.

7. Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body. For the purposes of this subdivision, "probable litigation" means litigation that has been specifically threatened or on which the public body or its legal counsel has a reasonable basis to believe will be commenced by or against a known party. Nothing in this subdivision shall be construed to permit the closure of a meeting merely because an attorney representing the public body is in attendance or is consulted on a matter.

8. Consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel. Nothing in this subdivision shall be construed to permit the closure of a meeting merely because an attorney representing the public body is in attendance or is consulted on a matter.

9. Discussion or consideration by governing boards of public institutions of higher education of matters relating to gifts, bequests and fund-raising activities, and of grants and contracts for services or work to be performed by such institution. However, the terms and conditions of any such gifts, bequests, grants, and contracts made by a foreign government, a foreign legal entity, or a foreign person and accepted by a public institution of higher education in the Commonwealth shall be subject to public disclosure upon written request to the appropriate board of visitors. For the purpose of this subdivision, (i) "foreign government" means any government other than the United States government or the government of a state or a political subdivision thereof, (ii) "foreign legal entity" means any legal entity (a) created under the laws of the United States or of any state thereof if a majority of the ownership of the stock of such legal entity is owned by foreign governments or foreign persons or if a majority of the membership of any such entity is composed of foreign persons or foreign legal entities or (b) created under the laws of a foreign government, and (iii) "foreign person" means any individual who is not a citizen or national of the United States or a trust territory or protectorate thereof.

10. Discussion or consideration by the boards of trustees of the Virginia Museum of Fine Arts, the Virginia Museum of Natural History, the Jamestown-Yorktown Foundation, the Fort Monroe Authority, and The Science Museum of Virginia of matters relating to specific gifts, bequests, and grants from private sources.

11. Discussion or consideration of honorary degrees or special awards.

12. Discussion or consideration of tests, examinations, or other information used, administered, or prepared by a public body and subject to the exclusion in subdivision 4 of § 2.2-3705.1.

13. Discussion, consideration, or review by the appropriate House or Senate committees of possible disciplinary action against a member arising out of the possible inadequacy of the disclosure statement filed by the member, provided that the member may request in writing that the committee meeting not be conducted in a closed meeting.

14. Discussion of strategy with respect to the negotiation of a hazardous waste siting agreement or to consider the terms, conditions, and provisions of a hazardous waste siting agreement if the governing body in open meeting finds that an open meeting will have an adverse effect upon the negotiating position of the governing body or the establishment of the terms, conditions and provisions of the siting agreement, or both. All discussions with the applicant or its representatives may be conducted in a closed meeting.

15. Discussion by the Governor and any economic advisory board reviewing forecasts of economic activity and estimating general and nongeneral fund revenues.

16. Discussion or consideration of medical and mental health records subject to the exclusion in subdivision 1 of § 2.2-3705.5.

17. Deliberations of the Virginia Lottery Board in a licensing appeal action conducted pursuant to subsection D of § 58.1-4007 regarding the denial or revocation of a license of a lottery sales agent; and discussion, consideration or review of Virginia Lottery matters related to proprietary lottery game information and studies or investigations excluded from disclosure under subdivision 6 of § 2.2-3705.3 and subdivision 11 of § 2.2-3705.7.

18. Those portions of meetings in which the State Board of Local and Regional Jails discusses or discloses the identity of, or information tending to identify, any prisoner who (i) provides information about crimes or criminal activities, (ii) renders assistance in preventing the escape of another prisoner or in the apprehension of an escaped prisoner, or (iii) voluntarily or at the instance of a prison official renders other extraordinary services, the disclosure of which is likely to jeopardize the prisoner's life or safety.

19. Discussion of plans to protect public safety as it relates to terrorist activity or specific cybersecurity threats or vulnerabilities and briefings by staff members, legal counsel, or law-enforcement or emergency service officials concerning actions taken to respond to such matters or a related threat to public safety; discussion of information subject to the exclusion in subdivision 2 or 14 of § 2.2-3705.2, where discussion in an open meeting would jeopardize the safety of any person or the security of any facility, building, structure, information technology system, or software program; or discussion of reports or plans related to the security of any governmental facility, building or structure, or the safety of persons using such facility, building or structure.

20. Discussion by the Board of the Virginia Retirement System, acting pursuant to § 51.1-124.30, or of any local retirement system, acting pursuant to § 51.1-803, or by a local finance board or board of trustees of a trust established by one or more local public bodies to invest funds for postemployment benefits other than pensions, acting pursuant to Article 8 (§ 15.2-1544 et seq.) of Chapter 15 of Title 15.2, or by the board of visitors of the University of Virginia, acting pursuant to § 23.1-2210, or by the Board of the ~~Virginia College Savings~~ *Commonwealth Savers* Plan, acting pursuant to § 23.1-706, regarding the acquisition, holding or disposition of a security or other ownership interest in an entity, where such security or ownership interest is not traded on a governmentally regulated securities exchange, to the extent that such discussion (i) concerns confidential analyses prepared for the board of visitors of the University of Virginia, prepared by the retirement system, or a local finance board or board of trustees, or the ~~Virginia College Savings~~ *Commonwealth Savers* Plan or provided to the retirement system, a local finance board or board of trustees, or the ~~Virginia College Savings~~ *Commonwealth Savers* Plan under a promise of confidentiality, of the future value of such ownership interest or the future financial performance of the entity, and (ii) would have an adverse effect on the value of the investment to be acquired, held, or disposed of by the retirement system, a local finance board or board of trustees, the board of visitors of the University of Virginia, or the ~~Virginia College Savings~~ *Commonwealth Savers* Plan. Nothing in this subdivision shall be construed to prevent the disclosure of information relating to the identity of any investment held, the amount invested or the present value of such investment.

21. Those portions of meetings in which individual child death cases are discussed by the State Child Fatality Review Team established pursuant to § 32.1-283.1, those portions of meetings in which individual child death cases are discussed by a regional or local child fatality review team established pursuant to § 32.1-283.2, those portions of meetings in which individual death cases are discussed by family violence fatality review teams established pursuant to § 32.1-283.3, those portions of meetings in which individual adult death cases are discussed by the state Adult Fatality Review Team established pursuant to § 32.1-283.5, those portions of meetings in which individual adult death cases are discussed by a local or regional adult fatality review team established pursuant to § 32.1-283.6, those portions of meetings in which individual death cases are discussed by overdose fatality review teams established pursuant to § 32.1-283.7, those portions of meetings in which individual maternal death cases are discussed by the Maternal Mortality Review Team pursuant to § 32.1-283.8, and those portions of meetings in which individual death cases of persons with developmental disabilities are discussed by the Developmental Disabilities Mortality Review Committee established pursuant to § 37.2-314.1.

22. Those portions of meetings of the board of visitors of the University of Virginia or Old Dominion University, as the case may be, and those portions of meetings of any persons to whom management responsibilities for the University of Virginia Medical Center or the Eastern Virginia Health Sciences Center at Old Dominion University, as the case may be, have been delegated, in which there is discussed proprietary, business-related information pertaining to the operations of the University of Virginia Medical Center or the Eastern Virginia Health Sciences Center at Old Dominion University, as the case may be, including business development or marketing strategies and activities with existing or future joint venturers, partners, or other parties with whom the University of Virginia Medical Center or the Eastern Virginia Health Sciences Center at Old Dominion University, as the case may be, has formed, or forms, any arrangement for the delivery of health care, if disclosure of such information would adversely affect the competitive position of the University of Virginia Medical Center or the Eastern Virginia Health Sciences Center at Old Dominion University, as the case may be.

23. Discussion or consideration by the Virginia Commonwealth University Health System Authority or the board of visitors of Virginia Commonwealth University of any of the following: the acquisition or disposition by the Authority of real property, equipment, or technology software or hardware and related goods or services, where disclosure would adversely affect the bargaining position or negotiating strategy of the Authority; matters relating to gifts or bequests to, and fund-raising activities of, the Authority; grants and contracts for services or work to be performed by the Authority; marketing or operational strategies plans of the Authority where disclosure of such strategies or plans would adversely

affect the competitive position of the Authority; and members of the Authority's medical and teaching staffs and qualifications for appointments thereto.

24. Those portions of the meetings of the Health Practitioners' Monitoring Program Committee within the Department of Health Professions to the extent such discussions identify any practitioner who may be, or who actually is, impaired pursuant to Chapter 25.1 (§ 54.1-2515 et seq.) of Title 54.1.

25. Meetings or portions of meetings of the Board of the ~~Virginia College Savings~~ *Commonwealth Savers* Plan wherein personal information, as defined in § 2.2-3801, which has been provided to the Board or its employees by or on behalf of individuals who have requested information about, applied for, or entered into prepaid tuition contracts or savings trust account agreements pursuant to Chapter 7 (§ 23.1-700 et seq.) of Title 23.1 is discussed.

26. Discussion or consideration, by the former Wireless Carrier E-911 Cost Recovery Subcommittee created pursuant to former § 56-484.15, of trade secrets submitted by CMRS providers, as defined in § 56-484.12, related to the provision of wireless E-911 service.

27. Those portions of disciplinary proceedings by any regulatory board within the Department of Professional and Occupational Regulation, Department of Health Professions, or the Board of Accountancy conducted pursuant to § 2.2-4019 or 2.2-4020 during which the board deliberates to reach a decision or meetings of health regulatory boards or conference committees of such boards to consider settlement proposals in pending disciplinary actions or modifications to previously issued board orders as requested by either of the parties.

28. Discussion or consideration of information subject to the exclusion in subdivision 11 of § 2.2-3705.6 by a responsible public entity or an affected locality or public entity, as those terms are defined in § 33.2-1800, or any independent review panel appointed to review information and advise the responsible public entity concerning such records.

29. Discussion of the award of a public contract involving the expenditure of public funds, including interviews of bidders or offerors, and discussion of the terms or scope of such contract, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the public body.

30. Discussion or consideration of grant or loan application information subject to the exclusion in subdivision 17 of § 2.2-3705.6 by the Commonwealth Health Research Board.

31. Discussion or consideration by the Commitment Review Committee of information subject to the exclusion in subdivision 5 of § 2.2-3705.2 relating to individuals subject to commitment as sexually violent predators under Chapter 9 (§ 37.2-900 et seq.) of Title 37.2.

32. Discussion or consideration of confidential proprietary information and trade secrets developed and held by a local public body providing certain telecommunication services or cable television services and subject to the exclusion in subdivision 18 of § 2.2-3705.6. However, the exemption provided by this subdivision shall not apply to any authority created pursuant to the BVU Authority Act (§ 15.2-7200 et seq.).

33. Discussion or consideration by a local authority created in accordance with the Virginia Wireless Service Authorities Act (§ 15.2-5431.1 et seq.) of confidential proprietary information and trade secrets subject to the exclusion in subdivision 19 of § 2.2-3705.6.

34. Discussion or consideration by the State Board of Elections or local electoral boards of voting security matters made confidential pursuant to § 24.2-410.2 or 24.2-625.1.

35. Discussion or consideration by the Forensic Science Board or the Scientific Advisory Committee created pursuant to Article 2 (§ 9.1-1109 et seq.) of Chapter 11 of Title 9.1 of criminal investigative files.

36. Discussion or consideration by the Brown v. Board of Education Scholarship Committee of information or confidential matters subject to the exclusion in subdivision A 3 of § 2.2-3705.4, and meetings of the Committee to deliberate concerning the annual maximum scholarship award, review and consider scholarship applications and requests for scholarship award renewal, and cancel, rescind, or recover scholarship awards.

37. Discussion or consideration by the Virginia Port Authority of information subject to the exclusion in subdivision 1 of § 2.2-3705.6 related to certain proprietary information gathered by or for the Virginia Port Authority.

38. Discussion or consideration by the Board of Trustees of the Virginia Retirement System acting pursuant to § 51.1-124.30, by the Investment Advisory Committee appointed pursuant to § 51.1-124.26, by any local retirement system, acting pursuant to § 51.1-803, by the Board of the ~~Virginia College Savings~~ *Commonwealth Savers* Plan acting pursuant to § 23.1-706, or by the ~~Virginia College Savings~~ *Commonwealth Savers* Plan's Investment Advisory Committee appointed pursuant to § 23.1-702 of information subject to the exclusion in subdivision 24 of § 2.2-3705.7.

39. Discussion or consideration of information subject to the exclusion in subdivision 3 of § 2.2-3705.6 related to economic development.

40. Discussion or consideration by the Board of Education of information relating to the denial, suspension, or revocation of teacher licenses subject to the exclusion in subdivision 11 of § 2.2-3705.3.

41. Those portions of meetings of the Virginia Military Advisory Council or any commission created by executive order for the purpose of studying and making recommendations regarding preventing closure or realignment of federal military and national security installations and facilities located in Virginia and relocation of such facilities to Virginia, or a local or regional military affairs organization appointed by a local governing body, during which there is discussion of information subject to the exclusion in subdivision 8 of § 2.2-3705.2.

42. Discussion or consideration by the Board of Trustees of the Veterans Services Foundation of information subject to the exclusion in subdivision 28 of § 2.2-3705.7 related to personally identifiable information of donors.

43. Discussion or consideration by the Virginia Tobacco Region Revitalization Commission of information subject to the exclusion in subdivision 23 of § 2.2-3705.6 related to certain information contained in grant applications.

44. Discussion or consideration by the board of directors of the Commercial Space Flight Authority of information subject to the exclusion in subdivision 24 of § 2.2-3705.6 related to rate structures or charges for the use of projects of, the sale of products of, or services rendered by the Authority and certain proprietary information of a private entity provided to the Authority.

45. Discussion or consideration of personal and proprietary information related to the resource management plan program and subject to the exclusion in (i) subdivision 25 of § 2.2-3705.6 or (ii) subsection E of § 10.1-104.7. This exclusion shall not apply to the discussion or consideration of records that contain information that has been certified for release by the person who is the subject of the information or transformed into a statistical or aggregate form that does not allow identification of the person who supplied, or is the subject of, the information.

46. Discussion or consideration by the Board of Directors of the Virginia Alcoholic Beverage Control Authority of information subject to the exclusion in subdivision 1 of § 2.2-3705.3 related to investigations of applicants for licenses and permits and of licensees and permittees.

47. Discussion or consideration of grant, loan, or investment application records subject to the exclusion in subdivision 28 of § 2.2-3705.6 for a grant, loan, or investment pursuant to Article 11 (§ 2.2-2351 et seq.) of Chapter 22.

48. Discussion or development of grant proposals by a regional council established pursuant to Article 26 (§ 2.2-2484 et seq.) of Chapter 24 to be submitted for consideration to the Virginia Growth and Opportunity Board.

49. Discussion or consideration of (i) individual sexual assault cases by a sexual assault response team established pursuant to § 15.2-1627.4, (ii) individual child abuse or neglect cases or sex offenses involving a child by a child sexual abuse response team established pursuant to § 15.2-1627.5, or (iii) individual cases involving abuse, neglect, or exploitation of adults as defined in § 63.2-1603 pursuant to §§ 15.2-1627.5 and 63.2-1605.

50. Discussion or consideration by the Board of the Virginia Economic Development Partnership Authority, the Joint Legislative Audit and Review Commission, or any subcommittees thereof, of the portions of the strategic plan, marketing plan, or operational plan exempt from disclosure pursuant to subdivision 33 of § 2.2-3705.7.

51. Those portions of meetings of the subcommittee of the Board of the Virginia Economic Development Partnership Authority established pursuant to subsection F of § 2.2-2237.3 to review and discuss information received from the Virginia Employment Commission pursuant to subdivision C 2 of § 60.2-114 and the Department of Workforce Development and Advancement pursuant to subsection B of § 2.2–2040.

52. Discussion or consideration by the Commonwealth of Virginia Innovation Partnership Authority (the Authority), an advisory committee of the Authority, or any other entity designated by the Authority, of information subject to the exclusion in subdivision 35 of § 2.2-3705.7.

53. Deliberations of the Virginia Lottery Board conducted pursuant to § 58.1-4105 regarding the denial or revocation of a license of a casino gaming operator, or the refusal to issue, suspension of, or revocation of any license or permit related to casino gaming, and discussion, consideration, or review of matters related to investigations excluded from mandatory disclosure under subdivision 1 of § 2.2-3705.3.

54. Deliberations of the Virginia Lottery Board in an appeal conducted pursuant to § 58.1-4007 regarding the denial of, revocation of, suspension of, or refusal to renew any license or permit related to sports betting and any discussion, consideration, or review of matters related to investigations excluded from mandatory disclosure under subdivision 1 of § 2.2-3705.3.

B. No resolution, ordinance, rule, contract, regulation or motion adopted, passed or agreed to in a closed meeting shall become effective unless the public body, following the meeting, reconvenes in open meeting and takes a vote of the membership on such resolution, ordinance, rule, contract, regulation, or motion that shall have its substance reasonably identified in the open meeting.

C. Public officers improperly selected due to the failure of the public body to comply with the other provisions of this section shall be de facto officers and, as such, their official actions are valid until they obtain notice of the legal defect in their election.

D. Nothing in this section shall be construed to prevent the holding of conferences between two or more public bodies, or their representatives, but these conferences shall be subject to the same procedures for holding closed meetings as are applicable to any other public body.

E. This section shall not be construed to (i) require the disclosure of any contract between the Department of Health Professions and an impaired practitioner entered into pursuant to Chapter 25.1 (§ 54.1-2515 et seq.) of Title 54.1 or (ii) require the board of directors of any authority created pursuant to the Industrial Development and Revenue Bond Act (§ 15.2-4900 et seq.), or any public body empowered to issue industrial revenue bonds by general or special law, to identify a business or industry to which subdivision A 5 applies. However, such business or industry shall be identified as a matter of public record at least 30 days prior to the actual date of the board's authorization of the sale or issuance of such bonds.

§ 2.2-4006. Exemptions from requirements of this article.

A. The following agency actions otherwise subject to this chapter and § 2.2-4103 of the Virginia Register Act shall be exempted from the operation of this article:

1. Agency orders or regulations fixing rates or prices.

2. Regulations that establish or prescribe agency organization, internal practice or procedures, including delegations of authority.

3. Regulations that consist only of changes in style or form or corrections of technical errors. Each promulgating agency shall review all references to sections of the Code of Virginia within their regulations each time a new supplement or replacement volume to the Code of Virginia is published to ensure the accuracy of each section or section subdivision identification listed.

4. Regulations that are:

a. Necessary to conform to changes in Virginia statutory law or the appropriation act where no agency discretion is involved. However, such regulations shall be filed with the Registrar within 90 days of the law's effective date;

b. Required by order of any state or federal court of competent jurisdiction where no agency discretion is involved; or

c. Necessary to meet the requirements of federal law or regulations, provided such regulations do not differ materially from those required by federal law or regulation, and the Registrar has so determined in writing. Notice of the proposed adoption of these regulations and the Registrar's determination shall be published in the Virginia Register not less than 30 days prior to the effective date of the regulation.

5. Regulations of the Board of Agriculture and Consumer Services adopted pursuant to subsection B of § 3.2-3929 or clause (v) or (vi) of subsection C of § 3.2-3931 after having been considered at two or more Board meetings and one public hearing.

6. Regulations of (i) the regulatory boards served by the Department of Labor and Industry pursuant to Title 40.1 and the Department of Professional and Occupational Regulation or the Department of Health Professions pursuant to Title 54.1 and (ii) the Board of Accountancy that are limited to reducing fees charged to regulants and applicants.

7. The development and issuance of procedural policy relating to risk-based mine inspections by the Department of Energy authorized pursuant to §§ 45.2-560 and 45.2-1149.

8. General permits issued by the (a) State Air Pollution Control Board pursuant to Chapter 13 (§ 10.1-1300 et seq.) of Title 10.1 or (b) State Water Control Board pursuant to the State Water Control Law (§ 62.1-44.2 et seq.), Chapter 24 (§ 62.1-242 et seq.) of Title 62.1 and Chapter 25 (§ 62.1-254 et seq.) of Title 62.1, (c) Virginia Soil and Water Conservation Board pursuant to the Dam Safety Act (§ 10.1-604 et seq.), and (d) the development and issuance of general wetlands permits by the Marine Resources Commission pursuant to subsection B of § 28.2-1307, if the respective Board or Commission (i) provides a Notice of Intended Regulatory Action in conformance with the provisions of § 2.2-4007.01, (ii) following the passage of 30 days from the publication of the Notice of Intended Regulatory Action forms a technical advisory committee composed of relevant stakeholders, including potentially affected citizens groups, to assist in the development of the general permit, (iii) provides notice and receives oral and written comment as provided in § 2.2-4007.03, and (iv) conducts at least one public hearing on the proposed general permit.

9. The development and issuance by the Board of Education of guidelines on constitutional rights and restrictions relating to the recitation of the pledge of allegiance to the American flag in public schools pursuant to § 22.1-202.

10. Regulations of the Board of the ~~Virginia College Savings~~ *Commonwealth Savers* Plan adopted pursuant to § 23.1-704.

11. Regulations of the Marine Resources Commission.

12. Regulations adopted by the Board of Housing and Community Development pursuant to (i) Statewide Fire Prevention Code (§ 27-94 et seq.), (ii) the Industrialized Building Safety Law (§ 36-70 et seq.), (iii) the Uniform Statewide Building Code (§ 36-97 et seq.), and (iv) § 36-98.3, provided the Board (a) provides a Notice of Intended Regulatory Action in conformance with the provisions of § 2.2-4007.01, (b) publishes the proposed regulation and provides an opportunity for oral and written comments as provided in § 2.2-4007.03, and (c) conducts at least one public hearing as provided in §§ 2.2-4009 and 36-100 prior to the publishing of the proposed regulations. Notwithstanding the provisions of this subdivision, any regulations promulgated by the Board shall remain subject to the provisions of § 2.2-4007.06 concerning public petitions, and §§ 2.2-4013 and 2.2-4014 concerning review by the Governor and General Assembly.

13. Amendments to regulations of the Board to schedule a substance pursuant to subsection D or E of § 54.1-3443.

14. Waste load allocations adopted, amended, or repealed by the State Water Control Board pursuant to the State Water Control Law (§ 62.1-44.2 et seq.), including but not limited to Article 4.01 (§ 62.1-44.19:4 et seq.) of the State Water Control Law, if the Board (i) provides public notice in the Virginia Register; (ii) if requested by the public during the initial public notice 30-day comment period, forms an advisory group composed of relevant stakeholders; (iii) receives and provides summary response to written comments; and (iv) conducts at least one public meeting. Notwithstanding the provisions of this subdivision, any such waste load allocations adopted, amended, or repealed by the Board shall be subject to the provisions of §§ 2.2-4013 and 2.2-4014 concerning review by the Governor and General Assembly.

15. Regulations of the Workers' Compensation Commission adopted pursuant to § 65.2-605, including regulations that adopt, amend, adjust, or repeal Virginia fee schedules for medical services, provided the Workers' Compensation Commission (i) utilizes a regulatory advisory panel constituted as provided in subdivision F 2 of § 65.2-605 to assist in the development of such regulations and (ii) provides an opportunity for public comment on the regulations prior to adoption.

16. Amendments to the State Health Services Plan adopted by the Board of Health following receipt of recommendations by the State Health Services Task Force pursuant to § 32.1-102.2:1 if the Board (i) provides a Notice of Intended Regulatory Action in accordance with the requirements of § 2.2-4007.01, (ii) provides notice and receives comments as provided in § 2.2-4007.03, and (iii) conducts at least one public hearing on the proposed amendments.

B. Whenever regulations are adopted under this section, the agency shall state as part thereof that it will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision. The effective date of regulations adopted under this section shall be in accordance with the provisions of § 2.2-4015, except in the case of emergency regulations, which shall become effective as provided in subsection B of § 2.2-4012.

C. A regulation for which an exemption is claimed under this section or § 2.2-4002 or 2.2-4011 and that is placed before a board or commission for consideration shall be provided at least two days in advance of the board or commission meeting to members of the public that request a copy of that regulation. A copy of that regulation shall be made available to the public attending such meeting.

§ 2.2-4343. (Effective until date pursuant to Acts 2023, cc. 756 and 778, cl. 5) Exemption from operation of chapter for certain transactions.

A. The provisions of this chapter shall not apply to:

1. The Virginia Port Authority in the exercise of any of its powers in accordance with Chapter 10 (§ 62.1-128 et seq.) of Title 62.1, provided the Authority implements, by policy or regulation adopted by the Board of Commissioners, procedures to ensure fairness and competitiveness in the procurement of goods and services and in the administration of its capital outlay program. This exemption shall be applicable only so long as such policies and procedures meeting the requirements remain in effect.

2. The Virginia Retirement System for selection of services related to the management, purchase or sale of authorized investments, actuarial services, and disability determination services. Selection of these services shall be governed by the standard set forth in § 51.1-124.30.

3. The State Treasurer in the selection of investment management services related to the external management of funds shall be governed by the standard set forth in § 2.2-4514, and shall be subject to competitive guidelines and policies that are set by the Commonwealth Treasury Board and approved by the Department of General Services.

4. The Department of Social Services or local departments of social services for the acquisition of motor vehicles for sale or transfer to Temporary Assistance to Needy Families (TANF) recipients.

5. The College of William and Mary in Virginia, Virginia Commonwealth University, the University of Virginia, and Virginia Polytechnic Institute and State University in the selection of services related to the management and investment of their endowment funds, endowment income, gifts, all other nongeneral fund reserves and balances, or local funds of or held by the respective public institution of higher education pursuant to § 23.1-2210, 23.1-2306, 23.1-2604, or 23.1-2803. However, selection of these services shall be governed by the Uniform Prudent Management of Institutional Funds Act (§ 64.2-1100 et seq.) as required by §§ 23.1-2210, 23.1-2306, 23.1-2604, and 23.1-2803.

6. The Board of the ~~Virginia College Savings~~ *Commonwealth Savers* Plan for the selection of services related to the operation and administration of the Plan, including, but not limited to, contracts or agreements for the management, purchase, or sale of authorized investments or actuarial, record keeping, or consulting services. However, such selection shall be governed by the standard set forth in § 23.1-706.

7. Public institutions of higher education for the purchase of items for resale at retail bookstores and similar retail outlets operated by such institutions. However, such purchase procedures shall provide for competition where practicable.

8. The purchase of goods and services by agencies of the legislative branch that may be specifically exempted therefrom by the Chairman of the Committee on Rules of either the House of Delegates or the Senate. Nor shall the contract review provisions of § 2.2-2012 apply to such procurements. The exemption shall be in writing and kept on file with the agency's disbursement records.

9. Any town with a population of less than 3,500, except as stipulated in the provisions of §§ 2.2-4305, 2.2-4311, 2.2-4315, 2.2-4330, 2.2-4333 through 2.2-4338, 2.2-4343.1, and 2.2-4367 through 2.2-4377 and Chapter 43.1 (§ 2.2-4378 et seq.).

10. Any county, city or town whose governing body has adopted, by ordinance or resolution, alternative policies and procedures which are (i) based on competitive principles and (ii) generally applicable to procurement of goods and services by such governing body and its agencies, except as stipulated in subdivision 12.

This exemption shall be applicable only so long as such policies and procedures, or other policies and procedures meeting the requirements of § 2.2-4300, remain in effect in such county, city or town. Such policies and standards may provide for incentive contracting that offers a contractor whose bid is accepted the opportunity to share in any cost savings realized by the locality when project costs are reduced by such contractor, without affecting project quality, during construction of the project. The fee, if any, charged by the project engineer or architect for determining such cost savings shall be paid as a separate cost and shall not be calculated as part of any cost savings.

11. Any school division whose school board has adopted, by policy or regulation, alternative policies and procedures that are (i) based on competitive principles and (ii) generally applicable to procurement of goods and services by the school board, except as stipulated in subdivision 12.

This exemption shall be applicable only so long as such policies and procedures, or other policies or procedures meeting the requirements of § 2.2-4300, remain in effect in such school division. This provision shall not exempt any school division from any centralized purchasing ordinance duly adopted by a local governing body.

12. Notwithstanding the exemptions set forth in subdivisions 9 through 11, the provisions of subsections B, C, and D of § 2.2-4303, §§ 2.2-4305, 2.2-4311, 2.2-4315, 2.2-4317, 2.2-4330, 2.2-4333 through 2.2-4338, 2.2-4342, 2.2-4343.1, and

2.2-4367 through 2.2-4377, Chapter 43.1 (§ 2.2-4378 et seq.), and § 58.1-1902 shall apply to all counties, cities, and school divisions and to all towns having a population greater than 3,500 in the Commonwealth.

The method for procurement of professional services through competitive negotiation set forth in §§ 2.2-4302.2, 2.2-4303.1, and 2.2-4303.2 shall also apply to all counties, cities, and school divisions, and to all towns having a population greater than 3,500, where the cost of the professional service is expected to exceed $80,000 in the aggregate or for the sum of all phases of a contract or project. A school board that makes purchases through its public school foundation or purchases educational technology through its educational technology foundation, either as may be established pursuant to § 22.1-212.2:2 shall be exempt from the provisions of this chapter, except, relative to such purchases, the school board shall comply with the provisions of §§ 2.2-4311 and 2.2-4367 through 2.2-4377.

13. A public body that is also a utility operator may purchase services through or participate in contracts awarded by one or more utility operators that are not public bodies for utility marking services as required by the Underground Utility Damage Prevention Act (§ 56-265.14 et seq.). A purchase of services under this subdivision may deviate from the procurement procedures set forth in this chapter upon a determination made in advance by the public body and set forth in writing that competitive sealed bidding is either not practicable or not fiscally advantageous to the public, and the contract is awarded based on competitive principles.

14. Procurement of any construction or planning and design services for construction by a Virginia nonprofit corporation or organization not otherwise specifically exempted when (i) the planning, design or construction is funded by state appropriations of $10,000 or less or (ii) the Virginia nonprofit corporation or organization is obligated to conform to procurement procedures that are established by federal statutes or regulations, whether those federal procedures are in conformance with the provisions of this chapter.

15. Purchases, exchanges, gifts or sales by the Citizens' Advisory Council on Furnishing and Interpreting the Executive Mansion.

16. The Eastern Virginia Medical School in the selection of services related to the management and investment of its endowment and other institutional funds. The selection of these services shall, however, be governed by the Uniform Prudent Management of Institutional Funds Act (§ 64.2-1100 et seq.).

17. The Department of Corrections in the selection of pre-release and post-incarceration services and the Department of Juvenile Justice in the selection of pre-release and post-commitment services.

18. The University of Virginia Medical Center to the extent provided by subdivision A 3 of § 23.1-2213.

19. The purchase of goods and services by a local governing body or any authority, board, department, instrumentality, institution, agency or other unit of state government when such purchases are made under a remedial plan established by the Governor pursuant to subsection C of § 2.2-4310 or by a chief administrative officer of a county, city or town pursuant to § 15.2-965.1.

20. The contract by community services boards or behavioral health authorities with an administrator or management body pursuant to a joint agreement authorized by § 37.2-512 or 37.2-615.

21. [Expired].

22. The purchase of Virginia-grown food products for use by a public body where the annual cost of the product is not expected to exceed $100,000, provided that the procurement is accomplished by (i) obtaining written informal solicitation of a minimum of three bidders or offerors if practicable and (ii) including a written statement regarding the basis for awarding the contract.

23. The Virginia Industries for the Blind when procuring components, materials, supplies, or services for use in commodities and services furnished to the federal government in connection with its operation as an AbilityOne Program-qualified nonprofit agency for the blind under the Javits-Wagner-O'Day Act, 41 U.S.C. §§ 8501-8506, provided that the procurement is accomplished using procedures that ensure that funds are used as efficiently as practicable. Such procedures shall require documentation of the basis for awarding contracts. Notwithstanding the provisions of § 2.2-1117, no public body shall be required to purchase such components, materials, supplies, services, or commodities.

24. The purchase of personal protective equipment for private, nongovernmental entities by the Governor pursuant to subdivision (11) of § 44-146.17 during a disaster caused by a communicable disease of public health threat for which a state of emergency has been declared. However, such purchase shall provide for competition where practicable and include a written statement regarding the basis for awarding any contract.

B. Where a procurement transaction involves the expenditure of federal assistance or contract funds, the receipt of which is conditioned upon compliance with mandatory requirements in federal laws or regulations not in conformance with the provisions of this chapter, a public body may comply with such federal requirements, notwithstanding the provisions of this chapter, only upon the written determination of the Governor, in the case of state agencies, or the governing body, in the case of political subdivisions, that acceptance of the grant or contract funds under the applicable conditions is in the public interest. Such determination shall state the specific provision of this chapter in conflict with the conditions of the grant or contract.

§ 2.2-4343. (Effective pursuant to Acts 2023, cc. 756 and 778, cl. 5) Exemption from operation of chapter for certain transactions.

A. The provisions of this chapter shall not apply to:

1. The Virginia Port Authority in the exercise of any of its powers in accordance with Chapter 10 (§ 62.1-128 et seq.) of Title 62.1, provided that the Authority implements, by policy or regulation adopted by the Board of Commissioners,

procedures to ensure fairness and competitiveness in the procurement of goods and services and in the administration of its capital outlay program. This exemption shall be applicable only so long as such policies and procedures meeting the requirements remain in effect.

2. The Virginia Retirement System for selection of services related to the management, purchase or sale of authorized investments, actuarial services, and disability determination services. Selection of these services shall be governed by the standard set forth in § 51.1-124.30.

3. The State Treasurer in the selection of investment management services related to the external management of funds shall be governed by the standard set forth in § 2.2-4514, and shall be subject to competitive guidelines and policies that are set by the Commonwealth Treasury Board and approved by the Department of General Services.

4. The Department of Social Services or local departments of social services for the acquisition of motor vehicles for sale or transfer to Temporary Assistance to Needy Families (TANF) recipients.

5. The College of William and Mary in Virginia, Virginia Commonwealth University, the University of Virginia, and Virginia Polytechnic Institute and State University in the selection of services related to the management and investment of their endowment funds, endowment income, gifts, all other nongeneral fund reserves and balances, or local funds of or held by the respective public institution of higher education pursuant to § 23.1-2210, 23.1-2306, 23.1-2604, or 23.1-2803. However, selection of these services shall be governed by the Uniform Prudent Management of Institutional Funds Act (§ 64.2-1100 et seq.) as required by §§ 23.1-2210, 23.1-2306, 23.1-2604, and 23.1-2803.

6. The Board of the ~~Virginia College Savings~~ *Commonwealth Savers* Plan for the selection of services related to the operation and administration of the Plan, including, but not limited to, contracts or agreements for the management, purchase, or sale of authorized investments or actuarial, record keeping, or consulting services. However, such selection shall be governed by the standard set forth in § 23.1-706.

7. Public institutions of higher education for the purchase of items for resale at retail bookstores and similar retail outlets operated by such institutions. However, such purchase procedures shall provide for competition where practicable.

8. The purchase of goods and services by agencies of the legislative branch that may be specifically exempted therefrom by the Chairman of the Committee on Rules of either the House of Delegates or the Senate. Nor shall the contract review provisions of § 2.2-2012 apply to such procurements. The exemption shall be in writing and kept on file with the agency's disbursement records.

9. Any town with a population of less than 3,500, except as stipulated in the provisions of §§ 2.2-4305, 2.2-4311, 2.2-4315, 2.2-4330, 2.2-4333 through 2.2-4338, 2.2-4343.1, and 2.2-4367 through 2.2-4377 and Chapter 43.1 (§ 2.2-4378 et seq.).

10. Any county, city or town whose governing body has adopted, by ordinance or resolution, alternative policies and procedures which are (i) based on competitive principles and (ii) generally applicable to procurement of goods and services by such governing body and its agencies, except as stipulated in subdivision 12.

This exemption shall be applicable only so long as such policies and procedures, or other policies and procedures meeting the requirements of § 2.2-4300, remain in effect in such county, city or town. Such policies and standards may provide for incentive contracting that offers a contractor whose bid is accepted the opportunity to share in any cost savings realized by the locality when project costs are reduced by such contractor, without affecting project quality, during construction of the project. The fee, if any, charged by the project engineer or architect for determining such cost savings shall be paid as a separate cost and shall not be calculated as part of any cost savings.

11. Any school division whose school board has adopted, by policy or regulation, alternative policies and procedures that are (i) based on competitive principles and (ii) generally applicable to procurement of goods and services by the school board, except as stipulated in subdivision 12.

This exemption shall be applicable only so long as such policies and procedures, or other policies or procedures meeting the requirements of § 2.2-4300, remain in effect in such school division. This provision shall not exempt any school division from any centralized purchasing ordinance duly adopted by a local governing body.

12. Notwithstanding the exemptions set forth in subdivisions 9 through 11, the provisions of subsections B, C, and D of § 2.2-4303, §§ 2.2-4305, 2.2-4311, 2.2-4315, 2.2-4317, 2.2-4330, 2.2-4333 through 2.2-4338, 2.2-4342, 2.2-4343.1, and 2.2-4367 through 2.2-4377, Chapter 43.1 (§ 2.2-4378 et seq.), and § 58.1-1902 shall apply to all counties, cities, and school divisions and to all towns having a population greater than 3,500 in the Commonwealth.

The method for procurement of professional services through competitive negotiation set forth in §§ 2.2-4302.2, 2.2-4303.1, and 2.2-4303.2 shall also apply to all counties, cities, and school divisions, and to all towns having a population greater than 3,500, where the cost of the professional service is expected to exceed $80,000 in the aggregate or for the sum of all phases of a contract or project. A school board that makes purchases through its public school foundation or purchases educational technology through its educational technology foundation, either as may be established pursuant to § 22.1-212.2:2 shall be exempt from the provisions of this chapter, except, relative to such purchases, the school board shall comply with the provisions of §§ 2.2-4311 and 2.2-4367 through 2.2-4377.

13. A public body that is also a utility operator may purchase services through or participate in contracts awarded by one or more utility operators that are not public bodies for utility marking services as required by the Underground Utility Damage Prevention Act (§ 56-265.14 et seq.). A purchase of services under this subdivision may deviate from the procurement procedures set forth in this chapter upon a determination made in advance by the public body and set forth in

writing that competitive sealed bidding is either not practicable or not fiscally advantageous to the public, and the contract is awarded based on competitive principles.

14. Procurement of any construction or planning and design services for construction by a Virginia nonprofit corporation or organization not otherwise specifically exempted when (i) the planning, design or construction is funded by state appropriations of $10,000 or less or (ii) the Virginia nonprofit corporation or organization is obligated to conform to procurement procedures that are established by federal statutes or regulations, whether those federal procedures are in conformance with the provisions of this chapter.

15. Purchases, exchanges, gifts or sales by the Citizens' Advisory Council on Furnishing and Interpreting the Executive Mansion.

16. The Department of Corrections in the selection of pre-release and post-incarceration services and the Department of Juvenile Justice in the selection of pre-release and post-commitment services.

17. The University of Virginia Medical Center to the extent provided by subdivision A 3 of § 23.1-2213.

18. The purchase of goods and services by a local governing body or any authority, board, department, instrumentality, institution, agency or other unit of state government when such purchases are made under a remedial plan established by the Governor pursuant to subsection C of § 2.2-4310 or by a chief administrative officer of a county, city or town pursuant to § 15.2-965.1.

19. The contract by community services boards or behavioral health authorities with an administrator or management body pursuant to a joint agreement authorized by § 37.2-512 or 37.2-615.

20. The purchase of Virginia-grown food products for use by a public body where the annual cost of the product is not expected to exceed $100,000, provided that the procurement is accomplished by (i) obtaining written informal solicitation of a minimum of three bidders or offerors if practicable and (ii) including a written statement regarding the basis for awarding the contract.

21. The Virginia Industries for the Blind when procuring components, materials, supplies, or services for use in commodities and services furnished to the federal government in connection with its operation as an AbilityOne Program-qualified nonprofit agency for the blind under the Javits-Wagner-O'Day Act, 41 U.S.C. §§ 8501-8506, provided that the procurement is accomplished using procedures that ensure that funds are used as efficiently as practicable. Such procedures shall require documentation of the basis for awarding contracts. Notwithstanding the provisions of § 2.2-1117, no public body shall be required to purchase such components, materials, supplies, services, or commodities.

22. The purchase of personal protective equipment for private, nongovernmental entities by the Governor pursuant to subdivision (11) of § 44-146.17 during a disaster caused by a communicable disease of public health threat for which a state of emergency has been declared. However, such purchase shall provide for competition where practicable and include a written statement regarding the basis for awarding any contract.

B. Where a procurement transaction involves the expenditure of federal assistance or contract funds, the receipt of which is conditioned upon compliance with mandatory requirements in federal laws or regulations not in conformance with the provisions of this chapter, a public body may comply with such federal requirements, notwithstanding the provisions of this chapter, only upon the written determination of the Governor, in the case of state agencies, or the governing body, in the case of political subdivisions, that acceptance of the grant or contract funds under the applicable conditions is in the public interest. Such determination shall state the specific provision of this chapter in conflict with the conditions of the grant or contract.

§ 8.01-424. Approval of compromises on behalf of persons under a disability in suits or actions to which they are parties.

A. In any action or suit wherein a person under a disability is a party, the court in which the matter is pending shall have the power to approve and confirm a compromise of the matters in controversy on behalf of such party, including claims under the provisions of any liability insurance policy, if such compromise is deemed to be to the interest of the party. Any order or decree approving and confirming the compromise shall be binding upon such party, except that the same may be set aside for fraud.

B. In case of damage to the person or property of a person under a disability, caused by the wrongful act, neglect, or default of any person, when death did not ensue therefrom, any person or insurer interested in compromise of any claim for such damages, including any claim under the provisions of any liability insurance policy, may, upon motion to the court in which the action is pending for the recovery of damages on account of such injury, or if no such action is pending, then to any circuit court, move the court to approve the compromise. The court shall require the movant to give reasonable notice of such motion to all parties and to any person found by the court to be interested in the compromise.

C. A compromise action involving a claim for wrongful death shall be in accordance with the applicable provisions of § 8.01-55. Nothing in this section shall be construed to affect the provisions of § 8.01-76.

D. In any compromise action, the court shall direct the payment of the proceeds of the compromise agreement, when approved, as follows:

1. Payment of the sum into court as provided by § 8.01-600 or to the general receiver of such court;

2. In the case of damage to the person or property of a minor, by investment in a college savings trust account for which the minor is the beneficiary pursuant to a college savings trust agreement with the ~~Virginia College Savings~~ *Commonwealth Savers* Plan as set forth in subsection B of § 23.1-707, provided that (i) the investment options pursuant to such agreement are restricted to target enrollment portfolios; (ii) the order or decree approving and confirming the

compromise requires the minor beneficiary's parent, as that term is defined in § 22.1-1, to act as the custodian of the account; and (iii) except in the case of a distribution from the account to be applied toward the minor beneficiary's qualified higher education expenses, as that term is defined in § 529 of the Internal Revenue Code of 1986, as amended, or other applicable federal law, the order or decree approving and confirming the compromise prohibits the minor beneficiary's parent from making any transfer, withdrawal, termination, or other account transaction unless the court provides prior approval pursuant to a written order;

3. To a duly qualified fiduciary of the person under a disability, after due inquiry as to the adequacy of the bond of such fiduciary;

4. As provided in § 8.01-606; or

5. Where the agreement of settlement provides for payments to be made over a period of time in the future, whether such payments are lump sum, periodic, or a combination of both, the court shall approve the settlement only if it finds that all payments which are due to be made are (i) secured by a bond issued by an insurance company authorized to write such bonds in this Commonwealth or (ii) to be made or irrevocably guaranteed by an insurance company or companies authorized to do business in this Commonwealth and rated "A plus" (A+) or better by Best's Insurance Reports. Payments made under this subdivision totaling not more than $4,000 in any calendar year may be paid in accordance with § 8.01-606. Payments made under this subdivision totaling more than $4,000 in any calendar year while the recipient is under a disability shall be paid to a duly qualified fiduciary after due inquiry as to adequacy of the bond of such fiduciary.

E. Payments made under this section, in the case of damage to the person or property of a minor, may be made payable in the discretion of the court to the parent or guardian of the minor to be held in trust for the benefit of the minor. Any such trust shall be subject to court approval and the court may provide for the termination of such trust at any time following attainment of majority which the court deems to be in the best interest of the minor. In an order authorizing the trust or additions to an existing trust, the court may order that the trustee thereof be subject to the same duty to qualify in the clerk's office and to file an inventory and annual accountings with the commissioner of accounts as would apply to a testamentary trustee.

§ 23.1-306. Public institutions of higher education; six-year plans; institutional partnership performance agreements.

A. The governing board of each public institution of higher education shall (i) develop and adopt biennially in odd-numbered years and amend or affirm biennially in even-numbered years a six-year plan for the institution; (ii) submit a preliminary version of such plan to the Council, the General Assembly, the Governor, and the Chairmen of the House Committee on Appropriations, the House Committee on Education, the Senate Committee on Education and Health, and the Senate Committee on Finance and Appropriations no later than July 1 of each odd-numbered year; and (iii) submit preliminary amendments to or a preliminary affirmation of each such plan to the Council, the General Assembly, the Governor, and the Chairmen of the House Committee on Appropriations, the House Committee on Education, the Senate Committee on Education and Health, and the Senate Committee on Finance and Appropriations no later than July 1 of each even-numbered year. Each such preliminary plan and preliminary amendment to or preliminary affirmation of such plan shall include a report of the institution's active contributions to efforts to stimulate the economic development of the Commonwealth, the area in which the institution is located, and, for those institutions subject to a management agreement set forth in Article 4 (§ 23.1-1004 et seq.) of Chapter 10, the areas that lag behind the Commonwealth in terms of income, employment, and other factors. Each such preliminary plan and preliminary amendment to or preliminary affirmation of such plan shall be submitted as a report document as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports. No such preliminary plan, amendments, or affirmation shall be posted on the General Assembly's website.

B. The Secretary of Finance, the Secretary of Education, the Director of the Department of Planning and Budget, the Director of the Council, the Staff Director of the House Committee on Appropriations, and the Staff Director of the Senate Committee on Finance and Appropriations, or their designees, shall review each institution's preliminary plan, amendments, or affirmation and provide comments to the institution on such plan, amendments, or affirmation by September 1 of the relevant year. Each institution shall respond to any such comments by October 1 of that year and submit a finalized version of such plan, amendments, or affirmation to the Council, the General Assembly, the Governor, and the Chairmen of the House Committee on Appropriations, the House Committee on Education, the Senate Committee on Education and Health, and the Senate Committee on Finance and Appropriations no later than December 1 of that year. Each such finalized version shall be submitted as a report document as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.

C. Each plan shall be structured in accordance with, and be consistent with, the objective and purposes of this chapter set forth in § 23.1-301 and the criteria developed pursuant to § 23.1-309 and shall be in a form and manner prescribed by the Council, in consultation with the Secretary of Finance, the Secretary of Education, the Director of the Department of Planning and Budget, the Director of the Council, the Staff Director of the House Committee on Appropriations, and the Staff Director of the Senate Committee on Finance and Appropriations, or their designees.

D. Each six-year plan shall (i) address the institution's academic, financial, and enrollment plans, including the number of Virginia and non-Virginia students, for the six-year period; (ii) indicate the planned use of any projected increase in general fund, tuition, or other nongeneral fund revenues; (iii) be based upon any assumptions provided by the Council, following consultation with the Department of Planning and Budget and the staffs of the House Committee on

Appropriations and the Senate Committee on Finance and Appropriations, for funding relating to state general fund support pursuant to §§ 23.1-303, 23.1-304, and 23.1-305 and subdivision 9; (iv) be aligned with the institution's six-year enrollment projections; and (v) include:

1. Financial planning reflecting the institution's anticipated level of general fund, tuition, and other nongeneral fund support for each year of the next biennium;

2. The institution's anticipated annual tuition and educational and general fee charges required by (i) degree level and (ii) domiciliary status, as provided in § 23.1-307;

3. Plans for providing financial aid to help mitigate the impact of tuition and fee increases on low-income and middle-income students and their families as described in subdivision 9, including the projected mix of grants and loans;

4. Degree conferral targets for undergraduate Virginia students;

5. Plans for optimal year-round use of the institution's facilities and instructional resources;

6. Plans for the development of an instructional resource-sharing program with other public institutions of higher education and private institutions of higher education;

7. Plans with regard to any other incentives set forth in § 23.1-305 or any other matters the institution deems appropriate;

8. The identification of (i) new programs or initiatives including quality improvements and (ii) institution-specific funding based on particular state policies or institution-specific programs, or both, as provided in subsection C of § 23.1-307; and

9. An institutional student financial aid commitment that, in conjunction with general funds appropriated for that purpose, provides assistance to students from both low-income and middle-income families and takes into account the information and recommendations resulting from the review of federal and state financial aid programs and institutional practices conducted pursuant to subdivisions B 2 and C 1 of § 23.1-309.

E. In developing such plans, each public institution of higher education shall consider potential future impacts of tuition increases on the ~~Virginia College Savings~~ *Commonwealth Savers* Plan and ABLE Savings Trust Accounts (§ 23.1-700 et seq.) and shall discuss such potential impacts with the ~~Virginia College Savings~~ *Commonwealth Savers* Plan. The chief executive officer of the ~~Virginia College Savings~~ *Commonwealth Savers* Plan shall provide to each institution the Plan's assumptions underlying the contract pricing of the program.

F. 1. In conjunction with the plans included in the six-year plan as set forth in subsection D, each public institution of higher education, Richard Bland College, and the Virginia Community College System may submit one innovative proposal with clearly defined performance measures, including any request for necessary authority or support from the Commonwealth, for a performance pilot. If the General Assembly approves the proposed performance pilot, it shall include approval language in the general appropriation act. A performance pilot shall advance the objectives of this chapter by addressing innovative requests related to college access, affordability, cost predictability, enrollment management subject to specified commitments regarding undergraduate in-state student enrollment, alternative tuition and fee structures and affordable pathways to degree attainment, internships and work study, employment pathways for undergraduate Virginia students, strategic talent development, state or regional economic development, pathways to increase timely degree completion, or other priorities set out in the general appropriation act.

2. A performance pilot may include or constitute an institutional partnership performance agreement, which shall be set forth in a memorandum of understanding that includes mutually dependent commitments by the institution, the Commonwealth, and identified partners, if any, related to one or more of the priorities set forth in subdivision 1 or set forth in a general appropriation act. No such institutional partnership performance agreement shall create a legally enforceable obligation of the Commonwealth.

3. No more than six performance pilots shall be approved in a single session of the General Assembly.

4. Development and approval of any performance pilot proposal shall proceed in tandem with consideration of the institution's six-year plan, as follows:

a. An institution that intends to propose a performance pilot shall communicate that intention as early as practicable, but not later than April 1 of the year in which the performance pilot will be proposed, to the reviewers listed in subsection B, the co-chairmen of the Joint Subcommittee on the Future Competitiveness of Virginia Higher Education, and the Governor. In developing a proposed performance pilot, the institution shall consider the Commonwealth's educational and economic policies and priorities, including those reflected in the Virginia Plan for Higher Education issued by the Council, the economic development policy developed pursuant to § 2.2-205, the strategic plan developed pursuant to § 2.2-2237.1, relevant regional economic growth and diversification plans prepared by regional councils pursuant to the Virginia Growth and Opportunity Act (§ 2.2-2484 et seq.), and any additional guidance provided by the Joint Subcommittee on the Future Competitiveness of Virginia Higher Education and the Governor.

b. An institution that submits a performance pilot shall include the one innovative proposal with clearly defined performance measures, and any corresponding authority and support requested from the Commonwealth, with its submission of the preliminary version of its six-year plan pursuant to clause (ii) of subsection A or with its preliminary amendment or affirmation submission pursuant to clause (iii) of subsection A.

c. The reviewers listed in subsection B, or their designees, shall review and comment on any proposed performance pilot in accordance with the six-year plan review and comment process established in subsection B and may expedite such review and comment process to facilitate the executive and legislative budget process or for other reasons. No later than

October 15 of the relevant year, the reviewers shall communicate to the Governor and the Chairmen of the House Committee on Appropriations and the Senate Committee on Finance and Appropriations their recommendations regarding each performance pilot proposal. Such recommendations shall include the reviewers' comments regarding how the proposed performance pilots, individually and collectively, support the strategic educational and economic policies of the Commonwealth.

d. Each performance pilot proposal shall include evidence of its approval by the institution's governing board and, if accepted, shall be referenced in the general appropriation act.

CHAPTER 7.

~~VIRGINIA COLLEGE SAVINGS~~ *COMMONWEALTH SAVERS* PLAN AND ABLE SAVINGS TRUST ACCOUNTS.

§ 23.1-700. Definitions.

As used in this chapter, unless the context requires a different meaning:

"ABLE savings trust account" means an account established pursuant to this chapter to assist individuals and families to save private funds to support individuals with disabilities to maintain health, independence, and quality of life, with such account used to apply distributions for qualified disability expenses for an eligible individual, as both such terms are defined in § 529A of the Internal Revenue Code of 1986, as amended, or other applicable federal law.

"Board" means the governing board of the Plan.

"College savings trust account" means an account established pursuant to this chapter to assist individuals and families to enhance the accessibility and affordability of higher education, with such account used to apply distributions from the account toward qualified higher education expenses, as that term is defined in § 529 of the Internal Revenue Code of 1986, as amended, or other applicable federal law.

"Contributor" means a person who contributes money to a savings trust account established pursuant to this chapter on behalf of a qualified beneficiary and who is listed as the owner of the savings trust account.

"Non-Virginia public and accredited nonprofit independent or private institutions of higher education" means public and accredited nonprofit independent or private institutions of higher education that are located outside the Commonwealth.

"Plan" means the ~~Virginia College Savings~~ *Commonwealth Savers* Plan.

"Prepaid tuition contract" means the contract or account entered into by the board and a purchaser pursuant to this chapter for the advance payment of tuition at a fixed, guaranteed level for a qualified beneficiary to attend any public institution of higher education to which the qualified beneficiary is admitted.

"Public institution of higher education" has the same meaning as provided in § 23.1-100.

"Purchaser" means a person who makes or is obligated to make advance payments in accordance with a prepaid tuition contract and who is listed as the owner of the prepaid tuition contract.

"Qualified beneficiary" or "beneficiary" means (i) a resident of the Commonwealth, as determined by the board, who is the beneficiary of a prepaid tuition contract and who may apply advance tuition payments to tuition as set forth in this chapter; (ii) a beneficiary of a prepaid tuition contract purchased by a resident of the Commonwealth, as determined by the board, who may apply advance tuition payments to tuition as set forth in this chapter; or (iii) a beneficiary of a savings trust account established pursuant to this chapter.

"Savings trust account" means an ABLE savings trust account or a college savings trust account.

"Savings trust agreement" means the agreement entered into by the board and a contributor that establishes a savings trust account.

"Tuition" means the quarter, semester, or term charges imposed for undergraduate tuition by any public institution of higher education and all mandatory fees required as a condition of enrollment of all students. At the discretion of the board, a beneficiary may apply benefits under a prepaid tuition contract and distributions from a college savings trust account (i) toward graduate-level tuition and (ii) toward qualified higher education expenses, as that term is defined in 26 U.S.C. § 529 or any other applicable section of the Internal Revenue Code of 1986, as amended.

§ 23.1-701. Plan established; moneys; governing board.

A. To enhance the accessibility and affordability of higher education for all citizens of the Commonwealth, and assist families and individuals to save for qualified disability expenses, the ~~Virginia College Savings~~ *Commonwealth Savers* Plan is established as a body politic and corporate and an independent agency of the Commonwealth.

B. Moneys of the Plan that are contributions to savings trust accounts made pursuant to this chapter, except as otherwise authorized or provided in this chapter, shall be deposited as soon as practicable in a separate account or separate accounts in banks or trust companies organized under the laws of the Commonwealth, national banking associations, federal home loan banks, or, to the extent permitted by law, savings institutions organized under the laws of the Commonwealth or the United States. The savings program moneys in such accounts shall be paid out on checks, drafts payable on demand, electronic wire transfers, or other means authorized by officers or employees of the Plan.

C. All other moneys of the Plan, including payments received pursuant to prepaid tuition contracts, bequests, endowments, grants from the United States government or its agencies or instrumentalities, and any other available public or private sources of funds shall be first deposited in the state treasury in a special nonreverting fund (the Fund). Such moneys shall then be deposited as soon as practicable in a separate account or separate accounts in banks or trust companies organized under the laws of the Commonwealth, national banking associations, federal home loan banks, or, to the extent permitted by law, savings institutions organized under the laws of the Commonwealth or the United States. Benefits relating to prepaid tuition contracts and Plan operating expenses shall be paid from the Fund. Any moneys remaining in the Fund at

the end of a biennium shall not revert to the general fund but shall remain in the Fund. Interest and income earned from the investment of such funds shall remain in the Fund and be credited to it.

D. The Plan may maintain an independent disbursement system for the disbursement of prepaid tuition contract benefits and, in connection with such system, open and maintain a separate account or separate accounts in banks or trust companies organized under the laws of the Commonwealth, national banking associations, federal home loan banks, or, to the extent permitted by law, savings institutions organized under the laws of the Commonwealth or the United States. Such independent disbursement system and any related procedures shall be subject to review and approval by the State Comptroller. Nothing in this subsection shall be construed to relieve the Plan of its duty to provide prepaid tuition contract benefit transactions to the Commonwealth's system of general accounting maintained by the State Comptroller pursuant to § 2.2-802.

E. The Plan shall be administered by an 11-member board that consists of (i) the director of the Council or his designee, the Chancellor of the Virginia Community College System or his designee, the State Treasurer or his designee, and the State Comptroller or his designee, all of whom shall serve ex officio with voting privileges, and (ii) seven nonlegislative citizen members, four of whom shall be appointed by the Governor, one of whom shall be appointed by the Senate Committee on Rules, two of whom shall be appointed by the Speaker of the House of Delegates, and all of whom shall have significant experience in finance, accounting, law, investment management, higher education, or disability advocacy. In addition, at least one of the nonlegislative citizen members shall have expertise in the management and administration of private defined contribution retirement plans.

F. Members appointed to the board shall serve terms of four years. Vacancies occurring other than by expiration of a term shall be filled for the unexpired term. No member appointed to the board shall serve more than two consecutive four-year terms; however, a member appointed to serve an unexpired term is eligible to serve two consecutive four-year terms immediately succeeding such unexpired term.

G. ex officio members of the board shall serve terms coincident with their terms of office.

H. Members of the board shall receive no compensation but shall be reimbursed for actual expenses incurred in the performance of their duties.

I. The board shall elect from its membership a chairman and a vice-chairman annually.

J. A majority of the members of the board shall constitute a quorum.

§ 23.1-1004. Management agreement; eligibility and application.

A. The governing board and administration of each public institution of higher education that meets the state goals set forth in subsection A of § 23.1-1002 and meets the requirements of this article to demonstrate the ability to manage successfully the administrative and financial operations of the institution without jeopardizing the financial integrity and stability of the institution may negotiate with the Governor to develop a management agreement with the Commonwealth to exercise restructured financial and administrative authority.

B. No public institution of higher education shall enter into a management agreement unless:

1. a. Its most current and unenhanced bond rating received from Moody's Investors Service, Inc., Standard & Poor's, Inc., or Fitch Investor's Services, Inc., is at least AA- (i.e., AA minus) or its equivalent, provided that such bond rating has been received within the last three years of the date that the initial management agreement is entered into; or

b. The institution has participated in decentralization pilot programs in the areas of finance and capital outlay, demonstrated management competency in those two areas as evidenced by a written certification from the Cabinet Secretary designated by the Governor, received restructured operational authority under a memorandum of understanding pursuant to Article 3 (§ 23.1-1003 et seq.) in at least one functional area, and demonstrated management competency in that area for a period of at least two years;

2. At least an absolute two-thirds of the institution's governing board has voted in the affirmative for a resolution in support of a request for restructured operational authority under a management agreement;

3. The institution submits to the Governor a written request for his approval of the management agreement that contains evidence that (i) the institution possesses the necessary administrative infrastructure, experience, and expertise to perform successfully its public educational mission as a covered institution; (ii) the institution is financially able to operate as a covered institution without jeopardizing the financial integrity and stability of the institution; (iii) the institution consistently meets the financial and administrative management standards pursuant to § 23.1-1001; and (iv) the institution's governing board has adopted performance and accountability standards, in addition to any institutional performance benchmarks included in the general appropriation act and developed pursuant to § 23.1-206, against which its implementation of the restructured operational authority under the management agreement can be measured;

4. The institution provides a copy of the written request to the Chairmen of the House Committee on Appropriations, the House Committee on Education, the Senate Committee on Finance and Appropriations, and the Senate Committee on Education and Health;

5. The institution agrees to reimburse the Commonwealth for any additional costs that the Commonwealth incurs to provide health or other group insurance benefits to employees and undertake any risk management program that are attributable to the institution's exercise of restructured operational authority. The Secretary of Finance and the Secretary of Administration, in consultation with the Virginia Retirement System and the affected institutions, shall establish procedures for determining any amounts to be paid by each institution and a mechanism for transferring the appropriate amounts directly and solely to the affected programs;

6. The institution considers potential future impacts of tuition increases on the ~~Virginia College Savings~~ *Commonwealth Savers* Plan and discusses such potential impacts with parties participating in the development of the management agreement. The chief executive officer of the ~~Virginia College Savings~~ *Commonwealth Savers* Plan shall provide to the institution and such parties the Plan's assumptions underlying the contract pricing of the program; and

7. The Governor transmits a draft of any management agreement that affects insurance or benefit programs administered by the Virginia Retirement System to the Board of Trustees of the Virginia Retirement System, which shall review the relevant provisions of the management agreement to ensure compliance with the applicable provisions of Title 51.1, administrative policies and procedures, and federal regulations governing retirement plans and advise the Governor and appropriate Cabinet Secretaries of any conflicts.

CHAPTER 51.

~~VIRGINIA COLLEGE SAVINGS~~ *COMMONWEALTH SAVERS* PLAN OVERSIGHT ACT.

§ 30-330. Title of chapter and purpose.

The General Assembly hereby designates the Joint Legislative Audit and Review Commission (the Commission) to oversee and evaluate the ~~Virginia College Savings~~ *Commonwealth Savers* Plan on a continuing basis and to make such special studies and reports as may be requested by the General Assembly, the House Committee on Appropriations, or the Senate Committee on Finance and Appropriations.

§ 30-331. Duties and powers.

A. The areas of review and evaluation to be conducted by the Commission shall include, but are not limited to, the following: (i) structure and governance of the ~~Virginia College Savings~~ *Commonwealth Savers* Plan; (ii) structure of the investment portfolio; (iii) investment practices, policies, and performance; (iv) actuarial policy; and (v) administration and management of the ~~Virginia College Savings~~ *Commonwealth Savers* Plan.

B. For purposes of carrying out its duties under this chapter, the Commission shall have the following powers, including but not limited to:

1. Access to the information, records, and facilities of the ~~Virginia College Savings~~ *Commonwealth Savers* Plan and any corporations or subsidiaries thereof or other entities owned, directly or indirectly, or otherwise created by or on behalf of the Plan.

2. Access to the public and executive session meetings and records of the Board of the ~~Virginia College Savings~~ *Commonwealth Savers* Plan, as well as those of any advisory committees. Access shall include the right to attend such meetings.

3. Access to the ~~Virginia College Savings~~ *Commonwealth Savers* Plan's employees, consultants, actuaries, investment managers, advisors, attorneys, accountants, or other contractors in the employ or hire of the ~~Virginia College Savings~~ *Commonwealth Savers* Plan. Such persons shall cooperate with the Commission and upon its request shall provide specific information or opinions in the form requested.

C. The chairman of the Commission may appoint a permanent subcommittee to provide guidance and direction for oversight activities, subject to the full Commission's supervision and such guidelines as the Commission itself may provide.

D. Confidential or proprietary records of the ~~Virginia College Savings~~ *Commonwealth Savers* Plan or its subsidiary corporations provided to the Commission shall be exempt from the Virginia Freedom of Information Act (§ 2.2-3700 et seq.).

§ 30-332. Required reports.

A. The ~~Virginia College Savings~~ *Commonwealth Savers* Plan shall submit to the General Assembly, through the Commission, annual reports on the investment programs of the ~~Virginia College Savings~~ *Commonwealth Savers* Plan. The report shall be presented in a format approved by the Commission and shall include information concerning (i) planned or actual material changes in asset allocation, (ii) investment performance of all asset classes and subclasses, and (iii) investment policies and programs.

B. The ~~Virginia College Savings~~ *Commonwealth Savers* Plan shall submit an annual report on the actuarial soundness of the Plan's prepaid programs, which shall include (i) contract pricing policies and objectives, (ii) current and projected assets and actuarially estimated value of tuition obligations, and (iii) actuarial assumptions.

C. The ~~Virginia College Savings~~ *Commonwealth Savers* Plan shall furnish such reports or information as may be requested by the Commission or standing committees of the General Assembly having jurisdiction over the subject matter that is the basis of such committees' inquiry.

D. The Commission shall publish the following reports concerning the ~~Virginia College Savings~~ *Commonwealth Savers* Plan: (i) a biennial status report that shall include, at a minimum and where appropriate, findings and recommendations and (ii) with the assistance of an actuary, a review of the ~~Virginia College Savings~~ *Commonwealth Savers* Plan's annual actuarial valuation reports once every four years.

§ 30-333. Use of consultants.

The Commission may employ on a consulting basis such investment, actuarial, and other professional or technical experts as may be reasonably necessary for the Commission to fulfill its responsibilities under this chapter. Such consultants shall provide, upon request, assistance to the House Committee on Appropriations and Senate Committee on Finance and Appropriations on matters related to the ~~Virginia College Savings~~ *Commonwealth Savers* Plan.

§ 30-335. Funding for the Commission's oversight activities.

The Commission's reasonable and necessary expenses related to its duties under this chapter shall be paid by the ~~Virginia College Savings~~ *Commonwealth Savers* Plan. On or before September 30 of each year, the Commission shall submit to the Board of the ~~Virginia College Savings~~ *Commonwealth Savers* Plan an itemized estimate for the next fiscal year of the amounts necessary to pay the Commission's expenses related to its duties under this chapter and shall include the estimate as part of the agency's budget submission to the House Committee on Appropriations and the Senate Committee on Finance and Appropriations.

§ 51.1-505.01. Additional accidental death and dismemberment benefits.

The group life, accidental death, and dismemberment insurance coverage purchased by the Board shall include, but not be limited to, the following benefits:

A. If, as a result of an accident, an insured employee dies at least 75 miles from his principal residence, an additional accidental death benefit shall be paid for the preparation and transportation of the employee to a mortuary. The additional benefit shall be the lesser of the actual cost for such preparation and transportation or $5,000;

B. If an insured employee dies or suffers a dismemberment as a result of an accident that occurs while the employee is driving or riding in a private passenger vehicle, an additional accidental death or dismemberment benefit shall be paid, provided that (i) the private passenger vehicle is equipped with a safety restraint system; (ii) such safety restraint system was being used properly by the insured employee at the time of the accident, as certified in the official accident report or by the official investigating officer; and (iii) at the time of the accident, the driver of the private passenger vehicle held a current license to operate a private passenger vehicle and was not intoxicated, driving while impaired or under the influence of alcohol or drugs, as is defined or determined under applicable law.

The additional benefit shall be the lesser of 10 percent of the amount otherwise payable due to such accidental death or dismemberment or $50,000.

C. Death or dismemberment from a felonious assault.

1. If an insured employee dies or suffers a dismemberment as a result of an accident caused by a felonious assault committed by other than an immediate family member, there shall be paid an additional accidental death or dismemberment benefit equal to the lesser of 25 percent of the amount otherwise payable due to such accidental death or dismemberment or $50,000.

2. In addition, if (i) an insured employee dies as a result of an accident caused by a felonious assault committed by other than an immediate family member, and (ii) such insured employee has a qualifying child at the time of such accident, a college savings trust account under the ~~Virginia College Savings~~ *Commonwealth Savers* Plan (§ 23.1-700 et seq.) shall be opened for each qualifying child. The Retirement System shall be the contributor of any such account and shall contribute into the account of each such qualifying child an amount approximately equal to the current average cost, as published by the State Council of Higher Education for Virginia, of four years of tuition and mandatory fees at baccalaureate public institutions of higher education in the Commonwealth. The qualified beneficiary, as defined in § 23.1-700, shall be the qualifying child on whose behalf such account was opened. Specific benefits of the college savings trust account shall be as defined by the ~~Virginia College Savings~~ *Commonwealth Savers* Plan.

Disbursements from a college savings trust account opened under this section shall be governed by procedures adopted by the Board of Trustees of the Virginia Retirement System in accordance with § 529 of the Internal Revenue Code of 1986, as amended, or other applicable federal law, and any other additional procedures as determined by the Board of the ~~Virginia College Savings~~ *Commonwealth Savers* Plan. College savings trust account funds shall be payable only for qualified higher education expenses to a post-secondary eligible educational institution. Any funds in a college savings trust account that are not used by a qualifying child before the expiration of the time period for the use of such funds, as determined by the ~~Virginia College Savings~~ *Commonwealth Savers* Plan, shall be paid to the Retirement System promptly after the expiration of such period.

§ 58.1-322.02. Virginia taxable income; subtractions.

In computing Virginia taxable income pursuant to § 58.1-322, to the extent included in federal adjusted gross income, there shall be subtracted:

1. Income derived from obligations, or on the sale or exchange of obligations, of the United States and on obligations or securities of any authority, commission, or instrumentality of the United States to the extent exempt from state income taxes under the laws of the United States, including, but not limited to, stocks, bonds, treasury bills, and treasury notes but not including interest on refunds of federal taxes, interest on equipment purchase contracts, or interest on other normal business transactions.

2. Income derived from obligations, or on the sale or exchange of obligations, of the Commonwealth or of any political subdivision or instrumentality of the Commonwealth.

3. Benefits received under Title II of the Social Security Act and other benefits subject to federal income taxation solely pursuant to § 86 of the Internal Revenue Code.

4. Up to $20,000 of disability income, as defined in § 22(c)(2)(B)(iii) of the Internal Revenue Code; however, any person who claims a deduction under subdivision 5 of § 58.1-322.03 may not also claim a subtraction under this subdivision.

5. The amount of any refund or credit for overpayment of income taxes imposed by the Commonwealth or any other taxing jurisdiction.

6. The amount of wages or salaries eligible for the federal Work Opportunity Credit which was not deducted for federal purposes on account of the provisions of § 280C(a) of the Internal Revenue Code.

7. Any amount included therein less than $600 from a prize awarded by the Virginia Lottery.

8. The wages or salaries received by any person for active and inactive service in the National Guard of the Commonwealth of Virginia, (i) for taxable years beginning before January 1, 2023, not to exceed the amount of income derived from 39 calendar days of such service or $3,000, whichever amount is less; however, only those persons in the ranks of O3 and below shall be entitled to the subtractions specified in this clause, and (ii) for taxable years beginning on or after January 1, 2023, not to exceed the amount of income derived from 39 calendar days of such service or $5,500, whichever amount is less; however, only those persons in the ranks of O6 and below shall be entitled to the subtractions specified in this clause.

9. Amounts received by an individual, not to exceed $1,000 for taxable years beginning on or before December 31, 2019, and $5,000 for taxable years beginning on or after January 1, 2020, as a reward for information provided to a law-enforcement official or agency, or to a nonprofit corporation created exclusively to assist such law-enforcement official or agency, in the apprehension and conviction of perpetrators of crimes. This subdivision shall not apply to the following: an individual who is an employee of, or under contract with, a law-enforcement agency, a victim or the perpetrator of the crime for which the reward was paid, or any person who is compensated for the investigation of crimes or accidents.

10. The amount of "qualified research expenses" or "basic research expenses" eligible for deduction for federal purposes, but which were not deducted, on account of the provisions of § 280C(c) of the Internal Revenue Code and which shall be available to partners, shareholders of S corporations, and members of limited liability companies to the extent and in the same manner as other deductions may pass through to such partners, shareholders, and members.

11. Any income received during the taxable year derived from a qualified pension, profit-sharing, or stock bonus plan as described by § 401 of the Internal Revenue Code, an individual retirement account or annuity established under § 408 of the Internal Revenue Code, a deferred compensation plan as defined by § 457 of the Internal Revenue Code, or any federal government retirement program, the contributions to which were deductible from the taxpayer's federal adjusted gross income, but only to the extent the contributions to such plan or program were subject to taxation under the income tax in another state.

12. Any income attributable to a distribution of benefits or a refund from a prepaid tuition contract or savings trust account with the ~~Virginia College Savings~~ *Commonwealth Savers* Plan, created pursuant to Chapter 7 (§ 23.1-700 et seq.) of Title 23.1. The subtraction for any income attributable to a refund shall be limited to income attributable to a refund in the event of a beneficiary's death, disability, or receipt of a scholarship.

13. All military pay and allowances, to the extent included in federal adjusted gross income and not otherwise subtracted, deducted, or exempted under this section, earned by military personnel while serving by order of the President of the United States with the consent of Congress in a combat zone or qualified hazardous duty area that is treated as a combat zone for federal tax purposes pursuant to § 112 of the Internal Revenue Code.

14. For taxable years beginning before January 1, 2015, the gain derived from the sale or exchange of real property or the sale or exchange of an easement to real property which results in the real property or the easement thereto being devoted to open-space use, as that term is defined in § 58.1-3230, for a period of time not less than 30 years. To the extent that a subtraction is taken in accordance with this subdivision, no tax credit under this chapter for donating land for its preservation shall be allowed for three years following the year in which the subtraction is taken.

15. Fifteen thousand dollars of military basic pay for military service personnel on extended active duty for periods in excess of 90 days; however, the subtraction amount shall be reduced dollar-for-dollar by the amount by which the taxpayer's military basic pay exceeds $15,000 and shall be reduced to zero if such military basic pay amount is equal to or exceeds $30,000.

16. The first $15,000 of salary for each federal and state employee whose total annual salary from all employment for the taxable year is $15,000 or less.

17. Unemployment benefits taxable pursuant to § 85 of the Internal Revenue Code.

18. a. Any amount received as military retirement income by an individual awarded the Congressional Medal of Honor.

b. For taxable years beginning on and after January 1, 2022, but before January 1, 2023, up to $10,000 of military benefits; and for taxable years beginning on and after January 1, 2023, but before January 1, 2024, up to $20,000 of military benefits.

c. For taxable years beginning on and after January 1, 2024, but before January 1, 2025, up to $30,000 of military benefits; and for taxable years beginning on and after January 1, 2025, up to $40,000 of military benefits.

d. For purposes of subdivisions b and c, "military benefits" means any (i) military retirement income received for service in the Armed Forces of the United States, (ii) qualified military benefits received pursuant to § 134 of the Internal Revenue Code, (iii) benefits paid to the surviving spouse of a veteran of the Armed Forces of the United States under the Survivor Benefit Plan program established by the U.S. Department of Defense, and (iv) military benefits paid to the surviving spouse of a veteran of the Armed Forces of the United States. The subtraction allowed by subdivision b shall be allowed only for military benefits received by an individual age 55 or older. The subtraction allowed by subdivision c shall be allowed for military benefits received by an individual of any age. No subtraction shall be allowed pursuant to

subdivisions b and c if a credit, exemption, subtraction, or deduction is claimed for the same income pursuant to subdivision a or any other provision of Virginia or federal law.

19. Items of income attributable to, derived from, or in any way related to (i) assets stolen from, hidden from, or otherwise lost by an individual who was a victim or target of Nazi persecution or (ii) damages, reparations, or other consideration received by a victim or target of Nazi persecution to compensate such individual for performing labor against his will under the threat of death, during World War II and its prelude and direct aftermath. This subtraction shall not apply to assets acquired with such items of income or with the proceeds from the sale of assets stolen from, hidden from, or otherwise lost to, during World War II and its prelude and direct aftermath, a victim or target of Nazi persecution. The provisions of this subdivision shall only apply to an individual who was the first recipient of such items of income and who was a victim or target of Nazi persecution, or a spouse, surviving spouse, or child or stepchild of such victim.

As used in this subdivision:

"Nazi regime" means the country of Nazi Germany, areas occupied by Nazi Germany, those European countries allied with Nazi Germany, or any other neutral European country or area in Europe under the influence or threat of Nazi invasion.

"Victim or target of Nazi persecution" means any individual persecuted or targeted for persecution by the Nazi regime who had assets stolen from, hidden from, or otherwise lost as a result of any act or omission in any way relating to (i) the Holocaust, (ii) World War II and its prelude and direct aftermath, (iii) transactions with or actions of the Nazi regime, (iv) treatment of refugees fleeing Nazi persecution, or (v) the holding of such assets by entities or persons in the Swiss Confederation during World War II and its prelude and aftermath. A "victim or target of Nazi persecution" also includes any individual forced into labor against his will, under the threat of death, during World War II and its prelude and direct aftermath.

20. The military death gratuity payment made after September 11, 2001, to the survivor of deceased military personnel killed in the line of duty, pursuant to 10 U.S.C. Chapter 75; however, the subtraction amount shall be reduced dollar-for-dollar by the amount that the survivor may exclude from his federal gross income in accordance with § 134 of the Internal Revenue Code.

21. The death benefit payments from an annuity contract that are received by a beneficiary of such contract, provided that (i) the death benefit payment is made pursuant to an annuity contract with an insurance company and (ii) the death benefit payment is paid solely by lump sum. The subtraction under this subdivision shall be allowed only for that portion of the death benefit payment that is included in federal adjusted gross income.

22. Any gain recognized from the sale of launch services to space flight participants, as defined in 49 U.S.C. § 70102, or launch services intended to provide individuals with the training or experience of a launch, without performing an actual launch. To qualify for a deduction under this subdivision, launch services must be performed in Virginia or originate from an airport or spaceport in Virginia.

23. Any gain recognized as a result of resupply services contracts for delivering payload, as defined in 49 U.S.C. § 70102, entered into with the Commercial Orbital Transportation Services division of the National Aeronautics and Space Administration or other space flight entity, as defined in § 8.01-227.8, and launched from an airport or spaceport in Virginia.

24. Any income taxed as a long-term capital gain for federal income tax purposes, or any income taxed as investment services partnership interest income (otherwise known as investment partnership carried interest income) for federal income tax purposes. To qualify for a subtraction under this subdivision, such income shall be attributable to an investment in a "qualified business," as defined in § 58.1-339.4, or in any other technology business approved by the Secretary of Administration, provided that the business has its principal office or facility in the Commonwealth and less than $3 million in annual revenues in the fiscal year prior to the investment. To qualify for a subtraction under this subdivision, the investment shall be made between the dates of April 1, 2010, and June 30, 2020. No taxpayer who has claimed a tax credit for an investment in a "qualified business" under § 58.1-339.4 shall be eligible for the subtraction under this subdivision for an investment in the same business.

25. For taxable years beginning on and after January 1, 2014, any income of an account holder for the taxable year taxed as (i) a capital gain for federal income tax purposes attributable to such person's first-time home buyer savings account established pursuant to Chapter 12 (§ 36-171 et seq.) of Title 36 and (ii) interest income or other income for federal income tax purposes attributable to such person's first-time home buyer savings account.

Notwithstanding the statute of limitations on assessments contained in § 58.1-312, any subtraction taken under this subdivision shall be subject to recapture in the taxable year or years in which moneys or funds withdrawn from the first-time home buyer savings account were used for any purpose other than the payment of eligible costs by or on behalf of a qualified beneficiary, as provided under § 36-174. The amount subject to recapture shall be a portion of the amount withdrawn in the taxable year that was used for other than the payment of eligible costs, computed by multiplying the amount withdrawn and used for other than the payment of eligible costs by the ratio of the aggregate earnings in the account at the time of the withdrawal to the total balance in the account at such time.

However, recapture shall not apply to the extent of moneys or funds withdrawn that were (i) withdrawn by reason of the qualified beneficiary's death or disability; (ii) a disbursement of assets of the account pursuant to a filing for protection under the United States Bankruptcy Code, 11 U.S.C. §§ 101 through 1330; or (iii) transferred from an account established pursuant to Chapter 12 (§ 36-171 et seq.) of Title 36 into another account established pursuant to such chapter for the benefit of another qualified beneficiary.

For purposes of this subdivision, "account holder," "eligible costs," "first-time home buyer savings account," and "qualified beneficiary" mean the same as those terms are defined in § 36-171.

26. For taxable years beginning on and after January 1, 2015, any income for the taxable year attributable to the discharge of a student loan solely by reason of the student's death. For purposes of this subdivision, "student loan" means the same as that term is defined under § 108(f) of the Internal Revenue Code.

27. a. Income, including investment services partnership interest income (otherwise known as investment partnership carried interest income), attributable to an investment in a Virginia venture capital account. To qualify for a subtraction under this subdivision, the investment shall be made on or after January 1, 2018, but before December 31, 2023. No subtraction shall be allowed under this subdivision for an investment in a company that is owned or operated by a family member or an affiliate of the taxpayer. No subtraction shall be allowed under this subdivision for a taxpayer who has claimed a subtraction under subdivision 24 or a tax credit under § 58.1-339.4 for the same investment.

b. As used in this subdivision 27:

"Qualified portfolio company" means a company that (i) has its principal place of business in the Commonwealth; (ii) has a primary purpose of production, sale, research, or development of a product or service other than the management or investment of capital; and (iii) provides equity in the company to the Virginia venture capital account in exchange for a capital investment. "Qualified portfolio company" does not include a company that is an individual or sole proprietorship.

"Virginia venture capital account" means an investment fund that has been certified by the Department as a Virginia venture capital account. In order to be certified as a Virginia venture capital account, the operator of the investment fund shall register the investment fund with the Department prior to December 31, 2023, (i) indicating that it intends to invest at least 50 percent of the capital committed to its fund in qualified portfolio companies and (ii) providing documentation that it employs at least one investor who has at least four years of professional experience in venture capital investment or substantially equivalent experience. "Substantially equivalent experience" includes, but is not limited to, an undergraduate degree from an accredited college or university in economics, finance, or a similar field of study. The Department may require an investment fund to provide documentation of the investor's training, education, or experience as deemed necessary by the Department to determine substantial equivalency. If the Department determines that the investment fund employs at least one investor with the experience set forth herein, the Department shall certify the investment fund as a Virginia venture capital account at such time as the investment fund actually invests at least 50 percent of the capital committed to its fund in qualified portfolio companies.

28. a. Income attributable to an investment in a Virginia real estate investment trust. To qualify for a subtraction under this subdivision, the investment shall be made on or after January 1, 2019, but before December 31, 2024. No subtraction shall be allowed for an investment in a trust that is managed by a family member or an affiliate of the taxpayer. No subtraction shall be allowed under this subdivision for a taxpayer who has claimed a subtraction under subdivision 24 or 27 or a tax credit under § 58.1-339.4 for the same investment.

b. As used in this subdivision 28:

"Distressed" means satisfying the criteria applicable to a locality described in subdivision E 2 of § 2.2-115.

"Double distressed" means satisfying the criteria applicable to a locality described in subdivision E 3 of § 2.2-115.

"Virginia real estate investment trust" means a real estate investment trust, as defined in 26 U.S.C. § 856, that has been certified by the Department as a Virginia real estate investment trust. In order to be certified as a Virginia real estate investment trust, the trustee shall register the trust with the Department prior to December 31, 2024, indicating that it intends to invest at least 90 percent of trust funds in Virginia and at least 40 percent of trust funds in real estate in localities that are distressed or double distressed. If the Department determines that the trust satisfies the preceding criteria, the Department shall certify the trust as a Virginia real estate investment trust at such time as the trust actually invests at least 90 percent of trust funds in Virginia and at least 40 percent of trust funds in real estate in localities that are distressed or double distressed.

29. For taxable years beginning on and after January 1, 2019, any gain recognized from the taking of real property by condemnation proceedings.

30. For taxable years beginning before January 1, 2021, up to $100,000 of all grant funds received by the taxpayer under the Rebuild Virginia program established by the Governor and administered by the Department of Small Business and Supplier Diversity.

31. For taxable years beginning on and after January 1, 2022, any compensation for wrongful incarceration awarded pursuant to the procedures established under Article 18.2 (§ 8.01-195.10 et seq.) of Chapter 3 of Title 8.01.

§ 58.1-322.03. (For contingent expiration date, see Acts 2023, Sp. Sess. I, ch. 1, cl. 22).

In computing Virginia taxable income pursuant to § 58.1-322, there shall be deducted from Virginia adjusted gross income as defined in § 58.1-321:

1. a. The amount allowable for itemized deductions for federal income tax purposes where the taxpayer has elected for the taxable year to itemize deductions on his federal return, but reduced by the amount of income taxes imposed by the Commonwealth or any other taxing jurisdiction and deducted on such federal return and increased by an amount that, when added to the amount deducted under § 170 of the Internal Revenue Code for mileage, results in a mileage deduction at the state level for such purposes at a rate of 18 cents per mile; or

b. Provided that the taxpayer has not itemized deductions for the taxable year on his federal income tax return: (i) for taxable years beginning before January 1, 2019, and on and after January 1, 2026, $3,000 for single individuals and $6,000

for married persons (one-half of such amounts in the case of a married individual filing a separate return); (ii) for taxable years beginning on and after January 1, 2019, but before January 1, 2022, $4,500 for single individuals and $9,000 for married persons (one-half of such amounts in the case of a married individual filing a separate return); and (iii) for taxable years beginning on and after January 1, 2022, but before January 1, 2026, $8,000 for single individuals and $16,000 for married persons (one-half of such amounts in the case of a married individual filing a separate return). For purposes of this section, any person who may be claimed as a dependent on another taxpayer's return for the taxable year may compute the deduction only with respect to earned income.

2. a. A deduction in the amount of $930 for each personal exemption allowable to the taxpayer for federal income tax purposes.

b. Each blind or aged taxpayer as defined under § 63(f) of the Internal Revenue Code shall be entitled to an additional personal exemption in the amount of $800.

The additional deduction for blind or aged taxpayers allowed under this subdivision shall be allowable regardless of whether the taxpayer itemizes deductions for the taxable year for federal income tax purposes.

3. A deduction equal to the amount of employment-related expenses upon which the federal credit is based under § 21 of the Internal Revenue Code for expenses for household and dependent care services necessary for gainful employment.

4. An additional $1,000 deduction for each child residing for the entire taxable year in a home under permanent foster care placement as defined in § 63.2-908, provided that the taxpayer can also claim the child as a personal exemption under § 151 of the Internal Revenue Code.

5. a. A deduction in the amount of $12,000 for individuals born on or before January 1, 1939.

b. A deduction in the amount of $12,000 for individuals born after January 1, 1939, who have attained the age of 65. This deduction shall be reduced by $1 for every $1 that the taxpayer's adjusted federal adjusted gross income exceeds $50,000 for single taxpayers or $75,000 for married taxpayers. For married taxpayers filing separately, the deduction shall be reduced by $1 for every $1 that the total combined adjusted federal adjusted gross income of both spouses exceeds $75,000.

For the purposes of this subdivision, "adjusted federal adjusted gross income" means federal adjusted gross income minus any benefits received under Title II of the Social Security Act and other benefits subject to federal income taxation solely pursuant to § 86 of the Internal Revenue Code, as amended.

6. The amount an individual pays as a fee for an initial screening to become a possible bone marrow donor, if (i) the individual is not reimbursed for such fee or (ii) the individual has not claimed a deduction for the payment of such fee on his federal income tax return.

7. a. A deduction shall be allowed to the purchaser or contributor for the amount paid or contributed during the taxable year for a prepaid tuition contract or college savings trust account entered into with the ~~Virginia College Savings~~ *Commonwealth Savers* Plan, pursuant to Chapter 7 (§ 23.1-700 et seq.) of Title 23.1. Except as provided in subdivision b, the amount deducted on any individual income tax return in any taxable year shall be limited to $4,000 per prepaid tuition contract or college savings trust account. No deduction shall be allowed pursuant to this subdivision 7 if such payments or contributions are deducted on the purchaser's or contributor's federal income tax return. If the purchase price or annual contribution to a college savings trust account exceeds $4,000, the remainder may be carried forward and subtracted in future taxable years until the purchase price or college savings trust contribution has been fully deducted; however, except as provided in subdivision b, in no event shall the amount deducted in any taxable year exceed $4,000 per contract or college savings trust account. Notwithstanding the statute of limitations on assessments contained in § 58.1-312, any deduction taken hereunder shall be subject to recapture in the taxable year or years in which distributions or refunds are made for any reason other than (i) to pay qualified higher education expenses, as defined in § 529 of the Internal Revenue Code or (ii) the beneficiary's death, disability, or receipt of a scholarship. For the purposes of this subdivision, "purchaser" or "contributor" means the person shown as such on the records of the ~~Virginia College Savings~~ *Commonwealth Savers* Plan as of December 31 of the taxable year. In the case of a transfer of ownership of a prepaid tuition contract or college savings trust account, the transferee shall succeed to the transferor's tax attributes associated with a prepaid tuition contract or college savings trust account, including, but not limited to, carryover and recapture of deductions.

b. A purchaser of a prepaid tuition contract or contributor to a college savings trust account who has attained age 70 shall not be subject to the limitation that the amount of the deduction not exceed $4,000 per prepaid tuition contract or college savings trust account in any taxable year. Such taxpayer shall be allowed a deduction for the full amount paid for the contract or contributed to a college savings trust account, less any amounts previously deducted.

8. The total amount an individual actually contributed in funds to the Virginia Public School Construction Grants Program and Fund, established in Chapter 11.1 (§ 22.1-175.1 et seq.) of Title 22.1, provided that the individual has not claimed a deduction for such amount on his federal income tax return.

9. An amount equal to 20 percent of the tuition costs incurred by an individual employed as a primary or secondary school teacher licensed pursuant to Chapter 15 (§ 22.1-289.1 et seq.) of Title 22.1 to attend continuing teacher education courses that are required as a condition of employment; however, the deduction provided by this subdivision shall be available only if (i) the individual is not reimbursed for such tuition costs and (ii) the individual has not claimed a deduction for the payment of such tuition costs on his federal income tax return.

10. The amount an individual pays annually in premiums for long-term health care insurance, provided that the individual has not claimed a deduction for federal income tax purposes, or, for taxable years beginning before

January 1, 2014, a credit under § 58.1-339.11. For taxable years beginning on and after January 1, 2014, no such deduction for long-term health care insurance premiums paid by the individual during the taxable year shall be allowed if the individual has claimed a federal income tax deduction for such taxable year for long-term health care insurance premiums paid by him.

11. Contract payments to a producer of quota tobacco or a tobacco quota holder, or their spouses, as provided under the American Jobs Creation Act of 2004 (P.L. 108-357), but only to the extent that such payments have not been subtracted pursuant to subsection D of § 58.1-402, as follows:

a. If the payment is received in installment payments, then the recognized gain may be subtracted in the taxable year immediately following the year in which the installment payment is received.

b. If the payment is received in a single payment, then 10 percent of the recognized gain may be subtracted in the taxable year immediately following the year in which the single payment is received. The taxpayer may then deduct an equal amount in each of the nine succeeding taxable years.

12. An amount equal to 20 percent of the sum paid by an individual pursuant to Chapter 6 (§ 58.1-600 et seq.), not to exceed $500 in each taxable year, in purchasing for his own use the following items of tangible personal property: (i) any clothes washers, room air conditioners, dishwashers, and standard size refrigerators that meet or exceed the applicable energy star efficiency requirements developed by the U.S. Environmental Protection Agency and the U.S. Department of Energy; (ii) any fuel cell that (a) generates electricity using an electrochemical process, (b) has an electricity-only generation efficiency greater than 35 percent, and (c) has a generating capacity of at least two kilowatts; (iii) any gas heat pump that has a coefficient of performance of at least 1.25 for heating and at least 0.70 for cooling; (iv) any electric heat pump hot water heater that yields an energy factor of at least 1.7; (v) any electric heat pump that has a heating system performance factor of at least 8.0 and a cooling seasonal energy efficiency ratio of at least 13.0; (vi) any central air conditioner that has a cooling seasonal energy efficiency ratio of at least 13.5; (vii) any advanced gas or oil water heater that has an energy factor of at least 0.65; (viii) any advanced oil-fired boiler with a minimum annual fuel-utilization rating of 85; (ix) any advanced oil-fired furnace with a minimum annual fuel-utilization rating of 85; and (x) programmable thermostats.

13. The lesser of $5,000 or the amount actually paid by a living donor of an organ or other living tissue for unreimbursed out-of-pocket expenses directly related to the donation that arose within 12 months of such donation, provided that the donor has not taken a medical deduction in accordance with the provisions of § 213 of the Internal Revenue Code for such expenses. The deduction may be taken in the taxable year in which the donation is made or the taxable year in which the 12-month period expires.

14. For taxable years beginning on and after January 1, 2013, the amount an individual age 66 or older with earned income of at least $20,000 for the year and federal adjusted gross income not in excess of $30,000 for the year pays annually in premiums for (i) a prepaid funeral insurance policy covering the individual or (ii) medical or dental insurance for any person for whom individual tax filers may claim a deduction for such premiums under federal income tax laws. As used in this subdivision, "earned income" means the same as that term is defined in § 32(c) of the Internal Revenue Code. The deduction shall not be allowed for any portion of such premiums paid for which the individual has (a) been reimbursed, (b) claimed a deduction for federal income tax purposes, (c) claimed a deduction or subtraction under another provision of this section, or (d) claimed a federal income tax credit or any income tax credit pursuant to this chapter.

15. Business interest disallowed as a deduction pursuant to § 163(j) of the Internal Revenue Code:

a. For taxable years beginning on and after January 1, 2018, but before January 1, 2022, 20 percent of such disallowed business interest;

b. For taxable years beginning on and after January 1, 2022, but before January 1, 2024, 30 percent of such disallowed business interest;

c. For taxable years beginning on and after January 2, 2024, 50 percent of such disallowed business interest.

For purposes of subdivision 15, "business interest" means the same as that term is defined under § 163(j) of the Internal Revenue Code.

16. For taxable years beginning on and after January 1, 2019, the actual amount of real and personal property taxes imposed by the Commonwealth or any other taxing jurisdiction not otherwise deducted solely on account of the dollar limitation imposed on individual deductions by § 164(b)(6)(B) of the Internal Revenue Code.

17. For taxable years beginning before January 1, 2021, up to $100,000 of the amount that is not deductible when computing federal adjusted gross income solely on account of the portion of subdivision B 10 of § 58.1-301 related to Paycheck Protection Program loans.

18. For taxable years beginning on and after January 1, 2022, but before January 1, 2025, the lesser of $500 or the actual amount paid or incurred for eligible educator qualifying expenses. For purposes of this subdivision, "eligible educator" means an individual who for at least 900 hours during the taxable year in which the credit under this section is claimed served as a teacher licensed pursuant to Chapter 15 (§ 22.1-289.1 et seq.) of Title 22.1, instructor, student counselor, principal, special needs personnel, or student aide serving accredited public or private primary and secondary school students in Virginia, and "qualifying expenses" means 100 percent of the amount paid or incurred by an eligible educator during the taxable year for participation in professional development courses and the purchase of books, supplies, computer equipment (including related software and services), other educational and teaching equipment, and supplementary materials used directly in that individual's service to students as an eligible educator, provided that such

purchases were neither reimbursed nor claimed as a deduction on the eligible educator's federal income tax return for such taxable year.

§ 58.1-322.03. (For contingent effective date, see Acts 2023, Sp. Sess. I, ch. 1, cl. 22).

In computing Virginia taxable income pursuant to § 58.1-322, there shall be deducted from Virginia adjusted gross income as defined in § 58.1-321:

1. a. The amount allowable for itemized deductions for federal income tax purposes where the taxpayer has elected for the taxable year to itemize deductions on his federal return, but reduced by the amount of income taxes imposed by the Commonwealth or any other taxing jurisdiction and deducted on such federal return and increased by an amount that, when added to the amount deducted under § 170 of the Internal Revenue Code for mileage, results in a mileage deduction at the state level for such purposes at a rate of 18 cents per mile; or

b. Provided that the taxpayer has not itemized deductions for the taxable year on his federal income tax return: (i) for taxable years beginning before January 1, 2019, and on and after January 1, 2026, $3,000 for single individuals and $6,000 for married persons (one-half of such amounts in the case of a married individual filing a separate return); (ii) for taxable years beginning on and after January 1, 2019, but before January 1, 2022, $4,500 for single individuals and $9,000 for married persons (one-half of such amounts in the case of a married individual filing a separate return); (iii) for taxable years beginning on and after January 1, 2022, but before January 1, 2024, $8,000 for single individuals and $16,000 for married persons (one-half of such amounts in the case of a married individual filing a separate return); and (iv) for taxable years beginning on and after January 1, 2024, but before January 1, 2026, $8,500 for single individuals and $17,000 for married persons (one-half of such amounts in the case of a married individual filing a separate return). For purposes of this section, any person who may be claimed as a dependent on another taxpayer's return for the taxable year may compute the deduction only with respect to earned income.

2. a. A deduction in the amount of $930 for each personal exemption allowable to the taxpayer for federal income tax purposes.

b. Each blind or aged taxpayer as defined under § 63(f) of the Internal Revenue Code shall be entitled to an additional personal exemption in the amount of $800.

The additional deduction for blind or aged taxpayers allowed under this subdivision shall be allowable regardless of whether the taxpayer itemizes deductions for the taxable year for federal income tax purposes.

3. A deduction equal to the amount of employment-related expenses upon which the federal credit is based under § 21 of the Internal Revenue Code for expenses for household and dependent care services necessary for gainful employment.

4. An additional $1,000 deduction for each child residing for the entire taxable year in a home under permanent foster care placement as defined in § 63.2-908, provided that the taxpayer can also claim the child as a personal exemption under § 151 of the Internal Revenue Code.

5. a. A deduction in the amount of $12,000 for individuals born on or before January 1, 1939.

b. A deduction in the amount of $12,000 for individuals born after January 1, 1939, who have attained the age of 65. This deduction shall be reduced by $1 for every $1 that the taxpayer's adjusted federal adjusted gross income exceeds $50,000 for single taxpayers or $75,000 for married taxpayers. For married taxpayers filing separately, the deduction shall be reduced by $1 for every $1 that the total combined adjusted federal adjusted gross income of both spouses exceeds $75,000.

For the purposes of this subdivision, "adjusted federal adjusted gross income" means federal adjusted gross income minus any benefits received under Title II of the Social Security Act and other benefits subject to federal income taxation solely pursuant to § 86 of the Internal Revenue Code, as amended.

6. The amount an individual pays as a fee for an initial screening to become a possible bone marrow donor, if (i) the individual is not reimbursed for such fee or (ii) the individual has not claimed a deduction for the payment of such fee on his federal income tax return.

7. a. A deduction shall be allowed to the purchaser or contributor for the amount paid or contributed during the taxable year for a prepaid tuition contract or college savings trust account entered into with the ~~Virginia College Savings~~ *Commonwealth Savers* Plan, pursuant to Chapter 7 (§ 23.1-700 et seq.) of Title 23.1. Except as provided in subdivision b, the amount deducted on any individual income tax return in any taxable year shall be limited to $4,000 per prepaid tuition contract or college savings trust account. No deduction shall be allowed pursuant to this subdivision 7 if such payments or contributions are deducted on the purchaser's or contributor's federal income tax return. If the purchase price or annual contribution to a college savings trust account exceeds $4,000, the remainder may be carried forward and subtracted in future taxable years until the purchase price or college savings trust contribution has been fully deducted; however, except as provided in subdivision b, in no event shall the amount deducted in any taxable year exceed $4,000 per contract or college savings trust account. Notwithstanding the statute of limitations on assessments contained in § 58.1-312, any deduction taken hereunder shall be subject to recapture in the taxable year or years in which distributions or refunds are made for any reason other than (i) to pay qualified higher education expenses, as defined in § 529 of the Internal Revenue Code or (ii) the beneficiary's death, disability, or receipt of a scholarship. For the purposes of this subdivision, "purchaser" or "contributor" means the person shown as such on the records of the ~~Virginia College Savings~~ *Commonwealth Savers* Plan as of December 31 of the taxable year. In the case of a transfer of ownership of a prepaid tuition contract or college savings trust account, the transferee shall succeed to the transferor's tax attributes associated with a prepaid tuition contract or college savings trust account, including, but not limited to, carryover and recapture of deductions.

b. A purchaser of a prepaid tuition contract or contributor to a college savings trust account who has attained age 70 shall not be subject to the limitation that the amount of the deduction not exceed $4,000 per prepaid tuition contract or college savings trust account in any taxable year. Such taxpayer shall be allowed a deduction for the full amount paid for the contract or contributed to a college savings trust account, less any amounts previously deducted.

8. The total amount an individual actually contributed in funds to the Virginia Public School Construction Grants Program and Fund, established in Chapter 11.1 (§ 22.1-175.1 et seq.) of Title 22.1, provided that the individual has not claimed a deduction for such amount on his federal income tax return.

9. An amount equal to 20 percent of the tuition costs incurred by an individual employed as a primary or secondary school teacher licensed pursuant to Chapter 15 (§ 22.1-289.1 et seq.) of Title 22.1 to attend continuing teacher education courses that are required as a condition of employment; however, the deduction provided by this subdivision shall be available only if (i) the individual is not reimbursed for such tuition costs and (ii) the individual has not claimed a deduction for the payment of such tuition costs on his federal income tax return.

10. The amount an individual pays annually in premiums for long-term health care insurance, provided that the individual has not claimed a deduction for federal income tax purposes, or, for taxable years beginning before January 1, 2014, a credit under § 58.1-339.11. For taxable years beginning on and after January 1, 2014, no such deduction for long-term health care insurance premiums paid by the individual during the taxable year shall be allowed if the individual has claimed a federal income tax deduction for such taxable year for long-term health care insurance premiums paid by him.

11. Contract payments to a producer of quota tobacco or a tobacco quota holder, or their spouses, as provided under the American Jobs Creation Act of 2004 (P.L. 108-357), but only to the extent that such payments have not been subtracted pursuant to subsection D of § 58.1-402, as follows:

a. If the payment is received in installment payments, then the recognized gain may be subtracted in the taxable year immediately following the year in which the installment payment is received.

b. If the payment is received in a single payment, then 10 percent of the recognized gain may be subtracted in the taxable year immediately following the year in which the single payment is received. The taxpayer may then deduct an equal amount in each of the nine succeeding taxable years.

12. An amount equal to 20 percent of the sum paid by an individual pursuant to Chapter 6 (§ 58.1-600 et seq.), not to exceed $500 in each taxable year, in purchasing for his own use the following items of tangible personal property: (i) any clothes washers, room air conditioners, dishwashers, and standard size refrigerators that meet or exceed the applicable energy star efficiency requirements developed by the U.S. Environmental Protection Agency and the U.S. Department of Energy; (ii) any fuel cell that (a) generates electricity using an electrochemical process, (b) has an electricity-only generation efficiency greater than 35 percent, and (c) has a generating capacity of at least two kilowatts; (iii) any gas heat pump that has a coefficient of performance of at least 1.25 for heating and at least 0.70 for cooling; (iv) any electric heat pump hot water heater that yields an energy factor of at least 1.7; (v) any electric heat pump that has a heating system performance factor of at least 8.0 and a cooling seasonal energy efficiency ratio of at least 13.0; (vi) any central air conditioner that has a cooling seasonal energy efficiency ratio of at least 13.5; (vii) any advanced gas or oil water heater that has an energy factor of at least 0.65; (viii) any advanced oil-fired boiler with a minimum annual fuel-utilization rating of 85; (ix) any advanced oil-fired furnace with a minimum annual fuel-utilization rating of 85; and (x) programmable thermostats.

13. The lesser of $5,000 or the amount actually paid by a living donor of an organ or other living tissue for unreimbursed out-of-pocket expenses directly related to the donation that arose within 12 months of such donation, provided that the donor has not taken a medical deduction in accordance with the provisions of § 213 of the Internal Revenue Code for such expenses. The deduction may be taken in the taxable year in which the donation is made or the taxable year in which the 12-month period expires.

14. For taxable years beginning on and after January 1, 2013, the amount an individual age 66 or older with earned income of at least $20,000 for the year and federal adjusted gross income not in excess of $30,000 for the year pays annually in premiums for (i) a prepaid funeral insurance policy covering the individual or (ii) medical or dental insurance for any person for whom individual tax filers may claim a deduction for such premiums under federal income tax laws. As used in this subdivision, "earned income" means the same as that term is defined in § 32(c) of the Internal Revenue Code. The deduction shall not be allowed for any portion of such premiums paid for which the individual has (a) been reimbursed, (b) claimed a deduction for federal income tax purposes, (c) claimed a deduction or subtraction under another provision of this section, or (d) claimed a federal income tax credit or any income tax credit pursuant to this chapter.

15. Business interest disallowed as a deduction pursuant to § 163(j) of the Internal Revenue Code:

a. For taxable years beginning on and after January 1, 2018, but before January 1, 2022, 20 percent of such disallowed business interest;

b. For taxable years beginning on and after January 1, 2022, but before January 1, 2024, 30 percent of such disallowed business interest;

c. For taxable years beginning on and after January 2, 2024, 50 percent of such disallowed business interest.

For purposes of subdivision 15, "business interest" means the same as that term is defined under § 163(j) of the Internal Revenue Code.

16. For taxable years beginning on and after January 1, 2019, the actual amount of real and personal property taxes imposed by the Commonwealth or any other taxing jurisdiction not otherwise deducted solely on account of the dollar limitation imposed on individual deductions by § 164(b)(6)(B) of the Internal Revenue Code.

17. For taxable years beginning before January 1, 2021, up to $100,000 of the amount that is not deductible when computing federal adjusted gross income solely on account of the portion of subdivision B 10 of § 58.1-301 related to Paycheck Protection Program loans.

18. For taxable years beginning on and after January 1, 2022, but before January 1, 2025, the lesser of $500 or the actual amount paid or incurred for eligible educator qualifying expenses. For purposes of this subdivision, "eligible educator" means an individual who for at least 900 hours during the taxable year in which the credit under this section is claimed served as a teacher licensed pursuant to Chapter 15 (§ 22.1-289.1 et seq.) of Title 22.1, instructor, student counselor, principal, special needs personnel, or student aide serving accredited public or private primary and secondary school students in Virginia, and "qualifying expenses" means 100 percent of the amount paid or incurred by an eligible educator during the taxable year for participation in professional development courses and the purchase of books, supplies, computer equipment (including related software and services), other educational and teaching equipment, and supplementary materials used directly in that individual's service to students as an eligible educator, provided that such purchases were neither reimbursed nor claimed as a deduction on the eligible educator's federal income tax return for such taxable year.

§ 58.1-344.4. Voluntary contributions of refunds into Commonwealth Savers Plan accounts.

A. If an individual is entitled to an income tax refund for the taxable year, that individual may designate on his Virginia individual income tax return a contribution to one or more ~~Virginia College Savings~~ *Commonwealth Savers* Plan accounts established under Chapter 7 (§ 23.1-700 et seq.) of Title 23.1, in the amount of the entire individual income tax refund or a portion thereof.

B. 1. The Department of Taxation shall send each contribution made pursuant to subsection A to the ~~Virginia College Savings~~ *Commonwealth Savers* Plan with the following information:

a. The amount of the individual income tax refund or that portion of the refund that the individual has chosen to contribute;

b. The taxpayer's name, Social Security number or taxpayer identification number, address, and telephone number; and

c. The ~~Virginia College Savings~~ *Commonwealth Savers* Plan account number or numbers into which the contributions will be deposited.

2. If a contribution to a ~~Virginia College Savings~~ *Commonwealth Savers* Plan account is designated in an individual income tax return filed jointly by married individuals, the Department of Taxation shall send the information described in subdivision 1 for both spouses to the ~~Virginia College Savings~~ *Commonwealth Savers* Plan.

C. 1. If the taxpayer owns a single ~~Virginia College Savings~~ *Commonwealth Savers* Plan account, the ~~Virginia College Savings~~ *Commonwealth Savers* Plan shall deposit the contribution made pursuant to subsection A into that account.

2. If the taxpayer owns more than one ~~Virginia College Savings~~ *Commonwealth Savers* Plan account, the ~~Virginia College Savings~~ *Commonwealth Savers* Plan shall allocate the contribution made pursuant to subsection A between or among the accounts in equal amounts, or as otherwise designated by the taxpayer.

3. If the taxpayer does not own an existing ~~Virginia College Savings~~ *Commonwealth Savers* Plan account and does not wish to open an account, contributions made pursuant to subsection A shall be returned to the taxpayer by the ~~Virginia College Savings~~ *Commonwealth Savers* Plan.

D. For the purpose of determining interest on an overpayment or refund under § 58.1-1833, no interest shall accrue after the Department of Taxation sends the contribution to the ~~Virginia College Savings~~ *Commonwealth Savers* Plan.

E. Any taxpayer designating that a refund be contributed to a ~~Virginia College Savings~~ *Commonwealth Savers* Plan account shall, by making such designation, be deemed to authorize the Department of Taxation to provide all necessary information, including the information specified in subdivision B 1, to the ~~Virginia College Savings~~ *Commonwealth Savers* Plan.

CHAPTER 218

An Act to direct the Department of Agriculture and Consumer Services to convene a work group relating to blue catfish; report.

[H 1135]

Approved March 28, 2024

Be it enacted by the General Assembly of Virginia:

1. *§ 1. That the Department of Agriculture and Consumer Services (the Department) shall, in order to support and encourage coordination regarding efforts to create a robust and resilient market for blue catfish, convene a work group of stakeholders that have a vested interest in reducing the negative ecological effects of blue catfish and increasing the marketing, processing, and sale of blue catfish in the Commonwealth. The work group shall include representatives of the following: the Marine Resources Commission, the Department of Corrections, the Department of Education, the James River Association, the Virginia Seafood Agricultural Research and Extension Center, the Marine Products Board, the*

Virginia Institute of Marine Science, the Virginia Waterman's Association, the Virginia Restaurant, Lodging & Travel Association, current and prospective blue catfish processors, Friends of the Rappahannock, the Chesapeake Bay Foundation, and other state agencies or stakeholders deemed necessary by the Department. The work group shall (i) review past and ongoing efforts to promote the creation of a market for blue catfish, (ii) identify and explore potential sectors for the blue catfish market, and (iii) identify any actions that the Commonwealth can take to promote and expand the market for blue catfish. The Department shall submit a report of the findings and recommendations of the work group to the Governor, the Secretary of Agriculture and Forestry, the Secretary of Natural and Historic Resources, and the Chairs of the Senate Committee on Agriculture, Conservation and Natural Resources, the Senate Committee on Finance and Appropriations, the House Committee on Agriculture, Chesapeake and Natural Resources, and the House Committee on Appropriations no later than September 1, 2025.

CHAPTER 219

An Act to amend and reenact § 30-343 of the Code of Virginia, relating to the Health Insurance Reform Commission; assessment of certain legislation.

[H 1210]

Approved March 28, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 30-343 of the Code of Virginia is amended and reenacted as follows:

§ 30-343. Standing committees to request Commission assessment.

A. Whenever a legislative measure containing a mandated health insurance benefit or provider is proposed that is not identical or substantially similar to a legislative measure previously reviewed by the Commission within the three-year period immediately preceding the then-current session of the General Assembly, the Chair of the House Committee on Labor and Commerce or Senate Committee on Commerce and Labor having jurisdiction over the proposal shall (i) request that the Commission assess the proposal and (ii) send a copy of such request to the Bureau of Insurance of the State Corporation Commission (the Bureau). The Commission shall be given a period of 24 months to complete and submit its assessment *on each such request*. A report summarizing the Commission's assessment shall be forwarded to the Chairman of the standing committee that requested the assessment. For the purposes of this section, "mandated health insurance benefit or provider" has the same meaning as "state-mandated health benefit" provided in § 38.2-3406.1.

B. Upon receipt of a copy of such a request, the Bureau shall prepare an analysis of the extent to which the proposed mandate is currently available under qualified health plans in the Commonwealth and advise the Commission as to whether the applicable agency has determined or would likely determine, in accordance with applicable federal rules, that the proposed mandate exceeds the scope of the essential health benefits. The Bureau's analysis shall be advisory only and not binding upon the Commission, the Bureau, the State Corporation Commission, or any other parties. As used in this section, "applicable agency" means the governmental agency that in accordance with applicable federal rules is responsible for identifying state-mandated benefits that are in addition to the essential health benefits. If the applicable federal rules require an agency of the Commonwealth to identify the state-mandated benefits that are in addition to the essential health benefits but do not identify a specific agency that is responsible for making such identification, the Bureau shall be the applicable agency. Following the Bureau's analysis, the Commission shall determine if the proposed mandate shall be (i) considered as part of an essential health benefits benchmark plan review in accordance with the provisions of § 30-343.1, (ii) assessed jointly by the Bureau and the Joint Legislative Audit and Review Commission in accordance with subsection C, or (iii) considered in another manner by the Commission.

C. Upon request of the Commission, the Bureau and the Joint Legislative Audit and Review Commission shall jointly assess the social and financial impact and the medical efficacy of the proposed mandate, which assessment shall include an estimate of the effects of enactment of the proposed mandate on the costs of health coverage in the Commonwealth, including any estimated additional costs that the Commonwealth may be responsible for pursuant to § 1311(d)(3)(B) of the Patient Protection and Affordable Care Act should the proposed mandate ultimately be determined by the applicable agency to be a benefit that exceeds the scope of the essential health benefits. Upon completion of the assessment by the Bureau and the Joint Legislative Audit and Review Commission, the Commission may make a recommendation regarding its support of or opposition to the enactment of the proposed mandate. The Commission's recommendation may address whether the proposed mandate should be provided under health care plans offered through a health benefit exchange or outside a health benefit exchange.

The Commission shall be given a period of 24 months to complete and submit its assessment *on each such request*. A report summarizing the Commission's study shall be forwarded to the Governor and the General Assembly.

D. Whenever a legislative measure containing a mandated health insurance benefit or provider is identical or substantially similar to a legislative measure previously reviewed by the Commission within the three-year period immediately preceding the then-current session of the General Assembly, the standing committee may request the Commission to study the measure as provided in subsection A.

CHAPTER 220

An Act to amend and reenact §§ 23.1-3107, 23.1-3109, and 23.1-3118 of the Code of Virginia, relating to Institute for Advanced Learning and Research; Roanoke Higher Education Authority; board of trustees; powers and duties; specialized noncredit workforce training.

[H 1357]

Approved March 28, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 23.1-3107, 23.1-3109, and 23.1-3118 of the Code of Virginia are amended and reenacted as follows:

§ 23.1-3107. Institute for Advanced Learning and Research established; duties.

A. The Institute for Advanced Learning and Research (the Institute) is established in Southside Virginia as a political subdivision of the Commonwealth.

B. The Institute shall:

1. Seek to diversify the economy of the Dan River region by engaging the resources of Virginia Polytechnic Institute and State University in partnership with Danville Community College and Averett University and public and private bodies and organizations of the region and Commonwealth;

2. Serve as a catalyst for economic and community transformation by leveraging and brokering resources that support the economic diversity of the Dan River region, particularly within the network economy;

3. Provide a site for the development of the technology and trained workforce necessary for new economic enterprises to flourish in Southside Virginia through the teaching, research, outreach, and technology available from its partner institutions;

4. Expand access to higher education in Southside Virginia by providing for adult and continuing education, workforce training and development, and degree-granting programs, including undergraduate, graduate, and professional programs, through partnerships with the Commonwealth's public institutions of higher education and private institutions of higher education, the City of Danville, Pittsylvania County, and the public schools and the public and private sectors in the region;

5. Serve as a resource and hub for network-related initiatives at all levels of education and in economic development activities;

6. Assist in regional economic and community development efforts by housing and encouraging research and product-related activities and encouraging high-technology economic development in the region;

7. Encourage and coordinate, as appropriate, the development and delivery of programs offered by the educational institutions serving the region; ~~and~~

8. *Subject to the availability of funding other than from general funds, encourage and coordinate the development and delivery of noncredit courses with a focus on statewide and regional critical shortage areas and the needs of industry. Such courses shall include needed adult education and workforce training; and*

9. Serve as a resource and referral center by maintaining and disseminating information on existing educational programs, research, and university outreach resources.

§ 23.1-3109. Powers of the board.

A. The board has, in addition to its other powers, all the corporate powers given to corporations by the provisions of Title 13.1, except in those cases where, by the express terms of its provisions, the law is confined to corporations created under that title. The board may accept, execute, and administer any trust in which it may have an interest under the terms of the instrument creating the trust.

B. The board *shall oversee the Institute's educational programs and* may enter into and administer agreements with public institutions of higher education and private institutions of higher education to provide continuing education and instructional programs at the Institute through both traditional and electronic modes of delivery. *The board shall, subject to the availability of funding other than from general funds, seek opportunities to collaborate with local comprehensive community colleges to meet specialized noncredit workforce training needs identified by industry. However, if local comprehensive community colleges are unable to meet identified industry needs, then the board may seek to collaborate with other education providers or other public or private organizations to provide, or itself may provide, specialized noncredit workforce training independent of local comprehensive community colleges.*

C. The board may, on behalf of the Institute, apply for, accept, and expend gifts, grants, or donations from public or private sources to enable it to carry out the purposes of this article.

D. The board may request and accept the cooperation of agencies of (i) the Commonwealth or (ii) the local governing bodies in Southside Virginia in the performance of its duties.

§ 23.1-3118. Powers of the board.

A. The board has, in addition to such other powers, all the corporate powers given to corporations by the provisions of Title 13.1, except in those cases where, by the express terms of its provisions, this law is confined to corporations created under that title.

B. The board may issue bonds upon the advice of bond counsel and a financial institution with expertise in bonds and investments. Bonds issued under the provisions of this section shall not be deemed to constitute a debt or a pledge of the faith and credit of the Commonwealth or any of its political subdivisions other than the Authority.

C. The board may accept, execute, and administer any trust in which it may have an interest under the terms of any instrument creating the trust.

D. The board may lease property or hold any property for which it may acquire the title and dispose of such property in a manner that will benefit the Authority.

E. The board may enter into agreements with public institutions of higher education and private institutions of higher education in the Commonwealth to provide adult education, continuing education, undergraduate-level education, and graduate-level instructional programs. The board may enter into agreements with local school boards and other entities to provide such programs as it deems necessary and appropriate to carry out the purposes of the Authority. *The board shall, subject to the availability of funding other than from general funds, seek opportunities to collaborate with local comprehensive community colleges to meet specialized noncredit workforce training needs identified by industry. However, if local comprehensive community colleges are unable to meet identified industry needs, then the board may seek to collaborate with other education providers to provide or may provide Center-delivered specialized noncredit workforce training independent of local comprehensive community colleges.*

F. The board may establish, with such funds as are appropriated for this purpose or made available to it, the Center.

G. Notwithstanding any provision of law to the contrary, any real estate and tangible personal property held or acquired by the board is exempt from any prohibition of the use of noncash assistance as matching funds.

H. The board may, on behalf of the Authority or the Center, apply for, accept, and direct the expenditure of gifts, grants, or donations from public or private sources to enable it to carry out the purposes of this article. Any locality may make gifts and donations of real property, personal property, or money to the Authority.

CHAPTER 221

An Act to amend and reenact § 46.2-844 of the Code of Virginia, relating to school bus video-monitoring system; citations.

[H 1362]

Approved March 28, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 46.2-844 of the Code of Virginia is amended and reenacted as follows:

§ 46.2-844. Passing stopped school buses; prima facie evidence; penalty.

A. The driver of a motor vehicle approaching from any direction a clearly marked school bus that is stopped on any highway, private road, or school driveway for the purpose of taking on or discharging children, elderly individuals, or individuals with mental or physical disabilities, who, in violation of § 46.2-859, fails to stop and remain stopped until all such individuals are clear of the highway, private road, or school driveway and the bus is put in motion is subject to a civil penalty of $250, and any prosecution shall be instituted and conducted in the same manner as prosecutions for traffic infractions.

A prosecution or proceeding under § 46.2-859 is a bar to a prosecution or proceeding under this section for the same act, and a prosecution or proceeding under this section is a bar to a prosecution or proceeding under § 46.2-859 for the same act.

In any prosecution for which a summons charging a violation of this section was issued within 30 business days of the alleged violation, proof that the motor vehicle described in the summons was operated in violation of this section, together with proof that the defendant was at the time of such violation the registered owner of the vehicle, as required by Chapter 6 (§ 46.2-600 et seq.) shall give rise to a rebuttable presumption that the registered owner of the vehicle was the person who operated the vehicle at the place where, and for the time during which, the violation occurred. Such presumption shall be rebutted if (i) the owner of the vehicle files an affidavit by regular mail with the clerk of the general district court that he was not the operator of the vehicle at the time of the alleged violation, (ii) the owner testifies in open court under oath that he was not the operator of the vehicle at the time of the alleged violation, or (iii) a certified copy of a police report showing that the vehicle had been reported to the police as stolen prior to the time of the alleged violation of this section is presented prior to the return date established on the summons issued pursuant to this section to the court adjudicating the alleged violation. Nothing herein shall limit the admission of otherwise admissible evidence.

The testimony of the school bus driver, the supervisor of school buses, or a law-enforcement officer that the vehicle was yellow, conspicuously marked as a school bus, and equipped with warning devices as prescribed in § 46.2-1090 is prima facie evidence that the vehicle is a school bus.

Recorded images from a video-monitoring system that show the bus was stopped with at least one warning device prescribed in § 46.2-1090 activated shall be considered prima facie evidence that the bus was stopped for the purpose of taking on or discharging children, elderly individuals, or individuals with mental or physical disabilities.

B. 1. For purposes of this section, "video-monitoring system" means a system with one or more camera sensors and computers installed and operated on a school bus that produces live digital and recorded video of motor vehicles being operated in violation of § 46.2-859. All such systems installed shall, at a minimum, produce a recorded image of the license plate and shall record the activation status of at least one warning device as prescribed in § 46.2-1090 and the time, date, and location of the vehicle when the image is recorded.

2. A locality may, by ordinance, authorize the school division of the locality to install and operate a video-monitoring system in or on the school buses operated by the division or to contract with a private vendor to do so on behalf of the school division for the purpose of recording violations of subsection A. Such ordinance may direct that any civil penalty levied for a violation of subsection A shall be payable to the local school division. In any locality that has adopted such an ordinance, a summons for a violation of subsection A may be executed as provided in § 19.2-76.2 and, notwithstanding the provisions of § 19.2-76, the summons may be executed by mailing by first-class mail a copy thereof to the address of the owner of the vehicle contained in the records of the Department. Every such mailing shall include, in addition to the summons, a notice of (i) the summoned person's ability to rebut the presumption that he was the operator of the vehicle at the time of the alleged violation through the filing of an affidavit as provided in subsection A and (ii) instructions for filing such an affidavit, including the address to which the affidavit is to be sent. If the summoned person fails to appear on the date of return set out in the summons mailed pursuant to this section, the summons shall be executed in the manner set out in § 19.2-76.3. No proceedings for contempt or arrest of a person summoned by mailing shall be instituted for failure to appear on the return date of the summons. Any summons executed for violation of this section shall provide to the person summoned at least 30 business days from the mailing of the summons to inspect information collected by a video-monitoring system in connection with the violation.

3. Any private vendor contracting with a school division pursuant to this subsection may impose and collect an administrative fee in addition to the civil penalty imposed for a violation of subsection A and payable pursuant to this subsection, so as to recover the expenses of collecting any unpaid civil penalty when such penalty remains due more than 30 days after the date of the mailing of the summons and notice. The administrative fee shall be reasonably related to the actual cost of collecting the civil penalty and shall not exceed $100 per violation. The operator of the vehicle shall pay the unpaid civil penalty and any administrative fee detailed in a notice or citation issued by the private vendor. If paid no later than 60 days after the date of the mailing of the summons and notice, the administrative fee shall not exceed $25. *No contract entered into pursuant to this subsection shall require a minimum quota of violations captured or citations issued in order for the video-monitoring system to be deployed.*

4. Any private vendor contracting with a school division pursuant to this subsection may enter into an agreement with the Department of Motor Vehicles, in accordance with the provisions of subdivision B 30 of § 46.2-208, to obtain vehicle owner information regarding the registered owners of vehicles that improperly pass stopped school buses. Information provided to such private vendor shall be protected in a database with security comparable to that of the Department of Motor Vehicles' system and used only for enforcement against individuals who violate the provisions of this section. The school division shall annually certify compliance with this subdivision and make all records pertaining to such system available for inspection and audit by the Commissioner of Highways or the Commissioner of the Department of Motor Vehicles or their designee. Any person who discloses personal information in violation of the provisions of this subdivision shall be subject to a civil penalty of $1,000 per disclosure. Any unauthorized use or disclosure of such personal information shall be grounds for termination of the agreement between the Department of Motor Vehicles and the private vendor.

CHAPTER 222

An Act to amend and reenact § 54.1-2900 of the Code of Virginia, relating to practice of athletic training; definition.

[H 1389]

Approved March 28, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 54.1-2900 of the Code of Virginia is amended and reenacted as follows:

§ 54.1-2900. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Acupuncturist" means an individual approved by the Board to practice acupuncture. This is limited to "licensed acupuncturist" which means an individual other than a doctor of medicine, osteopathy, chiropractic or podiatry who has successfully completed the requirements for licensure established by the Board (approved titles are limited to: Licensed Acupuncturist, Lic.Ac., and L.Ac.).

"Advanced practice registered nurse" means a certified nurse midwife, certified registered nurse anesthetist, clinical nurse specialist, or nurse practitioner who is jointly licensed by the Boards of Medicine and Nursing pursuant to § 54.1-2957, has completed an advanced graduate-level education program in a specialty category of nursing, and has passed a national certifying examination for that specialty.

"Auricular acupuncture" means the subcutaneous insertion of sterile, disposable acupuncture needles in predetermined, bilateral locations in the outer ear when used exclusively and specifically in the context of a chemical dependency treatment program.

"Birth control" means contraceptive methods that are approved by the U.S. Food and Drug Administration. "Birth control" shall not be considered abortion for the purposes of Title 18.2.

"Board" means the Board of Medicine.

"Certified nurse midwife" means an advanced practice registered nurse who is certified in the specialty of nurse midwifery and who is jointly licensed by the Boards of Medicine and Nursing as an advanced practice registered nurse pursuant to § 54.1-2957.

"Certified registered nurse anesthetist" means an advanced practice registered nurse who is certified in the specialty of nurse anesthesia, who is jointly licensed by the Boards of Medicine and Nursing as an advanced practice registered nurse pursuant to § 54.1-2957, and who practices under the supervision of a doctor of medicine, osteopathy, podiatry, or dentistry but is not subject to the practice agreement requirement described in § 54.1-2957.

"Clinical nurse specialist" means an advanced practice registered nurse who is certified in the specialty of clinical nurse specialist and who is jointly licensed by the Boards of Medicine and Nursing as an advanced practice registered nurse pursuant to § 54.1-2957.

"Collaboration" means the communication and decision-making process among health care providers who are members of a patient care team related to the treatment of a patient that includes the degree of cooperation necessary to provide treatment and care of the patient and includes (i) communication of data and information about the treatment and care of a patient, including the exchange of clinical observations and assessments, and (ii) development of an appropriate plan of care, including decisions regarding the health care provided, accessing and assessment of appropriate additional resources or expertise, and arrangement of appropriate referrals, testing, or studies.

"Consultation" means communicating data and information, exchanging clinical observations and assessments, accessing and assessing additional resources and expertise, problem-solving, and arranging for referrals, testing, or studies.

"Genetic counselor" means a person licensed by the Board to engage in the practice of genetic counseling.

"Healing arts" means the arts and sciences dealing with the prevention, diagnosis, treatment and cure or alleviation of human physical or mental ailments, conditions, diseases, pain or infirmities.

"Licensed certified midwife" means a person who is licensed as a certified midwife by the Boards of Medicine and Nursing.

"Medical malpractice judgment" means any final order of any court entering judgment against a licensee of the Board that arises out of any tort action or breach of contract action for personal injuries or wrongful death, based on health care or professional services rendered, or that should have been rendered, by a health care provider, to a patient.

"Medical malpractice settlement" means any written agreement and release entered into by or on behalf of a licensee of the Board in response to a written claim for money damages that arises out of any personal injuries or wrongful death, based on health care or professional services rendered, or that should have been rendered, by a health care provider, to a patient.

"Nurse practitioner" means an advanced practice registered nurse, other than an advanced practice registered nurse licensed by the Boards of Medicine and Nursing in the category of certified nurse midwife, certified registered nurse anesthetist, or clinical nurse specialist, who is jointly licensed by the Boards of Medicine and Nursing pursuant to § 54.1-2957.

"Occupational therapy assistant" means an individual who has met the requirements of the Board for licensure and who works under the supervision of a licensed occupational therapist to assist in the practice of occupational therapy.

"Patient care team" means a multidisciplinary team of health care providers actively functioning as a unit with the management and leadership of one or more patient care team physicians for the purpose of providing and delivering health care to a patient or group of patients.

"Patient care team physician" means a physician who is actively licensed to practice medicine in the Commonwealth, who regularly practices medicine in the Commonwealth, and who provides management and leadership in the care of patients as part of a patient care team.

"Patient care team podiatrist" means a podiatrist who is actively licensed to practice podiatry in the Commonwealth, who regularly practices podiatry in the Commonwealth, and who provides management and leadership in the care of patients as part of a patient care team.

"Physician assistant" means a health care professional who has met the requirements of the Board for licensure as a physician assistant.

"Practice of acupuncture" means the stimulation of certain points on or near the surface of the body by the insertion of needles to prevent or modify the perception of pain or to normalize physiological functions, including pain control, for the treatment of certain ailments or conditions of the body and includes the techniques of electroacupuncture, cupping and moxibustion. The practice of acupuncture does not include the use of physical therapy, chiropractic, or osteopathic manipulative techniques; the use or prescribing of any drugs, medications, serums or vaccines; or the procedure of auricular acupuncture as exempted in § 54.1-2901 when used in the context of a chemical dependency treatment program for patients eligible for federal, state or local public funds by an employee of the program who is trained and approved by the National Acupuncture Detoxification Association or an equivalent certifying body.

"Practice of athletic training" means the prevention, recognition, evaluation, and treatment of injuries or conditions related to athletic or recreational activity that requires physical skill and utilizes strength, power, endurance, speed, flexibility, range of motion or agility or a substantially similar injury or condition resulting from occupational activity immediately upon the onset of such injury or condition; and subsequent treatment and rehabilitation of such injuries or conditions*, including in an inpatient or outpatient setting,* under the direction of the patient's physician or under the direction of any doctor of medicine, osteopathy, chiropractic, podiatry, or dentistry, while using heat, light, sound, cold, electricity, exercise or mechanical or other devices.

"Practice of behavior analysis" means the design, implementation, and evaluation of environmental modifications, using behavioral stimuli and consequences, to produce socially significant improvement in human behavior, including the use of direct observation, measurement, and functional analysis of the relationship between environment and behavior.

"Practice of chiropractic" means the adjustment of the 24 movable vertebrae of the spinal column, and assisting nature for the purpose of normalizing the transmission of nerve energy, but does not include the use of surgery, obstetrics, osteopathy, or the administration or prescribing of any drugs, medicines, serums, or vaccines. "Practice of chiropractic" shall include (i) requesting, receiving, and reviewing a patient's medical and physical history, including information related to past surgical and nonsurgical treatment of the patient and controlled substances prescribed to the patient, and (ii) documenting in a patient's record information related to the condition and symptoms of the patient, the examination and evaluation of the patient made by the doctor of chiropractic, and treatment provided to the patient by the doctor of chiropractic. "Practice of chiropractic" shall also include performing the physical examination of an applicant for a commercial driver's license or commercial learner's permit pursuant to § 46.2-341.12 if the practitioner has (i) applied for and received certification as a medical examiner pursuant to 49 C.F.R. Part 390, Subpart D and (ii) registered with the National Registry of Certified Medical Examiners.

"Practice of genetic counseling" means (i) obtaining and evaluating individual and family medical histories to assess the risk of genetic medical conditions and diseases in a patient, his offspring, and other family members; (ii) discussing the features, history, diagnosis, environmental factors, and risk management of genetic medical conditions and diseases; (iii) ordering genetic laboratory tests and other diagnostic studies necessary for genetic assessment; (iv) integrating the results with personal and family medical history to assess and communicate risk factors for genetic medical conditions and diseases; (v) evaluating the patient's and family's responses to the medical condition or risk of recurrence and providing client-centered counseling and anticipatory guidance; (vi) identifying and utilizing community resources that provide medical, educational, financial, and psychosocial support and advocacy; and (vii) providing written documentation of medical, genetic, and counseling information for families and health care professionals.

"Practice of licensed certified midwifery" means the provision of primary health care for preadolescents, adolescents, and adults within the scope of practice of a certified midwife established in accordance with the Standards for the Practice of Midwifery set by the American College of Nurse-Midwives, including (i) providing sexual and reproductive care and care during pregnancy and childbirth, postpartum care, and care for the newborn for up to 28 days following the birth of the child; (ii) prescribing of pharmacological and non-pharmacological therapies within the scope of the practice of midwifery; (iii) consulting or collaborating with or referring patients to such other health care providers as may be appropriate for the care of the patients; and (iv) serving as an educator in the theory and practice of midwifery.

"Practice of medicine or osteopathic medicine" means the prevention, diagnosis, and treatment of human physical or mental ailments, conditions, diseases, pain, or infirmities by any means or method.

"Practice of occupational therapy" means the therapeutic use of occupations for habilitation and rehabilitation to enhance physical health, mental health, and cognitive functioning and includes the evaluation, analysis, assessment, and delivery of education and training in basic and instrumental activities of daily living; the design, fabrication, and application of orthoses (splints); the design, selection, and use of adaptive equipment and assistive technologies; therapeutic activities to enhance functional performance; vocational evaluation and training; and consultation concerning the adaptation of physical, sensory, and social environments.

"Practice of podiatry" means the prevention, diagnosis, treatment, and cure or alleviation of physical conditions, diseases, pain, or infirmities of the human foot and ankle, including the medical, mechanical and surgical treatment of the ailments of the human foot and ankle, but does not include amputation of the foot proximal to the transmetatarsal level through the metatarsal shafts. Amputations proximal to the metatarsal-phalangeal joints may only be performed in a hospital or ambulatory surgery facility accredited by an organization listed in § 54.1-2939. The practice includes the diagnosis and treatment of lower extremity ulcers; however, the treatment of severe lower extremity ulcers proximal to the foot and ankle may only be performed by appropriately trained, credentialed podiatrists in an approved hospital or ambulatory surgery center at which the podiatrist has privileges, as described in § 54.1-2939. The Board of Medicine shall determine whether a specific type of treatment of the foot and ankle is within the scope of practice of podiatry.

"Practice of radiologic technology" means the application of ionizing radiation to human beings for diagnostic or therapeutic purposes.

"Practice of respiratory care" means the (i) administration of pharmacological, diagnostic, and therapeutic agents related to respiratory care procedures necessary to implement a treatment, disease prevention, pulmonary rehabilitative, or diagnostic regimen prescribed by a practitioner of medicine or osteopathic medicine; (ii) transcription and implementation of the written or verbal orders of a practitioner of medicine or osteopathic medicine pertaining to the practice of respiratory care; (iii) observation and monitoring of signs and symptoms, general behavior, general physical response to respiratory care treatment and diagnostic testing, including determination of whether such signs, symptoms, reactions, behavior or general physical response exhibit abnormal characteristics; and (iv) implementation of respiratory care procedures, based on observed abnormalities, or appropriate reporting, referral, respiratory care protocols or changes in treatment pursuant to the written or verbal orders by a licensed practitioner of medicine or osteopathic medicine or the initiation of emergency procedures, pursuant to the Board's regulations or as otherwise authorized by law. The practice of respiratory care may be performed in any clinic, hospital, skilled nursing facility, private dwelling or other place deemed appropriate by the Board in

accordance with the written or verbal order of a practitioner of medicine or osteopathic medicine, and shall be performed under qualified medical direction.

"Practice of surgical assisting" means the performance of significant surgical tasks, including manipulation of organs, suturing of tissue, placement of hemostatic agents, injection of local anesthetic, harvesting of veins, implementation of devices, and other duties as directed by a licensed doctor of medicine, osteopathy, or podiatry under the direct supervision of a licensed doctor of medicine, osteopathy, or podiatry.

"Qualified medical direction" means, in the context of the practice of respiratory care, having readily accessible to the respiratory therapist a licensed practitioner of medicine or osteopathic medicine who has specialty training or experience in the management of acute and chronic respiratory disorders and who is responsible for the quality, safety, and appropriateness of the respiratory services provided by the respiratory therapist.

"Radiologic technologist" means an individual, other than a licensed doctor of medicine, osteopathy, podiatry, or chiropractic or a dentist licensed pursuant to Chapter 27 (§ 54.1-2700 et seq.), who (i) performs, may be called upon to perform, or is licensed to perform a comprehensive scope of diagnostic or therapeutic radiologic procedures employing ionizing radiation and (ii) is delegated or exercises responsibility for the operation of radiation-generating equipment, the shielding of patient and staff from unnecessary radiation, the appropriate exposure of radiographs, the administration of radioactive chemical compounds under the direction of an authorized user as specified by regulations of the Department of Health, or other procedures that contribute to any significant extent to the site or dosage of ionizing radiation to which a patient is exposed.

"Radiologic technologist, limited" means an individual, other than a licensed radiologic technologist, dental hygienist, or person who is otherwise authorized by the Board of Dentistry under Chapter 27 (§ 54.1-2700 et seq.) and the regulations pursuant thereto, who performs diagnostic radiographic procedures employing equipment that emits ionizing radiation that is limited to specific areas of the human body.

"Radiologist assistant" means an individual who has met the requirements of the Board for licensure as an advanced-level radiologic technologist and who, under the direct supervision of a licensed doctor of medicine or osteopathy specializing in the field of radiology, is authorized to (i) assess and evaluate the physiological and psychological responsiveness of patients undergoing radiologic procedures; (ii) evaluate image quality, make initial observations, and communicate observations to the supervising radiologist; (iii) administer contrast media or other medications prescribed by the supervising radiologist; and (iv) perform, or assist the supervising radiologist to perform, any other procedure consistent with the guidelines adopted by the American College of Radiology, the American Society of Radiologic Technologists, and the American Registry of Radiologic Technologists.

"Respiratory care" means the practice of the allied health profession responsible for the direct and indirect services, including inhalation therapy and respiratory therapy, in the treatment, management, diagnostic testing, control, and care of patients with deficiencies and abnormalities associated with the cardiopulmonary system under qualified medical direction.

"Surgical assistant" means an individual who has met the requirements of the Board for licensure as a surgical assistant and who works under the direct supervision of a licensed doctor of medicine, osteopathy, or podiatry.

CHAPTER 223

An Act to amend and reenact § 3.2-1801 of the Code of Virginia, relating to Department of Agriculture and Consumer Services; Potato Board; membership.

[H 1399]

Approved March 28, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 3.2-1801 of the Code of Virginia is amended and reenacted as follows:

§ 3.2-1801. Potato Board; composition and appointment of members.

The Potato Board, established by the passage of a 1994 referendum held pursuant to Chapter 126 of the Acts of Assembly of 1982, is continued within the Department. The Potato Board shall be composed of ~~seven~~ *five* members appointed by the Governor from nominations by grower organizations, to terms of four years. The appointments shall be subject to confirmation by the General Assembly. All members of the Potato Board shall be producers of potatoes. Each grower organization shall submit nominations for each available position before the expiration of the member's term for which the nomination is being provided. If said organizations fail to provide nominations, the Governor may appoint other nominees that meet the criteria provided by this section.

2. That the terms of persons serving as members of the Potato Board prior to the effective date of this act shall expire on the effective date of this act.

3. That the initial appointments of members of the Potato Board shall be staggered as follows: one member shall be appointed for a term to expire June 30, 2025; one member shall be appointed for a term to expire June 30, 2026; one member shall be appointed for a term to expire June 30, 2027; and two members shall be appointed for a term to expire June 30, 2028. After the initial appointments of members of the Potato Board pursuant to this enactment, appointments shall be for terms of four years beginning on July 1 of the year of the appointment.

CHAPTER 224

An Act to amend and reenact § 45.2-1200 of the Code of Virginia, relating to mineral mines; farm pond construction or expansion.

[H 1466]

Approved March 28, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 45.2-1200 of the Code of Virginia is amended and reenacted as follows:

§ 45.2-1200. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Disturbed land" means the area from which overburden has been removed in any mining operation, plus the area covered by the spoil and refuse, plus any area used in such mining operation, including land used for processing, stockpiling, or settling ponds.

"Division" means the Division of Mineral Mining.

"Mineral" means ore, rock, and any other solid homogeneous crystalline chemical element or compound that results from the inorganic processes of nature other than coal.

"Mining" means the breaking or disturbing of the surface soil or rock in order to facilitate or accomplish the extraction or removal of minerals or any activity constituting all or part of a process for the extraction or removal of minerals so as to make them suitable for commercial, industrial, or construction use. "Mining" does not include (i) any aspect of deep mining that does not have a significant effect on the surface or (ii) excavation or grading when conducted solely in aid of onsite farming or construction. *Such exemption in clause (ii) shall not be construed to limit a landowner in a one-time construction or expansion of a farm pond for agricultural irrigation or provision of water for livestock to beneficially reuse the soil or sand, provided that such pond construction or expansion project (a) is a one-time activity on that parcel of land, (b) is completed within six months, (c) results in a pond that is less than three acres in total, and (d) has all necessary permits and local approvals in place before such activity begins.* Nothing in this section applies to the mining of coal. "Mining" does not include, and this title, chapter, or section shall not be construed to apply to, the process of searching, prospecting, exploring, or investigating for minerals by drilling.

"Mining operation" means any area included in an approved plan of operation.

"Operator" means any individual, corporation or corporation officer, firm, joint venture, partnership, business trust, association, or any other group or combination acting as a unit, or any legal entity that is engaged in mining.

"Orphaned lands" means lands disturbed by surface mining of minerals, other than coal operations, that were not required by law to be reclaimed or that have not been reclaimed.

"Overburden" means all of the earth and other materials that lie above a natural deposit of minerals, ores, rock, or other solid matter and also other materials after removal from their natural deposit in the process of mining.

"Reclamation" means the restoration or conversion of disturbed land to a stable condition that minimizes or prevents adverse disruption and the injurious effects of such disruption and presents an opportunity for further productive use if such use is reasonable.

"Refuse" means all waste soil, rock, mineral tailings, slimes, and other material directly connected with the mine or with the cleaning and preparation of substances mined, including all waste material deposited in the permit area from other sources.

"Spoil" means any overburden or other material removed from its natural state in the process of mining.

2. That the Department of Energy shall update its regulations and guidance documents to reflect the provisions of § 45.2-1200 of the Code of Virginia, as amended by this act.

CHAPTER 225

An Act to amend and reenact §§ 15.2-107, 15.2-201, 15.2-202, 15.2-301, 15.2-503, 15.2-603, 15.2-716, 15.2-749, 15.2-903, 15.2-907.2, 15.2-909, 15.2-958.3, 15.2-958.6, 15.2-1201, 15.2-1301, 15.2-1427, 15.2-1702, 15.2-1703, 15.2-1719, 15.2-2006, 15.2-2101, 15.2-2105, 15.2-2108.7, 15.2-2108.21, 15.2-2114, 15.2-2204, 15.2-2270, 15.2-2271, 15.2-2272, 15.2-2316.2, 15.2-2321, 15.2-2400, 15.2-2401, 15.2-2409, 15.2-2506, 15.2-2507, 15.2-2606, 15.2-2610, 15.2-2652, 15.2-2653, 15.2-3236, 15.2-3242, 15.2-3400, 15.2-3401, 15.2-3504, 15.2-3600, 15.2-3805, 15.2-3913, 15.2-4311, 15.2-4313, 15.2-4405, 15.2-5136, 15.2-5156, 15.2-5403, 15.2-5431.25, 15.2-5704, 15.2-5806, 15.2-7502, 21-114, 21-117.1, 21-146, 21-229, 21-393, 21-420, 22.1-37, 30-140, 33.2-331, 33.2-723, 33.2-909, 33.2-2001, 33.2-2101, 33.2-2701, 58.1-3245.2, 58.1-3245.8, 58.1-3321, and 62.1-44.15:33, as it is currently effective and as it shall become effective, of the Code of Virginia, relating to local government; standardization of public notice requirements for certain meetings, hearings, or intended actions.

[H 1488]

Approved March 28, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 15.2-107, 15.2-201, 15.2-202, 15.2-301, 15.2-503, 15.2-603, 15.2-716, 15.2-749, 15.2-903, 15.2-907.2, 15.2-909, 15.2-958.3, 15.2-958.6, 15.2-1201, 15.2-1301, 15.2-1427, 15.2-1702, 15.2-1703, 15.2-1719, 15.2-2006, 15.2-2101, 15.2-2105, 15.2-2108.7, 15.2-2108.21, 15.2-2114, 15.2-2204, 15.2-2270, 15.2-2271, 15.2-2272, 15.2-2316.2, 15.2-2321, 15.2-2400, 15.2-2401, 15.2-2409, 15.2-2506, 15.2-2507, 15.2-2606, 15.2-2610, 15.2-2652, 15.2-2653, 15.2-3236, 15.2-3242, 15.2-3400, 15.2-3401, 15.2-3504, 15.2-3600, 15.2-3805, 15.2-3913, 15.2-4311, 15.2-4313, 15.2-4405, 15.2-5136, 15.2-5156, 15.2-5403, 15.2-5431.25, 15.2-5704, 15.2-5806, 15.2-7502, 21-114, 21-117.1, 21-146, 21-229, 21-393, 21-420, 22.1-37, 30-140, 33.2-331, 33.2-723, 33.2-909, 33.2-2001, 33.2-2101, 33.2-2701, 58.1-3245.2, 58.1-3245.8, 58.1-3321, and 62.1-44.15:33, as it is currently effective and as it shall become effective, of the Code of Virginia are amended and reenacted as follows:

§ 15.2-107. Advertisement and enactment of certain fees and levies.

All levies and fees imposed or increased by a locality pursuant to the provisions of Chapters 21 (§ 15.2-2100 et seq.) or 22 (§ 15.2-2200 et seq.) shall be adopted by ordinance. The advertising requirements of subsection F of § 15.2-1427, or § 15.2-2204, as appropriate, shall apply~~, except as modified in this section.~~

~~The advertisement shall include the following:~~

~~1. The time, date, and place of the public hearing.~~

~~2. The actual dollar amount or percentage change, if any, of the proposed levy, fee or increase.~~

~~3. A specific reference to the Code of Virginia section or other legal authority granting the legal authority for enactment of such proposed levy, fee, or increase~~.

~~4.~~ A designation of the place or places where the complete ordinance~~,~~ and information concerning the documentation for the proposed fee, levy or increase are available for examination by the public no later than the time of the first publication.

§ 15.2-201. Charter elections; subsequent procedure; procedure when bill not introduced or fails to pass in General Assembly.

A locality may provide for holding an election to be conducted as provided in § 24.2-681 et seq. of Title 24.2 to determine if the voters of the locality desire that it request the General Assembly to grant to the locality a new charter or to amend its existing charter. At least ~~ten~~ *seven* days prior to the holding of such election, ~~the text or an informative summary of the new charter or amendment desired shall be published in a newspaper of general circulation in the locality~~ *public notice shall be given in accordance with § 15.2-1427*.

If a majority of the voters voting in such election vote in favor of such request, the locality shall transmit two certified copies of the results of such election together with the publisher's affidavit and the new charter or the amendments to the existing charter, to one or more members of the General Assembly representing such locality for introduction as a bill in the succeeding session of the General Assembly.

If a bill incorporating such charter or amendments is not introduced at the succeeding session of the General Assembly, the approval of the voters for such charter or amendments shall be void. If, at such session, members of the General Assembly fail to enact or pass by indefinitely and do not carry over such a bill incorporating such charter or amendments, the charter or amendments shall again be presented to the voters for their approval or submitted to a public hearing pursuant to § 15.2-202 before reintroduction in the General Assembly.

§ 15.2-202. Public hearing in lieu of election; procedure when bill not introduced or fails to pass in General Assembly.

In lieu of the election provided for in § 15.2-201, a locality requesting the General Assembly to grant to it a new charter or to amend its existing charter may hold a public hearing with respect thereto, at which citizens shall have an opportunity to be heard to determine if the citizens of the locality desire that the locality request the General Assembly to grant to it a new charter, or to amend its existing charter. ~~At least seven days' notice of the time and place of such hearing and the text or an informative summary of the new charter or amendment desired shall be published in a newspaper of general circulation in the locality~~ *Public notice shall be given in accordance with § 15.2-1427*. ~~Such~~ *The* public hearing may be adjourned from time to time, and upon the completion thereof, the locality may request, in the manner provided in § 15.2-201, the General Assembly to grant the new charter or amend the existing charter and the provisions of § 15.2-201 shall be applicable thereto.

If a bill incorporating such charter or amendments is not introduced at the succeeding session of the General Assembly, the authority of the locality to request such charter or amendments by reason of such public hearing shall thereafter be void. If at such session members of the General Assembly fail to enact and do not carry over or pass by indefinitely a bill incorporating such charter or amendments, the charter or amendments may again be submitted to a public hearing in lieu of an election as provided hereinabove before reintroduction in the General Assembly.

The locality requesting a new or amended charter shall provide with such request a publisher's affidavit showing that the public hearing was advertised and a certified copy of the governing body's minutes showing the action taken at the advertised public hearing.

§ 15.2-301. Petition or resolution asking for referendum; notice; conduct of election.

A. A county may adopt one of the optional forms of government provided for in Chapters 4 through 8 of this title only after approval by voter referendum. The referendum shall be initiated by (i) a petition filed with the circuit court for the county signed by at least ten percent of the voters of the county, asking that a referendum be held on the question of

adopting one of the forms of government or (ii) a resolution passed by the board of supervisors and filed with the circuit court asking for a referendum. The petition or resolution shall specify which of the forms of government provided for in Chapters 4 through 8 is to be placed on the ballot for consideration. Only one form may be placed on the ballot for consideration.

B. Notice of the election shall be published *three times* in a newspaper having a general circulation in the county ~~once a week for three consecutive weeks and shall~~, *with the first notice appearing no more than 35 days before and the third notice appearing no less than seven days before the election. Notice of the election shall also* be posted at the door of the county courthouse.

C. The election shall be conducted in accordance with the provisions of § 24.2-684. In addition to the certifications required by such section, the secretary of the appropriate electoral board shall certify the results to the Commission on Local Government.

D. Prior to adopting an optional form of government provided for in Chapter 5 or Chapter 6, a county shall also comply with the referendum requirements of § 24.2-686.

§ 15.2-503. Referendum on election of the county chairman from the county at large; powers and duties of chairman.

A. The board of any county in which members of the board are elected from districts, may by resolution petition the circuit court for the county for a referendum on the question of whether there should be a chairman of the board elected at large, or the like referendum may be requested by a petition to the circuit court signed by at least ten percent of the voters of the county. Upon the filing of the petition, which shall be filed not less than ninety days before the general election, the circuit court shall order the election officials at the next general election held in the county to open the polls and take the sense of the voters therein on that question. Notice of the referendum shall be published ~~once a week for three consecutive weeks prior to the referendum~~ *three times* in a newspaper having general circulation in the county, ~~and~~ *with the first notice appearing no more than 35 days before and the third notice appearing no less than seven days before the referendum. Notice of the referendum* shall *also* be posted at the door of the county courthouse. The ballot shall be printed as follows:

"Shall the chairman of the county board of supervisors, to be known as the county chairman, be elected by the voters of the county at large?

[ ] Yes

[ ] No"

The election shall be held and the results certified as provided in § 24.2-684.

B. If a majority of the qualified voters voting in such referendum vote in favor of the election of a county chairman of the board from the county at large, beginning at the next general election for the board, the county chairman shall be elected for a term of the same length and commencing at the same time as that of other members of the board. No person may be a candidate for county chairman at the same time he is a candidate for membership on the board from any district of the county.

C. Notwithstanding the provisions of § 15.2-502, the board thereafter shall consist of one member elected from each district of the county and a county chairman elected by the voters of the county at large. The county chairman shall be the chairman of the board and preside at its meetings. The chairman shall represent the county at official functions and ceremonial events. The chairman shall have all voting and other rights, privileges, and duties of other board members and such other, not in conflict with this article, as the board may prescribe. At the first meeting at the beginning of its term and any time thereafter when necessary, the board shall elect a vice-chairman from its membership, who shall perform the duties of the chairman in his absence.

§ 15.2-603. Referendum on election of supervisors by districts or at large.

The governing body of any county which has adopted the county manager form of government, as provided in Chapter 368 of the Acts of 1932, at an election held for that purpose pursuant to the provisions of said chapter, may by resolution petition the circuit court of the county requesting that a referendum be held on the following questions: (i) Shall the board of supervisors be elected solely by the qualified voters of each magisterial or election district, or by the qualified voters of the county at large? (ii) Shall the board have in addition to the members from each magisterial or election district, one member from any district elected from and representing the county at large? The court, by order entered of record in accordance with § 24.2-684, shall require the regular election officials on a day fixed in such order to open the polls and take the sense of the qualified voters of the county on the questions submitted as herein provided. The clerk of the circuit court of the county shall cause a notice of such referendum election to be published ~~once a week for three consecutive weeks~~ *three times* in a newspaper published or having a general circulation in the county ~~and shall~~, *with the first notice appearing no more than 35 days before and the third notice appearing no less than seven days before the referendum. The clerk shall also* post a copy of such notice at the door of the courthouse of the county. The ballot used shall be printed to read as follows:

Shall the board of supervisors be elected by the qualified voters of each magisterial or election district, or by the qualified voters of the county at large?

[ ] By the qualified voters of each magisterial or election district.

[ ] By the qualified voters of the county at large.

Shall the board have in addition to the members for each magisterial or election district, one member from any district elected from and representing the county at large?

[ ] Yes
[ ] No

The ballots shall be marked in accordance with the provisions of § 24.2-684.

The ballots shall be counted, returns made and canvassed as in other elections, and the result certified by the electoral board to the circuit court of the county. The circuit court shall enter of record the fact of which method of election of supervisors has been chosen by a majority of the qualified voters participating in such referendum election, and an election for members of the board by such method in that county shall be held at the next regular November election of such officers, and every four years thereafter.

In any election pursuant to Chapter 3 (§ 15.2-300 et seq.), the questions provided for in this section shall be submitted to the voters, in addition to the question or questions required by § 15.2-301.

§ 15.2-716. Referendum for establishment of department of real estate assessments; board of equalization; general reassessments in county where department established.

A referendum may be initiated by a petition signed by 200 or more qualified voters of the county filed with the circuit court, asking that a referendum be held on the question of whether the county shall have a department of real estate assessments. The court shall on or before August 1 enter of record an order requiring the county election officials to open the polls at the regular election to be held in November of such year on the question stated in such order. If the petition seeks the holding of a special election on the question, then the petition hereinabove referred to shall be signed by 1,000 or more qualified voters of the county and the court shall within fifteen days of the date such petition is filed enter an order, in accordance with § 24.2-684, requiring the election officials to open the polls on a date fixed in the order and take the sense of the qualified voters of the county. The clerk of the county shall cause a notice of such election to be published *three times* in a newspaper having general circulation in the county ~~once a week for three successive weeks~~, with the first notice appearing no more than ~~21~~ *35* days *before and the third notice appearing no less than seven days* before the date on which the referendum is held, and shall post a copy of such notice at the door of the county courthouse.

If a majority of the voters voting in the referendum vote for the establishment of a department of real estate assessments, the board shall by ordinance establish such department, provide for the compensation of the department head and employees therein, and decide such other matters in relation to the powers and duties of the department, the department head and the employees, as the board deems proper. As used in this section the term "department" refers to the department of real estate assessments and where proper the department head thereof.

Upon the establishment of the department, the county manager shall select the head thereof and provide for such employees and assistants as required. Such department shall be vested with the powers and duties conferred or imposed upon commissioners of the revenue by general law to the extent that such duties and powers are consistent with this section, in relation to the assessment of real estate. All real estate shall be assessed at its fair market value as of January 1 of each year by the department and taxes for each year on such real estate shall be entered on the land book by the department in the name of the owner thereof. Whenever any such assessment is increased over the last assessment made prior to such year, the department shall give written notice to the owner of such real estate or of any interest therein, by mailing such notice to the last known post-office address of such owner. However, the validity of such assessment shall not be affected by any failure to receive such notice.

If a department of real estate assessments is appointed as above provided, a board of equalization of real estate assessments shall be appointed pursuant to § 15.2-716.1. Any person aggrieved by any assessment made under the provisions of this section may apply for relief to such board as therein provided.

When a department of real estate assessments is appointed, the county shall not be required to undertake general reassessments of real estate every six years, but the governing body of the county may, but shall not be required to, request the circuit court of such county to order a general reassessment at such times as the governing body deems proper. Such court shall then enter an order directing a reassessment of real estate in the manner provided by law.

The department of real estate assessments may require that the owners of income-producing real estate in the county subject to local taxation, except property producing income solely from the rental of no more than four dwelling units, furnish to the department on or before a time specified by the director of the department statements of the income and expenses attributable over a specified period of time to each such parcel of real estate. If there is a willful failure to furnish statements of income and expenses in a timely manner to the director, the owner of such parcel of real estate shall be deemed to have waived his right in any proceeding contesting the assessment to utilize such income and expenses as evidence of fair market value. Each such statement shall be certified as to its accuracy by an owner of the real estate for which the statement is furnished, or a duly authorized agent thereof. Any statement required by this section shall be kept confidential as required by § 58.1-3.

§ 15.2-749. Certain referenda in certain counties.

If on or before July 15 of any year in which such referendum is provided for by law a petition signed by 200 or more qualified voters of the county is filed with the circuit court of the county asking that a referendum be held on any question upon which a referendum is provided for by any applicable statute, then such court shall on or before August 1 of such year issue and enter of record an order requiring the county election officials to open the polls at the regular election to be held in November of such year on the question stated in such statute. If the statute providing for such referendum shall authorize or require the referendum to be held at a special election, then the petition hereinabove referred to shall be signed by 1,000 or more voters of the county and the court shall within fifteen days of the date such petition is filed enter an order requiring the

election officials to open the polls and take the sense of the voters of the county on a date fixed in his order, which shall be in accordance with § 24.2-682. The clerk of the county shall cause a notice of such election to be published *three times* in a newspaper published or having general circulation in the county ~~once a week for three successive weeks~~, with the first notice appearing no more than ~~21~~ *35* days *before and the third notice appearing no less than seven days* before the date on which the referendum is held, and shall post a copy of the notice at the door of the county courthouse.

§ 15.2-903. Ordinances taxing and regulating "automobile graveyards," "junkyards," and certain vacant and abandoned property.

A. Any locality may adopt ordinances imposing license taxes upon and otherwise regulating the maintenance and operation of places commonly known as automobile graveyards and junkyards and may prescribe fines and other punishment for violations of such ordinances.

No such ordinance shall be adopted until after notice ~~of the proposed ordinance~~ *in accordance with § 15.2-1427* has been published ~~once a week for two successive weeks in a newspaper having general circulation in the locality. The ordinance need not be advertised in full, but may be advertised by reference. Every such advertisement shall contain a descriptive summary of the proposed ordinance and a reference to the place or places within the locality where copies of the proposed ordinance may be examined~~.

As used in this section the terms "automobile graveyard" and "junkyard" have the meanings ascribed to them in § 33.2-804.

B. The Counties of Bedford, Campbell, Caroline, Fauquier, Rockbridge, Shenandoah, Tazewell, Warren and York may adopt an ordinance imposing the screening of automobile graveyards and junkyards, unless screening is impractical due to topography, as set forth in § 33.2-804. Any such ordinance may apply to any automobile graveyard or junkyard within the boundaries of such county regardless of the date on which any such automobile graveyard or junkyard may have come into existence, notwithstanding the provisions of § 33.2-804.

C. The City of Newport News may adopt an ordinance imposing screening or landscape screening for retail or commercial properties that have been vacant or abandoned for more than three years within designated areas consistent with the city's comprehensive plan.

§ 15.2-907.2. Authority of locality or land bank entity to be appointed to act as a receiver to repair derelict and blighted buildings in certain limited circumstances.

A. Any locality that has adopted an ordinance pursuant to § 15.2-907.1 may petition the circuit court for the appointment of the locality or a land bank entity created pursuant to the Land Bank Entities Act (§ 15.2-7500 et seq.) to act as a receiver to repair real property that contains residential dwelling units only in accordance with all of the following:

1. The locality has properly declared the subject property to be a derelict building in compliance with the provisions of § 15.2-907.1;

2. The property owners are in noncompliance with the provisions of § 15.2-907.1;

3. The locality has properly declared the subject property to be blighted in compliance with the provisions of § 36-49.1:1 for spot blight abatement, and the subject property is itself blighted;

4. The property owners are in noncompliance with the provisions of § 36-49.1:1 requiring abatement of the blighted condition of the property;

5. The locality has made bona fide efforts to ensure compliance by the property owners of the subject property with the requirements of §§ 15.2-907.1 and 36-49.1:1;

6. The repairs to the subject property are necessary to bring the subject property into compliance with the provisions of the Uniform Statewide Building Code;

7. The repairs to the subject property necessary to satisfy the requirements of subdivision 6 shall not result in a change of use for zoning purposes of the subject property;

8. Upon appointment by the circuit court to serve as a receiver, the locality or land bank entity shall have the authority to contract for all reasonable repairs necessary to bring the property into compliance with the provisions of the Uniform Statewide Building Code, subject to all applicable requirements of state and local procurement laws. Such repairs shall be made in a time period established by the court, but in no event shall a receivership exceed two years;

9. Notwithstanding any other provision of law, the provisions of this section are subject to the requirements of the Servicemembers Civil Relief Act (50 U.S.C. § 3901 et seq.); and

10. Notwithstanding any other provisions of law, the subject property shall be eligible for any real estate abatement programs that exist in the locality.

B. A petition by the locality to be appointed, or to appoint a land bank entity created pursuant to the Land Bank Entities Act (§ 15.2-7500 et seq.), to act as a receiver shall include affirmative statements that the locality has satisfied each of the requirements of this section and further state that the locality has recorded a memorandum of lis pendens simultaneously with the filing of said petition. The costs of the receivership, along with reasonable attorney fees, incurred by the locality or land bank entity as receiver shall constitute a lien in favor of the locality or land bank entity against the subject property in accordance with the provisions of § 58.1-3340, and shall be on par with and collectible in the same manner as delinquent real estate taxes owed to the locality. The judicial proceedings herein shall be held in accordance with the requirements, statutory or arising at common law, relative to effecting the sale of real estate by a creditor's bill in equity to subject real estate to the lien of a judgment creditor.

C. The locality or land bank entity created pursuant to the Land Bank Entities Act (§ 15.2-7500 et seq.) appointed to be a receiver may enforce the receiver's lien by a sale of the property at public auction, but only upon application for and entry of an order of sale by the circuit court. The court shall appoint a special commissioner to conduct the sale, and an attorney employed by the locality may serve as special commissioner. Such sale shall be upon order of the court entered after notice as required by the Rules of the Supreme Court of Virginia and following publication of notice of the sale ~~once a week for four consecutive weeks~~ *three times* in a newspaper of general circulation*, with the first notice appearing no more than 35 days before and the third notice appearing no less than seven days before the sale*. Following such public auction, the special commissioner shall file an accounting with the court and seek confirmation of the sale. Upon confirmation, the special commissioner shall be authorized to execute a deed conveying title, which shall pass free and clear to the purchaser at public auction. Following such sale, the former owner or owners, or any heirs, assignees, devisees, or successors in interest to the property shall be entitled to the surplus received in excess of the receiver's lien, taxes, penalties, interest, reasonable attorney fees, costs, and any recorded liens chargeable against the property. At any time prior to confirmation of the sale provided for herein, the owner shall have the right to redeem the property, as provided for in subsection D. The character of the title acquired by the purchaser of the property at public auction shall be governed by the principles and rules applicable to the titles of purchases at judicial sales of real estate generally.

D. The owner of any property subject to receivership may redeem the property at any time prior to the expiration of the two-year period or prior to confirmation of sale at public auction by paying the receiver's lien in full and the taxes, penalties, interest, reasonable attorney fees, costs, and any recorded liens chargeable against the property. Partial payment shall not be sufficient to redeem the property and shall not operate to suspend the receivership.

E. In lieu of appointment of a receiver, the circuit court shall permit repair by a property owner or a person with an interest in the property secured by a deed of trust properly recorded upon the following conditions:

1. Demonstration of the ability to complete the repair within a reasonable amount of time to be determined by the court; and

2. Entry of a court order setting forth a schedule for such repair.

§ 15.2-909. Authority to require removal, repair, etc., of wharves, piers, pilings, bulkheads, vessels or abandoned, obstructing or hazardous property.

Any locality may by ordinance provide:

1. The owners of property therein shall at such time or times as the governing body may prescribe, remove, repair or secure any vessel which has been abandoned or any wharf, pier, piling, bulkhead or any other structure or vessel which might endanger the public health or safety of other persons, or which might constitute an obstruction or hazard to the lawful use of the waters within or adjoining such locality. If such property is deemed to be abandoned, the governing body may designate and empower an official to ascertain the lawful owner of such property and to have the owner repair, remove or secure such property;

2. The locality, through its own agents or employees, may remove, repair or secure any vessel which has been abandoned or any wharf, pier, piling, bulkhead, or other structure or vessel which might endanger the public health or safety of other persons or which might constitute a hazard or obstruction to the lawful use of the waters within such locality, if the owner of such property, after reasonable notice and reasonable time to do so, has failed to remove, repair or secure such wharf, pier, piling, bulkhead or other structure or vessel;

3. In the event the locality, through its own agents or employees removes, repairs or secures any wharf, pier, piling, bulkhead or other structure or vessel after complying with the notice provisions of this section, the cost or expenses thereof shall be chargeable to and paid by the owners of such property and to the extent applicable may be collected by the locality as taxes are collected;

4. If the identity or whereabouts of the lawful owner is unknown or not able to be ascertained after a reasonable search and after lawful notice has been made to the last known address of any known owner, the locality, through its own agents or employees, may repair such wharf, pier, piling, bulkhead or other structure or vessel or remove such property after giving notice by publication ~~once each week for two weeks~~ *twice* in a newspaper of general circulation in the area where such property is located*, with the first notice appearing no more than 28 days before and the second notice appearing no less than seven days before proceeding with repair or removal*;

5. Every charge authorized by this section with which the owner of any such property has been assessed and which remains unpaid, to the extent applicable, shall constitute a lien against the owner's real property, and such lien shall be recorded in the judgment lien docket book in the circuit court for such locality. Such lien may also be reduced to a personal judgment against the owner.

§ 15.2-958.3. Commercial Property Assessed Clean Energy (C-PACE) financing programs.

A. As used in this section:

"Eligible improvements" means any of the following improvements made to eligible properties:

1. Energy efficiency improvements;

2. Water efficiency and safe drinking water improvements;

3. Renewable energy improvements;

4. Resiliency improvements;

5. Stormwater management improvements;

6. Environmental remediation improvements; and

7. Electric vehicle infrastructure improvements.

A program administrator may include in its C-PACE loan program guide or other administrative documentation definitions, interpretations, and examples of these categories of eligible improvements.

"Eligible properties" means all assessable commercial real estate located within the Commonwealth, with all buildings located or to be located thereon, whether vacant or occupied, whether improved or unimproved, and regardless of whether such real estate is currently subject to taxation by the locality, other than a residential dwelling with fewer than five dwelling units or a condominium as defined in § 55.1-2000 used for residential purposes. Common areas of real estate owned by a cooperative or a property owners' association described in Subtitle IV (§ 55.1-1800 et seq.) of Title 55.1 that have a separate real property tax identification number are eligible properties. Eligible properties shall be eligible to participate in the C-PACE loan program.

"Program administrator" means a third party that is contracted for professional services to administer a C-PACE loan program.

"Resiliency improvement" means an improvement that increases the capacity of a structure or infrastructure to withstand or recover from natural disasters, the effects of climate change, and attacks and accidents, including, but not limited to:

1. Flood mitigation or the mitigation of the impacts of flooding;

2. Inundation adaptation;

3. Natural or nature-based features and living shorelines, as defined in § 28.2-104.1;

4. Enhancement of fire or wind resistance;

5. Microgrids;

6. Energy storage; and

7. Enhancement of the resilience capacity of a natural system, structure, or infrastructure.

B. Any locality may, by ordinance, authorize contracts to provide C-PACE loans (loans) for the initial acquisition, installation, and refinancing of eligible improvements located on eligible properties by free and willing property owners of such eligible properties. The ordinance may refer to the mode of financing as Commercial Property Assessed Clean Energy (C-PACE) financing and shall include but not be limited to the following:

1. The kinds of eligible improvements that qualify for loans;

2. The proposed arrangement for such C-PACE loan program (loan program), including (i) a statement concerning the source of funding for the C-PACE loan; (ii) the time period during which contracting property owners would repay the C-PACE loan; and (iii) the method of apportioning all or any portion of the costs incidental to financing, administration, and collection of the C-PACE loan among the parties to the C-PACE transaction;

3. (i) A minimum dollar amount that may be financed with respect to an eligible property; (ii) if a locality or other public body is originating the loans, a maximum aggregate dollar amount that may be financed with respect to loans originated by the locality or other public body, and (iii) provisions that the loan program may approve a loan application submitted within two years of the locality's issuance of a certificate of occupancy or other evidence that eligible improvements comply substantially with the plans and specifications previously approved by the locality and that such loan may refinance or reimburse the property owner for the total costs of such eligible improvements;

4. In the case of a loan program described in clause (ii) of subdivision 3, a method for setting requests from owners of eligible properties for financing in priority order in the event that requests appear likely to exceed the authorization amount of the loan program. Priority shall be given to those requests from owners of eligible properties who meet established income or assessed property value eligibility requirements;

5. Identification of a local official authorized to enter into contracts on behalf of the locality. A locality may contract with a program administrator to administer such loan program;

6. Identification of any fee that the locality intends to impose on the property owner requesting to participate in the loan program to offset the cost of administering the loan program. The fee may be assessed as a program fee paid by the property owner requesting to participate in the program; and

7. A draft contract specifying the terms and conditions proposed by the locality.

C. The locality may combine the loan payments required by the contracts with billings for water or sewer charges, real property tax assessments, or other billings; in such cases, the locality may establish the order in which loan payments will be applied to the different charges. The locality may not combine its billings for loan payments required by a contract authorized pursuant to this section with billings of another locality or political subdivision, including an authority operating pursuant to Chapter 51 (§ 15.2-5100 et seq.), unless such locality or political subdivision has given its consent by duly adopted resolution or ordinance. The locality may, either by ordinance or its program guide, delegate the billing; collection, including enforcement; and remittance of C-PACE loan payments to a third party.

D. The locality shall offer private lending institutions the opportunity to participate in local C-PACE loan programs established pursuant to this section.

E. In order to secure the loan authorized pursuant to this section, the locality shall place a voluntary special assessment lien equal in value to the loan against any property where such eligible improvements are being installed. The locality may bundle or package said loans for transfer to private lenders in such a manner that would allow the voluntary special assessment liens to remain in full force to secure the loans. The placement of a voluntary special assessment lien shall not require a new assessment on the value of the real property that is being improved under the loan program.

F. A voluntary special assessment lien imposed on real property under this section:

1. Shall have the same priority status as a property tax lien against real property, except that such voluntary special assessment lien shall have priority over any previously recorded mortgage or deed of trust lien only if (i) a written subordination agreement, in a form and substance acceptable to each prior lienholder in its sole and exclusive discretion, is executed by the holder of each mortgage or deed of trust lien on the property and recorded with the special assessment lien in the land records where the property is located, and (ii) evidence that the property owner is current on payments on loans secured by a mortgage or deed of trust lien on the property and on property tax payments, that the property owner is not insolvent or in bankruptcy proceedings, and that the title of the benefited property is not in dispute is submitted to the locality prior to recording of the special assessment lien;

2. Shall run with the land, and that portion of the assessment under the assessment contract that has not yet become due is not eliminated by foreclosure of a property tax lien;

3. May be enforced by the local government in the same manner that a property tax lien against real property is enforced by the local government. A local government shall be entitled to recover costs and expenses, including attorney fees, in a suit to collect a delinquent installment of an assessment in the same manner as in a suit to collect a delinquent property tax; and

4. May incur interest and penalties for delinquent installments of the assessment in the same manner as delinquent property taxes.

G. Prior to the enactment of an ordinance pursuant to this section, a public hearing shall be held at which interested persons may object to or inquire about the proposed loan program or any of its particulars. The public hearing shall be published ~~once a week for two successive weeks~~ *twice*, with the first notice appearing no more than ~~14~~ *28* days before *and the second notice appearing no less than seven days before* the hearing, in a newspaper of general circulation in the locality.

H. The Department of Energy shall serve as a statewide sponsor for a loan program that meets the requirements of this section. The Department of Energy shall engage a private program administrator through a competitive selection process to develop the statewide loan program. A locality, in its adoption or amendment of its C-PACE ordinance described in subsection B, may opt into the statewide C-PACE loan program sponsored by the Department of Energy, and such action shall not require the locality to undertake any competitive procurement process.

§ 15.2-958.6. Financing the repair of failed septic systems.

A. Any locality may, by ordinance, authorize contracts with property owners to provide loans for the repair of septic systems. Such an ordinance shall state:

1. The kinds of septic system repairs for which loans may be offered;

2. The proposed arrangement for such loan program, including (i) the interest rate and time period during which contracting property owners shall repay the loan; (ii) the method of apportioning all or any portion of the costs incidental to financing, administration, and collection of the arrangement among the consenting property owners and the locality; and (iii) the possibility that the locality may partner with a planning district commission (PDC) to coordinate and provide financing for the repairs, including the locality's obligation to reimburse the PDC as the loan is repaid;

3. A minimum and maximum aggregate dollar amount that may be financed;

4. A method for setting requests from property owners for financing in priority order in the event that requests appear likely to exceed the authorization amount of the loan program. Priority shall be given to those requests from property owners who meet established income or assessed property value eligibility requirements;

5. Identification of a local official authorized to enter into contracts on behalf of the locality; and

6. A draft contract specifying the terms and conditions proposed by the locality or by a PDC acting on behalf of the locality.

B. The locality may combine the loan payments required by the contracts with billings for water or sewer charges, real property tax assessments, or other billings; in such cases, the locality may establish the order in which loan payments will be applied to the different charges. The locality may not combine its billings for loan payments required by a contract authorized pursuant to this section with billings of another locality or political subdivision, including an authority operating pursuant to Chapter 51 (§ 15.2-5100 et seq.), unless such locality or political subdivision has given its consent by duly adopted resolution or ordinance.

C. In cases in which local property records fail to identify all of the individuals having an ownership interest in a property containing a failing septic system, the locality may set a minimum total ownership interest that it will require a property owner or owners to prove before it will allow the owner or owners to participate in the program.

D. The locality or PDC acting on behalf of the locality shall offer private lending institutions the opportunity to participate in local loan programs established pursuant to this section.

E. In order to secure the loan authorized pursuant to this section, the locality is authorized to place a lien equal in value to the loan against any property where such septic system repair is being undertaken. Such liens shall be subordinate to all liens on the property as of the date loans authorized pursuant to this section are made, except that with the prior written consent of the holders of all liens on the property as of the date loans authorized pursuant to this section are made, the liens securing loans authorized pursuant to this section shall be liens on the property ranking on a parity with liens for unpaid local taxes. The locality may bundle or package such loans for transfer to private lenders in such a manner that would allow the liens to remain in full force to secure the loans.

F. Prior to the enactment of an ordinance pursuant to this section, a public hearing shall be held at which interested persons may object to or inquire about the proposed loan program or any of its particulars. The public hearing shall be published ~~once a week for two successive weeks~~ *twice*, with the first notice appearing no more than ~~14~~ *28* days before *and the second notice appearing no less than seven days before* the hearing, in a newspaper of general circulation in the locality.

§ 15.2-1201. County boards of supervisors vested with powers and authority of councils of cities and towns; exceptions.

The boards of supervisors of counties are hereby vested with the same powers and authority as the councils of cities and towns by virtue of the Constitution of the Commonwealth of Virginia or the acts of the General Assembly passed in pursuance thereof. However, with the exception of ordinances expressly authorized under Chapter 13 of Title 46.2, no ordinance shall be enacted under authority of this section regulating the equipment, operation, lighting or speed of motor-propelled vehicles operated on the public highways of a county unless it is uniform with the general laws of the Commonwealth regulating such equipment, operation, lighting or speed and with the regulations of the Commonwealth Transportation Board adopted pursuant to such laws. Nothing in this section shall be construed to give the boards of supervisors any power to control or exercise supervision over signs, signals, marking or traffic lights on any roads constructed and maintained by the Commonwealth Transportation Board. No powers or authority conferred upon the boards of supervisors of counties solely by this section shall be exercised within the corporate limits of any incorporated town except by agreement with the town council.

In the County of Fairfax an ordinance may be adopted by the board of supervisors under this section after ~~a descriptive~~ notice of intention to propose the same for passage has been published ~~once a week for two successive weeks in a newspaper having a general circulation in the county~~ *in accordance with § 15.2-1427*. After the enactment of such ordinance by the board of supervisors, no publication of the ordinance shall be required and such ordinance shall become effective upon adoption or upon a date fixed by the board of supervisors.

§ 15.2-1301. Voluntary economic growth-sharing agreements.

A. Any county, city or town, or combination thereof, may enter voluntarily into an agreement with any other county, city or town, or combination thereof, whereby the locality may agree for any purpose otherwise permitted, including the provision on a multi-jurisdictional basis of one or more public services or facilities or any type of economic development project, to enter into binding fiscal arrangements for fixed time periods, to exceed one year, to share in the benefits of the economic growth of their localities. However, if any such agreement contains any provision addressing any issue provided for in Chapter 32 (§ 15.2-3200 et seq.), 33 (§ 15.2-3300 et seq.), 36 (§ 15.2-3600 et seq.), 38 (§ 15.2-3800 et seq.), 39 (§ 15.2-3900 et seq.), or 41 (§ 15.2-4100 et seq.), the agreement shall be subject to the review and implementation process established by Chapter 34 (§ 15.2-3400 et seq.). All such agreements, including those that address any issue provided for in Chapter 32, 33, 36, 38, 39, or 41, shall require, at least annually, a report from each locality that is a recipient of funds pursuant to the agreement to each of the other governing bodies of the participating localities that includes (i) the amount of money transferred among the localities pursuant to the agreement and (ii) the uses of such funds by the localities. The parties to any such agreement that has been in effect for at least 10 years as of July 1, 2018, and pursuant to which annual payments exceed $5 million, shall (a) comply with the reporting requirements of this subsection, notwithstanding whether such requirements are contained in the existing agreement and (b) convene an annual meeting to discuss anticipated future plans for economic growth in the localities.

B. The terms and conditions of the revenue, tax base or economic growth-sharing agreement as provided in subsection A shall be determined by the affected localities and shall be approved by the governing body of each locality participating in the agreement, provided the governing body of each such locality first holds a public hearing, which shall be advertised ~~once a week for two successive weeks~~ *twice*, with the first notice appearing no more than ~~14~~ *28* days before *and the second notice appearing no less than seven days before* the hearing, in a newspaper of general circulation in the locality. However, the public hearing shall not take place until the Commission on Local Government has issued its findings in accordance with subsection D. For purposes of this section, "revenue, tax base, and economic growth-sharing agreements" means any agreement authorized by subsection A which obligates any locality to pay another locality all or any portion of designated taxes or other revenues received by that political subdivision, but shall not include any interlocal service agreement.

C. Any revenue, tax base or economic growth-sharing agreement entered into under the provisions of this section that creates a debt pursuant to Article VII, § 10 (b) of the Constitution of Virginia, shall require the board of supervisors to hold a special election on the question as provided in § 15.2-3401.

D. Revenue, tax base, and economic growth-sharing agreements drafted under the provisions of this chapter shall be submitted to the Commission on Local Government for review as provided in subdivision 4 of § 15.2-2903. However, no such review shall be required for two or more localities entering into an economic growth-sharing agreement pursuant to this section in order to facilitate the reception of grants for qualified companies in such locality pursuant to the Port of Virginia Economic and Infrastructure Development Grant Fund and Program established pursuant to § 62.1-132.3:2.

§ 15.2-1427. Adoption of ordinances and resolutions generally; amending or repealing ordinances.

A. Unless otherwise specifically provided for by the Constitution or by other general or special law, an ordinance may be adopted by majority vote of those present and voting at any lawful meeting.

B. On final vote on any ordinance or resolution, the name of each member of the governing body voting and how he voted shall be recorded; however, votes on all ordinances and resolutions adopted prior to February 27, 1998, in which an unanimous vote of the governing body was recorded, shall be deemed to have been validly recorded. The governing body

may adopt an ordinance or resolution by a recorded voice vote unless otherwise provided by law, or any member calls for a roll call vote. An ordinance shall become effective upon adoption or upon a date fixed by the governing body.

C. All ordinances or resolutions heretofore adopted by a governing body shall be deemed to have been validly adopted, unless some provision of the Constitution of Virginia or the Constitution of the United States has been violated in such adoption.

D. An ordinance may be amended or repealed in the same manner, or by the same procedure, in which, or by which, ordinances are adopted.

E. An amendment or repeal of an ordinance shall be in the form of an ordinance which shall become effective upon adoption or upon a date fixed by the governing body, but, if no effective date is specified, then such ordinance shall become effective upon adoption.

F. In counties, except as otherwise authorized by law, no ordinance shall be passed until after ~~descriptive~~ notice of an intention to propose the ordinance for passage ~~has been published once a week for two successive weeks~~ *has been advertised by reference twice*, with the first notice ~~appearing~~ *being published* no more than ~~14~~ *28* days ~~prior to the intended passage of the ordinance~~ *before and the second notice appearing no less than seven days before the date of the meeting referenced in the notice*, in a newspaper having a general circulation in the county. ~~The second publication shall not be sooner than one calendar week after the first publication.~~ The publication shall include a statement ~~either that the publication contains the full text of the ordinance or~~ that a copy of the full text of the ordinance is on file in the clerk's office of the circuit court of the county or in the office of the county administrator; or in the case of any county organized under the form of government set out in Chapter 5, 7 or 8 of this title, a statement that a copy of the full text of the ordinance is on file in the office of the clerk of the county board. ~~Even if the publication contains the full text of the ordinance, a complete copy shall be available for public inspection in the offices named herein.~~

In counties, emergency ordinances may be adopted without prior notice; however, no such ordinance shall be enforced for more than sixty days unless readopted in conformity with the provisions of this Code.

G. In towns, no tax shall be imposed except by a two-thirds vote of the council members.

§ 15.2-1702. Referendum required prior to establishment of county police force.

A. A county shall not establish a police force unless (i) such action is first approved by the voters of the county in accordance with the provisions of this section and (ii) the General Assembly enacts appropriate authorizing legislation.

B. The governing body of any county shall petition the court, by resolution, asking that a referendum be held on the question, "Shall a police force be established in the county and the sheriff's office be relieved of primary law-enforcement responsibilities?" The court, by order entered of record in accordance with Article 5 (§ 24.2-681 et seq.) of Chapter 6 of Title 24.2, shall require the regular election officials of the county to open the polls and take the sense of the voters on the question as herein provided.

The clerk of the circuit court for the county shall publish notice of the election in a newspaper of general circulation in the county ~~once a week for three consecutive weeks prior to the election~~ *three times*, with the first notice appearing no more than ~~21~~ *35* days before *and the third notice appearing no less than seven days before* the election. The notice shall contain the ballot question and a statement of not more than 500 words on the proposed question. The explanation shall be presented in plain English, shall be limited to a neutral explanation, and shall not present arguments by either proponents or opponents of the proposal. The attorney for the county or city or, if there is no county or city attorney, the attorney for the Commonwealth shall prepare the explanation. "Plain English" means written in nontechnical, readily understandable language using words of common everyday usage and avoiding legal terms and phrases or other terms and words of art whose usage or special meaning primarily is limited to a particular field or profession.

C. The county may expend public funds to produce and distribute neutral information concerning the referendum; provided, however, public funds may not be used to promote a particular position on the question, either in the notice called for in subsection B, or in any other distribution of information to the public.

D. The regular election officers of the county shall open the polls on the date specified in such order and conduct the election in the manner provided by law. The election shall be by ballot which shall be prepared by the electoral board of the county and on which shall be printed the following:

"Shall a police force be established in the county and the sheriff's office be relieved of primary law-enforcement responsibilities?

[ ] Yes

[ ] No"

The ballots shall be counted, returns made and canvassed as in other elections, and the results certified by the electoral board to the court ordering the election. If a majority of the voters voting in the election vote "Yes," the court shall enter an order proclaiming the results of the election and a duly certified copy of such order shall be transmitted to the governing body of the county. The governing body shall proceed to establish a police force following the enactment of authorizing legislation by the General Assembly.

E. After a referendum has been conducted pursuant to this section, no subsequent referendum shall be conducted pursuant to this section in the same county for a period of four years from the date of the prior referendum.

§ 15.2-1703. Referendum to abolish county police force.

The police force in any county which established the force subsequent to July 1, 1983, may be abolished and its responsibilities assumed by the sheriff's office after a referendum held pursuant to this section.

Either (i) the voters of the county by petition signed by not less than ten percent of the registered voters therein on the January 1 preceding the filing of the petition or (ii) the governing body of the county, by resolution, may petition the circuit court for the county that a referendum be held on the question, "Shall the county police force be abolished and its responsibilities assumed by the county sheriff's office?" The court, by order entered of record in accordance with Article 5 (§ 24.2-681 et seq.) of Chapter 6 of Title 24.2, shall require the regular election officials of the county at the next general election held in the county to open the polls and take the sense of the voters on the question as herein provided. The clerk of the circuit court for the county shall publish notice of the election in a newspaper of general circulation in the county ~~once a week for three consecutive weeks prior to the election~~ *three times*, with the first notice appearing no more than ~~21~~ *35* days before *and the third notice appearing no less than seven days before* the election.

The ballot shall be printed as follows:

"Shall the county police force be abolished and its responsibilities assumed by the county sheriff's office?

[ ] Yes

[ ] No"

The election shall be held and the results certified as provided in § 24.2-684. If a majority of the voters voting in the election vote in favor of the question, the court shall enter an order proclaiming the results of the election, and a duly certified copy of such order shall be transmitted to the governing body of the county. The governing body shall proceed with the necessary action to abolish the police force and transfer its responsibilities to the sheriff's office, to become effective on July 1 following the referendum.

Once a referendum has been held pursuant to this section, no further referendum shall be held pursuant to this section within four years thereafter.

§ 15.2-1719. Disposal of unclaimed property in possession of sheriff or police.

Any locality may provide by ordinance for (i) the public sale in accordance with the provisions of this section or (ii) the retention for use by the law-enforcement agency, of any unclaimed personal property which has been in the possession of its law-enforcement agencies and unclaimed for a period of more than 60 days, after payment of a reasonable storage fee to the sheriff or other agency storing such property. No storage fee shall be charged or accounted for if such property has been stored by and is to be retained by the sheriff's office or other law-enforcement agency. As used herein, "unclaimed personal property" shall be any personal property belonging to another which has been acquired by a law-enforcement officer pursuant to his duties, which is not needed in any criminal prosecution, which has not been claimed by its rightful owner and which the State Treasurer has indicated will be declined if remitted under the Virginia Disposition of Unclaimed Property Act (§ 55.1-2500 et seq.). Unclaimed bicycles and mopeds may also be disposed of in accordance with § 15.2-1720. Unclaimed firearms may also be disposed of in accordance with § 15.2-1721.

Prior to the sale or retention for use by the law-enforcement agency of any unclaimed item, the chief of police, sheriff or their duly authorized agents shall make reasonable attempts to notify the rightful owner of the property, obtain from the attorney for the Commonwealth in writing a statement advising that the item is not needed in any criminal prosecution, and cause to be published *twice* in a newspaper of general circulation in the locality ~~once a week for two successive weeks,~~ notice that there will be a public display and sale of unclaimed personal property. *The first notice shall appear no more than 28 days before and the second notice shall appear no less than seven days before the public display and sale of the unclaimed personal property.* Such property, including property selected for retention by the law-enforcement agency, shall be described generally in the notice, together with the date, time and place of the sale and shall be made available for public viewing at the sale. The chief of police, sheriff or their duly authorized agents shall pay from the proceeds of sale the costs of advertisement, removal, storage, investigation as to ownership and liens, and notice of sale. The balance of the funds shall be held by such officer for the owner and paid to the owner upon satisfactory proof of ownership. Any unclaimed item retained for use by the law-enforcement agency shall become the property of the locality served by the agency and shall be retained only if, in the opinion of the chief law-enforcement officer, there is a legitimate use for the property by the agency and that retention of the item is a more economical alternative than purchase of a similar or equivalent item.

If no claim has been made by the owner for the property or proceeds of such sale within 60 days of the sale, the remaining funds shall be deposited in the general fund of the locality and the retained property may be placed into use by the law-enforcement agency. Any such owner shall be entitled to apply to the locality within three years from the date of the sale and, if timely application is made therefor and satisfactory proof of ownership of the funds or property is made, the locality shall pay the remaining proceeds of the sale or return the property to the owner without interest or other charges or compensation. No claim shall be made nor any suit, action or proceeding be instituted for the recovery of such funds or property after three years from the date of the sale.

§ 15.2-2006. Alteration and vacation of public rights-of-way; appeal from decision.

In addition to (i) the powers contained in the charter of any locality, (ii) any powers now had by such governing bodies under the common law or (iii) powers by other provisions of law, public rights-of-way in localities may be altered or vacated on motion of such governing bodies or on application of any person after notice of intention to do so has been published ~~at least~~ twice~~, with at least six days elapsing between the first and second publication,~~ in a newspaper having general circulation in the locality*, with the first notice appearing no more than 28 days before and the second notice appearing no less than seven days before the hearing*. The notice shall specify the time and place of a hearing at which persons affected may appear and be heard. The cost of publishing the notice shall be taxed to the applicant. At the conclusion of the hearing and on application of any person, the governing body may appoint three to five people to view

such public right-of-way and report in writing any inconvenience that would result from discontinuing the right-of-way. The governing body may allow the viewers up to fifty dollars each for their services. The sum allowed shall be paid by the person making the application to alter or vacate the public right-of-way. From such report and other evidence, if any, and after the land owners affected thereby, along the public right-of-way proposed to be altered or vacated, have been notified, the governing body may discontinue the public right-of-way. When an applicant requests a vacation to accommodate expansion or development of an existing or proposed business, the governing body may condition the vacation upon commencement of the expansion or development within a specified period of time. Failing to commence within such time may render the vacation, at the option of the governing body, void. A certified copy of the ordinance of vacation shall be recorded as deeds are recorded and indexed in the name of the locality. A conditional vacation shall not be recorded until the condition has been met.

Any appeal shall be filed within sixty days of adoption of the ordinance with the circuit court for the locality in which the public right-of-way is located.

§ 15.2-2101. Ordinance proposing grant of franchise, etc., to be advertised.

A. Before granting any franchise, privilege, lease or right of any kind to use any public property described in § 15.2-2100 or easement of any description, for a term in excess of five years, except in the case of and for a trunk railway, the city or town proposing to make the grant shall ~~advertise a descriptive~~ *give* notice ~~of the ordinance proposing to make the grant once a week for two successive weeks in a newspaper having general circulation in the city or town~~ *in accordance with § 15.2-1427*. The ~~descriptive~~ notice ~~of the ordinance~~ may also be advertised as many times in such other newspaper or newspapers, published outside the city, town or Commonwealth, as the council may determine. ~~The advertisement shall include a statement that a copy of the full text of the ordinance is on file in the office of the clerk of the city or town council.~~

B. The advertisement shall invite bids for the franchise, privilege, lease or right proposed to be granted in the ordinance. The bids shall be in writing and delivered upon the day and hour named in the advertisement and shall be opened in public session and marked for identification by the person designated in the advertisement to receive such bids. The cost of the required advertisement shall be paid by the city or town which shall be reimbursed by the person to whom the grant is made. The city or town shall have the right to reject any and all bids and shall reserve this right in the advertisement.

§ 15.2-2105. How amendments made to franchise, etc.; notice required.

No amendment or extension of any franchise, right, lease or privilege that now exists, or that may hereafter be authorized, which extends or enlarges the time or territory of such franchise, right, lease or privilege, shall be granted by any city or town until the provisions of §§ 15.2-2101 through 15.2-2104 have been complied with. No amendment that releases the grantee, or his assignee, from the performance of any duty required by the ordinance or that authorizes an increase in the user charges to be made by such grantee or assignee shall be granted until notice of such proposed amendment has given to the public by advertising the proposed amendment for ~~ten~~ *seven* days in some newspaper having general circulation in the city or town. The cost of such advertising shall be paid by the city or town, which shall be reimbursed by the person to whom the amendment is granted. No such amendment shall be adopted except by ordinance.

§ 15.2-2108.7. Public hearings on feasibility study; notice.

A. If the results of the feasibility study satisfy the revenue requirements of subsection D of § 15.2-2108.6, the governing body shall, at the next regular meeting after the governing body receives the results of the feasibility study, schedule at least two public hearings to be held at least seven days apart, but both shall be held not more than 60 days from the date of the meeting at which the public hearings are scheduled. The purpose of such public hearings shall be to allow the feasibility consultant to present the results of the feasibility study, and to inform the public about the feasibility study results and offer the public the opportunity to ask questions of the feasibility consultant about the results of the feasibility study.

B. Except as provided in subsection C, the municipality shall publish notice of the public hearings required under subsection A ~~at least once a week for three consecutive weeks~~ *three times* in a newspaper of general circulation in the municipality, with the first notice appearing no more than ~~21~~ *35* days before *and the third notice appearing no less than seven days before* the *first public* hearing. ~~The last publication of notice required under this subsection shall be at least three days before the first public hearing required under subsection A.~~

C. If there is no newspaper of general circulation in the municipality, for each 1,000 residents the municipality shall post at least one notice of the hearings in a conspicuous place within the municipality that is likely to give notice of the hearings to the greatest number of residents of the municipality. The municipality shall post the notices at least seven days before the first public hearing required under subsection A is held.

D. After holding the public hearings required by this section, if the governing body of the municipality elects to proceed, the municipality shall adopt by resolution the feasibility study.

§ 15.2-2108.21. Ordinance cable franchises.

A. This section shall govern the procedures by which a locality may grant ordinance cable franchises.

B. An ordinance cable franchise, which shall have a term of 15 years, may be requested by (i) a certificated provider of telecommunications services with previous consent to use the public rights-of-way in a locality through a franchise; (ii) a certificated provider of telecommunications services that lacked previous consent to provide cable service in a locality but provided telecommunications services over facilities leased from an entity having previous consent to use of the public rights-of-way in such locality through a franchise; or (iii) a cable operator with previous consent to use the public rights-of-way to provide cable service in a locality through a franchise and who seeks to renew its existing cable franchise pursuant to § 15.2-2108.30 as an ordinance cable franchise. A cable operator with previous consent to use the public

rights-of-way to provide cable service in a locality through a franchise may opt into the new terms of an ordinance cable franchise under § 15.2-2108.26.

C. In order to obtain an ordinance cable franchise, an applicant shall first file with the chief administrative officer of the locality from which it seeks to receive such ordinance cable franchise a request to negotiate the terms and conditions of a negotiated cable franchise under § 15.2-2108.20. An applicant shall request and make itself available to participate in cable franchise negotiations with the locality from which it seeks to receive a negotiated cable franchise at least 45 calendar days prior to filing a notice electing an ordinance cable franchise; this prerequisite shall not be applicable if a locality refuses to engage in negotiations at the request of an applicant or if the applicant already holds a negotiated cable franchise from the locality. Thereafter, an applicant, through its president or chief executive officer, shall file notice with the locality that it elects to receive an ordinance cable franchise at least 30 days prior to offering cable in such locality. The notice shall be accompanied by a map or a boundary description showing (i) the initial service area in which the cable operator intends to provide cable service in the locality within the three-year period required for an initial service area and (ii) the area in the locality in which the cable operator has its telephone facilities. The map or boundary description of the initial service areas may be amended by the cable operator by filing with the locality a new map or boundary description of the initial service area.

D. The cable operator shall assure that access to cable services is not denied to any group of potential residential cable subscribers because of the income of the residents of the local area in which such group resides. The local franchising authority shall have the right to monitor and inspect the deployment of cable services and the cable operator shall submit semiannual progress reports detailing the current provision of cable services in accordance with the deployment schedule and its new service area plans for the next six months. The failure to correct or remedy any material deficiencies shall be subject to the same remedies as contained in the cable television franchise of the existing cable operator as that franchise existed at the time of the grant of the ordinance franchise.

E. The locality from which the applicant seeks to receive an ordinance cable franchise shall adopt any ordinance requiring adoption under this article within 120 days of the applicant filing the notice required in subsection C. Any ordinance adopted under this section that relates to a cable operator's provision of cable service shall apply to such cable operator retroactively to the date on which the cable operator began to offer cable service in the locality pursuant to this article.

F. Notice of any ordinance that requires a public hearing shall be advertised ~~once a week for two successive weeks in a newspaper having general circulation in the locality. The advertisement shall include a statement that a copy of the full text of the ordinance is on file in the office of the clerk of the locality~~ *as provided in § 15.2-1427*. All costs of such advertising shall be assessed against the operator or applicant.

G. If the governing body of any town adopts an ordinance pursuant to the provisions of this article, such town shall not be subject to any ordinance adopted by the county within which such town lies.

§ 15.2-2114. Regulation of stormwater.

A. Any locality, by ordinance, may establish a utility or enact a system of service charges to support a local stormwater management program consistent with Article 2.3 (§ 62.1-44.15:24 et seq.) of Chapter 3.1 of Title 62.1 or any other state or federal regulation governing stormwater management. Income derived from a utility or system of charges shall be dedicated special revenue, may not exceed the actual costs incurred by a locality operating under the provisions of this section, and may be used only to pay or recover costs for the following:

1. The acquisition, as permitted by § 15.2-1800, of real and personal property, and interest therein, necessary to construct, operate and maintain stormwater control facilities;

2. The cost of administration of such programs;

3. Planning, design, engineering, construction, and debt retirement for new facilities and enlargement or improvement of existing facilities, including the enlargement or improvement of dams, levees, floodwalls, and pump stations, whether publicly or privately owned, that serve to control stormwater;

4. Facility operation and maintenance, including the maintenance of dams, levees, floodwalls, and pump stations, whether publicly or privately owned, that serve to control stormwater;

5. Monitoring of stormwater control devices and ambient water quality monitoring;

6. Contracts related to stormwater management, including contracts for the financing, construction, operation, or maintenance of stormwater management facilities, regardless of whether such facilities are located on public or private property and, in the case of private property locations, whether the contract is entered into pursuant to a stormwater management private property program under subsection J or otherwise; and

7. Other activities consistent with the state or federal regulations or permits governing stormwater management, including, but not limited to, public education, watershed planning, inspection and enforcement activities, and pollution prevention planning and implementation.

B. The charges may be assessed to property owners or occupants, including condominium unit owners or tenants (when the tenant is the party to whom the water and sewer service is billed), and shall be based upon an analysis that demonstrates the rational relationship between the amount charged and the services provided. Prior to adopting such a system, a public hearing shall be held after giving notice as required by charter or ~~by publishing a descriptive notice once a week for two successive weeks prior to adoption in a newspaper with a general circulation in the locality. The second publication shall not be sooner than one calendar week after the first publication~~ *as provided in § 15.2-1427*. However, prior

to adoption of any ordinance pursuant to this section related to the enlargement, improvement, or maintenance of privately owned dams, a locality shall comply with the notice provisions of § 15.2-1427 and hold a public hearing.

C. A locality adopting such a system shall provide for full waivers of charges to the following:

1. A federal, state, or local government, or public entity, that holds a permit to discharge stormwater from a municipal separate storm sewer system, except that the waiver of charges shall apply only to property covered by any such permit; and

2. Public roads and street rights-of-way that are owned and maintained by state or local agencies, including property rights-of-way acquired through the acquisitions process.

D. A locality adopting such a system shall provide for full or partial waivers of charges to any person who installs, operates, and maintains a stormwater management facility that achieves a permanent reduction in stormwater flow or pollutant loadings or other such other facility, system, or practice whereby stormwater runoff produced by the property is retained and treated on site in accordance with a stormwater management plan approved pursuant to Chapter 3.1 (§ 62.1-44.2 et seq.) of Title 62.1. The locality shall base the amount of the waiver in part on the percentage reduction in stormwater flow or pollutant loadings, or both, from pre-installation to post-installation of the facility. No locality shall provide a waiver to any person who does not obtain a stormwater permit from the Department of Environmental Quality when such permit is required by statute or regulation.

E. A locality adopting such a system may provide for full or partial waivers of charges to cemeteries, property owned or operated by the locality administering the program, and public or private entities that implement or participate in strategies, techniques, or programs that reduce stormwater flow or pollutant loadings, or decrease the cost of maintaining or operating the public stormwater management system.

F. Any locality may issue general obligation bonds or revenue bonds in order to finance the cost of infrastructure and equipment for a stormwater control program. Infrastructure and equipment shall include structural and natural stormwater control systems of all types, including, without limitation, retention basins, sewers, conduits, pipelines, pumping and ventilating stations, and other plants, structures, and real and personal property used for support of the system. The procedure for the issuance of any such general obligation bonds or revenue bonds pursuant to this section shall be in conformity with the procedure for issuance of such bonds as set forth in the Public Finance Act (§ 15.2-2600 et seq.).

G. In the event charges are not paid when due, interest thereon shall at that time accrue at the rate, not to exceed the maximum amount allowed by law, determined by the locality until such time as the overdue payment and interest are paid. Charges and interest may be recovered by the locality by action at law or suit in equity and shall constitute a lien against the property, ranking on a parity with liens for unpaid taxes. The locality may combine the billings for stormwater charges with billings for water or sewer charges, real property tax assessments, or other billings; in such cases, the locality may establish the order in which payments will be applied to the different charges. No locality shall combine its billings with those of another locality or political subdivision, including an authority operating pursuant to Chapter 51 (§ 15.2-5100 et seq.) of Title 15.2, unless such locality or political subdivision has given its consent by duly adopted resolution or ordinance.

H. Any two or more localities may enter into cooperative agreements concerning the management of stormwater.

I. For purposes of implementing waivers pursuant to subdivision C 1, for property where two adjoining localities subject to a revenue sharing agreement each hold municipal separate storm sewer permits, the waiver shall also apply to the property of each locality and of its school board that is accounted for in that locality's municipal separate storm sewer program plan, regardless of whether such property is located within the adjoining locality.

J. Any locality that establishes a system of charges pursuant to this section may establish a public-private partnership program, to be known as a stormwater management private property program, in order to promote cost-effectiveness in reducing excessive stormwater flow or pollutant loadings or in making other stormwater improvements authorized pursuant to this section. A locality that opts to establish a stormwater management private property program pursuant to this subsection shall:

1. Promote awareness of the location, quantity, and timing of reductions or other improvements that it determines appropriate under this program;

2. Seek the voluntary participation of property owners;

3. Accept the participation of property owners on both an individual and a group basis by which multiple owners may collaborate on improvements and allocate among the multiple owners any payments made by the locality;

4. Enter into contracts at its discretion to secure improvements on terms and conditions that the locality deems appropriate, including by making payments to property owners in excess of the value of any applicable waivers pursuant to subsections D and E; and

5. Require appropriate operation and maintenance of the contracted improvements.

K. Any locality that establishes a stormwater management private property program pursuant to subsection J may procure reductions and improvements in accordance with the Public-Private Education Facilities and Infrastructure Act (§ 56-575.1 et seq.) or other means, as appropriate. Subsection J shall not be interpreted to limit the authority of a locality to secure reductions of excessive stormwater flow or pollutant loadings or other stormwater improvements by other means.

§ 15.2-2204. Advertisement of plans, ordinances, etc.; joint public hearings; written notice of certain amendments.

A. Plans or ordinances, or amendments thereof, recommended or adopted under the powers conferred by this chapter need not be advertised in full, but may be advertised by reference. Every such advertisement shall identify the place or places within the locality where copies of the proposed plans, ordinances or amendments may be examined.

The local planning commission shall not recommend nor the governing body adopt any plan, ordinance or amendment thereof until notice of intention to do so has been published ~~once a week for two successive weeks~~ *twice* in some newspaper published or having general circulation in the locality, with the first notice appearing no more than ~~14~~ *28* days before ~~the intended adoption~~ *and the second notice appearing no less than seven days before the date of the meeting referenced in the notice*; however, the notice for both the local planning commission and the governing body may be published concurrently. The notice shall specify the time and place of hearing at which persons affected may appear and present their views. The local planning commission and governing body may hold a joint public hearing after public notice as set forth in this subsection. If a joint hearing is held, then public notice as set forth in this subsection need be given only by the governing body. ~~As used in this subsection, "two successive weeks" means that such notice shall be published at least twice in such newspaper, with not less than six days elapsing between the first and second publication.~~ In any instance in which a locality has submitted a correct and timely notice request to such newspaper and the newspaper fails to publish the notice, or publishes the notice incorrectly, such locality shall be deemed to have met the notice requirements of this subsection so long as the notice was published in the next available edition of a newspaper having general circulation in the locality. After enactment of any plan, ordinance or amendment, further publication thereof shall not be required.

B. When a proposed amendment of the zoning ordinance involves a change in the zoning map classification of 25 or fewer parcels of land, then, in addition to the advertising as required by subsection A, the advertisement shall include the street address or tax map parcel number of the parcels subject to the action. Written notice shall be given by the local planning commission, or its representative, at least five days before the hearing to the owner or owners, their agent or the occupant, of each parcel involved; to the owners, their agent or the occupant, of all abutting property and property immediately across the street or road from the property affected, including those parcels that lie in other localities of the Commonwealth; and, if any portion of the affected property is within a planned unit development, then to such incorporated property owner's associations within the planned unit development that have members owning property located within 2,000 feet of the affected property as may be required by the commission or its agent. However, when a proposed amendment to the zoning ordinance involves a tract of land not less than 500 acres owned by the Commonwealth or by the federal government, and when the proposed change affects only a portion of the larger tract, notice need be given only to the owners of those properties that are adjacent to the affected area of the larger tract. Notice sent by registered or certified mail to the last known address of such owner as shown on the current real estate tax assessment books or current real estate tax assessment records shall be deemed adequate compliance with this requirement. If the hearing is continued, notice shall be remailed. Costs of any notice required under this chapter shall be taxed to the applicant.

When a proposed amendment of the zoning ordinance involves a change in the zoning map classification of more than 25 parcels of land, or a change to the applicable zoning ordinance text regulations that decreases the allowed dwelling unit density of any parcel of land, then, in addition to the advertising as required by subsection A, the advertisement shall include the street address or tax map parcel number of the parcels as well as the approximate acreage subject to the action. For more than 100 parcels of land, the advertisement may instead include a description of the boundaries of the area subject to the changes and a link to a map of the subject area. Written notice shall be given by the local planning commission, or its representative, at least five days before the hearing to the owner, owners, or their agent of each parcel of land involved, provided, however, that written notice of such changes to zoning ordinance text regulations shall not have to be mailed to the owner, owners, or their agent of lots shown on a subdivision plat approved and recorded pursuant to the provisions of Article 6 (§ 15.2-2240 et seq.) where such lots are less than 11,500 square feet. One notice sent by first class mail to the last known address of such owner as shown on the current real estate tax assessment books or current real estate tax assessment records shall be deemed adequate compliance with this requirement, provided that a representative of the local commission shall make affidavit that such mailings have been made and file such affidavit with the papers in the case. Nothing in this subsection shall be construed as to invalidate any subsequently adopted amendment or ordinance because of the inadvertent failure by the representative of the local commission to give written notice to the owner, owners or their agent of any parcel involved.

The governing body may provide that, in the case of a condominium or a cooperative, the written notice may be mailed to the unit owners' association or proprietary lessees' association, respectively, in lieu of each individual unit owner.

Whenever the notices required hereby are sent by an agency, department or division of the local governing body, or their representative, such notices may be sent by first class mail; however, a representative of such agency, department or division shall make affidavit that such mailings have been made and file such affidavit with the papers in the case.

A party's actual notice of, or active participation in, the proceedings for which the written notice provided by this section is required shall waive the right of that party to challenge the validity of the proceeding due to failure of the party to receive the written notice required by this section.

C. When a proposed comprehensive plan or amendment thereto; a proposed change in zoning map classification; or an application for special exception for a change in use or to increase by greater than 50 percent of the bulk or height of an existing or proposed building, but not including renewals of previously approved special exceptions, involves any parcel of land located within one-half mile of a boundary of an adjoining locality of the Commonwealth, then, in addition to the advertising and written notification as required by this section, written notice shall also be given by the local commission, or its representative, at least 10 days before the hearing to the chief administrative officer, or his designee, of such adjoining locality.

D. When (i) a proposed comprehensive plan or amendment thereto, (ii) a proposed change in zoning map classification, or (iii) an application for special exception for a change in use involves any parcel of land located within 3,000 feet of a boundary of a military base, military installation, military airport, excluding armories operated by the Virginia National Guard, or licensed public-use airport then, in addition to the advertising and written notification as required by this section, written notice shall also be given by the local commission, or its representative, at least 30 days before the hearing to the commander of the military base, military installation, military airport, or owner of such public-use airport, and the notice shall advise the military commander or owner of such public-use airport of the opportunity to submit comments or recommendations.

E. The adoption or amendment prior to July 1, 1996, of any plan or ordinance under the authority of prior acts shall not be declared invalid by reason of a failure to advertise or give notice as may be required by such act or by this chapter, provided a public hearing was conducted by the governing body prior to such adoption or amendment. Every action contesting a decision of a locality based on a failure to advertise or give notice as may be required by this chapter shall be filed within 30 days of such decision with the circuit court having jurisdiction of the land affected by the decision. However, any litigation pending prior to July 1, 1996, shall not be affected by the 1996 amendment to this section.

F. Notwithstanding any contrary provision of law, general or special, the City of Richmond may cause such notice to be published in any newspaper of general circulation in the city.

G. When a proposed comprehensive plan or amendment of an existing plan designates or alters previously designated corridors or routes for electric transmission lines of 150 kilovolts or more, written notice shall also be given by the local planning commission, or its representative, at least 10 days before the hearing to each electric utility with a certificated service territory that includes all or any part of such designated electric transmission corridors or routes.

H. When any applicant requesting a written order, requirement, decision, or determination from the zoning administrator, other administrative officer, or a board of zoning appeals that is subject to the appeal provisions contained in § 15.2-2311 or 15.2-2314, is not the owner or the agent of the owner of the real property subject to the written order, requirement, decision or determination, written notice shall be given to the owner of the property within 10 days of the receipt of such request. Such written notice shall be given by the zoning administrator or other administrative officer or, at the direction of the administrator or officer, the requesting applicant shall be required to give the owner such notice and to provide satisfactory evidence to the zoning administrator or other administrative officer that the notice has been given. Written notice mailed to the owner at the last known address of the owner as shown on the current real estate tax assessment books or current real estate tax assessment records shall satisfy the notice requirements of this subsection.

This subsection shall not apply to inquiries from the governing body, planning commission, or employees of the locality made in the normal course of business.

§ 15.2-2270. Vacation of interests granted to a locality as a condition of site plan approval.

Any interest in streets, alleys, easements for public rights of passage, easements for drainage, and easements for a public utility granted to a locality as a condition of the approval of a site plan may be vacated according to either of the following methods:

1. By a duly executed and acknowledged written instrument of the owner of the land which has been or is to be developed in accordance with the site plan, declaring the interest or interests to be vacated, provided the governing body or authorized agent of the locality where the land lies consents to the vacation. The instrument shall be recorded in the same clerk's office wherein is recorded the written instrument describing the interest in real property to be vacated. The execution and recordation of the instrument shall operate to divest all public rights in, and to reinvest the owner with the title to the interests which formerly were held by the governing body; or

2. By ordinance of the governing body in the locality in which the property which is the subject of an approved site plan lies, provided that no interest shall be vacated in an area in which facilities, for which bonding is required pursuant to §§ 15.2-2241 through 15.2-2245, have been constructed.

The ordinance shall not be adopted until after notice has been given as required by § 15.2-2204. ~~The notice shall clearly describe the interest of the governing body to be vacated by reference to the recorded instrument on which it was created and state the time and place of the meeting of the governing body at which the adoption of the ordinance will be voted upon.~~ Any person may appear at the meeting for the purpose of objecting to the adoption of the ordinance. An appeal from the adoption of the ordinance may be filed within thirty days of the adoption of the ordinance with the circuit court having jurisdiction of the land over which the governing body's interest is located. Upon appeal, the court may nullify the ordinance if it finds that the owner of the property, which has been developed or is to be developed in accordance with the approved site plan, will be irreparably damaged. If no appeal from the adoption of the ordinance is filed within the time above provided or if the ordinance is upheld on appeal, a certified copy of the ordinance of vacation may be recorded in the clerk's office of any court in which the instrument creating the governing body's interest is recorded.

The execution and recordation of an ordinance of vacation shall operate to destroy the effect of the instrument which created the governing body's interest so vacated and to divest all public rights in and to the property and vest title in the streets, alleys, easements for public rights of passage, easements for drainage, and easements for a public utility as may be described in, and in accordance with, the ordinance of vacation.

§ 15.2-2271. Vacation of plat before sale of lot therein; ordinance of vacation.

Where no lot has been sold, the recorded plat, or part thereof, may be vacated according to either of the following methods:

1. With the consent of the governing body, or its authorized agent, of the locality where the land lies, by the owners, proprietors and trustees, if any, who signed the statement required by § 15.2-2264 at any time before the sale of any lot therein, by a written instrument, declaring the plat to be vacated, duly executed, acknowledged or proved and recorded in the same clerk's office wherein the plat to be vacated is recorded and the execution and recordation of such writing shall operate to destroy the force and effect of the recording of the plat so vacated and to divest all public rights in, and to reinvest the owners, proprietors and trustees, if any, with the title to the streets, alleys, easements for public passage and other public areas laid out or described in the plat; or

2. By ordinance of the governing body of the locality in which the property shown on the plat or part thereof to be vacated lies, provided that no facilities for which bonding is required pursuant to §§ 15.2-2241 through 15.2-2245 have been constructed on the property and no facilities have been constructed on any related section of the property located in the subdivision within five years of the date on which the plat was first recorded.

The ordinance shall not be adopted until after notice has been given as required by § 15.2-2204. ~~The notice shall clearly describe the plat or portion thereof to be vacated and state the time and place of the meeting of the governing body at which the adoption of the ordinance will be voted upon.~~ Any person may appear at the meeting for the purpose of objecting to the adoption of the ordinance. An appeal from the adoption of the ordinance may be filed within thirty days of the adoption of the ordinance with the circuit court having jurisdiction of the land shown on the plat or part thereof to be vacated. Upon appeal the court may nullify the ordinance if it finds that the owner of the property shown on the plat will be irreparably damaged. If no appeal from the adoption of the ordinance is filed within the time above provided or if the ordinance is upheld on appeal, a certified copy of the ordinance of vacation may be recorded in the clerk's office of any court in which the plat is recorded.

The execution and recordation of the ordinance of vacation shall operate to destroy the force and effect of the recording of the plat, or any portion thereof, so vacated, and to divest all public rights in and to the property and reinvest the owners, proprietors and trustees, if any, with the title to the streets, alleys, and easements for public passage and other public areas laid out or described in the plat.

§ 15.2-2272. Vacation of plat after sale of lot.

In cases where any lot has been sold, the plat or part thereof may be vacated according to either of the following methods:

1. By instrument in writing agreeing to the vacation signed by all the owners of lots shown on the plat and also signed on behalf of the governing body of the locality in which the land shown on the plat or part thereof to be vacated lies for the purpose of showing the approval of the vacation by the governing body. In cases involving drainage easements or street rights-of-way where the vacation does not impede or alter drainage or access for any lot owners other than those lot owners immediately adjoining or contiguous to the vacated area, the governing body shall only be required to obtain the signatures of the lot owners immediately adjoining or contiguous to the vacated area. The word "owners" shall not include lien creditors except those whose debts are secured by a recorded deed of trust or mortgage and shall not include any consort of an owner. The instrument of vacation shall be acknowledged in the manner of a deed and filed for record in the clerk's office of any court in which the plat is recorded.

2. By ordinance of the governing body of the locality in which the land shown on the plat or part thereof to be vacated lies on motion of one of its members or on application of any interested person. The ordinance shall not be adopted until after notice has been given as required by § 15.2-2204. ~~The notice shall clearly describe the plat or portion thereof to be vacated and state the time and place of the meeting of the governing body at which the adoption of the ordinance will be voted upon.~~ Any person may appear at the meeting for the purpose of objecting to the adoption of the ordinance. An appeal from the adoption of the ordinance may be filed within thirty days with the circuit court having jurisdiction of the land shown on the plat or part thereof to be vacated. Upon appeal the court may nullify the ordinance if it finds that the owner of any lot shown on the plat will be irreparably damaged. If no appeal from the adoption of the ordinance is filed within the time above provided or if the ordinance is upheld on appeal, a certified copy of the ordinance of vacation may be recorded in the clerk's office of any court in which the plat is recorded.

Roads within the secondary system of highways may be vacated under either of the preceding methods and the action will constitute abandonment of the road, provided the land shown on the plat or part thereof to be vacated has been the subject of a rezoning or special exception application approved following public hearings required by § 15.2-2204 and provided the Commissioner of Highways or his agent is notified in writing prior to the public hearing, and provided further that the vacation is necessary in order to implement a proffered condition accepted by the governing body pursuant to §§ 15.2-2297, 15.2-2298 or 15.2-2303 or to implement a condition of special exception approval. All abandonments of roads within the secondary system of highways sought to be effected according to either of the preceding methods before July 1, 1994, are hereby validated, notwithstanding any defects or deficiencies in the proceeding; however, property rights which have vested subsequent to the attempted vacation are not impaired by such validation. The manner of reversion shall not be affected by this section.

§ 15.2-2316.2. Localities may provide for transfer of development rights.

A. Pursuant to the provisions of this article, the governing body of any locality by ordinance may, in order to conserve and promote the public health, safety, and general welfare, establish procedures, methods, and standards for the transfer of development rights within its jurisdiction. Any locality adopting or amending any such transfer of development rights

ordinance shall give notice and hold a public hearing in accordance with § 15.2-2204 prior to approval by the governing body.

B. In order to implement the provisions of this act, a locality shall adopt an ordinance that shall provide for:

1. The issuance and recordation of the instruments necessary to sever development rights from the sending property, to convey development rights to one or more parties, or to affix development rights to one or more receiving properties. These instruments shall be executed by the property owners of the development rights being transferred, and any lien holders of such property owners. The instruments shall identify the development rights being severed, and the sending properties or the receiving properties, as applicable;

2. Assurance that the prohibitions against the use and development of the sending property shall bind the landowner and every successor in interest to the landowner;

3. The severance of transferable development rights from the sending property;

4. The purchase, sale, exchange, or other conveyance of transferable development rights, after severance, and prior to the rights being affixed to a receiving property;

5. A system for monitoring the severance, ownership, assignment, and transfer of transferable development rights;

6. A map or other description of areas designated as sending and receiving areas for the transfer of development rights between properties;

7. The identification of parcels, if any, within a receiving area that are inappropriate as receiving properties;

8. The permitted uses and the maximum increases in density in the receiving area;

9. The minimum acreage of a sending property and the minimum reduction in density of the sending property that may be conveyed in severance or transfer of development rights;

10. The development rights permitted to be attached in the receiving areas shall be equal to or greater than the development rights permitted to be severed from the sending areas;

11. An assessment of the infrastructure in the receiving area that identifies the ability of the area to accept increases in density and its plans to provide necessary utility services within any designated receiving area; and

12. The application to be deemed approved upon the determination of compliance with the ordinance by the agent of the planning commission, or other agent designated by the locality.

C. In order to implement the provisions of this act, a locality may provide in its ordinance for:

1. The purchase of all or part of such development rights, which shall retire the development rights so purchased;

2. The severance of development rights from existing zoned or subdivided properties as otherwise provided in subsection E;

3. The owner of such development rights to make application to the locality for a real estate tax abatement for a period up to 25 years, to compensate the owner of such development rights for the fair market value of all or part of the development rights, which shall retire the number of development rights equal to the amount of the tax abatement, and such abatement is transferable with the property;

4. The owner of a property to request designation by the locality of the owner's property as a "sending property" or a "receiving property";

5. The allowance for residential density to be converted to bonus density on the receiving property by (i) an increase in the residential density on the receiving property or (ii) an increase in the square feet of commercial, industrial, or other uses on the receiving property, which upon conversion shall retire the development rights so converted;

6. The receiving areas to include such urban development areas or similarly defined areas in the locality established pursuant to § 15.2-2223.1;

7. The sending properties, subsequent to severance of development rights, to generate one or more forms of renewable energy, as defined in § 56-576, subject to the provisions of the local zoning ordinance;

8. The sending properties, subsequent to severance of development rights, to produce agricultural products or forestal products, as defined in § 15.2-4302, and to include parks, campgrounds and related camping facilities; however, for purposes of this subdivision, "campgrounds" does not include use by travel trailers, motor homes, and similar vehicular type structures;

9. The review of an application by the planning commission to determine whether the application complies with the provisions of the ordinance;

10. Such other provisions as the locality deems necessary to aid in the implementation of the provisions of this act;

11. Approval of an application upon the determination of compliance with the ordinance by the agent of the planning commission; and

12. A requirement that development comply with any locality-adopted neighborhood design standards identified in the comprehensive plan for the receiving area in which the development shall occur, provided such design standard was adopted in the comprehensive plan and applied to the receiving area prior to the transfer of the development right.

D. The locality may, by ordinance, designate receiving areas or receiving properties, add to, supplement, or amend its designations of receiving areas or receiving properties, or designate receiving areas or receiving properties that shall receive development rights only from certain sending areas or sending properties specified by the locality, so long as the development rights permitted to be attached in the receiving areas are equal to or greater than the development rights permitted to be severed in the sending areas.

E. Any proposed severance or transfer of development rights shall only be initiated upon application by the property owners of the sending properties, development rights, or receiving properties as otherwise provided herein.

F. A locality may not require property owners to sever or transfer development rights as a condition of the development of any property.

G. The owner of a property may sever development rights from the sending property, pursuant to the provisions of this act. An application to transfer development rights to one or more receiving properties, for the purpose of affixing such rights thereto, shall only be initiated upon application by the owner of such development rights and the owners of the receiving properties.

H. Development rights severed pursuant to this article shall be interests in real property and shall be considered as such for purposes of conveyance and taxation. Once a deed for transferable development rights, created pursuant to this act, has been recorded in the land records of the office of the circuit court clerk for the locality to reflect the transferable development rights sold, conveyed, or otherwise transferred by the owner of the sending property, the development rights shall vest in the grantee and may be transferred by such grantee to a successor in interest. Nothing herein shall be construed to prevent the owner of the sending property from recording a deed covenant against the sending property severing the development rights on said property, with the owner of the sending property retaining ownership of the severed development rights. Any transfer of the development rights to a property in a receiving area shall be in accordance with the provisions of the ordinance adopted pursuant to this article.

I. For the purposes of ad valorem real property taxation, the value of a transferable development right shall be deemed appurtenant to the sending property until the transferable development right is severed from and recorded as a distinct interest in real property, or the transferable development right is used at a receiving property and becomes appurtenant thereto. Once a transferable development right is severed from the sending property, the assessment of the fee interest in the sending property shall reflect any change in the fair market value that results from the inability of the owner of the fee interest to use such property for such uses terminated by the severance of the transferable development right. Upon severance from the sending property and recordation as a distinct interest in real property, the transferable development right shall be assessed at its fair market value on a separate real estate tax bill sent to the owner of said development right as taxable real estate in accordance with Article 1 (§ 58.1-3200 et seq.) of Chapter 32 of Title 58.1. The development right shall be taxed as taxable real estate by the local jurisdiction where the sending property is located, until such time as the development right becomes attached to a receiving property, at which time it shall be taxed as taxable real estate by the local jurisdiction where the receiving property is located.

J. The owner of a sending property from which development rights are severed shall provide a copy of the instrument, showing the deed book and page number, or instrument or GPIN, to the real estate tax assessor for the locality.

K. Localities, from time to time as the locality designates sending and receiving areas, shall incorporate the map identified in subdivision B 6 into the comprehensive plan.

L. No amendment to the zoning map, nor any amendments to the text of the zoning ordinance with respect to the zoning district applicable thereto initiated by the governing body, which eliminate, or materially restrict, reduce, or downzone the uses, or the density of uses permitted in the zoning district applicable to any property to which development rights have been transferred, shall be effective with respect to such property unless there has been mistake, fraud, or a material change in circumstances substantially affecting the public health, safety, or welfare.

M. A county adopting an ordinance pursuant to this article may designate eligible receiving areas in any incorporated town within such county, if the governing body of the town has also amended its zoning ordinance to designate the same areas as eligible to receive density being transferred from sending areas in the county. The development right shall be taxed as taxable real estate by the local jurisdiction where the sending property is located, until such time as the development right becomes attached to a receiving property, at which time it shall be taxed as taxable real estate by the local jurisdiction where the receiving property is located.

N. Any county and an adjacent city may enter voluntarily into an agreement to permit the county to designate eligible receiving areas in the city if the governing body of the city has also amended its zoning ordinance to designate the same areas as eligible to receive density being transferred from sending areas in the county. The city council shall designate areas it deems suitable as receiving areas and shall designate the maximum increases in density in each such receiving area. However, if any such agreement contains any provision addressing any issue provided for in Chapter 32 (§ 15.2-3200 et seq.), 33 (§ 15.2-3300 et seq.), 36 (§ 15.2-3600 et seq.), 38 (§ 15.2-3800 et seq.), 39 (§ 15.2-3900 et seq.), or 41 (§ 15.2-4100 et seq.), the agreement shall be subject to the review and implementation process established by Chapter 34 (§ 15.2-3400 et seq.). The development right shall be taxed as taxable real estate by the local jurisdiction where the sending property is located, until such time as the development right becomes attached to a receiving property, at which time it shall be taxed as taxable real estate by the local jurisdiction where the receiving property is located.

1. The terms and conditions of the density transfer agreement as provided in this subsection shall be determined by the affected localities and shall be approved by the governing body of each locality participating in the agreement, provided the governing body of each such locality first holds a public hearing, which shall be advertised ~~once a week for two successive weeks in a newspaper of general circulation in the locality~~ *as required by § 15.2-2204.*

2. The governing bodies shall petition a circuit court having jurisdiction in one or more of the localities for an order affirming the proposed agreement. The circuit court shall be limited in its decision to either affirming or denying the agreement and shall have no authority, without the express approval of each local governing body, to amend or change the

terms or conditions of the agreement, but shall have the authority to validate the agreement and give it full force and effect. The circuit court shall affirm the agreement unless the court finds either that the agreement is contrary to the best interests of the Commonwealth or that it is not in the best interests of each of the parties thereto.

3. The agreement shall not become binding on the localities until affirmed by the court under this subsection. Once approved by the circuit court, the agreement shall also bind future local governing bodies of the localities.

§ 15.2-2321. Adoption of road improvements program.

Prior to adopting a system of impact fees, the locality shall conduct an assessment of road improvement needs benefiting an impact fee service area and shall adopt a road improvements plan for the area showing the new roads proposed to be constructed and the existing roads to be improved or expanded and the schedule for undertaking such construction, improvement or expansion. The road improvements plan shall be adopted as an amendment to the required comprehensive plan and shall be incorporated into the capital improvements program or, in the case of the counties where applicable, the six-year plan for secondary highway construction pursuant to § 33.2-331.

The locality shall adopt the road improvements plan after holding a duly advertised public hearing *in accordance with § 15.2-2204*. ~~The public hearing notice shall identify the impact fee service area or areas to be designated, and shall include a summary of the needs assessment and the assumptions upon which the assessment is based, the proposed amount of the impact fee, and information as to how a copy of the complete study may be examined. A copy of the complete study shall be available for public inspection and copying at reasonable times prior to the public hearing.~~

The locality at a minimum shall include the following items in assessing road improvement needs and preparing a road improvements plan:

1. An analysis of the existing capacity, current usage and existing commitments to future usage of existing roads, as indicated by (i) current and projected service levels, (ii) current valid building permits outstanding, and (iii) approved and pending site plans and subdivision plats. If the current usage and commitments exceed the existing capacity of the roads, the locality also shall determine the costs of improving the roads to meet the demand. The analysis shall include any off-site road improvements or cash payments for road improvements accepted by the locality and shall include a plan to fund the current usages and commitments that exceed the existing capacity of the roads.

2. The projected need for and costs of construction of new roads or improvement or expansion of existing roads attributable in whole or in part to projected new development. Road improvement needs shall be projected for the impact fee service area when fully developed in accord with the comprehensive plan and, if full development is projected to occur more than 20 years in the future, at the end of a 20-year period. The assumptions with regard to land uses, densities, intensities, and population upon which road improvement projections are based shall be presented.

3. The total number of new service units projected for the impact fee service area when fully developed and, if full development is projected to occur more than 20 years in the future, at the end of a 20-year period. A "service unit" is a standardized measure of traffic use or generation. The locality shall develop a table or method for attributing service units to various types of development and land use, including but not limited to residential, commercial and industrial uses. The table shall be based upon the ITE manual (published by the Institute of Transportation Engineers) or locally conducted trip generation studies, and consistent with the traffic analysis standards adopted pursuant to § 15.2-2222.1.

§ 15.2-2400. Creation of service districts.

Any locality may by ordinance, or any two or more localities may by concurrent ordinances, create service districts within the locality or localities in accordance with the provisions of this article. Service districts may be created to provide additional, more complete or more timely services of government than are desired in the locality or localities as a whole.

Any locality seeking to create a service district shall have a public hearing prior to the creation of the service district. Notice of such hearing shall be published ~~once a week for three consecutive weeks~~ *three times* in a newspaper of general circulation within the locality, with the first notice appearing no more than ~~21~~ *35* days before *and the third notice appearing no less than seven days before* the hearing.

§ 15.2-2401. Creation of service districts by court order in consolidated cities.

In any city which results from the consolidation of two or more localities, service districts may, in addition to the method prescribed in § 15.2-2400, be created by order of the circuit court for the city upon the petition of fifty voters of the proposed district, which order shall prescribe the metes and bounds of the district.

Upon the filing of a petition the court shall fix a date for a hearing on the question of the proposed service district, which hearing shall embrace a consideration of whether the property embraced within the proposed district will be benefited by the establishment thereof. Notice of such hearing shall be published ~~once a week for three consecutive weeks~~ *three times* in a newspaper of general circulation within the city, with the first notice appearing no more than ~~21~~ *35* days before *and the third notice appearing no less than seven days before* the election. Any person interested may answer the petition and make defense thereto. If upon such hearing the court is of opinion that any property embraced within the limits of such proposed district will not be benefited by the establishment thereof, then such property shall not be embraced therein.

Upon the petition of the city council and of not less than 50 voters of the territory proposed to be added, or if such territory contains less than 100 voters, of fifty percent of the voters of such territory, after notice and hearing as provided above, any service district may be extended and enlarged by order of the circuit court for the city which order shall prescribe the metes and bounds of the territory so added.

§ 15.2-2409. How notice given; objections.

The notice may be given by personal service on all persons entitled to such notice, except (i) notice to an infant, a mentally incapacitated person or other person under a disability may be served on his guardian, conservator or committee; (ii) notice to a nonresident may be mailed to him at his place of residence or served on any agent of his having charge of the property or on the tenant of the property; or (iii) in any case when the owner is a nonresident or when the owner's residence is not known, such notice may be given by publication *three times* in a newspaper having general circulation in the locality ~~once a week for four successive weeks~~*, with the first notice appearing no more than 35 days before and the third notice appearing no less than seven days before the parties are cited to appear*. In lieu of such personal service on the parties or their agents and of such publication, the notice to all parties may be given by publishing the same *twice* in a newspaper having general circulation in the locality, ~~once a week for two successive weeks; the second publication shall be made at least seven days~~ *with the first notice appearing no more than 28 days* before *and the second notice appearing no less than seven days before* the parties are cited to appear. Any landowner wishing to make objections to an assessment or apportionment may appear in person or by counsel and state such objections.

§ 15.2-2506. Publication and notice; public hearing; adjournment; moneys not to be paid out until appropriated.

~~A brief synopsis of the budget that, except in the case of the school division budget, shall be for informative and fiscal planning purposes only, shall be published once in a newspaper having general circulation in the locality affected, and notice given of one or more public hearings, at least seven days prior to the date set for hearing, at which any citizen of the locality shall have the right to attend and state his views thereon.~~ *Notice of one or more public hearings shall be given in accordance with § 15.2-1427. Such notice shall, at a minimum, include a summary of the total revenues and expenditures for each appropriated fund and the current and proposed real estate and personal property tax levies.* Any locality not having a newspaper of general circulation may in lieu of the foregoing notice provide for notice by written or printed handbills, posted at such places as it may direct. The hearing shall be held at least seven days prior to the approval of the budget as prescribed in § 15.2-2503. With respect to the school division budget, which shall include the estimated required local match, such hearing shall be held at least seven days prior to the approval of that budget as prescribed in § 22.1-93. With respect to the budget of a constitutional officer, if the proposed budget reduces funding of such officer at a rate greater than the average rate of reduced funding for other agencies appropriated through such locality's general fund, exclusive of the school division, the locality shall give written notice to such constitutional officer at least 14 days prior to adoption of the budget. If a constitutional officer determines that the proposed budget cuts would impair the performance of his statutory duties, such constitutional officer shall make a written objection to the local governing body within seven days after receipt of the written notice and shall deliver a copy of such objection to the Compensation Board. The local governing body shall consider the written objection of such constitutional officer. The governing body may adjourn such hearing from time to time. The fact of such notice and hearing shall be entered of record in the minute book.

In no event, including school division budgets, shall such preparation, publication, and approval be deemed to be an appropriation. No money shall be paid out or become available to be paid out for any contemplated expenditure unless and until there has first been made an annual, semiannual, quarterly, or monthly appropriation for such contemplated expenditure by the governing body, except that funds appropriated in a county having adopted the county executive form of government for multiyear capital projects and outstanding grants may be carried over from year to year without being reappropriated.

§ 15.2-2507. Amendment of budget.

A. Any locality may amend its budget to adjust the aggregate amount to be appropriated during the current fiscal year as shown in the currently adopted budget as prescribed by § 15.2-2504. However, any such amendment which exceeds one percent of the total expenditures shown in the currently adopted budget must be accomplished by publishing ~~a~~ notice of a meeting and a public hearing ~~once in a newspaper having general circulation in that locality at least seven days prior to the meeting date~~ *in accordance with § 15.2-1427*. The notice shall state the governing body's intent to amend the budget and include a brief synopsis of the proposed budget amendment. Any local governing body may adopt such amendment at the advertised meeting, after first providing a public hearing during such meeting on the proposed budget amendments.

B. Pursuant to the requirements of §§ 15.2-1609.1, 15.2-1609.7, 15.2-1636.8, and 15.2-1636.13 through 15.2-1636.17 every county and city shall appropriate as part of its annual budget or in amendments thereto amounts for salaries, expenses and other allowances for its constitutional officers that are not less than those established for such offices in the locality by the Compensation Board pursuant to applicable law or, in the event of an appeal pursuant to § 15.2-1636.9, by the circuit court in accordance with the provisions of that section.

§ 15.2-2606. Public hearing before issuance of bonds.

A. Notwithstanding any contrary provision of law, general or special, but subject to subsection B of this section, before the final authorization of the issuance of any bonds by a locality, the governing body of the locality shall hold a public hearing on the proposed bond issue. Notice of the hearing shall be published ~~once a week for two successive weeks~~ *twice* in a newspaper published or having general circulation in the locality, with the first notice appearing no more than ~~14~~ *28* days before *and the second notice appearing no less than seven days before* the hearing. The notice shall (i) state the estimated maximum amount of the bonds proposed to be issued, (ii) state the proposed use of the bond proceeds, and if there is more than one use, state the proposed uses for which more than 10 percent of the total bond proceeds is expected to be used, and (iii) specify the time and place of the hearing at which persons may appear and present their views. ~~The hearing shall not be held less than six nor more than 21 days after the date the second notice appears in the newspaper.~~

B. No notice or public hearing shall be required for (i) bonds which have been approved by a majority of the voters of the issuing locality voting on the issuance of such bonds or (ii) obligations issued pursuant to § 15.2-2629, 15.2-2630 or 15.2-2643.

§ 15.2-2610. Request for referendum filed with court; order for election; notice.

If voter approval of any bond issue by a locality is required by the Constitution of Virginia or this chapter or any charter provision, a copy of the resolution or ordinance adopted by the governing body of the locality, certified by the clerk of the governing body, requesting that a referendum on the question of the issuance of the bonds be held, shall be filed with the circuit court for the locality or in the case of a town the circuit court for the county in which the town is located. The circuit court shall order a special election, in accordance with § 24.2-681 et seq., requiring the election officers of the locality on the day fixed in the order to open the polls and take the sense of the voters of the locality on the question of contracting the debt and issuing bonds for the purpose or purposes set forth in the resolution or ordinance. When any town is situated partly in two or more counties, the certified copy of the resolution or ordinance may be presented to the circuit court for any of the counties and the court shall order an election to be held in the town in accordance with the provisions of §§ 24.2-601 and 24.2-681 et seq. Notice of the election in the form prescribed by the court shall be published at least once but not less than ~~ten~~ *seven* days before the election in a newspaper published or having general circulation in the locality.

Where voter approval is required by the Constitution of Virginia, this chapter or any charter provision, a locality may, at its option, provide in the ordinance or resolution that any two or more purposes and amounts of the bonds proposed to be issued for such purposes be combined into a single question for the election and referred to as "capital improvement bonds" in an aggregate principal amount equal to the sum of the amounts for the purposes so combined.

§ 15.2-2652. Service by publication of motion for judgment; parties defendant.

Upon the filing of the motion for judgment the court shall fix the time and place for hearing the proceeding and shall enter an order requiring the publication of the motion for judgment or a summary of it approved by the court, together with the order setting forth the time and place of the hearing, ~~once a week for two consecutive weeks~~ *twice* in a newspaper published or having general circulation in the jurisdiction where the issuer is located*, with the first notice appearing no more than 28 days before and the second notice appearing no less than seven days before the date fixed for the hearing*. ~~The date fixed for the hearing shall not be sooner than ten days after the date the second publication of the motion for judgment or summary and the order appears in the newspaper.~~

By the publication of the motion for judgment or summary and the order, all taxpayers, property owners and citizens of the jurisdiction where the issuer is located, including nonresidents owning property in or subject to taxation by it, and all other persons having or claiming any right, title or interest in any property or funds affected in any way by the issuance of the bonds, or having or claiming to have any right or interest in the subject matter of the motion for judgment, shall be considered parties defendant in the proceedings, and the court shall have jurisdiction of them the same as if each of them were named individually as a defendant in the motion for judgment and personally served with process.

§ 15.2-2653. Contesting issuance of bonds; notice and hearing; service on member of governing body, etc.

Any person, corporation, or association desiring to contest the issuance of any bonds pursuant to the provisions of this chapter, or any other law, general or special, shall proceed by filing a motion for judgment within thirty days after the filing of the resolution or ordinance authorizing the issuance of the bonds with the circuit court having jurisdiction over the issuer, or in contesting the validity of a petition for or the results of a referendum, within thirty days after the date that the result of the election for the issuance of the bonds is certified, in the court having jurisdiction as provided in § 15.2-2651. For bonds which are not authorized pursuant to a referendum, or for which the authorizing resolution or ordinance is not required to be filed with the circuit court, the contestant shall proceed by filing a motion for judgment within thirty days after the adoption of the authorizing resolution or ordinance. Upon the filing of a motion for judgment, the court shall fix a time and place for hearing the proceeding and shall enter an order requiring the publication of the motion for judgment or a summary of it approved by the court, together with the order setting forth the time and place of the hearing, ~~once a week for two consecutive weeks~~ *twice* in a newspaper published or having general circulation in the jurisdiction where the issuer is located, with the first notice appearing no more than ~~14~~ *28* days before *and the second notice appearing no less than seven days before the date fixed for* the hearing. ~~The date fixed for the hearing shall not be sooner than ten days after the date the second publication of the motion for judgment or summary and the order appears in the newspaper.~~ In addition to such publication, the plaintiff shall secure personal service on at least one member of the governing body of the issuer.

§ 15.2-3236. Council may enact ordinance.

Whenever it is deemed desirable to contract the corporate limits of any city or town, the council thereof may enact an ordinance defining accurately the boundary of the territory proposed to be abandoned. The ordinance, or a descriptive summary of the ordinance, along with a reference of the place in the city or town where the ordinance may be examined, shall be published *three times* in ~~at least ten issues of~~ a ~~daily~~ paper having general circulation in the city or town, ~~if there is such a paper, or in two successive issues of a weekly newspaper having general circulation in such city or town, if there is such a paper. If there is no daily newspaper having general circulation therein, the ordinance shall be conspicuously posted in at least ten public places in the territory for at least ten days before the application to the circuit court for the city or town as provided for in § 15.2-3237 in addition to the publication in the weekly newspaper~~ *with the first notice appearing no more than 35 days before and the third notice appearing no less than seven days before the enactment of the ordinance*. A copy of the ordinance shall be served by the city or town upon the chairman of the board of supervisors of the contiguous county or counties of which the territory may become a part.

§ 15.2-3242. Parties defendant and publication of such petition.

The county in which the part of the town proposed to be abandoned under § 15.2-3241 is located shall be named as defendant to the petition. Satisfactory proof that the petition, or a descriptive summary of the petition along with a reference to the place in the town where the petition may be examined, has been published in a newspaper having general circulation in the county or town ~~once a week for four successive weeks and has been posted at the front door of the courthouse of the county for a like period~~ *three times, with the first notice appearing no more than 35 days before and the third notice appearing no less than seven days before the filing of the petition,* shall be filed with the petition. A statement in the publication to the effect that a certain number of registered voters of the territory proposed to be abandoned signed the petition shall be sufficient in lieu of the names of the signers.

§ 15.2-3400. Voluntary settlements among local governments.

Recognizing that the localities of the Commonwealth may be able to settle the matters provided for in this subtitle through voluntary agreements and further recognizing that such a resolution can be beneficial to the orderly growth and continued viability of the localities of the Commonwealth the following provisions are made:

1. Any locality may enter voluntarily into agreement with any other locality or combination of localities whereby any rights provided for its benefit in this subtitle may be modified or waived in whole or in part, as determined by its governing body, provided that the modification or waiver does not conflict with the Constitution of Virginia.

2. The terms of the agreement may include fiscal arrangements, land use arrangements, zoning arrangements, subdivision arrangements and arrangements for infrastructure, revenue and economic growth sharing, provisions for the acceptance on each other's behalf of proffered conditions under § 15.2-2298 or 15.2-2303, dedication of all or any portion of tax revenues to a revenue and economic growth sharing account, boundary line adjustments, acquisition of real property and buildings and the joint exercise or delegation of powers as well as the modification or waiver of specific annexation, transition or immunity rights as determined by the local governing body including opposition to petitions filed pursuant to § 15.2-3203, and such other provisions as the parties deem in their best interest. The terms of the agreement may also provide for subsequent court review, instituted pursuant to provisions contained in the agreement, by a special court convened under Chapter 30 (§ 15.2-3000 et seq.) of this title.

3. If a voluntary agreement is reached pursuant to this chapter, the governing bodies shall present to the Commission the proposed settlement. The Commission shall conduct a hearing pursuant to subsection A of § 15.2-2907. The Commission shall report, in writing, its findings and recommendations as to whether the proposed settlement is in the best interest of the Commonwealth. Such report shall not be binding upon any court but shall be advisory in nature only.

4. Upon receipt of the Commission report, the localities, by ordinance passed by a recorded affirmative vote of a majority of the members of each governing body thereof, may adopt either the original or a modified agreement acceptable to all parties. ~~Before adopting such ordinance each~~ *Each* local governing body shall advertise its intention to approve such agreement, or modified agreement, ~~at least once a week for two successive weeks~~ *twice, with the first notice appearing no more than 28 days before and the second notice appearing no less than seven days before the adoption of the ordinance* in a newspaper having a general circulation in its jurisdiction ~~and such~~. *Such* advertisements shall contain a descriptive summary of the agreement or modified agreement. Each locality shall hold at least one public hearing on the agreement or modified agreement prior to the adoption of the ordinance. The publication shall include a statement that a copy of the agreement, or modified agreement, is on file in the office of the clerk of the circuit court for each of the affected jurisdictions.

5. The governing bodies shall petition a circuit court having jurisdiction in one or more of the localities for an order affirming the proposed settlement. The circuit court with which the petition is filed shall notify the Supreme Court, which shall appoint a special court to hear the case as prescribed by Chapter 30 (§ 15.2-3000 et seq.) of this title. The special court shall be limited in its decision to either affirming or denying the voluntary agreement and shall have no authority, without the express approval of each local governing body, to amend or change the terms or conditions of the agreement, but shall have the authority to validate the agreement and give it full force and effect. The court shall affirm the agreement unless the court finds either that the agreement is contrary to the best interests of the Commonwealth or that it is not in the best interests of each of the parties thereto. In determining whether such agreement should be affirmed, the court shall consider, among other things, whether the interest of the Commonwealth in promoting orderly growth and the continued viability of localities has been met. If the agreement is validated and provides for annexation by a city or town, the agreement shall take effect on the first day of the month succeeding validation of the agreement unless the agreement stipulates that the annexation shall be effective on some other date.

6. The agreement shall not become binding on the localities until affirmed by the special court under this section. Once approved by the special court, the agreement shall also bind future local governing bodies of the localities.

7. The applicable provisions of this chapter shall be deemed to have been met with regard to any voluntary fiscal agreement or voluntary agreement in settlement of an annexation, transition or immunity petition or voluntary settlement agreement entered into pursuant to this chapter (i) which was entered into before July 1, 1990, (ii) which had been reviewed or was in the process of review by the Commission on Local Government on or before July 1, 1990, (iii) which had been or was the subject of review by a special court convened under Chapter 30 of this title on or before July 1, 1990, or (iv) which had been or was approved by a special court convened under Chapter 30 of this title on or before July 1, 1990.

8. The provisions of § 15.2-3226 shall apply when a voluntary agreement made under this section includes the annexation of territory by a city or town. No election for members of council shall be held as a result of such annexation unless the city or town increases its population by more than five percent due to the annexation.

§ 15.2-3401. Referendum on contracting of debt by counties in voluntary settlement agreements.

Before a county, under the terms of a voluntary agreement pursuant to this chapter, contracts a debt pursuant to Article VII, § 10 (b) of the Constitution of Virginia, the board of supervisors shall, in conformity with Article VII, § 10 (b) of the Constitution of Virginia, petition the circuit court for the county for an order calling for a special election in the county on the question of contracting such debt.

The question on the ballot shall be as follows, provided that the circuit court in its order calling for the election may substitute alternative language necessary to specify the type of agreement or the particular debt which the county proposes to contract under an agreement:

"Shall (name of county) be authorized to contract a debt by entering into a contract for the payment (describe the debt or payment) to (name of locality to whom payments are to be made) as a part of the proposed voluntary annexation and immunity settlement agreement between the county and (name of other locality)?

[ ] Yes

[ ] No"

The clerk of the county shall cause a notice of the referendum to be published *three times* in a newspaper having general circulation in the county ~~once a week for three consecutive weeks, the first such notice of which must be published not more than 21 days prior to~~, *with the first notice appearing no more than 35 days before and the third notice appearing no less than seven days before* the election, and shall post a copy of the notice at the door of the county courthouse.

The election shall be held and the results thereof ascertained and certified in accordance with Article 5 (§ 24.2-681 et seq.) of Chapter 6 of Title 24.2. If a majority of the voters of the county voting in such election approve the contracting of such debt, the county may proceed to adopt, by ordinance, the agreement.

§ 15.2-3504. Publication of agreement.

The governing body of each of the consolidating localities shall cause a copy of the consolidation agreement, or a descriptive summary of the agreement and a reference to the place within the locality where a copy of the agreement may be examined, to be published in each locality with which it is proposed to consolidate ~~at least once a week for four successive weeks~~ *three times* in a newspaper having a general circulation therein, *with the first notice appearing no more than 35 days before and the third notice appearing no less than seven days before the adoption of the consolidated agreement in accordance with § 15.2-3502*. A copy of the agreement shall be available for public inspection at the circuit court clerk's office of each of the consolidating localities.

§ 15.2-3600. Petition for incorporation of community; appointment of special court.

A petition signed by 100 voters of any community may be presented to the circuit court for the county in which such community, or the greater part thereof, is situated, requesting that the community be incorporated as a town. A plat showing the boundaries of the community shall be attached to the petition. The circuit court with which the petition is filed shall notify the Supreme Court, which shall appoint a special court to hear the case as prescribed by Chapter 30 (§ 15.2-3000 et seq.) of this title. The plat shall be prepared by a registered surveyor in a form suitable for recording in the clerk's office of the circuit court. A copy of the petition shall be served upon the county attorney or, if there is no county attorney, the attorney for the Commonwealth, and each member of the governing body of the county or counties wherein the area sought to be incorporated lies. The governing body at its option may become a party to the proceeding. The petition shall be accompanied by proof that:

1. The petition has been available for public inspection in the office of the clerk of the circuit court; and

2. The following have been published ~~once a week for three successive weeks~~ *three times* in a newspaper having general circulation in the county, with the first publication appearing no more than ~~21~~ *35* days before *and the third publication appearing no less than seven days before* the petition will be presented:

a. Notice of the time and place the petition would be presented; and

b. The text of the petition in full; or

c. A descriptive summary of the petition and notice that the petition may be inspected at the circuit court clerk's office.

§ 15.2-3805. Time limit for intervenors; publication of order.

The special court shall by order fix a time within which a voter, property owner or political subdivision not served may become a party to a proceeding instituted under this chapter, and thereafter no such petition shall be received, except for good cause shown. A copy of the order shall be published ~~at least once a week for two successive weeks~~ *twice* in a newspaper of general circulation in the county and in the adjoining or adjacent counties and cities, *with the first notice appearing no more than 28 days and the second notice appearing no less than seven days before the time fixed by the special court*.

§ 15.2-3913. Public hearing on charter; notice and publication; adoption of charter by governing body.

Upon the completion of the proposed charter the governing body shall hold a public hearing at which the citizens shall have an opportunity to be heard with respect thereto. Notice of the time and place of such hearing and the text of the charter, or an informative summary thereof, shall be published *twice* in a newspaper of general circulation in the county ~~at least once a week for two successive weeks~~, *with the first notice appearing no more than 28 days before and the second notice appearing no less than seven days before the hearing*. ~~The hearing shall not be held sooner than thirty days subsequent to the first publication.~~ Such hearing may be adjourned from time to time, but shall be completed not less than thirty days before the election. Upon completion of the hearing the governing body shall adopt the charter with such revisions as it may accept.

§ 15.2-4311. Review of districts.

The local governing body may complete a review of any district created under this section, together with additions to such district, no less than four years but no more than ten years after the date of its creation and every four to ten years thereafter. If the local governing body determines that a review is necessary, it shall begin such review at least ninety days before the expiration date of the period established when the district was created. In conducting such review, the local governing body shall ask for the recommendations of the local advisory committee and the planning commission in order to determine whether to terminate, modify or continue the district. When each district is reviewed, land within the district may be withdrawn at the owner's discretion by filing a written notice with the local governing body at any time before it acts to continue, modify or terminate the district. The local planning commission or the advisory committee shall schedule as part of the review a public meeting with the owners of land within the district, and shall send by first-class mail a written notice of the meeting and review to all such owners. The notice shall state the time and place for the meeting; that the district is being reviewed by the local governing body; that the local governing body may continue, modify, or terminate the district; and that land may be withdrawn from the district at the owner's discretion by filing a written notice with the local governing body at any time before it acts to continue, modify or terminate the district. The local governing body shall hold a public hearing as provided by law. The governing body may stipulate conditions to continuation of the district and may establish a period before the next review of the district, which may be different from the conditions or period established when the district was created. Any such different conditions or period shall be described in a notice sent by first-class mail to all owners of land within the district and published in a newspaper having a general circulation within the district ~~at least two weeks~~ *no less than seven days* prior to adoption of the ordinance continuing the district. Unless the district is modified or terminated by the local governing body, the district shall continue as originally constituted, with the same conditions and period before the next review as that established when the district was created.

If the local governing body determines that a review is unnecessary, it shall set the year in which the next review shall occur.

§ 15.2-4313. Proposals as to land acquisition or construction within district.

A. Any agency of the Commonwealth or any political subdivision which intends to acquire land or any interest therein other than by gift, devise, bequest or grant, or any public service corporation which intends to: (i) acquire land or any interest therein for public utility facilities not subject to approval by the State Corporation Commission, provided that the proposed acquisition from any one farm or forestry operation within the district is in excess of one acre or that the total proposed acquisition within the district is in excess of ten acres or (ii) advance a grant, loan, interest subsidy or other funds within a district for the construction of dwellings, commercial or industrial facilities, or water or sewer facilities to serve nonfarm structures, shall at least ninety days prior to such action notify the local governing body and all of the owners of land within the district. Notice to landowners shall be sent by first-class or registered mail and shall state that further information on the proposed action is on file with the local governing body. Notice to the local governing body shall be filed in the form of a report containing the following information:

1. A detailed description of the proposed action, including a proposed construction schedule;

2. All the reasons for the proposed action;

3. A map indicating the land proposed to be acquired or on which the proposed dwellings, commercial or industrial facilities, or water or sewer facilities to serve nonfarm structures are to be constructed;

4. An evaluation of anticipated short-term and long-term adverse impacts on agricultural and forestal operations within the district and how such impacts are proposed to be minimized;

5. An evaluation of alternatives which would not require action within the district; and

6. Any other relevant information required by the local governing body.

B. Upon receipt of a notice filed pursuant to subsection A, the local governing body, in consultation with the local planning commission and the advisory committee, shall review the proposed action and make written findings as to (i) the effect the action would have upon the preservation and enhancement of agriculture and forestry and agricultural and forestal resources within the district and the policy of this chapter; (ii) the necessity of the proposed action to provide service to the public in the most economical and practical manner; and (iii) whether reasonable alternatives to the proposed action are available that would minimize or avoid any adverse impacts on agricultural and forestal resources within the district. If requested to do so by any owner of land that will be directly affected by the proposed action of the agency, corporation, or political subdivision, the Director of the Department of Conservation and Recreation, or his designee, may advise the local governing body on the issues listed in clauses (i), (ii) and (iii) of this subsection.

C. If the local governing body finds that the proposed action might have an unreasonably adverse effect upon either state or local policy, it shall (i) issue an order within ninety days from the date the notice was filed directing the agency, corporation or political subdivision not to take the proposed action for a period of 150 days from the date the notice was filed and (ii) hold a public hearing, as prescribed by law, concerning the proposed action. The hearing shall be held where the local governing body usually meets or at a place otherwise easily accessible to the district. The locality shall publish notice in a newspaper having a general circulation within the district *no less than seven days before the hearing*, and mail individual notice of the hearing to the political subdivisions whose territory encompasses or is part of the district, and the agency, corporation or political subdivision proposing to take the action. Before the conclusion of the 150-day period, the local governing body shall issue a final order on the proposed action. Unless the local governing body, by an affirmative vote of a majority of all the members elected to it, determines that the proposed action is necessary to provide service to the

public in the most economic and practical manner and will not have an unreasonably adverse effect upon state or local policy, the order shall prohibit the agency, corporation or political subdivision from proceeding with the proposed action. If the agency, corporation or political subdivision is aggrieved by the final order of the local governing body, an appeal shall lie to the circuit court having jurisdiction of the territory wherein a majority of the land affected by the acquisition is located. However, if such public service corporation is regulated by the State Corporation Commission, an appeal shall be to the State Corporation Commission.

§ 15.2-4405. Creation of districts of local significance.

A. A participating locality shall have the authority to create agricultural, forestal, or agricultural and forestal districts of local significance by the adoption of a general ordinance establishing a local districts program according to the provisions of this chapter.

B. In participating localities where such an ordinance has been adopted by the local governing body, any owner or owners of land may submit an application pursuant to § 15.2-4403 to the locality for the creation of an agricultural, forestal, or an agricultural and forestal district of local significance within such locality. Each individual district of local significance shall have a core of no less than the minimum acreage specified in the general ordinance, which minimum acreage in no case shall be less than 20 acres in one parcel or contiguous parcels, provided that (i) any noncontiguous parcel that is not part of the core may be included in a district of local significance if the nearest boundary of such noncontiguous parcel is within one-quarter of a mile of the core and (ii) such noncontiguous parcel had previously been included in a district of local significance. No owner of land shall be included in any agricultural, forestal, or agricultural and forestal district of local significance without the owner's written approval. A separate application may be made by any owner or owners of land for additional contiguous qualifying lands, or noncontiguous lands that meet the conditions of clauses (i) and (ii), to be included in an already created district at any time following such creation.

C. Upon receipt of a proposal for a district of local significance, the local governing body shall refer the proposal to the planning commission which shall:

1. Provide notice of the proposal by publishing a notice in a newspaper having general circulation within the proposed district and by posting such notice in three conspicuous places within the jurisdiction in which the proposed district is located. The notice shall state that an application for an agricultural, forestal, or agricultural and forestal district of local significance has been submitted to the local governing body, that a copy of the application is on file open to public inspection in the office of the clerk, that any proposals for modifications of the district shall be filed within 30 days, that any owner included in the proposal may withdraw his land, in whole or in part, at any time until the local governing body makes a final decision as to the constitution of the district pursuant to subsection D, and that hearing dates of the planning commission and local governing body shall be published and posted within 30 days.

2. Refer such proposal and modifications to the advisory committee.

D. Within one year of the date of filing of the application for such original proposal, the proposal: shall be reviewed by (i) the advisory committee, which shall report to the local planning commission its recommendations concerning the proposal and proposed modifications; (ii) the planning commission, which, after receiving the report of the advisory committee, shall hold a public hearing as prescribed in subsection E, and shall report its recommendations concerning the proposal and proposed modifications to the local governing body; and (iii) the local governing body, which, after receiving the report of the local planning commission and the advisory committee, shall hold a public hearing as prescribed below, and may create the district or any modification of the district by the adoption of a district ordinance as described in subsection E, or reject the creation of a district as it deems appropriate. All districts shall meet the minimum requirements set forth in the participating locality's general ordinance for the creation of districts of local significance.

E. Public hearings required to be held by the planning commission and local governing body shall be conducted in the following manner:

1. The hearing as prescribed by law shall be held where the local governing body usually meets or at a place otherwise readily accessible to the proposed district;

2. The notice of the public hearing as prescribed by law shall contain a description of the proposed district, any proposed modifications and any recommendations of the local planning commission or the advisory committee; and

3. The notice shall be published *twice* in a newspaper having a general circulation within the proposed district ~~and~~*, with the first notice appearing no more than 28 days before and the second notice appearing no less than seven days before the hearing. Such notice* shall be given in writing complete with proposed modifications to those municipalities whose territory encompasses or is part of the proposed district.

F. The general ordinance establishing the program to create agricultural, forestal, or agricultural and forestal districts of local significance shall state the criteria which shall be considered by the advisory committee and the local planning commission in advising the local governing body and by the local governing body in making its decision on whether or not to create a district. These criteria shall be based on and consistent with the following factors:

1. The agricultural and forestal significance within the proposed district and in areas adjacent thereto;

2. The presence of any significant agricultural lands or significant forestal lands within the proposed district and adjacent thereto that are not now in active farming or production;

3. The nature and extent of land uses other than active farming or forestry within the proposed district and adjacent thereto;

4. Local developmental patterns and needs including zoning and the comprehensive plan;

5. The scenic and historic features of land uses within the proposed district and adjacent thereto;

6. The environmental benefits of preserving the lands in the district in their existing use; and

7. Any other matter which may be relevant.

In judging significance, any relevant agricultural and forest maps may be considered as well as soil, climate, topography, quality of tree cover, other natural factors, markets for farm and forest products, the extent and nature of farm and forest improvements, evidence of commitment to long-term farm and forest use, anticipated trends in agricultural and forest economic conditions and technology, and such other factors as may be relevant. Criteria for judging the significance of lands in local agricultural and forestal districts to be created pursuant to this chapter may differ from those for judging the significance of lands in statewide districts to be created pursuant to Chapter 43 (§ 15.2-4300 et seq.).

§ 15.2-5136. Rates and charges.

A. The authority may fix and revise rates, fees and other charges (which shall include, but not be limited to, a penalty not to exceed 10 percent on delinquent accounts, and interest on the principal), subject to the provisions of this section, for the use of and for the services furnished or to be furnished by any system, or streetlight system in King George County, or refuse collection and disposal system or facilities incident thereto, owned, operated or maintained by the authority, or facilities incident thereto, for which the authority has issued revenue bonds as authorized by this chapter. Such rates, fees and charges shall be so fixed and revised as to provide funds, with other funds available for such purposes, sufficient at all times (i) to pay the cost of maintaining, repairing and operating the system or systems, or facilities incident thereto, for which such bonds were issued, including reserves for such purposes and for replacement and depreciation and necessary extensions, (ii) to pay the principal of and the interest on the revenue bonds as they become due and reserves therefor, and (iii) to provide a margin of safety for making such payments. The authority shall charge and collect the rates, fees and charges so fixed or revised.

B. The rates for water (including fire protection) and sewer service (including disposal) shall be sufficient to cover the expenses necessary or properly attributable to furnishing the class of services for which the charges are made. However, the authority may fix rates and charges for the services and facilities of its water system sufficient to pay all or any part of the cost of operating and maintaining its sewer system (including disposal) and all or any part of the principal of or the interest on the revenue bonds issued for such sewer or sewage disposal system, and may pledge any surplus revenues of its water system, subject to prior pledges thereof, for such purposes.

C. Rates, fees and charges for the services of a sewer or sewage disposal system shall be just and equitable, and may be based upon:

1. The quantity of water used or the number and size of sewer connections;

2. The number and kind of plumbing fixtures in use in the premises connected with the sewer or sewage disposal system;

3. The number or average number of persons residing or working in or otherwise connected with such premises or the type or character of such premises;

4. Any other factor affecting the use of the facilities furnished; or

5. Any combination of the foregoing factors.

However, the authority may fix rates and charges for services of its sewer or sewage disposal system sufficient to pay all or any part of the cost of operating and maintaining its water system, including distribution and disposal, and all or any part of the principal of or the interest on the revenue bonds issued for such water system, and to pledge any surplus revenues of its water system, subject to prior pledges thereof, for such purposes.

D. Water and sewer rates, fees and charges established by any authority shall be fair and reasonable. An authority may charge fair and reasonable rates, fees, and charges to create reserves for expansion of its water and sewer or sewage disposal systems. Such rates, fees, and charges shall be reviewed by the authority periodically and shall be adjusted, if necessary, to assure that they continue to be fair and reasonable. However, any authority may charge and collect rates, fees, and charges to create a reserve fund for reasonable expansion of its water, sewer, or sewage disposal system. Nothing herein shall affect existing contracts with bondholders which are in conflict with any of the foregoing provisions.

E. Rates, fees and charges for the service of a streetlight system shall be just and equitable, and may be based upon:

1. The portion of such system used;

2. The number and size of premises benefiting therefrom;

3. The number or average number of persons residing or working in or otherwise connected with such premises;

4. The type or character of such premises;

5. Any other factor affecting the use of the facilities furnished; or

6. Any combination of the foregoing factors.

However, the authority may fix rates and charges for the service of its streetlight system sufficient to pay all or any part of the cost of operating and maintaining such system.

F. The authority may also fix rates and charges for the services and facilities of a water system or a refuse collection and disposal system sufficient to pay all or any part of the cost of operating and maintaining facilities incident thereto for the generation or transmission of power and all or any part of the principal of or interest upon the revenue bonds issued for any such facilities incident thereto, and to pledge any surplus revenues from any such system, subject to prior pledges thereof, for such purposes. Charges for services to premises, including services to manufacturing and industrial plants, obtaining all

or a part of their water supply from sources other than a public water system may be determined by gauging or metering or in any other manner approved by the authority.

G. No rates, fees or charges shall be fixed under subsections A through F of this section or under subdivision 10 of § 15.2-5114 until after a public hearing at which all of the users of the systems or facilities; the owners, tenants or occupants of property served or to be served thereby; and all others interested have had an opportunity to be heard concerning the proposed rates, fees and charges. After the adoption by the authority of a resolution setting forth the preliminary schedule or schedules fixing and classifying such rates, fees and charges, notice of a public hearing~~, setting forth the proposed schedule or schedules of rates, fees and charges,~~ *in accordance with § 15.2-1427* shall be published ~~once a week for two successive weeks in a newspaper having a general circulation in the area to be served by such systems or facilities, with the first notice appearing no more than 14 days before the hearing~~. The hearing may be adjourned from time to time. A copy of the notice shall be mailed to the governing bodies of all localities in which such systems or facilities or any part thereof is located. After the hearing the preliminary schedule or schedules, either as originally adopted or as amended, shall be adopted and put into effect.

H. A copy of the schedule or schedules of the final rates, fees and charges fixed in accordance with subsection G shall be kept on file in the office of the clerk or secretary of the governing body of each locality in which such systems or any part thereof is located, and shall be open to inspection by all interested parties. The rates, fees or charges so fixed for any class of users or property served shall be extended to cover any additional properties thereafter served which fall within the same class, without the necessity of a hearing or notice. Any increase in any rates, fees or charges under this section shall be made in the manner provided in subsection G. Any other change or revision of the rates, fees or charges may be made in the same manner as the rates, fees or charges were originally established as provided in subsection G.

I. No rates, fees or charges established, fixed, changed or revised before January 1, 2013, by any authority pursuant to this section or to subdivision 10 of § 15.2-5114 shall be invalidated because of any defect in or failure to publish or provide any notice required under this section or any predecessor provision.

§ 15.2-5156. Hearing; notice.

A. An ordinance or resolution creating a community development authority shall not be adopted or approved until a public hearing has been held by the governing body on the question of its adoption or approval. Notice of the public hearing shall be published ~~once a week for three successive weeks~~ *three times* in a newspaper of general circulation within the locality, with the first notice appearing no more than ~~21~~ *35* days before *and the third notice appearing no less than seven days before* the hearing. The petitioning landowners shall bear the expense of publishing the notice. ~~The hearing shall not be held sooner than ten days after completion of publication of the notice.~~

B. After the public hearing and before adoption of the ordinance or resolution, the local governing body shall mail a true copy of its proposed ordinance or resolution creating the development authority to the petitioning landowners or their attorney in fact. Unless waived in writing, any petitioning landowner shall have thirty days from mailing of the proposed ordinance or resolution in which to withdraw his signature from the petition in writing prior to the vote of the local governing body on such ordinance or resolution. If any signatures on the petition are so withdrawn, the local governing body may pass the proposed ordinance or resolution only upon certification by the petitioners that the petition continues to meet the requirements of § 15.2-5152. If all petitioning landowners waive the right to withdraw their signatures from the petition, the local governing body may adopt the ordinance or resolution upon compliance with the provisions of subsection A and any other applicable provisions of law.

§ 15.2-5403. Creation of electric authority; referendum.

The governing body of a governmental unit may by ordinance, or the governing bodies of two or more governmental units may by concurrent ordinances or agreement authorized by ordinance of each of the respective governmental units, create an electric authority, under any appropriate name and title containing the words "electric authority." Upon compliance with the provisions of this section and §§ 15.2-5404 and 15.2-5405, the authority shall be a political subdivision of the Commonwealth and a body politic and corporate. Any such ordinance shall be adopted in accordance with applicable general or special laws or charter provisions providing for the adoption of ordinances of the particular governmental unit, and shall be published ~~once a week for two successive weeks prior to adoption~~ *twice* in a newspaper of general circulation within the governmental unit*, with the first notice appearing no more than 28 days before and the second notice appearing no less than seven days before adoption*. ~~The second publication shall not be sooner than one calendar week after the first publication.~~

No governmental unit shall participate as a member of such an authority unless and until such participation is authorized by a majority of the voters voting in a referendum held in the governmental unit on the question of whether or not the governmental unit should participate in the authority. The referendum shall be held as provided in §§ 24.2-682 and 24.2-684. The foregoing referendum requirement shall not apply to the Town of Elkton if the Town creates an authority by an ordinance that includes articles of incorporation which comply with the provisions of § 15.2-5404 and also set forth a statement that such authority shall have only the Town as its sole member throughout its life.

§ 15.2-5431.25. Rates and charges.

A. The authority may fix and revise rates, fees and other charges (which shall include, but not be limited to, a penalty not to exceed 10 percent on delinquent accounts, and interest on the principal), subject to the provisions of this section, for the use of a project or any portion thereof and for the services furnished or to be furnished by the authority, or facilities incident thereto, owned, operated or maintained by the authority, or facilities incident thereto, for which the authority has

issued revenue bonds as authorized by this chapter or received loan funding from other sources. Such rates, fees and charges shall be so fixed and revised as to provide funds, with other funds available for such purposes, sufficient at all times (i) to pay the cost of maintaining, repairing and operating the project or systems, or facilities incident thereto, for which such bonds were issued or loans obtained, including reserves for such purposes and for replacement and depreciation and necessary extensions, (ii) to pay the principal of and the interest on the revenue bonds as they become due and reserves therefor, or other loan principal and interest, and (iii) to provide a margin of safety for making such payments. The authority shall charge and collect the rates, fees and charges so fixed or revised. The authority shall maintain records demonstrating compliance with the requirements of this section concerning the fixing and revision of rates, fees, and charges that shall be made available for inspection and copying by the public pursuant to the Virginia Freedom of Information Act (§ 2.2-3700 et seq.).

B. No rates, fees or charges shall be fixed under subsection A until after a public hearing at which all of the users of such facilities; the owners, tenants or occupants of property served or to be served thereby; and all others interested have had an opportunity to be heard concerning the proposed rates, fees and charges. After the adoption by the authority of a resolution setting forth the preliminary schedule or schedules fixing and classifying such rates, fees and charges, notice of a public hearing, setting forth the proposed schedule or schedules of rates, fees and charges, shall be published ~~once a week for two successive weeks~~ *twice* in a newspaper having a general circulation in the area to be served by such systems, with the first notice appearing no more than ~~14~~ *28* days before *and the second notice appearing no less than seven days before* the hearing. The hearing may be adjourned from time to time. A copy of the notice shall be mailed to the governing bodies of all localities in which such systems or any part thereof is located. After the hearing the preliminary schedule or schedules, either as originally adopted or as amended, shall be adopted and put into effect.

C. A copy of the schedule or schedules of the final rates, fees and charges fixed in accordance with subsection B shall be kept on file in the office of the clerk or secretary of the governing body of the locality, and shall be open to inspection by all interested parties. The rates, fees or charges so fixed for any class of users or property served shall be extended to cover any additional properties thereafter served which fall within the same class, without the necessity of a hearing or notice. Any increase in any rates, fees or charges under this section shall be made in the manner provided in subsection B. Any other change or revision of the rates, fees or charges may be made in the same manner as the rates, fees or charges were originally established as provided in subsection B.

D. Connection fees established by any authority shall be fair and reasonable. Such fees shall be reviewed by the authority periodically and shall be adjusted, if necessary, to assure that they continue to be fair and reasonable. Nothing herein shall affect existing contracts with bondholders which are in conflict with any of the foregoing provisions.

§ 15.2-5704. Powers of authority.

Each authority shall be deemed to be performing essential governmental functions providing for the public health and welfare, and is authorized and empowered:

1. To have existence for such term of years as specified by the participating localities;

2. To adopt bylaws for the regulation of its affairs and the conduct of its business;

3. To adopt an official seal and alter the same at pleasure;

4. To maintain an office at such place or places as it may designate;

5. To sue and be sued;

6. To acquire, purchase, lease as lessee, construct, reconstruct, improve, extend, operate and maintain parks within, or partly within and partly outside, one or more of the participating localities; to acquire by gift, purchase or the exercise of the right of eminent domain lands or rights in land or water rights in connection therewith; and to sell, lease as lessor, transfer or dispose of any property or interest therein acquired by it; however, the power of eminent domain shall not extend beyond the geographical limits of the localities composing the authority;

7. To regulate the uses of all lands and facilities under control of the authority;

8. To locate and operate a retail fee-based electric vehicle charging station on property under the jurisdiction of the authority; to provide that the use of such station is restricted to the employees of the locality, authority, and authorized visitors; and to install signage that provides notice of such restriction;

9. To issue revenue bonds and revenue refunding bonds of the authority, such bonds to be payable solely from revenues derived from the use of the facilities or the furnishing of park services;

10. To accept grants and gifts from the localities forming or thereafter joining the authority, the Commonwealth, the federal government or any other governmental bodies or political subdivisions, and from any other person;

11. To enter into contracts with the federal government, the Commonwealth, any political subdivision, or any agency or instrumentality thereof, or with any other person providing for or relating to the furnishing of park services or facilities;

12. To contract with any municipality, county, person or any public authority or political subdivision of this or any adjoining state, on such terms as the authority shall deem proper, for the construction, operation and maintenance of any park which is partly in this Commonwealth and partly in such adjoining state;

13. To exercise the same rights for acquiring property for the construction or improvement, maintenance or operation of a park as the locality or localities by which such authority is created may exercise. The governing body of any participating locality, notwithstanding any contrary provision of law, general or special, is authorized and empowered to transfer jurisdiction over, to lease, lend, grant or convey to the authority, upon the request of the authority, upon such terms and conditions as the governing body of such locality may agree with the authority as reasonable and fair, real or personal

property as may be necessary or desirable in connection with the acquisition, construction, improvement, operation or maintenance of a park, including public roads and other property already devoted to public use. Agreements may be entered into by the authority with the Commonwealth, or any agency acting on behalf of the Commonwealth, for the acquisition of any lands or property, owned or controlled by the Commonwealth, for the purposes of construction or improvement, maintenance or operation of a park;

14. In the event of annexation by a municipality not a member of the authority of lands, areas, or territory served by the authority, then such authority may continue to do business, exercise its jurisdiction over properties and facilities in and upon or over such lands, areas or territory as long as any bonds or indebtedness remain outstanding or unpaid, or any contracts or other obligations remain in force;

15. To make and enter into all contracts and agreements necessary or incidental to the performance of its duties and the execution of its powers under this chapter, including a trust agreement or trust agreements securing any revenue bonds or revenue refunding bonds issued hereunder;

16. To do all acts and things necessary or convenient to carry out the powers granted by this chapter;

17. To borrow, at such rates of interest as the law authorizes, from the federal government or any agency thereof, individuals, partnerships, or private or municipal corporations, for the purpose of acquiring parklands and improvements thereon; to issue its notes, bonds or other obligations; to secure such obligations by mortgage or pledge of the property and improvements being acquired and the income derived therefrom; and to use any revenues and other income of the authority for payment of interest and retirement of principal of such obligations provided that prior approval of the governing body of the locality shall be obtained by an authority that was created by a single locality. Any locality which has formed or joined an authority may lend money to the authority. The power to borrow set forth in this subdivision shall be in addition to the power to issue revenue bonds and revenue refunding bonds set forth in subdivision 9 and § 15.2-5712. Notes, bonds or other obligations issued under this subdivision shall not be deemed to constitute a debt of the Commonwealth or of any political subdivision of the Commonwealth or a pledge of the faith and credit of the Commonwealth or of any political subdivision of the Commonwealth; and

18. To adopt such rules and regulations from time to time, not in conflict with the laws of this Commonwealth, concerning the use of properties under its control as will tend to the protection of such property and the public thereon. No such rule or regulation shall be adopted until after ~~descriptive~~ notice of an intention to propose such rule or regulation for passage has been published in accordance with the procedures required for the adoption of general county ordinances and emergency county ordinances as set forth in § 15.2-1427, mutatis mutandis. ~~The full text of any proposed rule or regulation shall be available for public inspection and copying during regular office hours of the authority at a place designated in the published notice.~~

§ 15.2-5806. Public hearings; notice; reports.

A. At least sixty days prior to selecting a site for a major league or minor league baseball stadium, the Authority shall hold a public hearing within thirty miles of the site proposed to be acquired for the purpose of soliciting public comment.

B. Except as otherwise provided herein, ~~at least seven days prior to the public hearing required by this section,~~ the Authority shall notify the local governing body in which the major league or minor league baseball stadium is proposed to be located and advertise the notice in a newspaper of general circulation in that locality *no less than seven days before the public hearing*. The notice shall include: (i) a description of the site proposed to be acquired, (ii) the intended use of the site, and (iii) the date, time, and location of the public hearing. After receipt of the notice required by this section, the local governing body in which a major league or minor league baseball stadium is proposed to be located may require that this period be extended for up to sixty additional days or for such other time period as agreed upon by the local governing body and the Authority.

C. At least thirty days before acquiring or entering into a lease involving a major league or minor league baseball stadium and before entering into a construction contract involving a major league or minor league baseball stadium or stadium site, the Authority shall submit a detailed written report and the findings of the Authority that justify the proposed acquisition, lease, or contract to the General Assembly. The report and findings shall include a detailed plan of the method of funding and the economic necessity of the proposed acquisition, lease, or contract.

D. The time periods in subsections A, B, and C of this section may not run concurrently.

E. The Commonwealth shall not enter into any purchase agreement, lease agreement, lease-purchase agreement, master lease agreement or any other contractual arrangement that creates a direct or contingent financial obligation of the Commonwealth unless such agreement or arrangement has first been submitted to the State Treasurer sufficiently prior to the execution of such agreement or arrangement to allow the State Treasurer to undertake a review for the purposes of determining (i) whether the agreement or arrangement may constitute tax-supported debt of the Commonwealth and (ii) the potential impact of the agreement or arrangement on the debt capacity and credit ratings of the Commonwealth. If after such review the State Treasurer determines that the agreement or arrangement may constitute tax-supported debt of the Commonwealth, or may have an adverse impact on the debt capacity or the credit ratings of the Commonwealth, the agreement or arrangement and any associated financing shall be submitted to the Treasury Board for review and approval of terms and structures in a manner consistent with § 2.2-2416.

F. The Commonwealth shall not enter into any purchase agreement, lease agreement, lease-purchase agreement, master lease agreement or any other contractual arrangement that creates a direct or contingent financial obligation of the

Commonwealth unless such agreement or arrangement has first been reviewed and approved as required by subsection E and subsequently approved in writing by the Governor.

§ 15.2-7502. Public hearing required prior to creation or designation of a land bank entity.

The governing body of a locality shall not adopt an ordinance creating a land bank entity pursuant to § 15.2-7501 or designating a planning district commission or an existing nonprofit entity pursuant to § 15.2-7512 until notice of intention to do so has been published ~~once a week for two successive weeks~~ *twice* in some newspaper published or having general circulation in the locality, with the first publication appearing no more than ~~14~~ *28* days before *and the second publication appearing no less than seven days before* the hearing. The notice shall specify the time and place of a hearing at which affected or interested persons may appear and present their views. After the public hearing has been conducted pursuant to this section, the governing body shall be empowered to create a land bank entity or designate a planning district commission or an existing nonprofit entity.

§ 21-114. Hearing and notice thereof.

Upon the filing of the petition, the governing body of a county shall fix a day for a hearing on the question of the proposed sanitary district, which hearing shall embrace a finding of fact of whether creation of the proposed district or enlargement of the existing district is necessary, practical, fiscally responsible, and supported by at least 50 percent of persons who own real property in (i) the proposed district or (ii) in cases of enlargement, the area proposed to be included in an existing district. All interested persons who reside in or who own real property in (a) a proposed district or (b) an existing district in cases of enlargement shall have the right to appear and show cause why the property under consideration should or should not be included in the proposed district or enlargement of same at such hearing. Such hearing shall be subject to minimum standards regarding timeliness; notice of such hearing shall be given by publication ~~once a week for three consecutive weeks~~ *three times* in some newspaper of general circulation within the county to be designated by the governing body, with the first publication appearing no more than ~~21~~ *35* days before *and the third publication appearing no less than seven days before* the hearing. No such district shall be created until the notice has been given and the hearing had.

§ 21-117.1. Abolishing sanitary districts.

Any sanitary district heretofore or hereafter created in any county under the provisions of the preceding sections of this article may be abolished by ordinance adopted by the governing body of such county, upon the petition of no less than 50 qualified voters residing within the boundaries of the district desired to be abolished or, if the district contains less than 100 qualified voters, upon petition of 50 percent of the qualified voters residing within the boundaries of such district.

Upon filing of the petition, the governing body of the county shall fix a day for a hearing on the question of abolishing the sanitary district, which hearing shall embrace a consideration of whether the property in the sanitary district will or will not be benefited by the abolition thereof, and the governing body of the county shall be fully informed as to the obligations and functions of the sanitary district. Notice of such hearing shall be given by publication ~~once a week for three consecutive weeks~~ *three times* in some newspaper of general circulation within the county to be designated by the governing body of the county, with the first publication appearing no more than ~~21~~ *35* days before *and the third publication appearing no less than seven days before* the hearing. No such district shall be abolished until the notice has been given and the hearing had.

Any interested parties may appear and be heard on any matters pertaining to the subject of the hearing.

Upon the hearing, such ordinance shall be adopted as to the governing body of the county may seem equitable and proper, concerning the abolition of the district and as to the funds on hand to the credit of the district, provided, however, that no such ordinance shall be adopted abolishing the sanitary district unless any bonds of the sanitary district that have theretofore been issued have been redeemed and the purposes for which the sanitary district was created have been completed, or unless all obligations and functions of the sanitary district have been taken over by the county as a whole, or unless the purposes for which the sanitary district was created are impractical or impossible of accomplishment and no obligations have been incurred by said sanitary district.

§ 21-146. Notice of hearing on petition for creation.

Upon the presentation of a petition complying with the requirements of this article, praying for the creation of a sanitation district, fixing the boundaries thereof and naming the counties, cities and towns which in whole or in part are to be embraced therein, the circuit court of any such county, or of any county in which any such town is situated, or the corporation court of any such city shall make an order filing such petition and fixing a day for a hearing by such court on such petition and the question of the creation of the proposed sanitation district. Such order shall direct notice of such hearing to be given by publication ~~once a week for at least three consecutive weeks~~ *three times* in some newspaper or newspapers having general circulation in the proposed sanitation district, with the first publication appearing no more than ~~21~~ *35* days before *and the third publication appearing no less than seven days before* the hearing. Such notice shall set forth the petition as filed, but need not set forth the signatures or exhibits thereto, and shall state the time and place of hearing and that at such hearing all persons desiring to controvert the allegations of such petition or question the conformity thereof to this article will be heard and all objections to the creation of the proposed sanitation district considered.

§ 21-229. Notice of hearing on petition for creation.

Upon the presentation of a petition complying with the requirements of this article, praying for the creation of a sanitation district, fixing the boundaries thereof and naming the counties, cities and towns which in whole or in part are to be embraced therein, the circuit court of any such county, or of any county in which any such town is situated, or the corporation court of any such city shall make an order filing such petition and fixing a day for a hearing by such court on such petition and the question of the creation of the proposed sanitation district. Such order shall direct notice of such

hearing to be given by publication ~~once a week for at least three consecutive weeks~~ *three times* in some newspaper or newspapers having general circulation in the proposed sanitation district, with the first publication appearing no more than ~~21~~ *35* days before *and the third publication appearing no less than seven days before* the hearing. Such notice shall set forth the petition as filed, but need not set forth the signatures or exhibits thereto, and shall state the time and place of hearing and that at such hearing all persons desiring to controvert the allegations of such petition or question the conformity thereof to this article will be heard and all objections to the creation of the proposed sanitation district considered.

§ 21-393. Notice of issuance of bonds.

The board of viewers of the county in which the petition was filed shall give notice by publication ~~once a week for three successive weeks~~ *three times* in some newspaper published in the county in which the project, or some part thereof, is situated, if there be any such newspaper, with the first publication appearing no more than ~~21~~ *35* days before *and the third publication appearing no less than seven days before* the hearing, and also by posting a written or printed notice at the door of the courthouse and at five conspicuous places in the project, reciting that they propose to issue drainage bonds for the total cost of the improvement, giving the amount of the bonds to be issued, the rate of interest that they are to bear, and the time when payable.

§ 21-420. How additional assessments made.

If additional or new assessments are so levied, such assessments shall be made on the same basis as the original assessments, and shall be levied only after all persons interested shall have been given full hearing by the board of viewers on the question of benefits and any other question on which they shall desire to be heard. Notice of such hearing shall be given by publication ~~once a week for two consecutive weeks~~ *twice* in a newspaper of general circulation published in a county in which such project is located in whole or in part, with the first publication appearing no more than ~~14~~ *28* days before *and the second publication appearing no less than seven days before* the hearing. The determination of the board of viewers shall be final.

§ 22.1-37. Notice by commission of meeting for appointment.

Before any appointment is made by the school board selection commission, it shall give notice, by publication ~~once a week for three successive weeks~~ *three times* in a newspaper having general circulation in such county, with the first publication appearing no more than ~~21~~ *35* days before *and the third publication appearing no less than seven days before* the hearing, of the time and place of any meeting for the purpose of appointing the members of the county school board. Such notice shall be given whether the appointment is of a member or members of the county school board for the full term of office as provided by law or of a member to fill a vacancy occurring in the membership of the county school board or of a member from a new school district.

§ 30-140. Certain political subdivisions to file report of audit; period in which report kept as public record; when audit not required; sworn statement of exempted entities; publication of summary of financial condition; repeal of conflicting provisions.

A. Each authority, commission, district, or other political subdivision the members of whose governing body are not elected by popular vote shall annually, within five months after the end of its fiscal year, have an audit performed covering its financial transactions for such fiscal year according to the specifications of the Auditor of Public Accounts and file with the Auditor of Public Accounts a copy of the report, unless exempted in accordance with subsection B.

Each authority, commission, district, or other political subdivision the members of whose governing body are not elected by popular vote and which is reported in the Commonwealth's Comprehensive Annual Financial Report as determined by the State Comptroller and the Auditor of Public Accounts shall annually, within three months after the end of its fiscal year, have an audit performed covering its financial transactions for such fiscal year according to the specifications of the Auditor of Public Accounts and file with the Auditor of Public Accounts a copy of the report, unless exempted in accordance with subsection B.

The Auditor of Public Accounts shall receive such reports required by this subsection and keep the same as public records for a period of 10 years from their receipt.

B. No audit, however, shall be required for any fiscal year during which such entity's financial transactions did not exceed the sum of $25,000.

As used in this section, "financial transactions" shall not include financial transactions involving notes, bonds, or other evidences of indebtedness of such entity the proceeds of which are held or advanced by a corporate trustee or other financial institution and not received or disbursed directly by such entity.

In the event an audit is not required, the entity shall file a statement under oath certifying that the transactions did not exceed such sum and, as to all transactions involving notes, bonds, or other evidences of indebtedness that are exempted, the statement shall be accompanied by an affidavit from the trustee or financial institution certifying that it has performed the duties required under the agreement governing such transactions. Notwithstanding the foregoing, the Auditor of Public Accounts may require an audit if he deems it to be necessary to determine the propriety of the entity's financial transactions.

In the case of a water and sewer authority required by a governing body to have an audit conducted as specified in § 15.2-5145, the authority shall file the certified audit with the Auditor of Public Accounts.

At the time the report required by this section is filed with the Auditor of Public Accounts every such authority, commission, district, or other political subdivision, except those exempted from the audit report requirement, shall publish, in a newspaper of general circulation in the county, city, or town wherein the authority, commission, district, or other political subdivision is located, ~~a summary statement reflecting the financial condition of the authority, commission, district,~~

~~or other political subdivision, which shall include~~ a reference to where ~~the~~ *a* detailed statement *reflecting the financial condition of the authority, commission, district, or other political subdivision* may be found.

Any provision of law, general or special, which by its terms requires an audit that is not required by this section shall be repealed to the extent of any conflict.

§ 33.2-331. Annual meeting with county officers; six-year plan for secondary state highways; certain reimbursements required.

For purposes of this section, "cancellation" means complete elimination of a highway construction or improvement project from the six-year plan.

The governing body of each county in the secondary state highway system may, jointly with the representatives of the Department as designated by the Commissioner of Highways, prepare a six-year plan for the improvements to the secondary state highway system in that county. Each such six-year plan shall be based upon the best estimate of funds to be available to the county for expenditure in the six-year period on the secondary state highway system. Each such plan shall list the proposed improvements, together with an estimated cost of each project so listed. Following the preparation of the plan in any year in which a proposed new funding allocation is greater than $100,000, the board of supervisors or other local governing body shall conduct a public hearing after publishing notice *twice* in a newspaper published in or having general circulation in the county ~~once a week for two successive weeks~~, with the first publication appearing no more than ~~14~~ *28* days before *and the second publication appearing no less than seven days before* the hearing, and posting notice of the proposed hearing at the front door of the courthouse of such county 10 days before the meeting. At the public hearings, which shall be conducted jointly by the board of supervisors and the representative of the Department, the entire six-year plan shall be discussed with the citizens of the county and their views considered. Following the discussion, the local governing body, together with the representative of the Department, shall finalize and officially adopt the six-year plan, which shall then be considered the official plan of the county.

At least once in each calendar year in which a proposed new funding allocation is greater than $100,000, representatives of the Department in charge of the secondary state highway system in each county, or some representative of the Department designated by the Commissioner of Highways, shall meet with the governing body of each county in a regular or special meeting of the local governing body for the purpose of preparing a budget for the expenditure of improvement funds for the next fiscal year. The representative of the Department shall furnish the local governing body with an updated estimate of funds, and the board and the representative of the Department shall jointly prepare the list of projects to be carried out in that fiscal year taken from the six-year plan by order of priority and following generally the policies of the Board in regard to the statewide improvements to the secondary state highway system. In any year in which a proposed new funding allocation is greater than $100,000, such list of priorities shall then be presented at a public hearing duly advertised in accordance with the procedure outlined in this section, and comments of citizens shall be obtained and considered. Following this public hearing, the board, with the concurrence of the representative of the Department, shall adopt, as official, a priority program for the ensuing year, and the Department shall include such listed projects in its secondary highways budget for the county for that year.

At least once every two years following the adoption of the original six-year plan, the governing body of each county, together with the representative of the Department, may update the six-year plan of the county by adding to it and extending it as necessary so as to maintain it as a plan encompassing six years. Whenever additional funds for secondary highway purposes become available, the local governing body may request a revision in its six-year plan in order that such plan be amended to provide for the expenditure of the additional funds. Such additions and extensions to each six-year plan shall be prepared in the same manner and following the same procedures as outlined herein for its initial preparation. Where the local governing body and the representative of the Department fail to agree upon a priority program, the local governing body may appeal to the Commissioner of Highways. The Commissioner of Highways shall consider all proposed priorities and render a decision establishing a priority program based upon a consideration by the Commissioner of Highways of the welfare and safety of county citizens. Such decision shall be binding.

Nothing in this section shall preclude a local governing body, with the concurrence of the representative of the Department, from combining the public hearing that may be required pursuant to this section for revision of a six-year plan with the public hearing that may be required pursuant to this section for review of the list of priorities, provided that notice of such combined hearing is published in accordance with procedures provided in this section.

All such six-year plans shall consider all existing highways in the secondary state highway system, including those in the towns located in the county that are maintained as a part of the secondary state highway system, and shall be made a public document.

If any county cancels any highway construction or improvement project included in its six-year plan after the location and design for the project has been approved, such county shall reimburse the Department the net amount of all funds expended by the Department for planning, engineering, right-of-way acquisition, demolition, relocation, and construction between the date on which project development was initiated and the date of cancellation. To the extent that funds from secondary highway allocations have been expended to pay for a highway construction or improvement project, all revenues generated from a reimbursement by the county shall be deposited into that same county's secondary highway allocation. The Commissioner of Highways may waive all or any portion of such reimbursement at his discretion.

The provisions of this section shall not apply in instances where less than 100 percent of the right-of-way is available for donation for unpaved highway improvements.

§ 33.2-723. Assumption of district highway indebtedness by counties.

A. Any county may assume the payment of and pay any outstanding indebtedness of any magisterial district or districts thereof incurred for the purpose of constructing public highways that were subsequently taken over by the Commonwealth, provided the assumption thereof is approved by a majority of the qualified voters of the county voting on the question at an election to be held as provided in this section.

B. The governing body of the county may, by a resolution entered of record in its minute book, require the judges of election to open a poll at the next regular election and take the sense of the qualified voters of the county upon the question whether or not the county shall assume the highway indebtedness of _____ district, or _____ districts. The local governing body shall cause notice of such election to be given by the posting of written notice thereof at the front door of the county courthouse at least 30 days prior to the date the same is to be held and by publication thereof ~~once a week for two successive weeks~~ *twice* in a newspaper published or having general circulation in the county, with the first publication appearing no more than ~~14~~ *28* days before *and the second publication appearing no less than seven days before* the election. Such notice shall set forth the date of such election and the question to be voted on.

C. The ballots for use in voting upon the question so submitted shall be prepared, printed, distributed, voted, and counted and the returns made and canvassed in accordance with the provisions of § 24.2-684. The results shall be certified by the commissioners of election to the county clerk, who shall certify the same to the governing body of the county, and such returns shall be entered of record in the minute book of the local governing body.

D. If a majority of the voters voting on the question vote in favor of the assumption by the county of the highway indebtedness of any district of the county, such indebtedness shall become and be an obligation of the county and as binding thereon as if the same had been originally contracted by the county. In such event the governing body of the county is authorized to levy and collect taxes throughout the county for the payment of the district indebtedness so assumed, both as to principal and interest.

E. Nothing contained in this section shall affect the validity of such district highway obligations in the event that the result of such election is against the assumption thereof by the county, but they shall continue to be as valid and binding in all respects as they were in their inception.

§ 33.2-909. Abandonment of highway, landing, or railroad crossing; procedure.

A. The governing body of any county on its own motion or upon petition of any interested landowner may cause any section of the secondary state highway system, or any crossing by the highway of the lines of a railroad company or crossing by the lines of a railroad company of the highway, deemed by it to be no longer necessary for the uses of the secondary state highway system to be abandoned altogether as a public highway, a public landing, or a public railroad crossing by complying substantially with the procedure provided in this section.

B. The governing body of the county shall give notice of its intention to abandon any such highway, landing, or railroad crossing (i) by posting a notice of such intention at least three days before the first day of a regular term of the circuit court at the front door of the courthouse of the county in which the section of the highway, landing, or railroad crossing sought to be abandoned as a public highway, public landing, or public railroad crossing is located or (ii) by posting notice in at least three places on and along the highway, landing, or railroad crossing sought to be abandoned for at least 30 days and in either case by publishing notice of its intention in two or more issues of a newspaper having general circulation in the county. In addition, the governing body of the county shall give notice of its intention to abandon such highway, landing, or railroad crossing to the Board or the Commissioner of Highways. In any case in which the highway, landing, or railroad crossing proposed to be abandoned lies in two or more counties, the governing bodies of such counties shall not abandon such highway, landing, or railroad crossing unless and until all affected governing bodies agree. The procedure in such cases shall conform mutatis mutandis to the procedure prescribed for the abandonment of a highway, landing, or railroad crossing located entirely within a county.

When the governing body of a county gives notice of intention to abandon a public landing, the governing body shall also give such notice to the Department of Wildlife Resources.

C. If one or more landowners in the county whose property abuts the highway, landing, or railroad crossing proposed to be abandoned, or if only a section of a highway, landing, or railroad crossing is proposed to be abandoned, whose property abuts such section, or the Board or the Department of Wildlife Resources, in the case of a public landing, files a petition with the governing body of the county within 30 days after notice is posted and published as provided in this section, the governing body of the county shall hold a public hearing on the proposed abandonment and shall give notice of the time and place of the hearing by publishing such information ~~once a week for two successive weeks~~ *twice* in a newspaper having general circulation in the county, with the first publication appearing no more than ~~14~~ *28* days before *and the second publication appearing no less than seven days before* the hearing. The governing body shall also give notice to the Board or, if a public landing is sought to be abandoned, to the Department of Wildlife Resources.

D. If a petition for a public hearing is not filed as provided in this section, or if after a public hearing is held the governing body of the county is satisfied that no public necessity exists for the continuance of the section of the secondary highway as a public highway or the railroad crossing as a public railroad crossing or the landing as a public landing or that the safety and welfare of the public would be served best by abandoning the section of highway, the landing, or the railroad crossing as a public highway, public landing, or public railroad crossing, the governing body of the county shall (i) within four months of the 30-day period during which notice was posted where no petition for a public hearing was filed or (ii) within four months after the public hearing adopt an ordinance or resolution abandoning the section of highway as a

public highway, or the landing as a public landing, or the railroad crossing as a public railroad crossing, and with that ordinance or resolution the section of highway shall cease to be a public highway, a public landing, or a public railroad crossing. If the governing body is not so satisfied, it shall dismiss the application within the applicable four months provided in this subsection.

E. A finding by the governing body of a county that a section of the secondary state highway system is no longer necessary for the uses of the secondary state highway system may be made if the following conditions exist:

1. The highway is located within a residence district as defined in § 46.2-100;

2. The residence district is located within a county having a density of population exceeding 1,000 per square mile;

3. Continued operation of the section of highway in question constitutes a threat to the public safety and welfare; and

4. Alternate routes for use after abandonment of the highway are readily available.

F. In considering the abandonment of any section of highway under the provisions of this section, due consideration shall be given to the historic value, if any, of such highway.

G. Any ordinance or resolution of abandonment issued in compliance with this section shall give rise in subsequent proceedings, if any, to a presumption of adequate justification for the abandonment.

H. No public landing shall be abandoned unless the Board of Wildlife Resources shall by resolution concur in such abandonment.

§ 33.2-2001. Creation of district.

A. A district may be created in a single locality or in two or more contiguous localities. If created in a single locality, a district shall be created by a resolution of the local governing body. If created in two or more contiguous localities, a district shall be created by the resolutions of each of the local governing bodies. Any such resolution shall be considered only upon the petition, to each local governing body of the locality in which the proposed district is to be located, of the owners of at least 51 percent of either the land area or the assessed value of land in each locality that (i) is within the boundaries of the proposed district and (ii) has been zoned for commercial or industrial use or is used for such purposes. Any proposed district within a county or counties may include any land within a town or towns within the boundaries of such county or counties.

B. The petition to the local governing body or bodies shall:

1. Set forth the name and describe the boundaries of the proposed district;

2. Describe the transportation improvements proposed within the district;

3. Propose a plan for providing such transportation improvements within the district and describe specific terms and conditions with respect to all commercial and industrial zoning classifications and uses, densities, and criteria related thereto which the petitioners request for the proposed district;

4. Describe the benefits that can be expected from the provision of such transportation improvements within the district; and

5. Request the local governing body or bodies to establish the proposed district for the purposes set forth in the petition.

C. Upon the filing of such a petition, each local governing body shall fix a day for a hearing on the question of whether the proposed district shall be created. The hearing shall consider whether the residents and owners of real property within the proposed district would benefit from the establishment of the proposed district. All interested persons who either reside in or own taxable real property within the proposed district shall have the right to appear and show cause why any property or properties should not be included in the proposed district. If real property within a town is included in the proposed district, the governing body shall deliver a copy of the petition and notice of the public hearing to the town council at least 30 days prior to the public hearing, and the town council may by resolution determine if it wishes such property located within the town to be included within the proposed district and shall deliver a copy of any such resolution to the local governing body at the public hearing required by this section. Such resolution shall be binding upon the local governing body with respect to the inclusion or exclusion of such properties within the proposed district. The petition shall comply with the provisions of this section with respect to minimum acreage or assessed valuation. Notice of the hearing shall be given by publication ~~once a week for three consecutive weeks~~ *three times* in a newspaper of general circulation within the locality, with the first publication appearing no more than ~~21~~ *35* days before *and the third publication appearing no less than seven days before* the hearing.

D. If each local governing body finds the creation of the proposed district would be in furtherance of the locality's comprehensive plan for the development of the area, in the best interests of the residents and owners of real property within the proposed district, and in furtherance of the public health, safety, and welfare, then each local governing body may pass a resolution, which shall be reasonably consistent with the petition, creating the district and providing for the appointment of an advisory board in accordance with this chapter. The resolution shall provide a description with specific terms and conditions of all commercial and industrial zoning classifications that shall be in force in the district upon its creation, together with any related criteria and a term of years, not to exceed 20 years, as to which each zoning classification and each related criterion set forth therein shall remain in force within the district without elimination, reduction, or restriction, except (i) upon the written request or approval of the owner of any property affected by a change or (ii) as specifically required to comply with state or federal law.

Each resolution creating a district shall also provide (a) that the district shall expire 35 years from the date upon which the resolution is passed or (b) that the district shall expire when the district is abolished in accordance with § 33.2-2014. After the public hearing, each local governing body shall deliver a certified copy of its proposed resolution creating the district to the petitioning landowners or their attorneys-in-fact. Any petitioning landowner may then withdraw his signature

on the petition, in writing, at any time prior to the vote of the local governing body. In the case where any signatures on the petition are withdrawn, the local governing body may pass the proposed resolution only upon certification that the petition continues to meet the provisions of this section. After all local governing bodies have adopted resolutions creating the district, the district shall be established and the name of the district shall be "The _____ Transportation Improvement District."

§ 33.2-2101. Creation of district.

A. A district may be created in a county by a resolution of the governing body. Any such resolution shall be considered only upon the petition, to the governing body, of the owners of at least 51 percent of either the land area or the assessed value of real property that (i) is within the boundaries of the proposed district, (ii) has been zoned for commercial or industrial use or is used for such purposes, and (iii) would be subject to the annual special improvement tax authorized by § 33.2-2105 if the proposed district is created. Any proposed district within a county may include any real property within a town or towns within the boundaries of such county.

B. The petition to the governing body shall:

1. Set forth the name and describe the boundaries of the proposed district;

2. Describe the transportation improvements proposed within the district;

3. Propose a plan for providing such transportation improvements within the district and describe specific terms and conditions with respect to all commercial and industrial zoning classifications and uses, densities, and criteria related thereto that the petitioners request for the proposed district;

4. Describe the benefits that can be expected from the provision of such transportation improvements within the district; and

5. Request the governing body to establish the proposed district for the purposes set forth in the petition.

C. Upon the filing of such a petition, the governing body shall fix a day for a hearing on the question of whether the proposed district shall be created. The hearing shall consider whether the residents and owners of real property within the proposed district would benefit from the establishment of the proposed district. All interested persons who either reside in or own taxable real property within the proposed district shall have the right to appear and show cause why any property or properties should not be included in the proposed district. If real property within a town is included in the proposed district, a copy of the petition and notice of the public hearing shall be delivered to the town council at least 30 days prior to the public hearing, and the town council may by resolution determine if the town council wishes any property located within the town to be included within the proposed district and any such resolution shall be delivered to the governing body prior to the public hearing required by this section. Such resolution shall be binding upon the governing body with respect to the inclusion or exclusion of such properties within the proposed district. If that resolution permits any commercial or industrial property located within a town to be included in the proposed district, then if requested to do so by the petition the town council of any town that has adopted a zoning ordinance also shall pass a resolution, to be effective upon creation of the proposed district, that is consistent with the requirements of subsection E with respect to commercial and industrial zoning classifications that shall be in force in that portion of the town included in the district. The petition shall comply with the provisions of this section with respect to minimum acreage or assessed valuation. Notice of the hearing shall be given by publication ~~once a week for three consecutive weeks~~ *three times* in a newspaper of general circulation within the locality, with the first publication appearing no more than ~~21~~ *35* days before *and the third publication appearing no less than seven days before* the hearing. Such public hearing may be adjourned from time to time.

D. If the governing body finds the creation of the proposed district would be in furtherance of the county's comprehensive plan for the development of the area, in the best interests of the residents and owners of real property within the proposed district, and in furtherance of the public health, safety, and welfare, the governing body may pass a resolution that is reasonably consistent with the petition, that creates the district upon final adoption, and that provides for the appointment of an advisory board in accordance with this chapter upon final adoption. Any such resolution shall be conclusively presumed to be reasonably consistent with the petition if, following the public hearing, as provided in the following provisions of this section, the petition continues to comply with the provisions of this section with respect to the criteria relating to minimum acreage or assessed valuation.

E. The resolution shall provide a description with specific terms and conditions of all commercial and industrial zoning classifications that apply within the district, but not within any town within the district that has adopted a zoning ordinance, that shall be in force in the district upon its creation, together with any related criteria and a term of years, not to exceed 20 years, as to which each such zoning classification and each related criterion set forth therein shall remain in force within the district without elimination, reduction, or restriction, except (i) upon the written request or approval of the owner of any property affected by a change, (ii) as required to comply with the provisions of the Chesapeake Bay Preservation Act (§ 62.1-44.15:67 et seq.) or the regulations adopted pursuant thereto, (iii) as required to comply with the provisions of the federal Clean Water Act regarding municipal and industrial stormwater discharges (33 U.S.C. § 1342(p)) and regulations promulgated thereunder by the federal Environmental Protection Agency, or (iv) as specifically required to comply with any other state or federal law.

F. A resolution creating a district shall also provide (i) that the district shall expire 50 years from the date upon which the resolution is passed or (ii) that the district shall expire when the district is abolished in accordance with § 33.2-2115. After the public hearing, the governing body may adopt a proposed resolution creating the district. No later than two business days following the adoption of the proposed resolution, copies of the proposed resolution shall be available in the

office of the clerk of the governing body for inspection and copying by the petitioning landowners and their representatives, by members of the public, and by representatives of the news media. No later than seven business days following the adoption of the proposed resolution, any petitioning landowner may notify the clerk of the governing body in writing that the petitioning landowner is withdrawing his signature from the petition. Within the same seven-day period, the owner of any property in the proposed district that will be subject to the annual special improvements tax authorized by § 33.2-2105, if the proposed district is created, or the attorney-in-fact of any such owner may notify the clerk of the governing body in writing that he is adding his signature to the petition. The governing body may then proceed to final adoption of the proposed resolution following that seven-day period. If any petitioner has withdrawn his signature from the petition during that seven-day period, then the governing body may readopt the proposed resolution only if the petition, including any landowners who have added their signatures after adoption of the proposed resolution, continues to meet the provisions of this section. After the governing body has readopted the resolution creating the district, the district shall be established and the name of the district shall be "The _____ _____ Transportation Improvement District."

§ 33.2-2701. Creation of district.

A. A district may be created in the City of Charlottesville and the County of Albemarle by resolutions of such localities' governing bodies. Such resolutions shall be considered upon the petition to each governing body of a locality in which the proposed district by the owners of at least 51 percent of either the land area or the assessed value of land, in each locality that (i) is within the boundaries of the proposed district and (ii) has been zoned for commercial or industrial use or is used for such purposes.

B. The petition to the local governing bodies shall:

1. Set forth the name and describe the boundaries of the proposed district;

2. Describe the transportation improvements proposed within the district;

3. Propose a plan for providing such transportation improvements within the district and describe specific terms and conditions with respect to all commercial and industrial zoning classifications and uses, densities, and criteria related thereto that the petitioners request for the proposed district;

4. Describe the benefits that can be expected from the provision of such transportation improvements within the district; and

5. Request the local governing bodies to establish the proposed district for the purposes set forth in the petition.

C. Upon the filing of such a petition, each local governing body shall fix a day for a hearing on the question of whether the proposed district shall be created. The hearing shall consider whether the residents and owners of real property within the proposed district would benefit from the establishment of the proposed district. All interested persons who either reside in or own taxable real property within the proposed district shall have the right to appear and show cause why any property or properties should not be included in the proposed district. Such resolution shall be binding upon the local governing body with respect to the inclusion or exclusion of such properties within the proposed district. The petition shall comply with the provisions of this section with respect to minimum acreage or assessed valuation. Notice of the hearing shall be given by publication ~~once a week for three consecutive weeks~~ *three times* in a newspaper of general circulation within the locality, with the first publication appearing no more than ~~21~~ *35* days before *and the third publication appearing no less than seven days before* the hearing.

D. If both local governing bodies find the creation of the proposed district would be in furtherance of their comprehensive plans for the development of the area, in the best interests of the residents and owners of real property within the proposed district, and in furtherance of the public health, safety, and welfare, both local governing bodies may pass resolutions that are reasonably consistent with the petition, creating the district and providing for the appointment of an advisory board in accordance with this chapter. The resolutions shall provide a description with specific terms and conditions of all commercial and industrial zoning classifications that shall be in force in the district upon its creation, together with all related criteria and a term of years, not to exceed 20 years, as to which each such zoning classification and each related criterion set forth therein shall remain in force within the district without elimination, reduction, or restriction, except (i) upon the written request or approval of the owner of any property affected by a change or (ii) as specifically required to comply with federal or state law.

Each resolution creating the district shall also provide (a) that the district shall expire 35 years from the date upon which the resolution is passed or (b) that the district shall expire when the district is abolished in accordance with § 33.2-2714. After the public hearing, each local governing body shall deliver a certified copy of its proposed resolution creating the district to the petitioning landowners or their attorneys-in-fact. Any petitioning landowner may then withdraw his signature on the petition, in writing, at any time prior to the vote of the local governing body. In the case where any signature on the petition is withdrawn, the local governing body may pass the proposed resolution only upon certification that the petition continues to meet the provisions of this section. After both local governing bodies have adopted resolutions creating the district, the district shall be established and the name of the district shall be "The Charlottesville-Albemarle Transportation Improvement District."

§ 58.1-3245.2. Tax increment financing.

A. The governing body of any county, city or town may adopt tax increment financing by passing an ordinance designating a development project area and providing that real estate taxes in the development project area shall be assessed, collected and allocated in the following manner for so long as any obligations or development project cost commitments secured by the Tax Increment Financing Fund, hereinafter authorized, are outstanding and unpaid.

1. The local assessing officer shall record in the land book both the base assessed value and the current assessed value of the real estate in the development project area.

2. Real estate taxes attributable to the lower of the current assessed value or base assessed value of real estate located in a development project area shall be allocated by the treasurer or director of finance pursuant to the provisions of this chapter.

3. Real estate taxes attributable to the increased value between the current assessed value of any parcel of real estate and the base assessed value of such real estate shall be allocated by the treasurer or director of finance and paid into a special fund entitled the "Tax Increment Financing Fund" to pay the principal and interest on obligations issued or development project cost commitments entered into to finance the development project costs.

B. The governing body shall hold a public hearing on the need for tax increment financing in the county, city or town prior to adopting a tax increment financing ordinance. Notice of the public hearing shall be published ~~once each week for three consecutive weeks immediately preceding the public hearing~~ *three times* in each newspaper of general circulation in such county, city or town, with the first publication appearing no more than ~~21~~ *35* days before *and the third publication appearing no less than seven days before* the hearing. The notice shall include the time, place and purpose of the public hearing, define tax increment financing, indicate the proposed boundaries of the development project area, and propose obligations to be issued to finance the development project area costs.

§ 58.1-3245.8. Adoption of local enterprise zone development taxation program.

A. The governing body of any county, city, or town may adopt a local enterprise zone development taxation program by passing an ordinance designating an enterprise zone located within its boundaries as a local enterprise zone; however, an ordinance may designate an area as a local enterprise zone contingent upon the designation of the area as an enterprise zone pursuant to Chapter 49 (§ 59.1-538 et seq.) of Title 59.1. If the county, city, or town contains more than one enterprise zone, such ordinance may designate one or more as a local enterprise zone. If an enterprise zone is located in more than one county, city, or town, the governing body may designate the portion of the enterprise zone located within its boundaries as a local enterprise zone. An ordinance designating a local enterprise zone shall provide that all or a specified percentage of the real estate taxes, machinery and tools taxes, or both, in the local enterprise zone shall be assessed, collected and allocated in the following manner:

1. The local assessing officer shall record in the appropriate books both the base assessed value and the current assessed value of the real estate or machinery and tools, or both, in the local enterprise zone.

2. Real estate taxes or machinery and tools taxes attributable to the lower of the current assessed value or base assessed value of real estate or machinery and tools located in a local enterprise zone shall be allocated by the treasurer or director of finance as they would be in the absence of such ordinance.

3. All or the specified percentage of the increase in real estate taxes or machinery and tools taxes, or both, attributable to the difference between (i) the current assessed value of such property and (ii) the base assessed value of such property shall be allocated by the treasurer or director of finance and paid into a special fund entitled the "Local Enterprise Zone Development Fund" to be used as provided in § 58.1-3245.10. Such amounts paid into the fund shall not include any additional revenues resulting from an increase in the tax rate on real estate or machinery and tools after the adoption of a local enterprise zone development taxation ordinance, nor shall it include any additional revenues merely resulting from an increase in the assessed value of real estate or machinery and tools which were located in the zone prior to the adoption of a local enterprise zone development taxation ordinance unless such property is improved or enhanced.

B. The governing body shall hold a public hearing on the need for a local enterprise zone development taxation program in the county, city, or town prior to adopting a local enterprise zone development taxation ordinance. Notice of the public hearing shall be published ~~once each week for three consecutive weeks immediately preceding the public hearing~~ *three times* in each newspaper of general circulation in such county, city, or town, with the first publication appearing no more than ~~21~~ *35* days before *and the third publication appearing no less than seven days before* the hearing. The notice shall include the time, place and purpose of the public hearing; define local enterprise zone development taxation; indicate the proposed boundaries of the local enterprise zone; state whether all or a specified percentage of real property or machinery or tools, or both, will be subject to local enterprise zone development taxation; and describe the purposes for which funds in the Local Enterprise Zone Development Fund are authorized to be used.

§ 58.1-3321. Effect on rate when assessment results in tax increase; public hearings; referendum.

A. When any annual assessment, biennial assessment, or general reassessment of real property by a county, city, or town would result in an increase of one percent or more in the total real property tax levied, such county, city, or town shall reduce its rate of levy for the forthcoming tax year so as to cause such rate of levy to produce no more than 101 percent of the previous year's real property tax levies, unless subsection B is complied with, which rate shall be determined by multiplying the previous year's total real property tax levies by 101 percent and dividing the product by the forthcoming tax year's total real property assessed value. An additional assessment or reassessment due to the construction of new or other improvements, including those improvements and changes set forth in § 58.1-3285, to the property shall not be an annual assessment or general reassessment within the meaning of this section, nor shall the assessed value of such improvements be included in calculating the new tax levy for purposes of this section. Special levies shall not be included in any calculations provided for under this section.

B. The governing body of a county, city, or town may, after conducting a public hearing, which shall not be held at the same time as the annual budget hearing, increase the rate above the reduced rate required in subsection A if any such increase is deemed to be necessary by such governing body.

C. Notice of any public hearing held pursuant to this section shall be given at least seven days before the date of such hearing by the publication of a notice in (i) at least one newspaper of general circulation in such county or city and (ii) a prominent public location at which notices are regularly posted in the building where the governing body of the county, city, or town regularly conducts its business~~, except that such notice shall be given at least 14 days before the date of such hearing in any year in which neither a general appropriation act nor amendments to a general appropriation act providing appropriations for the immediately following fiscal year have been enacted by April 30 of such year~~. Additionally, in a county, city, or town that conducts its reassessment more than once every four years, the notice for any public hearing held pursuant to this section shall be published on a different day and in a different notice from any notice published for the annual budget hearing. Any such notice shall be at least the size of one-eighth page of a standard size or a tabloid size newspaper, and the headline in the advertisement shall be in a type no smaller than 18-point. The notice described in clause (i) shall not be placed in that portion, if any, of the newspaper reserved for legal notices and classified advertisements. The notice described in clauses (i) and (ii) shall be in the following form and contain the following information, in addition to such other information as the local governing body may elect to include:

NOTICE OF PROPOSED REAL PROPERTY TAX INCREASE

The (name of the county, city or town) proposes to increase property tax levies.

1. Assessment Increase: Total assessed value of real property, excluding additional assessments due to new construction or improvements to property, exceeds last year's total assessed value of real property by __ percent.

2. Lowered Rate Necessary to Offset Increased Assessment: The tax rate which would levy the same amount of real estate tax as last year, when multiplied by the new total assessed value of real estate with the exclusions mentioned above, would be____ $ per $100 of assessed value. This rate will be known as the "lowered tax rate."

3. Effective Rate Increase: The (name of the county, city or town) proposes to adopt a tax rate of ____ $ per $100 of assessed value. The difference between the lowered tax rate and the proposed rate would be ____ $ per $100, or__ (name of the county, city or town) $ $ percent . This difference will be known as the "effective tax rate increase."

Individual property taxes may, however, increase at a percentage greater than or less than the above percentage.

4. Proposed Total Budget Increase: Based on the proposed real property tax rate and changes in other revenues, the total budget of (name of the county, city or town) will exceed last year's by __ (name of the county, city or town) percent.

A public hearing on the increase will be held on (date and time) at (meeting place).

D. All hearings shall be open to the public. The governing body shall permit persons desiring to be heard an opportunity to present oral testimony within such reasonable time limits as shall be determined by the governing body.

E. The provisions of this section shall not be applicable to the assessment of public service corporation property by the State Corporation Commission.

F. Notwithstanding other provisions of general or special law, the tax rate for taxes due on or before June 30 of each year may be fixed on or before May 15 of that tax year.

§ 62.1-44.15:33. (Effective until July 1, 2024) Authorization for more stringent ordinances.

A. Localities that are VSMP authorities are authorized to adopt more stringent stormwater management ordinances than those necessary to ensure compliance with the Board's minimum regulations, provided that the more stringent ordinances are based upon factual findings of local or regional comprehensive watershed management studies or findings developed through the implementation of a MS4 permit or a locally adopted watershed management study and are determined by the locality to be necessary to prevent any further degradation to water resources, to address TMDL requirements, to protect exceptional state waters, or to address specific existing water pollution including nutrient and sediment loadings, stream channel erosion, depleted groundwater resources, or excessive localized flooding within the watershed and that prior to adopting more stringent ordinances a public hearing is held. Notice of such hearing shall be given by publication ~~once a week for two consecutive weeks~~ *twice* in a newspaper of general circulation in the locality seeking to adopt the ordinance, with the first publication appearing no more than ~~14~~ *28* days before *and the second publication appearing no less than seven days before* the hearing.

B. Localities that are VSMP authorities shall submit a letter report to the Department when more stringent stormwater management ordinances or more stringent requirements authorized by such ordinances, such as may be set forth in design manuals, policies, or guidance documents developed by the localities, are determined to be necessary pursuant to this section within 30 days after adoption thereof. Any such letter report shall include a summary explanation as to why the more stringent ordinance or requirement has been determined to be necessary pursuant to this section. Upon the request of an affected landowner or his agent submitted to the Department with a copy to be sent to the locality, within 90 days after adoption of any such ordinance or derivative requirement, localities shall submit the ordinance or requirement and all other supporting materials to the Department for a determination of whether the requirements of this section have been met and whether any determination made by the locality pursuant to this section is supported by the evidence. The Department shall issue a written determination setting forth its rationale within 90 days of submission. Such a determination, or a failure by the Department to make such a determination within the 90-day period, may be appealed to the Board.

C. Localities shall not prohibit or otherwise limit the use of any best management practice (BMP) approved for use by the Director or the Board except as follows:

1. When the Director or the Board approves the use of any BMP in accordance with its stated conditions, the locality serving as a VSMP authority shall have authority to preclude the onsite use of the approved BMP, or to require more stringent conditions upon its use, for a specific land-disturbing project based on a review of the stormwater management plan and project site conditions. Such limitations shall be based on site-specific concerns. Any project or site-specific determination purportedly authorized pursuant to this subsection may be appealed to the Department and the Department shall issue a written determination regarding compliance with this section to the requesting party within 90 days of submission. Any such determination, or a failure by the Department to make any such determination within the 90-day period, may be appealed to the Board.

2. When a locality is seeking to uniformly preclude jurisdiction-wide or otherwise limit geographically the use of a BMP approved by the Director or Board, or to apply more stringent conditions to the use of a BMP approved by the Director or Board, upon the request of an affected landowner or his agent submitted to the Department, with a copy submitted to the locality, within 90 days after adoption, such authorizing ordinances, design manuals, policies, or guidance documents developed by the locality that set forth the BMP use policy shall be provided to the Department in such manner as may be prescribed by the Department that includes a written justification and explanation as to why such more stringent limitation or conditions are determined to be necessary. The Department shall review all supporting materials provided by the locality to determine whether the requirements of this section have been met and that any determination made by the locality pursuant to this section is reasonable under the circumstances. The Department shall issue its determination to the locality in writing within 90 days of submission. Such a determination, or a failure by the Department to make such a determination within the 90-day period, may be appealed to the Board.

D. Based on a determination made in accordance with subsection B or C, any ordinance or other requirement enacted or established by a locality that is found to not comply with this section shall be null and void, replaced with state minimum standards, and remanded to the locality for revision to ensure compliance with this section. Any such ordinance or other requirement that has been proposed but neither enacted nor established shall be remanded to the locality for revision to ensure compliance with this section.

E. Any provisions of a local stormwater management program in existence before January 1, 2013, that contains more stringent provisions than this article shall be exempt from the requirements of this section. However, such provisions shall be reported to the Board at the time of the locality's VSMP approval package.

§ 62.1-44.15:33. (Effective July 1, 2024) Authorization for more stringent ordinances.

A. Localities that are serving as VESMP authorities are authorized to adopt more stringent soil erosion control or stormwater management ordinances than those necessary to ensure compliance with the Board's minimum regulations, provided that the more stringent ordinances are based upon factual findings of local or regional comprehensive watershed management studies or findings developed through the implementation of an MS4 permit or a locally adopted watershed management study and are determined by the locality to be necessary to prevent any further degradation to water resources, to address total maximum daily load requirements, to protect exceptional state waters, or to address specific existing water pollution including nutrient and sediment loadings, stream channel erosion, depleted groundwater resources, or excessive localized flooding within the watershed and that prior to adopting more stringent ordinances a public hearing is held. Notice of such hearing shall be given by publication ~~once a week for two consecutive weeks~~ *twice* in a newspaper of general circulation in the locality seeking to adopt the ordinance, with the first publication appearing no more than ~~14~~ *28* days before *and the second publication appearing no less than seven days before* the hearing. This process shall not be required when a VESMP authority chooses to reduce the threshold for regulating land-disturbing activities to a smaller area of disturbed land pursuant to § 62.1-44.15:34. However, this section shall not be construed to authorize a VESMP authority to impose a more stringent timeframe for land-disturbance review and approval than those provided in this article.

B. Localities that are serving as VESMP authorities shall submit a letter report to the Department when more stringent stormwater management ordinances or more stringent requirements authorized by such stormwater management ordinances, such as may be set forth in design manuals, policies, or guidance documents developed by the localities, are determined to be necessary pursuant to this section within 30 days after adoption thereof. Any such letter report shall include a summary explanation as to why the more stringent ordinance or requirement has been determined to be necessary pursuant to this section. Upon the request of an affected landowner or his agent submitted to the Department with a copy to be sent to the locality, within 90 days after adoption of any such ordinance or derivative requirement, localities shall submit the ordinance or requirement and all other supporting materials to the Department for a determination of whether the requirements of this section have been met and whether any determination made by the locality pursuant to this section is supported by the evidence. The Department shall issue a written determination setting forth its rationale within 90 days of submission. Such a determination, or a failure by the Department to make such a determination within the 90-day period, may be appealed to the Board.

C. Localities shall not prohibit or otherwise limit the use of any best management practice (BMP) approved for use by the Director or the Board except as follows:

1. When the Director or the Board approves the use of any BMP in accordance with its stated conditions, the locality serving as a VESMP authority shall have authority to preclude the onsite use of the approved BMP, or to require more stringent conditions upon its use, for a specific land-disturbing project based on a review of the stormwater management plan and project site conditions. Such limitations shall be based on site-specific concerns. Any project or site-specific determination purportedly authorized pursuant to this subsection may be appealed to the Department and the Department

shall issue a written determination regarding compliance with this section to the requesting party within 90 days of submission. Any such determination, or a failure by the Department to make any such determination within the 90-day period, may be appealed to the Board.

2. When a locality is seeking to uniformly preclude jurisdiction-wide or otherwise limit geographically the use of a BMP approved by the Director or Board, or to apply more stringent conditions to the use of a BMP approved by the Director or Board, upon the request of an affected landowner or his agent submitted to the Department, with a copy submitted to the locality, within 90 days after adoption, such authorizing ordinances, design manuals, policies, or guidance documents developed by the locality that set forth the BMP use policy shall be provided to the Department in such manner as may be prescribed by the Department that includes a written justification and explanation as to why such more stringent limitation or conditions are determined to be necessary. The Department shall review all supporting materials provided by the locality to determine whether the requirements of this section have been met and that any determination made by the locality pursuant to this section is reasonable under the circumstances. The Department shall issue its determination to the locality in writing within 90 days of submission. Such a determination, or a failure by the Department to make such a determination within the 90-day period, may be appealed to the Board.

D. Based on a determination made in accordance with subsection B or C, any ordinance or other requirement enacted or established by a locality that is found to not comply with this section shall be null and void, replaced with state minimum standards, and remanded to the locality for revision to ensure compliance with this section. Any such ordinance or other requirement that has been proposed but neither enacted nor established shall be remanded to the locality for revision to ensure compliance with this section.

E. Any provisions of a local erosion and sediment control or stormwater management program in existence before January 1, 2016, that contains more stringent provisions than this article shall be exempt from the requirements of this section if the locality chooses to retain such provisions when it becomes a VESMP authority. However, such provisions shall be reported to the Board at the time of submission of the locality's VESMP approval package.

2. That any community development authority created by ordinance or resolution, or whose creating ordinance or resolution was amended, between July 1, 2023, and June 30, 2024, in accordance with § 15.2-5155 of the Code of Virginia, shall be declared to be validly created, and any such ordinance or resolution shall be declared to be validly adopted, notwithstanding any failure to strictly comply with the public hearing notice requirements of subsection A of § 15.2-5156 of the Code of Virginia, as amended by this act, in the creation and adoption thereof.

CHAPTER 226

An Act to amend and reenact § 44-102.1:1 of the Code of Virginia, relating to active-duty status for any service member injured while in the line of duty.

[H 1513]

Approved March 28, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 44-102.1:1 of the Code of Virginia is amended and reenacted as follows:

§ 44-102.1:1. Benefits upon call to active duty under a state of emergency; health care premiums.

A. As used in this section:

"Department" means the Department of Military Affairs.

"Service member" means a member of the Virginia National Guard or the Virginia Defense Force.

"State of emergency" has the same meaning as provided in § 44-146.16.

B. If the Governor has declared a state of emergency that activated the Virginia National Guard or the Virginia Defense Force, then the Department is authorized to pay, for any service member who has served under such activation for a period of at least 14 consecutive days, the portion of the premium for such service member's health care coverage previously paid by the service member's employer, provided that the service member provides satisfactory evidence to the Department demonstrating that (i) immediately prior to being called to state active duty, the service member was employed and received health care coverage through his employer, (ii) the employer paid a premium to maintain the service member's health care coverage, and (iii) as a result of the service member's state active duty status, the employer is no longer paying such premium.

C. Any payment made by the Department pursuant to this section shall cover only the portion of the premium previously paid by the service member's employer from day 15 of the service member's state active duty until the date the service member is discharged from state active duty. Such payments may also cover dependents of the service member.

D. The Department may use the sum sufficient identified in the relevant state of emergency declaration for any payment authorized by this section.

E. The Department shall establish policies, procedures, and protocols to implement and record any payment authorized by this section.

F. On or before November 1, 2022, and annually thereafter, the Department shall report to the Secretary of Veterans and Defense Affairs all payments made pursuant to this section.

G. Nothing in this section shall create a legal cause of action against the Commonwealth or the Department.

H. The Adjutant General may maintain state active-duty status for any service member injured while in the line of duty during the course of a state active-duty mission who is unable, due to his injury, to return to civilian employment. Such authorization shall be limited to 90 days after the date of the service member's injury. The Adjutant General shall limit pay and allowances to the service member to the lesser of either the amount that the service member received from his civilian employment prior to his mobilization or the amount of federal active duty pay and allowances for that service member's rank and years of service.

CHAPTER 227

An Act to amend the Code of Virginia by adding a section numbered 46.2-1145.1, relating to overweight permits; trucks operated by electric utilities.

[H 1526]

Approved March 28, 2024

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 46.2-1145.1 as follows:

§ 46.2-1145.1. Overweight permits for certain trucks operated by electric utilities.

In addition to other permits provided for in this article, the Commissioner, upon written application by an electric utility as defined in § 56-576, shall issue a permit authorizing the electric utility's operation of vehicles used for the construction, operation, or maintenance of electrical facilities and infrastructure upon the highway at gross weights exceeding those set forth in § 46.2-1126. Permits issued hereunder shall specify that vehicles with two axles may have a maximum gross weight of no more than 48,000 pounds and a single axle weight of not more than 24,000 pounds and that vehicles with three axles may have a maximum gross weight of not more than 60,000 pounds and a single axle weight of not more than 24,000 pounds and a tandem axle weight of not more than 40,000 pounds.

The fee for such permit shall be as provided in § 46.2-1140.1.

The permit shall not designate the route to be traversed nor contain restrictions or conditions not applicable to other vehicles in their general use of the highways. However, no such permit shall authorize violation of any weight limitation applicable to bridges or culverts, as promulgated and posted in accordance with § 46.2-1130. Nothing contained in this section shall authorize any extension of weight limits provided in § 46.2-1127 for operation on interstate highways. Each vehicle, when loaded according to the provisions of a permit issued under this section, shall be operated at a reduced speed of 10 miles per hour slower than the legal speed limit on any highway with a speed limit above 30 miles per hour.

CHAPTER 228

An Act to amend and reenact §§ 54.1-3446, 54.1-3448, 54.1-3452, and 54.1-3454 of the Code of Virginia, relating to Drug Control Act; Schedule I; Schedule II; Schedule IV; Schedule V.

[S 111]

Approved March 28, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 54.1-3446, 54.1-3448, 54.1-3452, and 54.1-3454 of the Code of Virginia are amended and reenacted as follows:

§ 54.1-3446. Schedule I.

The controlled substances listed in this section are included in Schedule I:

1. Any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, unless specifically excepted, whenever the existence of these isomers, esters, ethers and salts is possible within the specific chemical designation:

1-{1-[1-(4-bromophenyl)ethyl]-4-piperidinyl}-1,3-dihydro-2H-benzimidazol-2-one (other name: Brorphine);

1-[2-methyl-4-(3-phenyl-2-propen-1-yl)-1-piperazinyl]-1-butanone (other name: 2-methyl AP-237);

1-(2-phenylethyl)-4-phenyl-4-acetyloxypiperidine (other name: PEPAP);

1-(4-cinnamyl-2,6-dimethylpiperazin-1-yl)propan-1-one (other name: AP-238);

1-methoxy-3-[4-(2-methoxy-2-phenylethyl)piperazin-1-yl]-1-phenylpropan-2-ol (other name: zipeprol);

1-methyl-4-phenyl-4-propionoxypiperidine (other name: MPPP);

2-(4-ethoxybenzyl)-5-nitro-1-[2-(pyrrolidin-1-yl)ethyl]-1H-benzimidazole (other names: N-pyrrolidino etonitazene, etonitazepyne);

2-[(4-methoxyphenyl)methyl]-N,N-diethyl-5-nitro-1H-benzimidazole-1-ethanamine (other name: Metonitazene);

2-methoxy-N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl]-acetamide (other name: Methoxyacetyl fentanyl);

3,4-dichloro-N-[2-(dimethylamino)cyclohexyl]-N-methyl-benzamide (other name: U-47700);

3,4-dichloro-N-{[1-(dimethylamino)cyclohexyl]methyl}benzamide (other name: AH-7921);

Acetyl fentanyl (other name: desmethyl fentanyl);

Acetylmethadol;

Allylprodine;
Alphacetylmethadol (except levo-alphacetylmethadol, also known as levo-alpha-acetylmethadol, levomethadyl acetate, or LAAM);
Alphameprodine;
Alphamethadol;
Benzethidine;
Betacetylmethadol;
Betameprodine;
Betamethadol;
Betaprodine;
Clonitazene;
Dextromoramide;
Diampromide;
Diethylthiambutene;
Difenoxin;
Dimenoxadol;
Dimepheptanol;
Dimethylthiambutene;
Dioxaphetylbutyrate;
Dipipanone;
Ethyl N-phenyl-N-[1-(2-phenylethyl)piperidin-4-yl]carbamate (other name: fentanyl carbamate);
Ethylmethylthiambutene;
Etonitazene;
Etoxeridine;
Furethidine;
Hydroxypethidine;
Ketobemidone;
Levomoramide;
Levophenacylmorphan;
Morpheridine;
MT-45 (1-cyclohexyl-4-(1,2-diphenylethyl)piperazine);
N-(1-phenethylpiperidin-4-yl)-N-phenylcyclopropanecarboxamide (other name: Cyclopropyl fentanyl);
N-(1-phenethylpiperidin-4-yl)-N-phenyltetrahydrofuran-2-carboxamide (other name: Tetrahydrofuranyl fentanyl);
N-[1-[1-methyl-2-(2-thienyl)ethyl]-4-piperidyl]-N-phenylpropanamide (other name: alpha-methylthiofentanyl);
N-[1-(1-methyl-2-phenylethyl)-4-piperidyl]-N-phenylacetamide (other name: acetyl-alpha-methylfentanyl);
N-{1-[2-hydroxy-2-(2-thienyl)ethyl]-4-piperidinyl}-N-phenylpropanamide (other name: beta-hydroxythiofentanyl);
N-[1-(2-hydroxy-2-phenyl)ethyl-4-piperidyl]-N-phenylpropanamide (other name: beta-hydroxyfentanyl);
N-[1-(alpha-methyl-beta-phenyl)ethyl-4-piperidyl]propionanilide (other names: 1-(1-methyl-2-phenylethyl)-4-(N-propanilido) piperidine, alpha-methylfentanyl);
N-(2-fluorophenyl)-N-[1-(2-phenylethyl)piperidin-4-yl]prop-2-enamide (other name: ortho-fluoroacryl fentanyl);
N-(2-fluorophenyl)-N-[1-(2-phenylethyl)-4-piperidinyl]-propanamide (other names: 2-fluorofentanyl, ortho-fluorofentanyl);
N-(2-fluorophenyl)-2-methyl-N-[1-(2-phenylethyl)piperidin-4-yl]propanamide (other name: ortho-fluoroisobutyryl fentanyl);
N-(2-fluorophenyl)-N-[1-[2-(2-fluorophenyl)ethyl]piperidin-4-yl]propanamide (other names: 2'-fluoro ortho-fluorofentanyl; 2'-fluoro 2-fluorofentanyl);
N-[1-[2-(4-methylphenyl)ethyl]piperidin-4-yl]-N-phenylacetamide (other name: 4'-methyl acetyl fentanyl);
N,3-diphenyl-N-[1-(2-phenylethyl)piperidin-4-yl]propanamide (other names: beta'-phenyl fentanyl; beta'-phenyl fentanyl; 3-phenylpropanoyl fentanyl);
N-phenyl-N-[1-(2-phenylpropyl)piperidin-4-yl]propanamide (other name: beta-methyl fentanyl);
N-(2-fluorophenyl)-N-[1-(2-phenylethyl)piperidin-4-yl]butanamide (other name: ortho-fluorobutyryl fentanyl; 2-fluorobutyryl fentanyl);
N-(2-methylphenyl)-N-[1-(2-phenylethyl)piperidin-4-yl]acetamide (other names: ortho-methyl acetylfentanyl; 2-methyl acetylfentanyl);
N-(4-methylphenyl)-N-[1-(2-phenylethyl)piperidin-4-yl]propanamide (other names: para-methylfentanyl; 4-methylfentanyl);
N-(4-chlorophenyl)-2-methyl-N-[1-(2-phenylethyl)piperidin-4-yl]propanamide (other name: para-chloroisobutyryl fentanyl);
N-(3-fluorophenyl)-N-[1-(2-phenylethyl)-4-piperidinyl]-propanamide (other name: 3-fluorofentanyl);
N-[3-methyl-1-(2-hydroxy-2-phenylethyl)4-piperidyl]-N-phenylpropanamide (other name: beta-hydroxy-3-methylfentanyl);

N-[3-methyl-1-(2-phenylethyl)-4-piperidyl]-N-phenylpropanamide (other name: 3-methylfentanyl);
N-[3-methyl-1-(2-thienyl)ethyl-4-piperidinyl]-N-phenylpropanamide (other name: 3-methylthiofentanyl);
N-(4-chlorophenyl)-N-[1-(2-phenylethyl)-4-piperidinyl]-propanamide (other names: para-chlorofentanyl, 4-chlorofentanyl);
N-(4-fluorophenyl)-2-methyl-N-[1-(2-phenylethyl)-4-piperidinyl]-propanamide (other name: para-fluoroisobutyryl fentanyl);
N-(4-fluorophenyl)-N-[1-(2-phenylethyl)piperidin-4-yl]furan-2-carboxamide (other name: para-fluoro furanyl fentanyl);
N-(4-fluorophenyl)-N-[1-(2-phenylethyl)-4-piperidinyl]-butanamide (other name: para-fluorobutyrylfentanyl);
N-(4-fluorophenyl)-N-1-(2-phenylethyl)-4-piperidinyl]-propanamide (other name: para-fluorofentanyl);
N,N-diethyl-2-[2-[(4-fluorophenyl)methyl]-5-nitrobenzimidazol-1-yl] ethanamine (other name: Flunitazene);
N,N-diethyl-2-(2-(4-isopropoxybenzyl)-5-nitro-1H-benzimidazol-1-yl)ethan-1-amine (other name: Isotonitazene);
N,N-diethyl-2-{[(4-ethoxyphenyl) methyl]-1H-benzimidazol-1-yl}-ethan-1-amine (other names: Etazene, Desnitroetonitazene);
N,N-diethyl-2-[(4-methoxyphenyl)methyl]-1H-benzimidazole-1-ethanamine (other name: Metodesnitazene);
N,N-diethyl-2-[5-nitro-2-(4-propoxybenzyl)-1H-benzimidazol-1-yl]ethanamine (other name: Protonitazene);
N-phenyl-N-[1-(2-phenylmethyl)-4-piperidinyl]-2-furancarboxamide (other name: N-benzyl Furanyl norfentanyl);
N-phenyl-N-(4-piperidinyl)-propanamide (other name: Norfentanyl);
Noracymethadol;
Norlevorphanol;
Normethadone;
Norpipanone;
N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl]-2-furancarboxamide (other name: Furanyl fentanyl);
N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl]-2-propenamide (other name: Acryl fentanyl);
N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl]-butanamide (other name: butyryl fentanyl);
N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl]-pentanamide (other name: Pentanoyl fentanyl);
N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl]-propanamide (other name: thiofentanyl);
N-phenyl-N-[1-(2-phenylethyl)piperidin-4-yl]thiophene-2-carboxamide (other name: thiophene fentanyl);
Phenadoxone;
Phenampromide;
Phenomorphan;
Phenoperidine;
Piritramide;
Proheptazine;
Properidine;
Propiram;
Racemoramide;
Tilidine;
Trimeperidine;
N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl]-1,3-benzodioxole-5-carboxamide (other name: Benzodioxole fentanyl);
3,4-dichloro-N-[2-(diethylamino)cyclohexyl]-N-methylbenzamide (other name: U-49900);
2-methoxy-N-(2-methylphenyl)-N-[1-(2-phenylethyl)piperidin-4-yl]acetamide (other names: ortho-methyl methoxyacetylfentanyl; 2-methyl methoxyacetyl fentanyl);
2-methyl-N-phenyl-N-[1-(2-phenylethyl)piperidin-4-yl]butanamide (other name: 2-methyl butyryl fentanyl);
2-[2-[(4-butoxyphenyl)methyl]-5-nitrobenzimidazol-1-yl]-N,N-diethylethanamine (other name: Butonitazene);
2-(2,4-dichlorophenyl)-N-[2-(dimethylamino)cyclohexyl]-N-methyl acetamide (other name: U-48800);
2-(3,4-dichlorophenyl)-N-[2-(dimethylamino)cyclohexyl]-N-methyl acetamide (other name: U-51754);
2-(4-isopropoxybenzyl)-5-nitro-1-[2-(pyrrolidin-1-yl)ethyl]-1H-benzo[d]imidazole (other name: N-Pyrrolidino Isotonitazene);
N-(2-fluorophenyl)-2-methoxy-N-[1-(2-phenylethyl)-4-piperidinyl]-acetamide (other name: Ocfentanil);
N-(4-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)pentanamide (other names: para-fluoro valeryl fentanyl, para-fluoro pentanoyl fentanyl);
N-(4-fluorophenyl)-N-[1-(2-phenylethyl)piperidin-4-yl]acetamide (other name: para-fluoroacetyl fentanyl);
N-(4-methoxyphenyl)-N-[1-(2-phenylethyl)-4-piperidinyl]-butanamide (other name: 4-methoxybutyrylfentanyl);
N-phenyl-2-methyl-N-[1-(2-phenylethyl)-4-piperidinyl]-propanamide (other name: Isobutyryl fentanyl);
N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl]-cyclopentanecarboxamide (other name: Cyclopentyl fentanyl);
N-phenyl-N-(1-methyl-4-piperidinyl)-propanamide (other name: N-methyl norfentanyl);
N-phenyl-N-(1-propionyl-4-piperidinyl)-propanamide (other name: N-propionyl norfentanyl);
N-[2-(dimethylamino)cyclohexyl]-N-methyl-1,3-benzodioxole-5-carboxamide (other names: 3,4-methylenedioxy U-47700 or 3,4-MDO-U-47700);
N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl]-2-butenamide (other name: Crotonyl fentanyl);

N-phenyl-N-[4-phenyl-1-(2-phenylethyl)-4-piperidinyl]-propanamide (other name: 4-phenylfentanyl);
N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl]-benzamide (other names: Phenyl fentanyl, Benzoyl fentanyl);
N-[2-(dimethylamino)cyclohexyl]-N-phenylfuran-2-carboxamide (other name: Furanyl UF-17);
N-[2-(dimethylamino)cyclohexyl]-N-phenylpropionamide (other name: UF-17);
3,4-dichloro-N-[2-(dimethylamino)cyclohexyl]-N-isopropyl-benzamide (other name: Isopropyl U-47700)~~.~~*;*
5-nitro-2-(4-propoxybenzyl)-1-[2-(pyrrolidin-1-yl)ethyl]-1H-benzo[d]imidazole (other names: N-Pyrrolidino Protonitazene, Protonitazepyne).

2. Any of the following opium derivatives, their salts, isomers and salts of isomers, unless specifically excepted, whenever the existence of these salts, isomers and salts of isomers is possible within the specific chemical designation:
Acetorphine;
Acetyldihydrocodeine;
Benzylmorphine;
Codeine methylbromide;
Codeine-N-Oxide;
Cyprenorphine;
Desomorphine;
Dihydromorphine;
Drotebanol;
Etorphine;
Heroin;
Hydromorphinol;
Methyldesorphine;
Methyldihydromorphine;
Morphine methylbromide;
Morphine methylsulfonate;
Morphine-N-Oxide;
Myrophine;
Nicocodeine;
Nicomorphine;
Normorphine;
Pholcodine;
Thebacon.

3. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation, which contains any quantity of the following hallucinogenic substances, or which contains any of its salts, isomers, and salts of isomers, whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation (for purposes of this subdivision only, the term "isomer" includes the optical, position, and geometric isomers):
Alpha-ethyltryptamine (some trade or other names: Monase; a-ethyl-1H-indole-3-ethanamine; 3-2-aminobutyl] indole; a-ET; AET);
4-Bromo-2,5-dimethoxyphenethylamine (some trade or other names: 2-4-bromo-2,5-dimethoxyphenyl]-1-aminoethane;alpha-desmethyl DOB; 2C-B; Nexus);
3,4-methylenedioxy amphetamine;
5-methoxy-3,4-methylenedioxy amphetamine;
3,4,5-trimethoxy amphetamine;
Alpha-methyltryptamine (other name: AMT);
Bufotenine;
Diethyltryptamine;
Dimethyltryptamine;
4-methyl-2,5-dimethoxyamphetamine;
2,5-dimethoxy-4-ethylamphetamine (DOET);
4-fluoro-N-ethylamphetamine;
2,5-dimethoxy-4-(n)-propylthiophenethylamine (other name: 2C-T-7);
Ibogaine;
5-methoxy-N,N-diisopropyltryptamine (other name: 5-MeO-DIPT);
Lysergic acid diethylamide;
Mescaline;
Parahexyl (some trade or other names: 3-Hexyl-1-hydroxy-7,8,9,10-tetrahydro-6,6,9-trimethyl-6H-dibenzo [b,d] pyran; Synhexyl);
Peyote;
N-ethyl-3-piperidyl benzilate;
N-methyl-3-piperidyl benzilate;
Psilocybin;

Psilocyn;
Salvinorin A;
2,5-dimethoxyamphetamine (some trade or other names: 2,5-dimethoxy-a-methylphenethylamine; 2,5-DMA);
3,4-methylenedioxymethamphetamine (MDMA), its optical, positional and geometric isomers, salts and salts of isomers;
3,4-methylenedioxy-N-ethylamphetamine (also known as N-ethyl-alpha-methyl-3,4 (methylenedioxy)phenethylamine, N-ethyl MDA, MDE, MDEA);
N-hydroxy-3,4-methylenedioxyamphetamine (some other names: N-hydroxy-alpha-methyl-3,4(methylenedioxy)phenethylamine, and N-hydroxy MDA);
4-bromo-2,5-dimethoxyamphetamine (some trade or other names: 4-bromo-2,5-dimethoxy-a-methylphenethylamine; 4-bromo-2,5-DMA);
4-methoxyamphetamine (some trade or other names: 4-methoxy-a-methylphenethylamine; paramethoxyamphetamine; PMA);
Ethylamine analog of phencyclidine (some other names: N-ethyl-1-phenylcyclohexylamine, (1-phenylcyclohexyl) ethylamine, N-(1-phenylcyclohexyl) ethylamine, cyclohexamine, PCE);
Pyrrolidine analog of phencyclidine (some other names: 1-(1-phenylcyclohexyl)-pyrrolidine, PCPy, PHP);
Thiophene analog of phencyclidine (some other names: 1-[1-(2-thienyl)-cyclohexyl]-piperidine, 2-thienyl analog of phencyclidine, TPCP, TCP);
1-1-(2-thienyl)cyclohexyl]pyrrolidine (other name: TCPy);
3,4-methylenedioxypyrovalerone (other name: MDPV);
4-methylmethcathinone (other names: mephedrone, 4-MMC);
3,4-methylenedioxymethcathinone (other name: methylone);
Naphthylpyrovalerone (other name: naphyrone);
4-fluoromethcathinone (other names: flephedrone, 4-FMC);
4-methoxymethcathinone (other names: methedrone; bk-PMMA);
Ethcathinone (other name: N-ethylcathinone);
3,4-methylenedioxyethcathinone (other name: ethylone);
Beta-keto-N-methyl-3,4-benzodioxolylbutanamine (other name: butylone);
N,N-dimethylcathinone (other name: metamfepramone);
Alpha-pyrrolidinopropiophenone (other name: alpha-PPP);
4-methoxy-alpha-pyrrolidinopropiophenone (other name: MOPPP);
3,4-methylenedioxy-alpha-pyrrolidinopropiophenone (other name: MDPPP);
Alpha-pyrrolidinovalerophenone (other name: alpha-PVP);
6,7-dihydro-5H-indeno-(5,6-d)-1,3-dioxol-6-amine (other name: MDAI);
3-fluoromethcathinone (other name: 3-FMC);
4-Ethyl-2,5-dimethoxyphenethylamine (other name: 2C-E);
4-Iodo-2,5-dimethoxyphenethylamine (other name: 2C-I);
4-Methylethcathinone (other name: 4-MEC);
4-Ethylmethcathinone (other name: 4-EMC);
N,N-diallyl-5-methoxytryptamine (other name: 5-MeO-DALT);
Beta-keto-methylbenzodioxolylpentanamine (other names: Pentylone, bk-MBDP);
Alpha-methylamino-butyrophenone (other name: Buphedrone);
Alpha-methylamino-valerophenone (other name: Pentedrone);
3,4-Dimethylmethcathinone (other name: 3,4-DMMC);
4-methyl-alpha-pyrrolidinopropiophenone (other name: MPPP);
4-Iodo-2,5-dimethoxy-N-[(2-methoxyphenyl)methyl]-benzeneethanamine (other names: 25-I, 25I-NBOMe, 2C-I-NBOMe);
Methoxetamine (other names: MXE, 3-MeO-2-Oxo-PCE);
4-Fluoromethamphetamine (other name: 4-FMA);
4-Fluoroamphetamine (other name: 4-FA);
2-(2,5-Dimethoxy-4-methylphenyl)ethanamine (other name: 2C-D);
2-(4-Chloro-2,5-dimethoxyphenyl)ethanamine (other name: 2C-C);
2-[4-(Ethylthio)-2,5-dimethoxyphenyl]ethanamine (other name: 2C-T-2);
2-[4-(Isopropylthio)-2,5-dimethoxyphenyl]ethanamine (other name: 2C-T-4);
2-(2,5-Dimethoxyphenyl)ethanamine (other name: 2C-H);
2-(2,5-Dimethoxy-4-nitro-phenyl)ethanamine (other name: 2C-N);
2-(2,5-Dimethoxy-4-(n)-propylphenyl)ethanamine (other name: 2C-P);
(2-aminopropyl)benzofuran (other name: APB);
(2-aminopropyl)-2,3-dihydrobenzofuran (other name: APDB);
4-chloro-2,5-dimethoxy-N-[(2-methoxyphenyl)methyl]-benzeneethanamine (other names: 2C-C-NBOMe, 25C-NBOMe, 25C);

4-bromo-2,5-dimethoxy-N-[(2-methoxyphenyl)methyl]-benzeneethanamine (other names: 2C-B-NBOMe, 25B-NBOMe, 25B);
Acetoxydimethyltryptamine (other names: AcO-Psilocin, AcO-DMT, Psilacetin);
Benocyclidine (other names: BCP, BTCP);
Alpha-pyrrolidinobutiophenone (other name: alpha-PBP);
3,4-methylenedioxy-N,N-dimethylcathinone (other names: Dimethylone, bk-MDDMA);
4-bromomethcathinone (other name: 4-BMC);
4-chloromethcathinone (other name: 4-CMC);
4-Iodo-2,5-dimethoxy-N-[(2-hydroxyphenyl)methyl]-benzeneethanamine (other name: 25I-NBOH);
Alpha-Pyrrolidinohexiophenone (other name: alpha-PHP);
Alpha-Pyrrolidinoheptiophenone (other name: PV8);
5-methoxy-N,N-methylisopropyltryptamine (other name: 5-MeO-MIPT);
Beta-keto-N,N-dimethylbenzodioxolylbutanamine (other names: Dibutylone, bk-DMBDB);
Beta-keto-4-bromo-2,5-dimethoxyphenethylamine (other name: bk-2C-B);
1-(1,3-benzodioxol-5-yl)-2-(ethylamino)-1-pentanone (other name: N-ethylpentylone);
1-[1-(3-methoxyphenyl)cyclohexyl]piperidine (other name: 3-methoxy PCP);
1-[1-(4-methoxyphenyl)cyclohexyl]piperidine (other name: 4-methoxy PCP);
4-Chloroethcathinone (other name: 4-CEC);
3-Methoxy-2-(methylamino)-1-(4-methylphenyl)-1-propanone (other name: Mexedrone);
1-propionyl lysergic acid diethylamide (other name: 1P-LSD);
(2-Methylaminopropyl)benzofuran (other name: MAPB);
1-(1,3-benzodioxol-5-yl)-2-(dimethylamino)-1-pentanone (other names: N,N-Dimethylpentylone, Dipentylone);
1-(4-methoxyphenyl)-2-(pyrrolidin-1-yl)octan-1-one (other name: 4-methoxy-PV9);
3,4-tetramethylene-alpha-pyrrolidinovalerophenone (other name: TH-PVP);
4-allyloxy-3,5-dimethoxyphenethylamine (other name: Allylescaline);
4-Bromo-2,5-dimethoxy-N-[(2-hydroxyphenyl)methyl]-benzeneethanamine (other name: 25B-NBOH);
4-chloro-alpha-methylamino-valerophenone (other name: 4-chloropentedrone);
4-chloro-alpha-Pyrrolidinovalerophenone (other name: 4-chloro-alpha-PVP);
4-fluoro-alpha-Pyrrolidinoheptiophenone (other name: 4-fluoro-PV8);
4-hydroxy-N,N-diisopropyltryptamine (other name: 4-OH-DIPT);
4-methyl-alpha-ethylaminopentiophenone;
4-methyl-alpha-Pyrrolidinohexiophenone (other name: MPHP);
5-methoxy-N,N-dimethyltryptamine (other name: 5-MeO-DMT);
5-methoxy-N-ethyl-N-isopropyltryptamine (other name: 5-MeO-EIPT);
6-ethyl-6-nor-lysergic acid diethylamide (other name: ETH-LAD);
6-allyl-6-nor-lysergic acid diethylamide (other name: AL-LAD);
(N-methyl aminopropyl)-2,3-dihydrobenzofuran (other name: MAPDB);
2-(methylamino)-2-phenyl-cyclohexanone (other name: Deschloroketamine);
2-(ethylamino)-2-phenyl-cyclohexanone (other name: deschloro-N-ethyl-ketamine);
2-methyl-1-(4-(methylthio)phenyl)-2-morpholinopropiophenone (other name: MMMP);
Alpha-ethylaminohexanophenone (other name: N-ethylhexedrone);
N-ethyl-1-(3-methoxyphenyl)cyclohexylamine (other name: 3-methoxy-PCE);
4-fluoro-alpha-pyrrolidinohexiophenone (other name: 4-fluoro-alpha-PHP);
N-ethyl-1,2-diphenylethylamine (other name: Ephenidine);
2,5-dimethoxy-4-chloroamphetamine (other name: DOC);
3,4-methylenedioxy-N-tert-butylcathinone;
Alpha-pyrrolidinoisohexiophenone (other name: alpha-PiHP);
1-[1-(3-hydroxyphenyl)cyclohexyl]piperidine (other name: 3-hydroxy PCP);
4-acetyloxy-N,N-diallyltryptamine (other name: 4-AcO-DALT);
4-hydroxy-N,N-methylisopropyltryptamine (other name: 4-hydroxy-MiPT);
3,4-Methylenedioxy-alpha-pyrrolidinohexanophenone (other name: MDPHP);
5-methoxy-N,N-dibutyltryptamine (other name: 5-methoxy-DBT);
1-(1,3-benzodioxol-5-yl)-2-(ethylamino)-1-butanone (other names: Eutylone, bk-EBDB);
1-(1,3-benzodioxol-5-yl)-2-(butylamino)-1-pentanone (other name: N-butylpentylone);
N-benzyl-3,4-dimethoxyamphetamine (other name: N-benzyl-3,4-DMA);
1-(benzo[d][1,3]dioxol-5-yl)-2-(sec-butylamino)pentan-1-one (other name: N-sec-butyl Pentylone);
1-cyclopropionyl lysergic acid diethylamide (other name: 1cP-LSD);
2-(ethylamino)-1-phenylheptan-1-one (other name: N-ethylheptedrone);
(2-ethylaminopropyl)benzofuran (other name: EAPB);
4-ethyl-2,5-dimethoxy-N-[(2-hydroxyphenyl)methyl]-benzeneethanamine (other name: 25E-NBOH);
2-fluoro-Deschloroketamine (other name: 2-(2-fluorophenyl)-2-(methylamino)-cyclohexanone);

4-hydroxy-N-ethyl-N-propyltryptamine (other name: 4-hydroxy-EPT);
2-(isobutylamino)-1-phenylhexan-1-one (other names: N-Isobutyl Hexedrone, alpha-isobutylaminohexanphenone);
1-(4-methoxyphenyl)-N-methylpropan-2-amine (other names: para-Methoxymethamphetamine, PMMA);
N-ethyl-1-(3-hydroxyphenyl)cyclohexylamine (other name: 3-hydroxy-PCE);
N-heptyl-3,4-dimethoxyamphetamine (other name: N-heptyl-3,4-DMA);
N-hexyl-3,4-dimethoxyamphetamine (other name: N-hexyl-3,4-DMA);
4-fluoro-3-methyl-alpha-pyrrolidinovalerophenone (other name: 4-fluoro-3-methyl-alpha-PVP);
4-fluoro-alpha-methylamino-valerophenone (other name: 4-fluoropentedrone);
N-(1,4-dimethylpentyl)-3,4-dimethoxyamphetamine (other name: N-(1,4-dimethylpentyl)-3,4-DMA);
4,5-methylenedioxy-N,N-diisopropyltryptamine (other name: 4,5-MDO-DiPT);
Alpha-pyrrolidinocyclohexanophenone (other name: alpha-PCYP);
3,4-methylenedioxy-alpha-pyrrolidinoheptiophenone (other name: MDPV8);
4-chloro-alpha-methylaminobutiophenone (other name: 4-chloro Buphedrone);
1-(1,3-benzodioxol-5-yl)-2-(cyclohexylamino)butan-1-one (other names: Cybutylone, N-cyclohexyl Butylone);
1-(1,3-benzodioxol-5-yl)-2-(propylamino)-1-butanone (other names: 3,4-Methylenedioxy-alpha-propylaminobutiophenone; N-propyl butylone);
1-[1-(3-chlorophenyl)cyclohexyl]-piperidine (other names: 3-Chloro Phencyclidine, 3Cl-PCP, 3-chloro PCP);
1-[1-(3-fluorophenyl)cyclohexyl]piperidine (other names: 3-fluoro Phencyclidine, 3F-PCP);
1-(7-methoxy-1,3-benzodioxol-5-yl)propan-2-amine (other names: 5-methoxy-3,4-methylenedioxyamphetamine, 3-methoxy MDA, MMDA);
2-(ethylamino)-1-phenylpentan-1-one (other names: N-ethylpentedrone, alpha-ethylaminopentiophenone);
2-(ethylamino)-2-(2-fluorophenyl)-cyclohexanone (other names: 2-fluoro-2-oxo PCE, 2-fluoro NENDCK);
3,4-methylenedioxy-alpha-cyclohexylaminopropiophenone (other name: Cyputylone);
3,4-methylenedioxy-alpha-cyclohexylmethylaminopropiophenone (other name: 3,4-Methylenedioxy-N,N-cyclohexylmethcathinone);
3,4-methylenedioxy-alpha-isopropylaminobutiophenone (other name: N-isopropyl butylone);
4-chloro-N-butylcathinone (other names: 4-chlorobutylcathinone, para-chloro-N-butylcathinone);
4-hydroxy-N-methyl-N-ethyltryptamine (other names: 4-hydroxy MET, Metocin);
4-methallyloxy-3,5-dimethoxyphenethylamine (other name: Methallylescaline);
Alpha-pyrrolidino-2-phenylacetophenone (other name: alpha-D2PV).

4. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system, including its salts, isomers and salts of isomers whenever the existence of such salts, isomers and salts of isomers is possible within the specific chemical designation:

5-(2-chlorophenyl)-1,3-dihydro-3-methyl-7-nitro-2H-1,4-benzodiazepin-2-one (other name: Meclonazepam);
7-chloro-5-(2-fluorophenyl)-1,3-dihydro-1,4-benzodiazepin-2-one (other name: Norfludiazepam);
Bromazolam;
Clonazolam;
Deschloroetizolam;
Etizolam;
Flualprazolam;
Flubromazepam;
Flubromazolam;
Gamma hydroxybutyric acid (some other names include GHB; gamma hydroxybutyrate; 4-hydroxybutyrate; 4-hydroxybutanoic acid; sodium oxybate; sodium oxybutyrate);
Mecloqualone;
Methaqualone*;*
6-(4-chlorophenyl)-1-methyl-4H-[1,2,4]triazolo[4,3-a][1,4]benzodiazepine (other names: 4'-chloro Deschloroalprazolam, 4'Cl-Deschloroalprazolam);
7-bromo-5-phenyl-1,3-dihydro-1,4-benzodiazepin-2-one (other names: Desalkylgidazepam, Bromonordiazepam);
7-chloro-5-(2-chlorophenyl)-1-methyl-3H-1,4-benzodiazepin-2-one (other names: Diclazepam, 2-Chlorodiazepam);
8-bromo-6-(2-chlorophenyl)-1-methyl-4H-[1,2,4]triazolo[4,3-a][1,4]benzodiazepine (other names: Clobromazolam, Phenazolam).

5. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers and salts of isomers:

2-(3-fluorophenyl)-3-methylmorpholine (other name: 3-fluorophenmetrazine);
Aminorex (some trade or other names; aminoxaphen; 2-amino-5-phenyl-2-oxazoline; 4,5-dihydro-5-phenyl-2-oxazolamine);
Cathinone (some trade or other names: 2-amino-1-phenyl-1-propanone, alpha-aminopropiophenone, 2-aminopropiophenone, norephedrone), and any plant material from which Cathinone may be derived;

Cis-4-methylaminorex (other name: cis-4,5-dihydro-4-methyl-5-phenyl-2-oxazolamine);

Ethylamphetamine;

Ethyl phenyl(piperidin-2-yl)acetate (other name: Ethylphenidate);

Fenethylline;

Methcathinone (some other names: 2-(methylamino)-propiophenone; alpha-(methylamino)-propiophenone; 2-(methylamino)-1-phenylpropan-1-one; alpha-N-methylaminopropiophenone; monomethylpropion; ephedrone; N-methylcathinone; methylcathinone; AL-464; AL-422; AL-463 and UR 1432);

N-Benzylpiperazine (some other names: BZP, 1-benzylpiperazine);

N-methyl-1-(thiophen-2-yl)propan-2-amine (other name: methiopropamine);

N,N-dimethylamphetamine (other names: N,N-alpha-trimethyl-benzeneethanamine, N,N-alpha-trimethylphenethylamine);

N-phenyl-N'-(3-(1-phenylpropan-2-yl)-1,2,3-oxadiazol-3-ium-5-yl)carbamimidate (other name: mesocarb);

Methyl 2-(4-fluorophenyl)-2-(2-piperidinyl)acetate (other name: 4-fluoromethylphenidate);

Isopropyl-2-phenyl-2-(2-piperidinyl)acetate (other name: Isopropylphenidate);

2-(3-chlorophenyl)-3-methylmorpholine (other name: 3-chlorophenmetrazine);

4-chloro-N,N-dimethylcathinone;

3,4-methylenedioxy-N-benzylcathinone (other name: BMDP);

4-methylmethamphetamine (other names: N-alpha,4-trimethyl-benzeneethanamine, 4-MMA)*;*

4-methyl-5-(4-methylphenyl)-4,5-dihydro-1,3-oxazol-2-amine (other names: 4,4'-Dimethylaminorex, 4,4'-DMAR);

7-[(10,11-dihydro-5H-dibenzo[a,d]cyclohepten-5-yl)amino]heptanoic acid (other name: amineptine).

6. Any substance that contains one or more cannabimimetic agents or that contains their salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation, and any preparation, mixture, or substance containing, or mixed or infused with, any detectable amount of one or more cannabimimetic agents.

a. "Cannabimimetic agents" includes any substance that is within any of the following structural classes:

2-(3-hydroxycyclohexyl)phenol with substitution at the 5-position of the phenolic ring by alkyl or alkenyl, whether or not substituted on the cyclohexyl ring to any extent;

3-(1-naphthoyl)indole or 1H-indol-3-yl-(1-naphthyl)methane with substitution at the nitrogen atom of the indole ring, whether or not further substituted on the indole ring to any extent, whether or not substituted on the naphthoyl or naphthyl ring to any extent;

3-(1-naphthoyl)pyrrole with substitution at the nitrogen atom of the pyrrole ring, whether or not further substituted in the pyrrole ring to any extent, whether or not substituted on the naphthoyl ring to any extent;

1-(1-naphthylmethyl)indene with substitution of the 3-position of the indene ring, whether or not further substituted in the indene ring to any extent, whether or not substituted on the naphthyl ring to any extent;

3-phenylacetylindole or 3-benzoylindole with substitution at the nitrogen atom of the indole ring, whether or not further substituted in the indole ring to any extent, whether or not substituted on the phenyl ring to any extent;

3-cyclopropoylindole with substitution at the nitrogen atom of the indole ring, whether or not further substituted on the indole ring to any extent, whether or not substituted on the cyclopropyl ring to any extent;

3-adamantoylindole with substitution at the nitrogen atom of the indole ring, whether or not further substituted on the indole ring to any extent, whether or not substituted on the adamantyl ring to any extent;

N-(adamantyl)-indole-3-carboxamide with substitution at the nitrogen atom of the indole ring, whether or not further substituted on the indole ring to any extent, whether or not substituted on the adamantyl ring to any extent; and

N-(adamantyl)-indazole-3-carboxamide with substitution at a nitrogen atom of the indazole ring, whether or not further substituted on the indazole ring to any extent, whether or not substituted on the adamantyl ring to any extent.

b. The term "cannabimimetic agents" includes:

5-bromo-N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1H-indazole-3-carboxamide (other name: ADB-5Br-INACA);

5-(1,1-Dimethylheptyl)-2-[3-hydroxycyclohexyl]-phenol (other name: CP 47,497);

5-(1,1-Dimethylhexyl)-2-[3-hydroxycyclohexyl]-phenol (other name: CP 47,497 C6 homolog);

5-(1,1-Dimethyloctyl)-2-[3-hydroxycyclohexyl]-phenol (other name: CP 47,497 C8 homolog);

5-(1,1-Dimethylnonyl)-2-[3-hydroxycyclohexyl]-phenol (other name: CP 47,497 C9 homolog);

1-pentyl-3-(1-naphthoyl)indole (other names: JWH-018, AM-678);

1-butyl-3-(1-naphthoyl)indole (other name: JWH-073);

1-pentyl-3-(2-methoxyphenylacetyl)indole (other name: JWH-250);

1-hexyl-3-(naphthalen-1-oyl)indole (other name: JWH-019);

1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole (other name: JWH-200);

(6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tet rahydrobenzo[c]chromen-1-ol (other name: HU-210);

1-pentyl-3-(4-methoxy-1-naphthoyl)indole (other name: JWH-081);

1-pentyl-3-(4-methyl-1-naphthoyl)indole (other name: JWH-122);

1-pentyl-3-(2-chlorophenylacetyl)indole (other name: JWH-203);

1-pentyl-3-(4-ethyl-1-naphthoyl)indole (other name: JWH-210);

1-pentyl-3-(4-chloro-1-naphthoyl)indole (other name: JWH-398);
1-(5-fluoropentyl)-3-(2-iodobenzoyl)indole (other name: AM-694);
1-((N-methylpiperidin-2-yl)methyl)-3-(1-naphthoyl)indole (other name: AM-1220);
1-(5-fluoropentyl)-3-(1-naphthoyl)indole (other name: AM-2201);
1-[(N-methylpiperidin-2-yl)methyl]-3-(2-iodobenzoyl)indole (other name: AM-2233);
Pravadoline (4-methoxyphenyl)-[2-methyl-1-(2-(4-morpholinyl)ethyl)indol-3-yl]methanone (other name: WIN 48,098);
1-pentyl-3-(4-methoxybenzoyl)indole (other names: RCS-4, SR-19);
1-(2-cyclohexylethyl)-3-(2-methoxyphenylacetyl)indole (other names: RCS-8, SR-18);
1-pentyl-3-(2,2,3,3-tetramethylcyclopropylmethanone)indole (other name: UR-144);
1-(5-fluoropentyl)-3-(2,2,3,3-tetramethylcyclopropylmethanone)indole (other names: XLR-11, 5-fluoro-UR-144);
N-adamantyl-1-fluoropentylindole-3-carboxamide (other name: STS-135);
N-adamantyl-1-pentylindazole-3-carboxamide (other names: AKB48, APINACA);
1-pentyl-3-(1-adamantoyl)indole (other name: AB-001);
(8-quinolinyl)(1-pentylindol-3-yl)carboxylate (other name: PB-22);
(8-quinolinyl)(1-(5-fluoropentyl)indol-3-yl)carboxylate (other name: 5-fluoro-PB-22);
(8-quinolinyl)(1-cyclohexylmethyl-indol-3-yl)carboxylate (other name: BB-22);
N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-5-bromo-1-butylindazole-3-carboxamide (other name: ADB-5'Br-BUTINACA);
N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-pentylindazole-3-carboxamide (other name: AB-PINACA);
N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)indazole-3-carboxamide (other name: AB-FUBINACA);
1-(5-fluoropentyl)-3-(1-naphthoyl)indazole (other name: THJ-2201);
N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-pentylindazole-3-carboxamide (other name: ADB-PINACA);
N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)indazole-3-carboxamide (other name: AB-CHMINACA);
N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(5-fluoropentyl)indazole-3-carboxamide (other name: 5-fluoro-AB-PINACA);
N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)indazole-3-carboxamide (other names: ADB-CHMINACA, MAB-CHMINACA);
Methyl N-[(5-bromo-1H-indazol-3-yl)carbonyl]-3-methyl-valinate (other name: MDMB-5Br-INACA);
Methyl-2-(1-(5-fluoropentyl)-1H-indazole-3-carboxamido)-3-methylbutanoate (other name: 5-fluoro-AMB);
1-naphthalenyl 1-(5-fluoropentyl)-1H-indole-3-carboxylate (other name: NM-2201);
1-(4-fluorobenzyl)-3-(2,2,3,3-tetramethylcyclopropylmethanone)indole (other name: FUB-144);
1-(5-fluoropentyl)-3-(4-methyl-1-naphthoyl)indole (other name MAM-2201);
N-(1-Amino-3,3-dimethyl-1-oxobutan-2-yl)-1-[(4-fluorophenyl)methyl]-1H-indazole-3-carboxamide (other name: ADB-FUBINACA);
Methyl 2-[1-[(4-fluorophenyl)methyl]-1H-indazole-3-carboxamido]-3,3-dimethylbutanoate (other name: MDMB-FUBINACA);
Methyl 2-[1-(5-fluoropentyl)-1H-indazole-3-carboxamido]-3,3-dimethylbutanoate (other names: 5-fluoro-ADB, 5-Fluoro-MDMB-PINACA);
Methyl 2-({1-[(4-fluorophenyl)methyl]-1H-indazole-3-carbonyl}amino)-3-methylbutanoate (other names: AMB-FUBINACA, FUB-AMB);
N-(adamantan-1-yl)-1-(4-fluorobenzyl)-1H-indazole-3-carboxamide (other names: FUB-AKB48, 5F-APINACA);
N-(adamantan-1-yl)-1-(5-fluoropentyl)-1H-indazole-3-carboxamide (other name: 5F-AKB48);
N-(adamantanyl)-1-(5-chloropentyl) indazole-3-carboxamide (other name: 5-chloro-AKB48);
Naphthalen-1-yl 1-pentyl-1H-indazole-3-carboxylate (other name: SDB-005);
N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)indole-3-carboxamide (other name: AB-CHMICA);
1-pentyl-N-(phenylmethyl)-1H-indole-3-carboxamide (other name: SDB-006);
Quinolin-8-yl 1-(4-fluorobenzyl)-1H-indole-3-carboxylate (other name: FUB-PB-22);
Methyl N-[1-(cyclohexylmethyl)-1H-indole-3-carbonyl]valinate (other name: MMB-CHMICA);
N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(5-fluoropentyl)indazole-3-carboxamide (other name: 5-fluoro-ADB-PINACA);
1-(4-cyanobutyl)-N-(1-methyl-1-phenylethyl)-1H-indazole-3-carboxamide (other name: 4-cyano CUMYL-BUTINACA);
Methyl 2-[1-(5-fluoropentyl)-1H-indole-3-carboxamido]-3,3-dimethylbutanoate (other names: 5-fluoro MDMB-PICA, 5F-MDMB-PICA);
Ethyl 2-({1-[(4-fluorophenyl)methyl]-1H-indazole-3-carbonyl}amino)-3-methylbutanoate (other name: EMB-FUBINACA);
Methyl 2-[1-4-fluorobutyl)-1H-indazole-3-carboxamido]-3,3-dimethylbutanoate (other name: 4-fluoro-MDMB-BUTINACA);
1-(5-fluoropentyl)-N-(1-methyl-1-phenylethyl)-1H-indole-3-carboxamide (other name: 5-fluoro CUMYL-PICA);

Methyl 2-[1-(pent-4-enyl)-1H-indazole-3-carboxamindo]-3,3-dimethylbutanoate (other name: MDMB-4en-PINACA);

Methyl 2-({1-[(4-fluorophenyl)methyl]-1H-indole-3-carbonyl}amino)-3-methylbutanoate (other names: MMB-FUBICA, AMB-FUBICA);

Methyl 2-[1-(4-penten-1-yl)-1H-indole-3-carboxamido]-3-methylbutanoate (other names: MMB022, MMB-4en-PICA);

Methyl 2-[1-(5-fluoropentyl)-1H-indole-3-carboxamido]-3-methylbutanoate (other name: MMB 2201);

Methyl 2-[1-(5-fluoropentyl)-1H-indole-3-carboxamido]-3-phenylpropanoate (other name: 5-fluoro-MPP-PICA);

N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-butylindazole-3-carboxamide (other name: ADB-BUTINACA);

N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(5-chloropentyl)indazole-3-carboxamide (other name: 5-chloro-AB-PINACA);

1-(5-fluoropentyl)-N-(2-phenylpropan-2-yl)-1H-indazole-3-carboxamide (other names: 5F-CUMYL-PINACA, 5-fluoro CUMYL-PINACA, CUMYL-5F-PINACA);

1-(5-fluoropentyl)-N-(2-phenylpropan-2-yl)pyrrolo[2,3-b]pyridine-3-carboxamide (other name: 5F-CUMYL-P7AICA);

Ethyl 2-[1-(5-fluoropentyl)-1H-indazole-3-carboxamido]-3,3-dimethylbutanoate (other names: 5F-EDMB-PINACA, 5-fluoro EDMB-PINACA);

Ethyl-2-[1-(5-fluoropentyl)-1H-indazole-3-carboxamido]-3-methylbutanoate (other names: 5-fluoro-EMB-PINACA, 5F-AEB);

Ethyl 2-[1-(5-fluoropentyl)-1H-indole-3-carboxamido]-3-methylbutanoate (other name: 5-fluoro-EMB-PICA);

Ethyl-2-[1-(5-fluoropentyl)-1H-indole-3-carboxamido]-3,3-dimethylbutanoate (other name: 5-fluoro EDMB-PICA);

Methyl 2-[1-(4-fluorobutyl)-1H-indole-3-carboxamido]-3,3-dimethylbutanoate (other name: 4-fluoro-MDMB-BUTICA);

Methyl 2-(1-(cyclohexylmethyl)-1H-indole-3-carboxamido)-3,3-dimethylbutanoate (other names: MDMB-CHMICA, MMB-CHMINACA);

N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(pent-4-enyl)indazole-3-carboxamide (other name: ADB-4en-PINACA);

Ethyl 2-[1-pentyl-1H-indazole-3-carboxamido]-3,3-dimethylbutanoate (other name: EDMB-PINACA);

N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-phenethyl-1H-indazole-3-carboxamide (other name: ADB-PHETINACA);

N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)-1H-indole-3-acetamide (other names: ADB-FUBIATA, AD-18, FUB-ACADB).

§ 54.1-3448. Schedule II.

The controlled substances listed in this section are included in Schedule II:

1. Any of the following substances, except those narcotic drugs listed in other schedules, whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by combination of extraction and chemical synthesis:

Opium and opiate, and any salt, compound, derivative, or preparation of opium or opiate, excluding apomorphine, thebaine-derived butorphanol, dextrorphan, nalbuphine, naldemedine, nalmefene, naloxone, naltrexone and their respective salts, but including the following:

Raw opium;

Opium extracts;

Opium fluid extracts;

Powdered opium;

Granulated opium;

Tincture of opium;

Codeine;

Dihydroetorphine;

Ethylmorphine;

Etorphine hydrochloride;

Hydrocodone;

Hydromorphone;

Metopon;

Oripavine (3-O-demethylthebaine or 6,7,8,14-tetradehydro-4, 5-alpha-epoxy-6-methoxy-17-methylmorphinan-3-ol);

Morphine;

Noroxymorphone;

Oxycodone;

Oxymorphone;

Thebaine.

Any salt, compound, isomer, derivative, or preparation thereof which is chemically equivalent or identical with any of the substances referred to in this subdivision, but not including the isoquinoline alkaloids of opium.

Opium poppy and poppy straw.

Coca leaves and any salt, compound, derivative, or preparation of coca leaves, and any salt, compound, derivative, or preparation thereof which is chemically equivalent or identical with any of these substances, but not including decocainized coca leaves or extractions which do not contain cocaine or ecgonine; cocaine or any salt or isomer thereof.

Concentrate of poppy straw, the crude extract of poppy straw in either liquid, solid or powder form, which contains the phenanthrene alkaloids of the opium poppy.

2. Any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, whenever the existence of these isomers, esters, ethers and salts is possible within the specific chemical designation:

Alfentanil;
Alphaprodine;
Anileridine;
Bezitramide;
Bulk dextropropoxyphene (nondosage forms);
Carfentanil;
Dihydrocodeine;
Diphenoxylate;
Fentanyl;
Isomethadone;
Levo-alphacetylmethadol (levo-alpha-acetylmethadol)(levomethadyl acetate)(LAAM);
Levomethorphan;
Levorphanol;
Metazocine;
Methadone;
Methadone — Intermediate, 4-cyano-2-dimethylamino-4, 4-diphenyl butane;
Moramide — Intermediate, 2-methyl-3-morpholino-1, 1-diphenyl-propane-carboxylicacid;
Oliceridine;
Pethidine (other name: meperidine);
Pethidine — Intermediate — A, 4-cyano-1-methyl-4-phenylpiperidine;
Pethidine — Intermediate — B, ethyl-4-phenylpiperidine-4-carboxylate;
Pethidine — Intermediate — C, 1-methyl-4-phenylpiperidine-4-carboxylic acid;
Phenazocine;
Piminodine;
Racemethorphan;
Racemorphan;
Remifentanil;
Sufentanil;
Tapentadol;
Thiafentanil.

3. Any material, compound, mixture or preparation which contains any quantity of the following substances having a potential for abuse associated with a stimulant effect on the central nervous system:

Amphetamine, its salts, optical isomers, and salts of its optical isomers;
Phenmetrazine and its salts;
Any substance which contains any quantity of methamphetamine, including its salts, isomers, and salts of isomers;
Methylphenidate;
Lisdexamfetamine, its salts, isomers, and salts of its isomers.

4. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system, including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

Amobarbital;
Glutethimide;
Secobarbital;
Pentobarbital;
Phencyclidine.

5. The following hallucinogenic substances:

Nabilone;
Dronabinol ((-)-delta-9-trans tetrahydrocannabinol) in an oral solution in a drug product approved for marketing by the U.S. Food and Drug Administration.

6. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances which are:

a. Immediate precursors to amphetamine and methamphetamine:

Phenylacetone.

b. Immediate precursor to phencyclidine:
1-phenylcyclohexylamine;
1-piperidinocyclohexanecarbonitrile (other name: PCC).
c. Immediate precursor to fentanyl:
4-anilino-N-phenethyl-4-piperidine (ANPP).

§ 54.1-3452. Schedule IV.

The controlled substances listed in this section are included in Schedule IV unless specifically excepted or listed in another schedule:

1. Any material, compound, mixture, or preparation which contains any quantity of the following substances having a potential for abuse associated with a depressant effect on the central nervous system:

Alfaxalone (5[alpha]-pregnan-3[alpha]-ol-11,20-dione), previously spelled "alphaxalone," including its salts, isomers, and salts of isomers;
Alprazolam;
Barbital;
Brexanolone;
Bromazepam;
Camazepam;
Carisoprodol;
Chloral betaine;
Chloral hydrate;
Chlordiazepoxide;
Clobazam;
Clonazepam;
Clorazepate;
Clotiazepam;
Cloxazolam;
Daridorexant;
Delorazepam;
Diazepam;
Dichloralphenazone;
Estazolam;
Ethchlorvynol;
Ethinamate;
Ethyl loflazepate;
Fludiazepam;
Flunitrazepam;
Flurazepam;
Fospropofol;
Halazepam;
Haloxazolam;
Ketazolam;
Lemborexant;
Loprazolam;
Lorazepam;
Lormetazepam;
Mebutamate;
Medazepam;
Methohexital;
Meprobamate;
Methylphenobarbital;
Midazolam;
Nimetazepam;
Nitrazepam;
Nordiazepam;
Oxazepam;
Oxazolam;
Paraldehyde;
Petrichloral;
Phenobarbital;
Pinazepam;
Prazepam;

Quazepam;

Remimazolam;

Suvorexant ([(7R)-4-(5-chloro-1,3-benzoxazol-2-yl)-7-methyl-1,4-diazepan-1-yl][5-methyl-2- (2H-1, 2, 3-triazol-2-yl)phenyl]methanone), including its salts, isomers, and salts of isomers;

Temazepam;

Tetrazepam;

Triazolam;

Zaleplon;

Zolpidem;

Zopiclone.

2. Any compound, mixture or preparation which contains any quantity of the following substances including any salts or isomers thereof:

~~Fenfluramine;~~

Lorcaserin.

3. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers (whether optical, position, or geometric), and salts of such isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

Cathine (+)-norpseudoephedrine;

Diethylpropion;

Fencamfamin;

Fenproprex;

Mazindol;

Mefenorex;

Modafinil;

Phentermine;

Pemoline (including organometallic complexes and chelates thereof);

Pipradrol;

Serdexmethylphenidate;

Sibutramine;

Solriamfetol (2-amino-3-phenylpropyl carbamate);

SPA (-)-1-dimethylamino-1,2-diphenylethane.

4. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation containing any of the following narcotic drugs, or their salts calculated as the free anhydrous base or alkaloid, in limited quantities as set forth below:

Dextropropoxyphene (alpha-(+)-4-dimethylamino-1,2-diphenyl-3-methyl-2-propionoxybutane);

Not more than 1 milligram of difenoxin and not less than 25 micrograms of atropine sulfate per dosage unit;

2-[(dimethylamino) methyl]-1-(3-methoxyphenyl)cyclohexanol, its salts, optical and geometric isomers, and salts of such isomers, including tramadol.

5. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances, including their salts:

Butorphanol (including its optical isomers);

Eluxadoline (including its optical isomers and its salts, isomers, and salts of isomers);

Pentazocine.

6. The Board may except by regulation any compound, mixture, or preparation containing any depressant substance listed in subdivision 1 from the application of all or any part of this chapter if the compound, mixture, or preparation contains one or more active medicinal ingredients not having a depressant effect on the central nervous system, and if the admixtures are included therein in combinations, quantity, proportion, or concentration that vitiate the potential for abuse of the substances which have a depressant effect on the central nervous system.

§ 54.1-3454. Schedule V.

The controlled substances listed in this section are included in Schedule V:

1. Any compound, mixture, or preparation containing limited quantities of any of the following narcotic drugs, which also contains one or more nonnarcotic active medicinal ingredients in sufficient proportion to confer upon the compound, mixture, or preparation, valuable medicinal qualities other than those possessed by the narcotic drug alone:

Not more than 200 milligrams of codeine, or any of its salts, per 100 milliliters or per 100 grams;

Not more than 100 milligrams of dihydrocodeine, or any of its salts, per 100 milliliters or per 100 grams;

Not more than 100 milligrams of ethylmorphine, or any of its salts, per 100 milliliters or per 100 grams;

Not more than 2.5 milligrams of diphenoxylate and not less than 25 micrograms of atropine sulfate per dosage unit;

Not more than 100 milligrams of opium per 100 milliliters or per 100 grams;

Not more than 0.5 milligrams of difenoxin and not less than 25 micrograms of atropine sulfate per dosage unit.

The Board may except by regulation any compound, mixture, or preparation containing any depressant substance listed in subdivision 1 from the application of all or any part of this chapter and such substances so excepted may be dispensed pursuant to § 54.1-3416.

2. Unless specifically excepted or listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers, and salts of isomers:

Pyrovalerone.

3. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of the following substances having a depressant effect on the central nervous system, including its salts:

Brivaracetam ((2S)-2-[(4R)-2-oxo-4-propylpyrrolidin-1-yl] butanamide) (also referred to as BRV; UCB-34714; Briviact);

Ezogabine [N-[2-amino-4-(4-fluorobenzylamino)-phenyl]-carbamic acid ethyl ester]-2779;

Gabapentin [1-(aminomethyl)cyclohexaneacetic acid];

Ganaxolone;

Lacosamide [(R)-2-acetoamido-N-benzyl-3-methoxy-propionamide];

Lasmiditan [2,4,6-trifluoro-N-(6-(1-methylpiperidine-4-carbonyl)pyridine-2-yl-benzamide];

Pregabalin [(S)-3-(aminomethyl)-5-methylhexanoic acid].

2. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation is $0 for periods of imprisonment in state adult correctional facilities and is $0 for periods of commitment to the custody of the Department of Juvenile Justice.

CHAPTER 229

An Act to amend and reenact §§ 5.5, 6.19, as amended, 8.12, 10.1, 10.2, 10.3, as amended, and 12.7 of Chapter 213 of the Acts of Assembly of 1960, which provided a charter for the City of Colonial Heights, and to repeal §§ 10.4, 10.5, as amended, 10.6, as amended, and 12.8 of Chapter 213 of the Acts of Assembly of 1960, relating to city manager; city attorney; purchasing; capital improvements.

[S 112]

Approved March 28, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 5.5, 6.19, as amended, 8.12, 10.1, 10.2, 10.3, as amended, and 12.7 of Chapter 213 of the Acts of Assembly of 1960 are amended and reenacted as follows:

§ 5.5. Duties.

It shall be the duty of the city manager to~~:~~ (a) attend all meetings of the council with the right to speak but not to vote; (b) keep the council advised of the financial condition and the future needs of the city and of all matters pertaining to its proper administration, and make such recommendations as may seem to him desirable; (c) prepare and submit the annual budget to the council as provided in Chapter 6 of this charter and be responsible for its administration after its adoption; (d) prepare *or have prepared* in suitable form for publication and submit to the council ~~not later than sixty days after the end of each fiscal year of the city a concise, comprehensive report of the financial transactions and administrative activities of the city government during the preceding fiscal year~~ *a report of the city's annual financial audit in the format and by the due date the Commonwealth of Virginia requires,* and cause to be printed such number of copies thereof as the council shall direct; (e) present adequate financial and activity reports at each regular meeting of the council; and (f) perform such other duties as may be prescribed by this charter or required of him in accordance therewith by the council or which may be required of the chief executive officer of a city by the general laws of the Commonwealth other than the duties conferred on the mayor by this charter.

§ 6.19. Certification of funds.

No payment shall be made and no obligation incurred by or on behalf of the city except in accordance with an appropriation duly made~~;~~, provided that the council shall have the power to authorize and direct ~~and~~ *the* making of expenditures and contracts for the expenditure of funds not appropriated in any budget for the ~~then~~ current fiscal year. No payment shall be made from or obligation incurred against any allotment or appropriation, except those of the ~~School Board~~ *school board*, unless the director of finance shall first ~~certify~~ *determine* that there is a sufficient unexpended and unencumbered balance in such allotment or appropriation to meet the same~~; provided that nothing herein shall be taken to prevent the advance authorization of expenditures for small purchases as provided in this charter. Every payment made in violation of the provisions of this charter shall be deemed illegal and every official who shall knowingly authorize or make such payment or knowingly take part therein and every person who shall knowingly receive such payment or any part thereof shall be jointly and severally liable to the city for the full amount so paid or received. If any officer, member of a board or commission, or employee of the city shall knowingly incur any obligation or shall authorize or make any~~

~~expenditure in violation of the provisions of this charter or knowingly take part therein, such action shall be cause for his removal~~.

§ 8.12. Accounting control of purchasing.

All purchases made and contracts executed by the purchasing agent shall be pursuant to a written requisition, in such form as may be prescribed by the director of finance, from the head of the using agency whose appropriation is to be charged, or from the head of a bureau or other operating unit to whom such authority has been delegated in writing, filed with the purchasing agent~~, except as provided in subsection (f) of § 8.3 of this charter, by the head of the using agency~~. No purchase order made or contract entered into by the purchasing agent shall be valid unless ~~there be endorsed thereon the certificate of~~ the director of finance *determines* that there is an unexpended and unencumbered balance in the appropriation and allotment applicable thereto. Nothing herein, however, shall be taken to prevent the purchasing agent from making purchases from a store's revolving fund which the council is hereby authorized to establish, or from making sales from the stores to the several using agencies based on their requisitions, provided the director of finance ~~certified~~ *determined* that there is an unexpended and unencumbered balance in the appropriation to be charged.

Chapter 10.

~~Department of Law~~ *Office of the City Attorney*.

§ 10.1. ~~Department of law~~ *Office of the City Attorney*.

There shall be ~~a department of law which shall consist of the city attorney and such assistant city attorneys and other employees as may be provided by ordinance~~ *an Office of the City Attorney, which shall consist of the City Attorney and such Deputy and Assistant City Attorneys and other employees as the City Council authorizes*.

§ 10.2. Qualifications ~~and~~*,* appointment*, and compensation of the City Attorney*.

The head of the ~~department of law shall be the city attorney. He shall be an attorney at law licensed to practice under the laws of the Commonwealth. He shall be chosen in the manner provided in § 10.5~~ *Office of the City Attorney shall be the City Attorney. The City Council shall appoint the City Attorney, who shall be an attorney-at-law licensed to practice law in the Commonwealth of Virginia. The City Attorney shall not be required to reside in the City when he is appointed or during his tenure as City Attorney. The City Council shall determine the City Attorney's salary and other compensation*.

§ 10.3. *Powers and duties of the* City ~~attorney; powers and duties~~ *Attorney*.

~~The city attorney shall (a) be the legal advisor of (1) the council, (2) the city manager, (3) the city school board, and (4) all departments, boards, commissions, and agencies of the city, in all matters affecting the interests of the city, and shall, upon written request, furnish a written opinion of any question of law involving their respective official powers and duties; (b) at the request of the city manager or any member of the council, prepare ordinances for introduction and at the request of the council or any member thereof shall examine any ordinance after introduction and render his opinion as to the form and legality thereof; (c) draw or approve all bonds, deeds, leases, contracts or other instruments to which the city or city school board is a part or in which it has an interest; (d) have the management and control of all the law business of the city and of the city school board and the departments, boards, commissions and agencies thereof, or in which the city has an interest, and represent the city and the city school board as counsel in any civil case in which it is interested and in criminal cases in which the constitutionality or validity of any ordinance is brought in issue; (e) with the approval of the council or of the city school board, as the case may be, institute and prosecute all legal proceedings he shall deem necessary or proper to protect the interests of the city or the city school board; (f) attend in person or assign one of his assistants to attend all meetings of the council and any regular meeting of the city school board when requested by the Superintendent of Schools; (g) appoint and remove such assistant city attorneys and other employees as shall be authorized by the council, subject to the provisions of Chapter 9 of this charter as to employees in the classified service, and authorize the assistant city attorneys or any of them or special counsel to perform any of the duties imposed upon him in this charter; and (h) have such other powers and duties as may be assigned to him by ordinance. The city attorney may, with the concurrence of the Commonwealth's Attorney, prosecute misdemeanor violations of city ordinances not prosecuted by the Commonwealth's Attorney pursuant to § 21.7 of this charter. The approval or withholding of approval by the city attorney in the matters provided for in §§ 8.7 (c) and 8.7 (d) shall relate only to the legality of the proposed action.~~ *The City Attorney shall (1) be the legal advisor of the City Council, the City Manager, and all of the City's departments, boards, commissions, and agencies, and he shall furnish to them written or oral opinions concerning any questions of law involving their powers and duties; (2) upon request of the City Manager or any City Council Member, prepare ordinances and resolutions for consideration; (3) draft or approve all bonds, deeds, leases, contracts, or other documents to which the City is a party, and review any other document in which the City has an interest; (4) manage all of the City's legal business and either represent the City as counsel in any civil case in which the City is a party or arrange for other legal counsel to represent the City; (5) with City Council approval, institute and litigate civil legal proceedings he deems necessary or proper to protect the City's interests; (6) whenever practicable, attend in person or have a Deputy or Assistant City Attorney attend City Council meetings; (7) employ Deputy and Assistant City Attorneys and other employees that the City Council approves, contract with special counsel, and authorize the Deputy or Assistant City Attorneys, or special counsel, to perform any duties the City Attorney delegates to them; and (8) have any other power or duty that the City Council assigns to him in an ordinance or resolution or which this Charter or general law imposes on him. The City Attorney may, with the concurrence of the Attorney for the Commonwealth, prosecute misdemeanor violations of the City Code which the Attorney for the Commonwealth does not prosecute.*

§ 12.7. Contracts for capital improvement projects.

~~Whenever any capital improvement project is to be undertaken by the city or any department, board, commission or agency thereof, including the school board, the department of public works shall cause plans, specifications and estimates of cost of such capital improvement project to be made. The school board and department of public utilities may utilize the services of the department of public works in preparing plans, specifications and estimates of cost for capital improvement projects relating to their respective functions but they may, in the discretion of the school board or director of public utilities, as the case may be, cause such plans and specifications to be prepared by their own employees or by architects and engineers engaged for the purpose. In the case of any capital improvement project, except one relating to school buildings and grounds, if the estimate of cost is $10,000 or less it may, in the discretion of the city manager, be constructed either by contract or by the employees of the department of public works or the department of public utilities, as the case may be. If the estimate of cost is more than $10,000, such capital improvement project shall, except as hereinafter provided, be constructed by contract. No contract for any capital improvement project estimated to cost more than $1000 shall be let except upon sealed bids based on the plans and specifications prepared by the department of public utilities, which bids shall be advertised for, received, opened and tabulated by the purchasing agent in the manner and subject to the conditions prescribed by ordinance. The contract shall be awarded by the purchasing agent to the lowest responsible bidder, provided that the city manager, when the estimated cost of the capital improvement project is $10,000 or less, and the council in all cases, may authorize the rejection of all bids, instruct the purchasing agent to readvertise for bids with or without modification of the plans and specifications for such capital improvement project or order the same to be constructed by the department of public works or the department of public utilities, as the case may be. A record of all bids, showing the names of the bidders and the amounts of the bids and indicating in each case the successful bidder, together with the originals of all sealed bids and other documents pertaining to the award of contracts, shall be preserved by the purchasing agent for six years in a file which shall be open to public inspection during regular business hours. No capital improvement project which is essentially a unit shall be divided for the purpose of evading the intent of this section.~~

Before and during the construction of a capital improvement project, the city, and any of its departments, offices, or other component entities administering the project, shall comply with the public procurement requirements specified by general law and the Colonial Heights City Code. Also, before and during the construction of a capital improvement project, the city school board shall comply with the public procurement requirements specified by general law and any policies the school board has adopted.

2. That §§ 10.4, 10.5, as amended, 10.6, as amended, and 12.8 of Chapter 213 of the Acts of Assembly of 1960 are repealed.

CHAPTER 230

An Act to amend and reenact § 24.2-612.2 of the Code of Virginia and to amend the Code of Virginia by adding in Article 4 of Chapter 5 of Title 24.2 a section numbered 24.2-538.1, relating to primary elections; candidates for nomination; withdrawal of candidacy resulting in unopposed primary; primary cancellation and nomination procedure.

[S 131]

Approved March 28, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 24.2-612.2 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding in Article 4 of Chapter 5 of Title 24.2 a section numbered 24.2-538.1 as follows:

§ 24.2-538.1. Procedure when pre-election withdrawal of candidacy results in unopposed primary.

A. If a person who is a candidate for nomination by a political party at a primary election and who has qualified to have his name printed on the ballot for such election, submits, on or after the forty-fourth day before but prior to the Tuesday immediately preceding the primary election, a signed and notarized notice of his intent to withdraw in accordance with § 24.2-612.2, and the result of such withdrawal is one remaining candidate who is now unopposed for nomination by the political party, such remaining candidate shall be declared the nominee of such political party for the office sought and the primary election shall be canceled as set forth in subsection B.

B. Upon receipt of a candidate's signed and notarized notice of withdrawal made pursuant to § 24.2-612.2, the general registrar shall immediately transmit such notice to the local electoral board and the State Board and certify that the remaining candidate, identified by name, is now unopposed for nomination by the political party for the office sought. Within one calendar day of receiving such notice and certification, the State Board shall declare the remaining candidate to be the nominee of such political party for the office sought. As soon as possible thereafter, the local electoral board shall petition the circuit court for the cancellation of the primary election.

C. The State Board shall prescribe the procedures for canceling a primary election pursuant to this section, including instructions for locking and securing voting systems, the disposition of marked and unmarked absentee ballots, and voter notification.

D. The provisions of this section shall not apply to primaries for the nomination of candidates for the office of President of the United States held pursuant to Article 7 (§ 24.2-544 et seq.).

§ 24.2-612.2. Notice of withdrawal of candidates.

A candidate who has qualified to have his name printed on the ballot for an election shall not be deemed to have withdrawn from such election until he has submitted a signed ~~written~~ *and notarized* notice declaring his intent to withdraw from such election and that notice has been received by the general registrar. Such notice shall be provided to the general registrar of the county or city in which ~~he~~ *the candidate* resides. In the case of an election held in more than one county or city, the recipient general registrar shall notify the appropriate general registrars of the candidate's withdrawal.

The Department shall include in its candidate guidance documents the requirements and process for candidate withdrawal.

2. That the provisions of the first enactment of this act shall become effective on January 1, 2025.

CHAPTER 231

An Act to amend and reenact §§ 54.1-2994 and 54.1-2995 of the Code of Virginia, relating to Advance Health Care Planning Registry; amendment of regulations.

[S 154]

Approved March 28, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 54.1-2994 and 54.1-2995 of the Code of Virginia are amended and reenacted as follows:

§ 54.1-2994. Advance Health Care Planning Registry established.

The Department of Health shall make available a secure online central registry for advance health care ~~directives~~ *planning*.

§ 54.1-2995. Filing of documents with the registry; regulations; fees.

A. A person may submit any of the following documents and the revocations of these documents to the Department of Health for filing in the Advance Health Care ~~Directive~~ *Planning* Registry established pursuant to this article:

1. A health care power of attorney.

2. An advance directive created pursuant to Article 8 (§ 54.1-2981 et seq.) or a subsequent act of the General Assembly.

3. A declaration of an anatomical gift made pursuant to the Revised Uniform Anatomical Gift Act (§ 32.1-291.1 et seq.).

4. Any other document that supports advance health care planning, including Durable Do Not Resuscitate Order or portable medical order forms.

B. The document may be submitted for filing only by the person who executed the document or his legal representative or designee and shall be accompanied by any fee required by the Department of Health.

C. All data and information contained in the registry shall remain confidential and shall be exempt from the provisions of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.).

D. The Board of Health shall promulgate regulations to carry out the provisions of this article, which shall include, but not be limited to (i) a determination of who may access the registry, including physicians, other licensed health care providers, the declarant, and his legal representative or designee; (ii) a means of annually reminding registry users of which documents they have registered; and (iii) fees for filing a document with the registry. Such fees shall not exceed the direct costs associated with development and maintenance of the registry and with the education of the public about the availability of the registry, and shall be exempt from statewide indirect costs charged and collected by the Department of Accounts. No fee shall be charged for the filing of a document revoking any document previously filed with the registry.

2. That the Department of Health shall amend the Advance Health Care Planning Registry regulations to include advance health care planning documentation in the list of documents that may be submitted to the registry pursuant to § 54.1-2995 of the Code of Virginia, as amended by this act.

3. That the Department of Health shall amend the Advance Health Care Planning Registry regulations to allow licensed health care providers licensed in the Commonwealth access to the registry for the purpose of collecting advance health care planning information on patients with whom who they have a treatment relationship.

CHAPTER 232

An Act to amend and reenact § 46.2-1209 of the Code of Virginia, relating to towed vehicles; stolen or misused vehicle; police report.

[S 261]

Approved March 28, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 46.2-1209 of the Code of Virginia is amended and reenacted as follows:

§ 46.2-1209. Unattended or immobile vehicles, generally.

A. The provisions of this article shall not apply to any motor vehicle, trailer, semitrailer, or part or combination thereof that weighs less than 75 pounds.

B. No person shall leave any motor vehicle, trailer, semitrailer, or part or combination thereof immobilized or unattended on or adjacent to any roadway if it constitutes a hazard in the use of the highway. No person shall leave any immobilized or unattended motor vehicle, trailer, semitrailer, or part or combination thereof longer than 24 hours on or adjacent to any roadway outside the corporate limits of any city or town, or on an interstate highway or limited access highway, expressway, or parkway inside the corporate limits of any city or town. Any law-enforcement officer or other uniformed employee of the local law-enforcement agency who specifically is authorized to do so by the chief law-enforcement officer or his designee may remove it or have it removed to a storage area for safekeeping and shall report the removal to the Department and to the owner of the motor vehicle, trailer, semitrailer, or combination as promptly as possible. Before obtaining possession of the motor vehicle, trailer, semitrailer, or combination, its owner or successor in interest to ownership shall pay to the parties entitled thereto all costs incidental to its removal or storage. In any violation of this section the owner of such motor vehicle, trailer, semitrailer or part or combination of a motor vehicle, trailer, or semitrailer, shall be presumed to be the person committing the violation; however, this presumption shall be rebuttable by competent evidence.

C. When a motor vehicle, trailer, semitrailer, or part or combination of a motor vehicle, trailer, or semitrailer was stolen or illegally used by a person other than the owner of the vehicle at the time of the theft or used without his authorization, express or implied, it shall be forthwith returned to its owner or the owner's successor in interest, other than an insurance company, who shall be relieved of the payment of any costs charged by the towing operator or storage facility for its daily storage, towing, and recovery fees, provided that the owner removes the vehicle within five business days following the owner's receipt of written notice by certified mail, return receipt requested. If the vehicle's owner fails to remove the vehicle within five days of receipt of such notice, the vehicle shall be released to the owner upon payment of the full costs of storage, towing, and recovery fees, and the owner shall then be entitled to seek reimbursement from the state treasury from the appropriation for criminal charges. The owner shall *provide the report number and the name of the law-enforcement agency receiving the report that the motor vehicle was stolen, illegally used, or used without his permission and* produce a valid motor vehicle registration or other proof of ownership to the employees of the facility wherein the motor vehicle, trailer, semitrailer or part or combination thereof is being stored. In any case in which the identity of the violator cannot be determined, or where it is found by a court that this section was not violated, the costs of daily storage, towing, and recovery fees of the vehicle shall be reimbursed to the towing and recovery operator and paid out of the state treasury from the appropriation for criminal charges. Payment from the treasury shall be made no later than 45 days from the application for such payment. In all cases where an insurance company is the stolen vehicle owner's successor in interest, the motor vehicle, trailer, semitrailer, or part or combination thereof shall be released to the insurance company upon presentation of a valid motor vehicle registration and payment by the insurance company to the towing operator or storage facility for its daily storage, towing, and recovery fees. The insurance company shall be entitled to seek reimbursement for the costs of the daily storage, towing, and recovery fees through the state treasury from the appropriation for criminal charges. If any person convicted of violating this section fails or refuses to pay these costs or if the identity or whereabouts of the owner is unknown and unascertainable after a diligent search has been made, the locality or its authorized agent in possession of the motor vehicle, trailer, semitrailer, or combination thereof shall treat the vehicle as an abandoned vehicle under the provisions of Article 1 (§ 46.2-1200 et seq.).

CHAPTER 233

An Act to amend and reenact §§ 58.1-339.3 and 58.1-439.5 of the Code of Virginia, relating to agricultural best management practices tax credit; sunset date.

[S 297]

Approved March 28, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 58.1-339.3 and 58.1-439.5 of the Code of Virginia are amended and reenacted as follows:

§ 58.1-339.3. Agricultural best management practices tax credit.

A. 1. As used in this section, "agricultural best management practice" means a practice approved by the Virginia Soil and Water Conservation Board that will provide a significant improvement to water quality in the state's streams and rivers and the Chesapeake Bay and is consistent with other state and federal programs that address agricultural, nonpoint source pollution management. A detailed list of the standards and criteria for agricultural best management practices eligible for credit shall be found in the most recently approved "Virginia Agricultural BMP Manual" published annually prior to July 1 by the Department of Conservation and Recreation.

2. For all taxable years beginning on and after January 1, 1998, but before January 1, ~~2025~~ *2030*, any individual who is engaged in agricultural production for market, or has equines that create needs for agricultural best management practices to reduce nonpoint source pollutants, and has in place a soil conservation plan approved by the local Soil And Water Conservation District (SWCD), shall be allowed a refundable credit against the tax imposed by § 58.1-320 in an amount equaling 25 percent of the first $100,000 expended for agricultural best management practices by the individual.

3. For all taxable years beginning on and after January 1, 2021, but before January 1, ~~2025~~ *2030*, any individual who is engaged in agricultural production for market, or who has equines that create needs for agricultural best management

practices to reduce nonpoint source pollutants, and has in place a resource management plan approved by the local SWCD shall be allowed a refundable credit against the tax imposed by § 58.1-320 in an amount equaling 50 percent of the first $100,000 expended for agricultural best management practices implemented by the individual on the acreage included in the resource management plan.

B. 1. Any eligible practice approved by the local Soil and Water Conservation District Board shall be completed within the taxable year in which the credit is claimed. After the practice installation has been completed, the local SWCD Board shall certify the practice as approved and completed, and eligible for credit. The applicant shall forward the certification to the Department of Taxation on forms provided by the Department. The credit shall be allowed only for expenditures made by the taxpayer from funds of his own sources.

2. To the extent that a taxpayer participates in the Virginia Agricultural Best Management Practices Cost-Share Program, the taxpayer may claim the credit under subdivision A 2 for any remaining liability after such cost-share, but may not claim the credit under subdivision A 3 for any such remaining liability, subject to the other provisions of this section. For purposes of this subdivision, "liability after such cost-share" means the limitation of the tax credits to the total costs incurred by the taxpayer for agricultural best management practices reduced by any funding received by participation in the Virginia Agricultural Best Management Practices Cost-Share Program.

C. 1. The aggregate amount of such credit claimed under subdivisions A 2 and 3 shall not exceed $75,000 or the total amount of the tax imposed by this chapter, whichever is less, in the year the project was completed, as certified by the Board. Any taxpayer claiming a tax credit under this section shall not claim a credit under any similar Virginia law for costs related to the same eligible practices. A taxpayer may not claim credit for the same practice in the same management area under both subdivisions A 2 and A 3.

2. If the amount of the credit exceeds the taxpayer's liability for such taxable year, the excess may be refunded by the Tax Commissioner. Tax credits shall be refunded by the Tax Commissioner on behalf of the Commonwealth for 100 percent of face value. Tax credits shall be refunded within 90 days after the filing date of the income tax return on which the individual applies for the refund.

D. For purposes of this section, the amount of any credit attributable to agricultural best management practices by a pass-through entity such as a partnership, limited liability company, or electing small business corporation (S Corporation) shall be allocated to the individual partners, members, or shareholders in proportion to their ownership or interest in such entity.

E. A pass-through tax entity, such as a partnership, limited liability company or electing small business corporation (S corporation), may appoint a tax matters representative, who shall be a general partner, member-manager or shareholder, and register that representative with the Tax Commissioner. The Tax Commissioner shall be entitled to deal with the tax matters representative as representative of the taxpayers to whom credits have been allocated by the entity under this article with respect to those credits. In the event a pass-through tax entity allocates tax credits arising under this article to its partners, members or shareholders and the allocated credits shall be disallowed, in whole or in part, such that an assessment of additional tax against a taxpayer shall be made, the Tax Commissioner shall first make written demand for payment of any additional tax, together with interest and penalties, from the tax matters representative. In the event such payment demand is not satisfied, the Tax Commissioner shall proceed to collection against the taxpayers in accordance with the provisions of Chapter 18 (§ 58.1-1800 et seq.).

§ 58.1-439.5. Agricultural best management practices tax credit.

A. 1. As used in this section, "agricultural best management practice" means a practice approved by the Virginia Soil and Water Conservation Board that will provide a significant improvement to water quality in the state's streams and rivers and the Chesapeake Bay and is consistent with other state and federal programs that address agricultural, nonpoint source pollution management.

A detailed list of the standards and criteria for agricultural best management practices eligible for credit shall be found in the most recently approved "Virginia Agricultural BMP Implementation Manual" published by the Department of Conservation and Recreation.

2. For all taxable years beginning on and after January 1, 1998, but before January 1, ~~2025~~ *2030*, any corporation engaged in agricultural production for market that has in place a soil conservation plan approved by the local Soil and Water Conservation District (SWCD) shall be allowed a refundable credit against the tax imposed by § 58.1-400 of an amount equaling 25 percent of the first $100,000 expended for agricultural best management practices by the corporation.

3. For all taxable years beginning on and after January 1, 2021, but before January 1, ~~2025~~ *2030*, any corporation that is engaged in agricultural production for market, or that has equines that create needs for agricultural best management practices to reduce nonpoint source pollutants, and has in place a resource management plan approved by the local SWCD, shall be allowed a refundable credit against the tax imposed by § 58.1-400 in an amount equaling 50 percent of the first $100,000 expended for agricultural best management practices implemented by the corporation on the acreage included in the resource management plan.

B. 1. Any eligible practice approved by the local Soil and Water Conservation District Board shall be completed within the taxable year in which the credit is claimed. After the practice installation has been completed, the local SWCD Board shall certify the practice as approved and completed, and eligible for credit. The applicant shall forward the certification to the Department of Taxation on forms provided by the Department. The credit shall be allowed only for expenditures made by the taxpayer from funds of his own sources.

2. To the extent that a taxpayer participates in the Virginia Agricultural Best Management Practices Cost-Share Program, the taxpayer may claim the credit under subdivision A 2 for any remaining liability after such cost-share, but may not claim the credit under subdivision A 3 for any such remaining liability, subject to the other provisions of this section. For purposes of this subdivision, "liability after such cost-share" means the limitation of the tax credits to the total costs incurred by the taxpayer for agricultural best management practices reduced by any funding received by participation in the Virginia Agricultural Best Management Practices Cost-Share Program.

C. 1. The aggregate amount of such credit claimed under subdivisions A 2 and 3 shall not exceed $75,000 or the total amount of the tax imposed by this chapter, whichever is less, in the year the project was completed, as certified by the Board. Any taxpayer claiming a tax credit under this section shall not claim a credit under any similar Virginia law for costs related to the same eligible practices. A taxpayer may not claim credit for the same practice in the same management area under both subdivisions A 2 and A 3.

2. If the amount of the credit exceeds the taxpayer's liability for such taxable year, the excess shall be refunded by the Tax Commissioner. Tax credits shall be refunded by the Tax Commissioner on behalf of the Commonwealth for 100 percent of face value. Tax credits shall be refunded within 90 days after the filing date of the income tax return on which the taxpayer applies for the refund.

D. For purposes of this section, the amount of any credit attributable to agricultural best management practices by a partnership or electing small business corporation (S Corporation) shall be allocated to the individual partners or shareholders in proportion to their ownership or interest in the partnership or S Corporation.

CHAPTER 234

An Act to amend and reenact §§ 58.1-337 and 58.1-436 of the Code of Virginia, relating to tax credit for purchase of conservation tillage and precision agricultural application equipment; sunset date.

[S 298]

Approved March 28, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 58.1-337 and 58.1-436 of the Code of Virginia are amended and reenacted as follows:

§ 58.1-337. Tax credit for purchase of conservation tillage and precision agriculture equipment.

A. 1. For taxable years beginning on or after January 1, 2021, but before January 1, ~~2026~~ *2030*, any individual engaged in agricultural production for market who has in place a soil conservation plan approved by the local soil and water conservation district and is implementing a nutrient management plan developed by a certified nutrient management planner in accordance with § 10.1-104.2 by the required tax return filing date of the individual shall be allowed a refundable credit against the tax imposed by § 58.1-320 of an amount equaling 25 percent of all expenditures made by such individual for the purchase of equipment certified by the Virginia Soil and Water Conservation Board as reducing soil compaction such as a "no-till" planter, drill, or other equipment or equipment that provides more precise pesticide and fertilizer application or injection. For purposes of this section, equipment that reduces soil compaction includes equipment utilizing guidance systems to control traffic patterns that are designed to minimize the disturbance of soil in planting crops, including such planters, drills, or other equipment that may be attached to equipment already owned by the taxpayer.

2. Virginia Polytechnic Institute and State University and Virginia State University shall provide at the request of the Virginia Soil and Water Conservation Board technical assistance in determining appropriate specifications for certified equipment which would provide for more precise pesticide and fertilizer application to reduce the potential for adverse environmental impacts. The equipment shall be divided into the following categories:

a. Sprayers for pesticides and liquid fertilizers;

b. Pneumatic fertilizer applicators;

c. Monitors, computer regulators, and height-adjustable booms for sprayers and liquid fertilizer applicators;

d. Manure applicators;

e. Tramline adapters; and

f. Starter fertilizer banding attachments for planters.

3. The amount of such credit under this subsection shall not exceed $17,500 in the year of purchase. If the amount of the credit exceeds the taxpayer's liability for such taxable year, the excess may be refunded by the Tax Commissioner. Tax credits shall be refunded by the Tax Commissioner on behalf of the Commonwealth for 100 percent of face value. Tax credits shall be refunded within 90 days after the filing date of the income tax return on which the individual applies for the refund.

4. For purposes of this subsection, the amount of any credit attributable to the purchase of equipment certified by the Virginia Soil and Water Conservation Board as reducing soil compaction or providing more precise pesticide and fertilizer application or injection by a partnership or electing small business corporation (S corporation) shall be allocated to the individual partners or shareholders in proportion to their ownership or interest in the partnership or S corporation.

B. 1. For taxable years beginning before January 1, 2021, any individual engaged in agricultural production for market who has in place a nutrient management plan approved by the local soil and water conservation district by the required tax return filing date of the individual shall be allowed a credit against the tax imposed by § 58.1-320 of an amount equaling

25 percent of all expenditures made by such individual for the purchase of equipment certified by the Virginia Soil and Water Conservation Board as providing more precise pesticide and fertilizer application. Virginia Polytechnic Institute and State University and Virginia State University shall provide at the request of the Virginia Soil and Water Conservation Board technical assistance in determining appropriate specifications for certified equipment which would provide for more precise pesticide and fertilizer application to reduce the potential for adverse environmental impacts. The equipment shall be divided into the following categories:

a. Sprayers for pesticides and liquid fertilizers;

b. Pneumatic fertilizer applicators;

c. Monitors, computer regulators, and height-adjustable booms for sprayers and liquid fertilizer applicators;

d. Manure applicators;

e. Tramline adapters; and

f. Starter fertilizer banding attachments for planters.

2. The amount of such credit under subdivision 1 shall not exceed $3,750 or the total amount of the tax imposed by this chapter, whichever is less, in the year of purchase. If the amount of such credit exceeds the taxpayer's tax liability for such taxable year, the amount which exceeds the tax liability may be carried over for credit against the income taxes of such individual in the next five taxable years until the total amount of the tax credit has been taken.

3. For purposes of this subsection, the amount of any credit attributable to the purchase of equipment certified by the Virginia Soil and Water Conservation Board as providing more precise pesticide and fertilizer application by a partnership or electing small business corporation (S corporation) shall be allocated to the individual partners or shareholders in proportion to their ownership or interest in the partnership or S corporation.

§ 58.1-436. Tax credit for purchase of conservation tillage and precision agricultural application equipment.

A. 1. For taxable years beginning on or after January 1, 2021, but before January 1, ~~2026~~ *2030*, any corporation engaged in agricultural production for market which has in place a soil conservation plan approved by the local soil and water conservation district and is implementing a nutrient management plan developed by a certified nutrient management planner in accordance with § 10.1-104.2 by the required tax return filing date of the corporation shall be allowed a refundable credit against the tax imposed by § 58.1-400 in an amount equaling 25 percent of all expenditures made by such corporation for the purchase of equipment certified by the Virginia Soil and Water Conservation Board as reducing soil compaction such as a "no-till" planter, drill, or other equipment or equipment that provides more precise pesticide and fertilizer application or injection. For purposes of this section, equipment that reduces soil compaction includes equipment utilizing guidance systems to control traffic patterns that are designed to minimize the disturbance of soil in planting crops, including such planters, drills, or other equipment that may be attached to equipment already owned by the taxpayer.

2. Virginia Polytechnic Institute and State University and Virginia State University shall provide at the request of the Virginia Soil and Water Conservation Board technical assistance in determining appropriate specifications for certified equipment which would provide for more precise pesticide and fertilizer application to reduce the potential for adverse environmental impacts. The equipment shall be divided into the following categories:

a. Sprayers for pesticides and liquid fertilizers;

b. Pneumatic fertilizer applicators;

c. Monitors, computer regulators, and height-adjustable booms for sprayers and liquid fertilizer applicators;

d. Manure applicators;

e. Tramline adapters; and

f. Starter fertilizer banding attachments for planters.

3. The amount of such credit under this subsection shall not exceed $17,500 in the year of purchase. If the amount of the credit exceeds the taxpayer's liability for such taxable year, the excess shall be refunded by the Tax Commissioner. Tax credits shall be refunded by the Tax Commissioner on behalf of the Commonwealth for 100 percent of face value. Tax credits shall be refunded within 90 days after the filing date of the income tax return on which the taxpayer applies for the refund.

4. For purposes of this subsection, the amount of any credit attributable to the purchase of equipment certified by the Virginia Soil and Water Conservation Board as reducing soil compaction or providing more precise pesticide and fertilizer application or injection by a partnership or S corporation shall be allocated to the individual partners or shareholders in proportion to their ownership or interest in the partnership or S corporation.

B. 1. For taxable years beginning before January 1, 2021, any corporation engaged in agricultural production for market which has in place a nutrient management plan approved by the local soil and water conservation district by the required tax return filing date of the corporation shall be allowed a credit against the tax imposed by § 58.1-400 of an amount equaling 25 percent of all expenditures made by such corporation for the purchase of equipment certified by the Virginia Soil and Water Conservation Board as providing more precise pesticide and fertilizer application. Virginia Polytechnic Institute and State University and Virginia State University shall provide at the request of the Virginia Soil and Water Conservation Board technical assistance in determining appropriate specifications for certified equipment which would provide for more precise pesticide and fertilizer application to reduce the potential for adverse environmental impacts. The equipment shall be divided into the following categories:

a. Sprayers for pesticides and liquid fertilizers;

b. Pneumatic fertilizer applicators;

c. Monitors, computer regulators, and height adjustable booms for sprayers and liquid fertilizer applicators;

d. Manure applicators;

e. Tramline adapters; and

f. Starter fertilizer banding attachments for planters.

2. The amount of such credit under subdivision 1 shall not exceed $3,750 or the total amount of the tax imposed by this chapter, whichever is less, in the year of purchase. If the amount of such credit exceeds the taxpayer's tax liability for such taxable year, the amount which exceeds the tax liability may be carried over for credit against the income taxes of such corporation in the next five taxable years until the total amount of the tax credit has been taken. Credits granted to a partnership or electing small business corporation (S corporation) shall be passed through to the partners or shareholders, respectively.

3. For purposes of this subsection, the amount of any credit attributable to the purchase of equipment certified by the Virginia Soil and Water Conservation Board as providing more precise pesticide and fertilizer application by a partnership or S corporation shall be allocated to the individual partners or shareholders in proportion to their ownership or interest in the partnership or S corporation.

CHAPTER 235

An Act to require the Virginia Waste Management Board to amend regulations for open burning of solid wastes; transportation of vegetative waste.

[S 342]

Approved March 28, 2024

Be it enacted by the General Assembly of Virginia:

1. *§ 1. That the Virginia Waste Management Board shall amend 9VAC20-81-95, Identification of solid waste, to allow for vegetative waste to be transported to another location for open burning if it is impractical or unsafe to destroy such waste on the premises of private property.*

CHAPTER 236

An Act to amend and reenact §§ 60.2-528.1 and 60.2-619 of the Code of Virginia, relating to unemployment compensation; employer failure to respond to requests for information; determinations and decisions by deputy.

[S 381]

Approved March 28, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 60.2-528.1 and 60.2-619 of the Code of Virginia are amended and reenacted as follows:

§ 60.2-528.1. Charging of benefits relating to certain overpayments; penalty for pattern of failure to respond to requests for information.

A. As used in this section, unless the context requires a different meaning:

"Employer," with regard to the timeliness and adequacy of responses, includes an agent of the employer used by the employer to respond to the Commission on the employer's behalf; however, an employer's agent's failure to respond timely or adequately to requests for information with regard to claims involving the agent's other clients shall not be used in determining whether the employer has established a pattern of failing to respond timely or adequately to written requests for information.

"Erroneous payment" means a payment of benefits under this title made prior to a determination by the Commission that the claimant is not eligible or qualified for the benefits paid.

"Information relating to a claim" means information material to a determination or decision by the Commission relating to the payment of benefits under this title, including separation information and information required by the Commission for the establishment of a claim for compensation and information about wages, days, and hours worked.

"Review period" means the 48 consecutive calendar month period ending on the June 30 that precedes the Commission's next annual calculation of the employer's benefit ratio pursuant to subdivision A 1 a of § 60.2-530.

"Written request" includes a request sent electronically.

B. An employer's account shall not be relieved of charges relating to an erroneous payment if the Commission determines that~~:1. The erroneous payment was made because~~ the employer *has* failed to respond timely or adequately to a written request by the Commission for information relating to the claim~~;~~ and

~~2. The~~ *the* employer has established a pattern of failing to respond timely or adequately to written requests by the Commission for information relating to claims.

C. For purposes of this section, an employer's response to a written request by the Commission for information relating to a claim shall be deemed not to be:

1. "Adequate" if it fails to provide sufficient material facts to enable the Commission to make a correct determination regarding a claim for benefits; however, (i) a response shall not be deemed inadequate if the Commission failed to request

the necessary information or if information is provided in a format other than as requested, provided that the information is capable of being read by the recipient, and (ii) there shall be a rebuttable presumption that an employer that participates in a fact-finding interview or responds fully to the questions set out on the written request for information has provided an adequate response; or

2. "Timely" if it is not made within 10 calendar days after the delivery or mailing of the Commission's request for information.

D. An employer shall be deemed to have established a pattern of failing to respond timely or adequately to written requests for information relating to claims if the Commission determines that the employer has failed to respond timely or adequately to a written request for information relating to a claim on ~~four~~ *three* or more occasions within the applicable review period. The Commission shall not find that an employer has established a pattern of failing to respond timely or adequately to written requests for information relating to claims unless the Commission has provided the employer with the notices required pursuant to subsection E. *The Commission shall include in any written request for information from an employer notice of (i) the deadline to provide a timely response, (ii) the requirement to provide an adequate response, and (iii) the consequences of such employer's failure to provide such timely and adequate response.*

E. The Commission shall provide the employer with a written notice following ~~the employer's first, second, and third determinations that~~ *each instance in which* the employer ~~failed~~ *fails* to respond timely or adequately to a written request for information relating to a claim ~~within the applicable review period~~. Each such notice shall be *electronically* delivered*, including delivery through the Employer Self-Service Tax System website maintained by the Commission,* or mailed to the ~~employer's last known address of agency record~~ *employer* and shall advise the employer of the ~~potential~~ implications of the employer's failure to respond timely or adequately to written requests for such information. *The Commission shall (i) provide employers who are not registered for a State Information Data Exchange System E-Response or System Integration Account in Virginia with the option to elect delivery of such notices to a designated mailing address and (ii) ensure such notices are delivered to a physical or electronic mailing address customarily used by the employer's designated attorney or authorized representative for unemployment insurance claim matters.*

F. *1.* Upon the Commission's ~~third~~ *second* determination within the applicable review period that an employer failed to respond timely or adequately to a written request for information relating to a claim, the Commission shall assess upon the employer a civil penalty of ~~$75~~ *$100*. A copy of the notice of assessment of a civil penalty shall be delivered or mailed to the employer with the notice of the employer's ~~third~~ *second* such failure as required pursuant to subsection E. Civil penalties collected pursuant to this subsection shall be paid into the Special Unemployment Compensation Administration Fund established pursuant to § 60.2-314. The Commission may compromise, settle, and adjust any such penalty as authorized by § 60.2-521.

2. Upon the Commission's third determination, and for each subsequent determination, within the applicable review period that an employer failed to respond timely or adequately to a written request for information relating to a claim, the employer shall be considered to have waived all rights in connection with the claim, including participation and appeal rights otherwise available pursuant to Article 5 (§ 60.2-619 et seq.) of Chapter 6, unless the employer demonstrates to the Commission that good cause exists for such failure.

G. An employer shall not be found to have failed to respond timely or adequately to a written request by the Commission for information relating to a claim if the Commission finds good cause for such failure. The Commission may not find good cause for an employer's failure to respond timely or adequately to such a written request unless the failure is due to compelling and necessitous circumstances beyond the employer's control. *The Commission shall find good cause for an employer's failure to respond timely or adequately to such a written request if the employer demonstrates that the Commission (i) did not deliver such request to the physical or electronic mailing address specified in writing by the employer for unemployment insurance claim matters or (ii) did not deliver such request to the employer's designated attorney or authorized representative for unemployment insurance claim matters.*

H. If the Commission has determined that an employer has established a pattern of failing to respond timely or adequately to written requests for information relating to claims, such determination shall remain in effect until the end of the applicable review period. Any benefit charges for an erroneous payment that the Commission has determined are not to be relieved from the employer's account pursuant to subsection B shall remain chargeable to the employer's account through the period ending on the fourth June 30 following the Commission's determination.

I. ~~The issue of whether an employer's account shall be relieved of charges relating to an erroneous payment, including whether an erroneous payment was made because the employer failed to respond timely or adequately to a written request by the Commission for information relating to the claim, shall be decided in every Commission proceeding arising from an employer's appeal of an award of benefits. Any such decision shall be subject to appeal pursuant to § 60.2-620. Final decisions shall be used in determining whether the employer has established a pattern of failing to respond timely or adequately to written requests for information relating to claims, whether the employer is subject to a civil penalty pursuant to subsection F, and whether the Commission has given the notices required pursuant to subsection E.~~

~~J.~~ The costs of benefits charged to any governmental entity, Indian tribe, or nonprofit entity that is a reimbursable employing unit under this title shall not include any credits of benefit overpayments actually collected by the Commission if the Commission finds that ~~the overpayment was made because~~ the entity or its agent was at fault for failing to respond timely or adequately to a written request for information relating to a claim and the entity or agent has established a pattern of failing to respond timely or adequately to such requests.

~~K.~~ *J.* If the erroneous payment results from a combined-wage claim, the determination of noncharging for the combined-wage claim shall be made by the paying state. If the response from the employer does not meet the criteria established by the paying state for an adequate or timely response, the paying state shall promptly notify the transferring state of its determination, and the employer shall be appropriately charged.

~~L.~~ *K.* This section applies to erroneous payments established on or after July 7, 2013.

§ 60.2-619. Determinations and decisions by deputy; appeals therefrom.

A. 1. A representative designated by the Commission as a deputy~~,~~ shall promptly examine the claim. *The deputy shall only examine or consider in the claim review process information or evidence from an employer or third party if the deputy (i) has provided the claimant with a reasonable opportunity to review and respond to all potentially disqualifying issues or conflicting or otherwise adverse material facts within such information or evidence, (ii) has documented all material responsive information received from the claimant pursuant to clause (i), and (iii) considers material responsive information in the deputy's evaluation of the claim.* On the basis of the facts found by him, the deputy shall either:

a. Determine whether or not such claim is valid, and if valid, the week with respect to which benefits shall commence, the weekly benefit amount payable and the maximum duration thereof; or

b. Refer such claim or any question involved therein to any appeal tribunal or to the Commission, which tribunal or Commission shall make its determination in accordance with the procedure described in § 60.2-620.

2. When the payment or denial of benefits will be determined by the provisions of subdivision A 2 of § 60.2-612, the deputy shall promptly transmit his full finding of fact with respect to that subdivision to any appeal tribunal, which shall make its determination in accordance with the procedure described in § 60.2-620.

B. Upon the filing of an initial claim for benefits, the Commission shall cause an informatory notice of such filing to be mailed to the most recent 30-day or 240-hour employing unit of the claimant and all subsequent employing units, and any reimbursable employing units which may be liable for reimbursement to the Commission for any benefits paid. However, the failure to furnish such notice shall not have any effect upon the claim for benefits.

C. Notice of determination upon a claim*, the reasoning behind the decision, and a statement of case-specific facts material to the determination* shall be promptly given to the claimant by delivering or by mailing such notice to the claimant's last known address. In addition, notice of any determination which involves the application of the provisions of § 60.2-618, together with the reasons therefor, shall be promptly given in the same manner to the most recent 30-day or 240-hour employing unit by whom the claimant was last employed and any subsequent employing unit which is a party. The Commission may dispense with the giving of notice of any determination to any employing unit, and such employing unit shall not be entitled to such notice if it has failed to respond timely or adequately to a written request of the Commission for information, as required by § 60.2-528.1, from which the deputy may have determined that the claimant may be ineligible or disqualified under any provision of this title. The deputy shall promptly notify the claimant of any decision made by ~~him~~ *the deputy, the reasoning behind the decision, and a statement of case-specific facts material to the determination* at any time which in any manner denies benefits to the claimant for one or more weeks. *As used in this subsection, the reasoning behind the decision means an explanation in plain language of (i) the law or regulation upon which the determination is based; (ii) the application of the law to the material information or evidence obtained from the claimant, employer, or third party; and (iii) the legal conclusion drawn from the application of the law to such information or evidence.*

D. Such determination or decision shall be final unless the claimant or any such employing unit files an appeal from such determination or decision (i) within 30 calendar days after the delivery of such notification, (ii) within 30 calendar days after such notification was mailed to his last known address, or (iii) within 30 days after such notification was mailed to the last known address of an interstate claimant. For good cause shown, the 30-day period may be extended. A claim that the Commission has determined to be invalid because of monetary ineligibility shall first be subject to review only upon a request for redetermination pursuant to § 60.2-629. The Commission shall issue a new monetary determination as a result of such review, and such monetary determination shall become final unless appealed by the claimant within 30 days of the date of mailing. The Commission shall clearly set out the process for requesting a redetermination and the process for filing an appeal on each monetary determination issued. Monetary ineligibility does not include an appeal on the effective date of the claim, unless the claimant has requested and received a redetermination of the monetary determination pursuant to § 60.2-629.

E. Benefits shall be paid promptly in accordance with a determination or redetermination under this chapter, or decision of an appeal tribunal, the Commission, the Board of Review or a reviewing court under §§ 60.2-625 and 60.2-631 upon the issuance of such determination, redetermination or decision, regardless of the pendency of the period to file an appeal or petition for judicial review that is provided in this chapter, or the pendency of any such appeal or review. Such benefits shall be paid unless or until such determination, redetermination or decision has been modified or reversed by a subsequent redetermination or decision, in which event benefits shall be paid or denied for weeks of unemployment thereafter in accordance with such modifying or reversing redetermination or decision. If a decision of an appeal tribunal allowing benefits is affirmed in any amount by the Commission, benefits shall continue to be paid until such time as a court decision has become final so that no further appeal can be taken. If an appeal is taken from the Commission's decision, benefits paid shall result in a benefit charge to the account of the employer under § 60.2-530 only when, and as of the date on which, as the result of an appeal, the courts finally determine that the Commission should have awarded benefits to the claimant or claimants involved in such appeal.

2. That the provisions of this act shall become effective on July 1, 2025.

3. That the provisions of this act amending § 60.2-528.1 of the Code of Virginia shall apply to erroneous payments established on or after July 1, 2025.

CHAPTER 237

An Act to amend and reenact § 19.2-48.1 of the Code of Virginia, relating to quarters for magistrates; certain minimum standards for security and accessibility.

[S 386]

Approved March 28, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 19.2-48.1 of the Code of Virginia is amended and reenacted as follows:

§ 19.2-48.1. Quarters for magistrates.

A. The counties and cities served by a magistrate or magistrates shall provide suitable quarters for such magistrates, including a site for any videoconferencing *and other* equipment necessary to provide *secure,* remote access *and the transmission of paperwork* to such magistrates *by the public and law-enforcement officers*. ~~Insofar as possible, such~~ *Such* quarters ~~should~~ *shall* be located in a ~~public~~ facility *open to the public* and ~~should be~~ appropriate to conduct the affairs of a judicial officer as well as provide convenient*, 24-hour* access to the public and law-enforcement officers. *Where practicable, such quarters shall be in a courthouse or a law-enforcement office where business is regularly conducted and shall include an entrance, exit, and parking for magistrates that is separate from those for members of the public. Such quarters shall provide for the physical security of the magistrate and shall include controlled access to interior spaces or intrusion detection, a secure physical barrier between the magistrate and members of the public, and a readily accessible duress button that connects the magistrate to local law enforcement.* The county or city shall also provide all furniture and other equipment necessary for the efficient operation of the office.

B. Wherever practical, the office of magistrate shall be located at the county seat. However, offices may be located at other locations in the county, or city adjacent thereto, whenever such additional offices are necessary to effect the efficient administration of justice.

CHAPTER 238

An Act to amend and reenact § 2.2-1503.1 of the Code of Virginia, relating to six-year financial plan.

[S 399]

Approved March 28, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 2.2-1503.1 of the Code of Virginia is amended and reenacted as follows:

§ 2.2-1503.1. Filing of six-year financial outline by Governor.

A. On or before the first day of each regular session of the General Assembly ~~held in an even-numbered year~~, the Governor shall prepare and submit to the members of the General Assembly a financial plan for a prospective period of six years. The plan shall consist of (i) the Governor's biennial budget submitted pursuant to subsection A of § 2.2-1508, (ii) estimates of anticipated general fund and nongeneral fund revenue prepared for an additional period of four years pursuant to § 2.2-1503, and (iii) estimates of the general and nongeneral fund appropriations required for each major program for an additional period of four years. In preparing such financial plan, the Governor may utilize the estimate prepared by each agency pursuant to § 2.2-1504, or such other information as he may deem necessary.

B. The financial plan required by this section shall ensure a structural balance between the projected revenues described in clause (ii) of subsection A and the projected expenditures described in clause (iii) of subsection A consistent with the provisions of Article X, Section 7 of the Constitution of Virginia.

CHAPTER 239

An Act to amend and reenact §§ 44-93 and 44-204 of the Code of Virginia, relating to military leaves of absence for employees of the Commonwealth or political subdivisions; professional firefighters.

[S 401]

Approved March 28, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 44-93 and 44-204 of the Code of Virginia are amended and reenacted as follows:

§ 44-93. Leaves of absence for employees of the Commonwealth or political subdivisions.

A. All officers and employees of the Commonwealth or of any political subdivision of the Commonwealth who are former members of the armed services or members of the organized reserve forces of any of the armed services of the United States or National Guard shall be entitled to leaves of absence from their respective duties, without loss of seniority,

accrued leave, or efficiency rating, on all days during which they are engaged in federally funded military duty, to include training duty, or when called forth by the Governor pursuant to the provisions of § 44-75.1 or ~~§~~ 44-78.1.

There shall be no loss of regular employer pay during such leaves of absence, except that paid leaves of absence for federally funded military duty, to include training duty, shall not exceed 21 workdays per federal fiscal year*, unless such officer or employee is a professional firefighter*, and except that no officers or employees shall receive paid leave for more than 21 workdays per federally funded tour of active military duty. *Any officer or employee of the Commonwealth or of any political subdivision of the Commonwealth who is a professional firefighter shall receive paid leaves of absence for all work hours for which a leave of absence is required, regardless of whether such amount of work hours exceeds 21 workdays per federal fiscal year but shall not exceed a total of 388 work hours, during which such officer or employee who is a professional firefighter is engaged in federally funded military duty, to include training duty, or is called forth by the Governor pursuant to the provisions of § 44-75.1 or 44-78.1.*

When relieved from *any* such duty, ~~they~~ *officers and employees described in this section* shall be restored to positions held by them when ordered to duty. If the office or position has been abolished or otherwise has ceased to exist during such leave of absence, they shall be reinstated in a position of like seniority, status*,* and pay, if the position exists, or in a comparable vacant position for which they are qualified, unless to do so would be unreasonable.

For the purposes of this section, with respect to employees of the Commonwealth or its political subdivisions who do not normally work approximately equal workdays on five or more days of each calendar week, the term "workday" shall mean 1/260 of the total working hours such employee would be scheduled to work during an entire federal fiscal year, not taking into account any state holidays, annual leave, military leave, or other absences. Where such employee returns from federally funded military duty and the eight-hour rest period required by the Uniformed Services Employment and Reemployment Rights Act (38 U.S.C. § 4301 et seq.) overlaps such employee's scheduled work shift, the employee shall receive paid military leave to the extent of such overlap.

B. In addition to the provisions of subsection A, any local government may pay such employee when activated for federally funded military duty all or any portion of the difference between his regular pay and the military pay received during all or any part of the term of active federally funded duty.

§ 44-204. Leaves of absence for employees of Commonwealth or political subdivisions.

All officers and employees of the Commonwealth, or of any political subdivision of the Commonwealth who are members of the Virginia Defense Force or National Defense Executive Reserve shall be entitled to leaves of absence from their respective duties without loss of pay, seniority, accrued leave*,* or efficiency rating on all days during which they shall be engaged in training approved by the Governor or his designee, not to exceed 21 workdays per federal fiscal year *unless such officer or employee is a professional firefighter. Any officer or employee of the Commonwealth or of any political subdivision of the Commonwealth who is a professional firefighter and a member of the Virginia Defense Force or National Defense Executive Reserve shall receive paid leaves of absence for all work hours that a leave of absence is required, regardless of whether such amount of work hours exceeds 21 workdays per federal fiscal year but shall not exceed a total of 388 work hours, during which such officer or employee who is a professional firefighter shall be engaged in training approved by the Governor or his designee.* When relieved from *any* such duty, ~~they~~ *officers and employees described in this section* shall be restored to positions held by them when ordered to duty.

CHAPTER 240

An Act to direct the Department of Agriculture and Consumer Services to convene a work group relating to blue catfish; report.

[S 402]

Approved March 28, 2024

Be it enacted by the General Assembly of Virginia:

1. *§ 1. That the Department of Agriculture and Consumer Services (the Department) shall, in order to support and encourage coordination regarding efforts to create a robust and resilient market for blue catfish, convene a work group of stakeholders that have a vested interest in reducing the negative ecological effects of blue catfish and increasing the marketing, processing, and sale of blue catfish in the Commonwealth. The work group shall include representatives of the following: the Marine Resources Commission, the Department of Corrections, the Department of Education, the James River Association, the Virginia Seafood Agricultural Research and Extension Center, the Marine Products Board, the Virginia Institute of Marine Science, the Virginia Waterman's Association, the Virginia Restaurant, Lodging & Travel Association, current and prospective blue catfish processors, Friends of the Rappahannock, the Chesapeake Bay Foundation, and other state agencies or stakeholders deemed necessary by the Department. The work group shall (i) review past and ongoing efforts to promote the creation of a market for blue catfish, (ii) identify and explore potential sectors for the blue catfish market, and (iii) identify any actions that the Commonwealth can take to promote and expand the market for blue catfish. The Department shall submit a report of the findings and recommendations of the work group to the Governor, the Secretary of Agriculture and Forestry, the Secretary of Natural and Historic Resources, and the Chairs of the Senate Committee on Agriculture, Conservation and Natural Resources, the Senate Committee on Finance and Appropriations, the*

House Committee on Agriculture, Chesapeake and Natural Resources, and the House Committee on Appropriations no later than September 1, 2025.

CHAPTER 241

An Act to amend and reenact § 3.2-6521 of the Code of Virginia, relating to rabies clinics; animal vaccination and microchip services.

[S 412]

Approved March 28, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 3.2-6521 of the Code of Virginia is amended and reenacted as follows:

§ 3.2-6521. Rabies inoculation of companion animals; availability of certificate; rabies clinics.

A. The owner or custodian of all dogs and cats four months of age and older shall have such animal currently vaccinated for rabies by a licensed veterinarian or licensed veterinary technician who is under the immediate and direct supervision of a licensed veterinarian on the premises unless otherwise provided by regulations. The supervising veterinarian on the premises shall provide the owner or custodian of the dog or the cat with a rabies vaccination certificate or herd rabies vaccination certificate and shall keep a copy in his own files. The owner or custodian of the dog or the cat shall furnish within a reasonable period of time, upon the request of an animal control officer, humane investigator, law-enforcement officer, State Veterinarian's representative, or official of the Department of Health, the certificate of vaccination for such dog or cat. The vaccine used shall be licensed by the U.S. Department of Agriculture for use in that species. At the discretion of the local health director, a medical record from a licensed veterinary establishment reflecting a currently vaccinated status may serve as proof of vaccination.

B. All rabies clinics require the approval by the appropriate local health department and governing body. The licensed veterinarian who administers rabies vaccinations at the clinic shall (i) provide the owner or custodian a rabies vaccination certificate for each vaccinated animal and (ii) ensure that a licensed veterinary facility retains a copy of the rabies vaccination certificate. The sponsoring organization of a rabies clinic shall, upon the request of the owner or custodian, an animal control officer, a humane investigator, a law-enforcement officer, a State Veterinarian's representative, a licensed veterinarian, or an official of the Department of Health, provide the name and contact information of the licensed veterinary facility where a copy of the rabies vaccination certificate is retained. However, the county or city shall ensure that a clinic is conducted to serve its jurisdiction at least once every two years.

C. *Rabies clinics approved by the appropriate local health department and governing body may offer microchipping and additional animal health vaccines at the discretion of the licensed veterinarian or veterinarians participating in the clinic. Any licensed veterinarian who administers animal health vaccinations at the clinic shall (i) provide the owner or custodian of an animal a vaccination record for each vaccinated animal and (ii) ensure that a licensed veterinary establishment retains a copy of each vaccination record. Licensed veterinary technicians may administer animal health vaccines at a rabies clinic under the immediate and direct supervision of a licensed veterinarian on the premises unless otherwise provided by regulations.*

D. Local health departments shall submit a report to the Department of Health no later than December 31 of each year that includes (i) the number and location of rabies clinics approved pursuant to subsections B and C and (ii) the number and type of vaccinations administered, the number of microchips administered, and the number of veterinarians and veterinary technicians in attendance at each clinic to determine the type of service utilized.

E. Vaccination subsequent to a summons to appear before a court for failure to do so shall not operate to relieve such owner from the penalties or court costs provided under § 16.1-69.48:1 or 17.1-275.7.

~~D.~~ *F.* The Board of Health shall, by regulation, provide an exemption to the requirements of subsection A if an animal suffers from an underlying medical condition that is likely to result in a life-threatening condition in response to vaccination and such exemption would not risk public health and safety. For the purposes of § 3.2-6522, such exemption shall mean that the animal is considered not currently vaccinated for rabies. For the purposes of §§ 3.2-5902, 3.2-6526, and 3.2-6527, such exemption shall be considered in place of a current certificate of vaccination.

CHAPTER 242

An Act to amend and reenact §§ 15.2-107, 15.2-201, 15.2-202, 15.2-301, 15.2-503, 15.2-603, 15.2-716, 15.2-749, 15.2-903, 15.2-907.2, 15.2-909, 15.2-958.3, 15.2-958.6, 15.2-1201, 15.2-1301, 15.2-1427, 15.2-1702, 15.2-1703, 15.2-1719, 15.2-2006, 15.2-2101, 15.2-2105, 15.2-2108.7, 15.2-2108.21, 15.2-2114, 15.2-2204, 15.2-2270, 15.2-2271, 15.2-2272, 15.2-2316.2, 15.2-2321, 15.2-2400, 15.2-2401, 15.2-2409, 15.2-2506, 15.2-2507, 15.2-2606, 15.2-2610, 15.2-2652, 15.2-2653, 15.2-3236, 15.2-3242, 15.2-3400, 15.2-3401, 15.2-3504, 15.2-3600, 15.2-3805, 15.2-3913, 15.2-4311, 15.2-4313, 15.2-4405, 15.2-5136, 15.2-5156, 15.2-5403, 15.2-5431.25, 15.2-5704, 15.2-5806, 15.2-7502, 21-114, 21-117.1, 21-146, 21-229, 21-393, 21-420, 22.1-37, 30-140, 33.2-331, 33.2-723, 33.2-909, 33.2-2001, 33.2-2101, 33.2-2701, 58.1-3245.2, 58.1-3245.8, 58.1-3321, and 62.1-44.15:33, as it is currently effective and as it shall become

effective, of the Code of Virginia, relating to local government; standardization of public notice requirements for certain meetings, hearings, or intended actions.

[S 413]

Approved March 28, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 15.2-107, 15.2-201, 15.2-202, 15.2-301, 15.2-503, 15.2-603, 15.2-716, 15.2-749, 15.2-903, 15.2-907.2, 15.2-909, 15.2-958.3, 15.2-958.6, 15.2-1201, 15.2-1301, 15.2-1427, 15.2-1702, 15.2-1703, 15.2-1719, 15.2-2006, 15.2-2101, 15.2-2105, 15.2-2108.7, 15.2-2108.21, 15.2-2114, 15.2-2204, 15.2-2270, 15.2-2271, 15.2-2272, 15.2-2316.2, 15.2-2321, 15.2-2400, 15.2-2401, 15.2-2409, 15.2-2506, 15.2-2507, 15.2-2606, 15.2-2610, 15.2-2652, 15.2-2653, 15.2-3236, 15.2-3242, 15.2-3400, 15.2-3401, 15.2-3504, 15.2-3600, 15.2-3805, 15.2-3913, 15.2-4311, 15.2-4313, 15.2-4405, 15.2-5136, 15.2-5156, 15.2-5403, 15.2-5431.25, 15.2-5704, 15.2-5806, 15.2-7502, 21-114, 21-117.1, 21-146, 21-229, 21-393, 21-420, 22.1-37, 30-140, 33.2-331, 33.2-723, 33.2-909, 33.2-2001, 33.2-2101, 33.2-2701, 58.1-3245.2, 58.1-3245.8, 58.1-3321, and 62.1-44.15:33, as it is currently effective and as it shall become effective, of the Code of Virginia are amended and reenacted as follows:

§ 15.2-107. Advertisement and enactment of certain fees and levies.

All levies and fees imposed or increased by a locality pursuant to the provisions of Chapters 21 (§ 15.2-2100 et seq.) or 22 (§ 15.2-2200 et seq.) shall be adopted by ordinance. The advertising requirements of subsection F of § 15.2-1427, or § 15.2-2204, as appropriate, shall apply~~, except as modified in this section.~~

~~The advertisement shall include the following:~~

~~1. The time, date, and place of the public hearing.~~

~~2. The actual dollar amount or percentage change, if any, of the proposed levy, fee or increase.~~

~~3. A specific reference to the Code of Virginia section or other legal authority granting the legal authority for enactment of such proposed levy, fee, or increase~~.

~~4.~~ A designation of the place or places where the complete ordinance and information concerning the documentation for the proposed fee, levy or increase are available for examination by the public no later than the time of the first publication.

§ 15.2-201. Charter elections; subsequent procedure; procedure when bill not introduced or fails to pass in General Assembly.

A locality may provide for holding an election to be conducted as provided in § 24.2-681 et seq. of Title 24.2 to determine if the voters of the locality desire that it request the General Assembly to grant to the locality a new charter or to amend its existing charter. At least ~~ten~~ *seven* days prior to the holding of such election, ~~the text or an informative summary of the new charter or amendment desired shall be published in a newspaper of general circulation in the locality~~ *public notice shall be given in accordance with § 15.2-1427*.

If a majority of the voters voting in such election vote in favor of such request, the locality shall transmit two certified copies of the results of such election together with the publisher's affidavit and the new charter or the amendments to the existing charter, to one or more members of the General Assembly representing such locality for introduction as a bill in the succeeding session of the General Assembly.

If a bill incorporating such charter or amendments is not introduced at the succeeding session of the General Assembly, the approval of the voters for such charter or amendments shall be void. If, at such session, members of the General Assembly fail to enact or pass by indefinitely and do not carry over such a bill incorporating such charter or amendments, the charter or amendments shall again be presented to the voters for their approval or submitted to a public hearing pursuant to § 15.2-202 before reintroduction in the General Assembly.

§ 15.2-202. Public hearing in lieu of election; procedure when bill not introduced or fails to pass in General Assembly.

In lieu of the election provided for in § 15.2-201, a locality requesting the General Assembly to grant to it a new charter or to amend its existing charter may hold a public hearing with respect thereto, at which citizens shall have an opportunity to be heard to determine if the citizens of the locality desire that the locality request the General Assembly to grant to it a new charter, or to amend its existing charter. ~~At least seven days' notice of the time and place of such hearing and the text or an informative summary of the new charter or amendment desired shall be published in a newspaper of general circulation in the locality~~ *Public notice shall be given in accordance with § 15.2-1427*. ~~Such~~ *The* public hearing may be adjourned from time to time, and upon the completion thereof, the locality may request, in the manner provided in § 15.2-201, the General Assembly to grant the new charter or amend the existing charter and the provisions of § 15.2-201 shall be applicable thereto.

If a bill incorporating such charter or amendments is not introduced at the succeeding session of the General Assembly, the authority of the locality to request such charter or amendments by reason of such public hearing shall thereafter be void. If at such session members of the General Assembly fail to enact and do not carry over or pass by indefinitely a bill incorporating such charter or amendments, the charter or amendments may again be submitted to a public hearing in lieu of an election as provided hereinabove before reintroduction in the General Assembly.

The locality requesting a new or amended charter shall provide with such request a publisher's affidavit showing that the public hearing was advertised and a certified copy of the governing body's minutes showing the action taken at the advertised public hearing.

§ 15.2-301. Petition or resolution asking for referendum; notice; conduct of election.

A. A county may adopt one of the optional forms of government provided for in Chapters 4 through 8 of this title only after approval by voter referendum. The referendum shall be initiated by (i) a petition filed with the circuit court for the county signed by at least ten percent of the voters of the county, asking that a referendum be held on the question of adopting one of the forms of government or (ii) a resolution passed by the board of supervisors and filed with the circuit court asking for a referendum. The petition or resolution shall specify which of the forms of government provided for in Chapters 4 through 8 is to be placed on the ballot for consideration. Only one form may be placed on the ballot for consideration.

B. Notice of the election shall be published *three times* in a newspaper having a general circulation in the county ~~once a week for three consecutive weeks and shall~~, *with the first notice appearing no more than 35 days before and the third notice appearing no less than seven days before the election. Notice of the election shall also* be posted at the door of the county courthouse.

C. The election shall be conducted in accordance with the provisions of § 24.2-684. In addition to the certifications required by such section, the secretary of the appropriate electoral board shall certify the results to the Commission on Local Government.

D. Prior to adopting an optional form of government provided for in Chapter 5 or Chapter 6, a county shall also comply with the referendum requirements of § 24.2-686.

§ 15.2-503. Referendum on election of the county chairman from the county at large; powers and duties of chairman.

A. The board of any county in which members of the board are elected from districts, may by resolution petition the circuit court for the county for a referendum on the question of whether there should be a chairman of the board elected at large, or the like referendum may be requested by a petition to the circuit court signed by at least ten percent of the voters of the county. Upon the filing of the petition, which shall be filed not less than ninety days before the general election, the circuit court shall order the election officials at the next general election held in the county to open the polls and take the sense of the voters therein on that question. Notice of the referendum shall be published ~~once a week for three consecutive weeks prior to the referendum~~ *three times* in a newspaper having general circulation in the county, ~~and~~ *with the first notice appearing no more than 35 days before and the third notice appearing no less than seven days before the referendum. Notice of the referendum* shall *also* be posted at the door of the county courthouse. The ballot shall be printed as follows:

"Shall the chairman of the county board of supervisors, to be known as the county chairman, be elected by the voters of the county at large?

[ ] Yes

[ ] No"

The election shall be held and the results certified as provided in § 24.2-684.

B. If a majority of the qualified voters voting in such referendum vote in favor of the election of a county chairman of the board from the county at large, beginning at the next general election for the board, the county chairman shall be elected for a term of the same length and commencing at the same time as that of other members of the board. No person may be a candidate for county chairman at the same time he is a candidate for membership on the board from any district of the county.

C. Notwithstanding the provisions of § 15.2-502, the board thereafter shall consist of one member elected from each district of the county and a county chairman elected by the voters of the county at large. The county chairman shall be the chairman of the board and preside at its meetings. The chairman shall represent the county at official functions and ceremonial events. The chairman shall have all voting and other rights, privileges, and duties of other board members and such other, not in conflict with this article, as the board may prescribe. At the first meeting at the beginning of its term and any time thereafter when necessary, the board shall elect a vice-chairman from its membership, who shall perform the duties of the chairman in his absence.

§ 15.2-603. Referendum on election of supervisors by districts or at large.

The governing body of any county which has adopted the county manager form of government, as provided in Chapter 368 of the Acts of 1932, at an election held for that purpose pursuant to the provisions of said chapter, may by resolution petition the circuit court of the county requesting that a referendum be held on the following questions: (i) Shall the board of supervisors be elected solely by the qualified voters of each magisterial or election district, or by the qualified voters of the county at large? (ii) Shall the board have in addition to the members from each magisterial or election district, one member from any district elected from and representing the county at large? The court, by order entered of record in accordance with § 24.2-684, shall require the regular election officials on a day fixed in such order to open the polls and take the sense of the qualified voters of the county on the questions submitted as herein provided. The clerk of the circuit court of the county shall cause a notice of such referendum election to be published ~~once a week for three consecutive weeks~~ *three times* in a newspaper published or having a general circulation in the county ~~and shall~~, *with the first notice appearing no more than 35 days before and the third notice appearing no less than seven days before the referendum. The*

clerk shall also post a copy of such notice at the door of the courthouse of the county. The ballot used shall be printed to read as follows:

Shall the board of supervisors be elected by the qualified voters of each magisterial or election district, or by the qualified voters of the county at large?

[ ] By the qualified voters of each magisterial or election district.

[ ] By the qualified voters of the county at large.

Shall the board have in addition to the members for each magisterial or election district, one member from any district elected from and representing the county at large?

[ ] Yes

[ ] No

The ballots shall be marked in accordance with the provisions of § 24.2-684.

The ballots shall be counted, returns made and canvassed as in other elections, and the result certified by the electoral board to the circuit court of the county. The circuit court shall enter of record the fact of which method of election of supervisors has been chosen by a majority of the qualified voters participating in such referendum election, and an election for members of the board by such method in that county shall be held at the next regular November election of such officers, and every four years thereafter.

In any election pursuant to Chapter 3 (§ 15.2-300 et seq.), the questions provided for in this section shall be submitted to the voters, in addition to the question or questions required by § 15.2-301.

§ 15.2-716. Referendum for establishment of department of real estate assessments; board of equalization; general reassessments in county where department established.

A referendum may be initiated by a petition signed by 200 or more qualified voters of the county filed with the circuit court, asking that a referendum be held on the question of whether the county shall have a department of real estate assessments. The court shall on or before August 1 enter of record an order requiring the county election officials to open the polls at the regular election to be held in November of such year on the question stated in such order. If the petition seeks the holding of a special election on the question, then the petition hereinabove referred to shall be signed by 1,000 or more qualified voters of the county and the court shall within fifteen days of the date such petition is filed enter an order, in accordance with § 24.2-684, requiring the election officials to open the polls on a date fixed in the order and take the sense of the qualified voters of the county. The clerk of the county shall cause a notice of such election to be published *three times* in a newspaper having general circulation in the county ~~once a week for three successive weeks~~, with the first notice appearing no more than ~~21~~ *35* days *before and the third notice appearing no less than seven days* before the date on which the referendum is held, and shall post a copy of such notice at the door of the county courthouse.

If a majority of the voters voting in the referendum vote for the establishment of a department of real estate assessments, the board shall by ordinance establish such department, provide for the compensation of the department head and employees therein, and decide such other matters in relation to the powers and duties of the department, the department head and the employees, as the board deems proper. As used in this section the term "department" refers to the department of real estate assessments and where proper the department head thereof.

Upon the establishment of the department, the county manager shall select the head thereof and provide for such employees and assistants as required. Such department shall be vested with the powers and duties conferred or imposed upon commissioners of the revenue by general law to the extent that such duties and powers are consistent with this section, in relation to the assessment of real estate. All real estate shall be assessed at its fair market value as of January 1 of each year by the department and taxes for each year on such real estate shall be entered on the land book by the department in the name of the owner thereof. Whenever any such assessment is increased over the last assessment made prior to such year, the department shall give written notice to the owner of such real estate or of any interest therein, by mailing such notice to the last known post-office address of such owner. However, the validity of such assessment shall not be affected by any failure to receive such notice.

If a department of real estate assessments is appointed as above provided, a board of equalization of real estate assessments shall be appointed pursuant to § 15.2-716.1. Any person aggrieved by any assessment made under the provisions of this section may apply for relief to such board as therein provided.

When a department of real estate assessments is appointed, the county shall not be required to undertake general reassessments of real estate every six years, but the governing body of the county may, but shall not be required to, request the circuit court of such county to order a general reassessment at such times as the governing body deems proper. Such court shall then enter an order directing a reassessment of real estate in the manner provided by law.

The department of real estate assessments may require that the owners of income-producing real estate in the county subject to local taxation, except property producing income solely from the rental of no more than four dwelling units, furnish to the department on or before a time specified by the director of the department statements of the income and expenses attributable over a specified period of time to each such parcel of real estate. If there is a willful failure to furnish statements of income and expenses in a timely manner to the director, the owner of such parcel of real estate shall be deemed to have waived his right in any proceeding contesting the assessment to utilize such income and expenses as evidence of fair market value. Each such statement shall be certified as to its accuracy by an owner of the real estate for which the statement is furnished, or a duly authorized agent thereof. Any statement required by this section shall be kept confidential as required by § 58.1-3.

§ 15.2-749. Certain referenda in certain counties.

If on or before July 15 of any year in which such referendum is provided for by law a petition signed by 200 or more qualified voters of the county is filed with the circuit court of the county asking that a referendum be held on any question upon which a referendum is provided for by any applicable statute, then such court shall on or before August 1 of such year issue and enter of record an order requiring the county election officials to open the polls at the regular election to be held in November of such year on the question stated in such statute. If the statute providing for such referendum shall authorize or require the referendum to be held at a special election, then the petition hereinabove referred to shall be signed by 1,000 or more voters of the county and the court shall within fifteen days of the date such petition is filed enter an order requiring the election officials to open the polls and take the sense of the voters of the county on a date fixed in his order, which shall be in accordance with § 24.2-682. The clerk of the county shall cause a notice of such election to be published *three times* in a newspaper published or having general circulation in the county ~~once a week for three successive weeks~~, with the first notice appearing no more than ~~21~~ *35* days *before and the third notice appearing no less than seven days* before the date on which the referendum is held, and shall post a copy of the notice at the door of the county courthouse.

§ 15.2-903. Ordinances taxing and regulating "automobile graveyards," "junkyards," and certain vacant and abandoned property.

A. Any locality may adopt ordinances imposing license taxes upon and otherwise regulating the maintenance and operation of places commonly known as automobile graveyards and junkyards and may prescribe fines and other punishment for violations of such ordinances.

No such ordinance shall be adopted until after notice ~~of the proposed ordinance~~ *in accordance with § 15.2-1427* has been published ~~once a week for two successive weeks in a newspaper having general circulation in the locality. The ordinance need not be advertised in full, but may be advertised by reference. Every such advertisement shall contain a descriptive summary of the proposed ordinance and a reference to the place or places within the locality where copies of the proposed ordinance may be examined~~.

As used in this section the terms "automobile graveyard" and "junkyard" have the meanings ascribed to them in § 33.2-804.

B. The Counties of Bedford, Campbell, Caroline, Fauquier, Rockbridge, Shenandoah, Tazewell, Warren and York may adopt an ordinance imposing the screening of automobile graveyards and junkyards, unless screening is impractical due to topography, as set forth in § 33.2-804. Any such ordinance may apply to any automobile graveyard or junkyard within the boundaries of such county regardless of the date on which any such automobile graveyard or junkyard may have come into existence, notwithstanding the provisions of § 33.2-804.

C. The City of Newport News may adopt an ordinance imposing screening or landscape screening for retail or commercial properties that have been vacant or abandoned for more than three years within designated areas consistent with the city's comprehensive plan.

§ 15.2-907.2. Authority of locality or land bank entity to be appointed to act as a receiver to repair derelict and blighted buildings in certain limited circumstances.

A. Any locality that has adopted an ordinance pursuant to § 15.2-907.1 may petition the circuit court for the appointment of the locality or a land bank entity created pursuant to the Land Bank Entities Act (§ 15.2-7500 et seq.) to act as a receiver to repair real property that contains residential dwelling units only in accordance with all of the following:

1. The locality has properly declared the subject property to be a derelict building in compliance with the provisions of § 15.2-907.1;

2. The property owners are in noncompliance with the provisions of § 15.2-907.1;

3. The locality has properly declared the subject property to be blighted in compliance with the provisions of § 36-49.1:1 for spot blight abatement, and the subject property is itself blighted;

4. The property owners are in noncompliance with the provisions of § 36-49.1:1 requiring abatement of the blighted condition of the property;

5. The locality has made bona fide efforts to ensure compliance by the property owners of the subject property with the requirements of §§ 15.2-907.1 and 36-49.1:1;

6. The repairs to the subject property are necessary to bring the subject property into compliance with the provisions of the Uniform Statewide Building Code;

7. The repairs to the subject property necessary to satisfy the requirements of subdivision 6 shall not result in a change of use for zoning purposes of the subject property;

8. Upon appointment by the circuit court to serve as a receiver, the locality or land bank entity shall have the authority to contract for all reasonable repairs necessary to bring the property into compliance with the provisions of the Uniform Statewide Building Code, subject to all applicable requirements of state and local procurement laws. Such repairs shall be made in a time period established by the court, but in no event shall a receivership exceed two years;

9. Notwithstanding any other provision of law, the provisions of this section are subject to the requirements of the Servicemembers Civil Relief Act (50 U.S.C. § 3901 et seq.); and

10. Notwithstanding any other provisions of law, the subject property shall be eligible for any real estate abatement programs that exist in the locality.

B. A petition by the locality to be appointed, or to appoint a land bank entity created pursuant to the Land Bank Entities Act (§ 15.2-7500 et seq.), to act as a receiver shall include affirmative statements that the locality has satisfied each of the

requirements of this section and further state that the locality has recorded a memorandum of lis pendens simultaneously with the filing of said petition. The costs of the receivership, along with reasonable attorney fees, incurred by the locality or land bank entity as receiver shall constitute a lien in favor of the locality or land bank entity against the subject property in accordance with the provisions of § 58.1-3340, and shall be on par with and collectible in the same manner as delinquent real estate taxes owed to the locality. The judicial proceedings herein shall be held in accordance with the requirements, statutory or arising at common law, relative to effecting the sale of real estate by a creditor's bill in equity to subject real estate to the lien of a judgment creditor.

C. The locality or land bank entity created pursuant to the Land Bank Entities Act (§ 15.2-7500 et seq.) appointed to be a receiver may enforce the receiver's lien by a sale of the property at public auction, but only upon application for and entry of an order of sale by the circuit court. The court shall appoint a special commissioner to conduct the sale, and an attorney employed by the locality may serve as special commissioner. Such sale shall be upon order of the court entered after notice as required by the Rules of the Supreme Court of Virginia and following publication of notice of the sale ~~once a week for four consecutive weeks~~ *three times* in a newspaper of general circulation*, with the first notice appearing no more than 35 days before and the third notice appearing no less than seven days before the sale*. Following such public auction, the special commissioner shall file an accounting with the court and seek confirmation of the sale. Upon confirmation, the special commissioner shall be authorized to execute a deed conveying title, which shall pass free and clear to the purchaser at public auction. Following such sale, the former owner or owners, or any heirs, assignees, devisees, or successors in interest to the property shall be entitled to the surplus received in excess of the receiver's lien, taxes, penalties, interest, reasonable attorney fees, costs, and any recorded liens chargeable against the property. At any time prior to confirmation of the sale provided for herein, the owner shall have the right to redeem the property, as provided for in subsection D. The character of the title acquired by the purchaser of the property at public auction shall be governed by the principles and rules applicable to the titles of purchases at judicial sales of real estate generally.

D. The owner of any property subject to receivership may redeem the property at any time prior to the expiration of the two-year period or prior to confirmation of sale at public auction by paying the receiver's lien in full and the taxes, penalties, interest, reasonable attorney fees, costs, and any recorded liens chargeable against the property. Partial payment shall not be sufficient to redeem the property and shall not operate to suspend the receivership.

E. In lieu of appointment of a receiver, the circuit court shall permit repair by a property owner or a person with an interest in the property secured by a deed of trust properly recorded upon the following conditions:

1. Demonstration of the ability to complete the repair within a reasonable amount of time to be determined by the court; and

2. Entry of a court order setting forth a schedule for such repair.

§ 15.2-909. Authority to require removal, repair, etc., of wharves, piers, pilings, bulkheads, vessels or abandoned, obstructing or hazardous property.

Any locality may by ordinance provide:

1. The owners of property therein shall at such time or times as the governing body may prescribe, remove, repair or secure any vessel which has been abandoned or any wharf, pier, piling, bulkhead or any other structure or vessel which might endanger the public health or safety of other persons, or which might constitute an obstruction or hazard to the lawful use of the waters within or adjoining such locality. If such property is deemed to be abandoned, the governing body may designate and empower an official to ascertain the lawful owner of such property and to have the owner repair, remove or secure such property;

2. The locality, through its own agents or employees, may remove, repair or secure any vessel which has been abandoned or any wharf, pier, piling, bulkhead, or other structure or vessel which might endanger the public health or safety of other persons or which might constitute a hazard or obstruction to the lawful use of the waters within such locality, if the owner of such property, after reasonable notice and reasonable time to do so, has failed to remove, repair or secure such wharf, pier, piling, bulkhead or other structure or vessel;

3. In the event the locality, through its own agents or employees removes, repairs or secures any wharf, pier, piling, bulkhead or other structure or vessel after complying with the notice provisions of this section, the cost or expenses thereof shall be chargeable to and paid by the owners of such property and to the extent applicable may be collected by the locality as taxes are collected;

4. If the identity or whereabouts of the lawful owner is unknown or not able to be ascertained after a reasonable search and after lawful notice has been made to the last known address of any known owner, the locality, through its own agents or employees, may repair such wharf, pier, piling, bulkhead or other structure or vessel or remove such property after giving notice by publication ~~once each week for two weeks~~ *twice* in a newspaper of general circulation in the area where such property is located*, with the first notice appearing no more than 28 days before and the second notice appearing no less than seven days before proceeding with repair or removal*;

5. Every charge authorized by this section with which the owner of any such property has been assessed and which remains unpaid, to the extent applicable, shall constitute a lien against the owner's real property, and such lien shall be recorded in the judgment lien docket book in the circuit court for such locality. Such lien may also be reduced to a personal judgment against the owner.

§ 15.2-958.3. Commercial Property Assessed Clean Energy (C-PACE) financing programs.

A. As used in this section:

"Eligible improvements" means any of the following improvements made to eligible properties:

1. Energy efficiency improvements;

2. Water efficiency and safe drinking water improvements;

3. Renewable energy improvements;

4. Resiliency improvements;

5. Stormwater management improvements;

6. Environmental remediation improvements; and

7. Electric vehicle infrastructure improvements.

A program administrator may include in its C-PACE loan program guide or other administrative documentation definitions, interpretations, and examples of these categories of eligible improvements.

"Eligible properties" means all assessable commercial real estate located within the Commonwealth, with all buildings located or to be located thereon, whether vacant or occupied, whether improved or unimproved, and regardless of whether such real estate is currently subject to taxation by the locality, other than a residential dwelling with fewer than five dwelling units or a condominium as defined in § 55.1-2000 used for residential purposes. Common areas of real estate owned by a cooperative or a property owners' association described in Subtitle IV (§ 55.1-1800 et seq.) of Title 55.1 that have a separate real property tax identification number are eligible properties. Eligible properties shall be eligible to participate in the C-PACE loan program.

"Program administrator" means a third party that is contracted for professional services to administer a C-PACE loan program.

"Resiliency improvement" means an improvement that increases the capacity of a structure or infrastructure to withstand or recover from natural disasters, the effects of climate change, and attacks and accidents, including, but not limited to:

1. Flood mitigation or the mitigation of the impacts of flooding;

2. Inundation adaptation;

3. Natural or nature-based features and living shorelines, as defined in § 28.2-104.1;

4. Enhancement of fire or wind resistance;

5. Microgrids;

6. Energy storage; and

7. Enhancement of the resilience capacity of a natural system, structure, or infrastructure.

B. Any locality may, by ordinance, authorize contracts to provide C-PACE loans (loans) for the initial acquisition, installation, and refinancing of eligible improvements located on eligible properties by free and willing property owners of such eligible properties. The ordinance may refer to the mode of financing as Commercial Property Assessed Clean Energy (C-PACE) financing and shall include but not be limited to the following:

1. The kinds of eligible improvements that qualify for loans;

2. The proposed arrangement for such C-PACE loan program (loan program), including (i) a statement concerning the source of funding for the C-PACE loan; (ii) the time period during which contracting property owners would repay the C-PACE loan; and (iii) the method of apportioning all or any portion of the costs incidental to financing, administration, and collection of the C-PACE loan among the parties to the C-PACE transaction;

3. (i) A minimum dollar amount that may be financed with respect to an eligible property; (ii) if a locality or other public body is originating the loans, a maximum aggregate dollar amount that may be financed with respect to loans originated by the locality or other public body, and (iii) provisions that the loan program may approve a loan application submitted within two years of the locality's issuance of a certificate of occupancy or other evidence that eligible improvements comply substantially with the plans and specifications previously approved by the locality and that such loan may refinance or reimburse the property owner for the total costs of such eligible improvements;

4. In the case of a loan program described in clause (ii) of subdivision 3, a method for setting requests from owners of eligible properties for financing in priority order in the event that requests appear likely to exceed the authorization amount of the loan program. Priority shall be given to those requests from owners of eligible properties who meet established income or assessed property value eligibility requirements;

5. Identification of a local official authorized to enter into contracts on behalf of the locality. A locality may contract with a program administrator to administer such loan program;

6. Identification of any fee that the locality intends to impose on the property owner requesting to participate in the loan program to offset the cost of administering the loan program. The fee may be assessed as a program fee paid by the property owner requesting to participate in the program; and

7. A draft contract specifying the terms and conditions proposed by the locality.

C. The locality may combine the loan payments required by the contracts with billings for water or sewer charges, real property tax assessments, or other billings; in such cases, the locality may establish the order in which loan payments will be applied to the different charges. The locality may not combine its billings for loan payments required by a contract authorized pursuant to this section with billings of another locality or political subdivision, including an authority operating pursuant to Chapter 51 (§ 15.2-5100 et seq.), unless such locality or political subdivision has given its consent by duly adopted resolution or ordinance. The locality may, either by ordinance or its program guide, delegate the billing; collection, including enforcement; and remittance of C-PACE loan payments to a third party.

D. The locality shall offer private lending institutions the opportunity to participate in local C-PACE loan programs established pursuant to this section.

E. In order to secure the loan authorized pursuant to this section, the locality shall place a voluntary special assessment lien equal in value to the loan against any property where such eligible improvements are being installed. The locality may bundle or package said loans for transfer to private lenders in such a manner that would allow the voluntary special assessment liens to remain in full force to secure the loans. The placement of a voluntary special assessment lien shall not require a new assessment on the value of the real property that is being improved under the loan program.

F. A voluntary special assessment lien imposed on real property under this section:

1. Shall have the same priority status as a property tax lien against real property, except that such voluntary special assessment lien shall have priority over any previously recorded mortgage or deed of trust lien only if (i) a written subordination agreement, in a form and substance acceptable to each prior lienholder in its sole and exclusive discretion, is executed by the holder of each mortgage or deed of trust lien on the property and recorded with the special assessment lien in the land records where the property is located, and (ii) evidence that the property owner is current on payments on loans secured by a mortgage or deed of trust lien on the property and on property tax payments, that the property owner is not insolvent or in bankruptcy proceedings, and that the title of the benefited property is not in dispute is submitted to the locality prior to recording of the special assessment lien;

2. Shall run with the land, and that portion of the assessment under the assessment contract that has not yet become due is not eliminated by foreclosure of a property tax lien;

3. May be enforced by the local government in the same manner that a property tax lien against real property is enforced by the local government. A local government shall be entitled to recover costs and expenses, including attorney fees, in a suit to collect a delinquent installment of an assessment in the same manner as in a suit to collect a delinquent property tax; and

4. May incur interest and penalties for delinquent installments of the assessment in the same manner as delinquent property taxes.

G. Prior to the enactment of an ordinance pursuant to this section, a public hearing shall be held at which interested persons may object to or inquire about the proposed loan program or any of its particulars. The public hearing shall be published ~~once a week for two successive weeks~~ *twice*, with the first notice appearing no more than ~~14~~ *28* days before *and the second notice appearing no less than seven days before* the hearing, in a newspaper of general circulation in the locality.

H. The Department of Energy shall serve as a statewide sponsor for a loan program that meets the requirements of this section. The Department of Energy shall engage a private program administrator through a competitive selection process to develop the statewide loan program. A locality, in its adoption or amendment of its C-PACE ordinance described in subsection B, may opt into the statewide C-PACE loan program sponsored by the Department of Energy, and such action shall not require the locality to undertake any competitive procurement process.

§ 15.2-958.6. Financing the repair of failed septic systems.

A. Any locality may, by ordinance, authorize contracts with property owners to provide loans for the repair of septic systems. Such an ordinance shall state:

1. The kinds of septic system repairs for which loans may be offered;

2. The proposed arrangement for such loan program, including (i) the interest rate and time period during which contracting property owners shall repay the loan; (ii) the method of apportioning all or any portion of the costs incidental to financing, administration, and collection of the arrangement among the consenting property owners and the locality; and (iii) the possibility that the locality may partner with a planning district commission (PDC) to coordinate and provide financing for the repairs, including the locality's obligation to reimburse the PDC as the loan is repaid;

3. A minimum and maximum aggregate dollar amount that may be financed;

4. A method for setting requests from property owners for financing in priority order in the event that requests appear likely to exceed the authorization amount of the loan program. Priority shall be given to those requests from property owners who meet established income or assessed property value eligibility requirements;

5. Identification of a local official authorized to enter into contracts on behalf of the locality; and

6. A draft contract specifying the terms and conditions proposed by the locality or by a PDC acting on behalf of the locality.

B. The locality may combine the loan payments required by the contracts with billings for water or sewer charges, real property tax assessments, or other billings; in such cases, the locality may establish the order in which loan payments will be applied to the different charges. The locality may not combine its billings for loan payments required by a contract authorized pursuant to this section with billings of another locality or political subdivision, including an authority operating pursuant to Chapter 51 (§ 15.2-5100 et seq.), unless such locality or political subdivision has given its consent by duly adopted resolution or ordinance.

C. In cases in which local property records fail to identify all of the individuals having an ownership interest in a property containing a failing septic system, the locality may set a minimum total ownership interest that it will require a property owner or owners to prove before it will allow the owner or owners to participate in the program.

D. The locality or PDC acting on behalf of the locality shall offer private lending institutions the opportunity to participate in local loan programs established pursuant to this section.

E. In order to secure the loan authorized pursuant to this section, the locality is authorized to place a lien equal in value to the loan against any property where such septic system repair is being undertaken. Such liens shall be subordinate to all liens on the property as of the date loans authorized pursuant to this section are made, except that with the prior written consent of the holders of all liens on the property as of the date loans authorized pursuant to this section are made, the liens securing loans authorized pursuant to this section shall be liens on the property ranking on a parity with liens for unpaid local taxes. The locality may bundle or package such loans for transfer to private lenders in such a manner that would allow the liens to remain in full force to secure the loans.

F. Prior to the enactment of an ordinance pursuant to this section, a public hearing shall be held at which interested persons may object to or inquire about the proposed loan program or any of its particulars. The public hearing shall be published ~~once a week for two successive weeks~~ *twice*, with the first notice appearing no more than ~~14~~ *28* days before *and the second notice appearing no less than seven days before* the hearing, in a newspaper of general circulation in the locality.

§ 15.2-1201. County boards of supervisors vested with powers and authority of councils of cities and towns; exceptions.

The boards of supervisors of counties are hereby vested with the same powers and authority as the councils of cities and towns by virtue of the Constitution of the Commonwealth of Virginia or the acts of the General Assembly passed in pursuance thereof. However, with the exception of ordinances expressly authorized under Chapter 13 of Title 46.2, no ordinance shall be enacted under authority of this section regulating the equipment, operation, lighting or speed of motor-propelled vehicles operated on the public highways of a county unless it is uniform with the general laws of the Commonwealth regulating such equipment, operation, lighting or speed and with the regulations of the Commonwealth Transportation Board adopted pursuant to such laws. Nothing in this section shall be construed to give the boards of supervisors any power to control or exercise supervision over signs, signals, marking or traffic lights on any roads constructed and maintained by the Commonwealth Transportation Board. No powers or authority conferred upon the boards of supervisors of counties solely by this section shall be exercised within the corporate limits of any incorporated town except by agreement with the town council.

In the County of Fairfax an ordinance may be adopted by the board of supervisors under this section after ~~a descriptive~~ notice of intention to propose the same for passage has been published ~~once a week for two successive weeks in a newspaper having a general circulation in the county~~ *in accordance with § 15.2-1427*. After the enactment of such ordinance by the board of supervisors, no publication of the ordinance shall be required and such ordinance shall become effective upon adoption or upon a date fixed by the board of supervisors.

§ 15.2-1301. Voluntary economic growth-sharing agreements.

A. Any county, city or town, or combination thereof, may enter voluntarily into an agreement with any other county, city or town, or combination thereof, whereby the locality may agree for any purpose otherwise permitted, including the provision on a multi-jurisdictional basis of one or more public services or facilities or any type of economic development project, to enter into binding fiscal arrangements for fixed time periods, to exceed one year, to share in the benefits of the economic growth of their localities. However, if any such agreement contains any provision addressing any issue provided for in Chapter 32 (§ 15.2-3200 et seq.), 33 (§ 15.2-3300 et seq.), 36 (§ 15.2-3600 et seq.), 38 (§ 15.2-3800 et seq.), 39 (§ 15.2-3900 et seq.), or 41 (§ 15.2-4100 et seq.), the agreement shall be subject to the review and implementation process established by Chapter 34 (§ 15.2-3400 et seq.). All such agreements, including those that address any issue provided for in Chapter 32, 33, 36, 38, 39, or 41, shall require, at least annually, a report from each locality that is a recipient of funds pursuant to the agreement to each of the other governing bodies of the participating localities that includes (i) the amount of money transferred among the localities pursuant to the agreement and (ii) the uses of such funds by the localities. The parties to any such agreement that has been in effect for at least 10 years as of July 1, 2018, and pursuant to which annual payments exceed $5 million, shall (a) comply with the reporting requirements of this subsection, notwithstanding whether such requirements are contained in the existing agreement and (b) convene an annual meeting to discuss anticipated future plans for economic growth in the localities.

B. The terms and conditions of the revenue, tax base or economic growth-sharing agreement as provided in subsection A shall be determined by the affected localities and shall be approved by the governing body of each locality participating in the agreement, provided the governing body of each such locality first holds a public hearing, which shall be advertised ~~once a week for two successive weeks~~ *twice*, with the first notice appearing no more than ~~14~~ *28* days before *and the second notice appearing no less than seven days before* the hearing, in a newspaper of general circulation in the locality. However, the public hearing shall not take place until the Commission on Local Government has issued its findings in accordance with subsection D. For purposes of this section, "revenue, tax base, and economic growth-sharing agreements" means any agreement authorized by subsection A which obligates any locality to pay another locality all or any portion of designated taxes or other revenues received by that political subdivision, but shall not include any interlocal service agreement.

C. Any revenue, tax base or economic growth-sharing agreement entered into under the provisions of this section that creates a debt pursuant to Article VII, § 10 (b) of the Constitution of Virginia, shall require the board of supervisors to hold a special election on the question as provided in § 15.2-3401.

D. Revenue, tax base, and economic growth-sharing agreements drafted under the provisions of this chapter shall be submitted to the Commission on Local Government for review as provided in subdivision 4 of § 15.2-2903. However, no such review shall be required for two or more localities entering into an economic growth-sharing agreement pursuant to

this section in order to facilitate the reception of grants for qualified companies in such locality pursuant to the Port of Virginia Economic and Infrastructure Development Grant Fund and Program established pursuant to § 62.1-132.3:2.

§ 15.2-1427. Adoption of ordinances and resolutions generally; amending or repealing ordinances.

A. Unless otherwise specifically provided for by the Constitution or by other general or special law, an ordinance may be adopted by majority vote of those present and voting at any lawful meeting.

B. On final vote on any ordinance or resolution, the name of each member of the governing body voting and how he voted shall be recorded; however, votes on all ordinances and resolutions adopted prior to February 27, 1998, in which an unanimous vote of the governing body was recorded, shall be deemed to have been validly recorded. The governing body may adopt an ordinance or resolution by a recorded voice vote unless otherwise provided by law, or any member calls for a roll call vote. An ordinance shall become effective upon adoption or upon a date fixed by the governing body.

C. All ordinances or resolutions heretofore adopted by a governing body shall be deemed to have been validly adopted, unless some provision of the Constitution of Virginia or the Constitution of the United States has been violated in such adoption.

D. An ordinance may be amended or repealed in the same manner, or by the same procedure, in which, or by which, ordinances are adopted.

E. An amendment or repeal of an ordinance shall be in the form of an ordinance which shall become effective upon adoption or upon a date fixed by the governing body, but, if no effective date is specified, then such ordinance shall become effective upon adoption.

F. In counties, except as otherwise authorized by law, no ordinance shall be passed until after ~~descriptive~~ notice of an intention to propose the ordinance for passage ~~has been published once a week for two successive weeks~~ *has been advertised by reference twice*, with the first notice ~~appearing~~ *being published* no more than ~~14~~ *28* days ~~prior to the intended passage of the ordinance~~ *before and the second notice appearing no less than seven days before the date of the meeting referenced in the notice*, in a newspaper having a general circulation in the county. ~~The second publication shall not be sooner than one calendar week after the first publication.~~ The publication shall include a statement ~~either that the publication contains the full text of the ordinance or~~ that a copy of the full text of the ordinance is on file in the clerk's office of the circuit court of the county or in the office of the county administrator; or in the case of any county organized under the form of government set out in Chapter 5, 7 or 8 of this title, a statement that a copy of the full text of the ordinance is on file in the office of the clerk of the county board. ~~Even if the publication contains the full text of the ordinance, a complete copy shall be available for public inspection in the offices named herein.~~

In counties, emergency ordinances may be adopted without prior notice; however, no such ordinance shall be enforced for more than sixty days unless readopted in conformity with the provisions of this Code.

G. In towns, no tax shall be imposed except by a two-thirds vote of the council members.

§ 15.2-1702. Referendum required prior to establishment of county police force.

A. A county shall not establish a police force unless (i) such action is first approved by the voters of the county in accordance with the provisions of this section and (ii) the General Assembly enacts appropriate authorizing legislation.

B. The governing body of any county shall petition the court, by resolution, asking that a referendum be held on the question, "Shall a police force be established in the county and the sheriff's office be relieved of primary law-enforcement responsibilities?" The court, by order entered of record in accordance with Article 5 (§ 24.2-681 et seq.) of Chapter 6 of Title 24.2, shall require the regular election officials of the county to open the polls and take the sense of the voters on the question as herein provided.

The clerk of the circuit court for the county shall publish notice of the election in a newspaper of general circulation in the county ~~once a week for three consecutive weeks prior to the election~~ *three times*, with the first notice appearing no more than ~~21~~ *35* days before *and the third notice appearing no less than seven days before* the election. The notice shall contain the ballot question and a statement of not more than 500 words on the proposed question. The explanation shall be presented in plain English, shall be limited to a neutral explanation, and shall not present arguments by either proponents or opponents of the proposal. The attorney for the county or city or, if there is no county or city attorney, the attorney for the Commonwealth shall prepare the explanation. "Plain English" means written in nontechnical, readily understandable language using words of common everyday usage and avoiding legal terms and phrases or other terms and words of art whose usage or special meaning primarily is limited to a particular field or profession.

C. The county may expend public funds to produce and distribute neutral information concerning the referendum; provided, however, public funds may not be used to promote a particular position on the question, either in the notice called for in subsection B, or in any other distribution of information to the public.

D. The regular election officers of the county shall open the polls on the date specified in such order and conduct the election in the manner provided by law. The election shall be by ballot which shall be prepared by the electoral board of the county and on which shall be printed the following:

"Shall a police force be established in the county and the sheriff's office be relieved of primary law-enforcement responsibilities?

[ ] Yes

[ ] No"

The ballots shall be counted, returns made and canvassed as in other elections, and the results certified by the electoral board to the court ordering the election. If a majority of the voters voting in the election vote "Yes," the court shall enter an

order proclaiming the results of the election and a duly certified copy of such order shall be transmitted to the governing body of the county. The governing body shall proceed to establish a police force following the enactment of authorizing legislation by the General Assembly.

E. After a referendum has been conducted pursuant to this section, no subsequent referendum shall be conducted pursuant to this section in the same county for a period of four years from the date of the prior referendum.

§ 15.2-1703. Referendum to abolish county police force.

The police force in any county which established the force subsequent to July 1, 1983, may be abolished and its responsibilities assumed by the sheriff's office after a referendum held pursuant to this section.

Either (i) the voters of the county by petition signed by not less than ten percent of the registered voters therein on the January 1 preceding the filing of the petition or (ii) the governing body of the county, by resolution, may petition the circuit court for the county that a referendum be held on the question, "Shall the county police force be abolished and its responsibilities assumed by the county sheriff's office?" The court, by order entered of record in accordance with Article 5 (§ 24.2-681 et seq.) of Chapter 6 of Title 24.2, shall require the regular election officials of the county at the next general election held in the county to open the polls and take the sense of the voters on the question as herein provided. The clerk of the circuit court for the county shall publish notice of the election in a newspaper of general circulation in the county ~~once a week for three consecutive weeks prior to the election~~ *three times*, with the first notice appearing no more than ~~21~~ *35* days before *and the third notice appearing no less than seven days before* the election.

The ballot shall be printed as follows:

"Shall the county police force be abolished and its responsibilities assumed by the county sheriff's office?

[ ] Yes

[ ] No"

The election shall be held and the results certified as provided in § 24.2-684. If a majority of the voters voting in the election vote in favor of the question, the court shall enter an order proclaiming the results of the election, and a duly certified copy of such order shall be transmitted to the governing body of the county. The governing body shall proceed with the necessary action to abolish the police force and transfer its responsibilities to the sheriff's office, to become effective on July 1 following the referendum.

Once a referendum has been held pursuant to this section, no further referendum shall be held pursuant to this section within four years thereafter.

§ 15.2-1719. Disposal of unclaimed property in possession of sheriff or police.

Any locality may provide by ordinance for (i) the public sale in accordance with the provisions of this section or (ii) the retention for use by the law-enforcement agency, of any unclaimed personal property which has been in the possession of its law-enforcement agencies and unclaimed for a period of more than 60 days, after payment of a reasonable storage fee to the sheriff or other agency storing such property. No storage fee shall be charged or accounted for if such property has been stored by and is to be retained by the sheriff's office or other law-enforcement agency. As used herein, "unclaimed personal property" shall be any personal property belonging to another which has been acquired by a law-enforcement officer pursuant to his duties, which is not needed in any criminal prosecution, which has not been claimed by its rightful owner and which the State Treasurer has indicated will be declined if remitted under the Virginia Disposition of Unclaimed Property Act (§ 55.1-2500 et seq.). Unclaimed bicycles and mopeds may also be disposed of in accordance with § 15.2-1720. Unclaimed firearms may also be disposed of in accordance with § 15.2-1721.

Prior to the sale or retention for use by the law-enforcement agency of any unclaimed item, the chief of police, sheriff or their duly authorized agents shall make reasonable attempts to notify the rightful owner of the property, obtain from the attorney for the Commonwealth in writing a statement advising that the item is not needed in any criminal prosecution, and cause to be published *twice* in a newspaper of general circulation in the locality ~~once a week for two successive weeks,~~ notice that there will be a public display and sale of unclaimed personal property. *The first notice shall appear no more than 28 days before and the second notice shall appear no less than seven days before the public display and sale of the unclaimed personal property.* Such property, including property selected for retention by the law-enforcement agency, shall be described generally in the notice, together with the date, time and place of the sale and shall be made available for public viewing at the sale. The chief of police, sheriff or their duly authorized agents shall pay from the proceeds of sale the costs of advertisement, removal, storage, investigation as to ownership and liens, and notice of sale. The balance of the funds shall be held by such officer for the owner and paid to the owner upon satisfactory proof of ownership. Any unclaimed item retained for use by the law-enforcement agency shall become the property of the locality served by the agency and shall be retained only if, in the opinion of the chief law-enforcement officer, there is a legitimate use for the property by the agency and that retention of the item is a more economical alternative than purchase of a similar or equivalent item.

If no claim has been made by the owner for the property or proceeds of such sale within 60 days of the sale, the remaining funds shall be deposited in the general fund of the locality and the retained property may be placed into use by the law-enforcement agency. Any such owner shall be entitled to apply to the locality within three years from the date of the sale and, if timely application is made therefor and satisfactory proof of ownership of the funds or property is made, the locality shall pay the remaining proceeds of the sale or return the property to the owner without interest or other charges or compensation. No claim shall be made nor any suit, action or proceeding be instituted for the recovery of such funds or property after three years from the date of the sale.

§ 15.2-2006. Alteration and vacation of public rights-of-way; appeal from decision.

In addition to (i) the powers contained in the charter of any locality, (ii) any powers now had by such governing bodies under the common law or (iii) powers by other provisions of law, public rights-of-way in localities may be altered or vacated on motion of such governing bodies or on application of any person after notice of intention to do so has been published ~~at least~~ twice~~, with at least six days elapsing between the first and second publication,~~ in a newspaper having general circulation in the locality*, with the first notice appearing no more than 28 days before and the second notice appearing no less than seven days before the hearing*. The notice shall specify the time and place of a hearing at which persons affected may appear and be heard. The cost of publishing the notice shall be taxed to the applicant. At the conclusion of the hearing and on application of any person, the governing body may appoint three to five people to view such public right-of-way and report in writing any inconvenience that would result from discontinuing the right-of-way. The governing body may allow the viewers up to fifty dollars each for their services. The sum allowed shall be paid by the person making the application to alter or vacate the public right-of-way. From such report and other evidence, if any, and after the land owners affected thereby, along the public right-of-way proposed to be altered or vacated, have been notified, the governing body may discontinue the public right-of-way. When an applicant requests a vacation to accommodate expansion or development of an existing or proposed business, the governing body may condition the vacation upon commencement of the expansion or development within a specified period of time. Failing to commence within such time may render the vacation, at the option of the governing body, void. A certified copy of the ordinance of vacation shall be recorded as deeds are recorded and indexed in the name of the locality. A conditional vacation shall not be recorded until the condition has been met.

Any appeal shall be filed within sixty days of adoption of the ordinance with the circuit court for the locality in which the public right-of-way is located.

§ 15.2-2101. Ordinance proposing grant of franchise, etc., to be advertised.

A. Before granting any franchise, privilege, lease or right of any kind to use any public property described in § 15.2-2100 or easement of any description, for a term in excess of five years, except in the case of and for a trunk railway, the city or town proposing to make the grant shall ~~advertise a descriptive~~ *give* notice ~~of the ordinance proposing to make the grant once a week for two successive weeks in a newspaper having general circulation in the city or town~~ *in accordance with § 15.2-1427*. The ~~descriptive~~ notice ~~of the ordinance~~ may also be advertised as many times in such other newspaper or newspapers, published outside the city, town or Commonwealth, as the council may determine. ~~The advertisement shall include a statement that a copy of the full text of the ordinance is on file in the office of the clerk of the city or town council.~~

B. The advertisement shall invite bids for the franchise, privilege, lease or right proposed to be granted in the ordinance. The bids shall be in writing and delivered upon the day and hour named in the advertisement and shall be opened in public session and marked for identification by the person designated in the advertisement to receive such bids. The cost of the required advertisement shall be paid by the city or town which shall be reimbursed by the person to whom the grant is made. The city or town shall have the right to reject any and all bids and shall reserve this right in the advertisement.

§ 15.2-2105. How amendments made to franchise, etc.; notice required.

No amendment or extension of any franchise, right, lease or privilege that now exists, or that may hereafter be authorized, which extends or enlarges the time or territory of such franchise, right, lease or privilege, shall be granted by any city or town until the provisions of §§ 15.2-2101 through 15.2-2104 have been complied with. No amendment that releases the grantee, or his assignee, from the performance of any duty required by the ordinance or that authorizes an increase in the user charges to be made by such grantee or assignee shall be granted until notice of such proposed amendment has given to the public by advertising the proposed amendment for ~~ten~~ *seven* days in some newspaper having general circulation in the city or town. The cost of such advertising shall be paid by the city or town, which shall be reimbursed by the person to whom the amendment is granted. No such amendment shall be adopted except by ordinance.

§ 15.2-2108.7. Public hearings on feasibility study; notice.

A. If the results of the feasibility study satisfy the revenue requirements of subsection D of § 15.2-2108.6, the governing body shall, at the next regular meeting after the governing body receives the results of the feasibility study, schedule at least two public hearings to be held at least seven days apart, but both shall be held not more than 60 days from the date of the meeting at which the public hearings are scheduled. The purpose of such public hearings shall be to allow the feasibility consultant to present the results of the feasibility study, and to inform the public about the feasibility study results and offer the public the opportunity to ask questions of the feasibility consultant about the results of the feasibility study.

B. Except as provided in subsection C, the municipality shall publish notice of the public hearings required under subsection A ~~at least once a week for three consecutive weeks~~ *three times* in a newspaper of general circulation in the municipality, with the first notice appearing no more than ~~21~~ *35* days before *and the third notice appearing no less than seven days before* the *first public* hearing. ~~The last publication of notice required under this subsection shall be at least three days before the first public hearing required under subsection A.~~

C. If there is no newspaper of general circulation in the municipality, for each 1,000 residents the municipality shall post at least one notice of the hearings in a conspicuous place within the municipality that is likely to give notice of the hearings to the greatest number of residents of the municipality. The municipality shall post the notices at least seven days before the first public hearing required under subsection A is held.

D. After holding the public hearings required by this section, if the governing body of the municipality elects to proceed, the municipality shall adopt by resolution the feasibility study.

§ 15.2-2108.21. Ordinance cable franchises.

A. This section shall govern the procedures by which a locality may grant ordinance cable franchises.

B. An ordinance cable franchise, which shall have a term of 15 years, may be requested by (i) a certificated provider of telecommunications services with previous consent to use the public rights-of-way in a locality through a franchise; (ii) a certificated provider of telecommunications services that lacked previous consent to provide cable service in a locality but provided telecommunications services over facilities leased from an entity having previous consent to use of the public rights-of-way in such locality through a franchise; or (iii) a cable operator with previous consent to use the public rights-of-way to provide cable service in a locality through a franchise and who seeks to renew its existing cable franchise pursuant to § 15.2-2108.30 as an ordinance cable franchise. A cable operator with previous consent to use the public rights-of-way to provide cable service in a locality through a franchise may opt into the new terms of an ordinance cable franchise under § 15.2-2108.26.

C. In order to obtain an ordinance cable franchise, an applicant shall first file with the chief administrative officer of the locality from which it seeks to receive such ordinance cable franchise a request to negotiate the terms and conditions of a negotiated cable franchise under § 15.2-2108.20. An applicant shall request and make itself available to participate in cable franchise negotiations with the locality from which it seeks to receive a negotiated cable franchise at least 45 calendar days prior to filing a notice electing an ordinance cable franchise; this prerequisite shall not be applicable if a locality refuses to engage in negotiations at the request of an applicant or if the applicant already holds a negotiated cable franchise from the locality. Thereafter, an applicant, through its president or chief executive officer, shall file notice with the locality that it elects to receive an ordinance cable franchise at least 30 days prior to offering cable in such locality. The notice shall be accompanied by a map or a boundary description showing (i) the initial service area in which the cable operator intends to provide cable service in the locality within the three-year period required for an initial service area and (ii) the area in the locality in which the cable operator has its telephone facilities. The map or boundary description of the initial service areas may be amended by the cable operator by filing with the locality a new map or boundary description of the initial service area.

D. The cable operator shall assure that access to cable services is not denied to any group of potential residential cable subscribers because of the income of the residents of the local area in which such group resides. The local franchising authority shall have the right to monitor and inspect the deployment of cable services and the cable operator shall submit semiannual progress reports detailing the current provision of cable services in accordance with the deployment schedule and its new service area plans for the next six months. The failure to correct or remedy any material deficiencies shall be subject to the same remedies as contained in the cable television franchise of the existing cable operator as that franchise existed at the time of the grant of the ordinance franchise.

E. The locality from which the applicant seeks to receive an ordinance cable franchise shall adopt any ordinance requiring adoption under this article within 120 days of the applicant filing the notice required in subsection C. Any ordinance adopted under this section that relates to a cable operator's provision of cable service shall apply to such cable operator retroactively to the date on which the cable operator began to offer cable service in the locality pursuant to this article.

F. Notice of any ordinance that requires a public hearing shall be advertised ~~once a week for two successive weeks in a newspaper having general circulation in the locality. The advertisement shall include a statement that a copy of the full text of the ordinance is on file in the office of the clerk of the locality~~ *as provided in § 15.2-1427*. All costs of such advertising shall be assessed against the operator or applicant.

G. If the governing body of any town adopts an ordinance pursuant to the provisions of this article, such town shall not be subject to any ordinance adopted by the county within which such town lies.

§ 15.2-2114. Regulation of stormwater.

A. Any locality, by ordinance, may establish a utility or enact a system of service charges to support a local stormwater management program consistent with Article 2.3 (§ 62.1-44.15:24 et seq.) of Chapter 3.1 of Title 62.1 or any other state or federal regulation governing stormwater management. Income derived from a utility or system of charges shall be dedicated special revenue, may not exceed the actual costs incurred by a locality operating under the provisions of this section, and may be used only to pay or recover costs for the following:

1. The acquisition, as permitted by § 15.2-1800, of real and personal property, and interest therein, necessary to construct, operate and maintain stormwater control facilities;

2. The cost of administration of such programs;

3. Planning, design, engineering, construction, and debt retirement for new facilities and enlargement or improvement of existing facilities, including the enlargement or improvement of dams, levees, floodwalls, and pump stations, whether publicly or privately owned, that serve to control stormwater;

4. Facility operation and maintenance, including the maintenance of dams, levees, floodwalls, and pump stations, whether publicly or privately owned, that serve to control stormwater;

5. Monitoring of stormwater control devices and ambient water quality monitoring;

6. Contracts related to stormwater management, including contracts for the financing, construction, operation, or maintenance of stormwater management facilities, regardless of whether such facilities are located on public or private property and, in the case of private property locations, whether the contract is entered into pursuant to a stormwater management private property program under subsection J or otherwise; and

7. Other activities consistent with the state or federal regulations or permits governing stormwater management, including, but not limited to, public education, watershed planning, inspection and enforcement activities, and pollution prevention planning and implementation.

B. The charges may be assessed to property owners or occupants, including condominium unit owners or tenants (when the tenant is the party to whom the water and sewer service is billed), and shall be based upon an analysis that demonstrates the rational relationship between the amount charged and the services provided. Prior to adopting such a system, a public hearing shall be held after giving notice as required by charter or ~~by publishing a descriptive notice once a week for two successive weeks prior to adoption in a newspaper with a general circulation in the locality. The second publication shall not be sooner than one calendar week after the first publication~~ *as provided in § 15.2-1427*. However, prior to adoption of any ordinance pursuant to this section related to the enlargement, improvement, or maintenance of privately owned dams, a locality shall comply with the notice provisions of § 15.2-1427 and hold a public hearing.

C. A locality adopting such a system shall provide for full waivers of charges to the following:

1. A federal, state, or local government, or public entity, that holds a permit to discharge stormwater from a municipal separate storm sewer system, except that the waiver of charges shall apply only to property covered by any such permit; and

2. Public roads and street rights-of-way that are owned and maintained by state or local agencies, including property rights-of-way acquired through the acquisitions process.

D. A locality adopting such a system shall provide for full or partial waivers of charges to any person who installs, operates, and maintains a stormwater management facility that achieves a permanent reduction in stormwater flow or pollutant loadings or other such other facility, system, or practice whereby stormwater runoff produced by the property is retained and treated on site in accordance with a stormwater management plan approved pursuant to Chapter 3.1 (§ 62.1-44.2 et seq.) of Title 62.1. The locality shall base the amount of the waiver in part on the percentage reduction in stormwater flow or pollutant loadings, or both, from pre-installation to post-installation of the facility. No locality shall provide a waiver to any person who does not obtain a stormwater permit from the Department of Environmental Quality when such permit is required by statute or regulation.

E. A locality adopting such a system may provide for full or partial waivers of charges to cemeteries, property owned or operated by the locality administering the program, and public or private entities that implement or participate in strategies, techniques, or programs that reduce stormwater flow or pollutant loadings, or decrease the cost of maintaining or operating the public stormwater management system.

F. Any locality may issue general obligation bonds or revenue bonds in order to finance the cost of infrastructure and equipment for a stormwater control program. Infrastructure and equipment shall include structural and natural stormwater control systems of all types, including, without limitation, retention basins, sewers, conduits, pipelines, pumping and ventilating stations, and other plants, structures, and real and personal property used for support of the system. The procedure for the issuance of any such general obligation bonds or revenue bonds pursuant to this section shall be in conformity with the procedure for issuance of such bonds as set forth in the Public Finance Act (§ 15.2-2600 et seq.).

G. In the event charges are not paid when due, interest thereon shall at that time accrue at the rate, not to exceed the maximum amount allowed by law, determined by the locality until such time as the overdue payment and interest are paid. Charges and interest may be recovered by the locality by action at law or suit in equity and shall constitute a lien against the property, ranking on a parity with liens for unpaid taxes. The locality may combine the billings for stormwater charges with billings for water or sewer charges, real property tax assessments, or other billings; in such cases, the locality may establish the order in which payments will be applied to the different charges. No locality shall combine its billings with those of another locality or political subdivision, including an authority operating pursuant to Chapter 51 (§ 15.2-5100 et seq.) of Title 15.2, unless such locality or political subdivision has given its consent by duly adopted resolution or ordinance.

H. Any two or more localities may enter into cooperative agreements concerning the management of stormwater.

I. For purposes of implementing waivers pursuant to subdivision C 1, for property where two adjoining localities subject to a revenue sharing agreement each hold municipal separate storm sewer permits, the waiver shall also apply to the property of each locality and of its school board that is accounted for in that locality's municipal separate storm sewer program plan, regardless of whether such property is located within the adjoining locality.

J. Any locality that establishes a system of charges pursuant to this section may establish a public-private partnership program, to be known as a stormwater management private property program, in order to promote cost-effectiveness in reducing excessive stormwater flow or pollutant loadings or in making other stormwater improvements authorized pursuant to this section. A locality that opts to establish a stormwater management private property program pursuant to this subsection shall:

1. Promote awareness of the location, quantity, and timing of reductions or other improvements that it determines appropriate under this program;

2. Seek the voluntary participation of property owners;

3. Accept the participation of property owners on both an individual and a group basis by which multiple owners may collaborate on improvements and allocate among the multiple owners any payments made by the locality;

4. Enter into contracts at its discretion to secure improvements on terms and conditions that the locality deems appropriate, including by making payments to property owners in excess of the value of any applicable waivers pursuant to subsections D and E; and

5. Require appropriate operation and maintenance of the contracted improvements.

K. Any locality that establishes a stormwater management private property program pursuant to subsection J may procure reductions and improvements in accordance with the Public-Private Education Facilities and Infrastructure Act (§ 56-575.1 et seq.) or other means, as appropriate. Subsection J shall not be interpreted to limit the authority of a locality to secure reductions of excessive stormwater flow or pollutant loadings or other stormwater improvements by other means.

§ 15.2-2204. Advertisement of plans, ordinances, etc.; joint public hearings; written notice of certain amendments.

A. Plans or ordinances, or amendments thereof, recommended or adopted under the powers conferred by this chapter need not be advertised in full, but may be advertised by reference. Every such advertisement shall identify the place or places within the locality where copies of the proposed plans, ordinances or amendments may be examined.

The local planning commission shall not recommend nor the governing body adopt any plan, ordinance or amendment thereof until notice of intention to do so has been published ~~once a week for two successive weeks~~ *twice* in some newspaper published or having general circulation in the locality, with the first notice appearing no more than ~~14~~ *28* days before ~~the intended adoption~~ *and the second notice appearing no less than seven days before the date of the meeting referenced in the notice*; however, the notice for both the local planning commission and the governing body may be published concurrently. The notice shall specify the time and place of hearing at which persons affected may appear and present their views. The local planning commission and governing body may hold a joint public hearing after public notice as set forth in this subsection. If a joint hearing is held, then public notice as set forth in this subsection need be given only by the governing body. ~~As used in this subsection, "two successive weeks" means that such notice shall be published at least twice in such newspaper, with not less than six days elapsing between the first and second publication.~~ In any instance in which a locality has submitted a correct and timely notice request to such newspaper and the newspaper fails to publish the notice, or publishes the notice incorrectly, such locality shall be deemed to have met the notice requirements of this subsection so long as the notice was published in the next available edition of a newspaper having general circulation in the locality. After enactment of any plan, ordinance or amendment, further publication thereof shall not be required.

B. When a proposed amendment of the zoning ordinance involves a change in the zoning map classification of 25 or fewer parcels of land, then, in addition to the advertising as required by subsection A, the advertisement shall include the street address or tax map parcel number of the parcels subject to the action. Written notice shall be given by the local planning commission, or its representative, at least five days before the hearing to the owner or owners, their agent or the occupant, of each parcel involved; to the owners, their agent or the occupant, of all abutting property and property immediately across the street or road from the property affected, including those parcels that lie in other localities of the Commonwealth; and, if any portion of the affected property is within a planned unit development, then to such incorporated property owner's associations within the planned unit development that have members owning property located within 2,000 feet of the affected property as may be required by the commission or its agent. However, when a proposed amendment to the zoning ordinance involves a tract of land not less than 500 acres owned by the Commonwealth or by the federal government, and when the proposed change affects only a portion of the larger tract, notice need be given only to the owners of those properties that are adjacent to the affected area of the larger tract. Notice sent by registered or certified mail to the last known address of such owner as shown on the current real estate tax assessment books or current real estate tax assessment records shall be deemed adequate compliance with this requirement. If the hearing is continued, notice shall be remailed. Costs of any notice required under this chapter shall be taxed to the applicant.

When a proposed amendment of the zoning ordinance involves a change in the zoning map classification of more than 25 parcels of land, or a change to the applicable zoning ordinance text regulations that decreases the allowed dwelling unit density of any parcel of land, then, in addition to the advertising as required by subsection A, the advertisement shall include the street address or tax map parcel number of the parcels as well as the approximate acreage subject to the action. For more than 100 parcels of land, the advertisement may instead include a description of the boundaries of the area subject to the changes and a link to a map of the subject area. Written notice shall be given by the local planning commission, or its representative, at least five days before the hearing to the owner, owners, or their agent of each parcel of land involved, provided, however, that written notice of such changes to zoning ordinance text regulations shall not have to be mailed to the owner, owners, or their agent of lots shown on a subdivision plat approved and recorded pursuant to the provisions of Article 6 (§ 15.2-2240 et seq.) where such lots are less than 11,500 square feet. One notice sent by first class mail to the last known address of such owner as shown on the current real estate tax assessment books or current real estate tax assessment records shall be deemed adequate compliance with this requirement, provided that a representative of the local commission shall make affidavit that such mailings have been made and file such affidavit with the papers in the case. Nothing in this subsection shall be construed as to invalidate any subsequently adopted amendment or ordinance because of the inadvertent failure by the representative of the local commission to give written notice to the owner, owners or their agent of any parcel involved.

The governing body may provide that, in the case of a condominium or a cooperative, the written notice may be mailed to the unit owners' association or proprietary lessees' association, respectively, in lieu of each individual unit owner.

Whenever the notices required hereby are sent by an agency, department or division of the local governing body, or their representative, such notices may be sent by first class mail; however, a representative of such agency, department or division shall make affidavit that such mailings have been made and file such affidavit with the papers in the case.

A party's actual notice of, or active participation in, the proceedings for which the written notice provided by this section is required shall waive the right of that party to challenge the validity of the proceeding due to failure of the party to receive the written notice required by this section.

C. When a proposed comprehensive plan or amendment thereto; a proposed change in zoning map classification; or an application for special exception for a change in use or to increase by greater than 50 percent of the bulk or height of an existing or proposed building, but not including renewals of previously approved special exceptions, involves any parcel of land located within one-half mile of a boundary of an adjoining locality of the Commonwealth, then, in addition to the advertising and written notification as required by this section, written notice shall also be given by the local commission, or its representative, at least 10 days before the hearing to the chief administrative officer, or his designee, of such adjoining locality.

D. When (i) a proposed comprehensive plan or amendment thereto, (ii) a proposed change in zoning map classification, or (iii) an application for special exception for a change in use involves any parcel of land located within 3,000 feet of a boundary of a military base, military installation, military airport, excluding armories operated by the Virginia National Guard, or licensed public-use airport then, in addition to the advertising and written notification as required by this section, written notice shall also be given by the local commission, or its representative, at least 30 days before the hearing to the commander of the military base, military installation, military airport, or owner of such public-use airport, and the notice shall advise the military commander or owner of such public-use airport of the opportunity to submit comments or recommendations.

E. The adoption or amendment prior to July 1, 1996, of any plan or ordinance under the authority of prior acts shall not be declared invalid by reason of a failure to advertise or give notice as may be required by such act or by this chapter, provided a public hearing was conducted by the governing body prior to such adoption or amendment. Every action contesting a decision of a locality based on a failure to advertise or give notice as may be required by this chapter shall be filed within 30 days of such decision with the circuit court having jurisdiction of the land affected by the decision. However, any litigation pending prior to July 1, 1996, shall not be affected by the 1996 amendment to this section.

F. Notwithstanding any contrary provision of law, general or special, the City of Richmond may cause such notice to be published in any newspaper of general circulation in the city.

G. When a proposed comprehensive plan or amendment of an existing plan designates or alters previously designated corridors or routes for electric transmission lines of 150 kilovolts or more, written notice shall also be given by the local planning commission, or its representative, at least 10 days before the hearing to each electric utility with a certificated service territory that includes all or any part of such designated electric transmission corridors or routes.

H. When any applicant requesting a written order, requirement, decision, or determination from the zoning administrator, other administrative officer, or a board of zoning appeals that is subject to the appeal provisions contained in § 15.2-2311 or 15.2-2314, is not the owner or the agent of the owner of the real property subject to the written order, requirement, decision or determination, written notice shall be given to the owner of the property within 10 days of the receipt of such request. Such written notice shall be given by the zoning administrator or other administrative officer or, at the direction of the administrator or officer, the requesting applicant shall be required to give the owner such notice and to provide satisfactory evidence to the zoning administrator or other administrative officer that the notice has been given. Written notice mailed to the owner at the last known address of the owner as shown on the current real estate tax assessment books or current real estate tax assessment records shall satisfy the notice requirements of this subsection.

This subsection shall not apply to inquiries from the governing body, planning commission, or employees of the locality made in the normal course of business.

§ 15.2-2270. Vacation of interests granted to a locality as a condition of site plan approval.

Any interest in streets, alleys, easements for public rights of passage, easements for drainage, and easements for a public utility granted to a locality as a condition of the approval of a site plan may be vacated according to either of the following methods:

1. By a duly executed and acknowledged written instrument of the owner of the land which has been or is to be developed in accordance with the site plan, declaring the interest or interests to be vacated, provided the governing body or authorized agent of the locality where the land lies consents to the vacation. The instrument shall be recorded in the same clerk's office wherein is recorded the written instrument describing the interest in real property to be vacated. The execution and recordation of the instrument shall operate to divest all public rights in, and to reinvest the owner with the title to the interests which formerly were held by the governing body; or

2. By ordinance of the governing body in the locality in which the property which is the subject of an approved site plan lies, provided that no interest shall be vacated in an area in which facilities, for which bonding is required pursuant to §§ 15.2-2241 through 15.2-2245, have been constructed.

The ordinance shall not be adopted until after notice has been given as required by § 15.2-2204. ~~The notice shall clearly describe the interest of the governing body to be vacated by reference to the recorded instrument on which it was created and state the time and place of the meeting of the governing body at which the adoption of the ordinance will be voted upon.~~ Any person may appear at the meeting for the purpose of objecting to the adoption of the ordinance. An appeal from the adoption of the ordinance may be filed within thirty days of the adoption of the ordinance with the circuit court having jurisdiction of the land over which the governing body's interest is located. Upon appeal, the court may nullify the ordinance if it finds that the owner of the property, which has been developed or is to be developed in accordance with the

approved site plan, will be irreparably damaged. If no appeal from the adoption of the ordinance is filed within the time above provided or if the ordinance is upheld on appeal, a certified copy of the ordinance of vacation may be recorded in the clerk's office of any court in which the instrument creating the governing body's interest is recorded.

The execution and recordation of an ordinance of vacation shall operate to destroy the effect of the instrument which created the governing body's interest so vacated and to divest all public rights in and to the property and vest title in the streets, alleys, easements for public rights of passage, easements for drainage, and easements for a public utility as may be described in, and in accordance with, the ordinance of vacation.

§ 15.2-2271. Vacation of plat before sale of lot therein; ordinance of vacation.

Where no lot has been sold, the recorded plat, or part thereof, may be vacated according to either of the following methods:

1. With the consent of the governing body, or its authorized agent, of the locality where the land lies, by the owners, proprietors and trustees, if any, who signed the statement required by § 15.2-2264 at any time before the sale of any lot therein, by a written instrument, declaring the plat to be vacated, duly executed, acknowledged or proved and recorded in the same clerk's office wherein the plat to be vacated is recorded and the execution and recordation of such writing shall operate to destroy the force and effect of the recording of the plat so vacated and to divest all public rights in, and to reinvest the owners, proprietors and trustees, if any, with the title to the streets, alleys, easements for public passage and other public areas laid out or described in the plat; or

2. By ordinance of the governing body of the locality in which the property shown on the plat or part thereof to be vacated lies, provided that no facilities for which bonding is required pursuant to §§ 15.2-2241 through 15.2-2245 have been constructed on the property and no facilities have been constructed on any related section of the property located in the subdivision within five years of the date on which the plat was first recorded.

The ordinance shall not be adopted until after notice has been given as required by § 15.2-2204. ~~The notice shall clearly describe the plat or portion thereof to be vacated and state the time and place of the meeting of the governing body at which the adoption of the ordinance will be voted upon.~~ Any person may appear at the meeting for the purpose of objecting to the adoption of the ordinance. An appeal from the adoption of the ordinance may be filed within thirty days of the adoption of the ordinance with the circuit court having jurisdiction of the land shown on the plat or part thereof to be vacated. Upon appeal the court may nullify the ordinance if it finds that the owner of the property shown on the plat will be irreparably damaged. If no appeal from the adoption of the ordinance is filed within the time above provided or if the ordinance is upheld on appeal, a certified copy of the ordinance of vacation may be recorded in the clerk's office of any court in which the plat is recorded.

The execution and recordation of the ordinance of vacation shall operate to destroy the force and effect of the recording of the plat, or any portion thereof, so vacated, and to divest all public rights in and to the property and reinvest the owners, proprietors and trustees, if any, with the title to the streets, alleys, and easements for public passage and other public areas laid out or described in the plat.

§ 15.2-2272. Vacation of plat after sale of lot.

In cases where any lot has been sold, the plat or part thereof may be vacated according to either of the following methods:

1. By instrument in writing agreeing to the vacation signed by all the owners of lots shown on the plat and also signed on behalf of the governing body of the locality in which the land shown on the plat or part thereof to be vacated lies for the purpose of showing the approval of the vacation by the governing body. In cases involving drainage easements or street rights-of-way where the vacation does not impede or alter drainage or access for any lot owners other than those lot owners immediately adjoining or contiguous to the vacated area, the governing body shall only be required to obtain the signatures of the lot owners immediately adjoining or contiguous to the vacated area. The word "owners" shall not include lien creditors except those whose debts are secured by a recorded deed of trust or mortgage and shall not include any consort of an owner. The instrument of vacation shall be acknowledged in the manner of a deed and filed for record in the clerk's office of any court in which the plat is recorded.

2. By ordinance of the governing body of the locality in which the land shown on the plat or part thereof to be vacated lies on motion of one of its members or on application of any interested person. The ordinance shall not be adopted until after notice has been given as required by § 15.2-2204. ~~The notice shall clearly describe the plat or portion thereof to be vacated and state the time and place of the meeting of the governing body at which the adoption of the ordinance will be voted upon.~~ Any person may appear at the meeting for the purpose of objecting to the adoption of the ordinance. An appeal from the adoption of the ordinance may be filed within thirty days with the circuit court having jurisdiction of the land shown on the plat or part thereof to be vacated. Upon appeal the court may nullify the ordinance if it finds that the owner of any lot shown on the plat will be irreparably damaged. If no appeal from the adoption of the ordinance is filed within the time above provided or if the ordinance is upheld on appeal, a certified copy of the ordinance of vacation may be recorded in the clerk's office of any court in which the plat is recorded.

Roads within the secondary system of highways may be vacated under either of the preceding methods and the action will constitute abandonment of the road, provided the land shown on the plat or part thereof to be vacated has been the subject of a rezoning or special exception application approved following public hearings required by § 15.2-2204 and provided the Commissioner of Highways or his agent is notified in writing prior to the public hearing, and provided further that the vacation is necessary in order to implement a proffered condition accepted by the governing body pursuant to

§§ 15.2-2297, 15.2-2298 or 15.2-2303 or to implement a condition of special exception approval. All abandonments of roads within the secondary system of highways sought to be effected according to either of the preceding methods before July 1, 1994, are hereby validated, notwithstanding any defects or deficiencies in the proceeding; however, property rights which have vested subsequent to the attempted vacation are not impaired by such validation. The manner of reversion shall not be affected by this section.

§ 15.2-2316.2. Localities may provide for transfer of development rights.

A. Pursuant to the provisions of this article, the governing body of any locality by ordinance may, in order to conserve and promote the public health, safety, and general welfare, establish procedures, methods, and standards for the transfer of development rights within its jurisdiction. Any locality adopting or amending any such transfer of development rights ordinance shall give notice and hold a public hearing in accordance with § 15.2-2204 prior to approval by the governing body.

B. In order to implement the provisions of this act, a locality shall adopt an ordinance that shall provide for:

1. The issuance and recordation of the instruments necessary to sever development rights from the sending property, to convey development rights to one or more parties, or to affix development rights to one or more receiving properties. These instruments shall be executed by the property owners of the development rights being transferred, and any lien holders of such property owners. The instruments shall identify the development rights being severed, and the sending properties or the receiving properties, as applicable;

2. Assurance that the prohibitions against the use and development of the sending property shall bind the landowner and every successor in interest to the landowner;

3. The severance of transferable development rights from the sending property;

4. The purchase, sale, exchange, or other conveyance of transferable development rights, after severance, and prior to the rights being affixed to a receiving property;

5. A system for monitoring the severance, ownership, assignment, and transfer of transferable development rights;

6. A map or other description of areas designated as sending and receiving areas for the transfer of development rights between properties;

7. The identification of parcels, if any, within a receiving area that are inappropriate as receiving properties;

8. The permitted uses and the maximum increases in density in the receiving area;

9. The minimum acreage of a sending property and the minimum reduction in density of the sending property that may be conveyed in severance or transfer of development rights;

10. The development rights permitted to be attached in the receiving areas shall be equal to or greater than the development rights permitted to be severed from the sending areas;

11. An assessment of the infrastructure in the receiving area that identifies the ability of the area to accept increases in density and its plans to provide necessary utility services within any designated receiving area; and

12. The application to be deemed approved upon the determination of compliance with the ordinance by the agent of the planning commission, or other agent designated by the locality.

C. In order to implement the provisions of this act, a locality may provide in its ordinance for:

1. The purchase of all or part of such development rights, which shall retire the development rights so purchased;

2. The severance of development rights from existing zoned or subdivided properties as otherwise provided in subsection E;

3. The owner of such development rights to make application to the locality for a real estate tax abatement for a period up to 25 years, to compensate the owner of such development rights for the fair market value of all or part of the development rights, which shall retire the number of development rights equal to the amount of the tax abatement, and such abatement is transferable with the property;

4. The owner of a property to request designation by the locality of the owner's property as a "sending property" or a "receiving property";

5. The allowance for residential density to be converted to bonus density on the receiving property by (i) an increase in the residential density on the receiving property or (ii) an increase in the square feet of commercial, industrial, or other uses on the receiving property, which upon conversion shall retire the development rights so converted;

6. The receiving areas to include such urban development areas or similarly defined areas in the locality established pursuant to § 15.2-2223.1;

7. The sending properties, subsequent to severance of development rights, to generate one or more forms of renewable energy, as defined in § 56-576, subject to the provisions of the local zoning ordinance;

8. The sending properties, subsequent to severance of development rights, to produce agricultural products or forestal products, as defined in § 15.2-4302, and to include parks, campgrounds and related camping facilities; however, for purposes of this subdivision, "campgrounds" does not include use by travel trailers, motor homes, and similar vehicular type structures;

9. The review of an application by the planning commission to determine whether the application complies with the provisions of the ordinance;

10. Such other provisions as the locality deems necessary to aid in the implementation of the provisions of this act;

11. Approval of an application upon the determination of compliance with the ordinance by the agent of the planning commission; and

12. A requirement that development comply with any locality-adopted neighborhood design standards identified in the comprehensive plan for the receiving area in which the development shall occur, provided such design standard was adopted in the comprehensive plan and applied to the receiving area prior to the transfer of the development right.

D. The locality may, by ordinance, designate receiving areas or receiving properties, add to, supplement, or amend its designations of receiving areas or receiving properties, or designate receiving areas or receiving properties that shall receive development rights only from certain sending areas or sending properties specified by the locality, so long as the development rights permitted to be attached in the receiving areas are equal to or greater than the development rights permitted to be severed in the sending areas.

E. Any proposed severance or transfer of development rights shall only be initiated upon application by the property owners of the sending properties, development rights, or receiving properties as otherwise provided herein.

F. A locality may not require property owners to sever or transfer development rights as a condition of the development of any property.

G. The owner of a property may sever development rights from the sending property, pursuant to the provisions of this act. An application to transfer development rights to one or more receiving properties, for the purpose of affixing such rights thereto, shall only be initiated upon application by the owner of such development rights and the owners of the receiving properties.

H. Development rights severed pursuant to this article shall be interests in real property and shall be considered as such for purposes of conveyance and taxation. Once a deed for transferable development rights, created pursuant to this act, has been recorded in the land records of the office of the circuit court clerk for the locality to reflect the transferable development rights sold, conveyed, or otherwise transferred by the owner of the sending property, the development rights shall vest in the grantee and may be transferred by such grantee to a successor in interest. Nothing herein shall be construed to prevent the owner of the sending property from recording a deed covenant against the sending property severing the development rights on said property, with the owner of the sending property retaining ownership of the severed development rights. Any transfer of the development rights to a property in a receiving area shall be in accordance with the provisions of the ordinance adopted pursuant to this article.

I. For the purposes of ad valorem real property taxation, the value of a transferable development right shall be deemed appurtenant to the sending property until the transferable development right is severed from and recorded as a distinct interest in real property, or the transferable development right is used at a receiving property and becomes appurtenant thereto. Once a transferable development right is severed from the sending property, the assessment of the fee interest in the sending property shall reflect any change in the fair market value that results from the inability of the owner of the fee interest to use such property for such uses terminated by the severance of the transferable development right. Upon severance from the sending property and recordation as a distinct interest in real property, the transferable development right shall be assessed at its fair market value on a separate real estate tax bill sent to the owner of said development right as taxable real estate in accordance with Article 1 (§ 58.1-3200 et seq.) of Chapter 32 of Title 58.1. The development right shall be taxed as taxable real estate by the local jurisdiction where the sending property is located, until such time as the development right becomes attached to a receiving property, at which time it shall be taxed as taxable real estate by the local jurisdiction where the receiving property is located.

J. The owner of a sending property from which development rights are severed shall provide a copy of the instrument, showing the deed book and page number, or instrument or GPIN, to the real estate tax assessor for the locality.

K. Localities, from time to time as the locality designates sending and receiving areas, shall incorporate the map identified in subdivision B 6 into the comprehensive plan.

L. No amendment to the zoning map, nor any amendments to the text of the zoning ordinance with respect to the zoning district applicable thereto initiated by the governing body, which eliminate, or materially restrict, reduce, or downzone the uses, or the density of uses permitted in the zoning district applicable to any property to which development rights have been transferred, shall be effective with respect to such property unless there has been mistake, fraud, or a material change in circumstances substantially affecting the public health, safety, or welfare.

M. A county adopting an ordinance pursuant to this article may designate eligible receiving areas in any incorporated town within such county, if the governing body of the town has also amended its zoning ordinance to designate the same areas as eligible to receive density being transferred from sending areas in the county. The development right shall be taxed as taxable real estate by the local jurisdiction where the sending property is located, until such time as the development right becomes attached to a receiving property, at which time it shall be taxed as taxable real estate by the local jurisdiction where the receiving property is located.

N. Any county and an adjacent city may enter voluntarily into an agreement to permit the county to designate eligible receiving areas in the city if the governing body of the city has also amended its zoning ordinance to designate the same areas as eligible to receive density being transferred from sending areas in the county. The city council shall designate areas it deems suitable as receiving areas and shall designate the maximum increases in density in each such receiving area. However, if any such agreement contains any provision addressing any issue provided for in Chapter 32 (§ 15.2-3200 et seq.), 33 (§ 15.2-3300 et seq.), 36 (§ 15.2-3600 et seq.), 38 (§ 15.2-3800 et seq.), 39 (§ 15.2-3900 et seq.), or 41 (§ 15.2-4100 et seq.), the agreement shall be subject to the review and implementation process established by Chapter 34 (§ 15.2-3400 et seq.). The development right shall be taxed as taxable real estate by the local jurisdiction where the sending

property is located, until such time as the development right becomes attached to a receiving property, at which time it shall be taxed as taxable real estate by the local jurisdiction where the receiving property is located.

1. The terms and conditions of the density transfer agreement as provided in this subsection shall be determined by the affected localities and shall be approved by the governing body of each locality participating in the agreement, provided the governing body of each such locality first holds a public hearing, which shall be advertised ~~once a week for two successive weeks in a newspaper of general circulation in the locality~~ *as required by § 15.2-2204.*

2. The governing bodies shall petition a circuit court having jurisdiction in one or more of the localities for an order affirming the proposed agreement. The circuit court shall be limited in its decision to either affirming or denying the agreement and shall have no authority, without the express approval of each local governing body, to amend or change the terms or conditions of the agreement, but shall have the authority to validate the agreement and give it full force and effect. The circuit court shall affirm the agreement unless the court finds either that the agreement is contrary to the best interests of the Commonwealth or that it is not in the best interests of each of the parties thereto.

3. The agreement shall not become binding on the localities until affirmed by the court under this subsection. Once approved by the circuit court, the agreement shall also bind future local governing bodies of the localities.

§ 15.2-2321. Adoption of road improvements program.

Prior to adopting a system of impact fees, the locality shall conduct an assessment of road improvement needs benefiting an impact fee service area and shall adopt a road improvements plan for the area showing the new roads proposed to be constructed and the existing roads to be improved or expanded and the schedule for undertaking such construction, improvement or expansion. The road improvements plan shall be adopted as an amendment to the required comprehensive plan and shall be incorporated into the capital improvements program or, in the case of the counties where applicable, the six-year plan for secondary highway construction pursuant to § 33.2-331.

The locality shall adopt the road improvements plan after holding a duly advertised public hearing *in accordance with § 15.2-2204*. ~~The public hearing notice shall identify the impact fee service area or areas to be designated, and shall include a summary of the needs assessment and the assumptions upon which the assessment is based, the proposed amount of the impact fee, and information as to how a copy of the complete study may be examined. A copy of the complete study shall be available for public inspection and copying at reasonable times prior to the public hearing.~~

The locality at a minimum shall include the following items in assessing road improvement needs and preparing a road improvements plan:

1. An analysis of the existing capacity, current usage and existing commitments to future usage of existing roads, as indicated by (i) current and projected service levels, (ii) current valid building permits outstanding, and (iii) approved and pending site plans and subdivision plats. If the current usage and commitments exceed the existing capacity of the roads, the locality also shall determine the costs of improving the roads to meet the demand. The analysis shall include any off-site road improvements or cash payments for road improvements accepted by the locality and shall include a plan to fund the current usages and commitments that exceed the existing capacity of the roads.

2. The projected need for and costs of construction of new roads or improvement or expansion of existing roads attributable in whole or in part to projected new development. Road improvement needs shall be projected for the impact fee service area when fully developed in accord with the comprehensive plan and, if full development is projected to occur more than 20 years in the future, at the end of a 20-year period. The assumptions with regard to land uses, densities, intensities, and population upon which road improvement projections are based shall be presented.

3. The total number of new service units projected for the impact fee service area when fully developed and, if full development is projected to occur more than 20 years in the future, at the end of a 20-year period. A "service unit" is a standardized measure of traffic use or generation. The locality shall develop a table or method for attributing service units to various types of development and land use, including but not limited to residential, commercial and industrial uses. The table shall be based upon the ITE manual (published by the Institute of Transportation Engineers) or locally conducted trip generation studies, and consistent with the traffic analysis standards adopted pursuant to § 15.2-2222.1.

§ 15.2-2400. Creation of service districts.

Any locality may by ordinance, or any two or more localities may by concurrent ordinances, create service districts within the locality or localities in accordance with the provisions of this article. Service districts may be created to provide additional, more complete or more timely services of government than are desired in the locality or localities as a whole.

Any locality seeking to create a service district shall have a public hearing prior to the creation of the service district. Notice of such hearing shall be published ~~once a week for three consecutive weeks~~ *three times* in a newspaper of general circulation within the locality, with the first notice appearing no more than ~~21~~ *35* days before *and the third notice appearing no less than seven days before* the hearing.

§ 15.2-2401. Creation of service districts by court order in consolidated cities.

In any city which results from the consolidation of two or more localities, service districts may, in addition to the method prescribed in § 15.2-2400, be created by order of the circuit court for the city upon the petition of fifty voters of the proposed district, which order shall prescribe the metes and bounds of the district.

Upon the filing of a petition the court shall fix a date for a hearing on the question of the proposed service district, which hearing shall embrace a consideration of whether the property embraced within the proposed district will be benefited by the establishment thereof. Notice of such hearing shall be published ~~once a week for three consecutive weeks~~ *three times* in a newspaper of general circulation within the city, with the first notice appearing no more than ~~21~~ *35* days before *and the*

third notice appearing no less than seven days before the election. Any person interested may answer the petition and make defense thereto. If upon such hearing the court is of opinion that any property embraced within the limits of such proposed district will not be benefited by the establishment thereof, then such property shall not be embraced therein.

Upon the petition of the city council and of not less than 50 voters of the territory proposed to be added, or if such territory contains less than 100 voters, of fifty percent of the voters of such territory, after notice and hearing as provided above, any service district may be extended and enlarged by order of the circuit court for the city which order shall prescribe the metes and bounds of the territory so added.

§ 15.2-2409. How notice given; objections.

The notice may be given by personal service on all persons entitled to such notice, except (i) notice to an infant, a mentally incapacitated person or other person under a disability may be served on his guardian, conservator or committee; (ii) notice to a nonresident may be mailed to him at his place of residence or served on any agent of his having charge of the property or on the tenant of the property; or (iii) in any case when the owner is a nonresident or when the owner's residence is not known, such notice may be given by publication *three times* in a newspaper having general circulation in the locality ~~once a week for four successive weeks~~*, with the first notice appearing no more than 35 days before and the third notice appearing no less than seven days before the parties are cited to appear*. In lieu of such personal service on the parties or their agents and of such publication, the notice to all parties may be given by publishing the same *twice* in a newspaper having general circulation in the locality, ~~once a week for two successive weeks; the second publication shall be made at least seven days~~ *with the first notice appearing no more than 28 days* before *and the second notice appearing no less than seven days before* the parties are cited to appear. Any landowner wishing to make objections to an assessment or apportionment may appear in person or by counsel and state such objections.

§ 15.2-2506. Publication and notice; public hearing; adjournment; moneys not to be paid out until appropriated.

~~A brief synopsis of the budget that, except in the case of the school division budget, shall be for informative and fiscal planning purposes only, shall be published once in a newspaper having general circulation in the locality affected, and notice given of one or more public hearings, at least seven days prior to the date set for hearing, at which any citizen of the locality shall have the right to attend and state his views thereon.~~ *Notice of one or more public hearings shall be given in accordance with § 15.2-1427. Such notice shall, at a minimum, include a summary of the total revenues and expenditures for each appropriated fund and the current and proposed real estate and personal property tax levies.* Any locality not having a newspaper of general circulation may in lieu of the foregoing notice provide for notice by written or printed handbills, posted at such places as it may direct. The hearing shall be held at least seven days prior to the approval of the budget as prescribed in § 15.2-2503. With respect to the school division budget, which shall include the estimated required local match, such hearing shall be held at least seven days prior to the approval of that budget as prescribed in § 22.1-93. With respect to the budget of a constitutional officer, if the proposed budget reduces funding of such officer at a rate greater than the average rate of reduced funding for other agencies appropriated through such locality's general fund, exclusive of the school division, the locality shall give written notice to such constitutional officer at least 14 days prior to adoption of the budget. If a constitutional officer determines that the proposed budget cuts would impair the performance of his statutory duties, such constitutional officer shall make a written objection to the local governing body within seven days after receipt of the written notice and shall deliver a copy of such objection to the Compensation Board. The local governing body shall consider the written objection of such constitutional officer. The governing body may adjourn such hearing from time to time. The fact of such notice and hearing shall be entered of record in the minute book.

In no event, including school division budgets, shall such preparation, publication, and approval be deemed to be an appropriation. No money shall be paid out or become available to be paid out for any contemplated expenditure unless and until there has first been made an annual, semiannual, quarterly, or monthly appropriation for such contemplated expenditure by the governing body, except that funds appropriated in a county having adopted the county executive form of government for multiyear capital projects and outstanding grants may be carried over from year to year without being reappropriated.

§ 15.2-2507. Amendment of budget.

A. Any locality may amend its budget to adjust the aggregate amount to be appropriated during the current fiscal year as shown in the currently adopted budget as prescribed by § 15.2-2504. However, any such amendment which exceeds one percent of the total expenditures shown in the currently adopted budget must be accomplished by publishing ~~a~~ notice of a meeting and a public hearing ~~once in a newspaper having general circulation in that locality at least seven days prior to the meeting date~~ *in accordance with § 15.2-1427*. The notice shall state the governing body's intent to amend the budget and include a brief synopsis of the proposed budget amendment. Any local governing body may adopt such amendment at the advertised meeting, after first providing a public hearing during such meeting on the proposed budget amendments.

B. Pursuant to the requirements of §§ 15.2-1609.1, 15.2-1609.7, 15.2-1636.8, and 15.2-1636.13 through 15.2-1636.17 every county and city shall appropriate as part of its annual budget or in amendments thereto amounts for salaries, expenses and other allowances for its constitutional officers that are not less than those established for such offices in the locality by the Compensation Board pursuant to applicable law or, in the event of an appeal pursuant to § 15.2-1636.9, by the circuit court in accordance with the provisions of that section.

§ 15.2-2606. Public hearing before issuance of bonds.

A. Notwithstanding any contrary provision of law, general or special, but subject to subsection B of this section, before the final authorization of the issuance of any bonds by a locality, the governing body of the locality shall hold a public hearing on the proposed bond issue. Notice of the hearing shall be published ~~once a week for two successive weeks~~ *twice* in a newspaper published or having general circulation in the locality, with the first notice appearing no more than ~~14~~ *28* days before *and the second notice appearing no less than seven days before* the hearing. The notice shall (i) state the estimated maximum amount of the bonds proposed to be issued, (ii) state the proposed use of the bond proceeds, and if there is more than one use, state the proposed uses for which more than 10 percent of the total bond proceeds is expected to be used, and (iii) specify the time and place of the hearing at which persons may appear and present their views. ~~The hearing shall not be held less than six nor more than 21 days after the date the second notice appears in the newspaper.~~

B. No notice or public hearing shall be required for (i) bonds which have been approved by a majority of the voters of the issuing locality voting on the issuance of such bonds or (ii) obligations issued pursuant to § 15.2-2629, 15.2-2630 or 15.2-2643.

§ 15.2-2610. Request for referendum filed with court; order for election; notice.

If voter approval of any bond issue by a locality is required by the Constitution of Virginia or this chapter or any charter provision, a copy of the resolution or ordinance adopted by the governing body of the locality, certified by the clerk of the governing body, requesting that a referendum on the question of the issuance of the bonds be held, shall be filed with the circuit court for the locality or in the case of a town the circuit court for the county in which the town is located. The circuit court shall order a special election, in accordance with § 24.2-681 et seq., requiring the election officers of the locality on the day fixed in the order to open the polls and take the sense of the voters of the locality on the question of contracting the debt and issuing bonds for the purpose or purposes set forth in the resolution or ordinance. When any town is situated partly in two or more counties, the certified copy of the resolution or ordinance may be presented to the circuit court for any of the counties and the court shall order an election to be held in the town in accordance with the provisions of §§ 24.2-601 and 24.2-681 et seq. Notice of the election in the form prescribed by the court shall be published at least once but not less than ~~ten~~ *seven* days before the election in a newspaper published or having general circulation in the locality.

Where voter approval is required by the Constitution of Virginia, this chapter or any charter provision, a locality may, at its option, provide in the ordinance or resolution that any two or more purposes and amounts of the bonds proposed to be issued for such purposes be combined into a single question for the election and referred to as "capital improvement bonds" in an aggregate principal amount equal to the sum of the amounts for the purposes so combined.

§ 15.2-2652. Service by publication of motion for judgment; parties defendant.

Upon the filing of the motion for judgment the court shall fix the time and place for hearing the proceeding and shall enter an order requiring the publication of the motion for judgment or a summary of it approved by the court, together with the order setting forth the time and place of the hearing, ~~once a week for two consecutive weeks~~ *twice* in a newspaper published or having general circulation in the jurisdiction where the issuer is located*, with the first notice appearing no more than 28 days before and the second notice appearing no less than seven days before the date fixed for the hearing*. ~~The date fixed for the hearing shall not be sooner than ten days after the date the second publication of the motion for judgment or summary and the order appears in the newspaper.~~

By the publication of the motion for judgment or summary and the order, all taxpayers, property owners and citizens of the jurisdiction where the issuer is located, including nonresidents owning property in or subject to taxation by it, and all other persons having or claiming any right, title or interest in any property or funds affected in any way by the issuance of the bonds, or having or claiming to have any right or interest in the subject matter of the motion for judgment, shall be considered parties defendant in the proceedings, and the court shall have jurisdiction of them the same as if each of them were named individually as a defendant in the motion for judgment and personally served with process.

§ 15.2-2653. Contesting issuance of bonds; notice and hearing; service on member of governing body, etc.

Any person, corporation, or association desiring to contest the issuance of any bonds pursuant to the provisions of this chapter, or any other law, general or special, shall proceed by filing a motion for judgment within thirty days after the filing of the resolution or ordinance authorizing the issuance of the bonds with the circuit court having jurisdiction over the issuer, or in contesting the validity of a petition for or the results of a referendum, within thirty days after the date that the result of the election for the issuance of the bonds is certified, in the court having jurisdiction as provided in § 15.2-2651. For bonds which are not authorized pursuant to a referendum, or for which the authorizing resolution or ordinance is not required to be filed with the circuit court, the contestant shall proceed by filing a motion for judgment within thirty days after the adoption of the authorizing resolution or ordinance. Upon the filing of a motion for judgment, the court shall fix a time and place for hearing the proceeding and shall enter an order requiring the publication of the motion for judgment or a summary of it approved by the court, together with the order setting forth the time and place of the hearing, ~~once a week for two consecutive weeks~~ *twice* in a newspaper published or having general circulation in the jurisdiction where the issuer is located, with the first notice appearing no more than ~~14~~ *28* days before *and the second notice appearing no less than seven days before the date fixed for* the hearing. ~~The date fixed for the hearing shall not be sooner than ten days after the date the second publication of the motion for judgment or summary and the order appears in the newspaper.~~ In addition to such publication, the plaintiff shall secure personal service on at least one member of the governing body of the issuer.

§ 15.2-3236. Council may enact ordinance.

Whenever it is deemed desirable to contract the corporate limits of any city or town, the council thereof may enact an ordinance defining accurately the boundary of the territory proposed to be abandoned. The ordinance, or a descriptive

summary of the ordinance, along with a reference of the place in the city or town where the ordinance may be examined, shall be published *three times* in ~~at least ten issues of~~ a ~~daily~~ paper having general circulation in the city or town, ~~if there is such a paper, or in two successive issues of a weekly newspaper having general circulation in such city or town, if there is such a paper. If there is no daily newspaper having general circulation therein, the ordinance shall be conspicuously posted in at least ten public places in the territory for at least ten days before the application to the circuit court for the city or town as provided for in § 15.2-3237 in addition to the publication in the weekly newspaper~~ *with the first notice appearing no more than 35 days before and the third notice appearing no less than seven days before the enactment of the ordinance*. A copy of the ordinance shall be served by the city or town upon the chairman of the board of supervisors of the contiguous county or counties of which the territory may become a part.

§ 15.2-3242. Parties defendant and publication of such petition.

The county in which the part of the town proposed to be abandoned under § 15.2-3241 is located shall be named as defendant to the petition. Satisfactory proof that the petition, or a descriptive summary of the petition along with a reference to the place in the town where the petition may be examined, has been published in a newspaper having general circulation in the county or town ~~once a week for four successive weeks and has been posted at the front door of the courthouse of the county for a like period~~ *three times, with the first notice appearing no more than 35 days before and the third notice appearing no less than seven days before the filing of the petition,* shall be filed with the petition. A statement in the publication to the effect that a certain number of registered voters of the territory proposed to be abandoned signed the petition shall be sufficient in lieu of the names of the signers.

§ 15.2-3400. Voluntary settlements among local governments.

Recognizing that the localities of the Commonwealth may be able to settle the matters provided for in this subtitle through voluntary agreements and further recognizing that such a resolution can be beneficial to the orderly growth and continued viability of the localities of the Commonwealth the following provisions are made:

1. Any locality may enter voluntarily into agreement with any other locality or combination of localities whereby any rights provided for its benefit in this subtitle may be modified or waived in whole or in part, as determined by its governing body, provided that the modification or waiver does not conflict with the Constitution of Virginia.

2. The terms of the agreement may include fiscal arrangements, land use arrangements, zoning arrangements, subdivision arrangements and arrangements for infrastructure, revenue and economic growth sharing, provisions for the acceptance on each other's behalf of proffered conditions under § 15.2-2298 or 15.2-2303, dedication of all or any portion of tax revenues to a revenue and economic growth sharing account, boundary line adjustments, acquisition of real property and buildings and the joint exercise or delegation of powers as well as the modification or waiver of specific annexation, transition or immunity rights as determined by the local governing body including opposition to petitions filed pursuant to § 15.2-3203, and such other provisions as the parties deem in their best interest. The terms of the agreement may also provide for subsequent court review, instituted pursuant to provisions contained in the agreement, by a special court convened under Chapter 30 (§ 15.2-3000 et seq.) of this title.

3. If a voluntary agreement is reached pursuant to this chapter, the governing bodies shall present to the Commission the proposed settlement. The Commission shall conduct a hearing pursuant to subsection A of § 15.2-2907. The Commission shall report, in writing, its findings and recommendations as to whether the proposed settlement is in the best interest of the Commonwealth. Such report shall not be binding upon any court but shall be advisory in nature only.

4. Upon receipt of the Commission report, the localities, by ordinance passed by a recorded affirmative vote of a majority of the members of each governing body thereof, may adopt either the original or a modified agreement acceptable to all parties. ~~Before adopting such ordinance each~~ *Each* local governing body shall advertise its intention to approve such agreement, or modified agreement, ~~at least once a week for two successive weeks~~ *twice, with the first notice appearing no more than 28 days before and the second notice appearing no less than seven days before the adoption of the ordinance* in a newspaper having a general circulation in its jurisdiction ~~and such~~. *Such* advertisements shall contain a descriptive summary of the agreement or modified agreement. Each locality shall hold at least one public hearing on the agreement or modified agreement prior to the adoption of the ordinance. The publication shall include a statement that a copy of the agreement, or modified agreement, is on file in the office of the clerk of the circuit court for each of the affected jurisdictions.

5. The governing bodies shall petition a circuit court having jurisdiction in one or more of the localities for an order affirming the proposed settlement. The circuit court with which the petition is filed shall notify the Supreme Court, which shall appoint a special court to hear the case as prescribed by Chapter 30 (§ 15.2-3000 et seq.) of this title. The special court shall be limited in its decision to either affirming or denying the voluntary agreement and shall have no authority, without the express approval of each local governing body, to amend or change the terms or conditions of the agreement, but shall have the authority to validate the agreement and give it full force and effect. The court shall affirm the agreement unless the court finds either that the agreement is contrary to the best interests of the Commonwealth or that it is not in the best interests of each of the parties thereto. In determining whether such agreement should be affirmed, the court shall consider, among other things, whether the interest of the Commonwealth in promoting orderly growth and the continued viability of localities has been met. If the agreement is validated and provides for annexation by a city or town, the agreement shall take effect on the first day of the month succeeding validation of the agreement unless the agreement stipulates that the annexation shall be effective on some other date.

6. The agreement shall not become binding on the localities until affirmed by the special court under this section. Once approved by the special court, the agreement shall also bind future local governing bodies of the localities.

7. The applicable provisions of this chapter shall be deemed to have been met with regard to any voluntary fiscal agreement or voluntary agreement in settlement of an annexation, transition or immunity petition or voluntary settlement agreement entered into pursuant to this chapter (i) which was entered into before July 1, 1990, (ii) which had been reviewed or was in the process of review by the Commission on Local Government on or before July 1, 1990, (iii) which had been or was the subject of review by a special court convened under Chapter 30 of this title on or before July 1, 1990, or (iv) which had been or was approved by a special court convened under Chapter 30 of this title on or before July 1, 1990.

8. The provisions of § 15.2-3226 shall apply when a voluntary agreement made under this section includes the annexation of territory by a city or town. No election for members of council shall be held as a result of such annexation unless the city or town increases its population by more than five percent due to the annexation.

§ 15.2-3401. Referendum on contracting of debt by counties in voluntary settlement agreements.

Before a county, under the terms of a voluntary agreement pursuant to this chapter, contracts a debt pursuant to Article VII, § 10 (b) of the Constitution of Virginia, the board of supervisors shall, in conformity with Article VII, § 10 (b) of the Constitution of Virginia, petition the circuit court for the county for an order calling for a special election in the county on the question of contracting such debt.

The question on the ballot shall be as follows, provided that the circuit court in its order calling for the election may substitute alternative language necessary to specify the type of agreement or the particular debt which the county proposes to contract under an agreement:

"Shall (name of county) be authorized to contract a debt by entering into a contract for the payment (describe the debt or payment) to (name of locality to whom payments are to be made) as a part of the proposed voluntary annexation and immunity settlement agreement between the county and (name of other locality)?

[ ] Yes

[ ] No"

The clerk of the county shall cause a notice of the referendum to be published *three times* in a newspaper having general circulation in the county ~~once a week for three consecutive weeks, the first such notice of which must be published not more than 21 days prior to~~, *with the first notice appearing no more than 35 days before and the third notice appearing no less than seven days before* the election, and shall post a copy of the notice at the door of the county courthouse.

The election shall be held and the results thereof ascertained and certified in accordance with Article 5 (§ 24.2-681 et seq.) of Chapter 6 of Title 24.2. If a majority of the voters of the county voting in such election approve the contracting of such debt, the county may proceed to adopt, by ordinance, the agreement.

§ 15.2-3504. Publication of agreement.

The governing body of each of the consolidating localities shall cause a copy of the consolidation agreement, or a descriptive summary of the agreement and a reference to the place within the locality where a copy of the agreement may be examined, to be published in each locality with which it is proposed to consolidate ~~at least once a week for four successive weeks~~ *three times* in a newspaper having a general circulation therein, *with the first notice appearing no more than 35 days before and the third notice appearing no less than seven days before the adoption of the consolidated agreement in accordance with § 15.2-3502*. A copy of the agreement shall be available for public inspection at the circuit court clerk's office of each of the consolidating localities.

§ 15.2-3600. Petition for incorporation of community; appointment of special court.

A petition signed by 100 voters of any community may be presented to the circuit court for the county in which such community, or the greater part thereof, is situated, requesting that the community be incorporated as a town. A plat showing the boundaries of the community shall be attached to the petition. The circuit court with which the petition is filed shall notify the Supreme Court, which shall appoint a special court to hear the case as prescribed by Chapter 30 (§ 15.2-3000 et seq.) of this title. The plat shall be prepared by a registered surveyor in a form suitable for recording in the clerk's office of the circuit court. A copy of the petition shall be served upon the county attorney or, if there is no county attorney, the attorney for the Commonwealth, and each member of the governing body of the county or counties wherein the area sought to be incorporated lies. The governing body at its option may become a party to the proceeding. The petition shall be accompanied by proof that:

1. The petition has been available for public inspection in the office of the clerk of the circuit court; and

2. The following have been published ~~once a week for three successive weeks~~ *three times* in a newspaper having general circulation in the county, with the first publication appearing no more than ~~21~~ *35* days before *and the third publication appearing no less than seven days before* the petition will be presented:

a. Notice of the time and place the petition would be presented; and

b. The text of the petition in full; or

c. A descriptive summary of the petition and notice that the petition may be inspected at the circuit court clerk's office.

§ 15.2-3805. Time limit for intervenors; publication of order.

The special court shall by order fix a time within which a voter, property owner or political subdivision not served may become a party to a proceeding instituted under this chapter, and thereafter no such petition shall be received, except for good cause shown. A copy of the order shall be published ~~at least once a week for two successive weeks~~ *twice* in a newspaper of general circulation in the county and in the adjoining or adjacent counties and cities, *with the first notice appearing no more than 28 days and the second notice appearing no less than seven days before the time fixed by the special court.*

§ 15.2-3913. Public hearing on charter; notice and publication; adoption of charter by governing body.

Upon the completion of the proposed charter the governing body shall hold a public hearing at which the citizens shall have an opportunity to be heard with respect thereto. Notice of the time and place of such hearing and the text of the charter, or an informative summary thereof, shall be published *twice* in a newspaper of general circulation in the county ~~at least once a week for two successive weeks~~*, with the first notice appearing no more than 28 days before and the second notice appearing no less than seven days before the hearing*. ~~The hearing shall not be held sooner than thirty days subsequent to the first publication.~~ Such hearing may be adjourned from time to time, but shall be completed not less than thirty days before the election. Upon completion of the hearing the governing body shall adopt the charter with such revisions as it may accept.

§ 15.2-4311. Review of districts.

The local governing body may complete a review of any district created under this section, together with additions to such district, no less than four years but no more than ten years after the date of its creation and every four to ten years thereafter. If the local governing body determines that a review is necessary, it shall begin such review at least ninety days before the expiration date of the period established when the district was created. In conducting such review, the local governing body shall ask for the recommendations of the local advisory committee and the planning commission in order to determine whether to terminate, modify or continue the district. When each district is reviewed, land within the district may be withdrawn at the owner's discretion by filing a written notice with the local governing body at any time before it acts to continue, modify or terminate the district. The local planning commission or the advisory committee shall schedule as part of the review a public meeting with the owners of land within the district, and shall send by first-class mail a written notice of the meeting and review to all such owners. The notice shall state the time and place for the meeting; that the district is being reviewed by the local governing body; that the local governing body may continue, modify, or terminate the district; and that land may be withdrawn from the district at the owner's discretion by filing a written notice with the local governing body at any time before it acts to continue, modify or terminate the district. The local governing body shall hold a public hearing as provided by law. The governing body may stipulate conditions to continuation of the district and may establish a period before the next review of the district, which may be different from the conditions or period established when the district was created. Any such different conditions or period shall be described in a notice sent by first-class mail to all owners of land within the district and published in a newspaper having a general circulation within the district ~~at least two weeks~~ *no less than seven days* prior to adoption of the ordinance continuing the district. Unless the district is modified or terminated by the local governing body, the district shall continue as originally constituted, with the same conditions and period before the next review as that established when the district was created.

If the local governing body determines that a review is unnecessary, it shall set the year in which the next review shall occur.

§ 15.2-4313. Proposals as to land acquisition or construction within district.

A. Any agency of the Commonwealth or any political subdivision which intends to acquire land or any interest therein other than by gift, devise, bequest or grant, or any public service corporation which intends to: (i) acquire land or any interest therein for public utility facilities not subject to approval by the State Corporation Commission, provided that the proposed acquisition from any one farm or forestry operation within the district is in excess of one acre or that the total proposed acquisition within the district is in excess of ten acres or (ii) advance a grant, loan, interest subsidy or other funds within a district for the construction of dwellings, commercial or industrial facilities, or water or sewer facilities to serve nonfarm structures, shall at least ninety days prior to such action notify the local governing body and all of the owners of land within the district. Notice to landowners shall be sent by first-class or registered mail and shall state that further information on the proposed action is on file with the local governing body. Notice to the local governing body shall be filed in the form of a report containing the following information:

1. A detailed description of the proposed action, including a proposed construction schedule;

2. All the reasons for the proposed action;

3. A map indicating the land proposed to be acquired or on which the proposed dwellings, commercial or industrial facilities, or water or sewer facilities to serve nonfarm structures are to be constructed;

4. An evaluation of anticipated short-term and long-term adverse impacts on agricultural and forestal operations within the district and how such impacts are proposed to be minimized;

5. An evaluation of alternatives which would not require action within the district; and

6. Any other relevant information required by the local governing body.

B. Upon receipt of a notice filed pursuant to subsection A, the local governing body, in consultation with the local planning commission and the advisory committee, shall review the proposed action and make written findings as to (i) the effect the action would have upon the preservation and enhancement of agriculture and forestry and agricultural and forestal resources within the district and the policy of this chapter; (ii) the necessity of the proposed action to provide service to the public in the most economical and practical manner; and (iii) whether reasonable alternatives to the proposed action are available that would minimize or avoid any adverse impacts on agricultural and forestal resources within the district. If requested to do so by any owner of land that will be directly affected by the proposed action of the agency, corporation, or political subdivision, the Director of the Department of Conservation and Recreation, or his designee, may advise the local governing body on the issues listed in clauses (i), (ii) and (iii) of this subsection.

C. If the local governing body finds that the proposed action might have an unreasonably adverse effect upon either state or local policy, it shall (i) issue an order within ninety days from the date the notice was filed directing the agency, corporation or political subdivision not to take the proposed action for a period of 150 days from the date the notice was filed and (ii) hold a public hearing, as prescribed by law, concerning the proposed action. The hearing shall be held where the local governing body usually meets or at a place otherwise easily accessible to the district. The locality shall publish notice in a newspaper having a general circulation within the district *no less than seven days before the hearing*, and mail individual notice of the hearing to the political subdivisions whose territory encompasses or is part of the district, and the agency, corporation or political subdivision proposing to take the action. Before the conclusion of the 150-day period, the local governing body shall issue a final order on the proposed action. Unless the local governing body, by an affirmative vote of a majority of all the members elected to it, determines that the proposed action is necessary to provide service to the public in the most economic and practical manner and will not have an unreasonably adverse effect upon state or local policy, the order shall prohibit the agency, corporation or political subdivision from proceeding with the proposed action. If the agency, corporation or political subdivision is aggrieved by the final order of the local governing body, an appeal shall lie to the circuit court having jurisdiction of the territory wherein a majority of the land affected by the acquisition is located. However, if such public service corporation is regulated by the State Corporation Commission, an appeal shall be to the State Corporation Commission.

§ 15.2-4405. Creation of districts of local significance.

A. A participating locality shall have the authority to create agricultural, forestal, or agricultural and forestal districts of local significance by the adoption of a general ordinance establishing a local districts program according to the provisions of this chapter.

B. In participating localities where such an ordinance has been adopted by the local governing body, any owner or owners of land may submit an application pursuant to § 15.2-4403 to the locality for the creation of an agricultural, forestal, or an agricultural and forestal district of local significance within such locality. Each individual district of local significance shall have a core of no less than the minimum acreage specified in the general ordinance, which minimum acreage in no case shall be less than 20 acres in one parcel or contiguous parcels, provided that (i) any noncontiguous parcel that is not part of the core may be included in a district of local significance if the nearest boundary of such noncontiguous parcel is within one-quarter of a mile of the core and (ii) such noncontiguous parcel had previously been included in a district of local significance. No owner of land shall be included in any agricultural, forestal, or agricultural and forestal district of local significance without the owner's written approval. A separate application may be made by any owner or owners of land for additional contiguous qualifying lands, or noncontiguous lands that meet the conditions of clauses (i) and (ii), to be included in an already created district at any time following such creation.

C. Upon receipt of a proposal for a district of local significance, the local governing body shall refer the proposal to the planning commission which shall:

1. Provide notice of the proposal by publishing a notice in a newspaper having general circulation within the proposed district and by posting such notice in three conspicuous places within the jurisdiction in which the proposed district is located. The notice shall state that an application for an agricultural, forestal, or agricultural and forestal district of local significance has been submitted to the local governing body, that a copy of the application is on file open to public inspection in the office of the clerk, that any proposals for modifications of the district shall be filed within 30 days, that any owner included in the proposal may withdraw his land, in whole or in part, at any time until the local governing body makes a final decision as to the constitution of the district pursuant to subsection D, and that hearing dates of the planning commission and local governing body shall be published and posted within 30 days.

2. Refer such proposal and modifications to the advisory committee.

D. Within one year of the date of filing of the application for such original proposal, the proposal: shall be reviewed by (i) the advisory committee, which shall report to the local planning commission its recommendations concerning the proposal and proposed modifications; (ii) the planning commission, which, after receiving the report of the advisory committee, shall hold a public hearing as prescribed in subsection E, and shall report its recommendations concerning the proposal and proposed modifications to the local governing body; and (iii) the local governing body, which, after receiving the report of the local planning commission and the advisory committee, shall hold a public hearing as prescribed below, and may create the district or any modification of the district by the adoption of a district ordinance as described in subsection E, or reject the creation of a district as it deems appropriate. All districts shall meet the minimum requirements set forth in the participating locality's general ordinance for the creation of districts of local significance.

E. Public hearings required to be held by the planning commission and local governing body shall be conducted in the following manner:

1. The hearing as prescribed by law shall be held where the local governing body usually meets or at a place otherwise readily accessible to the proposed district;

2. The notice of the public hearing as prescribed by law shall contain a description of the proposed district, any proposed modifications and any recommendations of the local planning commission or the advisory committee; and

3. The notice shall be published *twice* in a newspaper having a general circulation within the proposed district ~~and~~, *with the first notice appearing no more than 28 days before and the second notice appearing no less than seven days before the hearing. Such notice* shall be given in writing complete with proposed modifications to those municipalities whose territory encompasses or is part of the proposed district.

F. The general ordinance establishing the program to create agricultural, forestal, or agricultural and forestal districts of local significance shall state the criteria which shall be considered by the advisory committee and the local planning commission in advising the local governing body and by the local governing body in making its decision on whether or not to create a district. These criteria shall be based on and consistent with the following factors:

1. The agricultural and forestal significance within the proposed district and in areas adjacent thereto;

2. The presence of any significant agricultural lands or significant forestal lands within the proposed district and adjacent thereto that are not now in active farming or production;

3. The nature and extent of land uses other than active farming or forestry within the proposed district and adjacent thereto;

4. Local developmental patterns and needs including zoning and the comprehensive plan;

5. The scenic and historic features of land uses within the proposed district and adjacent thereto;

6. The environmental benefits of preserving the lands in the district in their existing use; and

7. Any other matter which may be relevant.

In judging significance, any relevant agricultural and forest maps may be considered as well as soil, climate, topography, quality of tree cover, other natural factors, markets for farm and forest products, the extent and nature of farm and forest improvements, evidence of commitment to long-term farm and forest use, anticipated trends in agricultural and forest economic conditions and technology, and such other factors as may be relevant. Criteria for judging the significance of lands in local agricultural and forestal districts to be created pursuant to this chapter may differ from those for judging the significance of lands in statewide districts to be created pursuant to Chapter 43 (§ 15.2-4300 et seq.).

§ 15.2-5136. Rates and charges.

A. The authority may fix and revise rates, fees and other charges (which shall include, but not be limited to, a penalty not to exceed 10 percent on delinquent accounts, and interest on the principal), subject to the provisions of this section, for the use of and for the services furnished or to be furnished by any system, or streetlight system in King George County, or refuse collection and disposal system or facilities incident thereto, owned, operated or maintained by the authority, or facilities incident thereto, for which the authority has issued revenue bonds as authorized by this chapter. Such rates, fees and charges shall be so fixed and revised as to provide funds, with other funds available for such purposes, sufficient at all times (i) to pay the cost of maintaining, repairing and operating the system or systems, or facilities incident thereto, for which such bonds were issued, including reserves for such purposes and for replacement and depreciation and necessary extensions, (ii) to pay the principal of and the interest on the revenue bonds as they become due and reserves therefor, and (iii) to provide a margin of safety for making such payments. The authority shall charge and collect the rates, fees and charges so fixed or revised.

B. The rates for water (including fire protection) and sewer service (including disposal) shall be sufficient to cover the expenses necessary or properly attributable to furnishing the class of services for which the charges are made. However, the authority may fix rates and charges for the services and facilities of its water system sufficient to pay all or any part of the cost of operating and maintaining its sewer system (including disposal) and all or any part of the principal of or the interest on the revenue bonds issued for such sewer or sewage disposal system, and may pledge any surplus revenues of its water system, subject to prior pledges thereof, for such purposes.

C. Rates, fees and charges for the services of a sewer or sewage disposal system shall be just and equitable, and may be based upon:

1. The quantity of water used or the number and size of sewer connections;

2. The number and kind of plumbing fixtures in use in the premises connected with the sewer or sewage disposal system;

3. The number or average number of persons residing or working in or otherwise connected with such premises or the type or character of such premises;

4. Any other factor affecting the use of the facilities furnished; or

5. Any combination of the foregoing factors.

However, the authority may fix rates and charges for services of its sewer or sewage disposal system sufficient to pay all or any part of the cost of operating and maintaining its water system, including distribution and disposal, and all or any part of the principal of or the interest on the revenue bonds issued for such water system, and to pledge any surplus revenues of its water system, subject to prior pledges thereof, for such purposes.

D. Water and sewer rates, fees and charges established by any authority shall be fair and reasonable. An authority may charge fair and reasonable rates, fees, and charges to create reserves for expansion of its water and sewer or sewage disposal systems. Such rates, fees, and charges shall be reviewed by the authority periodically and shall be adjusted, if necessary, to assure that they continue to be fair and reasonable. However, any authority may charge and collect rates, fees, and charges to create a reserve fund for reasonable expansion of its water, sewer, or sewage disposal system. Nothing herein shall affect existing contracts with bondholders which are in conflict with any of the foregoing provisions.

E. Rates, fees and charges for the service of a streetlight system shall be just and equitable, and may be based upon:

1. The portion of such system used;

2. The number and size of premises benefiting therefrom;

3. The number or average number of persons residing or working in or otherwise connected with such premises;

4. The type or character of such premises;

5. Any other factor affecting the use of the facilities furnished; or

6. Any combination of the foregoing factors.

However, the authority may fix rates and charges for the service of its streetlight system sufficient to pay all or any part of the cost of operating and maintaining such system.

F. The authority may also fix rates and charges for the services and facilities of a water system or a refuse collection and disposal system sufficient to pay all or any part of the cost of operating and maintaining facilities incident thereto for the generation or transmission of power and all or any part of the principal of or interest upon the revenue bonds issued for any such facilities incident thereto, and to pledge any surplus revenues from any such system, subject to prior pledges thereof, for such purposes. Charges for services to premises, including services to manufacturing and industrial plants, obtaining all or a part of their water supply from sources other than a public water system may be determined by gauging or metering or in any other manner approved by the authority.

G. No rates, fees or charges shall be fixed under subsections A through F of this section or under subdivision 10 of § 15.2-5114 until after a public hearing at which all of the users of the systems or facilities; the owners, tenants or occupants of property served or to be served thereby; and all others interested have had an opportunity to be heard concerning the proposed rates, fees and charges. After the adoption by the authority of a resolution setting forth the preliminary schedule or schedules fixing and classifying such rates, fees and charges, notice of a public hearing~~, setting forth the proposed schedule or schedules of rates, fees and charges,~~ *in accordance with § 15.2-1427* shall be published ~~once a week for two successive weeks in a newspaper having a general circulation in the area to be served by such systems or facilities, with the first notice appearing no more than 14 days before the hearing~~. The hearing may be adjourned from time to time. A copy of the notice shall be mailed to the governing bodies of all localities in which such systems or facilities or any part thereof is located. After the hearing the preliminary schedule or schedules, either as originally adopted or as amended, shall be adopted and put into effect.

H. A copy of the schedule or schedules of the final rates, fees and charges fixed in accordance with subsection G shall be kept on file in the office of the clerk or secretary of the governing body of each locality in which such systems or any part thereof is located, and shall be open to inspection by all interested parties. The rates, fees or charges so fixed for any class of users or property served shall be extended to cover any additional properties thereafter served which fall within the same class, without the necessity of a hearing or notice. Any increase in any rates, fees or charges under this section shall be made in the manner provided in subsection G. Any other change or revision of the rates, fees or charges may be made in the same manner as the rates, fees or charges were originally established as provided in subsection G.

I. No rates, fees or charges established, fixed, changed or revised before January 1, 2013, by any authority pursuant to this section or to subdivision 10 of § 15.2-5114 shall be invalidated because of any defect in or failure to publish or provide any notice required under this section or any predecessor provision.

§ 15.2-5156. Hearing; notice.

A. An ordinance or resolution creating a community development authority shall not be adopted or approved until a public hearing has been held by the governing body on the question of its adoption or approval. Notice of the public hearing shall be published ~~once a week for three successive weeks~~ *three times* in a newspaper of general circulation within the locality, with the first notice appearing no more than ~~21~~ *35* days before *and the third notice appearing no less than seven days before* the hearing. The petitioning landowners shall bear the expense of publishing the notice. ~~The hearing shall not be held sooner than ten days after completion of publication of the notice.~~

B. After the public hearing and before adoption of the ordinance or resolution, the local governing body shall mail a true copy of its proposed ordinance or resolution creating the development authority to the petitioning landowners or their attorney in fact. Unless waived in writing, any petitioning landowner shall have thirty days from mailing of the proposed ordinance or resolution in which to withdraw his signature from the petition in writing prior to the vote of the local governing body on such ordinance or resolution. If any signatures on the petition are so withdrawn, the local governing body may pass the proposed ordinance or resolution only upon certification by the petitioners that the petition continues to meet the requirements of § 15.2-5152. If all petitioning landowners waive the right to withdraw their signatures from the petition, the local governing body may adopt the ordinance or resolution upon compliance with the provisions of subsection A and any other applicable provisions of law.

§ 15.2-5403. Creation of electric authority; referendum.

The governing body of a governmental unit may by ordinance, or the governing bodies of two or more governmental units may by concurrent ordinances or agreement authorized by ordinance of each of the respective governmental units, create an electric authority, under any appropriate name and title containing the words "electric authority." Upon compliance with the provisions of this section and §§ 15.2-5404 and 15.2-5405, the authority shall be a political subdivision of the Commonwealth and a body politic and corporate. Any such ordinance shall be adopted in accordance with applicable general or special laws or charter provisions providing for the adoption of ordinances of the particular governmental unit, and shall be published ~~once a week for two successive weeks prior to adoption~~ *twice* in a newspaper of general circulation within the governmental unit*, with the first notice appearing no more than 28 days before and the second notice appearing no less than seven days before adoption*. ~~The second publication shall not be sooner than one calendar week after the first publication.~~

No governmental unit shall participate as a member of such an authority unless and until such participation is authorized by a majority of the voters voting in a referendum held in the governmental unit on the question of whether or

not the governmental unit should participate in the authority. The referendum shall be held as provided in §§ 24.2-682 and 24.2-684. The foregoing referendum requirement shall not apply to the Town of Elkton if the Town creates an authority by an ordinance that includes articles of incorporation which comply with the provisions of § 15.2-5404 and also set forth a statement that such authority shall have only the Town as its sole member throughout its life.

§ 15.2-5431.25. Rates and charges.

A. The authority may fix and revise rates, fees and other charges (which shall include, but not be limited to, a penalty not to exceed 10 percent on delinquent accounts, and interest on the principal), subject to the provisions of this section, for the use of a project or any portion thereof and for the services furnished or to be furnished by the authority, or facilities incident thereto, owned, operated or maintained by the authority, or facilities incident thereto, for which the authority has issued revenue bonds as authorized by this chapter or received loan funding from other sources. Such rates, fees and charges shall be so fixed and revised as to provide funds, with other funds available for such purposes, sufficient at all times (i) to pay the cost of maintaining, repairing and operating the project or systems, or facilities incident thereto, for which such bonds were issued or loans obtained, including reserves for such purposes and for replacement and depreciation and necessary extensions, (ii) to pay the principal of and the interest on the revenue bonds as they become due and reserves therefor, or other loan principal and interest, and (iii) to provide a margin of safety for making such payments. The authority shall charge and collect the rates, fees and charges so fixed or revised. The authority shall maintain records demonstrating compliance with the requirements of this section concerning the fixing and revision of rates, fees, and charges that shall be made available for inspection and copying by the public pursuant to the Virginia Freedom of Information Act (§ 2.2-3700 et seq.).

B. No rates, fees or charges shall be fixed under subsection A until after a public hearing at which all of the users of such facilities; the owners, tenants or occupants of property served or to be served thereby; and all others interested have had an opportunity to be heard concerning the proposed rates, fees and charges. After the adoption by the authority of a resolution setting forth the preliminary schedule or schedules fixing and classifying such rates, fees and charges, notice of a public hearing, setting forth the proposed schedule or schedules of rates, fees and charges, shall be published ~~once a week for two successive weeks~~ *twice* in a newspaper having a general circulation in the area to be served by such systems, with the first notice appearing no more than ~~14~~ *28* days before *and the second notice appearing no less than seven days before* the hearing. The hearing may be adjourned from time to time. A copy of the notice shall be mailed to the governing bodies of all localities in which such systems or any part thereof is located. After the hearing the preliminary schedule or schedules, either as originally adopted or as amended, shall be adopted and put into effect.

C. A copy of the schedule or schedules of the final rates, fees and charges fixed in accordance with subsection B shall be kept on file in the office of the clerk or secretary of the governing body of the locality, and shall be open to inspection by all interested parties. The rates, fees or charges so fixed for any class of users or property served shall be extended to cover any additional properties thereafter served which fall within the same class, without the necessity of a hearing or notice. Any increase in any rates, fees or charges under this section shall be made in the manner provided in subsection B. Any other change or revision of the rates, fees or charges may be made in the same manner as the rates, fees or charges were originally established as provided in subsection B.

D. Connection fees established by any authority shall be fair and reasonable. Such fees shall be reviewed by the authority periodically and shall be adjusted, if necessary, to assure that they continue to be fair and reasonable. Nothing herein shall affect existing contracts with bondholders which are in conflict with any of the foregoing provisions.

§ 15.2-5704. Powers of authority.

Each authority shall be deemed to be performing essential governmental functions providing for the public health and welfare, and is authorized and empowered:

1. To have existence for such term of years as specified by the participating localities;

2. To adopt bylaws for the regulation of its affairs and the conduct of its business;

3. To adopt an official seal and alter the same at pleasure;

4. To maintain an office at such place or places as it may designate;

5. To sue and be sued;

6. To acquire, purchase, lease as lessee, construct, reconstruct, improve, extend, operate and maintain parks within, or partly within and partly outside, one or more of the participating localities; to acquire by gift, purchase or the exercise of the right of eminent domain lands or rights in land or water rights in connection therewith; and to sell, lease as lessor, transfer or dispose of any property or interest therein acquired by it; however, the power of eminent domain shall not extend beyond the geographical limits of the localities composing the authority;

7. To regulate the uses of all lands and facilities under control of the authority;

8. To locate and operate a retail fee-based electric vehicle charging station on property under the jurisdiction of the authority; to provide that the use of such station is restricted to the employees of the locality, authority, and authorized visitors; and to install signage that provides notice of such restriction;

9. To issue revenue bonds and revenue refunding bonds of the authority, such bonds to be payable solely from revenues derived from the use of the facilities or the furnishing of park services;

10. To accept grants and gifts from the localities forming or thereafter joining the authority, the Commonwealth, the federal government or any other governmental bodies or political subdivisions, and from any other person;

11. To enter into contracts with the federal government, the Commonwealth, any political subdivision, or any agency or instrumentality thereof, or with any other person providing for or relating to the furnishing of park services or facilities;

12. To contract with any municipality, county, person or any public authority or political subdivision of this or any adjoining state, on such terms as the authority shall deem proper, for the construction, operation and maintenance of any park which is partly in this Commonwealth and partly in such adjoining state;

13. To exercise the same rights for acquiring property for the construction or improvement, maintenance or operation of a park as the locality or localities by which such authority is created may exercise. The governing body of any participating locality, notwithstanding any contrary provision of law, general or special, is authorized and empowered to transfer jurisdiction over, to lease, lend, grant or convey to the authority, upon the request of the authority, upon such terms and conditions as the governing body of such locality may agree with the authority as reasonable and fair, real or personal property as may be necessary or desirable in connection with the acquisition, construction, improvement, operation or maintenance of a park, including public roads and other property already devoted to public use. Agreements may be entered into by the authority with the Commonwealth, or any agency acting on behalf of the Commonwealth, for the acquisition of any lands or property, owned or controlled by the Commonwealth, for the purposes of construction or improvement, maintenance or operation of a park;

14. In the event of annexation by a municipality not a member of the authority of lands, areas, or territory served by the authority, then such authority may continue to do business, exercise its jurisdiction over properties and facilities in and upon or over such lands, areas or territory as long as any bonds or indebtedness remain outstanding or unpaid, or any contracts or other obligations remain in force;

15. To make and enter into all contracts and agreements necessary or incidental to the performance of its duties and the execution of its powers under this chapter, including a trust agreement or trust agreements securing any revenue bonds or revenue refunding bonds issued hereunder;

16. To do all acts and things necessary or convenient to carry out the powers granted by this chapter;

17. To borrow, at such rates of interest as the law authorizes, from the federal government or any agency thereof, individuals, partnerships, or private or municipal corporations, for the purpose of acquiring parklands and improvements thereon; to issue its notes, bonds or other obligations; to secure such obligations by mortgage or pledge of the property and improvements being acquired and the income derived therefrom; and to use any revenues and other income of the authority for payment of interest and retirement of principal of such obligations provided that prior approval of the governing body of the locality shall be obtained by an authority that was created by a single locality. Any locality which has formed or joined an authority may lend money to the authority. The power to borrow set forth in this subdivision shall be in addition to the power to issue revenue bonds and revenue refunding bonds set forth in subdivision 9 and § 15.2-5712. Notes, bonds or other obligations issued under this subdivision shall not be deemed to constitute a debt of the Commonwealth or of any political subdivision of the Commonwealth or a pledge of the faith and credit of the Commonwealth or of any political subdivision of the Commonwealth; and

18. To adopt such rules and regulations from time to time, not in conflict with the laws of this Commonwealth, concerning the use of properties under its control as will tend to the protection of such property and the public thereon. No such rule or regulation shall be adopted until after ~~descriptive~~ notice of an intention to propose such rule or regulation for passage has been published in accordance with the procedures required for the adoption of general county ordinances and emergency county ordinances as set forth in § 15.2-1427, mutatis mutandis. ~~The full text of any proposed rule or regulation shall be available for public inspection and copying during regular office hours of the authority at a place designated in the published notice.~~

§ 15.2-5806. Public hearings; notice; reports.

A. At least sixty days prior to selecting a site for a major league or minor league baseball stadium, the Authority shall hold a public hearing within thirty miles of the site proposed to be acquired for the purpose of soliciting public comment.

B. Except as otherwise provided herein, ~~at least seven days prior to the public hearing required by this section,~~ the Authority shall notify the local governing body in which the major league or minor league baseball stadium is proposed to be located and advertise the notice in a newspaper of general circulation in that locality *no less than seven days before the public hearing*. The notice shall include: (i) a description of the site proposed to be acquired, (ii) the intended use of the site, and (iii) the date, time, and location of the public hearing. After receipt of the notice required by this section, the local governing body in which a major league or minor league baseball stadium is proposed to be located may require that this period be extended for up to sixty additional days or for such other time period as agreed upon by the local governing body and the Authority.

C. At least thirty days before acquiring or entering into a lease involving a major league or minor league baseball stadium and before entering into a construction contract involving a major league or minor league baseball stadium or stadium site, the Authority shall submit a detailed written report and the findings of the Authority that justify the proposed acquisition, lease, or contract to the General Assembly. The report and findings shall include a detailed plan of the method of funding and the economic necessity of the proposed acquisition, lease, or contract.

D. The time periods in subsections A, B, and C of this section may not run concurrently.

E. The Commonwealth shall not enter into any purchase agreement, lease agreement, lease-purchase agreement, master lease agreement or any other contractual arrangement that creates a direct or contingent financial obligation of the Commonwealth unless such agreement or arrangement has first been submitted to the State Treasurer sufficiently prior to

the execution of such agreement or arrangement to allow the State Treasurer to undertake a review for the purposes of determining (i) whether the agreement or arrangement may constitute tax-supported debt of the Commonwealth and (ii) the potential impact of the agreement or arrangement on the debt capacity and credit ratings of the Commonwealth. If after such review the State Treasurer determines that the agreement or arrangement may constitute tax-supported debt of the Commonwealth, or may have an adverse impact on the debt capacity or the credit ratings of the Commonwealth, the agreement or arrangement and any associated financing shall be submitted to the Treasury Board for review and approval of terms and structures in a manner consistent with § 2.2-2416.

F. The Commonwealth shall not enter into any purchase agreement, lease agreement, lease-purchase agreement, master lease agreement or any other contractual arrangement that creates a direct or contingent financial obligation of the Commonwealth unless such agreement or arrangement has first been reviewed and approved as required by subsection E and subsequently approved in writing by the Governor.

§ 15.2-7502. Public hearing required prior to creation or designation of a land bank entity.

The governing body of a locality shall not adopt an ordinance creating a land bank entity pursuant to § 15.2-7501 or designating a planning district commission or an existing nonprofit entity pursuant to § 15.2-7512 until notice of intention to do so has been published ~~once a week for two successive weeks~~ *twice* in some newspaper published or having general circulation in the locality, with the first publication appearing no more than ~~14~~ *28* days before *and the second publication appearing no less than seven days before* the hearing. The notice shall specify the time and place of a hearing at which affected or interested persons may appear and present their views. After the public hearing has been conducted pursuant to this section, the governing body shall be empowered to create a land bank entity or designate a planning district commission or an existing nonprofit entity.

§ 21-114. Hearing and notice thereof.

Upon the filing of the petition, the governing body of a county shall fix a day for a hearing on the question of the proposed sanitary district, which hearing shall embrace a finding of fact of whether creation of the proposed district or enlargement of the existing district is necessary, practical, fiscally responsible, and supported by at least 50 percent of persons who own real property in (i) the proposed district or (ii) in cases of enlargement, the area proposed to be included in an existing district. All interested persons who reside in or who own real property in (a) a proposed district or (b) an existing district in cases of enlargement shall have the right to appear and show cause why the property under consideration should or should not be included in the proposed district or enlargement of same at such hearing. Such hearing shall be subject to minimum standards regarding timeliness; notice of such hearing shall be given by publication ~~once a week for three consecutive weeks~~ *three times* in some newspaper of general circulation within the county to be designated by the governing body, with the first publication appearing no more than ~~21~~ *35* days before *and the third publication appearing no less than seven days before* the hearing. No such district shall be created until the notice has been given and the hearing had.

§ 21-117.1. Abolishing sanitary districts.

Any sanitary district heretofore or hereafter created in any county under the provisions of the preceding sections of this article may be abolished by ordinance adopted by the governing body of such county, upon the petition of no less than 50 qualified voters residing within the boundaries of the district desired to be abolished or, if the district contains less than 100 qualified voters, upon petition of 50 percent of the qualified voters residing within the boundaries of such district.

Upon filing of the petition, the governing body of the county shall fix a day for a hearing on the question of abolishing the sanitary district, which hearing shall embrace a consideration of whether the property in the sanitary district will or will not be benefited by the abolition thereof, and the governing body of the county shall be fully informed as to the obligations and functions of the sanitary district. Notice of such hearing shall be given by publication ~~once a week for three consecutive weeks~~ *three times* in some newspaper of general circulation within the county to be designated by the governing body of the county, with the first publication appearing no more than ~~21~~ *35* days before *and the third publication appearing no less than seven days before* the hearing. No such district shall be abolished until the notice has been given and the hearing had.

Any interested parties may appear and be heard on any matters pertaining to the subject of the hearing.

Upon the hearing, such ordinance shall be adopted as to the governing body of the county may seem equitable and proper, concerning the abolition of the district and as to the funds on hand to the credit of the district, provided, however, that no such ordinance shall be adopted abolishing the sanitary district unless any bonds of the sanitary district that have theretofore been issued have been redeemed and the purposes for which the sanitary district was created have been completed, or unless all obligations and functions of the sanitary district have been taken over by the county as a whole, or unless the purposes for which the sanitary district was created are impractical or impossible of accomplishment and no obligations have been incurred by said sanitary district.

§ 21-146. Notice of hearing on petition for creation.

Upon the presentation of a petition complying with the requirements of this article, praying for the creation of a sanitation district, fixing the boundaries thereof and naming the counties, cities and towns which in whole or in part are to be embraced therein, the circuit court of any such county, or of any county in which any such town is situated, or the corporation court of any such city shall make an order filing such petition and fixing a day for a hearing by such court on such petition and the question of the creation of the proposed sanitation district. Such order shall direct notice of such hearing to be given by publication ~~once a week for at least three consecutive weeks~~ *three times* in some newspaper or newspapers having general circulation in the proposed sanitation district, with the first publication appearing no more than ~~21~~ *35* days before *and the third publication appearing no less than seven days before* the hearing. Such notice shall set forth

the petition as filed, but need not set forth the signatures or exhibits thereto, and shall state the time and place of hearing and that at such hearing all persons desiring to controvert the allegations of such petition or question the conformity thereof to this article will be heard and all objections to the creation of the proposed sanitation district considered.

§ 21-229. Notice of hearing on petition for creation.

Upon the presentation of a petition complying with the requirements of this article, praying for the creation of a sanitation district, fixing the boundaries thereof and naming the counties, cities and towns which in whole or in part are to be embraced therein, the circuit court of any such county, or of any county in which any such town is situated, or the corporation court of any such city shall make an order filing such petition and fixing a day for a hearing by such court on such petition and the question of the creation of the proposed sanitation district. Such order shall direct notice of such hearing to be given by publication ~~once a week for at least three consecutive weeks~~ *three times* in some newspaper or newspapers having general circulation in the proposed sanitation district, with the first publication appearing no more than ~~21~~ *35* days before *and the third publication appearing no less than seven days before* the hearing. Such notice shall set forth the petition as filed, but need not set forth the signatures or exhibits thereto, and shall state the time and place of hearing and that at such hearing all persons desiring to controvert the allegations of such petition or question the conformity thereof to this article will be heard and all objections to the creation of the proposed sanitation district considered.

§ 21-393. Notice of issuance of bonds.

The board of viewers of the county in which the petition was filed shall give notice by publication ~~once a week for three successive weeks~~ *three times* in some newspaper published in the county in which the project, or some part thereof, is situated, if there be any such newspaper, with the first publication appearing no more than ~~21~~ *35* days before *and the third publication appearing no less than seven days before* the hearing, and also by posting a written or printed notice at the door of the courthouse and at five conspicuous places in the project, reciting that they propose to issue drainage bonds for the total cost of the improvement, giving the amount of the bonds to be issued, the rate of interest that they are to bear, and the time when payable.

§ 21-420. How additional assessments made.

If additional or new assessments are so levied, such assessments shall be made on the same basis as the original assessments, and shall be levied only after all persons interested shall have been given full hearing by the board of viewers on the question of benefits and any other question on which they shall desire to be heard. Notice of such hearing shall be given by publication ~~once a week for two consecutive weeks~~ *twice* in a newspaper of general circulation published in a county in which such project is located in whole or in part, with the first publication appearing no more than ~~14~~ *28* days before *and the second publication appearing no less than seven days before* the hearing. The determination of the board of viewers shall be final.

§ 22.1-37. Notice by commission of meeting for appointment.

Before any appointment is made by the school board selection commission, it shall give notice, by publication ~~once a week for three successive weeks~~ *three times* in a newspaper having general circulation in such county, with the first publication appearing no more than ~~21~~ *35* days before *and the third publication appearing no less than seven days before* the hearing, of the time and place of any meeting for the purpose of appointing the members of the county school board. Such notice shall be given whether the appointment is of a member or members of the county school board for the full term of office as provided by law or of a member to fill a vacancy occurring in the membership of the county school board or of a member from a new school district.

§ 30-140. Certain political subdivisions to file report of audit; period in which report kept as public record; when audit not required; sworn statement of exempted entities; publication of summary of financial condition; repeal of conflicting provisions.

A. Each authority, commission, district, or other political subdivision the members of whose governing body are not elected by popular vote shall annually, within five months after the end of its fiscal year, have an audit performed covering its financial transactions for such fiscal year according to the specifications of the Auditor of Public Accounts and file with the Auditor of Public Accounts a copy of the report, unless exempted in accordance with subsection B.

Each authority, commission, district, or other political subdivision the members of whose governing body are not elected by popular vote and which is reported in the Commonwealth's Comprehensive Annual Financial Report as determined by the State Comptroller and the Auditor of Public Accounts shall annually, within three months after the end of its fiscal year, have an audit performed covering its financial transactions for such fiscal year according to the specifications of the Auditor of Public Accounts and file with the Auditor of Public Accounts a copy of the report, unless exempted in accordance with subsection B.

The Auditor of Public Accounts shall receive such reports required by this subsection and keep the same as public records for a period of 10 years from their receipt.

B. No audit, however, shall be required for any fiscal year during which such entity's financial transactions did not exceed the sum of $25,000.

As used in this section, "financial transactions" shall not include financial transactions involving notes, bonds, or other evidences of indebtedness of such entity the proceeds of which are held or advanced by a corporate trustee or other financial institution and not received or disbursed directly by such entity.

In the event an audit is not required, the entity shall file a statement under oath certifying that the transactions did not exceed such sum and, as to all transactions involving notes, bonds, or other evidences of indebtedness that are exempted, the

statement shall be accompanied by an affidavit from the trustee or financial institution certifying that it has performed the duties required under the agreement governing such transactions. Notwithstanding the foregoing, the Auditor of Public Accounts may require an audit if he deems it to be necessary to determine the propriety of the entity's financial transactions.

In the case of a water and sewer authority required by a governing body to have an audit conducted as specified in § 15.2-5145, the authority shall file the certified audit with the Auditor of Public Accounts.

At the time the report required by this section is filed with the Auditor of Public Accounts every such authority, commission, district, or other political subdivision, except those exempted from the audit report requirement, shall publish, in a newspaper of general circulation in the county, city, or town wherein the authority, commission, district, or other political subdivision is located, ~~a summary statement reflecting the financial condition of the authority, commission, district, or other political subdivision, which shall include~~ a reference to where ~~the~~ *a* detailed statement *reflecting the financial condition of the authority, commission, district, or other political subdivision* may be found.

Any provision of law, general or special, which by its terms requires an audit that is not required by this section shall be repealed to the extent of any conflict.

§ 33.2-331. Annual meeting with county officers; six-year plan for secondary state highways; certain reimbursements required.

For purposes of this section, "cancellation" means complete elimination of a highway construction or improvement project from the six-year plan.

The governing body of each county in the secondary state highway system may, jointly with the representatives of the Department as designated by the Commissioner of Highways, prepare a six-year plan for the improvements to the secondary state highway system in that county. Each such six-year plan shall be based upon the best estimate of funds to be available to the county for expenditure in the six-year period on the secondary state highway system. Each such plan shall list the proposed improvements, together with an estimated cost of each project so listed. Following the preparation of the plan in any year in which a proposed new funding allocation is greater than $100,000, the board of supervisors or other local governing body shall conduct a public hearing after publishing notice *twice* in a newspaper published in or having general circulation in the county ~~once a week for two successive weeks~~, with the first publication appearing no more than ~~14~~ *28* days before *and the second publication appearing no less than seven days before* the hearing, and posting notice of the proposed hearing at the front door of the courthouse of such county 10 days before the meeting. At the public hearings, which shall be conducted jointly by the board of supervisors and the representative of the Department, the entire six-year plan shall be discussed with the citizens of the county and their views considered. Following the discussion, the local governing body, together with the representative of the Department, shall finalize and officially adopt the six-year plan, which shall then be considered the official plan of the county.

At least once in each calendar year in which a proposed new funding allocation is greater than $100,000, representatives of the Department in charge of the secondary state highway system in each county, or some representative of the Department designated by the Commissioner of Highways, shall meet with the governing body of each county in a regular or special meeting of the local governing body for the purpose of preparing a budget for the expenditure of improvement funds for the next fiscal year. The representative of the Department shall furnish the local governing body with an updated estimate of funds, and the board and the representative of the Department shall jointly prepare the list of projects to be carried out in that fiscal year taken from the six-year plan by order of priority and following generally the policies of the Board in regard to the statewide improvements to the secondary state highway system. In any year in which a proposed new funding allocation is greater than $100,000, such list of priorities shall then be presented at a public hearing duly advertised in accordance with the procedure outlined in this section, and comments of citizens shall be obtained and considered. Following this public hearing, the board, with the concurrence of the representative of the Department, shall adopt, as official, a priority program for the ensuing year, and the Department shall include such listed projects in its secondary highways budget for the county for that year.

At least once every two years following the adoption of the original six-year plan, the governing body of each county, together with the representative of the Department, may update the six-year plan of the county by adding to it and extending it as necessary so as to maintain it as a plan encompassing six years. Whenever additional funds for secondary highway purposes become available, the local governing body may request a revision in its six-year plan in order that such plan be amended to provide for the expenditure of the additional funds. Such additions and extensions to each six-year plan shall be prepared in the same manner and following the same procedures as outlined herein for its initial preparation. Where the local governing body and the representative of the Department fail to agree upon a priority program, the local governing body may appeal to the Commissioner of Highways. The Commissioner of Highways shall consider all proposed priorities and render a decision establishing a priority program based upon a consideration by the Commissioner of Highways of the welfare and safety of county citizens. Such decision shall be binding.

Nothing in this section shall preclude a local governing body, with the concurrence of the representative of the Department, from combining the public hearing that may be required pursuant to this section for revision of a six-year plan with the public hearing that may be required pursuant to this section for review of the list of priorities, provided that notice of such combined hearing is published in accordance with procedures provided in this section.

All such six-year plans shall consider all existing highways in the secondary state highway system, including those in the towns located in the county that are maintained as a part of the secondary state highway system, and shall be made a public document.

If any county cancels any highway construction or improvement project included in its six-year plan after the location and design for the project has been approved, such county shall reimburse the Department the net amount of all funds expended by the Department for planning, engineering, right-of-way acquisition, demolition, relocation, and construction between the date on which project development was initiated and the date of cancellation. To the extent that funds from secondary highway allocations have been expended to pay for a highway construction or improvement project, all revenues generated from a reimbursement by the county shall be deposited into that same county's secondary highway allocation. The Commissioner of Highways may waive all or any portion of such reimbursement at his discretion.

The provisions of this section shall not apply in instances where less than 100 percent of the right-of-way is available for donation for unpaved highway improvements.

§ 33.2-723. Assumption of district highway indebtedness by counties.

A. Any county may assume the payment of and pay any outstanding indebtedness of any magisterial district or districts thereof incurred for the purpose of constructing public highways that were subsequently taken over by the Commonwealth, provided the assumption thereof is approved by a majority of the qualified voters of the county voting on the question at an election to be held as provided in this section.

B. The governing body of the county may, by a resolution entered of record in its minute book, require the judges of election to open a poll at the next regular election and take the sense of the qualified voters of the county upon the question whether or not the county shall assume the highway indebtedness of _____ district, or _____ districts. The local governing body shall cause notice of such election to be given by the posting of written notice thereof at the front door of the county courthouse at least 30 days prior to the date the same is to be held and by publication thereof ~~once a week for two successive weeks~~ *twice* in a newspaper published or having general circulation in the county, with the first publication appearing no more than ~~14~~ *28* days before *and the second publication appearing no less than seven days before* the election. Such notice shall set forth the date of such election and the question to be voted on.

C. The ballots for use in voting upon the question so submitted shall be prepared, printed, distributed, voted, and counted and the returns made and canvassed in accordance with the provisions of § 24.2-684. The results shall be certified by the commissioners of election to the county clerk, who shall certify the same to the governing body of the county, and such returns shall be entered of record in the minute book of the local governing body.

D. If a majority of the voters voting on the question vote in favor of the assumption by the county of the highway indebtedness of any district of the county, such indebtedness shall become and be an obligation of the county and as binding thereon as if the same had been originally contracted by the county. In such event the governing body of the county is authorized to levy and collect taxes throughout the county for the payment of the district indebtedness so assumed, both as to principal and interest.

E. Nothing contained in this section shall affect the validity of such district highway obligations in the event that the result of such election is against the assumption thereof by the county, but they shall continue to be as valid and binding in all respects as they were in their inception.

§ 33.2-909. Abandonment of highway, landing, or railroad crossing; procedure.

A. The governing body of any county on its own motion or upon petition of any interested landowner may cause any section of the secondary state highway system, or any crossing by the highway of the lines of a railroad company or crossing by the lines of a railroad company of the highway, deemed by it to be no longer necessary for the uses of the secondary state highway system to be abandoned altogether as a public highway, a public landing, or a public railroad crossing by complying substantially with the procedure provided in this section.

B. The governing body of the county shall give notice of its intention to abandon any such highway, landing, or railroad crossing (i) by posting a notice of such intention at least three days before the first day of a regular term of the circuit court at the front door of the courthouse of the county in which the section of the highway, landing, or railroad crossing sought to be abandoned as a public highway, public landing, or public railroad crossing is located or (ii) by posting notice in at least three places on and along the highway, landing, or railroad crossing sought to be abandoned for at least 30 days and in either case by publishing notice of its intention in two or more issues of a newspaper having general circulation in the county. In addition, the governing body of the county shall give notice of its intention to abandon such highway, landing, or railroad crossing to the Board or the Commissioner of Highways. In any case in which the highway, landing, or railroad crossing proposed to be abandoned lies in two or more counties, the governing bodies of such counties shall not abandon such highway, landing, or railroad crossing unless and until all affected governing bodies agree. The procedure in such cases shall conform mutatis mutandis to the procedure prescribed for the abandonment of a highway, landing, or railroad crossing located entirely within a county.

When the governing body of a county gives notice of intention to abandon a public landing, the governing body shall also give such notice to the Department of Wildlife Resources.

C. If one or more landowners in the county whose property abuts the highway, landing, or railroad crossing proposed to be abandoned, or if only a section of a highway, landing, or railroad crossing is proposed to be abandoned, whose property abuts such section, or the Board or the Department of Wildlife Resources, in the case of a public landing, files a petition with the governing body of the county within 30 days after notice is posted and published as provided in this section, the governing body of the county shall hold a public hearing on the proposed abandonment and shall give notice of the time and place of the hearing by publishing such information ~~once a week for two successive weeks~~ *twice* in a newspaper having general circulation in the county, with the first publication appearing no more than ~~14~~ *28* days before *and the second*

publication appearing no less than seven days before the hearing. The governing body shall also give notice to the Board or, if a public landing is sought to be abandoned, to the Department of Wildlife Resources.

D. If a petition for a public hearing is not filed as provided in this section, or if after a public hearing is held the governing body of the county is satisfied that no public necessity exists for the continuance of the section of the secondary highway as a public highway or the railroad crossing as a public railroad crossing or the landing as a public landing or that the safety and welfare of the public would be served best by abandoning the section of highway, the landing, or the railroad crossing as a public highway, public landing, or public railroad crossing, the governing body of the county shall (i) within four months of the 30-day period during which notice was posted where no petition for a public hearing was filed or (ii) within four months after the public hearing adopt an ordinance or resolution abandoning the section of highway as a public highway, or the landing as a public landing, or the railroad crossing as a public railroad crossing, and with that ordinance or resolution the section of highway shall cease to be a public highway, a public landing, or a public railroad crossing. If the governing body is not so satisfied, it shall dismiss the application within the applicable four months provided in this subsection.

E. A finding by the governing body of a county that a section of the secondary state highway system is no longer necessary for the uses of the secondary state highway system may be made if the following conditions exist:

1. The highway is located within a residence district as defined in § 46.2-100;

2. The residence district is located within a county having a density of population exceeding 1,000 per square mile;

3. Continued operation of the section of highway in question constitutes a threat to the public safety and welfare; and

4. Alternate routes for use after abandonment of the highway are readily available.

F. In considering the abandonment of any section of highway under the provisions of this section, due consideration shall be given to the historic value, if any, of such highway.

G. Any ordinance or resolution of abandonment issued in compliance with this section shall give rise in subsequent proceedings, if any, to a presumption of adequate justification for the abandonment.

H. No public landing shall be abandoned unless the Board of Wildlife Resources shall by resolution concur in such abandonment.

§ 33.2-2001. Creation of district.

A. A district may be created in a single locality or in two or more contiguous localities. If created in a single locality, a district shall be created by a resolution of the local governing body. If created in two or more contiguous localities, a district shall be created by the resolutions of each of the local governing bodies. Any such resolution shall be considered only upon the petition, to each local governing body of the locality in which the proposed district is to be located, of the owners of at least 51 percent of either the land area or the assessed value of land in each locality that (i) is within the boundaries of the proposed district and (ii) has been zoned for commercial or industrial use or is used for such purposes. Any proposed district within a county or counties may include any land within a town or towns within the boundaries of such county or counties.

B. The petition to the local governing body or bodies shall:

1. Set forth the name and describe the boundaries of the proposed district;

2. Describe the transportation improvements proposed within the district;

3. Propose a plan for providing such transportation improvements within the district and describe specific terms and conditions with respect to all commercial and industrial zoning classifications and uses, densities, and criteria related thereto which the petitioners request for the proposed district;

4. Describe the benefits that can be expected from the provision of such transportation improvements within the district; and

5. Request the local governing body or bodies to establish the proposed district for the purposes set forth in the petition.

C. Upon the filing of such a petition, each local governing body shall fix a day for a hearing on the question of whether the proposed district shall be created. The hearing shall consider whether the residents and owners of real property within the proposed district would benefit from the establishment of the proposed district. All interested persons who either reside in or own taxable real property within the proposed district shall have the right to appear and show cause why any property or properties should not be included in the proposed district. If real property within a town is included in the proposed district, the governing body shall deliver a copy of the petition and notice of the public hearing to the town council at least 30 days prior to the public hearing, and the town council may by resolution determine if it wishes such property located within the town to be included within the proposed district and shall deliver a copy of any such resolution to the local governing body at the public hearing required by this section. Such resolution shall be binding upon the local governing body with respect to the inclusion or exclusion of such properties within the proposed district. The petition shall comply with the provisions of this section with respect to minimum acreage or assessed valuation. Notice of the hearing shall be given by publication ~~once a week for three consecutive weeks~~ *three times* in a newspaper of general circulation within the locality, with the first publication appearing no more than ~~21~~ *35* days before *and the third publication appearing no less than seven days before* the hearing.

D. If each local governing body finds the creation of the proposed district would be in furtherance of the locality's comprehensive plan for the development of the area, in the best interests of the residents and owners of real property within the proposed district, and in furtherance of the public health, safety, and welfare, then each local governing body may pass a resolution, which shall be reasonably consistent with the petition, creating the district and providing for the appointment of an advisory board in accordance with this chapter. The resolution shall provide a description with specific terms and

conditions of all commercial and industrial zoning classifications that shall be in force in the district upon its creation, together with any related criteria and a term of years, not to exceed 20 years, as to which each zoning classification and each related criterion set forth therein shall remain in force within the district without elimination, reduction, or restriction, except (i) upon the written request or approval of the owner of any property affected by a change or (ii) as specifically required to comply with state or federal law.

Each resolution creating a district shall also provide (a) that the district shall expire 35 years from the date upon which the resolution is passed or (b) that the district shall expire when the district is abolished in accordance with § 33.2-2014. After the public hearing, each local governing body shall deliver a certified copy of its proposed resolution creating the district to the petitioning landowners or their attorneys-in-fact. Any petitioning landowner may then withdraw his signature on the petition, in writing, at any time prior to the vote of the local governing body. In the case where any signatures on the petition are withdrawn, the local governing body may pass the proposed resolution only upon certification that the petition continues to meet the provisions of this section. After all local governing bodies have adopted resolutions creating the district, the district shall be established and the name of the district shall be "The _____ Transportation Improvement District."

§ 33.2-2101. Creation of district.

A. A district may be created in a county by a resolution of the governing body. Any such resolution shall be considered only upon the petition, to the governing body, of the owners of at least 51 percent of either the land area or the assessed value of real property that (i) is within the boundaries of the proposed district, (ii) has been zoned for commercial or industrial use or is used for such purposes, and (iii) would be subject to the annual special improvement tax authorized by § 33.2-2105 if the proposed district is created. Any proposed district within a county may include any real property within a town or towns within the boundaries of such county.

B. The petition to the governing body shall:

1. Set forth the name and describe the boundaries of the proposed district;

2. Describe the transportation improvements proposed within the district;

3. Propose a plan for providing such transportation improvements within the district and describe specific terms and conditions with respect to all commercial and industrial zoning classifications and uses, densities, and criteria related thereto that the petitioners request for the proposed district;

4. Describe the benefits that can be expected from the provision of such transportation improvements within the district; and

5. Request the governing body to establish the proposed district for the purposes set forth in the petition.

C. Upon the filing of such a petition, the governing body shall fix a day for a hearing on the question of whether the proposed district shall be created. The hearing shall consider whether the residents and owners of real property within the proposed district would benefit from the establishment of the proposed district. All interested persons who either reside in or own taxable real property within the proposed district shall have the right to appear and show cause why any property or properties should not be included in the proposed district. If real property within a town is included in the proposed district, a copy of the petition and notice of the public hearing shall be delivered to the town council at least 30 days prior to the public hearing, and the town council may by resolution determine if the town council wishes any property located within the town to be included within the proposed district and any such resolution shall be delivered to the governing body prior to the public hearing required by this section. Such resolution shall be binding upon the governing body with respect to the inclusion or exclusion of such properties within the proposed district. If that resolution permits any commercial or industrial property located within a town to be included in the proposed district, then if requested to do so by the petition the town council of any town that has adopted a zoning ordinance also shall pass a resolution, to be effective upon creation of the proposed district, that is consistent with the requirements of subsection E with respect to commercial and industrial zoning classifications that shall be in force in that portion of the town included in the district. The petition shall comply with the provisions of this section with respect to minimum acreage or assessed valuation. Notice of the hearing shall be given by publication ~~once a week for three consecutive weeks~~ *three times* in a newspaper of general circulation within the locality, with the first publication appearing no more than ~~21~~ *35* days before *and the third publication appearing no less than seven days before* the hearing. Such public hearing may be adjourned from time to time.

D. If the governing body finds the creation of the proposed district would be in furtherance of the county's comprehensive plan for the development of the area, in the best interests of the residents and owners of real property within the proposed district, and in furtherance of the public health, safety, and welfare, the governing body may pass a resolution that is reasonably consistent with the petition, that creates the district upon final adoption, and that provides for the appointment of an advisory board in accordance with this chapter upon final adoption. Any such resolution shall be conclusively presumed to be reasonably consistent with the petition if, following the public hearing, as provided in the following provisions of this section, the petition continues to comply with the provisions of this section with respect to the criteria relating to minimum acreage or assessed valuation.

E. The resolution shall provide a description with specific terms and conditions of all commercial and industrial zoning classifications that apply within the district, but not within any town within the district that has adopted a zoning ordinance, that shall be in force in the district upon its creation, together with any related criteria and a term of years, not to exceed 20 years, as to which each such zoning classification and each related criterion set forth therein shall remain in force within the district without elimination, reduction, or restriction, except (i) upon the written request or approval of the owner of any

property affected by a change, (ii) as required to comply with the provisions of the Chesapeake Bay Preservation Act (§ 62.1-44.15:67 et seq.) or the regulations adopted pursuant thereto, (iii) as required to comply with the provisions of the federal Clean Water Act regarding municipal and industrial stormwater discharges (33 U.S.C. § 1342(p)) and regulations promulgated thereunder by the federal Environmental Protection Agency, or (iv) as specifically required to comply with any other state or federal law.

F. A resolution creating a district shall also provide (i) that the district shall expire 50 years from the date upon which the resolution is passed or (ii) that the district shall expire when the district is abolished in accordance with § 33.2-2115. After the public hearing, the governing body may adopt a proposed resolution creating the district. No later than two business days following the adoption of the proposed resolution, copies of the proposed resolution shall be available in the office of the clerk of the governing body for inspection and copying by the petitioning landowners and their representatives, by members of the public, and by representatives of the news media. No later than seven business days following the adoption of the proposed resolution, any petitioning landowner may notify the clerk of the governing body in writing that the petitioning landowner is withdrawing his signature from the petition. Within the same seven-day period, the owner of any property in the proposed district that will be subject to the annual special improvements tax authorized by § 33.2-2105, if the proposed district is created, or the attorney-in-fact of any such owner may notify the clerk of the governing body in writing that he is adding his signature to the petition. The governing body may then proceed to final adoption of the proposed resolution following that seven-day period. If any petitioner has withdrawn his signature from the petition during that seven-day period, then the governing body may readopt the proposed resolution only if the petition, including any landowners who have added their signatures after adoption of the proposed resolution, continues to meet the provisions of this section. After the governing body has readopted the resolution creating the district, the district shall be established and the name of the district shall be "The _____ _____ Transportation Improvement District."

§ 33.2-2701. Creation of district.

A. A district may be created in the City of Charlottesville and the County of Albemarle by resolutions of such localities' governing bodies. Such resolutions shall be considered upon the petition to each governing body of a locality in which the proposed district by the owners of at least 51 percent of either the land area or the assessed value of land, in each locality that (i) is within the boundaries of the proposed district and (ii) has been zoned for commercial or industrial use or is used for such purposes.

B. The petition to the local governing bodies shall:

1. Set forth the name and describe the boundaries of the proposed district;

2. Describe the transportation improvements proposed within the district;

3. Propose a plan for providing such transportation improvements within the district and describe specific terms and conditions with respect to all commercial and industrial zoning classifications and uses, densities, and criteria related thereto that the petitioners request for the proposed district;

4. Describe the benefits that can be expected from the provision of such transportation improvements within the district; and

5. Request the local governing bodies to establish the proposed district for the purposes set forth in the petition.

C. Upon the filing of such a petition, each local governing body shall fix a day for a hearing on the question of whether the proposed district shall be created. The hearing shall consider whether the residents and owners of real property within the proposed district would benefit from the establishment of the proposed district. All interested persons who either reside in or own taxable real property within the proposed district shall have the right to appear and show cause why any property or properties should not be included in the proposed district. Such resolution shall be binding upon the local governing body with respect to the inclusion or exclusion of such properties within the proposed district. The petition shall comply with the provisions of this section with respect to minimum acreage or assessed valuation. Notice of the hearing shall be given by publication ~~once a week for three consecutive weeks~~ *three times* in a newspaper of general circulation within the locality, with the first publication appearing no more than ~~21~~ *35* days before *and the third publication appearing no less than seven days before* the hearing.

D. If both local governing bodies find the creation of the proposed district would be in furtherance of their comprehensive plans for the development of the area, in the best interests of the residents and owners of real property within the proposed district, and in furtherance of the public health, safety, and welfare, both local governing bodies may pass resolutions that are reasonably consistent with the petition, creating the district and providing for the appointment of an advisory board in accordance with this chapter. The resolutions shall provide a description with specific terms and conditions of all commercial and industrial zoning classifications that shall be in force in the district upon its creation, together with all related criteria and a term of years, not to exceed 20 years, as to which each such zoning classification and each related criterion set forth therein shall remain in force within the district without elimination, reduction, or restriction, except (i) upon the written request or approval of the owner of any property affected by a change or (ii) as specifically required to comply with federal or state law.

Each resolution creating the district shall also provide (a) that the district shall expire 35 years from the date upon which the resolution is passed or (b) that the district shall expire when the district is abolished in accordance with § 33.2-2714. After the public hearing, each local governing body shall deliver a certified copy of its proposed resolution creating the district to the petitioning landowners or their attorneys-in-fact. Any petitioning landowner may then withdraw his signature on the petition, in writing, at any time prior to the vote of the local governing body. In the case where any

signature on the petition is withdrawn, the local governing body may pass the proposed resolution only upon certification that the petition continues to meet the provisions of this section. After both local governing bodies have adopted resolutions creating the district, the district shall be established and the name of the district shall be "The Charlottesville-Albemarle Transportation Improvement District."

§ 58.1-3245.2. Tax increment financing.

A. The governing body of any county, city or town may adopt tax increment financing by passing an ordinance designating a development project area and providing that real estate taxes in the development project area shall be assessed, collected and allocated in the following manner for so long as any obligations or development project cost commitments secured by the Tax Increment Financing Fund, hereinafter authorized, are outstanding and unpaid.

1. The local assessing officer shall record in the land book both the base assessed value and the current assessed value of the real estate in the development project area.

2. Real estate taxes attributable to the lower of the current assessed value or base assessed value of real estate located in a development project area shall be allocated by the treasurer or director of finance pursuant to the provisions of this chapter.

3. Real estate taxes attributable to the increased value between the current assessed value of any parcel of real estate and the base assessed value of such real estate shall be allocated by the treasurer or director of finance and paid into a special fund entitled the "Tax Increment Financing Fund" to pay the principal and interest on obligations issued or development project cost commitments entered into to finance the development project costs.

B. The governing body shall hold a public hearing on the need for tax increment financing in the county, city or town prior to adopting a tax increment financing ordinance. Notice of the public hearing shall be published ~~once each week for three consecutive weeks immediately preceding the public hearing~~ *three times* in each newspaper of general circulation in such county, city or town, with the first publication appearing no more than ~~21~~ *35* days before *and the third publication appearing no less than seven days before* the hearing. The notice shall include the time, place and purpose of the public hearing, define tax increment financing, indicate the proposed boundaries of the development project area, and propose obligations to be issued to finance the development project area costs.

§ 58.1-3245.8. Adoption of local enterprise zone development taxation program.

A. The governing body of any county, city, or town may adopt a local enterprise zone development taxation program by passing an ordinance designating an enterprise zone located within its boundaries as a local enterprise zone; however, an ordinance may designate an area as a local enterprise zone contingent upon the designation of the area as an enterprise zone pursuant to Chapter 49 (§ 59.1-538 et seq.) of Title 59.1. If the county, city, or town contains more than one enterprise zone, such ordinance may designate one or more as a local enterprise zone. If an enterprise zone is located in more than one county, city, or town, the governing body may designate the portion of the enterprise zone located within its boundaries as a local enterprise zone. An ordinance designating a local enterprise zone shall provide that all or a specified percentage of the real estate taxes, machinery and tools taxes, or both, in the local enterprise zone shall be assessed, collected and allocated in the following manner:

1. The local assessing officer shall record in the appropriate books both the base assessed value and the current assessed value of the real estate or machinery and tools, or both, in the local enterprise zone.

2. Real estate taxes or machinery and tools taxes attributable to the lower of the current assessed value or base assessed value of real estate or machinery and tools located in a local enterprise zone shall be allocated by the treasurer or director of finance as they would be in the absence of such ordinance.

3. All or the specified percentage of the increase in real estate taxes or machinery and tools taxes, or both, attributable to the difference between (i) the current assessed value of such property and (ii) the base assessed value of such property shall be allocated by the treasurer or director of finance and paid into a special fund entitled the "Local Enterprise Zone Development Fund" to be used as provided in § 58.1-3245.10. Such amounts paid into the fund shall not include any additional revenues resulting from an increase in the tax rate on real estate or machinery and tools after the adoption of a local enterprise zone development taxation ordinance, nor shall it include any additional revenues merely resulting from an increase in the assessed value of real estate or machinery and tools which were located in the zone prior to the adoption of a local enterprise zone development taxation ordinance unless such property is improved or enhanced.

B. The governing body shall hold a public hearing on the need for a local enterprise zone development taxation program in the county, city, or town prior to adopting a local enterprise zone development taxation ordinance. Notice of the public hearing shall be published ~~once each week for three consecutive weeks immediately preceding the public hearing~~ *three times* in each newspaper of general circulation in such county, city, or town, with the first publication appearing no more than ~~21~~ *35* days before *and the third publication appearing no less than seven days before* the hearing. The notice shall include the time, place and purpose of the public hearing; define local enterprise zone development taxation; indicate the proposed boundaries of the local enterprise zone; state whether all or a specified percentage of real property or machinery or tools, or both, will be subject to local enterprise zone development taxation; and describe the purposes for which funds in the Local Enterprise Zone Development Fund are authorized to be used.

§ 58.1-3321. Effect on rate when assessment results in tax increase; public hearings; referendum.

A. When any annual assessment, biennial assessment, or general reassessment of real property by a county, city, or town would result in an increase of one percent or more in the total real property tax levied, such county, city, or town shall reduce its rate of levy for the forthcoming tax year so as to cause such rate of levy to produce no more than 101 percent of

the previous year's real property tax levies, unless subsection B is complied with, which rate shall be determined by multiplying the previous year's total real property tax levies by 101 percent and dividing the product by the forthcoming tax year's total real property assessed value. An additional assessment or reassessment due to the construction of new or other improvements, including those improvements and changes set forth in § 58.1-3285, to the property shall not be an annual assessment or general reassessment within the meaning of this section, nor shall the assessed value of such improvements be included in calculating the new tax levy for purposes of this section. Special levies shall not be included in any calculations provided for under this section.

B. The governing body of a county, city, or town may, after conducting a public hearing, which shall not be held at the same time as the annual budget hearing, increase the rate above the reduced rate required in subsection A if any such increase is deemed to be necessary by such governing body.

C. Notice of any public hearing held pursuant to this section shall be given at least seven days before the date of such hearing by the publication of a notice in (i) at least one newspaper of general circulation in such county or city and (ii) a prominent public location at which notices are regularly posted in the building where the governing body of the county, city, or town regularly conducts its business~~, except that such notice shall be given at least 14 days before the date of such hearing in any year in which neither a general appropriation act nor amendments to a general appropriation act providing appropriations for the immediately following fiscal year have been enacted by April 30 of such year~~. Additionally, in a county, city, or town that conducts its reassessment more than once every four years, the notice for any public hearing held pursuant to this section shall be published on a different day and in a different notice from any notice published for the annual budget hearing. Any such notice shall be at least the size of one-eighth page of a standard size or a tabloid size newspaper, and the headline in the advertisement shall be in a type no smaller than 18-point. The notice described in clause (i) shall not be placed in that portion, if any, of the newspaper reserved for legal notices and classified advertisements. The notice described in clauses (i) and (ii) shall be in the following form and contain the following information, in addition to such other information as the local governing body may elect to include:

NOTICE OF PROPOSED REAL PROPERTY TAX INCREASE

The (name of the county, city or town) proposes to increase property tax levies.

1. Assessment Increase: Total assessed value of real property, excluding additional assessments due to new construction or improvements to property, exceeds last year's total assessed value of real property by __ percent.

2. Lowered Rate Necessary to Offset Increased Assessment: The tax rate which would levy the same amount of real estate tax as last year, when multiplied by the new total assessed value of real estate with the exclusions mentioned above, would be____ $ per $100 of assessed value. This rate will be known as the "lowered tax rate."

3. Effective Rate Increase: The (name of the county, city or town) proposes to adopt a tax rate of ____ $ per $100 of assessed value. The difference between the lowered tax rate and the proposed rate would be ____ $ per $100, or__ (name of the county, city or town) $ $ percent . This difference will be known as the "effective tax rate increase."

Individual property taxes may, however, increase at a percentage greater than or less than the above percentage.

4. Proposed Total Budget Increase: Based on the proposed real property tax rate and changes in other revenues, the total budget of (name of the county, city or town) will exceed last year's by __ (name of the county, city or town) percent.

A public hearing on the increase will be held on (date and time) at (meeting place).

D. All hearings shall be open to the public. The governing body shall permit persons desiring to be heard an opportunity to present oral testimony within such reasonable time limits as shall be determined by the governing body.

E. The provisions of this section shall not be applicable to the assessment of public service corporation property by the State Corporation Commission.

F. Notwithstanding other provisions of general or special law, the tax rate for taxes due on or before June 30 of each year may be fixed on or before May 15 of that tax year.

§ 62.1-44.15:33. (Effective until July 1, 2024) Authorization for more stringent ordinances.

A. Localities that are VSMP authorities are authorized to adopt more stringent stormwater management ordinances than those necessary to ensure compliance with the Board's minimum regulations, provided that the more stringent ordinances are based upon factual findings of local or regional comprehensive watershed management studies or findings developed through the implementation of a MS4 permit or a locally adopted watershed management study and are determined by the locality to be necessary to prevent any further degradation to water resources, to address TMDL requirements, to protect exceptional state waters, or to address specific existing water pollution including nutrient and sediment loadings, stream channel erosion, depleted groundwater resources, or excessive localized flooding within the watershed and that prior to adopting more stringent ordinances a public hearing is held. Notice of such hearing shall be given by publication ~~once a week for two consecutive weeks~~ *twice* in a newspaper of general circulation in the locality seeking to adopt the ordinance, with the first publication appearing no more than ~~14~~ *28* days before *and the second publication appearing no less than seven days before* the hearing.

B. Localities that are VSMP authorities shall submit a letter report to the Department when more stringent stormwater management ordinances or more stringent requirements authorized by such ordinances, such as may be set forth in design manuals, policies, or guidance documents developed by the localities, are determined to be necessary pursuant to this section within 30 days after adoption thereof. Any such letter report shall include a summary explanation as to why the more stringent ordinance or requirement has been determined to be necessary pursuant to this section. Upon the request of an affected landowner or his agent submitted to the Department with a copy to be sent to the locality, within 90 days after

adoption of any such ordinance or derivative requirement, localities shall submit the ordinance or requirement and all other supporting materials to the Department for a determination of whether the requirements of this section have been met and whether any determination made by the locality pursuant to this section is supported by the evidence. The Department shall issue a written determination setting forth its rationale within 90 days of submission. Such a determination, or a failure by the Department to make such a determination within the 90-day period, may be appealed to the Board.

C. Localities shall not prohibit or otherwise limit the use of any best management practice (BMP) approved for use by the Director or the Board except as follows:

1. When the Director or the Board approves the use of any BMP in accordance with its stated conditions, the locality serving as a VSMP authority shall have authority to preclude the onsite use of the approved BMP, or to require more stringent conditions upon its use, for a specific land-disturbing project based on a review of the stormwater management plan and project site conditions. Such limitations shall be based on site-specific concerns. Any project or site-specific determination purportedly authorized pursuant to this subsection may be appealed to the Department and the Department shall issue a written determination regarding compliance with this section to the requesting party within 90 days of submission. Any such determination, or a failure by the Department to make any such determination within the 90-day period, may be appealed to the Board.

2. When a locality is seeking to uniformly preclude jurisdiction-wide or otherwise limit geographically the use of a BMP approved by the Director or Board, or to apply more stringent conditions to the use of a BMP approved by the Director or Board, upon the request of an affected landowner or his agent submitted to the Department, with a copy submitted to the locality, within 90 days after adoption, such authorizing ordinances, design manuals, policies, or guidance documents developed by the locality that set forth the BMP use policy shall be provided to the Department in such manner as may be prescribed by the Department that includes a written justification and explanation as to why such more stringent limitation or conditions are determined to be necessary. The Department shall review all supporting materials provided by the locality to determine whether the requirements of this section have been met and that any determination made by the locality pursuant to this section is reasonable under the circumstances. The Department shall issue its determination to the locality in writing within 90 days of submission. Such a determination, or a failure by the Department to make such a determination within the 90-day period, may be appealed to the Board.

D. Based on a determination made in accordance with subsection B or C, any ordinance or other requirement enacted or established by a locality that is found to not comply with this section shall be null and void, replaced with state minimum standards, and remanded to the locality for revision to ensure compliance with this section. Any such ordinance or other requirement that has been proposed but neither enacted nor established shall be remanded to the locality for revision to ensure compliance with this section.

E. Any provisions of a local stormwater management program in existence before January 1, 2013, that contains more stringent provisions than this article shall be exempt from the requirements of this section. However, such provisions shall be reported to the Board at the time of the locality's VSMP approval package.

§ 62.1-44.15:33. (Effective July 1, 2024) Authorization for more stringent ordinances.

A. Localities that are serving as VESMP authorities are authorized to adopt more stringent soil erosion control or stormwater management ordinances than those necessary to ensure compliance with the Board's minimum regulations, provided that the more stringent ordinances are based upon factual findings of local or regional comprehensive watershed management studies or findings developed through the implementation of an MS4 permit or a locally adopted watershed management study and are determined by the locality to be necessary to prevent any further degradation to water resources, to address total maximum daily load requirements, to protect exceptional state waters, or to address specific existing water pollution including nutrient and sediment loadings, stream channel erosion, depleted groundwater resources, or excessive localized flooding within the watershed and that prior to adopting more stringent ordinances a public hearing is held. Notice of such hearing shall be given by publication ~~once a week for two consecutive weeks~~ *twice* in a newspaper of general circulation in the locality seeking to adopt the ordinance, with the first publication appearing no more than ~~14~~ *28* days before *and the second publication appearing no less than seven days before* the hearing. This process shall not be required when a VESMP authority chooses to reduce the threshold for regulating land-disturbing activities to a smaller area of disturbed land pursuant to § 62.1-44.15:34. However, this section shall not be construed to authorize a VESMP authority to impose a more stringent timeframe for land-disturbance review and approval than those provided in this article.

B. Localities that are serving as VESMP authorities shall submit a letter report to the Department when more stringent stormwater management ordinances or more stringent requirements authorized by such stormwater management ordinances, such as may be set forth in design manuals, policies, or guidance documents developed by the localities, are determined to be necessary pursuant to this section within 30 days after adoption thereof. Any such letter report shall include a summary explanation as to why the more stringent ordinance or requirement has been determined to be necessary pursuant to this section. Upon the request of an affected landowner or his agent submitted to the Department with a copy to be sent to the locality, within 90 days after adoption of any such ordinance or derivative requirement, localities shall submit the ordinance or requirement and all other supporting materials to the Department for a determination of whether the requirements of this section have been met and whether any determination made by the locality pursuant to this section is supported by the evidence. The Department shall issue a written determination setting forth its rationale within 90 days of submission. Such a determination, or a failure by the Department to make such a determination within the 90-day period, may be appealed to the Board.

C. Localities shall not prohibit or otherwise limit the use of any best management practice (BMP) approved for use by the Director or the Board except as follows:

1. When the Director or the Board approves the use of any BMP in accordance with its stated conditions, the locality serving as a VESMP authority shall have authority to preclude the onsite use of the approved BMP, or to require more stringent conditions upon its use, for a specific land-disturbing project based on a review of the stormwater management plan and project site conditions. Such limitations shall be based on site-specific concerns. Any project or site-specific determination purportedly authorized pursuant to this subsection may be appealed to the Department and the Department shall issue a written determination regarding compliance with this section to the requesting party within 90 days of submission. Any such determination, or a failure by the Department to make any such determination within the 90-day period, may be appealed to the Board.

2. When a locality is seeking to uniformly preclude jurisdiction-wide or otherwise limit geographically the use of a BMP approved by the Director or Board, or to apply more stringent conditions to the use of a BMP approved by the Director or Board, upon the request of an affected landowner or his agent submitted to the Department, with a copy submitted to the locality, within 90 days after adoption, such authorizing ordinances, design manuals, policies, or guidance documents developed by the locality that set forth the BMP use policy shall be provided to the Department in such manner as may be prescribed by the Department that includes a written justification and explanation as to why such more stringent limitation or conditions are determined to be necessary. The Department shall review all supporting materials provided by the locality to determine whether the requirements of this section have been met and that any determination made by the locality pursuant to this section is reasonable under the circumstances. The Department shall issue its determination to the locality in writing within 90 days of submission. Such a determination, or a failure by the Department to make such a determination within the 90-day period, may be appealed to the Board.

D. Based on a determination made in accordance with subsection B or C, any ordinance or other requirement enacted or established by a locality that is found to not comply with this section shall be null and void, replaced with state minimum standards, and remanded to the locality for revision to ensure compliance with this section. Any such ordinance or other requirement that has been proposed but neither enacted nor established shall be remanded to the locality for revision to ensure compliance with this section.

E. Any provisions of a local erosion and sediment control or stormwater management program in existence before January 1, 2016, that contains more stringent provisions than this article shall be exempt from the requirements of this section if the locality chooses to retain such provisions when it becomes a VESMP authority. However, such provisions shall be reported to the Board at the time of submission of the locality's VESMP approval package.

2. That any community development authority created by ordinance or resolution, or whose creating ordinance or resolution was amended, between July 1, 2023, and June 30, 2024, in accordance with § 15.2-5155 of the Code of Virginia, shall be declared to be validly created, and any such ordinance or resolution shall be declared to be validly adopted, notwithstanding any failure to strictly comply with the public hearing notice requirements of subsection A of § 15.2-5156 of the Code of Virginia, as amended by this act, in the creation and adoption thereof.

CHAPTER 243

An Act to amend and reenact § 19.2-120 of the Code of Virginia, relating to admission to bail; act of violence.

[S 424]

Approved March 28, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 19.2-120 of the Code of Virginia is amended and reenacted as follows:

§ 19.2-120. Admission to bail.

A. Prior to conducting any hearing on the issue of bail, release*,* or detention, the judicial officer shall, to the extent feasible, obtain the person's criminal history.

~~A.~~ *B.* A person who is held in custody pending trial or hearing for an offense, civil or criminal contempt, or otherwise shall be admitted to bail by a judicial officer, unless there is probable cause to believe that:

1. He will not appear for trial or hearing or at such other time and place as may be directed~~,~~*;* or

2. His liberty will constitute an unreasonable danger to himself, family or household members as defined in § 16.1-228, or the public.

~~B.~~ *C.* In making a determination under subsection ~~A~~ *B*, the judicial officer shall consider all relevant information, including (i) the nature and circumstances of the offense; (ii) whether a firearm is alleged to have been used in the commission of the offense; (iii) the weight of the evidence; (iv) the history of the accused or juvenile, including his family ties or involvement in employment, education, or medical, mental health, or substance abuse treatment; (v) his length of residence in, or other ties to, the community; (vi) his record of convictions; (vii) his appearance at court proceedings or flight to avoid prosecution or convictions for failure to appear at court proceedings; and (viii) whether the person is likely to obstruct or attempt to obstruct justice, or threaten, injure, or intimidate, or attempt to threaten, injure, or intimidate, a prospective witness, juror, victim, or family or household member as defined in § 16.1-228.

D. A judicial officer who admits a person to bail who is charged with an act of violence as defined in § 19.2-297.1 shall notify the attorney for the Commonwealth for the jurisdiction in which such person's case is filed contemporaneously with such person's grant of bail or release. Notice to the attorney for the Commonwealth may be made by facsimile or other electronic means.

~~C.~~ *E.* The judicial officer shall inform the person of his right to appeal from the order denying bail or fixing terms of bond or recognizance consistent with § 19.2-124.

~~D.~~ *F.* If the judicial officer sets a secured bond and the person engages the services of a licensed bail bondsman, the magistrate executing recognizance for the accused shall provide the bondsman, upon request, with a copy of the person's Virginia criminal history record, if readily available, to be used by the bondsman only to determine appropriate reporting requirements to impose upon the accused upon his release. The bondsman shall pay a $15 fee payable to the state treasury to be credited to the Literary Fund, upon requesting the defendant's Virginia criminal history record issued pursuant to § 19.2-389. The bondsman shall review the record on the premises and promptly return the record to the magistrate after reviewing it.

CHAPTER 244

An Act to amend and reenact § 38.2-3407.15 of the Code of Virginia, relating to health insurance; ethics and fairness in carrier business practices.

[S 425]

Approved March 28, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 38.2-3407.15 of the Code of Virginia is amended and reenacted as follows:

§ 38.2-3407.15. Ethics and fairness in carrier business practices.

A. As used in this section:

"Carrier," "enrollee," and "provider" shall have the meanings set forth in § 38.2-3407.10; however, a "carrier" shall also include any person required to be licensed under this title which offers or operates a managed care health insurance plan subject to Chapter 58 (§ 38.2-5800 et seq.) or which provides or arranges for the provision of health care services, health plans, networks or provider panels which are subject to regulation as the business of insurance under this title.

"Claim" means any bill, claim, or proof of loss made by or on behalf of an enrollee or a provider to a carrier (or its intermediary, administrator or representative) with which the provider has a provider contract for payment for health care services under any health plan; however, a "claim" shall not include a request for payment of a capitation or a withhold.

"Clean claim" means a claim ~~(i) that has no material defect or impropriety (including any lack of any reasonably required substantiation documentation) which substantially prevents timely payment from being made on the claim or (ii) with respect to which~~ *that does all of the following:*

1. Identifies the provider that provided the service with industry-standard identification criteria, including billing and rendering provider names, identification numbers, and address;

2. Identifies the patient with a carrier-assigned identification number so the carrier can verify the patient was an enrollee at the time of service;

3. Identifies the service rendered using an industry-standard system of procedure or service coding, or, if applicable, a methodology required under the provider contract. The claim shall include a complete listing of all relevant diagnoses, procedures, and service codes, as well as any applicable modifiers;

4. Specifies the date and place of service;

5. If prior authorization is required for the services listed in the claim, contains verification that prior authorization was obtained in accordance with the provider contract for those services; and

6. Includes additional documentation specific to the services rendered as required by the carrier in its provider contract.

Notwithstanding the above criteria, a claim shall be considered a clean claim if a carrier has failed timely to notify the person submitting the claim of any ~~such~~ defect or impropriety in accordance with this section.

"Health care services" means items or services furnished to any individual for the purpose of preventing, alleviating, curing, or healing human illness, injury or physical disability.

"Health plan" means any individual or group health care plan, subscription contract, evidence of coverage, certificate, health services plan, medical or hospital services plan, accident and sickness insurance policy or certificate, managed care health insurance plan, or other similar certificate, policy, contract or arrangement, and any endorsement or rider thereto, to cover all or a portion of the cost of persons receiving covered health care services, which is subject to state regulation and which is required to be offered, arranged or issued in the Commonwealth by a carrier licensed under this title. Health plan does not mean (i) coverages issued pursuant to Title XVIII of the Social Security Act, 42 U.S.C. § 1395 et seq. (Medicare), Title XIX of the Social Security Act, 42 U.S.C. § 1396 et seq. (Medicaid) or Title XXI of the Social Security Act, 42 U.S.C. § 1397aa et seq. (CHIP), 5 U.S.C. § 8901 et seq. (federal employees), or 10 U.S.C. § 1071 et seq. (TRICARE); or (ii) accident only, credit or disability insurance, long-term care insurance, TRICARE supplement, Medicare supplement, or workers' compensation coverages.

"Provider contract" means any contract between a provider and a carrier (or a carrier's network, provider panel, intermediary or representative) relating to the provision of health care services.

"Retroactive denial of a previously paid claim" or "retroactive denial of payment" means any attempt by a carrier retroactively to collect payments already made to a provider with respect to a claim by reducing other payments currently owed to the provider, by withholding or setting off against future payments, or in any other manner reducing or affecting the future claim payments to the provider.

B. Subject to subsection ~~I~~ *K*, every provider contract entered into by a carrier shall contain specific provisions which shall require the carrier to adhere to and comply with the following minimum fair business standards in the processing and payment of claims for health care services:

1. A carrier shall pay any claim within 40 days of receipt of the claim except where the obligation of the carrier to pay a claim is not reasonably clear due to the existence of a reasonable basis supported by specific information available for review by the person submitting the claim that:

a. The claim is determined by the carrier not to be a clean claim due to a good faith determination or dispute regarding (i) the manner in which the claim form was completed or submitted, (ii) the eligibility of a person for coverage, (iii) the responsibility of another carrier for all or part of the claim, (iv) the amount of the claim or the amount currently due under the claim, (v) the benefits covered, or (vi) the manner in which services were accessed or provided; or

b. The claim was submitted fraudulently.

Each carrier shall maintain a written or electronic record of the date of receipt of a claim. The person submitting the claim shall be entitled to inspect such record on request and to rely on that record or on any other admissible evidence as proof of the fact of receipt of the claim, including without limitation electronic or facsimile confirmation of receipt of a claim.

2. A carrier shall, within 30 days after receipt of a claim, ~~request electronically or in writing from~~ *notify* the person submitting the claim *of any defect or impropriety that prevents the carrier from deeming the claim a clean claim and request* the information ~~and documentation~~ that ~~the carrier reasonably believes~~ will be required to process and pay the claim ~~or to determine if the claim is a clean claim~~. Upon receipt of the additional information ~~requested under this subsection~~ necessary to make the original claim a clean claim, a carrier shall make the payment of the claim in compliance with this section. No carrier may refuse to pay a claim for health care services rendered pursuant to a provider contract which are covered benefits if the carrier fails timely to notify or attempt to notify the person submitting the claim of the matters identified above unless such failure was caused in material part by the person submitting the claims; however, nothing herein shall preclude such a carrier from imposing a retroactive denial of payment of such a claim if permitted by the provider contract unless such retroactive denial of payment of the claim would violate subdivision 7. ~~Nothing in this subsection shall require a carrier to pay a claim which is not a clean claim.~~ *Beginning no later than January 1, 2026, all notifications and information required under this subdivision shall be delivered electronically.*

3. Any interest owing or accruing on a claim under § 38.2-3407.1 or 38.2-4306.1, under any provider contract or under any other applicable law, shall, if not sooner paid or required to be paid, be paid, without necessity of demand, at the time the claim is paid or within 60 days thereafter.

4. a. Every carrier shall establish and implement reasonable policies to permit any provider with which there is a provider contract (i) to confirm in advance during normal business hours by free telephone or electronic means if available whether the health care services to be provided are medically necessary and a covered benefit and (ii) to determine the carrier's requirements applicable to the provider (or to the type of health care services which the provider has contracted to deliver under the provider contract) for (a) pre-certification or authorization of coverage decisions, (b) retroactive reconsideration of a certification or authorization of coverage decision or retroactive denial of a previously paid claim, (c) provider-specific payment and reimbursement methodology, coding levels and methodology, downcoding, and bundling of claims, and (d) other provider-specific, applicable claims processing and payment matters necessary to meet the terms and conditions of the provider contract, including determining whether a claim is a clean claim. If a carrier routinely, as a matter of policy, bundles or downcodes claims submitted by a provider, the carrier shall clearly disclose that practice in each provider contract. Further, such carrier shall either (1) disclose in its provider contracts or on its website the specific bundling and downcoding policies that the carrier reasonably expects to be applied to the provider or provider's services on a routine basis as a matter of policy or (2) disclose in each provider contract a telephone or facsimile number or e-mail address that a provider can use to request the specific bundling and downcoding policies that the carrier reasonably expects to be applied to that provider or provider's services on a routine basis as a matter of policy. If such request is made by or on behalf of a provider, a carrier shall provide the requesting provider with such policies within 10 business days following the date the request is received.

b. Every carrier shall make available to such providers within 10 business days of receipt of a request, copies of or reasonable electronic access to all such policies which are applicable to the particular provider or to particular health care services identified by the provider. In the event the provision of the entire policy would violate any applicable copyright law, the carrier may instead comply with this subsection by timely delivering to the provider a clear explanation of the policy as it applies to the provider and to any health care services identified by the provider.

5. Every carrier shall pay a claim if the carrier has previously authorized the health care service or has advised the provider or enrollee in advance of the provision of health care services that the health care services are medically necessary and a covered benefit, unless:

a. The documentation for the claim provided by the person submitting the claim clearly fails to support the claim as originally authorized;

b. The carrier's refusal is because (i) another payor is responsible for the payment, (ii) the provider has already been paid for the health care services identified on the claim, (iii) the claim was submitted fraudulently or the authorization was based in whole or material part on erroneous information provided to the carrier by the provider, enrollee, or other person not related to the carrier, or (iv) the person receiving the health care services was not eligible to receive them on the date of service and the carrier did not know, and with the exercise of reasonable care could not have known, of the person's eligibility status; or

c. During the post-service claims process, it is determined that the claim was submitted fraudulently.

6. In the case of an invasive or surgical procedure, if the carrier has previously authorized a health care service as medically necessary and during the procedure the health care provider discovers clinical evidence prompting the provider to perform a less or more extensive or complicated procedure than was previously authorized, then the carrier shall pay the claim, provided that the additional procedures were (i) not investigative in nature, but medically necessary as a covered service under the covered person's benefit plan; (ii) appropriately coded consistent with the procedure actually performed; and (iii) compliant with a carrier's post-service claims process, including required timing for submission to carrier.

7. No carrier shall impose any retroactive denial of a previously paid claim *or in any other way seek recovery or refund of a previously paid claim* unless the carrier *specifies in writing the specific claim or claims for which the retroactive denial is to be imposed or the recovery or refund is sought, the carrier* has provided ~~the reason for the retroactive denial~~ *a written explanation of why the claim is being retroactively adjusted,* and (i) the original claim was submitted fraudulently, (ii) the original claim payment was incorrect because the provider was already paid for the health care services identified on the claim or the health care services identified on the claim were not delivered by the provider, or (iii) the time which has elapsed since the date of the payment of the original challenged claim does not exceed ~~the lesser of (a)~~ 12 months ~~or (b) the number of days within which the carrier requires under its provider contract that a claim be submitted by the provider following the date on which a health care service is provided. Effective July 1, 2000, a~~. *Notwithstanding the provisions of clause (iii), a provider and a carrier may agree in writing that recoupment of overpayments by withholding or offsetting against future payments may occur after such 12-month limit for the imposition of the retroactive denial. A* carrier shall notify a provider at least 30 days in advance of any retroactive denial *or recovery or refund* of a *previously paid* claim.

~~8. Notwithstanding subdivision 7, with respect to provider contracts entered into, amended, extended, or renewed on or after July 1, 2004, no carrier shall impose any retroactive denial of payment or in any other way seek recovery or refund of a previously paid claim unless the carrier specifies in writing the specific claim or claims for which the retroactive denial is to be imposed or the recovery or refund is sought. The written communication shall also contain an explanation of why the claim is being retroactively adjusted.~~ *Beginning no later than January 1, 2026, all written communications, explanations, notifications, and related provider responses applicable to this subdivision shall be delivered electronically. The electronic method and location for delivery shall be agreed upon by the carrier and provider and included in the provider contract.*

~~9.~~ *8.* No provider contract shall fail to include or attach at the time it is presented to the provider for execution (i) the fee schedule, reimbursement policy, or statement as to the manner in which claims will be calculated and paid that is applicable to the provider or to the range of health care services reasonably expected to be delivered by that type of provider on a routine basis and (ii) all material addenda, schedules, and exhibits thereto and any policies (including those referred to in subdivision 4) applicable to the provider or to the range of health care services reasonably expected to be delivered by that type of provider under the provider contract.

~~10.~~ *9.* No amendment to any provider contract or to any addenda, schedule, exhibit or policy thereto (or new addenda, schedule, exhibit, or policy) applicable to the provider (or to the range of health care services reasonably expected to be delivered by that type of provider) shall be effective as to the provider, unless the provider has been provided with the applicable portion of the proposed amendment (or of the proposed new addenda, schedule, exhibit, or policy) at least 60 calendar days before the effective date and the provider has failed to notify the carrier within 30 calendar days of receipt of the documentation of the provider's intention to terminate the provider contract at the earliest date thereafter permitted under the provider contract.

~~11.~~ *10.* In the event that the carrier's provision of a policy required to be provided under subdivision ~~9~~ *8* or ~~10~~ *9* would violate any applicable copyright law, the carrier may instead comply with this section by providing a clear, written explanation of the policy as it applies to the provider.

~~12.~~ *11.* All carriers shall establish, in writing, their claims payment dispute mechanism and shall make this information available to providers. *If a carrier's claim denial is overturned following completion of a dispute review, the carrier shall, on the day the decision to overturn is made, consider the claims impacted by such decision as clean claims. All applicable laws related to the payment of a clean claim shall apply to the payments due.*

~~13.~~ *12.* Every carrier shall include in its provider contracts a provision that prohibits a provider from discriminating against any enrollee solely due to the enrollee's status as a litigant in pending litigation or a potential litigant due to being involved in a motor vehicle accident. Nothing in this subdivision shall require a health care provider to treat an enrollee who has threatened to make or has made a professional liability claim against the provider or the provider's employer, agents, or employees or has threatened to file or has filed a complaint with a regulatory agency or board against the provider or the provider's employer, agents, or employees.

~~14.~~ *13. Beginning July 1, 2025, every carrier shall make available through electronic means a way for providers to determine whether an enrollee is covered by a health plan that is subject to the Commission's jurisdiction.*

C. *A provider shall not file a complaint with the Commission for failure to pay claims in accordance with subdivision B 1 unless:*

1. Such provider has made a reasonable effort to confer with the carrier in order to resolve the issues related to all claims that are under dispute. Any request to confer shall be made to the contact listed for such purpose in the provider contract and shall include supporting documentation sufficient for the carrier to identify the claims in question; and

2. At least 30 calendar days have passed from the date of the request provided that the carrier has been responsive to the providers request to confer. However, if in the judgment of the provider, the carrier has not been responsive to such request, the provider shall not be required to wait at least 30 calendar days to file the complaint.

The provider shall attest in any such complaint that it has satisfied the provisions of this subsection.

D. If the Commission has cause to believe that any provider has engaged in a pattern of potential violations of subdivision B ~~13~~ *12*, with no corrective action, the Commission may submit information to the Board of Medicine or the Commissioner of Health for action. Prior to such submission, the Commission may provide the provider with an opportunity to cure the alleged violations or provide an explanation as to why the actions in questions were not violations. If any provider has engaged in a pattern of potential violations of subdivision B ~~13~~ *12*, with no corrective action, the Board of Medicine or the Commissioner of Health may levy a fine or cost recovery upon the provider and take other action as permitted under its authority. Upon completion of its review of any potential violation submitted by the Commission or initiated directly by an enrollee, the Board of Medicine or the Commissioner of Health shall notify the Commission of the results of the review, including where the violation was substantiated, and any enforcement action taken as a result of a finding of a substantiated violation.

~~D.~~ *E.* Without limiting the foregoing, in the processing of any payment of claims for health care services rendered by providers under provider contracts and in performing under its provider contracts, every carrier subject to regulation by this title shall adhere to and comply with the minimum fair business standards required under subsection B, and the Commission shall have the jurisdiction to determine if a carrier has violated the standards set forth in subsection B by failing to include the requisite provisions in its provider contracts and shall have jurisdiction to determine if the carrier has failed to implement the minimum fair business standards set out in subdivisions B 1 and 2 in the performance of its provider contracts.

~~E.~~ *F.* No carrier shall be in violation of this section if its failure to comply with this section is caused in material part by the person submitting the claim or if the carrier's compliance is rendered impossible due to matters beyond the carrier's reasonable control (such as an act of God, insurrection, strike, fire, or power outages) which are not caused in material part by the carrier.

~~F.~~ *G.* Any provider who suffers loss as the result of a carrier's violation of this section or a carrier's breach of any provider contract provision required by this section shall be entitled to initiate an action to recover actual damages. If the trier of fact finds that the violation or breach resulted from a carrier's gross negligence and willful conduct, it may increase damages to an amount not exceeding three times the actual damages sustained. Notwithstanding any other provision of law to the contrary, in addition to any damages awarded, such provider also may be awarded reasonable attorney fees and court costs. Each claim for payment which is paid or processed in violation of this section or with respect to which a violation of this section exists shall constitute a separate violation. The Commission shall not be deemed to be a "trier of fact" for purposes of this subsection.

~~G.~~ *H.* No carrier (or its network, provider panel or intermediary) shall terminate or fail to renew the employment or other contractual relationship with a provider, or any provider contract, or otherwise penalize any provider, for invoking any of the provider's rights under this section or under the provider contract.

~~H.~~ *I. Except where otherwise provided in this section, beginning no later than July 1, 2025, carriers shall deliver provider contracts, related amendments, and notices exclusively to providers in an electronic format other than electronic facsimile. Beginning no later than January 1, 2026, the provider shall submit provider contracts, amendments, and notices to carriers exclusively in an electronic format other than electronic facsimile. The electronic method and location for delivery shall be agreed upon by the carrier and provider and included in the provider contract.*

J. This section shall apply only to carriers subject to regulation under this title *and shall apply to the carrier and provider, regardless of any vendors, subcontractors, or other entities that have been contracted by the carrier or the provider to perform duties applicable to this section*.

~~I.~~ *K.* This section shall apply with respect to provider contracts entered into, amended, extended or renewed on or after July 1, 1999.

~~J.~~ *L.* Pursuant to the authority granted by § 38.2-223, the Commission may promulgate such rules and regulations as it may deem necessary to implement this section.

~~K.~~ *M.* The Commission shall have no jurisdiction to adjudicate individual controversies arising out of this section.

CHAPTER 245

An Act to direct the State Corporation Commission to examine the regulation of fees charged for the removal of vehicles and identify policy options to assume all or part of such regulation; report.

[S 450]

Approved March 28, 2024

Be it enacted by the General Assembly of Virginia:

1. *§ 1. The State Corporation Commission (the Commission) shall examine the existing regulation of fees charged for the removal of motor vehicles, trailers, and parts thereof left on private property in violation of § 46.2-1231 of the Code of Virginia and for the removal of trespassing vehicles under § 46.2-1215 of the Code of Virginia and shall identify policy options for the Commission to assume all or part of such regulation. Such policy options shall include various levels of Commission involvement in such regulation. Each policy option shall identify the necessary statutory and regulatory changes to enact such policy option and shall include the resources needed by the Commission to fulfill its duties under such policy option. Such resources may include additional staffing, funding, or training as well as the information needed from operators, localities, or other sources. The Commission shall report its findings to the General Assembly by November 30, 2024.*

CHAPTER 246

An Act to amend and reenact §§ 28.2-208.1 and 28.2-1208 of the Code of Virginia and to amend the Code of Virginia by adding in Article 1 of Chapter 2 of Title 28.2 a section numbered 28.2-208.3, relating to Fisheries Innovation for Sustainable Harvest Fund established.

[S 464]

Approved March 28, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 28.2-208.1 and 28.2-1208 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Article 1 of Chapter 2 of Title 28.2 a section numbered 28.2-208.3 as follows:

§ 28.2-208.1. Commercial Fishing Advisory Board established.

A. There is hereby established the Commercial Fishing Advisory Board~~, which shall hereinafter be known as~~ *(*the Board*)*. The Board shall advise the Commission on the expenditure of ~~those moneys received~~ *the Marine Fishing Improvement Fund established in § 28.2-208 and the Fisheries Innovation for Sustainable Harvest Fund established in § 28.2-208.3*.

B. The Board shall consist of nine members appointed by the Commissioner from a list of nominees submitted by organizations representing commercial fishing interests. The membership shall be representative of the geographic area covered by the commercial fishing license.

C. The term of each member shall be for three years~~, provided that initial appointments shall be three members appointed for three years, three members appointed for two years and three members appointed for one year~~. Appointments to fill vacancies shall be made to fill the unexpired terms.

D. Members shall receive no compensation for their services but shall receive reimbursement for actual expenses. The Board shall meet at the call of the Commissioner or at least four times yearly *and shall formally review all funding applications prior to Commission review*.

§ 28.2-208.3. Fisheries Innovation for Sustainable Harvest Fund.

A. There is hereby created in the state treasury a special nonreverting fund to be known as the Fisheries Innovation for Sustainable Harvest Fund, referred to in this section as "the Fund." The Fund shall be established on the books of the Comptroller. The Fund shall consist of sums appropriated to it by the General Assembly, fees, rents, and royalties collected pursuant to § 28.2-1208, and such other moneys as may be made available from any other source, public or private, including any federal grants solicited or received for the specific purposes of the Fund, and all interest and income from investment of the Fund. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund.

B. The Fund shall be administered by the Commission for the sole purpose of supporting and promoting the economic growth and development of Virginia's seafood economy while enhancing the sustainability of Virginia's marine fisheries resources through the awarding of grants, revolving loans, or other financial tools in the following areas:

1. Infrastructure development;

2. Technological advancements;

3. Market and value chain development;

4. Training and capacity building; and

5. Entrepreneurship and business support.

§ 28.2-1208. Granting easements in, permitting the use of, or leasing the beds of certain waters.

A. The Commission may, with the approval of the Attorney General and the Governor, grant easements over or under or lease the beds of the waters of the Commonwealth outside of the Baylor Survey. Every easement or lease executed pursuant to this section shall be for a period not to exceed five years, except in the case of offshore renewable energy leases described in clause (ii), in which case the period shall not exceed 30 years, and shall specify the rent and such other terms deemed expedient and proper. Such easements and leases may include the right to renew the same for an additional period not to exceed five years. Any lease that authorizes grantees or lessees to (i) prospect for and take from the bottoms covered thereby specified minerals and mineral substances or (ii) generate electrical energy from wave or tidal action, currents, offshore winds, or thermal or salinity gradients, and transmit energy from such sources to shore shall require a royalty. Except for offshore renewable energy leases, purchase payment for any easement granted to a public service corporation, certificated telephone company, interstate natural gas company, or provider of cable television or other multichannel video programming service shall be $100 and shall be for a period of 40 years. However, no easement or lease shall in any way affect or interfere with the rights vouchsafed to the people of the Commonwealth concerning fishing, fowling, and the catching and taking of oysters and other shellfish in and from the leased bottoms or the waters above.

B. All easements granted and leases made pursuant to this section shall be executed for, and in the name and on behalf of, the Commonwealth by the Attorney General and shall be countersigned by the Governor.

C. All mineral royalties collected from such easements or leases on and after July 1, 2000, shall be paid into the state treasury to the credit of the Marine Habitat and Waterways Improvement Fund. All royalties collected as a result of the generation or transmission of electrical or compressed air energy from offshore renewable sources, including wave or tidal action, currents, offshore winds, and thermal or salinity gradients, shall be paid into the state treasury and appropriated to the ~~Virginia Coastal Energy Research Consortium~~ *Fisheries Innovation for Sustainable Harvest Fund* established pursuant to § ~~45.2-1714~~ *28.2-208.3*.

D. Prior to December 1 of each year, the Commissioner and the Attorney General shall make reports to the General Assembly on all easements and leases executed pursuant to this section during the preceding 12 months.

E. The Commission shall, in cooperation with the Division of Geology and Mineral Resources of the Department of Energy and with the assistance of affected state agencies, departments, and institutions, including the Virginia Coastal Energy Research Consortium, maintain a State Subaqueous Minerals and Coastal Energy Management Plan that shall supplement the State Minerals Management Plan set forth in § 2.2-1157 and the Virginia Energy Plan (§ 45.2-1710 et seq.). The State Subaqueous Minerals and Coastal Energy Management Plan shall include provisions for (i) the holding of public hearings, (ii) public advertising for competitive bids or proposals for mineral and renewable energy leasing and extraction activities, (iii) preparation of environmental impact reports to be reviewed by the appropriate agency of the Commonwealth, and (iv) review and approval of leases by the Attorney General and the Governor as required by subsection A. The environmental impact reports shall address, but not be limited to:

1. The environmental impact of the proposed activity;
2. Any adverse environmental effects that cannot be avoided if the proposed activity is undertaken;
3. Measures proposed to minimize the impact of the proposed activity;
4. Any alternative to the proposed activity; and
5. Any irreversible environmental changes which would be involved in the proposed activity.

For the purposes of subdivision 4 ~~of this subsection~~, the report shall contain all alternatives considered and the reasons why the alternatives were rejected. If a report does not set forth alternatives, it shall state why alternatives were not considered.

F. Neither the Commission nor the Department of Energy shall grant any lease, easement, or permit allowing on the beds of any of the coastal waters of the Commonwealth any infrastructure for conveying to shore oil or gas produced from an offshore oil or gas lease in the portion of the Atlantic Ocean identified as the Outer Continental Shelf (OCS) Planning Area by the U.S. Bureau of Ocean Energy Management. For purposes of this section, the term "infrastructure" includes pipelines, gathering systems, processing facilities, and storage facilities. The provisions of this subsection shall not apply to any infrastructure in existence as of July 1, 2020.

CHAPTER 247

An Act to amend and reenact §§ 54.1-2800 and 54.1-2820 of the Code of Virginia, relating to preneed funeral contracts; declinable preneed funeral guarantee fee.

[S 521]

Approved March 28, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 54.1-2800 and 54.1-2820 of the Code of Virginia are amended and reenacted as follows:

§ 54.1-2800. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Advertisement" means any information disseminated or placed before the public.

"At-need" means at the time of death or while death is imminent.

"Board" means the Board of Funeral Directors and Embalmers.

"Cremate" means to reduce a dead human body to ashes and bone fragments by the action of fire.

"Cremator" means a person or establishment that owns or operates a crematory or crematorium or cremates dead human bodies.

"Crematory" or "crematorium" means a facility containing a furnace for cremation of dead human bodies.

"Declinable preneed funeral guarantee fee" means an optional and declinable fee agreed to by a preneed funeral contract purchaser, if offered by a seller, for which the cost of the supplies and services as described in the preneed funeral contract shall be guaranteed. A declinable preneed funeral guarantee fee, when offered by a seller (i) shall not exceed 25 percent of the preneed funeral contract price, (ii) shall be refundable if the purchaser terminates the contract within 30 days of execution, (iii) shall not be considered a finance fee, and (iv) shall be listed on the general price list in accordance with § 54.1-2812.

"Embalmer" means any person engaged in the practice of embalming.

"Embalming" means the process of chemically treating the dead human body by arterial injection and cavity treatment or, when necessary, hypodermic tissue injection to reduce the presence and growth of microorganisms to temporarily retard organic decomposition.

"Funeral directing" means the for-profit profession of directing or supervising funerals, preparing human dead for burial by means other than embalming, or making arrangements for funeral services or the financing of funeral services.

"Funeral director" means any person engaged in the practice of funeral directing.

"Funeral service establishment" means any main establishment, branch, or chapel that is permanently affixed to the real estate and for which a certificate of occupancy has been issued by the local building official where any part of the profession of funeral directing, the practice of funeral services, or the act of embalming is performed.

"Funeral service intern" means a person who is preparing to be licensed for the practice of funeral services under the direct supervision of a practitioner licensed by the Board.

"Funeral service licensee" means a person who is licensed in the practice of funeral services.

"In-person communication" means face-to-face communication and telephonic communication.

"Next of kin" means any of the following persons, regardless of the relationship to the decedent: any person designated to make arrangements for the disposition of the decedent's remains upon his death pursuant to § 54.1-2825, the legal spouse, child aged 18 years or older, parent of a decedent aged 18 years or older, custodial parent or noncustodial parent of a decedent younger than 18 years of age, siblings over 18 years of age, guardian of minor child, guardian of minor siblings, maternal grandparents, paternal grandparents, maternal siblings over 18 years of age and paternal siblings over 18 years of age, or any other relative in the descending order of blood relationship.

"Practice of funeral services" means engaging in the care and disposition of the human dead, the preparation of the human dead for the funeral service, burial or cremation, the making of arrangements for the funeral service or for the financing of the funeral service and the selling or making of financial arrangements for the sale of funeral supplies to the public.

"Preneed" means at any time other than at-need.

"Preneed funeral contract" means any agreement where payment is made by the consumer prior to the receipt of services or supplies contracted for, which evidences arrangements prior to death for (i) the providing of funeral services or (ii) the sale of funeral supplies.

"Preneed funeral planning" means the making of arrangements prior to death for (i) the providing of funeral services or (ii) the sale of funeral supplies.

"Solicitation" means initiating contact with consumers with the intent of influencing their selection of a funeral plan or funeral service provider.

§ 54.1-2820. Requirements of preneed funeral contracts.

A. It shall be unlawful for any person residing or doing business within this Commonwealth, to make, either directly or indirectly by any means, a preneed funeral contract unless the contract:

1. Is made on forms prescribed by the Board and is written in clear, understandable language and printed in easy-to-read type, size and style;

2. Identifies the seller, seller's license number and contract buyer and the person for whom the contract is purchased if other than the contract buyer;

3. Contains a complete description of the supplies or services purchased;

4. Clearly discloses whether the price of the supplies and services purchased is guaranteed *and whether the guaranteed supplies and services have been secured by a declinable preneed funeral guarantee fee as defined in § 54.1-2800*;

5. States if funds are required to be trusted pursuant to § 54.1-2822, the amount to be trusted, the name of the trustee, the disposition of the interest, the fees, expenses and taxes which may be deducted from the interest and a statement of the buyer's responsibility for taxes owed on the interest;

6. Contains the name, address and telephone number of the Board and lists the Board as the regulatory agency which handles consumer complaints;

7. Provides that any person who makes payment under the contract may terminate the agreement at any time prior to the furnishing of the services or supplies contracted for except as provided pursuant to subsection B; if the purchaser terminates the contract within 30 days of execution, the purchaser shall be refunded all consideration paid or delivered,

together with any interest or income accrued thereon; if the purchaser terminates the contract after 30 days, the purchaser shall be refunded any amounts required to be deposited under § 54.1-2822, together with any interest or income accrued thereon;

8. Provides that if the particular supplies and services specified in the contract are unavailable at the time of delivery, the seller shall be required to furnish supplies and services similar in style and at least equal in quality of material and workmanship and the representative of the deceased shall have the right to choose the supplies or services to be substituted;

9. Discloses any penalties or restrictions, including but not limited to geographic restrictions or the inability of the provider to perform, on the delivery of merchandise, services or prearrangement guarantee; and

10. Complies with all disclosure requirements imposed by the Board.

If the contract seller will not be furnishing the supplies and services to the purchaser, the contract seller must attach to the preneed funeral contract a copy of the seller's agreement with the provider.

B. Subject to the requirements of § 54.1-2822, a preneed funeral contract may provide for an irrevocable trust or an amount in an irrevocable trust that is specifically identified as available exclusively for funeral or burial expenses, where:

1. A person irrevocably contracts for funeral goods and services, such person funds the contract by prepaying for the goods and services, and the funeral provider residing or doing business within the Commonwealth subsequently places the funds in a trust; or

2. A person establishes an irrevocable trust naming the funeral provider as the beneficiary; however, such person shall have the right to change the beneficiary to another funeral provider pursuant to § 54.1-2822.

C. If a life insurance or annuity contract is used to fund the preneed funeral contract, the face amount of any life insurance policy issued to fund a preneed funeral contract shall not be decreased over the life of the life insurance policy except for life insurance policies that have lapsed due to the nonpayment of premiums or have gone to a nonforfeiture option that lowers the face amount as allowed for in the provisions of the policy. The following must also be disclosed as prescribed by the Board:

1. The fact that a life insurance policy or annuity contract is involved or being used to fund the preneed contract;

2. The nature of the relationship among the soliciting agent, the provider of the supplies or services, the prearranger and the insurer;

3. The relationship of the life insurance policy or annuity contract to the funding of the preneed contract and the nature and existence of any guarantees relating to the preneed contract; and

4. The impact on the preneed contract of (i) any changes in the life insurance policy or annuity contract including but not limited to changes in the assignment, beneficiary designation or use of the proceeds, (ii) any penalties to be incurred by the policyholder as a result of failure to make premium payments, (iii) any penalties to be incurred or moneys to be received as a result of cancellation or surrender of the life insurance policy or annuity contract, and (iv) all relevant information concerning what occurs and whether any entitlements or obligations arise if there is a difference between the proceeds of the life insurance policy or annuity contract and the amount actually needed to fund the preneed contract.

D. When the consideration consists in whole or in part of any real estate, the contract shall be recorded as an attachment to the deed whereby such real estate is conveyed, and the deed shall be recorded in the clerk's office of the circuit court of the city or county in which the real estate being conveyed is located.

E. If any funeral supplies are sold and delivered prior to the death of the subject for whom they are provided, and the seller or any legal entity in which he or a member of his family has an interest thereafter stores these supplies, the risk of loss or damage shall be upon the seller during such period of storage.

2. That the Board of Funeral Directors and Embalmers shall promulgate regulations to implement the provisions of this act to be effective within 280 days of its enactment.

CHAPTER 248

An Act to amend and reenact § 23.1-3222 of the Code of Virginia, relating to Virginia Commission for the Arts; membership.

[S 530]

Approved March 28, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 23.1-3222 of the Code of Virginia is amended and reenacted as follows:

§ 23.1-3222. Virginia Commission for the Arts established; purpose; membership.

A. The Virginia Commission for the Arts (the Commission) is established as a supervisory commission within the meaning of § 2.2-2100 in the executive branch of state government.

B. The Commission is designated the official agency of the Commonwealth to receive and disburse any funds made available to the Commonwealth by the National Endowment for the Arts and the Fund pursuant to § 23.1-3227.

C. The Commission shall consist of ~~13~~ *nine* members appointed by the Governor subject to confirmation by the General Assembly. No ~~employee of the Commonwealth or~~ member of the General Assembly is eligible for appointment as a member of the Commission. At least one ~~but no more than two members~~ *member* shall be appointed from each ~~congressional district in the Commonwealth~~ *of the eight superintendent's regions*.

D. Members shall be appointed for one term of five years; however, a member appointed to serve an unexpired term is eligible to serve a full five-year term immediately succeeding the unexpired term. Appointments to fill vacancies, other than by expiration of a term, shall be for the unexpired terms. Vacancies shall be filled in the same manner as the original appointments. No member who serves a full five-year term is eligible for reappointment during the five-year period following the expiration of his term.

E. The Commission shall elect a chairman from among its membership.

F. A majority of the members of the Commission shall constitute a quorum.

G. The members of the Commission shall receive no compensation for their services but shall be reimbursed for the reasonable and necessary expenses incurred in the performance of their duties as provided in § 2.2-2825.

H. Any person designated by the board to handle the funds of the Commission shall give bond, with corporate surety, in a penalty fixed by the Governor, conditioned upon the faithful discharge of his duties. Any premium on the bond shall be paid from funds available to the Commission.

CHAPTER 249

An Act to amend and reenact § 32.1-127, as it shall become effective, of the Code of Virginia, relating to Board of Health; hospital regulations; use of smoke evacuation systems during surgical procedures.

[S 537]

Approved March 28, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 32.1-127, as it shall become effective, of the Code of Virginia is amended and reenacted as follows:

§ 32.1-127. (Effective July 1, 2025) Regulations.

A. The regulations promulgated by the Board to carry out the provisions of this article shall be in substantial conformity to the standards of health, hygiene, sanitation, construction and safety as established and recognized by medical and health care professionals and by specialists in matters of public health and safety, including health and safety standards established under provisions of Title XVIII and Title XIX of the Social Security Act, and to the provisions of Article 2 (§ 32.1-138 et seq.).

B. Such regulations:

1. Shall include minimum standards for (i) the construction and maintenance of hospitals, nursing homes and certified nursing facilities to ensure the environmental protection and the life safety of its patients, employees, and the public; (ii) the operation, staffing and equipping of hospitals, nursing homes and certified nursing facilities; (iii) qualifications and training of staff of hospitals, nursing homes and certified nursing facilities, except those professionals licensed or certified by the Department of Health Professions; (iv) conditions under which a hospital or nursing home may provide medical and nursing services to patients in their places of residence; and (v) policies related to infection prevention, disaster preparedness, and facility security of hospitals, nursing homes, and certified nursing facilities;

2. Shall provide that at least one physician who is licensed to practice medicine in this Commonwealth shall be on call at all times, though not necessarily physically present on the premises, at each hospital which operates or holds itself out as operating an emergency service;

3. May classify hospitals and nursing homes by type of specialty or service and may provide for licensing hospitals and nursing homes by bed capacity and by type of specialty or service;

4. Shall also require that each hospital establish a protocol for organ donation, in compliance with federal law and the regulations of the Centers for Medicare and Medicaid Services (CMS), particularly 42 C.F.R. § 482.45. Each hospital shall have an agreement with an organ procurement organization designated in CMS regulations for routine contact, whereby the provider's designated organ procurement organization certified by CMS (i) is notified in a timely manner of all deaths or imminent deaths of patients in the hospital and (ii) is authorized to determine the suitability of the decedent or patient for organ donation and, in the absence of a similar arrangement with any eye bank or tissue bank in Virginia certified by the Eye Bank Association of America or the American Association of Tissue Banks, the suitability for tissue and eye donation. The hospital shall also have an agreement with at least one tissue bank and at least one eye bank to cooperate in the retrieval, processing, preservation, storage, and distribution of tissues and eyes to ensure that all usable tissues and eyes are obtained from potential donors and to avoid interference with organ procurement. The protocol shall ensure that the hospital collaborates with the designated organ procurement organization to inform the family of each potential donor of the option to donate organs, tissues, or eyes or to decline to donate. The individual making contact with the family shall have completed a course in the methodology for approaching potential donor families and requesting organ or tissue donation that (a) is offered or approved by the organ procurement organization and designed in conjunction with the tissue and eye bank community and (b) encourages discretion and sensitivity according to the specific circumstances, views, and beliefs of the relevant family. In addition, the hospital shall work cooperatively with the designated organ procurement organization in educating the staff responsible for contacting the organ procurement organization's personnel on donation issues, the proper review of death records to improve identification of potential donors, and the proper procedures for maintaining potential donors while necessary testing and placement of potential donated organs, tissues, and eyes takes place. This process shall be followed, without exception, unless the family of the relevant decedent or patient has expressed opposition to organ

donation, the chief administrative officer of the hospital or his designee knows of such opposition, and no donor card or other relevant document, such as an advance directive, can be found;

5. Shall require that each hospital that provides obstetrical services establish a protocol for admission or transfer of any pregnant woman who presents herself while in labor;

6. Shall also require that each licensed hospital develop and implement a protocol requiring written discharge plans for identified, substance-abusing, postpartum women and their infants. The protocol shall require that the discharge plan be discussed with the patient and that appropriate referrals for the mother and the infant be made and documented. Appropriate referrals may include, but need not be limited to, treatment services, comprehensive early intervention services for infants and toddlers with disabilities and their families pursuant to Part H of the Individuals with Disabilities Education Act, 20 U.S.C. § 1471 et seq., and family-oriented prevention services. The discharge planning process shall involve, to the extent possible, the other parent of the infant and any members of the patient's extended family who may participate in the follow-up care for the mother and the infant. Immediately upon identification, pursuant to § 54.1-2403.1, of any substance-abusing, postpartum woman, the hospital shall notify, subject to federal law restrictions, the community services board of the jurisdiction in which the woman resides to appoint a discharge plan manager. The community services board shall implement and manage the discharge plan;

7. Shall require that each nursing home and certified nursing facility fully disclose to the applicant for admission the home's or facility's admissions policies, including any preferences given;

8. Shall require that each licensed hospital establish a protocol relating to the rights and responsibilities of patients which shall include a process reasonably designed to inform patients of such rights and responsibilities. Such rights and responsibilities of patients, a copy of which shall be given to patients on admission, shall be consistent with applicable federal law and regulations of the Centers for Medicare and Medicaid Services;

9. Shall establish standards and maintain a process for designation of levels or categories of care in neonatal services according to an applicable national or state-developed evaluation system. Such standards may be differentiated for various levels or categories of care and may include, but need not be limited to, requirements for staffing credentials, staff/patient ratios, equipment, and medical protocols;

10. Shall require that each nursing home and certified nursing facility train all employees who are mandated to report adult abuse, neglect, or exploitation pursuant to § 63.2-1606 on such reporting procedures and the consequences for failing to make a required report;

11. Shall permit hospital personnel, as designated in medical staff bylaws, rules and regulations, or hospital policies and procedures, to accept emergency telephone and other verbal orders for medication or treatment for hospital patients from physicians, and other persons lawfully authorized by state statute to give patient orders, subject to a requirement that such verbal order be signed, within a reasonable period of time not to exceed 72 hours as specified in the hospital's medical staff bylaws, rules and regulations or hospital policies and procedures, by the person giving the order, or, when such person is not available within the period of time specified, co-signed by another physician or other person authorized to give the order;

12. Shall require, unless the vaccination is medically contraindicated or the resident declines the offer of the vaccination, that each certified nursing facility and nursing home provide or arrange for the administration to its residents of (i) an annual vaccination against influenza and (ii) a pneumococcal vaccination, in accordance with the most recent recommendations of the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention;

13. Shall require that each nursing home and certified nursing facility register with the Department of State Police to receive notice of the registration, reregistration, or verification of registration information of any person required to register with the Sex Offender and Crimes Against Minors Registry pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1 within the same or a contiguous zip code area in which the home or facility is located, pursuant to § 9.1-914;

14. Shall require that each nursing home and certified nursing facility ascertain, prior to admission, whether a potential patient is required to register with the Sex Offender and Crimes Against Minors Registry pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1, if the home or facility anticipates the potential patient will have a length of stay greater than three days or in fact stays longer than three days;

15. Shall require that each licensed hospital include in its visitation policy a provision allowing each adult patient to receive visits from any individual from whom the patient desires to receive visits, subject to other restrictions contained in the visitation policy including, but not limited to, those related to the patient's medical condition and the number of visitors permitted in the patient's room simultaneously;

16. Shall require that each nursing home and certified nursing facility shall, upon the request of the facility's family council, send notices and information about the family council mutually developed by the family council and the administration of the nursing home or certified nursing facility, and provided to the facility for such purpose, to the listed responsible party or a contact person of the resident's choice up to six times per year. Such notices may be included together with a monthly billing statement or other regular communication. Notices and information shall also be posted in a designated location within the nursing home or certified nursing facility. No family member of a resident or other resident representative shall be restricted from participating in meetings in the facility with the families or resident representatives of other residents in the facility;

17. Shall require that each nursing home and certified nursing facility maintain liability insurance coverage in a minimum amount of $1 million, and professional liability coverage in an amount at least equal to the recovery limit set forth in § 8.01-581.15, to compensate patients or individuals for injuries and losses resulting from the negligent or criminal acts of the facility. Failure to maintain such minimum insurance shall result in revocation of the facility's license;

18. Shall require each hospital that provides obstetrical services to establish policies to follow when a stillbirth, as defined in § 32.1-69.1, occurs that meet the guidelines pertaining to counseling patients and their families and other aspects of managing stillbirths as may be specified by the Board in its regulations;

19. Shall require each nursing home to provide a full refund of any unexpended patient funds on deposit with the facility following the discharge or death of a patient, other than entrance-related fees paid to a continuing care provider as defined in § 38.2-4900, within 30 days of a written request for such funds by the discharged patient or, in the case of the death of a patient, the person administering the person's estate in accordance with the Virginia Small Estates Act (§ 64.2-600 et seq.);

20. Shall require that each hospital that provides inpatient psychiatric services establish a protocol that requires, for any refusal to admit (i) a medically stable patient referred to its psychiatric unit, direct verbal communication between the on-call physician in the psychiatric unit and the referring physician, if requested by such referring physician, and prohibits on-call physicians or other hospital staff from refusing a request for such direct verbal communication by a referring physician and (ii) a patient for whom there is a question regarding the medical stability or medical appropriateness of admission for inpatient psychiatric services due to a situation involving results of a toxicology screening, the on-call physician in the psychiatric unit to which the patient is sought to be transferred to participate in direct verbal communication, either in person or via telephone, with a clinical toxicologist or other person who is a Certified Specialist in Poison Information employed by a poison control center that is accredited by the American Association of Poison Control Centers to review the results of the toxicology screen and determine whether a medical reason for refusing admission to the psychiatric unit related to the results of the toxicology screen exists, if requested by the referring physician;

21. Shall require that each hospital that is equipped to provide life-sustaining treatment shall develop a policy governing determination of the medical and ethical appropriateness of proposed medical care, which shall include (i) a process for obtaining a second opinion regarding the medical and ethical appropriateness of proposed medical care in cases in which a physician has determined proposed care to be medically or ethically inappropriate; (ii) provisions for review of the determination that proposed medical care is medically or ethically inappropriate by an interdisciplinary medical review committee and a determination by the interdisciplinary medical review committee regarding the medical and ethical appropriateness of the proposed health care; and (iii) requirements for a written explanation of the decision reached by the interdisciplinary medical review committee, which shall be included in the patient's medical record. Such policy shall ensure that the patient, his agent, or the person authorized to make medical decisions pursuant to § 54.1-2986 (a) are informed of the patient's right to obtain his medical record and to obtain an independent medical opinion and (b) afforded reasonable opportunity to participate in the medical review committee meeting. Nothing in such policy shall prevent the patient, his agent, or the person authorized to make medical decisions pursuant to § 54.1-2986 from obtaining legal counsel to represent the patient or from seeking other remedies available at law, including seeking court review, provided that the patient, his agent, or the person authorized to make medical decisions pursuant to § 54.1-2986, or legal counsel provides written notice to the chief executive officer of the hospital within 14 days of the date on which the physician's determination that proposed medical treatment is medically or ethically inappropriate is documented in the patient's medical record;

22. Shall require every hospital with an emergency department to establish a security plan. Such security plan shall be developed using standards established by the International Association for Healthcare Security and Safety or other industry standard and shall be based on the results of a security risk assessment of each emergency department location of the hospital and shall include the presence of at least one off-duty law-enforcement officer or trained security personnel who is present in the emergency department at all times as indicated to be necessary and appropriate by the security risk assessment. Such security plan shall be based on identified risks for the emergency department, including trauma level designation, overall volume, volume of psychiatric and forensic patients, incidents of violence against staff, and level of injuries sustained from such violence, and prevalence of crime in the community, in consultation with the emergency department medical director and nurse director. The security plan shall also outline training requirements for security personnel in the potential use of and response to weapons, defensive tactics, de-escalation techniques, appropriate physical restraint and seclusion techniques, crisis intervention, and trauma-informed approaches. Such training shall also include instruction on safely addressing situations involving patients, family members, or other persons who pose a risk of harm to themselves or others due to mental illness or substance abuse or who are experiencing a mental health crisis. Such training requirements may be satisfied through completion of the Department of Criminal Justice Services minimum training standards for auxiliary police officers as required by § 15.2-1731. The Commissioner shall provide a waiver from the requirement that at least one off-duty law-enforcement officer or trained security personnel be present at all times in the emergency department if the hospital demonstrates that a different level of security is necessary and appropriate for any of its emergency departments based upon findings in the security risk assessment;

23. Shall require that each hospital establish a protocol requiring that, before a health care provider arranges for air medical transportation services for a patient who does not have an emergency medical condition as defined in 42 U.S.C. § 1395dd(e)(1), the hospital shall provide the patient or his authorized representative with written or electronic notice that the patient (i) may have a choice of transportation by an air medical transportation provider or medically appropriate ground

transportation by an emergency medical services provider and (ii) will be responsible for charges incurred for such transportation in the event that the provider is not a contracted network provider of the patient's health insurance carrier or such charges are not otherwise covered in full or in part by the patient's health insurance plan;

24. Shall establish an exemption from the requirement to obtain a license to add temporary beds in an existing hospital or nursing home, including beds located in a temporary structure or satellite location operated by the hospital or nursing home, provided that the ability remains to safely staff services across the existing hospital or nursing home, (i) for a period of no more than the duration of the Commissioner's determination plus 30 days when the Commissioner has determined that a natural or man-made disaster has caused the evacuation of a hospital or nursing home and that a public health emergency exists due to a shortage of hospital or nursing home beds or (ii) for a period of no more than the duration of the emergency order entered pursuant to § 32.1-13 or 32.1-20 plus 30 days when the Board, pursuant to § 32.1-13, or the Commissioner, pursuant to § 32.1-20, has entered an emergency order for the purpose of suppressing a nuisance dangerous to public health or a communicable, contagious, or infectious disease or other danger to the public life and health;

25. Shall establish protocols to ensure that any patient scheduled to receive an elective surgical procedure for which the patient can reasonably be expected to require outpatient physical therapy as a follow-up treatment after discharge is informed that he (i) is expected to require outpatient physical therapy as a follow-up treatment and (ii) will be required to select a physical therapy provider prior to being discharged from the hospital;

26. Shall permit nursing home staff members who are authorized to possess, distribute, or administer medications to residents to store, dispense, or administer cannabis oil to a resident who has been issued a valid written certification for the use of cannabis oil in accordance with § 4.1-1601;

27. Shall require each hospital with an emergency department to establish a protocol for the treatment and discharge of individuals experiencing a substance use-related emergency, which shall include provisions for (i) appropriate screening and assessment of individuals experiencing substance use-related emergencies to identify medical interventions necessary for the treatment of the individual in the emergency department and (ii) recommendations for follow-up care following discharge for any patient identified as having a substance use disorder, depression, or mental health disorder, as appropriate, which may include, for patients who have been treated for substance use-related emergencies, including opioid overdose, or other high-risk patients, (a) the dispensing of naloxone or other opioid antagonist used for overdose reversal pursuant to subsection X of § 54.1-3408 at discharge or (b) issuance of a prescription for and information about accessing naloxone or other opioid antagonist used for overdose reversal, including information about accessing naloxone or other opioid antagonist used for overdose reversal at a community pharmacy, including any outpatient pharmacy operated by the hospital, or through a community organization or pharmacy that may dispense naloxone or other opioid antagonist used for overdose reversal without a prescription pursuant to a statewide standing order. Such protocols may also provide for referrals of individuals experiencing a substance use-related emergency to peer recovery specialists and community-based providers of behavioral health services, or to providers of pharmacotherapy for the treatment of drug or alcohol dependence or mental health diagnoses;

28. During a public health emergency related to COVID-19, shall require each nursing home and certified nursing facility to establish a protocol to allow each patient to receive visits, consistent with guidance from the Centers for Disease Control and Prevention and as directed by the Centers for Medicare and Medicaid Services and the Board. Such protocol shall include provisions describing (i) the conditions, including conditions related to the presence of COVID-19 in the nursing home, certified nursing facility, and community, under which in-person visits will be allowed and under which in-person visits will not be allowed and visits will be required to be virtual; (ii) the requirements with which in-person visitors will be required to comply to protect the health and safety of the patients and staff of the nursing home or certified nursing facility; (iii) the types of technology, including interactive audio or video technology, and the staff support necessary to ensure visits are provided as required by this subdivision; and (iv) the steps the nursing home or certified nursing facility will take in the event of a technology failure, service interruption, or documented emergency that prevents visits from occurring as required by this subdivision. Such protocol shall also include (a) a statement of the frequency with which visits, including virtual and in-person, where appropriate, will be allowed, which shall be at least once every 10 calendar days for each patient; (b) a provision authorizing a patient or the patient's personal representative to waive or limit visitation, provided that such waiver or limitation is included in the patient's health record; and (c) a requirement that each nursing home and certified nursing facility publish on its website or communicate to each patient or the patient's authorized representative, in writing or via electronic means, the nursing home's or certified nursing facility's plan for providing visits to patients as required by this subdivision;

29. Shall require each hospital, nursing home, and certified nursing facility to establish and implement policies to ensure the permissible access to and use of an intelligent personal assistant provided by a patient, in accordance with such regulations, while receiving inpatient services. Such policies shall ensure protection of health information in accordance with the requirements of the federal Health Insurance Portability and Accountability Act of 1996, 42 U.S.C. § 1320d et seq., as amended. For the purposes of this subdivision, "intelligent personal assistant" means a combination of an electronic device and a specialized software application designed to assist users with basic tasks using a combination of natural language processing and artificial intelligence, including such combinations known as "digital assistants" or "virtual assistants";

30. During a declared public health emergency related to a communicable disease of public health threat, shall require each hospital, nursing home, and certified nursing facility to establish a protocol to allow patients to receive visits from a

rabbi, priest, minister, or clergy of any religious denomination or sect consistent with guidance from the Centers for Disease Control and Prevention and the Centers for Medicare and Medicaid Services and subject to compliance with any executive order, order of public health, Department guidance, or any other applicable federal or state guidance having the effect of limiting visitation. Such protocol may restrict the frequency and duration of visits and may require visits to be conducted virtually using interactive audio or video technology. Any such protocol may require the person visiting a patient pursuant to this subdivision to comply with all reasonable requirements of the hospital, nursing home, or certified nursing facility adopted to protect the health and safety of the person, patients, and staff of the hospital, nursing home, or certified nursing facility;

31. Shall require that every hospital that makes health records, as defined in § 32.1-127.1:03, of patients who are minors available to such patients through a secure website shall make such health records available to such patient's parent or guardian through such secure website, unless the hospital cannot make such health record available in a manner that prevents disclosure of information, the disclosure of which has been denied pursuant to subsection F of § 32.1-127.1:03 or for which consent required in accordance with subsection E of § 54.1-2969 has not been provided; ~~and~~

32. Shall require each certified nursing facility eligible to participate in the Virginia Medicaid Nursing Facility Value-Based Purchasing (VBP) program, as referenced in Chapter 2 of the Acts of Assembly of 2022, Special Session I, to provide at least 3.08 hours of case mix-adjusted total nurse staffing hours per resident per day on average as determined annually by the Department of Medical Assistance Services for use in the VBP program, utilizing job codes for the calculation of total nurse staffing hours per resident per day following the Centers for Medicare and Medicaid Services (CMS) definitions as of January 1, 2022, used for similar purposes and including certified nursing assistants, licensed practical nurses, and registered nurses. No additional reporting shall be required by a certified nursing facility under this subdivision*; and*

33. Shall require that every hospital where surgical procedures are performed adopt a policy requiring the use of a smoke evacuation system for all planned surgical procedures that are likely to generate surgical smoke. For the purposes of this subdivision, "smoke evacuation system" means smoke evacuation equipment and technologies designed to capture, filter, and remove surgical smoke at the site of origin and to prevent surgical smoke from making ocular contact or contact with a person's respiratory tract.

C. Upon obtaining the appropriate license, if applicable, licensed hospitals, nursing homes, and certified nursing facilities may operate adult day care centers.

D. All facilities licensed by the Board pursuant to this article which provide treatment or care for hemophiliacs and, in the course of such treatment, stock clotting factors, shall maintain records of all lot numbers or other unique identifiers for such clotting factors in order that, in the event the lot is found to be contaminated with an infectious agent, those hemophiliacs who have received units of this contaminated clotting factor may be apprised of this contamination. Facilities which have identified a lot that is known to be contaminated shall notify the recipient's attending physician and request that he notify the recipient of the contamination. If the physician is unavailable, the facility shall notify by mail, return receipt requested, each recipient who received treatment from a known contaminated lot at the individual's last known address.

E. Hospitals in the Commonwealth may enter into agreements with the Department of Health for the provision to uninsured patients of naloxone or other opioid antagonists used for overdose reversal.

2. That the provisions of this act shall become effective on July 1, 2025.

CHAPTER 250

An Act to amend and reenact § 46.2-1608.2 of the Code of Virginia, relating to auto recyclers; database search.

[S 545]

Approved March 28, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 46.2-1608.2 of the Code of Virginia is amended and reenacted as follows:

§ 46.2-1608.2. Licensees to update records of the Department for motor vehicles that are to be demolished or dismantled.

A. A licensed auto recycler may be exempted from the waiting period in subsection B of § 46.2-1608.1 by:

1. Entering into a contractual agreement with the Department to update records of motor vehicles to be demolished or dismantled if such motor vehicles either have been issued a certificate of title, salvage certificate, or nonrepairable certificate in the Commonwealth or are titled in another state. In addition to the contractual agreement, the licensed auto recycler shall be required to comply with the Department's procedures for securely accessing and updating the Department's records; and

2. Notifying the Department that a motor vehicle is being demolished or dismantled or of the intention to demolish, dismantle, or reduce the motor vehicle to a state where it can no longer be considered a motor vehicle. Licensed auto recyclers shall electronically notify the Department of the demolished or dismantled vehicle's certificate of title, salvage certificate, or nonrepairable certificate number and vehicle identification number.

B. Licensed auto recyclers in possession of the certificate of title, salvage certificate, or nonrepairable certificate from the Commonwealth may demolish or dismantle the subject motor vehicle. Licensed auto recyclers shall electronically notify

the Department in a manner prescribed by the Commissioner of the demolished or dismantled vehicle's certificate of title, salvage certificate, or nonrepairable certificate number and vehicle identification number within required time frames pursuant to subsection D of § 46.2-1603.1.

C. Licensed auto recyclers in possession of a certificate of title issued by another state may demolish or dismantle the subject motor vehicle. Licensed auto recyclers shall electronically notify the Department of the demolished or dismantled vehicle's certificate of title number, vehicle identification number, year, make, and model within required time frames pursuant to subsection D of § 46.2-1603.1.

D. Licensed auto recyclers that do not possess a certificate of title, salvage certificate, or nonrepairable certificate may demolish the subject motor vehicle if the motor vehicle is a model year that is at least 10 years older than the current model year. The licensed auto recycler shall provide electronically to the Department the vehicle identification number and the year, make, and model of the motor vehicle and shall remit to the Department the fees set out in § 46.2-627 and an additional $10 transaction fee. Upon receipt of such notification, the Department shall check the records of *a* nationally recognized ~~databases~~ *crime database and the records of a nationally recognized vehicle title database for owner and lienholder information*. The licensed auto recycler may not demolish or dismantle the vehicle until the Department has notified the licensed auto recycler of the results of that inquiry. If a licensed auto recycler is not in possession of the certificate of title, salvage certificate, or nonrepairable certificate and the subject motor vehicle is of the current model year or of a model year that is nine years old or less, that vehicle shall be processed in accordance with § 46.2-1202.

E. Nothing in this section shall release a licensed auto recycler from complying with the provisions of §§ 46.2-1603.1, 46.2-1608, and 46.2-1608.1.

2. That the provisions of this act shall become effective on July 1, 2025.

CHAPTER 251

An Act to amend and reenact §§ 62.1-44.15:22, as it is currently effective and as it shall become effective, and 62.1-263 of the Code of Virginia, relating to Department of Environmental Quality; data; groundwater and surface water withdrawal permits.

[S 581]

Approved March 28, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 62.1-44.15:22, as it is currently effective and as it shall become effective, and 62.1-263 of the Code of Virginia are amended and reenacted as follows:

§ 62.1-44.15:22. (For contingent expiration date, see Acts 2021, Sp. Sess. I, c. 100) Water withdrawals and preservation of instream flow.

A. Conditions contained in a Virginia Water Protection Permit may include but are not limited to the volume of water which may be withdrawn as a part of the permitted activity and conditions necessary to protect beneficial uses. Domestic and other existing beneficial uses shall be considered the highest priority uses. *The Board is authorized to utilize and incorporate comprehensive groundwater, surface water, and aquifer data in its permit decision. Such data may include information relating to water levels, flow rates, and water quality.*

B. Notwithstanding any other provision, no Virginia Water Protection Permit shall be required for any water withdrawal in existence on July 1, 1989; however, a permit shall be required if a new § 401 certification is required to increase a withdrawal. No Virginia Water Protection Permit shall be required for any water withdrawal not in existence on July 1, 1989, if the person proposing to make the withdrawal received a § 401 certification before January 1, 1989, with respect to installation of any necessary withdrawal structures to make such withdrawal; however, a permit shall be required before any such withdrawal is increased beyond the amount authorized by the certification.

C. The Board may issue an Emergency Virginia Water Protection Permit for a new or increased withdrawal when it finds that because of drought there is an insufficient public drinking water supply that may result in a substantial threat to human health or public safety. Such a permit may be issued to authorize the proposed activity only after conservation measures mandated by local or state authorities have failed to protect public health and safety and notification of the agencies designated in § 62.1-44.15:20 C and only for the amount of water necessary to protect public health and safety. These agencies shall have five days to provide comments or written recommendations on the issuance of the permit. Notwithstanding the provisions of § 62.1-44.15:20 B, no public comment shall be required prior to issuance of the emergency permit. Not later than 14 days after the issuance of the emergency permit, the permit holder shall apply for a Virginia Water Protection Permit authorized under the other provisions of this section. The application for the Virginia Water Protection Permit shall be subject to public comment for a period established by the Board. Any Emergency Virginia Water Protection Permit issued under this section shall be valid until the Board approves or denies the subsequent request for a Virginia Water Protection Permit or for a period of one year, whichever occurs sooner. The fee for the emergency permit shall be 50 percent of the fee charged for a comparable Virginia Water Protection Permit.

§ 62.1-44.15:22. (For contingent effective date, see Acts 2021, Sp. Sess. I, c. 100) Water withdrawals and preservation of instream flow.

A. 1. Conditions contained in a Virginia Water Protection Permit may include the volume of water that may be withdrawn as a part of the permitted activity and conditions necessary to protect beneficial uses. Domestic and other existing beneficial uses shall be considered the highest priority uses. *The Board is authorized to utilize and incorporate comprehensive groundwater, surface water, and aquifer data in its permit decision. Such data may include information relating to water levels, flow rates, and water quality.*

2. Every application for a Virginia Water Protection Permit for a surface water withdrawal shall include a (i) water auditing plan and (ii) leak detection and repair plan. Both such plans shall comply with requirements established by the Board in regulations. The Board shall approve every water auditing plan and leak detection and repair plan that complies with such regulatory requirements. Once approved by the Board, such water auditing plan and leak detection and repair plan shall be incorporated by reference as a condition in the Virginia Water Protection Permit. The Board shall not issue a Virginia Water Protection Permit for a surface water withdrawal without an approved water auditing plan and an approved leak detection and repair plan.

B. Notwithstanding any other provision of law, no Virginia Water Protection Permit shall be required for any water withdrawal in existence on July 1, 1989; however, a permit shall be required if a new § 401 certification is required to increase a withdrawal. No Virginia Water Protection Permit shall be required for any water withdrawal not in existence on July 1, 1989, if the person proposing to make the withdrawal received a § 401 certification before January 1, 1989, with respect to installation of any necessary withdrawal structures to make such withdrawal; however, a permit shall be required before any such withdrawal is increased beyond the amount authorized by the certification.

C. The Board may issue an Emergency Virginia Water Protection Permit for a new or increased withdrawal when it finds that because of drought there is an insufficient public drinking water supply that may result in a substantial threat to human health or public safety. Such a permit may be issued to authorize the proposed activity only after conservation measures mandated by local or state authorities have failed to protect public health and safety and notification of the agencies designated in subsection C of § 62.1-44.15:20 and only for the amount of water necessary to protect public health and safety. Such agencies shall have five days to provide comments or written recommendations on the issuance of the permit. Notwithstanding the provisions of subsection B of § 62.1-44.15:20, no public comment shall be required prior to issuance of the emergency permit. Not later than 14 days after the issuance of the emergency permit, the permit holder shall apply for a Virginia Water Protection Permit authorized under other provisions of this section. The application for such Virginia Water Protection Permit shall be subject to public comment for a period established by the Board. Any Emergency Virginia Water Protection Permit issued under this section shall be valid until the Board approves or denies the subsequent request for a Virginia Water Protection Permit or for a period of one year, whichever occurs sooner. The fee for the emergency permit shall be 50 percent of the fee charged for a comparable Virginia Water Protection Permit.

§ 62.1-263. Criteria for issuance of permits.

When reviewing an application for a permit to withdraw ground water, or an amendment to a permit, the Board may consider the nature of the proposed beneficial use, the proposed use of alternate or innovative approaches such as aquifer storage and recovery systems and surface and ground water conjunctive uses, climatic cycles, unique requirements for nuclear power stations, economic cycles, population projections, the status of land use and other necessary approvals, and the adoption and implementation of the applicant's water conservation and management plan. In no case shall a permit be issued for more ground water than can be applied to the proposed beneficial use.

When proposed uses of ground water are in conflict or when available supplies of ground water are insufficient for all who desire to use them, preference shall be given to uses for human consumption, over all others.

In evaluating permit applications, the Board shall ensure that the maximum possible safe supply of ground water will be preserved and protected for all other beneficial uses. *The Board is authorized to utilize and incorporate comprehensive groundwater, surface water, and aquifer data in its permit application evaluation. Such data may include information relating to water levels, flow rates, and water quality.*

In evaluating the available ground water with respect to permit applications for new or expanded withdrawals in the Eastern Virginia or Eastern Shore Groundwater Management Areas, the Board shall use the average of the actual historical ground water usage from the inception of the ground water withdrawals of a political subdivision or authority operating a ground water and surface water conjunctive use system and shall not use the total permit capacity of such system in determining such availability.

CHAPTER 252

An Act to create a six-year capital outlay plan for projects to be funded entirely or partially from general fund-supported resources and to repeal Chapters 140 and 141 of the Acts of Assembly of 2023.

[S 585]

Approved March 28, 2024

Be it enacted by the General Assembly of Virginia:

1. *§ 1. That the following capital outlay projects and descriptive information shall constitute the Commonwealth's capital outlay plan, pursuant to § 2.2-1518 of the Code of Virginia, for the capital projects supported entirely or partially from the*

general fund for the six-year period beginning July 1, 2024. These projects do not include projects that were previously funded and authorized to proceed to construction.

Agency Code/Agency	*Priority*	*Project Name*	*Cost Category*
123—Department of Military Affairs	*1*	*Renovate Facilities at Camp Pendleton to House Job Challenge Program*	*$0 to $10,000,000*
156—Department of State Police	*1*	*Construct Division Six Headquarters*	*$25,000,001 to $50,000,000*
194—Department of General Services	*1*	*Construct Commonwealth Courts Building*	*Above $100,000,000*
	2	*Construct New State Office Building and Parking Deck*	*Above $100,000,000*
	3	*Construct New State Laboratory Building*	*Above $100,000,000*
	4	*Renovate Library Building*	*$50,000,001 to $75,000,000*
199—Department of Conservation and Recreation	*1*	*Renovate Cabins*	*$10,000,001 to $25,000,000*
	2	*Construct Revenue-Generating Facilities*	*$10,000,001 to $25,000,000*
207—University of Virginia	*1*	*Construct Center for the Arts*	*Above $100,000,000*
208—Virginia Polytechnic Institute and State University	*1*	*Expand Virginia Tech-Carilion School of Medicine and Fralin Biomedical Research Institute*	*Above $100,000,000*
211—Virginia Military Institute	*1*	*Renovate Financial Aid and Admissions Offices*	*$10,000,001 to $25,000,000*
	2	*Improve New Market Battlefield State Historical Park*	*$25,000,001 to $50,000,000*
	3	*Improve Hinty Hall and Facility Infrastructure*	*$10,000,001 to $25,000,000*
	4	*Construct Moody Hall*	*$50,000,001 to $75,000,000*
	5	*Construct Center for Leadership and Ethics, Phase 2*	*$75,000,001 to $100,000,000*
212—Virginia State University	*1*	*Construct BOLT Leadership Center for Social Responsibility*	*$50,000,001 to $75,000,000*
213—Norfolk State University	*1*	*Renovate/Replace Fine Arts Building*	*$75,000,001 to $100,000,000*
218—Virginia School for the Deaf and the Blind	*1*	*Renovate Main Hall and Repair Chapel*	*$25,000,001 to $50,000,000*
229—Virginia Cooperative Extension and Agricultural Experiment Station	*1*	*Improve Center Woods Complex*	*$10,000,001 to $25,000,000*
234—Cooperative Extension and Agricultural Research Services	*1*	*Renovate Summerseat for Urban Agriculture Center*	*$0 to $10,000,000*
236—Virginia Commonwealth University	*1*	*Construct Interdisciplinary Classroom and Laboratory Building*	*Above $100,000,000*
	2	*Construct New School of Dentistry Building*	*Above $100,000,000*
242—Christopher Newport University	*1*	*Replace Plant Operations and Warehouse Building*	*$25,000,001 to $50,000,000*

246—University of Virginia's College at Wise	*1*	*Renovate Darden Hall*	*$25,000,001 to $50,000,000*
247—George Mason University	*1*	*Construct Academic VIII - STEM Prince William Campus*	*Above $100,000,000*
	2	*Renovate Space to Accommodate Virtual Online Campus*	*$10,000,001 to $25,000,000*
	3	*Construct and Renovate Advanced Computational Infrastructure and Hybrid Learning Labs*	*$10,000,001 to $25,000,000*
417—Gunston Hall	*1*	*Construct Archaeology and Maintenance Facilities*	*$0 to $10,000,000*
720—Department of Behavioral Health and Developmental Services	*1*	*Renovate Food Services Statewide*	*$25,000,001 to $50,000,000*
	2	*Renovate Eastern State Hospital, Phase IV*	*$25,000,001 to $50,000,000*
	3	*Child and Adolescent Psychiatric Treatment Facility*	*Above $100,000,000*
799—Department of Corrections	*1*	*Replace Powhatan Infirmary*	*$25,000,001 to $50,000,000*
	2	*Expand Deerfield Correctional Center*	*$25,000,001 to $50,000,000*
885—Institute for Advanced Learning and Research	*1*	*Expand Center for Manufacturing Advancement*	*$25,000,001 to $50,000,000*
942—Virginia Museum of Natural History	*1*	*Construct Satellite Facility in Waynesboro*	*$10,000,001 to $25,000,000*
949—Central Capital	*1*	*Workforce Development Projects*	*$25,000,001 to $50,000,000*

2. That Chapters 140 and 141 of the Acts of Assembly of 2023 are repealed.

CHAPTER 253

An Act to amend and reenact § 9.1-800 of the Code of Virginia, relating to Commonwealth Public Safety Medal of Valor; dispatchers.

[S 630]

Approved March 28, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 9.1-800 of the Code of Virginia is amended and reenacted as follows:

§ 9.1-800. Commonwealth Public Safety Medal of Valor.

There is hereby established the Commonwealth Public Safety Medal of Valor. The Governor may award and present the Commonwealth Public Safety Medal of Valor, of appropriate design with ribbons and appurtenances, to a Virginia public safety officer*, dispatcher as defined in § 56-484.16:1, or dispatcher employed by the Department of State Police* for performance above and beyond the call of duty involving extraordinary valor in the face of grave danger, at great personal risk. The public safety officer*, dispatcher as defined in § 56-484.16:1, or dispatcher employed by the Department of State Police* shall have exhibited uncommon valor, which clearly distinguishes the officer as performing above and beyond normal job requirements. The Commonwealth Public Safety Medal of Valor shall be the highest award for valor by a public safety officer*, dispatcher as defined in § 56-484.16:1, or dispatcher employed by the Department of State Police* conferred by the Commonwealth. The Governor may select no more than three recipients for the Commonwealth Public Safety Medal of Valor award each year, unless the Governor determines that extraordinary circumstances warrant the selection of additional recipients.

CHAPTER 254

An Act to amend and reenact § 19.2-368.5 of the Code of Virginia, relating to Criminal Injuries Compensation Fund; claims.

[S 646]

Approved March 28, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 19.2-368.5 of the Code of Virginia is amended and reenacted as follows:

§ 19.2-368.5. Filing of claims; deferral of proceedings; restitution.

A. A claim may be filed by a person eligible to receive an award, as provided in § 19.2-368.4, or if such person is a minor, by his parent or guardian. In any case in which the person entitled to make a claim is incapacitated, the claim may be filed on his behalf by his guardian, conservator or such other individual authorized to administer his estate.

B. A claim shall be filed by the claimant not later than one year after the occurrence of the crime upon which such claim is based, or not later than one year after the death of the victim. However, (i) in cases involving claims made on behalf of a minor or a person who is incapacitated, the provisions of subsection A of § 8.01-229 shall apply to toll the one-year period; (ii) in cases involving claims made by a victim against profits of crime held in escrow pursuant to Chapter 21.2 (§ 19.2-368.19 et seq.) of this title, the claim shall be filed within five years of the date of the special order of escrow; and (iii) in cases involving claims of sexual abuse of a minor, the claim shall be filed within 10 years after the minor's eighteenth birthday*, except for in cases involving claims of sexual abuse of a minor where the conduct constitutes a felony, the passage of time shall not be a barrier to when the victim can file a claim*. For good cause shown, the Commission may extend the time for filing for a crime committed on or after July 1, 2001.

In the case of a crime committed on or after July 1, 1977, and before July 1, 2001, for which a claim was not filed in a timely manner, the Commission may, for good cause shown, extend the time for filing if the attorney for the Commonwealth sends written notification to the Commission that the crime is being investigated as a result of newly discovered evidence. For any claim filed pursuant to this paragraph, the Commission shall only consider expenses and loss of earnings that the claimant accrues after the date of newly discovered evidence as stipulated in the written notification by the attorney for the Commonwealth.

C. Claims shall be filed in the office of the Commission in person, by mail, or by electronic means in accordance with standards approved by the Commission. The Commission shall accept for filing all claims submitted by persons eligible under subsection A of this section and alleging the jurisdictional requirements set forth in this chapter and meeting the requirements as to form in the rules and regulations of the Commission.

D. Upon filing of a claim pursuant to this chapter, the Commission shall promptly notify the attorney for the Commonwealth of the jurisdiction wherein the crime is alleged to have occurred. If, within 10 days after such notification, the attorney for the Commonwealth so notified advises the Commission that a criminal prosecution is pending upon the same alleged crime, the Commission shall defer all proceedings under this chapter until such time as such criminal prosecution has been concluded in the circuit court unless notification is received from the attorney for the Commonwealth that no objection is made to a continuation of the investigation and determination of the claim. When such criminal prosecution has been concluded in the circuit court the attorney for the Commonwealth shall promptly so notify the Commission. Nothing in this section shall be construed to mean that the Commission is to defer proceedings upon the filing of an appeal, nor shall this section be construed to limit the authority of the Commission to grant emergency awards as hereinafter provided. Upon awarding a claim pursuant to this chapter, the Commission shall promptly notify the attorney for the Commonwealth of the jurisdiction wherein the crime is alleged to have occurred. If a criminal prosecution occurs regarding the same alleged crime, the attorney for the Commonwealth shall request the court to order restitution. However, neither the lack of a restitution order, nor the failure of the attorney for the Commonwealth to request such an order, shall preclude the Fund from exercising its subrogation rights pursuant to § 19.2-368.15. Any such restitution shall be paid over to the Comptroller for deposit into the Criminal Injuries Compensation Fund to the extent of the amount of the award paid from the Fund.

CHAPTER 255

An Act to amend and reenact §§ 4.1-100, 4.1-103, 4.1-206.3, as it is currently effective and as it shall become effective, 4.1-209, 4.1-231.1, as it is currently effective and as it shall become effective, 4.1-233.1, 4.1-309, and 4.1-325 of the Code of Virginia, relating to alcoholic beverage control; annual mixed beverage performing arts facility licenses; on-and-off premises wine and beer licenses.

[S 657]

Approved March 28, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 4.1-100, 4.1-103, 4.1-206.3, as it is currently effective and as it shall become effective, 4.1-209, 4.1-231.1, as it is currently effective and as it shall become effective, 4.1-233.1, 4.1-309, and 4.1-325 of the Code of Virginia are amended and reenacted as follows:

§ 4.1-100. Definitions.

As used in this subtitle unless the context requires a different meaning:

"Alcohol" means the product known as ethyl or grain alcohol obtained by distillation of any fermented liquor, rectified either once or more often, whatever the origin, and shall include synthetic ethyl alcohol, but shall not include methyl alcohol and alcohol completely denatured in accordance with formulas approved by the government of the United States.

"Alcohol vaporizing device" means any device, machine, or process that mixes any alcoholic beverages with pure oxygen or other gas to produce a vaporized product for the purpose of consumption by inhalation.

"Alcoholic beverages" includes alcohol, spirits, wine, and beer, and any one or more of such varieties containing one-half of one percent or more of alcohol by volume, including mixed alcoholic beverages, and every liquid or solid, powder or crystal, patented or not, containing alcohol, spirits, wine, or beer and capable of being consumed by a human being. Any liquid or solid containing more than one of the four varieties shall be considered as belonging to that variety which has the higher percentage of alcohol, however obtained, according to the order in which they are set forth in this definition; except that beer may be manufactured to include flavoring materials and other nonbeverage ingredients containing alcohol, as long as no more than 49 percent of the overall alcohol content of the finished product is derived from the addition of flavors and other nonbeverage ingredients containing alcohol for products with an alcohol content of no more than six percent by volume; or, in the case of products with an alcohol content of more than six percent by volume, as long as no more than one and one-half percent of the volume of the finished product consists of alcohol derived from added flavors and other nonbeverage ingredients containing alcohol.

"Arts venue" means a commercial or nonprofit establishment that is open to the public and in which works of art are sold or displayed.

"Authority" means the Virginia Alcoholic Beverage Control Authority created pursuant to this subtitle.

"Barrel" means any container or vessel having a capacity of more than 43 ounces.

"Bed and breakfast establishment" means any establishment (i) having no more than 15 bedrooms; (ii) offering to the public, for compensation, transitory lodging or sleeping accommodations; and (iii) offering at least one meal per day, which may but need not be breakfast, to each person to whom overnight lodging is provided. For purposes of the licensing requirements of this subtitle, "bed and breakfast establishment" includes any property offered to the public for short-term rental, as that term is defined in § 15.2-983, other than a hotel as defined in this section, regardless of whether a meal is offered to each person to whom overnight lodging is provided.

"Beer" means any alcoholic beverage obtained by the fermentation of an infusion or decoction of barley, malt, and hops or of any similar products in drinkable water and containing one-half of one percent or more of alcohol by volume.

"Board" means the Board of Directors of the Virginia Alcoholic Beverage Control Authority.

"Bottle" means any vessel intended to contain liquids and having a capacity of not more than 43 ounces.

"Bus" means a motor vehicle that (i) is operated by a common carrier licensed under Chapter 20 (§ 46.2-2000 et seq.) of Title 46.2 to transport passengers for compensation over the highways of the Commonwealth on regular or irregular routes of not less than 100 miles, (ii) seats no more than 24 passengers, (iii) is 40 feet in length or longer, (iv) offers wireless Internet services, (v) is equipped with charging stations at every seat for cellular phones or other portable devices, and (vi) during the transportation of passengers, is staffed by an attendant who has satisfied all training requirements set forth in this subtitle or Board regulation.

"Club" means any private nonprofit corporation or association which is the owner, lessee, or occupant of an establishment operated solely for a national, social, patriotic, political, athletic, or other like purpose, but not for pecuniary gain, the advantages of which belong to all of the members. It also means the establishment so operated. A corporation or association shall not lose its status as a club because of the conduct of charitable gaming conducted pursuant to Article 1.1:1 (§ 18.2-340.15 et seq.) of Chapter 8 of Title 18.2 in which nonmembers participate frequently or in large numbers, provided that no alcoholic beverages are served or consumed in the room where such charitable gaming is being conducted while such gaming is being conducted and that no alcoholic beverages are made available upon the premises to any person who is neither a member nor a bona fide guest of a member.

Any such corporation or association which has been declared exempt from federal and state income taxes as one which is not organized and operated for pecuniary gain or profit shall be deemed a nonprofit corporation or association.

"Commercial lifestyle center" means a mixed-use commercial development covering a minimum of 10 acres of land and having at least 100,000 square feet of retail space featuring national specialty chain stores and a combination of dining, entertainment, office, residential, or hotel establishments located in a physically integrated outdoor setting that is pedestrian friendly and that is governed by a commercial owners' association that is responsible for the management, maintenance, and operation of the common areas thereof.

"Container" means any barrel, bottle, carton, keg, vessel, or other receptacle used for holding alcoholic beverages.

"Contract winemaking facility" means the premises of a licensed winery or farm winery that obtains grapes, fruits, and other agricultural products from a person holding a winery or farm winery license and crushes, processes, ferments, bottles, or provides any combination of such services pursuant to an agreement with the winery or farm winery licensee. For all

purposes of this subtitle, wine produced by a contract winemaking facility for a winery or farm winery shall be considered to be wine owned and produced by the winery or farm winery that supplied the grapes, fruits, or other agricultural products used in the production of the wine. The contract winemaking facility shall have no right to sell the wine so produced, unless the terms of payment have not been fulfilled in accordance with the contract. The contract winemaking facility may charge the winery or farm winery for its services. A winery licensee may utilize contract winemaking services only for the manufacture or processing of wine of which no less than 90 percent of the grapes, fruits, and other agricultural products used to make such wine are grown in the Commonwealth.

"Convenience grocery store" means an establishment that (i) has an enclosed room in a permanent structure where stock is displayed and offered for sale and (ii) maintains an inventory of edible items intended for human consumption consisting of a variety of such items of the types normally sold in grocery stores.

"Culinary lodging resort" means a facility (i) having not less than 13 overnight guest rooms in a building that has at least 20,000 square feet of indoor floor space; (ii) located on a farm in the Commonwealth with at least 1,000 acres of land zoned agricultural; (iii) equipped with a full-service kitchen; and (iv) offering to the public, for compensation, at least one meal per day, lodging, and recreational and educational activities related to farming, livestock, and other rural activities.

"Delicatessen" means an establishment that sells a variety of prepared foods or foods requiring little preparation, such as cheeses, salads, cooked meats, and related condiments.

"Designated area" means a room or area approved by the Board for on-premises licensees.

"Dining area" means a public room or area in which meals are regularly served.

"Drugstore" means an establishment that sells medicines prepared by a licensed pharmacist pursuant to a prescription and other medicines and items for home and general use.

"Establishment" means any place where alcoholic beverages of one or more varieties are lawfully manufactured, sold, or used.

"Farm winery" means (i) an establishment or cooperative located in the Commonwealth on land zoned agricultural that has (a) a vineyard, orchard, or similar growing area that produces fruits or other agricultural products used to manufacture the wine of such farm winery, subject to the requirements set forth in § 4.1-219, and (b) facilities for fermenting and bottling wine on the premises where such farm winery manufactures wine that contains not more than 21 percent alcohol by volume or (ii) an accredited public or private institution of higher education, provided that (a) no wine manufactured by the institution shall be sold, (b) the wine manufactured by the institution shall be used solely for research and educational purposes, (c) the wine manufactured by the institution shall be stored on the premises of such farm winery that shall be separate and apart from all other facilities of the institution, and (d) such farm winery is operated in strict conformance with the requirements of this clause (ii) and Board regulations. As used in this definition, the term "cooperative" means a cooperative formed by an association of individuals for the purpose of manufacturing wine. In determining whether a cooperative licensed as a farm winery has met the requirements set forth in clause (i), the Board shall consider all land in the Commonwealth that is owned or leased by a member of the cooperative. For purposes of this definition, "land zoned agricultural" means (1) land zoned as an agricultural district or classification or (2) land otherwise permitted by a locality for farm winery use. For purposes of this definition, "land zoned agricultural" does not include land zoned "residential conservation." Except for the limitation on land zoned "residential conservation," nothing in the definition of "land zoned agricultural" shall otherwise limit or affect local zoning authority.

"Gift shop" means any bona fide retail store selling, predominantly, gifts, books, souvenirs, specialty items relating to history, original and handmade arts and products, collectibles, crafts, and floral arrangements, which is open to the public on a regular basis. Such shop shall be a permanent structure where stock is displayed and offered for sale and which has facilities to properly secure any stock of wine or beer. Such shop may be located (i) on the premises or grounds of a government registered national, state or local historic building or site or (ii) within the premises of a museum. The Board shall consider the purpose, characteristics, nature, and operation of the shop in determining whether it shall be considered a gift shop.

"Gourmet brewing shop" means an establishment which sells to persons to whom wine or beer may lawfully be sold, ingredients for making wine or brewing beer, including packaging, and rents to such persons facilities for manufacturing, fermenting and bottling such wine or beer.

"Gourmet oyster house" means an establishment that (i) is located on the premises of a commercial marina, (ii) is permitted by the Department of Health to serve oysters and other fresh seafood for consumption on the premises, and (iii) offers to the public events for the purpose of featuring and educating the consuming public about local oysters and other seafood products.

"Gourmet shop" means an establishment provided with adequate inventory, shelving, and storage facilities, where, in consideration of payment, substantial amounts of domestic and imported wines and beers of various types and sizes and related products such as cheeses and gourmet foods are habitually furnished to persons.

"Government store" means a store established by the Authority for the sale of alcoholic beverages.

"Grocery store" means an establishment that sells food and other items intended for human consumption, including a variety of ingredients commonly used in the preparation of meals.

"Historic cinema house" means a nonprofit establishment exempt from taxation under § 501(c)(3) of the Internal Revenue Code that was built prior to 1970 and that exists for the primary purpose of showing motion pictures to the public.

"Hotel" means any duly licensed establishment, provided with special space and accommodation, where, in consideration of payment, food and lodging are habitually furnished to persons, and which has four or more bedrooms. It shall also mean the person who operates such hotel.

"Interdicted person" means a person to whom the sale of alcoholic beverages is prohibited by order pursuant to this subtitle.

"Internet wine and beer retailer" means a person who owns or operates an establishment with adequate inventory, shelving, and storage facilities, where, in consideration of payment, Internet or telephone orders are taken and shipped directly to consumers and which establishment is not a retail store open to the public.

"Intoxicated" means a condition in which a person has drunk enough alcoholic beverages to observably affect his manner, disposition, speech, muscular movement, general appearance, or behavior.

"Licensed" means the holding of a valid license granted by the Authority.

"Licensee" means any person to whom a license has been granted by the Authority.

"Liqueur" means any of a class of highly flavored alcoholic beverages that do not exceed an alcohol content of 25 percent by volume.

"Low alcohol beverage cooler" means a drink containing one-half of one percent or more of alcohol by volume, but not more than seven and one-half percent alcohol by volume, and consisting of spirits mixed with nonalcoholic beverages or flavoring or coloring materials; it may also contain water, fruit juices, fruit adjuncts, sugar, carbon dioxide, preservatives or other similar products manufactured by fermenting fruit or fruit juices. Low alcohol beverage coolers shall be treated as wine for all purposes of this subtitle, except that low alcohol beverage coolers may be manufactured by a licensed distiller or a distiller located outside the Commonwealth.

"Marina store" means an establishment that is located on the same premises as a marina, is operated by the owner of such marina, and sells food and nautical and fishing supplies.

"Meals" means, for a mixed beverage license, an assortment of foods commonly ordered in bona fide, full-service restaurants as principal meals of the day. Such restaurants shall include establishments specializing in full course meals with a single substantial entree.

"Member of a club" means (i) a person who maintains his membership in the club by the payment of monthly, quarterly, or annual dues in the manner established by the rules and regulations thereof or (ii) a person who is a member of a bona fide auxiliary, local chapter, or squadron composed of direct lineal descendants of a bona fide member, whether alive or deceased, of a national or international organization to which an individual lodge holding a club license is an authorized member in the same locality. It shall also mean a lifetime member whose financial contribution is not less than 10 times the annual dues of resident members of the club, the full amount of such contribution being paid in advance in a lump sum.

"Mixed beverage" or "mixed alcoholic beverage" means a drink composed in whole or in part of spirits.

"Mixer" means any prepackaged ingredients containing beverages or flavoring or coloring materials, and which may also contain water, fruit juices, fruit adjuncts, sugar, carbon dioxide, or preservatives which are not commonly consumed unless combined with alcoholic beverages, whether or not such ingredients contain alcohol. Such specialty beverage product shall be manufactured or distributed by a Virginia corporation.

"Municipal golf course" means any golf course that is owned by any town incorporated in 1849 and which is the county seat of Smyth County.

"Performing arts facility" means an indoor or outdoor amphitheater, arena, multipurpose theater, or similar facility at which live musical, dance, theatre, or similar performances, the types of which are approved by the Authority, are performed, provided that the facility has stationary stadium or similar seating for more than 500 persons.

"Place or premises" means the real estate, together with any buildings or other improvements thereon, designated in the application for a license as the place at which the manufacture, bottling, distribution, use or sale of alcoholic beverages shall be performed, except that portion of any such building or other improvement actually and exclusively used as a private residence.

"Principal stockholder" means any person who individually or in concert with his spouse and immediate family members beneficially owns or controls, directly or indirectly, five percent or more of the equity ownership of any person that is a licensee of the Authority, or who in concert with his spouse and immediate family members has the power to vote or cause the vote of five percent or more of any such equity ownership. "Principal stockholder" does not include a broker-dealer registered under the Securities Exchange Act of 1934, as amended, that holds in inventory shares for sale on the financial markets for a publicly traded corporation holding, directly or indirectly, a license from the Authority.

"Public place" means any place, building, or conveyance to which the public has, or is permitted to have, access, including restaurants, soda fountains, hotel dining areas, lobbies and corridors of hotels, and any park, place of public resort or amusement, highway, street, lane, or sidewalk adjoining any highway, street, or lane.

"Public place" does not include (i) hotel or restaurant dining areas or ballrooms while in use for private meetings or private parties limited in attendance to members and guests of a particular group, association or organization; (ii) restaurants licensed by the Authority in office buildings or industrial or similar facilities while such restaurant is closed to the public and in use for private meetings or parties limited in attendance to employees and nonpaying guests of the owner or a lessee of all or part of such building or facility; (iii) offices, office buildings or industrial facilities while closed to the public and in use for private meetings or parties limited in attendance to employees and nonpaying guests of the owner or a lessee of all or

part of such building or facility; or (iv) private recreational or chartered boats which are not licensed by the Board and on which alcoholic beverages are not sold.

"Residence" means any building or part of a building or structure where a person resides, but does not include any part of a building that is not actually and exclusively used as a private residence, nor any part of a hotel or club other than a private guest room thereof.

"Resort complex" means a facility (i) with a hotel owning year-round sports and recreational facilities located contiguously on the same property; (ii) owned by a nonstock, nonprofit, taxable corporation with voluntary membership which, as its primary function, makes available golf, ski, and other recreational facilities both to its members and to the general public; or (iii) operated by a corporation that operates as a management company which, as its primary function, makes available (a) vacation accommodations, guest rooms, or dwelling units and (b) golf, ski, and other recreational facilities to members of the managed entities and the general public. The hotel or corporation shall have or manage a minimum of 140 private guest rooms or dwelling units contained on not less than 50 acres, whether or not contiguous to the licensed premises; if the guest rooms or dwelling units are located on property that is not contiguous to the licensed premises, such guest rooms and dwelling units shall be located within the same locality. The Authority may consider the purpose, characteristics, and operation of the applicant establishment in determining whether it shall be considered as a resort complex. All other pertinent qualifications established by the Board for a hotel operation shall be observed by such licensee.

"Restaurant" means, for a wine and beer license or a limited mixed beverage restaurant license, any establishment provided with special space and accommodation, where, in consideration of payment, meals or other foods prepared on the premises are regularly sold.

"Restaurant" means, for a mixed beverage license other than a limited mixed beverage restaurant license, an established place of business (i) where meals with substantial entrees are regularly sold and (ii) which has adequate facilities and sufficient employees for cooking, preparing, and serving such meals for consumption at tables in dining areas on the premises, and includes establishments specializing in full course meals with a single substantial entree.

"Sale" and "sell" includes soliciting or receiving an order for; keeping, offering or exposing for sale; peddling, exchanging or bartering; or delivering otherwise than gratuitously, by any means, alcoholic beverages.

"Sangria" means a drink consisting of red or white wine mixed with some combination of sweeteners, fruit, fruit juice, soda, or soda water that may also be mixed with brandy, triple sec, or other similar spirits.

"Special agent" means an employee of the Virginia Alcoholic Beverage Control Authority whom the Board has designated as a law-enforcement officer pursuant to § 4.1-105.

"Special event" means an event sponsored by a duly organized nonprofit corporation or association and conducted for an athletic, charitable, civic, educational, political, or religious purpose.

"Spirits" means any beverage that contains alcohol obtained by distillation mixed with drinkable water and other substances, in solution, and includes, among other things, brandy, rum, whiskey, and gin, or any one or more of the last four named ingredients, but shall not include any such liquors completely denatured in accordance with formulas approved by the United States government.

"Sports facility" means a coliseum, stadium, racetrack, or similar facility at which professional sports, as defined in § 58.1-4030, or similar events, the types of which are approved by the Authority, are conducted.

"Wine" means any alcoholic beverage, including cider, obtained by the fermentation of the natural sugar content of fruits or other agricultural products containing (i) sugar, including honey and milk, either with or without additional sugar; (ii) one-half of one percent or more of alcohol by volume; and (iii) no product of distillation. "Wine" includes any wine to which wine spirits have been added, as provided in the Internal Revenue Code, to make products commonly known as "fortified wine" which do not exceed an alcohol content of 21 percent by volume.

"Wine cooler" means a drink containing one-half of one percent or more of alcohol by volume, and not more than three and two-tenths percent of alcohol by weight or four percent by volume consisting of wine mixed with nonalcoholic beverages or flavoring or coloring materials, and which may also contain water, fruit juices, fruit adjuncts, sugar, carbon dioxide, or preservatives and shall include other similar products manufactured by fermenting fruit or fruit juices. Wine coolers and similar fermented fruit juice beverages shall be treated as wine for all purposes except for taxation under § 4.1-236.

"With or without meals" means the selling and serving of alcoholic beverages by retail licensees for on-premises consumption whether or not accompanied by food so long as the total food-beverage ratio required by § 4.1-206.3, or the monthly food sale requirement established by Board regulation, is met by such retail licensee.

§ 4.1-103. General powers of Board.

The Board shall have the power to:

1. Sue and be sued, implead and be impleaded, and complain and defend in all courts;

2. Adopt, use, and alter at will a common seal;

3. Fix, alter, charge, and collect rates, rentals, fees, and other charges for the use of property of, the sale of products of, or services rendered by the Authority at rates to be determined by the Authority for the purpose of providing for the payment of the expenses of the Authority;

4. Make and enter into all contracts and agreements necessary or incidental to the performance of its duties, the furtherance of its purposes, and the execution of its powers under this subtitle, including agreements with any person or federal agency;

5. Employ, at its discretion, consultants, researchers, architects, engineers, accountants, financial experts, investment bankers, superintendents, managers, and such other employees and special agents as may be necessary and fix their compensation to be payable from funds made available to the Authority. Legal services for the Authority shall be provided by the Attorney General in accordance with Chapter 5 (§ 2.2-500 et seq.) of Title 2.2;

6. Receive and accept from any federal or private agency, foundation, corporation, association, or person grants or other aid to be expended in accomplishing the objectives of the Authority, and receive and accept from the Commonwealth or any state and any municipality, county, or other political subdivision thereof or from any other source aid or contributions of either money, property, or other things of value, to be held, used, and applied only for the purposes for which such grants and contributions may be made. All federal moneys accepted under this section shall be accepted and expended by the Authority upon such terms and conditions as are prescribed by the United States and as are consistent with state law, and all state moneys accepted under this section shall be expended by the Authority upon such terms and conditions as are prescribed by the Commonwealth;

7. Adopt, alter, and repeal bylaws, rules, and regulations governing the manner in which its business shall be transacted and the manner in which the powers of the Authority shall be exercised and its duties performed. The Board may delegate or assign any duty or task to be performed by the Authority to any officer or employee of the Authority. The Board shall remain responsible for the performance of any such duties or tasks. Any delegation pursuant to this subdivision shall, where appropriate, be accompanied by written guidelines for the exercise of the duties or tasks delegated. Where appropriate, the guidelines shall require that the Board receive summaries of actions taken. Such delegation or assignment shall not relieve the Board of the responsibility to ensure faithful performance of the duties and tasks;

8. Conduct or engage in any lawful business, activity, effort, or project consistent with the Authority's purposes or necessary or convenient to exercise its powers;

9. Develop policies and procedures generally applicable to the procurement of goods, services, and construction, based upon competitive principles;

10. Develop policies and procedures consistent with Article 4 (§ 2.2-4347 et seq.) of Chapter 43 of Title 2.2;

11. Buy, import and sell alcoholic beverages other than beer and wine not produced by farm wineries, and to have alcoholic beverages other than beer and wine not produced by farm wineries in its possession for sale;

12. Buy and sell any mixers;

13. Buy and sell products licensed by the Virginia Tourism Corporation that are within international trademark classes 16 (paper goods and printer matters), 18 (leather goods), 21 (housewares and glass), and 25 (clothing);

14. Control the possession, sale, transportation, and delivery of alcoholic beverages;

15. Determine, subject to § 4.1-121, the localities within which government stores shall be established or operated and the location of such stores;

16. Maintain warehouses for alcoholic beverages and control the storage and delivery of alcoholic beverages to and from such warehouses;

17. Acquire, purchase, hold, use, lease, or otherwise dispose of any property, real, personal or mixed, tangible or intangible, or any interest therein necessary or desirable for carrying out the purposes of the Authority; lease as lessee any property, real, personal or mixed, tangible or intangible, or any interest therein, at such annual rental and on such terms and conditions as may be determined by the Board; lease as lessor to any person any property, real, personal or mixed, tangible or intangible, or any interest therein, at any time acquired by the Authority, whether wholly or partially completed, at such annual rental and on such terms and conditions as may be determined by the Board; sell, transfer, or convey any property, real, personal or mixed, tangible or intangible, or any interest therein, at any time acquired or held by the Authority on such terms and conditions as may be determined by the Board; and occupy and improve any land or building required for the purposes of this subtitle;

18. Purchase, lease, or acquire the use of, by any manner, any plant or equipment that may be considered necessary or useful in carrying into effect the purposes of this subtitle, including rectifying, blending, and processing plants. The Board may purchase, build, lease, and operate distilleries and manufacture alcoholic beverages;

19. Determine the nature, form and capacity of all containers used for holding alcoholic beverages to be kept or sold under this subtitle, and prescribe the form and content of all labels and seals to be placed thereon; however, no container sold in or shipped into the Commonwealth shall include powdered or crystalline alcohol;

20. Appoint every agent and employee required for its operations; require any or all of them to give bonds payable to the Commonwealth in such penalty as shall be fixed by the Board; and engage the services of experts and professionals;

21. Hold and conduct hearings; issue subpoenas requiring the attendance of witnesses and the production of records, memoranda, papers and other documents before the Board or any agent of the Board; and administer oaths and take testimony thereunder. The Board may authorize any Board member or agent of the Board to hold and conduct hearings, issue subpoenas, administer oaths and take testimony thereunder, and decide cases, subject to final decision by the Board, on application of any party aggrieved. The Board may enter into consent agreements and may request and accept from any applicant or licensee a consent agreement in lieu of proceedings on (i) objections to the issuance of a license or (ii) disciplinary action. Any such consent agreement shall include findings of fact and may include an admission or a

finding of a violation. A consent agreement shall not be considered a case decision of the Board and shall not be subject to judicial review under the provisions of the Administrative Process Act (§ 2.2-4000 et seq.), but may be considered by the Board in future disciplinary proceedings;

22. Make a reasonable charge for preparing and furnishing statistical information and compilations to persons other than (i) officials, including court and police officials, of the Commonwealth and of its subdivisions if the information requested is for official use and (ii) persons who have a personal or legal interest in obtaining the information requested if such information is not to be used for commercial or trade purposes;

23. Promulgate regulations in accordance with the Administrative Process Act (§ 2.2-4000 et seq.) and § 4.1-111;

24. Grant, suspend, and revoke licenses for the manufacture, bottling, distribution, importation, and sale of alcoholic beverages;

25. Assess and collect civil penalties and civil charges for violations of this subtitle and Board regulations;

26. Maintain actions to enjoin common nuisances as defined in § 4.1-317;

27. Establish minimum food sale requirements for all retail licensees;

28. Review and approve any proposed legislative or regulatory changes suggested by the Chief Executive Officer as the Board deems appropriate;

29. Report quarterly to the Secretary of Public Safety and Homeland Security on the law-enforcement activities undertaken to enforce the provisions of this subtitle;

30. Establish and collect fees for all permits set forth in this subtitle, including fees associated with applications for such permits;

31. Impose a requirement that a mixed beverage casino licensee pursuant to subdivision A ~~15~~ *14* of § 4.1-206.3 pay for any cost incurred by the Board to enforce such license in excess of the applicable state license fee; and

32. Do all acts necessary or advisable to carry out the purposes of this subtitle.

§ 4.1-206.3. (Effective until July 1, 2024) Retail licenses.

A. The Board may grant the following mixed beverages licenses:

1. Mixed beverage restaurant licenses, which shall authorize the licensee to sell and serve mixed beverages for on-premises consumption in dining areas and other designated areas of such restaurant or off-premises consumption. Such license may be granted only to persons (i) who operate a restaurant and (ii) whose gross receipts from the sale of food cooked, or prepared, and consumed on the premises and nonalcoholic beverages served on the premises, after issuance of such license, amount to at least 45 percent of the gross receipts from the sale of mixed beverages and food. For the purposes of this subdivision, other designated areas shall include outdoor dining areas, whether or not contiguous to the licensed premises, which outdoor dining areas may have more than one means of ingress and egress to an adjacent public thoroughfare, provided such areas are under the control of the licensee and approved by the Board. Such noncontiguous designated areas shall not be approved for any retail license issued pursuant to subdivision A 5 of § 4.1-201.

If the restaurant is located on the premises of a hotel or motel with no fewer than four permanent bedrooms where food and beverage service is customarily provided by the restaurant in designated areas, bedrooms, and other private rooms of such hotel or motel, such licensee may (a) sell and serve mixed beverages for on-premises consumption in such designated areas, bedrooms, and other private rooms or off-premises consumption and (b) sell spirits packaged in original closed containers purchased from the Board for on-premises consumption to registered guests and at scheduled functions of such hotel or motel only in such bedrooms or private rooms. However, with regard to a hotel classified as a resort complex, the Board may authorize the sale and on-premises consumption of alcoholic beverages in all areas within the resort complex deemed appropriate by the Board. Nothing herein shall prohibit any person from keeping and consuming his own lawfully acquired spirits in bedrooms or private rooms.

If the restaurant is located on the premises of and operated by a private, nonprofit, or profit club exclusively for its members and their guests, or members of another private, nonprofit, or profit club in another city with which it has an agreement for reciprocal dining privileges, such license shall also authorize the licensees to (1) sell and serve mixed beverages for on-premises or off-premises consumption and (2) sell spirits that are packaged in original closed containers with a maximum capacity of two fluid ounces or 50 milliliters and purchased from the Board for on-premises consumption. Where such club prepares no food in its restaurant but purchases its food requirements from a restaurant licensed by the Board and located on another portion of the premises of the same hotel or motel building, this fact shall not prohibit the granting of a license by the Board to such club qualifying in all other respects. The club's gross receipts from the sale of nonalcoholic beverages consumed on the premises and food resold to its members and guests and consumed on the premises shall amount to at least 45 percent of its gross receipts from the sale of mixed beverages and food. The food sales made by a restaurant to such a club shall be excluded in any consideration of the qualifications of such restaurant for a license from the Board.

If the restaurant is located on the premises of and operated by a municipal golf course, the Board shall recognize the seasonal nature of the business and waive any applicable monthly food sales requirements for those months when weather conditions may reduce patronage of the golf course, provided that prepared food, including meals, is available to patrons during the same months. The gross receipts from the sale of food cooked, or prepared, and consumed on the premises and nonalcoholic beverages served on the premises, after the issuance of such license, shall amount to at least 45 percent of the gross receipts from the sale of mixed beverages and food on an annualized basis.

If the restaurant is located on the premises of and operated by a culinary lodging resort, such license shall authorize the licensee to (A) sell alcoholic beverages, without regard to the amount of gross receipts from the sale of food prepared and consumed on the premises, for off-premises consumption or for on-premises consumption in areas upon the licensed premises approved by the Board and other designated areas of the resort, including outdoor areas under the control of the licensee, and (B) permit the possession and consumption of lawfully acquired alcoholic beverages by persons to whom overnight lodging is being provided in bedrooms and private guest rooms.

If the restaurant is located on the premises of a mixed beverage casino licensee owned by an operator licensed under Article 3 (§ 58.1-4108 et seq.) of Chapter 41 of Title 58.1, such mixed beverage restaurant license shall authorize the licensee to sell alcoholic beverages for on-premises consumption on the licensed premises of the restaurant during all hours of operation of the mixed beverage casino licensee. Any alcoholic beverages purchased from such restaurant may be (I) taken onto the premises of the mixed beverage casino licensee and (II) possessed or consumed in areas designated by the Board, after consultation with the mixed beverage casino licensee. Designated areas may include any areas on the premises of the mixed beverage casino licensee, including entertainment venues, conference rooms, private rooms, hotels, pools, marinas, or green spaces. Alcoholic beverages purchased from a restaurant pursuant to this subdivision shall be contained in glassware or a paper, plastic, or similar disposable container that clearly displays the name or logo of the restaurant from which the alcoholic beverage was purchased.

The granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption and in closed containers for off-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

2. Mixed beverage caterer's licenses, which may be granted only to a person regularly engaged in the business of providing food and beverages to others for service at private gatherings or at special events, which shall authorize the licensee to sell and serve alcoholic beverages for on-premises consumption. The annual gross receipts from the sale of food cooked and prepared for service and nonalcoholic beverages served at gatherings and events referred to in this subdivision shall amount to at least 45 percent of the gross receipts from the sale of mixed beverages and food.

3. Mixed beverage limited caterer's licenses, which may be granted only to a person regularly engaged in the business of providing food and beverages to others for service at private gatherings or at special events, not to exceed 12 gatherings or events per year, which shall authorize the licensee to sell and serve alcoholic beverages for on-premises consumption. The annual gross receipts from the sale of food cooked and prepared for service and nonalcoholic beverages served at gatherings and events referred to in this subdivision shall amount to at least 45 percent of the gross receipts from the sale of mixed beverages and food.

4. Mixed beverage carrier licenses to (i) persons operating a common carrier of passengers by train, boat, bus, or airplane, which shall authorize the licensee to sell and serve mixed beverages anywhere in the Commonwealth to passengers while in transit aboard any such common carrier, and in designated rooms of establishments of air carriers at airports in the Commonwealth and (ii) financial institutions, subsidiaries of a financial institution, or persons approved by the applicable airport authority that have entered into a contract with a financial institution or subsidiary of a financial institution to operate a passenger lounge, which shall authorize the licensee to sell and serve mixed beverages in designated areas of a passenger lounge for ticketed air carrier passengers that is located within an airport in the Commonwealth. For purposes of supplying its airplanes, as well as any airplanes of a licensed express carrier flying under the same brand, an air carrier licensee may appoint an authorized representative to load alcoholic beverages onto the same airplanes and to transport and store alcoholic beverages at or in close proximity to the airport where the alcoholic beverages will be delivered onto airplanes of the air carrier and any such licensed express carrier. The air carrier licensee shall (a) designate for purposes of its license all locations where the inventory of alcoholic beverages may be stored and from which the alcoholic beverages will be delivered onto airplanes of the air carrier and any such licensed express carrier and (b) maintain records of all alcoholic beverages to be transported, stored, and delivered by its authorized representative. The granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption or in closed containers for off-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

For the purposes of this subdivision:

"Financial institution" means any bank, trust company, savings institution, industrial loan association, consumer finance company, or credit union.

"Passenger lounge" means any restricted-access passenger waiting room or lounge leased to persons by the applicable airport authority in which food and beverage services are provided to ticketed passengers.

5. Annual mixed beverage ~~motor~~ sports facility licenses *to persons operating a sports facility or food concessions at a sports facility*, which shall authorize the licensee to sell mixed beverages~~, in paper, plastic, or similar disposable containers or in single original metal cans, during scheduled events, as well as events or performances immediately subsequent thereto, to patrons in all dining facilities, seating areas, viewing areas, walkways, concession areas, or similar facilities, for on-premises consumption. Such license may be granted to persons operating food concessions at an outdoor motor sports facility that (i) is located on 1,200 acres of rural property bordering the Dan River and has a track surface of 3.27 miles in length or (ii) hosts a NASCAR national touring race~~ *during any event and immediately subsequent thereto to patrons within all seating areas, concourses, walkways, concession areas, and additional locations designated by the Board (i) in closed containers for off-premises consumption or (ii) in paper, plastic, or similar disposable containers or in single original metal*

cans for on-premises consumption. Upon authorization of the licensee, any person may keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas and locations covered by the license. The granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption or in closed containers for off-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

6. Limited mixed beverage restaurant licenses, which shall authorize the licensee to sell and serve dessert wines as defined by Board regulation and no more than six varieties of liqueurs, which liqueurs shall be combined with coffee or other nonalcoholic beverages, for on-premises consumption in dining areas of the restaurant or off-premises consumption. Such license may be granted only to persons who operate a restaurant and in no event shall the sale of such wine or liqueur-based drinks, together with the sale of any other alcoholic beverages, exceed 10 percent of the total annual gross sales of all food and alcoholic beverages. The granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption or in closed containers for off-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

7. Annual mixed beverage performing arts facility licenses, which shall (i) authorize the licensee to sell, on the dates of performances or events, alcoholic beverages in paper, plastic, or similar disposable containers or in single original metal cans for on-premises consumption in all seating areas, concourses, walkways, concession areas, similar facilities, and other areas upon the licensed premises approved by the Board and (ii) automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption or in closed containers for off-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1. Such licenses may be granted to ~~the following:~~

~~a. Corporations or associations~~ *persons* operating a performing arts facility~~, provided the~~ *or food concessions at a* performing arts facility ~~(i) is owned by a governmental entity; (ii) is occupied by a for-profit entity under a bona fide lease, the original term of which was for more than one year's duration; and (iii) has been rehabilitated in accordance with historic preservation standards;~~

~~b. Persons operating food concessions at any performing arts facility located in the City of Norfolk or the City of Richmond, provided that the performing arts facility (i) is occupied under a bona fide long-term lease or concession agreement, the original term of which was more than five years; (ii) has a capacity in excess of 1,400 patrons; (iii) has been rehabilitated in accordance with historic preservation standards; and (iv) has monthly gross receipts from the sale of food cooked, or prepared, and consumed on the premises and nonalcoholic beverages served on the premises that meet or exceed the monthly minimum established by Board regulations for mixed beverage restaurants;~~

~~c. Persons operating food concessions at any performing arts facility located in the City of Waynesboro, provided that the performing arts facility (i) is occupied under a bona fide long-term lease or concession agreement, the original term of which was more than five years; (ii) has a total capacity in excess of 550 patrons; and (iii) has been rehabilitated in accordance with historic preservation standards;~~

~~d. Persons operating food concessions at any performing arts facility located in the arts and cultural district of the City of Harrisonburg, provided that the performing arts facility (i) is occupied under a bona fide long-term lease or concession agreement, the original term of which was more than five years; (ii) has been rehabilitated in accordance with historic preservation standards; (iii) has monthly gross receipts from the sale of food cooked, or prepared, and consumed on the premises and nonalcoholic beverages served on the premises that meet or exceed the monthly minimum established by Board regulations for mixed beverage restaurants; and (iv) has a total capacity in excess of 900 patrons;~~

~~e. Persons operating food concessions at any multipurpose theater located in the historical district of the Town of Bridgewater, provided that the theater (i) is owned and operated by a governmental entity and (ii) has a total capacity in excess of 100 patrons;~~

~~f. Persons operating food concessions at any outdoor performing arts amphitheater, arena, or similar facility that has seating for more than 20,000 persons and is located in Prince William County or the City of Virginia Beach;~~

~~g. Persons operating food concessions at any outdoor performing arts amphitheater, arena, or similar facility that has seating for more than 5,000 persons and is located in the City of Alexandria or the City of Portsmouth; or~~

~~h. Persons operating food concessions at any corporate and performing arts facility located in Fairfax County, provided that the corporate and performing arts facility (i) is occupied under a bona fide long-term lease, management, or concession agreement, the original term of which was more than one year and (ii) has a total capacity in excess of 1,400 patrons. Such license shall authorize the sale, on the dates of performances or events, of alcoholic beverages for on-premises consumption in areas upon the licensed premises approved by the Board~~.

8. Combined mixed beverage restaurant and caterer's licenses, which may be granted to any restaurant or hotel that meets the qualifications for both a mixed beverage restaurant pursuant to subdivision 1 and mixed beverage caterer pursuant to subdivision 2 for the same business location, and which license shall authorize the licensee to operate as both a mixed beverage restaurant and mixed beverage caterer at the same business premises designated in the license, with a common alcoholic beverage inventory for purposes of the restaurant and catering operations. Such licensee shall meet the separate food qualifications established for the mixed beverage restaurant license pursuant to subdivision 1 and mixed beverage caterer's license pursuant to subdivision 2. The granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption or in closed

containers for off-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

9. Bed and breakfast licenses, which shall authorize the licensee to (i) serve alcoholic beverages in dining areas, private guest rooms, and other designated areas to persons to whom overnight lodging is being provided, with or without meals, for on-premises consumption only in such rooms and areas, and without regard to the amount of gross receipts from the sale of food prepared and consumed on the premises and (ii) permit the consumption of lawfully acquired alcoholic beverages by persons to whom overnight lodging is being provided in (a) bedrooms or private guest rooms or (b) other designated areas of the bed and breakfast establishment. For purposes of this subdivision, "other designated areas" includes outdoor dining areas, whether or not contiguous to the licensed premises, which may have more than one means of ingress and egress to an adjacent public thoroughfare, provided that such outdoor dining areas are under the control of the licensee and approved by the Board. Such noncontiguous designated areas shall not be approved for any retail license issued pursuant to subdivision A 5 of § 4.1-201.

10. Museum licenses, which may be issued to nonprofit museums exempt from taxation under § 501(c)(3) of the Internal Revenue Code, which shall authorize the licensee to (i) permit the consumption of lawfully acquired alcoholic beverages on the premises of the licensee by any bona fide member and guests thereof and (ii) serve alcoholic beverages on the premises of the licensee to any bona fide member and guests thereof. However, alcoholic beverages shall not be sold or charged for in any way by the licensee. The privileges of this license shall be limited to the premises of the museum, regularly occupied and utilized as such.

11. ~~Motor car sporting event facility licenses, which shall authorize the licensee to permit the consumption of lawfully acquired alcoholic beverages on the premises of the licensee by patrons thereof during such events. However, alcoholic beverages shall not be sold or charged for in any way, directly or indirectly, by the licensee. The privileges of this license shall be limited to those areas of the licensee's premises designated by the Board that are regularly occupied and utilized for motor car sporting events.~~

~~12.~~ Commercial lifestyle center licenses, which may be issued only to a commercial owners' association governing a commercial lifestyle center, which shall authorize any retail on-premises restaurant licensee that is a tenant of the commercial lifestyle center to sell alcoholic beverages to any bona fide customer to whom alcoholic beverages may be lawfully sold for consumption on that portion of the licensed premises of the commercial lifestyle center designated by the Board, including (i) plazas, seating areas, concourses, walkways, or such other similar areas and (ii) the premises of any tenant location of the commercial lifestyle center that is not a retail licensee of the Board, upon approval of such tenant, but excluding any parking areas. Only alcoholic beverages purchased from such retail on-premises restaurant licensees may be consumed on the licensed premises of the commercial lifestyle center, and such alcoholic beverages shall be contained in paper, plastic, or similar disposable containers with the name or logo of the restaurant licensee that sold the alcoholic beverage clearly displayed. Alcoholic beverages shall not be sold or charged for in any way by the commercial lifestyle center licensee. The licensee shall post appropriate signage clearly demarcating for the public the boundaries of the licensed premises; however, no physical barriers shall be required for this purpose. The licensee shall provide adequate security for the licensed premises to ensure compliance with the applicable provisions of this subtitle and Board regulations.

~~13.~~ *12.* Mixed beverage port restaurant licenses, which shall authorize the licensee to sell and serve mixed beverages for consumption in dining areas and other designated areas of such restaurant. Such license may be granted only to persons operating a business (i) that is primarily engaged in the sale of meals; (ii) that is located on property owned by the United States government or an agency thereof and used as a port of entry to or egress from the United States; and (iii) whose gross receipts from the sale of food cooked, or prepared, and consumed on the premises and nonalcoholic beverages served on the premises, after issuance of such license, amount to at least 45 percent of the gross receipts from the sale of mixed beverages and food. For the purposes of this subdivision, other designated areas shall include outdoor dining areas, whether or not contiguous to the licensed premises, which outdoor dining areas may have more than one means of ingress and egress to an adjacent public thoroughfare, provided such areas are under the control of the licensee and approved by the Board. Such noncontiguous designated areas shall not be approved for any retail license issued pursuant to subdivision A 5 of § 4.1-201. The granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption or in closed containers for off-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

~~14.~~ *13.* Annual mixed beverage special events licenses to (i) a duly organized nonprofit corporation or association operating either a performing arts facility or an art education and exhibition facility; (ii) a nonprofit corporation or association chartered by Congress for the preservation of sites, buildings, and objects significant in American history and culture; (iii) persons operating an agricultural event and entertainment park or similar facility that has a minimum of 50,000 square feet of indoor exhibit space and equine and other livestock show areas, which includes barns, pavilions, or other structures equipped with roofs, exterior walls, and open-door or closed-door access; or (iv) a locality for special events conducted on the premises of a museum for historic interpretation that is owned and operated by the locality. The operation in all cases shall be upon premises owned by such licensee or occupied under a bona fide lease, the original term of which was for more than one year's duration. Such license shall authorize the licensee to sell alcoholic beverages during scheduled events and performances for on-premises consumption in areas upon the licensed premises approved by the Board.

~~15.~~ *14.* Mixed beverage casino licenses, which shall authorize the licensee to (i) sell and serve mixed beverages for on-premises consumption in areas designated by the Board, after consultation with the mixed beverage casino licensee,

without regard to the amount of gross receipts from the sale of food prepared and consumed on the premises and (ii) provide complimentary mixed beverages to patrons for on-premises consumption in private areas or restricted access areas designated by the Board, after consultation with the mixed beverage casino licensee. Designated areas may include any areas on the premises of the mixed beverage casino licensee, including entertainment venues, private rooms, conference rooms, hotels, pools, marinas, or green spaces. The granting of a license pursuant to this subdivision shall authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption and in closed containers for off-premises consumption in accordance with the provisions of this subdivision governing mixed beverages; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1. Notwithstanding any law or regulation to the contrary, a mixed beverage casino licensee may exercise the privileges of its license as set forth in this subdivision during all hours of operation of the casino gaming establishment; however, such licensee shall not sell wine or beer for off-premises consumption between the hours of 12 a.m. and 6 a.m.

A mixed beverage casino licensee may (a) provide patrons gifts of alcoholic beverages in closed containers for personal consumption off the licensed premises or in areas designated by the Board, after consultation with the mixed beverage casino licensee, and (b) enable patrons who participate in a loyalty or reward credit program to redeem credits for the purchase of alcoholic beverages for on-premises consumption. A summary of the operation of such loyalty or reward credit program shall be provided to the Board upon request.

A mixed beverage casino license may only be issued to a casino gaming establishment owned by an operator licensed under Article 3 (§ 58.1-4108 et seq.) of Chapter 41 of Title 58.1.

B. The Board may grant an on-and-off-premises wine and beer license to the following:

1. Hotels, restaurants, and clubs, which shall authorize the licensee to sell wine and beer (i) in closed containers for off-premises consumption or (ii) for on-premises consumption, either with or without meals, in dining areas and other designated areas of such restaurants, or in dining areas, private guest rooms, and other designated areas of such hotels or clubs, for consumption only in such rooms and areas. However, with regard to a hotel classified by the Board as (a) a resort complex, the Board may authorize the sale and consumption of alcoholic beverages in all areas within the resort complex deemed appropriate by the Board or (b) a limited service hotel, the Board may authorize the sale and consumption of alcoholic beverages in dining areas, private guest rooms, and other designated areas to persons to whom overnight lodging is being provided, for on-premises consumption in such rooms or areas, and without regard to the amount of gross receipts from the sale of food prepared and consumed on the premises, provided that at least one meal is provided each day by the hotel to such guests. With regard to facilities registered in accordance with Chapter 49 (§ 38.2-4900 et seq.) of Title 38.2 as continuing care communities that are also licensed by the Board under this subdivision, any resident may, upon authorization of the licensee, keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas covered by the license. For purposes of this subdivision, "other designated areas" includes outdoor dining areas, whether or not contiguous to the licensed premises, which may have more than one means of ingress and egress to an adjacent public thoroughfare, provided that such outdoor dining areas are under the control of the licensee and approved by the Board. Such noncontiguous designated areas shall not be approved for any retail license issued pursuant to subdivision A 5 of § 4.1-201.

2. Hospitals, which shall authorize the licensee to sell wine and beer (i) in the rooms of patients for their on-premises consumption only in such rooms, provided the consent of the patient's attending physician is first obtained or (ii) in closed containers for off-premises consumption.

3. Rural grocery stores, which shall authorize the licensee to sell wine and beer for on-premises consumption or in closed containers for off-premises consumption. No license shall be granted unless (i) the grocery store is located in any town or in a rural area outside the corporate limits of any city or town and (ii) it appears affirmatively that a substantial public demand for such licensed establishment exists and that public convenience and the purposes of this subtitle will be promoted by granting the license.

4. Coliseums, stadiums, and racetracks, which shall authorize the licensee to sell wine and beer during any event and immediately subsequent thereto to patrons within all seating areas, concourses, walkways, concession areas, and additional locations designated by the Board (i) in closed containers for off-premises consumption or (ii) in paper, plastic, or similar disposable containers or in single original metal cans for on-premises consumption. Upon authorization of the licensee, any person may keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas and locations covered by the license. Such licenses may be granted to persons operating food concessions at coliseums, stadiums, racetracks, or similar facilities.

5. Performing arts food concessionaires, which shall authorize the licensee to sell wine and beer during the performance of any event to patrons within all seating areas, concourses, walkways, or concession areas, or other areas approved by the Board (i) in closed containers for off-premises consumption or (ii) in paper, plastic, or similar disposable containers or in single original metal cans for on-premises consumption. Upon authorization of the licensee, any person may keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas and locations covered by the license. Such licenses may be granted to persons operating food concessions at any ~~outdoor~~ performing arts ~~amphitheater, arena, or similar~~ facility ~~that (a) has seating for more than 20,000 persons and is located in Prince William County or the City of Virginia Beach; (b) has seating or capacity for more than 3,500 persons and is located in the County of Albemarle, Alleghany, Augusta, Nelson, Pittsylvania, or Rockingham or the City of Charlottesville, Danville, or Roanoke; or (c) has capacity for more than 9,500 persons and is located in Henrico County~~.

6. Exhibition halls, which shall authorize the licensee to sell wine and beer during the event to patrons or attendees within all seating areas, exhibition areas, concourses, walkways, concession areas, and such additional locations designated by the Board in such facilities (i) in closed containers for off-premises consumption or (ii) in paper, plastic, or similar disposable containers or in single original metal cans for on-premises consumption. Upon authorization of the licensee, any person may keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas and locations covered by the license. Such licenses may be granted to persons operating food concessions at exhibition or exposition halls, convention centers, or similar facilities located in any county operating under the urban county executive form of government or any city that is completely surrounded by such county. For purposes of this subdivision, "exhibition or exposition hall" and "convention centers" mean facilities conducting private or public trade shows or exhibitions in an indoor facility having in excess of 100,000 square feet of floor space.

7. Concert and dinner-theaters, which shall authorize the licensee to sell wine and beer during events to patrons or attendees within all seating areas, exhibition areas, concourses, walkways, concession areas, dining areas, and such additional locations designated by the Board in such facilities, for on-premises consumption or in closed containers for off-premises consumption. Persons licensed pursuant to this subdivision shall serve food, prepared on or off premises, whenever wine or beer is served. Such licenses may be granted to persons operating concert or dinner-theater venues on property fronting Natural Bridge School Road in Natural Bridge Station and formerly operated as Natural Bridge High School.

8. Historic cinema houses, which shall authorize the licensee to sell wine and beer, either with or without meals, during any showing of a motion picture to patrons to whom alcoholic beverages may be lawfully sold, for on-premises consumption or in closed containers for off-premises consumption. The privileges of this license shall be limited to the premises of the historic cinema house regularly occupied and utilized as such.

9. Nonprofit museums, which shall authorize the licensee to sell wine and beer for on-premises consumption or in closed containers for off-premises consumption in areas approved by the Board. Such licenses may be granted to persons operating a nonprofit museum exempt from taxation under § 501(c)(3) of the Internal Revenue Code, located in the Town of Front Royal, and dedicated to educating the consuming public about historic beer products. The privileges of this license shall be limited to the premises of the museum, regularly occupied and utilized as such.

C. The Board may grant the following off-premises wine and beer licenses:

1. Retail off-premises wine and beer licenses, which may be granted to a convenience grocery store, delicatessen, drugstore, gift shop, gourmet oyster house, gourmet shop, grocery store, or marina store as defined in § 4.1-100 and Board regulations. Such license shall authorize the licensee to sell wine and beer in closed containers for off-premises consumption and, notwithstanding the provisions of § 4.1-308, to give to any person to whom wine or beer may be lawfully sold a sample of wine or beer for on-premises consumption; however, no single sample shall exceed four ounces of beer or two ounces of wine and no more than 12 ounces of beer or five ounces of wine shall be served to any person per day. The licensee may also give samples of wine and beer in designated areas at events held by the licensee for the purpose of featuring and educating the consuming public about the alcoholic beverages being tasted. With the consent of the licensee, farm wineries, wineries, breweries, distillers, and wholesale licensees or authorized representatives of such licensees may participate in such tastings, including the pouring of samples. The licensee shall comply with any food inventory and sales volume requirements established by Board regulation.

2. Gourmet brewing shop licenses, which shall authorize the licensee to sell to any person to whom wine or beer may be lawfully sold, ingredients for making wine or brewing beer, including packaging, and to rent to such persons facilities for manufacturing, fermenting, and bottling such wine or beer, for off-premises consumption in accordance with subdivision 6 of § 4.1-200.

3. Confectionery licenses, which shall authorize the licensee to prepare and sell on the licensed premises for off-premises consumption confectionery that contains five percent or less alcohol by volume. Any alcohol contained in such confectionery shall not be in liquid form at the time such confectionery is sold.

D. The Board may grant the following banquet, special event, and tasting licenses:

1. Per-day event licenses.

a. Banquet licenses to persons in charge of private banquets, and to duly organized nonprofit corporations or associations in charge of special events, which shall authorize the licensee to sell or give wine and beer in rooms or areas approved by the Board for the occasion for on-premises consumption in such rooms or areas. Licensees who are nonprofit corporations or associations conducting fundraisers (i) shall also be authorized to sell wine, as part of any fundraising activity, in closed containers for off-premises consumption to persons to whom wine may be lawfully sold; (ii) shall be limited to no more than one such fundraiser per year; and (iii) if conducting such fundraiser through an online meeting platform, may ship such wine, in accordance with Board regulations, in closed containers to persons located within the Commonwealth. Except as provided in § 4.1-215, a separate license shall be required for each day of each banquet or special event. For the purposes of this subdivision, when the location named in the original application for a license is outdoors, the application may also name an alternative location in the event of inclement weather. However, no such license shall be required of any hotel, restaurant, or club holding a retail wine and beer license.

b. Mixed beverage special events licenses to a duly organized nonprofit corporation or association in charge of a special event, which shall authorize the licensee to sell and serve mixed beverages for on-premises consumption in areas

approved by the Board on the premises of the place designated in the license. A separate license shall be required for each day of each special event.

c. Mixed beverage club events licenses to a club holding a wine and beer club license, which shall authorize the licensee to sell and serve mixed beverages for on-premises consumption by club members and their guests in areas approved by the Board on the club premises. A separate license shall be required for each day of each club event. No more than 12 such licenses shall be granted to a club in any calendar year. The granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

d. Tasting licenses, which shall authorize the licensee to sell or give samples of alcoholic beverages of the type specified in the license in designated areas at events held by the licensee. A tasting license shall be issued for the purpose of featuring and educating the consuming public about the alcoholic beverages being tasted. A separate license shall be required for each day of each tasting event. No tasting license shall be required for conduct authorized by § 4.1-201.1.

2. Annual licenses.

a. Annual banquet licenses to duly organized private nonprofit fraternal, patriotic, or charitable membership organizations that are exempt from state and federal taxation and in charge of banquets conducted exclusively for members and their guests, which shall authorize the licensee to serve wine and beer in rooms or areas approved by the Board for the occasion for on-premises consumption in such rooms or areas. Such license shall authorize the licensee to conduct no more than 12 banquets per calendar year. For the purposes of this subdivision, when the location named in the original application for a license is outdoors, the application may also name an alternative location in the event of inclement weather. However, no such license shall be required of any hotel, restaurant, or club holding a retail wine and beer license.

b. Banquet facility licenses to volunteer fire departments and volunteer emergency medical services agencies, which shall authorize the licensee to permit the consumption of lawfully acquired alcoholic beverages on the premises of the licensee by any person, and bona fide members and guests thereof, otherwise eligible for a banquet license. However, lawfully acquired alcoholic beverages shall not be purchased or sold by the licensee or sold or charged for in any way by the person permitted to use the premises. Such premises shall be a volunteer fire or volunteer emergency medical services agency station or both, regularly occupied as such and recognized by the governing body of the county, city, or town in which it is located. Under conditions as specified by Board regulation, such premises may be other than a volunteer fire or volunteer emergency medical services agency station, provided such other premises are occupied and under the control of the volunteer fire department or volunteer emergency medical services agency while the privileges of its license are being exercised.

c. Designated outdoor refreshment area licenses to a locality, business improvement district, or nonprofit organization, which shall authorize (i) the licensee to permit the consumption of alcoholic beverages within the area designated by the Board for the designated outdoor refreshment area and (ii) any permanent retail on-premises licensee that is located within the area designated by the Board for the designated outdoor refreshment area to sell alcoholic beverages within the permanent retail location for consumption in the area designated for the designated outdoor refreshment area, including sidewalks and the premises of businesses not licensed to sell alcoholic beverages at retail, upon approval of such businesses. In determining the designated area for the designated outdoor refreshment area, the Board shall consult with the locality. Designated outdoor refreshment area licensees shall be limited to 16 events per year, and the duration of any event shall not exceed three consecutive days. However, the Board may increase the frequency and duration of events after adoption of an ordinance by a locality requesting such increase in frequency and duration. Such ordinance shall include the size and scope of the area within which such events will be held, a public safety plan, and any other considerations deemed necessary by the Board. Such limitations on the number of events that may be held shall not apply during the effective dates of any rule, regulation, or order that is issued by the Governor or State Health Commissioner to meet a public health emergency and that effectively reduces allowable restaurant seating capacity; however, designated outdoor refreshment area licensees shall be subject to all other applicable provisions of this subtitle and Board regulations and shall provide notice to the Board regarding the days and times during which the privileges of the license will be exercised. Only alcoholic beverages purchased from permanent retail on-premises licensees located within the designated area may be consumed at the event, and such alcoholic beverages shall be contained in paper, plastic, or similar disposable containers that clearly display the name or logo of the retail on-premises licensee from which the alcoholic beverage was purchased. Alcoholic beverages shall not be sold or charged for in any way by the designated outdoor refreshment area licensee. The designated outdoor refreshment area licensee shall post appropriate signage clearly demarcating for the public the boundaries of the event; however, no physical barriers shall be required for this purpose. The designated outdoor refreshment area licensee shall provide adequate security for the event to ensure compliance with the applicable provisions of this subtitle and Board regulations.

d. Annual mixed beverage banquet licenses to duly organized private nonprofit fraternal, patriotic, or charitable membership organizations that are exempt from state and federal taxation and in charge of banquets conducted exclusively for members and their guests, which shall authorize the licensee to serve mixed beverages for on-premises consumption in areas approved by the Board on the premises of the place designated in the license. Such license shall authorize the licensee to conduct no more than 12 banquets per calendar year. The granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

e. Equine sporting event licenses, which may be issued to organizations holding equestrian, hunt, and steeplechase events, which shall authorize the licensee to permit the consumption of lawfully acquired alcoholic beverages on the premises of the licensee by patrons thereof during such event. However, alcoholic beverages shall not be sold or charged for in any way by the licensee. The privileges of this license shall be (i) limited to the premises of the licensee, regularly occupied and utilized for equestrian, hunt, and steeplechase events, and (ii) exercised on no more than four calendar days per year.

f. Annual arts venue event licenses, to persons operating an arts venue, which shall authorize the licensee participating in a community art walk that is open to the public to serve lawfully acquired wine or beer on the premises of the licensee to adult patrons thereof during such events. However, alcoholic beverages shall not be sold or charged for in any way, directly or indirectly, by the licensee, and the licensee shall not give more than two five-ounce glasses of wine or two 12-ounce glasses of beer to any one adult patron. The privileges of this license shall be (i) limited to the premises of the arts venue regularly occupied and used as such and (ii) exercised on no more than 12 calendar days per year.

E. The Board may grant a marketplace license to persons operating a business enterprise of which the primary function is not the sale of alcoholic beverages, which shall authorize the licensee to serve complimentary wine or beer to bona fide customers on the licensed premises subject to any limitations imposed by the Board; however, the licensee shall not give more than two five-ounce glasses of wine or two 12-ounce glasses of beer to any customer per day, nor shall it sell or otherwise charge a fee to such customer for the wine or beer served or consumed. In order to be eligible for and retain a marketplace license, the applicant's business enterprise must (i) provide a single category of goods or services in a manner intended to create a personalized experience for the customer; (ii) employ staff with expertise in such goods or services; (iii) be ineligible for any other license granted by the Board; (iv) have an alcoholic beverage control manager on the licensed premises at all times alcohol is served; (v) ensure that all employees satisfy any training requirements imposed by the Board; and (vi) purchase all wine and beer to be served from a licensed wholesaler or the Authority and retain purchase records as prescribed by the Board. In determining whether to grant a marketplace license, the Board shall consider (a) the average amount of time customers spend at the business; (b) the business's hours of operation; (c) the amount of time that the business has been in operation; and (d) any other requirements deemed necessary by the Board to protect the public health, safety, and welfare.

F. The Board may grant the following shipper, bottler, and related licenses:

1. Wine and beer shipper licenses, which shall carry the privileges and limitations set forth in § 4.1-209.1.

2. Internet wine and beer retailer licenses, which shall authorize persons located within or outside the Commonwealth to sell and ship wine and beer, in accordance with § 4.1-209.1 and Board regulations, in closed containers to persons in the Commonwealth to whom wine and beer may be lawfully sold for off-premises consumption. Such licensee shall not be required to comply with the monthly food sale requirement established by Board regulations.

3. Bottler licenses, which shall authorize the licensee to acquire and receive deliveries and shipments of beer in closed containers and to bottle, sell, and deliver or ship it, in accordance with Board regulations to (i) wholesale beer licensees for the purpose of resale, (ii) owners of boats registered under the laws of the United States sailing for ports of call of a foreign country or another state, and (iii) persons outside the Commonwealth for resale outside the Commonwealth.

4. Fulfillment warehouse licenses, which shall authorize associations as defined in § 13.1-313 with a place of business located in the Commonwealth to (i) receive deliveries and shipments of wine or beer owned by holders of wine and beer shipper's licenses; (ii) store such wine or beer on behalf of the owner; and (iii) pick, pack, and ship such wine or beer as directed by the owner, all in accordance with Board regulations. No wholesale wine or wholesale beer licensee, whether licensed in the Commonwealth or not, or any person under common control of such licensee, shall acquire or hold any financial interest, direct or indirect, in the business for which any fulfillment warehouse license is issued.

5. Marketing portal licenses, which shall authorize agricultural cooperative associations organized under the provisions of the Agricultural Cooperative Association Act (§ 13.1-312 et seq.), with a place of business located in the Commonwealth, in accordance with Board regulations, to solicit and receive orders for wine or beer through the use of the Internet from persons in the Commonwealth to whom wine or beer may be lawfully sold, on behalf of holders of wine and beer shipper's licenses. Upon receipt of an order for wine or beer, the licensee shall forward it to a holder of a wine and beer shipper's license for fulfillment. Marketing portal licensees may also accept payment on behalf of the shipper.

6. Third-party delivery licenses, which shall carry the privileges and limitations set forth in § 4.1-212.2.

§ 4.1-206.3. (Effective July 1, 2024) Retail licenses.

A. The Board may grant the following mixed beverages licenses:

1. Mixed beverage restaurant licenses, which shall authorize the licensee to sell and serve mixed beverages for consumption in dining areas and other designated areas of such restaurant. Such license may be granted only to persons (i) who operate a restaurant and (ii) whose gross receipts from the sale of food cooked, or prepared, and consumed on the premises and nonalcoholic beverages served on the premises, after issuance of such license, amount to at least 45 percent of the gross receipts from the sale of mixed beverages and food. For the purposes of this subdivision, other designated areas shall include outdoor dining areas, whether or not contiguous to the licensed premises, which outdoor dining areas may have more than one means of ingress and egress to an adjacent public thoroughfare, provided such areas are under the control of the licensee and approved by the Board. Such noncontiguous designated areas shall not be approved for any retail license issued pursuant to subdivision A 5 of § 4.1-201.

If the restaurant is located on the premises of a hotel or motel with no fewer than four permanent bedrooms where food and beverage service is customarily provided by the restaurant in designated areas, bedrooms, and other private rooms of such hotel or motel, such licensee may (a) sell and serve mixed beverages for consumption in such designated areas, bedrooms, and other private rooms and (b) sell spirits packaged in original closed containers purchased from the Board for on-premises consumption to registered guests and at scheduled functions of such hotel or motel only in such bedrooms or private rooms. However, with regard to a hotel classified as a resort complex, the Board may authorize the sale and on-premises consumption of alcoholic beverages in all areas within the resort complex deemed appropriate by the Board. Nothing herein shall prohibit any person from keeping and consuming his own lawfully acquired spirits in bedrooms or private rooms.

If the restaurant is located on the premises of and operated by a private, nonprofit, or profit club exclusively for its members and their guests, or members of another private, nonprofit, or profit club in another city with which it has an agreement for reciprocal dining privileges, such license shall also authorize the licensees to (1) sell and serve mixed beverages for on-premises consumption and (2) sell spirits that are packaged in original closed containers with a maximum capacity of two fluid ounces or 50 milliliters and purchased from the Board for on-premises consumption. Where such club prepares no food in its restaurant but purchases its food requirements from a restaurant licensed by the Board and located on another portion of the premises of the same hotel or motel building, this fact shall not prohibit the granting of a license by the Board to such club qualifying in all other respects. The club's gross receipts from the sale of nonalcoholic beverages consumed on the premises and food resold to its members and guests and consumed on the premises shall amount to at least 45 percent of its gross receipts from the sale of mixed beverages and food. The food sales made by a restaurant to such a club shall be excluded in any consideration of the qualifications of such restaurant for a license from the Board.

If the restaurant is located on the premises of and operated by a municipal golf course, the Board shall recognize the seasonal nature of the business and waive any applicable monthly food sales requirements for those months when weather conditions may reduce patronage of the golf course, provided that prepared food, including meals, is available to patrons during the same months. The gross receipts from the sale of food cooked, or prepared, and consumed on the premises and nonalcoholic beverages served on the premises, after the issuance of such license, shall amount to at least 45 percent of the gross receipts from the sale of mixed beverages and food on an annualized basis.

If the restaurant is located on the premises of and operated by a culinary lodging resort, such license shall authorize the licensee to (A) sell alcoholic beverages for on-premises consumption, without regard to the amount of gross receipts from the sale of food prepared and consumed on the premises, in areas upon the licensed premises approved by the Board and other designated areas of the resort, including outdoor areas under the control of the licensee, and (B) permit the possession and consumption of lawfully acquired alcoholic beverages by persons to whom overnight lodging is being provided in bedrooms and private guest rooms.

If the restaurant is located on the premises of a mixed beverage casino licensee owned by an operator licensed under Article 3 (§ 58.1-4108 et seq.) of Chapter 41 of Title 58.1, such mixed beverage restaurant license shall authorize the licensee to sell alcoholic beverages for on-premises consumption on the licensed premises of the restaurant during all hours of operation of the mixed beverage casino licensee. Any alcoholic beverages purchased from such restaurant may be (I) taken onto the premises of the mixed beverage casino licensee and (II) possessed or consumed in areas designated by the Board, after consultation with the mixed beverage casino licensee. Designated areas may include any areas on the premises of the mixed beverage casino licensee, including entertainment venues, conference rooms, private rooms, hotels, pools, marinas, or green spaces. Alcoholic beverages purchased from a restaurant pursuant to this subdivision shall be contained in glassware or a paper, plastic, or similar disposable container that clearly displays the name or logo of the restaurant from which the alcoholic beverage was purchased.

The granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption and in closed containers for off-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

2. Mixed beverage caterer's licenses, which may be granted only to a person regularly engaged in the business of providing food and beverages to others for service at private gatherings or at special events, which shall authorize the licensee to sell and serve alcoholic beverages for on-premises consumption. The annual gross receipts from the sale of food cooked and prepared for service and nonalcoholic beverages served at gatherings and events referred to in this subdivision shall amount to at least 45 percent of the gross receipts from the sale of mixed beverages and food.

3. Mixed beverage limited caterer's licenses, which may be granted only to a person regularly engaged in the business of providing food and beverages to others for service at private gatherings or at special events, not to exceed 12 gatherings or events per year, which shall authorize the licensee to sell and serve alcoholic beverages for on-premises consumption. The annual gross receipts from the sale of food cooked and prepared for service and nonalcoholic beverages served at gatherings and events referred to in this subdivision shall amount to at least 45 percent of the gross receipts from the sale of mixed beverages and food.

4. Mixed beverage carrier licenses to (i) persons operating a common carrier of passengers by train, boat, bus, or airplane, which shall authorize the licensee to sell and serve mixed beverages anywhere in the Commonwealth to passengers while in transit aboard any such common carrier, and in designated rooms of establishments of air carriers at airports in the Commonwealth and (ii) financial institutions, subsidiaries of a financial institution, or persons approved by the applicable airport authority that have entered into a contract with a financial institution or subsidiary of a financial institution to operate

a passenger lounge, which shall authorize the licensee to sell and serve mixed beverages in designated areas of a passenger lounge for ticketed air carrier passengers that is located within an airport in the Commonwealth. For purposes of supplying its airplanes, as well as any airplanes of a licensed express carrier flying under the same brand, an air carrier licensee may appoint an authorized representative to load alcoholic beverages onto the same airplanes and to transport and store alcoholic beverages at or in close proximity to the airport where the alcoholic beverages will be delivered onto airplanes of the air carrier and any such licensed express carrier. The air carrier licensee shall (a) designate for purposes of its license all locations where the inventory of alcoholic beverages may be stored and from which the alcoholic beverages will be delivered onto airplanes of the air carrier and any such licensed express carrier and (b) maintain records of all alcoholic beverages to be transported, stored, and delivered by its authorized representative. The granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption or in closed containers for off-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

For the purposes of this subdivision:

"Financial institution" means any bank, trust company, savings institution, industrial loan association, consumer finance company, or credit union.

"Passenger lounge" means any restricted-access passenger waiting room or lounge leased to persons by the applicable airport authority in which food and beverage services are provided to ticketed passengers.

5. Annual mixed beverage ~~motor~~ sports facility licenses *to persons operating a sports facility or food concessions at a sports facility*, which shall authorize the licensee to sell mixed beverages~~, in paper, plastic, or similar disposable containers or in single original metal cans, during scheduled events, as well as events or performances immediately subsequent thereto, to patrons in all dining facilities, seating areas, viewing areas, walkways, concession areas, or similar facilities, for on-premises consumption. Such license may be granted to persons operating food concessions at an outdoor motor sports facility that (i) is located on 1,200 acres of rural property bordering the Dan River and has a track surface of 3.27 miles in length or (ii) hosts a NASCAR national touring race~~ *during any event and immediately subsequent thereto to patrons within all seating areas, concourses, walkways, concession areas, and additional locations designated by the Board (i) in closed containers for off-premises consumption or (ii) in paper, plastic, or similar disposable containers or in single original metal cans for on-premises consumption*. Upon authorization of the licensee, any person may keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas and locations covered by the license. The granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption or in closed containers for off-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

6. Limited mixed beverage restaurant licenses, which shall authorize the licensee to sell and serve dessert wines as defined by Board regulation and no more than six varieties of liqueurs, which liqueurs shall be combined with coffee or other nonalcoholic beverages, for consumption in dining areas of the restaurant. Such license may be granted only to persons who operate a restaurant and in no event shall the sale of such wine or liqueur-based drinks, together with the sale of any other alcoholic beverages, exceed 10 percent of the total annual gross sales of all food and alcoholic beverages. The granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption or in closed containers for off-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

7. Annual mixed beverage performing arts facility licenses, which shall (i) authorize the licensee to sell, on the dates of performances or events, alcoholic beverages in paper, plastic, or similar disposable containers or in single original metal cans for on-premises consumption in all seating areas, concourses, walkways, concession areas, similar facilities, and other areas upon the licensed premises approved by the Board and (ii) automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption or in closed containers for off-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1. Such licenses may be granted to ~~the following:~~

~~a. Corporations or associations~~ *persons* operating a performing arts facility~~, provided the~~ *or food concessions at a* performing arts facility ~~(i) is owned by a governmental entity; (ii) is occupied by a for-profit entity under a bona fide lease, the original term of which was for more than one year's duration; and (iii) has been rehabilitated in accordance with historic preservation standards;~~

~~b. Persons operating food concessions at any performing arts facility located in the City of Norfolk or the City of Richmond, provided that the performing arts facility (i) is occupied under a bona fide long-term lease or concession agreement, the original term of which was more than five years; (ii) has a capacity in excess of 1,400 patrons; (iii) has been rehabilitated in accordance with historic preservation standards; and (iv) has monthly gross receipts from the sale of food cooked, or prepared, and consumed on the premises and nonalcoholic beverages served on the premises that meet or exceed the monthly minimum established by Board regulations for mixed beverage restaurants;~~

~~c. Persons operating food concessions at any performing arts facility located in the City of Waynesboro, provided that the performing arts facility (i) is occupied under a bona fide long-term lease or concession agreement, the original term of which was more than five years; (ii) has a total capacity in excess of 550 patrons; and (iii) has been rehabilitated in accordance with historic preservation standards;~~

~~d. Persons operating food concessions at any performing arts facility located in the arts and cultural district of the City of Harrisonburg, provided that the performing arts facility (i) is occupied under a bona fide long-term lease or concession agreement, the original term of which was more than five years; (ii) has been rehabilitated in accordance with historic preservation standards; (iii) has monthly gross receipts from the sale of food cooked, or prepared, and consumed on the premises and nonalcoholic beverages served on the premises that meet or exceed the monthly minimum established by Board regulations for mixed beverage restaurants; and (iv) has a total capacity in excess of 900 patrons;~~

~~e. Persons operating food concessions at any multipurpose theater located in the historical district of the Town of Bridgewater, provided that the theater (i) is owned and operated by a governmental entity and (ii) has a total capacity in excess of 100 patrons;~~

~~f. Persons operating food concessions at any outdoor performing arts amphitheater, arena, or similar facility that has seating for more than 20,000 persons and is located in Prince William County or the City of Virginia Beach;~~

~~g. Persons operating food concessions at any outdoor performing arts amphitheater, arena, or similar facility that has seating for more than 5,000 persons and is located in the City of Alexandria or the City of Portsmouth; or~~

~~h. Persons operating food concessions at any corporate and performing arts facility located in Fairfax County, provided that the corporate and performing arts facility (i) is occupied under a bona fide long-term lease, management, or concession agreement, the original term of which was more than one year and (ii) has a total capacity in excess of 1,400 patrons. Such license shall authorize the sale, on the dates of performances or events, of alcoholic beverages for on-premises consumption in areas upon the licensed premises approved by the Board~~.

8. Combined mixed beverage restaurant and caterer's licenses, which may be granted to any restaurant or hotel that meets the qualifications for both a mixed beverage restaurant pursuant to subdivision 1 and mixed beverage caterer pursuant to subdivision 2 for the same business location, and which license shall authorize the licensee to operate as both a mixed beverage restaurant and mixed beverage caterer at the same business premises designated in the license, with a common alcoholic beverage inventory for purposes of the restaurant and catering operations. Such licensee shall meet the separate food qualifications established for the mixed beverage restaurant license pursuant to subdivision 1 and mixed beverage caterer's license pursuant to subdivision 2. The granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption or in closed containers for off-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

9. Bed and breakfast licenses, which shall authorize the licensee to (i) serve alcoholic beverages in dining areas, private guest rooms, and other designated areas to persons to whom overnight lodging is being provided, with or without meals, for on-premises consumption only in such rooms and areas, and without regard to the amount of gross receipts from the sale of food prepared and consumed on the premises and (ii) permit the consumption of lawfully acquired alcoholic beverages by persons to whom overnight lodging is being provided in (a) bedrooms or private guest rooms or (b) other designated areas of the bed and breakfast establishment. For purposes of this subdivision, "other designated areas" includes outdoor dining areas, whether or not contiguous to the licensed premises, which may have more than one means of ingress and egress to an adjacent public thoroughfare, provided that such outdoor dining areas are under the control of the licensee and approved by the Board. Such noncontiguous designated areas shall not be approved for any retail license issued pursuant to subdivision A 5 of § 4.1-201.

10. Museum licenses, which may be issued to nonprofit museums exempt from taxation under § 501(c)(3) of the Internal Revenue Code, which shall authorize the licensee to (i) permit the consumption of lawfully acquired alcoholic beverages on the premises of the licensee by any bona fide member and guests thereof and (ii) serve alcoholic beverages on the premises of the licensee to any bona fide member and guests thereof. However, alcoholic beverages shall not be sold or charged for in any way by the licensee. The privileges of this license shall be limited to the premises of the museum, regularly occupied and utilized as such.

11. ~~Motor car sporting event facility licenses, which shall authorize the licensee to permit the consumption of lawfully acquired alcoholic beverages on the premises of the licensee by patrons thereof during such events. However, alcoholic beverages shall not be sold or charged for in any way, directly or indirectly, by the licensee. The privileges of this license shall be limited to those areas of the licensee's premises designated by the Board that are regularly occupied and utilized for motor car sporting events.~~

~~12.~~ Commercial lifestyle center licenses, which may be issued only to a commercial owners' association governing a commercial lifestyle center, which shall authorize any retail on-premises restaurant licensee that is a tenant of the commercial lifestyle center to sell alcoholic beverages to any bona fide customer to whom alcoholic beverages may be lawfully sold for consumption on that portion of the licensed premises of the commercial lifestyle center designated by the Board, including (i) plazas, seating areas, concourses, walkways, or such other similar areas and (ii) the premises of any tenant location of the commercial lifestyle center that is not a retail licensee of the Board, upon approval of such tenant, but excluding any parking areas. Only alcoholic beverages purchased from such retail on-premises restaurant licensees may be consumed on the licensed premises of the commercial lifestyle center, and such alcoholic beverages shall be contained in paper, plastic, or similar disposable containers with the name or logo of the restaurant licensee that sold the alcoholic beverage clearly displayed. Alcoholic beverages shall not be sold or charged for in any way by the commercial lifestyle center licensee. The licensee shall post appropriate signage clearly demarcating for the public the boundaries of the licensed

premises; however, no physical barriers shall be required for this purpose. The licensee shall provide adequate security for the licensed premises to ensure compliance with the applicable provisions of this subtitle and Board regulations.

~~13.~~ *12.* Mixed beverage port restaurant licenses, which shall authorize the licensee to sell and serve mixed beverages for consumption in dining areas and other designated areas of such restaurant. Such license may be granted only to persons operating a business (i) that is primarily engaged in the sale of meals; (ii) that is located on property owned by the United States government or an agency thereof and used as a port of entry to or egress from the United States; and (iii) whose gross receipts from the sale of food cooked, or prepared, and consumed on the premises and nonalcoholic beverages served on the premises, after issuance of such license, amount to at least 45 percent of the gross receipts from the sale of mixed beverages and food. For the purposes of this subdivision, other designated areas shall include outdoor dining areas, whether or not contiguous to the licensed premises, which outdoor dining areas may have more than one means of ingress and egress to an adjacent public thoroughfare, provided such areas are under the control of the licensee and approved by the Board. Such noncontiguous designated areas shall not be approved for any retail license issued pursuant to subdivision A 5 of § 4.1-201. The granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption or in closed containers for off-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

~~14.~~ *13.* Annual mixed beverage special events licenses to (i) a duly organized nonprofit corporation or association operating either a performing arts facility or an art education and exhibition facility; (ii) a nonprofit corporation or association chartered by Congress for the preservation of sites, buildings, and objects significant in American history and culture; (iii) persons operating an agricultural event and entertainment park or similar facility that has a minimum of 50,000 square feet of indoor exhibit space and equine and other livestock show areas, which includes barns, pavilions, or other structures equipped with roofs, exterior walls, and open-door or closed-door access; or (iv) a locality for special events conducted on the premises of a museum for historic interpretation that is owned and operated by the locality. The operation in all cases shall be upon premises owned by such licensee or occupied under a bona fide lease, the original term of which was for more than one year's duration. Such license shall authorize the licensee to sell alcoholic beverages during scheduled events and performances for on-premises consumption in areas upon the licensed premises approved by the Board.

~~15.~~ *14.* Mixed beverage casino licenses, which shall authorize the licensee to (i) sell and serve mixed beverages for on-premises consumption in areas designated by the Board, after consultation with the mixed beverage casino licensee, without regard to the amount of gross receipts from the sale of food prepared and consumed on the premises and (ii) provide complimentary mixed beverages to patrons for on-premises consumption in private areas or restricted access areas designated by the Board, after consultation with the mixed beverage casino licensee. Designated areas may include any areas on the premises of the mixed beverage casino licensee, including entertainment venues, private rooms, conference rooms, hotels, pools, marinas, or green spaces. The granting of a license pursuant to this subdivision shall authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption and in closed containers for off-premises consumption in accordance with the provisions of this subdivision governing mixed beverages; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1. Notwithstanding any law or regulation to the contrary, a mixed beverage casino licensee may exercise the privileges of its license as set forth in this subdivision during all hours of operation of the casino gaming establishment; however, such licensee shall not sell wine or beer for off-premises consumption between the hours of 12 a.m. and 6 a.m.

A mixed beverage casino licensee may (a) provide patrons gifts of alcoholic beverages in closed containers for personal consumption off the licensed premises or in areas designated by the Board, after consultation with the mixed beverage casino licensee, and (b) enable patrons who participate in a loyalty or reward credit program to redeem credits for the purchase of alcoholic beverages for on-premises consumption. A summary of the operation of such loyalty or reward credit program shall be provided to the Board upon request.

A mixed beverage casino license may only be issued to a casino gaming establishment owned by an operator licensed under Article 3 (§ 58.1-4108 et seq.) of Chapter 41 of Title 58.1.

B. The Board may grant an on-and-off-premises wine and beer license to the following:

1. Hotels, restaurants, and clubs, which shall authorize the licensee to sell wine and beer (i) in closed containers for off-premises consumption or (ii) for on-premises consumption, either with or without meals, in dining areas and other designated areas of such restaurants, or in dining areas, private guest rooms, and other designated areas of such hotels or clubs, for consumption only in such rooms and areas. However, with regard to a hotel classified by the Board as (a) a resort complex, the Board may authorize the sale and consumption of alcoholic beverages in all areas within the resort complex deemed appropriate by the Board or (b) a limited service hotel, the Board may authorize the sale and consumption of alcoholic beverages in dining areas, private guest rooms, and other designated areas to persons to whom overnight lodging is being provided, for on-premises consumption in such rooms or areas, and without regard to the amount of gross receipts from the sale of food prepared and consumed on the premises, provided that at least one meal is provided each day by the hotel to such guests. With regard to facilities registered in accordance with Chapter 49 (§ 38.2-4900 et seq.) of Title 38.2 as continuing care communities that are also licensed by the Board under this subdivision, any resident may, upon authorization of the licensee, keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas covered by the license. For purposes of this subdivision, "other designated areas" includes outdoor dining areas, whether or not contiguous to the licensed premises, which may have more than one means of ingress and egress to an adjacent public

thoroughfare, provided that such outdoor dining areas are under the control of the licensee and approved by the Board. Such noncontiguous designated areas shall not be approved for any retail license issued pursuant to subdivision A 5 of § 4.1-201.

2. Hospitals, which shall authorize the licensee to sell wine and beer (i) in the rooms of patients for their on-premises consumption only in such rooms, provided the consent of the patient's attending physician is first obtained or (ii) in closed containers for off-premises consumption.

3. Rural grocery stores, which shall authorize the licensee to sell wine and beer for on-premises consumption or in closed containers for off-premises consumption. No license shall be granted unless (i) the grocery store is located in any town or in a rural area outside the corporate limits of any city or town and (ii) it appears affirmatively that a substantial public demand for such licensed establishment exists and that public convenience and the purposes of this subtitle will be promoted by granting the license.

4. Coliseums, stadiums, and racetracks, which shall authorize the licensee to sell wine and beer during any event and immediately subsequent thereto to patrons within all seating areas, concourses, walkways, concession areas, and additional locations designated by the Board (i) in closed containers for off-premises consumption or (ii) in paper, plastic, or similar disposable containers or in single original metal cans for on-premises consumption. Upon authorization of the licensee, any person may keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas and locations covered by the license. Such licenses may be granted to persons operating food concessions at coliseums, stadiums, racetracks, or similar facilities.

5. Performing arts food concessionaires, which shall authorize the licensee to sell wine and beer during the performance of any event to patrons within all seating areas, concourses, walkways, or concession areas, or other areas approved by the Board (i) in closed containers for off-premises consumption or (ii) in paper, plastic, or similar disposable containers or in single original metal cans for on-premises consumption. Upon authorization of the licensee, any person may keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas and locations covered by the license. Such licenses may be granted to persons operating food concessions at any ~~outdoor~~ performing arts ~~amphitheater, arena, or similar~~ facility ~~that (a) has seating for more than 20,000 persons and is located in Prince William County or the City of Virginia Beach; (b) has seating or capacity for more than 3,500 persons and is located in the County of Albemarle, Alleghany, Augusta, Nelson, Pittsylvania, or Rockingham or the City of Charlottesville, Danville, or Roanoke; or (c) has capacity for more than 9,500 persons and is located in Henrico County~~.

6. Exhibition halls, which shall authorize the licensee to sell wine and beer during the event to patrons or attendees within all seating areas, exhibition areas, concourses, walkways, concession areas, and such additional locations designated by the Board in such facilities (i) in closed containers for off-premises consumption or (ii) in paper, plastic, or similar disposable containers or in single original metal cans for on-premises consumption. Upon authorization of the licensee, any person may keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas and locations covered by the license. Such licenses may be granted to persons operating food concessions at exhibition or exposition halls, convention centers, or similar facilities located in any county operating under the urban county executive form of government or any city that is completely surrounded by such county. For purposes of this subdivision, "exhibition or exposition hall" and "convention centers" mean facilities conducting private or public trade shows or exhibitions in an indoor facility having in excess of 100,000 square feet of floor space.

7. Concert and dinner-theaters, which shall authorize the licensee to sell wine and beer during events to patrons or attendees within all seating areas, exhibition areas, concourses, walkways, concession areas, dining areas, and such additional locations designated by the Board in such facilities, for on-premises consumption or in closed containers for off-premises consumption. Persons licensed pursuant to this subdivision shall serve food, prepared on or off premises, whenever wine or beer is served. Such licenses may be granted to persons operating concert or dinner-theater venues on property fronting Natural Bridge School Road in Natural Bridge Station and formerly operated as Natural Bridge High School.

8. Historic cinema houses, which shall authorize the licensee to sell wine and beer, either with or without meals, during any showing of a motion picture to patrons to whom alcoholic beverages may be lawfully sold, for on-premises consumption or in closed containers for off-premises consumption. The privileges of this license shall be limited to the premises of the historic cinema house regularly occupied and utilized as such.

9. Nonprofit museums, which shall authorize the licensee to sell wine and beer for on-premises consumption or in closed containers for off-premises consumption in areas approved by the Board. Such licenses may be granted to persons operating a nonprofit museum exempt from taxation under § 501(c)(3) of the Internal Revenue Code, located in the Town of Front Royal, and dedicated to educating the consuming public about historic beer products. The privileges of this license shall be limited to the premises of the museum, regularly occupied and utilized as such.

C. The Board may grant the following off-premises wine and beer licenses:

1. Retail off-premises wine and beer licenses, which may be granted to a convenience grocery store, delicatessen, drugstore, gift shop, gourmet oyster house, gourmet shop, grocery store, or marina store as defined in § 4.1-100 and Board regulations. Such license shall authorize the licensee to sell wine and beer in closed containers for off-premises consumption and, notwithstanding the provisions of § 4.1-308, to give to any person to whom wine or beer may be lawfully sold a sample of wine or beer for on-premises consumption; however, no single sample shall exceed four ounces of beer or two ounces of wine and no more than 12 ounces of beer or five ounces of wine shall be served to any person per day. The licensee may also give samples of wine and beer in designated areas at events held by the licensee for the purpose of

featuring and educating the consuming public about the alcoholic beverages being tasted. With the consent of the licensee, farm wineries, wineries, breweries, distillers, and wholesale licensees or authorized representatives of such licensees may participate in such tastings, including the pouring of samples. The licensee shall comply with any food inventory and sales volume requirements established by Board regulation.

2. Gourmet brewing shop licenses, which shall authorize the licensee to sell to any person to whom wine or beer may be lawfully sold, ingredients for making wine or brewing beer, including packaging, and to rent to such persons facilities for manufacturing, fermenting, and bottling such wine or beer, for off-premises consumption in accordance with subdivision 6 of § 4.1-200.

3. Confectionery licenses, which shall authorize the licensee to prepare and sell on the licensed premises for off-premises consumption confectionery that contains five percent or less alcohol by volume. Any alcohol contained in such confectionery shall not be in liquid form at the time such confectionery is sold.

D. The Board may grant the following banquet, special event, and tasting licenses:

1. Per-day event licenses.

a. Banquet licenses to persons in charge of private banquets, and to duly organized nonprofit corporations or associations in charge of special events, which shall authorize the licensee to sell or give wine and beer in rooms or areas approved by the Board for the occasion for on-premises consumption in such rooms or areas. Licensees who are nonprofit corporations or associations conducting fundraisers (i) shall also be authorized to sell wine, as part of any fundraising activity, in closed containers for off-premises consumption to persons to whom wine may be lawfully sold; (ii) shall be limited to no more than one such fundraiser per year; and (iii) if conducting such fundraiser through an online meeting platform, may ship such wine, in accordance with Board regulations, in closed containers to persons located within the Commonwealth. Except as provided in § 4.1-215, a separate license shall be required for each day of each banquet or special event. For the purposes of this subdivision, when the location named in the original application for a license is outdoors, the application may also name an alternative location in the event of inclement weather. However, no such license shall be required of any hotel, restaurant, or club holding a retail wine and beer license.

b. Mixed beverage special events licenses to a duly organized nonprofit corporation or association in charge of a special event, which shall authorize the licensee to sell and serve mixed beverages for on-premises consumption in areas approved by the Board on the premises of the place designated in the license. A separate license shall be required for each day of each special event.

c. Mixed beverage club events licenses to a club holding a wine and beer club license, which shall authorize the licensee to sell and serve mixed beverages for on-premises consumption by club members and their guests in areas approved by the Board on the club premises. A separate license shall be required for each day of each club event. No more than 12 such licenses shall be granted to a club in any calendar year. The granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

d. Tasting licenses, which shall authorize the licensee to sell or give samples of alcoholic beverages of the type specified in the license in designated areas at events held by the licensee. A tasting license shall be issued for the purpose of featuring and educating the consuming public about the alcoholic beverages being tasted. A separate license shall be required for each day of each tasting event. No tasting license shall be required for conduct authorized by § 4.1-201.1.

2. Annual licenses.

a. Annual banquet licenses to duly organized private nonprofit fraternal, patriotic, or charitable membership organizations that are exempt from state and federal taxation and in charge of banquets conducted exclusively for members and their guests, which shall authorize the licensee to serve wine and beer in rooms or areas approved by the Board for the occasion for on-premises consumption in such rooms or areas. Such license shall authorize the licensee to conduct no more than 12 banquets per calendar year. For the purposes of this subdivision, when the location named in the original application for a license is outdoors, the application may also name an alternative location in the event of inclement weather. However, no such license shall be required of any hotel, restaurant, or club holding a retail wine and beer license.

b. Banquet facility licenses to volunteer fire departments and volunteer emergency medical services agencies, which shall authorize the licensee to permit the consumption of lawfully acquired alcoholic beverages on the premises of the licensee by any person, and bona fide members and guests thereof, otherwise eligible for a banquet license. However, lawfully acquired alcoholic beverages shall not be purchased or sold by the licensee or sold or charged for in any way by the person permitted to use the premises. Such premises shall be a volunteer fire or volunteer emergency medical services agency station or both, regularly occupied as such and recognized by the governing body of the county, city, or town in which it is located. Under conditions as specified by Board regulation, such premises may be other than a volunteer fire or volunteer emergency medical services agency station, provided such other premises are occupied and under the control of the volunteer fire department or volunteer emergency medical services agency while the privileges of its license are being exercised.

c. Designated outdoor refreshment area licenses to a locality, business improvement district, or nonprofit organization, which shall authorize (i) the licensee to permit the consumption of alcoholic beverages within the area designated by the Board for the designated outdoor refreshment area and (ii) any permanent retail on-premises licensee that is located within the area designated by the Board for the designated outdoor refreshment area to sell alcoholic beverages within the permanent retail location for consumption in the area designated for the designated outdoor refreshment area, including

sidewalks and the premises of businesses not licensed to sell alcoholic beverages at retail, upon approval of such businesses. In determining the designated area for the designated outdoor refreshment area, the Board shall consult with the locality. Designated outdoor refreshment area licensees shall be limited to 16 events per year, and the duration of any event shall not exceed three consecutive days. However, the Board may increase the frequency and duration of events after adoption of an ordinance by a locality requesting such increase in frequency and duration. Such ordinance shall include the size and scope of the area within which such events will be held, a public safety plan, and any other considerations deemed necessary by the Board. Such limitations on the number of events that may be held shall not apply during the effective dates of any rule, regulation, or order that is issued by the Governor or State Health Commissioner to meet a public health emergency and that effectively reduces allowable restaurant seating capacity; however, designated outdoor refreshment area licensees shall be subject to all other applicable provisions of this subtitle and Board regulations and shall provide notice to the Board regarding the days and times during which the privileges of the license will be exercised. Only alcoholic beverages purchased from permanent retail on-premises licensees located within the designated area may be consumed at the event, and such alcoholic beverages shall be contained in paper, plastic, or similar disposable containers that clearly display the name or logo of the retail on-premises licensee from which the alcoholic beverage was purchased. Alcoholic beverages shall not be sold or charged for in any way by the designated outdoor refreshment area licensee. The designated outdoor refreshment area licensee shall post appropriate signage clearly demarcating for the public the boundaries of the event; however, no physical barriers shall be required for this purpose. The designated outdoor refreshment area licensee shall provide adequate security for the event to ensure compliance with the applicable provisions of this subtitle and Board regulations.

d. Annual mixed beverage banquet licenses to duly organized private nonprofit fraternal, patriotic, or charitable membership organizations that are exempt from state and federal taxation and in charge of banquets conducted exclusively for members and their guests, which shall authorize the licensee to serve mixed beverages for on-premises consumption in areas approved by the Board on the premises of the place designated in the license. Such license shall authorize the licensee to conduct no more than 12 banquets per calendar year. The granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

e. Equine sporting event licenses, which may be issued to organizations holding equestrian, hunt, and steeplechase events, which shall authorize the licensee to permit the consumption of lawfully acquired alcoholic beverages on the premises of the licensee by patrons thereof during such event. However, alcoholic beverages shall not be sold or charged for in any way by the licensee. The privileges of this license shall be (i) limited to the premises of the licensee, regularly occupied and utilized for equestrian, hunt, and steeplechase events, and (ii) exercised on no more than four calendar days per year.

f. Annual arts venue event licenses, to persons operating an arts venue, which shall authorize the licensee participating in a community art walk that is open to the public to serve lawfully acquired wine or beer on the premises of the licensee to adult patrons thereof during such events. However, alcoholic beverages shall not be sold or charged for in any way, directly or indirectly, by the licensee, and the licensee shall not give more than two five-ounce glasses of wine or two 12-ounce glasses of beer to any one adult patron. The privileges of this license shall be (i) limited to the premises of the arts venue regularly occupied and used as such and (ii) exercised on no more than 12 calendar days per year.

E. The Board may grant a marketplace license to persons operating a business enterprise of which the primary function is not the sale of alcoholic beverages, which shall authorize the licensee to serve complimentary wine or beer to bona fide customers on the licensed premises subject to any limitations imposed by the Board; however, the licensee shall not give more than two five-ounce glasses of wine or two 12-ounce glasses of beer to any customer per day, nor shall it sell or otherwise charge a fee to such customer for the wine or beer served or consumed. In order to be eligible for and retain a marketplace license, the applicant's business enterprise must (i) provide a single category of goods or services in a manner intended to create a personalized experience for the customer; (ii) employ staff with expertise in such goods or services; (iii) be ineligible for any other license granted by the Board; (iv) have an alcoholic beverage control manager on the licensed premises at all times alcohol is served; (v) ensure that all employees satisfy any training requirements imposed by the Board; and (vi) purchase all wine and beer to be served from a licensed wholesaler or the Authority and retain purchase records as prescribed by the Board. In determining whether to grant a marketplace license, the Board shall consider (a) the average amount of time customers spend at the business; (b) the business's hours of operation; (c) the amount of time that the business has been in operation; and (d) any other requirements deemed necessary by the Board to protect the public health, safety, and welfare.

F. The Board may grant the following shipper, bottler, and related licenses:

1. Wine and beer shipper licenses, which shall carry the privileges and limitations set forth in § 4.1-209.1.

2. Internet wine and beer retailer licenses, which shall authorize persons located within or outside the Commonwealth to sell and ship wine and beer, in accordance with § 4.1-209.1 and Board regulations, in closed containers to persons in the Commonwealth to whom wine and beer may be lawfully sold for off-premises consumption. Such licensee shall not be required to comply with the monthly food sale requirement established by Board regulations.

3. Bottler licenses, which shall authorize the licensee to acquire and receive deliveries and shipments of beer in closed containers and to bottle, sell, and deliver or ship it, in accordance with Board regulations to (i) wholesale beer licensees for

the purpose of resale, (ii) owners of boats registered under the laws of the United States sailing for ports of call of a foreign country or another state, and (iii) persons outside the Commonwealth for resale outside the Commonwealth.

4. Fulfillment warehouse licenses, which shall authorize associations as defined in § 13.1-313 with a place of business located in the Commonwealth to (i) receive deliveries and shipments of wine or beer owned by holders of wine and beer shipper's licenses; (ii) store such wine or beer on behalf of the owner; and (iii) pick, pack, and ship such wine or beer as directed by the owner, all in accordance with Board regulations. No wholesale wine or wholesale beer licensee, whether licensed in the Commonwealth or not, or any person under common control of such licensee, shall acquire or hold any financial interest, direct or indirect, in the business for which any fulfillment warehouse license is issued.

5. Marketing portal licenses, which shall authorize agricultural cooperative associations organized under the provisions of the Agricultural Cooperative Association Act (§ 13.1-312 et seq.), with a place of business located in the Commonwealth, in accordance with Board regulations, to solicit and receive orders for wine or beer through the use of the Internet from persons in the Commonwealth to whom wine or beer may be lawfully sold, on behalf of holders of wine and beer shipper's licenses. Upon receipt of an order for wine or beer, the licensee shall forward it to a holder of a wine and beer shipper's license for fulfillment. Marketing portal licensees may also accept payment on behalf of the shipper.

6. Third-party delivery licenses, which shall carry the privileges and limitations set forth in § 4.1-212.2.

§ 4.1-209. Wine and beer license privileges; advertising; displays; tastings.

A. Notwithstanding any provision of law to the contrary, persons granted a wine and beer license pursuant to § 4.1-206.3 may display within their licensed premises point-of-sale advertising materials that incorporate the use of any professional athlete or athletic team, provided that such advertising materials (i) otherwise comply with the applicable regulations of the federal Bureau of Alcohol, Tobacco and Firearms and (ii) do not depict any athlete consuming or about to consume alcohol prior to or while engaged in an athletic activity, do not depict an athlete consuming alcohol while the athlete is operating or about to operate a motor vehicle or other machinery, and do not imply that the alcoholic beverage so advertised enhances athletic prowess.

B. Persons granted a license to sell wine and beer for off-premises consumption that display such wine and beer outside a clearly discernible location reserved for alcoholic beverages shall (i) not place wine or beer in an area immediately adjacent to nonalcoholic beverages containing the same or similar brand name, logo, or packaging as an alcoholic beverage and (ii) equip any such display with signage that indicates the product is an alcoholic beverage, is clearly visible to consumers, and is of sufficient size to notify the consumer that the product contains alcohol. Nothing in this subsection shall prohibit the placement of nonalcoholic wine or beer in or near a display of alcoholic beverages that contain the same or similar brand name, logo, or packaging as the nonalcoholic wine or beer.

C. Persons granted retail on-and-off-premises wine and beer licenses pursuant to the following provisions may conduct wine or beer tastings sponsored by the licensee for its customers for on-premises consumption:

1. Subdivision A 1, 4, 5, 6, 7, 8, or ~~14~~ *13* of § 4.1-206.3;

2. Subdivision B 1, 2, 4, 5, 6, 7, or 8 of § 4.1-206.3;

3. Subdivision C 1 or 2 of § 4.1-206.3;

4. Subdivision D 1 a, b, or d or 2 a of § 4.1-206.3; or

5. Subdivision F 4 or 5 of § 4.1-206.3.

Such licensees may sell or give samples of wine and beer in designated areas at events held by the licensee for the purpose of featuring and educating the consuming public about the alcoholic beverages being tasted. Additionally, with the consent of the licensee, farm wineries, wineries, and breweries may participate in tastings held by licensees authorized to conduct tastings, including the pouring of samples to any person to whom alcoholic beverages may be lawfully sold. No single sample shall exceed four ounces of beer or two ounces of wine, and no more than 12 ounces of beer or five ounces of wine shall be given or sold to any person per day.

§ 4.1-231.1. (Effective until July 1, 2024) Fees on state licenses.

A. (Contingent expiration date) The annual fees on state licenses shall be as follows:

1. Manufacturer licenses. For each:

a. Distiller's license and limited distiller's license, if not more than 5,000 gallons of alcohol or spirits, or both, manufactured during the year in which the license is granted, $490; if more than 5,000 gallons but not more than 36,000 gallons manufactured during such year, $2,725; and if more than 36,000 gallons manufactured during such year, $4,060;

b. Brewery license and limited brewery license, if not more than 500 barrels of beer manufactured during the year in which the license is granted, $380; if not more than 10,000 barrels of beer manufactured during the year in which the license is granted, $2,350; and if more than 10,000 barrels manufactured during such year, $4,690;

c. Winery license, if not more than 5,000 gallons of wine manufactured during the year in which the license is granted, $215, and if more than 5,000 gallons manufactured during such year, $4,210;

d. Farm winery license, $275 for any Class I or Class II license, $500 for any Class III license, and $4,000 for any Class IV license;

e. Wine importer's license, $460; and

f. Beer importer's license, $460.

2. Wholesale licenses. For each:

a. (1) Wholesale beer license, $1,005 for any wholesaler who sells 300,000 cases of beer a year or less, $1,545 for any wholesaler who sells more than 300,000 but not more than 600,000 cases of beer a year, and $2,010 for any wholesaler who sells more than 600,000 cases of beer a year; and

(2) Wholesale beer license applicable to two or more premises, the annual state license tax shall be the amount set forth in subdivision a (1), multiplied by the number of separate locations covered by the license;

b. (1) Wholesale wine license, $240 for any wholesaler who sells 30,000 gallons of wine or less per year, $1,200 for any wholesaler who sells more than 30,000 gallons per year but not more than 150,000 gallons of wine per year, $1,845 for any wholesaler who sells more than 150,000 but not more than 300,000 gallons of wine per year, and $2,400 for any wholesaler who sells more than 300,000 gallons of wine per year; and

(2) Wholesale wine license, including that granted pursuant to subdivision 3 of § 4.1-206.2, applicable to two or more premises, the annual state license tax shall be the amount set forth in subdivision b (1), multiplied by the number of separate locations covered by the license.

3. Retail licenses — mixed beverage. For each:

a. Mixed beverage restaurant license, granted to persons operating restaurants, including restaurants located on premises of and operated by casinos, hotels or motels, or other persons:

(1) With a seating capacity at tables for up to 100 persons, $1,050;

(2) With a seating capacity at tables for more than 100 but not more than 150 persons, $1,495;

(3) With a seating capacity at tables for more than 150 persons but not more than 500 persons, $1,980;

(4) With a seating capacity at tables for more than 500 persons but not more than 1,000 persons, $2,500; and

(5) With a seating capacity at tables for more than 1,000 persons, $3,100;

b. Mixed beverage restaurant license for restaurants located on the premises of and operated by private, nonprofit clubs:

(1) With an average yearly membership of not more than 200 resident members, $1,250;

(2) With an average yearly membership of more than 200 but not more than 500 resident members, $2,440; and

(3) With an average yearly membership of more than 500 resident members, $3,410;

c. Mixed beverage casino license, $3,100 plus an additional $5 for each gaming station located on the premises of the casino gaming establishment. For the purposes of this subdivision, "gaming station" means each slot machine and each casino gaming table that is in active use, as determined annually on December 31;

d. Mixed beverage caterer's license, $1,990;

e. Mixed beverage limited caterer's license, $550;

f. Mixed beverage carrier license:

(1) $520 for each of the average number of dining cars, buffet cars, or club cars operated daily in the Commonwealth by a common carrier of passengers by train;

(2) $910 for each common carrier of passengers by boat;

(3) $520 for each common carrier of passengers by bus; and

(4) $2,360 for each license granted to a common carrier of passengers by airplane;

g. Annual mixed beverage ~~motor~~ sports facility license, $630;

h. Limited mixed beverage restaurant license:

(1) With a seating capacity at tables for up to 100 persons, $945;

(2) With a seating capacity at tables for more than 100 but not more than 150 persons, $1,385; and

(3) With a seating capacity at tables for more than 150 persons, $1,875;

i. Annual mixed beverage performing arts facility license, $630;

j. Bed and breakfast license, $100;

k. Museum license, $260;

l. ~~Motor car sporting event facility license, $300;~~

~~m.~~ Commercial lifestyle center license, $300;

~~n.~~ *m.* Mixed beverage port restaurant license, $1,050; and

~~o.~~ *n.* Annual mixed beverage special events license, $630.

4. Retail licenses — on-and-off-premises wine and beer. For each on-and-off premises wine and beer license, $450.

5. Retail licenses — off-premises wine and beer. For each:

a. Retail off-premises wine and beer license, $300;

b. Gourmet brewing shop license, $320; and

c. Confectionery license, $170.

6. Retail licenses — banquet, special event, and tasting licenses.

a. Per-day event licenses. For each:

(1) Banquet license, $40 per license granted by the Board, except for banquet licenses granted by the Board pursuant to subsection A of § 4.1-215, which shall be $100 per license;

(2) Mixed beverage special events license, $45 for each day of each event;

(3) Mixed beverage club events license, $35 for each day of each event; and

(4) Tasting license, $40.

b. Annual licenses. For each:

(1) Annual banquet license, $300;

(2) Banquet facility license, $260;

(3) Designated outdoor refreshment area license, $300. However, for any designated outdoor refreshment area license issued pursuant to a local ordinance, the annual fee shall be $3,000;

(4) Annual mixed beverage banquet license, $630;

(5) Equine sporting event license, $300; and

(6) Annual arts venue event license, $300.

7. Retail licenses — marketplace. For each marketplace license, $1,000. However, if the license privileges are exercised during a period of six or less consecutive months and such period is specified prior to the beginning of the license year, the annual fee shall be $500.

8. Retail licenses — shipper, bottler, and related licenses. For each:

a. Wine and beer shipper's license, $230;

b. Internet wine and beer retailer license, $240;

c. Bottler license, $1,500;

d. Fulfillment warehouse license, $210;

e. Marketing portal license, $285; and

f. Third-party delivery license, $7,500, unless the licensee provides written certification to the Board that the licensee has no more than 25 delivery personnel, including employees, agents, and independent contractors that engage in direct-to-consumer alcoholic beverage delivery, in which case the license fee shall be $2,500.

9. Temporary licenses. For each temporary license authorized by § 4.1-211, one-half of the tax imposed by this section on the license for which the applicant applied.

B. The tax on each license granted or reissued for a period other than 12, 24, or 36 months shall be equal to one-twelfth of the taxes required by subsection A computed to the nearest cent, multiplied by the number of months in the license period, and then increased by five percent. Such tax shall not be refundable, except as provided in § 4.1-232.

C. Nothing in this chapter shall exempt any licensee from any state merchants' license or state restaurant license or any other state tax. Every licensee, in addition to the taxes imposed by this chapter, shall be liable to state merchants' license taxation and state restaurant license taxation and other state taxation the same as if the alcoholic beverages were nonalcoholic. In ascertaining the liability of a beer wholesaler to merchants' license taxation, however, and in computing the wholesale merchants' license tax on a beer wholesaler, the first $163,800 of beer purchases shall be disregarded; and in ascertaining the liability of a wholesale wine distributor to merchants' license taxation, and in computing the wholesale merchants' license tax on a wholesale wine distributor, the first $163,800 of wine purchases shall be disregarded.

D. In addition to the taxes set forth in this section, a fee of $5 may be imposed on any license purchased in person from the Board if such license is available for purchase online.

§ 4.1-231.1. (Effective July 1, 2024) Fees on state licenses.

A. (Contingent expiration date) The annual fees on state licenses shall be as follows:

1. Manufacturer licenses. For each:

a. Distiller's license and limited distiller's license, if not more than 5,000 gallons of alcohol or spirits, or both, manufactured during the year in which the license is granted, $490; if more than 5,000 gallons but not more than 36,000 gallons manufactured during such year, $2,725; and if more than 36,000 gallons manufactured during such year, $4,060;

b. Brewery license and limited brewery license, if not more than 500 barrels of beer manufactured during the year in which the license is granted, $380; if not more than 10,000 barrels of beer manufactured during the year in which the license is granted, $2,350; and if more than 10,000 barrels manufactured during such year, $4,690;

c. Winery license, if not more than 5,000 gallons of wine manufactured during the year in which the license is granted, $215, and if more than 5,000 gallons manufactured during such year, $4,210;

d. Farm winery license, $275 for any Class I or Class II license, $500 for any Class III license, and $4,000 for any Class IV license;

e. Wine importer's license, $460; and

f. Beer importer's license, $460.

2. Wholesale licenses. For each:

a. (1) Wholesale beer license, $1,005 for any wholesaler who sells 300,000 cases of beer a year or less, $1,545 for any wholesaler who sells more than 300,000 but not more than 600,000 cases of beer a year, and $2,010 for any wholesaler who sells more than 600,000 cases of beer a year; and

(2) Wholesale beer license, including a license granted pursuant to subdivision 2 of § 4.1-206.2, applicable to two or more premises, the annual state license tax shall be the amount set forth in subdivision a (1), multiplied by the number of separate locations covered by the license;

b. (1) Wholesale wine license, $240 for any wholesaler who sells 30,000 gallons of wine or less per year, $1,200 for any wholesaler who sells more than 30,000 gallons per year but not more than 150,000 gallons of wine per year, $1,845 for any wholesaler who sells more than 150,000 but not more than 300,000 gallons of wine per year, and $2,400 for any wholesaler who sells more than 300,000 gallons of wine per year; and

(2) Wholesale wine license, including a license granted pursuant to subdivision 4 of § 4.1-206.2, applicable to two or more premises, the annual state license tax shall be the amount set forth in subdivision b (1), multiplied by the number of separate locations covered by the license.

3. Retail licenses — mixed beverage. For each:

a. Mixed beverage restaurant license, granted to persons operating restaurants, including restaurants located on premises of and operated by casinos, hotels or motels, or other persons:

(1) With a seating capacity at tables for up to 100 persons, $1,050;

(2) With a seating capacity at tables for more than 100 but not more than 150 persons, $1,495;

(3) With a seating capacity at tables for more than 150 persons but not more than 500 persons, $1,980;

(4) With a seating capacity at tables for more than 500 persons but not more than 1,000 persons, $2,500; and

(5) With a seating capacity at tables for more than 1,000 persons, $3,100;

b. Mixed beverage restaurant license for restaurants located on the premises of and operated by private, nonprofit clubs:

(1) With an average yearly membership of not more than 200 resident members, $1,250;

(2) With an average yearly membership of more than 200 but not more than 500 resident members, $2,440; and

(3) With an average yearly membership of more than 500 resident members, $3,410;

c. Mixed beverage casino license, $3,100 plus an additional $5 for each gaming station located on the premises of the casino gaming establishment. For the purposes of this subdivision, "gaming station" means each slot machine and each casino gaming table that is in active use, as determined annually on December 31;

d. Mixed beverage caterer's license, $1,990;

e. Mixed beverage limited caterer's license, $550;

f. Mixed beverage carrier license:

(1) $520 for each of the average number of dining cars, buffet cars, or club cars operated daily in the Commonwealth by a common carrier of passengers by train;

(2) $910 for each common carrier of passengers by boat;

(3) $520 for each common carrier of passengers by bus; and

(4) $2,360 for each license granted to a common carrier of passengers by airplane;

g. Annual mixed beverage ~~motor~~ sports facility license, $630;

h. Limited mixed beverage restaurant license:

(1) With a seating capacity at tables for up to 100 persons, $945;

(2) With a seating capacity at tables for more than 100 but not more than 150 persons, $1,385; and

(3) With a seating capacity at tables for more than 150 persons, $1,875;

i. Annual mixed beverage performing arts facility license, $630;

j. Bed and breakfast license, $100;

k. Museum license, $260;

l. ~~Motor car sporting event facility license, $300;~~

~~m.~~ Commercial lifestyle center license, $300;

~~n.~~ *m.* Mixed beverage port restaurant license, $1,050; and

~~o.~~ *n.* Annual mixed beverage special events license, $630.

4. Retail licenses — on-and-off-premises wine and beer. For each on-and-off premises wine and beer license, $450.

5. Retail licenses — off-premises wine and beer. For each:

a. Retail off-premises wine and beer license, $300;

b. Gourmet brewing shop license, $320; and

c. Confectionery license, $170.

6. Retail licenses — banquet, special event, and tasting licenses.

a. Per-day event licenses. For each:

(1) Banquet license, $40 per license granted by the Board, except for banquet licenses granted by the Board pursuant to subsection A of § 4.1-215, which shall be $100 per license;

(2) Mixed beverage special events license, $45 for each day of each event;

(3) Mixed beverage club events license, $35 for each day of each event; and

(4) Tasting license, $40.

b. Annual licenses. For each:

(1) Annual banquet license, $300;

(2) Banquet facility license, $260;

(3) Designated outdoor refreshment area license, $300. However, for any designated outdoor refreshment area license issued pursuant to a local ordinance, the annual fee shall be $3,000;

(4) Annual mixed beverage banquet license, $630;

(5) Equine sporting event license, $300; and

(6) Annual arts venue event license, $300.

7. Retail licenses — marketplace. For each marketplace license, $1,000. However, if the license privileges are exercised during a period of six or less consecutive months and such period is specified prior to the beginning of the license year, the annual fee shall be $500.

8. Retail licenses — shipper, bottler, and related licenses. For each:

a. Wine and beer shipper's license, $230;

b. Internet wine and beer retailer license, $240;

c. Bottler license, $1,500;

d. Fulfillment warehouse license, $210;

e. Marketing portal license, $285; and

f. Third-party delivery license, $7,500, unless the licensee provides written certification to the Board that the licensee has no more than 25 delivery personnel, including employees, agents, and independent contractors that engage in direct-to-consumer alcoholic beverage delivery, in which case the license fee shall be $2,500.

9. Temporary licenses. For each temporary license authorized by § 4.1-211, one-half of the tax imposed by this section on the license for which the applicant applied.

B. The tax on each license granted or reissued for a period other than 12, 24, or 36 months shall be equal to one-twelfth of the taxes required by subsection A computed to the nearest cent, multiplied by the number of months in the license period, and then increased by five percent. Such tax shall not be refundable, except as provided in § 4.1-232.

C. Nothing in this chapter shall exempt any licensee from any state merchants' license or state restaurant license or any other state tax. Every licensee, in addition to the taxes imposed by this chapter, shall be liable to state merchants' license taxation and state restaurant license taxation and other state taxation the same as if the alcoholic beverages were nonalcoholic. In ascertaining the liability of a beer wholesaler to merchants' license taxation, however, and in computing the wholesale merchants' license tax on a beer wholesaler, the first $163,800 of beer purchases shall be disregarded; and in ascertaining the liability of a wholesale wine distributor to merchants' license taxation, and in computing the wholesale merchants' license tax on a wholesale wine distributor, the first $163,800 of wine purchases shall be disregarded.

D. In addition to the taxes set forth in this section, a fee of $5 may be imposed on any license purchased in person from the Board if such license is available for purchase online.

§ 4.1-233.1. Fees on local licenses.

A. In addition to the state license taxes, the annual local license taxes that may be collected shall not exceed the following sums:

1. Manufacturer licenses. For each:

a. Distiller's license and limited distiller's license, if more than 5,000 gallons but not more than 36,000 gallons manufactured during such year, $750; if more than 36,000 gallons manufactured during such year, $1,000; and no local license shall be required for any person who manufactures not more than 5,000 gallons of alcohol or spirits, or both, during such license year;

b. Brewery license and limited brewery license, if not more than 500 barrels of beer manufactured during the year in which the license is granted, $250, and if more than 500 barrels manufactured during such year, $1,000;

c. Winery license, $50; and

d. Farm winery license, $50.

2. Wholesale licenses. For each:

a. Wholesale beer license, in a city, $250, and in a county or town, $75; and

b. Wholesale wine license, $50.

3. Retail licenses — mixed beverage. For each:

a. Mixed beverage restaurant license, granted to persons operating restaurants, including restaurants located on premises of and operated by casinos, hotels or motels, or other persons:

(1) With a seating capacity at tables for up to 100 persons, $200;

(2) With a seating capacity at tables for more than 100 but not more than 150 persons, $350;

(3) With a seating capacity at tables for more than 150 persons but not more than 500 persons, $500;

(4) With a seating capacity at tables for more than 500 persons but not more than 1,000 persons, $650; and

(5) With a seating capacity at tables for more than 1,000 persons, $800;

b. Mixed beverage restaurant license for restaurants located on the premises of and operated by private, nonprofit clubs, $350;

c. Mixed beverage casino license, $800 plus an additional $2 for each gaming station located on the premises of the casino gaming establishment. For the purposes of this subdivision, "gaming station" means each slot machine and each casino gaming table that is in active use, as determined annually on December 31;

d. Mixed beverage caterer's license, $500;

e. Mixed beverage limited caterer's license, $100;

f. Annual mixed beverage ~~motor~~ sports facility license, $300;

g. Limited mixed beverage restaurant license:

(1) With a seating capacity at tables for up to 100 persons, $100;

(2) With a seating capacity at tables for more than 100 but not more than 150 persons, $250; or

(3) With a seating capacity at tables for more than 150 persons, $400;

h. Annual mixed beverage performing arts facility license, $300;

i. Bed and breakfast license, $40;

j. Museum license, $10;

k. ~~Motor car sporting event facility license, $10;~~

~~l.~~ Commercial lifestyle center license, $60; and

~~m.~~ *l.* Annual mixed beverage special events license, $300.

4. Retail licenses — on-and-off-premises wine and beer. For each on-and-off premises wine and beer license issued to:

a. Hotels, restaurants, and clubs, in a city, $150, and in a county or town, $37.50;

b. Hospitals, $10;

c. Rural grocery stores, $37.50; and

d. Historic cinema houses, $20.

5. Retail licenses — off-premises wine and beer. For each:

a. Retail off-premises wine and beer license, in a city, $150, and in a county or town, $37.50;

b. Gourmet brewing shop license, $150; and

c. Confectionery license, $20.

6. Retail licenses — banquet, special event, and tasting licenses. For each:

a. Per-day event licenses. For each:

(1) Banquet license, $5 per license granted by the Board, except for banquet licenses granted by the Board pursuant to subsection A of § 4.1-215, which shall be $20 per license;

(2) Mixed beverage special events license, $10 for each day of each event;

(3) Mixed beverage club events license, $10 for each day of each event; and

(4) Tasting license, $10.

b. Annual licenses. For each:

(1) Annual banquet license, $15;

(2) Designated outdoor refreshment area license, $60. However, for any designated outdoor refreshment area license issued pursuant to a local ordinance, the annual tax shall be $600;

(3) Annual mixed beverage banquet license, $75;

(4) Equine sporting event license, $10; and

(5) Annual arts venue event license, $10.

7. Retail licenses — marketplace. For each marketplace license, $200. However, if the license privileges are exercised during a period of six or less consecutive months and such period is specified prior to the beginning of the license year, the annual tax shall be $100.

8. Retail licenses — shipper, bottler, and related licenses. For each:

a. Wine and beer shipper's license, $10; and

b. Bottler license, $500.

B. Common carriers. No local license tax shall be either charged or collected for the privilege of selling alcoholic beverages in (i) passenger trains, boats, buses, or airplanes or (ii) rooms designated by the Board of establishments of air carriers of passengers at airports in the Commonwealth for on-premises consumption only.

C. Merchants' and restaurants' license taxes. The governing body of each county, city, or town in the Commonwealth, in imposing local wholesale merchants' license taxes measured by purchases, local retail merchants' license taxes measured by sales, and local restaurant license taxes measured by sales, may include alcoholic beverages in the base for measuring such local license taxes the same as if the alcoholic beverages were nonalcoholic. No local alcoholic beverage license authorized by this chapter shall exempt any licensee from any local merchants' or local restaurant license tax, but such local merchants' and local restaurant license taxes may be in addition to the local alcoholic beverage license taxes authorized by this chapter.

The governing body of any county, city, or town, in adopting an ordinance under this section, shall provide that in ascertaining the liability of (i) a beer wholesaler to local merchants' license taxation under the ordinance, and in computing the local wholesale merchants' license tax on such beer wholesaler, purchases of beer up to a stated amount shall be disregarded, which stated amount shall be the amount of beer purchases which would be necessary to produce a local wholesale merchants' license tax equal to the local wholesale beer license tax paid by such wholesaler and (ii) a wholesale wine licensee to local merchants' license taxation under the ordinance, and in computing the local wholesale merchants' license tax on such wholesale wine licensee, purchases of wine up to a stated amount shall be disregarded, which stated amount shall be the amount of wine purchases which would be necessary to produce a local wholesale merchants' license tax equal to the local wholesale wine licensee license tax paid by such wholesale wine licensee.

D. Delivery. No county, city, or town shall impose any local alcoholic beverage license tax on any wholesaler for the privilege of delivering alcoholic beverages in the county, city, or town when such wholesaler maintains no place of business in such county, city, or town.

E. Application of county tax within town. Any county license tax imposed under this section shall not apply within the limits of any town located in such county, where such town imposes a town license tax on the same privilege.

§ 4.1-309. Drinking or possessing alcoholic beverages in or on public school grounds; penalty.

A. No person shall possess or drink any alcoholic beverage in or upon the grounds of any public elementary or secondary school during school hours or school or student activities.

B. In addition, no person shall drink and no organization shall serve any alcoholic beverage in or upon the grounds of any public elementary or secondary school after school hours or school or student activities, except for religious congregations using wine for sacramental purposes only.

C. Any person convicted of a violation of this section shall be guilty of a Class 2 misdemeanor.

D. This section shall not prohibit any person from possessing or drinking alcoholic beverages or any organization from serving alcoholic beverages in areas approved by the Board at a performing arts ~~center owned by the City of Alexandria or the City of Portsmouth~~ *facility*, provided the organization operating the performing arts ~~center~~ *facility* or its lessee has a license granted by the Board.

§ 4.1-325. Prohibited acts by mixed beverage licensees; penalty.

A. In addition to § 4.1-324, no mixed beverage licensee nor any agent or employee of such licensee shall:

1. Sell or serve any alcoholic beverage other than as authorized by law;

2. Sell any authorized alcoholic beverage to any person or at any place except as authorized by law;

3. Allow at the place described in his license the consumption of alcoholic beverages in violation of this subtitle;

4. Keep at the place described in his license any alcoholic beverage other than that which he is licensed to sell;

5. Misrepresent the brand of any alcoholic beverage sold or offered for sale;

6. Keep any alcoholic beverage other than in the bottle or container in which it was purchased by him except (i) for a frozen alcoholic beverage, which may include alcoholic beverages in a frozen drink dispenser of a type approved by the Board; (ii) in the case of wine, in containers of a type approved by the Board pending automatic dispensing and sale of such wine; and (iii) as otherwise provided by Board regulation. Neither this subdivision nor any Board regulation shall prohibit any mixed beverage licensee from premixing containers of sangria, to which spirits may be added, to be served and sold for consumption on the licensed premises;

7. Refill or partly refill any bottle or container of alcoholic beverage or dilute or otherwise tamper with the contents of any bottle or container of alcoholic beverage, except as provided by Board regulation adopted pursuant to subdivision B 11 of § 4.1-111;

8. Sell or serve any brand of alcoholic beverage which is not the same as that ordered by the purchaser without first advising such purchaser of the difference;

9. Remove or obliterate any label, mark, or stamp affixed to any container of alcoholic beverages offered for sale;

10. Deliver or sell the contents of any container if the label, mark, or stamp has been removed or obliterated;

11. Allow any obscene conduct, language, literature, pictures, performance, or materials on the licensed premises;

12. Allow any striptease act on the licensed premises;

13. Allow persons connected with the licensed business to appear nude or partially nude;

14. Consume or allow the consumption by an employee of any alcoholic beverages while on duty and in a position that is involved in the selling or serving of alcoholic beverages to customers.

The provisions of this subdivision shall not prohibit any retail licensee or his designated employee from (i) consuming product samples or sample servings of (a) beer or wine provided by a representative of a licensed beer or wine wholesaler or manufacturer or (b) a distilled spirit provided by a permittee of the Board who represents a distiller, if such samples are provided in accordance with Board regulations and the retail licensee or his designated employee does not violate the provisions of subdivision A 1 f of § 4.1-225 or (ii) tasting an alcoholic beverage that has been or will be delivered to a customer for quality control purposes;

15. Deliver to a consumer an original bottle of an alcoholic beverage purchased under such license whether the closure is broken or unbroken except in accordance with § 4.1-206.3.

The provisions of this subdivision shall not apply to the delivery of:

a. "Soju." For the purposes of this subdivision, "soju" means a traditional Korean alcoholic beverage distilled from rice, barley or sweet potatoes; or

b. Spirits, provided (i) the original container is no larger than 375 milliliters, (ii) the alcohol content is no greater than 15 percent by volume, and (iii) the contents of the container are carbonated and perishable;

16. Be intoxicated while on duty or employ an intoxicated person on the licensed premises;

17. Conceal any sale or consumption of any alcoholic beverages;

18. Fail or refuse to make samples of any alcoholic beverages available to the Board upon request or obstruct special agents of the Board in the discharge of their duties;

19. Store alcoholic beverages purchased under the license in any unauthorized place or remove any such alcoholic beverages from the premises;

20. Knowingly employ in the licensed business any person who has the general reputation as a prostitute, panderer, habitual law violator, person of ill repute, user or peddler of narcotics, or person who drinks to excess or engages in illegal gambling;

21. Keep on the licensed premises, except for the premises of a mixed beverage casino licensee, a slot machine or any prohibited gambling or gaming device, machine, or apparatus;

22. Make any gift of an alcoholic beverage, other than as a gift made (i) to a personal friend, as a matter of normal social intercourse, so long as the gift is in no way a shift or device to evade the restriction set forth in this subdivision; (ii) to

a person responsible for the planning, preparation or conduct on any conference, convention, trade show or event held or to be held on the premises of the licensee, when such gift is made in the course of usual and customary business entertainment and is in no way a shift or device to evade the restriction set forth in this subdivision; (iii) pursuant to subsection C of § 4.1-209; (iv) pursuant to subdivision A 10 of § 4.1-201; (v) by a mixed beverage casino licensee to a patron of such licensee in accordance with the provisions of subdivision A ~~15~~ *14* of § 4.1-206.3; or (vi) pursuant to any Board regulation. Any gift permitted by this subdivision shall be subject to the taxes imposed by this subtitle on sales of alcoholic beverages. The licensee shall keep complete and accurate records of gifts given in accordance with this subdivision; or

23. Establish any normal or customary pricing of its alcoholic beverages that is intended as a shift or device to evade any "happy hour" regulations adopted by the Board; however, a licensee may increase the volume of an alcoholic beverage sold to a customer if there is a commensurate increase in the normal or customary price charged for the same alcoholic beverage.

B. Any person convicted of a violation of this section is guilty of a Class 1 misdemeanor.

C. The provisions of subdivisions A 12 and A 13 shall not apply to persons operating theaters, concert halls, art centers, museums, or similar establishments that are devoted primarily to the arts or theatrical performances, when the performances that are presented are expressing matters of serious literary, artistic, scientific, or political value.

2. That the provisions of this act shall not prohibit any person from obtaining or retaining an annual mixed beverage performing arts facility license or an on-and-off-premises wine and beer license as a performing arts food concessionaire for a premises that operated as (i) a mixed beverage performing arts facility or a performing arts food concessionaire pursuant to § 4.1-206.3 of the Code of Virginia on June 30, 2024, or (ii) a mixed beverage performing arts facility pursuant to the third enactment of this act on December 31, 2024.

3. That the Board of Directors (Board) of the Virginia Alcoholic Beverage Control Authority may issue an annual mixed beverage performing arts facility license, pursuant to § 4.1-206.3 of the Code of Virginia, as amended by this act, to persons operating food concessions at any performing arts facility located in the City of Richmond, provided that the performing arts facility (i) is occupied under a bona fide long-term lease or concession agreement, the original term of which was more than five years; (ii) has a capacity in excess of 400 patrons; (iii) has been rehabilitated in accordance with historic preservation standards; and (iv) has monthly gross receipts from the sale of food cooked, or prepared, and consumed on the premises and nonalcoholic beverages served on the premises that meet or exceed the monthly minimum established by Board regulations for mixed beverage restaurants. The provisions of this enactment shall expire on January 1, 2025.

CHAPTER 256

An Act to amend and reenact § 4.1-225.1, as it is currently effective and as it shall become effective, of the Code of Virginia, relating to alcoholic beverage control; summary suspension; timeline.

[S 658]

Approved March 28, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 4.1-225.1, as it is currently effective and as it shall become effective, of the Code of Virginia is amended and reenacted as follows:

§ 4.1-225.1. (Effective until July 1, 2024) Summary suspension in emergency circumstances; grounds; notice and hearing.

A. Notwithstanding any provisions to the contrary in Article 3 (§ 2.2-4018 et seq.) of the Administrative Process Act or § 4.1-227 or 4.1-229, the Board may summarily suspend any license or permit if it has reasonable cause to believe that an act of violence resulting in death or serious bodily injury, or a recurrence of such acts, has occurred on (i) the licensed premises, (ii) any premises immediately adjacent to the licensed premises that is owned or leased by the licensee, or (iii) any portion of public property immediately adjacent to the licensed premises, and the Board finds that there exists a continuing threat to public safety and that summary suspension of the license or permit is justified to protect the health, safety, or welfare of the public.

B. Prior to issuing an order of suspension pursuant to this section, special agents of the Board shall conduct an initial investigation and submit all findings to the Secretary of the Board within 48 hours of any such act of violence*; however, if the 48-hour period terminates on a Saturday, Sunday, or legal holiday, the initial investigation findings may be submitted to the Secretary of the Board any time prior to the close of business on the next day that is not a Saturday, Sunday, or legal holiday*. If the Board determines suspension is warranted, it shall immediately notify the licensee of its intention to temporarily suspend his license pending the outcome of a formal investigation. Such temporary suspension shall remain effective for a minimum of 48 hours. After the 48-hour period, the licensee may petition the Board for a restricted license pending the results of the formal investigation and proceedings for disciplinary review. If the Board determines that a restricted license is warranted, the Board shall have discretion to impose appropriate restrictions based on the facts presented.

C. Upon a determination to temporarily suspend a license, the Board shall immediately commence a formal investigation. The formal investigation shall be completed within 10 days of its commencement and the findings reported

immediately to the Secretary of the Board. If, following the formal investigation, the Secretary of the Board determines that suspension of the license is warranted, a hearing shall be held within five days of the completion of the formal investigation. A decision shall be rendered within 10 days of conclusion of the hearing. If a decision is not rendered within 10 days of the conclusion of the hearing, the order of suspension shall be vacated and the license reinstated. Any appeal by the licensee shall be filed within 10 days of the decision and heard by the Board within 20 days of the decision. The Board shall render a decision on the appeal within 10 days of the conclusion of the appeal hearing.

D. Service of any order of suspension issued pursuant to this section shall be made by a special agent of the Board in person and by certified mail to the licensee. The order of suspension shall take effect immediately upon service.

E. This section shall not apply to (i) temporary licenses granted under § 4.1-211 or temporary permits granted under § 4.1-212, either of which may be revoked summarily in accordance with § 4.1-211, or (ii) licenses granted pursuant to subdivision 7 or 8 of § 4.1-206.1 or subdivision 1 or 2 of § 4.1-206.2.

§ 4.1-225.1. (Effective July 1, 2024) Summary suspension in emergency circumstances; grounds; notice and hearing.

A. Notwithstanding any provisions to the contrary in Article 3 (§ 2.2-4018 et seq.) of the Administrative Process Act or § 4.1-227 or 4.1-229, the Board may summarily suspend any license or permit if it has reasonable cause to believe that an act of violence resulting in death or serious bodily injury, or a recurrence of such acts, has occurred on (i) the licensed premises, (ii) any premises immediately adjacent to the licensed premises that is owned or leased by the licensee, or (iii) any portion of public property immediately adjacent to the licensed premises, and the Board finds that there exists a continuing threat to public safety and that summary suspension of the license or permit is justified to protect the health, safety, or welfare of the public.

B. Prior to issuing an order of suspension pursuant to this section, special agents of the Board shall conduct an initial investigation and submit all findings to the Secretary of the Board within 48 hours of any such act of violence*; however, if the 48-hour period terminates on a Saturday, Sunday, or legal holiday, the initial investigation findings may be submitted to the Secretary of the Board any time prior to the close of business on the next day that is not a Saturday, Sunday, or legal holiday*. If the Board determines suspension is warranted, it shall immediately notify the licensee of its intention to temporarily suspend his license pending the outcome of a formal investigation. Such temporary suspension shall remain effective for a minimum of 48 hours. After the 48-hour period, the licensee may petition the Board for a restricted license pending the results of the formal investigation and proceedings for disciplinary review. If the Board determines that a restricted license is warranted, the Board shall have discretion to impose appropriate restrictions based on the facts presented.

C. Upon a determination to temporarily suspend a license, the Board shall immediately commence a formal investigation. The formal investigation shall be completed within 10 days of its commencement and the findings reported immediately to the Secretary of the Board. If, following the formal investigation, the Secretary of the Board determines that suspension of the license is warranted, a hearing shall be held within five days of the completion of the formal investigation. A decision shall be rendered within 10 days of conclusion of the hearing. If a decision is not rendered within 10 days of the conclusion of the hearing, the order of suspension shall be vacated and the license reinstated. Any appeal by the licensee shall be filed within 10 days of the decision and heard by the Board within 20 days of the decision. The Board shall render a decision on the appeal within 10 days of the conclusion of the appeal hearing.

D. Service of any order of suspension issued pursuant to this section shall be made by a special agent of the Board in person and by certified mail to the licensee. The order of suspension shall take effect immediately upon service.

E. This section shall not apply to (i) temporary licenses granted under § 4.1-211 or temporary permits granted under § 4.1-212, either of which may be revoked summarily in accordance with § 4.1-211, or (ii) licenses granted pursuant to subdivision 7 or 8 of § 4.1-206.1 or subdivision 1 or 3 of § 4.1-206.2.

CHAPTER 257

An Act to require the Department of Medical Assistance Services to amend the financial eligibility standards for certain waivers providing services to individuals with developmental disabilities.

[S 676]

Approved March 28, 2024

Be it enacted by the General Assembly of Virginia:

1. *§ 1. The Department of Medical Assistance Services (the Department) shall amend the financial eligibility standards for individuals receiving services under the Family and Individual Support Waiver, Community Living Waiver, and Building Independence Waiver (the DD Waivers). When determining financial eligibility for the DD Waivers, the Department shall disregard any Social Security Disability Insurance (SSDI) income above the maximum monthly Supplemental Security Income as determined by the Social Security Administration. Such SSDI income shall not be disregarded for purposes of determining an individual's patient pay obligation.*

2. That the Department of Medical Assistance Services (the Department) shall analyze the implications of amending the financial eligibility standards for individuals receiving services under the Family and Individual Support Waiver, Community Living Waiver, and Building Independence Waiver, so that Social Security Disability Insurance income

is disregarded by the Department when calculating such individuals' financial eligibility for such waivers. The analysis shall determine the costs and the number of individuals who would benefit from amending the financial eligibility standards. The Department shall provide a report of its findings to the Chairmen of the Senate Committees on Education and Health and Finance and Appropriations and the House Committees on Health and Human Services and Appropriations no later than November 1, 2024.

3. That the provisions of this act shall expire on July 1, 2026.

CHAPTER 258

An Act to amend and reenact § 24.2-945.2 of the Code of Virginia, relating to campaign finance; independent expenditure reports; electronic filing required.

[S 692]

Approved March 28, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 24.2-945.2 of the Code of Virginia is amended and reenacted as follows:

§ 24.2-945.2. Persons required to file independent expenditure disclosure reports; filing deadline.

A. Any person, candidate campaign committee, or political committee that makes independent expenditures, in the aggregate during an election cycle, of $1,000 or more for a statewide election or $200 or more for any other election shall maintain records and report pursuant to this chapter all such independent expenditures made for the purpose of expressly advocating the election or defeat of a clearly identified candidate.

B. Independent expenditure reports shall be due (i) within 24 hours of the time when the funds were expended or (ii) within 24 hours of the time when materials, as described in subsection A of this section, are published or broadcast to the public, whichever (i) or (ii) first occurs. ~~The reports shall be filed with the State Board if the funds were expended to support or oppose a candidate for statewide office or the General Assembly or with the general registrar of the county or city in which the candidate resides if the funds were expended to support or oppose a candidate for local office.~~ The report filed by a political action committee or political party committee shall include the information required for a statement of organization as listed in subdivisions A 1 through A 8 of § 24.2-949.2 or subdivisions 1 through 6 of § 24.2-950.2, as appropriate, unless the committee has a current statement of organization on file with the State Board.

C. Independent expenditure reports required by this section ~~may~~ *shall* be filed electronically pursuant to § 24.2-946.1 ~~or in writing on a form developed by the State Board. If the report is filed in writing, the report shall be (i) received by the State Board or the general registrar, as appropriate, within 24 hours of the time when the funds were expended or (ii) transmitted to the State Board or the general registrar, as appropriate, by telephonic transmission to a facsimile device within 24 hours of the time when the funds were expended with an original copy of the report mailed to the State Board or the general registrar, as appropriate, and postmarked within 24 hours of the time when the funds were expended~~.

2. That the provisions of this act shall become effective on July 1, 2025.

CHAPTER 259

An Act to amend and reenact § 22.1-289.030 of the Code of Virginia, relating to early childhood care and education; exemption from licensure for certain child day programs.

[S 702]

Approved March 28, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 22.1-289.030 of the Code of Virginia is amended and reenacted as follows:

§ 22.1-289.030. Exemptions from licensure.

A. The following programs are not child day programs and shall not be required to be licensed:

1. A program of instructional experience in a single focus, such as, but not limited to, computer science, archaeology, sport clinics, or music, if children under the age of six do not attend at all and if no child is allowed to attend for more than 25 days in any three-month period commencing with enrollment. This exemption does not apply if children merely change their enrollment to a different focus area at a site offering a variety of activities and such children's attendance exceeds 25 days in a three-month period.

2. Programs of instructional or recreational activities wherein no child under age six attends for more than six hours weekly with no class or activity period to exceed one and one-half hours, and no child six years of age or above attends for more than six hours weekly when school is in session or 12 hours weekly when school is not in session. Competition, performances, and exhibitions related to the instructional or recreational activity shall be excluded when determining the hours of program operation.

3. Instructional programs offered by private schools that serve school-age children and that satisfy compulsory attendance laws or provide services under the Individuals with Disabilities Education Act, as amended, and programs of

school-sponsored extracurricular activities that are focused on single interests such as, but not limited to, music, sports, drama, civic service, or foreign language.

4. Instructional programs offered by public schools that serve preschool-age children, satisfy compulsory attendance laws, or provide services under the Individuals with Disabilities Education Act (20 U.S.C. § 1400 et seq.), as amended, and programs of school-sponsored extracurricular activities that are focused on single interests such as, but not limited to, music, sports, drama, civic service, or foreign language.

5. Early intervention programs for children eligible under Part C of the Individuals with Disabilities Education Act (20 U.S.C. § 1431 et seq.), as amended, wherein no child attends for more than a total of six hours per week.

6. Practice or competition in organized competitive sports leagues.

7. Programs of religious instruction, such as Sunday schools, vacation Bible schools, Bar Mitzvah or Bat Mitzvah classes, and nurseries offered by religious institutions and provided for the duration of specified religious services or related activities to allow parents or guardians or their designees who are on site to attend such religious services and activities.

8. A program of instructional or athletic experience operated during the summer months by, and as an extension of, an accredited private elementary, middle, or high school program as set forth in § 22.1-19 and administered by the Virginia Council for Private Education.

B. The following child day programs shall not be required to be licensed:

1. A child day center that has obtained an exemption pursuant to § 22.1-289.031.

2. A program where, by written policy given to and signed by a parent or guardian, school-age children are free to enter and leave the premises without permission. A program that would qualify for this exemption except that it assumes responsibility for the supervision, protection, and well-being of several children with disabilities who are mainstreamed shall not be subject to licensure.

3. A program that operates no more than a total of 20 program days in the course of a calendar year, provided that programs serving children under age six operate no more than two consecutive weeks without a break of at least a week.

4. Child-minding services that are not available for more than three hours per day for any individual child offered on site in commercial or recreational establishments if the parent or guardian (i) can be contacted and can resume responsibility for the child's supervision within 30 minutes and (ii) is receiving or providing services or participating in activities offered by the establishment.

5. A certified preschool or nursery school program operated by an accredited private school as set forth in § 22.1-19 and administered by the Virginia Council for Private Education that complies with the provisions of § 22.1-289.032.

6. A program of recreational activities offered by local governments, staffed by local government employees, and attended by school-age children. Such programs shall be subject to safety and supervisory standards established by the local government offering the program.

7. A program offered by a local school division, operated for no more than four hours per day on full instructional days or for more than four hours per day on shortened instructional days or noninstructional days, staffed by local school division employees, and attended by children who are at least three years of age and are enrolled in public school or a preschool program within such school division. Such programs shall be subject to safety and supervisory standards established by the local school division offering the program.

8. Child-minding services offered by a business on the premises of the business to no more than four children under the age of 13 at any given time and for no more than eight hours per day, provided that the parent or guardian of every child receiving care is an employee of the business who is on the premises of the business and can resume responsibility for the child's supervision within 30 minutes upon request.

9. A program offered by a private school accredited by and in good standing with the Virginia Council for Private Education, operated for no more than four hours per day, staffed by the accredited private school's employees, and attended by school-age children who are enrolled in the accredited private school. Such programs shall be subject to safety and supervisory standards established by the Virginia Council for Private Education.

10. A child day program that (i) serves only dependent children of military personnel and (ii) (a) is located on a military base or federal property or (b) is certified as a family child care provider by a branch of the Armed Forces of the United States. Any branch of the Armed Forces of the United States or its agent, including an installation commander of a military base on which a child day program is located, may assume responsibility for approving or determining which children may be served by the program that is so exempted from licensure.

C. Child day programs that are exempt from licensure pursuant to subsection B, except for child day programs that are exempt from licensure pursuant to subdivision B 1 or 5, shall:

1. File with the Superintendent annually and prior to beginning operation of a child day program a statement indicating the intent to operate a child day program, identifying the specific provision of this section relied upon for exemption from licensure, and certifying that the child day program has disclosed in writing to the parents or guardians of the children in the program the fact that it is exempt from licensure;

2. Report to the Superintendent all incidents involving serious physical injury to or death of children attending the child day program. Reports of serious physical injuries, which shall include any physical injuries that require an emergency referral to an offsite health care professional or treatment in a hospital, shall be submitted annually. Reports of deaths shall be submitted no later than one business day after the death occurred; and

3. Post in a visible location on the premises notice that the child day program is operating as a program exempt from licensure with basic health and safety requirements but has no direct oversight by the Department.

D. Child day programs that are exempt from licensure pursuant to subsection B, except for child day programs that are exempt from licensure pursuant to subdivision B 1, 5, 6, or 7 shall:

1. Have a person trained and certified in first aid and cardiopulmonary resuscitation present at the child day program whenever children are present or at any other location in which children attending the child day program are present;

2. Maintain daily attendance records that document the arrival and departure of all children;

3. Have an emergency preparedness plan in place;

4. Comply with all applicable laws and regulations governing transportation of children; and

5. Comply with all safe sleep guidelines recommended by the American Academy of Pediatrics.

E. The Superintendent shall inspect child day programs that are exempt from licensure pursuant to subsection B to determine compliance with the provisions of this section only upon receipt of a complaint, except as otherwise provided by law.

F. Family day homes that are members of a licensed family day system shall not be required to obtain a license from the Superintendent.

CHAPTER 260

An Act to amend and reenact § 18.2-254.1 of the Code of Virginia, relating to Drug Treatment Court Act; eligibility.

[S 706]

Approved March 28, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 18.2-254.1 of the Code of Virginia is amended and reenacted as follows:

§ 18.2-254.1. Drug Treatment Court Act.

A. This section shall be known and may be cited as the "Drug Treatment Court Act."

B. The General Assembly recognizes that there is a critical need in the Commonwealth for effective treatment programs that reduce the incidence of drug use, drug addiction, family separation due to parental substance abuse, and drug-related crimes. It is the intent of the General Assembly by this section to enhance public safety by facilitating the creation of drug treatment courts as means by which to accomplish this purpose.

C. The goals of drug treatment courts include: (i) reducing drug addiction and drug dependency among offenders; (ii) reducing recidivism; (iii) reducing drug-related court workloads; (iv) increasing personal, familial and societal accountability among offenders; and, (v) promoting effective planning and use of resources among the criminal justice system and community agencies.

D. Drug treatment courts are specialized court dockets within the existing structure of Virginia's court system offering judicial monitoring of intensive treatment and strict supervision of addicts in drug and drug-related cases. Local officials must complete a recognized planning process before establishing a drug treatment court program.

E. Administrative oversight for implementation of the Drug Treatment Court Act shall be conducted by the Supreme Court of Virginia. The Supreme Court of Virginia shall be responsible for (i) providing oversight for the distribution of funds for drug treatment courts; (ii) providing technical assistance to drug treatment courts; (iii) providing training for judges who preside over drug treatment courts; (iv) providing training to the providers of administrative, case management, and treatment services to drug treatment courts; and (v) monitoring the completion of evaluations of the effectiveness and efficiency of drug treatment courts in the Commonwealth.

F. A state drug treatment court advisory committee shall be established to (i) evaluate and recommend standards for the planning and implementation of drug treatment courts; (ii) assist in the evaluation of their effectiveness and efficiency; and (iii) encourage and enhance cooperation among agencies that participate in their planning and implementation. The committee shall be chaired by the Chief Justice of the Supreme Court of Virginia or his designee and shall include a member of the Judicial Conference of Virginia who presides over a drug treatment court; a district court judge; the Executive Secretary or his designee; the directors of the following executive branch agencies: Department of Corrections, Department of Criminal Justice Services, Department of Juvenile Justice, Department of Behavioral Health and Developmental Services, Department of Social Services; a representative of the following entities: a local community-based probation and pretrial services agency, the Commonwealth's Attorney's Association, the Virginia Indigent Defense Commission, the Circuit Court Clerk's Association, the Virginia Sheriff's Association, the Virginia Association of Chiefs of Police, the Commission on VASAP, and two representatives designated by the Virginia Drug Court Association.

G. Each jurisdiction or combination of jurisdictions that intend to establish a drug treatment court or continue the operation of an existing one shall establish a local drug treatment court advisory committee. Jurisdictions that establish separate adult and juvenile drug treatment courts may establish an advisory committee for each such court. Each advisory committee shall ensure quality, efficiency, and fairness in the planning, implementation, and operation of the drug treatment court or courts that serve the jurisdiction or combination of jurisdictions. Advisory committee membership shall include, but shall not be limited to the following people or their designees: (i) the drug treatment court judge; (ii) the attorney for the Commonwealth, or, where applicable, the city or county attorney who has responsibility for the prosecution of

misdemeanor offenses; (iii) the public defender or a member of the local criminal defense bar in jurisdictions in which there is no public defender; (iv) the clerk of the court in which the drug treatment court is located; (v) a representative of the Virginia Department of Corrections, or the Department of Juvenile Justice, or both, from the local office which serves the jurisdiction or combination of jurisdictions; (vi) a representative of a local community-based probation and pretrial services agency; (vii) a local law-enforcement officer; (viii) a representative of the Department of Behavioral Health and Developmental Services or a representative of local drug treatment providers; (ix) the drug court administrator; (x) a representative of the Department of Social Services; (xi) county administrator or city manager; and (xii) any other people selected by the drug treatment court advisory committee.

H. Each local drug treatment court advisory committee shall establish criteria for the eligibility and participation of offenders who have been determined to be addicted to or dependent upon drugs. Subject to the provisions of this section, neither the establishment of a drug treatment court nor anything herein shall be construed as limiting the discretion of the attorney for the Commonwealth to prosecute any criminal case arising therein which he deems advisable to prosecute, except to the extent the participating attorney for the Commonwealth agrees to do so. ~~As defined in § 17.1-805 or 19.2-297.1, adult offenders who have been convicted of a violent criminal offense within the preceding 10 years, or juvenile offenders who previously have been adjudicated not innocent of any such offense within the preceding 10 years,~~ *An adult offender* shall not be eligible for participation in any drug treatment court established or continued in operation pursuant to this section *if any of the following conditions apply:*

1. The offender is presently charged with a felony offense or is convicted of a felony offense while participating in any drug treatment court where:

a. The offender carried, possessed, or used a firearm or any dangerous weapon specified in § 18.2-308 during such offense;

b. The death or serious bodily injury of any person occurred during such offense; or

c. The use of force against any other person besides the offender occurred during such offense; or

2. The offender was previously convicted as an adult of any felony offense that involved the use of force or attempted use of force against any person with the intent to cause death or serious bodily injury.

I. Each drug treatment court advisory committee shall establish policies and procedures for the operation of the court to attain the following goals: (i) effective integration of drug and alcohol treatment services with criminal justice system case processing; (ii) enhanced public safety through intensive offender supervision and drug treatment; (iii) prompt identification and placement of eligible participants; (iv) efficient access to a continuum of alcohol, drug, and related treatment and rehabilitation services; (v) verified participant abstinence through frequent alcohol and other drug testing; (vi) prompt response to participants' noncompliance with program requirements through a coordinated strategy; (vii) ongoing judicial interaction with each drug court participant; (viii) ongoing monitoring and evaluation of program effectiveness and efficiency; (ix) ongoing interdisciplinary education and training in support of program effectiveness and efficiency; and (x) ongoing collaboration among drug treatment courts, public agencies, and community-based organizations to enhance program effectiveness and efficiency.

J. Participation by an offender in a drug treatment court shall be voluntary and made pursuant only to a written agreement entered into by and between the offender and the Commonwealth with the concurrence of the court.

K. Nothing in this section shall preclude the establishment of substance abuse treatment programs and services pursuant to the deferred judgment provisions of § 18.2-251.

L. Each offender shall contribute to the cost of the substance abuse treatment he receives while participating in a drug treatment court pursuant to guidelines developed by the drug treatment court advisory committee.

M. Nothing contained in this section shall confer a right or an expectation of a right to treatment for an offender or be construed as requiring a local drug treatment court advisory committee to accept for participation every offender.

N. The Office of the Executive Secretary shall, with the assistance of the state drug treatment court advisory committee, develop a statewide evaluation model and conduct ongoing evaluations of the effectiveness and efficiency of all local drug treatment courts. A report of these evaluations shall be submitted to the General Assembly by December 1 of each year. Each local drug treatment court advisory committee shall submit evaluative reports to the Office of the Executive Secretary as requested.

O. Notwithstanding any other provision of this section, no drug treatment court shall be established subsequent to March 1, 2004, unless the jurisdiction or jurisdictions intending or proposing to establish such court have been specifically granted permission under the Code of Virginia to establish such court. The provisions of this subsection shall not apply to any drug treatment court established on or before March 1, 2004, and operational as of July 1, 2004.

P. Subject to the requirements and conditions established by the state Drug Treatment Court Advisory Committee, there shall be established a drug treatment court in the following jurisdictions: the City of Chesapeake and the City of Newport News.

Q. Subject to the requirements and conditions established by the state Drug Treatment Court Advisory Committee, there shall be established a drug treatment court in the Juvenile and Domestic Relations District Court for the County of Franklin, provided that such court is funded solely through local sources.

R. Subject to the requirements and conditions established by the state Drug Treatment Court Advisory Committee, there shall be established a drug treatment court in the City of Bristol and the County of Tazewell, provided that the court is funded within existing state and local appropriations.

CHAPTER 261

An Act to continue the Cumberlands Airport Commission and provide for its rights, powers, duties, and functions and to repeal Chapter 439 of the Acts of Assembly of 1958, which created the Cumberlands Airport Commission.

[S 728]

Approved March 28, 2024

Be it enacted by the General Assembly of Virginia:

1.

Amended Cumberlands Airport Commission Act.

§ 1. Short title.

This Amended Act shall be known and may be cited as the Amended Cumberlands Airport Commission Act of 2024.

§ 2. Creation; public purpose.

The Cumberlands Airport Commission (the Commission) was created in 1958 by the Virginia General Assembly. This Amended Act redefines the potential participating political subdivisions to be only those including and within the Counties of Wise and Dickenson and the City of Norton. The Commission shall thereupon exist for such participating political subdivisions and shall exercise its newly amended powers and functions as prescribed herein in this Amended Act. The region for which such Commission shall exist shall be coterminous with the boundaries of the participating political subdivisions.

In any suit, action, or proceeding involving the validity or enforcement of or relating to any contract of the Cumberlands Airport Commission, such Commission shall be conclusively deemed to have been created as a body corporate and to have been established and authorized to transact business and exercise its powers under this Amended Act. Any political subdivision within the region for which such Commission shall exist is authorized to join such Commission pursuant to the terms and conditions of this Amended Act.

It is hereby declared that the ownership and operation by the Commission of modern and efficient air transportation and related facilities and the exercise of powers conferred by this Amended Act are proper and essential governmental functions and public purposes and matters of public necessity for which public moneys may be spent and private property acquired as hereinafter provided.

§ 3. Definitions.

As used in this Amended Act, the following words and terms have the following meanings unless a different meaning clearly appears from the context:

"Act" means the original Cumberlands Airport Commission Act of 1958.

"Amended Act" means this Amended Cumberlands Airport Commission Act of 2024.

"Commission" means the Cumberlands Airport Commission continued by this Amended Act and shall consist of members from the participating political subdivisions.

"Commonwealth" means the Commonwealth of Virginia.

"Facility" means any and all airports, terminals, runways, hangars, loading facilities, repair shops, parking areas, facilities for the preparation of in-flight meals, restaurants and accommodations for temporary or overnight use by passengers, and other facilities functionally related to the needs or convenience of passengers, shipping companies and airlines, and industrial and commercial facilities, purchased, constructed, or otherwise acquired or operated by the Commission.

Any facility may consist of or include any or all buildings or other structures, improvements, additions, extensions, replacements, machinery, or equipment, together with appurtenances, lands, rights in land, avigation rights, water rights, franchises, furnishings, landscaping, utilities, approaches, roadways, or other facilities necessary or desirable in connection therewith or incidental thereto.

"Lonesome Pine Airport" means the airport facilities located at 6225 Airport Road, Wise, Virginia, and any other facilities necessary, incidental, or convenient to the operation of the facilities.

"Participating political subdivision" means either of the Counties of Wise and Dickenson, any of the incorporated political subdivisions therein, and the City of Norton.

"Political subdivision" means a county or incorporated municipality of the Commonwealth.

§ 4. Participating political subdivision.

A participating political subdivision should budget for and set forth a financial contribution to be made annually by such political subdivision to the Commission.

No pecuniary liability of any kind shall be imposed upon any participating political subdivision because of any act, omission, agreement, contract, tort, malfeasance, misfeasance, or nonfeasance by or on the part of the Commission or any member thereof, or its agents, servants, or employees, except as otherwise provided in this Amended Act with respect to contracts and agreements between the Commission and any other political subdivision.

§ 5. Appointment, tenure, and payment of members.

The governing body of each participating political subdivision shall appoint one member for a four-year term. The governing body of each participating political subdivision is empowered to remove at any time, without cause, any member appointed by it and appoint a successor member to fill the unexpired portion of the removed member's term. If the

appointment of a member is nullified through political subdivision disincorporation, or the governing body chooses to no longer be a participating political subdivision, then the Commission will advise the remaining participating political subdivisions of such an event and its effects, if any, upon the Commission.

Each member may be reimbursed by the Commission for the amount of actual expenses incurred by such member in the performance of his duties such as meeting attendance, conference trips, or trips to meet with the Virginia Department of Aviation, Federal Aviation Administration, or contractor officials. In addition to actual expenses incurred, each Commission member may receive reasonable payment for meeting attendance, as determined by the Commission.

§ 6. Organization.

A majority of the members in office shall constitute a quorum. No vacancy in the membership of the Commission shall impair the right of a quorum to exercise all the rights and perform all the duties of the Commission.

The Commission shall hold regular meetings at such times and places as may be established by its bylaws. Special meetings of the Commission may be called by any two members or by the Chairman upon at least 48 hours' written notice via hand-carried letter to each member served personally or left at his usual place of business or residence, or via email or text message with acknowledgement of receipt.

The Commission shall annually elect a chairman, a vice-chairman, a secretary, and a treasurer (or a secretary-treasurer) from its membership and such other officers as it may deem appropriate. The Commission may appoint an Airport Manager, who shall not be a member, who shall exercise such powers and duties as may be delegated to him by the Commission, including powers and duties involving the exercise of discretion.

The Commission may make and from time to time adopt rules and regulations for its own procedure and government, amend and repeal bylaws, not inconsistent with this Amended Act, governing the manner in which the Commission's business may be transacted and in which the power granted to it may be enjoyed. The Commission may appoint such committees as it may deem advisable and fix the duties and responsibilities of such committees.

§ 7. Powers.

The Commission is hereby granted all powers necessary or appropriate to carry out the purposes of this Amended Act, including, for purposes of illustration, the following:

1. To sue and be sued in its own name;

2. To have perpetual succession;

3. To adopt a corporate seal;

4. To maintain offices at such places as it may designate in the Town of Wise and in Wise County, with the preferred location at Lonesome Pine Airport;

5. To acquire, establish, construct, enlarge, improve, maintain, equip, operate and regulate any airport, air landing fields, structures, avigation facilities, and other property incidental thereto within the territorial limits of the participating political subdivisions subject to the limitation that such power shall be limited to such items as may be necessary for the operation of the Lonesome Pine Airport;

6. To construct, install, maintain, and operate facilities for the servicing and storage of aircraft and for the accommodation of cargo, freight, mail, express, and similar items, and for the accommodation and comfort of air travelers, and for lease or sale to industrial or commercial users, and to purchase and sell equipment and supplies incidental to the operation of its airport facilities;

7. To grant to others the privilege to operate for profit concessions, leases, and franchises, including but not limited to the sale of airplanes, fuel, parts, and equipment, maintenance of aircraft, the accommodation and comfort of persons using its facilities, and the providing of ground transportation and parking facilities for such persons; such concessions, leases, and franchises shall be exclusive or limited when deemed by the Commission necessary to further the public safety, improve the quality of air service, avoid duplication of service, or conserve airport property and the airport operation;

8. To determine fees, rates, and charges for the use of its facilities;

9. To apply for and accept gifts, or grants of money, or gifts, grants, or loans of other property or other financial assistance from the United States and agencies and instrumentalities thereof, the Commonwealth and political subdivisions, agencies, and instrumentalities thereof, or any other person or entity, for or in aid of the construction, acquisition, ownership, operation, maintenance, or repair of the Commission's facilities or for the payment of principal of any indebtedness of the Commission, interest thereon, or other cost incident thereto, and to this end the Commission shall have the power to render such services, comply with such conditions, and execute such agreements and legal instruments as may be necessary, convenient, or desirable or imposed as a condition to such financial aid;

10. To appoint, employ, or engage such officers, employees, architects, engineers, attorneys, accountants, financial advisors, investment bankers, and other advisors, consultants, and agents as may be necessary or appropriate, and to fix their duties and compensation;

11. To contract with a participating political subdivision;

12. To establish personnel policies and rules;

13. To own, purchase, lease, obtain options upon, acquire by gift, grant, or bequest or otherwise acquire any property, real or personal, or any interest therein, and in connection therewith to assume or take subject to any indebtedness secured by such property;

14. To sell, lease, grant options upon, exchange, transfer, assign, or otherwise dispose of any property, real or personal, or any interest therein, subject to the provisions of any deed or deeds to the Commission and any agreement or

agreements among or between the Commission and any participating political subdivision, if such disposition is in the public interest and in furtherance of the purposes of this Amended Act or if such property is not necessary for the purposes of the Commission;

15. To make, assume, and enter into all contracts, leases, and arrangements necessary or incidental to the exercise of its powers, including contracts for the management or operation of all or any part of its facilities;

16. a. To borrow money, as hereinafter provided, and to borrow money for the purpose of meeting casual deficits in its revenues;

b. The total indebtedness of the Commission at no time shall exceed the amount of $500,000, in principal, whether by purchase of encumbered property, direct loan, bonded indebtedness, or debt in any other form except as agreed to by each participating political subdivision by resolution of the governing body thereof, in which case the total amount of indebtedness shall be expressed in the resolution of each such governing body;

c. Notwithstanding any other provision of law, no interest or right in the real property conveyed, in any form, to the Commission by a participating political subdivision, shall be conveyed, pledged, or otherwise transferred by the Commission for the purpose of obtaining or securing any indebtedness, nor shall any such property be encumbered by the Commission unless and until such subdivision has approved the nature of, terms of, and amount of such conveyance, pledge, transfer, or encumbrance, by resolution of the governing body of said subdivision;

17. To adopt, amend, and repeal rules and regulations for the use, maintenance, and operation of its facilities, for governing the conduct of persons and organizations using its facilities, and for the enforcement of such rules and regulations and all other rules, regulations, ordinances, and statutes relating to its facilities, all as hereinafter provided;

18. To pay pensions and establish pension plans, pension trusts, and other compensation plans for any of its employees;

19. To purchase and maintain insurance or to provide indemnification on behalf of any person who is or was a member, officer, employee, or agent of the Commission against any liability asserted against him or incurred by him in any such capacity or arising out of his status as such; and

20. To do all things necessary or convenient to the purposes of this Amended Act.

The powers of the Commission expressed in this Amended Act shall be limited to those powers necessary for the construction and operation of the Lonesome Pine Airport. To that end, property acquired, owned, or conveyed to the Commission, contracts entered into, financial assistance, indebtedness, rules and regulations adopted by the Commission, and any other actions thereof may only pertain to said airport.

The grant of regulatory authority to the Commission by this Amended Act, including regulations that displace, eliminate, or limit competition by or among persons or entities, is based on the policy of the Commonwealth to provide for the safe, adequate, economical, and efficient provision of air transportation and related facilities and services to the public.

§ 8. Name of airport.

The name of the airport operated by the Commission shall be Lonesome Pine Airport.

§ 9. Rules and regulations.

The Commission shall have the power to adopt, amend, and repeal rules and regulations for the use, maintenance, and operation of its facilities and governing the conduct of persons and organizations using its facilities.

Unless the Commission shall by unanimous vote of the Commission determine that an emergency exists, the Commission shall, prior to the adoption of any rule or regulation or alteration, amendment, or modification thereof:

1. Make such rule, regulation, alteration, amendment, or modification in convenient form available for public inspection in the office of the Commission for at least 10 business days; and

2. Post in a public place a notice declaring the Commission's intention to consider adopting such rule, regulation, alteration, amendment, or modification and informing the public that the Commission will at a public meeting consider the adoption of such rule or regulation or such alterations, amendment, or modification, on a day and at a time to be specified in the notice, after the expiration of at least 10 business days from the first day of the posting of the notice thereof. The Commission's rules and regulations shall be available for public inspection at the Commission's primary office.

The Commission's rules and regulations relating to (i) traffic, including but not limited to motor vehicle speed limits and the location of and payment of public parking; (ii) access to Commission facilities, including but not limited to solicitation, hand billing, and picketing; and (iii) aircraft operation and maintenance shall have the force of law, as shall any other rule or regulation of the Commission that shall contain a determination by the Commission that it is necessary to accord the same force and effect of law in the interest of the public safety; however, with respect to motor vehicle traffic rules and regulations, the Commission shall obtain the approval of the traffic engineer or comparable official of the political subdivision in which such rules or regulations are to be enforced.

The violation of any rule or regulation of the Commission relating to motor vehicle traffic shall be tried and punished in the same manner as if it had been committed on the public roads of the participating political subdivision in which such violation occurred. All other violations of the rules and regulations having the force of law shall be punishable as misdemeanors.

All ordinances, rules, and regulations duly adopted for the regulation, administration, and operation of Lonesome Pine Airport in force at the effective date of this Amended Act shall remain in full force insofar as they or any part thereof are not inconsistent with the provisions of this Amended Act until amended or repealed in accordance with this Amended Act.

§ 10. Reports, records, and audits.

The Commission shall keep minutes of its proceedings, which minutes shall be open to public inspection during normal business hours. It shall keep suitable records of all its financial transactions and shall arrange to have audited by an independent certified public accountant any and all financial records required by the Federal Aviation Administration or the Commonwealth. Copies of each such audit shall be open to public inspection.

§ 11. Procurement and small purchase procedures.

All contracts that the Commission may let for construction or materials shall be subject to the Virginia Public Procurement Act (§ 2.2-4300 et seq. of the Code of Virginia). Additionally, where feasible, small purchase procedures established by the Commission will be used.

§ 12. Deposit and investment of funds.

Except as provided by contract with a participating political subdivision, all moneys received by the Commission pursuant to this Amended Act, whether as revenues or otherwise, shall be deemed to be trust funds to be held and applied solely as provided in this Amended Act. All moneys of the Commission shall be deposited as soon as practicable in a separate account or accounts in one or more banks or trust companies organized under the laws of the Commonwealth or national banking associations having their principal offices in the Commonwealth. Such deposits shall be continuously secured in accordance with the Virginia Security for Public Deposits Act (§ 2.2-4400 et seq. of the Code of Virginia).

Funds of the Commission not needed for immediate use or disbursement may be invested in securities that are considered lawful investments for fiduciaries.

§ 13. Fees, rents, and charges.

The Commission is hereby authorized to and shall fix, revise, charge, and collect fees, rents, and other charges for the use and services of any facilities. Such fees, rents, and other charges shall be so fixed and adjusted as to provide a fund sufficient with other revenues to pay the cost of maintaining, repairing, and operating the facilities. Such fees, rents, and charges shall not be subject to supervision or regulation by any commission, board, bureau, or agency of the Commonwealth or any participating political subdivision.

§ 14. Taxation.

The exercise of the powers granted by this Amended Act shall in all respects be presumed to be for the benefit of the inhabitants of the Commonwealth, for the increase of their commerce, and for the promotion of their health, safety, welfare, convenience, and prosperity, and as the operation and maintenance of any project that the Commission is authorized to undertake will constitute the performance of an essential governmental function, the Commission shall not be required to pay any taxes or assessments upon any facilities acquired and constructed by it under the provisions of this Amended Act. Under the provisions of this Amended Act, any profit made on the sale or transfer thereof shall at all times be free and exempt from taxation by the Commonwealth and by any political subdivision thereof.

Persons, firms, partnerships, associations, corporations, and organizations leasing property of the Commission or doing business on property of the Commission shall be subject to and liable for payment of all applicable taxes of the political subdivision in which such leased property lies or in which business is conducted, including, but not limited to, any leasehold tax on real property and taxes on tangible personal property and machinery and tools, taxes for admission, taxes on hotel and motel rooms, taxes on the sale of tobacco products, taxes on the sale of meals and beverages, privilege taxes and local general retail sales and use taxes, taxes to be paid on licenses in respect to any business, profession, vocation, or calling, and taxes upon consumers of gas, electricity, telephone, and other public utility services.

§ 15. Appropriation by political subdivision.

Any participating political subdivision is authorized to provide services, to donate real or personal property, and to make appropriations to the Commission for the acquisition, construction, maintenance, and operation of the Commission's facilities. Any such political subdivision is hereby authorized to issue its bonds, including general obligation bonds, in the manner provided in the Public Finance Act (§ 15.2-2600 et seq. of the Code of Virginia) or in any applicable municipal charter for the purpose of providing funds to be appropriated to the Commission, and such political subdivisions may enter into contracts obligating such bond proceeds to the Commission. The Commission may agree to assume, or reimburse a participating political subdivision for, any indebtedness incurred by such participating political subdivision with respect to facilities conveyed by it to the Commission. With the consent of the governing body of the participating political subdivision, any such agreement may be made subordinate to the Commission's indebtedness to others.

§ 16. Commission budget.

1. The Commission shall annually prepare and submit to the participating political subdivisions (i) a proposed operating budget showing its estimated general fund revenues and expenses on an accrual basis for the forthcoming fiscal year, and if such estimated expenses exceed such estimated revenues, the portion of the deficit proposed to be borne by each participating political subdivision, and (ii) a proposed capital budget showing its estimated expenditures for such fiscal year for assets costing more than $20,000, or such higher amount as the Commission and the participating political subdivisions may determine, and having an estimated useful life of 20 years or more and the source of funds for such expenditures, including any amount requested from the participating political subdivisions. No depreciation shall be included in the Commission's operating budget with respect to assets purchased by the Commission with funds appropriated to it for such purpose by a participating political subdivision and, for this determination, it shall be assumed that any appropriation so made is for the purchase of assets set forth in the applicable Commission budget to the extent such purchase price is included in the approved budget. Assets purchased by the Commission with bond proceeds shall be

depreciated over the term of the bond issue in proportion to the maturities, including sinking fund installments, of the bond issue.

2. If the governing body of a participating political subdivision agrees with the Commission's proposed operating budget, it shall appropriate to the Commission such political subdivision's portion of such budget, subject to the availability of funds in regard to the budget of the political subdivision.

3. If the governing body of a participating political subdivision agrees with the Commission's proposed capital budget, it shall appropriate to the Commission such participating political subdivision's portion of the expenditures set forth therein. Any such appropriation may be reduced by the participating political subdivision's proportionate share of any grant funds received by the Commission for the purchase of assets included in the Commission's approved capital budget in excess of the grant funds shown in such capital budget as a source of funds for such expenditure, unless prohibited by the basic provider of the grant funds.

4. The Commission may expend any and all moneys within its control without obtaining the approval of the participating political subdivisions, except as otherwise provided in this Amended Act with respect to contracts and agreements between the Commission and any political subdivision, the Commission shall not commit any participating political subdivision in an amount in excess of that appropriated to the Commission by the governing body of such political subdivision.

5. If at any time during any fiscal year it shall appear that the cash disbursements of the Commission will exceed its cash receipts for such fiscal year, including amounts appropriated to it by the participating political subdivisions, the Commission may request supplemental appropriations from the participating political subdivisions and any other political subdivision.

§ 17. Allocation of deficit.

Any deficit budgeted by the Commission in any fiscal year, i.e., any excess of its estimated general fund expenses over its estimated general fund revenues, and the cost of any budgeted capital expenditures in excess of the amount shown as available therefor, as shown on the Commission's operating and capital budgets, agreed to by the participating political subdivisions, shall be allocated among the participating political subdivisions as agreed upon by the participating political subdivisions and subject to the availability of funds in regard to the budgets of the political subdivisions.

§ 18. Dissolution of Commission.

Whenever it shall appear to the Commission that the need for the Commission no longer exists, the Commission may petition the court of competent jurisdiction for the dissolution of the Commission. If the court shall determine that the need for the Commission as set forth in this Amended Act no longer exists and that all debts and pecuniary obligations of the Commission have been fully paid or provided for, it may enter an order dissolving the Commission.

Upon dissolution, the court, while considering the requirements of § 5.1-2.6 of the Code of Virginia, shall order any real property contributed to the Commission by a participating political subdivision, together with any improvements thereon, returned to such participating political subdivision. The remaining assets of the Commission shall be distributed to the participating political subdivisions in proportion to their respective contributions theretofore made to the Commission. Each participating political subdivision and all holders of the Commission's bonds shall be made parties to any such proceeding and shall be given notice as provided by law. Any party defendant may reply to such petition at any time within six months after the filing of the petition.

§ 19. Liberal construction.

Neither this Amended Act, nor anything herein contained, is or shall be construed as a restriction or limitation upon any powers that the Commission might otherwise have under any laws of the Commonwealth, and this Amended Act is cumulative to any such powers. This Amended Act does and shall be construed to provide a complete, additional, and alternative method for the accomplishment of actions and undertakings authorized hereby and shall be regarded as supplemental and additional to powers conferred by other laws.

The provisions of this Amended Act are severable, and if any of its provisions shall be held unconstitutional by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the other provisions of this Amended Act.

§ 20. Application of local ordinances, service charges, and taxes upon leaseholds.

Nothing herein contained shall be construed to exempt the Commission's property from any applicable zoning, subdivision, erosion and sediment control, and fire prevention codes or from building regulations of a political subdivision in which such property is located.

Nor shall anything herein contained exempt the property of the Commission from any service charge authorized by the General Assembly pursuant to Article X, Section 6 (g) of the Constitution of Virginia, or exempt any lessee of any of the Commission's property from any tax imposed upon his leasehold interest in such property or upon the receipts derived therefrom.

§ 21. Existing contracts, leases, franchises, not impaired.

No provisions of this Amended Act shall relieve, impair, or affect any right, duty, liability, or obligation arising out of any contract, concession, lease, or franchise now in existence except to the extent that such contract, concession, lease, or franchise may permit. Notwithstanding the foregoing provisions of this section, the Commission may renegotiate, renew, extend the term of, or otherwise modify at any time any contract, concession, lease, or franchise now in existence in such

manner and on such terms and conditions as it may deem appropriate, provided that the operator of or under any said contract, concession, lease, or franchise consents to said renegotiation, renewal, extension, or modification.

2. That Chapter 439 of the Acts of Assembly of 1958 is repealed.

CHAPTER 262

An Act to amend and reenact § 18.2-374.1 of the Code of Virginia, relating to production, publication, sale, financing, etc., of child pornography; penalty.

[S 731]

Approved March 28, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 18.2-374.1 of the Code of Virginia is amended and reenacted as follows:

§ 18.2-374.1. Production, publication, sale, financing, etc., of child pornography; presumption as to age.

A. For purposes of this article and Article 4 (§ 18.2-362 et seq.) of this chapter, "child pornography" means sexually explicit visual material ~~which~~ *that (i)* utilizes or has as a subject an identifiable minor *or (ii) depicts a minor in a state of nudity or engaged in sexual conduct, as those terms are defined in § 18.2-390, where such depiction is obscene as defined in § 18.2-372*. An identifiable minor is a person who was a minor at the time the visual depiction was created, adapted, or modified; or whose image as a minor was used in creating, adapting or modifying the visual depiction; and who is recognizable as an actual person by the person's face, likeness, or other distinguishing characteristic, such as a unique birthmark or other recognizable feature; and shall not be construed to require proof of the actual identity of the identifiable minor. *For the purposes of clause (ii), the minor depicted does not have to actually exist.*

For the purposes of this article and Article 4 (§ 18.2-362 et seq.) of this chapter, the term "sexually explicit visual material" means a picture, photograph, drawing, sculpture, motion picture film, digital image, including such material stored in a computer's temporary Internet cache when three or more images or streaming videos are present, or similar visual representation which depicts sexual bestiality, a lewd exhibition of nudity, as nudity is defined in § 18.2-390, or sexual excitement, sexual conduct or sadomasochistic abuse, as also defined in § 18.2-390, or a book, magazine or pamphlet which contains such a visual representation. An undeveloped photograph or similar visual material may be sexually explicit material notwithstanding that processing or other acts may be required to make its sexually explicit content apparent.

B. A person shall be guilty of production of child pornography who:

1. Accosts, entices or solicits a person less than 18 years of age with intent to induce or force such person to perform in or be a subject of child pornography; or

2. Produces or makes or attempts or prepares to produce or make child pornography; or

3. Who knowingly takes part in or participates in the filming, photographing, or other production of child pornography by any means; or

4. Knowingly finances or attempts or prepares to finance child pornography.

5. [Repealed.]

B1. [Repealed.]

C1. Any person who violates this section, when the subject of the child pornography is a child less than 15 years of age, shall be punished by not less than five years nor more than 30 years in a state correctional facility. However, if the person is at least seven years older than the subject of the child pornography the person shall be punished by a term of imprisonment of not less than five years nor more than 30 years in a state correctional facility, five years of which shall be a mandatory minimum term of imprisonment. Any person who commits a second or subsequent violation of this section where the person is at least seven years older than the subject shall be punished by a term of imprisonment of not less than 15 years nor more than 40 years, 15 years of which shall be a mandatory minimum term of imprisonment.

C2. Any person who violates this section, when the subject of the child pornography is a person at least 15 but less than 18 years of age, shall be punished by not less than one year nor more than 20 years in a state correctional facility. However, if the person is at least seven years older than the subject of the child pornography the person shall be punished by term of imprisonment of not less than three years nor more than 30 years in a state correctional facility, three years of which shall be a mandatory minimum term of imprisonment. Any person who commits a second or subsequent violation of this section when he is at least seven years older than the subject shall be punished by a term of imprisonment of not less than 10 years nor more than 30 years, 10 years of which shall be a mandatory minimum term of imprisonment.

C3. The mandatory minimum terms of imprisonment prescribed for violations of this section shall be served consecutively with any other sentence.

D. For the purposes of this section it may be inferred by text, title or appearance that a person who is depicted as or presents the appearance of being less than 18 years of age in sexually explicit visual material is less than 18 years of age.

E. Venue for a prosecution under this section may lie in the jurisdiction where the unlawful act occurs, where the alleged offender resides, or where any sexually explicit visual material associated with a violation of this section is produced, reproduced, found, stored, or possessed.

2. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation cannot be determined for

periods of imprisonment in state adult correctional facilities; therefore, Chapter 1 of the Acts of Assembly of 2023, Special Session I, requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of $50,000. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.

CHAPTER 263

An Act to amend the Code of Virginia by adding a section numbered 15.2-2292.2, relating to early childhood care and education; child day programs; use of office buildings; waiver of zoning requirements.

[S 13]

Approved March 28, 2024

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 15.2-2292.2 as follows:

§ 15.2-2292.2. Waiver of zoning permit requirements; child day programs.

Any locality may provide by ordinance for the waiver of any requirements for zoning permits for the operation of a child day program in an office building, defined as any building containing more than two rental units that are rented primarily for retail, commercial, or professional use, provided that such facility satisfies the requirements for state licensure as a child day program.

CHAPTER 264

An Act to amend and reenact § 24.2-520 of the Code of Virginia, relating to elections; candidates; declaration of candidacy for primary.

[S 109]

Approved March 28, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 24.2-520 of the Code of Virginia is amended and reenacted as follows:

§ 24.2-520. Declaration of candidacy required.

A candidate for nomination by primary for any office shall be required to file a written declaration of candidacy on a form prescribed by the State Board. The declaration shall include the name of the political party of which the candidate is a member, a designation of the office for which he is a candidate, and a statement that, if ~~defeated in the~~ *his name appears on the* primary *ballot and he is not nominated*, his name is not to be printed on the ballots for that office in the succeeding general election. The declaration shall be acknowledged before some officer who has the authority to take acknowledgments to deeds, or attested by two witnesses who are qualified voters of the election district.

CHAPTER 265

An Act to create the Town of Leesburg Parking Authority.

[H 5]

Approved April 2, 2024

Be it enacted by the General Assembly of Virginia:

1.

TOWN OF LEESBURG PARKING AUTHORITY ACT.

§ 1. Short title.

This act shall be known and may be cited as the "Town of Leesburg Parking Authority Act."

§ 2. Declaration of public necessity.

It is hereby determined and declared that the free circulation of traffic of all kinds through the streets of the Town of Leesburg in the Commonwealth is necessary to the health, safety, and general welfare of the public, whether residing in the municipality or traveling to, through, or from such municipality in the course of lawful pursuits; that in recent years the greatly increased use by the public of motor vehicles of all kinds has caused serious traffic congestion in the streets of the municipality; that the parking of motor vehicles in the streets has contributed to this congestion to such an extent as to constitute at the present time a public nuisance; that such parking prevents the free circulation of traffic in, through, and from the municipality, and endangers the health, safety, and welfare of the general public; that this traffic congestion is not capable of being adequately abated except by provisions for sufficient off-street parking facilities; that adequate off-street parking facilities have not been heretofore provided; and that the enactment of the provisions of this act is hereby declared to be a public necessity.

§ 3. Definitions.

As used in this act the following words and terms shall have the following meanings, unless the context indicates a different meaning or intent:

"Authority" means the Authority created under the provisions of this act, or, if the Authority shall be abolished, the board, body, or commission succeeding to the principal functions thereof or to whom the powers given by this act to the Authority shall be given by law.

"Cost," as applied to parking facilities or to extensions or additions thereto, includes the cost of construction or reconstruction; the cost of all labor, materials, machinery, and equipment; the cost of all lands, property, rights, easements, and interests acquired by the Authority for such construction or reconstruction or the operation thereof; the cost of demolishing or removing any buildings or structures on land so acquired, including the cost of acquiring any lands to which such buildings or structures may be moved; financing charges; interest prior to and during construction; and, if deemed advisable by the Authority, for one year after completion of construction, reasonable provision for working capital, cost of engineering and legal services, cost of plans and specifications, surveys and estimates of cost and of revenues, administrative expenses, and such other expenses as may be necessary or incident to such construction or reconstruction, the financing thereof, and the placing of the parking facilities in operation. Any obligation or expense incurred by the Authority or by the organizing municipality prior to the issuance of bonds under the provisions of this act in connection with any of the foregoing items of cost may be regarded as a part of such cost.

"Governing body" means the board, commission, council, or other body by whatever name it may be known in which the general legislative powers of the municipality are vested.

"Municipality" means the Town of Leesburg in the Commonwealth of Virginia.

"Parking facilities" means and includes lots, garages, parking terminals, or other facilities or structures for the off-street parking of motor vehicles open to public use for a fee, and may also include, but without limiting the generality of the foregoing, terminal facilities for trucks and buses, waiting rooms, lockers, and offices catering primarily to those using such parking facilities, and all facilities appurtenant thereto and all property, rights, easements, and interests relating thereto that are deemed necessary for the instruction or operation thereof; however, the words "parking facilities" shall not mean or include the sale or dispensing of products used in or for the servicing of motor vehicles.

§ 4. Creation of the Authority.

A. The governing body of the municipality may by resolution signify its determination to organize an Authority under the provisions of this act. Such resolution may be adopted only after a public hearing thereon, notice of which hearing shall be given by publication at least once, not less than 10 days prior to the date fixed for such hearing, in a newspaper having a general circulation in the municipality. Such notice shall contain a brief statement of the substance of the proposed resolution, shall set forth the proposed articles of incorporation of the Authority, and shall state the time and place of the public hearing to be held thereon. Such municipality shall not be required to make any other publication of such resolution under the provisions of any other law.

B. Such resolution shall include articles of incorporation that shall set forth:

1. The name of the Authority;

2. A statement that such Authority is organized under this act;

3. The name of the organizing municipality; and

4. The names and addresses of the first members of the Authority appointed by the organizing municipality.

C. Passage of such resolution by the governing body shall constitute the Authority a public body and a body politic and corporate of the Commonwealth of Virginia.

§ 5. Membership of the Authority.

The Authority organized under the provisions of this act shall consist of five members selected by the governing body who shall serve for terms expiring one, two, three, four, and five years, respectively, from the date of appointment, the term of each such member to be designated by the governing body. The successor of each member of the Authority shall be appointed for a term of five years, but any person appointed to fill a vacancy shall be appointed to serve only for the unexpired term, and any member of the Authority may be reappointed.

Each member of the Authority before entering upon his duties shall take and subscribe an oath or affirmation to support the Constitution of the United States and the Constitution of Virginia and to discharge faithfully the duties of his office, and a record of each such oath shall be filed with the Secretary of the Authority.

The Authority shall select one of its members as chair and another as vice-chair and shall also select a secretary and a treasurer who may but need not be members of the Authority. The offices of secretary and treasurer may be combined. The terms of office of the chair, vice-chair, secretary, and treasurer shall be as provided in the bylaws of the Authority.

A majority of the members of the Authority shall constitute a quorum, and the affirmative vote of a majority of all of the members of the Authority shall be necessary for any action taken by the Authority. No vacancy in the membership of the Authority shall impair the right of a quorum to exercise all the rights and perform all of the duties of the Authority. The members of the Authority shall serve without compensation but shall be reimbursed for the amount of actual expenses incurred by them in the performance of their duties.

The town manager, or his designee, of the organizing municipality shall serve as an ex officio, nonvoting member of the Authority.

§ 6. General grant of powers.

The Authority created hereunder shall be deemed to be a public instrumentality exercising public and essential governmental functions to provide for the public health and welfare, and the Authority is hereby authorized and empowered to:

1. Adopt bylaws for the regulation of its affairs and the conduct of its business;

2. Adopt an official seal and alter the same at pleasure;

3. Maintain an office at such place or places as it may designate;

4. Sue and be sued in its own name and to plead and be impleaded;

5. Construct, reconstruct, equip, improve, extend, enlarge, maintain, repair, and operate parking facilities within the corporate limits of the organizing municipality;

6. Issue revenue bonds of the Authority as hereinafter provided to pay the cost of such construction, reconstruction, equipment, improvement, extension, or enlargement;

7. Issue revenue refunding bonds of the Authority as hereinafter provided;

8. Fix and revise from time to time and to charge and collect rates, rentals, fees, and other charges for the services and facilities furnished by such parking facilities, and to establish and revise from time to time regulations in respect of the use, operation, and occupancy of such parking facilities or part thereof;

9. Accept from any authorized agency of the federal government loans or grants for the planning, construction, or acquisition of any parking facilities and to enter into agreements with such agency respecting any such loans or grants, and to receive and accept aid and contributions from any source of either money, property, labor, or other things of value, to be held, used, and applied only for the purposes for which such loans, grants, or contributions may be made;

10. Acquire in the name of the Authority by gift, purchase, or the exercise of the right of eminent domain in accordance with the laws of the Commonwealth of Virginia that are applicable to the exercise of such powers by cities or towns any lands or rights in lands and interest therein, and to acquire such personal property as it may deem necessary in connection with the construction, reconstruction, improvement, extension, enlargement, or operation of any parking facilities; however, no property of any corporation itself having the power of eminent domain may be condemned hereunder, and the Authority shall not condemn any lands or personal property or right or interest therein unless authorized so to do by resolution of the governing body of the city;

11. Lease all or any part of such parking facilities upon such terms and conditions and for such term of years as it may deem advisable to carry out the provisions of this act; however, no enterprise involving the sale or dispensing of any product or commodity used in or for the servicing of motor vehicles shall be conducted on any space thereon;

12. Make and enter into all contracts and agreements necessary or incidental to the performance of its duties and the execution of its powers under this act, including a trust agreement or trust agreements securing any revenue bonds issued hereunder, and to employ such consulting and other engineers, superintendents, managers, construction and financial experts, accountants, attorneys, and such employees and agents as may, in the judgment of the Authority, be deemed necessary, and to fix their compensation; however, all such expenses shall be payable solely from funds made available under the provisions of this act; and

13. Do all acts and things necessary or convenient to carry out the powers granted by this act.

§ 7. Revenue bonds.

The Authority is hereby authorized to issue at one time or from time to time revenue bonds of the Authority for the purpose of paying the cost of constructing, reconstructing, equipping, improving, extending, or enlarging any one or more parking facilities. The bonds of each issue shall be dated, shall mature at such time or times not exceeding 40 years from their date or dates, and shall bear interest at such rate or rates not exceeding the maximum rate permitted by law to be paid by public bodies, as may be determined by the Authority, and may be made redeemable before maturity, at the option of the Authority, at such price or prices and under such terms and conditions as may be fixed by the Authority prior to the issuance of the bonds. The Authority shall determine the form of the bonds and the manner of execution of the bonds and shall fix the denomination or denominations of the bonds and the place or places of payment of principal and interest, which may be at any bank or trust company within or without the Commonwealth. In case any officer whose signature or a facsimile of whose signature shall appear on any bonds shall cease to be such officer before the delivery of such bonds, such signature or such facsimile shall nevertheless be valid and sufficient for all purposes the same as if he had remained in office until such delivery. Notwithstanding any of the other provisions of this act or any recitals in any bonds issued under the provisions of this act, all such bonds shall be deemed to be negotiable instruments under the laws of the Commonwealth. The Authority may sell such bonds in such manner, either at public or private sale, and for such price as it may determine to be for the best interests of the Authority, but no such sale shall be made at a price so low as to require the payment of interest on the money received therefor at more than the maximum rate permitted by law to be paid by public bodies, computed with relation to the absolute maturity or maturities of the bonds in accordance with standard tables of bond values, excluding, however, from such computation the amount of any premium to be paid on redemption of any bonds prior to maturity.

The proceeds of the bonds of each issue shall be used solely for the purpose for which such bonds shall have been authorized and shall be disbursed in such manner and under such restrictions, if any, as the Authority may provide in the resolution authorizing the issuance of such bonds or in the trust agreement hereinafter mentioned securing the same. If the proceeds of such bonds, by error of estimates or otherwise, shall be less than such cost, additional bonds may in like manner be issued to provide the amount of such deficit and, unless otherwise provided in the authorizing resolution or in the trust

agreement securing such bonds, shall be deemed to be of the same issue and shall be entitled to payment from the same fund without preference or priority of the bonds first issued for the same purpose.

The resolution providing for the issuance of revenue bonds, and any trust agreement securing such bonds, may also contain such limitations upon the issuance of additional revenue bonds as the Authority may deem proper, and such additional bonds shall be issued under such restrictions and limitations as may be prescribed by such resolution or trust agreement.

Prior to the preparation of definitive bonds, the Authority may, under like restrictions, issue interim receipts or temporary bonds exchangeable for definitive bonds when such bonds shall have been executed and are available for delivery. The Authority may also provide for the replacement of any bonds that shall become mutilated or be destroyed or lost.

Bonds may be issued under the provisions of this act without obtaining the consent of any commission, board, bureau, or agency of the Commonwealth or of any political subdivision and without any other proceedings or the happening of other conditions or things than those proceedings, conditions, or things that are specifically required by this act.

Revenue bonds issued under the provisions of this act shall not be deemed to constitute a debt of the Commonwealth or of any municipality or other political subdivision of the Commonwealth or a pledge of the faith and credit of the Commonwealth or of any municipality or other political subdivision, but such bonds shall be payable solely from the funds herein provided therefor and a statement to that effect shall be recited on the face of the bonds.

§ 8. Revenues.

The Authority shall fix, and may revise from time to time, rates, rentals, fees, and other charges for the use of and for the services and facilities furnished or to be furnished by any parking facilities or parts thereof owned or operated by the Authority. Such rates, rentals, fees, and charges shall not be subject to supervision or regulation by any bureau, board, commission, or other agency of the Commonwealth or of any political subdivision. Such rates, rentals, fees, and charges shall be fixed and revised so that the revenues of the Authority, together with any other available funds, will be sufficient at all times (i) to pay the cost of maintaining, repairing, and operating the parking facilities or parts thereof owned or operated by the Authority, including reserves for such purposes, and (ii) to pay the principal of and the interest on all bonds issued by the Authority under the provisions of this act as the same shall become due and payable and to provide reserves therefor. Notwithstanding any of the foregoing provisions of this section, the Authority may enter into contracts relating to use of the services and facilities of the parking facilities on such terms and conditions as the Authority shall determine to be proper, which contracts shall not be subject to revision except in accordance with their terms.

§ 9. Trust agreement.

In the discretion of the Authority, each or any issue of revenue bonds may be secured by a trust agreement by and between the Authority and a corporate trustee, which may be any trust company or bank having the powers of a trust company within or without the Commonwealth. The resolution authorizing the issuance of the bonds or such trust agreement may pledge the revenues to be received, but shall not convey or mortgage any parking facilities or any part thereof, and may contain such provisions for protecting and enforcing the rights and remedies of the bondholders as may be reasonable and proper and not in violation of law, including covenants setting forth the duties of the Authority in relation to the construction, reconstruction, equipment, improvement, maintenance, repair, operation, and insurance of any parking facilities, the fixing and revising of rates, rentals, fees, and charges, and the custody, safeguarding, and application of all moneys, and for the employment of consulting engineers in connection with such construction, reconstruction, improvement, maintenance, and operation. It shall be lawful for any bank or trust company incorporated under the laws of the Commonwealth that may act as depository of the proceeds of bonds or of revenues to furnish such indemnifying bonds or to pledge such securities as may be required by the Authority. Such resolution or trust agreement may set forth the rights and remedies of the bondholders and of the trustee, if any, and may restrict the individual right of action by bondholders. Such resolution or trust agreement may contain such other provisions in addition to the foregoing as the Authority may deem reasonable and proper for the security of the bondholders. Except as in this act otherwise provided, the Authority may provide for the payment of the proceeds of the sale of the bonds and the revenues of any parking facilities or parts thereof to such officer, board, or depository as it may designate for the custody thereof, and for the method of disbursements thereof, with such safeguards and restrictions as it may determine. All expenses incurred in carrying out the provisions of such resolution or trust agreement may be treated as part of the cost of operation.

All pledges of revenues under the provisions of this act shall be valid and binding from the time when such pledge is made. All such revenues so pledged and thereafter received by the Authority shall immediately be subject to the lien of such pledges without any physical delivery thereof or further action, and the lien of such pledges shall be valid and binding as against all parties having claims of any kind in tort, contract, or otherwise against the Authority, irrespective of whether such parties have notice thereof.

§ 10. Trust funds.

All moneys received pursuant to the authority of this act shall be deemed to be trust funds, to be held and applied solely as provided in this act. Any officer to whom, or bank, trust company, or fiscal agent to which, such moneys shall be paid shall act as trustee of such moneys and shall hold and apply the same for the purposes hereof, subject to such regulations as this act and the resolution authorizing the issuance of bonds or trust agreement securing such bonds may provide.

§ 11. Remedies.

Any holder of revenue bonds issued under provisions of this act and the trustee under any trust agreement, except to the extent the rights herein given may be restricted by the resolution authorizing the issuance of such bonds or such trust agreement, may, either at law or in equity, by suit, action, mandamus, or other proceeding, protect and enforce any and all rights under the laws of the Commonwealth or granted hereunder or under such resolution or trust agreement and may enforce and compel the performance of all duties required by this act or by such resolution or trust agreement to be performed by the Authority or by any officer thereof, including the fixing, charging, and collecting of rates, rentals, fees, and charges for the use of or for the services and facilities furnished by any parking facilities.

§ 12. Exemption from taxation.

As adequate off-street parking facilities are essential to the health, safety, and general welfare of the public, and as the exercise of the powers conferred by this act to effect such purposes constitutes the performance of essential municipal functions, and as parking facilities constructed under the provisions of this act constitute the performance of essential municipal functions, and as parking facilities constructed pursuant to the provisions of this act constitute public property and are used for municipal purposes, the Authority shall not be required to pay any taxes or assessments upon any such parking facilities or any part thereof, or upon the income therefrom, and any bonds issued under the provisions of this act and their transfer and the income therefrom, including any profit made on the sale thereof, shall at all times be free from taxation within the Commonwealth.

§ 13. Revenue refunding bonds.

The Authority is hereby authorized to issue from time to time revenue refunding bonds for the purpose of refunding any revenue bonds of the Authority then outstanding, including the payment of any redemption premium thereon and any interest accrued or to accrue to the date of redemption of such bonds. The Authority is further authorized to issue from time to time revenue bonds of the Authority for the combined purpose of (i) refunding any revenue bonds or revenue refunding bonds of the Authority then outstanding, including the payment of any redemption premium thereon and any interest accrued or to accrue to the date of redemption of such bonds, and (ii) paying all or any part of the cost of constructing any additional parking facilities or part thereof, or any improvements, extensions, or enlargements of any parking facilities. The issuance of such bonds, the maturities and other details thereof, the rights and remedies of the holders thereof, and the rights, powers, privileges, duties, and obligations of the Authority with respect to the same shall be governed by the provisions of this act in so far as the same may be applicable.

§ 14. Contributions.

The municipality is authorized to make contributions or advances to an Authority that it organizes under the provisions of this act, from any moneys that may be available for such purpose, to provide for the preliminary expenses of such Authority in carrying out the provisions of this act or to pay any item of cost of any parking facilities.

§ 15. Actions taken by Authority.

Any action taken by the Authority under the provisions of this act may be authorized by resolution of the Authority at any regular or special meeting, and each such resolution of the Authority shall take effect immediately and need not be published or posted.

§ 16. Additional method.

This act shall be deemed to provide an additional and alternative method for the doing of the things authorized hereby and shall be regarded as supplemental and additional to powers conferred by other laws, and shall not be regarded as in derogation of or as repealing any powers now existing under any other law, either general, special, or local; however, the issuance of revenue bonds or revenue refunding bonds under the provisions of this act need not comply with the requirements of any other law applicable to the issuance of bonds.

§ 17. Provisions of act severable.

The provisions of this act are severable; if any of its provisions shall be held unconstitutional by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions.

§ 18. Construction.

This act, being necessary for the welfare of the Commonwealth and its inhabitants, shall be liberally construed to effect the purpose thereof.

CHAPTER 266

An Act to amend and reenact §§ 2.2-3900, 2.2-3902, 2.2-3904, 2.2-3905, 8.01-49.1, 18.2-57, and 18.2-121 of the Code of Virginia, relating to hate crimes and discrimination; ethnic animosity; penalties.

[H 18]

Approved April 2, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-3900, 2.2-3902, 2.2-3904, 2.2-3905, 8.01-49.1, 18.2-57, and 18.2-121 of the Code of Virginia are amended and reenacted as follows:

§ 2.2-3900. Short title; declaration of policy.

A. This chapter shall be known and cited as the Virginia Human Rights Act.

B. It is the policy of the Commonwealth to:

1. Safeguard all individuals within the Commonwealth from unlawful discrimination because of race, color, religion, *ethnic or* national origin, sex, pregnancy, childbirth or related medical conditions, age, marital status, sexual orientation, gender identity, military status, or disability in places of public accommodation, including educational institutions and in real estate transactions;

2. Safeguard all individuals within the Commonwealth from unlawful discrimination in employment because of race, color, religion, *ethnic or* national origin, sex, pregnancy, childbirth or related medical conditions, age, marital status, sexual orientation, gender identity, disability, or military status;

3. Preserve the public safety, health, and general welfare;

4. Further the interests, rights, and privileges of individuals within the Commonwealth; and

5. Protect citizens of the Commonwealth against unfounded charges of unlawful discrimination.

§ 2.2-3902. Construction of chapter; other programs to aid persons with disabilities, minors, and the elderly.

The provisions of this chapter shall be construed liberally for the accomplishment of its policies.

Conduct that violates any Virginia or federal statute or regulation governing discrimination on the basis of race, color, religion, sex, sexual orientation, gender identity, marital status, pregnancy, childbirth or related medical conditions including lactation, age, military status, disability, or *ethnic or* national origin is an unlawful discriminatory practice under this chapter.

Nothing in this chapter shall prohibit or alter any program, service, facility, school, or privilege that is afforded, oriented, or restricted to a person because of disability or age from continuing to habilitate, rehabilitate, or accommodate that person.

In addition, nothing in this chapter shall be construed to affect any governmental program, law or activity differentiating between persons on the basis of age over the age of 18 years (i) where the differentiation is reasonably necessary to normal operation or the activity is based upon reasonable factors other than age or (ii) where the program, law or activity constitutes a legitimate exercise of powers of the Commonwealth for the general health, safety and welfare of the population at large.

Complaints filed with the Office of Civil Rights of the Department of Law (the Office) in accordance with § 2.2-520 alleging unlawful discriminatory practice under a Virginia statute that is enforced by a Virginia agency shall be referred to that agency. The Office may investigate complaints alleging an unlawful discriminatory practice under a federal statute or regulation and attempt to resolve it through conciliation. Unsolved complaints shall thereafter be referred to the federal agency with jurisdiction over the complaint. Upon such referral, the Office shall have no further jurisdiction over the complaint. The Office shall have no jurisdiction over any complaint filed under a local ordinance adopted pursuant to § 15.2-965.

§ 2.2-3904. Nondiscrimination in places of public accommodation; definitions.

A. As used in this section:

"Age" means being an individual who is at least 18 years of age.

"Place of public accommodation" means all places or businesses offering or holding out to the general public goods, services, privileges, facilities, advantages, or accommodations.

B. It is an unlawful discriminatory practice for any person, including the owner, lessee, proprietor, manager, superintendent, agent, or employee of any place of public accommodation, to refuse, withhold from, or deny any individual, or to attempt to refuse, withhold from, or deny any individual, directly or indirectly, any of the accommodations, advantages, facilities, services, or privileges made available in any place of public accommodation, or to segregate or discriminate against any such person in the use thereof, or to publish, circulate, issue, display, post, or mail, either directly or indirectly, any communication, notice, or advertisement to the effect that any of the accommodations, advantages, facilities, privileges, or services of any such place shall be refused, withheld from, or denied to any individual on the basis of race, color, religion, *ethnic or* national origin, sex, pregnancy, childbirth or related medical conditions, age, sexual orientation, gender identity, marital status, disability, or military status.

C. The provisions of this section shall not apply to a private club, a place of accommodation owned by or operated on behalf of a religious corporation, association, or society that is not in fact open to the public, or any other establishment that is not in fact open to the public.

D. The provisions of this section shall not prohibit (i) discrimination against individuals who are less than 18 years of age or (ii) the provision of special benefits, incentives, discounts, or promotions by public or private programs to assist persons who are 50 years of age or older.

E. The provisions of this section shall not supersede or interfere with any state law or local ordinance that prohibits a person under the age of 21 from entering a place of public accommodation.

§ 2.2-3905. Nondiscrimination in employment; definitions; exceptions.

A. As used in this section:

"Age" means being an individual who is at least 40 years of age.

"Domestic worker" means an individual who is compensated directly or indirectly for the performance of services of a household nature performed in or about a private home, including services performed by individuals such as companions, babysitters, cooks, waiters, butlers, valets, maids, housekeepers, nannies, nurses, janitors, laundresses, caretakers, handymen, gardeners, home health aides, personal care aides, and chauffeurs of automobiles for family use. "Domestic worker" does not include (i) a family member, friend, or neighbor of a child, or a parent of a child, who provides child care

in the child's home; (ii) any child day program as defined in § 22.1-289.02 or an individual who is an employee of a child day program; or (iii) any employee employed on a casual basis in domestic service employment to provide companionship services for individuals who, because of age or infirmity, are unable to care for themselves.

"Employee" means an individual employed by an employer.

"Employer" means a person employing (i) 15 or more employees for each working day in each of 20 or more calendar weeks in the current or preceding calendar year, and any agent of such a person or (ii) one or more domestic workers. However, (a) for purposes of unlawful discharge under subdivision B 1 on the basis of race, color, religion, *ethnic or* national origin, military status, sex, sexual orientation, gender identity, marital status, disability, pregnancy, or childbirth or related medical conditions including lactation, "employer" means any person employing more than five persons or one or more domestic workers and (b) for purposes of unlawful discharge under subdivision B 1 on the basis of age, "employer" means any employer employing more than five but fewer than 20 persons.

"Employment agency" means any person, or an agent of such person, regularly undertaking with or without compensation to procure employees for an employer or to procure for employees opportunities to work for an employer.

"Joint apprenticeship committee" means the same as that term is defined in § 2.2-2043.

"Labor organization" means an organization engaged in an industry, or an agent of such organization, that exists for the purpose, in whole or in part, of dealing with employers on behalf of employees concerning grievances, labor disputes, wages, rates of pay, hours, or other terms or conditions of employment. "Labor organization" includes employee representation committees, groups, or associations in which employees participate.

"Lactation" means a condition that may result in the feeding of a child directly from the breast or the expressing of milk from the breast.

B. It is an unlawful discriminatory practice for:

1. An employer to:

a. Fail or refuse to hire, discharge, or otherwise discriminate against any individual with respect to such individual's compensation, terms, conditions, or privileges of employment because of such individual's race, color, religion, sex, sexual orientation, gender identity, marital status, pregnancy, childbirth or related medical conditions including lactation, age, military status, disability, or *ethnic or* national origin; or

b. Limit, segregate, or classify employees or applicants for employment in any way that would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect an individual's status as an employee, because of such individual's race, color, religion, sex, sexual orientation, gender identity, marital status, pregnancy, childbirth or related medical conditions including lactation, age, military status, disability, or *ethnic or* national origin.

2. An employment agency to:

a. Fail or refuse to refer for employment, or otherwise discriminate against, any individual because of such individual's race, color, religion, sex, sexual orientation, gender identity, marital status, pregnancy, childbirth or related medical conditions, age, military status, disability, or *ethnic or* national origin; or

b. Classify or refer for employment any individual on the basis of such individual's race, color, religion, sex, sexual orientation, gender identity, marital status, pregnancy, childbirth or related medical conditions, age, military status, disability, or *ethnic or* national origin.

3. A labor organization to:

a. Exclude or expel from its membership, or otherwise discriminate against, any individual because of such individual's race, color, religion, sex, sexual orientation, gender identity, marital status, pregnancy, childbirth or related medical conditions, age, military status, disability, or *ethnic or* national origin;

b. Limit, segregate, or classify its membership or applicants for membership, or classify or fail to or refuse to refer for employment any individual, in any way that would deprive or tend to deprive such individual of employment opportunities, or would limit such employment opportunities or otherwise adversely affect an individual's status as an employee or as an applicant for employment, because of such individual's race, color, religion, sex, sexual orientation, gender identity, marital status, pregnancy, childbirth or related medical conditions, age, military status, disability, or *ethnic or* national origin; or

c. Cause or attempt to cause an employer to discriminate against an individual in violation of subdivisions a or b.

4. An employer, labor organization, or joint apprenticeship committee to discriminate against any individual in any program to provide apprenticeship or other training program on the basis of such individual's race, color, religion, sex, sexual orientation, gender identity, pregnancy, childbirth or related medical conditions, age, military status, disability, or *ethnic or* national origin.

5. An employer, in connection with the selection or referral of applicants or candidates for employment or promotion, to adjust the scores of, use different cutoff scores for, or otherwise alter the results of employment-related tests on the basis of race, color, religion, sex, sexual orientation, gender identity, marital status, pregnancy, childbirth or related medical conditions, age, military status, disability, or *ethnic or* national origin.

6. Except as otherwise provided in this chapter, an employer to use race, color, religion, sex, sexual orientation, gender identity, marital status, pregnancy, childbirth or related medical conditions, age, military status, disability, or *ethnic or* national origin as a motivating factor for any employment practice, even though other factors also motivate the practice.

7. (i) An employer to discriminate against any employees or applicants for employment, (ii) an employment agency or a joint apprenticeship committee controlling an apprenticeship or other training program to discriminate against any individual, or (iii) a labor organization to discriminate against any member thereof or applicant for membership because

such individual has opposed any practice made an unlawful discriminatory practice by this chapter or because such individual has made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this chapter.

8. An employer, labor organization, employment agency, or joint apprenticeship committee controlling an apprenticeship or other training program to print or publish, or cause to be printed or published, any notice or advertisement relating to (i) employment by such an employer, (ii) membership in or any classification or referral for employment by such a labor organization, (iii) any classification or referral for employment by such an employment agency, or (iv) admission to, or employment in, any program established to provide apprenticeship or other training by such a joint apprenticeship committee that indicates any preference, limitation, specification, or discrimination based on race, color, religion, sex, sexual orientation, gender identity, marital status, pregnancy, childbirth or related medical conditions, age, military status, disability, or *ethnic or* national origin, except that such a notice or advertisement may indicate a preference, limitation, specification, or discrimination based on religion, sex, age, or *ethnic or* national origin when religion, sex, age, or *ethnic or* national origin is a bona fide occupational qualification for employment.

C. Notwithstanding any other provision of this chapter, it is not an unlawful discriminatory practice:

1. For (i) an employer to hire and employ employees; (ii) an employment agency to classify, or refer for employment, any individual; (iii) a labor organization to classify its membership or to classify or refer for employment any individual; or (iv) an employer, labor organization, or joint apprenticeship committee to admit or employ any individual in any apprenticeship or other training program on the basis of such individual's religion, sex, or age in those certain instances where religion, sex, or age is a bona fide occupational qualification reasonably necessary to the normal operation of that particular employer, employment agency, labor organization, or joint apprenticeship committee;

2. For an elementary or secondary school or institution of higher education to hire and employ employees of a particular religion if such elementary or secondary school or institution of higher education is, in whole or in substantial part, owned, supported, controlled, or managed by a particular religion or by a particular religious corporation, association, or society or if the curriculum of such elementary or secondary school or institution of higher education is directed toward the propagation of a particular religion;

3. For an employer to apply different standards of compensation, or different terms, conditions, or privileges of employment, pursuant to a bona fide seniority or merit system, or a system that measures earnings by quantity or quality of production, or to employees who work in different locations, provided that such differences are not the result of an intention to discriminate because of race, color, religion, sex, sexual orientation, gender identity, marital status, pregnancy, childbirth or related medical conditions, age, military status, disability, or *ethnic or* national origin;

4. For an employer to give and to act upon the results of any professionally developed ability test, provided that such test, its administration, or an action upon the results is not designed, intended, or used to discriminate because of race, color, religion, sex, sexual orientation, gender identity, marital status, pregnancy, childbirth or related medical conditions, age, military status, disability, or *ethnic or* national origin;

5. For an employer to provide reasonable accommodations related to disability, pregnancy, childbirth or related medical conditions, and lactation, when such accommodations are requested by the employee; or

6. For an employer to condition employment or premises access based upon citizenship where the employer is subject to any requirement imposed in the interest of the national security of the United States under any security program in effect pursuant to or administered under any statute or regulation of the federal government or any executive order of the President of the United States.

D. Nothing in this chapter shall be construed to require any employer, employment agency, labor organization, or joint apprenticeship committee to grant preferential treatment to any individual or to any group because of such individual's or group's race, color, religion, sex, sexual orientation, gender identity, marital status, pregnancy, childbirth or related medical conditions, age, military status, disability, or *ethnic or* national origin on account of an imbalance that may exist with respect to the total number or percentage of persons of any race, color, religion, sex, sexual orientation, gender identity, marital status, pregnancy, childbirth or related medical conditions, age, military status, disability, or *ethnic or* national origin employed by any employer, referred or classified for employment by any employment agency or labor organization, admitted to membership or classified by any labor organization, or admitted to or employed in any apprenticeship or other training program, in comparison with the total number or percentage of persons of such race, color, religion, sex, sexual orientation, gender identity, marital status, pregnancy, childbirth or related medical conditions, age, military status, disability, or *ethnic or* national origin in any community.

E. The provisions of this section shall not apply to the employment of individuals of a particular religion by a religious corporation, association, educational institution, or society to perform work associated with its activities.

§ 8.01-49.1. Liability for defamatory material on the Internet.

A. No provider or user of an interactive computer service on the Internet shall be treated as the publisher or speaker of any information provided to it by another information content provider. No provider or user of an interactive computer service shall be liable for (i) any action voluntarily taken by it in good faith to restrict access to, or availability of, material that the provider or user considers to be obscene, lewd, lascivious, excessively violent, harassing, or intended to incite hatred on the basis of race, religious conviction, gender, disability, gender identity, sexual orientation, color, or *ethnic or* national origin, whether or not such material is constitutionally protected, or (ii) any action taken to enable, or make

available to information content providers or others, the technical means to restrict access to information provided by another information content provider.

B. As used in this section:

"Disability" means a physical or mental impairment that substantially limits one or more of a person's major life activities.

"Information content provider" means any person or entity that is responsible, in whole or in part, for the creation or development of information provided through the Internet or any other interactive computer service.

"Interactive computer service" means any information service, system, or access software provider that provides or enables computer access by multiple users to a computer server, including specifically a service or system that provides access to the Internet and such systems operated or services offered by libraries or educational institutions.

"Internet" means the international computer network of interoperable packet-switched data networks.

§ 18.2-57. Assault and battery; penalty.

A. Any person who commits a simple assault or assault and battery is guilty of a Class 1 misdemeanor, and if the person intentionally selects the person against whom a simple assault is committed because of his race, religious conviction, gender, disability, gender identity, sexual orientation, color, or *ethnic or* national origin, the penalty upon conviction shall include a term of confinement of at least six months.

B. However, if a person intentionally selects the person against whom an assault and battery resulting in bodily injury is committed because of his race, religious conviction, gender, disability, gender identity, sexual orientation, color, or *ethnic or* national origin, the person is guilty of a Class 6 felony, and the penalty upon conviction shall include a term of confinement of at least six months.

C. In addition, if any person commits an assault or an assault and battery against another knowing or having reason to know that such other person is a judge, a magistrate, a law-enforcement officer as defined in subsection G, a correctional officer as defined in § 53.1-1, a person directly involved in the care, treatment, or supervision of inmates in the custody of the Department of Corrections or an employee of a local or regional correctional facility directly involved in the care, treatment, or supervision of inmates in the custody of the facility, a person directly involved in the care, treatment, or supervision of persons in the custody of or under the supervision of the Department of Juvenile Justice, an employee or other individual who provides control, care, or treatment of sexually violent predators committed to the custody of the Department of Behavioral Health and Developmental Services, a firefighter as defined in § 65.2-102, or a volunteer firefighter or any emergency medical services personnel member who is employed by or is a volunteer of an emergency medical services agency or as a member of a bona fide volunteer fire department or volunteer emergency medical services agency, regardless of whether a resolution has been adopted by the governing body of a political subdivision recognizing such firefighters or emergency medical services personnel as employees, engaged in the performance of his public duties anywhere in the Commonwealth, such person is guilty of a Class 6 felony, and, upon conviction, the sentence of such person shall include a mandatory minimum term of confinement of six months.

Nothing in this subsection shall be construed to affect the right of any person charged with a violation of this section from asserting and presenting evidence in support of any defenses to the charge that may be available under common law.

D. In addition, if any person commits a battery against another knowing or having reason to know that such other person is a full-time or part-time employee of any public or private elementary or secondary school and is engaged in the performance of his duties as such, he is guilty of a Class 1 misdemeanor and the sentence of such person upon conviction shall include a sentence of 15 days in jail, two days of which shall be a mandatory minimum term of confinement. However, if the offense is committed by use of a firearm or other weapon prohibited on school property pursuant to § 18.2-308.1, the person shall serve a mandatory minimum sentence of confinement of six months.

E. In addition, any person who commits a battery against another knowing or having reason to know that such individual is a health care provider as defined in § 8.01-581.1 who is engaged in the performance of his duties in a hospital or in an emergency room on the premises of any clinic or other facility rendering emergency medical care is guilty of a Class 1 misdemeanor. The sentence of such person, upon conviction, shall include a term of confinement of 15 days in jail, two days of which shall be a mandatory minimum term of confinement.

F. In addition, any person who commits an assault or an assault and battery against another knowing or having reason to know that such individual is an operator of a vehicle operated by a public transportation service as defined in § 18.2-160.2 who is engaged in the performance of his duties is guilty of a Class 1 misdemeanor. The sentence of such person, upon conviction, shall also prohibit such person from entering or riding in any vehicle operated by the public transportation service that employed such operator for a period of not less than six months as a term and condition of such sentence.

G. As used in this section:

"Disability" means a physical or mental impairment that substantially limits one or more of a person's major life activities.

"Hospital" means a public or private institution licensed pursuant to Chapter 5 (§ 32.1-123 et seq.) of Title 32.1 or Article 2 (§ 37.2-403 et seq.) of Chapter 4 of Title 37.2.

"Judge" means any justice or judge of a court of record of the Commonwealth including a judge designated under § 17.1-105, a judge under temporary recall under § 17.1-106, or a judge pro tempore under § 17.1-109, any member of the

State Corporation Commission, or of the Virginia Workers' Compensation Commission, and any judge of a district court of the Commonwealth or any substitute judge of such district court.

"Law-enforcement officer" means any full-time or part-time employee of a police department or sheriff's office that is part of or administered by the Commonwealth or any political subdivision thereof who is responsible for the prevention or detection of crime and the enforcement of the penal, traffic or highway laws of the Commonwealth, any conservation officer of the Department of Conservation and Recreation commissioned pursuant to § 10.1-115, any special agent of the Virginia Alcoholic Beverage Control Authority, conservation police officers appointed pursuant to § 29.1-200, full-time sworn members of the enforcement division of the Department of Motor Vehicles appointed pursuant to § 46.2-217, and any employee with internal investigations authority designated by the Department of Corrections pursuant to subdivision 11 of § 53.1-10, and such officer also includes jail officers in local and regional correctional facilities, all deputy sheriffs, whether assigned to law-enforcement duties, court services or local jail responsibilities, auxiliary police officers appointed or provided for pursuant to §§ 15.2-1731 and 15.2-1733, auxiliary deputy sheriffs appointed pursuant to § 15.2-1603, police officers of the Metropolitan Washington Airports Authority pursuant to § 5.1-158, and fire marshals appointed pursuant to § 27-30 when such fire marshals have police powers as set out in §§ 27-34.2 and 27-34.2:1.

"School security officer" means the same as that term is defined in § 9.1-101.

H. "Simple assault" or "assault and battery" shall not be construed to include the use of, by any school security officer or full-time or part-time employee of any public or private elementary or secondary school while acting in the course and scope of his official capacity, any of the following: (i) incidental, minor or reasonable physical contact or other actions designed to maintain order and control; (ii) reasonable and necessary force to quell a disturbance or remove a student from the scene of a disturbance that threatens physical injury to persons or damage to property; (iii) reasonable and necessary force to prevent a student from inflicting physical harm on himself; (iv) reasonable and necessary force for self-defense or the defense of others; or (v) reasonable and necessary force to obtain possession of weapons or other dangerous objects or controlled substances or associated paraphernalia that are upon the person of the student or within his control.

In determining whether a person was acting within the exceptions provided in this subsection, due deference shall be given to reasonable judgments that were made by a school security officer or full-time or part-time employee of any public or private elementary or secondary school at the time of the event.

§ 18.2-121. Entering property of another for purpose of damaging it, etc.; penalties.

A. As used in this section, "disability" means a physical or mental impairment that substantially limits one or more of a person's major life activities.

B. It is unlawful for any person to enter the land, dwelling, outhouse, or any other building of another for the purpose of damaging such property or any of the contents thereof or in any manner to interfere with the rights of the owner, user, or occupant thereof to use such property free from interference.

Any person violating the provisions of this section is guilty of a Class 1 misdemeanor. However, if a person intentionally selects the property entered because of the race, religious conviction, color, gender, disability, gender identity, sexual orientation, or *ethnic or* national origin of the owner, user, or occupant of the property, the person is guilty of a Class 6 felony, and the penalty upon conviction shall include a term of confinement of at least six months.

2. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter 1 of the Acts of Assembly of 2023, Special Session I, requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of $50,000. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.

3. That the provisions of this act shall not be construed to diminish or infringe upon any right protected under the First Amendment to the Constitution of the United States or under the Constitution of Virginia.

CHAPTER 267

An Act to amend and reenact §§ 51.1-142.2 and 55.1-2544 of the Code of Virginia, relating to Virginia Retirement System; plan credits and accounts.

[H 70]

Approved April 2, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 51.1-142.2 and 55.1-2544 of the Code of Virginia are amended and reenacted as follows:

§ 51.1-142.2. Prior service or membership credit for certain members; service credit for accumulated sick leave.

Certain members may purchase credit for service as provided in this section.

A. 1. Any member in service may purchase service credit from the following categories of service or leave: (i) leave of absence for educational purposes that was previously approved by the member's employer; (ii) leave of absence for a serious health condition of the member or of an immediate family member, all as defined in the Family and Medical Leave Act of 1993, 29 U.S.C. § 2601 et seq., as amended, and previously certified by the member's employer; (iii) up to one year of service credit per occurrence of leave for any unpaid leave of absence due to the birth, adoption, or death of a qualifying

child, as defined in § 51.1-500; (iv) service as a full-time employee of another state, a public school system of another state, or a political subdivision of the Commonwealth or another state, as certified by such state, public school system, or political subdivision; (v) full-time service of a political subdivision of this state not credited to the member under an agreement as provided for in § 51.1-143.1, as certified by such political subdivision; (vi) full-time civilian service of the United States; (vii) full-time service at a private institution of higher education if the private institution is merged with a public institution of higher education and graduates of the private institution are then issued new degrees from the public institution; or (viii) any period of time when the member was employed part time or in a wage position by a participating employer and not otherwise eligible to participate in the retirement system because the member was not an employee as defined in § 51.1-124.3. However, no member in service shall be allowed to purchase more than a total of four years of service credit pursuant to this subdivision.

2. In addition to the service credit that may be purchased under subdivision 1, any member in service may purchase up to four years of service credit for prior active duty military service in the armed forces of the United States, provided that the discharge from a period of active duty status with the armed forces was not dishonorable.

3. The service credit to be credited to a member under this subsection shall be calculated at the ratio of one year, or portion thereof, of service credit to one year, or portion thereof, of service purchased, except for employment service purchased under clause (viii) of subdivision 1, which shall be calculated at the ratio of one month of service credit for each 173 hours of service as certified by the employer.

For each year or portion thereof to be credited at the time of purchase under this subsection, the member shall pay the approximate normal cost of the retirement plan under which the member is covered at the time of such purchase, as determined by the Board in its sole discretion. If the member does not purchase, or enter into a purchase of service credit contract for, the service made available in this subsection within the first 24 months of the member's active service following his first date of hire or the final day of any applicable leave of absence, as applicable, then, for each year or portion thereof to be credited at the time of purchase, the member shall pay the actuarial equivalent cost. To the extent the member becomes inactive during the 24 months following his first date of hire or the final day of any applicable leave of absence, such periods shall not be included in the 24 months of active service.

Except as otherwise required by Chapter 1223 of Title 10 of the United States Code, as amended, no service credit may be purchased under this section if it is included in the calculation of any retirement allowance received or to be received by the member from this or another retirement system, or if there is a balance in a defined contribution account that serves as a primary retirement account related to such service.

For purposes of this subsection, "active duty military service" means full-time service of at least 180 consecutive days in the United States Army, Navy, Air Force, Marines, Coast Guard, *or any other distinct branch of the armed services as established by the federal government,* or reserve components thereof.

B. Any member in service may purchase all prior service credit for creditable service lost from ceasing to be a member under this chapter, as provided in § 51.1-128, because of the withdrawal of his accumulated contributions. For each year or portion thereof to be credited at the time of purchase under this subsection, the member shall pay the withdrawn amount to be purchased plus interest accrued daily and compounded annually from the date of withdrawal to the date of payment at the assumed rate of return established by the Board for the actuarial valuation of the retirement system that is in effect at the time of the purchase. The Board shall develop guidelines and procedures for administering this subsection.

C. Any member in service may purchase service credit for accumulated sick leave on his effective date of retirement based upon such sums as the employer may provide as payment for any unused sick leave balances. The cost of service credit purchased under this subsection shall be the actuarial equivalent cost of such service.

D. Any member receiving benefits under the Virginia Workers' Compensation Act (§ 65.2-100 et seq.) may, in a manner prescribed by the Board and prior to the effective date of retirement, purchase service that is not reported to the retirement system by the member's employer while the member is receiving such benefits.

For each year or portion thereof to be credited at the time of purchase under this subsection, the member shall pay the approximate normal cost of the retirement plan under which the member is covered, as determined by the Board in its sole discretion. If the member does not purchase, or enter into a purchase of service credit contract for, any service made available in this subsection within the first 24 months of the member's active service following his first date of hire or the final day of any applicable leave of absence, then, for each year or portion thereof to be credited at the time of purchase, the member shall pay the actuarial equivalent cost. To the extent the member becomes inactive during the 24 months following his first date of hire or the final day of any applicable leave of absence, such periods shall not be included in the 24 months of active service.

E. Payment may be made in a lump sum at the time of purchase or by payroll deduction. Any number of additional deductions may be permitted at any time. Should any deduction be terminated before the member purchases the entire period contracted for, the member shall be credited with the number of full or partial months of service for which full payment has been made. If any deduction is continued after the entire period has been purchased, the member shall be credited with no more than the amount of service for which he was eligible and for which he paid, and the excess amount deducted shall be refunded to the member.

F. Any employer may elect to pay an equivalent amount in lieu of all member contributions required of its employees for the purchase of service credit pursuant to this section. These contributions shall not be considered wages for purposes of Chapter 7 (§ 51.1-700 et seq.), nor shall they be considered salary for purposes of this chapter.

G. In any case where member and employer contributions, as required under this chapter, were not made because of an error in the payroll, personnel, or other classification system of an employer participating in the retirement system, service that has not been credited because of such error may be purchased on the following basis:

1. The most recent three years of service credit shall be purchased, using applicable member and employer contribution rates and creditable compensation in effect for such period, in a manner and at the cost prescribed by the Board; and

2. All other years of service credit shall be purchased by the employer at an actuarial equivalent cost.

H. Any member may receive credit at no cost for service rendered in the armed forces of the United States provided (i) the member was on leave of absence from a covered position, (ii) the discharge from a period of active duty with the armed forces was not dishonorable, (iii) the member has not withdrawn his accumulated contributions, (iv) the member is not disabled or killed while on leave without pay while performing active duty military service in the armed forces of the United States, and (v) the member reenters service in a covered position within one year after discharge from the armed forces. In order to receive such service, the member must complete such forms and other requirements as are required by the Board and the retirement system.

§ 55.1-2544. Property held or payable pursuant to Title 51.1.

This chapter shall not apply to any *defined benefit plan* funds or other property, tangible or intangible, held or payable pursuant to Title 51.1. *Any funds or other property, tangible or intangible, held or payable in a defined contribution plan, deferred compensation plan, or cash match plan pursuant to Title 51.1 that have remained unclaimed for more than five years after such funds or other property became payable shall be presumed abandoned.*

CHAPTER 268

An Act to amend and reenact §§ 8.01-126 and 8.01-454 of the Code of Virginia, relating to summons for unlawful detainer; hearing date; amendments to amount due; subsequent filings.

[H 86]

Approved April 2, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 8.01-126 and 8.01-454 of the Code of Virginia are amended and reenacted as follows:

§ 8.01-126. Summons for unlawful detainer issued by magistrate or clerk or judge of a general district court.

A. For the purposes of this section, "termination notice" means a notice given under § 55.1-1245 or other notice of termination of tenancy given by the landlord to the tenant of a dwelling unit, or any notice of termination given by a landlord to a tenant of a nonresidential premises.

B. In any case when possession of any house, land or tenement is unlawfully detained by the person in possession thereof, the landlord, his agent, attorney, or other person, entitled to the possession may present to a magistrate or a clerk or judge of a general district court a statement under oath of the facts which authorize the removal of the tenant or other person in possession, describing such premises; and thereupon such magistrate, clerk or judge shall issue his summons against the person or persons named in such affidavit. The process issued upon any such summons issued by a magistrate, clerk or judge may be served as provided in § 8.01-293, 8.01-296, or 8.01-299. When issued by a magistrate it may be returned to and the case heard and determined by the judge of a general district court. If the summons for unlawful detainer is filed to terminate a tenancy pursuant to the Virginia Residential Landlord and Tenant Act (§ 55.1-1200 et seq.), the initial hearing on such summons shall occur as soon as practicable, but not more than 21 days from the date of filing. If the case cannot be heard within 21 days from the date of filing, the initial hearing shall be held as soon as practicable, but in no event later than 30 days after the date of the filing. If the plaintiff requests that the initial hearing be set on a date later than 21 days from the date of filing, the initial hearing shall be set on a date the plaintiff is available that is also available for the court. Such summons shall be served at least 10 days before the return day thereof.

C. Any summons issued pursuant to the provisions of this section shall contain a notice to the tenant that, pursuant to the provisions of § 18.2-465.1, it is unlawful for his employer to discharge him from employment or take any adverse personnel action against him as a result of his absence from employment due to appearing at any initial or subsequent hearing on such summons, provided that he has given reasonable notice of such hearing to his employer.

D. ~~Notwithstanding any other rule of court or provision of law to the contrary~~ *The court shall not enter an order of possession unless the plaintiff, plaintiff's attorney, or agent has presented a copy of a proper termination notice issued to the defendant and the court has entered such notice into evidence.*

E. Notwithstanding any rule of court or provision of law to the contrary, the plaintiff*, plaintiff's attorney, or agent* in an unlawful detainer case may submit into evidence a photocopy of a properly executed paper document or paper printout of an electronically stored document including a copy of the original lease or other documents, provided that the plaintiff provides an affidavit or sworn testimony that the copy of such document is a true and accurate copy of the original lease. ~~An attorney or agent of the landlord or managing agent may present such affidavit into evidence.~~ *If the defendant fails to appear in court, the plaintiff, plaintiff's attorney, or agent may introduce into evidence by an affidavit or sworn testimony a statement of the amount of outstanding rent, late charges, attorney fees, costs, and any other charges or damages as contracted for in the rental agreement that are due and owing as of the date of the hearing. The plaintiff, plaintiff's attorney, or agent shall*

advise the court of any payments made by or on behalf of the defendant that result in a reduction of the amount due and owing to the plaintiff.

~~E.~~ *F.* 1. ~~Notwithstanding any other rule of court or provision of law to the contrary, when the defendant does not make an appearance in court, the plaintiff or the plaintiff's attorney or agent may submit into evidence by an affidavit or sworn testimony a statement of the amount of outstanding rent, late charges, attorney fees, and any other charges or damages due as of the date of the hearing. The plaintiff or the plaintiff's attorney or agent shall advise the court of any payments by the defendant that result in a variance reducing the amount due the plaintiff as of the day of the hearing.~~ *The plaintiff may include on the summons for unlawful detainer a request for all amounts due and owing as of the date of the hearing and the approximate amount the defendant may owe as of the date of the hearing if the defendant makes no payments prior to the date of such hearing. Notwithstanding any rule of court or provision of law to the contrary, if such request is made on the summons for unlawful detainer, the court shall permit amendment of the amount requested on the summons for unlawful detainer filed in court in accordance with the evidence and the amounts contracted for in the rental agreement. If the plaintiff makes such a request and additional amounts become due and owing prior to the final disposition of a pending unlawful detainer, a plaintiff may amend the amount in an unlawful detainer to request all amounts due and owing as of the date of final disposition.*

If, however, the plaintiff has not included on the summons for unlawful detainer a request for all amounts due and owing as of the date of the hearing, the court may permit the plaintiff to amend the amount requested on the summons for unlawful detainer upon finding that (i) the evidence accurately sets forth the amount due and owing to the plaintiff, (ii) the plaintiff provided the defendant with a separate written notice of additional amounts due and owing as of the date of the hearing and of the plaintiff's intent to amend the amount requested on the summons, and (iii) the defendant had the opportunity at court to object to any additional amounts claimed.

2. ~~a. If the unlawful detainer summons served upon the defendant requests judgment for all amounts due as of the date of the hearing, the court shall permit amendment of the amount requested on the summons for unlawful detainer filed in court in accordance with the evidence and in accordance with the amounts contracted for in the rental agreement and shall enter a judgment for such amount due as of the date of the hearing in addition to entering an order of possession for the premises. Notwithstanding any rule of court or provision of law to the contrary, no order of possession shall be entered unless the plaintiff or plaintiff's attorney or agent has presented a copy of a proper termination notice that the court admits into evidence.~~

~~b. Notwithstanding any rule of court or provision of law to the contrary, a plaintiff may amend the amount alleged to be due and owing in an unlawful detainer to request all amounts due and owing as of the date of the hearing. If additional amounts become due and owing prior to the final disposition of a pending unlawful detainer, the plaintiff may also amend the amount alleged to be due and owing to include such additional amounts. If the plaintiff requests to amend the amount alleged to be due and owing in an unlawful detainer, the judge shall grant such amendment. Upon amendment of the unlawful detainer, such plaintiff shall not subsequently file an additional summons for unlawful detainer against the defendant for such additional amounts if such additional amounts could have been included in such amendment. If another unlawful detainer is filed, the court shall dismiss the subsequent unlawful detainer. Nothing herein shall be construed to preclude a plaintiff from filing an unlawful detainer for a non-rent violation during the pendency of an unlawful detainer for nonpayment of rent.~~ *If the plaintiff requests on the summons for unlawful detainer all amounts due and owing as of the date of the hearing or if the court grants an amendment of the amounts requested on the summons for unlawful detainer, the plaintiff shall not subsequently file additional unlawful detainers or warrants in debt against the defendant for such additional amounts if those amounts could have been included in the amended amount. Any such subsequent unlawful detainers or warrants in debt filed for amounts that were included in the amended amount shall be dismissed. Nothing in this section shall preclude the plaintiff from filing an unlawful detainer for a non-rent lease violation during the pendency of an unlawful detainer for nonpayment of rent or from filing a warrant in debt for amounts unrelated to the unlawful detainer against the defendant.*

3. In determining the amount due the plaintiff as of the date of the hearing, if the rental agreement or lease provides that rent is due and payable on the first of the month in advance for the entire month, at the request of the plaintiff or the plaintiff's attorney or agent, the amount due as of the date of the hearing shall include the rent due for the entire month in which the hearing is held, and rent shall not be prorated as of the actual court date. Otherwise, the rent shall be prorated as of the date of the hearing. However, nothing herein shall be construed to permit a landlord to collect rent in excess of the amount stated in such rental agreement or lease. If a money judgment has been granted for the amount due for the month of the hearing pursuant to this section and the landlord re-rents such dwelling unit and receives rent from a new tenant prior to the end of such month, the landlord is required to reflect the applicable portion of the judgment as satisfied pursuant to § 16.1-94.01.

4. If, on the date of a foreclosure sale of a single-family residential dwelling unit, the former owner remains in possession of such dwelling unit, such former owner becomes a tenant at sufferance. Such tenancy may be terminated by a written termination notice from the successor owner given to such tenant at least three days prior to the effective date of termination. Upon the expiration of the three-day period, the successor owner may file an unlawful detainer under this section. Such tenant shall be responsible for payment of fair market rental from the date of such foreclosure until the date the tenant vacates the dwelling unit, as well as damages, and for payment of reasonable attorney fees and court costs.

§ 8.01-454. Judgment, when satisfied, to be so noted by creditor.

In all cases in which satisfaction of any judgment so docketed is made, which is not required to be certified to the clerk under § 8.01-455, it shall be the duty of the judgment creditor, himself, or by his agent or attorney, to cause such satisfaction by the defendant, and if there is more than one defendant, by which defendant it was satisfied, to be entered within 30 days after the same is made, on such judgment docket. If the judgment has not been docketed, then the entry shall be made on the execution book in the office of the clerk from which the execution issued. For any failure to do so within 90 days, or after 10 days' notice to do so by the judgment debtor or his agent or attorney, the judgment creditor shall be liable to a fine of $100 and shall pay the filing cost of the release. The entry of satisfaction shall be signed by the creditor or his duly authorized attorney or other agent and be attested by the clerk in whose office the judgment is docketed, or when not docketed, by the clerk from whose office the execution issued; however, the cost of the release shall be paid by the judgment debtor. For any money judgment marked as satisfied pursuant to this section, nothing herein shall satisfy an unexecuted order of possession entered pursuant to § 8.01-126*, provided that (i) the time period for issuing writs of eviction in unlawful entry and detainer provided by § 8.01-471 has not lapsed and (ii) the defendant has not exercised his right of redemption in accordance with § 55.1-1250*.

CHAPTER 269

An Act to amend and reenact § 27, as amended, § 28, and §§ 29, 30, and 37, as severally amended, of Chapter 548 of the Acts of Assembly of 1952, which provided a charter for the Town of Smithfield in Isle of Wight County, and to repeal § 43 of Chapter 548 of the Acts of Assembly of 1952, relating to town council elections; town officers.

[H 91]

Approved April 2, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 27, as amended, § 28, and §§ 29, 30, and 37, as severally amended, of Chapter 548 of the Acts of Assembly of 1952 are amended and reenacted as follows:

§ 27. Council members shall be elected to serve four-year staggered terms. ~~At elections held on the first Tuesday in May 1998, three members of council were elected to serve terms expiring on July 1, 2000, and four members of council were elected to serve terms expiring on July 1, 2002.~~ At the general election to be held ~~on the first Tuesday in May 2000~~ *in November 2024*, and every four years thereafter, three members of council shall be elected for a term of four years. At the general election to be held ~~on the first Tuesday in May 2002~~ *in November 2026*, and every four years thereafter, four members of council shall be elected for a term of four years. Members of council elected under this act shall enter upon the duties of their offices ~~July 1~~ *the first day of January* next succeeding their elections.

§ 28. (a) All elections for the officers of the town shall be held and conducted in the manner prescribed by law.

(b) ~~The council of the town shall judge of the election, qualification and returns of its members and if a person returned be adjudged disqualified or in the event of tie votes, the council, upon the written request of one of such candidates, receiving the same number of votes as another candidate for the same office, the council shall order a new election to fill the vacancy or break the tie, said election to be at the same place, on such day as the council may prescribe, provided that the written request of any such candidate shall be filed with the council within ten days after the election, otherwise the council may declare a vacancy in such office and fill the same from the electors of the town by a majority vote of the council.~~ *Notice of candidacy for office shall be given, and the ballots to be used in any election in the town shall be prepared, printed, and distributed in the manner prescribed by law.*

§ 29. (a) The officers of the town, in addition to the mayor and councilmen, shall be a town manager, treasurer, clerk, and chief of police.

(b) The council may, by ordinance, provide for such other officers, agents and employees as it may deem appropriate, prescribe their duties and fix their compensation.

(b1) The council shall appoint a treasurer who shall hold office at the pleasure of the council and shall serve under the direction and supervision of the town manager. The office of treasurer may be filled by the town manager.

(c) ~~The clerk shall be elected by the council for a term of two years, coincident with that of the council. The office of treasurer and clerk may be filled by the same person, and may be filled by the town manager.~~ *The council shall appoint a clerk who shall hold office at the pleasure of the council and shall serve under the direction and supervision of the town manager.*

(d) The council may provide for and require annual audit of any books pertaining to the receipts and the expenditure of the funds of the town.

(e) The council shall appoint a town manager who shall be charged with the administration of the business of the town as set forth in this charter.

~~(f) As authorized by § 15.1-796, the office of town sergeant shall not be established.~~

§ 30. The council shall fix the salaries of the mayor, councilmen, treasurer, clerk, ~~sergeant, deputy sergeant~~ *town manager,* and employees, as it may deem appropriate, at its first meeting in June, which salary shall be for a period of one year, beginning the first day of July next following; provided, however, that the Council may increase or decrease the salaries at such other times as it may deem appropriate and in the best interests of the town, and further provided, that a salary may be paid one or more councilmen or a salary in excess of that paid other councilmen may be paid one or more

councilmen, if a majority of the council ~~determine~~ *determines* that additional duties and responsibilities assumed by such councilman or councilmen, by reason of committee assignment or otherwise, warrant such salary, and a majority of the council authorize such additional compensation.

§ 37. The mayor shall be the chief executive officer of the town; he shall have and exercise all power and authority conferred by general law on the mayors of towns not inconsistent with this charter; he shall perform such other duties consistent with his office as may be imposed by the council; in the event of the inability of the mayor to discharge his duties, his place may in the discretion of the council be filled and his duties discharged, until such disability shall cease, by the vice-mayor. The mayor shall be the official head of the town. ~~In times of public danger or emergencies, he may take command of the police and maintain order and enforce laws, and for this purpose, may deputize such assistant policemen as may be necessary.~~ The mayor or person acting as mayor~~,~~ shall authenticate by his signature~~,~~ such documents or instruments as the council, this charter, or the laws of the Commonwealth~~,~~ shall require.

2. That § 43 of Chapter 548 of the Acts of Assembly of 1952 is repealed.

CHAPTER 270

An Act to amend and reenact § 38.2-3407.15 of the Code of Virginia, relating to health insurance; ethics and fairness in carrier business practices.

[H 123]

Approved April 2, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 38.2-3407.15 of the Code of Virginia is amended and reenacted as follows:

§ 38.2-3407.15. Ethics and fairness in carrier business practices.

A. As used in this section:

"Carrier," "enrollee," and "provider" shall have the meanings set forth in § 38.2-3407.10; however, a "carrier" shall also include any person required to be licensed under this title which offers or operates a managed care health insurance plan subject to Chapter 58 (§ 38.2-5800 et seq.) or which provides or arranges for the provision of health care services, health plans, networks or provider panels which are subject to regulation as the business of insurance under this title.

"Claim" means any bill, claim, or proof of loss made by or on behalf of an enrollee or a provider to a carrier (or its intermediary, administrator or representative) with which the provider has a provider contract for payment for health care services under any health plan; however, a "claim" shall not include a request for payment of a capitation or a withhold.

"Clean claim" means a claim ~~(i) that has no material defect or impropriety (including any lack of any reasonably required substantiation documentation) which substantially prevents timely payment from being made on the claim or (ii) with respect to which~~ *that does all of the following:*

1. Identifies the provider that provided the service with industry-standard identification criteria, including billing and rendering provider names, identification numbers, and address;

2. Identifies the patient with a carrier-assigned identification number so the carrier can verify the patient was an enrollee at the time of service;

3. Identifies the service rendered using an industry-standard system of procedure or service coding, or, if applicable, a methodology required under the provider contract. The claim shall include a complete listing of all relevant diagnoses, procedures, and service codes, as well as any applicable modifiers;

4. Specifies the date and place of service;

5. If prior authorization is required for the services listed in the claim, contains verification that prior authorization was obtained in accordance with the provider contract for those services; and

6. Includes additional documentation specific to the services rendered as required by the carrier in its provider contract.

Notwithstanding the above criteria, a claim shall be considered a clean claim if a carrier has failed timely to notify the person submitting the claim of any ~~such~~ defect or impropriety in accordance with this section.

"Health care services" means items or services furnished to any individual for the purpose of preventing, alleviating, curing, or healing human illness, injury or physical disability.

"Health plan" means any individual or group health care plan, subscription contract, evidence of coverage, certificate, health services plan, medical or hospital services plan, accident and sickness insurance policy or certificate, managed care health insurance plan, or other similar certificate, policy, contract or arrangement, and any endorsement or rider thereto, to cover all or a portion of the cost of persons receiving covered health care services, which is subject to state regulation and which is required to be offered, arranged or issued in the Commonwealth by a carrier licensed under this title. Health plan does not mean (i) coverages issued pursuant to Title XVIII of the Social Security Act, 42 U.S.C. § 1395 et seq. (Medicare), Title XIX of the Social Security Act, 42 U.S.C. § 1396 et seq. (Medicaid) or Title XXI of the Social Security Act, 42 U.S.C. § 1397aa et seq. (CHIP), 5 U.S.C. § 8901 et seq. (federal employees), or 10 U.S.C. § 1071 et seq. (TRICARE); or (ii) accident only, credit or disability insurance, long-term care insurance, TRICARE supplement, Medicare supplement, or workers' compensation coverages.

"Provider contract" means any contract between a provider and a carrier (or a carrier's network, provider panel, intermediary or representative) relating to the provision of health care services.

"Retroactive denial of a previously paid claim" or "retroactive denial of payment" means any attempt by a carrier retroactively to collect payments already made to a provider with respect to a claim by reducing other payments currently owed to the provider, by withholding or setting off against future payments, or in any other manner reducing or affecting the future claim payments to the provider.

B. Subject to subsection ~~I~~ *K*, every provider contract entered into by a carrier shall contain specific provisions which shall require the carrier to adhere to and comply with the following minimum fair business standards in the processing and payment of claims for health care services:

1. A carrier shall pay any claim within 40 days of receipt of the claim except where the obligation of the carrier to pay a claim is not reasonably clear due to the existence of a reasonable basis supported by specific information available for review by the person submitting the claim that:

a. The claim is determined by the carrier not to be a clean claim due to a good faith determination or dispute regarding (i) the manner in which the claim form was completed or submitted, (ii) the eligibility of a person for coverage, (iii) the responsibility of another carrier for all or part of the claim, (iv) the amount of the claim or the amount currently due under the claim, (v) the benefits covered, or (vi) the manner in which services were accessed or provided; or

b. The claim was submitted fraudulently.

Each carrier shall maintain a written or electronic record of the date of receipt of a claim. The person submitting the claim shall be entitled to inspect such record on request and to rely on that record or on any other admissible evidence as proof of the fact of receipt of the claim, including without limitation electronic or facsimile confirmation of receipt of a claim.

2. A carrier shall, within 30 days after receipt of a claim, ~~request electronically or in writing from~~ *notify* the person submitting the claim *of any defect or impropriety that prevents the carrier from deeming the claim a clean claim and request* the information ~~and documentation~~ that ~~the carrier reasonably believes~~ will be required to process and pay the claim ~~or to determine if the claim is a clean claim~~. Upon receipt of the additional information ~~requested under this subsection~~ necessary to make the original claim a clean claim, a carrier shall make the payment of the claim in compliance with this section. No carrier may refuse to pay a claim for health care services rendered pursuant to a provider contract which are covered benefits if the carrier fails timely to notify or attempt to notify the person submitting the claim of the matters identified above unless such failure was caused in material part by the person submitting the claims; however, nothing herein shall preclude such a carrier from imposing a retroactive denial of payment of such a claim if permitted by the provider contract unless such retroactive denial of payment of the claim would violate subdivision 7. ~~Nothing in this subsection shall require a carrier to pay a claim which is not a clean claim.~~ *Beginning no later than January 1, 2026, all notifications and information required under this subdivision shall be delivered electronically.*

3. Any interest owing or accruing on a claim under § 38.2-3407.1 or 38.2-4306.1, under any provider contract or under any other applicable law, shall, if not sooner paid or required to be paid, be paid, without necessity of demand, at the time the claim is paid or within 60 days thereafter.

4. a. Every carrier shall establish and implement reasonable policies to permit any provider with which there is a provider contract (i) to confirm in advance during normal business hours by free telephone or electronic means if available whether the health care services to be provided are medically necessary and a covered benefit and (ii) to determine the carrier's requirements applicable to the provider (or to the type of health care services which the provider has contracted to deliver under the provider contract) for (a) pre-certification or authorization of coverage decisions, (b) retroactive reconsideration of a certification or authorization of coverage decision or retroactive denial of a previously paid claim, (c) provider-specific payment and reimbursement methodology, coding levels and methodology, downcoding, and bundling of claims, and (d) other provider-specific, applicable claims processing and payment matters necessary to meet the terms and conditions of the provider contract, including determining whether a claim is a clean claim. If a carrier routinely, as a matter of policy, bundles or downcodes claims submitted by a provider, the carrier shall clearly disclose that practice in each provider contract. Further, such carrier shall either (1) disclose in its provider contracts or on its website the specific bundling and downcoding policies that the carrier reasonably expects to be applied to the provider or provider's services on a routine basis as a matter of policy or (2) disclose in each provider contract a telephone or facsimile number or e-mail address that a provider can use to request the specific bundling and downcoding policies that the carrier reasonably expects to be applied to that provider or provider's services on a routine basis as a matter of policy. If such request is made by or on behalf of a provider, a carrier shall provide the requesting provider with such policies within 10 business days following the date the request is received.

b. Every carrier shall make available to such providers within 10 business days of receipt of a request, copies of or reasonable electronic access to all such policies which are applicable to the particular provider or to particular health care services identified by the provider. In the event the provision of the entire policy would violate any applicable copyright law, the carrier may instead comply with this subsection by timely delivering to the provider a clear explanation of the policy as it applies to the provider and to any health care services identified by the provider.

5. Every carrier shall pay a claim if the carrier has previously authorized the health care service or has advised the provider or enrollee in advance of the provision of health care services that the health care services are medically necessary and a covered benefit, unless:

a. The documentation for the claim provided by the person submitting the claim clearly fails to support the claim as originally authorized;

b. The carrier's refusal is because (i) another payor is responsible for the payment, (ii) the provider has already been paid for the health care services identified on the claim, (iii) the claim was submitted fraudulently or the authorization was based in whole or material part on erroneous information provided to the carrier by the provider, enrollee, or other person not related to the carrier, or (iv) the person receiving the health care services was not eligible to receive them on the date of service and the carrier did not know, and with the exercise of reasonable care could not have known, of the person's eligibility status; or

c. During the post-service claims process, it is determined that the claim was submitted fraudulently.

6. In the case of an invasive or surgical procedure, if the carrier has previously authorized a health care service as medically necessary and during the procedure the health care provider discovers clinical evidence prompting the provider to perform a less or more extensive or complicated procedure than was previously authorized, then the carrier shall pay the claim, provided that the additional procedures were (i) not investigative in nature, but medically necessary as a covered service under the covered person's benefit plan; (ii) appropriately coded consistent with the procedure actually performed; and (iii) compliant with a carrier's post-service claims process, including required timing for submission to carrier.

7. No carrier shall impose any retroactive denial of a previously paid claim *or in any other way seek recovery or refund of a previously paid claim* unless the carrier *specifies in writing the specific claim or claims for which the retroactive denial is to be imposed or the recovery or refund is sought, the carrier* has provided ~~the reason for the retroactive denial~~ *a written explanation of why the claim is being retroactively adjusted,* and (i) the original claim was submitted fraudulently, (ii) the original claim payment was incorrect because the provider was already paid for the health care services identified on the claim or the health care services identified on the claim were not delivered by the provider, or (iii) the time which has elapsed since the date of the payment of the original challenged claim does not exceed ~~the lesser of (a)~~ 12 months ~~or (b) the number of days within which the carrier requires under its provider contract that a claim be submitted by the provider following the date on which a health care service is provided. Effective July 1, 2000, a~~. *Notwithstanding the provisions of clause (iii), a provider and a carrier may agree in writing that recoupment of overpayments by withholding or offsetting against future payments may occur after such 12-month limit for the imposition of the retroactive denial. A* carrier shall notify a provider at least 30 days in advance of any retroactive denial *or recovery or refund* of a *previously paid* claim.

~~8. Notwithstanding subdivision 7, with respect to provider contracts entered into, amended, extended, or renewed on or after July 1, 2004, no carrier shall impose any retroactive denial of payment or in any other way seek recovery or refund of a previously paid claim unless the carrier specifies in writing the specific claim or claims for which the retroactive denial is to be imposed or the recovery or refund is sought. The written communication shall also contain an explanation of why the claim is being retroactively adjusted.~~ *Beginning no later than January 1, 2026, all written communications, explanations, notifications, and related provider responses applicable to this subdivision shall be delivered electronically. The electronic method and location for delivery shall be agreed upon by the carrier and provider and included in the provider contract.*

~~9.~~ *8.* No provider contract shall fail to include or attach at the time it is presented to the provider for execution (i) the fee schedule, reimbursement policy, or statement as to the manner in which claims will be calculated and paid that is applicable to the provider or to the range of health care services reasonably expected to be delivered by that type of provider on a routine basis and (ii) all material addenda, schedules, and exhibits thereto and any policies (including those referred to in subdivision 4) applicable to the provider or to the range of health care services reasonably expected to be delivered by that type of provider under the provider contract.

~~10.~~ *9.* No amendment to any provider contract or to any addenda, schedule, exhibit or policy thereto (or new addenda, schedule, exhibit, or policy) applicable to the provider (or to the range of health care services reasonably expected to be delivered by that type of provider) shall be effective as to the provider, unless the provider has been provided with the applicable portion of the proposed amendment (or of the proposed new addenda, schedule, exhibit, or policy) at least 60 calendar days before the effective date and the provider has failed to notify the carrier within 30 calendar days of receipt of the documentation of the provider's intention to terminate the provider contract at the earliest date thereafter permitted under the provider contract.

~~11.~~ *10.* In the event that the carrier's provision of a policy required to be provided under subdivision ~~9~~ *8* or ~~10~~ *9* would violate any applicable copyright law, the carrier may instead comply with this section by providing a clear, written explanation of the policy as it applies to the provider.

~~12.~~ *11.* All carriers shall establish, in writing, their claims payment dispute mechanism and shall make this information available to providers. *If a carrier's claim denial is overturned following completion of a dispute review, the carrier shall, on the day the decision to overturn is made, consider the claims impacted by such decision as clean claims. All applicable laws related to the payment of a clean claim shall apply to the payments due.*

~~13.~~ *12.* Every carrier shall include in its provider contracts a provision that prohibits a provider from discriminating against any enrollee solely due to the enrollee's status as a litigant in pending litigation or a potential litigant due to being involved in a motor vehicle accident. Nothing in this subdivision shall require a health care provider to treat an enrollee who has threatened to make or has made a professional liability claim against the provider or the provider's employer, agents, or employees or has threatened to file or has filed a complaint with a regulatory agency or board against the provider or the provider's employer, agents, or employees.

~~14.~~ *13. Beginning July 1, 2025, every carrier shall make available through electronic means a way for providers to determine whether an enrollee is covered by a health plan that is subject to the Commission's jurisdiction.*

C. *A provider shall not file a complaint with the Commission for failure to pay claims in accordance with subdivision B 1 unless:*

1. Such provider has made a reasonable effort to confer with the carrier in order to resolve the issues related to all claims that are under dispute. Any request to confer shall be made to the contact listed for such purpose in the provider contract and shall include supporting documentation sufficient for the carrier to identify the claims in question; and

2. At least 30 calendar days have passed from the date of the request provided that the carrier has been responsive to the providers request to confer. However, if in the judgment of the provider, the carrier has not been responsive to such request, the provider shall not be required to wait at least 30 calendar days to file the complaint.

The provider shall attest in any such complaint that it has satisfied the provisions of this subsection.

D. If the Commission has cause to believe that any provider has engaged in a pattern of potential violations of subdivision B ~~13~~ *12*, with no corrective action, the Commission may submit information to the Board of Medicine or the Commissioner of Health for action. Prior to such submission, the Commission may provide the provider with an opportunity to cure the alleged violations or provide an explanation as to why the actions in questions were not violations. If any provider has engaged in a pattern of potential violations of subdivision B ~~13~~ *12*, with no corrective action, the Board of Medicine or the Commissioner of Health may levy a fine or cost recovery upon the provider and take other action as permitted under its authority. Upon completion of its review of any potential violation submitted by the Commission or initiated directly by an enrollee, the Board of Medicine or the Commissioner of Health shall notify the Commission of the results of the review, including where the violation was substantiated, and any enforcement action taken as a result of a finding of a substantiated violation.

~~D.~~ *E.* Without limiting the foregoing, in the processing of any payment of claims for health care services rendered by providers under provider contracts and in performing under its provider contracts, every carrier subject to regulation by this title shall adhere to and comply with the minimum fair business standards required under subsection B, and the Commission shall have the jurisdiction to determine if a carrier has violated the standards set forth in subsection B by failing to include the requisite provisions in its provider contracts and shall have jurisdiction to determine if the carrier has failed to implement the minimum fair business standards set out in subdivisions B 1 and 2 in the performance of its provider contracts.

~~E.~~ *F.* No carrier shall be in violation of this section if its failure to comply with this section is caused in material part by the person submitting the claim or if the carrier's compliance is rendered impossible due to matters beyond the carrier's reasonable control (such as an act of God, insurrection, strike, fire, or power outages) which are not caused in material part by the carrier.

~~F.~~ *G.* Any provider who suffers loss as the result of a carrier's violation of this section or a carrier's breach of any provider contract provision required by this section shall be entitled to initiate an action to recover actual damages. If the trier of fact finds that the violation or breach resulted from a carrier's gross negligence and willful conduct, it may increase damages to an amount not exceeding three times the actual damages sustained. Notwithstanding any other provision of law to the contrary, in addition to any damages awarded, such provider also may be awarded reasonable attorney fees and court costs. Each claim for payment which is paid or processed in violation of this section or with respect to which a violation of this section exists shall constitute a separate violation. The Commission shall not be deemed to be a "trier of fact" for purposes of this subsection.

~~G.~~ *H.* No carrier (or its network, provider panel or intermediary) shall terminate or fail to renew the employment or other contractual relationship with a provider, or any provider contract, or otherwise penalize any provider, for invoking any of the provider's rights under this section or under the provider contract.

~~H.~~ *I. Except where otherwise provided in this section, beginning no later than July 1, 2025, carriers shall deliver provider contracts, related amendments, and notices exclusively to providers in an electronic format other than electronic facsimile. Beginning no later than January 1, 2026, the provider shall submit provider contracts, amendments, and notices to carriers exclusively in an electronic format other than electronic facsimile. The electronic method and location for delivery shall be agreed upon by the carrier and provider and included in the provider contract.*

J. This section shall apply only to carriers subject to regulation under this title *and shall apply to the carrier and provider, regardless of any vendors, subcontractors, or other entities that have been contracted by the carrier or the provider to perform duties applicable to this section.*

~~I.~~ *K.* This section shall apply with respect to provider contracts entered into, amended, extended or renewed on or after July 1, 1999.

~~J.~~ *L.* Pursuant to the authority granted by § 38.2-223, the Commission may promulgate such rules and regulations as it may deem necessary to implement this section.

~~K.~~ *M.* The Commission shall have no jurisdiction to adjudicate individual controversies arising out of this section.

CHAPTER 271

An Act to amend the Code of Virginia by adding in Article 4 of Chapter 2 of Title 33.2 a section numbered 33.2-280.2, relating to utility work database.

[H 143]

Approved April 2, 2024

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Article 4 of Chapter 2 of Title 33.2 a section numbered 33.2-280.2 as follows:

§ 33.2-280.2. Utility work database.

A. As used in this section:

"Service connection" means any utility facility installed overhead or underground between a distribution main, pipelines, conduits, lines, wires, or other sources of supply and the premises of the individual customer.

"Utility work" means the construction, installation, removal, or substantial maintenance of a privately, publicly, or cooperatively owned line, facility, or system for producing, transmitting, or distributing telecommunications, cable television, electricity, gas, oil, petroleum products, water, steam, storm water not connected with highway drainage, or any other similar commodity, including any fire or police signal system. "Utility work" does not include emergency maintenance or repairs or any work directly related to any individual service connection or service drop.

B. The Department shall establish and maintain a publicly accessible database and map of all utility work that has been approved by the Department and will occur within a highway right-of-way in a residential neighborhood, as specified by the utility. Such database shall include the location where such work will occur, the start date of such work, the projected end date of such work, the company administering such work, and any other relevant information; however, under no circumstances shall such database and map provide information on any (i) utility work within a right-of-way not maintained by the Department; (ii) critical utility infrastructure, as designated by the utility, that, upon disclosure, has the potential to jeopardize security or critical services, including Critical Energy Infrastructure Information and Controlled Unclassified Information; or (iii) information the permittee has designated as confidential. Such information shall be available in the database at least seven days prior to the start date of any such utility work and shall be deleted from such database 90 days after the completion of such work.

2. That any actions necessary to promulgate amendments to the regulations of the Department of Transportation or the Commonwealth Transportation Board to implement the provisions of this act shall be exempt from the Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia).

3. That the provisions of this act shall become effective on January 1, 2025.

CHAPTER 272

An Act to amend and reenact § 46.2-878 of the Code of Virginia, relating to change in speed limits; notification.

[H 144]

Approved April 2, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 46.2-878 of the Code of Virginia is amended and reenacted as follows:

§ 46.2-878. Authority to change speed limits.

A. Notwithstanding the other provisions of this article, the Commissioner of Highways or other authority having jurisdiction over highways may decrease the speed limits set forth in § 46.2-870 and may increase or decrease the speed limits set forth in §§ 46.2-873 through 46.2-875 on any highway under its jurisdiction; and may establish differentiated speed limits for daytime and nighttime by decreasing for nighttime driving the speed limits set forth in § 46.2-870 and by increasing for daytime or decreasing for nighttime the speed limits set forth in §§ 46.2-873 through 46.2-875 on any highway under his jurisdiction. Such increased or decreased speed limits and such differentiated speed limits for daytime and nighttime driving shall be effective only when prescribed after a traffic engineering investigation and when indicated on the highway by signs. It shall be unlawful to operate any motor vehicle in excess of speed limits established and posted as provided in this section. The increased or decreased speed limits over highways under the control of the Commissioner of Highways shall be effective only when prescribed in writing by the Commissioner of Highways and kept on file in the Central Office of the Department of Transportation. Whenever the speed limit on any highway has been increased or decreased or a differential speed limit has been established and such speed limit is properly posted, there shall be a rebuttable presumption that the change in speed was properly established in accordance with the provisions of this section.

B. Notwithstanding any other provision of this article, including the provisions of subsection A, the governing body of any town located entirely within the confines of a United States military base may by ordinance reduce the speed limit to less than 25 miles per hour on any highway within its boundaries, provided such reduced speed limit is indicated by lawfully placed signs.

C. If the Commissioner of Highways increases or decreases a speed limit as provided in this section, the Department of Transportation shall notify the primary liaison with the Department of Transportation in each locality in which such speed limit change will occur. If such speed limit change will occur in a town, the Department of Transportation shall notify the primary liaison in the town and the primary liaison in the county in which the town is located. If such speed limit change will occur in a community subject to the Property Owners' Association Act (§ 55.1-1800 et seq.) or the Virginia Condominium Act (§ 55.1-1900 et seq.), the locality shall also notify the relevant board of directors, as defined in § 55.1-1800, or executive board, as defined in § 55.1-1900, respectively. Any notice sent to a locality, board of directors, or executive board as required in this subsection shall include the location where the speed limit change will occur, the effective speed limit change date, the new speed limit, and the reason for the speed limit change. Failure to comply with any provision of this subsection shall not affect the change in speed limit.

CHAPTER 273

An Act to amend and reenact § 16.1-228 of the Code of Virginia, relating to family or household member; definition; penalty.

[H 172]

Approved April 2, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 16.1-228 of the Code of Virginia is amended and reenacted as follows:

§ 16.1-228. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Abused or neglected child" means any child:

1. Whose parents or other person responsible for his care creates or inflicts, threatens to create or inflict, or allows to be created or inflicted upon such child a physical or mental injury by other than accidental means, or creates a substantial risk of death, disfigurement or impairment of bodily or mental functions, including, but not limited to, a child who is with his parent or other person responsible for his care either (i) during the manufacture or attempted manufacture of a Schedule I or II controlled substance, or (ii) during the unlawful sale of such substance by that child's parents or other person responsible for his care, where such manufacture, or attempted manufacture or unlawful sale would constitute a felony violation of § 18.2-248;

2. Whose parents or other person responsible for his care neglects or refuses to provide care necessary for his health; however, no child who in good faith is under treatment solely by spiritual means through prayer in accordance with the tenets and practices of a recognized church or religious denomination shall for that reason alone be considered to be an abused or neglected child. Further, a decision by parents who have legal authority for the child or, in the absence of parents with legal authority for the child, any person with legal authority for the child who refuses a particular medical treatment for a child with a life-threatening condition shall not be deemed a refusal to provide necessary care if (i) such decision is made jointly by the parents or other person with legal authority and the child; (ii) the child has reached 14 years of age and is sufficiently mature to have an informed opinion on the subject of his medical treatment; (iii) the parents or other person with legal authority and the child have considered alternative treatment options; and (iv) the parents or other person with legal authority and the child believe in good faith that such decision is in the child's best interest. No child whose parent or other person responsible for his care allows the child to engage in independent activities without adult supervision shall for that reason alone be considered to be an abused or neglected child, provided that (a) such independent activities are appropriate based on the child's age, maturity, and physical and mental abilities and (b) such lack of supervision does not constitute conduct that is so grossly negligent as to endanger the health or safety of the child. Such independent activities include traveling to or from school or nearby locations by bicycle or on foot, playing outdoors, or remaining at home for a reasonable period of time. Nothing in this subdivision shall be construed to limit the provisions of § 16.1-278.4;

3. Whose parents or other person responsible for his care abandons such child;

4. Whose parents or other person responsible for his care, or an intimate partner of such parent or person, commits or allows to be committed any act of sexual exploitation or any sexual act upon a child in violation of the law;

5. Who is without parental care or guardianship caused by the unreasonable absence or the mental or physical incapacity of the child's parent, guardian, legal custodian, or other person standing in loco parentis;

6. Whose parents or other person responsible for his care creates a substantial risk of physical or mental injury by knowingly leaving the child alone in the same dwelling, including an apartment as defined in § 55.1-2000, with a person to whom the child is not related by blood or marriage and who the parent or other person responsible for his care knows has been convicted of an offense against a minor for which registration is required as a Tier III offender pursuant to § 9.1-902; or

7. Who has been identified as a victim of sex trafficking or severe forms of trafficking as defined in the federal Trafficking Victims Protection Act of 2000, 22 U.S.C. § 7102 et seq., and in the federal Justice for Victims of Trafficking Act of 2015, 42 U.S.C. § 5101 et seq.

If a civil proceeding under this chapter is based solely on the parent having left the child at a hospital or emergency medical services agency, it shall be an affirmative defense that such parent safely delivered the child within 30 days of the child's birth to (i) a hospital that provides 24-hour emergency services, (ii) an attended emergency medical services agency

that employs emergency medical services personnel, or (iii) a newborn safety device located at and operated by such hospital or emergency medical services agency. For purposes of terminating parental rights pursuant to § 16.1-283 and placement for adoption, the court may find such a child is a neglected child upon the ground of abandonment.

"Adoptive home" means the place of residence of any natural person in which a child resides as a member of the household and in which he has been placed for the purposes of adoption or in which he has been legally adopted by another member of the household.

"Adult" means a person 18 years of age or older.

"Ancillary crime" or "ancillary charge" means any delinquent act committed by a juvenile as a part of the same act or transaction as, or that constitutes a part of a common scheme or plan with, a delinquent act that would be a felony if committed by an adult.

"Child," "juvenile," or "minor" means a person who is (i) younger than 18 years of age or (ii) for purposes of the Fostering Futures program set forth in Article 2 (§ 63.2-917 et seq.) of Chapter 9 of Title 63.2, younger than 21 years of age and meets the eligibility criteria set forth in § 63.2-919.

"Child in need of services" means (i) a child whose behavior, conduct or condition presents or results in a serious threat to the well-being and physical safety of the child or (ii) a child under the age of 14 whose behavior, conduct or condition presents or results in a serious threat to the well-being and physical safety of another person; however, no child who in good faith is under treatment solely by spiritual means through prayer in accordance with the tenets and practices of a recognized church or religious denomination shall for that reason alone be considered to be a child in need of services, nor shall any child who habitually remains away from or habitually deserts or abandons his family as a result of what the court or the local child protective services unit determines to be incidents of physical, emotional or sexual abuse in the home be considered a child in need of services for that reason alone.

However, to find that a child falls within these provisions, ~~(i)~~ *(a)* the conduct complained of must present a clear and substantial danger to the child's life or health or to the life or health of another person~~,~~ ~~(ii)~~*; (b)* the child or his family is in need of treatment, rehabilitation*,* or services not presently being received~~,~~*;* and ~~(iii)~~ *(c)* the intervention of the court is essential to provide the treatment, rehabilitation*,* or services needed by the child or his family.

"Child in need of supervision" means:

1. A child who, while subject to compulsory school attendance, is habitually and without justification absent from school, and (i) the child has been offered an adequate opportunity to receive the benefit of any and all educational services and programs that are required to be provided by law and which meet the child's particular educational needs, (ii) the school system from which the child is absent or other appropriate agency has made a reasonable effort to effect the child's regular attendance without success, and (iii) the school system has provided documentation that it has complied with the provisions of § 22.1-258; or

2. A child who, without reasonable cause and without the consent of his parent, lawful custodian or placement authority, remains away from or deserts or abandons his family or lawful custodian on more than one occasion or escapes or remains away without proper authority from a residential care facility in which he has been placed by the court, and (i) such conduct presents a clear and substantial danger to the child's life or health, (ii) the child or his family is in need of treatment, rehabilitation or services not presently being received, and (iii) the intervention of the court is essential to provide the treatment, rehabilitation or services needed by the child or his family.

"Child welfare agency" means a child-placing agency, child-caring institution or independent foster home as defined in § 63.2-100.

"The court" or the "juvenile court" or the "juvenile and domestic relations court" means the juvenile and domestic relations district court of each county or city.

"Delinquent act" means (i) an act designated a crime under the law of the Commonwealth, or an ordinance of any city, county, town, or service district, or under federal law, (ii) a violation of § 18.2-308.7, or (iii) a violation of a court order as provided for in § 16.1-292, but does not include an act other than a violation of § 18.2-308.7, which is otherwise lawful, but is designated a crime only if committed by a child.

"Delinquent child" means a child who has committed a delinquent act or an adult who has committed a delinquent act prior to his ~~18th~~ *eighteenth* birthday, except where the jurisdiction of the juvenile court has been terminated under the provisions of § 16.1-269.6.

"Department" means the Department of Juvenile Justice and "Director" means the administrative head in charge thereof or such of his assistants and subordinates as are designated by him to discharge the duties imposed upon him under this law.

"Driver's license" means any document issued under Chapter 3 (§ 46.2-300 et seq.) of Title 46.2, or the comparable law of another jurisdiction, authorizing the operation of a motor vehicle upon the highways.

"Family abuse" means any act involving violence, force, or threat that results in bodily injury or places one in reasonable apprehension of death, sexual assault, or bodily injury and that is committed by a person against such person's family or household member. Such act includes, but is not limited to, any forceful detention, stalking, criminal sexual assault in violation of Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2, or any criminal offense that results in bodily injury or places one in reasonable apprehension of death, sexual assault, or bodily injury.

"Family or household member" means (i) the person's spouse, whether or not ~~he or she~~ *such spouse* resides in the same home with the person~~,~~*;* (ii) the person's former spouse, whether or not ~~he or she~~ *such person* resides in the same home with

the person~~,~~*;* (iii) the person's parents, stepparents, children, stepchildren, brothers, sisters, half-brothers, half-sisters, grandparents*,* and grandchildren, regardless of whether such persons reside in the same home with the person~~,~~*;* (iv) the person's mother-in-law, father-in-law, sons-in-law, daughters-in-law, brothers-in-law*,* and sisters-in-law who reside in the same home with the person~~,~~*;* (v) any individual who has a child in common with the person, whether or not the person and that individual have been married or have resided together at any time~~, or~~*;* (vi) any individual who cohabits or who, within the previous 12 months, cohabited with the person, and any children of either of them then residing in the same home with the person*; or (vii) an individual who is a legal custodian of a juvenile.*

"Fictive kin" means persons who are not related to a child by blood or adoption but have an established relationship with the child or his family.

"Foster care services" means the provision of a full range of casework, treatment and community services for a planned period of time to a child who is abused or neglected as defined in § 63.2-100 or in need of services as defined in this section and his family when the child (i) has been identified as needing services to prevent or eliminate the need for foster care placement, (ii) has been placed through an agreement between the local board of social services or a public agency designated by the community policy and management team and the parents or guardians where legal custody remains with the parents or guardians, (iii) has been committed or entrusted to a local board of social services or child welfare agency, (iv) has been placed under the supervisory responsibility of the local board pursuant to § 16.1-293, or (v) is living with a relative participating in the Federal-Funded Kinship Guardianship Assistance program set forth in § 63.2-1305 and developed consistent with 42 U.S.C. § 673 or the State-Funded Kinship Guardianship Assistance program set forth in § 63.2-1306.

"Independent living arrangement" means placement of (i) a child at least 16 years of age who is in the custody of a local board or licensed child-placing agency by the local board or licensed child-placing agency or (ii) a child at least 16 years of age or a person between the ages of 18 and 21 who was committed to the Department of Juvenile Justice immediately prior to placement by the Department of Juvenile Justice, in a living arrangement in which such child or person does not have daily substitute parental supervision.

"Independent living services" means services and activities provided to a child in foster care 14 years of age or older and who has been committed or entrusted to a local board of social services, child welfare agency, or private child-placing agency. "Independent living services" may also mean services and activities provided to a person who (i) was in foster care on his ~~18th~~ *eighteenth* birthday and has not yet reached the age of 21 years; (ii) is between the ages of 18 and 21 and who, immediately prior to his commitment to the Department of Juvenile Justice, was in the custody of a local board of social services; or (iii) is a child at least 16 years of age or a person between the ages of 18 and 21 who was committed to the Department of Juvenile Justice immediately prior to placement in an independent living arrangement. "Independent living services" includes counseling, education, housing, employment, and money management skills development and access to essential documents and other appropriate services to help children or persons prepare for self-sufficiency.

"Intake officer" means a juvenile probation officer appointed as such pursuant to the authority of this chapter.

"Jail" or "other facility designed for the detention of adults" means a local or regional correctional facility as defined in § 53.1-1, except those facilities utilized on a temporary basis as a court holding cell for a child incident to a court hearing or as a temporary lock-up room or ward incident to the transfer of a child to a juvenile facility.

"The judge" means the judge or the substitute judge of the juvenile and domestic relations district court of each county or city.

"This law" or "the law" means the Juvenile and Domestic Relations District Court Law embraced in this chapter.

"Legal custody" means (i) a legal status created by court order which vests in a custodian the right to have physical custody of the child, to determine and redetermine where and with whom he shall live, the right and duty to protect, train and discipline him and to provide him with food, shelter, education and ordinary medical care, all subject to any residual parental rights and responsibilities or (ii) the legal status created by court order of joint custody as defined in § 20-107.2.

"Permanent foster care placement" means the place of residence in which a child resides and in which he has been placed pursuant to the provisions of §§ 63.2-900 and 63.2-908 with the expectation and agreement between the placing agency and the place of permanent foster care that the child shall remain in the placement until he reaches the age of majority unless modified by court order or unless removed pursuant to § 16.1-251 or 63.2-1517. A permanent foster care placement may be a place of residence of any natural person or persons deemed appropriate to meet a child's needs on a long-term basis.

"Qualified individual" means a trained professional or licensed clinician who is not an employee of the local board of social services or licensed child-placing agency that placed the child in a qualified residential treatment program and is not affiliated with any placement setting in which children are placed by such local board of social services or licensed child-placing agency.

"Qualified residential treatment program" means a program that (i) provides 24-hour residential placement services for children in foster care; (ii) has adopted a trauma-informed treatment model that meets the clinical and other needs of children with serious emotional or behavioral disorders, including any clinical or other needs identified through assessments conducted pursuant to clause (viii) of this definition; (iii) employs registered or licensed nursing and other clinical staff who provide care, on site and within the scope of their practice, and are available 24 hours a day, ~~7~~ *seven* days a week; (iv) conducts outreach with the child's family members, including efforts to maintain connections between the child and his siblings and other family; documents and maintains records of such outreach efforts; and maintains contact information for

any known biological family and fictive kin of the child; (v) whenever appropriate and in the best interest of the child, facilitates participation by family members in the child's treatment program before and after discharge and documents the manner in which such participation is facilitated; (vi) provides discharge planning and family-based aftercare support for at least six months after discharge; (vii) is licensed in accordance with 42 U.S.C. § 671(a)(10) and accredited by an organization approved by the federal Secretary of Health and Human Services; and (viii) requires that any child placed in the program receive an assessment within 30 days of such placement by a qualified individual that (a) assesses the strengths and needs of the child using an age-appropriate, evidence-based, validated, and functional assessment tool approved by the Commissioner of Social Services; (b) identifies whether the needs of the child can be met through placement with a family member or in a foster home or, if not, in a placement setting authorized by 42 U.S.C. § 672(k)(2), including a qualified residential treatment program, that would provide the most effective and appropriate level of care for the child in the least restrictive environment and be consistent with the short-term and long-term goals established for the child in his foster care or permanency plan; (c) establishes a list of short-term and long-term mental and behavioral health goals for the child; and (d) is documented in a written report to be filed with the court prior to any hearing on the child's placement pursuant to § 16.1-281, 16.1-282, 16.1-282.1, or 16.1-282.2.

"Residual parental rights and responsibilities" means all rights and responsibilities remaining with the parent after the transfer of legal custody or guardianship of the person, including but not limited to the right of visitation, consent to adoption, the right to determine religious affiliation and the responsibility for support.

"Secure facility" or "detention home" means a local, regional or state public or private locked residential facility that has construction fixtures designed to prevent escape and to restrict the movement and activities of children held in lawful custody.

"Shelter care" means the temporary care of children in physically unrestricting facilities.

"State Board" means the State Board of Juvenile Justice.

"Status offender" means a child who commits an act prohibited by law which would not be criminal if committed by an adult.

"Status offense" means an act prohibited by law which would not be an offense if committed by an adult.

"Violent juvenile felony" means any of the delinquent acts enumerated in subsection B or C of § 16.1-269.1 when committed by a juvenile 14 years of age or older.

2. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter 1 of the Acts of Assembly of 2023, Special Session I, requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of $50,000. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.

CHAPTER 274

An Act to amend and reenact §§ 54.1-2994 and 54.1-2995 of the Code of Virginia, relating to Advance Health Care Planning Registry; amendment of regulations.

[H 188]

Approved April 2, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 54.1-2994 and 54.1-2995 of the Code of Virginia are amended and reenacted as follows:

§ 54.1-2994. Advance Health Care Planning Registry established.

The Department of Health shall make available a secure online central registry for advance health care ~~directives~~ *planning*.

§ 54.1-2995. Filing of documents with the registry; regulations; fees.

A. A person may submit any of the following documents and the revocations of these documents to the Department of Health for filing in the Advance Health Care ~~Directive~~ *Planning* Registry established pursuant to this article:

1. A health care power of attorney.

2. An advance directive created pursuant to Article 8 (§ 54.1-2981 et seq.) or a subsequent act of the General Assembly.

3. A declaration of an anatomical gift made pursuant to the Revised Uniform Anatomical Gift Act (§ 32.1-291.1 et seq.).

4. Any other document that supports advance health care planning, including Durable Do Not Resuscitate Order or portable medical order forms.

B. The document may be submitted for filing only by the person who executed the document or his legal representative or designee and shall be accompanied by any fee required by the Department of Health.

C. All data and information contained in the registry shall remain confidential and shall be exempt from the provisions of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.).

D. The Board of Health shall promulgate regulations to carry out the provisions of this article, which shall include, but not be limited to (i) a determination of who may access the registry, including physicians, other licensed health care providers, the declarant, and his legal representative or designee; (ii) a means of annually reminding registry users of which documents they have registered; and (iii) fees for filing a document with the registry. Such fees shall not exceed the direct costs associated with development and maintenance of the registry and with the education of the public about the availability of the registry, and shall be exempt from statewide indirect costs charged and collected by the Department of Accounts. No fee shall be charged for the filing of a document revoking any document previously filed with the registry.

2. That the Department of Health shall amend the Advance Health Care Planning Registry regulations to include advance health care planning documentation in the list of documents that may be submitted to the registry pursuant to § 54.1-2995 of the Code of Virginia, as amended by this act.

3. That the Department of Health shall amend the Advance Health Care Planning Registry regulations to allow licensed health care providers licensed in the Commonwealth access to the registry for the purpose of collecting advance health care planning information on patients with whom who they have a treatment relationship.

CHAPTER 275

An Act to amend and reenact § 30-420 of the Code of Virginia, relating to Commission on Updating Virginia Law to Reflect Federal Recognition of Virginia Tribes; sunset.

[H 200]

Approved April 2, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 30-420 of the Code of Virginia is amended and reenacted as follows:

§ 30-420. Sunset.

This chapter shall expire on July 1, ~~2024~~ *2026*.

CHAPTER 276

An Act to amend and reenact §§ 2.2-2485 and 2.2-2489 of the Code of Virginia, relating to Virginia Growth and Opportunity Board.

[H 237]

Approved April 2, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-2485 and 2.2-2489 of the Code of Virginia are amended and reenacted as follows:

§ 2.2-2485. Virginia Growth and Opportunity Board; membership; terms; compensation.

A. The Virginia Growth and Opportunity Board is established as a policy board in the executive branch of state government. The purpose of the Board is to promote collaborative regional economic and workforce development opportunities and activities.

B. The Board shall have a total membership of ~~24~~ *25* members that shall consist of seven legislative members, 14 nonlegislative citizen members, and ~~three~~ *four* ex officio members. Members shall be appointed as follows: four members of the House of Delegates, consisting of the Chairman of the House Committee on Appropriations and three members appointed by the Speaker of the House of Delegates; three members of the Senate, consisting of the Chairman of the Senate Committee on Finance and Appropriations and two members appointed by the Senate Committee on Rules; two nonlegislative citizen members to be appointed by the Speaker of the House of Delegates, who shall be from different regions of the Commonwealth and have significant private-sector business experience; two nonlegislative citizen members to be appointed by the Senate Committee on Rules, who shall be from different regions of the Commonwealth and have significant private-sector business experience; two nonlegislative citizen members to be appointed by the Governor, who shall be from different regions of the Commonwealth and have significant private-sector business experience; and eight nonlegislative citizen members to be appointed by the Governor, subject to the confirmation of the General Assembly, who shall have significant private-sector business experience. Of the Governor's nonlegislative citizen appointments subject to General Assembly confirmation, no more than two appointees may be from any one region of the Commonwealth. The Speaker of the House of Delegates and the Senate Committee on Rules shall submit a list of recommended nonlegislative citizens with significant private-sector business experience for the Governor to consider in making his nonlegislative citizen appointments. The Governor shall also appoint ~~three~~ *four* Secretaries from the following, who shall serve ex officio with voting privileges: the Secretary of Agriculture and Forestry, the Secretary of Commerce and Trade, the Secretary of Education, *the Secretary of Labor,* and the Secretary of Finance. Nonlegislative citizen members shall be citizens of the Commonwealth.

C. Legislative members and ex officio members of the Board shall serve terms coincident with their terms of office. After the initial staggering of terms, nonlegislative citizen members shall be appointed for a term of four years. Appointments to fill vacancies, other than by expiration of a term, shall be for the unexpired terms. Vacancies shall be filled

in the same manner as the original appointments. No House member appointed by the Speaker of the House shall serve more than four consecutive two-year terms, no Senate member appointed by the Senate Committee on Rules shall serve more than two consecutive four-year terms, and no nonlegislative citizen member shall serve more than two consecutive four-year terms. The remainder of any term to which a member is appointed to fill a vacancy shall not constitute a term in determining the member's eligibility for reappointment.

D. The Board shall elect a chairman and vice-chairman from among its membership. The chairman shall be a nonlegislative citizen member. A majority of the members shall constitute a quorum.

E. Any decision by the Board shall require an affirmative vote of a majority of the members of the Board.

F. Legislative members of the Board shall receive such compensation as provided in § 30-19.12, and nonlegislative citizen members shall receive compensation as provided in § 2.2-2813 for the performance of their duties. All members shall be reimbursed for all reasonable and necessary expenses incurred in the performance of their duties as provided in §§ 2.2-2813 and 2.2-2825.

G. Staff support and technical assistance to the Board and the Governor in carrying out the provisions of this article shall be provided by the agencies of the Secretariats of Commerce and Trade, Education, and Finance.

§ 2.2-2489. Award of grants to regional councils.

A. The Board shall establish guidelines, procedures, and objective criteria for the award and distribution of grants from the Fund to regional councils.

B. In order to qualify to receive grants from the Fund, a regional council shall develop an economic growth and diversification plan to (i) promote private-sector growth and opportunity in the region; (ii) identify issues of economic competitiveness for the region, including gaps in education and skills required to meet existing and prospective employer needs within the region; and (iii) outline steps that the collaborating business, education, and government entities in the region will pursue to expand economic opportunity, diversify the economy, and align workforce development activities with the education and skills needed by employers in the region. A regional council shall review such plan not less than biennially while the regional council is receiving grants from the Fund.

C. The Board shall only consider those regional activities endorsed by a regional council in its application for grants from the Fund. For any regional activity included in a regional council's application, the regional council shall identify (i) the amount of grants requested and the number of years for which grants are sought; (ii) the participating business, education, and government entities and their respective roles and contributions; (iii) the private, local, and other sources of nonstate funding that the grant from the Fund will assist in generating, including specific amounts pledged by such sources as of the application date; (iv) how the regional activity addresses the skills gaps identified in the council's economic growth and diversification plan; and (v) the economic impact or other outcomes that are reasonably expected to result from the proposed regional activity, including timetables and means of measurement.

D. Regional activities eligible for grants from the Fund shall be focused on high-impact, collaborative projects in a region that promote new job creation, entrepreneurship, and new capital investment; leverage nonstate resources to enhance collaboration; foster research, development, and commercialization activities; encourage cooperation among public bodies to reduce costs and duplication of government services; and promote other economic or workforce development activities consistent with this article that are authorized by the Board. The Board shall give initial priority to grant proposals that promote workforce development and other activities focused on eliminating skills gaps identified in a region's economic growth and diversification plan.

E. In determining a regional council's eligibility to receive grants from the Fund, and the amount of such grants, the Board shall review and score the proposed regional activities. Scores shall be assigned on the basis of predetermined criteria established by the Board in its guidelines and procedures based on the following factors:

1. The expected economic impact or outcome of the activity, with particular emphasis on goals identified in the regional council's plan for economic growth and diversification;

2. The fiscal resources from non-Fund sources that will be committed to the activity, including local or federal funds, private contributions, and cost savings expected to be achieved through regional collaboration;

3. The number and percentage of localities, including political subdivisions and bodies corporate and politic, within the region that are participating in the activity, the portion of the region's population represented by the participating localities, and the participation of localities that are outside of the applicant region;

4. The compatibility with other projects, programs, or existing infrastructure in a region to maximize the leverage of grants from the Fund to encourage new collaborative activities;

5. The expected economic impact and outcomes of the project and the complexity of the project relative to the size of the economy of the region or to the population of the participating localities;

6. The projected cost savings and other efficiencies generated by the proposed activity, and the local resources generated by collaboration that have been or will be repurposed to support the activity;

7. The character of the regional collaboration, including the nature and extent of the regional effort involved in developing and implementing the proposed activity, the complexity of the activity, the prospective impact on relations between and among the affected localities, and the prospective impact on collaboration between and among business, education, and government entities in the region;

8. Interstate, inter-regional, and other beneficial forms of collaboration, if any, that will accompany, result from, or be encouraged by the activity;

9. Efficiency in the administration and oversight of regional activities; and

10. Other factors deemed to be appropriate by the Board.

F. Each regional council awarded a grant from the Fund shall issue an annual report that shall include, at a minimum, an assessment of the impact and outcomes from regional activities supported by grants from the Fund and the region's overall progress in addressing the goals and strategies identified in the region's plan for economic growth and diversification. Such assessment shall address performance criteria prescribed in the program guidelines and procedures.

G. Subject to the provisions of § 2.2-2488 and this section, once a regional council becomes eligible for grants from the Fund, the regional council may continue to apply for and receive grants from the Fund to support economic activities consistent with the regional council's economic growth and diversification plan in such amounts and for such duration as the Board may determine in accordance with its guidelines and procedures. The Board may terminate any payments to regional councils that fail to perform in accordance with this article, the Board's guidelines or procedures, or any conditions expressly agreed upon as part of a grant award, or for malfeasance. The Board may require the refund of moneys from the Fund upon such termination. Grants that are terminated shall revert to the Fund for distribution on an unallocated competitive basis.

H. In making Fund recommendations and awards, the Board may consider regional activities that commenced prior to the enactment of this article, provided that the grant-funded program or project will expand the scope of, or increase the number of localities participating in, such preexisting activity.

I. No regional council may have outstanding grant commitments of more than 25 percent of the total amount appropriated to the Fund.

J. The year for grant payments shall be the Commonwealth's fiscal year following the calendar year in which the region qualifies, with payments made annually by the Comptroller upon certification by the Board. Grant amounts shall be made at the sole discretion of the Board.

K. (Effective until July 1, 2025) Any grant awarded from the Fund to a regional council shall require matching funds at least equal to *half the amount of* the grant~~, provided, however, that the Board shall have the authority to reduce the match requirement to no less than half of the grant upon a finding by the Board of fiscal distress or an exceptional economic opportunity in a region~~. Such matching funds may be from local, regional, federal, or private funds. Matching funds may also be from grants awarded to a locality by the Tobacco Region Revitalization Commission but shall not include any other state general or nongeneral funds, from whatever source.

K. (Effective July 1, 2025) Any grant awarded from the Fund to a regional council shall require matching funds at least equal to *half the amount of* the grant~~, provided, however, that the Board shall have the authority to reduce the match requirement to no less than half of the grant upon a finding by the Board of fiscal distress or an exceptional economic opportunity in a region~~. Such matching funds may be from local, regional, federal, or private funds, but shall not include any state general or nongeneral funds, from whatever source.

L. Decisions of the Board shall be final and not subject to review or appeal.

2. That the provisions of § 2.2-2489 of the Code of Virginia, as amended by this act, that provide matching requirements for regional Virginia Growth and Opportunity grants shall expire on July 1, 2028.

CHAPTER 277

An Act to amend and reenact § 8.01-324 of the Code of Virginia, relating to legal notices and publications; online-only news publications; requirements.

[H 264]

Approved April 2, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 8.01-324 of the Code of Virginia is amended and reenacted as follows:

§ 8.01-324. Newspapers that may be used for legal notices and publications.

A. As used in this section and throughout the Code, the terms "newspaper of record" and "newspaper of general circulation" are interchangeable and identical in meaning.

B. Whenever any ordinance, resolution, notice, or advertisement is required by law, regulation, or judicial order to be published in a newspaper, newspaper of record, or newspaper of general circulation, such newspaper, newspaper of record, or newspaper of general circulation, in addition to any qualifications otherwise required by law, shall:

1. Have a bona fide list of paying subscribers;

2. Have been published and circulated in printed form at least once a week for at least 50 of the preceding 52 weeks;

3. Provide general news coverage of the area in which the notice is required to be published;

4. Be printed in the English language; and

5. Have a periodicals mailing permit issued by the United States Postal Service (USPS). If the newspaper has such a mailing permit, it must publish the USPS Statement of Ownership (Form 3526) in such newspaper at least once per calendar year and maintain a copy of such form that is available for public inspection during regular business hours.

C. However, a newspaper that does not have a periodicals mailing permit issued by the USPS pursuant to subdivision B 5 may petition the circuit court for the jurisdiction in which ordinances, resolutions, notices, or

advertisements are required to be published to be certified as a newspaper of record for that jurisdiction. Prior to filing the petition, the newspaper shall publish a notice of intention to file a petition pursuant to this subsection in another newspaper of record in the jurisdiction in which the petition will be filed. If no such newspaper exists, such notice of intent may be published in a newspaper in a neighboring jurisdiction. The court shall grant the authority for a period of one year upon finding that the newspaper (i) meets the requirements of subdivisions B 2, 3, and 4; (ii) employs a local news staff, reports local current events and governmental meetings, has an editorial page, accepts letters to the editor, and is, in general, a news forum for the jurisdiction in which authority is sought; and (iii) has an audit of printed circulation for a time period ending no more than 24 months prior to the filing of such petition certified by an independent auditing firm or a business recognized in the newspaper industry as a circulation auditor. Such audit shall provide a breakdown of such newspaper's circulation by zip code or jurisdiction. The authority shall be continued for successive one-year periods upon the filing of a copy of such newspaper's most recent audit of circulation, completed within the prior ~~24~~ *36* months, and an affidavit certifying that the newspaper continues to meet the requirements of this subsection.

D. If a county with a population of less than 15,000 had regularly advertised its ordinances, resolutions, and notices in a newspaper published in the county that had a general circulation in the county, a bona fide list of paying subscribers, and a periodicals permit, and the newspaper continued to be published in the county and continued to have a general circulation in the county but failed to maintain its bona fide list of paying subscribers and its periodicals permit, any advertisement of ordinances, resolutions, or notices in the newspaper by the county shall be deemed to have been in compliance with this section.

E. If a locality determines that no newspaper meets the requirements of subsection B or C with regard to its jurisdiction, such locality may petition the circuit court for its jurisdiction for authority to have such ordinances, resolutions, notices, or advertisements published in another printed medium. Such petition shall not be filed without a majority vote of approval by such locality's local governing body. The court shall grant such authority for good cause shown. Such authority shall be granted for one year and may be continued for successive one-year periods for good cause shown.

F. Any newspaper authorized by this section to publish ordinances, resolutions, notices, or advertisements shall (i) print such ordinances, resolutions, notices, or advertisements together under an identifying heading and such heading shall be in boldface letters no smaller than 24-point type and (ii) maintain at least three years' worth of print archives of such newspaper containing any such ordinance, resolution, notice, or advertisement and make such archives available to the public for inspection upon request.

G. In all cases in which an ordinance, resolution, notice, or advertisement is required to be published in a newspaper of general circulation, the newspaper shall (i) post the complete notice on the newspaper's website, if a website is published by such newspaper, where it shall be posted contemporaneously with the notice's first print publication and shall remain on the website for at least as long as the notice appears in such newspaper; (ii) include on its website homepage a link to its public notice section; and (iii) post the complete notice on a searchable, statewide repository website, established and maintained as a joint venture of the majority of Virginia newspapers as a repository for such notices, where it shall remain on such repository website for at least as long as it appears in the newspaper. Any notice published on a website pursuant to this section shall be accessible to the public at no charge.

H. An error in a notice placed on a newspaper website or statewide website, or temporary website outages or service interruptions prohibiting the posting or display of such notice, shall be considered harmless error, and proper legal notice requirements shall be considered met if the notice published in the newspaper otherwise complies with the requirements for publication.

I. Whenever any ordinance, resolution, notice, or advertisement is required by law to be published in a newspaper, such ordinance, resolution, notice, or advertisement may be published in an online-only news publication in lieu of publication in a newspaper. Such online-only news publication shall:

1. Employ local news staff;

2. Have been in business for at least two years with a Virginia State Corporation Commission entity registration;

3. Have its own dedicated and registered domain name;

4. Be published exclusively online;

5. Publish regularly updated general news coverage of the area in which the notice is required to be published;

6. Have published at least once per week for at least 50 out of the preceding 52 weeks;

7. Have a clear and easily found link to the public notice section on its website homepage;

8. Allow, if such online-only news publication requires that users pay for other content on the website, any user to access public notices free of any charge;

9. Allow for search engine accessibility and optimization and the ability to be indexed by search engines; and

10. Post the complete notice on a searchable statewide repository website, established and maintained as a joint venture of the majority of newspapers in the Commonwealth as a repository for such notices. Such notices shall remain on such repository website for at least three years.

J. In order to be certified to publish ordinances, resolutions, notices, or advertisements, an online-only news publication shall petition the circuit court for the jurisdiction in which ordinances, resolutions, notices, or advertisements are required to be published. Prior to filing the petition, such online-only news publication shall publish a notice of intent to file a petition pursuant to this subsection in a newspaper of record in the jurisdiction in which the petition will be filed. If no such newspaper exists, such notice of intent shall be published in a newspaper in a neighboring jurisdiction.

Upon a finding that the online-only news publication (i) meets the requirements of subdivisions 1 through 9 of subsection I; (ii) reports local current events and governmental meetings and is, in general, a news forum for the jurisdiction in which authority is sought; and (iii) has an audit of discrete users for a time period ending no more than 12 months prior to the filing of such petition certified by an independent firm recognized in the online news industry as a web traffic auditor, and provided that such audit provides a breakdown of the discrete users of such online-only news publications by zip code or jurisdiction, the court shall grant the online-only news publication the authority to publish such ordinances, resolutions, notices, or advertisements for a period of one year.

The authority to publish public notices shall be continued for successive one-year periods upon filing with the court a copy of web analytics showing discrete users by zip code or jurisdiction for the immediately preceding year and an affidavit certifying that such online-only news publication continues to meet the requirements of this subsection and subsection I. In addition, such online-only news publication shall provide every third year an audit of web traffic for the time period since the previous audit. Such audit shall be certified by an independent firm recognized in the online news industry as a web traffic auditor.

K. Ordinances, resolutions, notices, or advertisements published pursuant to subsections I and J shall be (i) archived for up to three years, which may include posting pursuant to subdivision 10 of subsection I; (ii) available on the online-only news publication's website in a searchable format available to the public; and (iii) available as an electronic equivalent of a tear sheet for affidavit purposes, including being notarized when required by law, and shall be time stamped and dated to show when such ordinance, resolution, notice, or advertisement was published.

CHAPTER 278

An Act to amend the Code of Virginia by adding in Article 1 of Chapter 11 of Title 10.1 a section numbered 10.1-1103.1, relating to Department of Forestry; Forestland and Urban Tree Canopy Conservation Plan required.

[H 309]

Approved April 2, 2024

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Article 1 of Chapter 11 of Title 10.1 a section numbered 10.1-1103.1 as follows:

§ 10.1-1103.1. Forestland and Urban Tree Canopy Conservation Plan.

A. The Department shall establish a Forestland and Urban Tree Canopy Conservation Plan (the Plan) to conserve the Commonwealth's forestland and incentivize the protection of forests and other similar sensitive natural areas as an integral part of state forestry planning and the local comprehensive planning process. The Plan shall be reviewed by the Board of Forestry. In developing the Plan, the Department shall include elements determined by the State Forester, including the following:

1. Examine the current status and trends of forests and tree canopies in the Commonwealth;

2. Identify challenges to forest health, forestland, and tree canopy conservation efforts, including land use, climate change, and invasive species and other challenges identified by the stakeholder group;

3. Identify priority forests for conservation emphasizing protection of streams or wetlands, areas with steep slopes or highly erodible soils, wildlife corridors, and large contiguous blocks of forest;

4. Develop forest-related and tree canopy-related goals;

5. Identify current and potential funding streams and state and local entities that will be vital to achieve forest and tree canopy conservation goals; and

6. Ensure consistency with the objectives of the Board of Forestry with respect to forest management, including forest protection, management, and replacement.

B. The Plan, reviewed by the Board of Forestry, shall be developed in coordination with a Technical Advisory Committee that shall include representatives from the Department of Environmental Quality, Department of Wildlife Resources, Department of Conservation and Recreation, agricultural and forestry industries, environmental and conservation organizations, local governments, the Virginia Cooperative Extension, professional environmental technical experts, residential and commercial development industries, and other stakeholders as the Department deems appropriate.

C. The Department shall update the Plan at least once every five years and shall reconvene the Technical Advisory Committee and seek input prior to approval of any updates to the Plan. The Department shall hold a 30-day public comment period on the Plan and any subsequent updates to the Plan. Following any such update, the Plan shall be made available on its website and submitted to the Governor and the Chairmen of the House Committee on Agriculture, Chesapeake and Natural Resources and the Senate Committee on Agriculture, Conservation and Natural Resources.

2. That the initial Forestland and Urban Tree Canopy Conservation Plan (the Plan) required by § 10.1-1103.1 of the Code of Virginia, as created by this act, shall be established by November 1, 2026. The Department of Forestry shall post the Plan on its website and submit the Plan to the Governor and the Chairmen of the House Committee on Agriculture, Chesapeake and Natural Resources and the Senate Committee on Agriculture, Conservation and Natural Resources no later than November 30, 2026.

CHAPTER 279

An Act to amend and reenact §§ 37.2-505 and 37.2-837 of the Code of Virginia, relating to state hospitals; discharge planning.

[H 314]

Approved April 2, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 37.2-505 and 37.2-837 of the Code of Virginia are amended and reenacted as follows:

§ 37.2-505. Coordination of services for preadmission screening and discharge planning.

A. The community services board shall fulfill the following responsibilities:

1. Be responsible for coordinating the community services necessary to accomplish effective preadmission screening and discharge planning for persons referred to the community services board. When preadmission screening reports are required by the court on an emergency basis pursuant to Article 5 (§ 37.2-814 et seq.) of Chapter 8, the community services board shall ensure the development of the report for the court. To accomplish this coordination, the community services board shall establish a structure and procedures involving staff from the community services board and, as appropriate, representatives from (i) the state hospital or training center serving the board's service area, (ii) the local department of social services, (iii) the health department, (iv) the Department for Aging and Rehabilitative Services office in the board's service area, (v) the local school division, and (vi) other public and private human services agencies, including licensed hospitals.

2. Provide preadmission screening services prior to the admission for treatment pursuant to § 37.2-805 or Article 5 (§ 37.2-814 et seq.) of Chapter 8 of any person who requires emergency mental health services while in a city or county served by the community services board. In the case of inmates incarcerated in a regional jail, each community services board that serves a county or city that is a participant in the regional jail shall review any existing Memorandum of Understanding between the community services board and any other community services boards that serve the regional jail to ensure that such memorandum sets forth the roles and responsibilities of each community services board in the preadmission screening process, provides for communication and information sharing protocols between the community services boards, and provides for due consideration, including financial consideration, should there be disproportionate obligations on one of the community services boards.

3. Provide, in consultation with the appropriate state hospital or training center, discharge planning for any individual who, prior to admission, resided in a city or county served by the community services board ~~or who chooses to reside after discharge in a city or county served by the board and who is to be released from a state hospital or training center pursuant to § 37.2-837~~. *In the case of any individual to be discharged from Central State Hospital, Southwestern Virginia Mental Health Institute, or Southern Virginia Mental Health Institute in 30 days or less after admission, the appropriate community services board shall implement the discharge plan developed by the state facility.* Upon initiation of discharge planning, the community services board that serves the city or county where the individual resided prior to admission shall inform the individual that he may choose to return to the county or city in which he resided prior to admission or to any other county or city in the Commonwealth. If the individual is unable to make informed decisions regarding his care, the community services board shall so inform his authorized representative, who may choose the county or city in which the individual shall reside upon discharge. In either case and to the extent permitted by federal law, for individuals who choose to return to the county or city in which they resided prior to admission, the community services board shall make every reasonable effort to place the individuals in such county or city. The community services board serving the county or city in which he will reside following discharge shall be responsible for arranging transportation for the individual upon request following the discharge protocols developed by the Department.

The discharge plan shall be completed prior to the individual's discharge. The plan shall be prepared with the involvement and participation of the individual receiving services or his representative and must reflect the individual's preferences to the greatest extent possible. The plan shall include the mental health, developmental, substance abuse, social, educational, medical, employment, housing, legal, advocacy, transportation, and other services that the individual will need upon discharge into the community and identify the public or private agencies that have agreed to provide these services.

No individual shall be discharged from a state hospital or training center without completion by the community services board of the discharge plan described in this subdivision. If state hospital or training center staff identify an individual as ready for discharge and the community services board that is responsible for the individual's care disagrees, the community services board shall document in the treatment plan within 72 hours of the individual's identification any reasons for not accepting the individual for discharge. If the state hospital or training center disagrees with the community services board and the board refuses to develop a discharge plan to accept the individual back into the community, the state hospital or training center or the community services board shall ask the Commissioner to review the state hospital's or training center's determination that the individual is ready for discharge in accordance with procedures established by the Department in collaboration with state hospitals, training centers, and community services boards. If the Commissioner determines that the individual is ready for discharge, a discharge plan shall be developed by the Department to ensure the availability of adequate services for the individual and the protection of the community. The Commissioner also shall verify that sufficient state-controlled funds have been allocated to the community services board through the performance contract.

If sufficient state-controlled funds have been allocated, the Commissioner may contract with a private provider, another community services board, or a behavioral health authority to deliver the services specified in the discharge plan and withhold allocated funds applicable to that individual's discharge plan from the community services board in accordance with subsections C and E of § 37.2-508.

4. Provide information, if available, to all hospitals licensed pursuant to Article 1 (§ 32.1-123 et seq.) of Chapter 5 of Title 32.1 about alcohol and substance abuse services available to minors.

B. The community services board may perform the functions set out in subdivision A 1 in the case of children by referring them to the locality's family assessment and planning team and by cooperating with the community policy and management team in the coordination of services for troubled youths and their families. The community services board may involve the family assessment and planning team and the community policy and management team, but it remains responsible for performing the functions set out in subdivisions A 2 and ~~A~~ 3 in the case of children.

§ 37.2-837. Discharge from state hospitals or training centers, conditional release, and trial or home visits for individuals.

A. Except for an individual receiving services in a state hospital who is held upon an order of a court for a criminal proceeding, the director of a state hospital or training center may discharge, after the preparation of a discharge plan:

1. Any individual in a state hospital who, in his judgment, ~~(a)~~ *(i)* is recovered, ~~(b)~~ *(ii)* does not have a mental illness, or ~~(c)~~ *(iii)* is impaired or not recovered but whose discharge will not be detrimental to the public welfare or injurious to the individual;

2. Any individual in a state hospital who is not a proper case for treatment within the purview of this chapter; or

3. Any individual in a training center who chooses to be discharged or, if the individual lacks the mental capacity to choose, whose legally authorized representative chooses for him to be discharged. Pursuant to regulations of the Centers for Medicare & Medicaid Services and the Department of Medical Assistance Services, no individual at a training center who is enrolled in Medicaid shall be discharged if the individual or his legally authorized representative on his behalf chooses to continue receiving services in a training center.

Central State Hospital, Southern Virginia Mental Health Institute, and Southwestern Virginia Mental Health Institute shall, in consultation with the appropriate community services board or behavioral health authority, provide discharge planning for any individual to be discharged from the state hospital in 30 days or less after admission. For all individuals discharged *from any other state facility in 30 days or less after admission, or from a state hospital more than 30 days after admission, or from a state training center*, the discharge plan shall be formulated in accordance with the provisions of § 37.2-505 by the community services board or behavioral health authority that serves the city or county where the individual resided prior to admission or by the board or authority that serves the city or county where the individual or his legally authorized representative on his behalf chooses to reside immediately following the discharge. The discharge plan shall be contained in a uniform discharge document developed by the Department and used by all state hospitals, training centers, and community services boards or behavioral health authorities~~,~~ and shall identify (i) the services, including mental health, developmental, substance abuse, social, educational, medical, employment, housing, legal, advocacy, transportation, and other services that the individual will require upon discharge into the community, and (ii) the public or private agencies that have agreed to provide these services. If the individual will be housed in an assisted living facility, as defined in § 63.2-100, the discharge plan shall identify the facility, document its appropriateness for housing and capacity to care for the individual, contain evidence of the facility's agreement to admit and care for the individual, and describe how the community services board or behavioral health authority will monitor the individual's care in the facility. Prior to discharging an individual pursuant to subdivision A 1 or 2 who has not executed an advance directive, the director of a state hospital or his designee shall give to the individual a written explanation of the procedures for executing an advance directive in accordance with the Health Care Decisions Act (§ 54.1-2981 et seq.) and an advance directive form, which may be the form set forth in § 54.1-2984.

B. The director may grant a trial or home visit to an individual receiving services in accordance with regulations adopted by the Board. The state facility granting a trial or home visit to an individual shall not be liable for his expenses during the period of that visit. Such liability shall devolve upon the relative, conservator, person to whose care the individual is entrusted while on the trial or home visit, or the appropriate local department of social services of the county or city in which the individual resided at the time of admission pursuant to regulations adopted by the State Board of Social Services.

C. Any individual who is discharged pursuant to subdivision A 2 shall, if necessary for his welfare, be received and cared for by the appropriate local department of social services. The provision of public assistance or social services to the individual shall be the responsibility of the appropriate local department of social services as determined by regulations adopted by the State Board of Social Services. Expenses incurred for the provision of public assistance to the individual who is receiving 24-hour care while in an assisted living facility licensed pursuant to Chapters 17 (§ 63.2-1700 et seq.) and 18 (§ 63.2-1800 et seq.) of Title 63.2 shall be the responsibility of the appropriate local department of social services of the county or city in which the individual resided at the time of admission.

2. That the Department of Behavioral Health and Developmental Services shall report to the Governor and the General Assembly by August 1, 2025, and each year thereafter, the following information: (i) the readmission rates of any individual discharged from Central State Hospital, Southern Virginia Mental Health Institute, and Southwestern Virginia Mental Health Institute in 30 days or less after admission; (ii) the impact of the changes to

discharge planning implemented by this act on Central State Hospital, Southern Virginia Mental Health Institute, and Southwestern Virginia Mental Health Institute; and (iii) census information of Central State Hospital, Southern Virginia Mental Health Institute, and Southwestern Virginia Mental Health Institute.

3. That the Department of Behavioral Health and Developmental Services shall provide the Senate Committee on Education and Health and the House Committee on Health and Human Services with an evaluation of the impact of the changes to discharge planning implemented by this act by November 1, 2025.

4. That the provisions of this act shall become effective on January 1, 2025.

CHAPTER 280

An Act to amend and reenact §§ 2.2-438, 2.2-442, 2.2-445, and 2.2-447 of the Code of Virginia, relating to Office of the Children's Ombudsman; children's residential facility.

[H 317]

Approved April 2, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-438, 2.2-442, 2.2-445, and 2.2-447 of the Code of Virginia are amended and reenacted as follows:

§ 2.2-438. Definitions.

As used in this chapter, unless context requires another meaning:

"Abused or neglected child" means the same as that term is defined in § 63.2-100.

"Administrative act" includes an action, omission, decision, recommendation, practice, or other procedure of the Department, a local department, *a children's residential facility,* or a child-placing agency with respect to a particular child related to adoption, foster care, or protective services.

"Central registry" means the system maintained at the Department of Social Services pursuant to § 63.2-1515.

"Child" means an individual under the age of 18.

"Child-placing agency" means (i) any person who places children in foster homes, adoptive homes, or independent living arrangements pursuant to § 63.2-1819; (ii) a local board that places children in foster homes or adoptive homes pursuant to §§ 63.2-900, 63.2-903, and 63.2-1221; or (iii) an entity that assists parents with the process of delegating parental and legal custodial powers of their children pursuant to Chapter 10 (§ 20-166 et seq.) of Title 20. "Child-placing agency" does not include the persons to whom such parental or legal custodial powers are delegated pursuant to Chapter 10 (§ 20-166 et seq.) of Title 20. Officers, employees, or agents of the Commonwealth or any locality thereof, acting within the scope of their authority as such, who serve as or maintain a child-placing agency shall not be required to be licensed.

"Children's Ombudsman" or "Ombudsman" means the individual appointed to head the Office of the Children's Ombudsman under § 2.2-439.

"Children's residential facility" means the same as that term is defined in § 63.2-100.

"Child-serving agency" means (i) a state agency that provides services to children, including the Department of Behavioral Health and Developmental Services, the Department of Education, the Department of Health, the Department of Juvenile Justice, the Department of Social Services, and the Office of Children's Services, and (ii) a local entity that provides services to children and that receives funding from a state agency under clause (i). "Child-serving agency" does not include any law-enforcement agency.

"Complainant" means an individual who makes a complaint pursuant to § 2.2-441.

"Department" means the Department of Social Services.

"Foster care" means care provided to a child by a foster parent, children's residential facility, or group home licensed or approved by the Department under Chapter 9 (§ 63.2-900) of Title 63.2; care provided to a child in a relative's home under a court order; or any other care provided at the time the child's custody has been given to a government agency.

"Law-enforcement agency" means any crime victim and witness assistance program whose funding is provided in whole or in part by grants administered by the Department of Criminal Justice Services pursuant to § 9.1-104, any state or local police or sheriff's department, any office of an attorney for the Commonwealth, or the Office of the Attorney General.

"Local department" means the local department of social services of any county or city in the Commonwealth.

"Office" means the Office of the Children's Ombudsman established under § 2.2-439.

§ 2.2-442. Children's Ombudsman; powers and duties.

In addition to any powers described in this chapter, the Children's Ombudsman has the authority to do all of the following with regard to children receiving child-protective services, in foster care, or placed for adoption and children who may have died as a result of alleged abuse or neglect:

1. Pursue all necessary action, including legal action, to protect the rights and welfare of such children;

2. Pursue legislative advocacy in the best interest of such children;

3. Review policies and procedures relating to any child-serving agency's involvement with such children upon the Ombudsman's own initiative or upon receipt of a complaint and make recommendations for improvement;

4. Initiate investigations of administrative acts of the Department, a local department, *a children's residential facility,* or a child-placing agency in cases relating to such children upon the Ombudsman's own initiative or upon receipt of a complaint; and

5. Subject to an appropriation of funds, commence and conduct investigations into alleged violations of the rights of a foster parent.

§ 2.2-445. Department and child-placing agency; duties; information to be provided to biological parent, adoptive parent, or foster parent; access to departmental computer networks.

A. The Department or local department*, a children's residential facility,* and a child-placing agency shall do all of the following:

1. Upon the Ombudsman's request, grant the Ombudsman or the Office access to all information, records, and documents in the possession of the Department or local department, children's residential facility, or child-placing agency that the Ombudsman considers relevant and necessary in an investigation.

2. Assist the Ombudsman or the Office to obtain the necessary releases of those documents that are specifically restricted.

3. Upon the Ombudsman's request, provide the Ombudsman or the Office with progress reports concerning the administrative processing of a complaint.

4. Upon the Ombudsman's request, provide the Ombudsman or the Office the information requested under subdivision 1 or notification within 10 business days after the request that the Department or local department has determined that release of the information would violate federal or state law.

5. Upon the Ombudsman's request, grant access and provide consent to interview children in foster care who are the subject of or the complainant in an investigation.

B. The Department or local department, ~~an attorney involved with an adoption~~ *a children's residential facility*, and a child-placing agency shall provide information to a biological parent, prospective adoptive parent, or foster parent regarding the provisions of this chapter.

C. The Ombudsman and the Office shall have access, in the Ombudsman's own office, to departmental computer networks pertaining to protective services, foster care, adoption, juvenile delinquency, and the central registry, unless otherwise prohibited by state or federal law or if the release of the information to the Ombudsman would jeopardize federal funding. The cost of implementing this subsection shall be negotiated among the Office and the custodians of such networks.

§ 2.2-447. Report of findings; recommendations; consultation with individual, Department, local department, children's residential facility, or child-placing agency; publication of adverse report; notice of actions; information provided to complainant; child fatality investigation; report.

A. The Ombudsman shall prepare a report of the factual findings of an investigation and make recommendations to the Department, local department, children's residential facility, or child-placing agency if the Ombudsman finds any of the following:

1. A matter should be further considered by the Department, local department, *children's residential facility,* or child-placing agency.

2. An administrative act or omission should be modified, canceled, or corrected.

3. Reasons should be given for an administrative act or omission.

4. Other action should be taken by the Department, local department, children's residential facility, or child-placing agency.

B. At least 30 calendar days before publishing a report that is adverse to the Department, the local department, a children's residential facility, a child-placing agency, or the individual that is or was the subject of an investigation by the Ombudsman, the Ombudsman shall inform the Department, the local department, the children's residential facility, the child-placing agency, or the individual. When publishing a report adverse to the Department, local department, children's residential facility, child-placing agency, or individual, the Ombudsman shall include in the publication any statement of reasonable length made to the Ombudsman by the Department, local department, children's residential facility, child-placing agency, or individual in defense or mitigation of the action. The Ombudsman may request to be notified by the Department, local department, children's residential facility, child-placing agency, or individual, within a specified time, of any action taken on any recommendation presented.

C. The Ombudsman shall notify the complainant of the actions taken by the Ombudsman and by the Department, local department, children's residential facility, or child-placing agency.

D. The Ombudsman may provide to the complainant the following information:

1. A copy of the Ombudsman's report regarding the investigation's findings, recommendations to the Department or local department made according to the investigation, the Department or local department's response to the Ombudsman's findings and recommendations, and any epilogue to the Ombudsman's report and the Department or local department's response; or

2. Information that has otherwise been made public.

E. The Ombudsman shall not release information to the individual making the complaint if doing so could endanger the health or welfare of a child or another individual.

F. With respect to a child fatality case investigated under subsection B of § 2.2-443 and upon review of records or other information received under subdivision A 3 or 4 of § 2.2-443 in the course of a child fatality investigation, if there is no ongoing child protection proceeding involving a sibling of the child who died, the Ombudsman shall provide any necessary recommendations for improving systemic issues that are discovered during the investigation of the child fatality. The

recommendations may be provided to the court of jurisdiction, the state court administrative office, the county child fatality review team, medical professionals, or attorneys or other legal professionals involved with the particular child who died. The recommendations shall also be summarized and included in the annual report referenced in subsection G.

G. The Ombudsman shall submit to the Governor, the director of the Department, and the General Assembly an annual report on the Ombudsman's activities, including any recommendations regarding the need for legislation or for a change in rules or policies.

CHAPTER 281

An Act to amend the Code of Virginia by adding a section numbered 54.1-700.1, relating to Cosmetology Compact.

[H 322]

Approved April 2, 2024

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 54.1-700.1 as follows:

§ 54.1-700.1. Cosmetology Compact.

The General Assembly hereby enacts, and the Commonwealth of Virginia hereby enters into, the Cosmetology Compact with any and all states legally joining therein according to its terms, in the form substantially as follows:

COSMETOLOGY COMPACT

Article I. Purpose.

The purpose of this Compact is to facilitate the interstate practice and regulation of cosmetology with the goal of improving public access to, and the safety of, cosmetology services and reducing unnecessary burdens related to cosmetology licensure. Through this Compact, the member states seek to establish a regulatory framework that provides for a new multistate licensing program. Through this new licensing program, the member states seek to provide increased value and mobility to licensed cosmetologists in the member states, while ensuring the provision of safe, effective, and reliable services to the public.

This Compact is designed to achieve the following objectives, and the member states hereby ratify the same intentions by subscribing hereto:

1. Provide opportunities for interstate practice by cosmetologists who meet uniform requirements for multistate licensure;

2. Enhance the abilities of member states to protect public health and safety and prevent fraud and unlicensed activity within the profession;

3. Ensure and encourage cooperation between member states in the licensure and regulation of the practice of cosmetology;

4. Support relocating military members and their spouses;

5. Facilitate the exchange of information between member states related to the licensure, investigation, and discipline of the practice of cosmetology; and

6. Provide for the licensure and mobility of the workforce in the profession, while addressing the shortage of workers and lessening the associated burdens on the member states.

Article II. Definitions.

As used in this Compact, and except as otherwise provided, the following definitions shall govern the terms herein:

"Active military member" means any individual in full-time duty status in the armed forces of the United States, including members of the National Guard and Reserve.

"Adverse action" means any administrative, civil, equitable, or criminal action permitted by a member state's laws that is imposed by a state licensing authority or other regulatory body against a cosmetologist, including actions against an individual's license or authorization to practice, such as revocation, suspension, probation, monitoring of the licensee, limitation of the licensee's practice, or any other encumbrance on a license affecting an individual's ability to participate in the cosmetology industry, including the issuance of a cease and desist order.

"Alternative program" means a non-disciplinary monitoring or prosecutorial diversion program approved by a member state's licensing authority.

"Authorization to practice" means a legal authorization associated with a multistate license permitting the practice of cosmetology in that remote state, which shall be subject to the enforcement jurisdiction of the licensing authority in that remote state.

"Background check" means the submission of information for an applicant for the purpose of obtaining that applicant's criminal history record information, as further defined in 28 C.F.R. § 20.3(d), from the Federal Bureau of Investigation and the agency responsible for retaining state criminal or disciplinary history in the applicant's home state.

"Charter member state" means any member state that has enacted legislation to adopt this Compact where such legislation predates the effective date of this Compact as defined in Article XIII.

"Commission" means the government agency whose membership consists of all states that have enacted this Compact, which is known as the Cosmetology Licensure Compact Commission, as defined in Article IX, and which shall operate as an instrumentality of the member states.

"Cosmetologist" means an individual licensed in such individual's home state to practice cosmetology.

"Cosmetology," "cosmetology services," or "practice of cosmetology" means the care and services provided by a cosmetologist as set forth in the member state's statutes and regulations in the state where the services are being provided.

"Current significant investigative information" means:

1. Investigative Information that a state licensing authority, after an inquiry or investigation that complies with a member state's due process requirements, has reason to believe is not groundless and, if proved true, would indicate a violation of that state's laws regarding fraud or the practice of cosmetology; or

2. Investigative information that indicates that a licensee has engaged in fraud or represents an immediate threat to public health and safety, regardless of whether the licensee has been notified and had an opportunity to respond.

"Data system" means a repository of information about licensees, including license status, investigative information, and adverse actions.

"Disqualifying event" means any event that shall disqualify an individual from holding a multistate license under this Compact, which the Commission may by rule or order specify.

"Encumbered license" means a license in which an adverse action restricts the practice of cosmetology by a licensee or where such adverse action has been reported to the Commission.

"Encumbrance" means a revocation or suspension of, or any limitation on, the full and unrestricted practice of cosmetology by a state licensing authority.

"Executive Committee" means a group of delegates elected or appointed to act on behalf of, and within the powers granted to them by, the Commission.

"Home state" means the member state that is a licensee's primary state of residence and where that licensee holds an active and unencumbered license to practice cosmetology.

"Investigative information" means information, records, or documents received or generated by a state licensing authority pursuant to an investigation or other inquiry.

"Jurisprudence requirement" means the assessment of an individual's knowledge of the laws and rules governing the practice of cosmetology in a state.

"Licensee" means an individual who currently holds a license from a member state to practice as a cosmetologist.

"Member state" means any state that has adopted this Compact.

"Multistate license" means a license issued by and subject to the enforcement jurisdiction of the state licensing authority in a licensee's home state, which authorizes the practice of cosmetology in member states and includes authorizations to practice cosmetology in all remote states pursuant to this Compact.

"Remote state" means any member state other than the licensee's home state.

"Rule" means any rule or regulation promulgated by the Commission under this Compact that has the force of law.

"Single-state license" means a cosmetology license issued by a member state that authorizes the practice of cosmetology only within the issuing state and does not include any authorization outside of the issuing State.

"State" means a state, territory, or possession of the United States and the District of Columbia.

"State licensing authority" means a member state's regulatory body responsible for issuing cosmetology licenses or otherwise overseeing the practice of cosmetology in that state.

Article III. Member State Requirements.

A. To be eligible to join this Compact, and to maintain eligibility as a member state, a state must:

1. License and regulate cosmetology;

2. Have a mechanism or entity in place to receive and investigate complaints about licensees practicing in that state;

3. Require that licensees within the state pass a cosmetology competency examination prior to being licensed to provide cosmetology services to the public in that state;

4. Require that licensees satisfy educational or training requirements prior to being licensed to provide cosmetology services to the public in that state;

5. Implement procedures for considering one or more of the following categories of information from applicants for licensure: criminal history; disciplinary history; or background check. Such procedures may include the submission of information by applicants for the purpose of obtaining an applicant's background check as defined herein;

6. Participate in the data system, including through the use of unique identifying numbers;

7. Share information related to adverse actions with the Commission and other member states, both through the data system and otherwise;

8. Notify the Commission and other member states, in compliance with the terms of the Compact and rules of the Commission, of the existence of investigative information or current significant investigative information in the state's possession regarding a licensee practicing in that state;

9. Comply with such rules as may be enacted by the Commission to administer the Compact; and

10. Accept licensees from other member states as established herein.

B. Member states may charge a fee for granting a license to practice cosmetology.

C. Individuals not residing in a member state shall continue to be able to apply for a member state's single-state license as provided under the laws of each member state. However, the single-state license granted to these individuals shall not be recognized as granting a multistate license to provide services in any other member state.

D. Nothing in this Compact shall affect the requirements established by a member state for the issuance of a single-state license.

E. A multistate license issued to a licensee by a home state to a resident of that state shall be recognized by each member state as authorizing a licensee to practice cosmetology in each member state.

F. At no point shall the Commission have the power to define the educational or professional requirements for a license to practice cosmetology. The member states shall retain sole jurisdiction over the provision of these requirements.

Article IV. Multistate License.

A. To be eligible to apply to his home state's licensing authority for an initial multistate license under this Compact, a licensee must hold an active and unencumbered single-state license to practice cosmetology in his home state.

B. Upon the receipt of an application for a multistate license, according to the rules of the Commission, a member state's licensing authority shall ascertain whether the applicant meets the requirements for a multistate license under this Compact.

C. If an applicant meets the requirements for a multistate license under this Compact and any applicable rules of the Commission, the licensing authority in receipt of the application shall, within a reasonable time, grant a multistate license to that applicant and inform all member states of the grant of such multistate license.

D. A multistate license to practice cosmetology issued by a member state's licensing authority shall be recognized by each member state as authorizing the practice thereof as though that licensee held a single-state license to do so in each member state, subject to the restrictions herein.

E. A multistate license granted pursuant to this Compact may be effective for a definite period of time, concurrent with renewal of the home state license.

F. To maintain a multistate license under this Compact, a licensee must:

1. Agree to abide by the rules of the licensing authority, and the state scope of practice laws governing the practice of cosmetology, of any member state in which the licensee provides services;

2. Pay all required fees related to the application and process and any other fees that the Commission may by rule require; and

3. Comply with any and all other requirements regarding multistate licenses that the Commission may by rule provide.

G. A licensee practicing in a member state is subject to all scope of practice laws governing cosmetology services in that state.

H. The practice of cosmetology under a multistate license granted pursuant to this Compact will subject the licensee to the jurisdiction of the licensing authority, the courts, and the laws of the Member state in which the cosmetology services are provided.

Article V. Reissuance of a Multistate License by a New Home State.

A. A licensee may hold a multistate license, issued by the licensee's home state, in only one member state at any given time.

B. If a licensee changes the licensee's home state by moving between two member states:

1. The licensee shall immediately apply for the reissuance of his multistate license in his new home state. The licensee shall pay all applicable fees and notify the prior home state in accordance with the rules of the Commission.

2. Upon receipt of an application to reissue a multistate license, the new home state shall verify that the multistate licensee is active, unencumbered, and eligible for reissuance under the terms of the Compact and the rules of the Commission. The multistate license issued by the prior home state will be deactivated and all member states notified in accordance with the applicable rules adopted by the Commission.

3. If required for initial licensure, the new home state may require a background check as specified in the laws of that state, or compliance with any jurisprudence requirements of the new home state.

4. Notwithstanding any other provision of this Compact, if a licensee does not meet the criteria set forth in this Compact for the reissuance of a multistate license by the new home state, then the licensee shall be subject to the new home state requirements for the issuance of a single-state license in that state.

C. If a licensee changes the licensee's primary state of residence by moving from a member state to a non-member state, or from a non-member state to a member state, then the licensee shall be subject to the state requirements for the issuance of a single-state license in the new home state.

D. Nothing in this Compact shall interfere with a licensee's ability to hold a single-state license in multiple states; however, for the purposes of this Compact, a licensee shall have only one home state and only one multistate license.

E. Nothing in this Compact shall interfere with the requirements established by a member state for the issuance of a single-state license.

Article VI. Authority of the Compact Commission and Member State Licensing Authorities.

A. Nothing in this Compact, nor any rule or regulation of the Commission, shall be construed to limit, restrict, or in any way reduce the ability of a member state to enact and enforce laws, regulations, or other rules related to the practice of cosmetology in that state, where those laws, regulations, or other rules are not inconsistent with the provisions of this Compact.

B. Insofar as practical, a member state's licensing authority shall cooperate with the Commission and with each entity exercising independent regulatory authority over the practice of cosmetology according to the provisions of this Compact.

C. Discipline shall be the sole responsibility of the state in which cosmetology services are provided. Accordingly, each member state's licensing authority shall be responsible for receiving complaints about individuals practicing cosmetology in that state and for communicating all relevant investigative information about any such adverse action to the other member states through the data system in addition to any other methods the Commission may by rule require.

Article VII. Adverse Actions.

A. A licensee's home state shall have exclusive power to impose an adverse action against licensee's multistate license issued by the home state.

B. A home state may take adverse action on a multistate license based on the investigative information, current significant investigative information, or adverse action of a remote state.

C. In addition to the powers conferred by state law, each remote state's licensing authority shall have the power to:

1. Take adverse action against a licensee's authorization to practice cosmetology through the multistate license in that member state, provided that:

a. Only the licensee's home state shall have the power to take adverse action against the multistate license issued by the home state; and

b. For the purposes of taking adverse action, the home state's licensing authority shall give the same priority and effect to reported conduct received from a remote state as it would if such conduct had occurred within the home state. In so doing, the home state shall apply its own state laws to determine the appropriate action.

2. Issue cease and desist orders or impose an encumbrance on a licensee's authorization to practice within that member state.

3. Complete any pending investigations of a licensee who changes the licensee's primary state of residence during the course of such an investigation. The licensing authority shall also be empowered to report the results of such an investigation to the Commission through the data system as described herein.

4. Issue subpoenas for both hearings and investigations that require the attendance and testimony of witnesses, as well as the production of evidence. Subpoenas issued by a state licensing authority in a member state for the attendance and testimony of witnesses or the production of evidence from another member state shall be enforced in the latter state by any court of competent jurisdiction, according to the practice and procedure of that court applicable to subpoenas issued in proceedings before it. The issuing state licensing authority shall pay any witness fees, travel expenses, mileage, and other fees required by the service statutes of the state in which the witnesses or evidence are located.

5. If otherwise permitted by state law, recover from the affected licensee the costs of investigations and disposition of cases resulting from any adverse action taken against that licensee.

6. Take adverse action against the licensee's authorization to practice in that state based on the factual findings of another remote state.

D. A licensee's home state shall complete any pending investigation(s) of a cosmetologist who changes his primary state of residence during the course of the investigation(s). The home state shall also have the authority to take appropriate action(s) and shall promptly report the conclusions of the investigations to the data system.

E. If an adverse action is taken by the home state against a licensee's multistate license, the licensee's authorization to practice in all other member states shall be deactivated until all encumbrances have been removed from the home state license. All home state disciplinary orders that impose an adverse action against a licensee's multistate license shall include a statement that the cosmetologist's authorization to practice is deactivated in all member states during the pendency of the order.

F. Nothing in this Compact shall override a member state's authority to accept a licensee's participation in an alternative program in lieu of adverse action. A licensee's multistate license shall be suspended for the duration of the licensee's participation in any alternative program.

G. Joint investigations.

1. In addition to the authority granted to a member state by its respective scope of practice laws or other applicable state law, a member state may participate with other member states in joint investigations of licensees.

2. Member states shall share any investigative, litigation, or compliance materials in furtherance of any joint or individual investigation initiated under the Compact.

Article VIII. Active Military and Their Spouses.

Active military members, or the spouses thereof, shall designate a home state where the individual has a current license to practice cosmetology in good standing. The individual may retain the home state designation during any period of service when that individual is on active duty assignment.

Article IX. Establishment and Operation of the Cosmetology Licensure Compact Commission.

A. The Compact member states hereby create and establish a joint government agency whose membership consists of all member states that have enacted the Compact known as the Cosmetology Licensure Compact Commission. The Commission is an instrumentality of the compact states acting jointly and not an instrumentality of any one state. The Commission shall come into existence on or after the effective date of the Compact as set forth in Article XIII.

B. Membership, voting, and meetings.

1. Each member state shall have and be limited to one delegate selected by that member state's licensing authority.

2. The delegate shall be an administrator of the licensing authority of the member state or such administrator's designee.

3. The Commission shall by rule or bylaw establish a term of office for delegates and may by rule or bylaw establish term limits.

4. The Commission may recommend removal or suspension of any delegate from office.

5. A member state's licensing authority shall fill any vacancy of its delegate occurring on the Commission within 60 days of the occurrence of such vacancy.

6. Each delegate shall be entitled to one vote on all matters that are voted on by the Commission.

7. The Commission shall meet at least once during each calendar year. Additional meetings may be held as set forth in the bylaws. The Commission may meet by telecommunication, video conference, or other similar electronic means.

C. The Commission shall have the following powers:

1. Establish the fiscal year of the Commission;

2. Establish code of conduct and conflict of interest policies;

3. Adopt rules and bylaws;

4. Maintain its financial records in accordance with the bylaws;

5. Meet and take such actions as are consistent with the provisions of this Compact, the Commission's rules, and the bylaws;

6. Initiate and conclude legal proceedings or actions in the name of the Commission, provided that the standing of any state licensing authority to sue or be sued under applicable law shall not be affected;

7. Maintain and certify records and information provided to a member state as the authenticated business records of the Commission, and designate an agent to do so on the Commission's behalf;

8. Purchase and maintain insurance and bonds;

9. Borrow, accept, or contract for services of personnel, including employees of a member state;

10. Conduct an annual financial review;

11. Hire employees, elect or appoint officers, fix compensation, define duties, grant such individuals appropriate authority to carry out the purposes of the Compact, and establish the Commission's personnel policies and programs relating to conflicts of interest, qualifications of personnel, and other related personnel matters;

12. As set forth in the Commission rules, charge a fee to a licensee for the grant of a multistate license and thereafter, as may be established by Commission rule, charge the licensee a multistate license renewal fee for each renewal period. Nothing herein shall be construed to prevent a home state from charging a licensee a fee for a multistate license or renewals of a multistate license, or a fee for the jurisprudence requirement if the member state imposes such a requirement for the grant of a multistate license;

13. Assess and collect fees;

14. Accept any and all appropriate gifts, donations, grants of money, other sources of revenue, equipment, supplies, materials, and services, and receive, utilize, and dispose of the same, provided that at all times the Commission shall avoid any appearance of impropriety or conflict of interest;

15. Lease, purchase, retain, own, hold, improve, or use any property, real, personal, or mixed, or any undivided interest therein;

16. Sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property real, personal, or mixed;

17. Establish a budget and make expenditures;

18. Borrow money;

19. Appoint committees, including standing committees, composed of members, state regulators, state legislators or their representatives, and consumer representatives, and such other interested persons as may be designated in this Compact and the bylaws;

20. Provide and receive information from, and cooperate with, law-enforcement agencies;

21. Elect a chair, vice-chair, secretary, and treasurer and such other officers of the Commission as provided in the Commission's bylaws;

22. Establish and elect an Executive Committee, including a chair and vice-chair;

23. Adopt and provide to the member states an annual report;

24. Determine whether a state's adopted language is materially different from the model Compact language such that the state would not qualify for participation in the Compact; and

25. Perform such other functions as may be necessary or appropriate to achieve the purposes of this Compact.

D. The Executive Committee.

1. The Executive Committee shall have the power to act on behalf of the Commission according to the terms of this Compact. The powers, duties, and responsibilities of the Executive Committee shall include:

a. Overseeing the day-to-day activities of the administration of the Compact, including compliance with the provisions of the Compact, the Commission's rules and bylaws, and other such duties as deemed necessary;

b. Recommending to the Commission changes to the rules or bylaws, changes to this Compact legislation, fees charged to compact member states, fees charged to licensees, and other fees;

c. Ensuring that Compact administration services are appropriately provided, including by contract;

d. Preparing and recommending the budget;

e. Maintaining financial records on behalf of the Commission;

f. Monitoring Compact compliance of member states and providing compliance reports to the Commission;

g. Establishing additional committees as necessary;

h. Exercising the powers and duties of the Commission during the interim between Commission meetings, except for adopting or amending rules, adopting or amending bylaws, and exercising any other powers and duties expressly reserved to the Commission by rule or bylaw; and

i. Other duties as provided in the rules or bylaws of the Commission.

2. The Executive Committee shall be composed of up to seven voting members:

a. The chair and vice-chair of the Commission and any other members of the Commission who serve on the Executive Committee shall be voting members of the Executive Committee;

b. Other than the chair, vice-chair, secretary, and treasurer, the Commission shall elect three voting members from the current membership of the Commission; and

c. The Commission may elect ex officio, nonvoting members from a recognized national cosmetology professional association as approved by the Commission. The Commission's bylaws shall identify qualifying organizations and the manner of appointment if the number of organizations seeking to appoint an ex officio member exceeds the number of members specified in this article.

3. The Commission may remove any member of the Executive Committee as provided in the Commission's bylaws.

4. The Executive Committee shall meet at least annually.

a. Annual Executive Committee meetings, as well as any Executive Committee meeting at which it does not take or intend to take formal action on a matter for which a Commission vote would otherwise be required, shall be open to the public, except that the Executive Committee may meet in a closed, nonpublic meeting when dealing with any of the matters covered under subsection F.

b. The Executive Committee shall give five business days' advance notice of its public meetings, posted on its website and as determined to provide notice to persons with an interest in the public matters the Executive Committee intends to address at those meetings.

5. The Executive Committee may hold an emergency meeting when acting for the Commission to:

a. Meet an imminent threat to public health, safety, or welfare;

b. Prevent a loss of Commission or member state funds; or

c. Protect public health and safety.

E. The Commission shall adopt and provide to the member states an annual report.

F. Meetings of the Commission.

1. All meetings of the Commission that are not closed pursuant to subdivision F 4 shall be open to the public. Notice of public meetings shall be posted on the Commission's website at least 30 days prior to the public meeting.

2. Notwithstanding subdivision F 1, the Commission may convene an emergency public meeting by providing at least 24 hours' prior notice on the Commission's website, and any other means a provided in the Commission's rules, for any of the reasons it may dispense with notice of proposed rulemaking under subsection L of Article XI. The Commission's legal counsel shall certify that one of the reasons justifying an emergency public meeting has been met.

3. Notice of all Commission meetings shall provide the time, date, and location of the meeting, and if the meeting is to be held or accessible via telecommunication, video conference, or other electronic means, the notice shall include the mechanism for access to the meeting.

4. The Commission may convene in a closed, nonpublic meeting for the Commission to discuss:

a. Noncompliance of a member state with its obligations under the Compact;

b. The employment, compensation, or discipline of, or other matters, practices, or procedures related to, specific employees or other matters related to the Commission's internal personnel practices and procedures;

c. Current or threatened discipline of a licensee by the Commission or by a member state's licensing authority;

d. Current, threatened, or reasonably anticipated litigation;

e. Negotiation of contracts for the purchase, lease, or sale of goods, services, or real estate;

f. Accusing any person of a crime or formally censuring any person;

g. Trade secrets or commercial or financial information that is privileged or confidential;

h. Information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;

i. Investigative records compiled for law-enforcement purposes;

j. Information related to any investigative reports prepared by or on behalf of or for use of the Commission or other committee charged with responsibility of investigation or determination of compliance issues pursuant to the Compact;

k. Legal advice;

l. Matters specifically exempted from disclosure by federal or member state law; or

m. Other matters as promulgated by the Commission by rule.

5. If a meeting, or portion of a meeting, is closed, the presiding officer shall state that the meeting will be closed and reference each relevant exempting provision, and such reference shall be recorded in the minutes.

6. The Commission shall keep minutes that fully and clearly describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken, and the reasons therefor, including a description of the views expressed. All documents considered in connection with an action shall be identified in such minutes. All minutes and

documents of a closed meeting shall remain under seal, subject to release only by a majority vote of the Commission or order of a court of competent jurisdiction.

G. Financing of the Commission.

1. The Commission shall pay, or provide for the payment of, the reasonable expenses of its establishment, organization, and ongoing activities.

2. The Commission may accept any and all appropriate revenue, donations, and grants of money, equipment, supplies, materials, and services.

3. The Commission may levy on and collect an annual assessment from each member state and impose fees on licensees of member states to whom it grants a multistate license to cover the cost of the operations and activities of the Commission and its staff, which must be in a total amount sufficient to cover its annual budget as approved each year for which revenue is not provided by other sources. The aggregate annual assessment amount for member states shall be allocated based upon a formula that the Commission shall promulgate by rule.

4. The Commission shall not incur obligations of any kind prior to securing the funds adequate to meet the same, nor shall the Commission pledge the credit of any of the member states, except by and with the authority of the member state.

5. The Commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the Commission shall be subject to the financial review and accounting procedures established under its bylaws. However, all receipts and disbursements of funds handled by the Commission shall be subject to an annual financial review by a certified or licensed public accountant, and the report of the financial review shall be included in and become part of the annual report of the Commission.

H. Qualified immunity, defense, and indemnification.

1. The members, officers, executive director, employees, and representatives of the Commission shall be immune from suit and liability, both personally and in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused by or arising out of any actual or alleged act, error, or omission that occurred, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of Commission employment, duties, or responsibilities, provided that nothing in this paragraph shall be construed to protect any such person from suit or liability for any damage, loss, injury, or liability caused by the intentional or willful or wanton misconduct of that person. The procurement of insurance of any type by the Commission shall not in any way compromise or limit the immunity granted hereunder.

2. The Commission shall defend any member, officer, executive director, employee, and representative of the Commission in any civil action seeking to impose liability arising out of any actual or alleged act, error, or omission that occurred within the scope of Commission employment, duties, or responsibilities, or as determined by the Commission that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of Commission employment, duties, or responsibilities, provided that nothing herein shall be construed to prohibit that person from retaining their own counsel at their own expense and provided further that the actual or alleged act, error, or omission did not result from that person's intentional or willful or wanton misconduct.

3. The Commission shall indemnify and hold harmless any member, officer, executive director, employee, and representative of the Commission for the amount of any settlement or judgment obtained against that person arising out of any actual or alleged act, error, or omission that occurred within the scope of Commission employment, duties, or responsibilities, or that such person had a reasonable basis for believing occurred within the scope of Commission employment, duties, or responsibilities, provided that the actual or alleged act, error, or omission did not result from the intentional or willful or wanton misconduct of that person.

4. Nothing herein shall be construed as a limitation on the liability of any licensee for professional malpractice or misconduct, which shall be governed solely by any other applicable state laws.

5. Nothing in this Compact shall be interpreted to waive or otherwise abrogate a member state's state action immunity or state action affirmative defense with respect to antitrust claims under the federal Sherman Act (15 U.S.C. § 1 et seq.), the federal Clayton Act (15 U.S.C. § 12 et seq.), or any other state or federal antitrust or anticompetitive law or regulation.

6. Nothing in this Compact shall be construed to be a waiver of sovereign immunity by the member states or by the Commission.

Article X. Data System.

A. The Commission shall provide for the development, maintenance, operation, and utilization of a coordinated database and reporting.

B. The Commission shall assign each applicant for a multistate license a unique identifier, as determined by the rules of the Commission.

C. Notwithstanding any other provision of state law to the contrary, a member state shall submit a uniform data set to the data system on all individuals to whom this Compact is applicable as required by the rules of the Commission, including:

1. Identifying information;

2. Licensure data;

3. Adverse actions against a license and information related thereto;

4. Non-confidential information related to alternative program participation, the beginning and ending dates of such participation, and other information related to such participation;

5. Any denial of application for licensure and the reason(s) for such denial (excluding the reporting of any criminal history record information where prohibited by law);

6. The existence of investigative information;

7. The existence of current significant investigative information; and

8. Other information that may facilitate the administration of this Compact or the protection of the public, as determined by the rules of the Commission.

D. The records and information provided to a member state pursuant to this Compact or through the data system, when certified by the Commission or an agent thereof, shall constitute the authenticated business records of the Commission and shall be entitled to any associated hearsay exception in any relevant judicial, quasi-judicial or administrative proceedings in a member state.

E. The existence of current significant investigative information and the existence of investigative information pertaining to a licensee in any member state will only be available to other member states.

F. It is the responsibility of the member states to monitor the database to determine whether adverse action has been taken against a licensee or licensee applicant. Adverse action information pertaining to a licensee or license applicant in any member state will be available to any other member state.

G. Member states contributing information to the data system may designate information that may not be shared with the public without the express permission of the contributing state.

H. Any information submitted to the data system that is subsequently expunged pursuant to federal law or the laws of the member state contributing the information shall be removed from the data system.

Article XI. Rulemaking.

A. The Commission shall promulgate reasonable rules in order to effectively and efficiently implement and administer the purposes and provisions of the Compact. A rule shall be invalid and have no force or effect only if a court of competent jurisdiction holds that the rule is invalid because the Commission exercised its rulemaking authority in a manner that is beyond the scope and purposes of the Compact, or the powers granted hereunder, or based upon another applicable standard of review.

B. The rules of the Commission shall have the force of law in each member state, provided, however, that where the rules of the Commission conflict with the laws of the member state that establish the member state's scope of practice laws governing the practice of cosmetology as held by a court of competent jurisdiction, the rules of the Commission shall be ineffective in that state to the extent of the conflict.

C. The Commission shall exercise its rulemaking powers pursuant to the criteria set forth in this article and the rules adopted thereunder. Rules shall become binding as of the date specified in each rule.

D. If a majority of the legislatures of the member states rejects a rule or portion of a rule, by enactment of a statute or resolution in the same manner used to adopt the Compact within four years of the date of adoption of the rule, then such Rule shall have no further force and effect in any member state or to any state applying to participate in the Compact.

E. Rules shall be adopted at a regular or special meeting of the Commission.

F. Prior to adoption of a proposed rule, the Commission shall hold a public hearing and allow persons to provide oral and written comments, data, facts, opinions, and arguments.

G. Prior to adoption of a proposed rule by the Commission, and at least 30 days in advance of the meeting at which the Commission will hold a public hearing on the proposed rule, the Commission shall provide a notice of proposed rulemaking:

1. On the website of the Commission or other publicly accessible platform;

2. To persons who have requested notice of the Commission's notices of proposed rulemaking; and

3. In such other way(s) as the Commission may by rule specify.

H. The notice of proposed rulemaking shall include:

1. The time, date, and location of the public hearing at which the Commission will hear public comments on the proposed rule and, if different, the time, date, and location of the meeting where the Commission will consider and vote on the proposed rule;

2. If the hearing is held via telecommunication, video conference, or other electronic means, the mechanism for access to the hearing;

3. The text of the proposed rule and the reason therefor;

4. A request for comments on the proposed rule from any interested person; and

5. The manner in which interested persons may submit written comments.

I. All hearings will be recorded. A copy of the recording and all written comments and documents received by the Commission in response to the proposed rule shall be available to the public.

J. Nothing in this article shall be construed as requiring a separate hearing on each rule. Rules may be grouped for the convenience of the Commission at hearings required by this article.

K. The Commission shall, by majority vote of all members, take final action on the proposed rule based on the rulemaking record and the full text of the rule.

1. The Commission may adopt changes to the proposed rule, provided the changes do not enlarge the original purpose of the proposed rule.

2. The Commission shall provide an explanation of the reasons for substantive changes made to the proposed rule as well as reasons for substantive changes not made that were recommended by commenters.

3. The Commission shall determine a reasonable effective date for the rule. Except for an emergency as provided in subsection L, the effective date of the rule shall be no sooner than 45 days after the Commission issues the notice that it adopted or amended the rule.

L. Upon determination that an emergency exists, the Commission may consider and adopt an emergency rule with five days' notice, with opportunity to comment, provided that the usual rulemaking procedures provided in the Compact and in this article shall be retroactively applied to the rule as soon as reasonably possible, in no event later than 90 days after the effective date of the rule. For the purposes of this provision, an emergency rule is one that must be adopted immediately in order to:

1. Meet an imminent threat to public health, safety, or welfare;

2. Prevent a loss of Commission or member state funds;

3. Meet a deadline for the promulgation of a rule that is established by federal law or rule; or

4. Protect public health and safety.

M. The Commission or an authorized committee of the Commission may direct revisions to a previously adopted rule for purposes of correcting typographical errors, errors in format, errors in consistency, or grammatical errors. Public notice of any revisions shall be posted on the website of the Commission. The revision shall be subject to challenge by any person for a period of 30 days after posting. The revision may be challenged only on grounds that the revision results in a material change to a rule. A challenge shall be made in writing and delivered to the Commission prior to the end of the notice period. If no challenge is made, the revision will take effect without further action. If the revision is challenged, the revision may not take effect without the approval of the Commission.

N. No member state's rulemaking requirements shall apply under this Compact.

Article XII. Oversight, Dispute Resolution, and Enforcement.

A. Oversight.

1. The executive and judicial branches of state government in each member state shall enforce this Compact and take all actions necessary and appropriate to implement the Compact.

2. Venue is proper and judicial proceedings by or against the Commission shall be brought solely and exclusively in a court of competent jurisdiction where the principal office of the Commission is located. The Commission may waive venue and jurisdictional defenses to the extent it adopts or consents to participate in alternative dispute resolution proceedings. Nothing herein shall affect or limit the selection or propriety of venue in any action against a licensee for professional malpractice, misconduct, or any such similar matter.

3. The Commission shall be entitled to receive service of process in any proceeding regarding the enforcement or interpretation of the Compact and shall have standing to intervene in such a proceeding for all purposes. Failure to provide the Commission service of process shall render a judgment or order void as to the Commission, this Compact, or promulgated rules.

B. Default, technical assistance, and termination.

1. If the Commission determines that a member state has defaulted in the performance of its obligations or responsibilities under this Compact or the promulgated rules, the Commission shall provide written notice to the defaulting state. The notice of default shall describe the default, the proposed means of curing the default, and any other action that the Commission may take, and shall offer training and specific technical assistance regarding the default.

2. The Commission shall provide a copy of the notice of default to the other member states.

C. If a state in default fails to cure the default, the defaulting state may be terminated from the Compact upon an affirmative vote of a majority of the delegates of the member states, and all rights, privileges, and benefits conferred on that state by this Compact may be terminated on the effective date of termination. A cure of the default does not relieve the offending state of obligations or liabilities incurred during the period of default.

D. Termination of membership in the Compact shall be imposed only after all other means of securing compliance have been exhausted. Notice of intent to suspend or terminate shall be given by the Commission to the governor, the majority and minority leaders of the defaulting state's legislature, the defaulting state's licensing authority, and each member state's licensing authority.

E. A state that has been terminated is responsible for all assessments, obligations, and liabilities incurred through the effective date of termination, including obligations that extend beyond the effective date of termination.

F. Upon the termination of a state's membership from this Compact, that state shall immediately provide notice to all licensees within that state of such termination. The terminated state shall continue to recognize all licenses granted pursuant to this Compact for a minimum of 180 days after the date of said notice of termination.

G. The Commission shall not bear any costs related to a state that is found to be in default or that has been terminated from the Compact, unless agreed upon in writing between the Commission and the defaulting state.

H. The defaulting State may appeal the action of the Commission by petitioning the U.S. District Court for the District of Columbia or the federal district where the Commission has its principal offices. The prevailing party shall be awarded all costs of such litigation, including reasonable attorney fees.

I. Dispute resolution.

1. Upon request by a member state, the Commission shall attempt to resolve disputes related to the Compact that arise among member states and between member and non-member states.

2. The Commission shall promulgate a rule providing for both mediation and binding dispute resolution for disputes as appropriate.

J. Enforcement.

1. The Commission, in the reasonable exercise of its discretion, shall enforce the provisions of this Compact and the Commission's rules.

2. By majority vote as provided by Commission rule, the Commission may initiate legal action against a member state in default in the U.S. District Court for the District of Columbia or the federal district where the Commission has its principal offices to enforce compliance with the provisions of the Compact and its promulgated rules. The relief sought may include both injunctive relief and damages. In the event that judicial enforcement is necessary, the prevailing party shall be awarded all costs of such litigation, including reasonable attorney fees. The remedies herein shall not be the exclusive remedies of the Commission. The Commission may pursue any other remedies available under federal or the defaulting member state's law.

3. A member state may initiate legal action against the Commission in the U.S. District Court for the District of Columbia or the federal district where the Commission has its principal offices to enforce compliance with the provisions of the Compact and its promulgated rules. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing party shall be awarded all costs of such litigation, including reasonable attorney fees.

4. No individual or entity other than a member state may enforce this Compact against the Commission.

Article XIII. Effective Date, Withdrawal, and Amendment.

A. The Compact shall come into effect on the date on which the Compact statute is enacted into law in the seventh member state.

1. On or after the effective date of the Compact, the Commission shall convene and review the enactment of each of the charter member states to determine if the statute enacted by each such charter member state is materially different than the model Compact statute.

a. A charter member state whose enactment is found to be materially different from the model Compact statute shall be entitled to the default process set forth in Article XII.

b. If any member state is later found to be in default, or is terminated or withdraws from the Compact, the Commission shall remain in existence and the Compact shall remain in effect even if the number of member states should be less than seven.

2. Member states enacting the Compact subsequent to the charter member states shall be subject to the process set forth in subdivision C 24 of Article IX to determine if their enactments are materially different from the model Compact statute and whether they qualify for participation in the Compact.

3. All actions taken for the benefit of the Commission or in furtherance of the purposes of the administration of the Compact prior to the effective date of the Compact or the Commission coming into existence shall be considered to be actions of the Commission unless specifically repudiated by the Commission.

4. Any State that joins the Compact shall be subject to the rules and bylaws as they exist on the date on which the Compact becomes law in that state. Any rule that has been previously adopted by the Commission shall have the full force and effect of law on the day the Compact becomes law in that state.

B. Any member state may withdraw from this Compact by enacting a statute repealing that state's enactment of the Compact.

1. A member state's withdrawal shall not take effect until 180 days after enactment of the repealing statute.

2. Withdrawal shall not affect the continuing requirement of the withdrawing state's licensing authority to comply with the investigative and adverse action reporting requirements of this Compact prior to the effective date of withdrawal.

3. Upon the enactment of a statute withdrawing from this Compact, a state shall immediately provide notice of such withdrawal to all licensees within that state. Notwithstanding any subsequent statutory enactment to the contrary, such withdrawing state shall continue to recognize all licenses granted pursuant to this Compact for a minimum of 180 days after the date of such notice of withdrawal.

C. Nothing contained in this Compact shall be construed to invalidate or prevent any licensure agreement or other cooperative arrangement between a member state and a non-member state that does not conflict with the provisions of this Compact.

D. This Compact may be amended by the member states. No amendment to this Compact shall become effective and binding upon any member state until it is enacted into the laws of all member states.

Article XIV. Construction and Severability.

A. This Compact and the Commission's rulemaking authority shall be liberally construed so as to effectuate the purposes and the implementation and administration of the Compact. Provisions of the Compact expressly authorizing or requiring the promulgation of rules shall not be construed to limit the Commission's rulemaking authority solely for those purposes.

B. The provisions of this Compact shall be severable, and if any phrase, clause, sentence, or provision of this Compact is held by a court of competent jurisdiction to be contrary to the constitution of any member state, of a state seeking

participation in the Compact, or of the United States, or the applicability thereof to any government, agency, person, or circumstance is held to be unconstitutional by a court of competent jurisdiction, the validity of the remainder of this Compact and the applicability thereof to any other government, agency, person, or circumstance shall not be affected thereby.

C. Notwithstanding subsection B, the Commission may deny a state's participation in the Compact or, in accordance with the requirements of Article XII, terminate a member state's participation in the Compact, if it determines that a constitutional requirement of a member state is a material departure from the Compact. Otherwise, if this Compact shall be held to be contrary to the constitution of any member state, the Compact shall remain in full force and effect as to the remaining member states and in full force and effect as to the member state affected as to all severable matters.

Article XV. Consistent Effect and Conflict with Other State Laws.

A. Nothing herein shall prevent or inhibit the enforcement of any other law of a member state that is not inconsistent with the Compact.

B. Any laws, statutes, regulations, or other legal requirements in a member state in conflict with the Compact are superseded to the extent of the conflict.

C. All permissible agreements between the Commission and the member states are binding in accordance with their terms.

2. That the Board for Barbers and Cosmetology shall promulgate regulations to implement the provisions of this act to be effective within 280 days of its effective date.

3. That any applicant for a multistate license shall pay the costs of performing any background check required by the Cosmetology Compact, as entered into by this act.

CHAPTER 282

An Act to amend and reenact § 64.2-732 of the Code of Virginia, relating to modification or termination of uneconomic trust; notice.

[H 332]

Approved April 2, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 64.2-732 of the Code of Virginia is amended and reenacted as follows:

§ 64.2-732. Modification or termination of uneconomic trust.

A. After notice to the qualified beneficiaries, the trustee of a trust consisting of trust property having a total value less than $100,000 may terminate the trust *without court approval* if the trustee concludes that the value of the trust property is insufficient to justify the cost of administration. *Notice required by this section shall be sent in accordance with § 64.2-707.*

B. The court may modify or terminate a trust or remove the trustee and appoint a different trustee if it determines that the value of the trust property is insufficient to justify the cost of administration.

C. Upon termination of a trust under this section, the trustee shall distribute the trust property in a manner consistent with the purposes of the trust *and may simultaneously utilize the provisions of § 64.2-779.*

D. This section does not apply to an easement for conservation or preservation.

E. Expenses incurred by the trustee incident to the termination of a trust pursuant to this section shall be paid by the trust estate.

CHAPTER 283

An Act to amend and reenact § 64.2-1625 of the Code of Virginia, relating to certain powers of attorney; transfer on death deeds.

[H 336]

Approved April 2, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 64.2-1625 of the Code of Virginia is amended and reenacted as follows:

§ 64.2-1625. Real property.

A. Unless the power of attorney otherwise provides, language in a power of attorney granting general authority with respect to real property authorizes the agent to:

1. Demand, buy, lease, receive, accept as a gift or as security for an extension of credit, or otherwise acquire or reject an interest in real property or a right incident to real property;

2. Sell; exchange; convey with or without covenants, representations, or warranties; quitclaim; release; surrender; retain title for security; encumber; partition; consent to partitioning; subject to an easement or covenant; subdivide; apply for zoning or other governmental permits; plat or consent to platting; develop; grant an option concerning; lease; sublease; contribute to an entity in exchange for an interest in that entity; or otherwise grant or dispose of an interest in real property or a right incident to real property;

3. Pledge or mortgage an interest in real property or right incident to real property as security to borrow money or pay, renew, or extend the time of payment of a debt of the principal or a debt guaranteed by the principal;

4. Release, assign, satisfy, or enforce by litigation or otherwise a mortgage, deed of trust, conditional sale contract, encumbrance, lien, or other claim to real property that exists or is asserted;

5. Manage or conserve an interest in real property or a right incident to real property owned or claimed to be owned by the principal, including:

a. Insuring against liability or casualty or other loss;

b. Obtaining or regaining possession of or protecting the interest or right by litigation or otherwise;

c. Paying, assessing, compromising, or contesting taxes or assessments or applying for and receiving refunds in connection with them; and

d. Purchasing supplies, hiring assistance or labor, and making repairs or alterations to the real property;

6. Use, develop, alter, replace, remove, erect, or install structures or other improvements upon real property in or incident to which the principal has, or claims to have, an interest or right;

7. Participate in a reorganization with respect to real property or an entity that owns an interest in or right incident to real property and receive, hold, and act with respect to stocks and bonds or other property received in a plan of reorganization, including:

a. Selling or otherwise disposing of them;

b. Exercising or selling an option, right of conversion, or similar right with respect to them; and

c. Exercising any voting rights in person or by proxy;

8. Change the form of title of an interest in or right incident to real property; and

9. Dedicate to public use, with or without consideration, easements or other real property in which the principal has, or claims to have, an interest.

B. An agent under a power of attorney acting under the authority of this section shall not have the authority to create, change, or revoke a transfer on death deed on behalf of the owner of property unless such agent is granted the power to create or change a beneficiary designation as required by subdivision A 4 of § 64.2-1622. This subsection shall not be construed to prohibit such agent from exercising any authority under subsection A, even if the effect of exercising such authority may be to revoke a transfer on death deed.

CHAPTER 284

An Act to amend and reenact §§ 54.1-3041 and 54.1-3042 of the Code of Virginia, relating to medication aides; certified nursing facilities; work group; report.

[H 349]

Approved April 2, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 54.1-3041 and 54.1-3042 of the Code of Virginia are amended and reenacted as follows:

§ 54.1-3041. Registration required.

A. A medication aide who administers drugs that would otherwise be self-administered to residents in an assisted living facility licensed by the Department of Social Services shall be registered by the Board *as a registered medication aide*.

B. A medication aide who administers drugs as determined permissible by the Board for administration to residents in a certified nursing facility licensed by the Department of Health shall be registered by the Board as an advanced registered medication aide.

C. An advanced registered medication aide who is registered to administer drugs to residents in a certified nursing facility shall also be authorized to administer drugs to residents in an assisted living facility.

§ 54.1-3042. Application for registration by competency evaluation.

A. Every applicant for registration as a medication aide by competency evaluation shall pay the required application fee and shall submit written evidence that the applicant:

1. Has not committed any act that would be grounds for discipline or denial of registration under this article;

2. Has successfully completed a staff training program in direct care approved by the Department of Social Services or an approved nurse aide education program;

3. Has successfully completed an education or training program approved by the Board that shall include one of the following:

a. A medication aide education or training program approved by the Board that shall be 68 hours combined classroom instruction and clinical skills practice curriculum*, and for an advanced registered medication aide the number of additional hours as determined by the Board*; or

b. A nursing education program preparing for registered nurse or practical nurse licensure; ~~and~~

4. Has successfully completed a competency evaluation consisting of both a clinical evaluation of minimal competency and a written examination as specified by the Board*; and*

5. In the case of medication aides who will administer drugs as determined permissible by the Board for administration to residents in a certified nursing facility licensed by the Department of Health, has successfully completed all educational

requirements established by the Board for administering drugs in a certified nursing facility, which shall reflect the medically complex patient population found in certified nursing facilities and the resulting medication regime for that population.

B. The Board shall (i) make the written examination available in both electronic and non-electronic format, (ii) provide sufficient locations for the administration of any written examination required for registration under this section, to ensure adequate access to the written examination for all applicants, (iii) establish a procedure pursuant to which an examination shall be offered at or near the location of an education or training course, upon the request of five or more applicants, provided that the security of the examination and the integrity of the administration of the examination are ensured and that any additional costs are born by the requesting applicants, and (iv) provide written notice to applicants of the results of any competency examination completed by the applicants within seven days of completion of the examination.

C. Any applicant under this section who has provided to the Board evidence of successful completion of the education or training course required for registration may act as a medication aide on a provisional basis for no more than 120 days before successfully completing any required competency evaluation. However, upon notification of failure to successfully complete the written examination after three attempts, an applicant shall immediately cease acting as a medication aide.

D. Any applicant under this section who shall apply by endorsement from any state or the District of Columbia that requires registration of medication aides who has met the requirements of registration in such jurisdiction may be deemed eligible to sit for the competency evaluation required pursuant to this section, subject to approval of the Board.

2. That the provisions of the first enactment of this act shall become effective on July 1, 2025.

3. That the Board of Nursing (the Board) shall convene a work group of stakeholders, including the Virginia Health Care Association, the Virginia Nurses Association, and LeadingAge Virginia, to develop recommendations to enable medication aides registered by the Board to administer drugs to residents in a certified nursing facility licensed by the Department of Health. The work group's recommendations shall be reported to the Chairmen of the Senate Committee on Education and Health and the House Committee on Health and Human Services by November 1, 2024.

4. That the Department of Health shall promulgate regulations to authorize medication aides registered by the Board of Nursing (the Board) to administer drugs as determined permissible by the Board for administration to residents in a certified nursing facility licensed by the Department of Health to be effective as of July 1, 2025.

5. That the Board of Nursing shall promulgate regulations to implement the provisions of this act to be effective as of July 1, 2025.

CHAPTER 285

An Act to require the Department of Education to update its Voluntary Registration Health and Safety Checklist.

[H 358]

Approved April 2, 2024

Be it enacted by the General Assembly of Virginia:

1. *§ 1. The Department of Education shall update its Voluntary Registration Health and Safety Checklist for any family day home that is voluntarily registered pursuant to § 22.1-289.015 of the Code of Virginia to include safe sleep practices.*

CHAPTER 286

An Act to amend the Code of Virginia by adding in Article 1 of Chapter 14.1 of Title 22.1 a section numbered 22.1-289.08:2, relating to Child Care Subsidy Program; categorical eligibility for certain families.

[H 407]

Approved April 2, 2024

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Article 1 of Chapter 14.1 of Title 22.1 a section numbered 22.1-289.08:2 as follows:

§ 22.1-289.08:2. Child Care Subsidy Program; categorical eligibility for certain families.

Any family that receives public assistance through Medicaid or the Special Supplemental Nutrition Program for Women, Infants, and Children shall be deemed to categorically satisfy income eligibility requirements to receive assistance through the Child Care Subsidy Program.

CHAPTER 287

An Act to amend and reenact § 58.1-609.11 of the Code of Virginia, relating to retail sales and use tax; exemptions for nonprofit entities.

[H 464]

Approved April 2, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 58.1-609.11 of the Code of Virginia is amended and reenacted as follows:

§ 58.1-609.11. Exemptions for nonprofit entities.

A. For purposes of this section, "nonprofit organization" or "nonprofit entity" means an entity that meets the requirements of subsection D. "Nonprofit organization" or "nonprofit entity" includes a single member limited liability company whose sole member is a nonprofit organization.

B. Any nonprofit organization that holds a valid certificate of exemption from the Department of Taxation, or any nonprofit church that holds a valid self-executing certificate of exemption, that exempts it from collecting or paying state and local retail sales or use taxes as of June 30, 2003, pursuant to § 58.1-609.4, 58.1-609.7, 58.1-609.8, 58.1-609.9, or 58.1-609.10, as such sections are in effect on June 30, 2003, shall remain exempt from the collection or payment of such taxes under the same terms and conditions as provided under such sections as such sections existed on June 30, 2003, until: (i) July 1, 2007, for such entities that were exempt under § 58.1-609.4; (ii) July 1, 2008, for such entities that were exempt under § 58.1-609.7; (iii) July 1, 2004, for the first one-half of such entities that were exempt under § 58.1-609.8, except churches, which will remain exempt under the same criteria and procedures in effect for churches on June 30, 2003; (iv) July 1, 2005, for the second one-half of such entities that were exempt under § 58.1-609.8; and (v) July 1, 2006, for such entities that were exempt under § 58.1-609.9 or under § 58.1-609.10. At the end of the applicable period of such exemptions, to maintain or renew an exemption for the period of time set forth in subsection G, each entity must follow the procedures set forth in subsection C and meet the criteria set forth in subsection D. Provided, however, that any entity that was exempt from collecting sales and use tax shall continue to be exempt from such collection, and any entity that was exempt from paying sales and use tax for the purchase of services, as of June 30, 2003, shall continue to be exempt from such payment, provided that it follows the other procedures set forth in subsection C and meets the criteria set forth in subsection D. Provided further, however, that an educational institution doing business in the Commonwealth which provides a face-to-face educational experience in American government and was exempt pursuant to subdivision 4 of § 58.1-609.4 from paying sales and use tax for the purchase of services, as of June 30, 2003, shall continue to be exempt from such payment, provided that it follows the other procedures set forth in subsection C and meets the criteria set forth in subsection D.

C. 1. On and after July 1, 2004, in addition to the organizations described in subsection B, and except as restricted in subdivision 2, the tax imposed by this chapter or pursuant to the authority granted in §§ 58.1-605 and 58.1-606 shall not apply to purchases of tangible personal property for use or consumption by any nonprofit entity that, pursuant to this section, (i) files an appropriate application with the Department of Taxation, (ii) meets the applicable criteria, and (iii) is issued a certificate of exemption from the Department of Taxation for the period of time covered by the certificate.

2. If the entity that is exempt under this section is exempt from federal income tax under § 501(c)(19) of the Internal Revenue Code, or has annual gross receipts of less than $5,000 and is organized for at least one of the purposes set forth in § 501(c)(19) of the Internal Revenue Code, then the exemption under this section for such entity shall not apply to purchases of tangible personal property that are used primarily (i) for social and recreational activities for members or (ii) for providing insurance benefits to members or members' dependents.

D. To qualify for the exemption under subsection C, a nonprofit entity must meet the applicable criteria under this subsection as follows:

1. a. The entity is exempt from federal income taxation (i) under § 501(c)(3) of the Internal Revenue Code; (ii) under § 501(c)(4) of the Internal Revenue Code and is organized for a charitable purpose; or (iii) under § 501(c)(19) of the Internal Revenue Code; or

b. The entity has annual gross receipts of less than $5,000, and the entity is organized for at least one of the purposes set forth in § 501(c)(3) of the Internal Revenue Code, one of the charitable purposes set forth in § 501(c)(4) of the Internal Revenue Code, or one of the purposes set forth in § 501(c)(19) of the Internal Revenue Code; and

2. The entity is in compliance with all applicable state solicitation laws and, where applicable, provides appropriate verification of such compliance; and

3. The entity's annual general administrative costs, including salaries and fundraising, relative to its annual gross revenue, under generally accepted accounting principles, is not greater than 40 percent; and

4. If the entity's gross annual revenue was at least $750,000 in the previous year, then the entity must provide a financial review performed by an independent certified public accountant. However, for any entity with gross annual revenue of at least ~~$1~~ *$1.5* million in the previous year, the Department may require that the entity provide a financial audit performed by an independent certified public accountant. If the Department specifically requires an entity with gross annual revenue of at least ~~$1 million~~ *$1.5 million* in the previous year to provide a financial audit performed by an independent

certified public accountant, then the entity shall provide such audit in order to qualify for the exemption under this section, which audit shall be in lieu of the financial review; and

5. If the entity filed a federal 990 or 990 EZ tax form, or the successor forms to such forms, with the Internal Revenue Service, then it must provide a copy of such form to the Department of Taxation; and

6. If the entity did not file a federal 990 or 990 EZ tax form, or the successor forms to such forms, with the Internal Revenue Service, then the entity must provide the following information:

a. A list of the Board of Directors or other responsible agents of the entity, composed of at least two individuals, with names and addresses where the individuals physically can be found; and

b. The location where the financial records of the entity are available for public inspection.

E. On and after July 1, 2004, in addition to the criteria set forth in subsection D, the Department of Taxation shall ask each entity for the total taxable purchases made in the preceding year, unless such records are not available through no fault of the entity. If the records are not available through no fault of the entity, then the entity must provide such information to the Department the following year. No information provided pursuant to this subsection (except the failure to provide available information) shall be a basis for the Department of Taxation to refuse to exempt an entity.

F. Any entity that is determined under subsections C, D, and E by the Department of Taxation to be exempt from paying sales and use tax shall also be exempt from collecting sales and use tax, at its election, if (i) the entity is within the same class of organization of any entity that was exempt from collecting sales and use tax on June 30, 2003, or (ii) the entity is organized exclusively to foster, sponsor, and promote physical education, athletic programs, and contests for youths in the Commonwealth.

G. The duration of each exemption granted by the Department of Taxation shall be no less than five years and no greater than seven years. During the period of such exemption, the failure of an exempt entity to maintain compliance with the applicable criteria set forth in subsection D shall constitute grounds for revocation of the exemption by the Department. At the end of the period of such exemption, to maintain or renew the exemption, each entity must provide the Department of Taxation the same information as required upon initial exemption and meet the same criteria.

H. For purposes of this section, the Department of Taxation and the Department of Agriculture and Consumer Services shall be allowed to share information when necessary to supplement the information required.

CHAPTER 288

An Act to direct the Department of Medical Assistance Services to amend in its regulations the definition of "credentialed addiction treatment professional" to include licensed behavior analysts.

[H 503]

Approved April 2, 2024

Be it enacted by the General Assembly of Virginia:

1. *§ 1. That the Department of Medical Assistance Services shall amend in its regulations the definition of "credentialed addiction treatment professional" to include licensed behavior analysts.*

CHAPTER 289

An Act to amend and reenact § 22.1-289.035 of the Code of Virginia, relating to Department of Education; background checks for child day program employees and volunteers; dissemination of information in certain circumstances.

[H 508]

Approved April 2, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 22.1-289.035 of the Code of Virginia is amended and reenacted as follows:

§ 22.1-289.035. Licensed child day centers, family day homes, and family day systems; employment for compensation or use as volunteers of persons convicted of or found to have committed certain offenses prohibited; national background check required; penalty.

A. No child day center, family day home, or family day system licensed in accordance with the provisions of this chapter, child day center exempt from licensure pursuant to § 22.1-289.031, registered family day home, family day home approved by a family day system, or child day center, family day home, or child day program that enters into a contract with the Department or its agents or designees to provide child care services funded by the Child Care and Development Block Grant shall hire for compensated employment, continue to employ, or permit to serve as a volunteer who will be alone with, in control of, or supervising children any person who (i) has been convicted of any barrier crime as defined in § 19.2-392.02 or (ii) is the subject of a founded complaint of child abuse or neglect within or outside the Commonwealth. All applicants for employment, employees, applicants to serve as volunteers, and volunteers shall undergo a background check in accordance with subsection B prior to employment or beginning to serve as a volunteer and every five years thereafter.

B. Any individual required to undergo a background check in accordance with subsection A shall:

1. Provide a sworn statement or affirmation disclosing whether he has ever been convicted of or is the subject of pending charges for any offense within or outside the Commonwealth and whether he has been the subject of a founded complaint of child abuse or neglect within or outside the Commonwealth;

2. Submit to fingerprinting and provide personal descriptive information described in subdivision B 2 of § 19.2-392.02;

3. Authorize the child day center, family day home, or family day system described in subsection A to obtain a copy of the results of a search of the central registry maintained pursuant to § 63.2-1515 for any founded complaint of child abuse or neglect against him; and

4. Authorize the child day center, family day home, or family day system described in subsection A to obtain a copy of the results of a criminal history record information check, a sex offender registry check, and a search of the child abuse and neglect registry or equivalent registry from any state in which the individual has resided in the preceding five years.

The applicant's fingerprints and personal descriptive information obtained pursuant to subdivision 2 shall be forwarded by the Department or its designee or, in the case of a child day program operated by a local government, may be forwarded by the local law-enforcement agency through the Central Criminal Records Exchange to the Federal Bureau of Investigation for the purpose of obtaining national criminal history record information regarding such applicant. Upon receipt of an applicant's record or notification that no record exists, the Central Criminal Records Exchange shall forward the information to the Department or its designee, and the Department or its designee shall report to the child day center or family day home whether the applicant is eligible to have responsibility for the safety and well-being of children. In cases in which the record forwarded to the Department or its designee is lacking disposition data, the Department or its designee shall conduct research in whatever state and local recordkeeping systems are available in order to obtain complete data before reporting to the child day center, family day home, or family day system.

C. The child day center, family day home, or family day system described in subsection A shall inform every individual required to undergo a background check pursuant to this section that he is entitled to obtain a copy of any background check report and to challenge the accuracy and completeness of any such report and obtain a prompt resolution before a final determination is made of the individual's eligibility to have responsibility for the safety and well-being of children.

D. Any person making a materially false statement regarding the sworn statement or affirmation provided pursuant to subdivision B 1 is guilty of a Class 1 misdemeanor.

E. Further dissemination of the background check information is prohibited (i) other than to the Superintendent's representative or a federal or state authority or court as may be required to comply with an express requirement of law for such further dissemination or (ii) except as provided in subsection J.

F. A person who complies in good faith with the provisions of this section shall not be liable for any civil damages for any act or omission in the performance of duties under this section unless the act or omission was the result of gross negligence or willful misconduct.

G. Notwithstanding the provisions of subsection A, a child day center may hire for compensated employment persons who have been convicted of not more than one misdemeanor offense under § 18.2-57, or any substantially similar offense under the laws of another jurisdiction, if 10 years have elapsed following the conviction, unless the person committed such offense while employed in a child day center or the object of the offense was a minor.

H. Fees charged for the processing and administration of background checks pursuant to this section shall not exceed the actual cost to the state or the local law-enforcement agency of such processing and administration.

I. Any individual required to undergo a background check pursuant to subsection A who is (i) convicted of any barrier crime as defined in § 19.2-392.02 or (ii) found to be the subject of a founded complaint of child abuse or neglect within or outside of the Commonwealth shall notify the child day center, family day home, or family day system described in subsection A of such conviction or finding.

J. Notwithstanding the provisions of subsection A, a background check shall not be required for any individual who has completed a background check under the provisions of this section within the previous five years, provided that (i) such background check was conducted after July 1, 2017; (ii) the results of such background check indicated that the individual had not been convicted of any barrier crime as defined in § 19.2-392.02 and was not the subject of a founded complaint of child abuse or neglect within or outside the Commonwealth; and (iii) the individual is currently or has been, within the previous 180 days, employed by or a volunteer at a child day center, family day home, family day system, or child day program described in subsection A. Prior to hiring or allowing to volunteer any individual required to undergo a background check pursuant to subsection A without the completion of a background check under the provisions of subsection B, the child day center, family day home, family day system, or child day program shall, upon the individual's written consent, obtain written certification from the Department or its designee that such individual satisfies all requirements set forth in this subsection and is eligible to serve as an employee or volunteer. If the individual meets all requirements set forth in this subsection and is eligible to serve as an employee or volunteer at the child day center, family day home, family day system, or child day program, the written certification shall also state the next date by which another background check for such person shall be completed in accordance with subsection B. Such written certifications shall not reveal the nature of any disqualifying barrier crime or founded complaint of child abuse or neglect or any other information about the individual.

K. Notwithstanding the provisions of subsection E, the Virginia Council for Private Education (the Council) or its authorized designee may review background check information for current employees of child day centers accredited by the Council for the purposes of seeking or maintaining accreditation by the Council as permitted pursuant to § 22.1-19.

L. Notwithstanding the provisions of subsection E, the Department, upon receiving a written request for such a written certification from an individual, shall provide written certification to an entity designated by the Department that provides staffing for child day programs that such individual satisfies all requirements set forth in this section and is eligible to serve as an employee, temporary employee, or volunteer in a child day program. Each such written certification shall also state the date by which the individual is required to complete a new background check in accordance with the periodic requirement for such background checks that is established in subsection A. No such written certification shall reveal the nature of any disqualifying barrier crime committed by or founded complaint of child abuse or neglect against the individual. Any such written certification may be shared among child day programs for the purpose of facilitating the creation and maintenance of a child day program substitute staff pool system.

CHAPTER 290

An Act to direct the Department of Behavioral Health and Developmental Services to develop and implement a pilot program relating to the discharge of individuals at one state hospital; report.

[H 515]

Approved April 2, 2024

Be it enacted by the General Assembly of Virginia:

1. *§ 1. That the Department of Behavioral Health and Developmental Services (the Department) shall develop and implement a pilot program at one state hospital to allow the director of the state hospital the option to discharge, after the preparation of a discharge plan and over the objection of the community services board, any individual receiving services in a state hospital (i) who is not held upon an order of a court for a criminal proceeding; (ii) who in the director's judgment is recovered, does not have a mental illness, or is impaired or not recovered but whose discharge will not be detrimental to the public welfare or injurious to the individual; (iii) who is not a proper case for treatment within the purview of Chapter 8 (§ 37.2-800 et seq.) of Title 37.2 of the Code of Virginia; and (iv) whose treatment team determines that the individual is ready for discharge but who has not been discharged within 15 days of such determination by the individual's treatment team. For all individuals discharged, the discharge plan shall be developed by the state hospital and shall be implemented by the community services board or behavioral health authority that serves the city or county where the individual resided prior to admission or by the board or authority that serves the city or county where the individual or his legally authorized representative on his behalf chooses to reside immediately following the discharge. The director may grant a trial or home visit to an individual receiving services in accordance with regulations adopted by the State Board of Behavioral Health and Developmental Services. The state facility granting a trial or home visit to an individual shall not be liable for such individual's expenses during the period of that visit. Such liability shall devolve upon the relative, conservator, person to whose care the individual is entrusted while on the trial or home visit, or the appropriate local department of social services of the county or city in which the individual resided at the time of admission pursuant to regulations adopted by the State Board of Social Services. The Department shall submit a report on its findings and recommendations no later than November 1, 2025, to the Governor, the Chairman of the House Committee on Health and Human Services, the Senate Committee on Education and Health, and the Behavioral Health Commission.*

CHAPTER 291

An Act to amend and reenact § 58.1-4123 of the Code of Virginia, relating to casino gaming; limits on required local referendums.

[H 525]

Approved April 2, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 58.1-4123 of the Code of Virginia is amended and reenacted as follows:

§ 58.1-4123. Local referendum required.

A. The Department shall not grant any initial license to operate a gaming operation in an eligible host city until a referendum on the question of whether casino gaming shall be permitted in such city is approved by the voters of such city.

B. The governing body of any city containing an eligible host city shall petition the court, by resolution, asking that a referendum be held on the question of whether casino gaming shall be permitted within the city. The court, by order entered of record in accordance with Article 5 (§ 24.2-681 et seq.) of Chapter 6 of Title 24.2, shall require the regular election officials of the city to open the polls and take the sense of the voters on the question as herein provided.

C. The clerk of such court of record of such city shall publish notice of such election in a newspaper of general circulation in such city once a week for three consecutive weeks prior to such election.

D. The regular election officers of such city shall open the polls at the various voting places in such city on the date specified in such order and conduct such election in the manner provided by law. The election shall be by ballot, which shall be prepared by the electoral board of the city and on which shall be printed the following question:

"Shall casino gaming be permitted at a casino gaming establishment in _____ (name of city and location) as may be approved by the Virginia Lottery Board?

[ ] Yes

[ ] No"

In the blank shall be inserted the name of the city in which such election is held and the proposed location of the casino gaming establishment. Any voter desiring to vote "Yes" shall mark in the square provided for such purpose immediately preceding the word "Yes," leaving the square immediately preceding the word "No" unmarked. Any voter desiring to vote "No" shall mark in the square provided for such purpose immediately preceding the word "No," leaving the square immediately preceding the word "Yes" unmarked.

E. The ballots shall be counted, the returns made and canvassed as in other elections, and the results certified by the electoral board to the court ordering such election. Thereupon, such court shall enter an order proclaiming the results of such election and a duly certified copy of such order shall be transmitted to the Department and to the governing body of such city.

F. A subsequent local referendum shall be required if a license has not been granted by the Board within five years of the court order proclaiming the results of the election.

G. The governing body of any eligible host city that holds a local referendum pursuant to this section that subsequently fails shall be prohibited from holding another local referendum on the same question for a period of three years from the date of the last referendum.

CHAPTER 292

An Act to amend and reenact § 2.2-203.2:4 of the Code of Virginia, relating to Office of Data Governance and Analytics; reciprocal data-sharing agreements; veteran-specific data.

[H 589]

Approved April 2, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 2.2-203.2:4 of the Code of Virginia is amended and reenacted as follows:

§ 2.2-203.2:4. Office of Data Governance and Analytics; Chief Data Officer; creation; report.

A. As used in this section, unless the context requires a different meaning:

"Board" means the Executive Data Board.

"CDO" means the Chief Data Officer of the Commonwealth.

"Commonwealth Data Trust" means a secure, multi-stakeholder data exchange and analytics platform with common rules for data security, privacy, and confidentiality. The Commonwealth Data Trust shall include data from state, regional, and local governments, from public institutions of higher education, and from any other sources deemed necessary and appropriate.

"Council" means the Data Governance Council.

"Group" means the Data Stewards Group.

"Office" means the Office of Data Governance and Analytics.

"Open data" means data that is collected by an agency that is not prohibited from being made available to the public by applicable laws or regulations or other restrictions, requirements, or rights associated with such data.

B. There is created in the Office of the Secretary of Administration the Office of Data Governance and Analytics to foster and oversee the effective sharing of data among state, regional, and local public entities and public institutions of higher education, implement effective data governance strategies to maintain data integrity and security, and promote access to Commonwealth data. The purpose of the Office shall be to (i) improve compliance with the Government Data Collection and Dissemination Practices Act (§ 2.2-3800 et seq.); (ii) increase access to and sharing of Commonwealth data, including open data, between state, regional and local public entities and public institutions of higher education across all levels of government; (iii) Increase the use of data and data analytics to improve the efficiency and efficacy of government services and improve stakeholder outcomes; and (iv) establish the Commonwealth as a national leader in data-driven policy, evidence-based decision making, and outcome-based performance management.

C. The Office shall have the following powers and duties:

1. To support the collection, dissemination, analysis, and proper use of data by state agencies and public entities as defined in the Government Data Collection and Dissemination Practices Act (§ 2.2-3800 et seq.);

2. To facilitate and guide data-sharing efforts between state, regional, and local public entities and public institutions of higher education;

3. To develop innovative data analysis and intelligence methodologies and best practices to promote data-driven policy making, decision making, research, and analysis;

4. To manage and administer the Commonwealth Data Trust;

5. To assist the Chief Data Officer and the Chief Information Officer of the Commonwealth in the development of a comprehensive six-year Commonwealth strategic plan for information technology;

6. In cooperation with the Chief Information Officer of the Commonwealth, to provide technical assistance to state agencies, local governments, and regional entities to establish and promote data sharing and analytics projects including data storage, data security, privacy, compliance with federal law, the de-identification of data for research purposes, and the appropriate access to and presentation of open data and datasets to the public;

7. To develop measures and targets related to the performance of the Commonwealth's data governance, sharing, analytics, and intelligence program;

8. To undertake, identify, coordinate, and oversee studies linking government services to stakeholder outcomes;

9. To implement a website dedicated to (i) hosting open data from state, regional, and local public entities and public institutions of higher education and (ii) providing links to any other additional open data websites in the Commonwealth;

10. To provide staff and operational support to the Virginia Data Commission, Executive Data Board, Data Governance Council, and Data Stewards Group;

11. To apply for and accept grants from the United States government and agencies and instrumentalities thereof and any other source. To those ends, the Office shall have the power to comply with such conditions and execute such agreements as may be necessary or desirable;

12. To solicit, receive, and consider proposals for funding projects or initiatives from any state or federal agency, local or regional government, public institution of higher education, nonprofit organization, or private person or corporation;

13. To enter into public-private partnerships and agreements with public institutions of higher education in the Commonwealth to conduct data sharing and analytics projects;

14. To solicit and accept funds, goods, and in-kind services that are part of any accepted project proposal;

15. To establish ad hoc committees or project teams to investigate related technology or technical issues and provide results and recommendations for Office action; ~~and~~

16. *To enter into reciprocal data-sharing agreements with state agencies for the purpose of sharing veteran-specific data in order to support data-informed outreach plans for veterans. Such agencies may include the Department of Veterans Services, Department of Corrections, Department of Social Services, Virginia Employment Commission, Department of Small Business and Supplier Diversity, Department of Taxation, and other relevant state agencies that have access to data regarding veterans residing in the Commonwealth; and*

17. To establish such bureaus, sections, or units as the Office deems appropriate to carry out its goals and responsibilities.

D. There is created in the Office of the Secretary of Administration the position of Chief Data Officer of the Commonwealth to oversee the operation of the Office. The CDO shall exercise and perform the duties conferred or imposed upon him by law and perform such other duties as may be required by the Governor and the Secretary of Administration. The CDO shall not be considered the custodian of any public records in or derived from the Commonwealth Data Trust. The CDO shall:

1. Establish business rules, guidelines, and best practices for the use of data, including open data, in the Commonwealth. Such rules, guidelines, and best practices shall address, at a minimum, (i) the sharing of data between state, regional, and local public entities and public institutions of higher education, and, when appropriate, private entities; (ii) data storage; (iii) data security; (iv) privacy; (v) compliance with federal law; (vi) the de-identification of data for research purposes; and (vii) the appropriate access to and presentation of open data and datasets to the public;

2. Assist state, regional, and local public entities, public institutions of higher education, and employees thereof, with the application of the Government Data Collection and Dissemination Practices Act (§ 2.2-3800 et. seq.) and understanding the applicability of federal laws governing privacy and access to data to the data sharing practices of the Commonwealth;

3. Assist the Chief Information Officer of the Commonwealth with matters related to the creation, storage, and dissemination of data upon request;

4. Encourage and coordinate efforts of state, regional, and local public entities and public institutions of higher education to access and share data, including open data, across all levels of government in an effort to improve the efficiency and efficacy of services, improve outcomes, and promote data-driven policy making, decision making, research, and analysis;

5. Oversee the implementation of a website dedicated to (i) hosting open data from state, regional, and local public entities and public institutions of higher education and (ii) providing links to any other additional open data websites in the Commonwealth;

6. Enter into contracts for the purpose of carrying out the provisions of this section;

7. Rent office space and procure equipment, goods, and services necessary to carry out the provisions of this section; and

8. Report on the activities of the Office, the Commonwealth Data Trust, and the Virginia Data Commission established pursuant to Article 13 (§ 2.2-2558 et seq.) of Chapter 25 annually by December 1 to the Governor and the General Assembly.

E. The Commonwealth Data Trust shall be governed by a multi-level governance structure as follows:

1. The Executive Data Board shall consist of the directors or chief executives, or their designees, of executive branch agencies engaged in data sharing and analytics projects with the Commonwealth Data Trust. The CDO shall chair the

Board. Members of the Board shall (i) translate the Commonwealth's data-driven policy goals and objectives into performance targets at their respective agencies; (ii) allocate appropriate resources at their respective agencies to support data governance, sharing, and analytics initiatives; and (iii) provide any reports to the Office regarding their respective agencies' data analytics work and implementation of recommendations.

2. The Data Governance Council shall consist of employees of the agencies represented on the Board, selected by the Board members from their respective agencies. The CDO, or his designee, shall chair the Council. The Council shall (i) liaise between state agency operations and the CDO; (ii) advise the CDO on data technology, policy, and governance structure; (iii) administer data governance policies, standards, and best practices, as set by the Board; (iv) oversee data sharing and analytics projects; (v) review open data assets prior to publication; (vi) provide to the Board any reports on the Council's recommendations and work as required by the Board; (vii) develop necessary privacy and ethical standards and policies for Commonwealth Data Trust resources; (viii) monitor the sharing of Commonwealth Data Trust member-contributed data resources; (ix) review and approve new Commonwealth Data Trust-managed data resources; and (x) conduct any other business the CDO deems necessary for Commonwealth Data Trust governance.

3. The Data Stewards Group shall consist of employees from executive branch agencies with technical experience in data management or data analytics. Executive branch agencies shall be encouraged to designate at least one agency data steward to serve on the Group and may designate multiple data stewards as appropriate based upon organizational or data system responsibilities. The Group shall (i) provide the Board and Council with technical subject matter expertise in support of data policies, standards, and best practices; (ii) implement data sharing and analytics projects promoting data accessibility, sharing, and reuse, thereby reducing redundancy across the Commonwealth; (iii) coordinate and resolve technical stewardship issues for standardized data; (iv) ensure data quality processes and standards are implemented consistently by agencies in the Commonwealth; (v) provide communication and education to data users on the appropriate use, sharing, and protection of the Commonwealth's data assets; (vi) promote the collection and sharing of metadata by registering data assets in the Virginia Data Catalog; (vii) liaise with agency project managers and information technology investment staff to ensure adherence to Commonwealth data standards and data sharing requirements; and (viii) support informed, data-driven decision making through compliance with Commonwealth data policies, standards, and best practices.

F. In carrying out the provisions of this section, the Office shall coordinate and collaborate with, to the fullest extent authorized by federal law and notwithstanding any state law to the contrary, all agencies set forth in subsection A of § 2.2-212 and subsection A of § 2.2-221; any other state, regional, and local public bodies, including community services boards; local law-enforcement agencies; any health and human services-related entity of a political subdivision that receives state funds; public institutions of higher education; and, when appropriate, private entities.

G. The Office shall be considered an agent of any state agency in the executive branch of government that shares information or data with the office, and shall be an authorized recipient of information under any statutory or administrative law governing the information or data. Interagency data shared pursuant to this section shall not constitute a disclosure or release of information or data under any statutory or administrative law governing the information or data.

H. The Office shall be responsible for overseeing and supporting any workforce development data systems authorized under the Secretary of Labor to ensure the interoperability of the systems, to facilitate data sharing, to identify innovative technology solutions, and to support processes that create data-informed decisions.

CHAPTER 293

An Act to amend and reenact § 38.2-6602 of the Code of Virginia, relating to the Commonwealth Health Reinsurance Program; payment parameters.

[H 591]

Approved April 2, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 38.2-6602 of the Code of Virginia is amended and reenacted as follows:

§ 38.2-6602. Commonwealth Health Reinsurance Program; established.

A. The Commission shall implement a reinsurance program, known as the Commonwealth Health Reinsurance Program. Implementation and operation of the Program is contingent upon approval of the State Innovation Waiver submitted by the Commission in accordance with § 38.2-6606. If the State Innovation Waiver and federal funding request submitted by the Commission pursuant to § 38.2-6606 are approved, the Commission shall implement and operate the Program in accordance with this section.

B. The Commission or its designee shall collect or access data from an eligible carrier as necessary to determine reinsurance payments, according to the data requirements under subdivision C 1.

1. Unless an eligible carrier is notified otherwise by the Commission, on a quarterly basis during the applicable benefit year, each eligible carrier shall report to the Commission its claims costs that exceed the attachment point for that benefit year. For each applicable benefit year, the Commission shall notify eligible carriers of reinsurance payments to be made for the applicable benefit year no later than September 30 of the year following the applicable benefit year. By November 15 of

the year following the applicable benefit year, the Commission shall disburse all applicable reinsurance payments to an eligible carrier.

2. For the 2023 benefit year and each benefit year thereafter, the Commission shall establish and publish the payment parameters for the applicable benefit year by May 1 of the year immediately preceding the applicable benefit year. In setting the payment parameters under this subsection, the Commission shall *(i) set such payment parameters at levels designed to achieve the premium reduction target established in the general appropriation act or, if such target is not established in the general appropriation act, the premium reduction target of the benefit year prior to the applicable benefit year and (ii)* consider the following factors: ~~(i)~~ *(a)* stabilized or reduced premium rates in the individual market, ~~(ii)~~ *(b)* increased participation in the individual market, ~~(iii)~~ *(c)* improved access to health care services and their providers for enrolled individuals, ~~(iv)~~ *(d)* mitigation of the impact high-risk individuals have on premium rates in the individual market, ~~(v)~~ *(e)* the availability of any federal funding available for the Program, and ~~(vi)~~ *(f)* the total amount available to fund the Program.

3. If the Commission determines that all reinsurance payments for a covered person's covered benefits requested under the Program by eligible carriers for a benefit year will not be equal to the amount of funding allocated to the Program, the Commission shall determine a uniform pro rata adjustment to be applied to all such requests for reinsurance payments.

C. A carrier that meets the requirement of this subsection and subsection D shall be eligible to request reinsurance payments from the Program. An eligible carrier shall make requests for reinsurance payments in accordance with the requirements established by the Commission.

1. To receive reinsurance payments through the Program, an eligible carrier shall, by April 30 of the year following the benefit year for which reinsurance payments are requested, (i) provide the Commission with access to the data within the dedicated data environment established by the eligible carrier under the federal risk adjustment program under 42 U.S.C. § 18063 or access to other carrier-specific data if and where necessary and (ii) submit to the Commission an attestation that the carrier has complied with the dedicated data environments, data requirements, establishment and usage of masked enrollee identification numbers, and data submission deadlines.

2. An eligible carrier shall maintain documents and records sufficient to substantiate the requests for reinsurance payments made pursuant to this section for at least five years. An eligible carrier shall also make those documents and records available upon request from the Commission for purposes of verification, investigation, audit, or other review of reinsurance payment requests. The Commission may audit an eligible carrier to assess the carrier's compliance with this section. The eligible carrier shall ensure that its contractors, subcontractors, and agents cooperate with any audit under this section.

D. The Commission or its designee shall calculate each reinsurance payment based on an eligible carrier's incurred claims costs for a covered person's covered benefits in the applicable benefit year. If the claims costs for a covered person's covered benefits in the applicable benefit year do not exceed the attachment point for the applicable benefit year, the carrier shall not be eligible for a reinsurance payment. If the claims costs exceed the attachment point for the applicable benefit year, the Commission shall calculate the reinsurance payment as the product of the coinsurance rate and the eligible carrier's claims costs up to the reinsurance cap. A carrier shall be ineligible for reinsurance payments for claims costs for a covered person's covered benefits in the applicable benefit year that exceed the reinsurance cap. The Commission shall ensure that reinsurance payments made to eligible carriers do not exceed the total amount paid by the eligible carrier for any eligible claim. An eligible carrier may request that the Commission reconsider a decision on the carrier's request for reinsurance payments within 21 days after notice of the Commission's decision.

E. The Commission shall require each eligible carrier that participates in the Program to file with the Commission, by a date and in a form and manner specified by the Commission by rule, the care management protocols the eligible carrier will use to manage claims within the payment parameters.

CHAPTER 294

An Act to amend and reenact §§ 22.1-100 and 22.1-100.1 of the Code of Virginia, relating to school boards; unexpended local funds; capital reserve fund permitted.

[H 599]

Approved April 2, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 22.1-100 and 22.1-100.1 of the Code of Virginia are amended and reenacted as follows:

§ 22.1-100. Unexpended school and educational funds; capital reserve fund permitted.

A. All sums of money derived from the Commonwealth which are unexpended in any year in any school division shall revert to the fund of the Commonwealth from which derived unless the Board of Education directs otherwise. ~~All~~ *Except as otherwise provided in subsection B, all* sums derived from local funds unexpended in any year shall remain a part of the funds of the governing body appropriating the funds for use the next year, but no local funds shall be subject to redivision outside of the locality in which they were raised.

B. Any school board may, with the concurrence of the local governing body, establish a capital reserve fund as a savings account into which it exclusively deposits the unexpended local operating funds described in subsection A for future school division capital expenditures at no additional cost to local taxpayers, subject to the following conditions:

1. Any deposit into such fund shall be designated at the time of deposit for a specific capital project named by the school board;

2. No deposit into such fund shall be withdrawn or used for any purpose other than the capital project designated pursuant to subdivision 1; and

3. The school board may make withdrawals from such fund at any time, and no such withdrawal shall be encumbered by any deadlines or other timelines or time-based restrictions.

§ 22.1-100.1. Lottery proceeds nonrecurring costs escrow accounts.

A. Notwithstanding the provisions of *subsection A of* § 22.1-100, the governing body of any locality may authorize the local treasurer or fiscal officer, by ordinance or resolution, to create a separate escrow account upon the books of the locality for the deposit of that portion of the locality's appropriation from the lottery proceeds which are designated, pursuant to Item 139 B 4 of Chapter 935 of the 1999 Acts of Assembly or any other state law, for nonrecurring costs incurred by the relevant school division.

Such nonrecurring costs shall include school construction, additions, infrastructure, site acquisition, renovations, technology, and other expenditures related to modernizing classroom equipment, and debt service payments on school projects completed during the last ten years. Upon adoption of the proper ordinance or resolution, the treasurer or local fiscal officer of the locality shall place such appropriation into a separate lottery proceeds nonrecurring costs escrow account. Under no circumstances shall the escrow account allowed for the school construction grants pursuant to § 22.1-175.5 be used for these deposits.

B. The escrow account shall be known as the "County/City/Town of _____ Lottery Proceeds Nonrecurring Costs Fund." All principal deposited to such fund, together with all income from or attributable to the fund, shall be used solely for (i) construction, additions, renovations, including retrofitting and enlarging public school buildings, infrastructure, including technology infrastructure, and site acquisition for public school buildings and facilities or (ii) debt service payments, or a portion thereof, for any such projects completed in the previous ten years if so designated.

No disbursement from the fund may be made except upon specific appropriation by the governing body in accordance with applicable law. If a locality establishes such a fund and designates any portion of the funds deposited therein to pay debt service for (i) any general obligation of the locality held by the Virginia Public School Authority or (ii) any Literary Fund loan, the locality shall obtain an opinion of bond counsel that designation of funds to pay debt service on obligations described in clauses (i) and (ii) hereof does not adversely impact the tax-exempt status of such obligations.

C. All moneys deposited in the fund, including all income from or attributable to such fund, shall be deemed public funds of the locality and shall be subject to all limitations upon deposit and investment provided by general law, including, but not limited to, the Virginia Security for Public Deposits Act (§ 2.2-4400 et seq.). Income, dividends, distributions, and grants accruing to the fund shall be retained in such fund and shall be expended only in accordance with the terms of this section.

D. Nothing in this section shall be deemed or construed to authorize a school board or school division to receive, hold or invest funds in its own name, or to expend funds in the absence of a specific appropriation by the governing body of the locality in accordance with applicable law.

CHAPTER 295

An Act to amend and reenact § 54.1-2722 of the Code of Virginia, relating to dental hygienists; remote supervision.

[H 605]

Approved April 2, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 54.1-2722 of the Code of Virginia is amended and reenacted as follows:

§ 54.1-2722. License; application; qualifications; practice of dental hygiene; report.

A. No person shall practice dental hygiene unless he possesses a current, active, and valid license from the Board of Dentistry. The licensee shall have the right to practice dental hygiene in the Commonwealth for the period of his license as set by the Board, under the direction of any licensed dentist.

B. An application for such license shall be made to the Board in writing and shall be accompanied by satisfactory proof that the applicant (i) is of good moral character, (ii) is a graduate of a dental hygiene program accredited by the Commission on Dental Accreditation and offered by an accredited institution of higher education, (iii) has passed the dental hygiene examination given by the Joint Commission on National Dental Examinations, and (iv) has successfully completed a clinical examination acceptable to the Board.

C. The Board may grant a license to practice dental hygiene to an applicant licensed to practice in another jurisdiction if he (i) meets the requirements of subsection B; (ii) holds a current, unrestricted license to practice dental hygiene in another jurisdiction in the United States; (iii) has not committed any act that would constitute grounds for denial as set forth in § 54.1-2706; and (iv) meets other qualifications as determined in regulations promulgated by the Board.

D. A licensed dental hygienist may, under the direction or general supervision of a licensed dentist and subject to the regulations of the Board, perform services that are educational, diagnostic, therapeutic, or preventive. These services shall not include the establishment of a final diagnosis or treatment plan for a dental patient. Pursuant to subsection V of § 54.1-3408, a licensed dental hygienist may administer topical oral fluorides under an oral or written order or a standing protocol issued by a dentist or a doctor of medicine or osteopathic medicine.

A dentist may also authorize a dental hygienist under his direction to administer Schedule VI nitrous oxide and oxygen inhalation analgesia and, to persons 18 years of age or older, Schedule VI local anesthesia. In its regulations, the Board of Dentistry shall establish the education and training requirements for dental hygienists to administer such controlled substances under a dentist's direction.

For the purposes of this section, "general supervision" means that a dentist has evaluated the patient and prescribed authorized services to be provided by a dental hygienist; however, the dentist need not be present in the facility while the authorized services are being provided.

The Board shall provide for an inactive license for those dental hygienists who hold a current, unrestricted license to practice in the Commonwealth at the time of application for an inactive license and who do not wish to practice in Virginia. The Board shall promulgate such regulations as may be necessary to carry out the provisions of this section, including requirements for remedial education to activate a license.

E. For the purposes of this subsection, "remote supervision" means that a public health dentist has regular, periodic communications with a public health dental hygienist regarding patient treatment, but such dentist may not have conducted an initial examination of the patients who are to be seen and treated by the dental hygienist and may not be present with the dental hygienist when dental hygiene services are being provided.

Notwithstanding any provision of law, a dental hygienist employed by the Virginia Department of Health or the Department of Behavioral Health and Developmental Services who holds a license issued by the Board of Dentistry may provide educational and preventative dental care in the Commonwealth under the remote supervision of a dentist employed by the Department of Health or the Department of Behavioral Health and Developmental Services. A dental hygienist providing such services shall practice pursuant to protocols developed jointly by the Department of Health and the Department of Behavioral Health and Developmental Services for each agency, in consultation with the Virginia Dental Association and the Virginia Dental Hygienists' Association. Such protocols shall be adopted by the Board as regulations.

A report of services provided by dental hygienists employed by the Virginia Department of Health pursuant to such protocol, including their impact upon the oral health of the citizens of the Commonwealth, shall be prepared and submitted annually to the Secretary of Health and Human Resources by the Department of Health, and a report of services provided by dental hygienists employed by the Department of Behavioral Health and Developmental Services shall be prepared and submitted annually to the Secretary of Health and Human Resources by the Department of Behavioral Health and Developmental Services. Nothing in this section shall be construed to authorize or establish the independent practice of dental hygiene.

F. For the purposes of this subsection, "remote supervision" means that a supervising dentist is accessible and available for communication and consultation with a dental hygienist during the delivery of dental hygiene services, but such dentist may not have conducted an initial examination of the patients who are to be seen and treated by the dental hygienist and may not be present with the dental hygienist when dental hygiene services are being provided.

Notwithstanding any other provision of law, a dental hygienist may practice dental hygiene under the remote supervision of a dentist who holds an active license by the Board and who has a dental practice physically located in the Commonwealth. No dental hygienist shall practice under remote supervision unless he has (i) completed a continuing education course designed to develop the competencies needed to provide care under remote supervision offered by an accredited dental education program or from a continuing education provider approved by the Board and (ii) at least two years of clinical experience, consisting of at least 2,500 hours of clinical experience. A dental hygienist practicing under remote supervision shall have professional liability insurance with policy limits acceptable to the supervising dentist. A dental hygienist shall only practice under remote supervision at a federally qualified health center; charitable safety net facility; free clinic; long-term care facility; elementary or secondary school; Head Start program; mobile dentistry program for adults with developmental disabilities operated by the Department of Behavioral Health and Developmental Services' Office of Integrated Health; or women, infants, and children (WIC) program.

A dental hygienist practicing under remote supervision may (a) obtain a patient's treatment history and consent, (b) perform an oral assessment, (c) perform scaling and polishing, (d) perform all educational and preventative services, (e) take X-rays as ordered by the supervising dentist or consistent with a standing order, (f) maintain appropriate documentation in the patient's chart, (g) administer topical oral fluorides, topical oral anesthetics, topical and directly applied antimicrobial agents for treatment of periodontal pocket lesions, and any other Schedule VI topical drug approved by the Board of Dentistry under an oral or written order or a standing protocol issued by a dentist or a doctor of medicine or osteopathic medicine pursuant to subsection V of § 54.1-3408, and (h) perform any other service ordered by the supervising dentist or required by statute or Board regulation. No dental hygienist practicing under remote supervision shall administer local anesthetic or nitrous oxide.

Prior to providing a patient dental hygiene services, a dental hygienist practicing under remote supervision shall obtain (1) the patient's or the patient's legal representative's signature on a statement disclosing that the delivery of dental hygiene

services under remote supervision is not a substitute for the need for regular dental examinations by a dentist and (2) verbal confirmation from the patient that he does not have a dentist of record whom he is seeing regularly.

After conducting an initial oral assessment of a patient, a dental hygienist practicing under remote supervision may provide further dental hygiene services following a written practice protocol developed and provided by the supervising dentist. Such written practice protocol shall consider, at a minimum, the medical complexity of the patient and the presenting signs and symptoms of oral disease.

A dental hygienist practicing under remote supervision shall inform the supervising dentist of all findings for a patient. A dental hygienist practicing under remote supervision may continue to treat a patient for ~~90~~ *180* days. After such ~~90-day~~ *180-day* period, the supervising dentist, absent emergent circumstances, shall either conduct an examination of the patient or refer the patient to another dentist to conduct an examination. The supervising dentist shall develop a diagnosis and treatment plan for the patient, and either the supervising dentist or the dental hygienist shall provide the treatment plan to the patient. The supervising dentist shall review a patient's records at least once every 10 months.

Nothing in this subsection shall prevent a dental hygienist from practicing dental hygiene under general supervision whether as an employee or as a volunteer.

CHAPTER 296

An Act to amend the Code of Virginia by adding in Title 30 a chapter numbered 67, consisting of sections numbered 30-430 through 30-435, relating to Virginia Commission to End Hunger; report.

[H 607]

Approved April 2, 2024

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Title 30 a chapter numbered 67, consisting of sections numbered 30-430 through 30-435, as follows:

CHAPTER 67.

VIRGINIA COMMISSION TO END HUNGER.

§ 30-430. Virginia Commission to End Hunger; purpose.

The Virginia Commission to End Hunger (the Commission) is established in the legislative branch of state government.

The purpose of the Commission is to develop an action plan every two years for ending hunger in the Commonwealth, review the progress of such plan, and ensure cross-collaboration among government entities and community partners toward the goal of ending hunger in the Commonwealth.

§ 30-431. Membership; terms; quorum; meetings.

The Commission shall have a total membership of 19 members that shall consist of eight legislative members and 11 nonlegislative citizen members. Members shall be appointed as follows: three members of the Senate, to be appointed by the Senate Committee on Rules; five members of the House of Delegates, to be appointed by the Speaker of the House of Delegates in accordance with the principles of proportional representation contained in the Rules of the House of Delegates; five nonlegislative citizen members, one of whom is a researcher at the university level, three of whom are representatives from community organizations working toward ending hunger, and one of whom is a nutritionist, to be appointed by the Senate Committee on Rules; and six nonlegislative citizen members, one of whom is a researcher at the university level, one of whom is a representative of the Secretary of Health and Human Services, two of whom are representatives from community organizations working toward ending hunger, one of whom is a high school junior or senior student representative from a public school, and one of whom is a board-certified physician, to be appointed by the Speaker of the House of Delegates. Nonlegislative citizen members of the Commission shall be citizens of the Commonwealth.

Legislative members of the Commission shall serve terms coincident with their terms of office. Nonlegislative citizen members shall be appointed for a term of two years. Appointments to fill vacancies, other than by expiration of a term, shall be for the unexpired terms. Vacancies shall be filled in the same manner as the original appointments. All members may be reappointed.

No Senate member shall serve more than two consecutive four-year terms, no House member shall serve more than four consecutive two-year terms, and no nonlegislative citizen member appointed by the Speaker of the House of Delegates or the Senate Committee on Rules shall serve more than four consecutive two-year terms. The remainder of any term to which a member is appointed to fill a vacancy shall not constitute a term in determining the member's eligibility for reappointment.

The Commission shall elect a chairman and vice-chairman from among its membership, who shall be members of the General Assembly. A majority of the members shall constitute a quorum. The meetings of the Commission shall be held at the call of the chairman or whenever the majority of the members so request.

No recommendation of the Commission shall be adopted if a majority of the House members or a majority of the Senate members appointed to the Commission (i) vote against the recommendation and (ii) vote for the recommendation to fail notwithstanding the majority vote of the Commission.

§ 30-432. Compensation; expenses.

Legislative members of the Commission shall receive such compensation as provided in § 30-19.12, and nonlegislative citizen members shall receive such compensation for the performance of their duties as provided in § 2.2-2813. All members shall be reimbursed for all reasonable and necessary expenses incurred in the performance of their duties as provided in §§ 2.2-2813 and 2.2-2825.

§ 30-433. Powers and duties of the Commission.

The Commission shall have the following powers and duties:

1. Identify all funding sources that can be used for improving nutrition and ending hunger for which the state has administrative control as well as for development of future funding.

2. Identify strategies for ensuring that each public elementary and secondary student has access to nutritious meals and snacks at school, including by promoting full participation in all federally assisted school meal and snack programs by both eligible schools and eligible students in such schools.

3. Identify barriers to food access and develop sustainable policies and programs to address those barriers.

4. Promote and facilitate public-private partnerships.

5. Develop benchmarks and set goals to indicate success.

6. Submit to the Governor and the General Assembly an annual report for publication as a report document as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports. The chairman of the Commission shall submit to the Governor and the General Assembly an annual executive summary of the interim activity and work of the Commission no later than the first day of each regular session of the General Assembly. The executive summary shall be submitted for publication as a report document as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.

§ 30-434. Staffing.

Administrative staff support shall be provided by the Office of the Clerk of the chairman of the Commission. The Division of Legislative Services shall provide legal, research, policy analysis, and other services as requested by the Commission. All agencies of the Commonwealth shall provide assistance to the Commission, upon request.

§ 30-435. Sunset.

This chapter shall expire on July 1, 2027.

CHAPTER 297

An Act to amend and reenact § 2.2-2543 of the Code of Virginia, relating to Henrietta Lacks Commission; sunset date.

[H 613]

Approved April 2, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 2.2-2543 of the Code of Virginia is amended and reenacted as follows:

§ 2.2-2543. Sunset.

This article shall expire on July 1, ~~2026~~ *2024*.

CHAPTER 298

An Act to amend the Code of Virginia by adding in Chapter 38 of Title 58.1 an article numbered 12.1, consisting of a section numbered 58.1-3853.1, relating to local military centered community zone.

[H 619]

Approved April 2, 2024

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Chapter 38 of Title 58.1 an article numbered 12.1, consisting of a section numbered 58.1-3853.1, as follows:

Article 12.1.

Local Military Centered Community Zone.

§ 58.1-3853.1. Military centered community zones; local designation.

A. As used in this section, "military centered community" means a community designated by a locality that has a significant presence of military personnel living or working in the designated area and where such presence drives, or has the potential to drive, significant economic activity.

B. Any locality may establish, by ordinance, one or more military centered community zones. Each locality, or another political subdivision acting on behalf of the locality, may offer unique benefits to businesses looking to locate within a military centered community zone for the purpose of serving the needs of military personnel.

C. The benefits may be provided to businesses, including new residential developments, located in a military centered community zone for up to 20 years and may include, but need not be limited to, (i) reduction of permit fees, (ii) reduction of user fees, and (iii) notwithstanding any other provision of law, reduction of any type of gross receipts tax. In addition, local

governing bodies are authorized to enter into agreements for the payment of economic development incentive grants to such businesses with payment of the grants conditioned upon the businesses making certain real property or capital investments, creating and maintaining new jobs, or performing or meeting other economic development objectives.

D. The governing body may also provide for regulatory flexibility in such zone that may include, but need not be limited to, (i) special zoning for the district, (ii) permit process reform, (iii) exemption from ordinances, and (iv) any other incentive adopted by ordinance, which shall be binding upon the locality for a period of up to 20 years.

E. The establishment of a military centered community zone shall not preclude the area from also being designated as an enterprise zone under the Enterprise Zone Grant Act (§ 59.1-538 et seq.) nor shall it preclude the area from receiving support under the Virginia Military Community Infrastructure Grant Program established in § 2.2-233.1.

CHAPTER 299

An Act to amend the Code of Virginia by adding a section numbered 22.1-211.1, relating to public schools; certain local school divisions; youth and community violence prevention; Community Builders Pilot Program established; report.

[H 626]

Approved April 2, 2024

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 22.1-211.1 as follows:

§ 22.1-211.1. Community Builders Pilot Program established; report.

A. The Community Builders Pilot Program (the Program) is established for the purpose of reducing youth involvement in behaviors that lead to gun violence and increasing community engagement among public school students by providing students enrolled in Roanoke City Public Schools and Petersburg City Public Schools opportunities during the school year after regular school hours and during the summer months for community engagement, workforce development, postsecondary education exploration, and social-emotional education and development.

B. The Program shall have after-school sessions, to be offered during the school year after regular school hours, and one summer session, to be offered during the summer months when school is not in session. The Program shall provide a group of up to 100 students each session, selected in accordance with subdivision C 1, community, workforce, and education building opportunities, including opportunities for:

1. Workforce development and professional readiness, including career and technical education exploration and opportunities for soft-skill development;

2. Exploring opportunities available in postsecondary education;

3. Social-emotional development and instruction on the role and importance of restorative justice in the community; and

4. Family engagement and empowerment.

C. The school boards of Roanoke City Public Schools and Petersburg City Public Schools shall be responsible for the administration of the Program. In administering the Program, the school boards may collaborate with such other entities as they deem appropriate. In administering the Program, the school boards shall:

1. Establish and administer an application and referral process by which students who are entering eighth grade can apply or be referred for participation in the Program, including students who may be referred by a teacher for compulsory participation;

2. Develop and administer an application and hiring process for Program staff, including a Program coordinator and professional staff;

3. Develop and implement a Program curriculum and itinerary for the after-school sessions of the Program to be offered during the school year after regular school hours and for the summer session of the Program to be offered during the summer months; and

4. Collect data and report to the Governor, the Senate Committee on Education and Health, and the House Committee on Education by November 1 each year on the progress of the Program, including: (i) the number of students participating in the Program as a whole and disaggregated by (a) the number of students participating during the after-school session of the Program and the summer session of the Program and (b) the number of participating students who are enrolled in Roanoke City Public Schools and the number of participating students enrolled in Petersburg City Public Schools; (ii) data relating to the progress of participating students, including a comparison of pre-participation and post-participation absenteeism rates, disciplinary incidents, and academic performance; and (iii) the number and rate of reported incidents of gun violence involving participants in the Community Builders program, in the City of Roanoke as a whole, and in the City of Petersburg as a whole in comparison to previous years.

2. That the provisions of this act shall expire on July 1, 2027.

CHAPTER 300

An Act to amend the Code of Virginia by adding in Article 5 of Chapter 9 of Title 15.2 a section numbered 15.2-987, relating to residential dwelling units; rentals for 30 consecutive days or longer.

[H 634]

Approved April 2, 2024

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Article 5 of Chapter 9 of Title 15.2 a section numbered 15.2-987 as follows:

§ 15.2-987. Rentals for 30 consecutive days or longer.

A. No locality shall enact or enforce an ordinance that prohibits renting a residential dwelling unit for a lease term of 30 consecutive days or longer.

B. Any local restriction placed on residential dwelling units that are leased for a term of 30 consecutive days or longer shall (i) be reasonable and (ii) not exceed the requirements for an owner-occupied residential property or a residential property rented for a lease term of 12 months or longer in the same zoning district.

C. Nothing in this section shall be construed to supersede or limit contracts or agreements between or among individuals or private entities related to the use of real property, including recorded declarations and covenants, the provisions of condominium instruments of a condominium created pursuant to the Virginia Condominium Act (§ 55.1-1900 et seq.), the declaration of a common interest community as defined in § 54.1-2345, the cooperative instruments of a cooperative created pursuant to the Virginia Real Estate Cooperative Act (§ 55.1-2100 et seq.), or any declaration of a property owners' association created pursuant to the Property Owners' Association Act (§ 55.1-1800 et seq.).

CHAPTER 301

An Act to amend and reenact §§ 15.2-2209.1:2 and 15.2-2286 of the Code of Virginia, relating to zoning; solar photovoltaic and energy storage projects; period of validity for certain projects.

[H 650]

Approved April 2, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 15.2-2209.1:2 and 15.2-2286 of the Code of Virginia are amended and reenacted as follows:

§ 15.2-2209.1:2. Extension of land use approvals for solar photovoltaic projects.

A. An initial approval of a special exception, special use permit, or conditional use permit for a solar photovoltaic or energy storage project shall provide the landowner or developer a minimum of three years to commence the project.

For so long as the special exception, special use permit, or conditional use permit remains valid, no change or amendment to any local ordinance, map, resolution, rule, regulation, policy, or plan adopted subsequent to the date of approval of the special exception, special use permit, or conditional use permit shall adversely affect the right of the developer or his successor in interest to commence and complete an approved development in accordance with the lawful terms of the special exception, special use permit, or conditional use permit unless the change or amendment is required to comply with state law or there has been a mistake, fraud, or a change in circumstances substantially affecting the public health, safety, or welfare.

Application for minor modifications to special exceptions, special use permits, or conditional use permits made during the period of validity shall not constitute a waiver of the provisions hereof nor shall the approval of minor modifications extend the period of validity of such plats or plans.

B. Notwithstanding any other provision of this chapter, for any valid special exception, special use permit, or conditional use permit, or any modifications thereto, for a solar photovoltaic *or energy storage* project outstanding as of July 1, 2023, any deadline in the exception permit, or in the local zoning ordinance that requires the landowner or developer to commence the project within a certain time, may be extended by a resolution of the governing body until July 1, 2026, or such longer period as may be agreed to by the locality.

§ 15.2-2286. Permitted provisions in zoning ordinances; amendments; applicant to pay delinquent taxes; penalties.

A. A zoning ordinance may include, among other things, reasonable regulations and provisions as to any or all of the following matters:

1. For variances or special exceptions, as defined in § 15.2-2201, to the general regulations in any district.

2. For the temporary application of the ordinance to any property coming into the territorial jurisdiction of the governing body by annexation or otherwise, subsequent to the adoption of the zoning ordinance, and pending the orderly amendment of the ordinance.

3. For the granting of special exceptions under suitable regulations and safeguards; notwithstanding any other provisions of this article, the governing body of any locality may reserve unto itself the right to issue such special exceptions. Conditions imposed in connection with residential special use permits, wherein the applicant proposes

affordable housing, shall be consistent with the objective of providing affordable housing. When imposing conditions on residential projects specifying materials and methods of construction or specific design features, the approving body shall consider the impact of the conditions upon the affordability of housing. *Conditions may include the period of validity for a special exception or special use permit; however, in the case of a special exception or special use permit for residential projects, the period of validity shall be no less than three years.*

The governing body or the board of zoning appeals of the Cities of Hampton and Norfolk may impose a condition upon any special exception or use permit relating to retail alcoholic beverage control licensees which provides that such special exception or use permit will automatically expire upon a change of ownership of the property, a change in possession, a change in the operation or management of a facility, or the passage of a specific period of time.

The governing body of the City of Richmond may impose a condition upon any special use permit issued after July 1, 2000, relating to retail alcoholic beverage licensees which provides that such special use permit shall be subject to an automatic review by the governing body upon a change in possession, a change in the owner of the business, or a transfer of majority control of the business entity. Upon review by the governing body, it may either amend or revoke the special use permit after notice and a public hearing as required by § 15.2-2206.

4. For the administration and enforcement of the ordinance including the appointment or designation of a zoning administrator who may also hold another office in the locality. The zoning administrator shall have all necessary authority on behalf of the governing body to administer and enforce the zoning ordinance. His authority shall include (i) ordering in writing the remedying of any condition found in violation of the ordinance; (ii) insuring compliance with the ordinance, bringing legal action, including injunction, abatement, or other appropriate action or proceeding subject to appeal pursuant to § 15.2-2311; and (iii) in specific cases, making findings of fact and, with concurrence of the attorney for the governing body, conclusions of law regarding determinations of rights accruing under § 15.2-2307 or subsection C of § 15.2-2311.

Whenever the zoning administrator has reasonable cause to believe that any person has engaged in or is engaging in any violation of a zoning ordinance that limits occupancy in a residential dwelling unit, which is subject to a civil penalty that may be imposed in accordance with the provisions of § 15.2-2209, and the zoning administrator, after a good faith effort to obtain the data or information necessary to determine whether a violation has occurred, has been unable to obtain such information, he may request that the attorney for the locality petition the judge of the general district court for his jurisdiction for a subpoena duces tecum against any such person refusing to produce such data or information. The judge of the court, upon good cause shown, may cause the subpoena to be issued. Any person failing to comply with such subpoena shall be subject to punishment for contempt by the court issuing the subpoena. Any person so subpoenaed may apply to the judge who issued the subpoena to quash it.

Notwithstanding the provisions of § 15.2-2311, a zoning ordinance may prescribe an appeal period of less than 30 days, but not less than 10 days, for a notice of violation involving temporary or seasonal commercial uses, parking of commercial trucks in residential zoning districts, maximum occupancy limitations of a residential dwelling unit, or similar short-term, recurring violations.

Where provided by ordinance, the zoning administrator may be authorized to grant a modification from any provision contained in the zoning ordinance with respect to physical requirements on a lot or parcel of land, including but not limited to size, height, location or features of or related to any building, structure, or improvements, if the administrator finds in writing that: (i) the strict application of the ordinance would produce undue hardship; (ii) such hardship is not shared generally by other properties in the same zoning district and the same vicinity; and (iii) the authorization of the modification will not be of substantial detriment to adjacent property and the character of the zoning district will not be changed by the granting of the modification. Prior to the granting of a modification, the zoning administrator shall give, or require the applicant to give, all adjoining property owners written notice of the request for modification, and an opportunity to respond to the request within 21 days of the date of the notice. The zoning administrator shall make a decision on the application for modification and issue a written decision with a copy provided to the applicant and any adjoining landowner who responded in writing to the notice sent pursuant to this paragraph. The decision of the zoning administrator shall constitute a decision within the purview of § 15.2-2311, and may be appealed to the board of zoning appeals as provided by that section. Decisions of the board of zoning appeals may be appealed to the circuit court as provided by § 15.2-2314.

The zoning administrator shall respond within 90 days of a request for a decision or determination on zoning matters within the scope of his authority unless the requester has agreed to a longer period. If the decision or determination by the zoning administrator could impair the ability of an adjacent property owner to satisfy the minimum storage capacity and yield requirements for a residential drinking well pursuant to § 32.1-176.4 or any regulation adopted thereunder, the zoning administrator shall provide a copy of such decision or determination to such adjacent property owner so affected.

5. For the imposition of penalties upon conviction of any violation of the zoning ordinance. Any such violation shall be a misdemeanor punishable by a fine of not more than $1,000. If the violation is uncorrected at the time of the conviction, the court shall order the violator to abate or remedy the violation in compliance with the zoning ordinance, within a time period established by the court. Failure to remove or abate a zoning violation within the specified time period shall constitute a separate misdemeanor offense punishable by a fine of not more than $1,000; any such failure during a succeeding 10-day period shall constitute a separate misdemeanor offense punishable by a fine of not more than $1,500; and any such failure during any succeeding 10-day period shall constitute a separate misdemeanor offense for each 10-day period punishable by a fine of not more than $2,000.

However, any conviction resulting from a violation of provisions regulating the number of unrelated persons in single-family residential dwellings shall be punishable by a fine of up to $2,000. Failure to abate the violation within the specified time period shall be punishable by a fine of up to $5,000, and any such failure during any succeeding 10-day period shall constitute a separate misdemeanor offense for each 10-day period punishable by a fine of up to $7,500. However, no such fine shall accrue against an owner or managing agent of a single-family residential dwelling unit during the pendency of any legal action commenced by such owner or managing agent of such dwelling unit against a tenant to eliminate an overcrowding condition in accordance with the Virginia Residential Landlord and Tenant Act (§ 55.1-1200 et seq.). A conviction resulting from a violation of provisions regulating the number of unrelated persons in single-family residential dwellings shall not be punishable by a jail term.

6. For the collection of fees to cover the cost of making inspections, issuing permits, advertising of notices and other expenses incident to the administration of a zoning ordinance or to the filing or processing of any appeal or amendment thereto.

7. For the amendment of the regulations or district maps from time to time, or for their repeal. Whenever the public necessity, convenience, general welfare, or good zoning practice requires, the governing body may by ordinance amend, supplement, or change the regulations, district boundaries, or classifications of property. Any such amendment may be initiated (i) by resolution of the governing body; (ii) by motion of the local planning commission; or (iii) by petition of the owner, contract purchaser with the owner's written consent, or the owner's agent therefor, of the property which is the subject of the proposed zoning map amendment, addressed to the governing body or the local planning commission, who shall forward such petition to the governing body; however, the ordinance may provide for the consideration of proposed amendments only at specified intervals of time, and may further provide that substantially the same petition will not be reconsidered within a specific period, not exceeding one year. Any such resolution or motion by such governing body or commission proposing the rezoning shall state the above public purposes therefor.

In any county having adopted such zoning ordinance, all motions, resolutions or petitions for amendment to the zoning ordinance, and/or map shall be acted upon and a decision made within such reasonable time as may be necessary which shall not exceed 12 months unless the applicant requests or consents to action beyond such period or unless the applicant withdraws his motion, resolution or petition for amendment to the zoning ordinance or map, or both. In the event of and upon such withdrawal, processing of the motion, resolution or petition shall cease without further action as otherwise would be required by this subdivision.

8. For the submission and approval of a plan of development prior to the issuance of building permits to assure compliance with regulations contained in such zoning ordinance.

9. For areas and districts designated for mixed use developments or planned unit developments as defined in § 15.2-2201.

10. For the administration of incentive zoning as defined in § 15.2-2201.

11. For provisions allowing the locality to enter into a voluntary agreement with a landowner that would result in the downzoning of the landowner's undeveloped or underdeveloped property in exchange for a tax credit equal to the amount of excess real estate taxes that the landowner has paid due to the higher zoning classification. The locality may establish reasonable guidelines for determining the amount of excess real estate tax collected and the method and duration for applying the tax credit. For purposes of this section, "downzoning" means a zoning action by a locality that results in a reduction in a formerly permitted land use intensity or density.

12. Provisions for requiring and considering Phase I environmental site assessments based on the anticipated use of the property proposed for the subdivision or development that meet generally accepted national standards for such assessments, such as those developed by the American Society for Testing and Materials, and Phase II environmental site assessments, that also meet accepted national standards, such as, but not limited to, those developed by the American Society for Testing and Materials, if the locality deems such to be reasonably necessary, based on findings in the Phase I assessment, and in accordance with regulations of the United States Environmental Protection Agency and the American Society for Testing and Materials. A reasonable fee may be charged for the review of such environmental assessments. Such fees shall not exceed an amount commensurate with the services rendered, taking into consideration the time, skill, and administrative expense involved in such review.

13. Provisions to incorporate generally accepted national environmental protection and product safety standards for the use of solar panels and battery technologies for solar photovoltaic (electric energy) projects, such as those developed for existing product certifications and standards including the National Sanitation Foundation/American National Standards Institute No. 457, International Electrotechnical Commission No. 61215-2, Institute of Electrical and Electronics Engineers Standard 1547, and Underwriters Laboratories No. 61730-2.

14. Provisions for requiring disclosure and remediation of contamination and other adverse environmental conditions of the property prior to approval of subdivision and development plans.

15. For the enforcement of provisions of the zoning ordinance that regulate the number of persons permitted to occupy a single-family residential dwelling unit, provided such enforcement is in compliance with applicable local, state and federal fair housing laws.

16. For the issuance of inspection warrants by a magistrate or court of competent jurisdiction. The zoning administrator or his agent may make an affidavit under oath before a magistrate or court of competent jurisdiction and, if such affidavit establishes probable cause that a zoning ordinance violation has occurred, request that the magistrate or court grant the

zoning administrator or his agent an inspection warrant to enable the zoning administrator or his agent to enter the subject dwelling for the purpose of determining whether violations of the zoning ordinance exist. After issuing a warrant under this section, the magistrate or judge shall file the affidavit in the manner prescribed by § 19.2-54. After executing the warrant, the zoning administrator or his agents shall return the warrant to the clerk of the circuit court of the city or county wherein the inspection was made. The zoning administrator or his agent shall make a reasonable effort to obtain consent from the owner or tenant of the subject dwelling prior to seeking the issuance of an inspection warrant under this section.

B. Prior to the initiation of an application by the owner of the subject property, the owner's agent, or any entity in which the owner holds an ownership interest greater than 50 percent, for a special exception, special use permit, variance, rezoning or other land disturbing permit, including building permits and erosion and sediment control permits, or prior to the issuance of final approval, the authorizing body may require the applicant to produce satisfactory evidence that any delinquent real estate taxes, nuisance charges, stormwater management utility fees, and any other charges that constitute a lien on the subject property, that are owed to the locality and have been properly assessed against the subject property, have been paid, unless otherwise authorized by the treasurer.

CHAPTER 302

An Act to amend and reenact § 55.1-1236 of the Code of Virginia, relating to Virginia Residential Landlord and Tenant Act; early termination of rental agreement; issuance of a protective order.

[H 764]

Approved April 2, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 55.1-1236 of the Code of Virginia is amended and reenacted as follows:

§ 55.1-1236. Early termination of rental agreements by victims of family abuse, sexual abuse, or criminal sexual assault.

A. Any tenant who is a victim of (i) family abuse as defined by § 16.1-228, (ii) sexual abuse as defined by § 18.2-67.10, or (iii) other criminal sexual assault under Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2 may terminate such tenant's obligations under a rental agreement under the following circumstances:

1. The victim has obtained an order of protection pursuant to § 16.1-279.1 and has given written notice of termination in accordance with subsection B during the period of the protective order or any extension thereof; ~~or~~

2. *The victim has obtained a permanent protective order pursuant to § 19.2-152.10 and has given written notice of termination in accordance with subsection B during the period of the protective order or any extension thereof; or*

3. A court has entered an order convicting a perpetrator of any crime of sexual assault under Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2, sexual abuse as defined by § 18.2-67.10, or family abuse as defined by § 16.1-228 against the victim and the victim gives written notice of termination in accordance with subsection B. A victim may exercise a right of termination under this section to terminate a rental agreement in effect when the conviction order is entered and one subsequent rental agreement based upon the same conviction.

B. A tenant who qualifies to terminate such tenant's obligations under a rental agreement pursuant to subsection A shall do so by serving on the landlord a written notice of termination to be effective ~~on a date stated in such written notice, such date to be not less than~~ 30 days after the ~~first date on which the next rental payment is due and payable after the date on which the written notice is given. When the~~ tenant serves the termination notice on the landlord~~, the~~. *The* tenant shall also provide the landlord with a copy of (i) the order of protection issued or (ii) the conviction order.

C. The rent shall be payable at such time as would otherwise have been required by the terms of the rental agreement through the effective date of the termination as provided in subsection B.

D. The landlord may not charge any liquidated damages.

E. The victim's obligations as a tenant under § 55.1-1227 shall continue through the effective date of the termination as provided in subsection B. Any co-tenants on the lease with the victim shall remain responsible for the rent for the balance of the term of the rental agreement. If the perpetrator is the remaining sole tenant obligated on the rental agreement, the landlord may terminate the rental agreement and collect actual damages for such termination against the perpetrator pursuant to § 55.1-1251.

CHAPTER 303

An Act to amend and reenact §§ 22.1-3 and 22.1-3.4 of the Code of Virginia, relating to enrollment of and provision of free public education for certain students.

[H 777]

Approved April 2, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 22.1-3 and 22.1-3.4 of the Code of Virginia are amended and reenacted as follows:

§ 22.1-3. Persons to whom public schools shall be free.

A. The public schools in each school division shall be free to each person of school age who resides within the school division. Every person of school age shall be deemed to reside in a school division:

1. When the person is living with a natural parent or a parent by legal adoption;

2. When, in accordance with the provisions of § 22.1-360, the person is living with a noncustodial parent or other person standing in loco parentis, not solely for school purposes, pursuant to a Special Power of Attorney executed under 10 U.S.C. § 1044b by the custodial parent;

3. When the parents of such person are dead and the person is living with a person in loco parentis who actually resides within the school division;

4. When the parents of such person are unable to care for the person and the person is living, not solely for school purposes, with another person who resides in the school division and is (i) the court-appointed guardian, or has legal custody, of the person; (ii) acting in loco parentis pursuant to placement of the person for adoption by a person or entity authorized to do so under § 63.2-1200; or (iii) an adult relative providing temporary kinship care as that term is defined in § 63.2-100. Local school divisions may require one or both parents and the relative providing kinship care to submit signed, notarized affidavits (a) explaining why the parents are unable to care for the person, (b) detailing the kinship care arrangement, and (c) agreeing that the kinship care provider or the parent will notify the school within 30 days of when the kinship care arrangement ends, as well as a power of attorney authorizing the adult relative to make educational decisions regarding the person. A school division may also require the parent or adult relative to obtain written verification from the local department of social services where the parent or parents live, or from both that department and the department of social services where the kinship provider lives, that the kinship arrangement serves a legitimate purpose that is in the best interest of the person other than school enrollment. With written consent from the parent or adult relative, for the purposes of expediting enrollment, a school division may obtain such written verification directly from the local department or departments of social services. The verification process shall be consistent with confidentiality provisions of Article 5 (§ 22.1-287 et seq.) of Chapter 14 of this title and Chapter 1 (§ 63.2-100 et seq.) of Title 63.2. If the kinship care arrangement lasts more than one year *or the person transitions to a new kinship care arrangement*, a school division may require continued verification directly from one or both departments of social services as to why the parents are unable to care for the person and that the kinship care arrangement serves a legitimate purpose other than school enrollment. *In the event that a person in a kinship care arrangement moves into a different school division during the school year as a result of (1) safely returning home, (2) being emancipated pursuant to § 16.1-333, or (3) transitioning to a new kinship care arrangement, the provisions of this subdivision shall continue to apply through the end of such school year.* A local school division may enroll a person living with a relative in a kinship care arrangement that has not been verified by a local department of social services;

5. When the person is living in the school division not solely for school purposes, as an emancipated minor;

6. When all or any portion of the building in which such person resides (i) with another person as set forth in subdivisions 1 through 4 or (ii) as an emancipated minor as set forth in subdivision 5 is taxable by the locality in which the school division is located; or

7. When the person living in the school division is a homeless child or youth, as set forth in this subdivision, who lacks a fixed, regular, and adequate nighttime residence. Such persons shall include (i) children and youths, including unaccompanied youths who are not in the physical custody of their parents, who (a) are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, trailer parks, or camping grounds due to lack of alternative adequate accommodations or in emergency or transitional shelters; or are abandoned in hospitals; (b) have a primary nighttime residence that is a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings; or (c) are living in parked cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and (ii) migratory children, as defined in the federal Elementary and Secondary Education Act of 1965, P.L. 89-10, as amended, who are deemed homeless as they are living in circumstances set forth in clause (i).

School divisions shall comply with the requirements of Subtitle VII-B of the federal McKinney-Vento Homeless Assistance Act, as amended (42 U.S.C. § 11431 et seq.), to ensure that homeless children and youths shall receive the educational services comparable to those offered to other public school students.

School divisions serving the students identified in this subdivision shall coordinate the identification and provision of services to such students with relevant local social services agencies and other agencies and programs providing services to such students, and with other school divisions as may be necessary to resolve interdivisional issues.

B. In the interest of providing educational continuity to the children of military personnel, no child of a person on active military duty:

1. Who is attending a school free of charge in accordance with this section shall be charged tuition by that school division upon such child's relocation to military housing located in another school division in the Commonwealth, pursuant to orders received by such child's parent to relocate to base housing. Such children shall be allowed to continue attending school in the school division they attended immediately prior to the relocation and shall not be charged tuition for attending such school;

2. Who is attending a school free of charge in accordance with this section shall be charged tuition by that school division upon such child's relocation pursuant to orders received by such child's parent to relocate to a new duty station or to

be deployed. Such children shall be allowed to remain enrolled in the current school division free of tuition through the end of the school year; and

3. Who is eligible to attend school free of charge in accordance with this section shall be charged tuition by a school division that will be the child's school division of residence once his service member parent is relocated pursuant to orders received. Such a child shall be allowed to enroll in the school division of the child's intended residence if documentation is provided, at the time of enrollment, of military orders of the service member parent or an official letter from the service member's command indicating such relocation. Documentation indicating a permanent address within the school division shall be provided to the school division within 120 days of a child's enrollment or tuition may be charged, including tuition for the days since the child's enrollment in school. In the event that the child's service member parent is ordered to relocate before the 120th day following the child's enrollment, the school division shall not charge tuition. Students eligible to enroll in a school division pursuant to this subdivision may register, remotely or in-person, for courses and other academic programs and participate in the lottery process for charter schools and college partnership laboratory schools in the school division in which such student will reside at the same time and in the same manner as students who reside in the local school division. The assignment of the school such child will attend shall be determined by the local school division.

Such children as listed in subdivisions 1, 2, and 3 shall be counted in the average daily membership of the school division in which they are enrolled. Further, the school division in which such children are enrolled subsequent to their relocation to base housing shall not be responsible for providing for their transportation to and from school.

§ 22.1-3.4. Enrollment of certain children placed in foster care.

A. Whenever a student has been placed in foster care by a local social services agency and the placing social services agency is unable to produce any of the documents required for enrollment pursuant to § 22.1-3.1, 22.1-270, or 22.1-271.2, the student shall immediately be enrolled; however, the person enrolling the student shall provide a written statement that, to the best of his knowledge, sets forth (i) the student's age, (ii) compliance with the requirements of § 22.1-3.2, and (iii) that the student is in good health and is free from communicable or contagious disease.

B. The sending and receiving school divisions shall cooperate in facilitating the enrollment of any child placed in foster care across jurisdictional lines for the purpose of enhancing continuity of instruction. The child shall be allowed to continue to attend the school in which he was enrolled prior to the most recent foster care placement, upon the joint determination of the placing social services agency and the local school division that such attendance is in the best interest of the child.

C. In the event the student continues to attend the school in which he was enrolled prior to the most recent foster care placement, the receiving school division shall be accorded foster children education payments pursuant to § 22.1-101.1; further, the receiving school division may enter into financial arrangements with the sending school division pursuant to subsection C of § 22.1-5. Under no circumstances shall a child placed in foster care be charged tuition regardless of whether such child is attending the school in which he was enrolled prior to the most recent foster care placement or attending a school in the receiving school division.

D. For the purposes of subsections A, B, and C:

"A child or student placed in foster care" means a pupil who is the subject of a foster care placement through an entrustment or commitment of such child to the local social services board or licensed child-placing agency pursuant to clause (ii) of the definition of "foster care placement" as set forth in § 63.2-100.

For the purposes of this section:

"Receiving school division" means the school division in which the residence of the student's foster care placement is located.

"Sending school division" means the school division in which the student last attended school.

E. Notwithstanding the provisions of subsections A, B, and C or § 22.1-3 or 22.1-5, no person of school age who is the subject of a foster care placement, as such term is defined in § 63.2-100, shall be charged tuition.

F. The provisions of this section shall apply to any student who was in foster care upon reaching 18 years of age but who has not yet reached 22 years of age.

G. The provisions of this section, with the exception of the provision of subsection C that requires a receiving school division to be accorded foster children education payments pursuant to § 22.1-101.1, shall apply to a student who has transitioned out of foster care and (i) whose custody has been transferred to the student's parent or prior legal guardian or (ii) who has been emancipated pursuant to § 16.1-333.

CHAPTER 304

An Act to direct the Department of Human Resource Management to amend its policies relating to employee designations, pay, and benefits for nursing staff at state psychiatric hospitals.

[H 806]

Approved April 2, 2024

Be it enacted by the General Assembly of Virginia:

1. *§ 1. The Department of Human Resource Management (the Department) shall amend its policies to authorize the Department of Behavioral Health and Developmental Services and state psychiatric hospitals to have the option to*

designate as full-time employees nursing staff and psychiatric technicians who work at least 36 hours per week in order to allow state hospitals to utilize 12-hour shifts for such staff. The Department's policies shall not require reductions in pay or other benefits for such employees based solely on the fact that the employee works 36 hours per week. The Department shall also examine whether this change in policy should be extended to comparable direct care positions at other executive branch agencies to help improve recruitment and retention of critical nursing and other direct care positions experiencing high turnover or vacancy rates.

CHAPTER 305

An Act to amend and reenact the third enactment of Chapter 597 of the Acts of Assembly of 2022, relating to the effective date of procedures for conducting meetings held through electronic communication means during declared states of emergency.

[H 816]

Approved April 2, 2024

Be it enacted by the General Assembly of Virginia:

1. That the third enactment of Chapter 597 of the Acts of Assembly of 2022 is amended and reenacted as follows:

3. The law will be effective on September 1, 2022. ***The provisions of § 2.2-3708.2 of the Code of Virginia, as amended by this act, are declarative of existing law since March 20, 2020, with respect to the Governor's declared state of emergency due to COVID-19. For any meeting by a public body using electronic communication means occurring from that date until July 1, 2021, the meeting and any otherwise lawful action taken at it is hereby validated with respect to the Virginia Freedom of Information Act (§ 2.2-3700 et seq. of the Code of Virginia, as amended by this act) if the body provided public notice, public access, and public comment commensurate with the requirements of § 2.2-3708.2 of the Code of Virginia, as amended by this act, and §§ 2.2-3710, 2.2-3711, and 2.2-3712 of the Code of Virginia.***

CHAPTER 306

An Act to amend the Code of Virginia by adding in Article 1 of Chapter 10 of Title 32.1 a section numbered 32.1-331.06, relating to Department of Medical Assistance Services; annual review of medication and treatment for sickle cell disease; report.

[H 820]

Approved April 2, 2024

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Article 1 of Chapter 10 of Title 32.1 a section numbered 32.1-331.06 as follows:

§ 32.1-331.06. Annual review of medications and treatment for sickle cell disease; report.

A. The Department of Medical Assistance Services shall conduct an annual review of all medications, services, and forms of treatment for sickle cell disease available to individuals with a diagnosis of sickle cell disease who are eligible for coverage under the state plan for medical assistance services. The purpose of the annual review is to determine (i) if the available covered medications, treatments, and services are adequate to meet the needs of enrollees with a diagnosis of sickle cell disease and (ii) whether the Department of Medical Assistance Services should seek to expand coverage for additional medications, treatments, or services.

B. When conducting the annual review required by this section, the Department of Medical Assistance Services shall solicit and consider input from the general public, with specific emphasis on input from persons or groups with knowledge and experience in the area of sickle cell disease treatment.

C. By November 15 of each year, the Department of Medical Assistance Services shall prepare and submit a report that details the Department's findings from the annual review required by this section, as well as any recommendations to the General Assembly based upon those findings, to the Chairmen of the House Committee on Health and Human Services and the Senate Committee on Education and Health and to the Joint Commission on Health Care. The report shall be submitted for publication as a report document as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website and the Department's website.

CHAPTER 307

An Act to amend the Code of Virginia by adding a section numbered 54.1-3805.3, relating to veterinary medicine; traineeships.

[H 848]

Approved April 2, 2024

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 54.1-3805.3 as follows:

§ 54.1-3805.3. Traineeships.

The Board may provide for the limited practice of veterinary medicine, as that term is defined by the Board, by a veterinary medicine licensure applicant enrolled in a traineeship program under the direct supervision of a licensed veterinarian.

2. That the Board of Veterinary Medicine shall promulgate regulations to implement the provisions of this act to be effective within 280 days of its enactment.

CHAPTER 308

An Act to amend and reenact §§ 46.2-1150, 46.2-1231, and 46.2-1232 of the Code of Virginia, relating to towing; vehicles with expired registration; civil penalty.

[H 925]

Approved April 2, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 46.2-1150, 46.2-1231, and 46.2-1232 of the Code of Virginia are amended and reenacted as follows:

§ 46.2-1150. Towing certain unlicensed or uninspected vehicles.

Nothing in this title shall prohibit towing an unlicensed motor vehicle or motor vehicle which has not been inspected pursuant to Article 21 (§ 46.2-1157 et seq.) or 22 (§ 46.2-1176 et seq.) of Chapter 10 of this title*, except for such a time period as required by the provisions of § 46.2-1231 or an ordinance created pursuant to the provisions of § 46.2-1232*.

Nothing in this title shall prohibit the towing of an unlicensed trailer or semitrailer used on a construction site as an office or for storage or a trailer or semitrailer which has been used on a construction site as an office or for storage, but which has not been inspected pursuant to Article 21 of Chapter 10 of this title, provided that any such unlicensed or uninspected trailer or semitrailer (i) is towed by a tow truck or other vehicle designed and equipped for the towing of inoperable or disabled vehicles; (ii) is operated only in intrastate commerce; (iii) has an actual gross weight, including contents, of no more than 15,000 pounds; (iv) is secured to the towing vehicle by means of safety chains; and (v) is equipped with rear-mounted bar lights which function as tail lights, brake lights, and turn signals as provided in Article 3 (§ 46.2-1010 et seq.) of Chapter 10 of this title. However, nothing in this section shall authorize the towing or drawing of an unlicensed or uninspected trailer or semitrailer by means of a tractor truck except for the purpose of having such trailer or semitrailer inspected as provided in § 46.2-1157.

§ 46.2-1231. Ticketing, removal, or immobilization of trespassing vehicles by owner or operator of parking or other lot or building; charges.

A. The owner, operator, or lessee of any parking lot, parking area, or parking space in a parking lot or area or any part of a parking lot or area, or of any other lot or building, including any county, city, or town, or authorized agent of the person having control of such premises may have any vehicle occupying the lot, area, space, or building without the permission of its owner, operator, lessee, or authorized agent of the one having the control of the premises, removed by towing or otherwise to a licensed garage for storage until called for by the owner or his agent if there are posted at all entrances to the parking lot or area signs clearly and conspicuously disclosing that such vehicle, if parked without permission, will be removed, towed, or immobilized. Such signs shall, at a minimum, include the nonemergency telephone number of the local law-enforcement agency or the telephone number of the responsible towing and recovery operator to contact for information related to the location of vehicles towed from that location. The requirements of this section relating to the posting of signs by an owner, operator, or lessee of any parking lot, parking area or space shall not apply to localities in which the local governing body has adopted an ordinance pursuant to § 46.2-1232.

B. Whenever a trespassing vehicle is removed or towed as permitted by this section, notice of this action shall forthwith be given by the tow truck operator to the State Police or the local law-enforcement agency of the jurisdiction from which the vehicle was towed. It shall be unlawful to fail to report such tow as required by this section and violation of the reporting requirement of this section shall constitute a traffic infraction punishable by a fine of not more than $100. Such failure to report shall limit the amount which may be charged for the storage and safekeeping of the towed vehicle to an amount no greater than that charged for one day of storage and safekeeping. If the vehicle is removed and stored, the vehicle owner may be charged and the vehicle may be held for a reasonable fee for the removal and storage.

C. All businesses engaged in towing vehicles without the consent of their owners shall prominently display (i) at their main place of business and (ii) at any other location where towed vehicles may be reclaimed a comprehensive list of all their fees for towing, recovery, and storage services, or the basis of such charges. This requirement to display a list of fees may also be satisfied by providing, when the towed vehicle is reclaimed, a written list of such fees, either as part of a receipt or separately, to the person who reclaims the vehicle. Charges in excess of those posted shall not be collectable from any motor vehicle owner whose vehicle is towed, recovered, or stored without his consent. At the time a vehicle owner or agent reclaims a towed vehicle, such towing and recovery operator, if located in Planning District 8, shall provide a written receipt that provides a telephone number or website available for customer complaints. A locality located wholly or partially in Planning District 8 may require additional information to be included on such receipt.

D. Notwithstanding the foregoing provisions of this section, if the owner or representative or agent of the owner of the trespassing vehicle is present and removes the trespassing vehicle from the premises before it is actually towed, the trespassing vehicle shall not be towed, but the owner or representative or agent of the owner of the trespassing vehicle shall be liable for a reasonable fee, not to exceed $25 or such other limit as the governing body of the county, city, or town may set by ordinance, in lieu of towing.

E. In lieu of having a trespassing vehicle removed by towing or otherwise, the owner, operator, lessee or authorized agent of the premises on which the trespassing vehicle is parked may cause the vehicle to be immobilized in a manner that prevents its removal or lawful operation, provided that any device used to immobilize the trespassing vehicle does not damage the vehicle or any part of the vehicle. The charge for the removal of any device used to immobilize a trespassing vehicle shall not exceed $25 or such other limit as the governing body of the county, city, or town may set by ordinance. In lieu of having the vehicle removed by towing or otherwise, or in lieu of causing the vehicle to be immobilized, the owner, operator, lessee or authorized agent of the premises on which the trespassing vehicle is parked may cause to have an authorized local government official or law-enforcement officer issue, on the premises, a notice of the violation of a parking ordinance or regulation created pursuant to § 46.2-1220 or 46.2-1221 to the registered owner of the vehicle.

F. This section shall not apply to police, fire, or public health vehicles or where a vehicle, because of a wreck or other emergency, is parked or left temporarily on the property of another. The governing body of every county, city, and town may by ordinance set limits on fees and charges provided for in this section.

G. For purposes of this subsection:

"Multifamily dwelling unit" means more than one single-family dwelling unit located in a building, including townhomes. "Multifamily dwelling unit" does not include any lot within a development created pursuant to the Property Owners' Association Act (§ 55.1-1800 et seq.), any unit within a condominium created pursuant to the Virginia Condominium Act (§ 55.1-1900 et seq.), any apartment within a horizontal property regime created pursuant to the Horizontal Property Act (§ 55.1-2000 et seq.), any unit within a cooperative created pursuant to the Virginia Real Estate Cooperative Act (§ 55.1-2100 et seq.), any time-share unit within a project created pursuant to the Virginia Real Estate Time-Share Act (§ 55.1-2200 et seq.), or any lot within a subdivision created pursuant to the Subdivided Land Sales Act (§ 55.1-2300 et seq.).

"Resident's vehicle" means any vehicle that is (i) owned, leased, or used by a resident of a multifamily dwelling unit in which the parking lot is owned and maintained by the landlord; (ii) known to the landlord to be associated with such resident, by means of a permit, registry, or other document designated by the landlord for such identification purposes; and (iii) in compliance with any requirements set forth in such lease or other agreement regarding such vehicle.

"Towing operator" means any individual or company that has contracted with a landlord for the provision of parking enforcement.

Notwithstanding the foregoing provisions of this section, for a resident's vehicle parked in the parking lot of a multifamily dwelling unit, for which the parking lot is owned and maintained by the landlord, the towing operator for such parking lot, prior to the towing of such vehicle for an expired vehicle registration or expired vehicle inspection sticker, shall post written notice on the vehicle, which shall include the date of posting of such notice, that such vehicle will be towed due to an expired registration or expired vehicle inspection sticker after 48 hours from the date of the posting of such notice and that such vehicle will not be removed or towed until such period of time has passed. The towing operator shall, in addition to posting such notice on the vehicle, transmit a copy of such notice to the landlord with which he contracts for parking enforcement of the multifamily dwelling unit's parking lot. If a towing operator fails to post such notice on the vehicle, or does not wait the required period of time prior to removing or requesting the towing of such vehicle, he shall be required to reimburse the resident whose vehicle was towed the value of the charges imposed for the towing, storage, and safekeeping of the vehicle and he shall also be subject to a civil penalty not to exceed $100.

No towing operator shall remove such vehicle until the 48 hours have passed from the date of the posting of such notice.

§ 46.2-1232. Localities may regulate removal or immobilization of trespassing vehicles.

A. The governing body of any county, city, or town may by ordinance regulate the removal of trespassing vehicles from property by or at the direction of the owner, operator, lessee, or authorized agent in charge of the property. In the event that a vehicle is towed from one locality and stored in or released from a location in another locality, the local ordinance, if any, of the locality from which the vehicle was towed shall apply.

B. No local ordinance adopted under authority of this section shall require that any towing and recovery business also operate as or provide services as a vehicle repair facility or body shop, filling station, or any business other than a towing and recovery business.

C. Any such local ordinance may also require towing and recovery operators to (i) obtain and retain photographs or other documentary evidence substantiating the reason for the removal; (ii) post signs at their main place of business and at any other location where towed vehicles may be reclaimed conspicuously indicating (a) the maximum charges allowed by local ordinance, if any, for all their fees for towing, recovery, and storage services and (b) the name and business telephone number of the local official, if any, responsible for handling consumer complaints; (iii) obtain at the time the vehicle is towed, verbal approval of an agent designated in the local ordinance who is available at all times; and (iv) obtain, at the time the vehicle is towed, if such towing is performed during the normal business hours of the owner of the property from which the vehicle is being towed, the written authorization of the owner of the property from which the vehicle is towed, or his

agent. Such written authorization, if required, shall be in addition to any written contract between the towing and recovery operator and the owner of the property or his agent, except for vehicles being towed from a locality within Planning District 8 or Planning District 16, which shall not require written authorization if such written contract is in place. Any such written contract governing a property located within Planning District 8 or Planning District 16 shall clearly state the terms on which towing and recovery operators may monitor private lots on behalf of property owners. For the purposes of this subsection, "agent" shall not include any person who either (a) is related by blood or marriage to the towing and recovery operator or (b) has a financial interest in the towing and recovery operator's business.

D. Any such ordinance adopted by a locality within Planning District 8 may require towing companies that tow vehicles from the county, city, or town adopting the ordinance to other localities, provided that the stored or released location is within the Commonwealth of Virginia and within 10 miles of the point of origin of the actual towing, (i) to obtain from the locality from which such vehicles are towed a permit to do so and (ii) to submit to an inspection of such towing company's facilities to ensure that the company meets all the locality's requirements, regardless of whether such facilities are located within the locality or elsewhere. The locality may impose and collect reasonable fees for the issuance and administration of permits as provided for in this subsection. Such ordinance may also provide grounds for revocation, suspension, or modification of any permit issued under this subsection, subject to notice to the permittee of the revocation, suspension, or modification and an opportunity for the permittee to have a hearing before the governing body of the locality or its designated agent to challenge the revocation, suspension, or modification. Any tow truck driver who removes or tows a vehicle, pursuant to any such ordinance, that is occupied by an unattended companion animal as defined in § 3.2-6500 shall, upon such removal, immediately notify the animal control office of the locality in which the vehicle is being removed or towed. Nothing in this subsection shall be applicable to public safety towing.

E. For purposes of this subsection:

"Multifamily dwelling unit" means more than one single-family dwelling unit located in a building, including townhomes. "Multifamily dwelling unit" does not include any lot within a development created pursuant to the Property Owners' Association Act (§ 55.1-1800 et seq.), any unit within a condominium created pursuant to the Virginia Condominium Act (§ 55.1-1900 et seq.), any apartment within a horizontal property regime created pursuant to the Horizontal Property Act (§ 55.1-2000 et seq.), any unit within a cooperative created pursuant to the Virginia Real Estate Cooperative Act (§ 55.1-2100 et seq.), any time-share unit within a project created pursuant to the Virginia Real Estate Time-Share Act (§ 55.1-2200 et seq.), or any lot within a subdivision created pursuant to the Subdivided Land Sales Act (§ 55.1-2300 et seq.).

"Resident's vehicle" means any vehicle that is (i) owned, leased, or used by a resident of a multifamily dwelling unit in which the parking lot is owned and maintained by the landlord; (ii) known to the landlord to be associated with such resident, by means of a permit, registry, or other document designated by the landlord for such identification purposes; and (iii) in compliance with any requirements set forth in such lease or other agreement regarding such vehicle.

"Towing operator" means any individual or company that has contracted with a landlord for the provision of parking enforcement.

Any such local ordinance shall include a provision that requires, for the towing of a resident's vehicle from a parking lot owned and maintained by the landlord of a multifamily dwelling unit, the towing operator for such parking lot, prior to the towing of such vehicle for an expired vehicle registration or expired vehicle inspection sticker, to post written notice on the vehicle, which shall include the date of posting of such notice, that such vehicle will be towed due to an expired registration or expired vehicle inspection sticker after 48 hours from the date of the posting of such notice and that such vehicle will not be removed or towed until such period of time has passed. The towing operator shall, in addition to posting such notice on the vehicle, transmit a copy of such notice to the landlord with which he contracts for parking enforcement of the multifamily dwelling unit's parking lot. If a towing operator fails to post such notice on the vehicle, or does not wait the required period of time prior to removing or requesting the towing of such vehicle, he shall be required to reimburse the resident whose vehicle was towed the value of the charges imposed for the towing, storage, and safekeeping of the vehicle and he shall also be subject to a civil penalty not to exceed $100.

No towing operator shall remove such vehicle until the 48 hours have passed from the date of the posting of such notice.

CHAPTER 309

An Act to amend and reenact §§ 24.2-106, 24.2-110, 24.2-112, 24.2-115, and 24.2-418 of the Code of Virginia, relating to voter registration; protected voter status; elections officials.

[H 943]

Approved April 2, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 24.2-106, 24.2-110, 24.2-112, 24.2-115, and 24.2-418 of the Code of Virginia are amended and reenacted as follows:

§ 24.2-106. Appointment and terms; vacancies; chairman and secretary; certain prohibitions; training.

A. There shall be in each county and city an electoral board composed of three members who shall be qualified voters of such county or city. The members shall be appointed by the chief judge of the judicial circuit for the county or city or that judge's designee. Such designee shall be any other judge who sits in the judicial circuit. Any vacancy occurring on a board shall be filled by the same authority for the unexpired term.

In the event of the temporary absence, or disability that precludes the performance of duties, of one or more members that prevents attaining a quorum, the chief judge or his designee, for good cause, may appoint, on a meeting-to-meeting basis, a temporary member to the electoral board. The temporary appointee must be eligible for appointment and to the extent practicable maintain representation of political parties under this section.

The clerk of the circuit court shall send to the State Board a copy of each order making an appointment to an electoral board.

In the appointment of the electoral board, representation shall be given to each of the two political parties having the highest and next highest number of votes in the Commonwealth for Governor at the last preceding gubernatorial election. Two electoral board members shall be of the political party that cast the highest number of votes for Governor at that election. When the Governor was not elected as the candidate of a political party, representation shall be given to each of the political parties having the highest and next highest number of members of the General Assembly at the time of the appointment and two board members shall be of the political party having the highest number of members in the General Assembly.

The political party entitled to the appointment shall make and file recommendations with the judges for the appointment not later than December 15 of the year of an expiration of a term or, in the case of an appointment to fill a vacancy, within 30 days of the date of death or notice of resignation of the member being replaced. Its recommendations shall contain the names of at least three qualified voters of the county or city for each appointment. The chief judge, or his designee, shall promptly make such appointment from the recommendations (i) after receipt of the political party's recommendation or (ii) after December 15 for a full term or after the 30-day period expires for a vacancy appointment, whichever of the events described in clause (i) or (ii) first occurs.

The chief judge of the judicial circuit for the county or city, or his designee, shall not appoint to the electoral board (a) any person who is the spouse of an electoral board member or the general registrar for the county or city; (b) any person, or the spouse of any person, who is the parent, grandparent, sibling, child, or grandchild of an electoral board member or the general registrar of the county or city; or (c) any person who is ineligible to serve under the provisions of this section.

Electoral board members shall serve three-year terms and be appointed to staggered terms, one term to expire at midnight on the last day of December each year, unless the results of an election have not been certified by the board or a recount of an election has not concluded, in which case the term shall expire at midnight on the day the results are certified or the recount is concluded. No three-year term shall be shortened to comply with the political party representation requirements of this section.

B. The board shall elect one of its members as chairman and another as secretary. The chairman and the secretary shall represent different political parties, unless the representative of the second-ranked political party declines in writing to accept the unfilled office. At any time that the secretary is incapacitated in such a way that makes it impossible for the secretary to carry out the duties of the position, the board may designate one of its other members as acting secretary. Any such designation shall be made in an open meeting and recorded in the minutes of the board.

The secretary of the electoral board shall immediately notify the State Board of any change in the membership or officers of the electoral board and shall keep the Board informed of the name, residence and mailing addresses, and home and business telephone numbers of each electoral board member.

C. No member of an electoral board shall be eligible to offer for or hold an office to be filled in whole or in part by qualified voters of his jurisdiction. If a member resigns to offer for or hold such office, the vacancy shall be filled as provided in this section.

No member of an electoral board shall be the spouse, grandparent, parent, sibling, child, or grandchild, or the spouse of a grandparent, parent, sibling, child, or grandchild, of a candidate for or holder of an elective office filled in whole or in part by any voters within the jurisdiction of the electoral board.

No member of an electoral board shall serve as the chairman of a state, local or district level political party committee or as a paid worker in the campaign of a candidate for nomination or election to an office filled by election in whole or in part by the qualified voters of the jurisdiction of the electoral board.

If an electoral board member ceases to be a qualified voter of the county or city for which he was appointed, his office shall be deemed vacant and the vacancy shall be filled as provided in this section.

D. Each member of the electoral board shall attend an annual training program provided by the State Board during the first year of his appointment and the first year of any subsequent reappointment.

E. Upon appointment pursuant to this section, an electoral board member shall be eligible for protected voter status under subsection B of § 24.2-418.

§ 24.2-110. Appointment, qualifications, and term of general registrar; vacancies; certain prohibitions.

A. Each electoral board shall meet in the month of May or June in 2007, and every four years thereafter, and shall appoint a general registrar, who shall be a qualified voter of the county or city for which he is appointed unless such county or city has a population of 50,000 or less. In the case of a city that is wholly contained within one county, the city electoral board may appoint a qualified voter of that county to serve as city general registrar. General registrars shall serve four-year

terms beginning July 1, 2007, and each fourth year thereafter, and continue in office until a successor is appointed and qualifies.

The electoral board shall fill any vacancy in the office of general registrar for the unexpired term. The electoral board shall declare vacant and fill the office of the general registrar if the appointee fails to qualify and deliver a copy of his oath to the secretary of the electoral board within 30 days after he has been notified of his appointment.

B. No general registrar shall hold any other office, by election or appointment, while serving as general registrar; however, with the consent of the electoral board, he may undertake other duties which do not conflict with his duties as general registrar. General registrars shall not serve as officers of election. The election or appointment of a general registrar to any other office shall vacate the office of the general registrar.

No general registrar shall be eligible to offer for or hold an office to be filled by election in whole or in part by the qualified voters of his jurisdiction at any election held during the time he serves as general registrar or for the six months thereafter.

The electoral board shall not appoint to the office of general registrar any person who is the spouse of an electoral board member or any person, or the spouse of any person, who is the parent, grandparent, sibling, child, or grandchild of an electoral board member.

C. No general registrar shall serve as the chairman of a political party or other officer of a state, local or district level political party committee. No general registrar shall serve as a paid or volunteer worker in the campaign of a candidate for nomination or election to an office filled by election in whole or in part by the qualified voters of his jurisdiction. The restrictions of this ~~paragraph~~ *subsection* shall apply to paid deputy registrars but shall not apply to unpaid deputy registrars.

D. Upon appointment pursuant to this section, a general registrar shall be eligible for protected voter status under subsection B of § 24.2-418.

§ 24.2-112. Deputy registrars; employees.

A. The electoral board of each county and city shall determine the number of deputy registrars to serve in the office of the general registrar, including any to serve full-time.

In Russell County, there shall be at least one full-time deputy registrar who shall serve in the office of the general registrar.

In any county or city whose population is over 15,500, there shall be at least one deputy registrar who shall serve at least one day each week in the office of the general registrar.

Any county or city whose population is 15,500 or less shall have at least one substitute registrar who is able to take over the duties of the general registrar in an emergency and who shall assist the general registrar when he requests.

B. The electoral board shall set the term for the deputy registrars; however, their terms shall not extend beyond the term set by law of the incumbent general registrar. The general registrar shall establish the duties of deputy registrars, appoint deputy registrars, and have authority to remove any deputy registrar who fails to discharge the duties of his office.

All deputy registrars shall have the same limitations and qualifications and fulfill the same requirements as the general registrar except that (i) a deputy registrar may be an officer of election and (ii) a deputy registrar shall be a qualified voter of the Commonwealth but is not required to be a qualified voter of the county or city in which he serves as deputy registrar. Candidates who are residents in the county or city for which they seek appointment may be given preference in hiring. Localities may mutually agree to share a deputy registrar among two or more localities. Deputy registrars who agree to serve without pay shall be supervised and trained by the general registrar.

All other employees shall be employed by the general registrar. The general registrar may hire additional temporary employees on a part-time basis as needed.

C. The compensation of any deputy registrar, other than those who agree to serve without pay, or any other employee of the general registrar shall be fixed and paid by the local governing body and shall be the equivalent of or exceed the minimum hourly wage established by federal law in 29 U.S.C. § 206 (a)(1), as amended.

D. The general registrar shall not appoint to the office of paid deputy registrar his spouse or any person, or the spouse of any person, who is his parent, grandparent, sibling, child, or grandchild.

E. Upon appointment or employment pursuant to this section, a deputy registrar or any employee of the office of the general registrar shall be eligible for protected voter status under subsection B of § 24.2-418.

§ 24.2-115. Appointment, qualifications, and terms of officers of election.

A. Each electoral board at its regular meeting in the first week of February of the year in which the terms of officers of election are scheduled to expire shall appoint officers of election. Their terms of office shall begin on March 1 following their appointment and continue, at the discretion of the electoral board, for a term not to exceed three years or until their successors are appointed. The general registrar shall prepare and submit to the electoral board a plan to ensure that adequate numbers of trained officers of election are available to serve in each election.

Not less than three competent citizens shall be appointed for each precinct. However, a precinct having more than 4,000 registered voters shall have not less than five officers of election serving for a presidential election, and the electoral board shall appoint additional officers as needed to satisfy this requirement. Insofar as practicable, each officer shall be a qualified voter of the precinct he is appointed to serve, but in any case a qualified voter of the Commonwealth. In appointing the officers of election, representation shall be given to each of the two political parties having the highest and next highest number of votes in the Commonwealth for Governor at the last preceding gubernatorial election. The representation of the two parties shall be equal at each precinct having an even number of officers and shall vary by no more than one at each

precinct having an odd number of officers. If practicable, officers shall be appointed from lists of nominations filed by the political parties entitled to appointments. The party shall file its nominations with the secretary of the electoral board at least 10 days before February 1 each year. The electoral board may appoint additional citizens who do not represent any political party to serve as officers. If practicable, no more than one-third of the total number of officers appointed for each precinct may be citizens who do not represent any political party.

B. Officers of election shall serve for all elections held in their respective precincts during their terms of office unless a substitute is required to be appointed pursuant to § 24.2-117 or the electoral board decides that fewer officers are needed for a particular election, in which case party representation shall be maintained as provided above. For a primary election involving only one political party, persons representing the political party holding the primary shall serve as the officers of election if possible.

C. The electoral board shall ensure that one officer is designated as the chief officer of election and one officer is designated as the assistant for each precinct. The officer designated as the assistant for a precinct, whenever practicable, shall not represent the same political party as the chief officer for the precinct. Notwithstanding any other provision of this section, where representatives for one or both of the two political parties having the largest number of votes for Governor in the last preceding gubernatorial election are unavailable, citizens who do not represent either of those two political parties may be designated as the chief officer and the assistant chief officer. In such case, the general registrar shall provide notice to representatives of both parties at least 10 days prior to the election that he intends to use nonaffiliated officers so that each party shall have the opportunity to provide additional nominations. The electoral board may also appoint at least one officer of election who reports to the precinct at least one hour prior to the closing of the precinct and whose primary responsibility is to assist with closing the precinct and reporting the results of the votes at the precinct.

The electoral board shall ensure that each chief officer and assistant is instructed in his duties not less than three nor more than 30 days before each election. Each officer of election may be instructed in his duties at an appropriate time or times before each November general election, and training of the officers of election shall be conducted as provided by § 24.2-115.2.

D. Notwithstanding the provisions of § 24.2-117, if an officer of election is unable to serve at any election during his term of office, the electoral board may at any time appoint a substitute who shall hold office and serve for the unexpired term.

Additional officers shall be appointed in accordance with this section at any time that the electoral board determines that they are needed or as required by law.

If practicable, substitute officers or additional officers appointed after the electoral board's regular meeting in the first week of February shall be appointed from lists of nominations filed by the political parties entitled to appointments. The electoral board or the general registrar shall inform the political parties of the decision of the electoral board to make such appointments and the party shall file its nominations with the secretary of the electoral board or the general registrar within five business days.

E. The secretary of the electoral board or general registrar shall prepare a list of the officers of election that shall be available for inspection and posted in the general registrar's office prior to March 1 each year. Whenever substitute or additional officers are appointed, the secretary of the electoral board or the general registrar shall promptly add the names of the appointees to the public list. Upon request and at a reasonable charge not to exceed the actual cost incurred, the secretary of the electoral board or the general registrar shall provide a copy of the list of the officers of election, including their party designation and precinct to which they are assigned, to any requesting political party or candidate.

F. Upon appointment pursuant to this section, an officer of election shall be eligible for protected voter status under subsection B of § 24.2-418.

§ 24.2-418. Application for registration.

A. Each applicant to register shall provide, subject to felony penalties for making false statements pursuant to § 24.2-1016, the information necessary to complete the application to register. Unless physically disabled, he shall sign the application. The application to register shall be only on a form or forms prescribed by the State Board.

The form of the application to register shall require the applicant to provide the following information: full name; gender; date of birth; social security number, if any; whether the applicant is presently a United States citizen; address of residence in the precinct; place of last previous registration to vote; and whether the applicant has ever been adjudicated incapacitated and disqualified to vote or convicted of a felony, and if so, whether the applicant's right to vote has been restored. The form shall contain a statement that whoever votes more than once in any election in the same or different jurisdictions is guilty of a Class 6 felony. Unless directed by the applicant or as permitted in § 24.2-411.2 or 24.2-411.3, the registration application shall not be pre-populated with information the applicant is required to provide.

The form of the application to register shall request that the applicant provide his telephone number and email address, but no application shall be denied for failure to provide such information.

B. The form shall permit any individual, as follows, or member of his household, to furnish, in addition to his residence street address, a post office box address located within the Commonwealth to be included in lieu of his street address on the lists of registered voters and persons who voted, which are furnished pursuant to §§ 24.2-405 and 24.2-406, on voter registration records made available for public inspection pursuant to § 24.2-444, or on lists of absentee voter applicants furnished pursuant to § 24.2-706 or 24.2-710. The voter shall comply with the provisions of § 24.2-424 for any change in the post office box address provided under this subsection.

1. Any active or retired law-enforcement officer, as defined in § 9.1-101 and in 5 U.S.C. § 8331(20), but excluding officers whose duties relate to detention as defined in 5 U.S.C. § 8331(20);

2. Any party granted a protective order issued by or under the authority of any court of competent jurisdiction, including but not limited to courts of the Commonwealth of Virginia;

3. Any party who has furnished a signed written statement by the party that he is in fear for his personal safety from another person who has threatened or stalked him;

4. Any party participating in the address confidentiality program pursuant to § 2.2-515.2;

5. Any active or retired federal or Virginia justice, judge, or magistrate and any active or retired attorney employed by the United States Attorney General or Virginia Attorney General; ~~and~~

6. Any person who has been approved to be a foster parent pursuant to Chapter 9 (§ 63.2-900 et seq.) of Title 63.2*; and*

7. Any person serving as a member of a local electoral board pursuant to § 24.2-106, a general registrar pursuant to § 24.2-110, a deputy registrar or employee in the office of the general registrar pursuant to § 24.2-112, or an officer of election pursuant to § 24.2-115.

C. If the applicant formerly resided in another state, the general registrar shall send the information contained in the applicant's registration application to the appropriate voter registration official or other authority of another state where the applicant formerly resided, as prescribed in subdivision 15 of § 24.2-114.

2. That the Department of Elections shall provide the means by which a person previously registered who is later (i) to serve as a local electoral board member, a general or deputy registrar, or an officer of election or (ii) employed in an office of a general registrar may provide a post office box address to receive protected voter status.

CHAPTER 310

An Act to amend and reenact § 47.1-19 of the Code of Virginia, relating to notaries; fees.

[H 986]

Approved April 2, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 47.1-19 of the Code of Virginia is amended and reenacted as follows:

§ 47.1-19. Fees.

A. A notary may, for taking and certifying the acknowledgment of any writing, or administering and certifying an oath, or certifying affidavits and depositions of witnesses, or certifying that a copy of a document is a true copy thereof, charge a fee up to ~~$5~~ *$10*.

B. A notary may, for taking and certifying the acknowledgement of any electronic document, or administering and certifying an oath or affirmation, or certifying electronic affidavits and depositions of witnesses, or certifying that a copy of an electronic document is a true copy thereof, charge a fee not to exceed $25.

C. Any person appointed as a member of an electoral board or a general registrar shall be prohibited from collecting any fee as a notary during the time of such appointment. Any person appointed as a deputy registrar or officer of election shall be prohibited from collecting any fee as a notary for services relating to the administration of elections or the election laws.

D. It shall be unlawful for any notary to charge more than the fee established herein for any notarial act; however, a notary may recover, with the agreement of the person to be charged, any actual and reasonable expense of traveling to a place where a notarial act is to be performed if it is not the usual place in which the notary performs his office.

CHAPTER 311

An Act to amend and reenact § 18.2-334.3 of the Code of Virginia, relating to illegal gambling; exemptions.

[H 991]

Approved April 2, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 18.2-334.3 of the Code of Virginia is amended and reenacted as follows:

§ 18.2-334.3. Exemptions to article.

Nothing in this article shall apply to:

1. Any lottery conducted by the Commonwealth ~~of Virginia~~ pursuant to Article 1 (§ 58.1-4000 et seq.) of Chapter 40 of Title 58.1; ~~or~~

2. Any sports betting or related activity that is lawful under Article 2 (§ 58.1-4030 et seq.) of Chapter 40 of Title 58.1*; or*

3. The placement or operation of or communication to and from data center equipment in the Commonwealth associated with the hosting of lottery games duly authorized by another state or jurisdiction and regulated and operated consistent with and exclusively for the benefit of such state or jurisdiction, provided that wagering on such games is legally authorized in such other state or jurisdiction and the individuals wagering on such games are required by the laws or

regulations of such other state or jurisdiction to be physically located within the geographic bounds of such other state or jurisdiction at the time the wager is initiated or placed.

CHAPTER 312

An Act to amend and reenact § 24.2-306 of the Code of Virginia, relating to elections; precincts and polling places; notice of changes mailed at least 30 days prior to election.

[H 1003]

Approved April 2, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 24.2-306 of the Code of Virginia is amended and reenacted as follows:

§ 24.2-306. Changes not to be enacted within 60 days of general election; notice requirements.

A. No change in any local election district, precinct, or polling place shall be enacted within 60 days next preceding any general election. Notice shall be published prior to enactment in a newspaper having general circulation in the election district or precinct once a week for two successive weeks. The published notice shall state where descriptions and maps of proposed boundary and polling place changes may be inspected.

B. Notice of any adopted change in any election district, town, precinct, or polling place other than in the location of the office of the general registrar shall be mailed to all registered voters whose election district, town, precinct, or polling place is changed at least ~~15~~ *30* days prior to the next general, special, or primary election in which the voters will be voting in the changed election district, town, precinct, or polling place. Notice of a change in the location of the office of the general registrar shall be given by posting on the official website of the county or city, by posting at not less than 10 public places, or by publication once in a newspaper of general circulation in the county or city within not more than 21 days in advance of the change or within seven days following the change.

C. Each county, city, and town shall comply with the applicable requirements of law, including §§ 24.2-304.3 and 30-395, and send copies of enacted changes, including a Geographic Information System (GIS) map showing the new boundaries of the districts or precincts, to the local electoral board, the Department, and the Division of Legislative Services. Any county, city, or town that does not have GIS capabilities may request the Department of Elections to create on its behalf a GIS map showing the boundaries of the new districts or precincts, and the Department of Elections shall create such a map.

CHAPTER 313

An Act to amend and reenact § 19.2-163.04 of the Code of Virginia, relating to public defender offices; City of Harrisonburg and County of Rockingham.

[H 1014]

Approved April 2, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 19.2-163.04 of the Code of Virginia is amended and reenacted as follows:

§ 19.2-163.04. Public defender offices.

Public defender offices are established in:

a. The City of Virginia Beach;

b. The City of Petersburg;

c. The Cities of Buena Vista, Lexington, Staunton, and Waynesboro and the Counties of Augusta and Rockbridge;

d. The City of Roanoke;

e. The City of Portsmouth;

f. The City of Richmond;

g. The Counties of Clarke, Frederick, Page, Shenandoah, and Warren, and the City of Winchester;

h. The City and County of Fairfax;

i. The City of Alexandria;

j. The City of Radford and the Counties of Bland, Pulaski, and Wythe;

k. The Counties of Fauquier, Loudoun, and Rappahannock;

l. The City of Suffolk;

m. The City of Franklin and the Counties of Isle of Wight and Southampton;

n. The County of Bedford;

o. The City of Danville;

p. The Counties of Halifax, Lunenburg, and Mecklenburg;

q. The City of Fredericksburg and the Counties of King George, Stafford, and Spotsylvania;

r. The City of Lynchburg;

s. The City of Martinsville and the Counties of Henry and Patrick;

t. The City of Charlottesville and the County of Albemarle;
u. The City of Norfolk;
v. The County of Arlington and the City of Falls Church;
w. The City of Newport News;
x. The City of Chesapeake;
y. The City of Hampton;
z. The Cities of Manassas and Manassas Park and the County of Prince William; ~~and~~
aa. The County of Chesterfield*; and*
ab. The City of Harrisonburg and the County of Rockingham.

CHAPTER 314

An Act to amend and reenact § 29.1-733.25 of the Code of Virginia, relating to destruction and disposal of abandoned watercraft by localities and state agencies.

[H 1053]

Approved April 2, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 29.1-733.25 of the Code of Virginia is amended and reenacted as follows:

§ 29.1-733.25. Acquiring title to an abandoned watercraft.

A. Any watercraft abandoned for a period exceeding 60 days is subject to the provisions of this section.

B. A landowner, his lessee, or his agent may acquire title to any watercraft abandoned on his land or the water immediately adjacent to his land. Acquisition of title, under the provisions of this section, divests any other person of any interest in the watercraft.

C. If a watercraft has a registration number assigned by the Commonwealth or any other state, or if there are other means of identifying the owner, the person desiring to acquire title shall make a good faith effort to secure the last-known address of all owners and lien holders. He shall notify each owner and lien holder by registered letter that if ownership is not claimed and the watercraft not removed within 30 days, he will apply for title to the watercraft in his name.

D. The person desiring to acquire title also shall place a notice, to appear for three consecutive issues, in a newspaper of general circulation in the county or city where the watercraft is located. The notice shall describe the watercraft, its location, and any identifying number or numbers. The notice shall state that if the watercraft is not claimed and removed within 30 days after the first day the notice was published, the person who has placed the notice shall apply to the Department for title to the watercraft.

E. At the end of the 30-day period, the person seeking to acquire the watercraft shall apply to the Department for title. The application shall be accompanied by the following: (i) an affidavit stating that to the best of the applicant's knowledge the watercraft has been abandoned for a period of at least 60 days~~:~~*,* (ii) proof that the registered letter required by the Department was mailed at least 30 days prior to application or a detailed explanation of the steps taken to identify the owner and lien holder~~:~~*,* and (iii) proof that a notice was printed in a newspaper as required in subsection D.

F. Upon receipt by the Department of all items required by subsection E, and after all fees and taxes due have been paid, the Department shall then issue title to the watercraft to the applicant.

G. All costs incurred in obtaining title to a watercraft under this section shall be borne by the applicant.

H. Any locality or state agency that has met the requirements of subsections A through D may apply to the Department for an authorization to destroy and dispose of the watercraft. The application shall be accompanied by the following: (i) an affidavit stating that to the best of the applicant's knowledge the watercraft has been abandoned for a period of at least 60 days, (ii) proof that the registered letter required by the Department was mailed at least 30 days prior to application or a detailed explanation of the steps taken to identify the owner and lien holder, (iii) proof that a notice was printed in a newspaper as required in subsection D, and (iv) a certification by the applicant that the watercraft will be destroyed and disposed of following authorization. Upon receipt of such complete application items required in this subsection, the Department shall issue an authorization to destroy and dispose of the watercraft.

CHAPTER 315

An Act to amend the Code of Virginia by adding a section numbered 38.2-5206.1, relating to long-term care insurance; rate increases; notice requirements.

[H 1060]

Approved April 2, 2024

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 38.2-5206.1 as follows:

§ 38.2-5206.1. Rate increases; notice requirements.

A. Within 60 days of filing for a rate increase with the Commission, an insurer providing long-term care insurance policies in the Commonwealth shall issue a written notice to each policyholder that the insurer has filed for a rate increase that includes the following:

1. The reasoning for which the insurer is requesting a rate increase;

2. The amount of the rate increase requested, expressed as a percentage;

3. Directions on how to obtain information about the Commission's review of the rate case via the Commission's website;

4. Contact information for the Commission, including the Commission's website, email address, and toll-free telephone number;

5. A statement informing the policyholder of his right to provide comments to the Commission on the proposed rate increase and how to submit such comments to the Commission, including all available options via phone, website, and mail;

6. Information on how to contact the insurer for more information, including the insurer's website, email address, and toll-free telephone number; and

7. A statement that the notice provides information on a proposed rate increase and that the insurer will notify the policyholder of the Commission's approval or denial of the proposed rate increase.

B. In addition to any written notice required by subsection A, an insurer subject to the provisions of this chapter that has filed for a rate increase with the Commission shall:

1. If the Commission denies the proposed rate increase, issue a written notice to each policyholder of the Commission's denial of the proposed rate increase within 90 days of the final decision by the Commission; or

2. If the Commission approves any proposed rate increase, issue a written notice to each policyholder of the Commission's approval of the proposed rate increase at least 90 days before the effective date of such approved rate increase that includes the following:

a. Information related to why the policyholder will incur a rate increase;

b. The total change to the policyholder's plan, including any total increase in premiums, expressed as a percentage and dollar amount of the current premium, and any changes in benefits. For phased-in increases, the notice shall include information about phase-in dates with corresponding premium amounts and plan options available to the policyholder, including information on how to select a plan option not subject to the rate increase;

c. The insurer's contact information, including the insurer's website, email address, and toll-free telephone number;

d. The Commission's contact information, including the Commission's website, email address, and toll-free telephone number; and

e. Information about the Virginia Insurance Counseling and Assistance Program administered by the Department for Aging and Rehabilitative Services.

C. The notices required by subsections A and B shall use an easy-to-read font and plain language, present options fairly, and include appropriate definitions, disclosures, visualization tools, and referrals to external resources.

D. In reviewing requests to increase long-term care insurance rates, the Commission shall, to the extent practicable, consider how the rate increase will impact policyholders.

E. The Commission is authorized to promulgate regulations as necessary to implement the provisions of this section and develop additional guidance regarding the notices required by this section.

CHAPTER 316

An Act to amend the Code of Virginia by adding in Chapter 3.1 of Title 62.1 an article numbered 13, consisting of sections numbered 62.1-44.34:29 through 62.1-44.34:33, relating to Department of Environmental Quality; PFAS; identification; monitoring; PFAS Expert Advisory Council established; report.

[H 1085]

Approved April 2, 2024

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Chapter 3.1 of Title 62.1 an article numbered 13, consisting of sections numbered 62.1-44.34:29 through 62.1-44.34:33, as follows:

Article 13.

Per- and Polyfluoroalkyl Substances.

§ 62.1-44.34:29. Definitions.

As used in this article, unless the context requires a different meaning:

"Committee" means the PFAS Expert Advisory Committee established in § 62.1-44.34:33.

"EPA" means the U.S. Environmental Protection Agency.

"HFPO-DA" means hexafluoropropylene oxide dimer acid.

"PFAS" means per- and polyfluoroalkyl substances, which are any fluorinated substances that contain at least one fully fluorinated methyl or methylene carbon atom and any precursors of such substances. "PFAS" includes HFPO-DA, PFBS, PFHxS, PFNA, PFOA, and PFOS.

"PFAS maximum contaminant level" or "PFAS MCL" means any maximum contaminant level for any PFAS chemical or mixture of PFAS chemicals (i) established by the EPA as a national primary drinking water regulation or (ii) for the interim period of time between the EPA's proposal and final agency action for adopting a national primary drinking water regulation, the EPA's proposed level, provided that the EPA's proposed level may be used only for nonregulatory purposes of self-reporting of manufacturing or use, monitoring, and PFAS assessments as provided in this article.

"PFBS" means perfluorobutane sulfonate.

"PFHxS" means perfluorohexane sulfonate.

"PFNA" means perfluorononanoic acid.

"PFOA" means perfluorooctanoic acid.

"PFOS" means perfluorooctane sulfonate.

"Public water system" means a system that provides piped water for human consumption and (i) serves at least 15 service connections used by year-round residents or regularly serves at least 25 year-round residents or (ii) regularly serves at least 25 of the same persons over six months of the year.

"VDH" means the Virginia Department of Health.

"VPDES" means the Virginia Pollutant Discharge Elimination System.

§ 62.1-44.34:30. PFAS assessments for identification of sources of PFAS in public water supplies.

A. For every public water system, VDH shall assist the Department by on a quarterly basis transferring to the Department all validated monitoring results available to VDH under federal regulations or otherwise in VDH's possession that indicate PFAS MCL exceedances, including data generated by VDH's independent PFAS monitoring activities or submitted by public water systems to VDH.

B. For every public water system for which VDH has notified the Department pursuant to subsection A or the public water system has directly demonstrated to the Department that PFAS in finished water has been detected above any PFAS MCL using Method 533, Method 537.1, or other EPA-approved method for drinking water, the Department shall develop and implement a plan to prioritize and conduct PFAS assessments for identifying significant sources of PFAS in such public water system's raw water source or sources. Such prioritization plan shall be developed within six months of the initial notification by VDH pursuant to subsection A and updated annually thereafter.

C. In developing its prioritization for conducting PFAS assessments, the Department shall consider (i) data and other information available from VDH regarding public water supplies, including but not limited to applicable PFAS data; (ii) any data or other information submitted directly to the Department by public water systems on a voluntary basis; (iii) information from consultation with VDH and public water systems with finished water monitoring results above any PFAS MCL; and (iv) other data or information the Department considers useful for setting priorities, including studies published in the scientific literature.

D. In conducting PFAS assessments, the Department shall consider the results of the self-reporting process required pursuant to § 62.1-44.34:31, the results of any effluent or instream monitoring required pursuant to § 62.1-44.34:32 or otherwise conducted by or available to the Department, and other PFAS-related data or information the Department deems useful for identifying significant sources.

E. In its reports of PFAS assessments, the Department shall identify potential regulatory and nonregulatory options for addressing each significant source of PFAS. The goal of such assessments shall be to protect public health by reducing significant sources of PFAS in raw water sources of public water systems and to ensure, to the maximum extent practicable, that the costs of public water systems are minimized.

§ 62.1-44.34:31. Self-reporting of PFAS manufacture and use for PFAS assessment.

A. For purposes of a PFAS assessment following notification to the Department pursuant to subsection B of § 62.1-44.34:30, the Department shall require any facility, if deemed by the Department to be a potential source of PFAS in the public water system's raw water source, that discharges to a surface water under a VPDES permit or that discharges to a publicly owned treatment works under an industrial pretreatment program permit to report to the Department, within 90 days after being directed by the Department, its manufacture or use of PFAS as provided in this section on a form provided by the Department. Such report shall include the chemical name and the Chemical Abstracts Service (CAS) number, if known or reasonably ascertainable, the amount manufactured or used in the preceding 12 months, and any additional information reasonably required by the Department to ascertain sources and quantities of PFAS manufactured or used.

B. For every facility that reports the use or manufacture of one or more PFAS in accordance with subsection A and that discharges to a publicly owned treatment works, the Department shall forward the information provided by the facility to such publicly owned treatment works within 30 days of receipt. Such reporting requirement shall not change the duty or discharge permits of a publicly owned treatment works.

C. Any portion of a report submitted to the Department pursuant to this section may be claimed as confidential by the submitter pursuant to § 62.1-44.21, except claims of confidentiality for the name, address, and location of the facility. Any such claim must be asserted at the time of submission in the manner prescribed on the reporting form or instructions. If no claim is made at the time of submission, the Department may make the information available to the public without further notice. If a claim is asserted, the information will be treated in accordance with the procedures in § 62.1-44.21.

D. For purposes of this section, use of PFAS (i) means intentional use of PFAS or PFAS-containing substances as a product ingredient or as a production process aid or additive, such as wetting agents, fume suppressants, photoresists,

etchants, cleaners, coatings, surfactants, or flame retardants, and (ii) does not mean use of manufacturing equipment that contains PFAS.

§ 62.1-44.34:32. Monitoring of PFAS sources for PFAS assessments.

A. For the purpose of PFAS assessments required pursuant to § 62.1-44.34:30, the Department shall require, after three months' advance notice, the owner or operator of any of the following facilities, if deemed by the Department to be a potentially significant source of PFAS in the public water system's raw water source, to perform and promptly report the results as received of representative quarterly discharge monitoring for an initial characterization period of one year, provided, however, that the Department may discontinue remaining quarterly monitoring by a facility with proper monitoring results that are below the method detection level for the first two quarters:

1. Any facility subject to self-reporting pursuant to § 62.1-44.34:31;

2. Any facility manufacturing PFAS, any electroplating or metal finishing facility using PFAS, any semiconductor or circuit board facility using PFAS, any paper or packaging manufacturing facility using PFAS, and any textile mills, tanneries, or leather, fabric, or carpet treaters using PFAS;

3. Any other facility that the Department has a reasonable basis to believe may use or manufacture PFAS based on the facility or activity type;

4. Any centralized waste treatment industrial facility;

5. Any industrial launderers defined by NAICS 812332;

6. Any facility discharging groundwater remediation wastewaters pursuant to the VPDES General Permit Regulation for Discharges from Groundwater Remediation of Contaminated Sites, Dewatering Activities of Contaminated Sites, and Hydrostatic Tests; and

7. Any airport, air base, air station, fire training facility, landfill, or other facility or site that the Department has a reasonable basis to believe has significant soil or groundwater PFAS contamination significantly impacting finished water levels.

B. For purposes of this section, using or use of PFAS (i) means intentionally using or use of PFAS or PFAS-containing substances as a product ingredient or as a production process aid or additive, such as wetting agents, fume suppressants, photoresists, etchants, cleaners, coatings, surfactants, or flame retardants, and (ii) does not mean using or use of manufacturing equipment that contains PFAS.

C. For purposes of monitoring under subsection A, the applicable laboratory test method is Method 1633 or such other method approved by the EPA that may be allowed by the Department. Monitoring reports shall include all PFAS analytes measured by the test method. For purposes of this section, the Department shall not require, and the facility and its laboratory shall be exempt from, environmental laboratory certification or accreditation requirements specifically for use of Method 1633.

§ 62.1-44.34:33. PFAS Expert Advisory Committee; report.

A. The Department, in consultation with VDH, shall establish the PFAS Expert Advisory Committee to assist the Department and VDH in identifying (i) PFAS sources through PFAS assessments and associated monitoring and reporting, (ii) public and private lab testing capacity issues, and (iii) options for reducing PFAS in source waters causing exceedances of PFAS MCLs.

B. Members of the Committee shall be appointed by the Director and shall include representatives of public drinking water and wastewater system owners, representatives of public health organizations, potential PFAS source categories, and conservation organizations with expertise in water treatment, water science, or PFAS chemistry, and other experts as determined by the Department. Members of the Committee shall receive no compensation for their service and shall not be entitled to reimbursement for expenses incurred in the performance of their duties.

C. The Department shall convene the Committee at least two times per calendar year through June 30, 2027, and thereafter as the Department deems appropriate.

D. The Department shall report annually by October 1 on its activities related to PFAS assessments, including the self-reporting process pursuant to § 62.1-44.34:31 and the discharge monitoring process pursuant to § 62.1-44.34:32, and on the activities of the Committee to the Governor and the General Assembly.

2. That this act shall not be construed as limiting the authority of the Department of Environmental Quality, the Virginia Department of Health, or the owner or operator of any publicly owned treatment works to which any user discharges wastewater to require monitoring or reporting or otherwise regulate the discharge of any PFAS chemicals or other pollutants under other applicable legal authority.

3. That for public water systems for which the Department of Environmental Quality has received notice on or before September 1, 2024, of PFAS detected above the threshold established in subsection B of § 62.1-44.34:30 of the Code of Virginia, as created by this act, the Department shall issue notice to applicable facilities by December 1, 2024, of required self-reporting under § 62.1-44.34:31 of the Code of Virginia, as created by this act, and required monitoring under § 62.1-44.34:32 of the Code of Virginia, as created by this act.

CHAPTER 317

An Act to amend and reenact §§ 3.04, as amended, 3.05, as amended, 3.07, and 3.14 of Chapter 47 of the Acts of Assembly of 1986, which provided a charter for the Town of Pulaski in Pulaski County, relating to council; mayor; vice-mayor; elections.

[H 1127]

Approved April 2, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 3.04, as amended, 3.05, as amended, 3.07, and 3.14 of Chapter 47 of the Acts of Assembly of 1986 are amended and reenacted as follows:

§ 3.04. Composition and qualifications.

The council shall ~~be composed of six council members and the mayor~~ *consist of seven members, one of whom shall be the mayor*, to be elected from the town at large. The council members and the mayor shall be qualified voters of the town.

§ 3.05. Election and term of office of council members.

~~The council shall be elected in the manner provided by Virginia election laws. Three council members shall be elected on the first Tuesday in May 2000, and every four years thereafter. The other three council members shall be elected on the first Tuesday in May 2002, and every four years thereafter.~~

~~The term of office for all council members shall begin on July 1 next following their election, and each shall serve for a term of four years or until his successor shall have been elected and qualified.~~ *The members of council shall be elected for and serve terms of four years, from the first day of January next following the date of their election and until their successors shall have been elected and qualified. Three council members shall be elected on the first Tuesday following the first Monday of November 2024 and every four years thereafter. Three council members shall be elected on the first Tuesday following the first Monday of November 2026 and every four years thereafter.* The council members may succeed themselves as often as the voters may choose.

§ 3.07. Mayor and vice-mayor.

The mayor shall be elected ~~on the first Tuesday in May, 1986, and every two years thereafter. The position of mayor shall occupy a separate position on the ballot from that of the other council members and the mayor shall be elected in the manner provided by Virginia election laws~~ *for and serve a term of four years, from the first day of January next following the date of his election and until his successor shall have been elected and qualified. The mayor shall be elected on the first Tuesday following the first Monday of November 2024 and every four years thereafter*.

The mayor shall have ~~no~~ *the* right to vote in the council~~, except that in every case of a tie vote of the council, the mayor shall be entitled to vote and such vote (in case of a tie only) shall then have the same weight and effect as the vote of a councilman~~, but the mayor shall have no right to veto. In addition, he shall preside at meetings of the council and perform such other duties as may be prescribed by this charter and by general law and such as may be imposed by the council consistent with the office. The mayor shall be recognized as head of the town government for all ceremonial purposes, for purposes of military law, and for the service of civil processes. In the event of public danger or emergency the mayor shall maintain order and enforce the law. Such course of action shall be subject to review by the council.

The mayor shall have no power to suspend, remove or discharge any officer, official, agent or employee of the town, nor shall he have any power or authority to appoint or employ any officer, official, agent or employee of the town, nor fix the term of office or employment or the compensation, or increase or decrease the power and authority of any officer, official, agent or employee of the town, unless such power shall have been given by the council.

The mayor shall take care and see that the bylaws, ordinances, acts and resolutions of the council are faithfully executed; shall have and exercise all power and authority conferred by general law on mayors of towns not inconsistent with this charter; shall see that peace and order are preserved and that persons and property within the town are protected; shall authenticate by his or her signature such documents and instruments as the council, this charter, or the laws of this Commonwealth require; and shall from time to time recommend to the council such measures as he or she may deem needful for the welfare of the town and shall be entitled to join in all discussions of town business.

Any provision of this charter dealing with a council member shall also apply to the mayor, unless the context clearly indicates otherwise.

At the first meeting of the council of each ~~even-numbered~~ *odd-numbered* year, the council shall elect from its members a vice-mayor who shall serve for a term of two years. The vice-mayor shall act as mayor during the absence or disability of the mayor and, if a vacancy occurs, shall become acting mayor until such time as a successor is appointed to fill the unexpired term. The council member who serves as vice-mayor or acting mayor under this section shall continue to have all the rights, privileges, powers, and duties and obligations of a council member, even when performing the duties of mayor.

§ 3.14. Procedure.

A. Meetings. The council shall meet regularly at least once in every month, at such times and places as the council may prescribe by ordinance, and no regular meeting may be continued or postponed without either (i) a majority vote of the council members in open session, or (ii) by written consent of the majority of the members other than the mayor, in which written consent shall specify the date for holding a postponed or continued meeting, and when a majority have signed such writing the same shall be so continued or postponed. Special meetings may be held on the call of the mayor or of any three

council members. No business shall be transacted at a special meeting but that for which it may be called, unless the council be unanimous.

No vote shall be reconsidered or rescinded at any special meeting unless at such special meeting there are present as large a number of members as were present when such vote was taken.

The meetings of the council shall be open to the public and to the press, except when the public welfare shall require executive session, and then the public welfare shall not be deemed to require such executive session unless a majority of the councilmen present and constituting a quorum shall vote in favor of such executive session. Any citizen and the press may have access to the minutes of the council at all reasonable times.

A majority of all members of council, ~~exclusive~~ *inclusive* of the mayor, shall constitute a quorum, but a smaller number may adjourn from time to time and compel the attendance of absentees.

B. Rules and conduct of business. The council shall determine its own rules and order of business. The council shall have the power to create or abolish such committees, both standing and special, as it may from time to time determine to be necessary or convenient to the transaction of public business.

C. Voting. An affirmative recorded vote of a majority of those members voting is required for the adoption of any ordinance or resolution having in its object levying of taxes or contracting of debt. All votes must be in person. No proxies are allowed.

Voting shall be by roll call with the ayes and nays recorded in the minutes where a roll call vote is required by statute or is called for by any council member prior to the vote. Otherwise, voting may be by voice vote without a roll call.

A majority vote of council shall mean a majority of those members present and actually voting on a matter at a properly called meeting of council.

CHAPTER 318

An Act to amend and reenact § 58.1-4107 of the Code of Virginia, relating to casino gaming; eligible host city.

[H 1131]

Approved April 2, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 58.1-4107 of the Code of Virginia is amended and reenacted as follows:

§ 58.1-4107. Eligible host city; certification of preferred casino gaming operator.

A. The conduct of casino gaming shall be limited to the following eligible host cities:

1. Any city (i) in which at least 40 percent of the assessed value of all real estate in such city is exempt from local property taxation, according to the Virginia Department of Taxation Annual Report for Fiscal Year 2018, and (ii) that experienced a population decrease of at least seven percent from 1990 to 2016, according to data provided by the U.S. Census Bureau;

2. Any city that had (i) an annual unemployment rate of at least five percent in 2018, according to data provided by the U.S. Bureau of Labor Statistics; (ii) an annual poverty rate of at least 20 percent in 2017, according to data provided by the U.S. Census Bureau; and (iii) a population decrease of at least 20 percent from 1990 to 2016, according to data provided by the U.S. Census Bureau;

3. Any city that (i) had an annual unemployment rate of at least 3.6 percent in 2018, according to data provided by the U.S. Bureau of Labor Statistics; (ii) had an annual poverty rate of at least 20 percent in 2017, according to data provided by the U.S. Census Bureau; (iii) experienced a population decrease of at least four percent from 1990 to 2016, according to data provided by the U.S. Census Bureau; and (iv) is located adjacent to a state that has adopted a Border Region Retail Tourism Development District Act; *and*

4. Any city (i) with a population greater than 200,000 according to the 2018 population estimates from the Weldon Cooper Center for Public Service of the University of Virginia; (ii) in which at least 24 percent of the assessed value of all real estate in such city is exempt from local property taxation, according to the Virginia Department of Taxation Annual Report for Fiscal Year 2018; and (iii) that experienced a population decrease of at least five percent from 1990 to 2016, according to data provided by the U.S. Census Bureau~~; and~~

~~5. Any city (i) with a population greater than 200,000 according to the 2018 population estimates from the Weldon Cooper Center for Public Service of the University of Virginia; (ii) in which at least 24 percent of the assessed value of all real estate in such city is exempt from local property taxation, according to the Virginia Department of Taxation Annual Report for Fiscal Year 2018; and (iii) that had a poverty rate of at least 24 percent in 2017, according to data provided by the U.S. Census Bureau~~.

B. In selecting a preferred casino gaming operator, an eligible host city shall have considered and given substantial weight to factors such as:

1. The potential benefit and prospective revenues of the proposed casino gaming establishment.

2. The total value of the proposed casino gaming establishment.

3. The proposed capital investment and the financial health of the proposer and any proposed development partners.

4. The experience of the proposer and any development partners in the operation of a casino gaming establishment.

5. Security plans for the proposed casino gaming establishment.

6. The economic development value of the proposed casino gaming establishment and the potential for community reinvestment and redevelopment in an area in need of such.

7. Availability of city-owned assets and privately owned assets, such as real property, including where there is only one location practicably available or land under a development agreement between a potential operator and the city, incorporated in the proposal.

8. The best financial interest of the city.

9. The proposer's status as a minority-owned business as defined in § 2.2-1604 or the proposer's commitment to solicit equity investment in the proposed casino gaming establishment from one or more minority-owned businesses and the proposer's commitment to solicit contracts with minority-owned businesses for the purchase of goods and services.

C. The Department shall, upon request of any eligible host city, provide a list of resources that may be of assistance in evaluating the technical merits of any proposal submitted pursuant to this section, provided that selection of the preferred casino gaming operator shall be at the city's sole discretion.

D. The eligible host city described in subdivision A 4 shall provide substantial and preferred consideration to a proposer who is a Virginia Indian tribe recognized in House Joint Resolution No. 54 (1983) and acknowledged by the Assistant Secretary-Indian Affairs for the U.S. Department of the Interior as an Indian tribe within the meaning of federal law that has the authority to conduct gaming activities as a matter of claimed inherent authority or under the authority of the Indian Gaming Regulatory Act (25 U.S.C. § 2701 et seq.).

E. ~~The eligible host city described in subdivision A 5 may provide preferred consideration to a proposer who is a Virginia Indian tribe recognized in House Joint Resolution No. 54 (1983) and acknowledged by the Assistant Secretary-Indian Affairs for the U.S. Department of the Interior as an Indian tribe within the meaning of federal law that has the authority to conduct gaming activities as a matter of claimed inherent authority or under the authority of the Indian Gaming Regulatory Act (25 U.S.C. § 2701 et seq.).~~

F. ~~F.~~ An eligible host city shall promptly submit its preferred casino gaming operator to the Department for review prior to scheduling the referendum required by § 58.1-4123. An eligible host city shall include with the submission any written or electronic documentation considered as part of the criteria in subsection B, including any memorandums of understanding, incentives, development agreements, land purchase agreements, or local infrastructure agreements. The Department shall conduct a preliminary review of the financial status and ability of the preferred casino gaming operator to operate and properly support ongoing operations in an eligible host city, as well as current casino operations in other states and territories. The Department shall conduct such review within 45 days of receipt of the submission by the eligible host city. An eligible host city and preferred casino gaming operator shall fully cooperate with all necessary requests by the Department in that regard. Upon successful preliminary review, the Department shall certify approval for the eligible host city to proceed to the referendum required by § 58.1-4123. The Department shall develop guidelines establishing procedures and criteria for conducting the preliminary review required by this subsection. Certification by the Department to proceed to referendum shall in no way entitle the preferred casino gaming operator to approval of any application to operate a casino gaming establishment.

CHAPTER 319

An Act to amend and reenact §§ 38.2-4214, 38.2-4319, and 38.2-4509 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 38.2-316.2, relating to insurance; annual actual loss ratio report by dental carriers.

[H 1132]

Approved April 2, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 38.2-4214, 38.2-4319, and 38.2-4509 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 38.2-316.2 as follows:

§ 38.2-316.2. Dental carriers; annual actual loss ratio report.

A. As used in this section:

"Actual loss ratio" means, for large employer coverage issued by a dental carrier, the ratio of incurred claims and other compensation paid or due to dental providers for the reporting period to earned premiums for dental services provided under a dental carrier contract issued in the Commonwealth, excluding, for the reporting period, (i) related state and federal taxes; (ii) related licensing and regulatory fee expenses; (iii) nonprofit community benefit expenditures, which have been disclosed to the public, to support dental services and improve dental care access and quality in the Commonwealth; (iv) the amounts or related claims payments identified through fraud reduction efforts; and (v) any other related payments required under state or federal law.

"Dental carrier" means (i) any carrier, as defined in § 38.2-3407.15, that offers separate or specific dental policies to large employers; (ii) any nonstock corporation that offers or administers dental services plans, as defined in § 38.2-4501, to large employers; or (iii) a dental plan organization, as defined in § 38.2-6101, that provides coverage to large employers.

"Large employer" means, with respect to a calendar year and a plan year, an employer who employed an average of at least 51 employees on business days during the preceding calendar year and who employs at least one employee on the first day of the plan year.

B. Beginning in 2025, each dental carrier shall annually, on or before April 30, file with the Commission a report that includes the actual loss ratio for the preceding calendar year and any such other information as the Commission may require. A dental carrier shall file such report in accordance with the format or forms prescribed by the Commission.

C. The Commission shall annually post such reports on a dedicated link or page on the Commission's website on or before June 15 after receipt of such reports.

§ 38.2-4214. Application of certain provisions of law.

No provision of this title except this chapter and, insofar as they are not inconsistent with this chapter, §§ 38.2-200, 38.2-203, 38.2-209 through 38.2-213, 38.2-218 through 38.2-225, 38.2-230, 38.2-232, 38.2-305, 38.2-316, 38.2-316.1, *38.2-316.2,* 38.2-322, 38.2-325, 38.2-326, 38.2-400, 38.2-402 through 38.2-413, 38.2-500 through 38.2-515, 38.2-600 through 38.2-629, 38.2-700 through 38.2-705, 38.2-900 through 38.2-904, 38.2-1017, 38.2-1018, 38.2-1038, and 38.2-1040 through 38.2-1044, Articles 1 (§ 38.2-1300 et seq.) and 2 (§ 38.2-1306.2 et seq.) of Chapter 13, §§ 38.2-1312, 38.2-1314, 38.2-1315.1, 38.2-1317 through 38.2-1328, 38.2-1334, 38.2-1340, 38.2-1400 through 38.2-1442, 38.2-1446, 38.2-1447, 38.2-1800 through 38.2-1836, 38.2-3400, 38.2-3401, 38.2-3404, 38.2-3405, 38.2-3405.1, 38.2-3406.1, 38.2-3406.2, 38.2-3407.1 through 38.2-3407.6:1, 38.2-3407.9 through 38.2-3407.20, 38.2-3409, 38.2-3411 through 38.2-3419.1, and 38.2-3430.1 through 38.2-3454, Articles 8 (§ 38.2-3461 et seq.) and 9 (§ 38.2-3465 et seq.) of Chapter 34, §§ 38.2-3501 and 38.2-3502, subdivision 13 of § 38.2-3503, subdivision 8 of § 38.2-3504, §§ 38.2-3514.1 and 38.2-3514.2, §§ 38.2-3516 through 38.2-3520 as they apply to Medicare supplement policies, §§ 38.2-3522.1 through 38.2-3523.4, 38.2-3525, 38.2-3540.1, 38.2-3541, 38.2-3541.2, 38.2-3542, and 38.2-3543.2, Article 5 (§ 38.2-3551 et seq.) of Chapter 35, Chapter 35.1 (§ 38.2-3556 et seq.), §§ 38.2-3600 through 38.2-3607 and 38.2-3610, Chapter 52 (§ 38.2-5200 et seq.), Chapter 55 (§ 38.2-5500 et seq.), Chapter 58 (§ 38.2-5800 et seq.), Chapter 65 (§ 38.2-6500 et seq.), and Chapter 66 (§ 38.2-6600 et seq.) shall apply to the operation of a plan.

§ 38.2-4319. Statutory construction and relationship to other laws.

A. No provisions of this title except this chapter and, insofar as they are not inconsistent with this chapter, §§ 38.2-100, 38.2-136, 38.2-200, 38.2-203, 38.2-209 through 38.2-213, 38.2-216, 38.2-218 through 38.2-225, 38.2-229, 38.2-232, 38.2-305, 38.2-316, 38.2-316.1, *38.2-316.2,* 38.2-322, 38.2-325, 38.2-326, 38.2-400, 38.2-402 through 38.2-413, 38.2-500 through 38.2-515, 38.2-600 through 38.2-629, Chapter 9 (§ 38.2-900 et seq.), §§ 38.2-1016.1 through 38.2-1023, 38.2-1057, and 38.2-1306.1, Article 2 (§ 38.2-1306.2 et seq.), § 38.2-1315.1, and Articles 3.1 (§ 38.2-1316.1 et seq.), 4 (§ 38.2-1317 et seq.), 5 (§ 38.2-1322 et seq.), 5.1 (§ 38.2-1334.3 et seq.), and 5.2 (§ 38.2-1334.11 et seq.) of Chapter 13, Articles 1 (§ 38.2-1400 et seq.), 2 (§ 38.2-1412 et seq.), and 4 (§ 38.2-1446 et seq.) of Chapter 14, Chapter 15 (§ 38.2-1500 et seq.), Chapter 17 (§ 38.2-1700 et seq.), §§ 38.2-1800 through 38.2-1836, 38.2-3401, 38.2-3405, 38.2-3405.1, 38.2-3406.1, 38.2-3407.2 through 38.2-3407.6:1, 38.2-3407.9 through 38.2-3407.20, 38.2-3411, 38.2-3411.2, 38.2-3411.3, 38.2-3411.4, 38.2-3412.1, 38.2-3414.1, 38.2-3418.1 through 38.2-3418.19, 38.2-3418.21,38.2-3419.1, and 38.2-3430.1 through 38.2-3454, Articles 8 (§ 38.2-3461 et seq.) and 9 (§ 38.2-3465 et seq.) of Chapter 34, § 38.2-3500, subdivision 13 of § 38.2-3503, subdivision 8 of § 38.2-3504, §§ 38.2-3514.1, 38.2-3514.2, 38.2-3522.1 through 38.2-3523.4, 38.2-3525, 38.2-3540.1, 38.2-3540.2, 38.2-3541.2, 38.2-3542, and 38.2-3543.2, Article 5 (§ 38.2-3551 et seq.) of Chapter 35, Chapter 35.1 (§ 38.2-3556 et seq.), § 38.2-3610, Chapter 52 (§ 38.2-5200 et seq.), Chapter 55 (§ 38.2-5500 et seq.), Chapter 58 (§ 38.2-5800 et seq.), Chapter 65 (§ 38.2-6500 et seq.), and Chapter 66 (§ 38.2-6600 et seq.)shall be applicable to any health maintenance organization granted a license under this chapter. This chapter shall not apply to an insurer or health services plan licensed and regulated in conformance with the insurance laws or Chapter 42 (§ 38.2-4200 et seq.) except with respect to the activities of its health maintenance organization.

B. For plans administered by the Department of Medical Assistance Services that provide benefits pursuant to Title XIX or Title XXI of the Social Security Act, as amended, no provisions of this title except this chapter and, insofar as they are not inconsistent with this chapter, §§ 38.2-100, 38.2-136, 38.2-200, 38.2-203, 38.2-209 through 38.2-213, 38.2-216, 38.2-218 through 38.2-225, 38.2-229, 38.2-232, 38.2-322, 38.2-325, 38.2-400, 38.2-402 through 38.2-413, 38.2-500 through 38.2-515, and 38.2-600 through 38.2-629, Chapter 9 (§ 38.2-900 et seq.), §§ 38.2-1016.1 through 38.2-1023, 38.2-1057, and 38.2-1306.1, Article 2 (§ 38.2-1306.2 et seq.), § 38.2-1315.1, Articles 3.1 (§ 38.2-1316.1 et seq.), 4 (§ 38.2-1317 et seq.), 5 (§ 38.2-1322 et seq.), 5.1 (§ 38.2-1334.3 et seq.), and 5.2 (§ 38.2-1334.11 et seq.) of Chapter 13, Articles 1 (§ 38.2-1400 et seq.), 2 (§ 38.2-1412 et seq.), and 4 (§ 38.2-1446 et seq.) of Chapter 14, §§ 38.2-3401, 38.2-3405, 38.2-3407.2 through 38.2-3407.5, 38.2-3407.6, 38.2-3407.6:1, 38.2-3407.9, 38.2-3407.9:01, and 38.2-3407.9:02, subdivisions E 1, 2, and 3 of § 38.2-3407.10, §§ 38.2-3407.10:1, 38.2-3407.11, 38.2-3407.11:3, 38.2-3407.13, 38.2-3407.13:1, 38.2-3407.14, 38.2-3411.2, 38.2-3418.1, 38.2-3418.2, 38.2-3418.16, 38.2-3419.1, 38.2-3430.1 through 38.2-3437, and 38.2-3500, subdivision 13 of § 38.2-3503, subdivision 8 of § 38.2-3504, §§ 38.2-3514.1, 38.2-3514.2, 38.2-3522.1 through 38.2-3523.4, 38.2-3525, 38.2-3540.1, 38.2-3540.2, 38.2-3541.2, 38.2-3542, and 38.2-3543.2, Chapter 52 (§ 38.2-5200 et seq.), Chapter 55 (§ 38.2-5500 et seq.), Chapter 58 (§ 38.2-5800 et seq.), Chapter 65 (§ 38.2-6500 et seq.), and Chapter 66 (§ 38.2-6600 et seq.) shall be applicable to any health maintenance organization granted a license under this chapter. This chapter shall not apply to an insurer or health services plan licensed and regulated in conformance with the insurance laws or Chapter 42 (§ 38.2-4200 et seq.) except with respect to the activities of its health maintenance organization.

C. Solicitation of enrollees by a licensed health maintenance organization or by its representatives shall not be construed to violate any provisions of law relating to solicitation or advertising by health professionals.

D. A licensed health maintenance organization shall not be deemed to be engaged in the unlawful practice of medicine. All health care providers associated with a health maintenance organization shall be subject to all provisions of law.

E. Notwithstanding the definition of an eligible employee as set forth in § 38.2-3431, a health maintenance organization providing health care plans pursuant to § 38.2-3431 shall not be required to offer coverage to or accept applications from an employee who does not reside within the health maintenance organization's service area.

F. For purposes of applying this section, "insurer" when used in a section cited in subsections A and B shall be construed to mean and include "health maintenance organizations" unless the section cited clearly applies to health maintenance organizations without such construction.

§ 38.2-4509. Application of certain laws.

A. No provision of this title except this chapter and, insofar as they are not inconsistent with this chapter, §§ 38.2-200, 38.2-203, 38.2-209 through 38.2-213, 38.2-218 through 38.2-225, 38.2-229, 38.2-316, *38.2-316.2,* 38.2-326, 38.2-400, 38.2-402 through 38.2-413, 38.2-500 through 38.2-515, 38.2-600 through 38.2-629, 38.2-900 through 38.2-904, 38.2-1038, 38.2-1040 through 38.2-1044, Articles 1 (§ 38.2-1300 et seq.) and 2 (§ 38.2-1306.2 et seq.) of Chapter 13, §§ 38.2-1312, 38.2-1314, 38.2-1315.1, Articles 4 (§ 38.2-1317 et seq.), 5 (§ 38.2-1322 et seq.), and 6 (§ 38.2-1335 et seq.) of Chapter 13, §§ 38.2-1400 through 38.2-1442, 38.2-1446, 38.2-1447, 38.2-1800 through 38.2-1836, 38.2-3401, 38.2-3404, 38.2-3405, 38.2-3407.1, 38.2-3407.4, 38.2-3407.10, 38.2-3407.10:1, 38.2-3407.13, 38.2-3407.14, 38.2-3407.15, 38.2-3407.17, 38.2-3407.17:1, 38.2-3407.19, 38.2-3415, 38.2-3541, Article 5 (§ 38.2-3551 et seq.) of Chapter 35, §§ 38.2-3600 through 38.2-3603, Chapter 55 (§ 38.2-5500 et seq.), Chapter 58 (§ 38.2-5800 et seq.), and Chapter 65 (§ 38.2-6500 et seq.) shall apply to the operation of a plan.

B. The provisions of subsection A of § 38.2-322 shall apply to an optometric services plan. The provisions of subsection C of § 38.2-322 shall apply to a dental services plan.

C. The provisions of Article 1.2 (§ 32.1-137.7 et seq.) of Chapter 5 of Title 32.1 shall not apply to either an optometric or dental services plan.

D. The provisions of § 38.2-3407.1 shall apply to claim payments made on or after January 1, 2014. No optometric or dental services plan shall be required to pay interest computed under § 38.2-3407.1 if the total interest is less than $5.

2. That the initial report required by § 38.2-316.2 of the Code of Virginia, as created by this act, shall include actual loss ratios, as defined in § 38.2-316.2 of the Code of Virginia, as created by this act, for calendar years 2023 and 2024.

3. That the Bureau of Insurance shall evaluate the effectiveness of informing the public on the information being reported pursuant to § 38.2-316.2 of the Code of Virginia, as created by this act, and make recommendations, if any, on the continuation or modification of the obligation of dental carriers to report such information.

4. That the State Corporation Commission shall convene a work group of stakeholders that includes dental carriers, representatives from the Virginia Dental Association, the Association of Dental Support Organizations, and any other interested stakeholders to determine if any revisions are necessary to § 38.2-3407.15 of the Code of Virginia regarding ethics and fairness in dental carrier business practices and of health care providers of dental services. The work group shall report its recommendations to the Chairs of the House Committee on Labor and Commerce and the Senate Committee on Commerce and Labor on or before October 1, 2024.

CHAPTER 320

An Act to amend and reenact § 38.2-3407.15:2 of the Code of Virginia, relating to health insurance; prior authorization.

[H 1134]

Approved April 2, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 38.2-3407.15:2 of the Code of Virginia is amended and reenacted as follows:

§ 38.2-3407.15:2. Carrier contracts; required provisions regarding prior authorization.

A. As used in this section, unless the context requires a different meaning:

"Carrier" has the same meaning ascribed thereto in subsection A of § 38.2-3407.15.

"Prior authorization" means the approval process used by a carrier before certain drug benefits may be provided.

"Provider contract" has the same meaning ascribed thereto in subsection A of § 38.2-3407.15.

"Supplementation" means a request communicated by the carrier to the prescriber or his designee, for additional information, limited to items specifically requested on the applicable prior authorization request, necessary to approve or deny a prior authorization request.

B. Any provider contract between a carrier and a participating health care provider with prescriptive authority, or its contracting agent, shall contain specific provisions that:

1. Require the carrier to, in a method of its choosing, accept telephonic, facsimile, or electronic submission of prior authorization requests that are delivered from e-prescribing systems, electronic health record systems, and health information exchange platforms that utilize the National Council for Prescription Drug Programs' SCRIPT standards;

2. Require that the carrier communicate to the prescriber or his designee within 24 hours, including weekend hours, of submission of an urgent prior authorization request to the carrier, if submitted telephonically or in an alternate method directed by the carrier, that the request is approved, denied, or requires supplementation;

3. Require that the carrier communicate electronically, telephonically, or by facsimile to the prescriber or his designee, within two business days of submission of a fully completed prior authorization request, that the request is approved, denied, or requires supplementation;

4. Require that the carrier communicate electronically, telephonically, or by facsimile to the prescriber or his designee, within two business days of submission of a properly completed supplementation from the prescriber or his designee, that the request is approved or denied;

5. *Require that if a prior authorization request is approved for prescription drugs and such prescription drugs have been scheduled, provided, or delivered to the patient consistent with the authorization, the carrier shall not revoke, limit, condition, modify, or restrict that authorization unless (i) there is evidence that the authorization was obtained based on fraud or misrepresentation; (ii) final actions by the U.S. Food and Drug Administration, other regulatory agencies, or the manufacturer remove the drug from the market, limit its use in a manner that affects the authorization, or communicate a patient safety issue that would affect the authorization alone or in combination with other authorizations; (iii) a combination of drugs prescribed would cause a drug interaction; or (iv) a generic or biosimilar is added to the prescription drug formulary. Nothing in this section shall require a carrier to cover any benefit not otherwise covered or cover a prescription drug if the enrollee is no longer covered by a health plan on the date the prescription drug was scheduled, provided, or delivered;*

6. Require that if the prior authorization request is denied, the carrier shall communicate electronically, telephonically, or by facsimile to the prescriber or his designee, within the timeframes established by subdivision 3 or 4, as applicable, the reasons for the denial;

~~6.~~ *7.* Require that prior authorization approved by another carrier be honored, upon the carrier's receipt from the prescriber or his designee of a record demonstrating the previous carrier's prior authorization approval or any written or electronic evidence of the previous carrier's coverage of such drug, at least for the initial ~~30~~ *90* days of a member's prescription drug benefit coverage under a new health plan, subject to the provisions of the new carrier's evidence of coverage *and any exception listed in subdivision 5*;

~~7.~~ *8.* Require that a tracking system be used by the carrier for all prior authorization requests and that the identification information be provided electronically, telephonically, or by facsimile to the prescriber or his designee, upon the carrier's response to the prior authorization request;

~~8.~~ *9.* Require that the carrier's prescription drug formularies, all drug benefits subject to prior authorization by the carrier, all of the carrier's prior authorization procedures, and all prior authorization request forms accepted by the carrier be made available through one central location on the carrier's website and that such information be updated by the carrier within seven days of approved changes;

~~9.~~ *10.* Require a carrier to honor a prior authorization issued by the carrier for a drug, other than an opioid, regardless of changes in dosages of such drug, provided such drug is prescribed consistent with U.S. Food and Drug Administration-labeled dosages;

~~10.~~ *11.* Require a carrier to honor a prior authorization issued by the carrier for a drug regardless of whether the covered person changes plans with the same carrier and the drug is a covered benefit with the current health plan;

~~11.~~ *12.* Require a carrier, when requiring a prescriber to provide supplemental information that is in the covered individual's health record or electronic health record, to identify the specific information required;

~~12.~~ *13.* Require that no prior authorization be required for at least one drug prescribed for substance abuse medication-assisted treatment, provided that (i) the drug is a covered benefit, (ii) the prescription does not exceed the FDA-labeled dosages, and (iii) the drug is prescribed consistent with the regulations of the Board of Medicine;

~~13.~~ *14.* Require that when any carrier has previously approved prior authorization for any drug prescribed for the treatment of a mental disorder listed in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association, no additional prior authorization shall be required by the carrier, provided that (i) the drug is a covered benefit; (ii) the prescription does not exceed the FDA-labeled dosages; (iii) the prescription has been continuously issued for no fewer than three months; and (iv) the prescriber performs an annual review of the patient to evaluate the drug's continued efficacy, changes in the patient's health status, and potential contraindications. Nothing in this subdivision shall prohibit a carrier from requiring prior authorization for any drug that is not listed on its prescription drug formulary at the time the initial prescription for the drug is issued;

~~14.~~ *15.* Require a carrier to honor a prior authorization issued by the carrier for a drug regardless of whether the drug is removed from the carrier's prescription drug formulary after the initial prescription for that drug is issued, provided that the drug and prescription are consistent with the applicable provisions of subdivision ~~13~~ *14*;

~~15.~~ *16.* Require a carrier, beginning July 1, 2025, notwithstanding the provisions of subdivision 1 or any other provision of this section, to establish and maintain an online process that (i) links directly to all e-prescribing systems and electronic health record systems that utilize the National Council for Prescription Drug Programs SCRIPT standard and the National Council for Prescription Drug Programs Real Time Benefit Standard; (ii) can accept electronic prior authorization requests from a provider; (iii) can approve electronic prior authorization requests (a) for which no additional information is needed by the carrier to process the prior authorization request, (b) for which no clinical review is required, and (c) that

meet the carrier's criteria for approval; and (iv) links directly to real-time patient out-of-pocket costs for the office visit, considering copayment and deductible, and (v) otherwise meets the requirements of this section. No carrier shall (a) impose a fee or charge on any person for accessing the online process as required by this subdivision or (b) access, absent provider consent, provider data via the online process other than for the enrollee. No later than July 1, 2024, a carrier shall provide contact information of any third-party vendor or other entity the carrier will use to meet the requirements of this subdivision or the requirements of § 38.2-3407.15:7 to any provider that requests such information. A carrier that posts such contact information on its website shall be considered to have met this requirement; and

~~16.~~ *17.* Require a participating health care provider, beginning July 1, 2025, to ensure that any e-prescribing system or electronic health record system owned by or contracted for the provider to maintain an enrollee's health record has the ability to access, at the point of prescribing, the electronic prior authorization process established by a carrier as required by subdivision ~~15~~ *16* and the real-time patient-specific benefit information, including out-of-pocket costs and more affordable medication alternatives made available by a carrier pursuant to § 38.2-3407.15:7. A provider may request a waiver of compliance under this subdivision for undue hardship for a period specified by the appropriate regulatory authority with the Health and Human Resources Secretariat.

C. The Commission shall have no jurisdiction to adjudicate individual controversies arising out of this section.

D. This section shall apply with respect to any contract between a carrier and a participating health care provider, or its contracting agent, that is entered into, amended, extended, or renewed on or after January 1, 2016.

E. Notwithstanding any law to the contrary, the provisions of this section shall not apply to:

1. Coverages issued pursuant to Title XVIII of the Social Security Act, 42 U.S.C. § 1395 et seq. (Medicare), Title XIX of the Social Security Act, 42 U.S.C. § 1396 et seq. (Medicaid), Title XXI of the Social Security Act, 42 U.S.C. § 1397aa et seq. (CHIP), 5 U.S.C. § 8901 et seq. (federal employees), or 10 U.S.C. § 1071 et seq. (TRICARE);

2. Accident only, credit or disability insurance, long-term care insurance, TRICARE supplement, Medicare supplement, or workers' compensation coverages;

3. Any dental services plan or optometric services plan as defined in § 38.2-4501; or

4. Any health maintenance organization that (i) contracts with one multispecialty group of physicians who are employed by and are shareholders of the multispecialty group, which multispecialty group of physicians may also contract with health care providers in the community; (ii) provides and arranges for the provision of physician services by such multispecialty group physicians or by such contracted health care providers in the community; and (iii) receives and processes at least 85 percent of prescription drug prior authorization requests in a manner that is interoperable with e-prescribing systems, electronic health records, and health information exchange platforms.

CHAPTER 321

An Act to direct the Department of Conservation and Recreation to create a two-year pilot program to provide all-terrain power wheelchairs to enhance state park accessibility for individuals with limited mobility.

[H 1186]

Approved April 2, 2024

Be it enacted by the General Assembly of Virginia:

1. *§ 1. The Department of Conservation and Recreation (the Department) shall establish a two-year pilot program on or before October 1, 2024, and ending October 30, 2026, to enhance accessibility for individuals with limited mobility in Virginia's state parks by providing all-terrain power wheelchairs that may be used by such persons during their visits. The Department shall use the money collected from custom license plates to pay for the administration of the pilot program.*

§ 2. The Department shall choose the locations for the pilot program and shall enter into a contract for the purchase of all-terrain power wheelchairs for the pilot program. Such wheelchairs shall be equipped with tank-like tracks capable of traveling up hills, over rocks and roots, and through streams and sand; clearing fallen trees; and traversing through tall grass. The Department may establish guidelines to administer the pilot program.

§ 3. By November 1, 2026, the Department shall make a report available to the public regarding the outcome of the pilot program on its website. Such report shall include the cost of the entire program, any benefits attendant to the placement of all-terrain power wheelchairs in the locations of the pilot program, and recommendations concerning the continued placement of all-terrain power wheelchairs in Virginia's state parks.

CHAPTER 322

An Act to amend and reenact § 58.1-439.12:04 of the Code of Virginia, relating to tax credit for participating landlords.

[H 1203]

Approved April 2, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 58.1-439.12:04 of the Code of Virginia is amended and reenacted as follows:

§ 58.1-439.12:04. Tax credit for participating landlords.

A. As used in this section, unless the context clearly shows otherwise, the term or phrase:

"Dwelling unit" means an individual housing unit in an apartment building, an individual housing unit in multifamily residential housing, a single-family residence, or any similar individual housing unit.

"Eligible census tract" means a census tract in Virginia in which less than 10 percent of the residents live below the poverty level, as defined by the United States government and determined by the most recent United States census.

"Eligible non-metropolitan census tract" means a census tract in Virginia that (i) is not in the Richmond Metropolitan Statistical Area, the Washington–Arlington–Alexandria Metropolitan Statistical Area, or the Virginia Beach–Norfolk–Newport News Metropolitan Area and (ii) in which less than 40 percent of the residents live below the poverty level, as defined by the United States government and determined by the most recent United States census.

"Housing authority" means a housing authority created under Article 1 (§ 36-1 et seq.) of Chapter 1 of Title 36 or other government agency that is authorized by the United States government under the United States Housing Act of 1937 (42 U.S.C. § 1437 et seq.) to administer a housing choice voucher program, or the authorized agent of such a housing authority that is authorized to act upon that authority's behalf. The term shall also include the Virginia Housing Development Authority.

"Housing choice voucher" means tenant-based assistance by a housing authority pursuant to 42 U.S.C. § 1437f et seq.

"Participating landlord" means any person engaged in the business of the rental of dwelling units who is (i) subject to the Virginia Residential Landlord and Tenant Act (§ 55.1-1200 et seq.) and (ii) performing obligations under a contract with a housing authority relating to the rental of qualified housing units.

"Qualified housing unit" means a dwelling unit that is located in *either* an eligible census tract *or, for purposes of subdivision B 2, an eligible non-metropolitan census tract* for which a portion of the rent is paid by a housing authority, which payment is pursuant to a housing choice voucher program.

B. *1.* For taxable years beginning on or after January 1, 2010, but before January 1, ~~2025~~ *2026*, a participating landlord renting a qualified housing unit *in an eligible census tract* shall be eligible for a credit against the tax levied pursuant to § 58.1-320 or 58.1-400 in an amount equal to 10 percent of the fair market value of the rent for the unit, computed for that portion of the taxable year in which the unit was rented by such landlord to a tenant participating in a housing choice voucher program. The Department of Housing and Community Development shall administer and issue the tax credit under this section. If (i) the same parcel of real property contains four or more dwelling units and (ii) the total number of qualified housing units on the parcel in the relevant taxable year exceeds 25 percent of the total dwelling units on the parcel, then the tax credit under this section shall apply only to a limited number of qualified housing units with regard to such parcel of real property, with the limited number being equal to 25 percent of the total dwelling units on such parcel of real property in the taxable year.

2. For taxable years beginning on or after January 1, 2024, but before January 1, 2026, a participating landlord renting a qualified housing unit in an eligible non-metropolitan census tract shall be eligible for a credit against the tax levied pursuant to § 58.1-320 or 58.1-400 in an amount equal to 10 percent of the fair market value of the rent for the unit, computed for that portion of the taxable year in which the unit was rented by such landlord to a tenant participating in a housing choice voucher program. The Department of Housing and Community Development shall administer and issue the tax credit under this section. If (i) the same parcel of real property contains four or more dwelling units and (ii) the total number of qualified housing units on the parcel in the relevant taxable year exceeds 25 percent of the total dwelling units on the parcel, then the tax credit under this section shall apply only to a limited number of qualified housing units with regard to such parcel of real property, with the limited number being equal to 25 percent of the total dwelling units on such parcel of real property in the taxable year.

C. The Department of Housing and Community Development shall issue tax credits under this section on a fiscal year basis. ~~The~~ *For fiscal years beginning before July 1, 2024, the* maximum amount of tax credits that may be issued under this section in each fiscal year shall be $250,000. *For fiscal years beginning on and after July 1, 2024, (i) the maximum amount of tax credits that may be issued under subdivision B 1 in each fiscal year shall be $400,000 and (ii) the maximum amount of tax credits that may be issued under subdivision B 2 in each fiscal year shall be $100,000.*

D. Participating landlords shall apply to the Department of Housing and Community Development for tax credits under this section. The Department of Housing and Community Development shall determine the credit amount allowable to the participating landlord for the taxable year and shall also determine the fair market value of the rent for the qualified housing unit based on the fair market rent approved by the United States Department of Housing and Urban Development as the basis for the tenant-based assistance provided through the housing choice voucher program for the qualified housing unit. In issuing tax credits under this section, the Department of Housing and Community Development shall provide a written certification to the participating landlord, which certification shall report the amount of the tax credit approved by the Department. The participating landlord shall attach the certification to the applicable income tax return.

E. The Board of Housing and Community Development shall establish and issue guidelines for purposes of implementing the provisions of this section. The guidelines shall provide for the allocation of tax credits among participating landlords requesting credits. The guidelines shall be exempt from the Administrative Process Act (§ 2.2-4000 et seq.).

F. In no case shall the amount of credit taken by a participating landlord for any taxable year exceed the total amount of tax imposed by this chapter for the taxable year. If the amount of credit issued by the Department of Housing and Community Development for a taxable year exceeds the landlord's tax liability imposed by this chapter for such taxable

year, then the amount that exceeds the tax liability may be carried over for credit against the income taxes of the participating landlord in the next five taxable years or until the total amount of the tax credit issued has been taken, whichever is sooner. Credits granted to a partnership, limited liability company, or electing small business corporation (S corporation) shall be allocated to the individual partners, members, or shareholders, respectively, in proportion to their ownership or interest in such business entities.

G. ~~In~~ *1. For fiscal years beginning before July 1, 2024, in* the event that the amount of the qualified requests for tax credits for participating landlords in the fiscal year exceeds $250,000, the Department of Housing and Community Development shall ~~pro rate~~ *prorate* the tax credits among the qualified applicants.

2. For fiscal years beginning on and after July 1, 2024, in the event that the amount of the qualified requests for tax credits for participating landlords in the fiscal year exceeds $500,000, the Department of Housing and Community Development shall prorate the tax credits among the qualified applicants.

CHAPTER 323

An Act to amend and reenact §§ 3.02 and 3.04, as severally amended, of Chapter 640 of the Acts of Assembly of 2011, which provided a charter for the City of Portsmouth, relating to city council; nomination of candidates; vacancies; emergency.

[H 1208]

Approved April 2, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 3.02 and 3.04, as severally amended, of Chapter 640 of the Acts of Assembly of 2011 are amended and reenacted as follows:

§ 3.02. Nomination of candidates.

a. Candidates for the offices of Mayor and members of the City Council under the provisions of this Charter shall be nominated by petition. Any qualified voter of the city may be nominated as provided herein. Subject to the provisions herein, there shall be printed on the ballots to be used in any municipal election for the election of Mayor and City Council members the names of all candidates who have been nominated by petition and no others. A nominating petition shall conform substantially to the following requirements:

(1) Such petition shall state the name and place of residence of each person whose name is presented for a place upon the ballot, and shall request such person or persons to become a candidate or candidates for the office of Mayor or City Council.

(2) Such petition shall be signed by at least one hundred and twenty-five (125) qualified electors of the city and shall contain the residence address of each elector and an affidavit of any other qualified voter who witnessed said signatures.

(3) Each elector signing a petition may subscribe to one nomination for each of the places to be filled at the ensuing election, and no more.

(4) Such petition shall not be signed by any elector prior to January 1 of the year of such election, and such petition shall be filed with the general registrar of the city not later than the time ~~fixed for the closing of the polls on the second Tuesday in June of the year of the election~~ *specified in § 24.2-507 of the Code of Virginia*.

b. Any person whose name has been submitted for candidacy by petition as herein provided, shall file his or her acceptance of such candidacy with the general registrar of the city not later than the time ~~fixed for the closing of the polls on the second Tuesday in June of the year of the election~~ *specified in § 24.2-507 of the Code of Virginia*, otherwise that name shall not appear on the ballot. The filing of such acceptance shall be deemed equivalent to the filing of notice of candidacy under the general election laws of the State, and no other notice of candidacy need be given by the person filing the same.

c. No person may be a candidate for the office of Mayor and office of City Council member in the same election.

d. Candidates for the offices of Mayor and City Council member shall appoint one campaign treasurer and file the name and address of said campaign treasurer with the Portsmouth Electoral Board not later than the ~~second Tuesday of June of the year of the election~~ *time specified in § 24.2-507 of the Code of Virginia*. Any candidate who fails to appoint and report the appointment of a treasurer shall be deemed to have appointed him/herself treasurer. All candidates for such offices shall comply with the applicable provisions of Chapter ~~9~~ *9.3 (§ 24.2-945 et seq.)* of Title 24.2 of the Code of Virginia.

§ 3.04. City Council vacancies.

If, for any reason, there is an insufficient number of certified elected candidates for the office of City Council after any municipal election, or if a City Council vacancy otherwise occurs, such vacancies shall be filled for the unexpired portion of the term by majority vote of the remaining members of the City Council, or, if the Council shall fail to fill a vacancy in its membership within ~~sixty~~ *forty-five* days of the occurrence of the vacancy, by appointment by a majority of the judges of the Circuit Court of the City.

If any person duly elected to the City Council shall fail to take the oath of office prior to the first day of January following such election, he or she shall be deemed to have declined the office, and the seat shall be deemed vacant. If any person appointed to the City Council to fill an unexpired term shall fail to take the oath of office within thirty days of such appointment, he or she shall be deemed to have declined the office, and the seat shall be deemed vacant.

2. That an emergency exists and this act is in force from its passage.

CHAPTER 324

An Act to amend and reenact §§ 55.1-1800, 55.1-1825, 55.1-1826, 55.1-1900, 55.1-1964, and 55.1-1965 of the Code of Virginia, relating to common interest communities; reserve studies; special assessment rescission or reduction.

[H 1209]

Approved April 2, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 55.1-1800, 55.1-1825, 55.1-1826, 55.1-1900, 55.1-1964, and 55.1-1965 of the Code of Virginia are amended and reenacted as follows:

§ 55.1-1800. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Association" means the property owners' association.

"Board of directors" means the executive body of a property owners' association or a committee that is exercising the power of the executive body by resolution or bylaw.

"Capital components" means those items, whether or not a part of the common area, for which the association has the obligation for repair, replacement, or restoration and for which the board of directors determines funding is necessary.

"Common area" means property within a development which is owned, leased, or required by the declaration to be maintained or operated by a property owners' association for the use of its members and designated as a common area in the declaration.

"Common interest community" means the same as that term is defined in § 54.1-2345.

"Common interest community manager" means the same as that term is defined in § 54.1-2345.

"Declarant" means the person or entity signing the declaration and its successors or assigns who may submit property to a declaration.

"Declaration" means any instrument, however denominated, recorded among the land records of the county or city in which the development or any part of such development is located, that either (i) imposes on the association maintenance or operational responsibilities for the common area or (ii) creates the authority in the association to impose on lots, on the owners or occupants of such lots, or on any other entity any mandatory payment of money in connection with the provision of maintenance or services for the benefit of some or all of the lots, the owners or occupants of the lots, or the common area. "Declaration" includes any amendment or supplement to the instruments described in this definition. "Declaration" does not include a declaration of a condominium, real estate cooperative, time-share project, or campground.

"Development" means real property located within the Commonwealth subject to a declaration which contains both lots, at least some of which are residential or are occupied for recreational purposes, and common areas with respect to which any person, by virtue of ownership of a lot, is a member of an association and is obligated to pay assessments provided for in a declaration.

"Electronic means" means any form of communication, not directly involving the physical transmission of paper, that creates a record that may be retained, retrieved, and reviewed by a recipient of such communication. A meeting conducted by electronic means includes a meeting conducted via teleconference, videoconference, Internet exchange, or other electronic methods. Any term used in this definition that is defined in § 59.1-480 of the Uniform Electronic Transactions Act shall have the meaning set forth in such section.

"Lot" means (i) any plot or parcel of land designated for separate ownership or occupancy shown on a recorded subdivision plat for a development or the boundaries of which are described in the declaration or in a recorded instrument referred to or expressly contemplated by the declaration, other than a common area, and (ii) a unit in a condominium association or a unit in a real estate cooperative if the condominium or cooperative is a part of a development.

"Lot owner" means one or more persons who own a lot, including any purchaser of a lot at a foreclosure sale, regardless of whether the deed is recorded in the land records where the lot is located. "Lot owner" does not include any person holding an interest in a lot solely as security for a debt.

"Professionally managed" means a common interest community that has engaged (i) a common interest community manager to provide management services to the community or (ii) a person as an employee for compensation to provide management services to the community, other than a resident of the community who provides bookkeeping, billing, or recordkeeping services for that community.

"Property owners' association" or "association" means an incorporated or unincorporated entity upon which responsibilities are imposed and to which authority is granted in the declaration.

"Resale certificate" means a certificate issued by an association pursuant to §§ 55.1-2309 and 55.1-2310.

"Reserve study" means a capital budget planning tool used to determine the physical status and estimated repair or replacement cost of capital components and an analysis of association funding capacity to maintain, repair, and replace capital components.

"Settlement agent" means the same as that term is defined in § 55.1-1000.

§ 55.1-1825. Authority to levy additional assessments; authority to borrow.

A. In addition to all other assessments that are authorized in the declaration, the board of directors shall have the power to levy ~~a special~~ *an additional* assessment against its members if (i) the purpose in so doing is found by the board to be in

the best interests of the association and (ii) the proceeds of the assessment are used primarily for the maintenance and upkeep of the common area and such other areas of association responsibility ~~expressly provided for in the declaration~~, including *maintenance, repair, and replacement of* capital ~~expenditures. A majority of votes cast, in person or by proxy, at a meeting of the membership convened in accordance with the provisions of the association's bylaws within 60 days of promulgation of the notice of the assessment shall rescind or reduce the special assessment. No director or officer of the association shall be liable for failure to perform his fiduciary duty if a special assessment for the funds necessary for the director or officer to perform his fiduciary duty is rescinded by the owners pursuant to this section, and the association shall indemnify such director or officer against any damage resulting from any such claimed breach of fiduciary duty~~ *components*.

B. The failure of a member to pay the ~~special~~ *additional* assessment allowed by subsection A shall entitle the association to the lien provided by § 55.1-1833 as well as any other rights afforded a creditor under law.

C. The failure of a member to pay the ~~special~~ *additional* assessment allowed by subsection A will provide the association with the right to deny the member access to any or all of the common areas. However, the member shall not be denied direct access to the member's lot over ~~any road within the development that is~~ a common area.

D. Unless the declaration provides greater or lesser authority, the board of directors may borrow money on behalf of the association for maintenance, replacement, repair, and restoration of capital components and for funding recommended reserves and shall have the right and power to assign and pledge all revenues to be received by the association, including annual and additional assessments to secure the repayment of any sums borrowed by the association from time to time for such purposes.

§ 55.1-1826. Annual budget; reserve study; reserves for capital components.

A. ~~Except to the extent provided in the declaration, the board of directors shall, prior~~ *Prior* to the commencement of the fiscal year, *the board of directors shall* make available to lot owners either (i) the annual budget of the association or (ii) a summary of such annual budget.

B. ~~Except to the extent otherwise provided in the declaration and unless the declaration imposes more stringent requirements, the~~ *The* board of directors shall:

1. Conduct at least once every five years a study to determine the necessity and amount of reserves required to repair, replace, and restore the capital components as defined in § 55.1-1800;

2. Review the results of that study at least annually to determine if reserves are sufficient; and

3. Make any adjustments *to the annual budget and annual assessment* the board of directors deems necessary to maintain reserves, as appropriate.

C. To the extent that the reserve study conducted in accordance with this section indicates a need to budget for reserves, the association budget shall include:

1. The current estimated replacement cost, estimated remaining life, and estimated useful life of the capital components as defined in § 55.1-1800;

2. As of the beginning of the fiscal year for which the budget is prepared, the current amount of accumulated cash reserves set aside to repair, replace, or restore capital components and the amount of the expected contribution to the reserve fund for that year;

3. A statement describing the procedures used for estimation and accumulation of cash reserves pursuant to this section; and

4. A statement of the amount of reserves recommended in the study and the amount of current cash for replacement reserves.

D. The board of directors shall have the discretion to meet repair and replacement requirements through replacement reserves, additional assessments, or borrowed funds.

§ 55.1-1900. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Capital components" means those items, whether or not a part of the common elements, for which the unit owners' association has the obligation for repair, replacement, or restoration and for which the executive board determines funding is necessary.

"Common elements" means all portions of the condominium other than the units.

"Common expenses" means all expenditures lawfully made or incurred by or on behalf of the unit owners' association, together with all funds lawfully assessed for the creation or maintenance of reserves pursuant to the provisions of the condominium instruments.

"Common interest community manager" means the same as that term is defined in § 54.1-2345.

"Condominium" means real property, and any incidents to or interests in such real property, lawfully subject to this chapter by the recordation of condominium instruments pursuant to the provisions of this chapter. No project shall be deemed a condominium within the meaning of this chapter unless the undivided interests in the common elements are vested in the unit owners.

"Condominium instruments" means, collectively, the declaration, bylaws, and plats and plans recorded pursuant to the provisions of this chapter. Any exhibit, schedule, or certification recorded with a condominium instrument shall be deemed an integral part of that condominium instrument. Once recorded, any amendment or certification of any condominium

instrument shall be deemed an integral part of the affected condominium instrument if such amendment or certification was made in accordance with the provisions of this chapter.

"Condominium unit" means a unit together with the undivided interest in the common elements appertaining to that unit.

"Contractable condominium" means a condominium from which one or more portions of the submitted land may be withdrawn in accordance with the provisions of the declaration and of this chapter. If such withdrawal can occur only by the expiration or termination of one or more leases, then the condominium shall not be deemed a contractable condominium.

"Conversion condominium" means a condominium containing structures that before the recording of the declaration were wholly or partially occupied by persons other than those who have contracted for the purchase of condominium units and those who occupy with the consent of such purchasers.

"Convertible land" means a portion of the common elements within which additional units or limited common elements may be created in accordance with the provisions of this chapter.

"Convertible space" means a portion of a structure within the condominium that a declarant may convert into one or more units or common elements, including limited common elements, in accordance with the provisions of the declaration and this chapter.

"Declarant" means any person, or group of persons acting in concert, that (i) offers to dispose of its interest in a condominium unit not previously disposed of, including an institutional lender that may not have succeeded to or accepted any special declarant rights pursuant to § 55.1-1947; (ii) reserves or succeeds to any special declarant right; or (iii) applies for registration of the condominium. However, for the purposes of clauses (i) and (iii), "declarant" does not include an institutional lender that acquires title by foreclosure or deed in lieu of foreclosure unless such lender offers to dispose of its interest in a condominium unit not previously disposed of to anyone not in the business of selling real estate for his own account, except as otherwise provided in § 55.1-1947. "Declarant" does not include an individual who acquires title to a condominium unit at a foreclosure sale.

"Dispose" or "disposition" refers to any voluntary transfer of a legal or equitable interest in a condominium unit to a purchaser, but does not include the transfer or release of security for a debt.

"Electronic means" means any form of communication, not directly involving the physical transmission of paper, that creates a record that may be retained, retrieved, and reviewed by a recipient of such communication. A meeting conducted by electronic means includes a meeting conducted via teleconference, videoconference, Internet exchange, or other electronic methods. Any term used in this definition that is defined in § 59.1-480 of the Uniform Electronic Transactions Act has the meaning set forth in that section.

"Executive board" means an executive and administrative entity, by whatever name denominated, designated in the condominium instruments as the governing body of the unit owners' association.

"Expandable condominium" means a condominium to which additional land may be added in accordance with the provisions of the declaration and this chapter.

"Future common expenses" means common expenses for which assessments are not yet due and payable.

"Identifying number" means one or more letters or numbers that identify only one unit in the condominium.

"Institutional lender" means one or more commercial or savings banks, savings and loan associations, trust companies, credit unions, industrial loan associations, insurance companies, pension funds, or business trusts, including real estate investment trusts, any other lender regularly engaged in financing the purchase, construction, or improvement of real estate, or any assignee of loans made by such a lender, or any combination of any of the foregoing entities.

"Land" is a three-dimensional concept and includes parcels with upper or lower boundaries, or both upper and lower boundaries, as well as parcels extending ab solo usque ad coelum. Parcels of airspace constitute land within the meaning of this chapter. Any requirement in this chapter of a legally sufficient description shall be deemed to include a requirement that the upper or lower boundaries, if any, of the parcel in question be identified with reference to established datum.

"Leasehold condominium" means a condominium in all or any portion of which each unit owner owns an estate for years in his unit, or in the land within which that unit is situated, or both, with all such leasehold interests due to expire naturally at the same time. A condominium including leased land, or an interest in such land, within which no units are situated or to be situated is not a leasehold condominium within the meaning of this chapter.

"Limited common element" means a portion of the common elements reserved for the exclusive use of those entitled to the use of one or more, but less than all, of the units.

"Nonbinding reservation agreement" means an agreement between the declarant and a prospective purchaser that is in no way binding on the prospective purchaser and that may be canceled without penalty at the sole discretion of the prospective purchaser.

"Offer" means any inducement, solicitation, or attempt to encourage any person to acquire any legal or equitable interest in a condominium unit, except as security for a debt. Nothing that expressly states that the condominium has not been registered with the Common Interest Community Board and that no unit in the condominium can or will be offered for sale until such time as the condominium has been so registered shall be considered an "offer."

"Officer" means any member of the executive board or official of the unit owners' association.

"Par value" means a number of dollars or points assigned to each unit by the declaration. Substantially identical units shall be assigned the same par value, but units located at substantially different heights above the ground, or having

substantially different views, or having substantially different amenities or other characteristics that might result in differences in market value may be considered substantially identical within the meaning of §§ 55.1-1917 and 55.1-1918.

"Person" means a natural person, corporation, partnership, association, trust, or other entity capable of holding title to real property, or any combination thereof.

"Purchaser" means any person, other than a declarant, that acquires by means of a voluntary transfer a legal or equitable interest in a condominium unit, other than (i) a leasehold interest, including renewal options, of less than 20 years or (ii) as security for a debt.

"Reserve study" means a capital budget planning tool used to determine the physical status and estimated repair or replacement cost of capital components and an analysis of association funding capacity to maintain, repair, and replace capital components.

"Settlement agent" means the same as that term is defined in § 55.1-1000.

"Size" means the number of cubic feet, or the number of square feet of ground or floor space, within each unit as computed by reference to the plat and plans and rounded to the nearest whole number. Certain spaces within the units, including attic, basement, or garage space, may be omitted from such calculation or partially discounted by the use of a ratio, so long as the same basis of calculation is employed for all units in the condominium and so long as that basis is described in the declaration.

"Special declarant rights" means any right reserved for the benefit of a declarant, or of a person or group of persons that becomes a declarant, to (i) expand an expandable condominium; (ii) contract a contractable condominium; (iii) convert convertible land or convertible space or both; (iv) appoint or remove any officers of the unit owners' association or the executive board pursuant to subsection A of § 55.1-1943; (v) exercise any power or responsibility otherwise assigned by any condominium instrument or by this chapter to the unit owners' association, any officer, or the executive board; or (vi) maintain sales offices, management offices, model units, and signs pursuant to § 55.1-1929.

"Unit" means a portion of the condominium designed and intended for individual ownership and use. For the purposes of this chapter, a convertible space shall be treated as a unit in accordance with subsection D of § 55.1-1925.

"Unit owner" means one or more persons that own a condominium unit or, in the case of a leasehold condominium, whose leasehold interest in the condominium extends for the entire balance of the unexpired term. "Unit owner" includes any purchaser of a condominium unit at a foreclosure sale, regardless of whether the deed is recorded in the land records where the unit is located. "Unit owner" does not include any person holding an interest in a condominium unit solely as security for a debt.

§ 55.1-1964. Liability for common expenses; late fees; additional assessment; authority to borrow.

A. Except to the extent that the condominium instruments provide otherwise, any common expenses associated with the maintenance, repair, renovation, restoration, or replacement of any limited common element shall be specially assessed against the condominium unit to which that limited common element was assigned at the time such expenses were made or incurred. If the limited common element involved was assigned at that time to more than one condominium unit, however, such expenses shall be specially assessed against each such condominium unit equally so that the total of such special assessments equals the total of such expenses, except to the extent that the condominium instruments provide otherwise.

B. To the extent that the condominium instruments expressly so provide, any other common expenses benefiting less than all of the condominium units, or caused by the conduct of less than all those entitled to occupy the same or by their licensees or invitees, shall be specially assessed against any condominium unit involved, in accordance with such reasonable provisions as the condominium instruments may make for such cases. The executive board may impose reasonable user fees.

C. To the extent that the condominium instruments expressly so provide, (i) any common expenses paid or incurred in making available the same off-site amenities or paid subscription television service to some or all of the unit owners shall be assessed equally against the condominium units involved and (ii) any common expenses paid or incurred in providing metered utility services to some or all of the units shall be assessed against each condominium unit involved based on its actual consumption of such services.

D. The amount of all common expenses not specially assessed pursuant to subsection A, B, or C shall be assessed against the condominium units in proportion to the number of votes in the unit owners' association appertaining to each such unit, or, if such votes were allocated as provided in subsection B of § 55.1-1953, those common expense assessments shall be either in proportion to those votes or in proportion to the units' respective undivided interests in the common elements, whichever basis the condominium instruments specify. Such assessments shall be made by the unit owners' association annually, or more often if the condominium instruments so provide. No change in the number of votes in the unit owners' association appertaining to any condominium unit shall enlarge, diminish, or otherwise affect any liabilities arising from assessments made prior to such change.

E. ~~Except to the extent otherwise provided~~ *In addition to all other assessments authorized* in the condominium instruments, if the executive board determines that the assessments levied by the unit owners' association are insufficient to cover the common expenses of the unit owners' association, the executive board may levy an additional assessment against all of the units in proportion to their respective undivided interests in the common elements. The executive board shall give written notice to the unit owners stating the amount of, the reasons for, and the due date for payment of any additional assessment. If the additional assessment is to be paid in a lump sum, payment shall be due and payable no earlier than 90 days after delivery or mailing of the notice.

~~All unit owners shall be obligated to pay the additional assessment unless the unit owners by a majority of votes cast, in person or by proxy, at a meeting of the unit owners' association convened in accordance with the provisions of the condominium instruments within 60 days of the delivery or mailing of the notice required by this subsection, rescind or reduce the additional assessment. No director or officer of the unit owners' association shall be liable for failure to perform his fiduciary duty if an additional assessment for the funds necessary for the director or officer to perform his fiduciary duty is rescinded by the unit owners' association in accordance with this subsection. The unit owners' association shall indemnify such director or officer against any damage resulting from any claimed breach of fiduciary duty due to the assessment for the necessary funds rescinded by the unit owners' association in accordance with this subsection.~~

F. Neither a unit owned by the declarant nor any other unit may be exempted from assessments made pursuant to this section by reason of the identity of the unit owner.

G. All condominium instruments for condominiums created prior to January 1, 1981, are hereby validated notwithstanding noncompliance with the first sentence of subsection D if they provide instead that the amount of all common expenses not specially assessed pursuant to subsection A, B, or C shall be assessed against the condominium units in proportion to their respective undivided interests in the common elements.

H. Except to the extent that the condominium instruments or the association's rules or regulations provide otherwise, an executive board may impose a late fee, not to exceed the penalty provided for in § 58.1-3915, for any assessment or installment that is not paid within 60 days of the due date for payment of such assessment or installment.

I. Unless the condominium instruments provide greater or lesser authority, the executive board may borrow money on behalf of the unit owners' association for maintenance, replacement, repair, and restoration of capital components and for funding recommended reserves and shall have the right and power to assign and pledge all revenues to be received by the unit owners' association, including annual assessments to secure the repayment of any sums borrowed by the unit owners' association for such purposes. Any unit owner who pays any creditor of the association a percentage of the total amount due to such creditor equal to such unit owner's common element interest in the condominium shall be entitled to obtain from such creditor a release of any judgment or lien that such creditor otherwise has the right to file against such unit owner's condominium unit or the unit owners' association. Such creditor shall not be entitled to assess the unit for payment of the remaining amount due such creditor.

§ 55.1-1965. Annual budget; reserve study; reserves for capital components.

A. Except to the extent provided in the condominium instruments, the executive board shall, prior to the commencement of the fiscal year, make available to unit owners either (i) the annual budget of the unit owners' association or (ii) a summary of such annual budget.

B. Except to the extent otherwise provided in the condominium instruments, the executive board shall:

1. Conduct a study at least once every five years to determine the necessity and amount of reserves required to repair, replace, and restore the capital components as defined in § 55.1-1900;

2. Review the results of that study at least annually to determine if reserves are sufficient; and

3. Make any adjustments *to the annual budget and annual assessment* the executive board deems necessary to maintain reserves, as appropriate.

C. To the extent that the reserve study conducted in accordance with this section indicates a need to budget for reserves, the unit owners' association budget shall include:

1. The current estimated replacement cost, estimated remaining life, and estimated useful life of the capital components as defined in § 55.1-1900;

2. As of the beginning of the fiscal year for which the budget is prepared, the current amount of accumulated cash reserves set aside to repair, replace, or restore the capital components and the amount of the expected contribution to the reserve fund for that fiscal year;

3. A statement describing the procedures used for estimation and accumulation of cash reserves pursuant to this section; and

4. A statement of the amount of reserves recommended in the study and the amount of current cash for replacement reserves.

D. The executive board shall have the discretion to meet repair and replacement requirements through replacement reserves, additional assessments, or borrowed funds.

CHAPTER 325

An Act to amend and reenact § 19.2-70.3 of the Code of Virginia, relating to cell phone records; missing persons.

[H 1217]

Approved April 2, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 19.2-70.3 of the Code of Virginia is amended and reenacted as follows:

§ 19.2-70.3. Obtaining records concerning electronic communication service or remote computing service.

A. A provider of electronic communication service or remote computing service, which, for purposes of subdivisions 2, 3, and 4, includes a foreign corporation that provides such services, shall disclose a record or other

information pertaining to a subscriber to or customer of such service, excluding the contents of electronic communications and real-time location data, to an investigative or law-enforcement officer only pursuant to:

1. A subpoena issued by a grand jury of a court of the Commonwealth;

2. A search warrant issued by a magistrate, general district court, or circuit court;

3. A court order issued by a circuit court for such disclosure issued as provided in subsection B; or

4. The consent of the subscriber or customer to such disclosure.

B. A court shall issue an order for disclosure under this section only if the investigative or law-enforcement officer shows that there is reason to believe the records or other information sought are relevant and material to an ongoing criminal investigation, or the investigation of any missing child as defined in § 52-32, *any* missing senior adult as defined in § 52-34.4, ~~or~~ an incapacitated person as defined in § 64.2-2000 who meets the definition of a missing senior adult except for the age requirement*, or any critically missing adult as defined in § 15.2-1718.2*. Upon issuance of an order for disclosure under this section, the order and any written application or statement of facts may be sealed by the court for 90 days for good cause shown upon application of the attorney for the Commonwealth in an ex parte proceeding. The order and any written application or statement of facts may be sealed for additional 90-day periods for good cause shown upon subsequent application of the attorney for the Commonwealth in an ex parte proceeding. A court issuing an order pursuant to this section, on a motion made promptly by the service provider, may quash or modify the order, if the information or records requested are unusually voluminous in nature or compliance with such order would otherwise cause an undue burden on such provider.

C. Except as provided in subsection D or E, a provider of electronic communication service or remote computing service, including a foreign corporation that provides such services, shall disclose the contents of electronic communications or real-time location data to an investigative or law-enforcement officer only pursuant to a search warrant issued by a magistrate, a juvenile and domestic relations district court, a general district court, or a circuit court, based upon complaint on oath supported by an affidavit as required in § 19.2-54, or judicial officer or court of any of the several states of the United States or its territories, or the District of Columbia when the warrant issued by such officer or such court complies with the provisions of subsection G. In the case of a search warrant directed to a foreign corporation, the affidavit shall state that the complainant believes that the records requested are actually or constructively possessed by a foreign corporation that provides electronic communication service or remote computing service within the Commonwealth of Virginia. If satisfied that probable cause has been established for such belief and as required by Chapter 5 (§ 19.2-52 et seq.), the magistrate, the juvenile and domestic relations district court, the general district court, or the circuit court shall issue a warrant identifying those records to be searched for and commanding the person seeking such warrant to properly serve the warrant upon the foreign corporation. A search warrant for real-time location data shall be issued if the magistrate, the juvenile and domestic relations district court, the general district court, or the circuit court is satisfied that probable cause has been established that the real-time location data sought is relevant to a crime that is being committed or has been committed or that an arrest warrant exists for the person whose real-time location data is sought.

D. A provider of electronic communication service or remote computing service, including a foreign corporation that provides such services, shall disclose a record or other information pertaining to a subscriber to or customer of such service, including real-time location data but excluding the contents of electronic communications, to an investigative or law-enforcement officer pursuant to an administrative subpoena issued pursuant to § 19.2-10.2 concerning a violation of § 18.2-374.1 or 18.2-374.1:1, former § 18.2-374.1:2, or § 18.2-374.3 when the information sought is relevant and material to an ongoing criminal investigation.

E. When disclosure of real-time location data is not prohibited by federal law, an investigative or law-enforcement officer may obtain real-time location data without a warrant in the following circumstances:

1. To respond to the user's call for emergency services;

2. With the informed, affirmative consent of the owner or user of the electronic device concerned if (i) the device is in his possession; (ii) the owner or user knows or believes that the device is in the possession of an employee or agent of the owner or user with the owner's or user's consent; or (iii) the owner or user knows or believes that the device has been taken by a third party without the consent of the owner or user;

3. With the informed, affirmative consent of the legal guardian or next of kin of the owner or user, if reasonably available, if the owner or user is reasonably believed to be deceased, is reported missing, or is unable to be contacted;

4. To locate a child who is reasonably believed to have been abducted or to be missing and endangered; or

5. If the investigative or law-enforcement officer reasonably believes that an emergency involving the immediate danger to a person requires the disclosure, without delay, of real-time location data concerning a specific person and that a warrant cannot be obtained in time to prevent the identified danger.

No later than three business days after seeking disclosure of real-time location data pursuant to this subsection, the investigative or law-enforcement officer seeking the information shall file with the appropriate court a written statement setting forth the facts giving rise to the emergency and the facts as to why the person whose real-time location data was sought is believed to be important in addressing the emergency.

F. In order to comply with the requirements of § 19.2-54, any search of the records of a foreign corporation shall be deemed to have been made in the same place wherein the search warrant was issued.

G. A Virginia corporation or other entity that provides electronic communication services or remote computing services to the general public, when properly served with a search warrant and affidavit in support of the warrant, issued by

a judicial officer or court of any of the several states of the United States or its territories, or the District of Columbia with jurisdiction over the matter, to produce a record or other information pertaining to a subscriber to or customer of such service, including real-time location data, or the contents of electronic communications, or both, shall produce the record or other information, including real-time location data, or the contents of electronic communications as if that warrant had been issued by a Virginia court. The provisions of this subsection shall only apply to a record or other information, including real-time location data, or contents of electronic communications relating to the commission of a criminal offense that is substantially similar to (i) a violent felony as defined in § 17.1-805, (ii) an act of violence as defined in § 19.2-297.1, (iii) any offense for which registration is required pursuant to § 9.1-902, (iv) computer fraud pursuant to § 18.2-152.3, or (v) identity theft pursuant to § 18.2-186.3. The search warrant shall be enforced and executed in the Commonwealth as if it were a search warrant described in subsection C.

H. The provider of electronic communication service or remote computing service may verify the authenticity of the written reports or records that it discloses pursuant to this section by providing an affidavit from the custodian of those written reports or records or from a person to whom said custodian reports certifying that they are true and complete copies of reports or records and that they are prepared in the regular course of business. When so authenticated, no other evidence of authenticity shall be necessary. The written reports and records, excluding the contents of electronic communications, shall be considered business records for purposes of the business records exception to the hearsay rule.

I. No cause of action shall lie in any court against a provider of a wire or electronic communication service or remote computing service or such provider's officers, employees, agents, or other specified persons for providing information, facilities, or assistance in accordance with the terms of a court order, warrant, administrative subpoena, or subpoena under this section or the provisions of subsection E.

J. A search warrant or administrative subpoena for the disclosure of real-time location data pursuant to this section shall require the provider to provide ongoing disclosure of such data for a reasonable period of time, not to exceed 30 days. A court may, for good cause shown, grant one or more extensions, not to exceed 30 days each.

K. An investigative or law-enforcement officer shall not use any device to obtain electronic communications or collect real-time location data from an electronic device without first obtaining a search warrant authorizing the use of the device if, in order to obtain the contents of such electronic communications or such real-time location data from the provider of electronic communication service or remote computing service, such officer would be required to obtain a search warrant pursuant to this section. However, an investigative or law-enforcement officer may use such a device without first obtaining a search warrant under the circumstances set forth in subsection E. For purposes of subdivision E 5, the investigative or law-enforcement officer using such a device shall be considered to be the possessor of the real-time location data.

L. Upon issuance of any subpoena, search warrant, or order for disclosure issued under this section, upon written certification by the attorney for the Commonwealth that there is a reason to believe that the victim is under the age of 18 and that notification or disclosure of the existence of the subpoena, search warrant, or order will endanger the life or physical safety of an individual, or lead to flight from prosecution, the destruction of or tampering with evidence, the intimidation of potential witnesses, or otherwise seriously jeopardize an investigation, the court may in an ex parte proceeding order a provider of electronic communication service or remote computing service not to disclose for a period of 90 days the existence of the subpoena, search warrant, or order and written application or statement of facts to another person, other than an attorney to obtain legal advice. The nondisclosure order may be renewed for additional 90-day periods for good cause shown upon subsequent application of the attorney for the Commonwealth in an ex parte proceeding. A court issuing an order for disclosure pursuant to this section, on a motion made promptly by the service provider, may quash or modify the order if the information or records requested are unusually voluminous in nature or compliance with such order would otherwise cause an undue burden on such provider.

M. For the purposes of this section:

"Electronic device" means a device that enables access to, or use of, an electronic communication service, remote computing service, or location information service, including a global positioning service or other mapping, locational, or directional information service.

"Foreign corporation" means any corporation or other entity, whose primary place of business is located outside of the boundaries of the Commonwealth, that makes a contract or engages in a terms of service agreement with a resident of the Commonwealth to be performed in whole or in part by either party in the Commonwealth, or a corporation that has been issued a certificate of authority pursuant to § 13.1-759 to transact business in the Commonwealth. The making of the contract or terms of service agreement or the issuance of a certificate of authority shall be considered to be the agreement of the foreign corporation or entity that a search warrant or subpoena, which has been properly served on it, has the same legal force and effect as if served personally within the Commonwealth.

"Properly served" means delivery of a search warrant or subpoena by hand, by United States mail, by commercial delivery service, by facsimile or by any other manner to any officer of a corporation or its general manager in the Commonwealth, to any natural person designated by it as agent for the service of process, or if such corporation has designated a corporate agent, to any person named in the latest annual report filed pursuant to § 13.1-775.

"Real-time location data" means any data or information concerning the current location of an electronic device that, in whole or in part, is generated, derived from, or obtained by the operation of the device.

CHAPTER 326

An Act to require the Department of Education to notify school boards of any federal legal obligation relating to Junior Reserve Officers' Training Corps (JROTC) program participation.

[H 1231]

Approved April 2, 2024

Be it enacted by the General Assembly of Virginia:

1. *§ 1. The Department of Education shall notify each school board of any obligation imposed on the school board or any public school in the local school division pursuant to any federal law or regulation relating to student eligibility to participate in Junior Reserve Officers' Training Corps (JROTC) programs offered by any branch of the Armed Forces of the United States in public schools.*

CHAPTER 327

An Act to amend and reenact §§ 54.1-2100, 54.1-2106.1, and 54.1-2110 of the Code of Virginia, relating to Department of Professional and Occupational Regulation; real estate brokers; places of business; prohibited locations.

[H 1237]

Approved April 2, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 54.1-2100, 54.1-2106.1, and 54.1-2110 of the Code of Virginia are amended and reenacted as follows:

§ 54.1-2100. Definitions.

As used in this chapter:

"Branch office" means any place of business of a principal broker in the Commonwealth that is not his primary place of business.

"Distance learning" means instruction delivered by an approved provider through a medium other than a classroom setting. Such courses shall be those offered by an accredited institution of higher education, high school offering adult distributive education courses, other school or educational institution, or real estate professional association or related entities.

"Place of business" means a location where the principal broker, or individuals or business entities employed by or affiliated as an independent contractor with the principal broker, regularly transacts the business of a real estate broker or salesperson. The primary place of business is the physical address provided on the firm license application form submitted to the Real Estate Board.

"Real estate broker" means any individual or business entity, including a partnership, association, corporation, or limited liability company, who, for compensation or valuable consideration, (i) sells or offers for sale, buys or offers to buy, or negotiates the purchase or sale or exchange of real estate, including units or interest in condominiums, cooperative interest as defined in § 55.1-2100, or time-shares in a time-share program even though they may be deemed to be securities or (ii) leases or offers to lease, or rents or offers for rent, any real estate or the improvements thereon for others.

"Real estate team" means two or more individuals, one or more of whom is a real estate salesperson or broker, who (i) work together as a unit within the same brokerage firm, (ii) represent themselves to the public as working together as one unit, and (iii) designate themselves by a fictitious name.

"Supervising broker" means a real estate broker who has been designated by a principal broker to supervise the provision of real estate brokerage services by associate brokers and salespersons assigned to a branch office or a real estate team.

§ 54.1-2106.1. Licenses required.

A. No business entity, other than a sole proprietorship, shall act, offer to act, or advertise to act, as a real estate firm without a real estate firm license from the Board. Such firm may be granted a license in a fictitious name. No business entity shall be granted a firm license unless (i) every managing member of a limited liability company, officer of a corporation, partner within a partnership, or associate within an association who actively participates in the firm brokerage business holds a license as a real estate broker; and (ii) every employee or independent contractor who acts as a salesperson for such business entity holds a license as a real estate salesperson or broker. An individual holding a broker's license may operate a real estate brokerage firm which he owns as a sole proprietorship without any further licensure by the Board, although such individual shall not operate the brokerage firm in a fictitious name. However, nothing herein shall be construed to prohibit a broker operating a brokerage firm from having a business entity separate from the brokerage firm for such broker's own real estate business, provided that such separate business entity otherwise complies with this section. A non-broker-owned sole proprietorship shall obtain a license from the Board.

B. No individual shall act as a broker without a real estate broker's license from the Board. An individual who holds a broker's license may act as a salesperson for another broker. A broker may be an owner, member, or officer of a business entity salesperson as defined in subsection C.

C. No individual shall act as a salesperson without a salesperson's license from the Board. A business entity may act as a salesperson with a separate business entity salesperson's license from the Board. No business entity shall be granted a business entity salesperson's license unless every owner or officer who actively participates in the brokerage business of such entity holds a license as a salesperson or broker from the Board. The Board shall establish standards in its regulations for the names of business entity salespersons when more than one licensee is an owner or officer.

D. No group of individuals consisting of one or more real estate brokers or real estate salespersons, or a combination thereof, shall act as a real estate team without first obtaining a business entity salesperson's license from the Board. A real estate team may hire one or more unlicensed assistants, as employees or independent contractors, as otherwise provided by law.

E. If any principal broker maintains more than one place of business within the Commonwealth, such principal broker shall be required to obtain a branch office license from the Board for each *additional* place of business maintained *other than his primary place of business noted on the firm license application*. A copy of the branch office license shall be kept on the premises of the branch office. *No branch office license shall be required for (i) a location that the principal broker, or those employed by or affiliated as an independent contractor with the principal broker, does not own, lease, or maintain exclusive access to, maintenance of, and control of, unless it is held out to the public as a location where such persons or entities are regularly engaging in the activities of a real estate broker or salesperson; (ii) a motor vehicle or watercraft; (iii) a place that is solely devoted to advertising real estate matters of a general nature or to making a real estate broker's business name generally known such as a trade show or expo; (iv) a residence, unless it is held out to the public as a location where the principal broker, or those employed by or affiliated as an independent contractor with the principal broker, is regularly engaging in the activities of a real estate broker or salesperson; (v) a post office box, mail drop location, or other similar facility; or (vi) a public location such as a coffee shop or restaurant.*

§ 54.1-2110. Resident broker to maintain place of business in Virginia.

A. Every resident real estate broker shall maintain a place of business in ~~this~~ *the* Commonwealth.

B. Any nonresident real estate broker residing in a state that mandates resident real estate brokers of the Commonwealth to maintain a place of business in such mandating state shall maintain a place of business in the Commonwealth.

C. Every principal broker shall have readily available to the public in the primary place of business the firm license, the principal broker license, and the license of every salesperson and broker active with the firm. Each branch office shall have readily available to the public the branch office license and a roster of every salesperson or broker assigned to that branch office.

CHAPTER 328

An Act to amend and reenact §§ 59.1-199 and 59.1-200 of the Code of Virginia and to amend the Code of Virginia by adding in Title 55.1 a chapter numbered 32, consisting of sections numbered 55.1-3200 through 55.1-3206, relating to consumer protections; creation of Unfair Real Estate Service Agreement Act.

[H 1243]

Approved April 2, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 59.1-199 and 59.1-200 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Title 55.1 a chapter numbered 32, consisting of sections numbered 55.1-3200 through 55.1-3206, as follows:

CHAPTER 32.
UNFAIR REAL ESTATE SERVICE AGREEMENT ACT.

§ 55.1-3200. Definitions.

For the purposes of this chapter:

"Real estate service agreement" or "service agreement" means an agreement between a service provider and the owner of residential real property or a potential buyer of residential real property to provide services, current or future, in connection with the maintenance of or purchase or sale of residential real property. A "real estate service agreement" includes any memorandum, notice, agreement, or similar document that is used by a service provider to cause a service agreement to be recorded.

"Recording" means the act of adding any documents or data that affects the real property to state or local government records.

"Residential real property" means real property containing from one to four residential dwelling units.

"Service provider" means an individual or entity that provides services through a real estate service agreement. A "service provider" includes any person acting as an agent or designee of a service provider.

§ 55.1-3201. Exemptions.

This chapter shall not apply to:

1. A home warranty or similar product that covers the cost of maintenance of a major home system, such as plumbing, HVAC, or electrical wiring, for a specific period of time;

2. An insurance contract;

3. An option or right of refusal to purchase residential real property;

4. A declaration created in the formation of a common interest community as defined in § 54.1-2345 or any amendment thereto;

5. A maintenance or repair agreement entered into by a property owners' association in a common interest community;

6. A mortgage loan or commitment to make or receive a mortgage loan;

7. An agreement relating to the sale or rental of personal property;

8. Water, sewer, electrical, telephone, cable, or other regulated utility service providers;

9. A property management agreement by which the owner of the real property contracts with a party to provide management services for the maintenance, ownership, operation, or lease of a residential premises; or

10. A mechanic's lien, as established by § 43-1.

§ 55.1-3202. Prohibited terms.

A. No real estate service agreement that is effective and binding for more than one year from the effective date shall:

1. Purport to run with the land or bind future owners of interests in the residential real property identified in the service agreement;

2. Allow the service provider to assign or transfer the right to provide services under the service agreement without notice to and written agreement of all parties to the service agreement; or

3. Purport to create a lien, encumbrance, or other real property security interest on the residential real property identified in the service agreement.

B. Offering a real estate service agreement that violates subsection A to a consumer constitutes a prohibited practice under the provisions of § 59.1-200 and shall be subject to the provisions of the Virginia Consumer Protection Act (§ 59.1-196 et seq.). Nothing in this subsection shall be construed to prevent an individual from pursuing any other remedy available by law.

§ 55.1-3203. Void and unenforceable.

A service agreement that violates subsection A of § 55.1-3202 shall be void and unenforceable. No service provider has a right to a refund of the consideration paid to the owner, buyer, or tenant in connection with a prohibited service agreement.

§ 55.1-3204. Recording prohibited.

A. No service provider shall submit a real estate service agreement that violates subsection A of § 55.1-3202 to the circuit court or a state or local agency for recording. Any such submission constitutes a prohibited practice under the provisions of § 59.1-200 and shall be subject to the provisions of the Virginia Consumer Protection Act (§ 59.1-196 et seq.).

B. A real estate service agreement that violates subsection A of § 55.1-3202, or a notice or memorandum thereof, is void and unenforceable and shall not operate as a lien, encumbrance, or security interest. No owner or buyer shall be required to record any document voiding a real estate service agreement that is in violation of subsection A of § 55.1-3202, or notice or memorandum thereof, recorded in violation of this section.

C. Notwithstanding subsection A, no recorded real estate service agreement that is in violation of subsection A of § 55.1-3202 may provide actual or constructive notice of a lien arising from the service agreement to any party interested in the residential real property identified in the service agreement.

§ 55.1-3205. Assignment prohibited.

Assignment or transfer of the right to provide services under a real estate service agreement recorded prior to July 1, 2024, that would otherwise be in violation of subsection A of § 55.1-3202, is prohibited without notice to and written agreement of all parties to the service agreement.

§ 55.1-3206. Remedies.

A. If a real estate service agreement in violation of subsection A of § 55.1-3202 is recorded, any person with an interest in the residential real property that is subject to a lien arising from the service agreement may bring an action against the service provider in the circuit court of the county where the residential real property is located to request a determination that the service agreement is void and unenforceable under this chapter.

B. If a real estate service agreement that violates subsection A of § 55.1-3202 is recorded in the Commonwealth, any party with an interest in the residential real property identified in the service agreement may recover damages, costs, and reasonable attorney fees that may be proved against the service provider. No actual damages, costs, or reasonable attorney fees that are proved against the service provider shall be offset by the consideration paid by the service provider to the owner, buyer, or tenant in connection with the real estate service agreement.

C. Nothing in this chapter shall prevent an individual from pursuing any other remedy provided by law.

§ 59.1-199. Exclusions.

Nothing in this chapter shall apply to:

1. Any aspect of a consumer transaction which aspect is authorized under laws or regulations of the Commonwealth or the United States, or the formal advisory opinions of any regulatory body or official of the Commonwealth or the United States.

2. Acts done by the publisher, owner, agent, or employee of a newspaper, periodical, or radio or television station, or other advertising media such as outdoor advertising and advertising agencies, in the publication or dissemination of an

advertisement in violation of § 59.1-200, unless it be proved that such person knew that the advertisement was of a character prohibited by § 59.1-200.

3. Those aspects of a consumer transaction that are regulated by the Federal Consumer Credit Protection Act, 15 U.S.C. § 1601 et seq.

4. Banks, savings institutions, credit unions, small loan companies, public service corporations, mortgage lenders as defined in § 6.2-1600, broker-dealers as defined in § 13.1-501, gas suppliers as defined in subsection E of § 56-235.8, and insurance companies regulated and supervised by the State Corporation Commission or a comparable federal regulating body.

5. Any aspect of a consumer transaction that is subject to the Virginia Residential Landlord and Tenant Act (§ 55.1-1200 et seq.) or Chapter 14 (§ 55.1-1400 et seq.) of Title 55.1, unless the act or practice of a landlord constitutes a misrepresentation or fraudulent act or practice under § 59.1-200.

6. Real estate licensees who are licensed under Chapter 21 (§ 54.1-2100 et seq.) of Title 54.1*, unless the act or practice of the licensee constitutes a violation of law under the Unfair Real Estate Service Agreement Act (§ 55.1-3200 et seq.)*.

7. Residential home sales between natural persons involving the seller's private residence.

§ 59.1-200. Prohibited practices.

A. The following fraudulent acts or practices committed by a supplier in connection with a consumer transaction are hereby declared unlawful:

1. Misrepresenting goods or services as those of another;

2. Misrepresenting the source, sponsorship, approval, or certification of goods or services;

3. Misrepresenting the affiliation, connection, or association of the supplier, or of the goods or services, with another;

4. Misrepresenting geographic origin in connection with goods or services;

5. Misrepresenting that goods or services have certain quantities, characteristics, ingredients, uses, or benefits;

6. Misrepresenting that goods or services are of a particular standard, quality, grade, style, or model;

7. Advertising or offering for sale goods that are used, secondhand, repossessed, defective, blemished, deteriorated, or reconditioned, or that are "seconds," irregulars, imperfects, or "not first class," without clearly and unequivocally indicating in the advertisement or offer for sale that the goods are used, secondhand, repossessed, defective, blemished, deteriorated, reconditioned, or are "seconds," irregulars, imperfects, or "not first class";

8. Advertising goods or services with intent not to sell them as advertised, or with intent not to sell at the price or upon the terms advertised.

In any action brought under this subdivision, the refusal by any person, or any employee, agent, or servant thereof, to sell any goods or services advertised or offered for sale at the price or upon the terms advertised or offered, shall be prima facie evidence of a violation of this subdivision. This paragraph shall not apply when it is clearly and conspicuously stated in the advertisement or offer by which such goods or services are advertised or offered for sale, that the supplier or offeror has a limited quantity or amount of such goods or services for sale, and the supplier or offeror at the time of such advertisement or offer did in fact have or reasonably expected to have at least such quantity or amount for sale;

9. Making false or misleading statements of fact concerning the reasons for, existence of, or amounts of price reductions;

10. Misrepresenting that repairs, alterations, modifications, or services have been performed or parts installed;

11. Misrepresenting by the use of any written or documentary material that appears to be an invoice or bill for merchandise or services previously ordered;

12. Notwithstanding any other provision of law, using in any manner the words "wholesale," "wholesaler," "factory," or "manufacturer" in the supplier's name, or to describe the nature of the supplier's business, unless the supplier is actually engaged primarily in selling at wholesale or in manufacturing the goods or services advertised or offered for sale;

13. Using in any contract or lease any liquidated damage clause, penalty clause, or waiver of defense, or attempting to collect any liquidated damages or penalties under any clause, waiver, damages, or penalties that are void or unenforceable under any otherwise applicable laws of the Commonwealth, or under federal statutes or regulations;

13a. Failing to provide to a consumer, or failing to use or include in any written document or material provided to or executed by a consumer, in connection with a consumer transaction any statement, disclosure, notice, or other information however characterized when the supplier is required by 16 C.F.R. Part 433 to so provide, use, or include the statement, disclosure, notice, or other information in connection with the consumer transaction;

14. Using any other deception, fraud, false pretense, false promise, or misrepresentation in connection with a consumer transaction;

15. Violating any provision of § 3.2-6509, 3.2-6512, 3.2-6513, 3.2-6513.1, 3.2-6514, 3.2-6515, 3.2-6516, or 3.2-6519 is a violation of this chapter;

16. Failing to disclose all conditions, charges, or fees relating to:

a. The return of goods for refund, exchange, or credit. Such disclosure shall be by means of a sign attached to the goods, or placed in a conspicuous public area of the premises of the supplier, so as to be readily noticeable and readable by the person obtaining the goods from the supplier. If the supplier does not permit a refund, exchange, or credit for return, he shall so state on a similar sign. The provisions of this subdivision shall not apply to any retail merchant who has a policy of providing, for a period of not less than 20 days after date of purchase, a cash refund or credit to the purchaser's credit card account for the return of defective, unused, or undamaged merchandise upon presentation of proof of purchase. In the case

of merchandise paid for by check, the purchase shall be treated as a cash purchase and any refund may be delayed for a period of 10 banking days to allow for the check to clear. This subdivision does not apply to sale merchandise that is obviously distressed, out of date, post season, or otherwise reduced for clearance; nor does this subdivision apply to special order purchases where the purchaser has requested the supplier to order merchandise of a specific or unusual size, color, or brand not ordinarily carried in the store or the store's catalog; nor shall this subdivision apply in connection with a transaction for the sale or lease of motor vehicles, farm tractors, or motorcycles as defined in § 46.2-100;

b. A layaway agreement. Such disclosure shall be furnished to the consumer (i) in writing at the time of the layaway agreement, or (ii) by means of a sign placed in a conspicuous public area of the premises of the supplier, so as to be readily noticeable and readable by the consumer, or (iii) on the bill of sale. Disclosure shall include the conditions, charges, or fees in the event that a consumer breaches the agreement;

16a. Failing to provide written notice to a consumer of an existing open-end credit balance in excess of $5 (i) on an account maintained by the supplier and (ii) resulting from such consumer's overpayment on such account. Suppliers shall give consumers written notice of such credit balances within 60 days of receiving overpayments. If the credit balance information is incorporated into statements of account furnished consumers by suppliers within such 60-day period, no separate or additional notice is required;

17. If a supplier enters into a written agreement with a consumer to resolve a dispute that arises in connection with a consumer transaction, failing to adhere to the terms and conditions of such an agreement;

18. Violating any provision of the Virginia Health Club Act, Chapter 24 (§ 59.1-294 et seq.);

19. Violating any provision of the Virginia Home Solicitation Sales Act, Chapter 2.1 (§ 59.1-21.1 et seq.);

20. Violating any provision of the Automobile Repair Facilities Act, Chapter 17.1 (§ 59.1-207.1 et seq.);

21. Violating any provision of the Virginia Lease-Purchase Agreement Act, Chapter 17.4 (§ 59.1-207.17 et seq.);

22. Violating any provision of the Prizes and Gifts Act, Chapter 31 (§ 59.1-415 et seq.);

23. Violating any provision of the Virginia Public Telephone Information Act, Chapter 32 (§ 59.1-424 et seq.);

24. Violating any provision of § 54.1-1505;

25. Violating any provision of the Motor Vehicle Manufacturers' Warranty Adjustment Act, Chapter 17.6 (§ 59.1-207.34 et seq.);

26. Violating any provision of § 3.2-5627, relating to the pricing of merchandise;

27. Violating any provision of the Pay-Per-Call Services Act, Chapter 33 (§ 59.1-429 et seq.);

28. Violating any provision of the Extended Service Contract Act, Chapter 34 (§ 59.1-435 et seq.);

29. Violating any provision of the Virginia Membership Camping Act, Chapter 25 (§ 59.1-311 et seq.);

30. Violating any provision of the Comparison Price Advertising Act, Chapter 17.7 (§ 59.1-207.40 et seq.);

31. Violating any provision of the Virginia Travel Club Act, Chapter 36 (§ 59.1-445 et seq.);

32. Violating any provision of §§ 46.2-1231 and 46.2-1233.1;

33. Violating any provision of Chapter 40 (§ 54.1-4000 et seq.) of Title 54.1;

34. Violating any provision of Chapter 10.1 (§ 58.1-1031 et seq.) of Title 58.1;

35. Using the consumer's social security number as the consumer's account number with the supplier, if the consumer has requested in writing that the supplier use an alternate number not associated with the consumer's social security number;

36. Violating any provision of Chapter 18 (§ 6.2-1800 et seq.) of Title 6.2;

37. Violating any provision of § 8.01-40.2;

38. Violating any provision of Article 7 (§ 32.1-212 et seq.) of Chapter 6 of Title 32.1;

39. Violating any provision of Chapter 34.1 (§ 59.1-441.1 et seq.);

40. Violating any provision of Chapter 20 (§ 6.2-2000 et seq.) of Title 6.2;

41. Violating any provision of the Virginia Post-Disaster Anti-Price Gouging Act, Chapter 46 (§ 59.1-525 et seq.);

42. Violating any provision of Chapter 47 (§ 59.1-530 et seq.);

43. Violating any provision of § 59.1-443.2;

44. Violating any provision of Chapter 48 (§ 59.1-533 et seq.);

45. Violating any provision of Chapter 25 (§ 6.2-2500 et seq.) of Title 6.2;

46. Violating the provisions of clause (i) of subsection B of § 54.1-1115;

47. Violating any provision of § 18.2-239;

48. Violating any provision of Chapter 26 (§ 59.1-336 et seq.);

49. Selling, offering for sale, or manufacturing for sale a children's product the supplier knows or has reason to know was recalled by the U.S. Consumer Product Safety Commission. There is a rebuttable presumption that a supplier has reason to know a children's product was recalled if notice of the recall has been posted continuously at least 30 days before the sale, offer for sale, or manufacturing for sale on the website of the U.S. Consumer Product Safety Commission. This prohibition does not apply to children's products that are used, secondhand or "seconds";

50. Violating any provision of Chapter 44.1 (§ 59.1-518.1 et seq.);

51. Violating any provision of Chapter 22 (§ 6.2-2200 et seq.) of Title 6.2;

52. Violating any provision of § 8.2-317.1;

53. Violating subsection A of § 9.1-149.1;

54. Selling, offering for sale, or using in the construction, remodeling, or repair of any residential dwelling in the Commonwealth, any drywall that the supplier knows or has reason to know is defective drywall. This subdivision shall not

apply to the sale or offering for sale of any building or structure in which defective drywall has been permanently installed or affixed;

55. Engaging in fraudulent or improper or dishonest conduct as defined in § 54.1-1118 while engaged in a transaction that was initiated (i) during a declared state of emergency as defined in § 44-146.16 or (ii) to repair damage resulting from the event that prompted the declaration of a state of emergency, regardless of whether the supplier is licensed as a contractor in the Commonwealth pursuant to Chapter 11 (§ 54.1-1100 et seq.) of Title 54.1;

56. Violating any provision of Chapter 33.1 (§ 59.1-434.1 et seq.);

57. Violating any provision of § 18.2-178, 18.2-178.1, or 18.2-200.1;

58. Violating any provision of Chapter 17.8 (§ 59.1-207.45 et seq.);

59. Violating any provision of subsection E of § 32.1-126;

60. Violating any provision of § 54.1-111 relating to the unlicensed practice of a profession licensed under Chapter 11 (§ 54.1-1100 et seq.) or Chapter 21 (§ 54.1-2100 et seq.) of Title 54.1;

61. Violating any provision of § 2.2-2001.5;

62. Violating any provision of Chapter 5.2 (§ 54.1-526 et seq.) of Title 54.1;

63. Violating any provision of § 6.2-312;

64. Violating any provision of Chapter 20.1 (§ 6.2-2026 et seq.) of Title 6.2;

65. Violating any provision of Chapter 26 (§ 6.2-2600 et seq.) of Title 6.2;

66. Violating any provision of Chapter 54 (§ 59.1-586 et seq.);

67. Knowingly violating any provision of § 8.01-27.5;

68. Failing to, in accordance with § 59.1-207.46, (i) make available a conspicuous online option to cancel a recurring purchase of a good or service or (ii) with respect to a free trial lasting more than 30 days, notify a consumer of his option to cancel such free trial within 30 days of the end of the trial period to avoid an obligation to pay for the goods or services;

69. Selling or offering for sale any substance intended for human consumption, orally or by inhalation, that contains a synthetic derivative of tetrahydrocannabinol. As used in this subdivision, "synthetic derivative" means a chemical compound produced by man through a chemical transformation to turn a compound into a different compound by adding or subtracting molecules to or from the original compound. This subdivision shall not (i) apply to products that are approved for marketing by the U.S. Food and Drug Administration and scheduled in the Drug Control Act (§ 54.1-3400 et seq.) or (ii) be construed to prohibit any conduct permitted under Chapter 16 (§ 4.1-1600 et seq.) of Title 4.1;

70. Selling or offering for sale to a person younger than 21 years of age any substance intended for human consumption, orally or by inhalation, that contains tetrahydrocannabinol. This subdivision shall not (i) apply to products that are approved for marketing by the U.S. Food and Drug Administration and scheduled in the Drug Control Act (§ 54.1-3400 et seq.) or (ii) be construed to prohibit any conduct permitted under Chapter 16 (§ 4.1-1600 et seq.) of Title 4.1;

71. Selling or offering for sale any substance intended for human consumption, orally or by inhalation, that contains tetrahydrocannabinol, unless such substance is (i) contained in child-resistant packaging, as defined in § 4.1-600; (ii) equipped with a label that states, in English and in a font no less than 1/16 of an inch, (a) that the substance contains tetrahydrocannabinol and may not be sold to persons younger than 21 years of age, (b) all ingredients contained in the substance, (c) the amount of such substance that constitutes a single serving, and (d) the total percentage and milligrams of tetrahydrocannabinol included in the substance and the number of milligrams of tetrahydrocannabinol that are contained in each serving; and (iii) accompanied by a certificate of analysis, produced by an independent laboratory that is accredited pursuant to standard ISO/IEC 17025 of the International Organization of Standardization by a third-party accrediting body, that states the tetrahydrocannabinol concentration of the substance or the tetrahydrocannabinol concentration of the batch from which the substance originates. This subdivision shall not (i) apply to products that are approved for marketing by the U.S. Food and Drug Administration and scheduled in the Drug Control Act (§ 54.1-3400 et seq.) or (ii) be construed to prohibit any conduct permitted under Chapter 16 (§ 4.1-1600 et seq.) of Title 4.1;

72. Manufacturing, offering for sale at retail, or selling at retail an industrial hemp extract, as defined in § 3.2-5145.1, a food containing an industrial hemp extract, or a substance containing tetrahydrocannabinol that depicts or is in the shape of a human, animal, vehicle, or fruit;

73. Selling or offering for sale any substance intended for human consumption, orally or by inhalation, that contains tetrahydrocannabinol and, without authorization, bears, is packaged in a container or wrapper that bears, or is otherwise labeled to bear the trademark, trade name, famous mark as defined in 15 U.S.C. § 1125, or other identifying mark, imprint, or device, or any likeness thereof, of a manufacturer, processor, packer, or distributor of a product intended for human consumption other than the manufacturer, processor, packer, or distributor that did in fact so manufacture, process, pack, or distribute such substance;

74. Selling or offering for sale a topical hemp product, as defined in § 3.2-4112, that does not include a label stating that the product is not intended for human consumption. This subdivision shall not (i) apply to products that are approved for marketing by the U.S. Food and Drug Administration and scheduled in the Drug Control Act (§ 54.1-3400 et seq.), (ii) be construed to prohibit any conduct permitted under Chapter 16 (§ 4.1-1600 et seq.) of Title 4.1, or (iii) apply to topical hemp products that were manufactured prior to July 1, 2023, provided that the person provides documentation of the date of manufacture if requested;

75. Violating any provision of § 59.1-466.8;

76. Violating subsection F of § 36-96.3:1;

77. Selling or offering for sale (i) any kratom product to a person younger than 21 years of age or (ii) any kratom product that does not include a label listing all ingredients and with the following guidance: "This product may be harmful to your health, has not been evaluated by the FDA, and is not intended to diagnose, treat, cure, or prevent any disease." As used in this subdivision, "kratom" means any part of the leaf of the plant Mitragyna speciosa or any extract thereof; ~~and~~

78. Failing to disclose the total cost of a good or continuous service, as defined in § 59.1-207.45, to a consumer, including any mandatory fees or charges, prior to entering into an agreement for the sale of any such good or provision of any such continuous service*; and*

79. Violating any provision of the Unfair Real Estate Service Agreement Act (§ 55.1-3200 et seq.).

B. Nothing in this section shall be construed to invalidate or make unenforceable any contract or lease solely by reason of the failure of such contract or lease to comply with any other law of the Commonwealth or any federal statute or regulation, to the extent such other law, statute, or regulation provides that a violation of such law, statute, or regulation shall not invalidate or make unenforceable such contract or lease.

2. That, except for the provisions of § 55.1-3205 of the Code of Virginia, as created by this act, the provisions of this act shall apply to all service agreements executed or renewed on or after July 1, 2024.

CHAPTER 329

An Act to amend and reenact §§ 38.2-3465, 38.2-3466, and 38.2-3468 of the Code of Virginia, relating to health insurance; pharmacy benefits managers; reporting requirements; civil penalty.

[H 1402]

Approved April 2, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 38.2-3465, 38.2-3466, 38.2-3468 of the Code of Virginia are amended and reenacted as follows:

§ 38.2-3465. Definitions.

A. As used in this article, unless the context requires a different meaning:

"Aggregate retained rebate percentage" means the sum total dollar amount of a pharmacy benefits manager's retained rebates relating to all carrier clients of such pharmacy benefits manager divided by the sum total dollar amount of all rebates received by such pharmacy benefits manager relating to all such clients.

"Carrier" has the same meaning ascribed thereto in subsection A of § 38.2-3407.15. However, "carrier" does not include a nonprofit health maintenance organization that operates as a group model whose internal pharmacy operation exclusively serves the members or patients of the nonprofit health maintenance organization.

"Claim" means a request from a pharmacy or pharmacist to be reimbursed for the cost of administering, filling, or refilling a prescription for a drug or for providing a medical supply or device.

"Claims processing services" means the administrative services performed in connection with the processing and adjudicating of claims relating to pharmacist services that include (i) receiving payments for pharmacist services, (ii) making payments to pharmacists or pharmacies for pharmacist services, or (iii) both receiving and making payments.

"Contract pharmacy" means a pharmacy operating under contract with a 340B-covered entity to provide dispensing services to the 340B-covered entity, as described in 75 Fed. Reg. 10272 (March 5, 2010) or any superseding guidance published thereafter.

"Covered entity" means an entity described in § 340B(a)(4) of the federal Public Health Service Act, 42 U.S.C. § 256B(a)(4). "Covered entity" does not include a hospital as defined in § 32.1-123 or 37.2-100.

"Covered individual" means an individual receiving prescription medication coverage or reimbursement provided by a pharmacy benefits manager or a carrier under a health benefit plan.

"Health benefit plan" has the same meaning ascribed thereto in § 38.2-3438.

"Mail order pharmacy" means a pharmacy whose primary business is to receive prescriptions by mail or through electronic submissions and to dispense medication to covered individuals through the use of the United States mail or other common or contract carrier services and that provides any consultation with covered individuals electronically rather than face-to-face.

"Pharmacy benefits management" means the administration or management of prescription drug benefits provided by a carrier for the benefit of covered individuals. "Pharmacy benefits management" does not include any service provided by a nonprofit health maintenance organization that operates as a group model provided that the service is furnished through the internal pharmacy operation exclusively serves the members or patients of the nonprofit health maintenance organization.

"Pharmacy benefits manager" or "PBM" means an entity that performs pharmacy benefits management. "Pharmacy benefits manager" includes an entity acting for a PBM in a contractual relationship in the performance of pharmacy benefits management for a carrier, nonprofit hospital, or third-party payor under a health program administered by the Commonwealth.

"Pharmacy benefits manager affiliate" means a business, pharmacy, or pharmacist that directly or indirectly, through one or more intermediaries, owns or controls, is owned or controlled by, or is under common ownership interest or control with a pharmacy benefits manager.

"Rebate" means a discount or other price concession, including without limitation incentives, disbursements, and reasonable estimates of a volume-based discount, or a payment that is (i) based on utilization of a prescription drug and (ii) paid by a manufacturer or third party, directly or indirectly, to a pharmacy benefits manager, pharmacy services administrative organization, or pharmacy after a claim has been processed and paid at a pharmacy.

"Retail community pharmacy" means a pharmacy that is open to the public, serves walk-in customers, and makes available face-to-face consultations between licensed pharmacists and persons to whom medications are dispensed.

"Retained rebate" means a rebate that is not passed on to a health benefit plan.

"Retained rebate percentage" means the sum total dollar amount of a pharmacy benefits manager's retained rebates relating to a health benefit plan divided by the sum total dollar amount of all rebates received by such pharmacy benefits manager relating to such health benefit plan.

"Spread pricing" means the model of prescription drug pricing in which the pharmacy benefits manager charges a health benefit plan a contracted price for prescription drugs, and the contracted price for the prescription drugs differs from the amount the pharmacy benefits manager directly or indirectly pays the pharmacist or pharmacy for pharmacist services.

§ 38.2-3466. License required to provide pharmacy benefits management services; requirements for a license, renewal, and revocation or suspension; civil penalty.

A. Unless otherwise covered by a license as a carrier, no person shall provide pharmacy benefits management services or otherwise act as a pharmacy benefits manager in the Commonwealth without first obtaining a license in a manner and in a form prescribed by the Commission.

B. Each applicant for a license as a pharmacy benefits manager shall make application to the Commission, in the form and containing the information listed in subsection C and any other information the Commission prescribes. The Commission may require any documents reasonably necessary to verify the information contained in an application. Each applicant shall, at the time of applying for a license, pay a nonrefundable application processing fee in an amount and in a manner prescribed by the Commission. The fee shall be collected by the Commission and paid directly into the state treasury and credited to the "Bureau of Insurance Special Fund — State Corporation Commission" for the maintenance of the Bureau of Insurance as provided in subsection B of § 38.2-400.

C. An applicant for a license as a pharmacy benefits manager shall provide the Commission the following information:

1. The name, address, and telephone contact number of the pharmacy benefits manager;

2. The name and address of each person with management or control over the pharmacy benefits manager;

3. The name and address of each person with a beneficial ownership interest in the pharmacy benefits manager; and

4. If the pharmacy benefits manager registrant (i) is a partnership or other unincorporated association, a limited liability company, or a corporation and (ii) has five or more partners, members, or stockholders, the registrant shall specify its legal structure and the total number of its partners, members, or stockholders who, directly or indirectly, own, control, hold with the power to vote, or hold proxies representing 10 percent or more of the voting securities of any other person.

D. An applicant shall provide the Commissioner with a signed statement indicating that, to the best of its knowledge, no officer with management or control of the pharmacy benefits manager has been convicted of a felony or has violated any of the requirements of state law applicable to pharmacy benefits managers, or, if the applicant cannot provide such a statement, a signed statement describing the relevant conviction or violation.

E. Except where prohibited by state or federal law, by submitting an application for a license, the applicant shall be deemed to have appointed the clerk of the Commission as the agent for service of process on the applicant in any action or proceeding arising in the Commonwealth out of or in connection with the exercise of the license. Such appointment of the clerk of the Commission as agent for service of process shall be irrevocable during the period within which a cause of action against the applicant may arise out of transactions with respect to subjects of pharmacy benefits management in the Commonwealth. Service of process on the clerk of the Commission shall conform to the provisions of Chapter 8 (§ 38.2-800 et seq.).

F. Each applicant that has complied with the provisions of this article and Commission regulations is entitled to and shall receive a license in the form the Commission prescribes.

G. Each pharmacy benefits manager shall renew its license annually and shall, at the time of renewal, pay a renewal fee in an amount and in a manner prescribed by the Commission. The fee shall be collected by the Commission and paid directly into the state treasury and credited to the "Bureau of Insurance Special Fund — State Corporation Commission" for the maintenance of the Bureau of Insurance as provided in subsection B of § 38.2-400.

H. The Commission may refuse to issue or renew a license or may revoke or suspend a license if it finds that the applicant or license holder has not complied with the provisions of this article or Commission regulations.

I. A person that violates the provisions of this section may be subject to a civil penalty of $5,000 for each day on which such violation occurs. The Commission may adopt such rules or establish such guidelines as may be necessary to enforce the provisions of this section.

§ 38.2-3468. Examination of books and records; reports; access to records.

A. Each carrier, on its own or through its contract for pharmacy benefits, shall ensure that the Commissioner may examine or audit the books and records of a pharmacy benefits manager providing claims processing services or other prescription drug or device services for a carrier that are relevant to determining if the pharmacy benefits manager is in compliance with this article. The carrier shall be responsible for the charges incurred in the examination, including the expenses of the Commissioner or his designee and the expenses and compensation of his examiners and assistants.

B. Each carrier, on its own or through its contract for pharmacy benefits, shall report the following information to the Commissioner for each health benefit plan:

1. The aggregate amount of rebates received by the pharmacy benefits manager;

2. The aggregate amount of rebates distributed to the appropriate health benefit plan;

3. The aggregate amount of rebates passed on to the enrollees of each health benefit plan at the point of sale that reduced the enrollees' applicable deductible, copayment, coinsurance, or other cost-sharing amount;

4. *The aggregate amount of the pharmacy benefits manager's retained rebates;*

5. The pharmacy benefits manager's aggregate retained rebate percentage;

6. The aggregate amount of administrative fees received by the pharmacy benefits manager;

7. Upon the request of the Commission, the individual and aggregate amount paid by the health benefit plan to the pharmacy benefits manager for services itemized by pharmacy, by product, and by goods and services; and

~~5.~~ *8.* Upon the request of the Commission, the individual and aggregate amount a pharmacy benefits manager paid for services itemized by pharmacy, by product, and by goods and services.

The report required by this subsection shall be filed on a quarterly basis through March 31, 2023. The final quarterly report shall include information for the period ending December 31, 2022. Thereafter, by March 31 of each year, the report shall be filed on a calendar year basis. The 2023 calendar year report shall be filed by March 31, 2024.

C. All working papers, documents, reports, and copies thereof, produced by, obtained by or disclosed to the Commission or any other person in the course of an examination made under this article and any analysis of such information or documents shall be given confidential treatment, are not subject to subpoena, and may not be made public by the Commission or any other person. Access may also be granted to (i) a regulatory official of any state or country; (ii) the National Association of Insurance Commissioners (NAIC), its affiliate, or its subsidiary; or (iii) a law-enforcement authority of any state or country, provided that those officials are required under their law to maintain its confidentiality. Any such disclosure by the Commission shall not constitute a waiver of confidentiality of such papers, documents, reports or copies thereof. Any parties receiving such papers must agree in writing prior to receiving the information to provide to it the same confidential treatment as required by this section.

CHAPTER 330

An Act to amend the Code of Virginia by adding a section numbered 23.1-2311.1, relating to Virginia Center on Aging; Virginia Memory Project established.

[H 1455]

Approved April 2, 2024

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 23.1-2311.1 as follows:

§ 23.1-2311.1. Virginia Center on Aging; Virginia Memory Project.

A. There is established within the Virginia Center on Aging the Virginia Memory Project.

B. The purpose of the Virginia Memory Project shall be to collect and analyze data on Alzheimer's disease, related dementias, and other neurodegenerative disorders in the Commonwealth, provide responsive assistance to individuals with Alzheimer's disease, related dementias, and other neurodegenerative disorders by connecting them with relevant service providers, and assist in the development of public policy and planning relative to Alzheimer's disease, related dementias, and other neurodegenerative disorders. The Virginia Memory Project shall provide and maintain a central database of individuals with Alzheimer's disease, related dementias, or other neurodegenerative disorders.

C. The executive director of the Virginia Center on Aging shall also direct the Virginia Memory Project. The executive director shall establish provisions for:

1. The collection and evaluation of data regarding the prevalence of Alzheimer's disease and related disorders in the Commonwealth, including who shall report the data to the central database;

2. The determination of what information shall be maintained in the central database and the length of time such data shall be available;

3. The process for sharing data for policy planning purposes;

4. The process for disclosing nonidentifying data to support research on Alzheimer's disease and related disorders;

5. The methodology by which families and physicians of persons who are reported to the central database shall be contacted to gather additional data; and

6. The provision of information to families and physicians about public and private resources.

D. The collected data in the Virginia Memory Project shall be confidential, and all persons to whom the data in the Virginia Memory Project is released shall maintain patient confidentiality. No publication of information shall be made that identifies any patient by name.

2. That the provisions of this act shall become effective on January 1, 2025.

CHAPTER 331

An Act to amend and reenact § 8.01-126 of the Code of Virginia, relating to unlawful detainer actions; no rental agreement between owner and occupant.

[H 1482]

Approved April 2, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 8.01-126 of the Code of Virginia is amended and reenacted as follows:

§ 8.01-126. Summons for unlawful detainer issued by magistrate or clerk or judge of a general district court.

A. For the purposes of this section, "termination notice" means a notice given under § 55.1-1245 or other notice of termination of tenancy given by the landlord to the tenant of a dwelling unit, or any notice of termination given by a landlord to a tenant of a nonresidential premises.

B. In any case when possession of any house, land or tenement is unlawfully detained by the person in possession thereof, the landlord, his agent, attorney, or other person, entitled to the possession may present to a magistrate or a clerk or judge of a general district court a statement under oath of the facts which authorize the removal of the tenant or other person in possession, describing such premises; and thereupon such magistrate, clerk or judge shall issue his summons against the person or persons named in such affidavit. The process issued upon any such summons issued by a magistrate, clerk or judge may be served as provided in § 8.01-293, 8.01-296, or 8.01-299. When issued by a magistrate it may be returned to and the case heard and determined by the judge of a general district court. If the summons for unlawful detainer is filed to terminate a tenancy pursuant to the Virginia Residential Landlord and Tenant Act (§ 55.1-1200 et seq.), the initial hearing on such summons shall occur as soon as practicable, but not more than 21 days from the date of filing. If the case cannot be heard within 21 days from the date of filing, the initial hearing shall be held as soon as practicable, but in no event later than 30 days after the date of the filing. If the plaintiff requests that the initial hearing be set on a date later than 21 days from the date of filing, the initial hearing shall be set on a date the plaintiff is available that is also available for the court. Such summons shall be served at least 10 days before the return day thereof. *If a summons for unlawful detainer is filed by an owner of a residential single family dwelling unit in the Commonwealth and the court finds based upon the evidence that (i) no rental agreement exists or has ever existed between the owner and the occupant; (ii) the occupant occupies such dwelling unit without permission of such owner; and (iii) the owner has given such occupant a written notice to vacate such dwelling unit at least 72 hours prior to the date of filing, an emergency hearing on such summons shall occur as soon as practicable, but not more than 14 days from the date of filing. If the case cannot be heard within 14 days from the date of filing, the emergency hearing shall be held as soon as practicable, but in no event later than 30 days after the date of the filing.*

C. Any summons issued pursuant to the provisions of this section shall contain a notice to the tenant that, pursuant to the provisions of § 18.2-465.1, it is unlawful for his employer to discharge him from employment or take any adverse personnel action against him as a result of his absence from employment due to appearing at any initial or subsequent hearing on such summons, provided that he has given reasonable notice of such hearing to his employer.

D. Notwithstanding any other rule of court or provision of law to the contrary, the plaintiff in an unlawful detainer case may submit into evidence a photocopy of a properly executed paper document or paper printout of an electronically stored document including a copy of the original lease or other documents, provided that the plaintiff provides an affidavit or sworn testimony that the copy of such document is a true and accurate copy of the original lease. An attorney or agent of the landlord or managing agent may present such affidavit into evidence.

E. 1. Notwithstanding any other rule of court or provision of law to the contrary, when the defendant does not make an appearance in court, the plaintiff or the plaintiff's attorney or agent may submit into evidence by an affidavit or sworn testimony a statement of the amount of outstanding rent, late charges, attorney fees, and any other charges or damages due as of the date of the hearing. The plaintiff or the plaintiff's attorney or agent shall advise the court of any payments by the defendant that result in a variance reducing the amount due the plaintiff as of the day of the hearing.

2. a. If the unlawful detainer summons served upon the defendant requests judgment for all amounts due as of the date of the hearing, the court shall permit amendment of the amount requested on the summons for unlawful detainer filed in court in accordance with the evidence and in accordance with the amounts contracted for in the rental agreement and shall enter a judgment for such amount due as of the date of the hearing in addition to entering an order of possession for the premises. Notwithstanding any rule of court or provision of law to the contrary, no order of possession shall be entered unless the plaintiff or plaintiff's attorney or agent has presented a copy of a proper termination notice that the court admits into evidence.

b. Notwithstanding any rule of court or provision of law to the contrary, a plaintiff may amend the amount alleged to be due and owing in an unlawful detainer to request all amounts due and owing as of the date of the hearing. If additional amounts become due and owing prior to the final disposition of a pending unlawful detainer, the plaintiff may also amend the amount alleged to be due and owing to include such additional amounts. If the plaintiff requests to amend the amount alleged to be due and owing in an unlawful detainer, the judge shall grant such amendment. Upon amendment of the unlawful detainer, such plaintiff shall not subsequently file an additional summons for unlawful detainer against the defendant for such additional amounts if such additional amounts could have been included in such amendment. If another

unlawful detainer is filed, the court shall dismiss the subsequent unlawful detainer. Nothing herein shall be construed to preclude a plaintiff from filing an unlawful detainer for a non-rent violation during the pendency of an unlawful detainer for nonpayment of rent.

3. In determining the amount due the plaintiff as of the date of the hearing, if the rental agreement or lease provides that rent is due and payable on the first of the month in advance for the entire month, at the request of the plaintiff or the plaintiff's attorney or agent, the amount due as of the date of the hearing shall include the rent due for the entire month in which the hearing is held, and rent shall not be prorated as of the actual court date. Otherwise, the rent shall be prorated as of the date of the hearing. However, nothing herein shall be construed to permit a landlord to collect rent in excess of the amount stated in such rental agreement or lease. If a money judgment has been granted for the amount due for the month of the hearing pursuant to this section and the landlord re-rents such dwelling unit and receives rent from a new tenant prior to the end of such month, the landlord is required to reflect the applicable portion of the judgment as satisfied pursuant to § 16.1-94.01.

4. If, on the date of a foreclosure sale of a single-family residential dwelling unit, the former owner remains in possession of such dwelling unit, such former owner becomes a tenant at sufferance. Such tenancy may be terminated by a written termination notice from the successor owner given to such tenant at least three days prior to the effective date of termination. Upon the expiration of the three-day period, the successor owner may file an unlawful detainer under this section. Such tenant shall be responsible for payment of fair market rental from the date of such foreclosure until the date the tenant vacates the dwelling unit, as well as damages, and for payment of reasonable attorney fees and court costs.

CHAPTER 332

An Act to direct the Department of Housing and Community Development to translate certain forms and documents posted on its website into the five non-English languages most commonly spoken in Virginia.

[H 1487]

Approved April 2, 2024

Be it enacted by the General Assembly of Virginia:

1. *§ 1. The Department of Housing and Community Development (the Department) shall translate all forms and documents that the Department is mandated by law to create and that are posted on its website for use by residential landlords and tenants into the five non-English languages most commonly spoken in Virginia according to the most recent American Community Survey data published by the United States Census Bureau. The Department may accept materials translated by volunteers but shall verify the accuracy of such translations prior to making the translated materials available on its website. The Department shall post on its website all English and translated versions of all Department-created documents and model forms for use by any persons governed by the Virginia Residential Landlord and Tenant Act (§ 55.1-1200 et seq. of the Code of Virginia) or the Virginia Manufactured Home Lot Rental Act (§ 55.1-1300 et seq. of the Code of Virginia).*

CHAPTER 333

An Act to amend the Code of Virginia by adding a section numbered 3.2-6589.1, relating to elephants; pain-inflicting training tools prohibited; actions for attachment; civil penalty.

[H 1531]

Approved April 2, 2024

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 3.2-6589.1 as follows:

§ 3.2-6589.1. Certain training devices for elephants prohibited; attachment; civil penalty.

A. It is unlawful for any person to (i) use electricity, martingales, or block and tackle, engage in physical punishment resulting in damage, scarring, or breaking of skin, or insert any instrument into any bodily orifice of an elephant to discipline an elephant; (ii) use a bullhook, ankus, baseball bat, axe handle, or other device designed to inflict fear or pain for the purpose of training or controlling the behavior of an elephant; or (iii) brandish, exhibit, or display any device described in clause (ii) in the presence of an elephant.

B. A person who violates this section is subject to a civil penalty not to exceed $2,500 for the first offense and not to exceed $5,000 for subsequent violations. Each incident during which the violation is found to have existed shall constitute a separate offense.

C. The Attorney General, an attorney for the Commonwealth, or the attorney for the locality may cause an action in equity to be brought in the name of the Commonwealth or of the locality, as applicable, to request an attachment for any devices described in subsection A against a person violating the provisions of this section.

CHAPTER 334

An Act to amend and reenact §§ 2.2-3900, 2.2-3902, 2.2-3904, 2.2-3905, 8.01-49.1, 18.2-57, and 18.2-121 of the Code of Virginia, relating to hate crimes and discrimination; ethnic animosity; penalties.

[S 7]

Approved April 2, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-3900, 2.2-3902, 2.2-3904, 2.2-3905, 8.01-49.1, 18.2-57, and 18.2-121 of the Code of Virginia are amended and reenacted as follows:

§ 2.2-3900. Short title; declaration of policy.

A. This chapter shall be known and cited as the Virginia Human Rights Act.

B. It is the policy of the Commonwealth to:

1. Safeguard all individuals within the Commonwealth from unlawful discrimination because of race, color, religion, *ethnic or* national origin, sex, pregnancy, childbirth or related medical conditions, age, marital status, sexual orientation, gender identity, military status, or disability in places of public accommodation, including educational institutions and in real estate transactions;

2. Safeguard all individuals within the Commonwealth from unlawful discrimination in employment because of race, color, religion, *ethnic or* national origin, sex, pregnancy, childbirth or related medical conditions, age, marital status, sexual orientation, gender identity, disability, or military status;

3. Preserve the public safety, health, and general welfare;

4. Further the interests, rights, and privileges of individuals within the Commonwealth; and

5. Protect citizens of the Commonwealth against unfounded charges of unlawful discrimination.

§ 2.2-3902. Construction of chapter; other programs to aid persons with disabilities, minors, and the elderly.

The provisions of this chapter shall be construed liberally for the accomplishment of its policies.

Conduct that violates any Virginia or federal statute or regulation governing discrimination on the basis of race, color, religion, sex, sexual orientation, gender identity, marital status, pregnancy, childbirth or related medical conditions including lactation, age, military status, disability, or *ethnic or* national origin is an unlawful discriminatory practice under this chapter.

Nothing in this chapter shall prohibit or alter any program, service, facility, school, or privilege that is afforded, oriented, or restricted to a person because of disability or age from continuing to habilitate, rehabilitate, or accommodate that person.

In addition, nothing in this chapter shall be construed to affect any governmental program, law or activity differentiating between persons on the basis of age over the age of 18 years (i) where the differentiation is reasonably necessary to normal operation or the activity is based upon reasonable factors other than age or (ii) where the program, law or activity constitutes a legitimate exercise of powers of the Commonwealth for the general health, safety and welfare of the population at large.

Complaints filed with the Office of Civil Rights of the Department of Law (the Office) in accordance with § 2.2-520 alleging unlawful discriminatory practice under a Virginia statute that is enforced by a Virginia agency shall be referred to that agency. The Office may investigate complaints alleging an unlawful discriminatory practice under a federal statute or regulation and attempt to resolve it through conciliation. Unsolved complaints shall thereafter be referred to the federal agency with jurisdiction over the complaint. Upon such referral, the Office shall have no further jurisdiction over the complaint. The Office shall have no jurisdiction over any complaint filed under a local ordinance adopted pursuant to § 15.2-965.

§ 2.2-3904. Nondiscrimination in places of public accommodation; definitions.

A. As used in this section:

"Age" means being an individual who is at least 18 years of age.

"Place of public accommodation" means all places or businesses offering or holding out to the general public goods, services, privileges, facilities, advantages, or accommodations.

B. It is an unlawful discriminatory practice for any person, including the owner, lessee, proprietor, manager, superintendent, agent, or employee of any place of public accommodation, to refuse, withhold from, or deny any individual, or to attempt to refuse, withhold from, or deny any individual, directly or indirectly, any of the accommodations, advantages, facilities, services, or privileges made available in any place of public accommodation, or to segregate or discriminate against any such person in the use thereof, or to publish, circulate, issue, display, post, or mail, either directly or indirectly, any communication, notice, or advertisement to the effect that any of the accommodations, advantages, facilities, privileges, or services of any such place shall be refused, withheld from, or denied to any individual on the basis of race, color, religion, *ethnic or* national origin, sex, pregnancy, childbirth or related medical conditions, age, sexual orientation, gender identity, marital status, disability, or military status.

C. The provisions of this section shall not apply to a private club, a place of accommodation owned by or operated on behalf of a religious corporation, association, or society that is not in fact open to the public, or any other establishment that is not in fact open to the public.

D. The provisions of this section shall not prohibit (i) discrimination against individuals who are less than 18 years of age or (ii) the provision of special benefits, incentives, discounts, or promotions by public or private programs to assist persons who are 50 years of age or older.

E. The provisions of this section shall not supersede or interfere with any state law or local ordinance that prohibits a person under the age of 21 from entering a place of public accommodation.

§ 2.2-3905. Nondiscrimination in employment; definitions; exceptions.

A. As used in this section:

"Age" means being an individual who is at least 40 years of age.

"Domestic worker" means an individual who is compensated directly or indirectly for the performance of services of a household nature performed in or about a private home, including services performed by individuals such as companions, babysitters, cooks, waiters, butlers, valets, maids, housekeepers, nannies, nurses, janitors, laundresses, caretakers, handymen, gardeners, home health aides, personal care aides, and chauffeurs of automobiles for family use. "Domestic worker" does not include (i) a family member, friend, or neighbor of a child, or a parent of a child, who provides child care in the child's home; (ii) any child day program as defined in § 22.1-289.02 or an individual who is an employee of a child day program; or (iii) any employee employed on a casual basis in domestic service employment to provide companionship services for individuals who, because of age or infirmity, are unable to care for themselves.

"Employee" means an individual employed by an employer.

"Employer" means a person employing (i) 15 or more employees for each working day in each of 20 or more calendar weeks in the current or preceding calendar year, and any agent of such a person or (ii) one or more domestic workers. However, (a) for purposes of unlawful discharge under subdivision B 1 on the basis of race, color, religion, *ethnic or* national origin, military status, sex, sexual orientation, gender identity, marital status, disability, pregnancy, or childbirth or related medical conditions including lactation, "employer" means any person employing more than five persons or one or more domestic workers and (b) for purposes of unlawful discharge under subdivision B 1 on the basis of age, "employer" means any employer employing more than five but fewer than 20 persons.

"Employment agency" means any person, or an agent of such person, regularly undertaking with or without compensation to procure employees for an employer or to procure for employees opportunities to work for an employer.

"Joint apprenticeship committee" means the same as that term is defined in § 2.2-2043.

"Labor organization" means an organization engaged in an industry, or an agent of such organization, that exists for the purpose, in whole or in part, of dealing with employers on behalf of employees concerning grievances, labor disputes, wages, rates of pay, hours, or other terms or conditions of employment. "Labor organization" includes employee representation committees, groups, or associations in which employees participate.

"Lactation" means a condition that may result in the feeding of a child directly from the breast or the expressing of milk from the breast.

B. It is an unlawful discriminatory practice for:

1. An employer to:

a. Fail or refuse to hire, discharge, or otherwise discriminate against any individual with respect to such individual's compensation, terms, conditions, or privileges of employment because of such individual's race, color, religion, sex, sexual orientation, gender identity, marital status, pregnancy, childbirth or related medical conditions including lactation, age, military status, disability, or *ethnic or* national origin; or

b. Limit, segregate, or classify employees or applicants for employment in any way that would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect an individual's status as an employee, because of such individual's race, color, religion, sex, sexual orientation, gender identity, marital status, pregnancy, childbirth or related medical conditions including lactation, age, military status, disability, or *ethnic or* national origin.

2. An employment agency to:

a. Fail or refuse to refer for employment, or otherwise discriminate against, any individual because of such individual's race, color, religion, sex, sexual orientation, gender identity, marital status, pregnancy, childbirth or related medical conditions, age, military status, disability, or *ethnic or* national origin; or

b. Classify or refer for employment any individual on the basis of such individual's race, color, religion, sex, sexual orientation, gender identity, marital status, pregnancy, childbirth or related medical conditions, age, military status, disability, or *ethnic or* national origin.

3. A labor organization to:

a. Exclude or expel from its membership, or otherwise discriminate against, any individual because of such individual's race, color, religion, sex, sexual orientation, gender identity, marital status, pregnancy, childbirth or related medical conditions, age, military status, disability, or *ethnic or* national origin;

b. Limit, segregate, or classify its membership or applicants for membership, or classify or fail to or refuse to refer for employment any individual, in any way that would deprive or tend to deprive such individual of employment opportunities, or would limit such employment opportunities or otherwise adversely affect an individual's status as an employee or as an applicant for employment, because of such individual's race, color, religion, sex, sexual orientation, gender identity, marital status, pregnancy, childbirth or related medical conditions, age, military status, disability, or *ethnic or* national origin; or

c. Cause or attempt to cause an employer to discriminate against an individual in violation of subdivisions a or b.

4. An employer, labor organization, or joint apprenticeship committee to discriminate against any individual in any program to provide apprenticeship or other training program on the basis of such individual's race, color, religion, sex, sexual orientation, gender identity, pregnancy, childbirth or related medical conditions, age, military status, disability, or *ethnic or* national origin.

5. An employer, in connection with the selection or referral of applicants or candidates for employment or promotion, to adjust the scores of, use different cutoff scores for, or otherwise alter the results of employment-related tests on the basis of race, color, religion, sex, sexual orientation, gender identity, marital status, pregnancy, childbirth or related medical conditions, age, military status, disability, or *ethnic or* national origin.

6. Except as otherwise provided in this chapter, an employer to use race, color, religion, sex, sexual orientation, gender identity, marital status, pregnancy, childbirth or related medical conditions, age, military status, disability, or *ethnic or* national origin as a motivating factor for any employment practice, even though other factors also motivate the practice.

7. (i) An employer to discriminate against any employees or applicants for employment, (ii) an employment agency or a joint apprenticeship committee controlling an apprenticeship or other training program to discriminate against any individual, or (iii) a labor organization to discriminate against any member thereof or applicant for membership because such individual has opposed any practice made an unlawful discriminatory practice by this chapter or because such individual has made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this chapter.

8. An employer, labor organization, employment agency, or joint apprenticeship committee controlling an apprenticeship or other training program to print or publish, or cause to be printed or published, any notice or advertisement relating to (i) employment by such an employer, (ii) membership in or any classification or referral for employment by such a labor organization, (iii) any classification or referral for employment by such an employment agency, or (iv) admission to, or employment in, any program established to provide apprenticeship or other training by such a joint apprenticeship committee that indicates any preference, limitation, specification, or discrimination based on race, color, religion, sex, sexual orientation, gender identity, marital status, pregnancy, childbirth or related medical conditions, age, military status, disability, or *ethnic or* national origin, except that such a notice or advertisement may indicate a preference, limitation, specification, or discrimination based on religion, sex, age, or *ethnic or* national origin when religion, sex, age, or *ethnic or* national origin is a bona fide occupational qualification for employment.

C. Notwithstanding any other provision of this chapter, it is not an unlawful discriminatory practice:

1. For (i) an employer to hire and employ employees; (ii) an employment agency to classify, or refer for employment, any individual; (iii) a labor organization to classify its membership or to classify or refer for employment any individual; or (iv) an employer, labor organization, or joint apprenticeship committee to admit or employ any individual in any apprenticeship or other training program on the basis of such individual's religion, sex, or age in those certain instances where religion, sex, or age is a bona fide occupational qualification reasonably necessary to the normal operation of that particular employer, employment agency, labor organization, or joint apprenticeship committee;

2. For an elementary or secondary school or institution of higher education to hire and employ employees of a particular religion if such elementary or secondary school or institution of higher education is, in whole or in substantial part, owned, supported, controlled, or managed by a particular religion or by a particular religious corporation, association, or society or if the curriculum of such elementary or secondary school or institution of higher education is directed toward the propagation of a particular religion;

3. For an employer to apply different standards of compensation, or different terms, conditions, or privileges of employment, pursuant to a bona fide seniority or merit system, or a system that measures earnings by quantity or quality of production, or to employees who work in different locations, provided that such differences are not the result of an intention to discriminate because of race, color, religion, sex, sexual orientation, gender identity, marital status, pregnancy, childbirth or related medical conditions, age, military status, disability, or *ethnic or* national origin;

4. For an employer to give and to act upon the results of any professionally developed ability test, provided that such test, its administration, or an action upon the results is not designed, intended, or used to discriminate because of race, color, religion, sex, sexual orientation, gender identity, marital status, pregnancy, childbirth or related medical conditions, age, military status, disability, or *ethnic or* national origin;

5. For an employer to provide reasonable accommodations related to disability, pregnancy, childbirth or related medical conditions, and lactation, when such accommodations are requested by the employee; or

6. For an employer to condition employment or premises access based upon citizenship where the employer is subject to any requirement imposed in the interest of the national security of the United States under any security program in effect pursuant to or administered under any statute or regulation of the federal government or any executive order of the President of the United States.

D. Nothing in this chapter shall be construed to require any employer, employment agency, labor organization, or joint apprenticeship committee to grant preferential treatment to any individual or to any group because of such individual's or group's race, color, religion, sex, sexual orientation, gender identity, marital status, pregnancy, childbirth or related medical conditions, age, military status, disability, or *ethnic or* national origin on account of an imbalance that may exist with respect to the total number or percentage of persons of any race, color, religion, sex, sexual orientation, gender identity, marital status, pregnancy, childbirth or related medical conditions, age, military status, disability, or *ethnic or* national origin employed by any employer, referred or classified for employment by any employment agency or labor organization,

admitted to membership or classified by any labor organization, or admitted to or employed in any apprenticeship or other training program, in comparison with the total number or percentage of persons of such race, color, religion, sex, sexual orientation, gender identity, marital status, pregnancy, childbirth or related medical conditions, age, military status, disability, or *ethnic or* national origin in any community.

E. The provisions of this section shall not apply to the employment of individuals of a particular religion by a religious corporation, association, educational institution, or society to perform work associated with its activities.

§ 8.01-49.1. Liability for defamatory material on the Internet.

A. No provider or user of an interactive computer service on the Internet shall be treated as the publisher or speaker of any information provided to it by another information content provider. No provider or user of an interactive computer service shall be liable for (i) any action voluntarily taken by it in good faith to restrict access to, or availability of, material that the provider or user considers to be obscene, lewd, lascivious, excessively violent, harassing, or intended to incite hatred on the basis of race, religious conviction, gender, disability, gender identity, sexual orientation, color, or *ethnic or* national origin, whether or not such material is constitutionally protected, or (ii) any action taken to enable, or make available to information content providers or others, the technical means to restrict access to information provided by another information content provider.

B. As used in this section:

"Disability" means a physical or mental impairment that substantially limits one or more of a person's major life activities.

"Information content provider" means any person or entity that is responsible, in whole or in part, for the creation or development of information provided through the Internet or any other interactive computer service.

"Interactive computer service" means any information service, system, or access software provider that provides or enables computer access by multiple users to a computer server, including specifically a service or system that provides access to the Internet and such systems operated or services offered by libraries or educational institutions.

"Internet" means the international computer network of interoperable packet-switched data networks.

§ 18.2-57. Assault and battery; penalty.

A. Any person who commits a simple assault or assault and battery is guilty of a Class 1 misdemeanor, and if the person intentionally selects the person against whom a simple assault is committed because of his race, religious conviction, gender, disability, gender identity, sexual orientation, color, or *ethnic or* national origin, the penalty upon conviction shall include a term of confinement of at least six months.

B. However, if a person intentionally selects the person against whom an assault and battery resulting in bodily injury is committed because of his race, religious conviction, gender, disability, gender identity, sexual orientation, color, or *ethnic or* national origin, the person is guilty of a Class 6 felony, and the penalty upon conviction shall include a term of confinement of at least six months.

C. In addition, if any person commits an assault or an assault and battery against another knowing or having reason to know that such other person is a judge, a magistrate, a law-enforcement officer as defined in subsection G, a correctional officer as defined in § 53.1-1, a person directly involved in the care, treatment, or supervision of inmates in the custody of the Department of Corrections or an employee of a local or regional correctional facility directly involved in the care, treatment, or supervision of inmates in the custody of the facility, a person directly involved in the care, treatment, or supervision of persons in the custody of or under the supervision of the Department of Juvenile Justice, an employee or other individual who provides control, care, or treatment of sexually violent predators committed to the custody of the Department of Behavioral Health and Developmental Services, a firefighter as defined in § 65.2-102, or a volunteer firefighter or any emergency medical services personnel member who is employed by or is a volunteer of an emergency medical services agency or as a member of a bona fide volunteer fire department or volunteer emergency medical services agency, regardless of whether a resolution has been adopted by the governing body of a political subdivision recognizing such firefighters or emergency medical services personnel as employees, engaged in the performance of his public duties anywhere in the Commonwealth, such person is guilty of a Class 6 felony, and, upon conviction, the sentence of such person shall include a mandatory minimum term of confinement of six months.

Nothing in this subsection shall be construed to affect the right of any person charged with a violation of this section from asserting and presenting evidence in support of any defenses to the charge that may be available under common law.

D. In addition, if any person commits a battery against another knowing or having reason to know that such other person is a full-time or part-time employee of any public or private elementary or secondary school and is engaged in the performance of his duties as such, he is guilty of a Class 1 misdemeanor and the sentence of such person upon conviction shall include a sentence of 15 days in jail, two days of which shall be a mandatory minimum term of confinement. However, if the offense is committed by use of a firearm or other weapon prohibited on school property pursuant to § 18.2-308.1, the person shall serve a mandatory minimum sentence of confinement of six months.

E. In addition, any person who commits a battery against another knowing or having reason to know that such individual is a health care provider as defined in § 8.01-581.1 who is engaged in the performance of his duties in a hospital or in an emergency room on the premises of any clinic or other facility rendering emergency medical care is guilty of a Class 1 misdemeanor. The sentence of such person, upon conviction, shall include a term of confinement of 15 days in jail, two days of which shall be a mandatory minimum term of confinement.

F. In addition, any person who commits an assault or an assault and battery against another knowing or having reason to know that such individual is an operator of a vehicle operated by a public transportation service as defined in § 18.2-160.2 who is engaged in the performance of his duties is guilty of a Class 1 misdemeanor. The sentence of such person, upon conviction, shall also prohibit such person from entering or riding in any vehicle operated by the public transportation service that employed such operator for a period of not less than six months as a term and condition of such sentence.

G. As used in this section:

"Disability" means a physical or mental impairment that substantially limits one or more of a person's major life activities.

"Hospital" means a public or private institution licensed pursuant to Chapter 5 (§ 32.1-123 et seq.) of Title 32.1 or Article 2 (§ 37.2-403 et seq.) of Chapter 4 of Title 37.2.

"Judge" means any justice or judge of a court of record of the Commonwealth including a judge designated under § 17.1-105, a judge under temporary recall under § 17.1-106, or a judge pro tempore under § 17.1-109, any member of the State Corporation Commission, or of the Virginia Workers' Compensation Commission, and any judge of a district court of the Commonwealth or any substitute judge of such district court.

"Law-enforcement officer" means any full-time or part-time employee of a police department or sheriff's office that is part of or administered by the Commonwealth or any political subdivision thereof who is responsible for the prevention or detection of crime and the enforcement of the penal, traffic or highway laws of the Commonwealth, any conservation officer of the Department of Conservation and Recreation commissioned pursuant to § 10.1-115, any special agent of the Virginia Alcoholic Beverage Control Authority, conservation police officers appointed pursuant to § 29.1-200, full-time sworn members of the enforcement division of the Department of Motor Vehicles appointed pursuant to § 46.2-217, and any employee with internal investigations authority designated by the Department of Corrections pursuant to subdivision 11 of § 53.1-10, and such officer also includes jail officers in local and regional correctional facilities, all deputy sheriffs, whether assigned to law-enforcement duties, court services or local jail responsibilities, auxiliary police officers appointed or provided for pursuant to §§ 15.2-1731 and 15.2-1733, auxiliary deputy sheriffs appointed pursuant to § 15.2-1603, police officers of the Metropolitan Washington Airports Authority pursuant to § 5.1-158, and fire marshals appointed pursuant to § 27-30 when such fire marshals have police powers as set out in §§ 27-34.2 and 27-34.2:1.

"School security officer" means the same as that term is defined in § 9.1-101.

H. "Simple assault" or "assault and battery" shall not be construed to include the use of, by any school security officer or full-time or part-time employee of any public or private elementary or secondary school while acting in the course and scope of his official capacity, any of the following: (i) incidental, minor or reasonable physical contact or other actions designed to maintain order and control; (ii) reasonable and necessary force to quell a disturbance or remove a student from the scene of a disturbance that threatens physical injury to persons or damage to property; (iii) reasonable and necessary force to prevent a student from inflicting physical harm on himself; (iv) reasonable and necessary force for self-defense or the defense of others; or (v) reasonable and necessary force to obtain possession of weapons or other dangerous objects or controlled substances or associated paraphernalia that are upon the person of the student or within his control.

In determining whether a person was acting within the exceptions provided in this subsection, due deference shall be given to reasonable judgments that were made by a school security officer or full-time or part-time employee of any public or private elementary or secondary school at the time of the event.

§ 18.2-121. Entering property of another for purpose of damaging it, etc.; penalties.

A. As used in this section, "disability" means a physical or mental impairment that substantially limits one or more of a person's major life activities.

B. It is unlawful for any person to enter the land, dwelling, outhouse, or any other building of another for the purpose of damaging such property or any of the contents thereof or in any manner to interfere with the rights of the owner, user, or occupant thereof to use such property free from interference.

Any person violating the provisions of this section is guilty of a Class 1 misdemeanor. However, if a person intentionally selects the property entered because of the race, religious conviction, color, gender, disability, gender identity, sexual orientation, or *ethnic or* national origin of the owner, user, or occupant of the property, the person is guilty of a Class 6 felony, and the penalty upon conviction shall include a term of confinement of at least six months.

2. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter 1 of the Acts of Assembly of 2023, Special Session I, requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of $50,000. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.

3. That the provisions of this act shall not be construed to diminish or infringe upon any right protected under the First Amendment to the Constitution of the United States or under the Constitution of Virginia.

CHAPTER 335

An Act to direct the Department of Medical Assistance Services to convene a work group to study and make recommendations to improve access to and successful utilization of the Medicaid Works program.

[S 59]

Approved April 2, 2024

Be it enacted by the General Assembly of Virginia:

1. *§ 1. That the Department of Medical Assistance Services shall convene a work group of relevant stakeholders to study and make recommendations to improve access to and successful utilization of the federal Medicaid Works program. The work group shall report its findings and recommendations to the Chairmen of the House Committees on Appropriations and Health and Human Services and the Senate Committees on Education and Health and Finance and Appropriations by November 1, 2024.*

CHAPTER 336

An Act to amend and reenact § 64.2-732 of the Code of Virginia, relating to modification or termination of uneconomic trust; notice.

[S 63]

Approved April 2, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 64.2-732 of the Code of Virginia is amended and reenacted as follows:

§ 64.2-732. Modification or termination of uneconomic trust.

A. After notice to the qualified beneficiaries, the trustee of a trust consisting of trust property having a total value less than $100,000 may terminate the trust *without court approval* if the trustee concludes that the value of the trust property is insufficient to justify the cost of administration. *Notice required by this section shall be sent in accordance with § 64.2-707.*

B. The court may modify or terminate a trust or remove the trustee and appoint a different trustee if it determines that the value of the trust property is insufficient to justify the cost of administration.

C. Upon termination of a trust under this section, the trustee shall distribute the trust property in a manner consistent with the purposes of the trust *and may simultaneously utilize the provisions of § 64.2-779*.

D. This section does not apply to an easement for conservation or preservation.

E. Expenses incurred by the trustee incident to the termination of a trust pursuant to this section shall be paid by the trust estate.

CHAPTER 337

An Act to amend and reenact § 46.2-118 of the Code of Virginia, relating to tow truck drivers and towing and recovery operators; prohibited acts; certain solicitation and offering of services; penalty.

[S 94]

Approved April 2, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 46.2-118 of the Code of Virginia is amended and reenacted as follows:

§ 46.2-118. Prohibited acts by tow truck drivers and towing and recovery operators.

A. No tow truck driver shall:

1. Use fraud or deceit in the offering or delivering of towing and recovery services;

2. Conduct his business or offer services in such a manner as to endanger the health and welfare of the public;

3. Use alcohol or drugs to the extent such use renders him unsafe to provide towing and recovery services;

4. Obtain any fee by fraud or misrepresentation;

5. Remove or tow a trespassing vehicle, as provided in § 46.2-1231, or a vehicle towed or removed at the request of a law-enforcement officer to any location outside the Commonwealth; or

6. Violate, or assist, induce, or cooperate with others to violate, any provision of law related to the offering or delivery of towing and recovery services.

B. No towing and recovery operator shall:

1. Use fraud or deceit in the offering or delivering of towing and recovery services;

2. Conduct his business or offer services in such a manner as to endanger the health and welfare of the public;

3. Use alcohol or drugs to the extent such use renders him unsafe to provide towing and recovery services;

4. Neglect to maintain on record at the towing and recovery operator's principal office a list of all drivers employed by the towing and recovery operator;

5. Obtain any fee by fraud or misrepresentation;

6. Advertise services in any manner that deceives, misleads, or defrauds the public;

7. Advertise or offer services under a name other than one's own name;

8. Fail to accept for payment cash, insurance company check, certified check, money order, or at least one of two commonly used, nationally recognized credit cards, except those towing and recovery operators who have an annual gross income of less than $10,000 derived from the performance of towing and recovery services shall not be required to accept credit cards, other than when providing police-requested towing as defined in § 46.2-1217, but shall be required to accept personal checks;

9. Fail to display at the towing and recovery operator's principal office in a conspicuous place a listing of all towing, recovery, and processing fees for vehicles;

10. Fail to have readily available at the towing and recovery operator's principal office, at the customer's request, the maximum fees normally charged by the towing and recovery operator for basic services for towing and initial hookup of vehicles;

11. Knowingly charge excessive fees for towing, storage, or administrative services or charge fees for services not rendered;

12. Fail to maintain all towing records, which shall include itemized fees, for a period of one year from the date of service;

13. Willfully invoice payment for any services not stipulated or otherwise incorporated in a contract for services rendered between the towing and recovery operator and any locality or political subdivision of the Commonwealth;

14. Employ a driver required to register with the Sex Offender and Crimes Against Minors Registry pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1;

15. Remove or tow a trespassing vehicle, as provided in § 46.2-1231, or a vehicle towed or removed at the request of a law-enforcement officer to any location outside the Commonwealth;

16. Refuse, at the towing and recovery operator's place of business, to make change, up to $100, for the owner of the vehicle towed without the owner's consent if the owner pays in cash for charges for towing and storage of the vehicle;

17. Violate, or assist, induce, or cooperate with others to violate, any provision of law related to the offering or delivery of towing and recovery services;

18. Fail to provide the owner of a stolen vehicle written notice of his right under law to be reimbursed for towing and storage of his vehicle out of the state treasury from the appropriation for criminal charges as required in § 46.2-1209; or

19. Refuse to allow, consistent with the protections detailed in the provisions of subsection E of § 46.2-644.01, the owner of the vehicle towed, upon proof of ownership of the vehicle, to access and recover any personal items without retrieving the vehicle and without paying any fee.

C. No tow truck driver as defined in § 46.2-116 or towing and recovery operator as defined in § 46.2-100 shall knowingly permit another person to occupy a motor vehicle as defined in § 46.2-100 while such motor vehicle is being towed.

D. No tow truck driver or towing and recovery operator as defined in § 46.2-116 shall cause any other person to solicit or offer towing services in any manner, directly or indirectly, at the scene of any wrecked or disabled motor vehicle upon a highway, as defined in § 46.2-100, when such wrecked or disabled motor vehicle reasonably necessitates removal by a tow truck. In addition to any penalty authorized pursuant to this title, any tow truck driver or towing and recovery operator violating the provisions of this subsection shall be guilty of a Class 3 misdemeanor for the first offense and of a Class 2 misdemeanor for any subsequent offense.

CHAPTER 338

An Act to amend and reenact § 38.2-3407.15:2 of the Code of Virginia, relating to health insurance; prior authorization.

[S 98]

Approved April 2, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 38.2-3407.15:2 of the Code of Virginia is amended and reenacted as follows:

§ 38.2-3407.15:2. Carrier contracts; required provisions regarding prior authorization.

A. As used in this section, unless the context requires a different meaning:

"Carrier" has the same meaning ascribed thereto in subsection A of § 38.2-3407.15.

"Prior authorization" means the approval process used by a carrier before certain drug benefits may be provided.

"Provider contract" has the same meaning ascribed thereto in subsection A of § 38.2-3407.15.

"Supplementation" means a request communicated by the carrier to the prescriber or his designee, for additional information, limited to items specifically requested on the applicable prior authorization request, necessary to approve or deny a prior authorization request.

B. Any provider contract between a carrier and a participating health care provider with prescriptive authority, or its contracting agent, shall contain specific provisions that:

1. Require the carrier to, in a method of its choosing, accept telephonic, facsimile, or electronic submission of prior authorization requests that are delivered from e-prescribing systems, electronic health record systems, and health information exchange platforms that utilize the National Council for Prescription Drug Programs' SCRIPT standards;

2. Require that the carrier communicate to the prescriber or his designee within 24 hours, including weekend hours, of submission of an urgent prior authorization request to the carrier, if submitted telephonically or in an alternate method directed by the carrier, that the request is approved, denied, or requires supplementation;

3. Require that the carrier communicate electronically, telephonically, or by facsimile to the prescriber or his designee, within two business days of submission of a fully completed prior authorization request, that the request is approved, denied, or requires supplementation;

4. Require that the carrier communicate electronically, telephonically, or by facsimile to the prescriber or his designee, within two business days of submission of a properly completed supplementation from the prescriber or his designee, that the request is approved or denied;

5. *Require that if a prior authorization request is approved for prescription drugs and such prescription drugs have been scheduled, provided, or delivered to the patient consistent with the authorization, the carrier shall not revoke, limit, condition, modify, or restrict that authorization unless (i) there is evidence that the authorization was obtained based on fraud or misrepresentation; (ii) final actions by the U.S. Food and Drug Administration, other regulatory agencies, or the manufacturer remove the drug from the market, limit its use in a manner that affects the authorization, or communicate a patient safety issue that would affect the authorization alone or in combination with other authorizations; (iii) a combination of drugs prescribed would cause a drug interaction; or (iv) a generic or biosimilar is added to the prescription drug formulary. Nothing in this section shall require a carrier to cover any benefit not otherwise covered or cover a prescription drug if the enrollee is no longer covered by a health plan on the date the prescription drug was scheduled, provided, or delivered;*

6. Require that if the prior authorization request is denied, the carrier shall communicate electronically, telephonically, or by facsimile to the prescriber or his designee, within the timeframes established by subdivision 3 or 4, as applicable, the reasons for the denial;

~~6.~~ *7.* Require that prior authorization approved by another carrier be honored, upon the carrier's receipt from the prescriber or his designee of a record demonstrating the previous carrier's prior authorization approval or any written or electronic evidence of the previous carrier's coverage of such drug, at least for the initial ~~30~~ *90* days of a member's prescription drug benefit coverage under a new health plan, subject to the provisions of the new carrier's evidence of coverage *and any exception listed in subdivision 5*;

~~7.~~ *8.* Require that a tracking system be used by the carrier for all prior authorization requests and that the identification information be provided electronically, telephonically, or by facsimile to the prescriber or his designee, upon the carrier's response to the prior authorization request;

~~8.~~ *9.* Require that the carrier's prescription drug formularies, all drug benefits subject to prior authorization by the carrier, all of the carrier's prior authorization procedures, and all prior authorization request forms accepted by the carrier be made available through one central location on the carrier's website and that such information be updated by the carrier within seven days of approved changes;

~~9.~~ *10.* Require a carrier to honor a prior authorization issued by the carrier for a drug, other than an opioid, regardless of changes in dosages of such drug, provided such drug is prescribed consistent with U.S. Food and Drug Administration-labeled dosages;

~~10.~~ *11.* Require a carrier to honor a prior authorization issued by the carrier for a drug regardless of whether the covered person changes plans with the same carrier and the drug is a covered benefit with the current health plan;

~~11.~~ *12.* Require a carrier, when requiring a prescriber to provide supplemental information that is in the covered individual's health record or electronic health record, to identify the specific information required;

~~12.~~ *13.* Require that no prior authorization be required for at least one drug prescribed for substance abuse medication-assisted treatment, provided that (i) the drug is a covered benefit, (ii) the prescription does not exceed the FDA-labeled dosages, and (iii) the drug is prescribed consistent with the regulations of the Board of Medicine;

~~13.~~ *14.* Require that when any carrier has previously approved prior authorization for any drug prescribed for the treatment of a mental disorder listed in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association, no additional prior authorization shall be required by the carrier, provided that (i) the drug is a covered benefit; (ii) the prescription does not exceed the FDA-labeled dosages; (iii) the prescription has been continuously issued for no fewer than three months; and (iv) the prescriber performs an annual review of the patient to evaluate the drug's continued efficacy, changes in the patient's health status, and potential contraindications. Nothing in this subdivision shall prohibit a carrier from requiring prior authorization for any drug that is not listed on its prescription drug formulary at the time the initial prescription for the drug is issued;

~~14.~~ *15.* Require a carrier to honor a prior authorization issued by the carrier for a drug regardless of whether the drug is removed from the carrier's prescription drug formulary after the initial prescription for that drug is issued, provided that the drug and prescription are consistent with the applicable provisions of subdivision ~~13~~ *14*;

~~15.~~ *16.* Require a carrier, beginning July 1, 2025, notwithstanding the provisions of subdivision 1 or any other provision of this section, to establish and maintain an online process that (i) links directly to all e-prescribing systems and electronic health record systems that utilize the National Council for Prescription Drug Programs SCRIPT standard and the

National Council for Prescription Drug Programs Real Time Benefit Standard; (ii) can accept electronic prior authorization requests from a provider; (iii) can approve electronic prior authorization requests (a) for which no additional information is needed by the carrier to process the prior authorization request, (b) for which no clinical review is required, and (c) that meet the carrier's criteria for approval; and (iv) links directly to real-time patient out-of-pocket costs for the office visit, considering copayment and deductible, and (v) otherwise meets the requirements of this section. No carrier shall (a) impose a fee or charge on any person for accessing the online process as required by this subdivision or (b) access, absent provider consent, provider data via the online process other than for the enrollee. No later than July 1, 2024, a carrier shall provide contact information of any third-party vendor or other entity the carrier will use to meet the requirements of this subdivision or the requirements of § 38.2-3407.15:7 to any provider that requests such information. A carrier that posts such contact information on its website shall be considered to have met this requirement; and

~~16.~~ *17.* Require a participating health care provider, beginning July 1, 2025, to ensure that any e-prescribing system or electronic health record system owned by or contracted for the provider to maintain an enrollee's health record has the ability to access, at the point of prescribing, the electronic prior authorization process established by a carrier as required by subdivision ~~15~~ *16* and the real-time patient-specific benefit information, including out-of-pocket costs and more affordable medication alternatives made available by a carrier pursuant to § 38.2-3407.15:7. A provider may request a waiver of compliance under this subdivision for undue hardship for a period specified by the appropriate regulatory authority with the Health and Human Resources Secretariat.

C. The Commission shall have no jurisdiction to adjudicate individual controversies arising out of this section.

D. This section shall apply with respect to any contract between a carrier and a participating health care provider, or its contracting agent, that is entered into, amended, extended, or renewed on or after January 1, 2016.

E. Notwithstanding any law to the contrary, the provisions of this section shall not apply to:

1. Coverages issued pursuant to Title XVIII of the Social Security Act, 42 U.S.C. § 1395 et seq. (Medicare), Title XIX of the Social Security Act, 42 U.S.C. § 1396 et seq. (Medicaid), Title XXI of the Social Security Act, 42 U.S.C. § 1397aa et seq. (CHIP), 5 U.S.C. § 8901 et seq. (federal employees), or 10 U.S.C. § 1071 et seq. (TRICARE);

2. Accident only, credit or disability insurance, long-term care insurance, TRICARE supplement, Medicare supplement, or workers' compensation coverages;

3. Any dental services plan or optometric services plan as defined in § 38.2-4501; or

4. Any health maintenance organization that (i) contracts with one multispecialty group of physicians who are employed by and are shareholders of the multispecialty group, which multispecialty group of physicians may also contract with health care providers in the community; (ii) provides and arranges for the provision of physician services by such multispecialty group physicians or by such contracted health care providers in the community; and (iii) receives and processes at least 85 percent of prescription drug prior authorization requests in a manner that is interoperable with e-prescribing systems, electronic health records, and health information exchange platforms.

CHAPTER 339

An Act to amend and reenact §§ 3.02 and 3.04, as severally amended, of Chapter 640 of the Acts of Assembly of 2011, which provided a charter for the City of Portsmouth, relating to city council; nomination of candidates; vacancies; emergency.

[S 106]

Approved April 2, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 3.02 and 3.04, as severally amended, of Chapter 640 of the Acts of Assembly of 2011 are amended and reenacted as follows:

§ 3.02. Nomination of candidates.

a. Candidates for the offices of Mayor and members of the City Council under the provisions of this Charter shall be nominated by petition. Any qualified voter of the city may be nominated as provided herein. Subject to the provisions herein, there shall be printed on the ballots to be used in any municipal election for the election of Mayor and City Council members the names of all candidates who have been nominated by petition and no others. A nominating petition shall conform substantially to the following requirements:

(1) Such petition shall state the name and place of residence of each person whose name is presented for a place upon the ballot, and shall request such person or persons to become a candidate or candidates for the office of Mayor or City Council.

(2) Such petition shall be signed by at least one hundred and twenty-five (125) qualified electors of the city and shall contain the residence address of each elector and an affidavit of any other qualified voter who witnessed said signatures.

(3) Each elector signing a petition may subscribe to one nomination for each of the places to be filled at the ensuing election, and no more.

(4) Such petition shall not be signed by any elector prior to January 1 of the year of such election, and such petition shall be filed with the general registrar of the city not later than the time ~~fixed for the closing of the polls on the second Tuesday in June of the year of the election~~ *specified in § 24.2-507 of the Code of Virginia*.

b. Any person whose name has been submitted for candidacy by petition as herein provided, shall file his or her acceptance of such candidacy with the general registrar of the city not later than the time ~~fixed for the closing of the polls on the second Tuesday in June of the year of the election~~ *specified in § 24.2-507 of the Code of Virginia*, otherwise that name shall not appear on the ballot. The filing of such acceptance shall be deemed equivalent to the filing of notice of candidacy under the general election laws of the State, and no other notice of candidacy need be given by the person filing the same.

c. No person may be a candidate for the office of Mayor and office of City Council member in the same election.

d. Candidates for the offices of Mayor and City Council member shall appoint one campaign treasurer and file the name and address of said campaign treasurer with the Portsmouth Electoral Board not later than the ~~second Tuesday of June of the year of the election~~ *time specified in § 24.2-507 of the Code of Virginia*. Any candidate who fails to appoint and report the appointment of a treasurer shall be deemed to have appointed him/herself treasurer. All candidates for such offices shall comply with the applicable provisions of Chapter ~~9~~ *9.3 (§ 24.2-945 et seq.)* of Title 24.2 of the Code of Virginia.

§ 3.04. City Council vacancies.

If, for any reason, there is an insufficient number of certified elected candidates for the office of City Council after any municipal election, or if a City Council vacancy otherwise occurs, such vacancies shall be filled for the unexpired portion of the term by majority vote of the remaining members of the City Council, or, if the Council shall fail to fill a vacancy in its membership within ~~sixty~~ *forty-five* days of the occurrence of the vacancy, by appointment by a majority of the judges of the Circuit Court of the City.

If any person duly elected to the City Council shall fail to take the oath of office prior to the first day of January following such election, he or she shall be deemed to have declined the office, and the seat shall be deemed vacant. If any person appointed to the City Council to fill an unexpired term shall fail to take the oath of office within thirty days of such appointment, he or she shall be deemed to have declined the office, and the seat shall be deemed vacant.

2. That an emergency exists and this act is in force from its passage.

CHAPTER 340

An Act to amend and reenact §§ 8.01-262 and 64.2-454 of the Code of Virginia, relating to permissible venue; personal injury and wrongful death actions; appointment of administrator on behalf of estate of decedent.

[S 138]

Approved April 2, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 8.01-262 and 64.2-454 of the Code of Virginia are amended and reenacted as follows:

§ 8.01-262. Category B or permissible venue.

In any actions to which this chapter applies except those actions enumerated in Category A where preferred venue is specified, one or more of the following counties or cities shall be permissible forums, such forums being sometimes referred to as "Category B" in this title:

1. Wherein the defendant resides or has his principal place of employment or, if the defendant is not an individual, wherein its principal office or principal place of business is located;

2. Wherein the defendant has a registered office, has appointed an agent to receive process, or such agent has been appointed by operation of the law; or, in case of withdrawal from the Commonwealth by such defendant, wherein venue herein was proper at the time of such withdrawal;

3. Provided there exists any practical nexus to the forum including, but not limited to, the location of fact witnesses, plaintiffs, or other evidence to the action, wherein the defendant regularly conducts substantial business activity, or in the case of withdrawal from the Commonwealth by such defendant, wherein venue herein was proper at the time of such withdrawal;

4. Wherein the cause of action, or any part thereof, arose;

5. In actions to recover or partition personal property, whether tangible or intangible, the county or city:

a. Wherein such property is physically located; or

b. Wherein the evidence of such property is located;

c. And if subdivisions a and b do not apply, wherein the plaintiff resides.

6. In actions against a fiduciary as defined in § 8.01-2 appointed under court authority, the county or city wherein such fiduciary qualified;

7. In actions for improper message transmission or misdelivery wherein the message was transmitted or delivered or wherein the message was accepted for delivery or was misdelivered;

8. In actions arising based on delivery of goods, wherein the goods were received;

9. If there is no other forum available in subdivisions 1 through 8 of this category, then the county or city where the defendant has property or debts owing to him subject to seizure by any civil process; or

10. Wherein any of the plaintiffs reside if (i) all of the defendants are unknown or are nonresidents of the Commonwealth or if (ii) there is no other forum available under any other provisions of § 8.01-261 or this section.

Notwithstanding the provisions of this section, in actions in which an administrator has been appointed pursuant to § 64.2-454, permissible venue shall only lie in a county or city in which venue would have been properly laid if the person for whom such appointment is made had survived.

§ 64.2-454. Appointment of administrator for prosecution of action for personal injury or wrongful death against or on behalf of estate of deceased resident or nonresident.

An administrator may be appointed in any case in which it is represented that either a civil action for personal injury or death by wrongful act, or both, arising within the Commonwealth is contemplated against or on behalf of the estate or the beneficiaries of the estate of a resident or nonresident of the Commonwealth who has died within or outside the Commonwealth if at least 60 days have elapsed since the decedent's death and an executor or administrator of the estate has not been appointed under § 64.2-500 or 64.2-502, solely for the purpose of prosecution or defense of any such actions, by the clerk of ~~the~~ *a* circuit court ~~in the county or city in which jurisdiction and venue would have been properly laid for such actions if the person for whom the appointment is sought had survived~~. An administrator appointed pursuant to this section may prosecute actions for both personal injury and death by wrongful act.

If a fiduciary has been appointed in a foreign jurisdiction, the fiduciary may qualify as administrator. The appointment of a fiduciary in a foreign jurisdiction shall not preclude a resident or nonresident from qualifying as an administrator for the purposes of maintaining a wrongful death action pursuant to § 8.01-50 or a personal injury action in the Commonwealth.

A resident and nonresident may be appointed as coadministrators.

CHAPTER 341

An Act to amend and reenact § 8.01-324 of the Code of Virginia, relating to legal notices and publications; online-only news publications; requirements.

[S 157]

Approved April 2, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 8.01-324 of the Code of Virginia is amended and reenacted as follows:

§ 8.01-324. Newspapers that may be used for legal notices and publications.

A. As used in this section and throughout the Code, the terms "newspaper of record" and "newspaper of general circulation" are interchangeable and identical in meaning.

B. Whenever any ordinance, resolution, notice, or advertisement is required by law, regulation, or judicial order to be published in a newspaper, newspaper of record, or newspaper of general circulation, such newspaper, newspaper of record, or newspaper of general circulation, in addition to any qualifications otherwise required by law, shall:

1. Have a bona fide list of paying subscribers;

2. Have been published and circulated in printed form at least once a week for at least 50 of the preceding 52 weeks;

3. Provide general news coverage of the area in which the notice is required to be published;

4. Be printed in the English language; and

5. Have a periodicals mailing permit issued by the United States Postal Service (USPS). If the newspaper has such a mailing permit, it must publish the USPS Statement of Ownership (Form 3526) in such newspaper at least once per calendar year and maintain a copy of such form that is available for public inspection during regular business hours.

C. However, a newspaper that does not have a periodicals mailing permit issued by the USPS pursuant to subdivision B 5 may petition the circuit court for the jurisdiction in which ordinances, resolutions, notices, or advertisements are required to be published to be certified as a newspaper of record for that jurisdiction. Prior to filing the petition, the newspaper shall publish a notice of intention to file a petition pursuant to this subsection in another newspaper of record in the jurisdiction in which the petition will be filed. If no such newspaper exists, such notice of intent may be published in a newspaper in a neighboring jurisdiction. The court shall grant the authority for a period of one year upon finding that the newspaper (i) meets the requirements of subdivisions B 2, 3, and 4; (ii) employs a local news staff, reports local current events and governmental meetings, has an editorial page, accepts letters to the editor, and is, in general, a news forum for the jurisdiction in which authority is sought; and (iii) has an audit of printed circulation for a time period ending no more than 24 months prior to the filing of such petition certified by an independent auditing firm or a business recognized in the newspaper industry as a circulation auditor. Such audit shall provide a breakdown of such newspaper's circulation by zip code or jurisdiction. The authority shall be continued for successive one-year periods upon the filing of a copy of such newspaper's most recent audit of circulation, completed within the prior ~~24~~ *36* months, and an affidavit certifying that the newspaper continues to meet the requirements of this subsection.

D. If a county with a population of less than 15,000 had regularly advertised its ordinances, resolutions, and notices in a newspaper published in the county that had a general circulation in the county, a bona fide list of paying subscribers, and a periodicals permit, and the newspaper continued to be published in the county and continued to have a general circulation in the county but failed to maintain its bona fide list of paying subscribers and its periodicals permit, any advertisement of ordinances, resolutions, or notices in the newspaper by the county shall be deemed to have been in compliance with this section.

E. If a locality determines that no newspaper meets the requirements of subsection B or C with regard to its jurisdiction, such locality may petition the circuit court for its jurisdiction for authority to have such ordinances, resolutions, notices, or advertisements published in another printed medium. Such petition shall not be filed without a majority vote of approval by such locality's local governing body. The court shall grant such authority for good cause shown. Such authority shall be granted for one year and may be continued for successive one-year periods for good cause shown.

F. Any newspaper authorized by this section to publish ordinances, resolutions, notices, or advertisements shall (i) print such ordinances, resolutions, notices, or advertisements together under an identifying heading and such heading shall be in boldface letters no smaller than 24-point type and (ii) maintain at least three years' worth of print archives of such newspaper containing any such ordinance, resolution, notice, or advertisement and make such archives available to the public for inspection upon request.

G. In all cases in which an ordinance, resolution, notice, or advertisement is required to be published in a newspaper of general circulation, the newspaper shall (i) post the complete notice on the newspaper's website, if a website is published by such newspaper, where it shall be posted contemporaneously with the notice's first print publication and shall remain on the website for at least as long as the notice appears in such newspaper; (ii) include on its website homepage a link to its public notice section; and (iii) post the complete notice on a searchable, statewide repository website, established and maintained as a joint venture of the majority of Virginia newspapers as a repository for such notices, where it shall remain on such repository website for at least as long as it appears in the newspaper. Any notice published on a website pursuant to this section shall be accessible to the public at no charge.

H. An error in a notice placed on a newspaper website or statewide website, or temporary website outages or service interruptions prohibiting the posting or display of such notice, shall be considered harmless error, and proper legal notice requirements shall be considered met if the notice published in the newspaper otherwise complies with the requirements for publication.

I. Whenever any ordinance, resolution, notice, or advertisement is required by law to be published in a newspaper, such ordinance, resolution, notice, or advertisement may be published in an online-only news publication in lieu of publication in a newspaper. Such online-only news publication shall:

1. Employ local news staff;

2. Have been in business for at least two years with a Virginia State Corporation Commission entity registration;

3. Have its own dedicated and registered domain name;

4. Be published exclusively online;

5. Publish regularly updated general news coverage of the area in which the notice is required to be published;

6. Have published at least once per week for at least 50 out of the preceding 52 weeks;

7. Have a clear and easily found link to the public notice section on its website homepage;

8. Allow, if such online-only news publication requires that users pay for other content on the website, any user to access public notices free of any charge;

9. Allow for search engine accessibility and optimization and the ability to be indexed by search engines; and

10. Post the complete notice on a searchable statewide repository website, established and maintained as a joint venture of the majority of newspapers in the Commonwealth as a repository for such notices. Such notices shall remain on such repository website for at least three years.

J. In order to be certified to publish ordinances, resolutions, notices, or advertisements, an online-only news publication shall petition the circuit court for the jurisdiction in which ordinances, resolutions, notices, or advertisements are required to be published. Prior to filing the petition, such online-only news publication shall publish a notice of intent to file a petition pursuant to this subsection in a newspaper of record in the jurisdiction in which the petition will be filed. If no such newspaper exists, such notice of intent shall be published in a newspaper in a neighboring jurisdiction.

Upon a finding that the online-only news publication (i) meets the requirements of subdivisions 1 through 9 of subsection I; (ii) reports local current events and governmental meetings and is, in general, a news forum for the jurisdiction in which authority is sought; and (iii) has an audit of discrete users for a time period ending no more than 12 months prior to the filing of such petition certified by an independent firm recognized in the online news industry as a web traffic auditor, and provided that such audit provides a breakdown of the discrete users of such online-only news publications by zip code or jurisdiction, the court shall grant the online-only news publication the authority to publish such ordinances, resolutions, notices, or advertisements for a period of one year.

The authority to publish public notices shall be continued for successive one-year periods upon filing with the court a copy of web analytics showing discrete users by zip code or jurisdiction for the immediately preceding year and an affidavit certifying that such online-only news publication continues to meet the requirements of this subsection and subsection I. In addition, such online-only news publication shall provide every third year an audit of web traffic for the time period since the previous audit. Such audit shall be certified by an independent firm recognized in the online news industry as a web traffic auditor.

K. Ordinances, resolutions, notices, or advertisements published pursuant to subsections I and J shall be (i) archived for up to three years, which may include posting pursuant to subdivision 10 of subsection I; (ii) available on the online-only news publication's website in a searchable format available to the public; and (iii) available as an electronic equivalent of a tear sheet for affidavit purposes, including being notarized when required by law, and shall be time stamped and dated to show when such ordinance, resolution, notice, or advertisement was published.

CHAPTER 342

An Act to direct the Department of Human Resource Management to amend its policies relating to employee designations, pay, and benefits for nursing staff at state psychiatric hospitals.

[S 177]

Approved April 2, 2024

Be it enacted by the General Assembly of Virginia:

1. *§ 1. The Department of Human Resource Management (the Department) shall amend its policies to authorize the Department of Behavioral Health and Developmental Services and state psychiatric hospitals to have the option to designate as full-time employees nursing staff and psychiatric technicians who work at least 36 hours per week in order to allow state hospitals to utilize 12-hour shifts for such staff. The Department's policies shall not require reductions in pay or other benefits for such employees based solely on the fact that the employee works 36 hours per week. The Department shall also examine whether this change in policy should be extended to comparable direct care positions at other executive branch agencies to help improve recruitment and retention of critical nursing and other direct care positions experiencing high turnover or vacancy rates.*

CHAPTER 343

An Act to amend the Code of Virginia by adding in Chapter 3.1 of Title 62.1 an article numbered 13, consisting of sections numbered 62.1-44.34:29 through 62.1-44.34:33, relating to Department of Environmental Quality; PFAS; identification; monitoring; PFAS Expert Advisory Council established; report.

[S 243]

Approved April 2, 2024

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Chapter 3.1 of Title 62.1 an article numbered 13, consisting of sections numbered 62.1-44.34:29 through 62.1-44.34:33, as follows:

Article 13.

Per- and Polyfluoroalkyl Substances.

§ 62.1-44.34:29. Definitions.

As used in this article, unless the context requires a different meaning:

"Committee" means the PFAS Expert Advisory Committee established in § 62.1-44.34:33.

"EPA" means the U.S. Environmental Protection Agency.

"HFPO-DA" means hexafluoropropylene oxide dimer acid.

"PFAS" means per- and polyfluoroalkyl substances, which are any fluorinated substances that contain at least one fully fluorinated methyl or methylene carbon atom and any precursors of such substances. "PFAS" includes HFPO-DA, PFBS, PFHxS, PFNA, PFOA, and PFOS.

"PFAS maximum contaminant level" or "PFAS MCL" means any maximum contaminant level for any PFAS chemical or mixture of PFAS chemicals (i) established by the EPA as a national primary drinking water regulation or (ii) for the interim period of time between the EPA's proposal and final agency action for adopting a national primary drinking water regulation, the EPA's proposed level, provided that the EPA's proposed level may be used only for nonregulatory purposes of self-reporting of manufacturing or use, monitoring, and PFAS assessments as provided in this article.

"PFBS" means perfluorobutane sulfonate.

"PFHxS" means perfluorohexane sulfonate.

"PFNA" means perfluorononanoic acid.

"PFOA" means perfluorooctanoic acid.

"PFOS" means perfluorooctane sulfonate.

"Public water system" means a system that provides piped water for human consumption and (i) serves at least 15 service connections used by year-round residents or regularly serves at least 25 year-round residents or (ii) regularly serves at least 25 of the same persons over six months of the year.

"VDH" means the Virginia Department of Health.

"VPDES" means the Virginia Pollutant Discharge Elimination System.

§ 62.1-44.34:30. PFAS assessments for identification of sources of PFAS in public water supplies.

A. For every public water system, VDH shall assist the Department by on a quarterly basis transferring to the Department all validated monitoring results available to VDH under federal regulations or otherwise in VDH's possession that indicate PFAS MCL exceedances, including data generated by VDH's independent PFAS monitoring activities or submitted by public water systems to VDH.

B. For every public water system for which VDH has notified the Department pursuant to subsection A or the public water system has directly demonstrated to the Department that PFAS in finished water has been detected above any PFAS MCL using Method 533, Method 537.1, or other EPA-approved method for drinking water, the Department shall develop

and implement a plan to prioritize and conduct PFAS assessments for identifying significant sources of PFAS in such public water system's raw water source or sources. Such prioritization plan shall be developed within six months of the initial notification by VDH pursuant to subsection A and updated annually thereafter.

C. In developing its prioritization for conducting PFAS assessments, the Department shall consider (i) data and other information available from VDH regarding public water supplies, including but not limited to applicable PFAS data; (ii) any data or other information submitted directly to the Department by public water systems on a voluntary basis; (iii) information from consultation with VDH and public water systems with finished water monitoring results above any PFAS MCL; and (iv) other data or information the Department considers useful for setting priorities, including studies published in the scientific literature.

D. In conducting PFAS assessments, the Department shall consider the results of the self-reporting process required pursuant to § 62.1-44.34:31, the results of any effluent or instream monitoring required pursuant to § 62.1-44.34:32 or otherwise conducted by or available to the Department, and other PFAS-related data or information the Department deems useful for identifying significant sources.

E. In its reports of PFAS assessments, the Department shall identify potential regulatory and nonregulatory options for addressing each significant source of PFAS. The goal of such assessments shall be to protect public health by reducing significant sources of PFAS in raw water sources of public water systems and to ensure, to the maximum extent practicable, that the costs of public water systems are minimized.

§ 62.1-44.34:31. Self-reporting of PFAS manufacture and use for PFAS assessment.

A. For purposes of a PFAS assessment following notification to the Department pursuant to subsection B of § 62.1-44.34:30, the Department shall require any facility, if deemed by the Department to be a potential source of PFAS in the public water system's raw water source, that discharges to a surface water under a VPDES permit or that discharges to a publicly owned treatment works under an industrial pretreatment program permit to report to the Department, within 90 days after being directed by the Department, its manufacture or use of PFAS as provided in this section on a form provided by the Department. Such report shall include the chemical name and the Chemical Abstracts Service (CAS) number, if known or reasonably ascertainable, the amount manufactured or used in the preceding 12 months, and any additional information reasonably required by the Department to ascertain sources and quantities of PFAS manufactured or used.

B. For every facility that reports the use or manufacture of one or more PFAS in accordance with subsection A and that discharges to a publicly owned treatment works, the Department shall forward the information provided by the facility to such publicly owned treatment works within 30 days of receipt. Such reporting requirement shall not change the duty or discharge permits of a publicly owned treatment works.

C. Any portion of a report submitted to the Department pursuant to this section may be claimed as confidential by the submitter pursuant to § 62.1-44.21, except claims of confidentiality for the name, address, and location of the facility. Any such claim must be asserted at the time of submission in the manner prescribed on the reporting form or instructions. If no claim is made at the time of submission, the Department may make the information available to the public without further notice. If a claim is asserted, the information will be treated in accordance with the procedures in § 62.1-44.21.

D. For purposes of this section, use of PFAS (i) means intentional use of PFAS or PFAS-containing substances as a product ingredient or as a production process aid or additive, such as wetting agents, fume suppressants, photoresists, etchants, cleaners, coatings, surfactants, or flame retardants, and (ii) does not mean use of manufacturing equipment that contains PFAS.

§ 62.1-44.34:32. Monitoring of PFAS sources for PFAS assessments.

A. For the purpose of PFAS assessments required pursuant to § 62.1-44.34:30, the Department shall require, after three months' advance notice, the owner or operator of any of the following facilities, if deemed by the Department to be a potentially significant source of PFAS in the public water system's raw water source, to perform and promptly report the results as received of representative quarterly discharge monitoring for an initial characterization period of one year, provided, however, that the Department may discontinue remaining quarterly monitoring by a facility with proper monitoring results that are below the method detection level for the first two quarters:

1. Any facility subject to self-reporting pursuant to § 62.1-44.34:31;

2. Any facility manufacturing PFAS, any electroplating or metal finishing facility using PFAS, any semiconductor or circuit board facility using PFAS, any paper or packaging manufacturing facility using PFAS, and any textile mills, tanneries, or leather, fabric, or carpet treaters using PFAS;

3. Any other facility that the Department has a reasonable basis to believe may use or manufacture PFAS based on the facility or activity type;

4. Any centralized waste treatment industrial facility;

5. Any industrial launderers defined by NAICS 812332;

6. Any facility discharging groundwater remediation wastewaters pursuant to the VPDES General Permit Regulation for Discharges from Groundwater Remediation of Contaminated Sites, Dewatering Activities of Contaminated Sites, and Hydrostatic Tests; and

7. Any airport, air base, air station, fire training facility, landfill, or other facility or site that the Department has a reasonable basis to believe has significant soil or groundwater PFAS contamination significantly impacting finished water levels.

B. For purposes of this section, using or use of PFAS (i) means intentionally using or use of PFAS or PFAS-containing substances as a product ingredient or as a production process aid or additive, such as wetting agents, fume suppressants, photoresists, etchants, cleaners, coatings, surfactants, or flame retardants, and (ii) does not mean using or use of manufacturing equipment that contains PFAS.

C. For purposes of monitoring under subsection A, the applicable laboratory test method is Method 1633 or such other method approved by the EPA that may be allowed by the Department. Monitoring reports shall include all PFAS analytes measured by the test method. For purposes of this section, the Department shall not require, and the facility and its laboratory shall be exempt from, environmental laboratory certification or accreditation requirements specifically for use of Method 1633.

§ 62.1-44.34:33. PFAS Expert Advisory Committee; report.

A. The Department, in consultation with VDH, shall establish the PFAS Expert Advisory Committee to assist the Department and VDH in identifying (i) PFAS sources through PFAS assessments and associated monitoring and reporting, (ii) public and private lab testing capacity issues, and (iii) options for reducing PFAS in source waters causing exceedances of PFAS MCLs.

B. Members of the Committee shall be appointed by the Director and shall include representatives of public drinking water and wastewater system owners, representatives of public health organizations, potential PFAS source categories, and conservation organizations with expertise in water treatment, water science, or PFAS chemistry, and other experts as determined by the Department. Members of the Committee shall receive no compensation for their service and shall not be entitled to reimbursement for expenses incurred in the performance of their duties.

C. The Department shall convene the Committee at least two times per calendar year through June 30, 2027, and thereafter as the Department deems appropriate.

D. The Department shall report annually by October 1 on its activities related to PFAS assessments, including the self-reporting process pursuant to § 62.1-44.34:31 and the discharge monitoring process pursuant to § 62.1-44.34:32, and on the activities of the Committee to the Governor and the General Assembly.

2. That this act shall not be construed as limiting the authority of the Department of Environmental Quality, the Virginia Department of Health, or the owner or operator of any publicly owned treatment works to which any user discharges wastewater to require monitoring or reporting or otherwise regulate the discharge of any PFAS chemicals or other pollutants under other applicable legal authority.

3. That for public water systems for which the Department of Environmental Quality has received notice on or before September 1, 2024, of PFAS detected above the threshold established in subsection B of § 62.1-44.34:30 of the Code of Virginia, as created by this act, the Department shall issue notice to applicable facilities by December 1, 2024, of required self-reporting under § 62.1-44.34:31 of the Code of Virginia, as created by this act, and required monitoring under § 62.1-44.34:32 of the Code of Virginia, as created by this act.

CHAPTER 344

An Act to amend and reenact the third enactment of Chapter 597 of the Acts of Assembly of 2022, relating to the effective date of procedures for conducting meetings held through electronic communication means during declared states of emergency.

[S 244]

Approved April 2, 2024

Be it enacted by the General Assembly of Virginia:

1. That the third enactment of Chapter 597 of the Acts of Assembly of 2022 is amended and reenacted as follows:

3. The law will be effective on September 1, 2022. ***The provisions of § 2.2-3708.2 of the Code of Virginia, as amended by this act, are declarative of existing law since March 20, 2020, with respect to the Governor's declared state of emergency due to COVID-19. For any meeting by a public body using electronic communication means occurring from that date until July 1, 2021, the meeting and any otherwise lawful action taken at it is hereby validated with respect to the Virginia Freedom of Information Act (§ 2.2-3700 et seq. of the Code of Virginia, as amended by this act) if the body provided public notice, public access, and public comment commensurate with the requirements of § 2.2-3708.2 of the Code of Virginia, as amended by this act, and §§ 2.2-3710, 2.2-3711, and 2.2-3712 of the Code of Virginia.***

CHAPTER 345

An Act to amend and reenact §§ 38.2-4214, 38.2-4319, and 38.2-4509 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 38.2-316.2, relating to insurance; annual actual loss ratio report by dental carriers.

[S 257]

Approved April 2, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 38.2-4214, 38.2-4319, and 38.2-4509 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 38.2-316.2 as follows:

§ 38.2-316.2. Dental carriers; annual actual loss ratio report.

A. As used in this section:

"Actual loss ratio" means, for large employer coverage issued by a dental carrier, the ratio of incurred claims and other compensation paid or due to dental providers for the reporting period to earned premiums for dental services provided under a dental carrier contract issued in the Commonwealth, excluding, for the reporting period, (i) related state and federal taxes; (ii) related licensing and regulatory fee expenses; (iii) nonprofit community benefit expenditures, which have been disclosed to the public, to support dental services and improve dental care access and quality in the Commonwealth; (iv) the amounts or related claims payments identified through fraud reduction efforts; and (v) any other related payments required under state or federal law.

"Dental carrier" means (i) any carrier, as defined in § 38.2-3407.15, that offers separate or specific dental policies to large employers; (ii) any nonstock corporation that offers or administers dental services plans, as defined in § 38.2-4501, to large employers; or (iii) a dental plan organization, as defined in § 38.2-6101, that provides coverage to large employers.

"Large employer" means, with respect to a calendar year and a plan year, an employer who employed an average of at least 51 employees on business days during the preceding calendar year and who employs at least one employee on the first day of the plan year.

B. Beginning in 2025, each dental carrier shall annually, on or before April 30, file with the Commission a report that includes the actual loss ratio for the preceding calendar year and any such other information as the Commission may require. A dental carrier shall file such report in accordance with the format or forms prescribed by the Commission.

C. The Commission shall annually post such reports on a dedicated link or page on the Commission's website on or before June 15 after receipt of such reports.

§ 38.2-4214. Application of certain provisions of law.

No provision of this title except this chapter and, insofar as they are not inconsistent with this chapter, §§ 38.2-200, 38.2-203, 38.2-209 through 38.2-213, 38.2-218 through 38.2-225, 38.2-230, 38.2-232, 38.2-305, 38.2-316, 38.2-316.1, *38.2-316.2,* 38.2-322, 38.2-325, 38.2-326, 38.2-400, 38.2-402 through 38.2-413, 38.2-500 through 38.2-515, 38.2-600 through 38.2-629, 38.2-700 through 38.2-705, 38.2-900 through 38.2-904, 38.2-1017, 38.2-1018, 38.2-1038, and 38.2-1040 through 38.2-1044, Articles 1 (§ 38.2-1300 et seq.) and 2 (§ 38.2-1306.2 et seq.) of Chapter 13, §§ 38.2-1312, 38.2-1314, 38.2-1315.1, 38.2-1317 through 38.2-1328, 38.2-1334, 38.2-1340, 38.2-1400 through 38.2-1442, 38.2-1446, 38.2-1447, 38.2-1800 through 38.2-1836, 38.2-3400, 38.2-3401, 38.2-3404, 38.2-3405, 38.2-3405.1, 38.2-3406.1, 38.2-3406.2, 38.2-3407.1 through 38.2-3407.6:1, 38.2-3407.9 through 38.2-3407.20, 38.2-3409, 38.2-3411 through 38.2-3419.1, and 38.2-3430.1 through 38.2-3454, Articles 8 (§ 38.2-3461 et seq.) and 9 (§ 38.2-3465 et seq.) of Chapter 34, §§ 38.2-3501 and 38.2-3502, subdivision 13 of § 38.2-3503, subdivision 8 of § 38.2-3504, §§ 38.2-3514.1 and 38.2-3514.2, §§ 38.2-3516 through 38.2-3520 as they apply to Medicare supplement policies, §§ 38.2-3522.1 through 38.2-3523.4, 38.2-3525, 38.2-3540.1, 38.2-3541, 38.2-3541.2, 38.2-3542, and 38.2-3543.2, Article 5 (§ 38.2-3551 et seq.) of Chapter 35, Chapter 35.1 (§ 38.2-3556 et seq.), §§ 38.2-3600 through 38.2-3607 and 38.2-3610, Chapter 52 (§ 38.2-5200 et seq.), Chapter 55 (§ 38.2-5500 et seq.), Chapter 58 (§ 38.2-5800 et seq.), Chapter 65 (§ 38.2-6500 et seq.), and Chapter 66 (§ 38.2-6600 et seq.) shall apply to the operation of a plan.

§ 38.2-4319. Statutory construction and relationship to other laws.

A. No provisions of this title except this chapter and, insofar as they are not inconsistent with this chapter, §§ 38.2-100, 38.2-136, 38.2-200, 38.2-203, 38.2-209 through 38.2-213, 38.2-216, 38.2-218 through 38.2-225, 38.2-229, 38.2-232, 38.2-305, 38.2-316, 38.2-316.1, *38.2-316.2,* 38.2-322, 38.2-325, 38.2-326, 38.2-400, 38.2-402 through 38.2-413, 38.2-500 through 38.2-515, 38.2-600 through 38.2-629, Chapter 9 (§ 38.2-900 et seq.), §§ 38.2-1016.1 through 38.2-1023, 38.2-1057, and 38.2-1306.1, Article 2 (§ 38.2-1306.2 et seq.), § 38.2-1315.1, and Articles 3.1 (§ 38.2-1316.1 et seq.), 4 (§ 38.2-1317 et seq.), 5 (§ 38.2-1322 et seq.), 5.1 (§ 38.2-1334.3 et seq.), and 5.2 (§ 38.2-1334.11 et seq.) of Chapter 13, Articles 1 (§ 38.2-1400 et seq.), 2 (§ 38.2-1412 et seq.), and 4 (§ 38.2-1446 et seq.) of Chapter 14, Chapter 15 (§ 38.2-1500 et seq.), Chapter 17 (§ 38.2-1700 et seq.), §§ 38.2-1800 through 38.2-1836, 38.2-3401, 38.2-3405, 38.2-3405.1, 38.2-3406.1, 38.2-3407.2 through 38.2-3407.6:1, 38.2-3407.9 through 38.2-3407.20, 38.2-3411, 38.2-3411.2, 38.2-3411.3, 38.2-3411.4, 38.2-3412.1, 38.2-3414.1, 38.2-3418.1 through 38.2-3418.19, 38.2-3418.21,38.2-3419.1, and 38.2-3430.1 through 38.2-3454, Articles 8 (§ 38.2-3461 et seq.) and 9 (§ 38.2-3465 et seq.) of Chapter 34, § 38.2-3500, subdivision 13 of § 38.2-3503, subdivision 8 of § 38.2-3504, §§ 38.2-3514.1, 38.2-3514.2, 38.2-3522.1 through 38.2-3523.4, 38.2-3525, 38.2-3540.1, 38.2-3540.2, 38.2-3541.2, 38.2-3542, and 38.2-3543.2, Article 5 (§ 38.2-3551 et seq.) of Chapter 35, Chapter 35.1 (§ 38.2-3556 et seq.), § 38.2-3610, Chapter 52 (§ 38.2-5200 et seq.), Chapter 55 (§ 38.2-5500 et seq.), Chapter 58 (§ 38.2-5800 et seq.), Chapter 65 (§ 38.2-6500 et seq.), and Chapter 66 (§ 38.2-6600 et seq.)shall be applicable to any health maintenance organization granted a license under this chapter. This chapter shall not apply to an insurer or health services plan licensed and regulated in conformance with the insurance laws or Chapter 42 (§ 38.2-4200 et seq.) except with respect to the activities of its health maintenance organization.

B. For plans administered by the Department of Medical Assistance Services that provide benefits pursuant to Title XIX or Title XXI of the Social Security Act, as amended, no provisions of this title except this chapter and, insofar as they are not inconsistent with this chapter, §§ 38.2-100, 38.2-136, 38.2-200, 38.2-203, 38.2-209 through 38.2-213,

38.2-216, 38.2-218 through 38.2-225, 38.2-229, 38.2-232, 38.2-322, 38.2-325, 38.2-400, 38.2-402 through 38.2-413, 38.2-500 through 38.2-515, and 38.2-600 through 38.2-629, Chapter 9 (§ 38.2-900 et seq.), §§ 38.2-1016.1 through 38.2-1023, 38.2-1057, and 38.2-1306.1, Article 2 (§ 38.2-1306.2 et seq.), § 38.2-1315.1, Articles 3.1 (§ 38.2-1316.1 et seq.), 4 (§ 38.2-1317 et seq.), 5 (§ 38.2-1322 et seq.), 5.1 (§ 38.2-1334.3 et seq.), and 5.2 (§ 38.2-1334.11 et seq.) of Chapter 13, Articles 1 (§ 38.2-1400 et seq.), 2 (§ 38.2-1412 et seq.), and 4 (§ 38.2-1446 et seq.) of Chapter 14, §§ 38.2-3401, 38.2-3405, 38.2-3407.2 through 38.2-3407.5, 38.2-3407.6, 38.2-3407.6:1, 38.2-3407.9, 38.2-3407.9:01, and 38.2-3407.9:02, subdivisions E 1, 2, and 3 of § 38.2-3407.10, §§ 38.2-3407.10:1, 38.2-3407.11, 38.2-3407.11:3, 38.2-3407.13, 38.2-3407.13:1, 38.2-3407.14, 38.2-3411.2, 38.2-3418.1, 38.2-3418.2, 38.2-3418.16, 38.2-3419.1, 38.2-3430.1 through 38.2-3437, and 38.2-3500, subdivision 13 of § 38.2-3503, subdivision 8 of § 38.2-3504, §§ 38.2-3514.1, 38.2-3514.2, 38.2-3522.1 through 38.2-3523.4, 38.2-3525, 38.2-3540.1, 38.2-3540.2, 38.2-3541.2, 38.2-3542, and 38.2-3543.2, Chapter 52 (§ 38.2-5200 et seq.), Chapter 55 (§ 38.2-5500 et seq.), Chapter 58 (§ 38.2-5800 et seq.), Chapter 65 (§ 38.2-6500 et seq.), and Chapter 66 (§ 38.2-6600 et seq.) shall be applicable to any health maintenance organization granted a license under this chapter. This chapter shall not apply to an insurer or health services plan licensed and regulated in conformance with the insurance laws or Chapter 42 (§ 38.2-4200 et seq.) except with respect to the activities of its health maintenance organization.

C. Solicitation of enrollees by a licensed health maintenance organization or by its representatives shall not be construed to violate any provisions of law relating to solicitation or advertising by health professionals.

D. A licensed health maintenance organization shall not be deemed to be engaged in the unlawful practice of medicine. All health care providers associated with a health maintenance organization shall be subject to all provisions of law.

E. Notwithstanding the definition of an eligible employee as set forth in § 38.2-3431, a health maintenance organization providing health care plans pursuant to § 38.2-3431 shall not be required to offer coverage to or accept applications from an employee who does not reside within the health maintenance organization's service area.

F. For purposes of applying this section, "insurer" when used in a section cited in subsections A and B shall be construed to mean and include "health maintenance organizations" unless the section cited clearly applies to health maintenance organizations without such construction.

§ 38.2-4509. Application of certain laws.

A. No provision of this title except this chapter and, insofar as they are not inconsistent with this chapter, §§ 38.2-200, 38.2-203, 38.2-209 through 38.2-213, 38.2-218 through 38.2-225, 38.2-229, 38.2-316, *38.2-316.2,* 38.2-326, 38.2-400, 38.2-402 through 38.2-413, 38.2-500 through 38.2-515, 38.2-600 through 38.2-629, 38.2-900 through 38.2-904, 38.2-1038, 38.2-1040 through 38.2-1044, Articles 1 (§ 38.2-1300 et seq.) and 2 (§ 38.2-1306.2 et seq.) of Chapter 13, §§ 38.2-1312, 38.2-1314, 38.2-1315.1, Articles 4 (§ 38.2-1317 et seq.), 5 (§ 38.2-1322 et seq.), and 6 (§ 38.2-1335 et seq.) of Chapter 13, §§ 38.2-1400 through 38.2-1442, 38.2-1446, 38.2-1447, 38.2-1800 through 38.2-1836, 38.2-3401, 38.2-3404, 38.2-3405, 38.2-3407.1, 38.2-3407.4, 38.2-3407.10, 38.2-3407.10:1, 38.2-3407.13, 38.2-3407.14, 38.2-3407.15, 38.2-3407.17, 38.2-3407.17:1, 38.2-3407.19, 38.2-3415, 38.2-3541, Article 5 (§ 38.2-3551 et seq.) of Chapter 35, §§ 38.2-3600 through 38.2-3603, Chapter 55 (§ 38.2-5500 et seq.), Chapter 58 (§ 38.2-5800 et seq.), and Chapter 65 (§ 38.2-6500 et seq.) shall apply to the operation of a plan.

B. The provisions of subsection A of § 38.2-322 shall apply to an optometric services plan. The provisions of subsection C of § 38.2-322 shall apply to a dental services plan.

C. The provisions of Article 1.2 (§ 32.1-137.7 et seq.) of Chapter 5 of Title 32.1 shall not apply to either an optometric or dental services plan.

D. The provisions of § 38.2-3407.1 shall apply to claim payments made on or after January 1, 2014. No optometric or dental services plan shall be required to pay interest computed under § 38.2-3407.1 if the total interest is less than $5.

2. That the initial report required by § 38.2-316.2 of the Code of Virginia, as created by this act, shall include actual loss ratios, as defined in § 38.2-316.2 of the Code of Virginia, as created by this act, for calendar years 2023 and 2024.

3. That the Bureau of Insurance shall evaluate the effectiveness of informing the public on the information being reported pursuant to § 38.2-316.2 of the Code of Virginia, as created by this act, and make recommendations, if any, on the continuation or modification of the obligation of dental carriers to report such information.

4. That the State Corporation Commission shall convene a work group of stakeholders that includes dental carriers, representatives from the Virginia Dental Association, the Association of Dental Support Organizations, and any other interested stakeholders to determine if any revisions are necessary to § 38.2-3407.15 of the Code of Virginia regarding ethics and fairness in dental carrier business practices and of health care providers of dental services. The work group shall report its recommendations to the Chairs of the House Committee on Commerce and Labor and the Senate Committee on Commerce and Labor on or before October 1, 2024.

CHAPTER 346

An Act to amend and reenact §§ 15.2-2259 and 15.2-2260 of the Code of Virginia, relating to local planning commission; action on proposed plats, site plans, and development plans; residential use.

[S 296]

Approved April 2, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 15.2-2259 and 15.2-2260 of the Code of Virginia are amended and reenacted as follows:

§ 15.2-2259. Local planning commission to act on proposed plat.

A. 1. Except as otherwise provided in subdivisions 2 and 3, the local planning commission or other agent shall act on any proposed plat within 60 days after it has been officially submitted for approval by either approving or disapproving the plat in writing, and giving with the latter specific reasons therefor. The Commission or agent shall thoroughly review the plat and shall make a good faith effort to identify all deficiencies, if any, with the initial submission. However, if approval of a feature or features of the plat by a state agency or public authority authorized by state law is necessary, the commission or agent shall forward the plat to the appropriate state agency or agencies for review within 10 business days of receipt of such plat. The state agency shall respond in accord with the requirements set forth in § 15.2-2222.1, which shall extend the time for action by the local planning commission or other agent, as set forth in subsection B. Specific reasons for disapproval shall be contained either in a separate document or on the plat itself. The reasons for disapproval shall identify deficiencies in the plat that cause the disapproval by reference to specific duly adopted ordinances, regulations, or policies and shall identify modifications or corrections as will permit approval of the plat. The local planning commission or other agent shall act on any proposed plat that it has previously disapproved within 45 days after the plat has been modified, corrected and resubmitted for approval.

2. The approval of plats, site plans, and plans of development solely involving parcels of commercial *or residential* real estate by a local planning commission or other agent shall be governed by subdivision 3 and subsections B, C, and D. For the purposes of this section, the term "commercial" means all real property used for commercial or industrial uses*, and the term "residential" means all real property used for single-family or multifamily use*.

3. The local planning commission or other agent shall act on any proposed plat, site plan or plan of development within 60 days after it has been officially submitted for approval by either approving or disapproving the plat in writing, and giving with the latter specific reasons therefor. The local planning commission or other agent shall not delay the official submission of any proposed plat, site plan, or plan of development by requiring presubmission conferences, meetings, or reviews. The Commission or agent shall thoroughly review the plat or plan and shall in good faith identify, to the greatest extent practicable, all deficiencies, if any, with the initial submission. However, if approval of a feature or features of the plat or plan by a state agency or public authority authorized by state law is necessary, the commission or agent shall forward the plat or plan to the appropriate state agency or agencies for review within 10 business days of receipt of such plat or plan. The state agency shall respond in accord with the requirements set forth in § 15.2-2222.1, which shall extend the time for action by the local planning commission or other agent, as set forth in subsection B. Specific reasons for disapproval shall be contained either in a separate document or on the plat or plan itself. The reasons for disapproval shall identify deficiencies in the plat or plan that caused the disapproval by reference to specific duly adopted ordinances, regulations, or policies and shall identify, to the greatest extent practicable, modifications or corrections that will permit approval of the plat or plan.

In the review of a resubmitted proposed plat, site plan or plan of development that has been previously disapproved, the local planning commission or other agent shall consider only deficiencies it had identified in its review of the initial submission of the plat or plan that have not been corrected in such resubmission and any deficiencies that arise as a result of the corrections made to address deficiencies identified in the initial submission. In the review of the resubmission of a plat or plan, the local planning commission or other agent shall identify all deficiencies with the proposed plat or plan that caused the disapproval by reference to specific duly adopted ordinances, regulations or policies and shall identify modifications or corrections that will permit approval of the plat or plan. Upon the second resubmission of such disapproved plat or plan, the local planning commission or other agent's review shall be limited solely to the previously identified deficiencies that caused its disapproval.

The local planning commission or other agent shall act on any proposed plat, site plan or plan of development that it has previously disapproved within 45 days after the plat or plan has been modified, corrected and resubmitted for approval. The failure of a local planning commission or other agent to approve or disapprove a resubmitted plat or plan within the time periods required by this section shall cause the plat or plan to be deemed approved.

Notwithstanding the approval or deemed approval of any proposed plat, site plan or plan of development, any deficiency in any proposed plat or plan, that if left uncorrected, would violate local, state or federal law, regulations, mandatory Department of Transportation engineering and safety requirements, and other mandatory engineering and safety requirements, shall not be considered, treated or deemed as having been approved by the local planning commission or other agent. Should any resubmission include a material revision of infrastructure or physical improvements from the earlier submission or if a material revision in the resubmission creates a new required review by the Virginia Department of Transportation or by a state agency or public authority authorized by state law, then the local planning commission or other agent's review shall not be limited to only the previously identified deficiencies identified in the prior submittals and may consider deficiencies initially appearing in the resubmission because of such material revision.

B. Any state agency or public authority authorized by state law making a review of a plat forwarded to it under this article, including, without limitation, the Virginia Department of Transportation and authorities authorized by Chapter 51 (§ 15.2-5100 et seq.), shall complete its review within 45 days of receipt of the plat upon first submission and within 45 days for any proposed plat that has previously been disapproved, provided, however, that the time periods set forth in § 15.2-2222.1 shall apply to plats triggering the applicability of said section. The Virginia Department of Transportation and

authorities authorized by Chapter 51 (§ 15.2-5100 et seq.) shall allow use of public rights-of-way dedicated for public street purposes for placement of utilities by permit when practical and shall not unreasonably deny plat approval. If a state agency or public authority authorized by state law does not approve the plat, it shall comply with the requirements, and be subject to the restrictions, set forth in subsection A, with the exception of the time period therein specified. Upon receipt of the approvals from all state agencies and other agencies, the local agent shall act upon a plat within 35 days.

C. If the commission or other agent fails to approve or disapprove the plat within 60 days after it has been officially submitted for approval, or within 45 days after it has been officially resubmitted after a previous disapproval or within 35 days of receipt of any agency response pursuant to subsection B, the subdivider, after 10-days' written notice to the commission, or agent, may petition the circuit court for the locality in which the land involved, or the major part thereof, is located, to decide whether the plat should or should not be approved. The court shall give the petition priority on the civil docket, hear the matter expeditiously in accordance with the procedures prescribed in Article 2 (§ 8.01-644 et seq.) of Chapter 25 of Title 8.01 and make and enter an order with respect thereto as it deems proper, which may include directing approval of the plat.

D. If a commission or other agent disapproves a plat and the subdivider contends that the disapproval was not properly based on the ordinance applicable thereto, or was arbitrary or capricious, he may appeal to the circuit court having jurisdiction of such land and the court shall hear and determine the case as soon as may be, provided that his appeal is filed with the circuit court within 60 days of the written disapproval by the commission or other agent.

§ 15.2-2260. Localities may provide for submission of preliminary subdivision plats; how long valid.

A. Nothing in this article shall be deemed to prohibit the local governing body from providing in its ordinance for the mandatory submission of preliminary subdivision plats for tentative approval for plats involving more than 50 lots, provided that any such ordinance provides for the submission of a preliminary subdivision plat for tentative approval at the option of the landowner for plats involving 50 or fewer lots. The local planning commission, or an agent designated by the commission or by the governing body to review preliminary subdivision plats shall complete action on the preliminary subdivision plats within 60 days of submission. However, if approval of a feature or features of the preliminary subdivision plat by a state agency or public authority authorized by state law is necessary, the commission or agent shall forward the preliminary subdivision plat to the appropriate state agency or agencies for review within 10 business days of receipt of such preliminary subdivision plat.

B. Any state agency or public authority authorized by state law making a review of a preliminary subdivision plat forwarded to it under this section, including, without limitation, the Virginia Department of Transportation and authorities authorized by Chapter 51 (§ 15.2-5100 et seq.), shall complete its review within 45 days of receipt of the preliminary subdivision plat upon first submission and within 45 days for any proposed plat that has previously been disapproved, provided, however, that the time period set forth in § 15.2-2222.1 shall apply to plats triggering the applicability of said section. The Virginia Department of Transportation and authorities authorized by Chapter 51 (§ 15.2-5100 et seq.) shall allow use of public rights-of-way for public street purposes for placement of utilities by permit when practical and shall not unreasonably deny plat approval. If a state agency or public authority authorized by state law does not approve the plat, it shall comply with the requirements, and be subject to the restrictions, set forth in subsection A of § 15.2-2259 with the exception of the time period therein specified. Upon receipt of the approvals from all state agencies, the local agent shall act upon a preliminary subdivision plat within 35 days.

C. If a commission has the responsibility of review of preliminary subdivision plats and conducts a public hearing, it shall act on the plat within 45 days after receiving approval from all state agencies. If the local agent or commission does not approve the preliminary subdivision plat, the local agent or commission shall set forth in writing the reasons for such denial and shall state what corrections or modifications will permit approval by such agent or commission. With regard to plats involving commercial *or residential* property, as ~~that term is~~ *those terms are* defined in subdivision A 2 of § 15.2-2259, the review process for such plats shall be the same as provided in subdivisions A 2 and A 3 of § 15.2-2259. However, no commission or agent shall be required to approve a preliminary subdivision plat in less than 60 days from the date of its original submission to the commission or agent, and all actions on preliminary subdivision plats shall be completed by the agent or commission and, if necessary, state agencies, within a total of 90 days of submission to the local agent or commission.

D. If the commission or other agent fails to approve or disapprove the preliminary subdivision plat within 90 days after it has been officially submitted for approval, the subdivider after 10 days' written notice to the commission, or agent, may petition the circuit court for the locality in which the land involved, or the major part thereof, is located to enter an order with respect thereto as it deems proper, which may include directing approval of the plat.

E. If a commission or other agent disapproves a preliminary subdivision plat and the subdivider contends that the disapproval was not properly based on the ordinance applicable thereto, or was arbitrary or capricious, he may appeal to the circuit court having jurisdiction of such land and the court shall hear and determine the case as soon as may be, provided that his appeal is filed with the circuit court within 60 days of the written disapproval by the commission or other agent.

F. Once a preliminary subdivision plat is approved, it shall be valid for a period of five years, provided the subdivider (i) submits a final subdivision plat for all or a portion of the property within one year of such approval or such longer period as may be prescribed by local ordinance, and (ii) thereafter diligently pursues approval of the final subdivision plat. "Diligent pursuit of approval" means that the subdivider has incurred extensive obligations or substantial expenses relating to the submitted final subdivision plat or modifications thereto. However, no sooner than three years following such

preliminary subdivision plat approval, and upon 90 days' written notice by certified mail to the subdivider, the commission or other agent may revoke such approval upon a specific finding of facts that the subdivider has not diligently pursued approval of the final subdivision plat.

G. Once an approved final subdivision plat for all or a portion of the property is recorded pursuant to § 15.2-2261, the underlying preliminary plat shall remain valid for a period of five years from the date of the latest recorded plat of subdivision for the property. The five year period of validity shall extend from the date of the last recorded plat.

CHAPTER 347

An Act to amend the Code of Virginia by adding in Article 5 of Chapter 9 of Title 15.2 a section numbered 15.2-987, relating to residential dwelling units; rentals for 30 consecutive days or longer.

[S 308]

Approved April 2, 2024

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Article 5 of Chapter 9 of Title 15.2 a section numbered 15.2-987 as follows:

§ 15.2-987. Rentals for 30 consecutive days or longer.

A. No locality shall enact or enforce an ordinance that prohibits renting a residential dwelling unit for a lease term of 30 consecutive days or longer.

B. Any local restriction placed on residential dwelling units that are leased for a term of 30 consecutive days or longer shall (i) be reasonable and (ii) not exceed the requirements for an owner-occupied residential property or a residential property rented for a lease term of 12 months or longer in the same zoning district.

C. Nothing in this section shall be construed to supersede or limit contracts or agreements between or among individuals or private entities related to the use of real property, including recorded declarations and covenants, the provisions of condominium instruments of a condominium created pursuant to the Virginia Condominium Act (§ 55.1-1900 et seq.), the declaration of a common interest community as defined in § 54.1-2345, the cooperative instruments of a cooperative created pursuant to the Virginia Real Estate Cooperative Act (§ 55.1-2100 et seq.), or any declaration of a property owners' association created pursuant to the Property Owners' Association Act (§ 55.1-1800 et seq.).

CHAPTER 348

An Act to amend and reenact § 27, as amended, § 28, and §§ 29, 30, and 37, as severally amended, of Chapter 548 of the Acts of Assembly of 1952, which provided a charter for the Town of Smithfield in Isle of Wight County, and to repeal § 43 of Chapter 548 of the Acts of Assembly of 1952, relating to town council elections; town officers.

[S 309]

Approved April 2, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 27, as amended, § 28, and §§ 29, 30, and 37, as severally amended, of Chapter 548 of the Acts of Assembly of 1952 are amended and reenacted as follows:

§ 27. Council members shall be elected to serve four-year staggered terms. ~~At elections held on the first Tuesday in May 1998, three members of council were elected to serve terms expiring on July 1, 2000, and four members of council were elected to serve terms expiring on July 1, 2002.~~ At the general election to be held ~~on the first Tuesday in May 2000~~ *in November 2024*, and every four years thereafter, three members of council shall be elected for a term of four years. At the general election to be held ~~on the first Tuesday in May 2002~~ *in November 2026*, and every four years thereafter, four members of council shall be elected for a term of four years. Members of council elected under this act shall enter upon the duties of their offices ~~July 1~~ *the first day of January* next succeeding their elections.

§ 28. (a) All elections for the officers of the town shall be held and conducted in the manner prescribed by law.

(b) ~~The council of the town shall judge of the election, qualification and returns of its members and if a person returned be adjudged disqualified or in the event of tie votes, the council, upon the written request of one of such candidates, receiving the same number of votes as another candidate for the same office, the council shall order a new election to fill the vacancy or break the tie, said election to be at the same place, on such day as the council may prescribe, provided that the written request of any such candidate shall be filed with the council within ten days after the election, otherwise the council may declare a vacancy in such office and fill the same from the electors of the town by a majority vote of the council.~~ *Notice of candidacy for office shall be given, and the ballots to be used in any election in the town shall be prepared, printed, and distributed in the manner prescribed by law.*

§ 29. (a) The officers of the town, in addition to the mayor and councilmen, shall be a town manager, treasurer, clerk, and chief of police.

(b) The council may, by ordinance, provide for such other officers, agents and employees as it may deem appropriate, prescribe their duties and fix their compensation.

(b1) The council shall appoint a treasurer who shall hold office at the pleasure of the council and shall serve under the direction and supervision of the town manager. The office of treasurer may be filled by the town manager.

(c) ~~The clerk shall be elected by the council for a term of two years, coincident with that of the council. The office of treasurer and clerk may be filled by the same person, and may be filled by the town manager.~~ *The council shall appoint a clerk who shall hold office at the pleasure of the council and shall serve under the direction and supervision of the town manager.*

(d) The council may provide for and require annual audit of any books pertaining to the receipts and the expenditure of the funds of the town.

(e) The council shall appoint a town manager who shall be charged with the administration of the business of the town as set forth in this charter.

~~(f) As authorized by § 15.1-796, the office of town sergeant shall not be established.~~

§ 30. The council shall fix the salaries of the mayor, councilmen, treasurer, clerk, ~~sergeant, deputy sergeant~~ *town manager,* and employees, as it may deem appropriate, at its first meeting in June, which salary shall be for a period of one year, beginning the first day of July next following; provided, however, that the Council may increase or decrease the salaries at such other times as it may deem appropriate and in the best interests of the town, and further provided, that a salary may be paid one or more councilmen or a salary in excess of that paid other councilmen may be paid one or more councilmen, if a majority of the council ~~determine~~ *determines* that additional duties and responsibilities assumed by such councilman or councilmen, by reason of committee assignment or otherwise, warrant such salary, and a majority of the council authorize such additional compensation.

§ 37. The mayor shall be the chief executive officer of the town; he shall have and exercise all power and authority conferred by general law on the mayors of towns not inconsistent with this charter; he shall perform such other duties consistent with his office as may be imposed by the council; in the event of the inability of the mayor to discharge his duties, his place may in the discretion of the council be filled and his duties discharged, until such disability shall cease, by the vice-mayor. The mayor shall be the official head of the town. ~~In times of public danger or emergencies, he may take command of the police and maintain order and enforce laws, and for this purpose, may deputize such assistant policemen as may be necessary.~~ The mayor or person acting as mayor~~,~~ shall authenticate by his signature~~,~~ such documents or instruments as the council, this charter, or the laws of the Commonwealth~~,~~ shall require.

2. That § 43 of Chapter 548 of the Acts of Assembly of 1952 is repealed.

CHAPTER 349

An Act to amend and reenact §§ 8.01-463, 55.1-1815, 55.1-1833, 55.1-1945, 55.1-1966, 55.1-2148, 55.1-2151, and 55.1-2305 of the Code of Virginia, relating to common interest communities; foreclosure remedy.

[S 341]

Approved April 2, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 8.01-463, 55.1-1815, 55.1-1833, 55.1-1945, 55.1-1966, 55.1-2148, 55.1-2151, and 55.1-2305 of the Code of Virginia are amended and reenacted as follows:

§ 8.01-463. Enforcement of lien when judgment does not exceed $25,000.

~~If the amount of the judgment does not exceed $25,000, exclusive of interest and costs, no~~ *No* bill to enforce ~~the~~ *a* lien~~,~~ pursuant to § 8.01-462~~,~~ ~~thereof~~ shall be entertained if the real estate is the judgment debtor's primary residence *and the amount of the judgment exclusive of interest and costs does not exceed $25,000. However, if the judgment is for assessments levied by a common interest community association pursuant to Chapter 18 (§ 55.1-1800 et seq.), 19 (§ 55.1-1900 et seq.), 21 (55.1-2100 et seq.), or 23 (§ 55.1-2300 et seq.) of Title 55.1, no bill to enforce a lien shall be entertained if the total amount secured by one or more judgments exclusive of interest and costs does not exceed $5,000.*

§ 55.1-1815. Access to association records; association meetings; notice.

A. The association shall keep detailed records of receipts and expenditures affecting the operation and administration of the association. All financial books and records shall be kept in accordance with generally accepted accounting practices. *The association shall maintain individual assessment account records. The association shall maintain a record of any recorded lien at least as long as the lien remains effective.*

B. Subject to the provisions of subsection C and so long as the request is for a proper purpose related to his membership in the association, all books and records kept by or on behalf of the association shall be available for examination and copying by a member in good standing or his authorized agent, including:

1. The association's membership list and addresses, which shall not be used for purposes of pecuniary gain or commercial solicitation; and

2. The actual salary of the six highest compensated employees of the association earning over $75,000 and aggregate salary information of all other employees of the association; however, individual salary information shall not be available for examination and copying during the declarant control period.

Notwithstanding any provision of law to the contrary, this right of examination shall exist without reference to the duration of membership and may be exercised (i) only during reasonable business hours or at a mutually convenient time

and location and (ii) upon five business days' written notice for an association managed by a common interest community manager and 10 business days' written notice for a self-managed association, which notice reasonably identifies the purpose for the request and the specific books and records of the association requested.

C. Books and records kept by or on behalf of an association may be withheld from inspection and copying to the extent that they concern:

1. Personnel matters relating to specific, identified persons or a person's medical records;

2. Contracts, leases, and other commercial transactions to purchase or provide goods or services, currently in or under negotiation;

3. Pending or probable litigation. For purposes of this subdivision, "probable litigation" means those instances where there has been a specific threat of litigation from a person or the legal counsel of such person;

4. Matters involving state or local administrative or other formal proceedings before a government tribunal for enforcement of the association documents or rules and regulations promulgated pursuant to § 55.1-1819;

5. Communications with legal counsel that relate to subdivisions 1 through 4 or that are protected by the attorney-client privilege or the attorney work product doctrine;

6. Disclosure of information in violation of law;

7. Meeting minutes or other confidential records of an executive session of the board of directors held in accordance with subsection C of § 55.1-1816;

8. Documentation, correspondence, or management or board reports compiled for or on behalf of the association or the board by its agents or committees for consideration by the board in executive session; or

9. Individual lot owner or member files, other than those of the requesting lot owner, including any individual lot owner's or member's files kept by or on behalf of the association.

D. Books and records kept by or on behalf of an association shall be withheld from inspection and copying in their entirety only to the extent that an exclusion from disclosure under subsection C applies to the entire content of such books and records. Otherwise, only those portions of the books and records containing information subject to an exclusion under subsection C may be withheld or redacted, and all portions of the books and records that are not so excluded shall be available for examination and copying, provided that the requesting member shall be responsible to the association for paying or reimbursing the association for any reasonable costs incurred by the association in responding to the request for the books and records and review for redaction of the same.

E. Prior to providing copies of any books and records to a member in good standing under this section, the association may impose and collect a charge, reflecting the reasonable costs of materials and labor, not to exceed the actual costs of such materials and labor. Charges may be imposed only in accordance with a cost schedule adopted by the board of directors in accordance with this subsection. The cost schedule shall (i) specify the charges for materials and labor, (ii) apply equally to all members in good standing, and (iii) be provided to such requesting member at the time the request is made.

F. Notwithstanding the provisions of subsections B and C, all books and records of the association, including individual salary information for all employees and payments to independent contractors, shall be available for examination and copying upon request by a member of the board of directors in the discharge of his duties as a director.

G. Meetings of the association shall be held in accordance with the provisions of the bylaws at least once each year after the formation of the association. The bylaws shall specify an officer or his agent who shall, at least 14 days in advance of any annual or regularly scheduled meeting and at least seven days in advance of any other meeting, send to each member notice of the time, place, and purposes of such meeting. In the event of cancellation of any annual meeting of the association at which directors are elected, the seven-day notice of any subsequent meeting scheduled to elect such directors shall include a statement that the meeting is scheduled for the purpose of the election of directors.

Notice shall be sent by United States mail to all members at the address of their respective lots unless the member has provided to such officer or his agent an address other than the address of the member's lot. In lieu of sending such notice by United States mail, notice may instead be (i) hand delivered by the officer or his agent, provided that the officer or his agent certifies in writing that notice was delivered to the member, or (ii) sent to the member by electronic mail, provided that the member has elected to receive such notice by electronic mail and, in the event that such electronic mail is returned as undeliverable, notice is subsequently sent by United States mail. Except as provided in subdivision C 7, draft minutes of the board of directors shall be open for inspection and copying (a) within 60 days from the conclusion of the meeting to which such minutes appertain or (b) when such minutes are distributed to board members as part of an agenda package for the next meeting of the board of directors, whichever occurs first.

H. Unless expressly prohibited by the governing documents, a member may vote at a meeting of the association in person, by proxy, or by absentee ballot. Such voting may take place by electronic means, provided that the board of directors has adopted guidelines for such voting by electronic means. Members voting by absentee ballot or proxy shall be deemed to be present at the meeting for all purposes.

§ 55.1-1833. Lien for assessments; foreclosure.

A. The association shall have a lien, once perfected, on every lot for unpaid assessments levied against that lot in accordance with the provisions of this chapter and all lawful provisions of the declaration. The lien, once perfected, shall be prior to all other subsequent liens and encumbrances except (i) real estate tax liens on that lot, (ii) liens and encumbrances recorded prior to the recordation of the declaration, and (iii) sums unpaid on and owing under any mortgage or deed of trust recorded prior to the perfection of such lien. The provisions of this subsection shall not affect the priority of mechanics' and

materialmen's liens. Notice of a memorandum of lien to a holder of a credit line deed of trust under § 55.1-318 shall be given in the same fashion as if the association's lien were a judgment.

B. The association, in order to perfect the lien given by this section, shall file, before the expiration of 12 months from the time the first such assessment became due and payable in the clerk's office of the circuit court in the county or city in which such development is situated, a memorandum, verified by the oath of the principal officer of the association or such other officer or officers as the declaration may specify, which contains the following:

1. The name of the development;

2. A description of the lot;

3. The name or names of the persons constituting the owners of that lot;

4. The amount of unpaid assessments currently due or past due relative to such lot together with the date when each fell due;

5. The date of issuance of the memorandum;

6. The name of the association and the name and current address of the person to contact to arrange for payment or release of the lien; and

7. A statement that the association is obtaining a lien in accordance with the provisions of the Property Owners' Association Act as set forth in Chapter 18 (§ 55.1-1800 et seq.) of Title 55.1.

It shall be the duty of the clerk in whose office such memorandum is filed as provided in this section to record and index the same as provided in subsection D, in the names of the persons identified in such memorandum as well as in the name of the association. The cost of recording and releasing the memorandum shall be taxed against the person found liable in any judgment or order enforcing such lien.

C. Prior to filing a memorandum of lien, a written notice shall be sent to the property owner by certified mail, at the property owner's last known address, informing the property owner that a memorandum of lien will be filed in the circuit court clerk's office of the applicable county or city. The notice shall be sent at least 10 days before the actual filing date of the memorandum of lien.

D. Notwithstanding any other provision of this section or any other provision of law requiring documents to be recorded in the miscellaneous lien books or the deed books in the clerk's office of any court, on or after July 1, 1989, all memoranda of liens arising under this section shall be recorded in the deed books in the clerk's office. Any memorandum shall be indexed in the general index to deeds, and the general index shall identify the lien as a lien for lot assessments.

E. *Any lien perfected pursuant to subsection B may be enforced by filing a civil action to conduct a judicial foreclosure in the circuit court in the county or city where the lot is located or by nonjudicial foreclosure pursuant to subsections I and J.* No ~~action to enforce~~ *foreclosure of* any lien perfected under ~~subsection B~~ *this section* shall be ~~brought or action to foreclose any lien perfected under subsection I shall be~~ initiated after ~~36~~ *120* months from the time when the memorandum of lien was recorded~~; however, the~~. *The* filing of ~~a petition~~ *a civil action* to enforce any such lien ~~in any action in which the petition may be properly filed~~ *by foreclosure through judicial means or issuance of notice of nonjudicial foreclosure under subdivision J 1* shall be regarded as the institution of an action under this section. Nothing in this subsection shall extend the time within which any such lien may be perfected.

F. The judgment or order in an action brought pursuant to this section shall include reimbursement for costs and reasonable attorney fees of the prevailing party. If the association prevails, it may also recover interest at the legal rate for the sums secured by the lien from the time each such sum became due and payable.

G. When payment or satisfaction is made of a debt secured by ~~the~~ *any* lien perfected ~~by~~ *pursuant to* subsection B, ~~the~~ *such* lien shall be released in accordance with the provisions of § 55.1-339. Any lien that is not so released shall subject the lien creditor to the penalty set forth in subdivision B 1 of § 55.1-339. For the purposes of § 55.1-339, the principal officer of the association, or any other officer or officers as the declaration may specify, shall be deemed the duly authorized agent of the lien creditor.

H. Nothing in this section shall be construed to prohibit actions at law to recover sums for which subsection A creates a lien, maintainable pursuant to § 55.1-1828.

I. ~~At any time after perfecting the lien pursuant to this section, the property owners' association may sell the lot at public sale, subject to prior liens~~ *The association may conduct a judicial or nonjudicial foreclosure sale upon a lot against which the association has perfected one or more liens pursuant to this section if the total sums secured are in excess of $5,000, exclusive of attorney fees and costs*. For purposes of this section, the association shall have the power both to sell and convey the lot and shall be deemed the lot owner's statutory agent for the purpose of transferring title to the lot.

J. A nonjudicial foreclosure sale shall be conducted in compliance with the following:

1. The association shall give notice to the lot owner prior to advertisement required by subdivision 4. The notice shall specify (i) the debt secured by the perfected lien; (ii) the action required to satisfy the debt secured by the perfected lien; (iii) the date, not less than 60 days from the date the notice is given to the lot owner, by which the debt secured by the lien must be satisfied; and (iv) that failure to satisfy the debt secured by the lien on or before the date specified in the notice may result in the sale of the lot. The notice shall further inform the lot owner of the right to bring a court action in the circuit court of the county or city where the lot is located to assert the nonexistence of a debt or any other defense of the lot owner to the sale.

2. After expiration of the 60-day notice period specified in subdivision 1, the association may appoint a trustee to conduct the sale. The appointment of the trustee shall be filed in the clerk's office of the circuit court in the county or city in

which such development is situated. It shall be the duty of the clerk in whose office such appointment is filed to record and index the same as provided in subsection D, in the names of the persons identified in such appointment as well as in the name of the association. The association, at its option, may from time to time remove the trustee and appoint a successor trustee.

3. If the lot owner meets the conditions specified in this subdivision prior to the date of the foreclosure sale, the lot owner shall have the right to have enforcement of the perfected lien discontinued prior to the sale of the lot. Those conditions are that the lot owner (i) satisfy the debt secured by lien that is the subject of the nonjudicial foreclosure sale and (ii) pay all expenses and costs incurred in perfecting and enforcing the lien, including advertising costs and reasonable attorney fees.

4. In addition to the advertisement required by subdivision 5, the association shall give written notice of the time, date, and place of any proposed sale in execution of the lien, including the name, address, and telephone number of the trustee, by hand delivery or by mail to (i) the present owner of the property to be sold at his last known address as such owner and address appear in the records of the association, (ii) any lienholder who holds a note against the property secured by a deed of trust recorded at least 30 days prior to the proposed sale and whose address is recorded with the deed of trust, and (iii) any assignee of such a note secured by a deed of trust, provided that the assignment and address of the assignee are likewise recorded at least 30 days prior to the proposed sale. Mailing a copy of the advertisement or the notice containing the same information to the owner by certified or registered mail no less than 14 days prior to such sale and to lienholders and their assigns, at the addresses noted in the memorandum of lien, by United States mail, postage prepaid, no less than 14 days prior to such sale, shall be a sufficient compliance with the requirement of notice.

5. The advertisement of sale by the association shall be in a newspaper having a general circulation in the county or city in which the property to be sold, or any portion of such property, is located pursuant to the following provisions:

a. The association shall advertise once a week for four successive weeks; however, if the property or some portion of such property is located in a city or in a county immediately contiguous to a city, publication of the advertisement on five different days, which may be consecutive days, shall be deemed adequate. The sale shall be held on any day following the day of the last advertisement that is no earlier than eight days following the first advertisement nor more than 30 days following the last advertisement.

b. Such advertisement shall be placed in that section of the newspaper where legal notices appear or where the type of property being sold is generally advertised for sale. The advertisement of sale, in addition to such other matters as the association finds appropriate, shall set forth a description of the property to be sold, which description need not be as extensive as that contained in the deed of trust but shall identify the property by street address, if any, or, if none, shall give the general location of the property with reference to streets, routes, or known landmarks. Where available, tax map identification may be used but is not required. The advertisement shall also include the date, time, place, and terms of sale and the name of the association. It shall set forth the name, address, and telephone number of the representative, agent, or attorney who may be able to respond to inquiries concerning the sale.

c. In addition to the advertisement required by subdivisions a and b, the association may further advertise as the association finds appropriate.

6. In the event of postponement of sale, which postponement shall be at the discretion of the association, advertisement of such postponed sale shall be in the same manner as the original advertisement of sale.

7. Failure to comply with the requirements for advertisement contained in this section shall, upon petition, render a sale of the property voidable by the court.

8. The association shall have the following powers and duties upon a sale:

a. Written one-price bids may be made and shall be received by the trustee from the association or any person for entry by announcement at the sale. Any person other than the trustee may bid at the foreclosure sale, including a person who has submitted a written one-price bid. Upon request to the trustee, any other bidder in attendance at a foreclosure sale shall be permitted to inspect written bids. Unless otherwise provided in the declaration, the association may bid to purchase the lot at a foreclosure sale. The association may own, lease, encumber, exchange, sell, or convey the lot. Whenever the written bid of the association is the highest bid submitted at the sale, such written bid shall be filed by the trustee with his account of sale required under subdivision ~~I~~ *J* 10 and § 64.2-1309. The written bid submitted pursuant to this subsection may be prepared by the association, its agent, or its attorney.

b. The association may require any bidder at any sale to post a cash deposit of as much as 10 percent of the sale price before his bid is received, which shall be refunded to him if the property is not sold to him. The deposit of the successful bidder shall be applied to his credit at settlement, or, if such bidder fails to complete his purchase promptly, the deposit shall be applied to pay the costs and expenses of the sale, and the balance, if any, shall be retained by the association in connection with that sale.

c. The ~~property owners'~~ association shall receive and receipt for the proceeds of sale, no purchaser being required to see to the application of the proceeds, and apply the same in the following order: first, to the reasonable expenses of sale, including attorney fees; second, to the satisfaction of all taxes, levies, and assessments, with costs and interest; third, to the satisfaction of the lien for the owners' assessments; fourth, to the satisfaction in the order of priority of any remaining inferior claims of record; and fifth, to pay the residue of the proceeds to the owner or his assigns, provided, however, that, as to the payment of such residue, the association shall not be bound by any inheritance, devise, conveyance, assignment, or lien of or upon the owner's equity, without actual notice thereof prior to distribution.

9. The trustee shall deliver to the purchaser a trustee's deed conveying the lot with special warranty of title. The trustee shall not be required to take possession of the property prior to the sale of such property or to deliver possession of the lot to the purchaser at the sale.

10. The trustee shall file an accounting of the sale with the commissioner of accounts pursuant to § 64.2-1309, and every account of a sale shall be recorded pursuant to § 64.2-1310. In addition, the accounting shall be made available for inspection and copying pursuant to § 55.1-1815 upon the written request of the prior lot owner, the current lot owner, or any holder of a recorded lien against the lot at the time of the sale. The association shall maintain a copy of the accounting for at least 12 months following the foreclosure sale.

11. If the sale of a lot is made pursuant to subsection I and the accounting is made by the trustee, the title of the purchaser at such sale shall not be disturbed unless within 12 months from the confirmation of the accounting by the commissioner of accounts the sale is set aside by the court or an appeal is filed in the Court of Appeals or granted by the Supreme Court and an order is entered requiring such sale to be set aside.

§ 55.1-1945. Books, minutes, and records; inspection.

A. The declarant, managing agent, unit owners' association, or person specified in the bylaws of the association shall keep detailed records of the receipts and expenditures affecting the operation and administration of the condominium and specifying the maintenance and repair expenses of the common elements and any other expenses incurred by or on behalf of the association. Subject to the provisions of subsections B, C, and E, upon request, any unit owner shall be provided a copy of such records and minutes. All financial books and records shall be kept in accordance with generally accepted accounting practices. *The unit owners' association shall maintain individual assessment account records. The unit owners' association shall maintain a record of any recorded lien at least as long as the lien remains effective.*

B. Subject to the provisions of subsection C, all books and records kept by or on behalf of the unit owners' association, including the unit owners' association membership list, and addresses and aggregate salary information of unit owners' association employees, shall be available for examination and copying by a unit owner in good standing or his authorized agent so long as the request is for a proper purpose related to his membership in the unit owners' association and not for pecuniary gain or commercial solicitation. Notwithstanding any provision of law to the contrary, this right of examination shall exist without reference to the duration of membership and may be exercised (i) only during reasonable business hours or at a mutually convenient time and location and (ii) upon five business days' written notice for a unit owner association managed by a common interest community manager and 10 business days' written notice for a self-managed unit owners' association, which notice shall reasonably identify the purpose for the request and the specific books and records of the unit owners' association requested.

C. Books and records kept by or on behalf of a unit owners' association may be withheld from examination or copying by unit owners and contract purchasers to the extent that they are drafts not yet incorporated into the books and records of the unit owners' association or if such books and records concern:

1. Personnel matters relating to specific, identified persons or a person's medical records;

2. Contracts, leases, and other commercial transactions to purchase or provide goods or services, currently in or under negotiation;

3. Pending or probable litigation. For purposes of this subdivision, "probable litigation" means those instances where there has been a specific threat of litigation from a person or the legal counsel of such person;

4. Matters involving state or local administrative or other formal proceedings before a government tribunal for enforcement of the condominium instruments or rules and regulations promulgated by the executive board;

5. Communications with legal counsel that relate to subdivisions 1 through 4 or that are protected by the attorney-client privilege or the attorney work product doctrine;

6. Disclosure of information in violation of law;

7. Meeting minutes or other confidential records of an executive session of the executive board held pursuant to subsection C of § 55.1-1949;

8. Documentation, correspondence or management or executive board reports compiled for or on behalf of the unit owners' association or the executive board by its agents or committees for consideration by the executive board in executive session; or

9. Individual unit owner or member files, other than those of the requesting unit owner, including any individual unit owner's files kept by or on behalf of the unit owners' association.

D. Books and records kept by or on behalf of a unit owners' association shall be withheld from examination and copying in their entirety only to the extent that an exclusion from disclosure under subsection C applies to the entire content of such books and records. Otherwise, only those portions of the books and records containing information subject to an exclusion under subsection C may be withheld or redacted, and all portions of the books and records that are not so excluded shall be available for examination and copying, provided that the requesting member shall be responsible to the association for paying or reimbursing the association for any reasonable costs incurred by the association in responding to the request for the books and records and review for redaction of the same.

E. Prior to providing copies of any books and records, the unit owners' association may impose and collect a charge, not to exceed the reasonable costs of materials and labor, incurred to provide such copies. Charges may be imposed only in accordance with a cost schedule adopted by the executive board in accordance with this subsection. The cost schedule shall

(i) specify the charges for materials and labor, (ii) apply equally to all unit owners in good standing, and (iii) be provided to such requesting unit owner at the time the request is made.

§ 55.1-1966. Lien for assessments; foreclosure.

A. The unit owners' association shall have a lien on each condominium unit for unpaid assessments levied against that condominium unit in accordance with the provisions of this chapter and all lawful provisions of the condominium instruments. The lien, once perfected, shall be prior to all other liens and encumbrances except (i) real estate tax liens on that condominium unit, (ii) liens and encumbrances recorded prior to the recordation of the declaration, and (iii) sums unpaid on any first mortgages or first deeds of trust recorded prior to the perfection of such lien for assessments and securing institutional lenders. The provisions of this subsection shall not affect the priority of mechanics' and materialmen's liens.

B. Notwithstanding any other provision of this section, or any other provision of law requiring documents to be recorded in the miscellaneous lien books or the deed books in the clerk's office of any court, on or after July 1, 1974, all memoranda of liens arising under this section shall, in the discretion of the clerk, be recorded in the miscellaneous lien books or the deed books in such clerk's office. Any such memorandum shall be indexed in the general index to deeds, and such general index shall identify the lien as a lien for condominium assessments.

C. In order to perfect the lien given by this section, the unit owners' association shall file a memorandum verified by the oath of the principal officer of the unit owners' association, or such other officer as the condominium instruments may specify, before the expiration of 90 days from the time the first such assessment became due and payable. The memorandum shall be filed in the clerk's office of the circuit court in the county or city in which such condominium is situated. The memorandum shall contain the following:

1. A description of the condominium unit in accordance with the provisions of § 55.1-1909.
2. The name or names of the persons constituting the unit owners of that condominium unit.
3. The amount of unpaid assessments currently due or past due together with the date when each fell due.
4. The date of issuance of the memorandum.

The clerk in whose office such memorandum is filed shall record and index the memorandum as provided in subsection B, in the names of the persons identified in such memorandum as well as in the name of the unit owners' association. The cost of recording such memorandum shall be taxed against the person found liable in any judgment enforcing such lien.

D. *Any lien perfected pursuant to this section may be enforced by filing a civil action to conduct a judicial foreclosure in the circuit court in the county or city where the condominium is or a nonjudicial foreclosure pursuant to subsections I and J.* No ~~action to enforce~~ *foreclosure of* any lien perfected under ~~subsection C~~ *this section* shall ~~be brought or action to foreclose any lien perfected under subsection I shall~~ be initiated after ~~36~~ *120* months from the time when the memorandum of lien was recorded~~; however, the~~. *The* filing of a ~~petition~~ *civil action* to enforce any such lien ~~in any action in which such petition may be properly filed~~ *by foreclosure through judicial means or issuance of notice of nonjudicial foreclosure under subdivision J 1* shall be regarded as the institution of an action under this section. Nothing in this subsection shall extend the time within which any such lien may be perfected.

E. The judgment in an action brought pursuant to this section shall include reimbursement for costs and attorney fees of the prevailing party. If the *unit owners'* association prevails, ~~it~~ *such unit owners' association* may also recover interest at the legal rate for the sums secured by the lien from the time each such sum became due and payable.

F. When payment or satisfaction is made of a debt secured by the lien perfected ~~by~~ *pursuant to* subsection C, such lien shall be released in accordance with the provisions of § 55.1-339. Any lien that is not so released shall subject the lien creditor to the penalty set forth in subdivision B 1 of § 55.1-339. For the purposes of that section, the principal officer of the unit owners' association, or such other officer as the condominium instruments may specify, shall be deemed the duly authorized agent of the lien creditor.

G. Nothing in this section shall be construed to prohibit actions at law to recover sums for which subsection A creates a lien, maintainable pursuant to § 55.1-1915.

H. Any unit owner or purchaser of a condominium unit, having executed a contract for the disposition of such condominium unit, shall be entitled upon request to a recordable statement setting forth the amount of unpaid assessments currently levied against that unit. Such request shall be in writing, directed to the principal officer of the unit owners' association or to such other officer as the condominium instruments may specify. Failure to furnish or make available such a statement within 10 days of the receipt of such request shall extinguish the lien created by subsection A as to the condominium unit involved. Such statement shall be binding on the unit owners' association, the executive board, and every unit owner. Payment of a fee not exceeding $10 may be required as a prerequisite to the issuance of such a statement if the condominium instruments so provide.

I. ~~At any time after perfecting the lien pursuant to this section, the unit owners' association may sell the unit at public sale, subject to prior liens~~ *The unit owners' association may conduct a judicial or nonjudicial foreclosure sale upon a unit against which the unit owners' association has perfected one or more liens pursuant to this section if the total sums secured are in excess of $5,000, exclusive of attorney fees and costs*. For purposes of this section, the unit owners' association shall have the power both to sell and convey the unit and shall be deemed the unit owner's statutory agent for the purpose of transferring title to the unit.

J. A nonjudicial foreclosure sale shall be conducted in compliance with the following:

1. The unit owners' association shall give notice to the unit owner prior to advertisement required by subdivision 4. The notice shall specify (i) the debt secured by the perfected lien; (ii) the action required to satisfy the debt secured by the perfected lien; (iii) the date, not less than 60 days from the date the notice is given to the unit owner, by which the debt secured by the lien must be satisfied; and (iv) that failure to satisfy the debt secured by the lien on or before the date specified in the notice may result in the sale of the unit. The notice shall further inform the unit owner of the right to bring a court action in the circuit court of the county or city where the condominium is located to assert the nonexistence of a debt or any other defense of the unit owner to the sale.

2. After expiration of the 60-day notice period provided in subdivision 1, the unit owners' association may appoint a trustee to conduct the sale. The appointment of the trustee shall be filed in the clerk's office of the circuit court in the county or city in which the condominium is located. The clerk in whose office such appointment is filed shall record and index the appointment as provided in subsection C, in the names of the persons identified therein as well as in the name of the unit owners' association. The unit owners' association, at its option, may from time to time remove the trustee and appoint a successor trustee.

3. If the unit owner meets the conditions specified in this subdivision prior to the date of the foreclosure sale, the unit owner shall have the right to have enforcement of the perfected lien discontinued prior to the sale of the unit. Those conditions are that the unit owner (a) satisfy the debt secured by lien that is the subject of the nonjudicial foreclosure sale and (b) pays all expenses and costs incurred in perfecting and enforcing the lien, including advertising costs and reasonable attorney fees.

4. In addition to the advertisement required by subdivision 5, the unit owners' association shall give written notice of the time, date, and place of any proposed sale in execution of the lien, and shall include the name, address, and telephone number of the trustee, by personal delivery or by mail to (i) the present owner of the condominium unit to be sold at his last known address as such owner and address appear in the records of the unit owners' association, (ii) any lienholder who holds a note against the condominium unit secured by a deed of trust recorded at least 30 days prior to the proposed sale and whose address is recorded with the deed of trust, and (iii) any assignee of such a note secured by a deed of trust provided the assignment and address of the assignee are likewise recorded at least 30 days prior to the proposed sale. Mailing a copy of the advertisement or the notice containing the same information to the owner by certified or registered mail no less than 14 days prior to such sale and to the lienholders and their assigns, at the addresses noted in the memorandum of lien, by ordinary mail no less than 14 days prior to such sale shall be a sufficient compliance with the requirement of notice.

5. The advertisement of sale by the unit owners' association shall be in a newspaper having a general circulation in the locality in which the condominium unit to be sold, or any portion of such unit, is located pursuant to the following provisions:

a. The unit owners' association shall advertise once a week for four successive weeks; however, if the condominium unit or some portion of such unit is located in a city or in a county immediately contiguous to a city, publication of the advertisement five different days, which may be consecutive days, shall be deemed adequate. The sale shall be held on any day following the day of the last advertisement that is no earlier than eight days following the first advertisement nor more than 30 days following the last advertisement.

b. Such advertisement shall be placed in that section of the newspaper where legal notices appear or where the type of property being sold is generally advertised for sale. The advertisement of sale, in addition to such other matters as the unit owners' association finds appropriate, shall set forth a description of the condominium unit to be sold, which description need not be as extensive as that contained in the deed of trust but shall identify the condominium unit by street address, if any, or, if none, shall give the general location of the condominium unit with reference to streets, routes, or known landmarks. Where available, tax map identification may be used but is not required. The advertisement shall also include the date, time, place, and terms of sale and the name of the unit owners' association. The advertisement shall set forth the name, address, and telephone number of the representative, agent, or attorney who may be able to respond to inquiries concerning the sale.

c. In addition to the advertisement required by subdivisions a and b, the unit owners' association may give such other further and different advertisement as the association finds appropriate.

6. In the event of postponement of a sale, which postponement shall be at the discretion of the unit owners' association, advertisement of such postponed sale shall be in the same manner as the original advertisement of sale.

7. Failure to comply with the requirements for advertisement contained in this section shall, upon petition, render a sale of the condominium unit voidable by the court.

8. In the event of a sale, the unit owners' association shall have the following powers and duties:

a. Written one-price bids may be made and shall be received by the trustee from the unit owners' association or any person for entry by announcement at the sale. Any person other than the trustee may bid at the foreclosure sale, including a person who has submitted a written one-price bid. Upon request to the trustee, any other bidder in attendance at a foreclosure sale shall be permitted to inspect written bids. Unless otherwise provided in the condominium instruments, the unit owners' association may bid to purchase the unit at a foreclosure sale. The unit owners' association may own, lease, encumber, exchange, sell, or convey the unit. Whenever the written bid of the unit owners' association is the highest bid submitted at the sale, such written bid shall be filed by the trustee with his account of sale required under subdivision 10 of this subsection and § 64.2-1309. The written bid submitted pursuant to this subsection may be prepared by the unit owners' association or its agent or attorney.

b. The unit owners' association may require of any bidder at any sale a cash deposit of as much as 10 percent of the sale price before his bid is received, which shall be refunded to him if the condominium unit is not sold to him. The deposit of the successful bidder shall be applied to his credit at settlement, or if such bidder fails to complete his purchase promptly, the deposit shall be applied to pay the costs and expenses of the sale, and the balance, if any, shall be retained by the unit owners' association in connection with that sale.

c. The unit owners' association shall receive and receipt for the proceeds of sale, no purchaser being required to see to the application of the proceeds, and apply the same in the following order: first, to the reasonable expenses of sale, including reasonable attorney fees; second, to the satisfaction of all taxes, levies, and assessments, with costs and interest; third, to the satisfaction of the lien for the unit owners' assessments; fourth, to the satisfaction in the order of priority of any remaining inferior claims of record; and fifth, to pay the residue of the proceeds to the unit owner or his assigns, provided, however, that the association as to such residue shall not be bound by any inheritance, devise, conveyance, assignment, or lien of or upon the unit owner's equity, without actual notice of such encumbrance prior to distribution.

9. The trustee shall deliver to the purchaser a trustee's deed conveying the unit with special warranty of title. The trustee shall not be required to take possession of the condominium unit prior to the sale or to deliver possession of the unit to the purchaser at the sale.

10. The trustee shall file an accounting of the sale with the commissioner of accounts pursuant to § 64.2-1309 and every account of a sale shall be recorded pursuant to § 64.2-1310. In addition, the accounting shall be made available for inspection and copying pursuant to § 55.1-1945 upon the written request of the prior unit owner, current unit owner, or any holder of a recorded lien against the unit at the time of the sale. The unit owners' association shall maintain a copy of the accounting for at least 12 months following the foreclosure sale.

11. If the sale of a unit is made pursuant to this subsection and the accounting is made by the trustee, the title of the purchaser at such sale shall not be disturbed unless within 12 months from the confirmation of the accounting by the commissioner of accounts, the sale is set aside by the court or an appeal is filed in the Court of Appeals or granted by the Supreme Court and an order is entered requiring such sale to be set aside.

§ 55.1-2148. Remedies for nonpayment of assessments; lien; foreclosure.

A. The association has a lien on a cooperative interest for any assessment levied against that cooperative interest or fines imposed against its owner from the time the assessment or fines become due. Unless the declaration otherwise provides, fees, charges, late charges, fines, and interest charged pursuant to subdivisions A 11 and 12 of § 55.1-2133 are enforceable as assessments under this section. If an assessment is payable in installments, the full amount of the assessment is a lien from the time the first installment becomes due. Upon nonpayment of the assessment, the proprietary lessee may be evicted in the same manner as provided by law in the case of an unlawful holdover by a commercial tenant, and the lien may be foreclosed as provided by this section. The association's lien may be foreclosed (i) by judicial sale in like manner as a mortgage on real estate or (ii) by power of sale as provided in subsection I.

B. A lien under this section is prior to all other liens and encumbrances on a cooperative interest except (i) liens and encumbrances on the cooperative that the association creates, assumes, or takes subject to; (ii) any first security interest encumbering only the cooperative interest of a proprietary lessee and perfected before the date on which the assessment sought to be enforced became delinquent; and (iii) liens for real estate taxes and other governmental assessments or charges against the cooperative or the cooperative interest. The lien is also prior to the security interests described in clause (ii) to the extent of the common expense assessments based on the periodic budget adopted by the association pursuant to subsection A of § 55.1-2133 that would have become due in the absence of acceleration during the six months immediately preceding institution of an action to enforce the lien. This subsection does not affect the priority of mechanics' or materialmen's liens or the priority of liens for other assessments made by the association. The lien under this section is not subject to homestead or other exemptions.

C. Unless the declaration otherwise provides, if two or more associations have liens for assessments created at any time on the same property, those liens have equal priority.

D. Recording of the declaration constitutes record notice and perfection of the lien. No further recordation or filing of any claim of lien for assessment under this section is required.

E. A lien for unpaid assessments is extinguished unless proceedings to enforce the lien are instituted within ~~three years~~ *120 months* after the full amount of the assessment becomes due.

F. This section does not prohibit actions to recover sums for which subsection A creates a lien or prohibit an association from taking a transfer in lieu of foreclosure.

G. A judgment in any action brought under this section shall include costs and reasonable attorney fees for the prevailing party.

H. Upon written request, the association shall furnish to a proprietary lessee a statement setting forth the amount of unpaid assessments against his cooperative interest. The statement shall be in recordable form. The statement shall be furnished within 10 business days after receipt of the request and is binding on the association, the executive board, and every proprietary lessee.

I. ~~The association, upon nonpayment of assessments and compliance with this subsection, may sell the cooperative interest~~ *The association may conduct a judicial or nonjudicial foreclosure sale of the cooperative interest against which the association has perfected one or more liens pursuant to this section if the total sums secured are in excess of $5,000, exclusive of attorney fees and costs.* Sale may be at a public sale or by private negotiation and at any time and place, but

every aspect of the sale, including the method, advertising, time, place, and terms, must be reasonable. The association shall give to the proprietary lessee and any sublessees of the proprietary lessee reasonable written notice of the time and place of any public sale or, if a private sale is intended, of the intention of entering into a contract to sell and of the time after which a private disposition may be made. The same notice must also be sent to any other person who has a recorded interest in the cooperative interest that would be cut off by the sale, but only if the interest was on record seven weeks before the date specified in the notice as the date of any public sale or seven weeks before the date specified in the notice as the date after which a private sale may be made. The notices required by this subsection may be sent to any address reasonable in the circumstances. Sale may not be held until five weeks after the sending of the notice. The association may buy at any public sale and, if the sale is conducted by a fiduciary or other person not related to the association, at a private sale.

J. The proceeds of a sale under subsection I shall be applied in the following order:

1. The reasonable expenses of sale;

2. The reasonable expenses of securing possession before sale; holding, maintaining, and preparing the cooperative interest for sale, including payment of taxes and other governmental charges, premiums on hazard and liability insurance, and, to the extent provided for by agreement between the association and the proprietary lessee, reasonable attorney fees and other legal expenses incurred by the association;

3. Satisfaction in the order of priority of any prior claims of record;

4. Satisfaction of the association's lien;

5. Satisfaction in the order of priority of any subordinate claim of record; and

6. Remittance of any excess to the proprietary lessee. Unless otherwise agreed, the proprietary lessee is liable for any deficiency.

K. If a cooperative interest is sold under subsection I, a good faith purchaser for value acquires the proprietary lessee's interest in the cooperative interest free of the association's debt that gave rise to the lien under which the sale occurred and any subordinate interest, even though the association or other person conducting the sale failed to comply with the requirements of this section. The person conducting the sale under subsection I shall execute a conveyance to the purchaser sufficient to convey the cooperative interest that states that the conveyance is executed by him, after a foreclosure by power of sale of the association's lien and that he has power to make the sale. Signature and title or authority of the person signing the conveyance as grantor and a recital of the facts of nonpayment of the assessment and of the giving of the notices required by subsection I are sufficient proof of the facts recited and of his authority to sign. Further proof of authority is not required even though the association is named as grantee in the conveyance.

L. At any time before the association has disposed of the cooperative interest or entered into a contract for its disposition under the power of sale, the proprietary lessee or the holder of any subordinate security interest may cure the proprietary lessee's default and prevent sale or other disposition by tendering the performance due under the security agreement, including any amounts due because of exercise of a right to accelerate, plus the reasonable expenses of proceeding to foreclosure incurred to the time of tender, including reasonable attorney fees of the creditor.

§ 55.1-2151. Association records.

The association shall keep financial records sufficiently detailed to enable the association to comply with § 55.1-2309. All financial and other records shall be made reasonably available for examination by any proprietary lessee and his authorized agents. *The association shall maintain a record of any recorded lien at least as long as the lien remains effective.*

§ 55.1-2305. Management, regulation, and control of subdivisions with common facilities or property owners' associations; assessments; liens.

A. The covenants, deed restrictions, articles of incorporation, bylaws, or other instruments for the management, regulation, and control of subdivisions that include facilities or amenities for which the lot owners are assessed on a regular or special basis for the use, enjoyment, and maintenance of such facilities or amenities shall provide for at a minimum:

1. Formation of an association to be composed of lot owners within the subdivision, such formation occurring prior to the sale of the first lot within the subdivision by the developer;

2. A description of the areas or interests to be owned or controlled by the association, including those facilities or amenities for which the lot owners are subject to regular or special assessments;

3. The transfer of title, control, and maintenance responsibilities of common areas and common facilities to the association, which transfer is to take place no later than at such time as the developer transfers legal or equitable ownership of at least 75 percent of the lots within the subdivision to purchasers of such lots or when all of the amenities and facilities are completed, whichever occurs first, but in no event any sooner than two years from the date the developer sells his first lot within the subdivision should the developer elect to retain title to the common areas and common facilities for such period. The transfer of such title, control, and maintenance responsibilities required of the developer shall not exonerate the developer from the responsibility of completion of the common areas and facilities once the transfer takes place.

Nothing in this section shall preclude the developer from transferring the common areas and common facilities for consideration, provided that (i) such consideration does not exceed the lesser of the fair market value of such common areas and common facilities at the time of transfer or the actual cost expended by the developer for such common areas and common facilities and (ii) the developer affirmatively discloses the following information to the purchaser, in writing, at the time the initial contract of purchase is signed:

a. That the common areas and common facilities will be transferred only upon payment of consideration by the association;

b. The terms upon which such transfer will be made; and

c. An estimate of the amount of consideration to be paid by the association.

In the event the developer seeks payment for the areas or facilities transferred, the association shall have the option of deferring such payment, evidence by a deed of trust note covering a period of not less than five years at the legal rate of interest allowed in the Commonwealth and secured by a deed of trust covering the areas or facilities transferred;

4. Procedures for determining and collecting regular assessments to defray expenses attributable to the ownership, use, enjoyment, and operation of common areas and facilities transferred to the association;

5. Procedures for establishing and collecting special assessments for capital improvements or other purposes;

6. Procedures to be employed upon the annexation of additional land to the existing subdivision that shall disclose whether or not per capita assessments on account of such annexation shall be subject to an increase, in the event additional amenities or common facilities are provided lot owners within the subdivision;

7. Such procedures and restrictions, if any, that apply to the voluntary or involuntary resale of a lot within a subdivision by a purchaser or his agent, which shall be established prior to the sale of the first lot by the developer within the subdivision;

8. Monetary penalties or use privilege and voting suspension of members for breaches of the restrictions, bylaws, or other instruments for management and control of the subdivision, or for nonpayment of regular or special assessments, with procedures for hearings for the disciplined members;

9. Creation of a board of directors or other governing body for the association with the members of the board or body to be elected by a vote of members of the association in good standing at an annual meeting or special meeting to be held not later than six months after the transfer of the areas of facilities provided for in subdivision 3;

10. Enumeration of the power of the board of directors or governing body that is consistent with and not otherwise provided by law;

11. The preparation of an annual balance sheet and operating statement for each fiscal year with provision for distribution of a copy of the reports to each member of the association in good standing within 90 days after the end of the fiscal year;

12. Quorum requirements for meetings of members of the association who are in good standing; and

13. Such other provisions as may be required by the Virginia Nonstock Corporation Act (§ 13.1-801 et seq.) if the association is a Virginia nonstock corporation.

B. Any developer of a subdivision, successor or otherwise, when such subdivision is subject to the provisions of this chapter, shall be obligated to complete the facilities and amenities as promised and outlined in subsection A by the initial developer of the subdivision subject to the transfer of title, control, and maintenance responsibilities of common areas and common facilities to the lot owners' association. The foregoing shall not be deemed to apply to any purchaser at foreclosure or grantee in a deed in lieu of foreclosure, provided that the purchaser or grantee is a financial institution and the mortgagee, creditor, or beneficiary under the instrument being foreclosed or giving rise to the deed in lieu of foreclosure. For the purposes of this subsection, "financial institution" means a bank, savings institution, real estate investment trust, insurance company, pension or profit sharing trust, or other institution regularly engaged in the business of making real estate loans. For purposes of this subsection, the lot owners' association shall not be deemed a developer if at a meeting of its members in good standing a vote is taken and at least 50 percent of the members vote to be exempt from the requirements of this subsection.

C. The association, once formed and in existence, and the title owner of the common areas and common facilities within the subdivision and which has been in existence for a period of at least five years shall have the authority to pass special assessments against and raise the annual assessments of the members of the association and to collect such assessments from such members according to law, if the purpose in so doing is for the maintenance of such common areas and common facilities. The authority granted and conferred upon the association by this subsection exists only where the restrictions and covenants of record do not contain specific language that precludes the adoption of special assessments or increases the annual dues or assessments.

D. The association shall have a lien on every lot within its subdivision for unpaid regular or special assessments levied against such lot in accordance with the provisions of this chapter. The lien, once perfected, shall be prior to all other liens and encumbrances except (i) real estate tax liens on such lot, (ii) liens and encumbrances recorded prior to the perfected lien, and (iii) any sums unpaid on any first mortgages or first deeds of trust recorded prior to the perfection of the lien for regular or special assessments and securing institutional lenders. The provisions of this subsection shall not affect the priority of mechanics' and materialmen's liens.

Notwithstanding any other provision of this chapter, or any other provisions of law requiring documents to be recorded in the miscellaneous lien books or the deed books of the clerk's office of any court, from July 1, 1978, all memoranda of liens arising under this subsection shall, in the discretion of the clerk, be recorded in the miscellaneous lien books or the deed books in such clerk's office. Any memorandum shall be indexed in the general index to deeds, and such general index shall identify the lien as a lien for subdivision regular or special assessments.

The association, in order to perfect the lien given by this subsection, shall file before the expiration of 90 days from the time such regular or special assessment became due and payable in the clerk's office of the county or city in which the subdivision is situated a memorandum, verified by the oath of the president of the association, which shall contain:

1. A description of the subdivision;

2. The name or names of the owners of the lot;

3. The amount of unpaid regular or special assessments currently due or past due applicable to the lot, together with the date when each fell due; and

4. The date of issuance of the memorandum.

The clerk in whose office the memorandum is filed shall record and index such memorandum as provided in this subsection, in the names of the persons identified in such memorandum, as well as in the name of the association. The cost of recording the memorandum shall be taxed against the person found liable for any judgment or order enforcing such lien. It is lawful for the memorandum to be filed as one statement listing the information required in subdivisions 1 through 4 and each of the lot owners whose property within the subdivision is liened. The cost of filing shall be as provided in subdivision A 2 of § 17.1-275.

Any lien perfected pursuant to this section may be enforced by filing a civil action to conduct a judicial foreclosure in the circuit court in the county or city where the lot is located or a nonjudicial foreclosure. No ~~action to enforce~~ *foreclosure of* any lien perfected under this ~~subsection~~ *section* shall be ~~brought~~ *initiated* after ~~one year~~ *120 months* from the time when the memorandum of lien was recorded~~; however, the~~. *The* filing of a ~~petition~~ *civil action* to enforce any such lien ~~in any action in which such petition may be properly filed~~ *by foreclosure through judicial means or issuance of notice of nonjudicial foreclosure* shall be regarded as the institution of an action under this subsection. Nothing in this subsection shall be construed to extend the time within which any such lien may be perfected. Nothing shall preclude the association from filing a single action listing all unpaid delinquent and enumerated lot owners as defendants and obtaining judgment against those so adjudicated by the court hearing the action. *The association may conduct a judicial or nonjudicial foreclosure sale upon a lot against which the association has perfected one or more liens pursuant to this section if the total sums secured are in excess of $5,000, exclusive of attorney fees and costs.*

The judgment in an action brought pursuant to this subsection shall include, without limitation, reimbursement for costs and attorney fees, together with the interest at the maximum lawful rate for the sums secured by the lien from the time each sum became due and payable.

When payment or satisfaction is made of a debt secured by the lien perfected by this subsection, the lien shall be released in accordance with the provisions of § 55.1-339. For the purposes of § 55.1-339, the president or secretary of the association is the duly authorized agent of the lien creditor.

Nothing in this subsection shall be construed to prohibit the recovery of sums for which this subsection creates a lien.

Any lot owner within the subdivision having executed a contract for the disposition of the lot is entitled, upon request, to a recordable statement setting forth the amount of unpaid regular or special assessments currently levied against that lot. Such request shall be in writing, directed to the president of the association, and delivered to the principal office of the association. Failure of the association to furnish or make available such a statement within five business days from the receipt of such written request shall extinguish the lien created by this subsection as to the lot involved. Payment of a fee not exceeding $15 may be required as a prerequisite to the issuance of such a statement if the bylaws of the association so provide.

E. If, upon July 1, 1978, and a subdivision becoming subject to the terms and requirements outlined in subdivisions A 1 through 8 have not been performed, then the requirements shall have to be fully complied with within a period of 90 days from July 1, 1978, and upon failure to fully perform all of such requirements within the 90-day period the failure so to do shall constitute a violation of this subsection.

F. Each lot owner within a subdivision that falls within the scope of this chapter shall be responsible for his pro rata share of the cost of maintaining the common facilities and common areas owned by the association. For purposes of this subsection, "common facilities and common areas" means only the roads and lakes within the subdivision, and "maintaining" includes any orderly program for the continued upkeep and improvement of such roads and lakes. The association has the responsibility of determining the pro rata share assessed against each lot owner, and such amount assessed shall be in addition to the annual or special assessment otherwise obligated by each member of the association.

G. If a subdivision of land meets the requirement in subdivision 2 of the definition of subdivision as provided in § 55.1-2300, then the property owners' association of the subject subdivision has the powers and duties enumerated in subsections C, D, and F as well as the rights and authority to establish those procedures outlined in subdivisions A 4, 5, and 6 and the penalties in subdivision A 8, and also has the obligations imposed by such subdivisions and those of subdivisions A 9 through 12.

CHAPTER 350

An Act to amend the Code of Virginia by adding in Chapter 38 of Title 58.1 an article numbered 12.1, consisting of a section numbered 58.1-3853.1, relating to local military centered community zone.

[S 343]

Approved April 2, 2024

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Chapter 38 of Title 58.1 an article numbered 12.1, consisting of a section numbered 58.1-3853.1, as follows:

Article 12.1.

Local Military Centered Community Zone.

§ 58.1-3853.1. Military centered community zones; local designation.

A. As used in this section, "military centered community" means a community designated by a locality that has a significant presence of military personnel living or working in the designated area and where such presence drives, or has the potential to drive, significant economic activity.

B. Any locality may establish, by ordinance, one or more military centered community zones. Each locality, or another political subdivision acting on behalf of the locality, may offer unique benefits to businesses looking to locate within a military centered community zone for the purpose of serving the needs of military personnel.

C. The benefits may be provided to businesses, including new residential developments, located in a military centered community zone for up to 20 years and may include, but need not be limited to, (i) reduction of permit fees, (ii) reduction of user fees, and (iii) notwithstanding any other provision of law, reduction of any type of gross receipts tax. In addition, local governing bodies are authorized to enter into agreements for the payment of economic development incentive grants to such businesses with payment of the grants conditioned upon the businesses making certain real property or capital investments, creating and maintaining new jobs, or performing or meeting other economic development objectives.

D. The governing body may also provide for regulatory flexibility in such zone that may include, but need not be limited to, (i) special zoning for the district, (ii) permit process reform, (iii) exemption from ordinances, and (iv) any other incentive adopted by ordinance, which shall be binding upon the locality for a period of up to 20 years.

E. The establishment of a military centered community zone shall not preclude the area from also being designated as an enterprise zone under the Enterprise Zone Grant Act (§ 59.1-538 et seq.) nor shall it preclude the area from receiving support under the Virginia Military Community Infrastructure Grant Program established in § 2.2-233.1.

CHAPTER 351

An Act to amend and reenact § 22.1-346.2 of the Code of Virginia, relating to the Virginia School for the Deaf and the Blind Board of Visitors; membership; powers and duties; meetings.

[S 420]

Approved April 2, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 22.1-346.2 of the Code of Virginia is amended and reenacted as follows:

§ 22.1-346.2. Board of Visitors of the Virginia School for the Deaf and the Blind established.

A. *As used in this section:*

"Deaf" means having a hearing impairment so severe as to impair the individual from processing linguistic information through hearing, with or without amplification, that adversely affects such individual's educational performance.

"Hard of hearing" means having an impairment in hearing in one or both ears, with or without amplification, whether permanent or fluctuating, that adversely affects an individual's educational performance. "Hard of hearing" does not include "deaf."

"Vision impaired" means having an impairment in vision that, even with correction, adversely affects an individual's educational performance. "Vision impaired" includes both having partial sight and blindness.

B. There is hereby established the Board of Visitors of the Virginia School for the Deaf and the Blind (Board of Visitors), as a policy agency in the executive branch of state government under the name of the "Virginia School for the Deaf and the Blind," for the purpose of governing the educational programs and services to deaf, blind, and multi-disabled students enrolled at the Virginia School for the Deaf and the Blind.

~~B.~~ *C.* The Board of Visitors shall have a total membership of ~~11~~ *15* members that shall consist of four legislative members and ~~seven~~ *11* nonlegislative citizen members. Members shall be appointed as follows: two members of the House of Delegates, to be appointed by the Speaker of the House of Delegates in accordance with the principles of proportional representation contained in the Rules of the House of Delegates; two members of the Senate, to be appointed by the Senate Committee on Rules; and ~~seven~~ *11* nonlegislative citizen members, of whom ~~one~~ *two* shall be ~~a~~ ~~parent~~ *parents* of ~~a~~ ~~child~~ *current students at the Virginia School for the Deaf and the Blind, of whom (i) one shall be the parent of a student* who is deaf or ~~blind~~ ~~representing~~ *hard of hearing and one shall be the parent of a student who is vision impaired and (ii) one shall represent* the Eastern region of the Commonwealth~~,~~ *, and* one shall ~~be a parent of a child who is deaf or blind representing~~ *represent* the Western region of the Commonwealth, ~~and one~~ *two* shall be ~~a representative~~ *representatives* of the Virginia School for the Deaf and the Blind Alumni Association *who are deaf or hard of hearing, and two shall be representatives of the Virginia School for the Deaf and the Blind Alumni Association who are vision impaired*, to be appointed by the Governor, subject to confirmation by the General Assembly. Nonlegislative citizen members of the Board of Visitors shall be citizens of the Commonwealth. Legislative members of the Board of Visitors shall serve terms coincident with their terms of office. After the initial staggering of terms, nonlegislative members appointed shall serve for four-year terms. Appointments to fill vacancies, other than by expiration of a term, shall be for the unexpired terms. Vacancies shall be filled in the same manner as the original appointments. All members may be reappointed. However, no House member shall serve

more than four consecutive two-year terms, no Senate member shall serve more than two consecutive four-year terms, and no nonlegislative member appointed by the Governor shall serve more than two consecutive four-year terms. The remainder of any term to which a member is appointed to fill a vacancy shall not constitute a term in determining the member's eligibility for reappointment.

The Board of Visitors shall elect a chairman and vice-chairman from among its membership. The Board of Visitors shall elect a secretary, who shall keep an accurate record of the proceedings of the Board of Visitors and of the executive committee if one is created by the Board of Visitors, and such other officers as the Board deems appropriate. A majority of the members shall constitute a quorum. The Board of Visitors shall meet no ~~more~~ *less* than four times each year. The meetings of the Board of Visitors shall be held at the call of the chairman or whenever the majority of the members so request. *Notice of all meetings shall be made in accordance with the provisions of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.). Notice of meetings to the public shall, pursuant to subsection G of § 2.2-3707, state whether public comment will be received at the meeting and, if so, the approximate point during the meeting when public comment will be received. At any meeting at which public comment will be received, each speaker shall be allotted three minutes to speak. To ensure that all interested parties are given reasonable opportunity to be heard, the time allotted for each speaker to give public comment shall not be limited extemporaneously or without adequate notice prior to the date on which such meeting is scheduled.*

~~C.~~ *D.* Legislative members of the Board of Visitors shall receive such compensation as provided in § 30-19.12, and nonlegislative citizen members shall receive such compensation for the performance of their duties as provided in § 2.2-2813. All members shall be reimbursed for all reasonable and necessary expenses incurred in the performance of their duties as provided in §§ 2.2-2813 and 2.2-2825. Funding for the costs of expenses of the members shall be provided from such funds as may be appropriated to the Board of Visitors, in accordance with the appropriations act.

~~D.~~ *E.* The Superintendent shall designate a member of the staff of the Department to serve as a consultant to the Board of Visitors on matters pertaining to instruction, federal and state special education requirements, and school accreditation, and to provide technical assistance to assist the Board of Visitors in meeting specific instructional and school accreditation needs.

~~E.~~ *F.* The Board of Visitors shall have the following powers and duties:

1. Establish such rules, policies, and regulations for the governance of the Virginia School for the Deaf and the Blind.

2. Prescribe the criteria and procedures governing admissions to the school, and the review of student placement, to ensure the appropriateness of the placement and instructional program of each student admitted to the school, pursuant to § 22.1-348 and in accordance with federal and state special education laws and regulations.

3. Establish a policy governing the transportation of students at the school to permit frequent home visits by students, and to provide to each student transportation to and from the school and the place of residence of such student's parent or guardian whenever the school is officially closed.

4. Prescribe and approve the education programs of the Virginia School for the Deaf and the Blind, in consultation with the Department, the Department for the Deaf and Hard-of-Hearing, and the Department for the Blind and Vision Impaired.

5. Appoint *and supervise* the superintendent, other officers, and the faculty of the school. The superintendent shall be appointed every two years and the other officers and faculty annually. However, the superintendent, with the approval of the chairman of the Board of Visitors, shall be authorized to fill vacancies in positions appointed by the Board of Visitors occurring between meetings of the Board of Visitors. The Board of Visitors may remove at any time the superintendent, other officers, faculty, and employees for cause, subject to the provisions of Chapter 29 (§ 2.2-2900 et seq.) of Title 2.2.

6. Establish the qualifications, duties, and compensation of the superintendent, other officers, faculty, and employees of the school.

7. Prepare and submit to the Governor and the General Assembly an annual report detailing the curricula and other educational programs and services of the school, including receipts and disbursements pertaining to the operation of the school for each fiscal year ending on June 30.

~~F.~~ *G.* The Board of Visitors is hereby authorized to establish and maintain a campus security department and to employ campus security personnel therein.

CHAPTER 352

An Act to amend and reenact §§ 54.1-2100, 54.1-2106.1, and 54.1-2110 of the Code of Virginia, relating to Department of Professional and Occupational Regulation; real estate brokers; places of business; prohibited locations.

[S 437]

Approved April 2, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 54.1-2100, 54.1-2106.1, and 54.1-2110 of the Code of Virginia are amended and reenacted as follows:

§ 54.1-2100. Definitions.

As used in this chapter:

"Branch office" means any place of business of a principal broker in the Commonwealth that is not his primary place of business.

"Distance learning" means instruction delivered by an approved provider through a medium other than a classroom setting. Such courses shall be those offered by an accredited institution of higher education, high school offering adult distributive education courses, other school or educational institution, or real estate professional association or related entities.

"Place of business" means a location where the principal broker, or individuals or business entities employed by or affiliated as an independent contractor with the principal broker, regularly transacts the business of a real estate broker or salesperson. The primary place of business is the physical address provided on the firm license application form submitted to the Real Estate Board.

"Real estate broker" means any individual or business entity, including a partnership, association, corporation, or limited liability company, who, for compensation or valuable consideration, (i) sells or offers for sale, buys or offers to buy, or negotiates the purchase or sale or exchange of real estate, including units or interest in condominiums, cooperative interest as defined in § 55.1-2100, or time-shares in a time-share program even though they may be deemed to be securities or (ii) leases or offers to lease, or rents or offers for rent, any real estate or the improvements thereon for others.

"Real estate team" means two or more individuals, one or more of whom is a real estate salesperson or broker, who (i) work together as a unit within the same brokerage firm, (ii) represent themselves to the public as working together as one unit, and (iii) designate themselves by a fictitious name.

"Supervising broker" means a real estate broker who has been designated by a principal broker to supervise the provision of real estate brokerage services by associate brokers and salespersons assigned to a branch office or a real estate team.

§ 54.1-2106.1. Licenses required.

A. No business entity, other than a sole proprietorship, shall act, offer to act, or advertise to act, as a real estate firm without a real estate firm license from the Board. Such firm may be granted a license in a fictitious name. No business entity shall be granted a firm license unless (i) every managing member of a limited liability company, officer of a corporation, partner within a partnership, or associate within an association who actively participates in the firm brokerage business holds a license as a real estate broker; and (ii) every employee or independent contractor who acts as a salesperson for such business entity holds a license as a real estate salesperson or broker. An individual holding a broker's license may operate a real estate brokerage firm which he owns as a sole proprietorship without any further licensure by the Board, although such individual shall not operate the brokerage firm in a fictitious name. However, nothing herein shall be construed to prohibit a broker operating a brokerage firm from having a business entity separate from the brokerage firm for such broker's own real estate business, provided that such separate business entity otherwise complies with this section. A non-broker-owned sole proprietorship shall obtain a license from the Board.

B. No individual shall act as a broker without a real estate broker's license from the Board. An individual who holds a broker's license may act as a salesperson for another broker. A broker may be an owner, member, or officer of a business entity salesperson as defined in subsection C.

C. No individual shall act as a salesperson without a salesperson's license from the Board. A business entity may act as a salesperson with a separate business entity salesperson's license from the Board. No business entity shall be granted a business entity salesperson's license unless every owner or officer who actively participates in the brokerage business of such entity holds a license as a salesperson or broker from the Board. The Board shall establish standards in its regulations for the names of business entity salespersons when more than one licensee is an owner or officer.

D. No group of individuals consisting of one or more real estate brokers or real estate salespersons, or a combination thereof, shall act as a real estate team without first obtaining a business entity salesperson's license from the Board. A real estate team may hire one or more unlicensed assistants, as employees or independent contractors, as otherwise provided by law.

E. If any principal broker maintains more than one place of business within the Commonwealth, such principal broker shall be required to obtain a branch office license from the Board for each *additional* place of business maintained *other than his primary place of business noted on the firm license application*. A copy of the branch office license shall be kept on the premises of the branch office. *No branch office license shall be required for (i) a location that the principal broker, or those employed by or affiliated as an independent contractor with the principal broker, does not own, lease, or maintain exclusive access to, maintenance of, and control of, unless it is held out to the public as a location where such persons or entities are regularly engaging in the activities of a real estate broker or salesperson; (ii) a motor vehicle or watercraft; (iii) a place that is solely devoted to advertising real estate matters of a general nature or to making a real estate broker's business name generally known such as a trade show or expo; (iv) a residence, unless it is held out to the public as a location where the principal broker, or those employed by or affiliated as an independent contractor with the principal broker, is regularly engaging in the activities of a real estate broker or salesperson; (v) a post office box, mail drop location, or other similar facility; or (vi) a public location such as a coffee shop or restaurant.*

§ 54.1-2110. Resident broker to maintain place of business in Virginia.

A. Every resident real estate broker shall maintain a place of business in ~~this~~ *the* Commonwealth.

B. Any nonresident real estate broker residing in a state that mandates resident real estate brokers of the Commonwealth to maintain a place of business in such mandating state shall maintain a place of business in the Commonwealth.

C. Every principal broker shall have readily available to the public in the primary place of business the firm license, the principal broker license, and the license of every salesperson and broker active with the firm. Each branch office shall have readily available to the public the branch office license and a roster of every salesperson or broker assigned to that branch office.

CHAPTER 353

An Act to amend and reenact §§ 51.1-142.2 and 55.1-2544 of the Code of Virginia, relating to Virginia Retirement System; plan credits and accounts.

[S 458]

Approved April 2, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 51.1-142.2 and 55.1-2544 of the Code of Virginia are amended and reenacted as follows:

§ 51.1-142.2. Prior service or membership credit for certain members; service credit for accumulated sick leave.

Certain members may purchase credit for service as provided in this section.

A. 1. Any member in service may purchase service credit from the following categories of service or leave: (i) leave of absence for educational purposes that was previously approved by the member's employer; (ii) leave of absence for a serious health condition of the member or of an immediate family member, all as defined in the Family and Medical Leave Act of 1993, 29 U.S.C. § 2601 et seq., as amended, and previously certified by the member's employer; (iii) up to one year of service credit per occurrence of leave for any unpaid leave of absence due to the birth, adoption, or death of a qualifying child, as defined in § 51.1-500; (iv) service as a full-time employee of another state, a public school system of another state, or a political subdivision of the Commonwealth or another state, as certified by such state, public school system, or political subdivision; (v) full-time service of a political subdivision of this state not credited to the member under an agreement as provided for in § 51.1-143.1, as certified by such political subdivision; (vi) full-time civilian service of the United States; (vii) full-time service at a private institution of higher education if the private institution is merged with a public institution of higher education and graduates of the private institution are then issued new degrees from the public institution; or (viii) any period of time when the member was employed part time or in a wage position by a participating employer and not otherwise eligible to participate in the retirement system because the member was not an employee as defined in § 51.1-124.3. However, no member in service shall be allowed to purchase more than a total of four years of service credit pursuant to this subdivision.

2. In addition to the service credit that may be purchased under subdivision 1, any member in service may purchase up to four years of service credit for prior active duty military service in the armed forces of the United States, provided that the discharge from a period of active duty status with the armed forces was not dishonorable.

3. The service credit to be credited to a member under this subsection shall be calculated at the ratio of one year, or portion thereof, of service credit to one year, or portion thereof, of service purchased, except for employment service purchased under clause (viii) of subdivision 1, which shall be calculated at the ratio of one month of service credit for each 173 hours of service as certified by the employer.

For each year or portion thereof to be credited at the time of purchase under this subsection, the member shall pay the approximate normal cost of the retirement plan under which the member is covered at the time of such purchase, as determined by the Board in its sole discretion. If the member does not purchase, or enter into a purchase of service credit contract for, the service made available in this subsection within the first 24 months of the member's active service following his first date of hire or the final day of any applicable leave of absence, as applicable, then, for each year or portion thereof to be credited at the time of purchase, the member shall pay the actuarial equivalent cost. To the extent the member becomes inactive during the 24 months following his first date of hire or the final day of any applicable leave of absence, such periods shall not be included in the 24 months of active service.

Except as otherwise required by Chapter 1223 of Title 10 of the United States Code, as amended, no service credit may be purchased under this section if it is included in the calculation of any retirement allowance received or to be received by the member from this or another retirement system, or if there is a balance in a defined contribution account that serves as a primary retirement account related to such service.

For purposes of this subsection, "active duty military service" means full-time service of at least 180 consecutive days in the United States Army, Navy, Air Force, Marines, Coast Guard, *or any other distinct branch of the armed services as established by the federal government,* or reserve components thereof.

B. Any member in service may purchase all prior service credit for creditable service lost from ceasing to be a member under this chapter, as provided in § 51.1-128, because of the withdrawal of his accumulated contributions. For each year or portion thereof to be credited at the time of purchase under this subsection, the member shall pay the withdrawn amount to be purchased plus interest accrued daily and compounded annually from the date of withdrawal to the date of payment at the assumed rate of return established by the Board for the actuarial valuation of the retirement system that is in effect at the time of the purchase. The Board shall develop guidelines and procedures for administering this subsection.

C. Any member in service may purchase service credit for accumulated sick leave on his effective date of retirement based upon such sums as the employer may provide as payment for any unused sick leave balances. The cost of service credit purchased under this subsection shall be the actuarial equivalent cost of such service.

D. Any member receiving benefits under the Virginia Workers' Compensation Act (§ 65.2-100 et seq.) may, in a manner prescribed by the Board and prior to the effective date of retirement, purchase service that is not reported to the retirement system by the member's employer while the member is receiving such benefits.

For each year or portion thereof to be credited at the time of purchase under this subsection, the member shall pay the approximate normal cost of the retirement plan under which the member is covered, as determined by the Board in its sole discretion. If the member does not purchase, or enter into a purchase of service credit contract for, any service made available in this subsection within the first 24 months of the member's active service following his first date of hire or the final day of any applicable leave of absence, then, for each year or portion thereof to be credited at the time of purchase, the member shall pay the actuarial equivalent cost. To the extent the member becomes inactive during the 24 months following his first date of hire or the final day of any applicable leave of absence, such periods shall not be included in the 24 months of active service.

E. Payment may be made in a lump sum at the time of purchase or by payroll deduction. Any number of additional deductions may be permitted at any time. Should any deduction be terminated before the member purchases the entire period contracted for, the member shall be credited with the number of full or partial months of service for which full payment has been made. If any deduction is continued after the entire period has been purchased, the member shall be credited with no more than the amount of service for which he was eligible and for which he paid, and the excess amount deducted shall be refunded to the member.

F. Any employer may elect to pay an equivalent amount in lieu of all member contributions required of its employees for the purchase of service credit pursuant to this section. These contributions shall not be considered wages for purposes of Chapter 7 (§ 51.1-700 et seq.), nor shall they be considered salary for purposes of this chapter.

G. In any case where member and employer contributions, as required under this chapter, were not made because of an error in the payroll, personnel, or other classification system of an employer participating in the retirement system, service that has not been credited because of such error may be purchased on the following basis:

1. The most recent three years of service credit shall be purchased, using applicable member and employer contribution rates and creditable compensation in effect for such period, in a manner and at the cost prescribed by the Board; and

2. All other years of service credit shall be purchased by the employer at an actuarial equivalent cost.

H. Any member may receive credit at no cost for service rendered in the armed forces of the United States provided (i) the member was on leave of absence from a covered position, (ii) the discharge from a period of active duty with the armed forces was not dishonorable, (iii) the member has not withdrawn his accumulated contributions, (iv) the member is not disabled or killed while on leave without pay while performing active duty military service in the armed forces of the United States, and (v) the member reenters service in a covered position within one year after discharge from the armed forces. In order to receive such service, the member must complete such forms and other requirements as are required by the Board and the retirement system.

§ 55.1-2544. Property held or payable pursuant to Title 51.1.

This chapter shall not apply to any *defined benefit plan* funds or other property, tangible or intangible, held or payable pursuant to Title 51.1. *Any funds or other property, tangible or intangible, held or payable in a defined contribution plan, deferred compensation plan, or cash match plan pursuant to Title 51.1 that have remained unclaimed for more than five years after such funds or other property became payable shall be presumed abandoned.*

CHAPTER 354

An Act to amend the Code of Virginia by adding in Article 1 of Chapter 11 of Title 10.1 a section numbered 10.1-1103.1, relating to Department of Forestry; Forestland and Urban Tree Canopy Conservation Plan required.

[S 461]

Approved April 2, 2024

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Article 1 of Chapter 11 of Title 10.1 a section numbered 10.1-1103.1 as follows:

§ 10.1-1103.1. Forestland and Urban Tree Canopy Conservation Plan.

A. The Department shall establish a Forestland and Urban Tree Canopy Conservation Plan (the Plan) to conserve the Commonwealth's forestland and incentivize the protection of forests and other similar sensitive natural areas as an integral part of state forestry planning and the local comprehensive planning process. The Plan shall be reviewed by the Board of Forestry. In developing the Plan, the Department shall include elements determined by the State Forester, including the following:

1. Examine the current status and trends of forests and tree canopies in the Commonwealth;

2. Identify challenges to forest health, forestland, and tree canopy conservation efforts, including land use, climate change, and invasive species and other challenges identified by the stakeholder group;

3. Identify priority forests for conservation emphasizing protection of streams or wetlands, areas with steep slopes or highly erodible soils, wildlife corridors, and large contiguous blocks of forest;

4. Develop forest-related and tree canopy-related goals;

5. Identify current and potential funding streams and state and local entities that will be vital to achieve forest and tree canopy conservation goals; and

6. Ensure consistency with the objectives of the Board of Forestry with respect to forest management, including forest protection, management, and replacement.

B. The Plan, reviewed by the Board of Forestry, shall be developed in coordination with a Technical Advisory Committee that shall include representatives from the Department of Environmental Quality, Department of Wildlife Resources, Department of Conservation and Recreation, agricultural and forestry industries, environmental and conservation organizations, local governments, the Virginia Cooperative Extension, professional environmental technical experts, residential and commercial development industries, and other stakeholders as the Department deems appropriate.

C. The Department shall update the Plan at least once every five years and shall reconvene the Technical Advisory Committee and seek input prior to approval of any updates to the Plan. The Department shall hold a 30-day public comment period on the Plan and any subsequent updates to the Plan. Following any such update, the Plan shall be made available on its website and submitted to the Governor and the Chairmen of the House Committee on Agriculture, Chesapeake and Natural Resources and the Senate Committee on Agriculture, Conservation and Natural Resources.

2. That the initial Forestland and Urban Tree Canopy Conservation Plan (the Plan) required by § 10.1-1103.1 of the Code of Virginia, as created by this act, shall be established by November 1, 2026. The Department of Forestry shall post the Plan on its website and submit the Plan to the Governor and the Chairmen of the House Committee on Agriculture, Chesapeake and Natural Resources and the Senate Committee on Agriculture, Conservation and Natural Resources no later than November 30, 2026.

CHAPTER 355

An Act to amend and reenact § 64.2-1625 of the Code of Virginia, relating to certain powers of attorney; transfer on death deeds.

[S 471]

Approved April 2, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 64.2-1625 of the Code of Virginia is amended and reenacted as follows:

§ 64.2-1625. Real property.

A. Unless the power of attorney otherwise provides, language in a power of attorney granting general authority with respect to real property authorizes the agent to:

1. Demand, buy, lease, receive, accept as a gift or as security for an extension of credit, or otherwise acquire or reject an interest in real property or a right incident to real property;

2. Sell; exchange; convey with or without covenants, representations, or warranties; quitclaim; release; surrender; retain title for security; encumber; partition; consent to partitioning; subject to an easement or covenant; subdivide; apply for zoning or other governmental permits; plat or consent to platting; develop; grant an option concerning; lease; sublease; contribute to an entity in exchange for an interest in that entity; or otherwise grant or dispose of an interest in real property or a right incident to real property;

3. Pledge or mortgage an interest in real property or right incident to real property as security to borrow money or pay, renew, or extend the time of payment of a debt of the principal or a debt guaranteed by the principal;

4. Release, assign, satisfy, or enforce by litigation or otherwise a mortgage, deed of trust, conditional sale contract, encumbrance, lien, or other claim to real property that exists or is asserted;

5. Manage or conserve an interest in real property or a right incident to real property owned or claimed to be owned by the principal, including:

a. Insuring against liability or casualty or other loss;

b. Obtaining or regaining possession of or protecting the interest or right by litigation or otherwise;

c. Paying, assessing, compromising, or contesting taxes or assessments or applying for and receiving refunds in connection with them; and

d. Purchasing supplies, hiring assistance or labor, and making repairs or alterations to the real property;

6. Use, develop, alter, replace, remove, erect, or install structures or other improvements upon real property in or incident to which the principal has, or claims to have, an interest or right;

7. Participate in a reorganization with respect to real property or an entity that owns an interest in or right incident to real property and receive, hold, and act with respect to stocks and bonds or other property received in a plan of reorganization, including:

a. Selling or otherwise disposing of them;

b. Exercising or selling an option, right of conversion, or similar right with respect to them; and

c. Exercising any voting rights in person or by proxy;

8. Change the form of title of an interest in or right incident to real property; and

9. Dedicate to public use, with or without consideration, easements or other real property in which the principal has, or claims to have, an interest.

B. An agent under a power of attorney acting under the authority of this section shall not have the authority to create, change, or revoke a transfer on death deed on behalf of the owner of property unless such agent is granted the power to create or change a beneficiary designation as required by subdivision A 4 of § 64.2-1622. This subsection shall not be construed to prohibit such agent from exercising any authority under subsection A, even if the effect of exercising such authority may be to revoke a transfer on death deed.

CHAPTER 356

An Act to amend and reenact §§ 3.04, as amended, 3.05, as amended, 3.07, and 3.14 of Chapter 47 of the Acts of Assembly of 1986, which provided a charter for the Town of Pulaski in Pulaski County, relating to council; mayor; vice-mayor; elections.

[S 475]

Approved April 2, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 3.04, as amended, 3.05, as amended, 3.07, and 3.14 of Chapter 47 of the Acts of Assembly of 1986 are amended and reenacted as follows:

§ 3.04. Composition and qualifications.

The council shall ~~be composed of six council members and the mayor~~ *consist of seven members, one of whom shall be the mayor*, to be elected from the town at large. The council members and the mayor shall be qualified voters of the town.

§ 3.05. Election and term of office of council members.

~~The council shall be elected in the manner provided by Virginia election laws. Three council members shall be elected on the first Tuesday in May 2000, and every four years thereafter. The other three council members shall be elected on the first Tuesday in May 2002, and every four years thereafter.~~

~~The term of office for all council members shall begin on July 1 next following their election, and each shall serve for a term of four years or until his successor shall have been elected and qualified.~~ *The members of council shall be elected for and serve terms of four years, from the first day of January next following the date of their election and until their successors shall have been elected and qualified. Three council members shall be elected on the first Tuesday following the first Monday of November 2024 and every four years thereafter. Three council members shall be elected on the first Tuesday following the first Monday of November 2026 and every four years thereafter.* The council members may succeed themselves as often as the voters may choose.

§ 3.07. Mayor and vice-mayor.

The mayor shall be elected ~~on the first Tuesday in May, 1986, and every two years thereafter. The position of mayor shall occupy a separate position on the ballot from that of the other council members and the mayor shall be elected in the manner provided by Virginia election laws~~ *for and serve a term of four years, from the first day of January next following the date of his election and until his successor shall have been elected and qualified. The mayor shall be elected on the first Tuesday following the first Monday of November 2024 and every four years thereafter*.

The mayor shall have ~~no~~ *the* right to vote in the council~~, except that in every case of a tie vote of the council, the mayor shall be entitled to vote and such vote (in case of a tie only) shall then have the same weight and effect as the vote of a councilman~~, but the mayor shall have no right to veto. In addition, he shall preside at meetings of the council and perform such other duties as may be prescribed by this charter and by general law and such as may be imposed by the council consistent with the office. The mayor shall be recognized as head of the town government for all ceremonial purposes, for purposes of military law, and for the service of civil processes. In the event of public danger or emergency the mayor shall maintain order and enforce the law. Such course of action shall be subject to review by the council.

The mayor shall have no power to suspend, remove or discharge any officer, official, agent or employee of the town, nor shall he have any power or authority to appoint or employ any officer, official, agent or employee of the town, nor fix the term of office or employment or the compensation, or increase or decrease the power and authority of any officer, official, agent or employee of the town, unless such power shall have been given by the council.

The mayor shall take care and see that the bylaws, ordinances, acts and resolutions of the council are faithfully executed; shall have and exercise all power and authority conferred by general law on mayors of towns not inconsistent with this charter; shall see that peace and order are preserved and that persons and property within the town are protected; shall authenticate by his or her signature such documents and instruments as the council, this charter, or the laws of this Commonwealth require; and shall from time to time recommend to the council such measures as he or she may deem needful for the welfare of the town and shall be entitled to join in all discussions of town business.

Any provision of this charter dealing with a council member shall also apply to the mayor, unless the context clearly indicates otherwise.

At the first meeting of the council of each ~~even-numbered~~ *odd-numbered* year, the council shall elect from its members a vice-mayor who shall serve for a term of two years. The vice-mayor shall act as mayor during the absence or disability of

the mayor and, if a vacancy occurs, shall become acting mayor until such time as a successor is appointed to fill the unexpired term. The council member who serves as vice-mayor or acting mayor under this section shall continue to have all the rights, privileges, powers, and duties and obligations of a council member, even when performing the duties of mayor.

§ 3.14. Procedure.

A. Meetings. The council shall meet regularly at least once in every month, at such times and places as the council may prescribe by ordinance, and no regular meeting may be continued or postponed without either (i) a majority vote of the council members in open session, or (ii) by written consent of the majority of the members other than the mayor, in which written consent shall specify the date for holding a postponed or continued meeting, and when a majority have signed such writing the same shall be so continued or postponed. Special meetings may be held on the call of the mayor or of any three council members. No business shall be transacted at a special meeting but that for which it may be called, unless the council be unanimous.

No vote shall be reconsidered or rescinded at any special meeting unless at such special meeting there are present as large a number of members as were present when such vote was taken.

The meetings of the council shall be open to the public and to the press, except when the public welfare shall require executive session, and then the public welfare shall not be deemed to require such executive session unless a majority of the councilmen present and constituting a quorum shall vote in favor of such executive session. Any citizen and the press may have access to the minutes of the council at all reasonable times.

A majority of all members of council, ~~exclusive~~ *inclusive* of the mayor, shall constitute a quorum, but a smaller number may adjourn from time to time and compel the attendance of absentees.

B. Rules and conduct of business. The council shall determine its own rules and order of business. The council shall have the power to create or abolish such committees, both standing and special, as it may from time to time determine to be necessary or convenient to the transaction of public business.

C. Voting. An affirmative recorded vote of a majority of those members voting is required for the adoption of any ordinance or resolution having in its object levying of taxes or contracting of debt. All votes must be in person. No proxies are allowed.

Voting shall be by roll call with the ayes and nays recorded in the minutes where a roll call vote is required by statute or is called for by any council member prior to the vote. Otherwise, voting may be by voice vote without a roll call.

A majority vote of council shall mean a majority of those members present and actually voting on a matter at a properly called meeting of council.

CHAPTER 357

An Act to amend the Code of Virginia by adding a section numbered 22.1-211.1, relating to public schools; certain local school divisions; youth and community violence prevention; Community Builders Pilot Program established; report.

[S 484]

Approved April 2, 2024

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 22.1-211.1 as follows:

§ 22.1-211.1. Community Builders Pilot Program established; report.

A. The Community Builders Pilot Program (the Program) is established for the purpose of reducing youth involvement in behaviors that lead to gun violence and increasing community engagement among public school students by providing students enrolled in Roanoke City Public Schools and Petersburg City Public Schools opportunities during the school year after regular school hours and during the summer months for community engagement, workforce development, postsecondary education exploration, and social-emotional education and development.

B. The Program shall have after-school sessions, to be offered during the school year after regular school hours, and one summer session, to be offered during the summer months when school is not in session. The Program shall provide a group of up to 100 students each session, selected in accordance with subdivision C 1, community, workforce, and education building opportunities, including opportunities for:

1. Workforce development and professional readiness, including career and technical education exploration and opportunities for soft-skill development;

2. Exploring opportunities available in postsecondary education;

3. Social-emotional development and instruction on the role and importance of restorative justice in the community; and

4. Family engagement and empowerment.

C. The school boards of Roanoke City Public Schools and Petersburg City Public Schools shall be responsible for the administration of the Program. In administering the Program, the school boards may collaborate with such other entities as they deem appropriate. In administering the Program, the school boards shall:

1. Establish and administer an application and referral process by which students who are entering eighth grade can apply or be referred for participation in the Program, including students who may be referred by a teacher for compulsory participation;

2. Develop and administer an application and hiring process for Program staff, including a Program coordinator and professional staff;

3. Develop and implement a Program curriculum and itinerary for the after-school sessions of the Program to be offered during the school year after regular school hours and for the summer session of the Program to be offered during the summer months; and

4. Collect data and report to the Governor, the Senate Committee on Education and Health, and the House Committee on Education by November 1 each year on the progress of the Program, including: (i) the number of students participating in the Program as a whole and disaggregated by (a) the number of students participating during the after-school session of the Program and the summer session of the Program and (b) the number of participating students who are enrolled in Roanoke City Public Schools and the number of participating students enrolled in Petersburg City Public Schools; (ii) data relating to the progress of participating students, including a comparison of pre-participation and post-participation absenteeism rates, disciplinary incidents, and academic performance; and (iii) the number and rate of reported incidents of gun violence involving participants in the Community Builders program, in the City of Roanoke as a whole, and in the City of Petersburg as a whole in comparison to previous years.

2. That the provisions of this act shall expire on July 1, 2027.

CHAPTER 358

An Act to amend and reenact § 18.2-334.3 of the Code of Virginia, relating to illegal gambling; exemptions.

[S 540]

Approved April 2, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 18.2-334.3 of the Code of Virginia is amended and reenacted as follows:

§ 18.2-334.3. Exemptions to article.

Nothing in this article shall apply to:

1. Any lottery conducted by the Commonwealth ~~of Virginia~~ pursuant to Article 1 (§ 58.1-4000 et seq.) of Chapter 40 of Title 58.1; ~~or~~

2. Any sports betting or related activity that is lawful under Article 2 (§ 58.1-4030 et seq.) of Chapter 40 of Title 58.1*; or*

3. The placement or operation of or communication to and from data center equipment in the Commonwealth associated with the hosting of lottery games duly authorized by another state or jurisdiction and regulated and operated consistent with and exclusively for the benefit of such state or jurisdiction, provided that wagering on such games is legally authorized in such other state or jurisdiction and the individuals wagering on such games are required by the laws or regulations of such other state or jurisdiction to be physically located within the geographic bounds of such other state or jurisdiction at the time the wager is initiated or placed.

CHAPTER 359

An Act to amend and reenact § 58.1-4107 of the Code of Virginia, relating to casino gaming; eligible host city.

[S 541]

Approved April 2, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 58.1-4107 of the Code of Virginia is amended and reenacted as follows:

§ 58.1-4107. Eligible host city; certification of preferred casino gaming operator.

A. The conduct of casino gaming shall be limited to the following eligible host cities:

1. Any city (i) in which at least 40 percent of the assessed value of all real estate in such city is exempt from local property taxation, according to the Virginia Department of Taxation Annual Report for Fiscal Year 2018, and (ii) that experienced a population decrease of at least seven percent from 1990 to 2016, according to data provided by the U.S. Census Bureau;

2. Any city that had (i) an annual unemployment rate of at least five percent in 2018, according to data provided by the U.S. Bureau of Labor Statistics; (ii) an annual poverty rate of at least 20 percent in 2017, according to data provided by the U.S. Census Bureau; and (iii) a population decrease of at least 20 percent from 1990 to 2016, according to data provided by the U.S. Census Bureau;

3. Any city that (i) had an annual unemployment rate of at least 3.6 percent in 2018, according to data provided by the U.S. Bureau of Labor Statistics; (ii) had an annual poverty rate of at least 20 percent in 2017, according to data provided by the U.S. Census Bureau; (iii) experienced a population decrease of at least four percent from 1990 to 2016, according to data provided by the U.S. Census Bureau; and (iv) is located adjacent to a state that has adopted a Border Region Retail Tourism Development District Act; *and*

4. Any city (i) with a population greater than 200,000 according to the 2018 population estimates from the Weldon Cooper Center for Public Service of the University of Virginia; (ii) in which at least 24 percent of the assessed value of all

real estate in such city is exempt from local property taxation, according to the Virginia Department of Taxation Annual Report for Fiscal Year 2018; and (iii) that experienced a population decrease of at least five percent from 1990 to 2016, according to data provided by the U.S. Census Bureau; and

5. Any city (i) with a population greater than 200,000 according to the 2018 population estimates from the Weldon Cooper Center for Public Service of the University of Virginia; (ii) in which at least 24 percent of the assessed value of all real estate in such city is exempt from local property taxation, according to the Virginia Department of Taxation Annual Report for Fiscal Year 2018; and (iii) that had a poverty rate of at least 24 percent in 2017, according to data provided by the U.S. Census Bureau.

B. In selecting a preferred casino gaming operator, an eligible host city shall have considered and given substantial weight to factors such as:

1. The potential benefit and prospective revenues of the proposed casino gaming establishment.

2. The total value of the proposed casino gaming establishment.

3. The proposed capital investment and the financial health of the proposer and any proposed development partners.

4. The experience of the proposer and any development partners in the operation of a casino gaming establishment.

5. Security plans for the proposed casino gaming establishment.

6. The economic development value of the proposed casino gaming establishment and the potential for community reinvestment and redevelopment in an area in need of such.

7. Availability of city-owned assets and privately owned assets, such as real property, including where there is only one location practicably available or land under a development agreement between a potential operator and the city, incorporated in the proposal.

8. The best financial interest of the city.

9. The proposer's status as a minority-owned business as defined in § 2.2-1604 or the proposer's commitment to solicit equity investment in the proposed casino gaming establishment from one or more minority-owned businesses and the proposer's commitment to solicit contracts with minority-owned businesses for the purchase of goods and services.

C. The Department shall, upon request of any eligible host city, provide a list of resources that may be of assistance in evaluating the technical merits of any proposal submitted pursuant to this section, provided that selection of the preferred casino gaming operator shall be at the city's sole discretion.

D. The eligible host city described in subdivision A 4 shall provide substantial and preferred consideration to a proposer who is a Virginia Indian tribe recognized in House Joint Resolution No. 54 (1983) and acknowledged by the Assistant Secretary-Indian Affairs for the U.S. Department of the Interior as an Indian tribe within the meaning of federal law that has the authority to conduct gaming activities as a matter of claimed inherent authority or under the authority of the Indian Gaming Regulatory Act (25 U.S.C. § 2701 et seq.).

E. The eligible host city described in subdivision A 5 may provide preferred consideration to a proposer who is a Virginia Indian tribe recognized in House Joint Resolution No. 54 (1983) and acknowledged by the Assistant Secretary-Indian Affairs for the U.S. Department of the Interior as an Indian tribe within the meaning of federal law that has the authority to conduct gaming activities as a matter of claimed inherent authority or under the authority of the Indian Gaming Regulatory Act (25 U.S.C. § 2701 et seq.).

F. An eligible host city shall promptly submit its preferred casino gaming operator to the Department for review prior to scheduling the referendum required by § 58.1-4123. An eligible host city shall include with the submission any written or electronic documentation considered as part of the criteria in subsection B, including any memorandums of understanding, incentives, development agreements, land purchase agreements, or local infrastructure agreements. The Department shall conduct a preliminary review of the financial status and ability of the preferred casino gaming operator to operate and properly support ongoing operations in an eligible host city, as well as current casino operations in other states and territories. The Department shall conduct such review within 45 days of receipt of the submission by the eligible host city. An eligible host city and preferred casino gaming operator shall fully cooperate with all necessary requests by the Department in that regard. Upon successful preliminary review, the Department shall certify approval for the eligible host city to proceed to the referendum required by § 58.1-4123. The Department shall develop guidelines establishing procedures and criteria for conducting the preliminary review required by this subsection. Certification by the Department to proceed to referendum shall in no way entitle the preferred casino gaming operator to approval of any application to operate a casino gaming establishment.

CHAPTER 360

An Act to amend and reenact §§ 38.2-3412.1, 38.2-3438, and 38.2-3445 of the Code of Virginia, relating to health insurance; emergency services; mobile crisis response services.

[S 543]

Approved April 2, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 38.2-3412.1, 38.2-3438, and 38.2-3445 of the Code of Virginia are amended and reenacted as follows:

§ 38.2-3412.1. Coverage for mental health and substance use disorders.

A. As used in this section:

"Adult" means any person who is 19 years of age or older.

"Alcohol or drug rehabilitation facility" means a facility in which a state-approved program for the treatment of alcoholism or drug addiction is provided. The facility shall be either (i) licensed by the State Board of Health pursuant to Chapter 5 (§ 32.1-123 et seq.) of Title 32.1 or by the Department of Behavioral Health and Developmental Services pursuant to Article 2 (§ 37.2-403 et seq.) of Chapter 4 of Title 37.2 or (ii) a state agency or institution.

"Child or adolescent" means any person under the age of 19 years.

"Crisis receiving center" means a community-based facility licensed by the Department of Behavioral Health and Developmental Services to provide short-term assessment, observation, and crisis stabilization services.

"Inpatient treatment" means mental health or substance abuse services delivered on a 24-hour per day basis in a hospital, alcohol or drug rehabilitation facility, an intermediate care facility or an inpatient unit of a mental health treatment center.

"Intermediate care facility" means a licensed, residential public or private facility that is not a hospital and that is operated primarily for the purpose of providing a continuous, structured 24-hour per day, state-approved program of inpatient substance abuse services.

"Medication management visit" means a visit no more than 20 minutes in length with a licensed physician or other licensed health care provider with prescriptive authority for the sole purpose of monitoring and adjusting medications prescribed for mental health or substance abuse treatment.

"Mental health services" or "mental health benefits" means benefits with respect to items or services for mental health conditions as defined under the terms of the health benefit plan. Any condition defined by the health benefit plan as being or as not being a mental health condition shall be defined to be consistent with generally recognized independent standards of current medical practice.

"Mental health treatment center" means a treatment facility organized to provide care and treatment for mental illness through multiple modalities or techniques pursuant to a written plan approved and monitored by a physician, clinical psychologist, or a psychologist licensed to practice in this Commonwealth. The facility shall be (i) licensed by the Commonwealth, (ii) funded or eligible for funding under federal or state law, or (iii) affiliated with a hospital under a contractual agreement with an established system for patient referral.

"Mobile crisis response services" means services ~~delivered~~ *licensed by the Department of Behavioral Health and Developmental Services* to provide for rapid response to, assessment of, and early intervention for individuals experiencing an acute mental health crisis that are deployed at the location of the individual.

"Network adequacy" means access to services by measure of distance, time, and average length of referral to scheduled visit.

"Outpatient treatment" means mental health or substance abuse treatment services rendered to a person as an individual or part of a group while not confined as an inpatient. Such treatment shall not include services delivered through a partial hospitalization or intensive outpatient program as defined herein.

"Partial hospitalization" means a licensed or approved day or evening treatment program that includes the major diagnostic, medical, psychiatric and psychosocial rehabilitation treatment modalities designed for patients with mental, emotional, or nervous disorders, and alcohol or other drug dependence who require coordinated, intensive, comprehensive and multi-disciplinary treatment. Such a program shall provide treatment over a period of six or more continuous hours per day to individuals or groups of individuals who are not admitted as inpatients. Such term shall also include intensive outpatient programs for the treatment of alcohol or other drug dependence which provide treatment over a period of three or more continuous hours per day to individuals or groups of individuals who are not admitted as inpatients.

"Residential crisis stabilization unit" means a *community-based,* short-term residential program ~~providing~~ *licensed by the Department of Behavioral Health and Developmental Services to provide short-term assessment, observation,* support*,* and *crisis* stabilization for individuals who are experiencing an acute mental health crisis.

"Substance abuse services" or "substance use disorder benefits" means benefits with respect to items or services for substance use disorders as defined under the terms of the health benefit plan. Any disorder defined by the health benefit plan as being or as not being a substance use disorder shall be defined to be consistent with generally recognized independent standards of current medical practice.

"Treatment" means services including diagnostic evaluation, medical, psychiatric and psychological care, and psychotherapy for mental, emotional or nervous disorders or alcohol or other drug dependence rendered by a hospital, alcohol or drug rehabilitation facility, intermediate care facility, mental health treatment center, a physician, psychologist, clinical psychologist, licensed clinical social worker, licensed professional counselor, licensed substance abuse treatment practitioner, licensed marriage and family therapist or clinical nurse specialist. Treatment for physiological or psychological dependence on alcohol or other drugs shall also include the services of counseling and rehabilitation as well as services rendered by a state certified alcoholism, drug, or substance abuse counselor or substance abuse counseling assistant, limited to the scope of practice set forth in § 54.1-3507.1 or 54.1-3507.2, respectively, employed by a facility or program licensed to provide such treatment.

B. Except as provided in subsections C and D, group and individual health insurance coverage, as defined in § 38.2-3431, shall provide coverage for mental health and substance use disorder benefits. Such benefits shall be in parity with the medical and surgical benefits contained in the coverage in accordance with the federal Mental Health Parity and

Addiction Equity Act of 2008 (MHPAEA), P.L. 110-343, even where those requirements would not otherwise apply directly. Coverage required under this subsection shall include mobile crisis response services and support and stabilization services provided in a residential crisis stabilization unit *or crisis receiving center* to the extent that such services are covered in other settings or modalities, regardless of any difference in billing codes.

C. Any grandfathered plan as defined in § 38.2-3438 in the small group market shall either continue to provide benefits in accordance with subsection B or continue to provide coverage for inpatient and partial hospitalization mental health and substance abuse services as follows:

1. Treatment for an adult as an inpatient at a hospital, inpatient unit of a mental health treatment center, alcohol or drug rehabilitation facility or intermediate care facility for a minimum period of 20 days per policy or contract year.

2. Treatment for a child or adolescent as an inpatient at a hospital, inpatient unit of a mental health treatment center, alcohol or drug rehabilitation facility or intermediate care facility for a minimum period of 25 days per policy or contract year.

3. Up to 10 days of the inpatient benefit set forth in subdivisions 1 and 2 of this subsection may be converted when medically necessary at the option of the person or the parent, as defined in § 16.1-336, of a child or adolescent receiving such treatment to a partial hospitalization benefit applying a formula which shall be no less favorable than an exchange of 1.5 days of partial hospitalization coverage for each inpatient day of coverage. An insurance policy or subscription contract described herein that provides inpatient benefits in excess of 20 days per policy or contract year for adults or 25 days per policy or contract year for a child or adolescent may provide for the conversion of such excess days on the terms set forth in this subdivision.

4. The limits of the benefits set forth in this subsection shall not be more restrictive than for any other illness, except that the benefits may be limited as set out in this subsection.

5. This subsection shall not apply to any excepted benefits policy as defined in § 38.2-3431, nor to policies or contracts designed for issuance to persons eligible for coverage under Title XVIII of the Social Security Act, known as Medicare, or any other similar coverage under state or federal governmental plans.

D. Any grandfathered plan as defined in § 38.2-3438 in the small group market shall also either continue to provide benefits in accordance with subsection B or continue to provide coverage for outpatient mental health and substance abuse services as follows:

1. A minimum of 20 visits for outpatient treatment of an adult, child or adolescent shall be provided in each policy or contract year.

2. The limits of the benefits set forth in this subsection shall be no more restrictive than the limits of benefits applicable to physical illness; however, the coinsurance factor applicable to any outpatient visit beyond the first five of such visits covered in any policy or contract year shall be at least 50 percent.

3. For the purpose of this section, medication management visits shall be covered in the same manner as a medication management visit for the treatment of physical illness and shall not be counted as an outpatient treatment visit in the calculation of the benefit set forth herein.

4. For the purpose of this subsection, if all covered expenses for a visit for outpatient mental health or substance abuse treatment apply toward any deductible required by a policy or contract, such visit shall not count toward the outpatient visit benefit maximum set forth in the policy or contract.

5. This subsection shall not apply to any excepted benefits policy as defined in § 38.2-3431, nor to policies or contracts designed for issuance to persons eligible for coverage under Title XVIII of the Social Security Act, known as Medicare, or any other similar coverage under state or federal governmental plans.

E. The requirements of this section shall apply to all insurance policies and subscription contracts delivered, issued for delivery, reissued, renewed, or extended, or at any time when any term of the policy or contract is changed or any premium adjustment made.

F. The provisions of this section shall not apply in any instance in which the provisions of this section are inconsistent or in conflict with a provision of Article 6 (§ 38.2-3438 et seq.) of Chapter 34.

G. The Bureau of Insurance, in consultation with health carriers providing coverage for mental health and substance use disorder benefits pursuant to this section, shall develop reporting requirements regarding denied claims, complaints, appeals, and network adequacy involving such coverage set forth in this section. By November 1 of each year, the Bureau shall compile the information for the preceding year into a report that ensures the confidentiality of individuals whose information has been reported and is written in nontechnical, readily understandable language. The Bureau shall include in the report a summary of all comparative analyses prepared by health carriers pursuant to 42 U.S.C. § 300gg-26(a)(8) that the Bureau requested during the reporting period. This summary shall include the Bureau's explanation of whether the analyses were accepted as compliant, rejected as noncompliant, or are in process of review. For analyses that were noncompliant, the report shall include the corrective actions that the Bureau required the health carrier to take to come into compliance. The Bureau shall make the report available to the public by, among such other means as the Bureau finds appropriate, posting the reports on the Bureau's website and submit the report to the House Committee on Commerce and Energy and the Senate Committee on Commerce and Labor.

§ 38.2-3438. Definitions.

As used this article, unless the context requires a different meaning:

"Allowed amount" means the maximum portion of a billed charge a health carrier will pay, including any applicable cost-sharing requirements, for a covered service or item rendered by a participating provider or by a nonparticipating provider.

"Balance bill" means a bill sent to an enrollee by an out-of-network provider for health care services provided to the enrollee after the provider's billed amount is not fully reimbursed by the carrier, exclusive of applicable cost-sharing requirements.

"Behavioral health crisis service provider" means a provider licensed by the Department of Behavioral Health and Developmental Services to provide mental health or substance abuse services as a provider of mobile crisis response, residential crisis stabilization, or a crisis receiving center.

"Child" means a son, daughter, stepchild, adopted child, including a child placed for adoption, foster child, or any other child eligible for coverage under the health benefit plan.

"Cost-sharing requirement" means an enrollee's deductible, copayment amount, or coinsurance rate.

"Covered benefits" or "benefits" means those health care services to which an individual is entitled under the terms of a health benefit plan.

"Covered person" means a policyholder, subscriber, enrollee, participant, or other individual covered by a health benefit plan.

"Dependent" means the spouse or child of an eligible employee, subject to the applicable terms of the policy, contract, or plan covering the eligible employee.

"Emergency medical condition" means, regardless of the final diagnosis rendered to a covered person, a medical condition manifesting itself by acute symptoms of sufficient severity, including severe pain, so that a prudent layperson, who possesses an average knowledge of health and medicine, could reasonably expect the absence of immediate medical attention to result in (i) serious jeopardy to the mental or physical health of the individual, (ii) danger of serious impairment to bodily functions, (iii) serious dysfunction of any bodily organ or part, or (iv) in the case of a pregnant woman, serious jeopardy to the health of the fetus.

"Emergency services" means with respect to an emergency medical condition (i) *(a)* a medical screening examination as required under § 1867 of the Social Security Act (42 U.S.C. § 1395dd) that is within the capability of the emergency department of a hospital, including ancillary services routinely available to the emergency department to evaluate such emergency medical condition*,* and ~~(ii)~~ *(b)* such further medical examination and treatment, to the extent they are within the capabilities of the staff and facilities available at the hospital, as are required under § 1867 of the Social Security Act (42 U.S.C. § 1395dd (e)(3)) to stabilize the patient *and (ii) as it relates to any mental health services or substance abuse services, as those terms are defined in § 38.2-3412.1, rendered at a behavioral health crisis service provider (a) a behavioral health assessment that is within the capability of a behavioral health crisis service provider, including ancillary services routinely available to evaluate such emergency medical condition, and (b) such further examination and treatment, to the extent that they are within the capabilities of the staff and facilities available at the behavioral health crisis service provider, as are required so that the patient's condition does not deteriorate.*

"ERISA" means the Employee Retirement Income Security Act of 1974.

"Essential health benefits" include the following general categories and the items and services covered within the categories in accordance with regulations issued pursuant to the PPACA as of January 1, 2019: (i) ambulatory patient services; (ii) emergency services; (iii) hospitalization; (iv) laboratory services; (v) maternity and newborn care; (vi) mental health and substance abuse disorder services, including behavioral health treatment; (vii) pediatric services, including oral and vision care; (viii) prescription drugs; (ix) preventive and wellness services and chronic disease management; and (x) rehabilitative and habilitative services and devices.

"Facility" means an institution providing health care related services or a health care setting, including hospitals and other licensed inpatient centers; ambulatory surgical or treatment centers; skilled nursing centers; residential treatment centers; diagnostic, laboratory, and imaging centers; and rehabilitation and other therapeutic health settings.

"Genetic information" means, with respect to an individual, information about: (i) the individual's genetic tests; (ii) the genetic tests of the individual's family members; (iii) the manifestation of a disease or disorder in family members of the individual; or (iv) any request for, or receipt of, genetic services, or participation in clinical research that includes genetic services, by the individual or any family member of the individual. "Genetic information" does not include information about the sex or age of any individual. As used in this definition, "family member" includes a first-degree, second-degree, third-degree, or fourth-degree relative of a covered person.

"Genetic services" means (i) a genetic test; (ii) genetic counseling, including obtaining, interpreting, or assessing genetic information; or (iii) genetic education.

"Genetic test" means an analysis of human DNA, RNA, chromosomes, proteins, or metabolites, if the analysis detects genotypes, mutations, or chromosomal changes. "Genetic test" does not include an analysis of proteins or metabolites that is directly related to a manifested disease, disorder, or pathological condition.

"Grandfathered plan" means coverage provided by a health carrier to (i) a small employer on March 23, 2010, or (ii) an individual that was enrolled on March 23, 2010, including any extension of coverage to an individual who becomes a dependent of a grandfathered enrollee after March 23, 2010, for as long as such plan maintains that status in accordance with federal law.

"Group health insurance coverage" means health insurance coverage offered in connection with a group health benefit plan.

"Group health plan" means an employee welfare benefit plan as defined in § 3(1) of ERISA to the extent that the plan provides medical care within the meaning of § 733(a) of ERISA to employees, including both current and former employees, or their dependents as defined under the terms of the plan directly or through insurance, reimbursement, or otherwise.

"Health benefit plan" means a policy, contract, certificate, or agreement offered by a health carrier to provide, deliver, arrange for, pay for, or reimburse any of the costs of health care services. "Health benefit plan" includes short-term and catastrophic health insurance policies, and a policy that pays on a cost-incurred basis, except as otherwise specifically exempted in this definition. "Health benefit plan" does not include the "excepted benefits" as defined in § 38.2-3431.

"Health care professional" means a physician or other health care practitioner licensed, accredited, or certified to perform specified health care services consistent with state law.

"Health care provider" or "provider" means a health care professional or facility.

"Health care services" means services for the diagnosis, prevention, treatment, cure, or relief of a health condition, illness, injury, or disease.

"Health carrier" means an entity subject to the insurance laws and regulations of the Commonwealth and subject to the jurisdiction of the Commission that contracts or offers to contract to provide, deliver, arrange for, pay for, or reimburse any of the costs of health care services, including an insurer licensed to sell accident and sickness insurance, a health maintenance organization, a health services plan, or any other entity providing a plan of health insurance, health benefits, or health care services.

"Health maintenance organization" means a person licensed pursuant to Chapter 43 (§ 38.2-4300 et seq.).

"Health status-related factor" means any of the following factors: health status; medical condition, including physical and mental illnesses; claims experience; receipt of health care services; medical history; genetic information; evidence of insurability, including conditions arising out of acts of domestic violence; disability; or any other health status-related factor as determined by federal regulation.

"Individual health insurance coverage" means health insurance coverage offered to individuals in the individual market, which includes a health benefit plan provided to individuals through a trust arrangement, association, or other discretionary group that is not an employer plan, but does not include coverage defined as "excepted benefits" in § 38.2-3431 or short-term limited duration insurance. Student health insurance coverage shall be considered a type of individual health insurance coverage.

"Individual market" means the market for health insurance coverage offered to individuals other than in connection with a group health plan.

"In-network" or "participating" means a provider that has contracted with a carrier or a carrier's contractor or subcontractor to provide health care services to enrollees and be reimbursed by the carrier at a contracted rate as payment in full for the health care services, including applicable cost-sharing requirements.

"Managed care plan" means a health benefit plan that either requires a covered person to use, or creates incentives, including financial incentives, for a covered person to use health care providers managed, owned, under contract with, or employed by the health carrier.

"Network" means the group of participating providers providing services to a managed care plan.

"Nonprofit data services organization" means the nonprofit organization with which the Commissioner of Health negotiates and enters into contracts or agreements for the compilation, storage, analysis, and evaluation of data submitted by data suppliers pursuant to § 32.1-276.4.

"Offer to pay" or "payment notification" means a claim that has been adjudicated and paid by a carrier or determined by a carrier to be payable by an enrollee to an out-of-network provider for services described in subsection A of § 38.2-3445.01.

"Open enrollment" means, with respect to individual health insurance coverage, the period of time during which any individual has the opportunity to apply for coverage under a health benefit plan offered by a health carrier and must be accepted for coverage under the plan without regard to a preexisting condition exclusion.

"Out-of-network" or "nonparticipating" means a provider that has not contracted with a carrier or a carrier's contractor or subcontractor to provide health care services to enrollees.

"Out-of-pocket maximum" or "maximum out-of-pocket" means the maximum amount an enrollee is required to pay in the form of cost-sharing requirements for covered benefits in a plan year, after which the carrier covers the entirety of the allowed amount of covered benefits under the contract of coverage.

"Participating health care professional" means a health care professional who, under contract with the health carrier or with its contractor or subcontractor, has agreed to provide health care services to covered persons with an expectation of receiving payments, other than coinsurance, copayments, or deductibles, directly or indirectly from the health carrier.

"PPACA" means the Patient Protection and Affordable Care Act (P.L. 111-148), as amended by the Health Care and Education Reconciliation Act of 2010 (P.L. 111-152), and as it may be further amended.

"Preexisting condition exclusion" means a limitation or exclusion of benefits, including a denial of coverage, based on the fact that the condition was present before the effective date of coverage, or if the coverage is denied, the date of denial, whether or not any medical advice, diagnosis, care, or treatment was recommended or received before the effective date of

coverage. "Preexisting condition exclusion" also includes a condition identified as a result of a pre-enrollment questionnaire or physical examination given to an individual, or review of medical records relating to the pre-enrollment period.

"Premium" means all moneys paid by an employer, eligible employee, or covered person as a condition of coverage from a health carrier, including fees and other contributions associated with the health benefit plan.

"Preventive services" means (i) evidence-based items or services for which a rating of A or B is in effect in the recommendations of the U.S. Preventive Services Task Force with respect to the individual involved; (ii) immunizations for routine use in children, adolescents, and adults for which a recommendation of the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention is in effect with respect to the individual involved; (iii) evidence-informed preventive care and screenings provided for in comprehensive guidelines supported by the Health Resources and Services Administration with respect to infants, children, and adolescents; and (iv) evidence-informed preventive care and screenings recommended in comprehensive guidelines supported by the Health Resources and Services Administration with respect to women. For purposes of this definition, a recommendation of the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention is considered in effect after it has been adopted by the Director of the Centers for Disease Control and Prevention, and a recommendation is considered to be for routine use if it is listed on the Immunization Schedules of the Centers for Disease Control and Prevention.

"Primary care health care professional" means a health care professional designated by a covered person to supervise, coordinate, or provide initial care or continuing care to the covered person and who may be required by the health carrier to initiate a referral for specialty care and maintain supervision of health care services rendered to the covered person.

"Rescission" means a cancellation or discontinuance of coverage under a health benefit plan that has a retroactive effect. "Rescission" does not include:

1. A cancellation or discontinuance of coverage under a health benefit plan if the cancellation or discontinuance of coverage has only a prospective effect, or the cancellation or discontinuance of coverage is effective retroactively to the extent it is attributable to a failure to timely pay required premiums or contributions towards the cost of coverage; or

2. A cancellation or discontinuance of coverage when the health benefit plan covers active employees and, if applicable, dependents and those covered under continuation coverage provisions, if the employee pays no premiums for coverage after termination of employment and the cancellation or discontinuance of coverage is effective retroactively back to the date of termination of employment due to a delay in administrative recordkeeping.

"Stabilize" means with respect to an emergency medical condition, to provide such medical treatment as may be necessary to assure, within reasonable medical probability, that no material deterioration of the condition is likely to result from or occur during the transfer of the individual from a facility, or, with respect to a pregnant woman, that the woman has delivered, including the placenta.

"Student health insurance coverage" means a type of individual health insurance coverage that is provided pursuant to a written agreement between an institution of higher education, as defined by the Higher Education Act of 1965, and a health carrier and provided to students enrolled in that institution of higher education and their dependents, and that does not make health insurance coverage available other than in connection with enrollment as a student, or as a dependent of a student, in the institution of higher education, and does not condition eligibility for health insurance coverage on any health status-related factor related to a student or a dependent of the student.

"Surgical or ancillary services" means professional services, including surgery, anesthesiology, pathology, radiology, or hospitalist services and laboratory services.

"Wellness program" means a program offered by an employer that is designed to promote health or prevent disease.

§ 38.2-3445. Patient access to emergency services.

A. Notwithstanding any provision of § 38.2-3407.11, 38.2-4312.3, or any other section of this title to the contrary, if a health carrier providing individual or group health insurance coverage provides any benefits with respect to services in an emergency department of a hospital, the health carrier shall provide coverage for emergency services:

1. Without the need for any prior authorization determination, regardless of whether the emergency services are provided on an in-network or out-of-network basis;

2. Without regard to the final diagnosis rendered to the covered person or whether the health care provider furnishing the emergency services is a participating health care provider with respect to such services;

3. If such services are provided out-of-network, without imposing any administrative requirement or limitation on coverage that is more restrictive than the requirements or limitations that apply to such services received from an in-network provider;

4. If such services are provided out-of-network, the health carrier shall pay the out-of-network provider in accordance with § 38.2-3445.01 less any cost-sharing requirement. Any such cost-sharing requirement shall not exceed the cost-sharing requirement that would apply if such services were provided in-network as provided in § 38.2-3445.01; and

5. Without regard to any term or condition of such coverage other than the exclusion of or coordination of benefits or an affiliation or waiting period.

B. Coverage for emergency services that are related to mental health services or substance abuse services, as those terms are defined in § 38.2-3412.1, shall be provided in accordance with the federal Mental Health Parity and Addiction Equity Act of 2008, P.L. 110-343, even where those requirements would not otherwise apply directly. Such emergency services may be rendered at a location other than the emergency department of a hospital, such as a behavioral health crisis service provider, as required.

CHAPTER 361

An Act to amend and reenact § 46.2-1105 of the Code of Virginia, relating to maximum width of vehicles; school buses.

[S 572]

Approved April 2, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 46.2-1105 of the Code of Virginia is amended and reenacted as follows:

§ 46.2-1105. Width of vehicles generally; exceptions.

A. No vehicle, including any load thereon, but excluding the mirror required by § 46.2-1082 and any warning device installed on a school bus pursuant to § 46.2-1090, shall exceed a total outside width ~~as follows:~~

~~1. Passenger bus operated in an incorporated city or town when authorized under § 46.2-1300 — 102 inches;~~

~~2. School buses — 100 inches;~~

~~3. Vehicles hauling boats or other watercraft — 102 inches;~~

~~4. Other vehicles —~~ *of* 102 inches.

B. Notwithstanding subsection A, a travel trailer as defined in § 46.2-1500 or a motor home may exceed 102 inches if such excess width is attributable to an appurtenance that extends no more than six inches beyond the body of the vehicle. For the purposes of this subsection, "appurtenance" includes (i) an awning and its support hardware and (ii) any appendage that is installed by the manufacturer or dealer intended to be an integral part of a motor home or travel trailer, but does not include any item that is temporarily attached to the exterior of the vehicle by the vehicle's owner for the purposes of transporting the item from one location to another.

CHAPTER 362

An Act to amend and reenact §§ 59.1-199 and 59.1-200 of the Code of Virginia and to amend the Code of Virginia by adding in Title 55.1 a chapter numbered 32, consisting of sections numbered 55.1-3200 through 55.1-3206, relating to consumer protections; creation of Unfair Real Estate Service Agreement Act.

[S 576]

Approved April 2, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 59.1-199 and 59.1-200 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Title 55.1 a chapter numbered 32, consisting of sections numbered 55.1-3200 through 55.1-3206, as follows:

CHAPTER 32.

UNFAIR REAL ESTATE SERVICE AGREEMENT ACT.

§ 55.1-3200. Definitions.

For the purposes of this chapter:

"Real estate service agreement" or "service agreement" means an agreement between a service provider and the owner of residential real property or a potential buyer of residential real property to provide services, current or future, in connection with the maintenance of or purchase or sale of residential real property. A "real estate service agreement" includes any memorandum, notice, agreement, or similar document that is used by a service provider to cause a service agreement to be recorded.

"Recording" means the act of adding any documents or data that affects the real property to state or local government records.

"Residential real property" means real property containing from one to four residential dwelling units.

"Service provider" means an individual or entity that provides services through a real estate service agreement. A "service provider" includes any person acting as an agent or designee of a service provider.

§ 55.1-3201. Exemptions.

This chapter shall not apply to:

1. A home warranty or similar product that covers the cost of maintenance of a major home system, such as plumbing, HVAC, or electrical wiring, for a specific period of time;

2. An insurance contract;

3. An option or right of refusal to purchase residential real property;

4. A declaration created in the formation of a common interest community as defined in § 54.1-2345 or any amendment thereto;

5. A maintenance or repair agreement entered into by a property owners' association in a common interest community;

6. A mortgage loan or commitment to make or receive a mortgage loan;

7. An agreement relating to the sale or rental of personal property;

8. Water, sewer, electrical, telephone, cable, or other regulated utility service providers;

9. A property management agreement by which the owner of the real property contracts with a party to provide management services for the maintenance, ownership, operation, or lease of a residential premises; or

10. A mechanic's lien, as established by § 43-1.

§ 55.1-3202. Prohibited terms.

A. No real estate service agreement that is effective and binding for more than one year from the effective date shall:

1. Purport to run with the land or bind future owners of interests in the residential real property identified in the service agreement;

2. Allow the service provider to assign or transfer the right to provide services under the service agreement without notice to and written agreement of all parties to the service agreement; or

3. Purport to create a lien, encumbrance, or other real property security interest on the residential real property identified in the service agreement.

B. Offering a real estate service agreement that violates subsection A to a consumer constitutes a prohibited practice under the provisions of § 59.1-200 and shall be subject to the provisions of the Virginia Consumer Protection Act (§ 59.1-196 et seq.). Nothing in this subsection shall be construed to prevent an individual from pursuing any other remedy available by law.

§ 55.1-3203. Void and unenforceable.

A service agreement that violates subsection A of § 55.1-3202 shall be void and unenforceable. No service provider has a right to a refund of the consideration paid to the owner, buyer, or tenant in connection with a prohibited service agreement.

§ 55.1-3204. Recording prohibited.

A. No service provider shall submit a real estate service agreement that violates subsection A of § 55.1-3202 to the circuit court or a state or local agency for recording. Any such submission constitutes a prohibited practice under the provisions of § 59.1-200 and shall be subject to the provisions of the Virginia Consumer Protection Act (§ 59.1-196 et seq.).

B. A real estate service agreement that violates subsection A of § 55.1-3202, or a notice or memorandum thereof, is void and unenforceable and shall not operate as a lien, encumbrance, or security interest. No owner or buyer shall be required to record any document voiding a real estate service agreement that is in violation of subsection A of § 55.1-3202, or notice or memorandum thereof, recorded in violation of this section.

C. Notwithstanding subsection A, no recorded real estate service agreement that is in violation of subsection A of § 55.1-3202 may provide actual or constructive notice of a lien arising from the service agreement to any party interested in the residential real property identified in the service agreement.

§ 55.1-3205. Assignment prohibited.

Assignment or transfer of the right to provide services under a real estate service agreement recorded prior to July 1, 2024, that would otherwise be in violation of subsection A of § 55.1-3202, is prohibited without notice to and written agreement of all parties to the service agreement.

§ 55.1-3206. Remedies.

A. If a real estate service agreement in violation of subsection A of § 55.1-3202 is recorded, any person with an interest in the residential real property that is subject to a lien arising from the service agreement may bring an action against the service provider in the circuit court of the county where the residential real property is located to request a determination that the service agreement is void and unenforceable under this chapter.

B. If a real estate service agreement that violates subsection A of § 55.1-3202 is recorded in the Commonwealth, any party with an interest in the residential real property identified in the service agreement may recover damages, costs, and reasonable attorney fees that may be proved against the service provider. No actual damages, costs, or reasonable attorney fees that are proved against the service provider shall be offset by the consideration paid by the service provider to the owner, buyer, or tenant in connection with the real estate service agreement.

C. Nothing in this chapter shall prevent an individual from pursuing any other remedy provided by law.

§ 59.1-199. Exclusions.

Nothing in this chapter shall apply to:

1. Any aspect of a consumer transaction which aspect is authorized under laws or regulations of the Commonwealth or the United States, or the formal advisory opinions of any regulatory body or official of the Commonwealth or the United States.

2. Acts done by the publisher, owner, agent, or employee of a newspaper, periodical, or radio or television station, or other advertising media such as outdoor advertising and advertising agencies, in the publication or dissemination of an advertisement in violation of § 59.1-200, unless it be proved that such person knew that the advertisement was of a character prohibited by § 59.1-200.

3. Those aspects of a consumer transaction that are regulated by the Federal Consumer Credit Protection Act, 15 U.S.C. § 1601 et seq.

4. Banks, savings institutions, credit unions, small loan companies, public service corporations, mortgage lenders as defined in § 6.2-1600, broker-dealers as defined in § 13.1-501, gas suppliers as defined in subsection E of § 56-235.8, and insurance companies regulated and supervised by the State Corporation Commission or a comparable federal regulating body.

5. Any aspect of a consumer transaction that is subject to the Virginia Residential Landlord and Tenant Act (§ 55.1-1200 et seq.) or Chapter 14 (§ 55.1-1400 et seq.) of Title 55.1, unless the act or practice of a landlord constitutes a misrepresentation or fraudulent act or practice under § 59.1-200.

6. Real estate licensees who are licensed under Chapter 21 (§ 54.1-2100 et seq.) of Title 54.1*, unless the act or practice of the licensee constitutes a violation of law under the Unfair Real Estate Service Agreement Act (§ 55.1-3200 et seq.)*.

7. Residential home sales between natural persons involving the seller's private residence.

§ 59.1-200. Prohibited practices.

A. The following fraudulent acts or practices committed by a supplier in connection with a consumer transaction are hereby declared unlawful:

1. Misrepresenting goods or services as those of another;

2. Misrepresenting the source, sponsorship, approval, or certification of goods or services;

3. Misrepresenting the affiliation, connection, or association of the supplier, or of the goods or services, with another;

4. Misrepresenting geographic origin in connection with goods or services;

5. Misrepresenting that goods or services have certain quantities, characteristics, ingredients, uses, or benefits;

6. Misrepresenting that goods or services are of a particular standard, quality, grade, style, or model;

7. Advertising or offering for sale goods that are used, secondhand, repossessed, defective, blemished, deteriorated, or reconditioned, or that are "seconds," irregulars, imperfects, or "not first class," without clearly and unequivocally indicating in the advertisement or offer for sale that the goods are used, secondhand, repossessed, defective, blemished, deteriorated, reconditioned, or are "seconds," irregulars, imperfects, or "not first class";

8. Advertising goods or services with intent not to sell them as advertised, or with intent not to sell at the price or upon the terms advertised.

In any action brought under this subdivision, the refusal by any person, or any employee, agent, or servant thereof, to sell any goods or services advertised or offered for sale at the price or upon the terms advertised or offered, shall be prima facie evidence of a violation of this subdivision. This paragraph shall not apply when it is clearly and conspicuously stated in the advertisement or offer by which such goods or services are advertised or offered for sale, that the supplier or offeror has a limited quantity or amount of such goods or services for sale, and the supplier or offeror at the time of such advertisement or offer did in fact have or reasonably expected to have at least such quantity or amount for sale;

9. Making false or misleading statements of fact concerning the reasons for, existence of, or amounts of price reductions;

10. Misrepresenting that repairs, alterations, modifications, or services have been performed or parts installed;

11. Misrepresenting by the use of any written or documentary material that appears to be an invoice or bill for merchandise or services previously ordered;

12. Notwithstanding any other provision of law, using in any manner the words "wholesale," "wholesaler," "factory," or "manufacturer" in the supplier's name, or to describe the nature of the supplier's business, unless the supplier is actually engaged primarily in selling at wholesale or in manufacturing the goods or services advertised or offered for sale;

13. Using in any contract or lease any liquidated damage clause, penalty clause, or waiver of defense, or attempting to collect any liquidated damages or penalties under any clause, waiver, damages, or penalties that are void or unenforceable under any otherwise applicable laws of the Commonwealth, or under federal statutes or regulations;

13a. Failing to provide to a consumer, or failing to use or include in any written document or material provided to or executed by a consumer, in connection with a consumer transaction any statement, disclosure, notice, or other information however characterized when the supplier is required by 16 C.F.R. Part 433 to so provide, use, or include the statement, disclosure, notice, or other information in connection with the consumer transaction;

14. Using any other deception, fraud, false pretense, false promise, or misrepresentation in connection with a consumer transaction;

15. Violating any provision of § 3.2-6509, 3.2-6512, 3.2-6513, 3.2-6513.1, 3.2-6514, 3.2-6515, 3.2-6516, or 3.2-6519 is a violation of this chapter;

16. Failing to disclose all conditions, charges, or fees relating to:

a. The return of goods for refund, exchange, or credit. Such disclosure shall be by means of a sign attached to the goods, or placed in a conspicuous public area of the premises of the supplier, so as to be readily noticeable and readable by the person obtaining the goods from the supplier. If the supplier does not permit a refund, exchange, or credit for return, he shall so state on a similar sign. The provisions of this subdivision shall not apply to any retail merchant who has a policy of providing, for a period of not less than 20 days after date of purchase, a cash refund or credit to the purchaser's credit card account for the return of defective, unused, or undamaged merchandise upon presentation of proof of purchase. In the case of merchandise paid for by check, the purchase shall be treated as a cash purchase and any refund may be delayed for a period of 10 banking days to allow for the check to clear. This subdivision does not apply to sale merchandise that is obviously distressed, out of date, post season, or otherwise reduced for clearance; nor does this subdivision apply to special order purchases where the purchaser has requested the supplier to order merchandise of a specific or unusual size, color, or brand not ordinarily carried in the store or the store's catalog; nor shall this subdivision apply in connection with a transaction for the sale or lease of motor vehicles, farm tractors, or motorcycles as defined in § 46.2-100;

b. A layaway agreement. Such disclosure shall be furnished to the consumer (i) in writing at the time of the layaway agreement, or (ii) by means of a sign placed in a conspicuous public area of the premises of the supplier, so as to be readily

noticeable and readable by the consumer, or (iii) on the bill of sale. Disclosure shall include the conditions, charges, or fees in the event that a consumer breaches the agreement;

16a. Failing to provide written notice to a consumer of an existing open-end credit balance in excess of $5 (i) on an account maintained by the supplier and (ii) resulting from such consumer's overpayment on such account. Suppliers shall give consumers written notice of such credit balances within 60 days of receiving overpayments. If the credit balance information is incorporated into statements of account furnished consumers by suppliers within such 60-day period, no separate or additional notice is required;

17. If a supplier enters into a written agreement with a consumer to resolve a dispute that arises in connection with a consumer transaction, failing to adhere to the terms and conditions of such an agreement;

18. Violating any provision of the Virginia Health Club Act, Chapter 24 (§ 59.1-294 et seq.);

19. Violating any provision of the Virginia Home Solicitation Sales Act, Chapter 2.1 (§ 59.1-21.1 et seq.);

20. Violating any provision of the Automobile Repair Facilities Act, Chapter 17.1 (§ 59.1-207.1 et seq.);

21. Violating any provision of the Virginia Lease-Purchase Agreement Act, Chapter 17.4 (§ 59.1-207.17 et seq.);

22. Violating any provision of the Prizes and Gifts Act, Chapter 31 (§ 59.1-415 et seq.);

23. Violating any provision of the Virginia Public Telephone Information Act, Chapter 32 (§ 59.1-424 et seq.);

24. Violating any provision of § 54.1-1505;

25. Violating any provision of the Motor Vehicle Manufacturers' Warranty Adjustment Act, Chapter 17.6 (§ 59.1-207.34 et seq.);

26. Violating any provision of § 3.2-5627, relating to the pricing of merchandise;

27. Violating any provision of the Pay-Per-Call Services Act, Chapter 33 (§ 59.1-429 et seq.);

28. Violating any provision of the Extended Service Contract Act, Chapter 34 (§ 59.1-435 et seq.);

29. Violating any provision of the Virginia Membership Camping Act, Chapter 25 (§ 59.1-311 et seq.);

30. Violating any provision of the Comparison Price Advertising Act, Chapter 17.7 (§ 59.1-207.40 et seq.);

31. Violating any provision of the Virginia Travel Club Act, Chapter 36 (§ 59.1-445 et seq.);

32. Violating any provision of §§ 46.2-1231 and 46.2-1233.1;

33. Violating any provision of Chapter 40 (§ 54.1-4000 et seq.) of Title 54.1;

34. Violating any provision of Chapter 10.1 (§ 58.1-1031 et seq.) of Title 58.1;

35. Using the consumer's social security number as the consumer's account number with the supplier, if the consumer has requested in writing that the supplier use an alternate number not associated with the consumer's social security number;

36. Violating any provision of Chapter 18 (§ 6.2-1800 et seq.) of Title 6.2;

37. Violating any provision of § 8.01-40.2;

38. Violating any provision of Article 7 (§ 32.1-212 et seq.) of Chapter 6 of Title 32.1;

39. Violating any provision of Chapter 34.1 (§ 59.1-441.1 et seq.);

40. Violating any provision of Chapter 20 (§ 6.2-2000 et seq.) of Title 6.2;

41. Violating any provision of the Virginia Post-Disaster Anti-Price Gouging Act, Chapter 46 (§ 59.1-525 et seq.);

42. Violating any provision of Chapter 47 (§ 59.1-530 et seq.);

43. Violating any provision of § 59.1-443.2;

44. Violating any provision of Chapter 48 (§ 59.1-533 et seq.);

45. Violating any provision of Chapter 25 (§ 6.2-2500 et seq.) of Title 6.2;

46. Violating the provisions of clause (i) of subsection B of § 54.1-1115;

47. Violating any provision of § 18.2-239;

48. Violating any provision of Chapter 26 (§ 59.1-336 et seq.);

49. Selling, offering for sale, or manufacturing for sale a children's product the supplier knows or has reason to know was recalled by the U.S. Consumer Product Safety Commission. There is a rebuttable presumption that a supplier has reason to know a children's product was recalled if notice of the recall has been posted continuously at least 30 days before the sale, offer for sale, or manufacturing for sale on the website of the U.S. Consumer Product Safety Commission. This prohibition does not apply to children's products that are used, secondhand or "seconds";

50. Violating any provision of Chapter 44.1 (§ 59.1-518.1 et seq.);

51. Violating any provision of Chapter 22 (§ 6.2-2200 et seq.) of Title 6.2;

52. Violating any provision of § 8.2-317.1;

53. Violating subsection A of § 9.1-149.1;

54. Selling, offering for sale, or using in the construction, remodeling, or repair of any residential dwelling in the Commonwealth, any drywall that the supplier knows or has reason to know is defective drywall. This subdivision shall not apply to the sale or offering for sale of any building or structure in which defective drywall has been permanently installed or affixed;

55. Engaging in fraudulent or improper or dishonest conduct as defined in § 54.1-1118 while engaged in a transaction that was initiated (i) during a declared state of emergency as defined in § 44-146.16 or (ii) to repair damage resulting from the event that prompted the declaration of a state of emergency, regardless of whether the supplier is licensed as a contractor in the Commonwealth pursuant to Chapter 11 (§ 54.1-1100 et seq.) of Title 54.1;

56. Violating any provision of Chapter 33.1 (§ 59.1-434.1 et seq.);

57. Violating any provision of § 18.2-178, 18.2-178.1, or 18.2-200.1;

58. Violating any provision of Chapter 17.8 (§ 59.1-207.45 et seq.);

59. Violating any provision of subsection E of § 32.1-126;

60. Violating any provision of § 54.1-111 relating to the unlicensed practice of a profession licensed under Chapter 11 (§ 54.1-1100 et seq.) or Chapter 21 (§ 54.1-2100 et seq.) of Title 54.1;

61. Violating any provision of § 2.2-2001.5;

62. Violating any provision of Chapter 5.2 (§ 54.1-526 et seq.) of Title 54.1;

63. Violating any provision of § 6.2-312;

64. Violating any provision of Chapter 20.1 (§ 6.2-2026 et seq.) of Title 6.2;

65. Violating any provision of Chapter 26 (§ 6.2-2600 et seq.) of Title 6.2;

66. Violating any provision of Chapter 54 (§ 59.1-586 et seq.);

67. Knowingly violating any provision of § 8.01-27.5;

68. Failing to, in accordance with § 59.1-207.46, (i) make available a conspicuous online option to cancel a recurring purchase of a good or service or (ii) with respect to a free trial lasting more than 30 days, notify a consumer of his option to cancel such free trial within 30 days of the end of the trial period to avoid an obligation to pay for the goods or services;

69. Selling or offering for sale any substance intended for human consumption, orally or by inhalation, that contains a synthetic derivative of tetrahydrocannabinol. As used in this subdivision, "synthetic derivative" means a chemical compound produced by man through a chemical transformation to turn a compound into a different compound by adding or subtracting molecules to or from the original compound. This subdivision shall not (i) apply to products that are approved for marketing by the U.S. Food and Drug Administration and scheduled in the Drug Control Act (§ 54.1-3400 et seq.) or (ii) be construed to prohibit any conduct permitted under Chapter 16 (§ 4.1-1600 et seq.) of Title 4.1;

70. Selling or offering for sale to a person younger than 21 years of age any substance intended for human consumption, orally or by inhalation, that contains tetrahydrocannabinol. This subdivision shall not (i) apply to products that are approved for marketing by the U.S. Food and Drug Administration and scheduled in the Drug Control Act (§ 54.1-3400 et seq.) or (ii) be construed to prohibit any conduct permitted under Chapter 16 (§ 4.1-1600 et seq.) of Title 4.1;

71. Selling or offering for sale any substance intended for human consumption, orally or by inhalation, that contains tetrahydrocannabinol, unless such substance is (i) contained in child-resistant packaging, as defined in § 4.1-600; (ii) equipped with a label that states, in English and in a font no less than 1/16 of an inch, (a) that the substance contains tetrahydrocannabinol and may not be sold to persons younger than 21 years of age, (b) all ingredients contained in the substance, (c) the amount of such substance that constitutes a single serving, and (d) the total percentage and milligrams of tetrahydrocannabinol included in the substance and the number of milligrams of tetrahydrocannabinol that are contained in each serving; and (iii) accompanied by a certificate of analysis, produced by an independent laboratory that is accredited pursuant to standard ISO/IEC 17025 of the International Organization of Standardization by a third-party accrediting body, that states the tetrahydrocannabinol concentration of the substance or the tetrahydrocannabinol concentration of the batch from which the substance originates. This subdivision shall not (i) apply to products that are approved for marketing by the U.S. Food and Drug Administration and scheduled in the Drug Control Act (§ 54.1-3400 et seq.) or (ii) be construed to prohibit any conduct permitted under Chapter 16 (§ 4.1-1600 et seq.) of Title 4.1;

72. Manufacturing, offering for sale at retail, or selling at retail an industrial hemp extract, as defined in § 3.2-5145.1, a food containing an industrial hemp extract, or a substance containing tetrahydrocannabinol that depicts or is in the shape of a human, animal, vehicle, or fruit;

73. Selling or offering for sale any substance intended for human consumption, orally or by inhalation, that contains tetrahydrocannabinol and, without authorization, bears, is packaged in a container or wrapper that bears, or is otherwise labeled to bear the trademark, trade name, famous mark as defined in 15 U.S.C. § 1125, or other identifying mark, imprint, or device, or any likeness thereof, of a manufacturer, processor, packer, or distributor of a product intended for human consumption other than the manufacturer, processor, packer, or distributor that did in fact so manufacture, process, pack, or distribute such substance;

74. Selling or offering for sale a topical hemp product, as defined in § 3.2-4112, that does not include a label stating that the product is not intended for human consumption. This subdivision shall not (i) apply to products that are approved for marketing by the U.S. Food and Drug Administration and scheduled in the Drug Control Act (§ 54.1-3400 et seq.), (ii) be construed to prohibit any conduct permitted under Chapter 16 (§ 4.1-1600 et seq.) of Title 4.1, or (iii) apply to topical hemp products that were manufactured prior to July 1, 2023, provided that the person provides documentation of the date of manufacture if requested;

75. Violating any provision of § 59.1-466.8;

76. Violating subsection F of § 36-96.3:1;

77. Selling or offering for sale (i) any kratom product to a person younger than 21 years of age or (ii) any kratom product that does not include a label listing all ingredients and with the following guidance: "This product may be harmful to your health, has not been evaluated by the FDA, and is not intended to diagnose, treat, cure, or prevent any disease." As used in this subdivision, "kratom" means any part of the leaf of the plant Mitragyna speciosa or any extract thereof; ~~and~~

78. Failing to disclose the total cost of a good or continuous service, as defined in § 59.1-207.45, to a consumer, including any mandatory fees or charges, prior to entering into an agreement for the sale of any such good or provision of any such continuous service*; and*

79. Violating any provision of the Unfair Real Estate Service Agreement Act (§ 55.1-3200 et seq.).

B. Nothing in this section shall be construed to invalidate or make unenforceable any contract or lease solely by reason of the failure of such contract or lease to comply with any other law of the Commonwealth or any federal statute or regulation, to the extent such other law, statute, or regulation provides that a violation of such law, statute, or regulation shall not invalidate or make unenforceable such contract or lease.

2. That, except for the provisions of § 55.1-3205 of the Code of Virginia, as created by this act, the provisions of this act shall apply to all service agreements executed or renewed on or after July 1, 2024.

CHAPTER 363

An Act to direct the Department of Fire Programs to convene a work group to identify and analyze options to provide preemptive and ongoing health care to local government employees exposed to toxic materials.

[S 650]

Approved April 2, 2024

Be it enacted by the General Assembly of Virginia:

1. *§ 1. That the Department of Fire Programs shall convene a work group to identify and analyze options to help ensure that local government employees who respond to emergencies that expose them to toxic materials have appropriate preemptive and ongoing health care and are able to pay any health expenses related to such emergency and its aftereffects that are not covered by relevant health insurance plans. The work group shall consist of representatives from the Virginia Department of Fire Programs, the Department of Planning and Budget, the Virginia Retirement System, and the Department of the Treasury; a designee from each of the Virginia Fire Chiefs Association, the Virginia State Firefighters Association, and the Virginia State Police Association; and staff of the House Committee on Appropriations and the Senate Committee on Finance and Appropriations, and may include any other relevant stakeholders.*

The work group shall consider: (i) options for creating and determining eligibility for a grant program to assist local government employee responders, factors that would qualify an event as an emergency for which such grants may be awarded, and what other emergencies in the past 15 years could or should qualify; (ii) a detailed plan for administering grants and moneys to support such grant program; (iii) a review of relevant approaches used in other states and at the federal level for assisting such responders; (iv) identification of the appropriate body to invest and manage the funds; (v) a detailed plan for providing annual cancer screenings for eligible local government employee responders; and (vi) what types of out-of-pocket expenses should be addressed by grant funding. The work group shall report its findings to the General Assembly by November 1, 2024.

CHAPTER 364

An Act to amend and reenact § 38.2-1867 of the Code of Virginia, relating to insurance; continuing education board; membership.

[S 705]

Approved April 2, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 38.2-1867 of the Code of Virginia is amended and reenacted as follows:

§ 38.2-1867. Insurance continuing education board; approval of credits.

A. An insurance continuing education board, hereinafter called the Board, appointed by the Commission, shall approve all continuing education instructors, programs of instruction, and courses, including technical courses or agency management and operations courses, and shall evaluate credit hours for all programs or courses offered. The Board shall establish and monitor standards for the education of insurance agents and public adjusters and set minimum requirements for course instructors. The Board shall have the authority to disapprove or withdraw approval of course sponsors, courses, or course instructors when the established standards are not satisfied, or where such standards have been violated.

B. The number of credits for each self-study course, correspondence course, or program of classroom instruction shall be determined in a manner prescribed by the Board. However, for an approved classroom course, a credit hour shall be equivalent to a classroom hour providing at least 50 minutes of continuous instruction or participation. No credits shall be granted for approved classroom courses unless notice to the Board is accompanied by proof of attendance by the course provider. No credits shall be granted for any correspondence or self-study course that does not include a test of the subject matter which shall be successfully completed by each agent requesting credit. The Board shall have the right to review and approve or disapprove the proposed test as part of the course approval process.

C. An instructor of an approved continuing education course shall be eligible to receive the same number of credits as a person enrolled in the course for the purpose of meeting the continuing education course requirements of this article. However, agents, public adjusters, and instructors may apply credits for attending or teaching the same course only once during the two-year period set forth in subsection B of § 38.2-1868.1.

D. Any agent with excess credit hours accumulated during the two-year period set forth in subsection B of § 38.2-1868.1 may carry such hours forward to the next biennium only.

E. Members of the Board shall be appointed by the Commission as follows:

1. One active member of the Independent Insurance Agents of Virginia, as recommended by the Independent Insurance Agents of Virginia;

2. One active member of the Professional Insurance Agents of Virginia and the District of Columbia, as recommended by the Professional Insurance Agents of Virginia and the District of Columbia;

3. One active member of the National Association of Insurance and Financial Advisors of Virginia, as recommended by the National Association of Insurance and Financial Advisors of Virginia;

4. One active member of the Virginia Land Title Association, as recommended by the Virginia Land Title Association;

5. One active member of the Virginia *chapter of the National* Association of ~~Health Underwriters~~ *Benefits and Insurance Professionals*, as recommended by the Virginia *chapter of the National* Association of ~~Health Underwriters~~ *Benefits and Insurance Professionals*;

6. *One active member of the Virginia chapter of the National African American Insurance Association, as recommended by the Virginia chapter of the National African American Insurance Association;*

7. Three representatives of the property and casualty insurance industry;

~~7.~~ *8.* Three representatives of the life and health insurance industry; and

~~8.~~ *9.* One representative of the adult education or higher education field.

F. No person shall serve as a member of the Board if, in the opinion of the Commission, such person (i) prepares, submits for approval, or teaches insurance continuing education courses in Virginia or in any other jurisdiction, other than as an incidental part of such person's employment, or (ii) no longer meets the criteria on which the original appointment to the Board was based pursuant to subsection E.

G. No meeting of the Board or any subcommittee of the Board shall be held unless timely notice of such meeting has been provided to the Commission's Bureau of Insurance. At any such meeting of the Board or any subcommittee of the Board, one or more representatives from the Bureau of Insurance shall be permitted to attend and to participate in such meeting, except that such Bureau of Insurance representative or representatives shall not have the right to vote on any matters before the Board.

H. Actions of the Board shall be exempt from the application of the Administrative Process Act (§ 2.2-4000 et seq.).

CHAPTER 365

An Act to amend and reenact §§ 16.1-269.1, 16.1-269.2, and 16.1-272 of the Code of Virginia, relating to juveniles; evidence of trafficking, sexual abuse, or rape by the alleged victim prior to or during the commission of the alleged offense; treatment and rehabilitation.

[H 268]

Approved April 3, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 16.1-269.1, 16.1-269.2, and 16.1-272 of the Code of Virginia are amended and reenacted as follows:

§ 16.1-269.1. Trial in circuit court; preliminary hearing; direct indictment; remand.

A. Except as provided in subsections B and C, if a juvenile 14 years of age or older at the time of an alleged offense is charged with an offense which would be a felony if committed by an adult, the court shall, on motion of the attorney for the Commonwealth and prior to a hearing on the merits, hold a transfer hearing and may retain jurisdiction or transfer such juvenile for proper criminal proceedings to the appropriate circuit court having criminal jurisdiction of such offenses if committed by an adult. Any transfer to the appropriate circuit court shall be subject to the following conditions:

1. Notice as prescribed in §§ 16.1-263 and 16.1-264 shall be given to the juvenile and his parent, guardian, legal custodian or other person standing in loco parentis; or attorney;

2. The juvenile court finds that probable cause exists to believe that the juvenile committed the delinquent act as alleged or a lesser included delinquent act which would be a felony if committed by an adult;

3. The juvenile is competent to stand trial. The juvenile is presumed to be competent and the burden is on the party alleging the juvenile is not competent to rebut the presumption by a preponderance of the evidence; and

4. The court finds by a preponderance of the evidence that the juvenile is not a proper person to remain within the jurisdiction of the juvenile court. In determining whether a juvenile is a proper person to remain within the jurisdiction of the juvenile court, the court shall consider, but not be limited to, the following factors:

a. The juvenile's age;

b. The seriousness and number of alleged offenses, including (i) whether the alleged offense was committed in an aggressive, violent, premeditated, or willful manner; (ii) whether the alleged offense was against persons or property, with greater weight being given to offenses against persons, especially if death or bodily injury resulted; (iii) whether the maximum punishment for such an offense is greater than 20 years confinement if committed by an adult; (iv) whether the alleged offense involved the use of a firearm or other dangerous weapon by brandishing, threatening, displaying or otherwise employing such weapon; and (v) the nature of the juvenile's participation in the alleged offense;

c. Whether the juvenile can be retained in the juvenile justice system long enough for effective treatment and rehabilitation;

d. The appropriateness and availability of the services and dispositional alternatives in both the criminal justice and juvenile justice systems for dealing with the juvenile's problems;

e. The record and previous history of the juvenile in this or other jurisdictions, including (i) the number and nature of previous contacts with juvenile or circuit courts, (ii) the number and nature of prior periods of probation, (iii) the number and nature of prior commitments to juvenile correctional centers, (iv) the number and nature of previous residential and community-based treatments, (v) whether previous adjudications and commitments were for delinquent acts that involved the infliction of serious bodily injury, and (vi) whether the alleged offense is part of a repetitive pattern of similar adjudicated offenses;

f. Whether the juvenile has previously absconded from the legal custody of a juvenile correctional entity in this or any other jurisdiction;

g. The extent, if any, of the juvenile's degree of intellectual disability or mental illness;

h. The juvenile's school record and education;

i. The juvenile's mental and emotional maturity; ~~and~~

j. The juvenile's physical condition and physical maturity*; and*

k. Any evidence that the juvenile was a victim of felonious criminal sexual assault in violation of Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2 or trafficking in violation of Article 3 (§ 18.2-344 et seq.) of Chapter 8 of Title 18.2 by the alleged victim prior to or during the commission of the alleged offense and that such alleged offense was a direct result of the juvenile being a victim of such felonious criminal sexual assault or trafficking. This subdivision shall be construed to prioritize the successful treatment and rehabilitation of juvenile victims of human trafficking and sex crimes who commit acts of violence against their abusers. It is the intent of the General Assembly that these juveniles be viewed as victims and provided treatment and services in the juvenile system.

No transfer decision shall be precluded or reversed on the grounds that the court failed to consider any of the factors specified in subdivision 4.

B. The juvenile court shall conduct a preliminary hearing whenever a juvenile 16 years of age or older is charged with murder in violation of § 18.2-31, 18.2-32 or 18.2-40, or aggravated malicious wounding in violation of § 18.2-51.2. If the juvenile is 14 years of age or older, but less than 16 years of age, then the court may proceed, on motion of the attorney for the Commonwealth, as provided in subsection A. *Upon motion of the juvenile, the court may conduct a hearing to allow the juvenile to present any evidence described in subdivision A 4 k. If the court finds by a preponderance of the evidence that sufficient evidence exists to believe that the juvenile was a victim of felonious criminal sexual assault in violation of Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2 or trafficking in violation of Article 3 (§ 18.2-344 et seq.) of Chapter 8 of Title 18.2 by the alleged victim prior to or during the commission of the alleged offense and that such alleged offense was a direct result of the juvenile being a victim of such felonious criminal sexual assault or trafficking, then the court shall proceed as provided in subsection A.*

C. The juvenile court shall conduct a preliminary hearing whenever a juvenile 16 years of age or older is charged with murder in violation of § 18.2-33; felonious injury by mob in violation of § 18.2-41; abduction in violation of § 18.2-48; malicious wounding in violation of § 18.2-51; malicious wounding of a law-enforcement officer in violation of § 18.2-51.1; felonious poisoning in violation of § 18.2-54.1; adulteration of products in violation of § 18.2-54.2; robbery in violation of subdivision B 1 or 2 of § 18.2-58 or carjacking in violation of § 18.2-58.1; rape in violation of § 18.2-61; forcible sodomy in violation of § 18.2-67.1; object sexual penetration in violation of § 18.2-67.2; manufacturing, selling, giving, distributing, or possessing with intent to manufacture, sell, give, or distribute a controlled substance or an imitation controlled substance in violation of § 18.2-248 if the juvenile has been previously adjudicated delinquent on two or more occasions of violating § 18.2-248 provided the adjudications occurred after the juvenile was at least 16 years of age; manufacturing, selling, giving, distributing, or possessing with intent to manufacture, sell, give, or distribute methamphetamine in violation of § 18.2-248.03 if the juvenile has been previously adjudicated delinquent on two or more occasions of violating § 18.2-248.03 provided the adjudications occurred after the juvenile was at least 16 years of age; or felonious manufacturing, selling, giving, distributing, or possessing with intent to manufacture, sell, give, or distribute anabolic steroids in violation of § 18.2-248.5 if the juvenile has been previously adjudicated delinquent on two or more occasions of violating § 18.2-248.5 provided the adjudications occurred after the juvenile was at least 16 years of age, provided the attorney for the Commonwealth gives written notice of his intent to proceed pursuant to this subsection. Prior to giving written notice of his intent to proceed pursuant to this subsection, the attorney for the Commonwealth shall submit a written request to the director of the court services unit to complete a report as described in subsection B of § 16.1-269.2 unless waived by the juvenile and his attorney or other legal representative. The report shall be filed with the court and mailed or delivered to (i) the attorney for the Commonwealth and (ii) counsel for the juvenile, or, if the juvenile is not represented by counsel, to the juvenile and a parent, guardian, or other person standing in loco parentis with respect to the juvenile, within 21 days of the date of the written request. After reviewing the report, if the attorney for the Commonwealth still intends to proceed pursuant to this subsection, he shall then provide the written notice of such intent, which shall include affirmation that he reviewed the report. The notice shall be filed with the court and mailed or delivered to counsel for the juvenile or, if the juvenile is not then represented by counsel, to the juvenile and a parent, guardian or other person standing in loco parentis with respect to the juvenile at least seven days prior to the preliminary hearing. If the attorney for the Commonwealth elects not to give such notice, if he elects to withdraw the notice prior to certification of the charge to the grand jury, or if the juvenile is 14 years of age or older, but less than 16 years of age, he may proceed as provided in

subsection A. *Upon motion of the juvenile, the court may conduct a hearing to allow the juvenile to present any evidence described in subdivision A 4 k. If the court finds by a preponderance of the evidence that sufficient evidence exists to believe that the juvenile was a victim of felonious criminal sexual assault in violation of Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2 or trafficking in violation of Article 3 (§ 18.2-344 et seq.) of Chapter 8 of Title 18.2 by the alleged victim prior to or during the commission of the alleged offense and that such alleged offense was a direct result of the juvenile being a victim of such felonious criminal sexual assault or trafficking, then the court shall proceed as provided in subsection A.*

D. Upon a finding of probable cause pursuant to a preliminary hearing under subsection B or C, the juvenile court shall certify the charge, and all ancillary charges, to the grand jury. Such certification shall divest the juvenile court of jurisdiction as to the charge and any ancillary charges. Nothing in this subsection shall divest the juvenile court of jurisdiction over any matters unrelated to such charge and ancillary charges which may otherwise be properly within the jurisdiction of the juvenile court.

If the court does not find probable cause to believe that the juvenile has committed the violent juvenile felony as charged in the petition or warrant or if the petition or warrant is terminated by dismissal in the juvenile court, the attorney for the Commonwealth may seek a direct indictment in the circuit court. If the petition or warrant is terminated by nolle prosequi in the juvenile court, the attorney for the Commonwealth may seek an indictment only after a preliminary hearing in juvenile court.

If the court finds that the juvenile was not (i) for the purposes of subsection A, 14 years of age or older or (ii) for purposes of subsection B or C, 16 years of age or older, at the time of the alleged commission of the offense or that the conditions specified in subdivision A 1, 2, or 3 have not been met, the case shall proceed as otherwise provided for by law.

E. An indictment in the circuit court cures any error or defect in any proceeding held in the juvenile court except with respect to the juvenile's age. If an indictment is terminated by nolle prosequi, the Commonwealth may reinstate the proceeding by seeking a subsequent indictment.

§ 16.1-269.2. Admissibility of statement; investigation and report; bail.

A. Statements made by the juvenile at the transfer hearing provided for under § 16.1-269.1 shall not be admissible against him over objection in any criminal proceedings following the transfer, except for purposes of impeachment.

B. Prior to a transfer hearing pursuant to subsection A of § 16.1-269.1 or a preliminary hearing pursuant to subsection C of § 16.1-269.1, a study and report to the court, in writing, relevant to the factors set out in subdivision A 4 of § 16.1-269.1, as well as an assessment of any affiliation with a criminal street gang as defined in § 18.2-46.1, shall be made by the probation services or other qualified agency designated by the court. *Such report shall include any relevant information supporting an allegation that the juvenile was a victim of felonious criminal sexual assault in violation of Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2 or trafficking in violation of Article 3 (§ 18.2-344 et seq.) of Chapter 8 of Title 18.2 by the alleged victim. It is the intent of the General Assembly that these juveniles be viewed as victims and provided treatment and services in the juvenile system.* Upon motion of the attorney for the Commonwealth for a transfer hearing pursuant to subsection A of § 16.1-269.1, the attorney for the Commonwealth shall provide notice to the designated probation services or other qualified agency of the need for a transfer report. Counsel for the juvenile and the attorney for the Commonwealth shall have full access to the study and report and any other report or data concerning the juvenile which are available to the court. The court shall not consider the report until a finding has been made concerning probable cause. If the court so orders, the study and report may be expanded to include matters provided for in § 16.1-273, whereupon it may also serve as the report required by this subsection, but on the condition that it will not be submitted to the judge who will preside at any subsequent hearings except as provided for by law.

C. After the completion of the hearing, whether or not the juvenile court decides to retain jurisdiction over the juvenile or transfer such juvenile for criminal proceedings in the circuit court, the juvenile court shall set bail for the juvenile in accordance with Chapter 9 (§ 19.2-119 et seq.) of Title 19.2, if bail has not already been set.

§ 16.1-272. Power of circuit court over juvenile offender.

A. In any case in which a juvenile is indicted, the offense for which he is indicted and all ancillary charges shall be tried in the same manner as provided for in the trial of adults, except as otherwise provided with regard to sentencing. Upon a finding of guilty of any charge, the court shall fix the sentence without the intervention of a jury. Nothing in this subsection shall be construed to require a court to review the results of an investigation completed pursuant to § 16.1-273.

1. If a juvenile is convicted of a violent juvenile felony, for that offense and for all ancillary crimes the court may order that (i) the juvenile serve a portion of the sentence as a serious juvenile offender under § 16.1-285.1 and the remainder of such sentence in the same manner as provided for adults; (ii) the juvenile serve the entire sentence in the same manner as provided for adults; or (iii) the portion of the sentence to be served in the same manner as provided for adults be suspended conditioned upon successful completion of such terms and conditions as may be imposed in a juvenile court upon disposition of a delinquency case including, but not limited to, commitment under subdivision A 14 of § 16.1-278.8 or § 16.1-285.1.

2. If the juvenile is convicted of any other felony, the court may sentence or commit the juvenile offender in accordance with the criminal laws of this Commonwealth or may in its discretion deal with the juvenile in the manner prescribed in this chapter for the hearing and disposition of cases in the juvenile court, including, but not limited to, commitment under § 16.1-285.1 or may in its discretion impose an adult sentence and suspend the sentence conditioned upon successful completion of such terms and conditions as may be imposed in a juvenile court upon disposition of a delinquency case.

3. Notwithstanding any other provision of law, if the juvenile is convicted of any felony, the court may in its discretion depart from any mandatory minimum sentence required by law or suspend any portion of an otherwise applicable sentence.

4. If the juvenile is not convicted of a felony but is convicted of a misdemeanor, the court shall deal with the juvenile in the manner prescribed by law for the disposition of a delinquency case in the juvenile court.

5. If the court, at any time prior to the final order in the case or within 21 days of such order, receives evidence that the juvenile was a victim of felonious criminal sexual assault in violation of Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2 or trafficking in violation of Article 3 (§ 18.2-344 et seq.) of Chapter 8 of Title 18.2 by the victim prior to or during the commission of the offense for which the juvenile was convicted and that such offense was a direct result of the juvenile being a victim of such felonious criminal sexual assault or trafficking, the court may set aside the guilty verdict, render the juvenile delinquent, and impose a disposition consistent with § 16.1-278.8.

B. If the circuit court decides to deal with the juvenile in the same manner as a case in the juvenile court and places the juvenile on probation, the juvenile may be supervised by a juvenile probation officer.

C. Whether the court sentences and commits the juvenile as a juvenile under this chapter or under the criminal law, in cases where the juvenile is convicted of a felony in violation of § 18.2-61, 18.2-63, 18.2-64.1, 18.2-67.1, 18.2-67.2, 18.2-67.3, 18.2-67.5, 18.2-370 or 18.2-370.1 or, where the victim is a minor or is physically helpless or mentally incapacitated as defined in § 18.2-67.10, subsection B of § 18.2-361 or subsection B of § 18.2-366, the clerk shall make the report required by § 19.2-390 to the Sex Offender and Crimes Against Minors Registry established pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1.

D. In any case in which a juvenile is not sentenced as a juvenile under this chapter, the court shall, in addition to considering any other factor and prior to imposing a sentence, consider (i) the juvenile's exposure to adverse childhood experiences, early childhood trauma, or any child welfare agency and (ii) the differences between juvenile and adult offenders.

E. A juvenile sentenced pursuant to clause (i) of subdivision A 1 shall be eligible to earn sentence credits in the manner prescribed by § 53.1-202.2 for the portion of the sentence served as a serious juvenile offender under § 16.1-285.1.

F. If the court sentences the juvenile as a juvenile under this chapter, the clerk shall provide a copy of the court's final order or judgment to the court service unit in the same locality as the juvenile court to which the case had been transferred.

CHAPTER 366

An Act to amend and reenact §§ 2.2-3703, as it is currently effective and as it shall become effective, 2.2-3705.7, 2.2-3711, as it is currently effective and as it may become effective, and 9.1-102 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 15.2-1627.6, relating to human trafficking response teams.

[H 581]

Approved April 3, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-3703, as it is currently effective and as it shall become effective, 2.2-3705.7, 2.2-3711, as it is currently effective and as it may become effective, and 9.1-102 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 15.2-1627.6 as follows:

§ 2.2-3703. (Effective until July 1, 2024) Public bodies and records to which chapter inapplicable; voter registration and election records; access by persons incarcerated in a state, local, or federal correctional facility.

A. The provisions of this chapter shall not apply to:

1. The Virginia Parole Board (the Board), except that (i) information from the Board providing the number of inmates considered by the Board for discretionary parole, the number of inmates granted or denied parole, and the number of parolees returned to the custody of the Department of Corrections solely as a result of a determination by the Board of a violation of parole shall be open to inspection and available for release, on a monthly basis, as provided by § 2.2-3704; (ii) all guidance documents, as defined in § 2.2-4101, shall be public records and subject to the provisions of this chapter; (iii) all records concerning the finances of the Board shall be public records and subject to the provisions of this chapter; and (iv) individual Board member votes shall be public records and subject to the provisions of this chapter. The information required by clause (i) shall be furnished by offense, sex, race, age of the inmate, and the locality in which the conviction was obtained, upon the request of the party seeking the information. The information required by clause (ii) shall include all documents establishing the policy of the Board or any change in or clarification of such policy with respect to grant, denial, deferral, revocation, or supervision of parole or geriatric release or the process for consideration thereof, and shall be clearly and conspicuously posted on the Board's website. However, such information shall not include any portion of any document reflecting the application of any policy or policy change or clarification of such policy to an individual inmate;

2. Petit juries and grand juries;

3. Family assessment and planning teams established pursuant to § 2.2-5207;

4. Sexual assault response teams established pursuant to § 15.2-1627.4 *and human trafficking response teams established pursuant to § 15.2-1627.6*, except that records relating to (i) protocols and policies of the sexual assault *or human trafficking* response team and (ii) guidelines for the community's response established by the sexual assault *or human trafficking* response team shall be public records and subject to the provisions of this chapter;

5. Multidisciplinary child sexual abuse response teams established pursuant to § 15.2-1627.5;

6. The Virginia State Crime Commission; and

7. The records maintained by the clerks of the courts of record, as defined in § 1-212, for which clerks are custodians under § 17.1-242, and courts not of record, as defined in § 16.1-69.5, for which clerks are custodians under § 16.1-69.54, including those transferred for storage, maintenance, or archiving. Such records shall be requested in accordance with the provisions of §§ 16.1-69.54:1 and 17.1-208, as appropriate. However, other records maintained by the clerks of such courts shall be public records and subject to the provisions of this chapter.

B. Public access to voter registration and election records shall be governed by the provisions of Title 24.2 and this chapter. The provisions of Title 24.2 shall be controlling in the event of any conflict.

C. No provision of this chapter or Chapter 21 (§ 30-178 et seq.) of Title 30 shall be construed to afford any rights to any person (i) incarcerated in a state, local or federal correctional facility, whether or not such facility is (a) located in the Commonwealth or (b) operated pursuant to the Corrections Private Management Act (§ 53.1-261 et seq.) or (ii) civilly committed pursuant to the Sexually Violent Predators Act (§ 37.2-900 et seq.). However, this subsection shall not be construed to prevent such persons from exercising their constitutionally protected rights, including, but not limited to, their right to call for evidence in their favor in a criminal prosecution.

§ 2.2-3703. (Effective July 1, 2024) Public bodies and records to which chapter inapplicable; voter registration and election records; access by persons incarcerated in a state, local, or federal correctional facility.

A. The provisions of this chapter shall not apply to:

1. Petit juries and grand juries;

2. Family assessment and planning teams established pursuant to § 2.2-5207;

3. Sexual assault response teams established pursuant to § 15.2-1627.4 *and human trafficking response teams established pursuant to § 15.2-1627.6*, except that records relating to (i) protocols and policies of the sexual assault *or human trafficking* response team and (ii) guidelines for the community's response established by the sexual assault *or human trafficking* response team shall be public records and subject to the provisions of this chapter;

4. Multidisciplinary child sexual abuse response teams established pursuant to § 15.2-1627.5;

5. The Virginia State Crime Commission; and

6. The records maintained by the clerks of the courts of record, as defined in § 1-212, for which clerks are custodians under § 17.1-242, and courts not of record, as defined in § 16.1-69.5, for which clerks are custodians under § 16.1-69.54, including those transferred for storage, maintenance, or archiving. Such records shall be requested in accordance with the provisions of §§ 16.1-69.54:1 and 17.1-208, as appropriate. However, other records maintained by the clerks of such courts shall be public records and subject to the provisions of this chapter.

B. Public access to voter registration and election records shall be governed by the provisions of Title 24.2 and this chapter. The provisions of Title 24.2 shall be controlling in the event of any conflict.

C. No provision of this chapter or Chapter 21 (§ 30-178 et seq.) of Title 30 shall be construed to afford any rights to any person (i) incarcerated in a state, local or federal correctional facility, whether or not such facility is (a) located in the Commonwealth or (b) operated pursuant to the Corrections Private Management Act (§ 53.1-261 et seq.) or (ii) civilly committed pursuant to the Sexually Violent Predators Act (§ 37.2-900 et seq.). However, this subsection shall not be construed to prevent such persons from exercising their constitutionally protected rights, including, but not limited to, their right to call for evidence in their favor in a criminal prosecution.

§ 2.2-3705.7. Exclusions to application of chapter; records of specific public bodies and certain other limited exclusions.

The following information contained in a public record is excluded from the mandatory disclosure provisions of this chapter but may be disclosed by the custodian in his discretion, except where such disclosure is prohibited by law. Redaction of information excluded under this section from a public record shall be conducted in accordance with § 2.2-3704.01.

1. State income, business, and estate tax returns, personal property tax returns, and confidential records held pursuant to § 58.1-3.

2. Working papers and correspondence of the Office of the Governor, the Lieutenant Governor, or the Attorney General; the members of the General Assembly, the Division of Legislative Services, or the Clerks of the House of Delegates or the Senate of Virginia; the mayor or chief executive officer of any political subdivision of the Commonwealth; or the president or other chief executive officer of any public institution of higher education in the Commonwealth. However, no information that is otherwise open to inspection under this chapter shall be deemed excluded by virtue of the fact that it has been attached to or incorporated within any working paper or correspondence. Further, information publicly available or not otherwise subject to an exclusion under this chapter or other provision of law that has been aggregated, combined, or changed in format without substantive analysis or revision shall not be deemed working papers. Nothing in this subdivision shall be construed to authorize the withholding of any resumes or applications submitted by persons who are appointed by the Governor pursuant to § 2.2-106 or 2.2-107.

As used in this subdivision:

"Members of the General Assembly" means each member of the Senate of Virginia and the House of Delegates and their legislative aides when working on behalf of such member.

"Office of the Governor" means the Governor; the Governor's chief of staff, counsel, director of policy, and Cabinet Secretaries; the Assistant to the Governor for Intergovernmental Affairs; and those individuals to whom the Governor has delegated his authority pursuant to § 2.2-104.

"Working papers" means those records prepared by or for a public official identified in this subdivision for his personal or deliberative use.

3. Information contained in library records that can be used to identify (i) both (a) any library patron who has borrowed or accessed material or resources from a library and (b) the material or resources such patron borrowed or accessed or (ii) any library patron under 18 years of age. For the purposes of clause (ii), access shall not be denied to the parent, including a noncustodial parent, or guardian of such library patron.

4. Contract cost estimates prepared for the confidential use of the Department of Transportation in awarding contracts for construction or the purchase of goods or services, and records and automated systems prepared for the Department's Bid Analysis and Monitoring Program.

5. Lists of registered owners of bonds issued by a political subdivision of the Commonwealth, whether the lists are maintained by the political subdivision itself or by a single fiduciary designated by the political subdivision.

6. Information furnished by a member of the General Assembly to a meeting of a standing committee, special committee, or subcommittee of his house established solely for the purpose of reviewing members' annual disclosure statements and supporting materials filed under § 30-110 or of formulating advisory opinions to members on standards of conduct, or both.

7. Customer account information of a public utility affiliated with a political subdivision of the Commonwealth, including the customer's name and service address, but excluding the amount of utility service provided and the amount of money charged or paid for such utility service.

8. Personal information, as defined in § 2.2-3801, (i) filed with the Virginia Housing Development Authority concerning individuals who have applied for or received loans or other housing assistance or who have applied for occupancy of or have occupied housing financed, owned or otherwise assisted by the Virginia Housing Development Authority; (ii) concerning persons participating in or persons on the waiting list for federally funded rent-assistance programs; (iii) filed with any local redevelopment and housing authority created pursuant to § 36-4 concerning persons participating in or persons on the waiting list for housing assistance programs funded by local governments or by any such authority; or (iv) filed with any local redevelopment and housing authority created pursuant to § 36-4 or any other local government agency concerning persons who have applied for occupancy or who have occupied affordable dwelling units established pursuant to § 15.2-2304 or 15.2-2305. However, access to one's own information shall not be denied.

9. Information regarding the siting of hazardous waste facilities, except as provided in § 10.1-1441, if disclosure of such information would have a detrimental effect upon the negotiating position of a governing body or on the establishment of the terms, conditions, and provisions of the siting agreement.

10. Information on the site-specific location of rare, threatened, endangered, or otherwise imperiled plant and animal species, natural communities, caves, and significant historic and archaeological sites if, in the opinion of the public body that has the responsibility for such information, disclosure of the information would jeopardize the continued existence or the integrity of the resource. This exclusion shall not apply to requests from the owner of the land upon which the resource is located.

11. Memoranda, graphics, video or audio tapes, production models, data, and information of a proprietary nature produced by or for or collected by or for the Virginia Lottery relating to matters of a specific lottery game design, development, production, operation, ticket price, prize structure, manner of selecting the winning ticket, manner of payment of prizes to holders of winning tickets, frequency of drawings or selections of winning tickets, odds of winning, advertising, or marketing, where such information not been publicly released, published, copyrighted, or patented. Whether released, published, or copyrighted, all game-related information shall be subject to public disclosure under this chapter upon the first day of sales for the specific lottery game to which it pertains.

12. Information held by the Virginia Retirement System, acting pursuant to § 51.1-124.30, or a local retirement system, acting pursuant to § 51.1-803, or by a local finance board or board of trustees of a trust established by one or more local public bodies to invest funds for post-retirement benefits other than pensions, acting pursuant to Article 8 (§ 15.2-1544 et seq.) of Chapter 15 of Title 15.2, or by the board of visitors of the University of Virginia, acting pursuant to § 23.1-2210, or by the board of visitors of The College of William and Mary in Virginia, acting pursuant to § 23.1-2803, or by the Virginia College Savings Plan, acting pursuant to § 23.1-704, relating to the acquisition, holding, or disposition of a security or other ownership interest in an entity, where such security or ownership interest is not traded on a governmentally regulated securities exchange, if disclosure of such information would (i) reveal confidential analyses prepared for the board of visitors of the University of Virginia, prepared for the board of visitors of The College of William and Mary in Virginia, prepared by the retirement system, a local finance board or board of trustees, or the Virginia College Savings Plan, or provided to the retirement system, a local finance board or board of trustees, or the Virginia College Savings Plan under a promise of confidentiality of the future value of such ownership interest or the future financial performance of the entity and (ii) have an adverse effect on the value of the investment to be acquired, held, or disposed of by the retirement system, a local finance board or board of trustees, the board of visitors of the University of Virginia, the board of visitors of The College of William and Mary in Virginia, or the Virginia College Savings Plan. Nothing in this subdivision shall be

construed to prevent the disclosure of information relating to the identity of any investment held, the amount invested, or the present value of such investment.

13. Financial, medical, rehabilitative, and other personal information concerning applicants for or recipients of loan funds submitted to or maintained by the Assistive Technology Loan Fund Authority under Chapter 11 (§ 51.5-53 et seq.) of Title 51.5.

14. Information held by the Virginia Commonwealth University Health System Authority pertaining to any of the following: an individual's qualifications for or continued membership on its medical or teaching staffs; proprietary information gathered by or in the possession of the Authority from third parties pursuant to a promise of confidentiality; contract cost estimates prepared for confidential use in awarding contracts for construction or the purchase of goods or services; information of a proprietary nature produced or collected by or for the Authority or members of its medical or teaching staffs; financial statements not publicly available that may be filed with the Authority from third parties; the identity, accounts, or account status of any customer of the Authority; consulting or other reports paid for by the Authority to assist the Authority in connection with its strategic planning and goals; the determination of marketing and operational strategies where disclosure of such strategies would be harmful to the competitive position of the Authority; and information of a proprietary nature produced or collected by or for employees of the Authority, other than the Authority's financial or administrative records, in the conduct of or as a result of study or research on medical, scientific, technical, or scholarly issues, whether sponsored by the Authority alone or in conjunction with a governmental body or a private concern, when such information has not been publicly released, published, copyrighted, or patented. This exclusion shall also apply when such information is in the possession of Virginia Commonwealth University.

15. Information held by the Department of Environmental Quality, the State Water Control Board, the State Air Pollution Control Board, or the Virginia Waste Management Board relating to (i) active federal environmental enforcement actions that are considered confidential under federal law and (ii) enforcement strategies, including proposed sanctions for enforcement actions. Upon request, such information shall be disclosed after a proposed sanction resulting from the investigation has been proposed to the director of the agency. This subdivision shall not be construed to prevent the disclosure of information related to inspection reports, notices of violation, and documents detailing the nature of any environmental contamination that may have occurred or similar documents.

16. Information related to the operation of toll facilities that identifies an individual, vehicle, or travel itinerary, including vehicle identification data or vehicle enforcement system information; video or photographic images; Social Security or other identification numbers appearing on driver's licenses; credit card or bank account data; home addresses; phone numbers; or records of the date or time of toll facility use.

17. Information held by the Virginia Lottery pertaining to (i) the social security number, tax identification number, state sales tax number, home address and telephone number, personal and lottery banking account and transit numbers of a retailer, and financial information regarding the nonlottery operations of specific retail locations and (ii) individual lottery winners, except that a winner's name, hometown, and amount won shall be disclosed. If the value of the prize won by the winner exceeds $10 million, the information described in clause (ii) shall not be disclosed unless the winner consents in writing to such disclosure.

18. Information held by the Board for Branch Pilots relating to the chemical or drug testing of a person regulated by the Board, where such person has tested negative or has not been the subject of a disciplinary action by the Board for a positive test result.

19. Information pertaining to the planning, scheduling, and performance of examinations of holder records pursuant to the Virginia Disposition of Unclaimed Property Act (§ 55.1-2500 et seq.) prepared by or for the State Treasurer or his agents or employees or persons employed to perform an audit or examination of holder records.

20. Information held by the Virginia Department of Emergency Management or a local governing body relating to citizen emergency response teams established pursuant to an ordinance of a local governing body that reveal the name, address, including e-mail address, telephone or pager numbers, or operating schedule of an individual participant in the program.

21. Information held by state or local park and recreation departments and local and regional park authorities concerning identifiable individuals under the age of 18 years. However, nothing in this subdivision shall operate to prevent the disclosure of information defined as directory information under regulations implementing the federal Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g, unless the public body has undertaken the parental notification and opt-out requirements provided by such regulations. Access shall not be denied to the parent, including a noncustodial parent, or guardian of such person, unless the parent's parental rights have been terminated or a court of competent jurisdiction has restricted or denied such access. For such information of persons who are emancipated, the right of access may be asserted by the subject thereof. Any parent or emancipated person who is the subject of the information may waive, in writing, the protections afforded by this subdivision. If the protections are so waived, the public body shall open such information for inspection and copying.

22. Information submitted for inclusion in the Statewide Alert Network administered by the Department of Emergency Management that reveal names, physical addresses, email addresses, computer or internet protocol information, telephone numbers, pager numbers, other wireless or portable communications device information, or operating schedules of individuals or agencies, where the release of such information would compromise the security of the Statewide Alert Network or individuals participating in the Statewide Alert Network.

23. Information held by the Judicial Inquiry and Review Commission made confidential by § 17.1-913.

24. Information held by the Virginia Retirement System acting pursuant to § 51.1-124.30, a local retirement system acting pursuant to § 51.1-803 (hereinafter collectively referred to as the retirement system), or the Virginia College Savings Plan, acting pursuant to § 23.1-704 relating to:

a. Internal deliberations of or decisions by the retirement system or the Virginia College Savings Plan on the pursuit of particular investment strategies, or the selection or termination of investment managers, prior to the execution of such investment strategies or the selection or termination of such managers, if disclosure of such information would have an adverse impact on the financial interest of the retirement system or the Virginia College Savings Plan; and

b. Trade secrets provided by a private entity to the retirement system or the Virginia College Savings Plan if disclosure of such records would have an adverse impact on the financial interest of the retirement system or the Virginia College Savings Plan.

For the records specified in subdivision b to be excluded from the provisions of this chapter, the entity shall make a written request to the retirement system or the Virginia College Savings Plan:

(1) Invoking such exclusion prior to or upon submission of the data or other materials for which protection from disclosure is sought;

(2) Identifying with specificity the data or other materials for which protection is sought; and

(3) Stating the reasons why protection is necessary.

The retirement system or the Virginia College Savings Plan shall determine whether the requested exclusion from disclosure meets the requirements set forth in subdivision b.

Nothing in this subdivision shall be construed to prevent the disclosure of the identity or amount of any investment held or the present value and performance of all asset classes and subclasses.

25. Information held by the Department of Corrections made confidential by former § 53.1-233.

26. Information maintained by the Department of the Treasury or participants in the Local Government Investment Pool (§ 2.2-4600 et seq.) and required to be provided by such participants to the Department to establish accounts in accordance with § 2.2-4602.

27. Personal information, as defined in § 2.2-3801, contained in the Veterans Care Center Resident Trust Funds concerning residents or patients of the Department of Veterans Services Care Centers, except that access shall not be denied to the person who is the subject of the information.

28. Information maintained in connection with fundraising activities by the Veterans Services Foundation pursuant to § 2.2-2716 that reveal the address, electronic mail address, facsimile or telephone number, social security number or other identification number appearing on a driver's license or other document issued under Chapter 3 (§ 46.2-300 et seq.) of Title 46.2 or the comparable law of another jurisdiction, or credit card or bank account data of identifiable donors, except that access shall not be denied to the person who is the subject of the information. Nothing in this subdivision, however, shall be construed to prevent the disclosure of information relating to the amount, date, purpose, and terms of the pledge or donation or the identity of the donor, unless the donor has requested anonymity in connection with or as a condition of making a pledge or donation. The exclusion provided by this subdivision shall not apply to protect from disclosure (i) the identities of sponsors providing grants to or contracting with the foundation for the performance of services or other work or (ii) the terms and conditions of such grants or contracts.

29. Information prepared for and utilized by the Commonwealth's Attorneys' Services Council in the training of state prosecutors or law-enforcement personnel, where such information is not otherwise available to the public and the disclosure of such information would reveal confidential strategies, methods, or procedures to be employed in law-enforcement activities or materials created for the investigation and prosecution of a criminal case.

30. Information provided to the Department of Aviation by other entities of the Commonwealth in connection with the operation of aircraft where the information would not be subject to disclosure by the entity providing the information. The entity providing the information to the Department of Aviation shall identify the specific information to be protected and the applicable provision of this chapter that excludes the information from mandatory disclosure.

31. Information created or maintained by or on the behalf of the judicial performance evaluation program related to an evaluation of any individual justice or judge made confidential by § 17.1-100.

32. Information reflecting the substance of meetings in which (i) individual sexual assault cases are discussed by any sexual assault response team established pursuant to § 15.2-1627.4, (ii) individual child abuse or neglect cases or sex offenses involving a child are discussed by multidisciplinary child sexual abuse response teams established pursuant to § 15.2-1627.5, ~~or~~ (iii) individual cases of abuse, neglect, or exploitation of adults as defined in § 63.2-1603 are discussed by multidisciplinary teams established pursuant to §§ 15.2-1627.5 and 63.2-1605*, or (iv) individual human trafficking cases are discussed by any human trafficking response team established pursuant to § 15.2-1627.6*. The findings of any such team may be disclosed or published in statistical or other aggregated form that does not disclose the identity of specific individuals.

33. Information contained in the strategic plan, marketing plan, or operational plan prepared by the Virginia Economic Development Partnership Authority pursuant to § 2.2-2237.1 regarding target companies, specific allocation of resources and staff for marketing activities, and specific marketing activities that would reveal to the Commonwealth's competitors for economic development projects the strategies intended to be deployed by the Commonwealth, thereby adversely affecting

the financial interest of the Commonwealth. The executive summaries of the strategic plan, marketing plan, and operational plan shall not be redacted or withheld pursuant to this subdivision.

34. Information discussed in a closed session of the Physical Therapy Compact Commission or the Executive Board or other committees of the Commission for purposes set forth in subsection E of § 54.1-3491.

35. Information held by the Commonwealth of Virginia Innovation Partnership Authority (the Authority), an advisory committee of the Authority, or any other entity designated by the Authority, relating to (i) internal deliberations of or decisions by the Authority on the pursuit of particular investment strategies prior to the execution of such investment strategies and (ii) trade secrets, as defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.), provided by a private entity to the Authority, if such disclosure of records pursuant to clause (i) or (ii) would have an adverse impact on the financial interest of the Authority or a private entity.

36. Personal information provided to or obtained by the Virginia Lottery in connection with the voluntary exclusion program administered pursuant to § 58.1-4015.1.

37. Personal information provided to or obtained by the Virginia Lottery concerning the identity of any person reporting prohibited conduct pursuant to § 58.1-4043.

§ 2.2-3711. (Effective until date pursuant to Acts 2023, cc. 756 and 778, cl. 5) Closed meetings authorized for certain limited purposes.

A. Public bodies may hold closed meetings only for the following purposes:

1. Discussion, consideration, or interviews of prospective candidates for employment; assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of any public body; and evaluation of performance of departments or schools of public institutions of higher education where such evaluation will necessarily involve discussion of the performance of specific individuals. Any teacher shall be permitted to be present during a closed meeting in which there is a discussion or consideration of a disciplinary matter that involves the teacher and some student and the student involved in the matter is present, provided the teacher makes a written request to be present to the presiding officer of the appropriate board. Nothing in this subdivision, however, shall be construed to authorize a closed meeting by a local governing body or an elected school board to discuss compensation matters that affect the membership of such body or board collectively.

2. Discussion or consideration of admission or disciplinary matters or any other matters that would involve the disclosure of information contained in a scholastic record concerning any student of any public institution of higher education in the Commonwealth or any state school system. However, any such student, legal counsel and, if the student is a minor, the student's parents or legal guardians shall be permitted to be present during the taking of testimony or presentation of evidence at a closed meeting, if such student, parents, or guardians so request in writing and such request is submitted to the presiding officer of the appropriate board.

3. Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body.

4. The protection of the privacy of individuals in personal matters not related to public business.

5. Discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community.

6. Discussion or consideration of the investment of public funds where competition or bargaining is involved, where, if made public initially, the financial interest of the governmental unit would be adversely affected.

7. Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body. For the purposes of this subdivision, "probable litigation" means litigation that has been specifically threatened or on which the public body or its legal counsel has a reasonable basis to believe will be commenced by or against a known party. Nothing in this subdivision shall be construed to permit the closure of a meeting merely because an attorney representing the public body is in attendance or is consulted on a matter.

8. Consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel. Nothing in this subdivision shall be construed to permit the closure of a meeting merely because an attorney representing the public body is in attendance or is consulted on a matter.

9. Discussion or consideration by governing boards of public institutions of higher education of matters relating to gifts, bequests and fund-raising activities, and of grants and contracts for services or work to be performed by such institution. However, the terms and conditions of any such gifts, bequests, grants, and contracts made by a foreign government, a foreign legal entity, or a foreign person and accepted by a public institution of higher education in the Commonwealth shall be subject to public disclosure upon written request to the appropriate board of visitors. For the purpose of this subdivision, (i) "foreign government" means any government other than the United States government or the government of a state or a political subdivision thereof, (ii) "foreign legal entity" means any legal entity (a) created under the laws of the United States or of any state thereof if a majority of the ownership of the stock of such legal entity is owned by foreign governments or foreign persons or if a majority of the membership of any such entity is composed of foreign persons or foreign legal entities or (b) created under the laws of a foreign government, and (iii) "foreign person" means any individual who is not a citizen or national of the United States or a trust territory or protectorate thereof.

10. Discussion or consideration by the boards of trustees of the Virginia Museum of Fine Arts, the Virginia Museum of Natural History, the Jamestown-Yorktown Foundation, the Fort Monroe Authority, and The Science Museum of Virginia of matters relating to specific gifts, bequests, and grants from private sources.

11. Discussion or consideration of honorary degrees or special awards.

12. Discussion or consideration of tests, examinations, or other information used, administered, or prepared by a public body and subject to the exclusion in subdivision 4 of § 2.2-3705.1.

13. Discussion, consideration, or review by the appropriate House or Senate committees of possible disciplinary action against a member arising out of the possible inadequacy of the disclosure statement filed by the member, provided the member may request in writing that the committee meeting not be conducted in a closed meeting.

14. Discussion of strategy with respect to the negotiation of a hazardous waste siting agreement or to consider the terms, conditions, and provisions of a hazardous waste siting agreement if the governing body in open meeting finds that an open meeting will have an adverse effect upon the negotiating position of the governing body or the establishment of the terms, conditions and provisions of the siting agreement, or both. All discussions with the applicant or its representatives may be conducted in a closed meeting.

15. Discussion by the Governor and any economic advisory board reviewing forecasts of economic activity and estimating general and nongeneral fund revenues.

16. Discussion or consideration of medical and mental health records subject to the exclusion in subdivision 1 of § 2.2-3705.5.

17. Deliberations of the Virginia Lottery Board in a licensing appeal action conducted pursuant to subsection D of § 58.1-4007 regarding the denial or revocation of a license of a lottery sales agent; and discussion, consideration or review of Virginia Lottery matters related to proprietary lottery game information and studies or investigations excluded from disclosure under subdivision 6 of § 2.2-3705.3 and subdivision 11 of § 2.2-3705.7.

18. Those portions of meetings in which the State Board of Local and Regional Jails discusses or discloses the identity of, or information tending to identify, any prisoner who (i) provides information about crimes or criminal activities, (ii) renders assistance in preventing the escape of another prisoner or in the apprehension of an escaped prisoner, or (iii) voluntarily or at the instance of a prison official renders other extraordinary services, the disclosure of which is likely to jeopardize the prisoner's life or safety.

19. Discussion of plans to protect public safety as it relates to terrorist activity or specific cybersecurity threats or vulnerabilities and briefings by staff members, legal counsel, or law-enforcement or emergency service officials concerning actions taken to respond to such matters or a related threat to public safety; discussion of information subject to the exclusion in subdivision 2 or 14 of § 2.2-3705.2, where discussion in an open meeting would jeopardize the safety of any person or the security of any facility, building, structure, information technology system, or software program; or discussion of reports or plans related to the security of any governmental facility, building or structure, or the safety of persons using such facility, building or structure.

20. Discussion by the Board of the Virginia Retirement System, acting pursuant to § 51.1-124.30, or of any local retirement system, acting pursuant to § 51.1-803, or by a local finance board or board of trustees of a trust established by one or more local public bodies to invest funds for postemployment benefits other than pensions, acting pursuant to Article 8 (§ 15.2-1544 et seq.) of Chapter 15 of Title 15.2, or by the board of visitors of the University of Virginia, acting pursuant to § 23.1-2210, or by the Board of the Virginia College Savings Plan, acting pursuant to § 23.1-706, regarding the acquisition, holding or disposition of a security or other ownership interest in an entity, where such security or ownership interest is not traded on a governmentally regulated securities exchange, to the extent that such discussion (i) concerns confidential analyses prepared for the board of visitors of the University of Virginia, prepared by the retirement system, or a local finance board or board of trustees, or the Virginia College Savings Plan or provided to the retirement system, a local finance board or board of trustees, or the Virginia College Savings Plan under a promise of confidentiality, of the future value of such ownership interest or the future financial performance of the entity, and (ii) would have an adverse effect on the value of the investment to be acquired, held, or disposed of by the retirement system, a local finance board or board of trustees, the board of visitors of the University of Virginia, or the Virginia College Savings Plan. Nothing in this subdivision shall be construed to prevent the disclosure of information relating to the identity of any investment held, the amount invested or the present value of such investment.

21. Those portions of meetings in which individual child death cases are discussed by the State Child Fatality Review Team established pursuant to § 32.1-283.1, those portions of meetings in which individual child death cases are discussed by a regional or local child fatality review team established pursuant to § 32.1-283.2, those portions of meetings in which individual death cases are discussed by family violence fatality review teams established pursuant to § 32.1-283.3, those portions of meetings in which individual adult death cases are discussed by the state Adult Fatality Review Team established pursuant to § 32.1-283.5, those portions of meetings in which individual adult death cases are discussed by a local or regional adult fatality review team established pursuant to § 32.1-283.6, those portions of meetings in which individual death cases are discussed by overdose fatality review teams established pursuant to § 32.1-283.7, those portions of meetings in which individual maternal death cases are discussed by the Maternal Mortality Review Team pursuant to § 32.1-283.8, and those portions of meetings in which individual death cases of persons with developmental disabilities are discussed by the Developmental Disabilities Mortality Review Committee established pursuant to § 37.2-314.1.

22. Those portions of meetings of the board of visitors of the University of Virginia or the Eastern Virginia Medical School Board of Visitors, as the case may be, and those portions of meetings of any persons to whom management responsibilities for the University of Virginia Medical Center or Eastern Virginia Medical School, as the case may be, have been delegated, in which there is discussed proprietary, business-related information pertaining to the operations of the University of Virginia Medical Center or Eastern Virginia Medical School, as the case may be, including business development or marketing strategies and activities with existing or future joint venturers, partners, or other parties with whom the University of Virginia Medical Center or Eastern Virginia Medical School, as the case may be, has formed, or forms, any arrangement for the delivery of health care, if disclosure of such information would adversely affect the competitive position of the Medical Center or Eastern Virginia Medical School, as the case may be.

23. Discussion or consideration by the Virginia Commonwealth University Health System Authority or the board of visitors of Virginia Commonwealth University of any of the following: the acquisition or disposition by the Authority of real property, equipment, or technology software or hardware and related goods or services, where disclosure would adversely affect the bargaining position or negotiating strategy of the Authority; matters relating to gifts or bequests to, and fund-raising activities of, the Authority; grants and contracts for services or work to be performed by the Authority; marketing or operational strategies plans of the Authority where disclosure of such strategies or plans would adversely affect the competitive position of the Authority; and members of the Authority's medical and teaching staffs and qualifications for appointments thereto.

24. Those portions of the meetings of the Health Practitioners' Monitoring Program Committee within the Department of Health Professions to the extent such discussions identify any practitioner who may be, or who actually is, impaired pursuant to Chapter 25.1 (§ 54.1-2515 et seq.) of Title 54.1.

25. Meetings or portions of meetings of the Board of the Virginia College Savings Plan wherein personal information, as defined in § 2.2-3801, which has been provided to the Board or its employees by or on behalf of individuals who have requested information about, applied for, or entered into prepaid tuition contracts or savings trust account agreements pursuant to Chapter 7 (§ 23.1-700 et seq.) of Title 23.1 is discussed.

26. Discussion or consideration, by the former Wireless Carrier E-911 Cost Recovery Subcommittee created pursuant to former § 56-484.15, of trade secrets submitted by CMRS providers, as defined in § 56-484.12, related to the provision of wireless E-911 service.

27. Those portions of disciplinary proceedings by any regulatory board within the Department of Professional and Occupational Regulation, Department of Health Professions, or the Board of Accountancy conducted pursuant to § 2.2-4019 or 2.2-4020 during which the board deliberates to reach a decision or meetings of health regulatory boards or conference committees of such boards to consider settlement proposals in pending disciplinary actions or modifications to previously issued board orders as requested by either of the parties.

28. Discussion or consideration of information subject to the exclusion in subdivision 11 of § 2.2-3705.6 by a responsible public entity or an affected locality or public entity, as those terms are defined in § 33.2-1800, or any independent review panel appointed to review information and advise the responsible public entity concerning such records.

29. Discussion of the award of a public contract involving the expenditure of public funds, including interviews of bidders or offerors, and discussion of the terms or scope of such contract, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the public body.

30. Discussion or consideration of grant or loan application information subject to the exclusion in subdivision 17 of § 2.2-3705.6 by the Commonwealth Health Research Board.

31. Discussion or consideration by the Commitment Review Committee of information subject to the exclusion in subdivision 5 of § 2.2-3705.2 relating to individuals subject to commitment as sexually violent predators under Chapter 9 (§ 37.2-900 et seq.) of Title 37.2.

32. Discussion or consideration of confidential proprietary information and trade secrets developed and held by a local public body providing certain telecommunication services or cable television services and subject to the exclusion in subdivision 18 of § 2.2-3705.6. However, the exemption provided by this subdivision shall not apply to any authority created pursuant to the BVU Authority Act (§ 15.2-7200 et seq.).

33. Discussion or consideration by a local authority created in accordance with the Virginia Wireless Service Authorities Act (§ 15.2-5431.1 et seq.) of confidential proprietary information and trade secrets subject to the exclusion in subdivision 19 of § 2.2-3705.6.

34. Discussion or consideration by the State Board of Elections or local electoral boards of voting security matters made confidential pursuant to § 24.2-410.2 or 24.2-625.1.

35. Discussion or consideration by the Forensic Science Board or the Scientific Advisory Committee created pursuant to Article 2 (§ 9.1-1109 et seq.) of Chapter 11 of Title 9.1 of criminal investigative files.

36. Discussion or consideration by the Brown v. Board of Education Scholarship Committee of information or confidential matters subject to the exclusion in subdivision A 3 of § 2.2-3705.4, and meetings of the Committee to deliberate concerning the annual maximum scholarship award, review and consider scholarship applications and requests for scholarship award renewal, and cancel, rescind, or recover scholarship awards.

37. Discussion or consideration by the Virginia Port Authority of information subject to the exclusion in subdivision 1 of § 2.2-3705.6 related to certain proprietary information gathered by or for the Virginia Port Authority.

38. Discussion or consideration by the Board of Trustees of the Virginia Retirement System acting pursuant to § 51.1-124.30, by the Investment Advisory Committee appointed pursuant to § 51.1-124.26, by any local retirement system, acting pursuant to § 51.1-803, by the Board of the Virginia College Savings Plan acting pursuant to § 23.1-706, or by the Virginia College Savings Plan's Investment Advisory Committee appointed pursuant to § 23.1-702 of information subject to the exclusion in subdivision 24 of § 2.2-3705.7.

39. Discussion or consideration of information subject to the exclusion in subdivision 3 of § 2.2-3705.6 related to economic development.

40. Discussion or consideration by the Board of Education of information relating to the denial, suspension, or revocation of teacher licenses subject to the exclusion in subdivision 11 of § 2.2-3705.3.

41. Those portions of meetings of the Virginia Military Advisory Council or any commission created by executive order for the purpose of studying and making recommendations regarding preventing closure or realignment of federal military and national security installations and facilities located in Virginia and relocation of such facilities to Virginia, or a local or regional military affairs organization appointed by a local governing body, during which there is discussion of information subject to the exclusion in subdivision 8 of § 2.2-3705.2.

42. Discussion or consideration by the Board of Trustees of the Veterans Services Foundation of information subject to the exclusion in subdivision 28 of § 2.2-3705.7 related to personally identifiable information of donors.

43. Discussion or consideration by the Virginia Tobacco Region Revitalization Commission of information subject to the exclusion in subdivision 23 of § 2.2-3705.6 related to certain information contained in grant applications.

44. Discussion or consideration by the board of directors of the Commercial Space Flight Authority of information subject to the exclusion in subdivision 24 of § 2.2-3705.6 related to rate structures or charges for the use of projects of, the sale of products of, or services rendered by the Authority and certain proprietary information of a private entity provided to the Authority.

45. Discussion or consideration of personal and proprietary information related to the resource management plan program and subject to the exclusion in (i) subdivision 25 of § 2.2-3705.6 or (ii) subsection E of § 10.1-104.7. This exclusion shall not apply to the discussion or consideration of records that contain information that has been certified for release by the person who is the subject of the information or transformed into a statistical or aggregate form that does not allow identification of the person who supplied, or is the subject of, the information.

46. Discussion or consideration by the Board of Directors of the Virginia Alcoholic Beverage Control Authority of information subject to the exclusion in subdivision 1 of § 2.2-3705.3 related to investigations of applicants for licenses and permits and of licensees and permittees.

47. Discussion or consideration of grant, loan, or investment application records subject to the exclusion in subdivision 28 of § 2.2-3705.6 for a grant, loan, or investment pursuant to Article 11 (§ 2.2-2351 et seq.) of Chapter 22.

48. Discussion or development of grant proposals by a regional council established pursuant to Article 26 (§ 2.2-2484 et seq.) of Chapter 24 to be submitted for consideration to the Virginia Growth and Opportunity Board.

49. Discussion or consideration of (i) individual sexual assault cases by a sexual assault response team established pursuant to § 15.2-1627.4, (ii) individual child abuse or neglect cases or sex offenses involving a child by a child sexual abuse response team established pursuant to § 15.2-1627.5, ~~or~~ (iii) individual cases involving abuse, neglect, or exploitation of adults as defined in § 63.2-1603 pursuant to §§ 15.2-1627.5 and 63.2-1605*, or (iv) individual human trafficking cases by any human trafficking response team established pursuant to § 15.2-1627.6*.

50. Discussion or consideration by the Board of the Virginia Economic Development Partnership Authority, the Joint Legislative Audit and Review Commission, or any subcommittees thereof, of the portions of the strategic plan, marketing plan, or operational plan exempt from disclosure pursuant to subdivision 33 of § 2.2-3705.7.

51. Those portions of meetings of the subcommittee of the Board of the Virginia Economic Development Partnership Authority established pursuant to subsection F of § 2.2-2237.3 to review and discuss information received from the Virginia Employment Commission pursuant to subdivision C 2 of § 60.2-114 and the Department of Workforce Development and Advancement pursuant to subsection B of § 2.2-2040.

52. Discussion or consideration by the Commonwealth of Virginia Innovation Partnership Authority (the Authority), an advisory committee of the Authority, or any other entity designated by the Authority, of information subject to the exclusion in subdivision 35 of § 2.2-3705.7.

53. Deliberations of the Virginia Lottery Board conducted pursuant to § 58.1-4105 regarding the denial or revocation of a license of a casino gaming operator, or the refusal to issue, suspension of, or revocation of any license or permit related to casino gaming, and discussion, consideration, or review of matters related to investigations excluded from mandatory disclosure under subdivision 1 of § 2.2-3705.3.

54. Deliberations of the Virginia Lottery Board in an appeal conducted pursuant to § 58.1-4007 regarding the denial of, revocation of, suspension of, or refusal to renew any license or permit related to sports betting and any discussion, consideration, or review of matters related to investigations excluded from mandatory disclosure under subdivision 1 of § 2.2-3705.3.

B. No resolution, ordinance, rule, contract, regulation or motion adopted, passed or agreed to in a closed meeting shall become effective unless the public body, following the meeting, reconvenes in open meeting and takes a vote of the membership on such resolution, ordinance, rule, contract, regulation, or motion that shall have its substance reasonably identified in the open meeting.

C. Public officers improperly selected due to the failure of the public body to comply with the other provisions of this section shall be de facto officers and, as such, their official actions are valid until they obtain notice of the legal defect in their election.

D. Nothing in this section shall be construed to prevent the holding of conferences between two or more public bodies, or their representatives, but these conferences shall be subject to the same procedures for holding closed meetings as are applicable to any other public body.

E. This section shall not be construed to (i) require the disclosure of any contract between the Department of Health Professions and an impaired practitioner entered into pursuant to Chapter 25.1 (§ 54.1-2515 et seq.) of Title 54.1 or (ii) require the board of directors of any authority created pursuant to the Industrial Development and Revenue Bond Act (§ 15.2-4900 et seq.), or any public body empowered to issue industrial revenue bonds by general or special law, to identify a business or industry to which subdivision A 5 applies. However, such business or industry shall be identified as a matter of public record at least 30 days prior to the actual date of the board's authorization of the sale or issuance of such bonds.

§ 2.2-3711. (Effective pursuant to Acts 2023, cc. 756 and 778, cl. 5) Closed meetings authorized for certain limited purposes.

A. Public bodies may hold closed meetings only for the following purposes:

1. Discussion, consideration, or interviews of prospective candidates for employment; assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of any public body; and evaluation of performance of departments or schools of public institutions of higher education where such evaluation will necessarily involve discussion of the performance of specific individuals. Any teacher shall be permitted to be present during a closed meeting in which there is a discussion or consideration of a disciplinary matter that involves the teacher and some student and the student involved in the matter is present, provided that the teacher makes a written request to be present to the presiding officer of the appropriate board. Nothing in this subdivision, however, shall be construed to authorize a closed meeting by a local governing body or an elected school board to discuss compensation matters that affect the membership of such body or board collectively.

2. Discussion or consideration of admission or disciplinary matters or any other matters that would involve the disclosure of information contained in a scholastic record concerning any student of any public institution of higher education in the Commonwealth or any state school system. However, any such student, legal counsel and, if the student is a minor, the student's parents or legal guardians shall be permitted to be present during the taking of testimony or presentation of evidence at a closed meeting, if such student, parents, or guardians so request in writing and such request is submitted to the presiding officer of the appropriate board.

3. Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body.

4. The protection of the privacy of individuals in personal matters not related to public business.

5. Discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community.

6. Discussion or consideration of the investment of public funds where competition or bargaining is involved, where, if made public initially, the financial interest of the governmental unit would be adversely affected.

7. Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body. For the purposes of this subdivision, "probable litigation" means litigation that has been specifically threatened or on which the public body or its legal counsel has a reasonable basis to believe will be commenced by or against a known party. Nothing in this subdivision shall be construed to permit the closure of a meeting merely because an attorney representing the public body is in attendance or is consulted on a matter.

8. Consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel. Nothing in this subdivision shall be construed to permit the closure of a meeting merely because an attorney representing the public body is in attendance or is consulted on a matter.

9. Discussion or consideration by governing boards of public institutions of higher education of matters relating to gifts, bequests and fund-raising activities, and of grants and contracts for services or work to be performed by such institution. However, the terms and conditions of any such gifts, bequests, grants, and contracts made by a foreign government, a foreign legal entity, or a foreign person and accepted by a public institution of higher education in the Commonwealth shall be subject to public disclosure upon written request to the appropriate board of visitors. For the purpose of this subdivision, (i) "foreign government" means any government other than the United States government or the government of a state or a political subdivision thereof, (ii) "foreign legal entity" means any legal entity (a) created under the laws of the United States or of any state thereof if a majority of the ownership of the stock of such legal entity is owned by foreign governments or foreign persons or if a majority of the membership of any such entity is composed of foreign persons or foreign legal entities or (b) created under the laws of a foreign government, and (iii) "foreign person" means any individual who is not a citizen or national of the United States or a trust territory or protectorate thereof.

10. Discussion or consideration by the boards of trustees of the Virginia Museum of Fine Arts, the Virginia Museum of Natural History, the Jamestown-Yorktown Foundation, the Fort Monroe Authority, and The Science Museum of Virginia of matters relating to specific gifts, bequests, and grants from private sources.

11. Discussion or consideration of honorary degrees or special awards.

12. Discussion or consideration of tests, examinations, or other information used, administered, or prepared by a public body and subject to the exclusion in subdivision 4 of § 2.2-3705.1.

13. Discussion, consideration, or review by the appropriate House or Senate committees of possible disciplinary action against a member arising out of the possible inadequacy of the disclosure statement filed by the member, provided that the member may request in writing that the committee meeting not be conducted in a closed meeting.

14. Discussion of strategy with respect to the negotiation of a hazardous waste siting agreement or to consider the terms, conditions, and provisions of a hazardous waste siting agreement if the governing body in open meeting finds that an open meeting will have an adverse effect upon the negotiating position of the governing body or the establishment of the terms, conditions and provisions of the siting agreement, or both. All discussions with the applicant or its representatives may be conducted in a closed meeting.

15. Discussion by the Governor and any economic advisory board reviewing forecasts of economic activity and estimating general and nongeneral fund revenues.

16. Discussion or consideration of medical and mental health records subject to the exclusion in subdivision 1 of § 2.2-3705.5.

17. Deliberations of the Virginia Lottery Board in a licensing appeal action conducted pursuant to subsection D of § 58.1-4007 regarding the denial or revocation of a license of a lottery sales agent; and discussion, consideration or review of Virginia Lottery matters related to proprietary lottery game information and studies or investigations excluded from disclosure under subdivision 6 of § 2.2-3705.3 and subdivision 11 of § 2.2-3705.7.

18. Those portions of meetings in which the State Board of Local and Regional Jails discusses or discloses the identity of, or information tending to identify, any prisoner who (i) provides information about crimes or criminal activities, (ii) renders assistance in preventing the escape of another prisoner or in the apprehension of an escaped prisoner, or (iii) voluntarily or at the instance of a prison official renders other extraordinary services, the disclosure of which is likely to jeopardize the prisoner's life or safety.

19. Discussion of plans to protect public safety as it relates to terrorist activity or specific cybersecurity threats or vulnerabilities and briefings by staff members, legal counsel, or law-enforcement or emergency service officials concerning actions taken to respond to such matters or a related threat to public safety; discussion of information subject to the exclusion in subdivision 2 or 14 of § 2.2-3705.2, where discussion in an open meeting would jeopardize the safety of any person or the security of any facility, building, structure, information technology system, or software program; or discussion of reports or plans related to the security of any governmental facility, building or structure, or the safety of persons using such facility, building or structure.

20. Discussion by the Board of the Virginia Retirement System, acting pursuant to § 51.1-124.30, or of any local retirement system, acting pursuant to § 51.1-803, or by a local finance board or board of trustees of a trust established by one or more local public bodies to invest funds for postemployment benefits other than pensions, acting pursuant to Article 8 (§ 15.2-1544 et seq.) of Chapter 15 of Title 15.2, or by the board of visitors of the University of Virginia, acting pursuant to § 23.1-2210, or by the Board of the Virginia College Savings Plan, acting pursuant to § 23.1-706, regarding the acquisition, holding or disposition of a security or other ownership interest in an entity, where such security or ownership interest is not traded on a governmentally regulated securities exchange, to the extent that such discussion (i) concerns confidential analyses prepared for the board of visitors of the University of Virginia, prepared by the retirement system, or a local finance board or board of trustees, or the Virginia College Savings Plan or provided to the retirement system, a local finance board or board of trustees, or the Virginia College Savings Plan under a promise of confidentiality, of the future value of such ownership interest or the future financial performance of the entity, and (ii) would have an adverse effect on the value of the investment to be acquired, held, or disposed of by the retirement system, a local finance board or board of trustees, the board of visitors of the University of Virginia, or the Virginia College Savings Plan. Nothing in this subdivision shall be construed to prevent the disclosure of information relating to the identity of any investment held, the amount invested or the present value of such investment.

21. Those portions of meetings in which individual child death cases are discussed by the State Child Fatality Review Team established pursuant to § 32.1-283.1, those portions of meetings in which individual child death cases are discussed by a regional or local child fatality review team established pursuant to § 32.1-283.2, those portions of meetings in which individual death cases are discussed by family violence fatality review teams established pursuant to § 32.1-283.3, those portions of meetings in which individual adult death cases are discussed by the state Adult Fatality Review Team established pursuant to § 32.1-283.5, those portions of meetings in which individual adult death cases are discussed by a local or regional adult fatality review team established pursuant to § 32.1-283.6, those portions of meetings in which individual death cases are discussed by overdose fatality review teams established pursuant to § 32.1-283.7, those portions of meetings in which individual maternal death cases are discussed by the Maternal Mortality Review Team pursuant to § 32.1-283.8, and those portions of meetings in which individual death cases of persons with developmental disabilities are discussed by the Developmental Disabilities Mortality Review Committee established pursuant to § 37.2-314.1.

22. Those portions of meetings of the board of visitors of the University of Virginia or Old Dominion University, as the case may be, and those portions of meetings of any persons to whom management responsibilities for the University of Virginia Medical Center or the Eastern Virginia Health Sciences Center at Old Dominion University, as the case may be, have been delegated, in which there is discussed proprietary, business-related information pertaining to the operations of the University of Virginia Medical Center or the Eastern Virginia Health Sciences Center at Old Dominion University, as the case may be, including business development or marketing strategies and activities with existing or future joint venturers, partners, or other parties with whom the University of Virginia Medical Center or the Eastern Virginia Health Sciences Center at Old Dominion University, as the case may be, has formed, or forms, any arrangement for the delivery of health care, if disclosure of such information would adversely affect the competitive position of the University of Virginia Medical Center or the Eastern Virginia Health Sciences Center at Old Dominion University, as the case may be.

23. Discussion or consideration by the Virginia Commonwealth University Health System Authority or the board of visitors of Virginia Commonwealth University of any of the following: the acquisition or disposition by the Authority of real property, equipment, or technology software or hardware and related goods or services, where disclosure would adversely affect the bargaining position or negotiating strategy of the Authority; matters relating to gifts or bequests to, and fund-raising activities of, the Authority; grants and contracts for services or work to be performed by the Authority; marketing or operational strategies plans of the Authority where disclosure of such strategies or plans would adversely affect the competitive position of the Authority; and members of the Authority's medical and teaching staffs and qualifications for appointments thereto.

24. Those portions of the meetings of the Health Practitioners' Monitoring Program Committee within the Department of Health Professions to the extent such discussions identify any practitioner who may be, or who actually is, impaired pursuant to Chapter 25.1 (§ 54.1-2515 et seq.) of Title 54.1.

25. Meetings or portions of meetings of the Board of the Virginia College Savings Plan wherein personal information, as defined in § 2.2-3801, which has been provided to the Board or its employees by or on behalf of individuals who have requested information about, applied for, or entered into prepaid tuition contracts or savings trust account agreements pursuant to Chapter 7 (§ 23.1-700 et seq.) of Title 23.1 is discussed.

26. Discussion or consideration, by the former Wireless Carrier E-911 Cost Recovery Subcommittee created pursuant to former § 56-484.15, of trade secrets submitted by CMRS providers, as defined in § 56-484.12, related to the provision of wireless E-911 service.

27. Those portions of disciplinary proceedings by any regulatory board within the Department of Professional and Occupational Regulation, Department of Health Professions, or the Board of Accountancy conducted pursuant to § 2.2-4019 or 2.2-4020 during which the board deliberates to reach a decision or meetings of health regulatory boards or conference committees of such boards to consider settlement proposals in pending disciplinary actions or modifications to previously issued board orders as requested by either of the parties.

28. Discussion or consideration of information subject to the exclusion in subdivision 11 of § 2.2-3705.6 by a responsible public entity or an affected locality or public entity, as those terms are defined in § 33.2-1800, or any independent review panel appointed to review information and advise the responsible public entity concerning such records.

29. Discussion of the award of a public contract involving the expenditure of public funds, including interviews of bidders or offerors, and discussion of the terms or scope of such contract, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the public body.

30. Discussion or consideration of grant or loan application information subject to the exclusion in subdivision 17 of § 2.2-3705.6 by the Commonwealth Health Research Board.

31. Discussion or consideration by the Commitment Review Committee of information subject to the exclusion in subdivision 5 of § 2.2-3705.2 relating to individuals subject to commitment as sexually violent predators under Chapter 9 (§ 37.2-900 et seq.) of Title 37.2.

32. Discussion or consideration of confidential proprietary information and trade secrets developed and held by a local public body providing certain telecommunication services or cable television services and subject to the exclusion in subdivision 18 of § 2.2-3705.6. However, the exemption provided by this subdivision shall not apply to any authority created pursuant to the BVU Authority Act (§ 15.2-7200 et seq.).

33. Discussion or consideration by a local authority created in accordance with the Virginia Wireless Service Authorities Act (§ 15.2-5431.1 et seq.) of confidential proprietary information and trade secrets subject to the exclusion in subdivision 19 of § 2.2-3705.6.

34. Discussion or consideration by the State Board of Elections or local electoral boards of voting security matters made confidential pursuant to § 24.2-410.2 or 24.2-625.1.

35. Discussion or consideration by the Forensic Science Board or the Scientific Advisory Committee created pursuant to Article 2 (§ 9.1-1109 et seq.) of Chapter 11 of Title 9.1 of criminal investigative files.

36. Discussion or consideration by the Brown v. Board of Education Scholarship Committee of information or confidential matters subject to the exclusion in subdivision A 3 of § 2.2-3705.4, and meetings of the Committee to deliberate concerning the annual maximum scholarship award, review and consider scholarship applications and requests for scholarship award renewal, and cancel, rescind, or recover scholarship awards.

37. Discussion or consideration by the Virginia Port Authority of information subject to the exclusion in subdivision 1 of § 2.2-3705.6 related to certain proprietary information gathered by or for the Virginia Port Authority.

38. Discussion or consideration by the Board of Trustees of the Virginia Retirement System acting pursuant to § 51.1-124.30, by the Investment Advisory Committee appointed pursuant to § 51.1-124.26, by any local retirement system, acting pursuant to § 51.1-803, by the Board of the Virginia College Savings Plan acting pursuant to § 23.1-706, or by the Virginia College Savings Plan's Investment Advisory Committee appointed pursuant to § 23.1-702 of information subject to the exclusion in subdivision 24 of § 2.2-3705.7.

39. Discussion or consideration of information subject to the exclusion in subdivision 3 of § 2.2-3705.6 related to economic development.

40. Discussion or consideration by the Board of Education of information relating to the denial, suspension, or revocation of teacher licenses subject to the exclusion in subdivision 11 of § 2.2-3705.3.

41. Those portions of meetings of the Virginia Military Advisory Council or any commission created by executive order for the purpose of studying and making recommendations regarding preventing closure or realignment of federal military and national security installations and facilities located in Virginia and relocation of such facilities to Virginia, or a local or regional military affairs organization appointed by a local governing body, during which there is discussion of information subject to the exclusion in subdivision 8 of § 2.2-3705.2.

42. Discussion or consideration by the Board of Trustees of the Veterans Services Foundation of information subject to the exclusion in subdivision 28 of § 2.2-3705.7 related to personally identifiable information of donors.

43. Discussion or consideration by the Virginia Tobacco Region Revitalization Commission of information subject to the exclusion in subdivision 23 of § 2.2-3705.6 related to certain information contained in grant applications.

44. Discussion or consideration by the board of directors of the Commercial Space Flight Authority of information subject to the exclusion in subdivision 24 of § 2.2-3705.6 related to rate structures or charges for the use of projects of, the sale of products of, or services rendered by the Authority and certain proprietary information of a private entity provided to the Authority.

45. Discussion or consideration of personal and proprietary information related to the resource management plan program and subject to the exclusion in (i) subdivision 25 of § 2.2-3705.6 or (ii) subsection E of § 10.1-104.7. This exclusion shall not apply to the discussion or consideration of records that contain information that has been certified for release by the person who is the subject of the information or transformed into a statistical or aggregate form that does not allow identification of the person who supplied, or is the subject of, the information.

46. Discussion or consideration by the Board of Directors of the Virginia Alcoholic Beverage Control Authority of information subject to the exclusion in subdivision 1 of § 2.2-3705.3 related to investigations of applicants for licenses and permits and of licensees and permittees.

47. Discussion or consideration of grant, loan, or investment application records subject to the exclusion in subdivision 28 of § 2.2-3705.6 for a grant, loan, or investment pursuant to Article 11 (§ 2.2-2351 et seq.) of Chapter 22.

48. Discussion or development of grant proposals by a regional council established pursuant to Article 26 (§ 2.2-2484 et seq.) of Chapter 24 to be submitted for consideration to the Virginia Growth and Opportunity Board.

49. Discussion or consideration of (i) individual sexual assault cases by a sexual assault response team established pursuant to § 15.2-1627.4, (ii) individual child abuse or neglect cases or sex offenses involving a child by a child sexual abuse response team established pursuant to § 15.2-1627.5, ~~or~~ (iii) individual cases involving abuse, neglect, or exploitation of adults as defined in § 63.2-1603 pursuant to §§ 15.2-1627.5 and 63.2-1605*, or (iv) individual human trafficking cases by any human trafficking response team established pursuant to § 15.2-1627.6*.

50. Discussion or consideration by the Board of the Virginia Economic Development Partnership Authority, the Joint Legislative Audit and Review Commission, or any subcommittees thereof, of the portions of the strategic plan, marketing plan, or operational plan exempt from disclosure pursuant to subdivision 33 of § 2.2-3705.7.

51. Those portions of meetings of the subcommittee of the Board of the Virginia Economic Development Partnership Authority established pursuant to subsection F of § 2.2-2237.3 to review and discuss information received from the Virginia Employment Commission pursuant to subdivision C 2 of § 60.2-114 and the Department of Workforce Development and Advancement pursuant to subsection B of § 2.2–2040.

52. Discussion or consideration by the Commonwealth of Virginia Innovation Partnership Authority (the Authority), an advisory committee of the Authority, or any other entity designated by the Authority, of information subject to the exclusion in subdivision 35 of § 2.2-3705.7.

53. Deliberations of the Virginia Lottery Board conducted pursuant to § 58.1-4105 regarding the denial or revocation of a license of a casino gaming operator, or the refusal to issue, suspension of, or revocation of any license or permit related to casino gaming, and discussion, consideration, or review of matters related to investigations excluded from mandatory disclosure under subdivision 1 of § 2.2-3705.3.

54. Deliberations of the Virginia Lottery Board in an appeal conducted pursuant to § 58.1-4007 regarding the denial of, revocation of, suspension of, or refusal to renew any license or permit related to sports betting and any discussion, consideration, or review of matters related to investigations excluded from mandatory disclosure under subdivision 1 of § 2.2-3705.3.

B. No resolution, ordinance, rule, contract, regulation or motion adopted, passed or agreed to in a closed meeting shall become effective unless the public body, following the meeting, reconvenes in open meeting and takes a vote of the membership on such resolution, ordinance, rule, contract, regulation, or motion that shall have its substance reasonably identified in the open meeting.

C. Public officers improperly selected due to the failure of the public body to comply with the other provisions of this section shall be de facto officers and, as such, their official actions are valid until they obtain notice of the legal defect in their election.

D. Nothing in this section shall be construed to prevent the holding of conferences between two or more public bodies, or their representatives, but these conferences shall be subject to the same procedures for holding closed meetings as are applicable to any other public body.

E. This section shall not be construed to (i) require the disclosure of any contract between the Department of Health Professions and an impaired practitioner entered into pursuant to Chapter 25.1 (§ 54.1-2515 et seq.) of Title 54.1 or (ii) require the board of directors of any authority created pursuant to the Industrial Development and Revenue Bond Act (§ 15.2-4900 et seq.), or any public body empowered to issue industrial revenue bonds by general or special law, to identify a business or industry to which subdivision A 5 applies. However, such business or industry shall be identified as a matter of public record at least 30 days prior to the actual date of the board's authorization of the sale or issuance of such bonds.

§ 9.1-102. Powers and duties of the Board and the Department.

The Department, under the direction of the Board, which shall be the policy-making body for carrying out the duties and powers hereunder, shall have the power and duty to:

1. Adopt regulations, pursuant to the Administrative Process Act (§ 2.2-4000 et seq.), for the administration of this chapter including the authority to require the submission of reports and information by law-enforcement officers within the Commonwealth. Any proposed regulations concerning the privacy, confidentiality, and security of criminal justice information shall be submitted for review and comment to any board, commission, or committee or other body which may be established by the General Assembly to regulate the privacy, confidentiality, and security of information collected and maintained by the Commonwealth or any political subdivision thereof;

2. Establish compulsory minimum training standards subsequent to employment as a law-enforcement officer in (i) permanent positions and (ii) temporary or probationary status and establish the time required for completion of such training. Such compulsory minimum training standards shall include crisis intervention training in accordance with clause (i) of § 9.1-188;

3. Establish minimum training standards and qualifications for certification and recertification for law-enforcement officers serving as field training officers;

4. Establish compulsory minimum curriculum requirements for in-service and advanced courses and programs for schools, whether located in or outside the Commonwealth, which are operated for the specific purpose of training law-enforcement officers;

5. Establish (i) compulsory minimum training standards for law-enforcement officers who utilize radar or an electrical or microcomputer device to measure the speed of motor vehicles as provided in § 46.2-882 and establish the time required for completion of the training and (ii) compulsory minimum qualifications for certification and recertification of instructors who provide such training;

6. [Repealed];

7. Establish compulsory minimum entry-level, in-service and advanced training standards for those persons designated to provide courthouse and courtroom security pursuant to the provisions of § 53.1-120, and to establish the time required for completion of such training;

8. Establish compulsory minimum entry-level, in-service and advanced training standards for deputy sheriffs designated to serve process pursuant to the provisions of § 8.01-293, and establish the time required for the completion of such training;

9. Establish compulsory minimum entry-level, in-service, and advanced training standards, as well as the time required for completion of such training, for persons employed as deputy sheriffs and jail officers by local criminal justice agencies and correctional officers employed by the Department of Corrections under the provisions of Title 53.1. For correctional officers employed by the Department of Corrections, such standards shall include training on the general care of pregnant women, the impact of restraints on pregnant inmates and fetuses, the impact of being placed in restrictive housing or solitary confinement on pregnant inmates, and the impact of body cavity searches on pregnant inmates;

10. Establish compulsory minimum training standards for all dispatchers employed by or in any local or state government agency, whose duties include the dispatching of law-enforcement personnel. Such training standards shall apply only to dispatchers hired on or after July 1, 1988;

11. Establish compulsory minimum training standards for all auxiliary police officers employed by or in any local or state government agency. Such training shall be graduated and based on the type of duties to be performed by the auxiliary police officers. Such training standards shall not apply to auxiliary police officers exempt pursuant to § 15.2-1731;

12. Consult and cooperate with counties, municipalities, agencies of the Commonwealth, other state and federal governmental agencies, and institutions of higher education within or outside the Commonwealth, concerning the development of police training schools and programs or courses of instruction;

13. Approve institutions, curricula and facilities, whether located in or outside the Commonwealth, for school operation for the specific purpose of training law-enforcement officers; but this shall not prevent the holding of any such school whether approved or not;

14. Establish and maintain police training programs through such agencies and institutions as the Board deems appropriate;

15. Establish compulsory minimum qualifications of certification and recertification for instructors in criminal justice training academies approved by the Department;

16. Conduct and stimulate research by public and private agencies which shall be designed to improve police administration and law enforcement;

17. Make recommendations concerning any matter within its purview pursuant to this chapter;

18. Coordinate its activities with those of any interstate system for the exchange of criminal history record information, nominate one or more of its members to serve upon the council or committee of any such system, and participate when and as deemed appropriate in any such system's activities and programs;

19. Conduct inquiries and investigations it deems appropriate to carry out its functions under this chapter and, in conducting such inquiries and investigations, may require any criminal justice agency to submit information, reports, and statistical data with respect to its policy and operation of information systems or with respect to its collection, storage, dissemination, and usage of criminal history record information and correctional status information, and such criminal justice agencies shall submit such information, reports, and data as are reasonably required;

20. Conduct audits as required by § 9.1-131;

21. Conduct a continuing study and review of questions of individual privacy and confidentiality of criminal history record information and correctional status information;

22. Advise criminal justice agencies and initiate educational programs for such agencies with respect to matters of privacy, confidentiality, and security as they pertain to criminal history record information and correctional status information;

23. Maintain a liaison with any board, commission, committee, or other body which may be established by law, executive order, or resolution to regulate the privacy and security of information collected by the Commonwealth or any political subdivision thereof;

24. Adopt regulations establishing guidelines and standards for the collection, storage, and dissemination of criminal history record information and correctional status information, and the privacy, confidentiality, and security thereof necessary to implement state and federal statutes, regulations, and court orders;

25. Operate a statewide criminal justice research center, which shall maintain an integrated criminal justice information system, produce reports, provide technical assistance to state and local criminal justice data system users, and provide analysis and interpretation of criminal justice statistical information;

26. Develop a comprehensive, statewide, long-range plan for strengthening and improving law enforcement and the administration of criminal justice throughout the Commonwealth, and periodically update that plan;

27. Cooperate with, and advise and assist, all agencies, departments, boards and institutions of the Commonwealth, and units of general local government, or combinations thereof, including planning district commissions, in planning, developing, and administering programs, projects, comprehensive plans, and other activities for improving law enforcement and the administration of criminal justice throughout the Commonwealth, including allocating and subgranting funds for these purposes;

28. Define, develop, organize, encourage, conduct, coordinate, and administer programs, projects and activities for the Commonwealth and units of general local government, or combinations thereof, in the Commonwealth, designed to strengthen and improve law enforcement and the administration of criminal justice at every level throughout the Commonwealth;

29. Review and evaluate programs, projects, and activities, and recommend, where necessary, revisions or alterations to such programs, projects, and activities for the purpose of improving law enforcement and the administration of criminal justice;

30. Coordinate the activities and projects of the state departments, agencies, and boards of the Commonwealth and of the units of general local government, or combination thereof, including planning district commissions, relating to the preparation, adoption, administration, and implementation of comprehensive plans to strengthen and improve law enforcement and the administration of criminal justice;

31. Do all things necessary on behalf of the Commonwealth and its units of general local government, to determine and secure benefits available under the Omnibus Crime Control and Safe Streets Act of 1968 (P.L. 90-351, 82 Stat. 197), as amended, and under any other federal acts and programs for strengthening and improving law enforcement, the administration of criminal justice, and delinquency prevention and control;

32. Receive, administer, and expend all funds and other assistance available to the Board and the Department for carrying out the purposes of this chapter and the Omnibus Crime Control and Safe Streets Act of 1968, as amended;

33. Apply for and accept grants from the United States government or any other source in carrying out the purposes of this chapter and accept any and all donations both real and personal, and grants of money from any governmental unit or public agency, or from any institution, person, firm or corporation, and may receive, utilize and dispose of the same. Any arrangements pursuant to this section shall be detailed in the annual report of the Board. Such report shall include the identity of the donor, the nature of the transaction, and the conditions, if any. Any moneys received pursuant to this section shall be deposited in the state treasury to the account of the Department. To these ends, the Board shall have the power to comply with conditions and execute such agreements as may be necessary;

34. Make and enter into all contracts and agreements necessary or incidental to the performance of its duties and execution of its powers under this chapter, including but not limited to, contracts with the United States, units of general

local government or combinations thereof, in Virginia or other states, and with agencies and departments of the Commonwealth;

35. Adopt and administer reasonable regulations for the planning and implementation of programs and activities and for the allocation, expenditure and subgranting of funds available to the Commonwealth and to units of general local government, and for carrying out the purposes of this chapter and the powers and duties set forth herein;

36. Certify and decertify law-enforcement officers in accordance with §§ 15.2-1706 and 15.2-1707;

37. Establish training standards and publish and periodically update model policies for law-enforcement personnel in the following subjects:

a. The handling of family abuse, domestic violence, sexual assault, and stalking cases, including standards for determining the predominant physical aggressor in accordance with § 19.2-81.3. The Department shall provide technical support and assistance to law-enforcement agencies in carrying out the requirements set forth in subsection A of § 9.1-1301;

b. The identification of, communication with, and facilitation of the safe return of individuals diagnosed with Alzheimer's disease and dementia, which shall include (i) techniques for respectful and effective communication with individuals with Alzheimer's disease and dementia and their caregivers; (ii) techniques for addressing the behavioral symptoms of Alzheimer's disease and dementia, including alternatives to physical restraint; (iii) protocols for identifying and reporting incidents of abuse, neglect, and exploitation of individuals with Alzheimer's disease and dementia to adult protective services; (iv) protocols for contacting caregivers when an individual with Alzheimer's disease or dementia is found wandering or during an emergency or crisis situation; (v) a reference list of local resources available for individuals with Alzheimer's disease and dementia; and (vi) a reference list of local and national organizations that assist law-enforcement personnel with locating missing and wandering individuals with Alzheimer's disease and dementia and returning them to their caregivers;

c. Sensitivity to and awareness of systemic and individual racism, cultural diversity, and the potential for racially biased policing and bias-based profiling as defined in § 52-30.1, which shall include recognizing implicit biases in interacting with persons who have a mental illness, substance use disorder, or developmental or cognitive disability;

d. Protocols for local and regional sexual assault *and human trafficking* response teams;

e. Communication of death notifications;

f. The questioning of individuals suspected of driving while intoxicated concerning the physical location of such individual's last consumption of an alcoholic beverage and the communication of such information to the Virginia Alcoholic Beverage Control Authority;

g. Vehicle patrol duties that embody current best practices for pursuits and for responding to emergency calls;

h. Criminal investigations that embody current best practices for conducting photographic and live lineups;

i. Sensitivity to and awareness of human trafficking offenses and the identification of victims of human trafficking offenses for personnel involved in criminal investigations or assigned to vehicle or street patrol duties;

j. The recognition, prevention, and reporting of human trafficking;

k. Missing children, missing adults, and search and rescue protocol; and

l. The handling and use of tear gas or other gases and kinetic impact munitions, as defined in § 19.2-83.3, that embody current best practices for using such items as a crowd control measure or during an arrest or detention of another person;

38. Establish compulsory training standards for basic training and the recertification of law-enforcement officers to ensure (i) sensitivity to and awareness of systemic and individual racism, cultural diversity, and the potential for racially biased policing and bias-based profiling as defined in § 52-30.1, which shall include recognizing implicit biases in interacting with persons who have a mental illness, substance use disorder, or developmental or cognitive disability; (ii) training in de-escalation techniques; and (iii) training in the lawful use of force, including the use of deadly force, as defined in § 19.2-83.3, only when necessary to protect the law-enforcement officer or another person;

39. Review and evaluate community-policing programs in the Commonwealth, and recommend where necessary statewide operating procedures, guidelines, and standards that strengthen and improve such programs, including sensitivity to and awareness of systemic and individual racism, cultural diversity, and the potential for racially biased policing and bias-based profiling as defined in § 52-30.1, which shall include recognizing implicit biases in interacting with persons who have a mental illness, substance use disorder, or developmental or cognitive disability;

40. Establish a Virginia Law-Enforcement Accreditation Center. The Center may, in cooperation with Virginia law-enforcement agencies, provide technical assistance and administrative support, including staffing, for the establishment of voluntary state law-enforcement accreditation standards. The Center may provide accreditation assistance and training, resource material, and research into methods and procedures that will assist the Virginia law-enforcement community efforts to obtain Virginia accreditation status;

41. Promote community policing philosophy and practice throughout the Commonwealth by providing community policing training and technical assistance statewide to all law-enforcement agencies, community groups, public and private organizations and citizens; developing and distributing innovative policing curricula and training tools on general community policing philosophy and practice and contemporary critical issues facing Virginia communities; serving as a consultant to Virginia organizations with specific community policing needs; facilitating continued development and implementation of community policing programs statewide through discussion forums for community policing leaders, development of law-enforcement instructors; promoting a statewide community policing initiative; and serving as a

statewide information source on the subject of community policing including, but not limited to periodic newsletters, a website and an accessible lending library;

42. Establish, in consultation with the Department of Education and the Virginia State Crime Commission, compulsory minimum standards for employment and job-entry and in-service training curricula and certification requirements for school security officers, including school security officers described in clause (b) of § 22.1-280.2:1, which training and certification shall be administered by the Virginia Center for School and Campus Safety (VCSCS) pursuant to § 9.1-184. Such training standards shall be specific to the role and responsibility of school security officers and shall include (i) relevant state and federal laws; (ii) school and personal liability issues; (iii) security awareness in the school environment; (iv) mediation and conflict resolution, including de-escalation techniques such as a physical alternative to restraint; (v) disaster and emergency response; (vi) awareness of systemic and individual racism, cultural diversity, and implicit bias; (vii) working with students with disabilities, mental health needs, substance use disorders, and past traumatic experiences; and (viii) student behavioral dynamics, including child and adolescent development and brain research. The Department shall establish an advisory committee consisting of local school board representatives, principals, superintendents, and school security personnel to assist in the development of the standards and certification requirements in this subdivision. The Department shall require any school security officer who carries a firearm in the performance of his duties to provide proof that he has completed a training course provided by a federal, state, or local law-enforcement agency that includes training in active shooter emergency response, emergency evacuation procedure, and threat assessment;

43. License and regulate property bail bondsmen and surety bail bondsmen in accordance with Article 11 (§ 9.1-185 et seq.);

44. License and regulate bail enforcement agents in accordance with Article 12 (§ 9.1-186 et seq.);

45. In conjunction with the Virginia State Police and the State Compensation Board, advise criminal justice agencies regarding the investigation, registration, and dissemination of information requirements as they pertain to the Sex Offender and Crimes Against Minors Registry Act (§ 9.1-900 et seq.);

46. Establish minimum standards for (i) employment, (ii) job-entry and in-service training curricula, and (iii) certification requirements for campus security officers. Such training standards shall include, but not be limited to, the role and responsibility of campus security officers, relevant state and federal laws, school and personal liability issues, security awareness in the campus environment, and disaster and emergency response. The Department shall provide technical support and assistance to campus police departments and campus security departments on the establishment and implementation of policies and procedures, including but not limited to: the management of such departments, investigatory procedures, judicial referrals, the establishment and management of databases for campus safety and security information sharing, and development of uniform record keeping for disciplinary records and statistics, such as campus crime logs, judicial referrals and Clery Act statistics. The Department shall establish an advisory committee consisting of college administrators, college police chiefs, college security department chiefs, and local law-enforcement officials to assist in the development of the standards and certification requirements and training pursuant to this subdivision;

47. Assess and report, in accordance with § 9.1-190, the crisis intervention team programs established pursuant to § 9.1-187;

48. In conjunction with the Office of the Attorney General, advise law-enforcement agencies and attorneys for the Commonwealth regarding the identification, investigation, and prosecution of human trafficking offenses using the common law and existing criminal statutes in the Code of Virginia;

49. Register tow truck drivers in accordance with § 46.2-116 and carry out the provisions of § 46.2-117;

50. Administer the activities of the Virginia Sexual and Domestic Violence Program Professional Standards Committee by providing technical assistance and administrative support, including staffing, for the Committee;

51. In accordance with § 9.1-102.1, design and approve the issuance of photo-identification cards to private security services registrants registered pursuant to Article 4 (§ 9.1-138 et seq.);

52. In consultation with the State Council of Higher Education for Virginia and the Virginia Association of Campus Law Enforcement Administrators, develop multidisciplinary curricula on trauma-informed sexual assault investigation;

53. In consultation with the Department of Behavioral Health and Developmental Services, develop a model addiction recovery program that may be administered by sheriffs, deputy sheriffs, jail officers, administrators, or superintendents in any local or regional jail. Such program shall be based on any existing addiction recovery programs that are being administered by any local or regional jails in the Commonwealth. Participation in the model addiction recovery program shall be voluntary, and such program may address aspects of the recovery process, including medical and clinical recovery, peer-to-peer support, availability of mental health resources, family dynamics, and aftercare aspects of the recovery process;

54. Establish compulsory minimum training standards for certification and recertification of law-enforcement officers serving as school resource officers. Such training shall be specific to the role and responsibility of a law-enforcement officer working with students in a school environment and shall include (i) relevant state and federal laws; (ii) school and personal liability issues; (iii) security awareness in the school environment; (iv) mediation and conflict resolution, including de-escalation techniques; (v) disaster and emergency response; (vi) awareness of systemic and individual racism, cultural diversity, and implicit bias; (vii) working with students with disabilities, mental health needs, substance use disorders, or past traumatic experiences; and (viii) student behavioral dynamics, including current child and adolescent development and brain research;

55. Establish a model policy for the operation of body-worn camera systems as defined in § 15.2-1723.1 that also addresses the storage and maintenance of body-worn camera system records;

56. Establish compulsory minimum training standards for detector canine handlers employed by the Department of Corrections, standards for the training and retention of detector canines used by the Department of Corrections, and a central database on the performance and effectiveness of such detector canines that requires the Department of Corrections to submit comprehensive information on each canine handler and detector canine, including the number and types of calls and searches, substances searched for and whether or not detected, and the number of false positives, false negatives, true positives, and true negatives;

57. Establish compulsory training standards for basic training of law-enforcement officers for recognizing and managing stress, self-care techniques, and resiliency;

58. Establish guidelines and standards for psychological examinations conducted pursuant to subsection C of § 15.2-1705;

59. Establish compulsory in-service training standards, to include frequency of retraining, for law-enforcement officers in the following subjects: (i) relevant state and federal laws; (ii) awareness of cultural diversity and the potential for bias-based profiling as defined in § 52-30.1; (iii) de-escalation techniques; (iv) working with individuals with disabilities, mental health needs, or substance use disorders; and (v) the lawful use of force, including the use of deadly force, as defined in § 19.2-83.3, only when necessary to protect the law-enforcement officer or another person;

60. Develop a uniform curriculum and lesson plans for the compulsory minimum entry-level, in-service, and advanced training standards to be employed by criminal justice training academies approved by the Department when conducting training;

61. Adopt statewide professional standards of conduct applicable to all certified law-enforcement officers and certified jail officers and appropriate due process procedures for decertification based on serious misconduct in violation of those standards;

62. Establish and administer a waiver process, in accordance with §§ 2.2-5515 and 15.2-1721.1, for law-enforcement agencies to use certain military property. Any waivers granted by the Criminal Justice Services Board shall be published by the Department on the Department's website;

63. Establish compulsory training standards for basic training and the recertification of law-enforcement officers to include crisis intervention training in accordance with clause (ii) of § 9.1-188;

64. Advise and assist the Department of Behavioral Health and Developmental Services, and support local law-enforcement cooperation, with the development and implementation of the Marcus alert system, as defined in § 37.2-311.1, including the establishment of local protocols for law-enforcement participation in the Marcus alert system pursuant to § 9.1-193 and for reporting requirements pursuant to §§ 9.1-193 and 37.2-311.1;

65. Develop an online course to train hotel proprietors and their employees to recognize and report instances of suspected human trafficking; and

66. Perform such other acts as may be necessary or convenient for the effective performance of its duties.

§ 15.2-1627.6. Coordination of multidisciplinary response to human trafficking.

A. The attorney for the Commonwealth in each political subdivision in the Commonwealth shall coordinate the establishment of a multidisciplinary response to human trafficking as set forth in Article 3 (§ 18.2-346 et seq.) of Chapter 8 of Title 18.2 and hold a meeting, at least annually, to (i) discuss implementation of protocols and policies for human trafficking response teams consistent with those established by the Department of Criminal Justice Services pursuant to subdivision 37 d of § 9.1-102; (ii) establish and review guidelines for the community's response to the various forms of human trafficking, including sex trafficking and labor trafficking; and (iii) review protocols for the trauma-informed, victim-centered collection, preservation, and secure storage of evidence from physical evidence recovery kit examinations consistent with § 19.2-165.1.

B. The following persons or their designees shall be invited to participate in the annual meeting: the attorney for the Commonwealth; a representative of the Virginia Indigent Defense Commission in jurisdictions served by a public defender office; the sheriff; the director of the local sexual assault crisis center providing services in the jurisdiction, if any; the chief of each police department and the chief of each campus police department of any institution of higher education in the jurisdiction, if any; a forensic nurse examiner or other health care provider who performs physical evidence recovery kit examinations in the jurisdiction, if any; a health professional knowledgeable in the treatment of trauma-informed, victim-centered services; a social worker knowledgeable in the needs of immigrant communities; the state Sex Trafficking Response Coordinator or his designee; a representative from at least one national or local organization that supports victims of human trafficking; at least one survivor of human trafficking; the director of the victim/witness program in the jurisdiction, if any; a division superintendent or his designee from at least one of the local school divisions; and a labor union representative knowledgeable about labor trafficking. In addition, the attorney for the Commonwealth may invite other individuals, or their designees, to participate in the annual meeting, including (i) local health department district directors; (ii) the administrator of each licensed hospital within the jurisdiction; (iii) the director of each health safety net clinic within the jurisdiction, including those clinics created by 42 C.F.R. § 491.1 and the free and charitable clinics; (iv) local administrators in charitable clinics or local hospitals, as well as other health care providers or local nonprofit organizations working with victims of trafficking; and (v) as determined by the attorney for the Commonwealth, any other local health care providers.

C. Attorneys for the Commonwealth are authorized to conduct the human trafficking response team annual meetings using other methods to encourage attendance, including electronic communication means as provided in § 2.2-3708.3.

CHAPTER 367

An Act to amend and reenact §§ 9.1-102 and 9.1-141 of the Code of Virginia, relating to private security services business; training requirements; human trafficking.

[H 203]

Approved April 3, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 9.1-102 and 9.1-141 of the Code of Virginia are amended and reenacted as follows:

§ 9.1-102. Powers and duties of the Board and the Department.

The Department, under the direction of the Board, which shall be the policy-making body for carrying out the duties and powers hereunder, shall have the power and duty to:

1. Adopt regulations, pursuant to the Administrative Process Act (§ 2.2-4000 et seq.), for the administration of this chapter including the authority to require the submission of reports and information by law-enforcement officers within the Commonwealth. Any proposed regulations concerning the privacy, confidentiality, and security of criminal justice information shall be submitted for review and comment to any board, commission, or committee or other body which may be established by the General Assembly to regulate the privacy, confidentiality, and security of information collected and maintained by the Commonwealth or any political subdivision thereof;

2. Establish compulsory minimum training standards subsequent to employment as a law-enforcement officer in (i) permanent positions and (ii) temporary or probationary status and establish the time required for completion of such training. Such compulsory minimum training standards shall include crisis intervention training in accordance with clause (i) of § 9.1-188;

3. Establish minimum training standards and qualifications for certification and recertification for law-enforcement officers serving as field training officers;

4. Establish compulsory minimum curriculum requirements for in-service and advanced courses and programs for schools, whether located in or outside the Commonwealth, which are operated for the specific purpose of training law-enforcement officers;

5. Establish (i) compulsory minimum training standards for law-enforcement officers who utilize radar or an electrical or microcomputer device to measure the speed of motor vehicles as provided in § 46.2-882 and establish the time required for completion of the training and (ii) compulsory minimum qualifications for certification and recertification of instructors who provide such training;

6. [Repealed];

7. Establish compulsory minimum entry-level, in-service and advanced training standards for those persons designated to provide courthouse and courtroom security pursuant to the provisions of § 53.1-120, and to establish the time required for completion of such training;

8. Establish compulsory minimum entry-level, in-service and advanced training standards for deputy sheriffs designated to serve process pursuant to the provisions of § 8.01-293, and establish the time required for the completion of such training;

9. Establish compulsory minimum entry-level, in-service, and advanced training standards, as well as the time required for completion of such training, for persons employed as deputy sheriffs and jail officers by local criminal justice agencies and correctional officers employed by the Department of Corrections under the provisions of Title 53.1. For correctional officers employed by the Department of Corrections, such standards shall include training on the general care of pregnant women, the impact of restraints on pregnant inmates and fetuses, the impact of being placed in restrictive housing or solitary confinement on pregnant inmates, and the impact of body cavity searches on pregnant inmates;

10. Establish compulsory minimum training standards for all dispatchers employed by or in any local or state government agency, whose duties include the dispatching of law-enforcement personnel. Such training standards shall apply only to dispatchers hired on or after July 1, 1988;

11. Establish compulsory minimum training standards for all auxiliary police officers employed by or in any local or state government agency. Such training shall be graduated and based on the type of duties to be performed by the auxiliary police officers. Such training standards shall not apply to auxiliary police officers exempt pursuant to § 15.2-1731;

12. Consult and cooperate with counties, municipalities, agencies of the Commonwealth, other state and federal governmental agencies, and institutions of higher education within or outside the Commonwealth, concerning the development of police training schools and programs or courses of instruction;

13. Approve institutions, curricula and facilities, whether located in or outside the Commonwealth, for school operation for the specific purpose of training law-enforcement officers; but this shall not prevent the holding of any such school whether approved or not;

14. Establish and maintain police training programs through such agencies and institutions as the Board deems appropriate;

15. Establish compulsory minimum qualifications of certification and recertification for instructors in criminal justice training academies approved by the Department;

16. Conduct and stimulate research by public and private agencies which shall be designed to improve police administration and law enforcement;

17. Make recommendations concerning any matter within its purview pursuant to this chapter;

18. Coordinate its activities with those of any interstate system for the exchange of criminal history record information, nominate one or more of its members to serve upon the council or committee of any such system, and participate when and as deemed appropriate in any such system's activities and programs;

19. Conduct inquiries and investigations it deems appropriate to carry out its functions under this chapter and, in conducting such inquiries and investigations, may require any criminal justice agency to submit information, reports, and statistical data with respect to its policy and operation of information systems or with respect to its collection, storage, dissemination, and usage of criminal history record information and correctional status information, and such criminal justice agencies shall submit such information, reports, and data as are reasonably required;

20. Conduct audits as required by § 9.1-131;

21. Conduct a continuing study and review of questions of individual privacy and confidentiality of criminal history record information and correctional status information;

22. Advise criminal justice agencies and initiate educational programs for such agencies with respect to matters of privacy, confidentiality, and security as they pertain to criminal history record information and correctional status information;

23. Maintain a liaison with any board, commission, committee, or other body which may be established by law, executive order, or resolution to regulate the privacy and security of information collected by the Commonwealth or any political subdivision thereof;

24. Adopt regulations establishing guidelines and standards for the collection, storage, and dissemination of criminal history record information and correctional status information, and the privacy, confidentiality, and security thereof necessary to implement state and federal statutes, regulations, and court orders;

25. Operate a statewide criminal justice research center, which shall maintain an integrated criminal justice information system, produce reports, provide technical assistance to state and local criminal justice data system users, and provide analysis and interpretation of criminal justice statistical information;

26. Develop a comprehensive, statewide, long-range plan for strengthening and improving law enforcement and the administration of criminal justice throughout the Commonwealth, and periodically update that plan;

27. Cooperate with, and advise and assist, all agencies, departments, boards and institutions of the Commonwealth, and units of general local government, or combinations thereof, including planning district commissions, in planning, developing, and administering programs, projects, comprehensive plans, and other activities for improving law enforcement and the administration of criminal justice throughout the Commonwealth, including allocating and subgranting funds for these purposes;

28. Define, develop, organize, encourage, conduct, coordinate, and administer programs, projects and activities for the Commonwealth and units of general local government, or combinations thereof, in the Commonwealth, designed to strengthen and improve law enforcement and the administration of criminal justice at every level throughout the Commonwealth;

29. Review and evaluate programs, projects, and activities, and recommend, where necessary, revisions or alterations to such programs, projects, and activities for the purpose of improving law enforcement and the administration of criminal justice;

30. Coordinate the activities and projects of the state departments, agencies, and boards of the Commonwealth and of the units of general local government, or combination thereof, including planning district commissions, relating to the preparation, adoption, administration, and implementation of comprehensive plans to strengthen and improve law enforcement and the administration of criminal justice;

31. Do all things necessary on behalf of the Commonwealth and its units of general local government, to determine and secure benefits available under the Omnibus Crime Control and Safe Streets Act of 1968 (P.L. 90-351, 82 Stat. 197), as amended, and under any other federal acts and programs for strengthening and improving law enforcement, the administration of criminal justice, and delinquency prevention and control;

32. Receive, administer, and expend all funds and other assistance available to the Board and the Department for carrying out the purposes of this chapter and the Omnibus Crime Control and Safe Streets Act of 1968, as amended;

33. Apply for and accept grants from the United States government or any other source in carrying out the purposes of this chapter and accept any and all donations both real and personal, and grants of money from any governmental unit or public agency, or from any institution, person, firm or corporation, and may receive, utilize and dispose of the same. Any arrangements pursuant to this section shall be detailed in the annual report of the Board. Such report shall include the identity of the donor, the nature of the transaction, and the conditions, if any. Any moneys received pursuant to this section shall be deposited in the state treasury to the account of the Department. To these ends, the Board shall have the power to comply with conditions and execute such agreements as may be necessary;

34. Make and enter into all contracts and agreements necessary or incidental to the performance of its duties and execution of its powers under this chapter, including but not limited to, contracts with the United States, units of general

local government or combinations thereof, in Virginia or other states, and with agencies and departments of the Commonwealth;

35. Adopt and administer reasonable regulations for the planning and implementation of programs and activities and for the allocation, expenditure and subgranting of funds available to the Commonwealth and to units of general local government, and for carrying out the purposes of this chapter and the powers and duties set forth herein;

36. Certify and decertify law-enforcement officers in accordance with §§ 15.2-1706 and 15.2-1707;

37. Establish training standards and publish and periodically update model policies for law-enforcement personnel in the following subjects:

a. The handling of family abuse, domestic violence, sexual assault, and stalking cases, including standards for determining the predominant physical aggressor in accordance with § 19.2-81.3. The Department shall provide technical support and assistance to law-enforcement agencies in carrying out the requirements set forth in subsection A of § 9.1-1301;

b. The identification of, communication with, and facilitation of the safe return of individuals diagnosed with Alzheimer's disease and dementia, which shall include (i) techniques for respectful and effective communication with individuals with Alzheimer's disease and dementia and their caregivers; (ii) techniques for addressing the behavioral symptoms of Alzheimer's disease and dementia, including alternatives to physical restraint; (iii) protocols for identifying and reporting incidents of abuse, neglect, and exploitation of individuals with Alzheimer's disease and dementia to adult protective services; (iv) protocols for contacting caregivers when an individual with Alzheimer's disease or dementia is found wandering or during an emergency or crisis situation; (v) a reference list of local resources available for individuals with Alzheimer's disease and dementia; and (vi) a reference list of local and national organizations that assist law-enforcement personnel with locating missing and wandering individuals with Alzheimer's disease and dementia and returning them to their caregivers;

c. Sensitivity to and awareness of systemic and individual racism, cultural diversity, and the potential for racially biased policing and bias-based profiling as defined in § 52-30.1, which shall include recognizing implicit biases in interacting with persons who have a mental illness, substance use disorder, or developmental or cognitive disability;

d. Protocols for local and regional sexual assault response teams;

e. Communication of death notifications;

f. The questioning of individuals suspected of driving while intoxicated concerning the physical location of such individual's last consumption of an alcoholic beverage and the communication of such information to the Virginia Alcoholic Beverage Control Authority;

g. Vehicle patrol duties that embody current best practices for pursuits and for responding to emergency calls;

h. Criminal investigations that embody current best practices for conducting photographic and live lineups;

i. Sensitivity to and awareness of human trafficking offenses and the identification of victims of human trafficking offenses for personnel involved in criminal investigations or assigned to vehicle or street patrol duties;

j. The recognition, prevention, and reporting of human trafficking;

k. Missing children, missing adults, and search and rescue protocol; and

l. The handling and use of tear gas or other gases and kinetic impact munitions, as defined in § 19.2-83.3, that embody current best practices for using such items as a crowd control measure or during an arrest or detention of another person;

38. Establish compulsory training standards for basic training and the recertification of law-enforcement officers to ensure (i) sensitivity to and awareness of systemic and individual racism, cultural diversity, and the potential for racially biased policing and bias-based profiling as defined in § 52-30.1, which shall include recognizing implicit biases in interacting with persons who have a mental illness, substance use disorder, or developmental or cognitive disability; (ii) training in de-escalation techniques; and (iii) training in the lawful use of force, including the use of deadly force, as defined in § 19.2-83.3, only when necessary to protect the law-enforcement officer or another person;

39. Review and evaluate community-policing programs in the Commonwealth, and recommend where necessary statewide operating procedures, guidelines, and standards that strengthen and improve such programs, including sensitivity to and awareness of systemic and individual racism, cultural diversity, and the potential for racially biased policing and bias-based profiling as defined in § 52-30.1, which shall include recognizing implicit biases in interacting with persons who have a mental illness, substance use disorder, or developmental or cognitive disability;

40. Establish a Virginia Law-Enforcement Accreditation Center. The Center may, in cooperation with Virginia law-enforcement agencies, provide technical assistance and administrative support, including staffing, for the establishment of voluntary state law-enforcement accreditation standards. The Center may provide accreditation assistance and training, resource material, and research into methods and procedures that will assist the Virginia law-enforcement community efforts to obtain Virginia accreditation status;

41. Promote community policing philosophy and practice throughout the Commonwealth by providing community policing training and technical assistance statewide to all law-enforcement agencies, community groups, public and private organizations and citizens; developing and distributing innovative policing curricula and training tools on general community policing philosophy and practice and contemporary critical issues facing Virginia communities; serving as a consultant to Virginia organizations with specific community policing needs; facilitating continued development and implementation of community policing programs statewide through discussion forums for community policing leaders, development of law-enforcement instructors; promoting a statewide community policing initiative; and serving as a

statewide information source on the subject of community policing including, but not limited to periodic newsletters, a website and an accessible lending library;

42. Establish, in consultation with the Department of Education and the Virginia State Crime Commission, compulsory minimum standards for employment and job-entry and in-service training curricula and certification requirements for school security officers, including school security officers described in clause (b) of § 22.1-280.2:1, which training and certification shall be administered by the Virginia Center for School and Campus Safety (VCSCS) pursuant to § 9.1-184. Such training standards shall be specific to the role and responsibility of school security officers and shall include (i) relevant state and federal laws; (ii) school and personal liability issues; (iii) security awareness in the school environment; (iv) mediation and conflict resolution, including de-escalation techniques such as a physical alternative to restraint; (v) disaster and emergency response; (vi) awareness of systemic and individual racism, cultural diversity, and implicit bias; (vii) working with students with disabilities, mental health needs, substance use disorders, and past traumatic experiences; and (viii) student behavioral dynamics, including child and adolescent development and brain research. The Department shall establish an advisory committee consisting of local school board representatives, principals, superintendents, and school security personnel to assist in the development of the standards and certification requirements in this subdivision. The Department shall require any school security officer who carries a firearm in the performance of his duties to provide proof that he has completed a training course provided by a federal, state, or local law-enforcement agency that includes training in active shooter emergency response, emergency evacuation procedure, and threat assessment;

43. License and regulate property bail bondsmen and surety bail bondsmen in accordance with Article 11 (§ 9.1-185 et seq.);

44. License and regulate bail enforcement agents in accordance with Article 12 (§ 9.1-186 et seq.);

45. In conjunction with the Virginia State Police and the State Compensation Board, advise criminal justice agencies regarding the investigation, registration, and dissemination of information requirements as they pertain to the Sex Offender and Crimes Against Minors Registry Act (§ 9.1-900 et seq.);

46. Establish minimum standards for (i) employment, (ii) job-entry and in-service training curricula, and (iii) certification requirements for campus security officers. Such training standards shall include, but not be limited to, the role and responsibility of campus security officers, relevant state and federal laws, school and personal liability issues, security awareness in the campus environment, and disaster and emergency response. The Department shall provide technical support and assistance to campus police departments and campus security departments on the establishment and implementation of policies and procedures, including but not limited to: the management of such departments, investigatory procedures, judicial referrals, the establishment and management of databases for campus safety and security information sharing, and development of uniform record keeping for disciplinary records and statistics, such as campus crime logs, judicial referrals and Clery Act statistics. The Department shall establish an advisory committee consisting of college administrators, college police chiefs, college security department chiefs, and local law-enforcement officials to assist in the development of the standards and certification requirements and training pursuant to this subdivision;

47. Assess and report, in accordance with § 9.1-190, the crisis intervention team programs established pursuant to § 9.1-187;

48. In conjunction with the Office of the Attorney General, advise law-enforcement agencies and attorneys for the Commonwealth regarding the identification, investigation, and prosecution of human trafficking offenses using the common law and existing criminal statutes in the Code of Virginia;

49. Register tow truck drivers in accordance with § 46.2-116 and carry out the provisions of § 46.2-117;

50. Administer the activities of the Virginia Sexual and Domestic Violence Program Professional Standards Committee by providing technical assistance and administrative support, including staffing, for the Committee;

51. In accordance with § 9.1-102.1, design and approve the issuance of photo-identification cards to private security services registrants registered pursuant to Article 4 (§ 9.1-138 et seq.);

52. In consultation with the State Council of Higher Education for Virginia and the Virginia Association of Campus Law Enforcement Administrators, develop multidisciplinary curricula on trauma-informed sexual assault investigation;

53. In consultation with the Department of Behavioral Health and Developmental Services, develop a model addiction recovery program that may be administered by sheriffs, deputy sheriffs, jail officers, administrators, or superintendents in any local or regional jail. Such program shall be based on any existing addiction recovery programs that are being administered by any local or regional jails in the Commonwealth. Participation in the model addiction recovery program shall be voluntary, and such program may address aspects of the recovery process, including medical and clinical recovery, peer-to-peer support, availability of mental health resources, family dynamics, and aftercare aspects of the recovery process;

54. Establish compulsory minimum training standards for certification and recertification of law-enforcement officers serving as school resource officers. Such training shall be specific to the role and responsibility of a law-enforcement officer working with students in a school environment and shall include (i) relevant state and federal laws; (ii) school and personal liability issues; (iii) security awareness in the school environment; (iv) mediation and conflict resolution, including de-escalation techniques; (v) disaster and emergency response; (vi) awareness of systemic and individual racism, cultural diversity, and implicit bias; (vii) working with students with disabilities, mental health needs, substance use disorders, or past traumatic experiences; and (viii) student behavioral dynamics, including current child and adolescent development and brain research;

55. Establish a model policy for the operation of body-worn camera systems as defined in § 15.2-1723.1 that also addresses the storage and maintenance of body-worn camera system records;

56. Establish compulsory minimum training standards for detector canine handlers employed by the Department of Corrections, standards for the training and retention of detector canines used by the Department of Corrections, and a central database on the performance and effectiveness of such detector canines that requires the Department of Corrections to submit comprehensive information on each canine handler and detector canine, including the number and types of calls and searches, substances searched for and whether or not detected, and the number of false positives, false negatives, true positives, and true negatives;

57. Establish compulsory training standards for basic training of law-enforcement officers for recognizing and managing stress, self-care techniques, and resiliency;

58. Establish guidelines and standards for psychological examinations conducted pursuant to subsection C of § 15.2-1705;

59. Establish compulsory in-service training standards, to include frequency of retraining, for law-enforcement officers in the following subjects: (i) relevant state and federal laws; (ii) awareness of cultural diversity and the potential for bias-based profiling as defined in § 52-30.1; (iii) de-escalation techniques; (iv) working with individuals with disabilities, mental health needs, or substance use disorders; and (v) the lawful use of force, including the use of deadly force, as defined in § 19.2-83.3, only when necessary to protect the law-enforcement officer or another person;

60. Develop a uniform curriculum and lesson plans for the compulsory minimum entry-level, in-service, and advanced training standards to be employed by criminal justice training academies approved by the Department when conducting training;

61. Adopt statewide professional standards of conduct applicable to all certified law-enforcement officers and certified jail officers and appropriate due process procedures for decertification based on serious misconduct in violation of those standards;

62. Establish and administer a waiver process, in accordance with §§ 2.2-5515 and 15.2-1721.1, for law-enforcement agencies to use certain military property. Any waivers granted by the Criminal Justice Services Board shall be published by the Department on the Department's website;

63. Establish compulsory training standards for basic training and the recertification of law-enforcement officers to include crisis intervention training in accordance with clause (ii) of § 9.1-188;

64. Advise and assist the Department of Behavioral Health and Developmental Services, and support local law-enforcement cooperation, with the development and implementation of the Marcus alert system, as defined in § 37.2-311.1, including the establishment of local protocols for law-enforcement participation in the Marcus alert system pursuant to § 9.1-193 and for reporting requirements pursuant to §§ 9.1-193 and 37.2-311.1;

65. Develop an online course to train hotel proprietors and their employees to recognize and report instances of suspected human trafficking; ~~and~~

66. *Develop an online course to train unarmed security officers, armed security officers, couriers, security canine handlers, and alarm respondents to recognize and report instances of suspected human trafficking to meet the compulsory minimum, entry-level, and in-service training standards as required by § 9.1-141; and*

67. Perform such other acts as may be necessary or convenient for the effective performance of its duties.

§ 9.1-141. Powers of Board relating to private security services business.

A. The Board may adopt regulations in accordance with the Administrative Process Act (§ 2.2-4000 et seq.), establishing compulsory minimum, entry-level, in-service, and advanced training standards for persons employed by private security services businesses in classifications defined in § 9.1-138. The regulations may include provisions delegating to the Board's staff the right to inspect the facilities and programs of persons conducting training to ensure compliance with the law and Board regulations. In establishing compulsory training standards for each of the classifications defined in § 9.1-138, the Board shall be guided by the policy of this section to secure the public safety and welfare against incompetent or unqualified persons engaging in the activities regulated by this section and Article 4 (§ 9.1-138 et seq.) of this chapter. *The compulsory minimum, entry-level, and in-service training standards for an unarmed security officer, armed security officer, courier, security canine handler, and alarm respondent shall include a training requirement on recognizing and reporting instances of suspected human trafficking.* The regulations may provide for partial exemption from such compulsory, entry-level training for persons having previous employment as law-enforcement officers for a local, state or the federal government, to include units of the United States armed forces, or for persons employed in classifications defined in § 9.1-138. However, no such exemption shall be granted to persons having less than five continuous years of such employment, nor shall an exemption be provided for any person whose employment as a law-enforcement officer or whose employment as a private security services business employee was terminated because of his misconduct or incompetence. The regulations may include separate provisions for full exemption from compulsory training for persons having previous training that meets or exceeds the minimum training standards and has been approved by the Department. However, no such exemption shall be granted to persons whose employment as a private security services business employee was terminated because of his misconduct or incompetence. No regulation adopted by the Board shall prevent any person employed by an electronic security business, other than an alarm respondent, or as a locksmith from carrying a firearm in the course of his duties when such person carries with him a valid concealed handgun permit issued in accordance with Article 6.1 (§ 18.2-307.1 et seq.) of Chapter 7 of Title 18.2.

B. The Board may enter into an agreement with other states for reciprocity or recognition of private security services businesses and their employees, duly licensed by such states. The agreements shall allow those businesses and their employees to provide and perform private security services within the Commonwealth to secure the public safety and welfare against incompetent, unqualified, unscrupulous, or unfit persons engaging in the activities of private security services businesses.

C. The Board may adopt regulations in accordance with the Administrative Process Act (§ 2.2-4000 et seq.) to secure the public safety and welfare against incompetent, unqualified, unscrupulous, or unfit persons engaging in the activities of private security services businesses that:

1. Establish the qualifications of applicants for registration, certification, or licensure under Article 4 (§ 9.1-138) of this chapter;

2. Examine, or cause to be examined, the qualifications of each applicant for registration, certification, or licensure, including when necessary the preparation, administration, and grading of examinations;

3. Certify qualified applicants for private security training schools and instructors or license qualified applicants as practitioners of private security services businesses;

4. Levy and collect fees for registration, certification, or licensure and renewal that are sufficient to cover all expenses for administration and operation of a program of registration, certification, and licensure for private security services businesses and training schools;

5. Are necessary to ensure continued competency, and to prevent deceptive or misleading practices by practitioners and effectively administer the regulatory system adopted by the Board;

6. Receive complaints concerning the conduct of any person whose activities are regulated by the Board, to conduct investigations, and to take appropriate disciplinary action if warranted; and

7. Revoke, suspend or fail to renew a registration, certification, or license for just cause as enumerated in Board regulations.

D. In adopting its regulations under subsections A and C, the Board shall seek the advice of the Private Security Services Advisory Board established pursuant to § 9.1-143.

CHAPTER 368

An Act to amend and reenact §§ 8.01-42.4, 18.2-47, and 18.2-356 of the Code of Virginia, relating to forced labor or service; penalties.

[H 633]

Approved April 3, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 8.01-42.4, 18.2-47, and 18.2-356 of the Code of Virginia are amended and reenacted as follows:

§ 8.01-42.4. Civil action for trafficking in persons.

A. Any person injured by reason of (i) a violation of *subsection B of § 18.2-47 or* clause (iii), (iv), or (v) of § 18.2-48; (ii) a violation of § 18.2-348, 18.2-348.1, 18.2-349, 18.2-355, 18.2-356, 18.2-357, 18.2-357.1, or 18.2-368; or (iii) a felony violation of § 18.2-346.01 may sue therefor and recover compensatory damages, punitive damages, and reasonable attorney fees and costs.

B. No action shall be commenced under this section more than seven years after the later of the date on which such person (i) was no longer subject to the conduct prohibited by *subsection B of § 18.2-47 or* clause (iii), (iv), or (v) of § 18.2-48 or § 18.2-348, 18.2-348.1, 18.2-349, 18.2-355, 18.2-356, 18.2-357, 18.2-357.1, or 18.2-368 or under a felony violation of § 18.2-346.01 or (ii) attained 18 years of age.

C. The provisions of this section shall apply whether or not an individual has been charged with or convicted of any of the alleged violations listed in subsection A.

§ 18.2-47. Abduction and kidnapping defined; forced labor; punishment.

A. Any person who, by force, intimidation or deception, and without legal justification or excuse, seizes, takes, transports, detains or secretes another person with the intent to deprive such other person of his personal liberty or to withhold or conceal him from any person, authority or institution lawfully entitled to his charge, shall be deemed guilty of "abduction."

B. Any person who, by force, intimidation or deception, and without legal justification or excuse, *obtains the labor or services of another person, or* seizes, takes, transports, detains or secretes another person *or threatens to do so,* with the intent to subject him to forced labor or services*,* shall be deemed guilty of "abduction." For purposes of this subsection, the term "intimidation" shall include destroying, concealing, confiscating, withholding, or threatening to withhold a passport, immigration document, or other governmental identification ~~or~~*,* threatening to report another as being illegally present in the United States*, or threatening to separate another from or to harm a family member*.

C. The provisions of this section shall not apply to any law-enforcement officer in the performance of his duty. The terms "abduction" and "kidnapping" shall be synonymous in this Code. Except as provided in subsection D, abduction of a minor shall be punished as a Class 2 felony. Abduction for which no punishment is otherwise prescribed shall be punished as a Class 5 felony.

D. If an offense under subsection A is committed by the parent or a family or household member, as defined in § 16.1-228, who has been ordered custody or visitation of the person abducted and punishable as contempt of court in any proceeding then pending, the offense shall be a Class 1 misdemeanor in addition to being punishable as contempt of court. However, such offense, if committed by the parent or a family or household member, as defined in § 16.1-228, who has been ordered custody or visitation of the person abducted and punishable as contempt of court in any proceeding then pending and the person abducted is removed from the Commonwealth by the abducting parent or a family or household member, as defined in § 16.1-228, who has been ordered custody or visitation, shall be a Class 6 felony in addition to being punishable as contempt of court.

§ 18.2-356. Receiving money for procuring person; penalties.

Any person who receives any money or other valuable thing for or on account of (i) procuring for or placing in a house of prostitution or elsewhere any person for the purpose of causing such person to engage in unlawful sexual intercourse, anal intercourse, cunnilingus, fellatio, or anilingus or any act in violation of § 18.2-361, or touching of the unclothed genitals or anus of another person with the intent to sexually arouse or gratify~~, or~~*;* (ii) causing any person to engage in ~~forced labor or services,~~ concubinage, prostitution, or the manufacture of any obscene material or child pornography*; or (iii) causing any person to engage in forced labor or services or providing or obtaining labor or services by any act in violation of subsection B of § 18.2-47* is guilty of a Class 4 felony. Any person who violates clause (i) or (ii) with a person under the age of 18 is guilty of a Class 3 felony.

2. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter 1 of the Acts of Assembly of 2023, Special Session I, requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of $50,000. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.

CHAPTER 369

An Act to amend and reenact § 40.1-113 of the Code of Virginia, relating to child labor offenses; civil penalties.

[H 100]

Approved April 3, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 40.1-113 of the Code of Virginia is amended and reenacted as follows:

§ 40.1-113. Child labor offenses; civil penalties.

A. Whoever employs, procures, or, having under his control, permits a child to be employed in violation of any of the provisions of this chapter other than §§ 40.1-100.2, 40.1-103 and 40.1-112~~,~~ shall be subject to a civil penalty that (i) shall not exceed ~~$10,000~~ *$25,000* for each violation that results in the employment of a child who is seriously injured or who dies in the course of that employment and (ii) shall not *be less than $500 or* exceed ~~$1,000~~ *$2,500* for each other violation. In determining the amount of such penalty, the appropriateness of such penalty to the size of the business of the person charged and the gravity of the violation shall be considered.

B. The Commissioner shall notify any employer who he alleges has violated any provision of this section by certified mail or overnight delivery service. Such notice shall contain a description of the alleged violation. Within 21 days of receipt of notice of the alleged violation, the employer may request an informal conference regarding such violation with the Commissioner. If the employer fails to contest the violation by requesting such an informal conference within 21 days following receipt of the notice of the alleged violation, the violation and proposed penalty will become a final order of the Commissioner and not subject to review by any court or agency except upon a showing of good cause. Such informal conference shall result in a decision by the Commissioner that will be appealable to the appropriate circuit court. The Department shall send a copy of the Commissioner's decision to the employer by certified mail or overnight delivery service. The employer may file a notice of an appeal only within 30 days from the receipt of the decision. The appeal shall be on the agency record. With respect to matters of law, the burden shall be on the party seeking review to designate and demonstrate an error of law subject to review by the court. With respect to issues of fact, the duty of the court shall be limited to ascertaining whether there was substantial evidence in the record to reasonably support the Commissioner's findings of fact.

C. Civil penalties owed under this section shall be paid to the Commissioner for deposit into the general fund of the treasury of the Commonwealth. The Commissioner shall prescribe procedures for the payment of proposed penalties which are not contested by employers.

2. That the Department of Labor and Industry shall convene a stakeholder work group consisting of parents or legal guardians of child employees, labor representatives, and youth-serving stakeholders to develop education and outreach plans, inclusive of language access, to inform young workers, their parents or guardians, and employers about child labor laws.

CHAPTER 370

An Act to amend and reenact § 22.1-3 of the Code of Virginia, relating to Department of Education; resource document on supports and services for homeless students.

[H 168]

Approved April 3, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 22.1-3 of the Code of Virginia is amended and reenacted as follows:

§ 22.1-3. Persons to whom public schools shall be free.

A. The public schools in each school division shall be free to each person of school age who resides within the school division. Every person of school age shall be deemed to reside in a school division:

1. When the person is living with a natural parent or a parent by legal adoption;

2. When, in accordance with the provisions of § 22.1-360, the person is living with a noncustodial parent or other person standing in loco parentis, not solely for school purposes, pursuant to a Special Power of Attorney executed under 10 U.S.C. § 1044b by the custodial parent;

3. When the parents of such person are dead and the person is living with a person in loco parentis who actually resides within the school division;

4. When the parents of such person are unable to care for the person and the person is living, not solely for school purposes, with another person who resides in the school division and is (i) the court-appointed guardian, or has legal custody, of the person; (ii) acting in loco parentis pursuant to placement of the person for adoption by a person or entity authorized to do so under § 63.2-1200; or (iii) an adult relative providing temporary kinship care as that term is defined in § 63.2-100. Local school divisions may require one or both parents and the relative providing kinship care to submit signed, notarized affidavits (a) explaining why the parents are unable to care for the person, (b) detailing the kinship care arrangement, and (c) agreeing that the kinship care provider or the parent will notify the school within 30 days of when the kinship care arrangement ends, as well as a power of attorney authorizing the adult relative to make educational decisions regarding the person. A school division may also require the parent or adult relative to obtain written verification from the local department of social services where the parent or parents live, or from both that department and the department of social services where the kinship provider lives, that the kinship arrangement serves a legitimate purpose that is in the best interest of the person other than school enrollment. With written consent from the parent or adult relative, for the purposes of expediting enrollment, a school division may obtain such written verification directly from the local department or departments of social services. The verification process shall be consistent with confidentiality provisions of Article 5 (§ 22.1-287 et seq.) of Chapter 14 of this title and Chapter 1 (§ 63.2-100 et seq.) of Title 63.2. If the kinship care arrangement lasts more than one year, a school division may require continued verification directly from one or both departments of social services as to why the parents are unable to care for the person and that the kinship care arrangement serves a legitimate purpose other than school enrollment. A local school division may enroll a person living with a relative in a kinship care arrangement that has not been verified by a local department of social services;

5. When the person is living in the school division not solely for school purposes, as an emancipated minor;

6. When all or any portion of the building in which such person resides (i) with another person as set forth in subdivisions 1 through 4 or (ii) as an emancipated minor as set forth in subdivision 5 is taxable by the locality in which the school division is located; or

7. When the person living in the school division is a homeless child or youth, as set forth in this subdivision, who lacks a fixed, regular, and adequate nighttime residence. Such persons shall include (i) children and youths, including unaccompanied youths who are not in the physical custody of their parents, who (a) are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, trailer parks, or camping grounds due to lack of alternative adequate accommodations or in emergency or transitional shelters; or are abandoned in hospitals; (b) have a primary nighttime residence that is a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings; or (c) are living in parked cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and (ii) migratory children, as defined in the federal Elementary and Secondary Education Act of 1965, P.L. 89-10, as amended, who are deemed homeless as they are living in circumstances set forth in clause (i).

School divisions shall comply with the requirements of Subtitle VII-B of the federal McKinney-Vento Homeless Assistance Act, as amended (42 U.S.C. § 11431 et seq.), to ensure that homeless children and youths shall receive the educational services comparable to those offered to other public school students.

School divisions serving the students identified in this subdivision shall coordinate the identification and provision of services to such students with relevant local social services agencies and other agencies and programs providing services to such students, and with other school divisions as may be necessary to resolve interdivisional issues.

The Department shall develop and make available to each school board a resource document containing guidance and best practices for providing the necessary supports and services to such students, including guidance and best practices relating to (i) decisions regarding whether and when such a student should remain enrolled in a school in a previous school division of residence, (ii) wrap-around supports and services for such students that include the parents when they are

available and specific wrap-around supports and services for such students who may have experienced additional trauma prior to becoming homeless, and (iii) any other means by which such students can be best served and protected, particularly those homeless children and youths who are at risk of becoming victims of human trafficking.

B. In the interest of providing educational continuity to the children of military personnel, no child of a person on active military duty:

1. Who is attending a school free of charge in accordance with this section shall be charged tuition by that school division upon such child's relocation to military housing located in another school division in the Commonwealth, pursuant to orders received by such child's parent to relocate to base housing. Such children shall be allowed to continue attending school in the school division they attended immediately prior to the relocation and shall not be charged tuition for attending such school;

2. Who is attending a school free of charge in accordance with this section shall be charged tuition by that school division upon such child's relocation pursuant to orders received by such child's parent to relocate to a new duty station or to be deployed. Such children shall be allowed to remain enrolled in the current school division free of tuition through the end of the school year; and

3. Who is eligible to attend school free of charge in accordance with this section shall be charged tuition by a school division that will be the child's school division of residence once his service member parent is relocated pursuant to orders received. Such a child shall be allowed to enroll in the school division of the child's intended residence if documentation is provided, at the time of enrollment, of military orders of the service member parent or an official letter from the service member's command indicating such relocation. Documentation indicating a permanent address within the school division shall be provided to the school division within 120 days of a child's enrollment or tuition may be charged, including tuition for the days since the child's enrollment in school. In the event that the child's service member parent is ordered to relocate before the 120th day following the child's enrollment, the school division shall not charge tuition. Students eligible to enroll in a school division pursuant to this subdivision may register, remotely or in-person, for courses and other academic programs and participate in the lottery process for charter schools and college partnership laboratory schools in the school division in which such student will reside at the same time and in the same manner as students who reside in the local school division. The assignment of the school such child will attend shall be determined by the local school division.

Such children as listed in subdivisions 1, 2, and 3 shall be counted in the average daily membership of the school division in which they are enrolled. Further, the school division in which such children are enrolled subsequent to their relocation to base housing shall not be responsible for providing for their transportation to and from school.

CHAPTER 371

An Act to amend and reenact §§ 18.2-248.02 and 54.1-3458 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 18.2-248.05, relating to controlled substances; manufacturing, selling, giving, distributing, etc.; adulterated or misbranded drugs; penalties.

[S 469]

Approved April 4, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 18.2-248.02 and 54.1-3458 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 18.2-248.05 as follows:

§ 18.2-248.02. Allowing a minor or incapacitated person to be present during manufacture or attempted manufacture of methamphetamine or fentanyl prohibited; penalties.

Any person 18 years of age or older who knowingly allows (i) a minor under the age of 15, (ii) a minor 15 years of age or older with whom he maintains a custodial relationship, including but not limited to as a parent, step-parent, grandparent, step-grandparent, or who stands in loco parentis with respect to such minor, or (iii) a mentally incapacitated or physically helpless person of any age, to be present in the same dwelling, apartment as defined by § 55.1-2000, unit of a hotel as defined in § 35.1-1, garage, shed, or vehicle during the manufacture or attempted manufacture of methamphetamine as prohibited by subsection C1 of § 18.2-248 *or any substance containing a detectable amount of fentanyl, including its derivatives, isomers, esters, ethers, salts, and salts of isomers,* is guilty of a felony punishable by imprisonment for not less than 10 nor more than 40 years. This penalty shall be in addition to and served consecutively with any other sentence.

§ 18.2-248.05. Prohibited equipment related to manufacturing, selling, giving, distributing, or possessing with intent to manufacture, sell, give, or distribute a controlled substance; penalties.

A. For the purposes of this section:

"Encapsulating machine" means manual, semiautomatic, or fully automatic equipment that can be used to fill shells or capsules with powdered or granular solids or semisolid material to produce coherent solid contents.

"Tableting machine" means manual, semiautomatic, or fully automatic equipment that can be used to compact, compress, or mold powdered or granular solids or semisolid material to produce fused coherent solid tablets.

B. Except for manufacturers permitted pursuant to the Drug Control Act (§ 54.1-3400 et seq.), it is unlawful for any person to possess, purchase, sell, give, distribute, or possess with intent to sell, give, or distribute an encapsulating machine or a tableting machine that manufactures, compounds, converts, produces, processes, prepares, or otherwise introduces into

the human body a controlled substance. Any person who violates this section is guilty of a Class 6 felony. However, any person who violates this section knowing, intending, or having reasonable cause to believe that such action will result in the unlawful manufacture of a controlled substance or counterfeit controlled substance that contains (i) a controlled substance classified in Schedule I or Schedule II of the Drug Control Act or (ii) a controlled substance analog as defined in § 54.1-3456 is guilty of a Class 5 felony.

§ 54.1-3458. Violations.

A. Any person who violates any of the provisions of § 54.1-3457 shall be guilty of a Class ~~2 misdemeanor~~ *6 felony*.

B. No person shall be subject to the penalties of this section for having violated subdivisions 1 and 3 of § 54.1-3457 if he establishes a guaranty or undertaking signed by, and containing the name and address of, the person residing in this Commonwealth from whom he received in good faith the article, to the effect that such article is not adulterated or misbranded within the meaning of this chapter.

C. No publisher, radio-broadcast licensee, or agency or medium for the dissemination of an advertisement, except the manufacturer, packer, distributor, or seller of the article to which a false advertisement relates, shall be liable under this section for the dissemination of such false advertisement, unless he has refused, on the request of the Board, to furnish the Board the name and post-office address of the manufacturer, packer, distributor, seller, or advertising agency, residing in this Commonwealth who caused him to disseminate such advertisement.

2. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter 1 of the Acts of Assembly of 2023, Special Session I, requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of $50,000. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.

CHAPTER 372

An Act to amend and reenact § 8.01-130.01 of the Code of Virginia, relating to unlawful detainer; expungement.

[H 73]

Approved April 4, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 8.01-130.01 of the Code of Virginia is amended and reenacted as follows:

§ 8.01-130.01. Unlawful detainer; expungement.

A. If, *in* an action for unlawful detainer filed in general district court, *(i) such action* is dismissed ~~or a~~ *and the 30-day period following such dismissal has passed or (ii) a voluntary* nonsuit *of such action* is taken and ~~the time in which the action may be recommenced pursuant to § 8.01-229 has expired~~ *the six-month period following such nonsuit has passed*, provided that no order of possession has been entered in the case, ~~the defendant may file a petition on a form created by the Supreme Court in the general district court in which the underlying unlawful detainer action was filed requesting expungement of the court records relating to the unlawful detainer. The petition shall provide the date that the order of dismissal or nonsuit was entered, the address of the property that was the subject of the unlawful detainer action, and the name of the plaintiff in the unlawful detainer action.~~

~~B. Upon finding that the unlawful detainer action was dismissed or a nonsuit was taken and the time for recommencement of the action has expired and no order of possession was entered,~~ the court shall, without ~~a~~ *further petition or* hearing, enter an order requiring the expungement of the court records. *The court shall not automatically expunge such records in an unlawful detainer action where a judgement is entered in favor of the defendant; however, such a defendant may file a petition, and the court shall, without a hearing, expunge such records in accordance with the provisions of subsection B.*

B. For unlawful detainer actions commenced prior to July 1, 2024, for which the court still has records, if (i) such action was dismissed and the 30-day period following such dismissal has passed or (ii) a voluntary nonsuit of such action was taken and the six-month period following such nonsuit has passed, provided that no order of possession has been entered in the case, the defendant may file a petition on a form created by the Supreme Court in the general district court in which the underlying unlawful detainer action was filed requesting expungement of the court records relating to the unlawful detainer. The petition shall provide the date that the order of dismissal, entry of judgment in favor of the defendant, or nonsuit was entered, the address of the property that was the subject of the unlawful detainer action, and the name of the plaintiff in the unlawful detainer action.

Upon finding that the unlawful detainer action was dismissed and the 30-day period following such dismissal has passed or a nonsuit was taken and the six-month period following such nonsuit has passed, and no order of possession was entered, the court shall, without a hearing, enter an order requiring the expungement of the court records.

CHAPTER 373

An Act to designate the bridge on Otterdam Road over Interstate 95 in Greensville County the "Percy Lee House, III Memorial Bridge."

[H 92]

Approved April 4, 2024

Be it enacted by the General Assembly of Virginia:

1. *§ 1. The bridge on Otterdam Road over Interstate 95 in Greensville County is hereby designated the "Percy Lee House, III Memorial Bridge." The Department of Transportation shall place and maintain appropriate markers indicating the designation of this bridge. This designation shall not affect any other designation heretofore or hereafter applied to this bridge.*

CHAPTER 374

An Act to designate the bridge on Otterdam Road over Interstate 95 in Greensville County the "Percy Lee House, III Memorial Bridge."

[S 323]

Approved April 4, 2024

Be it enacted by the General Assembly of Virginia:

1. *§ 1. The bridge on Otterdam Road over Interstate 95 in Greensville County is hereby designated the "Percy Lee House, III Memorial Bridge." The Department of Transportation shall place and maintain appropriate markers indicating the designation of this bridge. This designation shall not affect any other designation heretofore or hereafter applied to this bridge.*

CHAPTER 375

An Act to direct the Board of Health to adopt regulations to include alpha-gal syndrome on the list of diseases that shall be required to be reported in accordance with § 32.1-35 of the Code of Virginia.

[H 93]

Approved April 4, 2024

Be it enacted by the General Assembly of Virginia:

1. *§ 1. That the Board of Health shall adopt regulations to include alpha-gal syndrome on the list of diseases that shall be required to be reported in accordance with § 32.1-35 of the Code of Virginia.*

2. That the provisions of this act shall become effective on July 1, 2025.

CHAPTER 376

An Act to amend and reenact § 32.1-283.8 of the Code of Virginia, relating to Department of Corrections; Maternal Mortality Review Team; access to medical records.

[H 204]

Approved April 4, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 32.1-283.8 of the Code of Virginia is amended and reenacted as follows:

§ 32.1-283.8. Maternal Mortality Review Team; duties; membership; confidentiality; penalties; report; etc.

A. As used in this section, "maternal death" means the death of a woman who was pregnant at the time of death or within one year prior to the time of death, regardless of the outcome of the pregnancy, including any death determined to be a natural death, unnatural death, or violent death or for which no cause of death was determined.

B. There is hereby created the Maternal Mortality Review Team (the Team), which shall develop and implement procedures to ensure that certain maternal deaths occurring in the Commonwealth are analyzed in a systematic way. The Team shall review every maternal death in the Commonwealth. The Team shall not initiate a maternal death review until the conclusion of any law-enforcement investigation or criminal prosecution. The Team shall (i) develop and revise as necessary operating procedures for maternal death reviews, including identification of cases to be reviewed and procedures for coordinating among the agencies and professionals involved; (ii) improve the identification of and data collection and record keeping related to causes of maternal deaths; (iii) recommend components of programs to increase awareness and prevention of and education about maternal deaths; and (iv) recommend training to improve the review of maternal deaths.

Such operating procedures shall be exempt from the Administrative Process Act (§ 2.2-4000 et seq.) pursuant to subdivision B 17 of § 2.2-4002.

C. The Team shall consist of the following persons or their designees: the Chief Medical Examiner, the Director of the Office of Family Health of the Department of Health, the State Registrar of Vital Records, and the Commissioner of Behavioral Health and Developmental Services. In addition, the Governor shall appoint one representative of each of the following entities: local law enforcement, local fire departments, local emergency medical services providers, local departments of social services, community services boards, attorneys for the Commonwealth, the Medical Society of Virginia, the Virginia Hospital and Healthcare Association, the Virginia College of Emergency Physicians, the Virginia Section of the American College of Obstetricians and Gynecologists, the Virginia Affiliate of the American College of Nurse-Midwives, the Virginia Chapter of the Association of Women's Health, Obstetric and Neonatal Nurses, the Virginia Neonatal Perinatal Collaborative, the Virginia Midwives Alliance, ~~and~~ the Virginia Academy of Nutrition and Dietetics*, the Department of Corrections, and the State Board of Local and Regional Jails*. The Chief Medical Examiner and the Director of the Office of Family Health of the Department of Health shall serve as co-chairs of the Team and may appoint additional members of the Team as may be needed to complete maternal death reviews pursuant to this section.

After the initial staggering of terms, members other than the Chief Medical Examiner, the Director of the Office of Family Health of the Department of Health, the State Registrar of Vital Records, the Commissioner of Behavioral Health and Developmental Services, and the Director of the Department of Criminal Justice Services shall be appointed for a term of three years. Appointments to fill vacancies, other than by expiration of a term, shall be for the unexpired terms. Vacancies shall be filled in the same manner as the original appointments. All members may be reappointed. The Chief Medical Examiner, the Director of the Office of Family Health of the Department of Health, the State Registrar of Vital Records, the Commissioner of Behavioral Health and Developmental Services, and the Director of the Department of Criminal Justice Services shall serve terms coincident with their terms of office.

D. Upon the request of the Chief Medical Examiner in his capacity as a co-chair of the Team, made after the conclusion of any law-enforcement investigation or prosecution, the Chief Medical Examiner or his designee may inspect and copy information and records regarding a maternal death, including (i) any report of the circumstances of the maternal death maintained by any state or local law-enforcement agency or medical examiner, and (ii) information or records about the woman maintained by any social services agency or court. Information, records, or reports maintained by any attorney for the Commonwealth shall be made available for inspection and copying by the Chief Medical Examiner or his designee pursuant to procedures that shall be developed by the Chief Medical Examiner and the Commonwealth's Attorneys' Services Council established by § 2.2-2617. Any presentence report prepared pursuant to § 19.2-299 for any person convicted of a crime that led to the death of the woman shall be made available for inspection and copying by the Chief Medical Examiner or his designee. In addition, the Chief Medical Examiner or his designee may inspect and copy from any health care provider in the Commonwealth, on behalf of the Team, (a) without obtaining consent, subject to any limitations on disclosure under applicable federal and state law, the health and mental health records of the woman and those prenatal medical records relating to any child born to the woman and (b) upon obtaining consent, from each adult regarding his records.

E. All information and records obtained or created by the Team or on behalf of the Team regarding a review shall be confidential and excluded from the Virginia Freedom of Information Act (§ 2.2-3700 et seq.) pursuant to subdivision 7 of § 2.2-3705.5. All such information and records shall be used by the Team only in the exercise of its proper purpose and function and shall not be disclosed. In preparing information and records for review by the Team, the Department shall remove any individually identifiable information or information identifying a health care provider, as those terms are defined in 45 C.F.R. § 160.103. Such information shall not be subject to subpoena, subpoena duces tecum, or discovery, be admissible in any civil or criminal proceeding, or be used as evidence in any disciplinary proceeding or regulatory or licensure action of the Department of Health Professions or any health regulatory board. If available from other sources, however, such information and records shall not be immune from subpoena, discovery, or introduction into evidence when obtained through such other sources solely because the information and records were presented to the Team during a maternal death review. The findings of the Team may be disclosed or published in statistical or other form, but shall not identify any individual. Upon conclusion of the maternal death review, all information and records concerning the woman and the woman's family shall be shredded or otherwise destroyed by the Office of the Chief Medical Examiner in order to ensure confidentiality.

The portions of meetings in which individual maternal deaths are discussed by the Team shall be closed pursuant to subdivision A 21 of § 2.2-3711. In addition to the requirements of § 2.2-3712, all Team members and other persons attending closed Team meetings, including any persons presenting information or records on specific maternal deaths to the Team during closed meetings, shall execute a sworn statement to (i) honor the confidentiality of the information, records, discussions, and opinions disclosed during meetings at which the Team reviews a specific maternal death and (ii) not use any such information, records, discussions, or opinions disclosed during meetings at which the Team reviews a specific maternal death for any purpose other than the exercise of the proper purpose and function of the Team. Violations of this subsection are punishable as a Class 3 misdemeanor.

F. Upon notification of a maternal death, any state or local government agency maintaining records on the woman or the woman's family that are periodically purged shall retain such records for the longer of 12 months or until such time as the Team has completed its review of the case.

G. The Team shall compile annual statistical data, which shall be made available to the Governor and the General Assembly. Any statistical compilations prepared by the Team shall be public record and shall not contain any personal identifying information.

H. Members of the Team, as well as their agents and employees, shall be immune from civil liability for any act or omission made in connection with participation in a review by the Team, unless such act or omission was the result of gross negligence or willful misconduct. Any organization, institution, or person furnishing information, data, testimony, reports, or records to the Team as part of such review shall be immune from civil liability for any act or omission in furnishing such information, unless such act or omission was the result of gross negligence or willful misconduct.

CHAPTER 377

An Act to amend and reenact §§ 38.2-3407.10 and 38.2-4319 of the Code of Virginia, relating to health insurance; health care provider panels; continuity of care.

[H 218]

Approved April 4, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 38.2-3407.10 and 38.2-4319 of the Code of Virginia are amended and reenacted as follows:

§ 38.2-3407.10. Health care provider panels.

A. As used in this section:

"Carrier" means:

1. Any insurer proposing to issue individual or group accident and sickness insurance policies providing hospital, medical and surgical, or major medical coverage on an expense incurred basis;

2. Any corporation providing individual or group accident and sickness subscription contracts;

3. Any health maintenance organization providing health care plans for health care services;

4. Any corporation offering prepaid dental or optometric services plans; or

5. Any other person or organization that provides health benefit plans subject to state regulation, and includes an entity that arranges a provider panel for compensation.

"Enrollee" means any person entitled to health care services from a carrier.

"Provider" means a hospital, physician, or any type of provider licensed, certified, or authorized by statute to provide a covered service under the health benefit plan.

"Provider panel" means those providers with which a carrier contracts to provide health care services to the carrier's enrollees under the carrier's health benefit plan. However, such term does not include an arrangement between a carrier and providers in which any provider may participate solely on the basis of the provider's contracting with the carrier to provide services at a discounted fee-for-service rate.

B. Any such carrier that offers a provider panel shall establish and use it in accordance with the following requirements:

1. Notice of the development of a provider panel in the Commonwealth or local service area shall be filed with the Department of Health Professions.

2. Carriers shall provide a provider application and the relevant terms and conditions to a provider upon request.

C. A carrier that uses a provider panel shall establish procedures for:

1. Notifying an enrollee of:

a. The termination from the carrier's provider panel of a provider who was furnishing health care services to the enrollee or furnished health care services to the enrollee in the ~~six~~ *12* months prior to the notice; and

b. The right of an enrollee to continue to receive health care services as provided in subsection E following the provider's termination from a carrier's provider panel, except when a provider is terminated for cause.

The carrier shall provide notice required by this subdivision 1 prior to the date of the termination of the provider, except when a provider is terminated for cause.

2. Notifying a provider at least 90 days prior to the date of the termination of the provider, except when a provider is terminated for cause.

3. Notifying the purchaser of the health benefit plan, whether such purchaser is an individual or an employer providing a health benefit plan, in whole or in part, to its employees and enrollees of the health benefit plan of:

a. A description of all types of payment arrangements that the carrier uses to compensate providers for health care services rendered to enrollees, including withholds, bonus payments, capitation, and fee-for-service discounts; and

b. The terms of the plan in clear and understandable language that reasonably informs the purchaser of the practical application of such terms in the operation of the plan.

For the purposes of subdivisions 1 and 2, "provider" includes a provider group.

D. A carrier ~~may~~ *shall* not deny an application for participation or terminate participation on its provider panel on the basis of gender, race, age, sexual orientation, gender identity, religion, or national origin.

E. 1. A provider shall be permitted by the carrier to render health care services to any of the carrier's enrollees for a period of at least 90 days from the date of such provider's termination from the carrier's provider panel, except when a

provider is terminated for cause. *A provider shall continue to render health care services to any of the carrier's enrollees who have an existing provider-patient relationship with the provider for a period of at least 90 days from the date of such provider's termination from the carrier's provider panel, except when a provider is terminated for cause.*

2. Notwithstanding the provisions of subdivision 1, any provider shall be permitted by the carrier to continue rendering *and shall continue rendering* health services to any enrollee *who has an existing provider-patient relationship with the provider and* who has been medically confirmed to be pregnant at the time of a provider's termination of participation, except when a provider is terminated for cause. Such treatment shall, at the enrollee's option, continue through the provision of postpartum care directly related to the delivery.

3. Notwithstanding the provisions of subdivision 1, any provider shall be permitted by the carrier to continue rendering *and shall continue rendering* health services to any enrollee *who has an existing provider-patient relationship with the provider and* who is determined to be terminally ill (as defined under § ~~1861 (dd)(3)(A)~~ *1861(dd)(3)(A)* of the Social Security Act) at the time of a provider's termination of participation, except when a provider is terminated for cause. Such treatment shall, at the enrollee's option, continue for the remainder of the enrollee's life for care directly related to the treatment of the terminal illness.

4. Notwithstanding the provisions of subdivision 1, any provider shall be permitted by the carrier to continue rendering *and shall continue rendering* health services to any enrollee *who has an existing provider-patient relationship with the provider and* who has been determined by a medical professional to have a life-threatening condition at the time of a provider's termination of participation. Such treatment shall, at the enrollee's option, continue for up to 180 days for care directly related to the life-threatening condition.

5. Notwithstanding the provisions of subdivision 1, any provider shall be permitted by the carrier to continue rendering *and shall continue rendering* health services to any enrollee *who has an existing provider-patient relationship with the provider and* who is admitted to and receiving treatment in any inpatient facility at the time of a provider's termination of participation. Such admission and treatment shall continue until the enrollee is discharged from the inpatient facility.

For any health care services received by an enrollee from a provider after the date the provider has been terminated from the carrier's provider panel:

a. A carrier shall reimburse a provider under this subsection in accordance with the carrier's agreement with such provider existing immediately before the provider's termination of participation;

b. The provider shall accept such reimbursement from the carrier and any cost-sharing payment from the enrollee for items and services as payment in full; and

c. The provider shall continue to adhere to all policies and procedures and quality standards imposed by the carrier for an enrollee that were required of the provider immediately before the provider's termination of participation.

For the purposes of this subsection, "provider" includes a provider group *and "existing provider-patient relationship" means the provider has rendered health care services to the enrollee or admitted or discharged the enrollee in the previous 12 months*.

F. 1. A carrier shall provide to a purchaser upon enrollment and make available to existing enrollees at least once a year a list of members in its provider panel, which list shall also indicate those providers who are not currently accepting new patients. Such list may be made available in a form other than a printed document, provided the purchaser or existing enrollee is given the means to request and receive a printed copy of such list.

2. The information provided under subdivision 1 shall be updated at least once a year if in paper form~~,~~ and monthly if in electronic form.

G. No contract between a carrier and a provider may require that the provider indemnify the carrier for the carrier's negligence, willful misconduct, or breach of contract, if any.

H. No contract between a carrier and a provider shall require a provider, as a condition of participation on the panel, to waive any right to seek legal redress against the carrier.

I. No contract between a carrier and a provider shall prohibit, impede*,* or interfere in the discussion of medical treatment options between a patient and a provider.

J. A contract between a carrier and a provider shall permit and require the provider to discuss medical treatment options with the patient.

K. Any carrier requiring preauthorization for medical treatment shall have personnel available to provide such preauthorization at all times when such preauthorization is required.

L. Carriers shall provide to their group policyholders written notice of any benefit reductions during the contract period at least 60 days before such benefit reductions become effective. Group policyholders shall, in turn, provide to their enrollees written notice of any benefit reductions during the contract period at least 30 days before such benefit reductions become effective. Such notice shall be provided to the group policyholder as a separate and distinct notification~~,~~ and ~~may~~ *shall* not be combined with any other notification or marketing materials.

M. No contract between a provider and a carrier shall include provisions that require a health care provider or health care provider group to deny covered services that such provider or group knows to be medically necessary and appropriate that are provided with respect to a specific enrollee or group of enrollees with similar medical conditions.

N. If a provider panel contract between a provider and a carrier, or other entity that provides hospital, physician*,* or other health care services to a carrier, includes provisions that require a provider, as a condition of participating in one of the carrier's or other entity's provider panels, to participate in any other provider panel owned or operated by that carrier or other

entity, the contract shall contain a provision permitting the provider to refuse participation in one or more such other provider panels at the time the contract is executed. If a provider contracts with a carrier or other entity that subsequently contracts with one or more unaffiliated carriers to include such provider in the provider panels of such unaffiliated carriers, and which permits an unaffiliated carrier to impose participation terms with respect to such provider that differ materially in reimbursement rates or in managed care procedures, such as conducting economic profiling or requiring a patient to obtain primary care physician referral to a specialist, from the terms agreed to by the provider in the original contract, the provider panel contract shall contain a provision permitting the provider to refuse participation with any such unaffiliated carrier. Utilization review pursuant to Article 1.2 (§ 32.1-137.7 et seq.) of Chapter 5 of Title 32.1 shall not constitute a materially different managed care procedure. This subsection shall apply to provider panels utilized by health maintenance organizations and preferred provider organizations. For purposes of this subsection, "preferred provider organization" means a carrier that offers preferred provider contracts or policies as defined in § 38.2-3407 or preferred provider subscription contracts as defined in § 38.2-4209. The status of a physician as a member of or as being eligible for other existing or new provider panels shall not be adversely affected by the exercise of such right to refuse participation. This subsection shall not apply to the Medallion II and children's health insurance plan administered by or pursuant to *a* contract with the Department of Medical Assistance Services.

O. A carrier that rents or leases its provider panel to unaffiliated carriers shall make available, upon request, to its providers a list of unaffiliated carriers that rent or lease its provider panel. Such list if available in electronic format shall be updated monthly. The provider shall be given the means to request and receive a printed copy of such list.

P. *Nothing in this section shall prohibit a provider from discontinuing services to an enrollee at any time due to misconduct, a refusal to follow the provider's policies and procedures, or on any other reasonable basis; however, the provider shall not discontinue services to the enrollee solely on the basis that the provider was terminated from the carrier's provider panel.*

Q. The Commission shall have no jurisdiction to adjudicate controversies arising out of this section.

§ 38.2-4319. Statutory construction and relationship to other laws.

A. No provisions of this title except this chapter and, insofar as they are not inconsistent with this chapter, §§ 38.2-100, 38.2-136, 38.2-200, 38.2-203, 38.2-209 through 38.2-213, 38.2-216, 38.2-218 through 38.2-225, 38.2-229, 38.2-232, 38.2-305, 38.2-316, 38.2-316.1, 38.2-322, 38.2-325, 38.2-326, 38.2-400, 38.2-402 through 38.2-413, 38.2-500 through 38.2-515, 38.2-600 through 38.2-629, Chapter 9 (§ 38.2-900 et seq.), §§ 38.2-1016.1 through 38.2-1023, 38.2-1057, and 38.2-1306.1, Article 2 (§ 38.2-1306.2 et seq.), § 38.2-1315.1, and Articles 3.1 (§ 38.2-1316.1 et seq.), 4 (§ 38.2-1317 et seq.), 5 (§ 38.2-1322 et seq.), 5.1 (§ 38.2-1334.3 et seq.), and 5.2 (§ 38.2-1334.11 et seq.) of Chapter 13, Articles 1 (§ 38.2-1400 et seq.), 2 (§ 38.2-1412 et seq.), and 4 (§ 38.2-1446 et seq.) of Chapter 14, Chapter 15 (§ 38.2-1500 et seq.), Chapter 17 (§ 38.2-1700 et seq.), §§ 38.2-1800 through 38.2-1836, 38.2-3401, 38.2-3405, 38.2-3405.1, 38.2-3406.1, 38.2-3407.2 through 38.2-3407.6:1, 38.2-3407.9 through 38.2-3407.20, 38.2-3411, 38.2-3411.2, 38.2-3411.3, 38.2-3411.4, 38.2-3412.1, 38.2-3414.1, 38.2-3418.1 through 38.2-3418.19, 38.2-3418.21,38.2-3419.1, and 38.2-3430.1 through 38.2-3454, Articles 8 (§ 38.2-3461 et seq.) and 9 (§ 38.2-3465 et seq.) of Chapter 34, § 38.2-3500, subdivision 13 of § 38.2-3503, subdivision 8 of § 38.2-3504, §§ 38.2-3514.1, 38.2-3514.2, 38.2-3522.1 through 38.2-3523.4, 38.2-3525, 38.2-3540.1, 38.2-3540.2, 38.2-3541.2, 38.2-3542, and 38.2-3543.2, Article 5 (§ 38.2-3551 et seq.) of Chapter 35, Chapter 35.1 (§ 38.2-3556 et seq.), § 38.2-3610, Chapter 52 (§ 38.2-5200 et seq.), Chapter 55 (§ 38.2-5500 et seq.), Chapter 58 (§ 38.2-5800 et seq.), Chapter 65 (§ 38.2-6500 et seq.), and Chapter 66 (§ 38.2-6600 et seq.) shall be applicable to any health maintenance organization granted a license under this chapter. This chapter shall not apply to an insurer or health services plan licensed and regulated in conformance with the insurance laws or Chapter 42 (§ 38.2-4200 et seq.) except with respect to the activities of its health maintenance organization.

B. For plans administered by the Department of Medical Assistance Services that provide benefits pursuant to Title XIX or Title XXI of the Social Security Act, as amended, no provisions of this title except this chapter and, insofar as they are not inconsistent with this chapter, §§ 38.2-100, 38.2-136, 38.2-200, 38.2-203, 38.2-209 through 38.2-213, 38.2-216, 38.2-218 through 38.2-225, 38.2-229, 38.2-232, 38.2-322, 38.2-325, 38.2-400, 38.2-402 through 38.2-413, 38.2-500 through 38.2-515, and 38.2-600 through 38.2-629, Chapter 9 (§ 38.2-900 et seq.), §§ 38.2-1016.1 through 38.2-1023, 38.2-1057, and 38.2-1306.1, Article 2 (§ 38.2-1306.2 et seq.), § 38.2-1315.1, Articles 3.1 (§ 38.2-1316.1 et seq.), 4 (§ 38.2-1317 et seq.), 5 (§ 38.2-1322 et seq.), 5.1 (§ 38.2-1334.3 et seq.), and 5.2 (§ 38.2-1334.11 et seq.) of Chapter 13, Articles 1 (§ 38.2-1400 et seq.), 2 (§ 38.2-1412 et seq.), and 4 (§ 38.2-1446 et seq.) of Chapter 14, §§ 38.2-3401, 38.2-3405, 38.2-3407.2 through 38.2-3407.5, 38.2-3407.6, 38.2-3407.6:1, 38.2-3407.9, 38.2-3407.9:01, and 38.2-3407.9:02, ~~subdivisions~~ *subsection* E ~~1, 2, and 3~~ of § 38.2-3407.10, §§ 38.2-3407.10:1, 38.2-3407.11, 38.2-3407.11:3, 38.2-3407.13, 38.2-3407.13:1, 38.2-3407.14, 38.2-3411.2, 38.2-3418.1, 38.2-3418.2, 38.2-3418.16, 38.2-3419.1, 38.2-3430.1 through 38.2-3437, and 38.2-3500, subdivision 13 of § 38.2-3503, subdivision 8 of § 38.2-3504, §§ 38.2-3514.1, 38.2-3514.2, 38.2-3522.1 through 38.2-3523.4, 38.2-3525, 38.2-3540.1, 38.2-3540.2, 38.2-3541.2, 38.2-3542, and 38.2-3543.2, Chapter 52 (§ 38.2-5200 et seq.), Chapter 55 (§ 38.2-5500 et seq.), Chapter 58 (§ 38.2-5800 et seq.), Chapter 65 (§ 38.2-6500 et seq.), and Chapter 66 (§ 38.2-6600 et seq.) shall be applicable to any health maintenance organization granted a license under this chapter. This chapter shall not apply to an insurer or health services plan licensed and regulated in conformance with the insurance laws or Chapter 42 (§ 38.2-4200 et seq.) except with respect to the activities of its health maintenance organization.

C. Solicitation of enrollees by a licensed health maintenance organization or by its representatives shall not be construed to violate any provisions of law relating to solicitation or advertising by health professionals.

D. A licensed health maintenance organization shall not be deemed to be engaged in the unlawful practice of medicine. All health care providers associated with a health maintenance organization shall be subject to all provisions of law.

E. Notwithstanding the definition of an eligible employee as set forth in § 38.2-3431, a health maintenance organization providing health care plans pursuant to § 38.2-3431 shall not be required to offer coverage to or accept applications from an employee who does not reside within the health maintenance organization's service area.

F. For purposes of applying this section, "insurer" when used in a section cited in subsections A and B shall be construed to mean and include "health maintenance organizations" unless the section cited clearly applies to health maintenance organizations without such construction.

CHAPTER 378

An Act to amend and reenact § 2.2-2240.2:1 of the Code of Virginia, relating to Virginia Economic Development Partnership Authority; eligible site for site development grant.

[H 233]

Approved April 4, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 2.2-2240.2:1 of the Code of Virginia is amended and reenacted as follows:

§ 2.2-2240.2:1. Virginia Business Ready Sites Program Fund.

A. As used in this section:

"Eligible site" means a site suitable to be marketed for industrial or commercial economic development purposes, as determined by the Authority. For a site development grant, an "eligible site" shall meet, or be determined by the Authority to be expected to meet, each of the following criteria: (i) the site is at least 100 contiguous acres, or it is a brownfield, as defined in § 10.1-1230; (ii) the site has parcels zoned for industrial or commercial uses; and (iii) the site is publicly owned, or if the site is under private ownership, there is an option agreement or other documentation of a commitment by the private owner to a competitive sales price, to permit access to the site for site assessment, and to market the site for industrial or commercial economic development purposes. ~~If a site is located in Region 1 or 2, and it meets the criteria in clauses (ii) and (iii), the Authority may determine it to be an "eligible site" if the site is at least 50 contiguous acres.~~ *The Authority may determine a site of at least 50 contiguous acres to be an eligible site if such site meets the criteria in clauses (ii) and (iii) and such site (a) is located in Region 1 or 2, (b) is located in a locality or region in which topographic or environmental factors constrain the availability of viable sites for economic development, (c) presents a unique economic development opportunity based on infrastructure, logistics, or other distinguishable features of the site, or (d) creates an economic development opportunity not currently available in the regional inventory of economic development sites.* For a site characterization grant, an "eligible site" means any site of at least 25 acres that is suitable for potential industrial or commercial development.

"Fund" means the Virginia Business Ready Sites Program Fund established under subsection B.

"Industrial employment" means total Virginia employment for the most recent calendar year for which data is available, in the manufacturing (NAICS 31-33) or warehousing and storage (NAICS 493110) industries, as published by the U.S. Bureau of Labor Statistics' Quarterly Census of Employment and Wages.

"Region" means a region designated by the Virginia Growth and Opportunity Board under § 2.2-2484.

"Site characterization grant" means a grant to ascertain and designate a site's level of development as outlined in the Virginia Business Ready Sites Program Fund guidelines.

"Site development grant" means a grant to further develop a site for marketing to economic development projects as outlined in the Virginia Business Ready Sites Program Fund guidelines.

B. There is hereby created in the state treasury a special nonreverting fund to be known as the Virginia Business Ready Sites Program Fund. The Fund shall be established on the books of the Comptroller. All moneys appropriated by the General Assembly for the Fund, and from any other sources, public or private, shall be paid into the state treasury and credited to the Fund. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund.

C. Moneys in the Fund shall be used to provide site characterization grants and site development grants for eligible sites for the purpose of creating and maintaining a portfolio of project-ready sites to promote economic development in all regions of the Commonwealth. Such grants shall be awarded on a competitive basis in accordance with the procedures of subsection D.

D. 1. The Governor shall award grants from the Fund only to political subdivisions of the Commonwealth.

2. The Authority shall establish guidelines, procedures, and objective criteria for the award and distribution of grants from the Fund. The preparation of the guidelines shall be exempt from the requirements of Article 2 (§ 2.2-4006 et seq.) of the Administrative Process Act.

3. To qualify to receive a grant from the Fund, a grant recipient shall enter into a performance agreement with the Authority that contains, at a minimum, provisions for disbursement of the grant, use of the proceeds, reporting, and repayment obligations in the event that the recipient fails to meet the terms of the performance agreement. Any repayment of grant funds required by such performance agreement shall be paid into the state treasury and credited to the Fund.

4. Any grant awarded from the Fund shall require matching funds as described in the guidelines established under subdivision 2.

E. The Authority shall report annually by November 1 on grant awards and expenditures from the Fund. The report shall include total appropriations made or transferred to the Fund, total grants awarded, total expenditures from the Fund, cash balances, and balances available for future commitments. The Authority shall prepare the report required by this subsection in conjunction with the reports required under § 2.2-2237.1.

F. The Auditor of Public Accounts or his authorized representative shall audit the accounts of the Fund in accordance with generally accepted auditing standards as determined necessary by the Auditor of Public Accounts. The cost of such audit services shall be borne by the Fund.

CHAPTER 379

An Act to amend and reenact § 2.2-2240.2:1 of the Code of Virginia, relating to Virginia Economic Development Partnership Authority; eligible site for site development grant.

[S 135]

Approved April 4, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 2.2-2240.2:1 of the Code of Virginia is amended and reenacted as follows:

§ 2.2-2240.2:1. Virginia Business Ready Sites Program Fund.

A. As used in this section:

"Eligible site" means a site suitable to be marketed for industrial or commercial economic development purposes, as determined by the Authority. For a site development grant, an "eligible site" shall meet, or be determined by the Authority to be expected to meet, each of the following criteria: (i) the site is at least 100 contiguous acres, or it is a brownfield, as defined in § 10.1-1230; (ii) the site has parcels zoned for industrial or commercial uses; and (iii) the site is publicly owned, or if the site is under private ownership, there is an option agreement or other documentation of a commitment by the private owner to a competitive sales price, to permit access to the site for site assessment, and to market the site for industrial or commercial economic development purposes. ~~If a site is located in Region 1 or 2, and it meets the criteria in clauses (ii) and (iii), the Authority may determine it to be an "eligible site" if the site is at least 50 contiguous acres.~~ *The Authority may determine a site of at least 50 contiguous acres to be an eligible site if such site meets the criteria in clauses (ii) and (iii) and such site (a) is located in Region 1 or 2, (b) is located in a locality or region in which topographic or environmental factors constrain the availability of viable sites for economic development, (c) presents a unique economic development opportunity based on infrastructure, logistics, or other distinguishable features of the site, or (d) creates an economic development opportunity not currently available in the regional inventory of economic development sites.* For a site characterization grant, an "eligible site" means any site of at least 25 acres that is suitable for potential industrial or commercial development.

"Fund" means the Virginia Business Ready Sites Program Fund established under subsection B.

"Industrial employment" means total Virginia employment for the most recent calendar year for which data is available, in the manufacturing (NAICS 31-33) or warehousing and storage (NAICS 493110) industries, as published by the U.S. Bureau of Labor Statistics' Quarterly Census of Employment and Wages.

"Region" means a region designated by the Virginia Growth and Opportunity Board under § 2.2-2484.

"Site characterization grant" means a grant to ascertain and designate a site's level of development as outlined in the Virginia Business Ready Sites Program Fund guidelines.

"Site development grant" means a grant to further develop a site for marketing to economic development projects as outlined in the Virginia Business Ready Sites Program Fund guidelines.

B. There is hereby created in the state treasury a special nonreverting fund to be known as the Virginia Business Ready Sites Program Fund. The Fund shall be established on the books of the Comptroller. All moneys appropriated by the General Assembly for the Fund, and from any other sources, public or private, shall be paid into the state treasury and credited to the Fund. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund.

C. Moneys in the Fund shall be used to provide site characterization grants and site development grants for eligible sites for the purpose of creating and maintaining a portfolio of project-ready sites to promote economic development in all regions of the Commonwealth. Such grants shall be awarded on a competitive basis in accordance with the procedures of subsection D.

D. 1. The Governor shall award grants from the Fund only to political subdivisions of the Commonwealth.

2. The Authority shall establish guidelines, procedures, and objective criteria for the award and distribution of grants from the Fund. The preparation of the guidelines shall be exempt from the requirements of Article 2 (§ 2.2-4006 et seq.) of the Administrative Process Act.

3. To qualify to receive a grant from the Fund, a grant recipient shall enter into a performance agreement with the Authority that contains, at a minimum, provisions for disbursement of the grant, use of the proceeds, reporting, and repayment obligations in the event that the recipient fails to meet the terms of the performance agreement. Any repayment of grant funds required by such performance agreement shall be paid into the state treasury and credited to the Fund.

4. Any grant awarded from the Fund shall require matching funds as described in the guidelines established under subdivision 2.

E. The Authority shall report annually by November 1 on grant awards and expenditures from the Fund. The report shall include total appropriations made or transferred to the Fund, total grants awarded, total expenditures from the Fund, cash balances, and balances available for future commitments. The Authority shall prepare the report required by this subsection in conjunction with the reports required under § 2.2-2237.1.

F. The Auditor of Public Accounts or his authorized representative shall audit the accounts of the Fund in accordance with generally accepted auditing standards as determined necessary by the Auditor of Public Accounts. The cost of such audit services shall be borne by the Fund.

CHAPTER 380

An Act to amend and reenact § 9.1-402 of the Code of Virginia, relating to Line of Duty Act; payment of benefits.

[H 321]

Approved April 4, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 9.1-402 of the Code of Virginia is amended and reenacted as follows:

§ 9.1-402. Payments to beneficiaries of certain deceased law-enforcement officers, firefighters, etc., and retirees.

A. The beneficiary of a deceased person whose death occurred on or before December 31, 2005, while in the line of duty as the direct or proximate result of the performance of his duty shall be entitled to receive the sum of $75,000, which shall be paid by the nonparticipating employer or from the Fund on behalf of a participating employer, as applicable, in gratitude for and in recognition of his sacrifice on behalf of the people of the Commonwealth.

B. The beneficiary of a deceased person whose death occurred on or after January 1, 2006, while in the line of duty as the direct or proximate result of the performance of his duty shall be entitled to receive the sum of $100,000, which shall be paid by the nonparticipating employer or from the Fund on behalf of a participating employer, as applicable, in gratitude for and in recognition of his sacrifice on behalf of the people of the Commonwealth.

C. Subject to the provisions of § 27-40.1, 27-40.2, 51.1-813, or 65.2-402, if the deceased person's death (i) arose out of and in the course of his employment or (ii) was within five years from his date of retirement, his beneficiary shall be entitled to receive the sum of $25,000 *or, if the deceased person's death occurred on or after January 1, 2025, $75,000*, which shall be paid by the nonparticipating employer or from the Fund on behalf of a participating employer, as applicable.

CHAPTER 381

An Act to amend and reenact § 9.1-402 of the Code of Virginia, relating to Line of Duty Act; payment of benefits.

[S 649]

Approved April 4, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 9.1-402 of the Code of Virginia is amended and reenacted as follows:

§ 9.1-402. Payments to beneficiaries of certain deceased law-enforcement officers, firefighters, etc., and retirees.

A. The beneficiary of a deceased person whose death occurred on or before December 31, 2005, while in the line of duty as the direct or proximate result of the performance of his duty shall be entitled to receive the sum of $75,000, which shall be paid by the nonparticipating employer or from the Fund on behalf of a participating employer, as applicable, in gratitude for and in recognition of his sacrifice on behalf of the people of the Commonwealth.

B. The beneficiary of a deceased person whose death occurred on or after January 1, 2006, while in the line of duty as the direct or proximate result of the performance of his duty shall be entitled to receive the sum of $100,000, which shall be paid by the nonparticipating employer or from the Fund on behalf of a participating employer, as applicable, in gratitude for and in recognition of his sacrifice on behalf of the people of the Commonwealth.

C. Subject to the provisions of § 27-40.1, 27-40.2, 51.1-813, or 65.2-402, if the deceased person's death (i) arose out of and in the course of his employment or (ii) was within five years from his date of retirement, his beneficiary shall be entitled to receive the sum of $25,000 *or, if the deceased person's death occurred on or after January 1, 2025, $75,000*, which shall be paid by the nonparticipating employer or from the Fund on behalf of a participating employer, as applicable.

CHAPTER 382

An Act to amend and reenact § 3.2-6513.2 of the Code of Virginia, relating to financing of a dog or cat.

[H 330]

Approved April 4, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 3.2-6513.2 of the Code of Virginia is amended and reenacted as follows:

§ 3.2-6513.2. Rental or lease of dog or cat prohibited; requirements for financing a dog or cat; civil penalty.

A. As used in this section, "covered person" means any pet shop, commercial dog breeder, pet dealer, firm, or other pet selling business.

B. The rental or leasing of a dog or cat to a Virginia consumer, including by a purported sale of the animal in such a manner as to vest less than full equity in the consumer at the time of the purported sale, is prohibited.

C. No covered person shall offer in Virginia an agreement for the transfer or sale of a dog or cat to the consumer in which the animal is subject to repossession in any manner upon default of the agreement by the consumer.

D. No financial institution, as defined in § 6.2-100, shall offer in Virginia a loan or financing agreement for the rental, lease, or sale of a dog or cat where the animal is subject to repossession upon default under the terms of the financing agreement.

E. Any violation of this section shall also constitute a prohibited practice under § 59.1-200 and shall be subject to the enforcement provisions of the Virginia Consumer Protection Act (§ 59.1-196 et seq.). In addition, any covered person that violates any provision of this section may have its business license, retail license, or local pet shop permit issued pursuant to § 3.2-6537 suspended or revoked after a hearing by the issuing authority. The court may also suspend or revoke the retail license of any business found to be in violation of this section.

F. The provisions of this section shall not apply to the temporary rental or lease of any of the following animals, so long as the animal is used in accordance with applicable federal, state, and local animal protection laws:

1. A purebred dog that is rented for the express purpose of breeding pursuant to a written lease that sets out a specific time period, contains a firm end date, and is recorded with a national purebred dog registry;

2. A dog or cat that is used in spectator events, shows, exhibitions, motion pictures, or other entertainment, including animal exhibitions, racing events, field trials, polo matches, rodeo events, or any audiovisual media; or

3. A service dog as defined in § 51.5-40.1, guide or leader dog as defined in § 3.2-6588, security dog, police or law-enforcement dog, military working dog, or certified facility dog as defined in § 18.2-67.9:1.

G. The financing of a dog or cat is prohibited unless such financing complies with the provisions of § 6.2-436 and any other applicable state or federal law related to consumer credit.

CHAPTER 383

An Act to amend and reenact §§ 54.1-403 and 54.1-405 of the Code of Virginia, relating to Department of Professional and Occupational Regulation; Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects; quorum and signature requirements.

[H 350]

Approved April 4, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 54.1-403 and 54.1-405 of the Code of Virginia are amended and reenacted as follows:

§ 54.1-403. Board members and officers; quorum.

The Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects shall be composed of 15 members as follows: three architects, three professional engineers, three land surveyors, two landscape architects, two certified interior designers, and two nonlegislative citizen members.

Except for the nonlegislative citizen members appointed in accordance with § 54.1-107, Board members shall have actively practiced or taught their professions for at least 10 years prior to their appointments. The terms of Board members shall be four years.

The Board shall elect a president and vice-president from its membership.

Nine Board members, consisting of ~~two~~ ~~engineers~~ *at least one engineer*, ~~two~~ ~~architects~~ *one architect*, ~~two~~ *one* land ~~surveyors~~ *surveyor*, one landscape architect, one interior designer, and one nonlegislative citizen member, shall constitute a quorum.

§ 54.1-405. Examinations and issuance of licenses and certificates.

A. The Board shall hold at least one examination each year at times and locations designated by the Board. A license to practice as a professional engineer, an architect, a land surveyor, or a landscape architect shall be issued to every applicant who complies with the requirements of this chapter and the regulations of the Board. A license shall be valid during the life of the holder unless revoked or suspended by the Board. A license holder must register with the Board to practice in the Commonwealth. ~~The licenses shall be signed by at least four members of the Board.~~

B. Notwithstanding the provisions of § 54.1-111, a license holder who has retired from practice may use the designation granted by such license, followed by the word "emeritus," without possessing a current registration from the Board provided (i) the license has not been revoked or suspended by the Board and (ii) the license holder does not practice or offer to practice architecture, engineering, land surveying, or landscape architecture.

2. That the provisions of this act shall expire on July 1, 2026.

CHAPTER 384

An Act to direct the Board of Housing and Community Development to convene a stakeholder advisory group to evaluate and recommend revisions to the Uniform Statewide Building Code to permit Group R-2 occupancies to be served by a single exit.

[H 368]

Approved April 4, 2024

Be it enacted by the General Assembly of Virginia:

1. *§ 1. The Board of Housing and Community Development (the Board) shall convene a stakeholder advisory group including fire code officials to evaluate and recommend revisions to the Uniform Statewide Building Code (§ 36-97 et seq. of the Code of Virginia) to permit Group R-2 occupancies to be served by a single exit, provided that the building has not more than six stories above grade plane. The advisory group shall submit its findings and recommendations to the Board and to the Chairmen of the House Committee on General Laws and the Senate Committee on General Laws and Technology no later than December 1, 2024.*

CHAPTER 385

An Act to direct the Board of Housing and Community Development to convene a stakeholder advisory group to evaluate and recommend revisions to the Uniform Statewide Building Code to permit Group R-2 occupancies to be served by a single exit.

[S 195]

Approved April 4, 2024

Be it enacted by the General Assembly of Virginia:

1. *§ 1. The Board of Housing and Community Development (the Board) shall convene a stakeholder advisory group including fire code officials to evaluate and recommend revisions to the Uniform Statewide Building Code (§ 36-97 et seq. of the Code of Virginia) to permit Group R-2 occupancies to be served by a single exit, provided that the building has not more than six stories above grade plane. The advisory group shall submit its findings and recommendations to the Board and to the Chairmen of the House Committee on General Laws and the Senate Committee on General Laws and Technology no later than December 1, 2024.*

CHAPTER 386

An Act to amend and reenact § 8.07, as amended, of Chapter 147 of the Acts of Assembly of 1962, which provided a charter for the City of Virginia Beach, relating to board of equalization; membership.

[H 415]

Approved April 4, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 8.07, as amended, of Chapter 147 of the Acts of Assembly of 1962 is amended and reenacted as follows:

§ 8.07. Annual assessment of real estate.

The council may, in lieu of annual, biennial or triennial assessment, reassessment and equalization of the methods prescribed by general law, provide by ordinance for the assessments of real estate for local taxation and to that end may appoint one or more persons as assessors to assess or reassess for taxation the real estate within the city. Such assessors shall make assessments and reassessments on the same basis as real estate is required to be assessed under the provisions of general law and as of the first day of July of each year in which such assessment, reassessment and equalization of assessments is made, shall have the same authority as the assessors appointed under the provisions of general law and shall be charged with duties similar to those thereby imposed upon such assessors. The judges of the circuit court shall annually appoint a board of equalization of real estate assessments to be composed of ~~four~~ *five* members *and one alternate* who shall be freeholders of the city. Such board of equalization shall have and may exercise the powers to revise, correct and amend any assessment of real estate and to that end shall have all powers conferred upon boards of equalization by general law. The provisions of general law notwithstanding, the board of equalization may adopt any regulations providing for the oral presentation, with formal petitions or other pleadings of requests for review, and looking to the further facilitation and

simplification of proceeding before the board. This section shall not apply to assessment of any real estate assessable by the State Corporation Commission.

CHAPTER 387

An Act to amend and reenact § 8.07, as amended, of Chapter 147 of the Acts of Assembly of 1962, which provided a charter for the City of Virginia Beach, relating to board of equalization; membership.

[S 262]

Approved April 4, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 8.07, as amended, of Chapter 147 of the Acts of Assembly of 1962 is amended and reenacted as follows:

§ 8.07. Annual assessment of real estate.

The council may, in lieu of annual, biennial or triennial assessment, reassessment and equalization of the methods prescribed by general law, provide by ordinance for the assessments of real estate for local taxation and to that end may appoint one or more persons as assessors to assess or reassess for taxation the real estate within the city. Such assessors shall make assessments and reassessments on the same basis as real estate is required to be assessed under the provisions of general law and as of the first day of July of each year in which such assessment, reassessment and equalization of assessments is made, shall have the same authority as the assessors appointed under the provisions of general law and shall be charged with duties similar to those thereby imposed upon such assessors. The judges of the circuit court shall annually appoint a board of equalization of real estate assessments to be composed of ~~four~~ *five* members *and one alternate* who shall be freeholders of the city. Such board of equalization shall have and may exercise the powers to revise, correct and amend any assessment of real estate and to that end shall have all powers conferred upon boards of equalization by general law. The provisions of general law notwithstanding, the board of equalization may adopt any regulations providing for the oral presentation, with formal petitions or other pleadings of requests for review, and looking to the further facilitation and simplification of proceeding before the board. This section shall not apply to assessment of any real estate assessable by the State Corporation Commission.

CHAPTER 388

An Act to amend and reenact § 22.1-140.1 of the Code of Virginia, relating to School Construction Fund and Program.

[H 462]

Approved April 4, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 22.1-140.1 of the Code of Virginia is amended and reenacted as follows:

§ 22.1-140.1. School Construction Fund and Program.

A. *For the purpose of this section:*

"Local school division" includes joint or regional schools established pursuant to § 22.1-26.

"Public school buildings and facilities" or "public school buildings" includes any building or facility used for career and technical education programs provided at any regional comprehensive school established pursuant to § 22.1-26.

B. There is hereby created in the state treasury a special nonreverting fund to be known as the School Construction Fund. The Fund shall be established on the books of the Comptroller. All funds appropriated for such purpose, including funds appropriated pursuant to subdivision B 5 of § 58.1-4125, and any gifts, donations, grants, bequests, and other funds received on its behalf shall be paid into the state treasury and credited to the Fund. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. Moneys in the Fund shall be used solely for the purposes of awarding grants pursuant to the School Construction Program established in subsection ~~B~~ *C*. Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants issued by the Comptroller upon written request signed by the president of the Board.

~~B~~ *C*. There is hereby established the School Construction Program (the Program) for the purpose of awarding grants from the Fund to local school boards to fund the construction of new public school buildings or the renovation or expansion of existing public school buildings *and facilities* in the local school division. The Program shall be administered by the Board in accordance with criteria and other requirements set forth in the general appropriation act.

CHAPTER 389

An Act to amend and reenact § 22.1-140.1 of the Code of Virginia, relating to School Construction Fund and Program.

[S 474]

Approved April 4, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 22.1-140.1 of the Code of Virginia is amended and reenacted as follows:

§ 22.1-140.1. School Construction Fund and Program.

A. *For the purpose of this section:*

"Local school division" includes joint or regional schools established pursuant to § 22.1-26.

"Public school buildings and facilities" or "public school buildings" includes any building or facility used for career and technical education programs provided at any regional comprehensive school established pursuant to § 22.1-26.

B. There is hereby created in the state treasury a special nonreverting fund to be known as the School Construction Fund. The Fund shall be established on the books of the Comptroller. All funds appropriated for such purpose, including funds appropriated pursuant to subdivision B 5 of § 58.1-4125, and any gifts, donations, grants, bequests, and other funds received on its behalf shall be paid into the state treasury and credited to the Fund. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. Moneys in the Fund shall be used solely for the purposes of awarding grants pursuant to the School Construction Program established in subsection ~~B~~ *C*. Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants issued by the Comptroller upon written request signed by the president of the Board.

~~B~~ *C*. There is hereby established the School Construction Program (the Program) for the purpose of awarding grants from the Fund to local school boards to fund the construction of new public school buildings or the renovation or expansion of existing public school buildings *and facilities* in the local school division. The Program shall be administered by the Board in accordance with criteria and other requirements set forth in the general appropriation act.

CHAPTER 390

An Act to amend and reenact § 54.1-2408.4 of the Code of Virginia, relating to out-of-state health care practitioners; temporary authorization to practice; assisted living facilities.

[H 511]

Approved April 4, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 54.1-2408.4 of the Code of Virginia is amended and reenacted as follows:

§ 54.1-2408.4. Temporary authorization to practice.

A. A health care practitioner licensed, certified, or registered in another state or the District of Columbia may temporarily practice for one 90-day period, provided that the following conditions are met:

1. The practitioner is contracted by or has received an offer of employment in the Commonwealth from a licensed hospital, a nursing home, *an assisted living facility,* a dialysis facility, the Department of Health, or a local health department;

2. The employer or contractor verifies that the out-of-state health care provider possesses an active and unencumbered license, certification, or registration for the profession in which he will be employed or contracted in another state or the District of Columbia;

3. The employer or contractor obtains a report from the National Practitioner Data Bank if the applicant is subject to reporting; and

4. Prior to the out-of-state health care practitioner's practicing, the employer or contractor notifies the appropriate health regulatory board that the out-of-state health care practitioner is employed or under contract and will practice under the temporary authorization. This notice shall include the out-of-state health care practitioner's out-of-state license, certification, or registration number and a statement that such practitioner meets all of the requirements set forth in this section.

B. If the health care practitioner practicing with a temporary authorization has submitted an application for licensure, certification, or registration, the applicable health regulatory board shall expedite such applications for out-of-state health care practitioners practicing pursuant to this section. If licensure, certification, or registration remains pending after the initial 90-day temporary authorization, the authorization may be extended for an additional 60 days, provided that the employer or contractor submits notice to the applicable health regulatory board.

C. Out-of-state health care practitioners practicing pursuant to this section shall be subject to the laws and regulations of the Commonwealth and shall be subject to disciplinary action by the applicable health regulatory board.

D. The Department of Health Professions shall, beginning July 1, 2023, annually report to the Chairmen of the Senate Committee on Education and Health and the House Committee on Health, Welfare and Institutions the number of out-of-state health care practitioners who have utilized the temporary authorization to practice pending licensure and have not subsequently been issued full licensure.

CHAPTER 391

An Act to amend and reenact § 32.1-73.11 of the Code of Virginia, relating to Advisory Council on Pediatric Autoimmune Neuropsychiatric Disorders Associated with Streptococcal Infections and Pediatric Acute-Onset Neuropsychiatric Syndrome; sunset.

[H 514]

Approved April 4, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 32.1-73.11 of the Code of Virginia is amended and reenacted as follows:

§ 32.1-73.11. (Continued pursuant to Acts 2022, Sp. Sess. I, c. 2, Item 299 D) Sunset.

This article shall expire on July 1, ~~2020~~ *2028*.

CHAPTER 392

An Act to amend the Code of Virginia by adding in Chapter 1 of Title 53.1 an article numbered 4, consisting of sections numbered 53.1-17.2 through 53.1-17.10, relating to Office of the Department of Corrections Ombudsman; created.

[H 555]

Approved April 4, 2024

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Chapter 1 of Title 53.1 an article numbered 4, consisting of sections numbered 53.1-17.2 through 53.1-17.10, as follows:

Article 4.

Office of the Department of Corrections Ombudsman.

§ 53.1-17.2. Office of the Department of Corrections Ombudsman; powers and duties.

A. There is created within the Office of the State Inspector General, an Office of the Department of Corrections Ombudsman (the Office). The Office shall have the following duties and powers:

1. To provide information, as appropriate, to inmates, family members, representatives of inmates, Department employees and contractors, and others regarding the rights of inmates;

2. To monitor conditions of confinement and assess compliance with applicable federal, state, and local rules, regulations, policies, and best practices as related to the health, safety, welfare, and rehabilitation of inmates;

3. To provide technical assistance to support inmate participation in self-advocacy;

4. To provide technical assistance to local governments in the creation of correctional facility oversight bodies, as requested, to the extent resources are available to provide such assistance;

5. To establish policies for a statewide uniform reporting system to collect and analyze data related to complaints received by the Department and that may include data related to (i) deaths, suicides, and suicide attempts in custody; (ii) physical and sexual assaults in custody; (iii) the number of inmates placed in restorative housing; (iv) the number of facility lockdowns lasting longer than 24 hours; (v) the number of staff vacancies at each facility; (vi) the inmate-to-staff ratios at each facility; (vii) staff tenure, turnover, and compensation; (viii) numbers of in-person visits to inmates that were made and denied at each facility; (ix) the number of inmate complaints or grievances submitted to the Department, the resolution of such complaints or grievances, and how long it took to resolve each complaint or grievance; and (x) any covered issue as defined in § 53.1-17.9;

6. To establish procedures to gather stakeholder input into the Office's activities and priorities;

7. To inspect each state correctional facility at least once every three years and at least once every year for any maximum security facility and any facility where the Office has found cause for more frequent inspection or monitoring;

8. To issue publicly periodic facility inspection reports and an annual report on state correctional facility conditions and a summary of data and recommendations arising from any complaints investigated and resolved pursuant to this article, and any other thematic reports covering any topic the Office finds relevant to maintaining a safe, secure, and humane Department;

9. To monitor, document, review, and report on facility conditions in Department facilities; and

10. To review, monitor, and report on the administrative remedy process of the Department, including the availability of any complaint and grievance forms at Department facilities, the accessibility of the remedy process to inmates and their representatives at each facility, and the timely, unbiased resolution of complaints or grievances by the Department.

B. The Office shall be directed by a Department of Corrections Ombudsman (the Ombudsman) who shall be selected by the State Inspector General. The co-chairmen of the Corrections Oversight Committee (the Committee), established pursuant to § 53.1-17.3, or their designees, shall be invited to participate on the interview panels for finalist candidates for the Ombudsman position. The Office of the State Inspector General shall notify the Committee of the job posting for the Ombudsman position when the employment opportunity is made available. The State Inspector General shall select an Ombudsman who has training or experience in criminal law, including any experience with local or state correctional law, and shall consider his history of judgment, independence, objectivity, and integrity. Neither the Ombudsman nor the

Ombudsman's spouse or domestic partner, parents, grandparents, children, or siblings shall be a current or former employee or contractor of the Department. The Ombudsman shall have the authority to make recommendations to the State Inspector General to (i) hire staff, contractors, and unpaid volunteers; (ii) secure office space, equipment, and other services necessary to carry out the duties of the Office pursuant to this article; and (iii) contract with experts as necessary to assist in the monitoring and inspection of facilities, the assessment of data, and the review, investigation, or resolution of complaints. A staff member or volunteer hired to work in the Office shall have the same authority and duties of the Office as described in this article. A staff member or volunteer hired by the Ombudsman shall not be (a) a person with a family member who is a current inmate of the Department, (b) a person with a family member who is a current employee or contractor of the Department, (c) a current employee or contractor of the Department, or (d) a victim or a family member of a victim of a crime committed by an inmate currently in the custody of the Department.

C. The Ombudsman shall, subject to the provisions of § 53.1-17.5, (i) attend each hearing conducted by the Committee and provide any testimony, documents, data, or information requested by Committee members; (ii) meet at least twice each year with the co-chairmen of the Committee or their designees, the Governor, and the Director to report on the work and findings of the Office; and (iii) provide testimony before the relevant committees of the General Assembly upon request from any committee chairman or vice-chairman.

§ 53.1-17.3. Corrections Oversight Committee; membership; authority.

A. There is created a Corrections Oversight Committee (the Committee) that shall consist of 13 voting members and two nonvoting members. Such voting members shall be appointed as follows: (i) two members of the Senate who are not members of the same political party, to be appointed by the Senate Committee on Rules; (ii) two members of the House of Delegates who are not members of the same political party, to be appointed by the Speaker of the House of Delegates; and (iii) the following nonlegislative citizen members to be appointed by the Governor: (a) one representative of a nonprofit prisoner advocacy group, (b) one representative of a nonprofit organization that provides training or rehabilitation programs for incarcerated inmates, (c) one male citizen and one female citizen who were formerly incarcerated within the Commonwealth for a term of imprisonment of three years or more within the 10 years immediately preceding his appointment, provided that such citizens have had their civil rights restored by the Governor, (d) one licensed physician, (e) one licensed mental health or behavioral health professional with experience providing mental health or counseling services to adults, (f) one person who is a grandparent, parent, child, sibling, or spouse or domestic partner of a person currently incarcerated within the Commonwealth and who is serving a term of incarceration of three years or more, (g) one current or former Department correctional officer in a supervisory role selected from an association of correctional officers and employees or a nonprofit organization in which he is a member, and (h) one current or former Department line correctional officer selected from an association of correctional officers and employees or a nonprofit organization in which he is a member. The two nonvoting members shall serve in an advisory role and shall consist of two current or former employees of the Department, a state correctional facility outside of the Commonwealth, or a federal correctional facility who served in such role within the 10 years immediately prior to appointment. Upon the request of an inmate, an inmate's family member or representative, or a Department staff member, employee, or contractor who believes he may be the subject of retaliation for providing testimony or other information to the Office or the Committee, such nonvoting members shall be excluded from any investigations, inspections, interviews, receipt of testimony, or review of documents by the Office or the Committee with regard to the requester.

B. Members appointed pursuant to this section shall serve a term of three years. Except as provided in subsection A, neither a member nor a member's spouse or domestic partner, parents, grandparents, children, or siblings shall be (i) a current or former employee or contractor of the Department at any time during the 10 years prior to his appointment to the Committee or (ii) involved in active litigation against the Department. Members of the Committee shall not serve more than three consecutive terms. The Committee shall be co-chaired by two legislative members appointed pursuant to subsection A who are not members of the same chamber of the legislature or of the same political party. A co-chairman shall serve a term of three years and shall not serve more than two consecutive terms. The Committee co-chairmen shall be selected by the leaders of their respective political parties in the House of Delegates and the Senate. Except as provided in subsection A, all members of the Committee shall have the power to vote on matters and actions before the Committee. Matters and actions of the Committee shall be decided pursuant to a majority vote of the voting members present. To vote on actions or matters before the Committee, a quorum must exist, which shall include the Committee co-chairmen and six of the other voting members.

C. The Committee shall meet as the co-chairmen deem necessary, or on the call of a majority of the members.

D. Pursuant to §§ 2.2-2813 and 2.2-2825, Committee members are not eligible to receive compensation but are eligible for reimbursement of expenses.

E. The Committee shall hold at least two public hearings each year to present, review, and discuss the Office's inspections, findings, reports, and recommendations set forth in the Office's annual report.

F. The Committee co-chairmen, or their designees, shall meet at least twice each year with the Governor and the Director to report on the work and findings of the Committee and shall provide testimony before the relevant committees of the House of Delegates and Senate upon request from the committee chairman or vice-chairman or ranking member.

G. Upon a majority vote of its voting members, the Committee may make an ex parte application to the circuit court for the county or city wherein evidence sought is kept for the issuance of a subpoena duces tecum in furtherance of an investigation or to request production by the Department of any relevant records, documents, or other evidence, with the

exception of confidential employee files and active internal affairs investigations. The court may issue and compel compliance with such a subpoena upon a showing of reasonable cause. Upon determining that reasonable cause exists to believe that evidence may be destroyed or altered, the court may issue a subpoena for the appearance of an individual before any hearing conducted by the Committee. The subpoena shall be served by the Office and enforced by the circuit court. Department employees may have counsel present during testimony. Subpoenas so issued shall be served and, upon application to the court by the Committee, enforced in the manner provided by law for the service and enforcement of subpoenas in a civil action.

H. The Committee shall conduct, at a minimum, one random inspection of a facility each year and shall visit a different facility upon each inspection. All members of the Committee may be present during each inspection and shall not announce an inspection to any individual or entity outside of the Committee before such inspection occurs. During the course of an inspection, members of the Committee shall have the same access to the facility, inmates, staff, documents, and records in accordance with § 53.1-17.4 and shall have the same powers as granted to the Office for an inspection pursuant to § 53.1-17.6.

§ 53.1-17.4. Access to facilities and records.

A. The Office shall have reasonable access, upon request in person or in writing and with or without prior notice, to all Department facilities, including all areas that are used by inmates, all areas that are accessible to inmates, and to programs for inmates, at reasonable times, which at a minimum shall include normal working and visiting hours. This authority includes the opportunity to conduct an interview with any inmate, Department employee or contractor, or other person. This access is to (i) provide information about individual rights and the services available from the Office, including the name, address, and telephone number of the Office facilities or staff; (ii) conduct official inspections as defined in § 53.1-17.6; (iii) conduct an official investigation as provided in § 53.1-17.7; and (iv) inspect, view, photograph, and record by video all areas of the facility that are used by inmates or are accessible to inmates. However, Committee members may not visit incarcerated family members outside of Department visitation policies and procedures. The Office shall preserve the confidentiality of any information obtained from the Department in accordance with applicable state and federal laws.

B. Access to inmates includes the opportunity to meet and communicate privately and confidentially with individuals regularly, with or without prior notice, both formally and informally, by telephone, mail, and electronic communication and in person. In the case of communications with inmates, these communications shall not be monitored by, recorded by, or conducted in the presence of employees or contractors of the Department. Meetings with inmates may be recorded by members of the Office at their discretion and with the inmate's consent. Any such recordings are subject to the provisions of § 53.1-17.5.

C. The Office shall provide a statewide toll-free telephone number, website, and mailing address for the receipt of complaints and inquiries.

D. The Office shall have the right to access, inspect, and copy all relevant information, records, or documents in the possession or control of the Department, with the exception of confidential employee files, that the Office considers necessary in an investigation of a complaint filed under this article, and the Department shall assist the Office in obtaining the necessary releases for those documents that are specifically restricted or privileged for use by the Office. The Office shall preserve the confidentiality of any information obtained from the Department in accordance with applicable state and federal laws.

E. Access to Department employees or contractors includes the opportunity to meet and communicate privately and confidentially with individuals during inspections or normal working hours, with or without prior notice, both formally and informally, by telephone, mail, and electronic communication and in person. Meetings with Department employees or contractors may be recorded by members of the Office at their discretion and with the individual's consent.

F. The Office shall have the power to issue a subpoena to the Department for records, documents, or data in the Department's possession, and for Department staff, contractors, or representatives to appear and provide information to the Office. Subpoenas so issued shall be served and, upon application to the court by the Office, enforced in the manner provided by law for the service and enforcement of subpoenas in a civil action. Department employees may have counsel or a representative from their employee organization present during testimony.

G. Following notification from the Office of a written request for access to Department records, the designated Department staff shall provide the Office with access to the requested documentation not later than 20 days after receipt of the written request. If the records requested pertain to (i) an inmate death; (ii) threats of bodily harm, including sexual or physical assaults; or (iii) the denial of necessary medical treatment, the records shall be provided within five days unless the Office consents to an extension.

H. The Office shall work with the Department to minimize disruption to operations of the Department due to an investigation by the Office. The Office shall comply with the Department security processes, provided these processes do not impede the investigation or resulting activities of the Office.

§ 53.1-17.5. Communications; confidentiality.

A. Unless otherwise part of the public record, the following records shall be kept confidential from the general public and not subject to the Freedom of Information Act (§ 2.2-3700 et seq.):

1. Complaints received by the Office, as well as statements, documentation, and other evidence received or maintained by the Office or its agents in connection with complaints made to or investigations undertaken pursuant to the Office's

powers under §§ 53.1-17.6 and 53.1-17.7, including the identities of recipients of Ombudsman services, complainants, and individuals from whom information is acquired.

2. Photographs or video recordings taken within a Department facility pursuant to subsection A of § 53.1-17.4, if the Office determines that such photographs or video recordings contain information that is not otherwise publicly available and their dissemination to the public would jeopardize the safety or security of inmates or employees of the Department, or they can be used to identify inmates.

3. Personal identifying information about corrections staff received during the course of an investigation.

B. The Office shall establish rules and procedures to ensure the confidentiality of such information gathered and maintained by the Office. The Office shall not reveal to (i) Department employees or contractors or (ii) other inmates the identity of a complainant before, during, or after an investigation to the greatest extent practicable, except as is necessary to effectively carry out an investigation.

C. Notwithstanding anything else in this section, the Office shall disclose information as needed to prevent reasonably certain death or substantial bodily harm.

D. The Office shall keep confidential all matters under investigation, including the identities of recipients of Ombudsman services, complainants, and individuals from whom information is acquired, unless disclosure is necessary for the performance of its duties. If the Office receives personal identifying information about corrections staff during the course of an investigation that is unnecessary or unrelated to the subject of the investigation or related recommendation, the Office shall not further disclose such information. Prior to the disclosure of any such information, the Office shall provide notice to the applicable staff person and the Director.

E. Upon receipt of information that is confidential or privileged, the Office shall maintain the confidentiality of such information and shall not further disclose or disseminate the information except as provided by applicable state or federal law or as authorized by this section.

§ 53.1-17.6. Inspection authority; inspection and assessment; report; safety and compliance classification.

A. The Office shall conduct periodic inspections of each facility maintained by the Department. The initial inspection of each individual facility shall be conducted by July 1, 2026, and the findings shall be publicly reported or included in the annual report established in § 53.1-17.8.

B. An inspection of any facility may include an assessment of the following:

1. Any policies and procedures related to the care of inmates;

2. Conditions of confinement;

3. Availability of educational and rehabilitative programming, drug and mental health treatment, and inmate jobs and vocational training;

4. Any policies and procedures related to visitation;

5. Any medical facilities and medical policies and procedures;

6. Any lockdowns at the facility in the time since the last inspection or, in the instance of the initial inspection, any lockdowns at the facility within the previous three years;

7. Staffing at the facility, including the number of staff, job assignments, the ratio of staff to inmates, and the number of staff vacancies;

8. Physical or sexual assaults at the facility in the time since the last inspection or, in the instance of the initial inspection, any physical or sexual assaults within the previous three years;

9. Inmate or staff deaths at the facility in the time since the last inspection or, in the instance of the initial inspection, any inmate or staff deaths within the previous three years;

10. Any policies and procedures related to Department staff recruitment, training, supervision, and discipline;

11. Availability of complaint and grievance forms at the facility and the accessibility of the administrative remedies process to inmates and their representatives; and

12. Any other aspect of the operation of the facility that the Office determines is necessary to assess or that relates to covered issues.

C. Upon completion of an inspection, the Office shall produce a report to be made available to the public online and to be delivered to the Governor, the Attorney General, the Senate Committee on Rehabilitation and Social Services, the House Committee on Public Safety, and the Director. The report shall include a summary of all the factors listed in subsection B, any recommendations and a safety and compliance classification with a recommended timeline for the next inspection, and the Director's response to the inspection.

D. The levels of classification shall be as follows:

1. A Tier I classification means that the facility has clear violations of rights, risks to the safety of inmates, or a severe lack of quality programming necessary for the successful rehabilitation of individuals. Such classification shall require a subsequent inspection within 12 months.

2. A Tier II classification means that the facility has violations of rights, substandard conditions of confinement, or substandard programming options. Such classification shall require a subsequent inspection within 18 to 36 months.

3. A Tier III classification means that the facility has adequate conditions of confinement and programming options. Such classification shall require a subsequent inspection within 36 months.

E. The Department shall respond in writing to each inspection report issued by the Office within 30 days of the issuance of the report and in its response shall include a corrective action plan. The Office shall monitor the Department's

compliance with the corrective action plan and may conduct further inspections or investigations as necessary to ensure such compliance.

F. Nothing in this section shall be construed to limit the ability of the Office or members of the Committee to enter and inspect a Department facility at any time, with or without advance notice, as described in §§ 53.1-17.3 and 53.1-17.4.

§ 53.1-17.7. Authority to investigate complaints.

A. The Office may initiate and attempt to resolve an investigation upon its own initiative, or upon receipt of a complaint from an inmate, a family member or representative of an inmate, a Department employee or contractor, or others, regarding (i) abuse or neglect; (ii) conditions of confinement; (iii) decisions or administrative actions by the Department; (iv) inactions or omissions of the Department; (v) Department policies, rules, or procedures; or (vi) alleged violations of law by Department employees or contractors that may adversely affect the health, safety, welfare, or rights of inmates.

B. The Office may decline to investigate any complaint. Upon declining to investigate a complaint, the Office shall notify the complainant in writing of the decision not to investigate and shall include the reasons for such decision. If the complainant is an inmate, the Office shall inform an inmate that the inmate is entitled to use the Department's policies regarding resolution of inmate grievances and shall provide information and a complete set of forms to the inmate to complete the resolution of inmate grievances. The Department shall toll any procedural deadlines imposed on inmates for filing a grievance or complaint as part of the administrative remedy process until five business days after the inmate received the information and forms from the Office by inmate legal mail process. The Office shall decline to investigate a complaint if the inmate has failed to first use the Department's policies regarding resolution of inmate grievances, unless the inmate provides evidence that the complaint is legitimate and the inmate made a good faith attempt to exhaust the administrative remedy process and was impeded or procedurally defaulted by no fault of his own. If the Office finds that inmates repeatedly assert their inability to utilize the administrative remedy process despite their good faith efforts, the Office may conduct an unannounced inspection of the facility in question to determine whether the facility is making the administrative process and grievance forms accessible to inmates.

C. The Office shall not investigate any complaints relating to an inmate's underlying criminal conviction. The Office may refer the complainant and others to the appropriate resources or state or federal agencies.

D. The Office may not levy any fees for the submission or investigation of complaints.

E. At the conclusion of an investigation, the Office shall render a decision on the merits of each complaint. The Office shall communicate the decision to the complainant and to the Department. The Office shall state its recommendations and reasoning if the Office determines that the Department, or any employee or contractor thereof, should (i) consider the matter further; (ii) modify or cancel any action; (iii) alter a rule, practice, or ruling; (iv) explain in detail the administrative action in question; or (v) rectify an omission. Upon request of the Office, the Department shall inform the Office in writing about any action taken on the recommendations or the reasons for not complying with such recommendations. Aggregated information related to complaints received and complaint resolutions shall be made publicly available pursuant to § 53.1-17.8.

F. If the Office believes that there has been or continues to be a significant issue with inmate health, safety, welfare, or rehabilitation, the Office shall report the finding to the Governor, the Attorney General, the Senate Committee on Rehabilitation and Social Services, the House Committee on Public Safety, the Committee, and the Director.

G. In the event that the Department conducts its own internal disciplinary investigation and review of one or more staff members as a result of the investigation of the Office, such disciplinary investigation and review may be subject to additional investigation and review by the Office to ensure a fair and objective process.

H. Prior to announcing a conclusion or recommendation, the Office shall consult with the Department or any person individually named in the conclusion or recommendation. The Office may request to be notified, within a specified time, by the Department of any action taken on any recommendation presented.

I. The Department and any employees or contractors thereof shall not discharge, retaliate against, or in any manner discriminate against any person because such person has filed any complaint or instituted or caused to be instituted any proceeding pursuant to this article. Any alleged discharge, retaliation against, or discrimination against a complainant may be considered by the Office as an appropriate subject for investigation.

§ 53.1-17.8. Annual report.

A. The Office shall produce an annual report to be made available to the public online and to be delivered to the Governor, the Attorney General, the Senate Committee on Rehabilitation and Social Services, the House Committee on Public Safety, the Committee, and the Director by December 31 of each year. The report shall include:

1. A summary of the Office's inspections and complaint investigations conducted that fiscal year, including the Office's findings and recommendations and the Department responses and corrective actions;

2. A characterization of the conditions of confinement at each facility;

3. A summary of available educational and rehabilitative programming, drug and mental health treatment, and inmate jobs and vocational training at each facility;

4. A summary of visitation policies and procedures at each facility;

5. A summary of medical facilities and medical policies and procedures at each facility;

6. A summary of the lockdowns reviewed by the Office;

7. A summary of staffing at each facility;

8. A summary of physical or sexual assaults reviewed by the Office;

9. A summary of any inmate or staff deaths that occurred at each facility;

10. A summary of the Office's investigations, findings, and resolutions of any complaints submitted pursuant to § 53.1-17.7; and

11. Any recommendations to the General Assembly and the Department.

B. If the Office so requests, the Department shall, within the time specified, inform the Office in writing about any action taken on the recommendations included in the annual report or the reasons for not complying with such recommendations.

§ 53.1-17.9. Inmate and family support services.

A. For the purposes of this section, "family member" means a grandparent, parent, sibling, spouse or domestic partner, child, parent's sibling, cousin, sibling's child, grandchild, or any other person related by blood, adoption, marriage, or a fostering relationship.

B. For the purposes of this section, covered issues include (i) sanitation in correctional facilities; (ii) access to proper nutrition and clean and adequate water supplies; (iii) habitable temperatures in correctional facilities; (iv) physical or sexual abuse from fellow inmates; (v) physical or sexual abuse from staff, contractors, or volunteers; (vi) credible threats against self from other inmates, staff, or contractors; (vii) neglect of staff or contractors that results in physical or sexual trauma; (viii) denial or violation of rights; (ix) access to visitation and communication with family and legal representation; (x) access to medical or mental health care or substance abuse treatment; (xi) access to educational and rehabilitative programming, drug and mental health treatment, and inmate jobs and vocational training; (xii) access to the Department's administrative remedies process for inmates and their representatives, including the availability of complaint and grievance forms and the timely, unbiased resolution of grievances; and (xiii) adequate and qualified staffing in each Department facility.

C. The Office shall provide a statewide toll-free telephone number, a mailing address, and paper and electronic forms for inmates, family members, friends, and advocates to submit complaints and inquiries regarding covered issues on behalf of an inmate incarcerated in a Department facility. Upon receipt of a complaint or inquiry, the Office shall (i) confirm receipt of such complaint or injury and (ii) make a determination and notify the complainant as to whether an investigation is warranted. Paper forms shall be made available to all inmates and shall be provided to inmates upon request to a Department employee or contractor, including when the inmate is in administrative segregation or solitary confinement. Department employees and contractors must treat such paper forms as confidential and privileged in the same manner as legal correspondence or communication. All incoming and outgoing inmate mail is subject to the Department's security screening processes and procedures. The Office and Director shall guarantee that calls made by inmates, employees, and contractors to file complaints and inquiries with the Office regarding covered issues are confidential and are not monitored or recorded.

D. The provisions of subsection I of § 53.1-17.7 shall apply to complaints or inquiries made pursuant to this section.

E. The Ombudsman shall develop a short-term and long-term strategic plan that (i) is informed by visits to Department facilities, at least two public meetings, consultation with stakeholders, and review of best practices in other states; (ii) includes procedures for coordination with existing employees at the Office of the State Inspector General and the Department, in collaboration with those employees and with the goal of complementing existing efforts; and (iii) includes potential options and recommendations for legislation and budget actions that would support its short-term and long-term goals. The Office shall provide a report on its initial activities and strategic plan to the Governor and the General Assembly on or before November 15, 2025.

§ 53.1-17.10. Exhaustion of remedies.

Any action or lack of action by the Office on a complaint made pursuant to this article shall not be deemed an administrative procedure required for exhaustion of remedies before bringing an action pursuant to 42 U.S.C. § 1997(e).

2. That any member of the Corrections Oversight Committee established by Chapter 1 of the Acts of Assembly of 2023, Special Session I, shall be a member of the Corrections Oversight Committee established pursuant to § 53.1-17.3 of the Code of Virginia, as created by this act, for the duration of their term, as long as they meet the criteria for the Corrections Oversight Committee established by this act.

3. That the Office of the Department of Corrections Ombudsman (the Office), created pursuant to § 53.1-17.2 of the Code of Virginia, as created by this act, shall enter into a memorandum of agreement with the Department of Corrections (the Department) to establish procedures for coordination between the Office and employees at the Department in handling grievance complaints and internal investigations.

CHAPTER 393

An Act to amend the Code of Virginia by adding in Chapter 1 of Title 53.1 an article numbered 4, consisting of sections numbered 53.1-17.2 through 53.1-17.10, relating to Office of the Department of Corrections Ombudsman; created.

[S 456]

Approved April 4, 2024

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Chapter 1 of Title 53.1 an article numbered 4, consisting of sections numbered 53.1-17.2 through 53.1-17.10, as follows:

Article 4.

Office of the Department of Corrections Ombudsman.

§ 53.1-17.2. Office of the Department of Corrections Ombudsman; powers and duties.

A. There is created within the Office of the State Inspector General, an Office of the Department of Corrections Ombudsman (the Office). The Office shall have the following duties and powers:

1. To provide information, as appropriate, to inmates, family members, representatives of inmates, Department employees and contractors, and others regarding the rights of inmates;

2. To monitor conditions of confinement and assess compliance with applicable federal, state, and local rules, regulations, policies, and best practices as related to the health, safety, welfare, and rehabilitation of inmates;

3. To provide technical assistance to support inmate participation in self-advocacy;

4. To provide technical assistance to local governments in the creation of correctional facility oversight bodies, as requested, to the extent resources are available to provide such assistance;

5. To establish policies for a statewide uniform reporting system to collect and analyze data related to complaints received by the Department and that may include data related to (i) deaths, suicides, and suicide attempts in custody; (ii) physical and sexual assaults in custody; (iii) the number of inmates placed in restorative housing; (iv) the number of facility lockdowns lasting longer than 24 hours; (v) the number of staff vacancies at each facility; (vi) the inmate-to-staff ratios at each facility; (vii) staff tenure, turnover, and compensation; (viii) numbers of in-person visits to inmates that were made and denied at each facility; (ix) the number of inmate complaints or grievances submitted to the Department, the resolution of such complaints or grievances, and how long it took to resolve each complaint or grievance; and (x) any covered issue as defined in § 53.1-17.9;

6. To establish procedures to gather stakeholder input into the Office's activities and priorities;

7. To inspect each state correctional facility at least once every three years and at least once every year for any maximum security facility and any facility where the Office has found cause for more frequent inspection or monitoring;

8. To issue publicly periodic facility inspection reports and an annual report on state correctional facility conditions and a summary of data and recommendations arising from any complaints investigated and resolved pursuant to this article, and any other thematic reports covering any topic the Office finds relevant to maintaining a safe, secure, and humane Department;

9. To monitor, document, review, and report on facility conditions in Department facilities; and

10. To review, monitor, and report on the administrative remedy process of the Department, including the availability of any complaint and grievance forms at Department facilities, the accessibility of the remedy process to inmates and their representatives at each facility, and the timely, unbiased resolution of complaints or grievances by the Department.

B. The Office shall be directed by a Department of Corrections Ombudsman (the Ombudsman) who shall be selected by the State Inspector General. The co-chairmen of the Corrections Oversight Committee (the Committee), established pursuant to § 53.1-17.3, or their designees, shall be invited to participate on the interview panels for finalist candidates for the Ombudsman position. The Office of the State Inspector General shall notify the Committee of the job posting for the Ombudsman position when the employment opportunity is made available. The State Inspector General shall select an Ombudsman who has training or experience in criminal law, including any experience with local or state correctional law, and shall consider his history of judgment, independence, objectivity, and integrity. Neither the Ombudsman nor the Ombudsman's spouse or domestic partner, parents, grandparents, children, or siblings shall be a current or former employee or contractor of the Department. The Ombudsman shall have the authority to make recommendations to the State Inspector General to (i) hire staff, contractors, and unpaid volunteers; (ii) secure office space, equipment, and other services necessary to carry out the duties of the Office pursuant to this article; and (iii) contract with experts as necessary to assist in the monitoring and inspection of facilities, the assessment of data, and the review, investigation, or resolution of complaints. A staff member or volunteer hired to work in the Office shall have the same authority and duties of the Office as described in this article. A staff member or volunteer hired by the Ombudsman shall not be (a) a person with a family member who is a current inmate of the Department, (b) a person with a family member who is a current employee or contractor of the Department, (c) a current employee or contractor of the Department, or (d) a victim or a family member of a victim of a crime committed by an inmate currently in the custody of the Department.

C. The Ombudsman shall, subject to the provisions of § 53.1-17.5, (i) attend each hearing conducted by the Committee and provide any testimony, documents, data, or information requested by Committee members; (ii) meet at least twice each year with the co-chairmen of the Committee or their designees, the Governor, and the Director to report on the work and findings of the Office; and (iii) provide testimony before the relevant committees of the General Assembly upon request from any committee chairman or vice-chairman.

§ 53.1-17.3. Corrections Oversight Committee; membership; authority.

A. There is created a Corrections Oversight Committee (the Committee) that shall consist of 13 voting members and two nonvoting members. Such voting members shall be appointed as follows: (i) two members of the Senate who are not members of the same political party, to be appointed by the Senate Committee on Rules; (ii) two members of the House of Delegates who are not members of the same political party, to be appointed by the Speaker of the House of Delegates; and

(iii) the following nonlegislative citizen members to be appointed by the Governor: (a) one representative of a nonprofit prisoner advocacy group, (b) one representative of a nonprofit organization that provides training or rehabilitation programs for incarcerated inmates, (c) one male citizen and one female citizen who were formerly incarcerated within the Commonwealth for a term of imprisonment of three years or more within the 10 years immediately preceding his appointment, provided that such citizens have had their civil rights restored by the Governor, (d) one licensed physician, (e) one licensed mental health or behavioral health professional with experience providing mental health or counseling services to adults, (f) one person who is a grandparent, parent, child, sibling, or spouse or domestic partner of a person currently incarcerated within the Commonwealth and who is serving a term of incarceration of three years or more, (g) one current or former Department correctional officer in a supervisory role selected from an association of correctional officers and employees or a nonprofit organization in which he is a member, and (h) one current or former Department line correctional officer selected from an association of correctional officers and employees or a nonprofit organization in which he is a member. The two nonvoting members shall serve in an advisory role and shall consist of two current or former employees of the Department, a state correctional facility outside of the Commonwealth, or a federal correctional facility who served in such role within the 10 years immediately prior to appointment. Upon the request of an inmate, an inmate's family member or representative, or a Department staff member, employee, or contractor who believes he may be the subject of retaliation for providing testimony or other information to the Office or the Committee, such nonvoting members shall be excluded from any investigations, inspections, interviews, receipt of testimony, or review of documents by the Office or the Committee with regard to the requester.

B. Members appointed pursuant to this section shall serve a term of three years. Except as provided in subsection A, neither a member nor a member's spouse or domestic partner, parents, grandparents, children, or siblings shall be (i) a current or former employee or contractor of the Department at any time during the 10 years prior to his appointment to the Committee or (ii) involved in active litigation against the Department. Members of the Committee shall not serve more than three consecutive terms. The Committee shall be co-chaired by two legislative members appointed pursuant to subsection A who are not members of the same chamber of the legislature or of the same political party. A co-chairman shall serve a term of three years and shall not serve more than two consecutive terms. The Committee co-chairmen shall be selected by the leaders of their respective political parties in the House of Delegates and the Senate. Except as provided in subsection A, all members of the Committee shall have the power to vote on matters and actions before the Committee. Matters and actions of the Committee shall be decided pursuant to a majority vote of the voting members present. To vote on actions or matters before the Committee, a quorum must exist, which shall include the Committee co-chairmen and six of the other voting members.

C. The Committee shall meet as the co-chairmen deem necessary, or on the call of a majority of the members.

D. Pursuant to §§ 2.2-2813 and 2.2-2825, Committee members are not eligible to receive compensation but are eligible for reimbursement of expenses.

E. The Committee shall hold at least two public hearings each year to present, review, and discuss the Office's inspections, findings, reports, and recommendations set forth in the Office's annual report.

F. The Committee co-chairmen, or their designees, shall meet at least twice each year with the Governor and the Director to report on the work and findings of the Committee and shall provide testimony before the relevant committees of the House of Delegates and Senate upon request from the committee chairman or vice-chairman or ranking member.

G. Upon a majority vote of its voting members, the Committee may make an ex parte application to the circuit court for the county or city wherein evidence sought is kept for the issuance of a subpoena duces tecum in furtherance of an investigation or to request production by the Department of any relevant records, documents, or other evidence, with the exception of confidential employee files and active internal affairs investigations. The court may issue and compel compliance with such a subpoena upon a showing of reasonable cause. Upon determining that reasonable cause exists to believe that evidence may be destroyed or altered, the court may issue a subpoena for the appearance of an individual before any hearing conducted by the Committee. The subpoena shall be served by the Office and enforced by the circuit court. Department employees may have counsel present during testimony. Subpoenas so issued shall be served and, upon application to the court by the Committee, enforced in the manner provided by law for the service and enforcement of subpoenas in a civil action.

H. The Committee shall conduct, at a minimum, one random inspection of a facility each year and shall visit a different facility upon each inspection. All members of the Committee may be present during each inspection and shall not announce an inspection to any individual or entity outside of the Committee before such inspection occurs. During the course of an inspection, members of the Committee shall have the same access to the facility, inmates, staff, documents, and records in accordance with § 53.1-17.4 and shall have the same powers as granted to the Office for an inspection pursuant to § 53.1-17.6.

§ 53.1-17.4. Access to facilities and records.

A. The Office shall have reasonable access, upon request in person or in writing and with or without prior notice, to all Department facilities, including all areas that are used by inmates, all areas that are accessible to inmates, and to programs for inmates, at reasonable times, which at a minimum shall include normal working and visiting hours. This authority includes the opportunity to conduct an interview with any inmate, Department employee or contractor, or other person. This access is to (i) provide information about individual rights and the services available from the Office, including the name, address, and telephone number of the Office facilities or staff; (ii) conduct official inspections as defined in § 53.1-17.6;

(iii) conduct an official investigation as provided in § 53.1-17.7; and (iv) inspect, view, photograph, and record by video all areas of the facility that are used by inmates or are accessible to inmates. However, Committee members may not visit incarcerated family members outside of Department visitation policies and procedures. The Office shall preserve the confidentiality of any information obtained from the Department in accordance with applicable state and federal laws.

B. Access to inmates includes the opportunity to meet and communicate privately and confidentially with individuals regularly, with or without prior notice, both formally and informally, by telephone, mail, and electronic communication and in person. In the case of communications with inmates, these communications shall not be monitored by, recorded by, or conducted in the presence of employees or contractors of the Department. Meetings with inmates may be recorded by members of the Office at their discretion and with the inmate's consent. Any such recordings are subject to the provisions of § 53.1-17.5.

C. The Office shall provide a statewide toll-free telephone number, website, and mailing address for the receipt of complaints and inquiries.

D. The Office shall have the right to access, inspect, and copy all relevant information, records, or documents in the possession or control of the Department, with the exception of confidential employee files, that the Office considers necessary in an investigation of a complaint filed under this article, and the Department shall assist the Office in obtaining the necessary releases for those documents that are specifically restricted or privileged for use by the Office. The Office shall preserve the confidentiality of any information obtained from the Department in accordance with applicable state and federal laws.

E. Access to Department employees or contractors includes the opportunity to meet and communicate privately and confidentially with individuals during inspections or normal working hours, with or without prior notice, both formally and informally, by telephone, mail, and electronic communication and in person. Meetings with Department employees or contractors may be recorded by members of the Office at their discretion and with the individual's consent.

F. The Office shall have the power to issue a subpoena to the Department for records, documents, or data in the Department's possession, and for Department staff, contractors, or representatives to appear and provide information to the Office. Subpoenas so issued shall be served and, upon application to the court by the Office, enforced in the manner provided by law for the service and enforcement of subpoenas in a civil action. Department employees may have counsel or a representative from their employee organization present during testimony.

G. Following notification from the Office of a written request for access to Department records, the designated Department staff shall provide the Office with access to the requested documentation not later than 20 days after receipt of the written request. If the records requested pertain to (i) an inmate death; (ii) threats of bodily harm, including sexual or physical assaults; or (iii) the denial of necessary medical treatment, the records shall be provided within five days unless the Office consents to an extension.

H. The Office shall work with the Department to minimize disruption to operations of the Department due to an investigation by the Office. The Office shall comply with the Department security processes, provided these processes do not impede the investigation or resulting activities of the Office.

§ 53.1-17.5. Communications; confidentiality.

A. Unless otherwise part of the public record, the following records shall be kept confidential from the general public and not subject to the Freedom of Information Act (§ 2.2-3700 et seq.):

1. Complaints received by the Office, as well as statements, documentation, and other evidence received or maintained by the Office or its agents in connection with complaints made to or investigations undertaken pursuant to the Office's powers under §§ 53.1-17.6 and 53.1-17.7, including the identities of recipients of Ombudsman services, complainants, and individuals from whom information is acquired.

2. Photographs or video recordings taken within a Department facility pursuant to subsection A of § 53.1-17.4, if the Office determines that such photographs or video recordings contain information that is not otherwise publicly available and their dissemination to the public would jeopardize the safety or security of inmates or employees of the Department, or they can be used to identify inmates.

3. Personal identifying information about corrections staff received during the course of an investigation.

B. The Office shall establish rules and procedures to ensure the confidentiality of such information gathered and maintained by the Office. The Office shall not reveal to (i) Department employees or contractors or (ii) other inmates the identity of a complainant before, during, or after an investigation to the greatest extent practicable, except as is necessary to effectively carry out an investigation.

C. Notwithstanding anything else in this section, the Office shall disclose information as needed to prevent reasonably certain death or substantial bodily harm.

D. The Office shall keep confidential all matters under investigation, including the identities of recipients of Ombudsman services, complainants, and individuals from whom information is acquired, unless disclosure is necessary for the performance of its duties. If the Office receives personal identifying information about corrections staff during the course of an investigation that is unnecessary or unrelated to the subject of the investigation or related recommendation, the Office shall not further disclose such information. Prior to the disclosure of any such information, the Office shall provide notice to the applicable staff person and the Director.

E. Upon receipt of information that is confidential or privileged, the Office shall maintain the confidentiality of such information and shall not further disclose or disseminate the information except as provided by applicable state or federal law or as authorized by this section.

§ 53.1-17.6. Inspection authority; inspection and assessment; report; safety and compliance classification.

A. The Office shall conduct periodic inspections of each facility maintained by the Department. The initial inspection of each individual facility shall be conducted by July 1, 2026, and the findings shall be publicly reported or included in the annual report established in § 53.1-17.8.

B. An inspection of any facility may include an assessment of the following:

1. Any policies and procedures related to the care of inmates;

2. Conditions of confinement;

3. Availability of educational and rehabilitative programming, drug and mental health treatment, and inmate jobs and vocational training;

4. Any policies and procedures related to visitation;

5. Any medical facilities and medical policies and procedures;

6. Any lockdowns at the facility in the time since the last inspection or, in the instance of the initial inspection, any lockdowns at the facility within the previous three years;

7. Staffing at the facility, including the number of staff, job assignments, the ratio of staff to inmates, and the number of staff vacancies;

8. Physical or sexual assaults at the facility in the time since the last inspection or, in the instance of the initial inspection, any physical or sexual assaults within the previous three years;

9. Inmate or staff deaths at the facility in the time since the last inspection or, in the instance of the initial inspection, any inmate or staff deaths within the previous three years;

10. Any policies and procedures related to Department staff recruitment, training, supervision, and discipline;

11. Availability of complaint and grievance forms at the facility and the accessibility of the administrative remedies process to inmates and their representatives; and

12. Any other aspect of the operation of the facility that the Office determines is necessary to assess or that relates to covered issues.

C. Upon completion of an inspection, the Office shall produce a report to be made available to the public online and to be delivered to the Governor, the Attorney General, the Senate Committee on Rehabilitation and Social Services, the House Committee on Public Safety, and the Director. The report shall include a summary of all the factors listed in subsection B, any recommendations and a safety and compliance classification with a recommended timeline for the next inspection, and the Director's response to the inspection.

D. The levels of classification shall be as follows:

1. A Tier I classification means that the facility has clear violations of rights, risks to the safety of inmates, or a severe lack of quality programming necessary for the successful rehabilitation of individuals. Such classification shall require a subsequent inspection within 12 months.

2. A Tier II classification means that the facility has violations of rights, substandard conditions of confinement, or substandard programming options. Such classification shall require a subsequent inspection within 18 to 36 months.

3. A Tier III classification means that the facility has adequate conditions of confinement and programming options. Such classification shall require a subsequent inspection within 36 months.

E. The Department shall respond in writing to each inspection report issued by the Office within 30 days of the issuance of the report and in its response shall include a corrective action plan. The Office shall monitor the Department's compliance with the corrective action plan and may conduct further inspections or investigations as necessary to ensure such compliance.

F. Nothing in this section shall be construed to limit the ability of the Office or members of the Committee to enter and inspect a Department facility at any time, with or without advance notice, as described in §§ 53.1-17.3 and 53.1-17.4.

§ 53.1-17.7. Authority to investigate complaints.

A. The Office may initiate and attempt to resolve an investigation upon its own initiative, or upon receipt of a complaint from an inmate, a family member or representative of an inmate, a Department employee or contractor, or others, regarding (i) abuse or neglect; (ii) conditions of confinement; (iii) decisions or administrative actions by the Department; (iv) inactions or omissions of the Department; (v) Department policies, rules, or procedures; or (vi) alleged violations of law by Department employees or contractors that may adversely affect the health, safety, welfare, or rights of inmates.

B. The Office may decline to investigate any complaint. Upon declining to investigate a complaint, the Office shall notify the complainant in writing of the decision not to investigate and shall include the reasons for such decision. If the complainant is an inmate, the Office shall inform an inmate that the inmate is entitled to use the Department's policies regarding resolution of inmate grievances and shall provide information and a complete set of forms to the inmate to complete the resolution of inmate grievances. The Department shall toll any procedural deadlines imposed on inmates for filing a grievance or complaint as part of the administrative remedy process until five business days after the inmate received the information and forms from the Office by inmate legal mail process. The Office shall decline to investigate a complaint if the inmate has failed to first use the Department's policies regarding resolution of inmate grievances, unless the inmate provides evidence that the complaint is legitimate and the inmate made a good faith attempt to exhaust the

administrative remedy process and was impeded or procedurally defaulted by no fault of his own. If the Office finds that inmates repeatedly assert their inability to utilize the administrative remedy process despite their good faith efforts, the Office may conduct an unannounced inspection of the facility in question to determine whether the facility is making the administrative process and grievance forms accessible to inmates.

C. The Office shall not investigate any complaints relating to an inmate's underlying criminal conviction. The Office may refer the complainant and others to the appropriate resources or state or federal agencies.

D. The Office may not levy any fees for the submission or investigation of complaints.

E. At the conclusion of an investigation, the Office shall render a decision on the merits of each complaint. The Office shall communicate the decision to the complainant and to the Department. The Office shall state its recommendations and reasoning if the Office determines that the Department, or any employee or contractor thereof, should (i) consider the matter further; (ii) modify or cancel any action; (iii) alter a rule, practice, or ruling; (iv) explain in detail the administrative action in question; or (v) rectify an omission. Upon request of the Office, the Department shall inform the Office in writing about any action taken on the recommendations or the reasons for not complying with such recommendations. Aggregated information related to complaints received and complaint resolutions shall be made publicly available pursuant to § 53.1-17.8.

F. If the Office believes that there has been or continues to be a significant issue with inmate health, safety, welfare, or rehabilitation, the Office shall report the finding to the Governor, the Attorney General, the Senate Committee on Rehabilitation and Social Services, the House Committee on Public Safety, the Committee, and the Director.

G. In the event that the Department conducts its own internal disciplinary investigation and review of one or more staff members as a result of the investigation of the Office, such disciplinary investigation and review may be subject to additional investigation and review by the Office to ensure a fair and objective process.

H. Prior to announcing a conclusion or recommendation, the Office shall consult with the Department or any person individually named in the conclusion or recommendation. The Office may request to be notified, within a specified time, by the Department of any action taken on any recommendation presented.

I. The Department and any employees or contractors thereof shall not discharge, retaliate against, or in any manner discriminate against any person because such person has filed any complaint or instituted or caused to be instituted any proceeding pursuant to this article. Any alleged discharge, retaliation against, or discrimination against a complainant may be considered by the Office as an appropriate subject for investigation.

§ 53.1-17.8. Annual report.

A. The Office shall produce an annual report to be made available to the public online and to be delivered to the Governor, the Attorney General, the Senate Committee on Rehabilitation and Social Services, the House Committee on Public Safety, the Committee, and the Director by December 31 of each year. The report shall include:

1. A summary of the Office's inspections and complaint investigations conducted that fiscal year, including the Office's findings and recommendations and the Department responses and corrective actions;

2. A characterization of the conditions of confinement at each facility;

3. A summary of available educational and rehabilitative programming, drug and mental health treatment, and inmate jobs and vocational training at each facility;

4. A summary of visitation policies and procedures at each facility;

5. A summary of medical facilities and medical policies and procedures at each facility;

6. A summary of the lockdowns reviewed by the Office;

7. A summary of staffing at each facility;

8. A summary of physical or sexual assaults reviewed by the Office;

9. A summary of any inmate or staff deaths that occurred at each facility;

10. A summary of the Office's investigations, findings, and resolutions of any complaints submitted pursuant to § 53.1-17.7; and

11. Any recommendations to the General Assembly and the Department.

B. If the Office so requests, the Department shall, within the time specified, inform the Office in writing about any action taken on the recommendations included in the annual report or the reasons for not complying with such recommendations.

§ 53.1-17.9. Inmate and family support services.

A. For the purposes of this section, "family member" means a grandparent, parent, sibling, spouse or domestic partner, child, parent's sibling, cousin, sibling's child, grandchild, or any other person related by blood, adoption, marriage, or a fostering relationship.

B. For the purposes of this section, covered issues include (i) sanitation in correctional facilities; (ii) access to proper nutrition and clean and adequate water supplies; (iii) habitable temperatures in correctional facilities; (iv) physical or sexual abuse from fellow inmates; (v) physical or sexual abuse from staff, contractors, or volunteers; (vi) credible threats against self from other inmates, staff, or contractors; (vii) neglect of staff or contractors that results in physical or sexual trauma; (viii) denial or violation of rights; (ix) access to visitation and communication with family and legal representation; (x) access to medical or mental health care or substance abuse treatment; (xi) access to educational and rehabilitative programming, drug and mental health treatment, and inmate jobs and vocational training; (xii) access to the Department's administrative remedies process for inmates and their representatives, including the availability of complaint and grievance

forms and the timely, unbiased resolution of grievances; and (xiii) adequate and qualified staffing in each Department facility.

C. The Office shall provide a statewide toll-free telephone number, a mailing address, and paper and electronic forms for inmates, family members, friends, and advocates to submit complaints and inquiries regarding covered issues on behalf of an inmate incarcerated in a Department facility. Upon receipt of a complaint or inquiry, the Office shall (i) confirm receipt of such complaint or injury and (ii) make a determination and notify the complainant as to whether an investigation is warranted. Paper forms shall be made available to all inmates and shall be provided to inmates upon request to a Department employee or contractor, including when the inmate is in administrative segregation or solitary confinement. Department employees and contractors must treat such paper forms as confidential and privileged in the same manner as legal correspondence or communication. All incoming and outgoing inmate mail is subject to the Department's security screening processes and procedures. The Office and Director shall guarantee that calls made by inmates, employees, and contractors to file complaints and inquiries with the Office regarding covered issues are confidential and are not monitored or recorded.

D. The provisions of subsection I of § 53.1-17.7 shall apply to complaints or inquiries made pursuant to this section.

E. The Ombudsman shall develop a short-term and long-term strategic plan that (i) is informed by visits to Department facilities, at least two public meetings, consultation with stakeholders, and review of best practices in other states; (ii) includes procedures for coordination with existing employees at the Office of the State Inspector General and the Department, in collaboration with those employees and with the goal of complementing existing efforts; and (iii) includes potential options and recommendations for legislation and budget actions that would support its short-term and long-term goals. The Office shall provide a report on its initial activities and strategic plan to the Governor and the General Assembly on or before November 15, 2025.

§ 53.1-17.10. Exhaustion of remedies.

Any action or lack of action by the Office on a complaint made pursuant to this article shall not be deemed an administrative procedure required for exhaustion of remedies before bringing an action pursuant to 42 U.S.C. § 1997(e).

2. That any member of the Corrections Oversight Committee established by Chapter 1 of the Acts of Assembly of 2023, Special Session I, shall be a member of the Corrections Oversight Committee established pursuant to § 53.1-17.3 of the Code of Virginia, as created by this act, for the duration of their term, as long as they meet the criteria for the Corrections Oversight Committee established by this act.

3. That the Office of the Department of Corrections Ombudsman (the Office), created pursuant to § 53.1-17.2 of the Code of Virginia, as created by this act, shall enter into a memorandum of agreement with the Department of Corrections (the Department) to establish procedures for coordination between the Office and employees at the Department in handling grievance complaints and internal investigations.

CHAPTER 394

An Act to provide for the submission to the voters of a proposed amendment to Section 6-A of Article X of the Constitution of Virginia, relating to real property tax exemption; surviving spouses of soldiers who died in the line of duty.

[H 558]

Approved April 4, 2024

Be it enacted by the General Assembly of Virginia:

1. § 1. It shall be the duty of the officers conducting the election directed by law to be held on the Tuesday after the first Monday in November 2024, at the places appointed for holding the same, to open a poll and take the sense of the qualified voters upon the ratification or rejection of the proposed amendment to the Constitution of Virginia, contained herein and in the joint resolution proposing such amendment, to wit:

Amend Section 6-A of Article X of the Constitution of Virginia as follows:

ARTICLE X

TAXATION AND FINANCE

Section 6-A. Property tax exemption ~~for~~*;* certain veterans and their surviving spouses ~~and~~*;* surviving spouses of soldiers ~~killed in action~~ *who died in the line of duty*.

(a) Notwithstanding the provisions of Section 6, the General Assembly by general law, and within the restrictions and conditions prescribed therein, shall exempt from taxation the real property, including the joint real property of husband and wife, of any veteran who has been determined by the United States Department of Veterans Affairs or its successor agency pursuant to federal law to have a one hundred percent service-connected, permanent, and total disability, and who occupies the real property as his or her principal place of residence. The General Assembly shall also provide this exemption from taxation for real property owned by the surviving spouse of a veteran who was eligible for the exemption provided in this subdivision, so long as the surviving spouse does not remarry. This exemption applies to the surviving spouse's principal place of residence without any restriction on the spouse's moving to a different principal place of residence.

(b) Notwithstanding the provisions of Section 6, the General Assembly by general law, and within the restrictions and conditions prescribed therein, may exempt from taxation the real property of the surviving spouse of any member of the armed forces of the United States who ~~was killed in action as determined by~~ *died in the line of duty with a Line of Duty*

determination from the United States Department of Defense, who occupies the real property as his or her principal place of residence. The exemption under this subdivision shall cease if the surviving spouse remarries and shall not be claimed thereafter. This exemption applies regardless of whether the spouse was ~~killed in action~~ *determined to have died in the line of duty* prior to the effective date of this subdivision, but the exemption shall not be applicable for any period of time prior to the effective date. This exemption applies to the surviving spouse's principal place of residence without any restriction on the spouse's moving to a different principal place of residence and without any requirement that the spouse reside in the Commonwealth at the time of death of the member of the armed forces.

§ 2. The ballot shall contain the following question:

"Question: Should the Constitution of Virginia be amended so that the tax exemption that is currently available to the surviving spouses of soldiers killed in action is also available to the surviving spouses of soldiers who died in the line of duty?"

The ballots shall be prepared, distributed and voted, and the results of the election shall be ascertained and certified, in the manner prescribed by § 24.2-684 of the Code of Virginia. The State Board of Elections shall comply with § 30-19.9 of the Code and shall cause to be sent to the electoral boards of each county and city sufficient copies of the full text of the amendment and question contained herein for the officers of election to post in each polling place on election day.

The electoral board of each county and city shall make out, certify and forward an abstract of the votes cast for and against such proposed amendment in the manner now prescribed by law in relation to votes cast in general elections.

The State Board of Elections shall open and canvass such abstracts and examine and report the whole number of votes cast at the election for and against such amendment in the manner now prescribed by law in relation to votes cast in general elections. The State Board of Elections shall record a certified copy of such report in its office and without delay make out and transmit to the Governor an official copy of such report, certified by it. The Governor shall without delay make proclamation of the result, stating therein the aggregate vote for and against the amendment.

If a majority of those voting vote in favor of the amendment, it shall become effective on January 1, 2025.

The expenses incurred in conducting this election shall be defrayed as in the case of election of members of the General Assembly.

CHAPTER 395

An Act to provide for the submission to the voters of a proposed amendment to Section 6-A of Article X of the Constitution of Virginia, relating to real property tax exemption; surviving spouses of soldiers who died in the line of duty.

[S 4]

Approved April 4, 2024

Be it enacted by the General Assembly of Virginia:

1. § 1. It shall be the duty of the officers conducting the election directed by law to be held on the Tuesday after the first Monday in November 2024, at the places appointed for holding the same, to open a poll and take the sense of the qualified voters upon the ratification or rejection of the proposed amendment to the Constitution of Virginia, contained herein and in the joint resolution proposing such amendment, to wit:

Amend Section 6-A of Article X of the Constitution of Virginia as follows:

ARTICLE X

TAXATION AND FINANCE

Section 6-A. Property tax exemption ~~for~~*;* certain veterans and their surviving spouses ~~and~~*;* surviving spouses of soldiers ~~killed in action~~ *who died in the line of duty*.

(a) Notwithstanding the provisions of Section 6, the General Assembly by general law, and within the restrictions and conditions prescribed therein, shall exempt from taxation the real property, including the joint real property of husband and wife, of any veteran who has been determined by the United States Department of Veterans Affairs or its successor agency pursuant to federal law to have a one hundred percent service-connected, permanent, and total disability, and who occupies the real property as his or her principal place of residence. The General Assembly shall also provide this exemption from taxation for real property owned by the surviving spouse of a veteran who was eligible for the exemption provided in this subdivision, so long as the surviving spouse does not remarry. This exemption applies to the surviving spouse's principal place of residence without any restriction on the spouse's moving to a different principal place of residence.

(b) Notwithstanding the provisions of Section 6, the General Assembly by general law, and within the restrictions and conditions prescribed therein, may exempt from taxation the real property of the surviving spouse of any member of the armed forces of the United States who ~~was killed in action as determined by~~ *died in the line of duty with a Line of Duty determination from* the United States Department of Defense, who occupies the real property as his or her principal place of residence. The exemption under this subdivision shall cease if the surviving spouse remarries and shall not be claimed thereafter. This exemption applies regardless of whether the spouse was ~~killed in action~~ *determined to have died in the line of duty* prior to the effective date of this subdivision, but the exemption shall not be applicable for any period of time prior to the effective date. This exemption applies to the surviving spouse's principal place of residence without any restriction on the spouse's moving to a different principal place of residence and without any requirement that the spouse reside in the Commonwealth at the time of death of the member of the armed forces.

§ 2. The ballot shall contain the following question:

"Question: Should the Constitution of Virginia be amended so that the tax exemption that is currently available to the surviving spouses of soldiers killed in action is also available to the surviving spouses of soldiers who died in the line of duty?"

The ballots shall be prepared, distributed and voted, and the results of the election shall be ascertained and certified, in the manner prescribed by § 24.2-684 of the Code of Virginia. The State Board of Elections shall comply with § 30-19.9 of the Code and shall cause to be sent to the electoral boards of each county and city sufficient copies of the full text of the amendment and question contained herein for the officers of election to post in each polling place on election day.

The electoral board of each county and city shall make out, certify and forward an abstract of the votes cast for and against such proposed amendment in the manner now prescribed by law in relation to votes cast in general elections.

The State Board of Elections shall open and canvass such abstracts and examine and report the whole number of votes cast at the election for and against such amendment in the manner now prescribed by law in relation to votes cast in general elections. The State Board of Elections shall record a certified copy of such report in its office and without delay make out and transmit to the Governor an official copy of such report, certified by it. The Governor shall without delay make proclamation of the result, stating therein the aggregate vote for and against the amendment.

If a majority of those voting vote in favor of the amendment, it shall become effective on January 1, 2025.

The expenses incurred in conducting this election shall be defrayed as in the case of election of members of the General Assembly.

CHAPTER 396

An Act to amend and reenact §§ 8.01-195.10 through 8.01-195.13 of the Code of Virginia, relating to wrongful incarceration; compensation.

[H 640]

Approved April 4, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 8.01-195.10 through 8.01-195.13 of the Code of Virginia are amended and reenacted as follows:

§ 8.01-195.10. Purpose; action by the General Assembly required; definitions.

A. The purpose of this article is to provide directions and guidelines for the compensation of persons who have been wrongfully incarcerated in the Commonwealth. Compensation for wrongful incarceration is governed by Article IV, § 14 of the Constitution of Virginia, which prohibits the General Assembly from granting relief in cases in which the courts or other tribunals may have jurisdiction ~~and any individual seeking payment of state funds for wrongful incarceration shall be deemed to have waived all other claims~~. *No compensation shall be awarded under this article unless the recipient has executed a release and waiver pursuant to subsection B of § 8.01-195.12.* The payment and receipt of any compensation for wrongful incarceration shall be contingent upon the General Assembly appropriating funds for that purpose. This article shall not provide an entitlement to compensation for persons wrongfully incarcerated or require the General Assembly to appropriate funds for the payment of such compensation. ~~No estate of or personal representative for a decedent shall be entitled to seek a claim for compensation for wrongful incarceration.~~

B. As used in this article:

"Incarceration" or "incarcerated" means confinement in a local or regional correctional facility, juvenile correctional center, state correctional facility, residential detention center, or facility operated pursuant to the Corrections Private Management Act (§ 53.1-261 et seq.).

"Wrongful incarceration" or "wrongfully incarcerated" means incarceration for a felony conviction for which ~~(i)~~ the conviction has been vacated pursuant to Chapter 19.2 (§ 19.2-327.2 et seq.) or 19.3 (§ 19.2-327.10 et seq.) of Title 19.2, or the person incarcerated has been granted an absolute pardon for the commission of a crime that he did not commit~~; (ii) the person incarcerated shall have entered a final plea of not guilty or an Alford plea, or, regardless of the plea, the person incarcerated was convicted of a Class 1 felony, a Class 2 felony, or any felony for which the maximum penalty is imprisonment for life; and (iii) the person incarcerated did not by any act or omission on his part intentionally contribute to his conviction for the felony for which he was incarcerated~~.

§ 8.01-195.11. Compensation for wrongful incarceration.

A. *1.* Any person who is convicted of a felony by a county or city circuit court of the Commonwealth and is wrongfully incarcerated for such felony may be awarded compensation for each year of incarceration, or portion thereof. The amount of compensation per year shall be $55,000, adjusted ~~annually by the~~ *on July 1 of each fiscal year by the year-over-year* percentage increase in the Chained Consumer Price Index for All Urban Consumers (C-CPI-U), as published by the Bureau of Labor Statistics of the U.S. Department of Labor, or any predecessor or successor index~~, compared with the prior calendar year~~. Calculations made pursuant to this section shall be made by the State Treasurer *and rounded up to the nearest dollar*.

2. For compensation awarded pursuant to this section on or after January 1, 2024, a wrongfully incarcerated person who is awarded compensation pursuant to subdivision 1 shall also receive not less than $30,000, adjusted on July 1 of each fiscal year by the year-over-year percentage increase in the Chained Consumer Price Index for all Urban Consumers

(C-CPI-U), as published by the Bureau of Labor Statistics of the U.S. Department of Labor, or any predecessor or successor index, for each year or fraction thereof (i) of imprisonment after being sentenced to death or (ii) that such person was required to register with the Sex Offender and Crimes Against Minors Registry pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1.

B. Any compensation computed pursuant to subsection A and approved by the General Assembly shall be paid by the Comptroller by his warrant on the State Treasurer in favor of the person found to have been wrongfully incarcerated. The person wrongfully incarcerated shall be paid ~~an initial~~ *a* lump sum ~~equal to 25 percent of the compensation award with the remaining 75 percent of the principal of the compensation award to be used by the State Treasurer to purchase an annuity from any A+ rated company, including any A+ rated company from which the Virginia Lottery may purchase an annuity, to provide equal monthly payments to such person for a period certain of 10 years commencing no later than one year after the effective date of the appropriation; however, if such person's life expectancy, as calculated pursuant to the provisions of § 8.01-419 based on his age on the effective date of the appropriation, is less than 10 years, then, upon his election, the annuity period shall be equal to his life expectancy. The annuity shall provide that it shall not be sold, discounted, or used as securitization for loans and mortgages by the person awarded compensation. The annuity shall, however, contain beneficiary provisions providing for the annuity's continued disbursement in the event of the death of the person awarded compensation. All payments or costs of annuities under this section shall be made by check issued by the State Treasurer on warrant of the Comptroller.~~

~~Notwithstanding the foregoing, in the event that the person wrongfully incarcerated is 60 years of age or older or is terminally ill, the General Assembly may (i) pay 100 percent of the compensation computed pursuant to subsection A as a lump sum to the person wrongfully incarcerated or (ii) purchase an annuity for a period certain that is less than 10 years. For the purposes of this section, "terminally ill" means that the individual has a medical prognosis, as certified by a licensed physician, that his life expectancy is five years or less if the illness runs its normal course~~.

C. In addition to the compensation awarded pursuant to subsection A, the General Assembly ~~may~~ *shall* pay to the person wrongfully incarcerated the amount of any unreimbursed fine, fee, court cost, or restitution imposed and paid and reasonable attorney fees and costs incurred to receive an award pursuant to this section. *The wrongfully incarcerated person may also be awarded other nonmonetary relief sought, including counseling, housing assistance, employment assistance, health care and dental care, and personal financial literacy assistance, as appropriate.*

D. Any person who is convicted of a felony by a county or city circuit court of the Commonwealth and is wrongfully incarcerated for such felony shall receive a transition assistance grant of $15,000 to be paid from the Criminal Fund, which amount shall be deducted from any award received pursuant to subsection B, within 30 days of receipt of the written request for the disbursement of the transition assistance grant to the Executive Secretary of the Supreme Court of Virginia. Payment of the transition assistance grant from the Criminal Fund shall be made by the State Treasurer on warrants issued by the Comptroller upon written request signed by the Executive Secretary of the Supreme Court of Virginia. In addition, such person shall be entitled to receive reimbursement up to $10,000 for tuition for career and technical training within the Virginia Community College System contingent upon successful completion of the training. Reimbursement for tuition shall be provided by the comprehensive community college at which the career or technical training was completed.

E. If an individual eligible for compensation and benefits under this section is deceased, the individual's estate has standing to be compensated under this section.

§ 8.01-195.12. Conditions for continued compensation.

A. ~~Any person awarded compensation under this article who is subsequently convicted of a felony shall, immediately upon such conviction, not be eligible to receive any unpaid amounts from any compensation awarded and his beneficiaries shall not be eligible to receive any payments under an annuity purchased pursuant to subsection B of § 8.01-195.11. Any unpaid amounts remaining under any annuity shall become the property of the Commonwealth and shall be deposited into the general fund of the state treasury.~~

~~A1. Any person awarded compensation under this article who is subsequently incarcerated upon the revocation of parole or probation resulting from the commission of an act that constitutes a crime shall, during the period of such incarceration, forfeit any payments under an annuity purchased pursuant to subsection B of § 8.01-195.11. Any forfeited amounts under any annuity shall become the property of the Commonwealth and shall be deposited into the general fund of the state treasury.~~ *If, at the time of the award of compensation pursuant to § 8.01-195.11, the person wrongfully incarcerated has previously won a monetary award against the Commonwealth or any political subdivision thereof in a civil action arising out of the factual situation in connection with the conviction for which the compensation was awarded, or has entered into a settlement agreement with the Commonwealth or any political subdivision thereof arising out of such situation, the amount of the award in such action or such settlement agreement, less any sums paid to attorneys or for costs in litigating such other civil action or obtaining such settlement agreement, shall be deducted from the sum of money to which the person wrongfully incarcerated is entitled pursuant to § 8.01-195.11.*

B. As a condition of receiving any compensation under this article, a person shall execute a release and waiver forever releasing (i) the Commonwealth or any agency, instrumentality, officer, employee, or political subdivision thereof, (ii) any legal counsel appointed pursuant to § 19.2-159, and (iii) all other parties of interest, from any present or future claims the person receiving compensation may have against such enumerated parties and arising out of the factual situation in connection with the conviction for which compensation is being sought under this article. ~~In addition, the person receiving compensation shall not have been awarded a finally adjudicated judgment in a court of law against or received any funds~~

~~pursuant to a settlement agreement with any person or entity described in this subsection for compensation or damages arising out of the factual situation in connection with the conviction.~~

§ 8.01-195.13. Compensation for certain intentional acts.

A. In any matter resulting in compensation for wrongful incarceration pursuant to this article, if a court of competent jurisdiction over the matter determines, or the court record clearly demonstrates, that the Commonwealth or any agency, instrumentality, officer or employee, or political subdivision thereof (i) intentionally and wrongfully fabricated evidence that was used to obtain the wrongful conviction in such manner and (ii) intentionally, willfully, and continuously suppressed or withheld evidence establishing the innocence of the person wrongfully incarcerated, including but not limited to suppression or withholding of evidence to the Governor for the purpose of clemency, the Commonwealth may compensate the person wrongfully incarcerated for such intentional acts. Such amount shall be in addition to any compensation awarded pursuant to § 8.01-195.11 and may be up to or equal to the amount of such compensation. The additional compensation shall be added to any amount awarded pursuant to § 8.01-195.11, and the total compensation shall be paid pursuant to ~~subdivision~~ *subsection* B of § 8.01-195.11. Nothing provided in this section shall be interpreted to supplant, revoke, or supersede any other provision of this article applicable to the award of compensation for wrongful incarceration, and the additional compensation shall be subject to any conditions set forth in this article.

B. Any compensation awarded pursuant to this article that includes the additional compensation for intentional acts as set forth in subsection A shall not become effective and payable by the Commonwealth unless and until (i) the person wrongfully incarcerated executes the release and waiver pursuant to subsection B of § 8.01-195.12 and (ii) the instrumentality, or political subdivision thereof, employing any individual committing the intentional acts set forth in clauses (i) and (ii) of subsection A enters into an agreement with the person wrongfully incarcerated requiring such instrumentality or political subdivision to compensate the person with a sum at least equal to the total compensation provided pursuant to § 8.01-195.11 and this section.

CHAPTER 397

An Act to amend and reenact § 19.2-215.1 of the Code of Virginia, relating to multi-jurisdiction grand jury; elder abuse crimes.

[H 769]

Approved April 4, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 19.2-215.1 of the Code of Virginia is amended and reenacted as follows:

§ 19.2-215.1. Functions of a multi-jurisdiction grand jury.

The functions of a multi-jurisdiction grand jury are:

1. To investigate any condition that involves or tends to promote criminal violations of:

a. Title 10.1 for which punishment as a felony is authorized;

b. § 13.1-520;

c. §§ 18.2-47 and 18.2-48;

d. §§ 18.2-111 and 18.2-112;

e. Article 6 (§ 18.2-59 et seq.) of Chapter 4 of Title 18.2;

f. Article 7.1 (§ 18.2-152.1 et seq.) of Chapter 5 of Title 18.2;

g. Article 1 (§ 18.2-247 et seq.) and Article 1.1 (§ 18.2-265.1 et seq.) of Chapter 7 of Title 18.2;

h. Article 1 (§ 18.2-325 et seq.) and Article 1.1:1 (§ 18.2-340.15 et seq.) of Chapter 8 of Title 18.2, Chapter 29 (§ 59.1-364 et seq.) of Title 59.1 or any other provision prohibiting, limiting, regulating, or otherwise affecting gaming or gambling activity;

i. § 18.2-434, when violations occur before a multi-jurisdiction grand jury;

j. Article 2 (§ 18.2-438 et seq.) and Article 3 (§ 18.2-446 et seq.) of Chapter 10 of Title 18.2;

k. § 18.2-460 for which punishment as a felony is authorized;

l. Article 1.1 (§ 18.2-498.1 et seq.) of Chapter 12 of Title 18.2;

m. Article 1 (§ 32.1-310 et seq.) of Chapter 9 of Title 32.1;

n. Chapter 4.2 (§ 59.1-68.6 et seq.) of Title 59.1;

o. Article 9 (§ 3.2-6570 et seq.) of Chapter 65 of Title 3.2;

p. Article 1 (§ 18.2-30 et seq.) of Chapter 4 of Title 18.2;

q. Article 2.1 (§ 18.2-46.1 et seq.) and Article 2.2 (§ 18.2-46.4 et seq.) of Chapter 4 of Title 18.2;

r. Article 5 (§ 18.2-186 et seq.) and Article 6 (§ 18.2-191 et seq.) of Chapter 6 of Title 18.2;

s. Chapter 6.1 (§ 59.1-92.1 et seq.) of Title 59.1;

t. § 18.2-178 where the violation involves insurance fraud;

u. § 18.2-346.01, 18.2-348, or 18.2-349 for which punishment as a felony is authorized or § 18.2-355, 18.2-356, 18.2-357, or 18.2-357.1;

v. Article 9 (§ 18.2-246.1 et seq.) of Chapter 6 of Title 18.2;

w. Article 2 (§ 18.2-38 et seq.) of Chapter 4 of Title 18.2;

x. Malicious felonious assault and malicious bodily wounding under Article 4 (§ 18.2-51 et seq.) of Chapter 4 of Title 18.2;

y. Article 5 (§ 18.2-58 et seq.) of Chapter 4 of Title 18.2;

z. Felonious sexual assault under Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2;

aa. Arson in violation of § 18.2-77 when the structure burned was occupied or a Class 3 felony violation of § 18.2-79;

ab. Chapter 13 (§ 18.2-512 et seq.) of Title 18.2;

ac. § 18.2-246.14 and Chapter 10 (§ 58.1-1000 et seq.) of Title 58.1;

ad. Subsection A or B of § 18.2-57 where the victim was selected because of his race, religious conviction, gender, disability, gender identity, sexual orientation, color, or national origin;

ae. § 18.2-121 for which punishment as a felony is authorized;

af. Article 5 (§ 18.2-420 et seq.) of Chapter 9 of Title 18.2; ~~and~~

ag. *§§ 18.2-178.1 and 18.2-178.2;*

ah. § 18.2-369; and

ai. Any other provision of law when such condition is discovered in the course of an investigation that a multi-jurisdiction grand jury is otherwise authorized to undertake and to investigate any condition that involves or tends to promote any attempt, solicitation, or conspiracy to violate the laws enumerated in this section.

2. To report evidence of any criminal offense enumerated in subdivision 1 and for which a court reporter has recorded all oral testimony as provided by § 19.2-215.9 to the attorney for the Commonwealth or United States attorney of any jurisdiction where such offense could be prosecuted or investigated, or to the chief law-enforcement officer of any jurisdiction where such offense could be prosecuted or investigated, or to a sworn investigator designated pursuant to § 19.2-215.6, or, when appropriate, to the Attorney General.

3. To consider bills of indictment prepared by a special counsel to determine whether there is sufficient probable cause to return each such indictment as a "true bill." Only bills of indictment which allege an offense enumerated in subdivision 1 may be submitted to a multi-jurisdiction grand jury.

4. The provisions of this section shall not abrogate the authority of an attorney for the Commonwealth in a particular jurisdiction to determine the course of a prosecution in that jurisdiction.

CHAPTER 398

An Act to amend the Code of Virginia by adding a section numbered 22.1-23.4, relating to Department of Education; establishment of Farm to School Program Task Force.

[H 830]

Approved April 4, 2024

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 22.1-23.4 as follows:

§ 22.1-23.4. Department; Farm to School Program Task Force.

A. As used in this section, "farm to school program" means any program (i) whereby public schools purchase and feature prominently in school meals locally produced food or (ii) that involves experiential student learning opportunities relating to local food and agriculture, including school and community garden programs and local farm visits.

B. The Department shall establish and appoint such members as it deems necessary or appropriate to the Farm to School Program Task Force (the Task Force) for the purpose of increasing student access to high-quality farm to school programs throughout the Commonwealth.

C. The Task Force shall collaborate with local school boards, community-based organizations, farmers, relevant state and local agencies, and other relevant stakeholders to (i) assess existing farm to school programs within the Commonwealth to identify and disseminate to each local school board best practices for implementing and sustaining such programs, (ii) establish and distribute to each local school board a guidance document for the establishment and operation of school garden programs, (iii) provide information and resources to each local school board to assist it in leveraging grant funds to support farm to school programs, and (iv) collect such data and make such policy recommendations to local school boards, the Board, and the General Assembly as it deems appropriate.

CHAPTER 399

An Act to amend the Code of Virginia by adding a section numbered 22.1-23.4, relating to Department of Education; establishment of Farm to School Program Task Force.

[S 314]

Approved April 4, 2024

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 22.1-23.4 as follows:

§ 22.1-23.4. Department; Farm to School Program Task Force.

A. As used in this section, "farm to school program" means any program (i) whereby public schools purchase and feature prominently in school meals locally produced food or (ii) that involves experiential student learning opportunities relating to local food and agriculture, including school and community garden programs and local farm visits.

B. The Department shall establish and appoint such members as it deems necessary or appropriate to the Farm to School Program Task Force (the Task Force) for the purpose of increasing student access to high-quality farm to school programs throughout the Commonwealth.

C. The Task Force shall collaborate with local school boards, community-based organizations, farmers, relevant state and local agencies, and other relevant stakeholders to (i) assess existing farm to school programs within the Commonwealth to identify and disseminate to each local school board best practices for implementing and sustaining such programs, (ii) establish and distribute to each local school board a guidance document for the establishment and operation of school garden programs, (iii) provide information and resources to each local school board to assist it in leveraging grant funds to support farm to school programs, and (iv) collect such data and make such policy recommendations to local school boards, the Board, and the General Assembly as it deems appropriate.

CHAPTER 400

An Act to amend and reenact §§ 30-422 and 30-426 of the Code of Virginia, relating to the American Revolution 250 Commission; membership and staffing.

[H 839]

Approved April 4, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 30-422 and 30-426 of the Code of Virginia are amended and reenacted as follows:

§ 30-422. (Expires July 1, 2032) Membership; terms; vacancies; chairman and vice-chairman.

A. The Commission shall have a total membership of ~~27~~ *at least 26* members that shall consist of five legislative members, ~~17~~ *16* nonlegislative citizen members, and *at least* five ex officio members. Members shall be appointed as follows:

1. Two members of the Senate, to be appointed by the Senate Committee on Rules;

2. Three members of the House of Delegates, to be appointed by the Speaker of the House of Delegates in accordance with the principles of proportional representation contained in the Rules of the House of Delegates;

3. One representative from each of the lead commemoration partners: the Jamestown-Yorktown Foundation, the primary state agency; the Virginia Museum of History & Culture, the primary nonstate agency; and Gunston Hall, the primary representative of Virginia's historic homes and related sites;

4. One representative from the American Battlefield Trust~~, the secretariat of the United States Semiquincentennial Commission,~~ and one representative from the Virginia Bar Association;

5. Six members appointed by the Governor from a list of 10 provided by the Jamestown-Yorktown Foundation; and

6. Six members appointed by the Governor from a list of 10 provided by the Virginia Museum of History & Culture.

7. The chairman and vice-chairman of the Commission may appoint up to four members who are directors of historic homes, historic sites, or National Park Service sites in Virginia. Such members shall serve as ex officio members with voting privileges.

8. The chairman and vice-chairman of the Commission may appoint former legislative members of the Commission who have retired or resigned from the General Assembly. Such members shall serve as ex officio members with voting privileges.

The Secretary of Education, the Librarian of Virginia, the Director of the Department of Historic Resources, the Executive Director of Virginia Humanities, and the Chief Executive Officer of the Virginia Tourism Authority, or their designees, shall serve as ex officio members with voting privileges. Nonlegislative citizen members of the Commission shall be citizens of the Commonwealth.

B. The Commission shall elect a chairman and vice-chairman from among its membership.

C. Legislative members of the Commission shall serve terms coincident with their terms of office. Nonlegislative citizen members shall be appointed for the duration of the Commission's activities. Appointments to fill vacancies shall be for the unexpired terms. Vacancies shall be filled in the same manner as the original appointments.

§ 30-426. (Expires July 1, 2032) Staffing.

The Commission may appoint and employ and, at its pleasure, remove an executive director and such other persons as it deems necessary to assist it in carrying out its duties as set forth in this chapter. The Commission may determine the duties of such staff and fix their salaries or compensation within the amounts appropriated thereof. If funds are not appropriated for staffing, the Joint Rules Committee shall determine the staffing support for the Commission.

Administrative staff support shall be provided by the Office of the Clerk of the Senate or the Office of the Clerk of the House of Delegates as may be appropriate for the house in which the chairman of the Commission serves. The Division of Legislative Services shall ~~serve as fiscal agent and~~ provide legal services as requested by the Commission. All agencies and political subdivisions of the Commonwealth shall provide assistance to the Commission, upon request.

CHAPTER 401

An Act to amend and reenact §§ 30-422 and 30-426 of the Code of Virginia, relating to the American Revolution 250 Commission; membership and staffing.

[S 117]

Approved April 4, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 30-422 and 30-426 of the Code of Virginia are amended and reenacted as follows:

§ 30-422. (Expires July 1, 2032) Membership; terms; vacancies; chairman and vice-chairman.

A. The Commission shall have a total membership of ~~27~~ *at least 26* members that shall consist of five legislative members, ~~17~~ *16* nonlegislative citizen members, and *at least* five ex officio members. Members shall be appointed as follows:

1. Two members of the Senate, to be appointed by the Senate Committee on Rules;

2. Three members of the House of Delegates, to be appointed by the Speaker of the House of Delegates in accordance with the principles of proportional representation contained in the Rules of the House of Delegates;

3. One representative from each of the lead commemoration partners: the Jamestown-Yorktown Foundation, the primary state agency; the Virginia Museum of History & Culture, the primary nonstate agency; and Gunston Hall, the primary representative of Virginia's historic homes and related sites;

4. One representative from the American Battlefield Trust~~, the secretariat of the United States Semiquincentennial Commission,~~ and one representative from the Virginia Bar Association;

5. Six members appointed by the Governor from a list of 10 provided by the Jamestown-Yorktown Foundation; and

6. Six members appointed by the Governor from a list of 10 provided by the Virginia Museum of History & Culture.

7. The chairman and vice-chairman of the Commission may appoint up to four members who are directors of historic homes, historic sites, or National Park Service sites in Virginia. Such members shall serve as ex officio members with voting privileges.

8. The chairman and vice-chairman of the Commission may appoint former legislative members of the Commission who have retired or resigned from the General Assembly. Such members shall serve as ex officio members with voting privileges.

The Secretary of Education, the Librarian of Virginia, the Director of the Department of Historic Resources, the Executive Director of Virginia Humanities, and the Chief Executive Officer of the Virginia Tourism Authority, or their designees, shall serve as ex officio members with voting privileges. Nonlegislative citizen members of the Commission shall be citizens of the Commonwealth.

B. The Commission shall elect a chairman and vice-chairman from among its membership.

C. Legislative members of the Commission shall serve terms coincident with their terms of office. Nonlegislative citizen members shall be appointed for the duration of the Commission's activities. Appointments to fill vacancies shall be for the unexpired terms. Vacancies shall be filled in the same manner as the original appointments.

§ 30-426. (Expires July 1, 2032) Staffing.

The Commission may appoint and employ and, at its pleasure, remove an executive director and such other persons as it deems necessary to assist it in carrying out its duties as set forth in this chapter. The Commission may determine the duties of such staff and fix their salaries or compensation within the amounts appropriated thereof. If funds are not appropriated for staffing, the Joint Rules Committee shall determine the staffing support for the Commission.

Administrative staff support shall be provided by the Office of the Clerk of the Senate or the Office of the Clerk of the House of Delegates as may be appropriate for the house in which the chairman of the Commission serves. The Division of Legislative Services shall ~~serve as fiscal agent and~~ provide legal services as requested by the Commission. All agencies and political subdivisions of the Commonwealth shall provide assistance to the Commission, upon request.

CHAPTER 402

An Act to amend and reenact §§ 53.1-115.2, 53.1-127.1, and 53.1-127.2 of the Code of Virginia, relating to stores and telephone systems in local correctional facilities; fees.

[H 912]

Approved April 4, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 53.1-115.2, 53.1-127.1, and 53.1-127.2 of the Code of Virginia are amended and reenacted as follows:

§ 53.1-115.2. Establishment of stores in regional jails and regional jail farms.

The superintendent of a regional jail or regional jail farm may, with the approval of the governing regional jail or jail farm board or jail authority, provide for the establishment and operation of stores or commissaries in regional jail or regional jail farm facilities to deal in such articles as he deems proper. The net profits from the operation of such stores shall be used within each facility respectively for educational, recreational, ~~or other beneficial purposes as may be prescribed by the~~

~~superintendent~~ *or medical purposes for the benefit of the inmates to include behavioral health, substance abuse, reentry, and rehabilitative services for the benefit of inmates and may be expended to pay for the training, salaries, and benefits of employees or contractors whose primary job is to provide such programs and services to the inmates*.

§ 53.1-127.1. Establishment of stores in local correctional facilities.

Each sheriff who operates a correctional facility is authorized to provide for the establishment and operation of a store or commissary to deal in such articles and services as he deems proper. The net profits from the operation of such store that are generated from the inmates' accounts shall be used within the facility for educational, recreational or ~~other~~ *medical* purposes for the benefit of the inmates ~~as may be prescribed by the sheriff~~ *to include behavioral health, substance abuse, reentry, and rehabilitative services for the benefit of inmates and may be expended to pay for the training, salaries, and benefits of employees or contractors whose primary job is to provide such programs and services to the inmates*. ~~Any other profits may be used for the general operation of the sheriff's office.~~ The sheriff shall be the purchasing agent in all matters involving the commissary and nonappropriated funds received from inmates. The funds from such operation of a store or commissary and from the inmate telephone services account shall be considered public funds.

§ 53.1-127.2. Fees for telephonic communication systems and electronic visitation and messaging systems for prisoners in local correctional facilities.

Each sheriff or jail superintendent who operates a *local* correctional facility that utilizes *a telephonic communication system,* an electronic visitation system, or electronic messaging system, including Voice-over-Internet Protocol technology and web-based communication systems, for communication between prisoners and third parties is authorized to provide for the establishment and collection of a fee for the system utilized. However, no fee shall be charged for communication between prisoners and third parties within any local correctional facility or appurtenance thereto operated or controlled by the sheriff or jail superintendent. *The net profits from the operation of such systems shall be used within each facility respectively for educational, recreational, or medical purposes for the benefit of the inmates to include behavioral health, substance abuse, reentry, and rehabilitative services for the benefit of inmates and may be expended to pay for the training, salaries, and benefits of employees or contractors whose primary job is to provide such programs and services to the inmates.*

This section does not apply to telephonic communication systems or to electronic video ~~and~~ *or* audio communication systems used in judicial proceedings.

CHAPTER 403

An Act to amend the Code of Virginia by adding a section numbered 18.2-146.2, relating to interference with commercial fishing vessels or activity; penalty.

[H 928]

Approved April 4, 2024

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 18.2-146.2 as follows:

§ 18.2-146.2. Interference with commercial fishing vessels or activity; penalty.

A. As used in this section, "commercial fishing activity" means the business of extracting fish, bivalves, or crustaceans from waters for sale or resale.

B. Any person who knowingly and intentionally interferes with or impedes the operation or commercial fishing activity of a commercial fishing vessel within the territorial waters of the Commonwealth is guilty of a Class 1 misdemeanor.

C. A prosecution under this section is a bar to prosecution under § 29.1-554.1.

D. Any person convicted of a first offense under this section shall be ineligible for any license issued under Chapter 3 (§ 28.2-300 et seq.) of Title 28.2 or Chapter 3 (§ 29.1-300 et seq.) of Title 29.1 for a period of one year. Any person convicted of a second or subsequent offense under this section shall be ineligible for any such license for a period of three years.

E. In addition to any other penalties provided by law, any person convicted of a violation of this section shall be ordered to complete boating safety education as described in § 29.1-735.2.

CHAPTER 404

An Act to amend and reenact § 54.1-2957 of the Code of Virginia, relating to nurse practitioners; patient care team provider; autonomous practice.

[H 971]

Approved April 4, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 54.1-2957 of the Code of Virginia is amended and reenacted as follows:

§ 54.1-2957. Licensure and practice of advanced practice registered nurses.

A. As used in this section, "clinical experience" means the postgraduate delivery of health care directly to patients pursuant to a practice agreement with a patient care team physician.

B. The Board of Medicine and the Board of Nursing shall jointly prescribe the regulations governing the licensure of advanced practice registered nurses. It is unlawful for a person to practice as an advanced practice registered nurse in the Commonwealth unless he holds such a joint license.

C. Every nurse practitioner who ~~meets~~ *does not meet* the requirements of subsection I shall maintain appropriate collaboration and consultation, as evidenced in a written or electronic practice agreement, with at least one patient care team physician. A nurse practitioner who meets the requirements of subsection I may practice without a written or electronic practice agreement. A certified nurse midwife shall practice pursuant to subsection H. A clinical nurse specialist shall practice pursuant to subsection J. A certified registered nurse anesthetist shall practice under the supervision of a licensed doctor of medicine, osteopathy, podiatry, or dentistry. An advanced practice registered nurse who is appointed as a medical examiner pursuant to § 32.1-282 shall practice in collaboration with a licensed doctor of medicine or osteopathic medicine who has been appointed to serve as a medical examiner pursuant to § 32.1-282. Collaboration and consultation among advanced practice registered nurses and patient care team physicians may be provided through telemedicine as described in § 38.2-3418.16.

Physicians on patient care teams may require that an advanced practice registered nurse be covered by a professional liability insurance policy with limits equal to the current limitation on damages set forth in § 8.01-581.15.

Service on a patient care team by a patient care team member shall not, by the existence of such service alone, establish or create liability for the actions or inactions of other team members.

D. The Boards of Medicine and Nursing shall jointly promulgate regulations specifying collaboration and consultation among physicians and advanced practice registered nurses working as part of patient care teams that shall include the development of, and periodic review and revision of, a written or electronic practice agreement; guidelines for availability and ongoing communications that define consultation among the collaborating parties and the patient; and periodic joint evaluation of the services delivered. Practice agreements shall include provisions for (i) periodic review of health records, which may include visits to the site where health care is delivered, in the manner and at the frequency determined by the advanced practice registered nurse and the patient care team physician and (ii) input from appropriate health care providers in complex clinical cases and patient emergencies and for referrals. Evidence of a practice agreement shall be maintained by an advanced practice registered nurse and provided to the Boards upon request. For advanced practice registered nurses providing care to patients within a hospital or health care system, the practice agreement may be included as part of documents delineating the advanced practice registered nurse's clinical privileges or the electronic or written delineation of duties and responsibilities in collaboration and consultation with a patient care team physician.

E. The Boards of Medicine and Nursing may issue a license by endorsement to an applicant to practice as an advanced practice registered nurse if the applicant has been licensed as an advanced practice registered nurse under the laws of another state and, pursuant to regulations of the Boards, the applicant meets the qualifications for licensure required of advanced practice registered nurses in the Commonwealth. An advanced practice registered nurse to whom a license is issued by endorsement may practice without a practice agreement with a patient care team physician pursuant to subsection I if such application provides an attestation to the Boards that the applicant has completed the equivalent of at least ~~five~~ *three* years of full-time ~~clinical~~ experience, as determined by the Boards, in accordance with the laws of the state in which the nurse practitioner was licensed.

F. Pending the outcome of the next National Specialty Examination, the Boards may jointly grant temporary licensure to advanced practice registered nurses.

G. In the event a physician who is serving as a patient care team physician dies, becomes disabled, retires from active practice, surrenders his license or has it suspended or revoked by the Board, or relocates his practice such that he is no longer able to serve, *or for other good cause,* and an advanced practice registered nurse is unable to enter into a new practice agreement with another patient care team physician, the advanced practice registered nurse may continue to practice upon notification to the designee or his alternate of the Boards and receipt of such notification. Such advanced practice registered nurse may continue to treat patients without a patient care team physician for an initial period not to exceed 60 days, provided that the advanced practice registered nurse continues to prescribe only those drugs previously authorized by the practice agreement with such physician and to have access to appropriate input from appropriate health care providers in complex clinical cases and patient emergencies and for referrals. The designee or his alternate of the Boards shall grant permission for the advanced practice registered nurse to continue practice under this subsection for another 60 days, provided that the advanced practice registered nurse provides evidence of efforts made to secure another patient care team physician and of access to physician input. *At the conclusion of the second 60-day period, provided that the advanced practice registered nurse provides evidence of the continued efforts to secure another patient care team physician and of access to physician input, the designee or his alternate of the Boards may grant permission for the advanced practice registered nurse to continue practicing under the management and leadership of a nurse practitioner licensed by the Boards of Medicine and Nursing who (i) meets the requirements of subsection I, (ii) routinely practiced with a patient population and in a practice area within the category for which the advanced practice registered nurse was certified and licensed, and (iii) has been authorized to practice without a written or electronic practice agreement for at least three years.*

H. Every certified nurse midwife shall practice in accordance with regulations adopted by the Boards and consistent with the Standards for the Practice of Midwifery set by the American College of Nurse-Midwives governing such practice.

A certified nurse midwife who has practiced fewer than 1,000 hours shall practice in consultation with a certified nurse midwife who has practiced for at least two years prior to entering into the practice agreement or a licensed physician, in accordance with a practice agreement. Such practice agreement shall address the availability of the certified nurse midwife who has practiced for at least two years prior to entering into the practice agreement or the licensed physician for routine and urgent consultation on patient care. Evidence of the practice agreement shall be maintained by the certified nurse midwife and provided to the Boards upon request. A certified nurse midwife who has completed 1,000 hours of practice as a certified nurse midwife may practice without a practice agreement upon receipt by the certified nurse midwife of an attestation from the certified nurse midwife who has practiced for at least two years prior to entering into the practice agreement or the licensed physician with whom the certified nurse midwife has entered into a practice agreement stating (i) that such certified nurse midwife or licensed physician has provided consultation to the certified nurse midwife pursuant to a practice agreement meeting the requirements of this section and (ii) the period of time for which such certified nurse midwife or licensed physician practiced in collaboration and consultation with the certified nurse midwife pursuant to the practice agreement. A certified nurse midwife authorized to practice without a practice agreement shall consult and collaborate with and refer patients to such other health care providers as may be appropriate for the care of the patient.

I. A nurse practitioner who has completed the equivalent of at least ~~five~~ *three* years of full-time clinical experience, as determined by the Boards, may practice in the practice category in which he is certified and licensed without a written or electronic practice agreement upon receipt by the nurse practitioner of an attestation from *either (i)* the patient care team physician *or (ii) an attesting nurse practitioner who assumed management and leadership of a nurse practitioner pursuant to subsection G and has met the requirements of this subsection for at least three years* stating ~~(i)~~ *(a)* that the patient care team physician *or attesting nurse practitioner* has served as a patient care team physician *or attesting nurse practitioner, respectively,* on a patient care team with the nurse practitioner pursuant to a practice agreement meeting the requirements of this section and § 54.1-2957.01; ~~(ii)~~ *(b)* that while a party to such practice agreement, the patient care team physician *or attesting nurse practitioner* routinely practiced with a patient population and in a practice area included within the category for which the nurse practitioner was certified and licensed; and ~~(iii)~~ *(c)* the period of time for which the patient care team physician *or attesting nurse practitioner* practiced with the nurse practitioner under such a practice agreement. A copy of such attestation shall be submitted to the Boards together with a fee established by the Boards. Upon receipt of such attestation and verification that a nurse practitioner satisfies the requirements of this subsection, the Boards shall issue to the nurse practitioner a new license that includes a designation indicating that the nurse practitioner is authorized to practice without a practice agreement. In the event that a nurse practitioner is unable to obtain the attestation required by this subsection, the Boards may accept other evidence demonstrating that the applicant has met the requirements of this subsection in accordance with regulations adopted by the Boards.

A nurse practitioner authorized to practice without a practice agreement pursuant to this subsection shall ~~(a)~~ *(1)* only practice within the scope of his clinical and professional training and limits of his knowledge and experience and consistent with the applicable standards of care, ~~(b)~~ *(2)* consult and collaborate with other health care providers based on the clinical conditions of the patient to whom health care is provided, and ~~(c)~~ *(3)* establish a plan for referral of complex medical cases and emergencies to physicians or other appropriate health care providers.

J. A clinical nurse specialist licensed by the Boards of Medicine and Nursing who does not prescribe controlled substances or devices may practice in the practice category in which he is certified and licensed without a written or electronic practice agreement. Such clinical nurse specialist shall (i) only practice within the scope of his clinical and professional training and limits of his knowledge and experience and consistent with the applicable standards of care, (ii) consult and collaborate with other health care providers based on the clinical condition of the patient to whom health care is provided, and (iii) establish a plan for referral of complex medical cases and emergencies to physicians or other appropriate health care providers.

A clinical nurse specialist licensed by the Boards who prescribes controlled substances or devices shall practice in consultation with a licensed physician in accordance with a practice agreement between the clinical nurse specialist and the licensed physician. Such practice agreement shall address the availability of the physician for routine and urgent consultation on patient care. Evidence of a practice agreement shall be maintained by a clinical nurse specialist and provided to the Boards upon request. The practice of clinical nurse specialists shall be consistent with the standards of care for the profession and with applicable laws and regulations.

2. That the Department of Health Professions (the Department) shall collect data on the implementation of this act, including the total number of applicants, the year of their initial advanced practice registered nurse licensure, the geographic area, the practice setting and patient population, and the total number of disciplinary actions of those persons licensed to practice pursuant to subsection I of § 54.1-2957 of the Code of Virginia, as amended by this act. The Department shall make this data and other pertinent data publicly available on its website.

CHAPTER 405

An Act to amend and reenact §§ 23.1-819 and 23.1-821 of the Code of Virginia, relating to institutions of higher education; students who report act of hazing or bullying experienced as result of report of act of hazing; information about on-campus mental and behavioral health support.

[H 980]

Approved April 4, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 23.1-819 and 23.1-821 of the Code of Virginia are amended and reenacted as follows:

§ 23.1-819. Definitions.

For the purposes of this article, unless the context requires a different meaning:

"Bullying" means the same as that term is defined in § 22.1-276.01.

"Hazing" means the same as that term is defined in § 18.2-56.

"Institution" or "institution of higher education" means any nonprofit private institution of higher education and any public institution of higher education as defined in § 23.1-100.

"Local organization" means a group that is not chartered or recognized by an institution or a national organization but is composed of members who are students at such institution and the institution is aware of the local organization's existence or becomes aware of its existence after a hazing incident is reported to the institution.

"New member" means an individual who has been offered an invitation for membership in a student organization with new members but has not yet been initiated and is not recognized as a full member of the organization.

"New member event" means an official event or gathering hosted by a student organization with new members prior to new members of such organization being initiated into the organization to which all new members and members of the student organization hosting the event are invited or are instructed to attend.

"Potential new member" means an individual who has expressed interest in joining a student organization with new members by signing up to go through a recruitment process for such organization or organizations.

"Student organization recognized by an institution of higher education" means any group or organization on campus, including varsity intercollegiate and club athletic teams, recognized by an institution of higher education.

"Student organization with new members" means a student organization officially recognized by an institution of higher education structured in such a way that upon invitation for membership, individuals do not automatically become members of such organization and have a period of time between invitation for membership and being initiated into membership. "Student organization with new members" does not include any varsity intercollegiate or club athletic team.

§ 23.1-821. Hazing; certain individuals who make reports; disciplinary immunity; investigation; information about on-campus mental and behavioral health support.

A. The governing board of each institution of higher education shall include as part of its policy, code, rules, or set of standards governing hazing a provision for immunity from disciplinary action based on hazing or personal consumption of drugs or alcohol where such disclosure is made by a bystander not involved in such acts in conjunction with a good faith report of an act of hazing in advance of or during an incident of hazing that causes injury or is likely to cause injury to a person.

B. Upon learning of any alleged act of hazing, each institution shall use its disciplinary process to investigate such acts and the students involved in such acts.

C. Nothing in this section shall be construed to prohibit the governing board of any institution from requiring access to services to support individuals who receive disciplinary immunity in accordance with the provisions of subsection A, including (i) counseling specific to alcohol abuse or drug abuse, or both, or (ii) inpatient or outpatient (a) alcohol counseling or treatment programs, (b) drug counseling or treatment programs, or (c) both alcohol and drug counseling or treatment programs.

D. Each institution shall provide information about on-campus individuals or entities that are qualified to provide the appropriate ongoing mental and behavioral health support to any student who reports to the institution an act of hazing or an act of bullying experienced as the result of a report of an act of hazing for such student.

CHAPTER 406

An Act to amend and reenact § 24.2-105.1 of the Code of Virginia, relating to elections administration; duties of Department of Elections; required election and voter participation information on the Internet.

[H 989]

Approved April 4, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 24.2-105.1 of the Code of Virginia is amended and reenacted as follows:

§ 24.2-105.1. Election and voter participation information on the Internet.

~~Beginning with the general election in November 1998, the State Board shall implement a system by which it~~ *The Department shall provide information for voters on its website, including (i) the role of and contact information for the State Board, the Department of Elections, local electoral boards, and general registrars; (ii) how and where to register to vote; (iii) how and where to vote, including information about absentee voting, polling hours, Virginia's voter identification requirements and acceptable forms of identification, the casting of ballots, and a means for voters to find their polling place; and (iv) any laws, regulations, policies, or forms pertaining to any of the information in clauses (i), (ii), and (iii). The website shall also allow a voter to review his current voter registration information and voting history that is kept in the statewide voter registration database.*

The Department shall furnish lists of candidates for all elections in the Commonwealth, and information on proposed constitutional amendments and statewide referenda prepared pursuant to §§ 30-19.9 and 30-19.10, electronically through the Internet. The ~~Board~~ *Department* may list other referenda issues on the Internet. The lists and information shall be made available on the Internet as far in advance of the election as practicable and remain available on the Internet at least until the day after the election.

The ~~State Board~~ *Department* shall provide election results and statistical information on its website. The information shall include voter turnout information which shall be calculated as the percentage of active voters who voted excluding voters assigned to inactive status pursuant to Chapter 4 (§ 24.2-400 et seq.). The information shall also include the total number of registered voters and the number assigned to inactive status.

At a minimum, the Department shall provide a version of its website in which all parts required by this section are translated into any language that is spoken by a language minority group covered under subsection A of § 24.2-128. Any page on the Department's website that is linked to a translated page shall also be translated. The Department shall review all translated portions of its website for accuracy and make appropriate updates prior to the start of early voting for every primary and general election held in Virginia.

CHAPTER 407

An Act to direct the Board of Pharmacy to promulgate regulations related to pharmacy outsourcing and pharmacy technician remote database access.

[H 1068]

Approved April 4, 2024

Be it enacted by the General Assembly of Virginia:

1. *§ 1. The Board of Pharmacy shall promulgate regulations authorizing a pharmacy located in the Commonwealth or out-of-state to outsource tasks associated with dispensing a prescription drug, including verification for accuracy by a pharmacist and alternate delivery to the pharmacy that received the prescription, to a central fill pharmacy permitted in the Commonwealth as a pharmacy or registered as a nonresident pharmacy. In accordance with the regulations, a central fill pharmacy may operate when sufficient automation is employed to safely support the practice of pharmacy and limit distractions for pharmacy personnel, the central fill pharmacy does not accept prescriptions or communications directly from patients or providers, and dispensing is restricted to Schedule VI drugs. The regulations shall authorize the following: (i) the maximum number of persons performing the duties of a pharmacy technician and support personnel a pharmacist may supervise at one time; however, each pharmacist shall determine the number of persons he can safely and competently supervise at one time, not to exceed the maximum number established by the Board of Pharmacy; (ii) pharmacist verification of a drug canister after filling but prior to being placed on a barcoded automated robotic dispenser, in lieu of pharmacist verification of each prescription product for accuracy; (iii) a one-time written notification or sign of the dispensing and delivery process at the initiating pharmacy receiving the prescription; (iv) allowance for an unregistered and unlicensed person to assist in non-dispensing functions such as inventory, delivery, receiving, or packing of completed prescription orders when supported by barcode scanning or other technology; and (v) delivery of the dispensed drug to the patient's residence or originating pharmacy that received the prescription. The transfer of the prescriptions shall not be required if the pharmacies share a common electronic file or have technology that allows sufficient information necessary for dispensing the prescription.*

§ 2. The Board of Pharmacy shall promulgate regulations that allow for pharmacy technicians to access the pharmacy's database from a remote location for the purpose of performing certain prescription processing functions, as further defined in 18VAC110-20-276 (A) of the Virginia Administrative Code.

2. That the Board of Pharmacy shall promulgate regulations to implement the provisions of this act to be effective within 280 days of its enactment.

CHAPTER 408

An Act to direct the Board of Pharmacy to promulgate regulations related to pharmacy outsourcing and pharmacy technician remote database access.

[S 607]

Approved April 4, 2024

Be it enacted by the General Assembly of Virginia:

1. *§ 1. The Board of Pharmacy shall promulgate regulations authorizing a pharmacy located in the Commonwealth or out-of-state to outsource tasks associated with dispensing a prescription drug, including verification for accuracy by a pharmacist and alternate delivery to the pharmacy that received the prescription, to a central fill pharmacy permitted in the Commonwealth as a pharmacy or registered as a nonresident pharmacy. In accordance with the regulations, a central fill pharmacy may operate when sufficient automation is employed to safely support the practice of pharmacy and limit distractions for pharmacy personnel, the central fill pharmacy does not accept prescriptions or communications directly from patients or providers, and dispensing is restricted to Schedule VI drugs. The regulations shall authorize the following: (i) the maximum number of persons performing the duties of a pharmacy technician and support personnel a pharmacist may supervise at one time; however, each pharmacist shall determine the number of persons he can safely and competently supervise at one time, not to exceed the maximum number established by the Board of Pharmacy; (ii) pharmacist verification of a drug canister after filling but prior to being placed on a barcoded automated robotic dispenser, in lieu of pharmacist verification of each prescription product for accuracy; (iii) a one-time written notification or sign of the dispensing and delivery process at the initiating pharmacy receiving the prescription; (iv) allowance for an unregistered and unlicensed person to assist in non-dispensing functions such as inventory, delivery, receiving, or packing of completed prescription orders when supported by barcode scanning or other technology; and (v) delivery of the dispensed drug to the patient's residence or originating pharmacy that received the prescription. The transfer of the prescriptions shall not be required if the pharmacies share a common electronic file or have technology that allows sufficient information necessary for dispensing the prescription.*

§ 2. The Board of Pharmacy shall promulgate regulations that allow for pharmacy technicians to access the pharmacy's database from a remote location for the purpose of performing certain prescription processing functions, as further defined in 18VAC110-20-276 (A) of the Virginia Administrative Code.

2. That the Board of Pharmacy shall promulgate regulations to implement the provisions of this act to be effective within 280 days of its enactment.

CHAPTER 409

An Act to amend and reenact § 46.2-118 of the Code of Virginia, relating to tow truck drivers; prohibited acts.

[H 1073]

Approved April 4, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 46.2-118 of the Code of Virginia is amended and reenacted as follows:

§ 46.2-118. Prohibited acts by tow truck drivers and towing and recovery operators.

A. No tow truck driver shall:

1. Use fraud or deceit in the offering or delivering of towing and recovery services;

2. Conduct his business or offer services in such a manner as to endanger the health and welfare of the public;

3. Use alcohol or drugs to the extent such use renders him unsafe to provide towing and recovery services;

4. Obtain any fee by fraud or misrepresentation;

5. Remove or tow a trespassing vehicle, as provided in § 46.2-1231, or a vehicle towed or removed at the request of a law-enforcement officer to any location outside the Commonwealth; ~~or~~

6. Violate, or assist, induce, or cooperate with others to violate, any provision of law related to the offering or delivery of towing and recovery services*; or*

7. Drive by the scene of a wrecked or disabled vehicle for which a law-enforcement tow has been initiated by a law-enforcement agency, initiate contact with the owner or operator of such vehicle by soliciting or offering towing services, and tow such vehicle.

B. No towing and recovery operator shall:

1. Use fraud or deceit in the offering or delivering of towing and recovery services;

2. Conduct his business or offer services in such a manner as to endanger the health and welfare of the public;

3. Use alcohol or drugs to the extent such use renders him unsafe to provide towing and recovery services;

4. Neglect to maintain on record at the towing and recovery operator's principal office a list of all drivers employed by the towing and recovery operator;

5. Obtain any fee by fraud or misrepresentation;

6. Advertise services in any manner that deceives, misleads, or defrauds the public;

7. Advertise or offer services under a name other than one's own name;

8. Fail to accept for payment cash, insurance company check, certified check, money order, or at least one of two commonly used, nationally recognized credit cards, except those towing and recovery operators who have an annual gross income of less than $10,000 derived from the performance of towing and recovery services shall not be required to accept credit cards, other than when providing police-requested towing as defined in § 46.2-1217, but shall be required to accept personal checks;

9. Fail to display at the towing and recovery operator's principal office in a conspicuous place a listing of all towing, recovery, and processing fees for vehicles;

10. Fail to have readily available at the towing and recovery operator's principal office, at the customer's request, the maximum fees normally charged by the towing and recovery operator for basic services for towing and initial hookup of vehicles;

11. Knowingly charge excessive fees for towing, storage, or administrative services or charge fees for services not rendered;

12. Fail to maintain all towing records, which shall include itemized fees, for a period of one year from the date of service;

13. Willfully invoice payment for any services not stipulated or otherwise incorporated in a contract for services rendered between the towing and recovery operator and any locality or political subdivision of the Commonwealth;

14. Employ a driver required to register with the Sex Offender and Crimes Against Minors Registry pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1;

15. Remove or tow a trespassing vehicle, as provided in § 46.2-1231, or a vehicle towed or removed at the request of a law-enforcement officer to any location outside the Commonwealth;

16. Refuse, at the towing and recovery operator's place of business, to make change, up to $100, for the owner of the vehicle towed without the owner's consent if the owner pays in cash for charges for towing and storage of the vehicle;

17. Violate, or assist, induce, or cooperate with others to violate, any provision of law related to the offering or delivery of towing and recovery services;

18. Fail to provide the owner of a stolen vehicle written notice of his right under law to be reimbursed for towing and storage of his vehicle out of the state treasury from the appropriation for criminal charges as required in § 46.2-1209; or

19. Refuse to allow, consistent with the protections detailed in the provisions of subsection E of § 46.2-644.01, the owner of the vehicle towed, upon proof of ownership of the vehicle, to access and recover any personal items without retrieving the vehicle and without paying any fee.

C. No tow truck driver as defined in § 46.2-116 or towing and recovery operator as defined in § 46.2-100 shall knowingly permit another person to occupy a motor vehicle as defined in § 46.2-100 while such motor vehicle is being towed.

CHAPTER 410

An Act to direct the Secretary of Education to convene a work group to review and develop a work plan related to the Virginia Longitudinal Data System and the Virginia Workforce Data Trust; report.

[H 1083]

Approved April 4, 2024

Be it enacted by the General Assembly of Virginia:

1. *§ 1. The Secretary of Education (the Secretary) shall convene a work group to review the current capabilities and future needs of the Virginia Longitudinal Data System (the System) and the Virginia Workforce Data Trust (the Trust) (collectively, the Databases) and, based on the results of such review, develop a work plan for improving the System. The goal of such work shall be to provide a best-in-class data analytics platform and to support evidence-based research and data-informed decision making by policy makers in the Commonwealth through the maintenance of datasets and the creation of public-facing dashboards regarding education, labor, and the workforce. The work group shall include a representative from the State Council of Higher Education for Virginia (SCHEV), the Virginia Office of Education Economics (VOEE), the Secretary of Labor, each of the participating agencies in the System, the Chief Data Officer of the Commonwealth, and the Chairs of the Senate Committee on Education and Health, the Senate Committee on Finance and Appropriations, the House Committee on Education, and the House Committee on Appropriations or their designees.*

The work group's review shall consider a consolidation of or other improvements to the System and the Trust, including (i) identification of the appropriate entity or entities to host the Databases and the associated upfront and ongoing costs; (ii) the identification of any technology upgrades required for interoperability and modernization; (iii) a plan for the governance of data sharing among partner entities; (iv) opportunities and challenges related to accessing the System and Trust on the network of the Virginia Information Technologies Agency (VITA); (v) best practices related to data privacy and data integrity; and (vi) any other issues identified by the work group as relevant to the review.

Based upon the results of the review and the identified capabilities and needs of the System, and consistent with the goal of the work, the work group shall develop either a work plan for the proposed consolidation of the Databases or for improved support of the System.

Such work plan shall include recommendations regarding (a) a projected timeline for completing such consolidation or improved support; (b) the funds, staffing, and resources necessary to fully administer and maintain the consolidation or improved support; (c) a formal governance structure for the Databases; and (d) the appropriate entity to lead the implementation of the work plan.

SCHEV, VOEE, the Department of Labor, VITA, and all other state entities shall cooperate upon request with the Secretary in executing the provisions of this act.

The Secretary shall deliver a report that includes a summary of the review and the proposed work plan by November 1, 2024, to the Governor and the Chairs of the Senate Committee on Education and Health, the Senate Committee on Finance and Appropriations, the House Committee on Education, and the House Committee on Appropriations.

CHAPTER 411

An Act to amend and reenact § 46.2-1241 of the Code of Virginia, relating to disabled parking placards; validity; fees.

[H 1084]

Approved April 4, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 46.2-1241 of the Code of Virginia is amended and reenacted as follows:

§ 46.2-1241. Issuance of disabled parking placards.

A. Upon application of a person with a disability that limits or impairs his ability to walk or that creates a concern for his safety while walking, the Commissioner shall issue a permanent removable windshield placard for use on a passenger car or pickup or panel truck. The Commissioner shall require that each original application be accompanied by a certification signed by a licensed physician, licensed podiatrist, licensed chiropractor, licensed advanced practice registered nurse, or licensed physician assistant on forms prescribed by the Commissioner that the applicant meets the definition of "person with a disability that limits or impairs his ability to walk or that creates a concern for his safety while walking" contained in § 46.2-1240.

1. The Commissioner shall provide for the renewal of such placards every five years. Applications for renewals may require the applicant to certify that his disability is a permanent disability, but renewal applications need not be accompanied by a physician's, a podiatrist's, a chiropractor's, an advanced practice registered nurse's, or a physician assistant's certification of the applicant's disability. The Commissioner shall work in consultation with the Medical Advisory Board for the Department to develop a definition of "permanent disability" as used in this subdivision. Notwithstanding any contrary provision of this chapter, no physician's, podiatrist's, chiropractor's, advanced practice registered nurse's, or physician assistant's certification of an applicant's disability shall be required for the renewal of any disabled parking placard of an applicant to whom disabled parking license plates have been issued under § 46.2-731.

2. ~~The Commissioner shall charge a reasonable fee for each placard, but no fee shall be charged any person exempted from fees in § 46.2-739.~~

~~3.~~ The placards shall be of a design approved by the Commissioner pursuant to the specifications and definitions contained in § 46.2-1240.

B. Upon the application of a person with a disability that limits or impairs his ability to walk *or creates a concern for his safety while walking* and whose disability is temporary, the Commissioner shall issue a temporary removable windshield placard. The application for a temporary removable windshield placard shall be accompanied by a certification signed by a licensed physician, an advanced practice registered nurse, a physician assistant, a podiatrist, or a chiropractor on forms prescribed by the Commissioner that the applicant meets the definition of "person with a condition that limits or impairs his ability to walk *or creates a concern for his safety while walking*" contained in § 46.2-1240 and shall also include the period of time that the physician, podiatrist, or chiropractor determines the applicant will have the disability, not to exceed ~~six~~ *12* months.

1. A licensed physician, an advanced practice registered nurse, a physician assistant, a podiatrist, or a chiropractor may certify up to 15 days in advance of an applicant's medical procedure that an applicant will meet the definition of "person with a condition that limits or impairs his ability to walk *or creates a concern for his safety while walking*" and that the disability will be temporary. Any licensed physician, advanced practice registered nurse, physician assistant, podiatrist, or chiropractor who certifies an applicant's disability in advance of a medical procedure shall provide the period of time for which the physician, advanced practice registered nurse, physician assistant, podiatrist, or chiropractor has determined that the applicant will have the disability, not to exceed ~~six~~ *12* months. The Commissioner will mail the temporary placard to the applicant.

2. The temporary removable windshield placard shall be valid for the period of time for which the physician, podiatrist, or chiropractor has determined that the applicant will have the disability, not to exceed ~~six~~ *12* months from the date of issuance.

3. ~~The Commissioner shall provide for a reasonable fee to be charged for the placard.~~ The placards shall be of a design approved by the Commissioner pursuant to the specifications and definitions contained in § 46.2-1240.

C. On application, the Commissioner shall issue to hospitals, hospices, nursing homes, and other institutions and organizations meeting criteria determined by the Commissioner organizational removable windshield placards, as provided for in the foregoing provisions of this section, for use by volunteers when transporting disabled persons in passenger vehicles and pickup or panel trucks owned by such volunteers. The provisions of this section relating to other windshield placards issued under this section shall also apply, mutatis mutandis, to windshield placards issued to these institutions and organizations, except that windshield placards issued to institutions and agencies, in addition to their expiration date, shall bear the name of the institution or organization whose volunteers will be using the windshield placards rather than the name, age, and sex of the person to whom issued.

1. The Commissioner shall provide for the renewal of such placards every five years.

2. The placards shall be of a design approved by the Commissioner pursuant to the specifications and definitions contained in § 46.2-1240.

D. No person shall use or display an organizational removable windshield placard, permanent removable windshield placard or temporary removable windshield placard beyond its expiration date.

E. Organizational removable windshield placards, permanent removable windshield placards and temporary removable windshield placards shall be displayed in such a manner that they may be viewed from the front and rear of the vehicle and be hanging from the rearview mirror of a vehicle utilizing a parking space reserved for persons with disabilities that limit or impair their ability to walk *or create a concern for their safety while walking*. When there is no rearview mirror, the placard shall be displayed on the vehicle's dashboard. No placard shall be displayed from the rearview mirror while a vehicle is in motion.

CHAPTER 412

An Act to amend and reenact § 20-25 of the Code of Virginia, relating to persons other than ministers who may perform rites of marriage; current Virginia members of Congress.

[H 1126]

Approved April 4, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 20-25 of the Code of Virginia is amended and reenacted as follows:

§ 20-25. Persons other than ministers who may perform rites.

Upon petition filed with the clerk and payment of applicable clerk's fees, any circuit court judge may issue an order authorizing one or more persons resident in the circuit in which the judge sits to celebrate the rites of marriage in the Commonwealth. Any person so authorized shall, before acting, enter into bond in the penalty of $500, with or without surety, as the court may direct; however, upon a showing that the person would otherwise be qualified for in forma pauperis status, the court may waive such bond. Any order made under this section may be rescinded at any time. No oath shall be required of a person authorized to celebrate the rites of marriage, nor shall such person be considered an officer of the Commonwealth by virtue of such authorization.

Any judge or justice of a court of record, any judge of a district court, any retired judge or justice of the Commonwealth, any active, senior, or retired federal judge or justice who is a resident of the Commonwealth, or any current (i) member of the General Assembly, (ii) Governor of Virginia, (iii) Lieutenant Governor of Virginia, ~~or~~ (iv) Attorney General of Virginia*, or (v) Virginia member of the United States Senate or United States House of Representatives* may celebrate the rites of marriage anywhere in the Commonwealth without the necessity of bond or order of authorization.

CHAPTER 413

An Act to amend and reenact § 2.2-515.2 of the Code of Virginia, relating to Department of Law; Address Confidentiality Program; victims of child abduction.

[H 1146]

Approved April 4, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 2.2-515.2 of the Code of Virginia is amended and reenacted as follows:

§ 2.2-515.2. Address confidentiality program established; victims of domestic violence, stalking, child abduction, sexual violence, or human trafficking; application; disclosure of records.

A. As used in this section:

"Address" means a residential street address, school address, or work address of a person as specified on the person's application to be a program participant.

"Applicant" means a person who is a victim of domestic violence, stalking, *child abduction,* or sexual violence or is a parent or guardian of a minor child or incapacitated person who is the victim of domestic violence, stalking, *child abduction,* or sexual violence.

"Child abduction" means conduct that is prohibited under § 18.2-47, 18.2-48, 18.2-48.1, or 18.2-49 when such prohibited conduct is committed against a minor.

"Domestic violence" means an act as defined in § 38.2-508 and includes threat of such acts committed against an individual in a domestic situation, regardless of whether these acts or threats have been reported to law-enforcement officers. Such threat must be a threat of force which would place any person in reasonable apprehension of death or bodily injury.

"Program participant" means a person certified by the Office of the Attorney General as eligible to participate in the Address Confidentiality Program.

"Sexual or domestic violence programs" means public and not-for-profit agencies the primary mission of which is to provide services to victims of sexual or domestic violence, or stalking. Such programs may also include specialized services for victims of human trafficking.

"Sexual violence" means conduct that is prohibited under clause (ii), (iii), (iv), or (v) of § 18.2-48, or § 18.2-61, 18.2-63, 18.2-64.1, 18.2-67.1, 18.2-67.2, 18.2-67.3, 18.2-67.4, 18.2-67.5, 18.2-348, 18.2-348.1, 18.2-349, 18.2-355, 18.2-356, 18.2-357, 18.2-357.1, or 18.2-368, regardless of whether the conduct has been reported to a law-enforcement officer or the assailant has been charged with or convicted of the alleged violation.

"Stalking" means conduct that is prohibited under § 18.2-60.3, regardless of whether the conduct has been reported to a law-enforcement officer or the assailant has been charged with or convicted for the alleged violation.

B. The Statewide Facilitator for Victims of Domestic Violence shall establish a program to be known as the "Address Confidentiality Program" to protect victims of domestic violence, stalking, *child abduction,* or sexual violence by authorizing the use of designated addresses for such victims. An individual who is at least 18 years of age, a parent or guardian acting on behalf of a minor, a guardian acting on behalf of an incapacitated person, or an emancipated minor may apply in person at (i) sexual or domestic violence programs that have been accredited by the Virginia Sexual and Domestic Violence Program Professional Standards Committee established pursuant to § 9.1-116.3 and are qualified to (a) assist the eligible person in determining whether the address confidentiality program should be part of such person's overall safety plan, (b) explain the address confidentiality program services and limitations, (c) explain the program participant's responsibilities, and~~,~~ (d) assist the person eligible for participation with the completion of application materials or (ii) crime victim and witness assistance programs. The Office of the Attorney General shall approve an application if it is filed in the manner and on the form prescribed by the Attorney General and if the application contains the following:

1. A sworn statement by the applicant declaring to be true and correct under penalty of perjury that the applicant has good reason to believe that:

a. The applicant, or the minor or incapacitated individual on whose behalf the application is made, is a victim of domestic violence, *stalking, child abduction, or* sexual violence~~, or stalking~~;

b. The applicant fears further acts of violence, stalking, retribution, or intimidation from the applicant's assailant, abuser, or trafficker; and

c. The applicant is not on active parole or probation supervision requirements under federal, state, or local law~~.~~*;*

2. A designation of the Office of the Attorney General as agent for the purpose of receiving mail on behalf of the applicant;

3. The applicant's actual address to which mail can be forwarded and a telephone number where the applicant can be called;

4. A listing of any minor children residing at the applicant's actual address, each minor child's date of birth, and each minor child's relationship to the applicant; and

5. The signature of the applicant and any person who assisted in the preparation of the application and the date.

C. Upon approval of a completed application, the Office of the Attorney General shall certify the applicant as a program participant. An applicant shall be certified for three years following the date of the approval, unless the certification is withdrawn or invalidated before that date. A program participant may apply to be recertified every three years.

D. Upon receipt of first-class mail addressed to a program participant, the Attorney General or his designee shall forward the mail to the actual address of the program participant. The actual address of a program participant shall be available only to the Attorney General ~~and~~*,* to those employees involved in the operation of the Address Confidentiality Program*,* and to law-enforcement officers. A program participant's actual address may be entered into the Virginia Criminal Information Network (VCIN) system so that it may be made known to law-enforcement officers accessing the VCIN system for law-enforcement purposes.

E. The Office of the Attorney General may cancel a program participant's certification if:

1. The program participant requests withdrawal from the program;

2. The program participant obtains a name change through an order of the court and does not provide notice and a copy of the order to the Office of the Attorney General within seven days after entry of the order;

3. The program participant changes his residence address and does not provide seven days' notice to the Office of the Attorney General prior to the change of address;

4. The mail forwarded by the Office of the Attorney General to the address provided by the program participant is returned as undeliverable;

5. Any information contained in the application is false;

6. The program participant has been placed on parole or probation while a participant in the address confidentiality program; or

7. The applicant is required to register with the Sex Offender and Crimes Against Minors Registry pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1.

For purposes of the address confidentiality program, residents of temporary housing for 30 days or less are not eligible to enroll in the address confidentiality program until a permanent residential address is obtained.

The application form shall contain a statement notifying each applicant of the provisions of this subsection.

F. A program participant may request that any state or local agency use the address designated by the Office of the Attorney General as the program participant's address, except when the program participant is purchasing a firearm from a dealer in firearms. The agency shall accept the address designated by the Office of the Attorney General as a program participant's address, unless the agency has received a written exemption from the Office of the Attorney General demonstrating to the satisfaction of the Attorney General that:

1. The agency has a bona fide statutory basis for requiring the program participant to disclose to it the actual location of the program participant; and

2. The disclosed confidential address of the program participant will be used only for that statutory purpose and will not be disclosed or made available in any way to any other person or agency.

A state agency may request an exemption by providing in writing to the Office of the Attorney General identification of the statute or administrative rule that demonstrates the agency's bona fide requirement and authority for the use of the actual address of an individual. A request for a waiver from an agency may be for an individual program participant, a class of program participants, or all program participants. The denial of an agency's exemption request shall be in writing and include a statement of the specific reasons for the denial. Acceptance or denial of an agency's exemption request shall constitute final agency action.

Any state or local agency that discloses the program participant's confidential address provided by the Office of the Attorney General shall be immune from civil liability unless the agency acted with gross negligence or willful misconduct.

A program participant's actual address shall be disclosed pursuant to a court order.

G. Records submitted to or provided by the Office of the Attorney General in accordance with this section shall be exempt from disclosure under the Virginia Freedom of Information Act (§ 2.2-3700 et seq.) to the extent such records contain information identifying a past or current program participant, including such person's name, actual and designated address, telephone number, and any email address. However, access shall not be denied to the person who is the subject thereof, or the parent or legal guardian of a program participant in cases where the program participant is a minor child or an incapacitated person, except when the parent or legal guardian is named as the program participant's assailant.

H. Neither the Office of the Attorney General, its officers or employees, or others who have a responsibility to a program participant under this section shall have any liability nor shall any cause of action arise against them in their official or personal capacity from the failure of a program participant to receive any first class mail forwarded to him by the Office of the Attorney General pursuant to this section. Nor shall any such liability or cause of action arise from the failure of a program participant to timely receive any first class mail forwarded by the Office of the Attorney General pursuant to this section.

CHAPTER 414

An Act to amend and reenact §§ 46.2-204, 46.2-315, and 46.2-322 of the Code of Virginia, relating to Department of Motor Vehicles; medical review.

[H 1163]

Approved April 4, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 46.2-204, 46.2-315, and 46.2-322 of the Code of Virginia are amended and reenacted as follows:

§ 46.2-204. Medical Advisory Board.

For the purpose of enabling the Department of Motor Vehicles to comply with its responsibilities under this title, there is hereby created a Medical Advisory Board for the Department. The Board shall consist of seven licensed physicians currently practicing medicine in Virginia appointed by the Governor. Appointments to the Board shall be for four-year terms and vacancies shall be filled by appointment for the unexpired portion of a term. The Governor shall designate the chairman of the Board.

The Commissioner may refer to the Board for an advisory opinion the case of any person applying for a driver's license or renewal thereof, or of any person whose license has been suspended or revoked, or of any person being examined under the provisions of § 46.2-322, when he has cause to believe that such person suffers from ~~a physical or mental disability or disease which~~ *an impairment that* will prevent his exercising reasonable and ordinary control over a motor vehicle while driving it on the highways. The Medical Advisory Board shall provide guidance and recommendations to the Department regarding any case of a person examined under the provisions of § 46.2-322 who appeals the outcome of the examination pursuant to § 46.2-321 if the basis for such appeal is related to the medical evidence in the case. However, appeals related to the examinee's (i) failure to follow procedures, (ii) failure to pass knowledge or behind-the-wheel tests, or (iii) evaluation by

a driver rehabilitation specialist are not required to be referred to the Board. The Board shall submit to the Department its recommendations for consideration prior to the scheduled appeal proceedings. In addition, the Board shall assist the Commissioner through the development of medical and health standards for use in the issuance of driver's licenses by the Department to avoid the issuance of licenses to persons suffering from any ~~physical or mental disability or disease~~ *impairment* that will prevent their exercising reasonable and ordinary control over a motor vehicle while driving it on the highways.

The Board shall meet at the pleasure of the Commissioner. Each member shall serve without compensation but shall be reimbursed for his necessary expenses from funds appropriated to the Department of Motor Vehicles.

§ 46.2-315. Persons unable to exercise reasonable and ordinary control over a motor vehicle.

The Department shall not issue a driver's license to any person when, in the opinion of the Department, ~~the~~ *such* person is suffering from ~~a physical or mental disability or disease which~~ *an impairment that* will prevent his exercising reasonable and ordinary control over a motor vehicle while driving it on the highways, nor shall a license be issued to any person who is unable to understand highway warning or direction signs.

The ~~words "disability or disease"~~ *term "impairment"* shall not mean inability of a person to hear or to speak, or both, when he has good vision and can satisfactorily demonstrate his ability to drive a motor vehicle and has sufficient knowledge of traffic rules and regulations.

§ 46.2-322. Examination of licensee believed unable to drive safely; suspension or restriction of license; license application to include questions as to abilities of applicant; false answers; examination of applicant; physician's, advanced practice registered nurse's, or physician assistant's statement.

A. If the Department has good cause to believe that a driver is ~~incapacitated~~ *impaired* and therefore unable to drive a motor vehicle safely, after written notice of at least 15 days to the person, it may require him to submit to an examination to determine his fitness to drive a motor vehicle. If the driver so requests in writing, the Department shall give the Department's reasons for the examination, including the identity of all persons who have supplied information to the Department regarding the driver's fitness to drive a motor vehicle. However, the Department shall not supply the reasons or information if its source is a relative of the driver or a physician, a physician assistant, an advanced practice registered nurse, a pharmacist, or other licensed medical professional as defined in § 38.2-602 treating, or prescribing medications for, the driver.

B. As a part of its examination, the Department may require a physical examination by a licensed physician, licensed advanced practice registered nurse, or licensed physician assistant and a report on the results thereof. When it has completed its examination, the Department shall take whatever action may be appropriate and may suspend the license or privilege to drive a motor vehicle in the Commonwealth of the person or permit him to retain his license or privilege to drive a motor vehicle in the Commonwealth, or may issue a license subject to the restrictions authorized by § 46.2-329. Refusal or neglect of the person to submit to the examination or comply with restrictions imposed by the Department shall be grounds for suspension of his license or privilege to drive a motor vehicle in the Commonwealth.

C. The Commissioner shall include, as a part of the application for an original driver's license, or renewal thereof, questions as to the existence of ~~physical or mental conditions that impair~~ *impairments that affect* the ability of the applicant to drive a motor vehicle safely. Any person knowingly giving a false answer to any such question ~~shall be~~ *is* guilty of a Class 2 misdemeanor. If the answer to any such question indicates the existence of such condition, the Commissioner shall require an examination of the applicant by a licensed physician, licensed physician assistant, or licensed advanced practice registered nurse as a prerequisite to the issuance of the driver's license. The report of the examination shall contain a statement that, in the opinion of the physician, physician assistant, or advanced practice registered nurse, the applicant's physical or mental condition at the time of the examination does or does not preclude his safe driving of motor vehicles.

CHAPTER 415

An Act to amend and reenact § 33.2-369 of the Code of Virginia, relating to bridges; state of good repair; allocation of funds.

[H 1254]

Approved April 4, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 33.2-369 of the Code of Virginia is amended and reenacted as follows:

§ 33.2-369. State of good repair.

A. ~~As used in~~ *For purposes of* this section~~,~~ ~~"state~~*:*

"General condition rating" means a rating of a major bridge component collected in accordance with 23 C.F.R. § 650.315, as may be amended.

"State of good repair purposes" means improvement of deficient pavement conditions and improvement of ~~structurally deficient~~ bridges *with a general condition rating of no more than five for at least one major bridge component.*

B. The Board shall use funds allocated in ~~§~~ *§§* 33.2-358 and ~~§~~ 58.1-1741 to state of good repair purposes for *(i)* reconstruction ~~and~~, replacement*, and other improvements anticipated to extend the useful life by at least 10 years* of ~~structurally deficient~~ state and locally owned bridges *with a general condition rating of no more than five for at least one*

major bridge component and *(ii)* reconstruction and rehabilitation of pavement on the Interstate System and primary state highway system determined to be deteriorated by the Board, including municipality-maintained primary extensions.

The Board shall allocate these funds to projects in all nine highway construction districts for state of good repair purposes based on a priority ranking system that takes into consideration ~~(i)~~ *(a)* the number, condition, and costs of ~~structurally deficient~~ bridges *with a general condition rating of no more than five for at least one major bridge component* and ~~(ii)~~ *(b)* the mileage, condition, and costs to replace deteriorated pavements. The Board shall ensure an equitable needs-based distribution of funding among the highway construction districts, with no district receiving more than 17.5 percent or less than 5.5 percent of the total funding allocated in any given year. The Board may, by a duly adopted resolution, waive the cap provided in this section for a fiscal year only when it determines that due to extraordinary circumstances or needs the cap inhibits the ability of the Department to address a key pavement or bridge need that has been identified.

C. In any year in which the Department has not met the established targets for secondary pavements developed in accordance with § 33.2-232 and before making the allocations in subsection B, the Board may allocate up to 20 percent of these funds to all nine highway construction districts to improve the condition of secondary pavements. The Board shall ensure an equitable needs-based distribution of funds among highway construction districts based on the mileage, condition, and cost to improve secondary pavements.

2. That the provisions of this act shall apply to new project allocations made by the Commonwealth Transportation Board pursuant to § 33.2-369 of the Code of Virginia, as amended by this act, after June 1, 2025.

CHAPTER 416

An Act to amend and reenact § 51.1-212 of the Code of Virginia, relating to Virginia Law Officers' Retirement System; conservation officers.

[H 1312]

Approved April 4, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 51.1-212 of the Code of Virginia is amended and reenacted as follows:

§ 51.1-212. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Employee" means any (i) member of the Capitol Police Force as described in § 30-34.2:1~~,~~*;* (ii) campus police officer appointed under the provisions of Article 3 (§ 23.1-809 et seq.) of Chapter 8 of Title 23.1~~,~~*;* (iii) conservation police officer in the Department of Wildlife Resources appointed under the provisions of Chapter 2 (§ 29.1-200 et seq.) of Title 29.1~~,~~*;* (iv) special agent of the Virginia Alcoholic Beverage Control Authority appointed under the provisions of Chapter 1 (§ 4.1-100 et seq.) of Title 4.1~~,~~*;* (v) law-enforcement officer employed by the Virginia Marine Resources Commission as described in § 9.1-101~~,~~*;* (vi) correctional officer as the term is defined in § 53.1-1, and including *any* correctional ~~officers~~ *officer* employed at a juvenile correction facility as ~~the term is~~ defined in § 66-25.3~~,~~*;* (vii) ~~any~~ parole officer appointed pursuant to § 53.1-143~~, and~~*,* (viii) ~~any~~ commercial vehicle enforcement officer employed by the Department of State Police*; and (ix) conservation officer of the Department of Conservation and Recreation appointed under the provisions of Article 4 (§ 10.1-115 et seq.) of Chapter 1 of Title 10.1.*

"Member" means any person included in the membership of the Retirement System as provided in this chapter.

"Normal retirement date" means a member's sixtieth birthday.

"Retirement System" means the Virginia Law Officers' Retirement System.

2. That the provisions of this act shall become effective on July 1, 2025.

3. That the provisions of this act providing enhanced retirement benefits to positions as conservation officers of the Department of Conservation and Recreation appointed under the provisions of Article 4 (§ 10.1-115 et seq.) of Chapter 1 of Title 10.1 of the Code of Virginia shall apply only to service earned as a conservation officer on or after July 1, 2025.

4. That the provisions of this act shall not become effective unless reenacted by the 2025 Session of the General Assembly.

CHAPTER 417

An Act to amend and reenact § 51.1-212 of the Code of Virginia, relating to Virginia Law Officers' Retirement System; firefighters.

[H 1401]

Approved April 4, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 51.1-212 of the Code of Virginia is amended and reenacted as follows:

§ 51.1-212. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Employee" means any (i) member of the Capitol Police Force as described in § 30-34.2:1, (ii) campus police officer appointed under the provisions of Article 3 (§ 23.1-809 et seq.) of Chapter 8 of Title 23.1, (iii) conservation police officer in the Department of Wildlife Resources appointed under the provisions of Chapter 2 (§ 29.1-200 et seq.) of Title 29.1, (iv) special agent of the Virginia Alcoholic Beverage Control Authority appointed under the provisions of Chapter 1 (§ 4.1-100 et seq.) of Title 4.1, (v) law-enforcement officer employed by the Virginia Marine Resources Commission as described in § 9.1-101, (vi) correctional officer as the term is defined in § 53.1-1, and including correctional officers employed at a juvenile correction facility as the term is defined in § 66-25.3, (vii) ~~any~~ parole officer appointed pursuant to § 53.1-143, ~~and~~ (viii) ~~any~~ commercial vehicle enforcement officer employed by the Department of State Police*, and (ix) full-time firefighter employed by the Department of Military Affairs*.

"Member" means any person included in the membership of the Retirement System as provided in this chapter.

"Normal retirement date" means a member's sixtieth birthday.

"Retirement System" means the Virginia Law Officers' Retirement System.

2. That the provisions of this act providing membership in the Virginia Law Officers' Retirement System to full-time firefighters employed by the Department of Military Affairs shall apply only to service as a full-time firefighter employed by the Department of Military Affairs on or after July 1, 2025.

3. That the provisions of this act shall become effective on July 1, 2025.

CHAPTER 418

An Act to amend the Code of Virginia by adding a section numbered 46.2-631.1, relating to electronic sales by dealers; titling.

[H 1419]

Approved April 4, 2024

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 46.2-631.1 as follows:

§ 46.2-631.1. Electronic sales by dealers; titling.

A licensed motor vehicle dealer that participates in an online program as set forth in subsection C of § 46.2-216.1 may choose to sell a motor vehicle electronically by obtaining a title in the dealer's name for resale. The dealer shall disclose the odometer reading to the purchaser using a secure power of attorney prescribed by 49 C.F.R. Part 580 and in a form approved by the Department. The dealer shall provide all documentation or information required by the Department to process the dealer's application for a title in the dealer's name for resale, including a manufacturer's certificate of origin or certificate of ownership and any information required by the Department in accordance with § 46.2-623. The dealer shall submit such documentation or information in a form prescribed by the Department within 30 days of the dealer's application for the title in the dealer's name for resale. Failure to timely submit such documentation or information may result in the dealer's suspension from the online program set forth in subsection C of § 46.2-216.1.

2. That the provisions of this act shall become effective on the earlier of (i) July 1, 2025, or (ii) the first day of the first month following notification of the Chair of the Virginia Code Commission by the Commissioner of the Department of Motor Vehicles that a secure power of attorney prescribed by 49 C.F.R. Part 580 and in a form approved by the Department of Motor Vehicles is available to motor vehicle dealers to be electronically signed by a purchaser.

CHAPTER 419

An Act to amend the Code of Virginia by adding a section numbered 32.1-164.10, relating to alternative onsite sewage systems; approval of treatment units.

[H 1431]

Approved April 4, 2024

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 32.1-164.10 as follows:

§ 32.1-164.10. Alternative onsite sewage system general approval process.

A. For the purposes of this section:

"General approval" means approval of a treatment unit that has been evaluated in accordance with the requirements of Board regulations and Department policies and approved for effluent that has been treated to a quality specified by the Board in accordance with Board regulations and Department policies.

"Treatment level 3" means effluent that has been treated to produce five-day biochemical oxygen demand and total suspended solid concentrations equal to or less than 10 milligrams per liter.

"Treatment unit" means a method, technique, piece of equipment, or process other than a septic tank used to treat sewage to produce effluent of a specified quality before the effluent is dispersed to a soil treatment area.

B. A treatment unit that has not been field tested to evaluate treatment level 3 performance in accordance with the applicable Board regulations and Department policies for use as an alternative onsite sewage system shall be generally approved by the Department as a treatment level 3 system if:

1. The treatment unit is certified to comply with NSF/ANSI 350 - Onsite Residential and Commercial Water Reuse Treatment Systems; or

2. The treatment unit is certified to comply with NSF/ANSI 245 - Residential Wastewater Treatment Systems - Nitrogen Reduction, provided that testing indicates that treatment level 3 effluent standards are achieved, or another standardized test method determined to be acceptable by the Department, or has been tested using methods determined to be acceptable by the Department, and the following conditions are met:

a. The treatment unit is continuously tested for a minimum of 26 weeks, with sampling conducted during all weeks of the testing period, and the treatment unit is not subjected to service, maintenance, or modification during the testing period;

b. The average five-day carbonaceous biochemical oxygen demand concentration for a minimum of 55 effluent samples collected on discrete testing period days does not exceed 10 milligrams per liter and no single sample exceeds 25 milligrams per liter; and

c. The average total suspended solids concentration for a minimum of 55 effluent samples collected on discrete testing period days does not exceed 10 milligrams per liter, and no single sample exceeds 30 milligrams per liter.

C. Treatment units that are generally approved as treatment level 3 products under subsection B shall be:

1. Certified by an organization accredited by the American National Standards Institute, Standards Council of Canada, International Laboratory Accreditation Cooperation, or other accreditation body determined to be acceptable by the Department; or

2. Evaluated by a testing organization determined to be acceptable by the Department when the treatment unit is not tested and certified under NSF/ANSI 350, NSF/ANSI 245, or another standard accepted by the Department.

D. A treatment unit approved as a treatment level 3 product under subsection B and meeting the applicable Board regulations and Department policies for use as a nitrogen-reducing alternative onsite sewage system shall be generally approved by the Department as a nitrogen-reducing treatment level 3 system.

E. Treatment units that are generally approved as treatment level 3 products under subsection B are subject to all Board regulations applicable to generally approved treatment level 3 units.

CHAPTER 420

An Act to amend the Code of Virginia by adding in Chapter 34 of Title 3.2 a section numbered 3.2-3403, relating to Virginia Verified Meat certification.

[H 1460]

Approved April 4, 2024

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Chapter 34 of Title 3.2 a section numbered 3.2-3403 as follows:

§ 3.2-3403. Virginia Verified Meat certification.

A. For the purposes of this section:

"Processed" means a substantial transformation at a USDA-inspected or Department-inspected facility in the Commonwealth approved by the Department whereby an animal or animal product is transformed into a new product with a new name, character, or use.

"Raised" means that an animal has spent the majority of its lifespan within the boundaries of the Commonwealth.

"Virginia Verified Meat" means any cattle, goats, sheep, or swine that meet the following conditions: (i) such animal is bred and born in the Commonwealth; (ii) such animal is raised in the Commonwealth; and (iii) such animal is processed in the Commonwealth.

B. A person shall not label any product as Virginia Verified Meat unless such product meets the definition of Virginia Verified Meat pursuant to subsection A or is granted a waiver by the Department for operating across state lines.

C. Any person not employed by the Department shall be eligible to certify Virginia Verified Meat claims consistent with the provisions of this chapter with approval by the Commissioner and shall provide documentation of his certification process to the Commissioner for the Commissioner's approval.

CHAPTER 421

An Act to amend the Code of Virginia by adding a section numbered 22.1-200.3, relating to student instruction; local alternative instructional time models permitted.

[H 1477]

Approved April 4, 2024

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 22.1-200.3 as follows:

§ 22.1-200.3. Alternative instructional time models permitted.

The Board shall provide local school boards maximum flexibility to waive existing instructional clock hour requirements by developing alternative instructional time models in accordance with regulations adopted by the Board and Board guidelines related to instructional time waivers.

2. That the Board of Education, when revising its regulations and adopting Standards of Accreditation, shall provide flexibility for local school boards to develop programs that provide for acceleration, remediation, and multiple pathways to graduation that permit students to demonstrate competency at different paces.

3. That the Board of Education shall, by December 1, 2024, update its Guidelines for Graduation Requirements: Local Alternative Paths to Standard Units of Credit (Alternatives to the 140-Clock-Hour Requirement) to include guidance regarding (i) waiver pathway options to allow students time within the school day to complete work-based learning opportunities such as internships, externships, youth registered apprenticeships, clinical experiences, service learning, and other career and workforce development opportunities; (ii) advanced learning opportunities focused on problem-solving, critical thinking, creative thinking, communication, collaboration, and citizenship skills; (iii) content that provides technical knowledge, skills, and competency-based applied learning; (iv) a method for approving alternative programs, including dual enrollment courses, for which course credit may be granted for the purpose of satisfying high school graduation requirements to any student who completes such course and masters the course content by demonstrating the competencies required by course standards, regardless of time, place, or pace; (v) other instructional time models adopted to meet instructional hour requirements through a variety of learning modalities such as project-based learning, mastery-based learning, weekend courses, and evening courses to allow a student to use flexible time options to accelerate demonstration of mastery; and (vi) offering instructional and learning opportunities including innovative, advanced, and enrichment programs for the full school year.

4. That the Board of Education shall submit to the Chairs of the Senate Committee on Education and Health and the House Committee on Education by November 1, 2024, a report on its progress in implementing the provisions of this act.

CHAPTER 422

An Act to amend the Code of Virginia by adding in Article 2 of Chapter 1 of Title 6.2 a section numbered 6.2-107.1, relating to financial institutions; certain payments required electronically.

[S 166]

Approved April 4, 2024

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Article 2 of Chapter 1 of Title 6.2 a section numbered 6.2-107.1 as follows:

§ 6.2-107.1. Certain payments required electronically.

Any financial institution that initiates an electronic fund transfer related to the sale to a consumer of a security issued by such financial institution shall make available to the consumer the option of completing any payment of principal, interest, dividend, or other distribution related to the security to the consumer via an electronic fund transfer.

CHAPTER 423

An Act to direct the Board of Health to convene the State Health Services Plan Task Force to make recommendations on expedited review of projects subject to certificate of public need requirements.

[S 277]

Approved April 4, 2024

Be it enacted by the General Assembly of Virginia:

1. *§ 1. That the Board of Health shall convene the State Health Services Plan Task Force (the Task Force) established by § 32.1-102.2:1 of the Code of Virginia to develop recommendations on expedited review of project types subject to certificate of public need requirements that are generally noncontested and present limited health planning impacts. The Task Force shall also create recommendations regarding (i) what facilities and project types listed in § 32.1-102.1:3 of the Code of Virginia should be added to the expedited review process, (ii) criteria that should apply to any project types subject to expedited review, and (iii) a framework for the application and approval process of such projects. Project types for consideration shall include (a) increases in inpatient psychiatric beds, (b) relocation of inpatient psychiatric beds, (c) introduction of psychiatric services into an existing medical care facility, and (d) conversion of beds in an existing medical care facility to psychiatric inpatient beds. The Task Force shall meet in person at least four times, and shall complete its meetings by October 1, 2024. The Commissioner of Health shall provide a report of these recommendations to the Secretary of Health and Human Resources, the Chairman of the Senate Committee on Education and Health, and the Chairman of the House Committee on Health and Human Services by November 1, 2024.*

CHAPTER 424

An Act to amend and reenact § 17.1-405 of the Code of Virginia, relating to Court of Appeals; appeal of interlocutory orders.

[S 509]

Approved April 4, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 17.1-405 of the Code of Virginia is amended and reenacted as follows:

§ 17.1-405. Appellate jurisdiction — Administrative agency, Virginia Workers' Compensation Commission, and civil matter appeals.

A. Unless otherwise provided by law, any aggrieved party may appeal to the Court of Appeals from:

1. Any final decision of a circuit court on appeal from (i) a decision of an administrative agency, or (ii) a grievance hearing decision issued pursuant to § 2.2-3005;

2. Any final decision of the Virginia Workers' Compensation Commission;

3. Except as provided in subsection B of § 17.1-406, any final judgment, order, or decree of a circuit court in a civil matter;

4. Any interlocutory decree or order pursuant to § 8.01-267.8 or 8.01-675.5;

5. Except as provided in subsection B, any interlocutory decree or order involving an equitable claim in which the decree or order (i) requires money to be paid or the possession or title of property to be changed or (ii) adjudicates the principles of a cause; or

6. Any final judgment, order, or decree of a circuit court (i) involving an application for a concealed weapons permit pursuant to Article 6.1 (§ 18.2-307.1 et seq.) of Chapter 7 of Title 18.2, (ii) involving involuntary treatment of prisoners pursuant to § 53.1-40.1 or 53.1-133.04, or (iii) for declaratory or injunctive relief under § 57-2.02.

B. ~~No~~ *Except as provided in § 8.01-675.5, no* interlocutory decree or order shall be appealed if such decree or order involves:

1. Affirmance or annulment of a marriage;

2. Divorce;

3. Custody of a minor child;

4. Spousal or child support;

5. Control or disposition of a minor child;

6. Any other domestic relations matter arising under Title 16.1 or 20; or

7. Any protective order other than a final protective order issued by a circuit court.

CHAPTER 425

An Act to direct the Board of Nursing to amend its regulations related to out-of-state clinical sites.

[S 553]

Approved April 4, 2024

Be it enacted by the General Assembly of Virginia:

1. *§ 1. That the Board of Nursing (the Board) shall amend its regulations to permit nursing education programs in the Commonwealth located within 60 miles of a bordering state or the District of Columbia to contract for an unlimited number of required clinical hours at out-of-state clinical sites. The regulations shall require that all such clinical hours be accepted by the Board for licensure.*

CHAPTER 426

An Act to amend and reenact § 15.2-2903 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 15.2-2512.1, relating to local fiscal distress; state intervention.

[S 645]

Approved April 4, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 15.2-2903 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 15.2-2512.1 as follows:

§ 15.2-2512.1. Local fiscal distress; determination by Auditor of Public Accounts; state intervention.

A. For purposes of this section:

"Auditor" means the Auditor of Public Accounts.

"Emergency fiscal manager" means an official appointed by the Commission on Local Government to implement a remediation plan approved by the Commission under subsection H to restore fiscal health for a locality in the

Commonwealth. The "emergency fiscal manager" shall have broad powers to rectify the financial emergency and to assure the fiscal accountability of the locality and the locality's capacity to provide or cause to be provided necessary governmental services essential to the public health, safety, and welfare.

"Fiscal distress" means a situation whereby the provision and sustainability of public services, or the ability to appropriately fund financial liabilities, is threatened by various administrative and financial shortcomings, including cash flow issues, inability to pay expenses, revenue shortfalls, deficit spending, structurally imbalanced budgets, billing and revenue collection inadequacies and discrepancies, debt overload, failure to meet obligations to authorities, school divisions, or political subdivisions of the Commonwealth, lack of trained and qualified staff to process administrative and financial transactions, or the inability to timely produce an audited financial report. "Fiscal distress" may be caused by factors internal to the locality or external to the locality, and in various degrees such conditions may or may not be controllable by management or the local governing body or its constitutional officers.

B. The Auditor shall use leading indicators based on financial data and relevant nonfinancial factors to develop criteria for a preliminary determination that a locality may be in fiscal distress. Such criteria shall be based upon information regularly collected by the Commonwealth or otherwise regularly made public by the locality and the locality's annual audited financial reporting required to be submitted to the Auditor. Information provided by the Virginia Retirement System, the Virginia Resources Authority, the Virginia Public Building Authority, and other state and regional authorities concerning late or missed payments shall be shared with the Auditor.

C. Based upon the criteria established by the Auditor, the Auditor shall establish a prioritized early warning system. Under the prioritized early warning system, the Auditor shall establish a regular process whereby it reviews audited financial data and other relevant factors and qualitative information on at least an annual basis to make a preliminary determination that a locality may meet the criteria for fiscal distress. As part of the early warning system, the Auditor shall use leading financial indicators based on key data from the locality's audited financial reports to evaluate information related to a locality's financial position, financial reserves, debt, and operating revenues and expenditures, along with other relevant factors as applicable. The Auditor shall further evaluate localities that are identified as needing additional evaluation based on their initial financial indicators on the basis of additional leading indicators that may include retirement liabilities, revenue growth, economic and property market value data, reports prepared by the Commission on Local Government on revenue fiscal stress, and other relevant qualitative information.

If a locality has not submitted its audited annual financial report, pursuant to §§ 15.2-2510 and 15.2-2511, within 18 months of the required December 15 deadline or provided a plan to do so, the Auditor shall notify the Governor, the Secretary of Finance, and the Chairmen of the House Committees on Appropriations and Counties, Cities and Towns and the Senate Committees on Finance and Appropriations and Local Government that the Auditor is unable to review the locality's financial data as part of the early warning system or evaluate its financial condition due to the locality's delay with submitting its audited annual financial report. A locality's inability to timely produce its required audited financial report within 18 months of the required deadline as specified in this subsection or to provide a plan to do so shall automatically effectuate the provisions pursuant to subsection D whereby the Auditor shall make a preliminary determination that the locality may meet the criteria for fiscal distress.

D. For a locality where the Auditor has made a preliminary determination of fiscal distress based upon the early warning system criteria, the Auditor shall notify the local governing body of its preliminary determination that it may meet the criteria for fiscal distress. In coordination with the local governing body or chief executive officer, the Auditor may conduct a review and request documents and data from the locality and the locality's published budget information. Such review shall consider factors including budget processes, debt, borrowing, expenses and payables, revenues and receivables, and other areas, including staffing and the identification of external variables contributing to a locality's financial position. Any local governing body that receives requests for information from the Auditor pursuant to such preliminary determination based on the above-described threshold levels shall acknowledge receipt of such a request and shall ensure that a response is provided within the timeframes specified by the Auditor. If the locality does not acknowledge the Auditor's notification of a preliminary determination or does not provide a response to the Auditor's requests within reasonable timeframes so specified, the Auditor shall notify the Governor, the Secretary of Finance, and the Chairmen of the House Committees on Appropriations and Counties, Cities and Towns and the Senate Committees on Finance and Appropriations and Local Government that the locality is not responsive. After such review, if the local governing body or chief executive officer requests assistance or the Auditor is of the opinion that state assistance, oversight, or targeted intervention is needed, either to further assess, help stabilize, or remediate the situation, the Auditor shall notify the Governor and the Chairmen of the House Committees on Appropriations and Counties, Cities and Towns and the Senate Committees on Finance and Appropriations and Local Government and the governing body of the locality in writing, outlining specific issues or actions that need to be addressed by state assistance, oversight, or intervention.

E. 1. Once the Governor has received a notification from the Auditor indicating fiscal distress in a specific locality, the Governor shall consult with the Chairmen of the House Committee on Appropriations and the Senate Committee on Finance and Appropriations about a plan for state assistance, oversight, or intervention prior to any expenditure of funds from the cash reserve. Any plan approved by the Governor for state assistance, oversight, or intervention shall, at a minimum, specify the purpose of such state assistance, oversight, or intervention efforts, the estimated duration of such efforts, and the anticipated resources, dollar amounts, and personnel directed toward such efforts. The staffing necessary to carry out the assistance, oversight, or intervention plan may be assembled from either public agencies or private entities or

both and, notwithstanding any other provisions of law, the Governor may use an expedited method of procurement to secure such staffing when, in his judgment, the need for state assistance, oversight, or intervention is of an emergency nature such that action must be taken in a timely manner to avoid or address unacceptable financial risks to the Commonwealth.

2. The Director of the Department of Planning and Budget shall identify any amounts remaining unexpended from general fund appropriations in the state budget as of June 30 of each year, which constitute state aid to local governments. The Director shall provide a listing of such amounts designated by item number and by program on or before August 15 of each year to the Governor and the Chairmen of the House Committee on Appropriations and the Senate Committee on Finance and Appropriations.

3. From such unexpended balances identified by the Director of the Department of Planning and Budget, the Governor may reappropriate up to $750,000 from amounts that would otherwise revert to the balance of the general fund and transfer such amounts as necessary to establish a component of fund balance, which may be used for the purpose of providing state assistance, oversight, and intervention actions for localities deemed to be fiscally distressed and in need of state assistance, oversight, or intervention to address such distress. Any such reappropriation approved by the Governor shall be separately identified in the commitments specified on the balance sheet and financial statements of the State Comptroller for the close of each fiscal year, to the extent that such reserve is not used or added to by future appropriation actions.

4. Prior to any expenditure of the reappropriated reserve, the Governor and the Chairmen of the House Committees on Appropriations and Counties, Cities and Towns and the Senate Committees on Finance and Appropriations and Local Government shall receive a notification from the Auditor that a specific locality is in need of state assistance, oversight, or intervention because of a worsening financial situation. The Auditor may issue such a notification upon receipt of an audited financial statement or other information that indicates the existence of fiscal distress. However, no such notification shall be made until appropriate follow up and correspondence ascertains that, in the opinion of the Auditor, such fiscal distress exists. Such notification may also be issued by the Auditor if written concerns raised about fiscal distress are not adequately addressed by the locality in question. The notification issued by the Auditor indicating fiscal distress in a specific locality pursuant to subsection D shall satisfy the notification requirement of this subdivision.

F. The governing body and the elected constitutional officers of a locality subject to a plan of state assistance, oversight, or intervention approved by the Governor shall assist all state-appointed staff conducting such efforts regardless of whether such staff are from public agencies or private entities. The state-appointed staff shall provide periodic reports in writing to the Governor and the Chairmen of the House Committees on Appropriations and Counties, Cities and Towns and the Senate Committees on Finance and Appropriations and Local Government outlining the scope of issues discovered and any recommendations made to address such issues, and the progress that is made on such recommendations or other state assistance, oversight, or intervention efforts. These periodic reports shall specifically address the degree of cooperation the state-appointed team is receiving from locally elected officials, including constitutional officers, city, county, or town managers, and other local personnel in regard to their intervention work.

G. The Commission on Local Government shall act in an oversight capacity for the purpose of determining whether a locality has taken appropriate action to address the issues specified in subsection D as requested by the intervention staff and whether the locality appears to be on track to resolve its fiscal distress. Technical assistance, based on the Auditor's existing oversight and support provided for local governments, shall be provided to the Commission on Local Government by the Auditor, and all agencies of the Commonwealth shall provide assistance to the Commission, upon request. The Commission on Local Government shall report its findings and conclusions to the Governor and the Chairmen of the House Committees on Appropriations and Counties, Cities and Towns and the Senate Committees on Finance and Appropriations and Local Government.

H. For purposes of this subsection, "locality" means any locality located in Planning District 19. If the Commission on Local Government's report to the Governor concludes that a locality is either unwilling or unable to comply with the conditions necessary to address its fiscal distress, the Commission on Local Government shall appoint an emergency fiscal manager and implement a remediation plan to restore sustainable fiscal health to the locality. Following such appointment and during the duration of state remediation, the governing body and the chief executive officer of the locality shall not exercise any of the powers of those offices directly or indirectly relating to the locality's finances except as provided in this subsection and such governing body and chief executive officer shall be subject to any conditions required by the emergency fiscal manager. Notwithstanding any other provision of law, general or special, the emergency fiscal manager may shift certain responsibilities and duties from the treasurer of the locality to the emergency fiscal manager if the emergency fiscal manager determines that it is necessary in order to implement the remediation plan. The emergency fiscal manager shall (i) implement an approved fiscal recovery plan; (ii) approve all professional services, suppliers, service provider contracts, and contractual labor agreements; (iii) approve all city employee payrolls; (iv) approve all long-term debt service and loan payments; (v) complete internal control and forensic audit assessments, as needed; and (vi) approve the annual operating and capital budget. The emergency fiscal manager may make recommendations to the governing body regarding the locality's personnel and staffing. The authority granted under this subsection may apply to any locality facing fiscal distress whether such fiscal conditions originated before or after the enactment of this authority. The emergency fiscal manager shall submit a remediation plan to resolve the locality's fiscal distress to the Commission on Local Government, which shall approve, reject, or revise the plan after timely notice of any proposed actions to be taken has been provided to the public and an opportunity for public input has been provided and such input has been considered by the Commission on Local Government. Such plan shall specify the purpose of remediation efforts, including the roles and responsibilities of the local

governing body and the chief executive officer, directly or indirectly, relating to the locality's finances and the benchmarks that will allow a locality to exit the state remediation plan upon meeting such benchmarks. Following approval of the remediation plan by the Commission on Local Government, the emergency fiscal manager shall report regularly to the Commission on Local Government, the Governor, and the Chairmen of the House Committees on Appropriations and Counties, Cities and Towns and the Senate Committees on Finance and Appropriations and Local Government regarding progress in implementation of the remediation plan. The Commission on Local Government shall determine when the locality has met the benchmarks approved in the remediation plan and shall so notify the Governor and the Chairmen of the House Committees on Appropriations and Counties, Cities and Towns and the Senate Committees on Finance and Appropriations and Local Government.

I. The Department of General Services shall develop a master contract of qualified private sector turnaround specialists with expertise in local government intervention that the Governor can use to procure intervention services in an expeditious manner when he determines that state intervention is warranted in situations of local fiscal distress.

§ 15.2-2903. General powers and duties of Commission.

The Commission shall have the following general powers and duties:

1. To make regulations, including rules of procedure for the conducting of hearings;

2. To keep a record of its proceedings and to be responsible for the custody and preservation of its papers and documents;

3. To serve as a mediator between localities;

4. To investigate, analyze, and make findings of fact, as directed by law, as to the probable effect on the people residing in any area of the Commonwealth of any proposed action in that area:

a. To annex territory,

b. To have an area declared immune from annexation,

c. To establish a town or independent city,

d. To settle or adjust boundaries between localities,

e. To make a transition from city status to town status,

f. To make a transition from a county to a city,

g. To consolidate two or more localities, at least one of which is a county, into a city, or

h. To enter into economic growth-sharing agreements among localities;

5. To conduct investigations, analyses and determinations, in the sole discretion of the Commission, for the guidance of localities in the conduct of their affairs upon the request of such localities;

6. To receive from all agencies, as defined in § 2.2-128, assessments of all mandates imposed on localities administered by such agencies. The assessments shall be conducted on a schedule to be set by the Commission, with the approval of the Governor and the Secretary of Commerce and Trade, provided that the assessments shall not be required to be performed more than once every four years. The purpose of the assessments shall be to determine which mandates, if any, may be altered or eliminated. If an assessment reveals that such mandates may be altered or eliminated without interruption of local service delivery and without undue threat to the health, safety and welfare of the residents of the Commonwealth, the Commission shall so advise the Governor and the General Assembly;

7. To prepare and annually update a catalog of state and federal mandates imposed on localities including, where available, a summary of the fiscal impact on localities of all new mandates. All departments, agencies of government, and localities are directed to make available such information and assistance as the Commission may request in maintaining the catalog;

8. [Expired];

9. *To act in an oversight capacity and coordinate with the Auditor of Public Accounts for the purpose of determining whether a locality in fiscal distress has taken appropriate action as provided in § 15.2-2512.1; and*

10. To perform such other duties as may be imposed upon it, from time to time, by law.

CHAPTER 427

An Act to amend and reenact §§ 63.2-2101, 63.2-2102, and 63.2-2103 of the Code of Virginia, relating to Family and Children's Trust Fund; membership; powers and duties; counsel.

[S 683]

Approved April 4, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 63.2-2101, 63.2-2102, and 63.2-2103 of the Code of Virginia are amended and reenacted as follows:

§ 63.2-2101. Members of Board of Trustees; terms; vacancies; meetings.

A. The Family and Children's Trust Fund shall be administered by a Board of Trustees. The Board of Trustees shall consist of ~~fifteen~~ *15 appointed* members *and one ex officio member. The 15 appointed members shall consist of six nonlegislative citizen members* appointed by the Governor and subject to confirmation by the General Assembly*, five nonlegislative citizen members appointed by the Speaker of the House of Delegates, and four nonlegislative citizen members appointed by the Senate Committee on Rules*. The Board members shall represent the Commonwealth at large and shall

have knowledge and experience in child abuse and neglect, adult abuse and neglect, and domestic violence programs, finance and fiscal management*, appointment as a guardian ad litem, social work with affected youth and families, youth policy,* and other related areas. The Commissioner *or his designee* shall serve ~~as a permanent member of the Board of Trustees~~ *ex officio with nonvoting privileges*. The Board shall elect a chairman. *Board members shall be reimbursed for all reasonable and necessary expenses incurred in the performance of their duties as provided by §§ 2.2-2813 and 2.2-2825. Such expenses shall be paid from funds appropriated to the Department.*

B. ~~Initially, five appointments to the Board shall be for a term of four years, five appointments shall be for a term of three years, and five appointments shall be for a term of two years; thereafter, all~~ *All* appointments shall be for terms of four years. Appointments to fill vacancies other than by expiration of term shall be for the unexpired term. No member shall be eligible to serve more than two successive four-year terms. *The remainder of any term to which a member is appointed to fill a vacancy other than by expiration of term shall not constitute a term in determining the member's eligibility for reappointment.*

C. The Board shall meet as frequently as necessary to fulfill its duties but not less than once a year.

§ 63.2-2102. Powers and duties of the Board of Trustees.

The Board of Trustees shall have the authority to:

1. Encourage, approve*,* and accept gifts, contributions, bequests, or grants in cash or otherwise from any source, public or private, to carry out the purposes of the Family and Children's Trust Fund;

2. Administer and disburse any funds available to the Family and Children's Trust Fund;

3. Engage in ~~fund-raising~~ *fundraising* activities to expand and perpetuate the Family and Children's Trust Fund;

4. *Establish a nonprofit organization to assist in the details of administering its affairs and in raising funds;*

5. Monitor the use of funds to ensure the accountability of the recipients of funds;

~~5.~~ *6.* Advise the Department, the Board of Social Services, and the Governor on matters concerning programs for the prevention of child abuse and neglect and family violence, the treatment of abused and neglected children and their families, and such other issues related to child abuse and neglect and family violence as identified by the Commissioner;

~~6.~~ *7.* Communicate to the Departments of Behavioral Health and Developmental Services, Corrections, Criminal Justice Services, Education, Health, and Juvenile Justice, other state agencies as appropriate, and the Attorney General activities of the Board of Trustees related to efforts to prevent and treat child abuse and neglect and violence within families;

~~7.~~ *8.* Encourage public awareness activities concerning child abuse and neglect and violence within families;

~~8.~~ *9.* Adopt bylaws and other internal rules for the efficient management of the Family and Children's Trust Fund; and

~~9.~~ *10.* Administer all matters necessary and convenient to carry out the powers and duties expressly given in this chapter.

§ 63.2-2103. Management of the Family and Children's Trust Fund; counsel.

A. All funds received *by the Family and Children's Trust Fund* shall be paid to the treasury of Virginia, which shall be custodian of the Family and Children's Trust Fund. Such funds shall be set aside as a separate fund and shall be managed by the Treasurer of Virginia at the discretion of the Board *of Trustees*. The net earnings of the Trust Fund shall not inure to the benefit of any private person or entity, except that the Board of Trustees may authorize payment of reasonable compensation for goods provided and services rendered and may authorize disbursements in furtherance of the purpose set forth in § 63.2-2100. The Trust Fund *or Board of Trustees* shall not carry on propaganda, or otherwise attempt, to influence legislation as a substantial part of its activities; and it shall not participate or intervene, by publishing or distributing statements or by other means, in any political campaign on behalf of any candidate for public office. If the Trust Fund is dissolved, any assets remaining after payment, or provision for payment, of all claims against it shall be distributed to the Commonwealth for public purposes.

B. Legal services for the Board of Trustees shall be provided by the Attorney General in accordance with Chapter 5 (§ 2.2-500 et seq.) of Title 2.2.

2. That the initial appointment of nonlegislative citizen members to the Board of Trustees of the Family and Children's Trust Fund (the Board) by the Speaker of the House of Delegates and the Senate Committee on Rules shall occur upon the expiration of the terms of the current members of the Board. Upon the first expiration of a term of a Board member, the Speaker of the House of Delegates shall appoint a nonlegislative citizen member pursuant to § 63.2-2101 of the Code of Virginia, as amended by this act. Upon the next expiration of a term of a Board member, the Senate Committee on Rules shall appoint a nonlegislative citizen member. Appointments shall alternate between the Speaker of the House of Delegates and the Senate Committee on Rules until the ratio of appointments satisfies the requirements of § 63.2-2101 of the Code of Virginia, as amended by this act.

CHAPTER 428

An Act to amend and reenact §§ 16.1-266.1 and 16.1-267 of the Code of Virginia, relating to qualifications and performance of attorneys appointed to represent parents or guardians; child dependency cases; compensation; pilot multidisciplinary law offices.

[H 893]

Approved April 4, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 16.1-266.1 and 16.1-267 of the Code of Virginia are amended and reenacted as follows:

§ 16.1-266.1. Standards for attorneys appointed as guardians ad litem; list of qualified attorneys; attorneys appointed for parents or guardians.

A. On or before January 1, 1995, the Judicial Council of Virginia, in conjunction with the Virginia State Bar and the Virginia Bar Association, shall adopt standards for attorneys appointed as guardians ad litem pursuant to § 16.1-266. The standards shall, insofar as practicable, take into consideration the following criteria: (i) license or permission to practice law in Virginia, (ii) current training in the roles, responsibilities and duties of guardian ad litem representation, (iii) familiarity with the court system and general background in juvenile law, and (iv) demonstrated proficiency in this area of the law.

B. The Judicial Council shall maintain a list of attorneys admitted to practice law in Virginia who are qualified to serve as guardians ad litem based upon the standards and shall make the names available to the courts. If no attorney who is on the list is reasonably available, a judge in his discretion may appoint any discreet and competent attorney who is admitted to practice law in Virginia.

C. ~~Counsel appointed for a parent or guardian pursuant to subsection D of § 16.1-266 shall be selected from the list of attorneys who are qualified to serve as guardians ad litem.~~ *On or before January 1, 2026, the Judicial Council, in conjunction with the Virginia State Bar and the Virginia Bar Association, shall adopt standards for the qualification and performance of attorneys appointed pursuant to § 16.1-266 to represent a parent or guardian of a child when such child is the subject of a child dependency case. The standards shall, to the extent practicable, take into consideration the following criteria: (i) license or permission to practice law in Virginia; (ii) current training in the roles, responsibilities, and duties of parent or guardian representation; (iii) familiarity with the court system and a general background in juvenile law; and (iv) demonstrated proficiency in this area of law. For purposes of this section, a "child dependency case" includes cases before the juvenile and domestic relations district courts, and the circuit courts on appeal, involving a child who is (a) alleged to have been abused or neglected pursuant to § 16.1-278.2; (b) alleged to be at risk of being abused or neglected by a parent or custodian who has been adjudicated as having abused or neglected another child in his care pursuant to § 16.1-278.2; (c) the subject of a petition for approval of an entrustment agreement pursuant to § 16.1-277.01; (d) the subject of a petition for relief of custody pursuant to § 16.1-277.02; (e) placed in foster care and is the subject of a foster care or permanency plan filed pursuant to § 16.1-281, 16.1-282, 16.1-282.1, or 16.1-282.2; and (f) the subject of a petition for termination of residual parental rights pursuant to § 16.1-283.*

D. Beginning July 1, 2026, the Judicial Council shall maintain a list of attorneys admitted to practice law in Virginia who are qualified to be appointed to represent indigent parents and guardians involved in a child dependency case based on the standards required by this section and shall make such names available to the courts.

E. Counsel appointed for a parent or guardian pursuant to subsection D of § 16.1-266 prior to July 1, 2026, shall be selected from the list of attorneys who are qualified to serve as guardians ad litem. On or after July 1, 2026, such counsel shall be selected from the list of attorneys who are qualified to be appointed to represent indigent parents and guardians established in accordance with subsection D. If no attorney who is on the list is reasonably available or appropriate considering the circumstances of the parent or case, a judge in his discretion may appoint any discreet and competent attorney who is admitted to practice law in Virginia.

§ 16.1-267. Compensation of appointed counsel.

A. When the court appoints counsel to represent a child pursuant to subsection A of § 16.1-266 and, after an investigation by the court services unit, finds that the parents are financially able to pay for the attorney and refuse to do so, the court shall assess costs against the parents for such legal services in the maximum amount of that awarded the attorney by the court under the circumstances of the case, considering such factors as the ability of the parents to pay and the nature and extent of the counsel's duties in the case. Such amount shall not exceed the maximum amount specified in subdivision 1 of § 19.2-163 if the action is in district court.

When the court appoints counsel to represent a child pursuant to subsection B or C of § 16.1-266 and, after an investigation by the court services unit, finds that the parents are financially able to pay for the attorney in whole or in part and refuse to do so, the court shall assess costs in whole or in part against the parents for such legal services in the amount awarded the attorney by the court. Such amount shall not exceed $100 if the action is in circuit court or the maximum amount specified in subdivision 1 of § 19.2-163 if the action is in district court. In determining the financial ability of the parents to pay for an attorney to represent the child, the court shall utilize the financial statement required by § 19.2-159.

In all other cases, except as provided in § 16.1-343, counsel appointed to represent a child shall be compensated for his services pursuant to § 19.2-163.

B. When the court appoints counsel to represent a parent, guardian, or other adult pursuant to § 16.1-266, such counsel shall be compensated for his services pursuant to § 19.2-163. *When the court appoints counsel to represent a parent, guardian, or other adult pursuant to § 16.1-266 in a child dependency case as defined in § 16.1-266.1, such counsel shall be compensated for his services in an amount not to exceed $330, except that in matters arising under § 16.1-283, such counsel shall be compensated for his services in an amount not to exceed $680. Notwithstanding the foregoing, no court may waive the limitation of fees as set forth therein.*

C. 1. In any proceeding in which the court appoints a guardian ad litem to represent a child pursuant to § 16.1-266, the court shall order the parent, or other party with a legitimate interest who has filed a petition in such proceeding, to reimburse the Commonwealth the costs of such services in an amount not to exceed the amount awarded the guardian ad litem by the

court. If the court determines that such party is unable to pay, the required reimbursement may be reduced or eliminated. No party whom the court determines to be indigent pursuant to § 19.2-159 shall be required to pay reimbursement except where the court finds good cause to do so. The Executive Secretary of the Supreme Court shall administer the guardian ad litem program and shall report August 1 and January 1 of each year to the Chairmen of the House Committee on Appropriations and the Senate Committee on Finance and Appropriations on the amounts paid for guardian ad litem purposes, amounts reimbursed, savings achieved, and management actions taken to further enhance savings under this program.

2. For good cause shown, or upon the failure by the guardian ad litem to substantially comply with the standards adopted for attorneys appointed as guardians ad litem pursuant to § 16.1-266.1, the court may adjust the cost sought by the guardian ad litem of such services.

3. For the purposes of this subsection, "other party with a legitimate interest" shall not include child welfare agencies or local departments of social services.

2. That up to two multidisciplinary law offices or programs may be established for the purpose of representing parents in child dependency court proceedings or, prior to the initiation of such proceedings, pursuant to a child protective services assessment or investigation in localities, jurisdictions, or judicial districts that affirm they have met criteria developed by the work group established by Chapter 305 of the Acts of Assembly of 2022. Such multidisciplinary law offices shall utilize the Interdisciplinary Practice Model developed by the American Bar Association and the Family Justice Initiative and develop such protocols, goals, and outcome measures as are consistent with those required for federal financial participation for legal representation under Title IV-E of the Social Security Act, 42 U.S.C. § 673 (Title IV-E). Any private or local public entities establishing any such multidisciplinary law office may enter into an agreement with a local department of social services or the Department of Social Services to receive Title IV-E funding for eligible administrative costs of providing legal representation for a child who is a candidate for Title IV-E foster care or in foster care and his parent to prepare for and participate in all stages of foster care legal proceedings, including court hearings related to the child's removal from the home.

3. That any multidisciplinary law office or program established pursuant to the second enactment of this act shall, in any calendar year that such multidisciplinary law office or program is in effect for at least six months, submit a report that includes information on program outcomes, expenses, recommendations, and any other information pertinent to the measurement of how the program impacts the progression of child dependency cases. Such report shall be submitted annually to the Office of the Children's Ombudsman established by Chapter 4.4 (§ 2.2-438 et seq.) of Title 2.2 of the Code of Virginia and the Chairmen of the House Committees for Courts of Justice and on Health and Human Services and Appropriations and the Senate Committees for Courts of Justice and on Education and Health and Finance and Appropriations by November 1.

4. That the provisions of § 16.1-267 of the Code of Virginia, as amended by this act, shall become effective on January 1, 2025.

CHAPTER 429

An Act to amend and reenact § 22.1-279.8 of the Code of Virginia, relating to annual school safety audits; items to be reviewed; technology systems.

[H 561]

Approved April 4, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 22.1-279.8 of the Code of Virginia is amended and reenacted as follows:

§ 22.1-279.8. School safety audits and school crisis, emergency management, and medical emergency response plans required.

A. For the purposes of this section, unless the context requires otherwise:

"School crisis, emergency management, and medical emergency response plan" means the essential procedures, operations, and assignments required to prevent, manage, and respond to a critical event or emergency, including natural disasters involving fire, flood, tornadoes, or other severe weather; loss or disruption of power, water, communications or shelter; bus or other accidents; medical emergencies, including cardiac arrest and other life-threatening medical emergencies; student or staff member deaths; explosions; bomb threats; gun, knife or other weapons threats; spills or exposures to hazardous substances; the presence of unauthorized persons or trespassers; the loss, disappearance or kidnapping of a student; hostage situations; violence on school property or at school activities; incidents involving acts of terrorism; and other incidents posing a serious threat of harm to students, personnel, or facilities. The plan shall include a provision that the Department of Criminal Justice Services and the Virginia Criminal Injuries Compensation Fund shall be contacted immediately to deploy assistance in the event of an emergency as defined in the emergency response plan when there are victims as defined in § 19.2-11.01. The Department of Criminal Justice Services and the Virginia Criminal Injuries Compensation Fund shall be the lead coordinating agencies for those individuals determined to be victims, and the plan shall also contain current contact information for both agencies.

"School safety audit" means a written assessment of the safety conditions in each public school to (i) identify and, if necessary, develop solutions for physical safety concerns, including building security issues, and (ii) identify and evaluate any patterns of student safety concerns occurring on school property or at school-sponsored events. Solutions and responses shall include recommendations for structural adjustments, changes in school safety procedures, and revisions to the school board's standards for student conduct.

B. The Virginia Center for School and Campus Safety, in consultation with the Department of Education, shall develop a list of items to be reviewed and evaluated in the school safety audits required by this section. Such items shall include *(i)* those incidents reported to school authorities pursuant to § 22.1-279.3:1 ~~and shall include~~*; (ii)* a school inspection walk-through using a standardized checklist provided by the Virginia Center for School and Campus Safety, which shall incorporate crime prevention through environmental design principles*; and (iii) specific technology systems, including physical security technologies, emergency telecommunication systems, and associated technology including equipment and software*.

The Virginia Center for School and Campus Safety shall prescribe a standardized report format for school safety audits, additional reporting criteria, and procedures for report submission, which may include instructions for electronic submission.

Each local school board shall require all schools under its supervisory control to annually conduct school safety audits, as defined in this section, consistent with such list and in collaboration with the chief law-enforcement officer of the locality or his designee. As part of each such audit, the school board shall create a detailed and accurate floor plan for each public school building in the local school division or shall certify that the existing floor plan for each such school is sufficiently detailed and accurate.

The results of such school safety audits shall be made public within 90 days of completion pursuant to this subsection. The local school board shall retain authority to withhold or limit the release of any security plans, walk-through checklists, floor plans, and specific vulnerability assessment components as provided in subdivision 4 of § 2.2-3705.2. The completed walk-through checklist shall be made available to the chief law-enforcement officer of the locality or his designee. Each school shall maintain a copy of the school safety audit, which may exclude such security plans, walk-through checklists, and vulnerability assessment components, within the office of the school principal and shall make a copy of such report available for review upon written request.

Each school shall submit a copy of its school safety audit to the relevant school division superintendent. The division superintendent shall collate and submit all such school safety audits, in the prescribed format and manner of submission, to the Virginia Center for School and Campus Safety and shall make available to the chief law-enforcement officer of the locality the results of such audits for his review and recommendations.

C. The division superintendent shall establish a school safety audit committee to include, if available, representatives of parents, teachers, local law-enforcement, emergency services agencies, local community services boards, and judicial and public safety personnel. The school safety audit committee shall review the completed school safety audits and submit any plans, as needed, for improving school safety to the division superintendent for submission to the local school board.

D. Each school board shall ensure that every school that it supervises shall develop a written school crisis, emergency management, and medical emergency response plan, consistent with the definition provided in this section, and shall include the chief law-enforcement officer, the fire chief, the chief of the emergency medical services agency, the executive director of the relevant regional emergency medical services council, and the emergency management official of the locality, or their designees, in the development of such plans. Each school division shall designate an emergency manager. The Department of Education and the Virginia Center for School and Campus Safety shall provide technical assistance to the school divisions of the Commonwealth in the development of the school crisis, emergency management, and medical emergency response plans that describe the components of a medical emergency response plan developed in coordination with local emergency medical services providers, the training of school personnel and students to respond to a life-threatening emergency, and the equipment required for this emergency response. The local school board, the chief law-enforcement officer, the fire chief, the chief of the emergency medical services agency, the executive director of the relevant regional emergency medical services council, and the emergency management official of the locality, or their designees, shall annually review the written school crisis, emergency management, and medical emergency response plans. The local school board shall have the authority to withhold or limit the review of any security plans and specific vulnerability assessment components as provided in subdivision 4 of § 2.2-3705.2. The local school division superintendent shall certify this review in writing to the Virginia Center for School and Campus Safety no later than August 31 of each year.

Upon consultation with local school boards, division superintendents, the Virginia Center for School and Campus Safety, and the Coordinator of Emergency Management, the Board of Education shall develop, and may revise as it deems necessary, a model school crisis, emergency management, and medical emergency response plan for the purpose of assisting the public schools in the Commonwealth in developing viable, effective crisis, emergency management, and medical emergency response plans. Such model shall set forth recommended effective procedures and means by which parents can contact the relevant school or school division regarding the location and safety of their school children and by which school officials may contact parents, with parental approval, during a critical event or emergency.

E. Each school board shall ensure that every public school it supervises employs at least one school administrator who has completed, either in-person or online, school safety training for public school personnel conducted by the Virginia

Center for School and Campus Safety in accordance with subdivision A 1 of § 9.1-184. However, such requirement shall not apply if such required training is not available online.

F. Each division superintendent shall annually designate an employee in the local school division as the division safety official whose duty is to receive all reports required pursuant to subsection A of § 19.2-83.1 and §§ 19.2-291.1 and 19.2-299.3 and shall include such designation in the collated packet of school safety audits submitted to the Virginia Center for School and Campus Safety pursuant to subsection B. The designation required by this subsection shall include updated contact information for the division safety official, including (i) a current mailing address, (ii) a current working daytime phone number, (iii) a current functional email address, and (iv) a current functional fax number. It shall be the duty of the division superintendent to update contact information required by this subsection within 48 hours of any change to such contact information.

CHAPTER 430

An Act to amend the Code of Virginia by adding in Article 1 of Chapter 3 of Title 40.1 a section numbered 40.1-28.7:11, relating to Department of Labor and Industry; workplace poster for veterans benefits and services.

[H 160]

Approved April 4, 2024

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Article 1 of Chapter 3 of Title 40.1 a section numbered 40.1-28.7:11 as follows:

§ 40.1-28.7:11. Veterans benefits and services poster.

A. The Department shall, in consultation with the Department of Veterans Services, create and make available to all employers in the Commonwealth a poster describing benefits and services available to veterans. The poster shall, at a minimum, include information about the following benefits and services:

1. Department of Veterans Services' programs, contact information, and website address;

2. Substance abuse and mental health treatment services;

3. Educational, workforce, and training resources;

4. Tax benefits;

5. Eligibility for unemployment insurance benefits under state or federal law;

6. Legal services; and

7. The U.S. Department of Veterans Affairs Veterans Crisis Line.

B. Any employer in the Commonwealth may request from the Department and display the poster in the same location where other employee notices required by state or federal law are posted.

CHAPTER 431

An Act to direct the Board of Counseling to amend its regulations related to licensure by endorsement for licensure as a marriage and family therapist.

[H 329]

Approved April 4, 2024

Be it enacted by the General Assembly of Virginia:

1. *§ 1. That the Board of Counseling shall amend 18VAC115-50-40 of the Virginia Administrative Code to state only the following:*

"Every applicant for licensure by endorsement shall hold or have held a valid and unrestricted marriage and family license in another jurisdiction in the United States and shall submit:

1. A completed application;

2. The application processing and initial licensure fee prescribed in 18VAC115-50-20;

3. Documentation of licensure as follows: verification of all mental health or health professional licenses or certificates ever held in any other jurisdiction. In order to qualify for endorsement, the applicant shall have no unresolved action against a license or certificate. The board will consider history of disciplinary action on a case-by-case basis;

4. An affidavit of having read and understood the regulations and laws governing the practice of marriage and family therapy in Virginia; and

5. A current report from the U.S. Department of Health and Human Services National Practitioner Data Bank (NPDB)."

CHAPTER 432

An Act to amend and reenact § 22.1-137 of the Code of Virginia, relating to public schools; fire drills; timing and frequency.

[H 66]

Approved April 4, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 22.1-137 of the Code of Virginia is amended and reenacted as follows:

§ 22.1-137. Fire drills.

~~In every public school there shall be a fire drill at least twice during the first 20 school days of each school session, in order that pupils may be thoroughly practiced in such drills.~~ Every public school shall hold ~~at least two additional~~ fire drills during ~~the remainder of~~ the school session *in accordance with the requirements of the Statewide Fire Prevention Code (§ 27-94 et seq.)*.

CHAPTER 433

An Act to amend and reenact § 22.1-253.13:1, as it shall become effective, of the Code of Virginia, relating to public secondary schools; satisfaction of physical education requirements; participation in Junior Reserve Officers' Training Corps.

[H 98]

Approved April 4, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 22.1-253.13:1, as it shall become effective, of the Code of Virginia is amended and reenacted as follows:

§ 22.1-253.13:1. (For effective date, see Acts 2022, cc. 549, 550, cl. 2) Standard 1. Instructional programs supporting the Standards of Learning and other educational objectives.

A. The General Assembly and the Board believe that the fundamental goal of the public schools of the Commonwealth must be to enable each student to develop the skills that are necessary for success in school, preparation for life, and reaching their full potential. The General Assembly and the Board find that the quality of education is dependent upon the provision of (i) the appropriate working environment, benefits, and salaries necessary to ensure the availability of high-quality instructional personnel; (ii) the appropriate learning environment designed to promote student achievement; (iii) quality instruction that enables each student to become a productive and educated citizen of Virginia and the United States of America; and (iv) the adequate commitment of other resources. In keeping with this goal, the General Assembly shall provide for the support of public education as set forth in Article VIII, § 1 of the Constitution of Virginia.

B. The Board shall establish educational objectives known as the Standards of Learning, which shall form the core of Virginia's educational program, and other educational objectives, which together are designed to ensure the development of the skills that are necessary for success in school and for preparation for life in the years beyond. At a minimum, the Board shall establish Standards of Learning for English, mathematics, science, and history and social science. The Standards of Learning shall not be construed to be regulations as defined in § 2.2-4001.

The Board shall seek to ensure that the Standards of Learning are consistent with a high-quality foundation educational program. The Standards of Learning shall include, but not be limited to, the basic skills of communication (listening, speaking, reading, and writing); computation and critical reasoning, including problem solving and decision making; proficiency in the use of computers and related technology; computer science and computational thinking, including computer coding; and the skills to manage personal finances and to make sound financial decisions.

The English Standards of Learning for reading in kindergarten through grade eight shall align with evidence-based literacy instruction and science-based reading research.

The Standards of Learning in all subject areas shall be subject to regular review and revision to maintain rigor and to reflect a balance between content knowledge and the application of knowledge in preparation for eventual employment and lifelong learning. The Board shall establish a regular schedule, in a manner it deems appropriate, for the review, and revision as may be necessary, of the Standards of Learning in all subject areas. Such review of each subject area shall occur at least once every seven years. Nothing in this section shall be construed to prohibit the Board from conducting such review and revision on a more frequent basis.

To provide appropriate opportunity for input from the general public, teachers, and local school boards, the Board shall conduct public hearings prior to establishing revised Standards of Learning. Thirty days prior to conducting such hearings, the Board shall give notice of the date, time, and place of the hearings to all local school boards and any other persons requesting to be notified of the hearings and publish notice of its intention to revise the Standards of Learning in the Virginia Register of Regulations. Interested parties shall be given reasonable opportunity to be heard and present information prior to final adoption of any revisions of the Standards of Learning.

In addition, the Department shall make available and maintain a website, either separately or through an existing website utilized by the Department, enabling public elementary, middle, and high school educators to submit recommendations for improvements relating to the Standards of Learning, when under review by the Board according to its

established schedule, and related assessments required by the Standards of Quality pursuant to this chapter. Such website shall facilitate the submission of recommendations by educators.

School boards shall implement the Standards of Learning or objectives specifically designed for their school divisions that are equivalent to or exceed the Board's requirements. Students shall be expected to achieve the educational objectives established by the school division at appropriate age or grade levels. The curriculum adopted by the local school division shall be aligned to the Standards of Learning.

The Board shall include in the Standards of Learning for history and social science the study of contributions to society of diverse people. For the purposes of this subsection, "diverse" includes consideration of disability, ethnicity, race, and gender.

The Board shall include in the Standards of Learning for health instruction in emergency first aid, cardiopulmonary resuscitation, and the use of an automated external defibrillator, including hands-on practice of the skills necessary to perform cardiopulmonary resuscitation. Such instruction shall be based on the current national evidence-based emergency cardiovascular care guidelines for cardiopulmonary resuscitation and the use of an automated external defibrillator, such as a program developed by the American Heart Association or the American Red Cross. No teacher who is in compliance with subdivision D 3 of § 22.1-298.1 shall be required to be certified as a trainer of cardiopulmonary resuscitation to provide instruction for non-certification.

With such funds as are made available for this purpose, the Board shall regularly review and revise the competencies for career and technical education programs to require the full integration of English, mathematics, science, and history and social science Standards of Learning. Career and technical education programs shall be aligned with industry and professional standard certifications, where they exist.

The Board shall establish content standards and curriculum guidelines for courses in career investigation in elementary school, middle school, and high school. Each school board shall (i) require each middle school student to take at least one course in career investigation or (ii) select an alternate means of delivering the career investigation course to each middle school student, provided that such alternative is equivalent in content and rigor and provides the foundation for such students to develop their academic and career plans. Any school board may require (a) such courses in career investigation at the high school level as it deems appropriate, subject to Board approval as required in subsection A of § 22.1-253.13:4, and (b) such courses in career investigation at the elementary school level as it deems appropriate. The Board shall develop and disseminate to each school board career investigation resource materials that are designed to ensure that students have the ability to further explore interest in career and technical education opportunities in middle and high school. In developing such resource materials, the Board shall consult with representatives of career and technical education, industry, skilled trade associations, chambers of commerce or similar organizations, and contractor organizations.

C. Local school boards shall develop and implement a program of instruction for grades K through 12 that is aligned to the Standards of Learning and meets or exceeds the requirements of the Board. The program of instruction shall emphasize reading, writing, speaking, mathematical concepts and computations, proficiency in the use of computers and related technology, computer science and computational thinking, including computer coding, and scientific concepts and processes; essential skills and concepts of citizenship, including knowledge of Virginia history and world and United States history, economics, government, foreign languages, international cultures, health and physical education, environmental issues, and geography necessary for responsible participation in American society and in the international community; fine arts, which may include, but need not be limited to, music and art, and practical arts; knowledge and skills needed to qualify for further education, gainful employment, or training in a career or technical field; and development of the ability to apply such skills and knowledge in preparation for eventual employment and lifelong learning and to achieve economic self-sufficiency.

Local school boards shall also develop and implement programs of prevention, intervention, or remediation for students who are educationally at risk including, but not limited to, those who fail to achieve a passing score on any Standards of Learning assessment in grades three through eight or who fail an end-of-course test required for the award of a verified unit of credit. Such programs shall include components that are research-based.

Any student who achieves a passing score on one or more, but not all, of the Standards of Learning assessments for the relevant grade level in grades three through eight may be required to attend a remediation program.

Any student who fails to achieve a passing score on all of the Standards of Learning assessments for the relevant grade level in grades three through eight or who fails an end-of-course test required for the award of a verified unit of credit shall be required to attend a remediation program or to participate in another form of remediation. Division superintendents shall require such students to take special programs of prevention, intervention, or remediation, which may include attendance in public summer school programs, in accordance with clause (ii) of subsection A of § 22.1-254 and § 22.1-254.01.

Remediation programs shall include, when applicable, a procedure for early identification of students who are at risk of failing the Standards of Learning assessments in grades three through eight or who fail an end-of-course test required for the award of a verified unit of credit. Such programs may also include summer school for all elementary and middle school grades and for all high school academic courses, as defined by regulations promulgated by the Board, or other forms of remediation. Summer school remediation programs or other forms of remediation shall be chosen by the division superintendent to be appropriate to the academic needs of the student. Students who are required to attend such summer school programs or to participate in another form of remediation shall not be charged tuition by the school division.

The requirement for remediation may, however, be satisfied by the student's attendance in a program of prevention, intervention or remediation that has been selected by his parent, in consultation with the division superintendent or his designee, and is either (i) conducted by an accredited private school or (ii) a special program that has been determined to be comparable to the required public school remediation program by the division superintendent. The costs of such private school remediation program or other special remediation program shall be borne by the student's parent.

The Board shall establish standards for full funding of summer remedial programs that shall include, but not be limited to, the minimum number of instructional hours or the equivalent thereof required for full funding and an assessment system designed to evaluate program effectiveness. Based on the number of students attending and the Commonwealth's share of the per pupil instructional costs, state funds shall be provided for the full cost of summer and other remediation programs as set forth in the appropriation act, provided such programs comply with such standards as shall be established by the Board, pursuant to § 22.1-199.2.

D. Local school boards shall also implement the following:

1. Programs in grades K through three that emphasize developmentally appropriate learning to enhance success.

2. Programs based on prevention, intervention, or remediation designed to increase the number of students who earn a high school diploma and to prevent students from dropping out of school. Such programs shall include components that are research-based.

3. Career and technical education programs incorporated into the K through 12 curricula that include:

a. Knowledge of careers and all types of employment opportunities, including, but not limited to, apprenticeships, entrepreneurship and small business ownership, the military, and the teaching profession, and emphasize the advantages of completing school with marketable skills;

b. Career exploration opportunities in the middle school grades;

c. Competency-based career and technical education programs that integrate academic outcomes, career guidance, and job-seeking skills for all secondary students. Programs shall be based upon labor market needs and student interest. Career guidance shall include counseling about available employment opportunities and placement services for students exiting school. Each school board shall develop and implement a plan to ensure compliance with the provisions of this subdivision. Such plan shall be developed with the input of area business and industry representatives and local comprehensive community colleges and shall be submitted to the Superintendent in accordance with the timelines established by federal law;

d. Annual notice on its website to enrolled high school students and their parents of (i) the availability of the postsecondary education and employment data published by the State Council of Higher Education on its website pursuant to § 23.1-204.1 and (ii) the opportunity for such students to obtain a nationally recognized career readiness certificate at a local public high school, comprehensive community college, or workforce center; and

e. As part of each student's academic and career plan, a list of (i) the top 100 professions in the Commonwealth by median pay and the education, training, and skills required for each such profession and (ii) the top 10 degree programs at institutions of higher education in the Commonwealth by median pay of program graduates. The Department shall annually compile such lists and provide them to each local school board.

4. Educational objectives in middle and high school that emphasize economic education and financial literacy pursuant to § 22.1-200.03.

5. Early identification of students with disabilities and enrollment of such students in appropriate instructional programs consistent with state and federal law.

6. Early identification of gifted students and enrollment of such students in appropriately differentiated instructional programs.

7. Educational alternatives for students whose needs are not met in programs prescribed elsewhere in these standards. Such students shall be counted in average daily membership (ADM) in accordance with the regulations of the Board.

8. Adult education programs for individuals functioning below the high school completion level. Such programs may be conducted by the school board as the primary agency or through a collaborative arrangement between the school board and other agencies.

9. A plan to make achievements for students who are educationally at risk a divisionwide priority that shall include procedures for measuring the progress of such students.

10. An agreement for postsecondary degree attainment with a comprehensive community college in the Commonwealth specifying the options for students to complete an associate degree or a one-year Uniform Certificate of General Studies from a comprehensive community college concurrent with a high school diploma. Such agreement shall specify the credit available for dual enrollment courses and Advanced Placement courses with qualifying exam scores of three or higher.

11. A plan to notify students and their parents of the availability of dual enrollment and advanced placement classes; career and technical education programs, including internships, externships, apprenticeships, credentialing programs, certification programs, licensure programs, and other work-based learning experiences; the International Baccalaureate Program and Academic Year Governor's School Programs; the qualifications for enrolling in such classes, programs, and experiences; and the availability of financial assistance to low-income and needy students to take the advanced placement and International Baccalaureate examinations. This plan shall include notification to students and parents of the agreement

with a comprehensive community college in the Commonwealth to enable students to complete an associate degree or a one-year Uniform Certificate of General Studies concurrent with a high school diploma.

12. Identification of students with limited English proficiency and enrollment of such students in appropriate instructional programs, which programs may include dual language programs whereby such students receive instruction in English and in a second language.

13. Early identification, diagnosis, and assistance for students with mathematics problems and provision of instructional strategies and mathematics practices that benefit the development of mathematics skills for all students.

Local school divisions shall provide algebra readiness intervention services to students in grades six through nine who are at risk of failing the Algebra I end-of-course test, as demonstrated by their individual performance on any diagnostic test that has been approved by the Department. Local school divisions shall report the results of the diagnostic tests to the Department on an annual basis, at a time to be determined by the Superintendent. Each student who receives algebra readiness intervention services will be assessed again at the end of that school year. Funds appropriated for prevention, intervention, and remediation; summer school remediation; at-risk; or algebra readiness intervention services may be used to meet the requirements of this subdivision.

14. Incorporation of art, music, and physical education as a part of the instructional program at the elementary school level.

15. A program of physical activity available to all students in grades kindergarten through five consisting of at least 20 minutes per day or an average of 100 minutes per week during the regular school year and available to all students in grades six through 12 with a goal of at least 150 minutes per week on average during the regular school year. Such program may include any combination of (i) physical education classes, (ii) extracurricular athletics, (iii) recess, or (iv) other programs and physical activities deemed appropriate by the local school board. Each local school board shall implement such program during the regular school year. Any physical education class offered to students in grades seven and eight shall include at least one hour of personal safety training per school year in each such grade level that is developed and delivered in partnership with the local law-enforcement agency and consists of situational safety awareness training and social media education. *Each local school board may accept participation in the Junior Reserve Officers' Training Corps as fulfillment of any physical education requirements applicable to students in grades nine through 12.*

16. A program of student services for kindergarten through grade 12 that shall be designed to aid students in their educational, social, and career development.

17. The collection and analysis of data and the use of the results to evaluate and make decisions about the instructional program.

18. A program of instruction in the high school Virginia and U.S. Government course on all information and concepts contained in the civics portion of the U.S. Naturalization Test.

E. From such funds as may be appropriated or otherwise received for such purpose, there shall be established within the Department a unit to (i) conduct evaluative studies; (ii) provide the resources and technical assistance to increase the capacity for school divisions to deliver quality instruction; and (iii) assist school divisions in implementing those programs and practices that will enhance pupil academic performance and improve family and community involvement in the public schools. Such unit shall identify and analyze effective instructional programs and practices and professional development initiatives; evaluate the success of programs encouraging parental and family involvement; assess changes in student outcomes prompted by family involvement; and collect and disseminate among school divisions information regarding effective instructional programs and practices, initiatives promoting family and community involvement, and potential funding and support sources. Such unit may also provide resources supporting professional development for administrators and teachers. In providing such information, resources, and other services to school divisions, the unit shall give priority to those divisions demonstrating a less than 70 percent passing rate on the Standards of Learning assessments.

F. Each local school board may enter into agreements for postsecondary course credit, credential, certification, or license attainment, hereinafter referred to as College and Career Access Pathways Partnerships (Partnerships), with comprehensive community colleges or other public institutions of higher education or educational institutions established pursuant to Title 23.1 that offer a career and technical education curriculum. Such Partnerships shall (i) specify the options for students to take courses as part of the career and technical education curriculum that lead to course credit or an industry-recognized credential, certification, or license concurrent with a high school diploma; (ii) specify the credit, credentials, certifications, or licenses available for such courses; and (iii) specify available options for students to participate in pre-apprenticeship and apprenticeship programs at comprehensive community colleges concurrent with the pursuit of a high school diploma and receive college credit and high school credit for successful completion of any such program.

G. Each local school board shall provide a program of literacy instruction that is aligned with science-based reading research and provides evidenced-based literacy instruction to students in kindergarten through grade eight and is consistent with the school board's literacy plan as required by subsection B of § 22.1-253.13:6. Pursuant to such program:

1. Each local school board shall provide reading intervention services to students in kindergarten through grade eight who demonstrate substantial deficiencies based on their individual performance on the Standards of Learning reading assessment or a literacy screener provided or approved by the Department. Such reading intervention services shall consist of evidence-based literacy instruction, align with science-based reading research, and be documented for each student in a written student reading plan, consistent with the requirements in subdivision 2 and the list developed by the Department pursuant to subdivision H 2.

2. A reading specialist, in collaboration with the teacher of any student who receives reading intervention services pursuant to subdivision 1, shall develop, oversee implementation of, and monitor student progress on a student reading plan. The parent of each student who receives reading intervention services pursuant to subdivision 1 shall receive notice of and have the opportunity to participate in the development of the student reading plan. Each student reading plan (i) shall follow the Department template created pursuant to subdivision H 3; (ii) shall document such reading intervention services; (iii) shall include, at a minimum, (a) the student's specific, diagnosed reading skill deficiencies as determined or identified by diagnostic assessment data or the literacy screener provided or approved by the Department; (b) the goals and benchmarks for student growth in reading; (c) a description of the specific measures that will be used to evaluate and monitor the student's reading progress; (d) the specific evidence-based literacy instruction that the student will receive; (e) the strategies, resources, and materials that will be provided to the student's parent to support the student to make reading progress; and (f) any additional services the teacher deems available and appropriate to accelerate the student's reading skill development; and (iv) may include the following services for the student: instruction from a reading specialist, trained aide, computer-based reading tutorial program, or classroom teacher with support from an aide, extended instructional time in the school day or school year, or, for students in grades six through eight, a literacy course, in addition to the course required by the Standards of Learning in English, that provides the specific evidence-based literacy instruction identified in the student's reading plan. In accordance with § 22.1-215.2, the parent of each student shall receive notice before services begin and a copy of the student reading plan.

3. Each student who receives such reading intervention services shall be assessed utilizing either the literacy screener provided or approved by the Department or the grade-level reading Standards of Learning assessment again at the end of that school year.

Funds appropriated for prevention, intervention, and remediation, summer school remediation, the at-risk add-on, or early intervention reading may be used to meet the requirements of this subsection.

H. In order to assist local school boards to implement the provisions of subsection G:

1. The Board shall provide guidance on the content of student reading plans;

2. The Department shall develop a list of core literacy curricula, supplemental instruction practices and programs, and intervention programs that consist of evidence-based literacy instruction aligned with science-based reading research for students in kindergarten through grade eight. The list shall be approved by the Board;

3. The Department shall develop a template for student reading plans that aligns with the requirements of subsection G;

4. The Department shall develop and implement a plan for the annual collection and public reporting of division-level and school-level literacy data, at a time to be determined by the Superintendent, to include results on the literacy screeners provided or approved by the Department and the reading Standards of Learning assessments; and

5. The Department shall provide free online evidence-based literacy instruction resources that can be accessed by parents and local school boards to support student literacy development at home.

CHAPTER 434

An Act to direct the Department of Education to develop education materials and guidelines for school boards concerning risks of opioids.

[H 134]

Approved April 4, 2024

Be it enacted by the General Assembly of Virginia:

1. *§ 1. The Department of Education (the Department), in consultation with such stakeholders and experts as it deems necessary or appropriate, shall develop (i) age-appropriate and evidence-based education materials concerning the risks to health and safety that are posed by opioids, with a particular focus on prevention, identification of the signs of overdose, resources for supports, risks, and effects of addiction, and the risk of death that is posed by fentanyl and (ii) guidelines for school boards for incorporating the education materials developed pursuant to clause (i) into instructional programs for students enrolled in the local school division. The Department shall submit to the Chairs of the House Committee on Education and the Senate Committee on Education and Health by November 1, 2024, the education materials and guidelines developed in accordance with the provisions of this act.*

CHAPTER 435

An Act to amend and reenact §§ 22.1-79 and 63.2-801 of the Code of Virginia and to amend the Code of Virginia by adding in Article 3 of Chapter 1 of Title 32.1 a section numbered 32.1-23.7, relating to Supplemental Nutrition Assistance Program; Special Supplemental Nutrition Program for Women, Infants, and Children; applications.

[H 150]

Approved April 4, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 22.1-79 and 63.2-801 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Article 3 of Chapter 1 of Title 32.1 a section numbered 32.1-23.7 as follows:

§ 22.1-79. Powers and duties.

Each school board shall:

1. See that the school laws are properly explained, enforced, and observed;

2. Secure, by visitation or otherwise, as full information as possible about the conduct of the public schools in the school division and take care that they are conducted according to law and with the utmost efficiency;

3. Care for, manage, and control the property of the school division and provide for the erecting, furnishing, equipping, and noninstructional operating of necessary school buildings and appurtenances and the maintenance thereof by purchase, lease, or other contracts;

4. Provide for the consolidation of schools or redistricting of school boundaries or adopt pupil assignment plans whenever such procedure will contribute to the efficiency of the school division;

5. Insofar as not inconsistent with state statutes and regulations of the Board, operate and maintain the public schools in the school division and determine the length of the school term, the studies to be pursued, the methods of teaching, and the government to be employed in the schools;

6. In instances in which no grievance procedure has been adopted prior to January 1, 1991, establish and administer by July 1, 1992, a grievance procedure for all school board employees, except the division superintendent and those employees covered under the provisions of Article 2 (§ 22.1-293 et seq.) and Article 3 (§ 22.1-306 et seq.) of Chapter 15, who have completed such probationary period as may be required by the school board, not to exceed 18 months. The grievance procedure shall afford a timely and fair method of the resolution of disputes arising between the school board and such employees regarding dismissal or other disciplinary actions, excluding suspensions, and shall be consistent with the provisions of the Board's procedures for adjusting grievances. Except in the case of dismissal, suspension, or other disciplinary action, the grievance procedure prescribed by the Board pursuant to § 22.1-308 shall apply to all full-time employees of a school board, except supervisory employees;

7. Perform such other duties as shall be prescribed by the Board or as are imposed by law;

8. Obtain public comment through a public hearing not less than seven days after reasonable notice to the public in a newspaper of general circulation in the school division prior to providing (i) for the consolidation of schools; (ii) the transfer from the public school system of the administration of all instructional services for any public school classroom or all noninstructional services in the school division pursuant to a contract with any private entity or organization; or (iii) in school divisions having 15,000 pupils or more in average daily membership, for redistricting of school boundaries or adopting any pupil assignment plan affecting the assignment of 15 percent or more of the pupils in average daily membership in the affected school. Such public hearing may be held at the same time and place as the meeting of the school board at which the proposed action is taken if the public hearing is held before the action is taken. If a public hearing has been held prior to the effective date of this provision on a proposed consolidation, redistricting, or pupil assignment plan that is to be implemented after the effective date of this provision, an additional public hearing shall not be required;

9. (Expires July 1, 2028) At least annually, survey the school division to identify critical shortages of (i) teachers and administrative personnel by subject matter, (ii) specialized student support positions as that term is described in subsection O of § 22.1-253.13:2, and (iii) school bus drivers and report such critical shortages to the Superintendent and to the Virginia Retirement System; however, the school board may request the division superintendent to conduct such survey and submit such report to the school board, the Superintendent, and the Virginia Retirement System;

10. Ensure that the public schools within the school division are registered with the Department of State Police to receive from the State Police electronic notice of the registration, reregistration, or verification of registration information of any person required to register with the Sex Offender and Crimes Against Minors Registry pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1 within that school division pursuant to § 9.1-914;

11. Ensure that at any back to school night event in the local school division to which the parents of enrolled students are invited, any such parent in attendance receives prominent notification of and access, in paper or electronic form, or both, to information about application and eligibility for free or reduced price meals for students and a fillable free or reduced price meals application that may be completed and submitted on site;

12. Ensure that the information sheet on the SNAP benefits program developed and provided by the Department of Social Services pursuant to subsection ~~D~~ *E* of § 63.2-801 is sent home with each student enrolled in a public elementary or secondary school in the local school division at the beginning of each school year or, in the case of any student who enrolls after the beginning of the school year, as soon as practicable after enrollment; and

13. Ensure that a fillable free or reduced price meals application is sent home with each student enrolled in a public elementary or secondary school in the local school division at the beginning of each school year or, in the case of any student who enrolls after the beginning of the school year, as soon as practicable after enrollment.

§ 32.1-23.7. Special Supplemental Nutrition Program for Women, Infants, and Children.

The Department is authorized, in accordance with the federal Child Nutrition Act of 1966 (42 U.S.C. § 1771 et seq.), to implement a Special Supplemental Nutrition Program for Women, Infants, and Children (WIC Program) to provide supplemental foods and nutrition education to (i) low-income pregnant, postpartum, and breastfeeding women; (ii) infants; and (iii) young children. All localities in the Commonwealth shall participate in the WIC Program.

§ 63.2-801. SNAP benefits program.

A. The Board is authorized, in accordance with the federal Food Stamp Act, to implement a SNAP benefits program in which each political subdivision in the Commonwealth shall participate. Such program shall include participation in the Restaurant Meals Program and shall be administered in conformity with the Board regulations.

B. To the extent authorized by federal law and regulations, the Board shall (i) establish broad-based categorical eligibility for SNAP benefits in accordance with 7 C.F.R. § 273.2(j)(2), (ii) set the gross income eligibility standard for SNAP benefits at 200 percent of the federal poverty guidelines, and (iii) not impose an asset limit for eligibility for SNAP benefits.

C. Except as otherwise provided in federal law or regulations, the Department may not require persons who are applying to participate or renewing their participation in the SNAP benefits program to appear in person as a condition of participation.

~~C.~~ *D.* The Board shall increase opportunities for self-sufficiency through postsecondary education by allowing SNAP benefits program participants, to the greatest extent allowed by federal law and regulations, to satisfy applicable employment and training requirements through enrollment in an accredited public institution of higher education or other postsecondary school licensed or certified by the Board of Education or the State Council of Higher Education for Virginia. The Board shall (i) identify postsecondary education opportunities in the Commonwealth that meet the definition of "employment and training program" as set forth in 7 C.F.R. § 271.2 and the definition of "career and technical education" as set forth in 20 U.S.C. § 2302; (ii) average a SNAP benefits program participant's classroom and study hours on a monthly basis to determine whether the SNAP benefits program participant has met applicable education hour requirements; (iii) deem a SNAP benefits program participant who is approved for a federal or state work study position but who has not yet been placed in a work study position to have satisfied applicable employment and training requirements, as permitted under federal law; (iv) create a standardized form and process for SNAP benefits program participants to verify compliance with education requirements; (v) allow accredited public institutions of higher education or other postsecondary schools licensed or certified by the Board of Education or the State Council of Higher Education for Virginia to apply for SNAP ET third party reimbursement designation through the established procurement process; and (vi) establish and make available to SNAP benefits program participants materials that provide clear guidance regarding satisfaction of employment and training requirements through postsecondary education.

~~D.~~ *E.* The Department shall develop, annually update, and provide to each school board in advance of the start of each school year an information sheet on the SNAP benefits program that sets forth the application process and such other information as the Department deems necessary or appropriate in order to properly inform the parents of students enrolled in public elementary and secondary schools of such program and encourage application by those who are eligible.

CHAPTER 436

An Act to amend and reenact § 46.2-915.1 of the Code of Virginia, relating to all-terrain vehicles and off-road motorcycles; seizure, impounding, and disposition.

[H 234]

Approved April 4, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 46.2-915.1 of the Code of Virginia is amended and reenacted as follows:

§ 46.2-915.1. All-terrain vehicles and off-road motorcycles; penalty.

A. No all-terrain vehicle shall be operated:

1. On any public highway, or other public property, except (i) as authorized by proper authorities, (ii) to the extent necessary to cross a public highway by the most direct route, or (iii) by law-enforcement officers, firefighters, or emergency medical services personnel responding to emergencies;

2. By any person under the age of 16, except that (i) children between the ages of 12 and 16 may operate all-terrain vehicles powered by engines of no more than 90 cubic centimeters displacement and (ii) children less than 12 years old may operate all-terrain vehicles powered by engines of no more than 70 cubic centimeters displacement;

3. By any person unless he is wearing a protective helmet of a type approved by the Superintendent of State Police for use by motorcycle operators;

4. On another person's property without the written consent of the owner of the property or as explicitly authorized by law; or

5. With a passenger at any time, unless such all-terrain vehicle is designed and equipped to be operated with more than one rider.

B. Notwithstanding subsection A, all-terrain vehicles may be operated on the highways in Buchanan County and Tazewell County if the following conditions are met:

1. Such operation is approved by action of the Buchanan County Board of Supervisors for operation along the Pocahontas Trail on Bill Young Mountain and across Virginia Route 635 in Buchanan County and approved by action of the Tazewell County Board of Supervisors for operation along the Pocahontas Trail in and between the Town of Pocahontas and Boissevain; across Virginia Routes 644, 663, 659, 627, 734, and 747; within the corporate limits of the Town of Pocahontas

in Tazewell County; and across property of the Virginia Department of Corrections in Tazewell County, provided that permission is granted for such operation pursuant to § 2.2-1150;

2. Signs, whose design, number, and location are approved by the Virginia Department of Transportation, have been posted warning motorists that all-terrain vehicles may be operating on the highway;

3. Such all-terrain vehicles are operated during daylight hours on the highway for no more than one mile between one off-road trail and another;

4. Signs required by this subsection are purchased and installed by the person or club requesting the Board of Supervisors' approval for such over-the-road operation of all-terrain vehicles;

5. All-terrain vehicles operators shall, when operating on the highway, obey all rules of the road applicable to other motor vehicles;

6. Riders of such all-terrain vehicles shall wear approved helmets; and

7. Such all-terrain vehicles shall operate at speeds of no more than 25 miles per hour.

No provision of this subsection shall be construed to require all-terrain vehicles operated on a highway as provided in this subsection to comply with lighting requirements contained in this title.

C. Any retailer selling any all-terrain vehicle shall affix thereto, or verify that there is affixed thereto, a decal or sticker, approved by the Superintendent of State Police, which clearly and completely states the prohibition contained in subsection A.

D. A violation of this section shall not constitute negligence, be considered in mitigation of damages of whatever nature, be admissible in evidence or be the subject of comment by counsel in any action for the recovery of damages arising out of the operation, ownership, or maintenance of an all-terrain vehicle or off-road motorcycle, nor shall anything in this section change any existing law, rule, or procedure pertaining to any such civil action, nor shall this section bar any claim which otherwise exists.

E. Violation of any provision of this section shall be punishable by a civil penalty of not more than $500.

F. The provisions of this section shall not apply:

1. To any all-terrain vehicle being used in conjunction with farming activities; or

2. To members of the household or employees of the owner or lessee of private property on which the all-terrain vehicle is operated.

G. *The governing body of any city may by ordinance provide for the lawful seizure, impounding, and disposition of an unlawfully operated all-terrain vehicle or off-road motorcycle operated on a highway or sidewalk within the boundaries of such city.*

H. For the purposes of this section, "all-terrain vehicle" *and "off-road motorcycle"* shall have the ~~meaning~~ *meanings* ascribed in § 46.2-100.

CHAPTER 437

An Act to amend the Code of Virginia by adding in Chapter 2 of Title 32.1 an article numbered 21, consisting of sections numbered 32.1-73.21 through 32.1-73.26, relating to sickle cell disease; statewide registry; collection of sickle cell disease case information; penalties; notification; annual report.

[H 252]

Approved April 4, 2024

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Chapter 2 of Title 32.1 an article numbered 21, consisting of sections numbered 32.1-73.21 through 32.1-73.26, as follows:

Article 21.

Statewide Sickle Cell Disease Registry.

§ 32.1-73.21. Information from hospitals, clinics, certain laboratories, and physicians supplied to Commissioner; statewide sickle cell disease registry.

A. Each hospital, clinic, and independent pathology laboratory shall make available to the Commissioner or his agents information on patients having sickle cell disease. A physician shall report information on patients having sickle cell disease unless he has determined that a hospital, clinic, or in-state pathology laboratory has reported the information. Such information shall include the name, address, sex, race, diagnosis, trait status, newborn screening data, and any other pertinent identifying information regarding each such patient. Each hospital, clinic, independent pathology laboratory, or physician shall provide other available clinical information as defined by the Board.

B. From such information the Commissioner shall establish and maintain a statewide sickle cell disease registry. The purpose of the statewide sickle cell disease registry shall include:

1. Determining means of improving the diagnosis and treatment of sickle cell disease patients.

2. Determining the need for and means of providing better long-term, follow-up care to sickle cell disease patients.

3. Conducting epidemiological analyses of the incidence, prevalence, survival, and risk factors associated with the occurrence of sickle cell disease in Virginia.

4. Improving rehabilitative programs for sickle cell disease patients.

5. Assisting in the training of hospital personnel.

6. Determining other needs of sickle cell disease patients and health personnel.

§ 32.1-73.22. Collection of sickle cell disease case information by the Commissioner.

A. Using such funds as may be appropriated therefor, the Commissioner or his designee may perform on-site data collection of the records of patients having sickle cell disease at those consenting hospitals, clinics, independent pathology laboratories, and physician offices required to report information on such patients pursuant to the reporting requirements of § 32.1-73.21 in order to ensure the completeness and accuracy of the statewide sickle cell disease registry.

B. The selection criteria for determining which consenting hospitals, clinics, independent pathology laboratories, and physician offices may be subject to on-site data collection under the provisions of this section shall include (i) the expected annual number of sickle cell disease case reports from each such facility, (ii) the historical completeness and accuracy of reporting rates of each facility under consideration, and (iii) whether the facility maintains its own sickle cell disease registry.

C. The Board shall promulgate regulations necessary to implement the provisions of this section.

§ 32.1-73.23. Confidential nature of information supplied; publication; reciprocal data-sharing agreements.

A. The Commissioner and all persons to whom information is submitted in accordance with § 32.1-73.21 shall keep such information confidential. Except as authorized by the Commissioner in accordance with the provisions of § 32.1-41, no release of any such information shall be made except in the form of statistical or other studies that do not identify individual cases.

B. The Commissioner may enter into reciprocal data-sharing agreements with other sickle cell disease registries for the exchange of information. Upon the provision of satisfactory assurances for the preservation of the confidentiality of such information, patient-identifying information may be exchanged with other sickle cell disease registries that have entered into reciprocal data-sharing agreements with the Commissioner.

§ 32.1-73.24. Penalties for unauthorized use of statewide sickle cell disease registry.

In addition to the remedies provided in § 32.1-27, any person who uses, discloses, or releases data maintained in the statewide sickle cell disease registry in violation of § 32.1-73.23 shall be subject, in the discretion of the court, to a civil penalty not to exceed $25,000 for each violation, which shall be paid to the general fund.

§ 32.1-73.25. Notification of sickle cell disease patients of statewide sickle cell disease registry reporting.

A. Any physician diagnosing sickle cell disease shall, at such time and in such manner as considered appropriate by such physician, notify each patient whose name and record abstract is required to be reported to the statewide sickle cell disease registry pursuant to § 32.1-73.21 that personal identifying information about him has been included in the registry as required by law. Any physician required to so notify a patient that personal identifying information about him has been included in the sickle cell disease registry may, when, in the opinion of the physician, such notice would be injurious to the patient's health or well-being, provide the required notice to the patient's authorized representative or next of kin in lieu of notifying the patient.

B. Upon request to the statewide sickle cell disease registry, the patient whose personal identifying information has been submitted to such registry shall have a right to know the identity of the reporter of his information to such registry. A patient diagnosed with sickle cell disease may self-report information to the statewide sickle cell disease registry. A patient diagnosed with sickle cell disease shall have the right to opt out of having his data reported to the statewide sickle cell disease registry.

§ 32.1-73.26. Annual report; sickle cell disease registry.

The Commissioner shall submit to the Governor and the General Assembly, by November 1 of each year, a report of the information obtained under this article.

CHAPTER 438

An Act to amend and reenact § 2.2-4303 of the Code of Virginia, relating to Virginia Public Procurement Act; local public bodies; electronic submissions of bids or proposals.

[H 311]

Approved April 4, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 2.2-4303 of the Code of Virginia is amended and reenacted as follows:

§ 2.2-4303. Methods of procurement.

A. All public contracts with nongovernmental contractors for the purchase or lease of goods, or for the purchase of services, insurance, or construction, shall be awarded after competitive sealed bidding, or competitive negotiation as provided in this section, unless otherwise authorized by law. All state public bodies accepting bids or proposals for contracts pursuant to this chapter shall provide an option to submit bids or proposals through the Commonwealth's statewide electronic procurement system, known as eVA. The Director of the Department of General Services, or his designee, may grant an exemption from such requirement at the request of a state public body and upon a showing of good cause. ~~Local public bodies are encouraged to use eVA to offer an electronic submission option.~~ *All local public bodies shall provide an option to submit bids or proposals through eVA or other electronic means. In cases where bids or proposals are submitted electronically, the local public body may also require a certain number of paper submissions for review purposes.*

B. Professional services shall be procured by competitive negotiation.

C. Goods, services other than professional services, and insurance may be procured by competitive sealed bidding or competitive negotiation.

Upon a written determination made in advance by (i) the Governor or his designee in the case of a procurement by the Commonwealth or by a department, agency or institution thereof or (ii) the local governing body in the case of a procurement by a political subdivision of the Commonwealth, that competitive negotiation is either not practicable or not fiscally advantageous, insurance may be procured through a licensed agent or broker selected in the manner provided for the procurement of things other than professional services set forth in § 2.2-4302.2. The basis for this determination shall be documented in writing.

D. Construction may be procured only by competitive sealed bidding, except that competitive negotiation may be used in the following instances:

1. By any public body on a fixed price design-build basis or construction management basis as provided in Chapter 43.1 (§ 2.2-4378 et seq.); or

2. By any public body for the construction of highways and any draining, dredging, excavation, grading or similar work upon real property upon a determination made in advance by the public body and set forth in writing that competitive sealed bidding is either not practicable or not fiscally advantageous to the public, which writing shall document the basis for this determination.

E. Upon a determination in writing that there is only one source practicably available for that which is to be procured, a contract may be negotiated and awarded to that source without competitive sealed bidding or competitive negotiation. The writing shall document the basis for this determination. The public body shall issue a written notice stating that only one source was determined to be practicably available, and identifying that which is being procured, the contractor selected, and the date on which the contract was or will be awarded. This notice shall be posted on the Department of General Services' central electronic procurement website or other appropriate websites, and in addition, public bodies may publish in a newspaper of general circulation on the day the public body awards or announces its decision to award the contract, whichever occurs first. Posting on the Department of General Services' central electronic procurement website shall be required of any state public body. Local public bodies are encouraged to utilize the Department of General Services' central electronic procurement website to provide the public with centralized visibility and access to the Commonwealth's procurement opportunities.

F. In case of emergency, a contract may be awarded without competitive sealed bidding or competitive negotiation; however, such procurement shall be made with such competition as is practicable under the circumstances. A written determination of the basis for the emergency and for the selection of the particular contractor shall be included in the contract file. The public body shall issue a written notice stating that the contract is being awarded on an emergency basis, and identifying that which is being procured, the contractor selected, and the date on which the contract was or will be awarded. This notice shall be posted on the Department of General Services' central electronic procurement website or other appropriate websites, and in addition, public bodies may publish in a newspaper of general circulation on the day the public body awards or announces its decision to award the contract, whichever occurs first, or as soon thereafter as is practicable. Posting on the Department of General Services' central electronic procurement website shall be required of any state public body. Local public bodies are encouraged to utilize the Department of General Services' central electronic procurement website to provide the public with centralized visibility and access to the Commonwealth's procurement opportunities.

G. A public body may establish purchase procedures, if adopted in writing, not requiring competitive sealed bids or competitive negotiation for single or term contracts for:

1. Goods and services other than professional services and non-transportation-related construction, if the aggregate or the sum of all phases is not expected to exceed $200,000; and

2. Transportation-related construction, if the aggregate or sum of all phases is not expected to exceed $25,000.

However, such small purchase procedures shall provide for competition wherever practicable.

Such purchase procedures may allow for single or term contracts for professional services without requiring competitive negotiation, provided the aggregate or the sum of all phases is not expected to exceed $80,000.

Where small purchase procedures are adopted for construction, the procedures shall not waive compliance with the Uniform State Building Code.

For state public bodies, informal solicitations conducted under this subsection shall require the posting of a public notice on the Department of General Services' central electronic procurement website. Local public bodies are encouraged to utilize the Department of General Services' central electronic procurement website to provide the public with centralized visibility and access to the Commonwealth's procurement opportunities.

H. Upon a determination made in advance by a public body and set forth in writing that the purchase of goods, products or commodities from a public auction sale is in the best interests of the public, such items may be purchased at the auction, including online public auctions. Purchase of information technology and telecommunications goods and nonprofessional services from a public auction sale shall be permitted by any authority, department, agency, or institution of the Commonwealth if approved by the Chief Information Officer of the Commonwealth. The writing shall document the basis for this determination. However, bulk purchases of commodities used in road and highway construction and maintenance, and aggregates shall not be made by online public auctions.

I. The purchase of goods or nonprofessional services, but not construction or professional services, may be made by reverse auctioning. However, bulk purchases of commodities used in road and highway construction and maintenance, and aggregates shall not be made by reverse auctioning.

2. That the provisions of this act shall become effective on January 1, 2025.

CHAPTER 439

An Act to amend the Code of Virginia by adding a section numbered 54.1-2953.1, relating to PA Licensure Compact.

[H 324]

Approved April 4, 2024

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 54.1-2953.1 as follows:

§ 54.1-2953.1. PA Licensure Compact.

The General Assembly hereby enacts, and the Commonwealth of Virginia hereby enters into, the PA Licensure Compact with any and all states legally joining therein according to its terms, in the form substantially as follows:

PA LICENSURE COMPACT.

Article 1. Purpose.

In order to strengthen access to medical services, and in recognition of the advances in the delivery of medical services, the participating states of the PA Licensure Compact have allied in common purpose to develop a comprehensive process that complements the existing authority of state licensing boards to license and discipline PAs and seeks to enhance the portability of a license to practice as a PA while safeguarding the safety of patients. This Compact allows medical services to be provided by PAs, via the mutual recognition of the licensee's qualifying license by other compact participating states. This Compact also adopts the prevailing standard for PA licensure and affirms that the practice and delivery of medical services by the PA occurs where the patient is located at the time of the patient encounter, and therefore requires the PA to be under the jurisdiction of the state licensing board where the patient is located. State licensing boards that participate in this Compact retain the jurisdiction to impose adverse action against a compact privilege in that state issued to a PA through the procedures of this Compact. The PA Licensure Compact will alleviate burdens for military families by allowing active duty military personnel and their spouses to obtain a compact privilege based on having an unrestricted license in good standing from a participating state.

Article 2. Definitions.

As used in this Compact, unless the context requires otherwise, the following definitions shall apply:

"Adverse action" means any administrative, civil, equitable, or criminal action permitted by a state's laws that is imposed by a licensing board or other authority against a PA license or license application or Compact privilege such as license denial, censure, revocation, suspension, probation, monitoring of the licensee, or restriction on the licensee's practice.

"Compact privilege" means the authorization granted by a remote state to allow a licensee from another participating state to practice as a PA to provide medical services and other licensed activity to a patient located in the remote state under the remote state's laws and regulations.

"Conviction" means a finding by a court that an individual is guilty of a felony or misdemeanor offense through adjudication or entry of a plea of guilt or no contest to the charge by the offender.

"Criminal background check" means the submission of fingerprints or other biometric-based information for a license applicant for the purpose of obtaining that applicant's criminal history record information, as defined in 28 C.F.R. § 20.3(d), from the state's criminal history record repository as defined in 28 C.F.R. § 20.3(f).

"Data system" means the repository of information about licensees, including but not limited to license status and adverse actions, that is created and administered under the terms of this Compact.

"Executive committee" means a group of directors and ex-officio individuals elected or appointed pursuant to subdivision F 2 of Article 7.

"Impaired practitioner" means a PA whose practice is adversely affected by health-related condition(s) that impact their ability to practice.

"Investigative information" means information, records, or documents received or generated by a licensing board pursuant to an investigation.

"Jurisprudence requirement" means the assessment of an individual's knowledge of the laws and rules governing the practice of a PA in a state.

"License" means current authorization by a state, other than authorization pursuant to a Compact privilege, for a PA to provide medical services, which would be unlawful without current authorization.

"Licensee" means an individual who holds a license from a state to provide medical services as a PA.

"Licensing board" means any state entity authorized to license and otherwise regulate PAs.

"Medical services" means health care services provided for the diagnosis, prevention, treatment, cure, or relief of a health condition, injury, or disease, as defined by a state's laws and regulations.

"Model compact" means the model for the PA Licensure Compact on file with the Council of State Governments or other entity as designated by the Commission.

"Participating state" means a state that has enacted this Compact.

"PA" means an individual who is licensed as a physician assistant in a state. For purposes of this Compact, any other title or status adopted by a state to replace the term "physician assistant" shall be deemed synonymous with "physician assistant" and shall confer the same rights and responsibilities to the licensee under the provisions of this Compact at the time of its enactment.

"PA Licensure Compact Commission," "Compact Commission," or "Commission" mean the national administrative body created pursuant to subsection A of Article 7.

"Qualifying license" means an unrestricted license issued by a participating state to provide medical services as a PA.

"Remote state" means a participating state where a licensee who is not licensed as a PA is exercising or seeking to exercise the compact privilege.

"Rule" means a regulation promulgated by an entity that has the force and effect of law.

"Significant investigative information" means investigative information that a licensing board, after an inquiry or investigation that includes notification and an opportunity for the PA to respond if required by state law, has reason to believe is not groundless and, if proven true, would indicate more than a minor infraction.

"State" means any state, commonwealth, district, or territory of the United States.

Article 3. State Participation in This Compact.

A. To participate in this Compact, a participating state shall:

1. License PAs.

2. Participate in the Compact Commission's data system.

3. Have a mechanism in place for receiving and investigating complaints against licensees and license applicants.

4. Notify the Commission, in compliance with the terms of this Compact and Commission rules, of any adverse action against a licensee or license applicant and the existence of significant investigative information regarding a licensee or license applicant.

5. Fully implement a criminal background check requirement, within a time frame established by Commission rule, by its licensing board receiving the results of a criminal background check and reporting to the Commission whether the license applicant has been granted a license.

6. Comply with the rules of the Compact Commission.

7. Utilize passage of a recognized national exam such as the NCCPA PANCE as a requirement for PA licensure.

8. Grant the compact privilege to a holder of a qualifying license in a participating state.

B. Nothing in this Compact prohibits a participating state from charging a fee for granting the compact privilege.

Article 4. Compact Privilege.

A. To exercise the compact privilege, a licensee shall:

1. Have graduated from a PA program accredited by the Accreditation Review Commission on Education for the Physician Assistant, Inc., or other programs authorized by Commission rule.

2. Hold current NCCPA certification.

3. Have no felony or misdemeanor conviction.

4. Have never had a controlled substance license, permit, or registration suspended or revoked by a state or by the U.S. Drug Enforcement Administration.

5. Have a unique identifier as determined by Commission rule.

6. Hold a qualifying license.

7. Have had no revocation of a license or limitation or restriction on any license currently held due to an adverse action.

8. If a licensee has had a limitation or restriction on a license or compact privilege due to an adverse action, two years shall have elapsed from the date on which the license or compact privilege is no longer limited or restricted due to the adverse action.

9. If a compact privilege has been revoked or is limited or restricted in a participating state for conduct that would not be a basis for disciplinary action in a participating state in which the licensee is practicing or applying to practice under a compact privilege, that participating state shall have the discretion not to consider such action as an adverse action requiring the denial or removal of a compact privilege in that state.

10. Notify the Compact Commission that the licensee is seeking the compact privilege in a remote state.

11. Meet any jurisprudence requirement of a remote state in which the licensee is seeking to practice under the compact privilege and pay any fees applicable to satisfying the jurisprudence requirement.

12. Report to the Commission any adverse action taken by a nonparticipating state within 30 days after the action is taken.

B. The compact privilege is valid until the expiration or revocation of the qualifying license unless terminated pursuant to an adverse action. The licensee shall also comply with all of the requirements of subsection A to maintain the compact privilege in a remote state. If the participating state takes adverse action against a qualifying license, the licensee shall lose the compact privilege in any remote state in which the licensee has a compact privilege until all of the following occur:

1. The license is no longer limited or restricted; and

2. Two years have elapsed from the date on which the license is no longer limited or restricted due to the adverse action.

C. Once a restricted or limited license satisfies the requirements of subdivisions B 1 and 2, the licensee shall meet the requirements of subsection A to obtain a compact privilege in any remote state.

D. For each remote state in which a PA seeks authority to prescribe controlled substances, the PA shall satisfy all requirements imposed by such state in granting or renewing such authority.

Article 5. Designation of the State from Which Licensee is Applying for a Compact Privilege.

Upon a licensee's application for a compact privilege, the licensee shall identify to the Commission the participating state from which the licensee is applying, in accordance with applicable rules adopted by the Commission, and subject to the following requirements:

1. When applying for a compact privilege, the licensee shall provide the Commission with the address of the licensee's primary residence and thereafter shall immediately report to the Commission any change in the address of the licensee's primary residence.

2. When applying for a compact privilege, the licensee is required to consent to accept service of process by mail at the licensee's primary residence on file with the Commission with respect to any action brought against the licensee by the Commission or a participating state, including a subpoena, with respect to any action brought or investigation conducted by the Commission or a participating state.

Article 6. Adverse Actions.

A. A participating state in which a licensee is licensed shall have exclusive power to impose adverse action against the qualifying license issued by that participating state.

B. In addition to the other powers conferred by state law, a remote state shall have the authority, in accordance with existing state due process law, to do all of the following:

1. Take adverse action against a PA's compact privilege within that state to remove a licensee's compact privilege or take other action necessary under applicable law to protect the health and safety of its citizens.

2. Issue subpoenas for both hearings and investigations that require the attendance and testimony of witnesses as well as the production of evidence. Subpoenas issued by a licensing board in a participating state for the attendance and testimony of witnesses or the production of evidence from another participating state shall be enforced in the latter state by any court of competent jurisdiction, according to the practice and procedure of that court applicable to subpoenas issued in proceedings pending before it. The issuing authority shall pay any witness fees, travel expenses, mileage, and other fees required by the service statutes of the state in which the witnesses or evidence are located.

3. Notwithstanding subdivision 2, subpoenas may not be issued by a participating state to gather evidence of conduct in another state that is lawful in that other state for the purpose of taking adverse action against a licensee's compact privilege or application for a compact privilege in that participating state.

4. Nothing in this Compact authorizes a participating state to impose discipline against a PA's compact privilege or to deny an application for a compact privilege in that participating state for the individual's otherwise lawful practice in another state.

C. For purposes of taking adverse action, the participating state that issued the qualifying license shall give the same priority and effect to reported conduct received from any other participating state as it would if the conduct had occurred within the participating state that issued the qualifying license. In so doing, that participating state shall apply its own state laws to determine appropriate action.

D. A participating state, if otherwise permitted by state law, may recover from the affected PA the costs of investigations and disposition of cases resulting from any adverse action taken against that PA.

E. A participating state may take adverse action based on the factual findings of a remote state, provided that the participating state follows its own procedures for taking the adverse action.

F. Joint investigations.

1. In addition to the authority granted to a participating state by its respective state PA laws and regulations or other applicable state law, any participating state may participate with other participating states in joint investigations of licensees.

2. Participating states shall share any investigative, litigation, or compliance materials in furtherance of any joint or individual investigation initiated under this Compact.

G. If an adverse action is taken against a PA's qualifying license, the PA's compact privilege in all remote states shall be deactivated until two years have elapsed after all restrictions have been removed from the state license. All disciplinary orders by the participating state that issued the qualifying license that impose adverse action against a PA's license shall include a statement that the PA's compact privilege is deactivated in all participating states during the pendency of the order.

H. If any participating state takes adverse action, it promptly shall notify the administrator of the data system.

Article 7. Establishment of the PA Licensure Compact Commission.

A. The participating states hereby create and establish a joint government agency and national administrative body known as the PA Licensure Compact Commission. The Commission is an instrumentality of the compact states acting jointly and not an instrumentality of any one state. The Commission shall come into existence on or after the effective date of the Compact as set forth in subsection A of Article 11.

B. Membership, voting, and meetings.

1. Each participating state shall have and be limited to one delegate selected by that participating state's licensing board or, if the state has more than one licensing board, selected collectively by the participating state's licensing boards.

2. The delegate shall be either:

a. A current PA, physician, or public member of a licensing board or PA council/committee; or

b. An administrator of a licensing board.

3. Any delegate may be removed or suspended from office as provided by the laws of the state from which the delegate is appointed.

4. The participating state licensing board shall fill any vacancy occurring in the Commission within 60 days.

5. Each delegate shall be entitled to one vote on all matters voted on by the Commission and shall otherwise have an opportunity to participate in the business and affairs of the Commission. A delegate shall vote in person or by such other means as provided in the bylaws. The bylaws may provide for delegates' participation in meetings by telecommunications, video conference, or other means of communication.

6. The Commission shall meet at least once during each calendar year. Additional meetings shall be held as set forth in this Compact and the bylaws.

7. The Commission shall establish by rule a term of office for delegates.

C. The Commission shall have the following powers and duties:

1. Establish a code of ethics for the Commission;

2. Establish the fiscal year of the Commission;

3. Establish fees;

4. Establish bylaws;

5. Maintain its financial records in accordance with the bylaws;

6. Meet and take such actions as are consistent with the provisions of this Compact and the bylaws;

7. Promulgate rules to facilitate and coordinate implementation and administration of this Compact. The rules shall have the force and effect of law and shall be binding in all participating states;

8. Bring and prosecute legal proceedings or actions in the name of the Commission, provided that the standing of any state licensing board to sue or be sued under applicable law shall not be affected;

9. Purchase and maintain insurance and bonds;

10. Borrow, accept, or contract for services of personnel, including, but not limited to, employees of a participating state;

11. Hire employees and engage contractors, elect or appoint officers, fix compensation, define duties, grant such individuals appropriate authority to carry out the purposes of this Compact, and establish the Commission's personnel policies and programs relating to conflicts of interest, qualifications of personnel, and other related personnel matters;

12. Accept any and all appropriate donations and grants of money, equipment, supplies, materials, and services, and receive, utilize, and dispose of the same; provided that at all times the Commission shall avoid any appearance of impropriety or conflict of interest;

13. Lease, purchase, accept appropriate gifts or donations of, or otherwise own, hold, improve, or use, any property, real, personal, or mixed; provided that at all times the Commission shall avoid any appearance of impropriety;

14. Sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property real, personal, or mixed;

15. Establish a budget and make expenditures;

16. Borrow money;

17. Appoint committees, including standing committees composed of members, state regulators, state legislators or their representatives, and consumer representatives, and such other interested persons as may be designated in this Compact and the bylaws;

18. Provide and receive information from, and cooperate with, law-enforcement agencies;

19. Elect a chair, vice chair, secretary, and treasurer and such other officers of the Commission as provided in the Commission's bylaws;

20. Reserve for itself, in addition to those reserved exclusively to the Commission under the Compact, powers that the executive committee may not exercise;

21. Approve or disapprove a state's participation in the Compact based upon its determination as to whether the state's compact legislation departs in a material manner from the model compact language;

22. Prepare and provide to the participating states an annual report; and

23. Perform such other functions as may be necessary or appropriate to achieve the purposes of this Compact consistent with the state regulation of PA licensure and practice.

D. Meetings of the Commission.

1. All meetings of the Commission that are not closed pursuant to this subsection shall be open to the public. Notice of public meetings shall be posted on the Commission's website at least 30 days prior to the public meeting.

2. Notwithstanding subdivision 1, the Commission may convene a public meeting by providing at least 24 hours' prior notice on the Commission's website, and any other means as provided in the Commission's rules, for any of the reasons it may dispense with notice of proposed rulemaking under subsection L of Article 9.

3. The Commission may convene in a closed, non-public meeting or non-public part of a public meeting to receive legal advice or to discuss:

a. Noncompliance of a participating state with its obligations under this Compact;

b. The employment, compensation, discipline or other matters, practices, or procedures related to specific employees, or other matters related to the Commission's internal personnel practices and procedures;

c. Current, threatened, or reasonably anticipated litigation;

d. Negotiation of contracts for the purchase, lease, or sale of goods, services, or real estate;

e. Accusing any person of a crime or formally censuring any person;

f. Disclosure of trade secrets or commercial or financial information that is privileged or confidential;

g. Disclosure of information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;

h. Disclosure of investigative records compiled for law-enforcement purposes;

i. Disclosure of information related to any investigative reports prepared by or on behalf of or for use of the Commission or other committee charged with responsibility of investigation or determination of compliance issues pursuant to this Compact;

j. Legal advice; or

k. Matters specifically exempted from disclosure by federal or participating states' statutes.

4. If a meeting, or portion of a meeting, is closed pursuant to this provision, the chair of the meeting or the chair's designee shall certify that the meeting or portion of the meeting may be closed and shall reference each relevant exempting provision.

5. The Commission shall keep minutes that fully and clearly describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken, including a description of the views expressed. All documents considered in connection with an action shall be identified in such minutes. All minutes and documents of a closed meeting shall remain under seal, subject to release by a majority vote of the Commission or order of a court of competent jurisdiction.

E. Financing of the Commission.

1. The Commission shall pay, or provide for the payment of, the reasonable expenses of its establishment, organization, and ongoing activities.

2. The Commission may accept any and all appropriate revenue sources, donations, and grants of money, equipment, supplies, materials, and services.

3. The Commission may levy on and collect an annual assessment from each participating state and may impose compact privilege fees on licensees of participating states to whom a compact privilege is granted to cover the cost of the operations and activities of the Commission and its staff, which shall be in a total amount sufficient to cover its annual budget as approved by the Commission each year for which revenue is not provided by other sources. The aggregate annual assessment amount levied on participating states shall be allocated based upon a formula to be determined by Commission rule.

a. A compact privilege expires when the licensee's qualifying license in the participating state from which the licensee applied for the compact privilege expires.

b. If the licensee terminates the qualifying license through which the licensee applied for the compact privilege before its scheduled expiration, and the licensee has a qualifying license in another participating state, the licensee shall inform the Commission that it is changing to that participating state the participating state through which it applies for a compact privilege and pay to the Commission any compact privilege fee required by Commission rule.

4. The Commission shall not incur obligations of any kind prior to securing the funds adequate to meet the same; nor shall the Commission pledge the credit of any of the participating states, except by and with the authority of the participating state.

5. The Commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the Commission shall be subject to the financial review and accounting procedures established under its bylaws. All receipts and disbursements of funds handled by the Commission shall be subject to an annual financial review by a certified or licensed public accountant, and the report of the financial review shall be included in and become part of the annual report of the Commission.

F. The executive committee.

1. The executive committee shall have the power to act on behalf of the Commission according to the terms of this Compact and Commission rules.

2. The executive committee shall be composed of nine members:

a. Seven voting members who are elected by the Commission from the current membership of the Commission;

b. One ex-officio, nonvoting member from a recognized national PA professional association; and

c. One ex-officio, nonvoting member from a recognized national PA certification organization.

3. The ex-officio members will be selected by their respective organizations.

4. The Commission may remove any member of the executive committee as provided in its bylaws.

5. The executive committee shall meet at least annually.

6. The executive committee shall have the following duties and responsibilities:

a. Recommend to the Commission changes to the Commission's rules or bylaws, changes to this Compact legislation, fees to be paid by compact participating states such as annual dues, and any Commission compact fee charged to licensees for the compact privilege;

b. Ensure Compact administration services are appropriately provided, contractual or otherwise;

c. Prepare and recommend the budget;

d. Maintain financial records on behalf of the Commission;

e. Monitor Compact compliance of participating states and provide compliance reports to the Commission;

f. Establish additional committees as necessary;

g. Exercise the powers and duties of the Commission during the interim between Commission meetings, except for issuing proposed rulemaking or adopting Commission rules or bylaws, or exercising any other powers and duties exclusively reserved to the Commission by the Commission's rules; and

h. Perform other duties as provided in the Commission's rules or bylaws.

7. All meeting of the executive committee at which it votes or plans to vote on matters in exercising the powers and duties of the Commission shall be open to the public and public notice of such meetings shall be given as public meetings of the Commission are given.

8. The executive committee may convene in a closed, non-public meeting for the same reasons that the Commission may convene in a non-public meeting as set forth in subdivision D 3 and shall announce the closed meeting as the Commission is required to under subdivision D 4 and keep minutes of the closed meeting as the Commission is required to under subdivision D 5.

G. Qualified immunity, defense, and indemnification.

1. The members, officers, executive director, employees, and representatives of the Commission shall be immune from suit and liability, both personally and in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused by or arising out of any actual or alleged act, error, or omission that occurred, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of Commission employment, duties, or responsibilities; provided that nothing in this subdivision shall be construed to protect any such person from suit or liability for any damage, loss, injury, or liability caused by the intentional or willful or wanton misconduct of that person. The procurement of insurance of any type by the Commission shall not in any way compromise or limit the immunity granted hereunder.

2. The Commission shall defend any member, officer, executive director, employee, and representative of the Commission in any civil action seeking to impose liability arising out of any actual or alleged act, error, or omission that occurred within the scope of Commission employment, duties, or responsibilities, or as determined by the Commission that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of Commission employment, duties, or responsibilities; provided that nothing herein shall be construed to prohibit that person from retaining their own counsel at their own expense; and provided further, that the actual or alleged act, error, or omission did not result from that person's intentional or willful or wanton misconduct.

3. The Commission shall indemnify and hold harmless any member, officer, executive director, employee, and representative of the Commission for the amount of any settlement or judgment obtained against that person arising out of any actual or alleged act, error, or omission that occurred within the scope of Commission employment, duties, or responsibilities, or that such person had a reasonable basis for believing occurred within the scope of Commission employment, duties, or responsibilities, provided that the actual or alleged act, error, or omission did not result from the intentional or willful or wanton misconduct of that person.

4. Venue is proper and judicial proceedings by or against the Commission shall be brought solely and exclusively in a court of competent jurisdiction where the principal office of the Commission is located. The Commission may waive venue and jurisdictional defenses in any proceedings as authorized by Commission rules.

5. Nothing herein shall be construed as a limitation on the liability of any licensee for professional malpractice or misconduct, which shall be governed solely by any other applicable state laws.

6. Nothing herein shall be construed to designate the venue or jurisdiction to bring actions for alleged acts of malpractice, professional misconduct, negligence, or other such civil action pertaining to the practice of a PA. All such matters shall be determined exclusively by state law other than this Compact.

7. Nothing in this Compact shall be interpreted to waive or otherwise abrogate a participating state's state action immunity or state action affirmative defense with respect to antitrust claims under the Sherman Act, the Clayton Act, or any other state or federal antitrust or anticompetitive law or regulation.

8. Nothing in this Compact shall be construed to be a waiver of sovereign immunity by the participating states or by the Commission.

Article 8. Data System.

A. The Commission shall provide for the development, maintenance, operation, and utilization of a coordinated data and reporting system containing licensure, adverse action, and the reporting of the existence of significant investigative information on all licensed PAs and applicants denied a license in participating states.

B. Notwithstanding any other state law to the contrary, a participating state shall submit a uniform data set to the data system on all PAs to whom this Compact is applicable (utilizing a unique identifier) as required by the rules of the Commission, including:

1. Identifying information;

2. Licensure data;

3. Adverse actions against a license or compact privilege;

4. Any denial of application for licensure, and the reason(s) for such denial (excluding the reporting of any criminal history record information where prohibited by law);

5. The existence of significant investigative information; and

6. Other information that may facilitate the administration of this Compact, as determined by the rules of the Commission.

C. Significant investigative information pertaining to a licensee in any participating state shall only be available to other participating states.

D. The Commission shall promptly notify all participating states of any adverse action taken against a licensee or an individual applying for a license that has been reported to it. This adverse action information shall be available to any other participating state.

E. Participating states contributing information to the data system may, in accordance with state or federal law, designate information that may not be shared with the public without the express permission of the contributing state. Notwithstanding any such designation, such information shall be reported to the Commission through the data system.

F. Any information submitted to the data system that is subsequently expunged pursuant to federal law or the laws of the participating state contributing the information shall be removed from the data system upon reporting of such by the participating state to the Commission.

G. The records and information provided to a participating state pursuant to this Compact or through the data system, when certified by the Commission or an agent thereof, shall constitute the authenticated business records of the Commission, and shall be entitled to any associated hearsay exception in any relevant judicial, quasi-judicial or administrative proceedings in a participating state.

Article 9. Rulemaking.

A. The Commission shall exercise its rulemaking powers pursuant to the criteria set forth in this section and the rules adopted thereunder. Commission rules shall become binding as of the date specified by the Commission for each rule.

B. The Commission shall promulgate reasonable rules in order to effectively and efficiently implement and administer this Compact and achieve its purposes. A Commission rule shall be invalid and have not force or effect only if a court of competent jurisdiction holds that the rule is invalid because the Commission exercised its rulemaking authority in a manner that is beyond the scope of the purposes of this Compact, or the powers granted hereunder, or based upon another applicable standard of review.

C. The rules of the Commission shall have the force of law in each participating state, provided however that where the rules of the Commission conflict with the laws of the participating state that establish the medical services a PA may perform in the participating state, as held by a court of competent jurisdiction, the rules of the Commission shall be ineffective in that state to the extent of the conflict.

D. If a majority of the legislatures of the participating states rejects a Commission rule, by enactment of a statute or resolution in the same manner used to adopt this Compact within four years of the date of adoption of the rule, then such rule shall have no further force and effect in any participating state or to any state applying to participate in the Compact.

E. Commission rules shall be adopted at a regular or special meeting of the Commission.

F. Prior to promulgation and adoption of a final rule or rules by the Commission, and at least 30 days in advance of the meeting at which the rule will be considered and voted upon, the Commission shall file a notice of proposed rulemaking:

1. On the website of the Commission or other publicly accessible platform; and

2. To persons who have requested notice of the Commission's notices of proposed rulemaking; and

3. In such other way(s) as the Commission may by rule specify.

G. The notice of proposed rulemaking shall include:

1. The time, date, and location of the public hearing on the proposed rule and the proposed time, date, and location of the meeting in which the proposed rule will be considered and voted upon;

2. The text of the proposed rule and the reason for the proposed rule;

3. A request for comments on the proposed rule from any interested person and the date by which written comments must be received; and

4. The manner in which interested persons may submit notice to the Commission of their intention to attend the public hearing or provide any written comments.

H. Prior to adoption of a proposed rule, the Commission shall allow persons to submit written data, facts, opinions, and arguments, which shall be made available to the public.

I. If the hearing is to be held via electronic means, the Commission shall publish the mechanism for access to the electronic hearing.

1. All persons wishing to be heard at the hearing shall as directed in the notice of proposed rulemaking, not less than five business days before the scheduled date of the hearing, notify the Commission of their desire to appear and testify at the hearing.

2. Hearings shall be conducted in a manner providing each person who wishes to comment a fair and reasonable opportunity to comment orally or in writing.

3. All hearings shall be recorded. A copy of the recording and the written comments, data, facts, opinions, and arguments received in response to the proposed rulemaking shall be made available to a person upon request.

4. Nothing in this section shall be construed as requiring a separate hearing on each proposed rule. Proposed rules may be grouped for the convenience of the Commission at hearings required by this section.

J. Following the public hearing, the Commission shall consider all written and oral comments timely received.

K. The Commission shall, by majority vote of all delegates, take final action on the proposed rule and shall determine the effective date of the rule, if adopted, based on the rulemaking record and the full text of the rule.

1. If adopted, the rule shall be posted on the Commission's website.

2. The Commission may adopt changes to the proposed rule provided the changes do not enlarge the original purpose of the proposed rule.

3. The Commission shall provide on its website an explanation of the reasons for substantive changes made to the proposed rule as well as reasons for substantive changes not made that were recommended by commenters.

4. The Commission shall determine a reasonable effective date for the rule. Except for an emergency as provided in subsection L, the effective date of the rule shall be no sooner than 30 days after the Commission issued the notice that it adopted the rule.

L. Upon determination that an emergency exists, the Commission may consider and adopt an emergency rule with 24 hours prior notice, without the opportunity for comment, or hearing, provided that the usual rulemaking procedures provided in this Compact and in this section shall be retroactively applied to the rule as soon as reasonably possible, in no event later than 90 days after the effective date of the rule. for the purposes of this provision, an emergency rule is one that must be adopted immediately by the Commission in order to:

1. Meet an imminent threat to public health, safety, or welfare;

2. Prevent a loss of Commission or participating state funds;

3. Meet a deadline for the promulgation of a Commission rule that is established by federal law or rule; or

4. Protect public health and safety.

M. The Commission or an authorized committee of the Commission may direct revisions to a previously adopted Commission rule for purposes of correcting typographical errors, errors in format, errors in consistency, or grammatical errors. Public notice of any revisions shall be posted on the website of the Commission. The revision shall be subject to challenge by any person for a period of 30 days after posting. The revision may be challenged only on grounds that the revision results in a material change to a rule. A challenge shall be made as set forth in the notice of revisions and delivered to the Commission prior to the end of the notice period. If no challenge is made, the revision will take effect without further action. If the revision is challenged, the revision may not take effect without the approval of the Commission.

N. No participating state's rulemaking requirements shall apply under this Compact.

Article 10. Oversight, Dispute Resolution, and Enforcement.

A. Oversight.

1. The executive and judicial branches of state government in each participating state shall enforce this Compact and take all actions necessary and appropriate to implement the Compact.

2. Venue is proper and judicial proceedings by or against the Commission shall be brought solely and exclusively in a court of competent jurisdiction where the principal office of the Commission is located. The Commission may waive venue and jurisdictional defenses to the extent it adopts or consents to participate in alternative dispute resolution proceedings. Nothing herein shall affect or limit the selection or propriety of venue in any action against a licensee for professional malpractice, misconduct, or any such similar matter.

3. The Commission shall be entitled to receive service of process in any proceeding regarding the enforcement or interpretation of the Compact or the Commission's rules and shall have standing to intervene in such a proceeding for all purposes. Failure to provide the Commission with service of process shall render a judgment or order in such proceeding void as to the Commission, this Compact, or Commission rules.

B. Default, technical assistance, and termination.

1. If the Commission determines that a participating state has defaulted in the performance of its obligations or responsibilities under this Compact or the Commission rules, the Commission shall provide written notice to the defaulting state and other participating states. The notice shall describe the default, the proposed means of curing the default, and any other action that the Commission may take and shall offer remedial training and specific technical assistance regarding the default.

2. If a state in default fails to cure the default, the defaulting state may be terminated from this Compact upon an affirmative vote of a majority of the delegates of the participating states, and all rights, privileges, and benefits conferred by this Compact upon such state may be terminated on the effective date of termination. A cure of the default does not relieve the offending state of obligations or liabilities incurred during the period of default.

3. Termination of participation in this Compact shall be imposed only after all other means of securing compliance have been exhausted. Notice of intent to suspend or terminate shall be given by the Commission to the governor, the majority and minority leaders of the defaulting state's legislature, and to the licensing board(s) of each of the participating states.

4. A state that has been terminated is responsible for all assessments, obligations, and liabilities incurred through the effective date of termination, including obligations that extend beyond the effective date of termination.

5. The Commission shall not bear any costs related to a state that is found to be in default or that has been terminated from this Compact, unless agreed upon in writing between the Commission and the defaulting state.

6. The defaulting state may appeal its termination from the Compact by the Commission by petitioning the United States District Court for the District of Columbia or the federal district where the Commission has its principal offices. The prevailing member shall be awarded all costs of such litigation, including reasonable attorney fees.

7. Upon the termination of a state's participation in the Compact, the State shall immediately provide notice to all licensees within that state of such termination:

a. Licensees who have been granted a compact privilege in that state shall retain the compact privilege for 180 days following the effective date of such termination.

b. Licensees who are licensed in that state who have been granted a compact privilege in a participating state shall retain the compact privilege for 180 days unless the licensee also has a qualifying license in a participating state or obtains a qualifying license in a participating state before the 180-day period ends, in which case the compact privilege shall continue.

C. Dispute resolution.

1. Upon request by a participating state, the Commission shall attempt to resolve disputes related to this Compact that arise among participating states and between participating and nonparticipating states.

2. The Commission shall promulgate a rule providing for both mediation and binding dispute resolution for disputes as appropriate.

D. Enforcement.

1. The Commission, in the reasonable exercise of its discretion, shall enforce the provisions of this Compact and rules of the Commission.

2. If compliance is not secured after all means to secure compliance have been exhausted, by majority vote, the Commission may initiate legal action in the United States District Court for the District of Columbia or the federal district where the Commission has its principal offices, against a participating state in default to enforce compliance with the provisions of this Compact and the Commission's promulgated rules and bylaws. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing party shall be awarded all costs of such litigation, including reasonable attorney fees. The remedies herein shall not be the exclusive remedies of the Commission. The Commission may pursue any other remedies available under federal or state law.

E. Legal action against the Commission.

1. A participating state may initiate legal action against the Commission in the United States District Court for the District of Columbia or the federal district where the Commission has its principal offices to enforce compliance with the provisions of the Compact and its rules. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing party shall be awarded all costs of such litigation, including reasonable attorney fees.

2. No person other than a participating state shall enforce this Compact against the Commission.

Article 11. Date of Implementation of the PA Licensure Compact Commission.

A. This Compact shall come into effect on the date on which this Compact statute is enacted into law in the seventh participating state.

1. On or after the effective date of the Compact, the Commission shall convene and review the enactment of each of the states that enacted the Compact prior to the Commission convening ("charter participating states") to determine if the statute enacted by each such charter participating state is materially different than the model compact.

a. A charter participating state whose enactment is found to be materially different from the model compact shall be entitled to the default process set forth in subsection B of Article 10.

b. If any participating state later withdraws from the Compact or its participation is terminated, the Commission shall remain in existence and the Compact shall remain in effect even if the number of participating states should be less than seven. Participating states enacting the Compact subsequent to the Commission convening shall be subject to the process set forth in subdivision C 21 of Article 7 to determine if their enactments are materially different from the model compact and whether they qualify for participation in the Compact.

2. Participating states enacting the Compact subsequent to the seven initial charter participating states shall be subject to the process set forth in subdivision C 21 of Article 7 to determine if their enactments are materially different from the model compact and whether they qualify for participation in the Compact.

3. All actions taken for the benefit of the Commission or in furtherance of the purposes of the administration of the Compact prior to the effective date of the Compact or the Commission coming into existence shall be considered to be actions of the Commission unless specifically repudiated by the Commission.

B. Any state that joins this Compact shall be subject to the Commission's rules and bylaws as they exist on the date on which this Compact becomes law in that state. Any rule that has been previously adopted by the Commission shall have the full force and effect of law on the day this Compact becomes law in that state.

C. Any participating state may withdraw from this Compact by enacting a statute repealing the same.

1. A participating state's withdrawal shall not take effect until 180 days after enactment of the repealing statute. During this 180-day period, all compact privileges that were in effect in the withdrawing state and were granted to licensees licensed in the withdrawing state shall remain in effect. If any licensee licensed in the withdrawing state is also licensed in

another participating state or obtains a license in another participating state within the 180 days, the licensee's compact privileges in other participating states shall not be affected by the passage of the 180 days.

2. Withdrawal shall not affect the continuing requirement of the state licensing board(s) of the withdrawing state to comply with the investigative and adverse action reporting requirements of this Compact prior to the effective date of withdrawal.

3. Upon the enactment of a statute withdrawing a state from this Compact, the state shall immediately provide notice of such withdrawal to all licensees within that state. Such withdrawing state shall continue to recognize all licenses granted pursuant to this Compact for a minimum of 180 days after the date of such notice of withdrawal.

D. Nothing contained in this Compact shall be construed to invalidate or prevent any PA licensure agreement or other cooperative arrangement between participating states and between a participating state and nonparticipating state that does not conflict with the provisions of this Compact.

E. This Compact may be amended by the participating states. No amendment to this Compact shall become effective and binding upon any participating state until it is enacted materially in the same manner into the laws of all participating states as determined by the Commission.

Article 12. Construction and Severability.

A. This Compact and the Commission's rulemaking authority shall be liberally construed so as to effectuate the purposes and the implementation and administration of the Compact. Provisions of the Compact expressly authorizing or requiring the promulgation of rules shall not be construed to limit the Commission's rulemaking authority solely for those purposes.

B. The provisions of this Compact shall be severable and if any phrase, clause, sentence, or provision of this Compact is held by a court of competent jurisdiction to be contrary to the constitution of any participating state, a state seeking participation in the Compact, or of the United States, or the applicability thereof to any government, agency, person, or circumstance is held to be unconstitutional by a court of competent jurisdiction, the validity of the remainder of this Compact and the applicability thereof to any other government, agency, person, or circumstance shall not be affected thereby.

C. Notwithstanding subsection B or this subsection, the Commission may deny a state's participation in the Compact or, in accordance with the requirements of subsection B of Article 10, terminate a participating state's participation in the Compact, if it determines that a constitutional requirement of a participating state is, or would be with respect to a state seeking to participate in the Compact, a material departure from the Compact. Otherwise, if this Compact shall be held to be contrary to the constitution of any participating state, the Compact shall remain in full force and effect as to the remaining participating states and in full force and effect as to the participating state affected as to all severable matters.

Article 13. Binding Effect of Compact.

A. Nothing herein prevents the enforcement of any other law of a participating state that is not inconsistent with this Compact.

B. Any laws in a participating state in conflict with this Compact are superseded to the extent of the conflict.

C. All agreements between the Commission and the participating states are binding in accordance with their terms.

2. That any applicant for a multistate license shall pay the costs of performing any background check required by the PA Licensure Compact, as entered into by this act.

CHAPTER 440

An Act to amend and reenact § 54.1-3408 of the Code of Virginia and to amend the Code of Virginia by adding in Chapter 28 of Title 2.2 a section numbered 2.2-2833, relating to naloxone or other opioid antagonists; possession and administration by state agencies.

[H 342]

Approved April 4, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 54.1-3408 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding in Chapter 28 of Title 2.2 a section numbered 2.2-2833 as follows:

§ 2.2-2833. Possession of naloxone or other opioid antagonists by state agencies.

Each state agency shall possess naloxone or other opioid antagonists used for overdose reversal to a person who is believed to be experiencing or about to experience a life-threatening opioid overdose.

§ 54.1-3408. Professional use by practitioners.

A. A practitioner of medicine, osteopathy, podiatry, dentistry, or veterinary medicine, a licensed advanced practice registered nurse pursuant to § 54.1-2957.01, a licensed certified midwife pursuant to § 54.1-2957.04, a licensed physician assistant pursuant to § 54.1-2952.1, or a TPA-certified optometrist pursuant to Article 5 (§ 54.1-3222 et seq.) of Chapter 32 shall only prescribe, dispense, or administer controlled substances in good faith for medicinal or therapeutic purposes within the course of his professional practice. A licensed midwife pursuant to § 54.1-2957.7 shall only obtain, possess, and administer controlled substances in good faith for medicinal or therapeutic purposes within the course of his professional practice.

B. The prescribing practitioner's order may be on a written prescription or pursuant to an oral prescription as authorized by this chapter. The prescriber may administer drugs and devices, or he may cause drugs or devices to be administered by:

1. A nurse, physician assistant, or intern under his direction and supervision;

2. Persons trained to administer drugs and devices to patients in state-owned or state-operated hospitals or facilities licensed as hospitals by the Board of Health or psychiatric hospitals licensed by the Department of Behavioral Health and Developmental Services who administer drugs under the control and supervision of the prescriber or a pharmacist;

3. Emergency medical services personnel certified and authorized to administer drugs and devices pursuant to regulations of the Board of Health who act within the scope of such certification and pursuant to an oral or written order or standing protocol;

4. Persons who are employed or engaged at a medical care facility, as defined in § 32.1-3, who have a valid emergency medical services provider certification issued by the Board of Health as a requirement of being employed or engaged at the medical care facility within the scope of such certification, pursuant to an oral or written order or standing protocol to administer drugs and devices at the medical care facility; or

5. A licensed respiratory therapist as defined in § 54.1-2954 who administers by inhalation controlled substances used in inhalation or respiratory therapy.

C. Pursuant to an oral or written order or standing protocol, the prescriber, who is authorized by state or federal law to possess and administer radiopharmaceuticals in the scope of his practice, may authorize a nuclear medicine technologist to administer, under his supervision, radiopharmaceuticals used in the diagnosis or treatment of disease.

D. Pursuant to an oral or written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize registered nurses and licensed practical nurses to possess (i) epinephrine and oxygen for administration in treatment of emergency medical conditions and (ii) heparin and sterile normal saline to use for the maintenance of intravenous access lines.

Pursuant to the regulations of the Board of Health, certain emergency medical services technicians may possess and administer epinephrine in emergency cases of anaphylactic shock.

Pursuant to an order or standing protocol issued by the prescriber within the course of his professional practice, any school nurse, school board employee, employee of a local governing body, or employee of a local health department who is authorized by a prescriber and trained in the administration of epinephrine may possess and administer epinephrine.

Pursuant to an order or standing protocol that shall be issued by the local health director within the course of his professional practice, any school nurse, licensed athletic trainer under contract with a local school division, school board employee, employee of a local governing body, or employee of a local health department who is authorized by the local health director and trained in the administration of albuterol inhalers and valved holding chambers or nebulized albuterol may possess or administer an albuterol inhaler and a valved holding chamber or nebulized albuterol to a student diagnosed with a condition requiring an albuterol inhaler or nebulized albuterol when the student is believed to be experiencing or about to experience an asthmatic crisis.

Pursuant to an order or a standing protocol issued by the prescriber within the course of his professional practice, any employee of a school for students with disabilities, as defined in § 22.1-319 and licensed by the Board of Education, or any employee of a private school that is accredited pursuant to § 22.1-19 as administered by the Virginia Council for Private Education who is authorized by a prescriber and trained in the administration of (a) epinephrine may possess and administer epinephrine and (b) albuterol inhalers or nebulized albuterol may possess or administer an albuterol inhaler or nebulized albuterol to a student diagnosed with a condition requiring an albuterol inhaler or nebulized albuterol when the student is believed to be experiencing or about to experience an asthmatic crisis.

Pursuant to an order or a standing protocol issued by the prescriber within the course of his professional practice, any nurse at an early childhood care and education entity, employee at the entity, or employee of a local health department who is authorized by a prescriber and trained in the administration of epinephrine may possess and administer epinephrine.

Pursuant to an order or a standing protocol issued by the prescriber within the course of his professional practice, any employee of a public institution of higher education or a private institution of higher education who is authorized by a prescriber and trained in the administration of epinephrine may possess and administer epinephrine.

Pursuant to an order or a standing protocol issued by the prescriber within the course of his professional practice, any employee of an organization providing outdoor educational experiences or programs for youth who is authorized by a prescriber and trained in the administration of epinephrine may possess and administer epinephrine.

Pursuant to an order or a standing protocol issued by the prescriber within the course of his professional practice, and in accordance with policies and guidelines established by the Department of Health, such prescriber may authorize any employee of a restaurant licensed pursuant to Chapter 3 (§ 35.1-18 et seq.) of Title 35.1 to possess and administer epinephrine on the premises of the restaurant at which the employee is employed, provided that such person is trained in the administration of epinephrine.

Pursuant to an order issued by the prescriber within the course of his professional practice, an employee of a provider licensed by the Department of Behavioral Health and Developmental Services or a person providing services pursuant to a contract with a provider licensed by the Department of Behavioral Health and Developmental Services may possess and administer epinephrine, provided such person is authorized and trained in the administration of epinephrine.

Pursuant to an order or standing protocol issued by the prescriber within the course of his professional practice, any employee of a public place, as defined in § 15.2-2820, who is authorized by a prescriber and trained in the administration of epinephrine may possess and administer epinephrine.

Pursuant to an oral or written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize pharmacists to possess epinephrine and oxygen for administration in treatment of emergency medical conditions.

E. Pursuant to an oral or written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize licensed physical therapists to possess and administer topical corticosteroids, topical lidocaine, and any other Schedule VI topical drug.

F. Pursuant to an oral or written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize licensed athletic trainers to possess and administer topical corticosteroids, topical lidocaine, or other Schedule VI topical drugs; oxygen and IV saline for use in emergency situations; subcutaneous lidocaine for wound closure; epinephrine for use in emergency cases of anaphylactic shock; and naloxone or other opioid antagonist for overdose reversal.

G. Pursuant to an oral or written order or standing protocol issued by the prescriber within the course of his professional practice, and in accordance with policies and guidelines established by the Department of Health pursuant to § 32.1-50.2, such prescriber may authorize registered nurses or licensed practical nurses under the supervision of a registered nurse to possess and administer tuberculin purified protein derivative (PPD) in the absence of a prescriber. The Department of Health's policies and guidelines shall be consistent with applicable guidelines developed by the Centers for Disease Control and Prevention for preventing transmission of mycobacterium tuberculosis and shall be updated to incorporate any subsequently implemented standards of the Occupational Safety and Health Administration and the Department of Labor and Industry to the extent that they are inconsistent with the Department of Health's policies and guidelines. Such standing protocols shall explicitly describe the categories of persons to whom the tuberculin test is to be administered and shall provide for appropriate medical evaluation of those in whom the test is positive. The prescriber shall ensure that the nurse implementing such standing protocols has received adequate training in the practice and principles underlying tuberculin screening.

The Health Commissioner or his designee may authorize registered nurses, acting as agents of the Department of Health, to possess and administer, at the nurse's discretion, tuberculin purified protein derivative (PPD) to those persons in whom tuberculin skin testing is indicated based on protocols and policies established by the Department of Health.

H. Pursuant to a written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize, with the consent of the parents as defined in § 22.1-1, an employee of (i) a school board, (ii) a school for students with disabilities as defined in § 22.1-319 licensed by the Board of Education, or (iii) a private school accredited pursuant to § 22.1-19 as administered by the Virginia Council for Private Education who is trained in the administration of insulin and glucagon to assist with the administration of insulin or administer glucagon to a student diagnosed as having diabetes and who requires insulin injections during the school day or for whom glucagon has been prescribed for the emergency treatment of hypoglycemia. Such authorization shall only be effective when a licensed nurse, an advanced practice registered nurse, a physician, or a physician assistant is not present to perform the administration of the medication.

Pursuant to a written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize an employee of a public institution of higher education or a private institution of higher education who is trained in the administration of insulin and glucagon to assist with the administration of insulin or administration of glucagon to a student diagnosed as having diabetes and who requires insulin injections or for whom glucagon has been prescribed for the emergency treatment of hypoglycemia. Such authorization shall only be effective when a licensed nurse, an advanced practice registered nurse, a physician, or a physician assistant is not present to perform the administration of the medication.

Pursuant to a written order issued by the prescriber within the course of his professional practice, such prescriber may authorize an employee of a provider licensed by the Department of Behavioral Health and Developmental Services or a person providing services pursuant to a contract with a provider licensed by the Department of Behavioral Health and Developmental Services to assist with the administration of insulin or to administer glucagon to a person diagnosed as having diabetes and who requires insulin injections or for whom glucagon has been prescribed for the emergency treatment of hypoglycemia, provided such employee or person providing services has been trained in the administration of insulin and glucagon.

I. A prescriber may authorize, pursuant to a protocol approved by the Board of Nursing, the administration of vaccines to adults for immunization, when a practitioner with prescriptive authority is not physically present, by (i) licensed pharmacists, (ii) registered nurses, or (iii) licensed practical nurses under the supervision of a registered nurse. A prescriber acting on behalf of and in accordance with established protocols of the Department of Health may authorize the administration of vaccines to any person by a pharmacist, nurse, or designated emergency medical services provider who holds an advanced life support certificate issued by the Commissioner of Health under the direction of an operational medical director when the prescriber is not physically present. The emergency medical services provider shall provide documentation of the vaccines to be recorded in the Virginia Immunization Information System.

J. A dentist may cause Schedule VI topical drugs to be administered under his direction and supervision by either a dental hygienist or by an authorized agent of the dentist.

Further, pursuant to a written order and in accordance with a standing protocol issued by the dentist in the course of his professional practice, a dentist may authorize a dental hygienist under his general supervision, as defined in § 54.1-2722, or his remote supervision, as defined in subsection E or F of § 54.1-2722, to possess and administer topical oral fluorides, topical oral anesthetics, topical and directly applied antimicrobial agents for treatment of periodontal pocket lesions, and any other Schedule VI topical drug approved by the Board of Dentistry.

In addition, a dentist may authorize a dental hygienist under his direction to administer Schedule VI nitrous oxide and oxygen inhalation analgesia and, to persons 18 years of age or older, Schedule VI local anesthesia.

K. Pursuant to an oral or written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize registered professional nurses certified as sexual assault nurse examiners-A (SANE-A) under his supervision and when he is not physically present to possess and administer preventive medications for victims of sexual assault as recommended by the Centers for Disease Control and Prevention.

L. This section shall not prevent the administration of drugs by a person who has satisfactorily completed a training program for this purpose approved by the Board of Nursing and who administers such drugs in accordance with a prescriber's instructions pertaining to dosage, frequency, and manner of administration, and in accordance with regulations promulgated by the Board of Pharmacy relating to security and record keeping, when the drugs administered would be normally self-administered by (i) an individual receiving services in a program licensed by the Department of Behavioral Health and Developmental Services; (ii) a resident of the Virginia Rehabilitation Center for the Blind and Vision Impaired; (iii) a resident of a facility approved by the Board or Department of Juvenile Justice for the placement of children in need of services or delinquent or alleged delinquent youth; (iv) a program participant of an adult day-care center licensed by the Department of Social Services; (v) a resident of any facility authorized or operated by a state or local government whose primary purpose is not to provide health care services; (vi) a resident of a private children's residential facility, as defined in § 63.2-100 and licensed by the Department of Social Services, Department of Education, or Department of Behavioral Health and Developmental Services; or (vii) a student in a school for students with disabilities, as defined in § 22.1-319 and licensed by the Board of Education.

In addition, this section shall not prevent a person who has successfully completed a training program for the administration of drugs via percutaneous gastrostomy tube approved by the Board of Nursing and been evaluated by a registered nurse as having demonstrated competency in administration of drugs via percutaneous gastrostomy tube from administering drugs to a person receiving services from a program licensed by the Department of Behavioral Health and Developmental Services to such person via percutaneous gastrostomy tube. The continued competency of a person to administer drugs via percutaneous gastrostomy tube shall be evaluated semiannually by a registered nurse.

M. Medication aides registered by the Board of Nursing pursuant to Article 7 (§ 54.1-3041 et seq.) of Chapter 30 may administer drugs that would otherwise be self-administered to residents of any assisted living facility licensed by the Department of Social Services. A registered medication aide shall administer drugs pursuant to this section in accordance with the prescriber's instructions pertaining to dosage, frequency, and manner of administration; in accordance with regulations promulgated by the Board of Pharmacy relating to security and recordkeeping; in accordance with the assisted living facility's Medication Management Plan; and in accordance with such other regulations governing their practice promulgated by the Board of Nursing.

N. In addition, this section shall not prevent the administration of drugs by a person who administers such drugs in accordance with a physician's instructions pertaining to dosage, frequency, and manner of administration and with written authorization of a parent, and in accordance with school board regulations relating to training, security and record keeping, when the drugs administered would be normally self-administered by a student of a Virginia public school. Training for such persons shall be accomplished through a program approved by the local school boards, in consultation with the local departments of health.

O. In addition, this section shall not prevent the administration of drugs by a person to (i) a child in a child day program as defined in § 22.1-289.02 and regulated by the Board of Education or a local government pursuant to § 15.2-914, or (ii) a student of a private school that is accredited pursuant to § 22.1-19 as administered by the Virginia Council for Private Education, provided such person (a) has satisfactorily completed a training program for this purpose approved by the Board of Nursing and taught by a registered nurse, a licensed practical nurse, an advanced practice registered nurse, a physician assistant, a doctor of medicine or osteopathic medicine, or a pharmacist; (b) has obtained written authorization from a parent or guardian; (c) administers drugs only to the child identified on the prescription label in accordance with the prescriber's instructions pertaining to dosage, frequency, and manner of administration; and (d) administers only those drugs that were dispensed from a pharmacy and maintained in the original, labeled container that would normally be self-administered by the child or student, or administered by a parent or guardian to the child or student.

P. In addition, this section shall not prevent the administration or dispensing of drugs and devices by persons if they are authorized by the State Health Commissioner in accordance with protocols established by the State Health Commissioner pursuant to § 32.1-42.1 when (i) the Governor has declared a disaster or a state of emergency, the United States Secretary of Health and Human Services has issued a declaration of an actual or potential bioterrorism incident or other actual or potential public health emergency, or the Board of Health has made an emergency order pursuant to § 32.1-13 for the purpose of suppressing nuisances dangerous to the public health and communicable, contagious, and infectious diseases and

other dangers to the public life and health and for the limited purpose of administering vaccines as an approved countermeasure for such communicable, contagious, and infectious diseases; (ii) it is necessary to permit the provision of needed drugs or devices; and (iii) such persons have received the training necessary to safely administer or dispense the needed drugs or devices. Such persons shall administer or dispense all drugs or devices under the direction, control, and supervision of the State Health Commissioner.

Q. Nothing in this title shall prohibit the administration of normally self-administered drugs by unlicensed individuals to a person in his private residence.

R. This section shall not interfere with any prescriber issuing prescriptions in compliance with his authority and scope of practice and the provisions of this section to a Board agent for use pursuant to subsection G of § 18.2-258.1. Such prescriptions issued by such prescriber shall be deemed to be valid prescriptions.

S. Nothing in this title shall prevent or interfere with dialysis care technicians or dialysis patient care technicians who are certified by an organization approved by the Board of Health Professions or persons authorized for provisional practice pursuant to Chapter 27.01 (§ 54.1-2729.1 et seq.), in the ordinary course of their duties in a Medicare-certified renal dialysis facility, from administering heparin, topical needle site anesthetics, dialysis solutions, sterile normal saline solution, and blood volumizers, for the purpose of facilitating renal dialysis treatment, when such administration of medications occurs under the orders of a licensed physician, an advanced practice registered nurse, or a physician assistant and under the immediate and direct supervision of a licensed registered nurse. Nothing in this chapter shall be construed to prohibit a patient care dialysis technician trainee from performing dialysis care as part of and within the scope of the clinical skills instruction segment of a supervised dialysis technician training program, provided such trainee is identified as a "trainee" while working in a renal dialysis facility.

The dialysis care technician or dialysis patient care technician administering the medications shall have demonstrated competency as evidenced by holding current valid certification from an organization approved by the Board of Health Professions pursuant to Chapter 27.01 (§ 54.1-2729.1 et seq.).

T. Persons who are otherwise authorized to administer controlled substances in hospitals shall be authorized to administer influenza or pneumococcal vaccines pursuant to § 32.1-126.4.

U. Pursuant to a specific order for a patient and under his direct and immediate supervision, a prescriber may authorize the administration of controlled substances by personnel who have been properly trained to assist a doctor of medicine or osteopathic medicine, provided the method does not include intravenous, intrathecal, or epidural administration and the prescriber remains responsible for such administration.

V. A physician assistant, nurse, dental hygienist, or authorized agent of a doctor of medicine, osteopathic medicine, or dentistry may possess and administer topical fluoride varnish pursuant to an oral or written order or a standing protocol issued by a doctor of medicine, osteopathic medicine, or dentistry.

W. A prescriber, acting in accordance with guidelines developed pursuant to § 32.1-46.02, may authorize the administration of influenza vaccine to minors by a licensed pharmacist, registered nurse, licensed practical nurse under the direction and immediate supervision of a registered nurse, or emergency medical services provider who holds an advanced life support certificate issued by the Commissioner of Health when the prescriber is not physically present.

X. Notwithstanding the provisions of § 54.1-3303, pursuant to an oral, written, or standing order issued by a prescriber or a standing order issued by the Commissioner of Health or his designee authorizing the dispensing of naloxone or other opioid antagonist used for overdose reversal in the absence of an oral or written order for a specific patient issued by a prescriber, and in accordance with protocols developed by the Board of Pharmacy in consultation with the Board of Medicine and the Department of Health, a pharmacist, a health care provider providing services in a hospital emergency department, and emergency medical services personnel, as that term is defined in § 32.1-111.1, may dispense naloxone or other opioid antagonist used for overdose reversal and a person to whom naloxone or other opioid antagonist has been dispensed pursuant to this subsection may possess and administer naloxone or other opioid antagonist used for overdose reversal to a person who is believed to be experiencing or about to experience a life-threatening opioid overdose. Law-enforcement officers as defined in § 9.1-101, employees of the Department of Forensic Science, employees of the Office of the Chief Medical Examiner, employees of the Department of General Services Division of Consolidated Laboratory Services, employees of the Department of Corrections designated by the Director of the Department of Corrections or designated as probation and parole officers or as correctional officers as defined in § 53.1-1, employees of the Department of Juvenile Justice designated as probation and parole officers or as juvenile correctional officers, employees of regional jails, *employees of any state agency,* school nurses, local health department employees that are assigned to a public school pursuant to an agreement between the local health department and the school board, other school board employees or individuals contracted by a school board to provide school health services, and firefighters may also possess and administer naloxone or other opioid antagonist used for overdose reversal and may dispense naloxone or other opioid antagonist used for overdose reversal pursuant to an oral, written, or standing order issued by a prescriber or a standing order issued by the Commissioner of Health or his designee in accordance with protocols developed by the Board of Pharmacy in consultation with the Board of Medicine and the Department of Health.

Notwithstanding the provisions of § 54.1-3303, pursuant to an oral, written, or standing order issued by a prescriber or a standing order issued by the Commissioner of Health or his designee authorizing the dispensing of naloxone or other opioid antagonist used for overdose reversal in the absence of an oral or written order for a specific patient issued by a prescriber, and in accordance with protocols developed by the Board of Pharmacy in consultation with the Board of

Medicine and the Department of Health, any person may possess and administer naloxone or other opioid antagonist used for overdose reversal, other than naloxone in an injectable formulation with a hypodermic needle or syringe, in accordance with protocols developed by the Board of Pharmacy in consultation with the Board of Medicine and the Department of Health.

Y. Notwithstanding any other law or regulation to the contrary, a person who is acting on behalf of an organization that provides services to individuals at risk of experiencing an opioid overdose or training in the administration of naloxone for overdose reversal may dispense naloxone, provided that such dispensing is (i) pursuant to a standing order issued by a prescriber and (ii) in accordance with protocols developed by the Board of Pharmacy in consultation with the Board of Medicine and the Department of Health. If the person acting on behalf of an organization dispenses naloxone in an injectable formulation with a hypodermic needle or syringe, he shall first obtain authorization from the Department of Behavioral Health and Developmental Services to train individuals on the proper administration of naloxone by and proper disposal of a hypodermic needle or syringe, and he shall obtain a controlled substance registration from the Board of Pharmacy. The Board of Pharmacy shall not charge a fee for the issuance of such controlled substance registration. The dispensing may occur at a site other than that of the controlled substance registration provided the entity possessing the controlled substances registration maintains records in accordance with regulations of the Board of Pharmacy. No person who dispenses naloxone on behalf of an organization pursuant to this subsection shall charge a fee for the dispensing of naloxone that is greater than the cost to the organization of obtaining the naloxone dispensed. A person to whom naloxone has been dispensed pursuant to this subsection may possess naloxone and may administer naloxone to a person who is believed to be experiencing or about to experience a life-threatening opioid overdose.

Z. A person who is not otherwise authorized to administer naloxone or other opioid antagonist used for overdose reversal may administer naloxone or other opioid antagonist used for overdose reversal to a person who is believed to be experiencing or about to experience a life-threatening opioid overdose.

AA. Pursuant to a written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize, with the consent of the parents as defined in § 22.1-1, an employee of (i) a school board, (ii) a school for students with disabilities as defined in § 22.1-319 licensed by the Board of Education, or (iii) a private school accredited pursuant to § 22.1-19 as administered by the Virginia Council for Private Education who is trained in the administration of injected medications for the treatment of adrenal crisis resulting from a condition causing adrenal insufficiency to administer such medication to a student diagnosed with a condition causing adrenal insufficiency when the student is believed to be experiencing or about to experience an adrenal crisis. Such authorization shall be effective only when a licensed nurse, an advanced practice registered nurse, a physician, or a physician assistant is not present to perform the administration of the medication.

2. That the Department of Health shall post informational resources on the Department of Health website about naloxone and other opioid antagonists used for opioid reversal and how they might be used to prevent overdoses in public places.

3. That the Department of Health shall develop a plan for (i) the procurement and distribution of naloxone or other opioid antagonists used for opioid overdose reversal to each state agency and (ii) the possession of naloxone or other opioid antagonists used for overdose reversal by each state agency. The Department of Health shall report its progress in developing such plan to the Governor and the Chairmen of the House Committee on Health and Human Services and the Senate Committee on Education and Health by November 1, 2024.

CHAPTER 441

An Act to amend and reenact § 32.1-127, as it is currently effective and as it shall become effective, of the Code of Virginia, relating to hospitals; emergency departments; licensed physicians.

[H 353]

Approved April 4, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 32.1-127, as it is currently effective and as it shall become effective, of the Code of Virginia is amended and reenacted as follows:

§ 32.1-127. (Effective until July 1, 2025) Regulations.

A. The regulations promulgated by the Board to carry out the provisions of this article shall be in substantial conformity to the standards of health, hygiene, sanitation, construction and safety as established and recognized by medical and health care professionals and by specialists in matters of public health and safety, including health and safety standards established under provisions of Title XVIII and Title XIX of the Social Security Act, and to the provisions of Article 2 (§ 32.1-138 et seq.).

B. Such regulations:

1. Shall include minimum standards for (i) the construction and maintenance of hospitals, nursing homes and certified nursing facilities to ensure the environmental protection and the life safety of its patients, employees, and the public; (ii) the operation, staffing and equipping of hospitals, nursing homes and certified nursing facilities; (iii) qualifications and training of staff of hospitals, nursing homes and certified nursing facilities, except those professionals licensed or certified by the

Department of Health Professions; (iv) conditions under which a hospital or nursing home may provide medical and nursing services to patients in their places of residence; and (v) policies related to infection prevention, disaster preparedness, and facility security of hospitals, nursing homes, and certified nursing facilities;

2. Shall provide that at least one physician who is licensed to practice medicine in ~~this~~ *the* Commonwealth *and is primarily responsible for the emergency department* shall be on ~~call~~ *duty and physically present* at all times~~, though not necessarily physically present on the premises,~~ at each hospital ~~which~~ *that* operates or holds itself out as operating an emergency service;

3. May classify hospitals and nursing homes by type of specialty or service and may provide for licensing hospitals and nursing homes by bed capacity and by type of specialty or service;

4. Shall also require that each hospital establish a protocol for organ donation, in compliance with federal law and the regulations of the Centers for Medicare and Medicaid Services (CMS), particularly 42 C.F.R. § 482.45. Each hospital shall have an agreement with an organ procurement organization designated in CMS regulations for routine contact, whereby the provider's designated organ procurement organization certified by CMS (i) is notified in a timely manner of all deaths or imminent deaths of patients in the hospital and (ii) is authorized to determine the suitability of the decedent or patient for organ donation and, in the absence of a similar arrangement with any eye bank or tissue bank in Virginia certified by the Eye Bank Association of America or the American Association of Tissue Banks, the suitability for tissue and eye donation. The hospital shall also have an agreement with at least one tissue bank and at least one eye bank to cooperate in the retrieval, processing, preservation, storage, and distribution of tissues and eyes to ensure that all usable tissues and eyes are obtained from potential donors and to avoid interference with organ procurement. The protocol shall ensure that the hospital collaborates with the designated organ procurement organization to inform the family of each potential donor of the option to donate organs, tissues, or eyes or to decline to donate. The individual making contact with the family shall have completed a course in the methodology for approaching potential donor families and requesting organ or tissue donation that (a) is offered or approved by the organ procurement organization and designed in conjunction with the tissue and eye bank community and (b) encourages discretion and sensitivity according to the specific circumstances, views, and beliefs of the relevant family. In addition, the hospital shall work cooperatively with the designated organ procurement organization in educating the staff responsible for contacting the organ procurement organization's personnel on donation issues, the proper review of death records to improve identification of potential donors, and the proper procedures for maintaining potential donors while necessary testing and placement of potential donated organs, tissues, and eyes takes place. This process shall be followed, without exception, unless the family of the relevant decedent or patient has expressed opposition to organ donation, the chief administrative officer of the hospital or his designee knows of such opposition, and no donor card or other relevant document, such as an advance directive, can be found;

5. Shall require that each hospital that provides obstetrical services establish a protocol for admission or transfer of any pregnant woman who presents herself while in labor;

6. Shall also require that each licensed hospital develop and implement a protocol requiring written discharge plans for identified, substance-abusing, postpartum women and their infants. The protocol shall require that the discharge plan be discussed with the patient and that appropriate referrals for the mother and the infant be made and documented. Appropriate referrals may include, but need not be limited to, treatment services, comprehensive early intervention services for infants and toddlers with disabilities and their families pursuant to Part H of the Individuals with Disabilities Education Act, 20 U.S.C. § 1471 et seq., and family-oriented prevention services. The discharge planning process shall involve, to the extent possible, the other parent of the infant and any members of the patient's extended family who may participate in the follow-up care for the mother and the infant. Immediately upon identification, pursuant to § 54.1-2403.1, of any substance-abusing, postpartum woman, the hospital shall notify, subject to federal law restrictions, the community services board of the jurisdiction in which the woman resides to appoint a discharge plan manager. The community services board shall implement and manage the discharge plan;

7. Shall require that each nursing home and certified nursing facility fully disclose to the applicant for admission the home's or facility's admissions policies, including any preferences given;

8. Shall require that each licensed hospital establish a protocol relating to the rights and responsibilities of patients which shall include a process reasonably designed to inform patients of such rights and responsibilities. Such rights and responsibilities of patients, a copy of which shall be given to patients on admission, shall be consistent with applicable federal law and regulations of the Centers for Medicare and Medicaid Services;

9. Shall establish standards and maintain a process for designation of levels or categories of care in neonatal services according to an applicable national or state-developed evaluation system. Such standards may be differentiated for various levels or categories of care and may include, but need not be limited to, requirements for staffing credentials, staff/patient ratios, equipment, and medical protocols;

10. Shall require that each nursing home and certified nursing facility train all employees who are mandated to report adult abuse, neglect, or exploitation pursuant to § 63.2-1606 on such reporting procedures and the consequences for failing to make a required report;

11. Shall permit hospital personnel, as designated in medical staff bylaws, rules and regulations, or hospital policies and procedures, to accept emergency telephone and other verbal orders for medication or treatment for hospital patients from physicians, and other persons lawfully authorized by state statute to give patient orders, subject to a requirement that such verbal order be signed, within a reasonable period of time not to exceed 72 hours as specified in the hospital's medical

staff bylaws, rules and regulations or hospital policies and procedures, by the person giving the order, or, when such person is not available within the period of time specified, co-signed by another physician or other person authorized to give the order;

12. Shall require, unless the vaccination is medically contraindicated or the resident declines the offer of the vaccination, that each certified nursing facility and nursing home provide or arrange for the administration to its residents of (i) an annual vaccination against influenza and (ii) a pneumococcal vaccination, in accordance with the most recent recommendations of the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention;

13. Shall require that each nursing home and certified nursing facility register with the Department of State Police to receive notice of the registration, reregistration, or verification of registration information of any person required to register with the Sex Offender and Crimes Against Minors Registry pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1 within the same or a contiguous zip code area in which the home or facility is located, pursuant to § 9.1-914;

14. Shall require that each nursing home and certified nursing facility ascertain, prior to admission, whether a potential patient is required to register with the Sex Offender and Crimes Against Minors Registry pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1, if the home or facility anticipates the potential patient will have a length of stay greater than three days or in fact stays longer than three days;

15. Shall require that each licensed hospital include in its visitation policy a provision allowing each adult patient to receive visits from any individual from whom the patient desires to receive visits, subject to other restrictions contained in the visitation policy including, but not limited to, those related to the patient's medical condition and the number of visitors permitted in the patient's room simultaneously;

16. Shall require that each nursing home and certified nursing facility shall, upon the request of the facility's family council, send notices and information about the family council mutually developed by the family council and the administration of the nursing home or certified nursing facility, and provided to the facility for such purpose, to the listed responsible party or a contact person of the resident's choice up to six times per year. Such notices may be included together with a monthly billing statement or other regular communication. Notices and information shall also be posted in a designated location within the nursing home or certified nursing facility. No family member of a resident or other resident representative shall be restricted from participating in meetings in the facility with the families or resident representatives of other residents in the facility;

17. Shall require that each nursing home and certified nursing facility maintain liability insurance coverage in a minimum amount of $1 million, and professional liability coverage in an amount at least equal to the recovery limit set forth in § 8.01-581.15, to compensate patients or individuals for injuries and losses resulting from the negligent or criminal acts of the facility. Failure to maintain such minimum insurance shall result in revocation of the facility's license;

18. Shall require each hospital that provides obstetrical services to establish policies to follow when a stillbirth, as defined in § 32.1-69.1, occurs that meet the guidelines pertaining to counseling patients and their families and other aspects of managing stillbirths as may be specified by the Board in its regulations;

19. Shall require each nursing home to provide a full refund of any unexpended patient funds on deposit with the facility following the discharge or death of a patient, other than entrance-related fees paid to a continuing care provider as defined in § 38.2-4900, within 30 days of a written request for such funds by the discharged patient or, in the case of the death of a patient, the person administering the person's estate in accordance with the Virginia Small Estates Act (§ 64.2-600 et seq.);

20. Shall require that each hospital that provides inpatient psychiatric services establish a protocol that requires, for any refusal to admit (i) a medically stable patient referred to its psychiatric unit, direct verbal communication between the on-call physician in the psychiatric unit and the referring physician, if requested by such referring physician, and prohibits on-call physicians or other hospital staff from refusing a request for such direct verbal communication by a referring physician and (ii) a patient for whom there is a question regarding the medical stability or medical appropriateness of admission for inpatient psychiatric services due to a situation involving results of a toxicology screening, the on-call physician in the psychiatric unit to which the patient is sought to be transferred to participate in direct verbal communication, either in person or via telephone, with a clinical toxicologist or other person who is a Certified Specialist in Poison Information employed by a poison control center that is accredited by the American Association of Poison Control Centers to review the results of the toxicology screen and determine whether a medical reason for refusing admission to the psychiatric unit related to the results of the toxicology screen exists, if requested by the referring physician;

21. Shall require that each hospital that is equipped to provide life-sustaining treatment shall develop a policy governing determination of the medical and ethical appropriateness of proposed medical care, which shall include (i) a process for obtaining a second opinion regarding the medical and ethical appropriateness of proposed medical care in cases in which a physician has determined proposed care to be medically or ethically inappropriate; (ii) provisions for review of the determination that proposed medical care is medically or ethically inappropriate by an interdisciplinary medical review committee and a determination by the interdisciplinary medical review committee regarding the medical and ethical appropriateness of the proposed health care; and (iii) requirements for a written explanation of the decision reached by the interdisciplinary medical review committee, which shall be included in the patient's medical record. Such policy shall ensure that the patient, his agent, or the person authorized to make medical decisions pursuant to § 54.1-2986 (a) are informed of the patient's right to obtain his medical record and to obtain an independent medical opinion and (b) afforded

reasonable opportunity to participate in the medical review committee meeting. Nothing in such policy shall prevent the patient, his agent, or the person authorized to make medical decisions pursuant to § 54.1-2986 from obtaining legal counsel to represent the patient or from seeking other remedies available at law, including seeking court review, provided that the patient, his agent, or the person authorized to make medical decisions pursuant to § 54.1-2986, or legal counsel provides written notice to the chief executive officer of the hospital within 14 days of the date on which the physician's determination that proposed medical treatment is medically or ethically inappropriate is documented in the patient's medical record;

22. Shall require every hospital with an emergency department to establish a security plan. Such security plan shall be developed using standards established by the International Association for Healthcare Security and Safety or other industry standard and shall be based on the results of a security risk assessment of each emergency department location of the hospital and shall include the presence of at least one off-duty law-enforcement officer or trained security personnel who is present in the emergency department at all times as indicated to be necessary and appropriate by the security risk assessment. Such security plan shall be based on identified risks for the emergency department, including trauma level designation, overall volume, volume of psychiatric and forensic patients, incidents of violence against staff, and level of injuries sustained from such violence, and prevalence of crime in the community, in consultation with the emergency department medical director and nurse director. The security plan shall also outline training requirements for security personnel in the potential use of and response to weapons, defensive tactics, de-escalation techniques, appropriate physical restraint and seclusion techniques, crisis intervention, and trauma-informed approaches. Such training shall also include instruction on safely addressing situations involving patients, family members, or other persons who pose a risk of harm to themselves or others due to mental illness or substance abuse or who are experiencing a mental health crisis. Such training requirements may be satisfied through completion of the Department of Criminal Justice Services minimum training standards for auxiliary police officers as required by § 15.2-1731. The Commissioner shall provide a waiver from the requirement that at least one off-duty law-enforcement officer or trained security personnel be present at all times in the emergency department if the hospital demonstrates that a different level of security is necessary and appropriate for any of its emergency departments based upon findings in the security risk assessment;

23. Shall require that each hospital establish a protocol requiring that, before a health care provider arranges for air medical transportation services for a patient who does not have an emergency medical condition as defined in 42 U.S.C. § 1395dd(e)(1), the hospital shall provide the patient or his authorized representative with written or electronic notice that the patient (i) may have a choice of transportation by an air medical transportation provider or medically appropriate ground transportation by an emergency medical services provider and (ii) will be responsible for charges incurred for such transportation in the event that the provider is not a contracted network provider of the patient's health insurance carrier or such charges are not otherwise covered in full or in part by the patient's health insurance plan;

24. Shall establish an exemption from the requirement to obtain a license to add temporary beds in an existing hospital or nursing home, including beds located in a temporary structure or satellite location operated by the hospital or nursing home, provided that the ability remains to safely staff services across the existing hospital or nursing home, (i) for a period of no more than the duration of the Commissioner's determination plus 30 days when the Commissioner has determined that a natural or man-made disaster has caused the evacuation of a hospital or nursing home and that a public health emergency exists due to a shortage of hospital or nursing home beds or (ii) for a period of no more than the duration of the emergency order entered pursuant to § 32.1-13 or 32.1-20 plus 30 days when the Board, pursuant to § 32.1-13, or the Commissioner, pursuant to § 32.1-20, has entered an emergency order for the purpose of suppressing a nuisance dangerous to public health or a communicable, contagious, or infectious disease or other danger to the public life and health;

25. Shall establish protocols to ensure that any patient scheduled to receive an elective surgical procedure for which the patient can reasonably be expected to require outpatient physical therapy as a follow-up treatment after discharge is informed that he (i) is expected to require outpatient physical therapy as a follow-up treatment and (ii) will be required to select a physical therapy provider prior to being discharged from the hospital;

26. Shall permit nursing home staff members who are authorized to possess, distribute, or administer medications to residents to store, dispense, or administer cannabis oil to a resident who has been issued a valid written certification for the use of cannabis oil in accordance with § 4.1-1601;

27. Shall require each hospital with an emergency department to establish a protocol for the treatment and discharge of individuals experiencing a substance use-related emergency, which shall include provisions for (i) appropriate screening and assessment of individuals experiencing substance use-related emergencies to identify medical interventions necessary for the treatment of the individual in the emergency department and (ii) recommendations for follow-up care following discharge for any patient identified as having a substance use disorder, depression, or mental health disorder, as appropriate, which may include, for patients who have been treated for substance use-related emergencies, including opioid overdose, or other high-risk patients, (a) the dispensing of naloxone or other opioid antagonist used for overdose reversal pursuant to subsection X of § 54.1-3408 at discharge or (b) issuance of a prescription for and information about accessing naloxone or other opioid antagonist used for overdose reversal, including information about accessing naloxone or other opioid antagonist used for overdose reversal at a community pharmacy, including any outpatient pharmacy operated by the hospital, or through a community organization or pharmacy that may dispense naloxone or other opioid antagonist used for overdose reversal without a prescription pursuant to a statewide standing order. Such protocols may also provide for referrals of individuals experiencing a substance use-related emergency to peer recovery specialists and community-based

providers of behavioral health services, or to providers of pharmacotherapy for the treatment of drug or alcohol dependence or mental health diagnoses;

28. During a public health emergency related to COVID-19, shall require each nursing home and certified nursing facility to establish a protocol to allow each patient to receive visits, consistent with guidance from the Centers for Disease Control and Prevention and as directed by the Centers for Medicare and Medicaid Services and the Board. Such protocol shall include provisions describing (i) the conditions, including conditions related to the presence of COVID-19 in the nursing home, certified nursing facility, and community, under which in-person visits will be allowed and under which in-person visits will not be allowed and visits will be required to be virtual; (ii) the requirements with which in-person visitors will be required to comply to protect the health and safety of the patients and staff of the nursing home or certified nursing facility; (iii) the types of technology, including interactive audio or video technology, and the staff support necessary to ensure visits are provided as required by this subdivision; and (iv) the steps the nursing home or certified nursing facility will take in the event of a technology failure, service interruption, or documented emergency that prevents visits from occurring as required by this subdivision. Such protocol shall also include (a) a statement of the frequency with which visits, including virtual and in-person, where appropriate, will be allowed, which shall be at least once every 10 calendar days for each patient; (b) a provision authorizing a patient or the patient's personal representative to waive or limit visitation, provided that such waiver or limitation is included in the patient's health record; and (c) a requirement that each nursing home and certified nursing facility publish on its website or communicate to each patient or the patient's authorized representative, in writing or via electronic means, the nursing home's or certified nursing facility's plan for providing visits to patients as required by this subdivision;

29. Shall require each hospital, nursing home, and certified nursing facility to establish and implement policies to ensure the permissible access to and use of an intelligent personal assistant provided by a patient, in accordance with such regulations, while receiving inpatient services. Such policies shall ensure protection of health information in accordance with the requirements of the federal Health Insurance Portability and Accountability Act of 1996, 42 U.S.C. § 1320d et seq., as amended. For the purposes of this subdivision, "intelligent personal assistant" means a combination of an electronic device and a specialized software application designed to assist users with basic tasks using a combination of natural language processing and artificial intelligence, including such combinations known as "digital assistants" or "virtual assistants";

30. During a declared public health emergency related to a communicable disease of public health threat, shall require each hospital, nursing home, and certified nursing facility to establish a protocol to allow patients to receive visits from a rabbi, priest, minister, or clergy of any religious denomination or sect consistent with guidance from the Centers for Disease Control and Prevention and the Centers for Medicare and Medicaid Services and subject to compliance with any executive order, order of public health, Department guidance, or any other applicable federal or state guidance having the effect of limiting visitation. Such protocol may restrict the frequency and duration of visits and may require visits to be conducted virtually using interactive audio or video technology. Any such protocol may require the person visiting a patient pursuant to this subdivision to comply with all reasonable requirements of the hospital, nursing home, or certified nursing facility adopted to protect the health and safety of the person, patients, and staff of the hospital, nursing home, or certified nursing facility; and

31. Shall require that every hospital that makes health records, as defined in § 32.1-127.1:03, of patients who are minors available to such patients through a secure website shall make such health records available to such patient's parent or guardian through such secure website, unless the hospital cannot make such health record available in a manner that prevents disclosure of information, the disclosure of which has been denied pursuant to subsection F of § 32.1-127.1:03 or for which consent required in accordance with subsection E of § 54.1-2969 has not been provided.

C. Upon obtaining the appropriate license, if applicable, licensed hospitals, nursing homes, and certified nursing facilities may operate adult day care centers.

D. All facilities licensed by the Board pursuant to this article which provide treatment or care for hemophiliacs and, in the course of such treatment, stock clotting factors, shall maintain records of all lot numbers or other unique identifiers for such clotting factors in order that, in the event the lot is found to be contaminated with an infectious agent, those hemophiliacs who have received units of this contaminated clotting factor may be apprised of this contamination. Facilities which have identified a lot that is known to be contaminated shall notify the recipient's attending physician and request that he notify the recipient of the contamination. If the physician is unavailable, the facility shall notify by mail, return receipt requested, each recipient who received treatment from a known contaminated lot at the individual's last known address.

E. Hospitals in the Commonwealth may enter into agreements with the Department of Health for the provision to uninsured patients of naloxone or other opioid antagonists used for overdose reversal.

§ 32.1-127. (Effective July 1, 2025) Regulations.

A. The regulations promulgated by the Board to carry out the provisions of this article shall be in substantial conformity to the standards of health, hygiene, sanitation, construction and safety as established and recognized by medical and health care professionals and by specialists in matters of public health and safety, including health and safety standards established under provisions of Title XVIII and Title XIX of the Social Security Act, and to the provisions of Article 2 (§ 32.1-138 et seq.).

B. Such regulations:

1. Shall include minimum standards for (i) the construction and maintenance of hospitals, nursing homes and certified nursing facilities to ensure the environmental protection and the life safety of its patients, employees, and the public; (ii) the operation, staffing and equipping of hospitals, nursing homes and certified nursing facilities; (iii) qualifications and training of staff of hospitals, nursing homes and certified nursing facilities, except those professionals licensed or certified by the Department of Health Professions; (iv) conditions under which a hospital or nursing home may provide medical and nursing services to patients in their places of residence; and (v) policies related to infection prevention, disaster preparedness, and facility security of hospitals, nursing homes, and certified nursing facilities;

2. Shall provide that at least one physician who is licensed to practice medicine in ~~this~~ *the* Commonwealth *and is primarily responsible for the emergency department* shall be on ~~call~~ *duty and physically present* at all times~~, though not necessarily physically present on the premises,~~ at each hospital ~~which~~ *that* operates or holds itself out as operating an emergency service;

3. May classify hospitals and nursing homes by type of specialty or service and may provide for licensing hospitals and nursing homes by bed capacity and by type of specialty or service;

4. Shall also require that each hospital establish a protocol for organ donation, in compliance with federal law and the regulations of the Centers for Medicare and Medicaid Services (CMS), particularly 42 C.F.R. § 482.45. Each hospital shall have an agreement with an organ procurement organization designated in CMS regulations for routine contact, whereby the provider's designated organ procurement organization certified by CMS (i) is notified in a timely manner of all deaths or imminent deaths of patients in the hospital and (ii) is authorized to determine the suitability of the decedent or patient for organ donation and, in the absence of a similar arrangement with any eye bank or tissue bank in Virginia certified by the Eye Bank Association of America or the American Association of Tissue Banks, the suitability for tissue and eye donation. The hospital shall also have an agreement with at least one tissue bank and at least one eye bank to cooperate in the retrieval, processing, preservation, storage, and distribution of tissues and eyes to ensure that all usable tissues and eyes are obtained from potential donors and to avoid interference with organ procurement. The protocol shall ensure that the hospital collaborates with the designated organ procurement organization to inform the family of each potential donor of the option to donate organs, tissues, or eyes or to decline to donate. The individual making contact with the family shall have completed a course in the methodology for approaching potential donor families and requesting organ or tissue donation that (a) is offered or approved by the organ procurement organization and designed in conjunction with the tissue and eye bank community and (b) encourages discretion and sensitivity according to the specific circumstances, views, and beliefs of the relevant family. In addition, the hospital shall work cooperatively with the designated organ procurement organization in educating the staff responsible for contacting the organ procurement organization's personnel on donation issues, the proper review of death records to improve identification of potential donors, and the proper procedures for maintaining potential donors while necessary testing and placement of potential donated organs, tissues, and eyes takes place. This process shall be followed, without exception, unless the family of the relevant decedent or patient has expressed opposition to organ donation, the chief administrative officer of the hospital or his designee knows of such opposition, and no donor card or other relevant document, such as an advance directive, can be found;

5. Shall require that each hospital that provides obstetrical services establish a protocol for admission or transfer of any pregnant woman who presents herself while in labor;

6. Shall also require that each licensed hospital develop and implement a protocol requiring written discharge plans for identified, substance-abusing, postpartum women and their infants. The protocol shall require that the discharge plan be discussed with the patient and that appropriate referrals for the mother and the infant be made and documented. Appropriate referrals may include, but need not be limited to, treatment services, comprehensive early intervention services for infants and toddlers with disabilities and their families pursuant to Part H of the Individuals with Disabilities Education Act, 20 U.S.C. § 1471 et seq., and family-oriented prevention services. The discharge planning process shall involve, to the extent possible, the other parent of the infant and any members of the patient's extended family who may participate in the follow-up care for the mother and the infant. Immediately upon identification, pursuant to § 54.1-2403.1, of any substance-abusing, postpartum woman, the hospital shall notify, subject to federal law restrictions, the community services board of the jurisdiction in which the woman resides to appoint a discharge plan manager. The community services board shall implement and manage the discharge plan;

7. Shall require that each nursing home and certified nursing facility fully disclose to the applicant for admission the home's or facility's admissions policies, including any preferences given;

8. Shall require that each licensed hospital establish a protocol relating to the rights and responsibilities of patients which shall include a process reasonably designed to inform patients of such rights and responsibilities. Such rights and responsibilities of patients, a copy of which shall be given to patients on admission, shall be consistent with applicable federal law and regulations of the Centers for Medicare and Medicaid Services;

9. Shall establish standards and maintain a process for designation of levels or categories of care in neonatal services according to an applicable national or state-developed evaluation system. Such standards may be differentiated for various levels or categories of care and may include, but need not be limited to, requirements for staffing credentials, staff/patient ratios, equipment, and medical protocols;

10. Shall require that each nursing home and certified nursing facility train all employees who are mandated to report adult abuse, neglect, or exploitation pursuant to § 63.2-1606 on such reporting procedures and the consequences for failing to make a required report;

11. Shall permit hospital personnel, as designated in medical staff bylaws, rules and regulations, or hospital policies and procedures, to accept emergency telephone and other verbal orders for medication or treatment for hospital patients from physicians, and other persons lawfully authorized by state statute to give patient orders, subject to a requirement that such verbal order be signed, within a reasonable period of time not to exceed 72 hours as specified in the hospital's medical staff bylaws, rules and regulations or hospital policies and procedures, by the person giving the order, or, when such person is not available within the period of time specified, co-signed by another physician or other person authorized to give the order;

12. Shall require, unless the vaccination is medically contraindicated or the resident declines the offer of the vaccination, that each certified nursing facility and nursing home provide or arrange for the administration to its residents of (i) an annual vaccination against influenza and (ii) a pneumococcal vaccination, in accordance with the most recent recommendations of the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention;

13. Shall require that each nursing home and certified nursing facility register with the Department of State Police to receive notice of the registration, reregistration, or verification of registration information of any person required to register with the Sex Offender and Crimes Against Minors Registry pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1 within the same or a contiguous zip code area in which the home or facility is located, pursuant to § 9.1-914;

14. Shall require that each nursing home and certified nursing facility ascertain, prior to admission, whether a potential patient is required to register with the Sex Offender and Crimes Against Minors Registry pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1, if the home or facility anticipates the potential patient will have a length of stay greater than three days or in fact stays longer than three days;

15. Shall require that each licensed hospital include in its visitation policy a provision allowing each adult patient to receive visits from any individual from whom the patient desires to receive visits, subject to other restrictions contained in the visitation policy including, but not limited to, those related to the patient's medical condition and the number of visitors permitted in the patient's room simultaneously;

16. Shall require that each nursing home and certified nursing facility shall, upon the request of the facility's family council, send notices and information about the family council mutually developed by the family council and the administration of the nursing home or certified nursing facility, and provided to the facility for such purpose, to the listed responsible party or a contact person of the resident's choice up to six times per year. Such notices may be included together with a monthly billing statement or other regular communication. Notices and information shall also be posted in a designated location within the nursing home or certified nursing facility. No family member of a resident or other resident representative shall be restricted from participating in meetings in the facility with the families or resident representatives of other residents in the facility;

17. Shall require that each nursing home and certified nursing facility maintain liability insurance coverage in a minimum amount of $1 million, and professional liability coverage in an amount at least equal to the recovery limit set forth in § 8.01-581.15, to compensate patients or individuals for injuries and losses resulting from the negligent or criminal acts of the facility. Failure to maintain such minimum insurance shall result in revocation of the facility's license;

18. Shall require each hospital that provides obstetrical services to establish policies to follow when a stillbirth, as defined in § 32.1-69.1, occurs that meet the guidelines pertaining to counseling patients and their families and other aspects of managing stillbirths as may be specified by the Board in its regulations;

19. Shall require each nursing home to provide a full refund of any unexpended patient funds on deposit with the facility following the discharge or death of a patient, other than entrance-related fees paid to a continuing care provider as defined in § 38.2-4900, within 30 days of a written request for such funds by the discharged patient or, in the case of the death of a patient, the person administering the person's estate in accordance with the Virginia Small Estates Act (§ 64.2-600 et seq.);

20. Shall require that each hospital that provides inpatient psychiatric services establish a protocol that requires, for any refusal to admit (i) a medically stable patient referred to its psychiatric unit, direct verbal communication between the on-call physician in the psychiatric unit and the referring physician, if requested by such referring physician, and prohibits on-call physicians or other hospital staff from refusing a request for such direct verbal communication by a referring physician and (ii) a patient for whom there is a question regarding the medical stability or medical appropriateness of admission for inpatient psychiatric services due to a situation involving results of a toxicology screening, the on-call physician in the psychiatric unit to which the patient is sought to be transferred to participate in direct verbal communication, either in person or via telephone, with a clinical toxicologist or other person who is a Certified Specialist in Poison Information employed by a poison control center that is accredited by the American Association of Poison Control Centers to review the results of the toxicology screen and determine whether a medical reason for refusing admission to the psychiatric unit related to the results of the toxicology screen exists, if requested by the referring physician;

21. Shall require that each hospital that is equipped to provide life-sustaining treatment shall develop a policy governing determination of the medical and ethical appropriateness of proposed medical care, which shall include (i) a process for obtaining a second opinion regarding the medical and ethical appropriateness of proposed medical care in cases in which a physician has determined proposed care to be medically or ethically inappropriate; (ii) provisions for review of the determination that proposed medical care is medically or ethically inappropriate by an interdisciplinary medical review committee and a determination by the interdisciplinary medical review committee regarding the medical and ethical

appropriateness of the proposed health care; and (iii) requirements for a written explanation of the decision reached by the interdisciplinary medical review committee, which shall be included in the patient's medical record. Such policy shall ensure that the patient, his agent, or the person authorized to make medical decisions pursuant to § 54.1-2986 (a) are informed of the patient's right to obtain his medical record and to obtain an independent medical opinion and (b) afforded reasonable opportunity to participate in the medical review committee meeting. Nothing in such policy shall prevent the patient, his agent, or the person authorized to make medical decisions pursuant to § 54.1-2986 from obtaining legal counsel to represent the patient or from seeking other remedies available at law, including seeking court review, provided that the patient, his agent, or the person authorized to make medical decisions pursuant to § 54.1-2986, or legal counsel provides written notice to the chief executive officer of the hospital within 14 days of the date on which the physician's determination that proposed medical treatment is medically or ethically inappropriate is documented in the patient's medical record;

22. Shall require every hospital with an emergency department to establish a security plan. Such security plan shall be developed using standards established by the International Association for Healthcare Security and Safety or other industry standard and shall be based on the results of a security risk assessment of each emergency department location of the hospital and shall include the presence of at least one off-duty law-enforcement officer or trained security personnel who is present in the emergency department at all times as indicated to be necessary and appropriate by the security risk assessment. Such security plan shall be based on identified risks for the emergency department, including trauma level designation, overall volume, volume of psychiatric and forensic patients, incidents of violence against staff, and level of injuries sustained from such violence, and prevalence of crime in the community, in consultation with the emergency department medical director and nurse director. The security plan shall also outline training requirements for security personnel in the potential use of and response to weapons, defensive tactics, de-escalation techniques, appropriate physical restraint and seclusion techniques, crisis intervention, and trauma-informed approaches. Such training shall also include instruction on safely addressing situations involving patients, family members, or other persons who pose a risk of harm to themselves or others due to mental illness or substance abuse or who are experiencing a mental health crisis. Such training requirements may be satisfied through completion of the Department of Criminal Justice Services minimum training standards for auxiliary police officers as required by § 15.2-1731. The Commissioner shall provide a waiver from the requirement that at least one off-duty law-enforcement officer or trained security personnel be present at all times in the emergency department if the hospital demonstrates that a different level of security is necessary and appropriate for any of its emergency departments based upon findings in the security risk assessment;

23. Shall require that each hospital establish a protocol requiring that, before a health care provider arranges for air medical transportation services for a patient who does not have an emergency medical condition as defined in 42 U.S.C. § 1395dd(e)(1), the hospital shall provide the patient or his authorized representative with written or electronic notice that the patient (i) may have a choice of transportation by an air medical transportation provider or medically appropriate ground transportation by an emergency medical services provider and (ii) will be responsible for charges incurred for such transportation in the event that the provider is not a contracted network provider of the patient's health insurance carrier or such charges are not otherwise covered in full or in part by the patient's health insurance plan;

24. Shall establish an exemption from the requirement to obtain a license to add temporary beds in an existing hospital or nursing home, including beds located in a temporary structure or satellite location operated by the hospital or nursing home, provided that the ability remains to safely staff services across the existing hospital or nursing home, (i) for a period of no more than the duration of the Commissioner's determination plus 30 days when the Commissioner has determined that a natural or man-made disaster has caused the evacuation of a hospital or nursing home and that a public health emergency exists due to a shortage of hospital or nursing home beds or (ii) for a period of no more than the duration of the emergency order entered pursuant to § 32.1-13 or 32.1-20 plus 30 days when the Board, pursuant to § 32.1-13, or the Commissioner, pursuant to § 32.1-20, has entered an emergency order for the purpose of suppressing a nuisance dangerous to public health or a communicable, contagious, or infectious disease or other danger to the public life and health;

25. Shall establish protocols to ensure that any patient scheduled to receive an elective surgical procedure for which the patient can reasonably be expected to require outpatient physical therapy as a follow-up treatment after discharge is informed that he (i) is expected to require outpatient physical therapy as a follow-up treatment and (ii) will be required to select a physical therapy provider prior to being discharged from the hospital;

26. Shall permit nursing home staff members who are authorized to possess, distribute, or administer medications to residents to store, dispense, or administer cannabis oil to a resident who has been issued a valid written certification for the use of cannabis oil in accordance with § 4.1-1601;

27. Shall require each hospital with an emergency department to establish a protocol for the treatment and discharge of individuals experiencing a substance use-related emergency, which shall include provisions for (i) appropriate screening and assessment of individuals experiencing substance use-related emergencies to identify medical interventions necessary for the treatment of the individual in the emergency department and (ii) recommendations for follow-up care following discharge for any patient identified as having a substance use disorder, depression, or mental health disorder, as appropriate, which may include, for patients who have been treated for substance use-related emergencies, including opioid overdose, or other high-risk patients, (a) the dispensing of naloxone or other opioid antagonist used for overdose reversal pursuant to subsection X of § 54.1-3408 at discharge or (b) issuance of a prescription for and information about accessing naloxone or other opioid antagonist used for overdose reversal, including information about accessing naloxone or other opioid antagonist used for overdose reversal at a community pharmacy, including any outpatient pharmacy operated by the

hospital, or through a community organization or pharmacy that may dispense naloxone or other opioid antagonist used for overdose reversal without a prescription pursuant to a statewide standing order. Such protocols may also provide for referrals of individuals experiencing a substance use-related emergency to peer recovery specialists and community-based providers of behavioral health services, or to providers of pharmacotherapy for the treatment of drug or alcohol dependence or mental health diagnoses;

28. During a public health emergency related to COVID-19, shall require each nursing home and certified nursing facility to establish a protocol to allow each patient to receive visits, consistent with guidance from the Centers for Disease Control and Prevention and as directed by the Centers for Medicare and Medicaid Services and the Board. Such protocol shall include provisions describing (i) the conditions, including conditions related to the presence of COVID-19 in the nursing home, certified nursing facility, and community, under which in-person visits will be allowed and under which in-person visits will not be allowed and visits will be required to be virtual; (ii) the requirements with which in-person visitors will be required to comply to protect the health and safety of the patients and staff of the nursing home or certified nursing facility; (iii) the types of technology, including interactive audio or video technology, and the staff support necessary to ensure visits are provided as required by this subdivision; and (iv) the steps the nursing home or certified nursing facility will take in the event of a technology failure, service interruption, or documented emergency that prevents visits from occurring as required by this subdivision. Such protocol shall also include (a) a statement of the frequency with which visits, including virtual and in-person, where appropriate, will be allowed, which shall be at least once every 10 calendar days for each patient; (b) a provision authorizing a patient or the patient's personal representative to waive or limit visitation, provided that such waiver or limitation is included in the patient's health record; and (c) a requirement that each nursing home and certified nursing facility publish on its website or communicate to each patient or the patient's authorized representative, in writing or via electronic means, the nursing home's or certified nursing facility's plan for providing visits to patients as required by this subdivision;

29. Shall require each hospital, nursing home, and certified nursing facility to establish and implement policies to ensure the permissible access to and use of an intelligent personal assistant provided by a patient, in accordance with such regulations, while receiving inpatient services. Such policies shall ensure protection of health information in accordance with the requirements of the federal Health Insurance Portability and Accountability Act of 1996, 42 U.S.C. § 1320d et seq., as amended. For the purposes of this subdivision, "intelligent personal assistant" means a combination of an electronic device and a specialized software application designed to assist users with basic tasks using a combination of natural language processing and artificial intelligence, including such combinations known as "digital assistants" or "virtual assistants";

30. During a declared public health emergency related to a communicable disease of public health threat, shall require each hospital, nursing home, and certified nursing facility to establish a protocol to allow patients to receive visits from a rabbi, priest, minister, or clergy of any religious denomination or sect consistent with guidance from the Centers for Disease Control and Prevention and the Centers for Medicare and Medicaid Services and subject to compliance with any executive order, order of public health, Department guidance, or any other applicable federal or state guidance having the effect of limiting visitation. Such protocol may restrict the frequency and duration of visits and may require visits to be conducted virtually using interactive audio or video technology. Any such protocol may require the person visiting a patient pursuant to this subdivision to comply with all reasonable requirements of the hospital, nursing home, or certified nursing facility adopted to protect the health and safety of the person, patients, and staff of the hospital, nursing home, or certified nursing facility;

31. Shall require that every hospital that makes health records, as defined in § 32.1-127.1:03, of patients who are minors available to such patients through a secure website shall make such health records available to such patient's parent or guardian through such secure website, unless the hospital cannot make such health record available in a manner that prevents disclosure of information, the disclosure of which has been denied pursuant to subsection F of § 32.1-127.1:03 or for which consent required in accordance with subsection E of § 54.1-2969 has not been provided; and

32. Shall require each certified nursing facility eligible to participate in the Virginia Medicaid Nursing Facility Value-Based Purchasing (VBP) program, as referenced in Chapter 2 of the Acts of Assembly of 2022, Special Session I, to provide at least 3.08 hours of case mix-adjusted total nurse staffing hours per resident per day on average as determined annually by the Department of Medical Assistance Services for use in the VBP program, utilizing job codes for the calculation of total nurse staffing hours per resident per day following the Centers for Medicare and Medicaid Services (CMS) definitions as of January 1, 2022, used for similar purposes and including certified nursing assistants, licensed practical nurses, and registered nurses. No additional reporting shall be required by a certified nursing facility under this subdivision.

C. Upon obtaining the appropriate license, if applicable, licensed hospitals, nursing homes, and certified nursing facilities may operate adult day care centers.

D. All facilities licensed by the Board pursuant to this article which provide treatment or care for hemophiliacs and, in the course of such treatment, stock clotting factors, shall maintain records of all lot numbers or other unique identifiers for such clotting factors in order that, in the event the lot is found to be contaminated with an infectious agent, those hemophiliacs who have received units of this contaminated clotting factor may be apprised of this contamination. Facilities which have identified a lot that is known to be contaminated shall notify the recipient's attending physician and request that

he notify the recipient of the contamination. If the physician is unavailable, the facility shall notify by mail, return receipt requested, each recipient who received treatment from a known contaminated lot at the individual's last known address.

E. Hospitals in the Commonwealth may enter into agreements with the Department of Health for the provision to uninsured patients of naloxone or other opioid antagonists used for overdose reversal.

2. That the provisions of this act shall become effective on July 1, 2025.

CHAPTER 442

An Act to amend the Code of Virginia by adding a section numbered 22.1-296.5, relating to school boards; teachers; employment verification; requirement.

[H 355]

Approved April 4, 2024

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 22.1-296.5 as follows:

§ 22.1-296.5. Employment verification required.

Each school board shall respond within 10 working days of receiving a request for employment verification of a former employee of the school board when such verification is sought by another school board. As used in this section, "working day" means every day except Saturdays, Sundays, and legal state and federal holidays.

CHAPTER 443

An Act to direct the Board of Counseling to recognize the National Counselor Examination as a valid examination for licensure as a professional counselor in the Commonwealth of Virginia.

[H 426]

Approved April 4, 2024

Be it enacted by the General Assembly of Virginia:

1. *§ 1. That the Board of Counseling (the Board) shall recognize the National Counselor Examination (NCE) administered by the National Board for Certified Counselors as a valid examination to meet the qualifications for licensure as a professional counselor in the Commonwealth of Virginia. The Board shall incorporate the NCE into its licensure regulations and procedures, provided that such recognition does not conflict with the requirements set forth in any interstate compacts or agreements to which the Commonwealth is a party.*

CHAPTER 444

An Act to direct the State Council of Higher Education for Virginia to study the processes by which each public institution of higher education determines eligibility for accommodations for students with disabilities and to identify in such processes and make recommendations to reduce any barriers to establishing eligibility.

[H 509]

Approved April 4, 2024

Be it enacted by the General Assembly of Virginia:

1. *§ 1. The State Council of Higher Education for Virginia (the Council) shall, in consultation with representatives of public institutions of higher education, disability advocacy organizations, students enrolled at public institutions of higher education, higher education disability accommodation professionals, and a subject matter expert to be selected by the Council, study the processes by which each public institution of higher education determines the eligibility for accommodations of an admitted or enrolled student with a temporary or permanent disability and identify in such processes and make recommendations to reduce any barriers to establishing eligibility. In conducting its study, the Council shall (i) evaluate the current processes used by such institutions for determining a student's eligibility for accommodations, including any required documentation; (ii) identify any barriers students may face in establishing eligibility for accommodations through such processes; (iii) identify any resources that may be necessary for students to overcome such barriers in establishing eligibility for accommodations; and (iv) make recommendations on (a) strategies for reducing any such barriers, including recommendations for modifications to accommodations eligibility determination processes currently used by such institutions, and (b) the development and establishment of a uniform accommodations eligibility determination process for public institutions of higher education. The Council shall submit to the Governor, the Chairmen of the House Committees on Appropriations and Education, and the Chairmen of the Senate Committees on Finance and Appropriations and Education and Health by October 1, 2024, a report on its findings and recommendations.*

CHAPTER 445

An Act to amend and reenact §§ 18.2-340.16 and 18.2-340.19, relating to charitable gaming.

[H 523]

Approved April 4, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 18.2-340.16 and 18.2-340.19 of the Code of Virginia are amended and reenacted as follows:

§ 18.2-340.16. Definitions.

As used in this article, unless the context requires a different meaning:

"Bingo" means a specific game of chance played with (i) individual cards having randomly numbered squares ranging from one to 75, (ii) Department-approved electronic devices that display facsimiles of bingo cards and are used for the purpose of marking and monitoring players' cards as numbers are called, or (iii) Department-approved cards, in which prizes are awarded on the basis of designated numbers on such cards conforming to a predetermined pattern of numbers selected at random.

"Bona fide member" means an individual who participates in activities of a qualified organization other than such organization's charitable gaming activities.

"Charitable gaming" or "charitable games" means those raffles, Texas Hold'em poker tournaments, and games of chance explicitly authorized by this article. Unless otherwise specified, "charitable gaming" includes electronic gaming authorized by this article.

"Charitable gaming permit" or "permit" means a permit issued by the Department to an organization that authorizes such organization to conduct charitable gaming, and if such organization is qualified as a social organization, electronic gaming.

"Charitable gaming supplies" includes bingo cards or sheets, devices for selecting bingo numbers, instant bingo cards, pull-tab cards and seal cards, playing cards for Texas Hold'em poker, poker chips, and any other equipment or product manufactured for or intended to be used in the conduct of charitable games. However, for the purposes of this article, charitable gaming supplies shall not include items incidental to the conduct of charitable gaming such as markers, wands, or tape.

"Commissioner" means the Commissioner of the Department of Agriculture and Consumer Services.

"Conduct" means the actions associated with the provision of a gaming operation during and immediately before or after the permitted activity, which may include (i) selling bingo cards or packs, electronic devices, instant bingo or pull-tab cards, or raffle tickets, (ii) calling bingo games, (iii) distributing prizes, and (iv) any other services provided by volunteer workers.

"Department" means the Department of Agriculture and Consumer Services.

"Electronic gaming" or "electronic games" means any instant bingo, pull tabs, or seal card gaming that is conducted primarily by use of an electronic device. "Electronic gaming" does not include (i) the game of chance identified in clause (ii) of the definition of "bingo" or (ii) network bingo.

"Electronic gaming adjusted gross receipts" means the gross receipts derived from electronic gaming less the total amount in prize money paid out to players.

"Electronic gaming manufacturer" means a manufacturer of electronic devices used to conduct electronic gaming.

"Fair market rental value" means the rent that a rental property will bring when offered for lease by a lessor who desires to lease the property but is not obligated to do so and leased by a lessee under no necessity of leasing.

"Gaming expenses" means prizes, supplies, costs of publicizing gaming activities, audit and administration or permit fees, and a portion of the rent, utilities, accounting and legal fees, and such other reasonable and proper expenses as are directly incurred for the conduct of charitable gaming.

"Gross receipts" means the total amount of money generated by an organization from charitable gaming before the deduction of expenses, including prizes.

"Instant bingo," "pull tabs," or "seal cards" means specific games of chance played by the random selection of one or more individually prepacked cards with winners being determined by the preprinted or predetermined appearance of concealed letters, numbers, or symbols that must be exposed by the player to determine wins and losses and may include the use of a seal card that conceals one or more numbers or symbols that have been designated in advance as prize winners. Such cards may be dispensed by mechanical equipment.

"Jackpot" means a bingo game that the organization has designated on its game program as a jackpot game in which the prize amount is greater than $100.

"Landlord" means any person or his agent, firm, association, organization, partnership, or corporation, employee, or immediate family member thereof, which owns and leases, or leases any premises devoted in whole or in part to the conduct of bingo games or other charitable gaming pursuant to this article, and any person residing in the same household as a landlord.

"Management" means the provision of oversight of a gaming operation, which may include the responsibilities of applying for and maintaining a permit or authorization, compiling, submitting, and maintaining required records and financial reports, and ensuring that all aspects of the operation are in compliance with all applicable statutes and regulations.

"Network bingo" means a specific bingo game in which pari-mutuel play is permitted.

"Network bingo provider" means a person licensed by the Department to operate network bingo.

"Operation" means the activities associated with production of a charitable gaming or electronic gaming activity, which may include (i) the direct on-site supervision of the conduct of charitable gaming and electronic gaming; (ii) coordination of volunteers; and (iii) all responsibilities of charitable gaming and electronic gaming designated by the organization's management.

"Organization" means any one of the following:

1. A volunteer fire department or volunteer emergency medical services agency or auxiliary unit thereof that has been recognized in accordance with § 15.2-955 by an ordinance or resolution of the political subdivision where the volunteer fire department or volunteer emergency medical services agency is located as being a part of the safety program of such political subdivision;

2. An organization that is exempt from income tax pursuant to § 501(c)(3) of the Internal Revenue Code, is operated, and has always been operated, exclusively for educational purposes, and awards scholarships to accredited public institutions of higher education or other postsecondary schools licensed or certified by the Board of Education or the State Council of Higher Education for Virginia;

3. An athletic association or booster club or a band booster club established solely to raise funds for school-sponsored athletic or band activities for a public school or private school accredited pursuant to § 22.1-19 or to provide scholarships to students attending such school;

4. An association of war veterans or auxiliary units thereof organized in the United States;

5. A fraternal association or corporation operating under the lodge system;

6. An organization that is exempt from income tax pursuant to § 501(c)(3) of the Internal Revenue Code and is operated, and has always been operated, exclusively to provide services and other resources to older Virginians, as defined in § 51.5-116;

7. An organization that is exempt from income tax pursuant to § 501(c)(3) of the Internal Revenue Code and is operated, and has always been operated, exclusively to foster youth amateur sports;

8. An organization that is exempt from income tax pursuant to § 501(c)(3) of the Internal Revenue Code and is operated, and has always been operated, exclusively to provide health care services or conduct medical research;

9. An accredited public institution of higher education or other postsecondary school licensed or certified by the Board of Education or the State Council of Higher Education for Virginia that is exempt from income tax pursuant to § 501(c)(3) of the Internal Revenue Code;

10. A church or religious organization that is exempt from income tax pursuant to § 501(c)(3) of the Internal Revenue Code;

11. An organization that is exempt from income tax pursuant to § 501(c)(3) or 501(c)(4) of the Internal Revenue Code and is operated, and has always been operated, exclusively to (i) create and foster a spirit of understanding among the people of the world; (ii) promote the principles of good government and citizenship; (iii) take an active interest in the civic, cultural, social, and moral welfare of the community; (iv) provide a forum for the open discussion of matters of public interest; (v) encourage individuals to serve the community without personal financial reward; and (vi) encourage efficiency and promote high ethical standards in commerce, industries, professions, public works, and private endeavors;

12. An organization that is exempt from income tax pursuant to § 501(c)(3) of the Internal Revenue Code and is operated, and has always been operated, exclusively to (i) raise awareness of law-enforcement officers who died in the line of duty; (ii) raise funds for the National Law Enforcement Officers Memorial and Museum; and (iii) raise funds for the charitable causes of other organizations that are exempt from income tax pursuant to § 501(c)(3) of the Internal Revenue Code;

13. An organization that is exempt from income tax pursuant to § 501(c)(3) of the Internal Revenue Code and is operated, and has always been operated, exclusively to (i) promote the conservation of the environment, caves, or other natural resources; (ii) promote or develop opportunities for the use of science and technology to advance the conservation of the environment, caves, or other natural resources; and (iii) raise funds for the conservation of the environment, caves, or other natural resources or provide grant opportunities to other nonprofit organizations that are devoted to such conservation efforts;

14. An organization that is exempt from income tax pursuant to § 501(c)(3) of the Internal Revenue Code that manages a museum that is operated, and has always been operated, exclusively for the purposes of musical heritage and the legacy of the "1927 Bristol Sessions";

15. An organization (i) established on or before December 31, 1963, as a result of its members being prohibited from joining similar existing organizations because of laws such as the Public Assemblages Act of 1926, which required the racial segregation of all public events in the Commonwealth; (ii) that is exempt from income tax pursuant to § 501(c)(7) of the Internal Revenue Code; and (iii) that is operated, and has always been operated, for community awareness and action through educational, economic, and cultural service activities;

16. An organization established on or before December 31, 1977, that is exempt from income tax pursuant to § 501(c)(7) of the Internal Revenue Code and is incorporated, in part, to raise funds for donation to organizations whose missions include promoting early detection of and public education about and supporting research and treatment options for heart disease and various cancers;

17. A local chamber of commerce; or

18. Any other nonprofit organization that is exempt from income tax pursuant to § 501(c) of the Internal Revenue Code and that raises funds by conducting raffles, bingo, instant bingo, pull tabs, or seal cards that generate annual gross receipts of $40,000 or less, provided that such gross receipts, less expenses and prizes, are used exclusively for charitable, educational, religious, or community purposes. Notwithstanding § 18.2-340.26:1, proceeds from instant bingo, pull tabs, and seal cards shall be included when calculating an organization's annual gross receipts for the purposes of this subdivision.

"Pari-mutuel play" means an integrated network operated by a licensee of the Department comprised of participating charitable organizations for the conduct of network bingo games in which the purchase of a network bingo card by a player automatically includes the player in a pool with all other players in the network, and where the prize to the winning player is awarded based on a percentage of the total amount of network bingo cards sold in a particular network.

"Qualified organization" means any organization to which a valid permit has been issued by the Department to conduct charitable gaming or any organization that is exempt pursuant to § 18.2-340.23.

"Raffle" means a lottery in which the prize is won by (i) a random drawing of the name or prearranged number of one or more persons purchasing chances or (ii) a random contest in which the winning name or preassigned number of one or more persons purchasing chances is determined by a race involving inanimate objects floating on a body of water, commonly referred to as a "duck race."

"Reasonable and proper business expenses" means business expenses actually incurred by a qualified organization in the conduct of charitable gaming and not otherwise allowed under this article or under Department regulations on real estate and personal property tax payments, travel expenses, payments of utilities and trash collection services, legal and accounting fees, costs of business furniture, fixtures and office equipment and costs of acquisition, maintenance, repair, or construction of an organization's real property. For the purpose of this definition, *(i)* salaries and wages of employees whose primary responsibility is to provide services for the principal benefit of an organization's members *or (ii) expenses for social or recreational activities for the principal benefit of a social organization's members* may qualify as a business expense, if so determined by the Department. However, payments made pursuant to § 51.1-1204 to the Volunteer Firefighters' and Rescue Squad Workers' Service Award Fund shall be deemed a reasonable and proper business expense.

"Social organization" means any qualified organization that provides certification to the Department that it is:

1. An accredited public institution of higher education or other postsecondary school licensed or certified by the Board of Education or the State Council of Higher Education for Virginia qualified under § 501(c)(3) of the Internal Revenue Code;

2. *An organization established on or before November 10, 1922, that is qualified under § 501(c)(4) of the Internal Revenue Code, is the only federally chartered Marine Corps-related veterans organization in the country, and is operated for the purpose of promoting the interest and preserving the traditions of the United States Marine Corps;*

3. An organization established on or before December 31, 1963, as a result of its members being prohibited from joining similar existing organizations because of laws such as the Public Assemblages Act of 1926, which required the racial segregation of all public events in the Commonwealth, that is qualified under § 501(c)(7) of the Internal Revenue Code;

~~3.~~ *4.* An organization established on or before December 31, 1977, that is qualified under § 501(c)(7) of the Internal Revenue Code and is incorporated, in part, to raise funds for donation to organizations whose missions include promoting early detection of and public education about and supporting research and treatment options for heart disease and various cancers;

~~4.~~ *5.* A fraternal beneficiary society, order, or association qualified under § 501(c)(8) of the Internal Revenue Code;

~~5.~~ *6.* A domestic fraternal society, order, or association qualified under § 501(c)(10) of the Internal Revenue Code; or

~~6.~~ *7.* A post or organization of past or present members of the Armed Forces of the United States, or an auxiliary unit or society of, or a trust or foundation for, any such post or organization qualified under § 501(c)(19) of the Internal Revenue Code.

"Social quarters" means, in addition to any specifications prescribed by the Department, an area at a social organization's primary location that (i) such organization designates to be used predominantly by its members for social and recreational activities, (ii) is accessible exclusively to members of the social organization and their guests, and (iii) is not advertised or open to the general public. It shall not disqualify the area from being considered social quarters if guests occasionally accompany members into the area, so long as such guests do not spend their own funds to participate in charitable gaming or electronic gaming activities conducted in the area. In determining if an area is social quarters for purposes of § 18.2-340.26:3, the Department may rely on publications of the Internal Revenue Service regarding the allowable participation of guests in an organization's social and recreational activities for purposes of § 501 of the Internal Revenue Code.

"Supplier" means any person who offers to sell, sells, or otherwise provides charitable gaming supplies to any qualified organization.

"Texas Hold'em poker game" means a variation of poker in which (i) players receive two cards facedown that may be used individually, (ii) five cards shown face up are shared among all players in the game, (iii) players combine any number of their individual cards with the shared cards to make the highest five-card hand to win the value wagered during the game,

and (iv) the ranking of hands and the rules of the game are governed by the official rules of the Poker Tournament Directors Association.

"Texas Hold'em poker tournament" or "tournament" means an organized competition of players (i) who pay a fixed fee for entry into the competition and for a certain amount of poker chips for use in the competition; (ii) who may be allowed to pay an additional fee, during set preannounced times of the competition, to receive additional poker chips for use in the competition; (iii) who may be seated at one or more tables simultaneously playing Texas Hold'em poker games; (iv) who upon running out of poker chips are eliminated from the competition; and (v) a pre-set number of whom are awarded prizes of value according to how long such players remain in the competition.

§ 18.2-340.19. Regulations of the Department.

A. The Department shall adopt regulations that:

1. Require, as a condition of receiving a charitable gaming permit or authorization to conduct electronic gaming, that the applicant use a predetermined percentage of its receipts for ~~(i)~~ those lawful religious, charitable, community, or educational purposes for which the organization is specifically chartered or organized ~~or (ii)~~*, including (i)* those expenses relating to the acquisition, construction, maintenance, or repair of any interest in real property *or (ii) expenses related to the rental of real property by an organization as described by subdivision 5, 6, or 7 of the definition of "social organization" in § 18.2-340.16 where such real property is* involved in the operation of the organization and used for lawful religious, charitable, community, or educational purposes, as follows:

a. With respect to charitable gaming, other than electronic gaming, a predetermined percentage of its gross receipts.

b. With respect to electronic gaming, a predetermined percentage of its electronic gaming adjusted gross receipts.

2. Specify the conditions under which a complete list of the organization's members who participate in the management, operation, or conduct of charitable gaming may be required in order for the Department to ascertain the percentage of Virginia residents in accordance with subdivision A 3 of § 18.2-340.24.

Membership lists furnished to the Department in accordance with this subdivision shall not be a matter of public record and shall be exempt from disclosure under the provisions of the Freedom of Information Act (§ 2.2-3700 et seq.).

3. Prescribe fees for processing applications for charitable gaming permits and authorizing social organizations to conduct electronic gaming. Such fees may reflect the nature and extent of the charitable gaming activity proposed to be conducted.

4. Establish requirements for the audit of all reports required in accordance with §§ 18.2-340.30 and 18.2-340.30:2.

5. Define electronic and mechanical equipment used in the conduct of charitable gaming. Department regulations shall include capacity for such equipment to provide full automatic daubing as numbers are called. For the purposes of this subdivision, electronic or mechanical equipment for instant bingo, pull tabs, or seal cards shall include such equipment that displays facsimiles of instant bingo, pull tabs, or seal cards and are used solely for the purpose of dispensing or opening such paper or electronic cards, or both; but shall not include (i) devices operated by dropping one or more coins or tokens into a slot and pulling a handle or pushing a button or touchpoint on a touchscreen to activate one to three or more reels marked into horizontal segments by varying symbols, where the predetermined prize amount depends on how and how many of the symbols line up when the rotating reels come to rest, or (ii) other similar devices that display flashing lights or illuminations, or bells, whistles, or other sounds, solely intended to entice players to play. Such regulations shall not prohibit *(a) devices that display spinning, rotating, or rolling reels or animations or flashing lights; (b) devices that accept vouchers; (c) the purchase and play of an electronic pull tab with a single press or touch of a button; or (d)* the use of multiple video monitors or touchscreens on an electronic gaming device.

6. Prescribe the conditions under which a qualified organization may (i) provide food and nonalcoholic beverages to its members who participate in the management, operation, or conduct of bingo; (ii) permit members who participate in the management, operation, or conduct of bingo to play bingo; and (iii) subject to the provisions of subdivision 12 of § 18.2-340.33, permit nonmembers to participate in the conduct of bingo so long as the nonmembers are under the direct supervision of a bona fide member of the organization during the bingo game.

7. Prescribe the conditions under which a qualified organization may sell raffle tickets for a raffle drawing that will be held outside the Commonwealth pursuant to subsection B of § 18.2-340.26.

8. Prescribe the conditions under which persons who are bona fide members of a qualified organization or a child, above the age of 13 years, of a bona fide member of such organization may participate in the conduct or operation of bingo games.

9. Prescribe the conditions under which a person below the age of 18 years may play bingo, provided that such person is accompanied by his parent or legal guardian.

10. Require all qualified organizations that are subject to Department regulations to post in a conspicuous place in every place where charitable gaming is conducted a sign which bears a toll-free telephone number for "Gamblers Anonymous" or other organization which provides assistance to compulsive gamblers.

11. Prescribe the conditions under which a qualified organization may sell network bingo cards in accordance with § 18.2-340.28:1 and establish a percentage of proceeds derived from network bingo sales to be allocated to (i) prize pools, (ii) the organization conducting the network bingo, and (iii) the network bingo provider. The regulations shall also establish procedures for the retainage and ultimate distribution of any unclaimed prize.

12. Prescribe the conditions under which a qualified organization may manage, operate, or contract with operators of, or conduct Texas Hold'em poker tournaments.

13. Prescribe the conditions under which a qualified organization may lease the premises of a permitted social organization for the purpose of conducting bingo, network bingo, instant bingo, pull tabs, seal cards, and electronic gaming permitted under this article and establish requirements for proper financial reporting of all disbursements, gross receipts, and electronic gaming adjusted gross receipts and payment of all fees required under this article.

B. The Commissioner may, by regulation, approve variations to the card formats for bingo games, provided that such variations result in bingo games that are conducted in a manner consistent with the provisions of this article. Department-approved variations may include bingo games commonly referred to as player selection games and 90-number bingo.

CHAPTER 446

An Act to amend and reenact § 64.2-800 of the Code of Virginia, relating to trusts; release or ratification of trustee by beneficiary.

[H 678]

Approved April 4, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 64.2-800 of the Code of Virginia is amended and reenacted as follows:

§ 64.2-800. Beneficiary's consent, release, or ratification.

A. A trustee is not liable to a beneficiary for breach of trust if the beneficiary consented to the conduct constituting the breach, released the trustee from liability for the breach, or ratified the transaction constituting the breach, unless:

1. The consent, release, or ratification of the beneficiary was induced by improper conduct of the trustee; or

2. At the time of the consent, release, or ratification, the beneficiary did not know of the beneficiary's rights or of the material facts relating to the breach.

B. A beneficiary shall be deemed to have released a trustee and ratified all actions of a trustee for the administration of the trust if, when the trust terminates or the trustee ceases to serve:

1. The trustee sends the beneficiary the following:

a. A report as described in subsection C of § 64.2-775, for the immediately preceding two years;

b. The amount of any taxes, expenses, or fees, including trustee fees and any reserves, remaining to be paid;

c. Notice that (i) the trust is terminating or that the trustee is ceasing to serve; (ii) if the beneficiary does not object in writing to the trustee within 60 days after the trustee sent the notice and information, the beneficiary shall be deemed to have released the trustee and ratified all actions of the trustee; and (iii) the trustee is unaware of any undisclosed information that could give rise to a claim by the beneficiary; and

d. If the trust is terminating, a description of any trust property or interests reasonably anticipated but not yet received and a proposal for distribution; and

2. The beneficiary does not notify the trustee of the beneficiary's objection in writing within 60 days after the trustee sent the notice and information pursuant to subdivision 1.

C. The provisions of subsection B shall not apply to a transaction pursuant to Article 8.1 (§ 64.2-779.1 et seq.) of Chapter 7.

D. In the event the trustee is not released and his actions ratified pursuant to the process provided by subsection B, the trustee shall not be precluded from obtaining a release of liability by another permitted method.

E. When a trustee complies with the provisions of subsection B, has received no objection or has resolved any objection, and distributes the assets of a terminating trust to a beneficiary or to a successor trustee, such action shall have the same legal and preclusive effect as if a court had entered a final order approving the trustee's final account or approving the trustee's interim accounts. A beneficiary or other party who received the notice and statements and either consented or did not object shall be prohibited from bringing a claim against the trustee.

CHAPTER 447

An Act to amend and reenact §§ 3.01, 7.03, as amended, and 7.05, as amended, of Chapter 542 of the Acts of Assembly of 1990, which provided a charter for the City of Bristol, relating to voting precincts; human resources department; fire department.

[H 682]

Approved April 4, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 3.01, 7.03, as amended, and 7.05, as amended, of Chapter 542 of the Acts of Assembly of 1990 are amended and reenacted as follows:

§ 3.01. Voting precincts.

The city shall be geographically divided into ~~four~~ *five* voting precincts, the boundaries of which are set forth in the office of the register of deeds for the city as shall have been approved by the U.S. Department of Justice and the appropriate

agencies of the Commonwealth of Virginia and a ~~fifth~~ central absentee voter election district situate at City Hall to receive, count and record all absentee ballots within the city for all elections; local, state and federal. City council may by ordinance designate the voting place within each voting district and may from time to time change such voting place by amendment of the ordinance.

§ 7.03. ~~Personnel~~ *Human resources* department.

A. Generally. There shall be a ~~personnel~~ *human resources* department which shall consist of the ~~personnel director,~~ *Director of Human Resources* and such employees as may be ~~provided for by the council. Until the city council for the City of Bristol, Virginia, shall, by written resolution, direct that the office of personnel director shall be otherwise filled, the city manager shall serve as personnel director~~ *funded within the budget*.

B. Powers and duties of the ~~personnel director~~ *Director of Human Resources*. The ~~personnel director~~ *Director of Human Resources* shall have the following powers and duties:

1. To formulate and propose a comprehensive personnel policy to the city council for adoption, and as the need may arise, to propose to the council amendments, additions and deletions to the comprehensive personnel policy, and to oversee and enforce the uniform application of the personnel policy to all the employees of the city. Nothing in this charter, nor in any policy manual promulgated pursuant to this charter, nor in any ordinance or act of the council of the City of Bristol, Virginia, shall be construed to create any contractual relationship between the City of Bristol, Virginia, and any of its employees or agents. The comprehensive personnel policy adopted pursuant to this provision shall not be a contract with the employees of the city and so may be amended from time to time as the needs of the city may require, no rights being vested in any city employee by virtue of this section or any policy adopted pursuant thereto.

2. To, with the cooperation of each department head, formulate and promulgate standard operating procedures in addition to a comprehensive personnel policy that may be needed and applicable to the individual departments and the employees thereof as such requirements may exist and submit to the council for adoption and from time to time for amendment.

3. To oversee and aid each department head in the formulation and promulgation of competitive examinations for all original appointments to department jobs and for promotions within each department to provide for the hiring and promotion of the best qualified personnel available to the city.

4. To oversee the maintenance by each department of a list of eligible employees based upon examination and other hiring criteria for each department and to promulgate regulations to assure that such lists are kept current, that all vacancies are well publicized and that the best possible employees of the City of Bristol, Virginia, be hired for each such vacancy.

5. To formulate and recommend to the council for adoption such additions, deletions, and amendments of the current city pay plan covering all employees of the city as may from time to time be advisable.

6. To direct and enforce the maintenance by all departments, boards, commissions, offices and agencies of the city of such personnel records of employees of such departments, boards, etc., as the ~~personnel director~~ *Director of Human Resources* shall prescribe.

7. To establish a temporary employment list for filling positions which are temporarily vacant.

8. To oversee and advise the department heads in the promulgation of a systematic program of in-service training for all employees qualifying them for advancement in the service of the city.

9. To oversee and enforce the operation of an employee grievance procedure in accordance with the laws of the Commonwealth.

10. To investigate any and all matters relating to conditions of employment in the service of the city and to make ~~at least annually~~ a report of his findings to the council.

11. To oversee and advise department heads in all cases of adverse employment decisions before any disciplinary actions are taken.

12. Such other powers and duties as may be assigned ~~him~~ *to the Director of Human Resources* from time to time by ~~council~~ *the City Manager*.

§ 7.05. Fire department.

A. Generally. The fire department shall consist of the fire chief and such other officers and employees of such ranks and grades as may be established by council. The fire department shall be responsible for the protection from fire, of life and property within the city.

The fire department shall also operate and be responsible for the operation of the hazardous material response team which shall implement the hazardous materials response plan developed by the city in accordance with general laws of the Commonwealth and local laws and regulations.

B. Powers and duties of the fire chief. The head of the fire department shall be the fire chief. Under the supervision of the city manager, he shall be in direct command of the fire department. He shall assign all members of the department to their respective posts, shifts, details and duties. He shall, with the approval of the city manager, make rules and regulations in conformity with this charter and the ordinances of the city concerning the operation of the department, the conduct of officers and employees thereof, their uniforms, equipment and training and the penalties to be imposed for infractions of such rules and regulations. The fire chief shall be responsible for the efficiency, discipline and good conduct of the department. Orders of the city manager relating to the fire department shall be transmitted in all cases to the fire chief or in his absence from the city or incapacity, through an officer of the department designated as acting chief by the city manager. Disobedience of the lawful commands of the fire chief or violation of the rules and regulations made by him with the

approval of the ~~director~~ *Director* of ~~the~~ ~~Personnel~~ ~~Department~~ *Human Resources* shall be grounds for removal or other disciplinary action as provided in such rules and regulations.

C. Fire prevention. Fire prevention shall be the duty of the fire chief to secure the enforcement of all laws and ordinances relating to fire prevention and fire safety and to issue from time to time regulations having the force of law for the purpose of implementing such laws and ordinances. The penalty for violation of such rules and regulations shall be as provided for by ordinance. The fire chief may assign this duty to a fire ~~inspector~~ *official*.

CHAPTER 448

An Act to direct the Board of Medicine, the Board of Dentistry, the Board of Optometry, and the Boards of Medicine and Nursing to amend their regulations related to patient counseling for the prescription of opioids to treat acute or chronic pain.

[H 699]

Approved April 4, 2024

Be it enacted by the General Assembly of Virginia:

1. *§ 1. That the Board of Medicine, the Board of Dentistry, the Board of Optometry, and the Boards of Medicine and Nursing shall amend their regulations to require that, prior to issuing a prescription for any opioid to treat acute or chronic pain, practitioners provide patient counseling. Such patient counseling shall include providing the patient with information regarding (i) the risks of addiction and overdose associated with opioid drugs and the dangers of taking opioid drugs with alcohol, benzodiazepines, and other central nervous system depressants; (ii) the reasons why the prescription is necessary; (iii) alternative treatments that may be available; and (iv) risks associated with the use of the drugs being prescribed, specifically that opioids are highly addictive, even when taken as prescribed, that there is a risk of developing a physical or psychological dependence on the controlled dangerous substance, and that the risks of taking more opioids than prescribed, or mixing sedatives, benzodiazepines, or alcohol with opioids, can result in fatal respiratory depression. The regulations shall require that the practitioner document in the patient's medical record that the patient has discussed with the practitioner the risks of developing a physical or psychological dependence on the controlled dangerous substance and alternative treatments that may be available. The regulations shall include an exception to the patient counseling requirement for patients who are (a) in active treatment for cancer, (b) receiving hospice care from a licensed hospice or palliative care, (c) residents of a long-term care facility, (d) being prescribed an opioid in the course of treatment for substance abuse or opioid dependence, or (e) receiving treatment for sickle cell disease.*

2. That the Board of Medicine, the Board of Dentistry, the Board of Optometry, and the Boards of Medicine and Nursing shall promulgate regulations to implement the provisions of this act to be effective within 280 days of its enactment.

CHAPTER 449

An Act to amend and reenact § 23.1-601 of the Code of Virginia, relating to certain individuals in foster care, in the custody of the Department of Social Services, or considered a special needs adoption; parameters of higher education grants; point of contact for support and guidance.

[H 700]

Approved April 4, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 23.1-601 of the Code of Virginia is amended and reenacted as follows:

§ 23.1-601. Public institutions of higher education; grants for tuition, room and board, and fees for certain individuals; point of contact.

A. Each ~~comprehensive~~ ~~community~~ ~~college~~ ~~shall~~ ~~and~~ ~~any~~ ~~other~~ ~~associate degree granting~~ public institution of higher education ~~or baccalaureate~~ ~~public~~ ~~institution~~ ~~of higher~~ ~~education~~ ~~may~~ *shall* provide a grant for the payment of tuition and *mandatory education and general* fees, except fees established for the purpose of paying for course materials such as laboratory fees, *and, if such institution is a baccalaureate public institution of higher education, room and board,* for any Virginia student who:

1. a. Has received a high school diploma or has passed a high school equivalency examination approved by the Board of Education and was in foster care or in the custody of the Department of Social Services or ~~is~~ *was* considered a special needs adoption at ~~the~~ *any* time ~~such~~ ~~diploma~~ ~~or~~ ~~certificate~~ ~~was awarded~~ *after he turned 14*; or

b. Was in foster care when he turned 18 and subsequently received a high school diploma or passed a high school equivalency examination approved by the Board of Education;

2. Is enrolled or has been accepted for enrollment as a full-time or part-time student, taking a minimum of six credit hours per semester, in a degree or certificate program of at least one academic year in length or in a noncredit workforce credential program in a comprehensive community college;

3. Has not been enrolled in postsecondary education as a full-time student for more than five years or does not have a bachelor's degree;

4. Maintains the required grade point average established by the governing board of the institution at which he is enrolled;

5. Has submitted complete applications for federal student financial aid programs for which he may be eligible;

6. Demonstrates financial need; and

7. Meets any additional financial need requirements established by the governing board of the institution at which he is enrolled for the purposes of such grant.

B. The State Board and the Council, in consultation with the Department of Social Services, shall establish regulations governing such grants. The regulations shall include provisions addressing renewals of grants, financial need, the calculation of grant amounts after consideration of any additional financial resources or aid the student holds, the minimum grade point average required to retain such grant, and procedures for the repayment of tuition and fees for failure to meet the requirements imposed by this section.

C. Each public institution of higher education shall identify at least one employee of the institution to serve as a point of contact for each enrolled student who was in foster care or in the custody of the Department of Social Services or was considered a special needs adoption in order to provide such student with support and guidance, including support and guidance relating to financial aid and any associated applications or other required paperwork.

CHAPTER 450

An Act to authorize the issuance of bonds, in an amount up to $124,285,000 plus financing costs, pursuant to Article X, Section 9 (c) of the Constitution of Virginia, for paying costs of acquiring, constructing and equipping revenue-producing capital projects at institutions of higher learning of the Commonwealth; to authorize the Treasury Board, by and with the consent of the Governor, to fix the details of such bonds, to provide for the sale of such bonds, and to issue notes to borrow money in anticipation of the issuance of the bonds; to provide for the pledge of the net revenues of such capital projects and the full faith, credit and taxing power of the Commonwealth for the payment of such bonds; to provide that the interest income on such bonds and notes shall be exempt from all taxation by the Commonwealth and any political subdivision thereof; emergency.

[H 711]

Approved April 4, 2024

Whereas, Article X, Section 9 (c), Constitution of Virginia, provides that the General Assembly may authorize the creation of debt secured by a pledge of net revenues derived from rates, fees or other charges and the full faith and credit of the Commonwealth of Virginia, provided that such debt is created for specific revenue-producing capital projects, including their enlargement or improvement, at, among others, institutions of higher learning of the Commonwealth; and

Whereas, in accordance with Article X, Section 9 (c), Constitution of Virginia, the Governor has certified in writing, filed with the Auditor of Public Accounts, his opinion that the anticipated net revenues of each of the capital projects identified below to be pledged to the payment of the principal of and the interest on that portion of such debt issued for each such project will be sufficient to meet such payments as the same become due and to provide such reserves as may be required by law and that each of the capital projects complies with the requirements of Article X, Section 9 (c), Constitution of Virginia; now therefore,

Be it enacted by the General Assembly of Virginia:

1. *§ 1. Title. This act shall be known and may be cited as the "Commonwealth of Virginia Higher Educational Institutions Bond Act of 2024."*

§ 2. Authorization of bonds and BANs. The Treasury Board is hereby authorized, by and with the consent of the Governor, to sell and issue, pursuant to Article X, Section 9 (c), Constitution of Virginia, at one time or from time to time, bonds of the Commonwealth, to be designated "Commonwealth of Virginia Higher Educational Institutions Bonds, Series ....." in an aggregate principal amount not exceeding $124,285,000, plus amounts needed to fund issuance costs, reserve funds, construction period interest, and other financing expenses. The Treasury Board is further hereby authorized, by and with the consent of the Governor, to borrow money in anticipation of the issuance of bonds by the issuance of bond anticipation notes (BANs), including BANs issued as commercial paper. The proceeds of such bonds and BANs, excluding amounts needed to fund issuance costs, reserve funds, and other financing expenses, shall be used exclusively for the purpose of providing funds, with any other available funds, for paying all or a portion of the costs of acquiring, constructing, renovating, enlarging, improving, and equipping revenue-producing capital projects at institutions of higher learning of the Commonwealth as follows:

Institution	*Project Title*	*Project Code*	*Amount*
James Madison University	*Renovate Spotswood Hall*	*18710*	*$23,820,000*
Virginia State University	*Construct New Student Housing*	*18709*	*$95,465,000*

The College of William & Mary in Virginia	*Renovate Dormitories*	*18218*	*$5,000,000*
Total			*$124,285,000*

§ 3. Application of proceeds. The proceeds, including any premium, of bonds and BANs (except the proceeds of (i) bonds the issuance of which has been anticipated by BANs, (ii) refunding bonds, and (iii) refunding BANs) shall be deposited in a special capital outlay fund in the state treasury and, together with the investment income thereon, shall be disbursed by the State Treasurer for paying costs of the acquisition, construction, renovation, enlargement, improvement, and equipping of the authorized capital projects, including financing costs. The proceeds of (a) bonds the issuance of which has been anticipated by BANs, (b) refunding bonds, and (c) refunding BANs shall be used to pay such BANs, refunded bonds, and refunded BANs.

§ 4. Details, sale of bonds and BANs. Bonds and BANs shall be dated, and may be made redeemable before their maturity or maturities at such price or prices or within such price parameters, all as may be determined by the Treasury Board, by and with the consent of the Governor. Bonds and BANs shall be in such form, shall bear interest at such rate or rates, either at fixed rates or at rates established by formula or other method, and may contain such other provisions, all as determined by the Treasury Board or, when authorized by the Treasury Board, the State Treasurer. The principal of and premium, if any, and the interest on bonds and BANs shall be payable in lawful money of the United States of America. Bonds and BANs may be certificated or uncertificated as determined by the Treasury Board. The Treasury Board may contract for services of such registrars, transfer agents, or other authenticating agents as it deems appropriate to maintain a record of the persons entitled to the bonds and BANs. Bonds and BANs issued in certificated form may be issued under a system of book entry for recording the ownership and transfer of ownership of rights to receive payments on the bonds and BANs. The Treasury Board shall fix the authorized denomination or denominations of the bonds and the place or places of payment of certificated bonds and BANs, which may be at the Office of the State Treasurer or at any bank or trust company within or without the Commonwealth. Bonds shall mature at such time or times not exceeding 30 years from their date or dates, and BANs shall mature at such time or times not exceeding five years from their date or dates.

The Treasury Board may sell bonds and BANs in such manner, by competitive bidding, negotiated sale, or private placement and for such price or within such price parameters as it may determine, by and with the consent of the Governor, to be in the best interest of the Commonwealth.

In the discretion of the Treasury Board, bonds and BANs may be issued at one time or from time to time and may be sold and issued at the same time with other general obligation bonds and BANs, respectively, of the Commonwealth authorized pursuant to Article X, Section 9 (a) (3), (b), and (c) of the Constitution of Virginia, as separate issues or as a combined issue, designated "Commonwealth of Virginia General Obligation Bonds Bond Anticipation Notes, Series .....".

§ 5. Execution of bonds and BANs. Certificated bonds and BANs shall be signed on behalf of the Commonwealth by the Governor and by the State Treasurer, or shall bear their facsimile signatures, and shall bear the lesser seal of the Commonwealth or a facsimile thereof. If the bonds or BANs bear the facsimile signature of the State Treasurer, they shall be signed by such administrative assistant as the State Treasurer shall determine or by such registrar or paying agent as may be designated to sign them by the Treasury Board. If any officer whose signature or facsimile signature appears on any bonds or BANs ceases to be such officer before delivery, such signature or facsimile signature shall nevertheless be valid and sufficient for all purposes the same as if such officer had remained in office until such delivery, and any bond or BAN may bear the facsimile signature of, or may be signed by, such persons as at the actual time of execution are the proper officers to sign such bond or BAN, although, at the date of such bond or BAN, such persons may not have been such officers.

§ 6. Sources for payment of expenses. All expenses incurred under this act shall be paid from the proceeds of bonds or BANs, from payments made by the institutions for which the capital projects were authorized in § 2 hereof or from any other available funds as the Treasury Board shall determine.

§ 7. Revenues. Each institution of higher learning named above is hereby authorized (i) to fix, revise, charge, and collect rates, fees, and charges for or in connection with the use, occupancy, and services of each capital project mentioned above or the system of which such capital project is a part and (ii) to pledge to the portion of the bonds or BANs issued for such capital project the net revenues resulting from such rates, fees, and charges and remaining after payment of the expenses of operating the project or system, as the case may be. Each such institution is further authorized to create debt service and sinking funds for the payments of the principal of, premium, if any, and interest on the bonds and other reserves required by any agency of the United States of America purchasing the bonds or any portion thereof.

§ 8. Investments and contracts. A. Pending the application of the proceeds of the bonds or BANs (including refunding bonds and BANs) to the purpose for which they have been authorized and the application of funds set aside for the purpose to the payment of bonds or BANs, they may be invested by the State Treasurer in securities that are legal investments under the laws of the Commonwealth for public funds and sinking funds, as the case may be. Whenever the State Treasurer receives interest from the investment of the proceeds of bonds or any BANs, such interest shall become a part of the principal of the bonds or any BANs and shall be used in the same manner as required for principal of the bonds or BANs.

B. The Commonwealth may enter into any contract or other arrangement that is determined to be necessary or appropriate to place the obligation or investment of the Commonwealth, as represented by bonds, BANs, or investments, in whole or in part, on the interest rate, cash flow, or other basis desired by the Commonwealth. Such contract or other arrangement may include, without limitation, contracts commonly known as interest rate swap agreements and futures or

contracts providing for payments based on levels of, or changes in, interest rates. These contracts or arrangements may be entered into by the Commonwealth in connection with, or incidental to, entering into, or maintaining any (i) agreement which secures bonds or BANs or (ii) investment, or contract providing for investment, otherwise authorized by law. These contracts and arrangements may contain such payment, security, default, remedy, and other terms and conditions as determined by the Commonwealth, after giving due consideration to the creditworthiness of the counterparty or other obligated party, including any rating by any nationally recognized rating agency, and any other criteria as may be appropriate. The determinations referred to in this subsection may be made by the Treasury Board or any public funds manager with professional investment capabilities duly authorized by the Treasury Board to make such determinations.

C. Any money set aside and pledged to secure payments of bonds, BANs, or any of the contracts entered into pursuant to this section may be invested in accordance with subsection A and may be pledged to and used to service any of the contracts or other arrangements entered into pursuant to subsection B.

§ 9. Security for bonds and BANs. The net revenues of the capital projects set forth above and the full faith and credit of the Commonwealth are hereby irrevocably pledged for the payment of the principal of and the interest on bonds and BANs (unless the Treasury Board, by and with the consent of the Governor, shall provide otherwise) issued under this act. The proceeds of (i) bonds the issuance of which has been anticipated by BANs, (ii) refunding bonds, and (iii) refunding BANs are hereby irrevocably pledged for the payment of principal of and interest and any premium on the BANs or bonds to be paid or redeemed thereby. In the event the net revenues pledged to the payment of the bonds or BANs are insufficient in any fiscal year for the timely payment of the principal of, premium, if any, and interest on the bonds or BANs, where the full faith and credit of the Commonwealth have been pledged, the General Assembly shall appropriate a sum sufficient therefor or the Governor shall direct payment therefor from the general fund revenues of the Commonwealth.

§ 10. Exemption of interest from tax. The bonds and BANs issued under the provisions of this act, their transfer and the income therefrom, including any profit made on the sale thereof, shall at all times be free and exempt from taxation by the Commonwealth and by any county, city, or town or other political subdivision thereof. The Treasury Board is authorized to take or refrain from taking any and all actions and to covenant to such effect, and to require the participating institutions to do and to covenant likewise, to the extent that, in the judgment of the Treasury Board, it is appropriate in order that interest on the bonds and BANs may be exempt from federal income tax. Alternatively, interest on bonds and BANs may be made subject to inclusion in gross income of the holders thereof for federal income tax purposes.

§ 11. Refunding bonds and BANs. The Treasury Board is authorized, by and with the consent of the Governor, to sell and issue, at one time or from time to time, refunding bonds and BANs of the Commonwealth, to refund any or all of the bonds and BANs, respectively, issued under this act or otherwise authorized pursuant to Article X, Section 9 (c), Constitution of Virginia. Refunding bonds and BANs may be issued in a principal amount up to the amount necessary to pay at maturity or redeem the bonds and BANs to be refunded and pay all issuance costs and other financing expenses of the refunding. Such refunding bonds and BANs may be issued whether or not the obligations to be refunded are then subject to redemption.

§ 12. Defeasance. Any bond or BAN for which cash or direct obligations of the United States of America shall have been set aside in escrow with the State Treasurer or a bank or trust company, within or without the Commonwealth, shall be deemed no longer outstanding under the applicable authorizing instrument, this act, and Article X, Section 9 (c) or (b), as the case may be, of the Constitution of Virginia.

§ 13. Severability. The provisions of this act or the application thereof to any person or circumstance which are held invalid shall not affect the validity of other provisions or applications of this act which can be given effect without the invalid provisions or applications.

2. That an emergency exists and this act is in force from its passage.

CHAPTER 451

An Act to amend and reenact § 54.1-3408 of the Code of Virginia and to amend the Code of Virginia by adding sections numbered 22.1-206.01 and 22.1-274.4:1, relating to public schools; opioid antagonist procurement, possession, and administration; school board employee training and certification; opioid overdose prevention and reversal instruction; guidelines and requirements.

[H 732]

Approved April 4, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 54.1-3408 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding sections numbered 22.1-206.01 and 22.1-274.4:1 as follows:

§ 22.1-206.01. Instruction concerning opioid overdose prevention and reversal.

A. Each local school board shall develop a plan, in accordance with the guidelines and model curriculum developed by the Department of Health in collaboration with the Department of Education, in accordance with the protocols developed by the Board of Pharmacy in consultation with the Board of Medicine and the Department of Health, for providing at each public secondary school that includes grades nine through 12 a program of instruction on opioid overdose prevention and

reversal. Such program of instruction shall include instruction in identifying the signs of a possible opioid overdose and training in the administration of an opioid antagonist for the reversal of a potentially life-threatening opioid overdose.

B. Each public secondary school that includes grades nine through 12 shall provide an opioid overdose prevention and reversal program of instruction at such grade level as the local school board deems appropriate. Each public secondary school shall adopt policies for the purpose of encouraging each student to complete such opioid overdose prevention and reversal program of instruction prior to graduating from high school.

§ 22.1-274.4:1. Opioid antagonist procurement, placement, maintenance, and administration; staff and faculty training; policies and requirements.

A. Each local school board shall develop a plan, in accordance with subsection X of § 54.1-3408 and the guidelines developed by the Department of Health in collaboration with the Department of Education, for the procurement, placement, and maintenance in each public elementary and secondary school of a supply of opioid antagonists in an amount equivalent to at least two unexpired doses for the purposes of opioid overdose reversal. Such plan shall provide for the development and implementation of policies and procedures relating to the procurement, placement, and maintenance of such supply of opioid antagonists in each such school, including policies and procedures:

1. Providing for the placement and maintenance in each public elementary and secondary school of a supply of opioid antagonists in an amount equivalent to at least two unexpired doses, including policies and procedures by which each such school shall request a replacement dose of an opioid antagonist any time a dose has expired, is administered for overdose reversal, or is otherwise rendered unusable and by which each such request shall be timely fulfilled;

2. Requiring each such school to inspect its opioid antagonist supply at least annually and maintain a record of the date of inspection, the expiration date on each dose, and, in the event that a dose of such opioid antagonist is administered for overdose reversal to a person who is believed to be experiencing or about to experience a life-threatening opioid overdose, the date of such administration; and

3. Relating to the proper and safe storage of such opioid antagonist supply in each such school.

B. Each local school board shall, in accordance with the provisions of subsection X of § 54.1-3408 and the guidelines developed by the Department of Health in collaboration with the Department of Education, develop policies and procedures relating to the possession and administration of opioid antagonists by any school nurse or employee of the school board who is authorized by a prescriber and trained in the administration of an opioid antagonist to any student, faculty, or staff member who is believed to be experiencing or about to experience a life-threatening opioid overdose, including:

1. Policies requiring each public elementary and secondary school to ensure that at least one employee (i) is authorized by a prescriber and has been trained and is certified in the administration of an opioid antagonist by a program administered or approved by the Department of Health to provide training in opioid antagonist administration and (ii) has the means to access at all times during regular school hours any such opioid antagonist supply that is stored in a locked or otherwise generally inaccessible container or area; and

2. Policies and procedures for (i) partnering with a program administered or approved by the Department of Health to provide training in opioid antagonist administration for the purpose of organizing and providing the training and certification required pursuant to subdivision 1 and (ii) maintaining records of each employee of each such public elementary and secondary school who is trained and certified in the administration of an opioid antagonist pursuant to subdivision 1.

C. Any employee of any public elementary or secondary school, school board, or local health department who, during regular school hours, on school premises, or during a school-sponsored activity, in good faith administers an opioid antagonist for opioid overdose reversal to any individual who is believed to be experiencing or about to experience a life-threatening opioid overdose, regardless of whether such employee was trained in administration of an opioid antagonist pursuant to subsection B, shall be immune from any disciplinary action or civil or criminal liability for any act or omission made in connection with the administration of an opioid antagonist in such incident, unless such act or omission was the result of gross negligence or willful misconduct.

D. Each school board shall adopt and each public elementary and secondary school shall implement policies and procedures in accordance with the provisions of this section. Each school board and each public elementary and secondary school shall, in adopting and implementing the policies set forth in this section, utilize to the fullest extent possible programs offered by the Department of Health for the provision of opioid antagonist administration training and certification and the procurement of opioid antagonists for placement in each public elementary and secondary school.

§ 54.1-3408. Professional use by practitioners.

A. A practitioner of medicine, osteopathy, podiatry, dentistry, or veterinary medicine, a licensed advanced practice registered nurse pursuant to § 54.1-2957.01, a licensed certified midwife pursuant to § 54.1-2957.04, a licensed physician assistant pursuant to § 54.1-2952.1, or a TPA-certified optometrist pursuant to Article 5 (§ 54.1-3222 et seq.) of Chapter 32 shall only prescribe, dispense, or administer controlled substances in good faith for medicinal or therapeutic purposes within the course of his professional practice. A licensed midwife pursuant to § 54.1-2957.7 shall only obtain, possess, and administer controlled substances in good faith for medicinal or therapeutic purposes within the course of his professional practice.

B. The prescribing practitioner's order may be on a written prescription or pursuant to an oral prescription as authorized by this chapter. The prescriber may administer drugs and devices, or he may cause drugs or devices to be administered by:

1. A nurse, physician assistant, or intern under his direction and supervision;

2. Persons trained to administer drugs and devices to patients in state-owned or state-operated hospitals or facilities licensed as hospitals by the Board of Health or psychiatric hospitals licensed by the Department of Behavioral Health and Developmental Services who administer drugs under the control and supervision of the prescriber or a pharmacist;

3. Emergency medical services personnel certified and authorized to administer drugs and devices pursuant to regulations of the Board of Health who act within the scope of such certification and pursuant to an oral or written order or standing protocol;

4. Persons who are employed or engaged at a medical care facility, as defined in § 32.1-3, who have a valid emergency medical services provider certification issued by the Board of Health as a requirement of being employed or engaged at the medical care facility within the scope of such certification, pursuant to an oral or written order or standing protocol to administer drugs and devices at the medical care facility; or

5. A licensed respiratory therapist as defined in § 54.1-2954 who administers by inhalation controlled substances used in inhalation or respiratory therapy.

C. Pursuant to an oral or written order or standing protocol, the prescriber, who is authorized by state or federal law to possess and administer radiopharmaceuticals in the scope of his practice, may authorize a nuclear medicine technologist to administer, under his supervision, radiopharmaceuticals used in the diagnosis or treatment of disease.

D. Pursuant to an oral or written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize registered nurses and licensed practical nurses to possess (i) epinephrine and oxygen for administration in treatment of emergency medical conditions and (ii) heparin and sterile normal saline to use for the maintenance of intravenous access lines.

Pursuant to the regulations of the Board of Health, certain emergency medical services technicians may possess and administer epinephrine in emergency cases of anaphylactic shock.

Pursuant to an order or standing protocol issued by the prescriber within the course of his professional practice, any school nurse, school board employee, employee of a local governing body, or employee of a local health department who is authorized by a prescriber and trained in the administration of epinephrine may possess and administer epinephrine.

Pursuant to an order or standing protocol that shall be issued by the local health director within the course of his professional practice, any school nurse, licensed athletic trainer under contract with a local school division, school board employee, employee of a local governing body, or employee of a local health department who is authorized by the local health director and trained in the administration of albuterol inhalers and valved holding chambers or nebulized albuterol may possess or administer an albuterol inhaler and a valved holding chamber or nebulized albuterol to a student diagnosed with a condition requiring an albuterol inhaler or nebulized albuterol when the student is believed to be experiencing or about to experience an asthmatic crisis.

Pursuant to an order or a standing protocol issued by the prescriber within the course of his professional practice, any employee of a school for students with disabilities, as defined in § 22.1-319 and licensed by the Board of Education, or any employee of a private school that is accredited pursuant to § 22.1-19 as administered by the Virginia Council for Private Education who is authorized by a prescriber and trained in the administration of (a) epinephrine may possess and administer epinephrine and (b) albuterol inhalers or nebulized albuterol may possess or administer an albuterol inhaler or nebulized albuterol to a student diagnosed with a condition requiring an albuterol inhaler or nebulized albuterol when the student is believed to be experiencing or about to experience an asthmatic crisis.

Pursuant to an order or a standing protocol issued by the prescriber within the course of his professional practice, any nurse at an early childhood care and education entity, employee at the entity, or employee of a local health department who is authorized by a prescriber and trained in the administration of epinephrine may possess and administer epinephrine.

Pursuant to an order or a standing protocol issued by the prescriber within the course of his professional practice, any employee of a public institution of higher education or a private institution of higher education who is authorized by a prescriber and trained in the administration of epinephrine may possess and administer epinephrine.

Pursuant to an order or a standing protocol issued by the prescriber within the course of his professional practice, any employee of an organization providing outdoor educational experiences or programs for youth who is authorized by a prescriber and trained in the administration of epinephrine may possess and administer epinephrine.

Pursuant to an order or a standing protocol issued by the prescriber within the course of his professional practice, and in accordance with policies and guidelines established by the Department of Health, such prescriber may authorize any employee of a restaurant licensed pursuant to Chapter 3 (§ 35.1-18 et seq.) of Title 35.1 to possess and administer epinephrine on the premises of the restaurant at which the employee is employed, provided that such person is trained in the administration of epinephrine.

Pursuant to an order issued by the prescriber within the course of his professional practice, an employee of a provider licensed by the Department of Behavioral Health and Developmental Services or a person providing services pursuant to a contract with a provider licensed by the Department of Behavioral Health and Developmental Services may possess and administer epinephrine, provided such person is authorized and trained in the administration of epinephrine.

Pursuant to an order or standing protocol issued by the prescriber within the course of his professional practice, any employee of a public place, as defined in § 15.2-2820, who is authorized by a prescriber and trained in the administration of epinephrine may possess and administer epinephrine.

Pursuant to an oral or written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize pharmacists to possess epinephrine and oxygen for administration in treatment of emergency medical conditions.

E. Pursuant to an oral or written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize licensed physical therapists to possess and administer topical corticosteroids, topical lidocaine, and any other Schedule VI topical drug.

F. Pursuant to an oral or written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize licensed athletic trainers to possess and administer topical corticosteroids, topical lidocaine, or other Schedule VI topical drugs; oxygen and IV saline for use in emergency situations; subcutaneous lidocaine for wound closure; epinephrine for use in emergency cases of anaphylactic shock; and naloxone or other opioid antagonist for overdose reversal.

G. Pursuant to an oral or written order or standing protocol issued by the prescriber within the course of his professional practice, and in accordance with policies and guidelines established by the Department of Health pursuant to § 32.1-50.2, such prescriber may authorize registered nurses or licensed practical nurses under the supervision of a registered nurse to possess and administer tuberculin purified protein derivative (PPD) in the absence of a prescriber. The Department of Health's policies and guidelines shall be consistent with applicable guidelines developed by the Centers for Disease Control and Prevention for preventing transmission of mycobacterium tuberculosis and shall be updated to incorporate any subsequently implemented standards of the Occupational Safety and Health Administration and the Department of Labor and Industry to the extent that they are inconsistent with the Department of Health's policies and guidelines. Such standing protocols shall explicitly describe the categories of persons to whom the tuberculin test is to be administered and shall provide for appropriate medical evaluation of those in whom the test is positive. The prescriber shall ensure that the nurse implementing such standing protocols has received adequate training in the practice and principles underlying tuberculin screening.

The Health Commissioner or his designee may authorize registered nurses, acting as agents of the Department of Health, to possess and administer, at the nurse's discretion, tuberculin purified protein derivative (PPD) to those persons in whom tuberculin skin testing is indicated based on protocols and policies established by the Department of Health.

H. Pursuant to a written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize, with the consent of the parents as defined in § 22.1-1, an employee of (i) a school board, (ii) a school for students with disabilities as defined in § 22.1-319 licensed by the Board of Education, or (iii) a private school accredited pursuant to § 22.1-19 as administered by the Virginia Council for Private Education who is trained in the administration of insulin and glucagon to assist with the administration of insulin or administer glucagon to a student diagnosed as having diabetes and who requires insulin injections during the school day or for whom glucagon has been prescribed for the emergency treatment of hypoglycemia. Such authorization shall only be effective when a licensed nurse, an advanced practice registered nurse, a physician, or a physician assistant is not present to perform the administration of the medication.

Pursuant to a written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize an employee of a public institution of higher education or a private institution of higher education who is trained in the administration of insulin and glucagon to assist with the administration of insulin or administration of glucagon to a student diagnosed as having diabetes and who requires insulin injections or for whom glucagon has been prescribed for the emergency treatment of hypoglycemia. Such authorization shall only be effective when a licensed nurse, an advanced practice registered nurse, a physician, or a physician assistant is not present to perform the administration of the medication.

Pursuant to a written order issued by the prescriber within the course of his professional practice, such prescriber may authorize an employee of a provider licensed by the Department of Behavioral Health and Developmental Services or a person providing services pursuant to a contract with a provider licensed by the Department of Behavioral Health and Developmental Services to assist with the administration of insulin or to administer glucagon to a person diagnosed as having diabetes and who requires insulin injections or for whom glucagon has been prescribed for the emergency treatment of hypoglycemia, provided such employee or person providing services has been trained in the administration of insulin and glucagon.

I. A prescriber may authorize, pursuant to a protocol approved by the Board of Nursing, the administration of vaccines to adults for immunization, when a practitioner with prescriptive authority is not physically present, by (i) licensed pharmacists, (ii) registered nurses, or (iii) licensed practical nurses under the supervision of a registered nurse. A prescriber acting on behalf of and in accordance with established protocols of the Department of Health may authorize the administration of vaccines to any person by a pharmacist, nurse, or designated emergency medical services provider who holds an advanced life support certificate issued by the Commissioner of Health under the direction of an operational medical director when the prescriber is not physically present. The emergency medical services provider shall provide documentation of the vaccines to be recorded in the Virginia Immunization Information System.

J. A dentist may cause Schedule VI topical drugs to be administered under his direction and supervision by either a dental hygienist or by an authorized agent of the dentist.

Further, pursuant to a written order and in accordance with a standing protocol issued by the dentist in the course of his professional practice, a dentist may authorize a dental hygienist under his general supervision, as defined in § 54.1-2722, or

his remote supervision, as defined in subsection E or F of § 54.1-2722, to possess and administer topical oral fluorides, topical oral anesthetics, topical and directly applied antimicrobial agents for treatment of periodontal pocket lesions, and any other Schedule VI topical drug approved by the Board of Dentistry.

In addition, a dentist may authorize a dental hygienist under his direction to administer Schedule VI nitrous oxide and oxygen inhalation analgesia and, to persons 18 years of age or older, Schedule VI local anesthesia.

K. Pursuant to an oral or written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize registered professional nurses certified as sexual assault nurse examiners-A (SANE-A) under his supervision and when he is not physically present to possess and administer preventive medications for victims of sexual assault as recommended by the Centers for Disease Control and Prevention.

L. This section shall not prevent the administration of drugs by a person who has satisfactorily completed a training program for this purpose approved by the Board of Nursing and who administers such drugs in accordance with a prescriber's instructions pertaining to dosage, frequency, and manner of administration, and in accordance with regulations promulgated by the Board of Pharmacy relating to security and record keeping, when the drugs administered would be normally self-administered by (i) an individual receiving services in a program licensed by the Department of Behavioral Health and Developmental Services; (ii) a resident of the Virginia Rehabilitation Center for the Blind and Vision Impaired; (iii) a resident of a facility approved by the Board or Department of Juvenile Justice for the placement of children in need of services or delinquent or alleged delinquent youth; (iv) a program participant of an adult day-care center licensed by the Department of Social Services; (v) a resident of any facility authorized or operated by a state or local government whose primary purpose is not to provide health care services; (vi) a resident of a private children's residential facility, as defined in § 63.2-100 and licensed by the Department of Social Services, Department of Education, or Department of Behavioral Health and Developmental Services; or (vii) a student in a school for students with disabilities, as defined in § 22.1-319 and licensed by the Board of Education.

In addition, this section shall not prevent a person who has successfully completed a training program for the administration of drugs via percutaneous gastrostomy tube approved by the Board of Nursing and been evaluated by a registered nurse as having demonstrated competency in administration of drugs via percutaneous gastrostomy tube from administering drugs to a person receiving services from a program licensed by the Department of Behavioral Health and Developmental Services to such person via percutaneous gastrostomy tube. The continued competency of a person to administer drugs via percutaneous gastrostomy tube shall be evaluated semiannually by a registered nurse.

M. Medication aides registered by the Board of Nursing pursuant to Article 7 (§ 54.1-3041 et seq.) of Chapter 30 may administer drugs that would otherwise be self-administered to residents of any assisted living facility licensed by the Department of Social Services. A registered medication aide shall administer drugs pursuant to this section in accordance with the prescriber's instructions pertaining to dosage, frequency, and manner of administration; in accordance with regulations promulgated by the Board of Pharmacy relating to security and recordkeeping; in accordance with the assisted living facility's Medication Management Plan; and in accordance with such other regulations governing their practice promulgated by the Board of Nursing.

N. In addition, this section shall not prevent the administration of drugs by a person who administers such drugs in accordance with a physician's instructions pertaining to dosage, frequency, and manner of administration and with written authorization of a parent, and in accordance with school board regulations relating to training, security and record keeping, when the drugs administered would be normally self-administered by a student of a Virginia public school. Training for such persons shall be accomplished through a program approved by the local school boards, in consultation with the local departments of health.

O. In addition, this section shall not prevent the administration of drugs by a person to (i) a child in a child day program as defined in § 22.1-289.02 and regulated by the Board of Education or a local government pursuant to § 15.2-914, or (ii) a student of a private school that is accredited pursuant to § 22.1-19 as administered by the Virginia Council for Private Education, provided such person (a) has satisfactorily completed a training program for this purpose approved by the Board of Nursing and taught by a registered nurse, a licensed practical nurse, an advanced practice registered nurse, a physician assistant, a doctor of medicine or osteopathic medicine, or a pharmacist; (b) has obtained written authorization from a parent or guardian; (c) administers drugs only to the child identified on the prescription label in accordance with the prescriber's instructions pertaining to dosage, frequency, and manner of administration; and (d) administers only those drugs that were dispensed from a pharmacy and maintained in the original, labeled container that would normally be self-administered by the child or student, or administered by a parent or guardian to the child or student.

P. In addition, this section shall not prevent the administration or dispensing of drugs and devices by persons if they are authorized by the State Health Commissioner in accordance with protocols established by the State Health Commissioner pursuant to § 32.1-42.1 when (i) the Governor has declared a disaster or a state of emergency, the United States Secretary of Health and Human Services has issued a declaration of an actual or potential bioterrorism incident or other actual or potential public health emergency, or the Board of Health has made an emergency order pursuant to § 32.1-13 for the purpose of suppressing nuisances dangerous to the public health and communicable, contagious, and infectious diseases and other dangers to the public life and health and for the limited purpose of administering vaccines as an approved countermeasure for such communicable, contagious, and infectious diseases; (ii) it is necessary to permit the provision of needed drugs or devices; and (iii) such persons have received the training necessary to safely administer or dispense the

needed drugs or devices. Such persons shall administer or dispense all drugs or devices under the direction, control, and supervision of the State Health Commissioner.

Q. Nothing in this title shall prohibit the administration of normally self-administered drugs by unlicensed individuals to a person in his private residence.

R. This section shall not interfere with any prescriber issuing prescriptions in compliance with his authority and scope of practice and the provisions of this section to a Board agent for use pursuant to subsection G of § 18.2-258.1. Such prescriptions issued by such prescriber shall be deemed to be valid prescriptions.

S. Nothing in this title shall prevent or interfere with dialysis care technicians or dialysis patient care technicians who are certified by an organization approved by the Board of Health Professions or persons authorized for provisional practice pursuant to Chapter 27.01 (§ 54.1-2729.1 et seq.), in the ordinary course of their duties in a Medicare-certified renal dialysis facility, from administering heparin, topical needle site anesthetics, dialysis solutions, sterile normal saline solution, and blood volumizers, for the purpose of facilitating renal dialysis treatment, when such administration of medications occurs under the orders of a licensed physician, an advanced practice registered nurse, or a physician assistant and under the immediate and direct supervision of a licensed registered nurse. Nothing in this chapter shall be construed to prohibit a patient care dialysis technician trainee from performing dialysis care as part of and within the scope of the clinical skills instruction segment of a supervised dialysis technician training program, provided such trainee is identified as a "trainee" while working in a renal dialysis facility.

The dialysis care technician or dialysis patient care technician administering the medications shall have demonstrated competency as evidenced by holding current valid certification from an organization approved by the Board of Health Professions pursuant to Chapter 27.01 (§ 54.1-2729.1 et seq.).

T. Persons who are otherwise authorized to administer controlled substances in hospitals shall be authorized to administer influenza or pneumococcal vaccines pursuant to § 32.1-126.4.

U. Pursuant to a specific order for a patient and under his direct and immediate supervision, a prescriber may authorize the administration of controlled substances by personnel who have been properly trained to assist a doctor of medicine or osteopathic medicine, provided the method does not include intravenous, intrathecal, or epidural administration and the prescriber remains responsible for such administration.

V. A physician assistant, nurse, dental hygienist, or authorized agent of a doctor of medicine, osteopathic medicine, or dentistry may possess and administer topical fluoride varnish pursuant to an oral or written order or a standing protocol issued by a doctor of medicine, osteopathic medicine, or dentistry.

W. A prescriber, acting in accordance with guidelines developed pursuant to § 32.1-46.02, may authorize the administration of influenza vaccine to minors by a licensed pharmacist, registered nurse, licensed practical nurse under the direction and immediate supervision of a registered nurse, or emergency medical services provider who holds an advanced life support certificate issued by the Commissioner of Health when the prescriber is not physically present.

X. Notwithstanding the provisions of § 54.1-3303, pursuant to an oral, written, or standing order issued by a prescriber or a standing order issued by the Commissioner of Health or his designee authorizing the dispensing of naloxone or other opioid antagonist used for overdose reversal in the absence of an oral or written order for a specific patient issued by a prescriber, and in accordance with protocols developed by the Board of Pharmacy in consultation with the Board of Medicine and the Department of Health, a pharmacist, a health care provider providing services in a hospital emergency department, and emergency medical services personnel, as that term is defined in § 32.1-111.1, may dispense naloxone or other opioid antagonist used for overdose reversal and a person to whom naloxone or other opioid antagonist has been dispensed pursuant to this subsection may possess and administer naloxone or other opioid antagonist used for overdose reversal to a person who is believed to be experiencing or about to experience a life-threatening opioid overdose. Law-enforcement officers as defined in § 9.1-101, employees of the Department of Forensic Science, employees of the Office of the Chief Medical Examiner, employees of the Department of General Services Division of Consolidated Laboratory Services, employees of the Department of Corrections designated by the Director of the Department of Corrections or designated as probation and parole officers or as correctional officers as defined in § 53.1-1, employees of the Department of Juvenile Justice designated as probation and parole officers or as juvenile correctional officers, employees of regional jails, school nurses, local health department employees that are assigned to a public school pursuant to an agreement between the local health department and the school board, *school board employees who have completed training and are certified in the administration of an opioid antagonist for overdose reversal by a program administered or authorized by the Department of Health,* other school board employees or individuals contracted by a school board to provide school health services, and firefighters may also possess and administer naloxone or other opioid antagonist used for overdose reversal and may dispense naloxone or other opioid antagonist used for overdose reversal pursuant to an oral, written, or standing order issued by a prescriber or a standing order issued by the Commissioner of Health or his designee in accordance with protocols developed by the Board of Pharmacy in consultation with the Board of Medicine and the Department of Health.

Notwithstanding the provisions of § 54.1-3303, pursuant to an oral, written, or standing order issued by a prescriber or a standing order issued by the Commissioner of Health or his designee authorizing the dispensing of naloxone or other opioid antagonist used for overdose reversal in the absence of an oral or written order for a specific patient issued by a prescriber, and in accordance with protocols developed by the Board of Pharmacy in consultation with the Board of Medicine and the Department of Health, any person may possess and administer naloxone or other opioid antagonist used

for overdose reversal, other than naloxone in an injectable formulation with a hypodermic needle or syringe, in accordance with protocols developed by the Board of Pharmacy in consultation with the Board of Medicine and the Department of Health.

Y. Notwithstanding any other law or regulation to the contrary, a person who is acting on behalf of an organization that provides services to individuals at risk of experiencing an opioid overdose or training in the administration of naloxone for overdose reversal may dispense naloxone, provided that such dispensing is (i) pursuant to a standing order issued by a prescriber and (ii) in accordance with protocols developed by the Board of Pharmacy in consultation with the Board of Medicine and the Department of Health. If the person acting on behalf of an organization dispenses naloxone in an injectable formulation with a hypodermic needle or syringe, he shall first obtain authorization from the Department of Behavioral Health and Developmental Services to train individuals on the proper administration of naloxone by and proper disposal of a hypodermic needle or syringe, and he shall obtain a controlled substance registration from the Board of Pharmacy. The Board of Pharmacy shall not charge a fee for the issuance of such controlled substance registration. The dispensing may occur at a site other than that of the controlled substance registration provided the entity possessing the controlled substances registration maintains records in accordance with regulations of the Board of Pharmacy. No person who dispenses naloxone on behalf of an organization pursuant to this subsection shall charge a fee for the dispensing of naloxone that is greater than the cost to the organization of obtaining the naloxone dispensed. A person to whom naloxone has been dispensed pursuant to this subsection may possess naloxone and may administer naloxone to a person who is believed to be experiencing or about to experience a life-threatening opioid overdose.

Z. A person who is not otherwise authorized to administer naloxone or other opioid antagonist used for overdose reversal may administer naloxone or other opioid antagonist used for overdose reversal to a person who is believed to be experiencing or about to experience a life-threatening opioid overdose.

AA. Pursuant to a written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize, with the consent of the parents as defined in § 22.1-1, an employee of (i) a school board, (ii) a school for students with disabilities as defined in § 22.1-319 licensed by the Board of Education, or (iii) a private school accredited pursuant to § 22.1-19 as administered by the Virginia Council for Private Education who is trained in the administration of injected medications for the treatment of adrenal crisis resulting from a condition causing adrenal insufficiency to administer such medication to a student diagnosed with a condition causing adrenal insufficiency when the student is believed to be experiencing or about to experience an adrenal crisis. Such authorization shall be effective only when a licensed nurse, an advanced practice registered nurse, a physician, or a physician assistant is not present to perform the administration of the medication.

2. That the Department of Health and the Department of Education shall collaborate to develop guidelines and policies relating to the implementation of the provisions of this act, including (i) guidelines and policies for (a) the procurement, possession, storage, and maintenance in each public elementary and secondary school of a supply of opioid antagonists in an amount equivalent to at least two unexpired doses and (b) the utilization of and collaboration with existing opioid overdose training and education programs and resources, including the "Revive!" Opioid Overdose and Naloxone Education Program provided by the Department of Health, in the provision of the training in opioid antagonist administration and the procurement and maintenance of a supply of opioid antagonists in accordance with the provisions of this act; (ii) guidelines and policies for the possession and administration of opioid antagonists by school board employees, including (a) the training and certification of at least one school board employee at each public elementary and secondary school in the possession and administration of an opioid antagonist and (b) the administration of an opioid antagonist by any such school board employee to any student, faculty, or staff member believed to be experiencing or about to experience a life-threatening opioid overdose; (iii) guidelines and policies for the implementation of the opioid overdose prevention and reversal program of instruction at each secondary school that includes grades nine through 12, including a model curriculum and any accompanying instructional materials for such program of instruction; (iv) development of model policies for school boards and public secondary schools aimed at encouraging students to complete such opioid overdose prevention and reversal program of instruction prior to graduating high school, including model policies that provide incentives for completing such program of instruction, such as accepting completion of such program of instruction as satisfaction for certain electives credits required for graduation and increasing the flexibility of when and where students may complete such program of instruction, and including model policies for integrating such instruction into existing programs of instruction and providing alternative methods of delivering such program of instruction, such as outside of regular school hours and with options for virtual participation courses; (v) informational guidance materials to be made available to students and parents on the opioid overdose prevention and reversal program of instruction; and (vi) any other policies or guidelines deemed necessary and appropriate. The Department of Education shall submit such guidelines and policies developed pursuant to this act to the House Committee on Appropriations, the House Committee on Education, the Senate Committee on Education and Health, and the Senate Committee on Finance and Appropriations by January 1, 2025.

3. That the provisions of this act shall be implemented by each local school board by the beginning of the 2025-2026 school year.

ACTS

OF THE

GENERAL ASSEMBLY



2024 REGULAR SESSION

VOLUME I

VOLUME II

VOLUME III

ACTS

OF THE

GENERAL ASSEMBLY

OF THE

COMMONWEALTH OF VIRGINIA

2024 REGULAR SESSION

which met at the State Capitol, Richmond

Convened Wednesday, January 10, 2024

Adjourned sine die Saturday, March 9, 2024

Reconvened Wednesday, April 17, 2024

Adjourned sine die Wednesday, April 17, 2024

VOLUME II

CHAPTERS 452-845

COMMONWEALTH OF VIRGINIA
RICHMOND
2024

Compiled by the Clerk's Office

The House of Delegates

G. Paul Nardo
Clerk of the House of Delegates
and
Keeper of the Rolls of the Commonwealth

Jacqueline D. Scott
Indexing and Enrolling Director

Indexing and Enrolling Assistant Clerks

Sarah A. Armistead
Jeannine B. Layell

Indexing and Enrolling Assistants

Kellie M. Bolden
Mary T. Davis
Caroline M. Espinosa
Jan Garver-Flanders
Julia L. Glowatsky
Jarl K. Jackson
Kyle W. Mathews
Melisa G. Milton
Chayton S. Mouzon
Taylah D. Randall

in cooperation with the

Senate of Virginia,
Division of Legislative Services,
and
Division of Legislative Automated Systems

TABLE OF CONTENTS
2024 REGULAR SESSION

VOLUME I

CHAPTERS 1-451 1

VOLUME II

CHAPTERS 452-845 973

CERTIFICATION OF THE 2024 REGULAR SESSION ACTS OF ASSEMBLY 1920

VOLUME III

RESOLUTIONS OF THE GENERAL ASSEMBLY-2024 REGULAR SESSION
House Joint Resolutions and House Resolutions 1921
Senate Joint Resolutions and Senate Resolutions 2380

APPENDIX
Summary of 2024 Regular Session Legislation 2659
House Bills Approved with Chapter and Page Numbers 2660
Senate Bills Approved with Chapter and Page Numbers 2663
Bills Vetoed by Governor 2665
Members of the House of Delegates 2676
Members of the Senate 2680
Senators and Delegates by Counties 2682
Senators and Delegates by Cities 2686
Counties and Cities--Land Area and Population 2688
Counties and Cities--Ranked by Population 2689
Table of Titles of the Code of Virginia 2690

INDEX 2693

CHAPTER 452

An Act to amend and reenact §§ 59.1-200, 59.1-207.45, and 59.1-207.46 of the Code of Virginia, relating to consumer protection; automatic renewal or continuous service offers.

[H 744]

Approved April 4, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 59.1-200, 59.1-207.45, and 59.1-207.46 of the Code of Virginia are amended and reenacted as follows:

§ 59.1-200. Prohibited practices.

A. The following fraudulent acts or practices committed by a supplier in connection with a consumer transaction are hereby declared unlawful:

1. Misrepresenting goods or services as those of another;

2. Misrepresenting the source, sponsorship, approval, or certification of goods or services;

3. Misrepresenting the affiliation, connection, or association of the supplier, or of the goods or services, with another;

4. Misrepresenting geographic origin in connection with goods or services;

5. Misrepresenting that goods or services have certain quantities, characteristics, ingredients, uses, or benefits;

6. Misrepresenting that goods or services are of a particular standard, quality, grade, style, or model;

7. Advertising or offering for sale goods that are used, secondhand, repossessed, defective, blemished, deteriorated, or reconditioned, or that are "seconds," irregulars, imperfects, or "not first class," without clearly and unequivocally indicating in the advertisement or offer for sale that the goods are used, secondhand, repossessed, defective, blemished, deteriorated, reconditioned, or are "seconds," irregulars, imperfects or "not first class";

8. Advertising goods or services with intent not to sell them as advertised, or with intent not to sell at the price or upon the terms advertised.

In any action brought under this subdivision, the refusal by any person, or any employee, agent, or servant thereof, to sell any goods or services advertised or offered for sale at the price or upon the terms advertised or offered, shall be prima facie evidence of a violation of this subdivision. This paragraph shall not apply when it is clearly and conspicuously stated in the advertisement or offer by which such goods or services are advertised or offered for sale, that the supplier or offeror has a limited quantity or amount of such goods or services for sale, and the supplier or offeror at the time of such advertisement or offer did in fact have or reasonably expected to have at least such quantity or amount for sale;

9. Making false or misleading statements of fact concerning the reasons for, existence of, or amounts of price reductions;

10. Misrepresenting that repairs, alterations, modifications, or services have been performed or parts installed;

11. Misrepresenting by the use of any written or documentary material that appears to be an invoice or bill for merchandise or services previously ordered;

12. Notwithstanding any other provision of law, using in any manner the words "wholesale," "wholesaler," "factory," or "manufacturer" in the supplier's name, or to describe the nature of the supplier's business, unless the supplier is actually engaged primarily in selling at wholesale or in manufacturing the goods or services advertised or offered for sale;

13. Using in any contract or lease any liquidated damage clause, penalty clause, or waiver of defense, or attempting to collect any liquidated damages or penalties under any clause, waiver, damages, or penalties that are void or unenforceable under any otherwise applicable laws of the Commonwealth, or under federal statutes or regulations;

13a. Failing to provide to a consumer, or failing to use or include in any written document or material provided to or executed by a consumer, in connection with a consumer transaction any statement, disclosure, notice, or other information however characterized when the supplier is required by 16 C.F.R. Part 433 to so provide, use, or include the statement, disclosure, notice, or other information in connection with the consumer transaction;

14. Using any other deception, fraud, false pretense, false promise, or misrepresentation in connection with a consumer transaction;

15. Violating any provision of § 3.2-6509, 3.2-6512, 3.2-6513, 3.2-6513.1, 3.2-6514, 3.2-6515, 3.2-6516, or 3.2-6519 is a violation of this chapter;

16. Failing to disclose all conditions, charges, or fees relating to:

a. The return of goods for refund, exchange, or credit. Such disclosure shall be by means of a sign attached to the goods, or placed in a conspicuous public area of the premises of the supplier, so as to be readily noticeable and readable by the person obtaining the goods from the supplier. If the supplier does not permit a refund, exchange, or credit for return, he shall so state on a similar sign. The provisions of this subdivision shall not apply to any retail merchant who has a policy of providing, for a period of not less than 20 days after date of purchase, a cash refund or credit to the purchaser's credit card account for the return of defective, unused, or undamaged merchandise upon presentation of proof of purchase. In the case of merchandise paid for by check, the purchase shall be treated as a cash purchase and any refund may be delayed for a period of 10 banking days to allow for the check to clear. This subdivision does not apply to sale merchandise that is obviously distressed, out of date, post season, or otherwise reduced for clearance; nor does this subdivision apply to special order purchases where the purchaser has requested the supplier to order merchandise of a specific or unusual size, color, or

brand not ordinarily carried in the store or the store's catalog; nor shall this subdivision apply in connection with a transaction for the sale or lease of motor vehicles, farm tractors, or motorcycles as defined in § 46.2-100;

b. A layaway agreement. Such disclosure shall be furnished to the consumer (i) in writing at the time of the layaway agreement, or (ii) by means of a sign placed in a conspicuous public area of the premises of the supplier, so as to be readily noticeable and readable by the consumer, or (iii) on the bill of sale. Disclosure shall include the conditions, charges, or fees in the event that a consumer breaches the agreement;

16a. Failing to provide written notice to a consumer of an existing open-end credit balance in excess of $5 (i) on an account maintained by the supplier and (ii) resulting from such consumer's overpayment on such account. Suppliers shall give consumers written notice of such credit balances within 60 days of receiving overpayments. If the credit balance information is incorporated into statements of account furnished consumers by suppliers within such 60-day period, no separate or additional notice is required;

17. If a supplier enters into a written agreement with a consumer to resolve a dispute that arises in connection with a consumer transaction, failing to adhere to the terms and conditions of such an agreement;

18. Violating any provision of the Virginia Health Club Act, Chapter 24 (§ 59.1-294 et seq.);

19. Violating any provision of the Virginia Home Solicitation Sales Act, Chapter 2.1 (§ 59.1-21.1 et seq.);

20. Violating any provision of the Automobile Repair Facilities Act, Chapter 17.1 (§ 59.1-207.1 et seq.);

21. Violating any provision of the Virginia Lease-Purchase Agreement Act, Chapter 17.4 (§ 59.1-207.17 et seq.);

22. Violating any provision of the Prizes and Gifts Act, Chapter 31 (§ 59.1-415 et seq.);

23. Violating any provision of the Virginia Public Telephone Information Act, Chapter 32 (§ 59.1-424 et seq.);

24. Violating any provision of § 54.1-1505;

25. Violating any provision of the Motor Vehicle Manufacturers' Warranty Adjustment Act, Chapter 17.6 (§ 59.1-207.34 et seq.);

26. Violating any provision of § 3.2-5627, relating to the pricing of merchandise;

27. Violating any provision of the Pay-Per-Call Services Act, Chapter 33 (§ 59.1-429 et seq.);

28. Violating any provision of the Extended Service Contract Act, Chapter 34 (§ 59.1-435 et seq.);

29. Violating any provision of the Virginia Membership Camping Act, Chapter 25 (§ 59.1-311 et seq.);

30. Violating any provision of the Comparison Price Advertising Act, Chapter 17.7 (§ 59.1-207.40 et seq.);

31. Violating any provision of the Virginia Travel Club Act, Chapter 36 (§ 59.1-445 et seq.);

32. Violating any provision of §§ 46.2-1231 and 46.2-1233.1;

33. Violating any provision of Chapter 40 (§ 54.1-4000 et seq.) of Title 54.1;

34. Violating any provision of Chapter 10.1 (§ 58.1-1031 et seq.) of Title 58.1;

35. Using the consumer's social security number as the consumer's account number with the supplier, if the consumer has requested in writing that the supplier use an alternate number not associated with the consumer's social security number;

36. Violating any provision of Chapter 18 (§ 6.2-1800 et seq.) of Title 6.2;

37. Violating any provision of § 8.01-40.2;

38. Violating any provision of Article 7 (§ 32.1-212 et seq.) of Chapter 6 of Title 32.1;

39. Violating any provision of Chapter 34.1 (§ 59.1-441.1 et seq.);

40. Violating any provision of Chapter 20 (§ 6.2-2000 et seq.) of Title 6.2;

41. Violating any provision of the Virginia Post-Disaster Anti-Price Gouging Act, Chapter 46 (§ 59.1-525 et seq.);

42. Violating any provision of Chapter 47 (§ 59.1-530 et seq.);

43. Violating any provision of § 59.1-443.2;

44. Violating any provision of Chapter 48 (§ 59.1-533 et seq.);

45. Violating any provision of Chapter 25 (§ 6.2-2500 et seq.) of Title 6.2;

46. Violating the provisions of clause (i) of subsection B of § 54.1-1115;

47. Violating any provision of § 18.2-239;

48. Violating any provision of Chapter 26 (§ 59.1-336 et seq.);

49. Selling, offering for sale, or manufacturing for sale a children's product the supplier knows or has reason to know was recalled by the U.S. Consumer Product Safety Commission. There is a rebuttable presumption that a supplier has reason to know a children's product was recalled if notice of the recall has been posted continuously at least 30 days before the sale, offer for sale, or manufacturing for sale on the website of the U.S. Consumer Product Safety Commission. This prohibition does not apply to children's products that are used, secondhand or "seconds";

50. Violating any provision of Chapter 44.1 (§ 59.1-518.1 et seq.);

51. Violating any provision of Chapter 22 (§ 6.2-2200 et seq.) of Title 6.2;

52. Violating any provision of § 8.2-317.1;

53. Violating subsection A of § 9.1-149.1;

54. Selling, offering for sale, or using in the construction, remodeling, or repair of any residential dwelling in the Commonwealth, any drywall that the supplier knows or has reason to know is defective drywall. This subdivision shall not apply to the sale or offering for sale of any building or structure in which defective drywall has been permanently installed or affixed;

55. Engaging in fraudulent or improper or dishonest conduct as defined in § 54.1-1118 while engaged in a transaction that was initiated (i) during a declared state of emergency as defined in § 44-146.16 or (ii) to repair damage resulting from

the event that prompted the declaration of a state of emergency, regardless of whether the supplier is licensed as a contractor in the Commonwealth pursuant to Chapter 11 (§ 54.1-1100 et seq.) of Title 54.1;

56. Violating any provision of Chapter 33.1 (§ 59.1-434.1 et seq.);

57. Violating any provision of § 18.2-178, 18.2-178.1, or 18.2-200.1;

58. Violating any provision of Chapter 17.8 (§ 59.1-207.45 et seq.). *For the purposes of this subdivision, "consumer transaction" also includes transactions involving an automatic renewal or continuous service offer by a supplier to a small business, as those terms are defined in § 59.1-207.45*;

59. Violating any provision of subsection E of § 32.1-126;

60. Violating any provision of § 54.1-111 relating to the unlicensed practice of a profession licensed under Chapter 11 (§ 54.1-1100 et seq.) or Chapter 21 (§ 54.1-2100 et seq.) of Title 54.1;

61. Violating any provision of § 2.2-2001.5;

62. Violating any provision of Chapter 5.2 (§ 54.1-526 et seq.) of Title 54.1;

63. Violating any provision of § 6.2-312;

64. Violating any provision of Chapter 20.1 (§ 6.2-2026 et seq.) of Title 6.2;

65. Violating any provision of Chapter 26 (§ 6.2-2600 et seq.) of Title 6.2;

66. Violating any provision of Chapter 54 (§ 59.1-586 et seq.);

67. Knowingly violating any provision of § 8.01-27.5;

68. Failing to, in accordance with § 59.1-207.46, (i) make available a conspicuous online option to cancel a recurring purchase of a good or service or (ii) with respect to a free trial lasting more than 30 days, notify a consumer of his option to cancel such free trial within 30 days of the end of the trial period to avoid an obligation to pay for the goods or services;

69. Selling or offering for sale any substance intended for human consumption, orally or by inhalation, that contains a synthetic derivative of tetrahydrocannabinol. As used in this subdivision, "synthetic derivative" means a chemical compound produced by man through a chemical transformation to turn a compound into a different compound by adding or subtracting molecules to or from the original compound. This subdivision shall not (i) apply to products that are approved for marketing by the U.S. Food and Drug Administration and scheduled in the Drug Control Act (§ 54.1-3400 et seq.) or (ii) be construed to prohibit any conduct permitted under Chapter 16 (§ 4.1-1600 et seq.) of Title 4.1;

70. Selling or offering for sale to a person younger than 21 years of age any substance intended for human consumption, orally or by inhalation, that contains tetrahydrocannabinol. This subdivision shall not (i) apply to products that are approved for marketing by the U.S. Food and Drug Administration and scheduled in the Drug Control Act (§ 54.1-3400 et seq.) or (ii) be construed to prohibit any conduct permitted under Chapter 16 (§ 4.1-1600 et seq.) of Title 4.1;

71. Selling or offering for sale any substance intended for human consumption, orally or by inhalation, that contains tetrahydrocannabinol, unless such substance is (i) contained in child-resistant packaging, as defined in § 4.1-600; (ii) equipped with a label that states, in English and in a font no less than 1/16 of an inch, (a) that the substance contains tetrahydrocannabinol and may not be sold to persons younger than 21 years of age, (b) all ingredients contained in the substance, (c) the amount of such substance that constitutes a single serving, and (d) the total percentage and milligrams of tetrahydrocannabinol included in the substance and the number of milligrams of tetrahydrocannabinol that are contained in each serving; and (iii) accompanied by a certificate of analysis, produced by an independent laboratory that is accredited pursuant to standard ISO/IEC 17025 of the International Organization of Standardization by a third-party accrediting body, that states the tetrahydrocannabinol concentration of the substance or the tetrahydrocannabinol concentration of the batch from which the substance originates. This subdivision shall not (i) apply to products that are approved for marketing by the U.S. Food and Drug Administration and scheduled in the Drug Control Act (§ 54.1-3400 et seq.) or (ii) be construed to prohibit any conduct permitted under Chapter 16 (§ 4.1-1600 et seq.) of Title 4.1;

72. Manufacturing, offering for sale at retail, or selling at retail an industrial hemp extract, as defined in § 3.2-5145.1, a food containing an industrial hemp extract, or a substance containing tetrahydrocannabinol that depicts or is in the shape of a human, animal, vehicle, or fruit;

73. Selling or offering for sale any substance intended for human consumption, orally or by inhalation, that contains tetrahydrocannabinol and, without authorization, bears, is packaged in a container or wrapper that bears, or is otherwise labeled to bear the trademark, trade name, famous mark as defined in 15 U.S.C. § 1125, or other identifying mark, imprint, or device, or any likeness thereof, of a manufacturer, processor, packer, or distributor of a product intended for human consumption other than the manufacturer, processor, packer, or distributor that did in fact so manufacture, process, pack, or distribute such substance;

74. Selling or offering for sale a topical hemp product, as defined in § 3.2-4112, that does not include a label stating that the product is not intended for human consumption. This subdivision shall not (i) apply to products that are approved for marketing by the U.S. Food and Drug Administration and scheduled in the Drug Control Act (§ 54.1-3400 et seq.), (ii) be construed to prohibit any conduct permitted under Chapter 16 (§ 4.1-1600 et seq.) of Title 4.1, or (iii) apply to topical hemp products that were manufactured prior to July 1, 2023, provided that the person provides documentation of the date of manufacture if requested;

75. Violating any provision of § 59.1-466.8;

76. Violating subsection F of § 36-96.3:1;

77. Selling or offering for sale (i) any kratom product to a person younger than 21 years of age or (ii) any kratom product that does not include a label listing all ingredients and with the following guidance: "This product may be harmful

to your health, has not been evaluated by the FDA, and is not intended to diagnose, treat, cure, or prevent any disease." As used in this subdivision, "kratom" means any part of the leaf of the plant Mitragyna speciosa or any extract thereof; and

78. Failing to disclose the total cost of a good or continuous service, as defined in § 59.1-207.45, to a consumer, including any mandatory fees or charges, prior to entering into an agreement for the sale of any such good or provision of any such continuous service.

B. Nothing in this section shall be construed to invalidate or make unenforceable any contract or lease solely by reason of the failure of such contract or lease to comply with any other law of the Commonwealth or any federal statute or regulation, to the extent such other law, statute, or regulation provides that a violation of such law, statute, or regulation shall not invalidate or make unenforceable such contract or lease.

§ 59.1-207.45. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Automatic renewal" means a plan or arrangement in which a paid subscription or purchasing agreement is automatically renewed at the end of a definite term for a subsequent term of more than one month.

"Automatic renewal offer terms" means the following clear and conspicuous disclosures:

1. That the subscription or purchasing agreement will continue until the consumer cancels;

2. The description of the cancellation policy that applies to the offer;

3. The recurring charges that will be charged to the consumer's credit or debit card or payment account with a third party as part of the automatic renewal plan or arrangement and that the amount of the charge may change, if that is the case, and the amount to which the charge will change, if known;

4. The length of the automatic renewal term or that the service is continuous, unless the length of the term is chosen by the consumer; and

5. The minimum purchase obligation, if any.

"Clear and conspicuous" or "clearly and conspicuously" means in larger type than the surrounding text, or in contrasting type, font, or color to the surrounding text of the same size, or set off from the surrounding text of the same size by symbols or other marks, in a manner that clearly calls attention to the language. In the case of an audio disclosure, "clear and conspicuous" or "clearly and conspicuously" means in a volume and cadence sufficient to be readily audible and understandable.

"Consumer" means *(i)* any individual who seeks or acquires, by purchase or lease, any goods, services, money, or credit for personal, family, or household purposes *or (ii) any small business that seeks or acquires, by purchase or lease, any goods, services, money, or credit for business purposes*.

"Continuous service" means a plan or arrangement in which a subscription or purchasing agreement continues until the consumer cancels the service.

"Small business" means a business that is at least 51 percent independently owned and controlled by one or more individuals, or in the case of a cooperative association organized pursuant to Chapter 3 (§ 13.1-301 et seq.) of Title 13.1 as a nonstock corporation, is at least 51 percent independently controlled by one or more members, who are U.S. citizens or legal resident aliens and, together with affiliates, has 250 or fewer employees or annual gross receipts of $10 million or less averaged over the previous three years. One or more of the individual owners or members shall control both the management and daily business operations of the small business.

"Supplier" has the same meaning ascribed thereto in § 59.1-198.

§ 59.1-207.46. Making automatic renewal or continuous service offer to consumer; affirmative consent required; disclosures; prohibited conduct.

A. No supplier making an automatic renewal or continuous service offer to a consumer in the Commonwealth shall do any of the following:

1. ~~Fail~~ *Prior to the completion of the initial order for the automatic renewal or continuous service, fail* to present the automatic renewal offer terms or continuous service offer terms in a clear and conspicuous manner before the consumer becomes obligated on the automatic renewal or continuous service offer and in visual proximity, or in the case of an offer conveyed by voice, in temporal proximity, to the request for consent to the offer.

2. ~~Charge~~ *Prior to the completion of the initial order for the automatic renewal or continuous service, charge* the consumer's credit or debit card or the consumer's account with a third party for an automatic renewal or continuous service without first obtaining the consumer's affirmative consent to the agreement containing the automatic renewal offer terms or continuous service offer terms.

3. Fail to provide an acknowledgment that includes the automatic renewal or continuous service offer terms, cancellation policy, and information regarding how to cancel in a manner that is capable of being retained by the consumer. If the offer includes a free trial, the supplier shall also disclose in the acknowledgment how to cancel the free trial before the consumer pays or becomes obligated to pay for the goods or services.

B. A supplier making automatic renewal or continuous service offers shall provide a toll-free telephone number, an electronic mail address, a postal address only when the supplier directly bills the consumer, or another cost-effective, timely, and easy-to-use mechanism for cancellation that shall be described in the acknowledgment specified in subdivision A 3. Each supplier making automatic renewal or continuous service offers through an online website shall make available a conspicuous online option to cancel a recurring purchase of a good or service.

C. In the case of a material change in the terms of the automatic renewal or continuous service offer that has been accepted by a consumer in the Commonwealth, the supplier shall*, prior to implementation of the material change,* provide the consumer with a clear and conspicuous notice of the material change and provide information regarding how to cancel in a manner that is capable of being retained by the consumer.

D. A supplier making automatic renewal or continuous service offers that include a free trial lasting more than 30 days shall, within 30 days of the end of any such free trial, notify the consumer of his option to cancel the free trial before the end of the trial period to avoid an obligation to pay for the goods or services.

E. ~~The requirements of this section shall apply only prior to the completion of the initial order for the automatic renewal or continuous service, except:~~

~~1. The requirement in subdivision A 3 may be fulfilled after completion of the initial order; and~~

~~2. The requirement in subsection C shall be fulfilled prior to implementation of the material change.~~

A supplier making automatic renewal or continuous service offers that will automatically renew after a period of more than 30 days and extend the automatic renewal or continuous service offer for a period of more than 12 months shall notify the consumer of his option to cancel the automatic renewal or continuous service offer no less than 30 days and no more than 60 days before the cancellation deadline or the end of the current contract term. Such notice shall conspicuously disclose (i) that the automatic renewal or continuous service offer will automatically renew unless the consumer cancels, (ii) the date by which the consumer must cancel to avoid automatic renewal or continuous service, (iii) the method by which the consumer may cancel, and (iv) a copy of the automatic renewal or continuous service offer provisions.

CHAPTER 453

An Act to authorize the Department of Conservation and Recreation to quitclaim and release certain real property rights related to lands of the agency.

[H 778]

Approved April 4, 2024

Be it enacted by the General Assembly of Virginia:

1. *§ 1. That in accordance with and as evidence of General Assembly approval pursuant to § 2.2-1151 of the Code of Virginia, the Department of Conservation and Recreation (the Department) is hereby authorized to quitclaim and release its rights and any interest it may hold in a portion of real estate related to an offsite ingress and egress easement serving the Biscuit Run Property to Samuel Stanhope Walker, II and Janice M. Walker; Leslie Scott Minor, Catherine M. Benson, and Elizabeth P. Walz, Trustees of the Jennie Sue Minor Article IV Exempt Trust FBO Catherine M. Benson; and David W. Kudravetz and George B. McCallum III, as Trustees of the Richlands Farm Land Trust, established by Deed dated January 15, 1945, recorded in the Clerk's Office of the Circuit Court of Albemarle County, Virginia in Deed Book 262, Page 390, and acquired by the Department by Deed dated December 28, 2009, recorded in the Clerk's Office of the Circuit Court of Albemarle County, Virginia in Deed Book 3835, Page 706, upon terms and conditions as the Department deems proper, with the approval of the Department of General Services and the Secretary of Administration and in a form approved by the Attorney General. The purpose of this quitclaim and release is to remove the Department's rights to the ingress and egress easement on adjacent properties, as the Department has leased the lands at the Biscuit Run Property to the Albemarle County Department of Parks and Recreation for the development of a county park, and the county has no need to reestablish the crossing of Biscuit Run or utilize the easement for access to the future park.*

CHAPTER 454

An Act to amend and reenact §§ 8.01-285, 8.01-287, 8.01-296, 8.01-299, 8.01-301, 8.01-304, 8.01-306, 8.01-310 through 8.01-313, and 12.1-19.1 of the Code of Virginia; to amend the Code of Virginia by adding a section numbered 8.01-304.1; and to repeal § 8.01-326.1 of the Code of Virginia, relating to statutory agents; service of process.

[H 794]

Approved April 4, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 8.01-285, 8.01-287, 8.01-296, 8.01-299, 8.01-301, 8.01-304, 8.01-306, 8.01-310 through 8.01-313, and 12.1-19.1 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 8.01-304.1 as follows:

§ 8.01-285. Definition of certain terms used in this chapter; process, return, statutory agent.

~~For the purposes of~~ *As used in* this chapter*, unless the context requires a different meaning*:

1. The term "process" shall be deemed to include notice;

2. The term "return" shall be deemed to include the term "proof of service";

3. The term "statutory agent" means *(i)* the Commissioner of the Department of Motor Vehicles and the Secretary of the Commonwealth, and the successors of either, when appointed pursuant to law for the purpose of service of process on the nonresident defined in subdivision 2 of § 8.01-307 *or (ii) the Clerk of the State Corporation Commission, when*

appointed pursuant to law for the purpose of service of process on any individual, corporation, limited partnership, or other entity under § 12.1-19.1, as the context may require; and

4. The term "person" includes an individual, his executor, administrator, or other personal representative, or a corporation, partnership, association or any other legal or commercial entity, whether or not a citizen or domiciliary of the Commonwealth and whether or not organized under the laws of the Commonwealth.

§ 8.01-287. How process to be served.

Upon commencement of an action, process shall be served in the manner set forth in this chapter *or as specified elsewhere in the Code* and by the Rules of the Supreme Court.

§ 8.01-296. Manner of serving process upon natural persons.

~~Subject~~ *In addition to any other manner of service upon natural persons prescribed elsewhere in the Code, and subject* to the provisions of § 8.01-286.1, in any action at law or in equity or any other civil proceeding in any court, process, for which no particular mode of service is prescribed, may be served upon natural persons as follows:

1. By delivering a copy thereof in writing to the party in person; or

2. By substituted service in the following manner:

a. If the party to be served is not found at his usual place of abode, by delivering a copy of such process and giving information of its purport to any person found there, who is a member of his family, other than a temporary sojourner or guest, and who is of the age of 16 years or older; or

b. If such service cannot be effected under subdivision 2 a, then by posting a copy of such process at the front door or at such other door as appears to be the main entrance of such place of abode, provided that not less than 10 days before judgment by default may be entered, the party causing service or his attorney or agent mails to the party served a copy of such process and thereafter files in the office of the clerk of the court a certificate of such mailing. In any civil action brought in a general district court, the mailing of the application for a warrant in debt or affidavit for summons in unlawful detainer or other civil pleading or a copy of such pleading, whether yet issued by the court or not, which contains the date, time and place of the return, prior to or after filing such pleading in the general district court, shall satisfy the mailing requirements of this section. In any civil action brought in a circuit court, the mailing of a copy of the pleadings with a notice that the proceedings are pending in the court indicated and that upon the expiration of 10 days after the giving of the notice and the expiration of the statutory period within which to respond, without further notice, the entry of a judgment by default as prayed for in the pleadings may be requested, shall satisfy the mailing requirements of this section and any notice requirement of the Rules of Court. Any judgment by default entered after July 1, 1989, upon posted service in which proceedings a copy of the pleadings was mailed as provided for in this section prior to July 1, 1989, is validated.

c. The person executing such service shall note the manner and the date of such service on the original and the copy of the process so delivered or posted under this subdivision and shall effect the return of process as provided in §§ 8.01-294 and 8.01-325.

3. If service cannot be effected under subdivisions 1 and 2, then by order of publication in appropriate cases under the provisions of §§ 8.01-316 through 8.01-320.

4. The landlord or his duly authorized agent or representative may serve notices required by the rental agreement or by law upon the tenant or occupant under a rental agreement that is within the purview of Chapter 14 (§ 55.1-1400 et seq.) of Title 55.1.

§ 8.01-299. How process served on domestic stock corporations, nonstock corporations, and limited liability companies generally.

Except as prescribed in § 8.01-300 as to municipal and quasi-governmental corporations, and subject to § 8.01-286.1, process may be served on a *domestic stock* corporation*, nonstock corporation,* or limited liability company created by the laws of the Commonwealth as follows:

1. By personal service on any officer, director, or registered agent of *any* such corporation or on the registered agent of such limited liability company;

2. By substituted service on stock corporations in accordance with § 13.1-637, on nonstock corporations in accordance with § 13.1-836, and on limited liability companies in accordance with § 13.1-1018; or

3. If the address of the registered office of the corporation or limited liability company is a single-family residential dwelling, by substituted service on the registered agent of the corporation or limited liability company in the manner provided by subdivision 2 of § 8.01-296.

This section does not prescribe the only means, or necessarily the required means, of serving a domestic stock or nonstock corporation or limited liability company.

§ 8.01-301. How process served on foreign stock or nonstock corporations and foreign limited liability companies generally.

Subject to § 8.01-286.1, service of process on a foreign *stock or nonstock* corporation *or a foreign limited liability company* may be effected in the following manner:

1. By personal service on any officer~~,~~ *or* director or ~~on~~ the registered agent of a foreign *stock or nonstock* corporation ~~which~~ *that* is authorized to do business in the Commonwealth, ~~and~~ by personal service on any agent of ~~a~~ *any such* foreign corporation transacting business in the Commonwealth without such authorization, wherever any such officer, director, or agents be found within the Commonwealth*, and by personal service on the registered agent of a foreign limited liability company that is registered to do business in the Commonwealth*;

2. By substituted service on *(i)* a foreign *stock or nonstock* corporation in accordance with §§ 13.1-766 and 13.1-928, *respectively, and on a foreign limited liability company in accordance with § 13.1-1018,* if *any* such corporation *or limited liability company* is authorized *or registered* to transact business or affairs within the Commonwealth*, and (ii) a foreign stock or nonstock corporation in accordance with subsection F of § 13.1-758 and subsection E of § 13.1-920, respectively, and on a foreign limited liability company in accordance with subsection E of § 13.1-1057, if any such corporation or limited liability company is not authorized or registered to transact business within the Commonwealth*;

3. By substituted service on a foreign *stock or nonstock* corporation *or foreign limited liability company* in accordance with § 8.01-329*,* or by service in accordance with § 8.01-320, where jurisdiction is authorized under § 8.01-328.1, regardless of whether *any* such foreign corporation *or foreign limited liability company* is authorized *or registered* to transact business within the Commonwealth; or

4. By order of publication in accordance with §§ 8.01-316 and 8.01-317 where jurisdiction in rem or quasi in rem is authorized, regardless of whether the foreign *stock or nonstock* corporation *or foreign limited liability company* so served is authorized *or registered* to transact business within the Commonwealth.

This section does not prescribe the only means, or necessarily the required means, of serving a foreign *stock or nonstock* corporation *or foreign limited liability company*.

§ 8.01-304. How process served on copartner or partnership, domestic or foreign limited liability partnership, and domestic or foreign limited partnership.

A. Subject to § 8.01-286.1, process against a copartner or partnership may be served upon a general partner, and it shall be deemed service upon the partnership and upon each partner individually named in the action, provided the person served is not a plaintiff in the suit and provided the matter in suit is a partnership matter.

Provided further that process may be served upon a limited partner in any proceeding to enforce a limited partner's liability to the partnership.

B. A domestic or foreign limited liability partnership may also be served by personal service on its registered agent as provided in § 50-73.135 and by substituted service in accordance with subsection B of § 50-73.129, subsection F of § 50-73.134, subsection G of § 50-73.135, or § 50-73.140, as applicable.

C. A domestic or foreign limited partnership may also be served by personal service on its registered agent as provided in subsection A of § 50-73.7 and by substituted service in accordance with subsection B of § 50-73.7, subsection D of § 50-73.58, subsection C of § 50-73.58:1, subsection D of § 50-73.58:2, or subsection E of § 50-73.59, as applicable.

§ 8.01-304.1. How process served on a business trust.

A domestic or foreign business trust may be served by personal service on its registered agent as provided in subsection A of § 13.1-1223 and by substituted service in accordance with subsection B of § 13.1-1223 or subsection E of § 13.1-1247.

§ 8.01-306. Process against unincorporated associations or orders, or unincorporated common carriers; principal office outside Virginia and business transactions in Virginia.

Subject to § 8.01-286.1, if an unincorporated (i) association, (ii) order, or (iii) common carrier has its principal office outside Virginia and transacts business or affairs in the Commonwealth, process may be served on any officer, trustee, director, staff member, or agent of such association, order, or carrier in the city or county in which he may be found or on the ~~clerk~~ *Clerk* of the State Corporation Commission, who shall be deemed by virtue of such transaction of business or affairs in the Commonwealth to have been appointed statutory agent of such association, order, or carrier upon whom may be made service of process in accordance with § 12.1-19.1. Service, when duly made, shall constitute sufficient foundation for a personal judgment against such association, order*,* or carrier. If service may not be had as aforesaid, then on affidavit of that fact an order of publication may be awarded as provided by §§ 8.01-316 and 8.01-317.

§ 8.01-310. How service made on Commissioner, Secretary, and Clerk; appointment binding.

A. *Service of process on the Clerk of the State Corporation Commission as a statutory agent authorized by law to receive service of process on behalf of any natural person, corporation, or other entity is governed by § 12.1-19.1.* Service of process on either the Commissioner of the Department of Motor Vehicles as authorized under § 8.01-308 or on the Secretary of the Commonwealth as authorized under § 8.01-309 shall be made by the plaintiff or his agent or the sheriff leaving a copy of such process together with the fee for service of process on parties, in the amount prescribed in § 2.2-409, for each party to be thus served, in the hands, or in the office, of the Commissioner or the Secretary~~, and such service~~. *Service on the statutory agent* shall be *deemed* sufficient upon the ~~nonresident~~ *person or entity served* and shall be effective on the date when service is made on the Commissioner or the Secretary *pursuant to this subsection or on the Clerk of the State Corporation Commission pursuant to subsection A of § 12.1-19.1, provided, however, that the time to respond to process sent by the Commissioner, Secretary, or Clerk as statutory agent is governed by subsection C of § 8.01-312*. All fees collected by the Commissioner pursuant to the provisions of this section shall be paid into the state treasury and shall be set aside as a special fund to be used to meet the expenses of the Department of Motor Vehicles.

B. Appointment of the Commissioner or Secretary as attorney or agent for the service of process on a nonresident under § 8.01-308 or 8.01-309 shall be irrevocable and binding upon the executor or other personal representative of such nonresident*, and*:

1. Where a nonresident has died before the commencement of an action against him regarding an accident or collision under § 8.01-308 or 8.01-309*, such appointment* shall be irrevocable and binding upon the executor or other personal representative of such nonresident; or

2. Where a nonresident dies after the commencement of an action against him regarding an accident or collision under § 8.01-308 or 8.01-309, the action shall continue and *such appointment* shall be irrevocable and binding upon his executor, administrator, or other personal representative with such additional notice of the pendency of the action as the court deems proper.

C. The provisions of subsection B apply, mutatis mutandis, to actions in which a natural person served with process through the Clerk of the State Corporation Commission as his agent has died before or after the commencement of the action.

§ 8.01-311. Continuance of action where service made on Commissioner, Secretary, and Clerk.

The court, in which an action is pending against a nonresident growing out of an accident or collision as specified in §§ 8.01-308 and 8.01-309, *or in an action pending against a person or entity served with process through the Clerk of the State Corporation Commission as statutory agent pursuant to § 12.1-19.1,* may order such continuances as necessary to afford such nonresident*, person, or entity* reasonable opportunity to defend the action.

§ 8.01-312. Effect of service on statutory agent; duties of such agent; time for responding to process.

A. Service of process on the statutory agent shall have the same legal force and validity as if served within the Commonwealth personally upon the person for whom it is intended. It shall be the duty of the *Commissioner of the Department of Motor Vehicles or the Secretary of the Commonwealth as* statutory agent to:

1. Provide a receipt to a party seeking service who serves process on the statutory agent by hand delivery or any other method that does not provide a return of service or other means showing the date on which service on the statutory agent was accomplished. The party seeking service shall be responsible for filing such receipt in the office of the clerk of court in which the action is pending;

2. Forthwith send by registered or certified mail, with return receipt requested, a copy of the process to the person named therein and for whom the statutory agent is receiving the process; and

3. File an affidavit of compliance with this section with the papers in the action; this filing shall be made in the office of the clerk of the court in which the action is pending.

A1. The duties of the Clerk of the State Corporation Commission as statutory agent are governed by § 12.1-19.1.

B. Unless otherwise provided by § 8.01-313 and subject to the provisions of § 8.01-316, the address for the mailing of the process required by this section *by the Commissioner of the Department of Motor Vehicles or the Secretary of the Commonwealth* shall be that as provided by the party seeking service. *The address for mailing the process served on the Clerk of the State Corporation Commission is specified in subsection D of § 12.1-19.1.*

C. The time for a nonresident to respond to process sent by the *Commissioner of the Department of Motor Vehicles or the Secretary of the Commonwealth as* statutory agent shall run from the date when the affidavit of compliance is filed in the office of the clerk of the court in which the action is pending. *The time for a person, corporation, or other entity to respond to process sent by the Clerk of the State Corporation Commission as statutory agent shall run from the date when the certificate of compliance is filed as required by subsection B of § 12.1-19.1.*

§ 8.01-313. Specific addresses for mailing by statutory agent and resident agent.

A. For the statutory agent appointed pursuant to §§ 8.01-308 and 8.01-309, the address for the mailing of the process as required by § 8.01-312 shall be the last known address of the nonresident or, where appropriate under subdivision B 1 or 2 of § 8.01-310, of the executor, administrator, or other personal representative of the nonresident. However, upon the filing of an affidavit by the plaintiff that he does not know and is unable with due diligence to ascertain any post-office address of such nonresident, service of process on the statutory agent shall be sufficient without the mailing otherwise required by this section. Provided further that:

1. In the case of a nonresident defendant licensed by the Commonwealth to operate a motor vehicle, the last address reported by such defendant to the Department of Motor Vehicles as his address on an application for or renewal of driving privileges shall be deemed to be the address of the defendant for the purpose of the mailing required by this section if no other address is known, and, in any case in which the affidavit provided for in § 8.01-316 is filed, such a defendant, by so notifying the Department of such an address, and by failing to notify the Department of any change therein, shall be deemed to have appointed the Commissioner of the Department of Motor Vehicles his statutory agent for service of process in an action arising out of operation of a motor vehicle by him in the Commonwealth, and to have accepted as valid service such mailing to such address; or

2. In the case of a nonresident defendant not licensed by the Commonwealth to operate a motor vehicle, the address shown on the copy of the report of accident required by § 46.2-372 filed by or for him with the Department, and on file at the office of the Department, or the address reported by such a defendant to any state or local police officer, or sheriff investigating the accident sued on, if no other address is known, shall be conclusively presumed to be a valid address of such defendant for the purpose of the mailing provided for in this section, and his so reporting of an incorrect address, or his moving from the address so reported without making provision for forwarding to him of mail directed thereto, shall be deemed to be a waiver of notice and a consent to and acceptance of service of process served upon the Commissioner of the Department of Motor Vehicles as provided in this section.

B. For the statutory agent appointed pursuant to § 64.2-1426, the address for the mailing of process as required by § 8.01-312 shall be the address of the fiduciary's statutory agent as contained in the written consent most recently filed with the clerk of the circuit court wherein the qualification of such fiduciary was had or, in the event of the death, removal,

resignation, or absence from the Commonwealth of such statutory agent, or in the event that such statutory agent cannot with due diligence be found at such address, the address of the clerk of such circuit court.

C. The address and procedures for the mailing of process by the Clerk of the State Corporation Commission as statutory agent are governed by § 12.1-19.1.

§ 12.1-19.1. Service of process on the Clerk of the State Corporation Commission as statutory agent.

A. Whenever by statute the ~~clerk~~ *Clerk* of the Commission is appointed or deemed to have been appointed the agent of any individual, corporation, limited partnership or other entity for the purpose of service of any process, notice, order or demand, except one issued by the Commission, service on the ~~clerk~~ *Clerk* shall be made by leaving two copies of the process for each defendant, together with the fee or fees specified in subsection G ~~of this section~~, in the office of the ~~clerk~~ *Clerk* of the Commission. The party seeking service shall recite the statute or other authority pursuant to which process is being served and shall include the mailing address of the defendant in accordance with subsection D or ~~subsection~~ F ~~of this section~~. *Such service shall be deemed sufficient upon the person or entity being served and shall be effective on the date when service is made on the Clerk under this subsection, provided, however, that the time for such person or entity to respond to process sent by the Clerk shall run from the date when the certificate of compliance is filed as required by subsection B.*

B. The ~~clerk~~ *Clerk* or any of his staff shall forthwith mail the process to the defendant at the address supplied by the party seeking service and shall keep a record thereof. The ~~clerk~~ *Clerk* shall file a certificate of compliance with the requirements of this section ~~with the other papers~~ in the proceeding giving rise to the service.

C. Any process, notice, order or demand issued by the Commission shall be served by being mailed by the ~~clerk~~ *Clerk* of the Commission or any of his staff to (i) the registered agent at his office address on record with the Commission or, if no such agent or address is on record with the Commission, then (ii) the defendant at the address specified in subsection D or provided pursuant to subsection F ~~of this section~~. The ~~clerk~~ *Clerk* shall keep a record of any such service.

D. The address for the mailing of process pursuant to this section shall be the address on record with the Commission, as follows:

1. The principal office address of a domestic corporation, or, if no such address is on record with the Commission, the address of any officer or director of the corporation.

2. The principal office address of a foreign corporation authorized to transact business in Virginia, or, if no such address is on record with the Commission, the address of any officer or director of the corporation, or, in case of withdrawal from the Commonwealth, the address shown in the application for withdrawal or any change thereto.

3. The principal office address of a limited partnership on record with the Commission pursuant to the Virginia Revised Uniform Limited Partnership Act (§ 50-73.1 et seq.), or, if no such address is on record with the Commission, the address of any general partner or the address listed in a foreign limited partnership's certificate of cancellation or any change thereto.

4. *The principal office address of a domestic limited liability company or business trust.*

5. The principal office address of a foreign limited liability company or business trust registered to transact business in Virginia, or, in case of cancellation pursuant to § 13.1-1056 or 13.1-1246, the address shown in the application for a certificate of cancellation or any change thereto.

6. If the defendant is an individual or entity other than one specified in ~~subdivision~~ *subdivisions* 1~~, 2, or 3 of this subsection~~ *through 5*, the address set forth in any document on record with the Commission ~~which~~ *that* is required or permitted to be filed by or on behalf of the defendant.

E. Except as provided in subsection F ~~of this section~~, the names and addresses as last filed with the Commission pursuant to law shall be conclusive for the purpose of service of process.

F. Whenever the party or bureau or division of the Commission seeking service has knowledge of a defendant's current address which differs from that on record with the Commission he may, and, in the event the Commission does not have a record of the defendant's address he shall, provide the latest known mailing address of the defendant.

G. The ~~clerk~~ *Clerk* of the Commission shall charge and collect at the time of any service of process on him as statutory agent, thirty dollars for each defendant named in the process, which amount may be recovered as taxable costs by the party to the proceeding giving rise to such service if such party prevails in the proceeding.

2. That § 8.01-326.1 of the Code of Virginia is repealed.

CHAPTER 455

An Act to amend and reenact §§ 53.1-1.1 and 53.1-35.1 of the Code of Virginia, relating to electronic communication systems within state correctional facilities; telephone calls and communication services.

[H 801]

Approved April 4, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 53.1-1.1 and 53.1-35.1 of the Code of Virginia are amended and reenacted as follows:

§ 53.1-1.1. Telephone systems within correctional facilities.

The Department ~~of Corrections~~ shall offer debit or prepaid telephone systems, in addition to any existing collect calling systems, which allow telephone calls to be placed to the telephone number or numbers on an approved call list. Such

telephone systems ~~may~~ *shall* be established with the lowest available rates. *The maximum number of telephone numbers permitted on an approved call list shall be no fewer than 20. The Department shall not receive any commission from such telephone systems.*

§ 53.1-35.1. Electronic visitation and messaging with inmates.

The Director is authorized to prescribe reasonable rules regarding electronic visitation systems or electronic messaging systems, including Voice-over-Internet Protocol technology and web-based communication systems, for communication between prisoners and third parties and collection of a fee for the system utilized. *Any state correctional facility that utilizes such systems shall establish such systems using the lowest available rates.* Any state correctional facility that utilizes such systems shall establish such system allowing for the security needs of the facility. Any state correctional facility that utilizes such system *(i)* shall not prohibit in-person visitation *and (ii) shall not receive any commission for installation or operation of the system. The Department may temporarily limit the use of this system during periods of heightened security or emergencies.*

This section does not apply to telephonic communication systems or to electronic video and audio communication systems used in judicial proceedings.

CHAPTER 456

An Act to amend and reenact § 30-403 of the Code of Virginia, relating to Behavioral Health Commission; membership.

[H 807]

Approved April 4, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 30-403 of the Code of Virginia is amended and reenacted as follows:

§ 30-403. Membership; terms; vacancies; chairman and vice-chairman; quorum; meetings; voting on recommendations.

The Commission shall consist of 12 legislative members, who shall be appointed as follows: five members of the Senate, at least one of whom shall be a member of the Senate Committee on Education and Health, at least one of whom shall be a member of the Senate Committee on Rehabilitation and Social Services, and at least two of whom shall be members of the Senate Committee on Finance and Appropriations, to be appointed by the *Senate* Committee on Rules and seven members of the House of Delegates, at least ~~two~~ *three* of whom shall be members of the House Committee on Appropriations and at least two of whom shall be members of the House Committee on Health, Welfare and Institutions, to be appointed by the Speaker of the House of Delegates in accordance with the principles of proportional representation contained in the Rules of the House of Delegates.

Members of the Commission shall serve terms coincident with their terms of office. Members may be reappointed. Appointments to fill vacancies, other than by expiration of a term, shall be for the unexpired term. Vacancies shall be filled in the same manner as the original appointment.

The Commission shall elect a chairman and a vice-chairman from among its membership.

A majority of the members of the Commission shall constitute a quorum. Meetings of the Commission shall be held at the call of the chairman or whenever the majority of the members of the Commission so request.

No recommendation of the Commission shall be adopted if a majority of the Senate members or a majority of the House members appointed to the Commission (i) vote against the recommendation and (ii) vote for the recommendation to fail notwithstanding the majority vote of the Commission.

CHAPTER 457

An Act to direct the Office of the Chief Medical Examiner and the Maternal Mortality Review Team to convene a work group to expand the work of the Maternal Mortality Review Team; report.

[H 831]

Approved April 4, 2024

Be it enacted by the General Assembly of Virginia:

1. *§ 1. That the Office of the Chief Medical Examiner of the Department of Health and the Maternal Mortality Review Team shall convene a work group to develop a plan for expanding the composition and scope of work of the Maternal Mortality Review Team.*

The work group shall develop:

1. Methods for collecting information about maternal morbidity in the Commonwealth;

2. Criteria for selecting cases for investigation and review;

3. Criteria for selecting cases for in-depth review, which may include interviews with families and community members who have information on such cases;

4. Procedures for maintaining confidentiality and security with regard to reviews undertaken by the Maternal Mortality Review Team;

5. A five-year plan for the expansion and operation of the Maternal Mortality Review Team, which shall include (i) identification of necessary staff and equipment; (ii) identification of annual goals; (iii) provisions for coordination among stakeholders; (iv) identification of funding sources available to support and sustain the Maternal Mortality Review Team; (v) a proposed annual budget for each year; and (vi) a proposed data dissemination plan that includes data to be disseminated, methodology for dissemination, frequency of dissemination, and a list of key stakeholders and community partners who may be interested in the data and other outputs; and

6. Any recommendations for further study, legislative actions, or implementation of the Maternal Mortality Review Team.

The work group shall include the Chief Medical Examiner, the Director of the Office of Family Health, the State Registrar of Vital Records, the Commissioner of Behavioral Health and Developmental Services, the Commissioner of Social Services, the Director of the Department of Corrections, the Maternal Child Health Epidemiologist, the Maternal Mortality Program Manager, and the Director of the Department of Criminal Justice Services, or their designees; the Director of the Virginia Neonatal Perinatal Collaborative or his designee; community stakeholders, including doulas working with impacted communities, local nonprofit organizations, mental health treatment providers, and other community stakeholders; representatives of medical professionals with experience in maternal health; staff and members of such state agencies as may be appropriate; and the presidents of (i) the Virginia Hospital and Healthcare Association, (ii) the Virginia Chapter of the American College of Obstetrics and Gynecology, (iii) the Virginia Chapter of the American Academy of Pediatrics, and (iv) the Virginia Affiliate of the American College of Nurse-Midwives, or their designees.

The work group shall, in its expansion and operation plan, include plans to: (a) collect data on the incidence and causes of maternal death in the Commonwealth, including severe maternal morbidity; (b) create a comprehensive integrated review of all maternal deaths and incidence of severe maternal morbidity in the Commonwealth, which shall include a statewide retrospective review of all existing records relating to each maternal death and instance of severe maternal morbidity; (c) develop policies and recommendations to address the circumstances that may negatively impact maternal health and to improve services, systems of care, and resources for women, infants, and families; and (d) work with communities and partners to implement such policies and recommendations and create actionable processes of change. Community health care workers, community doulas and doula organizations, and other relevant stakeholders shall be included in the review of the data, the development of policy recommendations, and the implementation of the policies.

The work group shall report its findings and provide its plan to the Chairmen of the House Committees on Appropriations and Health and Human Services and the Senate Committees on Finance and Appropriations and Education and Health by July 1, 2026.

CHAPTER 458

An Act to amend the Code of Virginia by adding a section numbered 53.1-134.1, relating to the Parole Board; voting requirements.

[H 913]

Approved April 4, 2024

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 53.1-134.1 as follows:

§ 53.1-134.1. Parole Board decisions; voting requirements.

Notwithstanding any other provision of law or regulation, if the Parole Board adopts a rule or regulation requiring the concurrence of four or more members of the Parole Board to grant discretionary parole or conditional release, in the event that there are less than four members but at least three members on the Parole Board, then such requirement shall be satisfied upon a unanimous vote of all members on the Parole Board.

CHAPTER 459

An Act to amend and reenact §§ 6.2-1616, 11-2, 38.2-3521.1, 54.1-2100, and 54.1-2103 of the Code of Virginia and to repeal §§ 54.1-2101 and 54.1-2107 of the Code of Virginia, relating to Department of Professional and Occupational Regulation; definition of a real estate broker.

[H 917]

Approved April 4, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 6.2-1616, 11-2, 38.2-3521.1, 54.1-2100, and 54.1-2103 of the Code of Virginia are amended and reenacted as follows:

§ 6.2-1616. Other prohibitions applicable to mortgage brokers.

A. As used in this section:

"Real estate broker" has the same meaning provided in § 54.1-2100.

"Real estate salesperson" has the same meaning provided in ~~§ 54.1-2101~~ *§ 54.1-2100*.

B. No mortgage broker required to be licensed under this chapter shall:

1. Except for documented costs of credit reports and appraisals, receive compensation from a borrower until a written commitment to make a mortgage loan is given to the borrower by a mortgage lender;

2. Receive compensation from a mortgage lender of which he is a principal, partner, trustee, director, officer, or employee;

3. Receive compensation from a borrower in connection with any mortgage loan transaction in which he is the lender or a principal, partner, trustee, director, or officer of the lender;

4. Receive compensation from a borrower other than that specified in a written agreement signed by the borrower; or

5. Fail to use reasonable skill, care, and diligence in exercising the broker's duty, which duty is hereby created, to make reasonable efforts to secure a mortgage loan that is in the best interests of the applicant, considering the applicant's circumstances and loan characteristics, including but not limited to the product type, rates, charges, and repayment terms of the loan.

C. If a mortgage broker negotiates, places, or finds a mortgage loan and acts as a real estate broker or real estate salesperson in connection with the sale of the real estate that secures such loan, the mortgage broker shall conspicuously provide to the borrower the following written disclosure at the time the mortgage broker services are first offered to the borrower:

YOU ARE HEREBY NOTIFIED THAT YOU ARE NOT REQUIRED TO ENTER INTO ANY ARRANGEMENT FOR REAL ESTATE BROKER OR REAL ESTATE SALESPERSON SERVICES WITH A REAL ESTATE BROKER OR REAL ESTATE SALESPERSON TO WHOM WE HAVE REFERRED YOU.

YOU ARE HEREBY NOTIFIED THAT [NAME OF MORTGAGE BROKER] WILL BE RECEIVING COMPENSATION FOR PROVIDING BOTH MORTGAGE BROKER SERVICES AND REAL ESTATE BROKER OR REAL ESTATE SALESPERSON SERVICES IN CONNECTION WITH THE SALE OF THE REAL ESTATE THAT SECURES THIS MORTGAGE LOAN.

YOU ARE HEREBY NOTIFIED THAT WE DO NOT REPRESENT ALL OF THE LENDERS IN THE MARKET AND THE LENDERS WE DO REPRESENT MAY NOT OFFER THE LOWEST INTEREST RATES OR BEST TERMS AVAILABLE TO YOU.

D. The requirements of this section are in addition to the requirements of the federal Real Estate Settlement Procedures Act of 1974 (12 U.S.C. § 2601 et seq.) and regulations adopted thereunder.

§ 11-2. When written evidence required to maintain action.

Unless a promise, contract, agreement, representation, assurance, or ratification, or some memorandum or note thereof, is in writing and signed by the party to be charged or his agent, no action shall be brought in any of the following cases:

1. To charge any person upon or by reason of a representation or assurance concerning the character, conduct, credit, ability, trade, or dealings of another, to the intent or purpose that such other may obtain thereby, credit, money, or goods;

2. To charge any person upon a promise made after attaining the age of majority, to pay a debt contracted during infancy, or upon a ratification after attaining the age of majority, of a promise or simple contract made during infancy;

3. To charge a personal representative upon a promise to answer any debt or damages out of his own estate;

4. To charge any person upon a promise to answer for the debt, default, or misdoings of another;

5. Upon any agreement made upon consideration of marriage;

6. Upon any contract for the sale of real estate, or for the lease thereof for more than a year;

7. Upon any agreement or contract for services to be performed in the sale of real estate by a party defined in § 54.1-2100 ~~or~~ ~~§ 54.1-2101~~;

8. Upon any agreement that is not to be performed within a year; or

9. Upon any agreement or promise to lend money or extend credit in an aggregate amount of $25,000 or more.

The consideration need not be set forth or expressed in the writing, and it may be proved (where a consideration is necessary) by other evidence.

§ 38.2-3521.1. Group accident and sickness insurance definitions.

Except as provided in § 38.2-3522.1, no policy of group accident and sickness insurance shall be delivered in this Commonwealth unless it conforms to one of the following descriptions:

A. A policy issued to an employer, or to the trustees of a fund established by an employer, which employer or trustees shall be deemed the policyholder, to insure employees of the employer for the benefit of persons other than the employer, subject to the following requirements:

1. The employees eligible for insurance under the policy shall be all of the employees of the employer, or all of any class or classes thereof. The policy may provide that the term "employees" shall include the employees of one or more subsidiary corporations, and the employees, individual proprietors, and partners of one or more affiliated corporations, proprietorships or partnerships if the business of the employer and of such affiliated corporations, proprietorships or partnerships is under common control. The policy may provide that the term "employees" shall include retired employees, former employees and directors of a corporate employer. A policy issued to insure the employees of a public body may provide that the term "employees" shall include elected or appointed officials.

2. The premium for the policy shall be paid either from the employer's funds or from funds contributed by the insured employees, or from both. Except as provided in subdivision 3, a policy on which no part of the premium is to be derived

from funds contributed by the insured employees must insure all eligible employees, except those who reject such coverage in writing.

3. An insurer may exclude or limit the coverage on any person as to whom evidence of individual insurability is not satisfactory to the insurer, except as otherwise prohibited in this title.

B. A policy that is:

1. Not subject to Chapter 37.1 (§ 38.2-3727 et seq.): and

2. Issued to a creditor or its parent holding company or to a trustee or trustees or agent designated by two or more creditors, which creditor, holding company, affiliate, trustee, trustees or agent shall be deemed the policyholder, to insure debtors of the creditor or creditors with respect to their indebtedness, subject to the following requirements:

a. The debtors eligible for insurance under the policy shall be all of the debtors of the creditor or creditors, or all of any class or classes thereof. The policy may provide that the term "debtors" shall include:

(1) Borrowers of money or purchasers or lessees of goods, services, or property for which payment is arranged through a credit transaction;

(2) The debtors of one or more subsidiary corporations; and

(3) The debtors of one or more affiliated corporations, proprietorships or partnerships if the business of the policyholder and of such affiliated corporations, proprietorships or partnerships is under common control.

b. The premium for the policy shall be paid either from the creditor's funds, or from charges collected from the insured debtors, or from both. Except as provided in subdivision 3, a policy on which no part of the premium is to be derived from funds contributed by insured debtors specifically for their insurance must insure all eligible debtors.

3. An insurer may exclude any debtors as to whom evidence of individual insurability is not satisfactory to the insurer.

4. The total amount of insurance payable with respect to an indebtedness shall not exceed the greater of the scheduled or actual amount of unpaid indebtedness to the creditor. The insurer may exclude any payments that are delinquent on the date the debtor becomes disabled as defined in the policy.

5. The insurance may be payable to the creditor or any successor to the right, title, and interest of the creditor. Such payment or payments shall reduce or extinguish the unpaid indebtedness of the debtor to the extent of each such payment and any excess of the insurance shall be payable to the insured or the estate of the insured.

6. Notwithstanding the preceding provisions of this section, insurance on agricultural credit transaction commitments may be written up to the amount of the loan commitment. Insurance on educational credit transaction commitments may be written up to the amount of the loan commitment less the amount of any repayments made on the loan.

C. A policy issued to a labor union, or similar employee organization, which labor union or organization shall be deemed to be the policyholder, to insure members of such union or organization for the benefit of persons other than the union or organization or any of its officials, representatives, or agents, subject to the following requirements:

1. The members eligible for insurance under the policy shall be all of the members of the union or organization, or all of any class or classes thereof.

2. The premium for the policy shall be paid from either funds of the union or organization, or from funds contributed by the insured members specifically for their insurance, or from both. Except as provided in subdivision 3, a policy on which no part of the premium is to be derived from funds contributed by the insured members specifically for their insurance must insure all eligible members, except those who reject such coverage in writing.

3. An insurer may exclude or limit the coverage on any person as to whom evidence of individual insurability is not satisfactory to the insurer, except as otherwise prohibited in this title.

D. A policy issued (i) to or for a multiple employer welfare arrangement, a rural electric cooperative, or a rural electric telephone cooperative as these terms are defined in 29 U.S.C. § 1002, or (ii) to a trust, or to the trustees of a fund, established or adopted by or for two or more employers, or by one or more labor unions of similar employee organizations, or by one or more employers and one or more labor unions or similar employee organizations, which trust or trustees shall be deemed the policyholder, to insure employees of the employers or members of the unions or organizations for the benefit of persons other than the employers or the unions or organizations, subject to the following requirements:

1. The persons eligible for insurance shall be all of the employees of the employers or all of the members of the unions or organizations, or all of any class or classes thereof. The policy may provide that the term "employee" shall include the employees of one or more subsidiary corporations, and the employees, individual proprietors, and partners of one or more affiliated corporations, proprietorships or partnerships if the business of the employer and of such affiliated corporations, proprietorships or partnerships is under common control. The policy may provide that the term "employees" shall include retired employees, former employees and directors of a corporate employer. The policy may provide that the term "employees" shall include the trustees or their employees, or both, if their duties are principally connected with such trusteeship.

2. The premium for the policy shall be paid from funds contributed by the employer or employers of the insured persons, or by the union or unions or similar employee organizations, or by both, or from funds contributed by the insured persons or from both the insured persons and the employers or unions or similar employee organizations. Except as provided in subdivision 3, a policy on which no part of the premium is to be derived from funds contributed by the insured persons specifically for their insurance must insure all eligible persons, except those who reject such coverage in writing.

3. An insurer may exclude or limit the coverage on any person as to whom evidence of individual insurability is not satisfactory to the insurer, except as otherwise prohibited in this title.

E. A policy issued to an association or to a trust or to the trustees of a fund established, created, or maintained for the benefit of members of one or more associations which association or trust shall be deemed the policyholder.

1. The association or associations shall:

a. Have at the outset a minimum of 100 persons;

b. Have been organized and maintained in good faith for purposes other than that of obtaining insurance;

c. Have been in active existence for at least five years;

d. Have a constitution and bylaws which provide that (i) the association or associations hold regular meetings not less than annually to further purposes of the members, (ii) except for credit unions, the association or associations collect dues or solicit contributions from members, and (iii) the members have voting privileges and representation on the governing board and committees;

e. Does not condition membership in the association on any health status-related factor relating to an individual (including an employee of an employer or a dependent of an employee);

f. Makes health insurance coverage offered through the association available to all members regardless of any health status-related factor relating to such members (or individuals eligible for coverage through a member);

g. Does not make health insurance coverage offered through the association available other than in connection with a member of the association; and

h. Meets such additional requirements as may be imposed under the laws of this Commonwealth.

2. The policy shall be subject to the following requirements:

a. The policy may insure members of such association or associations, employees thereof or employees of members, or one or more of the preceding or all of any class or classes thereof for the benefit of persons other than the employee's employer.

b. The premium for the policy shall be paid from funds contributed by the association or associations, or by employer members, or by both, or from funds contributed by the covered persons or from both the covered persons and the association, associations, or employer members.

3. Except as provided in subdivision 4, a policy on which no part of the premium is to be derived from funds contributed by the covered persons specifically for their insurance must insure all eligible persons, except those who reject such coverage in writing.

4. An insurer may exclude or limit the coverage on any person as to whom evidence of individual insurability is not satisfactory to the insurer, except as otherwise prohibited in this title.

5. For a policy issued in the large group market and notwithstanding the provisions of § 38.2-3449, an insurer may (i) establish base rates formed on an actuarially sound, modified community rating methodology that considers the pooling of all participant claims and (ii) utilize each employer member's specific risk profile to determine contribution rates for each individual employer member's share of the premium by actuarially adjusting above or below established base rates.

F. A policy issued to a credit union or to a trustee or trustees or agent designated by two or more credit unions, which credit union, trustee, trustees, or agent shall be deemed the policyholder, to insure members of such credit union or credit unions for the benefit of persons other than the credit union or credit unions, trustee or trustees, or agent or any of their officials, subject to the following requirements:

1. The members eligible for insurance shall be all of the members of the credit union or credit unions, or all of any class or classes thereof.

2. The premium for the policy shall be paid by the policyholder from the credit union's funds and, except as provided in subdivision 3, must insure all eligible members.

3. An insurer may exclude or limit the coverage on any person as to whom evidence of individual insurability is not satisfactory to the insurer.

G. Notwithstanding the provisions of subsection J, a policy issued to an association of real estate salespersons, as defined in ~~§ 54.1-2101~~ *§ 54.1-2100*, which association shall be deemed the policyholder, to insure members of such association, subject to the following requirements:

1. All of the members of such association shall be eligible for coverage. Members shall include (i) an employer member with at least one employee that is domiciled in the Commonwealth or (ii) a self-employed individual who (a) has an ownership right in a "trade or business," regardless of whether the trade or business is incorporated or unincorporated, (b) earns wages or self-employment income from the trade or business, and (c) works at least 20 hours a week or 80 hours a month providing personal services to the trade or business or earns income from the trade or business that at least equals the self-employed individual's cost of the health coverage.

2. The association shall (i) have at the outset a minimum of 25,000 members, (ii) have been organized and maintained in good faith for purposes other than that of obtaining insurance, (iii) have been in active existence for at least five years, and (iv) have a constitution and bylaws that provide that (a) the association hold regular meetings not less than annually to further purposes of the members, (b) the association collects dues or solicits contributions from members, and (c) the members have voting privileges and representation on the governing board and committees.

3. In no case shall membership in the association be conditioned on any health status-related factor relating to an individual, including an employee of an employer or a dependent of an employee.

4. The health insurance coverage offered through the association shall be available to all members regardless of any health status-related factor relating to such members or individuals eligible for coverage through a member.

5. The association shall not make health insurance coverage offered through the association available other than in connection with a member of the association.

6. The premium for the policy shall be paid from funds contributed by the association or by employer members, or by both, or from funds contributed by the covered persons or from both the covered persons and the association or employer members.

7. The policy issued to such an association shall (i) be considered a large group market plan subject to all coverage mandates applicable to a large group market plan offered in the Commonwealth and the large group market insurance regulations under the federal Public Health Service Act, P.L. 78-410, as amended; (ii) be subject to the group health plan coverage requirements under the federal Patient Protection and Affordable Care Act, P.L. 111-148, as amended; (iii) be prohibited from denying coverage under the policy on the basis of a preexisting condition as set forth in § 38.2-3444; (iv) be guaranteed issue and guaranteed renewable; (v) notwithstanding the provisions of subsection A of § 38.2-3451 providing that a large group market plan is not required to provide coverage for essential health benefits in a manner that exceeds the requirements of the federal Patient Protection and Affordable Care Act, P.L. 111-148, as amended, as of January 1, 2019, be subject to the requirements to provide essential health benefits and cost-sharing requirements as set forth in § 38.2-3451; and (vi) offer a minimum level of coverage designed to provide benefits that are actuarially equivalent to 60 percent of the full actuarial value of the benefits provided under the plan.

8. The insurer issuing such a policy shall (i) treat all of the members and employees of employer members who are enrolled in coverage under the policy as a single risk pool; (ii) set premiums on the basis of all of the collective group experience of the members and employees of employer members who are enrolled in coverage under the policy; (iii) be permitted to vary premiums by age, but such rate shall not vary by more than four to one for adults; (iv) be prohibited from varying premiums on the basis of gender; (v) be prohibited from varying premiums on the basis of the health status of an individual employee of an employer member or a self-employed individual member; and (vi) not establish discriminatory rules based on the health status of an employer member, an individual employee of an employer member, or a self-employed individual for eligibility or contribution.

9. A policy that meets the requirements of subdivisions 7 and 8 shall be considered to be compliant with the large group market insurance regulations under the federal Public Health Service Act, P.L. 78-410, as amended, and, as such, the Commonwealth, through the regulation of such policy by the Commission, shall be considered to be substantially enforcing the federal Patient Protection and Affordable Care Act, P.L. 111-148, as amended, with regard to such policy. The Commission shall regulate the policy in a manner that is consistent with this subdivision. In any case in which a federal agency renders a decision that is contrary to the provisions of this subdivision, notwithstanding any other provision of law, the Attorney General may resolve any difference between federal law and the laws of the Commonwealth.

H. A policy issued to a health maintenance organization as provided in subsection B of § 38.2-4314.

I. A policy of blanket insurance issued in accordance with § 38.2-3521.2.

J. The provisions of this section shall not apply in any instance in which the provisions of this section are inconsistent or in conflict with a provision of Article 6 (§ 38.2-3438 et seq.) of Chapter 34.

§ 54.1-2100. Definitions.

As used in this chapter:

"Distance learning" means instruction delivered by an approved provider through a medium other than a classroom setting. Such courses shall be those offered by an accredited institution of higher education, high school offering adult distributive education courses, other school or educational institution, or real estate professional association or related entities.

"Real estate broker" means any individual or business entity, including a partnership, association, corporation, or limited liability company, who, for compensation or valuable consideration, (i) sells or offers for sale, buys or offers to buy, or negotiates the purchase or sale or exchange of real estate, including units or interest in condominiums, cooperative interest as defined in § 55.1-2100, or time-shares in a time-share program even though they may be deemed to be securities ~~or~~*;* (ii) leases or offers to lease, or rents or offers for rent, any real estate or the improvements thereon for others*; or (iii) sells or offers to sell, buys or offers to buy, negotiates, or otherwise deals in real estate contracts, including assignable contracts, on two or more occasions in any 12-month period*.

"Real estate salesperson" means any individual or business entity who is employed either directly or indirectly by, or affiliated as an independent contractor with, a real estate broker to perform the duties of a real estate broker for compensation or valuable consideration.

"Real estate team" means two or more individuals, one or more of whom is a real estate salesperson or broker, who (i) work together as a unit within the same brokerage firm, (ii) represent themselves to the public as working together as one unit, and (iii) designate themselves by a fictitious name.

"Supervising broker" means a real estate broker who has been designated by a principal broker to supervise the provision of real estate brokerage services by associate brokers and salespersons assigned to a branch office or a real estate team.

§ 54.1-2103. Exemptions from chapter.

A. The provisions of this chapter shall not apply to:

1. Any person, partnership, association, corporation, entity, or their regular employees, who as owner or lessor perform any of the acts enumerated in ~~§§ 54.1-2100 and 54.1-2101~~ *§ 54.1-2100* with reference to property owned or leased by them,

where the acts are performed in the regular course of or incident to the management of the property and the investment therein. For property governed by the Virginia Real Estate Time-Share Act (§ 55.1-2200 et seq.), the term "owner" for purposes of this subdivision shall include affiliated entities, provided that (i) the owner has a controlling interest in the affiliated entity or (ii) the affiliated entity and the owner have a common parent company;

2. Any person acting without compensation as attorney-in-fact under a power of attorney issued by a property owner solely for the purpose of authorizing the final performance required of such owner under a contract for the sale, lease, purchase, or exchange of real estate;

3. Service rendered by an attorney-at-law in the performance of his duties as such;

4. A person acting as a receiver, trustee in bankruptcy, administrator or executor, or any person selling real estate under order of any court;

5. A trustee acting under a trust agreement, deed of trust, or will, or the regular salaried employees thereof;

6. Any corporation managing rental housing when the officers, directors, and members in the ownership corporation and the management corporation are the same and the management corporation manages no other property for other persons, partnerships, associations, or corporations;

7. Any existing tenant of a residential dwelling unit who refers a prospective tenant to the owner of the unit or to the owner's duly authorized agent or employee and for the referral receives, or is offered, a referral fee from the owner, agent or employee;

8. Any auctioneer licensed in accordance with Chapter 6 (§ 54.1-600 et seq.) of this title selling real estate at public auction when employed for such purpose by the owner of the real estate and provided the bidding at such auction is held open for no longer than forty-eight hours. An auctioneer shall not advertise that he is authorized to sell real estate. An auctioneer may advertise for sale at public auction any real estate when employed to do so as herein provided, and may advertise that he is authorized to auction real estate at public auction;

9. [Expired.]

10. Any person who is licensed and is in good standing as a real estate broker or salesperson in another state, and who assists a prospective purchaser, tenant, optionee, or licensee located in another state to purchase, lease, option, or license an interest in commercial real estate, as defined in § 55.1-1100, in the Commonwealth. Such real estate licensee from another state may be compensated by a real estate broker in the Commonwealth. Nothing in this subdivision shall be construed to permit any person not licensed and in good standing as a real estate broker or salesperson in the Commonwealth to otherwise act as a real estate broker or salesperson under this chapter.

B. The provisions of this chapter shall not prohibit the selling of real estate (i) by an attorney-at-law in the performance of his duties as such, (ii) by a receiver, trustee in bankruptcy, administrator or executor, a special commissioner or any person selling real estate under order of court, or (iii) by a trustee acting under the trust agreement, deed of trust or will, or the regular salaried employees thereof.

C. The provisions of this chapter shall not apply to any salaried person employed by a licensed real estate broker for and on behalf of the owner of any real estate or the improvements thereon which the licensed broker has contracted to manage for the owner if the actions of such salaried employee are limited to (i) exhibiting residential units on such real estate to prospective tenants, if the employee is employed on the premises of such real estate; (ii) providing prospective tenants with factual information about the lease of residential real estate; (iii) accepting applications for lease of such real estate; and (iv) accepting security deposits and rentals for such real estate. Such deposits and rentals shall be made payable to the owner or the broker employed by such owner. The salaried employee shall not negotiate the amounts of such security deposits or rentals and shall not negotiate any leases on behalf of such owner or broker.

D. A licensee of the Board shall comply with the Board's regulations, notwithstanding the fact that the licensee would be otherwise exempt from licensure under subsection A. Nothing in this subsection shall be construed to require a person to be licensed in accordance with this chapter if he would be otherwise exempt from such licensure.

E. An attorney-at-law referring a client to a licensee shall not be entitled to receive any compensation from a listing firm or offered by a common source information company to cooperating brokers, unless the attorney is also licensed under this chapter as a real estate broker or salesperson.

2. That §§ 54.1-2101 and 54.1-2107 of the Code of Virginia are repealed.

CHAPTER 460

An Act to amend and reenact § 38.2-4319 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 38.2-3414.2, relating to health insurance; coverage for doula care services.

[H 935]

Approved April 4, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 38.2-4319 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 38.2-3414.2 as follows:

§ 38.2-3414.2. Obstetrical benefits; coverage for doula care services.

A. Notwithstanding the provisions of § 38.2-3419, each insurer proposing to issue individual or group accident and sickness insurance policies providing hospital, medical and surgical, or major medical coverage on an expense-incurred basis; each corporation providing individual or group accident and sickness subscription contracts; and each health maintenance organization providing a health care plan for health care services whose policy, contract, or plan includes coverage for obstetrical services shall provide coverage for doula care services provided by a state-certified doula. Such coverage shall include coverage for at least eight visits during the antepartum or postpartum period and support during labor and delivery.

B. As used in this section:

"Doula care services" means (i) services to support pregnant individuals, improve birth outcomes, and support new mothers and families with culturally specific antepartum, intrapartum, and postpartum services, referrals, and advocacy; (ii) advocating for and supporting physiological birth, breastfeeding, and parenting for clients; (iii) supporting the antepartum, intrapartum, and postpartum periods with traditional comfort measures and educational materials, as well as assistance during the transition to parenthood in the initial postpartum period through home visits; (iv) empowering individuals and families with evidenced-based information to choose best practices for birth, breastfeeding, and infant care; (v) providing continuous support to the laboring individual until the birth of the baby at any location of delivery; (vi) referring clients to their appropriate provider for medical advice for care outside of the doula scope of practice; (vii) working as a member of the individual's multidisciplinary team; and (viii) offering evidence-based information on newborn and infant feeding, emotional and physical recovery from childbirth, and other issues related to the antepartum, intrapartum, and postpartum periods.

"State-certified doula" has the same meaning as provided in § 32.1-77.1.

C. No insurer, corporation, or health maintenance organization shall be required to pay for duplicate services actually rendered by both a state-certified doula and another health care provider.

D. No insurer, corporation, or health maintenance organization shall require supervision, signature, or referral by any other health care provider as a condition of reimbursement for doula care services, except when those requirements are also applicable to other categories of health care providers.

E. The provisions of this section shall apply to any policy, contract, or plan delivered, issued for delivery, or renewed in the Commonwealth on and after January 1, 2025.

F. The provisions of this section shall not apply to short-term travel, accident-only, or limited or specified disease policies, contracts designed for issuance to persons eligible for coverage under Title XVIII of the Social Security Act, known as Medicare, or any other similar coverage under state or federal governmental plans, or short-term nonrenewable policies of not more than six months' duration.

§ 38.2-4319. Statutory construction and relationship to other laws.

A. No provisions of this title except this chapter and, insofar as they are not inconsistent with this chapter, §§ 38.2-100, 38.2-136, 38.2-200, 38.2-203, 38.2-209 through 38.2-213, 38.2-216, 38.2-218 through 38.2-225, 38.2-229, 38.2-232, 38.2-305, 38.2-316, 38.2-316.1, 38.2-322, 38.2-325, 38.2-326, 38.2-400, 38.2-402 through 38.2-413, 38.2-500 through 38.2-515, 38.2-600 through 38.2-629, Chapter 9 (§ 38.2-900 et seq.), §§ 38.2-1016.1 through 38.2-1023, 38.2-1057, and 38.2-1306.1, Article 2 (§ 38.2-1306.2 et seq.), § 38.2-1315.1, and Articles 3.1 (§ 38.2-1316.1 et seq.), 4 (§ 38.2-1317 et seq.), 5 (§ 38.2-1322 et seq.), 5.1 (§ 38.2-1334.3 et seq.), and 5.2 (§ 38.2-1334.11 et seq.) of Chapter 13, Articles 1 (§ 38.2-1400 et seq.), 2 (§ 38.2-1412 et seq.), and 4 (§ 38.2-1446 et seq.) of Chapter 14, Chapter 15 (§ 38.2-1500 et seq.), Chapter 17 (§ 38.2-1700 et seq.), §§ 38.2-1800 through 38.2-1836, 38.2-3401, 38.2-3405, 38.2-3405.1, 38.2-3406.1, 38.2-3407.2 through 38.2-3407.6:1, 38.2-3407.9 through 38.2-3407.20, 38.2-3411, 38.2-3411.2, 38.2-3411.3, 38.2-3411.4, 38.2-3412.1, 38.2-3414.1, *38.2-3414.2,* 38.2-3418.1 through 38.2-3418.19, 38.2-3418.21, 38.2-3419.1, and 38.2-3430.1 through 38.2-3454, Articles 8 (§ 38.2-3461 et seq.) and 9 (§ 38.2-3465 et seq.) of Chapter 34, § 38.2-3500, subdivision 13 of § 38.2-3503, subdivision 8 of § 38.2-3504, §§ 38.2-3514.1, 38.2-3514.2, 38.2-3522.1 through 38.2-3523.4, 38.2-3525, 38.2-3540.1, 38.2-3540.2, 38.2-3541.2, 38.2-3542, and 38.2-3543.2, Article 5 (§ 38.2-3551 et seq.) of Chapter 35, Chapter 35.1 (§ 38.2-3556 et seq.), § 38.2-3610, Chapter 52 (§ 38.2-5200 et seq.), Chapter 55 (§ 38.2-5500 et seq.), Chapter 58 (§ 38.2-5800 et seq.), Chapter 65 (§ 38.2-6500 et seq.), and Chapter 66 (§ 38.2-6600 et seq.) shall be applicable to any health maintenance organization granted a license under this chapter. This chapter shall not apply to an insurer or health services plan licensed and regulated in conformance with the insurance laws or Chapter 42 (§ 38.2-4200 et seq.) except with respect to the activities of its health maintenance organization.

B. For plans administered by the Department of Medical Assistance Services that provide benefits pursuant to Title XIX or Title XXI of the Social Security Act, as amended, no provisions of this title except this chapter and, insofar as they are not inconsistent with this chapter, §§ 38.2-100, 38.2-136, 38.2-200, 38.2-203, 38.2-209 through 38.2-213, 38.2-216, 38.2-218 through 38.2-225, 38.2-229, 38.2-232, 38.2-322, 38.2-325, 38.2-400, 38.2-402 through 38.2-413, 38.2-500 through 38.2-515, and 38.2-600 through 38.2-629, Chapter 9 (§ 38.2-900 et seq.), §§ 38.2-1016.1 through 38.2-1023, 38.2-1057, and 38.2-1306.1, Article 2 (§ 38.2-1306.2 et seq.), § 38.2-1315.1, Articles 3.1 (§ 38.2-1316.1 et seq.), 4 (§ 38.2-1317 et seq.), 5 (§ 38.2-1322 et seq.), 5.1 (§ 38.2-1334.3 et seq.), and 5.2 (§ 38.2-1334.11 et seq.) of Chapter 13, Articles 1 (§ 38.2-1400 et seq.), 2 (§ 38.2-1412 et seq.), and 4 (§ 38.2-1446 et seq.) of Chapter 14, §§ 38.2-3401, 38.2-3405, 38.2-3407.2 through 38.2-3407.5, 38.2-3407.6, 38.2-3407.6:1, 38.2-3407.9, 38.2-3407.9:01, and 38.2-3407.9:02, subdivisions E 1, 2, and 3 of § 38.2-3407.10, §§ 38.2-3407.10:1, 38.2-3407.11, 38.2-3407.11:3, 38.2-3407.13, 38.2-3407.13:1, 38.2-3407.14, 38.2-3411.2, 38.2-3418.1, 38.2-3418.2, 38.2-3418.16, 38.2-3419.1,

38.2-3430.1 through 38.2-3437, and 38.2-3500, subdivision 13 of § 38.2-3503, subdivision 8 of § 38.2-3504, §§ 38.2-3514.1, 38.2-3514.2, 38.2-3522.1 through 38.2-3523.4, 38.2-3525, 38.2-3540.1, 38.2-3540.2, 38.2-3541.2, 38.2-3542, and 38.2-3543.2, Chapter 52 (§ 38.2-5200 et seq.), Chapter 55 (§ 38.2-5500 et seq.), Chapter 58 (§ 38.2-5800 et seq.), Chapter 65 (§ 38.2-6500 et seq.), and Chapter 66 (§ 38.2-6600 et seq.) shall be applicable to any health maintenance organization granted a license under this chapter. This chapter shall not apply to an insurer or health services plan licensed and regulated in conformance with the insurance laws or Chapter 42 (§ 38.2-4200 et seq.) except with respect to the activities of its health maintenance organization.

C. Solicitation of enrollees by a licensed health maintenance organization or by its representatives shall not be construed to violate any provisions of law relating to solicitation or advertising by health professionals.

D. A licensed health maintenance organization shall not be deemed to be engaged in the unlawful practice of medicine. All health care providers associated with a health maintenance organization shall be subject to all provisions of law.

E. Notwithstanding the definition of an eligible employee as set forth in § 38.2-3431, a health maintenance organization providing health care plans pursuant to § 38.2-3431 shall not be required to offer coverage to or accept applications from an employee who does not reside within the health maintenance organization's service area.

F. For purposes of applying this section, "insurer" when used in a section cited in subsections A and B shall be construed to mean and include "health maintenance organizations" unless the section cited clearly applies to health maintenance organizations without such construction.

2. That the provisions of the first enactment of this act shall not become effective unless reenacted by the 2025 Session of the General Assembly.

3. That the Health Insurance Reform Commission (the Commission) shall consider coverage for doula care services provided by a state-certified doula as provided in the first enactment of this act in its 2025 review of the essential health benefits benchmark plan pursuant to § 30-343.1 of the Code of Virginia. The Commission shall include such coverage in its recommendation to the General Assembly for a new essential health benefits benchmark plan unless the Commission identifies a compelling reason to exclude such coverage.

CHAPTER 461

An Act to amend and reenact § 24.2-306 of the Code of Virginia, relating to elections administration; change to location of polling place; additional notice requirement.

[H 940]

Approved April 4, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 24.2-306 of the Code of Virginia is amended and reenacted as follows:

§ 24.2-306. Changes not to be enacted within 60 days of general election; notice requirements.

A. No change in any local election district, precinct, or polling place shall be enacted within 60 days next preceding any general election. Notice shall be published prior to enactment in a newspaper having general circulation in the election district or precinct once a week for two successive weeks. The published notice shall state where descriptions and maps of proposed boundary and polling place changes may be inspected.

B. Notice of any adopted change in any election district, town, precinct, or polling place other than in the location of the office of the general registrar shall be mailed to all registered voters whose election district, town, precinct, or polling place is changed at least 15 days prior to the next general, special, or primary election in which the voters will be voting in the changed election district, town, precinct, or polling place.

Notice of a change in the location of a polling place shall also be posted, to the extent practicable, at the location last used for such polling place on the day of the first primary election and first general election conducted in the new location. This notice shall also include information on how voters may find their polling place.

Notice of a change in the location of the office of the general registrar shall be given by posting on the official website of the county or city, by posting at not less than 10 public places, or by publication once in a newspaper of general circulation in the county or city within not more than 21 days in advance of the change or within seven days following the change.

C. Each county, city, and town shall comply with the applicable requirements of law, including §§ 24.2-304.3 and 30-395, and send copies of enacted changes, including a Geographic Information System (GIS) map showing the new boundaries of the districts or precincts, to the local electoral board, the Department, and the Division of Legislative Services. Any county, city, or town that does not have GIS capabilities may request the Department of Elections to create on its behalf a GIS map showing the boundaries of the new districts or precincts, and the Department of Elections shall create such a map.

CHAPTER 462

An Act to amend and reenact § 58.1-339.2 of the Code of Virginia, relating to historic rehabilitation tax credit.

[H 960]

Approved April 4, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 58.1-339.2 of the Code of Virginia is amended and reenacted as follows:

§ 58.1-339.2. Historic rehabilitation tax credit.

A. Effective for taxable years beginning on and after January 1, 1997, any individual, trust or estate, or corporation incurring eligible expenses in the rehabilitation of a certified historic structure shall be entitled to a credit against the tax imposed by Articles 2 (§ 58.1-320 et seq.), 6 (§ 58.1-360 et seq.) and 10 (§ 58.1-400 et seq.) of Chapter 3; Chapter 12 (§ 58.1-1200 et seq.); Article 1 (§ 58.1-2500 et seq.) of Chapter 25; and Article 2 (§ 58.1-2620 et seq.) of Chapter 26, in accordance with the following schedule:

Year	% of Eligible Expenses
1997	10%
1998	15%
1999	20%
2000 and thereafter	25%

If the amount of such credit exceeds the taxpayer's tax liability for such taxable year, the amount that exceeds the tax liability may be carried over for credit against the taxes of such taxpayer in the next ten taxable years or until the full credit is used, whichever occurs first. Credits granted to a partnership or electing small business corporation (S corporation) shall be passed through to the partners or shareholders, respectively. Credits granted to a partnership or electing small business corporation (S corporation) shall be allocated among all partners or shareholders, respectively, either in proportion to their ownership interest in such entity or as the partners or shareholders mutually agree as provided in an executed document, the form of which shall be prescribed by the Director of the Department of Historic Resources.

B. Effective for taxable years beginning on and after January 1, 2000, any individual, trust, estate, or corporation resident in Virginia that incurs eligible expenses in the rehabilitation of a certified historic structure in any other state that has in effect a reciprocal historic structure rehabilitation tax credit program and agreement for residents of that state who rehabilitate historic structures in Virginia shall be entitled to a credit to the same extent as provided in subsection A and other applicable provisions of law; however, no eligible party shall receive any credit authorized under this subsection prior to taxable years beginning on and after January 1, 2002.

C. 1. To claim the credit authorized under this section, the taxpayer shall apply to the Virginia Department of Historic Resources, which shall determine the amount of eligible rehabilitation expenses and issue a certificate thereof to the taxpayer. The taxpayer shall attach the certificate to the Virginia tax return on which the credit is claimed.

2. *a.* For taxable years beginning on and after January 1, 2017, *but before January 1, 2025,* the amount of the credit that may be claimed by each taxpayer, including amounts carried over from prior taxable years, shall not exceed $5 million in any taxable year.

b. For taxable years beginning on and after January 1, 2025, the amount of the credit that may be claimed by each taxpayer, including amounts carried over from prior taxable years, shall not exceed $7.5 million in any taxable year.

D. When used in this section:

"Certified historic structure" means a property listed individually on the Virginia Landmarks Register, or certified by the Director of the Virginia Department of Historic Resources as contributing to the historic significance of a historic district that is listed on the Virginia Landmarks Register or certified by the Director of the Virginia Department of Historic Resources as meeting the criteria for listing on the Virginia Landmarks Register.

"Eligible rehabilitation expenses" means expenses incurred in the material rehabilitation of a certified historic structure and added to the property's capital account.

"Material rehabilitation" means improvements or reconstruction consistent with "The Secretary of the Interior's Standards for Rehabilitation," the cost of which amounts to at least fifty percent of the assessed value of such building for local real estate tax purposes for the year prior to the initial expenditure of any rehabilitation expenses, unless the building is an owner-occupied building, in which case the cost shall amount to at least twenty-five percent of the assessed value of such building for local real estate tax purposes for the year prior to the initial expenditure of any rehabilitation expenses.

"Owner-occupied building" means any building that is used as a personal residence by the owner.

E. The Director of the Department of Historic Resources shall establish by regulation the requirements needed for this program, including the fees to defray necessary expenses thereof, and, except as otherwise prohibited by this section, the extent to which the availability of the credit provided by this section is coextensive with the availability of the federal tax credit for the rehabilitation of certified historic resources.

F. Any gain or income under federal law from the allocation or application of a tax credit under this section shall not be (i) taxable gain or income for purposes of the tax imposed pursuant to Article 2 (§ 58.1-320 et seq.), (ii) taxable gain or income for purposes of the tax imposed pursuant to Article 6 (§ 58.1-360 et seq.), or (iii) taxable gain or income for purposes of the tax imposed pursuant to Article 10 (§ 58.1-400 et seq.). However, nothing in this subsection shall be construed or interpreted as allowing a subtraction or deduction for such gain or income under federal law if the gain or income is otherwise excluded, deducted, or subtracted in computing the respective tax set forth under clauses (i) through (iii).

CHAPTER 463

An Act to amend and reenact § 54.1-2911 of the Code of Virginia, relating to Board of Medicine; executive director; qualifications.

[H 964]

Approved April 4, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 54.1-2911 of the Code of Virginia is amended and reenacted as follows:

§ 54.1-2911. Board; membership; terms of office; change of residence; executive director; etc.

The Board of Medicine shall consist of one medical physician from each congressional district, one osteopathic physician, one podiatrist, one chiropractor, and four citizen members. No two citizen members shall reside in the same congressional district. Citizen members shall have all voting and participation rights of other members. The term of office of the members of the Board shall be four years. If any medical physician member of the Board ceases to reside in the district from which he was appointed, except by reason of redistricting, his office shall be deemed vacant.

The officers of the Board shall be a president, vice-president and a secretary, who shall also act as treasurer, who shall be members of and selected by the Board.

Regular meetings of the Board shall be held at such times and places as prescribed by the Board. Special meetings may be held upon the call of the president and any 11 members. Twelve members of the Board shall constitute a quorum.

The Board may establish an executive committee composed of the president, vice-president, the secretary and five other members of the Board appointed by the president. The executive committee shall include at least two citizen members. In the absence of the Board, the executive committee shall have full powers to take any action and conduct any business authorized by this chapter. Five members of the executive committee shall constitute a quorum. Any actions or business conducted by the executive committee shall be acted upon by the full Board as soon as practicable.

There shall be an executive director for the Board of Medicine who shall be licensed or eligible for licensure in the Commonwealth as a physician *or as an attorney*.

CHAPTER 464

An Act to amend and reenact § 54.1-2933.1 of the Code of Virginia, relating to the Board of Medicine; temporary licensure of physicians licensed in a foreign country.

[H 995]

Approved April 4, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 54.1-2933.1 of the Code of Virginia is amended and reenacted as follows:

§ 54.1-2933.1. Temporary licensure of certain foreign graduates.

A. The Board may issue~~,~~ to a physician licensed in a foreign country~~,~~ a nonrenewable license valid for a period not to exceed two years to practice medicine while such physician is attending advanced training in an institute for postgraduate health science operated collaboratively by a health care system having hospitals and health care facilities with residency and training ~~program(s)~~ *programs* approved by an accrediting agency recognized by the Board and a public institution of higher education. This temporary license shall only authorize the holder to practice medicine in the hospitals and outpatient clinics of the collaborating health care system while he is receiving training in the institute for postgraduate health science.

B. The Board may issue to a physician previously licensed or otherwise authorized to practice in a foreign country a provisional license to practice medicine valid for a period not to exceed two years to an applicant if the applicant submits evidence acceptable to the Board that the applicant:

1. Has received a degree of doctor of medicine or its equivalent from a legally chartered medical school outside of the United States recognized by the World Health Organization, has been licensed or otherwise authorized to practice medicine in a country other than the United States, and has practiced medicine for at least five years;

2. Has a valid certificate issued by the Educational Commission for Foreign Medical Graduates or other credential evaluation service approved by the Board, provided, however, that the Board may waive such certification at its discretion where the applicant is unable to obtain the required documentation from a noncooperative country;

3. Has achieved a passing score on both Step 1 and Step 2 (Clinical Knowledge) of the United States Medical Licensing Examination;

4. Has entered into an agreement with a medical care facility as defined in § 32.1-3 that provides an assessment and evaluation program designed to develop, assess, and evaluate the physician's nonclinical skills and familiarity with standards appropriate for medical practice in the Commonwealth according to criteria developed or approved by the Board;

5. Will enter a full-time employment relationship with such medical care facility after the Board issues a license pursuant to this subsection; and

6. Has satisfied any other criteria that the Board may require for issuance of a provisional license pursuant to this subsection.

C. An individual who successfully obtains a license pursuant to subsection B and practices under such license until its expiration shall be eligible to apply for a renewable two-year restricted license to practice medicine in a medically underserved area in Virginia as defined in § 32.1-122.5 or a health professional shortage area designated in accordance with the criteria established in 42 C.F.R. Part 5. The Board may issue such renewable license to an applicant if the applicant submits evidence acceptable to the Board that the applicant:

1. Has successfully completed the participating medical care facility's assessment and evaluation program required pursuant to subsection B;

2. Has achieved a passing score on Step 3 of the United States Medical Licensing Examination; and

3. Will enter a full-time employment relationship with a medical care facility.

D. After at least two years of practice under a renewable two-year restricted license issued pursuant to subsection C, an internationally trained physician shall be eligible to apply for a full, unrestricted license to practice medicine.

E. The Board may promulgate regulations for ~~such license~~ *licenses issued pursuant to this section*.

CHAPTER 465

An Act to amend and reenact §§ 8.01-225, 54.1-3408, and 54.1-3408.5 of the Code of Virginia, relating to places of public accommodation; possession and administration of epinephrine.

[H 1035]

Approved April 4, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 8.01-225, 54.1-3408, and 54.1-3408.5 of the Code of Virginia are amended and reenacted as follows:

§ 8.01-225. Persons rendering emergency care, obstetrical services exempt from liability.

A. Any person who:

1. In good faith, renders emergency care or assistance, without compensation, to any ill or injured person (i) at the scene of an accident, fire, or any life-threatening emergency; (ii) at a location for screening or stabilization of an emergency medical condition arising from an accident, fire, or any life-threatening emergency; or (iii) en route to any hospital, medical clinic, or doctor's office, shall not be liable for any civil damages for acts or omissions resulting from the rendering of such care or assistance. For purposes of this subdivision, emergency care or assistance includes the forcible entry of a motor vehicle in order to remove an unattended minor at risk of serious bodily injury or death, provided the person has attempted to contact a law-enforcement officer, as defined in § 9.1-101, a firefighter, as defined in § 65.2-102, emergency medical services personnel, as defined in § 32.1-111.1, or an emergency 911 system, if feasible under the circumstances.

2. In the absence of gross negligence, renders emergency obstetrical care or assistance to a female in active labor who has not previously been cared for in connection with the pregnancy by such person or by another professionally associated with such person and whose medical records are not reasonably available to such person shall not be liable for any civil damages for acts or omissions resulting from the rendering of such emergency care or assistance. The immunity herein granted shall apply only to the emergency medical care provided.

3. In good faith and without compensation, including any emergency medical services provider who holds a valid certificate issued by the Commissioner of Health, administers epinephrine in an emergency to an individual shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment if such person has reason to believe that the individual receiving the injection is suffering or is about to suffer a life-threatening anaphylactic reaction.

4. Provides assistance upon request of any police agency, fire department, emergency medical services agency, or governmental agency in the event of an accident or other emergency involving the use, handling, transportation, transmission, or storage of liquefied petroleum gas, liquefied natural gas, hazardous material, or hazardous waste as defined in § 10.1-1400 or regulations of the Virginia Waste Management Board shall not be liable for any civil damages resulting from any act of commission or omission on his part in the course of his rendering such assistance in good faith.

5. Is an emergency medical services provider possessing a valid certificate issued by authority of the State Board of Health who in good faith renders emergency care or assistance, whether in person or by telephone or other means of communication, without compensation, to any injured or ill person, whether at the scene of an accident, fire, or any other place, or while transporting such injured or ill person to, from, or between any hospital, medical facility, medical clinic, doctor's office, or other similar or related medical facility, shall not be liable for any civil damages for acts or omissions resulting from the rendering of such emergency care, treatment, or assistance, including but in no way limited to acts or

omissions which involve violations of State Department of Health regulations or any other state regulations in the rendering of such emergency care or assistance.

6. In good faith and without compensation, renders or administers emergency cardiopulmonary resuscitation (CPR); cardiac defibrillation, including, but not limited to, the use of an automated external defibrillator (AED); or other emergency life-sustaining or resuscitative treatments or procedures which have been approved by the State Board of Health to any sick or injured person, whether at the scene of a fire, an accident, or any other place, or while transporting such person to or from any hospital, clinic, doctor's office, or other medical facility, shall be deemed qualified to administer such emergency treatments and procedures and shall not be liable for acts or omissions resulting from the rendering of such emergency resuscitative treatments or procedures.

7. Operates an AED at the scene of an emergency, trains individuals to be operators of AEDs, or orders AEDs, shall be immune from civil liability for any personal injury that results from any act or omission in the use of an AED in an emergency where the person performing the defibrillation acts as an ordinary, reasonably prudent person would have acted under the same or similar circumstances, unless such personal injury results from gross negligence or willful or wanton misconduct of the person rendering such emergency care.

8. Maintains an AED located on real property owned or controlled by such person shall be immune from civil liability for any personal injury that results from any act or omission in the use in an emergency of an AED located on such property unless such personal injury results from gross negligence or willful or wanton misconduct of the person who maintains the AED or his agent or employee.

9. Is an employee of a school board or of a local health department approved by the local governing body to provide health services pursuant to § 22.1-274 who, while on school property or at a school-sponsored event, (i) renders emergency care or assistance to any sick or injured person; (ii) renders or administers emergency cardiopulmonary resuscitation (CPR); cardiac defibrillation, including, but not limited to, the use of an automated external defibrillator (AED); or other emergency life-sustaining or resuscitative treatments or procedures that have been approved by the State Board of Health to any sick or injured person; (iii) operates an AED, trains individuals to be operators of AEDs, or orders AEDs; (iv) maintains an AED; or (v) renders care in accordance with a seizure management and action plan pursuant to § 22.1-274.6, shall not be liable for civil damages for ordinary negligence in acts or omissions on the part of such employee while engaged in the acts described in this subdivision.

10. Is a volunteer in good standing and certified to render emergency care by the National Ski Patrol System, Inc., who, in good faith and without compensation, renders emergency care or assistance to any injured or ill person, whether at the scene of a ski resort rescue, outdoor emergency rescue, or any other place or while transporting such injured or ill person to a place accessible for transfer to any available emergency medical system unit, or any resort owner voluntarily providing a ski patroller employed by him to engage in rescue or recovery work at a resort not owned or operated by him, shall not be liable for any civil damages for acts or omissions resulting from the rendering of such emergency care, treatment, or assistance, including but not limited to acts or omissions which involve violations of any state regulation or any standard of the National Ski Patrol System, Inc., in the rendering of such emergency care or assistance, unless such act or omission was the result of gross negligence or willful misconduct.

11. Is an employee of (i) a school board, (ii) a school for students with disabilities as defined in § 22.1-319 licensed by the Board of Education, or (iii) a private school accredited pursuant to § 22.1-19 as administered by the Virginia Council for Private Education and is authorized by a prescriber and trained in the administration of insulin and glucagon, who, upon the written request of the parents as defined in § 22.1-1, assists with the administration of insulin or, in the case of a school board employee, with the insertion or reinsertion of an insulin pump or any of its parts pursuant to subsection B of § 22.1-274.01:1 or administers glucagon to a student diagnosed as having diabetes who requires insulin injections during the school day or for whom glucagon has been prescribed for the emergency treatment of hypoglycemia shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment if the insulin is administered according to the child's medication schedule or such employee has reason to believe that the individual receiving the glucagon is suffering or is about to suffer life-threatening hypoglycemia. Whenever any such employee is covered by the immunity granted herein, the school board or school employing him shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such insulin or glucagon treatment.

12. Is an employee of a public institution of higher education or a private institution of higher education who is authorized by a prescriber and trained in the administration of insulin and glucagon, who assists with the administration of insulin or administers glucagon to a student diagnosed as having diabetes who requires insulin injections or for whom glucagon has been prescribed for the emergency treatment of hypoglycemia shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment if the insulin is administered according to the student's medication schedule or such employee has reason to believe that the individual receiving the glucagon is suffering or is about to suffer life-threatening hypoglycemia. Whenever any employee is covered by the immunity granted in this subdivision, the institution shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such insulin or glucagon treatment.

13. Is a school nurse, an employee of a school board, an employee of a local governing body, or an employee of a local health department who is authorized by a prescriber and trained in the administration of epinephrine and who provides, administers, or assists in the administration of epinephrine to a student believed in good faith to be having an anaphylactic

reaction, or is the prescriber of the epinephrine, shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment.

14. Is an employee of a school for students with disabilities, as defined in § 22.1-319 and licensed by the Board of Education, or an employee of a private school that is accredited pursuant to § 22.1-19 as administered by the Virginia Council for Private Education who is authorized by a prescriber and trained in the administration of epinephrine and who administers or assists in the administration of epinephrine to a student believed in good faith to be having an anaphylactic reaction, or is the prescriber of the epinephrine, shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment. Whenever any employee is covered by the immunity granted in this subdivision, the school shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from such administration or assistance.

15. Is an employee of a public institution of higher education or a private institution of higher education who is authorized by a prescriber and trained in the administration of epinephrine and who administers or assists in the administration of epinephrine to a student believed in good faith to be having an anaphylactic reaction, or is the prescriber of the epinephrine, shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment. Whenever any employee is covered by the immunity granted in this subdivision, the institution shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from such administration or assistance.

16. Is an employee of an organization providing outdoor educational experiences or programs for youth who is authorized by a prescriber and trained in the administration of epinephrine and who administers or assists in the administration of epinephrine to a participant in the outdoor experience or program for youth believed in good faith to be having an anaphylactic reaction, or is the prescriber of the epinephrine, shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment. Whenever any employee is covered by the immunity granted in this subdivision, the organization shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from such administration or assistance.

17. Is an employee of a restaurant licensed pursuant to Chapter 3 (§ 35.1-18 et seq.) of Title 35.1, is authorized by a prescriber and trained in the administration of epinephrine, and provides, administers, or assists in the administration of epinephrine to an individual believed in good faith to be having an anaphylactic reaction on the premises of the restaurant at which the employee is employed, or is the prescriber of the epinephrine, shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment.

18. Is an employee of a provider licensed by the Department of Behavioral Health and Developmental Services, or provides services pursuant to a contract with a provider licensed by the Department of Behavioral Health and Developmental Services, who has been trained in the administration of insulin and glucagon and who administers or assists with the administration of insulin or administers glucagon to a person diagnosed as having diabetes who requires insulin injections or for whom glucagon has been prescribed for the emergency treatment of hypoglycemia in accordance with § 54.1-3408 shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment if the insulin is administered in accordance with the prescriber's instructions or such person has reason to believe that the individual receiving the glucagon is suffering or is about to suffer life-threatening hypoglycemia. Whenever any employee of a provider licensed by the Department of Behavioral Health and Developmental Services or a person who provides services pursuant to a contract with a provider licensed by the Department of Behavioral Health and Developmental Services is covered by the immunity granted herein, the provider shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such insulin or glucagon treatment.

19. Is an employee of a provider licensed by the Department of Behavioral Health and Developmental Services, or provides services pursuant to a contract with a provider licensed by the Department of Behavioral Health and Developmental Services, who has been trained in the administration of epinephrine and who administers or assists in the administration of epinephrine to a person believed in good faith to be having an anaphylactic reaction in accordance with the prescriber's instructions shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment.

20. In good faith prescribes, dispenses, or administers naloxone or other opioid antagonist used for overdose reversal in an emergency to an individual who is believed to be experiencing or about to experience a life-threatening opiate overdose shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment if acting in accordance with the provisions of subsection X or Y of § 54.1-3408 or in his role as a member of an emergency medical services agency.

21. In good faith administers naloxone or other opioid antagonist used for overdose reversal to a person who is believed to be experiencing or about to experience a life-threatening opioid overdose in accordance with the provisions of subsection Z of § 54.1-3408 shall not be liable for any civil damages for any personal injury that results from any act or omission in the administration of naloxone or other opioid antagonist used for overdose reversal, unless such act or omission was the result of gross negligence or willful and wanton misconduct.

22. Is an employee of a school board, school for students with disabilities as defined in § 22.1-319 licensed by the Board of Education, or private school accredited pursuant to § 22.1-19 as administered by the Virginia Council for Private Education who is trained in the administration of injected medications for the treatment of adrenal crisis resulting from a condition causing adrenal insufficiency and who administers or assists in the administration of such medications to a student

diagnosed with a condition causing adrenal insufficiency when the student is believed to be experiencing or about to experience an adrenal crisis pursuant to a written order or standing protocol issued by a prescriber within the course of his professional practice and in accordance with the prescriber's instructions shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment.

23. Is a school nurse, a licensed athletic trainer under contract with a local school division, an employee of a school board, an employee of a local governing body, or an employee of a local health department who is authorized by the local health director and trained in the administration of albuterol inhalers and valved holding chambers or nebulized albuterol and who provides, administers, or assists in the administration of an albuterol inhaler and a valved holding chamber or nebulized albuterol for a student believed in good faith to be in need of such medication, or is the prescriber of such medication, shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment.

24. Is an employee of a ~~public~~ place *of public accommodation*, as defined in *subsection A of* § ~~15.2-2820~~ *2.2-3904*, who is authorized by a prescriber and trained in the administration of epinephrine and who administers or assists in the administration of epinephrine to a person present in the ~~public~~ place *of public accommodation* believed in good faith to be having an anaphylactic reaction, or is the prescriber of the epinephrine, shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment. Whenever any employee is covered by the immunity granted in this subdivision, the organization shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from such administration or assistance.

25. Is a nurse at an early childhood care and education entity, employee at the entity, or employee of a local health department who is authorized by a prescriber and trained in the administration of epinephrine and who provides, administers, or assists in the administration of epinephrine to a child believed in good faith to be having an anaphylactic reaction, or is the prescriber of the epinephrine, shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment.

B. Any licensed physician serving without compensation as the operational medical director for an emergency medical services agency that holds a valid license as an emergency medical services agency issued by the Commissioner of Health shall not be liable for any civil damages for any act or omission resulting from the rendering of emergency medical services in good faith by the personnel of such licensed agency unless such act or omission was the result of such physician's gross negligence or willful misconduct.

Any person serving without compensation as a dispatcher for any licensed public or nonprofit emergency medical services agency in the Commonwealth shall not be liable for any civil damages for any act or omission resulting from the rendering of emergency services in good faith by the personnel of such licensed agency unless such act or omission was the result of such dispatcher's gross negligence or willful misconduct.

Any individual, certified by the State Office of Emergency Medical Services as an emergency medical services instructor and pursuant to a written agreement with such office, who, in good faith and in the performance of his duties, provides instruction to persons for certification or recertification as a certified basic life support or advanced life support emergency medical services provider shall not be liable for any civil damages for acts or omissions on his part directly relating to his activities on behalf of such office unless such act or omission was the result of such emergency medical services instructor's gross negligence or willful misconduct.

Any licensed physician serving without compensation as a medical advisor to an E-911 system in the Commonwealth shall not be liable for any civil damages for any act or omission resulting from rendering medical advice in good faith to establish protocols to be used by the personnel of the E-911 service, as defined in § 58.1-1730, when answering emergency calls unless such act or omission was the result of such physician's gross negligence or willful misconduct.

Any licensed physician who directs the provision of emergency medical services, as authorized by the State Board of Health, through a communications device shall not be liable for any civil damages for any act or omission resulting from the rendering of such emergency medical services unless such act or omission was the result of such physician's gross negligence or willful misconduct.

Any licensed physician serving without compensation as a supervisor of an AED in the Commonwealth shall not be liable for any civil damages for any act or omission resulting from rendering medical advice in good faith to the owner of the AED relating to personnel training, local emergency medical services coordination, protocol approval, AED deployment strategies, and equipment maintenance plans and records unless such act or omission was the result of such physician's gross negligence or willful misconduct.

C. Any communications services provider, as defined in § 58.1-647, including mobile service, and any provider of Voice-over-Internet Protocol service, in the Commonwealth shall not be liable for any civil damages for any act or omission resulting from rendering such service with or without charge related to emergency calls unless such act or omission was the result of such service provider's gross negligence or willful misconduct.

Any volunteer engaging in rescue or recovery work at a mine, or any mine operator voluntarily providing personnel to engage in rescue or recovery work at a mine not owned or operated by such operator, shall not be liable for civil damages for acts or omissions resulting from the rendering of such rescue or recovery work in good faith unless such act or omission was the result of gross negligence or willful misconduct. For purposes of this subsection, "Voice-over-Internet Protocol service" or "VoIP service" means any Internet protocol-enabled services utilizing a broadband connection, actually

originating or terminating in Internet Protocol from either or both ends of a channel of communication offering real time, multidirectional voice functionality, including, but not limited to, services similar to traditional telephone service.

D. Nothing contained in this section shall be construed to provide immunity from liability arising out of the operation of a motor vehicle.

E. For the purposes of this section, "compensation" shall not be construed to include (i) the salaries of police, fire, or other public officials or personnel who render such emergency assistance; (ii) the salaries or wages of employees of a coal producer engaging in emergency medical services or first aid services pursuant to the provisions of § 45.2-531, 45.2-579, 45.2-863 or 45.2-910; (iii) complimentary lift tickets, food, lodging, or other gifts provided as a gratuity to volunteer members of the National Ski Patrol System, Inc., by any resort, group, or agency; (iv) the salary of any person who (a) owns an AED for the use at the scene of an emergency, (b) trains individuals, in courses approved by the Board of Health, to operate AEDs at the scene of emergencies, (c) orders AEDs for use at the scene of emergencies, or (d) operates an AED at the scene of an emergency; or (v) expenses reimbursed to any person providing care or assistance pursuant to this section.

For the purposes of this section, "emergency medical services provider" shall include a person licensed or certified as such or its equivalent by any other state when he is performing services that he is licensed or certified to perform by such other state in caring for a patient in transit in the Commonwealth, which care originated in such other state.

Further, the public shall be urged to receive training on how to use CPR and an AED in order to acquire the skills and confidence to respond to emergencies using both CPR and an AED.

§ 54.1-3408. Professional use by practitioners.

A. A practitioner of medicine, osteopathy, podiatry, dentistry, or veterinary medicine, a licensed advanced practice registered nurse pursuant to § 54.1-2957.01, a licensed certified midwife pursuant to § 54.1-2957.04, a licensed physician assistant pursuant to § 54.1-2952.1, or a TPA-certified optometrist pursuant to Article 5 (§ 54.1-3222 et seq.) of Chapter 32 shall only prescribe, dispense, or administer controlled substances in good faith for medicinal or therapeutic purposes within the course of his professional practice. A licensed midwife pursuant to § 54.1-2957.7 shall only obtain, possess, and administer controlled substances in good faith for medicinal or therapeutic purposes within the course of his professional practice.

B. The prescribing practitioner's order may be on a written prescription or pursuant to an oral prescription as authorized by this chapter. The prescriber may administer drugs and devices, or he may cause drugs or devices to be administered by:

1. A nurse, physician assistant, or intern under his direction and supervision;

2. Persons trained to administer drugs and devices to patients in state-owned or state-operated hospitals or facilities licensed as hospitals by the Board of Health or psychiatric hospitals licensed by the Department of Behavioral Health and Developmental Services who administer drugs under the control and supervision of the prescriber or a pharmacist;

3. Emergency medical services personnel certified and authorized to administer drugs and devices pursuant to regulations of the Board of Health who act within the scope of such certification and pursuant to an oral or written order or standing protocol;

4. Persons who are employed or engaged at a medical care facility, as defined in § 32.1-3, who have a valid emergency medical services provider certification issued by the Board of Health as a requirement of being employed or engaged at the medical care facility within the scope of such certification, pursuant to an oral or written order or standing protocol to administer drugs and devices at the medical care facility; or

5. A licensed respiratory therapist as defined in § 54.1-2954 who administers by inhalation controlled substances used in inhalation or respiratory therapy.

C. Pursuant to an oral or written order or standing protocol, the prescriber, who is authorized by state or federal law to possess and administer radiopharmaceuticals in the scope of his practice, may authorize a nuclear medicine technologist to administer, under his supervision, radiopharmaceuticals used in the diagnosis or treatment of disease.

D. Pursuant to an oral or written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize registered nurses and licensed practical nurses to possess (i) epinephrine and oxygen for administration in treatment of emergency medical conditions and (ii) heparin and sterile normal saline to use for the maintenance of intravenous access lines.

Pursuant to the regulations of the Board of Health, certain emergency medical services technicians may possess and administer epinephrine in emergency cases of anaphylactic shock.

Pursuant to an order or standing protocol issued by the prescriber within the course of his professional practice, any school nurse, school board employee, employee of a local governing body, or employee of a local health department who is authorized by a prescriber and trained in the administration of epinephrine may possess and administer epinephrine.

Pursuant to an order or standing protocol that shall be issued by the local health director within the course of his professional practice, any school nurse, licensed athletic trainer under contract with a local school division, school board employee, employee of a local governing body, or employee of a local health department who is authorized by the local health director and trained in the administration of albuterol inhalers and valved holding chambers or nebulized albuterol may possess or administer an albuterol inhaler and a valved holding chamber or nebulized albuterol to a student diagnosed with a condition requiring an albuterol inhaler or nebulized albuterol when the student is believed to be experiencing or about to experience an asthmatic crisis.

Pursuant to an order or a standing protocol issued by the prescriber within the course of his professional practice, any employee of a school for students with disabilities, as defined in § 22.1-319 and licensed by the Board of Education, or any employee of a private school that is accredited pursuant to § 22.1-19 as administered by the Virginia Council for Private Education who is authorized by a prescriber and trained in the administration of (a) epinephrine may possess and administer epinephrine and (b) albuterol inhalers or nebulized albuterol may possess or administer an albuterol inhaler or nebulized albuterol to a student diagnosed with a condition requiring an albuterol inhaler or nebulized albuterol when the student is believed to be experiencing or about to experience an asthmatic crisis.

Pursuant to an order or a standing protocol issued by the prescriber within the course of his professional practice, any nurse at an early childhood care and education entity, employee at the entity, or employee of a local health department who is authorized by a prescriber and trained in the administration of epinephrine may possess and administer epinephrine.

Pursuant to an order or a standing protocol issued by the prescriber within the course of his professional practice, any employee of a public institution of higher education or a private institution of higher education who is authorized by a prescriber and trained in the administration of epinephrine may possess and administer epinephrine.

Pursuant to an order or a standing protocol issued by the prescriber within the course of his professional practice, any employee of an organization providing outdoor educational experiences or programs for youth who is authorized by a prescriber and trained in the administration of epinephrine may possess and administer epinephrine.

Pursuant to an order or a standing protocol issued by the prescriber within the course of his professional practice, and in accordance with policies and guidelines established by the Department of Health, such prescriber may authorize any employee of a restaurant licensed pursuant to Chapter 3 (§ 35.1-18 et seq.) of Title 35.1 to possess and administer epinephrine on the premises of the restaurant at which the employee is employed, provided that such person is trained in the administration of epinephrine.

Pursuant to an order issued by the prescriber within the course of his professional practice, an employee of a provider licensed by the Department of Behavioral Health and Developmental Services or a person providing services pursuant to a contract with a provider licensed by the Department of Behavioral Health and Developmental Services may possess and administer epinephrine, provided such person is authorized and trained in the administration of epinephrine.

Pursuant to an order or standing protocol issued by the prescriber within the course of his professional practice, any employee of a ~~public~~ place *of public accommodation*, as defined in *subsection A of* § ~~15.2-2820~~ *2.2-3904*, who is authorized by a prescriber and trained in the administration of epinephrine may possess and administer epinephrine.

Pursuant to an oral or written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize pharmacists to possess epinephrine and oxygen for administration in treatment of emergency medical conditions.

E. Pursuant to an oral or written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize licensed physical therapists to possess and administer topical corticosteroids, topical lidocaine, and any other Schedule VI topical drug.

F. Pursuant to an oral or written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize licensed athletic trainers to possess and administer topical corticosteroids, topical lidocaine, or other Schedule VI topical drugs; oxygen and IV saline for use in emergency situations; subcutaneous lidocaine for wound closure; epinephrine for use in emergency cases of anaphylactic shock; and naloxone or other opioid antagonist for overdose reversal.

G. Pursuant to an oral or written order or standing protocol issued by the prescriber within the course of his professional practice, and in accordance with policies and guidelines established by the Department of Health pursuant to § 32.1-50.2, such prescriber may authorize registered nurses or licensed practical nurses under the supervision of a registered nurse to possess and administer tuberculin purified protein derivative (PPD) in the absence of a prescriber. The Department of Health's policies and guidelines shall be consistent with applicable guidelines developed by the Centers for Disease Control and Prevention for preventing transmission of mycobacterium tuberculosis and shall be updated to incorporate any subsequently implemented standards of the Occupational Safety and Health Administration and the Department of Labor and Industry to the extent that they are inconsistent with the Department of Health's policies and guidelines. Such standing protocols shall explicitly describe the categories of persons to whom the tuberculin test is to be administered and shall provide for appropriate medical evaluation of those in whom the test is positive. The prescriber shall ensure that the nurse implementing such standing protocols has received adequate training in the practice and principles underlying tuberculin screening.

The Health Commissioner or his designee may authorize registered nurses, acting as agents of the Department of Health, to possess and administer, at the nurse's discretion, tuberculin purified protein derivative (PPD) to those persons in whom tuberculin skin testing is indicated based on protocols and policies established by the Department of Health.

H. Pursuant to a written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize, with the consent of the parents as defined in § 22.1-1, an employee of (i) a school board, (ii) a school for students with disabilities as defined in § 22.1-319 licensed by the Board of Education, or (iii) a private school accredited pursuant to § 22.1-19 as administered by the Virginia Council for Private Education who is trained in the administration of insulin and glucagon to assist with the administration of insulin or administer glucagon to a student diagnosed as having diabetes and who requires insulin injections during the school day or for whom glucagon has been prescribed for the emergency treatment of hypoglycemia. Such authorization shall only be effective when a licensed nurse,

an advanced practice registered nurse, a physician, or a physician assistant is not present to perform the administration of the medication.

Pursuant to a written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize an employee of a public institution of higher education or a private institution of higher education who is trained in the administration of insulin and glucagon to assist with the administration of insulin or administration of glucagon to a student diagnosed as having diabetes and who requires insulin injections or for whom glucagon has been prescribed for the emergency treatment of hypoglycemia. Such authorization shall only be effective when a licensed nurse, an advanced practice registered nurse, a physician, or a physician assistant is not present to perform the administration of the medication.

Pursuant to a written order issued by the prescriber within the course of his professional practice, such prescriber may authorize an employee of a provider licensed by the Department of Behavioral Health and Developmental Services or a person providing services pursuant to a contract with a provider licensed by the Department of Behavioral Health and Developmental Services to assist with the administration of insulin or to administer glucagon to a person diagnosed as having diabetes and who requires insulin injections or for whom glucagon has been prescribed for the emergency treatment of hypoglycemia, provided such employee or person providing services has been trained in the administration of insulin and glucagon.

I. A prescriber may authorize, pursuant to a protocol approved by the Board of Nursing, the administration of vaccines to adults for immunization, when a practitioner with prescriptive authority is not physically present, by (i) licensed pharmacists, (ii) registered nurses, or (iii) licensed practical nurses under the supervision of a registered nurse. A prescriber acting on behalf of and in accordance with established protocols of the Department of Health may authorize the administration of vaccines to any person by a pharmacist, nurse, or designated emergency medical services provider who holds an advanced life support certificate issued by the Commissioner of Health under the direction of an operational medical director when the prescriber is not physically present. The emergency medical services provider shall provide documentation of the vaccines to be recorded in the Virginia Immunization Information System.

J. A dentist may cause Schedule VI topical drugs to be administered under his direction and supervision by either a dental hygienist or by an authorized agent of the dentist.

Further, pursuant to a written order and in accordance with a standing protocol issued by the dentist in the course of his professional practice, a dentist may authorize a dental hygienist under his general supervision, as defined in § 54.1-2722, or his remote supervision, as defined in subsection E or F of § 54.1-2722, to possess and administer topical oral fluorides, topical oral anesthetics, topical and directly applied antimicrobial agents for treatment of periodontal pocket lesions, and any other Schedule VI topical drug approved by the Board of Dentistry.

In addition, a dentist may authorize a dental hygienist under his direction to administer Schedule VI nitrous oxide and oxygen inhalation analgesia and, to persons 18 years of age or older, Schedule VI local anesthesia.

K. Pursuant to an oral or written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize registered professional nurses certified as sexual assault nurse examiners-A (SANE-A) under his supervision and when he is not physically present to possess and administer preventive medications for victims of sexual assault as recommended by the Centers for Disease Control and Prevention.

L. This section shall not prevent the administration of drugs by a person who has satisfactorily completed a training program for this purpose approved by the Board of Nursing and who administers such drugs in accordance with a prescriber's instructions pertaining to dosage, frequency, and manner of administration, and in accordance with regulations promulgated by the Board of Pharmacy relating to security and record keeping, when the drugs administered would be normally self-administered by (i) an individual receiving services in a program licensed by the Department of Behavioral Health and Developmental Services; (ii) a resident of the Virginia Rehabilitation Center for the Blind and Vision Impaired; (iii) a resident of a facility approved by the Board or Department of Juvenile Justice for the placement of children in need of services or delinquent or alleged delinquent youth; (iv) a program participant of an adult day-care center licensed by the Department of Social Services; (v) a resident of any facility authorized or operated by a state or local government whose primary purpose is not to provide health care services; (vi) a resident of a private children's residential facility, as defined in § 63.2-100 and licensed by the Department of Social Services, Department of Education, or Department of Behavioral Health and Developmental Services; or (vii) a student in a school for students with disabilities, as defined in § 22.1-319 and licensed by the Board of Education.

In addition, this section shall not prevent a person who has successfully completed a training program for the administration of drugs via percutaneous gastrostomy tube approved by the Board of Nursing and been evaluated by a registered nurse as having demonstrated competency in administration of drugs via percutaneous gastrostomy tube from administering drugs to a person receiving services from a program licensed by the Department of Behavioral Health and Developmental Services to such person via percutaneous gastrostomy tube. The continued competency of a person to administer drugs via percutaneous gastrostomy tube shall be evaluated semiannually by a registered nurse.

M. Medication aides registered by the Board of Nursing pursuant to Article 7 (§ 54.1-3041 et seq.) of Chapter 30 may administer drugs that would otherwise be self-administered to residents of any assisted living facility licensed by the Department of Social Services. A registered medication aide shall administer drugs pursuant to this section in accordance with the prescriber's instructions pertaining to dosage, frequency, and manner of administration; in accordance with regulations promulgated by the Board of Pharmacy relating to security and recordkeeping; in accordance with the assisted

living facility's Medication Management Plan; and in accordance with such other regulations governing their practice promulgated by the Board of Nursing.

N. In addition, this section shall not prevent the administration of drugs by a person who administers such drugs in accordance with a physician's instructions pertaining to dosage, frequency, and manner of administration and with written authorization of a parent, and in accordance with school board regulations relating to training, security and record keeping, when the drugs administered would be normally self-administered by a student of a Virginia public school. Training for such persons shall be accomplished through a program approved by the local school boards, in consultation with the local departments of health.

O. In addition, this section shall not prevent the administration of drugs by a person to (i) a child in a child day program as defined in § 22.1-289.02 and regulated by the Board of Education or a local government pursuant to § 15.2-914, or (ii) a student of a private school that is accredited pursuant to § 22.1-19 as administered by the Virginia Council for Private Education, provided such person (a) has satisfactorily completed a training program for this purpose approved by the Board of Nursing and taught by a registered nurse, a licensed practical nurse, an advanced practice registered nurse, a physician assistant, a doctor of medicine or osteopathic medicine, or a pharmacist; (b) has obtained written authorization from a parent or guardian; (c) administers drugs only to the child identified on the prescription label in accordance with the prescriber's instructions pertaining to dosage, frequency, and manner of administration; and (d) administers only those drugs that were dispensed from a pharmacy and maintained in the original, labeled container that would normally be self-administered by the child or student, or administered by a parent or guardian to the child or student.

P. In addition, this section shall not prevent the administration or dispensing of drugs and devices by persons if they are authorized by the State Health Commissioner in accordance with protocols established by the State Health Commissioner pursuant to § 32.1-42.1 when (i) the Governor has declared a disaster or a state of emergency, the United States Secretary of Health and Human Services has issued a declaration of an actual or potential bioterrorism incident or other actual or potential public health emergency, or the Board of Health has made an emergency order pursuant to § 32.1-13 for the purpose of suppressing nuisances dangerous to the public health and communicable, contagious, and infectious diseases and other dangers to the public life and health and for the limited purpose of administering vaccines as an approved countermeasure for such communicable, contagious, and infectious diseases; (ii) it is necessary to permit the provision of needed drugs or devices; and (iii) such persons have received the training necessary to safely administer or dispense the needed drugs or devices. Such persons shall administer or dispense all drugs or devices under the direction, control, and supervision of the State Health Commissioner.

Q. Nothing in this title shall prohibit the administration of normally self-administered drugs by unlicensed individuals to a person in his private residence.

R. This section shall not interfere with any prescriber issuing prescriptions in compliance with his authority and scope of practice and the provisions of this section to a Board agent for use pursuant to subsection G of § 18.2-258.1. Such prescriptions issued by such prescriber shall be deemed to be valid prescriptions.

S. Nothing in this title shall prevent or interfere with dialysis care technicians or dialysis patient care technicians who are certified by an organization approved by the Board of Health Professions or persons authorized for provisional practice pursuant to Chapter 27.01 (§ 54.1-2729.1 et seq.), in the ordinary course of their duties in a Medicare-certified renal dialysis facility, from administering heparin, topical needle site anesthetics, dialysis solutions, sterile normal saline solution, and blood volumizers, for the purpose of facilitating renal dialysis treatment, when such administration of medications occurs under the orders of a licensed physician, an advanced practice registered nurse, or a physician assistant and under the immediate and direct supervision of a licensed registered nurse. Nothing in this chapter shall be construed to prohibit a patient care dialysis technician trainee from performing dialysis care as part of and within the scope of the clinical skills instruction segment of a supervised dialysis technician training program, provided such trainee is identified as a "trainee" while working in a renal dialysis facility.

The dialysis care technician or dialysis patient care technician administering the medications shall have demonstrated competency as evidenced by holding current valid certification from an organization approved by the Board of Health Professions pursuant to Chapter 27.01 (§ 54.1-2729.1 et seq.).

T. Persons who are otherwise authorized to administer controlled substances in hospitals shall be authorized to administer influenza or pneumococcal vaccines pursuant to § 32.1-126.4.

U. Pursuant to a specific order for a patient and under his direct and immediate supervision, a prescriber may authorize the administration of controlled substances by personnel who have been properly trained to assist a doctor of medicine or osteopathic medicine, provided the method does not include intravenous, intrathecal, or epidural administration and the prescriber remains responsible for such administration.

V. A physician assistant, nurse, dental hygienist, or authorized agent of a doctor of medicine, osteopathic medicine, or dentistry may possess and administer topical fluoride varnish pursuant to an oral or written order or a standing protocol issued by a doctor of medicine, osteopathic medicine, or dentistry.

W. A prescriber, acting in accordance with guidelines developed pursuant to § 32.1-46.02, may authorize the administration of influenza vaccine to minors by a licensed pharmacist, registered nurse, licensed practical nurse under the direction and immediate supervision of a registered nurse, or emergency medical services provider who holds an advanced life support certificate issued by the Commissioner of Health when the prescriber is not physically present.

X. Notwithstanding the provisions of § 54.1-3303, pursuant to an oral, written, or standing order issued by a prescriber or a standing order issued by the Commissioner of Health or his designee authorizing the dispensing of naloxone or other opioid antagonist used for overdose reversal in the absence of an oral or written order for a specific patient issued by a prescriber, and in accordance with protocols developed by the Board of Pharmacy in consultation with the Board of Medicine and the Department of Health, a pharmacist, a health care provider providing services in a hospital emergency department, and emergency medical services personnel, as that term is defined in § 32.1-111.1, may dispense naloxone or other opioid antagonist used for overdose reversal and a person to whom naloxone or other opioid antagonist has been dispensed pursuant to this subsection may possess and administer naloxone or other opioid antagonist used for overdose reversal to a person who is believed to be experiencing or about to experience a life-threatening opioid overdose. Law-enforcement officers as defined in § 9.1-101, employees of the Department of Forensic Science, employees of the Office of the Chief Medical Examiner, employees of the Department of General Services Division of Consolidated Laboratory Services, employees of the Department of Corrections designated by the Director of the Department of Corrections or designated as probation and parole officers or as correctional officers as defined in § 53.1-1, employees of the Department of Juvenile Justice designated as probation and parole officers or as juvenile correctional officers, employees of regional jails, school nurses, local health department employees that are assigned to a public school pursuant to an agreement between the local health department and the school board, other school board employees or individuals contracted by a school board to provide school health services, and firefighters may also possess and administer naloxone or other opioid antagonist used for overdose reversal and may dispense naloxone or other opioid antagonist used for overdose reversal pursuant to an oral, written, or standing order issued by a prescriber or a standing order issued by the Commissioner of Health or his designee in accordance with protocols developed by the Board of Pharmacy in consultation with the Board of Medicine and the Department of Health.

Notwithstanding the provisions of § 54.1-3303, pursuant to an oral, written, or standing order issued by a prescriber or a standing order issued by the Commissioner of Health or his designee authorizing the dispensing of naloxone or other opioid antagonist used for overdose reversal in the absence of an oral or written order for a specific patient issued by a prescriber, and in accordance with protocols developed by the Board of Pharmacy in consultation with the Board of Medicine and the Department of Health, any person may possess and administer naloxone or other opioid antagonist used for overdose reversal, other than naloxone in an injectable formulation with a hypodermic needle or syringe, in accordance with protocols developed by the Board of Pharmacy in consultation with the Board of Medicine and the Department of Health.

Y. Notwithstanding any other law or regulation to the contrary, a person who is acting on behalf of an organization that provides services to individuals at risk of experiencing an opioid overdose or training in the administration of naloxone for overdose reversal may dispense naloxone, provided that such dispensing is (i) pursuant to a standing order issued by a prescriber and (ii) in accordance with protocols developed by the Board of Pharmacy in consultation with the Board of Medicine and the Department of Health. If the person acting on behalf of an organization dispenses naloxone in an injectable formulation with a hypodermic needle or syringe, he shall first obtain authorization from the Department of Behavioral Health and Developmental Services to train individuals on the proper administration of naloxone by and proper disposal of a hypodermic needle or syringe, and he shall obtain a controlled substance registration from the Board of Pharmacy. The Board of Pharmacy shall not charge a fee for the issuance of such controlled substance registration. The dispensing may occur at a site other than that of the controlled substance registration provided the entity possessing the controlled substances registration maintains records in accordance with regulations of the Board of Pharmacy. No person who dispenses naloxone on behalf of an organization pursuant to this subsection shall charge a fee for the dispensing of naloxone that is greater than the cost to the organization of obtaining the naloxone dispensed. A person to whom naloxone has been dispensed pursuant to this subsection may possess naloxone and may administer naloxone to a person who is believed to be experiencing or about to experience a life-threatening opioid overdose.

Z. A person who is not otherwise authorized to administer naloxone or other opioid antagonist used for overdose reversal may administer naloxone or other opioid antagonist used for overdose reversal to a person who is believed to be experiencing or about to experience a life-threatening opioid overdose.

AA. Pursuant to a written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize, with the consent of the parents as defined in § 22.1-1, an employee of (i) a school board, (ii) a school for students with disabilities as defined in § 22.1-319 licensed by the Board of Education, or (iii) a private school accredited pursuant to § 22.1-19 as administered by the Virginia Council for Private Education who is trained in the administration of injected medications for the treatment of adrenal crisis resulting from a condition causing adrenal insufficiency to administer such medication to a student diagnosed with a condition causing adrenal insufficiency when the student is believed to be experiencing or about to experience an adrenal crisis. Such authorization shall be effective only when a licensed nurse, an advanced practice registered nurse, a physician, or a physician assistant is not present to perform the administration of the medication.

§ 54.1-3408.5. Epinephrine required in certain places of public accommodation.

Every ~~public~~ place *of public accommodation*, as defined in *subsection A of* § ~~15.2-2820~~ *2.2-3904*, may make epinephrine available for administration. Pursuant to an order or standing protocol issued by the prescriber within the course of his professional practice and in accordance with policies and guidelines established by the Department of Health, any employee of a ~~public~~ place *of public accommodation*, as defined in *subsection A of* § ~~15.2-2820~~ *2.2-3904*, who is authorized

by a prescriber and trained in the administration of epinephrine may possess and administer epinephrine to a person present in the ~~public~~ place *of public accommodation* believed in good faith to be having an anaphylactic reaction.

CHAPTER 466

An Act to amend and reenact §§ 22.1-274.2 and 54.1-3408 of the Code of Virginia, relating to public elementary and secondary schools; possession and administration of undesignated glucagon; school board policies; donations.

[H 1039]

Approved April 4, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 22.1-274.2 and 54.1-3408 of the Code of Virginia are amended and reenacted as follows:

§ 22.1-274.2. Possession and administration of inhaled asthma medications, epinephrine, and glucagon by certain students or school board employees.

A. Local school boards shall develop and implement policies permitting a student with a diagnosis of asthma or anaphylaxis, or both, to possess and self-administer inhaled asthma medications or auto-injectable epinephrine, or both, as the case may be, during the school day, at school-sponsored activities, or while on a school bus or other school property. Such policies shall include, but not be limited to, provisions for:

1. Written consent of the parent, as defined in § 22.1-1, of a student with a diagnosis of asthma or anaphylaxis, or both, that the student may self-administer inhaled asthma medications or auto-injectable epinephrine, or both, as the case may be.

2. Written notice from the student's primary care provider or medical specialist, or a licensed physician or licensed advanced practice registered nurse, that (i) identifies the student; (ii) states that the student has a diagnosis of asthma or anaphylaxis, or both, and has approval to self-administer inhaled asthma medications or auto-injectable epinephrine, or both, as the case may be, that have been prescribed or authorized for the student; (iii) specifies the name and dosage of the medication, the frequency in which it is to be administered and certain circumstances which may warrant the use of inhaled asthma medications or auto-injectable epinephrine, such as before exercising or engaging in physical activity to prevent the onset of asthma symptoms or to alleviate asthma symptoms after the onset of an asthma episode; and (iv) attests to the student's demonstrated ability to safely and effectively self-administer inhaled asthma medications or auto-injectable epinephrine, or both, as the case may be.

3. Development of an individualized health care plan, including emergency procedures for any life-threatening conditions.

4. Consultation with the student's parent before any limitations or restrictions are imposed upon a student's possession and self-administration of inhaled asthma medications and auto-injectable epinephrine, and before the permission to possess and self-administer inhaled asthma medications and auto-injectable epinephrine at any point during the school year is revoked.

5. Self-administration of inhaled asthma medications and auto-injectable epinephrine to be consistent with the purposes of the Virginia School Health Guidelines and the Guidelines for Specialized Health Care Procedure Manuals, which are jointly issued by the Department of Education and the Department of Health.

6. Disclosure or dissemination of information pertaining to the health condition of a student to school board employees to comply with §§ 22.1-287 and 22.1-289 and the federal Family Education Rights and Privacy Act of 1974, as amended, 20 U.S.C. § 1232g, which govern the disclosure and dissemination of information contained in student scholastic records.

B. The permission granted a student with a diagnosis of asthma or anaphylaxis, or both, to possess and self-administer inhaled asthma medications or auto-injectable epinephrine, or both, shall be effective for one school year. Permission to possess and self-administer such medications shall be renewed annually. For the purposes of this section, "one school year" means 365 calendar days.

C. Local school boards shall adopt and implement policies for the possession and administration of epinephrine in every school, to be administered by any school nurse, employee of the school board, employee of a local governing body, or employee of a local health department who is authorized by a prescriber and trained in the administration of epinephrine to any student believed to be having an anaphylactic reaction. Such policies shall require that at least one school nurse, employee of the school board, employee of a local governing body, or employee of a local health department who is authorized by a prescriber and trained in the administration of epinephrine has the means to access at all times during regular school hours any such epinephrine that is stored in a locked or otherwise generally inaccessible container or area.

D. Each local school board shall adopt and implement policies for the possession and administration of undesignated stock albuterol inhalers and valved holding chambers in every public school in the local school division, to be administered by any school nurse, licensed athletic trainer under contract with a local school division, employee of the school board, employee of a local governing body, or employee of a local health department who is authorized by the local health director and trained in the administration of albuterol inhalers and valved holding chambers for any student believed in good faith to be in need of such medication.

E. Any local school board may adopt and implement policies for the possession and administration of undesignated nasal or injectable glucagon in each public elementary or secondary school in the local school division, provided that such

policies are consistent with the guidance outlined in the most recent revision of the Diabetes Management In School: Manual for Unlicensed Personnel published by the Department and include guidance outlining the following:

1. One or more locations in each public elementary or secondary school in the local school division in which doses of such undesignated glucagon shall be stored;

2. The conditions under which doses of such undesignated glucagon shall be stored, replaced, and disposed;

3. The individuals who are authorized to access and administer doses of such undesignated glucagon in an emergency and training requirements for such individuals; and

4. A process for requesting emergency medical services and notifying appropriate personnel immediately after a dose of such undesignated glucagon is administered.

F. Any public elementary or secondary school may maintain a supply of nasal or injectable glucagon in any secure location that is immediately accessible to any school nurse or other employee trained in the administration of nasal and injectable glucagon prescribed to the school by a prescriber, as defined in § 54.1-3401. Any such school shall ensure that such a supply consists of at least two doses. Any school nurse or other authorized employee who is trained in the administration of nasal and injectable glucagon consistent with the guidance outlined in the most recent revision of the Diabetes Management In School: Manual for Unlicensed Personnel published by the Department may administer nasal or injectable glucagon from undesignated inventory with parental consent and if the student's prescribed glucagon is not available on school grounds or has expired.

G. Any school board may accept donations of nasal or injectable glucagon from a wholesale distributor of glucagon or donations of money from any individual to purchase nasal or injectable glucagon for the purpose of maintenance and administration in a public school in the local school division as permitted pursuant to subsection F.

§ 54.1-3408. Professional use by practitioners.

A. A practitioner of medicine, osteopathy, podiatry, dentistry, or veterinary medicine, a licensed advanced practice registered nurse pursuant to § 54.1-2957.01, a licensed certified midwife pursuant to § 54.1-2957.04, a licensed physician assistant pursuant to § 54.1-2952.1, or a TPA-certified optometrist pursuant to Article 5 (§ 54.1-3222 et seq.) of Chapter 32 shall only prescribe, dispense, or administer controlled substances in good faith for medicinal or therapeutic purposes within the course of his professional practice. A licensed midwife pursuant to § 54.1-2957.7 shall only obtain, possess, and administer controlled substances in good faith for medicinal or therapeutic purposes within the course of his professional practice.

B. The prescribing practitioner's order may be on a written prescription or pursuant to an oral prescription as authorized by this chapter. The prescriber may administer drugs and devices, or he may cause drugs or devices to be administered by:

1. A nurse, physician assistant, or intern under his direction and supervision;

2. Persons trained to administer drugs and devices to patients in state-owned or state-operated hospitals or facilities licensed as hospitals by the Board of Health or psychiatric hospitals licensed by the Department of Behavioral Health and Developmental Services who administer drugs under the control and supervision of the prescriber or a pharmacist;

3. Emergency medical services personnel certified and authorized to administer drugs and devices pursuant to regulations of the Board of Health who act within the scope of such certification and pursuant to an oral or written order or standing protocol;

4. Persons who are employed or engaged at a medical care facility, as defined in § 32.1-3, who have a valid emergency medical services provider certification issued by the Board of Health as a requirement of being employed or engaged at the medical care facility within the scope of such certification, pursuant to an oral or written order or standing protocol to administer drugs and devices at the medical care facility; or

5. A licensed respiratory therapist as defined in § 54.1-2954 who administers by inhalation controlled substances used in inhalation or respiratory therapy.

C. Pursuant to an oral or written order or standing protocol, the prescriber, who is authorized by state or federal law to possess and administer radiopharmaceuticals in the scope of his practice, may authorize a nuclear medicine technologist to administer, under his supervision, radiopharmaceuticals used in the diagnosis or treatment of disease.

D. Pursuant to an oral or written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize registered nurses and licensed practical nurses to possess (i) epinephrine and oxygen for administration in treatment of emergency medical conditions and (ii) heparin and sterile normal saline to use for the maintenance of intravenous access lines.

Pursuant to the regulations of the Board of Health, certain emergency medical services technicians may possess and administer epinephrine in emergency cases of anaphylactic shock.

Pursuant to an order or standing protocol issued by the prescriber within the course of his professional practice, any school nurse, school board employee, employee of a local governing body, or employee of a local health department who is authorized by a prescriber and trained in the administration of epinephrine may possess and administer epinephrine.

Pursuant to an order or standing protocol that shall be issued by the local health director within the course of his professional practice, any school nurse, licensed athletic trainer under contract with a local school division, school board employee, employee of a local governing body, or employee of a local health department who is authorized by the local health director and trained in the administration of albuterol inhalers and valved holding chambers or nebulized albuterol may possess or administer an albuterol inhaler and a valved holding chamber or nebulized albuterol to a student diagnosed

with a condition requiring an albuterol inhaler or nebulized albuterol when the student is believed to be experiencing or about to experience an asthmatic crisis.

Pursuant to an order or a standing protocol issued by the prescriber within the course of his professional practice, any employee of a school for students with disabilities, as defined in § 22.1-319 and licensed by the Board of Education, or any employee of a private school that is accredited pursuant to § 22.1-19 as administered by the Virginia Council for Private Education who is authorized by a prescriber and trained in the administration of (a) epinephrine may possess and administer epinephrine and (b) albuterol inhalers or nebulized albuterol may possess or administer an albuterol inhaler or nebulized albuterol to a student diagnosed with a condition requiring an albuterol inhaler or nebulized albuterol when the student is believed to be experiencing or about to experience an asthmatic crisis.

Pursuant to an order or a standing protocol issued by the prescriber within the course of his professional practice, any nurse at an early childhood care and education entity, employee at the entity, or employee of a local health department who is authorized by a prescriber and trained in the administration of epinephrine may possess and administer epinephrine.

Pursuant to an order or a standing protocol issued by the prescriber within the course of his professional practice, any employee of a public institution of higher education or a private institution of higher education who is authorized by a prescriber and trained in the administration of epinephrine may possess and administer epinephrine.

Pursuant to an order or a standing protocol issued by the prescriber within the course of his professional practice, any employee of an organization providing outdoor educational experiences or programs for youth who is authorized by a prescriber and trained in the administration of epinephrine may possess and administer epinephrine.

Pursuant to an order or a standing protocol issued by the prescriber within the course of his professional practice, and in accordance with policies and guidelines established by the Department of Health, such prescriber may authorize any employee of a restaurant licensed pursuant to Chapter 3 (§ 35.1-18 et seq.) of Title 35.1 to possess and administer epinephrine on the premises of the restaurant at which the employee is employed, provided that such person is trained in the administration of epinephrine.

Pursuant to an order issued by the prescriber within the course of his professional practice, an employee of a provider licensed by the Department of Behavioral Health and Developmental Services or a person providing services pursuant to a contract with a provider licensed by the Department of Behavioral Health and Developmental Services may possess and administer epinephrine, provided such person is authorized and trained in the administration of epinephrine.

Pursuant to an order or standing protocol issued by the prescriber within the course of his professional practice, any employee of a public place, as defined in § 15.2-2820, who is authorized by a prescriber and trained in the administration of epinephrine may possess and administer epinephrine.

Pursuant to an oral or written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize pharmacists to possess epinephrine and oxygen for administration in treatment of emergency medical conditions.

E. Pursuant to an oral or written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize licensed physical therapists to possess and administer topical corticosteroids, topical lidocaine, and any other Schedule VI topical drug.

F. Pursuant to an oral or written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize licensed athletic trainers to possess and administer topical corticosteroids, topical lidocaine, or other Schedule VI topical drugs; oxygen and IV saline for use in emergency situations; subcutaneous lidocaine for wound closure; epinephrine for use in emergency cases of anaphylactic shock; and naloxone or other opioid antagonist for overdose reversal.

G. Pursuant to an oral or written order or standing protocol issued by the prescriber within the course of his professional practice, and in accordance with policies and guidelines established by the Department of Health pursuant to § 32.1-50.2, such prescriber may authorize registered nurses or licensed practical nurses under the supervision of a registered nurse to possess and administer tuberculin purified protein derivative (PPD) in the absence of a prescriber. The Department of Health's policies and guidelines shall be consistent with applicable guidelines developed by the Centers for Disease Control and Prevention for preventing transmission of mycobacterium tuberculosis and shall be updated to incorporate any subsequently implemented standards of the Occupational Safety and Health Administration and the Department of Labor and Industry to the extent that they are inconsistent with the Department of Health's policies and guidelines. Such standing protocols shall explicitly describe the categories of persons to whom the tuberculin test is to be administered and shall provide for appropriate medical evaluation of those in whom the test is positive. The prescriber shall ensure that the nurse implementing such standing protocols has received adequate training in the practice and principles underlying tuberculin screening.

The Health Commissioner or his designee may authorize registered nurses, acting as agents of the Department of Health, to possess and administer, at the nurse's discretion, tuberculin purified protein derivative (PPD) to those persons in whom tuberculin skin testing is indicated based on protocols and policies established by the Department of Health.

H. Pursuant to a written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize, with the consent of the parents as defined in § 22.1-1, an employee of (i) a school board, (ii) a school for students with disabilities as defined in § 22.1-319 licensed by the Board of Education, or (iii) a private school accredited pursuant to § 22.1-19 as administered by the Virginia Council for Private Education who is trained in the administration of insulin and glucagon to assist with the administration of insulin or administer glucagon to a student

diagnosed as having diabetes and who requires insulin injections during the school day or for whom glucagon has been prescribed for the emergency treatment of hypoglycemia. Such authorization shall only be effective when a licensed nurse, an advanced practice registered nurse, a physician, or a physician assistant is not present to perform the administration of the medication.

Pursuant to a written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize the possession and administration of undesignated glucagon as set forth in subsection F of § 22.1-274.2.

Pursuant to a written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize an employee of a public institution of higher education or a private institution of higher education who is trained in the administration of insulin and glucagon to assist with the administration of insulin or administration of glucagon to a student diagnosed as having diabetes and who requires insulin injections or for whom glucagon has been prescribed for the emergency treatment of hypoglycemia. Such authorization shall only be effective when a licensed nurse, an advanced practice registered nurse, a physician, or a physician assistant is not present to perform the administration of the medication.

Pursuant to a written order issued by the prescriber within the course of his professional practice, such prescriber may authorize an employee of a provider licensed by the Department of Behavioral Health and Developmental Services or a person providing services pursuant to a contract with a provider licensed by the Department of Behavioral Health and Developmental Services to assist with the administration of insulin or to administer glucagon to a person diagnosed as having diabetes and who requires insulin injections or for whom glucagon has been prescribed for the emergency treatment of hypoglycemia, provided such employee or person providing services has been trained in the administration of insulin and glucagon.

I. A prescriber may authorize, pursuant to a protocol approved by the Board of Nursing, the administration of vaccines to adults for immunization, when a practitioner with prescriptive authority is not physically present, by (i) licensed pharmacists, (ii) registered nurses, or (iii) licensed practical nurses under the supervision of a registered nurse. A prescriber acting on behalf of and in accordance with established protocols of the Department of Health may authorize the administration of vaccines to any person by a pharmacist, nurse, or designated emergency medical services provider who holds an advanced life support certificate issued by the Commissioner of Health under the direction of an operational medical director when the prescriber is not physically present. The emergency medical services provider shall provide documentation of the vaccines to be recorded in the Virginia Immunization Information System.

J. A dentist may cause Schedule VI topical drugs to be administered under his direction and supervision by either a dental hygienist or by an authorized agent of the dentist.

Further, pursuant to a written order and in accordance with a standing protocol issued by the dentist in the course of his professional practice, a dentist may authorize a dental hygienist under his general supervision, as defined in § 54.1-2722, or his remote supervision, as defined in subsection E or F of § 54.1-2722, to possess and administer topical oral fluorides, topical oral anesthetics, topical and directly applied antimicrobial agents for treatment of periodontal pocket lesions, and any other Schedule VI topical drug approved by the Board of Dentistry.

In addition, a dentist may authorize a dental hygienist under his direction to administer Schedule VI nitrous oxide and oxygen inhalation analgesia and, to persons 18 years of age or older, Schedule VI local anesthesia.

K. Pursuant to an oral or written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize registered professional nurses certified as sexual assault nurse examiners-A (SANE-A) under his supervision and when he is not physically present to possess and administer preventive medications for victims of sexual assault as recommended by the Centers for Disease Control and Prevention.

L. This section shall not prevent the administration of drugs by a person who has satisfactorily completed a training program for this purpose approved by the Board of Nursing and who administers such drugs in accordance with a prescriber's instructions pertaining to dosage, frequency, and manner of administration, and in accordance with regulations promulgated by the Board of Pharmacy relating to security and record keeping, when the drugs administered would be normally self-administered by (i) an individual receiving services in a program licensed by the Department of Behavioral Health and Developmental Services; (ii) a resident of the Virginia Rehabilitation Center for the Blind and Vision Impaired; (iii) a resident of a facility approved by the Board or Department of Juvenile Justice for the placement of children in need of services or delinquent or alleged delinquent youth; (iv) a program participant of an adult day-care center licensed by the Department of Social Services; (v) a resident of any facility authorized or operated by a state or local government whose primary purpose is not to provide health care services; (vi) a resident of a private children's residential facility, as defined in § 63.2-100 and licensed by the Department of Social Services, Department of Education, or Department of Behavioral Health and Developmental Services; or (vii) a student in a school for students with disabilities, as defined in § 22.1-319 and licensed by the Board of Education.

In addition, this section shall not prevent a person who has successfully completed a training program for the administration of drugs via percutaneous gastrostomy tube approved by the Board of Nursing and been evaluated by a registered nurse as having demonstrated competency in administration of drugs via percutaneous gastrostomy tube from administering drugs to a person receiving services from a program licensed by the Department of Behavioral Health and Developmental Services to such person via percutaneous gastrostomy tube. The continued competency of a person to administer drugs via percutaneous gastrostomy tube shall be evaluated semiannually by a registered nurse.

M. Medication aides registered by the Board of Nursing pursuant to Article 7 (§ 54.1-3041 et seq.) of Chapter 30 may administer drugs that would otherwise be self-administered to residents of any assisted living facility licensed by the Department of Social Services. A registered medication aide shall administer drugs pursuant to this section in accordance with the prescriber's instructions pertaining to dosage, frequency, and manner of administration; in accordance with regulations promulgated by the Board of Pharmacy relating to security and recordkeeping; in accordance with the assisted living facility's Medication Management Plan; and in accordance with such other regulations governing their practice promulgated by the Board of Nursing.

N. In addition, this section shall not prevent the administration of drugs by a person who administers such drugs in accordance with a physician's instructions pertaining to dosage, frequency, and manner of administration and with written authorization of a parent, and in accordance with school board regulations relating to training, security and record keeping, when the drugs administered would be normally self-administered by a student of a Virginia public school. Training for such persons shall be accomplished through a program approved by the local school boards, in consultation with the local departments of health.

O. In addition, this section shall not prevent the administration of drugs by a person to (i) a child in a child day program as defined in § 22.1-289.02 and regulated by the Board of Education or a local government pursuant to § 15.2-914, or (ii) a student of a private school that is accredited pursuant to § 22.1-19 as administered by the Virginia Council for Private Education, provided such person (a) has satisfactorily completed a training program for this purpose approved by the Board of Nursing and taught by a registered nurse, a licensed practical nurse, an advanced practice registered nurse, a physician assistant, a doctor of medicine or osteopathic medicine, or a pharmacist; (b) has obtained written authorization from a parent or guardian; (c) administers drugs only to the child identified on the prescription label in accordance with the prescriber's instructions pertaining to dosage, frequency, and manner of administration; and (d) administers only those drugs that were dispensed from a pharmacy and maintained in the original, labeled container that would normally be self-administered by the child or student, or administered by a parent or guardian to the child or student.

P. In addition, this section shall not prevent the administration or dispensing of drugs and devices by persons if they are authorized by the State Health Commissioner in accordance with protocols established by the State Health Commissioner pursuant to § 32.1-42.1 when (i) the Governor has declared a disaster or a state of emergency, the United States Secretary of Health and Human Services has issued a declaration of an actual or potential bioterrorism incident or other actual or potential public health emergency, or the Board of Health has made an emergency order pursuant to § 32.1-13 for the purpose of suppressing nuisances dangerous to the public health and communicable, contagious, and infectious diseases and other dangers to the public life and health and for the limited purpose of administering vaccines as an approved countermeasure for such communicable, contagious, and infectious diseases; (ii) it is necessary to permit the provision of needed drugs or devices; and (iii) such persons have received the training necessary to safely administer or dispense the needed drugs or devices. Such persons shall administer or dispense all drugs or devices under the direction, control, and supervision of the State Health Commissioner.

Q. Nothing in this title shall prohibit the administration of normally self-administered drugs by unlicensed individuals to a person in his private residence.

R. This section shall not interfere with any prescriber issuing prescriptions in compliance with his authority and scope of practice and the provisions of this section to a Board agent for use pursuant to subsection G of § 18.2-258.1. Such prescriptions issued by such prescriber shall be deemed to be valid prescriptions.

S. Nothing in this title shall prevent or interfere with dialysis care technicians or dialysis patient care technicians who are certified by an organization approved by the Board of Health Professions or persons authorized for provisional practice pursuant to Chapter 27.01 (§ 54.1-2729.1 et seq.), in the ordinary course of their duties in a Medicare-certified renal dialysis facility, from administering heparin, topical needle site anesthetics, dialysis solutions, sterile normal saline solution, and blood volumizers, for the purpose of facilitating renal dialysis treatment, when such administration of medications occurs under the orders of a licensed physician, an advanced practice registered nurse, or a physician assistant and under the immediate and direct supervision of a licensed registered nurse. Nothing in this chapter shall be construed to prohibit a patient care dialysis technician trainee from performing dialysis care as part of and within the scope of the clinical skills instruction segment of a supervised dialysis technician training program, provided such trainee is identified as a "trainee" while working in a renal dialysis facility.

The dialysis care technician or dialysis patient care technician administering the medications shall have demonstrated competency as evidenced by holding current valid certification from an organization approved by the Board of Health Professions pursuant to Chapter 27.01 (§ 54.1-2729.1 et seq.).

T. Persons who are otherwise authorized to administer controlled substances in hospitals shall be authorized to administer influenza or pneumococcal vaccines pursuant to § 32.1-126.4.

U. Pursuant to a specific order for a patient and under his direct and immediate supervision, a prescriber may authorize the administration of controlled substances by personnel who have been properly trained to assist a doctor of medicine or osteopathic medicine, provided the method does not include intravenous, intrathecal, or epidural administration and the prescriber remains responsible for such administration.

V. A physician assistant, nurse, dental hygienist, or authorized agent of a doctor of medicine, osteopathic medicine, or dentistry may possess and administer topical fluoride varnish pursuant to an oral or written order or a standing protocol issued by a doctor of medicine, osteopathic medicine, or dentistry.

W. A prescriber, acting in accordance with guidelines developed pursuant to § 32.1-46.02, may authorize the administration of influenza vaccine to minors by a licensed pharmacist, registered nurse, licensed practical nurse under the direction and immediate supervision of a registered nurse, or emergency medical services provider who holds an advanced life support certificate issued by the Commissioner of Health when the prescriber is not physically present.

X. Notwithstanding the provisions of § 54.1-3303, pursuant to an oral, written, or standing order issued by a prescriber or a standing order issued by the Commissioner of Health or his designee authorizing the dispensing of naloxone or other opioid antagonist used for overdose reversal in the absence of an oral or written order for a specific patient issued by a prescriber, and in accordance with protocols developed by the Board of Pharmacy in consultation with the Board of Medicine and the Department of Health, a pharmacist, a health care provider providing services in a hospital emergency department, and emergency medical services personnel, as that term is defined in § 32.1-111.1, may dispense naloxone or other opioid antagonist used for overdose reversal and a person to whom naloxone or other opioid antagonist has been dispensed pursuant to this subsection may possess and administer naloxone or other opioid antagonist used for overdose reversal to a person who is believed to be experiencing or about to experience a life-threatening opioid overdose. Law-enforcement officers as defined in § 9.1-101, employees of the Department of Forensic Science, employees of the Office of the Chief Medical Examiner, employees of the Department of General Services Division of Consolidated Laboratory Services, employees of the Department of Corrections designated by the Director of the Department of Corrections or designated as probation and parole officers or as correctional officers as defined in § 53.1-1, employees of the Department of Juvenile Justice designated as probation and parole officers or as juvenile correctional officers, employees of regional jails, school nurses, local health department employees that are assigned to a public school pursuant to an agreement between the local health department and the school board, other school board employees or individuals contracted by a school board to provide school health services, and firefighters may also possess and administer naloxone or other opioid antagonist used for overdose reversal and may dispense naloxone or other opioid antagonist used for overdose reversal pursuant to an oral, written, or standing order issued by a prescriber or a standing order issued by the Commissioner of Health or his designee in accordance with protocols developed by the Board of Pharmacy in consultation with the Board of Medicine and the Department of Health.

Notwithstanding the provisions of § 54.1-3303, pursuant to an oral, written, or standing order issued by a prescriber or a standing order issued by the Commissioner of Health or his designee authorizing the dispensing of naloxone or other opioid antagonist used for overdose reversal in the absence of an oral or written order for a specific patient issued by a prescriber, and in accordance with protocols developed by the Board of Pharmacy in consultation with the Board of Medicine and the Department of Health, any person may possess and administer naloxone or other opioid antagonist used for overdose reversal, other than naloxone in an injectable formulation with a hypodermic needle or syringe, in accordance with protocols developed by the Board of Pharmacy in consultation with the Board of Medicine and the Department of Health.

Y. Notwithstanding any other law or regulation to the contrary, a person who is acting on behalf of an organization that provides services to individuals at risk of experiencing an opioid overdose or training in the administration of naloxone for overdose reversal may dispense naloxone, provided that such dispensing is (i) pursuant to a standing order issued by a prescriber and (ii) in accordance with protocols developed by the Board of Pharmacy in consultation with the Board of Medicine and the Department of Health. If the person acting on behalf of an organization dispenses naloxone in an injectable formulation with a hypodermic needle or syringe, he shall first obtain authorization from the Department of Behavioral Health and Developmental Services to train individuals on the proper administration of naloxone by and proper disposal of a hypodermic needle or syringe, and he shall obtain a controlled substance registration from the Board of Pharmacy. The Board of Pharmacy shall not charge a fee for the issuance of such controlled substance registration. The dispensing may occur at a site other than that of the controlled substance registration provided the entity possessing the controlled substances registration maintains records in accordance with regulations of the Board of Pharmacy. No person who dispenses naloxone on behalf of an organization pursuant to this subsection shall charge a fee for the dispensing of naloxone that is greater than the cost to the organization of obtaining the naloxone dispensed. A person to whom naloxone has been dispensed pursuant to this subsection may possess naloxone and may administer naloxone to a person who is believed to be experiencing or about to experience a life-threatening opioid overdose.

Z. A person who is not otherwise authorized to administer naloxone or other opioid antagonist used for overdose reversal may administer naloxone or other opioid antagonist used for overdose reversal to a person who is believed to be experiencing or about to experience a life-threatening opioid overdose.

AA. Pursuant to a written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize, with the consent of the parents as defined in § 22.1-1, an employee of (i) a school board, (ii) a school for students with disabilities as defined in § 22.1-319 licensed by the Board of Education, or (iii) a private school accredited pursuant to § 22.1-19 as administered by the Virginia Council for Private Education who is trained in the administration of injected medications for the treatment of adrenal crisis resulting from a condition causing adrenal insufficiency to administer such medication to a student diagnosed with a condition causing adrenal insufficiency when the student is believed to be experiencing or about to experience an adrenal crisis. Such authorization shall be effective only when a licensed nurse, an advanced practice registered nurse, a physician, or a physician assistant is not present to perform the administration of the medication.

CHAPTER 467

An Act to amend and reenact § 46.2-427 of the Code of Virginia, relating to enforcement of certain judgments; restricted license.

[H 1082]

Approved April 4, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 46.2-427 of the Code of Virginia is amended and reenacted as follows:

§ 46.2-427. When suspensions to remain effective; relief from furnishing proof of financial responsibility; prohibition against registration in name of another person.

The suspension required by the provisions of § 46.2-417 shall continue except as otherwise provided by §§ 46.2-421 and 46.2-423 until the person satisfies the judgment or judgments as prescribed in § 46.2-419 and gives proof of his financial responsibility in the future. However, the judgment debtor whose driving privileges, registration certificates, and license plates have been so suspended may petition the court that entered the judgment for reinstatement of his driving privileges, registration certificates, and license plates and the court may order reinstatement if the judgment has not been satisfied, provided the judgment debtor proves by a preponderance of the evidence that the judgment debtor (i) is unable, after examination of the records of the Department and the court reflecting that suspension and the exercise of due diligence, to locate the person to whom payment is due or, if the person to whom payment is due is dead, the judgment debtor is unable to identify either who are his heirs and assignees, or where they are located, and (ii) has paid into the court an amount equal to the judgment, court costs, and all interest that has accrued up to the date payment was made to the court. Any payment made to the court under this section shall be held for one year and, if unclaimed by the judgment creditor during that period, shall be transmitted by the court to the State Treasurer or his designee to be disposed of pursuant to the Virginia Disposition of Unclaimed Property Act (§ 55.1-2500 et seq.).

Upon receipt of such an order, the Commissioner shall reinstate the driving privileges, registration certificates, and license plates of the judgment debtor, provided the judgment debtor has given proof of his financial responsibility in the future and satisfied all other reinstatement requirements as provided in this chapter.

Notwithstanding the provisions of this article, a judgment debtor whose driving privileges have been suspended pursuant to this article may petition the court that entered the judgment for a restricted license to operate a motor vehicle during the period of suspension and the court may, for good cause shown, order the issuance of such restricted license for any of the purposes set forth in subsection E of § 18.2-271.1. Such restricted license shall be carried at all times while operating a motor vehicle. Any person who operates a motor vehicle in violation of any restrictions imposed pursuant to this section shall be punished as provided § 46.2-301. No restricted license issued pursuant to this section shall permit any person to operate a commercial motor vehicle as defined in the Virginia Commercial Driver's License Act (§ 46.2-341.1 et seq.).

The motor vehicle involved in the accident on which the suspension under § 46.2-417 is based shall not be registered in the name of any other person when the Commissioner has reasonable grounds to believe that the registration of the vehicle will have the effect of defeating the purpose of the chapter and no other motor vehicle shall be registered, and no driver's license or learner's permit shall be issued in the name of the person suspended, except as prescribed in § 46.2-437 until the suspension is terminated.

This section shall not relieve any person from giving or maintaining proof of his financial responsibility when he is required so to do for some reason rather than having been involved in a motor vehicle accident.

CHAPTER 468

An Act to amend and reenact §§ 22.1-213, 22.1-214.4, 22.1-253.13:2, as it shall become effective, 22.1-253.13:4, 22.1-253.13:5, as it shall become effective, 22.1-289, and 23.1-902.1, as it shall become effective, of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 22.1-214.5, relating to special education and related services; definitions; records retention; duties of Department of Education; parent/family liaisons; professional development; education preparation program coursework; reports.

[H 1089]

Approved April 4, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 22.1-213, 22.1-214.4, 22.1-253.13:2, as it shall become effective, 22.1-253.13:4, 22.1-253.13:5, as it shall become effective, 22.1-289, and 23.1-902.1, as it shall become effective, of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 22.1-214.5 as follows:

§ 22.1-213. Definitions.

As used in this article:

"Children with disabilities" means those persons (i) who are age two to 21, inclusive, having reached the age of two by the date specified in § 22.1-254; (ii) who have intellectual disability or serious emotional disturbance, are physically

disabled, speech impaired, deaf or hard of hearing, visually impaired, or multiple disabled, are otherwise health impaired, including those who have autism spectrum disorder or a specific learning disability, or are otherwise disabled as defined by the Board of Education; and (iii) who because of such impairments need special education.

"Instructional practices to support specially designed instruction in inclusive settings" means structured instructional practices, including sequential, systematic, explicit, and cumulative teaching, that (i) are based on reliable, trustworthy, and valid evidence; (ii) provide access to grade-level content in core or general instruction, supplemental instruction, intervention services, and intensive intervention services; (iii) are developed based on reliable data collection and progress monitoring from both valid and reliable assessments and tracking of progress toward individual goals and objectives; (iv) are able to be differentiated in order to meet the individual needs of students; and (v) align with student need based on special education eligibility, present level of performance, and related goals and objectives.

"Related services" means transportation and such developmental, corrective, and other supportive services as are required to assist a child with a disability to benefit from special education, including speech pathology and audiology, psychological services, physical and occupational therapy, recreation, early identification and assessment of disabilities in children, counseling services, and medical services for diagnostic or evaluation purposes. "Related services" also includes school health services, social work services in schools, and parent counseling and training.

"Special education" means specially designed instruction at no cost to the parent to meet the unique needs of a child with a disability, including classroom instruction, home instruction, instruction provided in hospitals and institutions, instruction in physical education, and instruction in career and technical education.

"Specially designed instruction" means instruction for which the content, methodology, or delivery is adapted, as appropriate to the needs of an eligible child, to (i) address the unique needs of the child that result from the child's disability and (ii) ensure that the child has access to the general curriculum so that the child can meet the educational standards that apply to all children within the jurisdiction of the local educational agency.

"Specific learning disability" means a disorder in one or more of the basic psychological processes involved in understanding or using language, spoken or written, which may manifest itself in an imperfect ability to listen, think, speak, read, write, spell, or do mathematical calculations. "Specific learning disability" does not include children who have learning problems that are primarily the result of visual, hearing, motor, or intellectual disability, or of environmental, cultural, or economic disadvantage.

§ 22.1-214.4. Certain duties of Department.

The Department shall:

1. Provide training and guidance documents to local school divisions on the development of individualized education programs (IEPs) for children with disabilities that incorporate specific examples of high-quality present level of performance descriptions, annual goals, and postsecondary transition sections.

2. Develop a required training module for each individual who participates in an IEP meeting that comprehensively addresses and explains in detail (i) each IEP team member's respective role in the IEP meeting, (ii) the IEP development process, and (iii) components of effective IEPs. The training module shall be required for all IEP participants, with the exception of parents, prior to participating in an IEP meeting and at regular intervals thereafter.

3. Annually conduct structured reviews of a sample of IEPs from a sufficiently large sample of local school divisions to verify that the IEPs are in compliance with state and federal laws and regulations governing IEP content, and provide a summary report of the findings of such reviews and recommendations regarding any necessary corrective actions to the reviewed divisions' superintendents, special education directors, school board chairs and vice-chairs, and local special education advisory committees. In reviewing local school divisions' IEPs, the Department shall determine whether the special education and related services, supplementary aids and services, and program modifications that will be provided to enable students with disabilities to participate in nonacademic and extracurricular activities are sufficient, and include its findings and corrective actions in the summary reports it provides to the reviewed local school divisions' superintendents, special education directors, and school board members. Nothing in this section shall be construed to (i) direct the Department to make determinations regarding whether a particular IEP provides a free appropriate public education to any individual student or (ii) authorize the Department to override a parent's consent to proposed revisions to an individual student's IEP. In determining corrective actions, the Department shall make recommendations to the relevant school division regarding, among other things, those individual IEPs for which the IEP team should convene to consider revisions necessary to incorporate content required by special education regulations. For those individual IEPs for which the Department recommends that the IEP team should convene to consider such revisions, the relevant school division shall notify the relevant parents or caregivers of the recommendations issued in the summary report of the structured review conducted pursuant to this subdivision.

4. Develop and maintain a statewide plan for improving (i) its ongoing oversight of local practices related to transition planning and services for children with disabilities and (ii) technical assistance and guidance provided for postsecondary transition planning and services for children with disabilities. At a minimum, such plan shall articulate how the Department will reliably and comprehensively assess the compliance and quality of transition plans for children with disabilities on an ongoing basis and communicate findings to local school division staff and local school boards. The Department shall, no later than December 1 of each year, update the Chairmen of the Senate Committee on Education and Health and the House Committee on Education on its progress in implementing such plan.

5. Develop and maintain a statewide strategic plan for recruiting and retaining special education teachers. At a minimum, such plan shall (i) use data analyses to determine the specific staffing needs of each local school division on an ongoing basis; (ii) evaluate the potential effectiveness of strategies for addressing recruitment and retention challenges, including tuition assistance, differentiated pay for special education teachers, and the expansion of special education teacher mentorships; and (iii) estimate the costs of implementing each such strategy, including the extent to which federal funds could be used to support implementation. The Department shall, no later than November 1 of each year, update the Chairmen of the Senate Committee on Education and Health and the House Committee on Education on its progress in implementing such plan.

6. In order to (i) address variation in rates of determinations of student eligibility for special education and related services both across local school divisions in the Commonwealth and based on specific student disabilities, (ii) promote consistency in such eligibility determinations, and (iii) ensure equal access to special education and related services across local school divisions, (a) *review and* update ~~its special education eligibility~~ *all forms and* worksheets ~~as necessary~~ *relating to referral, evaluation, reevaluation, and eligibility*, including clarifying any ambiguity or vagueness in *the standard for providing an initial evaluation or in* eligibility criteria~~, and~~*;* (b) ~~provide to each local school division the appropriate level of~~ *review and update* guidance on *the implementation of such referral, evaluation, reevaluation, and eligibility forms and worksheets and the legal obligations of local school boards to conduct initial evaluations and make* eligibility determinations for special education and related services*; and (c) develop high-quality professional development to support the implementation of such referral, evaluation, reevaluation, and eligibility guidance, forms, and worksheets*.

7. (i) Develop criteria for what constitutes "exceptional circumstances" that warrant extension of the 60-calendar day regulatory timeline for complaint investigations and include the criteria in its publicly available complaint resolution procedures, (ii) consistently track the Department's receipt of each sufficient complaint and its issuance of the respective letter of findings, and (iii) require staff to report at least quarterly to the Superintendent ~~of Public Instruction~~ on the specific reasons for granting an extension due to "exceptional circumstances" and the amount of time it took to complete each investigation beyond the 60-calendar day regulatory timeline.

8. Develop policies and procedures for considering and addressing credible allegations of local education agency (LEA) noncompliance with the requirements of the Individuals with Disabilities Education Act (P.L. 101-476) that do not meet the current regulatory standard for state complaints. Such policies and procedures shall include expectations and mechanisms for collaboration between the Office of Dispute Resolution and Administrative Services and the Office of Special Education Program Improvement in the Division of Special Education and Student Services at the Department to investigate and resolve such credible allegations of noncompliance that do not qualify for state complaint investigations.

9. Elevate the position of ~~parent ombudsman~~ *State Parent Ombudsman* for ~~special education to~~ *Special Education. The State Parent Ombudsman for Special Education shall (i)* report to the Superintendent ~~of Public Instruction. The parent ombudsman for special education shall~~*; (ii)* systematically track and report *to the Department* questions and concerns raised by parents to the ~~Superintendent of Public Instruction. The Department shall~~ *State Parent Ombudsman for Special Education and special education family support centers established pursuant to § 22.1-214.5; (iii) coordinate with the Parent Training and Information Center on the activities of the special education family support centers established pursuant to § 22.1-214.5; and (iv)* develop a one-page comprehensive summary of the roles and responsibilities of the ~~parent ombudsman~~ *State Parent Ombudsman* for ~~special education~~ *Special Education and such special education family support centers*, the specific supports the ~~parent ombudsman~~ *State Parent Ombudsman* for ~~special education~~ *Special Education and such special education family support centers* can provide to parents, and how to contact the ~~parent ombudsman~~ *State Parent Ombudsman* for ~~special education~~ *Special Education and such special education family support centers*. The Department shall make the summary available in multiple languages on its website *and as part of the Virginia IEP established pursuant to subdivision 11*.

10. Develop and implement a process for systematically auditing and verifying school divisions' self-determinations of compliance with all Individuals with Disabilities Education Act (P.L. 101-476) performance indicators. The verification process shall include a random sample of school divisions each year and ensure that all school divisions' self-determinations are reviewed and verified no less frequently than once every five years.

11. Develop, establish, review and update as necessary at least once every five years, and make available to each local school board an IEP writing, facilitation, tracking, and transfer system to be referred to as the Virginia IEP that includes, at a minimum, an IEP template component and a data system component. The Department shall ensure that such data system component allows for secure transfer of data from division student information systems to the Department. The Department shall also develop and make available to each local school board guidance on the utilization of the Virginia IEP and high-quality professional development to support (i) the effective utilization of the Virginia IEP and (ii) the implementation of instructional practices to support the provision of specially designed instruction in inclusive settings.

12. Develop and publish a data dashboard for the annual public reporting, on a date to be determined by the Superintendent, of state-level, division-level, and school-level special education data, disaggregated by disability type and by subgroups of students with disabilities, including by race, ethnicity, economic disadvantage, English learner status, foster care status, and unhoused status, except when such disaggregation would result in the disclosure of any student's personally identifiable information in violation of relevant federal and state law. Such data dashboard shall include disaggregated (i) results on the early literacy screener provided by the Department, the Virginia Kindergarten Readiness Program, and Standards of Learning assessments and (ii) college and career readiness and learning climate measures.

§ 22.1-214.5. Special education family support centers.

The Parent Training and Information Center in the Commonwealth designated pursuant to 20 U.S.C. § 1471(e) shall establish special education family support centers in eight distinct regions of the Commonwealth that shall each (i) be staffed by a regional special education family liaison employed by such center, (ii) coordinate with special education parent/family liaisons required to be designated pursuant to subsection R of § 22.1-253.13:2, (iii) develop and implement outreach and support to parents of children with disabilities in its region, and (iv) track and report to the State Parent Ombudsman for Special Education data on questions and concerns raised by parents.

§ 22.1-253.13:2. (For effective date, see Acts 2022, cc. 549 and 550, cl. 2) Standard 2. Instructional, administrative, and support personnel.

A. The Board shall establish requirements for the licensing of teachers, principals, superintendents, and other professional personnel.

B. School boards shall employ licensed instructional personnel qualified in the relevant subject areas.

C. Each school board shall assign licensed instructional personnel in a manner that produces divisionwide ratios of students in average daily membership to full-time equivalent teaching positions, excluding special education teachers, principals, assistant principals, school counselors or certain other licensed individuals as set forth in subdivision H 4, and librarians, that are not greater than the following ratios: (i) 24 to one in kindergarten with no class being larger than 29 students; if the average daily membership in any kindergarten class exceeds 24 pupils, a full-time teacher's aide shall be assigned to the class; (ii) 24 to one in grades one, two, and three with no class being larger than 30 students; (iii) 25 to one in grades four through six with no class being larger than 35 students; and (iv) 24 to one in English classes in grades six through 12. After September 30 of any school year, anytime the number of students in a class exceeds the class size limit established by this subsection, the local school division shall notify the parent of each student in such class of such fact no later than 10 days after the date on which the class exceeded the class size limit. Such notification shall state the reason that the class size exceeds the class size limit and describe the measures that the local school division will take to reduce the class size to comply with this subsection.

Within its regulations governing special education programs, the Board shall seek to set pupil/teacher ratios for pupils with intellectual disability that do not exceed the pupil/teacher ratios for self-contained classes for pupils with specific learning disabilities.

Further, school boards shall assign instructional personnel in a manner that produces schoolwide ratios of students in average daily memberships to full-time equivalent teaching positions of 21 to one in middle schools and high schools. School divisions shall provide all middle and high school teachers with one planning period per day or the equivalent, unencumbered of any teaching or supervisory duties.

D. Each local school board shall employ with state and local basic, special education, gifted, and career and technical education funds a minimum number of licensed, full-time equivalent instructional personnel for each 1,000 students in average daily membership (ADM) as set forth in the appropriation act.

E. In addition to the positions supported by basic aid and in support of regular school year programs of prevention, intervention, and remediation, state funding, pursuant to the appropriation act, shall be provided to fund certain full-time equivalent instructional positions for each 1,000 students in grades K through 12 who are identified as needing prevention, intervention, and remediation services. State funding for prevention, intervention, and remediation programs provided pursuant to this subsection and the appropriation act may be used to support programs for educationally at-risk students as identified by the local school boards.

To provide algebra readiness intervention services required by § 22.1-253.13:1, school divisions may employ mathematics teacher specialists to provide the required algebra readiness intervention services. School divisions using the Standards of Learning Algebra Readiness Initiative funding in this manner shall only employ instructional personnel licensed by the Board.

F. In addition to the positions supported by basic aid and those in support of regular school year programs of prevention, intervention, and remediation, state funding, pursuant to the general appropriation act, shall be provided to support (i) 18.5 full-time equivalent instructional positions in the 2020-2021 school year for each 1,000 students identified as having limited English proficiency and (ii) 20 full-time equivalent instructional positions in the 2021-2022 school year and thereafter for each 1,000 students identified as having limited English proficiency, which positions may include dual language teachers who provide instruction in English and in a second language.

To provide flexibility in the instruction of English language learners who have limited English proficiency and who are at risk of not meeting state accountability standards, school divisions may use state and local funds from the Standards of Quality Prevention, Intervention, and Remediation account to employ additional English language learner teachers or dual language teachers to provide instruction to identified limited English proficiency students. Using these funds in this manner is intended to supplement the instructional services provided in this section. School divisions using the SOQ Prevention, Intervention, and Remediation funds in this manner shall employ only instructional personnel licensed by the Board.

G. In addition to the full-time equivalent positions required elsewhere in this section, each local school board shall employ one reading specialist for each 550 students in kindergarten through grade five and one reading specialist for each 1,100 students in grades six through eight. Each such reading specialist shall have training in science-based reading research and evidence-based literacy instruction practices. In addition, each such reading specialist shall have training in the identification of and the appropriate interventions, accommodations, and teaching techniques for students with dyslexia or a

related disorder and shall serve as an advisor on dyslexia and related disorders. Such reading specialist shall have an understanding of the definition of dyslexia and a working knowledge of (i) techniques to help a student on the continuum of skills with dyslexia; (ii) dyslexia characteristics that may manifest at different ages and grade levels; (iii) the basic foundation of the keys to reading, including multisensory, explicit, systemic, and structured reading instruction; and (iv) appropriate interventions, accommodations, and assistive technology supports for students with dyslexia.

To provide reading intervention services required by § 22.1-253.13:1, school divisions may employ reading specialists to provide the required reading intervention services. School divisions using the Early Reading Intervention Initiative funds in this manner shall employ only instructional personnel licensed by the Board. Local school divisions that employ a sufficient number of reading specialists to meet this staffing standard may assign reading specialists to grade levels according to grade levels with greatest need, regardless of the individual staffing standards established for grades kindergarten through five and six through eight.

H. Each local school board shall employ, at a minimum, the following full-time equivalent positions for any school that reports fall membership, according to student enrollment:

1. Principals, one full-time in each elementary school, middle school, and high school, to be employed on a 12-month basis;

2. Assistant principals in elementary schools, one half-time at 600 students, one full-time at 900 students; assistant principals in middle schools, one full-time for each 600 students; assistant principals in high schools, one full-time for each 600 students; and school divisions that employ a sufficient number of assistant principals to meet this staffing requirement may assign assistant principals to schools within the division according to the area of greatest need, regardless of whether such schools are elementary, middle, or secondary;

3. Librarians in elementary schools, one part-time to 299 students, one full-time at 300 students; librarians in middle schools, one-half time to 299 students, one full-time at 300 students, two full-time at 1,000 students; librarians in high schools, one half-time to 299 students, one full-time at 300 students, two full-time at 1,000 students. Local school divisions that employ a sufficient number of librarians to meet this staffing requirement may assign librarians to schools within the division according to the area of greatest need, regardless of whether such schools are elementary, middle, or secondary; and

4. School counselors, one full-time equivalent position per 325 students in grades kindergarten through 12.

However, in order to meet the staffing requirements set forth in this subdivision, any local school board (i) may employ, under a provisional license issued by the Department for three school years with an allowance for an additional two-year extension with the approval of the division superintendent, any professional counselor licensed by the Board of Counseling, clinical social worker licensed by the Board of Social Work, psychologist licensed by the Board of Psychology, or other licensed counseling professional with appropriate experience and training, provided that any such individual makes progress toward completing the requirements for full licensure as a school counselor during such period of employment or (ii) in the event that the school board does not receive any application from a licensed school counselor, professional counselor, clinical social worker, or psychologist or another licensed counseling professional with appropriate experience and training to fill a school counselor vacancy in the school division, may enter into an annual contract with another entity for the provision of school counseling services by a licensed professional counselor, clinical social worker, or psychologist or another licensed counseling professional with appropriate experience and training. Local school boards that employ a sufficient number of individuals to meet the staffing requirements set forth in this subdivision may assign such individuals to schools within the division according to the area of greatest need, regardless of whether such schools are elementary, middle, or high schools.

I. Local school boards shall employ five full-time equivalent positions per 1,000 students in grades kindergarten through five to serve as elementary resource teachers in art, music, and physical education.

J. Local school boards shall employ two full-time equivalent positions per 1,000 students in grades kindergarten through 12, one to provide technology support and one to serve as an instructional technology resource teacher.

To provide flexibility, school divisions may use the state and local funds for instructional technology resource teachers to employ a data coordinator position, an instructional technology resource teacher position, or a data coordinator/instructional resource teacher blended position. The data coordinator position is intended to serve as a resource to principals and classroom teachers in the area of data analysis and interpretation for instructional and school improvement purposes, as well as for overall data management and administration of state assessments. School divisions using these funds in this manner shall employ only instructional personnel licensed by the Board.

K. Local school boards may employ additional positions that exceed these minimal staffing requirements. These additional positions may include, but are not limited to, those funded through the state's incentive and categorical programs as set forth in the appropriation act.

L. A combined school, such as kindergarten through 12, shall meet at all grade levels the staffing requirements for the highest grade level in that school; this requirement shall apply to all staff, except for school counselors or certain other licensed individuals as set forth in subdivision H 4, and shall be based on the school's total enrollment. The Board may grant waivers from these staffing levels upon request from local school boards seeking to implement experimental or innovative programs that are not consistent with these staffing levels.

M. School boards shall, however, annually, on or before December 31, report to the public (i) the actual pupil/teacher ratios in elementary school classrooms in the local school division by school for the current school year; and (ii) the actual pupil/teacher ratios in middle school and high school in the local school division by school for the current school year.

Actual pupil/teacher ratios shall include only the teachers who teach the grade and class on a full-time basis and shall exclude resource personnel. School boards shall report pupil/teacher ratios that include resource teachers in the same annual report. Any classes funded through the voluntary kindergarten through third grade class size reduction program shall be identified as such classes. Any classes having waivers to exceed the requirements of this subsection shall also be identified. Schools shall be identified; however, the data shall be compiled in a manner to ensure the confidentiality of all teacher and pupil identities.

N. Students enrolled in a public school on a less than full-time basis shall be counted in ADM in the relevant school division. Students who are either (i) enrolled in a nonpublic school or (ii) receiving home instruction pursuant to § 22.1-254.1, and who are enrolled in public school on a less than full-time basis in any mathematics, science, English, history, social science, career and technical education, fine arts, foreign language, or health education or physical education course shall be counted in the ADM in the relevant school division on a pro rata basis as provided in the appropriation act. Each such course enrollment by such students shall be counted as 0.25 in the ADM; however, no such nonpublic or home school student shall be counted as more than one-half a student for purposes of such pro rata calculation. Such calculation shall not include enrollments of such students in any other public school courses.

O. Each school board shall provide at least three specialized student support positions per 1,000 students. For purposes of this subsection, specialized student support positions include school social workers, school psychologists, school nurses, licensed behavior analysts, licensed assistant behavior analysts, and other licensed health and behavioral positions, which may either be employed by the school board or provided through contracted services.

In order to fill vacant school psychologist positions, any local school board may employ, under a provisional license issued by the Department for three school years with an allowance for an additional two-year extension with the approval of the division superintendent, clinical psychologists licensed by the Board of Psychology, provided that any such individual makes progress toward completing the requirements for full licensure as a school psychologist during such period of employment.

P. Each local school board shall provide those support services that are necessary for the efficient and cost-effective operation and maintenance of its public schools.

For the purposes of this title, unless the context otherwise requires, "support services positions" shall include the following:

1. Executive policy and leadership positions, including school board members, superintendents and assistant superintendents;

2. Fiscal and human resources positions, including fiscal and audit operations;

3. Student support positions, including (i) social work administrative positions not included in subsection O; (ii) school counselor administrative positions not included in subdivision H 4; (iii) homebound administrative positions supporting instruction; (iv) attendance support positions related to truancy and dropout prevention; and (v) health and behavioral administrative positions not included in subsection O;

4. Instructional personnel support, including professional development positions and library and media positions not included in subdivision H 3;

5. Technology professional positions not included in subsection J;

6. Operation and maintenance positions, including facilities; pupil transportation positions; operation and maintenance professional and service positions; and security service, trade, and laborer positions;

7. Technical and clerical positions for fiscal and human resources, student support, instructional personnel support, operation and maintenance, administration, and technology; and

8. School-based clerical personnel in elementary schools; part-time to 299 students, one full-time at 300 students; clerical personnel in middle schools; one full-time and one additional full-time for each 600 students beyond 200 students and one full-time for the library at 750 students; clerical personnel in high schools; one full-time and one additional full-time for each 600 students beyond 200 students and one full-time for the library at 750 students. Local school divisions that employ a sufficient number of school-based clerical personnel to meet this staffing requirement may assign the clerical personnel to schools within the division according to the area of greatest need, regardless of whether such schools are elementary, middle, or secondary.

Pursuant to the appropriation act, support services shall be funded from basic school aid.

School divisions may use the state and local funds for support services to provide additional instructional services.

Q. Notwithstanding the provisions of this section, when determining the assignment of instructional and other licensed personnel in subsections C through J, a local school board shall not be required to include full-time students of approved virtual school programs.

R. Each local school board shall designate a faculty member to serve as a special education parent/family liaison. The special education parent/family liaison shall serve as a resource to parents and families to understand and engage in (i) the referral, evaluation, reevaluation, and eligibility process if they suspect that their child has a disability and (ii) the IEP process and shall work in collaboration with the special education family support centers established pursuant to § 22.1-214.5. Each school board shall post the name of the designated special education parent/family liaison publicly on its website.

§ 22.1-253.13:4. Standard 4. Student achievement and graduation requirements.

A. Each local school board shall award diplomas to all secondary school students, including students who transfer from nonpublic schools or from home instruction, who meet the requirements prescribed by the Board and meet such other requirements as may be prescribed by the local school board and approved by the Board. Provisions shall be made to facilitate the transfer and appropriate grade placement of students from other public secondary schools, from nonpublic schools, or from home instruction as outlined in the standards for accreditation. The standards for accreditation shall include provisions relating to the completion of graduation requirements through Virtual Virginia. Further, reasonable accommodation to meet the requirements for diplomas shall be provided for otherwise qualified students with disabilities as needed.

In addition, each local school board may devise, vis-a-vis the award of diplomas to secondary school students, a mechanism for calculating class rankings that takes into consideration whether the student has taken a required class more than one time and has had any prior earned grade for such required class expunged.

Each local school board shall notify the parents of rising eleventh and twelfth grade students of (i) the requirements for graduation pursuant to the standards for accreditation and (ii) the requirements that have yet to be completed by the individual student.

B. Students identified as disabled who ~~complete~~*:*

1. Complete alternative requirements, in the form of credit accommodations specified in their individualized education programs, to earn required standard and verified credits shall be awarded standard diplomas by local school boards. Such credit accommodations may include (i) approval of alternative courses to meet standard credit requirements, (ii) modifications to the requirements for local school divisions to award locally awarded verified credits, (iii) approval of additional tests to earn verified credits, (iv) adjusted cut scores required to earn verified credits, (v) allowance of work-based learning experiences, and (vi) special permission credit accommodations for locally awarded verified credits; and

2. Complete the requirements of their individualized education programs and meet certain requirements prescribed by the Board pursuant to regulations but do not meet the requirements for any named diploma shall be awarded Applied Studies diplomas by local school boards. The Board shall develop and implement statewide requirements for earning an Applied Studies diploma for implementation at the beginning of the 2022-2023 school year.

~~Each local school board shall notify the parent of such students with disabilities who have an individualized education program and who fail to meet the graduation requirements of the student's right to a free and appropriate education to age 21, inclusive, pursuant to Article 2 (§ 22.1-213 et seq.) of Chapter 13.~~

The Department shall develop guidance, in multiple languages, for students and parents *(i) informing them of the alternative path to earn a standard diploma through credit accommodations, including special permission credit accommodations for locally awarded verified credits; (ii)* conveying ~~(i)~~ *(a)* the limitations of the applied studies diploma, ~~(ii)~~ *(b)* key curriculum and testing decisions that reduce the likelihood that a student will be able to obtain a standard diploma, and ~~(iii)~~ *(c)* a statement that the pursuit of an applied studies diploma may preclude a student's ability to pursue a standard diploma*; and (iii) supporting them to discuss these diploma options at the student's individualized education program meetings*.

Each local school board shall *develop a process for awarding locally verified credits to students with disabilities, require individualized education program teams to consider credit accommodations, including locally awarded verified credits, for students with disabilities to enable them to earn a standard diploma, and* provide guidance from the Department to parents of students with disabilities regarding *the availability of credit accommodations to earn a standard diploma and the limitations of* the Applied Studies diploma ~~and its limitations~~ at a student's annual individualized education program meeting corresponding to grades three through 12 when curriculum or statewide assessment decisions are being made that impact the type of diploma for which the student can qualify.

Each local school board shall notify the parent of such students with disabilities who have an individualized education program and who fail to meet the graduation requirements of the student's right to a free and appropriate education to age 21, inclusive, pursuant to Article 2 (§ 22.1-213 et seq.) of Chapter 13.

C. Students who have completed a prescribed course of study as defined by the local school board shall be awarded certificates of program completion by local school boards if they are not eligible to receive a Board-approved diploma.

Each local school board shall provide notification of the right to a free public education for students who have not reached 20 years of age on or before August 1 of the school year, pursuant to Chapter 1 (§ 22.1-1 et seq.), to the parent of students who fail to graduate or who have failed to achieve graduation requirements as provided in the standards for accreditation. If such student who does not graduate or complete such requirements is a student for whom English is a second language, the local school board shall notify the parent of the student's opportunity for a free public education in accordance with § 22.1-5.

D. In establishing graduation requirements, the Board shall:

1. Develop and implement, in consultation with stakeholders representing elementary and secondary education, higher education, and business and industry in the Commonwealth and including parents, policymakers, and community leaders in the Commonwealth, a Profile of a Virginia Graduate that identifies the knowledge and skills that students should attain during high school in order to be successful contributors to the economy of the Commonwealth, giving due consideration to critical thinking, creative thinking, collaboration, communication, and citizenship.

2. Emphasize the development of core skill sets in the early years of high school.

3. Establish multiple paths toward college and career readiness for students to follow in the later years of high school. Each such pathway shall include opportunities for internships, externships, and credentialing.

4. Provide for the selection of integrated learning courses meeting the Standards of Learning and approved by the Board to satisfy graduation requirements, which shall include Standards of Learning testing, as necessary.

5. Require students to complete at least one course in fine or performing arts or career and technical education, one course in United States and Virginia history, and two sequential elective courses chosen from a concentration of courses selected from a variety of options that may be planned to ensure the completion of a focused sequence of elective courses that provides a foundation for further education or training or preparation for employment.

6. Require that students (i) complete an Advanced Placement, honors, International Baccalaureate, or dual enrollment course; (ii) complete a high-quality work-based learning experience, as defined by the Board; or (iii) earn a career and technical education credential that has been approved by the Board, except when a career and technical education credential in a particular subject area is not readily available or appropriate or does not adequately measure student competency, in which case the student shall receive satisfactory competency-based instruction in the subject area to earn credit. The career and technical education credential, when required, could include the successful completion of an industry certification, a state licensure examination, a national occupational competency assessment, the Armed Services Vocational Aptitude Battery, or the Virginia workplace readiness skills assessment. The Department shall develop, maintain, and make available to each local school board a catalogue of the testing accommodations available to English language learners for each such certification, examination, assessment, and battery. Each local school board shall develop and implement policies to require each high school principal or his designee to notify each English language learner of the availability of such testing accommodations prior to the student's participation in any such certification, examination, assessment, or battery.

7. Require students to be trained in emergency first aid, cardiopulmonary resuscitation, and the use of automated external defibrillators, including hands-on practice of the skills necessary to perform cardiopulmonary resuscitation.

8. Make provision in its regulations for students with disabilities to earn a diploma.

9. Require students to complete one virtual course, which may be a noncredit-bearing course.

10. Provide that students who complete elective classes into which the Standards of Learning for any required course have been integrated and achieve a passing score on the relevant Standards of Learning test for the relevant required course receive credit for such elective class.

11. Establish a procedure to facilitate the acceleration of students that allows qualified students, with the recommendation of the division superintendent, without completing the 140-hour class, to obtain credit for such class upon demonstrating mastery of the course content and objectives and receiving a passing score on the relevant Standards of Learning assessment. Nothing in this section shall preclude relevant school division personnel from enforcing compulsory attendance in public schools.

12. Provide for the award of credit for passing scores on industry certifications, state licensure examinations, and national occupational competency assessments approved by the Board.

School boards shall report annually to the Board the number of Board-approved industry certifications obtained, state licensure examinations passed, national occupational competency assessments passed, Armed Services Vocational Aptitude Battery assessments passed, and Virginia workplace readiness skills assessments passed, and the number of career and technical education completers who graduated. These numbers shall be reported as separate categories on the School Performance Report Card.

For the purposes of this subdivision, "career and technical education completer" means a student who has met the requirements for a career and technical concentration or specialization and all requirements for high school graduation or an approved alternative education program.

In addition, the Board may:

a. For the purpose of awarding credit, approve the use of additional or substitute tests for the correlated Standards of Learning assessment, such as academic achievement tests, industry certifications, or state licensure examinations; and

b. Permit students completing career and technical education programs designed to enable such students to pass such industry certification examinations or state licensure examinations to be awarded, upon obtaining satisfactory scores on such industry certification or licensure examinations, appropriate credit for one or more career and technical education classes into which relevant Standards of Learning for various classes taught at the same level have been integrated. Such industry certification and state licensure examinations may cover relevant Standards of Learning for various required classes and may, at the discretion of the Board, address some Standards of Learning for several required classes.

13. Provide for the waiver of certain graduation requirements and the subsequent award of a high school diploma (i) upon the Board's initiative, (ii) at the request of a local school board, or (iii) upon the request of the parent of any high school senior who died in good standing prior to graduation during the student's senior year. Such waivers shall be granted only for good cause and shall be considered on a case-by-case basis.

14. Consider all computer science course credits earned by students to be science course credits, mathematics course credits, or career and technical education credits. The Board shall develop guidelines addressing how computer science courses can satisfy graduation requirements.

15. Permit local school divisions to waive the requirement for students to receive 140 clock hours of instruction upon providing the Board with satisfactory proof, based on Board guidelines, that the students for whom such requirements are waived have learned the content and skills included in the relevant Standards of Learning.

16. Provide for the award of verified units of credit for a satisfactory score, as determined by the Board, on the Preliminary ACT (PreACT) or Preliminary SAT/National Merit Scholarship Qualifying Test (PSAT/NMSQT) examination.

17. Permit students to exceed a full course load in order to participate in courses offered by an institution of higher education that lead to a degree, certificate, or credential at such institution.

18. Permit local school divisions to waive the requirement for students to receive 140 clock hours of instruction after the student has completed the course curriculum and relevant Standards of Learning end-of-course assessment, or Board-approved substitute, provided that such student subsequently receives instruction, coursework, or study toward an industry certification approved by the local school board.

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

20. Permit a student who is pursuing an advanced diploma and whose individualized education program specifies a credit accommodation for world language to substitute two standard units of credit in computer science for two standard units of credit in a world language. For any student that elects to substitute a credit in computer science for credit in world language, his or her school counselor must provide notice to the student and parent or guardian of possible impacts related to college entrance requirements.

E. In the exercise of its authority to recognize exemplary performance by providing for diploma seals:

1. The Board shall develop criteria for recognizing exemplary performance in career and technical education programs by students who have completed the requirements for a Board of Education-approved diploma and shall award seals on the diplomas of students meeting such criteria.

2. The Board shall establish criteria for awarding a diploma seal for science, technology, engineering, and mathematics (STEM) for the Board-approved diplomas. The Board shall consider including criteria for (i) relevant coursework; (ii) technical writing, reading, and oral communication skills; (iii) relevant training; and (iv) industry, professional, and trade association national certifications.

3. The Board shall establish criteria for awarding a diploma seal for excellence in civics education and understanding of our state and federal constitutions and the democratic model of government for the Board-approved diplomas. The Board shall consider including criteria for (i) successful completion of history, government, and civics courses, including courses that incorporate character education; (ii) voluntary participation in community service or extracurricular activities that includes the types of activities that shall qualify as community service and the number of hours required; and (iii) related requirements as it deems appropriate.

4. The Board shall establish criteria for awarding a diploma seal of biliteracy to any student who demonstrates proficiency in English and at least one other language for the Board-approved diplomas. The Board shall consider criteria including the student's (i) score on a College Board Advanced Placement foreign language examination, (ii) score on an SAT II Subject Test in a foreign language, (iii) proficiency level on an ACTFL Assessment of Performance toward Proficiency in Languages (AAPPL) measure or another nationally or internationally recognized language proficiency test, or (iv) cumulative grade point average in a sequence of foreign language courses approved by the Board.

F. The Board shall establish, by regulation, requirements for the award of a general achievement adult high school diploma for those persons who are not subject to the compulsory school attendance requirements of § 22.1-254 and have (i) achieved a passing score on a high school equivalency examination approved by the Board; (ii) successfully completed an education and training program designated by the Board; (iii) earned a Board-approved career and technical education credential such as the successful completion of an industry certification, a state licensure examination, a national occupational competency assessment, the Armed Services Vocational Aptitude Battery, or the Virginia workplace readiness skills assessment; and (iv) satisfied other requirements as may be established by the Board for the award of such diploma.

G. To ensure the uniform assessment of high school graduation rates, the Board shall collect, analyze, report, and make available to the public high school graduation and dropout data using a formula prescribed by the Board.

H. The Board shall also collect, analyze, report, and make available to the public high school graduation and dropout data using a formula that excludes any student who fails to graduate because such student is in the custody of the Department of Corrections, the Department of Juvenile Justice, or local law enforcement. For the purposes of the Standards of Accreditation, the Board shall use the graduation rate required by this subsection.

I. The Board may promulgate such regulations as may be necessary and appropriate for the collection, analysis, and reporting of such data required by subsections G and H.

§ 22.1-253.13:5. (For effective date, see 2022 Acts, cc. 549 and 550, cl. 2) Standard 5. Quality of classroom instruction and educational leadership.

A. Each member of the Board shall participate in high-quality professional development programs on personnel, curriculum and current issues in education as part of his service on the Board.

B. Consistent with the finding that leadership is essential for the advancement of public education in the Commonwealth, teacher, principal, and superintendent evaluations shall be consistent with the performance standards included in the Guidelines for Uniform Performance Standards and Evaluation Criteria for Teachers, Principals, and Superintendents. Evaluations shall include student academic progress as a significant component and an overall summative

rating. Teacher evaluations shall include regular observation and evidence that instruction is aligned with the school's curriculum. Evaluations shall include identification of areas of individual strengths and weaknesses and recommendations for appropriate professional activities. Evaluations shall include an evaluation of cultural competency.

C. The Board shall provide guidance on high-quality professional development for (i) teachers, principals, supervisors, division superintendents, and other school staff; (ii) principals, supervisors, and division superintendents in the evaluation and documentation of teacher and principal performance based on student academic progress and the skills and knowledge of such instructional or administrative personnel; (iii) school board members on personnel, curriculum and current issues in education; (iv) teachers of the blind and visually impaired, in cooperation with the Virginia Department for the Blind and Vision Impaired, in Braille; (v) any individual with an endorsement in early/primary education preschool through grade three, elementary education preschool through grade six, special education general curriculum kindergarten through grade 12, special education deaf and hard of hearing preschool through grade 12, special education blindness/visual impairments preschool through grade 12, or English as a second language preschool through grade 12, or as a reading specialist that builds proficiency in science-based reading research and evidence-based literacy instruction; (vi) each teacher with an endorsement in middle education grades six through eight who teaches English that builds proficiency in evidence-based literacy instruction and science-based reading research; ~~and~~ (vii) each middle school principal and teacher with an endorsement in middle education grades six through eight who teaches mathematics, science, or history and social science that builds an awareness of evidence-based literacy instruction and science-based reading research*; (viii) each teacher with a provisional general education or special education license or an endorsement in early/primary education preschool through grade three, elementary education preschool through grade six, middle education grades six through eight, and secondary education grades six through 12; each principal with an endorsement in administration and supervision preschool through grade 12; and each teacher's aide or other paraprofessional that builds proficiency in instructional practices to support specially designed instruction in inclusive settings; and (ix) each teacher with a provisional special education license or an endorsement in special education general curriculum preschool through grade 12, special education deaf and hard of hearing preschool through grade 12, or special education blindness and visual impairments preschool through grade 12 that builds proficiency in implementing the Virginia IEP established pursuant to subdivision 11 of § 22.1-214.4 and the referral, evaluation, reevaluation, and eligibility forms and worksheets referenced in subdivision 6 of § 22.1-214.4*.

The Board shall also provide technical assistance on high-quality professional development to local school boards designed to ensure that all instructional personnel are proficient in the use of educational technology consistent with its comprehensive plan for educational technology.

The Department shall provide technical assistance, including literacy coaching, to local school divisions to provide professional development in science-based reading research and evidence-based literacy instruction for students in kindergarten through grade eight. The Department shall also create a list of professional development programs aligned with science-based reading research and evidence-based literacy instruction that includes programs that provide training in dyslexia for reading specialists as required by subsection G of § 22.1-253.13:2. The list shall be approved by the Board. The Department shall provide resources to local school divisions to ensure that each division is able to provide professional development to teachers and reading specialists listed in subdivision E 2 in one of the programs enumerated in the list approved by the Board pursuant to this subdivision and that such professional development is provided at no cost to the teachers and reading specialists.

The Department shall provide technical assistance, including special education coaching, to local school divisions to provide professional development in special education and related services and in instructional practices to support specially designed instruction in inclusive settings. The Department shall provide resources to local school divisions to ensure that each division is able to provide professional development to the teachers, principals, teacher's aides, and other paraprofessionals listed in subdivisions E 4 and 5 at no cost to such individuals.

D. Each local school board shall require (i) its members to participate annually in high-quality professional development activities at the state, local, or national levels on governance, including, but not limited to, personnel policies and practices; the evaluation of personnel, curriculum, and instruction; use of data in planning and decision making; and current issues in education as part of their service on the local board and (ii) the division superintendent to participate annually in high-quality professional development activities at the local, state, or national levels, including the Standards of Quality, Board regulations, and the Guidelines for Uniform Performance Standards and Evaluation Criteria for Teachers, Principals, and Superintendents.

E. Each local school board shall provide a program of high-quality professional development (i) in the use and documentation of performance standards and evaluation criteria based on student academic progress and skills for teachers, principals, and superintendents to clarify roles and performance expectations and to facilitate the successful implementation of instructional programs that promote student achievement at the school and classroom levels; (ii) as part of the license renewal process, to assist teachers and principals in acquiring the skills needed to work with gifted students, students with disabilities, and students who have been identified as having limited English proficiency and to increase student achievement and expand the knowledge and skills students require to meet the standards for academic performance set by the Board; (iii) in educational technology for all instructional personnel which is designed to facilitate integration of computer skills and related technology into the curricula; and (iv) for principals and supervisors designed to increase proficiency in instructional leadership and management, including training in the evaluation and documentation of teacher

and principal performance based on student academic progress and the skills and knowledge of such instructional or administrative personnel.

In addition, each local school board shall provide:

1. Teachers and principals with high-quality professional development programs each year in ~~(a)~~ *(i)* instructional content; ~~(b)~~ *(ii)* the preparation of tests and other assessment measures; ~~(c)~~ *(iii)* methods for assessing the progress of individual students, including Standards of Learning assessment materials or other criterion-referenced tests that match locally developed objectives; ~~(d)~~ *(iv)* instruction and remediation techniques in English, mathematics, science, and history and social science; ~~(e)~~ *(v)* interpreting test data for instructional purposes; ~~(f)~~ *(vi)* technology applications to implement the Standards of Learning; and ~~(g)~~ *(vii)* effective classroom management;

2. High-quality professional development and training in science-based reading research and evidence-based literacy instruction, from the list developed and the resources provided by the Department pursuant to subsection C or an alternative program that consists of evidence-based literacy instruction and aligns with science-based reading research approved by the Department, for each elementary school principal and each teacher with an endorsement in early/primary education preschool through grade three, elementary education preschool through grade six, special education general curriculum kindergarten through grade 12, special education deaf and hard of hearing preschool through grade 12, special education blindness/visual impairments preschool through grade 12, or English as a second language preschool through grade 12, or as a reading specialist that builds proficiency in evidence-based literacy instruction and science-based reading research in order to aid in the licensure renewal process for such individuals; ~~and~~

3. High-quality professional development and training in science-based reading research and evidence-based literacy instruction, from the list developed and the resources provided by the Department pursuant to subsection C, or an alternative program that consists of evidence-based literacy instruction and aligns with science-based reading research approved by the Department, for (i) each teacher with an endorsement in middle education grades six through eight who teaches English that builds proficiency in evidence-based literacy instruction and science-based reading research and (ii) each middle school principal and teacher with an endorsement in middle education grades six through eight who teaches mathematics, science, or history and social science that builds an awareness of evidence-based literacy instruction and science-based reading research*;*

4. High-quality professional development in implementing the Virginia IEP established pursuant to subdivision 11 of § 22.1-214.4 and the referral, evaluation, reevaluation, and eligibility forms and worksheets referenced in subdivision 6 of § 22.1-214.4 for each teacher with a provisional special education license or an endorsement in special education general curriculum kindergarten through grade 12, special education deaf and hard of hearing preschool through grade 12, and special education blindness and visual impairments preschool through grade 12; and

5. High-quality professional development in instructional practices to support specially designed instruction in inclusive settings for each teacher with a provisional general education license or an endorsement in early/primary education preschool through grade three, elementary education preschool through grade six, and secondary education grades six through 12; each principal with an endorsement in administration and supervision preschool through grade 12; each teacher's aide or other paraprofessional; and any teacher with a provisional special education license for whom the school board determines there is a need for such professional development.

F. Schools and school divisions shall include as an integral component of their comprehensive plans required by § 22.1-253.13:6, high-quality professional development programs that support the recruitment, employment, and retention of qualified teachers and principals. Each school board shall require all instructional personnel to participate each year in these professional development programs.

G. Each local school board shall annually review its professional development program for quality, effectiveness, participation by instructional personnel, and relevancy to the instructional needs of teachers and the academic achievement needs of the students in the school division.

§ 22.1-289. Transfer and management of scholastic records; disclosure of information in court notices; penalty.

A. As used in this section:

"Scholastic record" means those records that are directly related to a student and are maintained by an educational agency or institution or by a party acting for the agency or institution. These include, but are not limited to, documentation pertinent to the educational growth and development of students as they progress through school, student disciplinary records, achievement and test data, cumulative health records, reports of assessments for eligibility for special education services, and Individualized Education Programs. Such records may be recorded in any way, including, but not limited to, handwriting, print, computer media, video or audio tape, film, microfilm, and microfiche.

A notice of adjudication or conviction received by a superintendent relating to an incident which did not occur on school property or during a school-sponsored activity shall not be a part of a student's scholastic record.

The term "scholastic record" also shall not include records of instructional, supervisory, administrative, and ancillary educational personnel that are kept in the sole possession of the maker of the record and are not accessible or revealed to any other person except a temporary substitute for the maker of the record.

B. Whenever a pupil transfers from one school division to another, the scholastic record or a copy of the scholastic record shall be transferred to the school division to which the pupil transfers upon request from such school division. Permission of the parent, guardian, or other person having control or charge of the student shall not be required for transfer of such scholastic record to another school or school division within or outside the Commonwealth.

C. Any notice of disposition received pursuant to § 16.1-305.1 shall not be retained after the student has been awarded a diploma or a certificate as provided in § 22.1-253.13:4.

D. Every student's scholastic record shall be available to the student and his parent, guardian, or other person having control or charge of the student for inspection during the regular school day. Permission of the parent, guardian, or other person having control or charge of the student, or of a student who is 18 years of age or older, shall not be required for transfer of such scholastic record to another school or school division within or without this Commonwealth.

Consistent with federal law and regulation, each school shall annually notify parents of students currently enrolled and in attendance of their rights under the federal Family Educational Rights and Privacy Act (20 U.S.C. § 1232g) and related regulations.

A school responding to a request for the transfer of the scholastic record from another school division need not provide written notice of the transfer of the record, including the identity of the requester, to the parent, guardian, or other person having control or charge of the student, or to a student who is 18 years of age or older, if the school has previously included in the annual notice required by this subsection a statement that it forwards such records to such requesting school divisions.

E. Whenever the division superintendent is notified by the Department of Juvenile Justice, pursuant to § 16.1-287, or by a school division employee responsible for education programs in a local jail or a detention center, that a pupil who last attended a school within the school division is a pupil in a school of a juvenile correctional center of the Department of Juvenile Justice, or a pupil in an educational program in a local jail or detention center, the school division superintendent or his designee shall transfer the scholastic record of such pupil to the designated juvenile correctional center or local jail or a detention center, as the case may be, within five work days. The Department of Juvenile Justice shall transfer the scholastic record of a student who has been discharged from a juvenile correctional center to the relevant school division within five work days of the student's discharge.

The Board of Education shall adopt regulations concerning the transfer and management of scholastic records from one school division to another, to the learning centers of the Department of Juvenile Justice, and to educational programs in local jails and detention centers.

Upon receiving notice of a foster care placement of a student across jurisdictional lines, the sending school division and the receiving school division, as such school divisions are defined in subsection D of § 22.1-3.4, shall expedite the transfer of the scholastic record of the student.

F. The division superintendent or his designee shall notify the local police or sheriff's department for investigation as a possible missing child of any enrolled pupil whose scholastic record he is unable to obtain within 60 days or sooner, if the division superintendent or his designee has reason to suspect that the pupil is a missing child.

G. Superintendents and their designees shall be immune from any civil or criminal liability in connection with any notice to a police or sheriff's department of a pupil lacking a scholastic record or failure to give such notice as required by this section.

H. Except as provided in §§ 16.1-309 and 22.1-287 and this section, a superintendent or his designee, or other school personnel who unlawfully discloses information obtained pursuant to § 16.1-305.1 shall be guilty of a Class 3 misdemeanor.

I. After a child with a disability, as defined in § 22.1-213, graduates from, ages out of, or otherwise leaves any public elementary or secondary school in the Commonwealth, such school shall retain the special education records of such child for at least seven years. Each such school shall notify the parents of each such child of the opportunity to obtain such records during such retention period.

§ 23.1-902.1. (For effective date, see 2022 Acts, cc. 549 and 550, cl. 2) Education preparation programs; coursework; audit.

A. As used in this section~~,~~*:*

"~~evidence-based~~ *Evidence-based* literacy instruction" and "science-based reading research" have the same meanings as provided in § 22.1-1.

"Instructional practices to support specially designed instruction in inclusive settings" has the same meaning as provided in § 22.1-213.

B. Each education preparation program offered by a public institution of higher education or private institution of higher education or alternative certification program that provides training for any student seeking initial licensure by the Board of Education or a certificate or microcredential in early literacy or literacy coaching shall:

1. Include a program of coursework and require all such students to demonstrate mastery in science-based reading research and evidence-based literacy instruction. Each such program of coursework and the student mastery required to be demonstrated therein shall be consistent with definitions and expectations established by the Board of Education and the Department of Education after consultation with a commission consisting of independent literacy experts and stakeholders with knowledge of science-based reading research and evidence-based literacy instruction that has reviewed the requirements established in subdivision 6 of 8VAC20-23-130, subdivision 6 of 8VAC20-23-190, subdivision 2 a of 8VAC20-23-350, 8VAC20-23-510 through 8VAC20-23-580, and 8VAC20-23-660; and

2. For any such student seeking initial licensure by the Board of Education as a teacher with an endorsement in early childhood, elementary education, or special education or with an endorsement as a reading specialist, ensure that reading coursework and field practice opportunities are a significant focus of the education preparation program.

C. *Each education preparation program offered by a public institution of higher education or private institution of higher education or alternative certification program that provides training for any student seeking initial licensure by the*

Board of Education with an endorsement in early/primary education preschool through grade three, elementary education preschool through grade six, middle education grades six through eight, and secondary education grades six through 12 shall:

1. Include a program of coursework and require all such students to demonstrate mastery in instructional practices to support specially designed instruction in inclusive settings. Each such program of coursework and the student mastery required to be demonstrated therein shall be consistent with definitions and expectations established by the Board of Education and the Department of Education after consultation with a commission consisting of independent special education experts and stakeholders that has reviewed the requirements established in 8VAC20-23-510 through 8VAC20-23-580; and

2. For any such student seeking initial licensure by the Board of Education as a teacher with an endorsement in early/primary, elementary, or secondary education, ensure that coursework and, as available, field practice opportunities that build knowledge of instructional practices to support specially designed instruction in inclusive settings are a significant focus of the education preparation program.

D. The Department of Education shall audit at least once every seven years each education preparation program, in alignment with each program's accreditation cycle, for compliance with the requirements set forth in subsection B.

~~D.~~ *E.* Each education preparation program offered by a public institution of higher education or private institution of higher education that leads to a degree, concentration, endorsement, or certificate for reading specialists shall include a program of coursework and other training in the identification of and the appropriate interventions, accommodations, and teaching techniques for students with dyslexia or a related disorder. Such program shall (i) include coursework in the constructs and pedagogy underlying remediation of reading, spelling, and writing and (ii) require reading specialists to demonstrate mastery of science-based reading research and evidence-based literacy instruction, including appropriate application of instructional supports and services and reading literacy interventions to ensure reading proficiency.

2. That the Department of Education shall amend its guidelines, *Management of the Student's Scholastic Record in the Public Schools of Virginia*, in accordance with the provisions of § 22.1-289 of the Code of Virginia, as amended by this act.

3. That The Library of Virginia shall amend its *Records Retention and Disposition Schedule, General Schedule No. GS-21, County and Municipal Governments, Public School* in accordance with the provisions of § 22.1-289 of the Code of Virginia, as amended by this act.

4. That the provisions of subdivision 11 of § 22.1-214.4 of the Code of Virginia, as amended by this act, and subdivisions E 4 and 5 of § 22.1-253.13:5 of the Code of Virginia, as amended by this act, shall become effective on July 1, 2027, and shall be fully implemented in each local school division beginning in the 2027–2028 school year.

5. That no later than November 1, 2024, the Department of Education shall submit to the Chairmen of the House Committee on Appropriations, the House Committee on Education, the Senate Committee on Education and Health, and the Senate Committee on Finance and Appropriations an initial report on its progress toward improving services to students with disabilities, including (i) the estimated costs, requirements, and timeline to implement the Virginia IEP data system and template; (ii) a plan for the Department of Education to begin providing technical assistance and coaching to local school divisions; (iii) the status of reviews, form updates, and worksheet development relating to referral, evaluation, reevaluation, and eligibility; and (iv) estimated costs and the timeline to develop and implement high-quality professional development to support (a) the implementation of referral, evaluation, reevaluation, and eligibility guidance, forms, and worksheets; (b) the effective utilization of the Virginia IEP data system and template; and (c) the implementation of instructional practices to support the provision of specially designed instruction in inclusive settings.

6. That the Department of Education (the Department) shall make the first annual public report as required pursuant to subdivision 12 of § 22.1-214.4 of the Code of Virginia, as amended by this act, by January 1, 2025. Upon the completion of the planned update of the School Quality Profiles system by the Department, the Department shall thereafter satisfy such annual reporting requirement by incorporating the necessary data into such system.

7. That no later than January 1, 2028, each school board shall adopt policies regarding the utilization of the components of the Virginia IEP or a local alternative to either such component.

8. That the Board of Education shall review and consider an update to its regulations, including 8VAC20-81-110, to include parent and student input as required content in an IEP for all relevant students, define "short-term objectives" for the purpose of IEP content, and include, as appropriate, short-term objectives derived from measurable goals as required content in an IEP for all relevant students.

9. That there is hereby established an advisory committee within the Department of Education (the Department) to support the Department in the implementation of the requirements of this act. Such advisory committee shall consist of at least 26 members, including two legislative members and at least 24 nonlegislative citizen members, appointed as follows: (i) one member of the House of Delegates to be appointed by the Speaker of the House of Delegates, giving preference to a member with a child with a disability enrolled in a public elementary or secondary school in the Commonwealth; (ii) one member of the Senate of Virginia to be appointed by the Senate Committee on Rules, giving preference to a member with a child with a disability enrolled in a public elementary or secondary school in the Commonwealth; and (iii) at least 24 nonlegislative citizen members appointed by the Superintendent of Public Instruction (the Superintendent), including two parents of public school students with disabilities and two students

with disabilities who represent a diverse array of school settings, including by grade level, region of the Commonwealth, disability, and Title I status; at least 15 school division staff who represent a similarly diverse array of school settings and each of the eight Superintendent's regions and who include at least two division superintendents, special education administrators, principals, general education teachers, and special education teachers and at least one speech and language pathologist, physical therapist, occupational therapist, school counselor, and school psychologist. The Department shall work with such advisory committee to develop and implement a system for gathering public input on the implementation of this act.

10. That the Virginia Commission on Youth (the Commission) shall study and make recommendations on Virginia's special education dispute resolution system. In conducting such study, the Commission shall (i) consider the entire special education dispute resolution system in the Commonwealth, including the parent ombudsman for special education, mediation, complaints, and due process; (ii) review the effectiveness of such system in responding to the concerns of parents, analyze such system in comparison to best practices from other states, and make actionable recommendations for improvement, including regulatory, statutory, staffing, and budgetary modifications; and (iii) specifically review and make recommendations to improve the Department of Education's system for collecting, tracking, analyzing, and publicly reporting data on parent interactions with such system and the outcomes of such interactions. The Commission shall report its findings and recommendations to the General Assembly no later than November 1, 2025.

CHAPTER 469

An Act to amend and reenact §§ 2.2-4378 through 2.2-4383 of the Code of Virginia, relating to Virginia Public Procurement Act; construction management and design-build contracting; report.

[H 1108]

Approved April 4, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-4378 through 2.2-4383 of the Code of Virginia are amended and reenacted as follows:

§ 2.2-4378. Purpose; applicability.

A. The purpose of this chapter is to enunciate the public policies pertaining to governmental procurement of construction utilizing the construction management and design-build procurement methods. *A design-bid-build project delivery method that utilizes competitive sealed bidding is the default method of procurement for construction.* Notwithstanding any other provision of law, the Commonwealth may enter into contracts on a fixed price design-build basis or construction management basis in accordance with the provisions of this chapter and § 2.2-1502.

B. Except as provided in subsection C, this chapter shall apply regardless of the source of financing, whether it is general fund, nongeneral fund, federal trust fund, state debt, or institutional debt.

C. The following shall be exempt from the provisions of this chapter:

1. Projects of a covered institution that are to be funded exclusively by a foundation that (i) exists for the primary purpose of supporting the covered institution and (ii) is exempt from taxation under § 501(c)(3) of the Internal Revenue Code; and

2. Transportation construction projects procured and awarded by the Commonwealth Transportation Board pursuant to subsection B of § 33.2-209.

D. The provisions of this chapter shall supplement the provisions of the Virginia Public Procurement Act (§ 2.2-4300 et seq.), which provisions shall remain applicable. In the event of any conflict between this chapter and the Virginia Public Procurement Act (§ 2.2-4300 et seq.), the Restructured Higher Education Financial and Administrative Operations Act of 2005 (§ 23.1-1000 et seq.), or any other provision of law, this chapter shall control.

§ 2.2-4379. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Complex project" means a construction project that includes one or more of the following significant components: difficult site location, unique equipment, specialized building systems, multifaceted program, accelerated schedule, historic designation, or intricate phasing or some other aspect that makes ~~competitive sealed bidding~~ *the design-bid-build project delivery method* not practical.

"Construction management contract" means a contract in which a party is retained by the owner to coordinate and administer contracts for construction services for the benefit of the owner and may also include, if provided in the contract, the furnishing of construction services to the owner.

"Covered institution" means a public institution of higher education operating (i) subject to a management agreement set forth in Article 4 (§ 23.1-1004 et seq.) of Chapter 10 of Title 23.1, (ii) under a memorandum of understanding pursuant to § 23.1-1003, or (iii) under the pilot program authorized in the appropriation act.

"Department" means the Department of General Services.

"Design-bid-build" means a project delivery method in which a public body sequentially awards two separate contracts, the first for professional services to design the project and the second utilizing competitive sealed bidding for construction of the project according to the design.

"Design-build contract" means a contract between a public body and another party in which the party contracting with the public body agrees to both design and build the structure, or other item specified in the contract.

"Division" means the Division of Engineering and Buildings of the Department of General Services as established by § 2.2-1129.

"Public body" means the same as that term is defined in § 2.2-4301.

"State public body" means any authority, board, department, instrumentality, agency, or other unit of state government. "State public body" does not include any covered institution; any county, city, or town; or any local or regional governmental authority.

§ 2.2-4380. Construction management or design-build contracts for state public bodies authorized.

A. Any state public body may enter into a contract for construction on a fixed price or not-to-exceed price construction management or design-build basis, provided that *(i) the Department has approved the use of construction management or design-build contracts and (ii)* such public body complies with the requirements of this article and the procedures adopted by the Secretary of Administration for using construction management or design-build contracts.

B. Procedures adopted by a state public body pursuant to this article shall include the following requirements:

1. A written determination is made in advance by the state public body that ~~competitive sealed bidding~~ *the design-bid-build project delivery method* is not practicable or fiscally advantageous, and such writing shall document the basis for the determination to use construction management or design-build. The determination shall be included in the Request for Qualifications and maintained in the procurement file;

2. Prior to making a determination as to the use of construction management or design-build for a specific construction project, a state public body shall have in its employ or under contract a licensed architect or engineer with professional competence appropriate to the project who shall (i) advise the public body regarding the use of construction management or design-build for that project and (ii) assist the public body with the preparation of the Request for Proposal and the evaluation of such proposals;

3. Public notice of the Request for Qualifications is posted on the Department's central electronic procurement website, known as eVA, at least 30 days prior to the date set for receipt of qualification proposals;

4. For construction management contracts, the contract is entered into no later than the completion of the schematic phase of design, unless prohibited by authorization of funding restrictions;

5. Prior construction management or design-build experience or previous experience with the ~~Department's Bureau of Capital Outlay Management~~ *Division* shall not be ~~required~~ *considered* as a prerequisite *or factor considered* for *prequalification or* award of a contract. However, in the selection of a contractor, a state public body may consider the experience of each contractor on comparable projects *of similar complexity and size*;

6. Construction management contracts shall require that (i) no more than 10 percent of the construction work, as measured by the cost of the work, be performed by the construction manager with its own forces and (ii) the remaining 90 percent of the construction work, as measured by the cost of the work, be performed by subcontractors of the construction manager, which the construction manager shall procure by publicly advertised, competitive sealed bidding to the maximum extent practicable; ~~and~~

7. The procedures allow for a two-step competitive negotiation process*; and*

8. The procedures allow the state public body to post on the Department's central electronic procurement website known as eVA when and where the general contractor plans to advertise bid packages for subcontracting opportunities when appropriate.

C. The Department shall evaluate the proposed procurement method selected by the state public body and make its recommendation as to whether the use of the construction management or design-build procurement method is appropriate for the specific project. In its review, the Department shall also consider:

1. The written determination of the state public body;

2. The compliance by the state public body with subdivisions B 1, 2, and 7;

3. The project cost, expected timeline, and use;

4. Whether the project is a complex project; and

5. Any other criteria established by the Department to evaluate the proposed procurement method for the project.

D. The Department shall conduct its review within five working days after receipt of the written determination and render its written ~~recommendation~~ *approval or denial* within such five-working-day period. The written ~~recommendation~~ *approval or denial* of the Department shall be maintained in the procurement file.

E. ~~If a state public body elects to proceed with the project using a construction management or design-build procurement method despite the recommendation of the Department to the contrary, such state public body shall state in writing its reasons therefor and any justification for not following the recommendation of the Department and submit same to the Department. The written statement of a state public body's decision to not follow the recommendation of the Department shall be maintained in the procurement file.~~ *All documents open to public inspection pursuant to § 2.2-4342 that are issued or received by the Department shall be posted on the Department's central electronic procurement website known as eVA.*

§ 2.2-4381. Construction management or design-build contracts for covered institutions authorized.

A. Any covered institution may enter into a contract for construction on a fixed price or not-to-exceed price construction management or design-build basis, provided that *(i) the Department approves the use of construction*

management or design-build or, in the case of a denial by the Department, such institution receives approval as set forth in subsection F and (ii) such institution complies with the requirements of this article and with the procedures adopted by the Secretary of Administration for using construction management or design-build contracts.

B. Covered institutions shall:

1. Develop procedures for determining the selected procurement method which, at a minimum, shall consider cost, schedule, complexity, and building use;

2. Submit such procedures, and any subsequent changes to adopted procedures, to the Department for review and comment; ~~and~~

3. *Post all documents open to public inspection pursuant to § 2.2-4342 that are exchanged between the covered institution and the Department on the Department's central electronic procurement website, known as eVA, prior to the date of submission of proposals; and*

4. Submit Department-reviewed procedures to its board of visitors *or governing board* for adoption.

C. Procedures adopted by a board of visitors pursuant to this article shall include the following requirements:

1. A written determination is made in advance by the covered institution that ~~competitive sealed bidding~~ *the design-bid-build project delivery method* is not practicable or fiscally advantageous, and such writing shall document the basis for the determination to use construction management or design-build. The determination shall be included in the Request for Qualifications and maintained in the procurement file;

2. Prior to making a determination as to the use of construction management or design-build for a specific construction project, a covered institution shall have in its employ or under contract a licensed architect or engineer with professional competence appropriate to the project who shall (i) advise the covered institution regarding the use of construction management or design-build for that project and (ii) assist the covered institution with the preparation of the Request for Proposal and the evaluation of such proposals;

3. Public notice of the Request for Qualifications is posted on the Department's central electronic procurement website, known as eVA, at least 30 days prior to the date set for receipt of qualification proposals;

4. For construction management contracts, the contract is entered into no later than the completion of the schematic phase of design, unless prohibited by authorization of funding restrictions;

5. Prior construction management or design-build experience or previous experience with the ~~Department's Bureau of Capital Outlay Management~~ *Division* shall not be ~~required~~ *considered* as a prerequisite *or factor considered* for *prequalification or* award of a contract. However, in the selection of a contractor, a covered institution may consider the experience of each contractor on comparable projects *of similar complexity and size*;

6. Construction management contracts shall require that (i) no more than 10 percent of the construction work, as measured by the cost of the work, be performed by the construction manager with its own forces and (ii) the remaining 90 percent of the construction work, as measured by the cost of the work, be performed by subcontractors of the construction manager, which the construction manager shall procure by publicly advertised, competitive sealed bidding to the maximum extent practicable; ~~and~~

7. The procedures allow for a two-step competitive negotiation process*;*

8. The procedures allow the covered institution to post on the Department's central electronic procurement website known as eVA when and where the general contractor plans to advertise bid packages for subcontracting opportunities when appropriate; and

9. The procedures require the covered institution to provide documentation to all of the unsuccessful proposers, upon request, of the processes used in awarding the contract.

D. The Department shall evaluate the proposed procurement method selected by a covered institution and ~~make~~ *offer* its ~~recommendation~~ *approval or denial* as to whether the use of the construction management or design-build procurement method is appropriate for the specific project. In its review, the Department shall also consider:

1. The written determination of the covered institution;

2. The compliance by the covered institution with subdivisions C 1, 2, and 7;

3. The project cost, expected timeline, and use;

4. Whether the project is a complex project; and

5. Any other criteria established by the Department to evaluate the proposed procurement method for the project.

E. The Department shall conduct its review within five working days after receipt of the written determination and render its written ~~recommendation~~ *approval or denial* within such five-working-day period. The written ~~recommendation~~ *approval or denial* of the Department shall be maintained in the procurement file.

F. If a covered institution elects to proceed with the project using a construction management or design-build procurement method despite the ~~recommendation~~ *decision* of the Department to the contrary, ~~such covered institution shall state in writing its reasons therefor and any justification for not following the recommendation of the Department and submit same to the Department. The~~ *the Department shall present the written denial issued pursuant to subsection E to the board of visitors or governing board of such covered institution and the covered institution shall obtain approval by a majority vote of such board for (i) projects funded by funds other than those provided to such covered institution from the state general fund or (ii) projects of $65 million or more funded in whole or in part from state general funds. If the project is funded in whole or in part from state general funds, a representative from the Department, to the extent the Department deems practicable, shall be included in the process for the selection of a contractor following such approval by the board of*

visitors or governing board. For projects under $65 million funded in whole or in part from state general funds, the covered institution shall obtain approval from the Chairmen of the House Committee on Appropriations and the Senate Committee on Finance and Appropriations, or their designees, and a representative of the Department.

A written statement of a covered institution's decision to not follow the ~~recommendation~~ *decision* of the Department*, its reasons therefor, and the vote of the board of visitors or governing board* shall be maintained in the procurement file.

§ 2.2-4382. Design-build or construction management contracts for local public bodies authorized.

A. Any local public body may enter into a contract for construction on a fixed price or not-to-exceed price construction management or design-build basis, provided that the local public body (i) *receives approval, if required, as provided in subsection B, (ii)* complies with the requirements of this article*,* and ~~(ii)~~ *(iii)* has by ordinance or resolution implemented procedures consistent with the procedures adopted by the Secretary of Administration for utilizing construction management or design-build contracts.

B. *If a local public body is required to obtain approval from its local governing body to enter into a contract for construction using construction management or design-build, then the local governing body shall adopt a resolution or motion on a per project basis in a public forum to that effect prior to issuing a Request for Qualifications.*

C. Prior to making a determination as to the use of construction management or design-build for a specific construction project, a local public body shall have in its employ or under contract a licensed architect or engineer with professional competence appropriate to the project who shall (i) advise such public body regarding the use of construction management or design-build for that project and (ii) assist such public body with the preparation of the Request for Proposal and the evaluation of such proposals.

~~C.~~ *D.* A written determination shall be made in advance by the local public body that ~~competitive sealed bidding~~ *the design-bid-build project delivery method* is not practicable or fiscally advantageous, and such writing shall document the basis for the determination to utilize construction management or design-build*, including the determination of the project's complexity*. The determination shall be included in the Request for Qualifications and be maintained in the procurement file.

~~D.~~ *E.* Procedures adopted by a local public body for construction management *or design-build* pursuant to this article shall include the following requirements:

1. Construction management *or design-build* may be utilized on projects ~~where the project cost is expected to be less than the project cost threshold established in the procedures adopted by the Secretary of Administration for utilizing construction management contracts~~, provided that (i) the project is a complex project and (ii) the ~~project~~ procurement method *for the project* is approved by the local governing body. The written approval of the governing body shall be maintained in the procurement file;

2. Public notice of the Request for Qualifications is posted on the Department's central electronic procurement website~~,~~ known as eVA, *or the local public body's own website,* at least 30 days prior to the date set for receipt of qualification proposals;

3. The construction management contract is entered into no later than the completion of the schematic phase of design, unless prohibited by authorization of funding restrictions;

4. Prior construction management or design-build experience or previous experience with the ~~Department's Bureau of Capital Outlay Management~~ *Division* shall not be ~~required~~ *considered* as a prerequisite *or factor considered* for ~~award~~ *prequalification* of a contract. However, in the selection of a contractor, the local public body may consider the experience of each contractor on comparable *construction management or design-build* projects;

5. Construction management contracts shall require that (i) no more than 10 percent of the construction work, as measured by the cost of the work, be performed by the construction manager with its own forces and (ii) the remaining 90 percent of the construction work, as measured by the cost of the work, be performed by subcontractors of the construction manager, which the construction manager shall procure by publicly advertised, competitive sealed bidding to the maximum extent practicable. The provisions of this subdivision shall not apply to construction management contracts involving infrastructure projects;

6. The procedures allow for a two-step competitive negotiation process; ~~and~~

7. Price is a critical basis for award of the contract*; and*

8. The procedures allow the local public body to post on the Department's central electronic procurement website known as eVA, or the local public body's own website, when and where the general contractor plans to advertise bid packages for subcontracting opportunities when appropriate.

~~E.~~ *F.* Procedures adopted by a local public body for design-build construction projects shall include a two-step competitive negotiation process consistent with the standards established by the Division of Engineering and Buildings of the Department for state public bodies.

§ 2.2-4383. Reporting requirements.

A. The Department shall report by December 1 of each year to the Governor and the Chairmen of the House Committee on Appropriations, the House Committee on General Laws, the Senate Committee on Finance and Appropriations, and the Senate Committee on General Laws and Technology the following information: (i) the number of projects reviewed pursuant to Articles 2 (§ 2.2-4380) and 3 (§ 2.2-4381) and (ii) for each project (a) the identity of the state public body or covered institution and a description of each such project, (b) the estimated cost of the project at the time of the Department's review, (c) the ~~recommendation~~ *decision* made by the Department concerning the proposed procurement

method, ~~and~~ (d) *if such project was a construction management or design-build project, the qualifications that made such project complex, and (e)* the final procurement method used by the state public body or covered institution.

B. All public bodies subject to the provisions of this chapter shall report no later than November 1 of each year to the Director of the Department on all completed capital projects in excess of $2 million, which report shall include at a minimum (i) the procurement method utilized, (ii) the project budget, (iii) the actual project cost, (iv) the expected timeline, (v) the actual completion time, ~~and~~ (vi) *if such project was a construction management or design-build project, the qualifications that made the project complex, and (vii)* any post-project issues.

The Department shall consolidate received report data and submit the consolidated data to the Governor and Chairmen of the House Committee on Appropriations and the Senate Committee on Finance and Appropriations by December 1 of each year.

2. That the Department of General Services, with the assistance of staff of the House Committee on Appropriations and the Senate Committee on Finance and Appropriations, shall assess the implementation and administration of the provisions of §§ 2.2-4378 through 2.2-4383 of the Code of Virginia, as amended by this act, and report its findings and recommendations to the General Assembly by November 1, 2029.

CHAPTER 470

An Act to amend and reenact § 46.2-819.3:1 of the Code of Virginia, relating to toll facilities; vehicle owner.

[H 1110]

Approved April 4, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 46.2-819.3:1 of the Code of Virginia is amended and reenacted as follows:

§ 46.2-819.3:1. Installation and use of video-monitoring system and automatic vehicle identification system in conjunction with all-electronic toll facilities; penalty.

A. For purposes of this section:

"Automatic vehicle identification device" means an electronic device that communicates by wireless transmission with an automatic vehicle identification system.

"Automatic vehicle identification system" means an electronic vehicle identification system installed to work in conjunction with a toll collection device that automatically produces an electronic record of each vehicle equipped with an automatic vehicle identification device that uses a toll facility.

"Debt collection" means the collection of unpaid tolls and applicable administrative fees by (i) retention of a third-party debt collector or (ii) collection practices undertaken by employees of a toll facility operator that are materially similar to a third-party debt collector.

"Operator" means a person who was driving a vehicle that was the subject of a toll violation but who is not the owner of the vehicle.

"Operator of a toll facility other than the Department of Transportation" means any agency, political subdivision, authority, or other entity that operates a toll facility.

"Owner" means the registered owner of a vehicle on record with the Department of Motor Vehicles or with the equivalent agency in another state. "Owner" does not mean a vehicle rental or vehicle leasing company *that meets the requirements for such companies set forth in this section*.

"Video-monitoring system" means a vehicle sensor installed to work in conjunction with a toll collection device that automatically produces one or more photographs, one or more microphotographs, a videotape, or other recorded images of each vehicle at the time it is used or operated in violation of this section.

B. The operator of any toll facility or the locality within which such toll facility is located may install and operate or cause to be installed and operated a video-monitoring system in conjunction with an automatic vehicle identification system on facilities for which tolls are collected for the use of such toll facility and that do not offer manual toll collection. A video-monitoring system shall include, but not be limited to, electronic systems that monitor and capture images of vehicles using a toll facility to enable toll collection for vehicles that do not pay using a toll collection device. The operator of a toll facility shall send an invoice for unpaid tolls in accordance with the requirements of § 46.2-819.6 to the owner of a vehicle as part of a video-monitoring toll collection process, prior to seeking remedies under this section.

C. Information collected by a video-monitoring system in conjunction with an automatic vehicle identification system installed and operated pursuant to subsection B shall be limited exclusively to that information that is necessary for the collection of unpaid tolls and establishing when violations occur, including use in any proceeding to determine whether a violation occurred. Notwithstanding any other provision of law, all images or other data collected by a video-monitoring system in conjunction with an automatic vehicle identification system shall be protected in a database with security comparable to that of the Department of Motor Vehicles' system and used exclusively for the collection of unpaid tolls and for efforts to pursue violators of this section and shall not (i) be open to the public; (ii) be sold and/or used for sales, solicitation, or marketing purposes other than those of the toll facility operator to facilitate toll payment; (iii) be disclosed to any other entity except as may be necessary for the collection of unpaid tolls or to a vehicle owner or operator as part of a challenge to the imposition of a toll; and/or (iv) be used in a court in a pending action or proceeding unless the action or

proceeding relates to a violation of this section or upon order from a court of competent jurisdiction. Except as provided above, information collected under this section shall be purged and not retained later than 30 days after the collection and reconciliation of any unpaid tolls, administrative fees, and/or civil penalties. Any entity operating a video-monitoring system in conjunction with an automatic vehicle identification system shall annually certify compliance with this section and make all records pertaining to such system available for inspection and audit by the Commissioner of Highways or the Commissioner of the Department of Motor Vehicles or their designee. Any violation of this subsection shall constitute a Class 1 misdemeanor. In addition to any fines or other penalties provided for by law, any money or other thing of value obtained as a result of a violation of this section shall be forfeited to the Commonwealth.

If a vehicle uses a toll facility without paying the toll, the owner or operator shall be in violation of this section if he refuses to pay the toll within 30 days of notification. The toll facility operator may impose and collect an administrative fee in addition to the unpaid toll so as to recover the expenses of collecting the unpaid toll, which administrative fee shall be reasonably related to the actual cost of collecting the unpaid toll and not exceed $100 per violation. Such fee shall not be levied upon the owner or operator of the vehicle unless the toll has not been paid by the owner or operator within 30 days after receipt of the invoice for the unpaid toll, which nonpayment for 30 days shall constitute the violation of this section. Once such a violation has occurred, the owner or operator of the vehicle shall pay the unpaid tolls and any administrative fee detailed in the invoice for the unpaid toll issued by a toll facility operator. If paid within 60 days of the toll violation, the administrative fee shall not exceed $25.

The toll facility operator may levy charges for the direct cost of use of and processing for a video-monitoring system and to cover the cost of the invoice, which are in addition to the toll and may not exceed double the amount of the base toll, provided that potential toll facility users are provided notice before entering the facility by conspicuous signs that clearly indicate that the toll for use of the facility could be tripled for any vehicle that does not have an active, functioning automatic vehicle identification device registered for and in use in the vehicle using the toll facility, and such signs are posted at a location where the operator can still choose to avoid the use of the toll facility if he chooses not to pay the toll.

A person receiving an invoice for an unpaid toll under this section may (a) pay the toll and administrative fees directly to the toll facility operator or (b) file with the toll facility operator a notice, on a form provided by the toll facility operator as required under subsection B of § 46.2-819.6, to contest liability for a toll violation. The notice to contest liability for a toll violation may be filed by any person receiving an invoice for an unpaid toll by mailing or delivering the notice to the toll facility operator within 60 days of receiving such invoice for an unpaid toll. Upon receipt of such notice, the toll facility operator may issue a summons pursuant to subsection I and may not seek withholding of registration or renewal thereof under subsection L until a court of competent jurisdiction has found the alleged violator liable for tolls under this section.

D. If the matter proceeds to court, the owner or operator of a vehicle shall be liable for a civil penalty as follows: for a first offense, $50; for a second offense within one year from the first offense, $100; for a third offense within two years from the second offense, $250; and for a fourth and any subsequent offense within three years from the second offense, $500; plus, in each case, the unpaid toll, all accrued administrative fees imposed by the toll facility operator, and applicable court costs if the vehicle is found, as evidenced by information obtained from a video-monitoring system in conjunction with an automatic vehicle identification system as provided in this section, to have used such a toll facility without payment of the required toll within 30 days of receipt of the invoice for the toll.

E. Notwithstanding subsections C and D, for a first conviction of an operator or owner of a vehicle under this section the total amount for the first conviction shall not exceed $2,200, including civil penalties and administrative fees regardless of the total number of offenses the operator or owner of a vehicle is convicted of on that date.

F. No summons may be issued by a toll facility operator for a violation of this section unless the toll facility operator can demonstrate that (i) there was an attempt to collect the unpaid tolls and applicable administrative fees through debt collection not less than 30 days prior to issuance of the summons and (ii) 120 days have elapsed since the unpaid toll or, in a summons for multiple violations, 120 days have elapsed since the most recent unpaid toll noticed on the summons.

G. Any action under this section shall be brought in the general district court of the county or city in which the toll facility is located and shall be commenced within two years of the commission of the offense. Such action shall be considered a traffic infraction. The attorney for the Commonwealth may represent the interests of the toll facility operator. Any authorized agent or employee of a toll facility operator acting on behalf of a governmental entity shall be allowed the privileges accorded by § 16.1-88.03 in such cases.

H. Proof of a violation of this section shall be evidenced by information obtained from a video-monitoring system or automatic vehicle identification system as provided in this section. A certificate, sworn to or affirmed by a technician employed or authorized by the operator of a toll facility or by the locality wherein the toll facility is located, or a facsimile of such a certificate, based on inspection of photographs, microphotographs, videotapes, or other recorded images produced by a video-monitoring system or of electronic data collected by an automatic vehicle identification system, shall be prima facie evidence of the facts contained therein. Any photographs, microphotographs, videotape, or other recorded images or electronic data evidencing such a violation shall be available for inspection in any proceeding to adjudicate the liability for such violation under this section. A record of communication by an automatic vehicle identification device with the automatic vehicle identification system at the time of a violation of this section shall be prima facie evidence that the automatic vehicle identification device was located in the vehicle registered to use such device in the records of the Department of Transportation.

I. On a form prescribed by the Supreme Court, a summons for a violation of this section may be executed as provided in § 19.2-76.2. A summons for a violation of this section may set forth multiple violations occurring within one jurisdiction. Notwithstanding the provisions of § 19.2-76, a summons for a violation of unpaid tolls may be executed by mailing by first-class mail a copy thereof to the address of the owner or, if the owner has named and provided a valid address for the operator of the vehicle at the time of the violation in an affidavit executed pursuant to subsection J, such named operator of the vehicle. Such summons shall be signed either originally or by electronic signature. If the summoned person fails to appear on the date of return set out in the summons mailed pursuant to this section, the summons shall be executed in the manner set out in § 19.2-76.3.

J. Upon a finding by a court of competent jurisdiction that the vehicle described in the summons issued pursuant to subsection I was in violation of this section, the court shall impose a civil penalty upon the owner or operator of such vehicle in accordance with the amounts specified in subsection D, together with applicable court costs, the operator's administrative fee, and the toll due. Penalties assessed as the result of action initiated by the Department of Transportation shall be remanded by the clerk of the court that adjudicated the action to the Department of Transportation's Toll Facilities Revolving Account. Penalties assessed as the result of action initiated by an operator of a toll facility other than the Department of Transportation shall be remanded by the clerk of the court that adjudicated the action to the treasurer or director of finance of the county or city in which the violation occurred for payment to the toll facility operator.

The owner of such vehicle shall be given reasonable notice by way of a summons as provided in subsection I that his vehicle had been used in violation of this section, and such owner shall be given notice of the time and place of the hearing as well as the civil penalty and costs for such offense.

It shall be prima facie evidence that the vehicle described in the summons issued pursuant to subsection I was operated in violation of this section. Records obtained from the Department of Motor Vehicles pursuant to subsection P and certified in accordance with § 46.2-215 or from the equivalent agency in another state and certified as true and correct copies by the head of such agency or his designee identifying the owner of such vehicle shall give rise to a rebuttable presumption that the owner of the vehicle is the person named in the summons.

Upon the filing of an affidavit by the owner of the vehicle with the toll facility operator within 14 days of receipt of an invoice for unpaid toll or a summons stating that such owner was not the operator of the vehicle on the date of the violation and providing the legal name and address of the operator of the vehicle at the time of the violation, an invoice for unpaid toll or summons, whichever the case may be, will also be issued to the alleged operator of the vehicle at the time of the offense.

In any action against a vehicle operator, an affidavit made by the owner providing the name and address of the vehicle operator at the time of the violation shall constitute prima facie evidence that the person named in the affidavit was operating the vehicle at all the relevant times relating to the matter named in the affidavit.

If the owner of the vehicle produces for the toll facility operator or the court a certified copy of a police report showing that the vehicle had been reported to the police as stolen prior to the time of the alleged offense and remained stolen at the time of the alleged offense, then the toll facility operator shall not pursue the owner for the unpaid toll contained in the invoice for unpaid toll or the court shall dismiss the summons issued to the owner of the vehicle.

K. Upon a finding by a court that a person has two or more unpaid tolls and such person fails to pay the required penalties, fees, and unpaid tolls, then the court or toll facility operator shall notify the Commissioner of the Department of Motor Vehicles, who shall refuse to issue or renew any vehicle registration certificate of any applicant or the license plate issued for the vehicle driven in the commission of the offense or, when the vehicle is registered in a state with which the Commonwealth has entered into an agreement to enforce tolling violations pursuant to § 46.2-819.9, who shall provide to the entity authorized to issue vehicle registration certificates or license plates in the state in which the vehicle is registered sufficient evidence of the court's finding to take action against the vehicle registration certificate or license plates in accordance with the terms of the agreement, until the court has notified the Commissioner that such penalties, fees, and unpaid tolls have been paid. Upon receipt of such notification from the court, the Commissioner of the Department of Motor Vehicles shall notify the state where the vehicle is registered of such payment. If it is proven that the vehicle owner was not the operator at the time of the offense and upon a finding by a court that the person identified in an affidavit pursuant to subsection J as the operator violated this section and such person fails to pay the required penalties, fees, and unpaid tolls, the court shall notify the Commissioner, who shall refuse to issue or renew any vehicle registration certificate of any applicant or the license plate issued for any vehicle owned or co-owned by such person or, when such vehicle is registered in a state with which the Commonwealth has entered into an agreement to enforce tolling violations pursuant to § 46.2-819.9, who shall provide to the entity authorized to issue vehicle registration certificates or license plates in the state in which the vehicle is registered sufficient evidence of the court's finding to take action against the vehicle registration certificate or license plates in accordance with the terms of the agreement, until the court has notified the Commissioner that such penalties, fees, and unpaid tolls have been paid. Upon receipt of such notification from the court, the Commissioner of the Department of Motor Vehicles shall notify the state where the vehicle is registered of such payment. Such funds representing payment of unpaid tolls and all administrative fees of the toll facility operator shall be transferred from the court to the Department of Transportation's Toll Facilities Revolving Account or, in the case of an action initiated by an operator of a toll facility other than the Department of Transportation, to the treasurer or director of finance of the county or city in which the violation occurred for payment to the toll facility operator. The Commissioner shall collect a $40 administrative fee from the owner or operator of the vehicle to defray the cost of processing and removing an order to deny registration or registration renewal.

L. If an owner of a vehicle has received at least one invoice for two or more unpaid tolls in accordance with § 46.2-819.6 by certified mail and has (i) failed to pay the unpaid tolls and administrative fees and (ii) failed to file a notice to contest liability for a toll violation, then the toll facility operator may notify the Commissioner, who shall, if no form contesting liability has been timely filed with the toll facility operator pursuant to this section, refuse to issue or renew the vehicle registration certificate of any applicant therefor or the license plate issued for any vehicle driven in the commission of the offense until the toll facility operator has notified the Commissioner that such fees and unpaid tolls have been paid.

If the vehicle owner was not the operator at the time of the offense and the person identified in an affidavit pursuant to subsection J as the operator has received at least one invoice for two or more unpaid tolls in accordance with § 46.2-819.6 by certified mail and such person has (a) failed to pay the unpaid tolls and administrative fees and (b) failed to file a notice to contest liability for a toll violation, then the toll facility operator may notify the Commissioner, who shall, if no form contesting liability has been timely filed with the toll facility operator pursuant to this section, refuse to issue or renew any vehicle registration certificate of any applicant therefor or the license plate issued for any vehicle owned or co-owned by such person until the toll facility operator has notified the Commissioner that such fees and unpaid tolls have been paid.

The Commissioner may only refuse to issue or renew any vehicle registration pursuant to this subsection upon the request of a toll facility operator if such toll facility operator has entered into an agreement with the Commissioner whereby the Commissioner will refuse to issue or renew any vehicle registration of any applicant therefor who owes unpaid tolls and administrative fees to the toll facility operator. The toll facility operator seeking to collect unpaid tolls and administrative fees through the withholding of registration or renewal thereof by the Commissioner as provided for in this subsection shall notify the Commissioner in the manner provided for in his agreement with the Commissioner and supply to the Commissioner information necessary to identify the violator whose registration or renewal is to be denied. The Commissioner shall charge a $40 fee to defray the cost of processing and withholding the registration or registration renewal, and the toll facility operator may add this fee to the amount of the unpaid tolls and administrative fees. Any agreement entered into pursuant to the provisions of this subsection shall provide for the Department to send the violator notice of the intent to deny renewal of registration at least 30 days prior to the expiration date of a current vehicle registration and such notice shall include a form, as required under subsection B of § 46.2-819.6, to contest liability of the underlying toll violation. The notice provided by the Commissioner shall include instructions for filing the form to contest liability with the toll facility operator within 21 days after the date of mailing of the Commissioner's notice. Upon timely receipt of the form, the toll facility operator shall notify the Commissioner, who shall refrain from withholding the registration or renewal thereof, after which the toll facility operator may proceed to issue a summons for unpaid toll. For the purposes of this subsection, notice by first-class mail to the registrant's address as maintained in the records of the Department shall be deemed sufficient.

M. Any vehicle rental or vehicle leasing company, if it receives an invoice for unpaid toll or is named in a summons, shall be released as a party to the action if it provides the operator of the toll facility a copy of the vehicle rental agreement or lease or an affidavit identifying the renter or lessee within 30 days of receipt of the invoice or summons. Upon receipt of such rental agreement, lease, or affidavit, an invoice for unpaid toll shall be mailed to the renter or lessee identified therein. Release of this information shall not be deemed a violation of any provision of the Government Data Collection and Dissemination Practices Act (§ 2.2-3800 et seq.) or the Insurance Information and Privacy Protection Act (§ 38.2-600 et seq.). The toll facility operator shall allow at least 30 days from the date of such mailing before pursuing other remedies under this section. In any action against the vehicle operator, a copy of the vehicle rental agreement, lease, or affidavit identifying the renter or lessee of the vehicle at the time of the violation is prima facie evidence that the person named in the rental agreement, lease, or affidavit was operating the vehicle at all the relevant times relating to the matter named in the summons.

N. Imposition of a civil penalty pursuant to this section shall not be deemed a conviction as an operator and shall not be made part of the driving record of the person upon whom such civil penalty is imposed, nor shall it be used for insurance purposes in the provision of motor vehicle insurance coverage.

O. The toll facility operator may offer to the owner an option to pay the unpaid toll and fees plus a reduced civil penalty of $25 for a first or second offense or $50 for a third, fourth, or subsequent offense, as specified on the summons, provided the owner actually pays to the toll facility operator the entire amount so calculated at least 14 days prior to the hearing date specified on the summons. If the owner accepts such offer and such amount is actually received by the toll facility operator at least 14 days prior to the hearing date specified on the summons, the toll facility operator shall move the court at least five business days prior to the date set for trial to dismiss the summons issued to the owner of the vehicle, and the court shall dismiss upon such motion.

P. The operator of a toll facility may enter into an agreement with the Department, in accordance with the provisions of subdivision B 21 of § 46.2-208, to obtain vehicle owner information regarding the owners of vehicles that fail to pay tolls required for the use of toll facilities and with the Department of Transportation to obtain any information that is necessary to conduct electronic toll collection. Such agreement may include any information that may be obtained by the Department of Motor Vehicles in accordance with any agreement entered into pursuant to § 46.2-819.9. Information provided to the operator of a toll facility shall be used only for the collection of unpaid tolls, and the operator of the toll facility shall be subject to the same conditions and penalties regarding release of the information as contained in subsection C.

Q. No person shall be subject to both the provisions of this section and to prosecution under § 46.2-819 for actions arising out of the same transaction or occurrence.

CHAPTER 471

An Act to amend the Code of Virginia by adding a section numbered 2.2-2240.2:2, relating to Virginia Business Ready Expedited Permitting Program; established.

[H 1125]

Approved April 4, 2024

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 2.2-2240.2:2 as follows:

§ 2.2-2240.2:2. Virginia Business Ready Expedited Permitting Program.

A. For purposes of this section:

"Eligible site" means a site that meets the qualifications for a site development grant pursuant to § 2.2-2240.2:1, including sites located in Region 1 or 2 that meet the requirements of such section.

"Program" means the Virginia Business Ready Expedited Permitting Program.

"Project" means an economic development project by a traded-sector company involving significant capital investment and new job creation in the locality in which the project is located.

"Traded-sector company" means a company that directly or indirectly derives more than 50 percent of its revenue from out-of-state sources.

B. There is hereby created the Virginia Business Ready Expedited Permitting Program to accomplish the objectives described in this section. The Authority shall annually designate up to two eligible sites and four projects for participation in the Program. Sites and projects eligible for the Program shall include only (i) eligible sites or (ii) projects with significant local, regional, or statewide economic impact that the governing body of the locality in which the project is located has either (a) approved following a public meeting or hearing or (b) submitted, by resolution, for consideration to be included in the Program. No more than two eligible sites or projects shall be designated as part of the Program within one locality annually. Where possible, eligible sites or projects designated by the Authority for participation in the Program shall be equitably distributed geographically throughout the Commonwealth.

C. For any eligible site or project designated by the Authority for participation in the Program, the Authority shall complete a review process within 45 days of such designation. Such review process shall (i) reduce permitting conflicts by providing guidance regarding the permits needed from each agency or governmental entity and steps the applicant can take to expedite permit application review and (ii) provide guidance regarding site planning and development, site suitability and limitations, and facility design. For projects requiring multiple agency permits, the Authority may designate one agency as the lead agency to coordinate the overall permit reviews for the project.

D. For any complete application for a permit or request for approval associated with an eligible site or project designated by the Authority as part of the Program and submitted to a local governmental entity or state agency, whether or not independent, such agency or other entity shall render a decision on the application within 180 days. However, after consultation with the Authority, an applicant and the relevant agency or governmental entity may agree, by memorandum of understanding, to authorize a timeline for rendering decisions that exceeds 180 days. If an agency or other entity requires additional information or documentation from an applicant, including information to render the application or request complete, the agency or other entity shall notify the applicant within 60 days of receipt of the permit application or request for approval. Upon receipt of such request for additional information, an applicant shall respond to the agency or other entity with the required information or documentation within 45 days. If the applicant exceeds the 45-day response timeline, then the 180-day timeline governing an agency or other entity for approval decisions shall be extended by the same number of days by which the 45-day response timeline was exceeded. If the applicant does not provide the additionally requested information within 135 days of the request, the applicant will be deemed noncompliant and shall no longer be designated as participating in the Program, and the Authority may designate an alternative site or project to participate in the Program in its place. If an agency or other governmental entity requires an approval or affirmative action from (i) a federal entity or (ii) an agency or other public or private entity over which the agency or other governmental entity does not exercise control, before a decision can be rendered, then the 180-day timeline shall be extended by the number of days during which a decision on such approval or affirmative action is pending.

E. Nothing in this section shall be construed to limit or eliminate any legally required opportunities for public comment or input related to a requested permit or approval. If any such public comment or input would require the permitting or approval process to extend beyond 180 days, the 180-day timeline shall be extended by the number of days necessary to provide the full public comment or input period required by law.

F. All local government entities and state agencies, whether or not independent, shall cooperate with the Authority in carrying out the provisions of this section.

2. That the provisions of the first enactment of this act shall become effective on January 1, 2025, and shall expire on June 30, 2028. No project shall be considered eligible to enter the Virginia Business Ready Expedited Permitting Program established pursuant to this act after December 31, 2027.

3. That every state agency, whether or not independent, that issues permits or approvals for eligible sites, as that term is defined in § 2.2-2240.2:2 of the Code of Virginia, as created by this act, shall establish guidelines and procedures for implementing a comprehensive permit review and evaluation pursuant to the Virginia Business

Ready Expedited Permitting Program established pursuant to this act by January 1, 2025. The preparation of the guidelines shall be exempt from the requirements of Article 2 (§ 2.2-4006 et seq. of the Code of Virginia) of the Administrative Process Act. Such guidelines shall be published on the Virginia Regulatory Town Hall.

4. That the Virginia Economic Development Partnership Authority shall report annually by December 1 to the Senate Committee on Finance and Appropriations and the House Committee on Appropriations on the progress of the Virginia Business Ready Expedited Permitting Program (the Program) established pursuant to this act for the duration of the Program.

CHAPTER 472

An Act to amend the Code of Virginia by adding a section numbered 18.2-251.5, relating to manufacturing, selling, giving, distributing, or possessing xylazine; penalties.

[H 1187]

Approved April 4, 2024

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 18.2-251.5 as follows:

§ 18.2-251.5. Manufacturing, selling, giving, distributing, or possessing xylazine; penalties.

A. Any person who knowingly manufactures, sells, gives, distributes, or possesses with the intent to manufacture, sell, give, or distribute the substance xylazine, when intended for human consumption, is guilty of a Class 5 felony.

B. Any person who knowingly possesses the substance xylazine, when intended for human consumption, is guilty of a Class 1 misdemeanor.

C. Notwithstanding subsections A and B, it shall not be an offense to (i) manufacture xylazine for legitimate veterinary use; (ii) distribute or sell xylazine for authorized veterinary use; (iii) possess, administer, prescribe, or dispense xylazine in good faith for use by animals within the course of legitimate veterinary practice; or (iv) possess or administer xylazine pursuant to a valid prescription from a licensed veterinarian.

2. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter 1 of the Acts of Assembly of 2023, Special Session I, requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of $50,000. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.

CHAPTER 473

An Act to amend and reenact § 40.1-51.20 of the Code of Virginia, relating to Department of Labor and Industry; asbestos and lead project permit; usage of licensing fees.

[H 1215]

Approved April 4, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 40.1-51.20 of the Code of Virginia is amended and reenacted as follows:

§ 40.1-51.20. Duties of licensed asbestos and certified lead contractors.

A. A licensed asbestos contractor and any certified lead contractor shall notify the Department of Labor and Industry at least twenty days prior to commencement of each asbestos or lead project. Notification shall be sent in a manner prescribed by the Department of Labor and Industry. The Department of Labor and Industry shall have the authority to waive all or any part of the twenty-day notice.

B. A licensed asbestos contractor or certified lead contractor shall obtain an asbestos or lead project permit from the Department of Labor and Industry prior to commencing each asbestos or lead project in accordance with this chapter and shall pay directly to the Commissioner a fee as established by the Safety and Health Codes Board pursuant to the Administrative Process Act (§ 2.2-4000 et seq.). The fees shall be sufficient but not excessive to cover the cost of administering the program. All fees collected pursuant to this section shall be paid into a special fund in the state treasury to the credit of the Department of Labor and Industry and shall be used in carrying out the Department's mission under this chapter *and the Virginia Asbestos NESHAP Act (§ 40.1-51.23 et seq.)*.

The provisions of this subsection shall not apply to asbestos projects in residential buildings as defined by the Board in regulations adopted pursuant to the Administrative Process Act (§ 2.2-4000 et seq.).

C. A licensed asbestos contractor or certified lead contractor shall keep a record of each asbestos or lead project performed and shall make the record available to the Departments of Professional and Occupational Regulation and of Labor and Industry upon request. Records required by this section shall be kept for at least thirty years. The records shall include:

1. The name, address, and asbestos or lead supervisor's license or certification number of the individual who supervised the asbestos or lead project and each employee or agent who worked on the project;

2. The location and description of the project and the amount of asbestos or lead material that was removed;

3. The starting and completion dates of each project and a summary of the procedures that were used to comply with all federal and state standards; and

4. The name and address of each disposal site where waste containing asbestos or lead was deposited, the results of the lead toxicity characteristic test, and the disposal site receipts.

CHAPTER 474

An Act to amend and reenact § 46.2-345.2 of the Code of Virginia, relating to the Department of Motor Vehicles; fees.

[H 1224]

Approved April 4, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 46.2-345.2 of the Code of Virginia is amended and reenacted as follows:

§ 46.2-345.2. Issuance of special identification cards without photographs; fee; confidentiality; penalties.

A. On the application of any person with a sincerely held religious belief prohibiting the taking of a photograph who is a resident of the Commonwealth and who is at least 15 years of age, the Department shall issue a special identification card without a photograph to the person, provided that:

1. Application is made on a form prescribed by the Department and includes the applicant's full legal name; year, month, and date of birth; social security number; sex; and residence address. Applicants shall be permitted to choose between "male," "female," or "non-binary" when designating the applicant's sex on the application form;

2. The applicant presents, when required by the Department, proof of identity, legal presence, residency, and social security number or non-work authorized status;

3. The applicant presents an approved and signed U.S. Department of the Treasury Internal Revenue Service (IRS) Form 4029 or if such applicant is a minor, the applicant's parent or legal guardian presents an approved and signed IRS Form 4029; and

4. The applicant does not hold a driver's license, commercial driver's license, temporary driver's permit, learner's permit, motorcycle learner's permit, or special identification card.

B. The fee for the issuance of an original, duplicate, ~~or~~ reissue*, or renewal* special identification card without a photograph is ~~$10~~ *$2* per year, with a ~~$20~~ *$10* minimum fee.

C. Every special identification card without a photograph shall expire on the applicant's birthday at the end of the period of years for which a special identification card without a photograph has been issued. At no time shall any special identification card without a photograph be issued for more than eight years. Notwithstanding these limitations, the Commissioner may extend the validity period of an expiring card if (i) the Department is unable to process an application for re-issue due to circumstances beyond its control or (ii) the extension has been authorized under a directive from the Governor. However, in no event shall the validity period be extended more than 90 days per occurrence of such conditions.

D. A special identification card without a photograph issued under this section may be similar in size, shape, and design to a driver's license and shall not include a photograph of its holder. The card shall be readily distinguishable from a driver's license and shall clearly state that federal limits apply, that the card is not valid identification to vote, and that the card does not authorize the person to whom it is issued to drive a motor vehicle. Every applicant for a special identification card without a photograph shall appear in person before the Department to apply for a duplicate or reissue unless specifically permitted by the Department to apply in another manner.

E. Unless otherwise prohibited by law, a valid Virginia driver's license or special identification card shall be surrendered for a special identification card without a photograph without the applicant's having to present proof of legal presence as required by § 46.2-328.1 if the Virginia driver's license or special identification card is unexpired and has not been revoked, suspended, or canceled. The special identification card without a photograph shall be considered a reissue, and the expiration date shall be the last day of the month of the surrendered driver's license's or special identification card's month of expiration.

F. Any personal information, as identified in § 2.2-3801, that is retained by the Department from an application for the issuance of a special identification card without a photograph is confidential and shall not be divulged to any person, association, corporation, or organization, public or private, except to the legal guardian or the attorney of the applicant or to a person, association, corporation, or organization nominated in writing by the applicant, his legal guardian, or his attorney. This subsection shall not prevent the Department from furnishing the application or any information thereon to any law-enforcement agency.

G. Any person who uses a false or fictitious name or gives a false or fictitious address in any application for a special identification card without a photograph or knowingly makes a false statement or conceals a material fact or otherwise commits a fraud in any such application is guilty of a Class 2 misdemeanor. However, where the special identification card without a photograph is obtained for the purpose of committing any offense punishable as a felony, a violation of this section shall constitute a Class 4 felony.

H. When requested by the applicant, the applicant's parent if the applicant is a minor, or the applicant's guardian, and upon presentation of a signed statement by a licensed physician confirming the applicant's condition, the Department shall indicate on the applicant's special identification card without a photograph that the applicant has any condition listed in subsection K of § 46.2-342.

I. The Department shall establish a method by which an applicant for an original, reissued, or renewed special identification card without a photograph may indicate his blood type. If the applicant chooses to indicate his blood type, the Department shall make a notation of this designation on his special identification card without a photograph and in his record. Such notation on the special identification card without a photograph shall only be used by emergency medical services agencies in providing emergency medical support. Upon written request of the license holder or his legal guardian to have the designation removed, the Department shall issue the special identification card without a photograph without such designation upon the payment of applicable fees.

Notwithstanding any other provision of law, the Department shall not disclose any data collected pursuant to this subsection except to the subject of the information and by designation on the special identification card without a photograph. Nothing herein shall require the Department to verify any information provided for the designation. No action taken by any person, whether private citizen or public officer or employee, with regard to any blood type designation displayed on a special identification card without a photograph, shall create a warranty of the reliability or accuracy of the document or electronic image, nor shall it create any liability on the part of the Commonwealth or of any department, office, or agency or of any officer, employee, or agent thereof.

J. Unless the Code specifies that a photograph is required, a special identification card without a photograph shall be treated as a special identification card.

CHAPTER 475

An Act to amend and reenact §§ 18.2-95 and 18.2-111 of the Code of Virginia, relating to larceny offenses; venue.

[H 1256]

Approved April 4, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 18.2-95 and 18.2-111 of the Code of Virginia are amended and reenacted as follows:

§ 18.2-95. Grand larceny defined; how punished.

A. Any person who (i) commits larceny from the person of another of money or other thing of value of $5 or more, (ii) commits simple larceny not from the person of another of goods and chattels of the value of $1,000 or more, or (iii) commits simple larceny not from the person of another of any firearm, regardless of the firearm's value, shall be guilty of grand larceny, punishable by imprisonment in a state correctional facility for not less than one nor more than 20 years or, in the discretion of the jury or court trying the case without a jury, be confined in jail for a period not exceeding 12 months or fined not more than $2,500, either or both.

B. A prosecution for a violation of this section may be had in (i) any place of venue under Article 2 (§ 19.2-244 et seq.) of Chapter 15 of Title 19.2 or (ii) any county or city where the victim of the larceny resides.

§ 18.2-111. Embezzlement deemed larceny; indictment.

A. If any person wrongfully and fraudulently use, dispose of, conceal or embezzle any money, bill, note, check, order, draft, bond, receipt, bill of lading or any other personal property, tangible or intangible, which he shall have received for another or for his employer, principal or bailor, or by virtue of his office, trust, or employment, or which shall have been entrusted or delivered to him by another or by any court, corporation or company, he shall be guilty of embezzlement. Proof of embezzlement shall be sufficient to sustain the charge of larceny. Any person convicted hereunder shall be deemed guilty of larceny and may be indicted as for larceny and upon conviction shall be punished as provided in § 18.2-95 or § 18.2-96.

B. A prosecution for a violation of this section may be had in (i) any place of venue under Article 2 (§ 19.2-244 et seq.) of Chapter 15 of Title 19.2 or (ii) any county or city where the victim of the embezzlement resides.

CHAPTER 476

An Act to amend and reenact § 59.1-200 of the Code of Virginia, relating to Virginia Consumer Protection Act; mold remediation.

[H 1270]

Approved April 4, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 59.1-200 of the Code of Virginia is amended and reenacted as follows:

§ 59.1-200. Prohibited practices.

A. The following fraudulent acts or practices committed by a supplier in connection with a consumer transaction are hereby declared unlawful:

1. Misrepresenting goods or services as those of another;

2. Misrepresenting the source, sponsorship, approval, or certification of goods or services;

3. Misrepresenting the affiliation, connection, or association of the supplier, or of the goods or services, with another;

4. Misrepresenting geographic origin in connection with goods or services;

5. Misrepresenting that goods or services have certain quantities, characteristics, ingredients, uses, or benefits;

6. Misrepresenting that goods or services are of a particular standard, quality, grade, style, or model;

7. Advertising or offering for sale goods that are used, secondhand, repossessed, defective, blemished, deteriorated, or reconditioned, or that are "seconds," irregulars, imperfects, or "not first class," without clearly and unequivocally indicating in the advertisement or offer for sale that the goods are used, secondhand, repossessed, defective, blemished, deteriorated, reconditioned, or are "seconds," irregulars, imperfects or "not first class";

8. Advertising goods or services with intent not to sell them as advertised, or with intent not to sell at the price or upon the terms advertised.

In any action brought under this subdivision, the refusal by any person, or any employee, agent, or servant thereof, to sell any goods or services advertised or offered for sale at the price or upon the terms advertised or offered, shall be prima facie evidence of a violation of this subdivision. This paragraph shall not apply when it is clearly and conspicuously stated in the advertisement or offer by which such goods or services are advertised or offered for sale, that the supplier or offeror has a limited quantity or amount of such goods or services for sale, and the supplier or offeror at the time of such advertisement or offer did in fact have or reasonably expected to have at least such quantity or amount for sale;

9. Making false or misleading statements of fact concerning the reasons for, existence of, or amounts of price reductions;

10. Misrepresenting that repairs, alterations, modifications, or services have been performed or parts installed;

11. Misrepresenting by the use of any written or documentary material that appears to be an invoice or bill for merchandise or services previously ordered;

12. Notwithstanding any other provision of law, using in any manner the words "wholesale," "wholesaler," "factory," or "manufacturer" in the supplier's name, or to describe the nature of the supplier's business, unless the supplier is actually engaged primarily in selling at wholesale or in manufacturing the goods or services advertised or offered for sale;

13. Using in any contract or lease any liquidated damage clause, penalty clause, or waiver of defense, or attempting to collect any liquidated damages or penalties under any clause, waiver, damages, or penalties that are void or unenforceable under any otherwise applicable laws of the Commonwealth, or under federal statutes or regulations;

13a. Failing to provide to a consumer, or failing to use or include in any written document or material provided to or executed by a consumer, in connection with a consumer transaction any statement, disclosure, notice, or other information however characterized when the supplier is required by 16 C.F.R. Part 433 to so provide, use, or include the statement, disclosure, notice, or other information in connection with the consumer transaction;

14. Using any other deception, fraud, false pretense, false promise, or misrepresentation in connection with a consumer transaction;

15. Violating any provision of § 3.2-6509, 3.2-6512, 3.2-6513, 3.2-6513.1, 3.2-6514, 3.2-6515, 3.2-6516, or 3.2-6519 is a violation of this chapter;

16. Failing to disclose all conditions, charges, or fees relating to:

a. The return of goods for refund, exchange, or credit. Such disclosure shall be by means of a sign attached to the goods, or placed in a conspicuous public area of the premises of the supplier, so as to be readily noticeable and readable by the person obtaining the goods from the supplier. If the supplier does not permit a refund, exchange, or credit for return, he shall so state on a similar sign. The provisions of this subdivision shall not apply to any retail merchant who has a policy of providing, for a period of not less than 20 days after date of purchase, a cash refund or credit to the purchaser's credit card account for the return of defective, unused, or undamaged merchandise upon presentation of proof of purchase. In the case of merchandise paid for by check, the purchase shall be treated as a cash purchase and any refund may be delayed for a period of 10 banking days to allow for the check to clear. This subdivision does not apply to sale merchandise that is obviously distressed, out of date, post season, or otherwise reduced for clearance; nor does this subdivision apply to special order purchases where the purchaser has requested the supplier to order merchandise of a specific or unusual size, color, or brand not ordinarily carried in the store or the store's catalog; nor shall this subdivision apply in connection with a transaction for the sale or lease of motor vehicles, farm tractors, or motorcycles as defined in § 46.2-100;

b. A layaway agreement. Such disclosure shall be furnished to the consumer (i) in writing at the time of the layaway agreement, or (ii) by means of a sign placed in a conspicuous public area of the premises of the supplier, so as to be readily noticeable and readable by the consumer, or (iii) on the bill of sale. Disclosure shall include the conditions, charges, or fees in the event that a consumer breaches the agreement;

16a. Failing to provide written notice to a consumer of an existing open-end credit balance in excess of $5 (i) on an account maintained by the supplier and (ii) resulting from such consumer's overpayment on such account. Suppliers shall give consumers written notice of such credit balances within 60 days of receiving overpayments. If the credit balance information is incorporated into statements of account furnished consumers by suppliers within such 60-day period, no separate or additional notice is required;

17. If a supplier enters into a written agreement with a consumer to resolve a dispute that arises in connection with a consumer transaction, failing to adhere to the terms and conditions of such an agreement;

18. Violating any provision of the Virginia Health Club Act, Chapter 24 (§ 59.1-294 et seq.);

19. Violating any provision of the Virginia Home Solicitation Sales Act, Chapter 2.1 (§ 59.1-21.1 et seq.);
20. Violating any provision of the Automobile Repair Facilities Act, Chapter 17.1 (§ 59.1-207.1 et seq.);
21. Violating any provision of the Virginia Lease-Purchase Agreement Act, Chapter 17.4 (§ 59.1-207.17 et seq.);
22. Violating any provision of the Prizes and Gifts Act, Chapter 31 (§ 59.1-415 et seq.);
23. Violating any provision of the Virginia Public Telephone Information Act, Chapter 32 (§ 59.1-424 et seq.);
24. Violating any provision of § 54.1-1505;
25. Violating any provision of the Motor Vehicle Manufacturers' Warranty Adjustment Act, Chapter 17.6 (§ 59.1-207.34 et seq.);
26. Violating any provision of § 3.2-5627, relating to the pricing of merchandise;
27. Violating any provision of the Pay-Per-Call Services Act, Chapter 33 (§ 59.1-429 et seq.);
28. Violating any provision of the Extended Service Contract Act, Chapter 34 (§ 59.1-435 et seq.);
29. Violating any provision of the Virginia Membership Camping Act, Chapter 25 (§ 59.1-311 et seq.);
30. Violating any provision of the Comparison Price Advertising Act, Chapter 17.7 (§ 59.1-207.40 et seq.);
31. Violating any provision of the Virginia Travel Club Act, Chapter 36 (§ 59.1-445 et seq.);
32. Violating any provision of §§ 46.2-1231 and 46.2-1233.1;
33. Violating any provision of Chapter 40 (§ 54.1-4000 et seq.) of Title 54.1;
34. Violating any provision of Chapter 10.1 (§ 58.1-1031 et seq.) of Title 58.1;
35. Using the consumer's social security number as the consumer's account number with the supplier, if the consumer has requested in writing that the supplier use an alternate number not associated with the consumer's social security number;
36. Violating any provision of Chapter 18 (§ 6.2-1800 et seq.) of Title 6.2;
37. Violating any provision of § 8.01-40.2;
38. Violating any provision of Article 7 (§ 32.1-212 et seq.) of Chapter 6 of Title 32.1;
39. Violating any provision of Chapter 34.1 (§ 59.1-441.1 et seq.);
40. Violating any provision of Chapter 20 (§ 6.2-2000 et seq.) of Title 6.2;
41. Violating any provision of the Virginia Post-Disaster Anti-Price Gouging Act, Chapter 46 (§ 59.1-525 et seq.);
42. Violating any provision of Chapter 47 (§ 59.1-530 et seq.);
43. Violating any provision of § 59.1-443.2;
44. Violating any provision of Chapter 48 (§ 59.1-533 et seq.);
45. Violating any provision of Chapter 25 (§ 6.2-2500 et seq.) of Title 6.2;
46. Violating the provisions of clause (i) of subsection B of § 54.1-1115;
47. Violating any provision of § 18.2-239;
48. Violating any provision of Chapter 26 (§ 59.1-336 et seq.);
49. Selling, offering for sale, or manufacturing for sale a children's product the supplier knows or has reason to know was recalled by the U.S. Consumer Product Safety Commission. There is a rebuttable presumption that a supplier has reason to know a children's product was recalled if notice of the recall has been posted continuously at least 30 days before the sale, offer for sale, or manufacturing for sale on the website of the U.S. Consumer Product Safety Commission. This prohibition does not apply to children's products that are used, secondhand or "seconds";
50. Violating any provision of Chapter 44.1 (§ 59.1-518.1 et seq.);
51. Violating any provision of Chapter 22 (§ 6.2-2200 et seq.) of Title 6.2;
52. Violating any provision of § 8.2-317.1;
53. Violating subsection A of § 9.1-149.1;
54. Selling, offering for sale, or using in the construction, remodeling, or repair of any residential dwelling in the Commonwealth, any drywall that the supplier knows or has reason to know is defective drywall. This subdivision shall not apply to the sale or offering for sale of any building or structure in which defective drywall has been permanently installed or affixed;
55. Engaging in fraudulent or improper or dishonest conduct as defined in § 54.1-1118 while engaged in a transaction that was initiated (i) during a declared state of emergency as defined in § 44-146.16 or (ii) to repair damage resulting from the event that prompted the declaration of a state of emergency, regardless of whether the supplier is licensed as a contractor in the Commonwealth pursuant to Chapter 11 (§ 54.1-1100 et seq.) of Title 54.1;
56. Violating any provision of Chapter 33.1 (§ 59.1-434.1 et seq.);
57. Violating any provision of § 18.2-178, 18.2-178.1, or 18.2-200.1;
58. Violating any provision of Chapter 17.8 (§ 59.1-207.45 et seq.);
59. Violating any provision of subsection E of § 32.1-126;
60. Violating any provision of § 54.1-111 relating to the unlicensed practice of a profession licensed under Chapter 11 (§ 54.1-1100 et seq.) or Chapter 21 (§ 54.1-2100 et seq.) of Title 54.1;
61. Violating any provision of § 2.2-2001.5;
62. Violating any provision of Chapter 5.2 (§ 54.1-526 et seq.) of Title 54.1;
63. Violating any provision of § 6.2-312;
64. Violating any provision of Chapter 20.1 (§ 6.2-2026 et seq.) of Title 6.2;
65. Violating any provision of Chapter 26 (§ 6.2-2600 et seq.) of Title 6.2;
66. Violating any provision of Chapter 54 (§ 59.1-586 et seq.);

67. Knowingly violating any provision of § 8.01-27.5;

68. Failing to, in accordance with § 59.1-207.46, (i) make available a conspicuous online option to cancel a recurring purchase of a good or service or (ii) with respect to a free trial lasting more than 30 days, notify a consumer of his option to cancel such free trial within 30 days of the end of the trial period to avoid an obligation to pay for the goods or services;

69. Selling or offering for sale any substance intended for human consumption, orally or by inhalation, that contains a synthetic derivative of tetrahydrocannabinol. As used in this subdivision, "synthetic derivative" means a chemical compound produced by man through a chemical transformation to turn a compound into a different compound by adding or subtracting molecules to or from the original compound. This subdivision shall not (i) apply to products that are approved for marketing by the U.S. Food and Drug Administration and scheduled in the Drug Control Act (§ 54.1-3400 et seq.) or (ii) be construed to prohibit any conduct permitted under Chapter 16 (§ 4.1-1600 et seq.) of Title 4.1;

70. Selling or offering for sale to a person younger than 21 years of age any substance intended for human consumption, orally or by inhalation, that contains tetrahydrocannabinol. This subdivision shall not (i) apply to products that are approved for marketing by the U.S. Food and Drug Administration and scheduled in the Drug Control Act (§ 54.1-3400 et seq.) or (ii) be construed to prohibit any conduct permitted under Chapter 16 (§ 4.1-1600 et seq.) of Title 4.1;

71. Selling or offering for sale any substance intended for human consumption, orally or by inhalation, that contains tetrahydrocannabinol, unless such substance is (i) contained in child-resistant packaging, as defined in § 4.1-600; (ii) equipped with a label that states, in English and in a font no less than 1/16 of an inch, (a) that the substance contains tetrahydrocannabinol and may not be sold to persons younger than 21 years of age, (b) all ingredients contained in the substance, (c) the amount of such substance that constitutes a single serving, and (d) the total percentage and milligrams of tetrahydrocannabinol included in the substance and the number of milligrams of tetrahydrocannabinol that are contained in each serving; and (iii) accompanied by a certificate of analysis, produced by an independent laboratory that is accredited pursuant to standard ISO/IEC 17025 of the International Organization of Standardization by a third-party accrediting body, that states the tetrahydrocannabinol concentration of the substance or the tetrahydrocannabinol concentration of the batch from which the substance originates. This subdivision shall not (i) apply to products that are approved for marketing by the U.S. Food and Drug Administration and scheduled in the Drug Control Act (§ 54.1-3400 et seq.) or (ii) be construed to prohibit any conduct permitted under Chapter 16 (§ 4.1-1600 et seq.) of Title 4.1;

72. Manufacturing, offering for sale at retail, or selling at retail an industrial hemp extract, as defined in § 3.2-5145.1, a food containing an industrial hemp extract, or a substance containing tetrahydrocannabinol that depicts or is in the shape of a human, animal, vehicle, or fruit;

73. Selling or offering for sale any substance intended for human consumption, orally or by inhalation, that contains tetrahydrocannabinol and, without authorization, bears, is packaged in a container or wrapper that bears, or is otherwise labeled to bear the trademark, trade name, famous mark as defined in 15 U.S.C. § 1125, or other identifying mark, imprint, or device, or any likeness thereof, of a manufacturer, processor, packer, or distributor of a product intended for human consumption other than the manufacturer, processor, packer, or distributor that did in fact so manufacture, process, pack, or distribute such substance;

74. Selling or offering for sale a topical hemp product, as defined in § 3.2-4112, that does not include a label stating that the product is not intended for human consumption. This subdivision shall not (i) apply to products that are approved for marketing by the U.S. Food and Drug Administration and scheduled in the Drug Control Act (§ 54.1-3400 et seq.), (ii) be construed to prohibit any conduct permitted under Chapter 16 (§ 4.1-1600 et seq.) of Title 4.1, or (iii) apply to topical hemp products that were manufactured prior to July 1, 2023, provided that the person provides documentation of the date of manufacture if requested;

75. Violating any provision of § 59.1-466.8;

76. Violating subsection F of § 36-96.3:1;

77. Selling or offering for sale (i) any kratom product to a person younger than 21 years of age or (ii) any kratom product that does not include a label listing all ingredients and with the following guidance: "This product may be harmful to your health, has not been evaluated by the FDA, and is not intended to diagnose, treat, cure, or prevent any disease." As used in this subdivision, "kratom" means any part of the leaf of the plant Mitragyna speciosa or any extract thereof; ~~and~~

78. Failing to disclose the total cost of a good or continuous service, as defined in § 59.1-207.45, to a consumer, including any mandatory fees or charges, prior to entering into an agreement for the sale of any such good or provision of any such continuous service*; and*

79. Selling or offering for sale services as a professional mold remediator to be performed upon any residential dwelling without holding a mold remediation certification from the Institute of Inspection, Cleaning and Restoration Certification (IICRC).

B. Nothing in this section shall be construed to invalidate or make unenforceable any contract or lease solely by reason of the failure of such contract or lease to comply with any other law of the Commonwealth or any federal statute or regulation, to the extent such other law, statute, or regulation provides that a violation of such law, statute, or regulation shall not invalidate or make unenforceable such contract or lease.

CHAPTER 477

An Act to amend and reenact § 22.1-289.035 of the Code of Virginia, relating to child care; background checks.

[H 1277]

Approved April 4, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 22.1-289.035 of the Code of Virginia is amended and reenacted as follows:

§ 22.1-289.035. Licensed child day centers, family day homes, and family day systems; employment for compensation or use as volunteers of persons convicted of or found to have committed certain offenses prohibited; national background check required; penalty.

A. No child day center, family day home, or family day system licensed in accordance with the provisions of this chapter, child day center exempt from licensure pursuant to § 22.1-289.031, registered family day home, family day home approved by a family day system, or child day center, family day home, or child day program that enters into a contract with the Department or its agents or designees to provide child care services funded by the Child Care and Development Block Grant shall hire for compensated employment, continue to employ, or permit to serve as a volunteer who will be alone with, in control of, or supervising children any person who (i) has been convicted of any barrier crime as defined in § 19.2-392.02 or (ii) is the subject of a founded complaint of child abuse or neglect within or outside the Commonwealth. All applicants for employment, employees, applicants to serve as volunteers, and volunteers shall undergo a background check in accordance with subsection B prior to employment or beginning to serve as a volunteer and every five years thereafter. *However, pending the results of all background check components set forth in subsection B, an applicant for employment or an applicant to serve as a volunteer may work in the child day center, family day home, or family day system, provided that (a) the applicant has received qualifying results on a fingerprint-based background check through the Central Criminal Records Exchange or the Federal Bureau of Investigation and (b) the applicant is supervised at all times by a person who received a qualifying result on a background check conducted in accordance with subsection B within the past five years.*

B. Any individual required to undergo a background check in accordance with subsection A shall:

1. Provide a sworn statement or affirmation disclosing whether he has ever been convicted of or is the subject of pending charges for any offense within or outside the Commonwealth and whether he has been the subject of a founded complaint of child abuse or neglect within or outside the Commonwealth;

2. Submit to fingerprinting and provide personal descriptive information described in subdivision B 2 of § 19.2-392.02;

3. Authorize the child day center, family day home, or family day system described in subsection A to obtain a copy of the results of a search of the central registry maintained pursuant to § 63.2-1515 for any founded complaint of child abuse or neglect against him; and

4. Authorize the child day center, family day home, or family day system described in subsection A to obtain a copy of the results of a criminal history record information check, a sex offender registry check, and a search of the child abuse and neglect registry or equivalent registry from any state in which the individual has resided in the preceding five years.

The applicant's fingerprints and personal descriptive information obtained pursuant to subdivision 2 shall be forwarded by the Department or its designee or, in the case of a child day program operated by a local government, may be forwarded by the local law-enforcement agency through the Central Criminal Records Exchange to the Federal Bureau of Investigation for the purpose of obtaining national criminal history record information regarding such applicant. Upon receipt of an applicant's record or notification that no record exists, the Central Criminal Records Exchange shall forward the information to the Department or its designee, and the Department or its designee shall report to the child day center or family day home whether the applicant is eligible to have responsibility for the safety and well-being of children. In cases in which the record forwarded to the Department or its designee is lacking disposition data, the Department or its designee shall conduct research in whatever state and local recordkeeping systems are available in order to obtain complete data before reporting to the child day center, family day home, or family day system.

C. The child day center, family day home, or family day system described in subsection A shall inform every individual required to undergo a background check pursuant to this section that he is entitled to obtain a copy of any background check report and to challenge the accuracy and completeness of any such report and obtain a prompt resolution before a final determination is made of the individual's eligibility to have responsibility for the safety and well-being of children.

D. Any person making a materially false statement regarding the sworn statement or affirmation provided pursuant to subdivision B 1 is guilty of a Class 1 misdemeanor.

E. Further dissemination of the background check information is prohibited (i) other than to the Superintendent's representative or a federal or state authority or court as may be required to comply with an express requirement of law for such further dissemination or (ii) except as provided in subsection J.

F. A person who complies in good faith with the provisions of this section shall not be liable for any civil damages for any act or omission in the performance of duties under this section unless the act or omission was the result of gross negligence or willful misconduct.

G. Notwithstanding the provisions of subsection A, a child day center may hire for compensated employment persons who have been convicted of not more than one misdemeanor offense under § 18.2-57, or any substantially similar offense under the laws of another jurisdiction, if 10 years have elapsed following the conviction, unless the person committed such offense while employed in a child day center or the object of the offense was a minor.

H. Fees charged for the processing and administration of background checks pursuant to this section shall not exceed the actual cost to the state or the local law-enforcement agency of such processing and administration.

I. Any individual required to undergo a background check pursuant to subsection A who is (i) convicted of any barrier crime as defined in § 19.2-392.02 or (ii) found to be the subject of a founded complaint of child abuse or neglect within or outside of the Commonwealth shall notify the child day center, family day home, or family day system described in subsection A of such conviction or finding.

J. Notwithstanding the provisions of subsection A, a background check shall not be required for any individual who has completed a background check under the provisions of this section within the previous five years, provided that (i) such background check was conducted after July 1, 2017; (ii) the results of such background check indicated that the individual had not been convicted of any barrier crime as defined in § 19.2-392.02 and was not the subject of a founded complaint of child abuse or neglect within or outside the Commonwealth; and (iii) the individual is currently or has been, within the previous 180 days, employed by or a volunteer at a child day center, family day home, family day system, or child day program described in subsection A. ~~Prior~~ *Except as otherwise provided in subsection A, prior* to hiring or allowing to volunteer any individual required to undergo a background check pursuant to subsection A without the completion of a background check under the provisions of subsection B, the child day center, family day home, family day system, or child day program shall, upon the individual's written consent, obtain written certification from the Department or its designee that such individual satisfies all requirements set forth in this subsection and is eligible to serve as an employee or volunteer. If the individual meets all requirements set forth in this subsection and is eligible to serve as an employee or volunteer at the child day center, family day home, family day system, or child day program, the written certification shall also state the next date by which another background check for such person shall be completed in accordance with subsection B. Such written certifications shall not reveal the nature of any disqualifying barrier crime or founded complaint of child abuse or neglect or any other information about the individual.

K. Notwithstanding the provisions of subsection E, the Virginia Council for Private Education (the Council) or its authorized designee may review background check information for current employees of child day centers accredited by the Council for the purposes of seeking or maintaining accreditation by the Council as permitted pursuant to § 22.1-19.

CHAPTER 478

An Act to require the Department of Education and the Department of Health to streamline the school health entrance form.

[H 1279]

Approved April 4, 2024

Be it enacted by the General Assembly of Virginia:

1. *§ 1. The Department of Health, in conjunction with the Department of Education, shall examine the Department of Health's COMMONWEALTH OF VIRGINIA SCHOOL HEALTH ENTRANCE FORM: Health Information Form/Comprehensive Physical Examination Report/Certification of Immunization and make such changes as they deem necessary to streamline such form, make it available in both digital and print formats, and make it more user-friendly for families, physicians, and other health care professionals while continuing to gather all of the information that is necessary to comply with relevant state laws relating to student health and immunization and school attendance.*

CHAPTER 479

An Act to authorize the conveyance of an easement in Campbell County by the Department of State Police in conjunction with the Department of Transportation.

[H 1331]

Approved April 4, 2024

Be it enacted by the General Assembly of Virginia:

1. *§ 1. That the Department of State Police and the Department of Transportation (collectively, the Grantors) are hereby authorized to grant an easement to the owners of Tax Parcel ID 34B-A-2 (the Grantees) sitting in Campbell County for that parcel and for the existing road and existing private gravel drive insofar as said road and private gravel drive cross Tax Parcel ID 34B-A-1, the lands of the Grantors, upon such terms as the Grantors deem proper. The easement shall be permanent and nonexclusive and shall run with the land for so long as necessary to serve the communications tower site on the Grantees' land. The easement shall not in any way prevent the Grantors or their invitees from using the easement area. The Grantors are hereby authorized to prepare, execute, and deliver such deed of easement and other documents as may be necessary or appropriate to accomplish the conveyance.*

CHAPTER 480

An Act to amend and reenact § 8.01-419.1 of the Code of Virginia, relating to motor vehicle value; J.D. Power Official Used Car Guide.

[H 1335]

Approved April 4, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 8.01-419.1 of the Code of Virginia is amended and reenacted as follows:

§ 8.01-419.1. Motor vehicle value.

Whenever in any case not otherwise specifically provided for the value of an automobile is in issue, either civilly or criminally, the tabulated retail values set forth in the National Automobile Dealers' Association (NADA) "yellow" or "black" books*, the J.D. Power Official Used Car Guide,* or any vehicle valuation service regularly used and recognized in the automobile industry that is in effect on the relevant date, shall be admissible as evidence of fair market value on the relevant date.

The determination of value shall be subject to such other creditable evidence as any party may offer to demonstrate that the value as set forth in the NADA *or J.D. Power* publication or any vehicle valuation service utilized by another party fails to reflect the actual condition of the vehicle and that therefore the value may be greater or less than that shown by the NADA *or J.D. Power* publication or any vehicle valuation service.

CHAPTER 481

An Act to amend and reenact § 15.2-1517 of the Code of Virginia, relating to local government employee insurance programs.

[H 1392]

Approved April 4, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 15.2-1517 of the Code of Virginia is amended and reenacted as follows:

§ 15.2-1517. Insurance for employees and retired employees of localities and other local governmental entities; participation by certain volunteers.

A. Any locality may provide group life, accident, and health insurance programs for its officers and employees; employees of boards, commissions, agencies, or authorities created by or controlled by such locality; employees of boards, commissions, agencies, or authorities that are political subdivisions of the Commonwealth and work in close cooperation with such locality; or employees of a public school foundation as defined in subsection A of § 22.1-212.2:2 that provides support exclusively for such locality. In addition, any locality that provides such a health insurance program may allow eligible members of approved volunteer fire or rescue companies, as determined by the locality, to participate in such a health insurance program. Such programs may be through a program of self-insurance, purchased insurance, or partial self-insurance and purchased insurance, whichever is determined to be the most cost effective. The total cost of such policies or protection may be paid entirely by the locality or shared with the employee. The governing body of any locality may provide for its retired officers and retired employees, including retired employees of boards, commissions, agencies, or authorities that are political subdivisions of the Commonwealth and work in close cooperation with such locality, to be eligible for such group life, accident, and health insurance programs. The cost of such insurance for retired officers and retired employees may be paid in whole or in part by the locality. The governing body of any locality may permit members of approved volunteer fire or rescue companies to participate in its group health insurance programs, subject to the eligibility criteria established by the locality. The cost of a volunteer's participation in such a health insurance program shall be paid for in full by the participating volunteer. Any locality may fund the cost of a volunteer's participation in a mental health treatment and counseling program that is offered to individual members of approved volunteer fire or rescue companies and is comparable to an employee assistance program offered to paid employees of the locality.

B. In the event a county or city elects to provide one or more of such programs for its officers and employees, it shall provide such programs to the constitutional officers and their employees on the same basis as provided to other officers and employees, unless the constitutional officers and employees are covered under a state program, and the cost of such local program shall be borne entirely by the locality or shared with the employee.

C. 1. Except as otherwise provided herein, in the event the governing body of any locality elects to provide group accident and health insurance for its officers and employees, including constitutional officers and their employees, such programs shall require that upon retirement, or upon the effective date of this provision for those who have previously retired, any such individual with (i) at least 15 years of continuous employment with the locality or (ii) less than 15 years of continuous employment who has retired due to line-of-duty injuries may choose to continue his coverage with the insurer at the retiree's expense until such individual attains 65 years of age at the insurer's customary premium rate applicable (a) to such policies, (b) to the class of risk to which the person then belongs, and (c) to his age.

2. The governing body, when providing this coverage, may further provide that the retiree be rated separately from the active employees covered under the group plan offered by such governing body.

3. Any locality that has not offered the opportunity to continue group health coverage provided by the locality as required by subdivision 1 to its retirees who had retired on or before June 30, 1993, and who meet the criteria for such coverage as set forth in subdivision 1, shall do so by July 1, 2000. Any retiree from the service of a locality who had retired on or before June 30, 1993, and who meets the criteria to continue his group health coverage from the locality under subdivision 1 who has not yet elected to continue his group health coverage from the locality shall elect whether to do so by July 1, 2000.

4. Nothing herein shall prohibit a locality from providing group accident and health coverage or benefits for its retirees in addition to the coverage required under this section.

5. Notwithstanding any contrary provision of law, general or special, a locality may include in group life, accident, and health insurance programs any person to whom coverage could be extended pursuant to § 38.2-3525.

D. Any locality that offers group health plans to its employees and the employees of constitutional officers and its retirees, as provided by this section or otherwise, may provide in the plan providing such coverage that any retiree who is participating in a group health plan provided by the locality who subsequently terminates his participation in such plan may not thereafter rejoin a group health plan provided by the locality.

CHAPTER 482

An Act to amend and reenact § 17.1-207 of the Code of Virginia, relating to days of operation of clerks' offices; clerks' authority to close office.

[H 1396]

Approved April 4, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 17.1-207 of the Code of Virginia is amended and reenacted as follows:

§ 17.1-207. Days of operation of clerks' offices.

A. The clerk's office of every court shall be kept open on every day except Saturday, except as provided in subsection B, and Sunday, and the days provided for in § 2.2-3300, for the transaction of business; provided that:

1. The clerk's office of the circuit court of any county or city may be closed on any day which is established as a general holiday for the employees of such county or city by a resolution duly adopted by the governing body of such county or city ~~and approved by the judge or judges of the circuit court~~ and filed in the office of the clerk; provided that such general holiday shall have the same force and effect as a legal holiday as set forth in subsection B of § 1-210;

2. The ~~judge or judges of any circuit court in any county or city may authorize the~~ clerk of ~~such~~ *the circuit* court ~~to~~ *of any county or city may* close ~~the~~ *such* clerk's office on Christmas Eve; provided that the closing of any clerk's office as provided by this subdivision shall have the same force and effect as a legal holiday as set forth in subsection B of § 1-210;

3. The chief judge or presiding judge of any circuit court may authorize the clerk of the court to close the clerk's office on any day when the chief judge or presiding judge determines that operation of the clerk's office, under prevailing conditions, would constitute a threat to the health and safety of the clerk's office personnel or the general public. Closing of the clerk's office pursuant to this subdivision shall have the same effect as provided in subsection B of § 1-210;

4. The ~~judge or judges of the circuit court of any county or city may authorize the~~ clerk of ~~such~~ *the circuit* court ~~to~~ *of any county or city may* close ~~the~~ *such* clerk's office on any day or portion of a day ~~which~~ *that* the Governor declares as a holiday for state employees, or on any day or portion of a day on which the Governor*, Supreme Court, or Judicial Council* authorizes state offices to be closed; provided that such closing of any clerk's office shall have the same force and effect as a legal holiday as set forth in subsection B of § 1-210.

~~Except for closings pursuant to subdivision 3, whenever the authorization of the judge is necessary to close a clerk's office and a court has more than one judge, the authorization of all such judges shall be necessary.~~

~~The judge of the circuit court of any county or city may require the clerk's office to be kept open continuously for the transaction of business during convenient hours on all the days on which it is required by this section to be kept open.~~

B. Nothing in this section shall be construed to prohibit the clerk~~, with the approval of the chief judge,~~ to open the clerk's office on Saturdays, during such hours as the ~~chief judge~~ *clerk of the circuit court* may authorize, solely for the purposes of (i) permitting examination and copying of court records, (ii) accepting applications for and granting licenses pursuant to applicable law, and (iii) recording instruments. For all other purposes, including without limitation the filing of actions at law and suits in equity and all pleadings, pleas and motions therein, such clerk's office shall be closed with the force and effect of a statutory closing as provided in subsection B of § 1-210.

CHAPTER 483

An Act to amend and reenact § 15.2-4904 of the Code of Virginia, relating to Russell County Industrial Development Authority; appointments.

[H 1410]

Approved April 4, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 15.2-4904 of the Code of Virginia is amended and reenacted as follows:

§ 15.2-4904. Directors; qualifications; terms; vacancies; compensation and expenses; quorum; records; certification and distribution of report concerning bond issuance.

A. The authority shall be governed by a board of directors in which all powers of the authority shall be vested and which board shall be composed of seven directors, appointed by the governing body of the locality. The seven directors shall be appointed initially for terms of one, two, three, and four years; two being appointed for one-year terms; two being appointed for two-year terms; two being appointed for three-year terms, and one being appointed for a four-year term. Subsequent appointments shall be for terms of four years, except appointments to fill vacancies, which shall be for the unexpired terms. All terms of office shall be deemed to commence upon the date of the initial appointment to the authority, and thereafter, in accordance with the provisions of the immediately preceding sentence. If at the end of any term of office of any director a successor thereto has not been appointed, then the director whose term of office has expired shall continue to hold office until his successor is appointed and qualified.

Notwithstanding the provisions of this subsection, the board of supervisors of Wise County may appoint eight members to serve on the board of the authority, with terms staggered as agreed upon by the board of supervisors; the board of supervisors of Henrico County may appoint 10 members to serve on the board of the authority, two from each magisterial district, with terms staggered as agreed upon by the board of supervisors; the board of supervisors of Roanoke County may appoint 10 members to serve on the board of the authority, two from each magisterial district, with terms staggered as agreed upon by the board of supervisors; the board of supervisors of Mathews County may appoint from five to seven members to serve on the board of the authority; the town council of the Town of Louisa may appoint from five to seven members to serve on the board of the authority, with terms staggered as agreed upon by the town council; the board of supervisors of King William County may appoint nine members to serve on the board of the authority, with terms staggered as agreed upon by the board of supervisors; the town council of the Town of Saint Paul may appoint 10 members to serve on the board of the authority, with terms staggered as agreed upon by the town council; however, the town council of the Town of Saint Paul may at its option return to a seven-member board by removing the last three members appointed; the board of supervisors of Russell County may appoint nine members, ~~two of whom shall come from a~~ *which shall consist of two members from the governing body of a* town that has used its borrowing capacity to borrow $2 million or more for industrial development *and such other members as the board of supervisors shall agree upon*, with terms staggered as agreed upon by the board of supervisors, and the town council of the Town of South Boston shall appoint two at-large members; Page County may appoint nine members, with one member from each incorporated town, one member from each magisterial district, and one member at-large, with terms staggered as agreed upon by the board of supervisors; Halifax County shall appoint five at-large members to serve on the board of the authority jointly created by the Town of South Boston and Halifax County pursuant to § 15.2-4916, with terms staggered as agreed upon by the governing bodies of the Town of South Boston and Halifax County in the concurrent resolutions creating such authority; the board of supervisors of Goochland County may appoint five members to serve on the board of the authority; the board of supervisors of Powhatan County may appoint five members to serve on the board of the authority; the town council of the Town of Coeburn may appoint five members to serve on the board of the authority, with terms staggered as agreed upon by the town council; the town council of the Town of Kenbridge may appoint five members to serve on the board of the authority, with terms staggered as agreed upon by the town council; the town council of the Town of Victoria may appoint five members to serve on the board of the authority, with terms staggered as agreed upon by the town council; the city council of Suffolk may appoint eight members to serve on the board of the authority, with one member from each of the boroughs and one at-large member, with terms staggered as agreed upon by the city council; and the City of Chesapeake may appoint nine members, with terms staggered as agreed upon by the city council; however, in the City of Chesapeake, after July 1, 2017, no member shall serve more than two consecutive terms. Any person who has served more than one and one-half terms as a member of the Chesapeake Economic Development Authority as of July 1, 2017, shall not be eligible for reappointment for another consecutive term. A member of the Chesapeake Economic Development Authority shall serve at the pleasure of the city council of the City of Chesapeake. No Chesapeake Economic Development Authority member shall work for the Authority within one year after serving as a member. The city council of the City of Norfolk may appoint 11 members, with terms staggered as agreed upon by the city council, and the board of supervisors of Louisa County may appoint directors to serve on the board of the authority for terms coincident with members of the board of supervisors.

A member of the board of directors of the authority may be removed from office by the local governing body without limitation in the event that the board member is absent from any three consecutive meetings of the authority or is absent from any four meetings of the authority within any 12-month period or upon unanimous vote of the board of supervisors. In

any such event, a successor shall be appointed by the governing body for the unexpired portion of the term of the member who has been removed.

B. Each director shall, upon appointment or reappointment, before entering upon his duties take and subscribe the oath prescribed by § 49-1.

C. No director shall be an officer or employee of the locality except (i) in a town with a population of less than 3,500 where members of the town governing body may serve as directors provided they do not constitute a majority of the board, (ii) in Buchanan County where a constitutional officer who has previously served on the board of directors may serve as a director provided the governing body of such county approves, (iii) in Essex County where the board of supervisors may appoint one employee of the locality to the Economic Development Authority of the County of Essex, (iv) in Frederick County where the board of supervisors may appoint one of its members to the Economic Development Authority of the County of Frederick, Virginia, and (v) in Mathews County where the board of supervisors may appoint one employee of the locality to the Economic Development Authority of the County of Mathews. Every director shall, at the time of his appointment and thereafter, reside in a locality within which the authority operates or in an adjoining locality. When a director ceases to be a resident of such locality, the director's office shall be vacant and a new director may be appointed for the remainder of the term.

D. The directors shall elect from their membership a chairman, a vice-chairman, and from their membership or not, as they desire, a secretary and a treasurer, or a secretary-treasurer, who shall continue to hold such office until their respective successors are elected. The directors shall receive no salary but may be compensated such amount per regular, special, or committee meeting or per each official representation as may be approved by the appointing authority, not to exceed $200 per meeting or official representation, and shall be reimbursed for necessary traveling and other expenses incurred in the performance of their duties.

E. Except as provided herein, four members of the board of directors shall constitute a quorum of the board for the purposes of conducting its business and exercising its powers and for all other purposes, except that no facilities owned by the authority shall be leased or disposed of in any manner without a majority vote of the members of the board of directors. No vacancy in the membership of the board shall impair the right of a quorum to exercise all the powers and perform all the duties of the board. In the case of the Economic Development Authority of Goochland County, the Economic Development Authority of Powhatan County, the Industrial Development Authority of the Town of Kenbridge, and the Industrial Development Authority of the Town of Victoria, three members of the board of directors shall constitute a quorum of the board for the purposes of conducting its business and exercising its powers and for all other purposes, except that no facilities owned by the authority shall be leased or disposed of in any manner without a majority vote of the members of the board of directors.

F. The board shall keep detailed minutes of its proceedings, which shall be open to public inspection at all times. It shall keep suitable records of its financial transactions and, unless exempted by § 30-140, it shall arrange to have the records audited annually. Copies of each such audit shall be furnished to the governing body of the locality and shall be open to public inspection.

Two copies of the report concerning issuance of bonds required to be filed with the United States Internal Revenue Service shall be certified as true and correct copies by the secretary or assistant secretary of the authority. One copy shall be furnished to the governing body of the locality and the other copy mailed to the Department of Small Business and Supplier Diversity.

CHAPTER 484

An Act to direct the Department of Medical Assistance Services to publish certain information related to home care services.

[H 1423]

Approved April 4, 2024

Be it enacted by the General Assembly of Virginia:

1. *§ 1. That the Department of Medical Assistance Services (the Department) shall annually publish on its website the average hourly payment rates for home care services for each type of service provided. The average hourly payment rates shall be differentiated for each service if the rate varies based on (i) whether the provider is an independent provider or employed by an agency, (ii) the provider type and qualifications, (iii) whether the clients served are adult or pediatric, and (iv) the geographical location of the services provided. The Department shall also publish the total number of Medicaid-paid home care claims and the number of Medicaid enrollees who received home care services in the prior year.*

CHAPTER 485

An Act to amend and reenact § 19.2-303.1 of the Code of Virginia, relating to fixing period of suspension of sentence; sexual battery; sexual abuse of a child 13 years of age or older but under 15 years of age.

[H 1427]

Approved April 4, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 19.2-303.1 of the Code of Virginia is amended and reenacted as follows:

§ 19.2-303.1. Fixing period of suspension of sentence.

In any case where a court suspends the imposition or execution of a sentence, it may fix the period of suspension for up to the statutory maximum period for which the defendant might originally have been sentenced to be imprisoned*; however, the court may fix the period of suspension for a period not to exceed three years for a violation of § 18.2-67.4 or 18.2-67.4:2*. The limitation on the period of suspension shall not apply to the extent that an additional period of suspension is necessary for the defendant to participate in a court-ordered program.

CHAPTER 486

An Act to amend and reenact § 42.1-36 of the Code of Virginia, relating to local library boards; King and Queen County.

[H 1430]

Approved April 4, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 42.1-36 of the Code of Virginia is amended and reenacted as follows:

§ 42.1-36. Library boards not mandatory.

The formation, creation, or continued existence of *library* boards shall not be considered or construed in any manner as mandatory upon (i) any city or town with a manager; (ii) any county with a county manager, county executive, urban county manager, or urban county executive form of government; (iii) any county that has adopted a charter; or (iv) the Counties of Botetourt, Caroline, Chesterfield, *King and Queen,* and Shenandoah, by virtue of this chapter.

CHAPTER 487

An Act to amend and reenact § 8.01-407 of the Code of Virginia, relating to subpoenas; release of witness.

[H 1435]

Approved April 4, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 8.01-407 of the Code of Virginia is amended and reenacted as follows:

§ 8.01-407. How summons for witness issued and to whom directed; how witness released from subpoena; prior permission of court to summon certain officials and judges.

A. A summons may be issued, directed as prescribed in § 8.01-292, commanding the officer to summon any person to attend on the day and at the place that such attendance is desired, to give evidence before a court, grand jury, arbitrators, magistrate, notary, or any commissioner or other person appointed by a court or acting under its process or authority in a judicial or quasi-judicial capacity. The summons may be issued by the clerk of the court if the attendance is desired at a court or in a proceeding pending in a court. The clerk shall not impose any time restrictions limiting the right to properly request a summons up to and including the date of the proceeding:

If attendance is desired before a commissioner in chancery or other commissioner of a court, the summons may be issued by the clerk of the court in which the matter is pending, or by such commissioner in chancery or other commissioner;

If attendance is desired before a notary or other officer taking a deposition, the summons may be issued by such notary or other officer at the instance of the attorney desiring the attendance of the person sought;

If attendance is sought before a grand jury, the summons may be issued by the attorney for the Commonwealth, or the clerk of the court, at the instance of the attorney for the Commonwealth.

Except as otherwise provided in this subsection, if attendance is desired in a civil proceeding pending in a court or at a deposition in connection with such proceeding, including medical malpractice review panels, and a claim before the Workers' Compensation Commission, a summons may be issued by an attorney-at-law who is an active member of the Virginia State Bar at the time of issuance, as an officer of the court. An attorney-issued summons shall be on a form approved by the Supreme Court, signed by the attorney and shall include the attorney's address. The summons and any transmittal sheet shall be deemed to be a pleading to which the provisions of § 8.01-271.1 shall apply. A copy of the summons and, if served by a sheriff, all service of process fees, shall be mailed or delivered to the clerk's office of the court in which the case is pending or the Workers' Compensation Commission, as applicable, on the day of issuance by the attorney. The law governing summonses issued by a clerk shall apply mutatis mutandis. When an attorney-at-law who is an

active member of the Virginia State Bar transmits one or more attorney-issued subpoenas to a sheriff to be served in his jurisdiction, such subpoenas shall be accompanied by a transmittal sheet. The transmittal sheet, which may be in the form of a letter, shall contain for each subpoena (i) the person to be served, (ii) the name of the city or county in which the subpoena is to be served, in parentheses, (iii) the style of the case in which the subpoena was issued, (iv) the court in which the case is pending, and (v) the amount of fees tendered or paid to each clerk in whose court the case is pending together with a photocopy of either (a) the payment instrument and a photocopy of the letter sent to the clerk's office that accompanied such payment instrument or (b) the clerk's receipt. If copies of the same transmittal sheet are used to send subpoenas to more than one sheriff for service of process, then subpoenas shall be grouped by the jurisdiction in which they are to be served. For each person to be served, an original subpoena and copy thereof shall be included. If the attorney desires a return copy of the transmittal sheet as proof of receipt, he shall also enclose an additional copy of the transmittal sheet together with an envelope addressed to the attorney with sufficient first class postage affixed. Upon receipt of such transmittal, the transmittal sheet shall be date-stamped and, if the extra copy and above-described envelope are provided, the copy shall also be date-stamped and returned to the attorney-at-law in the above-described envelope.

However, when such transmittal does not comply with the provisions of this section, the sheriff may promptly return such transmittal if accompanied by a short description of such noncompliance. An attorney may not issue a summons in any of the following civil proceedings: (1) habeas corpus under Article 3 (§ 8.01-654 et seq.) of Chapter 25, (2) delinquency or abuse and neglect proceedings under Article 3 (§ 16.1-241 et seq.) of Chapter 11 of Title 16.1, (3) civil forfeiture proceedings, (4) administrative license suspension pursuant to § 46.2-391.2, and (5) petition for writs of mandamus or prohibition in connection with criminal proceedings. A sheriff shall not be required to serve an attorney-issued subpoena that is not issued at least five business days prior to the date that attendance is desired.

In other cases, if attendance is desired, the summons may be issued by the clerk of the circuit court of the county or city in which the attendance is desired.

A summons shall express on whose behalf, and in what case or about what matter, the witness is to attend. Failure to respond to any such summons shall be punishable by the court in which the proceeding is pending as for contempt. When any subpoena is served less than five calendar days before appearance is required, the court may, after considering all of the circumstances, refuse to enforce the subpoena for lack of adequate notice. If any subpoena is served less than five calendar days before appearance is required upon any judicial officer generally incompetent to testify pursuant to § 19.2-271, such subpoena shall be without legal force or effect unless the subpoena has been issued by a judge.

Following the issuance of ~~an attorney-issued~~ *a* subpoena *issued at the request of a party or by or at the request of an attorney representing a party*, the person to whom such subpoena is directed may be released from compliance with such subpoena by any attorney for the party on whose behalf the subpoena was issued, *by a party requesting the subpoena,* or *by* a person acting on behalf of such attorney, provided that, in civil cases only, notwithstanding § 19.2-267, such release ~~be~~ *is* in writing and served concurrently on all other parties, or, if any such party is represented by counsel, on the attorney of record, by electronic mail, notwithstanding the requirements of Rule 1:12 of the Rules of Supreme Court of Virginia. A copy of such written release shall also be sent to the clerk of the court via fax or, if available, through the clerk's electronic filing system. For purposes of this paragraph, (A) a release transmitted by electronic mail to the person to whom such subpoena was directed qualifies as a written release from such subpoena and (B) a copy of such written release shall be served contemporaneously on all other parties by electronic mail.

B. No subpoena shall, without permission of the court first obtained, issue for the attendance of the Governor, Lieutenant Governor, or Attorney General of ~~this~~ *the* Commonwealth, a judge of any court thereof; the President or Vice President of the United States; any member of the President's Cabinet; any ambassador or consul; or any military officer on active duty holding the rank of admiral or general.

CHAPTER 488

An Act to amend and reenact § 58.1-3916 of the Code of Virginia, relating to omitted taxes; installment agreements.

[H 1503]

Approved April 4, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 58.1-3916 of the Code of Virginia is amended and reenacted as follows:

§ 58.1-3916. Counties, cities, and towns may provide dates for filing returns and set penalties, interest, etc.

Notwithstanding provisions contained in §§ 58.1-3518, 58.1-3900, 58.1-3913, 58.1-3915, and 58.1-3918, the governing body of any county, city, or town may provide by ordinance the time for filing local license applications and annual returns of taxable tangible personal property, machinery and tools, and merchants' capital. The governing body may also by ordinance establish due dates for the payment of local taxes; may provide that payment be made in a single installment or in two equal installments; may offer options, which may include coupon books and payroll deductions, which allow the taxpayer to determine whether to pay the tangible personal property tax through monthly, bimonthly, quarterly, or semiannual installments or in a lump sum, provided such taxes are paid in full by the final due date; may provide by ordinance penalties for failure to file such applications and returns and for nonpayment in time; may provide for payment of interest on delinquent taxes; and may provide for the recovery of reasonable attorney's or collection agency's fees actually

contracted for, not to exceed 20 percent of the delinquent taxes and other charges so collected. A locality that provides for payment of interest on delinquent taxes shall provide for interest at the same rate on overpayments due to erroneously assessed taxes to be paid to the taxpayer, provided that no interest shall be required to be paid on such refund if (i) the amount of the refund is $10 or less or (ii) the refund is the result of proration pursuant to § 58.1-3516. A court that finds that an overpayment of local taxes has been made in an action brought pursuant to § 58.1-3984 shall award interest at the appropriate rate, notwithstanding the failure of the locality to conform its ordinance to the requirements of this section.

Notwithstanding any contrary provision of law, the local governing body shall allow an automatic extension on real property taxes imposed upon a primary residence and personal property taxes imposed upon a qualifying vehicle, as defined in § 58.1-3523, owed by members of the armed services of the United States deployed outside of the United States. Such extension shall end and the taxes shall be due 90 days following the completion of such member's deployment. For purposes of this section, "the armed services of the United States" includes active duty service with the regular Armed Forces of the United States or the National Guard or other reserve component.

No tax assessment or tax bill shall be deemed delinquent and subject to the collection procedures prescribed herein during the pendency of any administrative appeal under § 58.1-3980, so long as the appeal is filed within 90 days of the date of the assessment, and for 30 days after the date of the final determination of the appeal, provided that nothing in this paragraph shall be construed to preclude the assessment or refund, following the final determination of such appeal, of such interest as otherwise may be provided by general law as to that portion of a tax bill that has remained unpaid or was overpaid during the pendency of such appeal and is determined in such appeal to be properly due and owing.

Interest may commence not earlier than the first day following the day such taxes are due by ordinance to be filed, at a rate not to exceed 10 percent per year. The governing body may impose interest at a rate not to exceed the rate of interest established pursuant to § 6621 of the Internal Revenue Code of 1954, as amended, or 10 percent annually, whichever is greater, for the second and subsequent years of delinquency. No penalty for failure to pay a tax or installment shall exceed (i) 10 percent of the tax past due on such property; (ii) in the case of delinquent tangible personal property tax more than 30 days past due on property classified pursuant to subdivision A 15, 16, or 20 of § 58.1-3506, which remains unpaid after 10 days' written notice sent by United States mail to the taxpayer of the intention to impose a penalty pursuant hereto, the penalty shall not exceed an amount equal to the difference between the tax due and owing with respect to such property and the tax that would have been due and owing if the property in question had been classified as general tangible personal property pursuant to § 58.1-3503; (iii) in the case of delinquent tangible personal property tax more than 30 days past due, 25 percent of the tax past due on such tangible personal property; (iv) in the case of delinquent remittance of excise taxes on meals, lodging, or admissions collected from consumers, 10 percent for the first month the taxes are past due, and five percent for each month thereafter, up to a maximum of 25 percent of the taxes collected but not remitted; or (v) $10, whichever is greater, provided, however, that the penalty shall in no case exceed the amount of the tax assessable. No penalty for failure to file a return shall be greater than 10 percent of the tax assessable on such return or $10, whichever is greater, provided, however, that the penalty shall in no case exceed the amount of the tax assessable. The assessment of such penalty shall not be deemed a defense to any criminal prosecution for failing to make return of taxable property as may be required by law or ordinance. Penalty for failure to file an application or return may be assessed on the day after such return or application is due; penalty for failure to pay any tax may be assessed on the day after the first installment is due. Any such penalty when so assessed shall become a part of the tax. Any bill issued by the treasurer imposing a penalty or interest for taxes owed on machinery and tools or tangible personal property owned by a business shall separately state the total amount of tax owed, the amount of any interest assessed, and the amount of the penalty imposed.

No penalty for failure to pay any tax shall be imposed for any assessment made later than two weeks prior to the day on which the taxes are due, if such assessment is made thereafter through the fault of a local official, and if such assessment is paid within two weeks after the notice thereof is mailed.

In the event a transfer of real property ownership occurs after January 1 of a tax year and a real estate tax bill has been mailed pursuant to §§ 58.1-3281 and 58.1-3912, the treasurer or other appropriate local official designated by ordinance of the local governing body in jurisdictions not having a treasurer, upon ascertaining that a property transfer has occurred, may invalidate a bill sent to the prior owner and reissue the bill to the new owner as permitted by § 58.1-3912, and no penalty for failure to pay any tax for any such assessment shall be imposed if the tax is paid within two weeks after the notice thereof is mailed.

Penalty and interest for failure to file a return or to pay a tax shall not be imposed if such failure was not the fault of the taxpayer, or was the fault of the commissioner of the revenue, the treasurer, or the United States Postal Service when no postmark is properly affixed or if the postmark affixed by the United States Postal Service is illegible or bears no date, and the return or payment is received through the United States mail no later than five days following the time of the close of business on the last day on which such return may be filed or such tax may be paid without penalty or interest, as the case may be. No such penalty and interest shall be imposed if a taxpayer provides evidence that a tax return filing or a tax payment was timely by producing a United States Postal Service Certificate of Mailing, or other proof of mailing, showing such return was filed or such payment was made before the close of business on the last day such return may be filed or such tax may be paid without penalty or interest. The failure to file a return or to pay a tax due to the death of the taxpayer or a medically determinable physical or mental impairment on the date the return or tax is due shall be presumptive proof of lack of fault on the taxpayer's part, provided the return is filed or the taxes are paid within 30 days of the due date; however, if there is a committee, legal guardian, conservator or other fiduciary handling the individual's affairs, such return shall be

filed or such taxes paid within 120 days after the fiduciary qualifies or begins to act on behalf of the taxpayer. Interest on such taxes shall accrue until paid in full. Any such fiduciary shall, on behalf of the taxpayer, by the due date, file any required returns and pay any taxes that come due after the 120-day period. The treasurer shall make determinations of fault relating exclusively to failure to pay a tax, and the commissioner of the revenue shall make determinations of fault relating exclusively to failure to file a return. In jurisdictions not having a treasurer or commissioner of the revenue, the governing body may delegate to the appropriate local tax officials the responsibility to make the determination of fault.

The governing body may further provide by resolution for reasonable extensions of time, not to exceed 90 days, for the payment of real estate and personal property taxes and for filing returns on tangible personal property, machinery and tools, and merchants' capital, and the business, professional, and occupational license tax, whenever good cause exists. The official granting such extension shall keep a record of every such extension. If any taxpayer who has been granted an extension of time for filing his return fails to file his return within the extended time, his case shall be treated the same as if no extension had been granted.

The governing body may further provide by resolution that the treasurer or other officer responsible for the collection of taxes may enter into an agreement with any taxpayer who has been assessed with omitted taxes, including penalties and interest with respect to such taxes, pursuant to § 58.1-3903 or 58.1-3904, for the payment of the taxes, penalties, and interest so assessed over a period that is reasonable under the circumstances but that in no event shall exceed 72 months. Any agreement under this paragraph shall provide for the payment of current tax obligations as they come due, which payments shall be credited to current tax obligations notwithstanding the provisions of § 58.1-3913 and shall be secured by the lien of the locality pursuant to § 58.1-3340.

This section shall be the sole authority for local ordinances setting due dates of local taxes and penalty and interest thereon and shall supersede the provisions of any charter or special act.

CHAPTER 489

An Act to amend and reenact § 3.2-6570 of the Code of Virginia, relating to cruelty to animals; possession and ownership of animals.

[S 11]

Approved April 4, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 3.2-6570 of the Code of Virginia is amended and reenacted as follows:

§ 3.2-6570. Cruelty to animals; penalty.

A. Any person who (i) overrides, overdrives, overloads, ill-treats, or abandons any animal, whether belonging to himself or another; (ii) tortures any animal, willfully inflicts inhumane injury or pain not connected with bona fide scientific or medical experimentation on any animal, or cruelly or unnecessarily beats, maims, mutilates, or kills any animal, whether belonging to himself or another; (iii) deprives any animal of necessary food, drink, shelter, or emergency veterinary treatment; (iv) sores any equine for any purpose or administers drugs or medications to alter or mask such soring for the purpose of sale, show, or exhibition of any kind, unless such administration of drugs or medications is within the context of a veterinary client-patient relationship and solely for therapeutic purposes; (v) ropes, lassoes, or otherwise obstructs or interferes with one or more legs of an equine in order to intentionally cause it to trip or fall for the purpose of engagement in a rodeo, contest, exhibition, entertainment, or sport unless such actions are in the practice of accepted animal husbandry or for the purpose of allowing veterinary care; (vi) willfully sets on foot, instigates, engages in, or in any way furthers any act of cruelty to any animal; (vii) carries or causes to be carried by any vehicle, vessel or otherwise any animal in a cruel, brutal, or inhumane manner, so as to produce torture or unnecessary suffering; or (viii) causes any of the above things, or being the owner of such animal permits such acts to be done by another is guilty of a Class 1 misdemeanor.

In addition to the penalties provided in this subsection, the court may, in its discretion, require any person convicted of a violation of this subsection to attend an anger management or other appropriate treatment program or obtain psychiatric or psychological counseling. The court may impose the costs of such a program or counseling upon the person convicted.

B. Any person who (i) tortures, willfully inflicts inhumane injury or pain not connected with bona fide scientific or medical experimentation, or cruelly and unnecessarily beats, maims, mutilates or kills any animal whether belonging to himself or another; (ii) sores any equine for any purpose or administers drugs or medications to alter or mask such soring for the purpose of sale, show, or exhibit of any kind, unless such administration of drugs or medications is under the supervision of a licensed veterinarian and solely for therapeutic purposes; (iii) ropes, lassoes, or otherwise obstructs or interferes with one or more legs of an equine in order to intentionally cause it to trip or fall for the purpose of engagement in a rodeo, contest, exhibition, entertainment, or sport unless such actions are in the practice of accepted animal husbandry or for the purpose of allowing veterinary care; (iv) maliciously deprives any companion animal of necessary food, drink, shelter or emergency veterinary treatment; (v) instigates, engages in, or in any way furthers any act of cruelty to any animal set forth in clauses (i) through (iv); or (vi) causes any of the actions described in clauses (i) through (v), or being the owner of such animal permits such acts to be done by another; and has been within five years convicted of a violation of this subsection or subsection A, is guilty of a Class 6 felony if the current violation or any previous violation of this subsection or subsection A resulted in the death of an animal or the euthanasia of an animal based on the recommendation of a licensed veterinarian

upon determination that such euthanasia was necessary due to the condition of the animal, and such condition was a direct result of a violation of this subsection or subsection A.

C. Nothing in this section shall be construed to prohibit the dehorning of cattle conducted in a reasonable and customary manner.

D. This section shall not prohibit authorized wildlife management activities or hunting, fishing or trapping as regulated under other titles of the Code of Virginia, including Title 29.1, or to farming activities as provided under this title or regulations adopted hereunder.

E. It is unlawful for any person to kill a domestic dog or cat for the purpose of obtaining the hide, fur or pelt of the dog or cat. A violation of this subsection is a Class 1 misdemeanor. A second or subsequent violation of this subsection is a Class 6 felony.

F. Any person who (i) tortures, willfully inflicts inhumane injury or pain not connected with bona fide scientific or medical experimentation, or cruelly and unnecessarily beats, maims, or mutilates any dog or cat that is a companion animal whether belonging to him or another and (ii) as a direct result causes serious bodily injury to such dog or cat that is a companion animal, the death of such dog or cat that is a companion animal, or the euthanasia of such animal on the recommendation of a licensed veterinarian upon determination that such euthanasia was necessary due to the condition of the animal is guilty of a Class 6 felony. If a dog or cat is attacked on its owner's property by a dog so as to cause injury or death, the owner of the injured dog or cat may use all reasonable and necessary force against the dog at the time of the attack to protect his dog or cat. Such owner may be presumed to have taken necessary and appropriate action to defend his dog or cat and shall therefore be presumed not to have violated this subsection. The provisions of this subsection shall not overrule § 3.2-6540, 3.2-6540.1, or 3.2-6552.

For the purposes of this subsection, "serious bodily injury" means bodily injury that involves substantial risk of death, extreme physical pain, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ, or mental faculty.

G. Any person convicted of ~~violating~~ *a violation of* this section *that is punishable as a felony* may be prohibited by the court from possession or ownership of companion *or equine* animals *for life, and any person convicted of a violation of this section that is punishable as a misdemeanor may be prohibited by the court from possession or ownership of such animals for a period of up to five years. In addition, a violation of any prohibition or restriction imposed by the sentencing court pursuant to this subsection is a Class 1 misdemeanor, and all animals under the court's order may be seized and forfeited. The court may order that any animal possessed or owned by such person may be disposed of by a local governing body pursuant to subsection D of § 3.2-6546 or delivered to another person with a right of property in the animal.*

H. Any person who has his rights to possession or ownership of companion or equine animals prohibited pursuant to a felony conviction in accordance with subsection G may petition the court where such conviction occurred for a restoration of his rights after five years from the date of conviction.

CHAPTER 490

An Act to amend and reenact §§ 2.2-4378 through 2.2-4383 of the Code of Virginia, relating to Virginia Public Procurement Act; construction management and design-build contracting; report.

[S 18]

Approved April 4, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-4378 through 2.2-4383 of the Code of Virginia are amended and reenacted as follows:

§ 2.2-4378. Purpose; applicability.

A. The purpose of this chapter is to enunciate the public policies pertaining to governmental procurement of construction utilizing the construction management and design-build procurement methods. *A design-bid-build project delivery method that utilizes competitive sealed bidding is the default method of procurement for construction.* Notwithstanding any other provision of law, the Commonwealth may enter into contracts on a fixed price design-build basis or construction management basis in accordance with the provisions of this chapter and § 2.2-1502.

B. Except as provided in subsection C, this chapter shall apply regardless of the source of financing, whether it is general fund, nongeneral fund, federal trust fund, state debt, or institutional debt.

C. The following shall be exempt from the provisions of this chapter:

1. Projects of a covered institution that are to be funded exclusively by a foundation that (i) exists for the primary purpose of supporting the covered institution and (ii) is exempt from taxation under § 501(c)(3) of the Internal Revenue Code; and

2. Transportation construction projects procured and awarded by the Commonwealth Transportation Board pursuant to subsection B of § 33.2-209.

D. The provisions of this chapter shall supplement the provisions of the Virginia Public Procurement Act (§ 2.2-4300 et seq.), which provisions shall remain applicable. In the event of any conflict between this chapter and the Virginia Public Procurement Act (§ 2.2-4300 et seq.), the Restructured Higher Education Financial and Administrative Operations Act of 2005 (§ 23.1-1000 et seq.), or any other provision of law, this chapter shall control.

§ 2.2-4379. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Complex project" means a construction project that includes one or more of the following significant components: difficult site location, unique equipment, specialized building systems, multifaceted program, accelerated schedule, historic designation, or intricate phasing or some other aspect that makes ~~competitive sealed bidding~~ *the design-bid-build project delivery method* not practical.

"Construction management contract" means a contract in which a party is retained by the owner to coordinate and administer contracts for construction services for the benefit of the owner and may also include, if provided in the contract, the furnishing of construction services to the owner.

"Covered institution" means a public institution of higher education operating (i) subject to a management agreement set forth in Article 4 (§ 23.1-1004 et seq.) of Chapter 10 of Title 23.1, (ii) under a memorandum of understanding pursuant to § 23.1-1003, or (iii) under the pilot program authorized in the appropriation act.

"Department" means the Department of General Services.

"Design-bid-build" means a project delivery method in which a public body sequentially awards two separate contracts, the first for professional services to design the project and the second utilizing competitive sealed bidding for construction of the project according to the design.

"Design-build contract" means a contract between a public body and another party in which the party contracting with the public body agrees to both design and build the structure, or other item specified in the contract.

"Division" means the Division of Engineering and Buildings of the Department of General Services as established by § 2.2-1129.

"Public body" means the same as that term is defined in § 2.2-4301.

"State public body" means any authority, board, department, instrumentality, agency, or other unit of state government. "State public body" does not include any covered institution; any county, city, or town; or any local or regional governmental authority.

§ 2.2-4380. Construction management or design-build contracts for state public bodies authorized.

A. Any state public body may enter into a contract for construction on a fixed price or not-to-exceed price construction management or design-build basis, provided that *(i) the Department has approved the use of construction management or design-build contracts and (ii)* such public body complies with the requirements of this article and the procedures adopted by the Secretary of Administration for using construction management or design-build contracts.

B. Procedures adopted by a state public body pursuant to this article shall include the following requirements:

1. A written determination is made in advance by the state public body that ~~competitive sealed bidding~~ *the design-bid-build project delivery method* is not practicable or fiscally advantageous, and such writing shall document the basis for the determination to use construction management or design-build. The determination shall be included in the Request for Qualifications and maintained in the procurement file;

2. Prior to making a determination as to the use of construction management or design-build for a specific construction project, a state public body shall have in its employ or under contract a licensed architect or engineer with professional competence appropriate to the project who shall (i) advise the public body regarding the use of construction management or design-build for that project and (ii) assist the public body with the preparation of the Request for Proposal and the evaluation of such proposals;

3. Public notice of the Request for Qualifications is posted on the Department's central electronic procurement website, known as eVA, at least 30 days prior to the date set for receipt of qualification proposals;

4. For construction management contracts, the contract is entered into no later than the completion of the schematic phase of design, unless prohibited by authorization of funding restrictions;

5. Prior construction management or design-build experience or previous experience with the ~~Department's Bureau of Capital Outlay Management~~ *Division* shall not be ~~required~~ *considered* as a prerequisite *or factor considered* for *prequalification or* award of a contract. However, in the selection of a contractor, a state public body may consider the experience of each contractor on comparable projects *of similar complexity and size*;

6. Construction management contracts shall require that (i) no more than 10 percent of the construction work, as measured by the cost of the work, be performed by the construction manager with its own forces and (ii) the remaining 90 percent of the construction work, as measured by the cost of the work, be performed by subcontractors of the construction manager, which the construction manager shall procure by publicly advertised, competitive sealed bidding to the maximum extent practicable; ~~and~~

7. The procedures allow for a two-step competitive negotiation process*; and*

8. The procedures allow the state public body to post on the Department's central electronic procurement website known as eVA when and where the general contractor plans to advertise bid packages for subcontracting opportunities when appropriate.

C. The Department shall evaluate the proposed procurement method selected by the state public body and make its recommendation as to whether the use of the construction management or design-build procurement method is appropriate for the specific project. In its review, the Department shall also consider:

1. The written determination of the state public body;

2. The compliance by the state public body with subdivisions B 1, 2, and 7;

3. The project cost, expected timeline, and use;

4. Whether the project is a complex project; and

5. Any other criteria established by the Department to evaluate the proposed procurement method for the project.

D. The Department shall conduct its review within five working days after receipt of the written determination and render its written ~~recommendation~~ *approval or denial* within such five-working-day period. The written ~~recommendation~~ *approval or denial* of the Department shall be maintained in the procurement file.

E. ~~If a state public body elects to proceed with the project using a construction management or design-build procurement method despite the recommendation of the Department to the contrary, such state public body shall state in writing its reasons therefor and any justification for not following the recommendation of the Department and submit same to the Department. The written statement of a state public body's decision to not follow the recommendation of the Department shall be maintained in the procurement file.~~ *All documents open to public inspection pursuant to § 2.2-4342 that are issued or received by the Department shall be posted on the Department's central electronic procurement website known as eVA.*

§ 2.2-4381. Construction management or design-build contracts for covered institutions authorized.

A. Any covered institution may enter into a contract for construction on a fixed price or not-to-exceed price construction management or design-build basis, provided that *(i) the Department approves the use of construction management or design-build or, in the case of a denial by the Department, such institution receives approval as set forth in subsection F and (ii)* such institution complies with the requirements of this article and with the procedures adopted by the Secretary of Administration for using construction management or design-build contracts.

B. Covered institutions shall:

1. Develop procedures for determining the selected procurement method which, at a minimum, shall consider cost, schedule, complexity, and building use;

2. Submit such procedures, and any subsequent changes to adopted procedures, to the Department for review and comment; ~~and~~

3. *Post all documents open to public inspection pursuant to § 2.2-4342 that are exchanged between the covered institution and the Department on the Department's central electronic procurement website, known as eVA, prior to the date of submission of proposals; and*

4. Submit Department-reviewed procedures to its board of visitors *or governing board* for adoption.

C. Procedures adopted by a board of visitors pursuant to this article shall include the following requirements:

1. A written determination is made in advance by the covered institution that ~~competitive sealed bidding~~ *the design-bid-build project delivery method* is not practicable or fiscally advantageous, and such writing shall document the basis for the determination to use construction management or design-build. The determination shall be included in the Request for Qualifications and maintained in the procurement file;

2. Prior to making a determination as to the use of construction management or design-build for a specific construction project, a covered institution shall have in its employ or under contract a licensed architect or engineer with professional competence appropriate to the project who shall (i) advise the covered institution regarding the use of construction management or design-build for that project and (ii) assist the covered institution with the preparation of the Request for Proposal and the evaluation of such proposals;

3. Public notice of the Request for Qualifications is posted on the Department's central electronic procurement website, known as eVA, at least 30 days prior to the date set for receipt of qualification proposals;

4. For construction management contracts, the contract is entered into no later than the completion of the schematic phase of design, unless prohibited by authorization of funding restrictions;

5. Prior construction management or design-build experience or previous experience with the ~~Department's Bureau of Capital Outlay Management~~ *Division* shall not be ~~required~~ *considered* as a prerequisite *or factor considered* for *prequalification or* award of a contract. However, in the selection of a contractor, a covered institution may consider the experience of each contractor on comparable projects *of similar complexity and size*;

6. Construction management contracts shall require that (i) no more than 10 percent of the construction work, as measured by the cost of the work, be performed by the construction manager with its own forces and (ii) the remaining 90 percent of the construction work, as measured by the cost of the work, be performed by subcontractors of the construction manager, which the construction manager shall procure by publicly advertised, competitive sealed bidding to the maximum extent practicable; ~~and~~

7. The procedures allow for a two-step competitive negotiation process*;*

8. The procedures allow the covered institution to post on the Department's central electronic procurement website known as eVA when and where the general contractor plans to advertise bid packages for subcontracting opportunities when appropriate; and

9. The procedures require the covered institution to provide documentation to all of the unsuccessful proposers, upon request, of the processes used in awarding the contract.

D. The Department shall evaluate the proposed procurement method selected by a covered institution and ~~make~~ *offer* its ~~recommendation~~ *approval or denial* as to whether the use of the construction management or design-build procurement method is appropriate for the specific project. In its review, the Department shall also consider:

1. The written determination of the covered institution;

2. The compliance by the covered institution with subdivisions C 1, 2, and 7;

3. The project cost, expected timeline, and use;

4. Whether the project is a complex project; and

5. Any other criteria established by the Department to evaluate the proposed procurement method for the project.

E. The Department shall conduct its review within five working days after receipt of the written determination and render its written ~~recommendation~~ *approval or denial* within such five-working-day period. The written ~~recommendation~~ *approval or denial* of the Department shall be maintained in the procurement file.

F. If a covered institution elects to proceed with the project using a construction management or design-build procurement method despite the ~~recommendation~~ *decision* of the Department to the contrary, ~~such covered institution shall state in writing its reasons therefor and any justification for not following the recommendation of the Department and submit same to the Department. The~~ *the Department shall present the written denial issued pursuant to subsection E to the board of visitors or governing board of such covered institution and the covered institution shall obtain approval by a majority vote of such board for (i) projects funded by funds other than those provided to such covered institution from the state general fund or (ii) projects of $65 million or more funded in whole or in part from state general funds. If the project is funded in whole or in part from state general funds, a representative from the Department, to the extent the Department deems practicable, shall be included in the process for the selection of a contractor following such approval by the board of visitors or governing board. For projects under $65 million funded in whole or in part from state general funds, the covered institution shall obtain approval from the Chairmen of the House Committee on Appropriations and the Senate Committee on Finance and Appropriations, or their designees, and a representative of the Department.*

A written statement of a covered institution's decision to not follow the ~~recommendation~~ *decision* of the Department*, its reasons therefor, and the vote of the board of visitors or governing board* shall be maintained in the procurement file.

§ 2.2-4382. Design-build or construction management contracts for local public bodies authorized.

A. Any local public body may enter into a contract for construction on a fixed price or not-to-exceed price construction management or design-build basis, provided that the local public body (i) *receives approval, if required, as provided in subsection B, (ii)* complies with the requirements of this article, and ~~(ii)~~ *(iii)* has by ordinance or resolution implemented procedures consistent with the procedures adopted by the Secretary of Administration for utilizing construction management or design-build contracts.

B. *If a local public body is required to obtain approval from its local governing body to enter into a contract for construction using construction management or design-build, then the local governing body shall adopt a resolution or motion on a per project basis in a public forum to that effect prior to issuing a Request for Qualifications.*

C. Prior to making a determination as to the use of construction management or design-build for a specific construction project, a local public body shall have in its employ or under contract a licensed architect or engineer with professional competence appropriate to the project who shall (i) advise such public body regarding the use of construction management or design-build for that project and (ii) assist such public body with the preparation of the Request for Proposal and the evaluation of such proposals.

~~C.~~ *D.* A written determination shall be made in advance by the local public body that ~~competitive sealed bidding~~ *the design-bid-build project delivery method* is not practicable or fiscally advantageous, and such writing shall document the basis for the determination to utilize construction management or design-build*, including the determination of the project's complexity*. The determination shall be included in the Request for Qualifications and be maintained in the procurement file.

~~D.~~ *E.* Procedures adopted by a local public body for construction management *or design-build* pursuant to this article shall include the following requirements:

1. Construction management *or design-build* may be utilized on projects ~~where the project cost is expected to be less than the project cost threshold established in the procedures adopted by the Secretary of Administration for utilizing construction management contracts~~, provided that (i) the project is a complex project and (ii) the ~~project~~ procurement method *for the project* is approved by the local governing body. The written approval of the governing body shall be maintained in the procurement file;

2. Public notice of the Request for Qualifications is posted on the Department's central electronic procurement website~~,~~ known as eVA, *or the local public body's own website,* at least 30 days prior to the date set for receipt of qualification proposals;

3. The construction management contract is entered into no later than the completion of the schematic phase of design, unless prohibited by authorization of funding restrictions;

4. Prior construction management or design-build experience or previous experience with the ~~Department's Bureau of Capital Outlay Management~~ *Division* shall not be ~~required~~ *considered* as a prerequisite *or factor considered* for ~~award~~ *prequalification* of a contract. However, in the selection of a contractor, the local public body may consider the experience of each contractor on comparable *construction management or design-build* projects;

5. Construction management contracts shall require that (i) no more than 10 percent of the construction work, as measured by the cost of the work, be performed by the construction manager with its own forces and (ii) the remaining 90 percent of the construction work, as measured by the cost of the work, be performed by subcontractors of the construction manager, which the construction manager shall procure by publicly advertised, competitive sealed bidding to the maximum extent practicable. The provisions of this subdivision shall not apply to construction management contracts involving infrastructure projects;

6. The procedures allow for a two-step competitive negotiation process; ~~and~~

7. Price is a critical basis for award of the contract*; and*

8. The procedures allow the local public body to post on the Department's central electronic procurement website known as eVA, or the local public body's own website, when and where the general contractor plans to advertise bid packages for subcontracting opportunities when appropriate.

~~E.~~ *F.* Procedures adopted by a local public body for design-build construction projects shall include a two-step competitive negotiation process consistent with the standards established by the Division of Engineering and Buildings of the Department for state public bodies.

§ 2.2-4383. Reporting requirements.

A. The Department shall report by December 1 of each year to the Governor and the Chairmen of the House Committee on Appropriations, the House Committee on General Laws, the Senate Committee on Finance and Appropriations, and the Senate Committee on General Laws and Technology the following information: (i) the number of projects reviewed pursuant to Articles 2 (§ 2.2-4380) and 3 (§ 2.2-4381) and (ii) for each project (a) the identity of the state public body or covered institution and a description of each such project, (b) the estimated cost of the project at the time of the Department's review, (c) the ~~recommendation~~ *decision* made by the Department concerning the proposed procurement method, ~~and~~ (d) *if such project was a construction management or design-build project, the qualifications that made such project complex, and (e)* the final procurement method used by the state public body or covered institution.

B. All public bodies subject to the provisions of this chapter shall report no later than November 1 of each year to the Director of the Department on all completed capital projects in excess of $2 million, which report shall include at a minimum (i) the procurement method utilized, (ii) the project budget, (iii) the actual project cost, (iv) the expected timeline, (v) the actual completion time, ~~and~~ (vi) *if such project was a construction management or design-build project, the qualifications that made the project complex, and (vii)* any post-project issues.

The Department shall consolidate received report data and submit the consolidated data to the Governor and Chairmen of the House Committee on Appropriations and the Senate Committee on Finance and Appropriations by December 1 of each year.

2. That the Department of General Services, with the assistance of staff of the House Committee on Appropriations and the Senate Committee on Finance and Appropriations, shall assess the implementation and administration of the provisions of §§ 2.2-4378 through 2.2-4383 of the Code of Virginia, as amended by this act, and report its findings and recommendations to the General Assembly by November 1, 2029.

CHAPTER 491

An Act to direct the State Council of Higher Education for Virginia to study the processes by which each public institution of higher education determines eligibility for accommodations for students with disabilities and to identify in such processes and make recommendations to reduce any barriers to establishing eligibility.

[S 21]

Approved April 4, 2024

Be it enacted by the General Assembly of Virginia:

1. *§ 1. The State Council of Higher Education for Virginia (the Council) shall, in consultation with representatives of public institutions of higher education, disability advocacy organizations, students enrolled at public institutions of higher education, higher education disability accommodation professionals, and a subject matter expert to be selected by the Council, study the processes by which each public institution of higher education determines the eligibility for accommodations of an admitted or enrolled student with a temporary or permanent disability and identify in such processes and make recommendations to reduce any barriers to establishing eligibility. In conducting its study, the Council shall (i) evaluate the current processes used by such institutions for determining a student's eligibility for accommodations, including any required documentation; (ii) identify any barriers students may face in establishing eligibility for accommodations through such processes; (iii) identify any resources that may be necessary for students to overcome such barriers in establishing eligibility for accommodations; and (iv) make recommendations on (a) strategies for reducing any such barriers, including recommendations for modifications to accommodations eligibility determination processes currently used by such institutions, and (b) the development and establishment of a uniform accommodations eligibility determination process for public institutions of higher education. The Council shall submit to the Governor, the Chairmen of the House Committees on Appropriations and Education, and the Chairmen of the Senate Committees on Finance and Appropriations and Education and Health by October 1, 2024, a report on its findings and recommendations.*

CHAPTER 492

An Act to amend and reenact §§ 4.1-128 and 4.1-308 of the Code of Virginia, relating to alcoholic beverage control; public consumption; exemption.

[S 26]

Approved April 4, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 4.1-128 and 4.1-308 of the Code of Virginia are amended and reenacted as follows:

§ 4.1-128. Local ordinances or resolutions regulating or taxing alcoholic beverages.

A. No county, city, or town shall, except as provided in § 4.1-205 or 4.1-129, adopt any ordinance or resolution which regulates or prohibits the manufacture, bottling, possession, sale, wholesale distribution, handling, transportation, drinking, use, advertising or dispensing of alcoholic beverages in the Commonwealth. Nor shall any county, city, or town adopt an ordinance or resolution that prohibits or regulates the storage, warehousing, and wholesaling of wine in accordance with Title 4.1, regulations of the Board, and federal law at a licensed farm winery.

No provision of law, general or special, shall be construed to authorize any county, city or town to adopt any ordinance or resolution that imposes a sales or excise tax on alcoholic beverages, other than the taxes authorized by § 58.1-605, 58.1-3833 or 58.1-3840. The foregoing limitation shall not affect the authority of any county, city or town to impose a license or privilege tax or fee on a business engaged in whole or in part in the sale of alcoholic beverages if the license or privilege tax or fee (i) is based on an annual or per event flat fee specifically authorized by general law or (ii) is an annual license or privilege tax specifically authorized by general law, which includes alcoholic beverages in its taxable measure and treats alcoholic beverages the same as if they were nonalcoholic beverages.

B. However, the governing body of any county, city, or town may adopt an ordinance that (i) prohibits the acts described in subsection A of § 4.1-308 subject to the provisions of subsections B ~~and~~, E, *and F* of § 4.1-308, or the acts described in § 4.1-309, and may provide a penalty for violation thereof and (ii) subject to subsection C of § 4.1-308, regulates or prohibits the possession of opened alcoholic beverage containers in its local public parks, playgrounds, public streets, and any sidewalk adjoining any public street.

C. Except as provided in this section, all local acts, including charter provisions and ordinances of cities and towns, inconsistent with any of the provisions of this subtitle, are repealed to the extent of such inconsistency.

§ 4.1-308. Drinking alcoholic beverages, or offering to another, in public place; penalty; exceptions.

A. If any person takes a drink of alcoholic beverages or offers a drink thereof to another, whether accepted or not, at or in any public place, he is guilty of a Class 4 misdemeanor.

B. This section shall not prevent any person from drinking alcoholic beverages or offering a drink thereof to another in any rooms or areas approved by the Board in a licensed establishment, provided such establishment or the person who operates the same is licensed to sell alcoholic beverages at retail for on-premises consumption and the alcoholic beverages drunk or offered were purchased therein.

C. This section shall not prevent any person from drinking alcoholic beverages or offering a drink thereof to another in any room or area approved by the Board at an event for which a banquet license, mixed beverage special events license, or designated outdoor refreshment area license has been granted. Nor shall this section prevent, upon authorization of the licensee, any person from drinking his own lawfully acquired alcoholic beverages or offering a drink thereof to another in approved areas and locations at events for which a coliseum or stadium license has been granted.

D. This section shall not prevent any person from drinking alcoholic beverages or offering a drink thereof to another on a chartered boat being used for the transportation of passengers for compensation which is not licensed by the Board and which does not sell alcoholic beverages.

E. This section shall not prevent any person from drinking alcoholic beverages or offering a drink thereof to another in any areas approved by the Board in a licensed commercial lifestyle center.

F. This section shall not prevent any person from drinking alcoholic beverages or offering a drink thereof to another in any area upon the premises of a campground located on private property at which a majority of the campers use travel or tent trailers, pickup campers, or motor homes or similar recreational vehicles.

CHAPTER 493

An Act to amend and reenact § 22.1-217.03 of the Code of Virginia, relating to guidelines for individualized education program teams relating to certain age-appropriate and developmentally appropriate instruction; availability and posting.

[S 60]

Approved April 4, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 22.1-217.03 of the Code of Virginia is amended and reenacted as follows:

§ 22.1-217.03. Individualized education program teams to consider need for certain age-appropriate and developmentally appropriate instruction.

A. The Department of Education shall establish*, make available to each school board, and post on its website* guidelines for individualized education program (IEP) teams to utilize when developing IEPs for children with disabilities to ensure that IEP teams consider the need for age-appropriate and developmentally appropriate instruction related to sexual health, self-restraint, self-protection, respect for personal privacy, and personal boundaries of others.

B. In developing IEPs for children with disabilities, in addition to any other requirements established by the Board, each local school board shall ensure that IEP teams consider the guidelines established by the Department of Education pursuant to subsection A.

2. That the Department of Education shall, in accordance with subsection A of § 22.1-217.03 of the Code of Virginia, as amended by this act, make available to each school board and post on its website the guidelines for Individualized Education Program teams relating to certain age-appropriate and developmentally appropriate instruction by the beginning of the 2024-2025 school year.

CHAPTER 494

An Act to amend and reenact §§ 2.2-3711, 9.1-102, 15.2-1707, 15.2-1708, and 19.2-83.7 of the Code of Virginia, relating to decertification of law-enforcement officers and jail officers.

[S 88]

Approved April 4, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-3711, 9.1-102, 15.2-1707, 15.2-1708, and 19.2-83.7 of the Code of Virginia are amended and reenacted as follows:

§ 2.2-3711. (Effective until date pursuant to Acts 2023, cc. 756 and 778, cl. 5) Closed meetings authorized for certain limited purposes.

A. Public bodies may hold closed meetings only for the following purposes:

1. Discussion, consideration, or interviews of prospective candidates for employment; assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of any public body; and evaluation of performance of departments or schools of public institutions of higher education where such evaluation will necessarily involve discussion of the performance of specific individuals. Any teacher shall be permitted to be present during a closed meeting in which there is a discussion or consideration of a disciplinary matter that involves the teacher and some student and the student involved in the matter is present, provided the teacher makes a written request to be present to the presiding officer of the appropriate board. Nothing in this subdivision, however, shall be construed to authorize a closed meeting by a local governing body or an elected school board to discuss compensation matters that affect the membership of such body or board collectively.

2. Discussion or consideration of admission or disciplinary matters or any other matters that would involve the disclosure of information contained in a scholastic record concerning any student of any public institution of higher education in the Commonwealth or any state school system. However, any such student, legal counsel and, if the student is a minor, the student's parents or legal guardians shall be permitted to be present during the taking of testimony or presentation of evidence at a closed meeting, if such student, parents, or guardians so request in writing and such request is submitted to the presiding officer of the appropriate board.

3. Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body.

4. The protection of the privacy of individuals in personal matters not related to public business.

5. Discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community.

6. Discussion or consideration of the investment of public funds where competition or bargaining is involved, where, if made public initially, the financial interest of the governmental unit would be adversely affected.

7. Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body. For the purposes of this subdivision, "probable litigation" means litigation that has been specifically threatened or on which the public body or its legal counsel has a reasonable basis to believe will be commenced by or against a known party. Nothing in this subdivision shall be construed to permit the closure of a meeting merely because an attorney representing the public body is in attendance or is consulted on a matter.

8. Consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel. Nothing in this subdivision shall be construed to permit the closure of a meeting merely because an attorney representing the public body is in attendance or is consulted on a matter.

9. Discussion or consideration by governing boards of public institutions of higher education of matters relating to gifts, bequests and fund-raising activities, and of grants and contracts for services or work to be performed by such institution. However, the terms and conditions of any such gifts, bequests, grants, and contracts made by a foreign government, a foreign legal entity, or a foreign person and accepted by a public institution of higher education in the Commonwealth shall be subject to public disclosure upon written request to the appropriate board of visitors. For the purpose of this subdivision, (i) "foreign government" means any government other than the United States government or the government of a state or a political subdivision thereof, (ii) "foreign legal entity" means any legal entity (a) created under the laws of the United States or of any state thereof if a majority of the ownership of the stock of such legal entity is owned by foreign governments or foreign persons or if a majority of the membership of any such entity is composed of foreign persons or foreign legal entities or (b) created under the laws of a foreign government, and (iii) "foreign person" means any individual who is not a citizen or national of the United States or a trust territory or protectorate thereof.

10. Discussion or consideration by the boards of trustees of the Virginia Museum of Fine Arts, the Virginia Museum of Natural History, the Jamestown-Yorktown Foundation, the Fort Monroe Authority, and The Science Museum of Virginia of matters relating to specific gifts, bequests, and grants from private sources.

11. Discussion or consideration of honorary degrees or special awards.

12. Discussion or consideration of tests, examinations, or other information used, administered, or prepared by a public body and subject to the exclusion in subdivision 4 of § 2.2-3705.1.

13. Discussion, consideration, or review by the appropriate House or Senate committees of possible disciplinary action against a member arising out of the possible inadequacy of the disclosure statement filed by the member, provided the member may request in writing that the committee meeting not be conducted in a closed meeting.

14. Discussion of strategy with respect to the negotiation of a hazardous waste siting agreement or to consider the terms, conditions, and provisions of a hazardous waste siting agreement if the governing body in open meeting finds that an open meeting will have an adverse effect upon the negotiating position of the governing body or the establishment of the terms, conditions and provisions of the siting agreement, or both. All discussions with the applicant or its representatives may be conducted in a closed meeting.

15. Discussion by the Governor and any economic advisory board reviewing forecasts of economic activity and estimating general and nongeneral fund revenues.

16. Discussion or consideration of medical and mental health records subject to the exclusion in subdivision 1 of § 2.2-3705.5.

17. Deliberations of the Virginia Lottery Board in a licensing appeal action conducted pursuant to subsection D of § 58.1-4007 regarding the denial or revocation of a license of a lottery sales agent; and discussion, consideration or review of Virginia Lottery matters related to proprietary lottery game information and studies or investigations excluded from disclosure under subdivision 6 of § 2.2-3705.3 and subdivision 11 of § 2.2-3705.7.

18. Those portions of meetings in which the State Board of Local and Regional Jails discusses or discloses the identity of, or information tending to identify, any prisoner who (i) provides information about crimes or criminal activities, (ii) renders assistance in preventing the escape of another prisoner or in the apprehension of an escaped prisoner, or (iii) voluntarily or at the instance of a prison official renders other extraordinary services, the disclosure of which is likely to jeopardize the prisoner's life or safety.

19. Discussion of plans to protect public safety as it relates to terrorist activity or specific cybersecurity threats or vulnerabilities and briefings by staff members, legal counsel, or law-enforcement or emergency service officials concerning actions taken to respond to such matters or a related threat to public safety; discussion of information subject to the exclusion in subdivision 2 or 14 of § 2.2-3705.2, where discussion in an open meeting would jeopardize the safety of any person or the security of any facility, building, structure, information technology system, or software program; or discussion of reports or plans related to the security of any governmental facility, building or structure, or the safety of persons using such facility, building or structure.

20. Discussion by the Board of the Virginia Retirement System, acting pursuant to § 51.1-124.30, or of any local retirement system, acting pursuant to § 51.1-803, or by a local finance board or board of trustees of a trust established by one or more local public bodies to invest funds for postemployment benefits other than pensions, acting pursuant to Article 8 (§ 15.2-1544 et seq.) of Chapter 15 of Title 15.2, or by the board of visitors of the University of Virginia, acting pursuant to § 23.1-2210, or by the Board of the Virginia College Savings Plan, acting pursuant to § 23.1-706, regarding the acquisition, holding or disposition of a security or other ownership interest in an entity, where such security or ownership interest is not traded on a governmentally regulated securities exchange, to the extent that such discussion (i) concerns confidential analyses prepared for the board of visitors of the University of Virginia, prepared by the retirement system, or a local finance board or board of trustees, or the Virginia College Savings Plan or provided to the retirement system, a local finance board or board of trustees, or the Virginia College Savings Plan under a promise of confidentiality, of the future value of such ownership interest or the future financial performance of the entity, and (ii) would have an adverse effect on the value of the investment to be acquired, held, or disposed of by the retirement system, a local finance board or board of trustees, the board of visitors of the University of Virginia, or the Virginia College Savings Plan. Nothing in this subdivision shall be construed to prevent the disclosure of information relating to the identity of any investment held, the amount invested or the present value of such investment.

21. Those portions of meetings in which individual child death cases are discussed by the State Child Fatality Review Team established pursuant to § 32.1-283.1, those portions of meetings in which individual child death cases are discussed by a regional or local child fatality review team established pursuant to § 32.1-283.2, those portions of meetings in which individual death cases are discussed by family violence fatality review teams established pursuant to § 32.1-283.3, those portions of meetings in which individual adult death cases are discussed by the state Adult Fatality Review Team established pursuant to § 32.1-283.5, those portions of meetings in which individual adult death cases are discussed by a local or regional adult fatality review team established pursuant to § 32.1-283.6, those portions of meetings in which individual death cases are discussed by overdose fatality review teams established pursuant to § 32.1-283.7, those portions of meetings in which individual maternal death cases are discussed by the Maternal Mortality Review Team pursuant to § 32.1-283.8, and those portions of meetings in which individual death cases of persons with developmental disabilities are discussed by the Developmental Disabilities Mortality Review Committee established pursuant to § 37.2-314.1.

22. Those portions of meetings of the board of visitors of the University of Virginia or the Eastern Virginia Medical School Board of Visitors, as the case may be, and those portions of meetings of any persons to whom management responsibilities for the University of Virginia Medical Center or Eastern Virginia Medical School, as the case may be, have been delegated, in which there is discussed proprietary, business-related information pertaining to the operations of the University of Virginia Medical Center or Eastern Virginia Medical School, as the case may be, including business development or marketing strategies and activities with existing or future joint venturers, partners, or other parties with whom the University of Virginia Medical Center or Eastern Virginia Medical School, as the case may be, has formed, or forms, any arrangement for the delivery of health care, if disclosure of such information would adversely affect the competitive position of the Medical Center or Eastern Virginia Medical School, as the case may be.

23. Discussion or consideration by the Virginia Commonwealth University Health System Authority or the board of visitors of Virginia Commonwealth University of any of the following: the acquisition or disposition by the Authority of real property, equipment, or technology software or hardware and related goods or services, where disclosure would adversely affect the bargaining position or negotiating strategy of the Authority; matters relating to gifts or bequests to, and fund-raising activities of, the Authority; grants and contracts for services or work to be performed by the Authority; marketing or operational strategies plans of the Authority where disclosure of such strategies or plans would adversely affect the competitive position of the Authority; and members of the Authority's medical and teaching staffs and qualifications for appointments thereto.

24. Those portions of the meetings of the Health Practitioners' Monitoring Program Committee within the Department of Health Professions to the extent such discussions identify any practitioner who may be, or who actually is, impaired pursuant to Chapter 25.1 (§ 54.1-2515 et seq.) of Title 54.1.

25. Meetings or portions of meetings of the Board of the Virginia College Savings Plan wherein personal information, as defined in § 2.2-3801, which has been provided to the Board or its employees by or on behalf of individuals who have requested information about, applied for, or entered into prepaid tuition contracts or savings trust account agreements pursuant to Chapter 7 (§ 23.1-700 et seq.) of Title 23.1 is discussed.

26. Discussion or consideration, by the former Wireless Carrier E-911 Cost Recovery Subcommittee created pursuant to former § 56-484.15, of trade secrets submitted by CMRS providers, as defined in § 56-484.12, related to the provision of wireless E-911 service.

27. Those portions of disciplinary proceedings by any regulatory board within the Department of Professional and Occupational Regulation, Department of Health Professions, or the Board of Accountancy conducted pursuant to § 2.2-4019 or 2.2-4020 during which the board deliberates to reach a decision or meetings of health regulatory boards or conference committees of such boards to consider settlement proposals in pending disciplinary actions or modifications to previously issued board orders as requested by either of the parties.

28. Discussion or consideration of information subject to the exclusion in subdivision 11 of § 2.2-3705.6 by a responsible public entity or an affected locality or public entity, as those terms are defined in § 33.2-1800, or any independent review panel appointed to review information and advise the responsible public entity concerning such records.

29. Discussion of the award of a public contract involving the expenditure of public funds, including interviews of bidders or offerors, and discussion of the terms or scope of such contract, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the public body.

30. Discussion or consideration of grant or loan application information subject to the exclusion in subdivision 17 of § 2.2-3705.6 by the Commonwealth Health Research Board.

31. Discussion or consideration by the Commitment Review Committee of information subject to the exclusion in subdivision 5 of § 2.2-3705.2 relating to individuals subject to commitment as sexually violent predators under Chapter 9 (§ 37.2-900 et seq.) of Title 37.2.

32. Discussion or consideration of confidential proprietary information and trade secrets developed and held by a local public body providing certain telecommunication services or cable television services and subject to the exclusion in subdivision 18 of § 2.2-3705.6. However, the exemption provided by this subdivision shall not apply to any authority created pursuant to the BVU Authority Act (§ 15.2-7200 et seq.).

33. Discussion or consideration by a local authority created in accordance with the Virginia Wireless Service Authorities Act (§ 15.2-5431.1 et seq.) of confidential proprietary information and trade secrets subject to the exclusion in subdivision 19 of § 2.2-3705.6.

34. Discussion or consideration by the State Board of Elections or local electoral boards of voting security matters made confidential pursuant to § 24.2-410.2 or 24.2-625.1.

35. Discussion or consideration by the Forensic Science Board or the Scientific Advisory Committee created pursuant to Article 2 (§ 9.1-1109 et seq.) of Chapter 11 of Title 9.1 of criminal investigative files.

36. Discussion or consideration by the Brown v. Board of Education Scholarship Committee of information or confidential matters subject to the exclusion in subdivision A 3 of § 2.2-3705.4, and meetings of the Committee to deliberate concerning the annual maximum scholarship award, review and consider scholarship applications and requests for scholarship award renewal, and cancel, rescind, or recover scholarship awards.

37. Discussion or consideration by the Virginia Port Authority of information subject to the exclusion in subdivision 1 of § 2.2-3705.6 related to certain proprietary information gathered by or for the Virginia Port Authority.

38. Discussion or consideration by the Board of Trustees of the Virginia Retirement System acting pursuant to § 51.1-124.30, by the Investment Advisory Committee appointed pursuant to § 51.1-124.26, by any local retirement system, acting pursuant to § 51.1-803, by the Board of the Virginia College Savings Plan acting pursuant to § 23.1-706, or by the Virginia College Savings Plan's Investment Advisory Committee appointed pursuant to § 23.1-702 of information subject to the exclusion in subdivision 24 of § 2.2-3705.7.

39. Discussion or consideration of information subject to the exclusion in subdivision 3 of § 2.2-3705.6 related to economic development.

40. Discussion or consideration by the Board of Education of information relating to the denial, suspension, or revocation of teacher licenses subject to the exclusion in subdivision 11 of § 2.2-3705.3.

41. Those portions of meetings of the Virginia Military Advisory Council or any commission created by executive order for the purpose of studying and making recommendations regarding preventing closure or realignment of federal military and national security installations and facilities located in Virginia and relocation of such facilities to Virginia, or a local or regional military affairs organization appointed by a local governing body, during which there is discussion of information subject to the exclusion in subdivision 8 of § 2.2-3705.2.

42. Discussion or consideration by the Board of Trustees of the Veterans Services Foundation of information subject to the exclusion in subdivision 28 of § 2.2-3705.7 related to personally identifiable information of donors.

43. Discussion or consideration by the Virginia Tobacco Region Revitalization Commission of information subject to the exclusion in subdivision 23 of § 2.2-3705.6 related to certain information contained in grant applications.

44. Discussion or consideration by the board of directors of the Commercial Space Flight Authority of information subject to the exclusion in subdivision 24 of § 2.2-3705.6 related to rate structures or charges for the use of projects of, the sale of products of, or services rendered by the Authority and certain proprietary information of a private entity provided to the Authority.

45. Discussion or consideration of personal and proprietary information related to the resource management plan program and subject to the exclusion in (i) subdivision 25 of § 2.2-3705.6 or (ii) subsection E of § 10.1-104.7. This exclusion shall not apply to the discussion or consideration of records that contain information that has been certified for release by the person who is the subject of the information or transformed into a statistical or aggregate form that does not allow identification of the person who supplied, or is the subject of, the information.

46. Discussion or consideration by the Board of Directors of the Virginia Alcoholic Beverage Control Authority of information subject to the exclusion in subdivision 1 of § 2.2-3705.3 related to investigations of applicants for licenses and permits and of licensees and permittees.

47. Discussion or consideration of grant, loan, or investment application records subject to the exclusion in subdivision 28 of § 2.2-3705.6 for a grant, loan, or investment pursuant to Article 11 (§ 2.2-2351 et seq.) of Chapter 22.

48. Discussion or development of grant proposals by a regional council established pursuant to Article 26 (§ 2.2-2484 et seq.) of Chapter 24 to be submitted for consideration to the Virginia Growth and Opportunity Board.

49. Discussion or consideration of (i) individual sexual assault cases by a sexual assault response team established pursuant to § 15.2-1627.4, (ii) individual child abuse or neglect cases or sex offenses involving a child by a child sexual abuse response team established pursuant to § 15.2-1627.5, or (iii) individual cases involving abuse, neglect, or exploitation of adults as defined in § 63.2-1603 pursuant to §§ 15.2-1627.5 and 63.2-1605.

50. Discussion or consideration by the Board of the Virginia Economic Development Partnership Authority, the Joint Legislative Audit and Review Commission, or any subcommittees thereof, of the portions of the strategic plan, marketing plan, or operational plan exempt from disclosure pursuant to subdivision 33 of § 2.2-3705.7.

51. Those portions of meetings of the subcommittee of the Board of the Virginia Economic Development Partnership Authority established pursuant to subsection F of § 2.2-2237.3 to review and discuss information received from the Virginia Employment Commission pursuant to subdivision C 2 of § 60.2-114 and the Department of Workforce Development and Advancement pursuant to subsection B of § 2.2-2040.

52. Discussion or consideration by the Commonwealth of Virginia Innovation Partnership Authority (the Authority), an advisory committee of the Authority, or any other entity designated by the Authority, of information subject to the exclusion in subdivision 35 of § 2.2-3705.7.

53. Deliberations of the Virginia Lottery Board conducted pursuant to § 58.1-4105 regarding the denial or revocation of a license of a casino gaming operator, or the refusal to issue, suspension of, or revocation of any license or permit related

to casino gaming, and discussion, consideration, or review of matters related to investigations excluded from mandatory disclosure under subdivision 1 of § 2.2-3705.3.

54. Deliberations of the Virginia Lottery Board in an appeal conducted pursuant to § 58.1-4007 regarding the denial of, revocation of, suspension of, or refusal to renew any license or permit related to sports betting and any discussion, consideration, or review of matters related to investigations excluded from mandatory disclosure under subdivision 1 of § 2.2-3705.3.

55. Meetings or portions of meetings of the Board of Criminal Justice Services or the Department of Criminal Justice Services concerning the decertification of an identifiable law-enforcement or jail officer.

B. No resolution, ordinance, rule, contract, regulation or motion adopted, passed or agreed to in a closed meeting shall become effective unless the public body, following the meeting, reconvenes in open meeting and takes a vote of the membership on such resolution, ordinance, rule, contract, regulation, or motion that shall have its substance reasonably identified in the open meeting.

C. Public officers improperly selected due to the failure of the public body to comply with the other provisions of this section shall be de facto officers and, as such, their official actions are valid until they obtain notice of the legal defect in their election.

D. Nothing in this section shall be construed to prevent the holding of conferences between two or more public bodies, or their representatives, but these conferences shall be subject to the same procedures for holding closed meetings as are applicable to any other public body.

E. This section shall not be construed to (i) require the disclosure of any contract between the Department of Health Professions and an impaired practitioner entered into pursuant to Chapter 25.1 (§ 54.1-2515 et seq.) of Title 54.1 or (ii) require the board of directors of any authority created pursuant to the Industrial Development and Revenue Bond Act (§ 15.2-4900 et seq.), or any public body empowered to issue industrial revenue bonds by general or special law, to identify a business or industry to which subdivision A 5 applies. However, such business or industry shall be identified as a matter of public record at least 30 days prior to the actual date of the board's authorization of the sale or issuance of such bonds.

§ 2.2-3711. (Effective pursuant to Acts 2023, cc. 756 and 778, cl. 5) Closed meetings authorized for certain limited purposes.

A. Public bodies may hold closed meetings only for the following purposes:

1. Discussion, consideration, or interviews of prospective candidates for employment; assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of any public body; and evaluation of performance of departments or schools of public institutions of higher education where such evaluation will necessarily involve discussion of the performance of specific individuals. Any teacher shall be permitted to be present during a closed meeting in which there is a discussion or consideration of a disciplinary matter that involves the teacher and some student and the student involved in the matter is present, provided that the teacher makes a written request to be present to the presiding officer of the appropriate board. Nothing in this subdivision, however, shall be construed to authorize a closed meeting by a local governing body or an elected school board to discuss compensation matters that affect the membership of such body or board collectively.

2. Discussion or consideration of admission or disciplinary matters or any other matters that would involve the disclosure of information contained in a scholastic record concerning any student of any public institution of higher education in the Commonwealth or any state school system. However, any such student, legal counsel and, if the student is a minor, the student's parents or legal guardians shall be permitted to be present during the taking of testimony or presentation of evidence at a closed meeting, if such student, parents, or guardians so request in writing and such request is submitted to the presiding officer of the appropriate board.

3. Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body.

4. The protection of the privacy of individuals in personal matters not related to public business.

5. Discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community.

6. Discussion or consideration of the investment of public funds where competition or bargaining is involved, where, if made public initially, the financial interest of the governmental unit would be adversely affected.

7. Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body. For the purposes of this subdivision, "probable litigation" means litigation that has been specifically threatened or on which the public body or its legal counsel has a reasonable basis to believe will be commenced by or against a known party. Nothing in this subdivision shall be construed to permit the closure of a meeting merely because an attorney representing the public body is in attendance or is consulted on a matter.

8. Consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel. Nothing in this subdivision shall be construed to permit the closure of a meeting merely because an attorney representing the public body is in attendance or is consulted on a matter.

9. Discussion or consideration by governing boards of public institutions of higher education of matters relating to gifts, bequests and fund-raising activities, and of grants and contracts for services or work to be performed by such institution. However, the terms and conditions of any such gifts, bequests, grants, and contracts made by a foreign government, a foreign legal entity, or a foreign person and accepted by a public institution of higher education in the Commonwealth shall be subject to public disclosure upon written request to the appropriate board of visitors. For the purpose of this subdivision, (i) "foreign government" means any government other than the United States government or the government of a state or a political subdivision thereof, (ii) "foreign legal entity" means any legal entity (a) created under the laws of the United States or of any state thereof if a majority of the ownership of the stock of such legal entity is owned by foreign governments or foreign persons or if a majority of the membership of any such entity is composed of foreign persons or foreign legal entities or (b) created under the laws of a foreign government, and (iii) "foreign person" means any individual who is not a citizen or national of the United States or a trust territory or protectorate thereof.

10. Discussion or consideration by the boards of trustees of the Virginia Museum of Fine Arts, the Virginia Museum of Natural History, the Jamestown-Yorktown Foundation, the Fort Monroe Authority, and The Science Museum of Virginia of matters relating to specific gifts, bequests, and grants from private sources.

11. Discussion or consideration of honorary degrees or special awards.

12. Discussion or consideration of tests, examinations, or other information used, administered, or prepared by a public body and subject to the exclusion in subdivision 4 of § 2.2-3705.1.

13. Discussion, consideration, or review by the appropriate House or Senate committees of possible disciplinary action against a member arising out of the possible inadequacy of the disclosure statement filed by the member, provided that the member may request in writing that the committee meeting not be conducted in a closed meeting.

14. Discussion of strategy with respect to the negotiation of a hazardous waste siting agreement or to consider the terms, conditions, and provisions of a hazardous waste siting agreement if the governing body in open meeting finds that an open meeting will have an adverse effect upon the negotiating position of the governing body or the establishment of the terms, conditions and provisions of the siting agreement, or both. All discussions with the applicant or its representatives may be conducted in a closed meeting.

15. Discussion by the Governor and any economic advisory board reviewing forecasts of economic activity and estimating general and nongeneral fund revenues.

16. Discussion or consideration of medical and mental health records subject to the exclusion in subdivision 1 of § 2.2-3705.5.

17. Deliberations of the Virginia Lottery Board in a licensing appeal action conducted pursuant to subsection D of § 58.1-4007 regarding the denial or revocation of a license of a lottery sales agent; and discussion, consideration or review of Virginia Lottery matters related to proprietary lottery game information and studies or investigations excluded from disclosure under subdivision 6 of § 2.2-3705.3 and subdivision 11 of § 2.2-3705.7.

18. Those portions of meetings in which the State Board of Local and Regional Jails discusses or discloses the identity of, or information tending to identify, any prisoner who (i) provides information about crimes or criminal activities, (ii) renders assistance in preventing the escape of another prisoner or in the apprehension of an escaped prisoner, or (iii) voluntarily or at the instance of a prison official renders other extraordinary services, the disclosure of which is likely to jeopardize the prisoner's life or safety.

19. Discussion of plans to protect public safety as it relates to terrorist activity or specific cybersecurity threats or vulnerabilities and briefings by staff members, legal counsel, or law-enforcement or emergency service officials concerning actions taken to respond to such matters or a related threat to public safety; discussion of information subject to the exclusion in subdivision 2 or 14 of § 2.2-3705.2, where discussion in an open meeting would jeopardize the safety of any person or the security of any facility, building, structure, information technology system, or software program; or discussion of reports or plans related to the security of any governmental facility, building or structure, or the safety of persons using such facility, building or structure.

20. Discussion by the Board of the Virginia Retirement System, acting pursuant to § 51.1-124.30, or of any local retirement system, acting pursuant to § 51.1-803, or by a local finance board or board of trustees of a trust established by one or more local public bodies to invest funds for postemployment benefits other than pensions, acting pursuant to Article 8 (§ 15.2-1544 et seq.) of Chapter 15 of Title 15.2, or by the board of visitors of the University of Virginia, acting pursuant to § 23.1-2210, or by the Board of the Virginia College Savings Plan, acting pursuant to § 23.1-706, regarding the acquisition, holding or disposition of a security or other ownership interest in an entity, where such security or ownership interest is not traded on a governmentally regulated securities exchange, to the extent that such discussion (i) concerns confidential analyses prepared for the board of visitors of the University of Virginia, prepared by the retirement system, or a local finance board or board of trustees, or the Virginia College Savings Plan or provided to the retirement system, a local finance board or board of trustees, or the Virginia College Savings Plan under a promise of confidentiality, of the future value of such ownership interest or the future financial performance of the entity, and (ii) would have an adverse effect on the value of the investment to be acquired, held, or disposed of by the retirement system, a local finance board or board of trustees, the board of visitors of the University of Virginia, or the Virginia College Savings Plan. Nothing in this subdivision shall be construed to prevent the disclosure of information relating to the identity of any investment held, the amount invested or the present value of such investment.

21. Those portions of meetings in which individual child death cases are discussed by the State Child Fatality Review Team established pursuant to § 32.1-283.1, those portions of meetings in which individual child death cases are discussed by a regional or local child fatality review team established pursuant to § 32.1-283.2, those portions of meetings in which individual death cases are discussed by family violence fatality review teams established pursuant to § 32.1-283.3, those portions of meetings in which individual adult death cases are discussed by the state Adult Fatality Review Team established pursuant to § 32.1-283.5, those portions of meetings in which individual adult death cases are discussed by a local or regional adult fatality review team established pursuant to § 32.1-283.6, those portions of meetings in which individual death cases are discussed by overdose fatality review teams established pursuant to § 32.1-283.7, those portions of meetings in which individual maternal death cases are discussed by the Maternal Mortality Review Team pursuant to § 32.1-283.8, and those portions of meetings in which individual death cases of persons with developmental disabilities are discussed by the Developmental Disabilities Mortality Review Committee established pursuant to § 37.2-314.1.

22. Those portions of meetings of the board of visitors of the University of Virginia or Old Dominion University, as the case may be, and those portions of meetings of any persons to whom management responsibilities for the University of Virginia Medical Center or the Eastern Virginia Health Sciences Center at Old Dominion University, as the case may be, have been delegated, in which there is discussed proprietary, business-related information pertaining to the operations of the University of Virginia Medical Center or the Eastern Virginia Health Sciences Center at Old Dominion University, as the case may be, including business development or marketing strategies and activities with existing or future joint venturers, partners, or other parties with whom the University of Virginia Medical Center or the Eastern Virginia Health Sciences Center at Old Dominion University, as the case may be, has formed, or forms, any arrangement for the delivery of health care, if disclosure of such information would adversely affect the competitive position of the University of Virginia Medical Center or the Eastern Virginia Health Sciences Center at Old Dominion University, as the case may be.

23. Discussion or consideration by the Virginia Commonwealth University Health System Authority or the board of visitors of Virginia Commonwealth University of any of the following: the acquisition or disposition by the Authority of real property, equipment, or technology software or hardware and related goods or services, where disclosure would adversely affect the bargaining position or negotiating strategy of the Authority; matters relating to gifts or bequests to, and fund-raising activities of, the Authority; grants and contracts for services or work to be performed by the Authority; marketing or operational strategies plans of the Authority where disclosure of such strategies or plans would adversely affect the competitive position of the Authority; and members of the Authority's medical and teaching staffs and qualifications for appointments thereto.

24. Those portions of the meetings of the Health Practitioners' Monitoring Program Committee within the Department of Health Professions to the extent such discussions identify any practitioner who may be, or who actually is, impaired pursuant to Chapter 25.1 (§ 54.1-2515 et seq.) of Title 54.1.

25. Meetings or portions of meetings of the Board of the Virginia College Savings Plan wherein personal information, as defined in § 2.2-3801, which has been provided to the Board or its employees by or on behalf of individuals who have requested information about, applied for, or entered into prepaid tuition contracts or savings trust account agreements pursuant to Chapter 7 (§ 23.1-700 et seq.) of Title 23.1 is discussed.

26. Discussion or consideration, by the former Wireless Carrier E-911 Cost Recovery Subcommittee created pursuant to former § 56-484.15, of trade secrets submitted by CMRS providers, as defined in § 56-484.12, related to the provision of wireless E-911 service.

27. Those portions of disciplinary proceedings by any regulatory board within the Department of Professional and Occupational Regulation, Department of Health Professions, or the Board of Accountancy conducted pursuant to § 2.2-4019 or 2.2-4020 during which the board deliberates to reach a decision or meetings of health regulatory boards or conference committees of such boards to consider settlement proposals in pending disciplinary actions or modifications to previously issued board orders as requested by either of the parties.

28. Discussion or consideration of information subject to the exclusion in subdivision 11 of § 2.2-3705.6 by a responsible public entity or an affected locality or public entity, as those terms are defined in § 33.2-1800, or any independent review panel appointed to review information and advise the responsible public entity concerning such records.

29. Discussion of the award of a public contract involving the expenditure of public funds, including interviews of bidders or offerors, and discussion of the terms or scope of such contract, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the public body.

30. Discussion or consideration of grant or loan application information subject to the exclusion in subdivision 17 of § 2.2-3705.6 by the Commonwealth Health Research Board.

31. Discussion or consideration by the Commitment Review Committee of information subject to the exclusion in subdivision 5 of § 2.2-3705.2 relating to individuals subject to commitment as sexually violent predators under Chapter 9 (§ 37.2-900 et seq.) of Title 37.2.

32. Discussion or consideration of confidential proprietary information and trade secrets developed and held by a local public body providing certain telecommunication services or cable television services and subject to the exclusion in subdivision 18 of § 2.2-3705.6. However, the exemption provided by this subdivision shall not apply to any authority created pursuant to the BVU Authority Act (§ 15.2-7200 et seq.).

33. Discussion or consideration by a local authority created in accordance with the Virginia Wireless Service Authorities Act (§ 15.2-5431.1 et seq.) of confidential proprietary information and trade secrets subject to the exclusion in subdivision 19 of § 2.2-3705.6.

34. Discussion or consideration by the State Board of Elections or local electoral boards of voting security matters made confidential pursuant to § 24.2-410.2 or 24.2-625.1.

35. Discussion or consideration by the Forensic Science Board or the Scientific Advisory Committee created pursuant to Article 2 (§ 9.1-1109 et seq.) of Chapter 11 of Title 9.1 of criminal investigative files.

36. Discussion or consideration by the Brown v. Board of Education Scholarship Committee of information or confidential matters subject to the exclusion in subdivision A 3 of § 2.2-3705.4, and meetings of the Committee to deliberate concerning the annual maximum scholarship award, review and consider scholarship applications and requests for scholarship award renewal, and cancel, rescind, or recover scholarship awards.

37. Discussion or consideration by the Virginia Port Authority of information subject to the exclusion in subdivision 1 of § 2.2-3705.6 related to certain proprietary information gathered by or for the Virginia Port Authority.

38. Discussion or consideration by the Board of Trustees of the Virginia Retirement System acting pursuant to § 51.1-124.30, by the Investment Advisory Committee appointed pursuant to § 51.1-124.26, by any local retirement system, acting pursuant to § 51.1-803, by the Board of the Virginia College Savings Plan acting pursuant to § 23.1-706, or by the Virginia College Savings Plan's Investment Advisory Committee appointed pursuant to § 23.1-702 of information subject to the exclusion in subdivision 24 of § 2.2-3705.7.

39. Discussion or consideration of information subject to the exclusion in subdivision 3 of § 2.2-3705.6 related to economic development.

40. Discussion or consideration by the Board of Education of information relating to the denial, suspension, or revocation of teacher licenses subject to the exclusion in subdivision 11 of § 2.2-3705.3.

41. Those portions of meetings of the Virginia Military Advisory Council or any commission created by executive order for the purpose of studying and making recommendations regarding preventing closure or realignment of federal military and national security installations and facilities located in Virginia and relocation of such facilities to Virginia, or a local or regional military affairs organization appointed by a local governing body, during which there is discussion of information subject to the exclusion in subdivision 8 of § 2.2-3705.2.

42. Discussion or consideration by the Board of Trustees of the Veterans Services Foundation of information subject to the exclusion in subdivision 28 of § 2.2-3705.7 related to personally identifiable information of donors.

43. Discussion or consideration by the Virginia Tobacco Region Revitalization Commission of information subject to the exclusion in subdivision 23 of § 2.2-3705.6 related to certain information contained in grant applications.

44. Discussion or consideration by the board of directors of the Commercial Space Flight Authority of information subject to the exclusion in subdivision 24 of § 2.2-3705.6 related to rate structures or charges for the use of projects of, the sale of products of, or services rendered by the Authority and certain proprietary information of a private entity provided to the Authority.

45. Discussion or consideration of personal and proprietary information related to the resource management plan program and subject to the exclusion in (i) subdivision 25 of § 2.2-3705.6 or (ii) subsection E of § 10.1-104.7. This exclusion shall not apply to the discussion or consideration of records that contain information that has been certified for release by the person who is the subject of the information or transformed into a statistical or aggregate form that does not allow identification of the person who supplied, or is the subject of, the information.

46. Discussion or consideration by the Board of Directors of the Virginia Alcoholic Beverage Control Authority of information subject to the exclusion in subdivision 1 of § 2.2-3705.3 related to investigations of applicants for licenses and permits and of licensees and permittees.

47. Discussion or consideration of grant, loan, or investment application records subject to the exclusion in subdivision 28 of § 2.2-3705.6 for a grant, loan, or investment pursuant to Article 11 (§ 2.2-2351 et seq.) of Chapter 22.

48. Discussion or development of grant proposals by a regional council established pursuant to Article 26 (§ 2.2-2484 et seq.) of Chapter 24 to be submitted for consideration to the Virginia Growth and Opportunity Board.

49. Discussion or consideration of (i) individual sexual assault cases by a sexual assault response team established pursuant to § 15.2-1627.4, (ii) individual child abuse or neglect cases or sex offenses involving a child by a child sexual abuse response team established pursuant to § 15.2-1627.5, or (iii) individual cases involving abuse, neglect, or exploitation of adults as defined in § 63.2-1603 pursuant to §§ 15.2-1627.5 and 63.2-1605.

50. Discussion or consideration by the Board of the Virginia Economic Development Partnership Authority, the Joint Legislative Audit and Review Commission, or any subcommittees thereof, of the portions of the strategic plan, marketing plan, or operational plan exempt from disclosure pursuant to subdivision 33 of § 2.2-3705.7.

51. Those portions of meetings of the subcommittee of the Board of the Virginia Economic Development Partnership Authority established pursuant to subsection F of § 2.2-2237.3 to review and discuss information received from the Virginia Employment Commission pursuant to subdivision C 2 of § 60.2-114 and the Department of Workforce Development and Advancement pursuant to subsection B of § 2.2–2040.

52. Discussion or consideration by the Commonwealth of Virginia Innovation Partnership Authority (the Authority), an advisory committee of the Authority, or any other entity designated by the Authority, of information subject to the exclusion in subdivision 35 of § 2.2-3705.7.

53. Deliberations of the Virginia Lottery Board conducted pursuant to § 58.1-4105 regarding the denial or revocation of a license of a casino gaming operator, or the refusal to issue, suspension of, or revocation of any license or permit related to casino gaming, and discussion, consideration, or review of matters related to investigations excluded from mandatory disclosure under subdivision 1 of § 2.2-3705.3.

54. Deliberations of the Virginia Lottery Board in an appeal conducted pursuant to § 58.1-4007 regarding the denial of, revocation of, suspension of, or refusal to renew any license or permit related to sports betting and any discussion, consideration, or review of matters related to investigations excluded from mandatory disclosure under subdivision 1 of § 2.2-3705.3.

55. Meetings or portions of meetings of the Board of Criminal Justice Services or the Department of Criminal Justice Services concerning the decertification of an identifiable law-enforcement or jail officer.

B. No resolution, ordinance, rule, contract, regulation or motion adopted, passed or agreed to in a closed meeting shall become effective unless the public body, following the meeting, reconvenes in open meeting and takes a vote of the membership on such resolution, ordinance, rule, contract, regulation, or motion that shall have its substance reasonably identified in the open meeting.

C. Public officers improperly selected due to the failure of the public body to comply with the other provisions of this section shall be de facto officers and, as such, their official actions are valid until they obtain notice of the legal defect in their election.

D. Nothing in this section shall be construed to prevent the holding of conferences between two or more public bodies, or their representatives, but these conferences shall be subject to the same procedures for holding closed meetings as are applicable to any other public body.

E. This section shall not be construed to (i) require the disclosure of any contract between the Department of Health Professions and an impaired practitioner entered into pursuant to Chapter 25.1 (§ 54.1-2515 et seq.) of Title 54.1 or (ii) require the board of directors of any authority created pursuant to the Industrial Development and Revenue Bond Act (§ 15.2-4900 et seq.), or any public body empowered to issue industrial revenue bonds by general or special law, to identify a business or industry to which subdivision A 5 applies. However, such business or industry shall be identified as a matter of public record at least 30 days prior to the actual date of the board's authorization of the sale or issuance of such bonds.

§ 9.1-102. Powers and duties of the Board and the Department.

The Department, under the direction of the Board, which shall be the policy-making body for carrying out the duties and powers hereunder, shall have the power and duty to:

1. Adopt regulations, pursuant to the Administrative Process Act (§ 2.2-4000 et seq.), for the administration of this chapter including the authority to require the submission of reports and information by law-enforcement officers within the Commonwealth. Any proposed regulations concerning the privacy, confidentiality, and security of criminal justice information shall be submitted for review and comment to any board, commission, or committee or other body which may be established by the General Assembly to regulate the privacy, confidentiality, and security of information collected and maintained by the Commonwealth or any political subdivision thereof;

2. Establish compulsory minimum training standards subsequent to employment as a law-enforcement officer in (i) permanent positions and (ii) temporary or probationary status and establish the time required for completion of such training. Such compulsory minimum training standards shall include crisis intervention training in accordance with clause (i) of § 9.1-188;

3. Establish minimum training standards and qualifications for certification and recertification for law-enforcement officers serving as field training officers;

4. Establish compulsory minimum curriculum requirements for in-service and advanced courses and programs for schools, whether located in or outside the Commonwealth, which are operated for the specific purpose of training law-enforcement officers;

5. Establish (i) compulsory minimum training standards for law-enforcement officers who utilize radar or an electrical or microcomputer device to measure the speed of motor vehicles as provided in § 46.2-882 and establish the time required for completion of the training and (ii) compulsory minimum qualifications for certification and recertification of instructors who provide such training;

6. [Repealed];

7. Establish compulsory minimum entry-level, in-service and advanced training standards for those persons designated to provide courthouse and courtroom security pursuant to the provisions of § 53.1-120, and to establish the time required for completion of such training;

8. Establish compulsory minimum entry-level, in-service and advanced training standards for deputy sheriffs designated to serve process pursuant to the provisions of § 8.01-293, and establish the time required for the completion of such training;

9. Establish compulsory minimum entry-level, in-service, and advanced training standards, as well as the time required for completion of such training, for persons employed as deputy sheriffs and jail officers by local criminal justice agencies and correctional officers employed by the Department of Corrections under the provisions of Title 53.1. For correctional officers employed by the Department of Corrections, such standards shall include training on the general care of pregnant women, the impact of restraints on pregnant inmates and fetuses, the impact of being placed in restrictive housing or solitary confinement on pregnant inmates, and the impact of body cavity searches on pregnant inmates;

10. Establish compulsory minimum training standards for all dispatchers employed by or in any local or state government agency, whose duties include the dispatching of law-enforcement personnel. Such training standards shall apply only to dispatchers hired on or after July 1, 1988;

11. Establish compulsory minimum training standards for all auxiliary police officers employed by or in any local or state government agency. Such training shall be graduated and based on the type of duties to be performed by the auxiliary police officers. Such training standards shall not apply to auxiliary police officers exempt pursuant to § 15.2-1731;

12. Consult and cooperate with counties, municipalities, agencies of the Commonwealth, other state and federal governmental agencies, and institutions of higher education within or outside the Commonwealth, concerning the development of police training schools and programs or courses of instruction;

13. Approve institutions, curricula and facilities, whether located in or outside the Commonwealth, for school operation for the specific purpose of training law-enforcement officers; but this shall not prevent the holding of any such school whether approved or not;

14. Establish and maintain police training programs through such agencies and institutions as the Board deems appropriate;

15. Establish compulsory minimum qualifications of certification and recertification for instructors in criminal justice training academies approved by the Department;

16. Conduct and stimulate research by public and private agencies which shall be designed to improve police administration and law enforcement;

17. Make recommendations concerning any matter within its purview pursuant to this chapter;

18. Coordinate its activities with those of any interstate system for the exchange of criminal history record information, nominate one or more of its members to serve upon the council or committee of any such system, and participate when and as deemed appropriate in any such system's activities and programs;

19. Conduct inquiries and investigations it deems appropriate to carry out its functions under this chapter and, in conducting such inquiries and investigations, may require any criminal justice agency to submit information, reports, and statistical data with respect to its policy and operation of information systems or with respect to its collection, storage, dissemination, and usage of criminal history record information and correctional status information, and such criminal justice agencies shall submit such information, reports, and data as are reasonably required;

20. Conduct audits as required by § 9.1-131;

21. Conduct a continuing study and review of questions of individual privacy and confidentiality of criminal history record information and correctional status information;

22. Advise criminal justice agencies and initiate educational programs for such agencies with respect to matters of privacy, confidentiality, and security as they pertain to criminal history record information and correctional status information;

23. Maintain a liaison with any board, commission, committee, or other body which may be established by law, executive order, or resolution to regulate the privacy and security of information collected by the Commonwealth or any political subdivision thereof;

24. Adopt regulations establishing guidelines and standards for the collection, storage, and dissemination of criminal history record information and correctional status information, and the privacy, confidentiality, and security thereof necessary to implement state and federal statutes, regulations, and court orders;

25. Operate a statewide criminal justice research center, which shall maintain an integrated criminal justice information system, produce reports, provide technical assistance to state and local criminal justice data system users, and provide analysis and interpretation of criminal justice statistical information;

26. Develop a comprehensive, statewide, long-range plan for strengthening and improving law enforcement and the administration of criminal justice throughout the Commonwealth, and periodically update that plan;

27. Cooperate with, and advise and assist, all agencies, departments, boards and institutions of the Commonwealth, and units of general local government, or combinations thereof, including planning district commissions, in planning, developing, and administering programs, projects, comprehensive plans, and other activities for improving law enforcement and the administration of criminal justice throughout the Commonwealth, including allocating and subgranting funds for these purposes;

28. Define, develop, organize, encourage, conduct, coordinate, and administer programs, projects and activities for the Commonwealth and units of general local government, or combinations thereof, in the Commonwealth, designed to strengthen and improve law enforcement and the administration of criminal justice at every level throughout the Commonwealth;

29. Review and evaluate programs, projects, and activities, and recommend, where necessary, revisions or alterations to such programs, projects, and activities for the purpose of improving law enforcement and the administration of criminal justice;

30. Coordinate the activities and projects of the state departments, agencies, and boards of the Commonwealth and of the units of general local government, or combination thereof, including planning district commissions, relating to the preparation, adoption, administration, and implementation of comprehensive plans to strengthen and improve law enforcement and the administration of criminal justice;

31. Do all things necessary on behalf of the Commonwealth and its units of general local government, to determine and secure benefits available under the Omnibus Crime Control and Safe Streets Act of 1968 (P.L. 90-351, 82 Stat. 197), as amended, and under any other federal acts and programs for strengthening and improving law enforcement, the administration of criminal justice, and delinquency prevention and control;

32. Receive, administer, and expend all funds and other assistance available to the Board and the Department for carrying out the purposes of this chapter and the Omnibus Crime Control and Safe Streets Act of 1968, as amended;

33. Apply for and accept grants from the United States government or any other source in carrying out the purposes of this chapter and accept any and all donations both real and personal, and grants of money from any governmental unit or public agency, or from any institution, person, firm or corporation, and may receive, utilize and dispose of the same. Any arrangements pursuant to this section shall be detailed in the annual report of the Board. Such report shall include the identity of the donor, the nature of the transaction, and the conditions, if any. Any moneys received pursuant to this section shall be deposited in the state treasury to the account of the Department. To these ends, the Board shall have the power to comply with conditions and execute such agreements as may be necessary;

34. Make and enter into all contracts and agreements necessary or incidental to the performance of its duties and execution of its powers under this chapter, including but not limited to, contracts with the United States, units of general local government or combinations thereof, in Virginia or other states, and with agencies and departments of the Commonwealth;

35. Adopt and administer reasonable regulations for the planning and implementation of programs and activities and for the allocation, expenditure and subgranting of funds available to the Commonwealth and to units of general local government, and for carrying out the purposes of this chapter and the powers and duties set forth herein;

36. Certify and decertify law-enforcement officers in accordance with §§ 15.2-1706 and 15.2-1707 *and provide for a decertification review process in accordance with § 15.2-1708*;

37. Establish training standards and publish and periodically update model policies for law-enforcement personnel in the following subjects:

a. The handling of family abuse, domestic violence, sexual assault, and stalking cases, including standards for determining the predominant physical aggressor in accordance with § 19.2-81.3. The Department shall provide technical support and assistance to law-enforcement agencies in carrying out the requirements set forth in subsection A of § 9.1-1301;

b. The identification of, communication with, and facilitation of the safe return of individuals diagnosed with Alzheimer's disease and dementia, which shall include (i) techniques for respectful and effective communication with individuals with Alzheimer's disease and dementia and their caregivers; (ii) techniques for addressing the behavioral symptoms of Alzheimer's disease and dementia, including alternatives to physical restraint; (iii) protocols for identifying and reporting incidents of abuse, neglect, and exploitation of individuals with Alzheimer's disease and dementia to adult protective services; (iv) protocols for contacting caregivers when an individual with Alzheimer's disease or dementia is found wandering or during an emergency or crisis situation; (v) a reference list of local resources available for individuals with Alzheimer's disease and dementia; and (vi) a reference list of local and national organizations that assist law-enforcement personnel with locating missing and wandering individuals with Alzheimer's disease and dementia and returning them to their caregivers;

c. Sensitivity to and awareness of systemic and individual racism, cultural diversity, and the potential for racially biased policing and bias-based profiling as defined in § 52-30.1, which shall include recognizing implicit biases in interacting with persons who have a mental illness, substance use disorder, or developmental or cognitive disability;

d. Protocols for local and regional sexual assault response teams;

e. Communication of death notifications;

f. The questioning of individuals suspected of driving while intoxicated concerning the physical location of such individual's last consumption of an alcoholic beverage and the communication of such information to the Virginia Alcoholic Beverage Control Authority;

g. Vehicle patrol duties that embody current best practices for pursuits and for responding to emergency calls;

h. Criminal investigations that embody current best practices for conducting photographic and live lineups;

i. Sensitivity to and awareness of human trafficking offenses and the identification of victims of human trafficking offenses for personnel involved in criminal investigations or assigned to vehicle or street patrol duties;

j. The recognition, prevention, and reporting of human trafficking;

k. Missing children, missing adults, and search and rescue protocol; and

l. The handling and use of tear gas or other gases and kinetic impact munitions, as defined in § 19.2-83.3, that embody current best practices for using such items as a crowd control measure or during an arrest or detention of another person;

38. Establish compulsory training standards for basic training and the recertification of law-enforcement officers to ensure (i) sensitivity to and awareness of systemic and individual racism, cultural diversity, and the potential for racially biased policing and bias-based profiling as defined in § 52-30.1, which shall include recognizing implicit biases in interacting with persons who have a mental illness, substance use disorder, or developmental or cognitive disability; (ii) training in de-escalation techniques; and (iii) training in the lawful use of force, including the use of deadly force, as defined in § 19.2-83.3, only when necessary to protect the law-enforcement officer or another person;

39. Review and evaluate community-policing programs in the Commonwealth, and recommend where necessary statewide operating procedures, guidelines, and standards that strengthen and improve such programs, including sensitivity

to and awareness of systemic and individual racism, cultural diversity, and the potential for racially biased policing and bias-based profiling as defined in § 52-30.1, which shall include recognizing implicit biases in interacting with persons who have a mental illness, substance use disorder, or developmental or cognitive disability;

40. Establish a Virginia Law-Enforcement Accreditation Center. The Center may, in cooperation with Virginia law-enforcement agencies, provide technical assistance and administrative support, including staffing, for the establishment of voluntary state law-enforcement accreditation standards. The Center may provide accreditation assistance and training, resource material, and research into methods and procedures that will assist the Virginia law-enforcement community efforts to obtain Virginia accreditation status;

41. Promote community policing philosophy and practice throughout the Commonwealth by providing community policing training and technical assistance statewide to all law-enforcement agencies, community groups, public and private organizations and citizens; developing and distributing innovative policing curricula and training tools on general community policing philosophy and practice and contemporary critical issues facing Virginia communities; serving as a consultant to Virginia organizations with specific community policing needs; facilitating continued development and implementation of community policing programs statewide through discussion forums for community policing leaders, development of law-enforcement instructors; promoting a statewide community policing initiative; and serving as a statewide information source on the subject of community policing including, but not limited to periodic newsletters, a website and an accessible lending library;

42. Establish, in consultation with the Department of Education and the Virginia State Crime Commission, compulsory minimum standards for employment and job-entry and in-service training curricula and certification requirements for school security officers, including school security officers described in clause (b) of § 22.1-280.2:1, which training and certification shall be administered by the Virginia Center for School and Campus Safety (VCSCS) pursuant to § 9.1-184. Such training standards shall be specific to the role and responsibility of school security officers and shall include (i) relevant state and federal laws; (ii) school and personal liability issues; (iii) security awareness in the school environment; (iv) mediation and conflict resolution, including de-escalation techniques such as a physical alternative to restraint; (v) disaster and emergency response; (vi) awareness of systemic and individual racism, cultural diversity, and implicit bias; (vii) working with students with disabilities, mental health needs, substance use disorders, and past traumatic experiences; and (viii) student behavioral dynamics, including child and adolescent development and brain research. The Department shall establish an advisory committee consisting of local school board representatives, principals, superintendents, and school security personnel to assist in the development of the standards and certification requirements in this subdivision. The Department shall require any school security officer who carries a firearm in the performance of his duties to provide proof that he has completed a training course provided by a federal, state, or local law-enforcement agency that includes training in active shooter emergency response, emergency evacuation procedure, and threat assessment;

43. License and regulate property bail bondsmen and surety bail bondsmen in accordance with Article 11 (§ 9.1-185 et seq.);

44. License and regulate bail enforcement agents in accordance with Article 12 (§ 9.1-186 et seq.);

45. In conjunction with the Virginia State Police and the State Compensation Board, advise criminal justice agencies regarding the investigation, registration, and dissemination of information requirements as they pertain to the Sex Offender and Crimes Against Minors Registry Act (§ 9.1-900 et seq.);

46. Establish minimum standards for (i) employment, (ii) job-entry and in-service training curricula, and (iii) certification requirements for campus security officers. Such training standards shall include, but not be limited to, the role and responsibility of campus security officers, relevant state and federal laws, school and personal liability issues, security awareness in the campus environment, and disaster and emergency response. The Department shall provide technical support and assistance to campus police departments and campus security departments on the establishment and implementation of policies and procedures, including but not limited to: the management of such departments, investigatory procedures, judicial referrals, the establishment and management of databases for campus safety and security information sharing, and development of uniform record keeping for disciplinary records and statistics, such as campus crime logs, judicial referrals and Clery Act statistics. The Department shall establish an advisory committee consisting of college administrators, college police chiefs, college security department chiefs, and local law-enforcement officials to assist in the development of the standards and certification requirements and training pursuant to this subdivision;

47. Assess and report, in accordance with § 9.1-190, the crisis intervention team programs established pursuant to § 9.1-187;

48. In conjunction with the Office of the Attorney General, advise law-enforcement agencies and attorneys for the Commonwealth regarding the identification, investigation, and prosecution of human trafficking offenses using the common law and existing criminal statutes in the Code of Virginia;

49. Register tow truck drivers in accordance with § 46.2-116 and carry out the provisions of § 46.2-117;

50. Administer the activities of the Virginia Sexual and Domestic Violence Program Professional Standards Committee by providing technical assistance and administrative support, including staffing, for the Committee;

51. In accordance with § 9.1-102.1, design and approve the issuance of photo-identification cards to private security services registrants registered pursuant to Article 4 (§ 9.1-138 et seq.);

52. In consultation with the State Council of Higher Education for Virginia and the Virginia Association of Campus Law Enforcement Administrators, develop multidisciplinary curricula on trauma-informed sexual assault investigation;

53. In consultation with the Department of Behavioral Health and Developmental Services, develop a model addiction recovery program that may be administered by sheriffs, deputy sheriffs, jail officers, administrators, or superintendents in any local or regional jail. Such program shall be based on any existing addiction recovery programs that are being administered by any local or regional jails in the Commonwealth. Participation in the model addiction recovery program shall be voluntary, and such program may address aspects of the recovery process, including medical and clinical recovery, peer-to-peer support, availability of mental health resources, family dynamics, and aftercare aspects of the recovery process;

54. Establish compulsory minimum training standards for certification and recertification of law-enforcement officers serving as school resource officers. Such training shall be specific to the role and responsibility of a law-enforcement officer working with students in a school environment and shall include (i) relevant state and federal laws; (ii) school and personal liability issues; (iii) security awareness in the school environment; (iv) mediation and conflict resolution, including de-escalation techniques; (v) disaster and emergency response; (vi) awareness of systemic and individual racism, cultural diversity, and implicit bias; (vii) working with students with disabilities, mental health needs, substance use disorders, or past traumatic experiences; and (viii) student behavioral dynamics, including current child and adolescent development and brain research;

55. Establish a model policy for the operation of body-worn camera systems as defined in § 15.2-1723.1 that also addresses the storage and maintenance of body-worn camera system records;

56. Establish compulsory minimum training standards for detector canine handlers employed by the Department of Corrections, standards for the training and retention of detector canines used by the Department of Corrections, and a central database on the performance and effectiveness of such detector canines that requires the Department of Corrections to submit comprehensive information on each canine handler and detector canine, including the number and types of calls and searches, substances searched for and whether or not detected, and the number of false positives, false negatives, true positives, and true negatives;

57. Establish compulsory training standards for basic training of law-enforcement officers for recognizing and managing stress, self-care techniques, and resiliency;

58. Establish guidelines and standards for psychological examinations conducted pursuant to subsection C of § 15.2-1705;

59. Establish compulsory in-service training standards, to include frequency of retraining, for law-enforcement officers in the following subjects: (i) relevant state and federal laws; (ii) awareness of cultural diversity and the potential for bias-based profiling as defined in § 52-30.1; (iii) de-escalation techniques; (iv) working with individuals with disabilities, mental health needs, or substance use disorders; and (v) the lawful use of force, including the use of deadly force, as defined in § 19.2-83.3, only when necessary to protect the law-enforcement officer or another person;

60. Develop a uniform curriculum and lesson plans for the compulsory minimum entry-level, in-service, and advanced training standards to be employed by criminal justice training academies approved by the Department when conducting training;

61. Adopt statewide professional standards of conduct applicable to all certified law-enforcement officers and certified jail officers and appropriate due process procedures for decertification based on serious misconduct in violation of those standards *and provide for a decertification review process in accordance with § 15.2-1708*;

62. Establish and administer a waiver process, in accordance with §§ 2.2-5515 and 15.2-1721.1, for law-enforcement agencies to use certain military property. Any waivers granted by the Criminal Justice Services Board shall be published by the Department on the Department's website;

63. Establish compulsory training standards for basic training and the recertification of law-enforcement officers to include crisis intervention training in accordance with clause (ii) of § 9.1-188;

64. Advise and assist the Department of Behavioral Health and Developmental Services, and support local law-enforcement cooperation, with the development and implementation of the Marcus alert system, as defined in § 37.2-311.1, including the establishment of local protocols for law-enforcement participation in the Marcus alert system pursuant to § 9.1-193 and for reporting requirements pursuant to §§ 9.1-193 and 37.2-311.1;

65. Develop an online course to train hotel proprietors and their employees to recognize and report instances of suspected human trafficking; ~~and~~

66. *Establish standards and procedures for when the Board may grant a petition for reinstatement of certification of a decertified officer pursuant to subsection E of § 15.2-1708; and*

67. Perform such other acts as may be necessary or convenient for the effective performance of its duties.

§ 15.2-1707. Decertification of law-enforcement officers and jail officers.

A. The sheriff, chief of police, or agency administrator *or their designee* shall notify the Criminal Justice Services Board (the Board) in writing within 48 hours of becoming aware that any certified law-enforcement or jail officer currently employed by his agency has (i) been convicted of or pled guilty or no contest to a felony or any offense that would be a felony if committed in the Commonwealth; (ii) been convicted of or pled guilty or no contest to a Class 1 misdemeanor involving moral turpitude or any offense that would be any misdemeanor involving moral turpitude, including but not limited to petit larceny under § 18.2-96, or any offense involving moral turpitude that would be a misdemeanor if committed in the Commonwealth; (iii) been convicted of or pled guilty or no contest to any misdemeanor sex offense in the Commonwealth, another state, or the United States, including but not limited to sexual battery under § 18.2-67.4 or consensual sexual intercourse with a minor 15 years of age or older under clause (ii) of § 18.2-371; (iv) been convicted of or

pled guilty or no contest to domestic assault under § 18.2-57.2 or any offense that would be domestic assault under the laws of another state or the United States; (v) failed to comply with or maintain compliance with mandated training requirements; or (vi) refused to submit to a drug screening or has produced a positive result on a drug screening reported to the employing agency, where the positive result cannot be explained to the agency administrator's satisfaction.

B. The sheriff, chief of police, or agency administrator *or their designee* shall notify the Board in writing ~~within 48 hours~~ if any certified law-enforcement or jail officer currently employed by his agency (i) is terminated or resigns in advance of being convicted or found guilty of an offense set forth in clause (i) of subsection A that requires decertification, (ii) is terminated or resigns in advance of a pending drug screening, (iii) is terminated or resigns for a violation of state or federal law*, including those instances when a prosecution for a violation of state or federal law is terminated as a result of such law-enforcement or jail officer resigning from his position*, (iv) is terminated or resigns for engaging in serious misconduct as defined in statewide professional standards of conduct adopted by the Board, (v) is terminated or resigns while such officer is the subject of a pending internal investigation involving serious misconduct as defined in statewide professional standards of conduct adopted by the Board, ~~or~~ (vi) is terminated or resigns for an act committed while in the performance of *or in relation to* his duties that compromises an officer's credibility, integrity, *or* honesty~~, or other characteristics~~*, or (vii) is terminated or resigns for an act committed while in the performance of his duties* that ~~constitute~~ *constitutes* exculpatory or impeachment evidence in a criminal case. *Such notification shall be given within 48 hours of a termination or resignation pursuant to clause (i), (ii), or (iii) or within 48 hours of the completion of an internal investigation for a termination or resignation pursuant to clauses (iv) through (vii).*

C. *Persons currently in a recruit or field training status who have not completed all certification requirements, pursuant to § 15.2-1705, and who have committed an act that would be any basis for decertification as set forth in subsection A or B shall be considered ineligible for certification and shall be considered decertified. The employing agency of such person shall notify the Board in accordance with subsection A or B.*

D. The notification, where appropriate, shall be accompanied by a copy of the judgment of conviction.

~~D.~~ *E.* Upon receiving such notice from the sheriff, chief of police, or agency administrator *or their designee*, or from an attorney for the Commonwealth, the Board shall immediately decertify such law-enforcement or jail officer. Such officer shall not have the right to serve as a law-enforcement*, jail, courthouse security, or civil process* officer within the Commonwealth until his certification has been reinstated by the Board *pursuant to subsection E of § 15.2-1708 or through the decertification review process in accordance with § 15.2-1708*.

~~E. When a conviction has not become final, the Board may decline to decertify the officer until the conviction becomes final, after considering the likelihood of irreparable damage to the officer if such officer is decertified during the pendency of an ultimately successful appeal, the likelihood of injury or damage to the public if the officer is not decertified, and the seriousness of the offense.~~

F. The Department of Criminal Justice Services is hereby authorized to waive the requirements for decertification as set out in subsection A *or B* for good cause shown.

G. The Board may ~~initiate decertification proceedings against any~~ *decertify a* current or former law-enforcement or jail officer if the Board has found that any basis for the officer's decertification set forth in subsection A or B exists*. Such officer shall not have the right to serve as a law-enforcement, jail, courthouse security, or civil process officer within the Commonwealth until his certification has been reinstated by the Board pursuant to subsection E of § 15.2-1708 or through the decertification review process in accordance with § 15.2-1708*.

~~H. Any conviction of a misdemeanor that has been appealed to a court of record shall not be considered a conviction for purposes of this section unless a final order of conviction is entered. Any finding of misconduct listed in subsection B will not be considered final until all grievances or appeals have been exhausted or waived and the finding of misconduct is made final.~~

§ 15.2-1708. Notice of decertification; decertification review process.

A. Service of notice. The Board shall, within ~~ten~~ *10* days of decertification, serve notice upon ~~an affected~~ *a decertified* officer, in person or by certified mail *or trackable courier service with signature requirement*, and upon the law-enforcement or jail agency employing said officer, by certified mail *or trackable courier service with signature requirement*, specifying the action taken and remedies available. The Board shall stay final action until the period for requesting ~~a hearing~~ *a review of the decertification* expires.

B. Decertification ~~hearing~~ *review process*. Any *decertified* law-enforcement or jail officer ~~who has been decertified~~ may, within ~~thirty~~ *30* days of receipt of notice served by the Board, request, by certified mail *or trackable courier service with signature requirement*, ~~a hearing~~ *review of his decertification,* which shall be granted by the Board. Upon receipt of such request, the Board shall ~~set a date, time, and place for the hearing~~ *request the Department of Criminal Justice Services (the Department) to initiate a review of the decertification pursuant to the authority conferred in subdivisions 36 and 61 of § 9.1-102 and in accordance with the provisions of the Administrative Process Act (§ 2.2-4000 et seq.)* within ~~sixty~~ *90* days and serve notice by certified mail *or trackable courier service with signature requirement* upon the ~~affected~~ *decertified* officer. ~~The Board, or a committee thereof, shall conduct such hearing.~~ The ~~affected~~ *decertified* officer may be represented by counsel *at all stages of the decertification review process. The former employing agency shall have a representative present at all stages of the decertification review process.* In the absence of a request for ~~hearing~~ *review*, decertification shall, without further proceedings, become final ~~thirty~~ *30* days after the initial notice *has been served on the decertified officer in person or by certified mail or trackable courier service with signature requirement.*

C. ~~Standard of review. The decertification of a law-enforcement or jail officer under § 15.2-1707 shall be sustained by the Board unless such law-enforcement or jail officer shows, by a preponderance of the evidence, good cause for his certification to be reinstated.~~

~~D. Final decision after request for hearing. The Board shall render a final decision within thirty days.~~

~~E. Notice of final action. The Board shall notify the officer and the law-enforcement or jail agency involved, by certified mail, of the final action regarding decertification.~~ *1. Upon motion by the decertified officer or his counsel or the Attorney General, the Department may grant a continuance of any informal fact-finding conference or formal hearing for good cause shown.*

2. When an officer is decertified as a result of a termination or resignation related to a criminal charge that has not yet been adjudicated by a court and thereafter requests a review of his decertification, the Department may continue any informal fact-finding conference or formal hearing until the final disposition of the charge has been entered by the court hearing the criminal matter. Such officer shall remain decertified during such period of continuance unless the Department finds the officer's continued decertification may cause circumstances that constitute a manifest injustice to the officer, in which case the officer's certification may be reinstated during the period of continuance until the conviction becomes final.

3. When an officer is decertified as a result of a misdemeanor conviction that has been appealed to a court of record and thereafter requests review of his decertification, any informal fact-finding conference or formal hearing shall be continued until after the matter has been adjudicated by such court of record. Such officer shall remain decertified during such period of continuance.

4. When an officer is decertified as a result of any provision of clauses (ii) through (v) of subsection B of § 15.2-1707 and thereafter requests review of his decertification, any informal fact-finding conference or formal hearing shall be continued until after all grievances or appeals have been exhausted or waived and the employing agency's finding of misconduct is final. Such officer shall remain decertified during such period of continuance.

D. The findings and decision of the Department's decertification review may be appealed to the Criminal Justice Services Board (the Board) within 30 days of the decertified officer's receipt of notice of the Department's decision served by the Department. The final administrative decision of the Board's decertification review may be appealed pursuant to § 2.2-4026 of the Code of Virginia.

~~F.~~ *E.* Reinstatement after decertification. Any *decertified* officer ~~who is decertified~~ may, after a period of not less than five years *after the date on which a final decision is made*, petition the Board to be considered for reinstatement of certification.

F. Related records provided to the Board or the Department for the purposes of decertification of an identifiable law-enforcement or jail officer or the decertification review process for that identifiable law-enforcement or jail officer shall not be disclosed by the Board or the Department pursuant to the Virginia Freedom of Information Act (§ 2.2-3700 et seq.).

§ 19.2-83.7. Penalties for violations of this chapter.

In addition to any other penalty authorized by law, any law-enforcement officer who knowingly violates the provisions of this chapter shall be subject to disciplinary action, including dismissal, demotion, suspension, or transfer of the law-enforcement officer or decertification as provided in subsection ~~D~~ *E* of § 15.2-1707.

2. That the Department of Criminal Justice Services shall promulgate regulations to implement the provisions of this act to be effective within 280 days of its enactment.

CHAPTER 495

An Act to amend and reenact § 38.2-4319 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 38.2-3414.2, relating to health insurance; coverage for doula care services.

[S 118]

Approved April 4, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 38.2-4319 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 38.2-3414.2 as follows:

§ 38.2-3414.2. Obstetrical benefits; coverage for doula care services.

A. Notwithstanding the provisions of § 38.2-3419, each insurer proposing to issue individual or group accident and sickness insurance policies providing hospital, medical and surgical, or major medical coverage on an expense-incurred basis; each corporation providing individual or group accident and sickness subscription contracts; and each health maintenance organization providing a health care plan for health care services whose policy, contract, or plan includes coverage for obstetrical services shall provide coverage for doula care services provided by a state-certified doula. Such coverage shall include coverage for at least eight visits during the antepartum or postpartum period and support during labor and delivery.

B. As used in this section:

"Doula care services" means (i) services to support pregnant individuals, improve birth outcomes, and support new mothers and families with culturally specific antepartum, intrapartum, and postpartum services, referrals, and advocacy;

(ii) advocating for and supporting physiological birth, breastfeeding, and parenting for clients; (iii) supporting the antepartum, intrapartum, and postpartum periods with traditional comfort measures and educational materials, as well as assistance during the transition to parenthood in the initial postpartum period through home visits; (iv) empowering individuals and families with evidenced-based information to choose best practices for birth, breastfeeding, and infant care; (v) providing continuous support to the laboring individual until the birth of the baby at any location of delivery; (vi) referring clients to their appropriate provider for medical advice for care outside of the doula scope of practice; (vii) working as a member of the individual's multidisciplinary team; and (viii) offering evidence-based information on newborn and infant feeding, emotional and physical recovery from childbirth, and other issues related to the antepartum, intrapartum, and postpartum periods.

"State-certified doula" has the same meaning as provided in § 32.1-77.1.

C. No insurer, corporation, or health maintenance organization shall be required to pay for duplicate services actually rendered by both a state-certified doula and another health care provider.

D. No insurer, corporation, or health maintenance organization shall require supervision, signature, or referral by any other health care provider as a condition of reimbursement for doula care services, except when those requirements are also applicable to other categories of health care providers.

E. The provisions of this section shall apply to any policy, contract, or plan delivered, issued for delivery, or renewed in the Commonwealth on and after January 1, 2025.

F. The provisions of this section shall not apply to short-term travel, accident-only, or limited or specified disease policies, contracts designed for issuance to persons eligible for coverage under Title XVIII of the Social Security Act, known as Medicare, or any other similar coverage under state or federal governmental plans, or short-term nonrenewable policies of not more than six months' duration.

§ 38.2-4319. Statutory construction and relationship to other laws.

A. No provisions of this title except this chapter and, insofar as they are not inconsistent with this chapter, §§ 38.2-100, 38.2-136, 38.2-200, 38.2-203, 38.2-209 through 38.2-213, 38.2-216, 38.2-218 through 38.2-225, 38.2-229, 38.2-232, 38.2-305, 38.2-316, 38.2-316.1, 38.2-322, 38.2-325, 38.2-326, 38.2-400, 38.2-402 through 38.2-413, 38.2-500 through 38.2-515, 38.2-600 through 38.2-629, Chapter 9 (§ 38.2-900 et seq.), §§ 38.2-1016.1 through 38.2-1023, 38.2-1057, and 38.2-1306.1, Article 2 (§ 38.2-1306.2 et seq.), § 38.2-1315.1, and Articles 3.1 (§ 38.2-1316.1 et seq.), 4 (§ 38.2-1317 et seq.), 5 (§ 38.2-1322 et seq.), 5.1 (§ 38.2-1334.3 et seq.), and 5.2 (§ 38.2-1334.11 et seq.) of Chapter 13, Articles 1 (§ 38.2-1400 et seq.), 2 (§ 38.2-1412 et seq.), and 4 (§ 38.2-1446 et seq.) of Chapter 14, Chapter 15 (§ 38.2-1500 et seq.), Chapter 17 (§ 38.2-1700 et seq.), §§ 38.2-1800 through 38.2-1836, 38.2-3401, 38.2-3405, 38.2-3405.1, 38.2-3406.1, 38.2-3407.2 through 38.2-3407.6:1, 38.2-3407.9 through 38.2-3407.20, 38.2-3411, 38.2-3411.2, 38.2-3411.3, 38.2-3411.4, 38.2-3412.1, 38.2-3414.1, *38.2-3414.2,* 38.2-3418.1 through 38.2-3418.19, 38.2-3418.21, 38.2-3419.1, and 38.2-3430.1 through 38.2-3454, Articles 8 (§ 38.2-3461 et seq.) and 9 (§ 38.2-3465 et seq.) of Chapter 34, § 38.2-3500, subdivision 13 of § 38.2-3503, subdivision 8 of § 38.2-3504, §§ 38.2-3514.1, 38.2-3514.2, 38.2-3522.1 through 38.2-3523.4, 38.2-3525, 38.2-3540.1, 38.2-3540.2, 38.2-3541.2, 38.2-3542, and 38.2-3543.2, Article 5 (§ 38.2-3551 et seq.) of Chapter 35, Chapter 35.1 (§ 38.2-3556 et seq.), § 38.2-3610, Chapter 52 (§ 38.2-5200 et seq.), Chapter 55 (§ 38.2-5500 et seq.), Chapter 58 (§ 38.2-5800 et seq.), Chapter 65 (§ 38.2-6500 et seq.), and Chapter 66 (§ 38.2-6600 et seq.) shall be applicable to any health maintenance organization granted a license under this chapter. This chapter shall not apply to an insurer or health services plan licensed and regulated in conformance with the insurance laws or Chapter 42 (§ 38.2-4200 et seq.) except with respect to the activities of its health maintenance organization.

B. For plans administered by the Department of Medical Assistance Services that provide benefits pursuant to Title XIX or Title XXI of the Social Security Act, as amended, no provisions of this title except this chapter and, insofar as they are not inconsistent with this chapter, §§ 38.2-100, 38.2-136, 38.2-200, 38.2-203, 38.2-209 through 38.2-213, 38.2-216, 38.2-218 through 38.2-225, 38.2-229, 38.2-232, 38.2-322, 38.2-325, 38.2-400, 38.2-402 through 38.2-413, 38.2-500 through 38.2-515, and 38.2-600 through 38.2-629, Chapter 9 (§ 38.2-900 et seq.), §§ 38.2-1016.1 through 38.2-1023, 38.2-1057, and 38.2-1306.1, Article 2 (§ 38.2-1306.2 et seq.), § 38.2-1315.1, Articles 3.1 (§ 38.2-1316.1 et seq.), 4 (§ 38.2-1317 et seq.), 5 (§ 38.2-1322 et seq.), 5.1 (§ 38.2-1334.3 et seq.), and 5.2 (§ 38.2-1334.11 et seq.) of Chapter 13, Articles 1 (§ 38.2-1400 et seq.), 2 (§ 38.2-1412 et seq.), and 4 (§ 38.2-1446 et seq.) of Chapter 14, §§ 38.2-3401, 38.2-3405, 38.2-3407.2 through 38.2-3407.5, 38.2-3407.6, 38.2-3407.6:1, 38.2-3407.9, 38.2-3407.9:01, and 38.2-3407.9:02, subdivisions E 1, 2, and 3 of § 38.2-3407.10, §§ 38.2-3407.10:1, 38.2-3407.11, 38.2-3407.11:3, 38.2-3407.13, 38.2-3407.13:1, 38.2-3407.14, 38.2-3411.2, 38.2-3418.1, 38.2-3418.2, 38.2-3418.16, 38.2-3419.1, 38.2-3430.1 through 38.2-3437, and 38.2-3500, subdivision 13 of § 38.2-3503, subdivision 8 of § 38.2-3504, §§ 38.2-3514.1, 38.2-3514.2, 38.2-3522.1 through 38.2-3523.4, 38.2-3525, 38.2-3540.1, 38.2-3540.2, 38.2-3541.2, 38.2-3542, and 38.2-3543.2, Chapter 52 (§ 38.2-5200 et seq.), Chapter 55 (§ 38.2-5500 et seq.), Chapter 58 (§ 38.2-5800 et seq.), Chapter 65 (§ 38.2-6500 et seq.), and Chapter 66 (§ 38.2-6600 et seq.) shall be applicable to any health maintenance organization granted a license under this chapter. This chapter shall not apply to an insurer or health services plan licensed and regulated in conformance with the insurance laws or Chapter 42 (§ 38.2-4200 et seq.) except with respect to the activities of its health maintenance organization.

C. Solicitation of enrollees by a licensed health maintenance organization or by its representatives shall not be construed to violate any provisions of law relating to solicitation or advertising by health professionals.

D. A licensed health maintenance organization shall not be deemed to be engaged in the unlawful practice of medicine. All health care providers associated with a health maintenance organization shall be subject to all provisions of law.

E. Notwithstanding the definition of an eligible employee as set forth in § 38.2-3431, a health maintenance organization providing health care plans pursuant to § 38.2-3431 shall not be required to offer coverage to or accept applications from an employee who does not reside within the health maintenance organization's service area.

F. For purposes of applying this section, "insurer" when used in a section cited in subsections A and B shall be construed to mean and include "health maintenance organizations" unless the section cited clearly applies to health maintenance organizations without such construction.

2. That the provisions of the first enactment of this act shall not become effective unless reenacted by the 2025 Session of the General Assembly.

3. That the Health Insurance Reform Commission (the Commission) shall consider coverage for doula care services provided by a state-certified doula as provided in the first enactment of this act in its 2025 review of the essential health benefits benchmark plan pursuant to § 30-343.1 of the Code of Virginia. The Commission shall include such coverage in its recommendation to the General Assembly for a new essential health benefits benchmark plan unless the Commission identifies a compelling reason to exclude such coverage.

CHAPTER 496

An Act to amend and reenact § 30-403 of the Code of Virginia, relating to Behavioral Health Commission; membership.

[S 125]

Approved April 4, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 30-403 of the Code of Virginia is amended and reenacted as follows:

§ 30-403. Membership; terms; vacancies; chairman and vice-chairman; quorum; meetings; voting on recommendations.

The Commission shall consist of 12 legislative members, who shall be appointed as follows: five members of the Senate, at least one of whom shall be a member of the Senate Committee on Education and Health, at least one of whom shall be a member of the Senate Committee on Rehabilitation and Social Services, and at least two of whom shall be members of the Senate Committee on Finance and Appropriations, to be appointed by the *Senate* Committee on Rules and seven members of the House of Delegates, at least ~~two~~ *three* of whom shall be members of the House Committee on Appropriations and at least two of whom shall be members of the House Committee on Health, Welfare and Institutions, to be appointed by the Speaker of the House of Delegates in accordance with the principles of proportional representation contained in the Rules of the House of Delegates.

Members of the Commission shall serve terms coincident with their terms of office. Members may be reappointed. Appointments to fill vacancies, other than by expiration of a term, shall be for the unexpired term. Vacancies shall be filled in the same manner as the original appointment.

The Commission shall elect a chairman and a vice-chairman from among its membership.

A majority of the members of the Commission shall constitute a quorum. Meetings of the Commission shall be held at the call of the chairman or whenever the majority of the members of the Commission so request.

No recommendation of the Commission shall be adopted if a majority of the Senate members or a majority of the House members appointed to the Commission (i) vote against the recommendation and (ii) vote for the recommendation to fail notwithstanding the majority vote of the Commission.

CHAPTER 497

An Act to amend and reenact § 46.2-345.2 of the Code of Virginia, relating to the Department of Motor Vehicles; fees.

[S 151]

Approved April 4, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 46.2-345.2 of the Code of Virginia is amended and reenacted as follows:

§ 46.2-345.2. Issuance of special identification cards without photographs; fee; confidentiality; penalties.

A. On the application of any person with a sincerely held religious belief prohibiting the taking of a photograph who is a resident of the Commonwealth and who is at least 15 years of age, the Department shall issue a special identification card without a photograph to the person, provided that:

1. Application is made on a form prescribed by the Department and includes the applicant's full legal name; year, month, and date of birth; social security number; sex; and residence address. Applicants shall be permitted to choose between "male," "female," or "non-binary" when designating the applicant's sex on the application form;

2. The applicant presents, when required by the Department, proof of identity, legal presence, residency, and social security number or non-work authorized status;

3. The applicant presents an approved and signed U.S. Department of the Treasury Internal Revenue Service (IRS) Form 4029 or if such applicant is a minor, the applicant's parent or legal guardian presents an approved and signed IRS Form 4029; and

4. The applicant does not hold a driver's license, commercial driver's license, temporary driver's permit, learner's permit, motorcycle learner's permit, or special identification card.

B. The fee for the issuance of an original, duplicate, ~~or~~ reissue*, or renewal* special identification card without a photograph is ~~$10~~ *$2* per year, with a ~~$20~~ *$10* minimum fee.

C. Every special identification card without a photograph shall expire on the applicant's birthday at the end of the period of years for which a special identification card without a photograph has been issued. At no time shall any special identification card without a photograph be issued for more than eight years. Notwithstanding these limitations, the Commissioner may extend the validity period of an expiring card if (i) the Department is unable to process an application for re-issue due to circumstances beyond its control or (ii) the extension has been authorized under a directive from the Governor. However, in no event shall the validity period be extended more than 90 days per occurrence of such conditions.

D. A special identification card without a photograph issued under this section may be similar in size, shape, and design to a driver's license and shall not include a photograph of its holder. The card shall be readily distinguishable from a driver's license and shall clearly state that federal limits apply, that the card is not valid identification to vote, and that the card does not authorize the person to whom it is issued to drive a motor vehicle. Every applicant for a special identification card without a photograph shall appear in person before the Department to apply for a duplicate or reissue unless specifically permitted by the Department to apply in another manner.

E. Unless otherwise prohibited by law, a valid Virginia driver's license or special identification card shall be surrendered for a special identification card without a photograph without the applicant's having to present proof of legal presence as required by § 46.2-328.1 if the Virginia driver's license or special identification card is unexpired and has not been revoked, suspended, or canceled. The special identification card without a photograph shall be considered a reissue, and the expiration date shall be the last day of the month of the surrendered driver's license's or special identification card's month of expiration.

F. Any personal information, as identified in § 2.2-3801, that is retained by the Department from an application for the issuance of a special identification card without a photograph is confidential and shall not be divulged to any person, association, corporation, or organization, public or private, except to the legal guardian or the attorney of the applicant or to a person, association, corporation, or organization nominated in writing by the applicant, his legal guardian, or his attorney. This subsection shall not prevent the Department from furnishing the application or any information thereon to any law-enforcement agency.

G. Any person who uses a false or fictitious name or gives a false or fictitious address in any application for a special identification card without a photograph or knowingly makes a false statement or conceals a material fact or otherwise commits a fraud in any such application is guilty of a Class 2 misdemeanor. However, where the special identification card without a photograph is obtained for the purpose of committing any offense punishable as a felony, a violation of this section shall constitute a Class 4 felony.

H. When requested by the applicant, the applicant's parent if the applicant is a minor, or the applicant's guardian, and upon presentation of a signed statement by a licensed physician confirming the applicant's condition, the Department shall indicate on the applicant's special identification card without a photograph that the applicant has any condition listed in subsection K of § 46.2-342.

I. The Department shall establish a method by which an applicant for an original, reissued, or renewed special identification card without a photograph may indicate his blood type. If the applicant chooses to indicate his blood type, the Department shall make a notation of this designation on his special identification card without a photograph and in his record. Such notation on the special identification card without a photograph shall only be used by emergency medical services agencies in providing emergency medical support. Upon written request of the license holder or his legal guardian to have the designation removed, the Department shall issue the special identification card without a photograph without such designation upon the payment of applicable fees.

Notwithstanding any other provision of law, the Department shall not disclose any data collected pursuant to this subsection except to the subject of the information and by designation on the special identification card without a photograph. Nothing herein shall require the Department to verify any information provided for the designation. No action taken by any person, whether private citizen or public officer or employee, with regard to any blood type designation displayed on a special identification card without a photograph, shall create a warranty of the reliability or accuracy of the document or electronic image, nor shall it create any liability on the part of the Commonwealth or of any department, office, or agency or of any officer, employee, or agent thereof.

J. Unless the Code specifies that a photograph is required, a special identification card without a photograph shall be treated as a special identification card.

CHAPTER 498

An Act to amend and reenact §§ 24.2-506 and 24.2-521 of the Code of Virginia, relating to elections; candidates for office; petition of qualified voters; start date.

[S 165]

Approved April 4, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 24.2-506 and 24.2-521of the Code of Virginia are amended and reenacted as follows:

§ 24.2-506. Petition of qualified voters required; number of signatures required; certain towns excepted.

A. The name of any candidate for any office, other than a party nominee, shall not be printed upon any official ballots provided for the election unless he shall file along with his declaration of candidacy a petition therefor, on a form prescribed by the State Board, signed by the number of qualified voters specified in this subsection *on and* after January 1 of the year in which the *general* election is held*, or on and after the day on which the writ of election is issued in the case of a special election,* and listing the residence address of each such voter. Each signature on the petition shall have been witnessed by a person who is not a minor or a felon whose voting rights have not been restored and whose affidavit to that effect appears on each page of the petition. Each such person circulating a petition who is not a legal resident of the Commonwealth shall sign a statement on the affidavit that he consents to the jurisdiction of the courts of Virginia in resolving any disputes concerning the circulation of petitions, or signatures contained therein, by that person. The signatures of qualified voters collected by a nonresident petition circulator who fails to sign such statement, or who later fails to appear or produce documents when properly served with a subpoena to do so, shall not be counted towards the minimum number of signatures required pursuant to this subsection.

Each voter signing the petition may provide on the petition the last four digits of his social security number, if any; however, noncompliance with this requirement shall not be cause to invalidate the voter's signature on the petition.

The minimum number of signatures of qualified voters required for candidate petitions shall be as follows:

1. For a candidate for the United States Senate, Governor, Lieutenant Governor, or Attorney General, 10,000 signatures, including the signatures of at least 400 qualified voters from each congressional district in the Commonwealth;

2. For a candidate for the United States House of Representatives, 1,000 signatures;

3. For a candidate for the Senate of Virginia, 250 signatures;

4. For a candidate for the House of Delegates or for a constitutional office, 125 signatures;

5. For a candidate for membership on the governing body or elected school board of any county or city, 125 signatures; or if from an election district not at large containing 1,000 or fewer registered voters, 50 signatures;

6. For a candidate for membership on the governing body or elected school board of any town that has more than 3,500 registered voters, 125 signatures; or if from a ward or other district not at large, 25 signatures;

7. For a candidate for membership on the governing body or elected school board of any town that has at least 1,500 but not more than 3,500 registered voters, 50 signatures; or if from a ward or other district not at large, 25 signatures;

8. For a candidate for membership on the governing body or elected school board of any town that has fewer than 1,500 registered voters, no petition shall be required;

9. For a candidate for director of a soil and water conservation district created pursuant to Article 3 (§ 10.1-506 et seq.) of Chapter 5 of Title 10.1, 25 signatures; and

10. For any other candidate, 50 signatures.

B. The State Board shall approve uniform standards by which petitions filed by a candidate for office, other than a party nominee, are reviewed to determine if the petitions contain sufficient signatures of qualified voters as required in subsection A.

The State Board of Elections, on or before January 1, 2020, shall revise its processes and associated regulations for reviewing and processing candidate petitions. Such revisions shall provide a process for checking petition signatures that includes a method for determining if a petition signature belongs to an individual whose prior registration has been canceled and the reason for such cancellation. The process shall provide for the tracking of such information associated with each petition. The process shall provide for the escalation of cases of suspected fraud to the electoral board, the State Board, or the office of the attorney for the Commonwealth, as appropriate.

C. If a candidate, other than a party nominee, does not qualify to have his name appear on the ballot by reason of the candidate's filed petition not containing the minimum number of signatures of qualified voters for the office sought, the candidate may appeal that determination within five calendar days of the issuance of the notice of disqualification pursuant to § 24.2-612 or notice from the State Board that the candidate did not meet the requirements to have his name appear on the ballot.

Appeals made by candidates for a county, city, or town office shall be filed with the electoral board. Appeals made by candidates for all other offices shall be filed with the State Board. The appeal shall be heard by the State Board or the electoral board, as appropriate, within five business days of its filing. The electoral board shall notify the State Board of any appeal that is filed with the electoral board.

The State Board shall develop procedures for the conduct of such an appeal. The consideration on appeal shall be limited to whether or not the signatures on the petitions that were filed were reasonably rejected according to the

requirements of this title and the uniform standards approved by the State Board for the review of petitions. Immediately after the conclusion of the appeal hearing, the entity conducting the appeal shall notify the candidate and, if applicable, the State Board, of its decision in writing. The decision on appeal shall be final and not subject to further appeal.

§ 24.2-521. Petition required to accompany declaration; number of signatures required.

A. A candidate for nomination by primary for any office shall be required to file with his declaration of candidacy a petition for his name to be printed on the official primary ballot, on a form prescribed by the State Board, signed by the number of qualified voters specified in this section *on and* after January 1 of the year in which the election is held ~~or before or after said date in the case of a March primary~~, and listing the residence address of each such voter. Each signature on the petition shall have been witnessed by a person who is not a minor or a felon whose voting rights have not been restored and whose affidavit to that effect appears on each page of the petition. Each such person circulating a petition who is not a legal resident of the Commonwealth shall sign a statement on the affidavit that he consents to the jurisdiction of the courts of Virginia in resolving any disputes concerning the circulation of petitions, or signatures contained therein, by that person. The signatures of qualified voters collected by a nonresident petition circulator who fails to sign such statement, or who later fails to appear or produce documents when properly served with a subpoena to do so, shall not be counted towards the minimum number of signatures required pursuant to subsection B.

Each voter signing the petition may provide on the petition the last four digits of his social security number, if any; however, noncompliance with this requirement shall not be cause to invalidate the voter's signature on the petition.

B. The minimum number of signatures of qualified voters required for primary candidate petitions shall be as follows:

1. For a candidate for the United States Senate, Governor, Lieutenant Governor, or Attorney General, 10,000 signatures, including the signatures of at least 400 qualified voters from each congressional district in the Commonwealth;

2. For a candidate for the United States House of Representatives, 1,000 signatures;

3. For a candidate for the Senate of Virginia, 250 signatures;

4. For a candidate for the House of Delegates or for a constitutional office, 125 signatures;

5. For a candidate for membership on the governing body of any county or city, 125 signatures; or if from an election district not at large containing 1,000 or fewer registered voters, 50 signatures;

6. For a candidate for membership on the governing body of any town that has more than 3,500 registered voters, 125 signatures; or if from a ward or other district not at large, 25 signatures;

7. For a candidate for membership on the governing body of any town that has at least 1,500 but not more than 3,500 registered voters, 50 signatures; or if from a ward or other district not at large, 25 signatures;

8. For a candidate for membership on the governing body of any town that has fewer than 1,500 registered voters, no petition shall be required; and

9. For any other candidate, 50 signatures.

CHAPTER 499

An Act to amend and reenact § 20-25 of the Code of Virginia, relating to persons other than ministers who may perform rites of marriage; former statewide legislators and officials.

[S 175]

Approved April 4, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 20-25 of the Code of Virginia is amended and reenacted as follows:

§ 20-25. Persons other than ministers who may perform rites.

Upon petition filed with the clerk and payment of applicable clerk's fees, any circuit court judge may issue an order authorizing one or more persons resident in the circuit in which the judge sits to celebrate the rites of marriage in the Commonwealth. Any person so authorized shall, before acting, enter into bond in the penalty of $500, with or without surety, as the court may direct; however, upon a showing that the person would otherwise be qualified for in forma pauperis status, the court may waive such bond. Any order made under this section may be rescinded at any time. No oath shall be required of a person authorized to celebrate the rites of marriage, nor shall such person be considered an officer of the Commonwealth by virtue of such authorization.

Any judge or justice of a court of record, any judge of a district court, any retired judge or justice of the Commonwealth, any active, senior, or retired federal judge or justice who is a resident of the Commonwealth, or any current *or former* (i) member of the General Assembly, (ii) Governor of Virginia, (iii) Lieutenant Governor of Virginia, ~~or~~ (iv) Attorney General of Virginia*, or (v) clerk of a circuit court of the Commonwealth who is a resident of the Commonwealth* may celebrate the rites of marriage anywhere in the Commonwealth without the necessity of bond or order of authorization.

CHAPTER 500

An Act to amend and reenact § 8.01-513 of the Code of Virginia, relating to service of garnishment summons upon corporation, limited liability company, etc.; garnishment designee.

[S 214]

Approved April 4, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 8.01-513 of the Code of Virginia is amended and reenacted as follows:

§ 8.01-513. Service upon corporation, limited liability company, limited partnership, or financial institution.

A. If the person upon whom there is a suggestion of liability as provided in § 8.01-511 is a corporation, *limited liability company, limited partnership, financial institution as defined in § 6.2-100, or other entity authorized to do business in the Commonwealth under state or federal law or required to be registered by the State Corporation Commission,* the summons shall be served upon ~~an officer, an employee designated by the corporation other than an officer of the corporation, or, if there is no designated employee or the designated employee cannot be found, upon a managing employee of the corporation other than an officer of~~ the *garnishment designee of such* corporation*, limited liability company, limited partnership, financial institution as defined in § 6.2-100, or other entity, unless such garnishment designee is also the judgment debtor*. If the judgment creditor or his attorney files with the court a certificate that ~~he~~ *such judgment creditor or attorney* has used due diligence and that (i) ~~no~~ such ~~officer or employee or other person authorized to accept such service can be found within the Commonwealth or~~ *corporation, limited liability company, limited partnership, financial institution as defined in § 6.2-100, or other entity has no garnishment designee;* (ii) such *garnishment designee cannot be found at the* designated *address;* or ~~managing employee found~~ *(iii) such garnishment designee* is also the judgment debtor, then such summons shall be served ~~on the registered agent of the corporation~~ *(a) in accordance with the provisions of § 8.01-299, 8.01-301, or 8.01-304 or other provision of law applicable to service of process upon such entity* or *(b)* upon ~~the clerk of the State Corporation Commission as provided in §§ 13.1-637, 13.1-766, 13.1-836 and 13.1-928~~ *a managing employee*. ~~However, service on the corporation shall not be made upon a designated or~~ *Before serving the registered or statutory agent of a financial institution pursuant to clause (a), the judgment creditor or his attorney must further certify that after exercising due diligence, no managing employee could be found in the Commonwealth, that such* managing employee ~~who~~ is also the judgment debtor*, or that, upon information and belief, the financial institution has authorized or requested such service of process*. ~~If the corporation intends to designate an employee for service, the corporation shall file a designation with the State Corporation Commission.~~

B. ~~If the person upon whom there is a suggestion of liability as provided in § 8.01-511 is a limited liability company, the summons shall be served upon a member, manager, or employee designated by the limited liability company for the purpose of such service or, if there is no designated member, manager, or employee, or the designated member, manager, or employee cannot be found, upon a managing employee of the limited liability company. If the judgment creditor or his attorney files with the court a certificate that he has used due diligence and that (i) no such member, manager, or employee or other person authorized to accept such service can be found within the Commonwealth or (ii) such designated member, manager, employee, or managing employee found is also the judgment debtor, then such summons shall be served on the registered agent of the limited liability company or upon the clerk of the State Corporation Commission as provided in § 13.1-1018. However, service on the limited liability company shall not be made upon a designated member, manager, employee, or managing employee who is also the judgment debtor. If the limited liability company intends to designate a member, manager, or employee for service, the limited liability company shall file a designation with the State Corporation Commission.~~

~~C.~~ For the purposes of this section~~,~~*:*

"Garnishment designee" means an employee, officer, member, manager, partner, registered agent, or other natural person designated by a corporation, limited liability company, limited partnership, financial institution as defined in § 6.2-100, or other entity pursuant to a designation filed with the State Corporation Commission. Such designation shall include the garnishment designee's name and physical street address within the Commonwealth where service may be made during regular business hours. The garnishment designee may designate one or more additional natural persons at the same physical street address upon whom summons may be served. Such designation shall be in writing and shall be notarized. Such designation shall be on file and upon demand with the garnishment designee. Whenever such other designated person accepts service of process on behalf of the garnishment designee, a copy of such written and notarized designation shall be attached to the return of service of process.

~~"managing employee"~~ *"Managing employee"* means an employee charged by the corporation ~~or the~~, limited liability company, *limited partnership, financial institution as defined in § 6.2-100, or other entity* as applicable, with the control *or who reasonably appears to have control* of operations and supervision of employees at the business location of such corporation or limited liability company where process is sought to be served.

2. That the provisions of this act shall become effective on January 1, 2025.

CHAPTER 501

An Act to amend the Code of Virginia by adding a section numbered 2.2-2240.2:2, relating to Virginia Business Ready Expedited Permitting Program; established.

[S 217]

Approved April 4, 2024

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 2.2-2240.2:2 as follows:

§ 2.2-2240.2:2. Virginia Business Ready Expedited Permitting Program.

A. For purposes of this section:

"Eligible site" means a site that meets the qualifications for a site development grant pursuant to § 2.2-2240.2:1, including sites located in Region 1 or 2 that meet the requirements of such section.

"Program" means the Virginia Business Ready Expedited Permitting Program.

"Project" means an economic development project by a traded-sector company involving significant capital investment and new job creation in the locality in which the project is located.

"Traded-sector company" means a company that directly or indirectly derives more than 50 percent of its revenue from out-of-state sources.

B. There is hereby created the Virginia Business Ready Expedited Permitting Program to accomplish the objectives described in this section. The Authority shall annually designate up to two eligible sites and four projects for participation in the Program. Sites and projects eligible for the Program shall include only (i) eligible sites or (ii) projects with significant local, regional, or statewide economic impact that the governing body of the locality in which the project is located has either (a) approved following a public meeting or hearing or (b) submitted, by resolution, for consideration to be included in the Program. No more than two eligible sites or projects shall be designated as part of the Program within one locality annually. Where possible, eligible sites or projects designated by the Authority for participation in the Program shall be equitably distributed geographically throughout the Commonwealth.

C. For any eligible site or project designated by the Authority for participation in the Program, the Authority shall complete a review process within 45 days of such designation. Such review process shall (i) reduce permitting conflicts by providing guidance regarding the permits needed from each agency or governmental entity and steps the applicant can take to expedite permit application review and (ii) provide guidance regarding site planning and development, site suitability and limitations, and facility design. For projects requiring multiple agency permits, the Authority may designate one agency as the lead agency to coordinate the overall permit reviews for the project.

D. For any complete application for a permit or request for approval associated with an eligible site or project designated by the Authority as part of the Program and submitted to a local governmental entity or state agency, whether or not independent, such agency or other entity shall render a decision on the application within 180 days. However, after consultation with the Authority, an applicant and the relevant agency or governmental entity may agree, by memorandum of understanding, to authorize a timeline for rendering decisions that exceeds 180 days. If an agency or other entity requires additional information or documentation from an applicant, including information to render the application or request complete, the agency or other entity shall notify the applicant within 60 days of receipt of the permit application or request for approval. Upon receipt of such request for additional information, an applicant shall respond to the agency or other entity with the required information or documentation within 45 days. If the applicant exceeds the 45-day response timeline, then the 180-day timeline governing an agency or other entity for approval decisions shall be extended by the same number of days by which the 45-day response timeline was exceeded. If the applicant does not provide the additionally requested information within 135 days of the request, the applicant will be deemed noncompliant and shall no longer be designated as participating in the Program, and the Authority may designate an alternative site or project to participate in the Program in its place. If an agency or other governmental entity requires an approval or affirmative action from (i) a federal entity or (ii) an agency or other public or private entity over which the agency or other governmental entity does not exercise control, before a decision can be rendered, then the 180-day timeline shall be extended by the number of days during which a decision on such approval or affirmative action is pending.

E. Nothing in this section shall be construed to limit or eliminate any legally required opportunities for public comment or input related to a requested permit or approval. If any such public comment or input would require the permitting or approval process to extend beyond 180 days, the 180-day timeline shall be extended by the number of days necessary to provide the full public comment or input period required by law.

F. All local government entities and state agencies, whether or not independent, shall cooperate with the Authority in carrying out the provisions of this section.

2. That the provisions of the first enactment of this act shall become effective on January 1, 2025, and shall expire on June 30, 2028. No project shall be considered eligible to enter the Virginia Business Ready Expedited Permitting Program established pursuant to this act after December 31, 2027.

3. That every state agency, whether or not independent, that issues permits or approvals for eligible sites, as that term is defined in § 2.2-2240.2:2 of the Code of Virginia, as created by this act, shall establish guidelines and procedures for implementing a comprehensive permit review and evaluation pursuant to the Virginia Business

Ready Expedited Permitting Program established pursuant to this act by January 1, 2025. The preparation of the guidelines shall be exempt from the requirements of Article 2 (§ 2.2-4006 et seq. of the Code of Virginia) of the Administrative Process Act. Such guidelines shall be published on the Virginia Regulatory Town Hall.

4. That the Virginia Economic Development Partnership Authority shall report annually by December 1 to the Senate Committee on Finance and Appropriations and the House Committee on Appropriations on the progress of the Virginia Business Ready Expedited Permitting Program (the Program) established pursuant to this act for the duration of the Program.

CHAPTER 502

An Act to amend and reenact §§ 22.1-213, 22.1-214.4, 22.1-253.13:2, as it shall become effective, 22.1-253.13:4, 22.1-253.13:5, as it shall become effective, 22.1-289, and 23.1-902.1, as it shall become effective, of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 22.1-214.5, relating to special education and related services; definitions; records retention; duties of Department of Education; parent/family liaisons; professional development; education preparation program coursework; reports.

[S 220]

Approved April 4, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 22.1-213, 22.1-214.4, 22.1-253.13:2, as it shall become effective, 22.1-253.13:4, 22.1-253.13:5, as it shall become effective, 22.1-289, and 23.1-902.1, as it shall become effective, of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 22.1-214.5 as follows:

§ 22.1-213. Definitions.

As used in this article:

"Children with disabilities" means those persons (i) who are age two to 21, inclusive, having reached the age of two by the date specified in § 22.1-254; (ii) who have intellectual disability or serious emotional disturbance, are physically disabled, speech impaired, deaf or hard of hearing, visually impaired, or multiple disabled, are otherwise health impaired, including those who have autism spectrum disorder or a specific learning disability, or are otherwise disabled as defined by the Board of Education; and (iii) who because of such impairments need special education.

"Instructional practices to support specially designed instruction in inclusive settings" means structured instructional practices, including sequential, systematic, explicit, and cumulative teaching, that (i) are based on reliable, trustworthy, and valid evidence; (ii) provide access to grade-level content in core or general instruction, supplemental instruction, intervention services, and intensive intervention services; (iii) are developed based on reliable data collection and progress monitoring from both valid and reliable assessments and tracking of progress toward individual goals and objectives; (iv) are able to be differentiated in order to meet the individual needs of students; and (v) align with student need based on special education eligibility, present level of performance, and related goals and objectives.

"Related services" means transportation and such developmental, corrective, and other supportive services as are required to assist a child with a disability to benefit from special education, including speech pathology and audiology, psychological services, physical and occupational therapy, recreation, early identification and assessment of disabilities in children, counseling services, and medical services for diagnostic or evaluation purposes. "Related services" also includes school health services, social work services in schools, and parent counseling and training.

"Special education" means specially designed instruction at no cost to the parent to meet the unique needs of a child with a disability, including classroom instruction, home instruction, instruction provided in hospitals and institutions, instruction in physical education, and instruction in career and technical education.

"Specially designed instruction" means instruction for which the content, methodology, or delivery is adapted, as appropriate to the needs of an eligible child, to (i) address the unique needs of the child that result from the child's disability and (ii) ensure that the child has access to the general curriculum so that the child can meet the educational standards that apply to all children within the jurisdiction of the local educational agency.

"Specific learning disability" means a disorder in one or more of the basic psychological processes involved in understanding or using language, spoken or written, which may manifest itself in an imperfect ability to listen, think, speak, read, write, spell, or do mathematical calculations. "Specific learning disability" does not include children who have learning problems that are primarily the result of visual, hearing, motor, or intellectual disability, or of environmental, cultural, or economic disadvantage.

§ 22.1-214.4. Certain duties of Department.

The Department shall:

1. Provide training and guidance documents to local school divisions on the development of individualized education programs (IEPs) for children with disabilities that incorporate specific examples of high-quality present level of performance descriptions, annual goals, and postsecondary transition sections.

2. Develop a required training module for each individual who participates in an IEP meeting that comprehensively addresses and explains in detail (i) each IEP team member's respective role in the IEP meeting, (ii) the IEP development

process, and (iii) components of effective IEPs. The training module shall be required for all IEP participants, with the exception of parents, prior to participating in an IEP meeting and at regular intervals thereafter.

3. Annually conduct structured reviews of a sample of IEPs from a sufficiently large sample of local school divisions to verify that the IEPs are in compliance with state and federal laws and regulations governing IEP content, and provide a summary report of the findings of such reviews and recommendations regarding any necessary corrective actions to the reviewed divisions' superintendents, special education directors, school board chairs and vice-chairs, and local special education advisory committees. In reviewing local school divisions' IEPs, the Department shall determine whether the special education and related services, supplementary aids and services, and program modifications that will be provided to enable students with disabilities to participate in nonacademic and extracurricular activities are sufficient, and include its findings and corrective actions in the summary reports it provides to the reviewed local school divisions' superintendents, special education directors, and school board members. Nothing in this section shall be construed to (i) direct the Department to make determinations regarding whether a particular IEP provides a free appropriate public education to any individual student or (ii) authorize the Department to override a parent's consent to proposed revisions to an individual student's IEP. In determining corrective actions, the Department shall make recommendations to the relevant school division regarding, among other things, those individual IEPs for which the IEP team should convene to consider revisions necessary to incorporate content required by special education regulations. For those individual IEPs for which the Department recommends that the IEP team should convene to consider such revisions, the relevant school division shall notify the relevant parents or caregivers of the recommendations issued in the summary report of the structured review conducted pursuant to this subdivision.

4. Develop and maintain a statewide plan for improving (i) its ongoing oversight of local practices related to transition planning and services for children with disabilities and (ii) technical assistance and guidance provided for postsecondary transition planning and services for children with disabilities. At a minimum, such plan shall articulate how the Department will reliably and comprehensively assess the compliance and quality of transition plans for children with disabilities on an ongoing basis and communicate findings to local school division staff and local school boards. The Department shall, no later than December 1 of each year, update the Chairmen of the Senate Committee on Education and Health and the House Committee on Education on its progress in implementing such plan.

5. Develop and maintain a statewide strategic plan for recruiting and retaining special education teachers. At a minimum, such plan shall (i) use data analyses to determine the specific staffing needs of each local school division on an ongoing basis; (ii) evaluate the potential effectiveness of strategies for addressing recruitment and retention challenges, including tuition assistance, differentiated pay for special education teachers, and the expansion of special education teacher mentorships; and (iii) estimate the costs of implementing each such strategy, including the extent to which federal funds could be used to support implementation. The Department shall, no later than November 1 of each year, update the Chairmen of the Senate Committee on Education and Health and the House Committee on Education on its progress in implementing such plan.

6. In order to (i) address variation in rates of determinations of student eligibility for special education and related services both across local school divisions in the Commonwealth and based on specific student disabilities, (ii) promote consistency in such eligibility determinations, and (iii) ensure equal access to special education and related services across local school divisions, (a) *review and* update ~~its special education eligibility~~ *all forms and* worksheets ~~as necessary~~ *relating to referral, evaluation, reevaluation, and eligibility*, including clarifying any ambiguity or vagueness in *the standard for providing an initial evaluation or in* eligibility criteria~~, and~~*;* (b) ~~provide to each local school division the appropriate level of~~ *review and update* guidance on *the implementation of such referral, evaluation, reevaluation, and eligibility forms and worksheets and the legal obligations of local school boards to conduct initial evaluations and make* eligibility determinations for special education and related services*; and (c) develop high-quality professional development to support the implementation of such referral, evaluation, reevaluation, and eligibility guidance, forms, and worksheets*.

7. (i) Develop criteria for what constitutes "exceptional circumstances" that warrant extension of the 60-calendar day regulatory timeline for complaint investigations and include the criteria in its publicly available complaint resolution procedures, (ii) consistently track the Department's receipt of each sufficient complaint and its issuance of the respective letter of findings, and (iii) require staff to report at least quarterly to the Superintendent ~~of Public Instruction~~ on the specific reasons for granting an extension due to "exceptional circumstances" and the amount of time it took to complete each investigation beyond the 60-calendar day regulatory timeline.

8. Develop policies and procedures for considering and addressing credible allegations of local education agency (LEA) noncompliance with the requirements of the Individuals with Disabilities Education Act (P.L. 101-476) that do not meet the current regulatory standard for state complaints. Such policies and procedures shall include expectations and mechanisms for collaboration between the Office of Dispute Resolution and Administrative Services and the Office of Special Education Program Improvement in the Division of Special Education and Student Services at the Department to investigate and resolve such credible allegations of noncompliance that do not qualify for state complaint investigations.

9. Elevate the position of ~~parent ombudsman~~ *State Parent Ombudsman* for ~~special education to~~ *Special Education. The State Parent Ombudsman for Special Education shall (i)* report to the Superintendent ~~of Public Instruction. The parent ombudsman for special education shall~~*; (ii)* systematically track and report *to the Department* questions and concerns raised by parents to the ~~Superintendent of Public Instruction. The Department shall~~ *State Parent Ombudsman for Special Education and special education family support centers established pursuant to § 22.1-214.5; (iii) coordinate with the*

Parent Training and Information Center on the activities of the special education family support centers established pursuant to § 22.1-214.5; and (iv) develop a one-page comprehensive summary of the roles and responsibilities of the ~~parent ombudsman~~ *State Parent Ombudsman* for ~~special education~~ *Special Education and such special education family support centers*, the specific supports the ~~parent ombudsman~~ *State Parent Ombudsman* for ~~special education~~ *Special Education and such special education family support centers* can provide to parents, and how to contact the ~~parent ombudsman~~ *State Parent Ombudsman* for ~~special education~~ *Special Education and such special education family support centers*. The Department shall make the summary available in multiple languages on its website *and as part of the Virginia IEP established pursuant to subdivision 11*.

10. Develop and implement a process for systematically auditing and verifying school divisions' self-determinations of compliance with all Individuals with Disabilities Education Act (P.L. 101-476) performance indicators. The verification process shall include a random sample of school divisions each year and ensure that all school divisions' self-determinations are reviewed and verified no less frequently than once every five years.

11. Develop, establish, review and update as necessary at least once every five years, and make available to each local school board an IEP writing, facilitation, tracking, and transfer system to be referred to as the Virginia IEP that includes, at a minimum, an IEP template component and a data system component. The Department shall ensure that such data system component allows for secure transfer of data from division student information systems to the Department. The Department shall also develop and make available to each local school board guidance on the utilization of the Virginia IEP and high-quality professional development to support (i) the effective utilization of the Virginia IEP and (ii) the implementation of instructional practices to support the provision of specially designed instruction in inclusive settings.

12. Develop and publish a data dashboard for the annual public reporting, on a date to be determined by the Superintendent, of state-level, division-level, and school-level special education data, disaggregated by disability type and by subgroups of students with disabilities, including by race, ethnicity, economic disadvantage, English learner status, foster care status, and unhoused status, except when such disaggregation would result in the disclosure of any student's personally identifiable information in violation of relevant federal and state law. Such data dashboard shall include disaggregated (i) results on the early literacy screener provided by the Department, the Virginia Kindergarten Readiness Program, and Standards of Learning assessments and (ii) college and career readiness and learning climate measures.

§ 22.1-214.5. Special education family support centers.

The Parent Training and Information Center in the Commonwealth designated pursuant to 20 U.S.C. § 1471(e) shall establish special education family support centers in eight distinct regions of the Commonwealth that shall each (i) be staffed by a regional special education family liaison employed by such center, (ii) coordinate with special education parent/family liaisons required to be designated pursuant to subsection R of § 22.1-253.13:2, (iii) develop and implement outreach and support to parents of children with disabilities in its region, and (iv) track and report to the State Parent Ombudsman for Special Education data on questions and concerns raised by parents.

§ 22.1-253.13:2. (For effective date, see Acts 2022, cc. 549 and 550, cl. 2) Standard 2. Instructional, administrative, and support personnel.

A. The Board shall establish requirements for the licensing of teachers, principals, superintendents, and other professional personnel.

B. School boards shall employ licensed instructional personnel qualified in the relevant subject areas.

C. Each school board shall assign licensed instructional personnel in a manner that produces divisionwide ratios of students in average daily membership to full-time equivalent teaching positions, excluding special education teachers, principals, assistant principals, school counselors or certain other licensed individuals as set forth in subdivision H 4, and librarians, that are not greater than the following ratios: (i) 24 to one in kindergarten with no class being larger than 29 students; if the average daily membership in any kindergarten class exceeds 24 pupils, a full-time teacher's aide shall be assigned to the class; (ii) 24 to one in grades one, two, and three with no class being larger than 30 students; (iii) 25 to one in grades four through six with no class being larger than 35 students; and (iv) 24 to one in English classes in grades six through 12. After September 30 of any school year, anytime the number of students in a class exceeds the class size limit established by this subsection, the local school division shall notify the parent of each student in such class of such fact no later than 10 days after the date on which the class exceeded the class size limit. Such notification shall state the reason that the class size exceeds the class size limit and describe the measures that the local school division will take to reduce the class size to comply with this subsection.

Within its regulations governing special education programs, the Board shall seek to set pupil/teacher ratios for pupils with intellectual disability that do not exceed the pupil/teacher ratios for self-contained classes for pupils with specific learning disabilities.

Further, school boards shall assign instructional personnel in a manner that produces schoolwide ratios of students in average daily memberships to full-time equivalent teaching positions of 21 to one in middle schools and high schools. School divisions shall provide all middle and high school teachers with one planning period per day or the equivalent, unencumbered of any teaching or supervisory duties.

D. Each local school board shall employ with state and local basic, special education, gifted, and career and technical education funds a minimum number of licensed, full-time equivalent instructional personnel for each 1,000 students in average daily membership (ADM) as set forth in the appropriation act.

E. In addition to the positions supported by basic aid and in support of regular school year programs of prevention, intervention, and remediation, state funding, pursuant to the appropriation act, shall be provided to fund certain full-time equivalent instructional positions for each 1,000 students in grades K through 12 who are identified as needing prevention, intervention, and remediation services. State funding for prevention, intervention, and remediation programs provided pursuant to this subsection and the appropriation act may be used to support programs for educationally at-risk students as identified by the local school boards.

To provide algebra readiness intervention services required by § 22.1-253.13:1, school divisions may employ mathematics teacher specialists to provide the required algebra readiness intervention services. School divisions using the Standards of Learning Algebra Readiness Initiative funding in this manner shall only employ instructional personnel licensed by the Board.

F. In addition to the positions supported by basic aid and those in support of regular school year programs of prevention, intervention, and remediation, state funding, pursuant to the general appropriation act, shall be provided to support (i) 18.5 full-time equivalent instructional positions in the 2020-2021 school year for each 1,000 students identified as having limited English proficiency and (ii) 20 full-time equivalent instructional positions in the 2021-2022 school year and thereafter for each 1,000 students identified as having limited English proficiency, which positions may include dual language teachers who provide instruction in English and in a second language.

To provide flexibility in the instruction of English language learners who have limited English proficiency and who are at risk of not meeting state accountability standards, school divisions may use state and local funds from the Standards of Quality Prevention, Intervention, and Remediation account to employ additional English language learner teachers or dual language teachers to provide instruction to identified limited English proficiency students. Using these funds in this manner is intended to supplement the instructional services provided in this section. School divisions using the SOQ Prevention, Intervention, and Remediation funds in this manner shall employ only instructional personnel licensed by the Board.

G. In addition to the full-time equivalent positions required elsewhere in this section, each local school board shall employ one reading specialist for each 550 students in kindergarten through grade five and one reading specialist for each 1,100 students in grades six through eight. Each such reading specialist shall have training in science-based reading research and evidence-based literacy instruction practices. In addition, each such reading specialist shall have training in the identification of and the appropriate interventions, accommodations, and teaching techniques for students with dyslexia or a related disorder and shall serve as an advisor on dyslexia and related disorders. Such reading specialist shall have an understanding of the definition of dyslexia and a working knowledge of (i) techniques to help a student on the continuum of skills with dyslexia; (ii) dyslexia characteristics that may manifest at different ages and grade levels; (iii) the basic foundation of the keys to reading, including multisensory, explicit, systemic, and structured reading instruction; and (iv) appropriate interventions, accommodations, and assistive technology supports for students with dyslexia.

To provide reading intervention services required by § 22.1-253.13:1, school divisions may employ reading specialists to provide the required reading intervention services. School divisions using the Early Reading Intervention Initiative funds in this manner shall employ only instructional personnel licensed by the Board. Local school divisions that employ a sufficient number of reading specialists to meet this staffing standard may assign reading specialists to grade levels according to grade levels with greatest need, regardless of the individual staffing standards established for grades kindergarten through five and six through eight.

H. Each local school board shall employ, at a minimum, the following full-time equivalent positions for any school that reports fall membership, according to student enrollment:

1. Principals, one full-time in each elementary school, middle school, and high school, to be employed on a 12-month basis;

2. Assistant principals in elementary schools, one half-time at 600 students, one full-time at 900 students; assistant principals in middle schools, one full-time for each 600 students; assistant principals in high schools, one full-time for each 600 students; and school divisions that employ a sufficient number of assistant principals to meet this staffing requirement may assign assistant principals to schools within the division according to the area of greatest need, regardless of whether such schools are elementary, middle, or secondary;

3. Librarians in elementary schools, one part-time to 299 students, one full-time at 300 students; librarians in middle schools, one-half time to 299 students, one full-time at 300 students, two full-time at 1,000 students; librarians in high schools, one half-time to 299 students, one full-time at 300 students, two full-time at 1,000 students. Local school divisions that employ a sufficient number of librarians to meet this staffing requirement may assign librarians to schools within the division according to the area of greatest need, regardless of whether such schools are elementary, middle, or secondary; and

4. School counselors, one full-time equivalent position per 325 students in grades kindergarten through 12.

However, in order to meet the staffing requirements set forth in this subdivision, any local school board (i) may employ, under a provisional license issued by the Department for three school years with an allowance for an additional two-year extension with the approval of the division superintendent, any professional counselor licensed by the Board of Counseling, clinical social worker licensed by the Board of Social Work, psychologist licensed by the Board of Psychology, or other licensed counseling professional with appropriate experience and training, provided that any such individual makes progress toward completing the requirements for full licensure as a school counselor during such period of employment or (ii) in the event that the school board does not receive any application from a licensed school counselor, professional counselor, clinical social worker, or psychologist or another licensed counseling professional with appropriate experience

and training to fill a school counselor vacancy in the school division, may enter into an annual contract with another entity for the provision of school counseling services by a licensed professional counselor, clinical social worker, or psychologist or another licensed counseling professional with appropriate experience and training. Local school boards that employ a sufficient number of individuals to meet the staffing requirements set forth in this subdivision may assign such individuals to schools within the division according to the area of greatest need, regardless of whether such schools are elementary, middle, or high schools.

I. Local school boards shall employ five full-time equivalent positions per 1,000 students in grades kindergarten through five to serve as elementary resource teachers in art, music, and physical education.

J. Local school boards shall employ two full-time equivalent positions per 1,000 students in grades kindergarten through 12, one to provide technology support and one to serve as an instructional technology resource teacher.

To provide flexibility, school divisions may use the state and local funds for instructional technology resource teachers to employ a data coordinator position, an instructional technology resource teacher position, or a data coordinator/instructional resource teacher blended position. The data coordinator position is intended to serve as a resource to principals and classroom teachers in the area of data analysis and interpretation for instructional and school improvement purposes, as well as for overall data management and administration of state assessments. School divisions using these funds in this manner shall employ only instructional personnel licensed by the Board.

K. Local school boards may employ additional positions that exceed these minimal staffing requirements. These additional positions may include, but are not limited to, those funded through the state's incentive and categorical programs as set forth in the appropriation act.

L. A combined school, such as kindergarten through 12, shall meet at all grade levels the staffing requirements for the highest grade level in that school; this requirement shall apply to all staff, except for school counselors or certain other licensed individuals as set forth in subdivision H 4, and shall be based on the school's total enrollment. The Board may grant waivers from these staffing levels upon request from local school boards seeking to implement experimental or innovative programs that are not consistent with these staffing levels.

M. School boards shall, however, annually, on or before December 31, report to the public (i) the actual pupil/teacher ratios in elementary school classrooms in the local school division by school for the current school year; and (ii) the actual pupil/teacher ratios in middle school and high school in the local school division by school for the current school year. Actual pupil/teacher ratios shall include only the teachers who teach the grade and class on a full-time basis and shall exclude resource personnel. School boards shall report pupil/teacher ratios that include resource teachers in the same annual report. Any classes funded through the voluntary kindergarten through third grade class size reduction program shall be identified as such classes. Any classes having waivers to exceed the requirements of this subsection shall also be identified. Schools shall be identified; however, the data shall be compiled in a manner to ensure the confidentiality of all teacher and pupil identities.

N. Students enrolled in a public school on a less than full-time basis shall be counted in ADM in the relevant school division. Students who are either (i) enrolled in a nonpublic school or (ii) receiving home instruction pursuant to § 22.1-254.1, and who are enrolled in public school on a less than full-time basis in any mathematics, science, English, history, social science, career and technical education, fine arts, foreign language, or health education or physical education course shall be counted in the ADM in the relevant school division on a pro rata basis as provided in the appropriation act. Each such course enrollment by such students shall be counted as 0.25 in the ADM; however, no such nonpublic or home school student shall be counted as more than one-half a student for purposes of such pro rata calculation. Such calculation shall not include enrollments of such students in any other public school courses.

O. Each school board shall provide at least three specialized student support positions per 1,000 students. For purposes of this subsection, specialized student support positions include school social workers, school psychologists, school nurses, licensed behavior analysts, licensed assistant behavior analysts, and other licensed health and behavioral positions, which may either be employed by the school board or provided through contracted services.

In order to fill vacant school psychologist positions, any local school board may employ, under a provisional license issued by the Department for three school years with an allowance for an additional two-year extension with the approval of the division superintendent, clinical psychologists licensed by the Board of Psychology, provided that any such individual makes progress toward completing the requirements for full licensure as a school psychologist during such period of employment.

P. Each local school board shall provide those support services that are necessary for the efficient and cost-effective operation and maintenance of its public schools.

For the purposes of this title, unless the context otherwise requires, "support services positions" shall include the following:

1. Executive policy and leadership positions, including school board members, superintendents and assistant superintendents;

2. Fiscal and human resources positions, including fiscal and audit operations;

3. Student support positions, including (i) social work administrative positions not included in subsection O; (ii) school counselor administrative positions not included in subdivision H 4; (iii) homebound administrative positions supporting instruction; (iv) attendance support positions related to truancy and dropout prevention; and (v) health and behavioral administrative positions not included in subsection O;

4. Instructional personnel support, including professional development positions and library and media positions not included in subdivision H 3;

5. Technology professional positions not included in subsection J;

6. Operation and maintenance positions, including facilities; pupil transportation positions; operation and maintenance professional and service positions; and security service, trade, and laborer positions;

7. Technical and clerical positions for fiscal and human resources, student support, instructional personnel support, operation and maintenance, administration, and technology; and

8. School-based clerical personnel in elementary schools; part-time to 299 students, one full-time at 300 students; clerical personnel in middle schools; one full-time and one additional full-time for each 600 students beyond 200 students and one full-time for the library at 750 students; clerical personnel in high schools; one full-time and one additional full-time for each 600 students beyond 200 students and one full-time for the library at 750 students. Local school divisions that employ a sufficient number of school-based clerical personnel to meet this staffing requirement may assign the clerical personnel to schools within the division according to the area of greatest need, regardless of whether such schools are elementary, middle, or secondary.

Pursuant to the appropriation act, support services shall be funded from basic school aid.

School divisions may use the state and local funds for support services to provide additional instructional services.

Q. Notwithstanding the provisions of this section, when determining the assignment of instructional and other licensed personnel in subsections C through J, a local school board shall not be required to include full-time students of approved virtual school programs.

R. Each local school board shall designate a faculty member to serve as a special education parent/family liaison. The special education parent/family liaison shall serve as a resource to parents and families to understand and engage in (i) the referral, evaluation, reevaluation, and eligibility process if they suspect that their child has a disability and (ii) the IEP process and shall work in collaboration with the special education family support centers established pursuant to § 22.1-214.5. Each school board shall post the name of the designated special education parent/family liaison publicly on its website.

§ 22.1-253.13:4. Standard 4. Student achievement and graduation requirements.

A. Each local school board shall award diplomas to all secondary school students, including students who transfer from nonpublic schools or from home instruction, who meet the requirements prescribed by the Board and meet such other requirements as may be prescribed by the local school board and approved by the Board. Provisions shall be made to facilitate the transfer and appropriate grade placement of students from other public secondary schools, from nonpublic schools, or from home instruction as outlined in the standards for accreditation. The standards for accreditation shall include provisions relating to the completion of graduation requirements through Virtual Virginia. Further, reasonable accommodation to meet the requirements for diplomas shall be provided for otherwise qualified students with disabilities as needed.

In addition, each local school board may devise, vis-a-vis the award of diplomas to secondary school students, a mechanism for calculating class rankings that takes into consideration whether the student has taken a required class more than one time and has had any prior earned grade for such required class expunged.

Each local school board shall notify the parents of rising eleventh and twelfth grade students of (i) the requirements for graduation pursuant to the standards for accreditation and (ii) the requirements that have yet to be completed by the individual student.

B. Students identified as disabled who ~~complete~~*:*

1. Complete alternative requirements, in the form of credit accommodations specified in their individualized education programs, to earn required standard and verified credits shall be awarded standard diplomas by local school boards. Such credit accommodations may include (i) approval of alternative courses to meet standard credit requirements, (ii) modifications to the requirements for local school divisions to award locally awarded verified credits, (iii) approval of additional tests to earn verified credits, (iv) adjusted cut scores required to earn verified credits, (v) allowance of work-based learning experiences, and (vi) special permission credit accommodations for locally awarded verified credits; and

2. Complete the requirements of their individualized education programs and meet certain requirements prescribed by the Board pursuant to regulations but do not meet the requirements for any named diploma shall be awarded Applied Studies diplomas by local school boards. The Board shall develop and implement statewide requirements for earning an Applied Studies diploma for implementation at the beginning of the 2022-2023 school year.

~~Each local school board shall notify the parent of such students with disabilities who have an individualized education program and who fail to meet the graduation requirements of the student's right to a free and appropriate education to age 21, inclusive, pursuant to Article 2 (§ 22.1-213 et seq.) of Chapter 13.~~

The Department shall develop guidance, in multiple languages, for students and parents *(i) informing them of the alternative path to earn a standard diploma through credit accommodations, including special permission credit accommodations for locally awarded verified credits; (ii)* conveying ~~(i)~~ *(a)* the limitations of the applied studies diploma, ~~(ii)~~ *(b)* key curriculum and testing decisions that reduce the likelihood that a student will be able to obtain a standard diploma, and ~~(iii)~~ *(c)* a statement that the pursuit of an applied studies diploma may preclude a student's ability to pursue a standard diploma*; and (iii) supporting them to discuss these diploma options at the student's individualized education program meetings*.

Each local school board shall *develop a process for awarding locally verified credits to students with disabilities, require individualized education program teams to consider credit accommodations, including locally awarded verified credits, for students with disabilities to enable them to earn a standard diploma, and* provide guidance from the Department to parents of students with disabilities regarding *the availability of credit accommodations to earn a standard diploma and the limitations of* the Applied Studies diploma ~~and its limitations~~ at a student's annual individualized education program meeting corresponding to grades three through 12 when curriculum or statewide assessment decisions are being made that impact the type of diploma for which the student can qualify.

Each local school board shall notify the parent of such students with disabilities who have an individualized education program and who fail to meet the graduation requirements of the student's right to a free and appropriate education to age 21, inclusive, pursuant to Article 2 (§ 22.1-213 et seq.) of Chapter 13.

C. Students who have completed a prescribed course of study as defined by the local school board shall be awarded certificates of program completion by local school boards if they are not eligible to receive a Board-approved diploma.

Each local school board shall provide notification of the right to a free public education for students who have not reached 20 years of age on or before August 1 of the school year, pursuant to Chapter 1 (§ 22.1-1 et seq.), to the parent of students who fail to graduate or who have failed to achieve graduation requirements as provided in the standards for accreditation. If such student who does not graduate or complete such requirements is a student for whom English is a second language, the local school board shall notify the parent of the student's opportunity for a free public education in accordance with § 22.1-5.

D. In establishing graduation requirements, the Board shall:

1. Develop and implement, in consultation with stakeholders representing elementary and secondary education, higher education, and business and industry in the Commonwealth and including parents, policymakers, and community leaders in the Commonwealth, a Profile of a Virginia Graduate that identifies the knowledge and skills that students should attain during high school in order to be successful contributors to the economy of the Commonwealth, giving due consideration to critical thinking, creative thinking, collaboration, communication, and citizenship.

2. Emphasize the development of core skill sets in the early years of high school.

3. Establish multiple paths toward college and career readiness for students to follow in the later years of high school. Each such pathway shall include opportunities for internships, externships, and credentialing.

4. Provide for the selection of integrated learning courses meeting the Standards of Learning and approved by the Board to satisfy graduation requirements, which shall include Standards of Learning testing, as necessary.

5. Require students to complete at least one course in fine or performing arts or career and technical education, one course in United States and Virginia history, and two sequential elective courses chosen from a concentration of courses selected from a variety of options that may be planned to ensure the completion of a focused sequence of elective courses that provides a foundation for further education or training or preparation for employment.

6. Require that students (i) complete an Advanced Placement, honors, International Baccalaureate, or dual enrollment course; (ii) complete a high-quality work-based learning experience, as defined by the Board; or (iii) earn a career and technical education credential that has been approved by the Board, except when a career and technical education credential in a particular subject area is not readily available or appropriate or does not adequately measure student competency, in which case the student shall receive satisfactory competency-based instruction in the subject area to earn credit. The career and technical education credential, when required, could include the successful completion of an industry certification, a state licensure examination, a national occupational competency assessment, the Armed Services Vocational Aptitude Battery, or the Virginia workplace readiness skills assessment. The Department shall develop, maintain, and make available to each local school board a catalogue of the testing accommodations available to English language learners for each such certification, examination, assessment, and battery. Each local school board shall develop and implement policies to require each high school principal or his designee to notify each English language learner of the availability of such testing accommodations prior to the student's participation in any such certification, examination, assessment, or battery.

7. Require students to be trained in emergency first aid, cardiopulmonary resuscitation, and the use of automated external defibrillators, including hands-on practice of the skills necessary to perform cardiopulmonary resuscitation.

8. Make provision in its regulations for students with disabilities to earn a diploma.

9. Require students to complete one virtual course, which may be a noncredit-bearing course.

10. Provide that students who complete elective classes into which the Standards of Learning for any required course have been integrated and achieve a passing score on the relevant Standards of Learning test for the relevant required course receive credit for such elective class.

11. Establish a procedure to facilitate the acceleration of students that allows qualified students, with the recommendation of the division superintendent, without completing the 140-hour class, to obtain credit for such class upon demonstrating mastery of the course content and objectives and receiving a passing score on the relevant Standards of Learning assessment. Nothing in this section shall preclude relevant school division personnel from enforcing compulsory attendance in public schools.

12. Provide for the award of credit for passing scores on industry certifications, state licensure examinations, and national occupational competency assessments approved by the Board.

School boards shall report annually to the Board the number of Board-approved industry certifications obtained, state licensure examinations passed, national occupational competency assessments passed, Armed Services Vocational Aptitude

Battery assessments passed, and Virginia workplace readiness skills assessments passed, and the number of career and technical education completers who graduated. These numbers shall be reported as separate categories on the School Performance Report Card.

For the purposes of this subdivision, "career and technical education completer" means a student who has met the requirements for a career and technical concentration or specialization and all requirements for high school graduation or an approved alternative education program.

In addition, the Board may:

a. For the purpose of awarding credit, approve the use of additional or substitute tests for the correlated Standards of Learning assessment, such as academic achievement tests, industry certifications, or state licensure examinations; and

b. Permit students completing career and technical education programs designed to enable such students to pass such industry certification examinations or state licensure examinations to be awarded, upon obtaining satisfactory scores on such industry certification or licensure examinations, appropriate credit for one or more career and technical education classes into which relevant Standards of Learning for various classes taught at the same level have been integrated. Such industry certification and state licensure examinations may cover relevant Standards of Learning for various required classes and may, at the discretion of the Board, address some Standards of Learning for several required classes.

13. Provide for the waiver of certain graduation requirements and the subsequent award of a high school diploma (i) upon the Board's initiative, (ii) at the request of a local school board, or (iii) upon the request of the parent of any high school senior who died in good standing prior to graduation during the student's senior year. Such waivers shall be granted only for good cause and shall be considered on a case-by-case basis.

14. Consider all computer science course credits earned by students to be science course credits, mathematics course credits, or career and technical education credits. The Board shall develop guidelines addressing how computer science courses can satisfy graduation requirements.

15. Permit local school divisions to waive the requirement for students to receive 140 clock hours of instruction upon providing the Board with satisfactory proof, based on Board guidelines, that the students for whom such requirements are waived have learned the content and skills included in the relevant Standards of Learning.

16. Provide for the award of verified units of credit for a satisfactory score, as determined by the Board, on the Preliminary ACT (PreACT) or Preliminary SAT/National Merit Scholarship Qualifying Test (PSAT/NMSQT) examination.

17. Permit students to exceed a full course load in order to participate in courses offered by an institution of higher education that lead to a degree, certificate, or credential at such institution.

18. Permit local school divisions to waive the requirement for students to receive 140 clock hours of instruction after the student has completed the course curriculum and relevant Standards of Learning end-of-course assessment, or Board-approved substitute, provided that such student subsequently receives instruction, coursework, or study toward an industry certification approved by the local school board.

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

20. Permit a student who is pursuing an advanced diploma and whose individualized education program specifies a credit accommodation for world language to substitute two standard units of credit in computer science for two standard units of credit in a world language. For any student that elects to substitute a credit in computer science for credit in world language, his or her school counselor must provide notice to the student and parent or guardian of possible impacts related to college entrance requirements.

E. In the exercise of its authority to recognize exemplary performance by providing for diploma seals:

1. The Board shall develop criteria for recognizing exemplary performance in career and technical education programs by students who have completed the requirements for a Board of Education-approved diploma and shall award seals on the diplomas of students meeting such criteria.

2. The Board shall establish criteria for awarding a diploma seal for science, technology, engineering, and mathematics (STEM) for the Board-approved diplomas. The Board shall consider including criteria for (i) relevant coursework; (ii) technical writing, reading, and oral communication skills; (iii) relevant training; and (iv) industry, professional, and trade association national certifications.

3. The Board shall establish criteria for awarding a diploma seal for excellence in civics education and understanding of our state and federal constitutions and the democratic model of government for the Board-approved diplomas. The Board shall consider including criteria for (i) successful completion of history, government, and civics courses, including courses that incorporate character education; (ii) voluntary participation in community service or extracurricular activities that includes the types of activities that shall qualify as community service and the number of hours required; and (iii) related requirements as it deems appropriate.

4. The Board shall establish criteria for awarding a diploma seal of biliteracy to any student who demonstrates proficiency in English and at least one other language for the Board-approved diplomas. The Board shall consider criteria including the student's (i) score on a College Board Advanced Placement foreign language examination, (ii) score on an SAT II Subject Test in a foreign language, (iii) proficiency level on an ACTFL Assessment of Performance toward

Proficiency in Languages (AAPPL) measure or another nationally or internationally recognized language proficiency test, or (iv) cumulative grade point average in a sequence of foreign language courses approved by the Board.

F. The Board shall establish, by regulation, requirements for the award of a general achievement adult high school diploma for those persons who are not subject to the compulsory school attendance requirements of § 22.1-254 and have (i) achieved a passing score on a high school equivalency examination approved by the Board; (ii) successfully completed an education and training program designated by the Board; (iii) earned a Board-approved career and technical education credential such as the successful completion of an industry certification, a state licensure examination, a national occupational competency assessment, the Armed Services Vocational Aptitude Battery, or the Virginia workplace readiness skills assessment; and (iv) satisfied other requirements as may be established by the Board for the award of such diploma.

G. To ensure the uniform assessment of high school graduation rates, the Board shall collect, analyze, report, and make available to the public high school graduation and dropout data using a formula prescribed by the Board.

H. The Board shall also collect, analyze, report, and make available to the public high school graduation and dropout data using a formula that excludes any student who fails to graduate because such student is in the custody of the Department of Corrections, the Department of Juvenile Justice, or local law enforcement. For the purposes of the Standards of Accreditation, the Board shall use the graduation rate required by this subsection.

I. The Board may promulgate such regulations as may be necessary and appropriate for the collection, analysis, and reporting of such data required by subsections G and H.

§ 22.1-253.13:5. (For effective date, see 2022 Acts, cc. 549 and 550, cl. 2) Standard 5. Quality of classroom instruction and educational leadership.

A. Each member of the Board shall participate in high-quality professional development programs on personnel, curriculum and current issues in education as part of his service on the Board.

B. Consistent with the finding that leadership is essential for the advancement of public education in the Commonwealth, teacher, principal, and superintendent evaluations shall be consistent with the performance standards included in the Guidelines for Uniform Performance Standards and Evaluation Criteria for Teachers, Principals, and Superintendents. Evaluations shall include student academic progress as a significant component and an overall summative rating. Teacher evaluations shall include regular observation and evidence that instruction is aligned with the school's curriculum. Evaluations shall include identification of areas of individual strengths and weaknesses and recommendations for appropriate professional activities. Evaluations shall include an evaluation of cultural competency.

C. The Board shall provide guidance on high-quality professional development for (i) teachers, principals, supervisors, division superintendents, and other school staff; (ii) principals, supervisors, and division superintendents in the evaluation and documentation of teacher and principal performance based on student academic progress and the skills and knowledge of such instructional or administrative personnel; (iii) school board members on personnel, curriculum and current issues in education; (iv) teachers of the blind and visually impaired, in cooperation with the Virginia Department for the Blind and Vision Impaired, in Braille; (v) any individual with an endorsement in early/primary education preschool through grade three, elementary education preschool through grade six, special education general curriculum kindergarten through grade 12, special education deaf and hard of hearing preschool through grade 12, special education blindness/visual impairments preschool through grade 12, or English as a second language preschool through grade 12, or as a reading specialist that builds proficiency in science-based reading research and evidence-based literacy instruction; (vi) each teacher with an endorsement in middle education grades six through eight who teaches English that builds proficiency in evidence-based literacy instruction and science-based reading research; ~~and~~ (vii) each middle school principal and teacher with an endorsement in middle education grades six through eight who teaches mathematics, science, or history and social science that builds an awareness of evidence-based literacy instruction and science-based reading research*; (viii) each teacher with a provisional general education or special education license or an endorsement in early/primary education preschool through grade three, elementary education preschool through grade six, middle education grades six through eight, and secondary education grades six through 12; each principal with an endorsement in administration and supervision preschool through grade 12; and each teacher's aide or other paraprofessional that builds proficiency in instructional practices to support specially designed instruction in inclusive settings; and (ix) each teacher with a provisional special education license or an endorsement in special education general curriculum preschool through grade 12, special education deaf and hard of hearing preschool through grade 12, or special education blindness and visual impairments preschool through grade 12 that builds proficiency in implementing the Virginia IEP established pursuant to subdivision 11 of § 22.1-214.4 and the referral, evaluation, reevaluation, and eligibility forms and worksheets referenced in subdivision 6 of § 22.1-214.4*.

The Board shall also provide technical assistance on high-quality professional development to local school boards designed to ensure that all instructional personnel are proficient in the use of educational technology consistent with its comprehensive plan for educational technology.

The Department shall provide technical assistance, including literacy coaching, to local school divisions to provide professional development in science-based reading research and evidence-based literacy instruction for students in kindergarten through grade eight. The Department shall also create a list of professional development programs aligned with science-based reading research and evidence-based literacy instruction that includes programs that provide training in dyslexia for reading specialists as required by subsection G of § 22.1-253.13:2. The list shall be approved by the Board. The Department shall provide resources to local school divisions to ensure that each division is able to provide professional

development to teachers and reading specialists listed in subdivision E 2 in one of the programs enumerated in the list approved by the Board pursuant to this subdivision and that such professional development is provided at no cost to the teachers and reading specialists.

The Department shall provide technical assistance, including special education coaching, to local school divisions to provide professional development in special education and related services and in instructional practices to support specially designed instruction in inclusive settings. The Department shall provide resources to local school divisions to ensure that each division is able to provide professional development to the teachers, principals, teacher's aides, and other paraprofessionals listed in subdivisions E 4 and 5 at no cost to such individuals.

D. Each local school board shall require (i) its members to participate annually in high-quality professional development activities at the state, local, or national levels on governance, including, but not limited to, personnel policies and practices; the evaluation of personnel, curriculum, and instruction; use of data in planning and decision making; and current issues in education as part of their service on the local board and (ii) the division superintendent to participate annually in high-quality professional development activities at the local, state, or national levels, including the Standards of Quality, Board regulations, and the Guidelines for Uniform Performance Standards and Evaluation Criteria for Teachers, Principals, and Superintendents.

E. Each local school board shall provide a program of high-quality professional development (i) in the use and documentation of performance standards and evaluation criteria based on student academic progress and skills for teachers, principals, and superintendents to clarify roles and performance expectations and to facilitate the successful implementation of instructional programs that promote student achievement at the school and classroom levels; (ii) as part of the license renewal process, to assist teachers and principals in acquiring the skills needed to work with gifted students, students with disabilities, and students who have been identified as having limited English proficiency and to increase student achievement and expand the knowledge and skills students require to meet the standards for academic performance set by the Board; (iii) in educational technology for all instructional personnel which is designed to facilitate integration of computer skills and related technology into the curricula; and (iv) for principals and supervisors designed to increase proficiency in instructional leadership and management, including training in the evaluation and documentation of teacher and principal performance based on student academic progress and the skills and knowledge of such instructional or administrative personnel.

In addition, each local school board shall provide:

1. Teachers and principals with high-quality professional development programs each year in ~~(a)~~ *(i)* instructional content; ~~(b)~~ *(ii)* the preparation of tests and other assessment measures; ~~(c)~~ *(iii)* methods for assessing the progress of individual students, including Standards of Learning assessment materials or other criterion-referenced tests that match locally developed objectives; ~~(d)~~ *(iv)* instruction and remediation techniques in English, mathematics, science, and history and social science; ~~(e)~~ *(v)* interpreting test data for instructional purposes; ~~(f)~~ *(vi)* technology applications to implement the Standards of Learning; and ~~(g)~~ *(vii)* effective classroom management;

2. High-quality professional development and training in science-based reading research and evidence-based literacy instruction, from the list developed and the resources provided by the Department pursuant to subsection C or an alternative program that consists of evidence-based literacy instruction and aligns with science-based reading research approved by the Department, for each elementary school principal and each teacher with an endorsement in early/primary education preschool through grade three, elementary education preschool through grade six, special education general curriculum kindergarten through grade 12, special education deaf and hard of hearing preschool through grade 12, special education blindness/visual impairments preschool through grade 12, or English as a second language preschool through grade 12, or as a reading specialist that builds proficiency in evidence-based literacy instruction and science-based reading research in order to aid in the licensure renewal process for such individuals; ~~and~~

3. High-quality professional development and training in science-based reading research and evidence-based literacy instruction, from the list developed and the resources provided by the Department pursuant to subsection C, or an alternative program that consists of evidence-based literacy instruction and aligns with science-based reading research approved by the Department, for (i) each teacher with an endorsement in middle education grades six through eight who teaches English that builds proficiency in evidence-based literacy instruction and science-based reading research and (ii) each middle school principal and teacher with an endorsement in middle education grades six through eight who teaches mathematics, science, or history and social science that builds an awareness of evidence-based literacy instruction and science-based reading research*;*

4. High-quality professional development in implementing the Virginia IEP established pursuant to subdivision 11 of § 22.1-214.4 and the referral, evaluation, reevaluation, and eligibility forms and worksheets referenced in subdivision 6 of § 22.1-214.4 for each teacher with a provisional special education license or an endorsement in special education general curriculum kindergarten through grade 12, special education deaf and hard of hearing preschool through grade 12, and special education blindness and visual impairments preschool through grade 12; and

5. High-quality professional development in instructional practices to support specially designed instruction in inclusive settings for each teacher with a provisional general education license or an endorsement in early/primary education preschool through grade three, elementary education preschool through grade six, and secondary education grades six through 12; each principal with an endorsement in administration and supervision preschool through grade 12;

each teacher's aide or other paraprofessional; and any teacher with a provisional special education license for whom the school board determines there is a need for such professional development.

F. Schools and school divisions shall include as an integral component of their comprehensive plans required by § 22.1-253.13:6, high-quality professional development programs that support the recruitment, employment, and retention of qualified teachers and principals. Each school board shall require all instructional personnel to participate each year in these professional development programs.

G. Each local school board shall annually review its professional development program for quality, effectiveness, participation by instructional personnel, and relevancy to the instructional needs of teachers and the academic achievement needs of the students in the school division.

§ 22.1-289. Transfer and management of scholastic records; disclosure of information in court notices; penalty.

A. As used in this section:

"Scholastic record" means those records that are directly related to a student and are maintained by an educational agency or institution or by a party acting for the agency or institution. These include, but are not limited to, documentation pertinent to the educational growth and development of students as they progress through school, student disciplinary records, achievement and test data, cumulative health records, reports of assessments for eligibility for special education services, and Individualized Education Programs. Such records may be recorded in any way, including, but not limited to, handwriting, print, computer media, video or audio tape, film, microfilm, and microfiche.

A notice of adjudication or conviction received by a superintendent relating to an incident which did not occur on school property or during a school-sponsored activity shall not be a part of a student's scholastic record.

The term "scholastic record" also shall not include records of instructional, supervisory, administrative, and ancillary educational personnel that are kept in the sole possession of the maker of the record and are not accessible or revealed to any other person except a temporary substitute for the maker of the record.

B. Whenever a pupil transfers from one school division to another, the scholastic record or a copy of the scholastic record shall be transferred to the school division to which the pupil transfers upon request from such school division. Permission of the parent, guardian, or other person having control or charge of the student shall not be required for transfer of such scholastic record to another school or school division within or outside the Commonwealth.

C. Any notice of disposition received pursuant to § 16.1-305.1 shall not be retained after the student has been awarded a diploma or a certificate as provided in § 22.1-253.13:4.

D. Every student's scholastic record shall be available to the student and his parent, guardian, or other person having control or charge of the student for inspection during the regular school day. Permission of the parent, guardian, or other person having control or charge of the student, or of a student who is 18 years of age or older, shall not be required for transfer of such scholastic record to another school or school division within or without this Commonwealth.

Consistent with federal law and regulation, each school shall annually notify parents of students currently enrolled and in attendance of their rights under the federal Family Educational Rights and Privacy Act (20 U.S.C. § 1232g) and related regulations.

A school responding to a request for the transfer of the scholastic record from another school division need not provide written notice of the transfer of the record, including the identity of the requester, to the parent, guardian, or other person having control or charge of the student, or to a student who is 18 years of age or older, if the school has previously included in the annual notice required by this subsection a statement that it forwards such records to such requesting school divisions.

E. Whenever the division superintendent is notified by the Department of Juvenile Justice, pursuant to § 16.1-287, or by a school division employee responsible for education programs in a local jail or a detention center, that a pupil who last attended a school within the school division is a pupil in a school of a juvenile correctional center of the Department of Juvenile Justice, or a pupil in an educational program in a local jail or detention center, the school division superintendent or his designee shall transfer the scholastic record of such pupil to the designated juvenile correctional center or local jail or a detention center, as the case may be, within five work days. The Department of Juvenile Justice shall transfer the scholastic record of a student who has been discharged from a juvenile correctional center to the relevant school division within five work days of the student's discharge.

The Board of Education shall adopt regulations concerning the transfer and management of scholastic records from one school division to another, to the learning centers of the Department of Juvenile Justice, and to educational programs in local jails and detention centers.

Upon receiving notice of a foster care placement of a student across jurisdictional lines, the sending school division and the receiving school division, as such school divisions are defined in subsection D of § 22.1-3.4, shall expedite the transfer of the scholastic record of the student.

F. The division superintendent or his designee shall notify the local police or sheriff's department for investigation as a possible missing child of any enrolled pupil whose scholastic record he is unable to obtain within 60 days or sooner, if the division superintendent or his designee has reason to suspect that the pupil is a missing child.

G. Superintendents and their designees shall be immune from any civil or criminal liability in connection with any notice to a police or sheriff's department of a pupil lacking a scholastic record or failure to give such notice as required by this section.

H. Except as provided in §§ 16.1-309 and 22.1-287 and this section, a superintendent or his designee, or other school personnel who unlawfully discloses information obtained pursuant to § 16.1-305.1 shall be guilty of a Class 3 misdemeanor.

I. After a child with a disability, as defined in § 22.1-213, graduates from, ages out of, or otherwise leaves any public elementary or secondary school in the Commonwealth, such school shall retain the special education records of such child for at least seven years. Each such school shall notify the parents of each such child of the opportunity to obtain such records during such retention period.

§ 23.1-902.1. (For effective date, see 2022 Acts, cc. 549 and 550, cl. 2) Education preparation programs; coursework; audit.

A. As used in this section~~,~~*:*

"~~evidence-based~~ *Evidence-based* literacy instruction" and "science-based reading research" have the same meanings as provided in § 22.1-1.

"Instructional practices to support specially designed instruction in inclusive settings" has the same meaning as provided in § 22.1-213.

B. Each education preparation program offered by a public institution of higher education or private institution of higher education or alternative certification program that provides training for any student seeking initial licensure by the Board of Education or a certificate or microcredential in early literacy or literacy coaching shall:

1. Include a program of coursework and require all such students to demonstrate mastery in science-based reading research and evidence-based literacy instruction. Each such program of coursework and the student mastery required to be demonstrated therein shall be consistent with definitions and expectations established by the Board of Education and the Department of Education after consultation with a commission consisting of independent literacy experts and stakeholders with knowledge of science-based reading research and evidence-based literacy instruction that has reviewed the requirements established in subdivision 6 of 8VAC20-23-130, subdivision 6 of 8VAC20-23-190, subdivision 2 a of 8VAC20-23-350, 8VAC20-23-510 through 8VAC20-23-580, and 8VAC20-23-660; and

2. For any such student seeking initial licensure by the Board of Education as a teacher with an endorsement in early childhood, elementary education, or special education or with an endorsement as a reading specialist, ensure that reading coursework and field practice opportunities are a significant focus of the education preparation program.

C. *Each education preparation program offered by a public institution of higher education or private institution of higher education or alternative certification program that provides training for any student seeking initial licensure by the Board of Education with an endorsement in early/primary education preschool through grade three, elementary education preschool through grade six, middle education grades six through eight, and secondary education grades six through 12 shall:*

1. Include a program of coursework and require all such students to demonstrate mastery in instructional practices to support specially designed instruction in inclusive settings. Each such program of coursework and the student mastery required to be demonstrated therein shall be consistent with definitions and expectations established by the Board of Education and the Department of Education after consultation with a commission consisting of independent special education experts and stakeholders that has reviewed the requirements established in 8VAC20-23-510 through 8VAC20-23-580; and

2. For any such student seeking initial licensure by the Board of Education as a teacher with an endorsement in early/primary, elementary, or secondary education, ensure that coursework and, as available, field practice opportunities that build knowledge of instructional practices to support specially designed instruction in inclusive settings are a significant focus of the education preparation program.

D. The Department of Education shall audit at least once every seven years each education preparation program, in alignment with each program's accreditation cycle, for compliance with the requirements set forth in subsection B.

~~D.~~ *E.* Each education preparation program offered by a public institution of higher education or private institution of higher education that leads to a degree, concentration, endorsement, or certificate for reading specialists shall include a program of coursework and other training in the identification of and the appropriate interventions, accommodations, and teaching techniques for students with dyslexia or a related disorder. Such program shall (i) include coursework in the constructs and pedagogy underlying remediation of reading, spelling, and writing and (ii) require reading specialists to demonstrate mastery of science-based reading research and evidence-based literacy instruction, including appropriate application of instructional supports and services and reading literacy interventions to ensure reading proficiency.

2. That the Department of Education shall amend its guidelines, *Management of the Student's Scholastic Record in the Public Schools of Virginia*, in accordance with the provisions of § 22.1-289 of the Code of Virginia, as amended by this act.

3. That The Library of Virginia shall amend its *Records Retention and Disposition Schedule, General Schedule No. GS-21, County and Municipal Governments, Public School* in accordance with the provisions of § 22.1-289 of the Code of Virginia, as amended by this act.

4. That the provisions of subdivision 11 of § 22.1-214.4 of the Code of Virginia, as amended by this act, and subdivisions E 4 and 5 of § 22.1-253.13:5 of the Code of Virginia, as amended by this act, shall become effective on July 1, 2027, and shall be fully implemented in each local school division beginning in the 2027–2028 school year.

5. That no later than November 1, 2024, the Department of Education shall submit to the Chairmen of the House Committee on Appropriations, the House Committee on Education, the Senate Committee on Education and Health, and the Senate Committee on Finance and Appropriations an initial report on its progress toward improving services to students with disabilities, including (i) the estimated costs, requirements, and timeline to implement the

Virginia IEP data system and template; (ii) a plan for the Department of Education to begin providing technical assistance and coaching to local school divisions; (iii) the status of reviews, form updates, and worksheet development relating to referral, evaluation, reevaluation, and eligibility; and (iv) estimated costs and the timeline to develop and implement high-quality professional development to support (a) the implementation of referral, evaluation, reevaluation, and eligibility guidance, forms, and worksheets; (b) the effective utilization of the Virginia IEP data system and template; and (c) the implementation of instructional practices to support the provision of specially designed instruction in inclusive settings.

6. That the Department of Education (the Department) shall make the first annual public report as required pursuant to subdivision 12 of § 22.1-214.4 of the Code of Virginia, as amended by this act, by January 1, 2025. Upon the completion of the planned update of the School Quality Profiles system by the Department, the Department shall thereafter satisfy such annual reporting requirement by incorporating the necessary data into such system.

7. That no later than January 1, 2028, each school board shall adopt policies regarding the utilization of the components of the Virginia IEP or a local alternative to either such component.

8. That the Board of Education shall review and consider an update to its regulations, including 8VAC20-81-110, to include parent and student input as required content in an IEP for all relevant students, define "short-term objectives" for the purpose of IEP content, and include, as appropriate, short-term objectives derived from measurable goals as required content in an IEP for all relevant students.

9. That there is hereby established an advisory committee within the Department of Education (the Department) to support the Department in the implementation of the requirements of this act. Such advisory committee shall consist of at least 26 members, including two legislative members and at least 24 nonlegislative citizen members, appointed as follows: (i) one member of the House of Delegates to be appointed by the Speaker of the House of Delegates, giving preference to a member with a child with a disability enrolled in a public elementary or secondary school in the Commonwealth; (ii) one member of the Senate of Virginia to be appointed by the Senate Committee on Rules, giving preference to a member with a child with a disability enrolled in a public elementary or secondary school in the Commonwealth; and (iii) at least 24 nonlegislative citizen members appointed by the Superintendent of Public Instruction (the Superintendent), including two parents of public school students with disabilities and two students with disabilities who represent a diverse array of school settings, including by grade level, region of the Commonwealth, disability, and Title I status; at least 15 school division staff who represent a similarly diverse array of school settings and each of the eight Superintendent's regions and who include at least two division superintendents, special education administrators, principals, general education teachers, and special education teachers and at least one speech and language pathologist, physical therapist, occupational therapist, school counselor, and school psychologist. The Department shall work with such advisory committee to develop and implement a system for gathering public input on the implementation of this act.

10. That the Virginia Commission on Youth (the Commission) shall study and make recommendations on Virginia's special education dispute resolution system. In conducting such study, the Commission shall (i) consider the entire special education dispute resolution system in the Commonwealth, including the parent ombudsman for special education, mediation, complaints, and due process; (ii) review the effectiveness of such system in responding to the concerns of parents, analyze such system in comparison to best practices from other states, and make actionable recommendations for improvement, including regulatory, statutory, staffing, and budgetary modifications; and (iii) specifically review and make recommendations to improve the Department of Education's system for collecting, tracking, analyzing, and publicly reporting data on parent interactions with such system and the outcomes of such interactions. The Commission shall report its findings and recommendations to the General Assembly no later than November 1, 2025.

CHAPTER 503

An Act to amend and reenact § 2.2-5514 of the Code of Virginia, relating to Commonwealth information security requirements.

[S 222]

Approved April 4, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 2.2-5514 of the Code of Virginia is amended and reenacted as follows:

§ 2.2-5514. Prohibited products and services and required incident reporting.

A. ~~For the purposes of this section, "public~~ *As used in this chapter, unless the context requires a different meaning:*

"Cybersecurity information" means information describing or relating to any security system or measure, whether manual or automated, that is used to control access to or use of information technology; security risks, threats, or vulnerabilities involving information technology; or security preparedness, response, or recovery related to information technology. "Cybersecurity information" includes critical infrastructure information and information regarding cybersecurity risks, cybersecurity threats, and incidents, as those terms are defined in 6 U.S.C. § 650.

"Public body" means any legislative body; any court of the Commonwealth; any authority, board, bureau, commission, district, or agency of the Commonwealth; any political subdivision of the Commonwealth, including counties, cities, and towns, city councils, boards of supervisors, school boards, planning commissions, and governing boards of institutions of higher education; and other organizations, corporations, or agencies in the Commonwealth supported wholly or principally by public funds. "Public body" includes any committee, subcommittee, or other entity however designated of the public body or formed to advise the public body, including those with private sector or citizen members and corporations organized by the Virginia Retirement System.

B. No public body may use, whether directly or through work with or on behalf of another public body, any hardware, software, or services that have been prohibited by the U.S. Department of Homeland Security for use on federal systems.

C. Every public body shall report all (i) known incidents that threaten the security of the Commonwealth's data or communications or result in exposure of data protected by federal or state laws and (ii) other incidents compromising the security of the public body's information technology systems with the potential to cause major disruption to normal activities of the public body or other public bodies. Such reports shall be made to the Virginia Fusion Intelligence Center within 24 hours from when the incident was discovered. The Virginia Fusion Intelligence Center shall share such reports with the Chief Information Officer, as described in § 2.2-2005, or his designee at the Virginia Information Technologies Agency, promptly upon receipt.

D. No cybersecurity information received by the Virginia Information Technologies Agency (VITA) shall be subject to the Virginia Freedom of Information Act (§ 2.2-3700 et seq.) or the Government Data Collection and Dissemination Practices Act (§ 2.2-3800 et seq.) while in the possession of VITA, neither transferring cybersecurity information to nor sharing cybersecurity information with VITA shall make VITA the custodian of such information for public records purposes. No provision of cybersecurity information to state agencies shall constitute a waiver of any applicable privilege or protection provided by law, including trade secret protection. Persons having access to cybersecurity information maintained by VITA shall keep such information confidential, and no person or agency receiving cybersecurity information from VITA shall release or disseminate such information without prior authorization. The Chief Information Officer, as pursuant to § 2.2-2005, or his designee may authorize publication or disclosure of reports or aggregate cybersecurity information as appropriate.

CHAPTER 504

An Act to amend and reenact §§ 18.2-340.16 and 18.2-340.19, relating to charitable gaming.

[S 344]

Approved April 4, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 18.2-340.16 and 18.2-340.19 of the Code of Virginia are amended and reenacted as follows:

§ 18.2-340.16. Definitions.

As used in this article, unless the context requires a different meaning:

"Bingo" means a specific game of chance played with (i) individual cards having randomly numbered squares ranging from one to 75, (ii) Department-approved electronic devices that display facsimiles of bingo cards and are used for the purpose of marking and monitoring players' cards as numbers are called, or (iii) Department-approved cards, in which prizes are awarded on the basis of designated numbers on such cards conforming to a predetermined pattern of numbers selected at random.

"Bona fide member" means an individual who participates in activities of a qualified organization other than such organization's charitable gaming activities.

"Charitable gaming" or "charitable games" means those raffles, Texas Hold'em poker tournaments, and games of chance explicitly authorized by this article. Unless otherwise specified, "charitable gaming" includes electronic gaming authorized by this article.

"Charitable gaming permit" or "permit" means a permit issued by the Department to an organization that authorizes such organization to conduct charitable gaming, and if such organization is qualified as a social organization, electronic gaming.

"Charitable gaming supplies" includes bingo cards or sheets, devices for selecting bingo numbers, instant bingo cards, pull-tab cards and seal cards, playing cards for Texas Hold'em poker, poker chips, and any other equipment or product manufactured for or intended to be used in the conduct of charitable games. However, for the purposes of this article, charitable gaming supplies shall not include items incidental to the conduct of charitable gaming such as markers, wands, or tape.

"Commissioner" means the Commissioner of the Department of Agriculture and Consumer Services.

"Conduct" means the actions associated with the provision of a gaming operation during and immediately before or after the permitted activity, which may include (i) selling bingo cards or packs, electronic devices, instant bingo or pull-tab cards, or raffle tickets, (ii) calling bingo games, (iii) distributing prizes, and (iv) any other services provided by volunteer workers.

"Department" means the Department of Agriculture and Consumer Services.

"Electronic gaming" or "electronic games" means any instant bingo, pull tabs, or seal card gaming that is conducted primarily by use of an electronic device. "Electronic gaming" does not include (i) the game of chance identified in clause (ii) of the definition of "bingo" or (ii) network bingo.

"Electronic gaming adjusted gross receipts" means the gross receipts derived from electronic gaming less the total amount in prize money paid out to players.

"Electronic gaming manufacturer" means a manufacturer of electronic devices used to conduct electronic gaming.

"Fair market rental value" means the rent that a rental property will bring when offered for lease by a lessor who desires to lease the property but is not obligated to do so and leased by a lessee under no necessity of leasing.

"Gaming expenses" means prizes, supplies, costs of publicizing gaming activities, audit and administration or permit fees, and a portion of the rent, utilities, accounting and legal fees, and such other reasonable and proper expenses as are directly incurred for the conduct of charitable gaming.

"Gross receipts" means the total amount of money generated by an organization from charitable gaming before the deduction of expenses, including prizes.

"Instant bingo," "pull tabs," or "seal cards" means specific games of chance played by the random selection of one or more individually prepacked cards with winners being determined by the preprinted or predetermined appearance of concealed letters, numbers, or symbols that must be exposed by the player to determine wins and losses and may include the use of a seal card that conceals one or more numbers or symbols that have been designated in advance as prize winners. Such cards may be dispensed by mechanical equipment.

"Jackpot" means a bingo game that the organization has designated on its game program as a jackpot game in which the prize amount is greater than $100.

"Landlord" means any person or his agent, firm, association, organization, partnership, or corporation, employee, or immediate family member thereof, which owns and leases, or leases any premises devoted in whole or in part to the conduct of bingo games or other charitable gaming pursuant to this article, and any person residing in the same household as a landlord.

"Management" means the provision of oversight of a gaming operation, which may include the responsibilities of applying for and maintaining a permit or authorization, compiling, submitting, and maintaining required records and financial reports, and ensuring that all aspects of the operation are in compliance with all applicable statutes and regulations.

"Network bingo" means a specific bingo game in which pari-mutuel play is permitted.

"Network bingo provider" means a person licensed by the Department to operate network bingo.

"Operation" means the activities associated with production of a charitable gaming or electronic gaming activity, which may include (i) the direct on-site supervision of the conduct of charitable gaming and electronic gaming; (ii) coordination of volunteers; and (iii) all responsibilities of charitable gaming and electronic gaming designated by the organization's management.

"Organization" means any one of the following:

1. A volunteer fire department or volunteer emergency medical services agency or auxiliary unit thereof that has been recognized in accordance with § 15.2-955 by an ordinance or resolution of the political subdivision where the volunteer fire department or volunteer emergency medical services agency is located as being a part of the safety program of such political subdivision;

2. An organization that is exempt from income tax pursuant to § 501(c)(3) of the Internal Revenue Code, is operated, and has always been operated, exclusively for educational purposes, and awards scholarships to accredited public institutions of higher education or other postsecondary schools licensed or certified by the Board of Education or the State Council of Higher Education for Virginia;

3. An athletic association or booster club or a band booster club established solely to raise funds for school-sponsored athletic or band activities for a public school or private school accredited pursuant to § 22.1-19 or to provide scholarships to students attending such school;

4. An association of war veterans or auxiliary units thereof organized in the United States;

5. A fraternal association or corporation operating under the lodge system;

6. An organization that is exempt from income tax pursuant to § 501(c)(3) of the Internal Revenue Code and is operated, and has always been operated, exclusively to provide services and other resources to older Virginians, as defined in § 51.5-116;

7. An organization that is exempt from income tax pursuant to § 501(c)(3) of the Internal Revenue Code and is operated, and has always been operated, exclusively to foster youth amateur sports;

8. An organization that is exempt from income tax pursuant to § 501(c)(3) of the Internal Revenue Code and is operated, and has always been operated, exclusively to provide health care services or conduct medical research;

9. An accredited public institution of higher education or other postsecondary school licensed or certified by the Board of Education or the State Council of Higher Education for Virginia that is exempt from income tax pursuant to § 501(c)(3) of the Internal Revenue Code;

10. A church or religious organization that is exempt from income tax pursuant to § 501(c)(3) of the Internal Revenue Code;

11. An organization that is exempt from income tax pursuant to § 501(c)(3) or 501(c)(4) of the Internal Revenue Code and is operated, and has always been operated, exclusively to (i) create and foster a spirit of understanding among the

people of the world; (ii) promote the principles of good government and citizenship; (iii) take an active interest in the civic, cultural, social, and moral welfare of the community; (iv) provide a forum for the open discussion of matters of public interest; (v) encourage individuals to serve the community without personal financial reward; and (vi) encourage efficiency and promote high ethical standards in commerce, industries, professions, public works, and private endeavors;

12. An organization that is exempt from income tax pursuant to § 501(c)(3) of the Internal Revenue Code and is operated, and has always been operated, exclusively to (i) raise awareness of law-enforcement officers who died in the line of duty; (ii) raise funds for the National Law Enforcement Officers Memorial and Museum; and (iii) raise funds for the charitable causes of other organizations that are exempt from income tax pursuant to § 501(c)(3) of the Internal Revenue Code;

13. An organization that is exempt from income tax pursuant to § 501(c)(3) of the Internal Revenue Code and is operated, and has always been operated, exclusively to (i) promote the conservation of the environment, caves, or other natural resources; (ii) promote or develop opportunities for the use of science and technology to advance the conservation of the environment, caves, or other natural resources; and (iii) raise funds for the conservation of the environment, caves, or other natural resources or provide grant opportunities to other nonprofit organizations that are devoted to such conservation efforts;

14. An organization that is exempt from income tax pursuant to § 501(c)(3) of the Internal Revenue Code that manages a museum that is operated, and has always been operated, exclusively for the purposes of musical heritage and the legacy of the "1927 Bristol Sessions";

15. An organization (i) established on or before December 31, 1963, as a result of its members being prohibited from joining similar existing organizations because of laws such as the Public Assemblages Act of 1926, which required the racial segregation of all public events in the Commonwealth; (ii) that is exempt from income tax pursuant to § 501(c)(7) of the Internal Revenue Code; and (iii) that is operated, and has always been operated, for community awareness and action through educational, economic, and cultural service activities;

16. An organization established on or before December 31, 1977, that is exempt from income tax pursuant to § 501(c)(7) of the Internal Revenue Code and is incorporated, in part, to raise funds for donation to organizations whose missions include promoting early detection of and public education about and supporting research and treatment options for heart disease and various cancers;

17. A local chamber of commerce; or

18. Any other nonprofit organization that is exempt from income tax pursuant to § 501(c) of the Internal Revenue Code and that raises funds by conducting raffles, bingo, instant bingo, pull tabs, or seal cards that generate annual gross receipts of $40,000 or less, provided that such gross receipts, less expenses and prizes, are used exclusively for charitable, educational, religious, or community purposes. Notwithstanding § 18.2-340.26:1, proceeds from instant bingo, pull tabs, and seal cards shall be included when calculating an organization's annual gross receipts for the purposes of this subdivision.

"Pari-mutuel play" means an integrated network operated by a licensee of the Department comprised of participating charitable organizations for the conduct of network bingo games in which the purchase of a network bingo card by a player automatically includes the player in a pool with all other players in the network, and where the prize to the winning player is awarded based on a percentage of the total amount of network bingo cards sold in a particular network.

"Qualified organization" means any organization to which a valid permit has been issued by the Department to conduct charitable gaming or any organization that is exempt pursuant to § 18.2-340.23.

"Raffle" means a lottery in which the prize is won by (i) a random drawing of the name or prearranged number of one or more persons purchasing chances or (ii) a random contest in which the winning name or preassigned number of one or more persons purchasing chances is determined by a race involving inanimate objects floating on a body of water, commonly referred to as a "duck race."

"Reasonable and proper business expenses" means business expenses actually incurred by a qualified organization in the conduct of charitable gaming and not otherwise allowed under this article or under Department regulations on real estate and personal property tax payments, travel expenses, payments of utilities and trash collection services, legal and accounting fees, costs of business furniture, fixtures and office equipment and costs of acquisition, maintenance, repair, or construction of an organization's real property. For the purpose of this definition, *(i)* salaries and wages of employees whose primary responsibility is to provide services for the principal benefit of an organization's members *or (ii) expenses for social or recreational activities for the principal benefit of a social organization's members* may qualify as a business expense, if so determined by the Department. However, payments made pursuant to § 51.1-1204 to the Volunteer Firefighters' and Rescue Squad Workers' Service Award Fund shall be deemed a reasonable and proper business expense.

"Social organization" means any qualified organization that provides certification to the Department that it is:

1. An accredited public institution of higher education or other postsecondary school licensed or certified by the Board of Education or the State Council of Higher Education for Virginia qualified under § 501(c)(3) of the Internal Revenue Code;

2. *An organization established on or before November 10, 1922, that is qualified under § 501(c)(4) of the Internal Revenue Code, is the only federally chartered Marine Corps-related veterans organization in the country, and is operated for the purpose of promoting the interest and preserving the traditions of the United States Marine Corps;*

3. An organization established on or before December 31, 1963, as a result of its members being prohibited from joining similar existing organizations because of laws such as the Public Assemblages Act of 1926, which required the racial segregation of all public events in the Commonwealth, that is qualified under § 501(c)(7) of the Internal Revenue Code;

~~3.~~ *4.* An organization established on or before December 31, 1977, that is qualified under § 501(c)(7) of the Internal Revenue Code and is incorporated, in part, to raise funds for donation to organizations whose missions include promoting early detection of and public education about and supporting research and treatment options for heart disease and various cancers;

~~4.~~ *5.* A fraternal beneficiary society, order, or association qualified under § 501(c)(8) of the Internal Revenue Code;

~~5.~~ *6.* A domestic fraternal society, order, or association qualified under § 501(c)(10) of the Internal Revenue Code; or

~~6.~~ *7.* A post or organization of past or present members of the Armed Forces of the United States, or an auxiliary unit or society of, or a trust or foundation for, any such post or organization qualified under § 501(c)(19) of the Internal Revenue Code.

"Social quarters" means, in addition to any specifications prescribed by the Department, an area at a social organization's primary location that (i) such organization designates to be used predominantly by its members for social and recreational activities, (ii) is accessible exclusively to members of the social organization and their guests, and (iii) is not advertised or open to the general public. It shall not disqualify the area from being considered social quarters if guests occasionally accompany members into the area, so long as such guests do not spend their own funds to participate in charitable gaming or electronic gaming activities conducted in the area. In determining if an area is social quarters for purposes of § 18.2-340.26:3, the Department may rely on publications of the Internal Revenue Service regarding the allowable participation of guests in an organization's social and recreational activities for purposes of § 501 of the Internal Revenue Code.

"Supplier" means any person who offers to sell, sells, or otherwise provides charitable gaming supplies to any qualified organization.

"Texas Hold'em poker game" means a variation of poker in which (i) players receive two cards facedown that may be used individually, (ii) five cards shown face up are shared among all players in the game, (iii) players combine any number of their individual cards with the shared cards to make the highest five-card hand to win the value wagered during the game, and (iv) the ranking of hands and the rules of the game are governed by the official rules of the Poker Tournament Directors Association.

"Texas Hold'em poker tournament" or "tournament" means an organized competition of players (i) who pay a fixed fee for entry into the competition and for a certain amount of poker chips for use in the competition; (ii) who may be allowed to pay an additional fee, during set preannounced times of the competition, to receive additional poker chips for use in the competition; (iii) who may be seated at one or more tables simultaneously playing Texas Hold'em poker games; (iv) who upon running out of poker chips are eliminated from the competition; and (v) a pre-set number of whom are awarded prizes of value according to how long such players remain in the competition.

§ 18.2-340.19. Regulations of the Department.

A. The Department shall adopt regulations that:

1. Require, as a condition of receiving a charitable gaming permit or authorization to conduct electronic gaming, that the applicant use a predetermined percentage of its receipts for ~~(i)~~ those lawful religious, charitable, community, or educational purposes for which the organization is specifically chartered or organized ~~or (ii)~~*, including (i)* those expenses relating to the acquisition, construction, maintenance, or repair of any interest in real property *or (ii) expenses related to the rental of real property by an organization as described by subdivision 5, 6, or 7 of the definition of "social organization" in § 18.2-340.16 where such real property is* involved in the operation of the organization and used for lawful religious, charitable, community, or educational purposes, as follows:

a. With respect to charitable gaming, other than electronic gaming, a predetermined percentage of its gross receipts.

b. With respect to electronic gaming, a predetermined percentage of its electronic gaming adjusted gross receipts.

2. Specify the conditions under which a complete list of the organization's members who participate in the management, operation, or conduct of charitable gaming may be required in order for the Department to ascertain the percentage of Virginia residents in accordance with subdivision A 3 of § 18.2-340.24.

Membership lists furnished to the Department in accordance with this subdivision shall not be a matter of public record and shall be exempt from disclosure under the provisions of the Freedom of Information Act (§ 2.2-3700 et seq.).

3. Prescribe fees for processing applications for charitable gaming permits and authorizing social organizations to conduct electronic gaming. Such fees may reflect the nature and extent of the charitable gaming activity proposed to be conducted.

4. Establish requirements for the audit of all reports required in accordance with §§ 18.2-340.30 and 18.2-340.30:2.

5. Define electronic and mechanical equipment used in the conduct of charitable gaming. Department regulations shall include capacity for such equipment to provide full automatic daubing as numbers are called. For the purposes of this subdivision, electronic or mechanical equipment for instant bingo, pull tabs, or seal cards shall include such equipment that displays facsimiles of instant bingo, pull tabs, or seal cards and are used solely for the purpose of dispensing or opening such paper or electronic cards, or both; but shall not include (i) devices operated by dropping one or more coins or tokens into a slot and pulling a handle or pushing a button or touchpoint on a touchscreen to activate one to three or more reels

marked into horizontal segments by varying symbols, where the predetermined prize amount depends on how and how many of the symbols line up when the rotating reels come to rest, or (ii) other similar devices that display flashing lights or illuminations, or bells, whistles, or other sounds, solely intended to entice players to play. Such regulations shall not prohibit *(a) devices that display spinning, rotating, or rolling reels or animations or flashing lights; (b) devices that accept vouchers; (c) the purchase and play of an electronic pull tab with a single press or touch of a button; or (d)* the use of multiple video monitors or touchscreens on an electronic gaming device.

6. Prescribe the conditions under which a qualified organization may (i) provide food and nonalcoholic beverages to its members who participate in the management, operation, or conduct of bingo; (ii) permit members who participate in the management, operation, or conduct of bingo to play bingo; and (iii) subject to the provisions of subdivision 12 of § 18.2-340.33, permit nonmembers to participate in the conduct of bingo so long as the nonmembers are under the direct supervision of a bona fide member of the organization during the bingo game.

7. Prescribe the conditions under which a qualified organization may sell raffle tickets for a raffle drawing that will be held outside the Commonwealth pursuant to subsection B of § 18.2-340.26.

8. Prescribe the conditions under which persons who are bona fide members of a qualified organization or a child, above the age of 13 years, of a bona fide member of such organization may participate in the conduct or operation of bingo games.

9. Prescribe the conditions under which a person below the age of 18 years may play bingo, provided that such person is accompanied by his parent or legal guardian.

10. Require all qualified organizations that are subject to Department regulations to post in a conspicuous place in every place where charitable gaming is conducted a sign which bears a toll-free telephone number for "Gamblers Anonymous" or other organization which provides assistance to compulsive gamblers.

11. Prescribe the conditions under which a qualified organization may sell network bingo cards in accordance with § 18.2-340.28:1 and establish a percentage of proceeds derived from network bingo sales to be allocated to (i) prize pools, (ii) the organization conducting the network bingo, and (iii) the network bingo provider. The regulations shall also establish procedures for the retainage and ultimate distribution of any unclaimed prize.

12. Prescribe the conditions under which a qualified organization may manage, operate, or contract with operators of, or conduct Texas Hold'em poker tournaments.

13. Prescribe the conditions under which a qualified organization may lease the premises of a permitted social organization for the purpose of conducting bingo, network bingo, instant bingo, pull tabs, seal cards, and electronic gaming permitted under this article and establish requirements for proper financial reporting of all disbursements, gross receipts, and electronic gaming adjusted gross receipts and payment of all fees required under this article.

B. The Commissioner may, by regulation, approve variations to the card formats for bingo games, provided that such variations result in bingo games that are conducted in a manner consistent with the provisions of this article. Department-approved variations may include bingo games commonly referred to as player selection games and 90-number bingo.

CHAPTER 505

An Act to amend and reenact § 32.1-127, as it is currently effective and as it shall become effective, of the Code of Virginia, relating to hospitals; emergency departments; licensed physicians.

[S 392]

Approved April 4, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 32.1-127, as it is currently effective and as it shall become effective, of the Code of Virginia is amended and reenacted as follows:

§ 32.1-127. (Effective until July 1, 2025) Regulations.

A. The regulations promulgated by the Board to carry out the provisions of this article shall be in substantial conformity to the standards of health, hygiene, sanitation, construction and safety as established and recognized by medical and health care professionals and by specialists in matters of public health and safety, including health and safety standards established under provisions of Title XVIII and Title XIX of the Social Security Act, and to the provisions of Article 2 (§ 32.1-138 et seq.).

B. Such regulations:

1. Shall include minimum standards for (i) the construction and maintenance of hospitals, nursing homes and certified nursing facilities to ensure the environmental protection and the life safety of its patients, employees, and the public; (ii) the operation, staffing and equipping of hospitals, nursing homes and certified nursing facilities; (iii) qualifications and training of staff of hospitals, nursing homes and certified nursing facilities, except those professionals licensed or certified by the Department of Health Professions; (iv) conditions under which a hospital or nursing home may provide medical and nursing services to patients in their places of residence; and (v) policies related to infection prevention, disaster preparedness, and facility security of hospitals, nursing homes, and certified nursing facilities;

2. Shall provide that at least one physician who is licensed to practice medicine in ~~this~~ *the* Commonwealth *and is primarily responsible for the emergency department* shall be on ~~call~~ *duty and physically present* at all times~~, though not necessarily physically present on the premises,~~ at each hospital ~~which~~ *that* operates or holds itself out as operating an emergency service;

3. May classify hospitals and nursing homes by type of specialty or service and may provide for licensing hospitals and nursing homes by bed capacity and by type of specialty or service;

4. Shall also require that each hospital establish a protocol for organ donation, in compliance with federal law and the regulations of the Centers for Medicare and Medicaid Services (CMS), particularly 42 C.F.R. § 482.45. Each hospital shall have an agreement with an organ procurement organization designated in CMS regulations for routine contact, whereby the provider's designated organ procurement organization certified by CMS (i) is notified in a timely manner of all deaths or imminent deaths of patients in the hospital and (ii) is authorized to determine the suitability of the decedent or patient for organ donation and, in the absence of a similar arrangement with any eye bank or tissue bank in Virginia certified by the Eye Bank Association of America or the American Association of Tissue Banks, the suitability for tissue and eye donation. The hospital shall also have an agreement with at least one tissue bank and at least one eye bank to cooperate in the retrieval, processing, preservation, storage, and distribution of tissues and eyes to ensure that all usable tissues and eyes are obtained from potential donors and to avoid interference with organ procurement. The protocol shall ensure that the hospital collaborates with the designated organ procurement organization to inform the family of each potential donor of the option to donate organs, tissues, or eyes or to decline to donate. The individual making contact with the family shall have completed a course in the methodology for approaching potential donor families and requesting organ or tissue donation that (a) is offered or approved by the organ procurement organization and designed in conjunction with the tissue and eye bank community and (b) encourages discretion and sensitivity according to the specific circumstances, views, and beliefs of the relevant family. In addition, the hospital shall work cooperatively with the designated organ procurement organization in educating the staff responsible for contacting the organ procurement organization's personnel on donation issues, the proper review of death records to improve identification of potential donors, and the proper procedures for maintaining potential donors while necessary testing and placement of potential donated organs, tissues, and eyes takes place. This process shall be followed, without exception, unless the family of the relevant decedent or patient has expressed opposition to organ donation, the chief administrative officer of the hospital or his designee knows of such opposition, and no donor card or other relevant document, such as an advance directive, can be found;

5. Shall require that each hospital that provides obstetrical services establish a protocol for admission or transfer of any pregnant woman who presents herself while in labor;

6. Shall also require that each licensed hospital develop and implement a protocol requiring written discharge plans for identified, substance-abusing, postpartum women and their infants. The protocol shall require that the discharge plan be discussed with the patient and that appropriate referrals for the mother and the infant be made and documented. Appropriate referrals may include, but need not be limited to, treatment services, comprehensive early intervention services for infants and toddlers with disabilities and their families pursuant to Part H of the Individuals with Disabilities Education Act, 20 U.S.C. § 1471 et seq., and family-oriented prevention services. The discharge planning process shall involve, to the extent possible, the other parent of the infant and any members of the patient's extended family who may participate in the follow-up care for the mother and the infant. Immediately upon identification, pursuant to § 54.1-2403.1, of any substance-abusing, postpartum woman, the hospital shall notify, subject to federal law restrictions, the community services board of the jurisdiction in which the woman resides to appoint a discharge plan manager. The community services board shall implement and manage the discharge plan;

7. Shall require that each nursing home and certified nursing facility fully disclose to the applicant for admission the home's or facility's admissions policies, including any preferences given;

8. Shall require that each licensed hospital establish a protocol relating to the rights and responsibilities of patients which shall include a process reasonably designed to inform patients of such rights and responsibilities. Such rights and responsibilities of patients, a copy of which shall be given to patients on admission, shall be consistent with applicable federal law and regulations of the Centers for Medicare and Medicaid Services;

9. Shall establish standards and maintain a process for designation of levels or categories of care in neonatal services according to an applicable national or state-developed evaluation system. Such standards may be differentiated for various levels or categories of care and may include, but need not be limited to, requirements for staffing credentials, staff/patient ratios, equipment, and medical protocols;

10. Shall require that each nursing home and certified nursing facility train all employees who are mandated to report adult abuse, neglect, or exploitation pursuant to § 63.2-1606 on such reporting procedures and the consequences for failing to make a required report;

11. Shall permit hospital personnel, as designated in medical staff bylaws, rules and regulations, or hospital policies and procedures, to accept emergency telephone and other verbal orders for medication or treatment for hospital patients from physicians, and other persons lawfully authorized by state statute to give patient orders, subject to a requirement that such verbal order be signed, within a reasonable period of time not to exceed 72 hours as specified in the hospital's medical staff bylaws, rules and regulations or hospital policies and procedures, by the person giving the order, or, when such person is not available within the period of time specified, co-signed by another physician or other person authorized to give the order;

12. Shall require, unless the vaccination is medically contraindicated or the resident declines the offer of the vaccination, that each certified nursing facility and nursing home provide or arrange for the administration to its residents of (i) an annual vaccination against influenza and (ii) a pneumococcal vaccination, in accordance with the most recent recommendations of the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention;

13. Shall require that each nursing home and certified nursing facility register with the Department of State Police to receive notice of the registration, reregistration, or verification of registration information of any person required to register with the Sex Offender and Crimes Against Minors Registry pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1 within the same or a contiguous zip code area in which the home or facility is located, pursuant to § 9.1-914;

14. Shall require that each nursing home and certified nursing facility ascertain, prior to admission, whether a potential patient is required to register with the Sex Offender and Crimes Against Minors Registry pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1, if the home or facility anticipates the potential patient will have a length of stay greater than three days or in fact stays longer than three days;

15. Shall require that each licensed hospital include in its visitation policy a provision allowing each adult patient to receive visits from any individual from whom the patient desires to receive visits, subject to other restrictions contained in the visitation policy including, but not limited to, those related to the patient's medical condition and the number of visitors permitted in the patient's room simultaneously;

16. Shall require that each nursing home and certified nursing facility shall, upon the request of the facility's family council, send notices and information about the family council mutually developed by the family council and the administration of the nursing home or certified nursing facility, and provided to the facility for such purpose, to the listed responsible party or a contact person of the resident's choice up to six times per year. Such notices may be included together with a monthly billing statement or other regular communication. Notices and information shall also be posted in a designated location within the nursing home or certified nursing facility. No family member of a resident or other resident representative shall be restricted from participating in meetings in the facility with the families or resident representatives of other residents in the facility;

17. Shall require that each nursing home and certified nursing facility maintain liability insurance coverage in a minimum amount of $1 million, and professional liability coverage in an amount at least equal to the recovery limit set forth in § 8.01-581.15, to compensate patients or individuals for injuries and losses resulting from the negligent or criminal acts of the facility. Failure to maintain such minimum insurance shall result in revocation of the facility's license;

18. Shall require each hospital that provides obstetrical services to establish policies to follow when a stillbirth, as defined in § 32.1-69.1, occurs that meet the guidelines pertaining to counseling patients and their families and other aspects of managing stillbirths as may be specified by the Board in its regulations;

19. Shall require each nursing home to provide a full refund of any unexpended patient funds on deposit with the facility following the discharge or death of a patient, other than entrance-related fees paid to a continuing care provider as defined in § 38.2-4900, within 30 days of a written request for such funds by the discharged patient or, in the case of the death of a patient, the person administering the person's estate in accordance with the Virginia Small Estates Act (§ 64.2-600 et seq.);

20. Shall require that each hospital that provides inpatient psychiatric services establish a protocol that requires, for any refusal to admit (i) a medically stable patient referred to its psychiatric unit, direct verbal communication between the on-call physician in the psychiatric unit and the referring physician, if requested by such referring physician, and prohibits on-call physicians or other hospital staff from refusing a request for such direct verbal communication by a referring physician and (ii) a patient for whom there is a question regarding the medical stability or medical appropriateness of admission for inpatient psychiatric services due to a situation involving results of a toxicology screening, the on-call physician in the psychiatric unit to which the patient is sought to be transferred to participate in direct verbal communication, either in person or via telephone, with a clinical toxicologist or other person who is a Certified Specialist in Poison Information employed by a poison control center that is accredited by the American Association of Poison Control Centers to review the results of the toxicology screen and determine whether a medical reason for refusing admission to the psychiatric unit related to the results of the toxicology screen exists, if requested by the referring physician;

21. Shall require that each hospital that is equipped to provide life-sustaining treatment shall develop a policy governing determination of the medical and ethical appropriateness of proposed medical care, which shall include (i) a process for obtaining a second opinion regarding the medical and ethical appropriateness of proposed medical care in cases in which a physician has determined proposed care to be medically or ethically inappropriate; (ii) provisions for review of the determination that proposed medical care is medically or ethically inappropriate by an interdisciplinary medical review committee and a determination by the interdisciplinary medical review committee regarding the medical and ethical appropriateness of the proposed health care; and (iii) requirements for a written explanation of the decision reached by the interdisciplinary medical review committee, which shall be included in the patient's medical record. Such policy shall ensure that the patient, his agent, or the person authorized to make medical decisions pursuant to § 54.1-2986 (a) are informed of the patient's right to obtain his medical record and to obtain an independent medical opinion and (b) afforded reasonable opportunity to participate in the medical review committee meeting. Nothing in such policy shall prevent the patient, his agent, or the person authorized to make medical decisions pursuant to § 54.1-2986 from obtaining legal counsel to represent the patient or from seeking other remedies available at law, including seeking court review, provided that the

patient, his agent, or the person authorized to make medical decisions pursuant to § 54.1-2986, or legal counsel provides written notice to the chief executive officer of the hospital within 14 days of the date on which the physician's determination that proposed medical treatment is medically or ethically inappropriate is documented in the patient's medical record;

22. Shall require every hospital with an emergency department to establish a security plan. Such security plan shall be developed using standards established by the International Association for Healthcare Security and Safety or other industry standard and shall be based on the results of a security risk assessment of each emergency department location of the hospital and shall include the presence of at least one off-duty law-enforcement officer or trained security personnel who is present in the emergency department at all times as indicated to be necessary and appropriate by the security risk assessment. Such security plan shall be based on identified risks for the emergency department, including trauma level designation, overall volume, volume of psychiatric and forensic patients, incidents of violence against staff, and level of injuries sustained from such violence, and prevalence of crime in the community, in consultation with the emergency department medical director and nurse director. The security plan shall also outline training requirements for security personnel in the potential use of and response to weapons, defensive tactics, de-escalation techniques, appropriate physical restraint and seclusion techniques, crisis intervention, and trauma-informed approaches. Such training shall also include instruction on safely addressing situations involving patients, family members, or other persons who pose a risk of harm to themselves or others due to mental illness or substance abuse or who are experiencing a mental health crisis. Such training requirements may be satisfied through completion of the Department of Criminal Justice Services minimum training standards for auxiliary police officers as required by § 15.2-1731. The Commissioner shall provide a waiver from the requirement that at least one off-duty law-enforcement officer or trained security personnel be present at all times in the emergency department if the hospital demonstrates that a different level of security is necessary and appropriate for any of its emergency departments based upon findings in the security risk assessment;

23. Shall require that each hospital establish a protocol requiring that, before a health care provider arranges for air medical transportation services for a patient who does not have an emergency medical condition as defined in 42 U.S.C. § 1395dd(e)(1), the hospital shall provide the patient or his authorized representative with written or electronic notice that the patient (i) may have a choice of transportation by an air medical transportation provider or medically appropriate ground transportation by an emergency medical services provider and (ii) will be responsible for charges incurred for such transportation in the event that the provider is not a contracted network provider of the patient's health insurance carrier or such charges are not otherwise covered in full or in part by the patient's health insurance plan;

24. Shall establish an exemption from the requirement to obtain a license to add temporary beds in an existing hospital or nursing home, including beds located in a temporary structure or satellite location operated by the hospital or nursing home, provided that the ability remains to safely staff services across the existing hospital or nursing home, (i) for a period of no more than the duration of the Commissioner's determination plus 30 days when the Commissioner has determined that a natural or man-made disaster has caused the evacuation of a hospital or nursing home and that a public health emergency exists due to a shortage of hospital or nursing home beds or (ii) for a period of no more than the duration of the emergency order entered pursuant to § 32.1-13 or 32.1-20 plus 30 days when the Board, pursuant to § 32.1-13, or the Commissioner, pursuant to § 32.1-20, has entered an emergency order for the purpose of suppressing a nuisance dangerous to public health or a communicable, contagious, or infectious disease or other danger to the public life and health;

25. Shall establish protocols to ensure that any patient scheduled to receive an elective surgical procedure for which the patient can reasonably be expected to require outpatient physical therapy as a follow-up treatment after discharge is informed that he (i) is expected to require outpatient physical therapy as a follow-up treatment and (ii) will be required to select a physical therapy provider prior to being discharged from the hospital;

26. Shall permit nursing home staff members who are authorized to possess, distribute, or administer medications to residents to store, dispense, or administer cannabis oil to a resident who has been issued a valid written certification for the use of cannabis oil in accordance with § 4.1-1601;

27. Shall require each hospital with an emergency department to establish a protocol for the treatment and discharge of individuals experiencing a substance use-related emergency, which shall include provisions for (i) appropriate screening and assessment of individuals experiencing substance use-related emergencies to identify medical interventions necessary for the treatment of the individual in the emergency department and (ii) recommendations for follow-up care following discharge for any patient identified as having a substance use disorder, depression, or mental health disorder, as appropriate, which may include, for patients who have been treated for substance use-related emergencies, including opioid overdose, or other high-risk patients, (a) the dispensing of naloxone or other opioid antagonist used for overdose reversal pursuant to subsection X of § 54.1-3408 at discharge or (b) issuance of a prescription for and information about accessing naloxone or other opioid antagonist used for overdose reversal, including information about accessing naloxone or other opioid antagonist used for overdose reversal at a community pharmacy, including any outpatient pharmacy operated by the hospital, or through a community organization or pharmacy that may dispense naloxone or other opioid antagonist used for overdose reversal without a prescription pursuant to a statewide standing order. Such protocols may also provide for referrals of individuals experiencing a substance use-related emergency to peer recovery specialists and community-based providers of behavioral health services, or to providers of pharmacotherapy for the treatment of drug or alcohol dependence or mental health diagnoses;

28. During a public health emergency related to COVID-19, shall require each nursing home and certified nursing facility to establish a protocol to allow each patient to receive visits, consistent with guidance from the Centers for Disease

Control and Prevention and as directed by the Centers for Medicare and Medicaid Services and the Board. Such protocol shall include provisions describing (i) the conditions, including conditions related to the presence of COVID-19 in the nursing home, certified nursing facility, and community, under which in-person visits will be allowed and under which in-person visits will not be allowed and visits will be required to be virtual; (ii) the requirements with which in-person visitors will be required to comply to protect the health and safety of the patients and staff of the nursing home or certified nursing facility; (iii) the types of technology, including interactive audio or video technology, and the staff support necessary to ensure visits are provided as required by this subdivision; and (iv) the steps the nursing home or certified nursing facility will take in the event of a technology failure, service interruption, or documented emergency that prevents visits from occurring as required by this subdivision. Such protocol shall also include (a) a statement of the frequency with which visits, including virtual and in-person, where appropriate, will be allowed, which shall be at least once every 10 calendar days for each patient; (b) a provision authorizing a patient or the patient's personal representative to waive or limit visitation, provided that such waiver or limitation is included in the patient's health record; and (c) a requirement that each nursing home and certified nursing facility publish on its website or communicate to each patient or the patient's authorized representative, in writing or via electronic means, the nursing home's or certified nursing facility's plan for providing visits to patients as required by this subdivision;

29. Shall require each hospital, nursing home, and certified nursing facility to establish and implement policies to ensure the permissible access to and use of an intelligent personal assistant provided by a patient, in accordance with such regulations, while receiving inpatient services. Such policies shall ensure protection of health information in accordance with the requirements of the federal Health Insurance Portability and Accountability Act of 1996, 42 U.S.C. § 1320d et seq., as amended. For the purposes of this subdivision, "intelligent personal assistant" means a combination of an electronic device and a specialized software application designed to assist users with basic tasks using a combination of natural language processing and artificial intelligence, including such combinations known as "digital assistants" or "virtual assistants";

30. During a declared public health emergency related to a communicable disease of public health threat, shall require each hospital, nursing home, and certified nursing facility to establish a protocol to allow patients to receive visits from a rabbi, priest, minister, or clergy of any religious denomination or sect consistent with guidance from the Centers for Disease Control and Prevention and the Centers for Medicare and Medicaid Services and subject to compliance with any executive order, order of public health, Department guidance, or any other applicable federal or state guidance having the effect of limiting visitation. Such protocol may restrict the frequency and duration of visits and may require visits to be conducted virtually using interactive audio or video technology. Any such protocol may require the person visiting a patient pursuant to this subdivision to comply with all reasonable requirements of the hospital, nursing home, or certified nursing facility adopted to protect the health and safety of the person, patients, and staff of the hospital, nursing home, or certified nursing facility; and

31. Shall require that every hospital that makes health records, as defined in § 32.1-127.1:03, of patients who are minors available to such patients through a secure website shall make such health records available to such patient's parent or guardian through such secure website, unless the hospital cannot make such health record available in a manner that prevents disclosure of information, the disclosure of which has been denied pursuant to subsection F of § 32.1-127.1:03 or for which consent required in accordance with subsection E of § 54.1-2969 has not been provided.

C. Upon obtaining the appropriate license, if applicable, licensed hospitals, nursing homes, and certified nursing facilities may operate adult day care centers.

D. All facilities licensed by the Board pursuant to this article which provide treatment or care for hemophiliacs and, in the course of such treatment, stock clotting factors, shall maintain records of all lot numbers or other unique identifiers for such clotting factors in order that, in the event the lot is found to be contaminated with an infectious agent, those hemophiliacs who have received units of this contaminated clotting factor may be apprised of this contamination. Facilities which have identified a lot that is known to be contaminated shall notify the recipient's attending physician and request that he notify the recipient of the contamination. If the physician is unavailable, the facility shall notify by mail, return receipt requested, each recipient who received treatment from a known contaminated lot at the individual's last known address.

E. Hospitals in the Commonwealth may enter into agreements with the Department of Health for the provision to uninsured patients of naloxone or other opioid antagonists used for overdose reversal.

§ 32.1-127. (Effective July 1, 2025) Regulations.

A. The regulations promulgated by the Board to carry out the provisions of this article shall be in substantial conformity to the standards of health, hygiene, sanitation, construction and safety as established and recognized by medical and health care professionals and by specialists in matters of public health and safety, including health and safety standards established under provisions of Title XVIII and Title XIX of the Social Security Act, and to the provisions of Article 2 (§ 32.1-138 et seq.).

B. Such regulations:

1. Shall include minimum standards for (i) the construction and maintenance of hospitals, nursing homes and certified nursing facilities to ensure the environmental protection and the life safety of its patients, employees, and the public; (ii) the operation, staffing and equipping of hospitals, nursing homes and certified nursing facilities; (iii) qualifications and training of staff of hospitals, nursing homes and certified nursing facilities, except those professionals licensed or certified by the Department of Health Professions; (iv) conditions under which a hospital or nursing home may provide medical and nursing

services to patients in their places of residence; and (v) policies related to infection prevention, disaster preparedness, and facility security of hospitals, nursing homes, and certified nursing facilities;

2. Shall provide that at least one physician who is licensed to practice medicine in ~~this~~ *the* Commonwealth *and is primarily responsible for the emergency department* shall be on ~~call~~ *duty and physically present* at all times~~, though not necessarily physically present on the premises,~~ at each hospital ~~which~~ *that* operates or holds itself out as operating an emergency service;

3. May classify hospitals and nursing homes by type of specialty or service and may provide for licensing hospitals and nursing homes by bed capacity and by type of specialty or service;

4. Shall also require that each hospital establish a protocol for organ donation, in compliance with federal law and the regulations of the Centers for Medicare and Medicaid Services (CMS), particularly 42 C.F.R. § 482.45. Each hospital shall have an agreement with an organ procurement organization designated in CMS regulations for routine contact, whereby the provider's designated organ procurement organization certified by CMS (i) is notified in a timely manner of all deaths or imminent deaths of patients in the hospital and (ii) is authorized to determine the suitability of the decedent or patient for organ donation and, in the absence of a similar arrangement with any eye bank or tissue bank in Virginia certified by the Eye Bank Association of America or the American Association of Tissue Banks, the suitability for tissue and eye donation. The hospital shall also have an agreement with at least one tissue bank and at least one eye bank to cooperate in the retrieval, processing, preservation, storage, and distribution of tissues and eyes to ensure that all usable tissues and eyes are obtained from potential donors and to avoid interference with organ procurement. The protocol shall ensure that the hospital collaborates with the designated organ procurement organization to inform the family of each potential donor of the option to donate organs, tissues, or eyes or to decline to donate. The individual making contact with the family shall have completed a course in the methodology for approaching potential donor families and requesting organ or tissue donation that (a) is offered or approved by the organ procurement organization and designed in conjunction with the tissue and eye bank community and (b) encourages discretion and sensitivity according to the specific circumstances, views, and beliefs of the relevant family. In addition, the hospital shall work cooperatively with the designated organ procurement organization in educating the staff responsible for contacting the organ procurement organization's personnel on donation issues, the proper review of death records to improve identification of potential donors, and the proper procedures for maintaining potential donors while necessary testing and placement of potential donated organs, tissues, and eyes takes place. This process shall be followed, without exception, unless the family of the relevant decedent or patient has expressed opposition to organ donation, the chief administrative officer of the hospital or his designee knows of such opposition, and no donor card or other relevant document, such as an advance directive, can be found;

5. Shall require that each hospital that provides obstetrical services establish a protocol for admission or transfer of any pregnant woman who presents herself while in labor;

6. Shall also require that each licensed hospital develop and implement a protocol requiring written discharge plans for identified, substance-abusing, postpartum women and their infants. The protocol shall require that the discharge plan be discussed with the patient and that appropriate referrals for the mother and the infant be made and documented. Appropriate referrals may include, but need not be limited to, treatment services, comprehensive early intervention services for infants and toddlers with disabilities and their families pursuant to Part H of the Individuals with Disabilities Education Act, 20 U.S.C. § 1471 et seq., and family-oriented prevention services. The discharge planning process shall involve, to the extent possible, the other parent of the infant and any members of the patient's extended family who may participate in the follow-up care for the mother and the infant. Immediately upon identification, pursuant to § 54.1-2403.1, of any substance-abusing, postpartum woman, the hospital shall notify, subject to federal law restrictions, the community services board of the jurisdiction in which the woman resides to appoint a discharge plan manager. The community services board shall implement and manage the discharge plan;

7. Shall require that each nursing home and certified nursing facility fully disclose to the applicant for admission the home's or facility's admissions policies, including any preferences given;

8. Shall require that each licensed hospital establish a protocol relating to the rights and responsibilities of patients which shall include a process reasonably designed to inform patients of such rights and responsibilities. Such rights and responsibilities of patients, a copy of which shall be given to patients on admission, shall be consistent with applicable federal law and regulations of the Centers for Medicare and Medicaid Services;

9. Shall establish standards and maintain a process for designation of levels or categories of care in neonatal services according to an applicable national or state-developed evaluation system. Such standards may be differentiated for various levels or categories of care and may include, but need not be limited to, requirements for staffing credentials, staff/patient ratios, equipment, and medical protocols;

10. Shall require that each nursing home and certified nursing facility train all employees who are mandated to report adult abuse, neglect, or exploitation pursuant to § 63.2-1606 on such reporting procedures and the consequences for failing to make a required report;

11. Shall permit hospital personnel, as designated in medical staff bylaws, rules and regulations, or hospital policies and procedures, to accept emergency telephone and other verbal orders for medication or treatment for hospital patients from physicians, and other persons lawfully authorized by state statute to give patient orders, subject to a requirement that such verbal order be signed, within a reasonable period of time not to exceed 72 hours as specified in the hospital's medical staff bylaws, rules and regulations or hospital policies and procedures, by the person giving the order, or, when such person

is not available within the period of time specified, co-signed by another physician or other person authorized to give the order;

12. Shall require, unless the vaccination is medically contraindicated or the resident declines the offer of the vaccination, that each certified nursing facility and nursing home provide or arrange for the administration to its residents of (i) an annual vaccination against influenza and (ii) a pneumococcal vaccination, in accordance with the most recent recommendations of the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention;

13. Shall require that each nursing home and certified nursing facility register with the Department of State Police to receive notice of the registration, reregistration, or verification of registration information of any person required to register with the Sex Offender and Crimes Against Minors Registry pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1 within the same or a contiguous zip code area in which the home or facility is located, pursuant to § 9.1-914;

14. Shall require that each nursing home and certified nursing facility ascertain, prior to admission, whether a potential patient is required to register with the Sex Offender and Crimes Against Minors Registry pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1, if the home or facility anticipates the potential patient will have a length of stay greater than three days or in fact stays longer than three days;

15. Shall require that each licensed hospital include in its visitation policy a provision allowing each adult patient to receive visits from any individual from whom the patient desires to receive visits, subject to other restrictions contained in the visitation policy including, but not limited to, those related to the patient's medical condition and the number of visitors permitted in the patient's room simultaneously;

16. Shall require that each nursing home and certified nursing facility shall, upon the request of the facility's family council, send notices and information about the family council mutually developed by the family council and the administration of the nursing home or certified nursing facility, and provided to the facility for such purpose, to the listed responsible party or a contact person of the resident's choice up to six times per year. Such notices may be included together with a monthly billing statement or other regular communication. Notices and information shall also be posted in a designated location within the nursing home or certified nursing facility. No family member of a resident or other resident representative shall be restricted from participating in meetings in the facility with the families or resident representatives of other residents in the facility;

17. Shall require that each nursing home and certified nursing facility maintain liability insurance coverage in a minimum amount of $1 million, and professional liability coverage in an amount at least equal to the recovery limit set forth in § 8.01-581.15, to compensate patients or individuals for injuries and losses resulting from the negligent or criminal acts of the facility. Failure to maintain such minimum insurance shall result in revocation of the facility's license;

18. Shall require each hospital that provides obstetrical services to establish policies to follow when a stillbirth, as defined in § 32.1-69.1, occurs that meet the guidelines pertaining to counseling patients and their families and other aspects of managing stillbirths as may be specified by the Board in its regulations;

19. Shall require each nursing home to provide a full refund of any unexpended patient funds on deposit with the facility following the discharge or death of a patient, other than entrance-related fees paid to a continuing care provider as defined in § 38.2-4900, within 30 days of a written request for such funds by the discharged patient or, in the case of the death of a patient, the person administering the person's estate in accordance with the Virginia Small Estates Act (§ 64.2-600 et seq.);

20. Shall require that each hospital that provides inpatient psychiatric services establish a protocol that requires, for any refusal to admit (i) a medically stable patient referred to its psychiatric unit, direct verbal communication between the on-call physician in the psychiatric unit and the referring physician, if requested by such referring physician, and prohibits on-call physicians or other hospital staff from refusing a request for such direct verbal communication by a referring physician and (ii) a patient for whom there is a question regarding the medical stability or medical appropriateness of admission for inpatient psychiatric services due to a situation involving results of a toxicology screening, the on-call physician in the psychiatric unit to which the patient is sought to be transferred to participate in direct verbal communication, either in person or via telephone, with a clinical toxicologist or other person who is a Certified Specialist in Poison Information employed by a poison control center that is accredited by the American Association of Poison Control Centers to review the results of the toxicology screen and determine whether a medical reason for refusing admission to the psychiatric unit related to the results of the toxicology screen exists, if requested by the referring physician;

21. Shall require that each hospital that is equipped to provide life-sustaining treatment shall develop a policy governing determination of the medical and ethical appropriateness of proposed medical care, which shall include (i) a process for obtaining a second opinion regarding the medical and ethical appropriateness of proposed medical care in cases in which a physician has determined proposed care to be medically or ethically inappropriate; (ii) provisions for review of the determination that proposed medical care is medically or ethically inappropriate by an interdisciplinary medical review committee and a determination by the interdisciplinary medical review committee regarding the medical and ethical appropriateness of the proposed health care; and (iii) requirements for a written explanation of the decision reached by the interdisciplinary medical review committee, which shall be included in the patient's medical record. Such policy shall ensure that the patient, his agent, or the person authorized to make medical decisions pursuant to § 54.1-2986 (a) are informed of the patient's right to obtain his medical record and to obtain an independent medical opinion and (b) afforded reasonable opportunity to participate in the medical review committee meeting. Nothing in such policy shall prevent the

patient, his agent, or the person authorized to make medical decisions pursuant to § 54.1-2986 from obtaining legal counsel to represent the patient or from seeking other remedies available at law, including seeking court review, provided that the patient, his agent, or the person authorized to make medical decisions pursuant to § 54.1-2986, or legal counsel provides written notice to the chief executive officer of the hospital within 14 days of the date on which the physician's determination that proposed medical treatment is medically or ethically inappropriate is documented in the patient's medical record;

22. Shall require every hospital with an emergency department to establish a security plan. Such security plan shall be developed using standards established by the International Association for Healthcare Security and Safety or other industry standard and shall be based on the results of a security risk assessment of each emergency department location of the hospital and shall include the presence of at least one off-duty law-enforcement officer or trained security personnel who is present in the emergency department at all times as indicated to be necessary and appropriate by the security risk assessment. Such security plan shall be based on identified risks for the emergency department, including trauma level designation, overall volume, volume of psychiatric and forensic patients, incidents of violence against staff, and level of injuries sustained from such violence, and prevalence of crime in the community, in consultation with the emergency department medical director and nurse director. The security plan shall also outline training requirements for security personnel in the potential use of and response to weapons, defensive tactics, de-escalation techniques, appropriate physical restraint and seclusion techniques, crisis intervention, and trauma-informed approaches. Such training shall also include instruction on safely addressing situations involving patients, family members, or other persons who pose a risk of harm to themselves or others due to mental illness or substance abuse or who are experiencing a mental health crisis. Such training requirements may be satisfied through completion of the Department of Criminal Justice Services minimum training standards for auxiliary police officers as required by § 15.2-1731. The Commissioner shall provide a waiver from the requirement that at least one off-duty law-enforcement officer or trained security personnel be present at all times in the emergency department if the hospital demonstrates that a different level of security is necessary and appropriate for any of its emergency departments based upon findings in the security risk assessment;

23. Shall require that each hospital establish a protocol requiring that, before a health care provider arranges for air medical transportation services for a patient who does not have an emergency medical condition as defined in 42 U.S.C. § 1395dd(e)(1), the hospital shall provide the patient or his authorized representative with written or electronic notice that the patient (i) may have a choice of transportation by an air medical transportation provider or medically appropriate ground transportation by an emergency medical services provider and (ii) will be responsible for charges incurred for such transportation in the event that the provider is not a contracted network provider of the patient's health insurance carrier or such charges are not otherwise covered in full or in part by the patient's health insurance plan;

24. Shall establish an exemption from the requirement to obtain a license to add temporary beds in an existing hospital or nursing home, including beds located in a temporary structure or satellite location operated by the hospital or nursing home, provided that the ability remains to safely staff services across the existing hospital or nursing home, (i) for a period of no more than the duration of the Commissioner's determination plus 30 days when the Commissioner has determined that a natural or man-made disaster has caused the evacuation of a hospital or nursing home and that a public health emergency exists due to a shortage of hospital or nursing home beds or (ii) for a period of no more than the duration of the emergency order entered pursuant to § 32.1-13 or 32.1-20 plus 30 days when the Board, pursuant to § 32.1-13, or the Commissioner, pursuant to § 32.1-20, has entered an emergency order for the purpose of suppressing a nuisance dangerous to public health or a communicable, contagious, or infectious disease or other danger to the public life and health;

25. Shall establish protocols to ensure that any patient scheduled to receive an elective surgical procedure for which the patient can reasonably be expected to require outpatient physical therapy as a follow-up treatment after discharge is informed that he (i) is expected to require outpatient physical therapy as a follow-up treatment and (ii) will be required to select a physical therapy provider prior to being discharged from the hospital;

26. Shall permit nursing home staff members who are authorized to possess, distribute, or administer medications to residents to store, dispense, or administer cannabis oil to a resident who has been issued a valid written certification for the use of cannabis oil in accordance with § 4.1-1601;

27. Shall require each hospital with an emergency department to establish a protocol for the treatment and discharge of individuals experiencing a substance use-related emergency, which shall include provisions for (i) appropriate screening and assessment of individuals experiencing substance use-related emergencies to identify medical interventions necessary for the treatment of the individual in the emergency department and (ii) recommendations for follow-up care following discharge for any patient identified as having a substance use disorder, depression, or mental health disorder, as appropriate, which may include, for patients who have been treated for substance use-related emergencies, including opioid overdose, or other high-risk patients, (a) the dispensing of naloxone or other opioid antagonist used for overdose reversal pursuant to subsection X of § 54.1-3408 at discharge or (b) issuance of a prescription for and information about accessing naloxone or other opioid antagonist used for overdose reversal, including information about accessing naloxone or other opioid antagonist used for overdose reversal at a community pharmacy, including any outpatient pharmacy operated by the hospital, or through a community organization or pharmacy that may dispense naloxone or other opioid antagonist used for overdose reversal without a prescription pursuant to a statewide standing order. Such protocols may also provide for referrals of individuals experiencing a substance use-related emergency to peer recovery specialists and community-based providers of behavioral health services, or to providers of pharmacotherapy for the treatment of drug or alcohol dependence or mental health diagnoses;

28. During a public health emergency related to COVID-19, shall require each nursing home and certified nursing facility to establish a protocol to allow each patient to receive visits, consistent with guidance from the Centers for Disease Control and Prevention and as directed by the Centers for Medicare and Medicaid Services and the Board. Such protocol shall include provisions describing (i) the conditions, including conditions related to the presence of COVID-19 in the nursing home, certified nursing facility, and community, under which in-person visits will be allowed and under which in-person visits will not be allowed and visits will be required to be virtual; (ii) the requirements with which in-person visitors will be required to comply to protect the health and safety of the patients and staff of the nursing home or certified nursing facility; (iii) the types of technology, including interactive audio or video technology, and the staff support necessary to ensure visits are provided as required by this subdivision; and (iv) the steps the nursing home or certified nursing facility will take in the event of a technology failure, service interruption, or documented emergency that prevents visits from occurring as required by this subdivision. Such protocol shall also include (a) a statement of the frequency with which visits, including virtual and in-person, where appropriate, will be allowed, which shall be at least once every 10 calendar days for each patient; (b) a provision authorizing a patient or the patient's personal representative to waive or limit visitation, provided that such waiver or limitation is included in the patient's health record; and (c) a requirement that each nursing home and certified nursing facility publish on its website or communicate to each patient or the patient's authorized representative, in writing or via electronic means, the nursing home's or certified nursing facility's plan for providing visits to patients as required by this subdivision;

29. Shall require each hospital, nursing home, and certified nursing facility to establish and implement policies to ensure the permissible access to and use of an intelligent personal assistant provided by a patient, in accordance with such regulations, while receiving inpatient services. Such policies shall ensure protection of health information in accordance with the requirements of the federal Health Insurance Portability and Accountability Act of 1996, 42 U.S.C. § 1320d et seq., as amended. For the purposes of this subdivision, "intelligent personal assistant" means a combination of an electronic device and a specialized software application designed to assist users with basic tasks using a combination of natural language processing and artificial intelligence, including such combinations known as "digital assistants" or "virtual assistants";

30. During a declared public health emergency related to a communicable disease of public health threat, shall require each hospital, nursing home, and certified nursing facility to establish a protocol to allow patients to receive visits from a rabbi, priest, minister, or clergy of any religious denomination or sect consistent with guidance from the Centers for Disease Control and Prevention and the Centers for Medicare and Medicaid Services and subject to compliance with any executive order, order of public health, Department guidance, or any other applicable federal or state guidance having the effect of limiting visitation. Such protocol may restrict the frequency and duration of visits and may require visits to be conducted virtually using interactive audio or video technology. Any such protocol may require the person visiting a patient pursuant to this subdivision to comply with all reasonable requirements of the hospital, nursing home, or certified nursing facility adopted to protect the health and safety of the person, patients, and staff of the hospital, nursing home, or certified nursing facility;

31. Shall require that every hospital that makes health records, as defined in § 32.1-127.1:03, of patients who are minors available to such patients through a secure website shall make such health records available to such patient's parent or guardian through such secure website, unless the hospital cannot make such health record available in a manner that prevents disclosure of information, the disclosure of which has been denied pursuant to subsection F of § 32.1-127.1:03 or for which consent required in accordance with subsection E of § 54.1-2969 has not been provided; and

32. Shall require each certified nursing facility eligible to participate in the Virginia Medicaid Nursing Facility Value-Based Purchasing (VBP) program, as referenced in Chapter 2 of the Acts of Assembly of 2022, Special Session I, to provide at least 3.08 hours of case mix-adjusted total nurse staffing hours per resident per day on average as determined annually by the Department of Medical Assistance Services for use in the VBP program, utilizing job codes for the calculation of total nurse staffing hours per resident per day following the Centers for Medicare and Medicaid Services (CMS) definitions as of January 1, 2022, used for similar purposes and including certified nursing assistants, licensed practical nurses, and registered nurses. No additional reporting shall be required by a certified nursing facility under this subdivision.

C. Upon obtaining the appropriate license, if applicable, licensed hospitals, nursing homes, and certified nursing facilities may operate adult day care centers.

D. All facilities licensed by the Board pursuant to this article which provide treatment or care for hemophiliacs and, in the course of such treatment, stock clotting factors, shall maintain records of all lot numbers or other unique identifiers for such clotting factors in order that, in the event the lot is found to be contaminated with an infectious agent, those hemophiliacs who have received units of this contaminated clotting factor may be apprised of this contamination. Facilities which have identified a lot that is known to be contaminated shall notify the recipient's attending physician and request that he notify the recipient of the contamination. If the physician is unavailable, the facility shall notify by mail, return receipt requested, each recipient who received treatment from a known contaminated lot at the individual's last known address.

E. Hospitals in the Commonwealth may enter into agreements with the Department of Health for the provision to uninsured patients of naloxone or other opioid antagonists used for overdose reversal.

2. That the provisions of this act shall become effective on July 1, 2025.

CHAPTER 506

An Act to amend and reenact § 59.1-392 of the Code of Virginia, relating to pari-mutuel wagering; historical horse racing; percentage retained for distribution.

[S 426]

Approved April 4, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 59.1-392 of the Code of Virginia is amended and reenacted as follows:

§ 59.1-392. Percentage retained; tax.

A. Any person holding an operator's license to operate a horse racetrack or satellite facility in the Commonwealth pursuant to this chapter shall be authorized to conduct pari-mutuel wagering on horse racing subject to the provisions of this chapter and the conditions and regulations of the Commission.

B. On pari-mutuel pools generated by wagering at the racetrack on live horse racing conducted within the Commonwealth, involving win, place, and show wagering, the licensee shall retain a percentage amount approved by the Commission as jointly requested by a recognized majority horsemen's group and a licensee and the legitimate breakage, out of which shall be paid ~~one and one-quarter~~ *1.25* percent to be distributed as follows: ~~one~~ *1.0* percent to the Commonwealth as a license tax and ~~one-quarter~~ *0.25* percent to the locality in which the racetrack is located. The remainder of the retainage shall be paid as provided in subsection D, provided, however, that if the percentage amount approved by the Commission is other than 18 percent, the amounts provided in subdivisions D 1, 2, and 3 shall be adjusted by the proportion that the approved percentage amount bears to 18 percent.

C. On pari-mutuel pools generated by wagering at each Virginia satellite facility on live horse racing conducted within the Commonwealth, involving win, place, and show wagering, the licensee shall retain a percentage amount approved by the Commission as jointly requested by a recognized majority horsemen's group and a licensee and the legitimate breakage, out of which shall be paid ~~one and one-quarter~~ *1.25* percent to be distributed as follows: ~~three-quarters~~ *0.75* percent to the Commonwealth as a license tax, ~~one-quarter~~ *0.25* percent to the locality in which the satellite facility is located, and ~~one-quarter~~ *0.25* percent to the locality in which the racetrack is located. The remainder of the retainage shall be paid as provided in subsection D~~;~~, provided, however, that if the percentage amount approved by the Commission is other than 18 percent, the amounts provided in subdivisions D 1, 2, and 3 shall be adjusted by the proportion that the approved percentage amount bears to 18 percent.

D. On pari-mutuel pools generated by wagering at the racetrack and each Virginia satellite facility on live horse racing conducted within the Commonwealth, involving win, place, and show wagering, the licensee shall retain a percentage amount approved by the Commission as jointly requested by a recognized majority horsemen's group and a licensee and the legitimate breakage, out of which shall be paid:

1. Eight percent as purses or prizes to the participants in such race meeting;

2. Seven and one-half percent~~,~~ and all of the breakage and the proceeds of pari-mutuel tickets unredeemed 180 days from the date on which the race was conducted, to the operator;

3. One percent to the Virginia Breeders Fund;

4. Fifteen one-hundredths percent to the Virginia-Maryland Regional College of Veterinary Medicine;

5. Five one-hundredths percent to the Virginia Horse Center Foundation;

6. Five one-hundredths percent to the Virginia Horse Industry Board; and

7. The remainder of the retainage shall be paid as appropriate under subsection B or C.

E. On pari-mutuel pools generated by wagering at the racetrack on live horse racing conducted within the Commonwealth involving wagering other than win, place, and show wagering, the licensee shall retain a percentage amount approved by the Commission as jointly requested by a recognized majority horsemen's group and a licensee and the legitimate breakage, out of which shall be paid ~~two and three-quarters~~ *2.75* percent to be distributed as follows: ~~two and one-quarter~~ *2.25* percent to the Commonwealth as a license tax, and ~~one-half~~ *0.5* percent to the locality in which the racetrack is located. The remainder of the retainage shall be paid as provided in subsection G~~;~~, provided, however, that if the percentage amount approved by the Commission is other than 22 percent, the amounts provided in subdivisions G 1, 2, and 3 shall be adjusted by the proportion that the approved percentage amount bears to 22 percent.

F. On pari-mutuel pools generated by wagering at each Virginia satellite facility on live horse racing conducted within the Commonwealth involving wagering other than win, place, and show wagering, the licensee shall retain a percentage amount approved by the Commission as jointly requested by a recognized majority horsemen's group and a licensee and the legitimate breakage, out of which shall be paid ~~two and three-quarters~~ *2.75* percent to be distributed as follows: ~~one and three-quarters~~ *1.75* percent to the Commonwealth as a license tax, ~~one-half~~ *0.5* percent to the locality in which the satellite facility is located, and ~~one-half~~ *0.5* percent to the locality in which the racetrack is located. The remainder of the retainage shall be paid as provided in subsection G~~;~~, provided, however, that if the percentage amount approved by the Commission is other than 22 percent, the amounts provided in subdivisions G 1, 2, and 3 shall be adjusted by the proportion that the approved percentage amount bears to 22 percent.

G. On pari-mutuel pools generated by wagering at the racetrack and each Virginia satellite facility on live horse racing conducted within the Commonwealth involving wagering other than win, place, and show wagering, the licensee shall

retain a percentage amount approved by the Commission as jointly requested by a recognized majority horsemen's group and a licensee and the legitimate breakage, out of which shall be paid:

1. Nine percent as purses or prizes to the participants in such race meeting;

2. Nine percent~~,~~ and the proceeds of the pari-mutuel tickets unredeemed 180 days from the date on which the race was conducted, to the operator;

3. One percent to the Virginia Breeders Fund;

4. Fifteen one-hundredths percent to the Virginia-Maryland Regional College of Veterinary Medicine;

5. Five one-hundredths percent to the Virginia Horse Center Foundation;

6. Five one-hundredths percent to the Virginia Horse Industry Board; and

7. The remainder of the retainage shall be paid as appropriate under subsection E or F.

H. On pari-mutuel wagering generated by simulcast horse racing transmitted from jurisdictions outside the Commonwealth, the licensee may, with the approval of the Commission, commingle pools with the racetrack where the transmission emanates or establish separate pools for wagering within the Commonwealth. All simulcast horse racing in this subsection must comply with the Interstate Horse Racing Act of 1978 (15 U.S.C. § 3001 et seq.).

I. On pari-mutuel pools generated by wagering at the racetrack on simulcast horse racing transmitted from jurisdictions outside the Commonwealth, involving win, place, and show wagering, the licensee shall retain ~~one and one-quarter~~ *1.25* percent of such pool to be distributed as follows: ~~three-quarters~~ *0.75* percent to the Commonwealth as a license tax, and ~~one-half~~ *0.5* percent to the Virginia locality in which the racetrack is located.

J. On pari-mutuel pools generated by wagering at each Virginia satellite facility on simulcast horse racing transmitted from jurisdictions outside the Commonwealth, involving win, place, and show wagering, the licensee shall retain ~~one and one-quarter~~ *1.25* percent of such pool to be distributed as follows: ~~three-quarters~~ *0.75* percent to the Commonwealth as a license tax, ~~one-quarter~~ *0.25* percent to the locality in which the satellite facility is located, and ~~one-quarter~~ *0.25* percent to the Virginia locality in which the racetrack is located.

K. On pari-mutuel pools generated by wagering at the racetrack and each Virginia satellite facility on simulcast horse racing transmitted from jurisdictions outside the Commonwealth, involving win, place, and show wagering, the licensee shall retain ~~one and thirty one-hundredths~~ *1.3* percent of such pool to be distributed as follows:

1. One percent of the pool to the Virginia Breeders Fund;

2. Fifteen one-hundredths percent to the Virginia-Maryland Regional College of Veterinary Medicine;

3. Five one-hundredths percent to the Virginia Horse Center Foundation;

4. Five one-hundredths percent to the Virginia Horse Industry Board; and

5. Five one-hundredths percent to the Virginia Thoroughbred Association for the promotion of breeding in the Commonwealth.

L. On pari-mutuel pools generated by wagering at the racetrack on simulcast horse racing transmitted from jurisdictions outside the Commonwealth, involving wagering other than win, place, and show wagering, the licensee shall retain ~~two and three-quarters~~ *2.75* percent of such pool to be distributed as follows: ~~one and three-quarters~~ *1.75* percent to the Commonwealth as a license tax, and ~~one~~ *1.0* percent to the Virginia locality in which the racetrack is located.

M. On pari-mutuel pools generated by wagering at each Virginia satellite facility on simulcast horse racing transmitted from jurisdictions outside the Commonwealth, involving wagering other than win, place, and show wagering, the licensee shall retain ~~two and three-quarters~~ *2.75* percent of such pool to be distributed as follows: ~~one and three-quarters~~ *1.75* percent to the Commonwealth as a license tax, ~~one-half~~ *0.5* percent to the locality in which the satellite facility is located, and ~~one-half~~ *0.5* percent to the Virginia locality in which the racetrack is located.

N. On pari-mutuel pools generated by wagering at the racetrack and each Virginia satellite facility on simulcast horse racing transmitted from jurisdictions outside the Commonwealth, involving wagering other than win, place, and show wagering, the licensee shall retain ~~one and thirty one-hundredths~~ *1.3* percent of such pool to be distributed as follows:

1. One percent of the pool to the Virginia Breeders Fund;

2. Fifteen one-hundredths percent to the Virginia-Maryland Regional College of Veterinary Medicine;

3. Five one-hundredths percent to the Virginia Horse Center Foundation;

4. Five one-hundredths percent to the Virginia Horse Industry Board; and

5. Five one-hundredths percent to the Virginia Thoroughbred Association for the promotion of breeding in the Commonwealth.

O. Moneys payable to the Commonwealth shall be deposited in the general fund. Gross receipts for license tax purposes under Chapter 37 (§ 58.1-3700 et seq.) of Title 58.1 shall not include pari-mutuel wagering pools and license taxes authorized by this section.

P. All payments by the licensee to the Commonwealth or any locality shall be made within five days from the date on which such wagers are received by the licensee. All payments by the licensee to the Virginia Breeders Fund shall be made to the Commission within five days from the date on which such wagers are received by the licensee. All payments by the licensee to the Virginia-Maryland Regional College of Veterinary Medicine, the Virginia Horse Center Foundation, the Virginia Horse Industry Board, and the Virginia Thoroughbred Association shall be made by the first day of each quarter of the calendar year. All payments made under this section shall be used in support of the policy of the Commonwealth to sustain and promote the growth of a native industry.

Q. If a satellite facility is located in more than one locality, any amount a licensee is required to pay under this section to the locality in which the satellite facility is located shall be prorated in equal shares among those localities.

R. Any contractual agreement between a licensee and other entities concerning the distribution of the remaining portion of the retainage under subsections I through N and subsections U and V shall be subject to the approval of the Commission.

S. The recognized majority horsemen's group racing at a licensed race meeting may, subject to the approval of the Commission, withdraw for administrative costs associated with serving the interests of the horsemen an amount not to exceed two percent of the amount in the horsemen's account.

T. The legitimate breakage from each pari-mutuel pool for live, historical, and simulcast horse racing shall be distributed as follows:

1. Seventy percent to be retained by the licensee to be used for capital improvements that are subject to approval of the Commission; and

2. Thirty percent to be deposited in the Racing Benevolence Fund, administered jointly by the licensee and the recognized majority horsemen's group racing at a licensed race meeting, to be disbursed with the approval of the Commission for gambling addiction and substance abuse counseling, recreational, educational, or other related programs.

U. On pari-mutuel pools generated by wagering on historical horse racing on the first 3,000 terminals authorized, the licensee shall retain 1.25 percent of such pool to be distributed as follows:

1. ~~Seventy-four hundredths percent to the Commonwealth as a license tax and 0.01 percent to the Problem Gambling Treatment and Support Fund established pursuant to § 37.2-314.2; and~~

~~2.~~ a. If generated at a racetrack, 0.5 percent to the locality in which the racetrack is located; or

b. If generated at a satellite facility, 0.25 percent to the locality in which the satellite facility is located and 0.25 percent to the Virginia locality in which the racetrack is located*;*

2. To the Problem Gambling Treatment and Support Fund established pursuant to § 37.2-314.2, 0.01 percent;

3. To the (i) Virginia Breeders Fund, (ii) Virginia-Maryland Regional College of Veterinary Medicine for its equine programs, (iii) Virginia Horse Center Foundation, and (iv) Virginia Horse Industry Board, 0.025 percent each; and

4. The remainder to the Commonwealth as a license tax.

V. On pari-mutuel pools generated by wagering on historical *horse* racing on the 2,000 terminals authorized by the seventh enactment of Chapters 1197 and 1248 of the Acts of Assembly of 2020, the licensee shall retain 1.6 percent of such pool to be distributed as follows:

1. ~~Ninety-five hundredths percent to the Commonwealth as a license tax and 0.01 percent to the Problem Gambling Treatment and Support Fund established pursuant to § 37.2-314.2; and~~

~~2.~~ a. If generated at a racetrack, 0.64 percent to the locality in which the racetrack is located; or

b. If generated at a satellite facility, 0.32 percent to the locality in which the satellite facility is located and 0.32 percent to the Virginia locality in which the racetrack is located*;*

2. To the Problem Gambling Treatment and Support Fund established pursuant to § 37.2-314.2, 0.01 percent;

3. To the (i) Virginia Breeders Fund, (ii) Virginia-Maryland Regional College of Veterinary Medicine for its equine programs, (iii) Virginia Horse Center Foundation, and (iv) Virginia Horse Industry Board, 0.025 percent each; and

4. The remainder to the Commonwealth as a license tax.

CHAPTER 507

An Act to amend and reenact §§ 2.2-2035, 2.2-2036, 2.2-2041, 2.2-2043 through 2.2-2046, 2.2-2049, 2.2-2050, 2.2-2052, 2.2-2472.2, 23.1-627.3, and 23.1-2911.2 of the Code of Virginia, relating to Department of Workforce Development and Advancement; Director.

[S 436]

Approved April 4, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-2035, 2.2-2036, 2.2-2041, 2.2-2043 through 2.2-2046, 2.2-2049, 2.2-2050, 2.2-2052, 2.2-2472.2, 23.1-627.3, and 23.1-2911.2 of the Code of Virginia are amended and reenacted as follows:

§ 2.2-2035. Department of Workforce Development and Advancement; creation; appointment of Commissioner.

A. There is hereby created in the executive branch the Department of Workforce Development and Advancement. The Department shall be headed by the ~~Director~~ *Commissioner* of *the Department of* Workforce Development and Advancement who shall be appointed by the Governor, subject to confirmation by the General Assembly, to serve at the pleasure of the Governor.~~"~~

B. The ~~Director~~ *Commissioner* may establish divisions within the Department and assign to such divisions any duties described in this chapter or otherwise imposed upon the Department.

§ 2.2-2036. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Commissioner" means the Commissioner of the Department of Workforce Development and Advancement.

"Council" means the Apprenticeship Council.

"Department" means the Department of Workforce Development and Advancement.

~~"Director" means the Director of Workforce Development and Advancement.~~

"Encrypted" means the same as that term is defined in § 18.2-186.6.

"Identifying information" means the same as that term is defined in § 18.2-186.3.

"Virginia Longitudinal Data System" means the multiagency partnership administered by the State Council of Higher Education for Virginia pursuant to subdivision 9 of § 23.1-203.

"Virginia Workforce Data Trust" means a workforce database maintained by the Department in an encrypted state in compliance with § 2.2-2009.

"Workforce development program" means a publicly funded education, training, and support services program designed and administered to prepare and enable participants to enter into and advance in careers. Such program may, but is not required to, lead to nondegree credentials and may fall under the administrative functions of the Department or reside in other agencies.

"Workforce education and training program" means a workforce development program offered by an education provider with the goal of providing an individual with a credential that leads to employment.

"Workforce services program" means a workforce development program that is primarily focused on providing, coordinating, and supporting services to assist individuals in attaining employment, including assistance with locating job opportunities, connecting to workforce education and training programs, and coordinating with other available supportive services.

§ 2.2-2041. Workforce program evaluations; sharing of certain data; prohibited uses; civil penalty.

A. To the extent permitted under *state and* federal law, the agencies specified in subsection D shall share data from within their respective databases to (i) develop meaningful analyses and evaluations of workforce programs required by subdivision B 8 of § 2.2-214.3 and clause (i) of subdivision B 10 of § 2.2-214.3; (ii) meet state and federal reporting requirements; (iii) improve coordination, outcomes, and efficiency across public workforce programs and partner organizations; (iv) enable the development of comprehensive consumer-facing software applications; (v) support requirements for performance-driven contracts; and (vi) support workforce initiatives developed by the General Assembly or the Governor.

B. Data shared pursuant to subsection A shall include only the identifying and attribute information required to match entities across programs, support the coordination of services, and evaluate outcomes, shall be encrypted, and shall be transmitted to the Governor or his designee. Upon receipt of such data, the Governor or his designee shall maintain the data in an encrypted state pursuant to § 2.2-2009 and restrict data sharing according to the Virginia Workforce Data Trust memorandum of understanding.

The agencies specified in subsection D shall enter into a memorandum of understanding supporting the Virginia Workforce Data Trust and the associated application ecosystem. Such memorandum of understanding shall include provisions for authorizing bona fide research requests that are related to the data sharing referenced in subsection A. In accordance with the governance process defined in such memorandum of understanding, the data sharing referenced in subsection A shall be accomplished by integrating additional organizations, systems, data elements, and functionality into the Virginia Workforce Data Trust.

C. The Governor or his designee and all agencies authorized under this section shall destroy or erase all shared data upon completion of all required evaluations and analyses. The Governor may retain a third-party entity to assist with the evaluation and analysis.

D. The ~~databases~~ *data* from the following agencies relating to ~~the specific programs identified in this subsection may~~ *workforce development programs, workforce education and training programs, and workforce services programs as those terms are defined in § 2.2-2036 shall* be shared solely to achieve the purposes specified in subsection A:

1. Virginia Employment Commission: Unemployment Insurance;

2. Virginia Community College System: Postsecondary Career and Technical Education;

3. Department for Aging and Rehabilitative Services: Vocational Rehabilitation and Senior Community Services Employment Program;

4. Department for the Blind and Vision Impaired: Vocational Rehabilitation;

5. Department of Education: Special Education and Career and Technical Education;

6. Department of Social Services: Supplemental Nutrition Assistance Program, Virginia Initiative for Education and Work;

7. Virginia Economic Development Partnership Authority: Virginia Jobs Investment Program;

8. Department of Juvenile Justice: Youth Industries and Institutional Work Programs, Career and Technical Education Programs;

9. Department of Corrections: Career and Technical Education Programs;

10. The State Council of Higher Education for Virginia: certifications, certificates, and degrees;

11. Department of Veterans Services: Virginia Values Veterans;

12. Department of Workforce Development and Advancement: Apprenticeship, Job Service, Reemployment Services and Eligibility Assessment program, Trade Adjustment Assistance Program Act, Veterans Employment Training Programs, Innovative Internship Program, Workforce Innovation and Opportunity Act of 2014 (P.L. 113-128) Titles I and III, and other workforce development programs of the Department as determined by the ~~Director~~ *Commissioner*; and

13. Any other agencies as deemed necessary by the Secretary of Labor, *the* Chief Data Officer, and ~~Director of the Department of Workforce Development and Advancement~~ *the Commissioner*.

E. Nothing in this section shall prohibit the inclusion of data from other sources deemed beneficial by the Secretary of Labor, *the* Chief Data Officer, and ~~Director of the Department of Workforce Development and Advancement~~ *the Commissioner*.

F. Agencies participating in the Virginia Longitudinal Data System and the Virginia Workforce Data Trust shall meet annually and work with the Office of Data Governance and Analytics for the purpose of coordinating responses to changes in data collection of the participating agencies and the needs of the Commonwealth with respect to workforce development and education policy development. Subject to the approval by each participating agency, the Virginia Longitudinal Data System and the Virginia Workforce Data Trust may develop processes to facilitate intersystem operability and communication between the two entities for research and analysis purposes.

G. All agencies providing information to the Virginia Workforce Data Trust shall be prohibited from disclosing any personal information or data, except as required under this section or other state law or federal law, or to accomplish a proper purpose of the agency.

H. Any person alleging a violation of this section may bring a civil action for appropriate injunctive relief. A court rendering judgment in favor of a complainant pursuant to this subsection shall award all or a portion of the costs of litigation, including reasonable attorney fees and witness fees, to the complainant.

§ 2.2-2043. Definitions.

As used in this article, unless the context requires a different meaning:

"Apprentice" means a person at least 16 years of age who is covered by a written agreement with an employer and approved by the ~~Director~~ *Commissioner*. The agreement shall provide for not less than 2,000 hours of reasonably continuous employment for such person, for his participation in an approved schedule of work experience through employment, and for the amount of related instruction required in the occupation.

"Apprenticeable occupation" means a skilled occupation having the following characteristics:

1. It is customarily learned in a practical way through a structured systematic program of on-the-job supervised work experience;

2. It is clearly identifiable and recognized throughout an industry;

3. It involves manual, mechanical, or technical skills that require a minimum of 2,000 hours of on-the-job work experience of new apprenticeable trades not otherwise established; and

4. It requires related instruction to supplement the on-the-job work experience.

"Employer" means any person or organization employing a registered apprentice, whether or not such person or organization is a party to an apprenticeship agreement with a sponsor.

"Joint apprenticeship committee" means a group equally representative of management and labor representatives that works under a bargaining agreement and is established to carry out the administration of an apprenticeship training program.

"Sponsor" means either an individual employer, a group of employers, or an association or organization operating an apprenticeship program and in whose name the program is registered.

§ 2.2-2044. Apprenticeship Council; membership and terms of office; meetings and duties; report.

A. The Governor shall appoint an Apprenticeship Council composed of four representatives each from employer and employee organizations respectively *and two representatives of workforce training programs, one of whom shall represent an employee organization,* and all of whom shall be familiar with apprenticeable occupations. The ~~Director~~ *Commissioner*, the Chancellor of the Virginia Community College System, *the Director of the Department of Professional and Occupational Regulation, the Commissioner of the Department of Labor and Industry, and the Superintendent of Public Instruction* or their designated representatives, and a local superintendent from a school division that provides apprenticeship-related instruction shall be ex officio members of the Council. At the beginning of each year, the Governor shall designate one member to serve as chairman. Each member shall be appointed for a term of three years. Any member appointed to fill a vacancy occurring prior to the expiration of the term of his predecessor shall be appointed for the remainder of such term. All members, including ex officio members, shall have voting privileges.

B. The Council shall meet *quarterly* at the call of the chairman of the Council and shall formulate policies for the effective administration of this article.

C. The Council shall establish standards for apprentice agreements that shall not be lower than those prescribed by this article and those established pursuant to Article 3 (§ 54.1-1128 et seq.) of Chapter 11 of Title 54.1 and shall perform such other functions as may be necessary to carry out the intent and purposes of this article. Not less than once a year, the Council shall make a report of its activities and findings to the General Assembly and to the public.

§ 2.2-2045. Authority of Council.

The Council may:

1. Determine standards for apprentice agreements, which standards shall not be lower than those prescribed by this article;

2. Appoint the secretary of the Council to act as secretary of each state joint apprenticeship committee;

3. Review decisions of local joint apprenticeship committees relating to apprenticeship disputes pursuant to subdivision C 3 of § 2.2-2047;

4. Perform such other duties as are necessary to carry out the intent of this article; and

5. Advise the ~~Director~~ *Commissioner* on policies to coordinate apprenticeship-related instruction delivered by state and local public education agencies.

§ 2.2-2046. Commissioner to administer article; requirements for certain programs.

A. The ~~Director~~ *Commissioner*, with the advice and guidance of the Council, shall be responsible for administering the provisions of this article.

B. The ~~Director~~ *Commissioner* shall:

1. Approve, if approval is in the best interests of the apprentice, any apprenticeship agreement that meets the standards established under this article;

2. Terminate or cancel any apprenticeship agreement in accordance with the provisions of such agreement;

3. Keep a record of apprenticeship agreements and their disposition;

4. Issue certificates of completion upon the completion of the apprenticeship;

5. Initiate deregistration proceedings when an apprenticeship program is not conducted, operated, and administered in accordance with the registered provisions, except that deregistration proceedings for violation of equal opportunity requirements shall be processed in accordance with the provisions of the Virginia State Plan for Equal Employment Opportunity in Apprenticeship;

6. Establish policies governing the provision of apprenticeship-related instruction delivered by state and local public education agencies and provide for the administration and supervision of related and supplemental instruction for apprentices; and

7. Perform such other duties as are necessary to carry out the intent of this article.

C. Any apprenticeship program designed to prepare individuals to engage in a career as a tradesman shall be a program of registered apprenticeships that meet or exceed the U.S. Department of Labor standards for registered apprenticeships, and such program shall meet or exceed the standards that were in place with the Apprenticeship Division of the Virginia Department of Labor and Industry as of January 31, 2023. As used in this subsection, "tradesman" means an individual engaged in the electrical, plumbing and heating, ventilation and air conditioning, carpentry, pipe fitting, boiler making, iron working, steel working, painting, or welding profession.

D. No state agency or locality shall sponsor, recognize, or establish any apprenticeship program designed to prepare individuals to engage in a career as a tradesman unless such apprenticeship program meets the requirements established in subsection C.

§ 2.2-2049. Requisites of apprentice agreement.

Every apprentice agreement entered into under this article shall contain:

1. The names, signatures, and addresses of the contracting parties;

2. The date of birth of the apprentice;

3. The contact information of the program sponsor and the Division of Registered Apprenticeship;

4. A statement of the occupation or business that the apprentice is to be taught and the time at which the apprenticeship will begin and end;

5. A statement showing the number of hours to be spent by the apprentice in work and the number of hours to be spent in related or supplemental instruction;

6. A statement setting forth a schedule of the processes in the occupation or industry division in which the apprentice is to be taught and the approximate time to be spent at each process;

7. A statement of the graduated scale of wages to be paid the apprentice and whether the required related instruction shall be compensated;

8. A statement providing for a period of probation of not less than 500 hours of employment and instruction extending over not less than four months, during which time the apprentice agreement shall be terminated by the ~~Director~~ *Commissioner* at the request in writing of either party, and providing that after such probationary period the apprentice agreement may be terminated by the ~~Director~~ *Commissioner* by mutual agreement of all parties thereto or cancelled by the ~~Director~~ *Commissioner* for good and sufficient reason;

9. A reference incorporating as part of the apprentice agreement the standards of the apprenticeship program as they exist on the date of the apprentice agreement and as they may be amended during the period of the apprentice agreement;

10. A statement that the apprentice will be accorded equal opportunity in all phases of apprenticeship employment and training without discrimination as provided in § 2.2-2048;

11. Contact information, including name, address, phone number, and email if appropriate, of the appropriate authority designated under the program to receive, process, and make disposition of controversies or differences arising out of the apprentice agreement when the controversies or differences cannot be adjusted locally or resolved in accordance with the established procedure or applicable collective bargaining provisions;

12. A provision that an employer who is unable to fulfill his obligation under the apprentice agreement may, with the approval of the ~~Director~~ *Commissioner*, transfer such contract to any other employer if (i) the apprentice consents, (ii) such other employer agrees to assume the obligations of the apprentice agreement, and (iii) the transfer is reported to the registration agency within 30 days of the transfer; and

13. Such additional terms and conditions as may be prescribed or approved by the ~~Director~~ *Commissioner* not inconsistent with the provisions of this article.

§ 2.2-2050. Approval of apprentice agreement by Commissioner; signing.

No apprentice agreement under this article shall be effective until approved by the ~~Director~~ *Commissioner*. Every apprentice agreement shall be signed by the employer, or by an association of employers or an organization of employees as provided in § 2.2-2052, and by the apprentice, and, if the apprentice is a minor, by the minor's parent, provided that if both parents are dead or legally incapable of giving consent or have abandoned their children, then by the guardian of the minor.

§ 2.2-2052. Apprentice agreement signed by association of employers or organization of employees.

For the purpose of providing greater diversity of training or continuity of employment, any apprentice agreement made under this article may in the discretion of the ~~Director~~ *Commissioner* be signed by an association of employers or an organization of employees instead of by an individual employer. In such a case, the apprentice agreement shall expressly provide that the association of employers or organization of employees does not assume the obligation of an employer but agrees to use its best endeavors to procure employment and training for such apprentice with one or more employers that will accept full responsibility, as herein provided, for all the terms and conditions of employment and training set forth in the agreement between the apprentice and employer association or employee organization during the period of each such employment. The apprentice agreement in such a case shall also expressly provide for the transfer of the apprentice, subject to the approval of the ~~Director~~ *Commissioner*, to such employer or employers as shall sign a written agreement with the apprentice, and if the apprentice is a minor with his parent or guardian, as specified in § 2.2-2050, contracting to employ the apprentice for the whole or a definite part of the total period of apprenticeship under the terms and conditions of employment and training set forth in the agreement entered into between the apprentice and the employer association or employee organization.

§ 2.2-2472.2. Minimum levels of fiscal support from WIOA Adult and Dislocated Worker funds by local workforce development boards; incentives.

A. Each local workforce development board shall allocate a minimum of 40 percent of WIOA Adult and Dislocated Worker funds to training services as defined under § 134(c)(3)(D) of the WIOA that lead to recognized postsecondary education and workforce credentials aligned with in-demand industry sectors or occupations in the local area or region. Beginning October 1, 2016, and biannually thereafter, the Secretary of Labor shall submit a report to the Board evaluating the rate of the expenditure of WIOA Adult and Dislocated Worker funds under this section.

B. Failure by a local workforce development board to meet the required training expenditure percentage requirement shall result in sanctions, to increase in severity for each year of noncompliance. These sanctions may include corrective action plans; ineligibility to receive state-issued awards, additional WIOA incentives, or sub-awards; the recapturing and reallocation of a percentage of the local area board's Adult and Dislocated Worker funds; or for boards with recurring noncompliance, development of a reorganization plan through which the Governor would appoint and certify a new local board.

C. The ~~Virginia Community College System~~ *Department of Workforce Development and Advancement*, in consultation with the Governor, shall develop a formula providing for 30 percent of WIOA Adult and Dislocated Worker funds reserved by the Governor for statewide activities to be used solely for providing incentives to postsecondary workforce training institutions through local workforce development boards to accelerate the increase of workforce credential attainment by participants. Fiscal incentive awards provided under this section must be expended on training activities that lead participants to a postsecondary education or workforce credential that is aligned with in-demand industry sectors or occupations within each local workforce area. Apprenticeship-related instruction shall be included as a qualifying training under this subsection if such instruction is provided through a postsecondary education institution.

§ 23.1-627.3. New Economy Workforce Credential Grant Fund and Program established; administration.

A. There is hereby created in the state treasury a special nonreverting fund to be known as the New Economy Workforce Credential Grant Fund. The Fund shall be established on the books of the Comptroller. All moneys appropriated by the General Assembly, and from any other sources, public or private, shall be paid into the state treasury and credited to the Fund. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. Moneys in the Fund shall be used solely for the purposes of disbursing moneys to eligible institutions for the award of grants pursuant to the Program. Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants issued by the Comptroller upon written request signed by the director of the Council.

B. There is hereby established a New Economy Workforce Credential Grant Program for the purpose of disbursing moneys from the Fund to eligible institutions for the award of grants to benefit students pursuant to this article.

C. The Council shall administer the Program and shall carry out the goals and purposes of the Program set forth in this article. In administering the Program, the Council (i) shall require eligible institutions to provide student-specific data and make final decisions on any dispute between eligible institutions and grant recipients; (ii) shall undertake periodic assessments of the overall success of the Program and recommend modifications, interventions, and other actions based on such assessment; and (iii) may adopt such regulations for the administration of the Program as it deems necessary and appropriate.

D. The Council shall instruct the Comptroller to annually disburse moneys to eligible institutions on a first-come, first-served basis as eligible students enroll in noncredit workforce training programs, giving priority to noncredit workforce training programs in high-demand fields in which employer demand is currently unmet by the available workforce. No more than one-quarter of the moneys in the Fund shall be disbursed annually to any eligible institution. The Council shall set forth

the procedure by which eligible institutions shall notify the Council when eligible students enroll in noncredit workforce training programs identified by the governing board of the eligible institution pursuant to subsection E.

E. The ~~Board shall make recommendations to eligible institutions to help determine high-demand fields~~ *Office of Education and Labor Market Alignment, in consultation with the Virginia Board of Workforce Development, shall establish the high-demand fields* for which noncredit workforce training programs may be offered pursuant to the Program. The governing board of each eligible institution shall determine the noncredit workforce training programs offered pursuant to the Program.

§ 23.1-2911.2. Get Skilled, Get a Job, Give Back Fund and Program.

A. As used in this section, "high-demand field" means a discipline or field*, as defined by the list established by the Department of Workforce Development and Advancement based on analysis and evaluation provided by the Virginia Office of Education Economics,* in which there is a shortage of skilled workers to fill current and anticipated additional job vacancies.

B. There is hereby created in the state treasury a special nonreverting fund to be known as the Get Skilled, Get a Job, Give Back (G3) Fund, referred to in this section as "the Fund." The Fund shall be established on the books of the Comptroller. All gifts, donations, grants, bequests, and other funds received on its behalf shall be paid into the state treasury and credited to the Fund. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. Moneys in the Fund shall be used solely for the purposes of providing financial assistance pursuant to subsection C. Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants issued by the Comptroller upon written request signed by the Chancellor.

C. The System shall establish the Get Skilled, Get a Job, Give Back Program (G3 Program) for the purpose of providing financial assistance from the Fund to low-income and middle-income Virginia students who are enrolled in an educational program at an associate-degree-granting public institution of higher education that leads to an occupation in a high-demand field.

D. The Virginia Board of Workforce Development, in consultation with the System, the Council, and the staffs of the House Committee on Appropriations and Senate Committee on Finance and Appropriations, shall make recommendations to the Governor and General Assembly, no later than December 1 of each year, for additions or other changes to the high-demand fields that qualify for financial assistance under the G3 Program.

E. In order to be eligible for financial assistance under the G3 Program, an applicant shall (i) report a total household income that is not more than 400 percent of the federal poverty guidelines established by the U.S. Department of Health and Human Services; (ii) be enrolled or accepted for enrollment, (a) as a full-time student or a part-time student, for a minimum of six credit hours per semester, in a credit-bearing educational program or (b) in a noncredit educational program, at an associate-degree-granting public institution of higher education that leads to an occupation in a high-demand field; and (iii) have completed and submitted applications for any other federal or state student financial aid program for which the applicant may be eligible.

F. In order to remain eligible for financial assistance under the G3 Program, a participating student shall (i) meet standards for satisfactory academic progress and maintain the required grade point average established in Title IV of the federal Higher Education Act of 1965, as amended; (ii) demonstrate reasonable progress to complete his specific program of study to earn an associate degree in no more than three years; and (iii) not exceed 150 percent of the required credits for the relevant certificate or degree.

G. Each financial assistance award under the G3 Program shall consist of (i) a grant up to the amount necessary to pay for the last-dollar cost of the institution's tuition and mandatory fees and a textbook stipend after all other federal and state financial aid to which the student is entitled is taken into account and (ii) for any student who is enrolled full time and receives a full Federal Pell Grant, a student-support incentive grant as provided in the general appropriation act. Each student-support incentive grant shall be disbursed in two equal payments, the first of which shall occur after the census date for the enrollment period is reached and the second of which shall occur at the end of the academic term for which the student receives the grant, provided, however, that no student who withdraws from or otherwise stops attending the institution during such term shall receive additional payments and that each such student shall be subject to repayment of the funds already received in accordance with state financial aid policies.

H. Each eligible institution that participates in the G3 Program shall provide academic and career advising to all students enrolled in the G3 Program.

I. No later than September 1 of each year, each associate-degree-granting public institution of higher education shall submit to the Council and the System a report with data from the previous fiscal year on student participation in and completion of the G3 Program, including (i) data on student enrollment, student retention rates between academic terms and years, and student wages, including median wages prior to enrollment and one year after completion of a credential or degree and wage rates of students who have not enrolled in over a year and did not complete a credential, and (ii) a comparison of job demand and completion rates. Such data shall be disaggregated by program of study and student income level at the start of participation in the G3 program. The Council and System shall work collaboratively to compile the data provided by each associate-degree-granting public institution of higher education and annually report such data, in the aggregate and by program of study, institution, and student income level at the start of participation in the G3 program, to

the Governor and the Chairmen of the House Committee on Appropriations, the Senate Committee on Finance and Appropriations, the House Committee on Education, and the Senate Committee on Education and Health.

J. No later than September 1 of each year, each associate-degree-granting public institution of higher education that participates in the G3 Program shall adopt and amend, as necessary, policies and procedures to ensure that student participation in the G3 Program does not cause financial assistance awards to exceed funds available for such purpose.

CHAPTER 508

An Act to amend the Code of Virginia by adding a section numbered 22.1-296.5, relating to school boards; teachers; employment verification; requirement.

[S 441]

Approved April 4, 2024

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 22.1-296.5 as follows:

§ 22.1-296.5. Employment verification required.

Each school board shall respond within 10 working days of receiving a request for employment verification of a former employee of the school board when such verification is sought by another school board. As used in this section, "working day" means every day except Saturdays, Sundays, and legal state and federal holidays.

CHAPTER 509

An Act to direct the Department of Housing and Community Development to convene a work group to assess the feasibility of and options for establishing a Virginia residential development infrastructure fund; report.

[S 489]

Approved April 4, 2024

Be it enacted by the General Assembly of Virginia:

1. *§ 1. That the Department of Housing and Community Development (the Department) shall convene a work group to assess the feasibility of and options for establishing a Virginia residential development infrastructure fund.*

The work group shall consider (i) whether other states have established a residential development infrastructure fund, or similar fund, and evaluate the effectiveness and best practices used in implementing such policy in other states; (ii) preliminary and long-term fiscal impacts of establishing and administering a Virginia residential development infrastructure fund; (iii) options for applicant and project eligibility criteria, application review and selection processes, funding disbursement, and other potential policies, procedures, or guidelines; and (iv) prioritizing certain public infrastructure projects, including those that support residential developments in localities that have implemented measures to reduce local regulatory barriers to new development.

The work group shall be composed of representatives from local government and individuals with expertise in single-family and multifamily land development and construction, real estate finance, infrastructure development, or other areas of expertise deemed appropriate by the Department.

All agencies of the Commonwealth shall provide assistance to the Department and the work group, upon request.

The work group shall complete its meetings by November 30, 2024, and the Department shall submit to the Division of Legislative Automated Systems an executive summary and report of its assessment no later than the first day of the 2025 Regular Session of the General Assembly. The executive summary and report shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.

CHAPTER 510

An Act to amend and reenact § 46.2-915.1 of the Code of Virginia, relating to all-terrain vehicles and off-road motorcycles; seizure, impounding, and disposition.

[S 516]

Approved April 4, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 46.2-915.1 of the Code of Virginia is amended and reenacted as follows:

§ 46.2-915.1. All-terrain vehicles and off-road motorcycles; penalty.

A. No all-terrain vehicle shall be operated:

1. On any public highway, or other public property, except (i) as authorized by proper authorities, (ii) to the extent necessary to cross a public highway by the most direct route, or (iii) by law-enforcement officers, firefighters, or emergency medical services personnel responding to emergencies;

2. By any person under the age of 16, except that (i) children between the ages of 12 and 16 may operate all-terrain vehicles powered by engines of no more than 90 cubic centimeters displacement and (ii) children less than 12 years old may operate all-terrain vehicles powered by engines of no more than 70 cubic centimeters displacement;

3. By any person unless he is wearing a protective helmet of a type approved by the Superintendent of State Police for use by motorcycle operators;

4. On another person's property without the written consent of the owner of the property or as explicitly authorized by law; or

5. With a passenger at any time, unless such all-terrain vehicle is designed and equipped to be operated with more than one rider.

B. Notwithstanding subsection A, all-terrain vehicles may be operated on the highways in Buchanan County and Tazewell County if the following conditions are met:

1. Such operation is approved by action of the Buchanan County Board of Supervisors for operation along the Pocahontas Trail on Bill Young Mountain and across Virginia Route 635 in Buchanan County and approved by action of the Tazewell County Board of Supervisors for operation along the Pocahontas Trail in and between the Town of Pocahontas and Boissevain; across Virginia Routes 644, 663, 659, 627, 734, and 747; within the corporate limits of the Town of Pocahontas in Tazewell County; and across property of the Virginia Department of Corrections in Tazewell County, provided that permission is granted for such operation pursuant to § 2.2-1150;

2. Signs, whose design, number, and location are approved by the Virginia Department of Transportation, have been posted warning motorists that all-terrain vehicles may be operating on the highway;

3. Such all-terrain vehicles are operated during daylight hours on the highway for no more than one mile between one off-road trail and another;

4. Signs required by this subsection are purchased and installed by the person or club requesting the Board of Supervisors' approval for such over-the-road operation of all-terrain vehicles;

5. All-terrain vehicles operators shall, when operating on the highway, obey all rules of the road applicable to other motor vehicles;

6. Riders of such all-terrain vehicles shall wear approved helmets; and

7. Such all-terrain vehicles shall operate at speeds of no more than 25 miles per hour.

No provision of this subsection shall be construed to require all-terrain vehicles operated on a highway as provided in this subsection to comply with lighting requirements contained in this title.

C. Any retailer selling any all-terrain vehicle shall affix thereto, or verify that there is affixed thereto, a decal or sticker, approved by the Superintendent of State Police, which clearly and completely states the prohibition contained in subsection A.

D. A violation of this section shall not constitute negligence, be considered in mitigation of damages of whatever nature, be admissible in evidence or be the subject of comment by counsel in any action for the recovery of damages arising out of the operation, ownership, or maintenance of an all-terrain vehicle or off-road motorcycle, nor shall anything in this section change any existing law, rule, or procedure pertaining to any such civil action, nor shall this section bar any claim which otherwise exists.

E. Violation of any provision of this section shall be punishable by a civil penalty of not more than $500.

F. The provisions of this section shall not apply:

1. To any all-terrain vehicle being used in conjunction with farming activities; or

2. To members of the household or employees of the owner or lessee of private property on which the all-terrain vehicle is operated.

G. *The governing body of any city may by ordinance provide for the lawful seizure, impounding, and disposition of an unlawfully operated all-terrain vehicle or off-road motorcycle operated on a highway or sidewalk within the boundaries of such city.*

H. For the purposes of this section, "all-terrain vehicle" *and "off-road motorcycle"* shall have the ~~meaning~~ *meanings* ascribed in § 46.2-100.

CHAPTER 511

An Act to amend and reenact §§ 55.1-2308 through 55.1-2312, 55.1-2316, and 55.1-2317 of the Code of Virginia, relating to Resale Disclosure Act; delivery of resale certificate; remedies.

[S 526]

Approved April 4, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 55.1-2308 through 55.1-2312, 55.1-2316, and 55.1-2317 of the Code of Virginia are amended and reenacted as follows:

§ 55.1-2308. Contract for resale; disclosures.

Unless exempt pursuant to § 55.1-2317, any contract for the resale of a unit in a common interest community shall disclose (i) that the unit is located in a common interest community; (ii) that the seller *or the seller's agent* is required to obtain from the association a resale certificate and provide it to the purchaser *or the purchaser's agent*; (iii) the purchaser's

right to cancel the contract pursuant to § 55.1-2312; (iv) that the purchaser *or the purchaser's agent* may request an updated resale certificate pursuant to § 55.1-2311; and (v) that the purchaser's right to receive the resale certificate and the right to cancel the contract are waived conclusively if not exercised before settlement. If the contract does not contain the disclosures required by this section, the purchaser's sole remedy is to cancel the contract prior to settlement.

§ 55.1-2309. Resale certificate; delivery.

A. The seller *or the seller's agent* shall ~~be required to~~ obtain the resale certificate from the association and provide such resale certificate to the purchaser *or the purchaser's agent. This requirement shall not be waived or changed by agreement.*

B. Unless exempt pursuant to § 55.1-2317, the association, the association's managing agent, or any third party preparing the resale certificate on behalf of the association shall deliver such resale certificate within 14 days after a written request by a seller or seller's agent. *If no resale certificate is delivered within 14 days after such request, the resale certificate shall be deemed unavailable.*

C. The association, association's managing agent, or any third party preparing the resale certificate on behalf of the association shall deliver the resale certificate to the seller, or to such person as the seller may direct, either printed or in a generally accepted electronic format as the seller may request.

D. The information contained in the resale certificate shall be current as of a date specified on the resale certificate. The seller or purchaser may request an updated resale certificate as provided in § 55.1-2311.

§ 55.1-2310. Resale certificate; form and contents.

A. The association shall include the completed resale certificate form, developed by the common interest community board pursuant to subdivision 3 of § 54.1-2350, with supporting documentation set out in the following order:

1. The name, address, and phone numbers of the preparer of the resale certificate and any managing agent of the association;

2. A copy of the governing documents and any rules and regulations of the association;

3. A statement disclosing any restraint on the alienability of the unit for which the resale certificate is being issued;

4. A statement of the amount and payment schedules of assessments and any unpaid assessments currently due and payable to the association;

5. A statement of any other fees due and payable by an owner of the unit;

6. A statement of any other entity or facility to which the owner of the unit being sold may be liable for assessments, fees, or other charges due to the ownership of the unit;

7. A statement of the amount and payment schedule of any approved additional or special assessment and any unpaid additional or special assessment currently due and payable;

8. A statement of any capital expenditures approved by the association for the current and succeeding fiscal years;

9. A statement of the amount of any reserves for capital expenditures and of any portions of those reserves designated by the association for any specified projects;

10. The most recent balance sheet and income and expense statement, if any, of the association;

11. The current operating budget of the association;

12. The current reserve study, or a summary of such study;

13. A statement of any unsatisfied judgments against the association and the nature and status of any pending actions in which the association is a party and that could have a material impact on the association, the owners, or the unit being sold;

14. A statement describing any insurance coverage provided by the association for the benefit of the owners, including fidelity coverage, and any insurance coverage recommended or required to be obtained by the owners;

15. A statement as to whether the board has given or received written notice that any existing uses, occupancies, alterations, or improvements in or to the unit being sold or to the limited elements assigned thereto violate any provision of the governing documents or rules and regulations together with copies of any notices provided;

16. A statement as to whether the board has received written notice from a governmental agency of any violation of environmental, health, or building codes with respect to the unit being sold, the limited elements assigned thereto, or any other portion of the common interest community that has not been cured;

17. A copy of any approved minutes of meetings of the board held during the last six months;

18. A copy of any approved or draft minutes of the most recent association meeting;

19. A statement of the remaining term of any leasehold estate affecting a common area or common element, as those terms are defined in §§ 55.1-1800, 55.1-1900, and 55.1-2100, in the common interest community and the provisions governing any extension or renewal of such leasehold;

20. A statement of any limitation in the governing documents on the number or age of persons who may occupy a unit as a dwelling;

21. A statement setting forth any restriction, limitation, or prohibition on the right of an owner to display the flag of the United States, including reasonable restrictions as to the size, time, place, and manner of placement or display of such flag;

22. A statement setting forth any restriction, limitation, or prohibition on the right of an owner to install or use solar energy collection devices on the owner's unit or limited element;

23. A statement setting forth any restriction, limitation, or prohibition on the size, placement, or duration of display of political, for sale, or any other signs on the property;

24. A statement identifying any parking or vehicle restriction, limitation, or prohibition in the governing documents or rules and regulations;

25. A statement setting forth any restriction, limitation, or prohibition on the operation of a home-based business that otherwise complies with all applicable local ordinances;

26. A statement setting forth any restriction, limitation, or prohibition on an owner's ability to rent the unit;

27. In a cooperative, ~~an accountant's statement, if any was prepared, as to the deductibility for federal income tax purposes by the owner of real estate taxes and interest paid by the association~~ *a statement setting forth whether the cooperative association is aware of any statute, regulation, or rule applicable to the cooperative that would affect an owner's ability to deduct real estate taxes and interest paid by the cooperative association for federal income tax purposes*;

28. A statement describing any pending sale or encumbrance of common elements;

29. A statement indicating any known project approvals currently in effect issued by secondary mortgage market agencies; and

30. Certification that the association has filed with the Common Interest Community Board the annual report required by law, which certification shall indicate the filing number assigned by the Common Interest Community Board and the expiration date of such filing.

§ 55.1-2311. Updated resale certificate; financial update.

A. If a resale certificate was issued more than 30 days but less than 12 months before settlement, the seller or the purchaser, upon proof of being the contract purchaser of the unit, may request an updated resale certificate. The updated resale certificate shall be delivered to the person requesting it, or as such person may direct, in the format requested. The updated resale certificate shall be delivered within 10 days after the written request.

B. The updated resale certificate shall contain current information for all items that may have changed from the original resale certificate or a statement that there are no changes.

C. A settlement agent *or other third party* authorized by the seller or purchaser may request a financial update and the association shall provide such information within three business days after the written request.

§ 55.1-2312. Cancellation of contract by purchaser.

A. ~~The purchaser may cancel the contract:~~

~~1. Within three days, or up to seven days if extended by the ratified real estate contract, after the ratification date of the contract if the purchaser receives the resale certificate, whether or not complete pursuant to § 55.1-2310, or a notice that the resale certificate is unavailable on or before the date that the contract is ratified;~~

~~2. Within three days, or up to seven days if extended by the ratified real estate contract, from the date the purchaser receives the resale certificate, whether or not complete pursuant to § 55.1-2310, or a notice that the resale certificate is unavailable if delivery occurs after the contract is ratified; or~~

~~3. At any time prior to settlement if the resale certificate is not delivered to the purchaser.~~ *If delivery of the resale certificate to the purchaser or purchaser's agent, whether or not complete pursuant to § 55.1-2310, or a notice that the resale certificate is unavailable, occurs before the contract is ratified, the purchaser may cancel the contract within a time period agreed upon by all parties in the ratified real estate contract. If no time period is specified in the ratified real estate contract, the purchaser shall have three days from the date of ratification to cancel the contract.*

B. If delivery of the resale certificate to the purchaser or purchaser's agent, whether or not complete pursuant to § 55.1-2310, or a notice that such resale certificate is unavailable, occurs after the contract is ratified, the purchaser may cancel the contract within a time period agreed upon by all parties to the real estate contract. If no time period is specified in the ratified real estate contract, the purchaser shall have three days from receipt of the resale certificate or notice that the resale certificate is unavailable to cancel the contract.

C. If the resale certificate or notice that the resale certificate is unavailable has not been delivered to the purchaser, the purchaser or purchaser's agent may cancel the contract at any time prior to settlement.

~~B.~~ *D.* Written notice of cancellation shall be provided to the seller in accordance with the terms of the contract. The purchaser shall have the burden to demonstrate delivery of the notice of cancellation.

~~C.~~ *E.* If the unit is governed by more than one association, the timeframe for the purchaser's right of cancellation shall run from the date of delivery of the last resale certificate.

~~D.~~ *F.* Cancellation shall be without penalty, and the seller shall cause any deposit or escrowed funds to be returned promptly to the purchaser.

§ 55.1-2316. Resale certificate; fees.

A. An association may charge a post-closing fee and fees for preparation, delivery, and expedited delivery of a resale certificate, an updated resale certificate, or financial update and for the inspection of a unit performed to prepare the resale certificate or updated resale certificate. ~~Unless provided otherwise by the association, the appropriate fees shall be paid when the resale certificate, updated resale certificate, or financial update is requested.~~ The seller shall be responsible for all fees associated with the preparation and delivery of the resale certificate, including any fees for inspection of the unit. The requesting party shall pay any fees for the preparation and delivery of the updated resale certificate ~~or financial update~~. *The seller shall be responsible for all fees associated with the preparation and delivery of the financial update. However, a settlement agent or other requesting party may pay such fees up front, regardless of whether such settlement agent or other requesting party requests to be reimbursed for such fees from the seller.*

B. *Unless provided otherwise by the association or this section, fees charged by an association for the preparation and delivery of a resale certificate, an updated resale certificate, or a financial update shall be paid when the resale certificate, updated resale certificate, or financial update is requested. However, if the seller agrees to pay the fees for preparation and*

delivery of the financial update, the association or the association's management agent shall either (i) upon receipt of the request for the financial update, send instructions by electronic means to the seller for electronic payment or (ii) accept payment of such fees at the time of closing.

C. The Common Interest Community Board shall establish the maximum fees that the association may charge for such post-closing and preparation, delivery, and inspection; such maximum fees shall be commercially reasonable and consistent with the effort required to comply with the resale certificate requirements. The maximum allowable fees, as published by the Common Interest Community Board and effective as of January 12, 2023, shall be adjusted no less than every five years, as of January 1 of that year, in an amount not less than the annual increases for that five-year period in the United States Average Consumer Price Index for all items, all urban consumers (CPI-U), as published by the Bureau of Labor Statistics of the U.S. Department of Labor or an equivalent successor index.

~~C.~~ *D.* The association shall publish and make available a schedule of the applicable fees (i) for preparation and delivery of the resale certificate, updated resale certificate, and financial update; (ii) for the inspection of a unit; and (iii) related to any post-closing costs.

~~D.~~ *E.* A post-closing fee to be collected at settlement may be imposed on the purchaser of the property for the purpose of establishing the purchaser as the owner of the property in the records of the association.

~~E.~~ *F.* No association may collect fees authorized by this section unless the association (i) is registered with the Common Interest Community Board; (ii) is current in filing the most recent annual report and fee with the Common Interest Community Board pursuant to § 55.1-1835*, 55.1-1980, or 55.1-2182*; (iii) is current in paying any assessment made by the Common Interest Community Board pursuant to § 54.1-2354.5; and (iv) provides the option to receive the ~~disclosure packet~~ *resale certificate* electronically.

§ 55.1-2317. Exemptions.

A. The resale certificate required by this chapter need not be provided in the case of:

1. An initial disposition ~~by a declarant~~ *of a unit to a person or entity that is not acquiring the unit for his own residence or for the construction of a dwelling unit to be occupied as his own residence, unless requested by such person or entity. The person or entity acquiring the unit shall nevertheless be obligated to abide by the declaration, bylaws, rules and regulations, and architectural guidelines of the association as to all matters*;

2. A disposition of a unit by gift;

3. A disposition of a unit pursuant to court order if the court so directs;

4. A disposition of a unit by foreclosure or deed in lieu of foreclosure;

5. A disposition of a unit by a sale at auction, when the resale certificate was made available as part of the auction package for prospective purchasers prior to the auction; or

6. A disposition of a unit in a common interest community containing no residential units.

B. In any transaction in which a resale certificate is required and a trustee acts as the seller in the sale or resale of a unit, the trustee shall obtain the resale certificate from the association and provide the resale certificate to the purchaser.

CHAPTER 512

An Act to amend and reenact § 58.1-339.2 of the Code of Virginia, relating to historic rehabilitation tax credit.

[S 556]

Approved April 4, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 58.1-339.2 of the Code of Virginia is amended and reenacted as follows:

§ 58.1-339.2. Historic rehabilitation tax credit.

A. Effective for taxable years beginning on and after January 1, 1997, any individual, trust or estate, or corporation incurring eligible expenses in the rehabilitation of a certified historic structure shall be entitled to a credit against the tax imposed by Articles 2 (§ 58.1-320 et seq.), 6 (§ 58.1-360 et seq.) and 10 (§ 58.1-400 et seq.) of Chapter 3; Chapter 12 (§ 58.1-1200 et seq.); Article 1 (§ 58.1-2500 et seq.) of Chapter 25; and Article 2 (§ 58.1-2620 et seq.) of Chapter 26, in accordance with the following schedule:

Year	% of Eligible Expenses
1997	10%
1998	15%
1999	20%
2000 and thereafter	25%

If the amount of such credit exceeds the taxpayer's tax liability for such taxable year, the amount that exceeds the tax liability may be carried over for credit against the taxes of such taxpayer in the next ten taxable years or until the full credit is used, whichever occurs first. Credits granted to a partnership or electing small business corporation (S corporation) shall be passed through to the partners or shareholders, respectively. Credits granted to a partnership or electing small business

corporation (S corporation) shall be allocated among all partners or shareholders, respectively, either in proportion to their ownership interest in such entity or as the partners or shareholders mutually agree as provided in an executed document, the form of which shall be prescribed by the Director of the Department of Historic Resources.

B. Effective for taxable years beginning on and after January 1, 2000, any individual, trust, estate, or corporation resident in Virginia that incurs eligible expenses in the rehabilitation of a certified historic structure in any other state that has in effect a reciprocal historic structure rehabilitation tax credit program and agreement for residents of that state who rehabilitate historic structures in Virginia shall be entitled to a credit to the same extent as provided in subsection A and other applicable provisions of law; however, no eligible party shall receive any credit authorized under this subsection prior to taxable years beginning on and after January 1, 2002.

C. 1. To claim the credit authorized under this section, the taxpayer shall apply to the Virginia Department of Historic Resources, which shall determine the amount of eligible rehabilitation expenses and issue a certificate thereof to the taxpayer. The taxpayer shall attach the certificate to the Virginia tax return on which the credit is claimed.

2. *a.* For taxable years beginning on and after January 1, 2017, *but before January 1, 2025,* the amount of the credit that may be claimed by each taxpayer, including amounts carried over from prior taxable years, shall not exceed $5 million in any taxable year.

b. For taxable years beginning on and after January 1, 2025, the amount of the credit that may be claimed by each taxpayer, including amounts carried over from prior taxable years, shall not exceed $7.5 million in any taxable year.

D. When used in this section:

"Certified historic structure" means a property listed individually on the Virginia Landmarks Register, or certified by the Director of the Virginia Department of Historic Resources as contributing to the historic significance of a historic district that is listed on the Virginia Landmarks Register or certified by the Director of the Virginia Department of Historic Resources as meeting the criteria for listing on the Virginia Landmarks Register.

"Eligible rehabilitation expenses" means expenses incurred in the material rehabilitation of a certified historic structure and added to the property's capital account.

"Material rehabilitation" means improvements or reconstruction consistent with "The Secretary of the Interior's Standards for Rehabilitation," the cost of which amounts to at least fifty percent of the assessed value of such building for local real estate tax purposes for the year prior to the initial expenditure of any rehabilitation expenses, unless the building is an owner-occupied building, in which case the cost shall amount to at least twenty-five percent of the assessed value of such building for local real estate tax purposes for the year prior to the initial expenditure of any rehabilitation expenses.

"Owner-occupied building" means any building that is used as a personal residence by the owner.

E. The Director of the Department of Historic Resources shall establish by regulation the requirements needed for this program, including the fees to defray necessary expenses thereof, and, except as otherwise prohibited by this section, the extent to which the availability of the credit provided by this section is coextensive with the availability of the federal tax credit for the rehabilitation of certified historic resources.

F. Any gain or income under federal law from the allocation or application of a tax credit under this section shall not be (i) taxable gain or income for purposes of the tax imposed pursuant to Article 2 (§ 58.1-320 et seq.), (ii) taxable gain or income for purposes of the tax imposed pursuant to Article 6 (§ 58.1-360 et seq.), or (iii) taxable gain or income for purposes of the tax imposed pursuant to Article 10 (§ 58.1-400 et seq.). However, nothing in this subsection shall be construed or interpreted as allowing a subtraction or deduction for such gain or income under federal law if the gain or income is otherwise excluded, deducted, or subtracted in computing the respective tax set forth under clauses (i) through (iii).

CHAPTER 513

An Act to amend and reenact §§ 54.1-3401, 54.1-3423, and 54.1-3434.02 of the Code of Virginia, relating to crisis stabilization services; facilities licensed by Department of Behavioral Health and Developmental Services; nursing homes; dispensing and administration of drugs; emergency.

[S 568]

Approved April 4, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 54.1-3401, 54.1-3423, and 54.1-3434.02 of the Code of Virginia are amended and reenacted as follows:

§ 54.1-3401. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Administer" means the direct application of a controlled substance, whether by injection, inhalation, ingestion, or any other means, to the body of a patient or research subject by (i) a practitioner or by his authorized agent and under his direction or (ii) the patient or research subject at the direction and in the presence of the practitioner.

"Advertisement" means all representations disseminated in any manner or by any means, other than by labeling, for the purpose of inducing, or which are likely to induce, directly or indirectly, the purchase of drugs or devices.

"Agent" means an authorized person who acts on behalf of or at the direction of a manufacturer, distributor, or dispenser. ~~It~~ *"Agent"* does not include a common or contract carrier, public warehouseman, or employee of the carrier or warehouseman.

"Anabolic steroid" means any drug or hormonal substance, chemically and pharmacologically related to testosterone, other than estrogens, progestins, corticosteroids, and dehydroepiandrosterone.

"Animal" means any nonhuman animate being endowed with the power of voluntary action.

"Automated drug dispensing system" means a mechanical or electronic system that performs operations or activities, other than compounding or administration, relating to pharmacy services, including the storage, dispensing, or distribution of drugs and the collection, control, and maintenance of all transaction information, to provide security and accountability for such drugs.

"Biological product" means a virus, therapeutic serum, toxin, antitoxin, vaccine, blood, blood component or derivative, allergenic product, protein other than a chemically synthesized polypeptide, or analogous product, or arsphenamine or any derivative of arsphenamine or any other trivalent organic arsenic compound, applicable to the prevention, treatment, or cure of a disease or condition of human beings.

"Biosimilar" means a biological product that is highly similar to a specific reference biological product, notwithstanding minor differences in clinically inactive compounds, such that there are no clinically meaningful differences between the reference biological product and the biological product that has been licensed as a biosimilar pursuant to 42 U.S.C. § 262(k) in terms of safety, purity, and potency of the product.

"Board" means the Board of Pharmacy.

"Bulk drug substance" means any substance that is represented for use, and that, when used in the compounding, manufacturing, processing, or packaging of a drug, becomes an active ingredient or a finished dosage form of the drug; however, "bulk drug substance" ~~shall~~ *does* not include intermediates that are used in the synthesis of such substances.

"Change of ownership" of an existing entity permitted, registered, or licensed by the Board means (i) the sale or transfer of all or substantially all of the assets of the entity or of any corporation that owns or controls the entity; (ii) the creation of a partnership by a sole proprietor, the dissolution of a partnership, or change in partnership composition; (iii) the acquisition or disposal of 50 percent or more of the outstanding shares of voting stock of a corporation owning the entity or of the parent corporation of a wholly owned subsidiary owning the entity, except that this shall not apply to any corporation the voting stock of which is actively traded on any securities exchange or in any over-the-counter market; (iv) the merger of a corporation owning the entity or of the parent corporation of a wholly-owned subsidiary owning the entity with another business or corporation; or (v) the expiration or forfeiture of a corporation's charter.

"Co-licensed partner" means a person who, with at least one other person, has the right to engage in the manufacturing or marketing of a prescription drug, consistent with state and federal law.

"Compounding" means the combining of two or more ingredients to fabricate such ingredients into a single preparation and includes the mixing, assembling, packaging, or labeling of a drug or device (i) by a pharmacist, or within a permitted pharmacy, pursuant to a valid prescription issued for a medicinal or therapeutic purpose in the context of a bona fide practitioner-patient-pharmacist relationship, or in expectation of receiving a valid prescription based on observed historical patterns of prescribing and dispensing; (ii) by a practitioner of medicine, osteopathy, podiatry, dentistry, or veterinary medicine as an incident to his administering or dispensing, if authorized to dispense, a controlled substance in the course of his professional practice; or (iii) for the purpose of, or as incident to, research, teaching, or chemical analysis and not for sale or for dispensing. The mixing, diluting, or reconstituting of a manufacturer's product drugs for the purpose of administration to a patient, when performed by a practitioner of medicine or osteopathy licensed under Chapter 29 (§ 54.1-2900 et seq.), a person supervised by such practitioner pursuant to subdivision A 6 or 19 of § 54.1-2901, or a person supervised by such practitioner or a licensed advanced practice registered nurse or physician assistant pursuant to subdivision A 4 of § 54.1-2901 shall not be considered compounding.

"Controlled substance" means a drug, substance, or immediate precursor in Schedules I through VI of this chapter. ~~The term shall~~ *"Controlled substance" does* not include distilled spirits, wine, malt beverages, or tobacco as those terms are defined or used in Title 3.2 or Title 4.1. The term "controlled substance" includes a controlled substance analog that has been placed into Schedule I or II by the Board pursuant to the regulatory authority in subsection D of § 54.1-3443.

"Controlled substance analog" means a substance the chemical structure of which is substantially similar to the chemical structure of a controlled substance in Schedule I or II and either (i) which has a stimulant, depressant, or hallucinogenic effect on the central nervous system that is substantially similar to or greater than the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled substance in Schedule I or II or (ii) with respect to a particular person, which such person represents or intends to have a stimulant, depressant, or hallucinogenic effect on the central nervous system that is substantially similar to or greater than the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled substance in Schedule I or II. "Controlled substance analog" does not include (a) any substance for which there is an approved new drug application as defined under § 505 of the federal Food, Drug, and Cosmetic Act (21 U.S.C. § 355) or that is generally recognized as safe and effective pursuant to §§ 501, 502, and 503 of the federal Food, Drug, and Cosmetic Act (21 U.S.C. §§ 351, 352, and 353) and 21 C.F.R. Part 330; (b) with respect to a particular person, any substance for which an exemption is in effect for investigational use for that person under § 505 of the federal Food, Drug, and Cosmetic Act to the extent that the conduct with respect to that substance is pursuant to such exemption; or (c) any substance to the extent not intended for human consumption before such an exemption takes effect with respect to that substance.

"DEA" means the Drug Enforcement Administration, U.S. Department of Justice, or its successor agency.

"Deliver" or "delivery" means the actual, constructive, or attempted transfer of any item regulated by this chapter, whether or not there exists an agency relationship, including delivery of a Schedule VI prescription device to an ultimate user or consumer on behalf of a medical equipment supplier by a manufacturer, nonresident manufacturer, wholesale distributor, nonresident wholesale distributor, warehouser, nonresident warehouser, third-party logistics provider, or nonresident third-party logistics provider at the direction of a medical equipment supplier in accordance with § 54.1-3415.1.

"Device" means instruments, apparatus, and contrivances, including their components, parts, and accessories, intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or animals or to affect the structure or any function of the body of man or animals.

"Dialysis care technician" or "dialysis patient care technician" means an individual who is certified by an organization approved by the Board of Health Professions pursuant to Chapter 27.01 (§ 54.1-2729.1 et seq.) and who, under the supervision of a licensed physician, an advanced practice registered nurse, a physician assistant, or a registered nurse, assists in the care of patients undergoing renal dialysis treatments in a Medicare-certified renal dialysis facility.

"Dialysis solution" means either the commercially available, unopened, sterile solutions whose purpose is to be instilled into the peritoneal cavity during the medical procedure known as peritoneal dialysis, or commercially available solutions whose purpose is to be used in the performance of hemodialysis not to include any solutions administered to the patient intravenously.

"Dispense" means to deliver a drug to an ultimate user or research subject by or pursuant to the lawful order of a practitioner, including the prescribing and administering, packaging, labeling, or compounding necessary to prepare the substance for that delivery. However, "dispensing ~~shall~~" *does* not include the transportation of drugs mixed, diluted, or reconstituted in accordance with this chapter to other sites operated by such practitioner or that practitioner's medical practice for the purpose of administration of such drugs to patients of the practitioner or that practitioner's medical practice at such other sites. For practitioners of medicine or osteopathy, "dispense" ~~shall~~ *includes* only ~~include~~ the provision of drugs by a practitioner to patients to take with them away from the practitioner's place of practice.

"Dispenser" means a practitioner who dispenses.

"Distribute" means to deliver other than by administering or dispensing a controlled substance.

"Distributor" means a person who distributes.

"Drug" means (i) articles or substances recognized in the official United States Pharmacopoeia National Formulary or official Homeopathic Pharmacopoeia of the United States, or any supplement to any of them; (ii) articles or substances intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or animals; (iii) articles or substances, other than food, intended to affect the structure or any function of the body of man or animals; (iv) articles or substances intended for use as a component of any article specified in clause (i), (ii), or (iii); or (v) a biological product. "Drug" does not include devices or their components, parts, or accessories.

"Drug product" means a specific drug in dosage form from a known source of manufacture, whether by brand or therapeutically equivalent drug product name.

"Electronic prescription" means a written prescription that is generated on an electronic application and is transmitted to a pharmacy as an electronic data file; ~~Schedule~~ *Schedules* II through V prescriptions shall be transmitted in accordance with 21 C.F.R. Part 1300.

"Facsimile (FAX) prescription" means a written prescription or order that is transmitted by an electronic device over telephone lines that sends the exact image to the receiving pharmacy in hard copy form.

"FDA" means the U.S. Food and Drug Administration.

"Immediate precursor" means a substance which the Board of Pharmacy has found to be and by regulation designates as being the principal compound commonly used or produced primarily for use, and which is an immediate chemical intermediary used or likely to be used in the manufacture of a controlled substance, the control of which is necessary to prevent, curtail, or limit manufacture.

"Interchangeable" means a biosimilar that meets safety standards for determining interchangeability pursuant to 42 U.S.C. § 262(k)(4).

"Label" means a display of written, printed, or graphic matter upon the immediate container of any article. A requirement made by or under authority of this chapter that any word, statement, or other information appear on the label shall not be considered to be complied with unless such word, statement, or other information also appears on the outside container or wrapper, if any, of the retail package of such article or is easily legible through the outside container or wrapper.

"Labeling" means all labels and other written, printed, or graphic matter on an article or any of its containers or wrappers, or accompanying such article.

"Manufacture" means the production, preparation, propagation, conversion, or processing of any item regulated by this chapter, either directly or indirectly by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and includes any packaging or repackaging of the substance or labeling or relabeling of its container. ~~This term~~ *"Manufacture"* does not include compounding.

"Manufacturer" means every person who manufactures, a manufacturer's co-licensed partner, or a repackager.

"Marijuana" means any part of a plant of the genus Cannabis whether growing or not, its seeds, or its resin; and every compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds, its resin, or any extract containing one or more cannabinoids. "Marijuana" does not include (i) the mature stalks of such plant, fiber produced from such stalk, or oil or cake made from the seeds of such plant, unless such stalks, fiber, oil, or cake is combined with other parts of plants

of the genus Cannabis; (ii) industrial hemp, as defined in § 3.2-4112, that is possessed by a person registered pursuant to subsection A of § 3.2-4115 or his agent; (iii) industrial hemp, as defined in § 3.2-4112, that is possessed by a person who holds a hemp producer license issued by the U.S. Department of Agriculture pursuant to 7 C.F.R. Part 990; (iv) a hemp product, as defined in § 3.2-4112; (v) an industrial hemp extract, as defined in § 3.2-5145.1; or (vi) any substance containing a tetrahydrocannabinol isomer, ester, ether, salt, or salts of such isomer, ester, or ether that has been placed by the Board of Pharmacy into one of the schedules set forth in the Drug Control Act (§ 54.1-3400 et seq.) pursuant to § 54.1-3443.

"Medical equipment supplier" means any person, as defined in § 1-230, engaged in the delivery to the ultimate consumer, pursuant to the lawful order of a practitioner, of hypodermic syringes and needles, medicinal oxygen, Schedule VI controlled devices, those Schedule VI controlled substances with no medicinal properties that are used for the operation and cleaning of medical equipment, solutions for peritoneal dialysis, and sterile water or saline for irrigation.

"Narcotic drug" means any of the following, whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis: (i) opium, opiates, and any salt, compound, derivative, or preparation of opium or opiates; (ii) any salt, compound, isomer, derivative, or preparation thereof which is chemically equivalent or identical with any of the substances referred to in clause (i), but not including the isoquinoline alkaloids of opium; (iii) opium poppy and poppy straw; *or* (iv) coca leaves and any salt, compound, derivative, or preparation of coca leaves, and any salt, compound, isomer, derivative, or preparation thereof which is chemically equivalent or identical with any of these substances, but not including decocainized coca leaves or extraction of coca leaves which do not contain cocaine or ecgonine.

"New drug" means (i) any drug, except a new animal drug or an animal feed bearing or containing a new animal drug, the composition of which is such that such drug is not generally recognized, among experts qualified by scientific training and experience to evaluate the safety and effectiveness of drugs, as safe and effective for use under the conditions prescribed, recommended, or suggested in the labeling, except that such a drug not so recognized shall not be deemed to be a "new drug" if at any time prior to the enactment of this chapter it was subject to the Food and Drugs Act of June 30, 1906, as amended, and if at such time its labeling contained the same representations concerning the conditions of its use, or (ii) any drug, except a new animal drug or an animal feed bearing or containing a new animal drug, the composition of which is such that such drug, as a result of investigations to determine its safety and effectiveness for use under such conditions, has become so recognized, but which has not, otherwise than in such investigations, been used to a material extent or for a material time under such conditions.

"Nuclear medicine technologist" means an individual who holds a current certification with the American Registry of Radiological Technologists or the Nuclear Medicine Technology Certification Board.

"Official compendium" means the official United States Pharmacopoeia National Formulary, official Homeopathic Pharmacopoeia of the United States, or any supplement to any of them.

"Official written order" means an order written on a form provided for that purpose by the U.S. Drug Enforcement Administration, under any laws of the United States making provision therefor, if such order forms are authorized and required by federal law, and if no such order form is provided then on an official form provided for that purpose by the Board of Pharmacy.

"Opiate" means any substance having an addiction-forming or addiction-sustaining liability similar to morphine or being capable of conversion into a drug having such addiction-forming or addiction-sustaining liability. ~~It~~ *"Opiate"* does not include, unless specifically designated as controlled under Article 4 (§ 54.1-3437 et seq.), the dextrorotatory isomer of 3-methoxy-n-methylmorphinan and its salts (dextromethorphan). ~~It~~ *"Opiate"* does include its racemic and levorotatory forms.

"Opium poppy" means the plant of the species Papaver somniferum L., except the seeds thereof.

"Original package" means the unbroken container or wrapping in which any drug or medicine is enclosed together with label and labeling, put up by or for the manufacturer, wholesaler, or distributor for use in the delivery or display of such article.

"Outsourcing facility" means a facility that is engaged in the compounding of sterile drugs and is currently registered as an outsourcing facility with the U.S. Secretary of Health and Human Services and that complies with all applicable requirements of federal and state law, including the Federal Food, Drug, and Cosmetic Act.

"Person" means both the plural and singular, as the case demands, and includes an individual, partnership, corporation, association, governmental agency, trust, or other institution or entity.

"Pharmacist-in-charge" means the person who, being licensed as a pharmacist, signs the application for a pharmacy permit and assumes full legal responsibility for the operation of the relevant pharmacy in a manner complying with the laws and regulations for the practice of pharmacy and the sale and dispensing of controlled substances; the "pharmacist-in-charge" shall personally supervise the pharmacy and the pharmacy's personnel as required by § 54.1-3432.

"Poppy straw" means all parts, except the seeds, of the opium poppy, after mowing.

"Practitioner" means a physician, dentist, licensed advanced practice registered nurse pursuant to § 54.1-2957.01, licensed physician assistant pursuant to § 54.1-2952.1, pharmacist pursuant to § 54.1-3300, TPA-certified optometrist pursuant to Article 5 (§ 54.1-3222 et seq.) of Chapter 32, veterinarian, scientific investigator, or other person licensed, registered, or otherwise permitted to distribute, dispense, prescribe and administer, or conduct research with respect to a controlled substance in the course of professional practice or research in the Commonwealth.

"Prescriber" means a practitioner who is authorized pursuant to §§ 54.1-3303 and 54.1-3408 to issue a prescription.

"Prescription" means an order for drugs or medical supplies, written or signed or transmitted by word of mouth, telephone, telegraph, or other means of communication to a pharmacist by a duly licensed physician, dentist, veterinarian, or other practitioner authorized by law to prescribe and administer such drugs or medical supplies.

"Prescription drug" means any drug required by federal law or regulation to be dispensed only pursuant to a prescription, including finished dosage forms and active ingredients subject to § 503(b) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. § 353(b)).

"Production" or "produce" includes the manufacture, planting, cultivation, growing, or harvesting of a controlled substance or marijuana.

"Proprietary medicine" means a completely compounded nonprescription drug in its unbroken, original package which does not contain any controlled substance or marijuana as defined in this chapter and is not in itself poisonous, and which is sold, offered, promoted, or advertised directly to the general public by or under the authority of the manufacturer or primary distributor, under a trademark, trade name, or other trade symbol privately owned, and the labeling of which conforms to the requirements of this chapter and applicable federal law. However, ~~this definition shall~~ *"proprietary medicine" does* not include a drug that is only advertised or promoted professionally to licensed practitioners, a narcotic or drug containing a narcotic, a drug that may be dispensed only upon prescription or the label of which bears substantially the statement "Warning — may be habit-forming," or a drug intended for injection.

"Radiopharmaceutical" means any drug that exhibits spontaneous disintegration of unstable nuclei with the emission of nuclear particles or photons and includes any non-radioactive reagent kit or radionuclide generator that is intended to be used in the preparation of any such substance, but does not include drugs such as carbon-containing compounds or potassium-containing salts that include trace quantities of naturally occurring radionuclides. ~~The term~~ *"Radiopharmaceutical"* also includes any biological product that is labeled with a radionuclide or intended solely to be labeled with a radionuclide.

"Reference biological product" means the single biological product licensed pursuant to 42 U.S.C. § 262(a) against which a biological product is evaluated in an application submitted to the U.S. Food and Drug Administration for licensure of biological products as biosimilar or interchangeable pursuant to 42 U.S.C. § 262(k).

"Remote dispensing system" means a profile-driven automated drug dispensing system that performs operations or activities relative to the storage, packaging, labeling, or dispensing of medications employing bidirectional audio-visual technology to facilitate pharmacist communication with a patient, authorized agent of the patient, or person licensed to administer drugs, and collects, controls, and maintains all information online. Drugs intended to be administered by the patient or a person not licensed to administer drugs must fully comply with the labeling requirements in §§ 54.1-3410 and 54.1-3463 and Board regulations. Directions for use may only be abbreviated when drugs are administered exclusively by persons licensed to administer drugs.

"Sale" includes barter, exchange, or gift, or offer therefor, and each such transaction made by any person, whether as an individual, proprietor, agent, servant, or employee.

"Tetrahydrocannabinol" means any naturally occurring or synthetic tetrahydrocannabinol, including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation and any preparation, mixture, or substance containing, or mixed or infused with, any detectable amount of tetrahydrocannabinol. For the purposes of this definition, "isomer" means the optical, position, and geometric isomers.

"Therapeutically equivalent drug products" means drug products that contain the same active ingredients and are identical in strength or concentration, dosage form, and route of administration and that are classified as being therapeutically equivalent by the U.S. Food and Drug Administration pursuant to the definition of "therapeutically equivalent drug products" set forth in the most recent edition of the Approved Drug Products with Therapeutic Equivalence Evaluations, otherwise known as the "Orange Book."

"Third-party logistics provider" means a person that provides or coordinates warehousing of or other logistics services for a drug or device in interstate commerce on behalf of a manufacturer, wholesale distributor, or dispenser of the drug or device but does not take ownership of the product or have responsibility for directing the sale or disposition of the product.

"Total tetrahydrocannabinol" means the sum, after the application of any necessary conversion factor, of the percentage by weight of tetrahydrocannabinol and the percentage by weight of tetrahydrocannabinolic acid.

"USP-NF" means the current edition of the United States Pharmacopeia-National Formulary.

"Warehouser" means any person, other than a wholesale distributor, manufacturer, or third-party logistics provider, engaged in the business of (i) selling or otherwise distributing prescription drugs or devices to any person who is not the ultimate user or consumer and (ii) delivering Schedule VI prescription devices to the ultimate user or consumer pursuant to § 54.1-3415.1. No person shall be subject to any state or local tax by reason of this definition.

"Wholesale distribution" means (i) distribution of prescription drugs to persons other than consumers or patients and (ii) delivery of Schedule VI prescription devices to the ultimate user or consumer pursuant to § 54.1-3415.1, subject to the exemptions set forth in the federal Drug Supply Chain Security Act.

"Wholesale distributor" means any person other than a manufacturer, a manufacturer's co-licensed partner, a third-party logistics provider, or a repackager that engages in wholesale distribution.

The words "drugs" and "devices" as used in Chapter 33 (§ 54.1-3300 et seq.) and in this chapter ~~shall~~ *do* not include surgical or dental instruments, physical therapy equipment, X-ray apparatus, or glasses or lenses for the eyes.

The terms "pharmacist," "pharmacy," and "practice of pharmacy" as used in this chapter ~~shall be defined~~ *have the same meanings* as provided in Chapter 33 (§ 54.1-3300 et seq.) unless the context requires a different meaning.

§ 54.1-3423. Board to issue registration unless inconsistent with public interest; authorization to conduct research; application and fees.

A. The Board shall register an applicant to manufacture or distribute controlled substances included in Schedules I through V unless it determines that the issuance of that registration would be inconsistent with the public interest. In determining the public interest, the Board shall consider the following factors:

1. Maintenance of effective controls against diversion of controlled substances into other than legitimate medical, scientific, or industrial channels;

2. Compliance with applicable state and local law;

3. Any convictions of the applicant under any federal and state laws relating to any controlled substance;

4. Past experience in the manufacture or distribution of controlled substances, and the existence in the applicant's establishment of effective controls against diversion;

5. Furnishing by the applicant of false or fraudulent material in any application filed under this chapter;

6. Suspension or revocation of the applicant's federal registration to manufacture, distribute, or dispense controlled substances as authorized by federal law; and

7. Any other factors relevant to and consistent with the public health and safety.

B. Registration under subsection A does not entitle a registrant to manufacture and distribute controlled substances in Schedule I or II other than those specified in the registration.

C. Practitioners must be registered to conduct research or laboratory analysis with controlled substances in Schedules II through VI or marijuana. Practitioners registered under federal law to conduct research with Schedule I substances, other than marijuana, may conduct research with Schedule I *controlled* substances within the Commonwealth upon furnishing the evidence of that federal registration.

D. The Board may register other persons or entities to possess controlled substances listed on Schedules II through VI upon a determination that (i) there is a documented need, (ii) the issuance of the registration is consistent with the public interest, (iii) the possession and subsequent use of the controlled substances complies with applicable state and federal laws and regulations, and (iv) the subsequent storage, use, and recordkeeping of the controlled substances will be under the general supervision of a licensed pharmacist, practitioner of medicine, osteopathy, podiatry, dentistry, or veterinary medicine as specified in the Board's regulations. The Board shall consider, at a minimum, the factors listed in subsection A in determining whether the registration shall be issued. Notwithstanding the exceptions listed in § 54.1-3422 A, the Board may mandate a controlled substances registration for sites maintaining certain types and quantities of Schedules II through VI controlled substances as it may specify in its regulations. The Board shall promulgate regulations related to requirements or criteria for the issuance of such controlled substances registration, storage, security, supervision, and recordkeeping.

E. The Board may register a public or private animal shelter as defined in § 3.2-6500 to purchase, possess, and administer certain ~~Schedule~~ *Schedules* II through VI controlled substances approved by the State Veterinarian for the purpose of euthanizing injured, sick, homeless, and unwanted domestic pets and animals and to purchase, possess, and administer certain Schedule VI drugs and biological products for the purpose of preventing, controlling, and treating certain communicable diseases that failure to control would result in transmission to the animal population in the shelter. Controlled substances used for euthanasia shall be administered only in accordance with protocols established by the State Veterinarian and only by persons trained in accordance with instructions by the State Veterinarian. The list of Schedule VI drugs and biological products used for treatment and prevention of communicable diseases within the shelter shall be determined by the supervising veterinarian of the shelter and the drugs and biological products shall be administered only pursuant to written protocols established or approved by the supervising veterinarian of the shelter and only by persons who have been trained in accordance with instructions established or approved by the supervising veterinarian. The shelter shall maintain a copy of the approved list of drugs and biological products, written protocols for administering, and training records of those persons administering drugs and biological products on the premises of the shelter.

F. The Board may register a *facility, as defined in § 37.2-100, that provides* crisis stabilization ~~unit established pursuant to § 37.2-500 or 37.2-601~~ *services* and *is* licensed by the Department of Behavioral Health and Developmental Services ~~to~~. *Such facility may* maintain a stock of ~~Schedule~~ *Schedules II through* VI controlled substances necessary for immediate treatment of patients admitted to ~~the crisis stabilization unit~~ *such facility*, which may be accessed and administered by a ~~nurse~~ *person licensed to administer drugs* pursuant to a written or oral order of a prescriber in the absence of a prescriber. ~~Schedule II through Schedule V controlled substances shall only be maintained if so authorized by federal law and Board regulations.~~

G. The Board may register an entity at which a patient is treated by the use of instrumentation and diagnostic equipment through which images and medical records may be transmitted electronically for the purpose of establishing a bona fide practitioner-patient relationship and is prescribed ~~Schedule~~ *Schedules* II through VI controlled substances when such prescribing is in compliance with federal requirements for the practice of telemedicine and the patient is not in the physical presence of a practitioner registered with the U.S. Drug Enforcement Administration. In determining whether the

registration shall be issued, the Board shall consider (i) the factors listed in subsection A, (ii) whether there is a documented need for such registration, and (iii) whether the issuance of the registration is consistent with the public interest.

H. Applications for controlled substances registration certificates and renewals thereof shall be made on a form prescribed by the Board and such applications shall be accompanied by a fee in an amount to be determined by the Board.

I. Upon (i) any change in ownership or control of a business, (ii) any change of location of the controlled substances stock, (iii) the termination of authority by or of the person named as the responsible party on a controlled substances registration, or (iv) a change in the supervising practitioner, if applicable, the registrant or responsible party shall immediately surrender the registration. The registrant shall, within 14 days following surrender of a registration, file a new application and, if applicable, name the new responsible party or supervising practitioner.

§ 54.1-3434.02. Automated drug dispensing systems and remote dispensing systems.

A. Hospitals *or nursing homes* licensed pursuant to Title 32.1 ~~or~~*, state facilities as defined in § 37.2-100 established pursuant to* Title 37.2*, facilities as defined in § 37.2-100 that are licensed by the Department of Behavioral Health and Developmental Services and provide site-based crisis stabilization services, or other facilities authorized by the Board* may use automated drug dispensing systems *and remote dispensing systems*, as defined in § 54.1-3401, upon meeting the following conditions:

1. Drugs are placed in the automated drug dispensing system *or remote dispensing system* in ~~a~~ *such* hospital*, nursing home, or facility* and are under the control of a pharmacy providing services to the hospital*, nursing home, or facility*;

2. The pharmacist-in-charge of the pharmacy providing services to the hospital*, nursing home, or facility* has established procedures for ~~assuring~~ *ensuring* the accurate stocking and proper storage of drugs in the automated drug dispensing system *or remote dispensing system* and for ensuring accountability for and security of all drugs utilized in ~~the automated drug dispensing~~ *such* system until the time such drugs are removed from ~~the automated drug dispensing~~ *such* system for administration to the patients;

3. Removal of drugs from any automated drug dispensing system *or remote dispensing system* for administration to patients can only be made pursuant to a valid prescription or lawful order of a prescriber;

4. Adequate security for automated drug dispensing systems *or remote dispensing systems* is provided, as evidenced by written policies and procedures, for (i) preventing unauthorized access, (ii) complying with federal and state regulations on prescribing and dispensing controlled substances, (iii) maintaining patient confidentiality, and (iv) ~~assuring~~ *ensuring* compliance with the requirements of this section;

5. Accountability for drugs dispensed from automated drug dispensing systems *or remote dispensing systems* is vested in the pharmacist-in-charge of a pharmacy located within the hospital*, nursing home, or facility* or the pharmacist-in-charge of ~~any~~ *the* outside pharmacy providing pharmacy services to the hospital*, nursing home, or facility*;

6. Filling and stocking of all drugs in automated drug dispensing systems *or remote dispensing systems* shall be performed under the direction of the pharmacist-in-charge. The task of filling and stocking of drugs into ~~an automated drug dispensing~~ *such* system shall be performed by a pharmacist or a registered pharmacy technician, who shall be an employee of the provider pharmacy and shall be properly trained in accordance with established standards set forth in a policy and procedure manual maintained by the provider pharmacy. The pharmacist stocking and filling ~~the automated drug dispensing~~ *such* system or the pharmacist-in-charge, if ~~the automated drug dispensing~~ *such* system is stocked and filled by a registered pharmacy technician, shall be responsible for the proper and accurate stocking and filling of the automated drug dispensing system *or remote dispensing system; and*

7. Except when the automated drug dispensing system is used exclusively for administration of drugs for emergencies, a pharmacy located outside of the hospital, nursing home, or facility it services according to this subsection shall first obtain a controlled substances registration issued in the name of the pharmacy at the address of the hospital, nursing home, or facility and a registration from the Drug Enforcement Administration, if required, prior to stocking controlled substances in Schedules II through VI.

B. ~~Drugs~~ *Except as authorized by the Board, drugs* placed into and removed from automated drug dispensing systems *or remote dispensing systems* for administration to patients shall be in the manufacturer's or distributor's sealed original packaging or in unit-dose containers packaged by the pharmacy. Drugs in multi-dose packaging~~, other than those administered orally,~~ *or in a liquid, injectable, or inhaled formulation* may be placed in such a device if approved by the pharmacist-in-charge in consultation with ~~a standing hospital committee comprised of~~ pharmacy, medical, and nursing staff *of the hospital, nursing home, or facility*.

C. The pharmacist-in-charge in a pharmacy located within a hospital*, nursing home, or facility* or the pharmacist-in-charge of any outside pharmacy providing pharmacy services to a hospital*, nursing home, or facility* shall be responsible for establishing procedures for (i) periodically inspecting and auditing automated drug dispensing systems *and remote dispensing systems* to ~~assure~~ *ensure* the proper storage, security, and accountability for all drugs placed in and removed from automated drug dispensing systems *and remote dispensing systems*, and (ii) reviewing the operation and maintenance of automated drug dispensing systems *and remote dispensing systems*. ~~This~~ *For hospitals with a pharmacy located within the hospital,* monitoring shall be reviewed by a pharmacist while on the premises of the hospital and in accordance with the pharmacist-in-charge's procedures and the Board of Pharmacy's regulations.

D. The Board of Pharmacy shall promulgate regulations establishing minimum requirements for random periodic inspections and monthly audits of automated drug dispensing systems *and remote dispensing systems* to ~~assure~~ *ensure* the

proper storage, security, and accountability of all drugs placed in and removed from ~~automated drug dispensing~~ *such* systems and for reviewing the operation and maintenance of ~~automated drug dispensing~~ *such* systems.

E. Notwithstanding this section, the Board shall promulgate regulations for the use of a remote dispensing system to store drugs previously dispensed and labeled by the provider pharmacy in compliance with current laws and regulations. Such regulations shall identify the location where such system may be placed and requirements to ensure the security of the drug, confidentiality of protected health information, and appropriate recordkeeping.

2. That an emergency exists and this act is in force from its passage.

3. That the Board of Pharmacy shall promulgate regulations to implement the provisions of this act to be effective within 280 days of its enactment.

CHAPTER 514

An Act to authorize the issuance of bonds, in an amount up to $124,285,000 plus financing costs, pursuant to Article X, Section 9 (c) of the Constitution of Virginia, for paying costs of acquiring, constructing and equipping revenue-producing capital projects at institutions of higher learning of the Commonwealth; to authorize the Treasury Board, by and with the consent of the Governor, to fix the details of such bonds, to provide for the sale of such bonds, and to issue notes to borrow money in anticipation of the issuance of the bonds; to provide for the pledge of the net revenues of such capital projects and the full faith, credit and taxing power of the Commonwealth for the payment of such bonds; to provide that the interest income on such bonds and notes shall be exempt from all taxation by the Commonwealth and any political subdivision thereof; emergency.

[S 599]

Approved April 4, 2024

Whereas, Article X, Section 9 (c), Constitution of Virginia, provides that the General Assembly may authorize the creation of debt secured by a pledge of net revenues derived from rates, fees or other charges and the full faith and credit of the Commonwealth of Virginia, provided that such debt is created for specific revenue-producing capital projects, including their enlargement or improvement, at, among others, institutions of higher learning of the Commonwealth; and

Whereas, in accordance with Article X, Section 9 (c), Constitution of Virginia, the Governor has certified in writing, filed with the Auditor of Public Accounts, his opinion that the anticipated net revenues of each of the capital projects identified below to be pledged to the payment of the principal of and the interest on that portion of such debt issued for each such project will be sufficient to meet such payments as the same become due and to provide such reserves as may be required by law and that each of the capital projects complies with the requirements of Article X, Section 9 (c), Constitution of Virginia; now therefore,

Be it enacted by the General Assembly of Virginia:

1. *§ 1. Title. This act shall be known and may be cited as the "Commonwealth of Virginia Higher Educational Institutions Bond Act of 2024."*

§ 2. Authorization of bonds and BANs. The Treasury Board is hereby authorized, by and with the consent of the Governor, to sell and issue, pursuant to Article X, Section 9 (c), Constitution of Virginia, at one time or from time to time, bonds of the Commonwealth, to be designated "Commonwealth of Virginia Higher Educational Institutions Bonds, Series ....." in an aggregate principal amount not exceeding $124,285,000, plus amounts needed to fund issuance costs, reserve funds, construction period interest, and other financing expenses. The Treasury Board is further hereby authorized, by and with the consent of the Governor, to borrow money in anticipation of the issuance of bonds by the issuance of bond anticipation notes (BANs), including BANs issued as commercial paper. The proceeds of such bonds and BANs, excluding amounts needed to fund issuance costs, reserve funds, and other financing expenses, shall be used exclusively for the purpose of providing funds, with any other available funds, for paying all or a portion of the costs of acquiring, constructing, renovating, enlarging, improving, and equipping revenue-producing capital projects at institutions of higher learning of the Commonwealth as follows:

Institution	*Project Title*	*Project Code*	*Amount*
James Madison University	*Renovate Spotswood Hall*	*18710*	*$23,820,000*
Virginia State University	*Construct New Student Housing*	*18709*	*$95,465,000*
The College of William & Mary in Virginia	*Renovate Dormitories*	*18218*	*$5,000,000*
Total			*$124,285,000*

§ 3. Application of proceeds. The proceeds, including any premium, of bonds and BANs (except the proceeds of (i) bonds the issuance of which has been anticipated by BANs, (ii) refunding bonds, and (iii) refunding BANs) shall be deposited in a special capital outlay fund in the state treasury and, together with the investment income thereon, shall be disbursed by the State Treasurer for paying costs of the acquisition, construction, renovation, enlargement, improvement, and equipping of the authorized capital projects, including financing costs. The proceeds of (a) bonds the issuance of which

has been anticipated by BANs, (b) refunding bonds, and (c) refunding BANs shall be used to pay such BANs, refunded bonds, and refunded BANs.

§ 4. Details, sale of bonds and BANs. Bonds and BANs shall be dated, and may be made redeemable before their maturity or maturities at such price or prices or within such price parameters, all as may be determined by the Treasury Board, by and with the consent of the Governor. Bonds and BANs shall be in such form, shall bear interest at such rate or rates, either at fixed rates or at rates established by formula or other method, and may contain such other provisions, all as determined by the Treasury Board or, when authorized by the Treasury Board, the State Treasurer. The principal of and premium, if any, and the interest on bonds and BANs shall be payable in lawful money of the United States of America. Bonds and BANs may be certificated or uncertificated as determined by the Treasury Board. The Treasury Board may contract for services of such registrars, transfer agents, or other authenticating agents as it deems appropriate to maintain a record of the persons entitled to the bonds and BANs. Bonds and BANs issued in certificated form may be issued under a system of book entry for recording the ownership and transfer of ownership of rights to receive payments on the bonds and BANs. The Treasury Board shall fix the authorized denomination or denominations of the bonds and the place or places of payment of certificated bonds and BANs, which may be at the Office of the State Treasurer or at any bank or trust company within or without the Commonwealth. Bonds shall mature at such time or times not exceeding 30 years from their date or dates, and BANs shall mature at such time or times not exceeding five years from their date or dates.

The Treasury Board may sell bonds and BANs in such manner, by competitive bidding, negotiated sale, or private placement and for such price or within such price parameters as it may determine, by and with the consent of the Governor, to be in the best interest of the Commonwealth.

In the discretion of the Treasury Board, bonds and BANs may be issued at one time or from time to time and may be sold and issued at the same time with other general obligation bonds and BANs, respectively, of the Commonwealth authorized pursuant to Article X, Section 9 (a) (3), (b), and (c) of the Constitution of Virginia, as separate issues or as a combined issue, designated "Commonwealth of Virginia General Obligation Bonds Bond Anticipation Notes, Series .....".

§ 5. Execution of bonds and BANs. Certificated bonds and BANs shall be signed on behalf of the Commonwealth by the Governor and by the State Treasurer, or shall bear their facsimile signatures, and shall bear the lesser seal of the Commonwealth or a facsimile thereof. If the bonds or BANs bear the facsimile signature of the State Treasurer, they shall be signed by such administrative assistant as the State Treasurer shall determine or by such registrar or paying agent as may be designated to sign them by the Treasury Board. If any officer whose signature or facsimile signature appears on any bonds or BANs ceases to be such officer before delivery, such signature or facsimile signature shall nevertheless be valid and sufficient for all purposes the same as if such officer had remained in office until such delivery, and any bond or BAN may bear the facsimile signature of, or may be signed by, such persons as at the actual time of execution are the proper officers to sign such bond or BAN, although, at the date of such bond or BAN, such persons may not have been such officers.

§ 6. Sources for payment of expenses. All expenses incurred under this act shall be paid from the proceeds of bonds or BANs, from payments made by the institutions for which the capital projects were authorized in § 2 hereof or from any other available funds as the Treasury Board shall determine.

§ 7. Revenues. Each institution of higher learning named above is hereby authorized (i) to fix, revise, charge, and collect rates, fees, and charges for or in connection with the use, occupancy, and services of each capital project mentioned above or the system of which such capital project is a part and (ii) to pledge to the portion of the bonds or BANs issued for such capital project the net revenues resulting from such rates, fees, and charges and remaining after payment of the expenses of operating the project or system, as the case may be. Each such institution is further authorized to create debt service and sinking funds for the payments of the principal of, premium, if any, and interest on the bonds and other reserves required by any agency of the United States of America purchasing the bonds or any portion thereof.

§ 8. Investments and contracts. A. Pending the application of the proceeds of the bonds or BANs (including refunding bonds and BANs) to the purpose for which they have been authorized and the application of funds set aside for the purpose to the payment of bonds or BANs, they may be invested by the State Treasurer in securities that are legal investments under the laws of the Commonwealth for public funds and sinking funds, as the case may be. Whenever the State Treasurer receives interest from the investment of the proceeds of bonds or any BANs, such interest shall become a part of the principal of the bonds or any BANs and shall be used in the same manner as required for principal of the bonds or BANs.

B. The Commonwealth may enter into any contract or other arrangement that is determined to be necessary or appropriate to place the obligation or investment of the Commonwealth, as represented by bonds, BANs, or investments, in whole or in part, on the interest rate, cash flow, or other basis desired by the Commonwealth. Such contract or other arrangement may include, without limitation, contracts commonly known as interest rate swap agreements and futures or contracts providing for payments based on levels of, or changes in, interest rates. These contracts or arrangements may be entered into by the Commonwealth in connection with, or incidental to, entering into, or maintaining any (i) agreement which secures bonds or BANs or (ii) investment, or contract providing for investment, otherwise authorized by law. These contracts and arrangements may contain such payment, security, default, remedy, and other terms and conditions as determined by the Commonwealth, after giving due consideration to the creditworthiness of the counterparty or other obligated party, including any rating by any nationally recognized rating agency, and any other criteria as may be appropriate. The determinations referred to in this subsection may be made by the Treasury Board or any public funds manager with professional investment capabilities duly authorized by the Treasury Board to make such determinations.

C. Any money set aside and pledged to secure payments of bonds, BANs, or any of the contracts entered into pursuant to this section may be invested in accordance with subsection A and may be pledged to and used to service any of the contracts or other arrangements entered into pursuant to subsection B.

§ 9. Security for bonds and BANs. The net revenues of the capital projects set forth above and the full faith and credit of the Commonwealth are hereby irrevocably pledged for the payment of the principal of and the interest on bonds and BANs (unless the Treasury Board, by and with the consent of the Governor, shall provide otherwise) issued under this act. The proceeds of (i) bonds the issuance of which has been anticipated by BANs, (ii) refunding bonds, and (iii) refunding BANs are hereby irrevocably pledged for the payment of principal of and interest and any premium on the BANs or bonds to be paid or redeemed thereby. In the event the net revenues pledged to the payment of the bonds or BANs are insufficient in any fiscal year for the timely payment of the principal of, premium, if any, and interest on the bonds or BANs, where the full faith and credit of the Commonwealth have been pledged, the General Assembly shall appropriate a sum sufficient therefor or the Governor shall direct payment therefor from the general fund revenues of the Commonwealth.

§ 10. Exemption of interest from tax. The bonds and BANs issued under the provisions of this act, their transfer and the income therefrom, including any profit made on the sale thereof, shall at all times be free and exempt from taxation by the Commonwealth and by any county, city, or town or other political subdivision thereof. The Treasury Board is authorized to take or refrain from taking any and all actions and to covenant to such effect, and to require the participating institutions to do and to covenant likewise, to the extent that, in the judgment of the Treasury Board, it is appropriate in order that interest on the bonds and BANs may be exempt from federal income tax. Alternatively, interest on bonds and BANs may be made subject to inclusion in gross income of the holders thereof for federal income tax purposes.

§ 11. Refunding bonds and BANs. The Treasury Board is authorized, by and with the consent of the Governor, to sell and issue, at one time or from time to time, refunding bonds and BANs of the Commonwealth, to refund any or all of the bonds and BANs, respectively, issued under this act or otherwise authorized pursuant to Article X, Section 9 (c), Constitution of Virginia. Refunding bonds and BANs may be issued in a principal amount up to the amount necessary to pay at maturity or redeem the bonds and BANs to be refunded and pay all issuance costs and other financing expenses of the refunding. Such refunding bonds and BANs may be issued whether or not the obligations to be refunded are then subject to redemption.

§ 12. Defeasance. Any bond or BAN for which cash or direct obligations of the United States of America shall have been set aside in escrow with the State Treasurer or a bank or trust company, within or without the Commonwealth, shall be deemed no longer outstanding under the applicable authorizing instrument, this act, and Article X, Section 9 (c) or (b), as the case may be, of the Constitution of Virginia.

§ 13. Severability. The provisions of this act or the application thereof to any person or circumstance which are held invalid shall not affect the validity of other provisions or applications of this act which can be given effect without the invalid provisions or applications.

2. That an emergency exists and this act is in force from its passage.

CHAPTER 515

An Act to amend and reenact §§ 24.2-101 and 24.2-649.1 of the Code of Virginia, relating to assistance for certain voters outside of the polling place; definition of "person with a disability"; training.

[S 605]

Approved April 4, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 24.2-101 and 24.2-649.1 of the Code of Virginia are amended and reenacted as follows:

§ 24.2-101. Definitions.

As used in this title, unless the context requires a different meaning:

"Ballot scanner machine" means the electronic counting machine in which a voter inserts a marked ballot to be scanned and the results tabulated.

"Candidate" means a person who seeks or campaigns for an office of the Commonwealth or one of its governmental units in a general, primary, or special election and who is qualified to have his name placed on the ballot for the office. "Candidate" shall include a person who seeks the nomination of a political party or who, by reason of receiving the nomination of a political party for election to an office, is referred to as its nominee. For the purposes of Chapters 8 (§ 24.2-800 et seq.), 9.3 (§ 24.2-945 et seq.), and 9.5 (§ 24.2-955 et seq.), "candidate" shall include any write-in candidate. However, no write-in candidate who has received less than 15 percent of the votes cast for the office shall be eligible to initiate an election contest pursuant to Article 2 (§ 24.2-803 et seq.) of Chapter 8. For the purposes of Chapters 9.3 (§ 24.2-945 et seq.) and 9.5 (§ 24.2-955 et seq.), "candidate" shall include any person who raises or spends funds in order to seek or campaign for an office of the Commonwealth, excluding federal offices, or one of its governmental units in a party nomination process or general, primary, or special election; and such person shall be considered a candidate until a final report is filed pursuant to Article 3 (§ 24.2-947 et seq.) of Chapter 9.3.

"Central absentee voter precinct" means a precinct established pursuant to § 24.2-712 for the processing of absentee ballots for the county or city or any combination of precincts within the county or city.

"Constitutional office" or "constitutional officer" means a county or city office or officer referred to in Article VII, § 4 of the Constitution of Virginia: clerk of the circuit court, attorney for the Commonwealth, sheriff, commissioner of the revenue, and treasurer.

"Department of Elections" or "Department" means the state agency headed by the Commissioner of Elections.

"Direct recording electronic machine" or "DRE" means the electronic voting machine on which a voter touches areas of a computer screen, or uses other control features, to mark a ballot and his vote is recorded electronically.

"Election" means a general, primary, or special election.

"Election district" means the territory designated by proper authority or by law which is represented by an official elected by the people, including the Commonwealth, a congressional district, a General Assembly district, or a district for the election of an official of a county, city, town, or other governmental unit.

"Electoral board" or "local electoral board" means a board appointed pursuant to § 24.2-106 to administer elections for a county or city. The electoral board of the county in which a town or the greater part of a town is located shall administer the town's elections.

"Entrance of polling place" or "entrance to polling place" means an opening in the wall used for ingress to a structure.

"General election" means an election held in the Commonwealth on the Tuesday after the first Monday in November or on the first Tuesday in May for the purpose of filling offices regularly scheduled by law to be filled at those times.

"General registrar" means the person appointed by the electoral board of a county or city pursuant to § 24.2-110 to be responsible for all aspects of voter registration, in addition to other duties prescribed by this title. When performing duties related to the administration of elections, the general registrar is acting in his capacity as the director of elections for the locality in which he serves.

"Machine-readable ballot" means a tangible ballot that is marked by a voter or by a system or device operated by a voter, is available for verification by the voter at the time the ballot is cast, and is then fed into and scanned by a separate counting machine capable of reading ballots and tabulating results.

"Officer of election" means a person appointed by an electoral board pursuant to § 24.2-115 to serve at a polling place for any election.

"Paper ballot" means a tangible ballot that is marked by a voter and then manually counted.

"Party" or "political party" means an organization of citizens of the Commonwealth which, at either of the two preceding statewide general elections, received at least 10 percent of the total vote cast for any statewide office filled in that election. The organization shall have a state central committee and an office of elected state chairman which have been continually in existence for the six months preceding the filing of a nominee for any office.

"Person with a disability" means a person with a disability as defined ~~by the Virginians with Disabilities Act (§ 51.5-1 et seq.)~~ *in § 51.5-40.1*.

"Polling place" means the structure that contains the one place provided for each precinct at which the qualified voters who are residents of the precinct may vote.

"Precinct" means the territory designated by the governing body of a county, city, or town to be served by one polling place.

"Primary" or "primary election" means an election held for the purpose of selecting a candidate to be the nominee of a political party for election to office.

"Printed ballot" means a tangible ballot that is printed on paper and includes both machine-readable ballots and paper ballots.

"Qualified voter" means a person who is entitled to vote pursuant to the Constitution of Virginia and who is (i) 18 years of age on or before the day of the election or qualified pursuant to § 24.2-403 or subsection D of § 24.2-544, (ii) a resident of the Commonwealth and of the precinct in which he offers to vote, and (iii) a registered voter. No person who has been convicted of a felony shall be a qualified voter unless his civil rights have been restored by the Governor or other appropriate authority. No person adjudicated incapacitated shall be a qualified voter unless his capacity has been reestablished as provided by law. Whether a signature should be counted towards satisfying the signature requirement of any petition shall be determined based on the signer of the petition's qualification to vote. For purposes of determining if a signature on a petition shall be included in the count toward meeting the signature requirements of any petition, "qualified voter" shall include only persons maintained on the Virginia voter registration system (a) with active status and (b) with inactive status who are qualified to vote for the office for which the petition was circulated.

"Qualified voter in a town" means a person who is a resident within the corporate boundaries of the town in which he offers to vote, duly registered in the county of his residence, and otherwise a qualified voter.

"Referendum" means any election held pursuant to law to submit a question to the voters for approval or rejection.

"Registered voter" means any person who is maintained on the Virginia voter registration system. All registered voters shall be maintained on the Virginia voter registration system with active status unless assigned to inactive status by a general registrar in accordance with Chapter 4 (§ 24.2-400 et seq.). For purposes of applying the precinct size requirements of § 24.2-307, calculating election machine requirements pursuant to Article 3 (§ 24.2-625 et seq.) of Chapter 6, mailing notices of local election district, precinct or polling place changes as required by subdivision 13 of § 24.2-114 and § 24.2-306, and determining the number of signatures required for candidate and voter petitions, "registered voter" shall include only persons maintained on the Virginia voter registration system with active status. For purposes of determining if a signature on a petition shall be included in the count toward meeting the signature requirements of any petition,

"registered voter" shall include only persons maintained on the Virginia voter registration system (i) with active status and (ii) on inactive status who are qualified to vote for the office for which the petition was circulated.

"Registration records" means all official records concerning the registration of qualified voters and shall include all records, lists, applications, and files, whether maintained in books, on cards, on automated data bases, or by any other legally permitted record-keeping method.

"Residence" or "resident," for all purposes of qualification to register and vote, means and requires both domicile and a place of abode. To establish domicile, a person must live in a particular locality with the intention to remain. A place of abode is the physical place where a person dwells.

"Special election" means any election that is held pursuant to law to fill a vacancy in office or to hold a referendum.

"State Board" or "Board" means the State Board of Elections.

"Virginia voter registration system" or "voter registration system" means the automated central record-keeping system for all voters registered within the Commonwealth that is maintained as provided in Article 2 (§ 24.2-404 et seq.) of Chapter 4.

"Voting system" means the electronic voting and counting machines used at elections, including direct recording electronic machines (DRE), ballot scanner machines, and on-demand ballot printing systems and ballot marking devices used to manufacture or mark ballots to be cast by voters on electronic voting and counting machines.

§ 24.2-649.1. Assistance for certain voters outside of the polling place.

A. Any *qualified* voter *who is a person* with a disability or who is age 65 or older shall be entitled to vote outside of the polling place in accordance with the provisions of this section. However, during a declared state of emergency related to a communicable disease of public health threat, any voter, regardless of age or disability, shall be entitled to vote outside of the polling place in accordance with the provisions of this section. For purposes of this section, a disability shall include a permanent ~~physical disability, a~~ *or* temporary ~~physical~~ disability, or an injury.

B. The area designated for voting outside of the polling place shall be within 150 feet of the entrance to the polling place. This area shall be clearly marked, and instructions on how to notify an officer of election of the voter's request to vote outside of the polling place shall be prominently displayed. The Department shall prescribe the form and content of such instructions, but in no case shall the voter be required to enter the polling place to provide such notice.

C. A voter eligible pursuant to subsection A shall be handed a printed ballot by an officer of election. He shall mark the ballot in the officer's presence but in a secret manner and, obscuring his vote, shall return the ballot to the officer. The officer shall immediately return to the polling place and shall deposit a paper ballot in the ballot container in accordance with § 24.2-646 or a machine-readable ballot in the ballot scanner machine in accordance with the instructions of the State Board.

D. Any county or city that has acquired an electronic voting machine that is so constructed as to be easily portable may use the voting machine in lieu of a printed ballot for voting outside of the polling place, so long as: (i) the voting machine remains in the plain view of two officers of election representing two political parties, or in a primary election, two officers of election representing the party conducting the primary, provided that if the use of two officers for this purpose would result in too few officers remaining in the polling place to meet legal requirements, the voting machine shall remain in plain view of one officer who shall be either the chief officer or the assistant chief officer and (ii) the voter casts his ballot in a secret manner unless the voter requests assistance pursuant to § 24.2-649.

After the voter has completed voting his ballot, the officer or officers shall immediately return the voting machine to its assigned location inside the polling place~~,~~ and shall record (a) the machine number, (b) the time that the machine was removed and the time that it was returned, (c) the number on the machine's public counter before the machine was removed and the number on the same counter when it was returned, and (d) the name or names of the officer or officers who accompanied the machine on the statement of results. The names of the voters who used the machine while it was removed shall also be recorded, provided that secrecy of the ballot is maintained in accordance with guidance from the State Board. If a polling place fails to record the information required in clause (a), (b), (c), or (d), or it is later proven that the information recorded was intentionally falsified, the local electoral board or general registrar shall dismiss at a minimum the chief officer or the assistant chief officer, or both, as appropriate, and shall dismiss any other officer of election who is shown to have caused the failure to record the required information intentionally or by gross negligence or to have intentionally falsified the information. The dismissed officers shall not be allowed thereafter to serve as an officer or other election official anywhere in the Commonwealth.

E. Training on providing assistance for voters outside of the polling place pursuant to this section shall be provided to all officers of election as part of the training required by subsection A of § 24.2-115.2.

2. That the Department of Elections shall incorporate into guidance documents for election officials the processes and procedures for voting outside of the polling place pursuant to § 24.2-649.1 of the Code of Virginia, as amended by this act, including best practices for providing assistance for voters with disabilities.

CHAPTER 516

An Act to amend the Code of Virginia by adding a section numbered 18.2-251.5, relating to manufacturing, selling, giving, distributing, or possessing xylazine; penalties.

[S 614]

Approved April 4, 2024

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 18.2-251.5 as follows:

§ 18.2-251.5. Manufacturing, selling, giving, distributing, or possessing xylazine; penalties.

A. Any person who knowingly manufactures, sells, gives, distributes, or possesses with the intent to manufacture, sell, give, or distribute the substance xylazine, when intended for human consumption, is guilty of a Class 5 felony.

B. Any person who knowingly possesses the substance xylazine, when intended for human consumption, is guilty of a Class 1 misdemeanor.

C. Notwithstanding subsections A and B, it shall not be an offense to (i) manufacture xylazine for legitimate veterinary use; (ii) distribute or sell xylazine for authorized veterinary use; (iii) possess, administer, prescribe, or dispense xylazine in good faith for use by animals within the course of legitimate veterinary practice; or (iv) possess or administer xylazine pursuant to a valid prescription from a licensed veterinarian.

2. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter 1 of the Acts of Assembly of 2023, Special Session I, requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of $50,000. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.

CHAPTER 517

An Act to amend and reenact § 32.1-330 of the Code of Virginia, relating to long-term services and support screening; PACE programs; emergency.

[S 620]

Approved April 4, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 32.1-330 of the Code of Virginia is amended and reenacted as follows:

§ 32.1-330. Long-term services and supports screening required.

A. As used in this section, "acute care hospital" includes an acute care hospital, a rehabilitation hospital, a rehabilitation unit in an acute care hospital, or a psychiatric unit in an acute care hospital.

B. Every individual who applies for or requests community or institutional long-term services and supports as defined in the state plan for medical assistance services may choose to receive services in a community or institutional setting. Every individual who applies for or requests community or institutional long-term services and supports shall be afforded the opportunity to choose the setting and provider of long-term services and supports.

C. Every individual who applies for or requests community or institutional long-term services and supports shall be screened prior to admission to such community or institutional long-term services and supports to determine his need for long-term services and supports, including nursing facility services as defined in the state plan for medical assistance services. The type of long-term services and supports screening performed shall not limit the long-term services and supports settings or providers for which the individual is eligible.

D. ~~If~~ *Except as otherwise provided in this subsection, if* an individual who applies for or requests long-term services and supports as defined in the state plan for medical assistance services is residing in a community setting at the time of such application or request, the screening for long-term services and supports required pursuant to subsection C shall be completed by a long-term services and supports screening team that includes a nurse, social worker or other assessor designated by the Department who is an employee of the Department of Health or the local department of social services, and a physician who is employed or engaged by the Department of Health. *To the extent such screening team determines it is unable to complete the long-term services and supports screening within 30 days or the individual has requested enrollment in a program of all-inclusive care for the elderly (PACE) as defined in § 32.1-330.3, such screening team shall confer as to which entity can most expeditiously conduct the long-term services and supports screening. Qualified staff of the PACE program shall be organized to conduct such screening if it is determined that it is the most expeditious option.*

E. If an individual who applies for or requests long-term services and supports as defined in the state plan for medical assistance services is receiving inpatient services in an acute care hospital at the time of such application or request and will begin receiving long-term services and supports as defined in the state plan for medical assistance services pursuant to a discharge order from an acute care hospital, the screening for long-term services and supports required pursuant to subsection C shall be completed by the acute care hospital in accordance with the screening requirements established by the Department.

F. If an individual who applies for or requests long-term services and supports as defined in the state plan for medical assistance services is receiving skilled nursing services that are not covered by the Commonwealth's program of medical assistance services in an institutional setting following discharge from an acute care hospital, the Department shall require qualified staff of the skilled nursing institution to conduct the long-term services and supports screening in accordance with the requirements established by the Department, with the results certified by a physician prior to the initiation of long-term services and supports under the state plan for medical assistance services.

G. If an individual is admitted to a skilled nursing facility for skilled nursing services and such individual was not screened but is subsequently determined to have been required to be screened prior to admission to the skilled nursing facility, then the qualified staff designated in subsection F may conduct a screening after admission. Coverage of institutional long-term services and supports under this subsection by the Commonwealth's program of medical assistance services indicated by the screening shall not begin until six months after the initial admission to the skilled nursing facility. During this six-month period, the nursing home in which the individual resides shall be responsible for all costs indicated for institutional long-term services and supports that would otherwise have been covered by the Commonwealth's program of medical assistance services, without accessing patient funds. Six months after the date of admission to the skilled nursing facility, and as indicated through the eligibility determination, the Commonwealth's program of medical assistance services shall assume coverage of such services. To the extent that sufficient evidence is provided to indicate that the admission without screening was of no fault of the skilled nursing facility, the Department shall begin coverage of institutional long-term services and supports under this subsection by the Commonwealth's program of medical assistance services immediately upon the completion of the functional screening indicating nursing facility level of care pending the financial eligibility determination.

H. *If an individual seeks enrollment in a program of all-inclusive care for the elderly (PACE) as defined in § 32.1-330.3, qualified staff of the PACE program may conduct the long-term services and supports screening in accordance with the requirements established by the Department, with the results certified by the PACE program's physician prior to the initiation of long-term services and supports under the state plan for medical assistance services. If a PACE program is unable to complete the long-term services and supports screening of an individual, the screening teams described in subsection D or the acute care hospital described in subsection E shall conduct the screening.*

I. In any jurisdiction in which a long-term services and supports screening team described in subsection D or *the acute care hospital described in subsection* E has failed or is unable to perform the long-term services and supports screenings required by subsection D or E within 30 days of receipt of the individual's application or request for long-term services and supports under the state plan, the Department shall enter into contracts with other public or private entities to conduct such long-term services and supports screenings in addition to or in lieu of the long-term services and supports screening teams described in ~~subsections~~ *subsection* D ~~and~~ *or the acute care hospitals described in subsection* E. *This subsection shall not apply to the specific circumstance outlined in subsection D where the qualified staff of a PACE program agree to conduct such screening.*

~~I.~~ *J.* The Department shall require all individuals who perform long-term services and supports screenings pursuant to this section to receive training on and be certified in the use of the long-term services and supports screening tool for eligibility for community or institutional long-term services and supports provided in accordance with the state plan for medical assistance services prior to conducting such long-term services and supports screenings.

~~J.~~ *K.* The Department shall report annually by August 1 to the Governor and the Chairmen of the House Committee on Health, Welfare and Institutions and the Senate Committee on Education and Health regarding (i) the number of long-term services and supports screenings for eligibility for community and institutional long-term services and supports conducted pursuant to this section and (ii) the number of cases in which the Department or the public or private entity with which the Department has entered into a contract to conduct such long-term services and supports screenings fails to complete such long-term services and supports screenings within 30 days.

2. That the Department of Medical Assistance Services shall promulgate regulations to implement the provisions of this act to be effective within 280 days of its enactment.

3. That an emergency exists and this act is in force from its passage.

CHAPTER 518

An Act to amend and reenact § 19.2-349 of the Code of Virginia, relating to collections of fines, costs, forfeitures, penalties, etc.; duty of attorneys for the Commonwealth; consultation with clerk.

[S 637]

Approved April 4, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 19.2-349 of the Code of Virginia is amended and reenacted as follows:

§ 19.2-349. Responsibility for collections; clerks to report unsatisfied fines, etc.; duty of attorneys for Commonwealth; duties of Department of Taxation.

A. The clerk of the circuit court and district court of every county and city shall submit to the judge of his court, the Department of Taxation, the State Compensation Board and the attorney for the Commonwealth of his county or city a monthly report of all fines, costs, forfeitures and penalties which are delinquent more than 90 days, including court-ordered restitution of a sum certain, imposed in his court for a violation of state law or a local ordinance which remain unsatisfied, including those which are delinquent in installment payments. The monthly report shall include the social security number or driver's license number of the defendant, if known, and such other information as the Department of Taxation and the Compensation Board deem appropriate. The Executive Secretary shall make the report required by this subsection on behalf of those clerks who participate in the Supreme Court's automated information system.

B. The clerk of the circuit court and district court of every county and city shall submit quarterly to the attorney for the Commonwealth of his county or city and any probation agency that serves such county or city:

1. A list of all defendants with an outstanding balance of restitution ordered by the court served by such clerk. Such report shall include the defendant's name, case number, total amount of restitution ordered, amount of restitution remaining due, and last date of payment; and

2. A list of all accounts where more than 90 days have passed since an account was sent to collections and no payments have been made toward fines, costs, forfeitures, penalties, or restitution. For accounts where restitution is owed, such report shall include the defendant's name, case number, and total amount of restitution and restitution interest due.

C. It shall be the duty of the attorney for the Commonwealth to cause proper proceedings to be instituted for the collection and satisfaction of all fines, costs, forfeitures, penalties and restitution. The attorney for the Commonwealth shall determine whether it would be impractical or uneconomical for such service to be rendered by the office of the attorney for the Commonwealth. If the defendant does not enter into an installment payment agreement under § 19.2-354, the attorney for the Commonwealth and the clerk may agree to a process by which collection activity may be commenced 90 days after judgment.

If the attorney for the Commonwealth does not undertake collection, he shall *(i)* contract with ~~(i)~~ private attorneys or private collection agencies, (ii) enter into an agreement with a local governing body, (iii) enter into an agreement with the county or city treasurer, or (iv) use the services of the Department of Taxation, upon such terms and conditions as may be established by guidelines promulgated by the Office of the Attorney General, the Executive Secretary of the Supreme Court with the Department of Taxation and the Compensation Board. *At least 30 days prior to the execution of a contract pursuant to clause (i), the attorney for the Commonwealth shall consult with the clerk of the circuit court. Such consultation is not required when the attorney for the Commonwealth enters into an agreement pursuant to clause (ii), (iii), or (iv).* If the attorney for the Commonwealth undertakes collection, he shall follow the procedures established by the Department of Taxation and the Compensation Board. Such guidelines shall not supersede contracts between attorneys for the Commonwealth and private attorneys and collection agencies when active collection efforts are being undertaken. As part of such contract, private attorneys or collection agencies shall be given access to the social security number of the defendant in order to assist in the collection effort. Any such private attorney shall be subject to the penalties and provisions of § 18.2-186.3.

The fees of any private attorneys or collection agencies shall be paid on a contingency fee basis out of the proceeds of the amounts collected. However, in no event shall such attorney or collection agency receive a fee for amounts collected by the Department of Taxation under the Setoff Debt Collection Act (§ 58.1-520 et seq.). A local treasurer undertaking collection pursuant to an agreement with the attorney for the Commonwealth may collect the administrative fee authorized by § 58.1-3958.

D. The Department of Taxation and the State Compensation Board shall be responsible for the collection of any judgment which remains unsatisfied or does not meet the conditions of § 19.2-354. Persons owing such unsatisfied judgments or failing to comply with installment payment agreements under § 19.2-354 shall be subject to the delinquent tax collection provisions of Title 58.1. The Department of Taxation and the State Compensation Board shall establish procedures to be followed by clerks of courts, attorneys for the Commonwealth, other state agencies and any private attorneys or collection agents and may employ private attorneys or collection agencies, or engage other state agencies to collect the judgment. The Department of Taxation and the Commonwealth shall be entitled to deduct a fee for services from amounts collected for violations of local ordinances.

The Department of Taxation and the State Compensation Board shall annually report to the Governor and the General Assembly the total of fines, costs, forfeitures and penalties assessed, collected, and unpaid and those which remain unsatisfied or do not meet the conditions of § 19.2-354 by each circuit and district court. The report shall include the procedures established by the Department of Taxation and the State Compensation Board pursuant to this section and a plan for increasing the collection of unpaid fines, costs, forfeitures and penalties. The Auditor of Public Accounts shall annually report to the Governor, the Executive Secretary of the Supreme Court and the General Assembly as to the adherence of clerks of courts, attorneys for the Commonwealth and other state agencies to the procedures established by the Department of Taxation and the State Compensation Board.

The Office of the Executive Secretary of the Supreme Court shall annually report to the Governor, the General Assembly, the Chairmen of the House Committee for Courts of Justice and Senate Committee on the Judiciary, and the Virginia State Crime Commission on the total of restitution assessed, collected, and unpaid for each circuit and district court and the total of restitution collected and deposited into the Criminal Injuries Compensation Fund pursuant to subsection I of § 19.2-305.1 by each circuit and district court.

E. The provisions of this section shall not apply to any orders of restitution docketed in the name of the victim or when it is ordered that an assignment of the judgment for restitution to the victim be docketed.

CHAPTER 519

An Act to amend and reenact § 54.1-3408 of the Code of Virginia and to amend the Code of Virginia by adding sections numbered 22.1-206.01 and 22.1-274.4:1, relating to public schools; opioid antagonist procurement, possession, and

administration; school board employee training and certification; opioid overdose prevention and reversal instruction; guidelines and requirements.

[S 726]

Approved April 4, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 54.1-3408 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding sections numbered 22.1-206.01 and 22.1-274.4:1 as follows:

§ 22.1-206.01. Instruction concerning opioid overdose prevention and reversal.

A. Each local school board shall develop a plan, in accordance with the guidelines and model curriculum developed by the Department of Health in collaboration with the Department of Education, in accordance with the protocols developed by the Board of Pharmacy in consultation with the Board of Medicine and the Department of Health, for providing at each public secondary school that includes grades nine through 12 a program of instruction on opioid overdose prevention and reversal. Such program of instruction shall include instruction in identifying the signs of a possible opioid overdose and training in the administration of an opioid antagonist for the reversal of a potentially life-threatening opioid overdose.

B. Each public secondary school that includes grades nine through 12 shall provide an opioid overdose prevention and reversal program of instruction at such grade level as the local school board deems appropriate. Each public secondary school shall adopt policies for the purpose of encouraging each student to complete such opioid overdose prevention and reversal program of instruction prior to graduating from high school.

§ 22.1-274.4:1. Opioid antagonist procurement, placement, maintenance, and administration; staff and faculty training; policies and requirements.

A. Each local school board shall develop a plan, in accordance with subsection X of § 54.1-3408 and the guidelines developed by the Department of Health in collaboration with the Department of Education, for the procurement, placement, and maintenance in each public elementary and secondary school of a supply of opioid antagonists in an amount equivalent to at least two unexpired doses for the purposes of opioid overdose reversal. Such plan shall provide for the development and implementation of policies and procedures relating to the procurement, placement, and maintenance of such supply of opioid antagonists in each such school, including policies and procedures:

1. Providing for the placement and maintenance in each public elementary and secondary school of a supply of opioid antagonists in an amount equivalent to at least two unexpired doses, including policies and procedures by which each such school shall request a replacement dose of an opioid antagonist any time a dose has expired, is administered for overdose reversal, or is otherwise rendered unusable and by which each such request shall be timely fulfilled;

2. Requiring each such school to inspect its opioid antagonist supply at least annually and maintain a record of the date of inspection, the expiration date on each dose, and, in the event that a dose of such opioid antagonist is administered for overdose reversal to a person who is believed to be experiencing or about to experience a life-threatening opioid overdose, the date of such administration; and

3. Relating to the proper and safe storage of such opioid antagonist supply in each such school.

B. Each local school board shall, in accordance with the provisions of subsection X of § 54.1-3408 and the guidelines developed by the Department of Health in collaboration with the Department of Education, develop policies and procedures relating to the possession and administration of opioid antagonists by any school nurse or employee of the school board who is authorized by a prescriber and trained in the administration of an opioid antagonist to any student, faculty, or staff member who is believed to be experiencing or about to experience a life-threatening opioid overdose, including:

1. Policies requiring each public elementary and secondary school to ensure that at least one employee (i) is authorized by a prescriber and has been trained and is certified in the administration of an opioid antagonist by a program administered or approved by the Department of Health to provide training in opioid antagonist administration and (ii) has the means to access at all times during regular school hours any such opioid antagonist supply that is stored in a locked or otherwise generally inaccessible container or area; and

2. Policies and procedures for (i) partnering with a program administered or approved by the Department of Health to provide training in opioid antagonist administration for the purpose of organizing and providing the training and certification required pursuant to subdivision 1 and (ii) maintaining records of each employee of each such public elementary and secondary school who is trained and certified in the administration of an opioid antagonist pursuant to subdivision 1.

C. Any employee of any public elementary or secondary school, school board, or local health department who, during regular school hours, on school premises, or during a school-sponsored activity, in good faith administers an opioid antagonist for opioid overdose reversal to any individual who is believed to be experiencing or about to experience a life-threatening opioid overdose, regardless of whether such employee was trained in administration of an opioid antagonist pursuant to subsection B, shall be immune from any disciplinary action or civil or criminal liability for any act or omission made in connection with the administration of an opioid antagonist in such incident, unless such act or omission was the result of gross negligence or willful misconduct.

D. Each school board shall adopt and each public elementary and secondary school shall implement policies and procedures in accordance with the provisions of this section. Each school board and each public elementary and secondary school shall, in adopting and implementing the policies set forth in this section, utilize to the fullest extent possible

programs offered by the Department of Health for the provision of opioid antagonist administration training and certification and the procurement of opioid antagonists for placement in each public elementary and secondary school.

§ 54.1-3408. Professional use by practitioners.

A. A practitioner of medicine, osteopathy, podiatry, dentistry, or veterinary medicine, a licensed advanced practice registered nurse pursuant to § 54.1-2957.01, a licensed certified midwife pursuant to § 54.1-2957.04, a licensed physician assistant pursuant to § 54.1-2952.1, or a TPA-certified optometrist pursuant to Article 5 (§ 54.1-3222 et seq.) of Chapter 32 shall only prescribe, dispense, or administer controlled substances in good faith for medicinal or therapeutic purposes within the course of his professional practice. A licensed midwife pursuant to § 54.1-2957.7 shall only obtain, possess, and administer controlled substances in good faith for medicinal or therapeutic purposes within the course of his professional practice.

B. The prescribing practitioner's order may be on a written prescription or pursuant to an oral prescription as authorized by this chapter. The prescriber may administer drugs and devices, or he may cause drugs or devices to be administered by:

1. A nurse, physician assistant, or intern under his direction and supervision;

2. Persons trained to administer drugs and devices to patients in state-owned or state-operated hospitals or facilities licensed as hospitals by the Board of Health or psychiatric hospitals licensed by the Department of Behavioral Health and Developmental Services who administer drugs under the control and supervision of the prescriber or a pharmacist;

3. Emergency medical services personnel certified and authorized to administer drugs and devices pursuant to regulations of the Board of Health who act within the scope of such certification and pursuant to an oral or written order or standing protocol;

4. Persons who are employed or engaged at a medical care facility, as defined in § 32.1-3, who have a valid emergency medical services provider certification issued by the Board of Health as a requirement of being employed or engaged at the medical care facility within the scope of such certification, pursuant to an oral or written order or standing protocol to administer drugs and devices at the medical care facility; or

5. A licensed respiratory therapist as defined in § 54.1-2954 who administers by inhalation controlled substances used in inhalation or respiratory therapy.

C. Pursuant to an oral or written order or standing protocol, the prescriber, who is authorized by state or federal law to possess and administer radiopharmaceuticals in the scope of his practice, may authorize a nuclear medicine technologist to administer, under his supervision, radiopharmaceuticals used in the diagnosis or treatment of disease.

D. Pursuant to an oral or written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize registered nurses and licensed practical nurses to possess (i) epinephrine and oxygen for administration in treatment of emergency medical conditions and (ii) heparin and sterile normal saline to use for the maintenance of intravenous access lines.

Pursuant to the regulations of the Board of Health, certain emergency medical services technicians may possess and administer epinephrine in emergency cases of anaphylactic shock.

Pursuant to an order or standing protocol issued by the prescriber within the course of his professional practice, any school nurse, school board employee, employee of a local governing body, or employee of a local health department who is authorized by a prescriber and trained in the administration of epinephrine may possess and administer epinephrine.

Pursuant to an order or standing protocol that shall be issued by the local health director within the course of his professional practice, any school nurse, licensed athletic trainer under contract with a local school division, school board employee, employee of a local governing body, or employee of a local health department who is authorized by the local health director and trained in the administration of albuterol inhalers and valved holding chambers or nebulized albuterol may possess or administer an albuterol inhaler and a valved holding chamber or nebulized albuterol to a student diagnosed with a condition requiring an albuterol inhaler or nebulized albuterol when the student is believed to be experiencing or about to experience an asthmatic crisis.

Pursuant to an order or a standing protocol issued by the prescriber within the course of his professional practice, any employee of a school for students with disabilities, as defined in § 22.1-319 and licensed by the Board of Education, or any employee of a private school that is accredited pursuant to § 22.1-19 as administered by the Virginia Council for Private Education who is authorized by a prescriber and trained in the administration of (a) epinephrine may possess and administer epinephrine and (b) albuterol inhalers or nebulized albuterol may possess or administer an albuterol inhaler or nebulized albuterol to a student diagnosed with a condition requiring an albuterol inhaler or nebulized albuterol when the student is believed to be experiencing or about to experience an asthmatic crisis.

Pursuant to an order or a standing protocol issued by the prescriber within the course of his professional practice, any nurse at an early childhood care and education entity, employee at the entity, or employee of a local health department who is authorized by a prescriber and trained in the administration of epinephrine may possess and administer epinephrine.

Pursuant to an order or a standing protocol issued by the prescriber within the course of his professional practice, any employee of a public institution of higher education or a private institution of higher education who is authorized by a prescriber and trained in the administration of epinephrine may possess and administer epinephrine.

Pursuant to an order or a standing protocol issued by the prescriber within the course of his professional practice, any employee of an organization providing outdoor educational experiences or programs for youth who is authorized by a prescriber and trained in the administration of epinephrine may possess and administer epinephrine.

Pursuant to an order or a standing protocol issued by the prescriber within the course of his professional practice, and in accordance with policies and guidelines established by the Department of Health, such prescriber may authorize any employee of a restaurant licensed pursuant to Chapter 3 (§ 35.1-18 et seq.) of Title 35.1 to possess and administer epinephrine on the premises of the restaurant at which the employee is employed, provided that such person is trained in the administration of epinephrine.

Pursuant to an order issued by the prescriber within the course of his professional practice, an employee of a provider licensed by the Department of Behavioral Health and Developmental Services or a person providing services pursuant to a contract with a provider licensed by the Department of Behavioral Health and Developmental Services may possess and administer epinephrine, provided such person is authorized and trained in the administration of epinephrine.

Pursuant to an order or standing protocol issued by the prescriber within the course of his professional practice, any employee of a public place, as defined in § 15.2-2820, who is authorized by a prescriber and trained in the administration of epinephrine may possess and administer epinephrine.

Pursuant to an oral or written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize pharmacists to possess epinephrine and oxygen for administration in treatment of emergency medical conditions.

E. Pursuant to an oral or written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize licensed physical therapists to possess and administer topical corticosteroids, topical lidocaine, and any other Schedule VI topical drug.

F. Pursuant to an oral or written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize licensed athletic trainers to possess and administer topical corticosteroids, topical lidocaine, or other Schedule VI topical drugs; oxygen and IV saline for use in emergency situations; subcutaneous lidocaine for wound closure; epinephrine for use in emergency cases of anaphylactic shock; and naloxone or other opioid antagonist for overdose reversal.

G. Pursuant to an oral or written order or standing protocol issued by the prescriber within the course of his professional practice, and in accordance with policies and guidelines established by the Department of Health pursuant to § 32.1-50.2, such prescriber may authorize registered nurses or licensed practical nurses under the supervision of a registered nurse to possess and administer tuberculin purified protein derivative (PPD) in the absence of a prescriber. The Department of Health's policies and guidelines shall be consistent with applicable guidelines developed by the Centers for Disease Control and Prevention for preventing transmission of mycobacterium tuberculosis and shall be updated to incorporate any subsequently implemented standards of the Occupational Safety and Health Administration and the Department of Labor and Industry to the extent that they are inconsistent with the Department of Health's policies and guidelines. Such standing protocols shall explicitly describe the categories of persons to whom the tuberculin test is to be administered and shall provide for appropriate medical evaluation of those in whom the test is positive. The prescriber shall ensure that the nurse implementing such standing protocols has received adequate training in the practice and principles underlying tuberculin screening.

The Health Commissioner or his designee may authorize registered nurses, acting as agents of the Department of Health, to possess and administer, at the nurse's discretion, tuberculin purified protein derivative (PPD) to those persons in whom tuberculin skin testing is indicated based on protocols and policies established by the Department of Health.

H. Pursuant to a written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize, with the consent of the parents as defined in § 22.1-1, an employee of (i) a school board, (ii) a school for students with disabilities as defined in § 22.1-319 licensed by the Board of Education, or (iii) a private school accredited pursuant to § 22.1-19 as administered by the Virginia Council for Private Education who is trained in the administration of insulin and glucagon to assist with the administration of insulin or administer glucagon to a student diagnosed as having diabetes and who requires insulin injections during the school day or for whom glucagon has been prescribed for the emergency treatment of hypoglycemia. Such authorization shall only be effective when a licensed nurse, an advanced practice registered nurse, a physician, or a physician assistant is not present to perform the administration of the medication.

Pursuant to a written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize an employee of a public institution of higher education or a private institution of higher education who is trained in the administration of insulin and glucagon to assist with the administration of insulin or administration of glucagon to a student diagnosed as having diabetes and who requires insulin injections or for whom glucagon has been prescribed for the emergency treatment of hypoglycemia. Such authorization shall only be effective when a licensed nurse, an advanced practice registered nurse, a physician, or a physician assistant is not present to perform the administration of the medication.

Pursuant to a written order issued by the prescriber within the course of his professional practice, such prescriber may authorize an employee of a provider licensed by the Department of Behavioral Health and Developmental Services or a person providing services pursuant to a contract with a provider licensed by the Department of Behavioral Health and Developmental Services to assist with the administration of insulin or to administer glucagon to a person diagnosed as having diabetes and who requires insulin injections or for whom glucagon has been prescribed for the emergency treatment of hypoglycemia, provided such employee or person providing services has been trained in the administration of insulin and glucagon.

I. A prescriber may authorize, pursuant to a protocol approved by the Board of Nursing, the administration of vaccines to adults for immunization, when a practitioner with prescriptive authority is not physically present, by (i) licensed pharmacists, (ii) registered nurses, or (iii) licensed practical nurses under the supervision of a registered nurse. A prescriber acting on behalf of and in accordance with established protocols of the Department of Health may authorize the administration of vaccines to any person by a pharmacist, nurse, or designated emergency medical services provider who holds an advanced life support certificate issued by the Commissioner of Health under the direction of an operational medical director when the prescriber is not physically present. The emergency medical services provider shall provide documentation of the vaccines to be recorded in the Virginia Immunization Information System.

J. A dentist may cause Schedule VI topical drugs to be administered under his direction and supervision by either a dental hygienist or by an authorized agent of the dentist.

Further, pursuant to a written order and in accordance with a standing protocol issued by the dentist in the course of his professional practice, a dentist may authorize a dental hygienist under his general supervision, as defined in § 54.1-2722, or his remote supervision, as defined in subsection E or F of § 54.1-2722, to possess and administer topical oral fluorides, topical oral anesthetics, topical and directly applied antimicrobial agents for treatment of periodontal pocket lesions, and any other Schedule VI topical drug approved by the Board of Dentistry.

In addition, a dentist may authorize a dental hygienist under his direction to administer Schedule VI nitrous oxide and oxygen inhalation analgesia and, to persons 18 years of age or older, Schedule VI local anesthesia.

K. Pursuant to an oral or written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize registered professional nurses certified as sexual assault nurse examiners-A (SANE-A) under his supervision and when he is not physically present to possess and administer preventive medications for victims of sexual assault as recommended by the Centers for Disease Control and Prevention.

L. This section shall not prevent the administration of drugs by a person who has satisfactorily completed a training program for this purpose approved by the Board of Nursing and who administers such drugs in accordance with a prescriber's instructions pertaining to dosage, frequency, and manner of administration, and in accordance with regulations promulgated by the Board of Pharmacy relating to security and record keeping, when the drugs administered would be normally self-administered by (i) an individual receiving services in a program licensed by the Department of Behavioral Health and Developmental Services; (ii) a resident of the Virginia Rehabilitation Center for the Blind and Vision Impaired; (iii) a resident of a facility approved by the Board or Department of Juvenile Justice for the placement of children in need of services or delinquent or alleged delinquent youth; (iv) a program participant of an adult day-care center licensed by the Department of Social Services; (v) a resident of any facility authorized or operated by a state or local government whose primary purpose is not to provide health care services; (vi) a resident of a private children's residential facility, as defined in § 63.2-100 and licensed by the Department of Social Services, Department of Education, or Department of Behavioral Health and Developmental Services; or (vii) a student in a school for students with disabilities, as defined in § 22.1-319 and licensed by the Board of Education.

In addition, this section shall not prevent a person who has successfully completed a training program for the administration of drugs via percutaneous gastrostomy tube approved by the Board of Nursing and been evaluated by a registered nurse as having demonstrated competency in administration of drugs via percutaneous gastrostomy tube from administering drugs to a person receiving services from a program licensed by the Department of Behavioral Health and Developmental Services to such person via percutaneous gastrostomy tube. The continued competency of a person to administer drugs via percutaneous gastrostomy tube shall be evaluated semiannually by a registered nurse.

M. Medication aides registered by the Board of Nursing pursuant to Article 7 (§ 54.1-3041 et seq.) of Chapter 30 may administer drugs that would otherwise be self-administered to residents of any assisted living facility licensed by the Department of Social Services. A registered medication aide shall administer drugs pursuant to this section in accordance with the prescriber's instructions pertaining to dosage, frequency, and manner of administration; in accordance with regulations promulgated by the Board of Pharmacy relating to security and recordkeeping; in accordance with the assisted living facility's Medication Management Plan; and in accordance with such other regulations governing their practice promulgated by the Board of Nursing.

N. In addition, this section shall not prevent the administration of drugs by a person who administers such drugs in accordance with a physician's instructions pertaining to dosage, frequency, and manner of administration and with written authorization of a parent, and in accordance with school board regulations relating to training, security and record keeping, when the drugs administered would be normally self-administered by a student of a Virginia public school. Training for such persons shall be accomplished through a program approved by the local school boards, in consultation with the local departments of health.

O. In addition, this section shall not prevent the administration of drugs by a person to (i) a child in a child day program as defined in § 22.1-289.02 and regulated by the Board of Education or a local government pursuant to § 15.2-914, or (ii) a student of a private school that is accredited pursuant to § 22.1-19 as administered by the Virginia Council for Private Education, provided such person (a) has satisfactorily completed a training program for this purpose approved by the Board of Nursing and taught by a registered nurse, a licensed practical nurse, an advanced practice registered nurse, a physician assistant, a doctor of medicine or osteopathic medicine, or a pharmacist; (b) has obtained written authorization from a parent or guardian; (c) administers drugs only to the child identified on the prescription label in accordance with the prescriber's instructions pertaining to dosage, frequency, and manner of administration; and (d) administers only those drugs that were

dispensed from a pharmacy and maintained in the original, labeled container that would normally be self-administered by the child or student, or administered by a parent or guardian to the child or student.

P. In addition, this section shall not prevent the administration or dispensing of drugs and devices by persons if they are authorized by the State Health Commissioner in accordance with protocols established by the State Health Commissioner pursuant to § 32.1-42.1 when (i) the Governor has declared a disaster or a state of emergency, the United States Secretary of Health and Human Services has issued a declaration of an actual or potential bioterrorism incident or other actual or potential public health emergency, or the Board of Health has made an emergency order pursuant to § 32.1-13 for the purpose of suppressing nuisances dangerous to the public health and communicable, contagious, and infectious diseases and other dangers to the public life and health and for the limited purpose of administering vaccines as an approved countermeasure for such communicable, contagious, and infectious diseases; (ii) it is necessary to permit the provision of needed drugs or devices; and (iii) such persons have received the training necessary to safely administer or dispense the needed drugs or devices. Such persons shall administer or dispense all drugs or devices under the direction, control, and supervision of the State Health Commissioner.

Q. Nothing in this title shall prohibit the administration of normally self-administered drugs by unlicensed individuals to a person in his private residence.

R. This section shall not interfere with any prescriber issuing prescriptions in compliance with his authority and scope of practice and the provisions of this section to a Board agent for use pursuant to subsection G of § 18.2-258.1. Such prescriptions issued by such prescriber shall be deemed to be valid prescriptions.

S. Nothing in this title shall prevent or interfere with dialysis care technicians or dialysis patient care technicians who are certified by an organization approved by the Board of Health Professions or persons authorized for provisional practice pursuant to Chapter 27.01 (§ 54.1-2729.1 et seq.), in the ordinary course of their duties in a Medicare-certified renal dialysis facility, from administering heparin, topical needle site anesthetics, dialysis solutions, sterile normal saline solution, and blood volumizers, for the purpose of facilitating renal dialysis treatment, when such administration of medications occurs under the orders of a licensed physician, an advanced practice registered nurse, or a physician assistant and under the immediate and direct supervision of a licensed registered nurse. Nothing in this chapter shall be construed to prohibit a patient care dialysis technician trainee from performing dialysis care as part of and within the scope of the clinical skills instruction segment of a supervised dialysis technician training program, provided such trainee is identified as a "trainee" while working in a renal dialysis facility.

The dialysis care technician or dialysis patient care technician administering the medications shall have demonstrated competency as evidenced by holding current valid certification from an organization approved by the Board of Health Professions pursuant to Chapter 27.01 (§ 54.1-2729.1 et seq.).

T. Persons who are otherwise authorized to administer controlled substances in hospitals shall be authorized to administer influenza or pneumococcal vaccines pursuant to § 32.1-126.4.

U. Pursuant to a specific order for a patient and under his direct and immediate supervision, a prescriber may authorize the administration of controlled substances by personnel who have been properly trained to assist a doctor of medicine or osteopathic medicine, provided the method does not include intravenous, intrathecal, or epidural administration and the prescriber remains responsible for such administration.

V. A physician assistant, nurse, dental hygienist, or authorized agent of a doctor of medicine, osteopathic medicine, or dentistry may possess and administer topical fluoride varnish pursuant to an oral or written order or a standing protocol issued by a doctor of medicine, osteopathic medicine, or dentistry.

W. A prescriber, acting in accordance with guidelines developed pursuant to § 32.1-46.02, may authorize the administration of influenza vaccine to minors by a licensed pharmacist, registered nurse, licensed practical nurse under the direction and immediate supervision of a registered nurse, or emergency medical services provider who holds an advanced life support certificate issued by the Commissioner of Health when the prescriber is not physically present.

X. Notwithstanding the provisions of § 54.1-3303, pursuant to an oral, written, or standing order issued by a prescriber or a standing order issued by the Commissioner of Health or his designee authorizing the dispensing of naloxone or other opioid antagonist used for overdose reversal in the absence of an oral or written order for a specific patient issued by a prescriber, and in accordance with protocols developed by the Board of Pharmacy in consultation with the Board of Medicine and the Department of Health, a pharmacist, a health care provider providing services in a hospital emergency department, and emergency medical services personnel, as that term is defined in § 32.1-111.1, may dispense naloxone or other opioid antagonist used for overdose reversal and a person to whom naloxone or other opioid antagonist has been dispensed pursuant to this subsection may possess and administer naloxone or other opioid antagonist used for overdose reversal to a person who is believed to be experiencing or about to experience a life-threatening opioid overdose. Law-enforcement officers as defined in § 9.1-101, employees of the Department of Forensic Science, employees of the Office of the Chief Medical Examiner, employees of the Department of General Services Division of Consolidated Laboratory Services, employees of the Department of Corrections designated by the Director of the Department of Corrections or designated as probation and parole officers or as correctional officers as defined in § 53.1-1, employees of the Department of Juvenile Justice designated as probation and parole officers or as juvenile correctional officers, employees of regional jails, school nurses, local health department employees that are assigned to a public school pursuant to an agreement between the local health department and the school board, *school board employees who have completed training and are certified in the administration of an opioid antagonist for overdose reversal by a program administered or*

authorized by the Department of Health, other school board employees or individuals contracted by a school board to provide school health services, and firefighters may also possess and administer naloxone or other opioid antagonist used for overdose reversal and may dispense naloxone or other opioid antagonist used for overdose reversal pursuant to an oral, written, or standing order issued by a prescriber or a standing order issued by the Commissioner of Health or his designee in accordance with protocols developed by the Board of Pharmacy in consultation with the Board of Medicine and the Department of Health.

Notwithstanding the provisions of § 54.1-3303, pursuant to an oral, written, or standing order issued by a prescriber or a standing order issued by the Commissioner of Health or his designee authorizing the dispensing of naloxone or other opioid antagonist used for overdose reversal in the absence of an oral or written order for a specific patient issued by a prescriber, and in accordance with protocols developed by the Board of Pharmacy in consultation with the Board of Medicine and the Department of Health, any person may possess and administer naloxone or other opioid antagonist used for overdose reversal, other than naloxone in an injectable formulation with a hypodermic needle or syringe, in accordance with protocols developed by the Board of Pharmacy in consultation with the Board of Medicine and the Department of Health.

Y. Notwithstanding any other law or regulation to the contrary, a person who is acting on behalf of an organization that provides services to individuals at risk of experiencing an opioid overdose or training in the administration of naloxone for overdose reversal may dispense naloxone, provided that such dispensing is (i) pursuant to a standing order issued by a prescriber and (ii) in accordance with protocols developed by the Board of Pharmacy in consultation with the Board of Medicine and the Department of Health. If the person acting on behalf of an organization dispenses naloxone in an injectable formulation with a hypodermic needle or syringe, he shall first obtain authorization from the Department of Behavioral Health and Developmental Services to train individuals on the proper administration of naloxone by and proper disposal of a hypodermic needle or syringe, and he shall obtain a controlled substance registration from the Board of Pharmacy. The Board of Pharmacy shall not charge a fee for the issuance of such controlled substance registration. The dispensing may occur at a site other than that of the controlled substance registration provided the entity possessing the controlled substances registration maintains records in accordance with regulations of the Board of Pharmacy. No person who dispenses naloxone on behalf of an organization pursuant to this subsection shall charge a fee for the dispensing of naloxone that is greater than the cost to the organization of obtaining the naloxone dispensed. A person to whom naloxone has been dispensed pursuant to this subsection may possess naloxone and may administer naloxone to a person who is believed to be experiencing or about to experience a life-threatening opioid overdose.

Z. A person who is not otherwise authorized to administer naloxone or other opioid antagonist used for overdose reversal may administer naloxone or other opioid antagonist used for overdose reversal to a person who is believed to be experiencing or about to experience a life-threatening opioid overdose.

AA. Pursuant to a written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize, with the consent of the parents as defined in § 22.1-1, an employee of (i) a school board, (ii) a school for students with disabilities as defined in § 22.1-319 licensed by the Board of Education, or (iii) a private school accredited pursuant to § 22.1-19 as administered by the Virginia Council for Private Education who is trained in the administration of injected medications for the treatment of adrenal crisis resulting from a condition causing adrenal insufficiency to administer such medication to a student diagnosed with a condition causing adrenal insufficiency when the student is believed to be experiencing or about to experience an adrenal crisis. Such authorization shall be effective only when a licensed nurse, an advanced practice registered nurse, a physician, or a physician assistant is not present to perform the administration of the medication.

2. That the Department of Health and the Department of Education shall collaborate to develop guidelines and policies relating to the implementation of the provisions of this act, including (i) guidelines and policies for (a) the procurement, possession, storage, and maintenance in each public elementary and secondary school of a supply of opioid antagonists in an amount equivalent to at least two unexpired doses and (b) the utilization of and collaboration with existing opioid overdose training and education programs and resources, including the "Revive!" Opioid Overdose and Naloxone Education Program provided by the Department of Health, in the provision of the training in opioid antagonist administration and the procurement and maintenance of a supply of opioid antagonists in accordance with the provisions of this act; (ii) guidelines and policies for the possession and administration of opioid antagonists by school board employees, including (a) the training and certification of at least one school board employee at each public elementary and secondary school in the possession and administration of an opioid antagonist and (b) the administration of an opioid antagonist by any such school board employee to any student, faculty, or staff member believed to be experiencing or about to experience a life-threatening opioid overdose; (iii) guidelines and policies for the implementation of the opioid overdose prevention and reversal program of instruction at each secondary school that includes grades nine through 12, including a model curriculum and any accompanying instructional materials for such program of instruction; (iv) development of model policies for school boards and public secondary schools aimed at encouraging students to complete such opioid overdose prevention and reversal program of instruction prior to graduating high school, including model policies that provide incentives for completing such program of instruction, such as accepting completion of such program of instruction as satisfaction for certain electives credits required for graduation and increasing the flexibility of when and where students may complete such program of instruction, and including model policies for integrating such instruction

into existing programs of instruction and providing alternative methods of delivering such program of instruction, such as outside of regular school hours and with options for virtual participation courses; (v) informational guidance materials to be made available to students and parents on the opioid overdose prevention and reversal program of instruction; and (vi) any other policies or guidelines deemed necessary and appropriate. The Department of Education shall submit such guidelines and policies developed pursuant to this act to the House Committee on Appropriations, the House Committee on Education, the Senate Committee on Education and Health, and the Senate Committee on Finance and Appropriations by January 1, 2025.

3. That the provisions of this act shall be implemented by each local school board by the beginning of the 2025-2026 school year.

CHAPTER 520

An Act to amend and reenact § 15.2-4904 of the Code of Virginia, relating to Russell County Industrial Development Authority; appointments.

[S 727]

Approved April 4, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 15.2-4904 of the Code of Virginia is amended and reenacted as follows:

§ 15.2-4904. Directors; qualifications; terms; vacancies; compensation and expenses; quorum; records; certification and distribution of report concerning bond issuance.

A. The authority shall be governed by a board of directors in which all powers of the authority shall be vested and which board shall be composed of seven directors, appointed by the governing body of the locality. The seven directors shall be appointed initially for terms of one, two, three, and four years; two being appointed for one-year terms; two being appointed for two-year terms; two being appointed for three-year terms, and one being appointed for a four-year term. Subsequent appointments shall be for terms of four years, except appointments to fill vacancies, which shall be for the unexpired terms. All terms of office shall be deemed to commence upon the date of the initial appointment to the authority, and thereafter, in accordance with the provisions of the immediately preceding sentence. If at the end of any term of office of any director a successor thereto has not been appointed, then the director whose term of office has expired shall continue to hold office until his successor is appointed and qualified.

Notwithstanding the provisions of this subsection, the board of supervisors of Wise County may appoint eight members to serve on the board of the authority, with terms staggered as agreed upon by the board of supervisors; the board of supervisors of Henrico County may appoint 10 members to serve on the board of the authority, two from each magisterial district, with terms staggered as agreed upon by the board of supervisors; the board of supervisors of Roanoke County may appoint 10 members to serve on the board of the authority, two from each magisterial district, with terms staggered as agreed upon by the board of supervisors; the board of supervisors of Mathews County may appoint from five to seven members to serve on the board of the authority; the town council of the Town of Louisa may appoint from five to seven members to serve on the board of the authority, with terms staggered as agreed upon by the town council; the board of supervisors of King William County may appoint nine members to serve on the board of the authority, with terms staggered as agreed upon by the board of supervisors; the town council of the Town of Saint Paul may appoint 10 members to serve on the board of the authority, with terms staggered as agreed upon by the town council; however, the town council of the Town of Saint Paul may at its option return to a seven-member board by removing the last three members appointed; the board of supervisors of Russell County may appoint nine members, ~~two of whom shall come from a~~ *which shall consist of two members from the governing body of a* town that has used its borrowing capacity to borrow $2 million or more for industrial development *and such other members as the board of supervisors shall agree upon*, with terms staggered as agreed upon by the board of supervisors, and the town council of the Town of South Boston shall appoint two at-large members; Page County may appoint nine members, with one member from each incorporated town, one member from each magisterial district, and one member at-large, with terms staggered as agreed upon by the board of supervisors; Halifax County shall appoint five at-large members to serve on the board of the authority jointly created by the Town of South Boston and Halifax County pursuant to § 15.2-4916, with terms staggered as agreed upon by the governing bodies of the Town of South Boston and Halifax County in the concurrent resolutions creating such authority; the board of supervisors of Goochland County may appoint five members to serve on the board of the authority; the board of supervisors of Powhatan County may appoint five members to serve on the board of the authority; the town council of the Town of Coeburn may appoint five members to serve on the board of the authority, with terms staggered as agreed upon by the town council; the town council of the Town of Kenbridge may appoint five members to serve on the board of the authority, with terms staggered as agreed upon by the town council; the town council of the Town of Victoria may appoint five members to serve on the board of the authority, with terms staggered as agreed upon by the town council; the city council of Suffolk may appoint eight members to serve on the board of the authority, with one member from each of the boroughs and one at-large member, with terms staggered as agreed upon by the city council; and the City of Chesapeake may appoint nine members, with terms staggered as agreed upon by the city council; however, in the City of Chesapeake, after July 1, 2017, no member shall serve more than two consecutive terms. Any person who has served more than one and one-half terms as a member of the Chesapeake

Economic Development Authority as of July 1, 2017, shall not be eligible for reappointment for another consecutive term. A member of the Chesapeake Economic Development Authority shall serve at the pleasure of the city council of the City of Chesapeake. No Chesapeake Economic Development Authority member shall work for the Authority within one year after serving as a member. The city council of the City of Norfolk may appoint 11 members, with terms staggered as agreed upon by the city council, and the board of supervisors of Louisa County may appoint directors to serve on the board of the authority for terms coincident with members of the board of supervisors.

A member of the board of directors of the authority may be removed from office by the local governing body without limitation in the event that the board member is absent from any three consecutive meetings of the authority or is absent from any four meetings of the authority within any 12-month period or upon unanimous vote of the board of supervisors. In any such event, a successor shall be appointed by the governing body for the unexpired portion of the term of the member who has been removed.

B. Each director shall, upon appointment or reappointment, before entering upon his duties take and subscribe the oath prescribed by § 49-1.

C. No director shall be an officer or employee of the locality except (i) in a town with a population of less than 3,500 where members of the town governing body may serve as directors provided they do not constitute a majority of the board, (ii) in Buchanan County where a constitutional officer who has previously served on the board of directors may serve as a director provided the governing body of such county approves, (iii) in Essex County where the board of supervisors may appoint one employee of the locality to the Economic Development Authority of the County of Essex, (iv) in Frederick County where the board of supervisors may appoint one of its members to the Economic Development Authority of the County of Frederick, Virginia, and (v) in Mathews County where the board of supervisors may appoint one employee of the locality to the Economic Development Authority of the County of Mathews. Every director shall, at the time of his appointment and thereafter, reside in a locality within which the authority operates or in an adjoining locality. When a director ceases to be a resident of such locality, the director's office shall be vacant and a new director may be appointed for the remainder of the term.

D. The directors shall elect from their membership a chairman, a vice-chairman, and from their membership or not, as they desire, a secretary and a treasurer, or a secretary-treasurer, who shall continue to hold such office until their respective successors are elected. The directors shall receive no salary but may be compensated such amount per regular, special, or committee meeting or per each official representation as may be approved by the appointing authority, not to exceed $200 per meeting or official representation, and shall be reimbursed for necessary traveling and other expenses incurred in the performance of their duties.

E. Except as provided herein, four members of the board of directors shall constitute a quorum of the board for the purposes of conducting its business and exercising its powers and for all other purposes, except that no facilities owned by the authority shall be leased or disposed of in any manner without a majority vote of the members of the board of directors. No vacancy in the membership of the board shall impair the right of a quorum to exercise all the powers and perform all the duties of the board. In the case of the Economic Development Authority of Goochland County, the Economic Development Authority of Powhatan County, the Industrial Development Authority of the Town of Kenbridge, and the Industrial Development Authority of the Town of Victoria, three members of the board of directors shall constitute a quorum of the board for the purposes of conducting its business and exercising its powers and for all other purposes, except that no facilities owned by the authority shall be leased or disposed of in any manner without a majority vote of the members of the board of directors.

F. The board shall keep detailed minutes of its proceedings, which shall be open to public inspection at all times. It shall keep suitable records of its financial transactions and, unless exempted by § 30-140, it shall arrange to have the records audited annually. Copies of each such audit shall be furnished to the governing body of the locality and shall be open to public inspection.

Two copies of the report concerning issuance of bonds required to be filed with the United States Internal Revenue Service shall be certified as true and correct copies by the secretary or assistant secretary of the authority. One copy shall be furnished to the governing body of the locality and the other copy mailed to the Department of Small Business and Supplier Diversity.

CHAPTER 521

An Act to amend and reenact § 17.1-207 of the Code of Virginia, relating to days of operation of clerks' offices; clerks' authority to close office.

[S 736]

Approved April 4, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 17.1-207 of the Code of Virginia is amended and reenacted as follows:

§ 17.1-207. Days of operation of clerks' offices.

A. The clerk's office of every court shall be kept open on every day except Saturday, except as provided in subsection B, and Sunday, and the days provided for in § 2.2-3300, for the transaction of business; provided that:

1. The clerk's office of the circuit court of any county or city may be closed on any day which is established as a general holiday for the employees of such county or city by a resolution duly adopted by the governing body of such county or city ~~and approved by the judge or judges of the circuit court~~ and filed in the office of the clerk; provided that such general holiday shall have the same force and effect as a legal holiday as set forth in subsection B of § 1-210;

2. The ~~judge or judges of any circuit court in any county or city may authorize the~~ clerk of ~~such~~ *the circuit* court ~~to~~ *of any county or city may* close ~~the~~ *such* clerk's office on Christmas Eve; provided that the closing of any clerk's office as provided by this subdivision shall have the same force and effect as a legal holiday as set forth in subsection B of § 1-210;

3. The chief judge or presiding judge of any circuit court may authorize the clerk of the court to close the clerk's office on any day when the chief judge or presiding judge determines that operation of the clerk's office, under prevailing conditions, would constitute a threat to the health and safety of the clerk's office personnel or the general public. Closing of the clerk's office pursuant to this subdivision shall have the same effect as provided in subsection B of § 1-210;

4. The ~~judge or judges of the circuit court of any county or city may authorize the~~ clerk of ~~such~~ *the circuit* court ~~to~~ *of any county or city may* close ~~the~~ *such* clerk's office on any day or portion of a day ~~which~~ *that* the Governor declares as a holiday for state employees, or on any day or portion of a day on which the Governor*, Supreme Court, or Judicial Council* authorizes state offices to be closed; provided that such closing of any clerk's office shall have the same force and effect as a legal holiday as set forth in subsection B of § 1-210.

~~Except for closings pursuant to subdivision 3, whenever the authorization of the judge is necessary to close a clerk's office and a court has more than one judge, the authorization of all such judges shall be necessary.~~

~~The judge of the circuit court of any county or city may require the clerk's office to be kept open continuously for the transaction of business during convenient hours on all the days on which it is required by this section to be kept open.~~

B. Nothing in this section shall be construed to prohibit the clerk~~, with the approval of the chief judge,~~ to open the clerk's office on Saturdays, during such hours as the ~~chief judge~~ *clerk of the circuit court* may authorize, solely for the purposes of (i) permitting examination and copying of court records, (ii) accepting applications for and granting licenses pursuant to applicable law, and (iii) recording instruments. For all other purposes, including without limitation the filing of actions at law and suits in equity and all pleadings, pleas and motions therein, such clerk's office shall be closed with the force and effect of a statutory closing as provided in subsection B of § 1-210.

CHAPTER 522

An Act to amend and reenact § 58.1-339.14 of the Code of Virginia, relating to firearm safety device tax credit; definition of firearm safety device.

[H 35]

Approved April 5, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 58.1-339.14 of the Code of Virginia is amended and reenacted as follows:

§ 58.1-339.14. Firearm safety device tax credit.

A. For the purposes of this section:

"Eligible transaction" means a transaction in which a taxpayer purchases one or more firearm safety devices from a dealer that is federally licensed pursuant to 18 U.S.C. § 923. An "eligible transaction" shall not include the purchase of a firearm.

"Firearm" means any handgun, shotgun, rifle, or other firearm that will or is designed to or may readily be converted to expel single or multiple projectiles by action of an explosion of a combustible material.

"Firearm safety device" means *(i) any device that, when installed on a firearm, is designed to prevent the firearm from being operated without first deactivating the device or (ii)* a safe, gun safe, gun case, lock box, or other device that is designed to be or can be used to store a firearm and that is designed to be unlocked only by means of a key, a combination, or other similar means.

B. For taxable years beginning on and after January 1, 2024, but before January 1, 2028, a taxpayer shall be allowed a nonrefundable credit against the tax levied pursuant to § 58.1-320 for up to $300 for the cost incurred in the purchase of one or more firearm safety devices in an eligible transaction. A taxpayer shall be allowed only one credit under this section per taxable year. The taxpayer shall submit purchase receipts with the income tax return to verify the amount of purchase price paid for the firearm safety device or firearm safety devices. The aggregate amount of credits allowable under this section shall not exceed $5 million per taxable year. Credits shall be allocated by the Department on a first-come, first-served basis.

C. The amount of the credit that may be claimed in any single taxable year shall not exceed the individual's liability for taxes imposed by this chapter for that taxable year. If the amount of the credit allowed under this section exceeds the individual's tax liability for the taxable year in which the eligible transaction occurred, the amount that exceeds the tax liability may be carried over for credit against the income taxes of the individual in the next five taxable years or until the total amount of the tax credit has been taken, whichever is sooner.

D. The Tax Commissioner shall develop guidelines for claiming the credit provided by this section. Such guidelines shall be exempt from the provisions of the Administrative Process Act (§ 2.2-4000 et seq.).

2. That the provisions of this act shall be effective for taxable years beginning on and after January 1, 2024.

CHAPTER 523

An Act to amend and reenact § 19.2-53 of the Code of Virginia and to amend the Code of Virginia by adding in Chapter 5 of Title 19.2 a section numbered 19.2-60.2, relating to search warrants, subpoenas, court orders, or other process; menstrual health data prohibited.

[H 78]

Approved April 5, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 19.2-53 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding in Chapter 5 of Title 19.2 a section numbered 19.2-60.2 as follows:

§ 19.2-53. What may be searched and seized.

A. Search warrants may be issued for the search of or for specified places, things, or persons, and seizure therefrom of the following things as specified in the warrant:

1. Weapons or other objects used in the commission of crime;

2. Articles or things the sale or possession of which is unlawful;

3. Stolen property or the fruits of any crime;

4. Any object, thing, or person, including without limitation, documents, books, papers, records, or body fluids, constituting evidence of the commission of crime; or

5. Any person to be arrested for whom a warrant or process for arrest has been issued.

Notwithstanding any other provision in this chapter to the contrary, no search warrant may be issued as a substitute for a witness subpoena.

B. Any search warrant issued for the search and seizure of a computer, computer network, or other device containing electronic or digital information shall be deemed to include the search and seizure of the physical components and the electronic or digital information contained in any such computer, computer network, or other device*, except information for which a search warrant is prohibited by § 19.2-60.2*.

C. Any search, including the search of the contents of any computer, computer network, or other device conducted pursuant to subsection B, may be conducted in any location and is not limited to the location where the evidence was seized.

§ 19.2-60.2. Issuance of search warrant, subpoena, court order, or other process for information related to menstrual health data prohibited.

No search warrant, subpoena, court order, or other process shall be issued, executed, or served for the purpose of the search and seizure or production of menstrual health data, including data stored on a computer, computer network, or other device containing electronic or digital information. For the purposes of this section, "menstrual health data" means any information, recorded in any form or medium, that is created or received by an entity that relates to or is used to determine, predict, or estimate the past, present, or future menstrual health or menstrual status of an individual.

CHAPTER 524

An Act to amend and reenact §§ 19.2-159 and 19.2-163.4 of the Code of Virginia, relating to appointment of counsel; public defenders; caseload exception.

[H 306]

Approved April 5, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 19.2-159 and 19.2-163.4 of the Code of Virginia are amended and reenacted as follows:

§ 19.2-159. Determination of indigency; guidelines; statement of indigence; appointment of counsel.

A. If the accused shall claim that he is indigent, and the charge against him is a criminal offense that may be punishable by confinement in the state correctional facility or jail, subject to the provisions of § 19.2-160, the court shall determine from oral examination of the accused or other competent evidence whether or not the accused is indigent within the contemplation of law pursuant to the guidelines set forth in this section.

B. In making its finding, the court shall determine whether or not the accused is a current recipient of a state or federally funded public assistance program for the indigent. If the accused is a current recipient of such a program and does not waive his right to counsel or retain counsel on his own behalf, he shall be presumed eligible for the appointment of counsel. This presumption shall be rebuttable where the court finds that a more thorough examination of the financial resources of the defendant is necessary. If the accused shall claim to be indigent and is not presumptively eligible under the provisions of this section, then a thorough examination of the financial resources of the accused shall be made with consideration given to the following:

1. The net income of the accused, which shall include his total salary and wages minus deductions required by law. The court also shall take into account income and amenities from other sources including but not limited to social security funds, union funds, veteran's benefits, other regular support from an absent family member, public or private employee pensions, dividends, interests, rents, estates, trusts, or gifts.

2. All assets of the accused which are convertible into cash within a reasonable period of time without causing substantial hardship or jeopardizing the ability of the accused to maintain home and employment. Assets shall include all cash on hand as well as in checking and savings accounts, stocks, bonds, certificates of deposit, and tax refunds. All personal property owned by the accused which is readily convertible into cash shall be considered, except property exempt from attachment. Any real estate owned by the accused shall be considered in terms of the amounts which could be raised by a loan on the property. For purposes of eligibility determination, the income, assets, and expenses of the spouse, if any, who is a member of the accused's household, shall be considered, unless the spouse was the victim of the offense or offenses allegedly committed by the accused.

3. Any exceptional expenses of the accused and his family which would, in all probability, prohibit him from being able to secure private counsel. Such items shall include but not be limited to costs for medical care, family support obligations, and child care payments.

The available funds of the accused shall be calculated as the sum of his total income and assets less the exceptional expenses as provided in the first paragraph of this subdivision 3. If the accused does not waive his right to counsel or retain counsel on his own behalf, counsel shall be appointed for the accused if his available funds are equal to or below 125 percent of the federal poverty income guidelines prescribed for the size of the household of the accused by the federal Department of Health and Human Services. The Supreme Court of Virginia shall be responsible for distributing to all courts the annual updates of the federal poverty income guidelines made by the Department.

If the available funds of the accused exceed 125 percent of the federal poverty income guidelines and the accused fails to employ counsel and does not waive his right to counsel, the court may, in exceptional circumstances, and where the ends of justice so require, appoint an attorney to represent the accused. However, in making such appointments, the court shall state in writing its reasons for so doing. The written statement by the court shall be included in the permanent record of the case.

C. If the court determines that the accused is indigent as contemplated by law pursuant to the guidelines set forth in this section, the court shall provide the accused with a statement which shall contain the following:

"I have been advised this _____ day of _____, 20__, by the (name of court) court of my right to representation by counsel in the trial of the charge pending against me; I certify that I am without means to employ counsel and I hereby request the court to appoint counsel for me."

_____ (signature of accused)

The court shall also require the accused to complete a written financial statement to support the claim of indigency and to permit the court to determine whether or not the accused is indigent within the contemplation of law. The accused shall execute the said statements under oath, and the said court shall appoint competent counsel to represent the accused in the proceeding against him, including an appeal, if any, until relieved or replaced by other counsel.

The executed statements by the accused and the order of appointment of counsel shall be filed with and become a part of the record of such proceeding.

All other instances in which the appointment of counsel is required for an indigent shall be made in accordance with the guidelines prescribed in this section.

D. Except in jurisdictions having a public defender, or unless (i) the public defender is unable to represent the defendant by reason of conflict of interest ~~or~~*;* (ii) the court finds that appointment of other counsel is necessary to attain the ends of justice*; or (iii) the public defender, with the concurrence of the executive director of the Virginia Indigent Defense Commission or his designee, determines that the current active caseload would preclude the public defender from providing adequate representation to new clients*, counsel appointed by the court for representation of the accused shall be selected by a fair system of rotation among members of the bar practicing before the court whose names are on the list maintained by the *Virginia* Indigent Defense Commission pursuant to § 19.2-163.01. If no attorney who is on the list maintained by the *Virginia* Indigent Defense Commission is reasonably available, the court may appoint as counsel an attorney not on the list who has otherwise demonstrated to the court's satisfaction an appropriate level of training and experience. The court shall provide notice to the Commission of the appointment of the attorney.

§ 19.2-163.4. Inapplicability of §§ 17.1-606 and 19.2-163 where public defender offices established; exception.

In counties and cities in which public defender offices are established pursuant to § 19.2-163.04, defense services for indigents charged with jailable offenses shall be provided by the public defenders unless (i) the public defender is unable to represent the defendant or petitioner by reason of conflict of interest ~~or~~*;* (ii) the court finds that appointment of other counsel is necessary to attain the ends of justice*; or (iii) the public defender, with the concurrence of the executive director of the Virginia Indigent Defense Commission or his designee, determines that the current active caseload would preclude the public defender from providing adequate representation to new clients*. Except for the provisions of § 19.2-163 relating to reasonable expenses, §§ 17.1-606 and 19.2-163 shall not apply when defense services are provided by the public defenders.

CHAPTER 525

An Act to amend and reenact §§ 16.1-69.6:1 and 17.1-507 of the Code of Virginia, relating to the maximum number of judges in each judicial district and circuit.

[H 310]

Approved April 5, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 16.1-69.6:1 and 17.1-507 of the Code of Virginia are amended and reenacted as follows:

§ 16.1-69.6:1. Number of judges.

For the several judicial districts there shall be full-time general district court judges and juvenile and domestic relations district court judges, the maximum number as hereinafter set forth, who shall during their service reside within their respective districts, except as provided in § 16.1-69.16, and whose compensation and powers shall be the same as now and hereafter prescribed for general district court judges and juvenile and domestic relations district court judges.

The maximum number of judges of the districts shall be as follows:

	General District Court Judges	Juvenile and Domestic Relations District Court Judges
First	4	4
Second	7	6
Two-A	2	1
Third	2	3
Fourth	6	5
Fifth	3	2
Sixth	5	3
Seventh	4	4
Eighth	3	3
Ninth	3	4
Tenth	3	3
Eleventh	3	3
Twelfth	5	6
Thirteenth	6	5
Fourteenth	5	5
Fifteenth	8	9
Sixteenth	4	6
Seventeenth	3	2
Eighteenth	2	2
Nineteenth	12	8
Twentieth	4	~~3~~ *4*
Twenty-first	2	2
Twenty-second	3	4
Twenty-third	4	5
Twenty-fourth	3	6
Twenty-fifth	4	5
Twenty-sixth	5	7
Twenty-seventh	5	5
Twenty-eighth	3	3
Twenty-ninth	2	3
Thirtieth	2	3
Thirty-first	5	~~5~~ *6*

The election or appointment of any district judge shall be subject to the provisions of § 16.1-69.9:3.

§ 17.1-507. Maximum number of judges; residence requirement; compensation; powers; etc.

A. For the several judicial circuits there shall be judges, the maximum number as hereinafter set forth, who shall during their service reside within their respective circuits and whose compensation and powers shall be the same as now and hereafter prescribed for circuit judges.

The maximum number of judges of the circuits shall be as follows:

First — ~~5~~ *6*

Second — 8
Third — 4
Fourth — 8
Fifth — 4
Sixth — 3
Seventh — 5
Eighth — 3
Ninth — ~~4~~ *5*
Tenth — 4
Eleventh — 3
Twelfth — 6
Thirteenth — 7
Fourteenth — 5
Fifteenth — ~~11~~ *12*
Sixteenth — 6
Seventeenth — 4
Eighteenth — 3
Nineteenth — 15
Twentieth — 5
Twenty-first — 3
Twenty-second — 4
Twenty-third — 5
Twenty-fourth — 6
Twenty-fifth — ~~6~~ *7*
Twenty-sixth — 8
Twenty-seventh — 6
Twenty-eighth — 4
Twenty-ninth — 5
Thirtieth — 4
Thirty-first — 7

B. No additional circuit court judge shall be authorized or provided for any judicial circuit until the Judicial Council has made a study of the need for such additional circuit court judge and has reported its findings and recommendations to the House Committee for Courts of Justice and the Senate Committee ~~on the Judiciary~~ *for Courts of Justice*. The boundary of any judicial circuit shall not be changed until a study has been made by the Judicial Council and a report of its findings and recommendations made to said Committees.

C. If the Judicial Council finds the need for an additional circuit court judge after a study is made pursuant to subsection B, the study shall be made available to the Compensation Board and the House Committee for Courts of Justice and the Senate Committee ~~on the Judiciary~~ *for Courts of Justice* and *the Judicial* Council shall publish notice of such finding in a publication of general circulation among attorneys licensed to practice in the Commonwealth. The Compensation Board shall make a study of the need to provide additional courtroom security and deputy court clerk staffing. This study shall be reported to the House Committee for Courts of Justice and the Senate Committee ~~on the Judiciary,~~ *for Courts of Justice,* and to the Department of Planning and Budget.

CHAPTER 526

An Act to amend and reenact § 19.2-389 of the Code of Virginia, relating to dissemination of criminal history record information; Department of Social Services.

[H 361]

Approved April 5, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 19.2-389 of the Code of Virginia is amended and reenacted as follows:

§ 19.2-389. Dissemination of criminal history record information.

A. Criminal history record information shall be disseminated, whether directly or through an intermediary, only to:

1. Authorized officers or employees of criminal justice agencies, as defined by § 9.1-101, for purposes of the administration of criminal justice and the screening of an employment application or review of employment by a criminal justice agency with respect to its own employees or applicants, and dissemination to the Virginia Parole Board, pursuant to this subdivision, of such information on all state-responsible inmates for the purpose of making parole determinations pursuant to subdivisions 1, 2, 3, 4, and 6 of § 53.1-136 shall include collective dissemination by electronic means every 30 days. For purposes of this subdivision, criminal history record information includes information sent to the Central Criminal Records Exchange pursuant to §§ 37.2-819 and 64.2-2014 when disseminated to any full-time or part-time

employee of the State Police, a police department or sheriff's office that is a part of or administered by the Commonwealth or any political subdivision thereof, and who is responsible for the prevention and detection of crime and the enforcement of the penal, traffic or highway laws of the Commonwealth for the purposes of the administration of criminal justice;

2. Such other individuals and agencies that require criminal history record information to implement a state or federal statute or executive order of the President of the United States or Governor that expressly refers to criminal conduct and contains requirements or exclusions expressly based upon such conduct, except that information concerning the arrest of an individual may not be disseminated to a noncriminal justice agency or individual if an interval of one year has elapsed from the date of the arrest and no disposition of the charge has been recorded and no active prosecution of the charge is pending;

3. Individuals and agencies pursuant to a specific agreement with a criminal justice agency to provide services required for the administration of criminal justice pursuant to that agreement which shall specifically authorize access to data, limit the use of data to purposes for which given, and ensure the security and confidentiality of the data;

4. Individuals and agencies for the express purpose of research, evaluative, or statistical activities pursuant to an agreement with a criminal justice agency that shall specifically authorize access to data, limit the use of data to research, evaluative, or statistical purposes, and ensure the confidentiality and security of the data;

5. Agencies of state or federal government that are authorized by state or federal statute or executive order of the President of the United States or Governor to conduct investigations determining employment suitability or eligibility for security clearances allowing access to classified information;

6. Individuals and agencies where authorized by court order or court rule;

7. Agencies of any political subdivision of the Commonwealth, public transportation companies owned, operated or controlled by any political subdivision, and any public service corporation that operates a public transit system owned by a local government for the conduct of investigations of applicants for employment, permit, or license whenever, in the interest of public welfare or safety, it is necessary to determine under a duly enacted ordinance if the past criminal conduct of a person with a conviction record would be compatible with the nature of the employment, permit, or license under consideration;

7a. Commissions created pursuant to the Transportation District Act of 1964 (§ 33.2-1900 et seq.) of Title 33.2 and their contractors, for the conduct of investigations of individuals who have been offered a position of employment whenever, in the interest of public welfare or safety and as authorized in the Transportation District Act of 1964, it is necessary to determine if the past criminal conduct of a person with a conviction record would be compatible with the nature of the employment under consideration;

8. Public or private agencies when authorized or required by federal or state law or interstate compact to investigate (i) applicants for foster or adoptive parenthood or (ii) any individual, and the adult members of that individual's household, with whom the agency is considering placing a child or from whom the agency is considering removing a child due to abuse or neglect, on an emergency, temporary, or permanent basis pursuant to §§ 63.2-901.1 and 63.2-1505, subject to the restriction that the data shall not be further disseminated to any party other than a federal or state authority or court as may be required to comply with an express requirement of law;

9. To the extent permitted by federal law or regulation, public service companies as defined in § 56-1, for the conduct of investigations of applicants for employment when such employment involves personal contact with the public or when past criminal conduct of an applicant would be incompatible with the nature of the employment under consideration;

10. The appropriate authority for purposes of granting citizenship and for purposes of international travel, including, but not limited to, issuing visas and passports;

11. A person requesting a copy of his own criminal history record information as defined in § 9.1-101 at his cost, except that criminal history record information shall be supplied at no charge to a person who has applied to be a volunteer with (i) a Virginia affiliate of Big Brothers/Big Sisters of America; (ii) a volunteer fire company; (iii) the Volunteer Emergency Families for Children; (iv) any affiliate of Prevent Child Abuse, Virginia; (v) any Virginia affiliate of Compeer; or (vi) any board member or any individual who has been offered membership on the board of a Crime Stoppers, Crime Solvers or Crime Line program as defined in § 15.2-1713.1;

12. Administrators and board presidents of and applicants for licensure or registration as a child welfare agency as defined in § 63.2-100 for dissemination to the Commissioner of Social Services' representative pursuant to § 63.2-1702 for the conduct of investigations with respect to employees of and volunteers at such facilities, caretakers, and foster and adoptive parent applicants of private child-placing agencies, pursuant to §§ 63.2-1719, 63.2-1720, and 63.2-1721, subject to the restriction that the data shall not be further disseminated by the facility or agency to any party other than the data subject, the Commissioner of Social Services' representative or a federal or state authority or court as may be required to comply with an express requirement of law for such further dissemination; however, nothing in this subdivision shall be construed to prohibit the Commissioner of Social Services' representative from issuing written certifications regarding the results of a background check that was conducted before July 1, 2021, in accordance with subsection J of § 22.1-289.035 or § 22.1-289.039;

13. *The Department of Social Services for the purpose of screening individuals as a condition of licensure, employment, volunteering, or providing services on a regular basis in a licensed child welfare agency pursuant to §§ 63.2-1721 and 63.2-1726 or foster or adoptive home approved by a child-placing agency pursuant to § 63.2-901.1;*

14. The school boards of the Commonwealth for the purpose of screening individuals who are offered or who accept public school employment and those current school board employees for whom a report of arrest has been made pursuant to § 19.2-83.1;

~~14.~~ *15.* The Virginia Lottery for the conduct of investigations as set forth in the Virginia Lottery Law (§ 58.1-4000 et seq.) and casino gaming as set forth in Chapter 41 (§ 58.1-4100 et seq.) of Title 58.1, and the Department of Agriculture and Consumer Services for the conduct of investigations as set forth in Article 1.1:1 (§ 18.2-340.15 et seq.) of Chapter 8 of Title 18.2;

~~15.~~ *16.* Licensed nursing homes, hospitals and home care organizations for the conduct of investigations of applicants for compensated employment in licensed nursing homes pursuant to § 32.1-126.01, hospital pharmacies pursuant to § 32.1-126.02, and home care organizations pursuant to § 32.1-162.9:1, subject to the limitations set out in subsection E;

~~16.~~ *17.* Licensed assisted living facilities and licensed adult day care centers for the conduct of investigations of applicants for compensated employment in licensed assisted living facilities and licensed adult day care centers pursuant to § 63.2-1720, subject to the limitations set out in subsection F;

~~17.~~ *18.* The Virginia Alcoholic Beverage Control Authority for the conduct of investigations as set forth in § 4.1-103.1;

~~18.~~ *19.* The State Board of Elections and authorized officers and employees thereof and general registrars appointed pursuant to § 24.2-110 in the course of conducting necessary investigations with respect to voter registration, limited to any record of felony convictions;

~~19.~~ *20.* The Commissioner of Behavioral Health and Developmental Services (the Commissioner) or his designees for individuals who are committed to the custody of or being evaluated by the Commissioner pursuant to §§ 19.2-168.1, 19.2-169.1, 19.2-169.2, 19.2-169.5, 19.2-169.6, 19.2-182.2, 19.2-182.3, 19.2-182.8, and 19.2-182.9 where such information may be beneficial for the purpose of placement, evaluation, treatment, or discharge planning;

~~20.~~ *21.* Any alcohol safety action program certified by the Commission on the Virginia Alcohol Safety Action Program for (i) interventions with first offenders under § 18.2-251 or (ii) services to offenders under § 18.2-51.4, 18.2-266, or 18.2-266.1;

~~21.~~ *22.* Residential facilities for juveniles regulated or operated by the Department of Social Services, the Department of Education, or the Department of Behavioral Health and Developmental Services for the purpose of determining applicants' fitness for employment or for providing volunteer or contractual services;

~~22.~~ *23.* The Department of Behavioral Health and Developmental Services and facilities operated by the Department for the purpose of determining an individual's fitness for employment pursuant to departmental instructions;

~~23.~~ *24.* Pursuant to § 22.1-296.3, the governing boards or administrators of private elementary or secondary schools which are accredited pursuant to § 22.1-19 or a private organization coordinating such records information on behalf of such governing boards or administrators pursuant to a written agreement with the Department of State Police;

~~24.~~ *25.* Public institutions of higher education and nonprofit private institutions of higher education for the purpose of screening individuals who are offered or accept employment;

~~25.~~ *26.* Members of a threat assessment team established by a local school board pursuant to § 22.1-79.4, by a public institution of higher education pursuant to § 23.1-805, or by a private nonprofit institution of higher education, for the purpose of assessing or intervening with an individual whose behavior may present a threat to safety; however, no member of a threat assessment team shall redisclose any criminal history record information obtained pursuant to this section or otherwise use any record of an individual beyond the purpose that such disclosure was made to the threat assessment team;

~~26.~~ *27.* Executive directors of community services boards or the personnel director serving the community services board for the purpose of determining an individual's fitness for employment, approval as a sponsored residential service provider, permission to enter into a shared living arrangement with a person receiving medical assistance services pursuant to a waiver, or permission for any person under contract with the community services board to serve in a direct care position on behalf of the community services board pursuant to §§ 37.2-506, 37.2-506.1, and 37.2-607;

~~27.~~ *28.* Executive directors of behavioral health authorities as defined in § 37.2-600 for the purpose of determining an individual's fitness for employment, approval as a sponsored residential service provider, permission to enter into a shared living arrangement with a person receiving medical assistance services pursuant to a waiver, or permission for any person under contract with the behavioral health authority to serve in a direct care position on behalf of the behavioral health authority pursuant to §§ 37.2-506, 37.2-506.1, and 37.2-607;

~~28.~~ *29.* The Commissioner of Social Services for the purpose of locating persons who owe child support or who are alleged in a pending paternity proceeding to be a putative father, provided that only the name, address, demographics and social security number of the data subject shall be released;

~~29.~~ *30.* Authorized officers or directors of agencies licensed pursuant to Article 2 (§ 37.2-403 et seq.) of Chapter 4 of Title 37.2 by the Department of Behavioral Health and Developmental Services for the purpose of determining if any applicant who accepts employment in any direct care position or requests approval as a sponsored residential service provider, permission to enter into a shared living arrangement with a person receiving medical assistance services pursuant to a waiver, or permission for any person under contract with the provider to serve in a direct care position has been convicted of a crime that affects his fitness to have responsibility for the safety and well-being of individuals with mental illness, intellectual disability, or substance abuse pursuant to §§ 37.2-416, 37.2-416.1, 37.2-506, 37.2-506.1, and 37.2-607;

~~30.~~ *31.* The Commissioner of the Department of Motor Vehicles, for the purpose of evaluating applicants for and holders of a motor carrier certificate or license subject to the provisions of Chapters 20 (§ 46.2-2000 et seq.) and 21 (§ 46.2-2100 et seq.) of Title 46.2;

~~31.~~ *32.* The Chairman of the Senate Committee on the Judiciary or the Chairman of the House Committee for Courts of Justice for the purpose of determining if any person being considered for election to any judgeship has been convicted of a crime;

~~32.~~ *33.* Heads of state agencies in which positions have been identified as sensitive for the purpose of determining an individual's fitness for employment in positions designated as sensitive under Department of Human Resource Management policies developed pursuant to § 2.2-1201.1;

~~33.~~ *34.* The Office of the Attorney General, for all criminal justice activities otherwise permitted under subdivision A 1 and for purposes of performing duties required by the Civil Commitment of Sexually Violent Predators Act (§ 37.2-900 et seq.);

~~34.~~ *35.* Shipyards, to the extent permitted by federal law or regulation, engaged in the design, construction, overhaul, or repair of nuclear vessels for the United States Navy, including their subsidiary companies, for the conduct of investigations of applications for employment or for access to facilities, by contractors, leased laborers, and other visitors;

~~35.~~ *36.* Any employer of individuals whose employment requires that they enter the homes of others, for the purpose of screening individuals who apply for, are offered, or have accepted such employment;

~~36.~~ *37.* Public agencies when and as required by federal or state law to investigate (i) applicants as providers of adult foster care and home-based services or (ii) any individual with whom the agency is considering placing an adult on an emergency, temporary, or permanent basis pursuant to § 63.2-1601.1, subject to the restriction that the data shall not be further disseminated by the agency to any party other than a federal or state authority or court as may be required to comply with an express requirement of law for such further dissemination, subject to limitations set out in subsection G;

~~37.~~ *38.* The Department of Medical Assistance Services, or its designee, for the purpose of screening individuals who, through contracts, subcontracts, or direct employment, volunteer, apply for, are offered, or have accepted a position related to the provision of transportation services to enrollees in the Medicaid Program or the Family Access to Medical Insurance Security (FAMIS) Program, or any other program administered by the Department of Medical Assistance Services;

~~38.~~ *39.* The State Corporation Commission for the purpose of investigating individuals who are current or proposed members, senior officers, directors, and principals of an applicant or person licensed under Chapter 16 (§ 6.2-1600 et seq.), Chapter 19 (§ 6.2-1900 et seq.), or Chapter 26 (§ 6.2-2600 et seq.) of Title 6.2. Notwithstanding any other provision of law, if an application is denied based in whole or in part on information obtained from the Central Criminal Records Exchange pursuant to Chapter 16, 19, or 26 of Title 6.2, the Commissioner of Financial Institutions or his designee may disclose such information to the applicant or its designee;

~~39.~~ *40.* The Department of Professional and Occupational Regulation for the purpose of investigating individuals for initial licensure pursuant to § 54.1-2106.1;

~~40.~~ *41.* The Department for Aging and Rehabilitative Services and the Department for the Blind and Vision Impaired for the purpose of evaluating an individual's fitness for various types of employment and for the purpose of delivering comprehensive vocational rehabilitation services pursuant to Article 11 (§ 51.5-170 et seq.) of Chapter 14 of Title 51.5 that will assist the individual in obtaining employment;

~~41.~~ *42.* Bail bondsmen, in accordance with the provisions of § 19.2-120;

~~42.~~ *43.* The State Treasurer for the purpose of determining whether a person receiving compensation for wrongful incarceration meets the conditions for continued compensation under § 8.01-195.12;

~~43.~~ *44.* The Department of Education or its agents or designees for the purpose of screening individuals seeking to enter into a contract with the Department of Education or its agents or designees for the provision of child care services for which child care subsidy payments may be provided;

~~44.~~ *45.* The Department of Juvenile Justice to investigate any parent, guardian, or other adult members of a juvenile's household when completing a predispositional or postdispositional report required by § 16.1-273 or a Board of Juvenile Justice regulation promulgated pursuant to § 16.1-233;

~~45.~~ *46.* The State Corporation Commission, for the purpose of screening applicants for insurance licensure under Chapter 18 (§ 38.2-1800 et seq.) of Title 38.2;

~~46.~~ *47.* Administrators and board presidents of and applicants for licensure or registration as a child day program or family day system, as such terms are defined in § 22.1-289.02, for dissemination to the Superintendent of Public Instruction's representative pursuant to § 22.1-289.013 for the conduct of investigations with respect to employees of and volunteers at such facilities pursuant to §§ 22.1-289.034 through 22.1-289.037, subject to the restriction that the data shall not be further disseminated by the facility or agency to any party other than the data subject, the Superintendent of Public Instruction's representative, or a federal or state authority or court as may be required to comply with an express requirement of law for such further dissemination; however, nothing in this subdivision shall be construed to prohibit the Superintendent of Public Instruction's representative from issuing written certifications regarding the results of prior background checks in accordance with subsection J of § 22.1-289.035 or § 22.1-289.039;

~~47.~~ *48.* The National Center for Missing and Exploited Children for the purpose of screening individuals who are offered or accept employment or will be providing volunteer or contractual services with the National Center for Missing and Exploited Children; and

~~48.~~ *49.* Other entities as otherwise provided by law.

Upon an ex parte motion of a defendant in a felony case and upon the showing that the records requested may be relevant to such case, the court shall enter an order requiring the Central Criminal Records Exchange to furnish the defendant, as soon as practicable, copies of any records of persons designated in the order on whom a report has been made under the provisions of this chapter.

Notwithstanding any other provision of this chapter to the contrary, upon a written request sworn to before an officer authorized to take acknowledgments, the Central Criminal Records Exchange, or the criminal justice agency in cases of offenses not required to be reported to the Exchange, shall furnish a copy of conviction data covering the person named in the request to the person making the request; however, such person on whom the data is being obtained shall consent in writing, under oath, to the making of such request. A person receiving a copy of his own conviction data may utilize or further disseminate that data as he deems appropriate. In the event no conviction data is maintained on the data subject, the person making the request shall be furnished at his cost a certification to that effect.

B. Use of criminal history record information disseminated to noncriminal justice agencies under this section shall be limited to the purposes for which it was given and may not be disseminated further, except as otherwise provided in subdivision A ~~46~~ *47*.

C. No criminal justice agency or person shall confirm the existence or nonexistence of criminal history record information for employment or licensing inquiries except as provided by law.

D. Criminal justice agencies shall establish procedures to query the Central Criminal Records Exchange prior to dissemination of any criminal history record information on offenses required to be reported to the Central Criminal Records Exchange to ensure that the most up-to-date disposition data is being used. Inquiries of the Exchange shall be made prior to any dissemination except in those cases where time is of the essence and the normal response time of the Exchange would exceed the necessary time period. A criminal justice agency to whom a request has been made for the dissemination of criminal history record information that is required to be reported to the Central Criminal Records Exchange may direct the inquirer to the Central Criminal Records Exchange for such dissemination. Dissemination of information regarding offenses not required to be reported to the Exchange shall be made by the criminal justice agency maintaining the record as required by § 15.2-1722.

E. Criminal history information provided to licensed nursing homes, hospitals and to home care organizations pursuant to subdivision A ~~15~~ *16* shall be limited to the convictions on file with the Exchange for any offense specified in §§ 32.1-126.01, 32.1-126.02, and 32.1-162.9:1.

F. Criminal history information provided to licensed assisted living facilities and licensed adult day care centers pursuant to subdivision A ~~16~~ *17* shall be limited to the convictions on file with the Exchange for any offense specified in § 63.2-1720.

G. Criminal history information provided to public agencies pursuant to subdivision A ~~36~~ *37* shall be limited to the convictions on file with the Exchange for any offense set forth in clause (i) of the definition of barrier crime in § 19.2-392.02.

H. Upon receipt of a written request from an employer or prospective employer, the Central Criminal Records Exchange, or the criminal justice agency in cases of offenses not required to be reported to the Exchange, shall furnish at the employer's cost a copy of conviction data covering the person named in the request to the employer or prospective employer making the request, provided that the person on whom the data is being obtained has consented in writing to the making of such request and has presented a photo-identification to the employer or prospective employer. In the event no conviction data is maintained on the person named in the request, the requesting employer or prospective employer shall be furnished at his cost a certification to that effect. The criminal history record search shall be conducted on forms provided by the Exchange.

I. Nothing in this section shall preclude the dissemination of a person's criminal history record information pursuant to the rules of court for obtaining discovery or for review by the court.

CHAPTER 527

An Act to amend the Code of Virginia by adding in Title 30 a chapter numbered 67, consisting of sections numbered 30-430 through 30-436, relating to Virginia Minority Business Commission; report; sunset.

[H 374]

Approved April 5, 2024

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Title 30 a chapter numbered 67, consisting of sections numbered 30-430 through 30-436, as follows:

CHAPTER 67.

VIRGINIA MINORITY BUSINESS COMMISSION.

§ 30-430. Virginia Minority Business Commission; purpose.

The Virginia Minority Business Commission (the Commission) is established in the legislative branch of state government. The purpose of the Commission is to promote the growth and competitiveness of Virginia minority-owned businesses, as defined in § 2.2-1604.

§ 30-431. Membership; terms; vacancies; chairman and vice-chairman.

The Commission shall consist of 13 members that include seven legislative members and six nonlegislative citizen members. Members shall be appointed as follows: four members of the House of Delegates to be appointed by the Speaker of the House of Delegates in accordance with the principles of proportional representation contained in the Rules of the House of Delegates; three members of the Senate to be appointed by the Senate Committee on Rules; three nonlegislative citizen members with expertise in entrepreneurship, economics, and business to be appointed by the Speaker of the House of Delegates; and three nonlegislative citizen members with expertise in entrepreneurship, economics, and business to be appointed by the Senate Committee on Rules. Nonlegislative citizen members of the Commission shall be citizens of the Commonwealth of Virginia. Unless otherwise approved in writing by the chairman of the Commission and the respective Clerk, nonlegislative citizen members shall only be reimbursed for travel originating and ending within the Commonwealth of Virginia for the purpose of attending meetings.

Legislative members of the Commission shall serve terms coincident with their terms of office. Nonlegislative citizen members shall be appointed for a term of two years. Appointments to fill vacancies, other than by expiration of a term, shall be for the unexpired terms. Legislative members and nonlegislative citizen members may be reappointed. However, no nonlegislative citizen member shall serve more than four consecutive two-year terms. The remainder of any term to which a member is appointed to fill a vacancy shall not constitute a term in determining the member's eligibility for reappointment. Vacancies shall be filled in the same manner as the original appointments.

The Commission shall elect a chairman and vice-chairman from among its membership, who shall be members of the General Assembly.

§ 30-432. Quorum; meetings; voting on recommendations.

A majority of the members shall constitute a quorum. The meetings of the Commission shall be held at the call of the chairman or whenever the majority of the members so request.

No recommendation of the Commission shall be adopted if a majority of the House members or a majority of the Senate members appointed to the Commission (i) vote against the recommendation and (ii) vote for the recommendation to fail notwithstanding the majority vote of the Commission.

§ 30-433. Compensation; expenses.

Legislative members of the Commission shall receive such compensation as provided in § 30-19.12, and nonlegislative citizen members shall receive such compensation for the performance of their duties as provided in § 2.2-2813. All members shall be reimbursed for reasonable and necessary expenses incurred in the performance of their duties as provided in §§ 2.2-2813 and 2.2-2825. Compensation to members of the General Assembly for attendance at official meetings of the Commission shall be paid by the offices of the Clerk of the House of Delegates or Clerk of the Senate, as applicable. All other compensation and expenses shall be paid from existing appropriations to the Commission or, if unfunded, shall be approved by the Joint Rules Committee.

§ 30-434. Powers and duties of the Commission.

The Commission shall have the following powers and duties:

1. Evaluate the impact of existing statutes and proposed legislation on Virginia minority-owned businesses;

2. Assess current programs in the Commonwealth aimed at assisting minority-owned businesses and examine ways to enhance their effectiveness;

3. Provide minority business owners and advocates with a forum to address their concerns;

4. Develop strategies and recommendations to promote the growth and competitiveness of Virginia minority-owned businesses;

5. Collaborate with the Department of Small Business and Supplier Diversity and other appropriate entities to facilitate the Commission's work and mission; and

6. Perform such other duties, functions, and activities as may be necessary to facilitate and implement the objectives of this chapter.

§ 30-435. Chairman's executive summary of activity and work of the Commission.

The chairman may submit to the General Assembly and the Governor an annual executive summary of the interim activity and work of the Commission no later than the first day of each regular session of the General Assembly. The executive summary may be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and may be posted on the General Assembly's website.

§ 30-436. Sunset.

This chapter shall expire on July 1, 2028.

CHAPTER 528

An Act to provide a new charter for the Town of New Market in Shenandoah County and to repeal Chapter 264 of the Acts of Assembly of 1972, as amended, which provided a charter for the Town of New Market.

[H 376]

Approved April 5, 2024

Be it enacted by the General Assembly of Virginia:

1.

CHARTER
FOR THE
TOWN OF NEW MARKET.

Chapter 1. Incorporation and Boundaries.

§ 1.1. Incorporation; general powers.

Be it enacted by the General Assembly of Virginia, that the inhabitants of the territory in the County of Shenandoah, contained within the boundaries prescribed and defined in the section immediately following, shall continue to be, and they are hereby declared to be, a body politic and corporate, in fact and in name, under the name and style of the Town of New Market (the Town), and as such shall have and exercise all the powers conferred by and be subject to all the laws of the Commonwealth of Virginia now in force or that may hereafter be enacted for the government of towns, so far as the same are not inconsistent with the provisions herein.

§ 1.2. Town boundaries.

The boundaries of the Town shall remain as now established unless changed in accordance with applicable law.

Chapter 2. General Powers.

§ 2.1. General grant of powers.

(a) The Town of New Market shall have and may exercise all powers which are now or hereafter may be conferred upon or delegated to towns under the Constitution and laws of the Commonwealth of Virginia, as fully and completely as though such powers were specifically enumerated herein, and no enumeration of particular powers by this charter shall be held to be exclusive, and shall have, exercise, and enjoy all the rights, immunities, powers, and privileges, and be subject to all the duties and obligations now appertaining to and incumbent on the Town as a municipal corporation.

(b) Powers exercised by governing body.

All powers vested in the Town by this charter shall be exercised by its governing body unless expressly provided to the contrary. Such powers shall include those not expressly prohibited by the Constitution and general law of the Commonwealth, and which are necessary or desirable to secure and promote the general welfare of the Town's inhabitants and the safety, health, peace, good order, comfort, convenience, morals, trade, commerce, and industry of the Town and the Town's inhabitants, and the enumeration of specific powers shall not be construed or held to be exclusive or as a limitation upon any general grant of power, but shall be construed and held to be in addition to any general grant of power. The exercise of the powers conferred under this section is specifically limited to the area within the corporate limits of the Town, unless otherwise conferred in the applicable sections of the Constitution and general laws, as amended, of the Commonwealth.

§ 2.2. Financial powers.

(a) Generally.

In accordance with the Constitution of Virginia and the United States Constitution, the Town may raise through annual taxes and assessments on property, persons, and other subjects of taxation that are not prohibited by law such sums of money as in the judgment of the Town are necessary to pay the debts, defray the expenses, accomplish the purposes, and perform the functions of the town, in such manner as the council deems necessary or expedient. The Town shall impose no tax on its bonds.

(b) Assessments for local improvements.

The Town may impose special or local assessments for local improvements and enforce payment thereof, subject, however, to such limitations prescribed by the Constitution of Virginia as may be in force at the time of the imposition of such special or local assessments.

(c) Water, light, and sewerage rates; rates and charges for public utilities or services, etc., operated, etc., by Town.

The Town may establish, impose, and enforce water, light, and sewerage rates, and rates and charges for public utilities, or other service, products, or conveniences, operated, rendered, or furnished by the Town and assess, or cause to be assessed, water, light, sewerage, and other public utility rates and charges directly against the owner or owners of the buildings, or against the proper tenant or tenants, and in the event that such rates and charges shall be assessed against a tenant, then the council may, by an ordinance, require of such tenant a deposit of such reasonable amount as may be by such ordinance prescribed before furnishing such services to such tenant.

§ 2.3. Contractual powers; gifts; grants.

(a) Acquisition of property generally; holding, selling, leasing, etc., Town property.

The Town may acquire, by purchase, gift, devise, condemnation, or otherwise, property, real and personal, or any estate or interest therein, within or without the Town or the Commonwealth of Virginia and for any of the purposes of the Town.

(b) Debts and evidence of indebtedness.

The Town may contract debts, borrow money, and make and issue evidence of indebtedness.

(c) Gifts.

The Town may accept or refuse gifts, donations, bequests, or grants of any kind from any source, absolutely or in trust, which are related to the Town's powers, duties, and functions, or for educational, charitable, or other public purposes, and do all the things and acts necessary to carry out the purposes of such gifts, grants, bequests, and devises, with power to manage, maintain, operate, sell, lease, or otherwise handle or dispose of the same, in accordance with terms and conditions of such gifts, grants, bequests, and devises. The Town shall also have the authority to make appropriations of public funds, of personal property or any real estate and donations to any charitable institution or association, located within its respective limits or outside its limits if such institution or association provides services to residents of the Town.

§ 2.4. Operational powers.

(a) Generally.

The Town may provide for the organization, conduct, and operation of all departments, offices, boards, commissions, and agencies of the Town, subject to such limitations as may be imposed by this charter or otherwise by law, and may establish, consolidate, abolish, or change departments, offices, boards, commissions, and agencies of the Town and prescribe the powers, duties, and functions thereof, except where such departments, offices, boards, commissions, and agencies or the powers, duties, and functions thereof are specifically established or prescribed by charter or otherwise by law.

(b) Records and accounts.

The Town shall provide for the control and management of the Town's affairs and shall prescribe and require the adoption and keeping of such books, records, accounts, and systems of accounting by the departments, boards, commissions, or other agencies of the Town necessary to give full and true accounts of the affairs, resources, and revenues of the Town and the handling, use, and disposal thereof.

(c) Expenditure of money.

The Town may expend money of the Town for all lawful purposes.

(d) Construction, maintenance, etc., of improvements, buildings, etc., for use and operation of Town departments.

The Town may construct, maintain, regulate, and operate public improvements of all kinds, including municipal and other buildings, comfort stations, markets, and all buildings and structures necessary or appropriate for the use and proper operation of the various departments of the Town, and may acquire by condemnation or otherwise all land, riparian, and other rights and easements necessary for such improvements, or any of them.

§ 2.5. Utilities; public improvements.

(a) Water works and water supply.

The Town may own, operate, and maintain water works and acquire in any lawful manner in any county of the Commonwealth of Virginia such water, lands, property rights, and riparian rights as the council may deem necessary for the purpose of providing the Town with an adequate water supply, and of piping or conducting the same; lay all necessary mains and service lines, either within or without the corporate limits of the Town, and charge and collect water rents therefor; erect and maintain all necessary dams, pumping stations, and other works in connection therewith; make reasonable rules and regulations for promoting the purity of the Town water supply and protecting it from pollution and for this purpose exercise full police powers and sanitary patrol over all lands comprised within the limits of the watershed tributary to any such water supply wherever such lands may be located in the Commonwealth of Virginia; impose and enforce adequate penalties for the violation of any such rules and regulations and prevent by injunction any pollution or threatened pollution of such water supply and any and all acts likely to impair the purity thereof; and for the purpose of acquiring lands, interest in lands, property rights, and riparian rights or materials for any such use, exercise all powers of eminent domain provided by the laws of the Commonwealth of Virginia. For any of the purposes aforesaid, the Town may, if the council shall so determine, acquire by condemnation, purchase, or otherwise any estate or interest in such lands or any of them in fee.

(b) Streets; parks, playgrounds, etc.; infrastructure; vehicles.

The Town may establish, maintain, improve, alter, vacate, regulate, and otherwise manage its streets, alleys, parks, playgrounds, and all of its public infrastructure and public works, in such manner as best serves the public interest, safety, and convenience, subject to the provisions of §§ 33.2-319 and 33.2-700 of the Virginia Code, as amended; regulate, limit, restrict, and control the services and routes of and rates charged by vehicles for the carrying of passengers and property in accordance with general law; permit or prohibit poles and wires for electric, telephone, telegraph, television, and other purposes to be erected and gas pipes to be laid in the streets and alleys and prescribe and collect an annual charge for such privileges; and, subject to the provisions of franchise agreements, require the owner or lessees of any such poles or wires now in use or hereafter used to place such wires, cables, and accoutrements in conduits underground in accordance with the Town's prescribed requirements. The Town shall have all powers that are set forth in § 46.2-1222.1 of the Virginia Code, as amended.

(c) Public utilities.

Subject to the provisions of the Constitution of Virginia, this charter, and general law, the Town may grant franchises for public utilities, reserving rights of transfer, renewal, extension, and amendment thereof.

(d) Collection and disposition of sewage, garbage, ashes, refuse, etc.; reduction and disposal plant.

The Town may collect and dispose of sewage, ashes, garbage, carcasses of dead animals, and other refuse; make reasonable charges therefor; acquire and operate reduction or any other plants for the utilization or destruction of such materials, or any of them; contract for and regulate the collection and disposal thereof, and require and regulate the collection and disposal thereof.

§ 2.6. Nuisances; sanitary conditions, etc.

The Town may compel the abatement and removal of all nuisances within the Town; require all lands, lots, and other premises within the Town to be kept clean; regulate the keeping of animals, poultry, and other fowl therein; regulate the exercise of any dangerous or unwholesome business, trade, or employment therein; regulate the transportation of all articles through the streets of the Town; compel the abatement of smoke, dust, and unnecessary noise; compel the removal of grass and weeds from private and public property and snow from sidewalks; require the covering or removal of offensive, unwholesome, unsanitary, or unhealthy substances allowed to accumulate in or on any place or premises; require the filling in to the street level of the portion of any lot adjacent to a street where the difference in level between the lot and the street constitutes a danger to life and limb; require the raising or draining of the grounds subject to be covered by stagnant water and the razing or repair of all unsafe, dangerous, or unsanitary public or private buildings, walls, or structures; and remedy, repair, and secure any blighted or derelict building or structure within the Town in accordance with applicable law. The Town shall have all powers that are set forth in § 15.2-1127 of the Virginia Code, as amended.

§ 2.7. Police powers.

(a) The Town may exercise full police powers as provided by general law and establish and maintain a department or division of police.

(b) The Town may also do all things whatsoever necessary or expedient for promoting or maintaining the general welfare, comfort, education, morals, peace, government, health, trade, commerce, or industries of the Town or its inhabitants; prescribe any penalty for the violation of any Town ordinance, rule, or regulation or of any provisions of this charter, not exceeding the fine or sentence imposed by the laws of the Commonwealth of Virginia; pass and enforce all by-laws, rules, regulations, and ordinances that it may deem necessary for the good order and government of the Town, the management of its property, the conduct of its affairs, and the peace, comfort, convenience, order, morals, health, and protection of its citizens or their property; and do such other things and pass such other laws as may be necessary or proper to carry into full effect any power, authority, capacity, or jurisdiction that is or shall be granted to or vested in said Town, or in the council, court, or offices thereof, or which may be necessarily incident to a municipal corporation.

§ 2.8. Miscellaneous powers.

(a) Removal or reconstruction of unsafe buildings, etc.; protection of public gatherings.

The Town may regulate the size, height, materials, and construction of buildings, fences, walls, retaining walls, and other structures hereafter erected in such manner as the public safety and conveniences may require; remove or require to be removed or reconstructed any building, structure, or addition thereto, which by reason of dilapidation, defect of structure, or other causes may have become dangerous to life or property, or which may have been erected contrary to law; and enact stringent and efficient laws for securing the safety of persons from fires in halls and buildings used for public assemblies, entertainments, or amusements.

(b) Fees for permits, etc.

The Town may charge and collect fees for permits to use public facilities and for public services and privileges.

(c) Cemeteries.

The Town may provide in or near the Town lands to be used as burial places for the dead; improve and care for the same and the approaches thereto; charge for and regulate the use of grounds therein; and provide for the perpetual upkeep and care of any plot or burial lot therein. The Town is authorized to take and receive sums of money by gift, bequest, or otherwise, to be kept invested, and the income thereof is to be used for the perpetual upkeep and care of the said lot or plat for which the said donation, gift, or bequest shall have been made.

(d) Injunctive relief.

The Town may maintain a suit to restrain by injunction the violation of any ordinance, notwithstanding any punishment that may be provided for the violation of such ordinance.

Chapter 3. Elected Officers.

§ 3.1. Vesting of government.

The Town shall be governed by a Town council composed of six council members and a mayor.

§ 3.2. Election and terms of officers; council as continuing body.

The mayor and council members shall each be a qualified voter within the Town, elected at large, and hold office for a term of four years. The council shall be a continuing body, and no measure pending before such body shall abate or be discontinued by reason of expiration of the term of office or removal of any or all of the members. The mayor and council in office at the time of adoption of this charter shall continue in office until the expiration of the terms to which they were elected or until their successors are elected and qualified. Accordingly, at the time of the general election in November of 2024, there will be an election for mayor and three council positions and at the general election in November 2026, there will be an election for the other three council positions.

§ 3.3. Mayor.

The mayor shall have the following powers and duties:

(a) The mayor shall see that the bylaws and ordinances of the Town are fully executed and enforced. He shall preside over the meetings of the Town council and shall have the same right to speak therein as members of the Town council, but shall not vote except in the case of a tie. He shall have the power of veto over the ordinances and resolutions of the council, but such ordinances and resolutions may be passed over such veto by a two-thirds vote of the members of the Town council present and voting. He shall be recognized as the head of the Town council, and the head of the Town government for all ceremonial purposes. He shall perform such other duties consistent with his office as may be imposed by the council. In times of public danger or emergencies, he may take command of the police and maintain order and enforce laws, and for this purpose may deputize such assistant policemen as may be necessary.

(b) The mayor, or the person acting as mayor, shall authenticate with his signature every ordinance and resolution adopted by the council, and such documents or instruments as the council, this charter, or the laws of the Commonwealth shall require.

(c) The mayor shall see that the duties of the various Town officers, agents, and employees are faithfully performed. The mayor shall have power to investigate their accounts and have access to all of their books and documents in their offices.

§ 3.4. Vice-mayor, temporary presiding officer.

A vice-mayor shall be elected by a majority of the council at its biennial organizational meeting to a term of two years. The vice-mayor shall possess the powers and discharge the duties of the mayor during any period of absence or disability of the mayor. While serving in the place of the mayor, the vice-mayor may vote as a member of the Town council. If the vice-mayor is also absent or unable to act, the council may choose another council member to possess the powers and discharge the mayor's duties during the period of the vice-mayor and mayor's absence or disability. While serving in the place of the mayor, such council member may vote as a member of the Town council. The council may provide reasonable compensation to the vice-mayor or other council member discharging the duties of the mayor pursuant to this section. Upon the adoption of this charter, the current vice-mayor of the council shall serve as vice-mayor until the next organizational meeting of the council.

§ 3.5. Council.

(a) Regular meetings. The Town council shall by ordinance fix the time of their regular meetings. The council may convene at such additional times as it may deem necessary in accordance with applicable law.

(b) Special meetings. A special meeting may be called by the mayor or by four or more council members, provided that the mayor and all council members are notified a reasonable period of time prior to the meeting, or are present or sign a waiver, which may be signed after the meeting. No business shall be transacted at a special meeting except that for which it is called unless all members of the council are present or sign a waiver, which may be signed after the meeting.

(c) Quorum. Four members of the council shall constitute a quorum for the transaction of business. As the mayor does not vote, the mayor's attendance does not count towards the quorum requirement.

(d) Procedural rules. The council may adopt its own rules of order and procedure that govern meetings of the council.

§ 3.6. Vacancies.

Any vacancy occurring in the office of mayor or a council member shall be filled in accordance with general law.

Chapter 4. Officers Appointed by Council.

§ 4.1. Appointments.

The Town council may appoint the following officers, who serve at the pleasure of the council:

(a) Town Manager. The Town Manager shall be responsible to the Town council (1) for the proper administration of all affairs of the Town, (2) for the control and management of all Town departments and property, (3) for the appointment, supervision, discipline, and dismissal of all Town employees (except, with respect to Town council appointed officers, appointment and dismissal shall be by act of the Town council), (4) for the preparation and implementation of an annual budget, and (5) for any other duties as prescribed by the council, and is vested with all the powers provided by the general laws of the Commonwealth of Virginia. The Town Manager shall also perform other duties and receive such compensation as the Town council may prescribe. The Town Manager may also hold the position of Town Clerk.

(b) Town Treasurer. The Town Treasurer shall keep the Town's books and accounts and collect all the taxes, revenues, and assessments that may be levied by the council, and he is vested with all the powers provided by the general laws of the Commonwealth of Virginia. The Town Treasurer shall also perform other duties and receive such compensation as the Town council may prescribe.

(c) Town Clerk. The Town Clerk shall attend the meetings of the council, keep a record of its proceedings, and generally perform such other acts and duties as the council may from time to time prescribe. The Town Clerk shall receive such compensation as the council may prescribe and may also hold the office of Town Treasurer so long as he is not a member of Town council.

(d) Town Attorney. The Town Attorney shall be an attorney at law licensed to practice under the laws of the Commonwealth of Virginia. The Town Attorney shall receive such compensation as may be determined by the council and shall have such duties as prescribed by the council.

(e) Chief of Police. The Chief of Police shall be the head of the Town of New Market Police Department and be a law-enforcement officer responsible for the enforcement of the criminal laws and such other duties prescribed by the laws of

the Town and the Commonwealth of Virginia. The Chief of Police shall also perform other duties and receive such compensation as the Town council may prescribe. The Chief of Police shall have all powers that are now or may hereafter be provided to law-enforcement officers and police chiefs by the Commonwealth of Virginia.

(f) Other officers. The Town council may appoint such other officers as may be necessary to conduct the business of the Town, prescribe their duties, and fix their compensation.

(g) The Town council may designate a person to act in an interim capacity for any of the foregoing officers during the absence or incapacity of such officer.

(h) All Town officers already in office at the time of the enactment of this charter shall continue until further action of the Town council.

§ 4.2. Removal of appointed officers.

Any officer appointed by the council may be removed at its pleasure. The council may fill any vacancy in any appointed office.

Chapter 5. Miscellaneous Provisions.

§ 5.1. Severability.

If any clause, sentence, paragraph, or part of this charter shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder of the charter but shall be confined in its operation to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

§ 5.2. Continuation of ordinances in effect.

All ordinances now in force in the Town, not inconsistent with this charter, shall be and remain in force until altered, amended, or repealed by the council.

§ 5.3. Repeal of conflicting acts and charters.

All prior Town charters, and all acts and parts of acts in conflict with this charter are hereby repealed, provided, however, that nothing contained in this act shall be construed to invalidate or to in any manner affect the present existing indebtedness and liabilities of the Town, whether evidenced by bonded obligations or otherwise, or to relieve it of any part of its present obligation or liability on account of bond issues, liabilities, or debts of whatsoever nature or kind.

2. That Chapter 264 of the Acts of Assembly of 1972, as amended, is repealed.

CHAPTER 529

An Act to amend and reenact § 63.2-901.1 of the Code of Virginia, relating to kinship foster care; barrier crimes.

[H 453]

Approved April 5, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 63.2-901.1 of the Code of Virginia is amended and reenacted as follows:

§ 63.2-901.1. Criminal history and central registry check for placements of children.

A. Each local board and licensed child-placing agency shall obtain, in accordance with regulations adopted by the Board, criminal history record information from the Central Criminal Records Exchange and the Federal Bureau of Investigation through the Central Criminal Records Exchange and the results of a search of the child abuse and neglect central registry of any individual with whom the local board or licensed child-placing agency is considering placing a child on an emergency, temporary or permanent basis, including the birth parent of a child in foster care placement, unless the birth parent has revoked an entrustment agreement pursuant to § 63.2-1223 or 63.2-1817 or a local board or birth parent revokes a placement agreement while legal custody remains with the parent, parents, or guardians pursuant to § 63.2-900. The local board or licensed child-placing agency shall also obtain such background checks on all adult household members residing in the home of the individual with whom the child is to be placed pursuant to subsection B. Such state criminal records or registry search shall be at no cost to the individual. The local board or licensed child-placing agency shall pay for the national fingerprint criminal history record check or may require such individual to pay the cost of the fingerprinting or the national fingerprinting criminal history record check or both. In addition to the fees assessed by the Federal Bureau of Investigation, the designated state agency may assess a fee for responding to requests required by this section.

B. Background checks pursuant to this section require the following:

1. A sworn statement or affirmation disclosing whether or not the individual has a criminal conviction or is the subject of any pending criminal charges within or outside the Commonwealth and whether or not the individual has been the subject of a founded complaint of child abuse or neglect within or outside the Commonwealth;

2. That the individual submit to fingerprinting and provide personal descriptive information to be forwarded along with the individual's fingerprints through the Central Criminal Records Exchange to the Federal Bureau of Investigation for the purpose of obtaining criminal history record information. The local board or licensed child-placing agency shall inform the individual that he is entitled to obtain a copy of any background check report and to challenge the accuracy and completeness of any such report and obtain a prompt resolution before a final decision is made of the individual's fitness to have responsibility for the safety and well-being of children.

The Central Criminal Records Exchange, upon receipt of an individual's record or notification that no record exists, shall forward it to the designated state agency. The state agency shall, upon receipt of an individual's record lacking disposition data, conduct research in whatever state and local recordkeeping systems are available in order to obtain complete data. The state agency shall report to the local board or licensed child-placing agency whether the individual meets the criteria for having responsibility for the safety and well-being of children based on whether or not the individual has ever been convicted of or is the subject of pending charges for any barrier crime as defined in § 19.2-392.02. Copies of any information received by a local board or licensed child-placing agency pursuant to this section shall be available to the state agency that regulates or operates such a child-placing agency but shall not be disseminated further; and

3. A search of the central registry maintained pursuant to § 63.2-1515 for any founded complaint of child abuse or neglect. In addition, a search of the child abuse and neglect registry maintained by any other state pursuant to the Adam Walsh Child Protection and Safety Act of 2006, Pub. L. 109-248, in which a prospective parent or other adult in the home has resided in the preceding five years.

C. In emergency circumstances, each local board may obtain, from a criminal justice agency, criminal history record information from the Central Criminal Records Exchange and the Federal Bureau of Investigation through the Virginia Criminal Information Network (VCIN) for the criminal records search authorized by this section. Within three days of placing a child, the local board shall require the individual for whom a criminal history record information check was requested to submit to fingerprinting and provide personal descriptive information to be forwarded along with the fingerprints through the Central Criminal Records Exchange to the Federal Bureau of Investigation for the purpose of obtaining criminal record history information, pursuant to subsection B. The child shall be removed from the home immediately if any adult resident fails to provide such fingerprints and written permission to perform a criminal history record check when requested.

D. Any individual with whom the local board is considering placing a child on an emergency basis shall submit to a search of the central registry maintained pursuant to § 63.2-1515 and the Adam Walsh Child Protection and Safety Act of 2006, Pub. L. 109-248 for any founded complaint of child abuse or neglect. The search of the central registry must occur prior to emergency placement. Such central registry search shall be at no cost to the individual. Prior to emergency placement, the individual shall provide a written statement of affirmation disclosing whether he has ever been the subject of a founded case of child abuse or neglect within or outside the Commonwealth. Child-placing agencies shall not approve individuals with a founded complaint of child abuse as foster or adoptive parents.

E. The child-placing agency shall not approve a foster or adoptive home if any individual has been convicted of any barrier crime as defined in § 19.2-392.02 or is the subject of a founded complaint of abuse or neglect as maintained in registries pursuant to § 63.2-1515 and 42 U.S.C.S. 16901 et seq. A child-placing agency may approve as a foster parent an applicant who has been convicted of not more than one misdemeanor as set out in § 18.2-57, or any substantially similar offense under the laws of another jurisdiction, not involving the abuse, neglect, or moral turpitude of a minor, provided that 10 years have elapsed following the conviction.

F. A local board or child-placing agency may approve as a kinship foster care parent an applicant who has been convicted of the following offenses, provided that ~~10 years have elapsed from the date of the conviction and~~ the local board or child-placing agency makes a specific finding that approving the kinship foster care placement would not adversely affect the safety and well-being of the child: (i) any offense set forth in ~~clause (iv) of~~ the definition of barrier crime in § 19.2-392.02 ~~or~~ *clause (iv), provided that five years have elapsed from the date of the conviction;* (ii) *any misdemeanor offense under § 18.2-57 or 18.2-57.2, or any substantially similar offense under the laws of another jurisdiction, not involving a minor, provided that five years have elapsed from the date of the conviction; or (iii)* any misdemeanor offense under § 18.2-80, 18.2-81, 18.2-83, 18.2-87, 18.2-87.1, or 18.2-88 or any substantially similar offense under the laws of another jurisdiction *provided that 10 years have elapsed from the date of the conviction.*

G. Any individual participating in the Fostering Futures program, which allows local departments to continue to provide foster care services to individuals who are 18 years of age or older but have not reached 21 years of age, who is placed in a foster home shall be subject to the background check requirements set forth in subsection B. The results of such background check shall be used for the sole purpose of determining whether other children should be placed or remain in the same foster home as the individual subject to the background check. The results of the background check shall not be used to terminate or suspend the approval of the foster home pursuant to subsection E. For purposes of this subsection, "individual participating in the Fostering Futures program" means a person who is 18 years of age or older but has not reached 21 years of age and is receiving foster care services through the Fostering Futures program.

2. That the State Board of Social Services (the Board) shall promulgate regulations to implement the provisions of this act to be effective no later than September 1, 2024. The Board's initial adoption of regulations necessary to implement the provisions of this act shall be exempt from the provisions of the Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia), except that the Board shall provide an opportunity for public comment on the regulations prior to adoption.

CHAPTER 530

An Act to amend the Code of Virginia by adding a section numbered 6.2-103.2, relating to financial institutions; reporting financial exploitation of elderly or vulnerable adults.

[H 692]

Approved April 5, 2024

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 6.2-103.2 as follows:

§ 6.2-103.2. Reporting financial exploitation of elderly or vulnerable adults.

A. As used in this section, unless the context requires a different meaning:

"Elderly or vulnerable adult" has the same meaning as provided for "adult" in § 63.2-1603.

"Financial exploitation" and "financial institution staff" have the same meanings as provided for those terms in § 63.2-1603, except that for the purposes of this section, "financial institution staff" shall not include an employee, agent, qualified individual, or representative of an investment company, investment advisor, securities firm, accounting firm, or insurance company.

B. 1. A financial institution may offer to an elderly or vulnerable adult the opportunity to submit and update a list of trusted persons that such elderly or vulnerable adult authorizes the financial institution or financial institution staff to contact when such financial institution or financial institution staff has reasonable cause to suspect that such elderly or vulnerable adult is a victim or target of financial exploitation.

2. Notwithstanding subdivision 1, a financial institution or financial institution staff with reasonable cause to suspect that an elderly or vulnerable adult is a victim or target of financial exploitation may convey the suspicion to one or more of the following, provided that the recipient of such conveyance is not the suspected perpetrator of financial exploitation:

a. Any person on the trusted contact list described in subdivision 1, if such a list has been provided;

b. A co-owner, additional authorized signatory, or beneficiary on any account that the elderly or vulnerable adult holds with the financial institution;

c. Any person known by the financial institution or financial institution staff to be reasonably associated with an elderly or vulnerable adult, including a family member, except that a financial institution shall only contact such reasonably associated person if (i) such financial institution is unable to contact any of the other permitted recipients listed in this subdivision and (ii) the elderly or vulnerable adult is unable to designate a trusted contact; or

d. An agent under a valid power of attorney.

3. When providing information under this subsection, a financial institution or financial institution staff may limit the information provided and disclose only that there is reasonable cause to suspect that the elderly or vulnerable adult may be a victim or target of financial exploitation without disclosing any other details or confidential, personal, or financial information.

4. A financial institution or financial institution staff shall be immune from any civil or administrative liability for any act taken or omission made in good faith and in accordance with the provisions of this subsection. Information shared pursuant to this subsection is exempt from any customer consent or customer notice requirements.

C. 1. A financial institution or third party selected by a financial institution may provide training relating to identifying and reporting the suspected financial exploitation of an elderly or vulnerable adult as described in subdivision 2 to financial institution staff who may (i) come into contact with elderly or vulnerable adults in the course of employment or (ii) review the financial documents, records, or transactions of an elderly or vulnerable adult in connection with providing financial services to such elderly or vulnerable adult.

2. The content of any training provided by a financial institution relating to identifying and reporting suspected financial exploitation of an elderly or vulnerable adult shall:

a. Be maintained by such financial institution and be made available to the financial regulatory agency with examination authority over such financial institution upon request, except that a financial institution shall not be required to maintain or make available such content relating to any individual who is no longer employed by or affiliated or associated with such financial institution;

b. Instruct individuals attending such training on how to identify the suspected financial exploitation of an elderly or vulnerable adult, including common signs of financial exploitation, and how to report such suspected financial exploitation internally at such financial institution, to a designated trusted contact, and to the Federal Bureau of Investigation (FBI), the local department of social services of the county or city wherein such elderly or vulnerable adult resides or where such suspected financial exploitation occurs, the adult protective services hotline, and local law-enforcement authorities;

c. Discuss the need to protect the privacy and respect the integrity of each customer of such financial institution; and

d. Be appropriate to the job responsibilities of the individuals attending such training.

3. A financial institution that conducts such training as provided in subdivision 2 shall maintain records of all financial institution staff who complete such training and the date of such completion. Such financial institution shall make such records available to the financial regulatory agency with examination authority over such financial institution upon request.

D. Financial institution staff who reasonably believe that the financial exploitation of an elderly or vulnerable adult may have occurred, may have been attempted, or is being attempted may report such suspected financial exploitation to the

FBI, the local department of social services of the county or city wherein such elderly or vulnerable adult resides or where such suspected financial exploitation occurs, the adult protective services hotline, or local law-enforcement authorities. In support of such a report, the financial institution shall cooperate in any investigation and provide financial records and information relevant to such investigation in conformance with § 6.2-103.1. No record disclosed pursuant to this subsection shall be subject to the mandatory disclosure provisions of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.).

E. No financial institution staff who have received the training described in subsection C shall be liable, including in any civil or administrative proceeding, for disclosing the suspected financial exploitation of an elderly or vulnerable adult pursuant to this section if such disclosure was made in good faith and with reasonable care. No financial institution that has provided the training described in subsection C shall be liable for any such disclosure by financial institution staff.

F. The provisions of this section applicable to financial institutions may be applied to national banking associations, federal savings banks, federal savings and loan associations, or institutions chartered or organized as a federal credit union under the laws of the United States, to the extent that such entities have voluntarily implemented the requirements of this section and provided that any such provision is not expressly preempted by federal law, rule, regulation, or order.

2. That the Bureau of Financial Institutions of the State Corporation Commission shall develop guidelines for financial institutions to provide trainings in accordance with the provisions of subdivision C 1 of § 6.2-103.2 of the Code of Virginia, as created by this act, and shall publish such guidelines by January 1, 2026.

CHAPTER 531

An Act to amend and reenact § 2.2-2318 of the Code of Virginia, relating to Virginia Tourism Authority; powers; historically accurate advertising.

[H 814]

Approved April 5, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 2.2-2318 of the Code of Virginia is amended and reenacted as follows:

§ 2.2-2318. Powers of Authority.

The Authority, acting through the Executive Director, shall be granted all powers necessary or appropriate to carry out and to effectuate its purposes, including the following to:

1. Have perpetual succession as a public body corporate and as a political subdivision of the Commonwealth;

2. Adopt, amend, and repeal bylaws, rules, and regulations, not inconsistent with this article for the administration and regulation of its affairs, to carry into effect the powers and purposes of the Authority and the conduct of its business;

3. Sue and be sued in its own name;

4. Have an official seal and alter it at will although the failure to affix this seal shall not affect the validity of any instrument executed on behalf of the Authority;

5. Maintain an office at any place within or without the Commonwealth that it designates;

6. Make and execute contracts and all other instruments and agreements necessary or convenient for the performance of its duties and the exercise of its powers and functions under this article;

7. Acquire real or personal property, or any interest therein, by purchase, exchange, gift, assignment, transfer, foreclosure, lease, or otherwise, including rights or easements, and hold, manage, operate, or improve such property;

8. Sell, convey, mortgage, pledge, lease, exchange, transfer, and otherwise dispose of all or any part of its properties and assets;

9. Employ officers, employees, agents, advisers, and consultants, including without limitation, financial advisers and other technical advisers and public accountants and, the provisions of any other law to the contrary notwithstanding, to determine their duties and compensation without the approval of any other agency or instrumentality;

10. Procure insurance, in amounts and from insurers of its choice, or provide self-insurance, against any loss, cost, or expense in connection with its property, assets, or activities, including insurance or self-insurance against liability for its acts or the acts of its directors, employees, or agents and for the indemnification of the members of its Board and its employees and agents;

11. Receive and accept from any source aid, grants, and contributions of money, property, labor, or other things of value to be held, used, and applied to carry out the purposes of this article subject to the conditions upon which the aid, grants, or contributions are made;

12. Enter into agreements with any department, agency, or instrumentality of the United States, the Commonwealth, the District of Columbia, or any state for purposes consistent with its mission;

13. Establish and revise, amend and repeal, and charge and collect, fees and charges in connection with any activities or services of the Authority;

14. Make grants to local governments with any funds of the Authority available for this purpose;

15. Develop policies and procedures generally applicable to the procurement of goods, services, and construction based on competitive principles;

16. Issue periodicals and carry and charge for advertising therein;

17. Raise money in the corporate, nonprofit, and nonstate communities to finance the Authority's activities;

18. Support and encourage each locality to foster its own tourism development programs;

19. Enter into agreements with public or private entities that provide participating funding to establish and operate tourism centers, funded jointly by the entity and the Authority, as shall be determined by the Executive Director, and as approved by the Authority;

20. Encourage, stimulate, and support tourism in the Commonwealth by promoting, marketing, and advertising the Commonwealth's many tourist attractions and locations;

21. Encourage, stimulate, and support the film industry in the Commonwealth;

22. Do all things necessary or proper to administer and manage the Cooperative Tourism Advertising Fund and the Governor's Motion Picture Opportunity Fund;

23. Update a travel guide for the disabled in the first year of every biennium beginning in fiscal year 2003;

24. Develop a comprehensive plan to promote destinations of historical and other significance located throughout the Commonwealth in anticipation of the 400th anniversary of the Jamestown settlement; ~~and~~

25. *In consultation with the Library of Virginia, the Virginia African American Advisory Board, established pursuant to § 2.2-2491, and other subject matter experts as deemed appropriate by the Authority, create guidelines for the Authority's publications and advertising materials to ensure the accurate representation in such publications and advertising materials of the experiences of enslaved persons at and the contributions of enslaved persons to properties in the Commonwealth with a historic link to slave ownership; and*

26. Do any act necessary or convenient to the exercise of the powers granted or reasonably implied by this article and not otherwise inconsistent with state law.

CHAPTER 532

An Act to amend and reenact §§ 56-597 and 56-599 of the Code of Virginia, relating to electric utilities; integrated resource plans; grid-enhancing technologies and advanced conductors.

[H 862]

Approved April 5, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 56-597 and 56-599 of the Code of Virginia are amended and reenacted as follows:

§ 56-597. Definitions.

As used in this chapter:

"Advanced conductors" means hardware technology that can conduct electricity across transmission lines and that demonstrates enhanced performance over traditional conductor products.

"Affiliate" means a person that controls, is controlled by, or is under common control with an electric utility.

"Electric utility" means any investor-owned public utility that provides electric energy for use by retail customers, except investor-owned utilities subject to the provisions of § 56-585.8.

"Grid-enhancing technologies" means a set of technologies that maximize the transmission of electricity across the electric distribution grid in a manner that ensures grid reliability and safeguards the cybersecurity and physical security of the electric distribution grid, including storage as a transmission asset, dynamic line rating, power flow control, and topology optimization.

"Integrated resource plan" or "IRP" means a document developed by an electric utility that provides a forecast of its load obligations and a plan to meet those obligations by supply side and demand side resources over the ensuing 15 years to promote reasonable prices, reliable service, energy independence, and environmental responsibility.

"Retail customer" means any person that purchases retail electric energy for its own consumption at one or more metering points or non-metered points of delivery located in the Commonwealth.

§ 56-599. Integrated resource plan required.

A. Each electric utility shall file an updated integrated resource plan by October 15, in each year immediately preceding the year the utility is subject to a biennial review of rates for generation and distribution services filing. A copy of each integrated resource plan shall be provided to the Chairman of the House Committee on Commerce and Energy, the Chairman of the Senate Committee on Commerce and Labor, and the Chairman of the Commission on Electric Utility Regulation. After January 1, 2024, each electric utility not subject to an annual review shall file an annual update to the integrated resource plan by October 15, in each year that the utility is subject to review of rates for generation and distribution services filing. All updated integrated resource plans shall comply with the provisions of any relevant order of the Commission establishing guidelines for the format and contents of updated and revised integrated resource plans. Each integrated resource plan shall consider options for maintaining and enhancing rate stability, energy independence, economic development including retention and expansion of energy-intensive industries, and service reliability.

B. In preparing an integrated resource plan, each electric utility shall systematically evaluate and may propose:

1. Entering into short-term and long-term electric power purchase contracts;

2. Owning and operating electric power generation facilities;

3. Building new generation facilities;

4. Relying on purchases from the short term or spot markets;

5. Making investments in demand-side resources, including energy efficiency and demand-side management services;

6. Taking such other actions, as the Commission may approve, to diversify its generation supply portfolio and ensure that the electric utility is able to implement an approved plan;

7. The methods by which the electric utility proposes to acquire the supply and demand resources identified in its proposed integrated resource plan;

8. The effect of current and pending state and federal environmental regulations upon the continued operation of existing electric generation facilities or options for construction of new electric generation facilities;

9. The most cost effective means of complying with current and pending state and federal environmental regulations, including compliance options to minimize effects on customer rates of such regulations;

10. Long-term electric distribution grid planning and proposed electric distribution grid transformation projects*, including a comprehensive assessment of the potential application of grid-enhancing technologies and advanced conductors in a manner that ensures grid reliability and safeguards the cybersecurity and physical security of the electric distribution grid. An electric utility that does not include grid-enhancing technologies or advanced conductors in an integrated resource plan shall include a detailed explanation of why such technologies or conductors are not included in such plan*;

11. Developing a long-term plan for energy efficiency measures to accomplish policy goals of reduction in customer bills, particularly for low-income, elderly, and disabled customers; reduction in emissions; and reduction in carbon intensity; and

12. Developing a long-term plan to integrate new energy storage facilities into existing generation and distribution assets to assist with grid transformation.

C. As part of preparing any integrated resource plan pursuant to this section, each utility shall conduct a facility retirement study for owned facilities located in the Commonwealth that emit carbon dioxide as a byproduct of combusting fuel and shall include the study results in its integrated resource plan. Upon filing the integrated resource plan with the Commission, the utility shall contemporaneously disclose the study results to each planning district commission, county board of supervisors, and city and town council where such electric generation unit is located, the Department of Energy, the Department of Housing and Community Development, the Virginia Employment Commission, and the Virginia Council on Environmental Justice. The disclosure shall include (i) the driving factors of the decision to retire and (ii) the anticipated retirement year of any electric generation unit included in the plan. Any electric generating facility with an anticipated retirement date that meets the criteria of § 45.2-1701.1 shall comply with the public disclosure requirements therein.

D. As part of preparing any integrated resource plan pursuant to this section, each utility shall conduct outreach to engage the public in a stakeholder review process and provide opportunities for the public to contribute information, input, and ideas on the utility's integrated resource plan, including the plan's development methodology, modeling inputs, and assumptions, as well as the ability for the public to make relevant inquiries, to the utility when formulating its integrated resource plan. Each utility shall report its public outreach efforts to the Commission. The stakeholder review process shall include representatives from multiple interest groups, including residential and industrial classes of ratepayers. Each utility shall, at the time of the filing of its integrated resource plan, report on any stakeholder meetings that have occurred prior to the filing date.

E. The Commission shall analyze and review an integrated resource plan and, after giving notice and opportunity to be heard, the Commission shall make a determination within nine months after the date of filing as to whether such an integrated resource plan is reasonable and is in the public interest.

CHAPTER 533

An Act to amend and reenact § 15.2-2306 of the Code of Virginia, relating to local historic districts; tax incentives.

[H 914]

Approved April 5, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 15.2-2306 of the Code of Virginia is amended and reenacted as follows:

§ 15.2-2306. Preservation of historical sites and architectural areas.

A. 1. Any locality may adopt an ordinance setting forth the historic landmarks within the locality as established by the Virginia Board of Historic Resources, and any other buildings or structures within the locality having an important historic, architectural, archaeological or cultural interest, any historic areas within the locality as defined by § 15.2-2201, and areas of unique architectural value located within designated conservation, rehabilitation or redevelopment districts, amending the existing zoning ordinance and delineating one or more historic districts, adjacent to such landmarks, buildings and structures, or encompassing such areas, or encompassing parcels of land contiguous to arterial streets or highways (as designated pursuant to Title 33.2, including § 33.2-319) found by the governing body to be significant routes of tourist access to the locality or to designated historic landmarks, buildings, structures or districts therein or in a contiguous locality. A governing body may provide in the ordinance that the applicant must submit documentation that any development in an area of the locality of known historical or archaeological significance will preserve or accommodate the historical or archaeological resources. An amendment of the zoning ordinance and the establishment of a district or districts shall be in

accordance with the provisions of Article 7 (§ 15.2-2280 et seq.). The governing body may provide for a review board to administer the ordinance and may provide compensation to the board. The ordinance may include a provision that no building or structure, including signs, shall be erected, reconstructed, altered or restored within any such district unless approved by the review board or, on appeal, by the governing body of the locality as being architecturally compatible with the historic landmarks, buildings or structures therein.

2. Subject to the provisions of subdivision 3 the governing body may provide in the ordinance that no historic landmark, building or structure within any district shall be razed, demolished or moved until the razing, demolition or moving thereof is approved by the review board, or, on appeal, by the governing body after consultation with the review board.

3. The governing body shall provide by ordinance for appeals to the circuit court for such locality from any final decision of the governing body pursuant to subdivisions 1 and 2 and shall specify therein the parties entitled to appeal the decisions, which parties shall have the right to appeal to the circuit court for review by filing a petition at law, setting forth the alleged illegality of the action of the governing body, provided the petition is filed within 30 days after the final decision is rendered by the governing body. The filing of the petition shall stay the decision of the governing body pending the outcome of the appeal to the court, except that the filing of the petition shall not stay the decision of the governing body if the decision denies the right to raze or demolish a historic landmark, building or structure. The court may reverse or modify the decision of the governing body, in whole or in part, if it finds upon review that the decision of the governing body is contrary to law or that its decision is arbitrary and constitutes an abuse of discretion, or it may affirm the decision of the governing body.

In addition to the right of appeal hereinabove set forth, the owner of a historic landmark, building or structure, the razing or demolition of which is subject to the provisions of subdivision 2, shall, as a matter of right, be entitled to raze or demolish such landmark, building or structure provided that: (i) he has applied to the governing body for such right, (ii) the owner has for the period of time set forth in the same schedule hereinafter contained and at a price reasonably related to its fair market value, made a bona fide offer to sell the landmark, building or structure, and the land pertaining thereto, to the locality or to any person, firm, corporation, government or agency thereof, or political subdivision or agency thereof, which gives reasonable assurance that it is willing to preserve and restore the landmark, building or structure and the land pertaining thereto, and (iii) no bona fide contract, binding upon all parties thereto, shall have been executed for the sale of any such landmark, building or structure, and the land pertaining thereto, prior to the expiration of the applicable time period set forth in the time schedule hereinafter contained. Any appeal which may be taken to the court from the decision of the governing body, whether instituted by the owner or by any other proper party, notwithstanding the provisions heretofore stated relating to a stay of the decision appealed from shall not affect the right of the owner to make the bona fide offer to sell referred to above. No offer to sell shall be made more than one year after a final decision by the governing body, but thereafter the owner may renew his request to the governing body to approve the razing or demolition of the historic landmark, building or structure. The time schedule for offers to sell shall be as follows: three months when the offering price is less than $25,000; four months when the offering price is $25,000 or more but less than $40,000; five months when the offering price is $40,000 or more but less than $55,000; six months when the offering price is $55,000 or more but less than $75,000; seven months when the offering price is $75,000 or more but less than $90,000; and 12 months when the offering price is $90,000 or more.

4. The governing body is authorized to acquire in any legal manner any historic area, landmark, building or structure, land pertaining thereto, or any estate or interest therein which, in the opinion of the governing body should be acquired, preserved and maintained for the use, observation, education, pleasure and welfare of the people; provide for their renovation, preservation, maintenance, management and control as places of historic interest by a department of the locality or by a board, commission or agency specially established by ordinance for the purpose; charge or authorize the charging of compensation for the use thereof or admission thereto; lease, subject to such regulations as may be established by ordinance, any such area, property, lands or estate or interest therein so acquired upon the condition that the historic character of the area, landmark, building, structure or land shall be preserved and maintained; or to enter into contracts with any person, firm or corporation for the management, preservation, maintenance or operation of any such area, landmark, building, structure, land pertaining thereto or interest therein so acquired as a place of historic interest; however, the locality shall not use the right of condemnation under this subsection unless the historic value of such area, landmark, building, structure, land pertaining thereto, or estate or interest therein is about to be destroyed.

The authority to enter into contracts with any person, firm or corporation as stated above may include the creation, by ordinance, of a resident curator program such that private entities through lease or other contract may be engaged to manage, preserve, maintain, or operate, including the option to reside in, any such historic area, property, lands, or estate owned or leased by the locality. Any leases or contracts entered into under this provision shall require that all maintenance and improvement be conducted in accordance with established treatment standards for historic landmarks, areas, buildings, and structures. For purposes of this section, leases or contracts that preserve historic landmarks, buildings, structures, or areas are deemed to be consistent with the purposes of use, observation, education, pleasure, and welfare of the people as stated above so long as the lease or contract provides for reasonable public access consistent with the property's nature and use. The Department of Historic Resources shall provide technical assistance to local governments, at their request, to assist in developing resident curator programs.

B. Notwithstanding any contrary provision of law, general or special, in the City of Portsmouth no approval of any governmental agency or review board shall be required for the construction of a ramp to serve individuals with disabilities at any structure designated pursuant to the provisions of this section.

C. Any locality that establishes or expands a local historic district pursuant to this section shall identify and inventory all landmarks, buildings, or structures in the areas being considered for inclusion within the proposed district. Prior to adoption of an ordinance establishing or expanding a local historic district, the locality shall (i) provide for public input from the community and affected property owners in accordance with § 15.2-2204; (ii) establish written criteria to be used to determine which properties should be included within a local historic district; and (iii) review the inventory and the criteria to determine which properties in the areas being considered for inclusion within the proposed district meet the criteria to be included in a local historic district. Local historic district boundaries may be adjusted to exclude properties along the perimeter that do not meet the criteria. The locality shall include only the geographical areas in a local historic district where a majority of the properties meet the criteria established by the locality in accordance with this section. However, parcels of land contiguous to arterial streets or highways found by the governing body to be significant routes of tourist access to the locality or to designated historic landmarks, buildings, structures, or districts therein, or in a contiguous locality may be included in a local historic district notwithstanding the provisions of this subsection.

D. Any locality utilizing the urban county executive form of government may include a provision in any ordinance adopted pursuant to this section that would allow public access to any such historic area, landmark, building, or structure, or land pertaining thereto, or providing that no subdivision shall occur within any historic district unless approved by the review board or, on appeal, by the governing body of the locality as being compatible with the historic nature of such area, landmarks, buildings, or structures therein with regard to any parcel or parcels that collectively are (i) adjacent to a navigable river and a national park and (ii) in part or as a whole subject to an easement granted to the National Park Service or Virginia Outdoors Foundation granted on or after January 1, 1973.

E. A locality that establishes a local historic district pursuant to this section may provide tax incentives for the conservation and renovation of historic structures in such district. Such incentives may include tax rebates to the extent allowed by the Constitution of Virginia. For the purposes of this section, "historic structure" means a structure designated as having an important historic, architectural, archaeological, or cultural interest or designated as a contributing structure by an ordinance passed pursuant to subsection A.

CHAPTER 534

An Act to amend and reenact § 22.1-272.2 of the Code of Virginia, relating to school boards; model memorandum of understanding; partnerships with certain mental health service providers; provision and expansion of virtual mental health services.

[H 919]

Approved April 5, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 22.1-272.2 of the Code of Virginia is amended and reenacted as follows:

§ 22.1-272.2. Department; model memorandum of understanding; partnerships with community mental health services providers or a nationally recognized school-based telehealth provider.

The Department, in consultation with the Department of Behavioral Health and Developmental Services and the Department of Medical Assistance Services, shall develop, adopt, and distribute to each school board a model memorandum of understanding between a school board and a public or private community mental health services provider *or a nationally recognized school-based telehealth provider* that sets forth parameters for the provision of mental health services to public school students enrolled in the local school division by such provider, *including the provision of mental health teletherapy for students,* reflects effective practices, and addresses privacy considerations related to the exchange of information between the parties to the memorandum of understanding and relevant laws and regulations. The Department shall maintain and update as necessary the model memorandum of understanding to ensure that it remains current, useful, and relevant.

2. That each school board may adopt policies and procedures to increase the accessibility of school-based mental health services for students enrolled in each school division who may not have access to mental health services otherwise by providing or expanding school-based virtual mental health resources that are available to students, including through establishing or expanding a partnership with (i) a public or private community mental health services provider that offers school-based teletherapy to students or (ii) a nationally recognized school-based telehealth provider that provides mental health teletherapy to students.

CHAPTER 535

An Act to express the intent of the General Assembly regarding innovative alternative school transportation options.

[H 937]

Approved April 5, 2024

Be it enacted by the General Assembly of Virginia:

1. *§ 1. It is the intent of the General Assembly that school boards encourage the implementation of innovative low-cost or no-cost alternatives to transporting students to and from school on school buses, including organizing or otherwise facilitating, encouraging, or supporting biking or walking school buses whereby groups of students ride bicycles or walk to and from school.*

CHAPTER 536

An Act to amend the Code of Virginia by adding a section numbered 15.2-912.4, relating to local government powers; regulation of tobacco, nicotine, and hemp product retail sale locations.

[H 947]

Approved April 5, 2024

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 15.2-912.4 as follows:

§ 15.2-912.4. Regulation of tobacco, nicotine, and hemp product retail sale locations.

Any locality may by ordinance regulate the retail sale locations of tobacco products, nicotine vapor products, alternative nicotine products, as such terms are defined in § 18.2-371.2, or hemp products intended for smoking, as such term is defined in § 3.2-4112, for any such retail sale location and may prohibit a retail sale location on property within 1,000 linear feet of a child day center as defined in § 22.1-289.02 or a public, private, or parochial school. An ordinance adopted pursuant to this section shall not affect (i) a licensee holding a valid license under § 4.1-206.3 or (ii) any retail sale location of tobacco products, nicotine vapor products, alternative nicotine products, or hemp products intended for smoking operating before July 1, 2024.

CHAPTER 537

An Act to amend and reenact §§ 46.2-1232 and 46.2-1233.3 of the Code of Virginia and to amend and reenact the second enactment of Chapter 323 of the Acts of Assembly of 2023, relating to towing violations; enforcement; fuel surcharge fee.

[H 959]

Approved April 5, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 46.2-1232 and 46.2-1233.3 of the Code of Virginia are amended and reenacted as follows:

§ 46.2-1232. Localities may regulate removal or immobilization of trespassing vehicles.

A. The governing body of any county, city, or town may by ordinance regulate the removal of trespassing vehicles from property by or at the direction of the owner, operator, lessee, or authorized agent in charge of the property. In the event that a vehicle is towed from one locality and stored in or released from a location in another locality, the local ordinance, if any, of the locality from which the vehicle was towed shall apply.

B. No local ordinance adopted under authority of this section shall require that any towing and recovery business also operate as or provide services as a vehicle repair facility or body shop, filling station, or any business other than a towing and recovery business.

C. Any such local ordinance may also require towing and recovery operators to (i) obtain and retain photographs or other documentary evidence substantiating the reason for the removal; (ii) post signs at their main place of business and at any other location where towed vehicles may be reclaimed conspicuously indicating (a) the maximum charges allowed by local ordinance, if any, for all their fees for towing, recovery, and storage services and (b) the name and business telephone number of the local official, if any, responsible for handling consumer complaints; (iii) obtain at the time the vehicle is towed, verbal approval of an agent designated in the local ordinance who is available at all times; and (iv) obtain, at the time the vehicle is towed, if such towing is performed during the normal business hours of the owner of the property from which the vehicle is being towed, the written authorization of the owner of the property from which the vehicle is towed~~,~~ or his agent. Such written authorization, if required, shall be in addition to any written contract between the towing and recovery operator and the owner of the property or his agent~~, except for vehicles being towed from a locality within Planning District 8 or Planning District 16, which shall not require written authorization if such written contract is in place~~. Any such written contract governing a property located within Planning District 8 or Planning District 16 shall clearly state the terms on which towing and recovery operators may monitor private lots on behalf of property owners *and any local ordinance created pursuant to this subsection may regulate the monitoring practices that may be used by such towing and recovery operators*. For the purposes of this subsection, "agent" ~~shall~~ *does* not include any person who either (a) is related by blood or marriage to the towing and recovery operator or (b) has a financial interest in the towing and recovery operator's business.

D. Any such ordinance adopted by a locality within Planning District 8 may require towing companies that tow vehicles from the county, city, or town adopting the ordinance to other localities, provided that the stored or released

location is within the Commonwealth of Virginia and within 10 miles of the point of origin of the actual towing, (i) to obtain from the locality from which such vehicles are towed a permit to do so and (ii) to submit to an inspection of such towing company's facilities to ensure that the company meets all the locality's requirements, regardless of whether such facilities are located within the locality or elsewhere. The locality may impose and collect reasonable fees for the issuance and administration of permits as provided for in this subsection. Such ordinance may also provide grounds for revocation, suspension, or modification of any permit issued under this subsection, subject to notice to the permittee of the revocation, suspension, or modification and an opportunity for the permittee to have a hearing before the governing body of the locality or its designated agent to challenge the revocation, suspension, or modification. Any tow truck driver who removes or tows a vehicle, pursuant to any such ordinance, that is occupied by an unattended companion animal as defined in § 3.2-6500 shall, upon such removal, immediately notify the animal control office of the locality in which the vehicle is being removed or towed. Nothing in this subsection shall be applicable to public safety towing.

§ 46.2-1233.3. Improper towing; penalty.

A. This section shall apply only to tow truck drivers and towing and recovery operators removing a vehicle without the consent of its owner from a location in Planning District 8.

B. In addition to any action brought pursuant to subsection B of § 46.2-119, any tow truck driver who violates subsection A of § 46.2-118 or § 46.2-1217, 46.2-1231, or 46.2-1233.1, or any ordinance adopted therefrom, or any ordinance adopted pursuant to § 46.2-1233, or any towing or recovery operator who violates subsection B of § 46.2-118 or § 46.2-1217, 46.2-1231, or 46.2-1233.1, or any ordinance adopted therefrom, or any ordinance adopted pursuant to § 46.2-1233, is subject to a civil penalty of ~~$150 per violation~~ *10 times the total amount charged by such tow truck driver or towing and recovery operator for such removal, towing, and storage*. Such penalty shall be collected by the Office of the Attorney General, and the proceeds shall be ~~deposited into the Literary Fund~~ *paid to the victim of such unlawful towing*.

2. That the second enactment of Chapter 323 of the Acts of Assembly of 2023 is amended and reenacted as follows:

2. That the provisions of this act shall expire on July 1, ~~2024~~ *2025*.

CHAPTER 538

An Act to amend and reenact § 38.2-3407.14:1 of the Code of Virginia, relating to proton radiation therapy; clinical evidence for decisions on coverage.

[H 987]

Approved April 5, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 38.2-3407.14:1 of the Code of Virginia is amended and reenacted as follows:

§ 38.2-3407.14:1. Standard of clinical evidence for decisions on coverage for proton radiation therapy.

A. As used in this section, unless the context requires a different meaning:

"Carrier" means an insurer proposing to issue individual or group accident and sickness insurance policies providing hospital, medical and surgical, or major medical coverage on an expense-incurred basis; a corporation providing individual or group accident and sickness subscription contracts; or a health maintenance organization providing a health care plan for health care services.

"Proton radiation therapy" means the advanced form of radiation therapy treatment that utilizes protons as an alternative radiation delivery method for the treatment of tumors.

"Radiation therapy treatment" means a cancer treatment through which a dose of radiation to induce tumor cell death is delivered by means of proton radiation therapy, intensity modulated radiation therapy, brachytherapy, stereotactic body radiation therapy, three-dimensional conformal radiation therapy, or other forms of therapy using radiation.

B. Notwithstanding the provisions of § 38.2-3419, each policy, contract, or plan issued or provided by a carrier that provides coverage for cancer therapy shall not hold proton radiation therapy to a higher standard of clinical evidence for decisions regarding coverage under the policy, contract, or plan than is applied for decisions regarding coverage of other types of radiation therapy treatment*, and each carrier may consider at least one of the following a sufficient standard of clinical evidence to justify coverage of proton radiation therapy:*

1. That a proton radiation therapy treatment is covered by Medicare, Medicaid, or any other governmental health care coverage for any type of cancer.

2. That a patient's treating physician or radiation oncologist recommends proton radiation therapy for such patient's cancer treatment.

C. Nothing in this section shall be construed to mandate the coverage of proton radiation therapy under any policy, contract, or plan issued or provided by a carrier.

D. The requirements of this section shall apply to all insurance policies, subscription contracts, and health care plans delivered, issued for delivery, reissued, or extended in the Commonwealth on and after January 1, 2018, or at any time thereafter when any term of the policy, contract, or plan is changed or any premium adjustment is made.

E. This section shall not apply to policies or contracts designed for issuance to persons eligible for coverage under Title XVIII of the Social Security Act, known as Medicare, or any other similar coverage under state or federal governmental plans.

2. That the requirements of this act shall apply to all insurance policies, subscription contracts, and health care plans delivered, issued for delivery, reissued, or extended in the Commonwealth on and after January 1, 2025, or at any time thereafter when any term of the policy, contract, or plan is changed or any premium adjustment is made.

CHAPTER 539

An Act to amend and reenact § 45.2-1701 of the Code of Virginia, relating to the Division of Renewable Energy and Energy Efficiency; powers and duties.

[H 1002]

Approved April 5, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 45.2-1701 of the Code of Virginia is amended and reenacted as follows:

§ 45.2-1701. Division of Renewable Energy and Energy Efficiency established; powers and duties.

A. The Division of Renewable Energy and Energy Efficiency is established in the Department. The Director has the immediate authority to coordinate the development and implementation of energy policy in the Commonwealth.

B. The Division shall coordinate the energy-related activities of the various state agencies and advise the Governor on energy issues that arise at the local, state, and national levels. All state agencies and institutions shall cooperate fully with the Division to assist in the proper execution of the duties assigned by this section.

C. In addition, the Division is authorized to make and enter into all contracts and agreements necessary or incidental to the performance of its duties or the execution of its powers, including the implementation of energy information and conservation plans and programs.

D. The Division shall:

1. Consult with state agencies and institutions concerning energy-related activities or policies as needed for the proper execution of the duties assigned to the Division by this section;

2. Serve as the Commonwealth's liaison with appropriate agencies of the federal government concerning the activities of the federal government related to energy production, consumption, and transportation and energy resource management in general *and identify and monitor any federal grant programs, loan programs, or other opportunities for federal funding to further the Commonwealth's energy efficiency goals*;

3. Provide services to encourage efforts by and among businesses in the Commonwealth, industries, utilities, academic institutions, state and local governments, and private institutions to develop energy resources and energy conservation programs;

4. In consultation with the State Corporation Commission, the Department of Environmental Quality, and the Virginia Center for Coal and Energy Research, prepare the Virginia Energy Plan pursuant to § 45.2-1710; and

5. Observe the energy-related activities of state agencies and advise such agencies in order to encourage conformity with established energy policy.

CHAPTER 540

An Act to amend and reenact §§ 2.2-509.1 and 4.1-105 of the Code of Virginia, relating to powers of investigators; enforcement of certain tobacco laws.

[H 1018]

Approved April 5, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-509.1 and 4.1-105 of the Code of Virginia are amended and reenacted as follows:

§ 2.2-509.1. Powers of investigators; enforcement of certain tobacco laws.

Investigators with the Office of the Attorney General as designated by the Attorney General shall be authorized to seize cigarettes as defined in § 3.2-4200~~, which~~ *that* are sold, possessed, distributed, transported, imported, or otherwise held in violation of § 3.2-4207*, 18.2-246.14, 58.1-1015, 58.1-1017,* or 58.1-1037. In addition, such investigators shall be authorized to accompany and participate with special agents of the Virginia Alcoholic Beverage Control Authority or other law-enforcement officials engaging in an enforcement action under § 3.2-4207*, 18.2-246.14, 58.1-1015, 58.1-1017,* or 58.1-1037.

§ 4.1-105. Police power of members, agents and employees of Board.

Members of the Board are vested, and such agents and employees of the Board designated by it shall be vested, with like power to enforce the provisions of (i) this subtitle and the criminal laws of the Commonwealth as is vested in the chief law-enforcement officer of a county, city, or town; (ii) § 3.2-4207; (iii) § *18.2-246.14; (iv) §* 18.2-371.2; ~~and (iv)~~ *(v) § 58.1-1015; (vi) § 58.1-1017; and (vii) §* 58.1-1037.

CHAPTER 541

An Act to amend and reenact § 15.2-1517 of the Code of Virginia, relating to health insurance for local employees.

[H 1019]

Approved April 5, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 15.2-1517 of the Code of Virginia is amended and reenacted as follows:

§ 15.2-1517. Insurance for employees and retired employees of localities and other local governmental entities; participation by certain volunteers.

A. Any locality may provide group life, accident, and health insurance programs for its officers and employees; employees of boards, commissions, agencies, or authorities created by or controlled by such locality; employees of boards, commissions, agencies, or authorities that are political subdivisions of the Commonwealth and work in close cooperation with such locality; or employees of a public school foundation as defined in subsection A of § 22.1-212.2:2 that provides support exclusively for such locality. In addition, any locality that provides such a health insurance program may allow eligible members of approved volunteer fire or rescue companies, as determined by the locality, to participate in such a health insurance program. Such programs may be through a program of self-insurance, purchased insurance, or partial self-insurance and purchased insurance, whichever is determined to be the most cost effective. The total cost of such policies or protection may be paid entirely by the locality or shared with the employee. The governing body of any locality may provide for its retired officers and retired employees, including retired employees of boards, commissions, agencies, or authorities that are political subdivisions of the Commonwealth and work in close cooperation with such locality, to be eligible for such group life, accident, and health insurance programs. The cost of such insurance for retired officers and retired employees may be paid in whole or in part by the locality. The governing body of any locality may permit members of approved volunteer fire or rescue companies to participate in its group health insurance programs, subject to the eligibility criteria established by the locality. The cost of a volunteer's participation in such a health insurance program shall be paid for in full by the participating volunteer. Any locality may fund the cost of a volunteer's participation in a mental health treatment and counseling program that is offered to individual members of approved volunteer fire or rescue companies and is comparable to an employee assistance program offered to paid employees of the locality.

Any locality may allow participation in its group health insurance program by any non-benefitted employee, including members of governing bodies, if such non-benefitted employee or governing body member is not otherwise entitled to participate, provided that such non-benefitted employees reimburse the locality for the full cost of their participation. For purposes of this subsection, reimbursement may include foregoing all or a part of a local government salary.

B. In the event a county or city elects to provide one or more of such programs for its officers and employees, it shall provide such programs to the constitutional officers and their employees on the same basis as provided to other officers and employees, unless the constitutional officers and employees are covered under a state program, and the cost of such local program shall be borne entirely by the locality or shared with the employee.

C. 1. Except as otherwise provided herein, in the event the governing body of any locality elects to provide group accident and health insurance for its officers and employees, including constitutional officers and their employees, such programs shall require that upon retirement, or upon the effective date of this provision for those who have previously retired, any such individual with (i) at least 15 years of continuous employment with the locality or (ii) less than 15 years of continuous employment who has retired due to line-of-duty injuries may choose to continue his coverage with the insurer at the retiree's expense until such individual attains 65 years of age at the insurer's customary premium rate applicable (a) to such policies, (b) to the class of risk to which the person then belongs, and (c) to his age.

2. The governing body, when providing this coverage, may further provide that the retiree be rated separately from the active employees covered under the group plan offered by such governing body.

3. Any locality that has not offered the opportunity to continue group health coverage provided by the locality as required by subdivision 1 to its retirees who had retired on or before June 30, 1993, and who meet the criteria for such coverage as set forth in subdivision 1, shall do so by July 1, 2000. Any retiree from the service of a locality who had retired on or before June 30, 1993, and who meets the criteria to continue his group health coverage from the locality under subdivision 1 who has not yet elected to continue his group health coverage from the locality shall elect whether to do so by July 1, 2000.

4. Nothing herein shall prohibit a locality from providing group accident and health coverage or benefits for its retirees in addition to the coverage required under this section.

D. Any locality that offers group health plans to its employees and the employees of constitutional officers and its retirees, as provided by this section or otherwise, may provide in the plan providing such coverage that any retiree who is participating in a group health plan provided by the locality who subsequently terminates his participation in such plan may not thereafter rejoin a group health plan provided by the locality.

CHAPTER 542

An Act to amend the Code of Virginia by adding a section numbered 9.1-116.01, relating to universal certification for certain law-enforcement officers.

[H 1022]

Approved April 5, 2024

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 9.1-116.01 as follows:

§ 9.1-116.01. Universal certification for certain law-enforcement officers.

A. Any sworn law-enforcement officer with at least one year of law-enforcement experience (i) whose training qualifications meet or exceed current training standards established by the Board in accordance with this article and who is in compliance with §§ 15.2-1705 and 15.2-1706, (ii) who has not had a break in service of more than 24 months, and (iii) who is leaving the transferring law-enforcement agency in good standing with no pending investigations or disciplinary actions shall be eligible for employment at any law-enforcement agency within the Commonwealth or any political subdivision thereof. Any such law-enforcement officer shall complete any other training as determined to be necessary by the Board to ensure understanding of the criminal laws and all other laws of the Commonwealth.

B. Prior to any conditional offer of employment, the hiring law-enforcement agency shall request from all prior employing law-enforcement agencies any information (i) related to an arrest or prosecution of the applicant law-enforcement officer, including any expunged arrest or criminal charge known to the agency or disclosed during the hiring process that would otherwise be prohibited from disclosure in accordance with § 19.2-392.4; (ii) related to a civil suit regarding the applicant law-enforcement officer's employment or performance of his duties; (iii) obtained during the course of any internal investigation related to the applicant law-enforcement officer's alleged criminal conduct, use of excessive force, or other official misconduct in violation of the state professional standards of conduct adopted by the Board; and (iv) related to the applicant law-enforcement officer's job performance that led to such officer's resignation, dismissal, demotion, suspension, or transfer. The hiring law-enforcement agency shall employ all reasonable means to obtain personnel records for law-enforcement officers transferring from an out-of-state or federal law-enforcement agency, including requiring the applicant law-enforcement officer (a) to complete a waiver or release liability authorizing the hiring law-enforcement agency to request such information as listed in this subsection from all prior employing law-enforcement agencies and (b) to provide a full disclosure of any incidents or information that such prior employing law-enforcement agencies have been requested to disclose as listed in this subsection.

Upon the receipt of all requested information by the hiring law-enforcement agency, the applicant law-enforcement officer shall complete a sworn declaration that the provided information or records are, to the best of the applicant's knowledge, a true, correct, and complete response to such request.

C. In addition, the hiring law-enforcement agency may require a candidate for employment to undergo a psychological examination, subsequent to a conditional offer of employment, conducted under the supervision of a licensed psychiatrist or a licensed clinical psychologist.

D. Notwithstanding the provisions of this section, any sworn law-enforcement officer may be granted an exemption in accordance with the provisions of § 9.1-116 and may be subject to the compulsory minimum training standards established by the Board.

CHAPTER 543

An Act to amend and reenact § 46.2-301 of the Code of Virginia, relating to license suspensions due to driving during a period of suspension or revocation; period of suspension.

[H 1080]

Approved April 5, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 46.2-301 of the Code of Virginia is amended and reenacted as follows:

§ 46.2-301. Driving while license, permit, or privilege to drive suspended or revoked.

A. In addition to any other penalty provided by this section, any motor vehicle administratively impounded or immobilized under the provisions of § 46.2-301.1 may, in the discretion of the court, be impounded or immobilized for an additional period of up to 90 days upon conviction of an offender for driving while his driver's license, learner's permit, or privilege to drive a motor vehicle has been (i) suspended or revoked for a violation of § 18.2-36.1, 18.2-51.4, 18.2-266, 18.2-272, or 46.2-341.24 or a substantially similar ordinance or law in any other jurisdiction or (ii) administratively suspended under the provisions of § 46.2-391.2. However, if, at the time of the violation, the offender was driving a motor vehicle owned by another person, the court shall have no jurisdiction over such motor vehicle but may order the impoundment or immobilization of a motor vehicle owned solely by the offender at the time of arrest. All costs of impoundment or immobilization, including removal or storage expenses, shall be paid by the offender prior to the release of his motor vehicle.

B. Except as provided in § 46.2-304, no resident or nonresident (i) whose driver's license, learner's permit, or privilege to drive a motor vehicle has been suspended or revoked or (ii) who has been directed not to drive by any court or by the Commissioner, or (iii) who has been forbidden, as prescribed by operation of any statute of the Commonwealth or a substantially similar ordinance of any county, city or town, to operate a motor vehicle in the Commonwealth shall thereafter drive any motor vehicle or any self-propelled machinery or equipment on any highway in the Commonwealth until the period of such suspension or revocation has terminated or the privilege has been reinstated or a restricted license is issued pursuant to subsection E. For the purposes of this section, the phrase "motor vehicle or any self-propelled machinery or equipment" shall not include mopeds.

C. A violation of subsection B is a Class 1 misdemeanor.

D. Upon a violation of subsection B, the court shall suspend the person's license or privilege to drive a motor vehicle for the same period for which it had been previously suspended or revoked. In the event the person violated subsection B by driving during a period of suspension or revocation which was not for a definite period of time, the court shall suspend the person's license, permit or privilege to drive for an additional period not to exceed 90 days, to commence upon the expiration of the previous suspension or revocation or to commence immediately if the previous suspension or revocation has expired. *However, no such suspension shall extend beyond 10 years from the conviction date for such violation of subsection B, unless required by Article 6.1 (§ 46.2-341.1 et seq.).*

E. Any person who is otherwise eligible for a restricted license may petition each court that suspended his license pursuant to subsection D for authorization for a restricted license, provided that the period of time for which the license was suspended by the court pursuant to subsection D, if measured from the date of conviction, has expired, even though the suspension itself has not expired. A court may, for good cause shown, authorize the Department of Motor Vehicles to issue a restricted license for any of the purposes set forth in subsection E of § 18.2-271.1. No restricted license shall be issued unless each court that issued a suspension of the person's license pursuant to subsection D authorizes the Department to issue a restricted license. Any restricted license issued pursuant to this subsection shall be in effect until the expiration of any and all suspensions issued pursuant to subsection D, except that it shall automatically terminate upon the expiration, cancellation, suspension, or revocation of the person's license or privilege to drive for any other cause. No restricted license issued pursuant to this subsection shall permit a person to operate a commercial motor vehicle as defined in the Commercial Driver's License Act (§ 46.2-341.1 et seq.). The court shall forward to the Commissioner a copy of its authorization entered pursuant to this subsection, which shall specifically enumerate the restrictions imposed and contain such information regarding the person to whom such a license is issued as is reasonably necessary to identify the person. The court shall also provide a copy of its authorization to the person, who may not operate a motor vehicle until receipt from the Commissioner of a restricted license. A copy of the restricted license issued by the Commissioner shall be carried at all times while operating a motor vehicle.

F. Any person who operates a motor vehicle or any self-propelled machinery or equipment in violation of the terms of a restricted license issued pursuant to subsection E of § 18.2-271.1 is not guilty of a violation of this section but is guilty of a violation of § 18.2-272.

CHAPTER 544

An Act to amend and reenact § 2.2-4303 of the Code of Virginia, relating to Virginia Public Procurement Act; methods of procurement; certain construction projects.

[H 1116]

Approved April 5, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 2.2-4303 of the Code of Virginia is amended and reenacted as follows:

§ 2.2-4303. Methods of procurement.

A. All public contracts with nongovernmental contractors for the purchase or lease of goods, or for the purchase of services, insurance, or construction, shall be awarded after competitive sealed bidding, or competitive negotiation as provided in this section, unless otherwise authorized by law. All state public bodies accepting bids or proposals for contracts pursuant to this chapter shall provide an option to submit bids or proposals through the Commonwealth's statewide electronic procurement system, known as eVA. The Director of the Department of General Services, or his designee, may grant an exemption from such requirement at the request of a state public body and upon a showing of good cause. Local public bodies are encouraged to use eVA to offer an electronic submission option.

B. Professional services shall be procured by competitive negotiation.

C. Goods, services other than professional services, and insurance may be procured by competitive sealed bidding or competitive negotiation.

Upon a written determination made in advance by (i) the Governor or his designee in the case of a procurement by the Commonwealth or by a department, agency or institution thereof or (ii) the local governing body in the case of a procurement by a political subdivision of the Commonwealth, that competitive negotiation is either not practicable or not fiscally advantageous, insurance may be procured through a licensed agent or broker selected in the manner provided for the

procurement of things other than professional services set forth in § 2.2-4302.2. The basis for this determination shall be documented in writing.

D. Construction may be procured only by competitive sealed bidding, except that competitive negotiation may be used in the following instances:

1. By any public body on a fixed price design-build basis or construction management basis as provided in Chapter 43.1 (§ 2.2-4378 et seq.); or

2. By any public body for the construction of highways and any draining, dredging, excavation, grading or similar work upon real property upon a determination made in advance by the public body and set forth in writing that competitive sealed bidding is either not practicable or not fiscally advantageous to the public, which writing shall document the basis for this determination.

E. Upon a determination in writing that there is only one source practicably available for that which is to be procured, a contract may be negotiated and awarded to that source without competitive sealed bidding or competitive negotiation. The writing shall document the basis for this determination. The public body shall issue a written notice stating that only one source was determined to be practicably available, and identifying that which is being procured, the contractor selected, and the date on which the contract was or will be awarded. This notice shall be posted on the Department of General Services' central electronic procurement website or other appropriate websites, and in addition, public bodies may publish in a newspaper of general circulation on the day the public body awards or announces its decision to award the contract, whichever occurs first. Posting on the Department of General Services' central electronic procurement website shall be required of any state public body. Local public bodies are encouraged to utilize the Department of General Services' central electronic procurement website to provide the public with centralized visibility and access to the Commonwealth's procurement opportunities.

F. In case of emergency, a contract may be awarded without competitive sealed bidding or competitive negotiation; however, such procurement shall be made with such competition as is practicable under the circumstances. A written determination of the basis for the emergency and for the selection of the particular contractor shall be included in the contract file. The public body shall issue a written notice stating that the contract is being awarded on an emergency basis, and identifying that which is being procured, the contractor selected, and the date on which the contract was or will be awarded. This notice shall be posted on the Department of General Services' central electronic procurement website or other appropriate websites, and in addition, public bodies may publish in a newspaper of general circulation on the day the public body awards or announces its decision to award the contract, whichever occurs first, or as soon thereafter as is practicable. Posting on the Department of General Services' central electronic procurement website shall be required of any state public body. Local public bodies are encouraged to utilize the Department of General Services' central electronic procurement website to provide the public with centralized visibility and access to the Commonwealth's procurement opportunities.

G. A public body may establish purchase procedures, if adopted in writing, not requiring competitive sealed bids or competitive negotiation for single or term contracts for:

1. Goods and services other than professional services*, if the aggregate or the sum of all phases is not expected to exceed $200,000,* and non-transportation-related construction, if the aggregate or the sum of all phases is not expected to exceed ~~$200,000~~ *$300,000*; and

2. Transportation-related construction, if the aggregate or sum of all phases is not expected to exceed $25,000.

However, such small purchase procedures shall provide for competition wherever practicable.

Such purchase procedures may allow for single or term contracts for professional services without requiring competitive negotiation, provided the aggregate or the sum of all phases is not expected to exceed $80,000.

Where small purchase procedures are adopted for construction, the procedures shall not waive compliance with the Uniform State Building Code.

For state public bodies, informal solicitations conducted under this subsection shall require the posting of a public notice on the Department of General Services' central electronic procurement website. Local public bodies are encouraged to utilize the Department of General Services' central electronic procurement website to provide the public with centralized visibility and access to the Commonwealth's procurement opportunities.

H. Upon a determination made in advance by a public body and set forth in writing that the purchase of goods, products or commodities from a public auction sale is in the best interests of the public, such items may be purchased at the auction, including online public auctions. Purchase of information technology and telecommunications goods and nonprofessional services from a public auction sale shall be permitted by any authority, department, agency, or institution of the Commonwealth if approved by the Chief Information Officer of the Commonwealth. The writing shall document the basis for this determination. However, bulk purchases of commodities used in road and highway construction and maintenance, and aggregates shall not be made by online public auctions.

I. The purchase of goods or nonprofessional services, but not construction or professional services, may be made by reverse auctioning. However, bulk purchases of commodities used in road and highway construction and maintenance, and aggregates shall not be made by reverse auctioning.

CHAPTER 545

An Act to amend and reenact § 54.1-2206.2 of the Code of Virginia, relating to Department of Professional and Occupational Regulation; Board for Professional Soil Scientists, Wetland Professionals, and Geologists; professional wetland delineator certification requirements.

[H 1182]

Approved April 5, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 54.1-2206.2 of the Code of Virginia is amended and reenacted as follows:

§ 54.1-2206.2. Requirements for professional wetland delineator certification.

In order to be certified as a professional wetland delineator, an applicant shall achieve a score acceptable to the Board on an examination, which may include a field practicum, in the principles and practice of wetland delineation, provide three written references from wetland professionals with at least one from a certified professional wetland delineator, and satisfy one of the following criteria:

1. Hold a bachelor's degree from an accredited institution of higher education in a wetland science, biology, biological engineering, civil and environmental engineering, ecology, soil science, geology, hydrology or any similar biological, physical, natural science or environmental engineering curriculum that has been approved by the Board; have successfully completed a course of instruction, in state and federal wetland delineation methods, that has been approved by the Board; and have at least ~~four~~ *three* years of experience in wetland delineation, the quality of which demonstrates to the Board that the applicant is competent to practice as a certified professional wetland delineator;

2. Have a record of at least six years of experience in wetland delineation, the quality of which demonstrates to the Board that the applicant is competent to practice as a certified professional wetland delineator; or

3. Have a record of at least ~~four~~ *three* years of experience in wetland science research or as a teacher of wetlands curriculum in an accredited institution of higher education, the quality of which demonstrates to the Board that the applicant is competent to practice as a certified professional wetland delineator.

CHAPTER 546

An Act to amend and reenact § 55.1-2216 of the Code of Virginia, relating to Virginia Real Estate Time-Share Act; partial termination of certain time-shares.

[H 1241]

Approved April 5, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 55.1-2216 of the Code of Virginia is amended and reenacted as follows:

§ 55.1-2216. Termination of certain time-shares.

A. This section applies to all time-share estate programs and, when provided by the time-share instrument, to time-share use programs.

B. A time-share project may be terminated in whole *or in part* by the developer ~~at~~ *or the association:*

1. At any time and for any reason if such developer *or association* is the sole owner of all time-shares within the time-share project*, or in the case of a partial termination, is the sole owner of all time-shares within the phase, building, or other independent division being terminated and if the developer or association, or its managing agent, certifies in the partial termination agreement that such partial termination will not materially and adversely affect the rights of the remaining time-share owners, nor reduce the time-share program's ability to satisfy the occupancy rights of the remaining time-share owners using the units in the phases, buildings, or other interdependent divisions of the project that are not subject to termination and describes any amendment to the time-share instrument necessary for the developer or association, or its managing agent, to make such certification*. ~~Such~~ *Any such* termination shall be accomplished by the developer *or the association* executing and recording a termination ~~document~~ *agreement or partial termination agreement* where the time-share instrument is recorded*, along with any amendment to the time-share instrument necessary to accurately describe the surviving time-share project and satisfy therefrom the occupancy rights of the remaining time-share owners*.

~~Time-shares subject to this section also may be terminated by~~ *2. By* written *termination* agreement *or by vote* of the time-share owners having at least 51 percent of the time-shares or by *a* written *termination* agreement *or vote* of such larger percentage of the time-share owners as may otherwise be provided in the time-share instrument. The termination agreement shall specify a date upon which it shall become void, unless it is recorded before that date in the clerk's office of the appropriate court where the time-share project is located.

C. *1.* If the termination agreement*, or association vote authorizing the same,* sets forth the material terms of a contract or proposed contract under which an estate or interests equal to the sum of the time-shares are to be sold and designates a trustee to effect the sale, the termination agreement becomes effective upon recordation, and title to that estate or interest vests upon ~~termination~~ *such recordation* in the trustee for the benefit of the *affected* time-share owners, to be transferred *by*

the trustee to the purchaser pursuant to the contract. *In a partial termination, the termination agreement shall also (i) include an explanation of the purpose of the partial termination to establish the manner in which it supports the enforcement and protection of existing interests and rights; (ii) identify the units and common areas that will survive the partial termination; (iii) provide that such units and common areas remain in the time-share form of ownership pursuant to an amendment to the time-share instrument or an amended and restated time-share instrument; and (iv) in the event that the terminated property will continue to have access, use rights, parking rights, or other rights in the remaining time-share project, provide the circumstances and details regarding such use and access, including how costs will be shared. If the termination agreement requires that any property in the time-share project be sold or otherwise disposed of following termination, title to the property, upon recordation of the termination agreement, shall vest in the association as trustee for the benefit of the affected time-share owners. Thereafter, the association shall have all powers necessary and appropriate to effect the sale or disposition of such property. In a partial termination, title to the surviving units and common areas that remain part of the time-share project specified in the termination agreement shall remain vested in the ownership shown in the public records and shall not vest in the termination trustee.*

2. If the termination agreement does not set forth the material terms of a contract or proposed contract under which an estate or interests equal to the sum of the time-shares are to be sold ~~and designates a trustee to effect the sale~~, the termination agreement becomes effective upon recordation, and title to an estate or interests equal to the sum of the time-shares therein vests upon ~~termination~~ *recordation* in the *affected* time-share owners in proportion to their respective interests as provided in subsection F. Liens on the time-shares shall accordingly encumber the respective interests; and in this instance, any co-owner of that estate or interest may maintain an action for partition or for allotment or sale in lieu of partition pursuant to the laws of the Commonwealth.

D. *1.* Except as otherwise specified in the termination agreement, so long as the former time-share owners or their trustee holds title to the estate or interests equal to the sum of the time-shares, each former time-share owner and his successor in interest have the same rights with respect to the use, enjoyment, and occupancy in the former time-share unit that such former time-share owner and his successor in interest would have had if termination had not occurred, together with the same liabilities and other obligations imposed by this act or the time-share instrument.

2. The approval of a plan of termination shall not terminate the association. Until the termination has been concluded and the proceeds of any sale have been distributed, the association shall continue in existence with all of the powers that the association had prior to termination. In a partial termination, the association shall continue in the performance of its duties as the time-share association for the property that remains subject to the time-share program. The termination or partial termination of a time-share project shall not bar the filing of a new time-share instrument by the association, the termination trustee, or a successor in interest for the terminated property or any portion thereof.

E. After termination of all *or a part of the* time-shares in a time-share project and adequate provision for payment of the claims of the creditors for time-share expenses, distribution shall be made, in proportion to their respective interests as provided in subsection F, to the former time-share owners and their successors in interest of (i) the proceeds of any sale pursuant to this section, (ii) the proceeds of any *sale of* personalty held for the use and benefit of the former time-share owners, and (iii) any other funds held for the use and benefit of the former time-share owners.

F. The time-share instrument may specify the respective fractional or percentage interest that will be owned by each former time-share owner after termination, in accordance with the provisions of this section. Otherwise, not more than 180 days prior to the termination, an appraisal shall be made of the fair market value of each time-share by one or more impartial qualified appraisers selected either by the trustee designated in the termination agreement or by the managing entity if no trustee was so designated. The appraisal shall also state the corresponding fractional or percentage interests calculated in proportion to those values and in accordance with this subsection. A notice stating all of those values and corresponding interests and the return address of the sender shall be sent by certified or registered mail, by the managing entity or the trustee designated in the termination agreements, to all of the time-share owners. The appraisal governs the magnitude of each interest unless (i) at least 25 percent of the time-share owners deliver, within 60 days after the date the notices were mailed, written disapprovals to the return address of the sender of the notice or (ii) the final judgment of a court of competent jurisdiction, entered during or after that period, holds that the appraisal should be set aside. The appraisal and the calculation of interests shall be made in accordance with the following:

1. If the termination agreement sets forth the material terms of a contract or proposed contract for the sale of the estate or interests equal to the sum of the time-shares, each time-share conferring a right of occupancy during a limited number of time periods shall be appraised as if the time until the date specified for the conveyance of the property had already elapsed. Otherwise, each time-share of that kind shall be appraised as if the time until the date specified pursuant to subsection B had already elapsed.

2. The interest of each time-share owner is the value of the time-share he owned divided by the sum of the values of all time-shares in the unit or units to which his time-share applies.

G. Foreclosure or enforcement of a lien or encumbrance against all of the time-shares in a time-share project does not of itself terminate those time-shares.

H. Any legal challenge or action for damages or equitable relief arising out of any termination, in whole or in part, of a time-share project or program pursuant to this section shall be commenced within one year of the recordation of the termination agreement.

2. That the provisions of this act are effective retroactive in accordance with the provisions of § 55.1-2201 of the Code of Virginia.

CHAPTER 547

An Act to amend and reenact § 38.2-2120 of the Code of Virginia, relating to insurance; optional coverage for the diminished value of personal property.

[H 1257]

Approved April 5, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 38.2-2120 of the Code of Virginia is amended and reenacted as follows:

§ 38.2-2120. Optional coverage to be offered with homeowner's policy.

A. Any insurer who issues or delivers a new or renewal homeowner's insurance policy in this Commonwealth shall offer as an option a provision insuring against loss caused or resulting from water which backs up through sewers or drains.

B. Any insurer who issues or delivers a new or renewal homeowner's insurance policy or a stand-alone policy that covers scheduled personal property in the Commonwealth shall offer in writing a provision providing coverage for the diminution in the value of any such scheduled personal property, if the schedule provides for the repair of such property. The diminution in value of the personal property shall be the amount, if any, by which the market value of the personal property immediately following the completion of repair of the damage to the personal property is less than the market value of the personal property immediately prior to the damage and the change in market value is a direct result of damage from the covered loss. The provisions of this subsection shall apply to every such policy that is issued, delivered, or renewed by an insurer licensed in the Commonwealth on or after July 1, 2025.

CHAPTER 548

An Act to amend and reenact §§ 54.1-2900 and 54.1-2901 of the Code of Virginia, relating to auricular acupuncture; use of the five needle protocol.

[H 1278]

Approved April 5, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 54.1-2900 and 54.1-2901 of the Code of Virginia are amended and reenacted as follows:

§ 54.1-2900. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Acupuncturist" means an individual approved by the Board to practice acupuncture. This is limited to "licensed acupuncturist" which means an individual other than a doctor of medicine, osteopathy, chiropractic or podiatry who has successfully completed the requirements for licensure established by the Board (approved titles are limited to: Licensed Acupuncturist, Lic.Ac., and L.Ac.).

"Advanced practice registered nurse" means a certified nurse midwife, certified registered nurse anesthetist, clinical nurse specialist, or nurse practitioner who is jointly licensed by the Boards of Medicine and Nursing pursuant to § 54.1-2957, has completed an advanced graduate-level education program in a specialty category of nursing, and has passed a national certifying examination for that specialty.

"Auricular acupuncture" means the subcutaneous insertion of sterile, disposable acupuncture needles in predetermined, bilateral locations in the outer ear ~~when used exclusively and specifically in the context of a chemical dependency treatment program~~.

"Birth control" means contraceptive methods that are approved by the U.S. Food and Drug Administration. "Birth control" shall not be considered abortion for the purposes of Title 18.2.

"Board" means the Board of Medicine.

"Certified nurse midwife" means an advanced practice registered nurse who is certified in the specialty of nurse midwifery and who is jointly licensed by the Boards of Medicine and Nursing as an advanced practice registered nurse pursuant to § 54.1-2957.

"Certified registered nurse anesthetist" means an advanced practice registered nurse who is certified in the specialty of nurse anesthesia, who is jointly licensed by the Boards of Medicine and Nursing as an advanced practice registered nurse pursuant to § 54.1-2957, and who practices under the supervision of a doctor of medicine, osteopathy, podiatry, or dentistry but is not subject to the practice agreement requirement described in § 54.1-2957.

"Clinical nurse specialist" means an advanced practice registered nurse who is certified in the specialty of clinical nurse specialist and who is jointly licensed by the Boards of Medicine and Nursing as an advanced practice registered nurse pursuant to § 54.1-2957.

"Collaboration" means the communication and decision-making process among health care providers who are members of a patient care team related to the treatment of a patient that includes the degree of cooperation necessary to

provide treatment and care of the patient and includes (i) communication of data and information about the treatment and care of a patient, including the exchange of clinical observations and assessments, and (ii) development of an appropriate plan of care, including decisions regarding the health care provided, accessing and assessment of appropriate additional resources or expertise, and arrangement of appropriate referrals, testing, or studies.

"Consultation" means communicating data and information, exchanging clinical observations and assessments, accessing and assessing additional resources and expertise, problem-solving, and arranging for referrals, testing, or studies.

"Genetic counselor" means a person licensed by the Board to engage in the practice of genetic counseling.

"Healing arts" means the arts and sciences dealing with the prevention, diagnosis, treatment and cure or alleviation of human physical or mental ailments, conditions, diseases, pain or infirmities.

"Licensed certified midwife" means a person who is licensed as a certified midwife by the Boards of Medicine and Nursing.

"Medical malpractice judgment" means any final order of any court entering judgment against a licensee of the Board that arises out of any tort action or breach of contract action for personal injuries or wrongful death, based on health care or professional services rendered, or that should have been rendered, by a health care provider, to a patient.

"Medical malpractice settlement" means any written agreement and release entered into by or on behalf of a licensee of the Board in response to a written claim for money damages that arises out of any personal injuries or wrongful death, based on health care or professional services rendered, or that should have been rendered, by a health care provider, to a patient.

"Nurse practitioner" means an advanced practice registered nurse, other than an advanced practice registered nurse licensed by the Boards of Medicine and Nursing in the category of certified nurse midwife, certified registered nurse anesthetist, or clinical nurse specialist, who is jointly licensed by the Boards of Medicine and Nursing pursuant to § 54.1-2957.

"Occupational therapy assistant" means an individual who has met the requirements of the Board for licensure and who works under the supervision of a licensed occupational therapist to assist in the practice of occupational therapy.

"Patient care team" means a multidisciplinary team of health care providers actively functioning as a unit with the management and leadership of one or more patient care team physicians for the purpose of providing and delivering health care to a patient or group of patients.

"Patient care team physician" means a physician who is actively licensed to practice medicine in the Commonwealth, who regularly practices medicine in the Commonwealth, and who provides management and leadership in the care of patients as part of a patient care team.

"Patient care team podiatrist" means a podiatrist who is actively licensed to practice podiatry in the Commonwealth, who regularly practices podiatry in the Commonwealth, and who provides management and leadership in the care of patients as part of a patient care team.

"Physician assistant" means a health care professional who has met the requirements of the Board for licensure as a physician assistant.

"Practice of acupuncture" means the stimulation of certain points on or near the surface of the body by the insertion of needles to prevent or modify the perception of pain or to normalize physiological functions, including pain control, for the treatment of certain ailments or conditions of the body and includes the techniques of electroacupuncture, cupping, and moxibustion. The practice of acupuncture does not include the use of physical therapy, chiropractic, or osteopathic manipulative techniques; the use or prescribing of any drugs, medications, serums or vaccines; or the procedure of *the five needle* auricular acupuncture *protocol (5NP)* as exempted in § 54.1-2901 ~~when used in the context of a chemical dependency treatment program for patients eligible for federal, state or local public funds by an employee of the program who is trained and approved by the National Acupuncture Detoxification Association or an equivalent certifying body~~.

"Practice of athletic training" means the prevention, recognition, evaluation, and treatment of injuries or conditions related to athletic or recreational activity that requires physical skill and utilizes strength, power, endurance, speed, flexibility, range of motion or agility or a substantially similar injury or condition resulting from occupational activity immediately upon the onset of such injury or condition; and subsequent treatment and rehabilitation of such injuries or conditions under the direction of the patient's physician or under the direction of any doctor of medicine, osteopathy, chiropractic, podiatry, or dentistry, while using heat, light, sound, cold, electricity, exercise or mechanical or other devices.

"Practice of behavior analysis" means the design, implementation, and evaluation of environmental modifications, using behavioral stimuli and consequences, to produce socially significant improvement in human behavior, including the use of direct observation, measurement, and functional analysis of the relationship between environment and behavior.

"Practice of chiropractic" means the adjustment of the 24 movable vertebrae of the spinal column, and assisting nature for the purpose of normalizing the transmission of nerve energy, but does not include the use of surgery, obstetrics, osteopathy, or the administration or prescribing of any drugs, medicines, serums, or vaccines. "Practice of chiropractic" ~~shall include~~ *includes* (i) requesting, receiving, and reviewing a patient's medical and physical history, including information related to past surgical and nonsurgical treatment of the patient and controlled substances prescribed to the patient, and (ii) documenting in a patient's record information related to the condition and symptoms of the patient, the examination and evaluation of the patient made by the doctor of chiropractic, and treatment provided to the patient by the doctor of chiropractic. "Practice of chiropractic" ~~shall~~ also ~~include~~ *includes* performing the physical examination of an applicant for a commercial driver's license or commercial learner's permit pursuant to § 46.2-341.12 if the practitioner has

~~(i)~~ *(a)* applied for and received certification as a medical examiner pursuant to 49 C.F.R. Part 390, Subpart D and ~~(ii)~~ *(b)* registered with the National Registry of Certified Medical Examiners.

"Practice of genetic counseling" means (i) obtaining and evaluating individual and family medical histories to assess the risk of genetic medical conditions and diseases in a patient, his offspring, and other family members; (ii) discussing the features, history, diagnosis, environmental factors, and risk management of genetic medical conditions and diseases; (iii) ordering genetic laboratory tests and other diagnostic studies necessary for genetic assessment; (iv) integrating the results with personal and family medical history to assess and communicate risk factors for genetic medical conditions and diseases; (v) evaluating the patient's and family's responses to the medical condition or risk of recurrence and providing client-centered counseling and anticipatory guidance; (vi) identifying and utilizing community resources that provide medical, educational, financial, and psychosocial support and advocacy; and (vii) providing written documentation of medical, genetic, and counseling information for families and health care professionals.

"Practice of licensed certified midwifery" means the provision of primary health care for preadolescents, adolescents, and adults within the scope of practice of a certified midwife established in accordance with the Standards for the Practice of Midwifery set by the American College of Nurse-Midwives, including (i) providing sexual and reproductive care and care during pregnancy and childbirth, postpartum care, and care for the newborn for up to 28 days following the birth of the child; (ii) prescribing of pharmacological and non-pharmacological therapies within the scope of the practice of midwifery; (iii) consulting or collaborating with or referring patients to such other health care providers as may be appropriate for the care of the patients; and (iv) serving as an educator in the theory and practice of midwifery.

"Practice of medicine or osteopathic medicine" means the prevention, diagnosis, and treatment of human physical or mental ailments, conditions, diseases, pain, or infirmities by any means or method.

"Practice of occupational therapy" means the therapeutic use of occupations for habilitation and rehabilitation to enhance physical health, mental health, and cognitive functioning and includes the evaluation, analysis, assessment, and delivery of education and training in basic and instrumental activities of daily living; the design, fabrication, and application of orthoses (splints); the design, selection, and use of adaptive equipment and assistive technologies; therapeutic activities to enhance functional performance; vocational evaluation and training; and consultation concerning the adaptation of physical, sensory, and social environments.

"Practice of podiatry" means the prevention, diagnosis, treatment, and cure or alleviation of physical conditions, diseases, pain, or infirmities of the human foot and ankle, including the medical, mechanical and surgical treatment of the ailments of the human foot and ankle, but does not include amputation of the foot proximal to the transmetatarsal level through the metatarsal shafts. Amputations proximal to the metatarsal-phalangeal joints may only be performed in a hospital or ambulatory surgery facility accredited by an organization listed in § 54.1-2939. The practice includes the diagnosis and treatment of lower extremity ulcers; however, the treatment of severe lower extremity ulcers proximal to the foot and ankle may only be performed by appropriately trained, credentialed podiatrists in an approved hospital or ambulatory surgery center at which the podiatrist has privileges, as described in § 54.1-2939. The Board of Medicine shall determine whether a specific type of treatment of the foot and ankle is within the scope of practice of podiatry.

"Practice of radiologic technology" means the application of ionizing radiation to human beings for diagnostic or therapeutic purposes.

"Practice of respiratory care" means the (i) administration of pharmacological, diagnostic, and therapeutic agents related to respiratory care procedures necessary to implement a treatment, disease prevention, pulmonary rehabilitative, or diagnostic regimen prescribed by a practitioner of medicine or osteopathic medicine; (ii) transcription and implementation of the written or verbal orders of a practitioner of medicine or osteopathic medicine pertaining to the practice of respiratory care; (iii) observation and monitoring of signs and symptoms, general behavior, general physical response to respiratory care treatment and diagnostic testing, including determination of whether such signs, symptoms, reactions, behavior or general physical response exhibit abnormal characteristics; and (iv) implementation of respiratory care procedures, based on observed abnormalities, or appropriate reporting, referral, respiratory care protocols or changes in treatment pursuant to the written or verbal orders by a licensed practitioner of medicine or osteopathic medicine or the initiation of emergency procedures, pursuant to the Board's regulations or as otherwise authorized by law. The practice of respiratory care may be performed in any clinic, hospital, skilled nursing facility, private dwelling or other place deemed appropriate by the Board in accordance with the written or verbal order of a practitioner of medicine or osteopathic medicine~~,~~ and shall be performed under qualified medical direction.

"Practice of surgical assisting" means the performance of significant surgical tasks, including manipulation of organs, suturing of tissue, placement of hemostatic agents, injection of local anesthetic, harvesting of veins, implementation of devices, and other duties as directed by a licensed doctor of medicine, osteopathy, or podiatry under the direct supervision of a licensed doctor of medicine, osteopathy, or podiatry.

"Qualified medical direction" means, in the context of the practice of respiratory care, having readily accessible to the respiratory therapist a licensed practitioner of medicine or osteopathic medicine who has specialty training or experience in the management of acute and chronic respiratory disorders and who is responsible for the quality, safety, and appropriateness of the respiratory services provided by the respiratory therapist.

"Radiologic technologist" means an individual, other than a licensed doctor of medicine, osteopathy, podiatry, or chiropractic or a dentist licensed pursuant to Chapter 27 (§ 54.1-2700 et seq.), who (i) performs, may be called upon to perform, or is licensed to perform a comprehensive scope of diagnostic or therapeutic radiologic procedures employing

ionizing radiation and (ii) is delegated or exercises responsibility for the operation of radiation-generating equipment, the shielding of patient and staff from unnecessary radiation, the appropriate exposure of radiographs, the administration of radioactive chemical compounds under the direction of an authorized user as specified by regulations of the Department of Health, or other procedures that contribute to any significant extent to the site or dosage of ionizing radiation to which a patient is exposed.

"Radiologic technologist, limited" means an individual, other than a licensed radiologic technologist, dental hygienist, or person who is otherwise authorized by the Board of Dentistry under Chapter 27 (§ 54.1-2700 et seq.) and the regulations pursuant thereto, who performs diagnostic radiographic procedures employing equipment that emits ionizing radiation that is limited to specific areas of the human body.

"Radiologist assistant" means an individual who has met the requirements of the Board for licensure as an advanced-level radiologic technologist and who, under the direct supervision of a licensed doctor of medicine or osteopathy specializing in the field of radiology, is authorized to (i) assess and evaluate the physiological and psychological responsiveness of patients undergoing radiologic procedures; (ii) evaluate image quality, make initial observations, and communicate observations to the supervising radiologist; (iii) administer contrast media or other medications prescribed by the supervising radiologist; and (iv) perform, or assist the supervising radiologist to perform, any other procedure consistent with the guidelines adopted by the American College of Radiology, the American Society of Radiologic Technologists, and the American Registry of Radiologic Technologists.

"Respiratory care" means the practice of the allied health profession responsible for the direct and indirect services, including inhalation therapy and respiratory therapy, in the treatment, management, diagnostic testing, control, and care of patients with deficiencies and abnormalities associated with the cardiopulmonary system under qualified medical direction.

"Surgical assistant" means an individual who has met the requirements of the Board for licensure as a surgical assistant and who works under the direct supervision of a licensed doctor of medicine, osteopathy, or podiatry.

§ 54.1-2901. Exceptions and exemptions generally.

A. The provisions of this chapter shall not prevent or prohibit:

1. Any person entitled to practice his profession under any prior law on June 24, 1944, from continuing such practice within the scope of the definition of his particular school of practice;

2. Any person licensed to practice naturopathy prior to June 30, 1980, from continuing such practice in accordance with regulations promulgated by the Board;

3. Any licensed advanced practice registered nurse from rendering care in accordance with the provisions of §§ 54.1-2957 and 54.1-2957.01, any advanced practice registered nurse licensed by the Boards of Medicine and Nursing in the category of certified nurse midwife practicing pursuant to subsection H of § 54.1-2957, or any advanced practice registered nurse licensed by the Boards of Medicine and Nursing in the category of clinical nurse specialist practicing pursuant to subsection J of § 54.1-2957 when such services are authorized by regulations promulgated jointly by the Boards of Medicine and Nursing;

4. Any registered professional nurse, licensed advanced practice registered nurse, graduate laboratory technician, or other technical personnel who have been properly trained from rendering care or services within the scope of their usual professional activities which shall include the taking of blood, the giving of intravenous infusions and intravenous injections, and the insertion of tubes when performed under the orders of a person licensed to practice medicine or osteopathy, an advanced practice registered nurse, or a physician assistant;

5. Any dentist, pharmacist, or optometrist from rendering care or services within the scope of his usual professional activities;

6. Any practitioner licensed or certified by the Board from delegating to personnel supervised by him, such activities or functions as are nondiscretionary and do not require the exercise of professional judgment for their performance and which are usually or customarily delegated to such persons by practitioners of the healing arts, if such activities or functions are authorized by and performed for such practitioners of the healing arts and responsibility for such activities or functions is assumed by such practitioners of the healing arts;

7. The rendering of medical advice or information through telecommunications from a physician licensed to practice medicine in Virginia or an adjoining state, or from a licensed advanced practice registered nurse, to emergency medical personnel acting in an emergency situation;

8. The domestic administration of family remedies;

9. The giving or use of massages, steam baths, dry heat rooms, infrared heat, or ultraviolet lamps in public or private health clubs and spas;

10. The manufacture or sale of proprietary medicines in this Commonwealth by licensed pharmacists or druggists;

11. The advertising or sale of commercial appliances or remedies;

12. The fitting by nonitinerant persons or manufacturers of artificial eyes, limbs or other apparatus or appliances or the fitting of plaster cast counterparts of deformed portions of the body by a nonitinerant bracemaker or prosthetist for the purpose of having a three-dimensional record of the deformity, when such bracemaker or prosthetist has received a prescription from a licensed physician, licensed advanced practice registered nurse, or licensed physician assistant directing the fitting of such casts and such activities are conducted in conformity with the laws of Virginia;

13. Any person from the rendering of first aid or medical assistance in an emergency in the absence of a person licensed to practice medicine or osteopathy under the provisions of this chapter;

14. The practice of the religious tenets of any church in the ministration to the sick and suffering by mental or spiritual means without the use of any drug or material remedy, whether gratuitously or for compensation;

15. Any legally qualified out-of-state or foreign practitioner from meeting in consultation with legally licensed practitioners in this Commonwealth;

16. Any practitioner of the healing arts licensed or certified and in good standing with the applicable regulatory agency in another state or Canada when that practitioner of the healing arts is in Virginia temporarily and such practitioner has been issued a temporary authorization by the Board from practicing medicine or the duties of the profession for which he is licensed or certified (i) in a summer camp or in conjunction with patients who are participating in recreational activities, (ii) while participating in continuing educational programs prescribed by the Board, or (iii) by rendering at any site any health care services within the limits of his license, voluntarily and without compensation, to any patient of any clinic which is organized in whole or in part for the delivery of health care services without charge as provided in § 54.1-106;

17. The performance of the duties of any active duty health care provider in active service in the army, navy, coast guard, marine corps, air force, or public health service of the United States at any public or private health care facility while such individual is so commissioned or serving and in accordance with his official military duties;

18. Any masseur, who publicly represents himself as such, from performing services within the scope of his usual professional activities and in conformance with state law;

19. Any person from performing services in the lawful conduct of his particular profession or business under state law;

20. Any person from rendering emergency care pursuant to the provisions of § 8.01-225;

21. Qualified emergency medical services personnel, when acting within the scope of their certification, and licensed health care practitioners, when acting within their scope of practice, from following Durable Do Not Resuscitate Orders issued in accordance with § 54.1-2987.1 and Board of Health regulations, or licensed health care practitioners from following any other written order of a physician not to resuscitate a patient in the event of cardiac or respiratory arrest;

22. Any commissioned or contract medical officer of the army, navy, coast guard or air force rendering services voluntarily and without compensation while deemed to be licensed pursuant to § 54.1-106;

23. Any ~~provider of a chemical dependency treatment program who is certified as an "acupuncture detoxification specialist" by the National Acupuncture Detoxification Association or an equivalent certifying body, from administering auricular acupuncture treatment under the appropriate supervision of a National Acupuncture Detoxification Association certified licensed physician or licensed acupuncturist~~ *person from engaging in the five needle auricular acupuncture protocol (5NP), a standardized five needle protocol wherein up to five needles are inserted into the external human ear to provide relief from the effects of behavioral health conditions, provided such person (i) has appropriate training in the 5NP, including training established by the National Acupuncture Detoxification Association or equivalent certifying body; (ii) does not use any letters, words, or insignia indicating or implying that the person is an acupuncturist; and (iii) makes no statements implying that his practice of the 5NP is licensed, certified, or otherwise overseen by the Commonwealth. Treatment utilizing the 5NP pursuant to this subdivision shall be strictly limited to the insertion of disposable, sterile acupuncture needles into the ear and only in compliance with the 5NP. The application or insertion of needles anywhere else on the body of another person by a person acting under the provisions of this subdivision shall be considered engaging in the practice of acupuncture without a license*;

24. Any employee of any assisted living facility who is certified in cardiopulmonary resuscitation (CPR) acting in compliance with the patient's individualized service plan and with the written order of the attending physician not to resuscitate a patient in the event of cardiac or respiratory arrest;

25. Any person working as a health assistant under the direction of a licensed medical or osteopathic doctor within the Department of Corrections, the Department of Juvenile Justice or local correctional facilities;

26. Any employee of a school board, authorized by a prescriber and trained in the administration of insulin and glucagon, when, upon the authorization of a prescriber and the written request of the parents as defined in § 22.1-1, assisting with the administration of insulin or administrating glucagon to a student diagnosed as having diabetes and who requires insulin injections during the school day or for whom glucagon has been prescribed for the emergency treatment of hypoglycemia;

27. Any practitioner of the healing arts or other profession regulated by the Board from rendering free health care to an underserved population of Virginia who (i) does not regularly practice his profession in Virginia, (ii) holds a current valid license or certificate to practice his profession in another state, territory, district or possession of the United States, (iii) volunteers to provide free health care to an underserved area of the Commonwealth under the auspices of a publicly supported all volunteer, nonprofit organization that sponsors the provision of health care to populations of underserved people, (iv) files a copy of the license or certification issued in such other jurisdiction with the Board, (v) notifies the Board at least five business days prior to the voluntary provision of services of the dates and location of such service, and (vi) acknowledges, in writing, that such licensure exemption shall only be valid, in compliance with the Board's regulations, during the limited period that such free health care is made available through the volunteer, nonprofit organization on the dates and at the location filed with the Board. The Board may deny the right to practice in Virginia to any practitioner of the healing arts whose license or certificate has been previously suspended or revoked, who has been convicted of a felony or who is otherwise found to be in violation of applicable laws or regulations. However, the Board shall allow a practitioner of the healing arts who meets the above criteria to provide volunteer services without prior notice for a period of up to three days, provided the nonprofit organization verifies that the practitioner has a valid, unrestricted license in another state;

28. Any registered nurse, acting as an agent of the Department of Health, from obtaining specimens of sputum or other bodily fluid from persons in whom the diagnosis of active tuberculosis disease, as defined in § 32.1-49.1, is suspected and submitting orders for testing of such specimens to the Division of Consolidated Laboratories or other public health laboratories, designated by the State Health Commissioner, for the purpose of determining the presence or absence of tubercle bacilli as defined in § 32.1-49.1;

29. Any physician of medicine or osteopathy or advanced practice registered nurse from delegating to a registered nurse under his supervision the screening and testing of children for elevated blood-lead levels when such testing is conducted (i) in accordance with a written protocol between the physician or advanced practice registered nurse and the registered nurse and (ii) in compliance with the Board of Health's regulations promulgated pursuant to §§ 32.1-46.1 and 32.1-46.2. Any follow-up testing or treatment shall be conducted at the direction of a physician or an advanced practice registered nurse;

30. Any practitioner of one of the professions regulated by the Board of Medicine who is in good standing with the applicable regulatory agency in another state or Canada from engaging in the practice of that profession when the practitioner is in Virginia temporarily with an out-of-state athletic team or athlete for the duration of the athletic tournament, game, or event in which the team or athlete is competing;

31. Any person from performing state or federally funded health care tasks directed by the consumer, which are typically self-performed, for an individual who lives in a private residence and who, by reason of disability, is unable to perform such tasks but who is capable of directing the appropriate performance of such tasks;

32. Any practitioner of one of the professions regulated by the Board of Medicine who is in good standing with the applicable regulatory agency in another state from engaging in the practice of that profession in Virginia with a patient who is being transported to or from a Virginia hospital for care;

33. Any doctor of medicine or osteopathy, physician assistant, or advanced practice registered nurse who would otherwise be subject to licensure by the Board who holds an active, unrestricted license in another state, the District of Columbia, or a United States territory or possession and who is in good standing with the applicable regulatory agency in that state, the District of Columbia, or that United States territory or possession who provides behavioral health services, as defined in § 37.2-100, from engaging in the practice of his profession and providing behavioral health services to a patient located in the Commonwealth in accordance with the standard of care when (i) such practice is for the purpose of providing continuity of care through the use of telemedicine services as defined in § 38.2-3418.16 and (ii) the practitioner has previously established a practitioner-patient relationship with the patient and has performed an in-person evaluation of the patient within the previous year. A practitioner who provides behavioral health services to a patient located in the Commonwealth through use of telemedicine services pursuant to this subdivision may provide such services for a period of no more than one year from the date on which the practitioner began providing such services to such patient;

34. Any employee of a program licensed by the Department of Behavioral Health and Developmental Services who is certified in cardiopulmonary resuscitation from acting in compliance with a program participant's valid written order not to resuscitate issued in accordance with § 54.1-2987.1 if such valid written order not to resuscitate is included in the program participant's individualized service plan; or

35. Any doctor of medicine or osteopathy, physician assistant, respiratory therapist, occupational therapist, or advanced practice registered nurse who would otherwise be subject to licensure by the Board who holds an active, unrestricted license in another state or the District of Columbia and who is in good standing with the applicable regulatory agency in that state or the District of Columbia from engaging in the practice of that profession in the Commonwealth with a patient located in the Commonwealth when (i) such practice is for the purpose of providing continuity of care through the use of telemedicine services as defined in § 38.2-3418.16 and (ii) the patient is a current patient of the practitioner with whom the practitioner has previously established a practitioner-patient relationship and the practitioner has performed an in-person examination of the patient within the previous 12 months.

For purposes of this subdivision, if such practitioner with whom the patient has previously established a practitioner-patient relationship is unavailable at the time in which the patient seeks continuity of care, another practitioner of the same subspecialty at the same practice group with access to the patient's treatment history may provide continuity of care using telemedicine services until the practitioner with whom the patient has a previously established practitioner-patient relationship becomes available. For the purposes of this subdivision, "practitioner of the same subspecialty" means a practitioner who utilizes the same subspecialty taxonomy code designation for claims processing.

For the purposes of this subdivision, if a patient is (a) an enrollee of a health maintenance organization that contracts with a multispecialty group of practitioners, each of whom is licensed by the Board of Medicine, and (b) a current patient of at least one practitioner who is a member of the multispecialty group with whom such practitioner has previously established a practitioner-patient relationship and of whom such practitioner has performed an in-person examination within the previous 12 months, the patient shall be deemed to be a current patient of each practitioner in the multispecialty group with whom each such practitioner has established a practitioner-patient relationship.

B. Notwithstanding any provision of law or regulation to the contrary, military medical personnel, as defined in § 2.2-2001.4, while participating in a program established by the Department of Veterans Services pursuant to § 2.2-2001.4, may practice under the supervision of a licensed physician or podiatrist or the chief medical officer of an organization participating in such program, or his designee who is a licensee of the Board and supervising within his scope of practice.

CHAPTER 549

An Act to amend and reenact §§ 59.1-200 and 59.1-526 of the Code of Virginia, relating to Virginia Post-Disaster Anti-Price Gouging Act; definitions.

[H 1301]

Approved April 5, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 59.1-200 and 59.1-526 of the Code of Virginia are amended and reenacted as follows:

§ 59.1-200. Prohibited practices.

A. The following fraudulent acts or practices committed by a supplier in connection with a consumer transaction are hereby declared unlawful:

1. Misrepresenting goods or services as those of another;

2. Misrepresenting the source, sponsorship, approval, or certification of goods or services;

3. Misrepresenting the affiliation, connection, or association of the supplier, or of the goods or services, with another;

4. Misrepresenting geographic origin in connection with goods or services;

5. Misrepresenting that goods or services have certain quantities, characteristics, ingredients, uses, or benefits;

6. Misrepresenting that goods or services are of a particular standard, quality, grade, style, or model;

7. Advertising or offering for sale goods that are used, secondhand, repossessed, defective, blemished, deteriorated, or reconditioned, or that are "seconds," irregulars, imperfects, or "not first class," without clearly and unequivocally indicating in the advertisement or offer for sale that the goods are used, secondhand, repossessed, defective, blemished, deteriorated, reconditioned, or are "seconds," irregulars, imperfects or "not first class";

8. Advertising goods or services with intent not to sell them as advertised, or with intent not to sell at the price or upon the terms advertised.

In any action brought under this subdivision, the refusal by any person, or any employee, agent, or servant thereof, to sell any goods or services advertised or offered for sale at the price or upon the terms advertised or offered, shall be prima facie evidence of a violation of this subdivision. This paragraph shall not apply when it is clearly and conspicuously stated in the advertisement or offer by which such goods or services are advertised or offered for sale, that the supplier or offeror has a limited quantity or amount of such goods or services for sale, and the supplier or offeror at the time of such advertisement or offer did in fact have or reasonably expected to have at least such quantity or amount for sale;

9. Making false or misleading statements of fact concerning the reasons for, existence of, or amounts of price reductions;

10. Misrepresenting that repairs, alterations, modifications, or services have been performed or parts installed;

11. Misrepresenting by the use of any written or documentary material that appears to be an invoice or bill for merchandise or services previously ordered;

12. Notwithstanding any other provision of law, using in any manner the words "wholesale," "wholesaler," "factory," or "manufacturer" in the supplier's name, or to describe the nature of the supplier's business, unless the supplier is actually engaged primarily in selling at wholesale or in manufacturing the goods or services advertised or offered for sale;

13. Using in any contract or lease any liquidated damage clause, penalty clause, or waiver of defense, or attempting to collect any liquidated damages or penalties under any clause, waiver, damages, or penalties that are void or unenforceable under any otherwise applicable laws of the Commonwealth, or under federal statutes or regulations;

13a. Failing to provide to a consumer, or failing to use or include in any written document or material provided to or executed by a consumer, in connection with a consumer transaction any statement, disclosure, notice, or other information however characterized when the supplier is required by 16 C.F.R. Part 433 to so provide, use, or include the statement, disclosure, notice, or other information in connection with the consumer transaction;

14. Using any other deception, fraud, false pretense, false promise, or misrepresentation in connection with a consumer transaction;

15. Violating any provision of § 3.2-6509, 3.2-6512, 3.2-6513, 3.2-6513.1, 3.2-6514, 3.2-6515, 3.2-6516, or 3.2-6519 is a violation of this chapter;

16. Failing to disclose all conditions, charges, or fees relating to:

a. The return of goods for refund, exchange, or credit. Such disclosure shall be by means of a sign attached to the goods, or placed in a conspicuous public area of the premises of the supplier, so as to be readily noticeable and readable by the person obtaining the goods from the supplier. If the supplier does not permit a refund, exchange, or credit for return, he shall so state on a similar sign. The provisions of this subdivision shall not apply to any retail merchant who has a policy of providing, for a period of not less than 20 days after date of purchase, a cash refund or credit to the purchaser's credit card account for the return of defective, unused, or undamaged merchandise upon presentation of proof of purchase. In the case of merchandise paid for by check, the purchase shall be treated as a cash purchase and any refund may be delayed for a period of 10 banking days to allow for the check to clear. This subdivision does not apply to sale merchandise that is obviously distressed, out of date, post season, or otherwise reduced for clearance; nor does this subdivision apply to special order purchases where the purchaser has requested the supplier to order merchandise of a specific or unusual size, color, or

brand not ordinarily carried in the store or the store's catalog; nor shall this subdivision apply in connection with a transaction for the sale or lease of motor vehicles, farm tractors, or motorcycles as defined in § 46.2-100;

b. A layaway agreement. Such disclosure shall be furnished to the consumer (i) in writing at the time of the layaway agreement, or (ii) by means of a sign placed in a conspicuous public area of the premises of the supplier, so as to be readily noticeable and readable by the consumer, or (iii) on the bill of sale. Disclosure shall include the conditions, charges, or fees in the event that a consumer breaches the agreement;

16a. Failing to provide written notice to a consumer of an existing open-end credit balance in excess of $5 (i) on an account maintained by the supplier and (ii) resulting from such consumer's overpayment on such account. Suppliers shall give consumers written notice of such credit balances within 60 days of receiving overpayments. If the credit balance information is incorporated into statements of account furnished consumers by suppliers within such 60-day period, no separate or additional notice is required;

17. If a supplier enters into a written agreement with a consumer to resolve a dispute that arises in connection with a consumer transaction, failing to adhere to the terms and conditions of such an agreement;

18. Violating any provision of the Virginia Health Club Act, Chapter 24 (§ 59.1-294 et seq.);

19. Violating any provision of the Virginia Home Solicitation Sales Act, Chapter 2.1 (§ 59.1-21.1 et seq.);

20. Violating any provision of the Automobile Repair Facilities Act, Chapter 17.1 (§ 59.1-207.1 et seq.);

21. Violating any provision of the Virginia Lease-Purchase Agreement Act, Chapter 17.4 (§ 59.1-207.17 et seq.);

22. Violating any provision of the Prizes and Gifts Act, Chapter 31 (§ 59.1-415 et seq.);

23. Violating any provision of the Virginia Public Telephone Information Act, Chapter 32 (§ 59.1-424 et seq.);

24. Violating any provision of § 54.1-1505;

25. Violating any provision of the Motor Vehicle Manufacturers' Warranty Adjustment Act, Chapter 17.6 (§ 59.1-207.34 et seq.);

26. Violating any provision of § 3.2-5627, relating to the pricing of merchandise;

27. Violating any provision of the Pay-Per-Call Services Act, Chapter 33 (§ 59.1-429 et seq.);

28. Violating any provision of the Extended Service Contract Act, Chapter 34 (§ 59.1-435 et seq.);

29. Violating any provision of the Virginia Membership Camping Act, Chapter 25 (§ 59.1-311 et seq.);

30. Violating any provision of the Comparison Price Advertising Act, Chapter 17.7 (§ 59.1-207.40 et seq.);

31. Violating any provision of the Virginia Travel Club Act, Chapter 36 (§ 59.1-445 et seq.);

32. Violating any provision of §§ 46.2-1231 and 46.2-1233.1;

33. Violating any provision of Chapter 40 (§ 54.1-4000 et seq.) of Title 54.1;

34. Violating any provision of Chapter 10.1 (§ 58.1-1031 et seq.) of Title 58.1;

35. Using the consumer's social security number as the consumer's account number with the supplier, if the consumer has requested in writing that the supplier use an alternate number not associated with the consumer's social security number;

36. Violating any provision of Chapter 18 (§ 6.2-1800 et seq.) of Title 6.2;

37. Violating any provision of § 8.01-40.2;

38. Violating any provision of Article 7 (§ 32.1-212 et seq.) of Chapter 6 of Title 32.1;

39. Violating any provision of Chapter 34.1 (§ 59.1-441.1 et seq.);

40. Violating any provision of Chapter 20 (§ 6.2-2000 et seq.) of Title 6.2;

41. Violating any provision of the Virginia Post-Disaster Anti-Price Gouging Act, Chapter 46 (§ 59.1-525 et seq.). *For the purposes of this subdivision, "consumer transaction" has the same meaning as provided in § 59.1-526*;

42. Violating any provision of Chapter 47 (§ 59.1-530 et seq.);

43. Violating any provision of § 59.1-443.2;

44. Violating any provision of Chapter 48 (§ 59.1-533 et seq.);

45. Violating any provision of Chapter 25 (§ 6.2-2500 et seq.) of Title 6.2;

46. Violating the provisions of clause (i) of subsection B of § 54.1-1115;

47. Violating any provision of § 18.2-239;

48. Violating any provision of Chapter 26 (§ 59.1-336 et seq.);

49. Selling, offering for sale, or manufacturing for sale a children's product the supplier knows or has reason to know was recalled by the U.S. Consumer Product Safety Commission. There is a rebuttable presumption that a supplier has reason to know a children's product was recalled if notice of the recall has been posted continuously at least 30 days before the sale, offer for sale, or manufacturing for sale on the website of the U.S. Consumer Product Safety Commission. This prohibition does not apply to children's products that are used, secondhand or "seconds";

50. Violating any provision of Chapter 44.1 (§ 59.1-518.1 et seq.);

51. Violating any provision of Chapter 22 (§ 6.2-2200 et seq.) of Title 6.2;

52. Violating any provision of § 8.2-317.1;

53. Violating subsection A of § 9.1-149.1;

54. Selling, offering for sale, or using in the construction, remodeling, or repair of any residential dwelling in the Commonwealth, any drywall that the supplier knows or has reason to know is defective drywall. This subdivision shall not apply to the sale or offering for sale of any building or structure in which defective drywall has been permanently installed or affixed;

55. Engaging in fraudulent or improper or dishonest conduct as defined in § 54.1-1118 while engaged in a transaction that was initiated (i) during a declared state of emergency as defined in § 44-146.16 or (ii) to repair damage resulting from the event that prompted the declaration of a state of emergency, regardless of whether the supplier is licensed as a contractor in the Commonwealth pursuant to Chapter 11 (§ 54.1-1100 et seq.) of Title 54.1;

56. Violating any provision of Chapter 33.1 (§ 59.1-434.1 et seq.);

57. Violating any provision of § 18.2-178, 18.2-178.1, or 18.2-200.1;

58. Violating any provision of Chapter 17.8 (§ 59.1-207.45 et seq.);

59. Violating any provision of subsection E of § 32.1-126;

60. Violating any provision of § 54.1-111 relating to the unlicensed practice of a profession licensed under Chapter 11 (§ 54.1-1100 et seq.) or Chapter 21 (§ 54.1-2100 et seq.) of Title 54.1;

61. Violating any provision of § 2.2-2001.5;

62. Violating any provision of Chapter 5.2 (§ 54.1-526 et seq.) of Title 54.1;

63. Violating any provision of § 6.2-312;

64. Violating any provision of Chapter 20.1 (§ 6.2-2026 et seq.) of Title 6.2;

65. Violating any provision of Chapter 26 (§ 6.2-2600 et seq.) of Title 6.2;

66. Violating any provision of Chapter 54 (§ 59.1-586 et seq.);

67. Knowingly violating any provision of § 8.01-27.5;

68. Failing to, in accordance with § 59.1-207.46, (i) make available a conspicuous online option to cancel a recurring purchase of a good or service or (ii) with respect to a free trial lasting more than 30 days, notify a consumer of his option to cancel such free trial within 30 days of the end of the trial period to avoid an obligation to pay for the goods or services;

69. Selling or offering for sale any substance intended for human consumption, orally or by inhalation, that contains a synthetic derivative of tetrahydrocannabinol. As used in this subdivision, "synthetic derivative" means a chemical compound produced by man through a chemical transformation to turn a compound into a different compound by adding or subtracting molecules to or from the original compound. This subdivision shall not (i) apply to products that are approved for marketing by the U.S. Food and Drug Administration and scheduled in the Drug Control Act (§ 54.1-3400 et seq.) or (ii) be construed to prohibit any conduct permitted under Chapter 16 (§ 4.1-1600 et seq.) of Title 4.1;

70. Selling or offering for sale to a person younger than 21 years of age any substance intended for human consumption, orally or by inhalation, that contains tetrahydrocannabinol. This subdivision shall not (i) apply to products that are approved for marketing by the U.S. Food and Drug Administration and scheduled in the Drug Control Act (§ 54.1-3400 et seq.) or (ii) be construed to prohibit any conduct permitted under Chapter 16 (§ 4.1-1600 et seq.) of Title 4.1;

71. Selling or offering for sale any substance intended for human consumption, orally or by inhalation, that contains tetrahydrocannabinol, unless such substance is (i) contained in child-resistant packaging, as defined in § 4.1-600; (ii) equipped with a label that states, in English and in a font no less than 1/16 of an inch, (a) that the substance contains tetrahydrocannabinol and may not be sold to persons younger than 21 years of age, (b) all ingredients contained in the substance, (c) the amount of such substance that constitutes a single serving, and (d) the total percentage and milligrams of tetrahydrocannabinol included in the substance and the number of milligrams of tetrahydrocannabinol that are contained in each serving; and (iii) accompanied by a certificate of analysis, produced by an independent laboratory that is accredited pursuant to standard ISO/IEC 17025 of the International Organization of Standardization by a third-party accrediting body, that states the tetrahydrocannabinol concentration of the substance or the tetrahydrocannabinol concentration of the batch from which the substance originates. This subdivision shall not (i) apply to products that are approved for marketing by the U.S. Food and Drug Administration and scheduled in the Drug Control Act (§ 54.1-3400 et seq.) or (ii) be construed to prohibit any conduct permitted under Chapter 16 (§ 4.1-1600 et seq.) of Title 4.1;

72. Manufacturing, offering for sale at retail, or selling at retail an industrial hemp extract, as defined in § 3.2-5145.1, a food containing an industrial hemp extract, or a substance containing tetrahydrocannabinol that depicts or is in the shape of a human, animal, vehicle, or fruit;

73. Selling or offering for sale any substance intended for human consumption, orally or by inhalation, that contains tetrahydrocannabinol and, without authorization, bears, is packaged in a container or wrapper that bears, or is otherwise labeled to bear the trademark, trade name, famous mark as defined in 15 U.S.C. § 1125, or other identifying mark, imprint, or device, or any likeness thereof, of a manufacturer, processor, packer, or distributor of a product intended for human consumption other than the manufacturer, processor, packer, or distributor that did in fact so manufacture, process, pack, or distribute such substance;

74. Selling or offering for sale a topical hemp product, as defined in § 3.2-4112, that does not include a label stating that the product is not intended for human consumption. This subdivision shall not (i) apply to products that are approved for marketing by the U.S. Food and Drug Administration and scheduled in the Drug Control Act (§ 54.1-3400 et seq.), (ii) be construed to prohibit any conduct permitted under Chapter 16 (§ 4.1-1600 et seq.) of Title 4.1, or (iii) apply to topical hemp products that were manufactured prior to July 1, 2023, provided that the person provides documentation of the date of manufacture if requested;

75. Violating any provision of § 59.1-466.8;

76. Violating subsection F of § 36-96.3:1;

77. Selling or offering for sale (i) any kratom product to a person younger than 21 years of age or (ii) any kratom product that does not include a label listing all ingredients and with the following guidance: "This product may be harmful

to your health, has not been evaluated by the FDA, and is not intended to diagnose, treat, cure, or prevent any disease." As used in this subdivision, "kratom" means any part of the leaf of the plant Mitragyna speciosa or any extract thereof; and

78. Failing to disclose the total cost of a good or continuous service, as defined in § 59.1-207.45, to a consumer, including any mandatory fees or charges, prior to entering into an agreement for the sale of any such good or provision of any such continuous service.

B. Nothing in this section shall be construed to invalidate or make unenforceable any contract or lease solely by reason of the failure of such contract or lease to comply with any other law of the Commonwealth or any federal statute or regulation, to the extent such other law, statute, or regulation provides that a violation of such law, statute, or regulation shall not invalidate or make unenforceable such contract or lease.

§ 59.1-526. Definitions.

As used in this chapter:

"Consumer transaction," "goods," and "services," have the same meanings as are set forth for those terms in § 59.1-198. *However, "consumer transaction" also includes transactions involving the advertisement, sale, lease, license, or offering for sale, lease, or license of goods or services to be used for business purposes and the advertisement, sale, lease, license, or contract of employment services to be provided or procured for business purposes*.

"Disaster" means any "disaster," "emergency," or "major disaster," as those terms are used and defined in § 44-146.16, that results in the declaration of a state of emergency by the Governor or the President of the United States.

"Necessary goods and services" means any necessary good or service for which consumer demand does, or is likely to, increase as a consequence of the disaster, and includes water, ice, consumer food items or supplies, property or services for emergency cleanup, emergency supplies, communication supplies and services, medical supplies and services, home heating fuel, building materials and services, tree removal supplies and services, freight, storage services, housing, lodging, transportation, and motor fuels.

"Supplier" means a seller, lessor, licensor, or professional who advertises, solicits, or engages in consumer transactions, or a manufacturer, distributor, or licensor who sells, leases, or licenses goods or services to be resold, leased, or sublicensed by other persons in consumer transactions. However, a manufacturer, distributor, or licensor who sells, leases, or licenses agricultural goods or services to be resold, leased, or sublicensed by other persons in consumer transactions shall not be considered a "supplier" unless such manufacturer, distributor, or licensor advertises such agricultural goods or services.

"Time of disaster" means the ~~shorter~~ *longer* of (i) the period of time when a state of emergency declared by the Governor or the President of the United States as the result of a disaster, emergency, or major disaster, as those terms are used and defined in § 44-146.16, is in effect or (ii) 30 days after the occurrence of the disaster, emergency, or major disaster that resulted in the declaration of the state of emergency; however, if the state of emergency is extended or renewed within 30 days after such an occurrence, then such period shall be extended to include the 30 days following the date the state of emergency was extended or renewed.

CHAPTER 550

An Act to have the State Emergency Medical Services Advisory Board develop guidelines and guidance for the provision of emergency treatment of fire, police, and search and rescue dogs.

[H 1309]

Approved April 5, 2024

Be it enacted by the General Assembly of Virginia:

1. *§ 1. That the State Emergency Medical Services Advisory Board shall, in consultation with the Board of Veterinary Medicine, develop guidelines and guidance for the provision of emergency treatment of fire, police, and search and rescue dogs injured in the line of duty and the transportation of such dogs by an emergency medical services vehicle to a veterinary care facility equipped to provide emergency treatment to such dog.*

CHAPTER 551

An Act to direct the Department of Medical Assistance Services and the Department of Behavioral Health and Developmental Services to submit state plan amendments to the Centers for Medicare and Medicaid Services to seek to modify the program rules for certain 1915(c) Home and Community-Based Services Medicaid Waivers.

[H 1318]

Approved April 5, 2024

Be it enacted by the General Assembly of Virginia:

1. *§ 1. That the Department of Medical Assistance Services (DMAS) and the Department of Behavioral Health and Developmental Services (DBHDS) shall submit state plan amendments to the Centers for Medicare and Medicaid Services to seek to modify the program rules for the following 1915(c) Home and Community-Based Services Medicaid Waivers: Community Living Waiver, Family and Individual Supports Waiver, and Commonwealth Coordinated Care Plus Waiver. DMAS and DBHDS shall submit state plan amendments to the Centers for Medicare and Medicaid Services to eliminate the*

requirement under such waivers that in order for a legally responsible individual to receive reimbursement for personal care services, no one else be available to provide such services to the Medicaid member.

CHAPTER 552

An Act to amend and reenact § 46.2-391 of the Code of Virginia, relating to issuance of restricted driver's license for multiple convictions of driving while intoxicated; completion of specialty dockets.

[H 1324]

Approved April 5, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 46.2-391 of the Code of Virginia is amended and reenacted as follows:

§ 46.2-391. Revocation of license for multiple convictions of driving while intoxicated; exception; petition for restoration of privilege.

A. The Commissioner shall forthwith revoke and not thereafter reissue for three years the driver's license of any person on receiving a record of the conviction of any person who (i) is adjudged to be a second offender in violation of the provisions of subsection A of § 46.2-341.24 (driving a commercial motor vehicle under the influence of drugs or intoxicants), or § 18.2-266 (driving under the influence of drugs or intoxicants), if the subsequent violation occurred within 10 years of the prior violation, or (ii) is convicted of any two or more offenses of § 18.2-272 (driving while the driver's license has been forfeited for a conviction under § 18.2-266) if the second or subsequent violation occurred within 10 years of the prior offense. However, if the Commissioner has received a copy of a court order authorizing issuance of a restricted license as provided in subsection E of § 18.2-271.1, he shall proceed as provided in the order of the court. For the purposes of this subsection, an offense in violation of a valid local ordinance, or law of any other jurisdiction, which ordinance or law is substantially similar to any provision of Virginia law herein shall be considered an offense in violation of such provision of Virginia law. Additionally, in no event shall the Commissioner reinstate the driver's license of any person convicted of a violation of § 18.2-266, or of a substantially similar valid local ordinance or law of another jurisdiction, until receipt of notification that such person has successfully completed an alcohol safety action program if such person was required by court order to do so unless the requirement for completion of the program has been waived by the court for good cause shown. A conviction includes a finding of not innocent in the case of a juvenile.

B. The Commissioner shall forthwith revoke and not thereafter reissue the driver's license of any person after receiving a record of the conviction of any person (i) convicted of a violation of § 18.2-36.1 or 18.2-51.4 or a felony violation of § 18.2-266 or (ii) convicted of three offenses arising out of separate incidents or occurrences within a period of 10 years in violation of the provisions of subsection A of § 46.2-341.24 ~~or~~*,* *§* 18.2-266, or a substantially similar ordinance or law of any other jurisdiction, or any combination of three such offenses. A conviction includes a finding of not innocent in the case of a juvenile.

C. Any person who has had his driver's license revoked in accordance with subsection B ~~of this section~~ may petition the circuit court of his residence, or, if a nonresident of Virginia, any circuit court:

1. For restoration of his privilege to drive a motor vehicle in the Commonwealth after the expiration of five years from the date of his last conviction. On such petition, and for good cause shown, the court may, in its discretion, restore to the person the privilege to drive a motor vehicle in the Commonwealth on condition that such person install an ignition interlock system in accordance with § 18.2-270.1 on all motor vehicles, as defined in § 46.2-100, owned by or registered to him, in whole or in part, for a period of at least six months, and upon whatever other conditions the court may prescribe, subject to the provisions of law relating to issuance of driver's licenses, if the court is satisfied from the evidence presented that~~:~~ (i) at the time of his previous convictions, the petitioner was addicted to or psychologically dependent on the use of alcohol or other drugs; (ii) at the time of the hearing on the petition, he is no longer addicted to or psychologically dependent on the use of alcohol or other drugs; and (iii) the defendant does not constitute a threat to the safety and welfare of himself or others with regard to the driving of a motor vehicle. However, prior to acting on the petition, the court shall order that an evaluation of the person, to include an assessment of his degree of alcohol abuse and the appropriate treatment therefor, if any, be conducted by a Virginia Alcohol Safety Action Program and recommendations therefrom be submitted to the court, and the court shall give the recommendations such weight as the court deems appropriate. The court may, in lieu of restoring the person's privilege to drive, authorize the issuance of a restricted license for a period not to exceed five years in accordance with the provisions of § 18.2-270.1 and subsection E of § 18.2-271.1. The court shall notify the Virginia Alcohol Safety Action Program ~~which shall~~ *that* during the term of the restricted license *it shall* monitor the person's compliance with the terms of the restrictions imposed by the court. Any violation of the restrictions shall be reported to the court, and the court may then modify the restrictions or revoke the license.

2. For a restricted license to authorize such person to drive a motor vehicle in the Commonwealth in the course of his employment and to drive a motor vehicle to and from his home to the place of his employment after the expiration of three years from the date of his last conviction *unless such person's last conviction resulted from a final order being entered by a court after the successful completion of a Veterans Treatment Court Program, behavioral health docket, or other specialty docket established pursuant to § 18.2-254.2 or 18.2-254.3 or Rule 1:25 of the Rules of Supreme Court of Virginia. If such person's last conviction resulted from a final order being entered by a court after the successful completion of a Veterans*

Treatment Court Program, behavioral health docket, or other specialty docket established pursuant to § 18.2-254.2 or 18.2-254.3 or Rule 1:25 of the Rules of Supreme Court of Virginia, such person may file a petition for a restricted license to be issued in accordance with the provisions of this subdivision without having to wait for the expiration of three years from the date of his last conviction, regardless of the date of such conviction. The court may order that a restricted license for such purposes be issued in accordance with the procedures of subsection E of § 18.2-271.1~~,~~ if the court is satisfied from the evidence presented that (i) at the time of the previous convictions, the petitioner was addicted to or psychologically dependent on the use of alcohol or other drugs; (ii) at the time of the hearing on the petition, he is no longer addicted to or psychologically dependent on the use of alcohol or such other drugs; and (iii) the defendant does not constitute a threat to the safety and welfare of himself and others with regard to the driving of a motor vehicle. The court shall prohibit the person to whom a restricted license is issued from operating a motor vehicle that is not equipped with a functioning, certified ignition interlock system during all or any part of the term for which the restricted license is issued, in accordance with the provisions set forth in § 18.2-270.1. However, prior to acting on the petition, the court shall order that an evaluation of the person, to include an assessment of his degree of alcohol abuse and the appropriate treatment therefor, if any, be conducted by a Virginia Alcohol Safety Action Program and recommendations therefrom be submitted to the court, and the court shall give the recommendations such weight as the court deems appropriate. The Virginia Alcohol Safety Action Program shall during the term of the restricted license monitor the person's compliance with the terms of the restrictions imposed by the court. Any violation of the restrictions shall be reported to the court, and the court may then modify the restrictions or revoke the license.

The ignition interlock system installation requirement under subdivisions 1 and 2 ~~of this subsection~~ need only be satisfied once as to any single revocation under subsection B ~~of this section~~ for any person seeking restoration under subdivision 1 following the granting of a restricted license under subdivision 1 or 2.

D. Any person convicted of driving a motor vehicle or any self-propelled machinery or equipment (i) while his license is revoked pursuant to subsection A or B or (ii) in violation of the terms of a restricted license issued pursuant to subsection C shall, provided such revocation was based on at least one conviction for an offense committed after July 1, 1999, be punished as follows:

1. If such driving does not of itself endanger the life, limb, or property of another, such person ~~shall be~~ *is* guilty of a Class 1 misdemeanor punishable by a mandatory minimum term of confinement in jail of 10 days except in cases wherein such operation is necessitated in situations of apparent extreme emergency that require such operation to save life or limb, the sentence, or any part thereof, may be suspended.

2. a. If such driving (i) of itself endangers the life, limb, or property of another or (ii) takes place while such person is in violation of ~~§§~~ *§* 18.2-36.1, 18.2-51.4, *or* 18.2-266, subsection A of § 46.2-341.24, or a substantially similar law or ordinance of another jurisdiction, irrespective of whether the driving of itself endangers the life, limb, or property of another and the person has been previously convicted of a violation of ~~§§~~ *§* 18.2-36.1, 18.2-51.4, *or* 18.2-266, subsection A of § 46.2-341.24, or a substantially similar local ordinance, or law of another jurisdiction, such person ~~shall be~~ *is* guilty of a felony punishable by confinement in a state correctional facility for not less than one year nor more than five years, one year of which shall be a mandatory minimum term of confinement or, in the discretion of the jury or the court trying the case without a jury, by mandatory minimum confinement in jail for a period of 12 months and no portion of such sentence shall be suspended or run concurrently with any other sentence.

b. However, in cases wherein such operation is necessitated in situations of apparent extreme emergency that require such operation to save life or limb, the sentence, or any part thereof, may be suspended.

3. If any such offense of driving is a second or subsequent violation, such person shall be punished as provided in subdivision 2 ~~of this subsection~~, irrespective of whether the offense, of itself, endangers the life, limb, or property of another.

E. Notwithstanding the provisions of subdivisions *D* 2 and 3 ~~of subsection D~~, following conviction and prior to imposition of sentence with the consent of the defendant, the court may order the defendant to be evaluated for and to participate in the community corrections alternative program pursuant to § 19.2-316.4.

F. Any period of driver's license revocation imposed pursuant to this section shall not begin to expire until the person convicted has surrendered his license to the court or to the Department of Motor Vehicles.

G. Nothing in this section shall prohibit a person from operating any farm tractor on the highways when it is necessary to move the tractor from one tract of land used for agricultural purposes to another such tract of land when the distance between the tracts is no more than five miles.

H. Any person who operates a motor vehicle or any self-propelled machinery or equipment (i) while his license is revoked pursuant to subsection A or B~~,~~ or (ii) in violation of the terms of a restricted license issued pursuant to subsection C, where the provisions of subsection D do not apply, ~~shall be~~ *is* guilty of a violation of § 18.2-272.

CHAPTER 553

An Act to amend and reenact §§ 24.2-701 and 24.2-1005.2 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 24.2-700.1, relating to absentee voting; persons confined awaiting trial or for conviction of a misdemeanor.

[H 1330]

Approved April 5, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 24.2-701 and 24.2-1005.2 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 24.2-700.1 as follows:

§ 24.2-700.1. Persons entitled to vote by absentee ballot; persons confined awaiting trial or for conviction of a misdemeanor.

Any registered voter who is confined while awaiting trial or for having been convicted of a misdemeanor may vote by absentee ballot. Subject to penalties for interference with voting pursuant to § 24.2-1005.2, the institution or facility in which such voter is confined shall:

1. Provide such voter with the means and opportunity to complete and submit a timely application for an absentee ballot in accordance with § 24.2-701.

2. Provide such voter with the means and opportunity to mark his absentee ballot in accordance with the provisions of § 24.2-707.

3. Ensure such voter's marked absentee ballot is returned in accordance with the provisions of § 24.2-709.

§ 24.2-701. Application for absentee ballot.

A. The Department shall furnish each general registrar with a sufficient number of applications for official absentee ballots. The registrars shall furnish applications to persons requesting them.

The Department shall implement a system that enables eligible persons to request and receive an absentee ballot application electronically through the Internet. Electronic absentee ballot applications shall be in a form approved by the State Board.

Except as provided in § 24.2-703 or 24.2-703.1, a separate application shall be completed for each election in which the applicant offers to vote. An application for an absentee ballot may be accepted the later of (i) 12 months before an election or (ii) the day following any election held in the twelfth month prior to the election in which the applicant is applying to vote.

An application that is completed in person at the same time that the applicant registers to vote shall be held and processed no sooner than the fifth day after the date that the applicant registered to vote; however, this requirement shall not be applicable to any covered voter, as defined in § 24.2-452.

Any application received before the ballots are printed shall be held and processed as soon as the printed ballots for the election are available.

For the purposes of this chapter, the general registrar's office shall be open a minimum of eight hours between the hours of 8:00 a.m. and 5:00 p.m. on the first and second Saturday immediately preceding all elections.

Unless the applicant is disabled, all applications for absentee ballots shall be signed by the applicant who shall state, subject to felony penalties for making false statements pursuant to § 24.2-1016, that to the best of his knowledge and belief the facts contained in the application are true and correct and that he has not and will not vote in the election at any other place in Virginia or in any other state. If the applicant is unable to sign the application, a person assisting the applicant will note this fact on the applicant signature line and provide his signature, name, and address.

B. Applications for absentee ballots shall be completed in the following manner:

1. An application completed in person shall be completed only in the office of the general registrar and signed by the applicant in the presence of a registrar. The applicant shall provide one of the forms of identification specified in subsection B of § 24.2-643, or if he is unable to present one of the specified forms of identification listed in that subsection, he shall sign a statement, subject to felony penalties for making false statements pursuant to § 24.2-1016, that he is the named registered voter he claims to be. An applicant who requires assistance in voting by reason of a physical disability or an inability to read or write, and who requests assistance pursuant to § 24.2-649, may be assisted in preparation of this statement in accordance with that section. The provisions of § 24.2-649 regarding voters who are unable to sign shall be followed when assisting a voter in completing this statement. Any applicant who does not show one of the forms of identification specified in subsection B of § 24.2-643 or does not sign this statement shall be offered a provisional ballot under the provisions of § 24.2-653. The State Board of Elections shall provide instructions to the general registrar for the handling and counting of such provisional ballots pursuant to § 24.2-653.01 and this section.

This paragraph shall apply in the case of any individual who is required by subparagraph (b) of 52 U.S.C. § 21083 of the Help America Vote Act of 2002 to show identification the first time he votes in a federal election in the state. At such election, such individual shall present (i) a current and valid photo identification or (ii) a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter. Such individual who desires to vote in person but does not show one of the forms of identification specified in this paragraph shall be offered a provisional ballot under the provisions of § 24.2-653. The identification requirements of subsection B of

§ 24.2-643 and subsection A of § 24.2-653 shall not apply to such voter at such election. The Department of Elections shall provide instructions to the electoral boards for the handling and counting of such provisional ballots pursuant to § 24.2-653.01 and this section.

2. Any other application may be made by mail, by electronic or telephonic transmission to a facsimile device if one is available to the office of the general registrar or to the office of the Department if a device is not available locally, or by other means. The application shall be on a form furnished by the registrar or as specified in subdivision 3. The application shall be made to the appropriate registrar no later than 5:00 p.m. on the eleventh day prior to the election in which the applicant offers to vote.

3. The application of any covered voter, as defined in § 24.2-452, may be on a federal postcard application, as defined in § 24.2-452. The federal postcard application may be accepted the later of (i) 12 months before an election or (ii) the day following any election held in the twelfth month prior to the election in which the applicant is applying to vote.

C. Applications for absentee ballots shall contain the following information:

1. The applicant's printed name and the last four digits of the applicant's social security number. However, an applicant completing the application in person shall not be required to provide the last four digits of his social security number;

2. A statement that he is registered in the county or city in which he offers to vote and his residence address in such county or city. Any person temporarily residing outside the United States shall provide the last date of residency at his Virginia residence address, if that residence is no longer available to him. Any covered voter, as defined in § 24.2-452, who is not a registered voter may file the applications to register and for a ballot simultaneously; and

3. The complete address to which the ballot is to be sent directly to the applicant, unless the application is made in person at a time when the printed ballots for the election are available and the applicant chooses to vote in person at the time of completing his application. The address given shall be (i) the address of the applicant on file in the registration records; (ii) the address at which he will be located while absent from his county or city; or (iii) the address at which he will be located while temporarily confined *while awaiting trial or for a misdemeanor conviction or* due to a disability or illness. No ballot shall be sent to, or in care of, any other person.

D. An application shall not be required for any registered voter appearing in person to cast an absentee ballot pursuant to § 24.2-701.1.

§ 24.2-1005.2. Interference with voting.

A. Any person acting under the color of law who, contrary to an official policy or procedure, fails to permit, or refuses to permit, a qualified voter to vote, *including a voter who is confined while awaiting trial or for having been convicted of a misdemeanor,* or who willfully fails or refuses to tabulate, count, or report the vote of a qualified voter, is subject to a civil penalty in an amount not exceeding $1,000 for each affected voter. Such civil penalties shall be payable to the Voter Education and Outreach Fund established pursuant to § 24.2-131.

B. Any person who furnishes a ballot to a person who he knows cannot understand the language in which the ballot is printed and misinforms him as to the content of the ballot with an intent to deceive him and induce him to vote contrary to his desire is guilty of a Class 1 misdemeanor. Any person who changes a ballot of a person to prevent the person from voting as he desires is guilty of a Class 1 misdemeanor. This subsection applies to any election and to any method used by a political party for selection of its nominees and for selection of delegates to its conventions and meetings.

CHAPTER 554

An Act to amend the Code of Virginia by adding a section numbered 23.1-807.1, relating to baccalaureate public institutions of higher education; physical evidence recovery kits.

[H 1342]

Approved April 5, 2024

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 23.1-807.1 as follows:

§ 23.1-807.1. Baccalaureate public institutions of higher education; provision of physical evidence recovery kits.

Each baccalaureate public institution of higher education shall either:

1. Staff its on-campus student health center with at least one on-campus certified sexual assault forensic examiner, as defined in § 32.1-162.15:2, for the purpose of administering a physical evidence recovery kit, as defined in § 19.2-11.5, to any student who is in need of such a kit; or

2. Enter into a memorandum of understanding with a local organization or entity that is capable of providing the services of a certified sexual assault forensic examiner, as defined in § 32.1-162.15:2, for the purpose of administering a physical evidence recovery kit, as defined in § 19.2-11.5, to any student who is in need of such a kit.

CHAPTER 555

An Act to amend the Code of Virginia by adding a section numbered 63.2-325.1, relating to local departments of social services; employee criminal background checks.

[H 1366]

Approved April 5, 2024

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 63.2-325.1 as follows:

§ 63.2-325.1. Criminal background checks required.

A. The local board shall require all employees, contractors, or final candidates for employment within the local department who meet the requirements of this subsection to submit to fingerprinting and to provide personal descriptive information to be forwarded along with the individual's fingerprints to the Central Criminal Records Exchange and the Federal Bureau of Investigation for the purpose of obtaining criminal history record information regarding such individual. The local department shall conduct a criminal background check for any individual:

1. Who is responsible for the health, safety, and welfare of citizens;

2. With access to sensitive or confidential information, including access to federal tax information, in approved exchange agreements with the Internal Revenue Service or Social Security Administration; or

3. Who is otherwise required by state or federal law or local ordinance to be subject to criminal background checks.

The Central Criminal Records Exchange, upon receipt of an individual's record or notification that no record exists for that individual, shall make a report to the local board or local director.

B. Individuals subject to a background check pursuant to subsection A shall also be subject to a search of the Central Registry or other child abuse and neglect database maintained by another jurisdiction. The Central Registry or other child abuse and neglect database shall report the results of such search to:

1. The local board or its designee if the search request concerns a local director or an applicant for local director; or

2. The local director if the search request concerns any other employment position at the local department.

C. No local department shall hire for compensated employment or continue to employ any person who has been convicted of any criminal offense that relates to an employment position under a policy that includes the following determining criteria: (i) the nature and seriousness of the crime; (ii) the relationship of the crime to the work to be performed in the position applied for; (iii) the extent to which the position applied for might offer an opportunity to engage in further criminal activity of the same type as that in which the person has been involved; (iv) the relationship of the crime to the ability, capacity, or fitness required to perform the duties and discharge the responsibilities of the position being sought; (v) the extent and nature of the person's past criminal activity; (vi) the age of the person at the time of the commission of the crime; (vii) the amount of time that has elapsed since the person's last involvement in the commission of a crime; (viii) the conduct and work activity of the person prior to and following the criminal activity; and (ix) evidence of the person's rehabilitation or rehabilitative effort while incarcerated or following release.

D. If a candidate for employment is denied employment because of information from the Central Criminal Records Exchange, Central Registry, or other child abuse and neglect database, the local department shall notify the candidate for employment that such information contributed to the denial of suitability for employment. If an employee or contractor is determined no longer suitable for a position, employment, or assignment because of information from the Central Criminal Records Exchange, Central Registry, or other child abuse and neglect database, the local department shall notify the employee or contractor that such information contributed to the suitability determination.

E. At the Commissioner's request, the local department shall provide any background check information obtained pursuant to this section to the Commissioner. Further dissemination of such information is prohibited by anyone other than the Commissioner or a federal or state authority or court as may be required to comply with an express requirement of law for such further dissemination.

CHAPTER 556

An Act to amend and reenact §§ 9.1-102 and 9.1-112.1 of the Code of Virginia, relating to criminal justice training academies; curriculum.

[H 1369]

Approved April 5, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 9.1-102 and 9.1-112.1 of the Code of Virginia are amended and reenacted as follows:

§ 9.1-102. Powers and duties of the Board and the Department.

The Department, under the direction of the Board, which shall be the policy-making body for carrying out the duties and powers hereunder, shall have the power and duty to:

1. Adopt regulations, pursuant to the Administrative Process Act (§ 2.2-4000 et seq.), for the administration of this chapter including the authority to require the submission of reports and information by law-enforcement officers within the

Commonwealth. Any proposed regulations concerning the privacy, confidentiality, and security of criminal justice information shall be submitted for review and comment to any board, commission, or committee or other body which may be established by the General Assembly to regulate the privacy, confidentiality, and security of information collected and maintained by the Commonwealth or any political subdivision thereof;

2. Establish compulsory minimum training standards subsequent to employment as a law-enforcement officer in (i) permanent positions and (ii) temporary or probationary status and establish the time required for completion of such training. Such compulsory minimum training standards shall include crisis intervention training in accordance with clause (i) of § 9.1-188;

3. Establish minimum training standards and qualifications for certification and recertification for law-enforcement officers serving as field training officers;

4. Establish compulsory minimum curriculum requirements for in-service and advanced courses and programs for schools, whether located in or outside the Commonwealth, which are operated for the specific purpose of training law-enforcement officers;

5. Establish (i) compulsory minimum training standards for law-enforcement officers who utilize radar or an electrical or microcomputer device to measure the speed of motor vehicles as provided in § 46.2-882 and establish the time required for completion of the training and (ii) compulsory minimum qualifications for certification and recertification of instructors who provide such training;

6. [Repealed];

7. Establish compulsory minimum entry-level, in-service and advanced training standards for those persons designated to provide courthouse and courtroom security pursuant to the provisions of § 53.1-120, and to establish the time required for completion of such training;

8. Establish compulsory minimum entry-level, in-service and advanced training standards for deputy sheriffs designated to serve process pursuant to the provisions of § 8.01-293, and establish the time required for the completion of such training;

9. Establish compulsory minimum entry-level, in-service, and advanced training standards, as well as the time required for completion of such training, for persons employed as deputy sheriffs and jail officers by local criminal justice agencies and correctional officers employed by the Department of Corrections under the provisions of Title 53.1. For correctional officers employed by the Department of Corrections, such standards shall include training on the general care of pregnant women, the impact of restraints on pregnant inmates and fetuses, the impact of being placed in restrictive housing or solitary confinement on pregnant inmates, and the impact of body cavity searches on pregnant inmates;

10. Establish compulsory minimum training standards for all dispatchers employed by or in any local or state government agency, whose duties include the dispatching of law-enforcement personnel. Such training standards shall apply only to dispatchers hired on or after July 1, 1988;

11. Establish compulsory minimum training standards for all auxiliary police officers employed by or in any local or state government agency. Such training shall be graduated and based on the type of duties to be performed by the auxiliary police officers. Such training standards shall not apply to auxiliary police officers exempt pursuant to § 15.2-1731;

12. Consult and cooperate with counties, municipalities, agencies of the Commonwealth, other state and federal governmental agencies, and institutions of higher education within or outside the Commonwealth, concerning the development of police training schools and programs or courses of instruction;

13. Approve institutions, curricula and facilities, whether located in or outside the Commonwealth, for school operation for the specific purpose of training law-enforcement officers; but this shall not prevent the holding of any such school whether approved or not;

14. Establish and maintain police training programs through such agencies and institutions as the Board deems appropriate;

15. Establish compulsory minimum qualifications of certification and recertification for instructors in criminal justice training academies approved by the Department;

16. Conduct and stimulate research by public and private agencies which shall be designed to improve police administration and law enforcement;

17. Make recommendations concerning any matter within its purview pursuant to this chapter;

18. Coordinate its activities with those of any interstate system for the exchange of criminal history record information, nominate one or more of its members to serve upon the council or committee of any such system, and participate when and as deemed appropriate in any such system's activities and programs;

19. Conduct inquiries and investigations it deems appropriate to carry out its functions under this chapter and, in conducting such inquiries and investigations, may require any criminal justice agency to submit information, reports, and statistical data with respect to its policy and operation of information systems or with respect to its collection, storage, dissemination, and usage of criminal history record information and correctional status information, and such criminal justice agencies shall submit such information, reports, and data as are reasonably required;

20. Conduct audits as required by § 9.1-131;

21. Conduct a continuing study and review of questions of individual privacy and confidentiality of criminal history record information and correctional status information;

22. Advise criminal justice agencies and initiate educational programs for such agencies with respect to matters of privacy, confidentiality, and security as they pertain to criminal history record information and correctional status information;

23. Maintain a liaison with any board, commission, committee, or other body which may be established by law, executive order, or resolution to regulate the privacy and security of information collected by the Commonwealth or any political subdivision thereof;

24. Adopt regulations establishing guidelines and standards for the collection, storage, and dissemination of criminal history record information and correctional status information, and the privacy, confidentiality, and security thereof necessary to implement state and federal statutes, regulations, and court orders;

25. Operate a statewide criminal justice research center, which shall maintain an integrated criminal justice information system, produce reports, provide technical assistance to state and local criminal justice data system users, and provide analysis and interpretation of criminal justice statistical information;

26. Develop a comprehensive, statewide, long-range plan for strengthening and improving law enforcement and the administration of criminal justice throughout the Commonwealth, and periodically update that plan;

27. Cooperate with, and advise and assist, all agencies, departments, boards and institutions of the Commonwealth, and units of general local government, or combinations thereof, including planning district commissions, in planning, developing, and administering programs, projects, comprehensive plans, and other activities for improving law enforcement and the administration of criminal justice throughout the Commonwealth, including allocating and subgranting funds for these purposes;

28. Define, develop, organize, encourage, conduct, coordinate, and administer programs, projects and activities for the Commonwealth and units of general local government, or combinations thereof, in the Commonwealth, designed to strengthen and improve law enforcement and the administration of criminal justice at every level throughout the Commonwealth;

29. Review and evaluate programs, projects, and activities, and recommend, where necessary, revisions or alterations to such programs, projects, and activities for the purpose of improving law enforcement and the administration of criminal justice;

30. Coordinate the activities and projects of the state departments, agencies, and boards of the Commonwealth and of the units of general local government, or combination thereof, including planning district commissions, relating to the preparation, adoption, administration, and implementation of comprehensive plans to strengthen and improve law enforcement and the administration of criminal justice;

31. Do all things necessary on behalf of the Commonwealth and its units of general local government, to determine and secure benefits available under the Omnibus Crime Control and Safe Streets Act of 1968 (P.L. 90-351, 82 Stat. 197), as amended, and under any other federal acts and programs for strengthening and improving law enforcement, the administration of criminal justice, and delinquency prevention and control;

32. Receive, administer, and expend all funds and other assistance available to the Board and the Department for carrying out the purposes of this chapter and the Omnibus Crime Control and Safe Streets Act of 1968, as amended;

33. Apply for and accept grants from the United States government or any other source in carrying out the purposes of this chapter and accept any and all donations both real and personal, and grants of money from any governmental unit or public agency, or from any institution, person, firm or corporation, and may receive, utilize and dispose of the same. Any arrangements pursuant to this section shall be detailed in the annual report of the Board. Such report shall include the identity of the donor, the nature of the transaction, and the conditions, if any. Any moneys received pursuant to this section shall be deposited in the state treasury to the account of the Department. To these ends, the Board shall have the power to comply with conditions and execute such agreements as may be necessary;

34. Make and enter into all contracts and agreements necessary or incidental to the performance of its duties and execution of its powers under this chapter, including but not limited to, contracts with the United States, units of general local government or combinations thereof, in Virginia or other states, and with agencies and departments of the Commonwealth;

35. Adopt and administer reasonable regulations for the planning and implementation of programs and activities and for the allocation, expenditure and subgranting of funds available to the Commonwealth and to units of general local government, and for carrying out the purposes of this chapter and the powers and duties set forth herein;

36. Certify and decertify law-enforcement officers in accordance with §§ 15.2-1706 and 15.2-1707;

37. Establish training standards and publish and periodically update model policies for law-enforcement personnel in the following subjects:

a. The handling of family abuse, domestic violence, sexual assault, and stalking cases, including standards for determining the predominant physical aggressor in accordance with § 19.2-81.3. The Department shall provide technical support and assistance to law-enforcement agencies in carrying out the requirements set forth in subsection A of § 9.1-1301;

b. The identification of, communication with, and facilitation of the safe return of individuals diagnosed with Alzheimer's disease and dementia, which shall include (i) techniques for respectful and effective communication with individuals with Alzheimer's disease and dementia and their caregivers; (ii) techniques for addressing the behavioral symptoms of Alzheimer's disease and dementia, including alternatives to physical restraint; (iii) protocols for identifying and reporting incidents of abuse, neglect, and exploitation of individuals with Alzheimer's disease and dementia to adult

protective services; (iv) protocols for contacting caregivers when an individual with Alzheimer's disease or dementia is found wandering or during an emergency or crisis situation; (v) a reference list of local resources available for individuals with Alzheimer's disease and dementia; and (vi) a reference list of local and national organizations that assist law-enforcement personnel with locating missing and wandering individuals with Alzheimer's disease and dementia and returning them to their caregivers;

c. Sensitivity to and awareness of systemic and individual racism, cultural diversity, and the potential for racially biased policing and bias-based profiling as defined in § 52-30.1, which shall include recognizing implicit biases in interacting with persons who have a mental illness, substance use disorder, or developmental or cognitive disability;

d. Protocols for local and regional sexual assault response teams;

e. Communication of death notifications;

f. The questioning of individuals suspected of driving while intoxicated concerning the physical location of such individual's last consumption of an alcoholic beverage and the communication of such information to the Virginia Alcoholic Beverage Control Authority;

g. Vehicle patrol duties that embody current best practices for pursuits and for responding to emergency calls;

h. Criminal investigations that embody current best practices for conducting photographic and live lineups;

i. Sensitivity to and awareness of human trafficking offenses and the identification of victims of human trafficking offenses for personnel involved in criminal investigations or assigned to vehicle or street patrol duties;

j. The recognition, prevention, and reporting of human trafficking;

k. Missing children, missing adults, and search and rescue protocol; and

l. The handling and use of tear gas or other gases and kinetic impact munitions, as defined in § 19.2-83.3, that embody current best practices for using such items as a crowd control measure or during an arrest or detention of another person;

38. Establish compulsory training standards for basic training and the recertification of law-enforcement officers to ensure (i) sensitivity to and awareness of systemic and individual racism, cultural diversity, and the potential for racially biased policing and bias-based profiling as defined in § 52-30.1, which shall include recognizing implicit biases in interacting with persons who have a mental illness, substance use disorder, or developmental or cognitive disability; (ii) training in de-escalation techniques; and (iii) training in the lawful use of force, including the use of deadly force, as defined in § 19.2-83.3, only when necessary to protect the law-enforcement officer or another person;

39. Review and evaluate community-policing programs in the Commonwealth, and recommend where necessary statewide operating procedures, guidelines, and standards that strengthen and improve such programs, including sensitivity to and awareness of systemic and individual racism, cultural diversity, and the potential for racially biased policing and bias-based profiling as defined in § 52-30.1, which shall include recognizing implicit biases in interacting with persons who have a mental illness, substance use disorder, or developmental or cognitive disability;

40. Establish a Virginia Law-Enforcement Accreditation Center. The Center may, in cooperation with Virginia law-enforcement agencies, provide technical assistance and administrative support, including staffing, for the establishment of voluntary state law-enforcement accreditation standards. The Center may provide accreditation assistance and training, resource material, and research into methods and procedures that will assist the Virginia law-enforcement community efforts to obtain Virginia accreditation status;

41. Promote community policing philosophy and practice throughout the Commonwealth by providing community policing training and technical assistance statewide to all law-enforcement agencies, community groups, public and private organizations and citizens; developing and distributing innovative policing curricula and training tools on general community policing philosophy and practice and contemporary critical issues facing Virginia communities; serving as a consultant to Virginia organizations with specific community policing needs; facilitating continued development and implementation of community policing programs statewide through discussion forums for community policing leaders, development of law-enforcement instructors; promoting a statewide community policing initiative; and serving as a statewide information source on the subject of community policing including, but not limited to periodic newsletters, a website and an accessible lending library;

42. Establish, in consultation with the Department of Education and the Virginia State Crime Commission, compulsory minimum standards for employment and job-entry and in-service training curricula and certification requirements for school security officers, including school security officers described in clause (b) of § 22.1-280.2:1, which training and certification shall be administered by the Virginia Center for School and Campus Safety (VCSCS) pursuant to § 9.1-184. Such training standards shall be specific to the role and responsibility of school security officers and shall include (i) relevant state and federal laws; (ii) school and personal liability issues; (iii) security awareness in the school environment; (iv) mediation and conflict resolution, including de-escalation techniques such as a physical alternative to restraint; (v) disaster and emergency response; (vi) awareness of systemic and individual racism, cultural diversity, and implicit bias; (vii) working with students with disabilities, mental health needs, substance use disorders, and past traumatic experiences; and (viii) student behavioral dynamics, including child and adolescent development and brain research. The Department shall establish an advisory committee consisting of local school board representatives, principals, superintendents, and school security personnel to assist in the development of the standards and certification requirements in this subdivision. The Department shall require any school security officer who carries a firearm in the performance of his duties to provide proof that he has completed a training course provided by a federal, state, or local law-enforcement agency that includes training in active shooter emergency response, emergency evacuation procedure, and threat assessment;

43. License and regulate property bail bondsmen and surety bail bondsmen in accordance with Article 11 (§ 9.1-185 et seq.);

44. License and regulate bail enforcement agents in accordance with Article 12 (§ 9.1-186 et seq.);

45. In conjunction with the Virginia State Police and the State Compensation Board, advise criminal justice agencies regarding the investigation, registration, and dissemination of information requirements as they pertain to the Sex Offender and Crimes Against Minors Registry Act (§ 9.1-900 et seq.);

46. Establish minimum standards for (i) employment, (ii) job-entry and in-service training curricula, and (iii) certification requirements for campus security officers. Such training standards shall include, but not be limited to, the role and responsibility of campus security officers, relevant state and federal laws, school and personal liability issues, security awareness in the campus environment, and disaster and emergency response. The Department shall provide technical support and assistance to campus police departments and campus security departments on the establishment and implementation of policies and procedures, including but not limited to: the management of such departments, investigatory procedures, judicial referrals, the establishment and management of databases for campus safety and security information sharing, and development of uniform record keeping for disciplinary records and statistics, such as campus crime logs, judicial referrals and Clery Act statistics. The Department shall establish an advisory committee consisting of college administrators, college police chiefs, college security department chiefs, and local law-enforcement officials to assist in the development of the standards and certification requirements and training pursuant to this subdivision;

47. Assess and report, in accordance with § 9.1-190, the crisis intervention team programs established pursuant to § 9.1-187;

48. In conjunction with the Office of the Attorney General, advise law-enforcement agencies and attorneys for the Commonwealth regarding the identification, investigation, and prosecution of human trafficking offenses using the common law and existing criminal statutes in the Code of Virginia;

49. Register tow truck drivers in accordance with § 46.2-116 and carry out the provisions of § 46.2-117;

50. Administer the activities of the Virginia Sexual and Domestic Violence Program Professional Standards Committee by providing technical assistance and administrative support, including staffing, for the Committee;

51. In accordance with § 9.1-102.1, design and approve the issuance of photo-identification cards to private security services registrants registered pursuant to Article 4 (§ 9.1-138 et seq.);

52. In consultation with the State Council of Higher Education for Virginia and the Virginia Association of Campus Law Enforcement Administrators, develop multidisciplinary curricula on trauma-informed sexual assault investigation;

53. In consultation with the Department of Behavioral Health and Developmental Services, develop a model addiction recovery program that may be administered by sheriffs, deputy sheriffs, jail officers, administrators, or superintendents in any local or regional jail. Such program shall be based on any existing addiction recovery programs that are being administered by any local or regional jails in the Commonwealth. Participation in the model addiction recovery program shall be voluntary, and such program may address aspects of the recovery process, including medical and clinical recovery, peer-to-peer support, availability of mental health resources, family dynamics, and aftercare aspects of the recovery process;

54. Establish compulsory minimum training standards for certification and recertification of law-enforcement officers serving as school resource officers. Such training shall be specific to the role and responsibility of a law-enforcement officer working with students in a school environment and shall include (i) relevant state and federal laws; (ii) school and personal liability issues; (iii) security awareness in the school environment; (iv) mediation and conflict resolution, including de-escalation techniques; (v) disaster and emergency response; (vi) awareness of systemic and individual racism, cultural diversity, and implicit bias; (vii) working with students with disabilities, mental health needs, substance use disorders, or past traumatic experiences; and (viii) student behavioral dynamics, including current child and adolescent development and brain research;

55. Establish a model policy for the operation of body-worn camera systems as defined in § 15.2-1723.1 that also addresses the storage and maintenance of body-worn camera system records;

56. Establish compulsory minimum training standards for detector canine handlers employed by the Department of Corrections, standards for the training and retention of detector canines used by the Department of Corrections, and a central database on the performance and effectiveness of such detector canines that requires the Department of Corrections to submit comprehensive information on each canine handler and detector canine, including the number and types of calls and searches, substances searched for and whether or not detected, and the number of false positives, false negatives, true positives, and true negatives;

57. Establish compulsory training standards for basic training of law-enforcement officers for recognizing and managing stress, self-care techniques, and resiliency;

58. Establish guidelines and standards for psychological examinations conducted pursuant to subsection C of § 15.2-1705;

59. Establish compulsory in-service training standards, to include frequency of retraining, for law-enforcement officers in the following subjects: (i) relevant state and federal laws; (ii) awareness of cultural diversity and the potential for bias-based profiling as defined in § 52-30.1; (iii) de-escalation techniques; (iv) working with individuals with disabilities, mental health needs, or substance use disorders; and (v) the lawful use of force, including the use of deadly force, as defined in § 19.2-83.3, only when necessary to protect the law-enforcement officer or another person;

60. Develop a ~~uniform~~ *model* curriculum and lesson plans for the compulsory minimum entry-level, in-service, and advanced training standards to be employed by criminal justice training academies approved by the Department when conducting training;

61. Adopt statewide professional standards of conduct applicable to all certified law-enforcement officers and certified jail officers and appropriate due process procedures for decertification based on serious misconduct in violation of those standards;

62. Establish and administer a waiver process, in accordance with §§ 2.2-5515 and 15.2-1721.1, for law-enforcement agencies to use certain military property. Any waivers granted by the Criminal Justice Services Board shall be published by the Department on the Department's website;

63. Establish compulsory training standards for basic training and the recertification of law-enforcement officers to include crisis intervention training in accordance with clause (ii) of § 9.1-188;

64. Advise and assist the Department of Behavioral Health and Developmental Services, and support local law-enforcement cooperation, with the development and implementation of the Marcus alert system, as defined in § 37.2-311.1, including the establishment of local protocols for law-enforcement participation in the Marcus alert system pursuant to § 9.1-193 and for reporting requirements pursuant to §§ 9.1-193 and 37.2-311.1;

65. Develop an online course to train hotel proprietors and their employees to recognize and report instances of suspected human trafficking; and

66. Perform such other acts as may be necessary or convenient for the effective performance of its duties.

§ 9.1-112.1. Criminal justice training academies; curriculum.

A. Any criminal justice training academy approved by the Department shall employ the ~~uniform~~ *model* curriculum and lesson plans developed by the Department pursuant to § 9.1-102 for all training offered at the academy intended to meet the compulsory minimum entry-level, in-service, and advanced training standards established by the Board pursuant to § 9.1-102. ~~No~~ *Except as provided in subsection C, no* credit shall be given toward the completion of the compulsory minimum training standards for any training that does not employ the ~~uniform~~ *model* curriculum and lesson plans.

B. In addition to any audits or inspections conducted by the Department, the Department shall conduct an annual evaluation of each criminal justice training academy's compliance with the ~~uniform~~ *model* curriculum and lesson plans *or alternative curriculum and lesson plans*. If the Department determines that a criminal justice training academy is deficient in employing the ~~uniform~~ *model* curriculum and lesson plans *or alternative curriculum and lesson plans*, the Department shall provide assistance to the academy to ensure the academy's compliance and may take whatever enforcement action the Department deems appropriate, including revocation of the Department's approval of the academy.

C. Any approved criminal justice training academy may ~~petition the Department for a waiver exempting compliance with any uniform curriculum and lesson plans requirement pursuant to § 9.1-102. Upon showing that an alternative curriculum and lesson plans developed by the petitioning criminal justice training academy meet and exceed the compulsory minimum training standards required by § 9.1-102 and substantially complies with the content of the uniform curriculum and lesson plans, then the Department shall issue a waiver for the use of the alternative curriculum and lesson plans. The Department shall conduct an evaluation of each criminal justice training academy's use of an alternative curriculum and lesson plans every third year during the criminal justice training academy's recertification to ensure compliance with the uniform curriculum and lesson plans content. If the Department determines that the criminal justice training academy is in substantial compliance with the uniform curriculum and lesson plans, the waiver shall be extended for three years. Any waiver issued to a criminal justice training academy may be revoked by the Department at any time if the Department determines that the criminal justice training academy is not in substantial compliance with the uniform curriculum and lesson plans~~ *utilize an alternative curriculum and lesson plans that meet or exceed the compulsory minimum training standards required by § 9.1-102. The criminal justice training academy shall be exempt from the requirements of subsection A*.

CHAPTER 557

An Act to amend and reenact § 56-245.3 of the Code of Virginia, relating to submetering or energy allocation equipment; billing requirements; unit owners.

[H 1376]

Approved April 5, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 56-245.3 of the Code of Virginia is amended and reenacted as follows:

§ 56-245.3. Commission to promulgate regulations and standards.

A. Notwithstanding any law to the contrary, the Commission shall promulgate regulations and standards under which any owner, operator, or manager of an apartment house, office building, shopping center, or campground, which is not individually metered for electricity or gas for each dwelling unit, nonresidential rental unit, or campsite may install submetering equipment or energy allocation equipment for the purpose of fairly allocating (a) the cost of electrical or gas consumption for each dwelling unit, nonresidential rental unit, or campsite and (b) electrical or gas demand and customer charges made by the utility. In addition to other appropriate safeguards for the tenant, the regulations shall require (i) that an

apartment house, office building, shopping center, or campground owner shall not impose on the tenant any charges, over and above the cost per kilowatt hour, cubic foot or therm, plus demand and customer charges, where applicable, which are charged by the utility company to the owner, including any sales, local utility, or other taxes, if any, except that additional service charges permitted by § 55.1-1212 or 55.1-1404, as applicable, may be collected to cover administrative costs and billing, and (ii) that the apartment house, office building, shopping center, or campground owner shall maintain adequate records regarding submetering and energy allocation equipment and shall make such records available for inspection by the Commission during reasonable business hours. The provisions of this section shall not restrict the right of the owner, operator or manager to recover in periodic lease payments the tenant's fair share of electricity or gas costs attributable to owner-paid areas and costs incurred by the owner, operator or manager in establishing and maintaining the submetering or energy allocation equipment.

B. Only for purposes of Commission enforcement of the regulations adopted under this section, the owners, operators, or managers of apartment houses, office buildings, shopping centers, or campgrounds included within the purview of this article shall be treated as public service corporations under §§ 56-5, 56-6 and 56-7. All submetering equipment shall be subject to the same regulations and standards established by the Commission for accuracy, testing, and record keeping of meters installed by electric or gas utilities and shall be subject to the meter requirements of § 56-245.1. All energy allocation equipment shall be subject to regulations and standards established by the Commission to ensure that such systems result in a reasonable determination of energy use and the resulting costs for each dwelling unit, nonresidential rental unit, or campsite. Violations of Commission regulations and orders issued under this section shall be subject to the penalty set forth in § 12.1-33.

C. In implementing this section, no apartment house, office building, shopping center, or campground shall be considered a public utility or public service corporation engaged in the business of distributing or reselling electricity or gas except as provided in subsection B. The apartment house, office building, shopping center, or campground may use submetering or energy allocation equipment solely to allocate the costs of electric or gas service fairly among the tenants using the apartment house, office building, shopping center, or campground.

D. For the purposes of rules promulgated pursuant to this section, billing requirements and all other rules related to submetering or energy allocation equipment use by tenants of an apartment house, office building, shopping center, or campground shall apply to residential and nonresidential unit owners.

CHAPTER 558

An Act to amend and reenact § 58.1-3714 of the Code of Virginia, relating to contractors; workers' compensation requirements.

[H 1417]

Approved April 5, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 58.1-3714 of the Code of Virginia is amended and reenacted as follows:

§ 58.1-3714. Contractors; credits against tax; effect upon authority of towns; workers' compensation requirements; penalty.

A. Whenever a license tax is levied on contractors by any county, city or town, the governing body of such county, city or town may, in its discretion, require a bond from the person licensed, with such surety, penalty and conditions as it may deem proper.

B. 1. The governing body of any county, city or town shall not issue or reissue a business license under this chapter to any contractor who (i) has not obtained or is not maintaining workers' compensation coverage for his employees and (ii) at the time of application for such issuance or reissuance, is required to obtain or maintain such coverage pursuant to Chapter 8 (§ 65.2-800 et seq.) of Title 65.2.

2. Each such governing body shall require every contractor to provide written certification at the time of any application for issuance or reissuance of a business license that such contractor is in compliance with the provisions of Chapter 8 of Title 65.2 and will remain in compliance with such provisions at all times during the effective period of any such business license.

3. ~~The governing body of any county, city or town shall forward such signed certification to the Virginia Workers' Compensation Commission, who shall conduct periodic audits of selected contractors to whom such body has issued business licenses to ensure the compliance of such contractors with the requirements of this subsection and the provisions of Chapter 8 of Title 65.2.~~

~~4.~~ Any person who knowingly presents or causes to be presented to the governing body a false certificate shall be guilty of a Class 3 misdemeanor.

C. If, within any county imposing a license tax on contractors, there is situated a town which imposes a similar tax upon contractors, the business, firm, corporation or individual subject to such town license tax shall be entitled, upon displaying evidence that such town license taxes have been paid, to receive a credit on the license taxes imposed by the county to the extent of the license taxes paid to such town.

D. For the purpose of license taxation pursuant to § 58.1-3703, the term "contractor" means any person, firm or corporation:

1. Accepting or offering to accept orders or contracts for doing any work on or in any building or structure, requiring the use of paint, stone, brick, mortar, wood, cement, structural iron or steel, sheet iron, galvanized iron, metallic piping, tin, lead, or other metal or any other building material;

2. Accepting or offering to accept contracts to do any paving, curbing or other work on sidewalks, streets, alleys, or highways, or public or private property, using asphalt, brick, stone, cement, concrete, wood or any composition;

3. Accepting or offering to accept an order for or contract to excavate earth, rock, or other material for foundation or any other purpose or for cutting, trimming or maintaining rights-of-way;

4. Accepting or offering to accept an order or contract to construct any sewer of stone, brick, terra cotta or other material;

5. Accepting or offering to accept orders or contracts for doing any work on or in any building or premises involving the erecting, installing, altering, repairing, servicing, or maintaining electric wiring, devices or appliances permanently connected to such wiring, or the erecting, repairing or maintaining of lines for the transmission or distribution of electric light and power; or

6. Engaging in the business of plumbing and steam fitting.

CHAPTER 559

An Act to amend and reenact §§ 2.2-4006 and 65.2-703 of the Code of Virginia, relating to Administrative Process Act; rules of the Virginia Workers' Compensation Commission.

[H 1418]

Approved April 5, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-4006 and 65.2-703 of the Code of Virginia are amended and reenacted as follows:

§ 2.2-4006. Exemptions from requirements of this article.

A. The following agency actions otherwise subject to this chapter and § 2.2-4103 of the Virginia Register Act shall be exempted from the operation of this article:

1. Agency orders or regulations fixing rates or prices.

2. Regulations that establish or prescribe agency organization, internal practice or procedures, including delegations of authority.

3. Regulations that consist only of changes in style or form or corrections of technical errors. Each promulgating agency shall review all references to sections of the Code of Virginia within their regulations each time a new supplement or replacement volume to the Code of Virginia is published to ensure the accuracy of each section or section subdivision identification listed.

4. Regulations that are:

a. Necessary to conform to changes in Virginia statutory law or the appropriation act where no agency discretion is involved. However, such regulations shall be filed with the Registrar within 90 days of the law's effective date;

b. Required by order of any state or federal court of competent jurisdiction where no agency discretion is involved; or

c. Necessary to meet the requirements of federal law or regulations, provided such regulations do not differ materially from those required by federal law or regulation, and the Registrar has so determined in writing. Notice of the proposed adoption of these regulations and the Registrar's determination shall be published in the Virginia Register not less than 30 days prior to the effective date of the regulation.

5. Regulations of the Board of Agriculture and Consumer Services adopted pursuant to subsection B of § 3.2-3929 or clause (v) or (vi) of subsection C of § 3.2-3931 after having been considered at two or more Board meetings and one public hearing.

6. Regulations of (i) the regulatory boards served by the Department of Labor and Industry pursuant to Title 40.1 and the Department of Professional and Occupational Regulation or the Department of Health Professions pursuant to Title 54.1 and (ii) the Board of Accountancy that are limited to reducing fees charged to regulants and applicants.

7. The development and issuance of procedural policy relating to risk-based mine inspections by the Department of Energy authorized pursuant to §§ 45.2-560 and 45.2-1149.

8. General permits issued by the (a) State Air Pollution Control Board pursuant to Chapter 13 (§ 10.1-1300 et seq.) of Title 10.1 or (b) State Water Control Board pursuant to the State Water Control Law (§ 62.1-44.2 et seq.), Chapter 24 (§ 62.1-242 et seq.) of Title 62.1 and Chapter 25 (§ 62.1-254 et seq.) of Title 62.1, (c) Virginia Soil and Water Conservation Board pursuant to the Dam Safety Act (§ 10.1-604 et seq.), and (d) the development and issuance of general wetlands permits by the Marine Resources Commission pursuant to subsection B of § 28.2-1307, if the respective Board or Commission (i) provides a Notice of Intended Regulatory Action in conformance with the provisions of § 2.2-4007.01, (ii) following the passage of 30 days from the publication of the Notice of Intended Regulatory Action forms a technical advisory committee composed of relevant stakeholders, including potentially affected citizens groups, to assist in the

development of the general permit, (iii) provides notice and receives oral and written comment as provided in § 2.2-4007.03, and (iv) conducts at least one public hearing on the proposed general permit.

9. The development and issuance by the Board of Education of guidelines on constitutional rights and restrictions relating to the recitation of the pledge of allegiance to the American flag in public schools pursuant to § 22.1-202.

10. Regulations of the Board of the Virginia College Savings Plan adopted pursuant to § 23.1-704.

11. Regulations of the Marine Resources Commission.

12. Regulations adopted by the Board of Housing and Community Development pursuant to (i) Statewide Fire Prevention Code (§ 27-94 et seq.), (ii) the Industrialized Building Safety Law (§ 36-70 et seq.), (iii) the Uniform Statewide Building Code (§ 36-97 et seq.), and (iv) § 36-98.3, provided the Board (a) provides a Notice of Intended Regulatory Action in conformance with the provisions of § 2.2-4007.01, (b) publishes the proposed regulation and provides an opportunity for oral and written comments as provided in § 2.2-4007.03, and (c) conducts at least one public hearing as provided in §§ 2.2-4009 and 36-100 prior to the publishing of the proposed regulations. Notwithstanding the provisions of this subdivision, any regulations promulgated by the Board shall remain subject to the provisions of § 2.2-4007.06 concerning public petitions, and §§ 2.2-4013 and 2.2-4014 concerning review by the Governor and General Assembly.

13. Amendments to regulations of the Board to schedule a substance pursuant to subsection D or E of § 54.1-3443.

14. Waste load allocations adopted, amended, or repealed by the State Water Control Board pursuant to the State Water Control Law (§ 62.1-44.2 et seq.), including but not limited to Article 4.01 (§ 62.1-44.19:4 et seq.) of the State Water Control Law, if the Board (i) provides public notice in the Virginia Register; (ii) if requested by the public during the initial public notice 30-day comment period, forms an advisory group composed of relevant stakeholders; (iii) receives and provides summary response to written comments; and (iv) conducts at least one public meeting. Notwithstanding the provisions of this subdivision, any such waste load allocations adopted, amended, or repealed by the Board shall be subject to the provisions of §§ 2.2-4013 and 2.2-4014 concerning review by the Governor and General Assembly.

15. Regulations of the Workers' Compensation Commission adopted pursuant to § 65.2-605, including regulations that adopt, amend, adjust, or repeal Virginia fee schedules for medical services, provided the Workers' Compensation Commission (i) utilizes a regulatory advisory panel constituted as provided in subdivision F 2 of § 65.2-605 to assist in the development of such regulations and (ii) provides an opportunity for public comment on the regulations prior to adoption.

16. Amendments to the State Health Services Plan adopted by the Board of Health following receipt of recommendations by the State Health Services Task Force pursuant to § 32.1-102.2:1 if the Board (i) provides a Notice of Intended Regulatory Action in accordance with the requirements of § 2.2-4007.01, (ii) provides notice and receives comments as provided in § 2.2-4007.03, and (iii) conducts at least one public hearing on the proposed amendments.

17. Rules of the Workers' Compensation Commission adopted pursuant to subsection A of § 65.2-201 and subsection B of § 65.2-703, provided the Workers' Compensation Commission provides an opportunity for public comment on the rules prior to adoption.

B. Whenever regulations are adopted under this section, the agency shall state as part thereof that it will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision. The effective date of regulations adopted under this section shall be in accordance with the provisions of § 2.2-4015, except in the case of emergency regulations, which shall become effective as provided in subsection B of § 2.2-4012.

C. A regulation for which an exemption is claimed under this section or § 2.2-4002 or 2.2-4011 and that is placed before a board or commission for consideration shall be provided at least two days in advance of the board or commission meeting to members of the public that request a copy of that regulation. A copy of that regulation shall be made available to the public attending such meeting.

§ 65.2-703. Interrogatories and depositions.

A. Any party to a proceeding under this title may serve interrogatories or cause the depositions of witnesses residing within or without the Commonwealth to be taken, the costs to be taxed as other costs by the Commission. All interrogatories, depositions, or any other discovery shall conform to rules governing discovery promulgated by the Commission.

B. The Commission shall adopt rules governing discovery conforming as nearly as practicable to Part Four of the Rules of the Virginia Supreme Court. ~~Such rules shall be adopted in accordance with and pursuant to the Administrative Process Act (§ 2.2-4000 et seq.).~~

CHAPTER 560

An Act to amend and reenact § 9.1-400 of the Code of Virginia, relating to Line of Duty Act; eligible dependent.

[H 1433]

Approved April 5, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 9.1-400 of the Code of Virginia is amended and reenacted as follows:

§ 9.1-400. Title of chapter; definitions.

A. This chapter shall be known and designated as the Line of Duty Act.

B. As used in this chapter, unless the context requires a different meaning:

"Beneficiary" means the spouse of a deceased person and such persons as are entitled to take under the will of a deceased person if testate, or as his heirs at law if intestate.

"Deceased person" means any individual whose death occurs on or after April 8, 1972, in the line of duty as the direct or proximate result of the performance of his duty, including the presumptions under §§ 27-40.1, 27-40.2, 51.1-813, 65.2-402, and 65.2-402.1 if his position is covered by the applicable statute, as a law-enforcement officer of the Commonwealth or any of its political subdivisions, except employees designated pursuant to § 53.1-10 to investigate allegations of criminal behavior affecting the operations of the Department of Corrections, employees designated pursuant to § 66-3 to investigate allegations of criminal behavior affecting the operations of the Department of Juvenile Justice, and members of the investigations unit of the State Inspector General designated pursuant to § 2.2-311 to investigate allegations of criminal behavior affecting the operations of a state or nonstate agency; a correctional officer as defined in § 53.1-1; a jail officer; a regional jail or jail farm superintendent; a sheriff, deputy sheriff, or city sergeant or deputy city sergeant of the City of Richmond; a police chaplain; a member of any fire company or department or emergency medical services agency that has been recognized by an ordinance or a resolution of the governing body of any county, city, or town of the Commonwealth as an integral part of the official safety program of such county, city, or town, including a person with a recognized membership status with such fire company or department who is enrolled in a Fire Service Training course offered by the Virginia Department of Fire Programs or any fire company or department training required in pursuit of qualification to become a certified firefighter; a member of any fire company providing fire protection services for facilities of the Virginia National Guard or the Virginia Air National Guard; a member of the Virginia National Guard or the Virginia Defense Force while such member is serving in the Virginia National Guard or the Virginia Defense Force on official state duty or federal duty under Title 32 of the United States Code; any special agent of the Virginia Alcoholic Beverage Control Authority; any regular or special conservation police officer who receives compensation from a county, city, or town or from the Commonwealth appointed pursuant to the provisions of § 29.1-200; any commissioned forest warden appointed under the provisions of § 10.1-1135; any member or employee of the Virginia Marine Resources Commission granted the power of arrest pursuant to § 28.2-900; any Department of Emergency Management hazardous materials officer; any other employee of the Department of Emergency Management who is performing official duties of the agency, when those duties are related to a major disaster or emergency, as defined in § 44-146.16, that has been or is later declared to exist under the authority of the Governor in accordance with § 44-146.28; any employee of any county, city, or town performing official emergency management or emergency services duties in cooperation with the Department of Emergency Management, when those duties are related to a major disaster or emergency, as defined in § 44-146.16, that has been or is later declared to exist under the authority of the Governor in accordance with § 44-146.28 or a local emergency, as defined in § 44-146.16, declared by a local governing body; any nonfirefighter regional hazardous materials emergency response team member; any conservation officer of the Department of Conservation and Recreation commissioned pursuant to § 10.1-115; or any full-time sworn member of the enforcement division of the Department of Motor Vehicles appointed pursuant to § 46.2-217.

"Disabled person" means any individual who has been determined to be mentally or physically incapacitated so as to prevent the further performance of his duties at the time of his disability where such incapacity is likely to be permanent, and whose incapacity occurs in the line of duty as the direct or proximate result of the performance of his duty, including the presumptions under §§ 27-40.1, 27-40.2, 51.1-813, 65.2-402, and 65.2-402.1 if his position is covered by the applicable statute, in any position listed in the definition of deceased person in this section. "Disabled person" does not include any individual who has been determined to be no longer disabled pursuant to subdivision A 2 of § 9.1-404. "Disabled person" includes any state employee included in the definition of a deceased person who was disabled on or after January 1, 1966.

"Eligible dependent" for purposes of continued health insurance pursuant to § 9.1-401 means the natural or adopted child or children of a deceased person or disabled person or of a deceased or disabled person's eligible spouse, provided that any such natural child is born as the result of a pregnancy that occurred prior to*, or no later than six months after,* the time of the employee's death or disability and that any such adopted child is (i) adopted prior to*, or no later than six months after,* the time of the employee's death or disability or (ii) adopted *more than six months* after the employee's death or disability if the adoption is pursuant to a preadoptive agreement entered into prior to*, or no later than six months after,* the death or disability. Notwithstanding the foregoing, "eligible dependent" shall also include the natural or adopted child or children of a deceased person or disabled person born as the result of a pregnancy or adoption that occurred after the time of the employee's death or disability, but prior to July 1, 2017. Eligibility will continue until the end of the year in which the eligible dependent reaches age 26 or when the eligible dependent ceases to be eligible based on the Virginia Administrative Code or administrative guidance as determined by the Department of Human Resource Management.

"Eligible spouse" for purposes of continued health insurance pursuant to § 9.1-401 means the spouse of a deceased person or a disabled person at the time of the death or disability. Eligibility will continue until the eligible spouse dies, ceases to be married to a disabled person, or in the case of the spouse of a deceased person, dies, remarries on or after July 1, 2017, or otherwise ceases to be eligible based on the Virginia Administrative Code or administrative guidance as determined by the Department of Human Resource Management.

"Employee" means any person who would be covered or whose spouse, dependents, or beneficiaries would be covered under the benefits of this chapter if the person became a disabled person or a deceased person.

"Employer" means (i) the employer of a person who is a covered employee or (ii) in the case of a volunteer who is a member of any fire company or department or rescue squad described in the definition of "deceased person," the county,

city, or town that by ordinance or resolution recognized such fire company or department or rescue squad as an integral part of the official safety program of such locality.

"Fund" means the Line of Duty Death and Health Benefits Trust Fund established pursuant to § 9.1-400.1.

"Line of duty" means any action the deceased or disabled person was obligated or authorized to perform by rule, regulation, condition of employment or service, or law.

"LODA Health Benefit Plans" means the separate health benefits plans established pursuant to § 9.1-401.

"Nonparticipating employer" means any employer that is a political subdivision of the Commonwealth that elected to directly fund the cost of benefits provided under this chapter and not participate in the Fund.

"Participating employer" means any employer that is a state agency or is a political subdivision of the Commonwealth that did not make an election to become a nonparticipating employer.

"VRS" means the Virginia Retirement System.

2. That the provisions of this act shall apply to any eligible dependent, as defined in § 9.1-400 of the Code of Virginia, as amended by this act, of a deceased person or disabled person whose death or disability occurred on or after July 1, 2017.

3. That any new health insurance coverage for those qualifying as an eligible dependent, as defined in § 9.1-400 of the Code of Virginia, as amended by this act, shall only be prospective from the effective date of this act.

CHAPTER 561

An Act to amend the Code of Virginia by adding a section numbered 18.2-465.2, relating to trial by jury; contact with jurors after trial prohibited; penalty.

[H 1443]

Approved April 5, 2024

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 18.2-465.2 as follows:

§ 18.2-465.2. Contact with jurors after trial prohibited; penalty.

No defendant shall knowingly and intentionally contact, with the intent to harass, intimidate, or threaten, a juror regarding such juror's service as a juror after a jury trial. A violation of this section is a Class 1 misdemeanor.

CHAPTER 562

An Act to amend and reenact §§ 60.2-608, 60.2-613, 60.2-619, 60.2-620, 60.2-622, 60.2-623, 60.2-625, and 60.2-630 of the Code of Virginia and to repeal §§ 60.2-621 and 60.2-631 of the Code of Virginia, relating to Virginia Employment Commission; appeals proceedings; appeal tribunals and Board of Review; repeal.

[H 1453]

Approved April 5, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 60.2-608, 60.2-613, 60.2-619, 60.2-620, 60.2-622, 60.2-623, 60.2-625, and 60.2-630 of the Code of Virginia are amended and reenacted as follows:

§ 60.2-608. Child support intercept of unemployment benefits.

A. Any individual filing a new claim for unemployment compensation shall, at the time of filing such claim, disclose whether or not the individual owes child support obligations as defined under subsection G of this section. If any such individual discloses that he or she owes child support obligations, and is determined to be eligible for unemployment compensation, the Commission shall notify the state or local child support enforcement agency enforcing such obligation that the individual has been determined to be eligible for unemployment compensation.

B. The Commission shall deduct and withhold the following from any unemployment compensation payable to such an individual:

1. The amount specified by the individual to the Commission to be deducted and withheld under this subsection, if neither the provisions of subdivision 2 of this subsection nor the provisions of subdivision 3 of this subsection are applicable;

2. The amount, if any, determined pursuant to an agreement submitted to the Commission under § 454 (20) (B) (i) of the Social Security Act by the state or local child support enforcement agency, unless the provisions of subdivision 3 of this subsection are applicable; or

3. Any amount otherwise required to be so deducted and withheld from such unemployment compensation pursuant to legal process, as defined in § 462 (e) of the Social Security Act, properly served upon the Commission.

C. Any amount deducted and withheld under subsection B shall be paid by the Commission to the appropriate state or local child support enforcement agency.

D. Any amount deducted and withheld under subsection B shall be treated as if it were paid to the individual as unemployment compensation and paid by such individual to the state or local child support enforcement agency in satisfaction of the individual's child support obligations.

E. For purposes of subsections A through D of this section, "unemployment compensation" means any compensation payable under this title, including amounts payable by the Commission pursuant to an agreement under any federal law providing for compensation, assistance, or allowances with respect to unemployment.

F. This section applies only if appropriate arrangements have been made for reimbursement by the state or local child support enforcement agency for the administrative costs incurred by the Commission under this section which are attributable to child support obligations being enforced by the state or local child support enforcement agency.

G. The term "child support obligations" as defined for purposes of this section includes only obligations which are being enforced pursuant to a plan described in § 454 of the Social Security Act which has been approved by the Secretary of Health and Human Services under Part D of Title IV (42 U.S.C. 651 et seq.) of the Social Security Act.

H. The term "state or local child support enforcement agency" as used in this section means any agency of any state or a political subdivision thereof operating pursuant to a plan described in subsection G of this section.

I. Any determination issued under subsection B shall be final.

§ 60.2-613. Benefits not denied to individuals in training with approval of Commission.

A. No otherwise eligible individual shall be denied benefits for any week because he is in training with the approval of the Commission, including training under § 134 of the Workforce ~~Investment~~ *Innovation and Opportunity* Act, nor shall such individual be denied benefits for any week in which he is in training with the approval of the Commission, including training under § 134 of the Workforce ~~Investment~~ *Innovation and Opportunity* Act, by reason of the application of the provisions in subdivision A 7 of § 60.2-612 relating to availability for work, or the provisions of subdivision 3 of § 60.2-618 relating to failure to apply for, or a refusal to accept, suitable work.

B. Notwithstanding any other provisions of this chapter, no otherwise eligible individual shall be denied benefits for any week because he is in training approved under § 2296 of the Trade Act (19 U.S.C. § 2101 et seq.), nor shall such individual be denied benefits by reason of leaving work to enter such training, provided the work left is not suitable employment, or because of the application to any such week in training of provisions in this law (or any applicable federal unemployment compensation law), relating to availability for work, active search for work, or refusal to accept work.

C. For purposes of this section, "suitable employment" means, with respect to an individual, work of a substantially equal or higher skill level than the individual's past adversely affected employment, as defined for purposes of the Trade Act, and wages for such work at not less than eighty percent of the individual's average weekly wage as determined for the purposes of the Trade Act.

§ 60.2-619. Determinations and decisions by deputy; appeals therefrom.

A. 1. A representative designated by the Commission as a deputy, shall promptly examine the claim. On the basis of the facts found by him, the deputy shall either:

a. Determine whether or not such claim is valid, and if valid, the week with respect to which benefits shall commence, the weekly benefit amount payable and the maximum duration thereof; or

b. Refer such claim or any *relevant* question ~~involved therein~~ to ~~any appeal tribunal~~ *the Commission's Administrative Law Division's Office of First Level Appeals* or to the Commission, which ~~tribunal or Commission~~ shall make its determination in accordance with the procedure described in § 60.2-620.

2. When the payment or denial of benefits will be determined by the provisions of subdivision A 2 of § 60.2-612, the deputy shall promptly transmit his full finding of fact with respect to that subdivision to ~~any appeal tribunal~~ *the Commission's Administrative Law Division's Office of First Level Appeals*, which shall make its determination in accordance with the procedure described in § 60.2-620.

B. Upon the filing of an initial claim for benefits, the Commission shall cause an informatory notice of such filing to be mailed to the most recent 30-day or 240-hour employing unit of the claimant and all subsequent employing units, and any reimbursable employing units which may be liable for reimbursement to the Commission for any benefits paid. However, the failure to furnish such notice shall not have any effect upon the claim for benefits.

C. Notice of determination upon a claim shall be promptly given to the claimant by delivering or by mailing such notice to the claimant's last known address. In addition, notice of any determination which involves the application of the provisions of § 60.2-618, together with the reasons therefor, shall be promptly given in the same manner to the most recent 30-day or 240-hour employing unit by whom the claimant was last employed and any subsequent employing unit which is a party. The Commission may dispense with the giving of notice of any determination to any employing unit, and such employing unit shall not be entitled to such notice if it has failed to respond timely or adequately to a written request of the Commission for information, as required by § 60.2-528.1, from which the deputy may have determined that the claimant may be ineligible or disqualified under any provision of this title. The deputy shall promptly notify the claimant of any decision made by him at any time which in any manner denies benefits to the claimant for one or more weeks.

D. Such determination or decision shall be final unless the claimant or any such employing unit files an appeal from such determination or decision ~~(i) within 30 calendar days after the delivery of such notification, (ii)~~ within 30 calendar days after such notification was mailed *or, if the party elects to receive electronic communications pursuant to § 60.2-121.1, electronically delivered* to his last known address~~, or (iii) within 30 days after such notification was mailed to the last known address of an interstate claimant~~. *Electronic delivery shall include confirmation of receipt.* For good cause shown, the

30-day period may be extended. A claim that the Commission has determined to be invalid because of monetary ineligibility shall first be subject to review only upon a request for redetermination pursuant to § 60.2-629. The Commission shall issue a new monetary determination as a result of such review, and such monetary determination shall become final unless appealed by the claimant within 30 days of the date of mailing. The Commission shall clearly set out the process for requesting a redetermination and the process for filing an appeal on each monetary determination issued. Monetary ineligibility does not include an appeal on the effective date of the claim, unless the claimant has requested and received a redetermination of the monetary determination pursuant to § 60.2-629.

E. Benefits shall be paid promptly in accordance with a determination or redetermination under this chapter, or decision of ~~an appeal tribunal~~ *the Commission's Administrative Law Division's Office of First Level Appeals*, the Commission, ~~the Board of Review~~ or a reviewing court under ~~§§~~ *§* 60.2-625 ~~and 60.2-631~~ upon the issuance of such determination, redetermination*,* or decision, regardless of the pendency of the period to file an appeal or petition for judicial review that is provided in this chapter, or the pendency of any such appeal or review. Such benefits shall be paid unless or until such determination, redetermination*,* or decision has been modified or reversed by a subsequent redetermination or decision, in which event benefits shall be paid or denied for weeks of unemployment thereafter in accordance with such modifying or reversing redetermination or decision. If a decision of ~~an appeal tribunal~~ *the Commission's Administrative Law Division's Office of First Level Appeals* allowing benefits is affirmed in any amount by the Commission, benefits shall continue to be paid until such time as a court decision has become final so that no further appeal can be taken. If an appeal is taken from the Commission's decision, benefits paid shall result in a benefit charge to the account of the employer under § 60.2-530 only when, and as of the date on which, as the result of an appeal, the courts finally determine that the Commission should have awarded benefits to the claimant or claimants involved in such appeal.

§ 60.2-620. Hearing and decision on appeal.

A. Appeals filed under § 60.2-619 shall be heard by ~~an appeal tribunal appointed pursuant to § 60.2-621~~ *the Commission's Administrative Law Division's Office of First Level Appeals*. Such ~~appeal tribunal~~ *office*, after affording the claimant and any other parties reasonable opportunity for a fair hearing, shall have jurisdiction to consider all issues with respect to the claim since the initial filing thereof. Such ~~tribunal~~ *office* shall affirm, set aside, reverse, modify, or alter the findings of fact and decision of the deputy, and may enter such order or decision with respect to the claim as such ~~appeal tribunal~~ *office* finds should have been entered. However, no such order or decision shall affect benefits already paid except in accordance with the provisions of § 60.2-633.

B. The parties shall be duly notified of such ~~tribunal's~~ *office's* decision, together with its reasons therefor, which shall be deemed to be the final decision of the Commission, unless within thirty days after the date of notification or mailing of such decision, further appeal is initiated pursuant to § 60.2-622. However, for good cause shown the thirty-day period may be extended.

§ 60.2-622. Commission review.

A. The Commission (i) may on its own motion affirm, modify, or set aside any decision of an ~~appeal tribunal~~ *appeals examiner* on the basis of the evidence previously submitted in such case, or direct the taking of additional evidence by an ~~appeal tribunal~~ *appeals examiner*, or receive such evidence itself, or (ii) shall permit any of the parties to such decision to initiate further appeals before it. The Commission may remove to itself or transfer to another ~~appeal tribunal~~ *appeals examiner* the proceedings on any claim pending before an ~~appeal tribunal~~ *appeals examiner*. Any proceeding so removed to the Commission shall be heard in accordance with the requirements of § 60.2-620. The Commission shall promptly notify the interested parties of its findings and decision.

B. 1. Any decision of the Commission, upon a hearing on appeal, shall become final 10 days after the date of notification or mailing, and judicial review shall be permitted the claimant or any interested party claiming to be aggrieved. The Commission shall be deemed to be a party to any judicial action involving any such decision, and shall be represented in any such judicial action by the Office of the Attorney General.

2. Any such decision by the Commission involving (i) whether an employing unit constitutes an employer or (ii) whether services performed for or in connection with business of an employing unit constitute employment for such employing unit, from which no judicial review is had pursuant to subsections C and D of § 60.2-500, shall be conclusive in any subsequent judicial proceedings involving liability for taxes by the Commission against any employing unit which was a party to the proceedings held before the Commission.

C. The Commissioner shall have the power to designate a special examiner to hear appeals to the Commission under this section. The Commissioner may authorize and empower such special examiner to decide any appeal so heard, in which event the decision of the special examiner shall be the final decision of the Commission under this section, subject to judicial review under § 60.2-625.

§ 60.2-623. Procedure generally; confidentiality of information.

A. The manner in which disputed claims shall be presented, reports required from the claimant and from employers, the conduct of hearings and appeals before any deputy, ~~appeal tribunal~~ *appeals examiner,* or the Commission, and transcripts prepared shall be in accordance with regulations prescribed by the Commission for determining the rights of the parties. Such regulations need not conform to common law or statutory rules of evidence and other technical rules of procedure. A full and complete record shall be kept of all proceedings in connection with a disputed claim. All testimony at any hearing upon a disputed claim shall be recorded, but need not be transcribed unless the disputed claim is further appealed and a timely request for a hearing before the Commission has been made in accordance with regulations

prescribed by the Commission. In lieu of providing a transcript, and with the consent of all parties who participated in the hearing, the Commission may provide a digital or other electronic recording of the testimony taken at any hearing, which recording may be transmitted in any medium provided that the recording is protected from unauthorized interception by reasonable security measures.

B. Information furnished the Commission under the provisions of this chapter shall not be published or be open to public inspection, other than to public employees in the performance of their public duties. Neither such information, nor any determination or decision rendered under the provisions of § 60.2-619, 60.2-620 or 60.2-622, shall be used in any judicial or administrative proceeding other than one arising out of the provisions of this title; however, the Commission shall make its records about a claimant available to the Workers' Compensation Commission if it requests such records. The Commission may also, in its discretion, furnish copies of the transcript of hearings to any party.

C. Notwithstanding the provisions of subsection B, the Commission shall, on a reimbursable basis, furnish wage and unemployment compensation information contained in its records to the Secretary of Health and Human Services and Virginia's child support enforcement agency for their use as necessary for the purposes of the National Directory of New Hires established under § 453 (i) of the Social Security Act.

D. Notwithstanding the provisions of subsection B, the Commission shall, upon written request, furnish any agency or political subdivision of the Commonwealth such information as it may require for the purpose of collecting fines, penalties, and costs owed to the Commonwealth or its political subdivisions. Such information shall not be published or used in any administrative or judicial proceeding, except in matters arising out of the collection of fines, penalties, and costs owed to the Commonwealth or its political subdivisions.

§ 60.2-625. Judicial review.

A. Within thirty days after the decision of the Commission upon a hearing pursuant to § 60.2-622 has been mailed, any party aggrieved who seeks judicial review shall commence an action in the circuit court of the county or city in which the individual who filed the claim was last employed. In such action against the Commission, the Commission and any other party to the administrative procedures before the Commission shall be named a defendant in a petition for judicial review. Such petition shall also state the grounds upon which a review is sought; it shall be served upon a member of the Commission or upon such person as the Commission may designate, and such service shall be deemed completed service on all parties. There shall be left with the party so served as many copies of the petition as there are defendants, and the Commission shall forthwith mail one such copy to each such defendant. With its answer, the Commission shall certify and file with the court all documents and papers and a transcript of all testimony taken in the matter, together with its findings of fact and decision therein. In any judicial proceedings under this chapter, the findings of the Commission as to the facts, if supported by evidence and in the absence of fraud, shall be conclusive, and the jurisdiction of the court shall be confined to questions of law. Such actions and the questions so certified shall be heard in a summary manner at the earliest possible date. An appeal may be taken from the decision of the court to the Court of Appeals in conformity with Part Five A of the Rules of Supreme Court and other applicable laws.

B. From any circuit court decision involving (i) the provisions of § 60.2-612 or § 60.2-618, (ii) whether an employing unit constitutes an employer or (iii) whether services performed for or in connection with the business of an employing unit constitute employment for such employing unit, the Court of Appeals shall have jurisdiction to review such decision regardless of the amount involved in any claim for benefits. It shall not be necessary, in any proceeding under this chapter, to enter exceptions to the rulings of the Commission or an ~~appeal tribunal~~ *appeals examiner*, and no bond shall be required upon an appeal to any court. Upon the final determination of such judicial proceeding, the Commission shall administer the Unemployment Compensation Fund in accordance with such determination.

C. The Commission shall have the right to appeal a decision of a circuit court in any proceeding under this chapter.

§ 60.2-630. Authority to set aside or vacate determinations and decisions.

The Commission may, in its discretion, at any time before a determination or decision becomes final pursuant to ~~§§~~ *§* 60.2-619~~, 60.2-621,~~ or ~~§~~ 60.2-622, with good cause set aside or modify any such determination or decision.

2. That §§ 60.2-621 and 60.2-631 of the Code of Virginia are repealed.

CHAPTER 563

An Act to amend and reenact §§ 2.2-5101 and 2.2-5102.1 of the Code of Virginia, relating to Virginia investment performance grants; Virginia economic development incentive grants.

[H 1457]

Approved April 5, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-5101 and 2.2-5102.1 of the Code of Virginia are amended and reenacted as follows:

§ 2.2-5101. Virginia investment performance grants.

A. *For purposes of this section, "Grant" means a Virginia Investment Performance Grant awarded pursuant to this section and paid from the Investment Performance Grant subfund of the Fund.*

B. Subject to the appropriation by the General Assembly of sufficient moneys to the Investment Performance Grant subfund, any eligible manufacturer or research and development service ~~that is~~ not eligible for a major eligible employer grant under § 2.2-5102 shall be eligible *to apply* for ~~an investment performance grant as provided in this section~~ *a Grant.*

~~B.~~ *C.* The Partnership shall establish an application process by which eligible manufacturers and research and development services may apply for a ~~grant under this section~~ *Grant*. An application for a ~~grant under this section~~ *Grant payment* shall not be approved until the Partnership has verified that the *required* capital investment*, and if applicable, job creation,* has been completed.

~~C.~~ *D.* The amount of the ~~investment performance grant~~ *Grant* that an eligible manufacturer or research and development service shall be eligible to receive ~~under this section~~ shall be determined by the Secretary, based on the recommendation of the Partnership, and contingent upon approval by the Governor. The determination of the appropriate amount of ~~an investment performance grant~~ *a Grant* shall be based on ~~the application of~~ guidelines that establish criteria for correlating the amount of a ~~grant~~ *Grant* to the relative value to the Commonwealth of the eligible investment*. For the purpose of any Grant award determination that includes a job creation requirement, the eligible manufacturer or research and development service shall pay an average wage, excluding fringe benefits, that is no less than the prevailing average wage for such new jobs.*

~~D.~~ *E.* The Partnership shall assist the Secretary in developing objective guidelines ~~that shall~~ *to* be used in awarding ~~investment performance grants~~ *Grants*. No ~~grant~~ *Grant* shall be awarded until the Secretary has provided copies of such guidelines for review to the Chairmen of the House Committee on Appropriations and the Senate Committee on Finance and Appropriations. The preparation of the guidelines shall be exempt from the requirements of Article 2 (§ 2.2-4006 et seq.) of the Administrative Process Act. The guidelines shall require determinations regarding the amount of ~~investment performance grants~~ *Grants* to address:

1. The number of new jobs*, if any,* created by the capital investment;

2. The *average* wages paid for the new jobs and the amount by which *such* wages exceed the ~~average manufacturing wage for~~ *prevailing average wage of* the locality ~~or region~~;

3. The extent to which the capital investment produces (i) measurable increases in capacity, productivity, or both; (ii) measurable decreases in the production of flawed product; or (iii) measurable advances in knowledge, research, or the application of research findings for the creation of new or significantly improved products or processes that support manufacturing;

4. The amount of the capital investment;

5. The net present value of benefits to Virginia;

6. The amount of other incentives offered by the Commonwealth and the locality; and

7. The importance of the manufacturing or research and development facility to the economy of the locality or region.

The guidelines shall also address the eligibility of manufacturers or research and development services that make a capital investment in phases over a period of years, and limits on eligibility for multiple ~~grants~~ *Grants* by the same manufacturer or research and development service within stated periods of time.

~~E. The amount of an investment performance grant to any eligible manufacturer under this section shall not exceed $3 million or 10 percent of the amount appropriated by the General Assembly to the Investment Performance Grant subfund in the year that the terms of a grant are determined. For all eligible projects awarded grants on or after July 1, 2005, and before July 1, 2009, the amount of an investment performance grant to any recipient under this section shall not exceed $1.5 million. For eligible projects awarded grants on or after July 1, 2009, the amount of an investment performance grant to any recipient under this section shall not exceed $3 million, except for eligible projects that demonstrate extraordinary characteristics described in guidelines implementing this chapter the amount of an investment performance grant to any such recipient under this section shall not exceed $5 million.~~

F. ~~For all eligible projects awarded grants before July 1, 2005, the aggregate amount of investment performance grants approved under this section in any year shall not exceed $6 million, and the aggregate amount of grants outstanding to all eligible manufacturers under this section for all years shall at no time exceed $30 million. For all such grants awarded prior to that date, the annual obligations of the Commonwealth to make grant payments to individual eligible manufacturers under this section shall not exceed $600,000. For all eligible projects awarded grants on or after July 1, 2005, and before July 1, 2009, the aggregate amount of investment performance grants approved under this section in any year shall not exceed $3 million, and the aggregate amount of such grants awarded after that date and outstanding at any time shall not exceed $15 million. For all such grants awarded on or after that date, the annual obligations of the Commonwealth to make grant payments to individual recipients under this section shall not exceed $300,000. For all eligible projects awarded grants on or after July 1, 2009, and before July 1, 2015, the aggregate amount of investment performance grants approved under this section in any year shall not exceed $6 million, and the aggregate amount of such grants awarded on or after July 1, 2009, and before July 1, 2015, and outstanding at any time shall not exceed $30 million. For all such grants awarded on or after July 1, 2009, and before July 1, 2015, the annual obligations of the Commonwealth to make grant payments to individual recipients under this section shall not exceed $1 million. For all eligible projects awarded grants on or after July 1, 2015, but before July 1, 2019, the aggregate amount of investment performance grants approved under this section in any year shall not exceed $6 million, and the aggregate amount of such grants awarded on or after July 1, 2015, but before July 1, 2019, and outstanding at any time shall not exceed $20 million. For all such grants awarded on or after July 1, 2015, but before July 1, 2019, the annual obligations of the Commonwealth to make grant payments to individual recipients under~~

~~this section shall not exceed $1 million. For all eligible projects awarded grants on or after July 1, 2019, the aggregate amount of investment performance grants approved under this section in any year shall not exceed $4 million, and the aggregate amount of such grants awarded on or after July 1, 2019, and outstanding at any time shall not exceed $20 million. For all such grants awarded on or after July 1, 2019, the annual obligations of the Commonwealth to make grant payments to individual recipients under this section shall not exceed $1 million~~ *At no time shall the aggregate amount of Grants payable in any fiscal year exceed $7 million.*

G. Any eligible manufacturer or research and development service shall be eligible to receive a ~~grant from the Fund~~ *Grant* in five equal*, annual* installments beginning in the ~~third~~ *first* year after *completion and verification of* the capital investment ~~is completed and the Partnership has verified that the requirements applicable to such grant have been satisfied. Any eligible manufacturer or research and development service located in a fiscally distressed area of the State, as defined in the guidelines implementing this chapter, shall be eligible to begin receiving grants in the second year after the capital investment is completed and verified~~ *and any pledged employment. No Grant awarded pursuant to this section to an eligible manufacturer or research and development service shall exceed $5 million in total, and no annual payment to any eligible manufacturer or research and development service shall exceed $1 million.*

§ 2.2-5102.1. Virginia economic development incentive grants.

A. Subject to the appropriation by the General Assembly of sufficient moneys to the Economic Development Incentive Grant subfund, any eligible company that meets the requirements of this section and is not awarded a grant under § 2.2-5101 or 2.2-5102 for the same project shall be eligible to apply for an economic development incentive grant as provided in this section.

B. The Partnership shall establish an application process by which eligible companies may apply for a grant under this section. An application for a grant under this section shall not be approved for payment until the Partnership has verified that the applicable requirements of the memorandum of agreement have been satisfied.

C. The amount of the economic development incentive grant that an eligible company may receive under this section shall be determined at the sole discretion of the Governor based on the recommendation of the Secretary. The determination of the appropriate amount for an economic development incentive grant shall be based on the application of guidelines that establish criteria for correlating the amount of a grant to the relative value to the Commonwealth of the new investment and employment.

D. The Partnership shall assist the Secretary in developing objective guidelines that shall be used in awarding economic development incentive grants. No grant shall be awarded until the Secretary has provided copies of such guidelines for review to the chairmen of the House Committee on Appropriations and the Senate Committee on Finance and Appropriations. The preparation of the guidelines shall be exempt from the requirements of Article 2 (§ 2.2-4006 et seq.) of the Administrative Process Act (§ 2.2-4000 et seq.). The guidelines shall require determinations regarding the amount of investment performance grants to address:

1. The number of new jobs created by the capital investment;

2. The wages paid for the new jobs and the amount by which wages exceed the average wage for the locality or region;

3. The amount of the capital investment;

4. The net present value of benefits to Virginia;

5. The amount of other incentives offered by the Commonwealth and the locality; and

6. The importance of the facility to the economy of the locality or region.

The guidelines shall also address the eligibility of companies that make a capital investment in phases over a period of years, and limits on eligibility for multiple grants by the same company within stated periods of time.

E. For eligible projects awarded grants prior to July 1, 2010, the aggregate amount of economic development incentive grants payable under this section in any fiscal year shall not exceed $6 million, and the aggregate amount of such grants outstanding that were awarded prior to July 1, 2010, shall not exceed $30 million. For eligible projects awarded grants on or after July 1, 2010, but before July 1, 2019, the aggregate amount of economic development incentive grants payable under this section in any fiscal year shall not exceed $6 million and the aggregate amount of such grants outstanding on or after July 1, 2010, but before July 1, 2019, shall not exceed $30 million. For eligible projects awarded grants on or after July 1, 2019, the aggregate amount of economic development incentive grants payable under this section in any fiscal year shall not exceed $6 million and the aggregate amount of such grants outstanding on or after July 1, 2019, shall not exceed $30 million.

F. Any eligible company shall be eligible to receive a grant from the Fund in no fewer than five installments beginning in the ~~third~~ *first* year after the Partnership has verified that the requirements applicable to such grant have been satisfied. All such terms shall be negotiated and set forth in a memorandum of agreement.

G. The Comptroller shall not draw any warrants to issue checks for grants under this chapter without a specific legislative appropriation as specified in conditions and restrictions on expenditures in the appropriation act. The payment of any grant under this section shall be in accordance with the terms and conditions set forth in a memorandum of agreement between a major eligible employer and the Commonwealth. These terms and conditions shall supplement the provisions of this chapter and shall include but not be limited to the terms of the payment of the grant. The payment of the grant shall be made in full or in proportion to a major eligible employer's fulfillment of the terms of the memorandum of agreement.

2. That no provision of this act shall impact the obligations of the Commonwealth under any existing agreements for the payments of grants issued pursuant to § 2.2-5101 of the Code of Virginia entered into prior to the effective date of this act.

3. That the aggregate amount of grants payable in a fiscal year pursuant to subsection F of § 2.2-5101 of the Code of Virginia, as amended by this act, shall include all grants payable in such fiscal year, regardless of whether such grants were awarded prior to July 1, 2024, or on or after July 1, 2024.

CHAPTER 564

An Act to amend the Code of Virginia by adding a section numbered 22.1-206.01, relating to Department of Education; development and distribution of fentanyl education and awareness informational one-sheet; requirements.

[H 1473]

Approved April 5, 2024

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 22.1-206.01 as follows:

§ 22.1-206.01. Fentanyl education and awareness; instructional resources and materials.

A. As used in this section, "informational one-sheet" means a single-page document detailing relevant information and key points on a single topic developed and disseminated for the purpose of providing information to a specific group of individuals.

B. The Department shall, in collaboration with the Department of Health, develop a fentanyl education and awareness informational one-sheet designed to promote awareness of the dangers associated with and the prevalence of fentanyl and provide essential information on fentanyl overdose prevention and preparedness among high school-age students. Such informational one-sheet shall include information on:

1. The dangers associated with fentanyl;

2. The prevalence of fentanyl and how to identify and avoid it;

3. Overdose prevention and preparedness, including the signs and symptoms of fentanyl overdose and how to report a fentanyl overdose;

4. Resources for students in the event that any student needs or knows someone who needs help with substance use disorder or is in danger of a fentanyl overdose; and

5. Statistics relating to fentanyl prevalence, fentanyl use, health risks associated with fentanyl use, and fentanyl overdoses, including overdoses that were successfully reversed and deaths associated with fentanyl overdoses, in the Commonwealth.

C. The Department shall make available to each school board and shall post in a publicly accessible location on its website such fentanyl educational and awareness informational one-sheet developed in accordance with subsection B. The Department, in collaboration with the Department of Health, shall annually review such informational one-sheet and update it as necessary to ensure its currency and accuracy.

D. Each public high school or secondary school that includes grades nine through 12 shall annually distribute such fentanyl education and awareness informational one-sheet to each student in grades nine through 12 within the first two weeks of the school year.

CHAPTER 565

An Act to amend Chapter 193 of the Acts of Assembly of 1950, which provided a charter for the City of Martinsville, by adding in Chapter 13 a section numbered 8, relating to change to town status; referendum.

[H 1511]

Approved April 5, 2024

Be it enacted by the General Assembly of Virginia:

1. That Chapter 193 of the Acts of Assembly of 1950 is amended by adding in Chapter 13 a section numbered 8 as follows:

§ 8. Vote on change to town status.

(a) Notwithstanding the provisions of Chapter 41 (§ 15.2-4100 et seq.) of Title 15.2 of the Code of Virginia, the circuit court for the City of Martinsville, prior to notifying the Supreme Court pursuant to § 15.2-4101 of the Code of Virginia of the City's adoption of an ordinance and petition for an order granting town status to the City pursuant to such chapter, shall first require an election to be held as provided in this section.

(b) The court shall, in accordance with general law, require the regular election officers of the City, at the next eligible November general election, to open a poll and take the sense of the qualified voters of the City on the question submitted as hereinafter provided. The regular election officers shall conduct the election as provided by general law, insofar as is applicable. The ballot shall contain the following question:

"Question: Shall the City of Martinsville become a town?"

(c) The ballots shall be prepared, distributed, and voted, and the results of the election shall be ascertained and certified, in the manner prescribed by § 24.2-684 of the Code of Virginia. If it appears by the report certified by the secretary of the electoral board that a majority of the qualified voters of the City voting on the question are in favor of the transition from city to town status, the special court shall enter the order granting town status in accordance with the procedures, requirements, and provisions of Chapter 41 (§ 15.2-4100 et seq.) of Title 15.2 of the Code of Virginia. All other provisions of such chapter shall continue to be applicable.

CHAPTER 566

An Act to amend and reenact §§ 5 and 6, as severally amended, and § 8 of Chapter 2, § 1 of Chapter 3, § 1 of Chapter 5, § 1 of Chapter 6, §§ 1, 2, and 3 of Chapter 7, §§ 2 and 3, as severally amended, of Chapter 11, and § 2 of Chapter 12 of Chapter 193 of the Acts of Assembly of 1950, which provided a charter for the City of Martinsville, and to repeal § 2 of Chapter 8 and §§ 4, 5, 7, and 8 of Chapter 11 of Chapter 193 of the Acts of Assembly of 1950, relating to city council; city officers; city planning; bond issues; auditor.

[H 1512]

Approved April 5, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 5 and 6, as severally amended, and § 8 of Chapter 2, § 1 of Chapter 3, § 1 of Chapter 5, § 1 of Chapter 6, §§ 1, 2, and 3 of Chapter 7, §§ 2 and 3, as severally amended, of Chapter 11, and § 2 of Chapter 12 of Chapter 193 of the Acts of Assembly of 1950 are amended and reenacted as follows:

Chapter 2. The Council.

§ 5. Organization rules of the council.

(a) At nine o'clock ante meridian on the first regular business weekday of January following a regular municipal election, the council shall meet at the council chamber of the City, at which time the newly elected councilmen, after first having taken the oaths prescribed by law, shall assume the duties of their office. Thereafter the council shall meet at such times as it may prescribe by ordinance or resolution, except that it shall regularly meet not less than once each month. The mayor, and any member of the council, or any two members of the council, or the city manager and any councilman, may call special meetings of the council, at any time after at least twelve hours' written *or duly documented verbal* notice, with the purpose of said meeting stated therein, *with notice given* to each member ~~served personally or left at his usual place of business or residence~~ *by electronic mail, text message, or telephone call*; or such meeting may be held at any time without notice, provided all members of the council attend and vote unanimously on all matters acted upon. No business other than that mentioned in the ~~call~~ *notice* shall be considered at such meetings.

(b) The council may appoint all such other boards and commissions as may be deemed proper, and prescribe the powers and duties thereof. The council may determine its own rules or procedure, may punish its own members for misconduct in office and may compel attendance of members. It shall keep a journal of its proceedings. A majority of all members of the Council shall constitute a quorum to do business, but no resolution or ordinance shall be adopted except by affirmative vote of a majority of all members elected to the council, but a smaller number may adjourn from time to time and compel the attendance of absentees. All elections by the council shall be viva voce and the vote recorded in the journal of the council. No vote or question decided at a regular meeting shall be reconsidered at a special meeting unless all members are present and three of them concur.

§ 6. Compensation of council.

~~Each~~ *The compensation to be paid to each* member of the City council shall ~~receive not to exceed eighty dollars for each regular or special meeting he attends, provided however, that the annual compensation paid to any councilman shall not exceed twenty-four hundred dollars for his services as such~~ *be fixed by a majority vote of all members elected to the council subject to the procedures and limitations as provided by law*.

§ 8. Clerk.

The council shall appoint a clerk to serve at the will of the council, and shall have authority to adopt rules and appoint such officers and committees as they may deem proper for the regulations of their proceedings and for the convenient transactions of business; to compel the attendance of absent members; and enforce orderly conduct at meetings. *The council may appoint the city manager as clerk, in which case the city manager may appoint a deputy clerk to perform the functions of clerk as directed by the city manager.*

The council shall keep a minute book, in which the clerk shall note the proceedings of the council, and shall record said proceedings at large on the record book, and keep the same properly indexed.

Chapter 3. Ordinances.

§ 1. Legislative procedure.

Except in dealing with parliamentary procedure, the council shall act only by ordinance or resolution, and with the exception of ordinances *or resolutions* making appropriations or authorizing the contracting of indebtedness, shall be confined to one subject.

Chapter 5. The City Manager.

§ 1. General provisions.

The administrative and executive powers of the City, including the powers of appointment of officers and employees, are vested in an official to be known as the City Manager, who shall be appointed by the council at its first meeting, or as soon thereafter as practicable. The City council shall appoint the city manager for an indefinite term and may remove him at any time by a majority vote of all its members. At least sixty (60) days before such removal shall become effective the council shall advise the manager in writing of the reason for his removal. The council may suspend the manager from duty (with pay) during the sixty (60) day period. The manager shall receive such compensation as shall be fixed by the council~~, by ordinance,~~ *in a written agreement* and shall devote his entire time to the business of the City. *The city manager need not be a resident of the City at the time of his appointment, but shall, within a time certain and in accordance with a written agreement between the council and the city manager, reside in the City or within an agreed upon distance from the City.*

Chapter 6. City Officers.

§ 1. The City council shall grant and pay to all city officers such salaries or compensation, if any, as the said council may from time to time deem just and proper, or shall be fixed by this act, except such salaries or compensation as may be fixed by general law. *No officer appointed by the council shall also be a city officer or employee appointed by the city manager.*

Chapter 7. Department of Law.

§ 1. There shall be a department of law which shall consist of the city attorney and such assistant city attorneys and other employees as may be provided by ordinance. *The city attorney shall not be employed by the city in a non-attorney position.*

§ 2. Qualifications and appointment of city attorney.

The head of the department of law shall be the city attorney. He shall be an attorney at law *or member of a firm of attorneys* licensed to practice under the laws of the Commonwealth ~~and~~ *who* shall have actively practiced his profession therein for at least five (5) years immediately preceding ~~his~~ appointment *as city attorney*. ~~He~~ *The city attorney* shall be appointed by the council for an indefinite term.

§ 3. Powers and duties of city attorney.

The city attorney shall:

(a) Be the legal advisor of the council, the city manager and of all departments, boards, commissions and agencies of the City, including the school board, in all matters affecting the interest of the City and shall upon request furnish a written opinion on any question of law involving their respective official powers and duties.

(b) At the request of the city manager or any member of the council prepare ordinances for introduction and at the request of the council or any member thereof shall examine any ordinance after introduction and render his opinion as to the form and legality thereof.

(c) Draw or approve all bonds, deeds, leases, contracts or other instruments to which the City is a party or in which it has an interest.

(d) Have the management and control of all the law business of the City and the departments, boards, commissions and agencies thereof or in which the City has an interest, and represent the City as counsel in any civil case in which it is interested and in criminal cases in which the constitutionality or validity of any ordinance is brought in issue.

(e) Institute and prosecute all legal proceedings he shall deem necessary or proper to protect the interest of the City.

(f) Attend *meetings of the council* in person or ~~assign one of his assistants to attend all meetings of the council~~ *by electronic means as directed by the council*.

(g) Appoint and remove such assistant city attorneys and other employees as shall be authorized by the council, and authorize the assistant city attorneys or any of them or special counsel to perform any of the duties imposed upon him in this charter.

(h) Have such other powers and duties as may be assigned to him by ordinance.

Chapter 11. Bond Issue.

§ 2. ~~Election on question of the issuance~~ *Issuance* of bonds.

~~Except as otherwise provided in this chapter, no bonds of the City of Martinsville shall be issued until the question of issuing these shall have first been submitted to the qualified voters of the city at a general or special election and shall have been approved by a majority of such voters voting on the question of such issue. The question or propositions submitted to the voters as aforesaid shall state in general terms the purpose or purposes of the proposed bond issue and the actual or maximum amount of the bond issue. All other details of the bond issue shall be left to be determined by ordinance adopted by the council of the City of Martinsville. Any election held pursuant to this chapter shall be conducted in accordance with, and the form of ballot used in such election shall be in such form as prescribed by, general law now or hereafter in effect. No question as to the validity of such an election, or as to the determination of the result thereof shall be raised in any court except in an action or proceeding commenced in the Circuit Court of the City of Martinsville within ten days (10) days after the determination of the result of said election. No election shall be required with respect to any indebtedness described in Article VII, Section 10 (a) (1) of the Constitution of Virginia of nineteen hundred seventy-one (1971).~~ *For the execution of its powers and duties, the City Council may, in the name and for the use of the City, contract loans and cause to be issued certificates of debts or bonds, provided no such certificate of debt or bonds shall be issued except by resolution adopted in accordance with the requirements of the Virginia Public Finance Act, Chapter 26 (§ 15.2-2600 et seq.) of Title 15.2 of the Code of Virginia.*

§ 3. When bonds to be made payable.

All bonds of the City of Martinsville hereafter issued shall be ~~made payable within the probable life of the improvement or undertaking on account of which they are to be issued. The determination of or by the council as to the probable life of any such improvement or undertaking shall be conclusive. The probable life of any improvement or undertaking shall not be deemed to be more than thirty (30) years; provided, however, that the probable life of real property acquired by the City may be deemed to be as long as forty (40) years. In case of a bond issue for a hydroelectric project, the probable life of the improvement or undertaking requiring said bond issue, and of any real property acquired therefor, may be deemed to be as long as fifty (50) years. In case of a bond issue for several different purposes, having different probable periods of usefulness; the council shall determine the average of said period, taking into consideration the amount of bonds to be issued on account of each purpose for which a period is determined and the bonds shall mature within such average period~~ *executed and delivered by representatives of the council at any time and from time to time, may be in such form and denominations and of such terms and maturities, may be in registered or bearer form either as to principal or interest or both, may be payable in such installments and at such time or times not exceeding 40 years from the date thereof, may be payable at such place or places whether within or outside the Commonwealth of Virginia, may bear interest at such rate or rates, may be payable at such time or times, may be evidenced in such manner, and may contain such provisions not inconsistent herewith all as shall be determined by the council, provided, however, that in case of a bond issue for a hydroelectric project such issue may be payable at such time or times not exceeding 50 years from the date of issuance thereof.*

Chapter 12. Budget, Accounting and Audit.

§ 2. By ordinance, the City council shall not later than July First, Nineteen Hundred and Fifty (1950), provide for a thorough system of post audit of all expenditures, receipts and financial affairs of the City. The council shall cause this work to be done by a Certified Public Accountant of their selection and appointment or the Auditor of Public Accounts of the Commonwealth of Virginia. The council may direct an audit of any or all financial records at any time but they shall cause a complete audit to be made of all accounts, books, records and financial transactions of the City at least once each fiscal year *in accordance with general law. No auditor or auditing firm shall be hired for a term of greater than three years, and the council shall issue a request for proposal or undertake such other appropriate procedures for the procurement of an auditor or auditing firm not less than every three years.*

2. That § 2 of Chapter 8 and §§ 4, 5, 7, and 8 of Chapter 11 of Chapter 193 of the Acts of Assembly of 1950 are repealed.

CHAPTER 567

An Act to amend and reenact § 46.2-653.1 of the Code of Virginia, relating to conversion of manufactured home to real property.

[H 1538]

Approved April 5, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 46.2-653.1 of the Code of Virginia is amended and reenacted as follows:

§ 46.2-653.1. Conversion of manufactured home to real property.

A. After a manufactured home has been titled in the Commonwealth and at such time as the wheels and other equipment previously used for mobility have been removed and the unit has been attached to real property owned by the manufactured home owner, the owner may convert the home to real property in accordance with the provisions of subsection B. Except as provided in §§ 58.1-3219.5 and 58.1-3219.9, and for the purposes stated in §§ 58.1-3219.5 and 58.1-3219.9, the provisions of this section constitute the only manner by which a manufactured home owner may convert a manufactured home to real property.

B. A manufactured home owner who wishes to convert the home to real property shall submit a sworn affidavit to the Department that the wheels and other equipment previously used for mobility have been removed from the manufactured home and the unit has been attached to real property owned by the manufactured home owner. *If such manufactured home owner is not listed on the title as the owner of such manufactured home, such owner shall also submit to the Department (i) any deed, court order or decree, or other legal document or record establishing that the manufactured home was transferred by the owner listed on the title in the records of the Department to the current manufactured home owner or, if not a direct transfer, records to establish a chain of successive ownership of the manufactured home; (ii) documentation establishing that an existing lien on the vehicle record has been released by the secured party or, if no release is available, that the loan issued by the secured party has been satisfied; and (iii) if available, the original title, duplicate title, or certificate of origin for such manufactured home.*

The affidavit must be in a form approved by the Commissioner. Upon compliance by the owner with the procedure for surrender of title, the Department shall rescind and cancel the Virginia title. The Department shall not cancel the title if a security interest has been recorded on the title and not released by the secured party*, except that, in the absence of a lien release, documentation establishing that the loan issued by the secured party has been satisfied shall be acceptable as proof of such release*. After canceling the title, the Department shall provide written confirmation to the owner that the title has been surrendered and has been canceled by the Department.

Upon receipt of confirmation that the title has been surrendered and has been canceled by the Department, the owner shall file a sworn affidavit of affixation with the circuit court of the locality where the real property is located. The affidavit shall include all of the following information:

1. The manufacturer and, if applicable, the model name of the manufactured home.

2. The vehicle identification number and serial number of the manufactured home.

3. The legal description of the real property on which the manufactured home is placed, including the property address, stating that the owner of the manufactured home also owns the real property.

4. Certification that there are no security interests in the manufactured home that have not been released by the secured party.

5. The homeowner's statement that the title has been surrendered and has been canceled by the Department and that the home is intended to be a permanent fixture and improvement to the land, to the same extent as any site-built home, and assessed and taxed with the land as real property.

In addition, a copy of the confirmation provided by the Department that the title has been surrendered and canceled by the Department shall be attached to and filed with the affidavit.

Upon filing the affidavit of affixation, the manufactured home shall then be deemed to be real estate and shall thereafter be conveyed and encumbered only as real estate is conveyed and encumbered, except when the home is thereafter physically severed from the real property and a new title issued in accordance with subsection C.

A security interest in a manufactured home is perfected against the rights of judicial lien creditors, execution creditors, and purchasers for value on and after the date such security interest attaches. The Commissioner shall have prepared a list of all titles canceled pursuant to this section and furnish it, in conjunction with the reports submitted pursuant to § 46.2-210, to the commissioner of the revenue of each county and city without cost.

C. If the owner of a manufactured home whose certificate of title has been canceled under this section subsequently seeks to sever the manufactured home from the real property, the owner may apply for a new certificate of title in accordance with the provisions of this section.

1. The owner shall file with the circuit court where the real property is located an affidavit that includes or provides for all of the following information:

a. The manufacturer and, if applicable, the model name of the manufactured home.

b. The vehicle identification number and serial number of the manufactured home.

c. The legal description of the real property on which the manufactured home is or was placed, stating that the owner of the manufactured home also owns the real property.

d. Certification that there are no security interests in the manufactured home that have not been released by the secured party.

e. The homeowner's statement that the home has been or will be physically severed from the real property.

2. The owner must submit the following to the Department:

a. A copy of the affidavit filed in accordance with subdivision C 1.

b. Verification that the manufactured home has been severed from the real property. Confirmation of severance by the commissioner of the revenue where the real property is located shall constitute acceptable evidence that the unit has been severed from the real property.

Upon receipt of the information required in subdivision C 2, together with a title application and required fee, the Department is authorized to issue a new title for the manufactured home. The initial title issued under the provisions of this subsection shall contain no security interests, provided however, that nothing contained herein shall be construed to prevent a subsequent security interest from being recorded on the title.

CHAPTER 568

An Act to amend and reenact § 46.2-391 of the Code of Virginia, relating to issuance of restricted driver's license for multiple convictions of driving while intoxicated; completion of specialty dockets.

[S 6]

Approved April 5, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 46.2-391 of the Code of Virginia is amended and reenacted as follows:

§ 46.2-391. Revocation of license for multiple convictions of driving while intoxicated; exception; petition for restoration of privilege.

A. The Commissioner shall forthwith revoke and not thereafter reissue for three years the driver's license of any person on receiving a record of the conviction of any person who (i) is adjudged to be a second offender in violation of the provisions of subsection A of § 46.2-341.24 (driving a commercial motor vehicle under the influence of drugs or intoxicants), or § 18.2-266 (driving under the influence of drugs or intoxicants), if the subsequent violation occurred within 10 years of the prior violation, or (ii) is convicted of any two or more offenses of § 18.2-272 (driving while the driver's license has been forfeited for a conviction under § 18.2-266) if the second or subsequent violation occurred within 10 years of the prior offense. However, if the Commissioner has received a copy of a court order authorizing issuance of a restricted

license as provided in subsection E of § 18.2-271.1, he shall proceed as provided in the order of the court. For the purposes of this subsection, an offense in violation of a valid local ordinance, or law of any other jurisdiction, which ordinance or law is substantially similar to any provision of Virginia law herein shall be considered an offense in violation of such provision of Virginia law. Additionally, in no event shall the Commissioner reinstate the driver's license of any person convicted of a violation of § 18.2-266, or of a substantially similar valid local ordinance or law of another jurisdiction, until receipt of notification that such person has successfully completed an alcohol safety action program if such person was required by court order to do so unless the requirement for completion of the program has been waived by the court for good cause shown. A conviction includes a finding of not innocent in the case of a juvenile.

B. The Commissioner shall forthwith revoke and not thereafter reissue the driver's license of any person after receiving a record of the conviction of any person (i) convicted of a violation of § 18.2-36.1 or 18.2-51.4 or a felony violation of § 18.2-266 or (ii) convicted of three offenses arising out of separate incidents or occurrences within a period of 10 years in violation of the provisions of subsection A of § 46.2-341.24 ~~or~~, *§* 18.2-266, or a substantially similar ordinance or law of any other jurisdiction, or any combination of three such offenses. A conviction includes a finding of not innocent in the case of a juvenile.

C. Any person who has had his driver's license revoked in accordance with subsection B ~~of this section~~ may petition the circuit court of his residence, or, if a nonresident of Virginia, any circuit court:

1. For restoration of his privilege to drive a motor vehicle in the Commonwealth after the expiration of five years from the date of his last conviction. On such petition, and for good cause shown, the court may, in its discretion, restore to the person the privilege to drive a motor vehicle in the Commonwealth on condition that such person install an ignition interlock system in accordance with § 18.2-270.1 on all motor vehicles, as defined in § 46.2-100, owned by or registered to him, in whole or in part, for a period of at least six months, and upon whatever other conditions the court may prescribe, subject to the provisions of law relating to issuance of driver's licenses, if the court is satisfied from the evidence presented that~~:~~ (i) at the time of his previous convictions, the petitioner was addicted to or psychologically dependent on the use of alcohol or other drugs; (ii) at the time of the hearing on the petition, he is no longer addicted to or psychologically dependent on the use of alcohol or other drugs; and (iii) the defendant does not constitute a threat to the safety and welfare of himself or others with regard to the driving of a motor vehicle. However, prior to acting on the petition, the court shall order that an evaluation of the person, to include an assessment of his degree of alcohol abuse and the appropriate treatment therefor, if any, be conducted by a Virginia Alcohol Safety Action Program and recommendations therefrom be submitted to the court, and the court shall give the recommendations such weight as the court deems appropriate. The court may, in lieu of restoring the person's privilege to drive, authorize the issuance of a restricted license for a period not to exceed five years in accordance with the provisions of § 18.2-270.1 and subsection E of § 18.2-271.1. The court shall notify the Virginia Alcohol Safety Action Program ~~which shall~~ *that* during the term of the restricted license *it shall* monitor the person's compliance with the terms of the restrictions imposed by the court. Any violation of the restrictions shall be reported to the court, and the court may then modify the restrictions or revoke the license.

2. For a restricted license to authorize such person to drive a motor vehicle in the Commonwealth in the course of his employment and to drive a motor vehicle to and from his home to the place of his employment after the expiration of three years from the date of his last conviction *unless such person's last conviction resulted from a final order being entered by a court after the successful completion of a Veterans Treatment Court Program, behavioral health docket, or other specialty docket established pursuant to § 18.2-254.2 or 18.2-254.3 or Rule 1:25 of the Rules of Supreme Court of Virginia. If such person's last conviction resulted from a final order being entered by a court after the successful completion of a Veterans Treatment Court Program, behavioral health docket, or other specialty docket established pursuant to § 18.2-254.2 or 18.2-254.3 or Rule 1:25 of the Rules of Supreme Court of Virginia, such person may file a petition for a restricted license to be issued in accordance with the provisions of this subdivision without having to wait for the expiration of three years from the date of his last conviction, regardless of the date of such conviction*. The court may order that a restricted license for such purposes be issued in accordance with the procedures of subsection E of § 18.2-271.1~~,~~ if the court is satisfied from the evidence presented that (i) at the time of the previous convictions, the petitioner was addicted to or psychologically dependent on the use of alcohol or other drugs; (ii) at the time of the hearing on the petition, he is no longer addicted to or psychologically dependent on the use of alcohol or such other drugs; and (iii) the defendant does not constitute a threat to the safety and welfare of himself and others with regard to the driving of a motor vehicle. The court shall prohibit the person to whom a restricted license is issued from operating a motor vehicle that is not equipped with a functioning, certified ignition interlock system during all or any part of the term for which the restricted license is issued, in accordance with the provisions set forth in § 18.2-270.1. However, prior to acting on the petition, the court shall order that an evaluation of the person, to include an assessment of his degree of alcohol abuse and the appropriate treatment therefor, if any, be conducted by a Virginia Alcohol Safety Action Program and recommendations therefrom be submitted to the court, and the court shall give the recommendations such weight as the court deems appropriate. The Virginia Alcohol Safety Action Program shall during the term of the restricted license monitor the person's compliance with the terms of the restrictions imposed by the court. Any violation of the restrictions shall be reported to the court, and the court may then modify the restrictions or revoke the license.

The ignition interlock system installation requirement under subdivisions 1 and 2 ~~of this subsection~~ need only be satisfied once as to any single revocation under subsection B ~~of this section~~ for any person seeking restoration under subdivision 1 following the granting of a restricted license under subdivision 1 or 2.

D. Any person convicted of driving a motor vehicle or any self-propelled machinery or equipment (i) while his license is revoked pursuant to subsection A or B or (ii) in violation of the terms of a restricted license issued pursuant to subsection C shall, provided such revocation was based on at least one conviction for an offense committed after July 1, 1999, be punished as follows:

1. If such driving does not of itself endanger the life, limb, or property of another, such person ~~shall be~~ *is* guilty of a Class 1 misdemeanor punishable by a mandatory minimum term of confinement in jail of 10 days except in cases wherein such operation is necessitated in situations of apparent extreme emergency that require such operation to save life or limb, the sentence, or any part thereof, may be suspended.

2. a. If such driving (i) of itself endangers the life, limb, or property of another or (ii) takes place while such person is in violation of ~~§§~~ *§* 18.2-36.1, 18.2-51.4, *or* 18.2-266, subsection A of § 46.2-341.24, or a substantially similar law or ordinance of another jurisdiction, irrespective of whether the driving of itself endangers the life, limb, or property of another and the person has been previously convicted of a violation of ~~§§~~ *§* 18.2-36.1, 18.2-51.4, *or* 18.2-266, subsection A of § 46.2-341.24, or a substantially similar local ordinance, or law of another jurisdiction, such person ~~shall be~~ *is* guilty of a felony punishable by confinement in a state correctional facility for not less than one year nor more than five years, one year of which shall be a mandatory minimum term of confinement or, in the discretion of the jury or the court trying the case without a jury, by mandatory minimum confinement in jail for a period of 12 months and no portion of such sentence shall be suspended or run concurrently with any other sentence.

b. However, in cases wherein such operation is necessitated in situations of apparent extreme emergency that require such operation to save life or limb, the sentence, or any part thereof, may be suspended.

3. If any such offense of driving is a second or subsequent violation, such person shall be punished as provided in subdivision 2 ~~of this subsection~~, irrespective of whether the offense, of itself, endangers the life, limb, or property of another.

E. Notwithstanding the provisions of subdivisions *D* 2 and 3 ~~of subsection D~~, following conviction and prior to imposition of sentence with the consent of the defendant, the court may order the defendant to be evaluated for and to participate in the community corrections alternative program pursuant to § 19.2-316.4.

F. Any period of driver's license revocation imposed pursuant to this section shall not begin to expire until the person convicted has surrendered his license to the court or to the Department of Motor Vehicles.

G. Nothing in this section shall prohibit a person from operating any farm tractor on the highways when it is necessary to move the tractor from one tract of land used for agricultural purposes to another such tract of land when the distance between the tracts is no more than five miles.

H. Any person who operates a motor vehicle or any self-propelled machinery or equipment (i) while his license is revoked pursuant to subsection A or B~~,~~ or (ii) in violation of the terms of a restricted license issued pursuant to subsection C, where the provisions of subsection D do not apply, ~~shall be~~ *is* guilty of a violation of § 18.2-272.

CHAPTER 569

An Act to amend and reenact § 47.1-5.1 of the Code of Virginia, relating to notary public or electronic notary public; application for recommission.

[S 8]

Approved April 5, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 47.1-5.1 of the Code of Virginia is amended and reenacted as follows:

§ 47.1-5.1. Application for recommission.

Persons already commissioned as notaries public or electronic notaries public pursuant to this title and who are submitting application for recommission as a notary or electronic notary may submit applications to the Secretary in person, by first-class mail, or online~~,~~ ~~provided online applications contain electronic signatures, authorized by the Uniform Electronic Transactions Act (§ 59.1-479 et seq.)~~, provided online applications contain electronic signatures, authorized by the Uniform Electronic Transactions Act (§ 59.1-479 et seq.)~~, as confirmation that the application has been signed and sworn pursuant to § 47.1-5~~. *No person applying for recommission shall be required to include the oath of the applicant required for commission by § 47.1-5, provided that such applicant is in good standing as a notary public or electronic notary public, is not subject to any investigation or proceeding, and has never been removed from office pursuant to Chapter 5 (§ 47.1-24 et seq.).*

CHAPTER 570

An Act to amend and reenact § 58.1-3274 of the Code of Virginia, relating to department of real estate assessment; Orange County.

[S 9]

Approved April 5, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 58.1-3274 of the Code of Virginia is amended and reenacted as follows:

§ 58.1-3274. Establishment of department of real estate assessment; joint departments.

A. Notwithstanding any other provision of law, ~~Goochland,~~ ~~Powhatan,~~ ~~James~~ ~~City~~ ~~and~~ Accomack*, Goochland, James City, Orange, and Powhatan* Counties may, by resolution duly adopted, establish departments of real estate assessment. Any such department shall assess all real estate within such county on an annual or biennial basis as authorized by § 58.1-3270~~,~~ and transfer such assessment to the commissioner of the revenue of such county. Prior to transferring the final assessment to the commissioner of the revenue, the department shall give any real property owner whose property has been assessed an opportunity to be heard.

The department shall consist of such members as the governing body of such county shall deem necessary.

The compensation and terms of office of department members shall be fixed by the governing body.

B. Upon establishment of a department of real estate assessment, James City*, Orange,* and Powhatan Counties may, by resolution duly adopted, enter into an agreement with any contiguous county or city for the establishment of a joint department of real estate assessment. The joint department shall assess all real estate within such localities on an annual or biennial basis and transfer such assessment to the commissioner of the revenue pursuant to subsection A ~~of this section~~. The membership, compensation, terms of office*,* and office expenses of such members of the joint department shall be fixed by agreement by the governing body of James City ~~County~~*, Orange,* or Powhatan County and such county or city with which it may establish a joint department of real estate assessment.

CHAPTER 571

An Act to amend and reenact § 19.2-53 of the Code of Virginia and to amend the Code of Virginia by adding in Chapter 5 of Title 19.2 a section numbered 19.2-60.2, relating to search warrants, subpoenas, court orders, or other process; menstrual health data prohibited.

[S 16]

Approved April 5, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 19.2-53 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding in Chapter 5 of Title 19.2 a section numbered 19.2-60.2 as follows:

§ 19.2-53. What may be searched and seized.

A. Search warrants may be issued for the search of or for specified places, things*,* or persons, and seizure therefrom of the following things as specified in the warrant:

1. Weapons or other objects used in the commission of crime;

2. Articles or things the sale or possession of which is unlawful;

3. Stolen property or the fruits of any crime;

4. Any object, thing, or person, including without limitation, documents, books, papers, records*,* or body fluids, constituting evidence of the commission of crime; or

5. Any person to be arrested for whom a warrant or process for arrest has been issued.

Notwithstanding any other provision in this chapter to the contrary, no search warrant may be issued as a substitute for a witness subpoena.

B. Any search warrant issued for the search and seizure of a computer, computer network, or other device containing electronic or digital information shall be deemed to include the search and seizure of the physical components and the electronic or digital information contained in any such computer, computer network, or other device*, except information for which a search warrant is prohibited by § 19.2-60.2*.

C. Any search, including the search of the contents of any computer, computer network, or other device conducted pursuant to subsection B, may be conducted in any location and is not limited to the location where the evidence was seized.

§ 19.2-60.2. Issuance of search warrant, subpoena, court order, or other process for information related to menstrual health data prohibited.

No search warrant, subpoena, court order, or other process shall be issued, executed, or served for the purpose of the search and seizure or production of menstrual health data, including data stored on a computer, computer network, or other device containing electronic or digital information. For the purposes of this section, "menstrual health data" means any information, recorded in any form or medium, that is created or received by an entity that relates to or is used to determine, predict, or estimate the past, present, or future menstrual health or menstrual status of an individual.

CHAPTER 572

An Act to amend the Code of Virginia by adding a section numbered 59.1-542.1, relating to motor sports facilities; local incentives.

[S 17]

Approved April 5, 2024

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 59.1-542.1 as follows:

§ 59.1-542.1. Local incentives; motor sports facilities.

A. A locality that is home to a motor sports facility, as defined in § 58.1-4030, in the Commonwealth may propose local incentives that address the economic conditions within such locality and will help stimulate real property improvements and new job creation. Such local incentives may include: (i) reduction of permit fees; (ii) reduction of user fees; (iii) reduction of business, professional, and occupational license taxes; or (iv) partial exemption from taxation of substantially rehabilitated real estate pursuant to § 58.1-3221. The extent and duration of such incentives shall conform to the requirements of the Constitutions of Virginia and the United States. Local incentives may also include regulatory flexibility, including (a) special zoning districts, (b) permit process reform, (c) exemptions from local ordinances, or (d) other public incentives that are binding on the locality.

B. A locality may establish eligibility criteria for local incentives that differ from the criteria required to qualify for the incentives provided by this chapter.

CHAPTER 573

An Act to direct the Department for Aging and Rehabilitative Services, in partnership with relevant entities, to ensure that online resources are readily available and disseminated to all individuals of transition age and their families.

[S 51]

Approved April 5, 2024

Be it enacted by the General Assembly of Virginia:

1. *§ 1. That the Department for Aging and Rehabilitative Services shall partner with the Department of Education, the Department of Behavioral Health and Developmental Services, the Department for the Blind and Vision Impaired, the Parent Educational Advocacy Training Center (PEATC), Virginia Commonwealth University's Partnership for People with Disabilities, and the Virginia Commonwealth University Center on Transition Innovations to ensure that online resources are readily available and disseminated to all individuals of age to transition from school to post-school activities and their families. The online resources shall include (i) PEATC's online training course, Transition University, conducted in coordination with the Department of Education, and (ii) PEATC's online transition guide and resource documents.*

CHAPTER 574

An Act to amend and reenact § 46.2-118 of the Code of Virginia, relating to towing without consent of vehicle owner; fee.

[S 66]

Approved April 5, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 46.2-118 of the Code of Virginia is amended and reenacted as follows:

§ 46.2-118. Prohibited acts by tow truck drivers and towing and recovery operators.

A. No tow truck driver shall:

1. Use fraud or deceit in the offering or delivering of towing and recovery services;

2. Conduct his business or offer services in such a manner as to endanger the health and welfare of the public;

3. Use alcohol or drugs to the extent such use renders him unsafe to provide towing and recovery services;

4. Obtain any fee by fraud or misrepresentation;

5. Remove or tow a trespassing vehicle, as provided in § 46.2-1231, or a vehicle towed or removed at the request of a law-enforcement officer to any location outside the Commonwealth; or

6. Violate, or assist, induce, or cooperate with others to violate, any provision of law related to the offering or delivery of towing and recovery services.

B. No towing and recovery operator shall:

1. Use fraud or deceit in the offering or delivering of towing and recovery services;

2. Conduct his business or offer services in such a manner as to endanger the health and welfare of the public;

3. Use alcohol or drugs to the extent such use renders him unsafe to provide towing and recovery services;

4. Neglect to maintain on record at the towing and recovery operator's principal office a list of all drivers employed by the towing and recovery operator;

5. Obtain any fee by fraud or misrepresentation;

6. Advertise services in any manner that deceives, misleads, or defrauds the public;

7. Advertise or offer services under a name other than one's own name;

8. Fail to accept for payment cash, insurance company check, certified check, money order, or at least one of two commonly used, nationally recognized credit cards, except those towing and recovery operators who have an annual gross income of less than $10,000 derived from the performance of towing and recovery services shall not be required to accept credit cards, other than when providing police-requested towing as defined in § 46.2-1217, but shall be required to accept personal checks;

9. Fail to display at the towing and recovery operator's principal office in a conspicuous place a listing of all towing, recovery, and processing fees for vehicles;

10. Fail to have readily available at the towing and recovery operator's principal office, at the customer's request, the maximum fees normally charged by the towing and recovery operator for basic services for towing and initial hookup of vehicles;

11. Knowingly charge excessive fees for towing, storage, or administrative services or charge fees for services not rendered;

12. Fail to maintain all towing records, which shall include itemized fees, for a period of one year from the date of service;

13. Willfully invoice payment for any services not stipulated or otherwise incorporated in a contract for services rendered between the towing and recovery operator and any locality or political subdivision of the Commonwealth;

14. Employ a driver required to register with the Sex Offender and Crimes Against Minors Registry pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1;

15. Remove or tow a trespassing vehicle, as provided in § 46.2-1231, or a vehicle towed or removed at the request of a law-enforcement officer to any location outside the Commonwealth;

16. Refuse, at the towing and recovery operator's place of business, to make change, up to $100, for the owner of the vehicle towed without the owner's consent if the owner pays in cash for charges for towing and storage of the vehicle;

17. Violate, or assist, induce, or cooperate with others to violate, any provision of law related to the offering or delivery of towing and recovery services;

18. Fail to provide the owner of a stolen vehicle written notice of his right under law to be reimbursed for towing and storage of his vehicle out of the state treasury from the appropriation for criminal charges as required in § 46.2-1209; ~~or~~

19. Refuse to allow, consistent with the protections detailed in the provisions of subsection E of § 46.2-644.01, the owner of the vehicle towed, upon proof of ownership of the vehicle, to access and recover any personal items without retrieving the vehicle and without paying any fee*; or*

20. Require an individual who appears to retrieve a vehicle towed to provide to the towing and recovery operator, in addition to payment of fees, any document not otherwise required by law before releasing the vehicle to the individual.

C. No tow truck driver as defined in § 46.2-116 or towing and recovery operator as defined in § 46.2-100 shall knowingly permit another person to occupy a motor vehicle as defined in § 46.2-100 while such motor vehicle is being towed.

CHAPTER 575

An Act to amend and reenact § 38.2-3407.10 of the Code of Virginia, relating to health insurance provider panels; incentives for mental health services.

[S 87]

Approved April 5, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 38.2-3407.10 of the Code of Virginia is amended and reenacted as follows:

§ 38.2-3407.10. Health care provider panels.

A. As used in this section:

"Carrier" means:

1. Any insurer proposing to issue individual or group accident and sickness insurance policies providing hospital, medical and surgical or major medical coverage on an expense incurred basis;

2. Any corporation providing individual or group accident and sickness subscription contracts;

3. Any health maintenance organization providing health care plans for health care services;

4. Any corporation offering prepaid dental or optometric services plans; or

5. Any other person or organization that provides health benefit plans subject to state regulation, and includes an entity that arranges a provider panel for compensation.

"Enrollee" means any person entitled to health care services from a carrier.

"Provider" means a hospital, physician or any type of provider licensed, certified or authorized by statute to provide a covered service under the health benefit plan.

"Provider panel" means those providers with which a carrier contracts to provide health care services to the carrier's enrollees under the carrier's health benefit plan. However, such term does not include an arrangement between a carrier and providers in which any provider may participate solely on the basis of the provider's contracting with the carrier to provide services at a discounted fee-for-service rate.

B. Any such carrier that offers a provider panel shall establish and use it in accordance with the following requirements:

1. Notice of the development of a provider panel in the Commonwealth or local service area shall be filed with the Department of Health Professions.

2. Carriers shall provide a provider application and the relevant terms and conditions to a provider upon request.

C. A carrier that uses a provider panel shall establish procedures for:

1. Notifying an enrollee of:

a. The termination from the carrier's provider panel of a provider who was furnishing health care services to the enrollee or furnished health care services to the enrollee in the six months prior to the notice; and

b. The right of an enrollee to continue to receive health care services as provided in subsection E following the provider's termination from a carrier's provider panel, except when a provider is terminated for cause.

The carrier shall provide notice required by this subdivision 1 prior to the date of the termination of the provider, except when a provider is terminated for cause.

2. Notifying a provider at least 90 days prior to the date of the termination of the provider, except when a provider is terminated for cause.

3. Notifying the purchaser of the health benefit plan, whether such purchaser is an individual or an employer providing a health benefit plan, in whole or in part, to its employees and enrollees of the health benefit plan of:

a. A description of all types of payment arrangements that the carrier uses to compensate providers for health care services rendered to enrollees, including withholds, bonus payments, capitation, and fee-for-service discounts; and

b. The terms of the plan in clear and understandable language that reasonably informs the purchaser of the practical application of such terms in the operation of the plan.

For the purposes of subdivisions 1 and 2, "provider" includes a provider group.

D. A carrier may not deny an application for participation or terminate participation on its provider panel on the basis of gender, race, age, sexual orientation, gender identity, religion or national origin.

E. 1. A provider shall be permitted by the carrier to render health care services to any of the carrier's enrollees for a period of at least 90 days from the date of such provider's termination from the carrier's provider panel, except when a provider is terminated for cause.

2. Notwithstanding the provisions of subdivision 1, any provider shall be permitted by the carrier to continue rendering health services to any enrollee who has been medically confirmed to be pregnant at the time of a provider's termination of participation, except when a provider is terminated for cause. Such treatment shall, at the enrollee's option, continue through the provision of postpartum care directly related to the delivery.

3. Notwithstanding the provisions of subdivision 1, any provider shall be permitted by the carrier to continue rendering health services to any enrollee who is determined to be terminally ill (as defined under § 1861 (dd)(3)(A) of the Social Security Act) at the time of a provider's termination of participation, except when a provider is terminated for cause. Such treatment shall, at the enrollee's option, continue for the remainder of the enrollee's life for care directly related to the treatment of the terminal illness.

4. Notwithstanding the provisions of subdivision 1, any provider shall be permitted by the carrier to continue rendering health services to any enrollee who has been determined by a medical professional to have a life-threatening condition at the time of a provider's termination of participation. Such treatment shall, at the enrollee's option, continue for up to 180 days for care directly related to the life-threatening condition.

5. Notwithstanding the provisions of subdivision 1, any provider shall be permitted by the carrier to continue rendering health services to any enrollee who is admitted to and receiving treatment in any inpatient facility at the time of a provider's termination of participation. Such admission and treatment shall continue until the enrollee is discharged from the inpatient facility.

For any health care services received by an enrollee from a provider after the date the provider has been terminated from the carrier's provider panel:

a. A carrier shall reimburse a provider under this subsection in accordance with the carrier's agreement with such provider existing immediately before the provider's termination of participation;

b. The provider shall accept such reimbursement from the carrier and any cost-sharing payment from the enrollee for items and services as payment in full; and

c. The provider shall continue to adhere to all policies and procedures and quality standards imposed by the carrier for an enrollee that were required of the provider immediately before the provider's termination of participation.

For the purposes of this subsection, "provider" includes a provider group.

F. 1. A carrier shall provide to a purchaser upon enrollment and make available to existing enrollees at least once a year a list of members in its provider panel, which list shall also indicate those providers who are not currently accepting new patients. Such list may be made available in a form other than a printed document, provided the purchaser or existing enrollee is given the means to request and receive a printed copy of such list.

2. The information provided under subdivision 1 shall be updated at least once a year if in paper form, and monthly if in electronic form.

G. No contract between a carrier and a provider may require that the provider indemnify the carrier for the carrier's negligence, willful misconduct, or breach of contract, if any.

H. No contract between a carrier and a provider shall require a provider, as a condition of participation on the panel, to waive any right to seek legal redress against the carrier.

I. No contract between a carrier and a provider shall prohibit, impede or interfere in the discussion of medical treatment options between a patient and a provider.

J. A contract between a carrier and a provider shall permit and require the provider to discuss medical treatment options with the patient.

K. Any carrier requiring preauthorization for medical treatment shall have personnel available to provide such preauthorization at all times when such preauthorization is required.

L. Carriers shall provide to their group policyholders written notice of any benefit reductions during the contract period at least 60 days before such benefit reductions become effective. Group policyholders shall, in turn, provide to their enrollees written notice of any benefit reductions during the contract period at least 30 days before such benefit reductions become effective. Such notice shall be provided to the group policyholder as a separate and distinct notification, and may not be combined with any other notification or marketing materials.

M. No contract between a provider and a carrier shall include provisions that require a health care provider or health care provider group to deny covered services that such provider or group knows to be medically necessary and appropriate that are provided with respect to a specific enrollee or group of enrollees with similar medical conditions.

N. If a provider panel contract between a provider and a carrier, or other entity that provides hospital, physician or other health care services to a carrier, includes provisions that require a provider, as a condition of participating in one of the carrier's or other entity's provider panels, to participate in any other provider panel owned or operated by that carrier or other entity, the contract shall contain a provision permitting the provider to refuse participation in one or more such other provider panels at the time the contract is executed. If a provider contracts with a carrier or other entity that subsequently contracts with one or more unaffiliated carriers to include such provider in the provider panels of such unaffiliated carriers, and which permits an unaffiliated carrier to impose participation terms with respect to such provider that differ materially in reimbursement rates or in managed care procedures, such as conducting economic profiling or requiring a patient to obtain primary care physician referral to a specialist, from the terms agreed to by the provider in the original contract, the provider panel contract shall contain a provision permitting the provider to refuse participation with any such unaffiliated carrier. Utilization review pursuant to Article 1.2 (§ 32.1-137.7 et seq.) of Chapter 5 of Title 32.1 shall not constitute a materially different managed care procedure. This subsection shall apply to provider panels utilized by health maintenance organizations and preferred provider organizations. For purposes of this subsection, "preferred provider organization" means a carrier that offers preferred provider contracts or policies as defined in § 38.2-3407 or preferred provider subscription contracts as defined in § 38.2-4209. The status of a physician as a member of or as being eligible for other existing or new provider panels shall not be adversely affected by the exercise of such right to refuse participation. This subsection shall not apply to the Medallion II and children's health insurance plan administered by or pursuant to contract with the Department of Medical Assistance Services.

O. A carrier that rents or leases its provider panel to unaffiliated carriers shall make available, upon request, to its providers a list of unaffiliated carriers that rent or lease its provider panel. Such list if available in electronic format shall be updated monthly. The provider shall be given the means to request and receive a printed copy of such list.

P. *As part of a value-based arrangement, a provider panel contract between a carrier and a primary care provider may include provisions that promote comprehensive screening using evidence-based tools for mental health needs and appropriate referrals by primary care providers to mental health services that may be provided on-site, via telehealth on site, or through an off-site referral.*

Q. The Commission shall have no jurisdiction to adjudicate controversies arising out of this section.

CHAPTER 576

An Act to amend and reenact §§ 64.2-400 and 64.2-531 of the Code of Virginia, relating to wills and trusts; tangible personal property; nonexoneration.

[S 102]

Approved April 5, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 64.2-400 and 64.2-531 of the Code of Virginia are amended and reenacted as follows:

§ 64.2-400. Separate writing identifying recipients of tangible personal property; liability for distribution; action to recover property.

A. *For the purposes of this section, "revocable," "settlor," "trustee," and "trust instrument" mean the same as those terms are defined in § 64.2-701.*

B. If a will *or a trust instrument that was revocable immediately before the settlor's death* refers to a written statement or list to dispose of items of tangible personal property not otherwise specifically bequeathed, the statement or list shall be given effect to the extent that it describes items of tangible personal property and their intended recipients with reasonable certainty and is signed by the testator *or settlor* although it does not satisfy the requirements for a will *or trust instrument*. Bequests of a general or residuary nature, whether referring only to personal property or to the entire estate, are not specific bequests for the purpose of this section.

~~B.~~ *C.* The written statement or list may be (i) referred to as one that is in existence at the time of the testator's *or settlor's* death, (ii) prepared before or after the execution of the will *or trust instrument*, (iii) altered by the testator *or settlor* at any time, and (iv) a writing that has no significance apart from its effect on the dispositions made by the will *or trust instrument*. When distribution is made pursuant to such a written statement or list *referred to in a will*, a copy thereof shall be furnished to the commissioner of accounts along with the legatee's receipt.

~~C.~~ *D.* A personal representative *or trustee* shall not be liable for any distribution of tangible personal property to the apparent ~~legatee~~ *recipient* under the ~~testator's~~ will *or trust instrument* made without actual knowledge of the existence of a written statement or list, nor shall he have any duty to recover property so distributed. However, a person named to receive certain tangible personal property in a written statement or list that is effective under this section may recover that property, or its value if the property cannot be recovered, from an apparent ~~legatee~~ *recipient* to whom it has been distributed in an action brought for that purpose within one year after the probate of the testator's will *if such written statement or list was referred to in a testator's will or within one year of the settlor's death if such written statement or list was referred to in a trust instrument*.

~~D.~~ *E.* This section shall not apply to a writing admitted to probate as a will and, except as provided herein, shall not otherwise affect the law of incorporation by reference.

§ 64.2-531. Nonexoneration; payment of lien if granted by agent.

A. *For the purposes of this section, "revocable," "settlor," "trustee," and "trust instrument" mean the same as those terms are defined in § 64.2-701.*

B. Unless a contrary intent is clearly set out in the will*, the trust instrument,* or ~~in~~ a transfer on death deed, (i) real or personal property that is the subject of a specific devise or bequest in the will *or the trust instrument that was revocable immediately before the settlor's death* or (ii) real property subject to a transfer on death deed passes, subject to any mortgage, pledge, security interest, or other lien existing at the date of death of the testator *or settlor*, without the right of exoneration. A general directive in the will *or trust instrument* to pay debts shall not be evidence of a contrary intent that the mortgage, pledge, security interest, or other lien be exonerated prior to passing to the legatee.

~~B.~~ *C.* The personal representative may give written notice to the creditor holding any debt to which subsection ~~A~~ *B* applies that there is no right of exoneration for such debt pursuant to this section. Such notice shall include a copy of this section. Any such notice shall be sent by certified mail (i) to the address the creditor last provided to the debtor as the address to which notices to the creditor are to be sent; (ii) if the personal representative cannot reasonably determine the address to which notices to the creditor are to be sent, to the address the creditor last provided to the debtor as the address at which payments to the creditor are to be made; or (iii) if the personal representative cannot reasonably determine either the address to which notices to the creditor are to be sent or at which payments to the creditor are to be made, to (a) the address of the creditor's registered agent on file with the Virginia State Corporation Commission or (b) if there is no such registered agent on file, to the creditor's last known address. The creditor holding such debt may file a claim for such debt with the commissioner of accounts pursuant to § 64.2-552 on or before the later of one year after the qualification of the personal representative of the decedent's estate or six months after the personal representative gives such written notice to the creditor. Once the personal representative has given notice to the creditor as provided in this section, unless the creditor files a timely claim against the estate as set forth in this subsection, the liability of a personal representative or his surety for such debt shall not exceed the assets of the decedent remaining in the possession of the personal representative and available for application to the debt pursuant to § 64.2-528 at the time the creditor presents a demand for payment of such debt to the personal representative. Nothing in this section shall affect either the liability of the estate for such debt to the extent of the decedent's assets remaining at the time a claim is filed or the liability of the beneficiaries that receive the decedent's assets to the extent of such receipt.

In the event that any such claim is timely filed with the commissioner of accounts, the personal representative shall give the specific beneficiary receiving such real or personal property written notice, within 90 days after such claim is filed, to obtain from the creditor the release of the estate from such claim. The notice to a beneficiary may be made to the personal representative of a deceased beneficiary whose estate is a beneficiary, an attorney-in-fact for a beneficiary, a guardian or conservator of an incapacitated beneficiary, a committee of a convict or insane beneficiary, or the duly qualified guardian of a minor or, if none exists, a custodial parent of a minor. If the estate has not been released from such claim after the later of 180 days from such notice or one year from qualification, the personal representative may ~~(a)~~ *(1)* sell the real or personal property that is the subject of a specific devise or bequest and that is also subject to the claim, ~~(b)~~ *(2)* apply the proceeds of sale to the satisfaction of the claim, and ~~(c)~~ *(3)* distribute any excess proceeds from such sale of the specific beneficiary of such property. If the proceeds of such sale are insufficient to satisfy the debt in full, the deficiency shall remain a debt of the estate to be satisfied from the other assets of the estate in accordance with applicable law. If such real property is subject to a transfer on death deed and is also subject to the claim, the personal representative may proceed as provided in § 64.2-634 to enforce the liability for such claim against such property.

~~C.~~ *D.* Subsection ~~A~~ *B* shall not apply to any mortgage, pledge, security interest, or other lien existing at the date of death of the testator *or settlor* against any specifically devised or bequeathed real or personal property, or any real property subject to a transfer on death deed, that was granted by an agent acting within the authority of a durable power of attorney for the testator *or settlor* while the testator *or settlor* was incapacitated. For the purposes of this section, (i) no adjudication of the testator's *or settlor's* incapacity is necessary, (ii) the acts of an agent within the authority of a durable power of attorney are rebuttably presumed to be for an incapacitated testator *or settlor*, and (iii) an incapacitated testator *or settlor* is one who is impaired by reason of mental illness, intellectual disability, physical illness or disability, chronic use of drugs, chronic intoxication, or other cause creating a lack of sufficient understanding or capacity to make or communicate responsible decisions. This subsection shall not apply (a) if the mortgage, pledge, security interest, or other lien granted by the agent on the specific property is thereafter ratified by the testator *or settlor* while he is not incapacitated or (b) if the durable power of attorney was limited to one or more specific purposes and was not general in nature.

~~D.~~ *E.* Subsection ~~A~~ *B* shall not apply to any mortgage, pledge, security interest, or other lien existing at the date of the death of the testator *or settlor* against any specific devise or bequest of any real or personal property, or any real property subject to a transfer on death deed, that was granted by a conservator, guardian, or committee of the testator *or settlor*. This subsection shall not apply if, after the mortgage, pledge, security interest, or other lien granted by the conservator, guardian, or committee, there is an adjudication that the testator's *or settlor's* disability has ceased and the testator *or settlor* survives that adjudication by at least one year.

~~E.~~ *F.* Nothing in this section shall affect the priority of a secured debt with respect to the collateral securing such debt.

CHAPTER 577

An Act to amend and reenact § 19.2-13 of the Code of Virginia, relating to special conservators of the peace; armed security officer registration.

[S 145]

Approved April 5, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 19.2-13 of the Code of Virginia is amended and reenacted as follows:

§ 19.2-13. Special conservators of the peace; authority; jurisdiction; registration; liability of employers; penalty; report.

A. Upon the submission of an application, which shall include the results of the background investigation conducted pursuant to subsection C, from (i) any sheriff or chief of police of any county, city, or town; (ii) any corporation authorized to do business in the Commonwealth; (iii) the owner, proprietor, or authorized custodian of any place within the Commonwealth; or (iv) any museum owned and managed by the Commonwealth, a circuit court judge of any county or city shall appoint special conservators of the peace who shall serve as such for such length of time as the court may designate, but not exceeding four years under any one appointment, during which time the court shall retain jurisdiction over the appointment order, upon a showing by the applicant of a necessity for the security of property or the peace and presentation of evidence that the person or persons to be appointed as a special conservator of the peace possess a valid registration issued by the Department of Criminal Justice Services in accordance with the provisions of subsection C. Upon an application made pursuant to clause (ii), (iii), or (iv), the court shall, prior to entering the order of appointment, transmit a copy of the application to the local attorney for the Commonwealth and the local sheriff or chief of police who may submit to the court a sworn, written statement indicating whether the order of appointment should be granted. However, a judge may deny the appointment for good cause, and shall state the specific reasons for the denial in writing in the order denying the appointment. A judge also may revoke the appointment order for good cause shown, upon the filing of a sworn petition by the attorney for the Commonwealth, sheriff, or chief of police for any locality in which the special conservator of the peace is authorized to serve or by the Department of Criminal Justice Services. Prior to revocation, a hearing shall be set and the special conservator of the peace shall be given notice and the opportunity to be heard. The judge may temporarily suspend the appointment pending the hearing for good cause shown. A hearing on the petition shall be heard by the court as soon as practicable. If the appointment order is suspended or revoked, the clerk of court shall notify the Department of Criminal Justice Services, the Department of State Police, the applicable local law-enforcement agencies in all cities and counties where the special conservator of the peace is authorized to serve, and the employer of the special conservator of the peace.

The order of appointment shall provide that a special conservator of the peace may perform only the duties for which he is qualified by training as established by the Criminal Justice Services Board. The order of appointment shall provide that such duties shall be exercised only within geographical limitations specified by the court, which shall be within the confines of the county, city or town that makes application or on the real property where the corporate applicant is located, or any real property contiguous to such real property, limited, except as provided in subsection F, to the city or county wherein application has been made, and only when such special conservator of the peace is engaged in the performance of his duties as such; however, a court may, in its discretion, specify in the order of appointment additional jurisdictions in which a special conservator of the peace employed by the Shenandoah Valley Regional Airport Commission or the Richmond Metropolitan Transportation Authority may exercise his duties. The order may provide that the special conservator of the

peace shall have the authority to make an arrest outside of such geographical limitations if the arrest results from a close pursuit that was initiated when the special conservator of the peace was within the confines of the area wherein he has been authorized to have the powers and authority of a special conservator of the peace; the order shall further delineate a geographical limitation or distance beyond which the special conservator of the peace may not effectuate such an arrest that follows from a close pursuit. The order shall require the special conservator of the peace to comply with the provisions of the United States Constitution and the Constitution of Virginia. The order shall not identify the special conservator of the peace as a law-enforcement officer pursuant to § 9.1-101. The order may provide, however, that the special conservator of the peace is a "law-enforcement officer" for the purposes of Article 4 (§ 37.2-808 et seq.) of Chapter 8 of Title 37.2 or Article 16 (§ 16.1-335 et seq.) of Chapter 11 of Title 16.1, but such designation shall not qualify the special conservator of the peace as a "qualified law-enforcement officer" or "qualified retired law-enforcement officer" within the meaning of the federal Law Enforcement Officer Safety Act, 18 U.S.C. § 926(B) et seq., and the order of appointment shall specifically state this. The order may also provide that a special conservator of the peace who has completed the minimum training standards established by the Criminal Justice Services Board, has the authority to affect arrests, using up to the same amount of force as would be allowed to a law-enforcement officer employed by the Commonwealth or any of its political subdivisions when making a lawful arrest. The order shall prohibit blue flashing lights, but upon request and for good cause shown may provide that the special conservator of the peace may use flashing lights and sirens on any vehicle used by the special conservator of the peace when he is in the performance of his duties. Prior to granting an application for appointment, the circuit court shall ensure that the applicant has met the registration requirements established by the Criminal Justice Services Board.

B. All applications and orders for appointments of special conservators of the peace shall be submitted on forms developed by the Office of the Executive Secretary of the Supreme Court of Virginia in consultation with the Department of Criminal Justice Services and shall specify the duties for which the applicant is qualified. The applications and orders shall specify the geographic limitations consistent with subsection A.

C. No person shall seek appointment as a special conservator of the peace from a circuit court judge without possessing a valid registration issued by the Department of Criminal Justice Services, except as provided in this section. Applicants for registration may submit an application on or after January 1, 2004. A temporary registration may be issued in accordance with regulations established by the Criminal Justice Services Board while awaiting the results of a state and national fingerprint search. However, no person shall be issued a valid registration or temporary registration until he has (i) complied with, or been exempted from the compulsory minimum training standards as set forth in this section; (ii) submitted his fingerprints on a form provided by the Department to be used for the conduct of a national criminal records search and a Virginia criminal history records search; (iii) submitted the results of a background investigation, performed by any state or local law-enforcement agency, which may, at its discretion, charge a reasonable fee to the applicant and which shall include a review of the applicant's criminal history records and may include a review of the applicant's school records, employment records, or interviews with persons possessing general knowledge of the applicant's character and fitness for such appointment; and (iv) met all other requirements of this article and Board regulations. No person with a criminal conviction for a misdemeanor involving (a) moral turpitude, (b) assault and battery, (c) damage to real or personal property, (d) controlled substances or imitation controlled substances as defined in Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2, (e) prohibited sexual behavior as described in Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2, or (f) firearms, or any felony, or who is required to register with the Sex Offender and Crimes Against Minors Registry pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1, or who is prohibited from possessing, transporting, or purchasing a firearm shall be eligible for registration or appointment as a special conservator of the peace. A special conservator of the peace shall report if he is arrested for, charged with, or convicted of any misdemeanor or felony offense or becomes ineligible for registration or appointment as a special conservator of the peace pursuant to this subsection to the Department of Criminal Justice Services and the chief law-enforcement officer of all localities in which he is authorized to serve within three days of such arrest or of becoming ineligible for registration or appointment as a special conservator of the peace. Any appointment for a special conservator of the peace shall be eligible for suspension and revocation after a hearing pursuant to subsection A if the special conservator of the peace is convicted of any offense listed in this subsection or becomes ineligible for registration or appointment as a special conservator of the peace pursuant to this subsection. All appointments for special conservators of the peace shall become void on September 15, 2004, unless they have obtained a valid registration issued by the Department of Criminal Justice Services.

D. Each person registered as or seeking registration as a special conservator of the peace shall be covered by evidence of a policy of (i) personal injury liability insurance, as defined in § 38.2-117; (ii) property damage liability insurance, as defined in § 38.2-118; and (iii) miscellaneous casualty insurance, as defined in subsection B of § 38.2-111, which includes professional liability insurance that provides coverage for any activity within the scope of the duties of a special conservator of the peace as set forth in this section, in an amount and with coverage for each as fixed by the Board, or self-insurance in an amount and with coverage as fixed by the Board. Any person who is aggrieved by the misconduct of any person registered as a special conservator of the peace and recovers a judgment against the registrant, which is unsatisfied in whole or in part, may bring an action in his own name against the insurance policy of the registrant.

E. Effective July 1, 2015, all persons currently appointed or seeking appointment or reappointment as a special conservator of the peace are required to register with the Department of Criminal Justice Services, regardless of any other standing the person may have as a law-enforcement officer or other position requiring registration or licensure by the

Department. The employer of any special conservator of the peace shall notify the circuit court, the Department of Criminal Justice Services, the Department of State Police, and the chief law-enforcement officer of all localities in which the special conservator of the peace is authorized to serve within 30 days after the date such individual has left employment and all powers of the special conservator of the peace shall be void. Failure to provide such notification shall be punishable by a fine of $250 plus an additional $50 per day for each day such notice is not provided.

F. When the application is made by any sheriff or chief of police, the circuit court shall specify in the order of appointment the name of the applicant authorized under subsection A and the geographic jurisdiction of the special conservator of the peace. Such appointments shall be limited to the city or county wherein application has been made. When the application is made by any corporation authorized to do business in the Commonwealth, any owner, proprietor, or authorized custodian of any place within the Commonwealth, or any museum owned and managed by the Commonwealth, the circuit court shall specify in the order of appointment the name of the applicant authorized under subsection A and the specific real property where the special conservator of the peace is authorized to serve. Such appointments shall be limited to the specific real property within the county, city, or town wherein application has been made. In the case of a corporation or other business, the court appointment may also include, for good cause shown, any real property owned or leased by the corporation or business, including any subsidiaries, in other specifically named cities and counties, but shall provide that the powers of the special conservator of the peace do not extend beyond the boundaries of such real property. The clerk of the appointing circuit court shall transmit to the Department of State Police, the clerk of the circuit court of each locality where the special conservator of the peace is authorized to serve, and the sheriff or chief of police of each such locality a copy of the order of appointment that shall specify the following information: the person's complete name, address, date of birth, social security number, gender, race, height, weight, color of hair, color of eyes, firearm authority or limitation as set forth in subsection G, date of the order, and other information as may be required by the Department of State Police. The Department of State Police shall enter the person's name and other information into the Virginia Criminal Information Network established and maintained by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52. The Department of State Police may charge a fee not to exceed $10 to cover its costs associated with processing these orders. Each special conservator of the peace so appointed on application shall present his credentials to the chief of police or sheriff or his designee of all jurisdictions where he has conservator powers. If his powers are limited to certain areas of real property owned or leased by a corporation or business, he shall also provide notice of the exact physical addresses of those areas. Each special conservator shall provide to the circuit court a temporary registration letter issued by the Department of Criminal Justice Services to include the results of the background check prior to seeking an appointment by the circuit court. Once the applicant receives the appointment from the circuit court the applicant shall file the appointment order and a copy of the application with the Department of Criminal Justice Services in order to receive his special conservator of the peace registration document. If the court appointment includes any real property owned or leased by the corporation or business in other specifically named cities and counties not within the city or county wherein application has been made, the clerk of the appointing court shall transmit a copy of the order of appointment to (i) the clerk of the circuit court for each jurisdiction where the special conservator of the peace is authorized to serve and (ii) the sheriff or chief of police of each jurisdiction where the special conservator of the peace is authorized to serve.

If any such special conservator of the peace is the employee, agent or servant of another, his appointment as special conservator of the peace shall not relieve his employer, principal or master from civil liability to another arising out of any wrongful action or conduct committed by such special conservator of the peace while within the scope of his employment.

Effective July 1, 2002, no person employed by a local school board as a school security officer, as defined in § 9.1-101, shall be eligible for appointment as a conservator for purposes of maintaining safety in a public school in the Commonwealth. All appointments of special conservators of the peace granted to school security officers as defined in § 9.1-101 prior to July 1, 2002 are void.

G. The court may limit or prohibit the carrying of weapons by any special conservator of the peace initially appointed on or after July 1, 1996, while the appointee is within the scope of his employment as such.

H. The governing body of any locality or the sheriff of a county where no police department has been established may enter into mutual aid agreements with any entity employing special conservators of the peace that is located in such locality for the use of their joint forces and their equipment and materials to maintain peace and good order. Any law-enforcement officer or special conservator of the peace, while performing his duty under any such agreement, shall have the same authority as lawfully conferred on him within his own jurisdiction.

I. No special conservator of the peace shall display or use the word "police" on any uniform, badge, credential, or vehicle in the performance of his duties as a special conservator of the peace. Other than special conservators of the peace employed by a state agency, no special conservator of the peace shall use the seal of the Commonwealth on any uniform, badge, credential, or vehicle in the performance of his duties. However, upon request and for good cause shown, the order of appointment may provide that a special conservator of the peace who (i) meets all requirements, including the minimum compulsory training requirements, for law-enforcement officers set forth in Chapter 1 (§ 9.1-100 et seq.) of Title 9.1 and (ii) is employed by the Shenandoah Valley Regional Airport Commission or the Richmond Metropolitan Transportation Authority may use the word "police" on any badge, uniform, or vehicle in the performance of his duties or the seal of the Commonwealth on any badge or credential in the performance of his duties.

J. A special conservator of the peace may possess simultaneous registration with the Department of Criminal Justice Services as an armed security officer pursuant to Article 4 (§ 9.1-138 et seq.) of Chapter 1 of Title 9.1 and shall maintain the rights, requirements, and restrictions contained therein.

CHAPTER 578

An Act to amend the Code of Virginia by adding a section numbered 6.2-103.2, relating to financial institutions; reporting financial exploitation of elderly or vulnerable adults.

[S 174]

Approved April 5, 2024

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 6.2-103.2 as follows:

§ 6.2-103.2. Reporting financial exploitation of elderly or vulnerable adults.

A. As used in this section, unless the context requires a different meaning:

"Elderly or vulnerable adult" has the same meaning as provided for "adult" in § 63.2-1603.

"Financial exploitation" and "financial institution staff" have the same meanings as provided for those terms in § 63.2-1603, except that for the purposes of this section, "financial institution staff" shall not include an employee, agent, qualified individual, or representative of an investment company, investment advisor, securities firm, accounting firm, or insurance company.

B. 1. A financial institution may offer to an elderly or vulnerable adult the opportunity to submit and update a list of trusted persons that such elderly or vulnerable adult authorizes the financial institution or financial institution staff to contact when such financial institution or financial institution staff has reasonable cause to suspect that such elderly or vulnerable adult is a victim or target of financial exploitation.

2. Notwithstanding subdivision 1, a financial institution or financial institution staff with reasonable cause to suspect that an elderly or vulnerable adult is a victim or target of financial exploitation may convey the suspicion to one or more of the following, provided that the recipient of such conveyance is not the suspected perpetrator of financial exploitation:

a. Any person on the trusted contact list described in subdivision 1, if such a list has been provided;

b. A co-owner, additional authorized signatory, or beneficiary on any account that the elderly or vulnerable adult holds with the financial institution;

c. Any person known by the financial institution or financial institution staff to be reasonably associated with an elderly or vulnerable adult, including a family member, except that a financial institution shall only contact such reasonably associated person if (i) such financial institution is unable to contact any of the other permitted recipients listed in this subdivision and (ii) the elderly or vulnerable adult is unable to designate a trusted contact; or

d. An agent under a valid power of attorney.

3. When providing information under this subsection, a financial institution or financial institution staff may limit the information provided and disclose only that there is reasonable cause to suspect that the elderly or vulnerable adult may be a victim or target of financial exploitation without disclosing any other details or confidential, personal, or financial information.

4. A financial institution or financial institution staff shall be immune from any civil or administrative liability for any act taken or omission made in good faith and in accordance with the provisions of this subsection. Information shared pursuant to this subsection is exempt from any customer consent or customer notice requirements.

C. 1. A financial institution or third party selected by a financial institution may provide training relating to identifying and reporting the suspected financial exploitation of an elderly or vulnerable adult as described in subdivision 2 to financial institution staff who may (i) come into contact with elderly or vulnerable adults in the course of employment or (ii) review the financial documents, records, or transactions of an elderly or vulnerable adult in connection with providing financial services to such elderly or vulnerable adult.

2. The content of any training provided by a financial institution relating to identifying and reporting suspected financial exploitation of an elderly or vulnerable adult shall:

a. Be maintained by such financial institution and be made available to the financial regulatory agency with examination authority over such financial institution upon request, except that a financial institution shall not be required to maintain or make available such content relating to any individual who is no longer employed by or affiliated or associated with such financial institution;

b. Instruct individuals attending such training on how to identify the suspected financial exploitation of an elderly or vulnerable adult, including common signs of financial exploitation, and how to report such suspected financial exploitation internally at such financial institution, to a designated trusted contact, and to the Federal Bureau of Investigation (FBI), the local department of social services of the county or city wherein such elderly or vulnerable adult resides or where such suspected financial exploitation occurs, the adult protective services hotline, and local law-enforcement authorities;

c. Discuss the need to protect the privacy and respect the integrity of each customer of such financial institution; and

d. Be appropriate to the job responsibilities of the individuals attending such training.

3. A financial institution that conducts such training as provided in subdivision 2 shall maintain records of all financial institution staff who complete such training and the date of such completion. Such financial institution shall make such records available to the financial regulatory agency with examination authority over such financial institution upon request.

D. Financial institution staff who reasonably believe that the financial exploitation of an elderly or vulnerable adult may have occurred, may have been attempted, or is being attempted may report such suspected financial exploitation to the FBI, the local department of social services of the county or city wherein such elderly or vulnerable adult resides or where such suspected financial exploitation occurs, the adult protective services hotline, or local law-enforcement authorities. In support of such a report, the financial institution shall cooperate in any investigation and provide financial records and information relevant to such investigation in conformance with § 6.2-103.1. No record disclosed pursuant to this subsection shall be subject to the mandatory disclosure provisions of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.).

E. No financial institution staff who have received the training described in subsection C shall be liable, including in any civil or administrative proceeding, for disclosing the suspected financial exploitation of an elderly or vulnerable adult pursuant to this section if such disclosure was made in good faith and with reasonable care. No financial institution that has provided the training described in subsection C shall be liable for any such disclosure by financial institution staff.

F. The provisions of this section applicable to financial institutions may be applied to national banking associations, federal savings banks, federal savings and loan associations, or institutions chartered or organized as a federal credit union under the laws of the United States, to the extent that such entities have voluntarily implemented the requirements of this section and provided that any such provision is not expressly preempted by federal law, rule, regulation, or order.

2. That the Bureau of Financial Institutions of the State Corporation Commission shall develop guidelines for financial institutions to provide trainings in accordance with the provisions of subdivision C 1 of § 6.2-103.2 of the Code of Virginia, as created by this act, and shall publish such guidelines by January 1, 2026.

CHAPTER 579

An Act to amend and reenact §§ 37.2-809, 37.2-809.1, 37.2-815, 37.2-816, and 37.2-817 of the Code of Virginia, relating to civil commitments and temporary detention orders; definition of mental illness; neurocognitive disorders and neurodevelopmental disabilities; Secretary of Health and Human Resources to evaluate placements for certain individuals; report.

[S 176]

Approved April 5, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 37.2-809, 37.2-809.1, 37.2-815, 37.2-816, and 37.2-817 of the Code of Virginia are amended and reenacted as follows:

§ 37.2-809. Involuntary temporary detention; issuance and execution of order.

A. For the purposes of this section:

"Designee of the local community services board" means an examiner designated by the local community services board who (i) is skilled in the assessment and treatment of mental illness, (ii) has completed a certification program approved by the Department, (iii) is able to provide an independent examination of the person, (iv) is not related by blood or marriage to the person being evaluated, (v) has no financial interest in the admission or treatment of the person being evaluated, (vi) has no investment interest in the facility detaining or admitting the person under this article, and (vii) except for employees of state hospitals and of the U.S. Department of Veterans Affairs, is not employed by the facility.

"Employee" means an employee of the local community services board who is skilled in the assessment and treatment of mental illness and has completed a certification program approved by the Department.

"Investment interest" means the ownership or holding of an equity or debt security, including shares of stock in a corporation, interests or units of a partnership, bonds, debentures, notes, or other equity or debt instruments.

B. A magistrate shall issue, upon the sworn petition of any responsible person, treating physician, or upon his own motion and only after an evaluation conducted in-person or by means of a two-way electronic video and audio communication system as authorized in § 37.2-804.1 by an employee or a designee of the local community services board to determine whether the person meets the criteria for temporary detention, a temporary detention order if it appears from all evidence readily available, including any recommendation from a physician, clinical psychologist, clinical social worker, or licensed professional counselor treating the person, that the person (i) has a mental illness and that there exists a substantial likelihood that, as a result of mental illness, the person will, in the near future, (a) cause serious physical harm to himself or others as evidenced by recent behavior causing, attempting, or threatening harm and other relevant information, if any, or (b) suffer serious harm due to his lack of capacity to protect himself from harm or to provide for his basic human needs; (ii) is in need of hospitalization or treatment; and (iii) is unwilling to volunteer or incapable of volunteering for hospitalization or treatment. *Behaviors or symptoms that manifest from a neurocognitive disorder, including dementia, or a neurodevelopmental disability, including a developmental disability or intellectual disability, such as autism spectrum disorder, as defined in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders of the American Psychiatric Association are not sufficient, in themselves, to justify a finding of mental illness within the meaning of this section.* The magistrate shall also consider, if available, (a) information provided by the person who initiated emergency

custody and (b) the recommendations of any treating or examining physician licensed in Virginia either verbally or in writing prior to rendering a decision. Any temporary detention order entered pursuant to this section shall provide for the disclosure of medical records pursuant to § 37.2-804.2. This subsection shall not preclude any other disclosures as required or permitted by law.

C. When considering whether there is probable cause to issue a temporary detention order, the magistrate may, in addition to the petition, consider (i) the recommendations of any treating or examining physician, psychologist, clinical social worker, or licensed professional counselor licensed in Virginia, if available, (ii) any past actions of the person, (iii) any past mental health treatment of the person, (iv) any relevant hearsay evidence, (v) any medical records available, (vi) any affidavits submitted, if the witness is unavailable and it so states in the affidavit, and (vii) any other information available that the magistrate considers relevant to the determination of whether probable cause exists to issue a temporary detention order.

D. A magistrate may issue a temporary detention order without an emergency custody order proceeding. A magistrate may issue a temporary detention order without a prior evaluation pursuant to subsection B if (i) the person has been personally examined within the previous 72 hours by an employee or a designee of the local community services board or (ii) there is a significant physical, psychological, or medical risk to the person or to others associated with conducting such evaluation.

E. An employee or a designee of the local community services board shall determine the facility of temporary detention in accordance with the provisions of § 37.2-809.1 for all persons detained pursuant to this section. An employee or designee of the local community services board may change the facility of temporary detention and may designate an alternative facility for temporary detention at any point during the period of temporary detention if it is determined that the alternative facility is a more appropriate facility for temporary detention of the person given the specific security, medical, or behavioral health needs of the person. In cases in which the facility of temporary detention is changed following transfer of custody to an initial facility of temporary custody, transportation of the person to the alternative facility of temporary detention shall be provided in accordance with the provisions of § 37.2-810. The initial facility of temporary detention shall be identified on the preadmission screening report and indicated on the temporary detention order; however, if an employee or designee of the local community services board designates an alternative facility, that employee or designee shall provide written notice forthwith, on a form developed by the Executive Secretary of the Supreme Court of Virginia, to the clerk of the issuing court of the name and address of the alternative facility. Subject to the provisions of § 37.2-809.1, if a facility of temporary detention cannot be identified by the time of the expiration of the period of emergency custody pursuant to § 37.2-808, the person shall be detained in a state facility for the treatment of persons with mental illness and such facility shall be indicated on the temporary detention order. Except as provided in § 37.2-811 for inmates requiring hospitalization in accordance with subdivision A 2 of § 19.2-169.6, the person shall not be detained in a jail or other place of confinement for persons charged with criminal offenses. Except as provided in § 37.2-811 for inmates requiring hospitalization in accordance with subdivision A 2 of § 19.2-169.6 or in subsection C of § 37.2-813 for persons prior to transfer to the facility of temporary detention, the person shall remain in the custody of law enforcement until either (i) the person is detained within a secure facility or (ii) custody has been accepted by the appropriate personnel designated by either the initial facility of temporary detention identified in the temporary detention order or by the alternative facility of temporary detention designated by the employee or designee of the local community services board pursuant to this subsection. The person detained or in custody pursuant to this section shall be given a written summary of the temporary detention procedures and the statutory protections associated with those procedures.

F. Any facility caring for a person placed with it pursuant to a temporary detention order is authorized to provide emergency medical and psychiatric services within its capabilities when the facility determines that the services are in the best interests of the person within its care. The costs incurred as a result of the hearings and by the facility in providing services during the period of temporary detention shall be paid and recovered pursuant to § 37.2-804. The maximum costs reimbursable by the Commonwealth pursuant to this section shall be established by the State Board of Medical Assistance Services based on reasonable criteria. The State Board of Medical Assistance Services shall, by regulation, establish a reasonable rate per day of inpatient care for temporary detention.

G. The employee or the designee of the local community services board who is conducting the evaluation pursuant to this section shall determine, prior to the issuance of the temporary detention order, the insurance status of the person. Where coverage by a third party payor exists, the facility seeking reimbursement under this section shall first seek reimbursement from the third party payor. The Commonwealth shall reimburse the facility only for the balance of costs remaining after the allowances covered by the third party payor have been received.

H. The duration of temporary detention shall be sufficient to allow for completion of the examination required by § 37.2-815, preparation of the preadmission screening report required by § 37.2-816, and initiation of mental health treatment to stabilize the person's psychiatric condition to avoid involuntary commitment where possible, but shall not exceed 72 hours prior to a hearing. If the 72-hour period herein specified terminates on a Saturday, Sunday, legal holiday, or, if the individual has been admitted to a facility of temporary detention, day or part of a day on which the clerk's office is lawfully closed, the person may be detained, as herein provided, until the close of business on the next day that is not a Saturday, Sunday, legal holiday, or, if the individual has been admitted to a facility of temporary detention, day or part of a day on which the clerk's office is lawfully closed. The person may be released, pursuant to § 37.2-813, before the 72-hour period herein specified has run.

I. If a temporary detention order is not executed within 24 hours of its issuance, or within a shorter period as is specified in the order, the order shall be void and shall be returned unexecuted to the office of the clerk of the issuing court or, if the office is not open, to any magistrate serving the jurisdiction of the issuing court. Subsequent orders may be issued upon the original petition within 96 hours after the petition is filed. However, a magistrate must again obtain the advice of an employee or a designee of the local community services board prior to issuing a subsequent order upon the original petition. Any petition for which no temporary detention order or other process in connection therewith is served on the subject of the petition within 96 hours after the petition is filed shall be void and shall be returned to the office of the clerk of the issuing court.

J. The Executive Secretary of the Supreme Court of Virginia shall establish and require that a magistrate, as provided by this section, be available seven days a week, 24 hours a day, for the purpose of performing the duties established by this section. Each community services board shall provide to each general district court and magistrate's office within its service area a list of its employees and designees who are available to perform the evaluations required herein.

K. For purposes of this section, a health care provider or designee of a local community services board or behavioral health authority shall not be required to encrypt any email containing information or medical records provided to a magistrate unless there is reason to believe that a third party will attempt to intercept the email.

L. If the employee or designee of the community services board who is conducting the evaluation pursuant to this section recommends that the person should not be subject to a temporary detention order, such employee or designee shall (i) inform the petitioner, the person who initiated emergency custody if such person is present, and an onsite treating physician of his recommendation; (ii) promptly inform such person who initiated emergency custody that the community services board will facilitate communication between the person and the magistrate if the person disagrees with recommendations of the employee or designee of the community services board who conducted the evaluation and the person who initiated emergency custody so requests; and (iii) upon prompt request made by the person who initiated emergency custody, arrange for such person who initiated emergency custody to communicate with the magistrate as soon as is practicable and prior to the expiration of the period of emergency custody. The magistrate shall consider any information provided by the person who initiated emergency custody and any recommendations of the treating or examining physician and the employee or designee of the community services board who conducted the evaluation and consider such information and recommendations in accordance with subsection B in making his determination to issue a temporary detention order. The person who is the subject of emergency custody shall remain in the custody of law enforcement or a designee of law enforcement and shall not be released from emergency custody until communication with the magistrate pursuant to this subsection has concluded and the magistrate has made a determination regarding issuance of a temporary detention order.

M. For purposes of this section, "person who initiated emergency custody" means any person who initiated the issuance of an emergency custody order pursuant to § 37.2-808 or a law-enforcement officer who takes a person into custody pursuant to subsection G of § 37.2-808.

N. In any case in which a person subject to an evaluation pursuant to this section is receiving services in a hospital emergency department, the treating physician or his designee and the employee or designee of the local community services board shall disclose to each other relevant information pertaining to the individual's treatment in the emergency department.

§ 37.2-809.1. Facility of temporary detention.

A. In each case in which an employee or designee of the local community services board as defined in § 37.2-809 is required to make an evaluation of an individual pursuant to subsection B, G, or H of § 37.2-808, an employee or designee of the local community services board shall, upon being notified of the need for such evaluation, contact the state facility for the area in which the community services board is located and notify the state facility that the individual will be transported to the facility upon issuance of a temporary detention order if no other facility of temporary detention can be identified by the time of the expiration of the period of emergency custody pursuant to § 37.2-808. Upon completion of the evaluation, the employee or designee of the local community services board shall convey to the state facility information about the individual necessary to allow the state facility to determine the services the individual will require upon admission.

B. If upon notification from the employee or designee of the local community services board a state facility has reason to believe that the individual's behaviors or symptoms are solely a manifestation of a neurocognitive disorder or neurodevelopmental disorder, the state facility may require that a licensed psychiatrist or other licensed mental health professional reevaluate the individual's eligibility for a temporary detention order under § 37.2-809 before the individual is admitted. If the licensed psychiatrist or other licensed mental health professional determines the individual's behaviors or symptoms are solely a manifestation of a neurocognitive or neurodevelopmental disorder, the state facility shall promptly authorize the release of the person held under a temporary detention order pursuant to § 37.2-809 and the employee or a designee of the local community services board shall provide a discharge plan.

~~B.~~ *C.* A state facility may, following the notice in accordance with subsection A, conduct a search for an alternative facility that is able and willing to provide temporary detention and appropriate care to the individual, which may include another state facility if the state facility notified in accordance with subsection A is unable to provide temporary detention and appropriate care for the individual. Under no circumstances*, other than those specified in this section,* shall a state facility fail or refuse to admit an individual who meets the criteria for temporary detention pursuant to § 37.2-809 unless an alternative facility that is able to provide temporary detention and appropriate care agrees to accept the individual for temporary detention and the individual shall not during the duration of the temporary detention order be released from

custody except for purposes of transporting the individual to the state facility or alternative facility in accordance with the provisions of § 37.2-810. If an alternative facility is identified and agrees to accept the individual for temporary detention, the state facility shall notify the community services board, and an employee or designee of the community services board shall designate the alternative facility on the prescreening report.

~~C.~~ *D.* A state facility may conduct a search for an alternative facility that is able and willing to provide temporary detention and appropriate care to the individual in accordance with subsection B if the individual is in the custody of an alternative transportation provider.

~~D.~~ *E.* The facility of temporary detention designated in accordance with this section shall be one that has been approved pursuant to regulations of the Board.

§ 37.2-815. Commitment hearing for involuntary admission; examination required.

A. Notwithstanding § 37.2-814, the district court judge or special justice shall require an examination of the person who is the subject of the hearing by a psychiatrist or a psychologist who is licensed in Virginia by the Board of Medicine or the Board of Psychology and is qualified in the diagnosis of mental illness or, if such a psychiatrist or psychologist is not available, a mental health professional who (i) is licensed in Virginia through the Department of Health Professions as a clinical social worker, professional counselor, marriage and family therapist, or psychiatric advanced practice registered nurse; (ii) is qualified in the assessment of mental illness; and (iii) has completed a certification program approved by the Department. The examiner chosen shall be able to provide an independent clinical evaluation of the person and recommendations for his placement, care, and treatment. The examiner shall (a) not be related by blood or marriage to the person, (b) not be responsible for treating the person, (c) have no financial interest in the admission or treatment of the person, (d) have no investment interest in the facility detaining or admitting the person under this chapter, and (e) except for employees of state hospitals, the U.S. Department of Veterans Affairs, and community service boards, not be employed by the facility. For purposes of this section, the term "investment interest" shall be as defined in § 37.2-809.

B. The examination conducted pursuant to this section shall be a comprehensive evaluation of the person conducted in-person or, if that is not practicable, by two-way electronic video and audio communication system as authorized in § 37.2-804.1. Translation or interpreter services shall be provided during the evaluation where necessary. The examination shall consist of (i) a clinical assessment that includes a mental status examination; determination of current use of psychotropic and other medications; a medical and psychiatric history; a substance use, abuse, or dependency determination; and a determination of the likelihood that, as a result of mental illness, the person will, in the near future, suffer serious harm due to his lack of capacity to protect himself from harm or to provide for his basic human needs; (ii) a substance abuse screening, when indicated; (iii) a risk assessment that includes an evaluation of the likelihood that, as a result of mental illness, the person will, in the near future, cause serious physical harm to himself or others as evidenced by recent behavior causing, attempting, or threatening harm and other relevant information, if any; (iv) an assessment of the person's capacity to consent to treatment, including his ability to maintain and communicate choice, understand relevant information, and comprehend the situation and its consequences; (v) a review of the temporary detention facility's records for the person, including the treating physician's evaluation, any collateral information, reports of any laboratory or toxicology tests conducted, and all admission forms and nurses' notes; (vi) a discussion of treatment preferences expressed by the person or contained in a document provided by the person in support of recovery; (vii) an assessment of whether the person meets the criteria for an order authorizing discharge to mandatory outpatient treatment following a period of inpatient treatment pursuant to subsection C of § 37.2-817.01; (viii) an assessment of alternatives to involuntary inpatient treatment; and (ix) recommendations for the placement, care, and treatment of the person.

C. All such examinations shall be conducted in private. The judge or special justice shall summons the examiner who shall certify that he has personally examined the person and state whether he has probable cause to believe that the person (i) has a mental illness and there is a substantial likelihood that, as a result of mental illness, the person will, in the near future, (a) cause serious physical harm to himself or others as evidenced by recent behavior causing, attempting, or threatening harm and other relevant information, if any, or (b) suffer serious harm due to his lack of capacity to protect himself from harm or to provide for his basic human needs, and (ii) requires involuntary inpatient treatment. *Behaviors or symptoms that manifest from a neurocognitive disorder, including dementia, or a neurodevelopmental disability, including a developmental disability or intellectual disability, such as autism spectrum disorder, as defined in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders of the American Psychiatric Association are not sufficient, in themselves, to justify a finding of mental illness within the meaning of this section.* The judge or special justice shall not render any decision on the petition until the examiner has presented his report. The examiner may report orally at the hearing, but he shall provide a written report of his examination prior to the hearing. The examiner's written certification may be accepted into evidence unless objected to by the person or his attorney, in which case the examiner shall attend in person or by electronic communication. When the examiner attends the hearing in person or by electronic communication, the examiner shall not be excluded from the hearing pursuant to an order of sequestration of witnesses.

§ 37.2-816. Commitment hearing for involuntary admission; preadmission screening report.

The district court judge or special justice shall require a preadmission screening report from the community services board that serves the county or city where the person resides or, if impractical, where the person is located. The report shall be admitted as evidence of the facts stated therein and shall state (i) whether the person has a mental illness and whether there exists a substantial likelihood that, as a result of mental illness, the person will, in the near future, (a) cause serious physical harm to himself or others as evidenced by recent behavior causing, attempting, or threatening harm and other

relevant information, if any, or (b) suffer serious harm due to his lack of capacity to protect himself from harm or to provide for his basic human needs, (ii) whether the person is in need of involuntary inpatient treatment, (iii) whether there is no less restrictive alternative to inpatient treatment, and (iv) the recommendations for that person's placement, care, and treatment including, where appropriate, recommendations for mandatory outpatient treatment. The board shall provide the preadmission screening report to the court prior to the hearing, and the report shall be admitted into evidence and made part of the record of the case. In the case of a person who has been sentenced and committed to the Department of Corrections and who has been examined by a psychiatrist or clinical psychologist, the judge or special justice may proceed to adjudicate whether the person has mental illness and should be involuntarily admitted without requesting a preadmission screening report from the community services board. *Behaviors or symptoms that manifest from a neurocognitive disorder, including dementia, or a neurodevelopmental disability, including a developmental disability or intellectual disability, such as autism spectrum disorder, as defined in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders of the American Psychiatric Association are not sufficient, in themselves, to justify a finding of mental illness within the meaning of this section.*

§ 37.2-817. Involuntary admission.

A. The district court judge or special justice shall render a decision on the petition for involuntary admission after the appointed examiner has presented the report required by § 37.2-815, and after the community services board that serves the county or city where the person resides or, if impractical, where the person is located has presented a preadmission screening report with recommendations for that person's placement, care, and treatment pursuant to § 37.2-816. These reports, if not contested, may constitute sufficient evidence upon which the district court judge or special justice may base his decision. The examiner, if not physically present at the hearing, and the treating physician at the facility of temporary detention shall be available whenever possible for questioning during the hearing through a two-way electronic video and audio or telephonic communication system as authorized in § 37.2-804.1.

B. Any employee or designee of the local community services board, as defined in § 37.2-809, representing the community services board that prepared the preadmission screening report shall attend the hearing in person or, if physical attendance is not practicable, shall participate in the hearing through a two-way electronic video and audio or telephonic communication system as authorized in § 37.2-804.1. Where a hearing is held outside of the service area of the community services board that prepared the preadmission screening report, and it is not practicable for a representative of the community services board that prepared the preadmission screening report to attend or participate in the hearing, arrangements shall be made by the community services board that prepared the preadmission screening report for an employee or designee of the community services board serving the area in which the hearing is held to attend or participate on behalf of the community services board that prepared the preadmission screening report. The employee or designee of the local community services board, as defined in § 37.2-809, representing the community services board that prepared the preadmission screening report or attending or participating on behalf of the community services board that prepared the preadmission screening report shall not be excluded from the hearing pursuant to an order of sequestration of witnesses. The community services board that prepared the preadmission screening report shall remain responsible for the person subject to the hearing and, prior to the hearing, shall send the preadmission screening report through certified mail, personal delivery, facsimile with return receipt acknowledged, or other electronic means with documented acknowledgment of receipt to the community services board attending the hearing. Where a community services board attends the hearing on behalf of the community services board that prepared the preadmission screening report, the attending community services board shall inform the community services board that prepared the preadmission screening report of the disposition of the matter upon the conclusion of the hearing. In addition, the attending community services board shall transmit the disposition through certified mail, personal delivery, facsimile with return receipt acknowledged, or other electronic means with documented acknowledgment of receipt.

At least 12 hours prior to the hearing, the court shall provide to the community services board that prepared the preadmission screening report the time and location of the hearing. If the representative of the community services board that prepared the preadmission screening report will be present by telephonic means, the court shall provide the telephone number to the community services board. If a representative of a community services board will be attending the hearing on behalf of the community services board that prepared the preadmission screening report, the community services board that prepared the preadmission screening report shall promptly communicate the time and location of the hearing and, if the representative of the community services board attending on behalf of the community services board that prepared the preadmission screening report will be present by telephonic means, the telephone number to the attending community services board.

C. After observing the person and considering (i) the recommendations of any treating or examining physician or psychologist licensed in Virginia, if available, (ii) any past actions of the person, (iii) any past mental health treatment of the person, (iv) any examiner's certification, (v) any health records available, (vi) the preadmission screening report, and (vii) any other relevant evidence that may have been admitted, including whether the person recently has been found unrestorably incompetent to stand trial after a hearing held pursuant to subsection E of § 19.2-169.1, if the judge or special justice finds by clear and convincing evidence that (a) the person has a mental illness and there is a substantial likelihood that, as a result of mental illness, the person will, in the near future, (1) cause serious physical harm to himself or others as evidenced by recent behavior causing, attempting, or threatening harm and other relevant information, if any, or (2) suffer serious harm due to his lack of capacity to protect himself from harm or to provide for his basic human needs, and (b) all

available less restrictive treatment alternatives to involuntary inpatient treatment that would offer an opportunity for the improvement of the person's condition have been investigated and determined to be inappropriate, the judge or special justice shall by written order and specific findings so certify and order that the person be admitted involuntarily to a facility for a period of treatment not to exceed 30 days from the date of the court order. *Behaviors or symptoms that manifest from a neurocognitive disorder, including dementia, or a neurodevelopmental disability, including a developmental disability or intellectual disability, such as autism spectrum disorder, as defined in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders of the American Psychiatric Association are not sufficient, in themselves, to justify a finding of mental illness within the meaning of this section.* Such involuntary admission shall be to a facility designated by the community services board that serves the county or city in which the person was examined as provided in § 37.2-816. If the community services board does not designate a facility at the commitment hearing, the person shall be involuntarily admitted to a facility designated by the Commissioner. Upon the expiration of an order for involuntary admission, the person shall be released unless (A) he is involuntarily admitted by further petition and order of a court, which shall be for a period not to exceed 180 days from the date of the subsequent court order, (B) he makes application for treatment on a voluntary basis as provided for in § 37.2-805, or (C) he is ordered to mandatory outpatient treatment following a period of inpatient treatment pursuant to § 37.2-817.01.

2. That the Secretary of Health and Human Resources shall convene a work group of relevant stakeholders, including representatives from local community services boards, the Virginia Hospital and Healthcare Association, and the Office of the Executive Secretary of the Supreme Court of Virginia to (i) evaluate the current availability of placements for individuals with neurocognitive disorders and neurodevelopmental disabilities who would otherwise be placed in state psychiatric hospitals; (ii) identify and develop placements and services other than state psychiatric hospitals that would better support such individuals, especially individuals whose behaviors or symptoms are solely a manifestation of such disorders and disabilities, including through enhanced Medicaid reimbursements and a Medicaid waiver for individuals with neurocognitive disorders; (iii) specify any additional funding or statutory changes needed to prevent inappropriate placements of such individuals in state psychiatric hospitals; (iv) provide recommendations for training of magistrates and community services boards related to the implementation of this act; and (v) report the work group's findings and recommendations to the Chairmen of the House Committee on Appropriations, the Senate Committee on Finance and Appropriations, the House Committee on Health and Human Services, and the Senate Committee on Education and Health by November 1, 2024.

3. That the provisions of the first enactment of this act shall not become effective unless reenacted by the 2025 Session of the General Assembly.

CHAPTER 580

An Act to amend and reenact § 2.2-3706.1 of the Code of Virginia, relating to Virginia Freedom of Information Act; release of criminal investigative files exception.

[S 204]

Approved April 5, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 2.2-3706.1 of the Code of Virginia is amended and reenacted as follows:

§ 2.2-3706.1. Disclosure of law-enforcement records; criminal incident information and certain criminal investigative files; limitations.

A. For purposes of this section:

"Criminal investigative files" means any documents and information, including complaints, court orders, memoranda, notes, diagrams, maps, photographs, correspondence, reports, witness statements, and evidence, relating to a criminal investigation or prosecution, other than criminal incident information subject to disclosure in accordance with subsection B.

"Family representative" means the decedent's personal representative or, if no personal representative as set forth in § 64.2-100 has qualified, the decedent's next of kin in order of intestate succession as set forth in § 64.2-200.

"Immediate family members" means the decedent's family representative, spouse, child, sibling, parent, grandparent, or grandchild. "Immediate family members" include a stepparent, stepchild, stepsibling, and adoptive relationships.

"Ongoing" refers to a case in which the prosecution has not been finally adjudicated, the investigation continues to gather evidence for a possible future criminal case, and such case would be jeopardized by the premature release of evidence.

B. All public bodies engaged in criminal law-enforcement activities shall provide records and information when requested in accordance with the provisions of this chapter regarding criminal incident information relating to felony offenses contained in any report, notes, electronic communication, or other document, including filings through an incident-based reporting system, which shall include:

1. A general description of the criminal activity reported;

2. The date and time the alleged crime was committed;

3. The general location where the alleged crime was committed;

4. The identity of the investigating officer or other point of contact; and

5. A description of any injuries suffered or property damaged or stolen.

A verbal response as agreed to by the requester and the public body is sufficient to satisfy the requirements of this subsection.

C. Criminal investigative files relating to an ongoing criminal investigation or proceeding are excluded from the mandatory disclosure provisions of this chapter, but may be disclosed by the custodian, in his discretion, except as provided in subsection E or where such disclosure is prohibited by law.

D. Criminal investigative files relating to a criminal investigation or proceeding that is not ongoing are excluded from the mandatory disclosure provisions of this chapter, but may be disclosed by the custodian, in his discretion, except as provided in subsection E; however, such records shall be disclosed, by request, to (i) the victim; (ii) the victim's immediate family members, if the victim is deceased and the immediate family member to which the records are to be disclosed is not a person of interest or a suspect in the criminal investigation or proceeding; (iii) the parent or guardian of the victim, if the victim is a minor and the parent or guardian is not a person of interest or a suspect in the criminal investigation or proceeding; (iv) an attorney representing a petitioner in a petition for a writ of habeas corpus or writ of actual innocence pursuant to Chapter 19.2 (§ 19.2-327.2 et seq.) of Title 19.2 or any other federal or state post-conviction proceeding or pardon; and (v) for the sole purpose of inspection at the location where such records are maintained by the public body that is the custodian of the records, (a) an attorney or his agent when such attorney is considering representing a petitioner in a post-conviction proceeding or pardon, (b) an attorney who provides a sworn declaration that the attorney has been retained by an individual for purposes of pursuing a civil or criminal action and has a good faith basis to believe that the records being requested are material to such action, or (c) a person who is proceeding pro se in a petition for a writ of habeas corpus or writ of actual innocence pursuant to Chapter 19.2 (§ 19.2-327.2 et seq.) of Title 19.2 or any other federal or state post-conviction proceeding or pardon, who provides a sworn affidavit that the records being requested are material to such action. An attorney or his agent who is in receipt of criminal investigative files or has inspected criminal investigative files pursuant to clause (iv) or (v) shall not release such criminal investigative files or any information contained therein except as necessary to provide adequate legal advice or representation to a person whom the attorney either represents or is considering representing in a post-conviction proceeding or pardon or represents in a civil or criminal action.

An attorney who is in receipt of criminal investigative files pursuant to clause (iv) shall return the criminal investigative files to the public body that is the custodian of such records within 90 days of a final determination of any writ of habeas corpus, writ of actual innocence, or other federal or state post-conviction proceeding or pardon or, if no petition for such writ or post-conviction proceeding or pardon was filed, within six months of the attorney's receipt of the records.

No disclosure for the purpose of inspection pursuant to clause (v) (c) of this subsection shall be made unless an appropriate circuit court has reviewed the affidavit provided and determined the records requested are material to the action being pursued. The court shall order the person not to disclose or otherwise release any information contained in a criminal investigative file except as necessary for the pending action and may include other conditions as appropriate.

E. The provisions of subsections C and D shall not apply if the release of such information:

1. Would interfere with a particular ongoing criminal investigation or proceeding in a particularly identifiable manner;

2. Would deprive a person of a right to a fair trial or an impartial adjudication;

3. Would constitute an unwarranted invasion of personal privacy;

4. Would disclose (i) the identity of a confidential source or (ii) in the case of a record compiled by a law-enforcement agency in the course of a criminal investigation, information furnished only by a confidential source;

5. Would disclose law-enforcement investigative techniques and procedures, if such disclosure could reasonably be expected to risk circumvention of the law; or

6. Would endanger the life or physical safety of any individual.

Nothing in this subsection shall be construed to authorize the withholding of those portions of such information that are unlikely to cause any effect listed herein.

F. Notwithstanding the provisions of subsection C or D, no criminal investigative file or portion thereof, except disclosure of records under clause (iv) of subsection D or clause (v) (a) of subsection D, shall be disclosed to any requester pursuant to this section, unless the public body has made reasonable efforts to notify (i) the victim; (ii) the victim's immediate family members, if the victim is deceased and the immediate family member to be notified is not a person of interest or a suspect in the criminal investigation or proceeding; or (iii) the victim's parent or guardian, if the victim is a minor and the parent or guardian to be notified is not a person of interest or a suspect in the criminal investigation or proceeding.

Upon receipt of notice that a public body has received a request for criminal investigative files pursuant to this section, an individual listed in clause (i), (ii), or (iii) shall have 14 days to file in an appropriate court a petition for an injunction to prevent the disclosure of the records as set forth in § 8.01-622.2. The public body shall not respond to the request until at least 14 days has passed from the time notice was received by an individual listed in clause (i), (ii), or (iii) *unless such individual has waived the 14-day period or at the request of the victim's insurance company or attorney*. The period within which the public body shall respond to the underlying request pursuant to § 2.2-3704 shall be tolled pending the notification process and any subsequent disposition by the court.

G. No photographic, audio, video, or other record depicting a victim or allowing for a victim to be readily identified shall be released pursuant to subsection C or D to anyone except (i) the victim; (ii) the victim's family representative, if the victim is deceased and the family representative to which the records are to be disclosed is not a person of interest or a

suspect in the criminal investigation or proceeding; ~~or~~ (iii) the victim's parent or guardian, if the victim is a minor and the parent or guardian is not a person of interest or a suspect in the criminal investigation or proceeding*; or (iv) the victim's insurance company or attorney*.

H. Nothing in this section shall prohibit the disclosure of current anonymized, aggregate location and demographic data collected pursuant to § 52-30.2 or similar data documenting law-enforcement officer encounters with members of the public.

I. In the event of a conflict between this section as it relates to requests made under this section and other provisions of law, the other provisions of law, including court sealing orders, that restrict disclosure of criminal investigative files shall control.

CHAPTER 581

An Act to amend the Code of Virginia by adding a section numbered 9.1-116.01, relating to universal certification for certain law-enforcement officers.

[S 207]

Approved April 5, 2024

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 9.1-116.01 as follows:

§ 9.1-116.01. Universal certification for certain law-enforcement officers.

A. Any sworn law-enforcement officer with at least one year of law-enforcement experience (i) whose training qualifications meet or exceed current training standards established by the Board in accordance with this article and who is in compliance with §§ 15.2-1705 and 15.2-1706, (ii) who has not had a break in service of more than 24 months, and (iii) who is leaving the transferring law-enforcement agency in good standing with no pending investigations or disciplinary actions shall be eligible for employment at any law-enforcement agency within the Commonwealth or any political subdivision thereof. Any such law-enforcement officer shall complete any other training as determined to be necessary by the Board to ensure understanding of the criminal laws and all other laws of the Commonwealth.

B. Prior to any conditional offer of employment, the hiring law-enforcement agency shall request from all prior employing law-enforcement agencies any information (i) related to an arrest or prosecution of the applicant law-enforcement officer, including any expunged arrest or criminal charge known to the agency or disclosed during the hiring process that would otherwise be prohibited from disclosure in accordance with § 19.2-392.4; (ii) related to a civil suit regarding the applicant law-enforcement officer's employment or performance of his duties; (iii) obtained during the course of any internal investigation related to the applicant law-enforcement officer's alleged criminal conduct, use of excessive force, or other official misconduct in violation of the state professional standards of conduct adopted by the Board; and (iv) related to the applicant law-enforcement officer's job performance that led to such officer's resignation, dismissal, demotion, suspension, or transfer. The hiring law-enforcement agency shall employ all reasonable means to obtain personnel records for law-enforcement officers transferring from an out-of-state or federal law-enforcement agency, including requiring the applicant law-enforcement officer (a) to complete a waiver or release liability authorizing the hiring law-enforcement agency to request such information as listed in this subsection from all prior employing law-enforcement agencies and (b) to provide a full disclosure of any incidents or information that such prior employing law-enforcement agencies have been requested to disclose as listed in this subsection.

Upon the receipt of all requested information by the hiring law-enforcement agency, the applicant law-enforcement officer shall complete a sworn declaration that the provided information or records are, to the best of the applicant's knowledge, a true, correct, and complete response to such request.

C. In addition, the hiring law-enforcement agency may require a candidate for employment to undergo a psychological examination, subsequent to a conditional offer of employment, conducted under the supervision of a licensed psychiatrist or a licensed clinical psychologist.

D. Notwithstanding the provisions of this section, any sworn law-enforcement officer may be granted an exemption in accordance with the provisions of § 9.1-116 and may be subject to the compulsory minimum training standards established by the Board.

CHAPTER 582

An Act to amend and reenact §§ 2.2-3706.1 and 8.01-622.2 of the Code of Virginia, relating to Virginia Freedom of Information Act; removal of Virginia residency requirement for access to certain criminal investigation files.

[S 215]

Approved April 5, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-3706.1 and 8.01-622.2 of the Code of Virginia are amended and reenacted as follows:

§ 2.2-3706.1. Disclosure of law-enforcement records; criminal incident information and certain criminal investigative files; limitations.

A. For purposes of this section:

"Criminal investigative files" means any documents and information, including complaints, court orders, memoranda, notes, diagrams, maps, photographs, correspondence, reports, witness statements, and evidence, relating to a criminal investigation or prosecution, other than criminal incident information subject to disclosure in accordance with subsection B.

"Family representative" means the decedent's personal representative or, if no personal representative as set forth in § 64.2-100 has qualified, the decedent's next of kin in order of intestate succession as set forth in § 64.2-200.

"Immediate family members" means the decedent's family representative, spouse, child, sibling, parent, grandparent, or grandchild. "Immediate family members" include a stepparent, stepchild, stepsibling, and adoptive relationships.

"Ongoing" refers to a case in which the prosecution has not been finally adjudicated, the investigation continues to gather evidence for a possible future criminal case, and such case would be jeopardized by the premature release of evidence.

B. All public bodies engaged in criminal law-enforcement activities shall provide records and information when requested in accordance with the provisions of this chapter regarding criminal incident information relating to felony offenses contained in any report, notes, electronic communication, or other document, including filings through an incident-based reporting system, which shall include:

1. A general description of the criminal activity reported;

2. The date and time the alleged crime was committed;

3. The general location where the alleged crime was committed;

4. The identity of the investigating officer or other point of contact; and

5. A description of any injuries suffered or property damaged or stolen.

A verbal response as agreed to by the requester and the public body is sufficient to satisfy the requirements of this subsection.

C. Criminal investigative files relating to an ongoing criminal investigation or proceeding are excluded from the mandatory disclosure provisions of this chapter, but may be disclosed by the custodian, in his discretion, except as provided in subsection E or where such disclosure is prohibited by law.

D. Criminal investigative files relating to a criminal investigation or proceeding that is not ongoing are excluded from the mandatory disclosure provisions of this chapter~~,~~ but may be disclosed by the custodian, in his discretion, except as provided in subsection E; however, such records shall be disclosed, by request, to *the following persons, regardless of whether any such person is a citizen of the Commonwealth:*

~~(i) the~~ *1. The* victim;

~~(ii) the~~ *2. The* victim's immediate family members, if the victim is deceased and the immediate family member to which the records are to be disclosed is not a person of interest or a suspect in the criminal investigation or proceeding;

~~(iii) the~~ *3. The* parent or guardian of the victim, if the victim is a minor and the parent or guardian is not a person of interest or a suspect in the criminal investigation or proceeding;

~~(iv) an~~ *4. An* attorney representing a petitioner in a petition for a writ of habeas corpus or writ of actual innocence pursuant to Chapter 19.2 (§ 19.2-327.2 et seq.) of Title 19.2 or any other federal or state post-conviction proceeding or pardon; and

~~(v) for~~ *5. For* the sole purpose of inspection at the location where such records are maintained by the public body that is the custodian of the records, ~~(a)~~ *(i)* an attorney or his agent when such attorney is considering representing a petitioner in a post-conviction proceeding or pardon, ~~(b)~~ *(ii)* an attorney who provides a sworn declaration that the attorney has been retained by an individual for purposes of pursuing a civil or criminal action and has a good faith basis to believe that the records being requested are material to such action, or ~~(c)~~ *(iii)* a person who is proceeding pro se in a petition for a writ of habeas corpus or writ of actual innocence pursuant to Chapter 19.2 (§ 19.2-327.2 et seq.) of Title 19.2 or any other federal or state post-conviction proceeding or pardon, who provides a sworn affidavit that the records being requested are material to such action.

An attorney or his agent who is in receipt of criminal investigative files or has inspected criminal investigative files pursuant to ~~clause (iv)~~ *subdivision 4* or ~~(v)~~ *5* shall not release such criminal investigative files or any information contained therein except as necessary to provide adequate legal advice or representation to a person whom the attorney either represents or is considering representing in a post-conviction proceeding or pardon or represents in a civil or criminal action.

An attorney who is in receipt of criminal investigative files pursuant to ~~clause (iv)~~ *subdivision 4* shall return the criminal investigative files to the public body that is the custodian of such records within 90 days of a final determination of any writ of habeas corpus, writ of actual innocence, or other federal or state post-conviction proceeding or pardon or, if no petition for such writ or post-conviction proceeding or pardon was filed, within six months of the attorney's receipt of the records.

No disclosure for the purpose of inspection pursuant to clause ~~(v) (c) of this subsection~~ *(iii) of subdivision 5* shall be made unless an appropriate circuit court has reviewed the affidavit provided and determined the records requested are material to the action being pursued. The court shall order the person not to disclose or otherwise release any information

contained in a criminal investigative file except as necessary for the pending action and may include other conditions as appropriate.

E. The provisions of subsections C and D shall not apply if the release of such information:

1. Would interfere with a particular ongoing criminal investigation or proceeding in a particularly identifiable manner;

2. Would deprive a person of a right to a fair trial or an impartial adjudication;

3. Would constitute an unwarranted invasion of personal privacy;

4. Would disclose (i) the identity of a confidential source or (ii) in the case of a record compiled by a law-enforcement agency in the course of a criminal investigation, information furnished only by a confidential source;

5. Would disclose law-enforcement investigative techniques and procedures, if such disclosure could reasonably be expected to risk circumvention of the law; or

6. Would endanger the life or physical safety of any individual.

Nothing in this subsection shall be construed to authorize the withholding of those portions of such information that are unlikely to cause any effect listed herein.

F. Notwithstanding the provisions of subsection C or D, no criminal investigative file or portion thereof, except disclosure of records under ~~clause (iv) of subsection~~ *subdivision* D *4* or clause ~~(v) (a)~~ *(i)* of ~~subsection~~ *subdivision* D *5*, shall be disclosed to any requester pursuant to this section, unless the public body has made reasonable efforts to notify (i) the victim; (ii) the victim's immediate family members, if the victim is deceased and the immediate family member to be notified is not a person of interest or a suspect in the criminal investigation or proceeding; or (iii) the victim's parent or guardian, if the victim is a minor and the parent or guardian to be notified is not a person of interest or a suspect in the criminal investigation or proceeding.

Upon receipt of notice that a public body has received a request for criminal investigative files pursuant to this section, an individual listed in clause (i), (ii), or (iii) shall have 14 days to file in an appropriate court a petition for an injunction to prevent the disclosure of the records as set forth in § 8.01-622.2. The public body shall not respond to the request until at least 14 days has passed from the time notice was received by an individual listed in clause (i), (ii), or (iii). The period within which the public body shall respond to the underlying request pursuant to § 2.2-3704 shall be tolled pending the notification process and any subsequent disposition by the court.

G. No photographic, audio, video, or other record depicting a victim or allowing for a victim to be readily identified shall be released pursuant to subsection C or D to anyone except (i) the victim; (ii) the victim's family representative, if the victim is deceased and the family representative to which the records are to be disclosed is not a person of interest or a suspect in the criminal investigation or proceeding; or (iii) the victim's parent or guardian, if the victim is a minor and the parent or guardian is not a person of interest or a suspect in the criminal investigation or proceeding.

H. Nothing in this section shall prohibit the disclosure of current anonymized, aggregate location and demographic data collected pursuant to § 52-30.2 or similar data documenting law-enforcement officer encounters with members of the public.

I. In the event of a conflict between this section as it relates to requests made under this section and other provisions of law, the other provisions of law, including court sealing orders, that restrict disclosure of criminal investigative files shall control.

§ 8.01-622.2. Injunction against disclosure of criminal investigative file materials under the Virginia Freedom of Information Act.

Except with respect to the disclosure of records under ~~clause (iv) of subsection~~ *subdivision* D *4* or clause ~~(v) (a)~~ *(i)* of ~~subsection~~ *subdivision* D *5* of § 2.2-3706.1, an injunction may be awarded to prevent the disclosure of records related to criminal investigative files requested under § 2.2-3706.1 of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.).

In making its determination, a court shall consider the following and shall enter its findings on the record:

1. Whether disclosure of the public records would constitute an unreasonable invasion of personal privacy;

2. Whether disclosure of the public records would endanger the life or physical safety of any individual;

3. Whether disclosure of the public records would subject (i) the victim; (ii) the victim's immediate family members as set forth in § 2.2-3706.1, if the victim is deceased and the immediate family member is not a person of interest or a suspect in the criminal investigation or proceeding; or (iii) the parent or guardian of the victim, if the victim is a minor and the parent or guardian is not a person of interest or a suspect in the criminal investigation or proceeding, to severe mental or emotional distress; and

4. Any other factor or information deemed by the court to be relevant.

CHAPTER 583

An Act to amend and reenact §§ 58.1-3219.9 and 58.1-3219.10 of the Code of Virginia and to repeal § 58.1-3228.2 of the Code of Virginia, relating to property tax exemption; surviving spouses of armed forces members who died in the line of duty.

[S 240]

Approved April 5, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 58.1-3219.9 and 58.1-3219.10 of the Code of Virginia are amended and reenacted as follows:

§ 58.1-3219.9. Exemption from taxes on property of surviving spouses of members of the armed forces who died in the line of duty.

A. Pursuant to subdivision (b) of Section 6-A of Article X of the Constitution of Virginia, and for tax years beginning on or after January 1, 2015, the General Assembly hereby exempts from taxation the real property described in subsection B of the surviving spouse (i) of any member of the armed forces of the United States who ~~was killed in action as determined by the U.S. Department of Defense~~ *died in the line of duty with a Line of Duty determination from the U.S. Department of Defense* and (ii) who occupies the real property as his principal place of residence. ~~For purposes of this section, such determination of "killed in action" includes a determination by the U.S. Department of Defense of "died of wounds received in action." If such member of the armed forces of the United States is killed in action after January 1, 2015, and the surviving spouse has a qualified principal residence on the date that such member of the armed forces is killed in action, then the exemption for the surviving spouse shall begin on the date that such member of the armed forces is killed in action.~~ However, no county, city, or town shall be liable for any interest on any refund due to the surviving spouse for taxes paid prior to the surviving spouse's filing of the affidavit or written statement required by § 58.1-3219.10. If the surviving spouse acquires the property after January 1, 2015, then the exemption shall begin on the date of acquisition, and the previous owner may be entitled to a refund for a pro rata portion of real property taxes paid pursuant to § 58.1-3360.

B. Those dwellings in the locality with assessed values in the most recently ended tax year that are not in excess of the average assessed value for such year of a dwelling situated on property that is zoned as single family residential shall qualify for a total exemption from real property taxes under this article. If the value of a dwelling is in excess of the average assessed value as described in this subsection, then only that portion of the assessed value in excess of the average assessed value shall be subject to real property taxes, and the portion of the assessed value that is not in excess of the average assessed value shall be exempt from real property taxes. Single family homes, condominiums, town homes, manufactured homes as defined in § 46.2-100 whether or not the wheels and other equipment previously used for mobility have been removed, and other types of dwellings of surviving spouses, whether or not the land on which the single family home, condominium, town home, manufactured home, or other type of dwelling of a surviving spouse is located is owned by someone other than the surviving spouse, that (i) meet this requirement and (ii) are occupied by such persons as their principal place of residence shall qualify for the real property tax exemption. If the land on which the single family home, condominium, town home, manufactured home, or other type of dwelling is located is not owned by the surviving spouse, then the land is not exempt.

For purposes of determining whether a dwelling, or a portion of its value, is exempt from county and town real property taxes, the average assessed value shall be such average for all dwellings located within the county that are situated on property zoned as single family residential.

C. The surviving spouse of a member of the armed forces ~~killed in action~~ *who died in the line of duty* shall qualify for the exemption so long as the surviving spouse does not remarry. The exemption applies without any restriction on the spouse's moving to a different principal place of residence.

D. A county, city, or town shall provide for the exemption from real property taxes (i) the qualifying dwelling, or the portion of the value of such dwelling and land that qualifies for the exemption pursuant to subsection B, and (ii) except land not owned by the surviving spouse, the land, not exceeding one acre, upon which it is situated. However, if a county, city, or town provides for an exemption from or deferral of real property taxes of more than one acre of land pursuant to Article 2 (§ 58.1-3210 et seq.), then the county, city, or town shall also provide an exemption for the same number of acres pursuant to this section. A real property improvement other than a dwelling, including the land upon which such improvement is situated, made to such one acre or greater number of acres exempt from taxation pursuant to this subsection shall also be exempt from taxation so long as the principal use of the improvement is (i) to house or cover motor vehicles or household goods and personal effects as classified in subdivision A 14 of § 58.1-3503 and as listed in § 58.1-3504 and (ii) for other than a business purpose.

E. For purposes of this exemption, real property of any surviving spouse of a member of the armed forces ~~killed in action~~ *who died in the line of duty* includes real property (i) held by a surviving spouse as a tenant for life, (ii) held in a revocable inter vivos trust over which the surviving spouse holds the power of revocation, or (iii) held in an irrevocable trust under which the surviving spouse possesses a life estate or enjoys a continuing right of use or support. The term does not include any interest held under a leasehold or term of years.

F. 1. In the event that (i) a surviving spouse is entitled to an exemption under this section by virtue of holding the property in any of the three ways set forth in subsection E and (ii) one or more other persons have an ownership interest in the property that permits them to occupy the property, then the tax exemption for the property that otherwise would have been provided shall be prorated by multiplying the amount of the exemption by a fraction that has 1 as a numerator and has as a denominator the total number of all people having an ownership interest that permits them to occupy the property.

2. In the event that the principal residence is jointly owned by two or more individuals including the surviving spouse, and no person is entitled to the exemption under this section by virtue of holding the property in any of the three ways set forth in subsection E, then the exemption shall be prorated by multiplying the amount of the exemption by a fraction that has as a numerator the percentage of ownership interest in the dwelling held by the surviving spouse, and as a denominator, 100 percent.

§ 58.1-3219.10. Application for exemption.

A. The surviving spouse claiming the exemption under this article shall file with the commissioner of the revenue of the county, city, or town or such other officer as may be designated by the governing body in which the real property is located, on forms to be supplied by the county, city, or town, an affidavit or written statement (i) setting forth the surviving spouse's name, (ii) indicating any other joint owners of the real property, and (iii) certifying that the real property is occupied as the surviving spouse's principal place of residence. The surviving spouse shall also provide documentation from the United States Department of Defense or its successor agency indicating the date that the member of the armed forced of the United States ~~was killed in action~~ *died in the line of duty*.

The surviving spouse shall be required to refile the information required by this section only if the surviving spouse's principal place of residence changes.

B. The surviving spouse shall promptly notify the commissioner of the revenue of any remarriage.

2. That § 58.1-3228.2 of the Code of Virginia is repealed.

3. That the first and second enactments of this act shall become effective on January 1, 2025, if a majority of those voting in the referendum at the November 5, 2024, election approve an amendment to the Constitution of Virginia that would expand the real property tax exemption that is currently available to the surviving spouses of soldiers killed in action to be available to the surviving spouses of soldiers who died in the line of duty with a Line of Duty determination from the U.S. Department of Defense.

CHAPTER 584

An Act to amend the Code of Virginia by adding a section numbered 65.2-601.3, relating to workers' compensation; notice of right to dispute claim.

[S 241]

Approved April 5, 2024

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 65.2-601.3 as follows:

§ 65.2-601.3. Notice of right to dispute claim.

A. If an employer subject to this title, or an employer's insurer, denies a covered employee's request for workers' compensation benefits, the employer or the insurer, as applicable, shall include in its letter denying benefits a notice that the employee has a right to dispute the claim denial through the Virginia Workers' Compensation Commission. Such notice shall include the following text:

EMPLOYEE RIGHT TO DISPUTE DENIAL OF WORKERS' COMPENSATION BENEFITS.

IF YOU DISAGREE WITH THIS DENIAL, YOU HAVE THE RIGHT TO DISPUTE THE DECISION BY FILING A REQUEST FOR A HEARING WITH THE VIRGINIA WORKERS' COMPENSATION COMMISSION. IT IS YOUR RESPONSIBILITY TO DISPUTE THE DECISION AS SOON AS PRACTICABLE. THE WORKERS' COMPENSATION COMMISSION IS A STATE AGENCY RESPONSIBLE FOR MAKING FINAL DECISIONS ON DISPUTED WORKERS' COMPENSATION CLAIMS. HOWEVER, SUCH CLAIM MAY BE LOST IF YOU DO NOT FILE IT WITHIN THE TIME LIMIT PROVIDED BY LAW, WHICH IS TYPICALLY TWO YEARS AFTER THE INJURY.

Such notice shall also include the address, telephone number, and website through which the employee may contact the Virginia Workers' Compensation Commission.

B. Failure to comply with the provisions of this section shall not be considered a failure to make a required report for the purposes of § 65.2-902.

CHAPTER 585

An Act to amend and reenact § 32.1-325 of the Code of Virginia, relating to the Department of Medical Assistance Services; remote ultrasound procedures; remote fetal non-stress tests.

[S 250]

Approved April 5, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 32.1-325 of the Code of Virginia is amended and reenacted as follows:

§ 32.1-325. Board to submit plan for medical assistance services to U.S. Secretary of Health and Human Services pursuant to federal law; administration of plan; contracts with health care providers.

A. The Board, subject to the approval of the Governor, is authorized to prepare, amend from time to time, and submit to the U.S. Secretary of Health and Human Services a state plan for medical assistance services pursuant to Title XIX of the United States Social Security Act and any amendments thereto. The Board shall include in such plan:

1. A provision for payment of medical assistance on behalf of individuals, up to the age of 21, placed in foster homes or private institutions by private, nonprofit agencies licensed as child-placing agencies by the Department of Social Services or placed through state and local subsidized adoptions to the extent permitted under federal statute;

2. A provision for determining eligibility for benefits for medically needy individuals which disregards from countable resources an amount not in excess of $3,500 for the individual and an amount not in excess of $3,500 for his spouse when such resources have been set aside to meet the burial expenses of the individual or his spouse. The amount disregarded shall be reduced by (i) the face value of life insurance on the life of an individual owned by the individual or his spouse if the cash surrender value of such policies has been excluded from countable resources and (ii) the amount of any other revocable or irrevocable trust, contract, or other arrangement specifically designated for the purpose of meeting the individual's or his spouse's burial expenses;

3. A requirement that, in determining eligibility, a home shall be disregarded. For those medically needy persons whose eligibility for medical assistance is required by federal law to be dependent on the budget methodology for Aid to Families with Dependent Children, a home means the house and lot used as the principal residence and all contiguous property. For all other persons, a home shall mean the house and lot used as the principal residence, as well as all contiguous property, as long as the value of the land, exclusive of the lot occupied by the house, does not exceed $5,000. In any case in which the definition of home as provided here is more restrictive than that provided in the state plan for medical assistance services in Virginia as it was in effect on January 1, 1972, then a home means the house and lot used as the principal residence and all contiguous property essential to the operation of the home regardless of value;

4. A provision for payment of medical assistance on behalf of individuals up to the age of 21, who are Medicaid eligible, for medically necessary stays in acute care facilities in excess of 21 days per admission;

5. A provision for deducting from an institutionalized recipient's income an amount for the maintenance of the individual's spouse at home;

6. A provision for payment of medical assistance on behalf of pregnant women which provides for payment for inpatient postpartum treatment in accordance with the medical criteria outlined in the most current version of or an official update to the "Guidelines for Perinatal Care" prepared by the American Academy of Pediatrics and the American College of Obstetricians and Gynecologists or the "Standards for Obstetric-Gynecologic Services" prepared by the American College of Obstetricians and Gynecologists. Payment shall be made for any postpartum home visit or visits for the mothers and the children which are within the time periods recommended by the attending physicians in accordance with and as indicated by such Guidelines or Standards. For the purposes of this subdivision, such Guidelines or Standards shall include any changes thereto within six months of the publication of such Guidelines or Standards or any official amendment thereto;

7. A provision for the payment for family planning services on behalf of women who were Medicaid-eligible for prenatal care and delivery as provided in this section at the time of delivery. Such family planning services shall begin with delivery and continue for a period of 24 months, if the woman continues to meet the financial eligibility requirements for a pregnant woman under Medicaid. For the purposes of this section, family planning services shall not cover payment for abortion services and no funds shall be used to perform, assist, encourage or make direct referrals for abortions;

8. A provision for payment of medical assistance for high-dose chemotherapy and bone marrow transplants on behalf of individuals over the age of 21 who have been diagnosed with lymphoma, breast cancer, myeloma, or leukemia and have been determined by the treating health care provider to have a performance status sufficient to proceed with such high-dose chemotherapy and bone marrow transplant. Appeals of these cases shall be handled in accordance with the Department's expedited appeals process;

9. A provision identifying entities approved by the Board to receive applications and to determine eligibility for medical assistance, which shall include a requirement that such entities (i) obtain accurate contact information, including the best available address and telephone number, from each applicant for medical assistance, to the extent required by federal law and regulations, and (ii) provide each applicant for medical assistance with information about advance directives pursuant to Article 8 (§ 54.1-2981 et seq.) of Chapter 29 of Title 54.1, including information about the purpose and benefits of advance directives and how the applicant may make an advance directive;

10. A provision for breast reconstructive surgery following the medically necessary removal of a breast for any medical reason. Breast reductions shall be covered, if prior authorization has been obtained, for all medically necessary indications. Such procedures shall be considered noncosmetic;

11. A provision for payment of medical assistance for annual pap smears;

12. A provision for payment of medical assistance services for prostheses following the medically necessary complete or partial removal of a breast for any medical reason;

13. A provision for payment of medical assistance which provides for payment for 48 hours of inpatient treatment for a patient following a radical or modified radical mastectomy and 24 hours of inpatient care following a total mastectomy or a partial mastectomy with lymph node dissection for treatment of disease or trauma of the breast. Nothing in this subdivision shall be construed as requiring the provision of inpatient coverage where the attending physician in consultation with the patient determines that a shorter period of hospital stay is appropriate;

14. A requirement that certificates of medical necessity for durable medical equipment and any supporting verifiable documentation shall be signed, dated, and returned by the physician, physician assistant, or advanced practice registered nurse and in the durable medical equipment provider's possession within 60 days from the time the ordered durable medical equipment and supplies are first furnished by the durable medical equipment provider;

15. A provision for payment of medical assistance to (i) persons age 50 and over and (ii) persons age 40 and over who are at high risk for prostate cancer, according to the most recent published guidelines of the American Cancer Society, for one PSA test in a 12-month period and digital rectal examinations, all in accordance with American Cancer Society

guidelines. For the purpose of this subdivision, "PSA testing" means the analysis of a blood sample to determine the level of prostate specific antigen;

16. A provision for payment of medical assistance for low-dose screening mammograms for determining the presence of occult breast cancer. Such coverage shall make available one screening mammogram to persons age 35 through 39, one such mammogram biennially to persons age 40 through 49, and one such mammogram annually to persons age 50 and over. The term "mammogram" means an X-ray examination of the breast using equipment dedicated specifically for mammography, including but not limited to the X-ray tube, filter, compression device, screens, film and cassettes, with an average radiation exposure of less than one rad mid-breast, two views of each breast;

17. A provision, when in compliance with federal law and regulation and approved by the Centers for Medicare & Medicaid Services (CMS), for payment of medical assistance services delivered to Medicaid-eligible students when such services qualify for reimbursement by the Virginia Medicaid program and may be provided by school divisions, regardless of whether the student receiving care has an individualized education program or whether the health care service is included in a student's individualized education program. Such services shall include those covered under the state plan for medical assistance services or by the Early and Periodic Screening, Diagnostic, and Treatment (EPSDT) benefit as specified in § 1905(r) of the federal Social Security Act, and shall include a provision for payment of medical assistance for health care services provided through telemedicine services, as defined in § 38.2-3418.16. No health care provider who provides health care services through telemedicine shall be required to use proprietary technology or applications in order to be reimbursed for providing telemedicine services;

18. A provision for payment of medical assistance services for liver, heart and lung transplantation procedures for individuals over the age of 21 years when (i) there is no effective alternative medical or surgical therapy available with outcomes that are at least comparable; (ii) the transplant procedure and application of the procedure in treatment of the specific condition have been clearly demonstrated to be medically effective and not experimental or investigational; (iii) prior authorization by the Department of Medical Assistance Services has been obtained; (iv) the patient selection criteria of the specific transplant center where the surgery is proposed to be performed have been used by the transplant team or program to determine the appropriateness of the patient for the procedure; (v) current medical therapy has failed and the patient has failed to respond to appropriate therapeutic management; (vi) the patient is not in an irreversible terminal state; and (vii) the transplant is likely to prolong the patient's life and restore a range of physical and social functioning in the activities of daily living;

19. A provision for payment of medical assistance for colorectal cancer screening, specifically screening with an annual fecal occult blood test, flexible sigmoidoscopy or colonoscopy, or in appropriate circumstances radiologic imaging, in accordance with the most recently published recommendations established by the American College of Gastroenterology, in consultation with the American Cancer Society, for the ages, family histories, and frequencies referenced in such recommendations;

20. A provision for payment of medical assistance for custom ocular prostheses;

21. A provision for payment for medical assistance for infant hearing screenings and all necessary audiological examinations provided pursuant to § 32.1-64.1 using any technology approved by the United States Food and Drug Administration, and as recommended by the national Joint Committee on Infant Hearing in its most current position statement addressing early hearing detection and intervention programs. Such provision shall include payment for medical assistance for follow-up audiological examinations as recommended by a physician, physician assistant, advanced practice registered nurse, or audiologist and performed by a licensed audiologist to confirm the existence or absence of hearing loss;

22. A provision for payment of medical assistance, pursuant to the Breast and Cervical Cancer Prevention and Treatment Act of 2000 (P.L. 106-354), for certain women with breast or cervical cancer when such women (i) have been screened for breast or cervical cancer under the Centers for Disease Control and Prevention (CDC) Breast and Cervical Cancer Early Detection Program established under Title XV of the Public Health Service Act; (ii) need treatment for breast or cervical cancer, including treatment for a precancerous condition of the breast or cervix; (iii) are not otherwise covered under creditable coverage, as defined in § 2701 (c) of the Public Health Service Act; (iv) are not otherwise eligible for medical assistance services under any mandatory categorically needy eligibility group; and (v) have not attained age 65. This provision shall include an expedited eligibility determination for such women;

23. A provision for the coordinated administration, including outreach, enrollment, re-enrollment and services delivery, of medical assistance services provided to medically indigent children pursuant to this chapter, which shall be called Family Access to Medical Insurance Security (FAMIS) Plus and the FAMIS Plan program in § 32.1-351. A single application form shall be used to determine eligibility for both programs;

24. A provision, when authorized by and in compliance with federal law, to establish a public-private long-term care partnership program between the Commonwealth of Virginia and private insurance companies that shall be established through the filing of an amendment to the state plan for medical assistance services by the Department of Medical Assistance Services. The purpose of the program shall be to reduce Medicaid costs for long-term care by delaying or eliminating dependence on Medicaid for such services through encouraging the purchase of private long-term care insurance policies that have been designated as qualified state long-term care insurance partnerships and may be used as the first source of benefits for the participant's long-term care. Components of the program, including the treatment of assets for Medicaid eligibility and estate recovery, shall be structured in accordance with federal law and applicable federal guidelines;

25. A provision for the payment of medical assistance for otherwise eligible pregnant women during the first five years of lawful residence in the United States, pursuant to § 214 of the Children's Health Insurance Program Reauthorization Act of 2009 (P.L. 111-3);

26. A provision for the payment of medical assistance for medically necessary health care services provided through telemedicine services, as defined in § 38.2-3418.16, regardless of the originating site or whether the patient is accompanied by a health care provider at the time such services are provided. No health care provider who provides health care services through telemedicine services shall be required to use proprietary technology or applications in order to be reimbursed for providing telemedicine services.

For the purposes of this subdivision, a health care provider duly licensed by the Commonwealth who provides health care services exclusively through telemedicine services shall not be required to maintain a physical presence in the Commonwealth to be considered an eligible provider for enrollment as a Medicaid provider.

For the purposes of this subdivision, a telemedicine services provider group with health care providers duly licensed by the Commonwealth shall not be required to have an in-state service address to be eligible to enroll as a Medicaid vendor or Medicaid provider group.

For the purposes of this subdivision, "originating site" means any location where the patient is located, including any medical care facility or office of a health care provider, the home of the patient, the patient's place of employment, or any public or private primary or secondary school or postsecondary institution of higher education at which the person to whom telemedicine services are provided is located;

27. A provision for the payment of medical assistance for the dispensing or furnishing of up to a 12-month supply of hormonal contraceptives at one time. Absent clinical contraindications, the Department shall not impose any utilization controls or other forms of medical management limiting the supply of hormonal contraceptives that may be dispensed or furnished to an amount less than a 12-month supply. Nothing in this subdivision shall be construed to (i) require a provider to prescribe, dispense, or furnish a 12-month supply of self-administered hormonal contraceptives at one time or (ii) exclude coverage for hormonal contraceptives as prescribed by a prescriber, acting within his scope of practice, for reasons other than contraceptive purposes. As used in this subdivision, "hormonal contraceptive" means a medication taken to prevent pregnancy by means of ingestion of hormones, including medications containing estrogen or progesterone, that is self-administered, requires a prescription, and is approved by the U.S. Food and Drug Administration for such purpose;

28. A provision for payment of medical assistance for remote patient monitoring services provided via telemedicine, as defined in § 38.2-3418.16, for (i) high-risk pregnant persons; (ii) medically complex infants and children; (iii) transplant patients; (iv) patients who have undergone surgery, for up to three months following the date of such surgery; and (v) patients with a chronic or acute health condition who have had two or more hospitalizations or emergency department visits related to such health condition in the previous 12 months when there is evidence that the use of remote patient monitoring is likely to prevent readmission of such patient to a hospital or emergency department. For the purposes of this subdivision, "remote patient monitoring services" means the use of digital technologies to collect medical and other forms of health data from patients in one location and electronically transmit that information securely to health care providers in a different location for analysis, interpretation, and recommendations, and management of the patient. "Remote patient monitoring services" includes monitoring of clinical patient data such as weight, blood pressure, pulse, pulse oximetry, blood glucose, and other patient physiological data, treatment adherence monitoring, and interactive videoconferencing with or without digital image upload;

29. A provision for the payment of medical assistance for provider-to-provider consultations that is no more restrictive than, and is at least equal in amount, duration, and scope to, that available through the fee-for-service program;

30. A provision for payment of the originating site fee to emergency medical services agencies for facilitating synchronous telehealth visits with a distant site provider delivered to a Medicaid member. As used in this subdivision, "originating site" means any location where the patient is located, including any medical care facility or office of a health care provider, the home of the patient, the patient's place of employment, or any public or private primary or secondary school or postsecondary institution of higher education at which the person to whom telemedicine services are provided is located;

31. A provision for the payment of medical assistance for targeted case management services for individuals with severe traumatic brain injury; ~~and~~

32. A provision for payment of medical assistance for the initial purchase or replacement of complex rehabilitative technology manual and power wheelchair bases and related accessories, as defined by the Department's durable medical equipment program policy, for patients who reside in nursing facilities. Initial purchase or replacement may be contingent upon (i) determination of medical necessity; (ii) requirements in accordance with regulations established through the Department's durable medical equipment program policy; and (iii) exclusive use by the nursing facility resident. Recipients of medical assistance shall not be required to pay any deductible, coinsurance, copayment, or patient costs related to the initial purchase or replacement of complex rehabilitative technology manual and power wheelchair bases and related accessories*; and*

33. A provision for payment of medical assistance for remote ultrasound procedures and remote fetal non-stress tests. Such provision shall utilize established CPT codes for these procedures and shall apply when the patient is in a residence or other off-site location from the patient's provider that provides the same standard of care. The provision shall provide for reimbursement only when a provider uses digital technology (i) to collect medical and other forms of health data from a

patient and electronically transmit that information securely to a health care provider in a different location for interpretation and recommendation; (ii) that is compliant with the federal Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. § 1320d et seq.); and (iii) that is approved by the U.S. Food and Drug Administration. For fetal non-stress tests under CPT Code 59025, the provision shall provide for reimbursement only if such test (a) is conducted with a place of service modifier for at-home monitoring and (b) uses remote monitoring solutions that are approved by the U.S. Food and Drug Administration for on-label use to monitor fetal heart rate, maternal heart rate, and uterine activity.

B. In preparing the plan, the Board shall:

1. Work cooperatively with the State Board of Health to ensure that quality patient care is provided and that the health, safety, security, rights and welfare of patients are ensured.

2. Initiate such cost containment or other measures as are set forth in the appropriation act.

3. Make, adopt, promulgate and enforce such regulations as may be necessary to carry out the provisions of this chapter.

4. Examine, before acting on a regulation to be published in the Virginia Register of Regulations pursuant to § 2.2-4007.05, the potential fiscal impact of such regulation on local boards of social services. For regulations with potential fiscal impact, the Board shall share copies of the fiscal impact analysis with local boards of social services prior to submission to the Registrar. The fiscal impact analysis shall include the projected costs/savings to the local boards of social services to implement or comply with such regulation and, where applicable, sources of potential funds to implement or comply with such regulation.

5. Incorporate sanctions and remedies for certified nursing facilities established by state law, in accordance with 42 C.F.R. § 488.400 et seq., Enforcement of Compliance for Long-Term Care Facilities With Deficiencies.

6. On and after July 1, 2002, require that a prescription benefit card, health insurance benefit card, or other technology that complies with the requirements set forth in § 38.2-3407.4:2 be issued to each recipient of medical assistance services, and shall upon any changes in the required data elements set forth in subsection A of § 38.2-3407.4:2, either reissue the card or provide recipients such corrective information as may be required to electronically process a prescription claim.

C. In order to enable the Commonwealth to continue to receive federal grants or reimbursement for medical assistance or related services, the Board, subject to the approval of the Governor, may adopt, regardless of any other provision of this chapter, such amendments to the state plan for medical assistance services as may be necessary to conform such plan with amendments to the United States Social Security Act or other relevant federal law and their implementing regulations or constructions of these laws and regulations by courts of competent jurisdiction or the United States Secretary of Health and Human Services.

In the event conforming amendments to the state plan for medical assistance services are adopted, the Board shall not be required to comply with the requirements of Article 2 (§ 2.2-4006 et seq.) of Chapter 40 of Title 2.2. However, the Board shall, pursuant to the requirements of § 2.2-4002, (i) notify the Registrar of Regulations that such amendment is necessary to meet the requirements of federal law or regulations or because of the order of any state or federal court, or (ii) certify to the Governor that the regulations are necessitated by an emergency situation. Any such amendments that are in conflict with the Code of Virginia shall only remain in effect until July 1 following adjournment of the next regular session of the General Assembly unless enacted into law.

D. The Director of Medical Assistance Services is authorized to:

1. Administer such state plan and receive and expend federal funds therefor in accordance with applicable federal and state laws and regulations; and enter into all contracts necessary or incidental to the performance of the Department's duties and the execution of its powers as provided by law.

2. Enter into agreements and contracts with medical care facilities, physicians, dentists and other health care providers where necessary to carry out the provisions of such state plan. Any such agreement or contract shall terminate upon conviction of the provider of a felony. In the event such conviction is reversed upon appeal, the provider may apply to the Director of Medical Assistance Services for a new agreement or contract. Such provider may also apply to the Director for reconsideration of the agreement or contract termination if the conviction is not appealed, or if it is not reversed upon appeal.

3. Refuse to enter into or renew an agreement or contract, or elect to terminate an existing agreement or contract, with any provider who has been convicted of or otherwise pled guilty to a felony, or pursuant to Subparts A, B, and C of 42 C.F.R. Part 1002, and upon notice of such action to the provider as required by 42 C.F.R. § 1002.212.

4. Refuse to enter into or renew an agreement or contract, or elect to terminate an existing agreement or contract, with a provider who is or has been a principal in a professional or other corporation when such corporation has been convicted of or otherwise pled guilty to any violation of § 32.1-314, 32.1-315, 32.1-316, or 32.1-317, or any other felony or has been excluded from participation in any federal program pursuant to 42 C.F.R. Part 1002.

5. Terminate or suspend a provider agreement with a home care organization pursuant to subsection E of § 32.1-162.13.

For the purposes of this subsection, "provider" may refer to an individual or an entity.

E. In any case in which a Medicaid agreement or contract is terminated or denied to a provider pursuant to subsection D, the provider shall be entitled to appeal the decision pursuant to 42 C.F.R. § 1002.213 and to a post-determination or post-denial hearing in accordance with the Administrative Process Act (§ 2.2-4000 et seq.). All such requests shall be in writing and be received within 15 days of the date of receipt of the notice.

The Director may consider aggravating and mitigating factors including the nature and extent of any adverse impact the agreement or contract denial or termination may have on the medical care provided to Virginia Medicaid recipients. In cases in which an agreement or contract is terminated pursuant to subsection D, the Director may determine the period of exclusion and may consider aggravating and mitigating factors to lengthen or shorten the period of exclusion, and may reinstate the provider pursuant to 42 C.F.R. § 1002.215.

F. When the services provided for by such plan are services which a marriage and family therapist, clinical psychologist, clinical social worker, professional counselor, or clinical nurse specialist is licensed to render in Virginia, the Director shall contract with any duly licensed marriage and family therapist, duly licensed clinical psychologist, licensed clinical social worker, licensed professional counselor or licensed clinical nurse specialist who makes application to be a provider of such services, and thereafter shall pay for covered services as provided in the state plan. The Board shall promulgate regulations which reimburse licensed marriage and family therapists, licensed clinical psychologists, licensed clinical social workers, licensed professional counselors and licensed clinical nurse specialists at rates based upon reasonable criteria, including the professional credentials required for licensure.

G. The Board shall prepare and submit to the Secretary of the United States Department of Health and Human Services such amendments to the state plan for medical assistance services as may be permitted by federal law to establish a program of family assistance whereby children over the age of 18 years shall make reasonable contributions, as determined by regulations of the Board, toward the cost of providing medical assistance under the plan to their parents.

H. The Department of Medical Assistance Services shall:

1. Include in its provider networks and all of its health maintenance organization contracts a provision for the payment of medical assistance on behalf of individuals up to the age of 21 who have special needs and who are Medicaid eligible, including individuals who have been victims of child abuse and neglect, for medically necessary assessment and treatment services, when such services are delivered by a provider which specializes solely in the diagnosis and treatment of child abuse and neglect, or a provider with comparable expertise, as determined by the Director.

2. Amend the Medallion II waiver and its implementing regulations to develop and implement an exception, with procedural requirements, to mandatory enrollment for certain children between birth and age three certified by the Department of Behavioral Health and Developmental Services as eligible for services pursuant to Part C of the Individuals with Disabilities Education Act (20 U.S.C. § 1471 et seq.).

3. Utilize, to the extent practicable, electronic funds transfer technology for reimbursement to contractors and enrolled providers for the provision of health care services under Medicaid and the Family Access to Medical Insurance Security Plan established under § 32.1-351.

4. Require any managed care organization with which the Department enters into an agreement for the provision of medical assistance services to include in any contract between the managed care organization and a pharmacy benefits manager provisions prohibiting the pharmacy benefits manager or a representative of the pharmacy benefits manager from conducting spread pricing with regards to the managed care organization's managed care plans. For the purposes of this subdivision:

"Pharmacy benefits management" means the administration or management of prescription drug benefits provided by a managed care organization for the benefit of covered individuals.

"Pharmacy benefits manager" means a person that performs pharmacy benefits management.

"Spread pricing" means the model of prescription drug pricing in which the pharmacy benefits manager charges a managed care plan a contracted price for prescription drugs, and the contracted price for the prescription drugs differs from the amount the pharmacy benefits manager directly or indirectly pays the pharmacist or pharmacy for pharmacist services.

I. The Director is authorized to negotiate and enter into agreements for services rendered to eligible recipients with special needs. The Board shall promulgate regulations regarding these special needs patients, to include persons with AIDS, ventilator-dependent patients, and other recipients with special needs as defined by the Board.

J. Except as provided in subdivision A 1 of § 2.2-4345, the provisions of the Virginia Public Procurement Act (§ 2.2-4300 et seq.) shall not apply to the activities of the Director authorized by subsection I of this section. Agreements made pursuant to this subsection shall comply with federal law and regulation.

K. When the services provided for by such plan are services by a pharmacist, pharmacy technician, or pharmacy intern (i) performed under the terms of a collaborative agreement as defined in § 54.1-3300 and consistent with the terms of a managed care contractor provider contract or the state plan or (ii) related to services and treatment in accordance with § 54.1-3303.1, the Department shall provide reimbursement for such service.

CHAPTER 586

An Act to require the Superintendent of Public Instruction to convene a stakeholder work group to study and make recommendations on offering free school meals to students statewide; report.

[S 283]

Approved April 5, 2024

Be it enacted by the General Assembly of Virginia:

1. *§ 1. The Superintendent of Public Instruction, in coordination with the Secretary of Education, shall convene a stakeholder work group to (i) study the estimated impact of offering free school meals to students statewide, (ii) identify options to reduce or eliminate student and school meal debt, and (iii) make recommendations regarding options to leverage other programs funded at the state and federal levels for student school meals. The work group shall be chaired by the Superintendent of Public Instruction and shall include relevant stakeholders, including representatives of local school divisions and individuals with expertise in providing innovative solutions at the state and local levels to provide free school meals to students. The work group shall report its findings and recommendations to the Joint Subcommittee on Elementary and Secondary Education Funding by November 1, 2024.*

CHAPTER 587

An Act to amend and reenact §§ 51.5-150, 64.2-2019, and 64.2-2020 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 51.5-150.1, relating to Department for Aging and Rehabilitative Services; training; powers and duties of guardian; annual reports by guardians; information required.

[S 291]

Approved April 5, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 51.5-150, 64.2-2019, and 64.2-2020 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 51.5-150.1 as follows:

§ 51.5-150. Powers and duties of the Department with respect to public guardian and conservator program.

A. The Department shall fund from appropriations received for such purpose a statewide system of local or regional public guardian and conservator programs.

B. The Department shall*, with respect to the public guardian and conservator programs*:

1. Make and enter into all contracts necessary or incidental to the performance of its duties and in furtherance of the purposes as specified in this article in conformance with the Public Procurement Act (§ 2.2-4300 et seq.);

2. Contract with local or regional public or private entities to provide services as guardians and conservators operating as local or regional Virginia public guardian and conservator programs in those cases in which a court, pursuant to §§ 64.2-2010 and 64.2-2015, determines that a person is eligible to have a public guardian or conservator appointed;

3. Adopt reasonable regulations in accordance with the Administrative Process Act (§ 2.2-4000 et seq.) as appropriate to implement, administer, and manage the state and local or regional programs authorized by this article, including, but not limited to, the adoption of:

a. Minimum training and experience requirements for volunteers and professional staff of the local and regional programs;

b. An ideal range of staff-to-client ratios for the programs, and adoption of procedures to be followed whenever a local or regional program falls below or exceeds the ideal range of staff-to-client ratios, which shall include, but not be limited to, procedures to ensure that services shall continue to be available to those in need and that appropriate notice is given to the courts; sheriffs, where appropriate; and the Department;

c. Procedures governing disqualification of any program falling below or exceeding the ideal range of staff-to-client ratios, which shall include a process for evaluating any program that has exceeded the ratio to assess the effects falling below or exceeding the ideal range of ratios has, had, or is having upon the program and upon the incapacitated persons served by the program.

The regulations shall require that evaluations occur no less frequently than every six months and shall continue until the staff-to-client ratio returns to within the ideal range; and

d. Person-centered practice procedures that shall:

(1) Focus on the preferences and needs of the individual receiving public guardianship services; and

(2) Empower and support the individual receiving public guardianship services, to the extent feasible, in defining the direction for his life and promoting self-determination and community involvement.

4. Establish procedures and administrative guidelines to ensure the separation of local or regional Virginia public guardian and conservator programs from any other guardian or conservator program operated by the entity with whom the Department contracts, specifically addressing the need for separation in programs that may be fee-generating;

5. Establish recordkeeping and accounting procedures to ensure that each local or regional program (i) maintains confidential, accurate, and up-to-date records of the personal and property matters over which it has control for each incapacitated person for whom it is appointed guardian or conservator and (ii) files with the Department an account of all public and private funds received;

6. Establish criteria for the conduct of and filing with the Department and as otherwise required by law: values history surveys, annual decisional accounting and assessment reports, the care plan designed for the incapacitated person, and such other information as the Department may by regulation require;

7. Establish criteria to be used by the local and regional programs in setting priorities with regard to services to be provided;

8. Take such other actions as are necessary to ensure coordinated services and a reasonable review of all local and regional programs;

9. Maintain statistical data on the operation of the programs and report such data to the General Assembly on or before January 1 of each even-numbered year as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents regarding the status of the Virginia Public Guardian and Conservator Program and the identified operational needs of the program. Such report shall be posted on the Department's website. In addition, the Department shall enter into a contract with an appropriate research entity with expertise in gerontology, disabilities, and public administration to conduct an evaluation of local public guardian and conservator programs from funds specifically appropriated and allocated for this purpose, and the evaluator shall provide a report with recommendations to the Department and to the Public Guardian and Conservator Advisory Board established pursuant to § 51.5-149.1. Trends identified in the report, including the need for public guardians, conservators, and other types of surrogate decision-making services, shall be presented to the General Assembly. The Department shall request such a report from an appropriate research entity every four years, provided the General Assembly appropriates funds for that purpose;

10. Decennially review the ideal range of staff-to-client ratios for local and regional public guardian and conservator programs in the Commonwealth and make recommendations as to whether the ratio should be revised to ensure that public guardians are able to meet their obligations to incapacitated persons pursuant to this article and report its findings and conclusions to the Governor and the General Assembly by December 1 of each year in which such review is performed; and

11. Recommend appropriate legislative or executive actions.

C. Nothing in this article shall prohibit the Department from contracting pursuant to subdivision B 2 with an entity that may also provide privately funded surrogate decision-making services, including guardian and conservator services funded with fees generated by the estates of incapacitated persons, provided such private programs are administered by the contracting entity entirely separately from the local or regional Virginia public guardian and conservator programs, in conformity with regulations established by the Department in that respect.

D. In accordance with the Public Procurement Act (§ 2.2-4300 et seq.) and recommendations of the Public Guardian and Conservator Advisory Board, the Department may contract with a not-for-profit private entity that does not provide services to incapacitated persons as guardian or conservator to administer the *public guardian and conservator* program, and, if it does, the term "Department" when used in this article shall refer to the contract administrator.

§ 51.5-150.1. Powers and duties of the Department with respect to guardian training.

The Department shall develop and provide training for guardians pursuant to § 64.2-2019 that shall include training on the responsibilities and duties of guardians, how to complete annual guardianship reports, how to involve and encourage participation of incapacitated adults in decisions made by such guardians, medical advocacy, and decision-making on behalf of other persons.

§ 64.2-2019. Duties and powers of guardian.

A. A guardian stands in a fiduciary relationship to the incapacitated person for whom he was appointed guardian and may be held personally liable for a breach of any fiduciary duty to the incapacitated person. A guardian shall not be liable for the acts of the incapacitated person unless the guardian is personally negligent. A guardian shall not be required to expend personal funds on behalf of the incapacitated person.

B. A guardian's duties and authority shall not extend to decisions addressed in a valid advance directive or durable power of attorney previously executed by the incapacitated person. A guardian may seek court authorization to revoke, suspend, or otherwise modify a durable power of attorney, as provided by the Uniform Power of Attorney Act (§ 64.2-1600 et seq.). Notwithstanding the provisions of the Health Care Decisions Act (§ 54.1-2981 et seq.) and in accordance with the procedures of § 64.2-2012, a guardian may seek court authorization to modify the designation of an agent under an advance directive, but the modification shall not in any way affect the incapacitated person's directives concerning the provision or refusal of specific medical treatments or procedures.

C. A guardian shall maintain sufficient contact with the incapacitated person to know of his capabilities, limitations, needs, and opportunities and as needed to comply with the duties imposed upon him pursuant to the order of appointment and this section and any other provision of law. The guardian shall visit the incapacitated person as often as necessary and at least three times per year, with at least one visit occurring every 120 days. Except as otherwise provided in subsection C1, of the three required visits, at least two visits shall be conducted by the guardian. The guardian shall conduct at least one of such visits in person; the second such visit may be conducted by the guardian via virtual conference or video call between the guardian and incapacitated person, provided that the technological means by which such conference or call can take place are readily available.

The remaining visit may be conducted (i) by the guardian; (ii) by a person other than the guardian, including (a) a family member or friend monitored by the guardian or (b) a skilled professional retained by the guardian to perform guardianship duties on behalf of the guardian and who is experienced in the care of individuals, including older adults or adults with disabilities; or (iii) via virtual conference or video call between either the guardian or such family member or friend monitored by the guardian or skilled professional and the incapacitated person, provided that the technological means by which such conference or call can take place are readily available. If a person other than the guardian conducts any such visit, he shall provide a written report to the guardian regarding any visit conducted by such person.

A telephone call shall meet the requirements of this subsection only if such technological means are not readily available.

C1. If for reasons outside the guardian's control the guardian cannot make an in-person visit to an incapacitated person, then such visit may be conducted in person by an individual designated by the guardian pursuant to subsection C. If either the guardian or such individual designated by the guardian is unable to conduct an in-person visit, then such visit may be conducted virtually through electronic means such as a virtual conference or video call, or, if such technological means are not readily available, by telephone.

C2. In the event of a state of emergency or public health crisis in which a facility in which the incapacitated person resides is not allowing in-person visitation, visitation requirements required pursuant to subsection C may be met via a virtual conference or video call between the guardian and incapacitated person, to the extent feasible for the facility to provide the technological means by which such conference or call can take place. A telephone call shall meet the requirements of this subsection only if such technological means are not readily available.

D. A guardian shall be required to seek prior court authorization to change the incapacitated person's residence to another state, to terminate or consent to a termination of the person's parental rights, or to initiate a change in the person's marital status.

E. A guardian shall, to the extent feasible, encourage the incapacitated person to participate in decisions, to act on his own behalf, and to develop or regain the capacity to manage personal affairs. A guardian, in making decisions, shall consider the expressed desires and personal values of the incapacitated person to the extent known and shall otherwise act in the incapacitated person's best interest and exercise reasonable care, diligence, and prudence. A guardian shall not restrict an incapacitated person's ability to communicate with, visit, or interact with other persons with whom the incapacitated person has an established relationship, unless such restriction is reasonable to prevent physical, mental, or emotional harm to or financial exploitation of such incapacitated person and after consideration of the expressed wishes of the incapacitated person. Such restrictions shall only be imposed pursuant to § 64.2-2019.1.

E1. A guardian and any skilled professional retained by such guardian to perform guardianship duties on behalf of the guardian pursuant to clause (ii) (b) of subsection C shall complete the training developed by the Department for Aging and Rehabilitative Services pursuant to § 51.5-150.1 within 120 days after the date of the qualification of such guardian, unless such training was completed within the past 36 months in conjunction with another guardianship appointment made pursuant to § 64.2-2009. No guardian or skilled professional retained by such guardian shall be required to complete such training more frequently than once every 36 months.

F. A guardian shall have authority to make arrangements for the funeral and disposition of remains, including cremation, interment, entombment, memorialization, inurnment, or scattering of the cremains, or some combination thereof, if the guardian is not aware of any person that has been otherwise designated to make such arrangements as set forth in § 54.1-2825. A guardian shall have authority to make arrangements for the funeral and disposition of remains after the death of an incapacitated person if, after the guardian has made a good faith effort to locate the next of kin of the incapacitated person to determine if the next of kin wishes to make such arrangements, the next of kin does not wish to make the arrangements or the next of kin cannot be located. Good faith effort shall include contacting the next of kin identified in the petition for appointment of a guardian. The funeral service licensee, funeral service establishment, registered crematory, cemetery, cemetery operator, or guardian shall be immune from civil liability for any act, decision, or omission resulting from acceptance of any dead body for burial, cremation, or other disposition when the provisions of this section are met, unless such acts, decisions, or omissions resulted from bad faith or malicious intent.

§ 64.2-2020. Annual reports by guardians.

A. A guardian shall file an annual report in compliance with the filing deadlines in § 64.2-1305 with the local department of social services for the jurisdiction where the incapacitated person then resides. The annual report shall be on a form prepared by the Office of the Executive Secretary of the Supreme Court and shall be accompanied by a filing fee of $5. To the extent practicable, the annual report shall be formatted in a manner to encourage standardized and detailed responses from guardians. The local department shall retain the fee in the jurisdiction where the fee is collected for use in the provision of services to adults in need of protection. Within 60 days of receipt of the annual report, the local department shall file a copy of the annual report with the clerk of the circuit court that appointed the guardian, to be placed with the court papers pertaining to the guardianship case. Twice each year the local department shall file with the clerk of the circuit court a list of all guardians who are more than 90 days delinquent in filing an annual report as required by this section. If the guardian is also a conservator, a settlement of accounts shall also be filed with the commissioner of accounts as provided in § 64.2-1305.

B. The annual report to the local department of social services shall include:

1. A description of the current mental, physical, and social condition of the incapacitated person, including any change in diagnosis or assessment of any such condition of such incapacitated person by any medical provider since the last report;

2. A description of the incapacitated person's living arrangements during the reported period, including a specific assessment of the adequacy of such living arrangement;

3. The medical, educational, vocational, social, recreational, and any other professional services and activities provided to the incapacitated person and the guardian's opinion as to the adequacy of the incapacitated person's care. The information required by this subdivision shall include (i) the specific names of the medical providers that have treated the incapacitated person and a description of the frequency or number of times the incapacitated person was seen by such providers; (ii) the date and location of and reason for any hospitalization of such incapacitated person; and (iii) a description of the educational, vocational, social, and recreational activities in which such incapacitated person participated;

4. A statement of whether the guardian agrees with the current treatment or habilitation plan;

5. A statement of whether the incapacitated person has been an alleged victim in a report of abuse, neglect, or exploitation made pursuant to Article 2 (§ 63.2-1603 et seq.) of Chapter 16 of Title 63.2, to the extent known, and whether there are any other indications of abuse, neglect, or exploitation of such incapacitated person;

6. A recommendation as to the need for continued guardianship and any recommended changes in the scope of the guardianship;

7. The name of any persons whose access to communicate, visit, or interact with the incapacitated person has been restricted and the reasons for such restriction;

8. A self-assessment by the guardian as to whether he feels he is able to continue to carry out the powers and duties imposed upon him by § 64.2-2019 and as specified in the court's order of appointment pursuant to § 64.2-2009;

9. *A statement as to whether the guardian and any skilled professional retained by such guardian to perform guardianship duties on behalf of the guardian have completed the training required by subsection E1 of § 64.2-2019;*

10. Unless the incapacitated person resides with the guardian, a statement of the frequency and nature of any (i) in-person visits from the guardian with the incapacitated person over the course of the previous year and (ii) visits over the course of the previous year from a designee who is directly supervised or contracted by the guardian, including the name of the designee performing such visit. If any visit described in this section is made virtually, the guardian shall include such information in the annual report;

~~10.~~ *11.* If no visit is made within a 120-day period, the guardian shall describe any challenges or limitations in completing such visit;

~~11.~~ *12.* A general description of the activities taken on by the guardian for the benefit of the incapacitated person during the past year;

~~12.~~ *13.* Any other information deemed necessary by the Office of the Executive Secretary of the Supreme Court of Virginia or the Department for Aging and Rehabilitative Services to understand the condition, treatment, and well-being of the incapacitated person;

~~13.~~ *14.* Any other information useful in the opinion of the guardian; and

~~14.~~ *15.* The compensation requested and the reasonable and necessary expenses incurred by the guardian.

The guardian shall certify by signing under oath that the information contained in the annual report is true and correct to the best of his knowledge. If a guardian makes a false entry or statement in the annual report, he shall be subject to a civil penalty of not more than $500. Such penalty shall be collected by the attorney for the Commonwealth or the county or city attorney, and the proceeds shall be deposited into the general fund.

C. If the local department of social services files notice that the annual report has not been timely filed in accordance with subsection A with the clerk of the circuit court, the court may issue a summons or rule to show cause why the guardian has failed to file such annual report.

2. That the Department for Aging and Rehabilitative Services shall develop and implement the training specified by § 51.5-150.1 of the Code of Virginia, as created by this act, by July 1, 2025.

3. That guardians appointed pursuant to § 64.2-2009 of the Code of Virginia prior to July 1, 2025, and any skilled professional retained by such guardian to perform guardianship duties on behalf of such guardian, shall complete the training required by § 64.2-2019 of the Code of Virginia, as amended by this act, by January 1, 2027.

4. That the Office of the Executive Secretary of the Supreme Court of Virginia shall prepare the annual report form specified by § 64.2-2020 of the Code of Virginia, as amended by this act, by July 1, 2025.

5. That the Department for Aging and Rehabilitative Services shall consult with the Virginia State Bar, the Supreme Court of Virginia, and the Office of the Executive Secretary of the Supreme Court of Virginia to ensure that the training program developed pursuant to § 51.5-150.1, as created by this act, is in compliance with the rules and regulations regarding the Mandatory Continuing Legal Education (MCLE) program and is eligible for attorneys taking such course to receive MCLE credits.

CHAPTER 588

An Act to amend and reenact § 64.2-2003 of the Code of Virginia, relating to guardianship and conservatorship; report of guardian ad litem.

[S 292]

Approved April 5, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 64.2-2003 of the Code of Virginia is amended and reenacted as follows:

§ 64.2-2003. Appointment of guardian ad litem.

A. On the filing of every petition for guardianship or conservatorship, the court shall appoint a guardian ad litem to represent the interests of the respondent. The guardian ad litem shall be paid a fee that is fixed by the court to be paid by the petitioner or taxed as costs, as the court directs.

B. Duties of the guardian ad litem include (i) personally visiting the respondent; (ii) advising the respondent of rights pursuant to §§ 64.2-2006 and 64.2-2007 and certifying to the court that the respondent has been so advised;

(iii) recommending that legal counsel be appointed for the respondent, pursuant to § 64.2-2006, if the guardian ad litem believes that counsel for the respondent is necessary; (iv) notifying the court as soon as practicable if the respondent requests counsel regardless of whether the guardian ad litem recommends counsel; (v) investigating the petition and evidence, requesting additional evaluation if necessary, considering whether a less restrictive alternative to guardianship or conservatorship is available, including the use of an advance directive, supported decision-making agreement, or durable power of attorney, and filing a report pursuant to subsection C; (vi) making a good faith effort to consult directly with the respondent's primary health care provider, if any, unless the evaluation report required by § 64.2-2005 is prepared in whole or in part by such provider; and (vii) personally appearing at all court proceedings and conferences. If the respondent is between 17 and a half and 21 years of age and has an Individualized Education Plan (IEP) and transition plan, the guardian ad litem shall review such IEP and transition plan and include the results of his review in the report required by clause (v).

C. In the report required by clause (v) of subsection B, the guardian ad litem shall address the following major areas of concern: (i) whether the court has jurisdiction; (ii) whether a guardian or conservator is needed based on evaluations and reviews conducted pursuant to subsection B; (iii) the extent of the duties and powers of the guardian or conservator; (iv) the propriety and suitability of the person selected as guardian or conservator after consideration of *(a)* the person's geographic location, *(b) the person's* familial or other relationship with the respondent, *(c) the person's* ability to carry out the powers and duties of the office, *(d) the person's* commitment to promoting the respondent's welfare, *(e)* any potential conflicts of interests, *(f) whether the person works as a professional guardian on a full-time basis, (g) the person's expected capacity as a guardian, (h) the* wishes of the respondent, ~~and~~ *(i) the* recommendations of relatives*, and (j) whether the person is named as a perpetrator in any substantiated adult protective services complaint involving the respondent following allegations of abuse or neglect*; (v) a recommendation as to the amount of surety on the conservator's bond, if any; and (vi) consideration of proper residential placement of the respondent. The report shall also contain an explanation by the guardian ad litem as to any (a) decision not to recommend the appointment of counsel for the respondent, (b) determination that a less restrictive alternative to guardianship or conservatorship is not advisable, and (c) determination that appointment of a limited guardian or conservator is not appropriate. If the guardian ad litem was unable to consult directly with the respondent's primary health care provider, such information shall also be included in such report.

D. Any individual or entity with information, records, or reports relevant to a guardianship or conservatorship proceeding, including any (i) health care provider, local school division, or local department of social services; (ii) criminal justice agency as that term is defined in § 9.1-101, unless the disclosure of such information, records, or reports would impede an ongoing criminal investigation or proceeding; and (iii) financial institution as that term is defined in § 6.2-100, investment advisor as that term is defined in § 13.1-501, or other financial service provider shall disclose or make available to the guardian ad litem, upon request, any information, records, and reports concerning the respondent that the guardian ad litem determines necessary to perform his duties under this section to the extent allowed under the Gramm-Leach-Bliley Act (15 U.S.C. § 6801 et seq.) and 12 U.S.C. § 3403. The request from the guardian ad litem shall be accompanied by a copy of the court order (a) appointing the guardian ad litem for the respondent and (b) that allows the release of the respondent's nonpublic personal information to the guardian ad litem. All such information, records, and reports shall be provided to the guardian ad litem at no charge. Disclosures, records, and reports can be provided in electronic form to the guardian ad litem and may be accompanied by a statement of expenses or an invoice, which shall be filed with the report of the guardian ad litem to be considered by the court when awarding costs among the parties pursuant to § 64.2-2008. Absent gross negligence or willful misconduct, the person or entity making disclosures, and their staff, shall be immune from civil or criminal liability for providing information or records to a court-appointed guardian ad litem pursuant to this section.

CHAPTER 589

An Act to amend and reenact § 19.2-271.5 of the Code of Virginia, relating to protected information in administrative and civil proceedings; newspersons engaged in journalism.

[S 321]

Approved April 5, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 19.2-271.5 of the Code of Virginia is amended and reenacted as follows:

§ 19.2-271.5. Protected information; newspersons engaged in journalism.

A. As used in this section, unless the context requires a different meaning:

"Journalism" means the gathering, preparing, collecting, photographing, recording, writing, editing, reporting, or publishing of news or information that concerns local, national, or international events or other matters of public interest for dissemination to the public.

"News organization" means any (i) newspaper or magazine issued at regular intervals and having a general circulation; (ii) recognized press association or wire service; (iii) licensed radio or television station that engages in journalism; or (iv) business that, by means of photographic or electronic media, engages in journalism and employs an editor overseeing the journalism function that follows commonly accepted journalistic practice as evidenced by (a) membership in a state-based journalism organization, including the Virginia Press Association and the Virginia Association of Broadcasters; (b) membership in a national journalism organization, including the National Press Club, the Society of Professional

Journalists, and the Online News Association; (c) membership in a statewide or national wire news service, including the Capital News Service, The Associated Press, and Reuters; or (d) its continuous operation since 1994 or earlier.

"Newsperson" means any person who, for a substantial portion of his livelihood or for substantial financial gain, engages in journalism for a news organization. "Newsperson" includes any person supervising or assisting another person in engaging in journalism for a news organization.

"Protected information" means information identifying a source who provided information to a newsperson under a promise or agreement of confidentiality made by a news organization or newsperson while such news organization or newsperson was engaging in journalism.

B. Except as provided in subsection C, no newsperson *in any administrative, civil, or criminal proceeding* shall be compelled by the Commonwealth or a locality ~~in any criminal proceeding~~ *or, in the case of a civil proceeding, a party to such proceeding* to testify about, disclose, or produce protected information. Any protected information obtained in violation of this subsection is inadmissible for any purpose in an administrative*, civil,* or criminal proceeding.

C. A court may compel a newsperson to testify about, disclose, or produce protected information only if the court finds, after notice and an opportunity to be heard by such newsperson, that:

1. The protected information is necessary to the proof of an issue material to an administrative*, civil,* or criminal proceeding;

2. The protected information is not obtainable from any alternative source;

3. The Commonwealth or locality *or, in the case of a civil proceeding, a party to such proceeding* exhausted all reasonable methods for obtaining the protected information from all relevant alternative sources, if applicable; and

4. There is an overriding public interest in the disclosure of the protected information, including preventing the imminent threat of bodily harm to or death of a person or ending actual bodily harm being inflicted upon a person.

D. The publication by a news organization or the dissemination by a newsperson of protected information obtained while engaging in journalism shall not constitute a waiver of the protection from compelled testimony, disclosure, and production provided by subsection B.

CHAPTER 590

An Act to provide a new charter for the Town of New Market in Shenandoah County and to repeal Chapter 264 of the Acts of Assembly of 1972, as amended, which provided a charter for the Town of New Market.

[S 375]

Approved April 5, 2024

Be it enacted by the General Assembly of Virginia:

1.

CHARTER
FOR THE
TOWN OF NEW MARKET.

Chapter 1. Incorporation and Boundaries.

§ 1.1. Incorporation; general powers.

Be it enacted by the General Assembly of Virginia, that the inhabitants of the territory in the County of Shenandoah, contained within the boundaries prescribed and defined in the section immediately following, shall continue to be, and they are hereby declared to be, a body politic and corporate, in fact and in name, under the name and style of the Town of New Market (the Town), and as such shall have and exercise all the powers conferred by and be subject to all the laws of the Commonwealth of Virginia now in force or that may hereafter be enacted for the government of towns, so far as the same are not inconsistent with the provisions herein.

§ 1.2. Town boundaries.

The boundaries of the Town shall remain as now established unless changed in accordance with applicable law.

Chapter 2. General Powers.

§ 2.1. General grant of powers.

(a) The Town of New Market shall have and may exercise all powers which are now or hereafter may be conferred upon or delegated to towns under the Constitution and laws of the Commonwealth of Virginia, as fully and completely as though such powers were specifically enumerated herein, and no enumeration of particular powers by this charter shall be held to be exclusive, and shall have, exercise, and enjoy all the rights, immunities, powers, and privileges, and be subject to all the duties and obligations now appertaining to and incumbent on the Town as a municipal corporation.

(b) Powers exercised by governing body.

All powers vested in the Town by this charter shall be exercised by its governing body unless expressly provided to the contrary. Such powers shall include those not expressly prohibited by the Constitution and general law of the Commonwealth, and which are necessary or desirable to secure and promote the general welfare of the Town's inhabitants and the safety, health, peace, good order, comfort, convenience, morals, trade, commerce, and industry of the Town and the Town's inhabitants, and the enumeration of specific powers shall not be construed or held to be exclusive or as a limitation upon any general grant of power, but shall be construed and held to be in addition to any general grant of power. The

exercise of the powers conferred under this section is specifically limited to the area within the corporate limits of the Town, unless otherwise conferred in the applicable sections of the Constitution and general laws, as amended, of the Commonwealth.

§ 2.2. Financial powers.

(a) Generally.

In accordance with the Constitution of Virginia and the United States Constitution, the Town may raise through annual taxes and assessments on property, persons, and other subjects of taxation that are not prohibited by law such sums of money as in the judgment of the Town are necessary to pay the debts, defray the expenses, accomplish the purposes, and perform the functions of the town, in such manner as the council deems necessary or expedient. The Town shall impose no tax on its bonds.

(b) Assessments for local improvements.

The Town may impose special or local assessments for local improvements and enforce payment thereof, subject, however, to such limitations prescribed by the Constitution of Virginia as may be in force at the time of the imposition of such special or local assessments.

(c) Water, light, and sewerage rates; rates and charges for public utilities or services, etc., operated, etc., by Town.

The Town may establish, impose, and enforce water, light, and sewerage rates, and rates and charges for public utilities, or other service, products, or conveniences, operated, rendered, or furnished by the Town and assess, or cause to be assessed, water, light, sewerage, and other public utility rates and charges directly against the owner or owners of the buildings, or against the proper tenant or tenants, and in the event that such rates and charges shall be assessed against a tenant, then the council may, by an ordinance, require of such tenant a deposit of such reasonable amount as may be by such ordinance prescribed before furnishing such services to such tenant.

§ 2.3. Contractual powers; gifts; grants.

(a) Acquisition of property generally; holding, selling, leasing, etc., Town property.

The Town may acquire, by purchase, gift, devise, condemnation, or otherwise, property, real and personal, or any estate or interest therein, within or without the Town or the Commonwealth of Virginia and for any of the purposes of the Town.

(b) Debts and evidence of indebtedness.

The Town may contract debts, borrow money, and make and issue evidence of indebtedness.

(c) Gifts.

The Town may accept or refuse gifts, donations, bequests, or grants of any kind from any source, absolutely or in trust, which are related to the Town's powers, duties, and functions, or for educational, charitable, or other public purposes, and do all the things and acts necessary to carry out the purposes of such gifts, grants, bequests, and devises, with power to manage, maintain, operate, sell, lease, or otherwise handle or dispose of the same, in accordance with terms and conditions of such gifts, grants, bequests, and devises. The Town shall also have the authority to make appropriations of public funds, of personal property or any real estate and donations to any charitable institution or association, located within its respective limits or outside its limits if such institution or association provides services to residents of the Town.

§ 2.4. Operational powers.

(a) Generally.

The Town may provide for the organization, conduct, and operation of all departments, offices, boards, commissions, and agencies of the Town, subject to such limitations as may be imposed by this charter or otherwise by law, and may establish, consolidate, abolish, or change departments, offices, boards, commissions, and agencies of the Town and prescribe the powers, duties, and functions thereof, except where such departments, offices, boards, commissions, and agencies or the powers, duties, and functions thereof are specifically established or prescribed by charter or otherwise by law.

(b) Records and accounts.

The Town shall provide for the control and management of the Town's affairs and shall prescribe and require the adoption and keeping of such books, records, accounts, and systems of accounting by the departments, boards, commissions, or other agencies of the Town necessary to give full and true accounts of the affairs, resources, and revenues of the Town and the handling, use, and disposal thereof.

(c) Expenditure of money.

The Town may expend money of the Town for all lawful purposes.

(d) Construction, maintenance, etc., of improvements, buildings, etc., for use and operation of Town departments.

The Town may construct, maintain, regulate, and operate public improvements of all kinds, including municipal and other buildings, comfort stations, markets, and all buildings and structures necessary or appropriate for the use and proper operation of the various departments of the Town, and may acquire by condemnation or otherwise all land, riparian, and other rights and easements necessary for such improvements, or any of them.

§ 2.5. Utilities; public improvements.

(a) Water works and water supply.

The Town may own, operate, and maintain water works and acquire in any lawful manner in any county of the Commonwealth of Virginia such water, lands, property rights, and riparian rights as the council may deem necessary for the purpose of providing the Town with an adequate water supply, and of piping or conducting the same; lay all necessary

mains and service lines, either within or without the corporate limits of the Town, and charge and collect water rents therefor; erect and maintain all necessary dams, pumping stations, and other works in connection therewith; make reasonable rules and regulations for promoting the purity of the Town water supply and protecting it from pollution and for this purpose exercise full police powers and sanitary patrol over all lands comprised within the limits of the watershed tributary to any such water supply wherever such lands may be located in the Commonwealth of Virginia; impose and enforce adequate penalties for the violation of any such rules and regulations and prevent by injunction any pollution or threatened pollution of such water supply and any and all acts likely to impair the purity thereof; and for the purpose of acquiring lands, interest in lands, property rights, and riparian rights or materials for any such use, exercise all powers of eminent domain provided by the laws of the Commonwealth of Virginia. For any of the purposes aforesaid, the Town may, if the council shall so determine, acquire by condemnation, purchase, or otherwise any estate or interest in such lands or any of them in fee.

(b) Streets; parks, playgrounds, etc.; infrastructure; vehicles.

The Town may establish, maintain, improve, alter, vacate, regulate, and otherwise manage its streets, alleys, parks, playgrounds, and all of its public infrastructure and public works, in such manner as best serves the public interest, safety, and convenience, subject to the provisions of §§ 33.2-319 and 33.2-700 of the Virginia Code, as amended; regulate, limit, restrict, and control the services and routes of and rates charged by vehicles for the carrying of passengers and property in accordance with general law; permit or prohibit poles and wires for electric, telephone, telegraph, television, and other purposes to be erected and gas pipes to be laid in the streets and alleys and prescribe and collect an annual charge for such privileges; and, subject to the provisions of franchise agreements, require the owner or lessees of any such poles or wires now in use or hereafter used to place such wires, cables, and accoutrements in conduits underground in accordance with the Town's prescribed requirements. The Town shall have all powers that are set forth in § 46.2-1222.1 of the Virginia Code, as amended.

(c) Public utilities.

Subject to the provisions of the Constitution of Virginia, this charter, and general law, the Town may grant franchises for public utilities, reserving rights of transfer, renewal, extension, and amendment thereof.

(d) Collection and disposition of sewage, garbage, ashes, refuse, etc.; reduction and disposal plant.

The Town may collect and dispose of sewage, ashes, garbage, carcasses of dead animals, and other refuse; make reasonable charges therefor; acquire and operate reduction or any other plants for the utilization or destruction of such materials, or any of them; contract for and regulate the collection and disposal thereof, and require and regulate the collection and disposal thereof.

§ 2.6. Nuisances; sanitary conditions, etc.

The Town may compel the abatement and removal of all nuisances within the Town; require all lands, lots, and other premises within the Town to be kept clean; regulate the keeping of animals, poultry, and other fowl therein; regulate the exercise of any dangerous or unwholesome business, trade, or employment therein; regulate the transportation of all articles through the streets of the Town; compel the abatement of smoke, dust, and unnecessary noise; compel the removal of grass and weeds from private and public property and snow from sidewalks; require the covering or removal of offensive, unwholesome, unsanitary, or unhealthy substances allowed to accumulate in or on any place or premises; require the filling in to the street level of the portion of any lot adjacent to a street where the difference in level between the lot and the street constitutes a danger to life and limb; require the raising or draining of the grounds subject to be covered by stagnant water and the razing or repair of all unsafe, dangerous, or unsanitary public or private buildings, walls, or structures; and remedy, repair, and secure any blighted or derelict building or structure within the Town in accordance with applicable law. The Town shall have all powers that are set forth in § 15.2-1127 of the Virginia Code, as amended.

§ 2.7. Police powers.

(a) The Town may exercise full police powers as provided by general law and establish and maintain a department or division of police.

(b) The Town may also do all things whatsoever necessary or expedient for promoting or maintaining the general welfare, comfort, education, morals, peace, government, health, trade, commerce, or industries of the Town or its inhabitants; prescribe any penalty for the violation of any Town ordinance, rule, or regulation or of any provisions of this charter, not exceeding the fine or sentence imposed by the laws of the Commonwealth of Virginia; pass and enforce all by-laws, rules, regulations, and ordinances that it may deem necessary for the good order and government of the Town, the management of its property, the conduct of its affairs, and the peace, comfort, convenience, order, morals, health, and protection of its citizens or their property; and do such other things and pass such other laws as may be necessary or proper to carry into full effect any power, authority, capacity, or jurisdiction that is or shall be granted to or vested in said Town, or in the council, court, or offices thereof, or which may be necessarily incident to a municipal corporation.

§ 2.8. Miscellaneous powers.

(a) Removal or reconstruction of unsafe buildings, etc.; protection of public gatherings.

The Town may regulate the size, height, materials, and construction of buildings, fences, walls, retaining walls, and other structures hereafter erected in such manner as the public safety and conveniences may require; remove or require to be removed or reconstructed any building, structure, or addition thereto, which by reason of dilapidation, defect of structure, or other causes may have become dangerous to life or property, or which may have been erected contrary to law;

and enact stringent and efficient laws for securing the safety of persons from fires in halls and buildings used for public assemblies, entertainments, or amusements.

(b) Fees for permits, etc.

The Town may charge and collect fees for permits to use public facilities and for public services and privileges.

(c) Cemeteries.

The Town may provide in or near the Town lands to be used as burial places for the dead; improve and care for the same and the approaches thereto; charge for and regulate the use of grounds therein; and provide for the perpetual upkeep and care of any plot or burial lot therein. The Town is authorized to take and receive sums of money by gift, bequest, or otherwise, to be kept invested, and the income thereof is to be used for the perpetual upkeep and care of the said lot or plat for which the said donation, gift, or bequest shall have been made.

(d) Injunctive relief.

The Town may maintain a suit to restrain by injunction the violation of any ordinance, notwithstanding any punishment that may be provided for the violation of such ordinance.

Chapter 3. Elected Officers.

§ 3.1. Vesting of government.

The Town shall be governed by a Town council composed of six council members and a mayor.

§ 3.2. Election and terms of officers; council as continuing body.

The mayor and council members shall each be a qualified voter within the Town, elected at large, and hold office for a term of four years. The council shall be a continuing body, and no measure pending before such body shall abate or be discontinued by reason of expiration of the term of office or removal of any or all of the members. The mayor and council in office at the time of adoption of this charter shall continue in office until the expiration of the terms to which they were elected or until their successors are elected and qualified. Accordingly, at the time of the general election in November of 2024, there will be an election for mayor and three council positions and at the general election in November 2026, there will be an election for the other three council positions.

§ 3.3. Mayor.

The mayor shall have the following powers and duties:

(a) The mayor shall see that the bylaws and ordinances of the Town are fully executed and enforced. He shall preside over the meetings of the Town council and shall have the same right to speak therein as members of the Town council, but shall not vote except in the case of a tie. He shall have the power of veto over the ordinances and resolutions of the council, but such ordinances and resolutions may be passed over such veto by a two-thirds vote of the members of the Town council present and voting. He shall be recognized as the head of the Town council, and the head of the Town government for all ceremonial purposes. He shall perform such other duties consistent with his office as may be imposed by the council. In times of public danger or emergencies, he may take command of the police and maintain order and enforce laws, and for this purpose may deputize such assistant policemen as may be necessary.

(b) The mayor, or the person acting as mayor, shall authenticate with his signature every ordinance and resolution adopted by the council, and such documents or instruments as the council, this charter, or the laws of the Commonwealth shall require.

(c) The mayor shall see that the duties of the various Town officers, agents, and employees are faithfully performed. The mayor shall have power to investigate their accounts and have access to all of their books and documents in their offices.

§ 3.4. Vice-mayor, temporary presiding officer.

A vice-mayor shall be elected by a majority of the council at its biennial organizational meeting to a term of two years. The vice-mayor shall possess the powers and discharge the duties of the mayor during any period of absence or disability of the mayor. While serving in the place of the mayor, the vice-mayor may vote as a member of the Town council. If the vice-mayor is also absent or unable to act, the council may choose another council member to possess the powers and discharge the mayor's duties during the period of the vice-mayor and mayor's absence or disability. While serving in the place of the mayor, such council member may vote as a member of the Town council. The council may provide reasonable compensation to the vice-mayor or other council member discharging the duties of the mayor pursuant to this section. Upon the adoption of this charter, the current vice-mayor of the council shall serve as vice-mayor until the next organizational meeting of the council.

§ 3.5. Council.

(a) Regular meetings. The Town council shall by ordinance fix the time of their regular meetings. The council may convene at such additional times as it may deem necessary in accordance with applicable law.

(b) Special meetings. A special meeting may be called by the mayor or by four or more council members, provided that the mayor and all council members are notified a reasonable period of time prior to the meeting, or are present or sign a waiver, which may be signed after the meeting. No business shall be transacted at a special meeting except that for which it is called unless all members of the council are present or sign a waiver, which may be signed after the meeting.

(c) Quorum. Four members of the council shall constitute a quorum for the transaction of business. As the mayor does not vote, the mayor's attendance does not count towards the quorum requirement.

(d) Procedural rules. The council may adopt its own rules of order and procedure that govern meetings of the council.

§ 3.6. Vacancies.

Any vacancy occurring in the office of mayor or a council member shall be filled in accordance with general law.

Chapter 4. Officers Appointed by Council.

§ 4.1. Appointments.

The Town council may appoint the following officers, who serve at the pleasure of the council:

(a) Town Manager. The Town Manager shall be responsible to the Town council (1) for the proper administration of all affairs of the Town, (2) for the control and management of all Town departments and property, (3) for the appointment, supervision, discipline, and dismissal of all Town employees (except, with respect to Town council appointed officers, appointment and dismissal shall be by act of the Town council), (4) for the preparation and implementation of an annual budget, and (5) for any other duties as prescribed by the council, and is vested with all the powers provided by the general laws of the Commonwealth of Virginia. The Town Manager shall also perform other duties and receive such compensation as the Town council may prescribe. The Town Manager may also hold the position of Town Clerk.

(b) Town Treasurer. The Town Treasurer shall keep the Town's books and accounts and collect all the taxes, revenues, and assessments that may be levied by the council, and he is vested with all the powers provided by the general laws of the Commonwealth of Virginia. The Town Treasurer shall also perform other duties and receive such compensation as the Town council may prescribe.

(c) Town Clerk. The Town Clerk shall attend the meetings of the council, keep a record of its proceedings, and generally perform such other acts and duties as the council may from time to time prescribe. The Town Clerk shall receive such compensation as the council may prescribe and may also hold the office of Town Treasurer so long as he is not a member of Town council.

(d) Town Attorney. The Town Attorney shall be an attorney at law licensed to practice under the laws of the Commonwealth of Virginia. The Town Attorney shall receive such compensation as may be determined by the council and shall have such duties as prescribed by the council.

(e) Chief of Police. The Chief of Police shall be the head of the Town of New Market Police Department and be a law-enforcement officer responsible for the enforcement of the criminal laws and such other duties prescribed by the laws of the Town and the Commonwealth of Virginia. The Chief of Police shall also perform other duties and receive such compensation as the Town council may prescribe. The Chief of Police shall have all powers that are now or may hereafter be provided to law-enforcement officers and police chiefs by the Commonwealth of Virginia.

(f) Other officers. The Town council may appoint such other officers as may be necessary to conduct the business of the Town, prescribe their duties, and fix their compensation.

(g) The Town council may designate a person to act in an interim capacity for any of the foregoing officers during the absence or incapacity of such officer.

(h) All Town officers already in office at the time of the enactment of this charter shall continue until further action of the Town council.

§ 4.2. Removal of appointed officers.

Any officer appointed by the council may be removed at its pleasure. The council may fill any vacancy in any appointed office.

Chapter 5. Miscellaneous Provisions.

§ 5.1. Severability.

If any clause, sentence, paragraph, or part of this charter shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder of the charter but shall be confined in its operation to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

§ 5.2. Continuation of ordinances in effect.

All ordinances now in force in the Town, not inconsistent with this charter, shall be and remain in force until altered, amended, or repealed by the council.

§ 5.3. Repeal of conflicting acts and charters.

All prior Town charters, and all acts and parts of acts in conflict with this charter are hereby repealed, provided, however, that nothing contained in this act shall be construed to invalidate or to in any manner affect the present existing indebtedness and liabilities of the Town, whether evidenced by bonded obligations or otherwise, or to relieve it of any part of its present obligation or liability on account of bond issues, liabilities, or debts of whatsoever nature or kind.

2. That Chapter 264 of the Acts of Assembly of 1972, as amended, is repealed.

CHAPTER 591

An Act to amend and reenact § 60.2-633 of the Code of Virginia, relating to unemployment compensation; collection of overpayments.

[S 382]

Approved April 5, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 60.2-633 of the Code of Virginia is amended and reenacted as follows:

§ 60.2-633. Receiving benefits to which not entitled.

A. Any person who has received any sum as benefits under this title to which he was not entitled shall be liable to repay such sum to the Commission. For purposes of this section, "benefits under this title" includes benefits under an unemployment benefit program of the United States or of any other state. In the event the claimant does not refund the overpayment, the Commission shall deduct from any future benefits such sum payable to him under this title. However, if an overpayment of benefits under this chapter, but not under an unemployment benefit program of the United States or of any other state, occurred due to administrative error, the Commission shall have the authority to negotiate the terms of repayment, which shall include (i) deducting up to 50 percent of the payable amount for any future week of benefits claimed, rounded down to the next lowest dollar until the overpayment is satisfied; (ii) forgoing collection of the payable amount until the recipient has found employment as defined in § 60.2-212; or (iii) determining and instituting an individualized repayment plan. The Commission shall collect an overpayment of benefits under this chapter caused by administrative error only by offset against future benefits or a negotiated repayment plan; however, the Commission may institute any other method of collection if the individual fails to enter into or comply with the terms of the repayment plan. Administrative error shall not include decisions reversed in the appeals process. In addition, the overpayment may be collectible by civil action in the name of the Commission. Amounts collected in this manner may be subject to an interest charge as prescribed in § 58.1-15 from the date of judgment and may be subject to fees and costs. Collection activities for any benefit overpayment established of ~~five dollars~~ *$5* or less may be suspended. ~~The~~ *When a benefit overpayment is not caused by fraud on the part of the claimant, pursuant to § 60.2-618 or 60.2-632, collection activities shall be suspended and the Commission shall, at the earliest of the following, determine as uncollectable and discharge the benefit overpayment from its records if it remains unpaid (a) after the expiration of five years from the last day of the benefit year, as defined in § 60.2-206, in which the overpayment was made; (b) immediately upon the death of such person; or (c) upon such person's discharge in bankruptcy occurring subsequently to the determination of overpayment. In any other circumstance, the* Commission may~~, for good cause,~~ determine as uncollectible and discharge from its records any benefit overpayment ~~which~~ *(1) that* remains unpaid after the expiration of seven years from the ~~date such overpayment was determined, or~~ *last day of the benefit year, as defined in § 60.2-206, in which the overpayment was made; (2)* immediately upon the death of such person*; ~~or~~ (3)* upon ~~his~~ *such person's* discharge in bankruptcy occurring subsequently to the determination of overpayment*; or (4) at any time where, provided the state has already made reasonable attempts to collect any liabilities to the state unemployment fund, pursuant to rules and regulations promulgated by the Commission, the Commission finds such overpayment to be uncollectible or the recovery of such overpayment to be administratively impracticable.* Any existing overpayment balance not equal to an even dollar amount shall be rounded to the next lowest even dollar amount.

B. The Commission is authorized to accept repayment of benefit overpayments by use of a credit card. The Virginia Employment Commission shall add to such payment a service charge for the acceptance of such card. Such service charge shall not exceed the percentage charged to the Virginia Employment Commission for use of such card.

C. Final orders of the Commission with respect to benefit overpayments may be recorded, enforced and satisfied as orders or decrees of a circuit court upon certification of such orders by the Commissioner as may be appropriate.

CHAPTER 592

An Act to amend and reenact §§ 18.2-64.2 and 18.2-67.4 of the Code of Virginia, relating to carnal knowledge and sexual battery; persons detained or arrested by a law-enforcement officer, confidential informants, pretrial defendants or posttrial offenders; penalty.

[S 394]

Approved April 5, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 18.2-64.2 and 18.2-67.4 of the Code of Virginia are amended and reenacted as follows:

§ 18.2-64.2. Carnal knowledge of a person detained or arrested by a law-enforcement officer or an inmate, parolee, probationer, juvenile detainee, pretrial defendant or posttrial offender, or confidential informant; penalty.

A. An accused is guilty of carnal knowledge of a person detained or arrested by a law-enforcement officer or an inmate, parolee, probationer, juvenile detainee, or pretrial defendant or posttrial offender if he is a law-enforcement officer or an employee or contractual employee of, or a volunteer with, a state or local correctional facility or regional jail, the Department of Corrections, the Department of Juvenile Justice, a secure facility or detention home as defined in § 16.1-228, a state or local court services unit as defined in § 16.1-235, a local community-based probation services agency, or a pretrial services agency; is in a position of authority over the person detained or arrested by a law-enforcement officer, inmate, probationer, parolee, juvenile detainee, or pretrial defendant or posttrial offender; knows that the person detained or arrested by a law-enforcement officer, inmate, probationer, parolee, juvenile detainee, or pretrial defendant or posttrial offender is in the custody of a private, local, or state law-enforcement agency or under the jurisdiction of a state or local correctional facility or regional jail, the Department of Corrections, the Department of Juvenile Justice, a secure facility or detention home as defined in § 16.1-228, a state or local court services unit as defined in § 16.1-235, a local community-based probation services agency, or a pretrial services agency; and carnally knows, without the use of force, threat, or intimidation, (i) an inmate who has been committed to jail or convicted and sentenced to confinement in a state or local correctional

facility or regional jail or (ii) a person detained or arrested by a law-enforcement officer, probationer, parolee, juvenile detainee, or pretrial defendant or posttrial offender in the custody of a private, local, or state law-enforcement agency or under the jurisdiction of the Department of Corrections, the Department of Juvenile Justice, a secure facility or detention home as defined in § 16.1-228, a state or local court services unit as defined in § 16.1-235, a local community-based probation services agency, a pretrial services agency, a local or regional jail for the purposes of imprisonment, a work program, or any other parole/probationary or pretrial services program or agency. Such offense is a Class 6 felony.

An accused is guilty of carnal knowledge of a pretrial defendant or posttrial offender if he (a) is an owner or employee of the bail bond company that posted the pretrial defendant's or posttrial offender's bond; (b) has the authority to revoke the pretrial defendant's or posttrial offender's bond; and (c) carnally knows, without use of force, threat, or intimidation, a pretrial defendant or posttrial offender. Such offense is a Class 6 felony.

An accused is guilty of carnal knowledge of a person serving as a confidential informant if he (1) is a law-enforcement officer; (2) knows that such person is serving as a confidential informant for the law-enforcement agency where such officer is employed; and (3) carnally knows, without use of force, threat, or intimidation, such confidential informant while such person is serving as a confidential informant or is expected to testify in a criminal case for which the confidential informant assisted the law-enforcement agency with its investigation. Such offense is a Class 6 felony.

B. For the purposes of this section:

"Carnal knowledge" includes the acts of sexual intercourse, cunnilingus, fellatio, anilingus, anal intercourse, and animate or inanimate object sexual penetration.

"Confidential informant" means any person, other than an employee of a law-enforcement agency, who engages in, or provides information about, criminal activity for the purpose of assisting a law-enforcement agency in investigating the criminal activity of another, in exchange for a benefit, the promise of a benefit, or the hope or expectation thereof.

"Law-enforcement officer" means the same as that term is defined in § 9.1-101.

§ 18.2-67.4. Sexual battery.

A. An accused is guilty of sexual battery if he sexually abuses, as defined in § 18.2-67.10, (i) the complaining witness against the will of the complaining witness, by force, threat, intimidation, or ruse~~,~~*;* (ii) within a two-year period, more than one complaining witness or one complaining witness on more than one occasion intentionally and without the consent of the complaining witness~~,~~*;* (iii) an inmate who has been committed to jail or convicted and sentenced to confinement in a state or local correctional facility or regional jail, and the accused is an employee or contractual employee of, or a volunteer with, the state or local correctional facility or regional jail; is in a position of authority over the inmate; and knows that the inmate is under the jurisdiction of the state or local correctional facility or regional jail~~, or~~*;* (iv) a probationer, parolee, or a pretrial defendant or posttrial offender under the jurisdiction of the Department of Corrections, a local community-based probation services agency, a pretrial services agency, a local or regional jail for the purposes of imprisonment, a work program or any other parole/probationary or pretrial services or agency and the accused is an employee or contractual employee of, or a volunteer with, the Department of Corrections, a local community-based probation services agency, a pretrial services agency or a local or regional jail; is in a position of authority over an offender; and knows that the offender is under the jurisdiction of the Department of Corrections, a local community-based probation services agency, a pretrial services agency or a local or regional jail*; (v) a person detained or arrested by a law-enforcement officer and the accused is a law-enforcement officer; is in a position of authority over the person detained or arrested; and knows that the person detained or arrested by a law-enforcement officer is in the custody of a private, local, or state law-enforcement agency; (vi) a pretrial defendant or posttrial offender and the accused is an owner or employee of the bail company that posted the pretrial defendant's or posttrial offender's bond and has the authority to revoke the pretrial defendant's or posttrial offender's bond; or (vii) a person serving as a confidential informant and the accused is a law-enforcement officer; knows that such person is serving as a confidential informant for the law-enforcement agency where such officer is employed; and such person is serving as a confidential informant or is expected to testify in a criminal case for which he assisted the law-enforcement agency with its investigation.*

B. Sexual battery is a Class 1 misdemeanor.

C. For the purposes of this section, "confidential informant" means the same as that term is defined in § 18.2-64.2.

2. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter 1 of the Acts of Assembly of 2023, Special Session I, requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of $50,000. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.

CHAPTER 593

An Act to amend and reenact §§ 18.2-340.19 and 59.1-369, as it is currently effective and as it shall become effective, of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 58.1-4007.3 and by adding in

Article 7 of Chapter 41 of Title 58.1 a section numbered 58.1-4122.1, relating to gaming; posting of illegal gaming tip line information.

[S 397]

Approved April 5, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 18.2-340.19 and 59.1-369, as it is currently effective and as it shall become effective, of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 58.1-4007.3 and by adding in Article 7 of Chapter 41 of Title 58.1 a section numbered 58.1-4122.1 as follows:

§ 18.2-340.19. Regulations of the Department.

A. The Department shall adopt regulations that:

1. Require, as a condition of receiving a charitable gaming permit or authorization to conduct electronic gaming, that the applicant use a predetermined percentage of its receipts for (i) those lawful religious, charitable, community, or educational purposes for which the organization is specifically chartered or organized or (ii) those expenses relating to the acquisition, construction, maintenance, or repair of any interest in real property involved in the operation of the organization and used for lawful religious, charitable, community, or educational purposes, as follows:

a. With respect to charitable gaming, other than electronic gaming, a predetermined percentage of its gross receipts.

b. With respect to electronic gaming, a predetermined percentage of its electronic gaming adjusted gross receipts.

2. Specify the conditions under which a complete list of the organization's members who participate in the management, operation, or conduct of charitable gaming may be required in order for the Department to ascertain the percentage of Virginia residents in accordance with subdivision A 3 of § 18.2-340.24.

Membership lists furnished to the Department in accordance with this subdivision shall not be a matter of public record and shall be exempt from disclosure under the provisions of the Freedom of Information Act (§ 2.2-3700 et seq.).

3. Prescribe fees for processing applications for charitable gaming permits and authorizing social organizations to conduct electronic gaming. Such fees may reflect the nature and extent of the charitable gaming activity proposed to be conducted.

4. Establish requirements for the audit of all reports required in accordance with §§ 18.2-340.30 and 18.2-340.30:2.

5. Define electronic and mechanical equipment used in the conduct of charitable gaming. Department regulations shall include capacity for such equipment to provide full automatic daubing as numbers are called. For the purposes of this subdivision, electronic or mechanical equipment for instant bingo, pull tabs, or seal cards shall include such equipment that displays facsimiles of instant bingo, pull tabs, or seal cards and are used solely for the purpose of dispensing or opening such paper or electronic cards, or both; but shall not include (i) devices operated by dropping one or more coins or tokens into a slot and pulling a handle or pushing a button or touchpoint on a touchscreen to activate one to three or more reels marked into horizontal segments by varying symbols, where the predetermined prize amount depends on how and how many of the symbols line up when the rotating reels come to rest, or (ii) other similar devices that display flashing lights or illuminations, or bells, whistles, or other sounds, solely intended to entice players to play. Such regulations shall not prohibit the use of multiple video monitors or touchscreens on an electronic gaming device.

6. Prescribe the conditions under which a qualified organization may (i) provide food and nonalcoholic beverages to its members who participate in the management, operation, or conduct of bingo; (ii) permit members who participate in the management, operation, or conduct of bingo to play bingo; and (iii) subject to the provisions of subdivision 12 of § 18.2-340.33, permit nonmembers to participate in the conduct of bingo so long as the nonmembers are under the direct supervision of a bona fide member of the organization during the bingo game.

7. Prescribe the conditions under which a qualified organization may sell raffle tickets for a raffle drawing that will be held outside the Commonwealth pursuant to subsection B of § 18.2-340.26.

8. Prescribe the conditions under which persons who are bona fide members of a qualified organization or a child, above the age of 13 years, of a bona fide member of such organization may participate in the conduct or operation of bingo games.

9. Prescribe the conditions under which a person below the age of 18 years may play bingo, provided that such person is accompanied by his parent or legal guardian.

10. Require all qualified organizations that are subject to Department regulations to post in a conspicuous place in every place where charitable gaming is conducted a sign ~~which~~ *that* bears a toll-free telephone number for "Gamblers Anonymous" or other organization ~~which~~ *that* provides assistance to compulsive gamblers.

11. *Require all qualified organizations that are subject to Department regulations to post in a conspicuous place in every place where charitable gaming is conducted a sign that bears the toll-free telephone number and website for the illegal gaming tip line established and administered by the Office of the Gaming Enforcement Coordinator in the Department of State Police pursuant to § 52-54 for members of the public to report concerns about, or suspected instances of, illegal gaming activities.*

12. Prescribe the conditions under which a qualified organization may sell network bingo cards in accordance with § 18.2-340.28:1 and establish a percentage of proceeds derived from network bingo sales to be allocated to (i) prize pools, (ii) the organization conducting the network bingo, and (iii) the network bingo provider. The regulations shall also establish procedures for the retainage and ultimate distribution of any unclaimed prize.

~~12.~~ *13.* Prescribe the conditions under which a qualified organization may manage, operate, or contract with operators of, or conduct Texas Hold'em poker tournaments.

~~13.~~ *14.* Prescribe the conditions under which a qualified organization may lease the premises of a permitted social organization for the purpose of conducting bingo, network bingo, instant bingo, pull tabs, seal cards, and electronic gaming permitted under this article and establish requirements for proper financial reporting of all disbursements, gross receipts, and electronic gaming adjusted gross receipts and payment of all fees required under this article.

B. The Commissioner may, by regulation, approve variations to the card formats for bingo games, provided that such variations result in bingo games that are conducted in a manner consistent with the provisions of this article. Department-approved variations may include bingo games commonly referred to as player selection games and 90-number bingo.

§ 58.1-4007.3. Posting of illegal gaming tip line.

Every licensed lottery sales agent shall post in a conspicuous place in its retail establishment a sign that bears the toll-free telephone number and website for the illegal gaming tip line established and administered by the Office of the Gaming Enforcement Coordinator in the Department of State Police pursuant to § 52-54 for members of the public to report concerns about, or suspected instances of, illegal gaming activities.

§ 58.1-4122.1. Posting of illegal gaming tip line.

Every casino gaming operator shall post in a conspicuous place in its casino gaming establishment a sign that bears the toll-free telephone number and website for the illegal gaming tip line established and administered by the Office of the Gaming Enforcement Coordinator in the Department of State Police pursuant to § 52-54 for members of the public to report concerns about, or suspected instances of, illegal gaming activities.

§ 59.1-369. (Effective until July 1, 2024) Powers and duties of the Commission.

The Commission shall have all powers and duties necessary to carry out the provisions of this chapter and to exercise the control of horse racing as set forth in § 59.1-364. Such powers and duties shall include ~~but not be limited to~~ the following:

1. The Commission is vested with jurisdiction and supervision over all horse racing licensed under the provisions of this chapter including all persons conducting, participating in, or attending any race meeting. It shall employ such persons to be present at race meetings as are necessary to ensure that they are conducted with order and the highest degree of integrity. It may eject or exclude from the enclosure or from any part thereof any person, whether or not he possesses a license or permit, whose conduct or reputation is such that his presence may, in the opinion of the Commission, reflect on the honesty and integrity of horse racing or interfere with the orderly conduct of horse racing.

2. The Commission, its representatives, and employees shall visit, investigate, and have free access to the office, track, facilities, satellite facilities, or other places of business of any license or permit holder, and may compel the production of any of the books, documents, records, or memoranda of any license or permit holder for the purpose of satisfying itself that this chapter and its regulations are strictly complied with. In addition, the Commission may require any person granted a permit by the Commission and shall require any person licensed by the Commission, the recognized majority horsemen's group, and the nonprofit industry stakeholder organization recognized by the Commission under this chapter to produce an annual balance sheet and operating statement prepared by a certified public accountant approved by the Commission. The Commission may require the production of any contract to which such person is or may be a party.

3. The Commission shall promulgate regulations and conditions under which horse racing with pari-mutuel wagering shall be conducted in the Commonwealth, and all such other regulations it deems necessary and appropriate to effect the purposes of this chapter, including a requirement that licensees post, in a conspicuous place in every place where pari-mutuel wagering is conducted, *(i)* a sign ~~which~~ *that* bears a toll-free telephone number for "Gamblers Anonymous" or other organization ~~which~~ *that* provides assistance to compulsive gamblers *and (ii) a sign that bears the toll-free number and website for the illegal gaming tip line established and administered by the Office of the Gaming Enforcement Coordinator in the Department of State Police pursuant to § 52-54 for members of the public to report concerns about, or suspected instances of, illegal gaming activities*. Such regulations shall include provisions for affirmative action to assure participation by minority persons in contracts granted by the Commission and its licensees. Nothing in this subdivision shall be deemed to preclude private local ownership or participation in any horse racetrack. Such regulations may include penalties for violations. The regulations shall be subject to the Administrative Process Act (§ 2.2-4000 et seq.).

4. The Commission shall promulgate regulations and conditions under which simulcast horse racing shall be conducted at a licensed horse racetrack or satellite facility in the Commonwealth and all such other regulations it deems necessary and appropriate to effect the purposes of this chapter. Such regulations shall include provisions that all simulcast horse racing shall comply with the Interstate Horse Racing Act of 1978 (15 U.S.C. § 3001 et seq.) and shall require the holder of a license to schedule no more than 125 live racing days in the Commonwealth each calendar year; however, the Commission shall have the authority to alter the required number of live racing days based on what the Commission deems to be in the best interest of the Virginia horse industry. Such regulations shall authorize up to 10 satellite facilities and restrict majority ownership of satellite facilities to an entity licensed by the Commission that is a significant infrastructure limited licensee, or if by August 1, 2015, there is no such licensee or a pending application for such license, then the nonprofit industry stakeholder organization recognized by the Commission may be granted licenses to own or operate satellite facilities. If, however, after the issuance of a license to own or operate a satellite facility to such nonprofit industry stakeholder organization, the Commission grants a license to a significant infrastructure limited licensee pursuant to § 59.1-376, then

such limited licensee may own or operate the remaining available satellite facilities authorized in accordance with this subdivision. In no event shall the Commission authorize any such entities to own or operate more than a combined total of 10 satellite facilities. Nothing in this subdivision shall be deemed to preclude private local ownership or participation in any satellite facility. Except as authorized pursuant to subdivision 5, wagering on simulcast horse racing shall take place only at a licensed horse racetrack or satellite facility.

5. The Commission shall promulgate regulations and conditions regulating and controlling advance deposit account wagering. Such regulations shall include~~, but not be limited to,~~ (i) standards, qualifications, and procedures for the issuance of a license to an entity for the operation of pari-mutuel wagering in the Commonwealth; except that the Commission shall not issue a license to, and shall revoke the license of, an entity that, either directly or through an entity under common control with it, withholds the sale at fair market value to a licensee of simulcast horse racing signals that such entity or an entity under common control with it sells to other racetracks, satellite facilities, or advance deposit account wagering providers located in or outside of the Commonwealth; (ii) provisions regarding access to books, records, and memoranda, and submission to investigations and audits, as authorized by subdivisions 2 and 10; and (iii) provisions regarding the collection of all revenues due to the Commonwealth from the placing of such wagers. No pari-mutuel wager may be made on or with any computer owned or leased by the Commonwealth, or any of its subdivisions, or at any public elementary or secondary school or institution of higher education. The Commission also shall ensure that, except for this method of pari-mutuel wagering, all wagering on simulcast horse racing shall take place only at a licensed horse racetrack or satellite facility.

Nothing in this subdivision shall be construed to limit the Commission's authority as set forth elsewhere in this section.

6. The Commission may issue subpoenas for the attendance of witnesses before it, administer oaths, and compel production of records or other documents and testimony of such witnesses whenever, in the judgment of the Commission, it is necessary to do so for the effectual discharge of its duties.

7. The Commission may compel any person holding a license or permit to file with the Commission such data as shall appear to the Commission to be necessary for the performance of its duties including ~~but not limited to~~ financial statements and information relative to stockholders and all others with any pecuniary interest in such person. It may prescribe the manner in which books and records of such persons shall be kept.

8. The Commission may enter into arrangements with any foreign or domestic government or governmental agency, for the purposes of exchanging information or performing any other act to better ensure the proper conduct of horse racing.

9. The Commission shall report annually on or before March 1 to the Governor and the General Assembly, which report shall include a financial statement of the operation of the Commission.

10. The Commission may order such audits, in addition to those required by § 59.1-394, as it deems necessary and desirable.

11. The Commission shall upon the receipt of a complaint of an alleged criminal violation of this chapter immediately report the complaint to the Attorney General of the Commonwealth and the State Police for appropriate action.

12. The Commission shall provide for the withholding of the applicable amount of state and federal income tax of persons claiming a prize or pay-off for a winning wager and shall establish the thresholds for such withholdings.

13. The Commission, its representatives and employees may, within the enclosure, stable, or other facility related to the conduct of racing, and during regular or usual business hours, subject any (i) permit holder to personal inspections, including alcohol and drug testing for illegal drugs, inspections of personal property, and inspections of other property or premises under the control of such permit holder and (ii) horse eligible to race at a race meeting licensed by the Commission to testing for substances foreign to the natural horse within the racetrack enclosure or other place where such horse is kept. Any item, document, or record indicative of a violation of any provision of this chapter or Commission regulations may be seized as evidence of such violation. All permit holders consent to the searches and seizures authorized by this subdivision, including breath, blood, and urine sampling for alcohol and illegal drugs, by accepting the permit issued by the Commission. The Commission may revoke or suspend the permit of any person who fails or refuses to comply with this subdivision or any rules of the Commission. Commission regulations in effect on July 1, 1998, shall continue in full force and effect until modified by the Commission in accordance with law.

14. The Commission shall require the existence of a contract between each licensee and the recognized majority horsemen's group for that licensee. Such contract shall be subject to the approval of the Commission, which shall have the power to approve or disapprove any of its items, including ~~but not limited to~~ the provisions regarding purses and prizes. Such contracts shall provide that on pools generated by wagering on simulcast horse racing from outside the Commonwealth, (i) for the first $75 million of the total pari-mutuel handle for each breed, the licensee shall deposit funds at the minimum rate of five percent in the horsemen's purse account, (ii) for any amount in excess of $75 million but less than $150 million of the total pari-mutuel handle for each breed, the licensee shall deposit funds at the minimum rate of six percent in the horsemen's purse account, (iii) for amounts in excess of $150 million for each breed, the licensee shall deposit funds at the minimum rate of seven percent in the horsemen's purse account. Such deposits shall be made in the horsemen's purse accounts of the breed that generated the pools and such deposits shall be made within five days from the date on which the licensee receives wagers. In the absence of the required contract between the licensee and the recognized majority horsemen's group, the Commission may permit wagering to proceed on simulcast horse racing from outside of the Commonwealth, provided that the licensee deposits into the State Racing Operations Fund created pursuant to § 59.1-370.1 an amount equal to the minimum percentage of the total pari-mutuel handles as required in clauses (i), (ii), and (iii) or such

lesser amount as the Commission may approve. The deposits shall be made within five days from the date on which the licensee receives wagers. Once a contract between the licensee and the recognized majority horsemen's group is executed and approved by the Commission, the Commission shall transfer these funds to the licensee and the horsemen's purse accounts.

15. Notwithstanding the provisions of § 59.1-391, the Commission may grant provisional limited licenses or provisional unlimited licenses to own or operate racetracks or satellite facilities to an applicant prior to the applicant securing the approval through the local referendum required by § 59.1-391. The provisional licenses issued by the Commission shall only become effective upon the approval of the racetrack or satellite wagering facilities in a referendum conducted pursuant to § 59.1-391 in the jurisdiction in which the racetrack or satellite wagering facility is to be located.

16. The Commission or its representatives shall participate in the Problem Gambling Treatment and Support Advisory Committee established pursuant to § 37.2-304 by the Department of Behavioral Health and Developmental Services to enable collaboration among prevention and treatment providers and operators of legal gaming in the Commonwealth on efforts to reduce the negative effects of problem gambling.

§ 59.1-369. (Effective July 1, 2024) Powers and duties of the Commission.

The Commission shall have all powers and duties necessary to carry out the provisions of this chapter and to exercise the control of horse racing as set forth in § 59.1-364. Such powers and duties shall include ~~but not be limited to~~ the following:

1. The Commission is vested with jurisdiction and supervision over all horse racing licensed under the provisions of this chapter including all persons conducting, participating in, or attending any race meeting. It shall employ such persons to be present at race meetings as are necessary to ensure that they are conducted with order and the highest degree of integrity. It may eject or exclude from the enclosure or from any part thereof any person, whether or not he possesses a license or permit, whose conduct or reputation is such that his presence may, in the opinion of the Commission, reflect on the honesty and integrity of horse racing or interfere with the orderly conduct of horse racing.

2. The Commission, its representatives, and employees shall visit, investigate, and have free access to the office, track, facilities, satellite facilities or other places of business of any license or permit holder, and may compel the production of any of the books, documents, records, or memoranda of any license or permit holder for the purpose of satisfying itself that this chapter and its regulations are strictly complied with. In addition, the Commission may require any person granted a permit by the Commission and shall require any person licensed by the Commission, the recognized majority horsemen's group, and the nonprofit industry stakeholder organization recognized by the Commission under this chapter to produce an annual balance sheet and operating statement prepared by a certified public accountant approved by the Commission. The Commission may require the production of any contract to which such person is or may be a party.

3. The Commission shall promulgate regulations and conditions under which horse racing with pari-mutuel wagering shall be conducted in the Commonwealth, and all such other regulations it deems necessary and appropriate to effect the purposes of this chapter, including a requirement that licensees post, in a conspicuous place in every place where pari-mutuel wagering is conducted, *(i)* a sign ~~which~~ *that* bears a toll-free telephone number for "Gamblers Anonymous" or other organization ~~which~~ *that* provides assistance to compulsive gamblers *and (ii) a sign that bears the toll-free number and website for the illegal gaming tip line established and administered by the Office of the Gaming Enforcement Coordinator in the Department of State Police pursuant to § 52-54 for members of the public to report concerns about, or suspected instances of, illegal gaming activities*. Such regulations shall include provisions for affirmative action to assure participation by minority persons in contracts granted by the Commission and its licensees. Nothing in this subdivision shall be deemed to preclude private local ownership or participation in any horse racetrack. Such regulations may include penalties for violations. The regulations shall be subject to the Administrative Process Act (§ 2.2-4000 et seq.).

4. The Commission shall promulgate regulations and conditions under which simulcast horse racing shall be conducted at a licensed horse racetrack or satellite facility in the Commonwealth and all such other regulations it deems necessary and appropriate to effect the purposes of this chapter. Such regulations shall include provisions that all simulcast horse racing shall comply with the Interstate Horse Racing Act of 1978 (15 U.S.C. § 3001 et seq.) and shall require the holder of a license to schedule no more than 125 live racing days in the Commonwealth each calendar year; however, the Commission shall have the authority to alter the required number of live racing days in the event of force majeure. Such regulations shall authorize up to 10 satellite facilities and restrict majority ownership of satellite facilities to an entity licensed by the Commission that is a significant infrastructure limited licensee, or if by August 1, 2015, there is no such licensee or a pending application for such license, then the nonprofit industry stakeholder organization recognized by the Commission may be granted licenses to own or operate satellite facilities. If, however, after the issuance of a license to own or operate a satellite facility to such nonprofit industry stakeholder organization, the Commission grants a license to a significant infrastructure limited licensee pursuant to § 59.1-376, then such limited licensee may own or operate the remaining available satellite facilities authorized in accordance with this subdivision. In no event shall the Commission authorize any such entities to own or operate more than a combined total of 10 satellite facilities. Nothing in this subdivision shall be deemed to preclude private local ownership or participation in any satellite facility. Except as authorized pursuant to subdivision 5, wagering on simulcast horse racing shall take place only at a licensed horse racetrack or satellite facility. For purposes of this subdivision, "force majeure" means an event or events reasonably beyond the ability of the Commission to anticipate and control. "Force majeure" includes acts of God, incidences of terrorism, war or riots, labor strikes or civil

disturbances, floods, earthquakes, fire, explosions, epidemics, hurricanes, tornadoes, and governmental actions and restrictions.

5. The Commission shall promulgate regulations and conditions regulating and controlling advance deposit account wagering. Such regulations shall include~~, but not be limited to,~~ (i) standards, qualifications, and procedures for the issuance of a license to an entity for the operation of pari-mutuel wagering in the Commonwealth; except that the Commission shall not issue a license to, and shall revoke the license of, an entity that, either directly or through an entity under common control with it, withholds the sale at fair market value to a licensee of simulcast horse racing signals that such entity or an entity under common control with it sells to other racetracks, satellite facilities, or advance deposit account wagering providers located in or outside of the Commonwealth; (ii) provisions regarding access to books, records, and memoranda, and submission to investigations and audits, as authorized by subdivisions 2 and 10; and (iii) provisions regarding the collection of all revenues due to the Commonwealth from the placing of such wagers. No pari-mutuel wager may be made on or with any computer owned or leased by the Commonwealth, or any of its subdivisions, or at any public elementary or secondary school or institution of higher education. The Commission also shall ensure that, except for this method of pari-mutuel wagering, all wagering on simulcast horse racing shall take place only at a licensed horse racetrack or satellite facility.

Nothing in this subdivision shall be construed to limit the Commission's authority as set forth elsewhere in this section.

6. The Commission may issue subpoenas for the attendance of witnesses before it, administer oaths, and compel production of records or other documents and testimony of such witnesses whenever, in the judgment of the Commission, it is necessary to do so for the effectual discharge of its duties.

7. The Commission may compel any person holding a license or permit to file with the Commission such data as shall appear to the Commission to be necessary for the performance of its duties including ~~but not limited to~~ financial statements and information relative to stockholders and all others with any pecuniary interest in such person. It may prescribe the manner in which books and records of such persons shall be kept.

8. The Commission may enter into arrangements with any foreign or domestic government or governmental agency, for the purposes of exchanging information or performing any other act to better ensure the proper conduct of horse racing.

9. The Commission shall report annually on or before March 1 to the Governor and the General Assembly, which report shall include a financial statement of the operation of the Commission.

10. The Commission may order such audits, in addition to those required by § 59.1-394, as it deems necessary and desirable.

11. The Commission shall upon the receipt of a complaint of an alleged criminal violation of this chapter immediately report the complaint to the Attorney General of the Commonwealth and the State Police for appropriate action.

12. The Commission shall provide for the withholding of the applicable amount of state and federal income tax of persons claiming a prize or pay-off for a winning wager and shall establish the thresholds for such withholdings.

13. The Commission, its representatives and employees may, within the enclosure, stable, or other facility related to the conduct of racing, and during regular or usual business hours, subject any (i) permit holder to personal inspections, including alcohol and drug testing for illegal drugs, inspections of personal property, and inspections of other property or premises under the control of such permit holder and (ii) horse eligible to race at a race meeting licensed by the Commission to testing for substances foreign to the natural horse within the racetrack enclosure or other place where such horse is kept. Any item, document or record indicative of a violation of any provision of this chapter or Commission regulations may be seized as evidence of such violation. All permit holders consent to the searches and seizures authorized by this subdivision, including breath, blood and urine sampling for alcohol and illegal drugs, by accepting the permit issued by the Commission. The Commission may revoke or suspend the permit of any person who fails or refuses to comply with this subdivision or any rules of the Commission. Commission regulations in effect on July 1, 1998, shall continue in full force and effect until modified by the Commission in accordance with law.

14. The Commission shall require the existence of a contract between each licensee and the recognized majority horsemen's group for that licensee. Such contract shall be subject to the approval of the Commission, which shall have the power to approve or disapprove any of its items, including ~~but not limited to~~ the provisions regarding purses and prizes. Such contracts shall provide that on pools generated by wagering on simulcast horse racing from outside the Commonwealth, (i) for the first $75 million of the total pari-mutuel handle for each breed, the licensee shall deposit funds at the minimum rate of five percent in the horsemen's purse account, (ii) for any amount in excess of $75 million but less than $150 million of the total pari-mutuel handle for each breed, the licensee shall deposit funds at the minimum rate of six percent in the horsemen's purse account, (iii) for amounts in excess of $150 million for each breed, the licensee shall deposit funds at the minimum rate of seven percent in the horsemen's purse account. Such deposits shall be made in the horsemen's purse accounts of the breed that generated the pools and such deposits shall be made within five days from the date on which the licensee receives wagers. In the absence of the required contract between the licensee and the recognized majority horsemen's group, the Commission may permit wagering to proceed on simulcast horse racing from outside of the Commonwealth, provided that the licensee deposits into the State Racing Operations Fund created pursuant to § 59.1-370.1 an amount equal to the minimum percentage of the total pari-mutuel handles as required in clauses (i), (ii), and (iii) or such lesser amount as the Commission may approve. The deposits shall be made within five days from the date on which the licensee receives wagers. Once a contract between the licensee and the recognized majority horsemen's group is executed

and approved by the Commission, the Commission shall transfer these funds to the licensee and the horsemen's purse accounts.

15. Notwithstanding the provisions of § 59.1-391, the Commission may grant provisional limited licenses or provisional unlimited licenses to own or operate racetracks or satellite facilities to an applicant prior to the applicant securing the approval through the local referendum required by § 59.1-391. The provisional licenses issued by the Commission shall only become effective upon the approval of the racetrack or satellite wagering facilities in a referendum conducted pursuant to § 59.1-391 in the jurisdiction in which the racetrack or satellite wagering facility is to be located.

16. The Commission or its representatives shall participate in the Problem Gambling Treatment and Support Advisory Committee established pursuant to § 37.2-304 by the Department of Behavioral Health and Developmental Services to enable collaboration among prevention and treatment providers and operators of legal gaming in the Commonwealth on efforts to reduce the negative effects of problem gambling.

17. The Commission shall promulgate regulations requiring, for each calendar year, any significant infrastructure limited licensee that offers pari-mutuel wagering on historical horse racing to hold at least one live Thoroughbred horse racing day, consisting of not less than eight races per day, for every 100 historical horse racing terminals installed at its significant infrastructure facility together with any satellite facility owned, operated, controlled, managed, or otherwise directly or indirectly affiliated with such licensee. The regulations shall require any such significant infrastructure limited licensee that holds more than one live Thoroughbred horse racing day in accordance with the provisions of this subdivision to hold at least one of those racing days on a weekend. The number of historical horse racing terminals installed at a significant infrastructure facility shall be calculated as of December 31 of the calendar year in question; however, only historical horse racing terminals that are fully operational shall be included in such calculation.

CHAPTER 594

An Act to amend and reenact §§ 16.1-253.1, 16.1-279.1, 19.2-152.9, and 19.2-152.10 of the Code of Virginia, relating to protective orders; respondent to notify court of change of address.

[S 398]

Approved April 5, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 16.1-253.1, 16.1-279.1, 19.2-152.9, and 19.2-152.10 of the Code of Virginia are amended and reenacted as follows:

§ 16.1-253.1. Preliminary protective orders in cases of family abuse; confidentiality.

A. Upon the filing of a petition alleging that the petitioner is or has been, within a reasonable period of time, subjected to family abuse, or the filing of a written motion requesting a hearing to extend a protective order pursuant to § 16.1-279.1 without alleging that the petitioner is or has been, within a reasonable period of time, subject to family abuse, the court may issue a preliminary protective order against an allegedly abusing person in order to protect the health and safety of the petitioner or any family or household member of the petitioner. The order may be issued in an ex parte proceeding upon good cause shown when the petition is supported by an affidavit or sworn testimony before the judge or intake officer or upon the filing of a written motion requesting a hearing to extend a protective order pursuant to § 16.1-279.1 without alleging that the petitioner is or has been, within a reasonable period of time, subject to family abuse. If an ex parte order is issued without an affidavit or a completed form as prescribed by subsection D of § 16.1-253.4 being presented, the court, in its order, shall state the basis upon which the order was entered, including a summary of the allegations made and the court's findings. Immediate and present danger of family abuse or evidence sufficient to establish probable cause that family abuse has recently occurred shall constitute good cause. Evidence that the petitioner has been subjected to family abuse within a reasonable time and evidence of immediate and present danger of family abuse may be established by a showing that (i) the allegedly abusing person is incarcerated and is to be released from incarceration within 30 days following the petition or has been released from incarceration within 30 days prior to the petition, (ii) the crime for which the allegedly abusing person was convicted and incarcerated involved family abuse against the petitioner, and (iii) the allegedly abusing person has made threatening contact with the petitioner while he was incarcerated, exhibiting a renewed threat to the petitioner of family abuse.

A preliminary protective order may include any one or more of the following conditions to be imposed on the allegedly abusing person:

1. Prohibiting acts of family abuse or criminal offenses that result in injury to person or property.

2. Prohibiting such contacts by the respondent with the petitioner or family or household members of the petitioner as the court deems necessary for the health or safety of such persons.

3. Granting the petitioner possession of the premises occupied by the parties to the exclusion of the allegedly abusing person; however, no such grant of possession shall affect title to any real or personal property.

4. Enjoining the respondent from terminating any necessary utility service to a premises that the petitioner has been granted possession of pursuant to subdivision 3 or, where appropriate, ordering the respondent to restore utility services to such premises.

5. Granting the petitioner and, where appropriate, any other family or household member of the petitioner, exclusive use and possession of a cellular telephone number or electronic device and the password to such device. The court may enjoin the respondent from terminating a cellular telephone number or electronic device before the expiration of the contract term with a third-party provider. The court may enjoin the respondent from using a cellular telephone or other electronic device to locate or surveille the petitioner.

6. Granting the petitioner temporary possession or use of a motor vehicle owned by the petitioner alone or jointly owned by the parties to the exclusion of the allegedly abusing person; however, no such grant of possession or use shall affect title to the vehicle.

7. Requiring that the allegedly abusing person provide suitable alternative housing for the petitioner and any other family or household member and, where appropriate, requiring the respondent to pay deposits to connect or restore necessary utility services in the alternative housing provided.

8. Granting the petitioner the possession of any companion animal as defined in § 3.2-6500 if such petitioner meets the definition of owner in § 3.2-6500.

9. Any other relief necessary for the protection of the petitioner and family or household members of the petitioner.

B. The court shall forthwith, but in all cases no later than the end of the business day on which the order was issued, enter and transfer electronically to the Virginia Criminal Information Network the respondent's identifying information and the name, date of birth, sex, and race of each protected person provided to the court. A copy of a preliminary protective order containing any such identifying information shall be forwarded forthwith to the primary law-enforcement agency responsible for service and entry of protective orders. Upon receipt of the order by the primary law-enforcement agency, the agency shall forthwith verify and enter any modification as necessary to the identifying information and other appropriate information required by the Department of State Police into the Virginia Criminal Information Network established and maintained by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52 and the order shall be served forthwith on the allegedly abusing person in person as provided in § 16.1-264 and due return made to the court. However, if the order is issued by the circuit court, the clerk of the circuit court shall forthwith forward an attested copy of the order containing the respondent's identifying information and the name, date of birth, sex, and race of each protected person provided to the court to the primary law-enforcement agency providing service and entry of protective orders and upon receipt of the order, the primary law-enforcement agency shall enter the name of the person subject to the order and other appropriate information required by the Department of State Police into the Virginia Criminal Information Network established and maintained by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52 and the order shall be served forthwith on the allegedly abusing person in person as provided in § 16.1-264. Upon service, the agency making service shall enter the date and time of service and other appropriate information required by the Department of State Police into the Virginia Criminal Information Network and make due return to the court. The preliminary order shall specify a date for the full hearing. The hearing shall be held within 15 days of the issuance of the preliminary order, unless the hearing has been continued pursuant to this subsection or court is closed pursuant to § 16.1-69.35 or 17.1-207 and such closure prevents the hearing from being held within such time period, in which case the hearing shall be held on the next day not a Saturday, Sunday, legal holiday, or day on which the court is lawfully closed. If such court is closed pursuant to § 16.1-69.35 or 17.1-207, the preliminary protective order shall remain in full force and effect until it is dissolved by such court, until another preliminary protective order is entered, or until a protective order is entered. If the respondent fails to appear at this hearing because the respondent was not personally served, or if personally served was incarcerated and not transported to the hearing, the court may extend the protective order for a period not to exceed six months. The extended protective order shall be served forthwith on the respondent. However, where the respondent shows good cause, the court may continue the hearing. The preliminary order shall remain in effect until the hearing. Upon request after the order is issued, the clerk shall provide the petitioner with a copy of the order and information regarding the date and time of service. The order shall further specify that either party may at any time file a motion with the court requesting a hearing to dissolve or modify the order. The hearing on the motion shall be given precedence on the docket of the court. Upon petitioner's motion to dissolve the preliminary protective order, a dissolution order may be issued ex parte by the court with or without a hearing. If an ex parte hearing is held, it shall be heard by the court as soon as practicable. If a dissolution order is issued ex parte, the court shall serve a copy of such dissolution order on respondent in conformity with §§ 8.01-286.1 and 8.01-296.

Upon receipt of the return of service or other proof of service pursuant to subsection C of § 16.1-264, the clerk shall forthwith forward an attested copy of the preliminary protective order to the primary law-enforcement agency, and the agency shall forthwith verify and enter any modification as necessary into the Virginia Criminal Information Network as described above. If the order is later dissolved or modified, a copy of the dissolution or modification order shall also be attested, forwarded forthwith to the primary law-enforcement agency responsible for service and entry of protective orders, and upon receipt of the order by the primary law-enforcement agency, the agency shall forthwith verify and enter any modification as necessary to the identifying information and other appropriate information required by the Department of State Police into the Virginia Criminal Information Network as described above and the order shall be served forthwith and due return made to the court.

C. The preliminary order is effective upon personal service on the allegedly abusing person. Except as otherwise provided in § 16.1-253.2, a violation of the order shall constitute contempt of court.

D. In the event that the allegedly abused person is a minor and an emergency protective order was issued pursuant to § 16.1-253.4 for the protection of such minor and the respondent is a parent, guardian, or person standing in loco parentis,

the attorney for the Commonwealth or a law-enforcement officer may file a petition on behalf of such minor as his next friend before such emergency protective order expires or within 24 hours of the expiration of such emergency protective order.

E. At a full hearing on the petition, the court may issue a protective order pursuant to § 16.1-279.1 if the court finds that the petitioner has proven the allegation of family abuse by a preponderance of the evidence.

F. Neither a law-enforcement agency, the attorney for the Commonwealth, a court nor the clerk's office, nor any employee of them, may disclose, except among themselves, the residential address, telephone number, or place of employment of the person protected by the order or that of the family of such person, except to the extent that disclosure is (i) required by law or the Rules of the Supreme Court, (ii) necessary for law-enforcement purposes, or (iii) permitted by the court for good cause.

G. As used in this section, "copy" includes a facsimile copy.

H. No fee shall be charged for filing or serving any petition or order pursuant to this section.

I. Upon issuance of a preliminary protective order, the clerk of the court shall make available to the petitioner information that is published by the Department of Criminal Justice Services for victims of domestic violence or for petitioners in protective order cases.

J. The respondent may be required to notify the court in writing within seven days of any change of residence while the preliminary protective order is in effect, provided that the respondent has been served a copy of such order in accordance with the provisions of this section. Any failure of a respondent to make such required notification shall be punishable by contempt.

§ 16.1-279.1. Protective order in cases of family abuse.

A. In cases of family abuse, including any case involving an incarcerated or recently incarcerated respondent against whom a preliminary protective order has been issued pursuant to § 16.1-253.1, the court may issue a protective order to protect the health and safety of the petitioner and family or household members of the petitioner. A protective order issued under this section may include any one or more of the following conditions to be imposed on the respondent:

1. Prohibiting acts of family abuse or criminal offenses that result in injury to person or property;

2. Prohibiting such contacts by the respondent with the petitioner or family or household members of the petitioner as the court deems necessary for the health or safety of such persons;

3. Granting the petitioner possession of the residence occupied by the parties to the exclusion of the respondent; however, no such grant of possession shall affect title to any real or personal property;

4. Enjoining the respondent from terminating any necessary utility service to the residence to which the petitioner was granted possession pursuant to subdivision 3 or, where appropriate, ordering the respondent to restore utility services to that residence;

5. Granting the petitioner and, where appropriate, any other family or household member of the petitioner, exclusive use and possession of a cellular telephone number or electronic device and the password to such device. The court may enjoin the respondent from terminating a cellular telephone number or electronic device before the expiration of the contract term with a third-party provider. The court may enjoin the respondent from using a cellular telephone or other electronic device to locate or surveille the petitioner;

6. Granting the petitioner temporary possession or use of a motor vehicle owned by the petitioner alone or jointly owned by the parties to the exclusion of the respondent and enjoining the respondent from terminating any insurance, registration, or taxes on the motor vehicle and directing the respondent to maintain the insurance, registration, and taxes, as appropriate; however, no such grant of possession or use shall affect title to the vehicle;

7. Requiring that the respondent provide suitable alternative housing for the petitioner and, if appropriate, any other family or household member and where appropriate, requiring the respondent to pay deposits to connect or restore necessary utility services in the alternative housing provided;

8. Ordering the respondent to participate in treatment, counseling or other programs as the court deems appropriate;

9. Granting the petitioner the possession of any companion animal as defined in § 3.2-6500 if such petitioner meets the definition of owner in § 3.2-6500; and

10. Any other relief necessary for the protection of the petitioner and family or household members of the petitioner, including a provision for temporary custody or visitation of a minor child.

A1. If a protective order is issued pursuant to subsection A, the court may also issue a temporary child support order for the support of any children of the petitioner whom the respondent has a legal obligation to support. Such order shall terminate upon the determination of support pursuant to § 20-108.1.

B. 1. The protective order may be issued for a specified period of time up to a maximum of two years. The protective order shall expire at 11:59 p.m. on the last day specified or at 11:59 p.m. on the last day of the two-year period if no date is specified. Prior to the expiration of the protective order, a petitioner may file a written motion requesting a hearing to extend the order. Proceedings to extend a protective order shall be given precedence on the docket of the court. A written motion requesting a hearing to extend the protective order shall be served as soon as possible on the respondent.

If the petitioner was a family or household member of the respondent at the time the initial protective order was issued, the court may extend the protective order for a period not longer than two years to protect the health and safety of the petitioner or persons who are family or household members of the petitioner at the time the request for an extension is made. The extension of the protective order shall expire at 11:59 p.m. on the last day specified or at 11:59 p.m. on the last day of

the two-year period if no date is specified. Nothing herein shall limit the number of extensions that may be requested or issued.

2. Upon the filing of a written motion requesting a hearing to extend the protective order, the court may issue an ex parte preliminary protective order pursuant to § 16.1-253.1 until the extension hearing. The ex parte preliminary protective order shall specify a date for the extension hearing, which shall be held within 15 days of the issuance of the ex parte preliminary protective order and may be held after the expiration of the protective order. If the respondent fails to appear at the extension hearing because the respondent was not personally served, the court shall schedule a new date for the extension hearing and may extend the ex parte preliminary protective order until such new date. The extended ex parte preliminary protective order shall be served as soon as possible on the respondent. If the respondent was personally served, where the petitioner shows by clear and convincing evidence that a continuance is necessary to meet the ends of justice or the respondent shows good cause, the court may continue the extension hearing and such ex parte preliminary protective order shall remain in effect until the extension hearing.

C. A copy of the protective order shall be served on the respondent and provided to the petitioner as soon as possible. The court, including a circuit court if the circuit court issued the order, shall forthwith, but in all cases no later than the end of the business day on which the order was issued, enter and transfer electronically to the Virginia Criminal Information Network the respondent's identifying information and the name, date of birth, sex, and race of each protected person provided to the court and shall forthwith forward the attested copy of the protective order containing any such identifying information to the primary law-enforcement agency responsible for service and entry of protective orders. Upon receipt of the order by the primary law-enforcement agency, the agency shall forthwith verify and enter any modification as necessary to the identifying information and other appropriate information required by the Department of State Police into the Virginia Criminal Information Network established and maintained by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52 and the order shall be served forthwith upon the respondent and due return made to the court. Upon service, the agency making service shall enter the date and time of service and other appropriate information required by the Department of State Police into the Virginia Criminal Information Network and make due return to the court. If the order is later dissolved or modified, a copy of the dissolution or modification order shall also be attested, forwarded forthwith to the primary law-enforcement agency responsible for service and entry of protective orders, and upon receipt of the order by the primary law-enforcement agency, the agency shall forthwith verify and enter any modification as necessary to the identifying information and other appropriate information required by the Department of State Police into the Virginia Criminal Information Network as described above and the order shall be served forthwith and due return made to the court.

D. Except as otherwise provided in § 16.1-253.2, a violation of a protective order issued under this section shall constitute contempt of court.

E. The court may assess costs and attorney fees against either party regardless of whether an order of protection has been issued as a result of a full hearing.

F. Any judgment, order or decree, whether permanent or temporary, issued by a court of appropriate jurisdiction in another state, the United States or any of its territories, possessions or Commonwealths, the District of Columbia or by any tribal court of appropriate jurisdiction for the purpose of preventing violent or threatening acts or harassment against or contact or communication with or physical proximity to another person, including any of the conditions specified in subsection A, shall be accorded full faith and credit and enforced in the Commonwealth as if it were an order of the Commonwealth, provided reasonable notice and opportunity to be heard were given by the issuing jurisdiction to the person against whom the order is sought to be enforced sufficient to protect such person's due process rights and consistent with federal law. A person entitled to protection under such a foreign order may file the order in any juvenile and domestic relations district court by filing with the court an attested or exemplified copy of the order. Upon such a filing, the clerk shall forthwith forward an attested copy of the order to the primary law-enforcement agency responsible for service and entry of protective orders which shall, upon receipt, enter the name of the person subject to the order and other appropriate information required by the Department of State Police into the Virginia Criminal Information Network established and maintained by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52. Where practical, the court may transfer information electronically to the Virginia Criminal Information Network.

Upon inquiry by any law-enforcement agency of the Commonwealth, the clerk shall make a copy available of any foreign order filed with that court. A law-enforcement officer may, in the performance of his duties, rely upon a copy of a foreign protective order or other suitable evidence which has been provided to him by any source and may also rely upon the statement of any person protected by the order that the order remains in effect.

G. Either party may at any time file a written motion with the court requesting a hearing to dissolve or modify the order. Proceedings to dissolve or modify a protective order shall be given precedence on the docket of the court. Upon petitioner's motion to dissolve the protective order, a dissolution order may be issued ex parte by the court with or without a hearing. If an ex parte hearing is held, it shall be heard by the court as soon as practicable. If a dissolution order is issued ex parte, the court shall serve a copy of such dissolution order on respondent in conformity with §§ 8.01-286.1 and 8.01-296.

H. As used in this section:

"Copy" includes a facsimile copy.

"Protective order" includes an initial, modified or extended protective order.

I. Neither a law-enforcement agency, the attorney for the Commonwealth, a court nor the clerk's office, nor any employee of them, may disclose, except among themselves, the residential address, telephone number, or place of

employment of the person protected by the order or that of the family of such person, except to the extent that disclosure is (i) required by law or the Rules of the Supreme Court, (ii) necessary for law-enforcement purposes, or (iii) permitted by the court for good cause.

J. No fee shall be charged for filing or serving any petition or order pursuant to this section.

K. Upon issuance of a protective order, the clerk of the court shall make available to the petitioner information that is published by the Department of Criminal Justice Services for victims of domestic violence or for petitioners in protective order cases.

L. An appeal of a final protective order issued by a circuit court pursuant to this section shall be given expedited review by the Court of Appeals.

M. The respondent shall be required to notify the court in writing within seven days of any change of residence while the protective order is in effect, provided that the respondent has been served a copy of such order in accordance with the provisions of this section. A violation of this subsection shall be punishable by contempt.

§ 19.2-152.9. Preliminary protective orders.

A. Upon the filing of a petition alleging that (i) the petitioner is or has been, within a reasonable period of time, subjected to an act of violence, force, or threat, or (ii) a petition or warrant has been issued for the arrest of the alleged perpetrator for any criminal offense resulting from the commission of an act of violence, force, or threat, or the filing of a written motion requesting a hearing to extend a protective order pursuant to § 19.2-152.10 without alleging that the petitioner is or has been, within a reasonable period of time, subject to an act of violence, force, or threat, or that a petition or warrant has been issued for the arrest of the alleged perpetrator for any criminal offense resulting from the commission of an act of violence, force, or threat, the court may issue a preliminary protective order against the alleged perpetrator in order to protect the health and safety of the petitioner or any family or household member of the petitioner. The order may be issued in an ex parte proceeding upon good cause shown when the petition is supported by an affidavit or sworn testimony before the judge or intake officer or upon the filing of a written motion requesting a hearing to extend a protective order pursuant to § 19.2-152.10. If an ex parte order is issued without an affidavit or a completed form as prescribed by subsection D of § 19.2-152.8 being presented, the court, in its order, shall state the basis upon which the order was entered, including a summary of the allegations made and the court's findings. Immediate and present danger of any act of violence, force, or threat or evidence sufficient to establish probable cause that an act of violence, force, or threat has recently occurred shall constitute good cause.

A preliminary protective order may include any one or more of the following conditions to be imposed on the respondent:

1. Prohibiting acts of violence, force, or threat or criminal offenses that may result in injury to person or property;

2. Prohibiting such other contacts by the respondent with the petitioner or the petitioner's family or household members as the court deems necessary for the health and safety of such persons;

3. Such other conditions as the court deems necessary to prevent (i) acts of violence, force, or threat, (ii) criminal offenses that may result in injury to person or property, or (iii) communication or other contact of any kind by the respondent; and

4. Granting the petitioner the possession of any companion animal as defined in § 3.2-6500 if such petitioner meets the definition of owner in § 3.2-6500.

B. The court shall forthwith, but in all cases no later than the end of the business day on which the order was issued, enter and transfer electronically to the Virginia Criminal Information Network the respondent's identifying information and the name, date of birth, sex, and race of each protected person provided to the court. A copy of a preliminary protective order containing any such identifying information shall be forwarded forthwith to the primary law-enforcement agency responsible for service and entry of protective orders. Upon receipt of the order by the primary law-enforcement agency, the agency shall forthwith verify and enter any modification as necessary to the identifying information and other appropriate information required by the Department of State Police into the Virginia Criminal Information Network established and maintained by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52 and the order shall be served forthwith on the alleged perpetrator in person as provided in § 16.1-264, and due return made to the court. However, if the order is issued by the circuit court, the clerk of the circuit court shall forthwith forward an attested copy of the order containing the respondent's identifying information and the name, date of birth, sex, and race of each protected person provided to the court to the primary law-enforcement agency providing service and entry of protective orders and upon receipt of the order, the primary law-enforcement agency shall enter the name of the person subject to the order and other appropriate information required by the Department of State Police into the Virginia Criminal Information Network established and maintained by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52 and the order shall be served forthwith on the alleged perpetrator in person as provided in § 16.1-264. Upon service, the agency making service shall enter the date and time of service and other appropriate information required by the Department of State Police into the Virginia Criminal Information Network and make due return to the court. The preliminary order shall specify a date for the full hearing. The hearing shall be held within 15 days of the issuance of the preliminary order, unless the hearing has been continued pursuant to this subsection or the court is closed pursuant to § 16.1-69.35 or 17.1-207 and such closure prevents the hearing from being held within such time period, in which case the hearing shall be held on the next day not a Saturday, Sunday, legal holiday, or day on which the court is lawfully closed. If such court is closed pursuant to § 16.1-69.35 or 17.1-207, the preliminary protective order shall remain in full force and effect until it is dissolved by such court, until another preliminary

protective order is entered, or until a protective order is entered. If the respondent fails to appear at this hearing because the respondent was not personally served, the court may extend the protective order for a period not to exceed six months. The extended protective order shall be served as soon as possible on the respondent. However, where the respondent shows good cause, the court may continue the hearing. The preliminary order shall remain in effect until the hearing. Upon request after the order is issued, the clerk shall provide the petitioner with a copy of the order and information regarding the date and time of service. The order shall further specify that either party may at any time file a motion with the court requesting a hearing to dissolve or modify the order. The hearing on the motion shall be given precedence on the docket of the court. Upon petitioner's motion to dissolve the preliminary protective order, a dissolution order may be issued ex parte by the court with or without a hearing. If an ex parte hearing is held, it shall be heard by the court as soon as practicable. If a dissolution order is issued ex parte, the court shall serve a copy of such dissolution order on respondent in conformity with §§ 8.01-286.1 and 8.01-296.

Upon receipt of the return of service or other proof of service pursuant to subsection C of § 16.1-264, the clerk shall forthwith forward an attested copy of the preliminary protective order to primary law-enforcement agency and the agency shall forthwith verify and enter any modification as necessary into the Virginia Criminal Information Network as described above. If the order is later dissolved or modified, a copy of the dissolution or modification order shall also be attested, forwarded forthwith to the primary law-enforcement agency responsible for service and entry of protective orders, and upon receipt of the order by the primary law-enforcement agency, the agency shall forthwith verify and enter any modification as necessary to the identifying information and other appropriate information required by the Department of State Police into the Virginia Criminal Information Network as described above and the order shall be served forthwith and due return made to the court.

C. The preliminary order is effective upon personal service on the alleged perpetrator. Except as otherwise provided, a violation of the order shall constitute contempt of court.

D. At a full hearing on the petition, the court may issue a protective order pursuant to § 19.2-152.10 if the court finds that the petitioner has proven the allegation that the petitioner is or has been, within a reasonable period of time, subjected to an act of violence, force, or threat by a preponderance of the evidence.

E. No fees shall be charged for filing or serving petitions pursuant to this section.

F. Neither a law-enforcement agency, the attorney for the Commonwealth, a court nor the clerk's office, nor any employee of them, may disclose, except among themselves, the residential address, telephone number, or place of employment of the person protected by the order or that of the family of such person, except to the extent that disclosure is (i) required by law or the Rules of the Supreme Court, (ii) necessary for law-enforcement purposes, or (iii) permitted by the court for good cause.

G. As used in this section, "copy" includes a facsimile copy.

H. Upon issuance of a preliminary protective order, the clerk of the court shall make available to the petitioner information that is published by the Department of Criminal Justice Services for victims of domestic violence or for petitioners in protective order cases.

I. The respondent may be required to notify the court in writing within seven days of any change of residence while the preliminary protective order is in effect, provided that the respondent has been served a copy of such order in accordance with the provisions of this section. Any failure of a respondent to make such required notification shall be punishable by contempt.

§ 19.2-152.10. Protective order.

A. The court may issue a protective order pursuant to this chapter to protect the health and safety of the petitioner and family or household members of a petitioner upon (i) the issuance of a petition or warrant for, or a conviction of, any criminal offense resulting from the commission of an act of violence, force, or threat or (ii) a hearing held pursuant to subsection D of § 19.2-152.9. A protective order issued under this section may include any one or more of the following conditions to be imposed on the respondent:

1. Prohibiting acts of violence, force, or threat or criminal offenses that may result in injury to person or property;

2. Prohibiting such contacts by the respondent with the petitioner or family or household members of the petitioner as the court deems necessary for the health or safety of such persons;

3. Any other relief necessary to prevent (i) acts of violence, force, or threat, (ii) criminal offenses that may result in injury to person or property, or (iii) communication or other contact of any kind by the respondent; and

4. Granting the petitioner the possession of any companion animal as defined in § 3.2-6500 if such petitioner meets the definition of owner in § 3.2-6500.

B. 1. Except as provided in subsection C, the protective order may be issued for a specified period of time up to a maximum of two years. The protective order shall expire at 11:59 p.m. on the last day specified or at 11:59 p.m. on the last day of the two-year period if no date is specified. Prior to the expiration of the protective order, a petitioner may file a written motion requesting a hearing to extend the order. Proceedings to extend a protective order shall be given precedence on the docket of the court. A written motion requesting a hearing to extend the protective order shall be served as soon as possible on the respondent.

The court may extend the protective order for a period not longer than two years to protect the health and safety of the petitioner or persons who are family or household members of the petitioner at the time the request for an extension is made. The extension of the protective order shall expire at 11:59 p.m. on the last day specified or at 11:59 p.m. on the last day of

the two-year period if no date is specified. Nothing herein shall limit the number of extensions that may be requested or issued.

2. Upon the filing of a written motion requesting a hearing to extend the protective order, the court may issue an ex parte protective order pursuant to § 19.2-152.9 until the extension hearing. The ex parte preliminary protective order shall specify a date for the extension hearing, which shall be held within 15 days of the issuance of the ex parte preliminary protective order and may be held after the expiration of the protective order. If the respondent fails to appear at the extension hearing because the respondent was not personally served, the court shall schedule a new date for the extension hearing and may extend the ex parte protective order until such new date. The extended ex parte protective order shall be served as soon as possible on the respondent. If the respondent was personally served, where the petitioner shows by clear and convincing evidence that a continuance is necessary to meet the ends of justice or the respondent shows good cause, the court may continue the extension hearing and such ex parte protective order shall remain in effect until the extension hearing.

C. Upon conviction for an act of violence as defined in § 19.2-297.1 and upon the request of the victim or of the attorney for the Commonwealth on behalf of the victim, the court may issue a protective order to the victim pursuant to this chapter to protect the health and safety of the victim. The protective order may be issued for any reasonable period of time, including up to the lifetime of the defendant, that the court deems necessary to protect the health and safety of the victim. The protective order shall expire at 11:59 p.m. on the last day specified in the protective order, if any. Upon a conviction for violation of a protective order issued pursuant to this subsection, the court that issued the original protective order may extend the protective order as the court deems necessary to protect the health and safety of the victim. The extension of the protective order shall expire at 11:59 p.m. on the last day specified, if any. Nothing herein shall limit the number of extensions that may be issued.

D. A copy of the protective order shall be served on the respondent and provided to the petitioner as soon as possible. The court, including a circuit court if the circuit court issued the order, shall forthwith, but in all cases no later than the end of the business day on which the order was issued, enter and transfer electronically to the Virginia Criminal Information Network the respondent's identifying information and the name, date of birth, sex, and race of each protected person provided to the court and shall forthwith forward the attested copy of the protective order and containing any such identifying information to the primary law-enforcement agency responsible for service and entry of protective orders. Upon receipt of the order by the primary law-enforcement agency, the agency shall forthwith verify and enter any modification as necessary to the identifying information and other appropriate information required by the Department of State Police into the Virginia Criminal Information Network established and maintained by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52 and the order shall be served forthwith upon the respondent and due return made to the court. Upon service, the agency making service shall enter the date and time of service and other appropriate information required into the Virginia Criminal Information Network and make due return to the court. If the order is later dissolved or modified, a copy of the dissolution or modification order shall also be attested, forwarded forthwith to the primary law-enforcement agency responsible for service and entry of protective orders, and upon receipt of the order by the primary law-enforcement agency, the agency shall forthwith verify and enter any modification as necessary to the identifying information and other appropriate information required by the Department of State Police into the Virginia Criminal Information Network as described above and the order shall be served forthwith and due return made to the court.

E. Except as otherwise provided, a violation of a protective order issued under this section shall constitute contempt of court.

F. The court may assess costs and attorney fees against either party regardless of whether an order of protection has been issued as a result of a full hearing.

G. Any judgment, order or decree, whether permanent or temporary, issued by a court of appropriate jurisdiction in another state, the United States or any of its territories, possessions or Commonwealths, the District of Columbia or by any tribal court of appropriate jurisdiction for the purpose of preventing violent or threatening acts or harassment against or contact or communication with or physical proximity to another person, including any of the conditions specified in subsection A, shall be accorded full faith and credit and enforced in the Commonwealth as if it were an order of the Commonwealth, provided reasonable notice and opportunity to be heard were given by the issuing jurisdiction to the person against whom the order is sought to be enforced sufficient to protect such person's due process rights and consistent with federal law. A person entitled to protection under such a foreign order may file the order in any appropriate district court by filing with the court, an attested or exemplified copy of the order. Upon such a filing, the clerk shall forthwith forward an attested copy of the order to the primary law-enforcement agency responsible for service and entry of protective orders which shall, upon receipt, enter the name of the person subject to the order and other appropriate information required by the Department of State Police into the Virginia Criminal Information Network established and maintained by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52. Where practical, the court may transfer information electronically to the Virginia Criminal Information Network.

Upon inquiry by any law-enforcement agency of the Commonwealth, the clerk shall make a copy available of any foreign order filed with that court. A law-enforcement officer may, in the performance of his duties, rely upon a copy of a foreign protective order or other suitable evidence which has been provided to him by any source and may also rely upon the statement of any person protected by the order that the order remains in effect.

H. Either party may at any time file a written motion with the court requesting a hearing to dissolve or modify the order. Proceedings to modify or dissolve a protective order shall be given precedence on the docket of the court. Upon

petitioner's motion to dissolve the protective order, a dissolution order may be issued ex parte by the court with or without a hearing. If an ex parte hearing is held, it shall be heard by the court as soon as practicable. If a dissolution order is issued ex parte, the court shall serve a copy of such dissolution order on respondent in conformity with §§ 8.01-286.1 and 8.01-296.

I. Neither a law-enforcement agency, the attorney for the Commonwealth, a court nor the clerk's office, nor any employee of them, may disclose, except among themselves, the residential address, telephone number, or place of employment of the person protected by the order or that of the family of such person, except to the extent that disclosure is (i) required by law or the Rules of the Supreme Court, (ii) necessary for law-enforcement purposes, or (iii) permitted by the court for good cause.

J. No fees shall be charged for filing or serving petitions pursuant to this section.

K. As used in this section:

"Copy" includes a facsimile copy.

"Protective order" includes an initial, modified or extended protective order.

L. Upon issuance of a protective order, the clerk of the court shall make available to the petitioner information that is published by the Department of Criminal Justice Services for victims of domestic violence or for petitioners in protective order cases.

M. An appeal of a final protective order issued by a circuit court pursuant to this section shall be given expedited review by the Court of Appeals.

N. The respondent shall be required to notify the court in writing within seven days of any change of residence while the protective order is in effect, provided that the respondent has been served a copy of such order in accordance with the provisions of this section. A violation of this subsection shall be punishable by contempt.

CHAPTER 595

An Act to amend and reenact §§ 54.1-3500 and 54.1-3505 of the Code of Virginia and to amend the Code of Virginia by adding in Chapter 35 of Title 54.1 an article numbered 4, consisting of sections numbered 54.1-3518 through 54.1-3521, relating to behavioral health technicians; behavioral health technician assistants; qualified mental health professionals; qualified mental health professional-trainees; scope of practice, supervision, and qualifications.

[S 403]

Approved April 5, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 54.1-3500 and 54.1-3505 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Chapter 35 of Title 54.1 an article numbered 4, consisting of sections numbered 54.1-3518 through 54.1-3521, as follows:

§ 54.1-3500. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Appraisal activities" means the exercise of professional judgment based on observations and objective assessments of a client's behavior to evaluate current functioning, diagnose, and select appropriate treatment required to remediate identified problems or to make appropriate referrals.

"Art therapist" means a person who has (i) completed a master's or doctoral degree program in art therapy, or an equivalent course of study, from an accredited educational institution; (ii) satisfied the requirements for licensure set forth in regulations adopted by the Board; and (iii) been issued a license for the independent practice of art therapy by the Board.

"Art therapy" means the integrated use of psychotherapeutic principles, visual art media, and the creative process in the assessment, treatment, and remediation of psychosocial, emotional, cognitive, physical, and developmental disorders in children, adolescents, adults, families, or groups.

"Art therapy associate" means a person who has (i) completed a master's or doctoral degree program in art therapy, or an equivalent course of study from an accredited educational institution; (ii) satisfied the requirements for licensure set forth in regulations adopted by the Board; and (iii) been issued a license to practice art therapy under an approved clinical supervisor in accordance with regulations of the Board.

"Behavioral health technician" means a person who has completed, at a minimum, an associate degree and registered with the Board to practice in accordance with the provisions of § 54.1-3518 and regulations of the Board and provides collaborative behavioral health services. A "behavioral health technician" shall provide such services as an employee or independent contractor of the Department of Behavioral Health and Developmental Services, the Department of Corrections, or the Department of Education or a provider licensed by the Department of Behavioral Health and Developmental Services.

"Behavioral health technician assistant" means a person who has completed a high school diploma or equivalent, at a minimum, and registered with the Board to practice in accordance with the regulations of the Board and the provisions of § 54.1-3519 to provide collaborative behavioral health services. A "behavioral health technician assistant" shall provide such services as an employee or independent contractor of the Department of Behavioral Health and Developmental

Services, the Department of Corrections, or the Department of Education or a provider licensed by the Department of Behavioral Health and Developmental Services.

"Board" means the Board of Counseling.

"Certified substance abuse counseling assistant" means a person certified by the Board to practice in accordance with the provisions of § 54.1-3507.2.

"Certified substance abuse counselor" means a person certified by the Board to practice in accordance with the provisions of § 54.1-3507.1.

"Collaborative behavioral health services" means those supportive services that are provided by a registered behavioral health technician, registered behavioral health technician assistant, registered qualified mental health professional, or registered qualified mental health professional-trainee under the direction of and in collaboration with either a mental health professional licensed in the Commonwealth or a person under supervision as a prerequisite for licensure who has been approved by the Board of Counseling, Board of Psychology, or Board of Social Work.

"Counseling" means the application of principles, standards, and methods of the counseling profession in (i) conducting assessments and diagnoses for the purpose of establishing treatment goals and objectives and (ii) planning, implementing, and evaluating treatment plans using treatment interventions to facilitate human development and to identify and remediate mental, emotional, or behavioral disorders and associated distresses that interfere with mental health.

"Licensed substance abuse treatment practitioner" means a person who: (i) is trained in and engages in the practice of substance abuse treatment with individuals or groups of individuals suffering from the effects of substance abuse or dependence, and in the prevention of substance abuse or dependence; and (ii) is licensed to provide advanced substance abuse treatment and independent, direct, and unsupervised treatment to such individuals or groups of individuals, and to plan, evaluate, supervise, and direct substance abuse treatment provided by others.

"Marriage and family therapist" means a person trained in the appraisal and treatment of cognitive, affective, or behavioral mental and emotional disorders within the context of marriage and family systems through the application of therapeutic and family systems theories and techniques.

"Marriage and family therapy" means the appraisal and treatment of cognitive, affective, or behavioral mental and emotional disorders within the context of marriage and family systems through the application of therapeutic and family systems theories and techniques and delivery of services to individuals, couples, and families, singularly or in groups, for the purpose of treating such disorders.

"Practice of counseling" means rendering or offering to render to individuals, groups, organizations, or the general public any service involving the application of principles, standards, and methods of the counseling profession, which shall include appraisal, counseling, and referral activities.

"Practice of marriage and family therapy" means the appraisal and treatment of cognitive, affective, or behavioral mental and emotional disorders within the context of marriage and family systems through the application of therapeutic and family systems theories and techniques, which shall include assessment, treatment, and referral activities.

"Practice of substance abuse treatment" means rendering or offering to render substance abuse treatment to individuals, groups, organizations, or the general public.

"Professional counselor" means a person trained in the application of principles, standards, and methods of the counseling profession, including counseling interventions designed to facilitate an individual's achievement of human development goals and remediating mental, emotional, or behavioral disorders and associated distresses that interfere with mental health and development.

"Qualified mental health professional" ~~includes qualified mental health professionals-adult and qualified mental health professionals-child~~ *means a person who has (i) completed, at a minimum, a bachelor's degree; (ii) registered with the Board to practice in accordance with the provisions of § 54.1-3520 and the regulations of the Board; and (iii) a combination of work, training, or experience in providing collaborative behavioral health services for youth or adults. A "qualified mental health professional" includes a qualified mental health professional-adult and qualified mental health professional-child. A "qualified mental health professional" shall provide such services as an employee or independent contractor of the Department of Behavioral Health and Developmental Services, the Department of Corrections, or the Department of Education or a provider licensed by the Department of Behavioral Health and Developmental Services.*

~~"Qualified mental health professional-adult" means a qualified mental health professional who provides collaborative mental health services for adults. A qualified mental health professional-adult shall provide such services as an employee or independent contractor of the Department of Behavioral Health and Developmental Services or the Department of Corrections, or as a provider licensed by the Department of Behavioral Health and Developmental Services.~~

~~"Qualified mental health professional-child" means a person who by education and experience is professionally qualified and registered by the Board to provide collaborative mental health services for children and adolescents up to 22 years of age. A qualified mental health professional-child shall provide such services as an employee or independent contractor of the Department of Behavioral Health and Developmental Services or the Department of Corrections, or as a provider licensed by the Department of Behavioral Health and Developmental Services.~~

"Qualified mental health professional-trainee" means a person who is receiving supervised training to qualify as a qualified mental health professional *in accordance with the provisions of § 54.1-3521* and is registered with the Board. *A "qualified mental health professional-trainee" shall provide such services as an employee or independent contractor of the*

Department of Behavioral Health and Developmental Services, the Department of Corrections, or the Department of Education or a provider licensed by the Department of Behavioral Health and Developmental Services.

"Referral activities" means the evaluation of data to identify problems and to determine advisability of referral to other specialists.

"Registered peer recovery specialist" means a person who by education and experience is professionally qualified and registered by the Board to provide collaborative services to assist individuals in achieving sustained recovery from the effects of addiction or mental illness, or both. A registered peer recovery specialist shall provide such services as an employee or independent contractor of the Department of Behavioral Health and Developmental Services, a provider licensed by the Department of Behavioral Health and Developmental Services, a practitioner licensed by or holding a permit issued from the Department of Health Professions, or a facility licensed by the Department of Health.

"Residency" means a post-internship supervised clinical experience registered with the Board.

"Resident" means an individual who has submitted a supervisory contract to the Board and has received Board approval to provide clinical services in professional counseling under supervision.

"Substance abuse" and "substance dependence" mean a maladaptive pattern of substance use leading to clinically significant impairment or distress.

"Substance abuse treatment" means (i) the application of specific knowledge, skills, substance abuse treatment theory, and substance abuse treatment techniques to define goals and develop a treatment plan of action regarding substance abuse or dependence prevention, education, or treatment in the substance abuse or dependence recovery process and (ii) referrals to medical, social services, psychological, psychiatric, or legal resources when such referrals are indicated.

"Supervision" means the ongoing process, performed by a supervisor, of monitoring the performance of the person supervised and providing regular, documented individual or group consultation, guidance, and instruction with respect to the clinical skills and competencies of the person supervised. *Supervisors may only supervise activities within their scope and area of Board-defined competency. Supervision provided by nonlicensed supervisors shall not be a replacement for the direction of services and collaboration with the licensed mental health professional or licensed eligible mental health professional required to perform collaborative behavioral health services.*

§ 54.1-3505. Specific powers and duties of the Board.

In addition to the powers granted in § 54.1-2400, the Board shall have the following specific powers and duties:

1. To cooperate with and maintain a close liaison with other professional boards and the community to ensure that regulatory systems stay abreast of community and professional needs.

2. To conduct inspections to ensure that licensees conduct their practices in a competent manner and in conformance with the relevant regulations.

3. To designate specialties within the profession.

4. To administer the certification of rehabilitation providers pursuant to Article 2 (§ 54.1-3510 et seq.) of this chapter, including prescribing fees for application processing, examinations, certification and certification renewal.

5. [Expired.]

6. To promulgate regulations for the qualifications, education, and experience for licensure of marriage and family therapists. The requirements for clinical membership in the American Association for Marriage and Family Therapy (AAMFT), and the professional examination service's national marriage and family therapy examination may be considered by the Board in the promulgation of these regulations. The educational credit hour, clinical experience hour, and clinical supervision hour requirements for marriage and family therapists shall not be less than the educational credit hour, clinical experience hour, and clinical supervision hour requirements for professional counselors.

7. To promulgate, subject to the requirements of Article 1.1 (§ 54.1-3507 et seq.) of this chapter, regulations for the qualifications, education, and experience for licensure of licensed substance abuse treatment practitioners and certification of certified substance abuse counselors and certified substance abuse counseling assistants. The requirements for membership in NAADAC: the Association for Addiction Professionals and its national examination may be considered by the Board in the promulgation of these regulations. The Board also may provide for the consideration and use of the accreditation and examination services offered by the Substance Abuse Certification Alliance of Virginia. The educational credit hour, clinical experience hour, and clinical supervision hour requirements for licensed substance abuse treatment practitioners shall not be less than the educational credit hour, clinical experience hour, and clinical supervision hour requirements for licensed professional counselors. Such regulations also shall establish standards and protocols for the clinical supervision of certified substance abuse counselors and the supervision or direction of certified substance abuse counseling assistants, and reasonable access to the persons providing that supervision or direction in settings other than a licensed facility.

8. To maintain a registry of persons who meet the requirements for supervision of residents. The Board shall make the registry of approved supervisors available to persons seeking residence status.

9. To promulgate*, subject to the requirements of Article 4 (§ 54.1-3518 et seq.),* regulations for the ~~registration of qualified mental health professionals, including qualifications, education, and experience necessary for such registration, and for the registration of persons receiving supervised training in order to qualify as a qualified mental health professional~~ *qualifications, training, supervision, and experience for the registration of behavioral health technicians, behavioral health technician assistants, qualified mental health professionals, and qualified mental health professional-trainees*.

10. To promulgate regulations for the registration of peer recovery specialists who meet the qualifications, education, and experience requirements established by regulations of the Board of Behavioral Health and Developmental Services pursuant to § 37.2-203.

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

Article 4.

Behavioral Health Technicians and Qualified Mental Health Professionals.

§ 54.1-3518. Scope of practice, supervision, and qualifications of registered behavioral health technicians.

A. A registered behavioral health technician shall be (i) qualified to perform, under Board-approved supervision, collaborative behavioral health services, training on prevention of mental health and substance use disorders, and mental health literacy and the supportive functions of screening, intake, orientation, care coordination, client education, and recordkeeping and (ii) after three years of practicing as a behavioral health technician in good standing and completion of the required behavioral health technician supervisor training set forth by the Board, qualified to supervise, as part of a collaborative team, behavioral health technicians and behavioral health technician assistants. A registered behavioral health technician shall not engage in independent or autonomous practice and shall only perform collaborative behavioral health services.

B. Such registered behavioral health technician shall be supervised by a mental health professional licensed by the Department of Health Professions, a person under supervision that has been approved by the Board of Counseling, Board of Psychology, or Board of Social Work as a prerequisite for licensure who has completed the required supervisor training, or a registered qualified mental health professional who has practiced for three years and completed the required supervisor training.

C. Pursuant to regulations adopted by the Board, an applicant for registration as a behavioral health technician shall submit evidence satisfactory to the Board that the applicant has (i) completed a specified number of hours of didactic education in a program or programs recognized or approved by the Board and (ii) received, at a minimum, an associate degree from an institution of higher education accredited by an accrediting agency recognized by the Board. A bachelor's degree shall not be a requirement for registration as a behavioral health technician.

§ 54.1-3519. Scope of practice, supervision, and qualifications of registered behavioral health technician assistants.

A. A registered behavioral health technician assistant shall be qualified to perform, under Board-approved supervision, collaborative behavioral health services, training on prevention of mental health and substance use disorders, and mental health literacy and the supportive functions of screening, intake, orientation, care coordination, client education, and recordkeeping. A registered behavioral health technician assistant shall not engage in independent or autonomous practice and shall only provide collaborative behavioral health services.

B. Such registered behavioral health technician assistants shall be supervised by either a mental health professional licensed by the Department of Health Professions who has completed the required supervisor training, a person under supervision that has been approved by the Board of Counseling, Board of Psychology, or Board of Social Work as a prerequisite for licensure who has completed the required supervisor training, a registered qualified mental health professional who has practiced for three years and completed the required supervisor training, or a registered behavioral health technician who has practiced for three years and completed the required supervisor training.

C. Pursuant to regulations adopted by the Board, an applicant for registration as a behavioral health technician assistant shall submit evidence satisfactory to the Board that the applicant has (i) received, at a minimum, a high school diploma or its equivalent and (ii) completed a specified number of hours of didactic education in a program recognized or approved by the Board.

§ 54.1-3520. Scope of practice, supervision, and qualifications of qualified mental health professionals.

A. A qualified mental health professional shall be qualified to perform, under Board-approved supervision, collaborative behavioral health services, including the supportive functions of (i) screening; (ii) intake; (iii) orientation; (iv) care coordination; (v) client education; (vi) referral activities; (vii) initiating crisis de-escalation; (viii) gathering histories of mental and physical health conditions, alcohol and drug use, past mental health treatment, and interactions with the criminal justice system; (ix) providing psychosocial skills development; (x) implementing interventions as assigned on individual plans of care and documenting the interventions for the purposes of recordkeeping; and (xi) prevention of mental health and substance use disorders. A registered qualified mental health professional shall not engage in independent or autonomous practice and shall only perform collaborative behavioral health services.

B. Such registered qualified mental health professionals shall be supervised by either a mental health professional licensed by the Department of Health Professions who has completed the required supervisor training, a person under supervision that has been approved by the Board of Counseling, Board of Psychology, or Board of Social Work as a prerequisite for licensure who has completed the required supervisor training, or a registered qualified mental health professional who has practiced for three years and completed the required supervisor training. Registered qualified mental health professionals who have met the supervisor requirements may supervise activities within their scope. This supervision must occur under the broader required direction of and in collaboration with the licensed mental health professional or licensed eligible mental health professional.

C. Pursuant to regulations adopted by the Board, an applicant for registration as a qualified mental health professional shall submit evidence satisfactory to the Board that the applicant has (i) completed a specified number of hours

of didactic education in a program or programs recognized or approved by the Board; (ii) received, at a minimum, a bachelor's degree from an institution of higher education accredited by an accrediting agency recognized by the Board; and (iii) accumulated a specified number of hours of Board-approved supervised experience.

§ 54.1-3521. Scope of practice, supervision, and qualifications of qualified mental health professional-trainees.

A. A qualified mental health professional-trainee shall be qualified to perform, under Board-approved supervision, collaborative behavioral health services, including the supportive functions of (i) screening; (ii) intake; (iii) orientation; (iv) care coordination; (v) client education; (vi) referral activities; (vii) initiating crisis de-escalation; (viii) gathering histories of mental and physical health conditions, alcohol and drug use, past mental health treatment, and interactions with the criminal justice system; (ix) providing psychosocial skills development; (x) implementing interventions as assigned on individual plans of care and documenting the interventions for the purposes of recordkeeping; and (xi) prevention of mental health and substance use disorders. A registered qualified mental health professional-trainee shall not engage in independent or autonomous practice and shall only perform collaborative behavioral health services.

B. Such registered qualified mental health professional-trainees shall be supervised by a mental health professional licensed by the Department of Health Professions who has completed the required supervisor training, a person under supervision that has been approved by the Board of Counseling, Board of Psychology, or Board of Social Work as a prerequisite for licensure and who has completed the required supervisor training, or a registered qualified mental health professional who has practiced for three years and completed the required supervisor training.

C. Pursuant to regulations adopted by the Board, an applicant for registration as a qualified mental health professional-trainee shall submit evidence satisfactory to the Board that the applicant has (i) completed a specified number of hours of didactic education in a program or programs recognized or approved by the Board and (ii) received, at a minimum, a bachelor's degree from an institution of higher education accredited by an accrediting agency recognized by the Board or is actively enrolled and in good standing in a bachelor's degree program from an institution of higher education accredited by an accrediting agency recognized by the Board.

2. That the Board of Counseling's initial adoption of regulations necessary to implement the provisions of this act shall be exempt from the Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia), except that the Board of Counseling shall provide an opportunity for public comment on the regulations prior to adoption of such regulations.

3. That the Department of Behavioral Health and Developmental Services shall promulgate regulations that align with the regulations adopted by the Board of Counseling in accordance with this act. The Department of Medical Assistance Services shall promulgate any necessary regulations and submit any necessary State Plan amendments that align with changes made by the Department of Behavioral Health and Developmental Services and the Board of Counseling. The initial adoption of these regulations shall be exempt from the Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia), except that the Department of Behavioral Health and Developmental Services and the Department of Medical Assistance Services shall provide an opportunity for public comment on the regulations prior to adoption of such regulations.

4. That the Board of Counseling shall promulgate regulations in accordance with this act by November 1, 2024.

CHAPTER 596

An Act to classify certain falling water generation facilities as RPS eligible sources.

[S 495]

Approved April 5, 2024

Be it enacted by the General Assembly of Virginia:

1. *§ 1. That notwithstanding any contrary provision of law, for the purposes of § 56-585.5 of the Code of Virginia, any falling water generation facility located in the Commonwealth and commencing commercial operations prior to July 1, 2024, shall be considered a renewable energy portfolio standard (RPS) eligible source. For the purposes of this act, "falling water" has the same meaning as provided for that term in § 56-585.5 of the Code of Virginia.*

CHAPTER 597

An Act to amend and reenact §§ 56-576 and 56-585.5 of the Code of Virginia, relating to renewable energy portfolio standard; geothermal heating and cooling systems; report.

[S 508]

Approved April 5, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 56-576 and 56-585.5 of the Code of Virginia are amended and reenacted as follows:

§ 56-576. Definitions.

As used in this chapter:

"Affiliate" means any person that controls, is controlled by, or is under common control with an electric utility.

"Aggregator" means a person that, as an agent or intermediary, (i) offers to purchase, or purchases, electric energy or (ii) offers to arrange for, or arranges for, the purchase of electric energy, for sale to, or on behalf of, two or more retail customers not controlled by or under common control with such person. The following activities shall not, in and of themselves, make a person an aggregator under this chapter: (i) furnishing legal services to two or more retail customers, suppliers or aggregators; (ii) furnishing educational, informational, or analytical services to two or more retail customers, unless direct or indirect compensation for such services is paid by an aggregator or supplier of electric energy; (iii) furnishing educational, informational, or analytical services to two or more suppliers or aggregators; (iv) providing default service under § 56-585; (v) engaging in activities of a retail electric energy supplier, licensed pursuant to § 56-587, which are authorized by such supplier's license; and (vi) engaging in actions of a retail customer, in common with one or more other such retail customers, to issue a request for proposal or to negotiate a purchase of electric energy for consumption by such retail customers.

"Business park" means a land development containing a minimum of 100 contiguous acres classified as a Tier 4 site under the Virginia Economic Development Partnership's Business Ready Sites Program that is developed and constructed by a locality, an industrial development authority, or a similar political subdivision of the Commonwealth created pursuant to § 15.2-4903 or other act of the General Assembly, in order to promote business development.

"Combined heat and power" means a method of using waste heat from electrical generation to offset traditional processes, space heating, air conditioning, or refrigeration.

"Commission" means the State Corporation Commission.

"Community in which a majority of the population are people of color" means a U.S. Census tract where more than 50 percent of the population comprises individuals who identify as belonging to one or more of the following groups: Black, African American, Asian, Pacific Islander, Native American, other non-white race, mixed race, Hispanic, Latino, or linguistically isolated.

"Cooperative" means a utility formed under or subject to Chapter 9.1 (§ 56-231.15 et seq.).

"Covered entity" means a provider in the Commonwealth of an electric service not subject to competition but does not include default service providers.

"Covered transaction" means an acquisition, merger, or consolidation of, or other transaction involving stock, securities, voting interests or assets by which one or more persons obtains control of a covered entity.

"Curtailment" means inducing retail customers to reduce load during times of peak demand so as to ease the burden on the electrical grid.

"Customer choice" means the opportunity for a retail customer in the Commonwealth to purchase electric energy from any supplier licensed and seeking to sell electric energy to that customer.

"Demand response" means measures aimed at shifting time of use of electricity from peak-use periods to times of lower demand by inducing retail customers to curtail electricity usage during periods of congestion and higher prices in the electrical grid.

"Distribute," "distributing," or "distribution of" electric energy means the transfer of electric energy through a retail distribution system to a retail customer.

"Distributor" means a person owning, controlling, or operating a retail distribution system to provide electric energy directly to retail customers.

"Electric distribution grid transformation project" means a project associated with electric distribution infrastructure, including related data analytics equipment, that is designed to accommodate or facilitate the integration of utility-owned or customer-owned renewable electric generation resources with the utility's electric distribution grid or to otherwise enhance electric distribution grid reliability, electric distribution grid security, customer service, or energy efficiency and conservation, including advanced metering infrastructure; intelligent grid devices for real time system and asset information; automated control systems for electric distribution circuits and substations; communications networks for service meters; intelligent grid devices and other distribution equipment; distribution system hardening projects for circuits, other than the conversion of overhead tap lines to underground service, and substations designed to reduce service outages or service restoration times; physical security measures at key distribution substations; cyber security measures; energy storage systems and microgrids that support circuit-level grid stability, power quality, reliability, or resiliency or provide temporary backup energy supply; electrical facilities and infrastructure necessary to support electric vehicle charging systems; LED street light conversions; and new customer information platforms designed to provide improved customer access, greater service options, and expanded access to energy usage information.

"Electric utility" means any person that generates, transmits, or distributes electric energy for use by retail customers in the Commonwealth, including any investor-owned electric utility, cooperative electric utility, or electric utility owned or operated by a municipality.

"Energy efficiency program" means a program that reduces the total amount of electricity that is required for the same process or activity implemented after the expiration of capped rates. Energy efficiency programs include equipment, physical, or program change designed to produce measured and verified reductions in the amount of electricity required to perform the same function and produce the same or a similar outcome. Energy efficiency programs may include, but are not limited to, (i) programs that result in improvements in lighting design, heating, ventilation, and air conditioning systems, appliances, building envelopes, and industrial and commercial processes; (ii) measures, such as but not limited to the installation of advanced meters, implemented or installed by utilities, that reduce fuel use or losses of electricity and

otherwise improve internal operating efficiency in generation, transmission, and distribution systems; and (iii) customer engagement programs that result in measurable and verifiable energy savings that lead to efficient use patterns and practices. Energy efficiency programs include demand response, combined heat and power and waste heat recovery, curtailment, or other programs that are designed to reduce electricity consumption so long as they reduce the total amount of electricity that is required for the same process or activity. Utilities shall be authorized to install and operate such advanced metering technology and equipment on a customer's premises; however, nothing in this chapter establishes a requirement that an energy efficiency program be implemented on a customer's premises and be connected to a customer's wiring on the customer's side of the inter-connection without the customer's expressed consent.

"Generate," "generating," or "generation of" electric energy means the production of electric energy.

"Generator" means a person owning, controlling, or operating a facility that produces electric energy for sale.

"Geothermal heating and cooling system" means a system that:

1. Exchanges thermal energy from groundwater or a shallow ground source to generate thermal energy through an electric geothermal heat pump or a system of electric geothermal heat pumps interconnected with any geothermal extraction facility that is (i) a closed loop or a series of closed loop systems in which fluid is permanently confined within a pipe or tubing and does not come in contact with the outside environment or (ii) an open loop system in which ground or surface water is circulated in an environmentally safe manner directly into the facility and returned to the same aquifer or surface water source;

2. Meets or exceeds the current federal Energy Star product specification standards;

3. Replaces or displaces less efficient space or water heating systems, regardless of fuel type;

4. Replaces or displaces less efficient space cooling systems that do not meet federal Energy Star product specification standards; and

5. Does not feed electricity back to the grid.

"Historically economically disadvantaged community" means (i) a community in which a majority of the population are people of color or (ii) a low-income geographic area.

"Incumbent electric utility" means each electric utility in the Commonwealth that, prior to July 1, 1999, supplied electric energy to retail customers located in an exclusive service territory established by the Commission.

"Independent system operator" means a person that may receive or has received, by transfer pursuant to this chapter, any ownership or control of, or any responsibility to operate, all or part of the transmission systems in the Commonwealth.

"In the public interest," for purposes of assessing energy efficiency programs, describes an energy efficiency program if the Commission determines that the net present value of the benefits exceeds the net present value of the costs as determined by not less than any three of the following four tests: (i) the Total Resource Cost Test; (ii) the Utility Cost Test (also referred to as the Program Administrator Test); (iii) the Participant Test; and (iv) the Ratepayer Impact Measure Test. Such determination shall include an analysis of all four tests, and a program or portfolio of programs shall be approved if the net present value of the benefits exceeds the net present value of the costs as determined by not less than any three of the four tests. If the Commission determines that an energy efficiency program or portfolio of programs is not in the public interest, its final order shall include all work product and analysis conducted by the Commission's staff in relation to that program, including testimony relied upon by the Commission's staff, that has bearing upon the Commission's decision. If the Commission reduces the proposed budget for a program or portfolio of programs, its final order shall include an analysis of the impact such budget reduction has upon the cost-effectiveness of such program or portfolio of programs. An order by the Commission (a) finding that a program or portfolio of programs is not in the public interest or (b) reducing the proposed budget for any program or portfolio of programs shall adhere to existing protocols for extraordinarily sensitive information. In addition, an energy efficiency program may be deemed to be "in the public interest" if the program (1) provides measurable and verifiable energy savings to low-income customers or elderly customers or (2) is a pilot program of limited scope, cost, and duration, that is intended to determine whether a new or substantially revised program or technology would be cost-effective.

"Low-income geographic area" means any locality, or community within a locality, that has a median household income that is not greater than 80 percent of the local median household income, or any area in the Commonwealth designated as a qualified opportunity zone by the U.S. Secretary of the Treasury via his delegation of authority to the Internal Revenue Service.

"Low-income utility customer" means any person or household whose income is no more than 80 percent of the median income of the locality in which the customer resides. The median income of the locality is determined by the U.S. Department of Housing and Urban Development.

"Measured and verified" means a process determined pursuant to methods accepted for use by utilities and industries to measure, verify, and validate energy savings and peak demand savings. This may include the protocol established by the United States Department of Energy, Office of Federal Energy Management Programs, Measurement and Verification Guidance for Federal Energy Projects, measurement and verification standards developed by the American Society of Heating, Refrigeration and Air Conditioning Engineers (ASHRAE), or engineering-based estimates of energy and demand savings associated with specific energy efficiency measures, as determined by the Commission.

"Municipality" means a city, county, town, authority, or other political subdivision of the Commonwealth.

"New underground facilities" means facilities to provide underground distribution service. "New underground facilities" includes underground cables with voltages of 69 kilovolts or less, pad-mounted devices, connections at customer meters, and transition terminations from existing overhead distribution sources.

"Peak-shaving" means measures aimed solely at shifting time of use of electricity from peak-use periods to times of lower demand by inducing retail customers to curtail electricity usage during periods of congestion and higher prices in the electrical grid.

"Percentage of Income Payment Program (PIPP) eligible utility customer" means any person or household whose income does not exceed 150 percent of the federal poverty level.

"Person" means any individual, corporation, partnership, association, company, business, trust, joint venture, or other private legal entity, and the Commonwealth or any municipality.

"Previously developed project site" means any property, including related buffer areas, if any, that has been previously disturbed or developed for non-single-family residential, non-agricultural, or non-silvicultural use, regardless of whether such property currently is being used for any purpose.

"Previously developed project site" includes a brownfield as defined in § 10.1-1230 or any parcel that has been previously used (i) for a retail, commercial, or industrial purpose; (ii) as a parking lot; (iii) as the site of a parking lot canopy or structure; (iv) for mining, which is any lands affected by coal mining that took place before August 3, 1977, or any lands upon which extraction activities have been permitted by the Department of Energy under Title 45.2; (v) for quarrying; or (vi) as a landfill.

"Qualified waste heat resource" means (i) exhaust heat or flared gas from an industrial process that does not have, as its primary purpose, the production of electricity and (ii) a pressure drop in any gas for an industrial or commercial process.

"Renewable energy" means energy derived from sunlight, wind, falling water, biomass, sustainable or otherwise, (the definitions of which shall be liberally construed), energy from waste, landfill gas, municipal solid waste, wave motion, tides, *geothermal heating and cooling systems,* and geothermal power, and does not include energy derived from coal, oil, natural gas, or nuclear power. "Renewable energy" also includes the proportion of the thermal or electric energy from a facility that results from the co-firing of biomass. "Renewable energy" does not include waste heat from fossil-fired facilities or electricity generated from pumped storage but includes run-of-river generation from a combined pumped-storage and run-of-river facility.

"Renewable thermal energy" means the thermal energy output from (i) a renewable-fueled combined heat and power generation facility that is (a) constructed, or renovated and improved, after January 1, 2012, (b) located in the Commonwealth, and (c) utilized in industrial processes other than the combined heat and power generation facility or (ii) a solar energy system, certified to the OG-100 standard of the Solar Ratings and Certification Corporation or an equivalent certification body, that (a) is constructed, or renovated and improved, after January 1, 2013, (b) is located in the Commonwealth, and (c) heats water or air for residential, commercial, institutional, or industrial purposes.

"Renewable thermal energy equivalent" means the electrical equivalent in megawatt hours of renewable thermal energy calculated by dividing (i) the heat content, measured in British thermal units (BTUs), of the renewable thermal energy at the point of transfer to a residential, commercial, institutional, or industrial process by (ii) the standard conversion factor of 3.413 million BTUs per megawatt hour.

"Renovated and improved facility" means a facility the components of which have been upgraded to enhance its operating efficiency.

"Retail customer" means any person that purchases retail electric energy for its own consumption at one or more metering points or nonmetered points of delivery located in the Commonwealth.

"Retail electric energy" means electric energy sold for ultimate consumption to a retail customer.

"Revenue reductions related to energy efficiency programs" means reductions in the collection of total non-fuel revenues, previously authorized by the Commission to be recovered from customers by a utility, that occur due to measured and verified decreased consumption of electricity caused by energy efficiency programs approved by the Commission and implemented by the utility, less the amount by which such non-fuel reductions in total revenues have been mitigated through other program-related factors, including reductions in variable operating expenses.

"Rooftop solar installation" means a distributed electric generation facility, storage facility, or generation and storage facility utilizing energy derived from sunlight, with a rated capacity of not less than 50 kilowatts, that is installed on the roof structure of an incumbent electric utility's commercial or industrial class customer, including host sites on commercial buildings, multifamily residential buildings, school or university buildings, and buildings of a church or religious body.

"Solar energy system" means a system of components that produces heat or electricity, or both, from sunlight.

"Supplier" means any generator, distributor, aggregator, broker, marketer, or other person who offers to sell or sells electric energy to retail customers and is licensed by the Commission to do so, but it does not mean a generator that produces electric energy exclusively for its own consumption or the consumption of an affiliate.

"Supply" or "supplying" electric energy means the sale of or the offer to sell electric energy to a retail customer.

"Total annual energy savings" means (i) the total combined kilowatt-hour savings achieved by electric utility energy efficiency and demand response programs and measures installed in that program year, as well as savings still being achieved by measures and programs implemented in prior years, or (ii) savings attributable to newly installed combined heat and power facilities, including waste heat-to-power facilities, and any associated reduction in transmission line losses,

provided that biomass is not a fuel and the total efficiency, including the use of thermal energy, for eligible combined heat and power facilitates must meet or exceed 65 percent and have a nameplate capacity rating of less than 25 megawatts.

"Transmission of," "transmit," or "transmitting" electric energy means the transfer of electric energy through the Commonwealth's interconnected transmission grid from a generator to either a distributor or a retail customer.

"Transmission system" means those facilities and equipment that are required to provide for the transmission of electric energy.

"Waste heat to power" means a system that generates electricity through the recovery of a qualified waste heat resource.

§ 56-585.5. Generation of electricity from renewable and zero carbon sources.

A. As used in this section:

"Accelerated renewable energy buyer" means a commercial or industrial customer of a Phase I or Phase II Utility, irrespective of generation supplier, with an aggregate load over 25 megawatts in the prior calendar year, that enters into arrangements pursuant to subsection G, as certified by the Commission.

"Aggregate load" means the combined electrical load associated with selected accounts of an accelerated renewable energy buyer with the same legal entity name as, or in the names of affiliated entities that control, are controlled by, or are under common control of, such legal entity or are the names of affiliated entities under a common parent.

"Control" has the same meaning as provided in § 56-585.1:11.

"Falling water" means hydroelectric resources, including run-of-river generation from a combined pumped-storage and run-of-river facility. "Falling water" does not include electricity generated from pumped-storage facilities.

"Low-income qualifying projects" means a project that provides a minimum of 50 percent of the respective electric output to low-income utility customers as that term is defined in § 56-576.

"Phase I Utility" has the same meaning as provided in subdivision A 1 of § 56-585.1.

"Phase II Utility" has the same meaning as provided in subdivision A 1 of § 56-585.1.

"Previously developed project site" means any property, including related buffer areas, if any, that has been previously disturbed or developed for non-single-family residential, nonagricultural, or nonsilvicultural use, regardless of whether such property currently is being used for any purpose. "Previously developed project site" includes a brownfield as defined in § 10.1-1230 or any parcel that has been previously used (i) for a retail, commercial, or industrial purpose; (ii) as a parking lot; (iii) as the site of a parking lot canopy or structure; (iv) for mining, which is any lands affected by coal mining that took place before August 3, 1977, or any lands upon which extraction activities have been permitted by the Department of Energy under Title 45.2; (v) for quarrying; or (vi) as a landfill.

"Total electric energy" means total electric energy sold to retail customers in the Commonwealth service territory of a Phase I or Phase II Utility, other than accelerated renewable energy buyers, by the incumbent electric utility or other retail supplier of electric energy in the previous calendar year, excluding an amount equivalent to the annual percentages of the electric energy that was supplied to such customer from nuclear generating plants located within the Commonwealth in the previous calendar year, provided such nuclear units were operating by July 1, 2020, or from any zero-carbon electric generating facilities not otherwise RPS eligible sources and placed into service in the Commonwealth after July 1, 2030.

"Zero-carbon electricity" means electricity generated by any generating unit that does not emit carbon dioxide as a by-product of combusting fuel to generate electricity.

B. 1. By December 31, 2024, except for any coal-fired electric generating units (i) jointly owned with a cooperative utility or (ii) owned and operated by a Phase II Utility located in the coalfield region of the Commonwealth that co-fires with biomass, any Phase I and Phase II Utility shall retire all generating units principally fueled by oil with a rated capacity in excess of 500 megawatts and all coal-fired electric generating units operating in the Commonwealth.

2. By December 31, 2045, except for biomass-fired electric generating units that do not co-fire with coal, each Phase I and II Utility shall retire all other electric generating units located in the Commonwealth that emit carbon as a by-product of combusting fuel to generate electricity.

3. A Phase I or Phase II Utility may petition the Commission for relief from the requirements of this subsection on the basis that the requirement would threaten the reliability or security of electric service to customers. The Commission shall consider in-state and regional transmission entity resources and shall evaluate the reliability of each proposed retirement on a case-by-case basis in ruling upon any such petition.

C. Each Phase I and Phase II Utility shall participate in a renewable energy portfolio standard program (RPS Program) that establishes annual goals for the sale of renewable energy to all retail customers in the utility's service territory, other than accelerated renewable energy buyers pursuant to subsection G, regardless of whether such customers purchase electric supply service from the utility or from suppliers other than the utility. To comply with the RPS Program, each Phase I and Phase II Utility shall procure and retire Renewable Energy Certificates (RECs) originating from renewable energy standard eligible sources (RPS eligible sources). For purposes of complying with the RPS Program from 2021 to 2024, a Phase I and Phase II Utility may use RECs from any renewable energy facility, as defined in § 56-576, provided that such facilities are located in the Commonwealth or are physically located within the PJM Interconnection, LLC (PJM) region. However, at no time during this period or thereafter may any Phase I or Phase II Utility use RECs from (i) renewable thermal energy, (ii) renewable thermal energy equivalent, or (iii) biomass-fired facilities that are outside the Commonwealth. From compliance year 2025 and all years after, each Phase I and Phase II Utility may only use RECs from RPS eligible sources for compliance with the RPS Program.

In order to qualify as RPS eligible sources, such sources must be (a) electric-generating resources that generate electric energy derived from solar or wind located in the Commonwealth or off the Commonwealth's Atlantic shoreline or in federal waters and interconnected directly into the Commonwealth or physically located within the PJM region; (b) falling water resources located in the Commonwealth or physically located within the PJM region that were in operation as of January 1, 2020, that are owned by a Phase I or Phase II Utility or for which a Phase I or Phase II Utility has entered into a contract prior to January 1, 2020, to purchase the energy, capacity, and renewable attributes of such falling water resources; (c) non-utility-owned resources from falling water that (1) are less than 65 megawatts, (2) began commercial operation after December 31, 1979, or (3) added incremental generation representing greater than 50 percent of the original nameplate capacity after December 31, 1979, provided that such resources are located in the Commonwealth or are physically located within the PJM region; (d) waste-to-energy or landfill gas-fired generating resources located in the Commonwealth and in operation as of January 1, 2020, provided that such resources do not use waste heat from fossil fuel combustion; ~~or~~ (e) *geothermal heating and cooling systems located in the Commonwealth; or (f)* biomass-fired facilities in operation in the Commonwealth and in operation as of January 1, 2023, that (1) supply no more than 10 percent of their annual net electrical generation to the electric grid or no more than 15 percent of their annual total useful energy to any entity other than the manufacturing facility to which the generating source is interconnected and are fueled by forest-product manufacturing residuals, including pulping liquor, bark, paper recycling residuals, biowastes, or biomass, as described in subdivisions A 1, 2, and 4 of § 10.1-1308.1, provided that biomass as described in subdivision A 1 of § 10.1-1308.1 results from harvesting in accordance with best management practices for the sustainable harvesting of biomass developed and enforced by the State Forester pursuant to § 10.1-1105, or (2) are owned by a Phase I or phase II Utility, have less than 52 megawatts capacity, and are fueled by forest-product manufacturing residuals, biowastes, or biomass, as described in subdivisions A 1, 2, and 4 of § 10.1-1308.1, provided that biomass as described in subdivision A 1 of § 10.1-1308.1 results from harvesting in accordance with best management practices for the sustainable harvesting of biomass developed and enforced by the State Forester pursuant to § 10.1-1105. Regardless of any future maintenance, expansion, or refurbishment activities, the total amount of RECs that may be sold by any RPS eligible source using biomass in any year shall be no more than the number of megawatt hours of electricity produced by that facility in 2022; however, in no year may any RPS eligible source using biomass sell RECs in excess of the actual megawatt-hours of electricity generated by such facility that year. In order to comply with the RPS Program, each Phase I and Phase II Utility may use and retire the environmental attributes associated with any existing owned or contracted solar, wind, falling water, or biomass electric generating resources in operation, or proposed for operation, in the Commonwealth or solar, wind, or falling water resources physically located within the PJM region, with such resource qualifying as a Commonwealth-located resource for purposes of this subsection, as of January 1, 2020, provided that such renewable attributes are verified as RECs consistent with the PJM-EIS Generation Attribute Tracking System.

1. The RPS Program requirements shall be a percentage of the total electric energy sold in the previous calendar year and shall be implemented in accordance with the following schedule:

Phase I Utilities		Phase II Utilities	
Year	RPS Program Requirement	Year	RPS Program Requirement
2021	6%	2021	14%
2022	7%	2022	17%
2023	8%	2023	20%
2024	10%	2024	23%
2025	14%	2025	26%
2026	17%	2026	29%
2027	20%	2027	32%
2028	24%	2028	35%
2029	27%	2029	38%
2030	30%	2030	41%
2031	33%	2031	45%
2032	36%	2032	49%
2033	39%	2033	52%
2034	42%	2034	55%
2035	45%	2035	59%
2036	53%	2036	63%
2037	53%	2037	67%
2038	57%	2038	71%

2039	61%	2039	75%
2040	65%	2040	79%
2041	68%	2041	83%
2042	71%	2042	87%
2043	74%	2043	91%
2044	77%	2044	95%
2045	80%	2045 and thereafter	100%
2046	84%		
2047	88%		
2048	92%		
2049	96%		
2050 and thereafter	100%		

2. A Phase II Utility shall meet one percent of the RPS Program requirements in any given compliance year with solar, wind, or anaerobic digestion resources of one megawatt or less located in the Commonwealth, with not more than 3,000 kilowatts at any single location or at contiguous locations owned by the same entity or affiliated entities and, to the extent that low-income qualifying projects are available, then no less than 25 percent of such one percent shall be composed of low-income qualifying projects.

3. Beginning with the 2025 compliance year and thereafter, at least 75 percent of all RECs used by a Phase II Utility in a compliance period shall come from RPS eligible resources located in the Commonwealth.

4. Any Phase I or Phase II Utility may apply renewable energy sales achieved or RECs acquired in excess of the sales requirement for that RPS Program to the sales requirements for RPS Program requirements in the year in which it was generated and the five calendar years after the renewable energy was generated or the RECs were created. To the extent that a Phase I or Phase II Utility procures RECs for RPS Program compliance from resources the utility does not own, the utility shall be entitled to recover the costs of such certificates at its election pursuant to § 56-249.6 or subdivision A 5 d of § 56-585.1.

5. Energy from a geothermal heating and cooling system is eligible for inclusion in meeting the requirements of the RPS Program. RECs from a geothermal heating and cooling system are created based on the amount of energy, converted from BTUs to kilowatt-hours, that is generated by a geothermal heating and cooling system for space heating and cooling or water heating. The Commission shall determine the form and manner in which such RECs are verified.

D. Each Phase I or Phase II Utility shall petition the Commission for necessary approvals to procure zero-carbon electricity generating capacity as set forth in this subsection and energy storage resources as set forth in subsection E. To the extent that a Phase I or Phase II Utility constructs or acquires new zero-carbon generating facilities or energy storage resources, the utility shall petition the Commission for the recovery of the costs of such facilities, at the utility's election, either through its rates for generation and distribution services or through a rate adjustment clause pursuant to subdivision A 6 of § 56-585.1. All costs not sought for recovery through a rate adjustment clause pursuant to subdivision A 6 of § 56-585.1 associated with generating facilities provided by sunlight or onshore or offshore wind are also eligible to be applied by the utility as a customer credit reinvestment offset as provided in subdivision A 8 of § 56-585.1. Costs associated with the purchase of energy, capacity, or environmental attributes from facilities owned by the persons other than the utility required by this subsection shall be recovered by the utility either through its rates for generation and distribution services or pursuant to § 56-249.6.

1. Each Phase I Utility shall petition the Commission for necessary approvals to construct, acquire, or enter into agreements to purchase the energy, capacity, and environmental attributes of 600 megawatts of generating capacity using energy derived from sunlight or onshore wind.

a. By December 31, 2023, each Phase I Utility shall petition the Commission for necessary approvals to construct, acquire, or enter into agreements to purchase the energy, capacity, and environmental attributes of at least 200 megawatts of generating capacity located in the Commonwealth using energy derived from sunlight or onshore wind, and 35 percent of such generating capacity procured shall be from the purchase of energy, capacity, and environmental attributes from solar or onshore wind facilities owned by persons other than the utility, with the remainder, in the aggregate, being from construction or acquisition by such Phase I Utility.

b. By December 31, 2027, each Phase I Utility shall petition the Commission for necessary approvals to construct, acquire, or enter into agreements to purchase the energy, capacity, and environmental attributes of at least 200 megawatts of additional generating capacity located in the Commonwealth using energy derived from sunlight or onshore wind, and 35 percent of such generating capacity procured shall be from the purchase of energy, capacity, and environmental attributes from solar or onshore wind facilities owned by persons other than the utility, with the remainder, in the aggregate, being from construction or acquisition by such Phase I Utility.

c. By December 31, 2030, each Phase I Utility shall petition the Commission for necessary approvals to construct, acquire, or enter into agreements to purchase the energy, capacity, and environmental attributes of at least 200 megawatts of

additional generating capacity located in the Commonwealth using energy derived from sunlight or onshore wind, and 35 percent of such generating capacity procured shall be from the purchase of energy, capacity, and environmental attributes from solar or onshore wind facilities owned by persons other than the utility, with the remainder, in the aggregate, being from construction or acquisition by such Phase I Utility.

d. Nothing in this subdivision 1 shall prohibit such Phase I Utility from constructing, acquiring, or entering into agreements to purchase the energy, capacity, and environmental attributes of more than 600 megawatts of generating capacity located in the Commonwealth using energy derived from sunlight or onshore wind, provided the utility receives approval from the Commission pursuant to §§ 56-580 and 56-585.1.

2. By December 31, 2035, each Phase II Utility shall petition the Commission for necessary approvals to (i) construct, acquire, or enter into agreements to purchase the energy, capacity, and environmental attributes of 16,100 megawatts of generating capacity located in the Commonwealth using energy derived from sunlight or onshore wind, which shall include 1,100 megawatts of solar generation of a nameplate capacity not to exceed three megawatts per individual project and 35 percent of such generating capacity procured shall be from the purchase of energy, capacity, and environmental attributes from solar facilities owned by persons other than a utility, including utility affiliates and deregulated affiliates and (ii) pursuant to § 56-585.1:11, construct or purchase one or more offshore wind generation facilities located off the Commonwealth's Atlantic shoreline or in federal waters and interconnected directly into the Commonwealth with an aggregate capacity of up to 5,200 megawatts. At least 200 megawatts of the 16,100 megawatts shall be placed on previously developed project sites.

a. By December 31, 2024, each Phase II Utility shall petition the Commission for necessary approvals to construct, acquire, or enter into agreements to purchase the energy, capacity, and environmental attributes of at least 3,000 megawatts of generating capacity located in the Commonwealth using energy derived from sunlight or onshore wind, and 35 percent of such generating capacity procured shall be from the purchase of energy, capacity, and environmental attributes from solar or onshore wind facilities owned by persons other than the utility, with the remainder, in the aggregate, being from construction or acquisition by such Phase II Utility.

b. By December 31, 2027, each Phase II Utility shall petition the Commission for necessary approvals to construct, acquire, or enter into agreements to purchase the energy, capacity, and environmental attributes of at least 3,000 megawatts of additional generating capacity located in the Commonwealth using energy derived from sunlight or onshore wind, and 35 percent of such generating capacity procured shall be from the purchase of energy, capacity, and environmental attributes from solar or onshore wind facilities owned by persons other than the utility, with the remainder, in the aggregate, being from construction or acquisition by such Phase II Utility.

c. By December 31, 2030, each Phase II Utility shall petition the Commission for necessary approvals to construct, acquire, or enter into agreements to purchase the energy, capacity, and environmental attributes of at least 4,000 megawatts of additional generating capacity located in the Commonwealth using energy derived from sunlight or onshore wind, and 35 percent of such generating capacity procured shall be from the purchase of energy, capacity, and environmental attributes from solar or onshore wind facilities owned by persons other than the utility, with the remainder, in the aggregate, being from construction or acquisition by such Phase II Utility.

d. By December 31, 2035, each Phase II Utility shall petition the Commission for necessary approvals to construct, acquire, or enter into agreements to purchase the energy, capacity, and environmental attributes of at least 6,100 megawatts of additional generating capacity located in the Commonwealth using energy derived from sunlight or onshore wind, and 35 percent of such generating capacity procured shall be from the purchase of energy, capacity, and environmental attributes from solar or onshore wind facilities owned by persons other than the utility, with the remainder, in the aggregate, being from construction or acquisition by such Phase II Utility.

e. Nothing in this subdivision 2 shall prohibit such Phase II Utility from constructing, acquiring, or entering into agreements to purchase the energy, capacity, and environmental attributes of more than 16,100 megawatts of generating capacity located in the Commonwealth using energy derived from sunlight or onshore wind, provided the utility receives approval from the Commission pursuant to §§ 56-580 and 56-585.1.

3. Nothing in this section shall prohibit a utility from petitioning the Commission to construct or acquire zero-carbon electricity or from entering into contracts to procure the energy, capacity, and environmental attributes of zero-carbon electricity generating resources in excess of the requirements in subsection B. The Commission shall determine whether to approve such petitions on a stand-alone basis pursuant to §§ 56-580 and 56-585.1, provided that the Commission's review shall also consider whether the proposed generating capacity (i) is necessary to meet the utility's native load, (ii) is likely to lower customer fuel costs, (iii) will provide economic development opportunities in the Commonwealth, and (iv) serves a need that cannot be more affordably met with demand-side or energy storage resources.

Each Phase I and Phase II Utility shall, at least once every year, conduct a request for proposals for new solar and wind resources. Such requests shall quantify and describe the utility's need for energy, capacity, or renewable energy certificates. The requests for proposals shall be publicly announced and made available for public review on the utility's website at least 45 days prior to the closing of such request for proposals. The requests for proposals shall provide, at a minimum, the following information: (a) the size, type, and timing of resources for which the utility anticipates contracting; (b) any minimum thresholds that must be met by respondents; (c) major assumptions to be used by the utility in the bid evaluation process, including environmental emission standards; (d) detailed instructions for preparing bids so that bids can be evaluated on a consistent basis; (e) the preferred general location of additional capacity; and (f) specific information

concerning the factors involved in determining the price and non-price criteria used for selecting winning bids. A utility may evaluate responses to requests for proposals based on any criteria that it deems reasonable but shall at a minimum consider the following in its selection process: (1) the status of a particular project's development; (2) the age of existing generation facilities; (3) the demonstrated financial viability of a project and the developer; (4) a developer's prior experience in the field; (5) the location and effect on the transmission grid of a generation facility; (6) benefits to the Commonwealth that are associated with particular projects, including regional economic development and the use of goods and services from Virginia businesses; and (7) the environmental impacts of particular resources, including impacts on air quality within the Commonwealth and the carbon intensity of the utility's generation portfolio.

4. In connection with the requirements of this subsection, each Phase I and Phase II Utility shall, commencing in 2020 and concluding in 2035, submit annually a plan and petition for approval for the development of new solar and onshore wind generation capacity. Such plan shall reflect, in the aggregate and over its duration, the requirements of subsection D concerning the allocation percentages for construction or purchase of such capacity. Such petition shall contain any request for approval to construct such facilities pursuant to subsection D of § 56-580 and a request for approval or update of a rate adjustment clause pursuant to subdivision A 6 of § 56-585.1 to recover the costs of such facilities. Such plan shall also include the utility's plan to meet the energy storage project targets of subsection E, including the goal of installing at least 10 percent of such energy storage projects behind the meter. In determining whether to approve the utility's plan and any associated petition requests, the Commission shall determine whether they are reasonable and prudent and shall give due consideration to (i) the RPS and carbon dioxide reduction requirements in this section~~,~~; (ii) the promotion of new renewable generation and energy storage resources within the Commonwealth, and associated economic development~~,~~; and (iii) fuel savings projected to be achieved by the plan. Notwithstanding any other provision of this title, the Commission's final order regarding any such petition and associated requests shall be entered by the Commission not more than six months after the date of the filing of such petition.

5. If, in any year, a Phase I or Phase II Utility is unable to meet the compliance obligation of the RPS Program requirements or if the cost of RECs necessary to comply with RPS Program requirements exceeds $45 per megawatt hour, such supplier shall be obligated to make a deficiency payment equal to $45 for each megawatt-hour shortfall for the year of noncompliance, except that the deficiency payment for any shortfall in procuring RECs for solar, wind, or anaerobic digesters located in the Commonwealth shall be $75 per megawatts hour for resources one megawatt and lower. The amount of any deficiency payment shall increase by one percent annually after 2021. A Phase I or Phase II Utility shall be entitled to recover the costs of such payments as a cost of compliance with the requirements of this subsection pursuant to subdivision A 5 d of § 56-585.1. All proceeds from the deficiency payments shall be deposited into an interest-bearing account administered by the Department of Energy. In administering this account, the Department of Energy shall manage the account as follows: (i) 50 percent of total revenue shall be directed to job training programs in historically economically disadvantaged communities; (ii) 16 percent of total revenue shall be directed to energy efficiency measures for public facilities; (iii) 30 percent of total revenue shall be directed to renewable energy programs located in historically economically disadvantaged communities; and (iv) four percent of total revenue shall be directed to administrative costs.

For any project constructed pursuant to this subsection or subsection E, a utility shall, subject to a competitive procurement process, procure equipment from a Virginia-based or United States-based manufacturer using materials or product components made in Virginia or the United States, if reasonably available and competitively priced.

E. To enhance reliability and performance of the utility's generation and distribution system, each Phase I and Phase II Utility shall petition the Commission for necessary approvals to construct or acquire new, utility-owned energy storage resources.

1. By December 31, 2035, each Phase I Utility shall petition the Commission for necessary approvals to construct or acquire 400 megawatts of energy storage capacity. Nothing in this subdivision shall prohibit a Phase I Utility from constructing or acquiring more than 400 megawatts of energy storage, provided that the utility receives approval from the Commission pursuant to §§ 56-580 and 56-585.1.

2. By December 31, 2035, each Phase II Utility shall petition the Commission for necessary approvals to construct or acquire 2,700 megawatts of energy storage capacity. Nothing in this subdivision shall prohibit a Phase II Utility from constructing or acquiring more than 2,700 megawatts of energy storage, provided that the utility receives approval from the Commission pursuant to §§ 56-580 and 56-585.1.

3. No single energy storage project shall exceed 500 megawatts in size, except that a Phase II Utility may procure a single energy storage project up to 800 megawatts.

4. All energy storage projects procured pursuant to this subsection shall meet the competitive procurement protocols established in subdivision D 3.

5. After July 1, 2020, at least 35 percent of the energy storage facilities placed into service shall be (i) purchased by the public utility from a party other than the public utility or (ii) owned by a party other than a public utility, with the capacity from such facilities sold to the public utility. By January 1, 2021, the Commission shall adopt regulations to achieve the deployment of energy storage for the Commonwealth required in subdivisions 1 and 2, including regulations that set interim targets and update existing utility planning and procurement rules. The regulations shall include programs and mechanisms to deploy energy storage, including competitive solicitations, behind-the-meter incentives, non-wires alternatives programs, and peak demand reduction programs.

F. All costs incurred by a Phase I or Phase II Utility related to compliance with the requirements of this section or pursuant to § 56-585.1:11, including (i) costs of generation facilities powered by sunlight or onshore or offshore wind, or energy storage facilities, that are constructed or acquired by a Phase I or Phase II Utility after July 1, 2020, (ii) costs of capacity, energy, or environmental attributes from generation facilities powered by sunlight or onshore or offshore wind, or falling water, or energy storage facilities purchased by the utility from persons other than the utility through agreements after July 1, 2020, and (iii) all other costs of compliance, including costs associated with the purchase of RECs associated with RPS Program requirements pursuant to this section shall be recovered from all retail customers in the service territory of a Phase I or Phase II Utility as a non-bypassable charge, irrespective of the generation supplier of such customer, except (a) as provided in subsection G for an accelerated renewable energy buyer or (b) as provided in subdivision C 3 of § 56-585.1:11, with respect to the costs of an offshore wind generation facility, for a PIPP eligible utility customer or an advanced clean energy buyer or qualifying large general service customer, as those terms are defined in § 56-585.1:11. If a Phase I or Phase II Utility serves customers in more than one jurisdiction, such utility shall recover all of the costs of compliance with the RPS Program requirements from its Virginia customers through the applicable cost recovery mechanism, and all associated energy, capacity, and environmental attributes shall be assigned to Virginia to the extent that such costs are requested but not recovered from any system customers outside the Commonwealth.

By September 1, 2020, the Commission shall direct the initiation of a proceeding for each Phase I and Phase II Utility to review and determine the amount of such costs, net of benefits, that should be allocated to retail customers within the utility's service territory which have elected to receive electric supply service from a supplier of electric energy other than the utility, and shall direct that tariff provisions be implemented to recover those costs from such customers beginning no later than January 1, 2021. Thereafter, such charges and tariff provisions shall be updated and trued up by the utility on an annual basis, subject to continuing review and approval by the Commission.

G. 1. An accelerated renewable energy buyer may contract with a Phase I or Phase II Utility, or a person other than a Phase I or Phase II Utility, to obtain (i) RECs from RPS eligible resources or (ii) bundled capacity, energy, and RECs from solar or wind generation resources located within the PJM region and initially placed in commercial operation after January 1, 2015, including any contract with a utility for such generation resources that does not allocate to or recover from any other customer of the utility the cost of such resources. Such an accelerated renewable energy buyer may offset all or a portion of its electric load for purposes of RPS compliance through such arrangements. An accelerated renewable energy buyer shall be exempt from the assignment of non-bypassable RPS compliance costs pursuant to subsection F, with the exception of the costs of an offshore wind generating facility pursuant to § 56-585.1:11, based on the amount of RECs obtained pursuant to this subsection in proportion to the customer's total electric energy consumption, on an annual basis. An accelerated renewable energy buyer obtaining RECs only shall not be exempt from costs related to procurement of new solar or onshore wind generation capacity, energy, or environmental attributes, or energy storage facilities, by the utility pursuant to subsections D and E, however, an accelerated renewable energy buyer that is a customer of a Phase II Utility and was subscribed, as of March 1, 2020, to a voluntary companion experimental tariff offering of the utility for the purchase of renewable attributes from renewable energy facilities that requires a renewable facilities agreement and the purchase of a minimum of 2,000 renewable attributes annually, shall be exempt from allocation of the net costs related to procurement of new solar or onshore wind generation capacity, energy, or environmental attributes, or energy storage facilities, by the utility pursuant to subsections D and E, based on the amount of RECs associated with the customer's renewable facilities agreements associated with such tariff offering as of that date in proportion to the customer's total electric energy consumption, on an annual basis. To the extent that an accelerated renewable energy buyer contracts for the capacity of new solar or wind generation resources pursuant to this subsection, the aggregate amount of such nameplate capacity shall be offset from the utility's procurement requirements pursuant to subsection D. All RECs associated with contracts entered into by an accelerated renewable energy buyer with the utility, or a person other than the utility, for an RPS Program shall not be credited to the utility's compliance with its RPS requirements, and the calculation of the utility's RPS Program requirements shall not include the electric load covered by customers certified as accelerated renewable energy buyers.

2. Each Phase I or Phase II Utility shall certify, and verify as necessary, to the Commission that the accelerated renewable energy buyer has satisfied the exemption requirements of this subsection for each year, or an accelerated renewable energy buyer may choose to certify satisfaction of this exemption by reporting to the Commission individually. The Commission may promulgate such rules and regulations as may be necessary to implement the provisions of this subsection.

3. Provided that no incremental costs associated with any contract between a Phase I or Phase II Utility and an accelerated renewable energy buyer is allocated to or recovered from any other customer of the utility, any such contract with an accelerated renewable energy buyer that is a jurisdictional customer of the utility shall not be deemed a special rate or contract requiring Commission approval pursuant to § 56-235.2.

H. No customer of a Phase II Utility with a peak demand in excess of 100 megawatts in 2019 that elected pursuant to subdivision A 3 of § 56-577 to purchase electric energy from a competitive service provider prior to April 1, 2019, shall be allocated any non-bypassable charges pursuant to subsection F for such period that the customer is not purchasing electric energy from the utility, and such customer's electric load shall not be included in the utility's RPS Program requirements. No customer of a Phase I Utility that elected pursuant to subdivision A 3 of § 56-577 to purchase electric energy from a competitive service provider prior to February 1, 2019, shall be allocated any non-bypassable charges pursuant to

subsection F for such period that the customer is not purchasing electric energy from the utility, and such customer's electric load shall not be included in the utility's RPS Program requirements.

I. In any petition by a Phase I or Phase II Utility for a certificate of public convenience and necessity to construct and operate an electrical generating facility that generates electric energy derived from sunlight submitted pursuant to § 56-580, such utility shall demonstrate that the proposed facility was subject to competitive procurement or solicitation as set forth in subdivision D 3.

J. Nothing in this section shall apply to any entity organized under Chapter 9.1 (§ 56-231.15 et seq.).

K. The Commission shall adopt such rules and regulations as may be necessary to implement the provisions of this section, including a requirement that participants verify whether the RPS Program requirements are met in accordance with this section.

2. That the State Corporation Commission (the Commission) shall convene a stakeholder work group to examine the feasibility of establishing renewable energy portfolio standard program (RPS program) requirements under § 56-585.5 of the Code of Virginia, as amended by this act, that require each Phase I and Phase II Utility, as defined in subdivision A 1 of § 56-585.1 of the Code of Virginia, to procure and retire renewable energy certificates (RECs) from geothermal heating and cooling systems, as defined in § 56-576 of the Code of Virginia, as amended by this act, placed in service after August 16, 2022, as a percentage of the number of RECs used for RPS program compliance. The work group shall include representatives from the geothermal industry, Phase I and Phase II Utilities, the Department of Energy, environmental advocacy organizations, environmental justice organizations, consumer advocates, and other interested stakeholders. The Commission shall report the findings and recommendations of the work group to the Chairmen of the Senate Committee on Commerce and Labor, the House Committee on Labor and Commerce, and the Commission on Electric Utility Regulation no later than December 1, 2024.

3. That the provisions of the first enactment of this act shall become effective on January 1, 2025.

CHAPTER 598

An Act to amend and reenact § 54.1-2800 of the Code of Virginia, relating to funeral services; transportation protection agreements.

[S 513]

Approved April 5, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 54.1-2800 of the Code of Virginia is amended and reenacted as follows:

§ 54.1-2800. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Advertisement" means any information disseminated or placed before the public.

"At-need" means at the time of death or while death is imminent.

"Board" means the Board of Funeral Directors and Embalmers.

"Cremate" means to reduce a dead human body to ashes and bone fragments by the action of fire.

"Cremator" means a person or establishment that owns or operates a crematory or crematorium or cremates dead human bodies.

"Crematory" or "crematorium" means a facility containing a furnace for cremation of dead human bodies.

"Embalmer" means any person engaged in the practice of embalming.

"Embalming" means the process of chemically treating the dead human body by arterial injection and cavity treatment or, when necessary, hypodermic tissue injection to reduce the presence and growth of microorganisms to temporarily retard organic decomposition.

"Funeral directing" means the for-profit profession of directing or supervising funerals, preparing human dead for burial by means other than embalming, or making arrangements for funeral services or the financing of funeral services.

"Funeral director" means any person engaged in the practice of funeral directing.

"Funeral service establishment" means any main establishment, branch, or chapel that is permanently affixed to the real estate and for which a certificate of occupancy has been issued by the local building official where any part of the profession of funeral directing, the practice of funeral services, or the act of embalming is performed.

"Funeral service intern" means a person who is preparing to be licensed for the practice of funeral services under the direct supervision of a practitioner licensed by the Board.

"Funeral service licensee" means a person who is licensed in the practice of funeral services.

"In-person communication" means face-to-face communication and telephonic communication.

"Next of kin" means any of the following persons, regardless of the relationship to the decedent: any person designated to make arrangements for the disposition of the decedent's remains upon his death pursuant to § 54.1-2825, the legal spouse, child aged 18 years or older, parent of a decedent aged 18 years or older, custodial parent or noncustodial parent of a decedent younger than 18 years of age, siblings over 18 years of age, guardian of minor child, guardian of minor siblings, maternal grandparents, paternal grandparents, maternal siblings over 18 years of age and paternal siblings over 18 years of age, or any other relative in the descending order of blood relationship.

"Practice of funeral services" means engaging in the care and disposition of the human dead, the preparation of the human dead for the funeral service, burial or cremation, the making of arrangements for the funeral service or for the financing of the funeral service and the selling or making of financial arrangements for the sale of funeral supplies to the public.

"Preneed" means at any time other than at-need.

"Preneed funeral contract" means any agreement where payment is made by the consumer prior to the receipt of services or supplies contracted for, which evidences arrangements prior to death for (i) the providing of funeral services or (ii) the sale of funeral supplies. *"Preneed funeral contract" does not include transportation protection agreements.*

"Preneed funeral planning" means the making of arrangements prior to death for (i) the providing of funeral services or (ii) the sale of funeral supplies.

"Solicitation" means initiating contact with consumers with the intent of influencing their selection of a funeral plan or funeral service provider.

"Transportation protection agreement" means an agreement that provides for the coordination and arranging of all professional services related to transportation of human remains or cremated remains beyond the distance stated in the preneed funeral contract.

CHAPTER 599

An Act to direct the Department of Taxation and Commission on Local Government to assess the need for income tax relief in certain double distressed localities in the Commonwealth.

[S 564]

Approved April 5, 2024

Be it enacted by the General Assembly of Virginia:

1. *§ 1. That the Department of Taxation and the Commission on Local Government (the Commission) shall assess the need for income tax relief in double distressed localities across the Commonwealth that have suffered a significant loss of population since 2013. For purposes of this act, "double distressed locality" means a Virginia locality (i) with an annual unemployment rate for the most recent calendar year for which such data is available as of December 31, 2023, that is greater than the final statewide average unemployment rate for that calendar year and (ii) with a poverty rate for the most recent calendar year for which such data is available as of December 31, 2023, that exceeds the statewide average poverty rate for that calendar year. The assessment shall include (a) determining the cost-of-living increase experienced in such localities over the past decade, (b) determining whether income tax relief would alleviate population loss and fiscal distress in such localities, and (c) investigating tax policy options to alleviate the burden of income taxes on populations in double distressed localities that have suffered a significant loss of population since 2013. The Department of Taxation and the Commission shall collaborate with relevant stakeholders in double distressed localities in conducting their assessment. The Department of Taxation and the Commission shall report their recommendations to the Governor and the Chairmen of the Senate Committee on Finance and Appropriations and the House Committees on Finance and Appropriations by November 1, 2024.*

CHAPTER 600

An Act to amend and reenact § 64.2-800 of the Code of Virginia, relating to trusts; release or ratification of trustee by beneficiary.

[S 566]

Approved April 5, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 64.2-800 of the Code of Virginia is amended and reenacted as follows:

§ 64.2-800. Beneficiary's consent, release, or ratification.

A. A trustee is not liable to a beneficiary for breach of trust if the beneficiary consented to the conduct constituting the breach, released the trustee from liability for the breach, or ratified the transaction constituting the breach, unless:

1. The consent, release, or ratification of the beneficiary was induced by improper conduct of the trustee; or

2. At the time of the consent, release, or ratification, the beneficiary did not know of the beneficiary's rights or of the material facts relating to the breach.

B. A beneficiary shall be deemed to have released a trustee and ratified all actions of a trustee for the administration of the trust if, when the trust terminates or the trustee ceases to serve:

1. The trustee sends the beneficiary the following:

a. A report as described in subsection C of § 64.2-775, for the immediately preceding two years;

b. The amount of any taxes, expenses, or fees, including trustee fees and any reserves, remaining to be paid;

c. Notice that (i) the trust is terminating or that the trustee is ceasing to serve; (ii) if the beneficiary does not object in writing to the trustee within 60 days after the trustee sent the notice and information, the beneficiary shall be deemed to

have released the trustee and ratified all actions of the trustee; and (iii) the trustee is unaware of any undisclosed information that could give rise to a claim by the beneficiary; and

d. If the trust is terminating, a description of any trust property or interests reasonably anticipated but not yet received and a proposal for distribution; and

2. The beneficiary does not notify the trustee of the beneficiary's objection in writing within 60 days after the trustee sent the notice and information pursuant to subdivision 1.

C. The provisions of subsection B shall not apply to a transaction pursuant to Article 8.1 (§ 64.2-779.1 et seq.) of Chapter 7.

D. In the event the trustee is not released and his actions ratified pursuant to the process provided by subsection B, the trustee shall not be precluded from obtaining a release of liability by another permitted method.

E. When a trustee complies with the provisions of subsection B, has received no objection or has resolved any objection, and distributes the assets of a terminating trust to a beneficiary or to a successor trustee, such action shall have the same legal and preclusive effect as if a court had entered a final order approving the trustee's final account or approving the trustee's interim accounts. A beneficiary or other party who received the notice and statements and either consented or did not object shall be prohibited from bringing a claim against the trustee.

CHAPTER 601

An Act to direct the Behavioral Health Commission to study how to effectively align current civil admissions laws and processes with new behavioral health and crisis response services and resources in the Commonwealth; report.

[S 574]

Approved April 5, 2024

Be it enacted by the General Assembly of Virginia:

1. *§ 1. That the Behavioral Health Commission shall study how to effectively align current civil admissions laws and processes, including those processes related to licensing, regulations, training, and reimbursement that may need to change to better achieve alignment, with new behavioral health and crisis response services and resources in the Commonwealth. In conducting its work, the Behavioral Health Commission shall convene a work group including (i) mental health consumers; (ii) representatives from (a) public and private behavioral health providers; (b) law-enforcement agencies, including the Virginia Sheriffs' Association and the Virginia Association of Chiefs of Police; (c) advocacy groups such as the disAbility Law Center of Virginia; (d) academic centers such as the Institute of Law, Psychiatry and Public Policy at the University of Virginia; (e) community services boards; (f) executive branch agencies such as the Department of Medical Assistance Services and the Department of Behavioral Health and Developmental Services; and (g) the Office of the Executive Secretary of the Supreme Court of Virginia; and (iii) the Governor of Virginia or his designee. The Behavioral Health Commission shall make recommendations for any statutory, regulatory, licensing, training, and reimbursement changes related to Virginia's current civil admissions process that may be needed to fully leverage crisis services and shall report such recommendations to the Chairmen of the Senate Committee for Courts of Justice, the Senate Committee on Rehabilitation and Social Services, and the House Committee for Courts of Justice by July 1, 2025.*

CHAPTER 602

An Act to amend and reenact § 55.1-2216 of the Code of Virginia, relating to Virginia Real Estate Time-Share Act; partial termination of certain time-shares.

[S 600]

Approved April 5, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 55.1-2216 of the Code of Virginia is amended and reenacted as follows:

§ 55.1-2216. Termination of certain time-shares.

A. This section applies to all time-share estate programs and, when provided by the time-share instrument, to time-share use programs.

B. A time-share project may be terminated in whole *or in part* by the developer ~~at~~ *or the association:*

1. At any time and for any reason if such developer *or association* is the sole owner of all time-shares within the time-share project*, or in the case of a partial termination, is the sole owner of all time-shares within the phase, building, or other independent division being terminated and if the developer or association, or its managing agent, certifies in the partial termination agreement that such partial termination will not materially and adversely affect the rights of the remaining time-share owners, nor reduce the time-share program's ability to satisfy the occupancy rights of the remaining time-share owners using the units in the phases, buildings, or other interdependent divisions of the project that are not subject to termination and describes any amendment to the time-share instrument necessary for the developer or association, or its managing agent, to make such certification*. ~~Such~~ *Any such* termination shall be accomplished by the developer *or the association* executing and recording a termination ~~document~~ *agreement or partial termination agreement*

where the time-share instrument is recorded*, along with any amendment to the time-share instrument necessary to accurately describe the surviving time-share project and satisfy therefrom the occupancy rights of the remaining time-share owners*.

~~Time-shares subject to this section also may be terminated by~~ *2. By* written *termination* agreement *or by vote* of the time-share owners having at least 51 percent of the time-shares or by *a* written *termination* agreement *or vote* of such larger percentage of the time-share owners as may otherwise be provided in the time-share instrument. The termination agreement shall specify a date upon which it shall become void, unless it is recorded before that date in the clerk's office of the appropriate court where the time-share project is located.

C. *1.* If the termination agreement*, or association vote authorizing the same,* sets forth the material terms of a contract or proposed contract under which an estate or interests equal to the sum of the time-shares are to be sold and designates a trustee to effect the sale, the termination agreement becomes effective upon recordation, and title to that estate or interest vests upon ~~termination~~ *such recordation* in the trustee for the benefit of the *affected* time-share owners, to be transferred *by the trustee to the purchaser* pursuant to the contract. *In a partial termination, the termination agreement shall also (i) include an explanation of the purpose of the partial termination to establish the manner in which it supports the enforcement and protection of existing interests and rights; (ii) identify the units and common areas that will survive the partial termination; (iii) provide that such units and common areas remain in the time-share form of ownership pursuant to an amendment to the time-share instrument or an amended and restated time-share instrument; and (iv) in the event that the terminated property will continue to have access, use rights, parking rights, or other rights in the remaining time-share project, provide the circumstances and details regarding such use and access, including how costs will be shared. If the termination agreement requires that any property in the time-share project be sold or otherwise disposed of following termination, title to the property, upon recordation of the termination agreement, shall vest in the association as trustee for the benefit of the affected time-share owners. Thereafter, the association shall have all powers necessary and appropriate to effect the sale or disposition of such property. In a partial termination, title to the surviving units and common areas that remain part of the time-share project specified in the termination agreement shall remain vested in the ownership shown in the public records and shall not vest in the termination trustee.*

2. If the termination agreement does not set forth the material terms of a contract or proposed contract under which an estate or interests equal to the sum of the time-shares are to be sold ~~and designates a trustee to effect the sale~~, the termination agreement becomes effective upon recordation, and title to an estate or interests equal to the sum of the time-shares therein vests upon ~~termination~~ *recordation* in the *affected* time-share owners in proportion to their respective interests as provided in subsection F. Liens on the time-shares shall accordingly encumber the respective interests; and in this instance*,* any co-owner of that estate or interest may maintain an action for partition or for allotment or sale in lieu of partition pursuant to the laws of the Commonwealth.

D. *1.* Except as otherwise specified in the termination agreement, so long as the former time-share owners or their trustee holds title to the estate or interests equal to the sum of the time-shares, each former time-share owner and his successor in interest have the same rights with respect to the use, enjoyment, and occupancy in the former time-share unit that such former time-share owner and his successor in interest would have had if termination had not occurred, together with the same liabilities and other obligations imposed by this act or the time-share instrument.

2. The approval of a plan of termination shall not terminate the association. Until the termination has been concluded and the proceeds of any sale have been distributed, the association shall continue in existence with all of the powers that the association had prior to termination. In a partial termination, the association shall continue in the performance of its duties as the time-share association for the property that remains subject to the time-share program. The termination or partial termination of a time-share project shall not bar the filing of a new time-share instrument by the association, the termination trustee, or a successor in interest for the terminated property or any portion thereof.

E. After termination of all *or a part of the* time-shares in a time-share project and adequate provision for payment of the claims of the creditors for time-share expenses, distribution shall be made, in proportion to their respective interests as provided in subsection F, to the former time-share owners and their successors in interest of (i) the proceeds of any sale pursuant to this section, (ii) the proceeds of any *sale of* personalty held for the use and benefit of the former time-share owners, and (iii) any other funds held for the use and benefit of the former time-share owners.

F. The time-share instrument may specify the respective fractional or percentage interest that will be owned by each former time-share owner after termination, in accordance with the provisions of this section. Otherwise, not more than 180 days prior to the termination, an appraisal shall be made of the fair market value of each time-share by one or more impartial qualified appraisers selected either by the trustee designated in the termination agreement or by the managing entity if no trustee was so designated. The appraisal shall also state the corresponding fractional or percentage interests calculated in proportion to those values and in accordance with this subsection. A notice stating all of those values and corresponding interests and the return address of the sender shall be sent by certified or registered mail, by the managing entity or the trustee designated in the termination agreements, to all of the time-share owners. The appraisal governs the magnitude of each interest unless (i) at least 25 percent of the time-share owners deliver, within 60 days after the date the notices were mailed, written disapprovals to the return address of the sender of the notice or (ii) the final judgment of a court of competent jurisdiction, entered during or after that period, holds that the appraisal should be set aside. The appraisal and the calculation of interests shall be made in accordance with the following:

1. If the termination agreement sets forth the material terms of a contract or proposed contract for the sale of the estate or interests equal to the sum of the time-shares, each time-share conferring a right of occupancy during a limited number of time periods shall be appraised as if the time until the date specified for the conveyance of the property had already elapsed. Otherwise, each time-share of that kind shall be appraised as if the time until the date specified pursuant to subsection B had already elapsed.

2. The interest of each time-share owner is the value of the time-share he owned divided by the sum of the values of all time-shares in the unit or units to which his time-share applies.

G. Foreclosure or enforcement of a lien or encumbrance against all of the time-shares in a time-share project does not of itself terminate those time-shares.

H. Any legal challenge or action for damages or equitable relief arising out of any termination, in whole or in part, of a time-share project or program pursuant to this section shall be commenced within one year of the recordation of the termination agreement.

2. That the provisions of this act are effective retroactive in accordance with the provisions of § 55.1-2201 of the Code of Virginia.

CHAPTER 603

An Act to amend and reenact §§ 60.2-608, 60.2-613, 60.2-619, 60.2-620, 60.2-622, 60.2-623, 60.2-625, and 60.2-630 of the Code of Virginia and to repeal §§ 60.2-621 and 60.2-631 of the Code of Virginia, relating to Virginia Employment Commission; appeals proceedings; appeal tribunals and Board of Review; repeal.

[S 655]

Approved April 5, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 60.2-608, 60.2-613, 60.2-619, 60.2-620, 60.2-622, 60.2-623, 60.2-625, and 60.2-630 of the Code of Virginia are amended and reenacted as follows:

§ 60.2-608. Child support intercept of unemployment benefits.

A. Any individual filing a new claim for unemployment compensation shall, at the time of filing such claim, disclose whether or not the individual owes child support obligations as defined under subsection G of this section. If any such individual discloses that he or she owes child support obligations, and is determined to be eligible for unemployment compensation, the Commission shall notify the state or local child support enforcement agency enforcing such obligation that the individual has been determined to be eligible for unemployment compensation.

B. The Commission shall deduct and withhold the following from any unemployment compensation payable to such an individual:

1. The amount specified by the individual to the Commission to be deducted and withheld under this subsection, if neither the provisions of subdivision 2 of this subsection nor the provisions of subdivision 3 of this subsection are applicable;

2. The amount, if any, determined pursuant to an agreement submitted to the Commission under § 454 (20) (B) (i) of the Social Security Act by the state or local child support enforcement agency, unless the provisions of subdivision 3 of this subsection are applicable; or

3. Any amount otherwise required to be so deducted and withheld from such unemployment compensation pursuant to legal process, as defined in § 462 (e) of the Social Security Act, properly served upon the Commission.

C. Any amount deducted and withheld under subsection B shall be paid by the Commission to the appropriate state or local child support enforcement agency.

D. Any amount deducted and withheld under subsection B shall be treated as if it were paid to the individual as unemployment compensation and paid by such individual to the state or local child support enforcement agency in satisfaction of the individual's child support obligations.

E. For purposes of subsections A through D of this section, "unemployment compensation" means any compensation payable under this title, including amounts payable by the Commission pursuant to an agreement under any federal law providing for compensation, assistance, or allowances with respect to unemployment.

F. This section applies only if appropriate arrangements have been made for reimbursement by the state or local child support enforcement agency for the administrative costs incurred by the Commission under this section which are attributable to child support obligations being enforced by the state or local child support enforcement agency.

G. The term "child support obligations" as defined for purposes of this section includes only obligations which are being enforced pursuant to a plan described in § 454 of the Social Security Act which has been approved by the Secretary of Health and Human Services under Part D of Title IV (42 U.S.C. 651 et seq.) of the Social Security Act.

H. The term "state or local child support enforcement agency" as used in this section means any agency of any state or a political subdivision thereof operating pursuant to a plan described in subsection G of this section.

I. Any determination issued under subsection B shall be final.

§ 60.2-613. Benefits not denied to individuals in training with approval of Commission.

A. No otherwise eligible individual shall be denied benefits for any week because he is in training with the approval of the Commission, including training under § 134 of the Workforce ~~Investment~~ *Innovation and Opportunity* Act, nor shall such individual be denied benefits for any week in which he is in training with the approval of the Commission, including training under § 134 of the Workforce ~~Investment~~ *Innovation and Opportunity* Act, by reason of the application of the provisions in subdivision A 7 of § 60.2-612 relating to availability for work, or the provisions of subdivision 3 of § 60.2-618 relating to failure to apply for, or a refusal to accept, suitable work.

B. Notwithstanding any other provisions of this chapter, no otherwise eligible individual shall be denied benefits for any week because he is in training approved under § 2296 of the Trade Act (19 U.S.C. § 2101 et seq.), nor shall such individual be denied benefits by reason of leaving work to enter such training, provided the work left is not suitable employment, or because of the application to any such week in training of provisions in this law (or any applicable federal unemployment compensation law), relating to availability for work, active search for work, or refusal to accept work.

C. For purposes of this section, "suitable employment" means, with respect to an individual, work of a substantially equal or higher skill level than the individual's past adversely affected employment, as defined for purposes of the Trade Act, and wages for such work at not less than eighty percent of the individual's average weekly wage as determined for the purposes of the Trade Act.

§ 60.2-619. Determinations and decisions by deputy; appeals therefrom.

A. 1. A representative designated by the Commission as a deputy, shall promptly examine the claim. On the basis of the facts found by him, the deputy shall either:

a. Determine whether or not such claim is valid, and if valid, the week with respect to which benefits shall commence, the weekly benefit amount payable and the maximum duration thereof; or

b. Refer such claim or any *relevant* question ~~involved therein~~ to ~~any appeal tribunal~~ *the Commission's Administrative Law Division's Office of First Level Appeals* or to the Commission, which ~~tribunal or Commission~~ shall make its determination in accordance with the procedure described in § 60.2-620.

2. When the payment or denial of benefits will be determined by the provisions of subdivision A 2 of § 60.2-612, the deputy shall promptly transmit his full finding of fact with respect to that subdivision to ~~any appeal tribunal~~ *the Commission's Administrative Law Division's Office of First Level Appeals*, which shall make its determination in accordance with the procedure described in § 60.2-620.

B. Upon the filing of an initial claim for benefits, the Commission shall cause an informatory notice of such filing to be mailed to the most recent 30-day or 240-hour employing unit of the claimant and all subsequent employing units, and any reimbursable employing units which may be liable for reimbursement to the Commission for any benefits paid. However, the failure to furnish such notice shall not have any effect upon the claim for benefits.

C. Notice of determination upon a claim shall be promptly given to the claimant by delivering or by mailing such notice to the claimant's last known address. In addition, notice of any determination which involves the application of the provisions of § 60.2-618, together with the reasons therefor, shall be promptly given in the same manner to the most recent 30-day or 240-hour employing unit by whom the claimant was last employed and any subsequent employing unit which is a party. The Commission may dispense with the giving of notice of any determination to any employing unit, and such employing unit shall not be entitled to such notice if it has failed to respond timely or adequately to a written request of the Commission for information, as required by § 60.2-528.1, from which the deputy may have determined that the claimant may be ineligible or disqualified under any provision of this title. The deputy shall promptly notify the claimant of any decision made by him at any time which in any manner denies benefits to the claimant for one or more weeks.

D. Such determination or decision shall be final unless the claimant or any such employing unit files an appeal from such determination or decision ~~(i) within 30 calendar days after the delivery of such notification, (ii)~~ within 30 calendar days after such notification was mailed *or, if the party elects to receive electronic communications pursuant to § 60.2-121.1, electronically delivered* to his last known address~~, or (iii) within 30 days after such notification was mailed to the last known address of an interstate claimant~~. *Electronic delivery shall include confirmation of receipt.* For good cause shown, the 30-day period may be extended. A claim that the Commission has determined to be invalid because of monetary ineligibility shall first be subject to review only upon a request for redetermination pursuant to § 60.2-629. The Commission shall issue a new monetary determination as a result of such review, and such monetary determination shall become final unless appealed by the claimant within 30 days of the date of mailing. The Commission shall clearly set out the process for requesting a redetermination and the process for filing an appeal on each monetary determination issued. Monetary ineligibility does not include an appeal on the effective date of the claim, unless the claimant has requested and received a redetermination of the monetary determination pursuant to § 60.2-629.

E. Benefits shall be paid promptly in accordance with a determination or redetermination under this chapter, or decision of ~~an appeal tribunal~~ *the Commission's Administrative Law Division's Office of First Level Appeals*, the Commission, ~~the Board of Review~~ or a reviewing court under ~~§§~~ *§* 60.2-625 ~~and 60.2-631~~ upon the issuance of such determination, redetermination*,* or decision, regardless of the pendency of the period to file an appeal or petition for judicial review that is provided in this chapter, or the pendency of any such appeal or review. Such benefits shall be paid unless or until such determination, redetermination*,* or decision has been modified or reversed by a subsequent redetermination or decision, in which event benefits shall be paid or denied for weeks of unemployment thereafter in accordance with such modifying or reversing redetermination or decision. If a decision of ~~an appeal tribunal~~ *the Commission's Administrative Law Division's Office of First Level Appeals* allowing benefits is affirmed in any amount by the Commission, benefits shall

continue to be paid until such time as a court decision has become final so that no further appeal can be taken. If an appeal is taken from the Commission's decision, benefits paid shall result in a benefit charge to the account of the employer under § 60.2-530 only when, and as of the date on which, as the result of an appeal, the courts finally determine that the Commission should have awarded benefits to the claimant or claimants involved in such appeal.

§ 60.2-620. Hearing and decision on appeal.

A. Appeals filed under § 60.2-619 shall be heard by ~~an appeal tribunal appointed pursuant to § 60.2-621~~ *the Commission's Administrative Law Division's Office of First Level Appeals*. Such ~~appeal tribunal~~ *office*, after affording the claimant and any other parties reasonable opportunity for a fair hearing, shall have jurisdiction to consider all issues with respect to the claim since the initial filing thereof. Such ~~tribunal~~ *office* shall affirm, set aside, reverse, modify, or alter the findings of fact and decision of the deputy, and may enter such order or decision with respect to the claim as such ~~appeal tribunal~~ *office* finds should have been entered. However, no such order or decision shall affect benefits already paid except in accordance with the provisions of § 60.2-633.

B. The parties shall be duly notified of such ~~tribunal's~~ *office's* decision, together with its reasons therefor, which shall be deemed to be the final decision of the Commission, unless within thirty days after the date of notification or mailing of such decision, further appeal is initiated pursuant to § 60.2-622. However, for good cause shown the thirty-day period may be extended.

§ 60.2-622. Commission review.

A. The Commission (i) may on its own motion affirm, modify, or set aside any decision of an ~~appeal tribunal~~ *appeals examiner* on the basis of the evidence previously submitted in such case, or direct the taking of additional evidence by an ~~appeal tribunal~~ *appeals examiner*, or receive such evidence itself, or (ii) shall permit any of the parties to such decision to initiate further appeals before it. The Commission may remove to itself or transfer to another ~~appeal tribunal~~ *appeals examiner* the proceedings on any claim pending before an ~~appeal tribunal~~ *appeals examiner*. Any proceeding so removed to the Commission shall be heard in accordance with the requirements of § 60.2-620. The Commission shall promptly notify the interested parties of its findings and decision.

B. 1. Any decision of the Commission, upon a hearing on appeal, shall become final 10 days after the date of notification or mailing, and judicial review shall be permitted the claimant or any interested party claiming to be aggrieved. The Commission shall be deemed to be a party to any judicial action involving any such decision, and shall be represented in any such judicial action by the Office of the Attorney General.

2. Any such decision by the Commission involving (i) whether an employing unit constitutes an employer or (ii) whether services performed for or in connection with business of an employing unit constitute employment for such employing unit, from which no judicial review is had pursuant to subsections C and D of § 60.2-500, shall be conclusive in any subsequent judicial proceedings involving liability for taxes by the Commission against any employing unit which was a party to the proceedings held before the Commission.

C. The Commissioner shall have the power to designate a special examiner to hear appeals to the Commission under this section. The Commissioner may authorize and empower such special examiner to decide any appeal so heard, in which event the decision of the special examiner shall be the final decision of the Commission under this section, subject to judicial review under § 60.2-625.

§ 60.2-623. Procedure generally; confidentiality of information.

A. The manner in which disputed claims shall be presented, reports required from the claimant and from employers, the conduct of hearings and appeals before any deputy, ~~appeal tribunal~~ *appeals examiner,* or the Commission, and transcripts prepared shall be in accordance with regulations prescribed by the Commission for determining the rights of the parties. Such regulations need not conform to common law or statutory rules of evidence and other technical rules of procedure. A full and complete record shall be kept of all proceedings in connection with a disputed claim. All testimony at any hearing upon a disputed claim shall be recorded, but need not be transcribed unless the disputed claim is further appealed and a timely request for a hearing before the Commission has been made in accordance with regulations prescribed by the Commission. In lieu of providing a transcript, and with the consent of all parties who participated in the hearing, the Commission may provide a digital or other electronic recording of the testimony taken at any hearing, which recording may be transmitted in any medium provided that the recording is protected from unauthorized interception by reasonable security measures.

B. Information furnished the Commission under the provisions of this chapter shall not be published or be open to public inspection, other than to public employees in the performance of their public duties. Neither such information, nor any determination or decision rendered under the provisions of § 60.2-619, 60.2-620 or 60.2-622, shall be used in any judicial or administrative proceeding other than one arising out of the provisions of this title; however, the Commission shall make its records about a claimant available to the Workers' Compensation Commission if it requests such records. The Commission may also, in its discretion, furnish copies of the transcript of hearings to any party.

C. Notwithstanding the provisions of subsection B, the Commission shall, on a reimbursable basis, furnish wage and unemployment compensation information contained in its records to the Secretary of Health and Human Services and Virginia's child support enforcement agency for their use as necessary for the purposes of the National Directory of New Hires established under § 453 (i) of the Social Security Act.

D. Notwithstanding the provisions of subsection B, the Commission shall, upon written request, furnish any agency or political subdivision of the Commonwealth such information as it may require for the purpose of collecting fines, penalties,

and costs owed to the Commonwealth or its political subdivisions. Such information shall not be published or used in any administrative or judicial proceeding, except in matters arising out of the collection of fines, penalties, and costs owed to the Commonwealth or its political subdivisions.

§ 60.2-625. Judicial review.

A. Within thirty days after the decision of the Commission upon a hearing pursuant to § 60.2-622 has been mailed, any party aggrieved who seeks judicial review shall commence an action in the circuit court of the county or city in which the individual who filed the claim was last employed. In such action against the Commission, the Commission and any other party to the administrative procedures before the Commission shall be named a defendant in a petition for judicial review. Such petition shall also state the grounds upon which a review is sought; it shall be served upon a member of the Commission or upon such person as the Commission may designate, and such service shall be deemed completed service on all parties. There shall be left with the party so served as many copies of the petition as there are defendants, and the Commission shall forthwith mail one such copy to each such defendant. With its answer, the Commission shall certify and file with the court all documents and papers and a transcript of all testimony taken in the matter, together with its findings of fact and decision therein. In any judicial proceedings under this chapter, the findings of the Commission as to the facts, if supported by evidence and in the absence of fraud, shall be conclusive, and the jurisdiction of the court shall be confined to questions of law. Such actions and the questions so certified shall be heard in a summary manner at the earliest possible date. An appeal may be taken from the decision of the court to the Court of Appeals in conformity with Part Five A of the Rules of Supreme Court and other applicable laws.

B. From any circuit court decision involving (i) the provisions of § 60.2-612 or § 60.2-618, (ii) whether an employing unit constitutes an employer or (iii) whether services performed for or in connection with the business of an employing unit constitute employment for such employing unit, the Court of Appeals shall have jurisdiction to review such decision regardless of the amount involved in any claim for benefits. It shall not be necessary, in any proceeding under this chapter, to enter exceptions to the rulings of the Commission or an ~~appeal tribunal~~ *appeals examiner*, and no bond shall be required upon an appeal to any court. Upon the final determination of such judicial proceeding, the Commission shall administer the Unemployment Compensation Fund in accordance with such determination.

C. The Commission shall have the right to appeal a decision of a circuit court in any proceeding under this chapter.

§ 60.2-630. Authority to set aside or vacate determinations and decisions.

The Commission may, in its discretion, at any time before a determination or decision becomes final pursuant to ~~§§~~ *§* 60.2-619~~, 60.2-621,~~ or ~~§~~ 60.2-622, with good cause set aside or modify any such determination or decision.

2. That §§ 60.2-621 and 60.2-631 of the Code of Virginia are repealed.

CHAPTER 604

An Act to amend and reenact § 54.1-3804 of the Code of Virginia, relating to Board of Veterinary Medicine; powers and duties; veterinary satellite offices.

[S 663]

Approved April 5, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 54.1-3804 of the Code of Virginia is amended and reenacted as follows:

§ 54.1-3804. Specific powers of Board.

In addition to the powers granted in § 54.1-2400, the Board shall have the following specific powers and duties:

1. To establish essential requirements and standards for approval of veterinary programs.

2. To establish and monitor programs for the practical training of qualified students of veterinary medicine or veterinary technology in programs of veterinary medicine or veterinary technology at institutions of higher education.

3. To regulate, inspect, and register all establishments ~~and~~, premises*, and satellite offices* where veterinary medicine is practiced.

4. To establish requirements for the licensure of persons engaged in the practice of veterinary medicine, pursuant to § 54.1-3800, as part of a veterinary medical education program accredited by the American Veterinary Medical Association Council on Education and located in the Commonwealth.

2. That the Board of Veterinary Medicine shall promulgate regulations to implement the provisions of this act to be effective within 280 days of its enactment.

CHAPTER 605

An Act to amend and reenact § 15.2-2307 of the Code of Virginia, relating to vested rights; building permits.

[S 701]

Approved April 5, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 15.2-2307 of the Code of Virginia is amended and reenacted as follows:

§ 15.2-2307. Vested rights not impaired; nonconforming uses.

A. Nothing in this article shall be construed to authorize the impairment of any vested right. Without limiting the time when rights might otherwise vest, a landowner's rights shall be deemed vested in a land use and such vesting shall not be affected by a subsequent amendment to a zoning ordinance when the landowner (i) obtains or is the beneficiary of a significant affirmative governmental act which remains in effect allowing development of a specific project, (ii) relies in good faith on the significant affirmative governmental act, and (iii) incurs extensive obligations or substantial expenses in diligent pursuit of the specific project in reliance on the significant affirmative governmental act.

B. For purposes of this section and without limitation, the following are deemed to be significant affirmative governmental acts allowing development of a specific project: (i) the governing body has accepted proffers or proffered conditions which specify use related to a zoning amendment; (ii) the governing body has approved an application for a rezoning for a specific use or density; (iii) the governing body or board of zoning appeals has granted a special exception or use permit with conditions; (iv) the board of zoning appeals has approved a variance; (v) the governing body or its designated agent has approved a preliminary subdivision plat, site plan or plan of development for the landowner's property and the applicant diligently pursues approval of the final plat or plan within a reasonable period of time under the circumstances; (vi) the governing body or its designated agent has approved a final subdivision plat, site plan or plan of development for the landowner's property; or (vii) the zoning administrator or other administrative officer has issued a written order, requirement, decision or determination regarding the permissibility of a specific use or density of the landowner's property that is no longer subject to appeal and no longer subject to change, modification or reversal under subsection C of § 15.2-2311.

C. A zoning ordinance may provide that land, buildings, and structures and the uses thereof which do not conform to the zoning prescribed for the district in which they are situated may be continued only so long as the then existing or a more restricted use continues and such use is not discontinued for more than two years, and so long as the buildings or structures are maintained in their then structural condition; and that the uses of such buildings or structures shall conform to such regulations whenever, with respect to the building or structure, the square footage of a building or structure is enlarged, or the building or structure is structurally altered as provided in the Uniform Statewide Building Code (§ 36-97 et seq.). If a use does not conform to the zoning prescribed for the district in which such use is situated, and if (i) a business license was issued by the locality for such use and (ii) the holder of such business license has operated continuously in the same location for at least 15 years and has paid all local taxes related to such use, the locality shall permit the holder of such business license to apply for a rezoning or a special use permit without charge by the locality or any agency affiliated with the locality for fees associated with such filing. Further, a zoning ordinance may provide that no nonconforming use may be expanded, or that no nonconforming building or structure may be moved on the same lot or to any other lot which is not properly zoned to permit such nonconforming use.

D. Notwithstanding any local ordinance to the contrary, if (i) the local government has issued a building permit, the building or structure was thereafter constructed in accordance with the building permit, and upon completion of construction, the local government issued a certificate of occupancy or a use permit therefor, *(ii) a property owner, relying in good faith on the issuance of a building permit, incurs extensive obligations or substantial expenses in diligent pursuit of a building project that is in conformance with the building permit and the Uniform Statewide Building Code (§ 36-97 et seq.),* or ~~(ii)~~ *(iii)* the owner of the building or structure has paid taxes to the locality for such building or structure for a period of more than the previous 15 years, a zoning ordinance shall not provide that such building or structure is illegal and subject to removal solely due to such nonconformity. Such building or structure shall be nonconforming. A zoning ordinance may provide that such building or structure be brought in compliance with the Uniform Statewide Building Code, provided that to do so shall not affect the nonconforming status of such building or structure. If the local government has issued a permit, other than a building permit, that authorized construction of an improvement to real property and the improvement was thereafter constructed in accordance with such permit, the ordinance may provide that the improvements are nonconforming, but not illegal. If the structure is one that requires no permit, and an authorized local government official informs the property owner that the structure will comply with the zoning ordinance, and the improvement was thereafter constructed, a zoning ordinance may provide that the structure is nonconforming but shall not provide that such structure is illegal and subject to removal solely due to such nonconformity. In any proceeding when the authorized government official is deceased or is otherwise unavailable to testify, uncorroborated testimony of the oral statement of such official shall not be sufficient evidence to prove that the authorized government official made such statement.

E. A zoning ordinance shall permit the owner of any residential or commercial building damaged or destroyed by a natural disaster or other act of God to repair, rebuild, or replace such building to eliminate or reduce the nonconforming features to the extent possible, without the need to obtain a variance as provided in § 15.2-2310. If such building is damaged greater than 50 percent and cannot be repaired, rebuilt or replaced except to restore it to its original nonconforming condition, the owner shall have the right to do so. The owner shall apply for a building permit and any work done to repair, rebuild or replace such building shall be in compliance with the provisions of the Uniform Statewide Building Code (§ 36-97 et seq.) and any work done to repair, rebuild or replace such building shall be in compliance with the provisions of the local flood plain regulations adopted as a condition of participation in the National Flood Insurance Program. Unless such building is repaired, rebuilt or replaced within two years of the date of the natural disaster or other act of God, such building shall only be repaired, rebuilt or replaced in accordance with the provisions of the zoning ordinance of the locality. However, if the nonconforming building is in an area under a federal disaster declaration and the building has been damaged

or destroyed as a direct result of conditions that gave rise to the declaration, then the zoning ordinance shall provide for an additional two years for the building to be repaired, rebuilt or replaced as otherwise provided in this paragraph. For purposes of this section, "act of God" shall include any natural disaster or phenomena including a hurricane, tornado, storm, flood, high water, wind-driven water, tidal wave, earthquake or fire caused by lightning or wildfire. For purposes of this section, owners of property damaged by an accidental fire have the same rights to rebuild such property as if it were damaged by an act of God. Nothing herein shall be construed to enable the property owner to commit an arson under § 18.2-77 or 18.2-80, and obtain vested rights under this section.

F. Notwithstanding any local ordinance to the contrary, an owner of real property shall be permitted to replace an existing on-site sewage system for any existing building in the same general location on the property even if a new on-site sewage system would not otherwise be permitted in that location, unless access to a public sanitary sewer is available to the property. If access to a sanitary sewer system is available, then the connection to such system shall be required. Any new on-site system shall be installed in compliance with applicable regulations of the Department of Health in effect at the time of the installation.

G. Nothing in this section shall be construed to prevent a locality, after making a reasonable attempt to notify such property owner, from ordering the removal of a nonconforming sign that has been abandoned. For purposes of this section, a sign shall be considered abandoned if the business for which the sign was erected has not been in operation for a period of at least two years. Any locality may, by ordinance, provide that following the expiration of the two-year period any abandoned nonconforming sign shall be removed by the owner of the property on which the sign is located, if notified by the locality to do so. If, following such two-year period, the locality has made a reasonable attempt to notify the property owner, the locality through its own agents or employees may enter the property upon which the sign is located and remove any such sign whenever the owner has refused to do so. The cost of such removal shall be chargeable to the owner of the property. Nothing herein shall prevent the locality from applying to a court of competent jurisdiction for an order requiring the removal of such abandoned nonconforming sign by the owner by means of injunction or other appropriate remedy.

H. Nothing in this section shall be construed to prevent the land owner or home owner from removing a valid nonconforming manufactured home from a mobile or manufactured home park and replacing that home with another comparable manufactured home that meets the current HUD manufactured housing code. In such mobile or manufactured home park, a single-section home may replace a single-section home and a multi-section home may replace a multi-section home. The owner of a valid nonconforming mobile or manufactured home not located in a mobile or manufactured home park may replace that home with a newer manufactured home, either single- or multi-section, that meets the current HUD manufactured housing code. Any such replacement home shall retain the valid nonconforming status of the prior home.

CHAPTER 606

An Act to amend and reenact §§ 16.1-69.6:1 and 17.1-507 of the Code of Virginia, relating to the maximum number of judges in each judicial district and circuit.

[S 710]

Approved April 5, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 16.1-69.6:1 and 17.1-507 of the Code of Virginia are amended and reenacted as follows:

§ 16.1-69.6:1. Number of judges.

For the several judicial districts there shall be full-time general district court judges and juvenile and domestic relations district court judges, the maximum number as hereinafter set forth, who shall during their service reside within their respective districts, except as provided in § 16.1-69.16, and whose compensation and powers shall be the same as now and hereafter prescribed for general district court judges and juvenile and domestic relations district court judges.

The maximum number of judges of the districts shall be as follows:

	General District Court Judges	Juvenile and Domestic Relations District Court Judges
First	4	4
Second	7	6
Two-A	2	1
Third	2	3
Fourth	6	5
Fifth	3	2
Sixth	5	3
Seventh	4	4
Eighth	3	3

Ninth	3	4
Tenth	3	3
Eleventh	3	3
Twelfth	5	6
Thirteenth	6	5
Fourteenth	5	5
Fifteenth	8	9
Sixteenth	4	6
Seventeenth	3	2
Eighteenth	2	2
Nineteenth	12	8
Twentieth	4	~~3~~ *4*
Twenty-first	2	2
Twenty-second	3	4
Twenty-third	4	5
Twenty-fourth	3	6
Twenty-fifth	4	5
Twenty-sixth	5	7
Twenty-seventh	5	5
Twenty-eighth	3	3
Twenty-ninth	2	3
Thirtieth	2	3
Thirty-first	5	~~5~~ *6*

The election or appointment of any district judge shall be subject to the provisions of § 16.1-69.9:3.

§ 17.1-507. Maximum number of judges; residence requirement; compensation; powers; etc.

A. For the several judicial circuits there shall be judges, the maximum number as hereinafter set forth, who shall during their service reside within their respective circuits and whose compensation and powers shall be the same as now and hereafter prescribed for circuit judges.

The maximum number of judges of the circuits shall be as follows:

First — ~~5~~ *6*
Second — 8
Third — 4
Fourth — 8
Fifth — 4
Sixth — 3
Seventh — 5
Eighth — 3
Ninth — ~~4~~ *5*
Tenth — 4
Eleventh — 3
Twelfth — 6
Thirteenth — 7
Fourteenth — 5
Fifteenth — ~~11~~ *12*
Sixteenth — 6
Seventeenth — 4
Eighteenth — 3
Nineteenth — 15
Twentieth — 5
Twenty-first — 3
Twenty-second — 4
Twenty-third — 5
Twenty-fourth — 6

Twenty-fifth — ~~6~~ *7*
Twenty-sixth — 8
Twenty-seventh — 6
Twenty-eighth — 4
Twenty-ninth — 5
Thirtieth — 4
Thirty-first — 7

B. No additional circuit court judge shall be authorized or provided for any judicial circuit until the Judicial Council has made a study of the need for such additional circuit court judge and has reported its findings and recommendations to the House Committee for Courts of Justice and the Senate Committee ~~on the Judiciary~~ *for Courts of Justice*. The boundary of any judicial circuit shall not be changed until a study has been made by the Judicial Council and a report of its findings and recommendations made to said Committees.

C. If the Judicial Council finds the need for an additional circuit court judge after a study is made pursuant to subsection B, the study shall be made available to the Compensation Board and the House Committee for Courts of Justice and the Senate Committee ~~on the Judiciary~~ *for Courts of Justice* and *the Judicial* Council shall publish notice of such finding in a publication of general circulation among attorneys licensed to practice in the Commonwealth. The Compensation Board shall make a study of the need to provide additional courtroom security and deputy court clerk staffing. This study shall be reported to the House Committee for Courts of Justice and the Senate Committee ~~on the Judiciary~~ *for Courts of Justice*, and to the Department of Planning and Budget.

CHAPTER 607

An Act to amend and reenact §§ 56-576 and 56-585.7 of the Code of Virginia, relating to electric utilities; energy efficiency programs; on-bill tariff program.

[S 737]

Approved April 5, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 56-576 and 56-585.7 of the Code of Virginia are amended and reenacted as follows:

§ 56-576. Definitions.

As used in this chapter:

"Affiliate" means any person that controls, is controlled by, or is under common control with an electric utility.

"Aggregator" means a person that, as an agent or intermediary, (i) offers to purchase, or purchases, electric energy or (ii) offers to arrange for, or arranges for, the purchase of electric energy, for sale to, or on behalf of, two or more retail customers not controlled by or under common control with such person. The following activities shall not, in and of themselves, make a person an aggregator under this chapter: (i) furnishing legal services to two or more retail customers, suppliers or aggregators; (ii) furnishing educational, informational, or analytical services to two or more retail customers, unless direct or indirect compensation for such services is paid by an aggregator or supplier of electric energy; (iii) furnishing educational, informational, or analytical services to two or more suppliers or aggregators; (iv) providing default service under § 56-585; (v) engaging in activities of a retail electric energy supplier, licensed pursuant to § 56-587, which are authorized by such supplier's license; and (vi) engaging in actions of a retail customer, in common with one or more other such retail customers, to issue a request for proposal or to negotiate a purchase of electric energy for consumption by such retail customers.

"Business park" means a land development containing a minimum of 100 contiguous acres classified as a Tier 4 site under the Virginia Economic Development Partnership's Business Ready Sites Program that is developed and constructed by a locality, an industrial development authority, or a similar political subdivision of the Commonwealth created pursuant to § 15.2-4903 or other act of the General Assembly, in order to promote business development.

"Combined heat and power" means a method of using waste heat from electrical generation to offset traditional processes, space heating, air conditioning, or refrigeration.

"Commission" means the State Corporation Commission.

"Community in which a majority of the population are people of color" means a U.S. Census tract where more than 50 percent of the population comprises individuals who identify as belonging to one or more of the following groups: Black, African American, Asian, Pacific Islander, Native American, other non-white race, mixed race, Hispanic, Latino, or linguistically isolated.

"Cooperative" means a utility formed under or subject to Chapter 9.1 (§ 56-231.15 et seq.).

"Covered entity" means a provider in the Commonwealth of an electric service not subject to competition but does not include default service providers.

"Covered transaction" means an acquisition, merger, or consolidation of, or other transaction involving stock, securities, voting interests or assets by which one or more persons obtains control of a covered entity.

"Curtailment" means inducing retail customers to reduce load during times of peak demand so as to ease the burden on the electrical grid.

"Customer choice" means the opportunity for a retail customer in the Commonwealth to purchase electric energy from any supplier licensed and seeking to sell electric energy to that customer.

"Demand response" means measures aimed at shifting time of use of electricity from peak-use periods to times of lower demand by inducing retail customers to curtail electricity usage during periods of congestion and higher prices in the electrical grid.

"Distribute," "distributing," or "distribution of" electric energy means the transfer of electric energy through a retail distribution system to a retail customer.

"Distributor" means a person owning, controlling, or operating a retail distribution system to provide electric energy directly to retail customers.

"Electric distribution grid transformation project" means a project associated with electric distribution infrastructure, including related data analytics equipment, that is designed to accommodate or facilitate the integration of utility-owned or customer-owned renewable electric generation resources with the utility's electric distribution grid or to otherwise enhance electric distribution grid reliability, electric distribution grid security, customer service, or energy efficiency and conservation, including advanced metering infrastructure; intelligent grid devices for real time system and asset information; automated control systems for electric distribution circuits and substations; communications networks for service meters; intelligent grid devices and other distribution equipment; distribution system hardening projects for circuits, other than the conversion of overhead tap lines to underground service, and substations designed to reduce service outages or service restoration times; physical security measures at key distribution substations; cyber security measures; energy storage systems and microgrids that support circuit-level grid stability, power quality, reliability, or resiliency or provide temporary backup energy supply; electrical facilities and infrastructure necessary to support electric vehicle charging systems; LED street light conversions; and new customer information platforms designed to provide improved customer access, greater service options, and expanded access to energy usage information.

"Electric utility" means any person that generates, transmits, or distributes electric energy for use by retail customers in the Commonwealth, including any investor-owned electric utility, cooperative electric utility, or electric utility owned or operated by a municipality.

"Electrification" means measures that (i) electrify space heating, water heating, cooling, drying, cooking, industrial processes, and other building and industrial end uses that would otherwise be served by onsite, nonelectric fuels, provided that the electrification measures reduce site energy consumption; (ii) to the maximum extent practical, seek to combine with federally authorized customer rebates for heat pump technology; and (iii) for those measures that provide measurable and verifiable energy savings to low-income customers or elderly customers, to the maximum extent practical, seek to combine with either contemporaneously installed measures or previously installed measures that are or were provided under federally funded weatherization programs or state-provided, locality-provided, or utility-provided energy efficiency programs.

"Energy efficiency program" means a program that reduces the total amount of ~~electricity~~ *energy* that is required for the same process or activity implemented after the expiration of capped rates *but does not include electrification of any process or activity primarily fueled by natural gas*. Energy efficiency programs include equipment, physical, or program change designed to produce measured and verified reductions in the amount of ~~electricity~~ *site energy* required to perform the same function and produce the same or a similar outcome. Energy efficiency programs may include~~, but are not limited to,~~ (i) *electrification; (ii)* programs that result in improvements in lighting design, heating, ventilation, and air conditioning systems, appliances, building envelopes, and industrial and commercial processes; ~~(ii)~~ *(iii)* measures, such as ~~but not limited to~~ the installation of advanced meters, implemented or installed by utilities, that reduce fuel use or losses of electricity and otherwise improve internal operating efficiency in generation, transmission, and distribution systems; and ~~(iii)~~ *(iv)* customer engagement programs that result in measurable and verifiable energy savings that lead to efficient use patterns and practices. Energy efficiency programs include demand response, combined heat and power and waste heat recovery, curtailment, or other programs that are designed to reduce ~~electricity~~ *site energy* consumption so long as they reduce the total amount of ~~electricity~~ *site energy* that is required for the same process or activity. Utilities shall be authorized to install and operate such advanced metering technology and equipment on a customer's premises; however, nothing in this chapter establishes a requirement that an energy efficiency program be implemented on a customer's premises and be connected to a customer's wiring on the customer's side of the inter-connection without the customer's expressed consent. *Electricity consumption increases that result from Commission-approved electrification measures shall not be considered as a reduction in energy savings under the energy savings requirements set forth in subsection B of § 56-596.2. Utilities may apply verified total site energy reductions that are attributable to Commission-approved electrification measures to the energy savings requirements set forth in subsection B of § 56-596.2, subject to a conversion of British thermal unit-based energy savings to an equivalent kilowatt-hour-based energy savings, which conversion shall be subject to Commission approval.*

"Generate," "generating," or "generation of" electric energy means the production of electric energy.

"Generator" means a person owning, controlling, or operating a facility that produces electric energy for sale.

"Historically economically disadvantaged community" means (i) a community in which a majority of the population are people of color or (ii) a low-income geographic area.

"Incumbent electric utility" means each electric utility in the Commonwealth that, prior to July 1, 1999, supplied electric energy to retail customers located in an exclusive service territory established by the Commission.

"Independent system operator" means a person that may receive or has received, by transfer pursuant to this chapter, any ownership or control of, or any responsibility to operate, all or part of the transmission systems in the Commonwealth.

"In the public interest," for purposes of assessing energy efficiency programs, describes an energy efficiency program if the Commission determines that the net present value of the benefits exceeds the net present value of the costs as determined by not less than any three of the following four tests: (i) the Total Resource Cost Test; (ii) the Utility Cost Test (also referred to as the Program Administrator Test); (iii) the Participant Test; and (iv) the Ratepayer Impact Measure Test. Such determination shall include an analysis of all four tests, and a program or portfolio of programs shall be approved if the net present value of the benefits exceeds the net present value of the costs as determined by not less than any three of the four tests. If the Commission determines that an energy efficiency program or portfolio of programs is not in the public interest, its final order shall include all work product and analysis conducted by the Commission's staff in relation to that program, including testimony relied upon by the Commission's staff, that has bearing upon the Commission's decision. If the Commission reduces the proposed budget for a program or portfolio of programs, its final order shall include an analysis of the impact such budget reduction has upon the cost-effectiveness of such program or portfolio of programs. An order by the Commission (a) finding that a program or portfolio of programs is not in the public interest or (b) reducing the proposed budget for any program or portfolio of programs shall adhere to existing protocols for extraordinarily sensitive information. In addition, an energy efficiency program may be deemed to be "in the public interest" if the program (1) provides measurable and verifiable energy savings to low-income customers or elderly customers or (2) is a pilot program of limited scope, cost, and duration, that is intended to determine whether a new or substantially revised program or technology would be cost-effective.

"Low-income geographic area" means any locality, or community within a locality, that has a median household income that is not greater than 80 percent of the local median household income, or any area in the Commonwealth designated as a qualified opportunity zone by the U.S. Secretary of the Treasury via his delegation of authority to the Internal Revenue Service.

"Low-income utility customer" means any person or household whose income is no more than 80 percent of the median income of the locality in which the customer resides. The median income of the locality is determined by the U.S. Department of Housing and Urban Development.

"Measured and verified" means a process determined pursuant to methods accepted for use by utilities and industries to measure, verify, and validate energy savings and peak demand savings. This may include the protocol established by the United States Department of Energy, Office of Federal Energy Management Programs, Measurement and Verification Guidance for Federal Energy Projects, measurement and verification standards developed by the American Society of Heating, Refrigeration and Air Conditioning Engineers (ASHRAE), or engineering-based estimates of energy and demand savings associated with specific energy efficiency measures, as determined by the Commission.

"Municipality" means a city, county, town, authority, or other political subdivision of the Commonwealth.

"New underground facilities" means facilities to provide underground distribution service. "New underground facilities" includes underground cables with voltages of 69 kilovolts or less, pad-mounted devices, connections at customer meters, and transition terminations from existing overhead distribution sources.

"Peak-shaving" means measures aimed solely at shifting time of use of electricity from peak-use periods to times of lower demand by inducing retail customers to curtail electricity usage during periods of congestion and higher prices in the electrical grid.

"Percentage of Income Payment Program (PIPP) eligible utility customer" means any person or household whose income does not exceed 150 percent of the federal poverty level.

"Person" means any individual, corporation, partnership, association, company, business, trust, joint venture, or other private legal entity, and the Commonwealth or any municipality.

"Previously developed project site" means any property, including related buffer areas, if any, that has been previously disturbed or developed for non-single-family residential, non-agricultural, or non-silvicultural use, regardless of whether such property currently is being used for any purpose.

"Previously developed project site" includes a brownfield as defined in § 10.1-1230 or any parcel that has been previously used (i) for a retail, commercial, or industrial purpose; (ii) as a parking lot; (iii) as the site of a parking lot canopy or structure; (iv) for mining, which is any lands affected by coal mining that took place before August 3, 1977, or any lands upon which extraction activities have been permitted by the Department of Energy under Title 45.2; (v) for quarrying; or (vi) as a landfill.

"Qualified waste heat resource" means (i) exhaust heat or flared gas from an industrial process that does not have, as its primary purpose, the production of electricity and (ii) a pressure drop in any gas for an industrial or commercial process.

"Renewable energy" means energy derived from sunlight, wind, falling water, biomass, sustainable or otherwise, (the definitions of which shall be liberally construed), energy from waste, landfill gas, municipal solid waste, wave motion, tides, and geothermal power, and does not include energy derived from coal, oil, natural gas, or nuclear power. "Renewable energy" also includes the proportion of the thermal or electric energy from a facility that results from the co-firing of biomass. "Renewable energy" does not include waste heat from fossil-fired facilities or electricity generated from pumped storage but includes run-of-river generation from a combined pumped-storage and run-of-river facility.

"Renewable thermal energy" means the thermal energy output from (i) a renewable-fueled combined heat and power generation facility that is (a) constructed, or renovated and improved, after January 1, 2012, (b) located in the

Commonwealth, and (c) utilized in industrial processes other than the combined heat and power generation facility or (ii) a solar energy system, certified to the OG-100 standard of the Solar Ratings and Certification Corporation or an equivalent certification body, that (a) is constructed, or renovated and improved, after January 1, 2013, (b) is located in the Commonwealth, and (c) heats water or air for residential, commercial, institutional, or industrial purposes.

"Renewable thermal energy equivalent" means the electrical equivalent in megawatt hours of renewable thermal energy calculated by dividing (i) the heat content, measured in British thermal units (BTUs), of the renewable thermal energy at the point of transfer to a residential, commercial, institutional, or industrial process by (ii) the standard conversion factor of 3.413 million BTUs per megawatt hour.

"Renovated and improved facility" means a facility the components of which have been upgraded to enhance its operating efficiency.

"Retail customer" means any person that purchases retail electric energy for its own consumption at one or more metering points or nonmetered points of delivery located in the Commonwealth.

"Retail electric energy" means electric energy sold for ultimate consumption to a retail customer.

"Revenue reductions related to energy efficiency programs" means reductions in the collection of total non-fuel revenues, previously authorized by the Commission to be recovered from customers by a utility, that occur due to measured and verified decreased consumption of electricity caused by energy efficiency programs approved by the Commission and implemented by the utility, less the amount by which such non-fuel reductions in total revenues have been mitigated through other program-related factors, including reductions in variable operating expenses.

"Rooftop solar installation" means a distributed electric generation facility, storage facility, or generation and storage facility utilizing energy derived from sunlight, with a rated capacity of not less than 50 kilowatts, that is installed on the roof structure of an incumbent electric utility's commercial or industrial class customer, including host sites on commercial buildings, multifamily residential buildings, school or university buildings, and buildings of a church or religious body.

"Solar energy system" means a system of components that produces heat or electricity, or both, from sunlight.

"Supplier" means any generator, distributor, aggregator, broker, marketer, or other person who offers to sell or sells electric energy to retail customers and is licensed by the Commission to do so, but it does not mean a generator that produces electric energy exclusively for its own consumption or the consumption of an affiliate.

"Supply" or "supplying" electric energy means the sale of or the offer to sell electric energy to a retail customer.

"Total annual energy savings" means (i) the total combined kilowatt-hour savings achieved by electric utility energy efficiency and demand response programs and measures installed in that program year, as well as savings still being achieved by measures and programs implemented in prior years, or (ii) savings attributable to newly installed combined heat and power facilities, including waste heat-to-power facilities, and any associated reduction in transmission line losses, provided that biomass is not a fuel and the total efficiency, including the use of thermal energy, for eligible combined heat and power facilitates must meet or exceed 65 percent and have a nameplate capacity rating of less than 25 megawatts.

"Transmission of," "transmit," or "transmitting" electric energy means the transfer of electric energy through the Commonwealth's interconnected transmission grid from a generator to either a distributor or a retail customer.

"Transmission system" means those facilities and equipment that are required to provide for the transmission of electric energy.

"Waste heat to power" means a system that generates electricity through the recovery of a qualified waste heat resource.

§ 56-585.7. On-bill tariff program; electric cooperatives.

A. As used in this section:

"Cooperative" means a utility consumer services cooperative.

"Eligible customer" means a member-consumer receiving service from a cooperative that (i) has asked to participate in the cooperative's on-bill tariff program and (ii) has been determined by the cooperative to be eligible to participate in its on-bill tariff program.

"Energy efficiency measures" means any installation, improvement, addition, or equipment approved by the cooperative for purpose of its on-bill tariff program that has the primary purpose of improving the energy efficiency of the premises and reducing its consumption of energy, including heating and air conditioning systems, water heaters, weatherization, insulation, window and door modifications, appliances, and automatic or Internet-connected energy control systems. "Energy efficiency measures" does not include *(i)* energy conservation measures to improve the energy efficiency of ~~(i)~~ premises constructed within five years prior to an eligible customer's request to participate in an on-bill tariff program or ~~(ii)~~ premises that are under initial construction *or (ii) the electrification of any process or activity primarily fueled by natural gas*.

"Energy savings charge" means the charge placed by the cooperative on the monthly billing statement of an eligible customer or subsequent customers in order to recover the costs of the energy efficiency measures installed at the eligible customer's premises.

"On-bill tariff agreement" means an agreement between an eligible customer and a cooperative that provides for the terms, conditions, payments, and costs, including financing or capital costs, of the installation of energy efficiency measures at a premises to be paid by or through the cooperative and repaid by the eligible customer or subsequent customer at the same premises by means of an energy savings charge.

"On-bill tariff program" means a voluntary tariff program that allows eligible customers (i) to arrange through the cooperative for its provision and installation, including by its chosen vendors, of energy efficiency measures at the customer's premises without an upfront payment and (ii) to pay back over time the cost of the energy efficiency measures through an energy savings charge.

"Program costs" means a participating cooperative's (i) identified, projected, and actual costs to design, implement, and operate its on-bill tariff program, including costs to request and evaluate vendor proposals and manage the vendors; (ii) administrative, labor, and marketing charges; (iii) costs of obtaining funds used by the cooperative to pay for the energy efficiency measures; (iv) write-offs for unpaid energy savings charges after reasonable collection efforts; and (v) reasonable margin.

B. On or after January 1, 2021, notwithstanding any other provision of law, a cooperative may, without Commission approval, upon an affirmative resolution of its board of directors and without the requirement of any filing other than as required in this subsection, propose, establish, and implement an on-bill tariff program for energy efficiency measures, provided that such program adheres to the provisions of this section. This regulated, tariffed program shall be reviewable by the Commission at the cooperative's next general rate proceeding. A cooperative shall recover the program costs through a new rate schedule established by this section or otherwise through its rates. A cooperative shall file a copy of any such new rate schedule with the Commission for informational purposes.

C. At least 120 days prior to making an informational filing as described in subsection B, a cooperative shall conduct a stakeholder process to design the on-bill tariff program collaboratively with interested parties. Such stakeholder process shall be open to the cooperative's membership and invited guests and shall include an opportunity to participate for low-income and middle-income advocates, energy efficiency advocates, affordable housing advocates, and the staff of the Commission. The stakeholder process shall examine and recommend, among other things, appropriate additional consumer safeguards for potential adoption by the cooperative, including oversight of third-party vendors and appropriate methods for notifying customers that vendors are subject to the Virginia Consumer Protection Act (§ 59.1-196 et seq.). The stakeholder process shall allow for remote or electronic participation and may include multiple cooperatives or be coordinated, convened, and facilitated by a group or association of cooperatives. The meetings of the stakeholders may be held anywhere in the Commonwealth. The cooperative shall include documentation concerning the stakeholder process in its informational filing to the Commission.

D. A cooperative's on-bill tariff program shall include criteria for selecting eligible customers; limits on the individual and aggregate amounts of energy efficiency measures for each eligible customer; limits on the overall amount available under the on-bill tariff program; generally applicable repayment terms; and qualifications of potential vendors that will market or install energy efficiency measures. Multiple cooperatives may collaborate to create a similar structure for on-bill tariff programs.

E. An on-bill tariff agreement shall:

1. Specify that the eligible customer or subsequent customers at the premises shall only be responsible for the payment of the energy savings charge upon satisfactory installation of the energy efficiency measures as set forth in their on-bill tariff agreement;

2. Specify that the cooperative may recover the costs, including financing or capital costs, of installing the energy efficiency measures at an eligible customer's premises through the energy savings charge;

3. Provide for the inclusion of an energy savings charge that is stated as a separate line item on the eligible customer's or subsequent customer's utility bill;

4. Provide that an eligible customer shall enter into an on-bill tariff agreement to participate in the on-bill tariff program;

5. Provide that the cooperative may apply the energy savings charge to the meter or bill of subsequent customers at the premises and that the then-current eligible customer is required to notify the subsequent customer of the on-bill tariff agreement and the energy savings charge;

6. Deem amounts due under the tariff to be amounts owed for regulated electric service and for which an eligible customer is subject to disconnection of service pursuant to the cooperative's existing policies for disconnection;

7. Provide that any loan or financing interest rate or cost of capital, or their equivalent, that is provided to the eligible customer pursuant to an on-bill tariff agreement shall be less than prevailing market rates;

8. Provide that payments for energy-saving charges made by eligible and subsequent customers shall be retained by the cooperative and amounts credited against the appropriate category of program costs; and

9. Result in deemed savings that are reasonably projected, based on the customer's ~~electricity~~ *energy* utilization and rates at the beginning of the term, to result in lower ~~electric~~ *energy* bills for the customer, and that allocate a portion of the gross cost savings resulting from the energy efficiency measures to the eligible customer and the remaining portion to the cooperative to recover the program costs.

F. Customers having a grievance or complaints against an on-bill tariff program shall have recourse to the informal and formal procedures of the Commission.

CHAPTER 608

An Act to amend and reenact § 15.2-1414.6 of the Code of Virginia, relating to city council salaries.

[H 456]

Approved April 8, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 15.2-1414.6 of the Code of Virginia is amended and reenacted as follows:

§ 15.2-1414.6. Permitted salaries; salary increases; reimbursement for expenses.

A. Subject to the exception provided for in § 15.2-1414.5, the annual salary of each member of the council of any city shall be set by its members by ordinance *after a public hearing pursuant to notice in the manner and form provided in §§ 15.2-1426 and 15.2-1427,* notwithstanding any contrary provision of law, general or special. The setting of such salaries by members of *a* council shall include the salary of the mayor or president of the council whether such official is a member of *the* council or not.

B. Cities within the following population brackets shall be allowed to set salaries for mayors, which include presidents of council, and council members not to exceed the following:

Population	Annual Salary
260,000 and over	
Mayor	~~$30,000~~ *$56,000*
Council	~~28,000~~ *$52,000*
175,000 to 259,999	
Mayor	~~27,000~~ *$51,000*
Council	~~25,000~~ *$47,000*
75,000 to 174,999	
Mayor	~~25,000~~ *$47,000*
Council	~~23,000~~ *$43,000*
35,000 to 74,999	
Mayor	~~20,000~~ *$37,000*
Council	~~18,000~~ *$34,000*
20,000 to 34,999	
Mayor	~~13,000~~ *$24,000*
Council	~~12,000~~ *$22,000*
15,000 to 19,999	
Mayor	~~12,000~~ *$22,000*
Council	~~11,500~~ *$21,000*
14,999 and under	
Mayor	~~11,500~~ *$21,000*
Council	~~11,000~~ *$20,000*

C. The maximum annual salaries provided in subsection B may be adjusted in any year or years, by ordinance as provided in subsection A, by an inflation factor not to exceed five percent.

D. No increase in the salary of a member of *a* council shall take effect until July 1 after the next regularly scheduled general election of council members.

E. Every proposed increase in the salary of a member of *a* council shall be adopted at least four months prior to the date of the next municipal election except in the case of a newly created consolidated city when the proposed increase shall be adopted at least two months prior to the date of its first municipal election.

F. Any member of *a* council shall be eligible to be reimbursed for any personal expenses incurred by him for official business. However, all claims for reimbursement shall be for reasonable expenses to the extent permitted by law incurred in the conduct of official city business and shall be itemized and documented by stamped paid receipts to the extent feasible.

G. In addition to *a* salary, each member of the council of any city may be compensated with such benefits as are provided city employees by the city.

CHAPTER 609

An Act to require the Department of Education to review its Virginia Preservice Training for Child Care Staff course for appropriateness based on the age range of children served.

[H 1024]

Approved April 8, 2024

Be it enacted by the General Assembly of Virginia:

1. *§ 1. The Department of Education shall review its Virginia Preservice Training for Child Care Staff course for appropriateness based on the age range of children served by staff who are required to complete such course and shall consider excluding portions of such course that are solely relevant to providing care for students in a certain age range for staff whose duties do not include the care of children in such age range.*

CHAPTER 610

An Act to amend and reenact §§ 2.2-3701 and 2.2-3708.3 of the Code of Virginia, relating to the Virginia Freedom of Information Act; definition of "caregiver"; remote participation in meetings by persons with disabilities and caregivers; remote voting.

[H 1040]

Approved April 8, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-3701 and 2.2-3708.3 of the Code of Virginia are amended and reenacted as follows:

§ 2.2-3701. Definitions.

As used in this chapter, unless the context requires a different meaning:

"All-virtual public meeting" means a public meeting (i) conducted by a public body, other than those excepted pursuant to subsection C of § 2.2-3708.3, using electronic communication means, (ii) during which all members of the public body who participate do so remotely rather than being assembled in one physical location, and (iii) to which public access is provided through electronic communication means.

"Caregiver" means an adult who provides care for a person with a disability as defined in § 51.5-40.1. A caregiver shall be either related by blood, marriage, or adoption to or the legally appointed guardian of the person with a disability for whom he is caring.

"Closed meeting" means a meeting from which the public is excluded.

"Electronic communication" means the use of technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities to transmit or receive information.

"Emergency" means an unforeseen circumstance rendering the notice required by this chapter impossible or impracticable and which circumstance requires immediate action.

"Information," as used in the exclusions established by §§ 2.2-3705.1 through 2.2-3705.7, means the content within a public record that references a specifically identified subject matter, and shall not be interpreted to require the production of information that is not embodied in a public record.

"Meeting" or "meetings" means the meetings including work sessions, when sitting physically, or through electronic communication means pursuant to § 2.2-3708.2 or 2.2-3708.3, as a body or entity, or as an informal assemblage of (i) as many as three members or (ii) a quorum, if less than three, of the constituent membership, wherever held, with or without minutes being taken, whether or not votes are cast, of any public body. Neither the gathering of employees of a public body nor the gathering or attendance of two or more members of a public body (a) at any place or function where no part of the purpose of such gathering or attendance is the discussion or transaction of any public business, and such gathering or attendance was not called or prearranged with any purpose of discussing or transacting any business of the public body, or (b) at a public forum, candidate appearance, or debate, the purpose of which is to inform the electorate and not to transact public business or to hold discussions relating to the transaction of public business, even though the performance of the members individually or collectively in the conduct of public business may be a topic of discussion or debate at such public meeting, shall be deemed a "meeting" subject to the provisions of this chapter.

"Official public government website" means any Internet site controlled by a public body and used, among any other purposes, to post required notices and other content pursuant to this chapter on behalf of the public body.

"Open meeting" or "public meeting" means a meeting at which the public may be present.

"Public body" means any legislative body, authority, board, bureau, commission, district, or agency of the Commonwealth or of any political subdivision of the Commonwealth, including counties, cities, and towns, municipal councils, governing bodies of counties, school boards, and planning commissions; governing boards of public institutions of higher education; and other organizations, corporations, or agencies in the Commonwealth supported wholly or principally by public funds. It shall include (i) the Virginia Birth-Related Neurological Injury Compensation Program and its board of directors established pursuant to Chapter 50 (§ 38.2-5000 et seq.) of Title 38.2 and (ii) any committee, subcommittee, or other entity however designated of the public body created to perform delegated functions of the public body or to advise

the public body. It shall not exclude any such committee, subcommittee, or entity because it has private sector or citizen members. Corporations organized by the Virginia Retirement System are "public bodies" for purposes of this chapter.

For the purposes of the provisions of this chapter applicable to access to public records, constitutional officers and private police departments as defined in § 9.1-101 shall be considered public bodies and, except as otherwise expressly provided by law, shall have the same obligations to disclose public records as other custodians of public records.

"Public records" means all writings and recordings that consist of letters, words, or numbers, or their equivalent, set down by handwriting, typewriting, printing, photostatting, photography, magnetic impulse, optical or magneto-optical form, mechanical or electronic recording, or other form of data compilation, however stored, and regardless of physical form or characteristics, prepared or owned by, or in the possession of a public body or its officers, employees, or agents in the transaction of public business.

"Regional public body" means a unit of government organized as provided by law within defined boundaries, as determined by the General Assembly, which unit includes two or more localities.

"Remote participation" means participation by an individual member of a public body by electronic communication means in a public meeting where a quorum of the public body is otherwise physically assembled.

"Scholastic records" means those records containing information directly related to a student or an applicant for admission and maintained by a public body that is an educational agency or institution or by a person acting for such agency or institution.

"Trade secret" means the same as that term is defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.).

§ 2.2-3708.3. Meetings held through electronic communication means; situations other than declared states of emergency.

A. Public bodies are encouraged to (i) provide public access, both in person and through electronic communication means, to public meetings and (ii) provide avenues for public comment at public meetings when public comment is customarily received, which may include public comments made in person or by electronic communication means or other methods.

B. Individual members of a public body may use remote participation instead of attending a public meeting in person if, in advance of the public meeting, the public body has adopted a policy as described in subsection D and the member notifies the public body chair that:

1. The member has a temporary or permanent disability or other medical condition that prevents the member's physical attendance*. For purposes of determining whether a quorum is physically assembled, an individual member of a public body who is a person with a disability as defined in § 51.5-40.1 and uses remote participation counts toward the quorum as if the individual was physically present*;

2. A medical condition of a member of the member's family requires the member to provide care that prevents the member's physical attendance *or the member is a caregiver who must provide care for a person with a disability at the time the public meeting is being held thereby preventing the member's physical attendance. For purposes of determining whether a quorum is physically assembled, an individual member of a public body who is a caregiver for a person with a disability and uses remote participation counts toward the quorum as if the individual was physically present*;

3. The member's principal residence is more than 60 miles from the meeting location identified in the required notice for such meeting; or

4. The member is unable to attend the meeting due to a personal matter and identifies with specificity the nature of the personal matter. However, the member may not use remote participation due to personal matters more than two meetings per calendar year or 25 percent of the meetings held per calendar year rounded up to the next whole number, whichever is greater.

If participation by a member through electronic communication means is approved pursuant to this subsection, the public body holding the meeting shall record in its minutes the remote location from which the member participated; however, the remote location need not be open to the public and may be identified in the minutes by a general description. If participation is approved pursuant to subdivision 1 or 2, the public body shall also include in its minutes the fact that the member participated through electronic communication means due to a (i) temporary or permanent disability or other medical condition that prevented the member's physical attendance or (ii) family member's medical condition that required the member to provide care for such family member, thereby preventing the member's physical attendance. If participation is approved pursuant to subdivision 3, the public body shall also include in its minutes the fact that the member participated through electronic communication means due to the distance between the member's principal residence and the meeting location. If participation is approved pursuant to subdivision 4, the public body shall also include in its minutes the specific nature of the personal matter cited by the member.

If a member's participation from a remote location pursuant to this subsection is disapproved because such participation would violate the policy adopted pursuant to subsection D, such disapproval shall be recorded in the minutes with specificity.

C. With the exception of local governing bodies, local school boards, planning commissions, architectural review boards, zoning appeals boards, and boards with the authority to deny, revoke, or suspend a professional or occupational license, any public body may hold all-virtual public meetings, provided that the public body follows the other requirements in this chapter for meetings, the public body has adopted a policy as described in subsection D, and:

1. An indication of whether the meeting will be an in-person or all-virtual public meeting is included in the required meeting notice along with a statement notifying the public that the method by which a public body chooses to meet shall not be changed unless the public body provides a new meeting notice in accordance with the provisions of § 2.2-3707;

2. Public access to the all-virtual public meeting is provided via electronic communication means;

3. The electronic communication means used allows the public to hear all members of the public body participating in the all-virtual public meeting and, when audio-visual technology is available, to see the members of the public body as well;

4. A phone number or other live contact information is provided to alert the public body if the audio or video transmission of the meeting provided by the public body fails, the public body monitors such designated means of communication during the meeting, and the public body takes a recess until public access is restored if the transmission fails for the public;

5. A copy of the proposed agenda and all agenda packets and, unless exempt, all materials furnished to members of a public body for a meeting is made available to the public in electronic format at the same time that such materials are provided to members of the public body;

6. The public is afforded the opportunity to comment through electronic means, including by way of written comments, at those public meetings when public comment is customarily received;

7. No more than two members of the public body are together in any one remote location unless that remote location is open to the public to physically access it;

8. If a closed session is held during an all-virtual public meeting, transmission of the meeting to the public resumes before the public body votes to certify the closed meeting as required by subsection D of § 2.2-3712;

9. The public body does not convene an all-virtual public meeting (i) more than two times per calendar year or 25 percent of the meetings held per calendar year rounded up to the next whole number, whichever is greater, or (ii) consecutively with another all-virtual public meeting; and

10. Minutes of all-virtual public meetings held by electronic communication means are taken as required by § 2.2-3707 and include the fact that the meeting was held by electronic communication means and the type of electronic communication means by which the meeting was held. If a member's participation from a remote location pursuant to this subsection is disapproved because such participation would violate the policy adopted pursuant to subsection D, such disapproval shall be recorded in the minutes with specificity.

D. Before a public body uses all-virtual public meetings as described in subsection C or allows members to use remote participation as described in subsection B, the public body shall first adopt a policy, by recorded vote at a public meeting, that shall be applied strictly and uniformly, without exception, to the entire membership and without regard to the identity of the member requesting remote participation or the matters that will be considered or voted on at the meeting. The policy shall:

1. Describe the circumstances under which an all-virtual public meeting and remote participation will be allowed and the process the public body will use for making requests to use remote participation, approving or denying such requests, and creating a record of such requests; and

2. Fix the number of times remote participation for personal matters or all-virtual public meetings can be used per calendar year, not to exceed the limitations set forth in subdivisions B 4 and C 9.

The policy shall not prohibit or restrict any individual member of a public body who is participating in an all-virtual meeting or who is using remote participation from voting on matters before the public body.

Any public body that creates a committee, subcommittee, or other entity however designated of the public body to perform delegated functions of the public body or to advise the public body may also adopt a policy on behalf of its committee, subcommittee, or other entity that shall apply to the committee, subcommittee, or other entity's use of individual remote participation and all-virtual public meetings.

CHAPTER 611

An Act to amend and reenact §§ 58.1-1000, 58.1-1001, and 58.1-1021.01 of the Code of Virginia, relating to cigarettes intended to be heated; heated tobacco products; taxation.

[H 1099]

Approved April 8, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 58.1-1000, 58.1-1001, and 58.1-1021.01 of the Code of Virginia are amended and reenacted as follows:

§ 58.1-1000. Definitions.

As used in this chapter, unless the context clearly shows otherwise, the term or phrase:

"Authorized holder" means (i) a manufacturer; (ii) a wholesale dealer who is not duly qualified as a wholesale dealer stamping agent, but who possesses, or whose affiliate possesses, a valid cigarette exemption certificate issued pursuant to § 58.1-623.2; (iii) a stamping agent; (iv) a retail dealer who possesses, or whose affiliate possesses, a valid cigarette exemption certificate issued pursuant to § 58.1-623.2; (v) an exclusive distributor; (vi) an officer, employee, or other agent of the United States or a state, or any department, agency, or instrumentality of the United States, a state, or a political subdivision of a state, having possession of cigarettes in connection with the performance of official duties; (vii) a person

properly holding cigarettes that do not require stamps or tax payment pursuant to § 58.1-1010; or (viii) a common or contract carrier transporting cigarettes under a proper bill of lading or other documentation indicating the true name and address of the consignor or seller and the consignee or purchaser of the brands and the quantities being transported. Any person convicted of (a) any criminal offense under this chapter; (b) any offense involving the forgery of any documents, forms, invoices, or receipts related to the purchase or sale of cigarettes or the purchase or sale of tobacco products as defined in § 58.1-1021.01; (c) any offense involving evasion or failure to pay a cigarette or tobacco product excise tax; or (d) any similar violation of an ordinance of any county, city, or town in the Commonwealth or the laws of any other state or of the United States is ineligible to be an authorized holder. For the purposes of this definition, "affiliate" means any entity that is a member of the same affiliated group, as such term is defined in § 58.1-3700.1.

"Carton" means 10 packs of cigarettes, each containing 20 cigarettes or eight packs, each containing 25 cigarettes.

"Cigarette" means any product that contains nicotine, is intended to be burned ~~and produces smoke from combustion~~ *or heated* under ordinary conditions of use, and consists of or contains (i) any roll of tobacco wrapped in paper or in any substance not containing tobacco; (ii) tobacco, in any form, that is ~~burned and~~ functional in the product, which, because of its appearance, the type of tobacco used in the filler, or its packaging and labeling, is likely to be offered to, or purchased by, consumers as a cigarette; or (iii) any roll of tobacco wrapped in any substance containing tobacco which, because of its appearance, the type of tobacco used in the filler, or its packaging and labeling, is likely to be offered to, or purchased by, consumers as a cigarette described in clause (i) of this definition. The term "cigarette" includes "roll-your-own" tobacco, which means any tobacco which, because of its appearance, type, packaging, or labeling, is suitable for use and likely to be offered to, or purchased by, consumers as tobacco for making cigarettes. For purposes of this definition of "cigarette," 0.09 ounces of "roll-your-own" tobacco shall constitute one individual "cigarette."

"Cigarette intended to be heated" means a cigarette containing tobacco that produces an inhalable aerosol (i) by heating the tobacco by means of an electronic device without combustion of the tobacco or (ii) by heat generated from a combustion source that only or primarily heats rather than burns the tobacco.

"Exclusive distributor" means any individual, corporation, limited liability company, or limited liability partnership with its principal place of business in the Commonwealth that has the sole and exclusive rights to sell to wholesale dealers in the Commonwealth a brand family of cigarettes manufactured by a tobacco product manufacturer as defined in § 3.2-4200.

"Manufacturer" means any tobacco product manufacturer as defined in § 3.2-4200.

"Pack" means a package containing either 20 or 25 cigarettes.

"Retail dealer" includes every person other than a wholesale dealer, as defined in this section, who sells or offers for sale any cigarettes and who is properly registered as a retail trade with the Commonwealth in accordance with the Virginia Department of Taxation Business Registration Application (Form R-1).

"Retail sale" or "sale at retail" includes all sales except sales by wholesale dealers to retail dealers or other wholesale dealers for resale.

"Stamping agent" has the same meaning as provided in § 3.2-4204. For the purposes of provisions relating to "roll-your-own" tobacco, "stamping agent" includes "distributor" as that term is defined in § 58.1-1021.01.

"Stamps" means the stamp or stamps by the use of which the tax levied under this chapter is paid and shall be officially designated as Virginia revenue stamps. The Department is hereby authorized to provide for the use of any type of stamp that will effectuate the purposes of this chapter, including but not limited to decalcomania and metering devices.

"Storage" means any keeping or retention in the Commonwealth of cigarettes for any purpose except sale in the regular course of business or subsequent use solely outside the Commonwealth.

"Tax-paid cigarettes" means cigarettes that (i) bear valid Virginia stamps to evidence payment of excise taxes or (ii) were purchased outside of the Commonwealth and either (a) bear a valid tax stamp for the state in which the cigarettes were purchased or (b) when no tax stamp is required by the state, proper evidence can be provided to establish that applicable excise taxes have been paid.

"Use" means the exercise of any right or power over cigarettes incident to the ownership thereof or by any transaction where possession is given, except that it does not include the sale of cigarettes in the regular course of business.

"Wholesale dealer" includes persons who are properly registered as tobacco product merchant wholesalers with the Commonwealth in accordance with the Virginia Department of Taxation Business Registration Application (Form R-1) and who (i) sell cigarettes at wholesale only to retail dealers for the purpose of resale only or (ii) sell at wholesale to institutional, commercial, or industrial users. "Wholesale dealer" also includes chain store distribution centers or houses that distribute cigarettes to their stores for sale at retail.

§ 58.1-1001. Tax levied; rate.

A. *1.* Except as provided in *subdivision 2 or* subsection B, in addition to all other taxes now imposed by law, every person within ~~this~~ *the* Commonwealth who sells, stores*,* or receives cigarettes made of tobacco or any substitute thereof, for the purpose of distribution to any person within ~~this~~ *the* Commonwealth, shall pay to ~~this~~ *the* Commonwealth an excise tax of one and one-quarter mills on each such cigarette sold, stored*,* or received before August 1, 2004; an excise tax of one cent on each such cigarette sold, stored*,* or received on and after August 1, 2004, through midnight on June 30, 2005; ~~and~~ an excise tax of 1.5 cents on each such cigarette sold, stored*,* or received on and after July 1, 2005*, but before July 1, 2020; and an excise tax of three cents on each cigarette sold, stored, or received on and after July 1, 2020.*

2. In addition to all other taxes now imposed by law, every person within the Commonwealth who sells, stores, or receives cigarettes intended to be heated for the purpose of distribution to any person within the Commonwealth shall pay to the Commonwealth an excise tax at the rate of 2.25 cents per stick on each such cigarette intended to be heated that is sold, stored, or received on and after July 1, 2024.

B. In addition to all other taxes now imposed by law, every person within the Commonwealth who sells, stores, or receives roll-your-own tobacco, for the purpose of distribution within the Commonwealth, shall pay to the Commonwealth a cigarette excise tax at the rate of ~~10%~~ *10 percent* of the manufacturer's sales price of such roll-your-own tobacco.

C. The revenues generated by the taxes imposed under this section on and after August 1, 2004, shall be collected by the Department and deposited into the Virginia Health Care Fund established under § 32.1-366.

D. The provisions of this section shall not apply to members of federal, state, county, city, or town law-enforcement agencies when possession of unstamped cigarettes is necessary in the performance of investigatory duties.

§ 58.1-1021.01. Definitions.

As used in this article, unless the context requires a different meaning:

"Actual cost" means the actual price paid by a remote retail seller for each individual stock keeping unit or SKU.

"Alternative nicotine product" means any noncombustible product containing nicotine that is not made of tobacco and is intended for human consumption, whether chewed, absorbed, dissolved, or ingested by any other means. "Alternative nicotine product" does not include any nicotine vapor product or any product regulated as a drug or device by the U.S. Food and Drug Administration (FDA) under Chapter V (21 U.S.C. § 351 et seq.) of the Federal Food, Drug, and Cosmetic Act.

"Cigar" means any roll of tobacco wrapped in leaf tobacco or in any substance containing tobacco, other than any roll of tobacco that is a cigarette as such term is defined in § 58.1-1000.

"Consumer" means the person who is the end or final user of tobacco products.

"Distributor" means (i) any person engaged in the business of selling tobacco products in the Commonwealth who brings, or causes to be brought, into the Commonwealth from outside the Commonwealth any tobacco products for sale; (ii) any person who makes, manufactures, fabricates, or stores tobacco products in the Commonwealth for sale in the Commonwealth; (iii) any person engaged in the business of selling tobacco products outside the Commonwealth who ships or transports tobacco products to any person in the business of selling tobacco products in the Commonwealth; or (iv) any retail dealer in possession of untaxed tobacco products in the Commonwealth.

"Heated tobacco product" means a product *other than a cigarette intended to be heated, as such term is defined in § 58.1-1000,* containing tobacco that produces an inhalable aerosol (i) by heating the tobacco by means of an electronic device without combustion of the tobacco or (ii) by heat generated from a combustion source that only or primarily heats rather than burns the tobacco.

"Liquid nicotine" means a liquid or other substance containing nicotine in any concentration that is sold, marketed, or intended for use in a nicotine vapor product.

"Loose leaf tobacco" means any leaf tobacco that is not intended to be smoked~~,~~ but ~~shall~~ *does* not include moist snuff. Loose leaf tobacco weight unit categories shall be as follows:

1. "Loose leaf tobacco half pound-unit" means a consumer sized unit, pouch, or package containing at least ~~4~~ *four* ounces but not more than ~~8~~ *eight* ounces of loose leaf tobacco, by net weight, produced by the manufacturer to be sold to consumers as a single unit and not produced to be divided or sold separately and containing one individual package.

2. "Loose leaf tobacco pound-unit" means a consumer sized unit, pouch, or package containing more than ~~8~~ *eight* ounces of loose leaf tobacco, by net weight, produced by the manufacturer to be sold to consumers as a single unit and not produced to be divided or sold separately and containing one individual package.

3. "Loose leaf tobacco single-unit" means a consumer sized unit, pouch, or package containing less than ~~4~~ *four* ounces of loose leaf tobacco, by net weight, produced by the manufacturer to be sold to consumers as a single unit and not produced to be divided or sold separately and containing one individual package.

"Manufacturer" means a person who manufactures or produces tobacco products and sells tobacco products to a distributor.

"Manufacturer's representative" means a person employed by a manufacturer to sell or distribute the manufacturer's tobacco products.

"Manufacturer's sales price" means the actual price for which a manufacturer, manufacturer's representative, or any other person sells tobacco products to an unaffiliated distributor.

"Moist snuff" means a tobacco product consisting of finely cut, ground, or powdered tobacco that is not intended to be smoked but shall not include any finely cut, ground, or powdered tobacco that is intended to be placed in the nasal cavity.

"Nicotine vapor product" means any noncombustible product containing nicotine that employs a heating element, power source, electronic circuit, or other electronic, chemical, or mechanical means, regardless of shape or size, that can be used to produce vapor from nicotine in a solution or other form. "Nicotine vapor product" includes any electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device and any cartridge or other container of nicotine in a solution or other form that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device. "Nicotine vapor product" does not include any product regulated by the FDA under Chapter V (21 U.S.C. § 351 et seq.) of the Federal Food, Drug, and Cosmetic Act.

"Person" means any individual, corporation, partnership, association, company, business, trust, joint venture, or other legal entity.

"Pipe tobacco" means any tobacco that, because of its appearance, type, packaging, or labeling, is suitable for use and likely to be offered or purchased by consumers as tobacco to be smoked in a pipe.

"Remote retail sale" means any sale of cigars or pipe tobacco to a consumer in the Commonwealth when (i) the consumer submits the order for the sale by means of a telephone or other method of voice transmission, the mail, or the Internet or other online service, or the seller is otherwise not in the physical presence of the consumer when the request for the purchase or order is made, or (ii) the cigars or pipe tobacco are delivered to the consumer by common carrier, private delivery service, or other method of remote delivery, or the seller is not in the physical presence of the consumer when the buyer obtains possession of the cigars or pipe tobacco.

"Remote retail seller" means a person located within or outside of this state that makes remote retail sales of cigars or pipe tobacco.

"Retail dealer" means every person who sells or offers for sale any tobacco product to consumers at retail in a transaction other than a remote retail sale.

"SKU" means an individual stock keeping unit identifier used for tracking inventory.

"Tobacco product" or "tobacco products" means (i) "cigar" as defined in § 5702(a) of the Internal Revenue Code, and as such section may be amended; (ii) "smokeless tobacco" as defined in § 5702(m) of the Internal Revenue Code, and as such section may be amended; or (iii) "pipe tobacco" as defined in § 5702(n) of the Internal Revenue Code, and as such section may be amended. "Tobacco products" ~~shall~~ also ~~include~~ *includes* loose leaf tobacco.

2. That the Department of Taxation shall, to the extent practical, work to develop a stamp for the purposes of the tax levied on cigarettes intended to be heated pursuant to subdivision A 2 of § 58.1-1001 of the Code of Virginia, as amended by this act. No cigarettes intended to be heated, as defined in § 58.1-1000 of the Code of Virginia, as amended by this act, shall be certified in accordance with § 3.2-4205 of the Code of Virginia until such stamp has been developed.

CHAPTER 612

An Act to require the Board of Education to revise its regulations relating to student eligibility for an expedited retake of a Standards of Learning assessment.

[H 1451]

Approved April 8, 2024

Be it enacted by the General Assembly of Virginia:

1. *§ 1. The Board of Education shall revise its regulations relating to student eligibility for an expedited retake of any Standards of Learning assessment, with the exception of the writing Standards of Learning assessments, to (i) provide that any student in grades three through 12 who scores in the 375 to 399 range, or an equivalent range on an alternative scoring scale, on any such Standards of Learning assessment shall be eligible to retake such assessment on an expedited basis at least once prior to the next scheduled assessment administration and (ii) establish guidelines for and require each eligible student to complete prior to retaking any Standards of Learning assessment on an expedited basis a comprehensive remediation program based on such student's particular educational needs as identified by such student's results on such assessment. The Board of Education shall submit to the Chairs of the House Committee on Education and the Senate Committee on Education and Health by November 1, 2024, a report on its progress in revising its regulations in accordance with the provisions of this act. The Board of Education shall implement such revised regulations in accordance with the provisions of this act by January 1, 2025. No provision of this act shall be construed to affect any of the Board of Education's regulations or policies relating to student eligibility for an expedited retake of any Standards of Learning assessment prior to January 1, 2025.*

CHAPTER 613

An Act to amend and reenact § 15.2-1127 of the Code of Virginia, relating to vacant building registration.

[H 1486]

Approved April 8, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 15.2-1127 of the Code of Virginia is amended and reenacted as follows:

§ 15.2-1127. Vacant building registration; civil penalty.

~~The Town of Clifton Forge, the Town of Pulaski, in a conservation and rehabilitation district of the town, the Town of Timberville, and any~~ *Any county,* city, *or town,* by ordinance, may require the owner or owners of buildings that have been vacant for a continuous period of 12 months or more~~,~~ and ~~which~~ *(i) that* meet the definition of "derelict building" under § 15.2-907.1, *(ii) that meet the definition of "criminal blight" under § 15.2-907, or (iii) in which a locality has determined a person is living without the authority of the owner or owners* to register such buildings on an annual basis and may impose an annual registration fee not to exceed $100 to defray the cost of processing such registration. The registration of buildings shall be on forms designated by the locality and filed with the agency designated by the locality. Failure to register shall be

a $200 civil penalty; however, failure to register in conservation and rehabilitation districts designated by the governing body, or in other areas designated as blighted pursuant to § 36-49.1:1, shall be punishable by a civil penalty not exceeding $400. Notice shall be mailed to the owner or owners, at the address to which property tax notices are sent, at least 30 days prior to the assessment of the civil penalty.

CHAPTER 614

An Act to amend and reenact the Code of Virginia by adding in Article 1 of Chapter 1 of Title 9.1 a section numbered 9.1-116.9, relating to surveillance technology reporting by state and local law-enforcement agencies and sheriff's departments.

[H 1496]

Approved April 8, 2024

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Article 1 of Chapter 1 of Title 9.1 a section numbered 9.1-116.9 as follows:

§ 9.1-116.9. Surveillance technology reporting by state and local law-enforcement agencies and sheriff's departments.

A. For purposes of this section, "surveillance technology" means any electronic surveillance device, hardware, or software that is capable of collecting, capturing, recording, retaining, processing, intercepting, analyzing, monitoring, or sharing audio, visual, digital, location, thermal, biometric, behavioral, or similar information or communications specifically associated with, or capable of being associated with, any specific individual, group, or place or any system, device, or vehicle that is equipped with an electronic surveillance device, hardware, or software.

"Surveillance technology" includes (i) international mobile subscriber identity (IMSI) catchers and other cell site simulators; (ii) automatic license plate readers; (iii) electronic toll readers; (iv) closed-circuit television cameras; (v) biometric surveillance technology, including facial, voice, iris, and gait-recognition software and databases; (vi) mobile DNA capture technology; (vii) gunshot detection and location hardware and services; (viii) x-ray vans; (ix) video and audio monitoring or recording technology, such as surveillance cameras, wide-angle cameras, and wearable body cameras; (x) surveillance enabled or capable lightbulbs or light fixtures; (xi) tools, including software and hardware, used to gain unauthorized access to a computer, computer service, or computer network; (xii) social media monitoring software; (xiii) through-the-wall radar or similar imaging technology; (xiv) passive scanners of radio networks; (xv) long-range Bluetooth and other wireless-scanning devices; (xvi) radio-frequency I.D. (RFID) scanners; and (xvii) software designed to integrate or analyze data from surveillance technology, including surveillance target tracking and predictive policing software. The enumeration of surveillance technology examples in this subsection shall not be interpreted as an endorsement or approval of their use by any law-enforcement entity.

"Surveillance technology" does not include the following devices or hardware, unless they have been equipped with, or are modified to become or include, surveillance technology as defined above: (a) routine office hardware, such as televisions, computers, and printers, that is in widespread use and will not be used for any surveillance-related functions; (b) parking ticket devices; (c) manually operated, non-wearable, handheld digital cameras, audio recorders, and video recorders that are not designed to be used surreptitiously and whose functionality is limited to manually capturing and manually downloading video and/or audio recordings; (d) surveillance devices that cannot record or transmit audio or video or be remotely accessed, such as image stabilizing binoculars or night vision goggles; (e) databases not intended to store or compile surveillance data; and (f) manually operated technological devices used primarily for internal communications and not designed to surreptitiously collect surveillance data, such as radios and email systems.

B. All state and local law-enforcement agencies and sheriff's departments shall provide to the Department a list of all surveillance technologies procured by such agencies and departments on an annual basis by November 1 of each year. The Department shall also provide such information to the Virginia State Crime Commission and the Joint Commission on Technology and Science.

CHAPTER 615

An Act to amend and reenact § 63.2-1509 of the Code of Virginia, relating to child abuse and neglect; mandatory reporters; penalties.

[H 1542]

Approved April 8, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 63.2-1509 of the Code of Virginia is amended and reenacted as follows:

§ 63.2-1509. Requirement that certain injuries to children be reported by physicians, nurses, teachers, etc.; penalty for failure to report.

A. The following persons who, in their professional or official capacity, have reason to suspect that a child is an abused or neglected child, shall report the matter immediately to the local department of the county or city wherein the child resides or wherein the abuse or neglect is believed to have occurred or to the Department's toll-free child abuse and neglect hotline:

1. Any person licensed to practice medicine or any of the healing arts;

2. Any hospital resident or intern, and any person employed in the nursing profession;

3. Any person employed as a social worker or family-services specialist;

4. Any probation officer;

5. Any teacher or other person employed in a public or private school, kindergarten, or child day program, as that term is defined in § 22.1-289.02;

6. Any person providing full-time or part-time child care for pay on a regularly planned basis;

7. Any mental health professional;

8. Any law-enforcement officer or animal control officer;

9. Any mediator eligible to receive court referrals pursuant to § 8.01-576.8;

10. Any professional staff person, not previously enumerated, employed by a private or state-operated hospital, institution or facility to which children have been committed or where children have been placed for care and treatment;

11. Any person 18 years of age or older associated with or employed by any public or private organization responsible for the care, custody or control of children;

12. Any person who is designated a court-appointed special advocate pursuant to Article 5 (§ 9.1-151 et seq.) of Chapter 1 of Title 9.1;

13. Any person 18 years of age or older who has received training approved by the Department of Social Services for the purposes of recognizing and reporting child abuse and neglect;

14. Any person employed by a local department as defined in § 63.2-100 who determines eligibility for public assistance;

15. Any emergency medical services provider certified by the Board of Health pursuant to § 32.1-111.5, unless such provider immediately reports the matter directly to the attending physician at the hospital to which the child is transported, who shall make such report forthwith;

16. Any athletic coach, director or other person 18 years of age or older employed by or volunteering with a public or private sports organization or team;

17. Administrators or employees 18 years of age or older of public or private day camps, youth centers and youth recreation programs;

18. Any person employed by a public or private institution of higher education other than an attorney who is employed by a public or private institution of higher education as it relates to information gained in the course of providing legal representation to a client;

19. Any minister, priest, rabbi, imam, or duly accredited practitioner of any religious organization or denomination usually referred to as a church, unless the information supporting the suspicion of child abuse or neglect (i) is required by the doctrine of the religious organization or denomination to be kept in a confidential manner or (ii) would be subject to § 8.01-400 or 19.2-271.3 if offered as evidence in court; and

20. Any person who engages in the practice of behavior analysis, as defined in § 54.1-2900.

If neither the locality in which the child resides nor where the abuse or neglect is believed to have occurred is known, then such report shall be made to the local department of the county or city where the abuse or neglect was discovered or to the Department's toll-free child abuse and neglect hotline.

If an employee of the local department is suspected of abusing or neglecting a child, the report shall be made to the court of the county or city where the abuse or neglect was discovered. Upon receipt of such a report by the court, the judge shall assign the report to a local department that is not the employer of the suspected employee for investigation or family assessment. The judge may consult with the Department in selecting a local department to respond to the report or the complaint.

If the information is received by a teacher, staff member, resident, intern or nurse in the course of professional services in a hospital, school or similar institution, such person may, in place of said report, immediately notify the person in charge of the institution or department, or his designee, who shall make such report forthwith. If the initial report of suspected abuse or neglect is made to the person in charge of the institution or department, or his designee, pursuant to this subsection, such person shall notify the teacher, staff member, resident, intern or nurse who made the initial report when the report of suspected child abuse or neglect is made to the local department or to the Department's toll-free child abuse and neglect hotline, and of the name of the individual receiving the report, and shall forward any communication resulting from the report, including any information about any actions taken regarding the report, to the person who made the initial report.

The initial report may be an oral report but such report shall be reduced to writing by the child abuse coordinator of the local department on a form prescribed by the Board. Any person required to make the report pursuant to this subsection shall disclose all information that is the basis for his suspicion of abuse or neglect of the child and, upon request, shall make available to the child-protective services coordinator and the local department, which is the agency of jurisdiction, any information, records, or reports that document the basis for the report. All persons required by this subsection to report suspected abuse or neglect who maintain a record of a child who is the subject of such a report shall cooperate with the investigating agency and shall make related information, records and reports available to the investigating agency unless

such disclosure violates the federal Family Educational Rights and Privacy Act (20 U.S.C. § 1232g). Provision of such information, records, and reports by a health care provider shall not be prohibited by § 8.01-399. Criminal investigative reports received from law-enforcement agencies shall not be further disseminated by the investigating agency nor shall they be subject to public disclosure.

B. For purposes of subsection A, "reason to suspect that a child is abused or neglected" shall, due to the special medical needs of infants affected by substance exposure, include (i) a finding made by a health care provider within six weeks of the birth of a child that the child was born affected by substance abuse or experiencing withdrawal symptoms resulting from in utero drug exposure; (ii) a diagnosis made by a health care provider within four years following a child's birth that the child has an illness, disease, or condition that, to a reasonable degree of medical certainty, is attributable to maternal abuse of a controlled substance during pregnancy; or (iii) a diagnosis made by a health care provider within four years following a child's birth that the child has a fetal alcohol spectrum disorder attributable to in utero exposure to alcohol. When "reason to suspect" is based upon this subsection, such fact shall be included in the report along with the facts relied upon by the person making the report. Such reports shall not constitute a per se finding of child abuse or neglect. If a health care provider in a licensed hospital makes any finding or diagnosis set forth in clause (i), (ii), or (iii), the hospital shall require the development of a written discharge plan under protocols established by the hospital pursuant to subdivision B 6 of § 32.1-127.

C. Any person who makes a report or provides records or information pursuant to subsection A or who testifies in any judicial proceeding arising from such report, records, or information shall be immune from any civil or criminal liability or administrative penalty or sanction on account of such report, records, information, or testimony, unless such person acted in bad faith or with malicious purpose.

D. Any person required to file a report pursuant to this section who fails to do so as soon as possible, but not longer than 24 hours after having reason to suspect a reportable offense of child abuse or neglect, shall be fined not more than $500 for the first failure and for any subsequent failures not less than $1,000. In cases evidencing acts *or attempted acts* of rape, sodomy, *aggravated sexual battery,* or object sexual penetration as defined in Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2, a person who knowingly and intentionally fails to make the report required pursuant to this section ~~shall be~~ *is* guilty of a Class 1 misdemeanor.

E. No person shall be required to make a report pursuant to this section if the person has actual knowledge that the same matter has already been reported to the local department or the Department's toll-free child abuse and neglect hotline.

CHAPTER 616

An Act to amend and reenact § 15.2-1127 of the Code of Virginia, relating to vacant building registration.

[S 48]

Approved April 8, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 15.2-1127 of the Code of Virginia is amended and reenacted as follows:

§ 15.2-1127. Vacant building registration; civil penalty.

~~The Town of Clifton Forge, the Town of Pulaski, in a conservation and rehabilitation district of the town, the Town of Timberville, and any~~ *Any county,* city, *or town,* by ordinance, may require the owner or owners of buildings that have been vacant for a continuous period of 12 months or more~~,~~ and ~~which~~ *(i) that* meet the definition of "derelict building" under § 15.2-907.1, *(ii) that meet the definition of "criminal blight" under § 15.2-907, or (iii) in which a locality has determined a person is living without the authority of the owner or owners* to register such buildings on an annual basis and may impose an annual registration fee not to exceed $100 to defray the cost of processing such registration. The registration of buildings shall be on forms designated by the locality and filed with the agency designated by the locality. Failure to register shall be a $200 civil penalty; however, failure to register in conservation and rehabilitation districts designated by the governing body, or in other areas designated as blighted pursuant to § 36-49.1:1, shall be punishable by a civil penalty not exceeding $400. Notice shall be mailed to the owner or owners, at the address to which property tax notices are sent, at least 30 days prior to the assessment of the civil penalty.

CHAPTER 617

An Act to amend and reenact §§ 2.2-3701 and 2.2-3708.3 of the Code of Virginia, relating to the Virginia Freedom of Information Act; definition of "caregiver"; remote participation in meetings by persons with disabilities and caregivers; remote voting.

[S 85]

Approved April 8, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-3701 and 2.2-3708.3 of the Code of Virginia are amended and reenacted as follows:

§ 2.2-3701. Definitions.

As used in this chapter, unless the context requires a different meaning:

"All-virtual public meeting" means a public meeting (i) conducted by a public body, other than those excepted pursuant to subsection C of § 2.2-3708.3, using electronic communication means, (ii) during which all members of the public body who participate do so remotely rather than being assembled in one physical location, and (iii) to which public access is provided through electronic communication means.

"Caregiver" means an adult who provides care for a person with a disability as defined in § 51.5-40.1. A caregiver shall be either related by blood, marriage, or adoption to or the legally appointed guardian of the person with a disability for whom he is caring.

"Closed meeting" means a meeting from which the public is excluded.

"Electronic communication" means the use of technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities to transmit or receive information.

"Emergency" means an unforeseen circumstance rendering the notice required by this chapter impossible or impracticable and which circumstance requires immediate action.

"Information," as used in the exclusions established by §§ 2.2-3705.1 through 2.2-3705.7, means the content within a public record that references a specifically identified subject matter, and shall not be interpreted to require the production of information that is not embodied in a public record.

"Meeting" or "meetings" means the meetings including work sessions, when sitting physically, or through electronic communication means pursuant to § 2.2-3708.2 or 2.2-3708.3, as a body or entity, or as an informal assemblage of (i) as many as three members or (ii) a quorum, if less than three, of the constituent membership, wherever held, with or without minutes being taken, whether or not votes are cast, of any public body. Neither the gathering of employees of a public body nor the gathering or attendance of two or more members of a public body (a) at any place or function where no part of the purpose of such gathering or attendance is the discussion or transaction of any public business, and such gathering or attendance was not called or prearranged with any purpose of discussing or transacting any business of the public body, or (b) at a public forum, candidate appearance, or debate, the purpose of which is to inform the electorate and not to transact public business or to hold discussions relating to the transaction of public business, even though the performance of the members individually or collectively in the conduct of public business may be a topic of discussion or debate at such public meeting, shall be deemed a "meeting" subject to the provisions of this chapter.

"Official public government website" means any Internet site controlled by a public body and used, among any other purposes, to post required notices and other content pursuant to this chapter on behalf of the public body.

"Open meeting" or "public meeting" means a meeting at which the public may be present.

"Public body" means any legislative body, authority, board, bureau, commission, district, or agency of the Commonwealth or of any political subdivision of the Commonwealth, including counties, cities, and towns, municipal councils, governing bodies of counties, school boards, and planning commissions; governing boards of public institutions of higher education; and other organizations, corporations, or agencies in the Commonwealth supported wholly or principally by public funds. It shall include (i) the Virginia Birth-Related Neurological Injury Compensation Program and its board of directors established pursuant to Chapter 50 (§ 38.2-5000 et seq.) of Title 38.2 and (ii) any committee, subcommittee, or other entity however designated of the public body created to perform delegated functions of the public body or to advise the public body. It shall not exclude any such committee, subcommittee, or entity because it has private sector or citizen members. Corporations organized by the Virginia Retirement System are "public bodies" for purposes of this chapter.

For the purposes of the provisions of this chapter applicable to access to public records, constitutional officers and private police departments as defined in § 9.1-101 shall be considered public bodies and, except as otherwise expressly provided by law, shall have the same obligations to disclose public records as other custodians of public records.

"Public records" means all writings and recordings that consist of letters, words, or numbers, or their equivalent, set down by handwriting, typewriting, printing, photostatting, photography, magnetic impulse, optical or magneto-optical form, mechanical or electronic recording, or other form of data compilation, however stored, and regardless of physical form or characteristics, prepared or owned by, or in the possession of a public body or its officers, employees, or agents in the transaction of public business.

"Regional public body" means a unit of government organized as provided by law within defined boundaries, as determined by the General Assembly, which unit includes two or more localities.

"Remote participation" means participation by an individual member of a public body by electronic communication means in a public meeting where a quorum of the public body is otherwise physically assembled.

"Scholastic records" means those records containing information directly related to a student or an applicant for admission and maintained by a public body that is an educational agency or institution or by a person acting for such agency or institution.

"Trade secret" means the same as that term is defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.).

§ 2.2-3708.3. Meetings held through electronic communication means; situations other than declared states of emergency.

A. Public bodies are encouraged to (i) provide public access, both in person and through electronic communication means, to public meetings and (ii) provide avenues for public comment at public meetings when public comment is customarily received, which may include public comments made in person or by electronic communication means or other methods.

B. Individual members of a public body may use remote participation instead of attending a public meeting in person if, in advance of the public meeting, the public body has adopted a policy as described in subsection D and the member notifies the public body chair that:

1. The member has a temporary or permanent disability or other medical condition that prevents the member's physical attendance. *For purposes of determining whether a quorum is physically assembled, an individual member of a public body who is a person with a disability as defined in § 51.5-40.1 and uses remote participation counts toward the quorum as if the individual was physically present*;

2. A medical condition of a member of the member's family requires the member to provide care that prevents the member's physical attendance *or the member is a caregiver who must provide care for a person with a disability at the time the public meeting is being held thereby preventing the member's physical attendance. For purposes of determining whether a quorum is physically assembled, an individual member of a public body who is a caregiver for a person with a disability and uses remote participation counts toward the quorum as if the individual was physically present*;

3. The member's principal residence is more than 60 miles from the meeting location identified in the required notice for such meeting; or

4. The member is unable to attend the meeting due to a personal matter and identifies with specificity the nature of the personal matter. However, the member may not use remote participation due to personal matters more than two meetings per calendar year or 25 percent of the meetings held per calendar year rounded up to the next whole number, whichever is greater.

If participation by a member through electronic communication means is approved pursuant to this subsection, the public body holding the meeting shall record in its minutes the remote location from which the member participated; however, the remote location need not be open to the public and may be identified in the minutes by a general description. If participation is approved pursuant to subdivision 1 or 2, the public body shall also include in its minutes the fact that the member participated through electronic communication means due to a (i) temporary or permanent disability or other medical condition that prevented the member's physical attendance or (ii) family member's medical condition that required the member to provide care for such family member, thereby preventing the member's physical attendance. If participation is approved pursuant to subdivision 3, the public body shall also include in its minutes the fact that the member participated through electronic communication means due to the distance between the member's principal residence and the meeting location. If participation is approved pursuant to subdivision 4, the public body shall also include in its minutes the specific nature of the personal matter cited by the member.

If a member's participation from a remote location pursuant to this subsection is disapproved because such participation would violate the policy adopted pursuant to subsection D, such disapproval shall be recorded in the minutes with specificity.

C. With the exception of local governing bodies, local school boards, planning commissions, architectural review boards, zoning appeals boards, and boards with the authority to deny, revoke, or suspend a professional or occupational license, any public body may hold all-virtual public meetings, provided that the public body follows the other requirements in this chapter for meetings, the public body has adopted a policy as described in subsection D, and:

1. An indication of whether the meeting will be an in-person or all-virtual public meeting is included in the required meeting notice along with a statement notifying the public that the method by which a public body chooses to meet shall not be changed unless the public body provides a new meeting notice in accordance with the provisions of § 2.2-3707;

2. Public access to the all-virtual public meeting is provided via electronic communication means;

3. The electronic communication means used allows the public to hear all members of the public body participating in the all-virtual public meeting and, when audio-visual technology is available, to see the members of the public body as well;

4. A phone number or other live contact information is provided to alert the public body if the audio or video transmission of the meeting provided by the public body fails, the public body monitors such designated means of communication during the meeting, and the public body takes a recess until public access is restored if the transmission fails for the public;

5. A copy of the proposed agenda and all agenda packets and, unless exempt, all materials furnished to members of a public body for a meeting is made available to the public in electronic format at the same time that such materials are provided to members of the public body;

6. The public is afforded the opportunity to comment through electronic means, including by way of written comments, at those public meetings when public comment is customarily received;

7. No more than two members of the public body are together in any one remote location unless that remote location is open to the public to physically access it;

8. If a closed session is held during an all-virtual public meeting, transmission of the meeting to the public resumes before the public body votes to certify the closed meeting as required by subsection D of § 2.2-3712;

9. The public body does not convene an all-virtual public meeting (i) more than two times per calendar year or 25 percent of the meetings held per calendar year rounded up to the next whole number, whichever is greater, or (ii) consecutively with another all-virtual public meeting; and

10. Minutes of all-virtual public meetings held by electronic communication means are taken as required by § 2.2-3707 and include the fact that the meeting was held by electronic communication means and the type of electronic communication means by which the meeting was held. If a member's participation from a remote location pursuant to this

subsection is disapproved because such participation would violate the policy adopted pursuant to subsection D, such disapproval shall be recorded in the minutes with specificity.

D. Before a public body uses all-virtual public meetings as described in subsection C or allows members to use remote participation as described in subsection B, the public body shall first adopt a policy, by recorded vote at a public meeting, that shall be applied strictly and uniformly, without exception, to the entire membership and without regard to the identity of the member requesting remote participation or the matters that will be considered or voted on at the meeting. The policy shall:

1. Describe the circumstances under which an all-virtual public meeting and remote participation will be allowed and the process the public body will use for making requests to use remote participation, approving or denying such requests, and creating a record of such requests; and

2. Fix the number of times remote participation for personal matters or all-virtual public meetings can be used per calendar year, not to exceed the limitations set forth in subdivisions B 4 and C 9.

The policy shall not prohibit or restrict any individual member of a public body who is participating in an all-virtual meeting or who is using remote participation from voting on matters before the public body.

Any public body that creates a committee, subcommittee, or other entity however designated of the public body to perform delegated functions of the public body or to advise the public body may also adopt a policy on behalf of its committee, subcommittee, or other entity that shall apply to the committee, subcommittee, or other entity's use of individual remote participation and all-virtual public meetings.

CHAPTER 618

An Act to amend and reenact § 33.2-2507 of the Code of Virginia, relating to Northern Virginia Transportation Authority; technical advisory committee; appointments.

[S 158]

Approved April 8, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 33.2-2507 of the Code of Virginia is amended and reenacted as follows:

§ 33.2-2507. Formation of advisory committees.

A. The Authority shall have a technical advisory committee, consisting of nine individuals who reside or are employed in counties and cities embraced by the Authority and have experience in transportation planning, finance, engineering, construction, or management. Six members shall be appointed ~~by~~ ~~localities~~ ~~embraced~~ by the Authority and three members shall be appointed by the Chairman of the Commonwealth Transportation Board. The technical advisory committee shall advise and provide recommendations on the development of projects as required by § 33.2-2508 and funding strategies and other matters as directed by the Authority.

B. The Authority also shall have a planning coordination advisory committee that shall include at least one elected official from each town that is located in any county embraced by the Authority and receives street maintenance payments under § 33.2-319.

C. The Authority may form additional advisory committees.

CHAPTER 619

An Act to amend and reenact §§ 4.1-100, 4.1-103, 4.1-206.3, as it is currently effective and as it shall become effective, 4.1-209, 4.1-231.1, as it is currently effective and as it shall become effective, 4.1-233.1, 4.1-309, and 4.1-325 of the Code of Virginia, relating to alcoholic beverage control; annual mixed beverage performing arts facility licenses; on-and-off premises wine and beer licenses.

[S 180]

Approved April 8, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 4.1-100, 4.1-103, 4.1-206.3, as it is currently effective and as it shall become effective, 4.1-209, 4.1-231.1, as it is currently effective and as it shall become effective, 4.1-233.1, 4.1-309, and 4.1-325 of the Code of Virginia are amended and reenacted as follows:

§ 4.1-100. Definitions.

As used in this subtitle unless the context requires a different meaning:

"Alcohol" means the product known as ethyl or grain alcohol obtained by distillation of any fermented liquor, rectified either once or more often, whatever the origin, and shall include synthetic ethyl alcohol, but shall not include methyl alcohol and alcohol completely denatured in accordance with formulas approved by the government of the United States.

"Alcohol vaporizing device" means any device, machine, or process that mixes any alcoholic beverages with pure oxygen or other gas to produce a vaporized product for the purpose of consumption by inhalation.

"Alcoholic beverages" includes alcohol, spirits, wine, and beer, and any one or more of such varieties containing one-half of one percent or more of alcohol by volume, including mixed alcoholic beverages, and every liquid or solid, powder or crystal, patented or not, containing alcohol, spirits, wine, or beer and capable of being consumed by a human being. Any liquid or solid containing more than one of the four varieties shall be considered as belonging to that variety which has the higher percentage of alcohol, however obtained, according to the order in which they are set forth in this definition; except that beer may be manufactured to include flavoring materials and other nonbeverage ingredients containing alcohol, as long as no more than 49 percent of the overall alcohol content of the finished product is derived from the addition of flavors and other nonbeverage ingredients containing alcohol for products with an alcohol content of no more than six percent by volume; or, in the case of products with an alcohol content of more than six percent by volume, as long as no more than one and one-half percent of the volume of the finished product consists of alcohol derived from added flavors and other nonbeverage ingredients containing alcohol.

"Arts venue" means a commercial or nonprofit establishment that is open to the public and in which works of art are sold or displayed.

"Authority" means the Virginia Alcoholic Beverage Control Authority created pursuant to this subtitle.

"Barrel" means any container or vessel having a capacity of more than 43 ounces.

"Bed and breakfast establishment" means any establishment (i) having no more than 15 bedrooms; (ii) offering to the public, for compensation, transitory lodging or sleeping accommodations; and (iii) offering at least one meal per day, which may but need not be breakfast, to each person to whom overnight lodging is provided. For purposes of the licensing requirements of this subtitle, "bed and breakfast establishment" includes any property offered to the public for short-term rental, as that term is defined in § 15.2-983, other than a hotel as defined in this section, regardless of whether a meal is offered to each person to whom overnight lodging is provided.

"Beer" means any alcoholic beverage obtained by the fermentation of an infusion or decoction of barley, malt, and hops or of any similar products in drinkable water and containing one-half of one percent or more of alcohol by volume.

"Board" means the Board of Directors of the Virginia Alcoholic Beverage Control Authority.

"Bottle" means any vessel intended to contain liquids and having a capacity of not more than 43 ounces.

"Bus" means a motor vehicle that (i) is operated by a common carrier licensed under Chapter 20 (§ 46.2-2000 et seq.) of Title 46.2 to transport passengers for compensation over the highways of the Commonwealth on regular or irregular routes of not less than 100 miles, (ii) seats no more than 24 passengers, (iii) is 40 feet in length or longer, (iv) offers wireless Internet services, (v) is equipped with charging stations at every seat for cellular phones or other portable devices, and (vi) during the transportation of passengers, is staffed by an attendant who has satisfied all training requirements set forth in this subtitle or Board regulation.

"Club" means any private nonprofit corporation or association which is the owner, lessee, or occupant of an establishment operated solely for a national, social, patriotic, political, athletic, or other like purpose, but not for pecuniary gain, the advantages of which belong to all of the members. It also means the establishment so operated. A corporation or association shall not lose its status as a club because of the conduct of charitable gaming conducted pursuant to Article 1.1:1 (§ 18.2-340.15 et seq.) of Chapter 8 of Title 18.2 in which nonmembers participate frequently or in large numbers, provided that no alcoholic beverages are served or consumed in the room where such charitable gaming is being conducted while such gaming is being conducted and that no alcoholic beverages are made available upon the premises to any person who is neither a member nor a bona fide guest of a member.

Any such corporation or association which has been declared exempt from federal and state income taxes as one which is not organized and operated for pecuniary gain or profit shall be deemed a nonprofit corporation or association.

"Commercial lifestyle center" means a mixed-use commercial development covering a minimum of 10 acres of land and having at least 100,000 square feet of retail space featuring national specialty chain stores and a combination of dining, entertainment, office, residential, or hotel establishments located in a physically integrated outdoor setting that is pedestrian friendly and that is governed by a commercial owners' association that is responsible for the management, maintenance, and operation of the common areas thereof.

"Container" means any barrel, bottle, carton, keg, vessel, or other receptacle used for holding alcoholic beverages.

"Contract winemaking facility" means the premises of a licensed winery or farm winery that obtains grapes, fruits, and other agricultural products from a person holding a winery or farm winery license and crushes, processes, ferments, bottles, or provides any combination of such services pursuant to an agreement with the winery or farm winery licensee. For all purposes of this subtitle, wine produced by a contract winemaking facility for a winery or farm winery shall be considered to be wine owned and produced by the winery or farm winery that supplied the grapes, fruits, or other agricultural products used in the production of the wine. The contract winemaking facility shall have no right to sell the wine so produced, unless the terms of payment have not been fulfilled in accordance with the contract. The contract winemaking facility may charge the winery or farm winery for its services. A winery licensee may utilize contract winemaking services only for the manufacture or processing of wine of which no less than 90 percent of the grapes, fruits, and other agricultural products used to make such wine are grown in the Commonwealth.

"Convenience grocery store" means an establishment that (i) has an enclosed room in a permanent structure where stock is displayed and offered for sale and (ii) maintains an inventory of edible items intended for human consumption consisting of a variety of such items of the types normally sold in grocery stores.

"Culinary lodging resort" means a facility (i) having not less than 13 overnight guest rooms in a building that has at least 20,000 square feet of indoor floor space; (ii) located on a farm in the Commonwealth with at least 1,000 acres of land zoned agricultural; (iii) equipped with a full-service kitchen; and (iv) offering to the public, for compensation, at least one meal per day, lodging, and recreational and educational activities related to farming, livestock, and other rural activities.

"Delicatessen" means an establishment that sells a variety of prepared foods or foods requiring little preparation, such as cheeses, salads, cooked meats, and related condiments.

"Designated area" means a room or area approved by the Board for on-premises licensees.

"Dining area" means a public room or area in which meals are regularly served.

"Drugstore" means an establishment that sells medicines prepared by a licensed pharmacist pursuant to a prescription and other medicines and items for home and general use.

"Establishment" means any place where alcoholic beverages of one or more varieties are lawfully manufactured, sold, or used.

"Farm winery" means (i) an establishment or cooperative located in the Commonwealth on land zoned agricultural that has (a) a vineyard, orchard, or similar growing area that produces fruits or other agricultural products used to manufacture the wine of such farm winery, subject to the requirements set forth in § 4.1-219, and (b) facilities for fermenting and bottling wine on the premises where such farm winery manufactures wine that contains not more than 21 percent alcohol by volume or (ii) an accredited public or private institution of higher education, provided that (a) no wine manufactured by the institution shall be sold, (b) the wine manufactured by the institution shall be used solely for research and educational purposes, (c) the wine manufactured by the institution shall be stored on the premises of such farm winery that shall be separate and apart from all other facilities of the institution, and (d) such farm winery is operated in strict conformance with the requirements of this clause (ii) and Board regulations. As used in this definition, the term "cooperative" means a cooperative formed by an association of individuals for the purpose of manufacturing wine. In determining whether a cooperative licensed as a farm winery has met the requirements set forth in clause (i), the Board shall consider all land in the Commonwealth that is owned or leased by a member of the cooperative. For purposes of this definition, "land zoned agricultural" means (1) land zoned as an agricultural district or classification or (2) land otherwise permitted by a locality for farm winery use. For purposes of this definition, "land zoned agricultural" does not include land zoned "residential conservation." Except for the limitation on land zoned "residential conservation," nothing in the definition of "land zoned agricultural" shall otherwise limit or affect local zoning authority.

"Gift shop" means any bona fide retail store selling, predominantly, gifts, books, souvenirs, specialty items relating to history, original and handmade arts and products, collectibles, crafts, and floral arrangements, which is open to the public on a regular basis. Such shop shall be a permanent structure where stock is displayed and offered for sale and which has facilities to properly secure any stock of wine or beer. Such shop may be located (i) on the premises or grounds of a government registered national, state or local historic building or site or (ii) within the premises of a museum. The Board shall consider the purpose, characteristics, nature, and operation of the shop in determining whether it shall be considered a gift shop.

"Gourmet brewing shop" means an establishment which sells to persons to whom wine or beer may lawfully be sold, ingredients for making wine or brewing beer, including packaging, and rents to such persons facilities for manufacturing, fermenting and bottling such wine or beer.

"Gourmet oyster house" means an establishment that (i) is located on the premises of a commercial marina, (ii) is permitted by the Department of Health to serve oysters and other fresh seafood for consumption on the premises, and (iii) offers to the public events for the purpose of featuring and educating the consuming public about local oysters and other seafood products.

"Gourmet shop" means an establishment provided with adequate inventory, shelving, and storage facilities, where, in consideration of payment, substantial amounts of domestic and imported wines and beers of various types and sizes and related products such as cheeses and gourmet foods are habitually furnished to persons.

"Government store" means a store established by the Authority for the sale of alcoholic beverages.

"Grocery store" means an establishment that sells food and other items intended for human consumption, including a variety of ingredients commonly used in the preparation of meals.

"Historic cinema house" means a nonprofit establishment exempt from taxation under § 501(c)(3) of the Internal Revenue Code that was built prior to 1970 and that exists for the primary purpose of showing motion pictures to the public.

"Hotel" means any duly licensed establishment, provided with special space and accommodation, where, in consideration of payment, food and lodging are habitually furnished to persons, and which has four or more bedrooms. It shall also mean the person who operates such hotel.

"Interdicted person" means a person to whom the sale of alcoholic beverages is prohibited by order pursuant to this subtitle.

"Internet wine and beer retailer" means a person who owns or operates an establishment with adequate inventory, shelving, and storage facilities, where, in consideration of payment, Internet or telephone orders are taken and shipped directly to consumers and which establishment is not a retail store open to the public.

"Intoxicated" means a condition in which a person has drunk enough alcoholic beverages to observably affect his manner, disposition, speech, muscular movement, general appearance, or behavior.

"Licensed" means the holding of a valid license granted by the Authority.

"Licensee" means any person to whom a license has been granted by the Authority.

"Liqueur" means any of a class of highly flavored alcoholic beverages that do not exceed an alcohol content of 25 percent by volume.

"Low alcohol beverage cooler" means a drink containing one-half of one percent or more of alcohol by volume, but not more than seven and one-half percent alcohol by volume, and consisting of spirits mixed with nonalcoholic beverages or flavoring or coloring materials; it may also contain water, fruit juices, fruit adjuncts, sugar, carbon dioxide, preservatives or other similar products manufactured by fermenting fruit or fruit juices. Low alcohol beverage coolers shall be treated as wine for all purposes of this subtitle, except that low alcohol beverage coolers may be manufactured by a licensed distiller or a distiller located outside the Commonwealth.

"Marina store" means an establishment that is located on the same premises as a marina, is operated by the owner of such marina, and sells food and nautical and fishing supplies.

"Meals" means, for a mixed beverage license, an assortment of foods commonly ordered in bona fide, full-service restaurants as principal meals of the day. Such restaurants shall include establishments specializing in full course meals with a single substantial entree.

"Member of a club" means (i) a person who maintains his membership in the club by the payment of monthly, quarterly, or annual dues in the manner established by the rules and regulations thereof or (ii) a person who is a member of a bona fide auxiliary, local chapter, or squadron composed of direct lineal descendants of a bona fide member, whether alive or deceased, of a national or international organization to which an individual lodge holding a club license is an authorized member in the same locality. It shall also mean a lifetime member whose financial contribution is not less than 10 times the annual dues of resident members of the club, the full amount of such contribution being paid in advance in a lump sum.

"Mixed beverage" or "mixed alcoholic beverage" means a drink composed in whole or in part of spirits.

"Mixer" means any prepackaged ingredients containing beverages or flavoring or coloring materials, and which may also contain water, fruit juices, fruit adjuncts, sugar, carbon dioxide, or preservatives which are not commonly consumed unless combined with alcoholic beverages, whether or not such ingredients contain alcohol. Such specialty beverage product shall be manufactured or distributed by a Virginia corporation.

"Municipal golf course" means any golf course that is owned by any town incorporated in 1849 and which is the county seat of Smyth County.

"Performing arts facility" means an indoor or outdoor amphitheater, arena, multipurpose theater, or similar facility at which live musical, dance, theatre, or similar performances, the types of which are approved by the Authority, are performed, provided that the facility has stationary stadium or similar seating for more than 500 persons.

"Place or premises" means the real estate, together with any buildings or other improvements thereon, designated in the application for a license as the place at which the manufacture, bottling, distribution, use or sale of alcoholic beverages shall be performed, except that portion of any such building or other improvement actually and exclusively used as a private residence.

"Principal stockholder" means any person who individually or in concert with his spouse and immediate family members beneficially owns or controls, directly or indirectly, five percent or more of the equity ownership of any person that is a licensee of the Authority, or who in concert with his spouse and immediate family members has the power to vote or cause the vote of five percent or more of any such equity ownership. "Principal stockholder" does not include a broker-dealer registered under the Securities Exchange Act of 1934, as amended, that holds in inventory shares for sale on the financial markets for a publicly traded corporation holding, directly or indirectly, a license from the Authority.

"Public place" means any place, building, or conveyance to which the public has, or is permitted to have, access, including restaurants, soda fountains, hotel dining areas, lobbies and corridors of hotels, and any park, place of public resort or amusement, highway, street, lane, or sidewalk adjoining any highway, street, or lane.

"Public place" does not include (i) hotel or restaurant dining areas or ballrooms while in use for private meetings or private parties limited in attendance to members and guests of a particular group, association or organization; (ii) restaurants licensed by the Authority in office buildings or industrial or similar facilities while such restaurant is closed to the public and in use for private meetings or parties limited in attendance to employees and nonpaying guests of the owner or a lessee of all or part of such building or facility; (iii) offices, office buildings or industrial facilities while closed to the public and in use for private meetings or parties limited in attendance to employees and nonpaying guests of the owner or a lessee of all or part of such building or facility; or (iv) private recreational or chartered boats which are not licensed by the Board and on which alcoholic beverages are not sold.

"Residence" means any building or part of a building or structure where a person resides, but does not include any part of a building that is not actually and exclusively used as a private residence, nor any part of a hotel or club other than a private guest room thereof.

"Resort complex" means a facility (i) with a hotel owning year-round sports and recreational facilities located contiguously on the same property; (ii) owned by a nonstock, nonprofit, taxable corporation with voluntary membership which, as its primary function, makes available golf, ski, and other recreational facilities both to its members and to the general public; or (iii) operated by a corporation that operates as a management company which, as its primary function, makes available (a) vacation accommodations, guest rooms, or dwelling units and (b) golf, ski, and other recreational facilities to members of the managed entities and the general public. The hotel or corporation shall have or manage a minimum of 140 private guest rooms or dwelling units contained on not less than 50 acres, whether or not contiguous to the

licensed premises; if the guest rooms or dwelling units are located on property that is not contiguous to the licensed premises, such guest rooms and dwelling units shall be located within the same locality. The Authority may consider the purpose, characteristics, and operation of the applicant establishment in determining whether it shall be considered as a resort complex. All other pertinent qualifications established by the Board for a hotel operation shall be observed by such licensee.

"Restaurant" means, for a wine and beer license or a limited mixed beverage restaurant license, any establishment provided with special space and accommodation, where, in consideration of payment, meals or other foods prepared on the premises are regularly sold.

"Restaurant" means, for a mixed beverage license other than a limited mixed beverage restaurant license, an established place of business (i) where meals with substantial entrees are regularly sold and (ii) which has adequate facilities and sufficient employees for cooking, preparing, and serving such meals for consumption at tables in dining areas on the premises, and includes establishments specializing in full course meals with a single substantial entree.

"Sale" and "sell" includes soliciting or receiving an order for; keeping, offering or exposing for sale; peddling, exchanging or bartering; or delivering otherwise than gratuitously, by any means, alcoholic beverages.

"Sangria" means a drink consisting of red or white wine mixed with some combination of sweeteners, fruit, fruit juice, soda, or soda water that may also be mixed with brandy, triple sec, or other similar spirits.

"Special agent" means an employee of the Virginia Alcoholic Beverage Control Authority whom the Board has designated as a law-enforcement officer pursuant to § 4.1-105.

"Special event" means an event sponsored by a duly organized nonprofit corporation or association and conducted for an athletic, charitable, civic, educational, political, or religious purpose.

"Spirits" means any beverage that contains alcohol obtained by distillation mixed with drinkable water and other substances, in solution, and includes, among other things, brandy, rum, whiskey, and gin, or any one or more of the last four named ingredients, but shall not include any such liquors completely denatured in accordance with formulas approved by the United States government.

"Sports facility" means a coliseum, stadium, racetrack, or similar facility at which professional sports, as defined in § 58.1-4030, or similar events, the types of which are approved by the Authority, are conducted.

"Wine" means any alcoholic beverage, including cider, obtained by the fermentation of the natural sugar content of fruits or other agricultural products containing (i) sugar, including honey and milk, either with or without additional sugar; (ii) one-half of one percent or more of alcohol by volume; and (iii) no product of distillation. "Wine" includes any wine to which wine spirits have been added, as provided in the Internal Revenue Code, to make products commonly known as "fortified wine" which do not exceed an alcohol content of 21 percent by volume.

"Wine cooler" means a drink containing one-half of one percent or more of alcohol by volume, and not more than three and two-tenths percent of alcohol by weight or four percent by volume consisting of wine mixed with nonalcoholic beverages or flavoring or coloring materials, and which may also contain water, fruit juices, fruit adjuncts, sugar, carbon dioxide, or preservatives and shall include other similar products manufactured by fermenting fruit or fruit juices. Wine coolers and similar fermented fruit juice beverages shall be treated as wine for all purposes except for taxation under § 4.1-236.

"With or without meals" means the selling and serving of alcoholic beverages by retail licensees for on-premises consumption whether or not accompanied by food so long as the total food-beverage ratio required by § 4.1-206.3, or the monthly food sale requirement established by Board regulation, is met by such retail licensee.

§ 4.1-103. General powers of Board.

The Board shall have the power to:

1. Sue and be sued, implead and be impleaded, and complain and defend in all courts;

2. Adopt, use, and alter at will a common seal;

3. Fix, alter, charge, and collect rates, rentals, fees, and other charges for the use of property of, the sale of products of, or services rendered by the Authority at rates to be determined by the Authority for the purpose of providing for the payment of the expenses of the Authority;

4. Make and enter into all contracts and agreements necessary or incidental to the performance of its duties, the furtherance of its purposes, and the execution of its powers under this subtitle, including agreements with any person or federal agency;

5. Employ, at its discretion, consultants, researchers, architects, engineers, accountants, financial experts, investment bankers, superintendents, managers, and such other employees and special agents as may be necessary and fix their compensation to be payable from funds made available to the Authority. Legal services for the Authority shall be provided by the Attorney General in accordance with Chapter 5 (§ 2.2-500 et seq.) of Title 2.2;

6. Receive and accept from any federal or private agency, foundation, corporation, association, or person grants or other aid to be expended in accomplishing the objectives of the Authority, and receive and accept from the Commonwealth or any state and any municipality, county, or other political subdivision thereof or from any other source aid or contributions of either money, property, or other things of value, to be held, used, and applied only for the purposes for which such grants and contributions may be made. All federal moneys accepted under this section shall be accepted and expended by the Authority upon such terms and conditions as are prescribed by the United States and as are consistent with state law, and all

state moneys accepted under this section shall be expended by the Authority upon such terms and conditions as are prescribed by the Commonwealth;

7. Adopt, alter, and repeal bylaws, rules, and regulations governing the manner in which its business shall be transacted and the manner in which the powers of the Authority shall be exercised and its duties performed. The Board may delegate or assign any duty or task to be performed by the Authority to any officer or employee of the Authority. The Board shall remain responsible for the performance of any such duties or tasks. Any delegation pursuant to this subdivision shall, where appropriate, be accompanied by written guidelines for the exercise of the duties or tasks delegated. Where appropriate, the guidelines shall require that the Board receive summaries of actions taken. Such delegation or assignment shall not relieve the Board of the responsibility to ensure faithful performance of the duties and tasks;

8. Conduct or engage in any lawful business, activity, effort, or project consistent with the Authority's purposes or necessary or convenient to exercise its powers;

9. Develop policies and procedures generally applicable to the procurement of goods, services, and construction, based upon competitive principles;

10. Develop policies and procedures consistent with Article 4 (§ 2.2-4347 et seq.) of Chapter 43 of Title 2.2;

11. Buy, import and sell alcoholic beverages other than beer and wine not produced by farm wineries, and to have alcoholic beverages other than beer and wine not produced by farm wineries in its possession for sale;

12. Buy and sell any mixers;

13. Buy and sell products licensed by the Virginia Tourism Corporation that are within international trademark classes 16 (paper goods and printer matters), 18 (leather goods), 21 (housewares and glass), and 25 (clothing);

14. Control the possession, sale, transportation, and delivery of alcoholic beverages;

15. Determine, subject to § 4.1-121, the localities within which government stores shall be established or operated and the location of such stores;

16. Maintain warehouses for alcoholic beverages and control the storage and delivery of alcoholic beverages to and from such warehouses;

17. Acquire, purchase, hold, use, lease, or otherwise dispose of any property, real, personal or mixed, tangible or intangible, or any interest therein necessary or desirable for carrying out the purposes of the Authority; lease as lessee any property, real, personal or mixed, tangible or intangible, or any interest therein, at such annual rental and on such terms and conditions as may be determined by the Board; lease as lessor to any person any property, real, personal or mixed, tangible or intangible, or any interest therein, at any time acquired by the Authority, whether wholly or partially completed, at such annual rental and on such terms and conditions as may be determined by the Board; sell, transfer, or convey any property, real, personal or mixed, tangible or intangible, or any interest therein, at any time acquired or held by the Authority on such terms and conditions as may be determined by the Board; and occupy and improve any land or building required for the purposes of this subtitle;

18. Purchase, lease, or acquire the use of, by any manner, any plant or equipment that may be considered necessary or useful in carrying into effect the purposes of this subtitle, including rectifying, blending, and processing plants. The Board may purchase, build, lease, and operate distilleries and manufacture alcoholic beverages;

19. Determine the nature, form and capacity of all containers used for holding alcoholic beverages to be kept or sold under this subtitle, and prescribe the form and content of all labels and seals to be placed thereon; however, no container sold in or shipped into the Commonwealth shall include powdered or crystalline alcohol;

20. Appoint every agent and employee required for its operations; require any or all of them to give bonds payable to the Commonwealth in such penalty as shall be fixed by the Board; and engage the services of experts and professionals;

21. Hold and conduct hearings; issue subpoenas requiring the attendance of witnesses and the production of records, memoranda, papers and other documents before the Board or any agent of the Board; and administer oaths and take testimony thereunder. The Board may authorize any Board member or agent of the Board to hold and conduct hearings, issue subpoenas, administer oaths and take testimony thereunder, and decide cases, subject to final decision by the Board, on application of any party aggrieved. The Board may enter into consent agreements and may request and accept from any applicant or licensee a consent agreement in lieu of proceedings on (i) objections to the issuance of a license or (ii) disciplinary action. Any such consent agreement shall include findings of fact and may include an admission or a finding of a violation. A consent agreement shall not be considered a case decision of the Board and shall not be subject to judicial review under the provisions of the Administrative Process Act (§ 2.2-4000 et seq.), but may be considered by the Board in future disciplinary proceedings;

22. Make a reasonable charge for preparing and furnishing statistical information and compilations to persons other than (i) officials, including court and police officials, of the Commonwealth and of its subdivisions if the information requested is for official use and (ii) persons who have a personal or legal interest in obtaining the information requested if such information is not to be used for commercial or trade purposes;

23. Promulgate regulations in accordance with the Administrative Process Act (§ 2.2-4000 et seq.) and § 4.1-111;

24. Grant, suspend, and revoke licenses for the manufacture, bottling, distribution, importation, and sale of alcoholic beverages;

25. Assess and collect civil penalties and civil charges for violations of this subtitle and Board regulations;

26. Maintain actions to enjoin common nuisances as defined in § 4.1-317;

27. Establish minimum food sale requirements for all retail licensees;

28. Review and approve any proposed legislative or regulatory changes suggested by the Chief Executive Officer as the Board deems appropriate;

29. Report quarterly to the Secretary of Public Safety and Homeland Security on the law-enforcement activities undertaken to enforce the provisions of this subtitle;

30. Establish and collect fees for all permits set forth in this subtitle, including fees associated with applications for such permits;

31. Impose a requirement that a mixed beverage casino licensee pursuant to subdivision A ~~15~~ *14* of § 4.1-206.3 pay for any cost incurred by the Board to enforce such license in excess of the applicable state license fee; and

32. Do all acts necessary or advisable to carry out the purposes of this subtitle.

§ 4.1-206.3. (Effective until July 1, 2024) Retail licenses.

A. The Board may grant the following mixed beverages licenses:

1. Mixed beverage restaurant licenses, which shall authorize the licensee to sell and serve mixed beverages for on-premises consumption in dining areas and other designated areas of such restaurant or off-premises consumption. Such license may be granted only to persons (i) who operate a restaurant and (ii) whose gross receipts from the sale of food cooked, or prepared, and consumed on the premises and nonalcoholic beverages served on the premises, after issuance of such license, amount to at least 45 percent of the gross receipts from the sale of mixed beverages and food. For the purposes of this subdivision, other designated areas shall include outdoor dining areas, whether or not contiguous to the licensed premises, which outdoor dining areas may have more than one means of ingress and egress to an adjacent public thoroughfare, provided such areas are under the control of the licensee and approved by the Board. Such noncontiguous designated areas shall not be approved for any retail license issued pursuant to subdivision A 5 of § 4.1-201.

If the restaurant is located on the premises of a hotel or motel with no fewer than four permanent bedrooms where food and beverage service is customarily provided by the restaurant in designated areas, bedrooms, and other private rooms of such hotel or motel, such licensee may (a) sell and serve mixed beverages for on-premises consumption in such designated areas, bedrooms, and other private rooms or off-premises consumption and (b) sell spirits packaged in original closed containers purchased from the Board for on-premises consumption to registered guests and at scheduled functions of such hotel or motel only in such bedrooms or private rooms. However, with regard to a hotel classified as a resort complex, the Board may authorize the sale and on-premises consumption of alcoholic beverages in all areas within the resort complex deemed appropriate by the Board. Nothing herein shall prohibit any person from keeping and consuming his own lawfully acquired spirits in bedrooms or private rooms.

If the restaurant is located on the premises of and operated by a private, nonprofit, or profit club exclusively for its members and their guests, or members of another private, nonprofit, or profit club in another city with which it has an agreement for reciprocal dining privileges, such license shall also authorize the licensees to (1) sell and serve mixed beverages for on-premises or off-premises consumption and (2) sell spirits that are packaged in original closed containers with a maximum capacity of two fluid ounces or 50 milliliters and purchased from the Board for on-premises consumption. Where such club prepares no food in its restaurant but purchases its food requirements from a restaurant licensed by the Board and located on another portion of the premises of the same hotel or motel building, this fact shall not prohibit the granting of a license by the Board to such club qualifying in all other respects. The club's gross receipts from the sale of nonalcoholic beverages consumed on the premises and food resold to its members and guests and consumed on the premises shall amount to at least 45 percent of its gross receipts from the sale of mixed beverages and food. The food sales made by a restaurant to such a club shall be excluded in any consideration of the qualifications of such restaurant for a license from the Board.

If the restaurant is located on the premises of and operated by a municipal golf course, the Board shall recognize the seasonal nature of the business and waive any applicable monthly food sales requirements for those months when weather conditions may reduce patronage of the golf course, provided that prepared food, including meals, is available to patrons during the same months. The gross receipts from the sale of food cooked, or prepared, and consumed on the premises and nonalcoholic beverages served on the premises, after the issuance of such license, shall amount to at least 45 percent of the gross receipts from the sale of mixed beverages and food on an annualized basis.

If the restaurant is located on the premises of and operated by a culinary lodging resort, such license shall authorize the licensee to (A) sell alcoholic beverages, without regard to the amount of gross receipts from the sale of food prepared and consumed on the premises, for off-premises consumption or for on-premises consumption in areas upon the licensed premises approved by the Board and other designated areas of the resort, including outdoor areas under the control of the licensee, and (B) permit the possession and consumption of lawfully acquired alcoholic beverages by persons to whom overnight lodging is being provided in bedrooms and private guest rooms.

If the restaurant is located on the premises of a mixed beverage casino licensee owned by an operator licensed under Article 3 (§ 58.1-4108 et seq.) of Chapter 41 of Title 58.1, such mixed beverage restaurant license shall authorize the licensee to sell alcoholic beverages for on-premises consumption on the licensed premises of the restaurant during all hours of operation of the mixed beverage casino licensee. Any alcoholic beverages purchased from such restaurant may be (I) taken onto the premises of the mixed beverage casino licensee and (II) possessed or consumed in areas designated by the Board, after consultation with the mixed beverage casino licensee. Designated areas may include any areas on the premises of the mixed beverage casino licensee, including entertainment venues, conference rooms, private rooms, hotels, pools, marinas, or green spaces. Alcoholic beverages purchased from a restaurant pursuant to this subdivision shall be contained in

glassware or a paper, plastic, or similar disposable container that clearly displays the name or logo of the restaurant from which the alcoholic beverage was purchased.

The granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption and in closed containers for off-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

2. Mixed beverage caterer's licenses, which may be granted only to a person regularly engaged in the business of providing food and beverages to others for service at private gatherings or at special events, which shall authorize the licensee to sell and serve alcoholic beverages for on-premises consumption. The annual gross receipts from the sale of food cooked and prepared for service and nonalcoholic beverages served at gatherings and events referred to in this subdivision shall amount to at least 45 percent of the gross receipts from the sale of mixed beverages and food.

3. Mixed beverage limited caterer's licenses, which may be granted only to a person regularly engaged in the business of providing food and beverages to others for service at private gatherings or at special events, not to exceed 12 gatherings or events per year, which shall authorize the licensee to sell and serve alcoholic beverages for on-premises consumption. The annual gross receipts from the sale of food cooked and prepared for service and nonalcoholic beverages served at gatherings and events referred to in this subdivision shall amount to at least 45 percent of the gross receipts from the sale of mixed beverages and food.

4. Mixed beverage carrier licenses to (i) persons operating a common carrier of passengers by train, boat, bus, or airplane, which shall authorize the licensee to sell and serve mixed beverages anywhere in the Commonwealth to passengers while in transit aboard any such common carrier, and in designated rooms of establishments of air carriers at airports in the Commonwealth and (ii) financial institutions, subsidiaries of a financial institution, or persons approved by the applicable airport authority that have entered into a contract with a financial institution or subsidiary of a financial institution to operate a passenger lounge, which shall authorize the licensee to sell and serve mixed beverages in designated areas of a passenger lounge for ticketed air carrier passengers that is located within an airport in the Commonwealth. For purposes of supplying its airplanes, as well as any airplanes of a licensed express carrier flying under the same brand, an air carrier licensee may appoint an authorized representative to load alcoholic beverages onto the same airplanes and to transport and store alcoholic beverages at or in close proximity to the airport where the alcoholic beverages will be delivered onto airplanes of the air carrier and any such licensed express carrier. The air carrier licensee shall (a) designate for purposes of its license all locations where the inventory of alcoholic beverages may be stored and from which the alcoholic beverages will be delivered onto airplanes of the air carrier and any such licensed express carrier and (b) maintain records of all alcoholic beverages to be transported, stored, and delivered by its authorized representative. The granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption or in closed containers for off-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

For the purposes of this subdivision:

"Financial institution" means any bank, trust company, savings institution, industrial loan association, consumer finance company, or credit union.

"Passenger lounge" means any restricted-access passenger waiting room or lounge leased to persons by the applicable airport authority in which food and beverage services are provided to ticketed passengers.

5. Annual mixed beverage ~~motor~~ sports facility licenses *to persons operating a sports facility or food concessions at a sports facility*, which shall authorize the licensee to sell mixed beverages~~, in paper, plastic, or similar disposable containers or in single original metal cans, during scheduled events, as well as events or performances immediately subsequent thereto, to patrons in all dining facilities, seating areas, viewing areas, walkways, concession areas, or similar facilities, for on-premises consumption. Such license may be granted to persons operating food concessions at an outdoor motor sports facility that (i) is located on 1,200 acres of rural property bordering the Dan River and has a track surface of 3.27 miles in length or (ii) hosts a NASCAR national touring race~~ *during any event and immediately subsequent thereto to patrons within all seating areas, concourses, walkways, concession areas, and additional locations designated by the Board (i) in closed containers for off-premises consumption or (ii) in paper, plastic, or similar disposable containers or in single original metal cans for on-premises consumption*. Upon authorization of the licensee, any person may keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas and locations covered by the license. The granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption or in closed containers for off-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

6. Limited mixed beverage restaurant licenses, which shall authorize the licensee to sell and serve dessert wines as defined by Board regulation and no more than six varieties of liqueurs, which liqueurs shall be combined with coffee or other nonalcoholic beverages, for on-premises consumption in dining areas of the restaurant or off-premises consumption. Such license may be granted only to persons who operate a restaurant and in no event shall the sale of such wine or liqueur-based drinks, together with the sale of any other alcoholic beverages, exceed 10 percent of the total annual gross sales of all food and alcoholic beverages. The granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption or in closed containers for off-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

7. Annual mixed beverage performing arts facility licenses, which shall (i) authorize the licensee to sell, on the dates of performances or events, alcoholic beverages in paper, plastic, or similar disposable containers or in single original metal cans for on-premises consumption in all seating areas, concourses, walkways, concession areas, similar facilities, and other areas upon the licensed premises approved by the Board and (ii) automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption or in closed containers for off-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1. Such licenses may be granted to ~~the following:~~

~~a. Corporations or associations~~ *persons* operating a performing arts facility~~, provided the~~ *or food concessions at a* performing arts facility ~~(i) is owned by a governmental entity; (ii) is occupied by a for-profit entity under a bona fide lease, the original term of which was for more than one year's duration; and (iii) has been rehabilitated in accordance with historic preservation standards;~~

~~b. Persons operating food concessions at any performing arts facility located in the City of Norfolk or the City of Richmond, provided that the performing arts facility (i) is occupied under a bona fide long-term lease or concession agreement, the original term of which was more than five years; (ii) has a capacity in excess of 1,400 patrons; (iii) has been rehabilitated in accordance with historic preservation standards; and (iv) has monthly gross receipts from the sale of food cooked, or prepared, and consumed on the premises and nonalcoholic beverages served on the premises that meet or exceed the monthly minimum established by Board regulations for mixed beverage restaurants;~~

~~c. Persons operating food concessions at any performing arts facility located in the City of Waynesboro, provided that the performing arts facility (i) is occupied under a bona fide long-term lease or concession agreement, the original term of which was more than five years; (ii) has a total capacity in excess of 550 patrons; and (iii) has been rehabilitated in accordance with historic preservation standards;~~

~~d. Persons operating food concessions at any performing arts facility located in the arts and cultural district of the City of Harrisonburg, provided that the performing arts facility (i) is occupied under a bona fide long-term lease or concession agreement, the original term of which was more than five years; (ii) has been rehabilitated in accordance with historic preservation standards; (iii) has monthly gross receipts from the sale of food cooked, or prepared, and consumed on the premises and nonalcoholic beverages served on the premises that meet or exceed the monthly minimum established by Board regulations for mixed beverage restaurants; and (iv) has a total capacity in excess of 900 patrons;~~

~~e. Persons operating food concessions at any multipurpose theater located in the historical district of the Town of Bridgewater, provided that the theater (i) is owned and operated by a governmental entity and (ii) has a total capacity in excess of 100 patrons;~~

~~f. Persons operating food concessions at any outdoor performing arts amphitheater, arena, or similar facility that has seating for more than 20,000 persons and is located in Prince William County or the City of Virginia Beach;~~

~~g. Persons operating food concessions at any outdoor performing arts amphitheater, arena, or similar facility that has seating for more than 5,000 persons and is located in the City of Alexandria or the City of Portsmouth; or~~

~~h. Persons operating food concessions at any corporate and performing arts facility located in Fairfax County, provided that the corporate and performing arts facility (i) is occupied under a bona fide long-term lease, management, or concession agreement, the original term of which was more than one year and (ii) has a total capacity in excess of 1,400 patrons. Such license shall authorize the sale, on the dates of performances or events, of alcoholic beverages for on-premises consumption in areas upon the licensed premises approved by the Board~~.

8. Combined mixed beverage restaurant and caterer's licenses, which may be granted to any restaurant or hotel that meets the qualifications for both a mixed beverage restaurant pursuant to subdivision 1 and mixed beverage caterer pursuant to subdivision 2 for the same business location, and which license shall authorize the licensee to operate as both a mixed beverage restaurant and mixed beverage caterer at the same business premises designated in the license, with a common alcoholic beverage inventory for purposes of the restaurant and catering operations. Such licensee shall meet the separate food qualifications established for the mixed beverage restaurant license pursuant to subdivision 1 and mixed beverage caterer's license pursuant to subdivision 2. The granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption or in closed containers for off-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

9. Bed and breakfast licenses, which shall authorize the licensee to (i) serve alcoholic beverages in dining areas, private guest rooms, and other designated areas to persons to whom overnight lodging is being provided, with or without meals, for on-premises consumption only in such rooms and areas, and without regard to the amount of gross receipts from the sale of food prepared and consumed on the premises and (ii) permit the consumption of lawfully acquired alcoholic beverages by persons to whom overnight lodging is being provided in (a) bedrooms or private guest rooms or (b) other designated areas of the bed and breakfast establishment. For purposes of this subdivision, "other designated areas" includes outdoor dining areas, whether or not contiguous to the licensed premises, which may have more than one means of ingress and egress to an adjacent public thoroughfare, provided that such outdoor dining areas are under the control of the licensee and approved by the Board. Such noncontiguous designated areas shall not be approved for any retail license issued pursuant to subdivision A 5 of § 4.1-201.

10. Museum licenses, which may be issued to nonprofit museums exempt from taxation under § 501(c)(3) of the Internal Revenue Code, which shall authorize the licensee to (i) permit the consumption of lawfully acquired alcoholic

beverages on the premises of the licensee by any bona fide member and guests thereof and (ii) serve alcoholic beverages on the premises of the licensee to any bona fide member and guests thereof. However, alcoholic beverages shall not be sold or charged for in any way by the licensee. The privileges of this license shall be limited to the premises of the museum, regularly occupied and utilized as such.

11. ~~Motor car sporting event facility licenses, which shall authorize the licensee to permit the consumption of lawfully acquired alcoholic beverages on the premises of the licensee by patrons thereof during such events. However, alcoholic beverages shall not be sold or charged for in any way, directly or indirectly, by the licensee. The privileges of this license shall be limited to those areas of the licensee's premises designated by the Board that are regularly occupied and utilized for motor car sporting events.~~

~~12.~~ Commercial lifestyle center licenses, which may be issued only to a commercial owners' association governing a commercial lifestyle center, which shall authorize any retail on-premises restaurant licensee that is a tenant of the commercial lifestyle center to sell alcoholic beverages to any bona fide customer to whom alcoholic beverages may be lawfully sold for consumption on that portion of the licensed premises of the commercial lifestyle center designated by the Board, including (i) plazas, seating areas, concourses, walkways, or such other similar areas and (ii) the premises of any tenant location of the commercial lifestyle center that is not a retail licensee of the Board, upon approval of such tenant, but excluding any parking areas. Only alcoholic beverages purchased from such retail on-premises restaurant licensees may be consumed on the licensed premises of the commercial lifestyle center, and such alcoholic beverages shall be contained in paper, plastic, or similar disposable containers with the name or logo of the restaurant licensee that sold the alcoholic beverage clearly displayed. Alcoholic beverages shall not be sold or charged for in any way by the commercial lifestyle center licensee. The licensee shall post appropriate signage clearly demarcating for the public the boundaries of the licensed premises; however, no physical barriers shall be required for this purpose. The licensee shall provide adequate security for the licensed premises to ensure compliance with the applicable provisions of this subtitle and Board regulations.

~~13.~~ *12.* Mixed beverage port restaurant licenses, which shall authorize the licensee to sell and serve mixed beverages for consumption in dining areas and other designated areas of such restaurant. Such license may be granted only to persons operating a business (i) that is primarily engaged in the sale of meals; (ii) that is located on property owned by the United States government or an agency thereof and used as a port of entry to or egress from the United States; and (iii) whose gross receipts from the sale of food cooked, or prepared, and consumed on the premises and nonalcoholic beverages served on the premises, after issuance of such license, amount to at least 45 percent of the gross receipts from the sale of mixed beverages and food. For the purposes of this subdivision, other designated areas shall include outdoor dining areas, whether or not contiguous to the licensed premises, which outdoor dining areas may have more than one means of ingress and egress to an adjacent public thoroughfare, provided such areas are under the control of the licensee and approved by the Board. Such noncontiguous designated areas shall not be approved for any retail license issued pursuant to subdivision A 5 of § 4.1-201. The granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption or in closed containers for off-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

~~14.~~ *13.* Annual mixed beverage special events licenses to (i) a duly organized nonprofit corporation or association operating either a performing arts facility or an art education and exhibition facility; (ii) a nonprofit corporation or association chartered by Congress for the preservation of sites, buildings, and objects significant in American history and culture; (iii) persons operating an agricultural event and entertainment park or similar facility that has a minimum of 50,000 square feet of indoor exhibit space and equine and other livestock show areas, which includes barns, pavilions, or other structures equipped with roofs, exterior walls, and open-door or closed-door access; or (iv) a locality for special events conducted on the premises of a museum for historic interpretation that is owned and operated by the locality. The operation in all cases shall be upon premises owned by such licensee or occupied under a bona fide lease, the original term of which was for more than one year's duration. Such license shall authorize the licensee to sell alcoholic beverages during scheduled events and performances for on-premises consumption in areas upon the licensed premises approved by the Board.

~~15.~~ *14.* Mixed beverage casino licenses, which shall authorize the licensee to (i) sell and serve mixed beverages for on-premises consumption in areas designated by the Board, after consultation with the mixed beverage casino licensee, without regard to the amount of gross receipts from the sale of food prepared and consumed on the premises and (ii) provide complimentary mixed beverages to patrons for on-premises consumption in private areas or restricted access areas designated by the Board, after consultation with the mixed beverage casino licensee. Designated areas may include any areas on the premises of the mixed beverage casino licensee, including entertainment venues, private rooms, conference rooms, hotels, pools, marinas, or green spaces. The granting of a license pursuant to this subdivision shall authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption and in closed containers for off-premises consumption in accordance with the provisions of this subdivision governing mixed beverages; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1. Notwithstanding any law or regulation to the contrary, a mixed beverage casino licensee may exercise the privileges of its license as set forth in this subdivision during all hours of operation of the casino gaming establishment; however, such licensee shall not sell wine or beer for off-premises consumption between the hours of 12 a.m. and 6 a.m.

A mixed beverage casino licensee may (a) provide patrons gifts of alcoholic beverages in closed containers for personal consumption off the licensed premises or in areas designated by the Board, after consultation with the mixed

beverage casino licensee, and (b) enable patrons who participate in a loyalty or reward credit program to redeem credits for the purchase of alcoholic beverages for on-premises consumption. A summary of the operation of such loyalty or reward credit program shall be provided to the Board upon request.

A mixed beverage casino license may only be issued to a casino gaming establishment owned by an operator licensed under Article 3 (§ 58.1-4108 et seq.) of Chapter 41 of Title 58.1.

B. The Board may grant an on-and-off-premises wine and beer license to the following:

1. Hotels, restaurants, and clubs, which shall authorize the licensee to sell wine and beer (i) in closed containers for off-premises consumption or (ii) for on-premises consumption, either with or without meals, in dining areas and other designated areas of such restaurants, or in dining areas, private guest rooms, and other designated areas of such hotels or clubs, for consumption only in such rooms and areas. However, with regard to a hotel classified by the Board as (a) a resort complex, the Board may authorize the sale and consumption of alcoholic beverages in all areas within the resort complex deemed appropriate by the Board or (b) a limited service hotel, the Board may authorize the sale and consumption of alcoholic beverages in dining areas, private guest rooms, and other designated areas to persons to whom overnight lodging is being provided, for on-premises consumption in such rooms or areas, and without regard to the amount of gross receipts from the sale of food prepared and consumed on the premises, provided that at least one meal is provided each day by the hotel to such guests. With regard to facilities registered in accordance with Chapter 49 (§ 38.2-4900 et seq.) of Title 38.2 as continuing care communities that are also licensed by the Board under this subdivision, any resident may, upon authorization of the licensee, keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas covered by the license. For purposes of this subdivision, "other designated areas" includes outdoor dining areas, whether or not contiguous to the licensed premises, which may have more than one means of ingress and egress to an adjacent public thoroughfare, provided that such outdoor dining areas are under the control of the licensee and approved by the Board. Such noncontiguous designated areas shall not be approved for any retail license issued pursuant to subdivision A 5 of § 4.1-201.

2. Hospitals, which shall authorize the licensee to sell wine and beer (i) in the rooms of patients for their on-premises consumption only in such rooms, provided the consent of the patient's attending physician is first obtained or (ii) in closed containers for off-premises consumption.

3. Rural grocery stores, which shall authorize the licensee to sell wine and beer for on-premises consumption or in closed containers for off-premises consumption. No license shall be granted unless (i) the grocery store is located in any town or in a rural area outside the corporate limits of any city or town and (ii) it appears affirmatively that a substantial public demand for such licensed establishment exists and that public convenience and the purposes of this subtitle will be promoted by granting the license.

4. Coliseums, stadiums, and racetracks, which shall authorize the licensee to sell wine and beer during any event and immediately subsequent thereto to patrons within all seating areas, concourses, walkways, concession areas, and additional locations designated by the Board (i) in closed containers for off-premises consumption or (ii) in paper, plastic, or similar disposable containers or in single original metal cans for on-premises consumption. Upon authorization of the licensee, any person may keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas and locations covered by the license. Such licenses may be granted to persons operating food concessions at coliseums, stadiums, racetracks, or similar facilities.

5. Performing arts food concessionaires, which shall authorize the licensee to sell wine and beer during the performance of any event to patrons within all seating areas, concourses, walkways, or concession areas, or other areas approved by the Board (i) in closed containers for off-premises consumption or (ii) in paper, plastic, or similar disposable containers or in single original metal cans for on-premises consumption. Upon authorization of the licensee, any person may keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas and locations covered by the license. Such licenses may be granted to persons operating food concessions at any ~~outdoor~~ performing arts ~~amphitheater, arena, or similar~~ facility ~~that (a) has seating for more than 20,000 persons and is located in Prince William County or the City of Virginia Beach; (b) has seating or capacity for more than 3,500 persons and is located in the County of Albemarle, Alleghany, Augusta, Nelson, Pittsylvania, or Rockingham or the City of Charlottesville, Danville, or Roanoke; or (c) has capacity for more than 9,500 persons and is located in Henrico County~~.

6. Exhibition halls, which shall authorize the licensee to sell wine and beer during the event to patrons or attendees within all seating areas, exhibition areas, concourses, walkways, concession areas, and such additional locations designated by the Board in such facilities (i) in closed containers for off-premises consumption or (ii) in paper, plastic, or similar disposable containers or in single original metal cans for on-premises consumption. Upon authorization of the licensee, any person may keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas and locations covered by the license. Such licenses may be granted to persons operating food concessions at exhibition or exposition halls, convention centers, or similar facilities located in any county operating under the urban county executive form of government or any city that is completely surrounded by such county. For purposes of this subdivision, "exhibition or exposition hall" and "convention centers" mean facilities conducting private or public trade shows or exhibitions in an indoor facility having in excess of 100,000 square feet of floor space.

7. Concert and dinner-theaters, which shall authorize the licensee to sell wine and beer during events to patrons or attendees within all seating areas, exhibition areas, concourses, walkways, concession areas, dining areas, and such additional locations designated by the Board in such facilities, for on-premises consumption or in closed containers for off-premises consumption. Persons licensed pursuant to this subdivision shall serve food, prepared on or off premises,

whenever wine or beer is served. Such licenses may be granted to persons operating concert or dinner-theater venues on property fronting Natural Bridge School Road in Natural Bridge Station and formerly operated as Natural Bridge High School.

8. Historic cinema houses, which shall authorize the licensee to sell wine and beer, either with or without meals, during any showing of a motion picture to patrons to whom alcoholic beverages may be lawfully sold, for on-premises consumption or in closed containers for off-premises consumption. The privileges of this license shall be limited to the premises of the historic cinema house regularly occupied and utilized as such.

9. Nonprofit museums, which shall authorize the licensee to sell wine and beer for on-premises consumption or in closed containers for off-premises consumption in areas approved by the Board. Such licenses may be granted to persons operating a nonprofit museum exempt from taxation under § 501(c)(3) of the Internal Revenue Code, located in the Town of Front Royal, and dedicated to educating the consuming public about historic beer products. The privileges of this license shall be limited to the premises of the museum, regularly occupied and utilized as such.

C. The Board may grant the following off-premises wine and beer licenses:

1. Retail off-premises wine and beer licenses, which may be granted to a convenience grocery store, delicatessen, drugstore, gift shop, gourmet oyster house, gourmet shop, grocery store, or marina store as defined in § 4.1-100 and Board regulations. Such license shall authorize the licensee to sell wine and beer in closed containers for off-premises consumption and, notwithstanding the provisions of § 4.1-308, to give to any person to whom wine or beer may be lawfully sold a sample of wine or beer for on-premises consumption; however, no single sample shall exceed four ounces of beer or two ounces of wine and no more than 12 ounces of beer or five ounces of wine shall be served to any person per day. The licensee may also give samples of wine and beer in designated areas at events held by the licensee for the purpose of featuring and educating the consuming public about the alcoholic beverages being tasted. With the consent of the licensee, farm wineries, wineries, breweries, distillers, and wholesale licensees or authorized representatives of such licensees may participate in such tastings, including the pouring of samples. The licensee shall comply with any food inventory and sales volume requirements established by Board regulation.

2. Gourmet brewing shop licenses, which shall authorize the licensee to sell to any person to whom wine or beer may be lawfully sold, ingredients for making wine or brewing beer, including packaging, and to rent to such persons facilities for manufacturing, fermenting, and bottling such wine or beer, for off-premises consumption in accordance with subdivision 6 of § 4.1-200.

3. Confectionery licenses, which shall authorize the licensee to prepare and sell on the licensed premises for off-premises consumption confectionery that contains five percent or less alcohol by volume. Any alcohol contained in such confectionery shall not be in liquid form at the time such confectionery is sold.

D. The Board may grant the following banquet, special event, and tasting licenses:

1. Per-day event licenses.

a. Banquet licenses to persons in charge of private banquets, and to duly organized nonprofit corporations or associations in charge of special events, which shall authorize the licensee to sell or give wine and beer in rooms or areas approved by the Board for the occasion for on-premises consumption in such rooms or areas. Licensees who are nonprofit corporations or associations conducting fundraisers (i) shall also be authorized to sell wine, as part of any fundraising activity, in closed containers for off-premises consumption to persons to whom wine may be lawfully sold; (ii) shall be limited to no more than one such fundraiser per year; and (iii) if conducting such fundraiser through an online meeting platform, may ship such wine, in accordance with Board regulations, in closed containers to persons located within the Commonwealth. Except as provided in § 4.1-215, a separate license shall be required for each day of each banquet or special event. For the purposes of this subdivision, when the location named in the original application for a license is outdoors, the application may also name an alternative location in the event of inclement weather. However, no such license shall be required of any hotel, restaurant, or club holding a retail wine and beer license.

b. Mixed beverage special events licenses to a duly organized nonprofit corporation or association in charge of a special event, which shall authorize the licensee to sell and serve mixed beverages for on-premises consumption in areas approved by the Board on the premises of the place designated in the license. A separate license shall be required for each day of each special event.

c. Mixed beverage club events licenses to a club holding a wine and beer club license, which shall authorize the licensee to sell and serve mixed beverages for on-premises consumption by club members and their guests in areas approved by the Board on the club premises. A separate license shall be required for each day of each club event. No more than 12 such licenses shall be granted to a club in any calendar year. The granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

d. Tasting licenses, which shall authorize the licensee to sell or give samples of alcoholic beverages of the type specified in the license in designated areas at events held by the licensee. A tasting license shall be issued for the purpose of featuring and educating the consuming public about the alcoholic beverages being tasted. A separate license shall be required for each day of each tasting event. No tasting license shall be required for conduct authorized by § 4.1-201.1.

2. Annual licenses.

a. Annual banquet licenses to duly organized private nonprofit fraternal, patriotic, or charitable membership organizations that are exempt from state and federal taxation and in charge of banquets conducted exclusively for members

and their guests, which shall authorize the licensee to serve wine and beer in rooms or areas approved by the Board for the occasion for on-premises consumption in such rooms or areas. Such license shall authorize the licensee to conduct no more than 12 banquets per calendar year. For the purposes of this subdivision, when the location named in the original application for a license is outdoors, the application may also name an alternative location in the event of inclement weather. However, no such license shall be required of any hotel, restaurant, or club holding a retail wine and beer license.

b. Banquet facility licenses to volunteer fire departments and volunteer emergency medical services agencies, which shall authorize the licensee to permit the consumption of lawfully acquired alcoholic beverages on the premises of the licensee by any person, and bona fide members and guests thereof, otherwise eligible for a banquet license. However, lawfully acquired alcoholic beverages shall not be purchased or sold by the licensee or sold or charged for in any way by the person permitted to use the premises. Such premises shall be a volunteer fire or volunteer emergency medical services agency station or both, regularly occupied as such and recognized by the governing body of the county, city, or town in which it is located. Under conditions as specified by Board regulation, such premises may be other than a volunteer fire or volunteer emergency medical services agency station, provided such other premises are occupied and under the control of the volunteer fire department or volunteer emergency medical services agency while the privileges of its license are being exercised.

c. Designated outdoor refreshment area licenses to a locality, business improvement district, or nonprofit organization, which shall authorize (i) the licensee to permit the consumption of alcoholic beverages within the area designated by the Board for the designated outdoor refreshment area and (ii) any permanent retail on-premises licensee that is located within the area designated by the Board for the designated outdoor refreshment area to sell alcoholic beverages within the permanent retail location for consumption in the area designated for the designated outdoor refreshment area, including sidewalks and the premises of businesses not licensed to sell alcoholic beverages at retail, upon approval of such businesses. In determining the designated area for the designated outdoor refreshment area, the Board shall consult with the locality. Designated outdoor refreshment area licensees shall be limited to 16 events per year, and the duration of any event shall not exceed three consecutive days. However, the Board may increase the frequency and duration of events after adoption of an ordinance by a locality requesting such increase in frequency and duration. Such ordinance shall include the size and scope of the area within which such events will be held, a public safety plan, and any other considerations deemed necessary by the Board. Such limitations on the number of events that may be held shall not apply during the effective dates of any rule, regulation, or order that is issued by the Governor or State Health Commissioner to meet a public health emergency and that effectively reduces allowable restaurant seating capacity; however, designated outdoor refreshment area licensees shall be subject to all other applicable provisions of this subtitle and Board regulations and shall provide notice to the Board regarding the days and times during which the privileges of the license will be exercised. Only alcoholic beverages purchased from permanent retail on-premises licensees located within the designated area may be consumed at the event, and such alcoholic beverages shall be contained in paper, plastic, or similar disposable containers that clearly display the name or logo of the retail on-premises licensee from which the alcoholic beverage was purchased. Alcoholic beverages shall not be sold or charged for in any way by the designated outdoor refreshment area licensee. The designated outdoor refreshment area licensee shall post appropriate signage clearly demarcating for the public the boundaries of the event; however, no physical barriers shall be required for this purpose. The designated outdoor refreshment area licensee shall provide adequate security for the event to ensure compliance with the applicable provisions of this subtitle and Board regulations.

d. Annual mixed beverage banquet licenses to duly organized private nonprofit fraternal, patriotic, or charitable membership organizations that are exempt from state and federal taxation and in charge of banquets conducted exclusively for members and their guests, which shall authorize the licensee to serve mixed beverages for on-premises consumption in areas approved by the Board on the premises of the place designated in the license. Such license shall authorize the licensee to conduct no more than 12 banquets per calendar year. The granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

e. Equine sporting event licenses, which may be issued to organizations holding equestrian, hunt, and steeplechase events, which shall authorize the licensee to permit the consumption of lawfully acquired alcoholic beverages on the premises of the licensee by patrons thereof during such event. However, alcoholic beverages shall not be sold or charged for in any way by the licensee. The privileges of this license shall be (i) limited to the premises of the licensee, regularly occupied and utilized for equestrian, hunt, and steeplechase events, and (ii) exercised on no more than four calendar days per year.

f. Annual arts venue event licenses, to persons operating an arts venue, which shall authorize the licensee participating in a community art walk that is open to the public to serve lawfully acquired wine or beer on the premises of the licensee to adult patrons thereof during such events. However, alcoholic beverages shall not be sold or charged for in any way, directly or indirectly, by the licensee, and the licensee shall not give more than two five-ounce glasses of wine or two 12-ounce glasses of beer to any one adult patron. The privileges of this license shall be (i) limited to the premises of the arts venue regularly occupied and used as such and (ii) exercised on no more than 12 calendar days per year.

E. The Board may grant a marketplace license to persons operating a business enterprise of which the primary function is not the sale of alcoholic beverages, which shall authorize the licensee to serve complimentary wine or beer to bona fide customers on the licensed premises subject to any limitations imposed by the Board; however, the licensee shall not give

more than two five-ounce glasses of wine or two 12-ounce glasses of beer to any customer per day, nor shall it sell or otherwise charge a fee to such customer for the wine or beer served or consumed. In order to be eligible for and retain a marketplace license, the applicant's business enterprise must (i) provide a single category of goods or services in a manner intended to create a personalized experience for the customer; (ii) employ staff with expertise in such goods or services; (iii) be ineligible for any other license granted by the Board; (iv) have an alcoholic beverage control manager on the licensed premises at all times alcohol is served; (v) ensure that all employees satisfy any training requirements imposed by the Board; and (vi) purchase all wine and beer to be served from a licensed wholesaler or the Authority and retain purchase records as prescribed by the Board. In determining whether to grant a marketplace license, the Board shall consider (a) the average amount of time customers spend at the business; (b) the business's hours of operation; (c) the amount of time that the business has been in operation; and (d) any other requirements deemed necessary by the Board to protect the public health, safety, and welfare.

F. The Board may grant the following shipper, bottler, and related licenses:

1. Wine and beer shipper licenses, which shall carry the privileges and limitations set forth in § 4.1-209.1.

2. Internet wine and beer retailer licenses, which shall authorize persons located within or outside the Commonwealth to sell and ship wine and beer, in accordance with § 4.1-209.1 and Board regulations, in closed containers to persons in the Commonwealth to whom wine and beer may be lawfully sold for off-premises consumption. Such licensee shall not be required to comply with the monthly food sale requirement established by Board regulations.

3. Bottler licenses, which shall authorize the licensee to acquire and receive deliveries and shipments of beer in closed containers and to bottle, sell, and deliver or ship it, in accordance with Board regulations to (i) wholesale beer licensees for the purpose of resale, (ii) owners of boats registered under the laws of the United States sailing for ports of call of a foreign country or another state, and (iii) persons outside the Commonwealth for resale outside the Commonwealth.

4. Fulfillment warehouse licenses, which shall authorize associations as defined in § 13.1-313 with a place of business located in the Commonwealth to (i) receive deliveries and shipments of wine or beer owned by holders of wine and beer shipper's licenses; (ii) store such wine or beer on behalf of the owner; and (iii) pick, pack, and ship such wine or beer as directed by the owner, all in accordance with Board regulations. No wholesale wine or wholesale beer licensee, whether licensed in the Commonwealth or not, or any person under common control of such licensee, shall acquire or hold any financial interest, direct or indirect, in the business for which any fulfillment warehouse license is issued.

5. Marketing portal licenses, which shall authorize agricultural cooperative associations organized under the provisions of the Agricultural Cooperative Association Act (§ 13.1-312 et seq.), with a place of business located in the Commonwealth, in accordance with Board regulations, to solicit and receive orders for wine or beer through the use of the Internet from persons in the Commonwealth to whom wine or beer may be lawfully sold, on behalf of holders of wine and beer shipper's licenses. Upon receipt of an order for wine or beer, the licensee shall forward it to a holder of a wine and beer shipper's license for fulfillment. Marketing portal licensees may also accept payment on behalf of the shipper.

6. Third-party delivery licenses, which shall carry the privileges and limitations set forth in § 4.1-212.2.

§ 4.1-206.3. (Effective July 1, 2024) Retail licenses.

A. The Board may grant the following mixed beverages licenses:

1. Mixed beverage restaurant licenses, which shall authorize the licensee to sell and serve mixed beverages for consumption in dining areas and other designated areas of such restaurant. Such license may be granted only to persons (i) who operate a restaurant and (ii) whose gross receipts from the sale of food cooked, or prepared, and consumed on the premises and nonalcoholic beverages served on the premises, after issuance of such license, amount to at least 45 percent of the gross receipts from the sale of mixed beverages and food. For the purposes of this subdivision, other designated areas shall include outdoor dining areas, whether or not contiguous to the licensed premises, which outdoor dining areas may have more than one means of ingress and egress to an adjacent public thoroughfare, provided such areas are under the control of the licensee and approved by the Board. Such noncontiguous designated areas shall not be approved for any retail license issued pursuant to subdivision A 5 of § 4.1-201.

If the restaurant is located on the premises of a hotel or motel with no fewer than four permanent bedrooms where food and beverage service is customarily provided by the restaurant in designated areas, bedrooms, and other private rooms of such hotel or motel, such licensee may (a) sell and serve mixed beverages for consumption in such designated areas, bedrooms, and other private rooms and (b) sell spirits packaged in original closed containers purchased from the Board for on-premises consumption to registered guests and at scheduled functions of such hotel or motel only in such bedrooms or private rooms. However, with regard to a hotel classified as a resort complex, the Board may authorize the sale and on-premises consumption of alcoholic beverages in all areas within the resort complex deemed appropriate by the Board. Nothing herein shall prohibit any person from keeping and consuming his own lawfully acquired spirits in bedrooms or private rooms.

If the restaurant is located on the premises of and operated by a private, nonprofit, or profit club exclusively for its members and their guests, or members of another private, nonprofit, or profit club in another city with which it has an agreement for reciprocal dining privileges, such license shall also authorize the licensees to (1) sell and serve mixed beverages for on-premises consumption and (2) sell spirits that are packaged in original closed containers with a maximum capacity of two fluid ounces or 50 milliliters and purchased from the Board for on-premises consumption. Where such club prepares no food in its restaurant but purchases its food requirements from a restaurant licensed by the Board and located on another portion of the premises of the same hotel or motel building, this fact shall not prohibit the granting of a license by

the Board to such club qualifying in all other respects. The club's gross receipts from the sale of nonalcoholic beverages consumed on the premises and food resold to its members and guests and consumed on the premises shall amount to at least 45 percent of its gross receipts from the sale of mixed beverages and food. The food sales made by a restaurant to such a club shall be excluded in any consideration of the qualifications of such restaurant for a license from the Board.

If the restaurant is located on the premises of and operated by a municipal golf course, the Board shall recognize the seasonal nature of the business and waive any applicable monthly food sales requirements for those months when weather conditions may reduce patronage of the golf course, provided that prepared food, including meals, is available to patrons during the same months. The gross receipts from the sale of food cooked, or prepared, and consumed on the premises and nonalcoholic beverages served on the premises, after the issuance of such license, shall amount to at least 45 percent of the gross receipts from the sale of mixed beverages and food on an annualized basis.

If the restaurant is located on the premises of and operated by a culinary lodging resort, such license shall authorize the licensee to (A) sell alcoholic beverages for on-premises consumption, without regard to the amount of gross receipts from the sale of food prepared and consumed on the premises, in areas upon the licensed premises approved by the Board and other designated areas of the resort, including outdoor areas under the control of the licensee, and (B) permit the possession and consumption of lawfully acquired alcoholic beverages by persons to whom overnight lodging is being provided in bedrooms and private guest rooms.

If the restaurant is located on the premises of a mixed beverage casino licensee owned by an operator licensed under Article 3 (§ 58.1-4108 et seq.) of Chapter 41 of Title 58.1, such mixed beverage restaurant license shall authorize the licensee to sell alcoholic beverages for on-premises consumption on the licensed premises of the restaurant during all hours of operation of the mixed beverage casino licensee. Any alcoholic beverages purchased from such restaurant may be (I) taken onto the premises of the mixed beverage casino licensee and (II) possessed or consumed in areas designated by the Board, after consultation with the mixed beverage casino licensee. Designated areas may include any areas on the premises of the mixed beverage casino licensee, including entertainment venues, conference rooms, private rooms, hotels, pools, marinas, or green spaces. Alcoholic beverages purchased from a restaurant pursuant to this subdivision shall be contained in glassware or a paper, plastic, or similar disposable container that clearly displays the name or logo of the restaurant from which the alcoholic beverage was purchased.

The granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption and in closed containers for off-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

2. Mixed beverage caterer's licenses, which may be granted only to a person regularly engaged in the business of providing food and beverages to others for service at private gatherings or at special events, which shall authorize the licensee to sell and serve alcoholic beverages for on-premises consumption. The annual gross receipts from the sale of food cooked and prepared for service and nonalcoholic beverages served at gatherings and events referred to in this subdivision shall amount to at least 45 percent of the gross receipts from the sale of mixed beverages and food.

3. Mixed beverage limited caterer's licenses, which may be granted only to a person regularly engaged in the business of providing food and beverages to others for service at private gatherings or at special events, not to exceed 12 gatherings or events per year, which shall authorize the licensee to sell and serve alcoholic beverages for on-premises consumption. The annual gross receipts from the sale of food cooked and prepared for service and nonalcoholic beverages served at gatherings and events referred to in this subdivision shall amount to at least 45 percent of the gross receipts from the sale of mixed beverages and food.

4. Mixed beverage carrier licenses to (i) persons operating a common carrier of passengers by train, boat, bus, or airplane, which shall authorize the licensee to sell and serve mixed beverages anywhere in the Commonwealth to passengers while in transit aboard any such common carrier, and in designated rooms of establishments of air carriers at airports in the Commonwealth and (ii) financial institutions, subsidiaries of a financial institution, or persons approved by the applicable airport authority that have entered into a contract with a financial institution or subsidiary of a financial institution to operate a passenger lounge, which shall authorize the licensee to sell and serve mixed beverages in designated areas of a passenger lounge for ticketed air carrier passengers that is located within an airport in the Commonwealth. For purposes of supplying its airplanes, as well as any airplanes of a licensed express carrier flying under the same brand, an air carrier licensee may appoint an authorized representative to load alcoholic beverages onto the same airplanes and to transport and store alcoholic beverages at or in close proximity to the airport where the alcoholic beverages will be delivered onto airplanes of the air carrier and any such licensed express carrier. The air carrier licensee shall (a) designate for purposes of its license all locations where the inventory of alcoholic beverages may be stored and from which the alcoholic beverages will be delivered onto airplanes of the air carrier and any such licensed express carrier and (b) maintain records of all alcoholic beverages to be transported, stored, and delivered by its authorized representative. The granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption or in closed containers for off-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

For the purposes of this subdivision:

"Financial institution" means any bank, trust company, savings institution, industrial loan association, consumer finance company, or credit union.

"Passenger lounge" means any restricted-access passenger waiting room or lounge leased to persons by the applicable airport authority in which food and beverage services are provided to ticketed passengers.

5. Annual mixed beverage ~~motor~~ sports facility licenses *to persons operating a sports facility or food concessions at a sports facility*, which shall authorize the licensee to sell mixed beverages~~, in paper, plastic, or similar disposable containers or in single original metal cans, during scheduled events, as well as events or performances immediately subsequent thereto, to patrons in all dining facilities, seating areas, viewing areas, walkways, concession areas, or similar facilities, for on-premises consumption. Such license may be granted to persons operating food concessions at an outdoor motor sports facility that (i) is located on 1,200 acres of rural property bordering the Dan River and has a track surface of 3.27 miles in length or (ii) hosts a NASCAR national touring race~~ *during any event and immediately subsequent thereto to patrons within all seating areas, concourses, walkways, concession areas, and additional locations designated by the Board (i) in closed containers for off-premises consumption or (ii) in paper, plastic, or similar disposable containers or in single original metal cans for on-premises consumption*. Upon authorization of the licensee, any person may keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas and locations covered by the license. The granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption or in closed containers for off-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

6. Limited mixed beverage restaurant licenses, which shall authorize the licensee to sell and serve dessert wines as defined by Board regulation and no more than six varieties of liqueurs, which liqueurs shall be combined with coffee or other nonalcoholic beverages, for consumption in dining areas of the restaurant. Such license may be granted only to persons who operate a restaurant and in no event shall the sale of such wine or liqueur-based drinks, together with the sale of any other alcoholic beverages, exceed 10 percent of the total annual gross sales of all food and alcoholic beverages. The granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption or in closed containers for off-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

7. Annual mixed beverage performing arts facility licenses, which shall (i) authorize the licensee to sell, on the dates of performances or events, alcoholic beverages in paper, plastic, or similar disposable containers or in single original metal cans for on-premises consumption in all seating areas, concourses, walkways, concession areas, similar facilities, and other areas upon the licensed premises approved by the Board and (ii) automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption or in closed containers for off-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1. Such licenses may be granted to ~~the following:~~

~~a. Corporations or associations~~ *persons* operating a performing arts facility~~, provided the~~ *or food concessions at a* performing arts facility ~~(i) is owned by a governmental entity; (ii) is occupied by a for-profit entity under a bona fide lease, the original term of which was for more than one year's duration; and (iii) has been rehabilitated in accordance with historic preservation standards;~~

~~b. Persons operating food concessions at any performing arts facility located in the City of Norfolk or the City of Richmond, provided that the performing arts facility (i) is occupied under a bona fide long-term lease or concession agreement, the original term of which was more than five years; (ii) has a capacity in excess of 1,400 patrons; (iii) has been rehabilitated in accordance with historic preservation standards; and (iv) has monthly gross receipts from the sale of food cooked, or prepared, and consumed on the premises and nonalcoholic beverages served on the premises that meet or exceed the monthly minimum established by Board regulations for mixed beverage restaurants;~~

~~c. Persons operating food concessions at any performing arts facility located in the City of Waynesboro, provided that the performing arts facility (i) is occupied under a bona fide long-term lease or concession agreement, the original term of which was more than five years; (ii) has a total capacity in excess of 550 patrons; and (iii) has been rehabilitated in accordance with historic preservation standards;~~

~~d. Persons operating food concessions at any performing arts facility located in the arts and cultural district of the City of Harrisonburg, provided that the performing arts facility (i) is occupied under a bona fide long-term lease or concession agreement, the original term of which was more than five years; (ii) has been rehabilitated in accordance with historic preservation standards; (iii) has monthly gross receipts from the sale of food cooked, or prepared, and consumed on the premises and nonalcoholic beverages served on the premises that meet or exceed the monthly minimum established by Board regulations for mixed beverage restaurants; and (iv) has a total capacity in excess of 900 patrons;~~

~~e. Persons operating food concessions at any multipurpose theater located in the historical district of the Town of Bridgewater, provided that the theater (i) is owned and operated by a governmental entity and (ii) has a total capacity in excess of 100 patrons;~~

~~f. Persons operating food concessions at any outdoor performing arts amphitheater, arena, or similar facility that has seating for more than 20,000 persons and is located in Prince William County or the City of Virginia Beach;~~

~~g. Persons operating food concessions at any outdoor performing arts amphitheater, arena, or similar facility that has seating for more than 5,000 persons and is located in the City of Alexandria or the City of Portsmouth; or~~

~~h. Persons operating food concessions at any corporate and performing arts facility located in Fairfax County, provided that the corporate and performing arts facility (i) is occupied under a bona fide long-term lease, management, or concession agreement, the original term of which was more than one year and (ii) has a total capacity in excess of 1,400 patrons. Such~~

~~license shall authorize the sale, on the dates of performances or events, of alcoholic beverages for on-premises consumption in areas upon the licensed premises approved by the Board~~.

8. Combined mixed beverage restaurant and caterer's licenses, which may be granted to any restaurant or hotel that meets the qualifications for both a mixed beverage restaurant pursuant to subdivision 1 and mixed beverage caterer pursuant to subdivision 2 for the same business location, and which license shall authorize the licensee to operate as both a mixed beverage restaurant and mixed beverage caterer at the same business premises designated in the license, with a common alcoholic beverage inventory for purposes of the restaurant and catering operations. Such licensee shall meet the separate food qualifications established for the mixed beverage restaurant license pursuant to subdivision 1 and mixed beverage caterer's license pursuant to subdivision 2. The granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption or in closed containers for off-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

9. Bed and breakfast licenses, which shall authorize the licensee to (i) serve alcoholic beverages in dining areas, private guest rooms, and other designated areas to persons to whom overnight lodging is being provided, with or without meals, for on-premises consumption only in such rooms and areas, and without regard to the amount of gross receipts from the sale of food prepared and consumed on the premises and (ii) permit the consumption of lawfully acquired alcoholic beverages by persons to whom overnight lodging is being provided in (a) bedrooms or private guest rooms or (b) other designated areas of the bed and breakfast establishment. For purposes of this subdivision, "other designated areas" includes outdoor dining areas, whether or not contiguous to the licensed premises, which may have more than one means of ingress and egress to an adjacent public thoroughfare, provided that such outdoor dining areas are under the control of the licensee and approved by the Board. Such noncontiguous designated areas shall not be approved for any retail license issued pursuant to subdivision A 5 of § 4.1-201.

10. Museum licenses, which may be issued to nonprofit museums exempt from taxation under § 501(c)(3) of the Internal Revenue Code, which shall authorize the licensee to (i) permit the consumption of lawfully acquired alcoholic beverages on the premises of the licensee by any bona fide member and guests thereof and (ii) serve alcoholic beverages on the premises of the licensee to any bona fide member and guests thereof. However, alcoholic beverages shall not be sold or charged for in any way by the licensee. The privileges of this license shall be limited to the premises of the museum, regularly occupied and utilized as such.

11. ~~Motor car sporting event facility licenses, which shall authorize the licensee to permit the consumption of lawfully acquired alcoholic beverages on the premises of the licensee by patrons thereof during such events. However, alcoholic beverages shall not be sold or charged for in any way, directly or indirectly, by the licensee. The privileges of this license shall be limited to those areas of the licensee's premises designated by the Board that are regularly occupied and utilized for motor car sporting events.~~

~~12.~~ Commercial lifestyle center licenses, which may be issued only to a commercial owners' association governing a commercial lifestyle center, which shall authorize any retail on-premises restaurant licensee that is a tenant of the commercial lifestyle center to sell alcoholic beverages to any bona fide customer to whom alcoholic beverages may be lawfully sold for consumption on that portion of the licensed premises of the commercial lifestyle center designated by the Board, including (i) plazas, seating areas, concourses, walkways, or such other similar areas and (ii) the premises of any tenant location of the commercial lifestyle center that is not a retail licensee of the Board, upon approval of such tenant, but excluding any parking areas. Only alcoholic beverages purchased from such retail on-premises restaurant licensees may be consumed on the licensed premises of the commercial lifestyle center, and such alcoholic beverages shall be contained in paper, plastic, or similar disposable containers with the name or logo of the restaurant licensee that sold the alcoholic beverage clearly displayed. Alcoholic beverages shall not be sold or charged for in any way by the commercial lifestyle center licensee. The licensee shall post appropriate signage clearly demarcating for the public the boundaries of the licensed premises; however, no physical barriers shall be required for this purpose. The licensee shall provide adequate security for the licensed premises to ensure compliance with the applicable provisions of this subtitle and Board regulations.

~~13.~~ *12.* Mixed beverage port restaurant licenses, which shall authorize the licensee to sell and serve mixed beverages for consumption in dining areas and other designated areas of such restaurant. Such license may be granted only to persons operating a business (i) that is primarily engaged in the sale of meals; (ii) that is located on property owned by the United States government or an agency thereof and used as a port of entry to or egress from the United States; and (iii) whose gross receipts from the sale of food cooked, or prepared, and consumed on the premises and nonalcoholic beverages served on the premises, after issuance of such license, amount to at least 45 percent of the gross receipts from the sale of mixed beverages and food. For the purposes of this subdivision, other designated areas shall include outdoor dining areas, whether or not contiguous to the licensed premises, which outdoor dining areas may have more than one means of ingress and egress to an adjacent public thoroughfare, provided such areas are under the control of the licensee and approved by the Board. Such noncontiguous designated areas shall not be approved for any retail license issued pursuant to subdivision A 5 of § 4.1-201. The granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption or in closed containers for off-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

~~14.~~ *13.* Annual mixed beverage special events licenses to (i) a duly organized nonprofit corporation or association operating either a performing arts facility or an art education and exhibition facility; (ii) a nonprofit corporation or association chartered by Congress for the preservation of sites, buildings, and objects significant in American history and culture; (iii) persons operating an agricultural event and entertainment park or similar facility that has a minimum of 50,000 square feet of indoor exhibit space and equine and other livestock show areas, which includes barns, pavilions, or other structures equipped with roofs, exterior walls, and open-door or closed-door access; or (iv) a locality for special events conducted on the premises of a museum for historic interpretation that is owned and operated by the locality. The operation in all cases shall be upon premises owned by such licensee or occupied under a bona fide lease, the original term of which was for more than one year's duration. Such license shall authorize the licensee to sell alcoholic beverages during scheduled events and performances for on-premises consumption in areas upon the licensed premises approved by the Board.

~~15.~~ *14.* Mixed beverage casino licenses, which shall authorize the licensee to (i) sell and serve mixed beverages for on-premises consumption in areas designated by the Board, after consultation with the mixed beverage casino licensee, without regard to the amount of gross receipts from the sale of food prepared and consumed on the premises and (ii) provide complimentary mixed beverages to patrons for on-premises consumption in private areas or restricted access areas designated by the Board, after consultation with the mixed beverage casino licensee. Designated areas may include any areas on the premises of the mixed beverage casino licensee, including entertainment venues, private rooms, conference rooms, hotels, pools, marinas, or green spaces. The granting of a license pursuant to this subdivision shall authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption and in closed containers for off-premises consumption in accordance with the provisions of this subdivision governing mixed beverages; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1. Notwithstanding any law or regulation to the contrary, a mixed beverage casino licensee may exercise the privileges of its license as set forth in this subdivision during all hours of operation of the casino gaming establishment; however, such licensee shall not sell wine or beer for off-premises consumption between the hours of 12 a.m. and 6 a.m.

A mixed beverage casino licensee may (a) provide patrons gifts of alcoholic beverages in closed containers for personal consumption off the licensed premises or in areas designated by the Board, after consultation with the mixed beverage casino licensee, and (b) enable patrons who participate in a loyalty or reward credit program to redeem credits for the purchase of alcoholic beverages for on-premises consumption. A summary of the operation of such loyalty or reward credit program shall be provided to the Board upon request.

A mixed beverage casino license may only be issued to a casino gaming establishment owned by an operator licensed under Article 3 (§ 58.1-4108 et seq.) of Chapter 41 of Title 58.1.

B. The Board may grant an on-and-off-premises wine and beer license to the following:

1. Hotels, restaurants, and clubs, which shall authorize the licensee to sell wine and beer (i) in closed containers for off-premises consumption or (ii) for on-premises consumption, either with or without meals, in dining areas and other designated areas of such restaurants, or in dining areas, private guest rooms, and other designated areas of such hotels or clubs, for consumption only in such rooms and areas. However, with regard to a hotel classified by the Board as (a) a resort complex, the Board may authorize the sale and consumption of alcoholic beverages in all areas within the resort complex deemed appropriate by the Board or (b) a limited service hotel, the Board may authorize the sale and consumption of alcoholic beverages in dining areas, private guest rooms, and other designated areas to persons to whom overnight lodging is being provided, for on-premises consumption in such rooms or areas, and without regard to the amount of gross receipts from the sale of food prepared and consumed on the premises, provided that at least one meal is provided each day by the hotel to such guests. With regard to facilities registered in accordance with Chapter 49 (§ 38.2-4900 et seq.) of Title 38.2 as continuing care communities that are also licensed by the Board under this subdivision, any resident may, upon authorization of the licensee, keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas covered by the license. For purposes of this subdivision, "other designated areas" includes outdoor dining areas, whether or not contiguous to the licensed premises, which may have more than one means of ingress and egress to an adjacent public thoroughfare, provided that such outdoor dining areas are under the control of the licensee and approved by the Board. Such noncontiguous designated areas shall not be approved for any retail license issued pursuant to subdivision A 5 of § 4.1-201.

2. Hospitals, which shall authorize the licensee to sell wine and beer (i) in the rooms of patients for their on-premises consumption only in such rooms, provided the consent of the patient's attending physician is first obtained or (ii) in closed containers for off-premises consumption.

3. Rural grocery stores, which shall authorize the licensee to sell wine and beer for on-premises consumption or in closed containers for off-premises consumption. No license shall be granted unless (i) the grocery store is located in any town or in a rural area outside the corporate limits of any city or town and (ii) it appears affirmatively that a substantial public demand for such licensed establishment exists and that public convenience and the purposes of this subtitle will be promoted by granting the license.

4. Coliseums, stadiums, and racetracks, which shall authorize the licensee to sell wine and beer during any event and immediately subsequent thereto to patrons within all seating areas, concourses, walkways, concession areas, and additional locations designated by the Board (i) in closed containers for off-premises consumption or (ii) in paper, plastic, or similar disposable containers or in single original metal cans for on-premises consumption. Upon authorization of the licensee, any person may keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas and locations

covered by the license. Such licenses may be granted to persons operating food concessions at coliseums, stadiums, racetracks, or similar facilities.

5. Performing arts food concessionaires, which shall authorize the licensee to sell wine and beer during the performance of any event to patrons within all seating areas, concourses, walkways, or concession areas, or other areas approved by the Board (i) in closed containers for off-premises consumption or (ii) in paper, plastic, or similar disposable containers or in single original metal cans for on-premises consumption. Upon authorization of the licensee, any person may keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas and locations covered by the license. Such licenses may be granted to persons operating food concessions at any ~~outdoor~~ performing arts ~~amphitheater, arena, or similar~~ facility ~~that (a) has seating for more than 20,000 persons and is located in Prince William County or the City of Virginia Beach; (b) has seating or capacity for more than 3,500 persons and is located in the County of Albemarle, Alleghany, Augusta, Nelson, Pittsylvania, or Rockingham or the City of Charlottesville, Danville, or Roanoke; or (c) has capacity for more than 9,500 persons and is located in Henrico County~~.

6. Exhibition halls, which shall authorize the licensee to sell wine and beer during the event to patrons or attendees within all seating areas, exhibition areas, concourses, walkways, concession areas, and such additional locations designated by the Board in such facilities (i) in closed containers for off-premises consumption or (ii) in paper, plastic, or similar disposable containers or in single original metal cans for on-premises consumption. Upon authorization of the licensee, any person may keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas and locations covered by the license. Such licenses may be granted to persons operating food concessions at exhibition or exposition halls, convention centers, or similar facilities located in any county operating under the urban county executive form of government or any city that is completely surrounded by such county. For purposes of this subdivision, "exhibition or exposition hall" and "convention centers" mean facilities conducting private or public trade shows or exhibitions in an indoor facility having in excess of 100,000 square feet of floor space.

7. Concert and dinner-theaters, which shall authorize the licensee to sell wine and beer during events to patrons or attendees within all seating areas, exhibition areas, concourses, walkways, concession areas, dining areas, and such additional locations designated by the Board in such facilities, for on-premises consumption or in closed containers for off-premises consumption. Persons licensed pursuant to this subdivision shall serve food, prepared on or off premises, whenever wine or beer is served. Such licenses may be granted to persons operating concert or dinner-theater venues on property fronting Natural Bridge School Road in Natural Bridge Station and formerly operated as Natural Bridge High School.

8. Historic cinema houses, which shall authorize the licensee to sell wine and beer, either with or without meals, during any showing of a motion picture to patrons to whom alcoholic beverages may be lawfully sold, for on-premises consumption or in closed containers for off-premises consumption. The privileges of this license shall be limited to the premises of the historic cinema house regularly occupied and utilized as such.

9. Nonprofit museums, which shall authorize the licensee to sell wine and beer for on-premises consumption or in closed containers for off-premises consumption in areas approved by the Board. Such licenses may be granted to persons operating a nonprofit museum exempt from taxation under § 501(c)(3) of the Internal Revenue Code, located in the Town of Front Royal, and dedicated to educating the consuming public about historic beer products. The privileges of this license shall be limited to the premises of the museum, regularly occupied and utilized as such.

C. The Board may grant the following off-premises wine and beer licenses:

1. Retail off-premises wine and beer licenses, which may be granted to a convenience grocery store, delicatessen, drugstore, gift shop, gourmet oyster house, gourmet shop, grocery store, or marina store as defined in § 4.1-100 and Board regulations. Such license shall authorize the licensee to sell wine and beer in closed containers for off-premises consumption and, notwithstanding the provisions of § 4.1-308, to give to any person to whom wine or beer may be lawfully sold a sample of wine or beer for on-premises consumption; however, no single sample shall exceed four ounces of beer or two ounces of wine and no more than 12 ounces of beer or five ounces of wine shall be served to any person per day. The licensee may also give samples of wine and beer in designated areas at events held by the licensee for the purpose of featuring and educating the consuming public about the alcoholic beverages being tasted. With the consent of the licensee, farm wineries, wineries, breweries, distillers, and wholesale licensees or authorized representatives of such licensees may participate in such tastings, including the pouring of samples. The licensee shall comply with any food inventory and sales volume requirements established by Board regulation.

2. Gourmet brewing shop licenses, which shall authorize the licensee to sell to any person to whom wine or beer may be lawfully sold, ingredients for making wine or brewing beer, including packaging, and to rent to such persons facilities for manufacturing, fermenting, and bottling such wine or beer, for off-premises consumption in accordance with subdivision 6 of § 4.1-200.

3. Confectionery licenses, which shall authorize the licensee to prepare and sell on the licensed premises for off-premises consumption confectionery that contains five percent or less alcohol by volume. Any alcohol contained in such confectionery shall not be in liquid form at the time such confectionery is sold.

D. The Board may grant the following banquet, special event, and tasting licenses:

1. Per-day event licenses.

a. Banquet licenses to persons in charge of private banquets, and to duly organized nonprofit corporations or associations in charge of special events, which shall authorize the licensee to sell or give wine and beer in rooms or areas

approved by the Board for the occasion for on-premises consumption in such rooms or areas. Licensees who are nonprofit corporations or associations conducting fundraisers (i) shall also be authorized to sell wine, as part of any fundraising activity, in closed containers for off-premises consumption to persons to whom wine may be lawfully sold; (ii) shall be limited to no more than one such fundraiser per year; and (iii) if conducting such fundraiser through an online meeting platform, may ship such wine, in accordance with Board regulations, in closed containers to persons located within the Commonwealth. Except as provided in § 4.1-215, a separate license shall be required for each day of each banquet or special event. For the purposes of this subdivision, when the location named in the original application for a license is outdoors, the application may also name an alternative location in the event of inclement weather. However, no such license shall be required of any hotel, restaurant, or club holding a retail wine and beer license.

b. Mixed beverage special events licenses to a duly organized nonprofit corporation or association in charge of a special event, which shall authorize the licensee to sell and serve mixed beverages for on-premises consumption in areas approved by the Board on the premises of the place designated in the license. A separate license shall be required for each day of each special event.

c. Mixed beverage club events licenses to a club holding a wine and beer club license, which shall authorize the licensee to sell and serve mixed beverages for on-premises consumption by club members and their guests in areas approved by the Board on the club premises. A separate license shall be required for each day of each club event. No more than 12 such licenses shall be granted to a club in any calendar year. The granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

d. Tasting licenses, which shall authorize the licensee to sell or give samples of alcoholic beverages of the type specified in the license in designated areas at events held by the licensee. A tasting license shall be issued for the purpose of featuring and educating the consuming public about the alcoholic beverages being tasted. A separate license shall be required for each day of each tasting event. No tasting license shall be required for conduct authorized by § 4.1-201.1.

2. Annual licenses.

a. Annual banquet licenses to duly organized private nonprofit fraternal, patriotic, or charitable membership organizations that are exempt from state and federal taxation and in charge of banquets conducted exclusively for members and their guests, which shall authorize the licensee to serve wine and beer in rooms or areas approved by the Board for the occasion for on-premises consumption in such rooms or areas. Such license shall authorize the licensee to conduct no more than 12 banquets per calendar year. For the purposes of this subdivision, when the location named in the original application for a license is outdoors, the application may also name an alternative location in the event of inclement weather. However, no such license shall be required of any hotel, restaurant, or club holding a retail wine and beer license.

b. Banquet facility licenses to volunteer fire departments and volunteer emergency medical services agencies, which shall authorize the licensee to permit the consumption of lawfully acquired alcoholic beverages on the premises of the licensee by any person, and bona fide members and guests thereof, otherwise eligible for a banquet license. However, lawfully acquired alcoholic beverages shall not be purchased or sold by the licensee or sold or charged for in any way by the person permitted to use the premises. Such premises shall be a volunteer fire or volunteer emergency medical services agency station or both, regularly occupied as such and recognized by the governing body of the county, city, or town in which it is located. Under conditions as specified by Board regulation, such premises may be other than a volunteer fire or volunteer emergency medical services agency station, provided such other premises are occupied and under the control of the volunteer fire department or volunteer emergency medical services agency while the privileges of its license are being exercised.

c. Designated outdoor refreshment area licenses to a locality, business improvement district, or nonprofit organization, which shall authorize (i) the licensee to permit the consumption of alcoholic beverages within the area designated by the Board for the designated outdoor refreshment area and (ii) any permanent retail on-premises licensee that is located within the area designated by the Board for the designated outdoor refreshment area to sell alcoholic beverages within the permanent retail location for consumption in the area designated for the designated outdoor refreshment area, including sidewalks and the premises of businesses not licensed to sell alcoholic beverages at retail, upon approval of such businesses. In determining the designated area for the designated outdoor refreshment area, the Board shall consult with the locality. Designated outdoor refreshment area licensees shall be limited to 16 events per year, and the duration of any event shall not exceed three consecutive days. However, the Board may increase the frequency and duration of events after adoption of an ordinance by a locality requesting such increase in frequency and duration. Such ordinance shall include the size and scope of the area within which such events will be held, a public safety plan, and any other considerations deemed necessary by the Board. Such limitations on the number of events that may be held shall not apply during the effective dates of any rule, regulation, or order that is issued by the Governor or State Health Commissioner to meet a public health emergency and that effectively reduces allowable restaurant seating capacity; however, designated outdoor refreshment area licensees shall be subject to all other applicable provisions of this subtitle and Board regulations and shall provide notice to the Board regarding the days and times during which the privileges of the license will be exercised. Only alcoholic beverages purchased from permanent retail on-premises licensees located within the designated area may be consumed at the event, and such alcoholic beverages shall be contained in paper, plastic, or similar disposable containers that clearly display the name or logo of the retail on-premises licensee from which the alcoholic beverage was purchased. Alcoholic beverages shall not be sold or charged for in any way by the designated outdoor refreshment area licensee. The designated outdoor

refreshment area licensee shall post appropriate signage clearly demarcating for the public the boundaries of the event; however, no physical barriers shall be required for this purpose. The designated outdoor refreshment area licensee shall provide adequate security for the event to ensure compliance with the applicable provisions of this subtitle and Board regulations.

d. Annual mixed beverage banquet licenses to duly organized private nonprofit fraternal, patriotic, or charitable membership organizations that are exempt from state and federal taxation and in charge of banquets conducted exclusively for members and their guests, which shall authorize the licensee to serve mixed beverages for on-premises consumption in areas approved by the Board on the premises of the place designated in the license. Such license shall authorize the licensee to conduct no more than 12 banquets per calendar year. The granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

e. Equine sporting event licenses, which may be issued to organizations holding equestrian, hunt, and steeplechase events, which shall authorize the licensee to permit the consumption of lawfully acquired alcoholic beverages on the premises of the licensee by patrons thereof during such event. However, alcoholic beverages shall not be sold or charged for in any way by the licensee. The privileges of this license shall be (i) limited to the premises of the licensee, regularly occupied and utilized for equestrian, hunt, and steeplechase events, and (ii) exercised on no more than four calendar days per year.

f. Annual arts venue event licenses, to persons operating an arts venue, which shall authorize the licensee participating in a community art walk that is open to the public to serve lawfully acquired wine or beer on the premises of the licensee to adult patrons thereof during such events. However, alcoholic beverages shall not be sold or charged for in any way, directly or indirectly, by the licensee, and the licensee shall not give more than two five-ounce glasses of wine or two 12-ounce glasses of beer to any one adult patron. The privileges of this license shall be (i) limited to the premises of the arts venue regularly occupied and used as such and (ii) exercised on no more than 12 calendar days per year.

E. The Board may grant a marketplace license to persons operating a business enterprise of which the primary function is not the sale of alcoholic beverages, which shall authorize the licensee to serve complimentary wine or beer to bona fide customers on the licensed premises subject to any limitations imposed by the Board; however, the licensee shall not give more than two five-ounce glasses of wine or two 12-ounce glasses of beer to any customer per day, nor shall it sell or otherwise charge a fee to such customer for the wine or beer served or consumed. In order to be eligible for and retain a marketplace license, the applicant's business enterprise must (i) provide a single category of goods or services in a manner intended to create a personalized experience for the customer; (ii) employ staff with expertise in such goods or services; (iii) be ineligible for any other license granted by the Board; (iv) have an alcoholic beverage control manager on the licensed premises at all times alcohol is served; (v) ensure that all employees satisfy any training requirements imposed by the Board; and (vi) purchase all wine and beer to be served from a licensed wholesaler or the Authority and retain purchase records as prescribed by the Board. In determining whether to grant a marketplace license, the Board shall consider (a) the average amount of time customers spend at the business; (b) the business's hours of operation; (c) the amount of time that the business has been in operation; and (d) any other requirements deemed necessary by the Board to protect the public health, safety, and welfare.

F. The Board may grant the following shipper, bottler, and related licenses:

1. Wine and beer shipper licenses, which shall carry the privileges and limitations set forth in § 4.1-209.1.

2. Internet wine and beer retailer licenses, which shall authorize persons located within or outside the Commonwealth to sell and ship wine and beer, in accordance with § 4.1-209.1 and Board regulations, in closed containers to persons in the Commonwealth to whom wine and beer may be lawfully sold for off-premises consumption. Such licensee shall not be required to comply with the monthly food sale requirement established by Board regulations.

3. Bottler licenses, which shall authorize the licensee to acquire and receive deliveries and shipments of beer in closed containers and to bottle, sell, and deliver or ship it, in accordance with Board regulations to (i) wholesale beer licensees for the purpose of resale, (ii) owners of boats registered under the laws of the United States sailing for ports of call of a foreign country or another state, and (iii) persons outside the Commonwealth for resale outside the Commonwealth.

4. Fulfillment warehouse licenses, which shall authorize associations as defined in § 13.1-313 with a place of business located in the Commonwealth to (i) receive deliveries and shipments of wine or beer owned by holders of wine and beer shipper's licenses; (ii) store such wine or beer on behalf of the owner; and (iii) pick, pack, and ship such wine or beer as directed by the owner, all in accordance with Board regulations. No wholesale wine or wholesale beer licensee, whether licensed in the Commonwealth or not, or any person under common control of such licensee, shall acquire or hold any financial interest, direct or indirect, in the business for which any fulfillment warehouse license is issued.

5. Marketing portal licenses, which shall authorize agricultural cooperative associations organized under the provisions of the Agricultural Cooperative Association Act (§ 13.1-312 et seq.), with a place of business located in the Commonwealth, in accordance with Board regulations, to solicit and receive orders for wine or beer through the use of the Internet from persons in the Commonwealth to whom wine or beer may be lawfully sold, on behalf of holders of wine and beer shipper's licenses. Upon receipt of an order for wine or beer, the licensee shall forward it to a holder of a wine and beer shipper's license for fulfillment. Marketing portal licensees may also accept payment on behalf of the shipper.

6. Third-party delivery licenses, which shall carry the privileges and limitations set forth in § 4.1-212.2.

§ 4.1-209. Wine and beer license privileges; advertising; displays; tastings.

A. Notwithstanding any provision of law to the contrary, persons granted a wine and beer license pursuant to § 4.1-206.3 may display within their licensed premises point-of-sale advertising materials that incorporate the use of any professional athlete or athletic team, provided that such advertising materials (i) otherwise comply with the applicable regulations of the federal Bureau of Alcohol, Tobacco and Firearms and (ii) do not depict any athlete consuming or about to consume alcohol prior to or while engaged in an athletic activity, do not depict an athlete consuming alcohol while the athlete is operating or about to operate a motor vehicle or other machinery, and do not imply that the alcoholic beverage so advertised enhances athletic prowess.

B. Persons granted a license to sell wine and beer for off-premises consumption that display such wine and beer outside a clearly discernible location reserved for alcoholic beverages shall (i) not place wine or beer in an area immediately adjacent to nonalcoholic beverages containing the same or similar brand name, logo, or packaging as an alcoholic beverage and (ii) equip any such display with signage that indicates the product is an alcoholic beverage, is clearly visible to consumers, and is of sufficient size to notify the consumer that the product contains alcohol. Nothing in this subsection shall prohibit the placement of nonalcoholic wine or beer in or near a display of alcoholic beverages that contain the same or similar brand name, logo, or packaging as the nonalcoholic wine or beer.

C. Persons granted retail on-and-off-premises wine and beer licenses pursuant to the following provisions may conduct wine or beer tastings sponsored by the licensee for its customers for on-premises consumption:

1. Subdivision A 1, 4, 5, 6, 7, 8, or ~~14~~ *13* of § 4.1-206.3;

2. Subdivision B 1, 2, 4, 5, 6, 7, or 8 of § 4.1-206.3;

3. Subdivision C 1 or 2 of § 4.1-206.3;

4. Subdivision D 1 a, b, or d or 2 a of § 4.1-206.3; or

5. Subdivision F 4 or 5 of § 4.1-206.3.

Such licensees may sell or give samples of wine and beer in designated areas at events held by the licensee for the purpose of featuring and educating the consuming public about the alcoholic beverages being tasted. Additionally, with the consent of the licensee, farm wineries, wineries, and breweries may participate in tastings held by licensees authorized to conduct tastings, including the pouring of samples to any person to whom alcoholic beverages may be lawfully sold. No single sample shall exceed four ounces of beer or two ounces of wine, and no more than 12 ounces of beer or five ounces of wine shall be given or sold to any person per day.

§ 4.1-231.1. (Effective until July 1, 2024) Fees on state licenses.

A. (Contingent expiration date) The annual fees on state licenses shall be as follows:

1. Manufacturer licenses. For each:

a. Distiller's license and limited distiller's license, if not more than 5,000 gallons of alcohol or spirits, or both, manufactured during the year in which the license is granted, $490; if more than 5,000 gallons but not more than 36,000 gallons manufactured during such year, $2,725; and if more than 36,000 gallons manufactured during such year, $4,060;

b. Brewery license and limited brewery license, if not more than 500 barrels of beer manufactured during the year in which the license is granted, $380; if not more than 10,000 barrels of beer manufactured during the year in which the license is granted, $2,350; and if more than 10,000 barrels manufactured during such year, $4,690;

c. Winery license, if not more than 5,000 gallons of wine manufactured during the year in which the license is granted, $215, and if more than 5,000 gallons manufactured during such year, $4,210;

d. Farm winery license, $275 for any Class I or Class II license, $500 for any Class III license, and $4,000 for any Class IV license;

e. Wine importer's license, $460; and

f. Beer importer's license, $460.

2. Wholesale licenses. For each:

a. (1) Wholesale beer license, $1,005 for any wholesaler who sells 300,000 cases of beer a year or less, $1,545 for any wholesaler who sells more than 300,000 but not more than 600,000 cases of beer a year, and $2,010 for any wholesaler who sells more than 600,000 cases of beer a year; and

(2) Wholesale beer license applicable to two or more premises, the annual state license tax shall be the amount set forth in subdivision a (1), multiplied by the number of separate locations covered by the license;

b. (1) Wholesale wine license, $240 for any wholesaler who sells 30,000 gallons of wine or less per year, $1,200 for any wholesaler who sells more than 30,000 gallons per year but not more than 150,000 gallons of wine per year, $1,845 for any wholesaler who sells more than 150,000 but not more than 300,000 gallons of wine per year, and $2,400 for any wholesaler who sells more than 300,000 gallons of wine per year; and

(2) Wholesale wine license, including that granted pursuant to subdivision 3 of § 4.1-206.2, applicable to two or more premises, the annual state license tax shall be the amount set forth in subdivision b (1), multiplied by the number of separate locations covered by the license.

3. Retail licenses — mixed beverage. For each:

a. Mixed beverage restaurant license, granted to persons operating restaurants, including restaurants located on premises of and operated by casinos, hotels or motels, or other persons:

(1) With a seating capacity at tables for up to 100 persons, $1,050;

(2) With a seating capacity at tables for more than 100 but not more than 150 persons, $1,495;

(3) With a seating capacity at tables for more than 150 persons but not more than 500 persons, $1,980;

(4) With a seating capacity at tables for more than 500 persons but not more than 1,000 persons, $2,500; and

(5) With a seating capacity at tables for more than 1,000 persons, $3,100;

b. Mixed beverage restaurant license for restaurants located on the premises of and operated by private, nonprofit clubs:

(1) With an average yearly membership of not more than 200 resident members, $1,250;

(2) With an average yearly membership of more than 200 but not more than 500 resident members, $2,440; and

(3) With an average yearly membership of more than 500 resident members, $3,410;

c. Mixed beverage casino license, $3,100 plus an additional $5 for each gaming station located on the premises of the casino gaming establishment. For the purposes of this subdivision, "gaming station" means each slot machine and each casino gaming table that is in active use, as determined annually on December 31;

d. Mixed beverage caterer's license, $1,990;

e. Mixed beverage limited caterer's license, $550;

f. Mixed beverage carrier license:

(1) $520 for each of the average number of dining cars, buffet cars, or club cars operated daily in the Commonwealth by a common carrier of passengers by train;

(2) $910 for each common carrier of passengers by boat;

(3) $520 for each common carrier of passengers by bus; and

(4) $2,360 for each license granted to a common carrier of passengers by airplane;

g. Annual mixed beverage ~~motor~~ sports facility license, $630;

h. Limited mixed beverage restaurant license:

(1) With a seating capacity at tables for up to 100 persons, $945;

(2) With a seating capacity at tables for more than 100 but not more than 150 persons, $1,385; and

(3) With a seating capacity at tables for more than 150 persons, $1,875;

i. Annual mixed beverage performing arts facility license, $630;

j. Bed and breakfast license, $100;

k. Museum license, $260;

l. ~~Motor car sporting event facility license, $300;~~

~~m.~~ Commercial lifestyle center license, $300;

~~n.~~ *m.* Mixed beverage port restaurant license, $1,050; and

~~o.~~ *n.* Annual mixed beverage special events license, $630.

4. Retail licenses — on-and-off-premises wine and beer. For each on-and-off premises wine and beer license, $450.

5. Retail licenses — off-premises wine and beer. For each:

a. Retail off-premises wine and beer license, $300;

b. Gourmet brewing shop license, $320; and

c. Confectionery license, $170.

6. Retail licenses — banquet, special event, and tasting licenses.

a. Per-day event licenses. For each:

(1) Banquet license, $40 per license granted by the Board, except for banquet licenses granted by the Board pursuant to subsection A of § 4.1-215, which shall be $100 per license;

(2) Mixed beverage special events license, $45 for each day of each event;

(3) Mixed beverage club events license, $35 for each day of each event; and

(4) Tasting license, $40.

b. Annual licenses. For each:

(1) Annual banquet license, $300;

(2) Banquet facility license, $260;

(3) Designated outdoor refreshment area license, $300. However, for any designated outdoor refreshment area license issued pursuant to a local ordinance, the annual fee shall be $3,000;

(4) Annual mixed beverage banquet license, $630;

(5) Equine sporting event license, $300; and

(6) Annual arts venue event license, $300.

7. Retail licenses — marketplace. For each marketplace license, $1,000. However, if the license privileges are exercised during a period of six or less consecutive months and such period is specified prior to the beginning of the license year, the annual fee shall be $500.

8. Retail licenses — shipper, bottler, and related licenses. For each:

a. Wine and beer shipper's license, $230;

b. Internet wine and beer retailer license, $240;

c. Bottler license, $1,500;

d. Fulfillment warehouse license, $210;

e. Marketing portal license, $285; and

f. Third-party delivery license, $7,500, unless the licensee provides written certification to the Board that the licensee has no more than 25 delivery personnel, including employees, agents, and independent contractors that engage in direct-to-consumer alcoholic beverage delivery, in which case the license fee shall be $2,500.

9. Temporary licenses. For each temporary license authorized by § 4.1-211, one-half of the tax imposed by this section on the license for which the applicant applied.

B. The tax on each license granted or reissued for a period other than 12, 24, or 36 months shall be equal to one-twelfth of the taxes required by subsection A computed to the nearest cent, multiplied by the number of months in the license period, and then increased by five percent. Such tax shall not be refundable, except as provided in § 4.1-232.

C. Nothing in this chapter shall exempt any licensee from any state merchants' license or state restaurant license or any other state tax. Every licensee, in addition to the taxes imposed by this chapter, shall be liable to state merchants' license taxation and state restaurant license taxation and other state taxation the same as if the alcoholic beverages were nonalcoholic. In ascertaining the liability of a beer wholesaler to merchants' license taxation, however, and in computing the wholesale merchants' license tax on a beer wholesaler, the first $163,800 of beer purchases shall be disregarded; and in ascertaining the liability of a wholesale wine distributor to merchants' license taxation, and in computing the wholesale merchants' license tax on a wholesale wine distributor, the first $163,800 of wine purchases shall be disregarded.

D. In addition to the taxes set forth in this section, a fee of $5 may be imposed on any license purchased in person from the Board if such license is available for purchase online.

§ 4.1-231.1. (Effective July 1, 2024) Fees on state licenses.

A. (Contingent expiration date) The annual fees on state licenses shall be as follows:

1. Manufacturer licenses. For each:

a. Distiller's license and limited distiller's license, if not more than 5,000 gallons of alcohol or spirits, or both, manufactured during the year in which the license is granted, $490; if more than 5,000 gallons but not more than 36,000 gallons manufactured during such year, $2,725; and if more than 36,000 gallons manufactured during such year, $4,060;

b. Brewery license and limited brewery license, if not more than 500 barrels of beer manufactured during the year in which the license is granted, $380; if not more than 10,000 barrels of beer manufactured during the year in which the license is granted, $2,350; and if more than 10,000 barrels manufactured during such year, $4,690;

c. Winery license, if not more than 5,000 gallons of wine manufactured during the year in which the license is granted, $215, and if more than 5,000 gallons manufactured during such year, $4,210;

d. Farm winery license, $275 for any Class I or Class II license, $500 for any Class III license, and $4,000 for any Class IV license;

e. Wine importer's license, $460; and

f. Beer importer's license, $460.

2. Wholesale licenses. For each:

a. (1) Wholesale beer license, $1,005 for any wholesaler who sells 300,000 cases of beer a year or less, $1,545 for any wholesaler who sells more than 300,000 but not more than 600,000 cases of beer a year, and $2,010 for any wholesaler who sells more than 600,000 cases of beer a year; and

(2) Wholesale beer license, including a license granted pursuant to subdivision 2 of § 4.1-206.2, applicable to two or more premises, the annual state license tax shall be the amount set forth in subdivision a (1), multiplied by the number of separate locations covered by the license;

b. (1) Wholesale wine license, $240 for any wholesaler who sells 30,000 gallons of wine or less per year, $1,200 for any wholesaler who sells more than 30,000 gallons per year but not more than 150,000 gallons of wine per year, $1,845 for any wholesaler who sells more than 150,000 but not more than 300,000 gallons of wine per year, and $2,400 for any wholesaler who sells more than 300,000 gallons of wine per year; and

(2) Wholesale wine license, including a license granted pursuant to subdivision 4 of § 4.1-206.2, applicable to two or more premises, the annual state license tax shall be the amount set forth in subdivision b (1), multiplied by the number of separate locations covered by the license.

3. Retail licenses — mixed beverage. For each:

a. Mixed beverage restaurant license, granted to persons operating restaurants, including restaurants located on premises of and operated by casinos, hotels or motels, or other persons:

(1) With a seating capacity at tables for up to 100 persons, $1,050;

(2) With a seating capacity at tables for more than 100 but not more than 150 persons, $1,495;

(3) With a seating capacity at tables for more than 150 persons but not more than 500 persons, $1,980;

(4) With a seating capacity at tables for more than 500 persons but not more than 1,000 persons, $2,500; and

(5) With a seating capacity at tables for more than 1,000 persons, $3,100;

b. Mixed beverage restaurant license for restaurants located on the premises of and operated by private, nonprofit clubs:

(1) With an average yearly membership of not more than 200 resident members, $1,250;

(2) With an average yearly membership of more than 200 but not more than 500 resident members, $2,440; and

(3) With an average yearly membership of more than 500 resident members, $3,410;

c. Mixed beverage casino license, $3,100 plus an additional $5 for each gaming station located on the premises of the casino gaming establishment. For the purposes of this subdivision, "gaming station" means each slot machine and each casino gaming table that is in active use, as determined annually on December 31;

d. Mixed beverage caterer's license, $1,990;

e. Mixed beverage limited caterer's license, $550;

f. Mixed beverage carrier license:

(1) $520 for each of the average number of dining cars, buffet cars, or club cars operated daily in the Commonwealth by a common carrier of passengers by train;

(2) $910 for each common carrier of passengers by boat;

(3) $520 for each common carrier of passengers by bus; and

(4) $2,360 for each license granted to a common carrier of passengers by airplane;

g. Annual mixed beverage ~~motor~~ sports facility license, $630;

h. Limited mixed beverage restaurant license:

(1) With a seating capacity at tables for up to 100 persons, $945;

(2) With a seating capacity at tables for more than 100 but not more than 150 persons, $1,385; and

(3) With a seating capacity at tables for more than 150 persons, $1,875;

i. Annual mixed beverage performing arts facility license, $630;

j. Bed and breakfast license, $100;

k. Museum license, $260;

l. ~~Motor car sporting event facility license, $300;~~

~~m.~~ Commercial lifestyle center license, $300;

~~n.~~ *m.* Mixed beverage port restaurant license, $1,050; and

~~o.~~ *n.* Annual mixed beverage special events license, $630.

4. Retail licenses — on-and-off-premises wine and beer. For each on-and-off premises wine and beer license, $450.

5. Retail licenses — off-premises wine and beer. For each:

a. Retail off-premises wine and beer license, $300;

b. Gourmet brewing shop license, $320; and

c. Confectionery license, $170.

6. Retail licenses — banquet, special event, and tasting licenses.

a. Per-day event licenses. For each:

(1) Banquet license, $40 per license granted by the Board, except for banquet licenses granted by the Board pursuant to subsection A of § 4.1-215, which shall be $100 per license;

(2) Mixed beverage special events license, $45 for each day of each event;

(3) Mixed beverage club events license, $35 for each day of each event; and

(4) Tasting license, $40.

b. Annual licenses. For each:

(1) Annual banquet license, $300;

(2) Banquet facility license, $260;

(3) Designated outdoor refreshment area license, $300. However, for any designated outdoor refreshment area license issued pursuant to a local ordinance, the annual fee shall be $3,000;

(4) Annual mixed beverage banquet license, $630;

(5) Equine sporting event license, $300; and

(6) Annual arts venue event license, $300.

7. Retail licenses — marketplace. For each marketplace license, $1,000. However, if the license privileges are exercised during a period of six or less consecutive months and such period is specified prior to the beginning of the license year, the annual fee shall be $500.

8. Retail licenses — shipper, bottler, and related licenses. For each:

a. Wine and beer shipper's license, $230;

b. Internet wine and beer retailer license, $240;

c. Bottler license, $1,500;

d. Fulfillment warehouse license, $210;

e. Marketing portal license, $285; and

f. Third-party delivery license, $7,500, unless the licensee provides written certification to the Board that the licensee has no more than 25 delivery personnel, including employees, agents, and independent contractors that engage in direct-to-consumer alcoholic beverage delivery, in which case the license fee shall be $2,500.

9. Temporary licenses. For each temporary license authorized by § 4.1-211, one-half of the tax imposed by this section on the license for which the applicant applied.

B. The tax on each license granted or reissued for a period other than 12, 24, or 36 months shall be equal to one-twelfth of the taxes required by subsection A computed to the nearest cent, multiplied by the number of months in the license period, and then increased by five percent. Such tax shall not be refundable, except as provided in § 4.1-232.

C. Nothing in this chapter shall exempt any licensee from any state merchants' license or state restaurant license or any other state tax. Every licensee, in addition to the taxes imposed by this chapter, shall be liable to state merchants' license taxation and state restaurant license taxation and other state taxation the same as if the alcoholic beverages were nonalcoholic. In ascertaining the liability of a beer wholesaler to merchants' license taxation, however, and in computing the wholesale merchants' license tax on a beer wholesaler, the first $163,800 of beer purchases shall be disregarded; and in ascertaining the liability of a wholesale wine distributor to merchants' license taxation, and in computing the wholesale merchants' license tax on a wholesale wine distributor, the first $163,800 of wine purchases shall be disregarded.

D. In addition to the taxes set forth in this section, a fee of $5 may be imposed on any license purchased in person from the Board if such license is available for purchase online.

§ 4.1-233.1. Fees on local licenses.

A. In addition to the state license taxes, the annual local license taxes that may be collected shall not exceed the following sums:

1. Manufacturer licenses. For each:

a. Distiller's license and limited distiller's license, if more than 5,000 gallons but not more than 36,000 gallons manufactured during such year, $750; if more than 36,000 gallons manufactured during such year, $1,000; and no local license shall be required for any person who manufactures not more than 5,000 gallons of alcohol or spirits, or both, during such license year;

b. Brewery license and limited brewery license, if not more than 500 barrels of beer manufactured during the year in which the license is granted, $250, and if more than 500 barrels manufactured during such year, $1,000;

c. Winery license, $50; and

d. Farm winery license, $50.

2. Wholesale licenses. For each:

a. Wholesale beer license, in a city, $250, and in a county or town, $75; and

b. Wholesale wine license, $50.

3. Retail licenses — mixed beverage. For each:

a. Mixed beverage restaurant license, granted to persons operating restaurants, including restaurants located on premises of and operated by casinos, hotels or motels, or other persons:

(1) With a seating capacity at tables for up to 100 persons, $200;

(2) With a seating capacity at tables for more than 100 but not more than 150 persons, $350;

(3) With a seating capacity at tables for more than 150 persons but not more than 500 persons, $500;

(4) With a seating capacity at tables for more than 500 persons but not more than 1,000 persons, $650; and

(5) With a seating capacity at tables for more than 1,000 persons, $800;

b. Mixed beverage restaurant license for restaurants located on the premises of and operated by private, nonprofit clubs, $350;

c. Mixed beverage casino license, $800 plus an additional $2 for each gaming station located on the premises of the casino gaming establishment. For the purposes of this subdivision, "gaming station" means each slot machine and each casino gaming table that is in active use, as determined annually on December 31;

d. Mixed beverage caterer's license, $500;

e. Mixed beverage limited caterer's license, $100;

f. Annual mixed beverage ~~motor~~ sports facility license, $300;

g. Limited mixed beverage restaurant license:

(1) With a seating capacity at tables for up to 100 persons, $100;

(2) With a seating capacity at tables for more than 100 but not more than 150 persons, $250; or

(3) With a seating capacity at tables for more than 150 persons, $400;

h. Annual mixed beverage performing arts facility license, $300;

i. Bed and breakfast license, $40;

j. Museum license, $10;

k. ~~Motor car sporting event facility license, $10;~~

~~l.~~ Commercial lifestyle center license, $60; and

~~m.~~ *l.* Annual mixed beverage special events license, $300.

4. Retail licenses — on-and-off-premises wine and beer. For each on-and-off premises wine and beer license issued to:

a. Hotels, restaurants, and clubs, in a city, $150, and in a county or town, $37.50;

b. Hospitals, $10;

c. Rural grocery stores, $37.50; and

d. Historic cinema houses, $20.

5. Retail licenses — off-premises wine and beer. For each:

a. Retail off-premises wine and beer license, in a city, $150, and in a county or town, $37.50;

b. Gourmet brewing shop license, $150; and

c. Confectionery license, $20.

6. Retail licenses — banquet, special event, and tasting licenses. For each:

a. Per-day event licenses. For each:

(1) Banquet license, $5 per license granted by the Board, except for banquet licenses granted by the Board pursuant to subsection A of § 4.1-215, which shall be $20 per license;

(2) Mixed beverage special events license, $10 for each day of each event;

(3) Mixed beverage club events license, $10 for each day of each event; and

(4) Tasting license, $10.

b. Annual licenses. For each:

(1) Annual banquet license, $15;

(2) Designated outdoor refreshment area license, $60. However, for any designated outdoor refreshment area license issued pursuant to a local ordinance, the annual tax shall be $600;

(3) Annual mixed beverage banquet license, $75;

(4) Equine sporting event license, $10; and

(5) Annual arts venue event license, $10.

7. Retail licenses — marketplace. For each marketplace license, $200. However, if the license privileges are exercised during a period of six or less consecutive months and such period is specified prior to the beginning of the license year, the annual tax shall be $100.

8. Retail licenses — shipper, bottler, and related licenses. For each:

a. Wine and beer shipper's license, $10; and

b. Bottler license, $500.

B. Common carriers. No local license tax shall be either charged or collected for the privilege of selling alcoholic beverages in (i) passenger trains, boats, buses, or airplanes or (ii) rooms designated by the Board of establishments of air carriers of passengers at airports in the Commonwealth for on-premises consumption only.

C. Merchants' and restaurants' license taxes. The governing body of each county, city, or town in the Commonwealth, in imposing local wholesale merchants' license taxes measured by purchases, local retail merchants' license taxes measured by sales, and local restaurant license taxes measured by sales, may include alcoholic beverages in the base for measuring such local license taxes the same as if the alcoholic beverages were nonalcoholic. No local alcoholic beverage license authorized by this chapter shall exempt any licensee from any local merchants' or local restaurant license tax, but such local merchants' and local restaurant license taxes may be in addition to the local alcoholic beverage license taxes authorized by this chapter.

The governing body of any county, city, or town, in adopting an ordinance under this section, shall provide that in ascertaining the liability of (i) a beer wholesaler to local merchants' license taxation under the ordinance, and in computing the local wholesale merchants' license tax on such beer wholesaler, purchases of beer up to a stated amount shall be disregarded, which stated amount shall be the amount of beer purchases which would be necessary to produce a local wholesale merchants' license tax equal to the local wholesale beer license tax paid by such wholesaler and (ii) a wholesale wine licensee to local merchants' license taxation under the ordinance, and in computing the local wholesale merchants' license tax on such wholesale wine licensee, purchases of wine up to a stated amount shall be disregarded, which stated amount shall be the amount of wine purchases which would be necessary to produce a local wholesale merchants' license tax equal to the local wholesale wine licensee license tax paid by such wholesale wine licensee.

D. Delivery. No county, city, or town shall impose any local alcoholic beverage license tax on any wholesaler for the privilege of delivering alcoholic beverages in the county, city, or town when such wholesaler maintains no place of business in such county, city, or town.

E. Application of county tax within town. Any county license tax imposed under this section shall not apply within the limits of any town located in such county, where such town imposes a town license tax on the same privilege.

§ 4.1-309. Drinking or possessing alcoholic beverages in or on public school grounds; penalty.

A. No person shall possess or drink any alcoholic beverage in or upon the grounds of any public elementary or secondary school during school hours or school or student activities.

B. In addition, no person shall drink and no organization shall serve any alcoholic beverage in or upon the grounds of any public elementary or secondary school after school hours or school or student activities, except for religious congregations using wine for sacramental purposes only.

C. Any person convicted of a violation of this section shall be guilty of a Class 2 misdemeanor.

D. This section shall not prohibit any person from possessing or drinking alcoholic beverages or any organization from serving alcoholic beverages in areas approved by the Board at a performing arts ~~center owned by the City of Alexandria or the City of Portsmouth~~ *facility*, provided the organization operating the performing arts ~~center~~ *facility* or its lessee has a license granted by the Board.

§ 4.1-325. Prohibited acts by mixed beverage licensees; penalty.

A. In addition to § 4.1-324, no mixed beverage licensee nor any agent or employee of such licensee shall:

1. Sell or serve any alcoholic beverage other than as authorized by law;

2. Sell any authorized alcoholic beverage to any person or at any place except as authorized by law;

3. Allow at the place described in his license the consumption of alcoholic beverages in violation of this subtitle;

4. Keep at the place described in his license any alcoholic beverage other than that which he is licensed to sell;

5. Misrepresent the brand of any alcoholic beverage sold or offered for sale;

6. Keep any alcoholic beverage other than in the bottle or container in which it was purchased by him except (i) for a frozen alcoholic beverage, which may include alcoholic beverages in a frozen drink dispenser of a type approved by the Board; (ii) in the case of wine, in containers of a type approved by the Board pending automatic dispensing and sale of such wine; and (iii) as otherwise provided by Board regulation. Neither this subdivision nor any Board regulation shall prohibit any mixed beverage licensee from premixing containers of sangria, to which spirits may be added, to be served and sold for consumption on the licensed premises;

7. Refill or partly refill any bottle or container of alcoholic beverage or dilute or otherwise tamper with the contents of any bottle or container of alcoholic beverage, except as provided by Board regulation adopted pursuant to subdivision B 11 of § 4.1-111;

8. Sell or serve any brand of alcoholic beverage which is not the same as that ordered by the purchaser without first advising such purchaser of the difference;

9. Remove or obliterate any label, mark, or stamp affixed to any container of alcoholic beverages offered for sale;

10. Deliver or sell the contents of any container if the label, mark, or stamp has been removed or obliterated;

11. Allow any obscene conduct, language, literature, pictures, performance, or materials on the licensed premises;

12. Allow any striptease act on the licensed premises;

13. Allow persons connected with the licensed business to appear nude or partially nude;

14. Consume or allow the consumption by an employee of any alcoholic beverages while on duty and in a position that is involved in the selling or serving of alcoholic beverages to customers.

The provisions of this subdivision shall not prohibit any retail licensee or his designated employee from (i) consuming product samples or sample servings of (a) beer or wine provided by a representative of a licensed beer or wine wholesaler or manufacturer or (b) a distilled spirit provided by a permittee of the Board who represents a distiller, if such samples are provided in accordance with Board regulations and the retail licensee or his designated employee does not violate the provisions of subdivision A 1 f of § 4.1-225 or (ii) tasting an alcoholic beverage that has been or will be delivered to a customer for quality control purposes;

15. Deliver to a consumer an original bottle of an alcoholic beverage purchased under such license whether the closure is broken or unbroken except in accordance with § 4.1-206.3.

The provisions of this subdivision shall not apply to the delivery of:

a. "Soju." For the purposes of this subdivision, "soju" means a traditional Korean alcoholic beverage distilled from rice, barley or sweet potatoes; or

b. Spirits, provided (i) the original container is no larger than 375 milliliters, (ii) the alcohol content is no greater than 15 percent by volume, and (iii) the contents of the container are carbonated and perishable;

16. Be intoxicated while on duty or employ an intoxicated person on the licensed premises;

17. Conceal any sale or consumption of any alcoholic beverages;

18. Fail or refuse to make samples of any alcoholic beverages available to the Board upon request or obstruct special agents of the Board in the discharge of their duties;

19. Store alcoholic beverages purchased under the license in any unauthorized place or remove any such alcoholic beverages from the premises;

20. Knowingly employ in the licensed business any person who has the general reputation as a prostitute, panderer, habitual law violator, person of ill repute, user or peddler of narcotics, or person who drinks to excess or engages in illegal gambling;

21. Keep on the licensed premises, except for the premises of a mixed beverage casino licensee, a slot machine or any prohibited gambling or gaming device, machine, or apparatus;

22. Make any gift of an alcoholic beverage, other than as a gift made (i) to a personal friend, as a matter of normal social intercourse, so long as the gift is in no way a shift or device to evade the restriction set forth in this subdivision; (ii) to a person responsible for the planning, preparation or conduct on any conference, convention, trade show or event held or to be held on the premises of the licensee, when such gift is made in the course of usual and customary business entertainment and is in no way a shift or device to evade the restriction set forth in this subdivision; (iii) pursuant to subsection C of § 4.1-209; (iv) pursuant to subdivision A 10 of § 4.1-201; (v) by a mixed beverage casino licensee to a patron of such licensee in accordance with the provisions of subdivision A ~~15~~ *14* of § 4.1-206.3; or (vi) pursuant to any Board regulation. Any gift permitted by this subdivision shall be subject to the taxes imposed by this subtitle on sales of alcoholic beverages. The licensee shall keep complete and accurate records of gifts given in accordance with this subdivision; or

23. Establish any normal or customary pricing of its alcoholic beverages that is intended as a shift or device to evade any "happy hour" regulations adopted by the Board; however, a licensee may increase the volume of an alcoholic beverage sold to a customer if there is a commensurate increase in the normal or customary price charged for the same alcoholic beverage.

B. Any person convicted of a violation of this section is guilty of a Class 1 misdemeanor.

C. The provisions of subdivisions A 12 and A 13 shall not apply to persons operating theaters, concert halls, art centers, museums, or similar establishments that are devoted primarily to the arts or theatrical performances, when the performances that are presented are expressing matters of serious literary, artistic, scientific, or political value.

2. That the provisions of this act shall not prohibit any person from obtaining or retaining an annual mixed beverage performing arts facility license or an on-and-off-premises wine and beer license as a performing arts food

concessionaire for a premises that operated as (i) a mixed beverage performing arts facility or a performing arts food concessionaire pursuant to § 4.1-206.3 of the Code of Virginia on June 30, 2024, or (ii) a mixed beverage performing arts facility pursuant to the third enactment of this act on December 31, 2024.

3. That the Board of Directors (Board) of the Virginia Alcoholic Beverage Control Authority may issue an annual mixed beverage performing arts facility license, pursuant to § 4.1-206.3 of the Code of Virginia, as amended by this act, to persons operating food concessions at any performing arts facility located in the City of Richmond, provided that the performing arts facility (i) is occupied under a bona fide long-term lease or concession agreement, the original term of which was more than five years; (ii) has a capacity in excess of 400 patrons; (iii) has been rehabilitated in accordance with historic preservation standards; and (iv) has monthly gross receipts from the sale of food cooked, or prepared, and consumed on the premises and nonalcoholic beverages served on the premises that meet or exceed the monthly minimum established by Board regulations for mixed beverage restaurants. The provisions of this enactment shall expire on January 1, 2025.

CHAPTER 620

An Act to direct the Secretary of Health and Human Resources to convene a work group to investigate wholesale prescription drug importation programs in other states and evaluate best practices for the establishment and application of such a program in the Commonwealth; report.

[S 186]

Approved April 8, 2024

Be it enacted by the General Assembly of Virginia:

1. *§ 1. That the Secretary of Health and Human Resources (the Secretary) shall convene a work group composed of relevant stakeholders, including representatives from pharmaceutical manufacturers, health plans, and Virginia pharmacists, to (i) investigate wholesale prescription drug importation programs in other states, including the procedures for start-up and continued execution; (ii) evaluate best practices for the establishment and application of such a program; and (iii) consider the effectiveness of implementing such a program in the Commonwealth. The work group shall take into consideration the cost and safety of such a program. The Secretary shall provide a report on the feasibility of such a plan in the Commonwealth to the Governor, the Chairmen of the House Committees on Appropriations and Health and Human Services, and the Senate Committees on Finance and Appropriations and Education and Health by November 1, 2024.*

CHAPTER 621

An Act to amend and reenact §§ 6.2-1616, 11-2, 38.2-3521.1, 54.1-2100, and 54.1-2103 of the Code of Virginia and to repeal §§ 54.1-2101 and 54.1-2107 of the Code of Virginia, relating to Department of Professional and Occupational Regulation; definition of a real estate broker.

[S 358]

Approved April 8, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 6.2-1616, 11-2, 38.2-3521.1, 54.1-2100, and 54.1-2103 of the Code of Virginia are amended and reenacted as follows:

§ 6.2-1616. Other prohibitions applicable to mortgage brokers.

A. As used in this section:

"Real estate broker" has the same meaning provided in § 54.1-2100.

"Real estate salesperson" has the same meaning provided in ~~§ 54.1-2101~~ *§ 54.1-2100*.

B. No mortgage broker required to be licensed under this chapter shall:

1. Except for documented costs of credit reports and appraisals, receive compensation from a borrower until a written commitment to make a mortgage loan is given to the borrower by a mortgage lender;

2. Receive compensation from a mortgage lender of which he is a principal, partner, trustee, director, officer, or employee;

3. Receive compensation from a borrower in connection with any mortgage loan transaction in which he is the lender or a principal, partner, trustee, director, or officer of the lender;

4. Receive compensation from a borrower other than that specified in a written agreement signed by the borrower; or

5. Fail to use reasonable skill, care, and diligence in exercising the broker's duty, which duty is hereby created, to make reasonable efforts to secure a mortgage loan that is in the best interests of the applicant, considering the applicant's circumstances and loan characteristics, including but not limited to the product type, rates, charges, and repayment terms of the loan.

C. If a mortgage broker negotiates, places, or finds a mortgage loan and acts as a real estate broker or real estate salesperson in connection with the sale of the real estate that secures such loan, the mortgage broker shall conspicuously

provide to the borrower the following written disclosure at the time the mortgage broker services are first offered to the borrower:

YOU ARE HEREBY NOTIFIED THAT YOU ARE NOT REQUIRED TO ENTER INTO ANY ARRANGEMENT FOR REAL ESTATE BROKER OR REAL ESTATE SALESPERSON SERVICES WITH A REAL ESTATE BROKER OR REAL ESTATE SALESPERSON TO WHOM WE HAVE REFERRED YOU.

YOU ARE HEREBY NOTIFIED THAT [NAME OF MORTGAGE BROKER] WILL BE RECEIVING COMPENSATION FOR PROVIDING BOTH MORTGAGE BROKER SERVICES AND REAL ESTATE BROKER OR REAL ESTATE SALESPERSON SERVICES IN CONNECTION WITH THE SALE OF THE REAL ESTATE THAT SECURES THIS MORTGAGE LOAN.

YOU ARE HEREBY NOTIFIED THAT WE DO NOT REPRESENT ALL OF THE LENDERS IN THE MARKET AND THE LENDERS WE DO REPRESENT MAY NOT OFFER THE LOWEST INTEREST RATES OR BEST TERMS AVAILABLE TO YOU.

D. The requirements of this section are in addition to the requirements of the federal Real Estate Settlement Procedures Act of 1974 (12 U.S.C. § 2601 et seq.) and regulations adopted thereunder.

§ 11-2. When written evidence required to maintain action.

Unless a promise, contract, agreement, representation, assurance, or ratification, or some memorandum or note thereof, is in writing and signed by the party to be charged or his agent, no action shall be brought in any of the following cases:

1. To charge any person upon or by reason of a representation or assurance concerning the character, conduct, credit, ability, trade, or dealings of another, to the intent or purpose that such other may obtain thereby, credit, money, or goods;

2. To charge any person upon a promise made after attaining the age of majority, to pay a debt contracted during infancy, or upon a ratification after attaining the age of majority, of a promise or simple contract made during infancy;

3. To charge a personal representative upon a promise to answer any debt or damages out of his own estate;

4. To charge any person upon a promise to answer for the debt, default, or misdoings of another;

5. Upon any agreement made upon consideration of marriage;

6. Upon any contract for the sale of real estate, or for the lease thereof for more than a year;

7. Upon any agreement or contract for services to be performed in the sale of real estate by a party defined in § 54.1-2100 ~~or § 54.1-2101~~;

8. Upon any agreement that is not to be performed within a year; or

9. Upon any agreement or promise to lend money or extend credit in an aggregate amount of $25,000 or more.

The consideration need not be set forth or expressed in the writing, and it may be proved (where a consideration is necessary) by other evidence.

§ 38.2-3521.1. Group accident and sickness insurance definitions.

Except as provided in § 38.2-3522.1, no policy of group accident and sickness insurance shall be delivered in this Commonwealth unless it conforms to one of the following descriptions:

A. A policy issued to an employer, or to the trustees of a fund established by an employer, which employer or trustees shall be deemed the policyholder, to insure employees of the employer for the benefit of persons other than the employer, subject to the following requirements:

1. The employees eligible for insurance under the policy shall be all of the employees of the employer, or all of any class or classes thereof. The policy may provide that the term "employees" shall include the employees of one or more subsidiary corporations, and the employees, individual proprietors, and partners of one or more affiliated corporations, proprietorships or partnerships if the business of the employer and of such affiliated corporations, proprietorships or partnerships is under common control. The policy may provide that the term "employees" shall include retired employees, former employees and directors of a corporate employer. A policy issued to insure the employees of a public body may provide that the term "employees" shall include elected or appointed officials.

2. The premium for the policy shall be paid either from the employer's funds or from funds contributed by the insured employees, or from both. Except as provided in subdivision 3, a policy on which no part of the premium is to be derived from funds contributed by the insured employees must insure all eligible employees, except those who reject such coverage in writing.

3. An insurer may exclude or limit the coverage on any person as to whom evidence of individual insurability is not satisfactory to the insurer, except as otherwise prohibited in this title.

B. A policy that is:

1. Not subject to Chapter 37.1 (§ 38.2-3727 et seq.): and

2. Issued to a creditor or its parent holding company or to a trustee or trustees or agent designated by two or more creditors, which creditor, holding company, affiliate, trustee, trustees or agent shall be deemed the policyholder, to insure debtors of the creditor or creditors with respect to their indebtedness, subject to the following requirements:

a. The debtors eligible for insurance under the policy shall be all of the debtors of the creditor or creditors, or all of any class or classes thereof. The policy may provide that the term "debtors" shall include:

(1) Borrowers of money or purchasers or lessees of goods, services, or property for which payment is arranged through a credit transaction;

(2) The debtors of one or more subsidiary corporations; and

(3) The debtors of one or more affiliated corporations, proprietorships or partnerships if the business of the policyholder and of such affiliated corporations, proprietorships or partnerships is under common control.

b. The premium for the policy shall be paid either from the creditor's funds, or from charges collected from the insured debtors, or from both. Except as provided in subdivision 3, a policy on which no part of the premium is to be derived from funds contributed by insured debtors specifically for their insurance must insure all eligible debtors.

3. An insurer may exclude any debtors as to whom evidence of individual insurability is not satisfactory to the insurer.

4. The total amount of insurance payable with respect to an indebtedness shall not exceed the greater of the scheduled or actual amount of unpaid indebtedness to the creditor. The insurer may exclude any payments that are delinquent on the date the debtor becomes disabled as defined in the policy.

5. The insurance may be payable to the creditor or any successor to the right, title, and interest of the creditor. Such payment or payments shall reduce or extinguish the unpaid indebtedness of the debtor to the extent of each such payment and any excess of the insurance shall be payable to the insured or the estate of the insured.

6. Notwithstanding the preceding provisions of this section, insurance on agricultural credit transaction commitments may be written up to the amount of the loan commitment. Insurance on educational credit transaction commitments may be written up to the amount of the loan commitment less the amount of any repayments made on the loan.

C. A policy issued to a labor union, or similar employee organization, which labor union or organization shall be deemed to be the policyholder, to insure members of such union or organization for the benefit of persons other than the union or organization or any of its officials, representatives, or agents, subject to the following requirements:

1. The members eligible for insurance under the policy shall be all of the members of the union or organization, or all of any class or classes thereof.

2. The premium for the policy shall be paid from either funds of the union or organization, or from funds contributed by the insured members specifically for their insurance, or from both. Except as provided in subdivision 3, a policy on which no part of the premium is to be derived from funds contributed by the insured members specifically for their insurance must insure all eligible members, except those who reject such coverage in writing.

3. An insurer may exclude or limit the coverage on any person as to whom evidence of individual insurability is not satisfactory to the insurer, except as otherwise prohibited in this title.

D. A policy issued (i) to or for a multiple employer welfare arrangement, a rural electric cooperative, or a rural electric telephone cooperative as these terms are defined in 29 U.S.C. § 1002, or (ii) to a trust, or to the trustees of a fund, established or adopted by or for two or more employers, or by one or more labor unions of similar employee organizations, or by one or more employers and one or more labor unions or similar employee organizations, which trust or trustees shall be deemed the policyholder, to insure employees of the employers or members of the unions or organizations for the benefit of persons other than the employers or the unions or organizations, subject to the following requirements:

1. The persons eligible for insurance shall be all of the employees of the employers or all of the members of the unions or organizations, or all of any class or classes thereof. The policy may provide that the term "employee" shall include the employees of one or more subsidiary corporations, and the employees, individual proprietors, and partners of one or more affiliated corporations, proprietorships or partnerships if the business of the employer and of such affiliated corporations, proprietorships or partnerships is under common control. The policy may provide that the term "employees" shall include retired employees, former employees and directors of a corporate employer. The policy may provide that the term "employees" shall include the trustees or their employees, or both, if their duties are principally connected with such trusteeship.

2. The premium for the policy shall be paid from funds contributed by the employer or employers of the insured persons, or by the union or unions or similar employee organizations, or by both, or from funds contributed by the insured persons or from both the insured persons and the employers or unions or similar employee organizations. Except as provided in subdivision 3, a policy on which no part of the premium is to be derived from funds contributed by the insured persons specifically for their insurance must insure all eligible persons, except those who reject such coverage in writing.

3. An insurer may exclude or limit the coverage on any person as to whom evidence of individual insurability is not satisfactory to the insurer, except as otherwise prohibited in this title.

E. A policy issued to an association or to a trust or to the trustees of a fund established, created, or maintained for the benefit of members of one or more associations which association or trust shall be deemed the policyholder.

1. The association or associations shall:

a. Have at the outset a minimum of 100 persons;

b. Have been organized and maintained in good faith for purposes other than that of obtaining insurance;

c. Have been in active existence for at least five years;

d. Have a constitution and bylaws which provide that (i) the association or associations hold regular meetings not less than annually to further purposes of the members, (ii) except for credit unions, the association or associations collect dues or solicit contributions from members, and (iii) the members have voting privileges and representation on the governing board and committees;

e. Does not condition membership in the association on any health status-related factor relating to an individual (including an employee of an employer or a dependent of an employee);

f. Makes health insurance coverage offered through the association available to all members regardless of any health status-related factor relating to such members (or individuals eligible for coverage through a member);

g. Does not make health insurance coverage offered through the association available other than in connection with a member of the association; and

h. Meets such additional requirements as may be imposed under the laws of this Commonwealth.

2. The policy shall be subject to the following requirements:

a. The policy may insure members of such association or associations, employees thereof or employees of members, or one or more of the preceding or all of any class or classes thereof for the benefit of persons other than the employee's employer.

b. The premium for the policy shall be paid from funds contributed by the association or associations, or by employer members, or by both, or from funds contributed by the covered persons or from both the covered persons and the association, associations, or employer members.

3. Except as provided in subdivision 4, a policy on which no part of the premium is to be derived from funds contributed by the covered persons specifically for their insurance must insure all eligible persons, except those who reject such coverage in writing.

4. An insurer may exclude or limit the coverage on any person as to whom evidence of individual insurability is not satisfactory to the insurer, except as otherwise prohibited in this title.

5. For a policy issued in the large group market and notwithstanding the provisions of § 38.2-3449, an insurer may (i) establish base rates formed on an actuarially sound, modified community rating methodology that considers the pooling of all participant claims and (ii) utilize each employer member's specific risk profile to determine contribution rates for each individual employer member's share of the premium by actuarially adjusting above or below established base rates.

F. A policy issued to a credit union or to a trustee or trustees or agent designated by two or more credit unions, which credit union, trustee, trustees, or agent shall be deemed the policyholder, to insure members of such credit union or credit unions for the benefit of persons other than the credit union or credit unions, trustee or trustees, or agent or any of their officials, subject to the following requirements:

1. The members eligible for insurance shall be all of the members of the credit union or credit unions, or all of any class or classes thereof.

2. The premium for the policy shall be paid by the policyholder from the credit union's funds and, except as provided in subdivision 3, must insure all eligible members.

3. An insurer may exclude or limit the coverage on any person as to whom evidence of individual insurability is not satisfactory to the insurer.

G. Notwithstanding the provisions of subsection J, a policy issued to an association of real estate salespersons, as defined in ~~§ 54.1-2101~~ *§ 54.1-2100*, which association shall be deemed the policyholder, to insure members of such association, subject to the following requirements:

1. All of the members of such association shall be eligible for coverage. Members shall include (i) an employer member with at least one employee that is domiciled in the Commonwealth or (ii) a self-employed individual who (a) has an ownership right in a "trade or business," regardless of whether the trade or business is incorporated or unincorporated, (b) earns wages or self-employment income from the trade or business, and (c) works at least 20 hours a week or 80 hours a month providing personal services to the trade or business or earns income from the trade or business that at least equals the self-employed individual's cost of the health coverage.

2. The association shall (i) have at the outset a minimum of 25,000 members, (ii) have been organized and maintained in good faith for purposes other than that of obtaining insurance, (iii) have been in active existence for at least five years, and (iv) have a constitution and bylaws that provide that (a) the association hold regular meetings not less than annually to further purposes of the members, (b) the association collects dues or solicits contributions from members, and (c) the members have voting privileges and representation on the governing board and committees.

3. In no case shall membership in the association be conditioned on any health status-related factor relating to an individual, including an employee of an employer or a dependent of an employee.

4. The health insurance coverage offered through the association shall be available to all members regardless of any health status-related factor relating to such members or individuals eligible for coverage through a member.

5. The association shall not make health insurance coverage offered through the association available other than in connection with a member of the association.

6. The premium for the policy shall be paid from funds contributed by the association or by employer members, or by both, or from funds contributed by the covered persons or from both the covered persons and the association or employer members.

7. The policy issued to such an association shall (i) be considered a large group market plan subject to all coverage mandates applicable to a large group market plan offered in the Commonwealth and the large group market insurance regulations under the federal Public Health Service Act, P.L. 78-410, as amended; (ii) be subject to the group health plan coverage requirements under the federal Patient Protection and Affordable Care Act, P.L. 111-148, as amended; (iii) be prohibited from denying coverage under the policy on the basis of a preexisting condition as set forth in § 38.2-3444; (iv) be guaranteed issue and guaranteed renewable; (v) notwithstanding the provisions of subsection A of § 38.2-3451 providing that a large group market plan is not required to provide coverage for essential health benefits in a manner that exceeds the requirements of the federal Patient Protection and Affordable Care Act, P.L. 111-148, as amended, as of January 1, 2019, be subject to the requirements to provide essential health benefits and cost-sharing requirements as set forth in § 38.2-3451;

and (vi) offer a minimum level of coverage designed to provide benefits that are actuarially equivalent to 60 percent of the full actuarial value of the benefits provided under the plan.

8. The insurer issuing such a policy shall (i) treat all of the members and employees of employer members who are enrolled in coverage under the policy as a single risk pool; (ii) set premiums on the basis of all of the collective group experience of the members and employees of employer members who are enrolled in coverage under the policy; (iii) be permitted to vary premiums by age, but such rate shall not vary by more than four to one for adults; (iv) be prohibited from varying premiums on the basis of gender; (v) be prohibited from varying premiums on the basis of the health status of an individual employee of an employer member or a self-employed individual member; and (vi) not establish discriminatory rules based on the health status of an employer member, an individual employee of an employer member, or a self-employed individual for eligibility or contribution.

9. A policy that meets the requirements of subdivisions 7 and 8 shall be considered to be compliant with the large group market insurance regulations under the federal Public Health Service Act, P.L. 78-410, as amended, and, as such, the Commonwealth, through the regulation of such policy by the Commission, shall be considered to be substantially enforcing the federal Patient Protection and Affordable Care Act, P.L. 111-148, as amended, with regard to such policy. The Commission shall regulate the policy in a manner that is consistent with this subdivision. In any case in which a federal agency renders a decision that is contrary to the provisions of this subdivision, notwithstanding any other provision of law, the Attorney General may resolve any difference between federal law and the laws of the Commonwealth.

H. A policy issued to a health maintenance organization as provided in subsection B of § 38.2-4314.

I. A policy of blanket insurance issued in accordance with § 38.2-3521.2.

J. The provisions of this section shall not apply in any instance in which the provisions of this section are inconsistent or in conflict with a provision of Article 6 (§ 38.2-3438 et seq.) of Chapter 34.

§ 54.1-2100. Definitions.

As used in this chapter:

"Distance learning" means instruction delivered by an approved provider through a medium other than a classroom setting. Such courses shall be those offered by an accredited institution of higher education, high school offering adult distributive education courses, other school or educational institution, or real estate professional association or related entities.

"Real estate broker" means any individual or business entity, including a partnership, association, corporation, or limited liability company, who, for compensation or valuable consideration, (i) sells or offers for sale, buys or offers to buy, or negotiates the purchase or sale or exchange of real estate, including units or interest in condominiums, cooperative interest as defined in § 55.1-2100, or time-shares in a time-share program even though they may be deemed to be securities ~~or~~*;* (ii) leases or offers to lease, or rents or offers for rent, any real estate or the improvements thereon for others*; or (iii) sells or offers to sell, buys or offers to buy, negotiates, or otherwise deals in real estate contracts, including assignable contracts, on two or more occasions in any 12-month period.*

"Real estate salesperson" means any individual or business entity who is employed either directly or indirectly by, or affiliated as an independent contractor with, a real estate broker to perform the duties of a real estate broker for compensation or valuable consideration.

"Real estate team" means two or more individuals, one or more of whom is a real estate salesperson or broker, who (i) work together as a unit within the same brokerage firm, (ii) represent themselves to the public as working together as one unit, and (iii) designate themselves by a fictitious name.

"Supervising broker" means a real estate broker who has been designated by a principal broker to supervise the provision of real estate brokerage services by associate brokers and salespersons assigned to a branch office or a real estate team.

§ 54.1-2103. Exemptions from chapter.

A. The provisions of this chapter shall not apply to:

1. Any person, partnership, association, corporation, entity, or their regular employees, who as owner or lessor perform any of the acts enumerated in ~~§§ 54.1-2100 and 54.1-2101~~ *§ 54.1-2100* with reference to property owned or leased by them, where the acts are performed in the regular course of or incident to the management of the property and the investment therein. For property governed by the Virginia Real Estate Time-Share Act (§ 55.1-2200 et seq.), the term "owner" for purposes of this subdivision shall include affiliated entities, provided that (i) the owner has a controlling interest in the affiliated entity or (ii) the affiliated entity and the owner have a common parent company;

2. Any person acting without compensation as attorney-in-fact under a power of attorney issued by a property owner solely for the purpose of authorizing the final performance required of such owner under a contract for the sale, lease, purchase, or exchange of real estate;

3. Service rendered by an attorney-at-law in the performance of his duties as such;

4. A person acting as a receiver, trustee in bankruptcy, administrator or executor, or any person selling real estate under order of any court;

5. A trustee acting under a trust agreement, deed of trust, or will, or the regular salaried employees thereof;

6. Any corporation managing rental housing when the officers, directors, and members in the ownership corporation and the management corporation are the same and the management corporation manages no other property for other persons, partnerships, associations, or corporations;

7. Any existing tenant of a residential dwelling unit who refers a prospective tenant to the owner of the unit or to the owner's duly authorized agent or employee and for the referral receives, or is offered, a referral fee from the owner, agent or employee;

8. Any auctioneer licensed in accordance with Chapter 6 (§ 54.1-600 et seq.) of this title selling real estate at public auction when employed for such purpose by the owner of the real estate and provided the bidding at such auction is held open for no longer than forty-eight hours. An auctioneer shall not advertise that he is authorized to sell real estate. An auctioneer may advertise for sale at public auction any real estate when employed to do so as herein provided, and may advertise that he is authorized to auction real estate at public auction;

9. [Expired.]

10. Any person who is licensed and is in good standing as a real estate broker or salesperson in another state, and who assists a prospective purchaser, tenant, optionee, or licensee located in another state to purchase, lease, option, or license an interest in commercial real estate, as defined in § 55.1-1100, in the Commonwealth. Such real estate licensee from another state may be compensated by a real estate broker in the Commonwealth. Nothing in this subdivision shall be construed to permit any person not licensed and in good standing as a real estate broker or salesperson in the Commonwealth to otherwise act as a real estate broker or salesperson under this chapter.

B. The provisions of this chapter shall not prohibit the selling of real estate (i) by an attorney-at-law in the performance of his duties as such, (ii) by a receiver, trustee in bankruptcy, administrator or executor, a special commissioner or any person selling real estate under order of court, or (iii) by a trustee acting under the trust agreement, deed of trust or will, or the regular salaried employees thereof.

C. The provisions of this chapter shall not apply to any salaried person employed by a licensed real estate broker for and on behalf of the owner of any real estate or the improvements thereon which the licensed broker has contracted to manage for the owner if the actions of such salaried employee are limited to (i) exhibiting residential units on such real estate to prospective tenants, if the employee is employed on the premises of such real estate; (ii) providing prospective tenants with factual information about the lease of residential real estate; (iii) accepting applications for lease of such real estate; and (iv) accepting security deposits and rentals for such real estate. Such deposits and rentals shall be made payable to the owner or the broker employed by such owner. The salaried employee shall not negotiate the amounts of such security deposits or rentals and shall not negotiate any leases on behalf of such owner or broker.

D. A licensee of the Board shall comply with the Board's regulations, notwithstanding the fact that the licensee would be otherwise exempt from licensure under subsection A. Nothing in this subsection shall be construed to require a person to be licensed in accordance with this chapter if he would be otherwise exempt from such licensure.

E. An attorney-at-law referring a client to a licensee shall not be entitled to receive any compensation from a listing firm or offered by a common source information company to cooperating brokers, unless the attorney is also licensed under this chapter as a real estate broker or salesperson.

2. That §§ 54.1-2101 and 54.1-2107 of the Code of Virginia are repealed.

CHAPTER 622

An Act to amend and reenact §§ 4.1-100, 4.1-103, 4.1-206.3, as it is currently effective and as it shall become effective, 4.1-209, 4.1-231.1, as it is currently effective and as it shall become effective, 4.1-233.1, 4.1-309, and 4.1-325 of the Code of Virginia, relating to alcoholic beverage control; annual mixed beverage performing arts facility licenses; on-and-off premises wine and beer licenses.

[S 400]

Approved April 8, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 4.1-100, 4.1-103, 4.1-206.3, as it is currently effective and as it shall become effective, 4.1-209, 4.1-231.1, as it is currently effective and as it shall become effective, 4.1-233.1, 4.1-309, and 4.1-325 of the Code of Virginia are amended and reenacted as follows:

§ 4.1-100. Definitions.

As used in this subtitle unless the context requires a different meaning:

"Alcohol" means the product known as ethyl or grain alcohol obtained by distillation of any fermented liquor, rectified either once or more often, whatever the origin, and shall include synthetic ethyl alcohol, but shall not include methyl alcohol and alcohol completely denatured in accordance with formulas approved by the government of the United States.

"Alcohol vaporizing device" means any device, machine, or process that mixes any alcoholic beverages with pure oxygen or other gas to produce a vaporized product for the purpose of consumption by inhalation.

"Alcoholic beverages" includes alcohol, spirits, wine, and beer, and any one or more of such varieties containing one-half of one percent or more of alcohol by volume, including mixed alcoholic beverages, and every liquid or solid, powder or crystal, patented or not, containing alcohol, spirits, wine, or beer and capable of being consumed by a human being. Any liquid or solid containing more than one of the four varieties shall be considered as belonging to that variety which has the higher percentage of alcohol, however obtained, according to the order in which they are set forth in this definition; except that beer may be manufactured to include flavoring materials and other nonbeverage ingredients

containing alcohol, as long as no more than 49 percent of the overall alcohol content of the finished product is derived from the addition of flavors and other nonbeverage ingredients containing alcohol for products with an alcohol content of no more than six percent by volume; or, in the case of products with an alcohol content of more than six percent by volume, as long as no more than one and one-half percent of the volume of the finished product consists of alcohol derived from added flavors and other nonbeverage ingredients containing alcohol.

"Arts venue" means a commercial or nonprofit establishment that is open to the public and in which works of art are sold or displayed.

"Authority" means the Virginia Alcoholic Beverage Control Authority created pursuant to this subtitle.

"Barrel" means any container or vessel having a capacity of more than 43 ounces.

"Bed and breakfast establishment" means any establishment (i) having no more than 15 bedrooms; (ii) offering to the public, for compensation, transitory lodging or sleeping accommodations; and (iii) offering at least one meal per day, which may but need not be breakfast, to each person to whom overnight lodging is provided. For purposes of the licensing requirements of this subtitle, "bed and breakfast establishment" includes any property offered to the public for short-term rental, as that term is defined in § 15.2-983, other than a hotel as defined in this section, regardless of whether a meal is offered to each person to whom overnight lodging is provided.

"Beer" means any alcoholic beverage obtained by the fermentation of an infusion or decoction of barley, malt, and hops or of any similar products in drinkable water and containing one-half of one percent or more of alcohol by volume.

"Board" means the Board of Directors of the Virginia Alcoholic Beverage Control Authority.

"Bottle" means any vessel intended to contain liquids and having a capacity of not more than 43 ounces.

"Bus" means a motor vehicle that (i) is operated by a common carrier licensed under Chapter 20 (§ 46.2-2000 et seq.) of Title 46.2 to transport passengers for compensation over the highways of the Commonwealth on regular or irregular routes of not less than 100 miles, (ii) seats no more than 24 passengers, (iii) is 40 feet in length or longer, (iv) offers wireless Internet services, (v) is equipped with charging stations at every seat for cellular phones or other portable devices, and (vi) during the transportation of passengers, is staffed by an attendant who has satisfied all training requirements set forth in this subtitle or Board regulation.

"Club" means any private nonprofit corporation or association which is the owner, lessee, or occupant of an establishment operated solely for a national, social, patriotic, political, athletic, or other like purpose, but not for pecuniary gain, the advantages of which belong to all of the members. It also means the establishment so operated. A corporation or association shall not lose its status as a club because of the conduct of charitable gaming conducted pursuant to Article 1.1:1 (§ 18.2-340.15 et seq.) of Chapter 8 of Title 18.2 in which nonmembers participate frequently or in large numbers, provided that no alcoholic beverages are served or consumed in the room where such charitable gaming is being conducted while such gaming is being conducted and that no alcoholic beverages are made available upon the premises to any person who is neither a member nor a bona fide guest of a member.

Any such corporation or association which has been declared exempt from federal and state income taxes as one which is not organized and operated for pecuniary gain or profit shall be deemed a nonprofit corporation or association.

"Commercial lifestyle center" means a mixed-use commercial development covering a minimum of 10 acres of land and having at least 100,000 square feet of retail space featuring national specialty chain stores and a combination of dining, entertainment, office, residential, or hotel establishments located in a physically integrated outdoor setting that is pedestrian friendly and that is governed by a commercial owners' association that is responsible for the management, maintenance, and operation of the common areas thereof.

"Container" means any barrel, bottle, carton, keg, vessel, or other receptacle used for holding alcoholic beverages.

"Contract winemaking facility" means the premises of a licensed winery or farm winery that obtains grapes, fruits, and other agricultural products from a person holding a winery or farm winery license and crushes, processes, ferments, bottles, or provides any combination of such services pursuant to an agreement with the winery or farm winery licensee. For all purposes of this subtitle, wine produced by a contract winemaking facility for a winery or farm winery shall be considered to be wine owned and produced by the winery or farm winery that supplied the grapes, fruits, or other agricultural products used in the production of the wine. The contract winemaking facility shall have no right to sell the wine so produced, unless the terms of payment have not been fulfilled in accordance with the contract. The contract winemaking facility may charge the winery or farm winery for its services. A winery licensee may utilize contract winemaking services only for the manufacture or processing of wine of which no less than 90 percent of the grapes, fruits, and other agricultural products used to make such wine are grown in the Commonwealth.

"Convenience grocery store" means an establishment that (i) has an enclosed room in a permanent structure where stock is displayed and offered for sale and (ii) maintains an inventory of edible items intended for human consumption consisting of a variety of such items of the types normally sold in grocery stores.

"Culinary lodging resort" means a facility (i) having not less than 13 overnight guest rooms in a building that has at least 20,000 square feet of indoor floor space; (ii) located on a farm in the Commonwealth with at least 1,000 acres of land zoned agricultural; (iii) equipped with a full-service kitchen; and (iv) offering to the public, for compensation, at least one meal per day, lodging, and recreational and educational activities related to farming, livestock, and other rural activities.

"Delicatessen" means an establishment that sells a variety of prepared foods or foods requiring little preparation, such as cheeses, salads, cooked meats, and related condiments.

"Designated area" means a room or area approved by the Board for on-premises licensees.

"Dining area" means a public room or area in which meals are regularly served.

"Drugstore" means an establishment that sells medicines prepared by a licensed pharmacist pursuant to a prescription and other medicines and items for home and general use.

"Establishment" means any place where alcoholic beverages of one or more varieties are lawfully manufactured, sold, or used.

"Farm winery" means (i) an establishment or cooperative located in the Commonwealth on land zoned agricultural that has (a) a vineyard, orchard, or similar growing area that produces fruits or other agricultural products used to manufacture the wine of such farm winery, subject to the requirements set forth in § 4.1-219, and (b) facilities for fermenting and bottling wine on the premises where such farm winery manufactures wine that contains not more than 21 percent alcohol by volume or (ii) an accredited public or private institution of higher education, provided that (a) no wine manufactured by the institution shall be sold, (b) the wine manufactured by the institution shall be used solely for research and educational purposes, (c) the wine manufactured by the institution shall be stored on the premises of such farm winery that shall be separate and apart from all other facilities of the institution, and (d) such farm winery is operated in strict conformance with the requirements of this clause (ii) and Board regulations. As used in this definition, the term "cooperative" means a cooperative formed by an association of individuals for the purpose of manufacturing wine. In determining whether a cooperative licensed as a farm winery has met the requirements set forth in clause (i), the Board shall consider all land in the Commonwealth that is owned or leased by a member of the cooperative. For purposes of this definition, "land zoned agricultural" means (1) land zoned as an agricultural district or classification or (2) land otherwise permitted by a locality for farm winery use. For purposes of this definition, "land zoned agricultural" does not include land zoned "residential conservation." Except for the limitation on land zoned "residential conservation," nothing in the definition of "land zoned agricultural" shall otherwise limit or affect local zoning authority.

"Gift shop" means any bona fide retail store selling, predominantly, gifts, books, souvenirs, specialty items relating to history, original and handmade arts and products, collectibles, crafts, and floral arrangements, which is open to the public on a regular basis. Such shop shall be a permanent structure where stock is displayed and offered for sale and which has facilities to properly secure any stock of wine or beer. Such shop may be located (i) on the premises or grounds of a government registered national, state or local historic building or site or (ii) within the premises of a museum. The Board shall consider the purpose, characteristics, nature, and operation of the shop in determining whether it shall be considered a gift shop.

"Gourmet brewing shop" means an establishment which sells to persons to whom wine or beer may lawfully be sold, ingredients for making wine or brewing beer, including packaging, and rents to such persons facilities for manufacturing, fermenting and bottling such wine or beer.

"Gourmet oyster house" means an establishment that (i) is located on the premises of a commercial marina, (ii) is permitted by the Department of Health to serve oysters and other fresh seafood for consumption on the premises, and (iii) offers to the public events for the purpose of featuring and educating the consuming public about local oysters and other seafood products.

"Gourmet shop" means an establishment provided with adequate inventory, shelving, and storage facilities, where, in consideration of payment, substantial amounts of domestic and imported wines and beers of various types and sizes and related products such as cheeses and gourmet foods are habitually furnished to persons.

"Government store" means a store established by the Authority for the sale of alcoholic beverages.

"Grocery store" means an establishment that sells food and other items intended for human consumption, including a variety of ingredients commonly used in the preparation of meals.

"Historic cinema house" means a nonprofit establishment exempt from taxation under § 501(c)(3) of the Internal Revenue Code that was built prior to 1970 and that exists for the primary purpose of showing motion pictures to the public.

"Hotel" means any duly licensed establishment, provided with special space and accommodation, where, in consideration of payment, food and lodging are habitually furnished to persons, and which has four or more bedrooms. It shall also mean the person who operates such hotel.

"Interdicted person" means a person to whom the sale of alcoholic beverages is prohibited by order pursuant to this subtitle.

"Internet wine and beer retailer" means a person who owns or operates an establishment with adequate inventory, shelving, and storage facilities, where, in consideration of payment, Internet or telephone orders are taken and shipped directly to consumers and which establishment is not a retail store open to the public.

"Intoxicated" means a condition in which a person has drunk enough alcoholic beverages to observably affect his manner, disposition, speech, muscular movement, general appearance, or behavior.

"Licensed" means the holding of a valid license granted by the Authority.

"Licensee" means any person to whom a license has been granted by the Authority.

"Liqueur" means any of a class of highly flavored alcoholic beverages that do not exceed an alcohol content of 25 percent by volume.

"Low alcohol beverage cooler" means a drink containing one-half of one percent or more of alcohol by volume, but not more than seven and one-half percent alcohol by volume, and consisting of spirits mixed with nonalcoholic beverages or flavoring or coloring materials; it may also contain water, fruit juices, fruit adjuncts, sugar, carbon dioxide, preservatives or other similar products manufactured by fermenting fruit or fruit juices. Low alcohol beverage coolers shall be treated as

wine for all purposes of this subtitle, except that low alcohol beverage coolers may be manufactured by a licensed distiller or a distiller located outside the Commonwealth.

"Marina store" means an establishment that is located on the same premises as a marina, is operated by the owner of such marina, and sells food and nautical and fishing supplies.

"Meals" means, for a mixed beverage license, an assortment of foods commonly ordered in bona fide, full-service restaurants as principal meals of the day. Such restaurants shall include establishments specializing in full course meals with a single substantial entree.

"Member of a club" means (i) a person who maintains his membership in the club by the payment of monthly, quarterly, or annual dues in the manner established by the rules and regulations thereof or (ii) a person who is a member of a bona fide auxiliary, local chapter, or squadron composed of direct lineal descendants of a bona fide member, whether alive or deceased, of a national or international organization to which an individual lodge holding a club license is an authorized member in the same locality. It shall also mean a lifetime member whose financial contribution is not less than 10 times the annual dues of resident members of the club, the full amount of such contribution being paid in advance in a lump sum.

"Mixed beverage" or "mixed alcoholic beverage" means a drink composed in whole or in part of spirits.

"Mixer" means any prepackaged ingredients containing beverages or flavoring or coloring materials, and which may also contain water, fruit juices, fruit adjuncts, sugar, carbon dioxide, or preservatives which are not commonly consumed unless combined with alcoholic beverages, whether or not such ingredients contain alcohol. Such specialty beverage product shall be manufactured or distributed by a Virginia corporation.

"Municipal golf course" means any golf course that is owned by any town incorporated in 1849 and which is the county seat of Smyth County.

"Performing arts facility" means an indoor or outdoor amphitheater, arena, multipurpose theater, or similar facility at which live musical, dance, theatre, or similar performances, the types of which are approved by the Authority, are performed, provided that the facility has stationary stadium or similar seating for more than 500 persons.

"Place or premises" means the real estate, together with any buildings or other improvements thereon, designated in the application for a license as the place at which the manufacture, bottling, distribution, use or sale of alcoholic beverages shall be performed, except that portion of any such building or other improvement actually and exclusively used as a private residence.

"Principal stockholder" means any person who individually or in concert with his spouse and immediate family members beneficially owns or controls, directly or indirectly, five percent or more of the equity ownership of any person that is a licensee of the Authority, or who in concert with his spouse and immediate family members has the power to vote or cause the vote of five percent or more of any such equity ownership. "Principal stockholder" does not include a broker-dealer registered under the Securities Exchange Act of 1934, as amended, that holds in inventory shares for sale on the financial markets for a publicly traded corporation holding, directly or indirectly, a license from the Authority.

"Public place" means any place, building, or conveyance to which the public has, or is permitted to have, access, including restaurants, soda fountains, hotel dining areas, lobbies and corridors of hotels, and any park, place of public resort or amusement, highway, street, lane, or sidewalk adjoining any highway, street, or lane.

"Public place" does not include (i) hotel or restaurant dining areas or ballrooms while in use for private meetings or private parties limited in attendance to members and guests of a particular group, association or organization; (ii) restaurants licensed by the Authority in office buildings or industrial or similar facilities while such restaurant is closed to the public and in use for private meetings or parties limited in attendance to employees and nonpaying guests of the owner or a lessee of all or part of such building or facility; (iii) offices, office buildings or industrial facilities while closed to the public and in use for private meetings or parties limited in attendance to employees and nonpaying guests of the owner or a lessee of all or part of such building or facility; or (iv) private recreational or chartered boats which are not licensed by the Board and on which alcoholic beverages are not sold.

"Residence" means any building or part of a building or structure where a person resides, but does not include any part of a building that is not actually and exclusively used as a private residence, nor any part of a hotel or club other than a private guest room thereof.

"Resort complex" means a facility (i) with a hotel owning year-round sports and recreational facilities located contiguously on the same property; (ii) owned by a nonstock, nonprofit, taxable corporation with voluntary membership which, as its primary function, makes available golf, ski, and other recreational facilities both to its members and to the general public; or (iii) operated by a corporation that operates as a management company which, as its primary function, makes available (a) vacation accommodations, guest rooms, or dwelling units and (b) golf, ski, and other recreational facilities to members of the managed entities and the general public. The hotel or corporation shall have or manage a minimum of 140 private guest rooms or dwelling units contained on not less than 50 acres, whether or not contiguous to the licensed premises; if the guest rooms or dwelling units are located on property that is not contiguous to the licensed premises, such guest rooms and dwelling units shall be located within the same locality. The Authority may consider the purpose, characteristics, and operation of the applicant establishment in determining whether it shall be considered as a resort complex. All other pertinent qualifications established by the Board for a hotel operation shall be observed by such licensee.

"Restaurant" means, for a wine and beer license or a limited mixed beverage restaurant license, any establishment provided with special space and accommodation, where, in consideration of payment, meals or other foods prepared on the premises are regularly sold.

"Restaurant" means, for a mixed beverage license other than a limited mixed beverage restaurant license, an established place of business (i) where meals with substantial entrees are regularly sold and (ii) which has adequate facilities and sufficient employees for cooking, preparing, and serving such meals for consumption at tables in dining areas on the premises, and includes establishments specializing in full course meals with a single substantial entree.

"Sale" and "sell" includes soliciting or receiving an order for; keeping, offering or exposing for sale; peddling, exchanging or bartering; or delivering otherwise than gratuitously, by any means, alcoholic beverages.

"Sangria" means a drink consisting of red or white wine mixed with some combination of sweeteners, fruit, fruit juice, soda, or soda water that may also be mixed with brandy, triple sec, or other similar spirits.

"Special agent" means an employee of the Virginia Alcoholic Beverage Control Authority whom the Board has designated as a law-enforcement officer pursuant to § 4.1-105.

"Special event" means an event sponsored by a duly organized nonprofit corporation or association and conducted for an athletic, charitable, civic, educational, political, or religious purpose.

"Spirits" means any beverage that contains alcohol obtained by distillation mixed with drinkable water and other substances, in solution, and includes, among other things, brandy, rum, whiskey, and gin, or any one or more of the last four named ingredients, but shall not include any such liquors completely denatured in accordance with formulas approved by the United States government.

"Sports facility" means a coliseum, stadium, racetrack, or similar facility at which professional sports, as defined in § 58.1-4030, or similar events, the types of which are approved by the Authority, are conducted.

"Wine" means any alcoholic beverage, including cider, obtained by the fermentation of the natural sugar content of fruits or other agricultural products containing (i) sugar, including honey and milk, either with or without additional sugar; (ii) one-half of one percent or more of alcohol by volume; and (iii) no product of distillation. "Wine" includes any wine to which wine spirits have been added, as provided in the Internal Revenue Code, to make products commonly known as "fortified wine" which do not exceed an alcohol content of 21 percent by volume.

"Wine cooler" means a drink containing one-half of one percent or more of alcohol by volume, and not more than three and two-tenths percent of alcohol by weight or four percent by volume consisting of wine mixed with nonalcoholic beverages or flavoring or coloring materials, and which may also contain water, fruit juices, fruit adjuncts, sugar, carbon dioxide, or preservatives and shall include other similar products manufactured by fermenting fruit or fruit juices. Wine coolers and similar fermented fruit juice beverages shall be treated as wine for all purposes except for taxation under § 4.1-236.

"With or without meals" means the selling and serving of alcoholic beverages by retail licensees for on-premises consumption whether or not accompanied by food so long as the total food-beverage ratio required by § 4.1-206.3, or the monthly food sale requirement established by Board regulation, is met by such retail licensee.

§ 4.1-103. General powers of Board.

The Board shall have the power to:

1. Sue and be sued, implead and be impleaded, and complain and defend in all courts;

2. Adopt, use, and alter at will a common seal;

3. Fix, alter, charge, and collect rates, rentals, fees, and other charges for the use of property of, the sale of products of, or services rendered by the Authority at rates to be determined by the Authority for the purpose of providing for the payment of the expenses of the Authority;

4. Make and enter into all contracts and agreements necessary or incidental to the performance of its duties, the furtherance of its purposes, and the execution of its powers under this subtitle, including agreements with any person or federal agency;

5. Employ, at its discretion, consultants, researchers, architects, engineers, accountants, financial experts, investment bankers, superintendents, managers, and such other employees and special agents as may be necessary and fix their compensation to be payable from funds made available to the Authority. Legal services for the Authority shall be provided by the Attorney General in accordance with Chapter 5 (§ 2.2-500 et seq.) of Title 2.2;

6. Receive and accept from any federal or private agency, foundation, corporation, association, or person grants or other aid to be expended in accomplishing the objectives of the Authority, and receive and accept from the Commonwealth or any state and any municipality, county, or other political subdivision thereof or from any other source aid or contributions of either money, property, or other things of value, to be held, used, and applied only for the purposes for which such grants and contributions may be made. All federal moneys accepted under this section shall be accepted and expended by the Authority upon such terms and conditions as are prescribed by the United States and as are consistent with state law, and all state moneys accepted under this section shall be expended by the Authority upon such terms and conditions as are prescribed by the Commonwealth;

7. Adopt, alter, and repeal bylaws, rules, and regulations governing the manner in which its business shall be transacted and the manner in which the powers of the Authority shall be exercised and its duties performed. The Board may delegate or assign any duty or task to be performed by the Authority to any officer or employee of the Authority. The Board shall remain responsible for the performance of any such duties or tasks. Any delegation pursuant to this subdivision shall, where

appropriate, be accompanied by written guidelines for the exercise of the duties or tasks delegated. Where appropriate, the guidelines shall require that the Board receive summaries of actions taken. Such delegation or assignment shall not relieve the Board of the responsibility to ensure faithful performance of the duties and tasks;

8. Conduct or engage in any lawful business, activity, effort, or project consistent with the Authority's purposes or necessary or convenient to exercise its powers;

9. Develop policies and procedures generally applicable to the procurement of goods, services, and construction, based upon competitive principles;

10. Develop policies and procedures consistent with Article 4 (§ 2.2-4347 et seq.) of Chapter 43 of Title 2.2;

11. Buy, import and sell alcoholic beverages other than beer and wine not produced by farm wineries, and to have alcoholic beverages other than beer and wine not produced by farm wineries in its possession for sale;

12. Buy and sell any mixers;

13. Buy and sell products licensed by the Virginia Tourism Corporation that are within international trademark classes 16 (paper goods and printer matters), 18 (leather goods), 21 (housewares and glass), and 25 (clothing);

14. Control the possession, sale, transportation, and delivery of alcoholic beverages;

15. Determine, subject to § 4.1-121, the localities within which government stores shall be established or operated and the location of such stores;

16. Maintain warehouses for alcoholic beverages and control the storage and delivery of alcoholic beverages to and from such warehouses;

17. Acquire, purchase, hold, use, lease, or otherwise dispose of any property, real, personal or mixed, tangible or intangible, or any interest therein necessary or desirable for carrying out the purposes of the Authority; lease as lessee any property, real, personal or mixed, tangible or intangible, or any interest therein, at such annual rental and on such terms and conditions as may be determined by the Board; lease as lessor to any person any property, real, personal or mixed, tangible or intangible, or any interest therein, at any time acquired by the Authority, whether wholly or partially completed, at such annual rental and on such terms and conditions as may be determined by the Board; sell, transfer, or convey any property, real, personal or mixed, tangible or intangible, or any interest therein, at any time acquired or held by the Authority on such terms and conditions as may be determined by the Board; and occupy and improve any land or building required for the purposes of this subtitle;

18. Purchase, lease, or acquire the use of, by any manner, any plant or equipment that may be considered necessary or useful in carrying into effect the purposes of this subtitle, including rectifying, blending, and processing plants. The Board may purchase, build, lease, and operate distilleries and manufacture alcoholic beverages;

19. Determine the nature, form and capacity of all containers used for holding alcoholic beverages to be kept or sold under this subtitle, and prescribe the form and content of all labels and seals to be placed thereon; however, no container sold in or shipped into the Commonwealth shall include powdered or crystalline alcohol;

20. Appoint every agent and employee required for its operations; require any or all of them to give bonds payable to the Commonwealth in such penalty as shall be fixed by the Board; and engage the services of experts and professionals;

21. Hold and conduct hearings; issue subpoenas requiring the attendance of witnesses and the production of records, memoranda, papers and other documents before the Board or any agent of the Board; and administer oaths and take testimony thereunder. The Board may authorize any Board member or agent of the Board to hold and conduct hearings, issue subpoenas, administer oaths and take testimony thereunder, and decide cases, subject to final decision by the Board, on application of any party aggrieved. The Board may enter into consent agreements and may request and accept from any applicant or licensee a consent agreement in lieu of proceedings on (i) objections to the issuance of a license or (ii) disciplinary action. Any such consent agreement shall include findings of fact and may include an admission or a finding of a violation. A consent agreement shall not be considered a case decision of the Board and shall not be subject to judicial review under the provisions of the Administrative Process Act (§ 2.2-4000 et seq.), but may be considered by the Board in future disciplinary proceedings;

22. Make a reasonable charge for preparing and furnishing statistical information and compilations to persons other than (i) officials, including court and police officials, of the Commonwealth and of its subdivisions if the information requested is for official use and (ii) persons who have a personal or legal interest in obtaining the information requested if such information is not to be used for commercial or trade purposes;

23. Promulgate regulations in accordance with the Administrative Process Act (§ 2.2-4000 et seq.) and § 4.1-111;

24. Grant, suspend, and revoke licenses for the manufacture, bottling, distribution, importation, and sale of alcoholic beverages;

25. Assess and collect civil penalties and civil charges for violations of this subtitle and Board regulations;

26. Maintain actions to enjoin common nuisances as defined in § 4.1-317;

27. Establish minimum food sale requirements for all retail licensees;

28. Review and approve any proposed legislative or regulatory changes suggested by the Chief Executive Officer as the Board deems appropriate;

29. Report quarterly to the Secretary of Public Safety and Homeland Security on the law-enforcement activities undertaken to enforce the provisions of this subtitle;

30. Establish and collect fees for all permits set forth in this subtitle, including fees associated with applications for such permits;

31. Impose a requirement that a mixed beverage casino licensee pursuant to subdivision A ~~15~~ *14* of § 4.1-206.3 pay for any cost incurred by the Board to enforce such license in excess of the applicable state license fee; and

32. Do all acts necessary or advisable to carry out the purposes of this subtitle.

§ 4.1-206.3. (Effective until July 1, 2024) Retail licenses.

A. The Board may grant the following mixed beverages licenses:

1. Mixed beverage restaurant licenses, which shall authorize the licensee to sell and serve mixed beverages for on-premises consumption in dining areas and other designated areas of such restaurant or off-premises consumption. Such license may be granted only to persons (i) who operate a restaurant and (ii) whose gross receipts from the sale of food cooked, or prepared, and consumed on the premises and nonalcoholic beverages served on the premises, after issuance of such license, amount to at least 45 percent of the gross receipts from the sale of mixed beverages and food. For the purposes of this subdivision, other designated areas shall include outdoor dining areas, whether or not contiguous to the licensed premises, which outdoor dining areas may have more than one means of ingress and egress to an adjacent public thoroughfare, provided such areas are under the control of the licensee and approved by the Board. Such noncontiguous designated areas shall not be approved for any retail license issued pursuant to subdivision A 5 of § 4.1-201.

If the restaurant is located on the premises of a hotel or motel with no fewer than four permanent bedrooms where food and beverage service is customarily provided by the restaurant in designated areas, bedrooms, and other private rooms of such hotel or motel, such licensee may (a) sell and serve mixed beverages for on-premises consumption in such designated areas, bedrooms, and other private rooms or off-premises consumption and (b) sell spirits packaged in original closed containers purchased from the Board for on-premises consumption to registered guests and at scheduled functions of such hotel or motel only in such bedrooms or private rooms. However, with regard to a hotel classified as a resort complex, the Board may authorize the sale and on-premises consumption of alcoholic beverages in all areas within the resort complex deemed appropriate by the Board. Nothing herein shall prohibit any person from keeping and consuming his own lawfully acquired spirits in bedrooms or private rooms.

If the restaurant is located on the premises of and operated by a private, nonprofit, or profit club exclusively for its members and their guests, or members of another private, nonprofit, or profit club in another city with which it has an agreement for reciprocal dining privileges, such license shall also authorize the licensees to (1) sell and serve mixed beverages for on-premises or off-premises consumption and (2) sell spirits that are packaged in original closed containers with a maximum capacity of two fluid ounces or 50 milliliters and purchased from the Board for on-premises consumption. Where such club prepares no food in its restaurant but purchases its food requirements from a restaurant licensed by the Board and located on another portion of the premises of the same hotel or motel building, this fact shall not prohibit the granting of a license by the Board to such club qualifying in all other respects. The club's gross receipts from the sale of nonalcoholic beverages consumed on the premises and food resold to its members and guests and consumed on the premises shall amount to at least 45 percent of its gross receipts from the sale of mixed beverages and food. The food sales made by a restaurant to such a club shall be excluded in any consideration of the qualifications of such restaurant for a license from the Board.

If the restaurant is located on the premises of and operated by a municipal golf course, the Board shall recognize the seasonal nature of the business and waive any applicable monthly food sales requirements for those months when weather conditions may reduce patronage of the golf course, provided that prepared food, including meals, is available to patrons during the same months. The gross receipts from the sale of food cooked, or prepared, and consumed on the premises and nonalcoholic beverages served on the premises, after the issuance of such license, shall amount to at least 45 percent of the gross receipts from the sale of mixed beverages and food on an annualized basis.

If the restaurant is located on the premises of and operated by a culinary lodging resort, such license shall authorize the licensee to (A) sell alcoholic beverages, without regard to the amount of gross receipts from the sale of food prepared and consumed on the premises, for off-premises consumption or for on-premises consumption in areas upon the licensed premises approved by the Board and other designated areas of the resort, including outdoor areas under the control of the licensee, and (B) permit the possession and consumption of lawfully acquired alcoholic beverages by persons to whom overnight lodging is being provided in bedrooms and private guest rooms.

If the restaurant is located on the premises of a mixed beverage casino licensee owned by an operator licensed under Article 3 (§ 58.1-4108 et seq.) of Chapter 41 of Title 58.1, such mixed beverage restaurant license shall authorize the licensee to sell alcoholic beverages for on-premises consumption on the licensed premises of the restaurant during all hours of operation of the mixed beverage casino licensee. Any alcoholic beverages purchased from such restaurant may be (I) taken onto the premises of the mixed beverage casino licensee and (II) possessed or consumed in areas designated by the Board, after consultation with the mixed beverage casino licensee. Designated areas may include any areas on the premises of the mixed beverage casino licensee, including entertainment venues, conference rooms, private rooms, hotels, pools, marinas, or green spaces. Alcoholic beverages purchased from a restaurant pursuant to this subdivision shall be contained in glassware or a paper, plastic, or similar disposable container that clearly displays the name or logo of the restaurant from which the alcoholic beverage was purchased.

The granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption and in closed containers for off-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

2. Mixed beverage caterer's licenses, which may be granted only to a person regularly engaged in the business of providing food and beverages to others for service at private gatherings or at special events, which shall authorize the licensee to sell and serve alcoholic beverages for on-premises consumption. The annual gross receipts from the sale of food cooked and prepared for service and nonalcoholic beverages served at gatherings and events referred to in this subdivision shall amount to at least 45 percent of the gross receipts from the sale of mixed beverages and food.

3. Mixed beverage limited caterer's licenses, which may be granted only to a person regularly engaged in the business of providing food and beverages to others for service at private gatherings or at special events, not to exceed 12 gatherings or events per year, which shall authorize the licensee to sell and serve alcoholic beverages for on-premises consumption. The annual gross receipts from the sale of food cooked and prepared for service and nonalcoholic beverages served at gatherings and events referred to in this subdivision shall amount to at least 45 percent of the gross receipts from the sale of mixed beverages and food.

4. Mixed beverage carrier licenses to (i) persons operating a common carrier of passengers by train, boat, bus, or airplane, which shall authorize the licensee to sell and serve mixed beverages anywhere in the Commonwealth to passengers while in transit aboard any such common carrier, and in designated rooms of establishments of air carriers at airports in the Commonwealth and (ii) financial institutions, subsidiaries of a financial institution, or persons approved by the applicable airport authority that have entered into a contract with a financial institution or subsidiary of a financial institution to operate a passenger lounge, which shall authorize the licensee to sell and serve mixed beverages in designated areas of a passenger lounge for ticketed air carrier passengers that is located within an airport in the Commonwealth. For purposes of supplying its airplanes, as well as any airplanes of a licensed express carrier flying under the same brand, an air carrier licensee may appoint an authorized representative to load alcoholic beverages onto the same airplanes and to transport and store alcoholic beverages at or in close proximity to the airport where the alcoholic beverages will be delivered onto airplanes of the air carrier and any such licensed express carrier. The air carrier licensee shall (a) designate for purposes of its license all locations where the inventory of alcoholic beverages may be stored and from which the alcoholic beverages will be delivered onto airplanes of the air carrier and any such licensed express carrier and (b) maintain records of all alcoholic beverages to be transported, stored, and delivered by its authorized representative. The granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption or in closed containers for off-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

For the purposes of this subdivision:

"Financial institution" means any bank, trust company, savings institution, industrial loan association, consumer finance company, or credit union.

"Passenger lounge" means any restricted-access passenger waiting room or lounge leased to persons by the applicable airport authority in which food and beverage services are provided to ticketed passengers.

5. Annual mixed beverage ~~motor~~ sports facility licenses *to persons operating a sports facility or food concessions at a sports facility*, which shall authorize the licensee to sell mixed beverages~~, in paper, plastic, or similar disposable containers or in single original metal cans, during scheduled events, as well as events or performances immediately subsequent thereto, to patrons in all dining facilities, seating areas, viewing areas, walkways, concession areas, or similar facilities, for on-premises consumption. Such license may be granted to persons operating food concessions at an outdoor motor sports facility that (i) is located on 1,200 acres of rural property bordering the Dan River and has a track surface of 3.27 miles in length or (ii) hosts a NASCAR national touring race~~ *during any event and immediately subsequent thereto to patrons within all seating areas, concourses, walkways, concession areas, and additional locations designated by the Board (i) in closed containers for off-premises consumption or (ii) in paper, plastic, or similar disposable containers or in single original metal cans for on-premises consumption*. Upon authorization of the licensee, any person may keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas and locations covered by the license. The granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption or in closed containers for off-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

6. Limited mixed beverage restaurant licenses, which shall authorize the licensee to sell and serve dessert wines as defined by Board regulation and no more than six varieties of liqueurs, which liqueurs shall be combined with coffee or other nonalcoholic beverages, for on-premises consumption in dining areas of the restaurant or off-premises consumption. Such license may be granted only to persons who operate a restaurant and in no event shall the sale of such wine or liqueur-based drinks, together with the sale of any other alcoholic beverages, exceed 10 percent of the total annual gross sales of all food and alcoholic beverages. The granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption or in closed containers for off-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

7. Annual mixed beverage performing arts facility licenses, which shall (i) authorize the licensee to sell, on the dates of performances or events, alcoholic beverages in paper, plastic, or similar disposable containers or in single original metal cans for on-premises consumption in all seating areas, concourses, walkways, concession areas, similar facilities, and other areas upon the licensed premises approved by the Board and (ii) automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption or in closed containers for off-premises consumption; however,

the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1. Such licenses may be granted to ~~the following:~~

~~a. Corporations or associations~~ *persons* operating a performing arts facility~~, provided the~~ *or food concessions at a* performing arts facility ~~(i) is owned by a governmental entity; (ii) is occupied by a for-profit entity under a bona fide lease, the original term of which was for more than one year's duration; and (iii) has been rehabilitated in accordance with historic preservation standards;~~

~~b. Persons operating food concessions at any performing arts facility located in the City of Norfolk or the City of Richmond, provided that the performing arts facility (i) is occupied under a bona fide long-term lease or concession agreement, the original term of which was more than five years; (ii) has a capacity in excess of 1,400 patrons; (iii) has been rehabilitated in accordance with historic preservation standards; and (iv) has monthly gross receipts from the sale of food cooked, or prepared, and consumed on the premises and nonalcoholic beverages served on the premises that meet or exceed the monthly minimum established by Board regulations for mixed beverage restaurants;~~

~~c. Persons operating food concessions at any performing arts facility located in the City of Waynesboro, provided that the performing arts facility (i) is occupied under a bona fide long-term lease or concession agreement, the original term of which was more than five years; (ii) has a total capacity in excess of 550 patrons; and (iii) has been rehabilitated in accordance with historic preservation standards;~~

~~d. Persons operating food concessions at any performing arts facility located in the arts and cultural district of the City of Harrisonburg, provided that the performing arts facility (i) is occupied under a bona fide long-term lease or concession agreement, the original term of which was more than five years; (ii) has been rehabilitated in accordance with historic preservation standards; (iii) has monthly gross receipts from the sale of food cooked, or prepared, and consumed on the premises and nonalcoholic beverages served on the premises that meet or exceed the monthly minimum established by Board regulations for mixed beverage restaurants; and (iv) has a total capacity in excess of 900 patrons;~~

~~e. Persons operating food concessions at any multipurpose theater located in the historical district of the Town of Bridgewater, provided that the theater (i) is owned and operated by a governmental entity and (ii) has a total capacity in excess of 100 patrons;~~

~~f. Persons operating food concessions at any outdoor performing arts amphitheater, arena, or similar facility that has seating for more than 20,000 persons and is located in Prince William County or the City of Virginia Beach;~~

~~g. Persons operating food concessions at any outdoor performing arts amphitheater, arena, or similar facility that has seating for more than 5,000 persons and is located in the City of Alexandria or the City of Portsmouth; or~~

~~h. Persons operating food concessions at any corporate and performing arts facility located in Fairfax County, provided that the corporate and performing arts facility (i) is occupied under a bona fide long-term lease, management, or concession agreement, the original term of which was more than one year and (ii) has a total capacity in excess of 1,400 patrons. Such license shall authorize the sale, on the dates of performances or events, of alcoholic beverages for on-premises consumption in areas upon the licensed premises approved by the Board~~.

8. Combined mixed beverage restaurant and caterer's licenses, which may be granted to any restaurant or hotel that meets the qualifications for both a mixed beverage restaurant pursuant to subdivision 1 and mixed beverage caterer pursuant to subdivision 2 for the same business location, and which license shall authorize the licensee to operate as both a mixed beverage restaurant and mixed beverage caterer at the same business premises designated in the license, with a common alcoholic beverage inventory for purposes of the restaurant and catering operations. Such licensee shall meet the separate food qualifications established for the mixed beverage restaurant license pursuant to subdivision 1 and mixed beverage caterer's license pursuant to subdivision 2. The granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption or in closed containers for off-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

9. Bed and breakfast licenses, which shall authorize the licensee to (i) serve alcoholic beverages in dining areas, private guest rooms, and other designated areas to persons to whom overnight lodging is being provided, with or without meals, for on-premises consumption only in such rooms and areas, and without regard to the amount of gross receipts from the sale of food prepared and consumed on the premises and (ii) permit the consumption of lawfully acquired alcoholic beverages by persons to whom overnight lodging is being provided in (a) bedrooms or private guest rooms or (b) other designated areas of the bed and breakfast establishment. For purposes of this subdivision, "other designated areas" includes outdoor dining areas, whether or not contiguous to the licensed premises, which may have more than one means of ingress and egress to an adjacent public thoroughfare, provided that such outdoor dining areas are under the control of the licensee and approved by the Board. Such noncontiguous designated areas shall not be approved for any retail license issued pursuant to subdivision A 5 of § 4.1-201.

10. Museum licenses, which may be issued to nonprofit museums exempt from taxation under § 501(c)(3) of the Internal Revenue Code, which shall authorize the licensee to (i) permit the consumption of lawfully acquired alcoholic beverages on the premises of the licensee by any bona fide member and guests thereof and (ii) serve alcoholic beverages on the premises of the licensee to any bona fide member and guests thereof. However, alcoholic beverages shall not be sold or charged for in any way by the licensee. The privileges of this license shall be limited to the premises of the museum, regularly occupied and utilized as such.

11. ~~Motor car sporting event facility licenses, which shall authorize the licensee to permit the consumption of lawfully acquired alcoholic beverages on the premises of the licensee by patrons thereof during such events. However, alcoholic beverages shall not be sold or charged for in any way, directly or indirectly, by the licensee. The privileges of this license shall be limited to those areas of the licensee's premises designated by the Board that are regularly occupied and utilized for motor car sporting events.~~

~~12.~~ Commercial lifestyle center licenses, which may be issued only to a commercial owners' association governing a commercial lifestyle center, which shall authorize any retail on-premises restaurant licensee that is a tenant of the commercial lifestyle center to sell alcoholic beverages to any bona fide customer to whom alcoholic beverages may be lawfully sold for consumption on that portion of the licensed premises of the commercial lifestyle center designated by the Board, including (i) plazas, seating areas, concourses, walkways, or such other similar areas and (ii) the premises of any tenant location of the commercial lifestyle center that is not a retail licensee of the Board, upon approval of such tenant, but excluding any parking areas. Only alcoholic beverages purchased from such retail on-premises restaurant licensees may be consumed on the licensed premises of the commercial lifestyle center, and such alcoholic beverages shall be contained in paper, plastic, or similar disposable containers with the name or logo of the restaurant licensee that sold the alcoholic beverage clearly displayed. Alcoholic beverages shall not be sold or charged for in any way by the commercial lifestyle center licensee. The licensee shall post appropriate signage clearly demarcating for the public the boundaries of the licensed premises; however, no physical barriers shall be required for this purpose. The licensee shall provide adequate security for the licensed premises to ensure compliance with the applicable provisions of this subtitle and Board regulations.

~~13.~~ *12.* Mixed beverage port restaurant licenses, which shall authorize the licensee to sell and serve mixed beverages for consumption in dining areas and other designated areas of such restaurant. Such license may be granted only to persons operating a business (i) that is primarily engaged in the sale of meals; (ii) that is located on property owned by the United States government or an agency thereof and used as a port of entry to or egress from the United States; and (iii) whose gross receipts from the sale of food cooked, or prepared, and consumed on the premises and nonalcoholic beverages served on the premises, after issuance of such license, amount to at least 45 percent of the gross receipts from the sale of mixed beverages and food. For the purposes of this subdivision, other designated areas shall include outdoor dining areas, whether or not contiguous to the licensed premises, which outdoor dining areas may have more than one means of ingress and egress to an adjacent public thoroughfare, provided such areas are under the control of the licensee and approved by the Board. Such noncontiguous designated areas shall not be approved for any retail license issued pursuant to subdivision A 5 of § 4.1-201. The granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption or in closed containers for off-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

~~14.~~ *13.* Annual mixed beverage special events licenses to (i) a duly organized nonprofit corporation or association operating either a performing arts facility or an art education and exhibition facility; (ii) a nonprofit corporation or association chartered by Congress for the preservation of sites, buildings, and objects significant in American history and culture; (iii) persons operating an agricultural event and entertainment park or similar facility that has a minimum of 50,000 square feet of indoor exhibit space and equine and other livestock show areas, which includes barns, pavilions, or other structures equipped with roofs, exterior walls, and open-door or closed-door access; or (iv) a locality for special events conducted on the premises of a museum for historic interpretation that is owned and operated by the locality. The operation in all cases shall be upon premises owned by such licensee or occupied under a bona fide lease, the original term of which was for more than one year's duration. Such license shall authorize the licensee to sell alcoholic beverages during scheduled events and performances for on-premises consumption in areas upon the licensed premises approved by the Board.

~~15.~~ *14.* Mixed beverage casino licenses, which shall authorize the licensee to (i) sell and serve mixed beverages for on-premises consumption in areas designated by the Board, after consultation with the mixed beverage casino licensee, without regard to the amount of gross receipts from the sale of food prepared and consumed on the premises and (ii) provide complimentary mixed beverages to patrons for on-premises consumption in private areas or restricted access areas designated by the Board, after consultation with the mixed beverage casino licensee. Designated areas may include any areas on the premises of the mixed beverage casino licensee, including entertainment venues, private rooms, conference rooms, hotels, pools, marinas, or green spaces. The granting of a license pursuant to this subdivision shall authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption and in closed containers for off-premises consumption in accordance with the provisions of this subdivision governing mixed beverages; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1. Notwithstanding any law or regulation to the contrary, a mixed beverage casino licensee may exercise the privileges of its license as set forth in this subdivision during all hours of operation of the casino gaming establishment; however, such licensee shall not sell wine or beer for off-premises consumption between the hours of 12 a.m. and 6 a.m.

A mixed beverage casino licensee may (a) provide patrons gifts of alcoholic beverages in closed containers for personal consumption off the licensed premises or in areas designated by the Board, after consultation with the mixed beverage casino licensee, and (b) enable patrons who participate in a loyalty or reward credit program to redeem credits for the purchase of alcoholic beverages for on-premises consumption. A summary of the operation of such loyalty or reward credit program shall be provided to the Board upon request.

A mixed beverage casino license may only be issued to a casino gaming establishment owned by an operator licensed under Article 3 (§ 58.1-4108 et seq.) of Chapter 41 of Title 58.1.

B. The Board may grant an on-and-off-premises wine and beer license to the following:

1. Hotels, restaurants, and clubs, which shall authorize the licensee to sell wine and beer (i) in closed containers for off-premises consumption or (ii) for on-premises consumption, either with or without meals, in dining areas and other designated areas of such restaurants, or in dining areas, private guest rooms, and other designated areas of such hotels or clubs, for consumption only in such rooms and areas. However, with regard to a hotel classified by the Board as (a) a resort complex, the Board may authorize the sale and consumption of alcoholic beverages in all areas within the resort complex deemed appropriate by the Board or (b) a limited service hotel, the Board may authorize the sale and consumption of alcoholic beverages in dining areas, private guest rooms, and other designated areas to persons to whom overnight lodging is being provided, for on-premises consumption in such rooms or areas, and without regard to the amount of gross receipts from the sale of food prepared and consumed on the premises, provided that at least one meal is provided each day by the hotel to such guests. With regard to facilities registered in accordance with Chapter 49 (§ 38.2-4900 et seq.) of Title 38.2 as continuing care communities that are also licensed by the Board under this subdivision, any resident may, upon authorization of the licensee, keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas covered by the license. For purposes of this subdivision, "other designated areas" includes outdoor dining areas, whether or not contiguous to the licensed premises, which may have more than one means of ingress and egress to an adjacent public thoroughfare, provided that such outdoor dining areas are under the control of the licensee and approved by the Board. Such noncontiguous designated areas shall not be approved for any retail license issued pursuant to subdivision A 5 of § 4.1-201.

2. Hospitals, which shall authorize the licensee to sell wine and beer (i) in the rooms of patients for their on-premises consumption only in such rooms, provided the consent of the patient's attending physician is first obtained or (ii) in closed containers for off-premises consumption.

3. Rural grocery stores, which shall authorize the licensee to sell wine and beer for on-premises consumption or in closed containers for off-premises consumption. No license shall be granted unless (i) the grocery store is located in any town or in a rural area outside the corporate limits of any city or town and (ii) it appears affirmatively that a substantial public demand for such licensed establishment exists and that public convenience and the purposes of this subtitle will be promoted by granting the license.

4. Coliseums, stadiums, and racetracks, which shall authorize the licensee to sell wine and beer during any event and immediately subsequent thereto to patrons within all seating areas, concourses, walkways, concession areas, and additional locations designated by the Board (i) in closed containers for off-premises consumption or (ii) in paper, plastic, or similar disposable containers or in single original metal cans for on-premises consumption. Upon authorization of the licensee, any person may keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas and locations covered by the license. Such licenses may be granted to persons operating food concessions at coliseums, stadiums, racetracks, or similar facilities.

5. Performing arts food concessionaires, which shall authorize the licensee to sell wine and beer during the performance of any event to patrons within all seating areas, concourses, walkways, or concession areas, or other areas approved by the Board (i) in closed containers for off-premises consumption or (ii) in paper, plastic, or similar disposable containers or in single original metal cans for on-premises consumption. Upon authorization of the licensee, any person may keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas and locations covered by the license. Such licenses may be granted to persons operating food concessions at any ~~outdoor~~ performing arts ~~amphitheater, arena, or similar~~ facility ~~that (a) has seating for more than 20,000 persons and is located in Prince William County or the City of Virginia Beach; (b) has seating or capacity for more than 3,500 persons and is located in the County of Albemarle, Alleghany, Augusta, Nelson, Pittsylvania, or Rockingham or the City of Charlottesville, Danville, or Roanoke; or (c) has capacity for more than 9,500 persons and is located in Henrico County~~.

6. Exhibition halls, which shall authorize the licensee to sell wine and beer during the event to patrons or attendees within all seating areas, exhibition areas, concourses, walkways, concession areas, and such additional locations designated by the Board in such facilities (i) in closed containers for off-premises consumption or (ii) in paper, plastic, or similar disposable containers or in single original metal cans for on-premises consumption. Upon authorization of the licensee, any person may keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas and locations covered by the license. Such licenses may be granted to persons operating food concessions at exhibition or exposition halls, convention centers, or similar facilities located in any county operating under the urban county executive form of government or any city that is completely surrounded by such county. For purposes of this subdivision, "exhibition or exposition hall" and "convention centers" mean facilities conducting private or public trade shows or exhibitions in an indoor facility having in excess of 100,000 square feet of floor space.

7. Concert and dinner-theaters, which shall authorize the licensee to sell wine and beer during events to patrons or attendees within all seating areas, exhibition areas, concourses, walkways, concession areas, dining areas, and such additional locations designated by the Board in such facilities, for on-premises consumption or in closed containers for off-premises consumption. Persons licensed pursuant to this subdivision shall serve food, prepared on or off premises, whenever wine or beer is served. Such licenses may be granted to persons operating concert or dinner-theater venues on property fronting Natural Bridge School Road in Natural Bridge Station and formerly operated as Natural Bridge High School.

8. Historic cinema houses, which shall authorize the licensee to sell wine and beer, either with or without meals, during any showing of a motion picture to patrons to whom alcoholic beverages may be lawfully sold, for on-premises consumption or in closed containers for off-premises consumption. The privileges of this license shall be limited to the premises of the historic cinema house regularly occupied and utilized as such.

9. Nonprofit museums, which shall authorize the licensee to sell wine and beer for on-premises consumption or in closed containers for off-premises consumption in areas approved by the Board. Such licenses may be granted to persons operating a nonprofit museum exempt from taxation under § 501(c)(3) of the Internal Revenue Code, located in the Town of Front Royal, and dedicated to educating the consuming public about historic beer products. The privileges of this license shall be limited to the premises of the museum, regularly occupied and utilized as such.

C. The Board may grant the following off-premises wine and beer licenses:

1. Retail off-premises wine and beer licenses, which may be granted to a convenience grocery store, delicatessen, drugstore, gift shop, gourmet oyster house, gourmet shop, grocery store, or marina store as defined in § 4.1-100 and Board regulations. Such license shall authorize the licensee to sell wine and beer in closed containers for off-premises consumption and, notwithstanding the provisions of § 4.1-308, to give to any person to whom wine or beer may be lawfully sold a sample of wine or beer for on-premises consumption; however, no single sample shall exceed four ounces of beer or two ounces of wine and no more than 12 ounces of beer or five ounces of wine shall be served to any person per day. The licensee may also give samples of wine and beer in designated areas at events held by the licensee for the purpose of featuring and educating the consuming public about the alcoholic beverages being tasted. With the consent of the licensee, farm wineries, wineries, breweries, distillers, and wholesale licensees or authorized representatives of such licensees may participate in such tastings, including the pouring of samples. The licensee shall comply with any food inventory and sales volume requirements established by Board regulation.

2. Gourmet brewing shop licenses, which shall authorize the licensee to sell to any person to whom wine or beer may be lawfully sold, ingredients for making wine or brewing beer, including packaging, and to rent to such persons facilities for manufacturing, fermenting, and bottling such wine or beer, for off-premises consumption in accordance with subdivision 6 of § 4.1-200.

3. Confectionery licenses, which shall authorize the licensee to prepare and sell on the licensed premises for off-premises consumption confectionery that contains five percent or less alcohol by volume. Any alcohol contained in such confectionery shall not be in liquid form at the time such confectionery is sold.

D. The Board may grant the following banquet, special event, and tasting licenses:

1. Per-day event licenses.

a. Banquet licenses to persons in charge of private banquets, and to duly organized nonprofit corporations or associations in charge of special events, which shall authorize the licensee to sell or give wine and beer in rooms or areas approved by the Board for the occasion for on-premises consumption in such rooms or areas. Licensees who are nonprofit corporations or associations conducting fundraisers (i) shall also be authorized to sell wine, as part of any fundraising activity, in closed containers for off-premises consumption to persons to whom wine may be lawfully sold; (ii) shall be limited to no more than one such fundraiser per year; and (iii) if conducting such fundraiser through an online meeting platform, may ship such wine, in accordance with Board regulations, in closed containers to persons located within the Commonwealth. Except as provided in § 4.1-215, a separate license shall be required for each day of each banquet or special event. For the purposes of this subdivision, when the location named in the original application for a license is outdoors, the application may also name an alternative location in the event of inclement weather. However, no such license shall be required of any hotel, restaurant, or club holding a retail wine and beer license.

b. Mixed beverage special events licenses to a duly organized nonprofit corporation or association in charge of a special event, which shall authorize the licensee to sell and serve mixed beverages for on-premises consumption in areas approved by the Board on the premises of the place designated in the license. A separate license shall be required for each day of each special event.

c. Mixed beverage club events licenses to a club holding a wine and beer club license, which shall authorize the licensee to sell and serve mixed beverages for on-premises consumption by club members and their guests in areas approved by the Board on the club premises. A separate license shall be required for each day of each club event. No more than 12 such licenses shall be granted to a club in any calendar year. The granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

d. Tasting licenses, which shall authorize the licensee to sell or give samples of alcoholic beverages of the type specified in the license in designated areas at events held by the licensee. A tasting license shall be issued for the purpose of featuring and educating the consuming public about the alcoholic beverages being tasted. A separate license shall be required for each day of each tasting event. No tasting license shall be required for conduct authorized by § 4.1-201.1.

2. Annual licenses.

a. Annual banquet licenses to duly organized private nonprofit fraternal, patriotic, or charitable membership organizations that are exempt from state and federal taxation and in charge of banquets conducted exclusively for members and their guests, which shall authorize the licensee to serve wine and beer in rooms or areas approved by the Board for the occasion for on-premises consumption in such rooms or areas. Such license shall authorize the licensee to conduct no more than 12 banquets per calendar year. For the purposes of this subdivision, when the location named in the original application

for a license is outdoors, the application may also name an alternative location in the event of inclement weather. However, no such license shall be required of any hotel, restaurant, or club holding a retail wine and beer license.

b. Banquet facility licenses to volunteer fire departments and volunteer emergency medical services agencies, which shall authorize the licensee to permit the consumption of lawfully acquired alcoholic beverages on the premises of the licensee by any person, and bona fide members and guests thereof, otherwise eligible for a banquet license. However, lawfully acquired alcoholic beverages shall not be purchased or sold by the licensee or sold or charged for in any way by the person permitted to use the premises. Such premises shall be a volunteer fire or volunteer emergency medical services agency station or both, regularly occupied as such and recognized by the governing body of the county, city, or town in which it is located. Under conditions as specified by Board regulation, such premises may be other than a volunteer fire or volunteer emergency medical services agency station, provided such other premises are occupied and under the control of the volunteer fire department or volunteer emergency medical services agency while the privileges of its license are being exercised.

c. Designated outdoor refreshment area licenses to a locality, business improvement district, or nonprofit organization, which shall authorize (i) the licensee to permit the consumption of alcoholic beverages within the area designated by the Board for the designated outdoor refreshment area and (ii) any permanent retail on-premises licensee that is located within the area designated by the Board for the designated outdoor refreshment area to sell alcoholic beverages within the permanent retail location for consumption in the area designated for the designated outdoor refreshment area, including sidewalks and the premises of businesses not licensed to sell alcoholic beverages at retail, upon approval of such businesses. In determining the designated area for the designated outdoor refreshment area, the Board shall consult with the locality. Designated outdoor refreshment area licensees shall be limited to 16 events per year, and the duration of any event shall not exceed three consecutive days. However, the Board may increase the frequency and duration of events after adoption of an ordinance by a locality requesting such increase in frequency and duration. Such ordinance shall include the size and scope of the area within which such events will be held, a public safety plan, and any other considerations deemed necessary by the Board. Such limitations on the number of events that may be held shall not apply during the effective dates of any rule, regulation, or order that is issued by the Governor or State Health Commissioner to meet a public health emergency and that effectively reduces allowable restaurant seating capacity; however, designated outdoor refreshment area licensees shall be subject to all other applicable provisions of this subtitle and Board regulations and shall provide notice to the Board regarding the days and times during which the privileges of the license will be exercised. Only alcoholic beverages purchased from permanent retail on-premises licensees located within the designated area may be consumed at the event, and such alcoholic beverages shall be contained in paper, plastic, or similar disposable containers that clearly display the name or logo of the retail on-premises licensee from which the alcoholic beverage was purchased. Alcoholic beverages shall not be sold or charged for in any way by the designated outdoor refreshment area licensee. The designated outdoor refreshment area licensee shall post appropriate signage clearly demarcating for the public the boundaries of the event; however, no physical barriers shall be required for this purpose. The designated outdoor refreshment area licensee shall provide adequate security for the event to ensure compliance with the applicable provisions of this subtitle and Board regulations.

d. Annual mixed beverage banquet licenses to duly organized private nonprofit fraternal, patriotic, or charitable membership organizations that are exempt from state and federal taxation and in charge of banquets conducted exclusively for members and their guests, which shall authorize the licensee to serve mixed beverages for on-premises consumption in areas approved by the Board on the premises of the place designated in the license. Such license shall authorize the licensee to conduct no more than 12 banquets per calendar year. The granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

e. Equine sporting event licenses, which may be issued to organizations holding equestrian, hunt, and steeplechase events, which shall authorize the licensee to permit the consumption of lawfully acquired alcoholic beverages on the premises of the licensee by patrons thereof during such event. However, alcoholic beverages shall not be sold or charged for in any way by the licensee. The privileges of this license shall be (i) limited to the premises of the licensee, regularly occupied and utilized for equestrian, hunt, and steeplechase events, and (ii) exercised on no more than four calendar days per year.

f. Annual arts venue event licenses, to persons operating an arts venue, which shall authorize the licensee participating in a community art walk that is open to the public to serve lawfully acquired wine or beer on the premises of the licensee to adult patrons thereof during such events. However, alcoholic beverages shall not be sold or charged for in any way, directly or indirectly, by the licensee, and the licensee shall not give more than two five-ounce glasses of wine or two 12-ounce glasses of beer to any one adult patron. The privileges of this license shall be (i) limited to the premises of the arts venue regularly occupied and used as such and (ii) exercised on no more than 12 calendar days per year.

E. The Board may grant a marketplace license to persons operating a business enterprise of which the primary function is not the sale of alcoholic beverages, which shall authorize the licensee to serve complimentary wine or beer to bona fide customers on the licensed premises subject to any limitations imposed by the Board; however, the licensee shall not give more than two five-ounce glasses of wine or two 12-ounce glasses of beer to any customer per day, nor shall it sell or otherwise charge a fee to such customer for the wine or beer served or consumed. In order to be eligible for and retain a marketplace license, the applicant's business enterprise must (i) provide a single category of goods or services in a manner

intended to create a personalized experience for the customer; (ii) employ staff with expertise in such goods or services; (iii) be ineligible for any other license granted by the Board; (iv) have an alcoholic beverage control manager on the licensed premises at all times alcohol is served; (v) ensure that all employees satisfy any training requirements imposed by the Board; and (vi) purchase all wine and beer to be served from a licensed wholesaler or the Authority and retain purchase records as prescribed by the Board. In determining whether to grant a marketplace license, the Board shall consider (a) the average amount of time customers spend at the business; (b) the business's hours of operation; (c) the amount of time that the business has been in operation; and (d) any other requirements deemed necessary by the Board to protect the public health, safety, and welfare.

F. The Board may grant the following shipper, bottler, and related licenses:

1. Wine and beer shipper licenses, which shall carry the privileges and limitations set forth in § 4.1-209.1.

2. Internet wine and beer retailer licenses, which shall authorize persons located within or outside the Commonwealth to sell and ship wine and beer, in accordance with § 4.1-209.1 and Board regulations, in closed containers to persons in the Commonwealth to whom wine and beer may be lawfully sold for off-premises consumption. Such licensee shall not be required to comply with the monthly food sale requirement established by Board regulations.

3. Bottler licenses, which shall authorize the licensee to acquire and receive deliveries and shipments of beer in closed containers and to bottle, sell, and deliver or ship it, in accordance with Board regulations to (i) wholesale beer licensees for the purpose of resale, (ii) owners of boats registered under the laws of the United States sailing for ports of call of a foreign country or another state, and (iii) persons outside the Commonwealth for resale outside the Commonwealth.

4. Fulfillment warehouse licenses, which shall authorize associations as defined in § 13.1-313 with a place of business located in the Commonwealth to (i) receive deliveries and shipments of wine or beer owned by holders of wine and beer shipper's licenses; (ii) store such wine or beer on behalf of the owner; and (iii) pick, pack, and ship such wine or beer as directed by the owner, all in accordance with Board regulations. No wholesale wine or wholesale beer licensee, whether licensed in the Commonwealth or not, or any person under common control of such licensee, shall acquire or hold any financial interest, direct or indirect, in the business for which any fulfillment warehouse license is issued.

5. Marketing portal licenses, which shall authorize agricultural cooperative associations organized under the provisions of the Agricultural Cooperative Association Act (§ 13.1-312 et seq.), with a place of business located in the Commonwealth, in accordance with Board regulations, to solicit and receive orders for wine or beer through the use of the Internet from persons in the Commonwealth to whom wine or beer may be lawfully sold, on behalf of holders of wine and beer shipper's licenses. Upon receipt of an order for wine or beer, the licensee shall forward it to a holder of a wine and beer shipper's license for fulfillment. Marketing portal licensees may also accept payment on behalf of the shipper.

6. Third-party delivery licenses, which shall carry the privileges and limitations set forth in § 4.1-212.2.

§ 4.1-206.3. (Effective July 1, 2024) Retail licenses.

A. The Board may grant the following mixed beverages licenses:

1. Mixed beverage restaurant licenses, which shall authorize the licensee to sell and serve mixed beverages for consumption in dining areas and other designated areas of such restaurant. Such license may be granted only to persons (i) who operate a restaurant and (ii) whose gross receipts from the sale of food cooked, or prepared, and consumed on the premises and nonalcoholic beverages served on the premises, after issuance of such license, amount to at least 45 percent of the gross receipts from the sale of mixed beverages and food. For the purposes of this subdivision, other designated areas shall include outdoor dining areas, whether or not contiguous to the licensed premises, which outdoor dining areas may have more than one means of ingress and egress to an adjacent public thoroughfare, provided such areas are under the control of the licensee and approved by the Board. Such noncontiguous designated areas shall not be approved for any retail license issued pursuant to subdivision A 5 of § 4.1-201.

If the restaurant is located on the premises of a hotel or motel with no fewer than four permanent bedrooms where food and beverage service is customarily provided by the restaurant in designated areas, bedrooms, and other private rooms of such hotel or motel, such licensee may (a) sell and serve mixed beverages for consumption in such designated areas, bedrooms, and other private rooms and (b) sell spirits packaged in original closed containers purchased from the Board for on-premises consumption to registered guests and at scheduled functions of such hotel or motel only in such bedrooms or private rooms. However, with regard to a hotel classified as a resort complex, the Board may authorize the sale and on-premises consumption of alcoholic beverages in all areas within the resort complex deemed appropriate by the Board. Nothing herein shall prohibit any person from keeping and consuming his own lawfully acquired spirits in bedrooms or private rooms.

If the restaurant is located on the premises of and operated by a private, nonprofit, or profit club exclusively for its members and their guests, or members of another private, nonprofit, or profit club in another city with which it has an agreement for reciprocal dining privileges, such license shall also authorize the licensees to (1) sell and serve mixed beverages for on-premises consumption and (2) sell spirits that are packaged in original closed containers with a maximum capacity of two fluid ounces or 50 milliliters and purchased from the Board for on-premises consumption. Where such club prepares no food in its restaurant but purchases its food requirements from a restaurant licensed by the Board and located on another portion of the premises of the same hotel or motel building, this fact shall not prohibit the granting of a license by the Board to such club qualifying in all other respects. The club's gross receipts from the sale of nonalcoholic beverages consumed on the premises and food resold to its members and guests and consumed on the premises shall amount to at least

45 percent of its gross receipts from the sale of mixed beverages and food. The food sales made by a restaurant to such a club shall be excluded in any consideration of the qualifications of such restaurant for a license from the Board.

If the restaurant is located on the premises of and operated by a municipal golf course, the Board shall recognize the seasonal nature of the business and waive any applicable monthly food sales requirements for those months when weather conditions may reduce patronage of the golf course, provided that prepared food, including meals, is available to patrons during the same months. The gross receipts from the sale of food cooked, or prepared, and consumed on the premises and nonalcoholic beverages served on the premises, after the issuance of such license, shall amount to at least 45 percent of the gross receipts from the sale of mixed beverages and food on an annualized basis.

If the restaurant is located on the premises of and operated by a culinary lodging resort, such license shall authorize the licensee to (A) sell alcoholic beverages for on-premises consumption, without regard to the amount of gross receipts from the sale of food prepared and consumed on the premises, in areas upon the licensed premises approved by the Board and other designated areas of the resort, including outdoor areas under the control of the licensee, and (B) permit the possession and consumption of lawfully acquired alcoholic beverages by persons to whom overnight lodging is being provided in bedrooms and private guest rooms.

If the restaurant is located on the premises of a mixed beverage casino licensee owned by an operator licensed under Article 3 (§ 58.1-4108 et seq.) of Chapter 41 of Title 58.1, such mixed beverage restaurant license shall authorize the licensee to sell alcoholic beverages for on-premises consumption on the licensed premises of the restaurant during all hours of operation of the mixed beverage casino licensee. Any alcoholic beverages purchased from such restaurant may be (I) taken onto the premises of the mixed beverage casino licensee and (II) possessed or consumed in areas designated by the Board, after consultation with the mixed beverage casino licensee. Designated areas may include any areas on the premises of the mixed beverage casino licensee, including entertainment venues, conference rooms, private rooms, hotels, pools, marinas, or green spaces. Alcoholic beverages purchased from a restaurant pursuant to this subdivision shall be contained in glassware or a paper, plastic, or similar disposable container that clearly displays the name or logo of the restaurant from which the alcoholic beverage was purchased.

The granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption and in closed containers for off-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

2. Mixed beverage caterer's licenses, which may be granted only to a person regularly engaged in the business of providing food and beverages to others for service at private gatherings or at special events, which shall authorize the licensee to sell and serve alcoholic beverages for on-premises consumption. The annual gross receipts from the sale of food cooked and prepared for service and nonalcoholic beverages served at gatherings and events referred to in this subdivision shall amount to at least 45 percent of the gross receipts from the sale of mixed beverages and food.

3. Mixed beverage limited caterer's licenses, which may be granted only to a person regularly engaged in the business of providing food and beverages to others for service at private gatherings or at special events, not to exceed 12 gatherings or events per year, which shall authorize the licensee to sell and serve alcoholic beverages for on-premises consumption. The annual gross receipts from the sale of food cooked and prepared for service and nonalcoholic beverages served at gatherings and events referred to in this subdivision shall amount to at least 45 percent of the gross receipts from the sale of mixed beverages and food.

4. Mixed beverage carrier licenses to (i) persons operating a common carrier of passengers by train, boat, bus, or airplane, which shall authorize the licensee to sell and serve mixed beverages anywhere in the Commonwealth to passengers while in transit aboard any such common carrier, and in designated rooms of establishments of air carriers at airports in the Commonwealth and (ii) financial institutions, subsidiaries of a financial institution, or persons approved by the applicable airport authority that have entered into a contract with a financial institution or subsidiary of a financial institution to operate a passenger lounge, which shall authorize the licensee to sell and serve mixed beverages in designated areas of a passenger lounge for ticketed air carrier passengers that is located within an airport in the Commonwealth. For purposes of supplying its airplanes, as well as any airplanes of a licensed express carrier flying under the same brand, an air carrier licensee may appoint an authorized representative to load alcoholic beverages onto the same airplanes and to transport and store alcoholic beverages at or in close proximity to the airport where the alcoholic beverages will be delivered onto airplanes of the air carrier and any such licensed express carrier. The air carrier licensee shall (a) designate for purposes of its license all locations where the inventory of alcoholic beverages may be stored and from which the alcoholic beverages will be delivered onto airplanes of the air carrier and any such licensed express carrier and (b) maintain records of all alcoholic beverages to be transported, stored, and delivered by its authorized representative. The granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption or in closed containers for off-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

For the purposes of this subdivision:

"Financial institution" means any bank, trust company, savings institution, industrial loan association, consumer finance company, or credit union.

"Passenger lounge" means any restricted-access passenger waiting room or lounge leased to persons by the applicable airport authority in which food and beverage services are provided to ticketed passengers.

5. Annual mixed beverage ~~motor~~ sports facility licenses *to persons operating a sports facility or food concessions at a sports facility*, which shall authorize the licensee to sell mixed beverages~~, in paper, plastic, or similar disposable containers or in single original metal cans, during scheduled events, as well as events or performances immediately subsequent thereto, to patrons in all dining facilities, seating areas, viewing areas, walkways, concession areas, or similar facilities, for on-premises consumption. Such license may be granted to persons operating food concessions at an outdoor motor sports facility that (i) is located on 1,200 acres of rural property bordering the Dan River and has a track surface of 3.27 miles in length or (ii) hosts a NASCAR national touring race~~ *during any event and immediately subsequent thereto to patrons within all seating areas, concourses, walkways, concession areas, and additional locations designated by the Board (i) in closed containers for off-premises consumption or (ii) in paper, plastic, or similar disposable containers or in single original metal cans for on-premises consumption*. Upon authorization of the licensee, any person may keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas and locations covered by the license. The granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption or in closed containers for off-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

6. Limited mixed beverage restaurant licenses, which shall authorize the licensee to sell and serve dessert wines as defined by Board regulation and no more than six varieties of liqueurs, which liqueurs shall be combined with coffee or other nonalcoholic beverages, for consumption in dining areas of the restaurant. Such license may be granted only to persons who operate a restaurant and in no event shall the sale of such wine or liqueur-based drinks, together with the sale of any other alcoholic beverages, exceed 10 percent of the total annual gross sales of all food and alcoholic beverages. The granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption or in closed containers for off-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

7. Annual mixed beverage performing arts facility licenses, which shall (i) authorize the licensee to sell, on the dates of performances or events, alcoholic beverages in paper, plastic, or similar disposable containers or in single original metal cans for on-premises consumption in all seating areas, concourses, walkways, concession areas, similar facilities, and other areas upon the licensed premises approved by the Board and (ii) automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption or in closed containers for off-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1. Such licenses may be granted to ~~the following:~~

~~a. Corporations or associations~~ *persons* operating a performing arts facility~~, provided the~~ *or food concessions at a* performing arts facility ~~(i) is owned by a governmental entity; (ii) is occupied by a for-profit entity under a bona fide lease, the original term of which was for more than one year's duration; and (iii) has been rehabilitated in accordance with historic preservation standards;~~

~~b. Persons operating food concessions at any performing arts facility located in the City of Norfolk or the City of Richmond, provided that the performing arts facility (i) is occupied under a bona fide long-term lease or concession agreement, the original term of which was more than five years; (ii) has a capacity in excess of 1,400 patrons; (iii) has been rehabilitated in accordance with historic preservation standards; and (iv) has monthly gross receipts from the sale of food cooked, or prepared, and consumed on the premises and nonalcoholic beverages served on the premises that meet or exceed the monthly minimum established by Board regulations for mixed beverage restaurants;~~

~~c. Persons operating food concessions at any performing arts facility located in the City of Waynesboro, provided that the performing arts facility (i) is occupied under a bona fide long-term lease or concession agreement, the original term of which was more than five years; (ii) has a total capacity in excess of 550 patrons; and (iii) has been rehabilitated in accordance with historic preservation standards;~~

~~d. Persons operating food concessions at any performing arts facility located in the arts and cultural district of the City of Harrisonburg, provided that the performing arts facility (i) is occupied under a bona fide long-term lease or concession agreement, the original term of which was more than five years; (ii) has been rehabilitated in accordance with historic preservation standards; (iii) has monthly gross receipts from the sale of food cooked, or prepared, and consumed on the premises and nonalcoholic beverages served on the premises that meet or exceed the monthly minimum established by Board regulations for mixed beverage restaurants; and (iv) has a total capacity in excess of 900 patrons;~~

~~e. Persons operating food concessions at any multipurpose theater located in the historical district of the Town of Bridgewater, provided that the theater (i) is owned and operated by a governmental entity and (ii) has a total capacity in excess of 100 patrons;~~

~~f. Persons operating food concessions at any outdoor performing arts amphitheater, arena, or similar facility that has seating for more than 20,000 persons and is located in Prince William County or the City of Virginia Beach;~~

~~g. Persons operating food concessions at any outdoor performing arts amphitheater, arena, or similar facility that has seating for more than 5,000 persons and is located in the City of Alexandria or the City of Portsmouth; or~~

~~h. Persons operating food concessions at any corporate and performing arts facility located in Fairfax County, provided that the corporate and performing arts facility (i) is occupied under a bona fide long-term lease, management, or concession agreement, the original term of which was more than one year and (ii) has a total capacity in excess of 1,400 patrons. Such license shall authorize the sale, on the dates of performances or events, of alcoholic beverages for on-premises consumption in areas upon the licensed premises approved by the Board~~.

8. Combined mixed beverage restaurant and caterer's licenses, which may be granted to any restaurant or hotel that meets the qualifications for both a mixed beverage restaurant pursuant to subdivision 1 and mixed beverage caterer pursuant to subdivision 2 for the same business location, and which license shall authorize the licensee to operate as both a mixed beverage restaurant and mixed beverage caterer at the same business premises designated in the license, with a common alcoholic beverage inventory for purposes of the restaurant and catering operations. Such licensee shall meet the separate food qualifications established for the mixed beverage restaurant license pursuant to subdivision 1 and mixed beverage caterer's license pursuant to subdivision 2. The granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption or in closed containers for off-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

9. Bed and breakfast licenses, which shall authorize the licensee to (i) serve alcoholic beverages in dining areas, private guest rooms, and other designated areas to persons to whom overnight lodging is being provided, with or without meals, for on-premises consumption only in such rooms and areas, and without regard to the amount of gross receipts from the sale of food prepared and consumed on the premises and (ii) permit the consumption of lawfully acquired alcoholic beverages by persons to whom overnight lodging is being provided in (a) bedrooms or private guest rooms or (b) other designated areas of the bed and breakfast establishment. For purposes of this subdivision, "other designated areas" includes outdoor dining areas, whether or not contiguous to the licensed premises, which may have more than one means of ingress and egress to an adjacent public thoroughfare, provided that such outdoor dining areas are under the control of the licensee and approved by the Board. Such noncontiguous designated areas shall not be approved for any retail license issued pursuant to subdivision A 5 of § 4.1-201.

10. Museum licenses, which may be issued to nonprofit museums exempt from taxation under § 501(c)(3) of the Internal Revenue Code, which shall authorize the licensee to (i) permit the consumption of lawfully acquired alcoholic beverages on the premises of the licensee by any bona fide member and guests thereof and (ii) serve alcoholic beverages on the premises of the licensee to any bona fide member and guests thereof. However, alcoholic beverages shall not be sold or charged for in any way by the licensee. The privileges of this license shall be limited to the premises of the museum, regularly occupied and utilized as such.

11. ~~Motor car sporting event facility licenses, which shall authorize the licensee to permit the consumption of lawfully acquired alcoholic beverages on the premises of the licensee by patrons thereof during such events. However, alcoholic beverages shall not be sold or charged for in any way, directly or indirectly, by the licensee. The privileges of this license shall be limited to those areas of the licensee's premises designated by the Board that are regularly occupied and utilized for motor car sporting events.~~

~~12.~~ Commercial lifestyle center licenses, which may be issued only to a commercial owners' association governing a commercial lifestyle center, which shall authorize any retail on-premises restaurant licensee that is a tenant of the commercial lifestyle center to sell alcoholic beverages to any bona fide customer to whom alcoholic beverages may be lawfully sold for consumption on that portion of the licensed premises of the commercial lifestyle center designated by the Board, including (i) plazas, seating areas, concourses, walkways, or such other similar areas and (ii) the premises of any tenant location of the commercial lifestyle center that is not a retail licensee of the Board, upon approval of such tenant, but excluding any parking areas. Only alcoholic beverages purchased from such retail on-premises restaurant licensees may be consumed on the licensed premises of the commercial lifestyle center, and such alcoholic beverages shall be contained in paper, plastic, or similar disposable containers with the name or logo of the restaurant licensee that sold the alcoholic beverage clearly displayed. Alcoholic beverages shall not be sold or charged for in any way by the commercial lifestyle center licensee. The licensee shall post appropriate signage clearly demarcating for the public the boundaries of the licensed premises; however, no physical barriers shall be required for this purpose. The licensee shall provide adequate security for the licensed premises to ensure compliance with the applicable provisions of this subtitle and Board regulations.

~~13.~~ *12.* Mixed beverage port restaurant licenses, which shall authorize the licensee to sell and serve mixed beverages for consumption in dining areas and other designated areas of such restaurant. Such license may be granted only to persons operating a business (i) that is primarily engaged in the sale of meals; (ii) that is located on property owned by the United States government or an agency thereof and used as a port of entry to or egress from the United States; and (iii) whose gross receipts from the sale of food cooked, or prepared, and consumed on the premises and nonalcoholic beverages served on the premises, after issuance of such license, amount to at least 45 percent of the gross receipts from the sale of mixed beverages and food. For the purposes of this subdivision, other designated areas shall include outdoor dining areas, whether or not contiguous to the licensed premises, which outdoor dining areas may have more than one means of ingress and egress to an adjacent public thoroughfare, provided such areas are under the control of the licensee and approved by the Board. Such noncontiguous designated areas shall not be approved for any retail license issued pursuant to subdivision A 5 of § 4.1-201. The granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption or in closed containers for off-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

~~14.~~ *13.* Annual mixed beverage special events licenses to (i) a duly organized nonprofit corporation or association operating either a performing arts facility or an art education and exhibition facility; (ii) a nonprofit corporation or association chartered by Congress for the preservation of sites, buildings, and objects significant in American history and

culture; (iii) persons operating an agricultural event and entertainment park or similar facility that has a minimum of 50,000 square feet of indoor exhibit space and equine and other livestock show areas, which includes barns, pavilions, or other structures equipped with roofs, exterior walls, and open-door or closed-door access; or (iv) a locality for special events conducted on the premises of a museum for historic interpretation that is owned and operated by the locality. The operation in all cases shall be upon premises owned by such licensee or occupied under a bona fide lease, the original term of which was for more than one year's duration. Such license shall authorize the licensee to sell alcoholic beverages during scheduled events and performances for on-premises consumption in areas upon the licensed premises approved by the Board.

~~15.~~ *14.* Mixed beverage casino licenses, which shall authorize the licensee to (i) sell and serve mixed beverages for on-premises consumption in areas designated by the Board, after consultation with the mixed beverage casino licensee, without regard to the amount of gross receipts from the sale of food prepared and consumed on the premises and (ii) provide complimentary mixed beverages to patrons for on-premises consumption in private areas or restricted access areas designated by the Board, after consultation with the mixed beverage casino licensee. Designated areas may include any areas on the premises of the mixed beverage casino licensee, including entertainment venues, private rooms, conference rooms, hotels, pools, marinas, or green spaces. The granting of a license pursuant to this subdivision shall authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption and in closed containers for off-premises consumption in accordance with the provisions of this subdivision governing mixed beverages; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1. Notwithstanding any law or regulation to the contrary, a mixed beverage casino licensee may exercise the privileges of its license as set forth in this subdivision during all hours of operation of the casino gaming establishment; however, such licensee shall not sell wine or beer for off-premises consumption between the hours of 12 a.m. and 6 a.m.

A mixed beverage casino licensee may (a) provide patrons gifts of alcoholic beverages in closed containers for personal consumption off the licensed premises or in areas designated by the Board, after consultation with the mixed beverage casino licensee, and (b) enable patrons who participate in a loyalty or reward credit program to redeem credits for the purchase of alcoholic beverages for on-premises consumption. A summary of the operation of such loyalty or reward credit program shall be provided to the Board upon request.

A mixed beverage casino license may only be issued to a casino gaming establishment owned by an operator licensed under Article 3 (§ 58.1-4108 et seq.) of Chapter 41 of Title 58.1.

B. The Board may grant an on-and-off-premises wine and beer license to the following:

1. Hotels, restaurants, and clubs, which shall authorize the licensee to sell wine and beer (i) in closed containers for off-premises consumption or (ii) for on-premises consumption, either with or without meals, in dining areas and other designated areas of such restaurants, or in dining areas, private guest rooms, and other designated areas of such hotels or clubs, for consumption only in such rooms and areas. However, with regard to a hotel classified by the Board as (a) a resort complex, the Board may authorize the sale and consumption of alcoholic beverages in all areas within the resort complex deemed appropriate by the Board or (b) a limited service hotel, the Board may authorize the sale and consumption of alcoholic beverages in dining areas, private guest rooms, and other designated areas to persons to whom overnight lodging is being provided, for on-premises consumption in such rooms or areas, and without regard to the amount of gross receipts from the sale of food prepared and consumed on the premises, provided that at least one meal is provided each day by the hotel to such guests. With regard to facilities registered in accordance with Chapter 49 (§ 38.2-4900 et seq.) of Title 38.2 as continuing care communities that are also licensed by the Board under this subdivision, any resident may, upon authorization of the licensee, keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas covered by the license. For purposes of this subdivision, "other designated areas" includes outdoor dining areas, whether or not contiguous to the licensed premises, which may have more than one means of ingress and egress to an adjacent public thoroughfare, provided that such outdoor dining areas are under the control of the licensee and approved by the Board. Such noncontiguous designated areas shall not be approved for any retail license issued pursuant to subdivision A 5 of § 4.1-201.

2. Hospitals, which shall authorize the licensee to sell wine and beer (i) in the rooms of patients for their on-premises consumption only in such rooms, provided the consent of the patient's attending physician is first obtained or (ii) in closed containers for off-premises consumption.

3. Rural grocery stores, which shall authorize the licensee to sell wine and beer for on-premises consumption or in closed containers for off-premises consumption. No license shall be granted unless (i) the grocery store is located in any town or in a rural area outside the corporate limits of any city or town and (ii) it appears affirmatively that a substantial public demand for such licensed establishment exists and that public convenience and the purposes of this subtitle will be promoted by granting the license.

4. Coliseums, stadiums, and racetracks, which shall authorize the licensee to sell wine and beer during any event and immediately subsequent thereto to patrons within all seating areas, concourses, walkways, concession areas, and additional locations designated by the Board (i) in closed containers for off-premises consumption or (ii) in paper, plastic, or similar disposable containers or in single original metal cans for on-premises consumption. Upon authorization of the licensee, any person may keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas and locations covered by the license. Such licenses may be granted to persons operating food concessions at coliseums, stadiums, racetracks, or similar facilities.

5. Performing arts food concessionaires, which shall authorize the licensee to sell wine and beer during the performance of any event to patrons within all seating areas, concourses, walkways, or concession areas, or other areas

approved by the Board (i) in closed containers for off-premises consumption or (ii) in paper, plastic, or similar disposable containers or in single original metal cans for on-premises consumption. Upon authorization of the licensee, any person may keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas and locations covered by the license. Such licenses may be granted to persons operating food concessions at any ~~outdoor~~ performing arts ~~amphitheater, arena, or similar~~ facility ~~that (a) has seating for more than 20,000 persons and is located in Prince William County or the City of Virginia Beach; (b) has seating or capacity for more than 3,500 persons and is located in the County of Albemarle, Alleghany, Augusta, Nelson, Pittsylvania, or Rockingham or the City of Charlottesville, Danville, or Roanoke; or (c) has capacity for more than 9,500 persons and is located in Henrico County~~.

6. Exhibition halls, which shall authorize the licensee to sell wine and beer during the event to patrons or attendees within all seating areas, exhibition areas, concourses, walkways, concession areas, and such additional locations designated by the Board in such facilities (i) in closed containers for off-premises consumption or (ii) in paper, plastic, or similar disposable containers or in single original metal cans for on-premises consumption. Upon authorization of the licensee, any person may keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas and locations covered by the license. Such licenses may be granted to persons operating food concessions at exhibition or exposition halls, convention centers, or similar facilities located in any county operating under the urban county executive form of government or any city that is completely surrounded by such county. For purposes of this subdivision, "exhibition or exposition hall" and "convention centers" mean facilities conducting private or public trade shows or exhibitions in an indoor facility having in excess of 100,000 square feet of floor space.

7. Concert and dinner-theaters, which shall authorize the licensee to sell wine and beer during events to patrons or attendees within all seating areas, exhibition areas, concourses, walkways, concession areas, dining areas, and such additional locations designated by the Board in such facilities, for on-premises consumption or in closed containers for off-premises consumption. Persons licensed pursuant to this subdivision shall serve food, prepared on or off premises, whenever wine or beer is served. Such licenses may be granted to persons operating concert or dinner-theater venues on property fronting Natural Bridge School Road in Natural Bridge Station and formerly operated as Natural Bridge High School.

8. Historic cinema houses, which shall authorize the licensee to sell wine and beer, either with or without meals, during any showing of a motion picture to patrons to whom alcoholic beverages may be lawfully sold, for on-premises consumption or in closed containers for off-premises consumption. The privileges of this license shall be limited to the premises of the historic cinema house regularly occupied and utilized as such.

9. Nonprofit museums, which shall authorize the licensee to sell wine and beer for on-premises consumption or in closed containers for off-premises consumption in areas approved by the Board. Such licenses may be granted to persons operating a nonprofit museum exempt from taxation under § 501(c)(3) of the Internal Revenue Code, located in the Town of Front Royal, and dedicated to educating the consuming public about historic beer products. The privileges of this license shall be limited to the premises of the museum, regularly occupied and utilized as such.

C. The Board may grant the following off-premises wine and beer licenses:

1. Retail off-premises wine and beer licenses, which may be granted to a convenience grocery store, delicatessen, drugstore, gift shop, gourmet oyster house, gourmet shop, grocery store, or marina store as defined in § 4.1-100 and Board regulations. Such license shall authorize the licensee to sell wine and beer in closed containers for off-premises consumption and, notwithstanding the provisions of § 4.1-308, to give to any person to whom wine or beer may be lawfully sold a sample of wine or beer for on-premises consumption; however, no single sample shall exceed four ounces of beer or two ounces of wine and no more than 12 ounces of beer or five ounces of wine shall be served to any person per day. The licensee may also give samples of wine and beer in designated areas at events held by the licensee for the purpose of featuring and educating the consuming public about the alcoholic beverages being tasted. With the consent of the licensee, farm wineries, wineries, breweries, distillers, and wholesale licensees or authorized representatives of such licensees may participate in such tastings, including the pouring of samples. The licensee shall comply with any food inventory and sales volume requirements established by Board regulation.

2. Gourmet brewing shop licenses, which shall authorize the licensee to sell to any person to whom wine or beer may be lawfully sold, ingredients for making wine or brewing beer, including packaging, and to rent to such persons facilities for manufacturing, fermenting, and bottling such wine or beer, for off-premises consumption in accordance with subdivision 6 of § 4.1-200.

3. Confectionery licenses, which shall authorize the licensee to prepare and sell on the licensed premises for off-premises consumption confectionery that contains five percent or less alcohol by volume. Any alcohol contained in such confectionery shall not be in liquid form at the time such confectionery is sold.

D. The Board may grant the following banquet, special event, and tasting licenses:

1. Per-day event licenses.

a. Banquet licenses to persons in charge of private banquets, and to duly organized nonprofit corporations or associations in charge of special events, which shall authorize the licensee to sell or give wine and beer in rooms or areas approved by the Board for the occasion for on-premises consumption in such rooms or areas. Licensees who are nonprofit corporations or associations conducting fundraisers (i) shall also be authorized to sell wine, as part of any fundraising activity, in closed containers for off-premises consumption to persons to whom wine may be lawfully sold; (ii) shall be limited to no more than one such fundraiser per year; and (iii) if conducting such fundraiser through an online meeting

platform, may ship such wine, in accordance with Board regulations, in closed containers to persons located within the Commonwealth. Except as provided in § 4.1-215, a separate license shall be required for each day of each banquet or special event. For the purposes of this subdivision, when the location named in the original application for a license is outdoors, the application may also name an alternative location in the event of inclement weather. However, no such license shall be required of any hotel, restaurant, or club holding a retail wine and beer license.

b. Mixed beverage special events licenses to a duly organized nonprofit corporation or association in charge of a special event, which shall authorize the licensee to sell and serve mixed beverages for on-premises consumption in areas approved by the Board on the premises of the place designated in the license. A separate license shall be required for each day of each special event.

c. Mixed beverage club events licenses to a club holding a wine and beer club license, which shall authorize the licensee to sell and serve mixed beverages for on-premises consumption by club members and their guests in areas approved by the Board on the club premises. A separate license shall be required for each day of each club event. No more than 12 such licenses shall be granted to a club in any calendar year. The granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

d. Tasting licenses, which shall authorize the licensee to sell or give samples of alcoholic beverages of the type specified in the license in designated areas at events held by the licensee. A tasting license shall be issued for the purpose of featuring and educating the consuming public about the alcoholic beverages being tasted. A separate license shall be required for each day of each tasting event. No tasting license shall be required for conduct authorized by § 4.1-201.1.

2. Annual licenses.

a. Annual banquet licenses to duly organized private nonprofit fraternal, patriotic, or charitable membership organizations that are exempt from state and federal taxation and in charge of banquets conducted exclusively for members and their guests, which shall authorize the licensee to serve wine and beer in rooms or areas approved by the Board for the occasion for on-premises consumption in such rooms or areas. Such license shall authorize the licensee to conduct no more than 12 banquets per calendar year. For the purposes of this subdivision, when the location named in the original application for a license is outdoors, the application may also name an alternative location in the event of inclement weather. However, no such license shall be required of any hotel, restaurant, or club holding a retail wine and beer license.

b. Banquet facility licenses to volunteer fire departments and volunteer emergency medical services agencies, which shall authorize the licensee to permit the consumption of lawfully acquired alcoholic beverages on the premises of the licensee by any person, and bona fide members and guests thereof, otherwise eligible for a banquet license. However, lawfully acquired alcoholic beverages shall not be purchased or sold by the licensee or sold or charged for in any way by the person permitted to use the premises. Such premises shall be a volunteer fire or volunteer emergency medical services agency station or both, regularly occupied as such and recognized by the governing body of the county, city, or town in which it is located. Under conditions as specified by Board regulation, such premises may be other than a volunteer fire or volunteer emergency medical services agency station, provided such other premises are occupied and under the control of the volunteer fire department or volunteer emergency medical services agency while the privileges of its license are being exercised.

c. Designated outdoor refreshment area licenses to a locality, business improvement district, or nonprofit organization, which shall authorize (i) the licensee to permit the consumption of alcoholic beverages within the area designated by the Board for the designated outdoor refreshment area and (ii) any permanent retail on-premises licensee that is located within the area designated by the Board for the designated outdoor refreshment area to sell alcoholic beverages within the permanent retail location for consumption in the area designated for the designated outdoor refreshment area, including sidewalks and the premises of businesses not licensed to sell alcoholic beverages at retail, upon approval of such businesses. In determining the designated area for the designated outdoor refreshment area, the Board shall consult with the locality. Designated outdoor refreshment area licensees shall be limited to 16 events per year, and the duration of any event shall not exceed three consecutive days. However, the Board may increase the frequency and duration of events after adoption of an ordinance by a locality requesting such increase in frequency and duration. Such ordinance shall include the size and scope of the area within which such events will be held, a public safety plan, and any other considerations deemed necessary by the Board. Such limitations on the number of events that may be held shall not apply during the effective dates of any rule, regulation, or order that is issued by the Governor or State Health Commissioner to meet a public health emergency and that effectively reduces allowable restaurant seating capacity; however, designated outdoor refreshment area licensees shall be subject to all other applicable provisions of this subtitle and Board regulations and shall provide notice to the Board regarding the days and times during which the privileges of the license will be exercised. Only alcoholic beverages purchased from permanent retail on-premises licensees located within the designated area may be consumed at the event, and such alcoholic beverages shall be contained in paper, plastic, or similar disposable containers that clearly display the name or logo of the retail on-premises licensee from which the alcoholic beverage was purchased. Alcoholic beverages shall not be sold or charged for in any way by the designated outdoor refreshment area licensee. The designated outdoor refreshment area licensee shall post appropriate signage clearly demarcating for the public the boundaries of the event; however, no physical barriers shall be required for this purpose. The designated outdoor refreshment area licensee shall provide adequate security for the event to ensure compliance with the applicable provisions of this subtitle and Board regulations.

d. Annual mixed beverage banquet licenses to duly organized private nonprofit fraternal, patriotic, or charitable membership organizations that are exempt from state and federal taxation and in charge of banquets conducted exclusively for members and their guests, which shall authorize the licensee to serve mixed beverages for on-premises consumption in areas approved by the Board on the premises of the place designated in the license. Such license shall authorize the licensee to conduct no more than 12 banquets per calendar year. The granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

e. Equine sporting event licenses, which may be issued to organizations holding equestrian, hunt, and steeplechase events, which shall authorize the licensee to permit the consumption of lawfully acquired alcoholic beverages on the premises of the licensee by patrons thereof during such event. However, alcoholic beverages shall not be sold or charged for in any way by the licensee. The privileges of this license shall be (i) limited to the premises of the licensee, regularly occupied and utilized for equestrian, hunt, and steeplechase events, and (ii) exercised on no more than four calendar days per year.

f. Annual arts venue event licenses, to persons operating an arts venue, which shall authorize the licensee participating in a community art walk that is open to the public to serve lawfully acquired wine or beer on the premises of the licensee to adult patrons thereof during such events. However, alcoholic beverages shall not be sold or charged for in any way, directly or indirectly, by the licensee, and the licensee shall not give more than two five-ounce glasses of wine or two 12-ounce glasses of beer to any one adult patron. The privileges of this license shall be (i) limited to the premises of the arts venue regularly occupied and used as such and (ii) exercised on no more than 12 calendar days per year.

E. The Board may grant a marketplace license to persons operating a business enterprise of which the primary function is not the sale of alcoholic beverages, which shall authorize the licensee to serve complimentary wine or beer to bona fide customers on the licensed premises subject to any limitations imposed by the Board; however, the licensee shall not give more than two five-ounce glasses of wine or two 12-ounce glasses of beer to any customer per day, nor shall it sell or otherwise charge a fee to such customer for the wine or beer served or consumed. In order to be eligible for and retain a marketplace license, the applicant's business enterprise must (i) provide a single category of goods or services in a manner intended to create a personalized experience for the customer; (ii) employ staff with expertise in such goods or services; (iii) be ineligible for any other license granted by the Board; (iv) have an alcoholic beverage control manager on the licensed premises at all times alcohol is served; (v) ensure that all employees satisfy any training requirements imposed by the Board; and (vi) purchase all wine and beer to be served from a licensed wholesaler or the Authority and retain purchase records as prescribed by the Board. In determining whether to grant a marketplace license, the Board shall consider (a) the average amount of time customers spend at the business; (b) the business's hours of operation; (c) the amount of time that the business has been in operation; and (d) any other requirements deemed necessary by the Board to protect the public health, safety, and welfare.

F. The Board may grant the following shipper, bottler, and related licenses:

1. Wine and beer shipper licenses, which shall carry the privileges and limitations set forth in § 4.1-209.1.

2. Internet wine and beer retailer licenses, which shall authorize persons located within or outside the Commonwealth to sell and ship wine and beer, in accordance with § 4.1-209.1 and Board regulations, in closed containers to persons in the Commonwealth to whom wine and beer may be lawfully sold for off-premises consumption. Such licensee shall not be required to comply with the monthly food sale requirement established by Board regulations.

3. Bottler licenses, which shall authorize the licensee to acquire and receive deliveries and shipments of beer in closed containers and to bottle, sell, and deliver or ship it, in accordance with Board regulations to (i) wholesale beer licensees for the purpose of resale, (ii) owners of boats registered under the laws of the United States sailing for ports of call of a foreign country or another state, and (iii) persons outside the Commonwealth for resale outside the Commonwealth.

4. Fulfillment warehouse licenses, which shall authorize associations as defined in § 13.1-313 with a place of business located in the Commonwealth to (i) receive deliveries and shipments of wine or beer owned by holders of wine and beer shipper's licenses; (ii) store such wine or beer on behalf of the owner; and (iii) pick, pack, and ship such wine or beer as directed by the owner, all in accordance with Board regulations. No wholesale wine or wholesale beer licensee, whether licensed in the Commonwealth or not, or any person under common control of such licensee, shall acquire or hold any financial interest, direct or indirect, in the business for which any fulfillment warehouse license is issued.

5. Marketing portal licenses, which shall authorize agricultural cooperative associations organized under the provisions of the Agricultural Cooperative Association Act (§ 13.1-312 et seq.), with a place of business located in the Commonwealth, in accordance with Board regulations, to solicit and receive orders for wine or beer through the use of the Internet from persons in the Commonwealth to whom wine or beer may be lawfully sold, on behalf of holders of wine and beer shipper's licenses. Upon receipt of an order for wine or beer, the licensee shall forward it to a holder of a wine and beer shipper's license for fulfillment. Marketing portal licensees may also accept payment on behalf of the shipper.

6. Third-party delivery licenses, which shall carry the privileges and limitations set forth in § 4.1-212.2.

§ 4.1-209. Wine and beer license privileges; advertising; displays; tastings.

A. Notwithstanding any provision of law to the contrary, persons granted a wine and beer license pursuant to § 4.1-206.3 may display within their licensed premises point-of-sale advertising materials that incorporate the use of any professional athlete or athletic team, provided that such advertising materials (i) otherwise comply with the applicable regulations of the federal Bureau of Alcohol, Tobacco and Firearms and (ii) do not depict any athlete consuming or about to

consume alcohol prior to or while engaged in an athletic activity, do not depict an athlete consuming alcohol while the athlete is operating or about to operate a motor vehicle or other machinery, and do not imply that the alcoholic beverage so advertised enhances athletic prowess.

B. Persons granted a license to sell wine and beer for off-premises consumption that display such wine and beer outside a clearly discernible location reserved for alcoholic beverages shall (i) not place wine or beer in an area immediately adjacent to nonalcoholic beverages containing the same or similar brand name, logo, or packaging as an alcoholic beverage and (ii) equip any such display with signage that indicates the product is an alcoholic beverage, is clearly visible to consumers, and is of sufficient size to notify the consumer that the product contains alcohol. Nothing in this subsection shall prohibit the placement of nonalcoholic wine or beer in or near a display of alcoholic beverages that contain the same or similar brand name, logo, or packaging as the nonalcoholic wine or beer.

C. Persons granted retail on-and-off-premises wine and beer licenses pursuant to the following provisions may conduct wine or beer tastings sponsored by the licensee for its customers for on-premises consumption:

1. Subdivision A 1, 4, 5, 6, 7, 8, or ~~14~~ *13* of § 4.1-206.3;

2. Subdivision B 1, 2, 4, 5, 6, 7, or 8 of § 4.1-206.3;

3. Subdivision C 1 or 2 of § 4.1-206.3;

4. Subdivision D 1 a, b, or d or 2 a of § 4.1-206.3; or

5. Subdivision F 4 or 5 of § 4.1-206.3.

Such licensees may sell or give samples of wine and beer in designated areas at events held by the licensee for the purpose of featuring and educating the consuming public about the alcoholic beverages being tasted. Additionally, with the consent of the licensee, farm wineries, wineries, and breweries may participate in tastings held by licensees authorized to conduct tastings, including the pouring of samples to any person to whom alcoholic beverages may be lawfully sold. No single sample shall exceed four ounces of beer or two ounces of wine, and no more than 12 ounces of beer or five ounces of wine shall be given or sold to any person per day.

§ 4.1-231.1. (Effective until July 1, 2024) Fees on state licenses.

A. (Contingent expiration date) The annual fees on state licenses shall be as follows:

1. Manufacturer licenses. For each:

a. Distiller's license and limited distiller's license, if not more than 5,000 gallons of alcohol or spirits, or both, manufactured during the year in which the license is granted, $490; if more than 5,000 gallons but not more than 36,000 gallons manufactured during such year, $2,725; and if more than 36,000 gallons manufactured during such year, $4,060;

b. Brewery license and limited brewery license, if not more than 500 barrels of beer manufactured during the year in which the license is granted, $380; if not more than 10,000 barrels of beer manufactured during the year in which the license is granted, $2,350; and if more than 10,000 barrels manufactured during such year, $4,690;

c. Winery license, if not more than 5,000 gallons of wine manufactured during the year in which the license is granted, $215, and if more than 5,000 gallons manufactured during such year, $4,210;

d. Farm winery license, $275 for any Class I or Class II license, $500 for any Class III license, and $4,000 for any Class IV license;

e. Wine importer's license, $460; and

f. Beer importer's license, $460.

2. Wholesale licenses. For each:

a. (1) Wholesale beer license, $1,005 for any wholesaler who sells 300,000 cases of beer a year or less, $1,545 for any wholesaler who sells more than 300,000 but not more than 600,000 cases of beer a year, and $2,010 for any wholesaler who sells more than 600,000 cases of beer a year; and

(2) Wholesale beer license applicable to two or more premises, the annual state license tax shall be the amount set forth in subdivision a (1), multiplied by the number of separate locations covered by the license;

b. (1) Wholesale wine license, $240 for any wholesaler who sells 30,000 gallons of wine or less per year, $1,200 for any wholesaler who sells more than 30,000 gallons per year but not more than 150,000 gallons of wine per year, $1,845 for any wholesaler who sells more than 150,000 but not more than 300,000 gallons of wine per year, and $2,400 for any wholesaler who sells more than 300,000 gallons of wine per year; and

(2) Wholesale wine license, including that granted pursuant to subdivision 3 of § 4.1-206.2, applicable to two or more premises, the annual state license tax shall be the amount set forth in subdivision b (1), multiplied by the number of separate locations covered by the license.

3. Retail licenses — mixed beverage. For each:

a. Mixed beverage restaurant license, granted to persons operating restaurants, including restaurants located on premises of and operated by casinos, hotels or motels, or other persons:

(1) With a seating capacity at tables for up to 100 persons, $1,050;

(2) With a seating capacity at tables for more than 100 but not more than 150 persons, $1,495;

(3) With a seating capacity at tables for more than 150 persons but not more than 500 persons, $1,980;

(4) With a seating capacity at tables for more than 500 persons but not more than 1,000 persons, $2,500; and

(5) With a seating capacity at tables for more than 1,000 persons, $3,100;

b. Mixed beverage restaurant license for restaurants located on the premises of and operated by private, nonprofit clubs:

(1) With an average yearly membership of not more than 200 resident members, $1,250;

(2) With an average yearly membership of more than 200 but not more than 500 resident members, $2,440; and

(3) With an average yearly membership of more than 500 resident members, $3,410;

c. Mixed beverage casino license, $3,100 plus an additional $5 for each gaming station located on the premises of the casino gaming establishment. For the purposes of this subdivision, "gaming station" means each slot machine and each casino gaming table that is in active use, as determined annually on December 31;

d. Mixed beverage caterer's license, $1,990;

e. Mixed beverage limited caterer's license, $550;

f. Mixed beverage carrier license:

(1) $520 for each of the average number of dining cars, buffet cars, or club cars operated daily in the Commonwealth by a common carrier of passengers by train;

(2) $910 for each common carrier of passengers by boat;

(3) $520 for each common carrier of passengers by bus; and

(4) $2,360 for each license granted to a common carrier of passengers by airplane;

g. Annual mixed beverage ~~motor~~ sports facility license, $630;

h. Limited mixed beverage restaurant license:

(1) With a seating capacity at tables for up to 100 persons, $945;

(2) With a seating capacity at tables for more than 100 but not more than 150 persons, $1,385; and

(3) With a seating capacity at tables for more than 150 persons, $1,875;

i. Annual mixed beverage performing arts facility license, $630;

j. Bed and breakfast license, $100;

k. Museum license, $260;

l. ~~Motor car sporting event facility license, $300;~~

~~m.~~ Commercial lifestyle center license, $300;

~~n.~~ *m.* Mixed beverage port restaurant license, $1,050; and

~~o.~~ *n.* Annual mixed beverage special events license, $630.

4. Retail licenses — on-and-off-premises wine and beer. For each on-and-off premises wine and beer license, $450.

5. Retail licenses — off-premises wine and beer. For each:

a. Retail off-premises wine and beer license, $300;

b. Gourmet brewing shop license, $320; and

c. Confectionery license, $170.

6. Retail licenses — banquet, special event, and tasting licenses.

a. Per-day event licenses. For each:

(1) Banquet license, $40 per license granted by the Board, except for banquet licenses granted by the Board pursuant to subsection A of § 4.1-215, which shall be $100 per license;

(2) Mixed beverage special events license, $45 for each day of each event;

(3) Mixed beverage club events license, $35 for each day of each event; and

(4) Tasting license, $40.

b. Annual licenses. For each:

(1) Annual banquet license, $300;

(2) Banquet facility license, $260;

(3) Designated outdoor refreshment area license, $300. However, for any designated outdoor refreshment area license issued pursuant to a local ordinance, the annual fee shall be $3,000;

(4) Annual mixed beverage banquet license, $630;

(5) Equine sporting event license, $300; and

(6) Annual arts venue event license, $300.

7. Retail licenses — marketplace. For each marketplace license, $1,000. However, if the license privileges are exercised during a period of six or less consecutive months and such period is specified prior to the beginning of the license year, the annual fee shall be $500.

8. Retail licenses — shipper, bottler, and related licenses. For each:

a. Wine and beer shipper's license, $230;

b. Internet wine and beer retailer license, $240;

c. Bottler license, $1,500;

d. Fulfillment warehouse license, $210;

e. Marketing portal license, $285; and

f. Third-party delivery license, $7,500, unless the licensee provides written certification to the Board that the licensee has no more than 25 delivery personnel, including employees, agents, and independent contractors that engage in direct-to-consumer alcoholic beverage delivery, in which case the license fee shall be $2,500.

9. Temporary licenses. For each temporary license authorized by § 4.1-211, one-half of the tax imposed by this section on the license for which the applicant applied.

B. The tax on each license granted or reissued for a period other than 12, 24, or 36 months shall be equal to one-twelfth of the taxes required by subsection A computed to the nearest cent, multiplied by the number of months in the license period, and then increased by five percent. Such tax shall not be refundable, except as provided in § 4.1-232.

C. Nothing in this chapter shall exempt any licensee from any state merchants' license or state restaurant license or any other state tax. Every licensee, in addition to the taxes imposed by this chapter, shall be liable to state merchants' license taxation and state restaurant license taxation and other state taxation the same as if the alcoholic beverages were nonalcoholic. In ascertaining the liability of a beer wholesaler to merchants' license taxation, however, and in computing the wholesale merchants' license tax on a beer wholesaler, the first $163,800 of beer purchases shall be disregarded; and in ascertaining the liability of a wholesale wine distributor to merchants' license taxation, and in computing the wholesale merchants' license tax on a wholesale wine distributor, the first $163,800 of wine purchases shall be disregarded.

D. In addition to the taxes set forth in this section, a fee of $5 may be imposed on any license purchased in person from the Board if such license is available for purchase online.

§ 4.1-231.1. (Effective July 1, 2024) Fees on state licenses.

A. (Contingent expiration date) The annual fees on state licenses shall be as follows:

1. Manufacturer licenses. For each:

a. Distiller's license and limited distiller's license, if not more than 5,000 gallons of alcohol or spirits, or both, manufactured during the year in which the license is granted, $490; if more than 5,000 gallons but not more than 36,000 gallons manufactured during such year, $2,725; and if more than 36,000 gallons manufactured during such year, $4,060;

b. Brewery license and limited brewery license, if not more than 500 barrels of beer manufactured during the year in which the license is granted, $380; if not more than 10,000 barrels of beer manufactured during the year in which the license is granted, $2,350; and if more than 10,000 barrels manufactured during such year, $4,690;

c. Winery license, if not more than 5,000 gallons of wine manufactured during the year in which the license is granted, $215, and if more than 5,000 gallons manufactured during such year, $4,210;

d. Farm winery license, $275 for any Class I or Class II license, $500 for any Class III license, and $4,000 for any Class IV license;

e. Wine importer's license, $460; and

f. Beer importer's license, $460.

2. Wholesale licenses. For each:

a. (1) Wholesale beer license, $1,005 for any wholesaler who sells 300,000 cases of beer a year or less, $1,545 for any wholesaler who sells more than 300,000 but not more than 600,000 cases of beer a year, and $2,010 for any wholesaler who sells more than 600,000 cases of beer a year; and

(2) Wholesale beer license, including a license granted pursuant to subdivision 2 of § 4.1-206.2, applicable to two or more premises, the annual state license tax shall be the amount set forth in subdivision a (1), multiplied by the number of separate locations covered by the license;

b. (1) Wholesale wine license, $240 for any wholesaler who sells 30,000 gallons of wine or less per year, $1,200 for any wholesaler who sells more than 30,000 gallons per year but not more than 150,000 gallons of wine per year, $1,845 for any wholesaler who sells more than 150,000 but not more than 300,000 gallons of wine per year, and $2,400 for any wholesaler who sells more than 300,000 gallons of wine per year; and

(2) Wholesale wine license, including a license granted pursuant to subdivision 4 of § 4.1-206.2, applicable to two or more premises, the annual state license tax shall be the amount set forth in subdivision b (1), multiplied by the number of separate locations covered by the license.

3. Retail licenses — mixed beverage. For each:

a. Mixed beverage restaurant license, granted to persons operating restaurants, including restaurants located on premises of and operated by casinos, hotels or motels, or other persons:

(1) With a seating capacity at tables for up to 100 persons, $1,050;

(2) With a seating capacity at tables for more than 100 but not more than 150 persons, $1,495;

(3) With a seating capacity at tables for more than 150 persons but not more than 500 persons, $1,980;

(4) With a seating capacity at tables for more than 500 persons but not more than 1,000 persons, $2,500; and

(5) With a seating capacity at tables for more than 1,000 persons, $3,100;

b. Mixed beverage restaurant license for restaurants located on the premises of and operated by private, nonprofit clubs:

(1) With an average yearly membership of not more than 200 resident members, $1,250;

(2) With an average yearly membership of more than 200 but not more than 500 resident members, $2,440; and

(3) With an average yearly membership of more than 500 resident members, $3,410;

c. Mixed beverage casino license, $3,100 plus an additional $5 for each gaming station located on the premises of the casino gaming establishment. For the purposes of this subdivision, "gaming station" means each slot machine and each casino gaming table that is in active use, as determined annually on December 31;

d. Mixed beverage caterer's license, $1,990;

e. Mixed beverage limited caterer's license, $550;

f. Mixed beverage carrier license:

(1) $520 for each of the average number of dining cars, buffet cars, or club cars operated daily in the Commonwealth by a common carrier of passengers by train;

(2) $910 for each common carrier of passengers by boat;

(3) $520 for each common carrier of passengers by bus; and

(4) $2,360 for each license granted to a common carrier of passengers by airplane;

g. Annual mixed beverage ~~motor~~ sports facility license, $630;

h. Limited mixed beverage restaurant license:

(1) With a seating capacity at tables for up to 100 persons, $945;

(2) With a seating capacity at tables for more than 100 but not more than 150 persons, $1,385; and

(3) With a seating capacity at tables for more than 150 persons, $1,875;

i. Annual mixed beverage performing arts facility license, $630;

j. Bed and breakfast license, $100;

k. Museum license, $260;

l. ~~Motor car sporting event facility license, $300;~~

~~m.~~ Commercial lifestyle center license, $300;

~~n.~~ *m.* Mixed beverage port restaurant license, $1,050; and

~~o.~~ *n.* Annual mixed beverage special events license, $630.

4. Retail licenses — on-and-off-premises wine and beer. For each on-and-off premises wine and beer license, $450.

5. Retail licenses — off-premises wine and beer. For each:

a. Retail off-premises wine and beer license, $300;

b. Gourmet brewing shop license, $320; and

c. Confectionery license, $170.

6. Retail licenses — banquet, special event, and tasting licenses.

a. Per-day event licenses. For each:

(1) Banquet license, $40 per license granted by the Board, except for banquet licenses granted by the Board pursuant to subsection A of § 4.1-215, which shall be $100 per license;

(2) Mixed beverage special events license, $45 for each day of each event;

(3) Mixed beverage club events license, $35 for each day of each event; and

(4) Tasting license, $40.

b. Annual licenses. For each:

(1) Annual banquet license, $300;

(2) Banquet facility license, $260;

(3) Designated outdoor refreshment area license, $300. However, for any designated outdoor refreshment area license issued pursuant to a local ordinance, the annual fee shall be $3,000;

(4) Annual mixed beverage banquet license, $630;

(5) Equine sporting event license, $300; and

(6) Annual arts venue event license, $300.

7. Retail licenses — marketplace. For each marketplace license, $1,000. However, if the license privileges are exercised during a period of six or less consecutive months and such period is specified prior to the beginning of the license year, the annual fee shall be $500.

8. Retail licenses — shipper, bottler, and related licenses. For each:

a. Wine and beer shipper's license, $230;

b. Internet wine and beer retailer license, $240;

c. Bottler license, $1,500;

d. Fulfillment warehouse license, $210;

e. Marketing portal license, $285; and

f. Third-party delivery license, $7,500, unless the licensee provides written certification to the Board that the licensee has no more than 25 delivery personnel, including employees, agents, and independent contractors that engage in direct-to-consumer alcoholic beverage delivery, in which case the license fee shall be $2,500.

9. Temporary licenses. For each temporary license authorized by § 4.1-211, one-half of the tax imposed by this section on the license for which the applicant applied.

B. The tax on each license granted or reissued for a period other than 12, 24, or 36 months shall be equal to one-twelfth of the taxes required by subsection A computed to the nearest cent, multiplied by the number of months in the license period, and then increased by five percent. Such tax shall not be refundable, except as provided in § 4.1-232.

C. Nothing in this chapter shall exempt any licensee from any state merchants' license or state restaurant license or any other state tax. Every licensee, in addition to the taxes imposed by this chapter, shall be liable to state merchants' license taxation and state restaurant license taxation and other state taxation the same as if the alcoholic beverages were nonalcoholic. In ascertaining the liability of a beer wholesaler to merchants' license taxation, however, and in computing the wholesale merchants' license tax on a beer wholesaler, the first $163,800 of beer purchases shall be disregarded; and in

ascertaining the liability of a wholesale wine distributor to merchants' license taxation, and in computing the wholesale merchants' license tax on a wholesale wine distributor, the first $163,800 of wine purchases shall be disregarded.

D. In addition to the taxes set forth in this section, a fee of $5 may be imposed on any license purchased in person from the Board if such license is available for purchase online.

§ 4.1-233.1. Fees on local licenses.

A. In addition to the state license taxes, the annual local license taxes that may be collected shall not exceed the following sums:

1. Manufacturer licenses. For each:

a. Distiller's license and limited distiller's license, if more than 5,000 gallons but not more than 36,000 gallons manufactured during such year, $750; if more than 36,000 gallons manufactured during such year, $1,000; and no local license shall be required for any person who manufactures not more than 5,000 gallons of alcohol or spirits, or both, during such license year;

b. Brewery license and limited brewery license, if not more than 500 barrels of beer manufactured during the year in which the license is granted, $250, and if more than 500 barrels manufactured during such year, $1,000;

c. Winery license, $50; and

d. Farm winery license, $50.

2. Wholesale licenses. For each:

a. Wholesale beer license, in a city, $250, and in a county or town, $75; and

b. Wholesale wine license, $50.

3. Retail licenses — mixed beverage. For each:

a. Mixed beverage restaurant license, granted to persons operating restaurants, including restaurants located on premises of and operated by casinos, hotels or motels, or other persons:

(1) With a seating capacity at tables for up to 100 persons, $200;

(2) With a seating capacity at tables for more than 100 but not more than 150 persons, $350;

(3) With a seating capacity at tables for more than 150 persons but not more than 500 persons, $500;

(4) With a seating capacity at tables for more than 500 persons but not more than 1,000 persons, $650; and

(5) With a seating capacity at tables for more than 1,000 persons, $800;

b. Mixed beverage restaurant license for restaurants located on the premises of and operated by private, nonprofit clubs, $350;

c. Mixed beverage casino license, $800 plus an additional $2 for each gaming station located on the premises of the casino gaming establishment. For the purposes of this subdivision, "gaming station" means each slot machine and each casino gaming table that is in active use, as determined annually on December 31;

d. Mixed beverage caterer's license, $500;

e. Mixed beverage limited caterer's license, $100;

f. Annual mixed beverage ~~motor~~ sports facility license, $300;

g. Limited mixed beverage restaurant license:

(1) With a seating capacity at tables for up to 100 persons, $100;

(2) With a seating capacity at tables for more than 100 but not more than 150 persons, $250; or

(3) With a seating capacity at tables for more than 150 persons, $400;

h. Annual mixed beverage performing arts facility license, $300;

i. Bed and breakfast license, $40;

j. Museum license, $10;

k. ~~Motor car sporting event facility license, $10;~~

~~l.~~ Commercial lifestyle center license, $60; and

~~m.~~ *l.* Annual mixed beverage special events license, $300.

4. Retail licenses — on-and-off-premises wine and beer. For each on-and-off premises wine and beer license issued to:

a. Hotels, restaurants, and clubs, in a city, $150, and in a county or town, $37.50;

b. Hospitals, $10;

c. Rural grocery stores, $37.50; and

d. Historic cinema houses, $20.

5. Retail licenses — off-premises wine and beer. For each:

a. Retail off-premises wine and beer license, in a city, $150, and in a county or town, $37.50;

b. Gourmet brewing shop license, $150; and

c. Confectionery license, $20.

6. Retail licenses — banquet, special event, and tasting licenses. For each:

a. Per-day event licenses. For each:

(1) Banquet license, $5 per license granted by the Board, except for banquet licenses granted by the Board pursuant to subsection A of § 4.1-215, which shall be $20 per license;

(2) Mixed beverage special events license, $10 for each day of each event;

(3) Mixed beverage club events license, $10 for each day of each event; and

(4) Tasting license, $10.

b. Annual licenses. For each:

(1) Annual banquet license, $15;

(2) Designated outdoor refreshment area license, $60. However, for any designated outdoor refreshment area license issued pursuant to a local ordinance, the annual tax shall be $600;

(3) Annual mixed beverage banquet license, $75;

(4) Equine sporting event license, $10; and

(5) Annual arts venue event license, $10.

7. Retail licenses — marketplace. For each marketplace license, $200. However, if the license privileges are exercised during a period of six or less consecutive months and such period is specified prior to the beginning of the license year, the annual tax shall be $100.

8. Retail licenses — shipper, bottler, and related licenses. For each:

a. Wine and beer shipper's license, $10; and

b. Bottler license, $500.

B. Common carriers. No local license tax shall be either charged or collected for the privilege of selling alcoholic beverages in (i) passenger trains, boats, buses, or airplanes or (ii) rooms designated by the Board of establishments of air carriers of passengers at airports in the Commonwealth for on-premises consumption only.

C. Merchants' and restaurants' license taxes. The governing body of each county, city, or town in the Commonwealth, in imposing local wholesale merchants' license taxes measured by purchases, local retail merchants' license taxes measured by sales, and local restaurant license taxes measured by sales, may include alcoholic beverages in the base for measuring such local license taxes the same as if the alcoholic beverages were nonalcoholic. No local alcoholic beverage license authorized by this chapter shall exempt any licensee from any local merchants' or local restaurant license tax, but such local merchants' and local restaurant license taxes may be in addition to the local alcoholic beverage license taxes authorized by this chapter.

The governing body of any county, city, or town, in adopting an ordinance under this section, shall provide that in ascertaining the liability of (i) a beer wholesaler to local merchants' license taxation under the ordinance, and in computing the local wholesale merchants' license tax on such beer wholesaler, purchases of beer up to a stated amount shall be disregarded, which stated amount shall be the amount of beer purchases which would be necessary to produce a local wholesale merchants' license tax equal to the local wholesale beer license tax paid by such wholesaler and (ii) a wholesale wine licensee to local merchants' license taxation under the ordinance, and in computing the local wholesale merchants' license tax on such wholesale wine licensee, purchases of wine up to a stated amount shall be disregarded, which stated amount shall be the amount of wine purchases which would be necessary to produce a local wholesale merchants' license tax equal to the local wholesale wine licensee license tax paid by such wholesale wine licensee.

D. Delivery. No county, city, or town shall impose any local alcoholic beverage license tax on any wholesaler for the privilege of delivering alcoholic beverages in the county, city, or town when such wholesaler maintains no place of business in such county, city, or town.

E. Application of county tax within town. Any county license tax imposed under this section shall not apply within the limits of any town located in such county, where such town imposes a town license tax on the same privilege.

§ 4.1-309. Drinking or possessing alcoholic beverages in or on public school grounds; penalty.

A. No person shall possess or drink any alcoholic beverage in or upon the grounds of any public elementary or secondary school during school hours or school or student activities.

B. In addition, no person shall drink and no organization shall serve any alcoholic beverage in or upon the grounds of any public elementary or secondary school after school hours or school or student activities, except for religious congregations using wine for sacramental purposes only.

C. Any person convicted of a violation of this section shall be guilty of a Class 2 misdemeanor.

D. This section shall not prohibit any person from possessing or drinking alcoholic beverages or any organization from serving alcoholic beverages in areas approved by the Board at a performing arts ~~center owned by the City of Alexandria or the City of Portsmouth~~ *facility*, provided the organization operating the performing arts ~~center~~ *facility* or its lessee has a license granted by the Board.

§ 4.1-325. Prohibited acts by mixed beverage licensees; penalty.

A. In addition to § 4.1-324, no mixed beverage licensee nor any agent or employee of such licensee shall:

1. Sell or serve any alcoholic beverage other than as authorized by law;

2. Sell any authorized alcoholic beverage to any person or at any place except as authorized by law;

3. Allow at the place described in his license the consumption of alcoholic beverages in violation of this subtitle;

4. Keep at the place described in his license any alcoholic beverage other than that which he is licensed to sell;

5. Misrepresent the brand of any alcoholic beverage sold or offered for sale;

6. Keep any alcoholic beverage other than in the bottle or container in which it was purchased by him except (i) for a frozen alcoholic beverage, which may include alcoholic beverages in a frozen drink dispenser of a type approved by the Board; (ii) in the case of wine, in containers of a type approved by the Board pending automatic dispensing and sale of such wine; and (iii) as otherwise provided by Board regulation. Neither this subdivision nor any Board regulation shall prohibit any mixed beverage licensee from premixing containers of sangria, to which spirits may be added, to be served and sold for consumption on the licensed premises;

7. Refill or partly refill any bottle or container of alcoholic beverage or dilute or otherwise tamper with the contents of any bottle or container of alcoholic beverage, except as provided by Board regulation adopted pursuant to subdivision B 11 of § 4.1-111;

8. Sell or serve any brand of alcoholic beverage which is not the same as that ordered by the purchaser without first advising such purchaser of the difference;

9. Remove or obliterate any label, mark, or stamp affixed to any container of alcoholic beverages offered for sale;

10. Deliver or sell the contents of any container if the label, mark, or stamp has been removed or obliterated;

11. Allow any obscene conduct, language, literature, pictures, performance, or materials on the licensed premises;

12. Allow any striptease act on the licensed premises;

13. Allow persons connected with the licensed business to appear nude or partially nude;

14. Consume or allow the consumption by an employee of any alcoholic beverages while on duty and in a position that is involved in the selling or serving of alcoholic beverages to customers.

The provisions of this subdivision shall not prohibit any retail licensee or his designated employee from (i) consuming product samples or sample servings of (a) beer or wine provided by a representative of a licensed beer or wine wholesaler or manufacturer or (b) a distilled spirit provided by a permittee of the Board who represents a distiller, if such samples are provided in accordance with Board regulations and the retail licensee or his designated employee does not violate the provisions of subdivision A 1 f of § 4.1-225 or (ii) tasting an alcoholic beverage that has been or will be delivered to a customer for quality control purposes;

15. Deliver to a consumer an original bottle of an alcoholic beverage purchased under such license whether the closure is broken or unbroken except in accordance with § 4.1-206.3.

The provisions of this subdivision shall not apply to the delivery of:

a. "Soju." For the purposes of this subdivision, "soju" means a traditional Korean alcoholic beverage distilled from rice, barley or sweet potatoes; or

b. Spirits, provided (i) the original container is no larger than 375 milliliters, (ii) the alcohol content is no greater than 15 percent by volume, and (iii) the contents of the container are carbonated and perishable;

16. Be intoxicated while on duty or employ an intoxicated person on the licensed premises;

17. Conceal any sale or consumption of any alcoholic beverages;

18. Fail or refuse to make samples of any alcoholic beverages available to the Board upon request or obstruct special agents of the Board in the discharge of their duties;

19. Store alcoholic beverages purchased under the license in any unauthorized place or remove any such alcoholic beverages from the premises;

20. Knowingly employ in the licensed business any person who has the general reputation as a prostitute, panderer, habitual law violator, person of ill repute, user or peddler of narcotics, or person who drinks to excess or engages in illegal gambling;

21. Keep on the licensed premises, except for the premises of a mixed beverage casino licensee, a slot machine or any prohibited gambling or gaming device, machine, or apparatus;

22. Make any gift of an alcoholic beverage, other than as a gift made (i) to a personal friend, as a matter of normal social intercourse, so long as the gift is in no way a shift or device to evade the restriction set forth in this subdivision; (ii) to a person responsible for the planning, preparation or conduct on any conference, convention, trade show or event held or to be held on the premises of the licensee, when such gift is made in the course of usual and customary business entertainment and is in no way a shift or device to evade the restriction set forth in this subdivision; (iii) pursuant to subsection C of § 4.1-209; (iv) pursuant to subdivision A 10 of § 4.1-201; (v) by a mixed beverage casino licensee to a patron of such licensee in accordance with the provisions of subdivision A ~~15~~ *14* of § 4.1-206.3; or (vi) pursuant to any Board regulation. Any gift permitted by this subdivision shall be subject to the taxes imposed by this subtitle on sales of alcoholic beverages. The licensee shall keep complete and accurate records of gifts given in accordance with this subdivision; or

23. Establish any normal or customary pricing of its alcoholic beverages that is intended as a shift or device to evade any "happy hour" regulations adopted by the Board; however, a licensee may increase the volume of an alcoholic beverage sold to a customer if there is a commensurate increase in the normal or customary price charged for the same alcoholic beverage.

B. Any person convicted of a violation of this section is guilty of a Class 1 misdemeanor.

C. The provisions of subdivisions A 12 and A 13 shall not apply to persons operating theaters, concert halls, art centers, museums, or similar establishments that are devoted primarily to the arts or theatrical performances, when the performances that are presented are expressing matters of serious literary, artistic, scientific, or political value.

2. That the provisions of this act shall not prohibit any person from obtaining or retaining an annual mixed beverage performing arts facility license or an on-and-off-premises wine and beer license as a performing arts food concessionaire for a premises that operated as (i) a mixed beverage performing arts facility or a performing arts food concessionaire pursuant to § 4.1-206.3 of the Code of Virginia on June 30, 2024, or (ii) a mixed beverage performing arts facility pursuant to the third enactment of this act on December 31, 2024.

3. That the Board of Directors (Board) of the Virginia Alcoholic Beverage Control Authority may issue an annual mixed beverage performing arts facility license, pursuant to § 4.1-206.3 of the Code of Virginia, as amended by this act, to persons operating food concessions at any performing arts facility located in the City of Richmond, provided

that the performing arts facility (i) is occupied under a bona fide long-term lease or concession agreement, the original term of which was more than five years; (ii) has a capacity in excess of 400 patrons; (iii) has been rehabilitated in accordance with historic preservation standards; and (iv) has monthly gross receipts from the sale of food cooked, or prepared, and consumed on the premises and nonalcoholic beverages served on the premises that meet or exceed the monthly minimum established by Board regulations for mixed beverage restaurants. The provisions of this enactment shall expire on January 1, 2025.

CHAPTER 623

An Act to direct the Board of Education to develop and adopt policies relating to supporting Students with Limited and/or Interrupted Formal Education (SLIFE) in staying in and graduating from high school.

[S 433]

Approved April 8, 2024

Be it enacted by the General Assembly of Virginia:

1. *§ 1. The Board of Education shall develop and adopt policies relating to supporting Students with Limited and/or Interrupted Formal Education (SLIFE students) in staying in and graduating from, or otherwise completing, high school in the Commonwealth. In developing such policies, the Board shall develop a formula for calculating high school drop-out rates and a formula for calculating high school graduation rates that do not include in such calculations any SLIFE student who dropped out if such student had not yet been enrolled in a public high school in the Commonwealth for at least two semesters.*

CHAPTER 624

An Act to amend and reenact §§ 2.2-2485, 2.2-2489, 2.2-5101, and 2.2-5102.1 of the Code of Virginia, relating to Virginia Growth and Opportunity Act; Virginia investment performance grants; Virginia economic development incentive grants.

[S 496]

Approved April 8, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-2485, 2.2-2489, 2.2-5101, and 2.2-5102.1 of the Code of Virginia are amended and reenacted as follows:

§ 2.2-2485. Virginia Growth and Opportunity Board; membership; terms; compensation.

A. The Virginia Growth and Opportunity Board is established as a policy board in the executive branch of state government. The purpose of the Board is to promote collaborative regional economic and workforce development opportunities and activities.

B. The Board shall have a total membership of ~~24~~ *25* members that shall consist of seven legislative members, 14 nonlegislative citizen members, and ~~three~~ *four* ex officio members. Members shall be appointed as follows: four members of the House of Delegates, consisting of the Chairman of the House Committee on Appropriations and three members appointed by the Speaker of the House of Delegates; three members of the Senate, consisting of the Chairman of the Senate Committee on Finance and Appropriations and two members appointed by the Senate Committee on Rules; two nonlegislative citizen members to be appointed by the Speaker of the House of Delegates, who shall be from different regions of the Commonwealth and have significant private-sector business experience; two nonlegislative citizen members to be appointed by the Senate Committee on Rules, who shall be from different regions of the Commonwealth and have significant private-sector business experience; two nonlegislative citizen members to be appointed by the Governor, who shall be from different regions of the Commonwealth and have significant private-sector business experience; and eight nonlegislative citizen members to be appointed by the Governor, subject to the confirmation of the General Assembly, who shall have significant private-sector business experience. Of the Governor's nonlegislative citizen appointments subject to General Assembly confirmation, no more than two appointees may be from any one region of the Commonwealth. The Speaker of the House of Delegates and the Senate Committee on Rules shall submit a list of recommended nonlegislative citizens with significant private-sector business experience for the Governor to consider in making his nonlegislative citizen appointments. The Governor shall also appoint ~~three~~ *four* Secretaries from the following, who shall serve ex officio with voting privileges: the Secretary of Agriculture and Forestry, the Secretary of Commerce and Trade, the Secretary of Education, *the Secretary of Labor,* and the Secretary of Finance. Nonlegislative citizen members shall be citizens of the Commonwealth.

C. Legislative members and ex officio members of the Board shall serve terms coincident with their terms of office. After the initial staggering of terms, nonlegislative citizen members shall be appointed for a term of four years. Appointments to fill vacancies, other than by expiration of a term, shall be for the unexpired terms. Vacancies shall be filled in the same manner as the original appointments. No House member appointed by the Speaker of the House shall serve more than four consecutive two-year terms, no Senate member appointed by the Senate Committee on Rules shall serve more than two consecutive four-year terms, and no nonlegislative citizen member shall serve more than two consecutive

four-year terms. The remainder of any term to which a member is appointed to fill a vacancy shall not constitute a term in determining the member's eligibility for reappointment.

D. The Board shall elect a chairman and vice-chairman from among its membership. The chairman shall be a nonlegislative citizen member. A majority of the members shall constitute a quorum.

E. Any decision by the Board shall require an affirmative vote of a majority of the members of the Board.

F. Legislative members of the Board shall receive such compensation as provided in § 30-19.12, and nonlegislative citizen members shall receive compensation as provided in § 2.2-2813 for the performance of their duties. All members shall be reimbursed for all reasonable and necessary expenses incurred in the performance of their duties as provided in §§ 2.2-2813 and 2.2-2825.

G. Staff support and technical assistance to the Board and the Governor in carrying out the provisions of this article shall be provided by the agencies of the Secretariats of Commerce and Trade, Education, and Finance.

§ 2.2-2489. Award of grants to regional councils.

A. The Board shall establish guidelines, procedures, and objective criteria for the award and distribution of grants from the Fund to regional councils.

B. In order to qualify to receive grants from the Fund, a regional council shall develop an economic growth and diversification plan to (i) promote private-sector growth and opportunity in the region; (ii) identify issues of economic competitiveness for the region, including gaps in education and skills required to meet existing and prospective employer needs within the region; and (iii) outline steps that the collaborating business, education, and government entities in the region will pursue to expand economic opportunity, diversify the economy, and align workforce development activities with the education and skills needed by employers in the region. A regional council shall review such plan not less than biennially while the regional council is receiving grants from the Fund.

C. The Board shall only consider those regional activities endorsed by a regional council in its application for grants from the Fund. For any regional activity included in a regional council's application, the regional council shall identify (i) the amount of grants requested and the number of years for which grants are sought; (ii) the participating business, education, and government entities and their respective roles and contributions; (iii) the private, local, and other sources of nonstate funding that the grant from the Fund will assist in generating, including specific amounts pledged by such sources as of the application date; (iv) how the regional activity addresses the skills gaps identified in the council's economic growth and diversification plan; and (v) the economic impact or other outcomes that are reasonably expected to result from the proposed regional activity, including timetables and means of measurement.

D. Regional activities eligible for grants from the Fund shall be focused on high-impact, collaborative projects in a region that promote new job creation, entrepreneurship, and new capital investment; leverage nonstate resources to enhance collaboration; foster research, development, and commercialization activities; encourage cooperation among public bodies to reduce costs and duplication of government services; and promote other economic or workforce development activities consistent with this article that are authorized by the Board. The Board shall give initial priority to grant proposals that promote workforce development and other activities focused on eliminating skills gaps identified in a region's economic growth and diversification plan.

E. In determining a regional council's eligibility to receive grants from the Fund, and the amount of such grants, the Board shall review and score the proposed regional activities. Scores shall be assigned on the basis of predetermined criteria established by the Board in its guidelines and procedures based on the following factors:

1. The expected economic impact or outcome of the activity, with particular emphasis on goals identified in the regional council's plan for economic growth and diversification;

2. The fiscal resources from non-Fund sources that will be committed to the activity, including local or federal funds, private contributions, and cost savings expected to be achieved through regional collaboration;

3. The number and percentage of localities, including political subdivisions and bodies corporate and politic, within the region that are participating in the activity, the portion of the region's population represented by the participating localities, and the participation of localities that are outside of the applicant region;

4. The compatibility with other projects, programs, or existing infrastructure in a region to maximize the leverage of grants from the Fund to encourage new collaborative activities;

5. The expected economic impact and outcomes of the project and the complexity of the project relative to the size of the economy of the region or to the population of the participating localities;

6. The projected cost savings and other efficiencies generated by the proposed activity, and the local resources generated by collaboration that have been or will be repurposed to support the activity;

7. The character of the regional collaboration, including the nature and extent of the regional effort involved in developing and implementing the proposed activity, the complexity of the activity, the prospective impact on relations between and among the affected localities, and the prospective impact on collaboration between and among business, education, and government entities in the region;

8. Interstate, inter-regional, and other beneficial forms of collaboration, if any, that will accompany, result from, or be encouraged by the activity;

9. Efficiency in the administration and oversight of regional activities; and

10. Other factors deemed to be appropriate by the Board.

F. Each regional council awarded a grant from the Fund shall issue an annual report that shall include, at a minimum, an assessment of the impact and outcomes from regional activities supported by grants from the Fund and the region's overall progress in addressing the goals and strategies identified in the region's plan for economic growth and diversification. Such assessment shall address performance criteria prescribed in the program guidelines and procedures.

G. Subject to the provisions of § 2.2-2488 and this section, once a regional council becomes eligible for grants from the Fund, the regional council may continue to apply for and receive grants from the Fund to support economic activities consistent with the regional council's economic growth and diversification plan in such amounts and for such duration as the Board may determine in accordance with its guidelines and procedures. The Board may terminate any payments to regional councils that fail to perform in accordance with this article, the Board's guidelines or procedures, or any conditions expressly agreed upon as part of a grant award, or for malfeasance. The Board may require the refund of moneys from the Fund upon such termination. Grants that are terminated shall revert to the Fund for distribution on an unallocated competitive basis.

H. In making Fund recommendations and awards, the Board may consider regional activities that commenced prior to the enactment of this article, provided that the grant-funded program or project will expand the scope of, or increase the number of localities participating in, such preexisting activity.

I. No regional council may have outstanding grant commitments of more than 25 percent of the total amount appropriated to the Fund.

J. The year for grant payments shall be the Commonwealth's fiscal year following the calendar year in which the region qualifies, with payments made annually by the Comptroller upon certification by the Board. Grant amounts shall be made at the sole discretion of the Board.

K. (Effective until July 1, 2025) Any grant awarded from the Fund to a regional council shall require matching funds at least equal to *half the amount of* the grant~~, provided, however, that the Board shall have the authority to reduce the match requirement to no less than half of the grant upon a finding by the Board of fiscal distress or an exceptional economic opportunity in a region~~. Such matching funds may be from local, regional, federal, or private funds. Matching funds may also be from grants awarded to a locality by the Tobacco Region Revitalization Commission but shall not include any other state general or nongeneral funds, from whatever source.

K. (Effective July 1, 2025) Any grant awarded from the Fund to a regional council shall require matching funds at least equal to *half the amount of* the grant~~, provided, however, that the Board shall have the authority to reduce the match requirement to no less than half of the grant upon a finding by the Board of fiscal distress or an exceptional economic opportunity in a region~~. Such matching funds may be from local, regional, federal, or private funds, but shall not include any state general or nongeneral funds, from whatever source.

L. Decisions of the Board shall be final and not subject to review or appeal.

§ 2.2-5101. Virginia investment performance grants.

A. *For purposes of this section, "Grant" means a Virginia Investment Performance Grant awarded pursuant to this section and paid from the Investment Performance Grant subfund of the Fund.*

B. Subject to the appropriation by the General Assembly of sufficient moneys to the Investment Performance Grant subfund, any eligible manufacturer or research and development service ~~that is~~ not eligible for a major eligible employer grant under § 2.2-5102 shall be eligible *to apply* for ~~an investment performance grant as provided in this section~~ *a Grant*.

~~B.~~ *C.* The Partnership shall establish an application process by which eligible manufacturers and research and development services may apply for a ~~grant under this section~~ *Grant*. An application for a ~~grant under this section~~ *Grant payment* shall not be approved until the Partnership has verified that the *required* capital investment*, and if applicable, job creation,* has been completed.

~~C.~~ *D.* The amount of the ~~investment performance grant~~ *Grant* that an eligible manufacturer or research and development service shall be eligible to receive ~~under this section~~ shall be determined by the Secretary, based on the recommendation of the Partnership, and contingent upon approval by the Governor. The determination of the appropriate amount of ~~an investment performance grant~~ *a Grant* shall be based on ~~the application of~~ guidelines that establish criteria for correlating the amount of a ~~grant~~ *Grant* to the relative value to the Commonwealth of the eligible investment. *For the purpose of any Grant award determination that includes a job creation requirement, the eligible manufacturer or research and development service shall pay an average wage, excluding fringe benefits, that is no less than the prevailing average wage for such new jobs.*

~~D.~~ *E.* The Partnership shall assist the Secretary in developing objective guidelines ~~that shall~~ *to* be used in awarding ~~investment performance grants~~ *Grants*. No ~~grant~~ *Grant* shall be awarded until the Secretary has provided copies of such guidelines for review to the Chairmen of the House Committee on Appropriations and the Senate Committee on Finance and Appropriations. The preparation of the guidelines shall be exempt from the requirements of Article 2 (§ 2.2-4006 et seq.) of the Administrative Process Act. The guidelines shall require determinations regarding the amount of ~~investment performance grants~~ *Grants* to address:

1. The number of new jobs*, if any,* created by the capital investment;

2. The *average* wages paid for the new jobs and the amount by which *such* wages exceed the ~~average manufacturing wage for~~ *prevailing average wage of* the locality ~~or region~~;

3. The extent to which the capital investment produces (i) measurable increases in capacity, productivity, or both; (ii) measurable decreases in the production of flawed product; or (iii) measurable advances in knowledge, research, or the

application of research findings for the creation of new or significantly improved products or processes that support manufacturing;

4. The amount of the capital investment;

5. The net present value of benefits to Virginia;

6. The amount of other incentives offered by the Commonwealth and the locality; and

7. The importance of the manufacturing or research and development facility to the economy of the locality or region.

The guidelines shall also address the eligibility of manufacturers or research and development services that make a capital investment in phases over a period of years, and limits on eligibility for multiple ~~grants~~ *Grants* by the same manufacturer or research and development service within stated periods of time.

~~E. The amount of an investment performance grant to any eligible manufacturer under this section shall not exceed $3 million or 10 percent of the amount appropriated by the General Assembly to the Investment Performance Grant subfund in the year that the terms of a grant are determined. For all eligible projects awarded grants on or after July 1, 2005, and before July 1, 2009, the amount of an investment performance grant to any recipient under this section shall not exceed $1.5 million. For eligible projects awarded grants on or after July 1, 2009, the amount of an investment performance grant to any recipient under this section shall not exceed $3 million, except for eligible projects that demonstrate extraordinary characteristics described in guidelines implementing this chapter the amount of an investment performance grant to any such recipient under this section shall not exceed $5 million.~~

F. ~~For all eligible projects awarded grants before July 1, 2005, the aggregate amount of investment performance grants approved under this section in any year shall not exceed $6 million, and the aggregate amount of grants outstanding to all eligible manufacturers under this section for all years shall at no time exceed $30 million. For all such grants awarded prior to that date, the annual obligations of the Commonwealth to make grant payments to individual eligible manufacturers under this section shall not exceed $600,000. For all eligible projects awarded grants on or after July 1, 2005, and before July 1, 2009, the aggregate amount of investment performance grants approved under this section in any year shall not exceed $3 million, and the aggregate amount of such grants awarded after that date and outstanding at any time shall not exceed $15 million. For all such grants awarded on or after that date, the annual obligations of the Commonwealth to make grant payments to individual recipients under this section shall not exceed $300,000. For all eligible projects awarded grants on or after July 1, 2009, and before July 1, 2015, the aggregate amount of investment performance grants approved under this section in any year shall not exceed $6 million, and the aggregate amount of such grants awarded on or after July 1, 2009, and before July 1, 2015, and outstanding at any time shall not exceed $30 million. For all such grants awarded on or after July 1, 2009, and before July 1, 2015, the annual obligations of the Commonwealth to make grant payments to individual recipients under this section shall not exceed $1 million. For all eligible projects awarded grants on or after July 1, 2015, but before July 1, 2019, the aggregate amount of investment performance grants approved under this section in any year shall not exceed $6 million, and the aggregate amount of such grants awarded on or after July 1, 2015, but before July 1, 2019, and outstanding at any time shall not exceed $20 million. For all such grants awarded on or after July 1, 2015, but before July 1, 2019, the annual obligations of the Commonwealth to make grant payments to individual recipients under this section shall not exceed $1 million. For all eligible projects awarded grants on or after July 1, 2019, the aggregate amount of investment performance grants approved under this section in any year shall not exceed $4 million, and the aggregate amount of such grants awarded on or after July 1, 2019, and outstanding at any time shall not exceed $20 million. For all such grants awarded on or after July 1, 2019, the annual obligations of the Commonwealth to make grant payments to individual recipients under this section shall not exceed $1 million~~ *At no time shall the aggregate amount of Grants payable in any fiscal year exceed $7 million.*

G. Any eligible manufacturer or research and development service shall be eligible to receive a ~~grant from the Fund~~ *Grant* in five equal*, annual* installments beginning in the ~~third~~ *first* year after *completion and verification of* the capital investment ~~is completed and the Partnership has verified that the requirements applicable to such grant have been satisfied. Any eligible manufacturer or research and development service located in a fiscally distressed area of the State, as defined in the guidelines implementing this chapter, shall be eligible to begin receiving grants in the second year after the capital investment is completed and verified~~ *and any pledged employment. No Grant awarded pursuant to this section to an eligible manufacturer or research and development service shall exceed $5 million in total, and no annual payment to any eligible manufacturer or research and development service shall exceed $1 million.*

§ 2.2-5102.1. Virginia economic development incentive grants.

A. Subject to the appropriation by the General Assembly of sufficient moneys to the Economic Development Incentive Grant subfund, any eligible company that meets the requirements of this section and is not awarded a grant under § 2.2-5101 or 2.2-5102 for the same project shall be eligible to apply for an economic development incentive grant as provided in this section.

B. The Partnership shall establish an application process by which eligible companies may apply for a grant under this section. An application for a grant under this section shall not be approved for payment until the Partnership has verified that the applicable requirements of the memorandum of agreement have been satisfied.

C. The amount of the economic development incentive grant that an eligible company may receive under this section shall be determined at the sole discretion of the Governor based on the recommendation of the Secretary. The determination of the appropriate amount for an economic development incentive grant shall be based on the application of guidelines that

establish criteria for correlating the amount of a grant to the relative value to the Commonwealth of the new investment and employment.

D. The Partnership shall assist the Secretary in developing objective guidelines that shall be used in awarding economic development incentive grants. No grant shall be awarded until the Secretary has provided copies of such guidelines for review to the chairmen of the House Committee on Appropriations and the Senate Committee on Finance and Appropriations. The preparation of the guidelines shall be exempt from the requirements of Article 2 (§ 2.2-4006 et seq.) of the Administrative Process Act (§ 2.2-4000 et seq.). The guidelines shall require determinations regarding the amount of investment performance grants to address:

1. The number of new jobs created by the capital investment;

2. The wages paid for the new jobs and the amount by which wages exceed the average wage for the locality or region;

3. The amount of the capital investment;

4. The net present value of benefits to Virginia;

5. The amount of other incentives offered by the Commonwealth and the locality; and

6. The importance of the facility to the economy of the locality or region.

The guidelines shall also address the eligibility of companies that make a capital investment in phases over a period of years, and limits on eligibility for multiple grants by the same company within stated periods of time.

E. For eligible projects awarded grants prior to July 1, 2010, the aggregate amount of economic development incentive grants payable under this section in any fiscal year shall not exceed $6 million, and the aggregate amount of such grants outstanding that were awarded prior to July 1, 2010, shall not exceed $30 million. For eligible projects awarded grants on or after July 1, 2010, but before July 1, 2019, the aggregate amount of economic development incentive grants payable under this section in any fiscal year shall not exceed $6 million and the aggregate amount of such grants outstanding on or after July 1, 2010, but before July 1, 2019, shall not exceed $30 million. For eligible projects awarded grants on or after July 1, 2019, the aggregate amount of economic development incentive grants payable under this section in any fiscal year shall not exceed $6 million and the aggregate amount of such grants outstanding on or after July 1, 2019, shall not exceed $30 million.

F. Any eligible company shall be eligible to receive a grant from the Fund in no fewer than five installments beginning in the ~~third~~ *first* year after the Partnership has verified that the requirements applicable to such grant have been satisfied. All such terms shall be negotiated and set forth in a memorandum of agreement.

G. The Comptroller shall not draw any warrants to issue checks for grants under this chapter without a specific legislative appropriation as specified in conditions and restrictions on expenditures in the appropriation act. The payment of any grant under this section shall be in accordance with the terms and conditions set forth in a memorandum of agreement between a major eligible employer and the Commonwealth. These terms and conditions shall supplement the provisions of this chapter and shall include but not be limited to the terms of the payment of the grant. The payment of the grant shall be made in full or in proportion to a major eligible employer's fulfillment of the terms of the memorandum of agreement.

2. That no provision of this act shall impact the obligations of the Commonwealth under any existing agreements for the payments of grants issued pursuant to § 2.2-5101 of the Code of Virginia entered into prior to the effective date of this act.

3. That the provisions of § 2.2-2489 of the Code of Virginia, as amended by this act, that provide matching requirements for regional Virginia Growth and Opportunity grants, shall expire on July 1, 2028.

4. That the aggregate amount of grants payable in a fiscal year pursuant to subsection F of § 2.2-5101 of the Code of Virginia, as amended by this act, shall include all grants payable in such fiscal year, regardless of whether such grants were awarded prior to July 1, 2024, or on or after July 1, 2024.

CHAPTER 625

An Act to direct the Department of Criminal Justice Services to establish a work group to study and make recommendations related to prioritizing treatment for incarcerated women who are pregnant and in need of substance abuse treatment; report.

[S 603]

Approved April 8, 2024

Be it enacted by the General Assembly of Virginia:

1. *§ 1. That the Department of Criminal Justice Services, in collaboration with the Department of Behavioral Health and Developmental Services and the Department of Health, shall convene a work group of relevant stakeholders to study and make recommendations related to prioritizing treatment for incarcerated women who are pregnant and in need of substance abuse treatment. The work group shall report its findings and recommendations to the Chairmen of the House Committee on Health, Welfare and Institutions and the Senate Committee on Education and Health by November 1, 2024.*

CHAPTER 626

An Act to amend and reenact §§ 38.2-3465, 38.2-3466, and 38.2-3468 of the Code of Virginia, relating to health insurance; pharmacy benefits managers; reporting requirements; civil penalty.

[S 660]

Approved April 8, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 38.2-3465, 38.2-3466, 38.2-3468 of the Code of Virginia are amended and reenacted as follows:

§ 38.2-3465. Definitions.

A. As used in this article, unless the context requires a different meaning:

"Aggregate retained rebate percentage" means the sum total dollar amount of a pharmacy benefits manager's retained rebates relating to all carrier clients of such pharmacy benefits manager divided by the sum total dollar amount of all rebates received by such pharmacy benefits manager relating to all such clients.

"Carrier" has the same meaning ascribed thereto in subsection A of § 38.2-3407.15. However, "carrier" does not include a nonprofit health maintenance organization that operates as a group model whose internal pharmacy operation exclusively serves the members or patients of the nonprofit health maintenance organization.

"Claim" means a request from a pharmacy or pharmacist to be reimbursed for the cost of administering, filling, or refilling a prescription for a drug or for providing a medical supply or device.

"Claims processing services" means the administrative services performed in connection with the processing and adjudicating of claims relating to pharmacist services that include (i) receiving payments for pharmacist services, (ii) making payments to pharmacists or pharmacies for pharmacist services, or (iii) both receiving and making payments.

"Contract pharmacy" means a pharmacy operating under contract with a 340B-covered entity to provide dispensing services to the 340B-covered entity, as described in 75 Fed. Reg. 10272 (March 5, 2010) or any superseding guidance published thereafter.

"Covered entity" means an entity described in § 340B(a)(4) of the federal Public Health Service Act, 42 U.S.C. § 256B(a)(4). "Covered entity" does not include a hospital as defined in § 32.1-123 or 37.2-100.

"Covered individual" means an individual receiving prescription medication coverage or reimbursement provided by a pharmacy benefits manager or a carrier under a health benefit plan.

"Health benefit plan" has the same meaning ascribed thereto in § 38.2-3438.

"Mail order pharmacy" means a pharmacy whose primary business is to receive prescriptions by mail or through electronic submissions and to dispense medication to covered individuals through the use of the United States mail or other common or contract carrier services and that provides any consultation with covered individuals electronically rather than face-to-face.

"Pharmacy benefits management" means the administration or management of prescription drug benefits provided by a carrier for the benefit of covered individuals. "Pharmacy benefits management" does not include any service provided by a nonprofit health maintenance organization that operates as a group model provided that the service is furnished through the internal pharmacy operation exclusively serves the members or patients of the nonprofit health maintenance organization.

"Pharmacy benefits manager" or "PBM" means an entity that performs pharmacy benefits management. "Pharmacy benefits manager" includes an entity acting for a PBM in a contractual relationship in the performance of pharmacy benefits management for a carrier, nonprofit hospital, or third-party payor under a health program administered by the Commonwealth.

"Pharmacy benefits manager affiliate" means a business, pharmacy, or pharmacist that directly or indirectly, through one or more intermediaries, owns or controls, is owned or controlled by, or is under common ownership interest or control with a pharmacy benefits manager.

"Rebate" means a discount or other price concession, including without limitation incentives, disbursements, and reasonable estimates of a volume-based discount, or a payment that is (i) based on utilization of a prescription drug and (ii) paid by a manufacturer or third party, directly or indirectly, to a pharmacy benefits manager, pharmacy services administrative organization, or pharmacy after a claim has been processed and paid at a pharmacy.

"Retail community pharmacy" means a pharmacy that is open to the public, serves walk-in customers, and makes available face-to-face consultations between licensed pharmacists and persons to whom medications are dispensed.

"Retained rebate" means a rebate that is not passed on to a health benefit plan.

"Retained rebate percentage" means the sum total dollar amount of a pharmacy benefits manager's retained rebates relating to a health benefit plan divided by the sum total dollar amount of all rebates received by such pharmacy benefits manager relating to such health benefit plan.

"Spread pricing" means the model of prescription drug pricing in which the pharmacy benefits manager charges a health benefit plan a contracted price for prescription drugs, and the contracted price for the prescription drugs differs from the amount the pharmacy benefits manager directly or indirectly pays the pharmacist or pharmacy for pharmacist services.

§ 38.2-3466. License required to provide pharmacy benefits management services; requirements for a license, renewal, and revocation or suspension; civil penalty.

A. Unless otherwise covered by a license as a carrier, no person shall provide pharmacy benefits management services or otherwise act as a pharmacy benefits manager in the Commonwealth without first obtaining a license in a manner and in a form prescribed by the Commission.

B. Each applicant for a license as a pharmacy benefits manager shall make application to the Commission, in the form and containing the information listed in subsection C and any other information the Commission prescribes. The Commission may require any documents reasonably necessary to verify the information contained in an application. Each applicant shall, at the time of applying for a license, pay a nonrefundable application processing fee in an amount and in a manner prescribed by the Commission. The fee shall be collected by the Commission and paid directly into the state treasury and credited to the "Bureau of Insurance Special Fund — State Corporation Commission" for the maintenance of the Bureau of Insurance as provided in subsection B of § 38.2-400.

C. An applicant for a license as a pharmacy benefits manager shall provide the Commission the following information:

1. The name, address, and telephone contact number of the pharmacy benefits manager;

2. The name and address of each person with management or control over the pharmacy benefits manager;

3. The name and address of each person with a beneficial ownership interest in the pharmacy benefits manager; and

4. If the pharmacy benefits manager registrant (i) is a partnership or other unincorporated association, a limited liability company, or a corporation and (ii) has five or more partners, members, or stockholders, the registrant shall specify its legal structure and the total number of its partners, members, or stockholders who, directly or indirectly, own, control, hold with the power to vote, or hold proxies representing 10 percent or more of the voting securities of any other person.

D. An applicant shall provide the Commissioner with a signed statement indicating that, to the best of its knowledge, no officer with management or control of the pharmacy benefits manager has been convicted of a felony or has violated any of the requirements of state law applicable to pharmacy benefits managers, or, if the applicant cannot provide such a statement, a signed statement describing the relevant conviction or violation.

E. Except where prohibited by state or federal law, by submitting an application for a license, the applicant shall be deemed to have appointed the clerk of the Commission as the agent for service of process on the applicant in any action or proceeding arising in the Commonwealth out of or in connection with the exercise of the license. Such appointment of the clerk of the Commission as agent for service of process shall be irrevocable during the period within which a cause of action against the applicant may arise out of transactions with respect to subjects of pharmacy benefits management in the Commonwealth. Service of process on the clerk of the Commission shall conform to the provisions of Chapter 8 (§ 38.2-800 et seq.).

F. Each applicant that has complied with the provisions of this article and Commission regulations is entitled to and shall receive a license in the form the Commission prescribes.

G. Each pharmacy benefits manager shall renew its license annually and shall, at the time of renewal, pay a renewal fee in an amount and in a manner prescribed by the Commission. The fee shall be collected by the Commission and paid directly into the state treasury and credited to the "Bureau of Insurance Special Fund — State Corporation Commission" for the maintenance of the Bureau of Insurance as provided in subsection B of § 38.2-400.

H. The Commission may refuse to issue or renew a license or may revoke or suspend a license if it finds that the applicant or license holder has not complied with the provisions of this article or Commission regulations.

I. A person that violates the provisions of this section may be subject to a civil penalty of $5,000 for each day on which such violation occurs. The Commission may adopt such rules or establish such guidelines as may be necessary to enforce the provisions of this section.

§ 38.2-3468. Examination of books and records; reports; access to records.

A. Each carrier, on its own or through its contract for pharmacy benefits, shall ensure that the Commissioner may examine or audit the books and records of a pharmacy benefits manager providing claims processing services or other prescription drug or device services for a carrier that are relevant to determining if the pharmacy benefits manager is in compliance with this article. The carrier shall be responsible for the charges incurred in the examination, including the expenses of the Commissioner or his designee and the expenses and compensation of his examiners and assistants.

B. Each carrier, on its own or through its contract for pharmacy benefits, shall report the following information to the Commissioner for each health benefit plan:

1. The aggregate amount of rebates received by the pharmacy benefits manager;

2. The aggregate amount of rebates distributed to the appropriate health benefit plan;

3. The aggregate amount of rebates passed on to the enrollees of each health benefit plan at the point of sale that reduced the enrollees' applicable deductible, copayment, coinsurance, or other cost-sharing amount;

4. *The aggregate amount of the pharmacy benefits manager's retained rebates;*

5. The pharmacy benefits manager's aggregate retained rebate percentage;

6. The aggregate amount of administrative fees received by the pharmacy benefits manager;

7. Upon the request of the Commission, the individual and aggregate amount paid by the health benefit plan to the pharmacy benefits manager for services itemized by pharmacy, by product, and by goods and services; and

~~5.~~ *8.* Upon the request of the Commission, the individual and aggregate amount a pharmacy benefits manager paid for services itemized by pharmacy, by product, and by goods and services.

The report required by this subsection shall be filed on a quarterly basis through March 31, 2023. The final quarterly report shall include information for the period ending December 31, 2022. Thereafter, by March 31 of each year, the report shall be filed on a calendar year basis. The 2023 calendar year report shall be filed by March 31, 2024.

C. All working papers, documents, reports, and copies thereof, produced by, obtained by or disclosed to the Commission or any other person in the course of an examination made under this article and any analysis of such information or documents shall be given confidential treatment, are not subject to subpoena, and may not be made public by the Commission or any other person. Access may also be granted to (i) a regulatory official of any state or country; (ii) the National Association of Insurance Commissioners (NAIC), its affiliate, or its subsidiary; or (iii) a law-enforcement authority of any state or country, provided that those officials are required under their law to maintain its confidentiality. Any such disclosure by the Commission shall not constitute a waiver of confidentiality of such papers, documents, reports or copies thereof. Any parties receiving such papers must agree in writing prior to receiving the information to provide to it the same confidential treatment as required by this section.

CHAPTER 627

An Act to amend and reenact §§ 4.1-100, 4.1-103, 4.1-206.3, as it is currently effective and as it shall become effective, 4.1-209, 4.1-231.1, as it is currently effective and as it shall become effective, 4.1-233.1, 4.1-309, and 4.1-325 of the Code of Virginia, relating to alcoholic beverage control; annual mixed beverage performing arts facility licenses; on-and-off premises wine and beer licenses.

[S 724]

Approved April 8, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 4.1-100, 4.1-103, 4.1-206.3, as it is currently effective and as it shall become effective, 4.1-209, 4.1-231.1, as it is currently effective and as it shall become effective, 4.1-233.1, 4.1-309, and 4.1-325 of the Code of Virginia are amended and reenacted as follows:

§ 4.1-100. Definitions.

As used in this subtitle unless the context requires a different meaning:

"Alcohol" means the product known as ethyl or grain alcohol obtained by distillation of any fermented liquor, rectified either once or more often, whatever the origin, and shall include synthetic ethyl alcohol, but shall not include methyl alcohol and alcohol completely denatured in accordance with formulas approved by the government of the United States.

"Alcohol vaporizing device" means any device, machine, or process that mixes any alcoholic beverages with pure oxygen or other gas to produce a vaporized product for the purpose of consumption by inhalation.

"Alcoholic beverages" includes alcohol, spirits, wine, and beer, and any one or more of such varieties containing one-half of one percent or more of alcohol by volume, including mixed alcoholic beverages, and every liquid or solid, powder or crystal, patented or not, containing alcohol, spirits, wine, or beer and capable of being consumed by a human being. Any liquid or solid containing more than one of the four varieties shall be considered as belonging to that variety which has the higher percentage of alcohol, however obtained, according to the order in which they are set forth in this definition; except that beer may be manufactured to include flavoring materials and other nonbeverage ingredients containing alcohol, as long as no more than 49 percent of the overall alcohol content of the finished product is derived from the addition of flavors and other nonbeverage ingredients containing alcohol for products with an alcohol content of no more than six percent by volume; or, in the case of products with an alcohol content of more than six percent by volume, as long as no more than one and one-half percent of the volume of the finished product consists of alcohol derived from added flavors and other nonbeverage ingredients containing alcohol.

"Arts venue" means a commercial or nonprofit establishment that is open to the public and in which works of art are sold or displayed.

"Authority" means the Virginia Alcoholic Beverage Control Authority created pursuant to this subtitle.

"Barrel" means any container or vessel having a capacity of more than 43 ounces.

"Bed and breakfast establishment" means any establishment (i) having no more than 15 bedrooms; (ii) offering to the public, for compensation, transitory lodging or sleeping accommodations; and (iii) offering at least one meal per day, which may but need not be breakfast, to each person to whom overnight lodging is provided. For purposes of the licensing requirements of this subtitle, "bed and breakfast establishment" includes any property offered to the public for short-term rental, as that term is defined in § 15.2-983, other than a hotel as defined in this section, regardless of whether a meal is offered to each person to whom overnight lodging is provided.

"Beer" means any alcoholic beverage obtained by the fermentation of an infusion or decoction of barley, malt, and hops or of any similar products in drinkable water and containing one-half of one percent or more of alcohol by volume.

"Board" means the Board of Directors of the Virginia Alcoholic Beverage Control Authority.

"Bottle" means any vessel intended to contain liquids and having a capacity of not more than 43 ounces.

"Bus" means a motor vehicle that (i) is operated by a common carrier licensed under Chapter 20 (§ 46.2-2000 et seq.) of Title 46.2 to transport passengers for compensation over the highways of the Commonwealth on regular or irregular routes of not less than 100 miles, (ii) seats no more than 24 passengers, (iii) is 40 feet in length or longer, (iv) offers wireless

Internet services, (v) is equipped with charging stations at every seat for cellular phones or other portable devices, and (vi) during the transportation of passengers, is staffed by an attendant who has satisfied all training requirements set forth in this subtitle or Board regulation.

"Club" means any private nonprofit corporation or association which is the owner, lessee, or occupant of an establishment operated solely for a national, social, patriotic, political, athletic, or other like purpose, but not for pecuniary gain, the advantages of which belong to all of the members. It also means the establishment so operated. A corporation or association shall not lose its status as a club because of the conduct of charitable gaming conducted pursuant to Article 1.1:1 (§ 18.2-340.15 et seq.) of Chapter 8 of Title 18.2 in which nonmembers participate frequently or in large numbers, provided that no alcoholic beverages are served or consumed in the room where such charitable gaming is being conducted while such gaming is being conducted and that no alcoholic beverages are made available upon the premises to any person who is neither a member nor a bona fide guest of a member.

Any such corporation or association which has been declared exempt from federal and state income taxes as one which is not organized and operated for pecuniary gain or profit shall be deemed a nonprofit corporation or association.

"Commercial lifestyle center" means a mixed-use commercial development covering a minimum of 10 acres of land and having at least 100,000 square feet of retail space featuring national specialty chain stores and a combination of dining, entertainment, office, residential, or hotel establishments located in a physically integrated outdoor setting that is pedestrian friendly and that is governed by a commercial owners' association that is responsible for the management, maintenance, and operation of the common areas thereof.

"Container" means any barrel, bottle, carton, keg, vessel, or other receptacle used for holding alcoholic beverages.

"Contract winemaking facility" means the premises of a licensed winery or farm winery that obtains grapes, fruits, and other agricultural products from a person holding a winery or farm winery license and crushes, processes, ferments, bottles, or provides any combination of such services pursuant to an agreement with the winery or farm winery licensee. For all purposes of this subtitle, wine produced by a contract winemaking facility for a winery or farm winery shall be considered to be wine owned and produced by the winery or farm winery that supplied the grapes, fruits, or other agricultural products used in the production of the wine. The contract winemaking facility shall have no right to sell the wine so produced, unless the terms of payment have not been fulfilled in accordance with the contract. The contract winemaking facility may charge the winery or farm winery for its services. A winery licensee may utilize contract winemaking services only for the manufacture or processing of wine of which no less than 90 percent of the grapes, fruits, and other agricultural products used to make such wine are grown in the Commonwealth.

"Convenience grocery store" means an establishment that (i) has an enclosed room in a permanent structure where stock is displayed and offered for sale and (ii) maintains an inventory of edible items intended for human consumption consisting of a variety of such items of the types normally sold in grocery stores.

"Culinary lodging resort" means a facility (i) having not less than 13 overnight guest rooms in a building that has at least 20,000 square feet of indoor floor space; (ii) located on a farm in the Commonwealth with at least 1,000 acres of land zoned agricultural; (iii) equipped with a full-service kitchen; and (iv) offering to the public, for compensation, at least one meal per day, lodging, and recreational and educational activities related to farming, livestock, and other rural activities.

"Delicatessen" means an establishment that sells a variety of prepared foods or foods requiring little preparation, such as cheeses, salads, cooked meats, and related condiments.

"Designated area" means a room or area approved by the Board for on-premises licensees.

"Dining area" means a public room or area in which meals are regularly served.

"Drugstore" means an establishment that sells medicines prepared by a licensed pharmacist pursuant to a prescription and other medicines and items for home and general use.

"Establishment" means any place where alcoholic beverages of one or more varieties are lawfully manufactured, sold, or used.

"Farm winery" means (i) an establishment or cooperative located in the Commonwealth on land zoned agricultural that has (a) a vineyard, orchard, or similar growing area that produces fruits or other agricultural products used to manufacture the wine of such farm winery, subject to the requirements set forth in § 4.1-219, and (b) facilities for fermenting and bottling wine on the premises where such farm winery manufactures wine that contains not more than 21 percent alcohol by volume or (ii) an accredited public or private institution of higher education, provided that (a) no wine manufactured by the institution shall be sold, (b) the wine manufactured by the institution shall be used solely for research and educational purposes, (c) the wine manufactured by the institution shall be stored on the premises of such farm winery that shall be separate and apart from all other facilities of the institution, and (d) such farm winery is operated in strict conformance with the requirements of this clause (ii) and Board regulations. As used in this definition, the term "cooperative" means a cooperative formed by an association of individuals for the purpose of manufacturing wine. In determining whether a cooperative licensed as a farm winery has met the requirements set forth in clause (i), the Board shall consider all land in the Commonwealth that is owned or leased by a member of the cooperative. For purposes of this definition, "land zoned agricultural" means (1) land zoned as an agricultural district or classification or (2) land otherwise permitted by a locality for farm winery use. For purposes of this definition, "land zoned agricultural" does not include land zoned "residential conservation." Except for the limitation on land zoned "residential conservation," nothing in the definition of "land zoned agricultural" shall otherwise limit or affect local zoning authority.

"Gift shop" means any bona fide retail store selling, predominantly, gifts, books, souvenirs, specialty items relating to history, original and handmade arts and products, collectibles, crafts, and floral arrangements, which is open to the public on a regular basis. Such shop shall be a permanent structure where stock is displayed and offered for sale and which has facilities to properly secure any stock of wine or beer. Such shop may be located (i) on the premises or grounds of a government registered national, state or local historic building or site or (ii) within the premises of a museum. The Board shall consider the purpose, characteristics, nature, and operation of the shop in determining whether it shall be considered a gift shop.

"Gourmet brewing shop" means an establishment which sells to persons to whom wine or beer may lawfully be sold, ingredients for making wine or brewing beer, including packaging, and rents to such persons facilities for manufacturing, fermenting and bottling such wine or beer.

"Gourmet oyster house" means an establishment that (i) is located on the premises of a commercial marina, (ii) is permitted by the Department of Health to serve oysters and other fresh seafood for consumption on the premises, and (iii) offers to the public events for the purpose of featuring and educating the consuming public about local oysters and other seafood products.

"Gourmet shop" means an establishment provided with adequate inventory, shelving, and storage facilities, where, in consideration of payment, substantial amounts of domestic and imported wines and beers of various types and sizes and related products such as cheeses and gourmet foods are habitually furnished to persons.

"Government store" means a store established by the Authority for the sale of alcoholic beverages.

"Grocery store" means an establishment that sells food and other items intended for human consumption, including a variety of ingredients commonly used in the preparation of meals.

"Historic cinema house" means a nonprofit establishment exempt from taxation under § 501(c)(3) of the Internal Revenue Code that was built prior to 1970 and that exists for the primary purpose of showing motion pictures to the public.

"Hotel" means any duly licensed establishment, provided with special space and accommodation, where, in consideration of payment, food and lodging are habitually furnished to persons, and which has four or more bedrooms. It shall also mean the person who operates such hotel.

"Interdicted person" means a person to whom the sale of alcoholic beverages is prohibited by order pursuant to this subtitle.

"Internet wine and beer retailer" means a person who owns or operates an establishment with adequate inventory, shelving, and storage facilities, where, in consideration of payment, Internet or telephone orders are taken and shipped directly to consumers and which establishment is not a retail store open to the public.

"Intoxicated" means a condition in which a person has drunk enough alcoholic beverages to observably affect his manner, disposition, speech, muscular movement, general appearance, or behavior.

"Licensed" means the holding of a valid license granted by the Authority.

"Licensee" means any person to whom a license has been granted by the Authority.

"Liqueur" means any of a class of highly flavored alcoholic beverages that do not exceed an alcohol content of 25 percent by volume.

"Low alcohol beverage cooler" means a drink containing one-half of one percent or more of alcohol by volume, but not more than seven and one-half percent alcohol by volume, and consisting of spirits mixed with nonalcoholic beverages or flavoring or coloring materials; it may also contain water, fruit juices, fruit adjuncts, sugar, carbon dioxide, preservatives or other similar products manufactured by fermenting fruit or fruit juices. Low alcohol beverage coolers shall be treated as wine for all purposes of this subtitle, except that low alcohol beverage coolers may be manufactured by a licensed distiller or a distiller located outside the Commonwealth.

"Marina store" means an establishment that is located on the same premises as a marina, is operated by the owner of such marina, and sells food and nautical and fishing supplies.

"Meals" means, for a mixed beverage license, an assortment of foods commonly ordered in bona fide, full-service restaurants as principal meals of the day. Such restaurants shall include establishments specializing in full course meals with a single substantial entree.

"Member of a club" means (i) a person who maintains his membership in the club by the payment of monthly, quarterly, or annual dues in the manner established by the rules and regulations thereof or (ii) a person who is a member of a bona fide auxiliary, local chapter, or squadron composed of direct lineal descendants of a bona fide member, whether alive or deceased, of a national or international organization to which an individual lodge holding a club license is an authorized member in the same locality. It shall also mean a lifetime member whose financial contribution is not less than 10 times the annual dues of resident members of the club, the full amount of such contribution being paid in advance in a lump sum.

"Mixed beverage" or "mixed alcoholic beverage" means a drink composed in whole or in part of spirits.

"Mixer" means any prepackaged ingredients containing beverages or flavoring or coloring materials, and which may also contain water, fruit juices, fruit adjuncts, sugar, carbon dioxide, or preservatives which are not commonly consumed unless combined with alcoholic beverages, whether or not such ingredients contain alcohol. Such specialty beverage product shall be manufactured or distributed by a Virginia corporation.

"Municipal golf course" means any golf course that is owned by any town incorporated in 1849 and which is the county seat of Smyth County.

"Performing arts facility" means an indoor or outdoor amphitheater, arena, multipurpose theater, or similar facility at which live musical, dance, theatre, or similar performances, the types of which are approved by the Authority, are performed, provided that the facility has stationary stadium or similar seating for more than 500 persons.

"Place or premises" means the real estate, together with any buildings or other improvements thereon, designated in the application for a license as the place at which the manufacture, bottling, distribution, use or sale of alcoholic beverages shall be performed, except that portion of any such building or other improvement actually and exclusively used as a private residence.

"Principal stockholder" means any person who individually or in concert with his spouse and immediate family members beneficially owns or controls, directly or indirectly, five percent or more of the equity ownership of any person that is a licensee of the Authority, or who in concert with his spouse and immediate family members has the power to vote or cause the vote of five percent or more of any such equity ownership. "Principal stockholder" does not include a broker-dealer registered under the Securities Exchange Act of 1934, as amended, that holds in inventory shares for sale on the financial markets for a publicly traded corporation holding, directly or indirectly, a license from the Authority.

"Public place" means any place, building, or conveyance to which the public has, or is permitted to have, access, including restaurants, soda fountains, hotel dining areas, lobbies and corridors of hotels, and any park, place of public resort or amusement, highway, street, lane, or sidewalk adjoining any highway, street, or lane.

"Public place" does not include (i) hotel or restaurant dining areas or ballrooms while in use for private meetings or private parties limited in attendance to members and guests of a particular group, association or organization; (ii) restaurants licensed by the Authority in office buildings or industrial or similar facilities while such restaurant is closed to the public and in use for private meetings or parties limited in attendance to employees and nonpaying guests of the owner or a lessee of all or part of such building or facility; (iii) offices, office buildings or industrial facilities while closed to the public and in use for private meetings or parties limited in attendance to employees and nonpaying guests of the owner or a lessee of all or part of such building or facility; or (iv) private recreational or chartered boats which are not licensed by the Board and on which alcoholic beverages are not sold.

"Residence" means any building or part of a building or structure where a person resides, but does not include any part of a building that is not actually and exclusively used as a private residence, nor any part of a hotel or club other than a private guest room thereof.

"Resort complex" means a facility (i) with a hotel owning year-round sports and recreational facilities located contiguously on the same property; (ii) owned by a nonstock, nonprofit, taxable corporation with voluntary membership which, as its primary function, makes available golf, ski, and other recreational facilities both to its members and to the general public; or (iii) operated by a corporation that operates as a management company which, as its primary function, makes available (a) vacation accommodations, guest rooms, or dwelling units and (b) golf, ski, and other recreational facilities to members of the managed entities and the general public. The hotel or corporation shall have or manage a minimum of 140 private guest rooms or dwelling units contained on not less than 50 acres, whether or not contiguous to the licensed premises; if the guest rooms or dwelling units are located on property that is not contiguous to the licensed premises, such guest rooms and dwelling units shall be located within the same locality. The Authority may consider the purpose, characteristics, and operation of the applicant establishment in determining whether it shall be considered as a resort complex. All other pertinent qualifications established by the Board for a hotel operation shall be observed by such licensee.

"Restaurant" means, for a wine and beer license or a limited mixed beverage restaurant license, any establishment provided with special space and accommodation, where, in consideration of payment, meals or other foods prepared on the premises are regularly sold.

"Restaurant" means, for a mixed beverage license other than a limited mixed beverage restaurant license, an established place of business (i) where meals with substantial entrees are regularly sold and (ii) which has adequate facilities and sufficient employees for cooking, preparing, and serving such meals for consumption at tables in dining areas on the premises, and includes establishments specializing in full course meals with a single substantial entree.

"Sale" and "sell" includes soliciting or receiving an order for; keeping, offering or exposing for sale; peddling, exchanging or bartering; or delivering otherwise than gratuitously, by any means, alcoholic beverages.

"Sangria" means a drink consisting of red or white wine mixed with some combination of sweeteners, fruit, fruit juice, soda, or soda water that may also be mixed with brandy, triple sec, or other similar spirits.

"Special agent" means an employee of the Virginia Alcoholic Beverage Control Authority whom the Board has designated as a law-enforcement officer pursuant to § 4.1-105.

"Special event" means an event sponsored by a duly organized nonprofit corporation or association and conducted for an athletic, charitable, civic, educational, political, or religious purpose.

"Spirits" means any beverage that contains alcohol obtained by distillation mixed with drinkable water and other substances, in solution, and includes, among other things, brandy, rum, whiskey, and gin, or any one or more of the last four named ingredients, but shall not include any such liquors completely denatured in accordance with formulas approved by the United States government.

"Sports facility" means a coliseum, stadium, racetrack, or similar facility at which professional sports, as defined in § 58.1-4030, or similar events, the types of which are approved by the Authority, are conducted.

"Wine" means any alcoholic beverage, including cider, obtained by the fermentation of the natural sugar content of fruits or other agricultural products containing (i) sugar, including honey and milk, either with or without additional sugar; (ii) one-half of one percent or more of alcohol by volume; and (iii) no product of distillation. "Wine" includes any wine to which wine spirits have been added, as provided in the Internal Revenue Code, to make products commonly known as "fortified wine" which do not exceed an alcohol content of 21 percent by volume.

"Wine cooler" means a drink containing one-half of one percent or more of alcohol by volume, and not more than three and two-tenths percent of alcohol by weight or four percent by volume consisting of wine mixed with nonalcoholic beverages or flavoring or coloring materials, and which may also contain water, fruit juices, fruit adjuncts, sugar, carbon dioxide, or preservatives and shall include other similar products manufactured by fermenting fruit or fruit juices. Wine coolers and similar fermented fruit juice beverages shall be treated as wine for all purposes except for taxation under § 4.1-236.

"With or without meals" means the selling and serving of alcoholic beverages by retail licensees for on-premises consumption whether or not accompanied by food so long as the total food-beverage ratio required by § 4.1-206.3, or the monthly food sale requirement established by Board regulation, is met by such retail licensee.

§ 4.1-103. General powers of Board.

The Board shall have the power to:

1. Sue and be sued, implead and be impleaded, and complain and defend in all courts;

2. Adopt, use, and alter at will a common seal;

3. Fix, alter, charge, and collect rates, rentals, fees, and other charges for the use of property of, the sale of products of, or services rendered by the Authority at rates to be determined by the Authority for the purpose of providing for the payment of the expenses of the Authority;

4. Make and enter into all contracts and agreements necessary or incidental to the performance of its duties, the furtherance of its purposes, and the execution of its powers under this subtitle, including agreements with any person or federal agency;

5. Employ, at its discretion, consultants, researchers, architects, engineers, accountants, financial experts, investment bankers, superintendents, managers, and such other employees and special agents as may be necessary and fix their compensation to be payable from funds made available to the Authority. Legal services for the Authority shall be provided by the Attorney General in accordance with Chapter 5 (§ 2.2-500 et seq.) of Title 2.2;

6. Receive and accept from any federal or private agency, foundation, corporation, association, or person grants or other aid to be expended in accomplishing the objectives of the Authority, and receive and accept from the Commonwealth or any state and any municipality, county, or other political subdivision thereof or from any other source aid or contributions of either money, property, or other things of value, to be held, used, and applied only for the purposes for which such grants and contributions may be made. All federal moneys accepted under this section shall be accepted and expended by the Authority upon such terms and conditions as are prescribed by the United States and as are consistent with state law, and all state moneys accepted under this section shall be expended by the Authority upon such terms and conditions as are prescribed by the Commonwealth;

7. Adopt, alter, and repeal bylaws, rules, and regulations governing the manner in which its business shall be transacted and the manner in which the powers of the Authority shall be exercised and its duties performed. The Board may delegate or assign any duty or task to be performed by the Authority to any officer or employee of the Authority. The Board shall remain responsible for the performance of any such duties or tasks. Any delegation pursuant to this subdivision shall, where appropriate, be accompanied by written guidelines for the exercise of the duties or tasks delegated. Where appropriate, the guidelines shall require that the Board receive summaries of actions taken. Such delegation or assignment shall not relieve the Board of the responsibility to ensure faithful performance of the duties and tasks;

8. Conduct or engage in any lawful business, activity, effort, or project consistent with the Authority's purposes or necessary or convenient to exercise its powers;

9. Develop policies and procedures generally applicable to the procurement of goods, services, and construction, based upon competitive principles;

10. Develop policies and procedures consistent with Article 4 (§ 2.2-4347 et seq.) of Chapter 43 of Title 2.2;

11. Buy, import and sell alcoholic beverages other than beer and wine not produced by farm wineries, and to have alcoholic beverages other than beer and wine not produced by farm wineries in its possession for sale;

12. Buy and sell any mixers;

13. Buy and sell products licensed by the Virginia Tourism Corporation that are within international trademark classes 16 (paper goods and printer matters), 18 (leather goods), 21 (housewares and glass), and 25 (clothing);

14. Control the possession, sale, transportation, and delivery of alcoholic beverages;

15. Determine, subject to § 4.1-121, the localities within which government stores shall be established or operated and the location of such stores;

16. Maintain warehouses for alcoholic beverages and control the storage and delivery of alcoholic beverages to and from such warehouses;

17. Acquire, purchase, hold, use, lease, or otherwise dispose of any property, real, personal or mixed, tangible or intangible, or any interest therein necessary or desirable for carrying out the purposes of the Authority; lease as lessee any property, real, personal or mixed, tangible or intangible, or any interest therein, at such annual rental and on such terms and

conditions as may be determined by the Board; lease as lessor to any person any property, real, personal or mixed, tangible or intangible, or any interest therein, at any time acquired by the Authority, whether wholly or partially completed, at such annual rental and on such terms and conditions as may be determined by the Board; sell, transfer, or convey any property, real, personal or mixed, tangible or intangible, or any interest therein, at any time acquired or held by the Authority on such terms and conditions as may be determined by the Board; and occupy and improve any land or building required for the purposes of this subtitle;

18. Purchase, lease, or acquire the use of, by any manner, any plant or equipment that may be considered necessary or useful in carrying into effect the purposes of this subtitle, including rectifying, blending, and processing plants. The Board may purchase, build, lease, and operate distilleries and manufacture alcoholic beverages;

19. Determine the nature, form and capacity of all containers used for holding alcoholic beverages to be kept or sold under this subtitle, and prescribe the form and content of all labels and seals to be placed thereon; however, no container sold in or shipped into the Commonwealth shall include powdered or crystalline alcohol;

20. Appoint every agent and employee required for its operations; require any or all of them to give bonds payable to the Commonwealth in such penalty as shall be fixed by the Board; and engage the services of experts and professionals;

21. Hold and conduct hearings; issue subpoenas requiring the attendance of witnesses and the production of records, memoranda, papers and other documents before the Board or any agent of the Board; and administer oaths and take testimony thereunder. The Board may authorize any Board member or agent of the Board to hold and conduct hearings, issue subpoenas, administer oaths and take testimony thereunder, and decide cases, subject to final decision by the Board, on application of any party aggrieved. The Board may enter into consent agreements and may request and accept from any applicant or licensee a consent agreement in lieu of proceedings on (i) objections to the issuance of a license or (ii) disciplinary action. Any such consent agreement shall include findings of fact and may include an admission or a finding of a violation. A consent agreement shall not be considered a case decision of the Board and shall not be subject to judicial review under the provisions of the Administrative Process Act (§ 2.2-4000 et seq.), but may be considered by the Board in future disciplinary proceedings;

22. Make a reasonable charge for preparing and furnishing statistical information and compilations to persons other than (i) officials, including court and police officials, of the Commonwealth and of its subdivisions if the information requested is for official use and (ii) persons who have a personal or legal interest in obtaining the information requested if such information is not to be used for commercial or trade purposes;

23. Promulgate regulations in accordance with the Administrative Process Act (§ 2.2-4000 et seq.) and § 4.1-111;

24. Grant, suspend, and revoke licenses for the manufacture, bottling, distribution, importation, and sale of alcoholic beverages;

25. Assess and collect civil penalties and civil charges for violations of this subtitle and Board regulations;

26. Maintain actions to enjoin common nuisances as defined in § 4.1-317;

27. Establish minimum food sale requirements for all retail licensees;

28. Review and approve any proposed legislative or regulatory changes suggested by the Chief Executive Officer as the Board deems appropriate;

29. Report quarterly to the Secretary of Public Safety and Homeland Security on the law-enforcement activities undertaken to enforce the provisions of this subtitle;

30. Establish and collect fees for all permits set forth in this subtitle, including fees associated with applications for such permits;

31. Impose a requirement that a mixed beverage casino licensee pursuant to subdivision A ~~15~~ *14* of § 4.1-206.3 pay for any cost incurred by the Board to enforce such license in excess of the applicable state license fee; and

32. Do all acts necessary or advisable to carry out the purposes of this subtitle.

§ 4.1-206.3. (Effective until July 1, 2024) Retail licenses.

A. The Board may grant the following mixed beverages licenses:

1. Mixed beverage restaurant licenses, which shall authorize the licensee to sell and serve mixed beverages for on-premises consumption in dining areas and other designated areas of such restaurant or off-premises consumption. Such license may be granted only to persons (i) who operate a restaurant and (ii) whose gross receipts from the sale of food cooked, or prepared, and consumed on the premises and nonalcoholic beverages served on the premises, after issuance of such license, amount to at least 45 percent of the gross receipts from the sale of mixed beverages and food. For the purposes of this subdivision, other designated areas shall include outdoor dining areas, whether or not contiguous to the licensed premises, which outdoor dining areas may have more than one means of ingress and egress to an adjacent public thoroughfare, provided such areas are under the control of the licensee and approved by the Board. Such noncontiguous designated areas shall not be approved for any retail license issued pursuant to subdivision A 5 of § 4.1-201.

If the restaurant is located on the premises of a hotel or motel with no fewer than four permanent bedrooms where food and beverage service is customarily provided by the restaurant in designated areas, bedrooms, and other private rooms of such hotel or motel, such licensee may (a) sell and serve mixed beverages for on-premises consumption in such designated areas, bedrooms, and other private rooms or off-premises consumption and (b) sell spirits packaged in original closed containers purchased from the Board for on-premises consumption to registered guests and at scheduled functions of such hotel or motel only in such bedrooms or private rooms. However, with regard to a hotel classified as a resort complex, the Board may authorize the sale and on-premises consumption of alcoholic beverages in all areas within the resort complex

deemed appropriate by the Board. Nothing herein shall prohibit any person from keeping and consuming his own lawfully acquired spirits in bedrooms or private rooms.

If the restaurant is located on the premises of and operated by a private, nonprofit, or profit club exclusively for its members and their guests, or members of another private, nonprofit, or profit club in another city with which it has an agreement for reciprocal dining privileges, such license shall also authorize the licensees to (1) sell and serve mixed beverages for on-premises or off-premises consumption and (2) sell spirits that are packaged in original closed containers with a maximum capacity of two fluid ounces or 50 milliliters and purchased from the Board for on-premises consumption. Where such club prepares no food in its restaurant but purchases its food requirements from a restaurant licensed by the Board and located on another portion of the premises of the same hotel or motel building, this fact shall not prohibit the granting of a license by the Board to such club qualifying in all other respects. The club's gross receipts from the sale of nonalcoholic beverages consumed on the premises and food resold to its members and guests and consumed on the premises shall amount to at least 45 percent of its gross receipts from the sale of mixed beverages and food. The food sales made by a restaurant to such a club shall be excluded in any consideration of the qualifications of such restaurant for a license from the Board.

If the restaurant is located on the premises of and operated by a municipal golf course, the Board shall recognize the seasonal nature of the business and waive any applicable monthly food sales requirements for those months when weather conditions may reduce patronage of the golf course, provided that prepared food, including meals, is available to patrons during the same months. The gross receipts from the sale of food cooked, or prepared, and consumed on the premises and nonalcoholic beverages served on the premises, after the issuance of such license, shall amount to at least 45 percent of the gross receipts from the sale of mixed beverages and food on an annualized basis.

If the restaurant is located on the premises of and operated by a culinary lodging resort, such license shall authorize the licensee to (A) sell alcoholic beverages, without regard to the amount of gross receipts from the sale of food prepared and consumed on the premises, for off-premises consumption or for on-premises consumption in areas upon the licensed premises approved by the Board and other designated areas of the resort, including outdoor areas under the control of the licensee, and (B) permit the possession and consumption of lawfully acquired alcoholic beverages by persons to whom overnight lodging is being provided in bedrooms and private guest rooms.

If the restaurant is located on the premises of a mixed beverage casino licensee owned by an operator licensed under Article 3 (§ 58.1-4108 et seq.) of Chapter 41 of Title 58.1, such mixed beverage restaurant license shall authorize the licensee to sell alcoholic beverages for on-premises consumption on the licensed premises of the restaurant during all hours of operation of the mixed beverage casino licensee. Any alcoholic beverages purchased from such restaurant may be (I) taken onto the premises of the mixed beverage casino licensee and (II) possessed or consumed in areas designated by the Board, after consultation with the mixed beverage casino licensee. Designated areas may include any areas on the premises of the mixed beverage casino licensee, including entertainment venues, conference rooms, private rooms, hotels, pools, marinas, or green spaces. Alcoholic beverages purchased from a restaurant pursuant to this subdivision shall be contained in glassware or a paper, plastic, or similar disposable container that clearly displays the name or logo of the restaurant from which the alcoholic beverage was purchased.

The granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption and in closed containers for off-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

2. Mixed beverage caterer's licenses, which may be granted only to a person regularly engaged in the business of providing food and beverages to others for service at private gatherings or at special events, which shall authorize the licensee to sell and serve alcoholic beverages for on-premises consumption. The annual gross receipts from the sale of food cooked and prepared for service and nonalcoholic beverages served at gatherings and events referred to in this subdivision shall amount to at least 45 percent of the gross receipts from the sale of mixed beverages and food.

3. Mixed beverage limited caterer's licenses, which may be granted only to a person regularly engaged in the business of providing food and beverages to others for service at private gatherings or at special events, not to exceed 12 gatherings or events per year, which shall authorize the licensee to sell and serve alcoholic beverages for on-premises consumption. The annual gross receipts from the sale of food cooked and prepared for service and nonalcoholic beverages served at gatherings and events referred to in this subdivision shall amount to at least 45 percent of the gross receipts from the sale of mixed beverages and food.

4. Mixed beverage carrier licenses to (i) persons operating a common carrier of passengers by train, boat, bus, or airplane, which shall authorize the licensee to sell and serve mixed beverages anywhere in the Commonwealth to passengers while in transit aboard any such common carrier, and in designated rooms of establishments of air carriers at airports in the Commonwealth and (ii) financial institutions, subsidiaries of a financial institution, or persons approved by the applicable airport authority that have entered into a contract with a financial institution or subsidiary of a financial institution to operate a passenger lounge, which shall authorize the licensee to sell and serve mixed beverages in designated areas of a passenger lounge for ticketed air carrier passengers that is located within an airport in the Commonwealth. For purposes of supplying its airplanes, as well as any airplanes of a licensed express carrier flying under the same brand, an air carrier licensee may appoint an authorized representative to load alcoholic beverages onto the same airplanes and to transport and store alcoholic beverages at or in close proximity to the airport where the alcoholic beverages will be delivered onto airplanes of the air carrier and any such licensed express carrier. The air carrier licensee shall (a) designate for purposes of its license all

locations where the inventory of alcoholic beverages may be stored and from which the alcoholic beverages will be delivered onto airplanes of the air carrier and any such licensed express carrier and (b) maintain records of all alcoholic beverages to be transported, stored, and delivered by its authorized representative. The granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption or in closed containers for off-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

For the purposes of this subdivision:

"Financial institution" means any bank, trust company, savings institution, industrial loan association, consumer finance company, or credit union.

"Passenger lounge" means any restricted-access passenger waiting room or lounge leased to persons by the applicable airport authority in which food and beverage services are provided to ticketed passengers.

5. Annual mixed beverage ~~motor~~ sports facility licenses *to persons operating a sports facility or food concessions at a sports facility*, which shall authorize the licensee to sell mixed beverages~~, in paper, plastic, or similar disposable containers or in single original metal cans, during scheduled events, as well as events or performances immediately subsequent thereto, to patrons in all dining facilities, seating areas, viewing areas, walkways, concession areas, or similar facilities, for on-premises consumption. Such license may be granted to persons operating food concessions at an outdoor motor sports facility that (i) is located on 1,200 acres of rural property bordering the Dan River and has a track surface of 3.27 miles in length or (ii) hosts a NASCAR national touring race~~ *during any event and immediately subsequent thereto to patrons within all seating areas, concourses, walkways, concession areas, and additional locations designated by the Board (i) in closed containers for off-premises consumption or (ii) in paper, plastic, or similar disposable containers or in single original metal cans for on-premises consumption*. Upon authorization of the licensee, any person may keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas and locations covered by the license. The granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption or in closed containers for off-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

6. Limited mixed beverage restaurant licenses, which shall authorize the licensee to sell and serve dessert wines as defined by Board regulation and no more than six varieties of liqueurs, which liqueurs shall be combined with coffee or other nonalcoholic beverages, for on-premises consumption in dining areas of the restaurant or off-premises consumption. Such license may be granted only to persons who operate a restaurant and in no event shall the sale of such wine or liqueur-based drinks, together with the sale of any other alcoholic beverages, exceed 10 percent of the total annual gross sales of all food and alcoholic beverages. The granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption or in closed containers for off-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

7. Annual mixed beverage performing arts facility licenses, which shall (i) authorize the licensee to sell, on the dates of performances or events, alcoholic beverages in paper, plastic, or similar disposable containers or in single original metal cans for on-premises consumption in all seating areas, concourses, walkways, concession areas, similar facilities, and other areas upon the licensed premises approved by the Board and (ii) automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption or in closed containers for off-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1. Such licenses may be granted to ~~the following:~~

~~a. Corporations or associations~~ *persons* operating a performing arts facility~~, provided the~~ *or food concessions at a* performing arts facility ~~(i) is owned by a governmental entity; (ii) is occupied by a for-profit entity under a bona fide lease, the original term of which was for more than one year's duration; and (iii) has been rehabilitated in accordance with historic preservation standards;~~

~~b. Persons operating food concessions at any performing arts facility located in the City of Norfolk or the City of Richmond, provided that the performing arts facility (i) is occupied under a bona fide long-term lease or concession agreement, the original term of which was more than five years; (ii) has a capacity in excess of 1,400 patrons; (iii) has been rehabilitated in accordance with historic preservation standards; and (iv) has monthly gross receipts from the sale of food cooked, or prepared, and consumed on the premises and nonalcoholic beverages served on the premises that meet or exceed the monthly minimum established by Board regulations for mixed beverage restaurants;~~

~~c. Persons operating food concessions at any performing arts facility located in the City of Waynesboro, provided that the performing arts facility (i) is occupied under a bona fide long-term lease or concession agreement, the original term of which was more than five years; (ii) has a total capacity in excess of 550 patrons; and (iii) has been rehabilitated in accordance with historic preservation standards;~~

~~d. Persons operating food concessions at any performing arts facility located in the arts and cultural district of the City of Harrisonburg, provided that the performing arts facility (i) is occupied under a bona fide long-term lease or concession agreement, the original term of which was more than five years; (ii) has been rehabilitated in accordance with historic preservation standards; (iii) has monthly gross receipts from the sale of food cooked, or prepared, and consumed on the premises and nonalcoholic beverages served on the premises that meet or exceed the monthly minimum established by Board regulations for mixed beverage restaurants; and (iv) has a total capacity in excess of 900 patrons;~~

~~e. Persons operating food concessions at any multipurpose theater located in the historical district of the Town of Bridgewater, provided that the theater (i) is owned and operated by a governmental entity and (ii) has a total capacity in excess of 100 patrons;~~

~~f. Persons operating food concessions at any outdoor performing arts amphitheater, arena, or similar facility that has seating for more than 20,000 persons and is located in Prince William County or the City of Virginia Beach;~~

~~g. Persons operating food concessions at any outdoor performing arts amphitheater, arena, or similar facility that has seating for more than 5,000 persons and is located in the City of Alexandria or the City of Portsmouth; or~~

~~h. Persons operating food concessions at any corporate and performing arts facility located in Fairfax County, provided that the corporate and performing arts facility (i) is occupied under a bona fide long-term lease, management, or concession agreement, the original term of which was more than one year and (ii) has a total capacity in excess of 1,400 patrons. Such license shall authorize the sale, on the dates of performances or events, of alcoholic beverages for on-premises consumption in areas upon the licensed premises approved by the Board~~.

8. Combined mixed beverage restaurant and caterer's licenses, which may be granted to any restaurant or hotel that meets the qualifications for both a mixed beverage restaurant pursuant to subdivision 1 and mixed beverage caterer pursuant to subdivision 2 for the same business location, and which license shall authorize the licensee to operate as both a mixed beverage restaurant and mixed beverage caterer at the same business premises designated in the license, with a common alcoholic beverage inventory for purposes of the restaurant and catering operations. Such licensee shall meet the separate food qualifications established for the mixed beverage restaurant license pursuant to subdivision 1 and mixed beverage caterer's license pursuant to subdivision 2. The granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption or in closed containers for off-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

9. Bed and breakfast licenses, which shall authorize the licensee to (i) serve alcoholic beverages in dining areas, private guest rooms, and other designated areas to persons to whom overnight lodging is being provided, with or without meals, for on-premises consumption only in such rooms and areas, and without regard to the amount of gross receipts from the sale of food prepared and consumed on the premises and (ii) permit the consumption of lawfully acquired alcoholic beverages by persons to whom overnight lodging is being provided in (a) bedrooms or private guest rooms or (b) other designated areas of the bed and breakfast establishment. For purposes of this subdivision, "other designated areas" includes outdoor dining areas, whether or not contiguous to the licensed premises, which may have more than one means of ingress and egress to an adjacent public thoroughfare, provided that such outdoor dining areas are under the control of the licensee and approved by the Board. Such noncontiguous designated areas shall not be approved for any retail license issued pursuant to subdivision A 5 of § 4.1-201.

10. Museum licenses, which may be issued to nonprofit museums exempt from taxation under § 501(c)(3) of the Internal Revenue Code, which shall authorize the licensee to (i) permit the consumption of lawfully acquired alcoholic beverages on the premises of the licensee by any bona fide member and guests thereof and (ii) serve alcoholic beverages on the premises of the licensee to any bona fide member and guests thereof. However, alcoholic beverages shall not be sold or charged for in any way by the licensee. The privileges of this license shall be limited to the premises of the museum, regularly occupied and utilized as such.

11. ~~Motor car sporting event facility licenses, which shall authorize the licensee to permit the consumption of lawfully acquired alcoholic beverages on the premises of the licensee by patrons thereof during such events. However, alcoholic beverages shall not be sold or charged for in any way, directly or indirectly, by the licensee. The privileges of this license shall be limited to those areas of the licensee's premises designated by the Board that are regularly occupied and utilized for motor car sporting events.~~

~~12.~~ Commercial lifestyle center licenses, which may be issued only to a commercial owners' association governing a commercial lifestyle center, which shall authorize any retail on-premises restaurant licensee that is a tenant of the commercial lifestyle center to sell alcoholic beverages to any bona fide customer to whom alcoholic beverages may be lawfully sold for consumption on that portion of the licensed premises of the commercial lifestyle center designated by the Board, including (i) plazas, seating areas, concourses, walkways, or such other similar areas and (ii) the premises of any tenant location of the commercial lifestyle center that is not a retail licensee of the Board, upon approval of such tenant, but excluding any parking areas. Only alcoholic beverages purchased from such retail on-premises restaurant licensees may be consumed on the licensed premises of the commercial lifestyle center, and such alcoholic beverages shall be contained in paper, plastic, or similar disposable containers with the name or logo of the restaurant licensee that sold the alcoholic beverage clearly displayed. Alcoholic beverages shall not be sold or charged for in any way by the commercial lifestyle center licensee. The licensee shall post appropriate signage clearly demarcating for the public the boundaries of the licensed premises; however, no physical barriers shall be required for this purpose. The licensee shall provide adequate security for the licensed premises to ensure compliance with the applicable provisions of this subtitle and Board regulations.

~~13.~~ *12.* Mixed beverage port restaurant licenses, which shall authorize the licensee to sell and serve mixed beverages for consumption in dining areas and other designated areas of such restaurant. Such license may be granted only to persons operating a business (i) that is primarily engaged in the sale of meals; (ii) that is located on property owned by the United States government or an agency thereof and used as a port of entry to or egress from the United States; and (iii) whose gross receipts from the sale of food cooked, or prepared, and consumed on the premises and nonalcoholic

beverages served on the premises, after issuance of such license, amount to at least 45 percent of the gross receipts from the sale of mixed beverages and food. For the purposes of this subdivision, other designated areas shall include outdoor dining areas, whether or not contiguous to the licensed premises, which outdoor dining areas may have more than one means of ingress and egress to an adjacent public thoroughfare, provided such areas are under the control of the licensee and approved by the Board. Such noncontiguous designated areas shall not be approved for any retail license issued pursuant to subdivision A 5 of § 4.1-201. The granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption or in closed containers for off-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

~~14.~~ *13.* Annual mixed beverage special events licenses to (i) a duly organized nonprofit corporation or association operating either a performing arts facility or an art education and exhibition facility; (ii) a nonprofit corporation or association chartered by Congress for the preservation of sites, buildings, and objects significant in American history and culture; (iii) persons operating an agricultural event and entertainment park or similar facility that has a minimum of 50,000 square feet of indoor exhibit space and equine and other livestock show areas, which includes barns, pavilions, or other structures equipped with roofs, exterior walls, and open-door or closed-door access; or (iv) a locality for special events conducted on the premises of a museum for historic interpretation that is owned and operated by the locality. The operation in all cases shall be upon premises owned by such licensee or occupied under a bona fide lease, the original term of which was for more than one year's duration. Such license shall authorize the licensee to sell alcoholic beverages during scheduled events and performances for on-premises consumption in areas upon the licensed premises approved by the Board.

~~15.~~ *14.* Mixed beverage casino licenses, which shall authorize the licensee to (i) sell and serve mixed beverages for on-premises consumption in areas designated by the Board, after consultation with the mixed beverage casino licensee, without regard to the amount of gross receipts from the sale of food prepared and consumed on the premises and (ii) provide complimentary mixed beverages to patrons for on-premises consumption in private areas or restricted access areas designated by the Board, after consultation with the mixed beverage casino licensee. Designated areas may include any areas on the premises of the mixed beverage casino licensee, including entertainment venues, private rooms, conference rooms, hotels, pools, marinas, or green spaces. The granting of a license pursuant to this subdivision shall authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption and in closed containers for off-premises consumption in accordance with the provisions of this subdivision governing mixed beverages; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1. Notwithstanding any law or regulation to the contrary, a mixed beverage casino licensee may exercise the privileges of its license as set forth in this subdivision during all hours of operation of the casino gaming establishment; however, such licensee shall not sell wine or beer for off-premises consumption between the hours of 12 a.m. and 6 a.m.

A mixed beverage casino licensee may (a) provide patrons gifts of alcoholic beverages in closed containers for personal consumption off the licensed premises or in areas designated by the Board, after consultation with the mixed beverage casino licensee, and (b) enable patrons who participate in a loyalty or reward credit program to redeem credits for the purchase of alcoholic beverages for on-premises consumption. A summary of the operation of such loyalty or reward credit program shall be provided to the Board upon request.

A mixed beverage casino license may only be issued to a casino gaming establishment owned by an operator licensed under Article 3 (§ 58.1-4108 et seq.) of Chapter 41 of Title 58.1.

B. The Board may grant an on-and-off-premises wine and beer license to the following:

1. Hotels, restaurants, and clubs, which shall authorize the licensee to sell wine and beer (i) in closed containers for off-premises consumption or (ii) for on-premises consumption, either with or without meals, in dining areas and other designated areas of such restaurants, or in dining areas, private guest rooms, and other designated areas of such hotels or clubs, for consumption only in such rooms and areas. However, with regard to a hotel classified by the Board as (a) a resort complex, the Board may authorize the sale and consumption of alcoholic beverages in all areas within the resort complex deemed appropriate by the Board or (b) a limited service hotel, the Board may authorize the sale and consumption of alcoholic beverages in dining areas, private guest rooms, and other designated areas to persons to whom overnight lodging is being provided, for on-premises consumption in such rooms or areas, and without regard to the amount of gross receipts from the sale of food prepared and consumed on the premises, provided that at least one meal is provided each day by the hotel to such guests. With regard to facilities registered in accordance with Chapter 49 (§ 38.2-4900 et seq.) of Title 38.2 as continuing care communities that are also licensed by the Board under this subdivision, any resident may, upon authorization of the licensee, keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas covered by the license. For purposes of this subdivision, "other designated areas" includes outdoor dining areas, whether or not contiguous to the licensed premises, which may have more than one means of ingress and egress to an adjacent public thoroughfare, provided that such outdoor dining areas are under the control of the licensee and approved by the Board. Such noncontiguous designated areas shall not be approved for any retail license issued pursuant to subdivision A 5 of § 4.1-201.

2. Hospitals, which shall authorize the licensee to sell wine and beer (i) in the rooms of patients for their on-premises consumption only in such rooms, provided the consent of the patient's attending physician is first obtained or (ii) in closed containers for off-premises consumption.

3. Rural grocery stores, which shall authorize the licensee to sell wine and beer for on-premises consumption or in closed containers for off-premises consumption. No license shall be granted unless (i) the grocery store is located in any

town or in a rural area outside the corporate limits of any city or town and (ii) it appears affirmatively that a substantial public demand for such licensed establishment exists and that public convenience and the purposes of this subtitle will be promoted by granting the license.

4. Coliseums, stadiums, and racetracks, which shall authorize the licensee to sell wine and beer during any event and immediately subsequent thereto to patrons within all seating areas, concourses, walkways, concession areas, and additional locations designated by the Board (i) in closed containers for off-premises consumption or (ii) in paper, plastic, or similar disposable containers or in single original metal cans for on-premises consumption. Upon authorization of the licensee, any person may keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas and locations covered by the license. Such licenses may be granted to persons operating food concessions at coliseums, stadiums, racetracks, or similar facilities.

5. Performing arts food concessionaires, which shall authorize the licensee to sell wine and beer during the performance of any event to patrons within all seating areas, concourses, walkways, or concession areas, or other areas approved by the Board (i) in closed containers for off-premises consumption or (ii) in paper, plastic, or similar disposable containers or in single original metal cans for on-premises consumption. Upon authorization of the licensee, any person may keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas and locations covered by the license. Such licenses may be granted to persons operating food concessions at any ~~outdoor~~ performing arts ~~amphitheater, arena, or similar~~ facility ~~that (a) has seating for more than 20,000 persons and is located in Prince William County or the City of Virginia Beach; (b) has seating or capacity for more than 3,500 persons and is located in the County of Albemarle, Alleghany, Augusta, Nelson, Pittsylvania, or Rockingham or the City of Charlottesville, Danville, or Roanoke; or (c) has capacity for more than 9,500 persons and is located in Henrico County~~.

6. Exhibition halls, which shall authorize the licensee to sell wine and beer during the event to patrons or attendees within all seating areas, exhibition areas, concourses, walkways, concession areas, and such additional locations designated by the Board in such facilities (i) in closed containers for off-premises consumption or (ii) in paper, plastic, or similar disposable containers or in single original metal cans for on-premises consumption. Upon authorization of the licensee, any person may keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas and locations covered by the license. Such licenses may be granted to persons operating food concessions at exhibition or exposition halls, convention centers, or similar facilities located in any county operating under the urban county executive form of government or any city that is completely surrounded by such county. For purposes of this subdivision, "exhibition or exposition hall" and "convention centers" mean facilities conducting private or public trade shows or exhibitions in an indoor facility having in excess of 100,000 square feet of floor space.

7. Concert and dinner-theaters, which shall authorize the licensee to sell wine and beer during events to patrons or attendees within all seating areas, exhibition areas, concourses, walkways, concession areas, dining areas, and such additional locations designated by the Board in such facilities, for on-premises consumption or in closed containers for off-premises consumption. Persons licensed pursuant to this subdivision shall serve food, prepared on or off premises, whenever wine or beer is served. Such licenses may be granted to persons operating concert or dinner-theater venues on property fronting Natural Bridge School Road in Natural Bridge Station and formerly operated as Natural Bridge High School.

8. Historic cinema houses, which shall authorize the licensee to sell wine and beer, either with or without meals, during any showing of a motion picture to patrons to whom alcoholic beverages may be lawfully sold, for on-premises consumption or in closed containers for off-premises consumption. The privileges of this license shall be limited to the premises of the historic cinema house regularly occupied and utilized as such.

9. Nonprofit museums, which shall authorize the licensee to sell wine and beer for on-premises consumption or in closed containers for off-premises consumption in areas approved by the Board. Such licenses may be granted to persons operating a nonprofit museum exempt from taxation under § 501(c)(3) of the Internal Revenue Code, located in the Town of Front Royal, and dedicated to educating the consuming public about historic beer products. The privileges of this license shall be limited to the premises of the museum, regularly occupied and utilized as such.

C. The Board may grant the following off-premises wine and beer licenses:

1. Retail off-premises wine and beer licenses, which may be granted to a convenience grocery store, delicatessen, drugstore, gift shop, gourmet oyster house, gourmet shop, grocery store, or marina store as defined in § 4.1-100 and Board regulations. Such license shall authorize the licensee to sell wine and beer in closed containers for off-premises consumption and, notwithstanding the provisions of § 4.1-308, to give to any person to whom wine or beer may be lawfully sold a sample of wine or beer for on-premises consumption; however, no single sample shall exceed four ounces of beer or two ounces of wine and no more than 12 ounces of beer or five ounces of wine shall be served to any person per day. The licensee may also give samples of wine and beer in designated areas at events held by the licensee for the purpose of featuring and educating the consuming public about the alcoholic beverages being tasted. With the consent of the licensee, farm wineries, wineries, breweries, distillers, and wholesale licensees or authorized representatives of such licensees may participate in such tastings, including the pouring of samples. The licensee shall comply with any food inventory and sales volume requirements established by Board regulation.

2. Gourmet brewing shop licenses, which shall authorize the licensee to sell to any person to whom wine or beer may be lawfully sold, ingredients for making wine or brewing beer, including packaging, and to rent to such persons facilities for

manufacturing, fermenting, and bottling such wine or beer, for off-premises consumption in accordance with subdivision 6 of § 4.1-200.

3. Confectionery licenses, which shall authorize the licensee to prepare and sell on the licensed premises for off-premises consumption confectionery that contains five percent or less alcohol by volume. Any alcohol contained in such confectionery shall not be in liquid form at the time such confectionery is sold.

D. The Board may grant the following banquet, special event, and tasting licenses:

1. Per-day event licenses.

a. Banquet licenses to persons in charge of private banquets, and to duly organized nonprofit corporations or associations in charge of special events, which shall authorize the licensee to sell or give wine and beer in rooms or areas approved by the Board for the occasion for on-premises consumption in such rooms or areas. Licensees who are nonprofit corporations or associations conducting fundraisers (i) shall also be authorized to sell wine, as part of any fundraising activity, in closed containers for off-premises consumption to persons to whom wine may be lawfully sold; (ii) shall be limited to no more than one such fundraiser per year; and (iii) if conducting such fundraiser through an online meeting platform, may ship such wine, in accordance with Board regulations, in closed containers to persons located within the Commonwealth. Except as provided in § 4.1-215, a separate license shall be required for each day of each banquet or special event. For the purposes of this subdivision, when the location named in the original application for a license is outdoors, the application may also name an alternative location in the event of inclement weather. However, no such license shall be required of any hotel, restaurant, or club holding a retail wine and beer license.

b. Mixed beverage special events licenses to a duly organized nonprofit corporation or association in charge of a special event, which shall authorize the licensee to sell and serve mixed beverages for on-premises consumption in areas approved by the Board on the premises of the place designated in the license. A separate license shall be required for each day of each special event.

c. Mixed beverage club events licenses to a club holding a wine and beer club license, which shall authorize the licensee to sell and serve mixed beverages for on-premises consumption by club members and their guests in areas approved by the Board on the club premises. A separate license shall be required for each day of each club event. No more than 12 such licenses shall be granted to a club in any calendar year. The granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

d. Tasting licenses, which shall authorize the licensee to sell or give samples of alcoholic beverages of the type specified in the license in designated areas at events held by the licensee. A tasting license shall be issued for the purpose of featuring and educating the consuming public about the alcoholic beverages being tasted. A separate license shall be required for each day of each tasting event. No tasting license shall be required for conduct authorized by § 4.1-201.1.

2. Annual licenses.

a. Annual banquet licenses to duly organized private nonprofit fraternal, patriotic, or charitable membership organizations that are exempt from state and federal taxation and in charge of banquets conducted exclusively for members and their guests, which shall authorize the licensee to serve wine and beer in rooms or areas approved by the Board for the occasion for on-premises consumption in such rooms or areas. Such license shall authorize the licensee to conduct no more than 12 banquets per calendar year. For the purposes of this subdivision, when the location named in the original application for a license is outdoors, the application may also name an alternative location in the event of inclement weather. However, no such license shall be required of any hotel, restaurant, or club holding a retail wine and beer license.

b. Banquet facility licenses to volunteer fire departments and volunteer emergency medical services agencies, which shall authorize the licensee to permit the consumption of lawfully acquired alcoholic beverages on the premises of the licensee by any person, and bona fide members and guests thereof, otherwise eligible for a banquet license. However, lawfully acquired alcoholic beverages shall not be purchased or sold by the licensee or sold or charged for in any way by the person permitted to use the premises. Such premises shall be a volunteer fire or volunteer emergency medical services agency station or both, regularly occupied as such and recognized by the governing body of the county, city, or town in which it is located. Under conditions as specified by Board regulation, such premises may be other than a volunteer fire or volunteer emergency medical services agency station, provided such other premises are occupied and under the control of the volunteer fire department or volunteer emergency medical services agency while the privileges of its license are being exercised.

c. Designated outdoor refreshment area licenses to a locality, business improvement district, or nonprofit organization, which shall authorize (i) the licensee to permit the consumption of alcoholic beverages within the area designated by the Board for the designated outdoor refreshment area and (ii) any permanent retail on-premises licensee that is located within the area designated by the Board for the designated outdoor refreshment area to sell alcoholic beverages within the permanent retail location for consumption in the area designated for the designated outdoor refreshment area, including sidewalks and the premises of businesses not licensed to sell alcoholic beverages at retail, upon approval of such businesses. In determining the designated area for the designated outdoor refreshment area, the Board shall consult with the locality. Designated outdoor refreshment area licensees shall be limited to 16 events per year, and the duration of any event shall not exceed three consecutive days. However, the Board may increase the frequency and duration of events after adoption of an ordinance by a locality requesting such increase in frequency and duration. Such ordinance shall include the size and scope of the area within which such events will be held, a public safety plan, and any other considerations deemed necessary by

the Board. Such limitations on the number of events that may be held shall not apply during the effective dates of any rule, regulation, or order that is issued by the Governor or State Health Commissioner to meet a public health emergency and that effectively reduces allowable restaurant seating capacity; however, designated outdoor refreshment area licensees shall be subject to all other applicable provisions of this subtitle and Board regulations and shall provide notice to the Board regarding the days and times during which the privileges of the license will be exercised. Only alcoholic beverages purchased from permanent retail on-premises licensees located within the designated area may be consumed at the event, and such alcoholic beverages shall be contained in paper, plastic, or similar disposable containers that clearly display the name or logo of the retail on-premises licensee from which the alcoholic beverage was purchased. Alcoholic beverages shall not be sold or charged for in any way by the designated outdoor refreshment area licensee. The designated outdoor refreshment area licensee shall post appropriate signage clearly demarcating for the public the boundaries of the event; however, no physical barriers shall be required for this purpose. The designated outdoor refreshment area licensee shall provide adequate security for the event to ensure compliance with the applicable provisions of this subtitle and Board regulations.

d. Annual mixed beverage banquet licenses to duly organized private nonprofit fraternal, patriotic, or charitable membership organizations that are exempt from state and federal taxation and in charge of banquets conducted exclusively for members and their guests, which shall authorize the licensee to serve mixed beverages for on-premises consumption in areas approved by the Board on the premises of the place designated in the license. Such license shall authorize the licensee to conduct no more than 12 banquets per calendar year. The granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

e. Equine sporting event licenses, which may be issued to organizations holding equestrian, hunt, and steeplechase events, which shall authorize the licensee to permit the consumption of lawfully acquired alcoholic beverages on the premises of the licensee by patrons thereof during such event. However, alcoholic beverages shall not be sold or charged for in any way by the licensee. The privileges of this license shall be (i) limited to the premises of the licensee, regularly occupied and utilized for equestrian, hunt, and steeplechase events, and (ii) exercised on no more than four calendar days per year.

f. Annual arts venue event licenses, to persons operating an arts venue, which shall authorize the licensee participating in a community art walk that is open to the public to serve lawfully acquired wine or beer on the premises of the licensee to adult patrons thereof during such events. However, alcoholic beverages shall not be sold or charged for in any way, directly or indirectly, by the licensee, and the licensee shall not give more than two five-ounce glasses of wine or two 12-ounce glasses of beer to any one adult patron. The privileges of this license shall be (i) limited to the premises of the arts venue regularly occupied and used as such and (ii) exercised on no more than 12 calendar days per year.

E. The Board may grant a marketplace license to persons operating a business enterprise of which the primary function is not the sale of alcoholic beverages, which shall authorize the licensee to serve complimentary wine or beer to bona fide customers on the licensed premises subject to any limitations imposed by the Board; however, the licensee shall not give more than two five-ounce glasses of wine or two 12-ounce glasses of beer to any customer per day, nor shall it sell or otherwise charge a fee to such customer for the wine or beer served or consumed. In order to be eligible for and retain a marketplace license, the applicant's business enterprise must (i) provide a single category of goods or services in a manner intended to create a personalized experience for the customer; (ii) employ staff with expertise in such goods or services; (iii) be ineligible for any other license granted by the Board; (iv) have an alcoholic beverage control manager on the licensed premises at all times alcohol is served; (v) ensure that all employees satisfy any training requirements imposed by the Board; and (vi) purchase all wine and beer to be served from a licensed wholesaler or the Authority and retain purchase records as prescribed by the Board. In determining whether to grant a marketplace license, the Board shall consider (a) the average amount of time customers spend at the business; (b) the business's hours of operation; (c) the amount of time that the business has been in operation; and (d) any other requirements deemed necessary by the Board to protect the public health, safety, and welfare.

F. The Board may grant the following shipper, bottler, and related licenses:

1. Wine and beer shipper licenses, which shall carry the privileges and limitations set forth in § 4.1-209.1.

2. Internet wine and beer retailer licenses, which shall authorize persons located within or outside the Commonwealth to sell and ship wine and beer, in accordance with § 4.1-209.1 and Board regulations, in closed containers to persons in the Commonwealth to whom wine and beer may be lawfully sold for off-premises consumption. Such licensee shall not be required to comply with the monthly food sale requirement established by Board regulations.

3. Bottler licenses, which shall authorize the licensee to acquire and receive deliveries and shipments of beer in closed containers and to bottle, sell, and deliver or ship it, in accordance with Board regulations to (i) wholesale beer licensees for the purpose of resale, (ii) owners of boats registered under the laws of the United States sailing for ports of call of a foreign country or another state, and (iii) persons outside the Commonwealth for resale outside the Commonwealth.

4. Fulfillment warehouse licenses, which shall authorize associations as defined in § 13.1-313 with a place of business located in the Commonwealth to (i) receive deliveries and shipments of wine or beer owned by holders of wine and beer shipper's licenses; (ii) store such wine or beer on behalf of the owner; and (iii) pick, pack, and ship such wine or beer as directed by the owner, all in accordance with Board regulations. No wholesale wine or wholesale beer licensee, whether

licensed in the Commonwealth or not, or any person under common control of such licensee, shall acquire or hold any financial interest, direct or indirect, in the business for which any fulfillment warehouse license is issued.

5. Marketing portal licenses, which shall authorize agricultural cooperative associations organized under the provisions of the Agricultural Cooperative Association Act (§ 13.1-312 et seq.), with a place of business located in the Commonwealth, in accordance with Board regulations, to solicit and receive orders for wine or beer through the use of the Internet from persons in the Commonwealth to whom wine or beer may be lawfully sold, on behalf of holders of wine and beer shipper's licenses. Upon receipt of an order for wine or beer, the licensee shall forward it to a holder of a wine and beer shipper's license for fulfillment. Marketing portal licensees may also accept payment on behalf of the shipper.

6. Third-party delivery licenses, which shall carry the privileges and limitations set forth in § 4.1-212.2.

§ 4.1-206.3. (Effective July 1, 2024) Retail licenses.

A. The Board may grant the following mixed beverages licenses:

1. Mixed beverage restaurant licenses, which shall authorize the licensee to sell and serve mixed beverages for consumption in dining areas and other designated areas of such restaurant. Such license may be granted only to persons (i) who operate a restaurant and (ii) whose gross receipts from the sale of food cooked, or prepared, and consumed on the premises and nonalcoholic beverages served on the premises, after issuance of such license, amount to at least 45 percent of the gross receipts from the sale of mixed beverages and food. For the purposes of this subdivision, other designated areas shall include outdoor dining areas, whether or not contiguous to the licensed premises, which outdoor dining areas may have more than one means of ingress and egress to an adjacent public thoroughfare, provided such areas are under the control of the licensee and approved by the Board. Such noncontiguous designated areas shall not be approved for any retail license issued pursuant to subdivision A 5 of § 4.1-201.

If the restaurant is located on the premises of a hotel or motel with no fewer than four permanent bedrooms where food and beverage service is customarily provided by the restaurant in designated areas, bedrooms, and other private rooms of such hotel or motel, such licensee may (a) sell and serve mixed beverages for consumption in such designated areas, bedrooms, and other private rooms and (b) sell spirits packaged in original closed containers purchased from the Board for on-premises consumption to registered guests and at scheduled functions of such hotel or motel only in such bedrooms or private rooms. However, with regard to a hotel classified as a resort complex, the Board may authorize the sale and on-premises consumption of alcoholic beverages in all areas within the resort complex deemed appropriate by the Board. Nothing herein shall prohibit any person from keeping and consuming his own lawfully acquired spirits in bedrooms or private rooms.

If the restaurant is located on the premises of and operated by a private, nonprofit, or profit club exclusively for its members and their guests, or members of another private, nonprofit, or profit club in another city with which it has an agreement for reciprocal dining privileges, such license shall also authorize the licensees to (1) sell and serve mixed beverages for on-premises consumption and (2) sell spirits that are packaged in original closed containers with a maximum capacity of two fluid ounces or 50 milliliters and purchased from the Board for on-premises consumption. Where such club prepares no food in its restaurant but purchases its food requirements from a restaurant licensed by the Board and located on another portion of the premises of the same hotel or motel building, this fact shall not prohibit the granting of a license by the Board to such club qualifying in all other respects. The club's gross receipts from the sale of nonalcoholic beverages consumed on the premises and food resold to its members and guests and consumed on the premises shall amount to at least 45 percent of its gross receipts from the sale of mixed beverages and food. The food sales made by a restaurant to such a club shall be excluded in any consideration of the qualifications of such restaurant for a license from the Board.

If the restaurant is located on the premises of and operated by a municipal golf course, the Board shall recognize the seasonal nature of the business and waive any applicable monthly food sales requirements for those months when weather conditions may reduce patronage of the golf course, provided that prepared food, including meals, is available to patrons during the same months. The gross receipts from the sale of food cooked, or prepared, and consumed on the premises and nonalcoholic beverages served on the premises, after the issuance of such license, shall amount to at least 45 percent of the gross receipts from the sale of mixed beverages and food on an annualized basis.

If the restaurant is located on the premises of and operated by a culinary lodging resort, such license shall authorize the licensee to (A) sell alcoholic beverages for on-premises consumption, without regard to the amount of gross receipts from the sale of food prepared and consumed on the premises, in areas upon the licensed premises approved by the Board and other designated areas of the resort, including outdoor areas under the control of the licensee, and (B) permit the possession and consumption of lawfully acquired alcoholic beverages by persons to whom overnight lodging is being provided in bedrooms and private guest rooms.

If the restaurant is located on the premises of a mixed beverage casino licensee owned by an operator licensed under Article 3 (§ 58.1-4108 et seq.) of Chapter 41 of Title 58.1, such mixed beverage restaurant license shall authorize the licensee to sell alcoholic beverages for on-premises consumption on the licensed premises of the restaurant during all hours of operation of the mixed beverage casino licensee. Any alcoholic beverages purchased from such restaurant may be (I) taken onto the premises of the mixed beverage casino licensee and (II) possessed or consumed in areas designated by the Board, after consultation with the mixed beverage casino licensee. Designated areas may include any areas on the premises of the mixed beverage casino licensee, including entertainment venues, conference rooms, private rooms, hotels, pools, marinas, or green spaces. Alcoholic beverages purchased from a restaurant pursuant to this subdivision shall be contained in

glassware or a paper, plastic, or similar disposable container that clearly displays the name or logo of the restaurant from which the alcoholic beverage was purchased.

The granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption and in closed containers for off-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

2. Mixed beverage caterer's licenses, which may be granted only to a person regularly engaged in the business of providing food and beverages to others for service at private gatherings or at special events, which shall authorize the licensee to sell and serve alcoholic beverages for on-premises consumption. The annual gross receipts from the sale of food cooked and prepared for service and nonalcoholic beverages served at gatherings and events referred to in this subdivision shall amount to at least 45 percent of the gross receipts from the sale of mixed beverages and food.

3. Mixed beverage limited caterer's licenses, which may be granted only to a person regularly engaged in the business of providing food and beverages to others for service at private gatherings or at special events, not to exceed 12 gatherings or events per year, which shall authorize the licensee to sell and serve alcoholic beverages for on-premises consumption. The annual gross receipts from the sale of food cooked and prepared for service and nonalcoholic beverages served at gatherings and events referred to in this subdivision shall amount to at least 45 percent of the gross receipts from the sale of mixed beverages and food.

4. Mixed beverage carrier licenses to (i) persons operating a common carrier of passengers by train, boat, bus, or airplane, which shall authorize the licensee to sell and serve mixed beverages anywhere in the Commonwealth to passengers while in transit aboard any such common carrier, and in designated rooms of establishments of air carriers at airports in the Commonwealth and (ii) financial institutions, subsidiaries of a financial institution, or persons approved by the applicable airport authority that have entered into a contract with a financial institution or subsidiary of a financial institution to operate a passenger lounge, which shall authorize the licensee to sell and serve mixed beverages in designated areas of a passenger lounge for ticketed air carrier passengers that is located within an airport in the Commonwealth. For purposes of supplying its airplanes, as well as any airplanes of a licensed express carrier flying under the same brand, an air carrier licensee may appoint an authorized representative to load alcoholic beverages onto the same airplanes and to transport and store alcoholic beverages at or in close proximity to the airport where the alcoholic beverages will be delivered onto airplanes of the air carrier and any such licensed express carrier. The air carrier licensee shall (a) designate for purposes of its license all locations where the inventory of alcoholic beverages may be stored and from which the alcoholic beverages will be delivered onto airplanes of the air carrier and any such licensed express carrier and (b) maintain records of all alcoholic beverages to be transported, stored, and delivered by its authorized representative. The granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption or in closed containers for off-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

For the purposes of this subdivision:

"Financial institution" means any bank, trust company, savings institution, industrial loan association, consumer finance company, or credit union.

"Passenger lounge" means any restricted-access passenger waiting room or lounge leased to persons by the applicable airport authority in which food and beverage services are provided to ticketed passengers.

5. Annual mixed beverage ~~motor~~ sports facility licenses *to persons operating a sports facility or food concessions at a sports facility*, which shall authorize the licensee to sell mixed beverages~~, in paper, plastic, or similar disposable containers or in single original metal cans, during scheduled events, as well as events or performances immediately subsequent thereto, to patrons in all dining facilities, seating areas, viewing areas, walkways, concession areas, or similar facilities, for on-premises consumption. Such license may be granted to persons operating food concessions at an outdoor motor sports facility that (i) is located on 1,200 acres of rural property bordering the Dan River and has a track surface of 3.27 miles in length or (ii) hosts a NASCAR national touring race~~ *during any event and immediately subsequent thereto to patrons within all seating areas, concourses, walkways, concession areas, and additional locations designated by the Board (i) in closed containers for off-premises consumption or (ii) in paper, plastic, or similar disposable containers or in single original metal cans for on-premises consumption*. Upon authorization of the licensee, any person may keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas and locations covered by the license. The granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption or in closed containers for off-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

6. Limited mixed beverage restaurant licenses, which shall authorize the licensee to sell and serve dessert wines as defined by Board regulation and no more than six varieties of liqueurs, which liqueurs shall be combined with coffee or other nonalcoholic beverages, for consumption in dining areas of the restaurant. Such license may be granted only to persons who operate a restaurant and in no event shall the sale of such wine or liqueur-based drinks, together with the sale of any other alcoholic beverages, exceed 10 percent of the total annual gross sales of all food and alcoholic beverages. The granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption or in closed containers for off-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

7. Annual mixed beverage performing arts facility licenses, which shall (i) authorize the licensee to sell, on the dates of performances or events, alcoholic beverages in paper, plastic, or similar disposable containers or in single original metal cans for on-premises consumption in all seating areas, concourses, walkways, concession areas, similar facilities, and other areas upon the licensed premises approved by the Board and (ii) automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption or in closed containers for off-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1. Such licenses may be granted to ~~the following:~~

~~a. Corporations or associations~~ *persons* operating a performing arts facility~~, provided the~~ *or food concessions at a* performing arts facility ~~(i) is owned by a governmental entity; (ii) is occupied by a for-profit entity under a bona fide lease, the original term of which was for more than one year's duration; and (iii) has been rehabilitated in accordance with historic preservation standards;~~

~~b. Persons operating food concessions at any performing arts facility located in the City of Norfolk or the City of Richmond, provided that the performing arts facility (i) is occupied under a bona fide long-term lease or concession agreement, the original term of which was more than five years; (ii) has a capacity in excess of 1,400 patrons; (iii) has been rehabilitated in accordance with historic preservation standards; and (iv) has monthly gross receipts from the sale of food cooked, or prepared, and consumed on the premises and nonalcoholic beverages served on the premises that meet or exceed the monthly minimum established by Board regulations for mixed beverage restaurants;~~

~~c. Persons operating food concessions at any performing arts facility located in the City of Waynesboro, provided that the performing arts facility (i) is occupied under a bona fide long-term lease or concession agreement, the original term of which was more than five years; (ii) has a total capacity in excess of 550 patrons; and (iii) has been rehabilitated in accordance with historic preservation standards;~~

~~d. Persons operating food concessions at any performing arts facility located in the arts and cultural district of the City of Harrisonburg, provided that the performing arts facility (i) is occupied under a bona fide long-term lease or concession agreement, the original term of which was more than five years; (ii) has been rehabilitated in accordance with historic preservation standards; (iii) has monthly gross receipts from the sale of food cooked, or prepared, and consumed on the premises and nonalcoholic beverages served on the premises that meet or exceed the monthly minimum established by Board regulations for mixed beverage restaurants; and (iv) has a total capacity in excess of 900 patrons;~~

~~e. Persons operating food concessions at any multipurpose theater located in the historical district of the Town of Bridgewater, provided that the theater (i) is owned and operated by a governmental entity and (ii) has a total capacity in excess of 100 patrons;~~

~~f. Persons operating food concessions at any outdoor performing arts amphitheater, arena, or similar facility that has seating for more than 20,000 persons and is located in Prince William County or the City of Virginia Beach;~~

~~g. Persons operating food concessions at any outdoor performing arts amphitheater, arena, or similar facility that has seating for more than 5,000 persons and is located in the City of Alexandria or the City of Portsmouth; or~~

~~h. Persons operating food concessions at any corporate and performing arts facility located in Fairfax County, provided that the corporate and performing arts facility (i) is occupied under a bona fide long-term lease, management, or concession agreement, the original term of which was more than one year and (ii) has a total capacity in excess of 1,400 patrons. Such license shall authorize the sale, on the dates of performances or events, of alcoholic beverages for on-premises consumption in areas upon the licensed premises approved by the Board~~.

8. Combined mixed beverage restaurant and caterer's licenses, which may be granted to any restaurant or hotel that meets the qualifications for both a mixed beverage restaurant pursuant to subdivision 1 and mixed beverage caterer pursuant to subdivision 2 for the same business location, and which license shall authorize the licensee to operate as both a mixed beverage restaurant and mixed beverage caterer at the same business premises designated in the license, with a common alcoholic beverage inventory for purposes of the restaurant and catering operations. Such licensee shall meet the separate food qualifications established for the mixed beverage restaurant license pursuant to subdivision 1 and mixed beverage caterer's license pursuant to subdivision 2. The granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption or in closed containers for off-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

9. Bed and breakfast licenses, which shall authorize the licensee to (i) serve alcoholic beverages in dining areas, private guest rooms, and other designated areas to persons to whom overnight lodging is being provided, with or without meals, for on-premises consumption only in such rooms and areas, and without regard to the amount of gross receipts from the sale of food prepared and consumed on the premises and (ii) permit the consumption of lawfully acquired alcoholic beverages by persons to whom overnight lodging is being provided in (a) bedrooms or private guest rooms or (b) other designated areas of the bed and breakfast establishment. For purposes of this subdivision, "other designated areas" includes outdoor dining areas, whether or not contiguous to the licensed premises, which may have more than one means of ingress and egress to an adjacent public thoroughfare, provided that such outdoor dining areas are under the control of the licensee and approved by the Board. Such noncontiguous designated areas shall not be approved for any retail license issued pursuant to subdivision A 5 of § 4.1-201.

10. Museum licenses, which may be issued to nonprofit museums exempt from taxation under § 501(c)(3) of the Internal Revenue Code, which shall authorize the licensee to (i) permit the consumption of lawfully acquired alcoholic

beverages on the premises of the licensee by any bona fide member and guests thereof and (ii) serve alcoholic beverages on the premises of the licensee to any bona fide member and guests thereof. However, alcoholic beverages shall not be sold or charged for in any way by the licensee. The privileges of this license shall be limited to the premises of the museum, regularly occupied and utilized as such.

11. ~~Motor car sporting event facility licenses, which shall authorize the licensee to permit the consumption of lawfully acquired alcoholic beverages on the premises of the licensee by patrons thereof during such events. However, alcoholic beverages shall not be sold or charged for in any way, directly or indirectly, by the licensee. The privileges of this license shall be limited to those areas of the licensee's premises designated by the Board that are regularly occupied and utilized for motor car sporting events.~~

~~12.~~ Commercial lifestyle center licenses, which may be issued only to a commercial owners' association governing a commercial lifestyle center, which shall authorize any retail on-premises restaurant licensee that is a tenant of the commercial lifestyle center to sell alcoholic beverages to any bona fide customer to whom alcoholic beverages may be lawfully sold for consumption on that portion of the licensed premises of the commercial lifestyle center designated by the Board, including (i) plazas, seating areas, concourses, walkways, or such other similar areas and (ii) the premises of any tenant location of the commercial lifestyle center that is not a retail licensee of the Board, upon approval of such tenant, but excluding any parking areas. Only alcoholic beverages purchased from such retail on-premises restaurant licensees may be consumed on the licensed premises of the commercial lifestyle center, and such alcoholic beverages shall be contained in paper, plastic, or similar disposable containers with the name or logo of the restaurant licensee that sold the alcoholic beverage clearly displayed. Alcoholic beverages shall not be sold or charged for in any way by the commercial lifestyle center licensee. The licensee shall post appropriate signage clearly demarcating for the public the boundaries of the licensed premises; however, no physical barriers shall be required for this purpose. The licensee shall provide adequate security for the licensed premises to ensure compliance with the applicable provisions of this subtitle and Board regulations.

~~13.~~ *12.* Mixed beverage port restaurant licenses, which shall authorize the licensee to sell and serve mixed beverages for consumption in dining areas and other designated areas of such restaurant. Such license may be granted only to persons operating a business (i) that is primarily engaged in the sale of meals; (ii) that is located on property owned by the United States government or an agency thereof and used as a port of entry to or egress from the United States; and (iii) whose gross receipts from the sale of food cooked, or prepared, and consumed on the premises and nonalcoholic beverages served on the premises, after issuance of such license, amount to at least 45 percent of the gross receipts from the sale of mixed beverages and food. For the purposes of this subdivision, other designated areas shall include outdoor dining areas, whether or not contiguous to the licensed premises, which outdoor dining areas may have more than one means of ingress and egress to an adjacent public thoroughfare, provided such areas are under the control of the licensee and approved by the Board. Such noncontiguous designated areas shall not be approved for any retail license issued pursuant to subdivision A 5 of § 4.1-201. The granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption or in closed containers for off-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

~~14.~~ *13.* Annual mixed beverage special events licenses to (i) a duly organized nonprofit corporation or association operating either a performing arts facility or an art education and exhibition facility; (ii) a nonprofit corporation or association chartered by Congress for the preservation of sites, buildings, and objects significant in American history and culture; (iii) persons operating an agricultural event and entertainment park or similar facility that has a minimum of 50,000 square feet of indoor exhibit space and equine and other livestock show areas, which includes barns, pavilions, or other structures equipped with roofs, exterior walls, and open-door or closed-door access; or (iv) a locality for special events conducted on the premises of a museum for historic interpretation that is owned and operated by the locality. The operation in all cases shall be upon premises owned by such licensee or occupied under a bona fide lease, the original term of which was for more than one year's duration. Such license shall authorize the licensee to sell alcoholic beverages during scheduled events and performances for on-premises consumption in areas upon the licensed premises approved by the Board.

~~15.~~ *14.* Mixed beverage casino licenses, which shall authorize the licensee to (i) sell and serve mixed beverages for on-premises consumption in areas designated by the Board, after consultation with the mixed beverage casino licensee, without regard to the amount of gross receipts from the sale of food prepared and consumed on the premises and (ii) provide complimentary mixed beverages to patrons for on-premises consumption in private areas or restricted access areas designated by the Board, after consultation with the mixed beverage casino licensee. Designated areas may include any areas on the premises of the mixed beverage casino licensee, including entertainment venues, private rooms, conference rooms, hotels, pools, marinas, or green spaces. The granting of a license pursuant to this subdivision shall authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption and in closed containers for off-premises consumption in accordance with the provisions of this subdivision governing mixed beverages; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1. Notwithstanding any law or regulation to the contrary, a mixed beverage casino licensee may exercise the privileges of its license as set forth in this subdivision during all hours of operation of the casino gaming establishment; however, such licensee shall not sell wine or beer for off-premises consumption between the hours of 12 a.m. and 6 a.m.

A mixed beverage casino licensee may (a) provide patrons gifts of alcoholic beverages in closed containers for personal consumption off the licensed premises or in areas designated by the Board, after consultation with the mixed

beverage casino licensee, and (b) enable patrons who participate in a loyalty or reward credit program to redeem credits for the purchase of alcoholic beverages for on-premises consumption. A summary of the operation of such loyalty or reward credit program shall be provided to the Board upon request.

A mixed beverage casino license may only be issued to a casino gaming establishment owned by an operator licensed under Article 3 (§ 58.1-4108 et seq.) of Chapter 41 of Title 58.1.

B. The Board may grant an on-and-off-premises wine and beer license to the following:

1. Hotels, restaurants, and clubs, which shall authorize the licensee to sell wine and beer (i) in closed containers for off-premises consumption or (ii) for on-premises consumption, either with or without meals, in dining areas and other designated areas of such restaurants, or in dining areas, private guest rooms, and other designated areas of such hotels or clubs, for consumption only in such rooms and areas. However, with regard to a hotel classified by the Board as (a) a resort complex, the Board may authorize the sale and consumption of alcoholic beverages in all areas within the resort complex deemed appropriate by the Board or (b) a limited service hotel, the Board may authorize the sale and consumption of alcoholic beverages in dining areas, private guest rooms, and other designated areas to persons to whom overnight lodging is being provided, for on-premises consumption in such rooms or areas, and without regard to the amount of gross receipts from the sale of food prepared and consumed on the premises, provided that at least one meal is provided each day by the hotel to such guests. With regard to facilities registered in accordance with Chapter 49 (§ 38.2-4900 et seq.) of Title 38.2 as continuing care communities that are also licensed by the Board under this subdivision, any resident may, upon authorization of the licensee, keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas covered by the license. For purposes of this subdivision, "other designated areas" includes outdoor dining areas, whether or not contiguous to the licensed premises, which may have more than one means of ingress and egress to an adjacent public thoroughfare, provided that such outdoor dining areas are under the control of the licensee and approved by the Board. Such noncontiguous designated areas shall not be approved for any retail license issued pursuant to subdivision A 5 of § 4.1-201.

2. Hospitals, which shall authorize the licensee to sell wine and beer (i) in the rooms of patients for their on-premises consumption only in such rooms, provided the consent of the patient's attending physician is first obtained or (ii) in closed containers for off-premises consumption.

3. Rural grocery stores, which shall authorize the licensee to sell wine and beer for on-premises consumption or in closed containers for off-premises consumption. No license shall be granted unless (i) the grocery store is located in any town or in a rural area outside the corporate limits of any city or town and (ii) it appears affirmatively that a substantial public demand for such licensed establishment exists and that public convenience and the purposes of this subtitle will be promoted by granting the license.

4. Coliseums, stadiums, and racetracks, which shall authorize the licensee to sell wine and beer during any event and immediately subsequent thereto to patrons within all seating areas, concourses, walkways, concession areas, and additional locations designated by the Board (i) in closed containers for off-premises consumption or (ii) in paper, plastic, or similar disposable containers or in single original metal cans for on-premises consumption. Upon authorization of the licensee, any person may keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas and locations covered by the license. Such licenses may be granted to persons operating food concessions at coliseums, stadiums, racetracks, or similar facilities.

5. Performing arts food concessionaires, which shall authorize the licensee to sell wine and beer during the performance of any event to patrons within all seating areas, concourses, walkways, or concession areas, or other areas approved by the Board (i) in closed containers for off-premises consumption or (ii) in paper, plastic, or similar disposable containers or in single original metal cans for on-premises consumption. Upon authorization of the licensee, any person may keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas and locations covered by the license. Such licenses may be granted to persons operating food concessions at any ~~outdoor~~ performing arts ~~amphitheater, arena, or similar~~ facility ~~that (a) has seating for more than 20,000 persons and is located in Prince William County or the City of Virginia Beach; (b) has seating or capacity for more than 3,500 persons and is located in the County of Albemarle, Alleghany, Augusta, Nelson, Pittsylvania, or Rockingham or the City of Charlottesville, Danville, or Roanoke; or (c) has capacity for more than 9,500 persons and is located in Henrico County~~.

6. Exhibition halls, which shall authorize the licensee to sell wine and beer during the event to patrons or attendees within all seating areas, exhibition areas, concourses, walkways, concession areas, and such additional locations designated by the Board in such facilities (i) in closed containers for off-premises consumption or (ii) in paper, plastic, or similar disposable containers or in single original metal cans for on-premises consumption. Upon authorization of the licensee, any person may keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas and locations covered by the license. Such licenses may be granted to persons operating food concessions at exhibition or exposition halls, convention centers, or similar facilities located in any county operating under the urban county executive form of government or any city that is completely surrounded by such county. For purposes of this subdivision, "exhibition or exposition hall" and "convention centers" mean facilities conducting private or public trade shows or exhibitions in an indoor facility having in excess of 100,000 square feet of floor space.

7. Concert and dinner-theaters, which shall authorize the licensee to sell wine and beer during events to patrons or attendees within all seating areas, exhibition areas, concourses, walkways, concession areas, dining areas, and such additional locations designated by the Board in such facilities, for on-premises consumption or in closed containers for off-premises consumption. Persons licensed pursuant to this subdivision shall serve food, prepared on or off premises,

whenever wine or beer is served. Such licenses may be granted to persons operating concert or dinner-theater venues on property fronting Natural Bridge School Road in Natural Bridge Station and formerly operated as Natural Bridge High School.

8. Historic cinema houses, which shall authorize the licensee to sell wine and beer, either with or without meals, during any showing of a motion picture to patrons to whom alcoholic beverages may be lawfully sold, for on-premises consumption or in closed containers for off-premises consumption. The privileges of this license shall be limited to the premises of the historic cinema house regularly occupied and utilized as such.

9. Nonprofit museums, which shall authorize the licensee to sell wine and beer for on-premises consumption or in closed containers for off-premises consumption in areas approved by the Board. Such licenses may be granted to persons operating a nonprofit museum exempt from taxation under § 501(c)(3) of the Internal Revenue Code, located in the Town of Front Royal, and dedicated to educating the consuming public about historic beer products. The privileges of this license shall be limited to the premises of the museum, regularly occupied and utilized as such.

C. The Board may grant the following off-premises wine and beer licenses:

1. Retail off-premises wine and beer licenses, which may be granted to a convenience grocery store, delicatessen, drugstore, gift shop, gourmet oyster house, gourmet shop, grocery store, or marina store as defined in § 4.1-100 and Board regulations. Such license shall authorize the licensee to sell wine and beer in closed containers for off-premises consumption and, notwithstanding the provisions of § 4.1-308, to give to any person to whom wine or beer may be lawfully sold a sample of wine or beer for on-premises consumption; however, no single sample shall exceed four ounces of beer or two ounces of wine and no more than 12 ounces of beer or five ounces of wine shall be served to any person per day. The licensee may also give samples of wine and beer in designated areas at events held by the licensee for the purpose of featuring and educating the consuming public about the alcoholic beverages being tasted. With the consent of the licensee, farm wineries, wineries, breweries, distillers, and wholesale licensees or authorized representatives of such licensees may participate in such tastings, including the pouring of samples. The licensee shall comply with any food inventory and sales volume requirements established by Board regulation.

2. Gourmet brewing shop licenses, which shall authorize the licensee to sell to any person to whom wine or beer may be lawfully sold, ingredients for making wine or brewing beer, including packaging, and to rent to such persons facilities for manufacturing, fermenting, and bottling such wine or beer, for off-premises consumption in accordance with subdivision 6 of § 4.1-200.

3. Confectionery licenses, which shall authorize the licensee to prepare and sell on the licensed premises for off-premises consumption confectionery that contains five percent or less alcohol by volume. Any alcohol contained in such confectionery shall not be in liquid form at the time such confectionery is sold.

D. The Board may grant the following banquet, special event, and tasting licenses:

1. Per-day event licenses.

a. Banquet licenses to persons in charge of private banquets, and to duly organized nonprofit corporations or associations in charge of special events, which shall authorize the licensee to sell or give wine and beer in rooms or areas approved by the Board for the occasion for on-premises consumption in such rooms or areas. Licensees who are nonprofit corporations or associations conducting fundraisers (i) shall also be authorized to sell wine, as part of any fundraising activity, in closed containers for off-premises consumption to persons to whom wine may be lawfully sold; (ii) shall be limited to no more than one such fundraiser per year; and (iii) if conducting such fundraiser through an online meeting platform, may ship such wine, in accordance with Board regulations, in closed containers to persons located within the Commonwealth. Except as provided in § 4.1-215, a separate license shall be required for each day of each banquet or special event. For the purposes of this subdivision, when the location named in the original application for a license is outdoors, the application may also name an alternative location in the event of inclement weather. However, no such license shall be required of any hotel, restaurant, or club holding a retail wine and beer license.

b. Mixed beverage special events licenses to a duly organized nonprofit corporation or association in charge of a special event, which shall authorize the licensee to sell and serve mixed beverages for on-premises consumption in areas approved by the Board on the premises of the place designated in the license. A separate license shall be required for each day of each special event.

c. Mixed beverage club events licenses to a club holding a wine and beer club license, which shall authorize the licensee to sell and serve mixed beverages for on-premises consumption by club members and their guests in areas approved by the Board on the club premises. A separate license shall be required for each day of each club event. No more than 12 such licenses shall be granted to a club in any calendar year. The granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

d. Tasting licenses, which shall authorize the licensee to sell or give samples of alcoholic beverages of the type specified in the license in designated areas at events held by the licensee. A tasting license shall be issued for the purpose of featuring and educating the consuming public about the alcoholic beverages being tasted. A separate license shall be required for each day of each tasting event. No tasting license shall be required for conduct authorized by § 4.1-201.1.

2. Annual licenses.

a. Annual banquet licenses to duly organized private nonprofit fraternal, patriotic, or charitable membership organizations that are exempt from state and federal taxation and in charge of banquets conducted exclusively for members

and their guests, which shall authorize the licensee to serve wine and beer in rooms or areas approved by the Board for the occasion for on-premises consumption in such rooms or areas. Such license shall authorize the licensee to conduct no more than 12 banquets per calendar year. For the purposes of this subdivision, when the location named in the original application for a license is outdoors, the application may also name an alternative location in the event of inclement weather. However, no such license shall be required of any hotel, restaurant, or club holding a retail wine and beer license.

b. Banquet facility licenses to volunteer fire departments and volunteer emergency medical services agencies, which shall authorize the licensee to permit the consumption of lawfully acquired alcoholic beverages on the premises of the licensee by any person, and bona fide members and guests thereof, otherwise eligible for a banquet license. However, lawfully acquired alcoholic beverages shall not be purchased or sold by the licensee or sold or charged for in any way by the person permitted to use the premises. Such premises shall be a volunteer fire or volunteer emergency medical services agency station or both, regularly occupied as such and recognized by the governing body of the county, city, or town in which it is located. Under conditions as specified by Board regulation, such premises may be other than a volunteer fire or volunteer emergency medical services agency station, provided such other premises are occupied and under the control of the volunteer fire department or volunteer emergency medical services agency while the privileges of its license are being exercised.

c. Designated outdoor refreshment area licenses to a locality, business improvement district, or nonprofit organization, which shall authorize (i) the licensee to permit the consumption of alcoholic beverages within the area designated by the Board for the designated outdoor refreshment area and (ii) any permanent retail on-premises licensee that is located within the area designated by the Board for the designated outdoor refreshment area to sell alcoholic beverages within the permanent retail location for consumption in the area designated for the designated outdoor refreshment area, including sidewalks and the premises of businesses not licensed to sell alcoholic beverages at retail, upon approval of such businesses. In determining the designated area for the designated outdoor refreshment area, the Board shall consult with the locality. Designated outdoor refreshment area licensees shall be limited to 16 events per year, and the duration of any event shall not exceed three consecutive days. However, the Board may increase the frequency and duration of events after adoption of an ordinance by a locality requesting such increase in frequency and duration. Such ordinance shall include the size and scope of the area within which such events will be held, a public safety plan, and any other considerations deemed necessary by the Board. Such limitations on the number of events that may be held shall not apply during the effective dates of any rule, regulation, or order that is issued by the Governor or State Health Commissioner to meet a public health emergency and that effectively reduces allowable restaurant seating capacity; however, designated outdoor refreshment area licensees shall be subject to all other applicable provisions of this subtitle and Board regulations and shall provide notice to the Board regarding the days and times during which the privileges of the license will be exercised. Only alcoholic beverages purchased from permanent retail on-premises licensees located within the designated area may be consumed at the event, and such alcoholic beverages shall be contained in paper, plastic, or similar disposable containers that clearly display the name or logo of the retail on-premises licensee from which the alcoholic beverage was purchased. Alcoholic beverages shall not be sold or charged for in any way by the designated outdoor refreshment area licensee. The designated outdoor refreshment area licensee shall post appropriate signage clearly demarcating for the public the boundaries of the event; however, no physical barriers shall be required for this purpose. The designated outdoor refreshment area licensee shall provide adequate security for the event to ensure compliance with the applicable provisions of this subtitle and Board regulations.

d. Annual mixed beverage banquet licenses to duly organized private nonprofit fraternal, patriotic, or charitable membership organizations that are exempt from state and federal taxation and in charge of banquets conducted exclusively for members and their guests, which shall authorize the licensee to serve mixed beverages for on-premises consumption in areas approved by the Board on the premises of the place designated in the license. Such license shall authorize the licensee to conduct no more than 12 banquets per calendar year. The granting of a license pursuant to this subdivision shall automatically authorize the licensee to obtain a license to sell and serve wine and beer for on-premises consumption; however, the licensee shall be required to pay the local fee required for such additional license pursuant to § 4.1-233.1.

e. Equine sporting event licenses, which may be issued to organizations holding equestrian, hunt, and steeplechase events, which shall authorize the licensee to permit the consumption of lawfully acquired alcoholic beverages on the premises of the licensee by patrons thereof during such event. However, alcoholic beverages shall not be sold or charged for in any way by the licensee. The privileges of this license shall be (i) limited to the premises of the licensee, regularly occupied and utilized for equestrian, hunt, and steeplechase events, and (ii) exercised on no more than four calendar days per year.

f. Annual arts venue event licenses, to persons operating an arts venue, which shall authorize the licensee participating in a community art walk that is open to the public to serve lawfully acquired wine or beer on the premises of the licensee to adult patrons thereof during such events. However, alcoholic beverages shall not be sold or charged for in any way, directly or indirectly, by the licensee, and the licensee shall not give more than two five-ounce glasses of wine or two 12-ounce glasses of beer to any one adult patron. The privileges of this license shall be (i) limited to the premises of the arts venue regularly occupied and used as such and (ii) exercised on no more than 12 calendar days per year.

E. The Board may grant a marketplace license to persons operating a business enterprise of which the primary function is not the sale of alcoholic beverages, which shall authorize the licensee to serve complimentary wine or beer to bona fide customers on the licensed premises subject to any limitations imposed by the Board; however, the licensee shall not give

more than two five-ounce glasses of wine or two 12-ounce glasses of beer to any customer per day, nor shall it sell or otherwise charge a fee to such customer for the wine or beer served or consumed. In order to be eligible for and retain a marketplace license, the applicant's business enterprise must (i) provide a single category of goods or services in a manner intended to create a personalized experience for the customer; (ii) employ staff with expertise in such goods or services; (iii) be ineligible for any other license granted by the Board; (iv) have an alcoholic beverage control manager on the licensed premises at all times alcohol is served; (v) ensure that all employees satisfy any training requirements imposed by the Board; and (vi) purchase all wine and beer to be served from a licensed wholesaler or the Authority and retain purchase records as prescribed by the Board. In determining whether to grant a marketplace license, the Board shall consider (a) the average amount of time customers spend at the business; (b) the business's hours of operation; (c) the amount of time that the business has been in operation; and (d) any other requirements deemed necessary by the Board to protect the public health, safety, and welfare.

F. The Board may grant the following shipper, bottler, and related licenses:

1. Wine and beer shipper licenses, which shall carry the privileges and limitations set forth in § 4.1-209.1.

2. Internet wine and beer retailer licenses, which shall authorize persons located within or outside the Commonwealth to sell and ship wine and beer, in accordance with § 4.1-209.1 and Board regulations, in closed containers to persons in the Commonwealth to whom wine and beer may be lawfully sold for off-premises consumption. Such licensee shall not be required to comply with the monthly food sale requirement established by Board regulations.

3. Bottler licenses, which shall authorize the licensee to acquire and receive deliveries and shipments of beer in closed containers and to bottle, sell, and deliver or ship it, in accordance with Board regulations to (i) wholesale beer licensees for the purpose of resale, (ii) owners of boats registered under the laws of the United States sailing for ports of call of a foreign country or another state, and (iii) persons outside the Commonwealth for resale outside the Commonwealth.

4. Fulfillment warehouse licenses, which shall authorize associations as defined in § 13.1-313 with a place of business located in the Commonwealth to (i) receive deliveries and shipments of wine or beer owned by holders of wine and beer shipper's licenses; (ii) store such wine or beer on behalf of the owner; and (iii) pick, pack, and ship such wine or beer as directed by the owner, all in accordance with Board regulations. No wholesale wine or wholesale beer licensee, whether licensed in the Commonwealth or not, or any person under common control of such licensee, shall acquire or hold any financial interest, direct or indirect, in the business for which any fulfillment warehouse license is issued.

5. Marketing portal licenses, which shall authorize agricultural cooperative associations organized under the provisions of the Agricultural Cooperative Association Act (§ 13.1-312 et seq.), with a place of business located in the Commonwealth, in accordance with Board regulations, to solicit and receive orders for wine or beer through the use of the Internet from persons in the Commonwealth to whom wine or beer may be lawfully sold, on behalf of holders of wine and beer shipper's licenses. Upon receipt of an order for wine or beer, the licensee shall forward it to a holder of a wine and beer shipper's license for fulfillment. Marketing portal licensees may also accept payment on behalf of the shipper.

6. Third-party delivery licenses, which shall carry the privileges and limitations set forth in § 4.1-212.2.

§ 4.1-209. Wine and beer license privileges; advertising; displays; tastings.

A. Notwithstanding any provision of law to the contrary, persons granted a wine and beer license pursuant to § 4.1-206.3 may display within their licensed premises point-of-sale advertising materials that incorporate the use of any professional athlete or athletic team, provided that such advertising materials (i) otherwise comply with the applicable regulations of the federal Bureau of Alcohol, Tobacco and Firearms and (ii) do not depict any athlete consuming or about to consume alcohol prior to or while engaged in an athletic activity, do not depict an athlete consuming alcohol while the athlete is operating or about to operate a motor vehicle or other machinery, and do not imply that the alcoholic beverage so advertised enhances athletic prowess.

B. Persons granted a license to sell wine and beer for off-premises consumption that display such wine and beer outside a clearly discernible location reserved for alcoholic beverages shall (i) not place wine or beer in an area immediately adjacent to nonalcoholic beverages containing the same or similar brand name, logo, or packaging as an alcoholic beverage and (ii) equip any such display with signage that indicates the product is an alcoholic beverage, is clearly visible to consumers, and is of sufficient size to notify the consumer that the product contains alcohol. Nothing in this subsection shall prohibit the placement of nonalcoholic wine or beer in or near a display of alcoholic beverages that contain the same or similar brand name, logo, or packaging as the nonalcoholic wine or beer.

C. Persons granted retail on-and-off-premises wine and beer licenses pursuant to the following provisions may conduct wine or beer tastings sponsored by the licensee for its customers for on-premises consumption:

1. Subdivision A 1, 4, 5, 6, 7, 8, or ~~14~~ *13* of § 4.1-206.3;

2. Subdivision B 1, 2, 4, 5, 6, 7, or 8 of § 4.1-206.3;

3. Subdivision C 1 or 2 of § 4.1-206.3;

4. Subdivision D 1 a, b, or d or 2 a of § 4.1-206.3; or

5. Subdivision F 4 or 5 of § 4.1-206.3.

Such licensees may sell or give samples of wine and beer in designated areas at events held by the licensee for the purpose of featuring and educating the consuming public about the alcoholic beverages being tasted. Additionally, with the consent of the licensee, farm wineries, wineries, and breweries may participate in tastings held by licensees authorized to conduct tastings, including the pouring of samples to any person to whom alcoholic beverages may be lawfully sold. No

single sample shall exceed four ounces of beer or two ounces of wine, and no more than 12 ounces of beer or five ounces of wine shall be given or sold to any person per day.

§ 4.1-231.1. (Effective until July 1, 2024) Fees on state licenses.

A. (Contingent expiration date) The annual fees on state licenses shall be as follows:

1. Manufacturer licenses. For each:

a. Distiller's license and limited distiller's license, if not more than 5,000 gallons of alcohol or spirits, or both, manufactured during the year in which the license is granted, $490; if more than 5,000 gallons but not more than 36,000 gallons manufactured during such year, $2,725; and if more than 36,000 gallons manufactured during such year, $4,060;

b. Brewery license and limited brewery license, if not more than 500 barrels of beer manufactured during the year in which the license is granted, $380; if not more than 10,000 barrels of beer manufactured during the year in which the license is granted, $2,350; and if more than 10,000 barrels manufactured during such year, $4,690;

c. Winery license, if not more than 5,000 gallons of wine manufactured during the year in which the license is granted, $215, and if more than 5,000 gallons manufactured during such year, $4,210;

d. Farm winery license, $275 for any Class I or Class II license, $500 for any Class III license, and $4,000 for any Class IV license;

e. Wine importer's license, $460; and

f. Beer importer's license, $460.

2. Wholesale licenses. For each:

a. (1) Wholesale beer license, $1,005 for any wholesaler who sells 300,000 cases of beer a year or less, $1,545 for any wholesaler who sells more than 300,000 but not more than 600,000 cases of beer a year, and $2,010 for any wholesaler who sells more than 600,000 cases of beer a year; and

(2) Wholesale beer license applicable to two or more premises, the annual state license tax shall be the amount set forth in subdivision a (1), multiplied by the number of separate locations covered by the license;

b. (1) Wholesale wine license, $240 for any wholesaler who sells 30,000 gallons of wine or less per year, $1,200 for any wholesaler who sells more than 30,000 gallons per year but not more than 150,000 gallons of wine per year, $1,845 for any wholesaler who sells more than 150,000 but not more than 300,000 gallons of wine per year, and $2,400 for any wholesaler who sells more than 300,000 gallons of wine per year; and

(2) Wholesale wine license, including that granted pursuant to subdivision 3 of § 4.1-206.2, applicable to two or more premises, the annual state license tax shall be the amount set forth in subdivision b (1), multiplied by the number of separate locations covered by the license.

3. Retail licenses — mixed beverage. For each:

a. Mixed beverage restaurant license, granted to persons operating restaurants, including restaurants located on premises of and operated by casinos, hotels or motels, or other persons:

(1) With a seating capacity at tables for up to 100 persons, $1,050;

(2) With a seating capacity at tables for more than 100 but not more than 150 persons, $1,495;

(3) With a seating capacity at tables for more than 150 persons but not more than 500 persons, $1,980;

(4) With a seating capacity at tables for more than 500 persons but not more than 1,000 persons, $2,500; and

(5) With a seating capacity at tables for more than 1,000 persons, $3,100;

b. Mixed beverage restaurant license for restaurants located on the premises of and operated by private, nonprofit clubs:

(1) With an average yearly membership of not more than 200 resident members, $1,250;

(2) With an average yearly membership of more than 200 but not more than 500 resident members, $2,440; and

(3) With an average yearly membership of more than 500 resident members, $3,410;

c. Mixed beverage casino license, $3,100 plus an additional $5 for each gaming station located on the premises of the casino gaming establishment. For the purposes of this subdivision, "gaming station" means each slot machine and each casino gaming table that is in active use, as determined annually on December 31;

d. Mixed beverage caterer's license, $1,990;

e. Mixed beverage limited caterer's license, $550;

f. Mixed beverage carrier license:

(1) $520 for each of the average number of dining cars, buffet cars, or club cars operated daily in the Commonwealth by a common carrier of passengers by train;

(2) $910 for each common carrier of passengers by boat;

(3) $520 for each common carrier of passengers by bus; and

(4) $2,360 for each license granted to a common carrier of passengers by airplane;

g. Annual mixed beverage ~~motor~~ sports facility license, $630;

h. Limited mixed beverage restaurant license:

(1) With a seating capacity at tables for up to 100 persons, $945;

(2) With a seating capacity at tables for more than 100 but not more than 150 persons, $1,385; and

(3) With a seating capacity at tables for more than 150 persons, $1,875;

i. Annual mixed beverage performing arts facility license, $630;

j. Bed and breakfast license, $100;

k. Museum license, $260;

l. ~~Motor car sporting event facility license, $300;~~

~~m.~~ Commercial lifestyle center license, $300;

~~n.~~ *m.* Mixed beverage port restaurant license, $1,050; and

~~o.~~ *n.* Annual mixed beverage special events license, $630.

4. Retail licenses — on-and-off-premises wine and beer. For each on-and-off premises wine and beer license, $450.

5. Retail licenses — off-premises wine and beer. For each:

a. Retail off-premises wine and beer license, $300;

b. Gourmet brewing shop license, $320; and

c. Confectionery license, $170.

6. Retail licenses — banquet, special event, and tasting licenses.

a. Per-day event licenses. For each:

(1) Banquet license, $40 per license granted by the Board, except for banquet licenses granted by the Board pursuant to subsection A of § 4.1-215, which shall be $100 per license;

(2) Mixed beverage special events license, $45 for each day of each event;

(3) Mixed beverage club events license, $35 for each day of each event; and

(4) Tasting license, $40.

b. Annual licenses. For each:

(1) Annual banquet license, $300;

(2) Banquet facility license, $260;

(3) Designated outdoor refreshment area license, $300. However, for any designated outdoor refreshment area license issued pursuant to a local ordinance, the annual fee shall be $3,000;

(4) Annual mixed beverage banquet license, $630;

(5) Equine sporting event license, $300; and

(6) Annual arts venue event license, $300.

7. Retail licenses — marketplace. For each marketplace license, $1,000. However, if the license privileges are exercised during a period of six or less consecutive months and such period is specified prior to the beginning of the license year, the annual fee shall be $500.

8. Retail licenses — shipper, bottler, and related licenses. For each:

a. Wine and beer shipper's license, $230;

b. Internet wine and beer retailer license, $240;

c. Bottler license, $1,500;

d. Fulfillment warehouse license, $210;

e. Marketing portal license, $285; and

f. Third-party delivery license, $7,500, unless the licensee provides written certification to the Board that the licensee has no more than 25 delivery personnel, including employees, agents, and independent contractors that engage in direct-to-consumer alcoholic beverage delivery, in which case the license fee shall be $2,500.

9. Temporary licenses. For each temporary license authorized by § 4.1-211, one-half of the tax imposed by this section on the license for which the applicant applied.

B. The tax on each license granted or reissued for a period other than 12, 24, or 36 months shall be equal to one-twelfth of the taxes required by subsection A computed to the nearest cent, multiplied by the number of months in the license period, and then increased by five percent. Such tax shall not be refundable, except as provided in § 4.1-232.

C. Nothing in this chapter shall exempt any licensee from any state merchants' license or state restaurant license or any other state tax. Every licensee, in addition to the taxes imposed by this chapter, shall be liable to state merchants' license taxation and state restaurant license taxation and other state taxation the same as if the alcoholic beverages were nonalcoholic. In ascertaining the liability of a beer wholesaler to merchants' license taxation, however, and in computing the wholesale merchants' license tax on a beer wholesaler, the first $163,800 of beer purchases shall be disregarded; and in ascertaining the liability of a wholesale wine distributor to merchants' license taxation, and in computing the wholesale merchants' license tax on a wholesale wine distributor, the first $163,800 of wine purchases shall be disregarded.

D. In addition to the taxes set forth in this section, a fee of $5 may be imposed on any license purchased in person from the Board if such license is available for purchase online.

§ 4.1-231.1. (Effective July 1, 2024) Fees on state licenses.

A. (Contingent expiration date) The annual fees on state licenses shall be as follows:

1. Manufacturer licenses. For each:

a. Distiller's license and limited distiller's license, if not more than 5,000 gallons of alcohol or spirits, or both, manufactured during the year in which the license is granted, $490; if more than 5,000 gallons but not more than 36,000 gallons manufactured during such year, $2,725; and if more than 36,000 gallons manufactured during such year, $4,060;

b. Brewery license and limited brewery license, if not more than 500 barrels of beer manufactured during the year in which the license is granted, $380; if not more than 10,000 barrels of beer manufactured during the year in which the license is granted, $2,350; and if more than 10,000 barrels manufactured during such year, $4,690;

c. Winery license, if not more than 5,000 gallons of wine manufactured during the year in which the license is granted, $215, and if more than 5,000 gallons manufactured during such year, $4,210;

d. Farm winery license, $275 for any Class I or Class II license, $500 for any Class III license, and $4,000 for any Class IV license;

e. Wine importer's license, $460; and

f. Beer importer's license, $460.

2. Wholesale licenses. For each:

a. (1) Wholesale beer license, $1,005 for any wholesaler who sells 300,000 cases of beer a year or less, $1,545 for any wholesaler who sells more than 300,000 but not more than 600,000 cases of beer a year, and $2,010 for any wholesaler who sells more than 600,000 cases of beer a year; and

(2) Wholesale beer license, including a license granted pursuant to subdivision 2 of § 4.1-206.2, applicable to two or more premises, the annual state license tax shall be the amount set forth in subdivision a (1), multiplied by the number of separate locations covered by the license;

b. (1) Wholesale wine license, $240 for any wholesaler who sells 30,000 gallons of wine or less per year, $1,200 for any wholesaler who sells more than 30,000 gallons per year but not more than 150,000 gallons of wine per year, $1,845 for any wholesaler who sells more than 150,000 but not more than 300,000 gallons of wine per year, and $2,400 for any wholesaler who sells more than 300,000 gallons of wine per year; and

(2) Wholesale wine license, including a license granted pursuant to subdivision 4 of § 4.1-206.2, applicable to two or more premises, the annual state license tax shall be the amount set forth in subdivision b (1), multiplied by the number of separate locations covered by the license.

3. Retail licenses — mixed beverage. For each:

a. Mixed beverage restaurant license, granted to persons operating restaurants, including restaurants located on premises of and operated by casinos, hotels or motels, or other persons:

(1) With a seating capacity at tables for up to 100 persons, $1,050;

(2) With a seating capacity at tables for more than 100 but not more than 150 persons, $1,495;

(3) With a seating capacity at tables for more than 150 persons but not more than 500 persons, $1,980;

(4) With a seating capacity at tables for more than 500 persons but not more than 1,000 persons, $2,500; and

(5) With a seating capacity at tables for more than 1,000 persons, $3,100;

b. Mixed beverage restaurant license for restaurants located on the premises of and operated by private, nonprofit clubs:

(1) With an average yearly membership of not more than 200 resident members, $1,250;

(2) With an average yearly membership of more than 200 but not more than 500 resident members, $2,440; and

(3) With an average yearly membership of more than 500 resident members, $3,410;

c. Mixed beverage casino license, $3,100 plus an additional $5 for each gaming station located on the premises of the casino gaming establishment. For the purposes of this subdivision, "gaming station" means each slot machine and each casino gaming table that is in active use, as determined annually on December 31;

d. Mixed beverage caterer's license, $1,990;

e. Mixed beverage limited caterer's license, $550;

f. Mixed beverage carrier license:

(1) $520 for each of the average number of dining cars, buffet cars, or club cars operated daily in the Commonwealth by a common carrier of passengers by train;

(2) $910 for each common carrier of passengers by boat;

(3) $520 for each common carrier of passengers by bus; and

(4) $2,360 for each license granted to a common carrier of passengers by airplane;

g. Annual mixed beverage ~~motor~~ sports facility license, $630;

h. Limited mixed beverage restaurant license:

(1) With a seating capacity at tables for up to 100 persons, $945;

(2) With a seating capacity at tables for more than 100 but not more than 150 persons, $1,385; and

(3) With a seating capacity at tables for more than 150 persons, $1,875;

i. Annual mixed beverage performing arts facility license, $630;

j. Bed and breakfast license, $100;

k. Museum license, $260;

l. ~~Motor car sporting event facility license, $300;~~

~~m.~~ Commercial lifestyle center license, $300;

~~n.~~ *m.* Mixed beverage port restaurant license, $1,050; and

~~o.~~ *n.* Annual mixed beverage special events license, $630.

4. Retail licenses — on-and-off-premises wine and beer. For each on-and-off premises wine and beer license, $450.

5. Retail licenses — off-premises wine and beer. For each:

a. Retail off-premises wine and beer license, $300;

b. Gourmet brewing shop license, $320; and

c. Confectionery license, $170.

6. Retail licenses — banquet, special event, and tasting licenses.

a. Per-day event licenses. For each:

(1) Banquet license, $40 per license granted by the Board, except for banquet licenses granted by the Board pursuant to subsection A of § 4.1-215, which shall be $100 per license;

(2) Mixed beverage special events license, $45 for each day of each event;

(3) Mixed beverage club events license, $35 for each day of each event; and

(4) Tasting license, $40.

b. Annual licenses. For each:

(1) Annual banquet license, $300;

(2) Banquet facility license, $260;

(3) Designated outdoor refreshment area license, $300. However, for any designated outdoor refreshment area license issued pursuant to a local ordinance, the annual fee shall be $3,000;

(4) Annual mixed beverage banquet license, $630;

(5) Equine sporting event license, $300; and

(6) Annual arts venue event license, $300.

7. Retail licenses — marketplace. For each marketplace license, $1,000. However, if the license privileges are exercised during a period of six or less consecutive months and such period is specified prior to the beginning of the license year, the annual fee shall be $500.

8. Retail licenses — shipper, bottler, and related licenses. For each:

a. Wine and beer shipper's license, $230;

b. Internet wine and beer retailer license, $240;

c. Bottler license, $1,500;

d. Fulfillment warehouse license, $210;

e. Marketing portal license, $285; and

f. Third-party delivery license, $7,500, unless the licensee provides written certification to the Board that the licensee has no more than 25 delivery personnel, including employees, agents, and independent contractors that engage in direct-to-consumer alcoholic beverage delivery, in which case the license fee shall be $2,500.

9. Temporary licenses. For each temporary license authorized by § 4.1-211, one-half of the tax imposed by this section on the license for which the applicant applied.

B. The tax on each license granted or reissued for a period other than 12, 24, or 36 months shall be equal to one-twelfth of the taxes required by subsection A computed to the nearest cent, multiplied by the number of months in the license period, and then increased by five percent. Such tax shall not be refundable, except as provided in § 4.1-232.

C. Nothing in this chapter shall exempt any licensee from any state merchants' license or state restaurant license or any other state tax. Every licensee, in addition to the taxes imposed by this chapter, shall be liable to state merchants' license taxation and state restaurant license taxation and other state taxation the same as if the alcoholic beverages were nonalcoholic. In ascertaining the liability of a beer wholesaler to merchants' license taxation, however, and in computing the wholesale merchants' license tax on a beer wholesaler, the first $163,800 of beer purchases shall be disregarded; and in ascertaining the liability of a wholesale wine distributor to merchants' license taxation, and in computing the wholesale merchants' license tax on a wholesale wine distributor, the first $163,800 of wine purchases shall be disregarded.

D. In addition to the taxes set forth in this section, a fee of $5 may be imposed on any license purchased in person from the Board if such license is available for purchase online.

§ 4.1-233.1. Fees on local licenses.

A. In addition to the state license taxes, the annual local license taxes that may be collected shall not exceed the following sums:

1. Manufacturer licenses. For each:

a. Distiller's license and limited distiller's license, if more than 5,000 gallons but not more than 36,000 gallons manufactured during such year, $750; if more than 36,000 gallons manufactured during such year, $1,000; and no local license shall be required for any person who manufactures not more than 5,000 gallons of alcohol or spirits, or both, during such license year;

b. Brewery license and limited brewery license, if not more than 500 barrels of beer manufactured during the year in which the license is granted, $250, and if more than 500 barrels manufactured during such year, $1,000;

c. Winery license, $50; and

d. Farm winery license, $50.

2. Wholesale licenses. For each:

a. Wholesale beer license, in a city, $250, and in a county or town, $75; and

b. Wholesale wine license, $50.

3. Retail licenses — mixed beverage. For each:

a. Mixed beverage restaurant license, granted to persons operating restaurants, including restaurants located on premises of and operated by casinos, hotels or motels, or other persons:

(1) With a seating capacity at tables for up to 100 persons, $200;

(2) With a seating capacity at tables for more than 100 but not more than 150 persons, $350;

(3) With a seating capacity at tables for more than 150 persons but not more than 500 persons, $500;

(4) With a seating capacity at tables for more than 500 persons but not more than 1,000 persons, $650; and

(5) With a seating capacity at tables for more than 1,000 persons, $800;

b. Mixed beverage restaurant license for restaurants located on the premises of and operated by private, nonprofit clubs, $350;

c. Mixed beverage casino license, $800 plus an additional $2 for each gaming station located on the premises of the casino gaming establishment. For the purposes of this subdivision, "gaming station" means each slot machine and each casino gaming table that is in active use, as determined annually on December 31;

d. Mixed beverage caterer's license, $500;

e. Mixed beverage limited caterer's license, $100;

f. Annual mixed beverage ~~motor~~ sports facility license, $300;

g. Limited mixed beverage restaurant license:

(1) With a seating capacity at tables for up to 100 persons, $100;

(2) With a seating capacity at tables for more than 100 but not more than 150 persons, $250; or

(3) With a seating capacity at tables for more than 150 persons, $400;

h. Annual mixed beverage performing arts facility license, $300;

i. Bed and breakfast license, $40;

j. Museum license, $10;

k. ~~Motor car sporting event facility license, $10;~~

~~l.~~ Commercial lifestyle center license, $60; and

~~m.~~ *l.* Annual mixed beverage special events license, $300.

4. Retail licenses — on-and-off-premises wine and beer. For each on-and-off premises wine and beer license issued to:

a. Hotels, restaurants, and clubs, in a city, $150, and in a county or town, $37.50;

b. Hospitals, $10;

c. Rural grocery stores, $37.50; and

d. Historic cinema houses, $20.

5. Retail licenses — off-premises wine and beer. For each:

a. Retail off-premises wine and beer license, in a city, $150, and in a county or town, $37.50;

b. Gourmet brewing shop license, $150; and

c. Confectionery license, $20.

6. Retail licenses — banquet, special event, and tasting licenses. For each:

a. Per-day event licenses. For each:

(1) Banquet license, $5 per license granted by the Board, except for banquet licenses granted by the Board pursuant to subsection A of § 4.1-215, which shall be $20 per license;

(2) Mixed beverage special events license, $10 for each day of each event;

(3) Mixed beverage club events license, $10 for each day of each event; and

(4) Tasting license, $10.

b. Annual licenses. For each:

(1) Annual banquet license, $15;

(2) Designated outdoor refreshment area license, $60. However, for any designated outdoor refreshment area license issued pursuant to a local ordinance, the annual tax shall be $600;

(3) Annual mixed beverage banquet license, $75;

(4) Equine sporting event license, $10; and

(5) Annual arts venue event license, $10.

7. Retail licenses — marketplace. For each marketplace license, $200. However, if the license privileges are exercised during a period of six or less consecutive months and such period is specified prior to the beginning of the license year, the annual tax shall be $100.

8. Retail licenses — shipper, bottler, and related licenses. For each:

a. Wine and beer shipper's license, $10; and

b. Bottler license, $500.

B. Common carriers. No local license tax shall be either charged or collected for the privilege of selling alcoholic beverages in (i) passenger trains, boats, buses, or airplanes or (ii) rooms designated by the Board of establishments of air carriers of passengers at airports in the Commonwealth for on-premises consumption only.

C. Merchants' and restaurants' license taxes. The governing body of each county, city, or town in the Commonwealth, in imposing local wholesale merchants' license taxes measured by purchases, local retail merchants' license taxes measured by sales, and local restaurant license taxes measured by sales, may include alcoholic beverages in the base for measuring such local license taxes the same as if the alcoholic beverages were nonalcoholic. No local alcoholic beverage license

authorized by this chapter shall exempt any licensee from any local merchants' or local restaurant license tax, but such local merchants' and local restaurant license taxes may be in addition to the local alcoholic beverage license taxes authorized by this chapter.

The governing body of any county, city, or town, in adopting an ordinance under this section, shall provide that in ascertaining the liability of (i) a beer wholesaler to local merchants' license taxation under the ordinance, and in computing the local wholesale merchants' license tax on such beer wholesaler, purchases of beer up to a stated amount shall be disregarded, which stated amount shall be the amount of beer purchases which would be necessary to produce a local wholesale merchants' license tax equal to the local wholesale beer license tax paid by such wholesaler and (ii) a wholesale wine licensee to local merchants' license taxation under the ordinance, and in computing the local wholesale merchants' license tax on such wholesale wine licensee, purchases of wine up to a stated amount shall be disregarded, which stated amount shall be the amount of wine purchases which would be necessary to produce a local wholesale merchants' license tax equal to the local wholesale wine licensee license tax paid by such wholesale wine licensee.

D. Delivery. No county, city, or town shall impose any local alcoholic beverage license tax on any wholesaler for the privilege of delivering alcoholic beverages in the county, city, or town when such wholesaler maintains no place of business in such county, city, or town.

E. Application of county tax within town. Any county license tax imposed under this section shall not apply within the limits of any town located in such county, where such town imposes a town license tax on the same privilege.

§ 4.1-309. Drinking or possessing alcoholic beverages in or on public school grounds; penalty.

A. No person shall possess or drink any alcoholic beverage in or upon the grounds of any public elementary or secondary school during school hours or school or student activities.

B. In addition, no person shall drink and no organization shall serve any alcoholic beverage in or upon the grounds of any public elementary or secondary school after school hours or school or student activities, except for religious congregations using wine for sacramental purposes only.

C. Any person convicted of a violation of this section shall be guilty of a Class 2 misdemeanor.

D. This section shall not prohibit any person from possessing or drinking alcoholic beverages or any organization from serving alcoholic beverages in areas approved by the Board at a performing arts ~~center owned by the City of Alexandria or the City of Portsmouth~~ *facility*, provided the organization operating the performing arts ~~center~~ *facility* or its lessee has a license granted by the Board.

§ 4.1-325. Prohibited acts by mixed beverage licensees; penalty.

A. In addition to § 4.1-324, no mixed beverage licensee nor any agent or employee of such licensee shall:

1. Sell or serve any alcoholic beverage other than as authorized by law;

2. Sell any authorized alcoholic beverage to any person or at any place except as authorized by law;

3. Allow at the place described in his license the consumption of alcoholic beverages in violation of this subtitle;

4. Keep at the place described in his license any alcoholic beverage other than that which he is licensed to sell;

5. Misrepresent the brand of any alcoholic beverage sold or offered for sale;

6. Keep any alcoholic beverage other than in the bottle or container in which it was purchased by him except (i) for a frozen alcoholic beverage, which may include alcoholic beverages in a frozen drink dispenser of a type approved by the Board; (ii) in the case of wine, in containers of a type approved by the Board pending automatic dispensing and sale of such wine; and (iii) as otherwise provided by Board regulation. Neither this subdivision nor any Board regulation shall prohibit any mixed beverage licensee from premixing containers of sangria, to which spirits may be added, to be served and sold for consumption on the licensed premises;

7. Refill or partly refill any bottle or container of alcoholic beverage or dilute or otherwise tamper with the contents of any bottle or container of alcoholic beverage, except as provided by Board regulation adopted pursuant to subdivision B 11 of § 4.1-111;

8. Sell or serve any brand of alcoholic beverage which is not the same as that ordered by the purchaser without first advising such purchaser of the difference;

9. Remove or obliterate any label, mark, or stamp affixed to any container of alcoholic beverages offered for sale;

10. Deliver or sell the contents of any container if the label, mark, or stamp has been removed or obliterated;

11. Allow any obscene conduct, language, literature, pictures, performance, or materials on the licensed premises;

12. Allow any striptease act on the licensed premises;

13. Allow persons connected with the licensed business to appear nude or partially nude;

14. Consume or allow the consumption by an employee of any alcoholic beverages while on duty and in a position that is involved in the selling or serving of alcoholic beverages to customers.

The provisions of this subdivision shall not prohibit any retail licensee or his designated employee from (i) consuming product samples or sample servings of (a) beer or wine provided by a representative of a licensed beer or wine wholesaler or manufacturer or (b) a distilled spirit provided by a permittee of the Board who represents a distiller, if such samples are provided in accordance with Board regulations and the retail licensee or his designated employee does not violate the provisions of subdivision A 1 f of § 4.1-225 or (ii) tasting an alcoholic beverage that has been or will be delivered to a customer for quality control purposes;

15. Deliver to a consumer an original bottle of an alcoholic beverage purchased under such license whether the closure is broken or unbroken except in accordance with § 4.1-206.3.

The provisions of this subdivision shall not apply to the delivery of:

a. "Soju." For the purposes of this subdivision, "soju" means a traditional Korean alcoholic beverage distilled from rice, barley or sweet potatoes; or

b. Spirits, provided (i) the original container is no larger than 375 milliliters, (ii) the alcohol content is no greater than 15 percent by volume, and (iii) the contents of the container are carbonated and perishable;

16. Be intoxicated while on duty or employ an intoxicated person on the licensed premises;

17. Conceal any sale or consumption of any alcoholic beverages;

18. Fail or refuse to make samples of any alcoholic beverages available to the Board upon request or obstruct special agents of the Board in the discharge of their duties;

19. Store alcoholic beverages purchased under the license in any unauthorized place or remove any such alcoholic beverages from the premises;

20. Knowingly employ in the licensed business any person who has the general reputation as a prostitute, panderer, habitual law violator, person of ill repute, user or peddler of narcotics, or person who drinks to excess or engages in illegal gambling;

21. Keep on the licensed premises, except for the premises of a mixed beverage casino licensee, a slot machine or any prohibited gambling or gaming device, machine, or apparatus;

22. Make any gift of an alcoholic beverage, other than as a gift made (i) to a personal friend, as a matter of normal social intercourse, so long as the gift is in no way a shift or device to evade the restriction set forth in this subdivision; (ii) to a person responsible for the planning, preparation or conduct on any conference, convention, trade show or event held or to be held on the premises of the licensee, when such gift is made in the course of usual and customary business entertainment and is in no way a shift or device to evade the restriction set forth in this subdivision; (iii) pursuant to subsection C of § 4.1-209; (iv) pursuant to subdivision A 10 of § 4.1-201; (v) by a mixed beverage casino licensee to a patron of such licensee in accordance with the provisions of subdivision A ~~15~~ *14* of § 4.1-206.3; or (vi) pursuant to any Board regulation. Any gift permitted by this subdivision shall be subject to the taxes imposed by this subtitle on sales of alcoholic beverages. The licensee shall keep complete and accurate records of gifts given in accordance with this subdivision; or

23. Establish any normal or customary pricing of its alcoholic beverages that is intended as a shift or device to evade any "happy hour" regulations adopted by the Board; however, a licensee may increase the volume of an alcoholic beverage sold to a customer if there is a commensurate increase in the normal or customary price charged for the same alcoholic beverage.

B. Any person convicted of a violation of this section is guilty of a Class 1 misdemeanor.

C. The provisions of subdivisions A 12 and A 13 shall not apply to persons operating theaters, concert halls, art centers, museums, or similar establishments that are devoted primarily to the arts or theatrical performances, when the performances that are presented are expressing matters of serious literary, artistic, scientific, or political value.

2. That the provisions of this act shall not prohibit any person from obtaining or retaining an annual mixed beverage performing arts facility license or an on-and-off-premises wine and beer license as a performing arts food concessionaire for a premises that operated as (i) a mixed beverage performing arts facility or a performing arts food concessionaire pursuant to § 4.1-206.3 of the Code of Virginia on June 30, 2024, or (ii) a mixed beverage performing arts facility pursuant to the third enactment of this act on December 31, 2024.

3. That the Board of Directors (Board) of the Virginia Alcoholic Beverage Control Authority may issue an annual mixed beverage performing arts facility license, pursuant to § 4.1-206.3 of the Code of Virginia, as amended by this act, to persons operating food concessions at any performing arts facility located in the City of Richmond, provided that the performing arts facility (i) is occupied under a bona fide long-term lease or concession agreement, the original term of which was more than five years; (ii) has a capacity in excess of 400 patrons; (iii) has been rehabilitated in accordance with historic preservation standards; and (iv) has monthly gross receipts from the sale of food cooked, or prepared, and consumed on the premises and nonalcoholic beverages served on the premises that meet or exceed the monthly minimum established by Board regulations for mixed beverage restaurants. The provisions of this enactment shall expire on January 1, 2025.

CHAPTER 628

An Act to amend the Code of Virginia by adding in Chapter 6 of Title 58.1 a section numbered 58.1-639.1, relating to annual retail sales and use tax holiday.

[H 25]

Approved April 8, 2024

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Chapter 6 of Title 58.1 a section numbered 58.1-639.1 as follows:

§ 58.1-639.1. Annual retail sales and use tax holiday.

A. Each year there shall be a three-day period that begins on the first Friday in August and ends at 11:59 p.m. the following Sunday, during which time certain items shall be exempt from the taxes imposed by this chapter or pursuant to the authority granted in § 58.1-605 or 58.1-606.

B. Pursuant to subsection A, the taxes imposed by this chapter or pursuant to the authority granted in § 58.1-605 or 58.1-606 shall not apply to the following:

1. Certain school supplies with a selling price of $20 or less, including dictionaries, notebooks, pens, pencils, notebook paper, and calculators;

2. Clothing and footwear with a selling price of $100 or less designed to be worn on or about the human body;

3. Qualified products designated as Energy Star or WaterSense with a sales price of $2,500 or less per product purchased for noncommercial home or personal use. For the purposes of this exemption, an Energy Star-qualified product is any dishwasher, clothes washer, air conditioner, ceiling fan, compact fluorescent light bulb, dehumidifier, programmable thermostat, or refrigerator, the energy efficiency of which has been designated by the U.S. Environmental Protection Agency and the U.S. Department of Energy as meeting or exceeding each such agency's requirements under the Energy Star program;

4. Portable generators with a selling price of $1,000 or less used to provide light or communications or preserve food in the event of a power outage; and

5. Certain other hurricane preparedness equipment, including blue ice, carbon monoxide detectors, cell phone batteries, cell phone chargers, gas or diesel fuel tanks, nonelectric food storage coolers, portable self-powered light sources, portable self-powered radios, two-way radios, weather band radios, storm shutter devices, tarpaulins or other flexible waterproof sheeting, ground anchor systems or tie-down kits, gas-powered chain saws and chain saw accessories, and packages of AAA-cell, AA-cell, C-cell, D-cell, 6-volt, or 9-volt batteries, excluding automobile and boat batteries. As used in this section, "storm shutter" means materials and products manufactured, rated, and marketed specifically for the purpose of preventing window damage from storms. The tax exemption shall apply to each gas-powered chain saw with a selling price of $350 or less and each article of other hurricane preparedness equipment with a selling price of $60 or less.

C. Any discount, coupon, or other credit offered either by the retailer or by a vendor of the retailer to reduce the final price to the customer shall be taken into account in determining the selling price for purposes of this exemption.

D. The Department shall develop guidelines that describe the items of merchandise that qualify for the exemption and make such guidelines available no later than July 15 of each year.

2. That the provisions of this act shall be effective on July 1, 2025, through July 1, 2030.

CHAPTER 629

An Act to amend and reenact § 63.2-900.1 of the Code of Virginia and to amend the Code of Virginia by adding in Chapter 15 of Title 63.2 an article numbered 7, consisting of sections numbered 63.2-1531 through 63.2-1536, relating to kinship foster care; alternative living arrangements; Parental Child Safety Placement Program established.

[H 27]

Approved April 8, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 63.2-900.1 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding in Chapter 15 of Title 63.2 an article numbered 7, consisting of sections numbered 63.2-1531 through 63.2-1536, as follows:

§ 63.2-900.1. Kinship foster care.

A. *When placing a child, the local board shall first consider placement with a kinship foster parent.*

B. The local board shall, in accordance with regulations adopted by the Board, determine whether the child has any relative who may be eligible to become a kinship foster parent. Searches for relatives eligible to serve as kinship foster parents shall be conducted at the time the child enters foster care, at least annually thereafter, and prior to any subsequent changes to the child's placement setting. The local board shall take all reasonable steps to provide notice to such relatives of their potential eligibility to become kinship foster parents and explain any opportunities such relatives may have to participate in the placement and care of the child, including opportunities available through kinship foster care or kinship guardianship.

If a relative requests to become the child's kinship foster parent, the local board shall provide the relative with any forms or materials that must be submitted in order to become a kinship foster parent within no more than 15 days of such request. If the relative's request to become a kinship foster parent is denied, the local board shall provide to the relative (i) a clear and specific explanation of the reasons for such denial, (ii) a statement that such denial is appealable pursuant to § 63.2-915, and (iii) information regarding the procedure for filing such appeal.

~~B.~~ *C. If a local board does not place a child with an approved kinship foster parent, the local board shall file an exception report with the Commissioner within 72 hours of placement. For the purposes of this section, an exception report is defined as a report that has been approved by a director of a local department prior to placing a child in a non-kinship foster care placement and documents all known relatives and fictive kin of the child, all efforts of the local board to locate relatives and fictive kin of the child, and the reasons why the child was not placed with relatives.*

D. Kinship foster care placements pursuant to this section shall be subject to all requirements of, and shall be eligible for all services related to, foster care placement contained in this chapter. Subject to approval by the Commissioner, a local board may grant a waiver of the Board's standards for foster home approval, set forth in regulations, that are not related to safety. Training requirements may be waived for purposes of initial approval; however, such training requirements shall be completed within six months of the initial approval. If a local board determines that training requirements are a barrier to placement with a kinship foster parent and that placement with such kinship foster parent is in the child's best interest, the local board shall submit a waiver request to the Commissioner. Waivers granted pursuant to this subsection shall be considered and, if appropriate, granted on a case-by-case basis and shall include consideration of the unique needs of each child to be placed. Upon request by a local board, the Commissioner shall review the local board's decision and reasoning to grant a waiver and shall verify that the foster home approval standard being waived is not related to safety. If the Commissioner grants the waiver and allows approval of the home in accordance with Board regulations, the child may be placed in the home immediately. The approval or disapproval by the Commissioner of the local board's waiver shall not be considered a case decision as defined in § 2.2-4001.

~~C.~~ *E.* The kinship foster parent shall be eligible to receive payment at the full foster care rate for the care of the child.

~~D.~~ *F.* During the process of determining whether a person should be approved as a kinship foster parent, a local board shall not require that the child be removed from the physical custody of the kinship foster parent who is the subject of such approval process, provided the placement remains in the child's best interest.

~~E.~~ *G.* A child placed in kinship foster care pursuant to this section shall not be removed from the physical custody of the kinship foster parent, provided that the child has been living with the kinship foster parent for six consecutive months and the placement continues to meet approval standards for foster care, unless (i) the kinship foster parent consents to the removal; (ii) removal is agreed upon at a family partnership meeting as defined by the Department; (iii) removal is ordered by a court of competent jurisdiction; or (iv) removal is warranted pursuant to § 63.2-1517.

~~F.~~ *H.* For purposes of this section, "relative" means an adult who is (i) related to the child by blood, marriage, or adoption or (ii) fictive kin of the child.

Article 7.

Parental Child Safety Placement Program.

§ 63.2-1531. Definitions.

For the purposes of this article, unless the context requires a different meaning:

"Alternative living arrangement" means an arrangement whereby custody of a child is temporarily transferred to a caregiver in conjunction with an alternative living arrangement service plan.

"Alternative living arrangement service plan" means a plan developed by the local department and the family that describes the services identified to meet the safety needs of the child and to address the issues identified by the local department that necessitated the parental child safety placement arrangement and any subsequent court-approved removal of the child from his home.

"Caregiver" means a relative of the child as defined in subsection H of § 63.2-900.1 other than the child's parent, guardian, or legal custodian.

"In-Home Services" means services that (i) address child safety and risk factors; (ii) preserve families by maintaining the child's safety at home or in the home of a caregiver; (iii) prevent further abuse or neglect of the child; (iv) reduce or eliminate re-traumatization of the child or family; (v) maintain the child's current living arrangement and community culture; or (vi) otherwise promote the child's well-being, safety, and permanence.

"Parental child safety placement arrangement" means a temporary out-of-home placement of a child with a caregiver that is arranged by the child's parent, guardian, or legal custodian in accordance with a written agreement approved by the local department that ensures the safety of the child.

"Program" means the Parental Child Safety Placement Program established pursuant to § 63.2-1532.

§ 63.2-1532. Parental Child Safety Placement Program; established.

The Parental Child Safety Placement Program is established to prevent unnecessary entry into foster care by promoting and supporting placements with relatives and fictive kin and requiring accountability for pre-court placements of children. A local department may facilitate a parental child safety placement arrangement in accordance with the provisions of this article if (i) a family assessment or investigation has been initiated in response to a valid complaint alleging that the child has been abused or neglected; (ii) the safety assessment conducted by the local department indicates that a child cannot remain safely in the home; and (iii) the child's parent, guardian, or legal custodian is in agreement with the parental child safety placement arrangement.

§ 63.2-1533. Parental child safety placement agreement; terms.

A. A parental child safety placement agreement shall include provisions describing the following:

1. The facts and circumstances that provide the basis for the safety assessment indicating that the child cannot remain safely in the home;

2. The responsibilities of the child's parent, guardian, or legal custodian and the caregiver, including a plan for how the caregiver will access necessary medical treatment, mental health services, and appropriate educational services for the child;

3. Visitation arrangements for the child's parent, guardian, or legal custodian, including supervised visitation as necessary, and other methods by which the child's parent, guardian, or legal custodian may contact the child;

4. The responsibilities of the local department, including (i) any services to be provided to the child, the child's parent, guardian, or legal custodian, and the caregiver and (ii) a requirement that the local department visits the caregiver's home (a) within two weeks of the placement and (b) thereafter in accordance with Board regulations;

5. The date on which the agreement will terminate unless terminated sooner or extended to a subsequent date as provided in this article; and

6. Any other terms the local department determines necessary for the safety and welfare of the child.

B. A parental child safety placement agreement shall contain the following:

1. A statement that the child's parent, guardian, or legal custodian voluntarily consents to the parental child safety placement arrangement and that such consent is not an admission of child abuse or neglect on such person's part;

2. A statement that the agreement may be terminated by any party, at any time, and for any reason and a statement that, upon such termination, the local department may take actions to protect the child, including the removal of the child pursuant to the provisions of this title;

3. A statement that the child's parent, guardian, or legal custodian and the caregiver may seek legal counsel prior to entering into the agreement;

4. A statement that the child's parent, guardian, or legal custodian and the caregiver have the right to refuse to enter into the agreement; and

5. A statement that the local department has notified the child's parent, guardian, or legal custodian and the caregiver of the alternative option for the child to enter foster care and the potential for the caregiver to become an approved kinship foster parent.

C. Prior to signing the parental child safety placement agreement, the local department shall notify the caregiver of any financial assistance available to the caregiver through the Program for the period of time that the agreement is in place.

D. A parental child safety placement agreement shall be in writing and signed by the child's parent, guardian, or legal custodian, the caregiver, and the local department.

E. The local department shall provide a written copy of the parental child safety placement agreement to the child's parent, guardian, or legal custodian and the caregiver.

F. The local department shall include a scanned copy of the parental child safety placement agreement in the case record.

G. The term of the parental child safety placement agreement shall be no more than 90 days from the date the agreement is signed, which shall, as applicable, run concurrently with the time necessary to complete the child protective services investigation or family assessment. A parental child safety placement agreement may be extended, but such extension shall not exceed one additional 90-day period and the reason for such extension shall be documented in the case record. Prior to any extension, the local department shall conduct a facilitated meeting and perform a safety assessment to determine whether (i) the child should be returned home, (ii) the agreement should be extended, or (iii) the local department should seek a child protective order or other court action.

H. The In-Home Services case shall remain open for the duration of the parental child safety placement agreement.

§ 63.2-1534. Caregiver assessment.

A. The local department shall assess the proposed caregiver and determine whether the proposed caregiver (i) is willing and qualified to receive and care for the child; (ii) is willing to have a positive, continuous relationship with the child; and (iii) is willing and has the ability to protect the child from abuse and neglect. Such assessment shall include requirements for (a) inquiry into the criminal and child protective services history of each adult in the proposed caregiver's household and (b) an assessment of the caregiver's home environment in accordance with Board regulations.

B. The local department shall document the results of the assessment of the proposed caregiver and his home environment in the case record.

C. If, after conducting the assessment of the proposed caregiver, the local department determines that it is not in the child's best interests to be placed with the proposed caregiver, the local department shall notify the child's parent, guardian, or legal custodian and the proposed caregiver of the reasons for the local department's determination but may not disclose the results of any criminal or child protective services history unless the proposed caregiver consents to such disclosure.

§ 63.2-1535. Termination of the parental child safety placement agreement and the alternative living arrangement.

A. Prior to the conclusion of a parental child safety placement agreement, the local department shall reassess the safety of the child if the child were to be returned home.

B. If it is determined that the child can be safely returned home prior to or at the conclusion of the parental child safety placement agreement, the local department shall develop a safety plan with the child's parent, guardian, or legal custodian and the caregiver for the safe return of the child to the child's parent, guardian, or legal custodian or to another legal custodian. The local department may take the following actions if it is determined that continued services are required for the child to safely return home:

1. Maintain an open In-Home Services case for continued services with the agreement of the child's parent, guardian, or legal custodian; or

2. Seek a child protective order or other court action to order continued services if the child's parent, guardian, or legal custodian does not agree to the In-Home Services case remaining open for continued services.

C. If it is determined that the child cannot be safely returned home at the conclusion of the parental child safety placement agreement, the local department shall seek removal of the child from the child's parent, guardian, or legal custodian, upon a petition alleging abuse or neglect pursuant to § 16.1-251 or 16.1-252.

1. Prior to the first court hearing, the local department shall make reasonable efforts to convene a facilitated meeting that includes the child's parent, guardian, or legal custodian, the caregiver, and the child, if 12 years of age or older, to collaboratively develop an alternate living arrangement service plan. During such meeting, the local department shall notify the child's parent, guardian, or legal custodian and the caregiver of all possible options for the care of the child, to include foster care, kinship foster care, and the transfer of temporary custody to the caregiver.

2. If the court orders temporary custody of the child to the caregiver, the local department may continue to provide services to the caregiver and child through an In-Home Services case, consistent with the alternate living arrangement service plan. At the dispositional hearing of the local department's petition, if the child cannot be safely returned to the child's parent, guardian, or legal custodian, the local department shall either:

a. If reunification of the child with the child's parent, guardian, or legal custodian remains the plan, request that the court continue temporary custody of the child with the caregiver, if appropriate, and enter such terms and conditions that would promote the child's interest and welfare, provide ongoing services to the family, and provide for further court review of the child's placement in accordance with the court's authority in subdivision A 1 of § 16.1-278.2; or

b. If reunification of the child with the child's parent, guardian, or legal custodian is no longer the plan, request the court to enter a final order of custody to the caregiver. If further services are necessary to ensure the child's safety and welfare with the caregiver, the local department may keep the case open as an In-Home Services case until stability for the child is achieved.

3. If the court denies the removal of the child, the local department shall seek a child protective order to provide continued services for the child and the child's parent, guardian, or legal custodian to ensure the child's safety and welfare. If the child protective order is granted, the case shall remain open as an In-Home Services case.

4. The alternate living arrangement service plan shall include provisions describing the following:

a. The facts and circumstances that provide the basis for the safety assessment indicating that the child cannot remain safely in the home;

b. The responsibilities of the child's parent, guardian, or legal custodian and the caregiver;

c. Visitation arrangements for the child's parent, guardian, or legal custodian and conditions under which and methods by which the child's parent, guardian, or legal custodian may contact the child;

d. The responsibilities of the local department, including any services to be provided to the child, the child's parent, guardian, or legal custodian, and the caregiver; and

e. Any other term the local department determines necessary for the safety and welfare of the child.

§ 63.2-1536. General provisions.

A. Nothing herein shall be deemed to prohibit the local department from seeking any other appropriate court action at any time to protect the health and welfare of the child.

B. Nothing herein shall be deemed to prohibit a caregiver or other person with a legitimate interest from petitioning the court for custody of the child. If the caregiver petitions for custody, the local department shall make reasonable efforts to conduct a facilitated meeting to discuss the continuation of services for the child and family.

2. That the provisions requiring a local board to file an exception report, established pursuant to § 63.2-900.1 of the Code of Virginia, as amended by this act, shall become effective on January 1, 2025.

3. That the State Board of Social Services (the Board) shall promulgate regulations to implement the provisions of this act by January 1, 2025. Such regulations shall include provisions regarding the manner in which Parental Child Safety Placement Program payments are prioritized based on available funding. The Board's initial adoption of such regulations and any other regulations necessary to implement the provisions of this act shall be exempt from the Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia), except that the Board shall provide an opportunity for public comment on such regulations prior to adoption.

CHAPTER 630

An Act to amend Chapter 323 of the Acts of Assembly of 1950, which provided a charter for the City of Falls Church, by repealing § 4.14 of Chapter 323, relating to qualifications of members of boards and commissions.

[H 54]

Approved April 8, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 4.14 of Chapter 323 of the Acts of Assembly of 1950 is repealed.

CHAPTER 631

An Act to amend and reenact § 59.1-542 of the Code of Virginia, relating to enterprise zones; renewal periods.

[H 61]

Approved April 8, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 59.1-542 of the Code of Virginia is amended and reenacted as follows:

§ 59.1-542. Enterprise zone designation.

A. Upon the Department's announcement of periodic zone designation competitions, the governing body of any county or city may make written application to the Department to have an area or areas declared an enterprise zone. Such application shall include a description of the area or areas to be included, the development potential of these areas, the need for special state incentives, the local incentives that shall be provided to support new economic activity, and other information that the Department deems necessary to assess requests for designation.

B. Two or more adjacent localities may file a joint application for an enterprise zone. Localities applying for a joint zone shall demonstrate a regional need for an enterprise zone and a regional impact that could not be achieved through a single jurisdiction zone. Applicants for a joint zone shall also specify what mechanisms will be used to ensure that the economic benefits of such a zone are shared among the applicant localities.

C. An enterprise zone may consist of no more than three noncontiguous areas. The aggregate size of these noncontiguous zone areas shall be as follows:

1. For cities, the minimum size of an enterprise zone shall be one-quarter square mile and the maximum size of an enterprise zone shall be one square mile or seven percent of the jurisdiction's land area or an area that includes seven percent of the population, whichever is largest.

2. For towns designated as enterprise zones under former §§ 59.1-272 through 59.1-278, 59.1-279.1, or 59.1-280.2 through 59.1-284 of the Enterprise Zone Act (§ 59.1-270 et seq.), the size of an enterprise zone shall conform to the size requirements for cities in subdivision 1.

3. For unincorporated areas of counties, the minimum size of an enterprise zone shall be one-half square mile and the maximum size of an enterprise zone shall be six square miles.

4. For consolidated cities the enterprise zones in cities for which the boundaries were created through the consolidation of a city and county or the consolidation of two cities, the enterprise zone shall conform substantially to the size requirements for unincorporated areas of counties in subdivision 3.

In no instance shall a zone consist only of a site for a single business firm. Localities shall be limited to three enterprise zone designations.

D. A joint enterprise zone shall consist of no more than three noncontiguous zone areas for each participating locality. The aggregate size of these noncontiguous areas shall be specified by regulation.

E. Upon recommendation of the Director of the Department, the Governor may designate up to 30 enterprise zones in accordance with the provisions of this chapter. Such designations are to be done in coordination with the expiration of existing zones designated under earlier Enterprise Zone Program provisions. The initial round of six zone designation applications and approval may be conducted prior to adoption of final program regulations provided that the process is consistent with the provisions of this chapter. Enterprise zones shall be designated for an initial 10-year period except as provided for in subsections A and B of § 59.1-546. Upon recommendation of the Director of the Department, the Governor may renew zones designated on or after July 1, 2005, for up to ~~three~~ *four* five-year renewal periods and zones designated prior to July 1, 2005, for ~~one~~ *up to two* five-year renewal ~~period~~ *periods*. Recommendations for five-year renewals shall be based on the locality's performance of its enterprise zone responsibilities, the continued need for such a zone, and its effectiveness in creating jobs and capital investment.

F. Localities that have zone designations are responsible for providing the local incentives specified in their applications, providing timely submission of enterprise zone reports and evaluations as required by regulation, verifying that businesses and properties seeking enterprise zone incentives are physically located within their zones, and implementing an active local enterprise zone program within the context of overall economic development efforts.

CHAPTER 632

An Act to amend and reenact § 40.1-27.4 of the Code of Virginia, relating to employee protections; medicinal use of cannabis oil.

[H 149]

Approved April 8, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 40.1-27.4 of the Code of Virginia is amended and reenacted as follows:

§ 40.1-27.4. Discipline for employee's medicinal use of cannabis oil prohibited.

A. As used in this section~~, "cannabis~~*:*

"Cannabis oil" means the same as that term is defined in § 4.1-1600.

"Employee" means the same as that term is defined in § 40.1-2, except that for the purposes of this section, "employee" does not include any law-enforcement officer, as defined in § 9.1-101.

"Employer" means the same as that term is defined in § 40.1-2, except that for the purposes of this section, "employer" also includes the Commonwealth, any county, city, town, or other political subdivision thereof, and any agency of the Commonwealth or such county, city, town, or political subdivision.

B. No employer shall discharge, discipline, or discriminate against an employee for such employee's lawful use of cannabis oil *under the laws of the Commonwealth* pursuant to a valid written certification issued by a practitioner for the treatment or to eliminate the symptoms of the employee's diagnosed condition or disease pursuant to § 4.1-1601.

C. Notwithstanding the provisions of subsection B, nothing in this section shall (i) restrict an employer's ability to take any adverse employment action for any work impairment caused by the use of cannabis oil or to prohibit possession during work hours, (ii) require an employer to commit any act that would cause the employer to be in violation of federal law or that would result in the loss of a federal contract or federal funding, or (iii) require any defense industrial base sector employer or prospective employer, as defined by the U.S. Cybersecurity and Infrastructure Security Agency, to hire or retain any applicant or employee who tests positive for tetrahydrocannabinol (THC) in excess of 50 ng/ml for a urine test or 10 pg/mg for a hair test.

CHAPTER 633

An Act to amend and reenact §§ 33.2-1904, 33.2-1907, and 33.2-2502 of the Code of Virginia, relating to certain transportation entities; membership.

[H 201]

Approved April 8, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 33.2-1904, 33.2-1907, and 33.2-2502 of the Code of Virginia are amended and reenacted as follows:

§ 33.2-1904. Northern Virginia Transportation District and Commission.

A. There is hereby created the Northern Virginia Transportation District (the District), comprising the Counties of Arlington, Fairfax, and Loudoun; the Cities of Alexandria, Falls Church, and Fairfax; and such other county or city contiguous to the District that agrees to join the District.

B. There is hereby established the Northern Virginia Transportation Commission (the Commission) as a transportation commission pursuant to this chapter. The Commission shall consist of five nonlegislative citizen members from Fairfax County, three nonlegislative citizen members from Arlington County, two nonlegislative citizen members from Loudoun County, two nonlegislative citizen members from the City of Alexandria, one nonlegislative member from the City of Falls Church, one nonlegislative citizen member from the City of Fairfax, and the Chairman of the Commonwealth Transportation Board or his designee to serve ex officio with voting privileges. If a county or city contiguous to the District agrees to join the District, such locality shall appoint one nonlegislative citizen member to the Commission. Members from the counties and cities shall be appointed from their respective governing bodies. The Commission shall also include four members *of the House of Delegates* appointed by the Speaker of the House of Delegates ~~who may be members of the House of Delegates~~ and two members of the Senate appointed by the Senate Committee on Rules. All legislative members shall serve terms coincident with their terms of office. Members may be reappointed for successive terms. All members shall be citizens of the Commonwealth. Except for the Chairman of the Commonwealth Transportation Board or his designee, all members of the Commission shall be residents of the localities composing the District. Vacancies occurring other than by expiration of a term shall be filled for the unexpired term. Vacancies shall be filled in the same manner as the original appointments.

§ 33.2-1907. Members of transportation commissions.

A. Any transportation district commission created pursuant to this chapter shall consist of the number of members the component governments shall agree upon, or as may otherwise be provided by law. The governing body of each participating county and city shall appoint from among its members the number of commissioners to which the county or city is entitled; however, for those commissions with powers as set forth in subsection A of § 33.2-1915, the governing body of each participating county or city is not limited to appointing commissioners from among its members. In addition, the governing body may appoint, from its number or otherwise, designated alternate members for those appointed to the commission who shall be able to exercise all of the powers and duties of a commission member when the regular member is absent from commission meetings. Each such appointee shall serve at the pleasure of the appointing body; however, no appointee to a commission with powers as set forth in subsection B of § 33.2-1915 may continue to serve when he is no longer a member of the appointing body. Each governing body shall inform the commission of its appointments to and removals from the commission by delivering to the commission a certified copy of the resolution making the appointment or causing the removal.

The Chairman of the Commonwealth Transportation Board, or his designee, shall be a member of each commission, ex officio with voting privileges. The Chairman of the Commonwealth Transportation Board may appoint an alternate

member who may exercise all the powers and duties of the Chairman of the Commonwealth Transportation Board when neither the Chairman of the Commonwealth Transportation Board nor his designee is present at a commission meeting.

The Potomac and Rappahannock Transportation Commission shall also include two members *of the House of Delegates* who reside within the boundaries of the transportation district appointed by the Speaker of the House ~~who may be members of the House of Delegates~~ and one member of the Senate appointed by the Senate Committee on Rules. Each legislative member shall be from a legislative district located wholly or in part within the boundaries of the transportation district and shall serve a term coincident with his term of office. The members of the General Assembly shall be eligible for reappointment for successive terms. Vacancies occurring other than by expiration of a term shall be filled for the unexpired term. Vacancies shall be filled in the same manner as the original appointments.

The Transportation District Commission of Hampton Roads shall include one member of the House of Delegates and one member of the Senate, one of whom shall represent a district that includes the City of Hampton or Newport News and one of whom shall represent a district that includes the City of Chesapeake, Norfolk, Portsmouth, or Virginia Beach. The member of the House of Delegates shall be appointed by the Speaker of the House of Delegates for a term coincident with his term of office, and the member of the Senate shall be appointed by the Senate Committee on Rules for a term coincident with his term of office. The members of the General Assembly shall be eligible for reappointment for successive terms, and vacancies occurring other than by expiration of a term shall be filled for the unexpired term. The Transportation District Commission of Hampton Roads shall also consist of one nonlegislative citizen member appointed by the Governor from each county and city embraced by the transportation district. Nonlegislative citizen members shall have experience in at least one of the following fields: transit, transportation, or land use planning; management of transit, transportation, or other public sector operations; public budgeting or finance; corporate communications; government oversight; or state or local government. All gubernatorial appointments shall be for terms of four years. The governing body of each such county or city may appoint either a member of its governing body or its county or city manager to serve as an ex officio member with voting privileges. Every such ex officio member shall be allowed to attend all meetings of the commission that other members may be required to attend. Vacancies shall be filled in the same manner as the original appointments.

B. The Secretary or his designee and any appointed member of the Northern Virginia Transportation Commission are authorized to serve as members of the board of directors of the Washington Metropolitan Area Transit Authority (§ 33.2-3100 et seq.) and while so serving the provisions of § 2.2-2800 shall not apply to such member. In appointing Virginia members of the board of directors of the Washington Metropolitan Area Transit Authority (WMATA), the Northern Virginia Transportation Commission shall include the Secretary or his designee as a principal member on the board of directors of WMATA. Any designee serving as the principal member must reside in a locality served by WMATA.

In selecting from its membership those members to serve on the board of directors of WMATA, the Northern Virginia Transportation Commission shall comply with the following requirements:

1. A board member shall not have been an employee of WMATA within one year of appointment to serve on the board of directors.

2. A board member shall have (i) experience in at least one of the fields of transit planning, transportation planning, or land use planning; transit or transportation management or other public sector management; engineering; finance; public safety; homeland security; human resources; or the law or (ii) knowledge of the region's transportation issues derived from working on regional transportation issue resolution.

3. A board member shall be a regular patron of the services provided by WMATA.

4. Board members shall serve a term of four years with a maximum of two consecutive terms. A board member's term or terms must coincide with his term on the body that appointed him to the Northern Virginia Transportation Commission. Any vacancy created if a board member cannot fulfill his term because his term on the appointing body has ended shall be filled for the unexpired term in the same manner as the member being replaced was appointed within 60 days of the vacancy. The initial appointments to a four-year term will be as follows: the Secretary, or his designee, for a term of four years; the second principal member for a term of three years; one alternate for a term of two years; and the remaining alternate for a term of one year. Thereafter, board members shall be appointed for terms of four years. Service on the WMATA board of directors prior to July 1, 2012, shall not be considered in determining length of service. Any person appointed to an initial one-year or two-year term, or appointed to an unexpired term in which two years or less is remaining, shall be eligible to serve two consecutive four-year terms after serving the initial or unexpired term.

5. Members may be removed from the board of directors of WMATA if they attend fewer than three-fourths of the meetings in a calendar year; if they are conflicted due to employment at WMATA; or if they are found to be in violation of the State and Local Government Conflict of Interests Act (§ 2.2-3100 et seq.). If a board member is removed during a term, the vacancy shall be filled pursuant to the provisions of subdivision 4.

6. Each member of the Northern Virginia Transportation Commission appointed to the board of directors of WMATA shall file semiannual reports with the Secretary's office beginning July 1, 2012. The reports shall include (i) the dates of attendance at WMATA board meetings, (ii) any reasons for not attending a specific meeting, and (iii) dates and attendance at other WMATA-related public events.

7. Each nonelected member of the Northern Virginia Transportation Commission appointed to the board of directors of WMATA shall be eligible to receive reasonable and necessary expenses and compensation pursuant to §§ 2.2-2813 and 2.2-2825 from the Northern Virginia Transportation Commission for attending meetings and for the performance of his official duties as a board member on that day.

Any entity that provides compensation to a WMATA board member for his service on the WMATA board shall be required to submit on July 1 of each year to the Secretary the amount of that compensation. Such letter will remain on file with the Secretary's office and be available for public review.

C. When the Northern Virginia Transportation Commission and the Potomac and Rappahannock Transportation Commission enter into an agreement to operate a commuter railway, the agreement governing the creation of the railway shall provide that the Chairman of the Commonwealth Transportation Board or his designee shall have one vote on the oversight board for the railway. For each year in which the state contribution to the railway is greater than or equal to the highest contribution from an individual locality, the total annual subsidy as provided by the member localities used to determine vote weights shall be recalculated to include the Commonwealth contributing an amount equal to the highest contributing locality. The vote weights shall be recalculated to provide the Chairman of the Commonwealth Transportation Board or his designee the same weight as the highest contributing locality. The revised vote weights shall be used in determining the passage of motions before the oversight board.

§ 33.2-2502. Composition of Authority; membership; terms.

The Authority shall consist of 17 members as follows:

1. The chief elected officer of the governing body of each county and city embraced by the Authority or, in the discretion of the chief elected officer, his designee, who shall be a current elected officer of such governing body;

2. Two members *of the House of Delegates* who reside in different counties or cities embraced by the Authority, appointed by the Speaker of the House who may be from the membership of the House Committee on Appropriations, the House Committee on Finance, or the House Committee on Transportation;

3. One member of the Senate who resides in a county or city embraced by the Authority, appointed by the Senate Committee on Rules and, to the extent practicable, from the membership of the Senate Committee on Finance and Appropriations and the Senate Committee on Transportation;

4. Two nonlegislative citizen members who reside in different counties or cities embraced by the Authority, appointed by the Governor. One such gubernatorial appointment shall be a member of the Commonwealth Transportation Board and one shall be a person who has significant experience in transportation planning, finance, engineering, construction, or management; and

5. The following three persons who shall serve as nonvoting ex officio members of the Authority: the Director of the Department of Rail and Public Transportation, or his designee; the Commissioner of Highways, or his designee; and the chief elected officer of one town in a county embraced by the Authority to be chosen by the Authority.

All members of the Authority shall serve terms coincident with their terms of office, except that the gubernatorial appointee who is not a member of the Board shall serve for a term of four years. A vacancy occurring other than by expiration of a term shall be filled for the unexpired term. Vacancies shall be filled in the same manner as the original appointments. The Authority shall appoint a chairman and vice-chairman from among its members.

CHAPTER 634

An Act to amend and reenact §§ 46.2-1177.1 and 46.2-1182 of the Code of Virginia, relating to emissions inspections; fees; agreement for services and service charge fees.

[H 213]

Approved April 8, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 46.2-1177.1 and 46.2-1182 of the Code of Virginia are amended and reenacted as follows:

§ 46.2-1177.1. Inspection program coordinator; agreement for services.

The Director may enter into an agreement to designate a program coordinator for all inspection programs pursuant to this article, except that no on-road clean screen program or any program or inspection process that utilizes remote sensing shall be included in the agreement. The Director shall determine the services to be provided by the program coordinator and the amount to be paid to the program coordinator for such services by the Department. Such agreement shall include a provision that the program coordinator shall provide and maintain inspection stations as defined in § 46.2-1176 with equipment, as set forth in this article, as required for a station to provide inspections. In addition to the amount the Director agrees for the Department to pay the program coordinator, the agreement shall permit the program coordinator to be paid up to ~~$3,500~~ *$5,000* per year from each inspection station for each set of required equipment for the provision and maintenance of such equipment by the program coordinator.

§ 46.2-1182. Emissions inspection fees; exemption.

Emissions inspection stations performing emissions inspections under subsection A of § 46.2-1178 may charge $11.40 for each emissions inspection, but such charge shall not be mandatory. Any such fee shall be paid to the emissions inspection station.

Each emissions inspection station performing emissions inspections under subsection B of § 46.2-1178 may charge for each emissions inspection an amount not to exceed $17. Any such fee shall be paid to and retained by the emissions inspection station.

Beginning at such date upon which the program becomes an enhanced emissions program, each emissions inspection station performing emissions inspections under subsection C of § 46.2-1178 may charge an amount not to exceed ~~$28~~ *$30* for each emissions inspection. Any such fee shall be paid to and retained by the emissions inspection station.

Within 14 days of an initial failure of an emissions inspection performed at an emissions inspection station, the vehicle's owner shall be entitled to one free reinspection at the station or facility that conducted the original inspection.

The on-road emissions inspector performing emissions inspections under subsection C of § 46.2-1178 may charge each motor vehicle owner who elects to participate in the on-road clean screen program an amount not to exceed ~~$28~~ *$30* for each emissions inspection. Any such fee shall be paid to the on-road emissions inspector. From each emissions inspection fee received by the on-road emissions inspector, a minimum of $4.50 shall be appropriated to the Highway Maintenance and Operating Fund established pursuant to § 33.2-1530.

CHAPTER 635

An Act to amend and reenact § 54.1-2522.1, as it is currently effective and as it shall become effective, of the Code of Virginia, relating to prescription of opioids; sickle cell anemia.

[H 257]

Approved April 8, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 54.1-2522.1, as it is currently effective and as it shall become effective, of the Code of Virginia is amended and reenacted as follows:

§ 54.1-2522.1. (Effective until July 1, 2027) Requirements of practitioners.

A. Any prescriber who is licensed in the Commonwealth to treat human patients and is authorized pursuant to §§ 54.1-3303 and 54.1-3408 to issue a prescription for a covered substance shall be registered with the Prescription Monitoring Program by the Department of Health Professions.

B. A prescriber registered with the Prescription Monitoring Program or a person to whom he has delegated authority to access information in the possession of the Prescription Monitoring Program pursuant to § 54.1-2523.2 shall, at the time of initiating a new course of treatment to a human patient that includes the prescribing of opioids anticipated at the onset of treatment to last more than seven consecutive days, request information from the Director for the purpose of determining what, if any, other covered substances are currently prescribed to the patient. In addition, any prescriber who holds a special identification number from the Drug Enforcement Administration authorizing the prescribing of controlled substances approved for use in opioid addiction therapy shall, prior to or as a part of execution of a treatment agreement with the patient, request information from the Director for the purpose of determining what, if any, other covered substances the patient is currently being prescribed. Nothing in this section shall prohibit prescribers from making additional periodic requests for information from the Director as may be required by routine prescribing practices.

C. A prescriber shall not be required to meet the provisions of subsection B if:

1. The opioid is prescribed to a patient currently receiving hospice or palliative care;

2. The opioid is prescribed to a patient during an inpatient hospital admission or at discharge;

3. The opioid is prescribed to a patient in a nursing home or a patient in an assisted living facility that uses a sole source pharmacy;

4. *The opioid is prescribed to a patient for pain management related to sickle cell anemia;*

5. The Prescription Monitoring Program is not operational or available due to temporary technological or electrical failure or natural disaster; or

~~5.~~ *6.* The prescriber is unable to access the Prescription Monitoring Program due to emergency or disaster and documents such circumstances in the patient's medical record.

D. Prior to issuing a written certification for the use of cannabis oil in accordance with § 4.1-1601, a practitioner shall request information from the Director for the purpose of determining what, if any, other covered substances have been dispensed to the patient.

§ 54.1-2522.1. (Effective July 1, 2027) Requirements of practitioners.

A. Any prescriber who is licensed in the Commonwealth to treat human patients and is authorized pursuant to §§ 54.1-3303 and 54.1-3408 to issue a prescription for a covered substance shall be registered with the Prescription Monitoring Program by the Department of Health Professions.

B. Prescribers registered with the Prescription Monitoring Program shall, at the time of initiating a new course of treatment to a human patient that includes the prescribing of benzodiazepine or an opiate anticipated at the onset of treatment to last more than 90 consecutive days, request information from the Director for the purpose of determining what, if any, other covered substances are currently prescribed to the patient. In addition, any prescriber who holds a special identification number from the Drug Enforcement Administration authorizing the prescribing of controlled substances approved for use in opioid addiction therapy shall, prior to or as a part of execution of a treatment agreement with the patient, request information from the Director for the purpose of determining what, if any, other covered substances the patient is currently being prescribed. Nothing in this section shall prohibit prescribers from making additional periodic requests for information from the Director as may be required by routine prescribing practices.

C. The Secretary of Health and Human Resources may identify and publish a list of benzodiazepines or opiates that have a low potential for abuse by human patients. Prescribers who prescribe such identified benzodiazepines or opiates shall not be required to meet the provisions of subsection B. In addition, a prescriber shall not be required to meet the provisions of subsection B if the course of treatment arises from pain management relating to dialysis ~~or~~, cancer treatments*, or sickle cell anemia*.

D. Prior to issuing a written certification for the use of cannabis oil in accordance with § 4.1-1601, a practitioner shall request information from the Director for the purpose of determining what, if any, other covered substances have been dispensed to the patient.

CHAPTER 636

An Act to amend and reenact § 58.1-3975 of the Code of Virginia, relating to nonjudicial sale of tax delinquent real properties; unimproved properties within urban redevelopment or revitalization zone.

[H 258]

Approved April 8, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 58.1-3975 of the Code of Virginia is amended and reenacted as follows:

§ 58.1-3975. Nonjudicial sale of tax delinquent real properties of minimal size and value.

A. Notwithstanding any other provision of this title, the treasurer or other officer responsible for collecting taxes may sell, at public auction, any parcel of real property that is assessed at $10,000 or less, provided that the taxes on such parcel are delinquent on December 31 following the third anniversary of the date on which such taxes have become due.

B. The treasurer or other officer responsible for collecting taxes may in addition sell, at public auction, any parcel of real property that is assessed at more than $10,000 but no more than $25,000, provided that the taxes on such parcel are delinquent on December 31 following the third anniversary of the date on which such taxes have become due, it is not subject to a recorded mortgage or deed of trust lien, and such parcel:

1. Is unimproved and measures no more than 43,560 square feet (1.0 acre);

2. Is unimproved and is determined to be unsuitable for building due to the size, shape, zoning, floodway, or other environmental designations of the parcel made by the locality's zoning administrator or other official designated by the locality to administer its zoning ordinance and carry out the duties set forth in subdivision A 4 of § 15.2-2286;

3. Has a structure on it that has been condemned by the local building official pursuant to applicable law or ordinance;

4. Has been declared by the locality a nuisance as that term is defined in § 15.2-900;

5. Contains a derelict building as that term is defined in § 15.2-907.1; or

6. Has been declared by the locality to be blighted as that term is defined in § 36-3.

For purposes of determining the area of any parcel, the area or acreage found in the locality's land book shall be determinative.

C. *The treasurer or other duly authorized official responsible for collecting taxes may in addition sell, at public auction, any parcel of real property that is assessed at more than $25,000 but no more than $40,000, provided that the taxes on such parcel are delinquent on December 31 following the third anniversary of the date on which such taxes have become due, such parcel is not subject to a recorded mortgage or deed of trust lien, such parcel is within an area designated by the local governing body as an urban redevelopment or revitalization zone, and such parcel is unimproved and measures no more than 21,825 square feet (0.5 acre). For purposes of determining the area of any parcel, the area or acreage found in the locality's land book shall be determinative.*

D. At least 30 days prior to conducting a sale under this section, the treasurer or other officer responsible for collecting taxes shall:

1. Send notice by certified or registered mail to the record owner or owners of such property and anyone appearing to have an interest in the property at their last known address as contained in the records of the treasurer or other officer responsible for collecting taxes; and

2. Post notice of such sale at the property location, if such property has frontage on any public or private street, and at the circuit courthouse of the locality.

~~D.~~ *E.* The treasurer or other officer responsible for collecting taxes shall also cause a notice of sale to be published in the legal classified section of a newspaper of general circulation in the locality in which the property is located at least seven days prior to the sale; however, if the annual taxes assessed on the property are less than $500, such notice may be placed, in lieu of publication, on the treasurer's or local government's website beginning at least seven days prior to sale and through the date of sale. The pro rata costs of posting notice, publication, and mailing shall become a part of the tax and shall be collected if payment is made in redemption of such real property.

~~E.~~ *F.* The treasurer or other officer responsible for collecting taxes may advertise and sell multiple parcels at the same time and place pursuant to one notice of sale.

~~F.~~ *G.* The treasurer or other officer responsible for collecting taxes may enter into an agreement with the owner of such parcel for payment over time.

~~G.~~ *H.* The owner of any property, or other interested party, may redeem it at any time prior to the date of the sale by paying all accumulated taxes, penalties, interest, and costs thereon, including reasonable attorney fees. Partial payment of delinquent taxes, penalties, interest, or costs shall be insufficient to redeem the property and shall not operate to suspend, invalidate, or nullify any sale brought pursuant to this section.

~~H.~~ *I.* At the time of sale, the treasurer or other officer responsible for collecting taxes shall sell to the highest bidder at public auction each parcel that has not been redeemed by the owner. Such sale shall be free and clear of the locality's tax lien, but shall not affect easements or other rights of record recorded prior to the date of sale or liens recorded prior to the date of sale unless the treasurer has given the lienholder written notice of the sale at least 30 days prior to the sale, at the lienholder's address of record and through his registered agent, if any. The treasurer or other officer responsible for collecting taxes shall tender a special warranty deed pursuant to this section to effectuate the conveyance of the parcel to the highest bidder.

~~I.~~ *J.* If the sale proceeds are insufficient to pay the amounts owed in full, the treasurer or other officer responsible for collecting taxes may remove the unpaid taxes from the books and mark the same as satisfied. The sale proceeds shall be applied first to the costs of sale, then to the taxes, penalty, interest, and fees due on the parcel, and thereafter to any other taxes or other charges owed by the former owner to the jurisdiction.

~~J.~~ *K.* Any excess proceeds shall remain the property of the former owner, subject to claims of creditors, and shall be kept by the treasurer or other officer responsible for collecting taxes in an interest-bearing escrow account. If any petition for excess proceeds is made to the treasurer or other officer responsible for collecting taxes under this section, the treasurer or officer holding the funds shall forward the funds to the locality's circuit court clerk to be interpleaded along with a copy of the claim for excess proceeds. A copy of such transmission shall be forwarded to the claimant. The burden of scheduling a hearing with the circuit court on the claim shall be that of the claimant and shall be made within two years of the date of the sale of the property that generated the excess funds. In the event that funds remain with the court two years after the date of the sale, the locality may petition to have the funds distributed to the locality's general fund. If no claim for payment of excess proceeds is made within two years after the date of sale, the treasurer or other responsible officer shall deposit the excess proceeds in the jurisdiction's general fund.

~~K.~~ *L.* If the sale does not produce a successful bidder, the treasurer or other responsible officer shall add the costs of sale incurred by the jurisdiction to the delinquent real estate account.

CHAPTER 637

An Act to require utilities and cooperatives to limit service termination for residential electric, gas, water, and wastewater utility customers with a serious medical condition; report.

[H 275]

Approved April 8, 2024

Be it enacted by the General Assembly of Virginia:

1. *§ 1. That the State Corporation Commission (the Commission), in order to promote public health and safety, shall conduct a proceeding for the purpose of establishing limitations on the authority of public utilities and cooperatives that provide electric, gas, water, or wastewater services to terminate service to the residence of any customer who provides the certification of a licensed physician or a nurse practitioner that the customer has a serious medical condition or the customer resides with a family member with a serious medical condition. The limitations shall be consistent with the public interest. In the proceeding establishing such limitations, the Commission shall consult with the Commissioner of Health, the Commissioner of Social Services, the Virginia Poverty Law Center, the Virginia League of Social Services Executives, public utilities and cooperatives that provide electric, gas, water, or wastewater services, and any other persons that the Commission deems appropriate. As a part of the proceeding, the Commission shall adopt regulations to implement such limitations. The regulations shall include a form by which a residential utility customer with a serious medical condition may apply for a delay in termination of service as provided by this act. The Commission shall make all reasonable efforts to ensure that this form is as accessible as possible for residential electric, gas, water, and wastewater utility customers. The regulations shall (i) be adopted in accordance with the Commission's Rules of Practice and Procedure; (ii) be effective not later than July 1, 2025; (iii) establish a cost recovery mechanism under which utilities and cooperatives that provide electric, gas, water, or wastewater services shall be authorized to recover, from approved rates collected from other customers or other sources of revenue, any losses on customer accounts the balance of which is written off or otherwise determined to be uncollectible as the result of the implementation of the regulations; and (iv) define "serious medical condition." No later than November 1, 2026, and every three years thereafter, the Commission shall submit a report to the General Assembly on the effectiveness of the serious medical condition policy after implementation and shall include any suggested changes to improve accessibility to such policy for residential utility customers.*

CHAPTER 638

An Act to direct the Office of the State Inspector General to develop a plan and submit reports regarding investigations of abuse or neglect at state psychiatric hospitals.

[H 313]

Approved April 8, 2024

Be it enacted by the General Assembly of Virginia:

1. *§ 1. The Office of the State Inspector General (the Office) shall (i) develop a plan to fulfill its statutory obligation to fully investigate all complaints it receives alleging abuse, neglect, or inadequate care at a state psychiatric hospital and (ii) submit such plan to the Chairmen of the House Committee on Health and Human Services and the Senate Committee on Education and Health by November 1, 2024. The Office shall also submit an annual report to the General Assembly on or before November 1 of each year that states the number of such complaints received by the Office during the prior fiscal year and the number of such complaints that were fully investigated by the Office.*

CHAPTER 639

An Act to amend the Code of Virginia by adding a section numbered 59.1-21.11:2, relating to Virginia Petroleum Products Franchise Act; agreements between jobber/distributors and dealers; market valuation study.

[H 392]

Approved April 8, 2024

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 59.1-21.11:2 as follows:

§ 59.1-21.11:2. Required provisions pertaining to agreements between jobber/distributors and dealers.

A. A term of an initial agreement between a jobber/distributor and a dealer relating to specific marketing premises shall not be less than one year, and the term of all subsequent agreements between the jobber/distributor and the dealer relating to the same marketing premises shall not be for less than three years. The rental provisions in any such agreement or franchise shall be based on commercially fair and reasonable standards at a fair market value of the leased marketing premises. If a dealer believes the terms of the agreement offered do not meet a fair market value, such dealer may hire, at his expense, an independent third-party appraisal company from a list of appraisal companies provided by the jobber/distributor to provide a market valuation study. Such study shall (i) be for informational purposes only, (ii) not require either party to disclose confidential business information, and (iii) not bind either party.

B. The provisions of this section shall be limited to Planning District 8 and shall apply to initial franchise agreements and renewals of franchise agreements entered into after July 1, 2024.

CHAPTER 640

An Act to amend the Code of Virginia by adding in Title 59.1 a chapter numbered 57, consisting of sections numbered 59.1-603 through 59.1-606, relating to Restroom Access Act.

[H 474]

Approved April 8, 2024

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Title 59.1 a chapter numbered 57, consisting of sections numbered 59.1-603 through 59.1-606, as follows:

CHAPTER 57.

RESTROOM ACCESS ACT.

§ 59.1-603. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Customer" means an individual who is lawfully on the premises of a retail establishment.

"Eligible medical condition" means (i) any inflammatory bowel disease, including Crohn's disease, ulcerative colitis, or irritable bowel syndrome; (ii) the use of an ostomy device; or (iii) any other diagnosed medical condition, including pregnancy, that requires immediate access to a toilet facility.

"Employee toilet facility" means a toilet facility in a retail establishment that is not a public restroom but is used by employees of the retail establishment.

"Medical professional" means a physician, naturopathic physician, physician assistant, nurse, or nurse practitioner qualified to diagnose an eligible medical condition.

"Retail establishment" means a place of business open to the general public for the sale of goods or services.

§ 59.1-604. Retail establishment; customer access to toilet facilities.

A retail establishment that has an employee toilet facility shall allow any customer to use such employee toilet facility during normal business hours if:

1. The customer does not have immediate access to a public restroom;

2. The employee toilet facility is not located in an area where providing access would create an obvious health or safety risk to the customer or others or an obvious security risk to the retail establishment;

3. The customer provides the retail establishment with evidence of the customer's eligible medical condition. Such evidence shall indicate that the customer suffers from an eligible medical condition and shall either be a copy of a statement signed by a medical professional on a prescription form or an identification card; and

4. At least two employees of the retail establishment are working onsite at the time the customer requests to use the employee toilet facility.

§ 59.1-605. Liability limited; changes to facility.

A. A retail establishment or the employee of such establishment shall not be civilly liable for any act or omission in allowing a customer with an eligible medical condition to use an employee toilet facility if the act or omission:

1. Is not willful or grossly negligent; and

2. Occurs in an area of the retail establishment that is not accessible to the public.

B. No retail establishment shall be required to make any changes to an employee toilet facility under this chapter.

§ 59.1-606. Civil liability.

A customer who suffers loss as the result of an act or omission by a retail establishment or an employee of a retail establishment that violates this chapter shall be entitled to bring an individual action to recover damages, not to exceed $100, resulting from such violation.

CHAPTER 641

An Act to amend and reenact § 36-106 of the Code of Virginia, relating to Uniform Statewide Building Code; violations; fines.

[H 578]

Approved April 8, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 36-106 of the Code of Virginia is amended and reenacted as follows:

§ 36-106. Violation a misdemeanor; civil penalty.

A. It shall be unlawful for any owner or any other person, firm, or corporation, on or after the effective date of any Code provisions, to violate any such provisions. Any such violation shall be deemed a misdemeanor and any owner or any other person, firm, or corporation convicted of such a violation shall be punished by a fine of not more than $2,500. ~~In addition, each day the violation continues after conviction or the court-ordered abatement period has expired shall constitute a separate offense.~~ If the violation remains uncorrected at the time of the conviction, the court shall order the violator to abate or remedy the violation in order to comply with the Code. Except as otherwise provided by the court for good cause shown, any such violator shall abate or remedy the violation within six months of the date of conviction. Each day during which the violation continues after the court-ordered abatement period has ended shall constitute a separate offense. Any person*, firm, or corporation* convicted of a second offense committed within less than five years after a first offense under this chapter shall be punished by a fine of not less than $1,000 nor more than $2,500. Any person*, firm, or corporation* convicted of a second offense committed within a period of five to 10 years of a first offense under this chapter shall be punished by a fine of not less than $500 nor more than $2,500. Any person*, firm, or corporation* convicted of a third or subsequent offense ~~involving the same property~~ committed within 10 years of an offense under this chapter after having been at least twice previously convicted shall be punished by confinement in jail for not more than 10 days and a fine of not less than ~~$2,500~~ *$5,000* nor more than ~~$5,000~~ *$10,000*, either or both. No portion of the fine imposed for such third or subsequent offense committed within 10 years of an offense under this chapter shall be suspended.

B. Violations of any provision of the Building Code, adopted and promulgated pursuant to § 36-103, that results in a dwelling not being a safe, decent and sanitary dwelling, as defined in § 25.1-400, in a locality where the local governing body has taken official action to enforce such provisions, shall be deemed a misdemeanor and any owner or any other person, firm, or corporation convicted of such a violation shall be punished by a fine of not more than $2,500. In addition, each day the violation continues after conviction or the expiration of the court-ordered abatement period shall constitute a separate offense. If the violation remains uncorrected at the time of the conviction, the court shall order the violator to abate or remedy the violation in order to comply with the Code. Except as otherwise provided by the court for good cause shown, any such violator shall abate or remedy the violation within six months of the date of conviction. Each day during which the violation continues after the court-ordered abatement period has ended shall constitute a separate offense. Any person convicted of a second offense, committed within less than five years after a first offense under this chapter shall be punished by confinement in jail for not more than five days and a fine of not less than $1,000 nor more than $2,500, either or both. Provided, however, that the provision for confinement in jail shall not be applicable to any person, firm, or corporation, when such violation involves a multiple-family dwelling unit. Any person convicted of a second offense committed within a period of five to 10 years of a first offense under this chapter shall be punished by a fine of not less than $500 nor more

than $2,500. Any person convicted of a third or subsequent offense involving the same property, committed within 10 years of an offense under this chapter after having been at least twice previously convicted, shall be punished by confinement in jail for not more than 10 days and a fine of not less than $2,500 nor more than $5,000, either or both. No portion of the fine imposed for such third or subsequent offense committed within 10 years of an offense under this chapter shall be suspended.

C. *Violations of any provision of the Building Code, adopted and promulgated pursuant to § 36-103, at a dwelling unit of a multifamily property that the local governing body has declared blighted pursuant to § 36-49.1:1 or 36-105.1:1, and where the local governing body has taken official action to enforce such provisions, shall be deemed a misdemeanor and any owner or any other person, firm, or corporation convicted of such a violation shall be punished by a fine of not more than $10,000. If the violation remains uncorrected at the time of the conviction, the court shall order the violator to abate or remedy the violation in order to comply with the Code within a time period that is determined by the court and appropriate considering the circumstances of the violation. The abatement period shall not be longer than six months. If the court fails to define an abatement period, the period shall be seven calendar days. Each day during which the violation continues after the court-ordered abatement period has ended shall constitute a separate offense.*

Any person, firm, or corporation convicted of a second offense committed within less than five years after a first offense under this chapter shall be punished by confinement in jail for not more than five days and a fine of not less than $2,500 nor more than $10,000, either or both.

Any person, firm, or corporation convicted of a second offense committed within a period of five to 10 years of a first offense under this chapter shall be punished by a fine of not less than $1,000 nor more than $10,000. Any person, firm, or corporation convicted of a third or subsequent offense committed within 10 years of an offense under this chapter after having been at least twice previously convicted shall be punished by confinement in jail for not more than 10 days and a fine of not less than $5,000 nor more than $10,000, either or both. No portion of the fine imposed for such third or subsequent offense committed within 10 years of an offense under this chapter shall be suspended.

D. Any locality may adopt an ordinance which establishes a uniform schedule of civil penalties for violations of specified provisions of the Code which are not abated, or otherwise remedied through hazard control, promptly after receipt of notice of violation from the local enforcement officer.

This schedule of civil penalties shall be uniform for each type of specified violation, and the penalty for any one violation shall be a civil penalty of not more than $100 for the initial summons and not more than $350 for each additional summons. Each day during which the violation is found to have existed shall constitute a separate offense. However, specified violations arising from the same operative set of facts shall not be charged more frequently than once in any 10-day period, and a series of specified violations arising from the same operative set of facts shall not result in civil penalties which exceed a total of $4,000. Designation of a particular Code violation for a civil penalty pursuant to this section shall be in lieu of criminal sanctions, and except for any violation resulting in injury to persons, such designation shall preclude the prosecution of a violation as a misdemeanor.

Any person summoned or issued a ticket for a scheduled violation may make an appearance in person or in writing by mail to the department of finance or the treasurer of the locality prior to the date fixed for trial in court. Any person so appearing may enter a waiver of trial, admit liability, and pay the civil penalty established for the offense charged. Such persons shall be informed of their right to stand trial and that a signature to an admission of liability will have the same force and effect as a judgment of court. As a condition of waiver of trial, admission of liability, and payment of a civil penalty, the violator and a representative of the locality shall agree in writing to terms of abatement or remediation of the violation within six months after the date of payment of the civil penalty.

If a person charged with a scheduled violation does not elect to enter a waiver of trial and admit liability, the violation shall be tried in the general district court in the same manner and with the same right of appeal as provided for by law. In any trial for a scheduled violation authorized by this section, it shall be the burden of the locality to show the liability of the violator by a preponderance of the evidence. An admission of liability or finding of liability shall not be a criminal conviction for any purpose.

If the violation concerns a residential unit, and if the violation remains uncorrected at the time of assessment of the civil penalty, the court shall order the violator to abate, or otherwise remedy through hazard control, the violation in order to comply with the Code. Except as otherwise provided by the court for good cause shown, any such violator shall abate, or otherwise remedy through hazard control, the violation within six months of the date of the assessment of the civil penalty.

If the violation concerns a nonresidential building or structure, and if the violation remains uncorrected at the time of assessment of the civil penalty, the court may order the violator to abate, or otherwise remedy through hazard control, the violation in order to comply with the Code. Any such violator so ordered shall abate, or otherwise remedy through hazard control, the violation within the time specified by the court.

~~D.~~ *E.* Any owner or any other person, firm or corporation violating any Code provisions relating to lead hazard controls that poses a hazard to the health of pregnant women and children under the age of six years who occupy the premises shall, upon conviction, be guilty of a misdemeanor and shall be subject to a fine of not more than $2,500. If the court convicts pursuant to this subsection and sets a time by which such hazard must be controlled, each day the hazard remains uncontrolled after the time set for the lead hazard control has expired shall constitute a separate violation of the Uniform Statewide Building Code.

The landlord shall maintain the painted surfaces of the dwelling unit in compliance with the International Property Maintenance Code of the Uniform Statewide Building Code. The landlord's failure to do so shall be enforceable in accordance with the Uniform Statewide Building Code and shall entitle the tenant to terminate the rental agreement.

Termination of the rental agreement or any other action in retaliation against the tenant after written notification of (i) a lead hazard in the dwelling unit or (ii) that a child of the tenant, who is an authorized occupant in the dwelling unit, has an elevated blood lead level, shall constitute retaliatory conduct in violation of § 55.1-1258.

~~E.~~ *F.* Nothing in this section shall be construed to prohibit a local enforcement officer from issuing a summons or a ticket for violation of any Code provision to the lessor or sublessor of a residential dwelling unit, provided a copy of the notice is served on the owner.

~~F.~~ *G.* Any prosecution under this section shall be commenced within the period provided for in § 19.2-8.

CHAPTER 642

An Act to amend and reenact § 22.1-298.1, as it shall become effective, of the Code of Virginia, relating to teachers; certain licenses and certificates.

[H 632]

Approved April 8, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 22.1-298.1, as it shall become effective, of the Code of Virginia is amended and reenacted as follows:

§ 22.1-298.1. (For effective date, see Acts 2022, cc. 549 and 550, cl. 2) Regulations governing licensure.

A. As used in this section:

"Alternate route to licensure" means a nontraditional route to teacher licensure available to individuals who meet the criteria specified in the guidelines developed pursuant to subsection ~~N~~ *O* or regulations issued by the Board ~~of Education~~.

"Industry certification credential" means an active career and technical education credential that is earned by successfully completing a ~~Board of Education-approved~~ *Board-approved* industry certification examination, being issued a professional license in the Commonwealth, or successfully completing an occupational competency examination.

"Licensure by reciprocity" means ~~a process used to issue~~ *the issuance of* a license *as a teacher in the Commonwealth* to an individual coming into the Commonwealth from another state when that individual meets certain conditions specified in the ~~Board of Education's~~ *Board's* regulations.

"Professional teacher's assessment" means those tests mandated for licensure as prescribed by the Board ~~of Education~~.

"Provisional license" means a nonrenewable license issued by the Board ~~of Education~~ *or by a division superintendent as permitted pursuant to subdivision D 5* for a specified period of time, not to exceed three years, to an individual who may be employed by a school division in the Commonwealth and who generally meets the requirements specified in the ~~Board of Education's~~ *Board's* regulations for licensure, but who may need to take additional coursework, pass additional assessments, or meet alternative evaluation standards to be fully licensed with a renewable license.

"Renewable license" means a license issued by the Board ~~of Education~~ for 10 years to an individual who meets the requirements specified in the ~~Board of Education's~~ *Board's* regulations.

"Universal licensure by reciprocity" means the issuance of a license as a teacher in the Commonwealth to any individual who holds a valid out-of-state teaching license with full credentials and without deficiencies that has been in force and in use by the individual as an employed teacher in a non-virtual classroom setting at a public or private elementary or secondary school for at least three years prior to and is in force at the time the Department receives such individual's application for a license as a teacher in the Commonwealth.

B. The Board ~~of Education~~ shall prescribe, by regulation, the requirements for the licensure of teachers and other school personnel required to hold a license. Such regulations shall include procedures for (i) the denial, suspension, cancellation, revocation, and reinstatement of licensure; (ii) written reprimand of license holders on grounds established by the Board, in accordance with law, notice of which shall be made by the Superintendent ~~of Public Instruction~~ to division superintendents or their designated representatives; and (iii) the immediate and thorough investigation by the division superintendent or his designee of any complaint alleging that a license holder has engaged in conduct that may form the basis for the revocation of his license. At a minimum, such procedures for investigations contained in such regulations shall require (a) the division superintendent to petition for the revocation of the license upon completing such investigation and finding that there is reasonable cause to believe that the license holder has engaged in conduct that forms the basis for revocation of a license; (b) the school board to proceed to a hearing on such petition for revocation within 90 days of the mailing of a copy of the petition to the license holder, unless the license holder requests the cancellation of his license in accordance with Board regulations; and (c) the school board to provide a copy of the investigative file and such petition for revocation to the Superintendent ~~of Public Instruction~~ at the time that the hearing is scheduled. The Board ~~of Education~~ shall revoke the license of any person for whom it has received a notice of dismissal or resignation pursuant to subsection F of § 22.1-313 and, in the case of a person who is the subject of a founded complaint of child abuse or neglect, after all rights to any administrative appeal provided by § 63.2-1526 have been exhausted. In the case of a teacher who is the subject of a founded complaint of child abuse or neglect and whose license has been revoked pursuant to this subsection, in the event that a court reverses such finding of abuse or neglect and the individual submits to the Department an application for the

reinstatement of his license as a teacher, the Board shall consider and act upon such application no later than 90 days after the date of submission. Regardless of the authority of any other agency of the Commonwealth to approve educational programs, only the Board ~~of Education~~ shall have the authority to license teachers to be regularly employed by school boards, including those teachers employed to provide nursing education.

The Board ~~of Education~~ shall prescribe by regulation the licensure requirements for teachers who teach only online courses, as defined in § 22.1-212.23. Such license shall be valid only for teaching online courses. Teachers who hold a 10-year renewable license issued by the Board ~~of Education~~ may teach online courses for which they are properly endorsed.

C. The ~~Board of Education's~~ *Board's* regulations shall include requirements that a person seeking initial licensure:

1. Demonstrate proficiency in the relevant content area, communication, literacy, and other core skills for educators by achieving a qualifying score on professional assessments or meeting alternative evaluation standards as prescribed by the Board. The literacy assessment for any individual seeking initial licensure with an endorsement in early/primary education preschool through grade three, elementary education preschool through grade six, special education general curriculum kindergarten through grade 12, special education deaf and hard of hearing preschool through grade 12, or special education blindness/visual impairments preschool through grade 12 or as a reading specialist shall include a rigorous test of science-based reading research and evidence-based literacy instruction;

2. Complete study in attention deficit disorder;

3. Complete study in gifted education, including the use of multiple criteria to identify gifted students; and

4. Complete study in methods of improving communication between schools and families and ways of increasing family involvement in student learning at home and at school.

D. In addition, such regulations shall include requirements that:

1. Every person seeking initial licensure and persons seeking licensure renewal as teachers who have not completed such study shall complete study in child abuse recognition and intervention in accordance with curriculum guidelines developed by the Board ~~of Education~~ in consultation with the Department of Social Services that are relevant to the specific teacher licensure routes;

2. Every person seeking renewal of a license shall complete all renewal requirements, including professional development in a manner prescribed by the Board, except that no person seeking renewal of a license shall be required to satisfy any such requirement by completing coursework and earning credit at an institution of higher education;

3. Every person seeking initial licensure or renewal of a license shall provide evidence of completion of certification or training in emergency first aid, cardiopulmonary resuscitation, and the use of automated external defibrillators. The certification or training program shall (i) be based on the current national evidence-based emergency cardiovascular care guidelines for cardiopulmonary resuscitation and the use of an automated external defibrillator, such as a program developed by the American Heart Association or the American Red Cross, and (ii) include hands-on practice of the skills necessary to perform cardiopulmonary resuscitation. The Board shall provide a waiver for this requirement for any person with a disability whose disability prohibits such person from completing the certification or training;

4. Every person seeking licensure with an endorsement as a teacher of the blind and visually impaired shall demonstrate proficiency in reading and writing Braille;

5. Every teacher seeking an initial license in the Commonwealth with an endorsement in the area of career and technical education shall have an industry certification credential in the area in which the teacher seeks endorsement. If a teacher seeking an initial license in the Commonwealth has not attained an industry certification credential in the area in which the teacher seeks endorsement, the ~~Board~~ *division superintendent* may~~, upon request of the employing school division or educational agency,~~ issue the teacher a provisional license to allow time for the teacher to attain such credential;

6. Every person seeking initial licensure or renewal of a license shall complete awareness training, provided by the Department, on the indicators of dyslexia, as that term is defined by the Board pursuant to regulations, and the evidence-based interventions and accommodations for dyslexia;

7. Every person seeking initial licensure or renewal of a license with an endorsement as a school counselor shall complete training in the recognition of mental health disorder and behavioral distress, including depression, trauma, violence, youth suicide, and substance abuse;

8. Every person seeking initial licensure as a teacher who has not received the instruction described in subsection D of § 23.1-902 shall receive instruction or training on positive behavior interventions and supports; crisis prevention and de-escalation; the use of physical restraint and seclusion, consistent with regulations of the Board ~~of Education~~; and appropriate alternative methods to reduce and prevent the need for the use of physical restraint and seclusion;

9. Every person seeking initial licensure or renewal of a license shall complete instruction or training in cultural competency;

10. Every person seeking initial licensure or renewal of a license with an endorsement in history and social sciences shall complete instruction in African American history, as prescribed by the Board;

11. Every person seeking renewal of a license as a teacher shall complete training in the instruction of students with disabilities that includes (i) differentiating instruction for students depending on their needs; (ii) understanding the role of general education teachers on the individualized education program team; (iii) implementing effective models of collaborative instruction, including co-teaching; and (iv) understanding the goals and benefits of inclusive education for all students; and

12. Every person seeking initial licensure with an endorsement in early/primary education preschool through grade three, elementary education preschool through grade six, special education general curriculum kindergarten through grade 12, special education deaf and hard of hearing preschool through grade 12, or special education blindness/visual impairments preschool through grade 12 or as a reading specialist shall complete study in science-based reading research and evidence-based literacy instruction.

E. No teacher who seeks a provisional license shall be required to meet any requirement set forth in subdivision D 1, 3, 6, or 8 as a condition of such licensure, but each such teacher shall complete each such requirement during the first year of provisional licensure.

F. The Board shall issue a license to an individual seeking initial licensure who has not completed professional assessments as prescribed by the Board, if such individual (i) holds a provisional license that will expire within three months or, at the discretion of the school board and division superintendent, within six months if the individual has received a satisfactory mid-year performance review in the current school year; (ii) is employed by a school board; (iii) is recommended for licensure by the division superintendent; (iv) has attempted, unsuccessfully, to obtain a qualifying score on the professional assessments as prescribed by the Board; (v) has received an evaluation rating of proficient or above on the performance standards for each year of the provisional license, and such evaluation was conducted in a manner consistent with the Guidelines for Uniform Performance Standards and Evaluation Criteria for Teachers, Principals, and Superintendents; and (vi) meets all other requirements for initial licensure.

G. Each ~~local school board or~~ division superintendent may waive for any individual whom ~~it~~ *he* seeks to employ as a career and technical education teacher and who is also seeking initial licensure or renewal of a license with an endorsement in the area of career and technical education any applicable requirement set forth in subsection C or subdivision D 2, 4, or 6.

H. The Board's regulations shall require that initial licensure for principals and assistant principals be contingent upon passage of an assessment as prescribed by the Board.

I. The Board shall establish criteria in its regulations to effectuate the substitution of experiential learning for coursework for those persons seeking initial licensure through an alternate route as defined in Board regulations. Such alternate routes shall include eligibility for any individual to receive, notwithstanding any provision of law to the contrary, a renewable one-year license to teach in public high schools in the Commonwealth if he has:

1. Received a graduate degree from a regionally accredited institution of higher education;

2. Completed at least 30 credit hours of teaching experience as an instructor at a regionally accredited institution of higher education;

3. Received qualifying scores on the professional teacher's assessments prescribed by the Board, including the communication and literacy assessment and the content-area assessment for the endorsement sought. The literacy assessment for any individual seeking initial licensure through an alternate route with an endorsement in early/primary education preschool through grade three, elementary education preschool through grade six, special education general curriculum kindergarten through grade 12, special education deaf and hard of hearing preschool through grade 12, or special education blindness/visual impairments preschool through grade 12 or as a reading specialist shall include a rigorous test of science-based reading research and evidence-based literacy instruction; and

4. Met the requirements set forth in subdivisions D 1 and 3.

J. Notwithstanding any provision of law to the contrary, the Board (i) may provide for the issuance of a provisional license, valid for a period not to exceed three years, pursuant to subdivision D 5 or to any person who does not meet the requirements of this section or any other requirement for licensure imposed by law; (ii) shall provide for the issuance of a provisional license, valid for a period not to exceed three years, to any former member of the Armed Forces of the United States or the Virginia National Guard who has received an honorable discharge and has the appropriate level of experience or training but does not meet the requirements for a renewable license; and (iii) may provide for the issuance of a provisional license, valid for a period not to exceed three years, to any individual who has held within the last five years a valid and officially issued and recognized license or certification to teach issued by an entity outside of the United States but does not meet the requirements for a renewable license if the individual's license or certification to teach has been evaluated and verified by an entity approved by the Department.

K. The Board's licensure regulations shall also provide for licensure by reciprocity:

1. With comparable endorsement areas for those individuals holding a valid out-of-state teaching license and national certification from the National Board for Professional Teaching Standards or a nationally recognized certification program approved by the Board ~~of Education~~. The application for such individuals shall require evidence of such valid licensure and national certification and shall not require official student transcripts; *and*

2. For any spouse of an active duty or reserve member of the Armed Forces of the United States or a member of the Virginia National Guard who has obtained a valid out-of-state license, with full credentials and without deficiencies, that is in force at the time the application for a Virginia license is received by the Department. Each such individual shall establish a file in the Department by submitting a complete application packet, which shall include official student transcripts and an official copy of the military permanent assignment orders of the individual's spouse. No service requirements or licensing assessments shall be required for any such individual. The Department shall determine and communicate such individual's eligibility for licensure by reciprocity within 15 business days of receipt of the complete application packet~~; and~~

~~3. For individuals who have obtained a valid out-of-state license, with full credentials and without deficiencies, that is in force at the time the application for a Virginia license is received by the Department. Each such individual shall establish a file in the Department by submitting a complete application packet, which shall include official student transcripts~~.

L. The Board's licensure regulations shall also provide for universal licensure by reciprocity for any individual who holds a valid out-of-state teaching license with full credentials and without deficiencies that has been in force for at least three years prior to and is in force at the time of application. No service requirements or licensing assessments shall be required for any ~~such~~ individual *who applies for universal licensure by reciprocity. Any individual who applies for universal licensure by reciprocity shall provide a copy of the individual's out-of-state teaching license that meets the criteria set forth in this subsection. Any such individual shall be subject to the provisions of §§ 22.1-296.2 and 22.1-296.4. The Department shall prioritize applications for universal licensure by reciprocity*.

~~L.~~ *M.* The Board shall include in its regulations an alternate route to licensure for elementary education preschool through grade six and an alternate route to licensure for special education general curriculum kindergarten through grade 12. Each such alternate route to licensure shall require individuals to (i) meet the qualifying scores on the content area assessment prescribed by the Board for the endorsements sought and (ii) complete an alternative certification program that provides training in the pedagogy and methodology of the respective content or special education areas prescribed by the Board. The curriculum of any such alternative certification program shall be approved by the Board. Nothing in this subsection shall preclude the Board from establishing other alternate routes to licensure.

~~M.~~ *N.* The Board, in its regulations providing for licensure by reciprocity established pursuant to ~~subsection~~ *subsections* K *and L*, shall (i) permit applicants to submit third-party employment verification forms and (ii) grant special consideration to individuals who have successfully completed a program offered by a provider that is accredited by the Council for the Accreditation of Educator Preparation.

~~N.~~ *O.* The Board shall develop guidelines that establish a process to permit a school board or any organization sponsored by a school board to petition the Board for approval of an alternate route to licensure that may be used to meet the requirements for a provisional or renewable license or any endorsement. Any such alternate route may include alternatives to the regulatory requirements for teacher preparation, including alternative professional assessments and coursework. The petitioner may proffer or the Board may impose conditions in conjunction with the approval of such petition.

2. That the Department of Education shall compile and publicly post on its website in a format conducive to comparison to the standards and requirements for teacher licensure in the Commonwealth data on the teacher licensure standards and requirements for each state for the purposes of facilitating the determination of the compatibility of out-of-state teacher licenses with teacher licensure requirements and standards in the Commonwealth and increasing transparency in requirements for teacher licensure and licensure by reciprocity in the Commonwealth. The Department shall update such data as necessary to reflect the current and accurate standards and requirements for teacher licensure in each state.

CHAPTER 643

An Act to amend and reenact § 37.2-810 of the Code of Virginia, relating to temporary detention order; alternative transportation.

[H 823]

Approved April 8, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 37.2-810 of the Code of Virginia is amended and reenacted as follows:

§ 37.2-810. Transportation of person in the temporary detention process.

A. In specifying the primary law-enforcement agency and jurisdiction for purposes of this section, the magistrate shall specify in the temporary detention order the law-enforcement agency of the jurisdiction in which the person resides, or any other willing law-enforcement agency that has agreed to provide transportation, to execute the order and, in cases in which transportation is ordered to be provided by the primary law-enforcement agency, provide transportation. However, if the nearest boundary of the jurisdiction in which the person resides is more than 50 miles from the nearest boundary of the jurisdiction in which the person is located, the law-enforcement agency of the jurisdiction in which the person is located shall execute the order and provide transportation.

B. The magistrate issuing the temporary detention order shall (i) specify the law-enforcement agency to execute the order and (ii) designate a transportation provider. In determining the transportation provider, the magistrate shall authorize transportation by an alternative transportation provider in accordance with this section, whenever an alternative transportation provider is identified to the magistrate, which may be a person, facility, or agency, including a family member or friend of the person who is the subject of the temporary detention order, a representative of the community services board, an employee of or person providing services pursuant to a contract with the Department, or other transportation provider with personnel trained to provide transportation in a safe manner. Upon determining, following consideration of information provided by the petitioner; the community services board or its designee; the local law-enforcement agency, if any; the person's treating physician, if any; or other persons who are available and have knowledge of the person, and, when the magistrate deems appropriate, the proposed alternative transportation provider, either in person or via two-way

electronic video and audio or telephone communication system, that an alternative transportation provider is available to provide transportation, willing to provide transportation, and able to provide transportation in a safe manner, the magistrate shall designate such alternative transportation provider to provide transportation of the person. *An alternative transportation provider shall be deemed to be available if the alternative transportation provider states that it is available to take custody of the individual from law enforcement within six hours of issuance of the temporary detention order or an order changing the transportation provider pursuant to subsection E.* If *(a)* no alternative transportation provider is available to provide transportation, willing to provide transportation, and able to provide transportation in a safe manner *or (b) the law-enforcement agency elects to provide transportation*, the magistrate shall designate the primary law-enforcement agency and jurisdiction designated to execute the temporary detention order to provide transportation of the person.

When transportation is ordered to be provided by an alternative transportation provider, the magistrate shall order the specified law-enforcement agency to execute the order, to take the person into custody, and to transfer custody of the person to the alternative transportation provider identified in the order. The primary law-enforcement agency may transfer custody of the person to the alternative transportation provider immediately upon execution of the temporary detention order based on the availability of alternative transportation providers. The alternative transportation provider shall maintain custody of the person from the time custody is transferred to the alternative transportation provider by the primary law-enforcement agency until such time as custody of the person is transferred to the temporary detention facility, including during any period prior to the initiation of transportation of the person from the facility to which he was transported pursuant to § 37.2-808 and while transportation is being provided pursuant to this section.

In such cases, a copy of the temporary detention order shall accompany the person being transported pursuant to this section at all times and shall be delivered by the alternative transportation provider to the temporary detention facility. The temporary detention facility shall return a copy of the temporary detention order to the court designated by the magistrate as soon as is practicable. Delivery of an order to a law-enforcement officer or alternative transportation provider and return of an order to the court may be accomplished electronically or by facsimile.

The order may include transportation of the person to such other medical facility as may be necessary to obtain further medical evaluation or treatment prior to placement as required by a physician at the admitting temporary detention facility. Nothing herein shall preclude a law-enforcement officer or alternative transportation provider from obtaining emergency medical treatment or further medical evaluation at any time for a person in his custody as provided in this section. Such medical evaluation or treatment shall be conducted immediately in accordance with state and federal law.

C. If an alternative transportation provider providing transportation or maintaining custody of a person who is the subject of a temporary detention order becomes unable to continue providing transportation or maintaining custody of the person at any time after taking custody of the person, the primary law-enforcement agency for the jurisdiction in which the alternative transportation provider is located at the time he becomes unable to continue providing transportation or maintaining custody shall take custody of the person and shall transport the person to the facility of temporary detention. In such cases, a copy of the temporary detention order shall accompany the person being transported and shall be delivered to and returned by the temporary detention facility in accordance with the provisions of subsection B.

D. In cases in which an alternative facility of temporary detention is identified and the law-enforcement agency or alternative transportation provider identified to provide transportation in accordance with subsection B continues to have custody of the person, the local law-enforcement agency or alternative transportation provider shall transport the person to the alternative facility of temporary detention identified by the employee or designee of the community services board. In cases in which an alternative facility of temporary detention is identified and custody of the person has been transferred from the law-enforcement agency or alternative transportation provider that provided transportation in accordance with subsection B to the initial facility of temporary detention, the employee or designee of the community services board shall request, and a magistrate may enter an order specifying, an alternative transportation provider or, if no alternative transportation provider is available, willing, and able to provide transportation in a safe manner, the local law-enforcement agency for the jurisdiction in which the person resides or, if the nearest boundary of the jurisdiction in which the person resides is more than 50 miles from the nearest boundary of the jurisdiction in which the person is located, the law-enforcement agency of the jurisdiction in which the person is located, to provide transportation.

E. The magistrate may change the transportation provider specified in a temporary detention order at any time prior to the initiation of transportation of a person who is the subject of a temporary detention order pursuant to this section. If the designated transportation provider is changed by the magistrate at any time after the temporary detention order has been executed but prior to the initiation of transportation, the transportation provider having custody of the person shall transfer custody of the person to the transportation provider subsequently specified to provide transportation. For the purposes of this subsection, "transportation provider" includes both a law-enforcement agency and an alternative transportation provider.

F. A law-enforcement officer may lawfully go to or be sent beyond the territorial limits of the county, city, or town in which he serves to any point in the Commonwealth for the purpose of executing any temporary detention order pursuant to this section. Law-enforcement agencies may enter into agreements to facilitate the execution of temporary detention orders and provide transportation.

G. An employee or contractor of an entity providing alternative transportation services pursuant to a contract with the Department who has completed training approved by the Department in the proper and safe use of restraint may use

restraint (i) if restraint is necessary to ensure the safety of the person or others or prevent escape and (ii) if less restrictive techniques have been determined to be ineffective to protect the person or others from harm or to prevent escape.

H. No person who provides alternative transportation pursuant to this section shall be liable to the person being transported for any civil damages for ordinary negligence in acts or omissions that result from providing such alternative transportation.

I. For purposes of this section:

"Law-enforcement agency" includes an auxiliary police force established pursuant to § 15.2-1731.

"Law-enforcement officer" includes an auxiliary police officer appointed or provided for pursuant to §§ 15.2-1731 and 15.2-1733.

CHAPTER 644

An Act to require the State Council of Higher Education for Virginia to survey each public institution of higher education and compile and make available a guidance document on addressing on-campus food insecurity; report.

[H 827]

Approved April 8, 2024

Be it enacted by the General Assembly of Virginia:

1. *§ 1. The State Council of Higher Education for Virginia shall:*

1. Survey each public institution of higher education to determine how each such institution is addressing on-campus food insecurity, including specific methods, programs, sources of funding, expenditures, communications strategies, and staffing;

2. Compile and make available to each such institution a guidance document containing best practices for leveraging all available resources and opportunities, including public benefits programs and donation programs, to ensure that students do not face food insecurity on campus; and

3. Report its findings and any recommendations to the Chairmen of the House Committee on Appropriations, the House Committee on Education, the Senate Committee on Education and Health, and the Senate Committee on Finance and Appropriations no later than November 1, 2024.

CHAPTER 645

An Act to amend and reenact § 46.2-1202 of the Code of Virginia, relating to abandoned vehicles; owner and lienholder information.

[H 845]

Approved April 8, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 46.2-1202 of the Code of Virginia is amended and reenacted as follows:

§ 46.2-1202. Search for owner and secured party; notice.

A. Any person in possession of an abandoned vehicle shall initiate with the Department, in a manner prescribed by the Commissioner, a search for the owner and/or lienholder of record of the vehicle, requesting the name and address of the owner of record of the vehicle and all persons having security interests in the vehicle on record in the office of the Department, describing, if ascertainable, the vehicle by year, make, model, and vehicle identification number. A fee of $40 shall be paid to the Department at the time of application. Those fees shall be paid into the state treasury and set aside as a special, nonreverting fund to be used to meet the expenses of the Department. A local government agency with a written agreement with the Department shall be exempt from this fee.

The Department shall check (i) its own records, (ii) the records of a nationally recognized crime database, and (iii) records of a nationally recognized vehicle title database for owner and lienholder information. If a vehicle has been reported as stolen, the Department shall notify the appropriate law-enforcement agency of that fact. If a vehicle has been found to have been titled in another jurisdiction, the Department shall contact that jurisdiction to ascertain the requested information*, unless the Department is provided with such information by a business in possession of the abandoned vehicle that (a) acquired such vehicle from an insurance company in connection with a total loss unresolved claim and (b) obtained such information from a nationally recognized title database with access to such jurisdiction's records about all entities having security interest in such vehicle. If the Department relies on information provided by a business as authorized in this subsection, such business shall indemnify, defend, and hold the Department and the Commonwealth harmless from and against any claims, actions, penalties, damages, losses, fines, and expenses, including attorney fees, incurred as a result of the Department's reliance on such information*.

B. If the Department ~~confirms~~ *obtains* owner or lienholder information~~, either through a search of its own records or those of another jurisdiction,~~ *as provided in subsection A,* the Department shall notify the owner, at the last known address of record, and lienholder, at the last known address of record, of the notice of interest in their vehicle, by certified mail, return receipt requested, and advise them to reclaim and remove the vehicle within 15 days, or, if the vehicle is a

manufactured home or a mobile home, 120 days, from the date of notice. Such notice, when sent in accordance with these requirements, shall be sufficient regardless of whether or not it was ever received. Following the notice required in this subsection, if the vehicle remains unclaimed, the owner and all persons having security interests in the vehicle shall have waived all right, title, and interest in the vehicle.

C. If records of the Department contain no address for the owner or no address of any person shown by the Department's records to have a security interest, or if the identity and addresses of the owner and all persons having security interests cannot be determined with reasonable certainty after the Department has contacted the jurisdiction in which the vehicle was last titled, the person in possession of the abandoned vehicle may proceed with the sale or disposal of the vehicle in accordance with this chapter. However, if a vehicle record exists in another jurisdiction that has refused to release the information to the Department, the person in possession of the abandoned vehicle shall assume all liability for proceeding with such sale or disposal without written notice to the owner or lienholder of record.

D. The Department shall provide to the person in possession of the abandoned vehicle a receipt indicating that the search requested pursuant to this section has been completed.

E. Residents or businesses of other jurisdictions in possession of vehicles titled in the Commonwealth, or the authorized agents of such residents or businesses, seeking to enforce laws in those jurisdictions that are substantially similar to the provisions of this article or Article 2 (§ 46.2-1209 et seq.) may request information for such vehicles from the Department. The Department shall conduct the information search as provided for in subsection A, provide the names and addresses of the owner and lienholder, if any, for each vehicle to the requester, and notify the named owner and lienholder, if any, by certified mail, return receipt requested, of the request. Such notification shall not replace any notification requirements imposed by the jurisdiction in which the requester and subject vehicle are located, nor shall the enforcement rules of this chapter apply to vehicles not located within the Commonwealth. If the Department finds that the vehicle is titled in another jurisdiction, the Department shall identify that jurisdiction to the requester with no further obligation to the requester or vehicle owner. The Department shall collect a $25 fee for this search.

CHAPTER 646

An Act to direct the Department of Medical Assistance Services and the Department of Behavioral Health and Developmental Services to submit state plan amendments to the Centers for Medicare and Medicaid Services to seek to modify the program rules for certain 1915(c) Home and Community Based Services Medicaid Waivers.

[H 909]

Approved April 8, 2024

Be it enacted by the General Assembly of Virginia:

1. *§ 1. That the Department of Medical Assistance Services (DMAS) and the Department of Behavioral Health and Developmental Services (DBHDS) shall seek federal authority through the necessary state plan amendments under Titles XIX and XXI of the Social Security Act to modify the program rules for the following 1915(c) Home and Community Based Services (HCBS) Medicaid Waivers: Community Living Waiver, Family and Individual Support Waiver, and Commonwealth Coordinated Care Plus Waiver. DMAS and DBHDS shall submit state plan amendments to the Centers for Medicare and Medicaid Services for the following:*

1. Modify the 40-hour-per-week work limit to allow legally responsible individuals with more than one waiver-receiving child to receive reimbursement for 40 hours of work per week per child receiving a waiver;

2. Eliminate the requirement that, in order for a legally responsible individual to receive reimbursement for personal care services, no one else be available to provide services to the member; and

3. When a member under the age of 18 receives personal care through consumer direction, as defined in 12VAC30-122-20, modify the program rules to allow a legally responsible individual or stepparent to be the employer of record.

2. That the Department of Medical Assistance Services (DMAS) shall analyze the possibility of allowing for respite services under the Community Living Waiver, Family and Individual Support Waiver, and Commonwealth Coordinated Care Plus Waiver when the legally responsible individual is an unpaid caregiver all or part of the time and when there are multiple adult caregivers providing any portion of unpaid care for the waiver-receiving child. DMAS shall develop recommendations on allowing for respite services under such circumstances and shall estimate the cost of providing such respite services. DMAS shall submit its recommendations, cost estimate, and methodology used for obtaining the cost estimate to the Chairmen of the House Committee on Health and Human Services and the Senate Committee on Education and Health no later than November 1, 2024.

CHAPTER 647

An Act to amend and reenact §§ 22.1-1, 22.1-206.3, and 22.1-253.13:1, as they shall become effective, 23.1-100, and 23.1-907 of the Code of Virginia and to amend the Code of Virginia by adding in Chapter 13 of Title 22.1 an article

numbered 5.1, consisting of sections numbered 22.1-237.1 through 22.1-237.5, relating to Department of Education and Virginia Community College System; College and Career Ready Virginia Program and Fund established.

[H 1087]

Approved April 8, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 22.1-1, 22.1-206.3, and 22.1-253.13:1, as they shall become effective, 23.1-100, and 23.1-907 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Chapter 13 of Title 22.1 an article numbered 5.1, consisting of sections numbered 22.1-237.1 through 22.1-237.5, as follows:

§ 22.1-1. (For effective date, see Acts 2022, cc. 549, 550, cl. 2) Definitions.

As used in this title, unless the context requires a different meaning:

"Board" or "State Board" means the Board of Education.

"Department" means the Department of Education.

"Division superintendent" means the division superintendent of schools of a school division.

"Dual enrollment" means the enrollment of a qualified high school student in a postsecondary course that is creditable toward high school completion and a career certificate or an associate or baccalaureate degree at a public institution of higher education. "Dual enrollment" does not include the enrollment of a qualified high school student in a postsecondary course that is not creditable toward high school completion.

"Elementary" includes kindergarten.

"Elementary and secondary" and "elementary or secondary" include elementary, middle, and high school grades.

"Evidence-based literacy instruction" means structured instructional practices, including sequential, systematic, explicit, and cumulative teaching, that (i) are based on reliable, trustworthy, and valid evidence consistent with science-based reading research; (ii) are used in core or general instruction, supplemental instruction, intervention services, and intensive intervention services; (iii) have a demonstrated record of success in adequately increasing students' reading competency, vocabulary, oral language, and comprehension and in building mastery of the foundational reading skills of phonological and phonemic awareness, alphabetic principle, phonics, spelling, and text reading fluency; and (iv) are able to be differentiated in order to meet the individual needs of students.

"Governing body" or "local governing body" means the board of supervisors of a county, council of a city, or council of a town, responsible for appropriating funds for such locality, as the context may require.

"Middle school" means separate schools for early adolescents and the middle school grades that might be housed at elementary or high schools.

"Parent" or "parents" means any parent, guardian, legal custodian, or other person having control or charge of a child.

"Person of school age" means a person who will have reached his fifth birthday on or before September 30 of the school year and who has not reached twenty years of age on or before August 1 of the school year.

"School board" means the school board that governs a school division.

"Science-based reading research" means research that (i) applies rigorous, systematic, and objective observational or experimental procedures to obtain valid knowledge relevant to reading development, reading instruction, and reading and writing difficulties and (ii) explains how proficient reading and writing develop, why some children have difficulties developing key literacy skills, and how schools can best assess and instruct early literacy, including the use of evidence-based literacy instruction practices to promote reading and writing achievement.

"Superintendent" means the Superintendent of Public Instruction.

§ 22.1-206.3. (Effective July 1, 2024) Dual enrollment programs; course credit; guidelines.

The Board shall*, consistent with the provisions of Article 5.1 (§ 22.1-237.1 et seq.),* develop guidelines and policies for prioritizing to the maximum extent practicable dual enrollment programs, including the Passport Program, the Uniform Certificate of General Studies Program, the New Economy Workforce Credential Grant Program, and other such programs that allow high school students to receive credit toward the completion of an undergraduate course, degree, or credential offered in the Virginia Community College System. Such guidelines and policies shall include recommendations and strategies on how to ensure the prioritization of such programs to the maximum extent practicable, including ways to direct prioritization of funding to such programs.

Article 5.1.

College and Career Ready Virginia Program and Fund.

§ 22.1-237.1. Definitions.

As used in this article, unless the context requires a different meaning:

"Associate-degree-granting public institution of higher education," "baccalaureate public institution of higher education," "comprehensive community college," "Council," "public institution of higher education," and "System" have the same meanings as provided in § 23.1-100.

"Career and technical education" has the same meaning as provided in § 23.1-2900.

"Fund" means the College and Career Ready Virginia Fund.

"Program" means the College and Career Ready Virginia Program.

"Qualified high school student" means a student who is eligible to participate in the Program in accordance with subdivision 3 of § 22.1-237.4.

§ 22.1-237.2. College and Career Ready Virginia Program and Fund; establishment.

A. The Board and the State Board for Community Colleges shall establish the College and Career Ready Virginia Program.

B. The purpose of the Program is to offer consistent, structured opportunities for all qualified high school students in the Commonwealth to enroll in postsecondary coursework offered by a comprehensive community college that is creditable toward high school completion and a certificate or degree from a public institution of higher education. Academic credits earned through the Program shall enable students to complete a postsecondary credential in less time and at lower cost.

C. There is hereby created in the state treasury a special nonreverting fund to be known as the College and Career Ready Virginia Fund. The Fund shall be established on the books of the Comptroller. All funds appropriated for such purpose and any gifts, donations, grants, bequests, and other funds received on its behalf shall be paid into the state treasury and credited to the Fund. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. Moneys in the Fund shall be used solely for the purpose of administering the Program. Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants issued by the Comptroller upon written request signed by the Chancellor of the System and the Superintendent.

D. Comprehensive community colleges, the Online Virginia Network Authority, and local school boards shall not charge qualified high school students tuition or fees for enrolling and participating in Program courses.

§ 22.1-237.3. College and Career Ready Virginia Program; requirements.

A. The Program shall consist of the dual enrollment and participation of qualified high school students at the high school in college courses pursuant to the Passport Program and the Uniform Certificate of General Studies Program established in accordance with the requirements set forth in subsection B of § 23.1-907.

B. Each school board shall, pursuant to the Program, offer each qualified high school student in the local school division access to courses at each high school that are sufficient to complete the Passport Program and the Uniform Certificate of General Studies Program at a public institution of higher education at no cost to such student.

C. The System and the Online Virginia Network Authority shall, pursuant to the Program, offer each local school board access to courses at each high school, including virtual courses, that are sufficient for each local school board's qualified high school students to complete the Passport Program and the Uniform Certificate of General Studies Program at a public institution of higher education, at no cost to such local school board.

D. Any credit earned through successful completion of Passport Program and Uniform Certificate of General Studies Program courses through the Program shall transfer to each public institution of higher education pursuant to §§ 23.1-905.1 and 23.1-907.

E. The Program shall include appropriate counseling by high school and comprehensive community college staff to ensure that all high school students and parents of high school students receive thorough information about the availability of and process for enrolling in Program courses and the opportunity to earn Passport Program and Uniform Certificate of General Studies Program credits that will transfer to public institutions of higher education.

F. The Program shall be data-driven and continually updated to (i) reduce socioeconomic, academic, and other barriers impeding students' access to Program courses; (ii) improve student academic and career outcomes; and (iii) align with the changing workforce needs of the Commonwealth.

G. The Auditor of Public Accounts shall annually audit the receipt and expenditure of any funds associated with the Program by any local school board, any comprehensive community college, the Department, or the System to ensure that such funds are expended exclusively in furtherance of the purposes of this article.

§ 22.1-237.4. College and Career Ready Virginia Program; administration.

The Department and the System shall administer the Program. In administering the Program, the Department and the System shall:

1. Establish an advisory committee composed of representatives from local school divisions from each of the eight Superintendent's regions, associate-degree-granting public institutions of higher education from each of the eight Superintendent's regions, baccalaureate public institutions of higher education, Richard Bland College, the Office of the Secretary of Education, the State Council of Higher Education for Virginia, the Council of Independent Colleges in Virginia, the Virginia Office of Education Economics, the Virginia Chamber of Commerce, and the Federal Reserve Bank of Richmond, as well as parents of public school students from each of the eight Superintendent's regions, a parent of a student who receives home instruction, and a representative from the Department with expertise in state and federal requirements for meeting the needs of students with disabilities. Such advisory committee shall provide guidance to the Department and the System to ensure that the Program fulfills the purpose of the Program described in subsection B of § 22.1-237.2 and meets the requirements set forth in § 22.1-237.3.

2. Coordinate with the Council in its performance of its responsibilities under §§ 23.1-905.1, 23.1-907, and 23.1-908.

3. Review existing regulations, including 8VAC20-131-140, and policies, including policy 6.6.3 in the VCCS Policy Manual, on dual enrollment student eligibility and admission requirements and develop consistent student eligibility and admission requirements for the Program that balance improving student access to and ensuring student preparedness for Program courses.

4. Develop and implement initiatives to improve participation in the Program by qualified high school students from groups of students that are underrepresented in baccalaureate public institutions of higher education.

5. Develop guidelines for school boards and comprehensive community colleges to provide notice of and counseling relating to the Program to high school students and their parents.

6. Develop guidelines for local school boards and comprehensive community colleges to provide students enrolled in the Program with appropriate support, including academic support services and activities, access and user privileges to adequate library collections and services, accommodations for students with disabilities, transportation, and any other learning information or resources.

7. Establish and implement initiatives to increase the number of high school teachers across the Commonwealth that meet the applicable dual enrollment faculty credential requirements.

8. In local school divisions in which in-person instruction by qualified high school faculty is not available, ensure that comprehensive community colleges and the Online Virginia Network Authority provide access to Program courses transmitted virtually.

9. Consider the unique needs of local school divisions related to their location, size, and proximity to a comprehensive community college when developing recommendations and implementing the Program.

10. Consider how to incorporate all associate-degree-granting public institutions of higher education in the Program, consistent with the establishment of the Program pursuant to § 22.1-237.2.

11. Make distributions from the Fund as set forth in subsection C of § 22.1-237.2.

12. Develop and implement a plan for the annual collection and public reporting of state-level and division-level Program data, including high school and postsecondary student outcomes.

13. Develop and implement a plan for the annual collection from local school divisions and comprehensive community colleges of data on their receipts and expenditures related to the Program.

14. Establish a Program webpage that provides information necessary for students and parents to understand and access the Program.

15. Complete an annual, comprehensive review of the effectiveness of the Program, including its cost, student outcomes, and the quality and rigor of Program courses, and prepare a plan for continuous Program improvement.

16. Annually report to the General Assembly the results of the review and the plan for continuous Program improvement in subdivision 15.

§ 22.1-237.5. College and Career Ready Virginia Program; incorporation of career and technical education coursework; work group.

A. In recognition of the fact that career and technical education is an essential element of workforce readiness in the Commonwealth, the Department and the System shall establish the Program career and technical education work group (the work group) for the purpose of developing and recommending a career and technical education program of coursework that is available to all qualified high school students as part of the Program.

B. The work group shall be composed of representatives from local school divisions from each of the eight Superintendent's regions, associate-degree-granting public institutions of higher education from each of the eight Superintendent's regions, Richard Bland College, the Office of the Secretary of Education, the State Council of Higher Education for Virginia, the Council of Independent Colleges in Virginia, the Virginia Office of Education Economics, the Virginia Chamber of Commerce, and the Federal Reserve Bank of Richmond, as well as parents of public school students from each of the eight Superintendent's regions, a parent of a student who receives home instruction, and a representative from the Department with expertise in state and federal requirements for meeting the needs of students with disabilities.

C. The work group shall:

1. Review existing statutory requirements related to career and technical education, including § 23.1-2906.1, and assess their relevance to qualified dual enrollment students;

2. Gather data sufficient to understand (i) what career and technical education courses and pathways are currently offered through dual enrollment to students; (ii) how the current dual enrollment course offerings differ across local school divisions; (iii) whether existing state funding programs that support career and technical education, including the Get Skilled, Get a Job, Give Back (G3) Program established pursuant to § 23.1-2911.2, the New Economy Workforce Credential Grant Program established pursuant to Article 4.1 (§ 23.1-627.1 et seq.) of Chapter 6 of Title 23.1, and the FastForward Program established by the System, are available to dual enrollment students; (iv) the current availability of instructors who are qualified to teach dual enrollment career and technical education courses across local school divisions; (v) the current costs of dual enrollment in career and technical education courses for students across local school divisions; (vi) the current cost to comprehensive community colleges to provide career and technical education through dual enrollment; and (vii) the extent to which current dual enrollment career and technical education coursework meets industry needs across the Commonwealth; and

3. Develop recommendations for the Department and the System to incorporate career and technical education coursework into the Program. Such recommendations shall address (i) what career and technical education coursework shall be available through dual enrollment to qualified high school students through the Program; (ii) how to ensure that all qualified dual enrolled students can access career and technical courses available through the Program; (iii) how to ensure that such courses meet the industry needs of the Commonwealth; (iv) how to ensure that such courses are affordable for qualified high school students across the Commonwealth; (v) how to ensure that qualified instructors are available to teach career and technical education coursework through the Program; (vi) how to make career and technical education coursework offered through the Program available to qualified high school students through the Online Virginia Network;

(vii) what measurable objectives and quantifiable goals the Department and the System should use to understand the cost, assess outcomes, and develop plans for continuous improvement of dual enrollment career and technical education coursework through the Program; and (viii) what legislative action is necessary to incorporate career and technical education coursework into the Program.

§ 22.1-253.13:1. (For effective date, see Acts 2022, cc. 549, 550, cl. 2) Standard 1. Instructional programs supporting the Standards of Learning and other educational objectives.

A. The General Assembly and the Board believe that the fundamental goal of the public schools of the Commonwealth must be to enable each student to develop the skills that are necessary for success in school, preparation for life, and reaching their full potential. The General Assembly and the Board find that the quality of education is dependent upon the provision of (i) the appropriate working environment, benefits, and salaries necessary to ensure the availability of high-quality instructional personnel; (ii) the appropriate learning environment designed to promote student achievement; (iii) quality instruction that enables each student to become a productive and educated citizen of Virginia and the United States of America; and (iv) the adequate commitment of other resources. In keeping with this goal, the General Assembly shall provide for the support of public education as set forth in Article VIII, § 1 of the Constitution of Virginia.

B. The Board shall establish educational objectives known as the Standards of Learning, which shall form the core of Virginia's educational program, and other educational objectives, which together are designed to ensure the development of the skills that are necessary for success in school and for preparation for life in the years beyond. At a minimum, the Board shall establish Standards of Learning for English, mathematics, science, and history and social science. The Standards of Learning shall not be construed to be regulations as defined in § 2.2-4001.

The Board shall seek to ensure that the Standards of Learning are consistent with a high-quality foundation educational program. The Standards of Learning shall include, but not be limited to, the basic skills of communication (listening, speaking, reading, and writing); computation and critical reasoning, including problem solving and decision making; proficiency in the use of computers and related technology; computer science and computational thinking, including computer coding; and the skills to manage personal finances and to make sound financial decisions.

The English Standards of Learning for reading in kindergarten through grade eight shall align with evidence-based literacy instruction and science-based reading research.

The Standards of Learning in all subject areas shall be subject to regular review and revision to maintain rigor and to reflect a balance between content knowledge and the application of knowledge in preparation for eventual employment and lifelong learning. The Board shall establish a regular schedule, in a manner it deems appropriate, for the review, and revision as may be necessary, of the Standards of Learning in all subject areas. Such review of each subject area shall occur at least once every seven years. Nothing in this section shall be construed to prohibit the Board from conducting such review and revision on a more frequent basis.

To provide appropriate opportunity for input from the general public, teachers, and local school boards, the Board shall conduct public hearings prior to establishing revised Standards of Learning. Thirty days prior to conducting such hearings, the Board shall give notice of the date, time, and place of the hearings to all local school boards and any other persons requesting to be notified of the hearings and publish notice of its intention to revise the Standards of Learning in the Virginia Register of Regulations. Interested parties shall be given reasonable opportunity to be heard and present information prior to final adoption of any revisions of the Standards of Learning.

In addition, the Department shall make available and maintain a website, either separately or through an existing website utilized by the Department, enabling public elementary, middle, and high school educators to submit recommendations for improvements relating to the Standards of Learning, when under review by the Board according to its established schedule, and related assessments required by the Standards of Quality pursuant to this chapter. Such website shall facilitate the submission of recommendations by educators.

School boards shall implement the Standards of Learning or objectives specifically designed for their school divisions that are equivalent to or exceed the Board's requirements. Students shall be expected to achieve the educational objectives established by the school division at appropriate age or grade levels. The curriculum adopted by the local school division shall be aligned to the Standards of Learning.

The Board shall include in the Standards of Learning for history and social science the study of contributions to society of diverse people. For the purposes of this subsection, "diverse" includes consideration of disability, ethnicity, race, and gender.

The Board shall include in the Standards of Learning for health instruction in emergency first aid, cardiopulmonary resuscitation, and the use of an automated external defibrillator, including hands-on practice of the skills necessary to perform cardiopulmonary resuscitation. Such instruction shall be based on the current national evidence-based emergency cardiovascular care guidelines for cardiopulmonary resuscitation and the use of an automated external defibrillator, such as a program developed by the American Heart Association or the American Red Cross. No teacher who is in compliance with subdivision D 3 of § 22.1-298.1 shall be required to be certified as a trainer of cardiopulmonary resuscitation to provide instruction for non-certification.

With such funds as are made available for this purpose, the Board shall regularly review and revise the competencies for career and technical education programs to require the full integration of English, mathematics, science, and history and social science Standards of Learning. Career and technical education programs shall be aligned with industry and professional standard certifications, where they exist.

The Board shall establish content standards and curriculum guidelines for courses in career investigation in elementary school, middle school, and high school. Each school board shall (i) require each middle school student to take at least one course in career investigation or (ii) select an alternate means of delivering the career investigation course to each middle school student, provided that such alternative is equivalent in content and rigor and provides the foundation for such students to develop their academic and career plans. Any school board may require (a) such courses in career investigation at the high school level as it deems appropriate, subject to Board approval as required in subsection A of § 22.1-253.13:4, and (b) such courses in career investigation at the elementary school level as it deems appropriate. The Board shall develop and disseminate to each school board career investigation resource materials that are designed to ensure that students have the ability to further explore interest in career and technical education opportunities in middle and high school. In developing such resource materials, the Board shall consult with representatives of career and technical education, industry, skilled trade associations, chambers of commerce or similar organizations, and contractor organizations.

C. Local school boards shall develop and implement a program of instruction for grades K through 12 that is aligned to the Standards of Learning and meets or exceeds the requirements of the Board. The program of instruction shall emphasize reading, writing, speaking, mathematical concepts and computations, proficiency in the use of computers and related technology, computer science and computational thinking, including computer coding, and scientific concepts and processes; essential skills and concepts of citizenship, including knowledge of Virginia history and world and United States history, economics, government, foreign languages, international cultures, health and physical education, environmental issues, and geography necessary for responsible participation in American society and in the international community; fine arts, which may include, but need not be limited to, music and art, and practical arts; knowledge and skills needed to qualify for further education, gainful employment, or training in a career or technical field; and development of the ability to apply such skills and knowledge in preparation for eventual employment and lifelong learning and to achieve economic self-sufficiency.

Local school boards shall also develop and implement programs of prevention, intervention, or remediation for students who are educationally at risk including, but not limited to, those who fail to achieve a passing score on any Standards of Learning assessment in grades three through eight or who fail an end-of-course test required for the award of a verified unit of credit. Such programs shall include components that are research-based.

Any student who achieves a passing score on one or more, but not all, of the Standards of Learning assessments for the relevant grade level in grades three through eight may be required to attend a remediation program.

Any student who fails to achieve a passing score on all of the Standards of Learning assessments for the relevant grade level in grades three through eight or who fails an end-of-course test required for the award of a verified unit of credit shall be required to attend a remediation program or to participate in another form of remediation. Division superintendents shall require such students to take special programs of prevention, intervention, or remediation, which may include attendance in public summer school programs, in accordance with clause (ii) of subsection A of § 22.1-254 and § 22.1-254.01.

Remediation programs shall include, when applicable, a procedure for early identification of students who are at risk of failing the Standards of Learning assessments in grades three through eight or who fail an end-of-course test required for the award of a verified unit of credit. Such programs may also include summer school for all elementary and middle school grades and for all high school academic courses, as defined by regulations promulgated by the Board, or other forms of remediation. Summer school remediation programs or other forms of remediation shall be chosen by the division superintendent to be appropriate to the academic needs of the student. Students who are required to attend such summer school programs or to participate in another form of remediation shall not be charged tuition by the school division.

The requirement for remediation may, however, be satisfied by the student's attendance in a program of prevention, intervention or remediation that has been selected by his parent, in consultation with the division superintendent or his designee, and is either (i) conducted by an accredited private school or (ii) a special program that has been determined to be comparable to the required public school remediation program by the division superintendent. The costs of such private school remediation program or other special remediation program shall be borne by the student's parent.

The Board shall establish standards for full funding of summer remedial programs that shall include, but not be limited to, the minimum number of instructional hours or the equivalent thereof required for full funding and an assessment system designed to evaluate program effectiveness. Based on the number of students attending and the Commonwealth's share of the per pupil instructional costs, state funds shall be provided for the full cost of summer and other remediation programs as set forth in the appropriation act, provided such programs comply with such standards as shall be established by the Board, pursuant to § 22.1-199.2.

D. Local school boards shall also implement the following:

1. Programs in grades K through three that emphasize developmentally appropriate learning to enhance success.

2. Programs based on prevention, intervention, or remediation designed to increase the number of students who earn a high school diploma and to prevent students from dropping out of school. Such programs shall include components that are research-based.

3. Career and technical education programs incorporated into the K through 12 curricula that include:

a. Knowledge of careers and all types of employment opportunities, including, but not limited to, apprenticeships, entrepreneurship and small business ownership, the military, and the teaching profession, and emphasize the advantages of completing school with marketable skills;

b. Career exploration opportunities in the middle school grades;

c. Competency-based career and technical education programs that integrate academic outcomes, career guidance, and job-seeking skills for all secondary students. Programs shall be based upon labor market needs and student interest. Career guidance shall include counseling about available employment opportunities and placement services for students exiting school. Each school board shall develop and implement a plan to ensure compliance with the provisions of this subdivision. Such plan shall be developed with the input of area business and industry representatives and local comprehensive community colleges and shall be submitted to the Superintendent in accordance with the timelines established by federal law;

d. Annual notice on its website to enrolled high school students and their parents of (i) the availability of the postsecondary education and employment data published by the State Council of Higher Education on its website pursuant to § 23.1-204.1 and (ii) the opportunity for such students to obtain a nationally recognized career readiness certificate at a local public high school, comprehensive community college, or workforce center; and

e. As part of each student's academic and career plan, a list of (i) the top 100 professions in the Commonwealth by median pay and the education, training, and skills required for each such profession and (ii) the top 10 degree programs at institutions of higher education in the Commonwealth by median pay of program graduates. The Department shall annually compile such lists and provide them to each local school board.

4. Educational objectives in middle and high school that emphasize economic education and financial literacy pursuant to § 22.1-200.03.

5. Early identification of students with disabilities and enrollment of such students in appropriate instructional programs consistent with state and federal law.

6. Early identification of gifted students and enrollment of such students in appropriately differentiated instructional programs.

7. Educational alternatives for students whose needs are not met in programs prescribed elsewhere in these standards. Such students shall be counted in average daily membership (ADM) in accordance with the regulations of the Board.

8. Adult education programs for individuals functioning below the high school completion level. Such programs may be conducted by the school board as the primary agency or through a collaborative arrangement between the school board and other agencies.

9. A plan to make achievements for students who are educationally at risk a divisionwide priority that shall include procedures for measuring the progress of such students.

10. An agreement for postsecondary *credit and* degree attainment with ~~a~~ *any* comprehensive community college in the Commonwealth specifying the options for students to complete an associate degree ~~or~~, a one-year Uniform Certificate of General Studies*, or the Passport Program* from a comprehensive community college concurrent with a high school diploma*, consistent with the requirements for the College and Career Ready Virginia Program set forth in Article 5.1 (§ 22.1-237.1 et seq.) of Chapter 13*. Such agreement shall specify the credit available for dual enrollment courses and Advanced Placement courses with qualifying exam scores of three or higher.

11. A plan to notify students and their parents of the availability of dual enrollment and advanced placement classes; career and technical education programs, including internships, externships, apprenticeships, credentialing programs, certification programs, licensure programs, and other work-based learning experiences; the International Baccalaureate Program and Academic Year Governor's School Programs; the qualifications for enrolling in such classes, programs, and experiences; and the availability of financial assistance to low-income and needy students to take the advanced placement and International Baccalaureate examinations. This plan shall include notification to students and parents of the *College and Career Ready Virginia Program established pursuant to Article 5.1. (§ 22.1-237.1 et seq.) of Chapter 13 and its* agreement with a comprehensive community college in the Commonwealth *pursuant to subdivision 10* to enable students to complete an associate degree ~~or~~, a one-year Uniform Certificate of General Studies*, or the Passport Program* concurrent with a high school diploma.

12. Identification of students with limited English proficiency and enrollment of such students in appropriate instructional programs, which programs may include dual language programs whereby such students receive instruction in English and in a second language.

13. Early identification, diagnosis, and assistance for students with mathematics problems and provision of instructional strategies and mathematics practices that benefit the development of mathematics skills for all students.

Local school divisions shall provide algebra readiness intervention services to students in grades six through nine who are at risk of failing the Algebra I end-of-course test, as demonstrated by their individual performance on any diagnostic test that has been approved by the Department. Local school divisions shall report the results of the diagnostic tests to the Department on an annual basis, at a time to be determined by the Superintendent. Each student who receives algebra readiness intervention services will be assessed again at the end of that school year. Funds appropriated for prevention, intervention, and remediation; summer school remediation; at-risk; or algebra readiness intervention services may be used to meet the requirements of this subdivision.

14. Incorporation of art, music, and physical education as a part of the instructional program at the elementary school level.

15. A program of physical activity available to all students in grades kindergarten through five consisting of at least 20 minutes per day or an average of 100 minutes per week during the regular school year and available to all students in grades six through 12 with a goal of at least 150 minutes per week on average during the regular school year. Such program

may include any combination of (i) physical education classes, (ii) extracurricular athletics, (iii) recess, or (iv) other programs and physical activities deemed appropriate by the local school board. Each local school board shall implement such program during the regular school year. Any physical education class offered to students in grades seven and eight shall include at least one hour of personal safety training per school year in each such grade level that is developed and delivered in partnership with the local law-enforcement agency and consists of situational safety awareness training and social media education.

16. A program of student services for kindergarten through grade 12 that shall be designed to aid students in their educational, social, and career development.

17. The collection and analysis of data and the use of the results to evaluate and make decisions about the instructional program.

18. A program of instruction in the high school Virginia and U.S. Government course on all information and concepts contained in the civics portion of the U.S. Naturalization Test.

E. From such funds as may be appropriated or otherwise received for such purpose, there shall be established within the Department a unit to (i) conduct evaluative studies; (ii) provide the resources and technical assistance to increase the capacity for school divisions to deliver quality instruction; and (iii) assist school divisions in implementing those programs and practices that will enhance pupil academic performance and improve family and community involvement in the public schools. Such unit shall identify and analyze effective instructional programs and practices and professional development initiatives; evaluate the success of programs encouraging parental and family involvement; assess changes in student outcomes prompted by family involvement; and collect and disseminate among school divisions information regarding effective instructional programs and practices, initiatives promoting family and community involvement, and potential funding and support sources. Such unit may also provide resources supporting professional development for administrators and teachers. In providing such information, resources, and other services to school divisions, the unit shall give priority to those divisions demonstrating a less than 70 percent passing rate on the Standards of Learning assessments.

F. Each local school board may enter into agreements for postsecondary course credit, credential, certification, or license attainment, hereinafter referred to as College and Career Access Pathways Partnerships (Partnerships), with comprehensive community colleges or other public institutions of higher education or educational institutions established pursuant to Title 23.1 that offer a career and technical education curriculum. Such Partnerships shall (i) specify the options for students to take courses as part of the career and technical education curriculum that lead to course credit or an industry-recognized credential, certification, or license concurrent with a high school diploma; (ii) specify the credit, credentials, certifications, or licenses available for such courses; and (iii) specify available options for students to participate in pre-apprenticeship and apprenticeship programs at comprehensive community colleges concurrent with the pursuit of a high school diploma and receive college credit and high school credit for successful completion of any such program.

G. Each local school board shall provide a program of literacy instruction that is aligned with science-based reading research and provides evidenced-based literacy instruction to students in kindergarten through grade eight and is consistent with the school board's literacy plan as required by subsection B of § 22.1-253.13:6. Pursuant to such program:

1. Each local school board shall provide reading intervention services to students in kindergarten through grade eight who demonstrate substantial deficiencies based on their individual performance on the Standards of Learning reading assessment or a literacy screener provided or approved by the Department. Such reading intervention services shall consist of evidence-based literacy instruction, align with science-based reading research, and be documented for each student in a written student reading plan, consistent with the requirements in subdivision 2 and the list developed by the Department pursuant to subdivision H 2.

2. A reading specialist, in collaboration with the teacher of any student who receives reading intervention services pursuant to subdivision 1, shall develop, oversee implementation of, and monitor student progress on a student reading plan. The parent of each student who receives reading intervention services pursuant to subdivision 1 shall receive notice of and have the opportunity to participate in the development of the student reading plan. Each student reading plan (i) shall follow the Department template created pursuant to subdivision H 3; (ii) shall document such reading intervention services; (iii) shall include, at a minimum, (a) the student's specific, diagnosed reading skill deficiencies as determined or identified by diagnostic assessment data or the literacy screener provided or approved by the Department; (b) the goals and benchmarks for student growth in reading; (c) a description of the specific measures that will be used to evaluate and monitor the student's reading progress; (d) the specific evidence-based literacy instruction that the student will receive; (e) the strategies, resources, and materials that will be provided to the student's parent to support the student to make reading progress; and (f) any additional services the teacher deems available and appropriate to accelerate the student's reading skill development; and (iv) may include the following services for the student: instruction from a reading specialist, trained aide, computer-based reading tutorial program, or classroom teacher with support from an aide, extended instructional time in the school day or school year, or, for students in grades six through eight, a literacy course, in addition to the course required by the Standards of Learning in English, that provides the specific evidence-based literacy instruction identified in the student's reading plan. In accordance with § 22.1-215.2, the parent of each student shall receive notice before services begin and a copy of the student reading plan.

3. Each student who receives such reading intervention services shall be assessed utilizing either the literacy screener provided or approved by the Department or the grade-level reading Standards of Learning assessment again at the end of that school year.

Funds appropriated for prevention, intervention, and remediation, summer school remediation, the at-risk add-on, or early intervention reading may be used to meet the requirements of this subsection.

H. In order to assist local school boards to implement the provisions of subsection G:

1. The Board shall provide guidance on the content of student reading plans;

2. The Department shall develop a list of core literacy curricula, supplemental instruction practices and programs, and intervention programs that consist of evidence-based literacy instruction aligned with science-based reading research for students in kindergarten through grade eight. The list shall be approved by the Board;

3. The Department shall develop a template for student reading plans that aligns with the requirements of subsection G;

4. The Department shall develop and implement a plan for the annual collection and public reporting of division-level and school-level literacy data, at a time to be determined by the Superintendent, to include results on the literacy screeners provided or approved by the Department and the reading Standards of Learning assessments; and

5. The Department shall provide free online evidence-based literacy instruction resources that can be accessed by parents and local school boards to support student literacy development at home.

§ 23.1-100. Definitions.

As used in this title, unless the context requires a different meaning:

"Associate-degree-granting" means that an associate degree is the most advanced degree that is granted.

"Associate-degree-granting public institution of higher education" includes Richard Bland College and each comprehensive community college.

"Baccalaureate" means that bachelor's degrees or more advanced degrees, or both, are granted.

"Baccalaureate public institution of higher education" includes Christopher Newport University, George Mason University, James Madison University, Longwood University, the University of Mary Washington, Norfolk State University, Old Dominion University, Radford University, the University of Virginia, the University of Virginia's College at Wise as a division of the University of Virginia, Virginia Commonwealth University, Virginia Military Institute, Virginia Polytechnic Institute and State University, Virginia State University, and The College of William and Mary in Virginia.

"Chief executive officer" includes the Chancellor of the Virginia Community College System, the Chancellor of the University of Virginia's College at Wise, the Superintendent of Virginia Military Institute, and the president of each other public institution of higher education.

"Comprehensive community college" means an associate-degree-granting public institution of higher education governed by the State Board that offers instruction in one or more of the following fields:

1. Freshman and sophomore courses in arts and sciences acceptable for transfer to baccalaureate degree programs;

2. Diversified technical curricula, including programs leading to an associate degree;

3. Career and technical education leading directly to employment;

4. Courses in general and continuing education for adults in the fields set out in subdivisions 1, 2, and 3; or

5. Noncredit training and retraining courses and programs of varying lengths to meet the needs of business and industry in the Commonwealth.

"Council" means the State Council of Higher Education for Virginia.

"Dual enrollment" means the enrollment of a qualified high school student in a postsecondary course that is creditable toward high school completion and a career certificate or an associate or baccalaureate degree at a public institution of higher education. "Dual enrollment" does not include the enrollment of a qualified high school student in a postsecondary course that is not creditable toward high school completion.

"Governing board" includes the State Board and the board of visitors of each baccalaureate public institution of higher education. "Governing board" does not include local community college boards.

"Local community college board" means the board established to act in an advisory capacity to the State Board and perform such duties with respect to the operation of a single comprehensive community college as may be delegated to it by the State Board.

"Nonprofit private institution of higher education" means any postsecondary school, as that term is defined in § 23.1-213, in the Commonwealth that is exempt from paying federal income taxes under § 501(c)(3) of the Internal Revenue Code and is certified by the Council to offer degrees or exempt from such certification pursuant to Article 3 (§ 23.1-213 et seq.) of Chapter 2.

"Non-Virginia student" means any student who has not established domicile in the Commonwealth pursuant to § 23.1-502.

"Private institution of higher education" includes each nonprofit private institution of higher education and proprietary private institution of higher education in the Commonwealth.

"Proprietary private institution of higher education" means any postsecondary school, as that term is defined in § 23.1-213, in the Commonwealth that is privately owned, privately managed, and obligated to pay federal income taxes in the Commonwealth and is certified by the Council to offer degrees or exempt from such certification pursuant to Article 3 (§ 23.1-213 et seq.) of Chapter 2.

"Public institution of higher education" includes the System as a whole and each associate-degree-granting and baccalaureate public institution of higher education in the Commonwealth.

"State Board" means the State Board for Community Colleges.

"System" means the Virginia Community College System.

"Virginia student" means any student who has established domicile in the Commonwealth pursuant to § 23.1-502.

§ 23.1-907. Articulation, dual admissions, and guaranteed admissions agreements; admission of certain comprehensive community college graduates.

A. The board of visitors of each baccalaureate public institution of higher education shall develop, consistent with Council guidelines and the institution's six-year plan as set forth in § 23.1-306, articulation, dual admissions, and guaranteed admissions agreements with each associate-degree-granting public institution of higher education. Such guaranteed admissions agreements may provide for the guaranteed admission of a student who earns an associate degree concurrently with a high school diploma through a dual enrollment program, in addition to any guaranteed admission for a student who earns an associate degree post-high school.

B. The System, in cooperation with the Council and each public institution of higher education, and consistent with the guidelines developed pursuant to subdivision 20 of § 23.1-203, shall establish a one-semester Passport Program and a one-year Uniform Certificate of General Studies Program. The Passport Program shall consist of 15 course credit hours and shall be a component of the 30-credit-hour Uniform Certificate of General Studies Program. Each Uniform Certificate of General Studies Program and Passport Program course shall be transferable and shall satisfy a lower division general education requirement at any public institution of higher education. The Uniform Certificate of General Studies Program and Passport Program shall be available at each comprehensive community college and through the Online Virginia Network.

C. The Council shall establish procedures under which a baccalaureate public institution of higher education may seek a waiver from the Council from accepting the transfer of a Uniform Certificate of General Studies Program or Passport Program course to satisfy the requirements for the completion of a specific pathway or degree. A waiver shall not be granted allowing a baccalaureate public institution to (i) generally reject the transfer of all coursework that is a part of the Uniform Certificate of General Studies Program or Passport Program or (ii) generally reject the transfer of a course from the Uniform Certificate of General Studies Program or Passport Program for all pathway maps and degrees. An application for a waiver shall identify with particularity the course for which the institution is seeking a waiver and the particular pathway or degree to which the waiver would apply. The application shall provide justification for the waiver and shall designate alternative courses offered through the System that may be completed by a student in order to complete a transferable, 30-credit-hour Uniform Certificate *of General Studies* or 15-credit-hour Passport. The Council shall adopt guidelines regarding the criteria to be used to review and issue decisions regarding waiver requests. Such waiver requests shall only be granted if the baccalaureate public institution of higher education provides evidence that the specified pathway or degree requires a specialized, lower division course not available through the System. Once approved, notice of a waiver granted by the Council shall be included in the online portal established pursuant to § 23.1-908.

D. The Council shall develop guidelines for associate-degree-granting and baccalaureate public institutions of higher education to use in mapping pathways for the completion of credits in particular programs of study, including the courses recommended to be taken in a dual enrollment, comprehensive community college, and baccalaureate public institution setting in order to pursue a specific degree or career. Such guidelines shall define the elements of a pathway map and identify the pathway maps to be developed. Initial guidelines adopted for mapping such pathways shall establish a multiyear schedule for the development and implementation of pathway maps for all fields of study.

E. Each baccalaureate public institution of higher education, in cooperation and consultation with the System, shall develop pathway maps consistent with the guidelines established pursuant to subsection D. Such pathways maps shall clearly set forth the courses that a student at a comprehensive community college is encouraged to complete prior to transferring to the baccalaureate institution. The goal of the career education pathway maps shall be to assist students in achieving optimal efficiencies in the time and cost of completing a degree program. Such program map shall also clearly identify the courses, if any, for which the baccalaureate institution has received a waiver from transfer pursuant to subsection C.

F. The Council shall prepare a comprehensive annual report on the effectiveness of transferring from comprehensive community colleges to baccalaureate public institutions of higher education, including a review of the effectiveness of the use of pathway maps in achieving efficiencies and cost savings in the completion of a degree program. The report shall include the following elements: completion rates, average time to degree, credit accumulation, post-transfer student academic performance, and comparative efficiency. The Council shall adopt guidelines for data submission from public institutions of higher education necessary for such report, and all institutions shall report such data in accordance with the guidelines. The report shall be made publicly available on the Council website and on the online portal maintained pursuant to § 23.1-908.

G. Each comprehensive community college shall develop agreements for postsecondary *credit and degree* attainment with the public high schools in the school divisions that such comprehensive community college serves specifying the options for students to complete an associate degree, the Passport Program, or the Uniform Certificate of General Studies Program concurrent with a high school diploma *consistent with the requirements for the College and Career Ready Virginia Program set forth in Article 5.1 (§ 22.1-237.1 et seq.) of Chapter 13 of Title 22.1*. Such agreements shall specify the credit available for dual enrollment courses and Advanced Placement courses with qualifying exam scores of three or higher.

H. The provisions of this section shall not apply to any public institution of higher education established pursuant to Chapter 25 (§ 23.1-2500 et seq.).

2. That the provisions of subsections B, C, and D of § 22.1-237.3 of the Code of Virginia, as created by this act, shall become effective beginning with course registrations for the fall term of the 2025 academic year.
3. That the College and Career Ready Virginia Program career and technical education work group established by the Department of Education (the Department) and the Virginia Community College System (the System) pursuant to § 22.1-237.5 of the Code of Virginia, as created by this act, shall submit its recommendations to the Department and the System as required pursuant to subdivision C 3 of § 22.1-237.5 of the Code of Virginia, as created by this act, no later than November 1, 2024.
4. That each comprehensive community college and school board shall make such amendments to its agreements for postsecondary credit and degree attainment as required by subdivision D 10 of § 22.1-253.13:1 of the Code of Virginia, as amended by this act, and subsection G of § 23.1-907 of the Code of Virginia, as amended by this act, as it deems necessary to comply with the provisions of this act.
5. That the Secretary of Education, the Superintendent of Public Instruction, and the Chancellor of the Virginia Community College System shall make such amendments to their *Governing Principles for Dual Enrollment between Virginia Public Schools and the Virginia Community College System* as they deem necessary to comply with the provisions of this act.

CHAPTER 648

An Act to amend and reenact §§ 51.5-40.1 and 51.5-44 of the Code of Virginia, relating to rights of persons with disabilities; definitions.

[H 1165]

Approved April 8, 2024

Be it enacted by the General Assembly of Virginia:
1. That §§ 51.5-40.1 and 51.5-44 of the Code of Virginia are amended and reenacted as follows:

§ 51.5-40.1. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Hearing dog" means a dog trained to alert its owner by touch to sounds of danger and sounds to which the owner should respond.

"Mental impairment" means (i) a disability attributable to intellectual disability, autism, or any other neurological disability closely related to intellectual disability and requiring treatment similar to that required by individuals with intellectual disability or (ii) an organic or mental impairment that has substantial adverse effects on an individual's cognitive or volitional functions, including central nervous system disorders or significant discrepancies among mental functions of an individual.

"Mobility-impaired person" means any person who (i) is unable to move about without the aid of crutches, a wheelchair, or any other form of support or (ii) has limited functional ability to ambulate, climb, descend, sit, rise, or perform any related function.

"Otherwise disabled person" means any person who has a physical, sensory, intellectual, developmental, or mental disability or a mental illness.

"Path of travel" means a continuous, unobstructed way of pedestrian passage by means of which an altered area, meaning an area of a facility that has undergone an alteration that affects or could affect the usability of or access to such area of a facility that contains a primary function for which the facility is intended and the restrooms, telephones, and drinking fountains serving the altered area, may be approached, entered, and exited, and that connects an altered area with an exterior approach, including sidewalks, streets, and parking areas, an entrance to the facility, and other parts of the facility.

"Person with a disability" means any person who has a physical or mental impairment that substantially limits one or more of his major life activities or who has a record of such impairment.

"Physical impairment" means any physical condition, anatomic loss, or cosmetic disfigurement that is caused by bodily injury, birth defect, or illness.

"Place of public accommodation" means a facility that a private entity owns, leases or leases to, or operates and whose operations affect commerce.

"Private entity" means any entity other than a public entity.

"Public entity" means:

1. Any state or local government;

2. Any department, agency, special purpose district, or other instrumentality of a state or local government; and

3. Any commuter authority.

"Readily achievable" means easily accomplishable and able to be carried out without much difficulty or expense.

"Service dog" means a dog trained to do work or perform tasks for the benefit of a mobility-impaired or otherwise disabled person. The work or tasks performed by a service dog shall be directly related to the individual's disability or disorder. Examples of work or tasks include providing nonviolent protection or rescue work, pulling a wheelchair, assisting an individual during a seizure, alerting an individual to the presence of allergens, retrieving items, carrying items, providing

physical support and assistance with balance and stability, and preventing or interrupting impulsive or destructive behaviors. The provision of emotional support, well-being, comfort, or companionship shall not constitute work or tasks for the purposes of this definition.

"Three-unit service dog team" means a team consisting of a trained service dog, a person with a disability, and a person who is an adult and who has been trained to handle the service dog.

§ 51.5-44. Rights of persons with disabilities in public places and places of public accommodation.

A. A person with a disability has the same rights as other persons to the full and free use of the streets, highways, sidewalks, walkways, *paths of travel,* public buildings, public facilities, *public entities,* and other public places. For purposes of this section, a "person with a disability" means a person whose disability is unrelated to his ability to utilize and benefit from a place of public accommodation or public service.

B. *Each place of public accommodation shall ensure that barriers to accessibility are removed when the removal is readily achievable. To determine whether an action is readily achievable, the following factors shall be considered:*

1. The nature and cost of the action needed to remove the barriers;

2. The overall financial resources of the place of public accommodation involved in the action; the number of persons employed at the place of public accommodation; the effect on expenses and resources; legitimate safety requirements that are necessary for safe operation, including crime prevention measures; or the impact otherwise of the action upon the operation of the place of public accommodation;

3. The geographic separateness and the administrative or fiscal relationship of the place of public accommodation in question to any parent corporation or entity;

4. If applicable, the overall financial resources of any parent corporation or entity; the overall size of the parent corporation or entity with respect to the number of its employees or the number, type, and location of its facilities; and

5. If applicable, the type of operation or operations of any parent corporation or entity, including the composition, structure, and functions of the workforce of the parent corporation or entity.

A person with a disability is entitled to full and equal accommodations, advantages, facilities, and privileges of all common carriers, airplanes, motor vehicles, railroad trains, motor buses, streetcars, subways, boats or any other public conveyances or modes of transportation, restaurants, hotels, lodging places, places of public accommodation, amusement or resort, public entities including schools, and other places to which the general public is invited subject only to the conditions and limitations established by law and applicable alike to all persons.

C. Each town, city, or county, individually or through transportation district commissions, shall ensure that persons with disabilities have access to the public transportation within its jurisdiction by either (i) use of the same transportation facilities or carriers available to the general public, (ii) provision of paratransit or special transportation services for persons with disabilities, or (iii) both. All persons with disabilities in the jurisdiction's service area who, by reason of their disabilities, are unable to use the service for the general public shall be eligible to use such paratransit or special transportation service. No fee that exceeds the fee charged to the general public shall be charged a person with a disability for the use of the same transportation facilities or carriers available to the general public. Paratransit or special transportation service for persons with disabilities may charge fees to such persons comparable to the fees charged to the general public for similar service in the jurisdiction service area, taking into account especially the type, length, and time of trip. Any variance between special service and regular service fares shall be justifiable in terms of actual differences between the two kinds of service provided.

D. Nothing in this title shall be construed to require retrofitting of any public transit equipment or to require the retrofitting, renovation, or alteration of buildings or places to a degree more stringent than that required by the applicable building code in effect at the time the building permit for such building or place is issued.

E. Every totally or partially blind person shall have the right to be accompanied by a dog in harness trained as a guide dog, every person who is deaf or hard of hearing shall have the right to be accompanied by a dog trained as a hearing dog on a blaze orange leash, and every mobility-impaired or otherwise disabled person shall have the right to be accompanied by a dog trained as a service dog in a harness, backpack, or vest identifying the dog as a trained service dog in any of the places listed in subsection B without being required to pay an extra charge for the dog, provided that he shall be liable for any damage done to the premises or facilities by such dog. The provisions of this section shall apply to persons accompanied by a dog that is in training, at least six months of age, and is (i) in harness, provided such person is an experienced trainer of guide dogs or is conducting continuing training of a guide dog; (ii) on a blaze orange leash, provided such person is an experienced trainer of hearing dogs or is conducting continuing training of a hearing dog; (iii) in a harness, backpack, or vest identifying the dog as a trained service dog, provided such person is an experienced trainer of service dogs or is conducting continuing training of a service dog; (iv) wearing a jacket identifying the recognized guide, hearing, or service dog organization, provided such person is an experienced trainer of the organization identified on the jacket; or (v) the person is part of a three-unit service dog team and is conducting continuing training of a service dog.

CHAPTER 649

An Act to amend and reenact §§ 37.2-808 and 37.2-809 of the Code of Virginia, relating to emergency custody and temporary detention orders; evaluations; presence of others.

[H 1242]

Approved April 8, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 37.2-808 and 37.2-809 of the Code of Virginia are amended and reenacted as follows:

§ 37.2-808. Emergency custody; issuance and execution of order.

A. Any magistrate shall issue, upon the sworn petition of any responsible person, treating physician, or upon his own motion, or a court may issue pursuant to § 19.2-271.6, an emergency custody order when he has probable cause to believe that any person (i) has a mental illness and that there exists a substantial likelihood that, as a result of mental illness, the person will, in the near future, (a) cause serious physical harm to himself or others as evidenced by recent behavior causing, attempting, or threatening harm and other relevant information, if any, or (b) suffer serious harm due to his lack of capacity to protect himself from harm or to provide for his basic human needs, (ii) is in need of hospitalization or treatment, and (iii) is unwilling to volunteer or incapable of volunteering for hospitalization or treatment. Any emergency custody order entered pursuant to this section shall provide for the disclosure of medical records pursuant to § 37.2-804.2. This subsection shall not preclude any other disclosures as required or permitted by law.

When considering whether there is probable cause to issue an emergency custody order, the magistrate may, in addition to the petition, or the court may pursuant to § 19.2-271.6, consider (1) the recommendations of any treating or examining physician or psychologist licensed in Virginia, if available, (2) any past actions of the person, (3) any past mental health treatment of the person, (4) any relevant hearsay evidence, (5) any medical records available, (6) any affidavits submitted, if the witness is unavailable and it so states in the affidavit, and (7) any other information available that the magistrate or the court considers relevant to the determination of whether probable cause exists to issue an emergency custody order.

B. Any person for whom an emergency custody order is issued shall be taken into custody and transported to a convenient location to be evaluated to determine whether the person meets the criteria for temporary detention pursuant to § 37.2-809 and to assess the need for hospitalization or treatment. The evaluation shall be made by a person designated by the community services board who is skilled in the diagnosis and treatment of mental illness and who has completed a certification program approved by the Department.

C. The magistrate or court issuing an emergency custody order shall specify the primary law-enforcement agency and jurisdiction to execute the emergency custody order and provide transportation. However, the magistrate or court shall authorize transportation by an alternative transportation provider in accordance with this section, whenever an alternative transportation provider is identified to the magistrate or court, which may be a person, facility, or agency, including a family member or friend of the person who is the subject of the order, a representative of the community services board, or other transportation provider with personnel trained to provide transportation in a safe manner, upon determining, following consideration of information provided by the petitioner; the community services board or its designee; the local law-enforcement agency, if any; the person's treating physician, if any; or other persons who are available and have knowledge of the person, and, when the magistrate or court deems appropriate, the proposed alternative transportation provider, either in person or via two-way electronic video and audio or telephone communication system, that the proposed alternative transportation provider is available to provide transportation, willing to provide transportation, and able to provide transportation in a safe manner.

When transportation is ordered to be provided by an alternative transportation provider, the magistrate or court shall order the specified primary law-enforcement agency to execute the order, to take the person into custody, and to transfer custody of the person to the alternative transportation provider identified in the order. In such cases, a copy of the emergency custody order shall accompany the person being transported pursuant to this section at all times and shall be delivered by the alternative transportation provider to the community services board or its designee responsible for conducting the evaluation. The community services board or its designee conducting the evaluation shall return a copy of the emergency custody order to the court designated by the magistrate or the court that issued the emergency custody order as soon as is practicable. Delivery of an order to a law-enforcement officer or alternative transportation provider and return of an order to the court may be accomplished electronically or by facsimile.

Transportation under this section shall include transportation to a medical facility as may be necessary to obtain emergency medical evaluation or treatment that shall be conducted immediately in accordance with state and federal law. Transportation under this section shall include transportation to a medical facility for a medical evaluation if a physician at the hospital in which the person subject to the emergency custody order may be detained requires a medical evaluation prior to admission.

D. In specifying the primary law-enforcement agency and jurisdiction for purposes of this section, the magistrate or court shall order the primary law-enforcement agency from the jurisdiction served by the community services board that designated the person to perform the evaluation required in subsection B to execute the order and, in cases in which transportation is ordered to be provided by the primary law-enforcement agency, provide transportation. If the community services board serves more than one jurisdiction, the magistrate or court shall designate the primary law-enforcement

agency from the particular jurisdiction within the community services board's service area where the person who is the subject of the emergency custody order was taken into custody or, if the person has not yet been taken into custody, the primary law-enforcement agency from the jurisdiction where the person is presently located to execute the order and provide transportation.

E. The law-enforcement agency or alternative transportation provider providing transportation pursuant to this section may transfer custody of the person to the facility or location to which the person is transported for the evaluation required in subsection B, G, or H if the facility or location (i) is licensed to provide the level of security necessary to protect both the person and others from harm, (ii) is actually capable of providing the level of security necessary to protect the person and others from harm, and (iii) in cases in which transportation is provided by a law-enforcement agency, has entered into an agreement or memorandum of understanding with the law-enforcement agency setting forth the terms and conditions under which it will accept a transfer of custody, provided, however, that the facility or location may not require the law-enforcement agency to pay any fees or costs for the transfer of custody.

F. A law-enforcement officer may lawfully go or be sent beyond the territorial limits of the county, city, or town in which he serves to any point in the Commonwealth for the purpose of executing an emergency custody order pursuant to this section.

G. A law-enforcement officer who, based upon his observation or the reliable reports of others, has probable cause to believe that a person meets the criteria for emergency custody as stated in this section may take that person into custody and transport that person to an appropriate location to assess the need for hospitalization or treatment without prior authorization. A law-enforcement officer who takes a person into custody pursuant to this subsection or subsection H may lawfully go or be sent beyond the territorial limits of the county, city, or town in which he serves to any point in the Commonwealth for the purpose of obtaining the assessment. Such evaluation shall be conducted immediately. The period of custody shall not exceed eight hours from the time the law-enforcement officer takes the person into custody.

H. A law-enforcement officer who is transporting a person who has voluntarily consented to be transported to a facility for the purpose of assessment or evaluation and who is beyond the territorial limits of the county, city, or town in which he serves may take such person into custody and transport him to an appropriate location to assess the need for hospitalization or treatment without prior authorization when the law-enforcement officer determines (i) that the person has revoked consent to be transported to a facility for the purpose of assessment or evaluation, and (ii) based upon his observations, that probable cause exists to believe that the person meets the criteria for emergency custody as stated in this section. The period of custody shall not exceed eight hours from the time the law-enforcement officer takes the person into custody.

I. Nothing herein shall preclude a law-enforcement officer or alternative transportation provider from obtaining emergency medical treatment or further medical evaluation at any time for a person in his custody as provided in this section.

J. A representative of the primary law-enforcement agency specified to execute an emergency custody order or a representative of the law-enforcement agency employing a law-enforcement officer who takes a person into custody pursuant to subsection G or H shall notify the community services board responsible for conducting the evaluation required in subsection B, G, or H as soon as practicable after execution of the emergency custody order or after the person has been taken into custody pursuant to subsection G or H.

K. The person shall remain in custody until (i) a temporary detention order is issued in accordance with § 37.2-809, (ii) an order for temporary detention for observation, testing, or treatment is entered in accordance with § 37.2-1104, ending law enforcement custody, (iii) the person is released, or (iv) the emergency custody order expires. An emergency custody order shall be valid for a period not to exceed eight hours from the time of execution.

L. Nothing in this section shall preclude the issuance of an order for temporary detention for testing, observation, or treatment pursuant to § 37.2-1104 for a person who is also the subject of an emergency custody order issued pursuant to this section. In any case in which an order for temporary detention for testing, observation, or treatment is issued for a person who is also the subject of an emergency custody order, the person may be detained by a hospital emergency room or other appropriate facility for testing, observation, and treatment for a period not to exceed 24 hours, unless extended by the court as part of an order pursuant to § 37.2-1101, in accordance with subsection C of § 37.2-1104. Upon completion of testing, observation, or treatment pursuant to § 37.2-1104, the hospital emergency room or other appropriate facility in which the person is detained shall notify the nearest community services board, and the designee of the community services board shall, as soon as is practicable and prior to the expiration of the order for temporary detention issued pursuant to § 37.2-1104, conduct an evaluation of the person to determine if he meets the criteria for temporary detention pursuant to § 37.2-809. *The (i) evaluator conducting the evaluation pursuant to subsection B and § 37.2-809 or (ii) hospital emergency department and treating physician or other health care provider designated by the physician shall allow a family member or legal guardian of the individual subject to evaluation who is present, and who may provide support and supportive decision-making, to be present with the individual unless the individual objects or the evaluator or treating physician determines that the presence of any such person would create a medical, clinical, or safety risk to the patient or health care provider or interferes with patient care. No provision of this section shall delay the process of the patient receiving treatment.*

M. Any person taken into emergency custody pursuant to this section shall be given a written summary of the emergency custody procedures and the statutory protections associated with those procedures.

N. If an emergency custody order is not executed within eight hours of its issuance, the order shall be void and shall be returned unexecuted to the office of the clerk of the issuing court or, if such office is not open, to any magistrate serving the jurisdiction of the issuing court.

O. In addition to the eight-hour period of emergency custody set forth in subsection G, H, or K, if the individual is detained in a state facility pursuant to subsection E of § 37.2-809, the state facility and an employee or designee of the community services board as defined in § 37.2-809 may, for an additional four hours, continue to attempt to identify an alternative facility that is able and willing to provide temporary detention and appropriate care to the individual.

P. Payments shall be made pursuant to § 37.2-804 to licensed health care providers for medical screening and assessment services provided to persons with mental illnesses while in emergency custody.

Q. An employee or contractor of an entity providing alternative transportation services pursuant to a contract with the Department who has completed training approved by the Department in the proper and safe use of restraint may use restraint (i) if restraint is necessary to ensure the safety of the person or others or prevent escape and (ii) if less restrictive techniques have been determined to be ineffective to protect the person or others from harm or to prevent escape.

R. No person who provides alternative transportation pursuant to this section shall be liable to the person being transported for any civil damages for ordinary negligence in acts or omissions that result from providing such alternative transportation.

S. For purposes of this section:

"Law-enforcement agency" includes an auxiliary police force established pursuant to § 15.2-1731.

"Law-enforcement officer" includes an auxiliary police officer appointed or provided for pursuant to §§ 15.2-1731 and 15.2-1733, except for the purposes of subsection G.

§ 37.2-809. Involuntary temporary detention; issuance and execution of order.

A. For the purposes of this section:

"Designee of the local community services board" means an examiner designated by the local community services board who (i) is skilled in the assessment and treatment of mental illness, (ii) has completed a certification program approved by the Department, (iii) is able to provide an independent examination of the person, (iv) is not related by blood or marriage to the person being evaluated, (v) has no financial interest in the admission or treatment of the person being evaluated, (vi) has no investment interest in the facility detaining or admitting the person under this article, and (vii) except for employees of state hospitals and of the U.S. Department of Veterans Affairs, is not employed by the facility.

"Employee" means an employee of the local community services board who is skilled in the assessment and treatment of mental illness and has completed a certification program approved by the Department.

"Investment interest" means the ownership or holding of an equity or debt security, including shares of stock in a corporation, interests or units of a partnership, bonds, debentures, notes, or other equity or debt instruments.

B. A magistrate shall issue, upon the sworn petition of any responsible person, treating physician, or upon his own motion and only after an evaluation conducted in-person or by means of a two-way electronic video and audio communication system as authorized in § 37.2-804.1 by an employee or a designee of the local community services board to determine whether the person meets the criteria for temporary detention, a temporary detention order if it appears from all evidence readily available, including any recommendation from a physician, clinical psychologist, clinical social worker, or licensed professional counselor treating the person, that the person (i) has a mental illness and that there exists a substantial likelihood that, as a result of mental illness, the person will, in the near future, (a) cause serious physical harm to himself or others as evidenced by recent behavior causing, attempting, or threatening harm and other relevant information, if any, or (b) suffer serious harm due to his lack of capacity to protect himself from harm or to provide for his basic human needs; (ii) is in need of hospitalization or treatment; and (iii) is unwilling to volunteer or incapable of volunteering for hospitalization or treatment. The magistrate shall also consider, if available, (a) information provided by the person who initiated emergency custody and (b) the recommendations of any treating or examining physician licensed in Virginia either verbally or in writing prior to rendering a decision. Any temporary detention order entered pursuant to this section shall provide for the disclosure of medical records pursuant to § 37.2-804.2. This subsection shall not preclude any other disclosures as required or permitted by law.

C. When considering whether there is probable cause to issue a temporary detention order, the magistrate may, in addition to the petition, consider (i) the recommendations of any treating or examining physician, psychologist, clinical social worker, or licensed professional counselor licensed in Virginia, if available, (ii) any past actions of the person, (iii) any past mental health treatment of the person, (iv) any relevant hearsay evidence, (v) any medical records available, (vi) any affidavits submitted, if the witness is unavailable and it so states in the affidavit, and (vii) any other information available that the magistrate considers relevant to the determination of whether probable cause exists to issue a temporary detention order.

D. A magistrate may issue a temporary detention order without an emergency custody order proceeding. A magistrate may issue a temporary detention order without a prior evaluation pursuant to subsection B if (i) the person has been personally examined within the previous 72 hours by an employee or a designee of the local community services board or (ii) there is a significant physical, psychological, or medical risk to the person or to others associated with conducting such evaluation.

E. An employee or a designee of the local community services board shall determine the facility of temporary detention in accordance with the provisions of § 37.2-809.1 for all persons detained pursuant to this section. An employee

or designee of the local community services board may change the facility of temporary detention and may designate an alternative facility for temporary detention at any point during the period of temporary detention if it is determined that the alternative facility is a more appropriate facility for temporary detention of the person given the specific security, medical, or behavioral health needs of the person. In cases in which the facility of temporary detention is changed following transfer of custody to an initial facility of temporary custody, transportation of the person to the alternative facility of temporary detention shall be provided in accordance with the provisions of § 37.2-810. The initial facility of temporary detention shall be identified on the preadmission screening report and indicated on the temporary detention order; however, if an employee or designee of the local community services board designates an alternative facility, that employee or designee shall provide written notice forthwith, on a form developed by the Executive Secretary of the Supreme Court of Virginia, to the clerk of the issuing court of the name and address of the alternative facility. Subject to the provisions of § 37.2-809.1, if a facility of temporary detention cannot be identified by the time of the expiration of the period of emergency custody pursuant to § 37.2-808, the person shall be detained in a state facility for the treatment of persons with mental illness and such facility shall be indicated on the temporary detention order. Except as provided in § 37.2-811 for inmates requiring hospitalization in accordance with subdivision A 2 of § 19.2-169.6, the person shall not be detained in a jail or other place of confinement for persons charged with criminal offenses. Except as provided in § 37.2-811 for inmates requiring hospitalization in accordance with subdivision A 2 of § 19.2-169.6 or in subsection C of § 37.2-813 for persons prior to transfer to the facility of temporary detention, the person shall remain in the custody of law enforcement until either (i) the person is detained within a secure facility or (ii) custody has been accepted by the appropriate personnel designated by either the initial facility of temporary detention identified in the temporary detention order or by the alternative facility of temporary detention designated by the employee or designee of the local community services board pursuant to this subsection. The person detained or in custody pursuant to this section shall be given a written summary of the temporary detention procedures and the statutory protections associated with those procedures.

F. Any facility caring for a person placed with it pursuant to a temporary detention order is authorized to provide emergency medical and psychiatric services within its capabilities when the facility determines that the services are in the best interests of the person within its care. The costs incurred as a result of the hearings and by the facility in providing services during the period of temporary detention shall be paid and recovered pursuant to § 37.2-804. The maximum costs reimbursable by the Commonwealth pursuant to this section shall be established by the State Board of Medical Assistance Services based on reasonable criteria. The State Board of Medical Assistance Services shall, by regulation, establish a reasonable rate per day of inpatient care for temporary detention.

G. The employee or the designee of the local community services board who is conducting the evaluation pursuant to this section shall determine, prior to the issuance of the temporary detention order, the insurance status of the person. Where coverage by a third party payor exists, the facility seeking reimbursement under this section shall first seek reimbursement from the third party payor. The Commonwealth shall reimburse the facility only for the balance of costs remaining after the allowances covered by the third party payor have been received.

H. The duration of temporary detention shall be sufficient to allow for completion of the examination required by § 37.2-815, preparation of the preadmission screening report required by § 37.2-816, and initiation of mental health treatment to stabilize the person's psychiatric condition to avoid involuntary commitment where possible, but shall not exceed 72 hours prior to a hearing. If the 72-hour period herein specified terminates on a Saturday, Sunday, legal holiday, or, if the individual has been admitted to a facility of temporary detention, day or part of a day on which the clerk's office is lawfully closed, the person may be detained, as herein provided, until the close of business on the next day that is not a Saturday, Sunday, legal holiday, or, if the individual has been admitted to a facility of temporary detention, day or part of a day on which the clerk's office is lawfully closed. The person may be released, pursuant to § 37.2-813, before the 72-hour period herein specified has run.

I. If a temporary detention order is not executed within 24 hours of its issuance, or within a shorter period as is specified in the order, the order shall be void and shall be returned unexecuted to the office of the clerk of the issuing court or, if the office is not open, to any magistrate serving the jurisdiction of the issuing court. Subsequent orders may be issued upon the original petition within 96 hours after the petition is filed. However, a magistrate must again obtain the advice of an employee or a designee of the local community services board prior to issuing a subsequent order upon the original petition. Any petition for which no temporary detention order or other process in connection therewith is served on the subject of the petition within 96 hours after the petition is filed shall be void and shall be returned to the office of the clerk of the issuing court.

J. The Executive Secretary of the Supreme Court of Virginia shall establish and require that a magistrate, as provided by this section, be available seven days a week, 24 hours a day, for the purpose of performing the duties established by this section. Each community services board shall provide to each general district court and magistrate's office within its service area a list of its employees and designees who are available to perform the evaluations required herein.

K. For purposes of this section, a health care provider or designee of a local community services board or behavioral health authority shall not be required to encrypt any email containing information or medical records provided to a magistrate unless there is reason to believe that a third party will attempt to intercept the email.

L. If the employee or designee of the community services board who is conducting the evaluation pursuant to this section recommends that the person should not be subject to a temporary detention order, such employee or designee shall (i) inform the petitioner, the person who initiated emergency custody if such person is present, and an onsite treating

physician of his recommendation; (ii) promptly inform such person who initiated emergency custody that the community services board will facilitate communication between the person and the magistrate if the person disagrees with recommendations of the employee or designee of the community services board who conducted the evaluation and the person who initiated emergency custody so requests; and (iii) upon prompt request made by the person who initiated emergency custody, arrange for such person who initiated emergency custody to communicate with the magistrate as soon as is practicable and prior to the expiration of the period of emergency custody. The magistrate shall consider any information provided by the person who initiated emergency custody and any recommendations of the treating or examining physician and the employee or designee of the community services board who conducted the evaluation and consider such information and recommendations in accordance with subsection B in making his determination to issue a temporary detention order. The person who is the subject of emergency custody shall remain in the custody of law enforcement or a designee of law enforcement and shall not be released from emergency custody until communication with the magistrate pursuant to this subsection has concluded and the magistrate has made a determination regarding issuance of a temporary detention order.

M. For purposes of this section, "person who initiated emergency custody" means any person who initiated the issuance of an emergency custody order pursuant to § 37.2-808 or a law-enforcement officer who takes a person into custody pursuant to subsection G of § 37.2-808.

N. In any case in which a person subject to an evaluation pursuant to this section is receiving services in a hospital emergency department, the treating physician or his designee and the employee or designee of the local community services board shall disclose to each other relevant information pertaining to the individual's treatment in the emergency department. *The (i) evaluator conducting the evaluation pursuant to subsection B of § 37.2-808 and the provisions of this section or (ii) hospital emergency department and treating physician or other health care provider designated by the physician shall allow a family member or legal guardian of the individual subject to evaluation who is present, and who may provide support and supportive decision-making, to be present with the individual unless the individual objects or the evaluator or treating physician determines that the presence of any such person would create a medical, clinical, or safety risk to the patient or health care provider or interferes with patient care. No provision of this section shall delay the process of the patient receiving treatment.*

CHAPTER 650

An Act to amend and reenact § 19.2-316.4 of the Code of Virginia, relating to eligibility for participation in community corrections alternative program; evaluation and diagnosis; referral to the Department of Corrections.

[H 1268]

Approved April 8, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 19.2-316.4 of the Code of Virginia is amended and reenacted as follows:

§ 19.2-316.4. Eligibility for participation in community corrections alternative program; evaluation; sentencing; withdrawal or removal from program; payment of costs.

A. As used in this article, unless the context requires a different meaning:

"Intractable behavior" means behavior that, in the determination of the Department of Corrections, (i) indicates an inmate's unwillingness or inability to conform his behavior to that necessary to his successful completion of the program or (ii) is so disruptive as to threaten the successful completion of the program by other participants.

"Nonviolent felony" means any felony except those considered an "act of violence" pursuant to § 19.2-297.1 or any attempt to commit any of those crimes.

B. A defendant (i) who otherwise would have been sentenced to incarceration for a nonviolent felony and whose identified risks and needs the court determines cannot be addressed by conventional probation supervision or (ii) whose suspension of sentence would otherwise be revoked after a finding that the defendant has violated the terms and conditions of probation for a nonviolent felony, may be considered for commitment to a community corrections alternative program established under § 53.1-67.9 as follows:

1. Following conviction and prior to imposition of sentence or following a finding that the defendant's probation should be revoked, upon motion of the defendant or the attorney for the Commonwealth or upon the court's own motion, the court may order such defendant referred to the Department of Corrections ~~for a period not to exceed 45 days from the date of commitment~~ for evaluation and diagnosis ~~by the Department to determine eligibility and suitability for participation in the community corrections alternative program. The evaluation and diagnosis may be conducted by the Department at any state or local correctional facility, probation, parole office, or other location deemed appropriate by the Department.~~ When a defendant who has not been charged with a new criminal offense and who may be subject to a revocation of probation scores incarceration on the probation violation guidelines and agrees to participate, the probation and parole officer, ~~with~~ *prior to* the approval of the court, may refer ~~the~~ *such* defendant to the Department for such evaluation~~, for a period not to exceed 45 days~~ *and diagnosis. Evaluation and diagnosis shall occur within 45 days of the date of commitment by the Department to determine eligibility and suitability for participation in the community corrections alternative program. The*

evaluation and diagnosis may be conducted by the Department at any state or local correctional facility, probation or parole office, or other location deemed appropriate by the Department.

2. Upon determination that (i) such commitment is in the best interest of the Commonwealth and the defendant and (ii) facilities are available for the confinement of the defendant, the Department shall recommend to the court in writing that the defendant be committed to the community corrections alternative program. The Department shall have the final authority to determine an individual's eligibility and suitability for the program.

3. Upon receipt of such a recommendation and a determination by the court that the defendant will benefit from the community corrections alternative program and is capable of returning to society as a productive citizen following successful completion of the program, and if the defendant would otherwise be committed to the Department, the court (i) shall impose sentence, suspend the sentence, and place the defendant on probation pursuant to this section or (ii) following a finding that the defendant has violated the terms and conditions of his probation previously ordered, shall place the defendant on probation pursuant to this section. Such probation shall be conditioned upon the defendant's entry into and successful completion of the community corrections alternative program. The court shall order that, upon successful completion of the program, the defendant shall be released from confinement and be under probation supervision for a period of not less than one year. The court shall further order that the defendant, prior to release from confinement, shall (a) make reasonable efforts to secure and maintain employment; (b) comply with a plan of restitution or community service; (c) comply with a plan for payment of fines, if any, and costs of court; and (d) undergo substance abuse treatment, if necessary. The court may impose such other terms and conditions of probation as it deems appropriate to be effective on the defendant's successful completion of the community corrections alternative program. A sentence to the community corrections alternative program shall not be imposed in addition to an active sentence to a state correctional facility.

4. Upon the defendant's (i) voluntary withdrawal from the community corrections alternative program, (ii) removal from the program by the Department for intractable behavior, or (iii) failure to comply with the terms and conditions of probation, the court shall cause the defendant to show cause why his probation and suspension of sentence should not be revoked. Upon a finding that the defendant voluntarily withdrew from the program, was removed from the program by the Department for intractable behavior, or failed to comply with the terms and conditions of probation, the court may revoke all or part of the probation and suspended sentence and commit the defendant as otherwise provided in this chapter.

C. Any offender incarcerated for a nonviolent felony paroled under § 53.1-155 or mandatorily released under § 53.1-159 and for whom probable cause that a violation of parole or of the terms and conditions of mandatory release, other than the occurrence of a new felony or Class 1 or Class 2 misdemeanor, has been determined under § 53.1-165, may be considered by the Parole Board for commitment to a community corrections alternative program as established under § 53.1-67.9 as follows:

1. The Parole Board or its authorized hearing officer, with the violator's consent or upon receipt of a defendant's written voluntary agreement to participate form from the probation and parole officer, may order the violator to be evaluated and diagnosed by the Department of Corrections to determine suitability for participation in the community corrections alternative program. The evaluation and diagnosis may be conducted by the Department at any state or local correctional facility, probation or parole office, or other location deemed appropriate by the Department.

2. Upon determination that (i) such commitment is in the best interest of the Commonwealth and the violator and (ii) facilities are available for the confinement of the violator, the Department shall recommend to the Parole Board in writing that the violator be committed to the community corrections alternative program. The Department shall have the final authority to determine an individual's eligibility and suitability for the program.

3. Upon receipt of such a recommendation and a determination by the Parole Board that the violator will benefit from the program and is capable of returning to society as a productive citizen following successful completion of the program and if the violator would otherwise be committed to the Department, the Parole Board shall restore the violator to parole supervision conditioned upon entry into and successful completion of the community corrections alternative program. The Parole Board shall order that, upon successful completion of the program, the violator shall be placed under parole supervision for a period of not less than one year. The Parole Board may impose such other terms and conditions of parole or mandatory release as it deems appropriate to be effective on the defendant's successful completion of the community corrections alternative program. The time spent in the program shall not be counted as service of any part of a term of imprisonment for which he was sentenced upon his conviction.

4. Upon the violator's (i) voluntary withdrawal from the program, (ii) removal from the program by the Department for intractable behavior, or (iii) failure to comply with the terms and conditions of parole or mandatory release, the Parole Board may revoke parole or mandatory release and recommit the violator as provided in § 53.1-165.

D. A person sentenced pursuant to this article who receives payment for employment while in the community corrections alternative program shall be required to pay an amount to be determined by the Department of Corrections to defray the cost of his keep.

CHAPTER 651

An Act to amend and reenact §§ 37.2-314, 37.2-416.1, and 37.2-506.1 of the Code of Virginia, relating to barrier crimes; adult substance abuse and mental health services; exception.

[H 1269]

Approved April 8, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 37.2-314, 37.2-416.1, and 37.2-506.1 of the Code of Virginia are amended and reenacted as follows:

§ 37.2-314. Background check required.

A. As a condition of employment, the Department shall require any applicant who (i) accepts a position of employment at a state facility and was not employed by that state facility prior to July 1, 1996, or (ii) accepts a position with the Department that receives, monitors, or disburses funds of the Commonwealth and was not employed by the Department prior to July 1, 1996, to submit to fingerprinting and provide personal descriptive information to be forwarded along with the applicant's fingerprints through the Central Criminal Records Exchange to the Federal Bureau of Investigation (FBI) for the purpose of obtaining national criminal history record information regarding the applicant.

B. For purposes of clause (i) of subsection A, the Department shall not hire for compensated employment persons who have been convicted of (i) any offense set forth in clause (i), (ii), or (iii) of the definition of barrier crime in § 19.2-392.02 or (ii) any offense set forth in clause (iv) of the definition of barrier crime in § 19.2-392.02 (a) in the five years prior to the application date for employment or (b) if such person continues on probation or parole or has failed to pay required court costs for such offense set forth in clause (iv) of the definition of barrier crime in § 19.2-392.02.

C. *Notwithstanding the provisions of subsection B, the Department may hire for compensated employment at an adult substance abuse or mental health treatment program a person who was convicted of any misdemeanor violation of § 18.2-57 or any violation of § 18.2-248, 18.2-250, or 18.2-258.1, except an offense pursuant to subsection H1 or H2 of § 18.2-248, provided that such conviction occurred more than four years prior to the application date for employment.*

D. Notwithstanding the provisions of subsection B, the Department may hire for compensated employment at an adult substance abuse or adult mental health treatment program a person who was convicted of any violation of § 18.2-51.3; any misdemeanor violation of § 18.2-56 or 18.2-56.1 ~~or subsection A of § 18.2-57~~; any first offense misdemeanor violation of § 18.2-57.2; any violation of § 18.2-60, 18.2-89, 18.2-92, or 18.2-94; any misdemeanor violation of § 18.2-282, 18.2-346, or 18.2-346.01; any offense set forth in clause (iii) of the definition of barrier crime in § 19.2-392.02, except an offense pursuant to subsection H1 or H2 of § 18.2-248; or any substantially similar offense under the laws of another jurisdiction, if the Department determines, based upon a screening assessment, that the criminal behavior was substantially related to the applicant's substance abuse or mental illness and that the person has been successfully rehabilitated and is not a risk to individuals receiving services based on his criminal history background and his substance abuse or mental illness history. In addition, where the employment at an adult substance abuse treatment program is as a peer recovery specialist, the Department may hire any person eligible under this subsection or who was convicted of any offense set forth in clause (iv) of the definition of barrier crime in § 19.2-392.02 if the Department determines, based upon a screening assessment, that the criminal behavior was substantially related to the person's substance abuse or mental illness and that the person has been successfully rehabilitated and is not a risk to individuals receiving services based on his criminal history background and his substance abuse or mental illness history.

For the purposes of this subsection, "peer recovery specialist" means any person who has completed a peer recovery specialist training course approved by the Department of Behavioral Health and Developmental Services.

~~D.~~ *E.* The Department and a screening contractor designated by the Department shall screen applicants who meet the criteria set forth in subsection ~~C~~ *D* to assess whether the applicants have been rehabilitated successfully and are not a risk to individuals receiving services based on their criminal history backgrounds and substance abuse or mental illness histories. To be eligible for such screening, the applicant shall have completed all prison or jail terms; shall not be under probation or parole supervision; shall have no pending charges in any locality; shall have paid all fines, restitution, and court costs for any prior convictions; and shall have been free of parole or probation for at least five years for all convictions. In addition to any supplementary information the Department or screening contractor may require or the applicant may wish to present, the applicant shall provide to the screening contractor a statement from his most recent probation or parole officer, if any, outlining his period of supervision and a copy of any pre-sentencing or post-sentencing report in connection with the felony conviction. The cost of this screening shall be paid by the applicant, unless the Department decides to pay the cost.

~~E.~~ *F.* The Central Criminal Records Exchange, upon receipt of an applicant's record or notification that no record exists, shall submit a report or record to the state facility or to the Department. If an applicant is denied employment because of information appearing on his criminal history record and the applicant disputes the information upon which the denial was based, the Central Criminal Records Exchange shall, upon written request, furnish to the applicant the procedures for obtaining a copy of the criminal history record from the FBI. The information provided to the state facility or Department shall not be disseminated except as provided in this section.

~~F.~~ *G.* Those applicants listed in clause (i) of subsection A also shall provide to the state facility or Department a copy of information from the central registry maintained pursuant to § 63.2-1515 on any investigation of child abuse or neglect undertaken on them.

~~G.~~ *H.* The Board may adopt regulations to comply with the provisions of this section. Copies of any information received by the state facility or Department pursuant to this section shall be available to the Department and to the applicable state facility but shall not be disseminated further, except as permitted by state or federal law. The cost of obtaining the criminal history record and the central registry information shall be borne by the applicant, unless the Department or state facility decides to pay the cost.

§ 37.2-416.1. Background checks required; adult substance abuse and mental health services.

A. As used in this section:

"Direct care position" means any position that includes responsibility for (i) treatment, case management, health, safety, development, or well-being of an adult receiving substance abuse or mental health services or (ii) immediately supervising a person in a position described in this definition.

"Hire for compensated employment" does not include (i) a promotion from one adult substance abuse or adult mental health treatment position to another such position within the same licensee licensed pursuant to this article or (ii) new employment in an adult substance abuse or adult mental health treatment position in another office or program licensed pursuant to this article if the person employed prior to July 1, 1999, in a licensed program had no convictions in the five years prior to the application date for employment. "Hire for compensated employment" includes (a) a promotion or transfer from an adult substance abuse treatment position to any mental health or developmental services direct care position within the same licensee licensed pursuant to this article or (b) new employment in any mental health or developmental services direct care position in another office or program of the same licensee licensed pursuant to this article for which the person has previously worked in an adult substance abuse treatment position.

"Peer recovery specialist" means any person who has completed a peer recovery specialist training course approved by the Department of Behavioral Health and Developmental Services.

"Provider" means a provider who is licensed pursuant to this article and who provides substance abuse or mental health services to adults.

B. Every provider shall require (i) any applicant who accepts employment in any direct care position and (ii) any person under contract with the provider to serve in a direct care position to submit to fingerprinting and provide personal descriptive information to be forwarded through the Central Criminal Records Exchange to the Federal Bureau of Investigation (FBI) for the purpose of obtaining national criminal history record information regarding the applicant. Except as otherwise provided in subsection C, D, *E,* or ~~F~~ *G*, no provider shall:

1. Hire for compensated employment any person who has been convicted of (i) any offense set forth in clause (i), (ii), or (iii) of the definition of barrier crime in § 19.2-392.02 or (ii) any offense set forth in clause (iv) of the definition of barrier crime in § 19.2-392.02 (a) in the five years prior to the application date for employment or (b) if such person continues on probation or parole or has failed to pay required court costs for such offense set forth in clause (iv) of the definition of barrier crime in § 19.2-392.02; or

2. Allow any person under contract with the provider to serve in a direct care position who has been convicted of (i) any offense set forth in clause (i), (ii), or (iii) of the definition of barrier crime in § 19.2-392.02 or (ii) any offense set forth in clause (iv) of the definition of barrier crime in § 19.2-392.02 (a) in the five years prior to the application date for employment or (b) if such person continues on probation or parole or has failed to pay required court costs for such offense set forth in clause (iv) of the definition of barrier crime in § 19.2-392.02.

The Central Criminal Records Exchange, upon receipt of an applicant's record or notification that no record exists, shall submit a report to the requesting authorized officer or director of a provider. If any applicant is denied employment because of information appearing on the criminal history record and the applicant disputes the information upon which the denial was based, the Central Criminal Records Exchange shall, upon written request, furnish to the applicant the procedures for obtaining a copy of the criminal history record from the FBI. The information provided to the authorized officer or director of a provider shall not be disseminated except as provided in this section.

C. *Notwithstanding the provisions of subsection B, a provider may hire for compensated employment or permit any person under contract with the provider to serve in a direct care position or permit any person employed by a temporary agency that has entered into a contract with the provider to provide direct care services on behalf of the provider at an adult substance abuse or mental health treatment program a person who was convicted of any misdemeanor violation of § 18.2-57 or any violation of § 18.2-248, 18.2-250, or 18.2-258.1, except an offense pursuant to subsection H1 or H2 of § 18.2-248, provided that such conviction occurred more than four years prior to the application date for employment.*

D. Notwithstanding the provisions of subsection B, a provider may hire for compensated employment or permit any person under contract with the provider to serve in a direct care position or permit any person employed by a temporary agency that has entered into a contract with the provider to provide direct care services on behalf of the provider at adult substance abuse or adult mental health treatment programs a person who was convicted of any violation of § 18.2-51.3; any misdemeanor violation of § 18.2-56 or 18.2-56.1 ~~or subsection A of § 18.2-57~~; any first offense misdemeanor violation of § 18.2-57.2; any violation of § 18.2-60, 18.2-89, 18.2-92, or 18.2-94; any misdemeanor violation of § 18.2-282, 18.2-346, or 18.2-346.01; any offense set forth in clause (iii) of the definition of barrier crime in § 19.2-392.02, except an offense pursuant to subsections H1 and H2 of § 18.2-248; or any substantially similar offense under the laws of another jurisdiction, if the hiring provider determines, based upon a screening assessment, that the criminal behavior was substantially related to the applicant's substance abuse or mental illness and that the person has been successfully rehabilitated and is not a risk to individuals receiving services based on his criminal history background and his substance abuse or mental illness history. In

addition, where the employment at an adult substance abuse treatment program is as a peer recovery specialist, the provider may hire any person eligible under this subsection or who was convicted of any offense set forth in clause (iv) of the definition of barrier crime in § 19.2-392.02 if the hiring provider determines, based upon a screening assessment, that the criminal behavior was substantially related to the person's substance abuse or mental illness and that the person has been successfully rehabilitated and is not a risk to individuals receiving services based on his criminal history background and his substance abuse or mental illness history.

~~D.~~ *E.* Notwithstanding the provisions of subsection B, a provider may hire for compensated employment or permit any person under contract with the provider to serve in a direct care position or permit any person employed by a temporary agency that has entered into a contract with the provider to provide direct care services on behalf of the provider at adult substance abuse treatment facilities a person who has been convicted of not more than one offense under subsection C of § 18.2-57, or any substantially similar offense under the laws of another jurisdiction, if (i) the person has been granted a simple pardon if the offense was a felony committed in Virginia, or the equivalent if the person was convicted under the laws of another jurisdiction; (ii) more than 10 years have elapsed since the conviction; and (iii) the hiring provider determines, based upon a screening assessment, that the criminal behavior was substantially related to the applicant's substance abuse and that the person has been successfully rehabilitated and is not a risk to individuals receiving services based on his criminal history background and his substance abuse history.

~~E.~~ *F.* The hiring provider and a screening contractor designated by the Department shall screen applicants who meet the criteria set forth in subsections ~~C and~~ D *and E* to assess whether the applicants have been rehabilitated successfully and are not a risk to individuals receiving services based on their criminal history backgrounds and substance abuse or mental illness histories. To be eligible for such screening, the applicant shall have completed all prison or jail terms, shall not be under probation or parole supervision, shall have no pending charges in any locality, shall have paid all fines, restitution, and court costs for any prior convictions, and shall have been free of parole or probation for at least five years for all convictions. In addition to any supplementary information the provider or screening contractor may require or the applicant may wish to present, the applicant shall provide to the screening contractor a statement from his most recent probation or parole officer, if any, outlining his period of supervision and a copy of any pre-sentencing or post-sentencing report in connection with the felony conviction. The cost of this screening shall be paid by the applicant, unless the licensed provider decides to pay the cost.

~~F.~~ *G.* Notwithstanding the provisions of subsection B, a provider may (i) hire for compensated employment, (ii) approve as a sponsored residential service provider, (iii) permit to enter into a shared living arrangement, or (iv) permit any person under contract with the provider to serve in a direct care position on behalf of the provider or permit any person employed by a temporary agency that has entered into a contract with the provider to provide direct care services on behalf of the provider persons who have been convicted of not more than one misdemeanor offense under § ~~18.2-57 or~~ 18.2-57.2, or any substantially similar offense under the laws of another jurisdiction, if 10 years have elapsed following the conviction, unless the person committed the offense while employed in a direct care position. A provider may also approve a person as a sponsored residential service provider if (a) any adult living in the home of an applicant or (b) any person employed by the applicant to provide services in the home in which sponsored residential services are provided has been convicted of not more than one misdemeanor offense under § ~~18.2-57 or~~ 18.2-57.2, or any substantially similar offense under the laws of another jurisdiction, if 10 years have elapsed following the conviction, unless the person committed the offense while employed in a direct care position.

~~G.~~ *H.* Every provider shall require, as a condition of employment, approval as a sponsored residential service provider, permission to enter into a shared living arrangement with a person receiving medical assistance services pursuant to a waiver, or permission for any person under contract with the provider to serve in a direct care position, written consent and personal information necessary to obtain a search of the registry of founded complaints of child abuse and neglect that is maintained by the Department of Social Services pursuant to § 63.2-1515.

~~H.~~ *I.* The cost of obtaining the criminal history record and search of the child abuse and neglect registry record shall be borne by the applicant, unless the provider decides to pay the cost.

~~I.~~ *J.* A person who complies in good faith with the provisions of this section shall not be liable for any civil damages for any act or omission in the performance of duties under this section unless the act or omission was the result of gross negligence or willful misconduct.

~~J.~~ *K.* Notwithstanding any other provision of law, a provider that provides services to individuals receiving services under the state plan for medical assistance services or any waiver thereto may disclose to the Department of Medical Assistance Services (i) whether a criminal history background check has been completed for a person described in subsection B for whom a criminal history background check is required and (ii) whether the person described in subsection B is eligible for employment, to provide sponsored residential services, to provide services in the home of a sponsored residential service provider, or to enter into a shared living arrangement with a person receiving medical assistance services pursuant to a waiver.

~~K.~~ *L.* Any person employed by a temporary agency that has entered into a contract with a provider and who will serve in a direct care position on behalf of such provider shall undergo a background check that shall include:

1. A criminal history records check through the Central Criminal Records Exchange pursuant to § 19.2-389; and

2. A search of the central registry maintained pursuant to § 63.2-1515 for any founded complaint of child abuse and neglect.

Except as otherwise provided in subsection C, D, *E,* or ~~F~~ *G*, no provider shall permit any person employed by a temporary agency that has entered into a contract with the provider to provide direct care services on behalf of the provider if that person has been convicted of (i) any offense set forth in clause (i), (ii), or (iii) of the definition of barrier crime in § 19.2-392.02 or (ii) any offense set forth in clause (iv) of the definition of barrier crime in § 19.2-392.02 (a) in the five years prior to the application date for employment or (b) if such person continues on probation or parole or has failed to pay required court costs for such offense set forth in clause (iv) of the definition of barrier crime in § 19.2-392.02.

§ 37.2-506.1. Background checks required; adult substance abuse and mental health services.

A. As used in this section:

"Direct care position" means any position that includes responsibility for (i) treatment, case management, health, safety, development, or well-being of an adult receiving substance abuse or mental health services or (ii) immediately supervising a person in a position described in this definition.

"Hire for compensated employment" does not include (i) a promotion from one adult substance abuse or adult mental health treatment position to another such position within the same community services board or (ii) new employment in an adult substance abuse or adult mental health treatment position in another office or program of the same community services board if the person employed prior to July 1, 1999, had no convictions in the five years prior to the application date for employment. "Hire for compensated employment" includes (a) a promotion or transfer from an adult substance abuse treatment position to any mental health or developmental services direct care position within the same community services board or (b) new employment in any mental health or developmental services direct care position in another office or program of the same community services board for which the person has previously worked in an adult substance abuse treatment position.

"Peer recovery specialist" means any person who has completed a peer recovery specialist training course approved by the Department of Behavioral Health and Developmental Services.

B. Every community services board shall require (i) any applicant who accepts employment in any direct care position with the community services board and (ii) any person under contract to serve in a direct care position on behalf of the community services board to submit to fingerprinting and provide personal descriptive information to be forwarded through the Central Criminal Records Exchange to the Federal Bureau of Investigation (FBI) for the purpose of obtaining national criminal history record information regarding the applicant. Except as otherwise provided in subsection C, D, *E,* or ~~F~~ *G*, no community services board shall hire for compensated employment, approve as a sponsored residential service provider, permit to enter into a shared living arrangement with a person receiving medical assistance services pursuant to a waiver, or permit any person under contract to serve in a direct care position on behalf of the community services board persons who have been convicted of (a) any offense set forth in clause (i), (ii), or (iii) of the definition of barrier crime in § 19.2-392.02 or (b) any offense set forth in clause (iv) of the definition of barrier crime in § 19.2-392.02 (1) in the five years prior to the application date for employment, the application date to be a sponsored residential service provider, or entering into a shared living arrangement or (2) if such person continues on probation or parole or has failed to pay required court costs for such offense set forth in clause (iv) of the definition of barrier crime in § 19.2-392.02.

The Central Criminal Records Exchange, upon receipt of an applicant's record or notification that no record exists, shall submit a report to the requesting executive director or personnel director of the community services board. If any applicant is denied employment because of information appearing on his criminal history record and the applicant disputes the information upon which the denial was based, the Central Criminal Records Exchange shall, upon written request, furnish to the applicant the procedures for obtaining a copy of the criminal history record from the FBI. The information provided to the executive director or personnel director of any community services board shall not be disseminated except as provided in this section.

C. *Notwithstanding the provisions of subsection B, the community services board may hire for compensated employment or permit any person under contract to serve in a direct care position on behalf of the community services board or permit any person employed by a temporary agency that has entered into a contract with the community services board to provide direct care services on behalf of the community services board at an adult substance abuse or mental health treatment program a person who was convicted of any misdemeanor violation of § 18.2-57 or any violation of § 18.2-248, 18.2-250, or 18.2-258.1, except an offense pursuant to subsection H1 or H2 of § 18.2-248, provided that such conviction occurred more than four years prior to the application date for employment.*

D. Notwithstanding the provisions of subsection B, the community services board may hire for compensated employment or permit any person under contract to serve in a direct care position on behalf of the community services board or permit any person employed by a temporary agency that has entered into a contract with the community services board to provide direct care services on behalf of the community services board at adult substance abuse or adult mental health treatment programs a person who was convicted of any violation of § 18.2-51.3; any misdemeanor violation of § 18.2-56 ~~or,~~ 18.2-56.1, ~~subsection A of § 18.2-57,~~ or ~~§~~ 18.2-57.2; any violation of § 18.2-60, 18.2-89, 18.2-92, or 18.2-94; any misdemeanor violation of § 18.2-282, 18.2-346, or 18.2-346.01; any offense set forth in clause (iii) of the definition of barrier crime in § 19.2-392.02, except an offense pursuant to subsection H1 or H2 of § 18.2-248; or any substantially similar offense under the laws of another jurisdiction, if the hiring community services board determines, based upon a screening assessment, that the criminal behavior was substantially related to the applicant's substance abuse or mental illness and that the person has been successfully rehabilitated and is not a risk to individuals receiving services based on his criminal history background and his substance abuse or mental illness history. In addition, where the employment at an adult substance

abuse treatment program is as a peer recovery specialist, the community services board may hire any person eligible under this subsection or who was convicted of any offense set forth in clause (iv) of the definition of barrier crime in § 19.2-392.02 if the hiring community services board determines, based upon a screening assessment, that the criminal behavior was substantially related to the person's substance abuse or mental illness and that the person has been successfully rehabilitated and is not a risk to individuals receiving services based on his criminal history background and his substance abuse or mental illness history.

~~D.~~ *E.* Notwithstanding the provisions of subsection B, the community services board may hire for compensated employment or permit any person under contract to serve in a direct care position on behalf of the community services board or permit any person employed by a temporary agency that has entered into a contract with the community services board to provide direct care services on behalf of the community services board at adult substance abuse treatment programs a person who has been convicted of not more than one offense under subsection C of § 18.2-57, or any substantially similar offense under the laws of another jurisdiction, if (i) the person has been granted a simple pardon if the offense was a felony committed in Virginia, or the equivalent if the person was convicted under the laws of another jurisdiction; (ii) more than 10 years have elapsed since the conviction; and (iii) the hiring community services board determines, based upon a screening assessment, that the criminal behavior was substantially related to the applicant's substance abuse and that the person has been successfully rehabilitated and is not a risk to individuals receiving services based on his criminal history background and his substance abuse history.

~~E.~~ *F.* The community services board and a screening contractor designated by the Department shall screen applicants who meet the criteria set forth in subsections ~~C and~~ D *and E* to assess whether the applicants have been rehabilitated successfully and are not a risk to individuals receiving services based on their criminal history backgrounds and substance abuse or mental illness histories. To be eligible for such screening, the applicant shall have completed all prison or jail terms, shall not be under probation or parole supervision, shall have no pending charges in any locality, shall have paid all fines, restitution, and court costs for any prior convictions, and shall have been free of parole or probation for at least five years for all convictions. In addition to any supplementary information the community services board or screening contractor may require or the applicant may wish to present, the applicant shall provide to the screening contractor a statement from his most recent probation or parole officer, if any, outlining his period of supervision and a copy of any pre-sentencing or post-sentencing report in connection with the felony conviction. The cost of this screening shall be paid by the applicant, unless the board decides to pay the cost.

~~F.~~ *G.* Notwithstanding the provisions of subsection B, a community services board may (i) hire for compensated employment or (ii) permit any person under contract to serve in a direct care position on behalf of the community services board or permit any person employed by a temporary agency that has entered into a contract with the community services board to provide direct care services on behalf of the community services board persons who have been convicted of not more than one misdemeanor offense under § ~~18.2-57 or~~ 18.2-57.2, or any substantially similar offense under the laws of another jurisdiction, if 10 years have elapsed following the conviction, unless the person committed the offense while employed in a direct care position.

~~G.~~ *H.* Community services boards also shall require, as a condition of employment or permission for any person under contract to serve in a direct care position on behalf of the community services board, written consent and personal information necessary to obtain a search of the registry of founded complaints of child abuse and neglect that is maintained by the Department of Social Services pursuant to § 63.2-1515.

~~H.~~ *I.* The cost of obtaining the criminal history record and search of the child abuse and neglect registry record shall be borne by the applicant, unless the community services board decides to pay the cost.

~~I.~~ *J.* Notwithstanding any other provision of law, a community services board that provides services to individuals receiving services under the state plan for medical assistance services or any waiver thereto may disclose to the Department of Medical Assistance Services (i) whether a criminal history background check has been completed for a person described in subsection B for whom a criminal history background check is required and (ii) whether the person described in subsection B is eligible for employment.

~~J.~~ *K.* Any person employed by a temporary agency that has entered into a contract with a community services board and who will serve in a direct care position on behalf of such community services board shall undergo a background check that shall include:

1. A criminal history records check through the Central Criminal Records Exchange pursuant to § 19.2-389; and

2. A search of the central registry maintained pursuant to § 63.2-1515 for any founded complaint of child abuse and neglect.

Except as otherwise provided in subsection C, D, *E,* or ~~F~~ *G*, no community services board shall permit any person employed by a temporary agency that has entered into a contract with the community services board to provide direct care services on behalf of the community services board if that person has been convicted of (i) any offense set forth in clause (i), (ii), or (iii) of the definition of barrier crime in § 19.2-392.02 or (ii) any offense set forth in clause (iv) of the definition of barrier crime in § 19.2-392.02 (a) in the five years prior to the application date for employment, the application date to be a sponsored residential service provider, or entering into a shared living arrangement or (b) if such person continues on probation or parole or has failed to pay required court costs for such offense set forth in clause (iv) of the definition of barrier crime in § 19.2-392.02.

CHAPTER 652

An Act to amend and reenact §§ 8.1A-201, 8.1A-204, 8.1A-301, 8.1A-306, 8.2-102, 8.2-106, 8.2-201, 8.2-202, 8.2-203, 8.2-205, 8.2-209, 8.2A-102, 8.2A-103, 8.2A-107, 8.2A-201, 8.2A-202, 8.2A-203, 8.2A-205, 8.2A-208, 8.3A-104, 8.3A-105, 8.3A-401, 8.3A-604, 8.4A-103, 8.4A-201, 8.4A-202, 8.4A-203, 8.4A-207, 8.4A-208, 8.4A-210, 8.4A-211, 8.4A-305, 8.5A-104, 8.5A-116, 8.7-102, 8.7-106, 8.8A-102, 8.8A-103, 8.8A-106, 8.8A-110, 8.8A-303, 8.9A-102, 8.9A-104, 8.9A-105, 8.9A-203, 8.9A-204, 8.9A-207 through 8.9A-210, 8.9A-301, 8.9A-304, 8.9A-305, 8.9A-310, 8.9A-312, 8.9A-313, 8.9A-314, 8.9A-316, 8.9A-317, 8.9A-323, 8.9A-324, 8.9A-330, 8.9A-331, 8.9A-332, 8.9A-334, 8.9A-341, 8.9A-404, 8.9A-406, 8.9A-408, 8.9A-509, 8.9A-513, 8.9A-601, 8.9A-605, 8.9A-608, 8.9A-611, 8.9A-613 through 8.9A-616, 8.9A-619, 8.9A-620, 8.9A-621, 8.9A-624, and 8.9A-628 of the Code of Virginia and to amend the Code of Virginia by adding sections numbered 8.9A-105.1, 8.9A-107.1, 8.9A-107.2, 8.9A-306.1, 8.9A-306.2, 8.9A-314.1, and 8.9A-326.1, by adding a title numbered 8.12, consisting of sections numbered 8.12-101 through 8.12-107, and by adding a title numbered 8.13, consisting of sections numbered 8.13-101 through 8.13-401, relating to Uniform Commercial Code; amendments.

[H 1286]

Approved April 8, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 8.1A-201, 8.1A-204, 8.1A-301, 8.1A-306, 8.2-102, 8.2-106, 8.2-201, 8.2-202, 8.2-203, 8.2-205, 8.2-209, 8.2A-102, 8.2A-103, 8.2A-107, 8.2A-201, 8.2A-202, 8.2A-203, 8.2A-205, 8.2A-208, 8.3A-104, 8.3A-105, 8.3A-401, 8.3A-604, 8.4A-103, 8.4A-201, 8.4A-202, 8.4A-203, 8.4A-207, 8.4A-208, 8.4A-210, 8.4A-211, 8.4A-305, 8.5A-104, 8.5A-116, 8.7-102, 8.7-106, 8.8A-102, 8.8A-103, 8.8A-106, 8.8A-110, 8.8A-303, 8.9A-102, 8.9A-104, 8.9A-105, 8.9A-203, 8.9A-204, 8.9A-207 through 8.9A-210, 8.9A-301, 8.9A-304, 8.9A-305, 8.9A-310, 8.9A-312, 8.9A-313, 8.9A-314, 8.9A-316, 8.9A-317, 8.9A-323, 8.9A-324, 8.9A-330, 8.9A-331, 8.9A-332, 8.9A-334, 8.9A-341, 8.9A-404, 8.9A-406, 8.9A-408, 8.9A-509, 8.9A-513, 8.9A-601, 8.9A-605, 8.9A-608, 8.9A-611, 8.9A-613 through 8.9A-616, 8.9A-619, 8.9A-620, 8.9A-621, 8.9A-624, and 8.9A-628 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding sections numbered 8.9A-105.1, 8.9A-107.1, 8.9A-107.2, 8.9A-306.1, 8.9A-306.2, 8.9A-314.1, and 8.9A-326.1, by adding a title numbered 8.12, consisting of sections numbered 8.12-101 through 8.12-107, and by adding a title numbered 8.13, consisting of sections numbered 8.13-101 through 8.13-401, as follows:

§ 8.1A-201. General definitions.

(a) Unless the context otherwise requires, words or phrases defined in this section, or in the additional definitions contained in other titles of the Uniform Commercial Code that apply to particular titles or parts thereof, have the meanings stated.

(b) Subject to definitions contained in other titles of the Uniform Commercial Code that apply to particular titles or parts thereof:

(1) "Action," in the sense of a judicial proceeding, includes recoupment, counterclaim, set-off, suit in equity, and any other proceeding in which rights are determined.

(2) "Aggrieved party" means a party entitled to pursue a remedy.

(3) "Agreement," as distinguished from "contract," means the bargain of the parties in fact, as found in their language or inferred from other circumstances, including course of performance, course of dealing, or usage of trade as provided in § 8.1A-303.

(4) "Bank" means a person engaged in the business of banking and includes a savings bank, savings and loan association, credit union, and trust company.

(5) "Bearer" means a person in control of a negotiable electronic document or a person in possession of a negotiable instrument, negotiable tangible document of title, or certificated security that is payable to bearer or endorsed in blank.

(6) "Bill of lading" means a document evidencing the receipt of goods for shipment issued by a person engaged in the business of directly or indirectly transporting or forwarding goods. The term does not include a warehouse receipt.

(7) "Branch" includes a separately incorporated foreign branch of a bank.

(8) "Burden of establishing" a fact means the burden of persuading the trier of fact that the existence of the fact is more probable than its nonexistence.

(9) "Buyer in ordinary course of business" means a person that buys goods in good faith, without knowledge that the sale violates the rights of another person in the goods, and in the ordinary course from a person, other than a pawnbroker, in the business of selling goods of that kind. A person buys goods in the ordinary course if the sale to the person comports with the usual or customary practices in the kind of business in which the seller is engaged or with the seller's own usual or customary practices. A person that sells oil, gas, or other minerals at the wellhead or minehead is a person in the business of selling goods of that kind. A buyer in ordinary course of business may buy for cash, by exchange of other property, or on secured or unsecured credit, and may acquire goods or documents of title under a preexisting contract for sale. Only a buyer that takes possession of the goods or has a right to recover the goods from the seller under Title 8.2 may be a buyer in ordinary course of business. "Buyer in ordinary course of business" does not include a person that acquires goods in a transfer in bulk or as security for or in total or partial satisfaction of a money debt.

(10) "Conspicuous," with reference to a term, means so written, displayed, or presented that*, based on the totality of the circumstances,* a reasonable person against whom it is to operate ought to have noticed it. Whether a term is "conspicuous" or not is a decision for the court. ~~Conspicuous terms include the following:~~

~~(A) a heading in capitals equal to or greater in size than the surrounding text, or in contrasting type, font, or color to the surrounding text of the same or lesser size; and~~

~~(B) language in the body of a record or display in larger type than the surrounding text, or in contrasting type, font, or color to the surrounding text of the same size, or set off from surrounding text of the same size by symbols or other marks that call attention to the language.~~

(11) "Consumer" means an individual who enters into a transaction primarily for personal, family, or household purposes.

(12) "Contract," as distinguished from "agreement," means the total legal obligation that results from the parties' agreement as determined by the Uniform Commercial Code as supplemented by any other applicable laws.

(13) "Creditor" includes a general creditor, a secured creditor, a lien creditor, and any representative of creditors, including an assignee for the benefit of creditors, a trustee in bankruptcy, a receiver in equity, and an executor or administrator of an insolvent debtor's or assignor's estate.

(14) "Defendant" includes a person in the position of defendant in a counterclaim, cross-claim, or third-party claim.

(15) "Delivery," with respect to an electronic document of title means voluntary transfer of control and with respect to an instrument, a tangible document of title, or *an authoritative tangible copy of a record evidencing* chattel paper, means voluntary transfer of possession.

(16) "Document of title" means a record (i) that in the regular course of business or financing is treated as adequately evidencing that the person in possession or control of the record is entitled to receive, control, hold, and dispose of the record and the goods it covers and (ii) that purports to be issued by or addressed to a bailee and to cover goods in the bailee's possession that are either identified or are fungible portions of an identified mass. The term includes a bill of lading, transport document, dock warrant, dock receipt, warehouse receipt, and order for delivery of goods. An electronic document of title means a document of title evidenced by a record consisting of information stored in an electronic medium. A tangible document of title means a document of title evidenced by a record consisting of information that is inscribed on a tangible medium.

(16A) "Electronic" means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.

(17) "Fault" means a default, breach, or wrongful act or omission.

(18) "Fungible goods" means:

(A) goods of which any unit, by nature or usage of trade, is the equivalent of any other like unit; or

(B) goods that by agreement are treated as equivalent.

(19) "Genuine" means free of forgery or counterfeiting.

(20) "Good faith" means honesty in fact in the conduct or transaction concerned.

(21) "Holder" means:

(A) the person in possession of a negotiable instrument that is payable either to bearer or to an identified person that is the person in possession;

(B) the person in possession of a negotiable tangible document of title if the goods are deliverable either to bearer or to the order of the person in possession; or

(C) the person in control*, other than pursuant to § 8.7-106 (g),* of a negotiable electronic document of title.

(22) "Insolvency proceeding" includes an assignment for the benefit of creditors or other proceeding intended to liquidate or rehabilitate the estate of the person involved.

(23) "Insolvent" means:

(A) having generally ceased to pay debts in the ordinary course of business other than as a result of bona fide dispute;

(B) being unable to pay debts as they become due; or

(C) being insolvent within the meaning of federal bankruptcy law.

(24) "Money" means a medium of exchange *that is* currently authorized or adopted by a domestic or foreign government. The term includes a monetary unit of account established by an intergovernmental organization or by agreement between two or more countries. *The term does not include an electronic record that is a medium of exchange recorded and transferable in a system that existed and operated for the medium of exchange before the medium of exchange was authorized or adopted by the government.*

(25) "Organization" means a person other than an individual.

(26) "Party," as distinguished from "third party," means a person that has engaged in a transaction or made an agreement subject to the Uniform Commercial Code.

(27) "Person" means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, government, governmental subdivision, agency, or instrumentality~~, public corporation~~, or any other legal or commercial entity. *The term includes a protected series, however denominated, of an entity if the protected series is established under law other than the Commercial Code, Title 8.1A through Title 8.13, that limits, or limits if conditions specified under the law are satisfied, the ability of a creditor of the entity or of any other protected series of the entity to satisfy a claim from assets of the protected series.*

(28) "Present value" means the amount as of a date certain of one or more sums payable in the future, discounted to the date certain by use of either an interest rate specified by the parties if that rate is not manifestly unreasonable at the time the transaction is entered into or, if an interest rate is not so specified, a commercially reasonable rate that takes into account the facts and circumstances at the time the transaction is entered into.

(29) "Purchase" means taking by sale, lease, discount, negotiation, mortgage, pledge, lien, security interest, issue or reissue, gift, or any other voluntary transaction creating an interest in property.

(30) "Purchaser" means a person that takes by purchase.

(31) "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

(32) "Remedy" means any remedial right to which an aggrieved party is entitled with or without resort to a tribunal.

(33) "Representative" means a person empowered to act for another, including an agent, an officer of a corporation or association, and a trustee, executor, or administrator of an estate.

(34) "Right" includes remedy.

(35) "Security interest" means an interest in personal property or fixtures that secures payment or performance of an obligation. "Security interest" includes any interest of a consignor and a buyer of accounts, chattel paper, a payment intangible, or a promissory note in a transaction that is subject to Title 8.9A. "Security interest" does not include the special property interest of a buyer of goods on identification of those goods to a contract for sale under § 8.2-401, but a buyer may also acquire a "security interest" by complying with Title 8.9A. Except as otherwise provided in § 8.2-505, the right of a seller or lessor of goods under Title 8.2 or Title 8.2A to retain or acquire possession of the goods is not a "security interest," but a seller or lessor may also acquire a "security interest" by complying with Title 8.9A. The retention or reservation of title by a seller of goods notwithstanding shipment or delivery to the buyer under § 8.2-401 is limited in effect to a reservation of a "security interest." Whether a transaction in the form of a lease creates a "security interest" is determined pursuant to § 8.1A-203.

(36) "Send" in connection with a ~~writing,~~ record~~,~~ or ~~notice~~ *notification* means:

(A) to deposit in the mail ~~or~~*,* deliver for transmission*, or transmit* by any other usual means of communication*,* with postage or cost of transmission provided for ~~and properly addressed and,~~ ~~in the case of an instrument,~~ ~~to an address specified thereon or otherwise agreed,~~ ~~or if there be none~~*, addressed* to any address reasonable under the circumstances; or

(B) ~~in any other way to cause to be received any record or notice within the time it would have arrived if properly sent~~ *to cause the record or notification to be received within the time it would have been received if properly sent under subparagraph (A).*

(37) ~~"Signed" includes using any symbol executed or adopted with present intention to adopt or accept a writing~~ *"Sign" means, with present intent to authenticate or adopt a record:*

(A) execute or adopt a tangible symbol; or

(B) attach to or logically associate with the record an electronic symbol, sound, or process.

"Signed," "signing," and "signature" have corresponding meanings.

(38) "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.

(39) "Surety" includes a guarantor or other secondary obligor.

(40) "Term" means a portion of an agreement that relates to a particular matter.

(41) "Unauthorized signature" means a signature made without actual, implied, or apparent authority. The term includes a forgery.

(42) "Warehouse receipt" means a document of title issued by a person engaged in the business of storing goods for hire.

(43) "Writing" includes printing, typewriting, or any other intentional reduction to tangible form. "Written" has a corresponding meaning.

§ 8.1A-204. Value.

Except as otherwise provided in Titles 8.3A, 8.4, ~~and~~ 8.5A, *and 8.12,* a person gives value for rights if the person acquires them:

(1) in return for a binding commitment to extend credit or for the extension of immediately available credit, whether or not drawn upon and whether or not a charge-back is provided for in the event of difficulties in collection;

(2) as security for, or in total or partial satisfaction of, a preexisting claim;

(3) by accepting delivery under a preexisting contract for purchase; or

(4) in return for any consideration sufficient to support a simple contract.

§ 8.1A-301. Territorial applicability; parties' power to choose applicable law.

(a) This section applies to a transaction to the extent that it is governed by another title of the Uniform Commercial Code.

(b) Except as otherwise provided in this section, when a transaction bears a reasonable relation to this state and also to another state or nation the parties may agree that the law either of this state or such other state or nation shall govern their rights and duties.

(c) In the absence of an agreement effective under subsection (b), the rights and obligations of the parties are determined by the law that would be selected by application of this State's conflict of laws principles.

(d) To the extent that the Uniform Commercial Code governs a transaction, if one of the following provisions of the Uniform Commercial Code specifies the applicable law, that provision governs and a contrary agreement is effective only to the extent permitted by the law so specified:

(1) Rights of creditors against sold goods. § 8.2-402;

(2) Applicability of the title on leases. §§ 8.2A-105 and 8.2A-106;

(3) Applicability of the title on bank deposits and collections. § 8.4-102;

(4) Applicability of the title on funds transfers. § 8.4A-507;

(5) Letters of credit. § 8.5A-116;

(6) Applicability of the title on investment securities. § 8.8A-110;

(7) Law governing perfection, the effect of perfection or nonperfection, and the priority of security interests and agricultural liens. §§ 8.9A-301 through 8.9A-307~~.~~*;*

(8) Controllable Electronic Records. § 8.12-107.

§ 8.1A-306. Waiver or renunciation of claim or right after breach.

A claim or right arising out of an alleged breach may be discharged in whole or in part without consideration by agreement of the aggrieved party in ~~an authenticated~~ *a signed* record.

§ 8.2-102. Scope; certain security and other transactions excluded from this title.

~~Unless the context otherwise requires, this title applies to transactions in goods; it does not apply to any transaction which although in the form of an unconditional contract to sell or present sale is intended to operate only as a security transaction nor does this title impair or repeal any statute regulating sales to consumers, farmers or other specified classes of buyers.~~ *(1) Unless the context otherwise requires, and except as provided in subsection (3), this title applies to transactions in goods and, in the case of a hybrid transaction, it applies to the extent provided in subsection (2).*

(2) In a hybrid transaction:

(a) If the sale-of-goods aspects do not predominate, only the provisions of this title that relate primarily to the sale-of-goods aspects of the transaction apply, and the provisions that relate primarily to the transaction as a whole do not apply.

(b) If the sale-of-goods aspects predominate, this title applies to the transaction but does not preclude application in appropriate circumstances of other law to aspects of the transaction that do not relate to the sale of goods.

(3) This title does not:

(a) apply to a transaction that, even though in the form of an unconditional contract to sell or present sale, operates only to create a security interest; or

(b) impair or reveal a statute regulating sales to consumers, farmers, or other specified classes of buyers.

§ 8.2-106. Definitions: "Contract"; "agreement"; "contract for sale"; "sale"; "present sale"; "conforming" to contract; "termination"; "cancellation"; "hybrid transaction."

(1) In this title unless the context otherwise requires "contract" and "agreement" are limited to those relating to the present or future sale of goods. "Contract for sale" includes both a present sale of goods and a contract to sell goods at a future time. A "sale" consists in the passing of title from the seller to the buyer for a price (§ 8.2-401). A "present sale" means a sale which is accomplished by the making of the contract.

(2) Goods or conduct including any part of a performance are "conforming" or conform to the contract when they are in accordance with the obligations under the contract.

(3) "Termination" occurs when either party pursuant to a power created by agreement or law puts an end to the contract otherwise than for its breach. On "termination" all obligations which are still executory on both sides are discharged but any right based on prior breach or performance survives.

(4) "Cancellation" occurs when either party puts an end to the contract for breach by the other and its effect is the same as that of "termination" except that the cancelling party also retains any remedy for breach of the whole contract or any unperformed balance.

(5) "Hybrid transaction" means a single transaction involving a sale of goods and:

(a) the provision of services;

(b) a lease of other goods; or

(c) a sale, lease, or license of property other than goods.

§ 8.2-201. Formal requirements; statute of frauds.

(1) Except as otherwise provided in this section a contract for the sale of goods for the price of $500 or more is not enforceable by way of action or defense unless there is ~~some writing~~ *a record* sufficient to indicate that a contract for sale has been made between the parties and signed by the party against whom enforcement is sought or by ~~his~~ *the party's* authorized agent or broker. A ~~writing~~ *record* is not insufficient because it omits or incorrectly states a term agreed upon but the contract is not enforceable under this ~~paragraph~~ *subsection* beyond the quantity of goods shown in ~~such writing~~ *the record*.

(2) Between merchants if within a reasonable time a ~~writing~~ *record* in confirmation of the contract and sufficient against the sender is received and the party receiving it has reason to know its contents, it satisfies the requirements of subsection (1) against ~~such~~ *the* party unless ~~written~~ notice *in a record* of objection to its contents is given within ten days after it is received.

(3) A contract which does not satisfy the requirements of subsection (1) but which is valid in other respects is enforceable

(a) if the goods are to be specially manufactured for the buyer and are not suitable for sale to others in the ordinary course of the seller's business and the seller, before notice of repudiation is received and under circumstances which reasonably indicate that the goods are for the buyer, has made either a substantial beginning of their manufacture or commitments for their procurement; or

(b) if the party against whom enforcement is sought admits in his pleading, testimony or otherwise in court that a contract for sale was made, but the contract is not enforceable under this provision beyond the quantity of goods admitted; or

(c) with respect to goods for which payment has been made and accepted or which have been received and accepted (§ 8.2-606).

§ 8.2-202. Final expression; parol or extrinsic evidence.

Terms with respect to which the confirmatory memoranda of the parties agree or which are otherwise set forth in a ~~writing~~ *record* intended by the parties as a final expression of their agreement with respect to such terms as are included therein may not be contradicted by evidence of any prior agreement or of a contemporaneous oral agreement but may be explained or supplemented*:*

(a) by course of performance, course of dealing or usage of trade (§ 8.1A-303); and

(b) by evidence of consistent additional terms unless the court finds the ~~writing~~ *record* to have been intended also as a complete and exclusive statement of the terms of the agreement.

§ 8.2-203. Seals inoperative.

The affixing of a seal to a ~~writing~~ *record* evidencing a contract for sale or an offer to buy or sell goods does not constitute the ~~writing~~ *record* a sealed instrument and the law with respect to sealed instruments does not apply to such a contract or offer.

§ 8.2-205. Firm offers.

An offer by a merchant to buy or sell goods in a signed ~~writing~~ *record* which by its terms gives assurance that it will be held open is not revocable, for lack of consideration, during the time stated or if no time is stated for a reasonable time, but in no event may such period of irrevocability exceed three months; but any such term of assurance on a form supplied by the offeree must be separately signed by the offeror.

§ 8.2-209. Modification, rescission, and waiver.

(1) An agreement modifying a contract within this title needs no consideration to be binding.

(2) A signed agreement which excludes modification or rescission except by a signed writing *or other signed record* cannot be otherwise modified or rescinded, but except as between merchants such a requirement on a form supplied by the merchant must be separately signed by the other party.

(3) The requirements of the statute of frauds section of this title (§ 8.2-201) must be satisfied if the contract as modified is within its provisions.

(4) Although an attempt at modification or rescission does not satisfy the requirements of subsection (2) or (3) it can operate as a waiver.

(5) A party who has made a waiver affecting an executory portion of the contract may retract the waiver by reasonable notification received by the other party that strict performance will be required of any term waived, unless the retraction would be unjust in view of a material change of position in reliance on the waiver.

§ 8.2A-102. Scope.

(1) This title applies to any transaction, regardless of form, that creates a lease *and, in the case of a hybrid lease, it applies to the extent provided in subsection (2)*.

(2) In a hybrid lease:

(a) if the lease-of-goods aspects do not predominate:

(i) only the provisions of this title that relate primarily to the lease-of-goods aspect of the transaction apply, and the provisions that relate primarily to the transaction as a whole do not apply;

(ii) § 8.2A-209 applies if the lease is a financial lease; and

(iii) § 8.2A-407 applies to the promises of the lessee in a finance lease to the extent the promises are consideration for the right to possession and use of the leased goods; and

(b) if the lease-of-goods aspects predominate, this title applies to the transaction, but does not preclude application in appropriate circumstances of other law to aspects of the lease that do not relate to the lease of goods.

§ 8.2A-103. Definitions and index of definitions.

(1) In this title unless the context otherwise requires:

(a) "Buyer in ordinary course of business" means a person who in good faith and without knowledge that the sale to him or her is in violation of the ownership rights or security interest or leasehold interest of a third party in the goods, buys in ordinary course from a person in the business of selling goods of that kind but does not include a pawnbroker. "Buying" may be for cash or by exchange of other property or on secured or unsecured credit and includes acquiring goods or documents of title under a preexisting contract for sale but does not include a transfer in bulk or as security for or in total or partial satisfaction of a money debt.

(b) "Cancellation" occurs when either party puts an end to the lease contract for default by the other party.

(c) "Commercial unit" means such a unit of goods as by commercial usage is a single whole for purposes of lease and division of which materially impairs its character or value on the market or in use. A commercial unit may be a single article, as a machine, or a set of articles, as a suite of furniture or a line of machinery, or a quantity, as a gross or carload, or any other unit treated in use or in the relevant market as a single whole.

(d) "Conforming" goods or performance under a lease contract means goods or performance that are in accordance with the obligations under the lease contract.

(e) "Consumer lease" means a lease that a lessor regularly engaged in the business of leasing or selling makes to a lessee who is an individual and who takes under the lease primarily for a personal, family, or household purpose.

(f) "Fault" means wrongful act, omission, breach, or default.

(g) "Finance lease" means a lease with respect to which:

(i) The lessor does not select, manufacture, or supply the goods;

(ii) The lessor acquires the goods or the right to possession and use of the goods in connection with the lease; and

(iii) One of the following occurs:

(A) The lessee receives a copy of the contract by which the lessor acquired the goods or the right to possession and use of the goods before signing the lease contract;

(B) The lessee's approval of the contract by which the lessor acquired the goods or the right to possession and use of the goods is a condition to effectiveness of the lease contract;

(C) The lessee, before signing the lease contract, receives an accurate and complete statement designating the promises and warranties, and any disclaimers of warranties, limitations or modifications of remedies, or liquidated damages, including those of a third party, such as the manufacturer of the goods, provided to the lessor by the person supplying the goods in connection with or as part of the contract by which the lessor acquired the goods or the right to possession and use of the goods; or

(D) If the lease is not a consumer lease, the lessor, before the lessee signs the lease contract, informs the lessee in writing (a) of the identity of the person supplying the goods to the lessor, unless the lessee has selected that person and directed the lessor to acquire the goods or the right to possession and use of the goods from that person, (b) that the lessee is entitled under this title to the promises and warranties, including those of any third party, provided to the lessor by the person supplying the goods in connection with or as part of the contract by which the lessor acquired the goods or the right to possession and use of the goods, and (c) that the lessee may communicate with the person supplying the goods to the lessor and receive an accurate and complete statement of those promises and warranties, including any disclaimers and limitations of them or of remedies.

(h) "Goods" means all things that are movable at the time of identification to the lease contract, or are fixtures (§ 8.2A-309), but the term does not include money, documents, instruments, accounts, chattel paper, general intangibles, or minerals or the like, including oil and gas, before extraction. The term also includes the unborn young of animals.

(h1) "Hybrid lease" means a single transaction involving a lease of goods and:

(i) the provision of services;

(ii) a sale of other goods; or

(iii) a sale, lease, or license of property other than goods.

(i) "Installment lease contract" means a lease contract that authorizes or requires the delivery of goods in separate lots to be separately accepted, even though the lease contract contains a clause "each delivery is a separate lease" or its equivalent.

(j) "Lease" means a transfer of the right to possession and use of goods for a term in return for consideration, but a sale, including a sale on approval or a sale or return, or retention or creation of a security interest is not a lease. Unless the context clearly indicates otherwise, the term includes a sublease.

(k) "Lease agreement" means the bargain, with respect to the lease, of the lessor and the lessee in fact as found in their language or by implication from other circumstances including course of dealing or usage of trade or course of performance as provided in this title. Unless the context clearly indicates otherwise, the term includes a sublease agreement.

(l) "Lease contract" means the total legal obligation that results from the lease agreement as affected by this title and any other applicable rules of law. Unless the context clearly indicates otherwise, the term includes a sublease contract.

(m) "Leasehold interest" means the interest of the lessor or the lessee under a lease contract.

(n) "Lessee" means a person who acquires the right to possession and use of goods under a lease. Unless the context clearly indicates otherwise, the term includes a sublessee.

(o) "Lessee in ordinary course of business" means a person who in good faith and without knowledge that the lease to him or her is in violation of the ownership rights or security interest or leasehold interest of a third party in the goods leases in ordinary course from a person in the business of selling or leasing goods of that kind but does not include a pawnbroker. "Leasing" may be for cash or by exchange of other property or on secured or unsecured credit and includes acquiring goods or documents of title under a preexisting lease contract but does not include a transfer in bulk or as security for or in total or partial satisfaction of a money debt.

(p) "Lessor" means a person who transfers the right to possession and use of goods under a lease. Unless the context clearly indicates otherwise, the term includes a sublessor.

(q) "Lessor's residual interest" means the lessor's interest in the goods after expiration, termination, or cancellation of the lease contract.

(r) "Lien" means a charge against or interest in goods to secure payment of a debt or performance of an obligation, but the term does not include a security interest.

(s) "Lot" means a parcel or a single article that is the subject matter of a separate lease or delivery, whether or not it is sufficient to perform the lease contract.

(t) "Merchant lessee" means a lessee that is a merchant with respect to goods of the kind subject to the lease.

(u) "Present value" means the amount as of a date certain of one or more sums payable in the future, discounted to the date certain. The discount is determined by the interest rate specified by the parties if the rate was not manifestly unreasonable at the time the transaction was entered into; otherwise, the discount is determined by a commercially reasonable rate that takes into account the facts and circumstances of each case at the time the transaction was entered into.

(v) "Purchase" includes taking by sale, lease, mortgage, security interest, pledge, gift, or any other voluntary transaction creating an interest in goods.

(w) "Sublease" means a lease of goods the right to possession and use of which was acquired by the lessor as a lessee under an existing lease.

(x) "Supplier" means a person from whom a lessor buys or leases goods to be leased under a finance lease.

(y) "Supply contract" means a contract under which a lessor buys or leases goods to be leased.

(z) "Termination" occurs when either party pursuant to a power created by agreement or law puts an end to the lease contract otherwise than for default.

(2) Other definitions applying to this title and the sections in which they appear are:

"Accessions" § 8.2A-310 (1).

"Construction mortgage" § 8.2A-309 (1) (d).

"Encumbrance" § 8.2A-309 (1) (e).

"Fixture filing" § 8.2A-309 (1) (b).

"Fixtures" § 8.2A-309 (1) (a).

"Purchase money lease" § 8.2A-309 (1) (c).

(3) The following definitions in other titles apply to this title:

"Account" § 8.9A-102 (a) (2).

"Between merchants" § 8.2-104 (3).

"Buyer" § 8.2-103 (1) (a).

"Chattel paper" § 8.9A-102 (a) (11).

"Consumer goods" § 8.9A-102 (a) (23).

"Document" § 8.9A-102 (a) (30).

"Entrusting" § 8.2-403 (3).

"General intangible" § 8.9A-102 (a) (42).

"Good faith" § 8.2-103 (1) (b).

"Instrument" § 8.9A-102 (a) (47).

"Merchant" § 8.2-104 (1).

"Mortgage" § 8.9A-102 (a) (55).

"Pursuant to commitment" § 8.9A-102 (a)(69).

"Receipt" § 8.2-103 (1) (c).

"Sale" § 8.2-106 (1).

"Sale on approval" § 8.2-326.

"Sale or return" § 8.2-326.

"Seller" § 8.2-103 (1) (d).

(4) In addition, Title 8.1A contains general definitions and principles of construction and interpretation applicable throughout this title.

§ 8.2A-107. Waiver or renunciation of claim or right after default.

Any claim or right arising out of an alleged default or breach of warranty may be discharged in whole or in part without consideration by a ~~written~~ waiver or renunciation *in a* signed ~~and~~ *record* delivered by the aggrieved party.

§ 8.2A-201. Statute of frauds.

(1) A lease contract is not enforceable by way of action or defense unless:

(a) The total payments to be made under the lease contract, excluding payments for options to renew or buy, are less than $1,000; or

(b) There is a ~~writing~~ *record*, signed by the party against whom enforcement is sought or by that party's authorized agent, sufficient to indicate that a lease contract has been made between the parties and to describe the goods leased and the lease term.

(2) Any description of leased goods or of the lease term is sufficient and satisfies subdivision (1) (b) of this section, whether or not it is specific, if it reasonably identifies what is described.

(3) A ~~writing~~ *record* is not insufficient because it omits or incorrectly states a term agreed upon, but the lease contract is not enforceable under subdivision (1) (b) of this section beyond the lease term and the quantity of goods shown in the ~~writing~~ *record*.

(4) A lease contract that does not satisfy the requirements of subsection (1) of this section, but which is valid in other respects, is enforceable if:

(a) The goods are to be specially manufactured or obtained for the lessee and are not suitable for lease or sale to others in the ordinary course of the lessor's business, and the lessor, before notice of repudiation is received and under circumstances that reasonably indicate that the goods are for the lessee, has made either a substantial beginning of their manufacture or commitments for their procurement;

(b) The party against whom enforcement is sought admits in that party's pleading, testimony or otherwise in court that a lease contract was made, but the lease contract is not enforceable under this provision beyond the quantity of goods admitted; or

(c) With respect to goods that have been received and accepted by the lessee.

(5) The lease term under a lease contract referred to in subsection (4) of this section is:

(a) If there is a ~~writing~~ *record* signed by the party against whom enforcement is sought or by that party's authorized agent specifying the lease term, the term so specified;

(b) If the party against whom enforcement is sought admits in that party's pleading, testimony, or otherwise in court a lease term, the term so admitted; or

(c) A reasonable lease term.

§ 8.2A-202. Final expression: parol or extrinsic evidence.

Terms with respect to which the confirmatory memoranda of the parties agree or which are otherwise set forth in a ~~writing~~ *record* intended by the parties as a final expression of their agreement with respect to such terms as are included therein may not be contradicted by evidence of any prior agreement or of a contemporaneous oral agreement but may be explained or supplemented:

(a) by course of dealing or usage of trade or by course of performance; and

(b) by evidence of consistent additional terms unless the court finds the ~~writing~~ *record* to have been intended also as a complete and exclusive statement of the terms of the agreement.

§ 8.2A-203. Seals inoperative.

The affixing of a seal to a ~~writing~~ *record* evidencing a lease contract or an offer to enter into a lease contract does not render the ~~writing~~ *record* a sealed instrument and the law with respect to sealed instruments does not apply to the lease contract or offer.

§ 8.2A-205. Firm offers.

An offer by a merchant to lease goods to or from another person in a signed ~~writing~~ *record* that by its terms gives assurance it will be held open is not revocable, for lack of consideration, during the time stated or, if no time is stated, for a reasonable time, but in no event may the period of irrevocability exceed three months. Any such term of assurance on a form supplied by the offeree must be separately signed by the offeror.

§ 8.2A-208. Modification, rescission, and waiver.

(1) An agreement modifying a lease contract needs no consideration to be binding.

(2) A signed lease agreement that excludes modification or rescission except by a signed ~~writing~~ *record* may not be otherwise modified or rescinded, but, except as between merchants, such a requirement on a form supplied by a merchant must be separately signed by the other party.

(3) Although an attempt at modification or rescission does not satisfy the requirements of subsection (2) of this section, it may operate as a waiver.

(4) A party who has made a waiver affecting an executory portion of a lease contract may retract the waiver by reasonable notification received by the other party that strict performance will be required of any term waived, unless the retraction would be unjust in view of a material change of position in reliance on the waiver.

§ 8.3A-104. Negotiable instrument.

(a) Except as provided in subsections (c) and (d), "negotiable instrument" means an unconditional promise or order to pay a fixed amount of money, with or without interest or other charges described in the promise or order, if it:

(1) is payable to bearer or to order at the time it is issued or first comes into possession of a holder;

(2) is payable on demand or at a definite time; and

(3) does not state any other undertaking or instruction by the person promising or ordering payment to do any act in addition to the payment of money, but the promise or order may contain (i) an undertaking or power to give, maintain, or protect collateral to secure payment, (ii) an authorization or power to the holder to confess judgment or realize on or dispose of collateral, ~~or~~ (iii) a waiver of the benefit of any law intended for the advantage or protection of an obligor*, (iv) a term that specifies the law that governs the promise or order, or (v) an undertaking to resolve in a specified forum a dispute concerning the promise or order*.

(b) "Instrument" means a negotiable instrument.

(c) An order that meets all of the requirements of subsection (a), except paragraph (1), and otherwise falls within the definition of "check" in subsection (f) is a negotiable instrument and a check.

(d) A promise or order other than a check is not an instrument if, at the time it is issued or first comes into possession of a holder, it contains a conspicuous statement, however expressed, to the effect that the promise or order is not negotiable or is not an instrument governed by this title.

(e) An instrument is a "note" if it is a promise and is a "draft" if it is an order. If an instrument falls within the definition of both "note" and "draft," a person entitled to enforce the instrument may treat it as either.

(f) "Check" means (i) a draft, other than a documentary draft, payable on demand and drawn on a bank or (ii) a cashier's check or teller's check. An instrument may be a check even though it is described on its face by another term, such as "money order."

(g) "Cashier's check" means a draft with respect to which the drawer and drawee are the same bank or branches of the same bank.

(h) "Teller's check" means a draft drawn by a bank (i) on another bank, or (ii) payable at or through a bank.

(i) "Traveler's check" means an instrument that (i) is payable on demand, (ii) is drawn on or payable at or through a bank, (iii) is designated by the term "traveler's check" or by a substantially similar term, and (iv) requires, as a condition to payment, a countersignature by a person whose specimen signature appears on the instrument.

(j) "Certificate of deposit" means an instrument containing an acknowledgment by a bank that a sum of money has been received by the bank and a promise by the bank to repay the sum of money. A certificate of deposit is a note of the bank.

§ 8.3A-105. Issue of instrument.

(a) "Issue" means

(1) the first delivery of an instrument by the maker or drawer, whether to a holder or nonholder, for the purpose of giving rights on the instrument to any person*; or*

(2) if agreed by the payee, the first transmission by the drawer to the payee of an image of an item and information derived from the item that enables the depositary bank to collect the item by transferring or presenting under federal law an electronic check.

(b) An unissued instrument, or an unissued incomplete instrument that is completed, is binding on the maker or drawer, but nonissuance is a defense. An instrument that is conditionally issued or is issued for a special purpose is binding on the maker or drawer, but failure of the condition or special purpose to be fulfilled is a defense.

(c) "Issuer" applies to issued and unissued instruments and means a maker or drawer of an instrument.

§ 8.3A-401. Signature necessary for liability on instrument.

~~(a)~~ A person is not liable on an instrument unless (i) the person signed the instrument, or (ii) the person is represented by an agent or representative who signed the instrument and the signature is binding on the represented person under § 8.3A-402.

~~(b) A signature may be made (i) manually or by means of a device or machine, and (ii) by the use of any name, including a trade or assumed name, or by a word, mark, or symbol executed or adopted by a person with present intention to authenticate a writing.~~

§ 8.3A-604. Discharge by cancellation or renunciation.

(a) A person entitled to enforce an instrument, with or without consideration, may discharge the obligation of a party to pay the instrument (i) by an intentional voluntary act, such as surrender of the instrument to the party, destruction, mutilation, or cancellation of the instrument, cancellation or striking out of the party's signature, or the addition of words to the instrument indicating discharge, or (ii) by agreeing not to sue or otherwise renouncing rights against the party by a signed ~~writing~~ *record*. *The obligation of a party to pay a check is not discharged solely by destruction of the check in connection with a process in which information is extracted from the check and an image of the check is made and, subsequently, the information and image are transmitted for payment.*

(b) Cancellation or striking out of an endorsement pursuant to subsection (a) does not affect the status and rights of a party derived from the endorsement.

§ 8.4A-103. Definitions: "Payment order"; "Beneficiary"; "Beneficiary's bank"; "Receiving bank"; "Sender."

(a) In this title:

(1) "Payment order" means an instruction of a sender to a receiving bank, transmitted orally~~, electronically,~~ or in ~~writing~~ *a record*, to pay, or to cause another bank to pay, a fixed or determinable amount of money to a beneficiary if: (i) the instruction does not state a condition to payment to the beneficiary other than time of payment, (ii) the receiving bank is to be reimbursed by debiting an account of, or otherwise receiving payment from, the sender, and (iii) the instruction is transmitted by the sender directly to the receiving bank or to an agent, funds-transfer system, or communication system for transmittal to the receiving bank.

(2) "Beneficiary" means the person to be paid by the beneficiary's bank.

(3) "Beneficiary's bank" means the bank identified in a payment order in which an account of the beneficiary is to be credited pursuant to the order or which otherwise is to make payment to the beneficiary if the order does not provide for payment to an account.

(4) "Receiving bank" means the bank to which the sender's instruction is addressed.

(5) "Sender" means the person giving the instruction to the receiving bank.

(b) If an instruction complying with subdivision (a) (1) of this section is to make more than one payment to a beneficiary, the instruction is a separate payment order with respect to each payment.

(c) A payment order is issued when it is sent to the receiving bank.

§ 8.4A-201. Security procedure.

"Security procedure" means a procedure established by agreement of a customer and a receiving bank for the purpose of (i) verifying that a payment order or communication amending or cancelling a payment order is that of the customer, or (ii) detecting error in the transmission or the content of the payment order or communication. A security procedure may *impose an obligation on the receiving bank or the customer and may* require the use of algorithms or other codes, identifying words ~~or~~*,* numbers, *symbols, sounds, biometrics,* encryption, callback procedures, or similar security devices. Comparison of a signature on a payment order or communication with an authorized specimen signature of the customer *or requiring a payment order to be sent from a known email address, IP address, or telephone number* is not by itself a security procedure.

§ 8.4A-202. Authorized and verified payment orders.

(a) A payment order received by the receiving bank is the authorized order of the person identified as sender if that person authorized the order or is otherwise bound by it under the law of agency.

(b) If a bank and its customer have agreed that the authenticity of payment orders issued to the bank in the name of the customer as sender will be verified pursuant to a security procedure, a payment order received by the receiving bank is effective as the order of the customer, whether or not authorized, if (i) the security procedure is a commercially reasonable method of providing security against unauthorized payment orders, and (ii) the bank proves that it accepted the payment order in good faith and in compliance with *the bank's obligations under* the security procedure and any ~~written~~ agreement or instruction of the customer*, evidenced by a record,* restricting acceptance of payment orders issued in the name of the customer. The bank is not required to follow an instruction that violates ~~a written~~ *an* agreement with the customer*, evidenced by a record,* or notice of which is not received at a time and in a manner affording the bank a reasonable opportunity to act on it before the payment order is accepted.

(c) Commercial reasonableness of a security procedure is a question of law to be determined by considering the wishes of the customer expressed to the bank, the circumstances of the customer known to the bank, including the size, type, and frequency of payment orders normally issued by the customer to the bank, alternative security procedures offered to the customer, and security procedures in general use by customers and receiving banks similarly situated. A security procedure is deemed to be commercially reasonable if (i) the security procedure was chosen by the customer after the bank offered, and the customer refused, a security procedure that was commercially reasonable for that customer, and (ii) the customer expressly agreed in ~~writing~~ *a record* to be bound by any payment order, whether or not authorized, issued in its name and accepted by the bank in compliance with the *bank's obligations under the* security procedure chosen by the customer.

(d) The term "sender" in this title includes the customer in whose name a payment order is issued if the order is the authorized order of the customer under subsection (a) of this section, or it is effective as the order of the customer under subsection (b) of this section.

(e) This section applies to amendments and cancellations of payment orders to the same extent it applies to payment orders.

(f) Except as provided in this section and in subdivision (a) (1) of § 8.4A-203, rights and obligations arising under this section or § 8.4A-203 may not be varied by agreement.

§ 8.4A-203. Unenforceability of certain verified payment orders.

(a) If an accepted payment order is not, under subsection (a) of § 8.4A-202, an authorized order of a customer identified as sender, but is effective as an order of the customer pursuant to subsection (b) of § 8.4A-202, the following rules apply:

(1) By express ~~written~~ agreement *evidenced by a record*, the receiving bank may limit the extent to which it is entitled to enforce or retain payment of the payment order.

(2) The receiving bank is not entitled to enforce or retain payment of payment order if the customer proves that the order was not caused, directly or indirectly, by a person (i) entrusted at any time with duties to act for the customer with respect to payment orders or the security procedure, or (ii) who obtained access to transmitting facilities of the customer or who obtained, from a source controlled by the customer and without authority of the receiving bank, information facilitating breach of the security procedure, regardless of how the information was obtained or whether the customer was at fault. Information includes any access device, computer software, or the like.

(b) This section applies to amendments of payment orders to the same extent it applies to payment orders.

§ 8.4A-207. Misdescription of beneficiary.

(a) Subject to subsection (b) of this section, if, in a payment order received by the beneficiary's bank, the name, bank account number, or other identification of the beneficiary refers to a nonexistent or unidentifiable person or account, no person has rights as a beneficiary of the order and acceptance of the order cannot occur.

(b) If a payment order received by the beneficiary's bank identifies the beneficiary both by name and by an identifying or bank account number and the name and number identify different persons, the following rules apply:

(1) Except as otherwise provided in subsection (c) of this section, if the beneficiary's bank does not know that the name and number refer to different persons, it may rely on the number as the proper identification of the beneficiary of the order. The beneficiary's bank need not determine whether the name and number refer to the same person.

(2) If the beneficiary's bank pays the person identified by name or knows that the name and number identify different persons, no person has rights as beneficiary except the person paid by the beneficiary's bank if that person was entitled to receive payment from the originator of the funds transfer. If no person has rights as beneficiary, acceptance of the order cannot occur.

(c) If (i) a payment order described in subsection (b) of this section is accepted, (ii) the originator's payment order described the beneficiary inconsistently by name and number, and (iii) the beneficiary's bank pays the person identified by number as permitted by subdivision (b) (1) of this section, the following rules apply:

(1) If the originator is a bank, the originator is obliged to pay its order.

(2) If the originator is not a bank and proves that the person identified by number was not entitled to receive payment from the originator, the originator is not obliged to pay its order unless the originator's bank proves that the originator, before acceptance of the originator's order, had notice that payment of a payment order issued by the originator might be made by the beneficiary's bank on the basis of an identifying or bank account number even if it identifies a person different from the named beneficiary. Proof of notice may be made by any admissible evidence. The originator's bank satisfies the burden of proof if it proves that the originator, before the payment order was accepted, signed a ~~writing~~ *record* stating the information to which the notice relates.

(d) In a case governed by subdivision (b) (1) of this section, if the beneficiary's bank rightfully pays the person identified by number and that person was not entitled to receive payment from the originator, the amount paid may be recovered from that person to the extent allowed by the law governing mistake and restitution as follows:

(1) If the originator is obliged to pay its payment order as stated in subsection (c) of this section, the originator has the right to recover.

(2) If the originator is not a bank and is not obliged to pay its payment order, the originator's bank has the right to recover.

§ 8.4A-208. Misdescription of intermediary bank or beneficiary's bank.

(a) This subsection applies to a payment order identifying an intermediary bank or the beneficiary's bank only by an identifying number.

(1) The receiving bank may rely on the number as the proper identification of the intermediary or beneficiary's bank and need not determine whether the number identifies a bank.

(2) The sender is obliged to compensate the receiving bank for any loss and expenses incurred by the receiving bank as a result of its reliance on the number in executing or attempting to execute the order.

(b) This subsection applies to a payment order identifying an intermediary bank or the beneficiary's bank both by name and an identifying number if the name and number identify different persons.

(1) If the sender is a bank, the receiving bank may rely on the number as the proper identification of the intermediary or beneficiary's bank if the receiving bank, when it executes the sender's order, does not know that the name and number identify different persons. The receiving bank need not determine whether the name and number refer to the same person or whether the number refers to a bank. The sender is obliged to compensate the receiving bank for any loss and expenses incurred by the receiving bank as a result of its reliance on the number in executing or attempting to execute the order.

(2) If the sender is not a bank and the receiving bank proves that the sender, before the payment order was accepted, had notice that the receiving bank might rely on the number as the proper identification of the intermediary or beneficiary's bank even if it identifies a person different from the bank identified by name, the rights and obligations of the sender and the receiving bank are governed by subdivision (b) (1) of this section, as though the sender were a bank. Proof of notice may be made by any admissible evidence. The receiving bank satisfies the burden of proof if it proves that the sender, before the payment order was accepted, signed ~~in writing~~ *a record* stating the information to which the notice relates.

(3) Regardless of whether the sender is a bank, the receiving bank may rely on the name as the proper identification of the intermediary or beneficiary's bank if the receiving bank, at the time it executes the sender's order, does not know that the name and number identify different persons. The receiving bank need not determine whether the name and number refer to the same person.

(4) If the receiving bank knows that the name and number identify different persons, reliance on either the name or the number in executing the sender's payment order is a breach of the obligation stated in subdivision (a) (1) of § 8.4A-302.

§ 8.4A-210. Rejection of payment order.

(a) A payment order is rejected by the receiving bank by a notice of rejection transmitted to the sender orally~~,~~ ~~electronically,~~ or in ~~writing~~ *a record*. A notice of rejection need not use any particular words and is sufficient if it indicates that the receiving bank is rejecting the order or will not execute or pay the order. Rejection is effective when the notice is given if transmission is by a means that is reasonable in the circumstances. If notice of rejection is given by a means that is not reasonable, rejection is effective when the notice is received. If an agreement of the sender and receiving bank establishes the means to be used to reject a payment order, (i) any means complying with the agreement is reasonable and (ii) any means not complying is not reasonable unless no significant delay in receipt of the notice resulted from the use of the noncomplying means.

(b) This subsection applies if a receiving bank other than the beneficiary's bank fails to execute a payment order despite the existence on the execution date of a withdrawable credit balance in an authorized account of the sender sufficient to cover the order. If the sender does not receive notice of rejection of the order on the execution date and the authorized account of the sender does not bear interest, the bank is obliged to pay interest to the sender on the amount of the order for the number of days elapsing after the execution date to the earlier of the day the order is canceled pursuant to subsection (d) of § 8.4A-211 or the day the sender receives notice or learns that the order was not executed, counting the final day of the period as an elapsed day. If the withdrawable credit balance during that period falls below the amount of the order, the amount of interest is reduced accordingly.

(c) If a receiving bank suspends payments, all unaccepted payment orders issued to it are deemed rejected at the time the bank suspends payments.

(d) Acceptance of a payment order precludes a later rejection of the order. Rejection of a payment order precludes a later acceptance of the order.

§ 8.4A-211. Cancellation and amendment of payment order.

(a) A communication of the sender of a payment order cancelling or amending the order may be transmitted to the receiving bank orally~~, electronically,~~ or in ~~writing~~ *a record*. If a security procedure is in effect between the sender and the receiving bank, the communication is not effective to cancel or amend the order unless the communication is verified pursuant to the security procedure or the bank agrees to the cancellation or amendment.

(b) Subject to subsection (a) of this section, a communication by the sender cancelling or amending a payment order is effective to cancel or amend the order if notice of the communication is received at a time and in a manner affording the receiving bank a reasonable opportunity to act on the communication before the bank accepts the payment order.

(c) After a payment order has been accepted, cancellation or amendment of the order is not effective unless the receiving bank agrees or a funds-transfer system rule allows cancellation or amendment without agreement of the bank.

(1) With respect to a payment order accepted by a receiving bank other than the beneficiary's bank, cancellation or amendment is not effective unless a conforming cancellation or amendment of the payment order issued by the receiving bank is also made.

(2) With respect to a payment order accepted by the beneficiary's bank, cancellation or amendment is not effective unless the order was issued in execution of an unauthorized payment order, or because of a mistake by a sender in the funds transfer which resulted in the issuance of a payment order (i) that is a duplicate of a payment order previously issued by the sender, (ii) that orders payment to a beneficiary not entitled to receive payment from the originator, or (iii) that orders payment in an amount greater than the amount the beneficiary was entitled to receive from the originator. If the payment order is canceled or amended, the beneficiary's bank is entitled to recover from the beneficiary any amount paid to the beneficiary to the extent allowed by the law governing mistake and restitution.

(d) An unaccepted payment order is canceled by operation of law at the close of the fifth funds-transfer business day of the receiving bank after the execution date or payment date of the order.

(e) A canceled payment order cannot be accepted. If an accepted payment order is canceled, the acceptance is nullified and no person has any right or obligation based on the acceptance. Amendment of a payment order is deemed to be cancellation of the original order at the time of amendment and issue of a new payment order in the amended form at the same time.

(f) Unless otherwise provided in an agreement of the parties or in a funds-transfer system rule, if the receiving bank, after accepting a payment order, agrees to cancellation or amendment of the order by the sender or is bound by a funds-transfer system rule allowing cancellation or amendment without the bank's agreement, the sender, whether or not cancellation or amendment is effective, is liable to the bank for any loss and expenses, including reasonable attorney's fees, incurred by the bank as a result of the cancellation or amendment or attempted cancellation or amendment.

(g) A payment order is not revoked by the death or legal incapacity of the sender unless the receiving bank knows of the death or of an adjudication of incapacity by a court of competent jurisdiction and has reasonable opportunity to act before acceptance of the order.

(h) A funds-transfer system rule is not effective to the extent it conflicts with subdivision (c) (2) of this section.

§ 8.4A-305. Liability for late or improper execution or failure to execute payment order.

(a) If a funds transfer is completed but execution of a payment order by the receiving bank in breach of § 8.4A-302 results in delay in payment to the beneficiary, the bank is obliged to pay interest to either the originator or the beneficiary of the funds transfer for the period of delay caused by the improper execution. Except as provided in subsection (c) of this section, additional damages are not recoverable.

(b) If execution of a payment order by a receiving bank in breach of § 8.4A-302 results in (i) noncompletion of the funds transfer, (ii) failure to use an intermediary bank designated by the originator, or (iii) issuance of a payment order that does not comply with the terms of the payment order of the originator, the bank is liable to the originator for its expenses in the funds transfer and for incidental expenses and interest losses, to the extent not covered by subsection (a) of this section, resulting from the improper execution. Except as provided in subsection (c) of this section, additional damages are not recoverable.

(c) In addition to the amounts payable under subsections (a) and (b) of this section, damages, including consequential damages, are recoverable to the extent provided in an express ~~written~~ agreement of the receiving bank*, evidenced by a record*.

(d) If a receiving bank fails to execute a payment order it was obliged by express agreement to execute, the receiving bank is liable to the sender for its expenses in the transaction and for incidental expenses and interest losses resulting from the failure to execute. Additional damages, including consequential damages, are recoverable to the extent provided in an express ~~written~~ agreement of the receiving bank, *evidenced by a record,* but are not otherwise recoverable.

(e) Reasonable attorney's fees are recoverable if demand for compensation under subsection (a) or (b) of this section is made and refused before an action is brought on the claim. If a claim is made for breach of an agreement under subsection (d) of this section, and the agreement does not provide for damages, reasonable attorney's fees are recoverable if demand for compensation under subsection (d) of this section, is made and refused before an action is brought on the claim.

(f) Except as stated in this section, the liability of a receiving bank under subsections (a) and (b) of this section may not be varied by agreement.

§ 8.5A-104. Formal requirements.

A letter of credit, confirmation, advice, transfer, amendment, or cancellation may be issued in any form that is a *signed* record ~~and is authenticated (i) by a signature or (ii) in accordance with the agreement of the parties or the standard practice referred to in § 8.5A-108(e)~~.

§ 8.5A-116. Choice of law and forum.

(a) The liability of an issuer, nominated person, or adviser for action or omission is governed by the law of the jurisdiction chosen by an agreement in the form of a record signed ~~or otherwise authenticated~~ by the affected parties ~~in the manner provided in § 8.5A-104~~ or by a provision in the person's letter of credit, confirmation, or other undertaking. The jurisdiction whose law is chosen need not bear any relation to the transaction.

(b) Unless subsection (a) applies, the liability of an issuer, nominated person, or adviser for action or omission is governed by the law of the jurisdiction in which the person is located. The person is considered to be located at the address indicated in the person's undertaking. If more than one address is indicated, the person is considered to be located at the address from which the person's undertaking was issued.

(c) For the purpose of jurisdiction, choice of law, and recognition of interbranch letters of credit, but not enforcement of a judgment, all branches of a bank are considered separate juridical entities and a bank is considered to be located at the place where its relevant branch is considered to be located under ~~this~~ subsection *(d)*.

(d) A branch of a bank is considered to be located at the address indicated in the branch's undertaking. If more than one address is indicated, the branch is considered to be located at the address from which the undertaking was issued.

~~(c)~~ *(e)* Except as otherwise provided in this subsection, the liability of an issuer, nominated person, or adviser is governed by any rules of custom or practice, such as the Uniform Customs and Practice for Documentary Credits, to which the letter of credit, confirmation, or other undertaking is expressly made subject. If (i) this title would govern the liability of an issuer, nominated person, or adviser under subsection (a) or (b), (ii) the relevant undertaking incorporates rules of custom or practice, and (iii) there is conflict between this title and those rules as applied to that undertaking, those rules govern except to the extent of any conflict with the nonvariable provisions specified in § 8.5A-103(c).

~~(d)~~ *(f)* If there is conflict between this title and Titles 8.3A, 8.4, 8.4A, or 8.9A, this title governs.

~~(e)~~ *(g)* The forum for settling disputes arising out of an undertaking within this title may be chosen in the manner and with the binding effect that governing law may be chosen in accordance with subsection (a).

§ 8.7-102. Definitions and index of definitions.

(1) In this title, unless the context otherwise requires:

(a) "Bailee" means the person who by a warehouse receipt, bill of lading or other document acknowledges possession of goods and contracts to deliver them.

(b) "Carrier" means a person that issues a bill of lading.

(c) "Consignee" means the person named in a bill to whom or to whose order the bill promises delivery.

(d) "Consignor" means the person named in a bill as the person from whom the goods have been received for shipment.

(e) "Delivery order" means a record that contains an order to deliver goods directed to a warehouseman, carrier or other person who in the ordinary course of business issues warehouse receipts or bills of lading.

(f) "Document" means document of title as defined in the general definitions in Title 8.1A (§ 8.1A-201).

(g) "Good faith" means honesty in fact and the observance of reasonable commercial standards of fair dealing.

(h) "Goods" means all things that are treated as movable for the purposes of a contract of storage or transportation.

(i) "Issuer" means a bailee who issues a document except that in relation to an unaccepted delivery order it means the person who orders the possessor of goods to deliver. Issuer includes any person for whom an agent or employee purports to act in issuing a document if the agent or employee has real or apparent authority to issue documents, even if the issuer received no goods, the goods were misdescribed, or in any other respect the agent or employee violated the issuer's instructions.

(j) ~~"Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.~~ *[Reserved.]*

(k) "Shipper" means a person that enters into a contract of transportation with a carrier.

(l) ~~"Sign" means, with present intent to authenticate or adopt a record (1) to execute or adopt a tangible symbol or (2) to attach to or logically associate with the record an electronic sound, symbol, or process.~~ *[Reserved.]*

(m) "Warehouseman" is a person engaged in the business of storing goods for hire.

(2) Other definitions applying to this title or to specified parts thereof, and the sections in which they appear are:

"Duly negotiate." § 8.7-501.

"Person entitled under the document." § 8.7-403(4).

(3) Definitions in other titles applying to this title and the sections in which they appear are:

"Contract for sale." § 8.2-106.

"Lessee in ordinary course." § 8.2A-103.

"Overseas." § 8.2-323.

"Receipt" of goods. § 8.2-103.

(4) In addition Title 8.1A contains general definitions and principles of construction and interpretation applicable throughout this title.

§ 8.7-106. Control of electronic document.

(1) A person has control of an electronic document if a system employed for evidencing the transfer of interests in the electronic document reliably establishes that person as the person to which the electronic document was issued or transferred.

(2) A system satisfies subsection (1), and a person ~~is deemed to have~~ *has* control of an electronic document, if the document is created, stored, and ~~assigned~~ *transferred* in such a manner that:

(a) a single authoritative copy of the document exists that is unique, identifiable, and, except as otherwise provided in subdivisions (c), (d), and (e), unalterable;

(b) the authoritative copy identifies the person asserting control as:

(i) the person to whom the document was issued; or

(ii) if the authoritative copy indicates that the document has been transferred, the person to whom the document was most recently transferred;

(c) the authoritative copy is communicated to and maintained by the person asserting control or his designated custodian;

(d) copies or amendments that add or change an identified ~~assignee~~ *transferee* of the authoritative copy can be made only with the consent of the person asserting control;

(e) each copy of the authoritative copy and any copy of a copy is readily identifiable as a copy that is not the authoritative copy; and

(f) any amendment of the authoritative copy is readily identifiable as authorized or unauthorized.

(3) A system satisfies subsection (1), and a person has control of an electronic document of title, if an authoritative electronic copy of the document, a record attached to or logically associated with the electronic copy, or a system in which the electronic copy is recorded:

(a) enables the person readily to identify each electronic copy as either an authoritative copy or a nonauthoritative copy;

(b) enables the person readily to identify itself in any way, including by name, identifying number, cryptographic key, office, or account number, as the person to which each authoritative electronic copy was issued or transferred; and

(c) gives the person exclusive power, subject to subsection (4), to:

(i) prevent others from adding or changing the person to which each authoritative electronic copy has been issued or transferred; and

(ii) transfer control of each authoritative electronic copy.

(4) Subject to subsection (5), a power is exclusive under subsection (3)(c)(i) and (ii) even if:

(a) the authoritative electronic copy, a record attached to or legally associated with the authoritative electronic copy, or a system in which the authoritative electronic copy is recorded limits the use of the document of title or has a protocol that is programmed to cause a change, including a transfer or loss of control; or

(b) the power is shared with another person.

(5) A power of a person is not shared with another person under subsection (4)(b) and the person's power is not exclusive if:

(a) the person can exercise the power only if the power is also exercised by the other person; and

(b) the other person:

(i) can exercise the power without exercise of the power by the person; or

(ii) is the transferor to the person of an interest in the document of title.

(6) If a person has the powers specified in subsection (3)(c)(i) and (ii), the powers are presumed to be exclusive.

(7) A person has control of an electronic document of title if another person, other than the transferor to the person of an interest in the document:

(a) has control of the document and acknowledges that it has control on behalf of the person; or

(b) obtains control of the document after having acknowledged that it will obtain control of the document on behalf of the person.

(8) A person that has control under this section is not required to acknowledge that it has control on behalf of another person.

(9) If a person acknowledges that it has or will obtain control on behalf of another person, unless the person otherwise agrees or law other than this title or Title 8.9 otherwise provides, the person does not owe any duty to the other person and is not required to confirm the acknowledgement to any other person.

§ 8.8A-102. Definitions.

(a) In this title:

(1) "Adverse claim" means a claim that a claimant has a property interest in a financial asset and that it is a violation of the rights of the claimant for another person to hold, transfer, or deal with the financial asset.

(2) "Bearer form," as applied to a certificated security, means a form in which the security is payable to the bearer of the security certificate according to its terms but not by reason of an endorsement.

(3) "Broker" means a person defined as a broker or dealer under the federal securities laws, but without excluding a bank acting in that capacity.

(4) "Certificated security" means a security that is represented by a certificate.

(5) "Clearing corporation" means:

(i) a person that is registered as a "clearing agency" under the federal securities laws;

(ii) a federal reserve bank; or

(iii) any other person that provides clearance or settlement services with respect to financial assets that would require it to register as a clearing agency under the federal securities laws but for an exclusion or exemption from the registration requirement, if its activities as a clearing corporation, including promulgation of rules, are subject to regulation by a federal or state governmental authority.

(6) "Communicate" means to:

(i) send a signed ~~writing~~ *record*; or

(ii) transmit information by any mechanism agreed upon by the persons transmitting and receiving the information.

(7) "Entitlement holder" means a person identified in the records of a securities intermediary as the person having a security entitlement against the securities intermediary. If a person acquires a security entitlement by virtue of § 8.8A-501 (b) (2) or (3), that person is the entitlement holder.

(8) "Entitlement order" means a notification communicated to a securities intermediary directing transfer or redemption of a financial asset to which the entitlement holder has a security entitlement.

(9) "Financial asset," except as otherwise provided in § 8.8A-103, means:

(i) a security;

(ii) an obligation of a person or a share, participation, or other interest in a person or in property or an enterprise of a person, which is, or is of a type, dealt in or traded on financial markets, or which is recognized in any area in which it is issued or dealt in as a medium for investment; or

(iii) any property that is held by a securities intermediary for another person in a securities account if the securities intermediary has expressly agreed with the other person that the property is to be treated as a financial asset under this title.

As context requires, the term means either the interest itself or the means by which a person's claim to it is evidenced, including a certificated or uncertificated security, a security certificate, or a security entitlement.

(10) "Good faith," for purposes of the obligation of good faith in the performance or enforcement of contracts or duties within this title, means honesty in fact and the observance of reasonable commercial standards of fair dealing.

(11) "Endorsement" means a signature that alone or accompanied by other words is made on a security certificate in registered form or on a separate document for the purpose of assigning, transferring, or redeeming the security or granting a power to assign, transfer, or redeem it.

(12) "Instruction" means a notification communicated to the issuer of an uncertificated security which directs that the transfer of the security be registered or that the security be redeemed.

(13) "Registered form," as applied to a certificated security, means a form in which:

(i) the security certificate specifies a person entitled to the security; and

(ii) a transfer of the security may be registered upon books maintained for that purpose by or on behalf of the issuer, or the security certificate so states.

(14) "Securities intermediary" means:

(i) a clearing corporation; or

(ii) a person, including a bank or broker, that in the ordinary course of its business maintains securities accounts for others and is acting in that capacity.

(15) "Security," except as otherwise provided in § 8.8A-103, means an obligation of an issuer or a share, participation, or other interest in an issuer or in property or an enterprise of an issuer:

(i) which is represented by a security certificate in bearer or registered form, or the transfer of which may be registered upon books maintained for that purpose by or on behalf of the issuer;

(ii) which is one of a class or series or by its terms is divisible into a class or series of shares, participations, interests, or obligations; and

(iii) which:

(A) is, or is of a type, dealt in or traded on securities exchanges or securities markets; or

(B) is a medium for investment and by its terms expressly provides that it is a security governed by this title.

(16) "Security certificate" means a certificate representing a security.

(17) "Security entitlement" means the rights and property interest of an entitlement holder with respect to a financial asset specified in Part 5.

(18) "Uncertificated security" means a security that is not represented by a certificate.

(b) ~~Other~~ *The following* definitions ~~applying to~~ *in* this title and ~~the sections in which they appear are~~ *other Articles apply to this title*:

Appropriate person § 8.8A-107

Control § 8.8A-106

Controllable account § 8.9A-102

Controllable electronic record § 8.12-102

Controllable payment intangible § 8.9A-102
Delivery § 8.8A-301
Investment company security § 8.8A-103
Issuer § 8.8A-201
Overissue § 8.8A-210
Protected purchaser § 8.8A-303
Securities account § 8.8A-501

(c) In addition, Title 8.1A contains general definitions and principles of construction and interpretation applicable throughout this title.

(d) The characterization of a person, business, or transaction for purposes of this title does not determine the characterization of the person, business, or transaction for purposes of any other law, regulation, or rule.

§ 8.8A-103. Rules for determining whether certain obligations and interests are securities or financial assets.

(a) A share or similar equity interest issued by a corporation, business trust, joint stock company, or similar entity is a security.

(b) An "investment company security" is a security. "Investment company security" means a share or similar equity interest issued by an entity that is registered as an investment company under the federal investment company laws, an interest in a unit investment trust that is so registered, or a face-amount certificate issued by a face-amount certificate company that is so registered. Investment company security does not include an insurance policy or endowment policy or annuity contract issued by an insurance company.

(c) An interest in a partnership or limited liability company is not a security unless it is dealt in or traded on securities exchanges or in securities markets, its terms expressly provide that it is a security governed by this title, or it is an investment company security. However, an interest in a partnership or limited liability company is a financial asset if it is held in a securities account.

(d) A writing that is a security certificate is governed by this title and not by Title 8.3A, even though it also meets the requirements of that title. However, a negotiable instrument governed by Title 8.3A is a financial asset if it is held in a securities account.

(e) An option or similar obligation issued by a clearing corporation to its participants is not a security, but is a financial asset.

(f) A commodity contract, as defined in subdivision (a) (15) of § 8.9A-102, is not a security or a financial asset.

(g) A document of title is not a financial asset unless subdivision (a) (9) (iii) of § 8.8A-102 applies.

(h) A controllable account, controllable electronic record, or controllable payment intangible is not a financial asset unless subdivision (a)(9)(iii) of § 8.8A-102 applies.

§ 8.8A-106. Control.

(a) A purchaser has "control" of a certificated security in bearer form if the certificated security is delivered to the purchaser.

(b) A purchaser has "control" of a certificated security in registered form if the certificated security is delivered to the purchaser, and:

(1) the certificate is endorsed to the purchaser or in blank by an effective endorsement; or

(2) the certificate is registered in the name of the purchaser, upon original issue or registration of transfer by the issuer.

(c) A purchaser has "control" of an uncertificated security if:

(1) the uncertificated security is delivered to the purchaser; or

(2) the issuer has agreed that it will comply with instructions originated by the purchaser without further consent by the registered owner.

(d) A purchaser has "control" of a security entitlement if:

(1) the purchaser becomes the entitlement holder;

(2) the securities intermediary has agreed that it will comply with entitlement orders originated by the purchaser without further consent by the entitlement holder; or

(3) another person ~~has control of the security entitlement on behalf of the purchaser or, having previously acquired control of the security entitlement, acknowledges that it has control on behalf of the purchaser.~~*, other than the transferor to the purchaser of an interest in the security entitlement:*

(A) has control of the security entitlement and acknowledges that it has control on behalf of the purchaser; or

(b) obtains control of the security entitlement after having acknowledged that it will obtain control of the security entitlement on behalf of the purchaser.

(e) If an interest in a security entitlement is granted by the entitlement holder to the entitlement holder's own securities intermediary, the securities intermediary has control.

(f) A purchaser who has satisfied the requirements of subsection (c) or (d) has control even if the registered owner in the case of subsection (c) or the entitlement holder in the case of subsection (d) retains the right to make substitutions for the uncertificated security or security entitlement, to originate instructions or entitlement orders to the issuer or securities intermediary, or otherwise to deal with the uncertificated security or security entitlement.

(g) An issuer or a securities intermediary may not enter into an agreement of the kind described in subsection (c) (2) or (d) (2) without the consent of the registered owner or entitlement holder, but an issuer or a securities intermediary is not

required to enter into such an agreement even though the registered owner or entitlement holder so directs. An issuer or securities intermediary that has entered into such an agreement is not required to confirm the existence of the agreement to another party unless requested to do so by the registered owner or entitlement holder.

(h) A person that has control under this section is not required to acknowledge that it has control on behalf of a purchaser.

(i) If a person acknowledges that it has or will obtain control on behalf of a purchaser, unless the person otherwise agrees or law other than this Article or Article 9 otherwise provides, the person does not owe any duty to the purchaser and is not required to confirm the acknowledgement to any other person.

§ 8.8A-110. Applicability; choice of law.

(a) The local law of the issuer's jurisdiction, as specified in subsection (d), governs:

(1) the validity of a security;

(2) the rights and duties of the issuer with respect to registration of transfer;

(3) the effectiveness of registration of transfer by the issuer;

(4) whether the issuer owes any duties to an adverse claimant to a security; and

(5) whether an adverse claim can be asserted against a person to whom transfer of a certificated or uncertificated security is registered or a person who obtains control of an uncertificated security.

(b) The local law of the securities intermediary's jurisdiction, as specified in subsection (e), governs:

(1) acquisition of a security entitlement from the securities intermediary;

(2) the rights and duties of the securities intermediary and entitlement holder arising out of a security entitlement;

(3) whether the securities intermediary owes any duties to an adverse claimant to a security entitlement; and

(4) whether an adverse claim can be asserted against a person who acquires a security entitlement from the securities intermediary or a person who purchases a security entitlement or interest therein from an entitlement holder.

(c) The local law of the jurisdiction in which a security certificate is located at the time of delivery governs whether an adverse claim can be asserted against a person to whom the security certificate is delivered.

(d) "Issuer's jurisdiction" means the jurisdiction under which the issuer of the security is organized or, if permitted by the law of that jurisdiction, the law of another jurisdiction specified by the issuer. An issuer organized under the law of this state may specify the law of another jurisdiction as the law governing the matters specified in subsection (a) (2) through (5).

(e) The following rules determine a "securities intermediary's jurisdiction" for purposes of this section:

(1) If an agreement between the securities intermediary and its entitlement holder governing the securities account expressly provides that a particular jurisdiction is the securities intermediary's jurisdiction for purposes of this part, this title or the Uniform Commercial Code, that jurisdiction is the securities intermediary's jurisdiction.

(2) If paragraph (1) does not apply and an agreement between the securities intermediary and its entitlement holder governing the securities account expressly provides that the agreement is governed by the law of a particular jurisdiction, that jurisdiction is the securities intermediary's jurisdiction.

(3) If neither paragraph (1) nor paragraph (2) applies and an agreement between the securities intermediary and its entitlement holder governing the securities account expressly provides that the securities account is maintained at an office in a particular jurisdiction, that jurisdiction is the securities intermediary's jurisdiction.

(4) If none of the preceding paragraphs applies, the securities intermediary's jurisdiction is the jurisdiction in which the office identified in an account statement as the office serving the entitlement holder's account is located.

(5) If none of the preceding paragraphs applies the securities intermediary's jurisdiction is the jurisdiction in which the chief executive office of the securities intermediary is located.

(f) A securities intermediary's jurisdiction is not determined by the physical location of certificates representing financial assets, or by the jurisdiction in which is organized the issuer of the financial asset with respect to which an entitlement holder has a security entitlement, or by the location of facilities for data processing or other record keeping concerning the account.

(g) The local law of the issuer's jurisdiction or the securities intermediary's jurisdiction governs a matter or transaction specified in subsection (a) or (b) even if the matter or transaction does not bear any relation to the jurisdiction.

§ 8.8A-303. Protected purchaser.

(a) "Protected purchaser" means a purchaser of a certificated or uncertificated security, or of an interest therein, who:

(1) gives value;

(2) does not have notice of any adverse claim to the security; and

(3) obtains control of the certificated or uncertificated security.

(b) ~~In addition to acquiring the rights of a purchaser, a~~ *A* protected purchaser also acquires its interest in the security free of any adverse claim.

§ 8.9A-102. Definitions and index of definitions.

(a) Title 8.9A definitions. In this title:

(1) "Accession" means goods that are physically united with other goods in such a manner that the identity of the original goods is not lost.

(2) "Account," except as used in "account for," *"account statement," "account to," "commodity account" in paragraph (14), "customer's account," "deposit account" in paragraph (29), "on account of," and "statement of account,"* means a right to payment of a monetary obligation, whether or not earned by performance, (i) for property that has been or

is to be sold, leased, licensed, assigned, or otherwise disposed of, (ii) for services rendered or to be rendered, (iii) for a policy of insurance issued or to be issued, (iv) for a secondary obligation incurred or to be incurred, (v) for energy provided or to be provided, (vi) for the use or hire of a vessel under a charter or other contract, (vii) arising out of the use of a credit or charge card or information contained on or for use with the card, or (viii) health-care-insurance receivables. *The term includes controllable accounts.* The term does not include (i) ~~rights to payment evidenced by~~ chattel paper ~~or an instrument~~, (ii) commercial tort claims, (iii) deposit accounts, (iv) investment property, (v) letter-of-credit rights or letters of credit, ~~or~~ (vi) rights to payment for money or funds advanced or sold, other than rights arising out of the use of a credit or charge card or information contained on or for use with the card*, or (vii) rights to payment evidenced by an instrument*.

(3) "Account debtor" means a person obligated on an account, chattel paper, or general intangible. The term does not include persons obligated to pay a negotiable instrument, even if the *negotiable* instrument ~~constitutes part of~~ *evidences* chattel paper.

(4) "Accounting," except as used in "accounting for," means a record:

(A) ~~authenticated~~ *signed* by a secured party;

(B) indicating the aggregate unpaid secured obligations as of a date not more than 35 days earlier or 35 days later than the date of the record; and

(C) identifying the components of the obligations in reasonable detail.

(5) "Agricultural lien" means an interest, other than a security interest, in farm products:

(A) which secures payment or performance of an obligation for:

(i) goods or services furnished in connection with a debtor's farming operation; or

(ii) rent on real property leased by a debtor in connection with its farming operation;

(B) which is created by statute in favor of a person that:

(i) in the ordinary course of its business furnished goods or services to a debtor in connection with a debtor's farming operation; or

(ii) leased real property to a debtor in connection with the debtor's farming operation; and

(C) whose effectiveness does not depend on the person's possession of the personal property.

(6) "As-extracted collateral" means:

(A) oil, gas, or other minerals that are subject to a security interest that:

(i) is created by a debtor having an interest in the minerals before extraction; and

(ii) attaches to the minerals as extracted; or

(B) accounts arising out of the sale at the wellhead or minehead of oil, gas, or other minerals in which the debtor had an interest before extraction.

(7) ~~"Authenticate" means:~~

~~(A) to sign; or~~

~~(B) with present intent to adopt or accept a record, to attach to or logically associate with the record an electronic sound, symbol, or process.~~ *[Reserved.]*

(7A) "Assignee," except as used in "assignee for benefit of creditors," means a person (i) in whose favor a security interest that secures an obligation is created or provided for under a security agreement, whether or not the obligation is outstanding or (ii) to which an account, chattel paper, payment intangible, or promissory note has been sold. The term includes a person to which a security interest has been transferred by a secured party.

(7B) "Assignor" means a person that (i) under a security agreement creates or provides for a security interest that secures an obligation or (ii) sells an account, chattel paper, payment intangible, or promissory note. The term includes a secured party that has transferred a security interest to another person.

(8) "Bank" means an organization that is engaged in the business of banking. The term includes savings banks, savings and loan associations, credit unions, and trust companies.

(9) "Cash proceeds" means proceeds that are money, checks, deposit accounts, or the like.

(10) "Certificate of title" means a certificate of title with respect to which a statute provides for the security interest in question to be indicated on the certificate as a condition or result of the security interest's obtaining priority over the rights of a lien creditor with respect to the collateral. The term includes another record maintained as an alternative to a certificate of title by the governmental unit that issues certificates of title if a statute permits the security interest in question to be indicated on the record as a condition or result of the security interest's obtaining priority over the rights of a lien creditor with respect to the collateral.

(11) "Chattel paper" means ~~a record or records that evidence both a monetary obligation and a security interest in specific goods, a security interest in specific goods and software used in the goods, a lease of specific goods, or a lease of specific goods and license of software used in the goods. In this paragraph, "monetary obligation" means a monetary obligation secured by the goods or owed under a lease of the goods and includes a monetary obligation with respect to software used in the goods. The term does not include (i) charters or other contracts involving the use or hire of a vessel or (ii) records that evidence a right to payment arising out of the use of a credit or charge card or information contained on or for use with the card. If a transaction is evidenced by records that include an instrument or series of instruments, the group of records taken together constitutes chattel paper.~~*:*

(A) a right to payment of a monetary obligation secured by specific goods, if the right to payment and security agreement are evidenced by a record; or

(B) a right to payment of a monetary obligation owed by a lessee under a lease agreement with respect to specific goods and a monetary obligation owed by the lessee in connection with the transaction giving rise to the lease, if:

(i) the right to payment and lease agreement are evidenced by a record; and

(ii) the predominant purpose of the transaction giving rise to the lease was to give the lessee the right to possession and use of the goods.

The term does not include a right to payment arising out of a charter or other contract involving the use or hire of a vessel or a right to payment arising out of the use of a credit or charge card or information contained on or for use with the card.

(12) "Collateral" means the property subject to a security interest or agricultural lien. The term includes:

(A) proceeds to which a security interest attaches;

(B) accounts, chattel paper, payment intangibles, and promissory notes that have been sold; and

(C) goods that are the subject of a consignment.

(13) "Commercial tort claim" means a claim arising in tort with respect to which:

(A) the claimant is an organization; or

(B) the claimant is an individual and the claim:

(i) arose in the course of the claimant's business or profession; and

(ii) does not include damages arising out of personal injury to or the death of an individual.

(14) "Commodity account" means an account maintained by a commodity intermediary in which a commodity contract is carried for a commodity customer.

(15) "Commodity contract" means a commodity futures contract, an option on a commodity futures contract, a commodity option, or another contract if the contract or option is:

(A) traded on or subject to the rules of a board of trade that has been designated as a contract market for such a contract pursuant to federal commodities laws; or

(B) traded on a foreign commodity board of trade, exchange, or market, and is carried on the books of a commodity intermediary for a commodity customer.

(16) "Commodity customer" means a person for which a commodity intermediary carries a commodity contract on its books.

(17) "Commodity intermediary" means a person that:

(A) is registered as a futures commission merchant under federal commodities law; or

(B) in the ordinary course of its business provides clearance or settlement services for a board of trade that has been designated as a contract market pursuant to federal commodities law.

(18) "Communicate" means:

(A) to send a written or other tangible record;

(B) to transmit a record by any means agreed upon by the persons sending and receiving the record; or

(C) in the case of transmission of a record to or by a filing office, to transmit a record by any means prescribed by filing-office rule.

(19) "Consignee" means a merchant to which goods are delivered in a consignment.

(20) "Consignment" means a transaction, regardless of its form, in which a person delivers goods to a merchant for the purpose of sale and:

(A) the merchant:

(i) deals in goods of that kind under a name other than the name of the person making delivery;

(ii) is not an auctioneer; and

(iii) is not generally known by its creditors to be substantially engaged in selling the goods of others;

(B) with respect to each delivery, the aggregate value of the goods is $1,000 or more at the time of delivery;

(C) the goods are not consumer goods immediately before delivery; and

(D) the transaction does not create a security interest that secures an obligation.

(21) "Consignor" means a person that delivers goods to a consignee in a consignment.

(22) "Consumer debtor" means a debtor in a consumer transaction.

(23) "Consumer goods" means goods that are used or bought for use primarily for personal, family, or household purposes.

(24) "Consumer-goods transaction" means a consumer transaction in which:

(A) an individual incurs an obligation primarily for personal, family, or household purposes; and

(B) a security interest in consumer goods secures the obligation.

(25) "Consumer obligor" means an obligor who is an individual and who incurred the obligation as part of a transaction entered into primarily for personal, family, or household purposes.

(26) "Consumer transaction" means a transaction in which (i) an individual incurs an obligation primarily for personal, family, or household purposes, (ii) a security interest secures the obligation, and (iii) the collateral is held or acquired primarily for personal, family, or household purposes. The term includes consumer-goods transactions.

(27) "Continuation statement" means an amendment of a financing statement which:

(A) identifies, by its file number, the initial financing statement to which it relates; and

(B) indicates that it is a continuation statement for, or that it is filed to continue the effectiveness of, the identified financing statement.

(27A) "Controllable account" means an account evidenced by a controllable electronic record that provides that the account debtor undertakes to pay the person that has control under § 8.12-105 of the controllable electronic record.

(27B) "Controllable payment intangible" means a payment intangible evidenced by a controllable electronic record that provides that the account debtor undertakes to pay the person that has control under § 8.12-105 of the controllable electronic record.

(28) "Debtor" means:

(A) a person having an interest, other than a security interest or other lien, in the collateral, whether or not the person is an obligor;

(B) a seller of accounts, chattel paper, payment intangibles, or promissory notes; or

(C) a consignee.

(29) "Deposit account" means a demand, time, savings, passbook, or similar account maintained with a bank. The term does not include investment property or accounts evidenced by an instrument.

(30) "Document" means a document of title or a receipt of the type described in subdivision (2) of § 8.7-201.

(31) ~~"Electronic chattel paper" means chattel paper evidenced by a record or records consisting of information stored in an electronic medium.~~ *[Reserved.]*

(31A) "Electronic money" means money in an electronic form.

(32) "Encumbrance" means a right, other than an ownership interest, in real property. The term includes mortgages and other liens on real property.

(33) "Equipment" means goods other than inventory, farm products, or consumer goods.

(34) "Farm products" means goods, other than standing timber, with respect to which the debtor is engaged in a farming operation and which are:

(A) crops grown, growing, or to be grown, including:

(i) crops produced on trees, vines, and bushes; and

(ii) aquatic goods produced in aquacultural operations;

(B) livestock, born or unborn, including aquatic goods produced in aquacultural operations;

(C) supplies used or produced in a farming operation; or

(D) products of crops or livestock in their unmanufactured states.

(35) "Farming operation" means raising, cultivating, propagating, fattening, grazing, or any other farming, livestock, or aquacultural operation.

(36) "File number" means the number assigned to an initial financing statement pursuant to subsection (a) of § 8.9A-519.

(37) "Filing office" means an office designated in § 8.9A-501 as the place to file a financing statement.

(38) "Filing-office rule" means a rule adopted pursuant to § 8.9A-526.

(39) "Financing statement" means a record or records composed of an initial financing statement and any filed record relating to the initial financing statement.

(40) "Fixture filing" means the filing of a financing statement covering goods that are or are to become fixtures and satisfying subsections (a) and (b) of § 8.9A-502. The term includes the filing of a financing statement covering goods of a transmitting utility which are or are to become fixtures.

(41) "Fixtures" means goods that have become so related to particular real property that an interest in them arises under real property law.

(42) "General intangible" means any personal property, including things in action, other than accounts, chattel paper, commercial tort claims, deposit accounts, documents, goods, instruments, investment property, letter-of-credit rights, letters of credit, money, and oil, gas, or other minerals before extraction. The term includes *controllable electronic records,* payment intangibles*,* and software.

(43) "Good faith" means honesty in fact and the observance of reasonable commercial standards of fair dealing.

(44) "Goods" means all things that are movable when a security interest attaches. The term includes (i) fixtures, (ii) standing timber that is to be cut and removed under a conveyance or contract for sale, (iii) the unborn young of animals, (iv) crops grown, growing, or to be grown, even if the crops are produced on trees, vines, or bushes, and (v) manufactured homes. The term also includes a computer program embedded in goods and any supporting information provided in connection with a transaction relating to the program if (i) the program is associated with the goods in such a manner that it customarily is considered part of the goods or (ii) by becoming the owner of the goods, a person acquires a right to use the program in connection with the goods. The term does not include a computer program embedded in goods that consist solely of the medium in which the program is embedded. The term also does not include accounts, chattel paper, commercial tort claims, deposit accounts, documents, general intangibles, instruments, investment property, letter-of-credit rights, letters of credit, money, or oil, gas, or other minerals before extraction.

(45) "Governmental unit" means a subdivision, agency, department, county, parish, municipality, or other unit of the government of the United States, a State, or a foreign country. The term includes an organization having a separate corporate existence if the organization is eligible to issue debt on which interest is exempt from income taxation under the laws of the United States.

(46) "Health-care-insurance receivable" means an interest in or claim under a policy of insurance which is a right to payment of a monetary obligation for health-care goods or services provided.

(47) "Instrument" means a negotiable instrument or any other writing that evidences a right to the payment of a monetary obligation, is not itself a security agreement or lease, and is of a type that in ordinary course of business is transferred by delivery with any necessary endorsement or assignment. The term does not include (i) investment property, (ii) letters of credit, ~~or~~ (iii) writings that evidence a right to payment arising out of the use of a credit or charge card or information contained on or for use with the card*, or (iv) writings that evidence chattel paper*.

(48) "Inventory" means goods, other than farm products, which:

(A) are leased by a person as lessor;

(B) are held by a person for sale or lease or to be furnished under a contract of service;

(C) are furnished by a person under a contract of service; or

(D) consist of raw materials, work in process, or materials used or consumed in a business.

(49) "Investment property" means a security, whether certificated or uncertificated, security entitlement, securities account, commodity contract, or commodity account.

(50) "Jurisdiction of organization," with respect to a registered organization, means the jurisdiction under whose law the organization is formed or organized.

(51) "Letter-of-credit right" means a right to payment or performance under a letter of credit, whether or not the beneficiary has demanded or is at the time entitled to demand payment or performance. The term does not include the right of a beneficiary to demand payment or performance under a letter of credit.

(52) "Lien creditor" means:

(A) a creditor that has acquired a lien on the property involved by attachment, levy, or the like;

(B) an assignee for benefit of creditors from the time of assignment;

(C) a trustee in bankruptcy from the date of the filing of the petition; or

(D) a receiver in equity from the time of appointment.

(53) "Manufactured home" means a structure, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein. The term includes any structure that meets all of the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the United States Secretary of Housing and Urban Development and complies with the standards established under Title 42 of the United States Code.

(54) "Manufactured-home transaction" means a secured transaction:

(A) that creates a purchase-money security interest in a manufactured home, other than a manufactured home held as inventory; or

(B) in which a manufactured home, other than a manufactured home held as inventory, is the primary collateral.

(54A) "Money" has the meaning in § 8.1A-102(b)(24), but does not include (i) a deposit account or (ii) money in an electronic form that cannot be subjected to control under § 8.9A-105A.

(55) "Mortgage" means a consensual interest in real property, including fixtures, which secures payment or performance of an obligation.

(56) "New debtor" means a person that becomes bound as debtor under subsection (d) of § 8.9A-203 by a security agreement previously entered into by another person.

(57) "New value" means (i) money, (ii) money's worth in property, services, or new credit, or (iii) release by a transferee of an interest in property previously transferred to the transferee. The term does not include an obligation substituted for another obligation.

(58) "Noncash proceeds" means proceeds other than cash proceeds.

(59) "Obligor" means a person that, with respect to an obligation secured by a security interest in or an agricultural lien on the collateral, (i) owes payment or other performance of the obligation, (ii) has provided property other than the collateral to secure payment or other performance of the obligation, or (iii) is otherwise accountable in whole or in part for payment or other performance of the obligation. The term does not include issuers or nominated persons under a letter of credit.

(60) "Original debtor," except as used in subsection (c) of § 8.9A-310, means a person that, as debtor, entered into a security agreement to which a new debtor has become bound under subsection (d) of § 8.9A-203.

(61) "Payment intangible" means a general intangible under which the account debtor's principal obligation is a monetary obligation. *The term includes a controllable payment intangible.*

(62) "Person related to," with respect to an individual, means:

(A) the spouse of the individual;

(B) a brother, brother-in-law, sister, or sister-in-law of the individual;

(C) an ancestor or lineal descendant of the individual or the individual's spouse; or

(D) any other relative, by blood or marriage, of the individual or the individual's spouse who shares the same home with the individual.

(63) "Person related to," with respect to an organization, means:

(A) a person directly or indirectly controlling, controlled by, or under common control with the organization;

(B) an officer or director of, or a person performing similar functions with respect to, the organization;

(C) an officer or director of, or a person performing similar functions with respect to, a person described in subparagraph (A);

(D) the spouse of an individual described in subparagraph (A), (B), or (C); or

(E) an individual who is related by blood or marriage to an individual described in subparagraph (A), (B), (C), or (D) and shares the same home with the individual.

(64) "Proceeds," except as used in subsection (b) of § 8.9A-609, means the following property:

(A) whatever is acquired upon the sale, lease, license, exchange, or other disposition of collateral;

(B) whatever is collected on, or distributed on account of, collateral;

(C) rights arising out of collateral;

(D) to the extent of the value of collateral, claims arising out of the loss, nonconformity, or interference with the use of, defects or infringement of rights in, or damage to, the collateral; or

(E) to the extent of the value of collateral and to the extent payable to the debtor or the secured party, insurance payable by reason of the loss or nonconformity of, defects or infringement of rights in, or damage to, the collateral.

(65) "Promissory note" means an instrument that evidences a promise to pay a monetary obligation, does not evidence an order to pay, and does not contain an acknowledgment by a bank that the bank has received for deposit a sum of money or funds.

(66) "Proposal" means a record ~~authenticated~~ *signed* by a secured party which includes the terms on which the secured party is willing to accept collateral in full or partial satisfaction of the obligation it secures pursuant to §§ 8.9A-620, 8.9A-621, and 8.9A-622.

(67) "Public-finance transaction" means a secured transaction in connection with which:

(A) debt securities are issued;

(B) all or a portion of the securities issued have an initial stated maturity of at least 20 years; and

(C) the debtor, obligor, secured party, account debtor or other person obligated on collateral, assignor or assignee of a secured obligation, or assignor or assignee of a security interest is a state or a governmental unit of a state.

(68) "Public organic record" means a record that is available to the public for inspection and that is:

(A) a record consisting of the record initially filed with or issued by a state or the United States to form or organize an organization and any record filed with or issued by the state or the United States which amends or restates the initial record;

(B) an organic record of a business trust consisting of the record initially filed with a state and any record filed with the state which amends or restates the initial record, if a statute of the state governing business trusts requires that the record be filed with the state; or

(C) a record consisting of legislation enacted by the legislature of a state or the Congress of the United States which forms or organizes an organization, any record amending the legislation, and any record filed with or issued by the state or the United States which amends or restates the name of the organization.

(69) "Pursuant to commitment," with respect to an advance made or other value given by a secured party, means pursuant to the secured party's obligation, whether or not a subsequent event of default or other event not within the secured party's control has relieved or may relieve the secured party from its obligation.

(70) "Record," except as used in "for record," "of record," "record or legal title," and "record owner," means information that is inscribed on a tangible medium or which is stored in an electronic or other medium and is retrievable in perceivable form.

(71) "Registered organization" means an organization formed or organized solely under the law of a single state or the United States by the filing of a public organic record with, the issuance of a public organic record by, or the enactment of legislation by the state or the United States. The term includes a business trust that is formed or organized under the law of a single state if a statute of the state governing business trusts requires that the business trust's organic record be filed with the state.

(72) "Secondary obligor" means an obligor to the extent that:

(A) the obligor's obligation is secondary; or

(B) the obligor has a right of recourse with respect to an obligation secured by collateral against the debtor, another obligor, or property of either.

(73) "Secured party" means:

(A) a person in whose favor a security interest is created or provided for under a security agreement, whether or not any obligation to be secured is outstanding;

(B) a person that holds an agricultural lien;

(C) a consignor;

(D) a person to which accounts, chattel paper, payment intangibles, or promissory notes have been sold;

(E) a trustee, indenture trustee, agent, collateral agent, or other representative in whose favor a security interest or agricultural lien is created or provided for; or

(F) a person that holds a security interest arising under § 8.2-401, 8.2-505, 8.2-711 (3), 8.2A-508 (5), 8.4-210, or 8.5A-118.

(74) "Security agreement" means an agreement that creates or provides for a security interest.

(75) ~~"Send," in connection with a record or notification, means:~~

~~(A) to deposit in the mail, deliver for transmission, or transmit by any other usual means of communication, with postage or cost of transmission provided for, addressed to any address reasonable under the circumstances; or~~

~~(B) to cause the record or notification to be received within the time that it would have been received if properly sent under subparagraph (A).~~ *[Reserved.]*

(76) "Software" means a computer program and any supporting information provided in connection with a transaction relating to the program. The term does not include a computer program that is included in the definition of goods.

(77) "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.

(78) "Supporting obligation" means a letter of credit right or secondary obligation that supports the payment or performance of an account, chattel paper, a document, a general intangible, an instrument, or investment property.

(79) ~~"Tangible chattel paper" means chattel paper evidenced by a record or records consisting of information that is inscribed on a tangible medium.~~ *[Reserved.]*

(79A) "Tangible money" means money in a tangible form.

(80) "Termination statement" means an amendment of a financing statement which:

(A) identifies, by its file number, the initial financing statement to which it relates; and

(B) indicates either that it is a termination statement or that the identified financing statement is no longer effective.

(81) "Transmitting utility" means a person primarily engaged in the business of:

(A) operating a railroad, subway, street railway, or trolley bus;

(B) transmitting communications electrically, electromagnetically, or by light;

(C) transmitting goods by pipeline or sewer; or

(D) transmitting or producing and transmitting electricity, steam, gas, or water.

(b) Definitions in other titles. The following definitions in other titles apply to this title:

"Applicant" § 8.5A-102.

"Beneficiary" § 8.5A-102.

"Broker" § 8.8A-102.

"Certificated security" § 8.8A-102.

"Check" § 8.3A-104.

"Clearing corporation" § 8.8A-102.

"Contract for sale" § 8.2-106.

"Control" § 8.7-106.

"Controllable electronic record" § 8.12-102.

"Customer" § 8.4-104.

"Entitlement holder" § 8.8A-102.

"Financial asset" § 8.8A-102.

"Holder in due course" § 8.3A-302.

"Issuer" (with respect to a letter of credit or letter-of-credit right) § 8.5A-102.

"Issuer" (with respect to a security) § 8.8A-201.

"Issuer" (with respect to documents of title) § 8.7-102.

"Lease" § 8.2A-103.

"Lease agreement" § 8.2A-103.

"Lease contract" § 8.2A-103.

"Leasehold interest" § 8.2A-103.

"Lessee" § 8.2A-103.

"Lessee in ordinary course of business" § 8.2A-103.

"Lessor" § 8.2A-103.

"Lessor's residual interest" § 8.2A-103.

"Letter of credit" § 8.5A-102.

"Merchant" § 8.2-104.

"Negotiable instrument" § 8.3A-104.

"Nominated person" § 8.5A-102.

"Note" § 8.3A-104.

"Proceeds of a letter of credit" § 8.5A-114.

"Protected purchaser" § 8.8A-303.

"Prove" § 8.3A-103.

"Qualifying purchaser" § 8.12-102.

"Sale" § 8.2-106.

"Securities account" § 8.8A-501.

"Securities intermediary" § 8.8A-102.

"Security" § 8.8A-102.

"Security certificate" § 8.8A-102.

"Security entitlement" § 8.8A-102.

"Uncertificated security" § 8.8A-102.

(c) Title 8.1A definitions and principles. Title 8.1A contains general definitions and principles of construction and interpretation applicable throughout this title.

§ 8.9A-104. Control of deposit account.

(a) Requirements for control. A secured party has control of a deposit account if:

(1) the secured party is the bank with which the deposit account is maintained;

(2) the debtor, secured party, and bank have agreed in ~~an authenticated~~ *a signed* record that the bank will comply with instructions originated by the secured party directing disposition of the funds in the deposit account without further consent by the debtor; ~~or~~

(3) the secured party becomes the bank's customer with respect to the deposit account*; or*

(4) another person, other than the debtor:

(A) has control of the deposit account and acknowledges that it has control on behalf of the secured party; or

(B) obtains control of the deposit account after having acknowledged that it will obtain control of the deposit account on behalf of the secured party.

(b) Debtor's right to direct disposition. A secured party that has satisfied subsection (a) has control, even if the debtor retains the right to direct the disposition of funds from the deposit account.

§ 8.9A-105. Control of electronic copy of record evidencing chattel paper.

(a) General rule: control of electronic *copy of a record evidencing* chattel paper. A secured party has control of ~~electronic chattel paper if a system employed for evidencing the transfer of interest in the chattel paper reliably establishes the secured party as the person to which the chattel paper was assigned.~~

~~(b) Specific facts giving control.~~

~~A system satisfies subsection (a), and a secured party has control of electronic chattel paper, if the record or records comprising the chattel paper are created, stored, and assigned in such a manner that:~~

~~(1) a single authoritative copy of the record exists which is unique, identifiable and, except as otherwise provided in paragraphs (4), (5), and (6), unalterable;~~

~~(2) the authoritative copy identifies the secured party as the assignee of the record or records;~~

~~(3) the authoritative copy is communicated to and maintained by the secured party or its designated custodian;~~

~~(4) copies or amendments that add or change an identified assignee of the authoritative copy can be made only with the consent of the secured party;~~

~~(5) each copy of the authoritative copy and any copy of a copy is readily identifiable as a copy that is not the authoritative copy; and~~

~~(6) any amendment of the authoritative copy is readily identifiable as authorized or unauthorized.~~ *an authoritative electronic copy of a record evidencing chattel paper if a system employed for evidencing the assignment of interests in the chattel paper reliably establishes the purchaser as the person to which the authoritative electronic copy was assigned.*

(b) Single authoritative copy. A system satisfies subsection (a) if the record or records evidencing the chattel paper are created, stored, and assigned in a manner that:

(1) a single authoritative copy of the record or records exists which is unique, identifiable, and, except as otherwise provided in paragraphs (4), (5), and (6), unalterable;

(2) the authoritative copy identifies the purchaser as the assignee of the record or records;

(3) the authoritative copy is communicated to and maintained by the purchaser or its designated custodian;

(4) copies or amendments that add or change an identified assignee of the authoritative copy can be made only with the consent of the purchaser;

(5) each copy of the authoritative copy and any copy of a copy is readily identifiable as a copy that is not the authoritative copy; and

(6) any amendment of the authoritative copy is readily identifiable as authorized or unauthorized.

(c) One or more authoritative copies. A system satisfies subsection (a), and a purchaser has control of an authoritative electronic copy of a record evidencing chattel paper, if the electronic copy, a record attached to or logically associated with the electronic copy, or a system in which the electronic copy is recorded:

(1) enables the purchaser readily to identify each electronic copy as either an authoritative copy or a nonauthoritative copy;

(2) enables the purchaser readily to identify itself in any way, including by name, identifying number, cryptographic key, office, or account number, as the assignee of the authoritative electronic copy; and

(3) gives the purchaser exclusive power, subject to subsection (d), to:

(A) prevent others from adding or changing an identified assignee of the authoritative electronic copy; and

(B) transfer control of the authoritative electronic copy.

(d) Meaning of exclusive. Subject to subsection (e), a power is exclusive under subsection (c)(3)(A) and (B) even if:

(1) the authoritative electronic copy, a record attached to or logically associated with the authoritative electronic copy, or a system in which the authoritative electronic copy is recorded limits the use of the authoritative electronic copy or has a protocol programmed to cause a change, including a transfer or loss of control; or

(2) the power is shared with another person.

(e) When power not shared with another person. A power of a purchaser is not shared with another person under subsection (d)(2) and the purchaser's power is not exclusive if:

(1) the purchaser can exercise the power only if the power also is exercised by the other person; and

(2) the other person:

(A) can exercise the power without exercise of the power by the purchaser; or

(B) is the transferor to the purchaser of an interest in the chattel paper.

(f) Presumption of exclusivity of certain powers. If a purchaser has the powers specified in subsection (c)(3)(A) and (B), the powers are presumed to be exclusive.

(g) Obtaining control through another person. A purchaser has control of an authoritative electronic copy of a record evidencing chattel paper if another person, other than the transferor to the purchaser of an interest in the chattel paper:

(1) has control of the authoritative electronic copy and acknowledges that it has control on behalf of the purchaser; or

(2) obtains control of the authoritative electronic copy after having acknowledged that it will obtain control of the electronic copy on behalf of the purchaser.

§ 8.9A-105.1. Control of electronic money.

(a) General rule: control of electronic money. A person has control of electronic money if:

(1) the electronic money, a record attached to or logically associated with the electronic money, or a system in which the electronic money is recorded gives the person:

(A) power to avail itself of substantially all the benefit from the electronic money; and

(B) exclusive power, subject to subsection (b), to:

(i) prevent others from availing themselves of substantially all the benefit from the electronic money; and

(ii) transfer control of the electronic money to another person or cause another person to obtain control of other electronic money as a result of the transfer of the electronic money; and

(2) the electronic money, a record attached to or logically associated with the electronic money, or a system in which the electronic money is recorded enables the person readily to identify itself in any way, including by name, identifying number, cryptographic key, office, or account number, as having the powers under paragraph (1).

(b) Meaning of exclusive. Subject to subsection (c), a power is exclusive under subsection (a)(1)(B)(i) and (ii) even if:

(1) the electronic money, a record attached to or logically associated with the electronic money, or a system in which the electronic money is recorded limits the use of the electronic money or has a protocol programmed to cause a change, including a transfer or loss of control; or

(2) the power is shared with another person.

(c) When power not shared with another person. A power of a person is not shared with another person under subsection (b)(2) and the person's power is not exclusive if:

(1) the person can exercise the power only if the power also is exercised by the other person; and

(2) the other person:

(A) can exercise the power without exercise of the power by the person; or

(B) is the transferor to the person of an interest in the electronic money.

(d) Presumption of exclusivity of certain powers. If a person has the powers specified in subsection (a)(1)(B)(i) and (ii), the powers are presumed to be exclusive.

(e) Control through another person. A person has control of electronic money if another person, other than the transferor to the person of an interest in the electronic money:

(1) has control of the electronic money and acknowledges that it has control on behalf of the person; or

(2) obtains control of the electronic money after having acknowledged that it will obtain control of the electronic money on behalf of the person.

§ 8.9A-107.1. Control of controllable electronic record, controllable account, or controllable payment intangible.

(a) Control under § 8.12-105. A secured party has control of a controllable electronic record as provided in § 8.12-105.

(b) Control of controllable account and controllable payment intangible. A secured party has control of a controllable account or controllable payment intangible if the secured party has control of the controllable electronic record that evidences the controllable account or controllable payment intangible.

§ 8.9A-107.2. No requirement to acknowledge or confirm; no duties.

(a) No requirement to acknowledge. A person that has control under Section 9-104, 9-105, or 9-105A is not required to acknowledge that it has control on behalf of another person.

(b) No duties or confirmation. If a person acknowledges that it has or will obtain control on behalf of another person, unless the person otherwise agrees or law other than this article otherwise provides, the person does not owe any duty to the other person and is not required to confirm the acknowledgment to any other person.

§ 8.9A-203. Attachment and enforceability of security interest; proceeds, supporting obligations; formal requisites.

(a) Attachment. A security interest attaches to collateral when it becomes enforceable against the debtor with respect to the collateral, unless an agreement expressly postpones the time of attachment.

(b) Enforceability. Except as otherwise provided in subsections (c) through (i), a security interest is enforceable against the debtor and third parties with respect to the collateral only if:

(1) value has been given;

(2) the debtor has rights in the collateral or the power to transfer rights in the collateral to a secured party; and

(3) one of the following conditions is met:

(A) the debtor has ~~authenticated~~ *signed* a security agreement that provides a description of the collateral and, if the security interest covers timber to be cut, a description of the land concerned;

(B) the collateral is not a certificated security and is in the possession of the secured party under § 8.9A-313 pursuant to the debtor's security agreement;

(C) the collateral is a certificated security in registered form and the security certificate has been delivered to the secured party under § 8.8A-301 pursuant to the debtor's security agreement; ~~or~~

(D) the collateral is *controllable accounts, controllable electronic records, controllable payment intangibles,* deposit accounts, ~~electronic chattel paper~~ *electronic documents, electronic money*, investment property, *or* letter-of-credit rights~~, or electronic documents~~, and the secured party has control under §§ 8.7-106, 8.9A-104, 8.9A-105, *8.9A-105A,* 8.9A-106, ~~or~~ § 8.9A-107*, or 8.9A-107A* pursuant to the debtor's security agreement*; or*

(E) the collateral is chattel paper and the secured party has possession and control under § 8.9A-314A pursuant to the debtor's security agreement.

(c) Other Uniform Commercial Code provisions. Subsection (b) is subject to § 8.4-210 on the security interest of a collecting bank, § 8.5A-118 on the security interest of a letter-of-credit issuer or nominated person, § 8.9A-110 on a security interest arising under Title 8.2 or Title 8.2A, and § 8.9A-206 on security interests in investment property.

(d) When person becomes bound by another person's security agreement. A person becomes bound as debtor by a security agreement entered into by another person if, by operation of law other than this title or by contract:

(1) the security agreement becomes effective to create a security interest in the person's property; or

(2) the person becomes generally obligated for the obligations of the other person, including the obligation secured under the security agreement, and acquires or succeeds to all or substantially all of the assets of the other person.

(e) Effect of new debtor becoming bound. If a new debtor becomes bound as debtor by a security agreement entered into by another person:

(1) the agreement satisfies subdivision (b) (3) with respect to existing or after-acquired property of the new debtor to the extent the property is described in the agreement; and

(2) another agreement is not necessary to make a security interest in the property enforceable.

(f) Proceeds and supporting obligations. The attachment of a security interest in collateral gives the secured party the rights to proceeds provided by § 8.9A-315 and is also attachment of a security interest in a supporting obligation for the collateral.

(g) Lien securing right to payment. The attachment of a security interest in a right to payment or performance secured by a security interest or other lien on personal or real property is also attachment of a security interest in the security interest, mortgage, or other lien.

(h) Security entitlement carried in securities account. The attachment of a security interest in a securities account is also attachment of a security interest in the security entitlements carried in the securities account.

(i) Commodity contracts carried in commodity account. The attachment of a security interest in a commodity account is also attachment of a security interest in the commodity contracts carried in the commodity account.

§ 8.9A-204. After-acquired property; future advances.

(a) After-acquired collateral. Except as otherwise provided in subsection (b), a security agreement may create or provide for a security interest in after-acquired collateral.

(b) When after-acquired property clause not effective. ~~A~~ *Subject to subsection (b.1), a* security interest does not attach under a term constituting an after-acquired property clause to:

(1) consumer goods, other than an accession when given as additional security, unless the debtor acquires rights in them within ten days after the secured party gives value; or

(2) a commercial tort claim.

(b.1) Limitation on subsection (b). Subsection (b) does not prevent a security interest from attaching:

(1) to consumer goods as proceeds under Section 9-315(a) or commingled goods under Section 9-336(c);

(2) to a commercial tort claim as proceeds under Section 9-315(a); or

(3) under an after-acquired property clause to property that is proceeds of consumer goods or a commercial tort claim.

(c) Future advances and other value. A security agreement may provide that collateral secures, or that accounts, chattel paper, payment intangibles, or promissory notes are sold in connection with, future advances or other value, whether or not the advances or value are given pursuant to commitment.

§ 8.9A-207. Rights and duties of secured party having possession or control of collateral.

(a) Duty of care when secured party in possession. Except as otherwise provided in subsection (d), a secured party shall use reasonable care in the custody and preservation of collateral in the secured party's possession. In the case of chattel paper or an instrument, reasonable care includes taking necessary steps to preserve rights against prior parties unless otherwise agreed.

(b) Expenses, risks, duties, and rights when secured party in possession. Except as otherwise provided in subsection (d), if a secured party has possession of collateral:

(1) reasonable expenses, including the cost of insurance and payment of taxes or other charges, incurred in the custody, preservation, use, or operation of the collateral are chargeable to the debtor and are secured by the collateral;

(2) the risk of accidental loss or damage is on the debtor to the extent of a deficiency in any effective insurance coverage;

(3) the secured party shall keep the collateral identifiable, but fungible collateral may be commingled; and

(4) the secured party may use or operate the collateral:

(A) for the purpose of preserving the collateral or its value;

(B) as permitted by an order of a court having competent jurisdiction; or

(C) except in the case of consumer goods, in the manner and to the extent agreed by the debtor.

(c) Duties and rights when secured party in possession or control. Except as otherwise provided in subsection (d), a secured party having possession of collateral or control of collateral under §§ 8.7-106, 8.9A-104, 8.9A-105, *8.9A-105A,* 8.9A-106, ~~or §~~ 8.9A-107*, or 8.9A-107A*:

(1) may hold as additional security any proceeds, except money or funds, received from the collateral;

(2) shall apply money or funds received from the collateral to reduce the secured obligation, unless remitted to the debtor; and

(3) may create a security interest in the collateral.

(d) Buyer of certain rights to payment. If the secured party is a buyer of accounts, chattel paper, payment intangibles, or promissory notes or a consignor:

(1) subsection (a) does not apply unless the secured party is entitled under an agreement:

(A) to charge back uncollected collateral; or

(B) otherwise to full or limited recourse against the debtor or a secondary obligor based on the nonpayment or other default of an account debtor or other obligor on the collateral; and

(2) subsections (b) and (c) do not apply.

§ 8.9A-208. Additional duties of secured party having control of collateral.

(a) Applicability of section. This section applies to cases in which there is no outstanding secured obligation and the secured party is not committed to make advances, incur obligations, or otherwise give value.

(b) Duties of secured party after receiving demand from debtor. Within 10 days after receiving ~~an authenticated~~ *a signed* demand by the debtor:

(1) a secured party having control of a deposit account under § 8.9A-104 (a) (2) shall send to the bank with which the deposit account is maintained ~~an authenticated statement~~ *a signed record* that releases the bank from any further obligation to comply with instructions originated by the secured party;

(2) a secured party having control of a deposit account under § 8.9A-104 (a) (3) shall:

(A) pay the debtor the balance on deposit in the deposit account; or

(B) transfer the balance on deposit into a deposit account in the debtor's name;

(3) a secured party, other than a buyer, having control ~~of electronic chattel paper under § 8.9A-105 shall:~~

~~(A) communicate the authoritative copy of the electronic chattel paper to the debtor or its designated custodian;~~

~~(B) if the debtor designates a custodian that is the designated custodian with which the authoritative copy of the electronic chattel paper is maintained for the secured party, communicate to the custodian an authenticated record releasing the designated custodian from any further obligation to comply with instructions originated by the secured party and instructing the custodian to comply with instructions originated by the debtor; and~~

~~(C) take appropriate action to enable the debtor or its designated custodian to make copies of or revisions to the authoritative copy which add or change an identified assignee of the authoritative copy without the consent of the secured party;~~ *under § 8.9A-105 of an authoritative electronic copy of a record evidencing chattel paper shall transfer control of the electronic copy to a debtor or a person designated by the debtor;*

(4) a secured party having control of investment property under § 8.8A-106 (d) (2) or § 8.9A-106 (b) shall send to the securities intermediary or commodity intermediary with which the security entitlement or commodity contract is maintained ~~an authenticated~~ *a signed* record that releases the securities intermediary or commodity intermediary from any further obligation to comply with entitlement orders or directions originated by the secured party;

(5) a secured party having control of a letter-of-credit right under § 8.9A-107 shall send to each person having an unfulfilled obligation to pay or deliver proceeds of the letter of credit to the secured party ~~an authenticated~~ *a signed* release from any further obligation to pay or deliver proceeds of the letter of credit to the secured party; ~~and~~

(6) a secured party having control ~~of an electronic document shall:~~

~~(A) give control of the electronic document to the debtor or its designated custodian;~~

~~(B) if the debtor designates a custodian that is the designated custodian with which the authoritative copy of the electronic document is maintained for the secured party, communicate to the custodian an authenticated record releasing the designated custodian from any further obligation to comply with instructions originated by the secured party and instructing the custodian to comply with instructions originated by the debtor; and~~

~~(C) take appropriate action to enable the debtor or its designated custodian to make copies of or revisions to the authoritative copy that add or change an identified assignee of the authoritative copy without the consent of the secured~~

~~party.~~ *under § 8.7-106 of an authoritative electronic copy of an electronic document of title shall transfer control of the electronic copy to the debtor or a person designated by the debtor;*

(7) a secured party having control under Section 9-105A of electronic money shall transfer control of the electronic money to the debtor or a person designated by the debtor; and

(8) a secured party having control under Section 12-105 of a controllable electronic record, other than a buyer of a controllable account or controllable payment intangible evidenced by the controllable electronic record, shall transfer control of the controllable electronic record to the debtor or a person designated by the debtor.

§ 8.9A-209. Duties of secured party if account debtor has been notified of assignment.

(a) Applicability of section. Except as otherwise provided in subsection (c), this section applies if:

(1) there is no outstanding secured obligation; and

(2) the secured party is not committed to make advances, incur obligations, or otherwise give value.

(b) Duties of secured party after receiving demand from debtor. Within ten days after receiving ~~an authenticated~~ *a signed* demand by the debtor, a secured party shall send to an account debtor that has received notification *under subsection (a) of § 8.9A-406 or subsection (b) of § 8.12-106* of an assignment to the secured party as assignee ~~under § 8.9A-406 (a) an authenticated~~ *a signed* record that releases the account debtor from any further obligation to the secured party.

(c) Inapplicability to sales. This section does not apply to an assignment constituting the sale of an account, chattel paper, or payment intangible.

§ 8.9A-210. Request for accounting; request regarding list of collateral or statement of account.

(a) Definitions. In this section:

(1) "Request" means a record of a type described in paragraph (2), (3), or (4).

(2) "Request for an accounting" means a record ~~authenticated~~ *signed* by a debtor requesting that the recipient provide an accounting of the unpaid obligations secured by collateral and reasonably identifying the transaction or relationship that is the subject of the request.

(3) "Request regarding a list of collateral" means a record ~~authenticated~~ *signed* by a debtor requesting that the recipient approve or correct a list of what the debtor believes to be the collateral securing an obligation and reasonably identifying the transaction or relationship that is the subject of the request.

(4) "Request regarding a statement of account" means a record ~~authenticated~~ *signed* by a debtor requesting that the recipient approve or correct a statement indicating what the debtor believes to be the aggregate amount of unpaid obligations secured by collateral as of a specified date and reasonably identifying the transaction or relationship that is the subject of the request.

(b) Duty to respond to requests. Subject to subsections (c), (d), (e), and (f), a secured party, other than a buyer of accounts, chattel paper, payment intangibles, or promissory notes or a consignor, shall comply with a request within fourteen days after receipt:

(1) in the case of a request for an accounting, by ~~authenticating~~ *signing* and sending to the debtor an accounting; and

(2) in the case of a request regarding a list of collateral or a request regarding a statement of account, by ~~authenticating~~ *signing* and sending to the debtor an approval or correction.

(c) Request regarding list of collateral; statement concerning type of collateral. A secured party that claims a security interest in all of a particular type of collateral owned by the debtor may comply with a request regarding a list of collateral by sending to the debtor ~~an authenticated~~ *a signed* record including a statement to that effect within fourteen days after receipt.

(d) Request regarding list of collateral; no interest claimed. A person that receives a request regarding a list of collateral, claims no interest in the collateral when it receives the request, and claimed an interest in the collateral at an earlier time shall comply with the request within fourteen days after receipt by sending to the debtor ~~an authenticated~~ *a signed* record:

(1) disclaiming any interest in the collateral; and

(2) if known to the recipient, providing the name and mailing address of any assignee of or successor to the recipient's interest in the collateral.

(e) Request for accounting or regarding statement of account; no interest in obligation claimed. A person that receives a request for an accounting or a request regarding a statement of account, claims no interest in the obligations when it receives the request, and claimed an interest in the obligations at an earlier time shall comply with the request within fourteen days after receipt by sending to the debtor ~~an authenticated~~ *a signed* record:

(1) disclaiming any interest in the obligations; and

(2) if known to the recipient, providing the name and mailing address of any assignee of or successor to the recipient's interest in the obligations.

(f) Charges for responses. A debtor is entitled without charge to one response to a request under this section during any six-month period. The secured party may require payment of a charge not exceeding twenty-five dollars for each additional response.

§ 8.9A-301. Law governing perfection and priority of security interests.

Except as otherwise provided in §§ 8.9A-303 through ~~8.9A-306~~ *8.9A-306B*, the following rules determine the law governing perfection, the effect of perfection or nonperfection, and the priority of a security interest in collateral:

(1) Except as otherwise provided in this section, while a debtor is located in a jurisdiction, the local law of that jurisdiction governs perfection, the effect of perfection or nonperfection, and the priority of a security interest in collateral.

(2) While collateral is located in a jurisdiction, the local law of that jurisdiction governs perfection, the effect of perfection or nonperfection, and the priority of a possessory security interest in that collateral.

(3) Except as otherwise provided in paragraph (4), while tangible negotiable documents, goods, instruments, *or tangible* money~~, or tangible chattel paper~~ are located in a jurisdiction, the local law of that jurisdiction governs:

(A) perfection of a security interest in the goods by filing a fixture filing;

(B) perfection of a security interest in timber to be cut; and

(C) the effect of perfection or nonperfection and the priority of a nonpossessory security interest in the collateral.

(4) The local law of the jurisdiction in which the wellhead or minehead is located governs perfection, the effect of perfection or nonperfection, and the priority of a security interest in as-extracted collateral.

§ 8.9A-304. Law governing perfection and priority of security interests in deposit accounts.

(a) Law of bank's jurisdiction governs. The local law of a bank's jurisdiction governs perfection, the effect of perfection or nonperfection, and the priority of a security interest in a deposit account maintained with that bank *even if the transaction does not bear any relation to the bank's jurisdiction*.

(b) Bank's jurisdiction. The following rules determine a bank's jurisdiction for purposes of this part:

(1) If an agreement between the bank and the debtor governing the deposit account expressly provides that a particular jurisdiction is the bank's jurisdiction for purposes of this part, this title, or the Uniform Commercial Code, that jurisdiction is the bank's jurisdiction.

(2) If paragraph (1) does not apply and an agreement between the bank and its customer governing the deposit account expressly provides that the agreement is governed by the law of a particular jurisdiction, that jurisdiction is the bank's jurisdiction.

(3) If neither paragraph (1) nor paragraph (2) applies and an agreement between the bank and its customer governing the deposit account expressly provides that the deposit account is maintained at an office in a particular jurisdiction, that jurisdiction is the bank's jurisdiction.

(4) If none of the preceding paragraphs applies, the bank's jurisdiction is the jurisdiction in which the office identified in an account statement as the office serving the customer's account is located.

(5) If none of the preceding paragraphs applies, the bank's jurisdiction is the jurisdiction in which the chief executive office of the bank is located.

§ 8.9A-305. Law governing perfection and priority of security interests in investment property.

(a) Governing law; general rules. Except as otherwise provided in subsection (c), the following rules apply:

(1) While a security certificate is located in a jurisdiction, the local law of that jurisdiction governs perfection, the effect of perfection or nonperfection, and the priority of a security interest in the certificated security represented thereby.

(2) The local law of the issuer's jurisdiction as specified in § 8.8A-110 (d) governs perfection, the effect of perfection or nonperfection, and the priority of a security interest in an uncertificated security.

(3) The local law of the securities intermediary's jurisdiction as specified in § 8.8A-110 (e) governs perfection, the effect of perfection or nonperfection, and the priority of a security interest in a security entitlement or securities account.

(4) The local law of the commodity intermediary's jurisdiction governs perfection, the effect of perfection or nonperfection, and the priority of a security interest in a commodity contract or commodity account.

(5) Paragraphs (2), (3), and (4) apply even if the transaction does not bear any relation to the jurisdiction.

(b) Commodity intermediary's jurisdiction. The following rules determine a commodity intermediary's jurisdiction for purposes of this part:

(1) If an agreement between the commodity intermediary and commodity customer governing the commodity account expressly provides that a particular jurisdiction is the commodity intermediary's jurisdiction for purposes of this part, this title, or the Uniform Commercial Code, that jurisdiction is the commodity intermediary's jurisdiction.

(2) If paragraph (1) does not apply and an agreement between the commodity intermediary and commodity customer governing the commodity account expressly provides that the agreement is governed by the law of a particular jurisdiction, that jurisdiction is the commodity intermediary's jurisdiction.

(3) If neither paragraph (1) nor paragraph (2) applies and an agreement between the commodity intermediary and commodity customer governing the commodity account expressly provides that the commodity account is maintained at an office in a particular jurisdiction, that jurisdiction is the commodity intermediary's jurisdiction.

(4) If none of the preceding paragraphs applies, the commodity intermediary's jurisdiction is the jurisdiction in which the office identified in an account statement as the office serving the commodity customer's account is located.

(5) If none of the preceding paragraphs applies, the commodity intermediary's jurisdiction is the jurisdiction in which the chief executive office of the commodity intermediary is located.

(c) When perfection governed by law of jurisdiction where debtor located. The local law of the jurisdiction in which the debtor is located governs:

(1) perfection of a security interest in investment property by filing;

(2) automatic perfection of a security interest in investment property created by a broker or securities intermediary; and

(3) automatic perfection of a security interest in a commodity contract or commodity account created by a commodity intermediary.

§ 8.9A-306.1. Law governing perfection and priority of security interests in chattel paper.

(a) Chattel paper evidenced by authoritative electronic copy. Except as provided in subsection (d), if chattel paper is evidenced only by an authoritative electronic copy of the chattel paper or is evidenced by an authoritative electronic copy and an authoritative tangible copy, the local law of the chattel paper's jurisdiction governs perfection, the effect of perfection or nonperfection, and the priority of a security interest in the chattel paper, even if the transaction does not bear any relation to the chattel paper's jurisdiction.

(b) Chattel paper's jurisdiction. The following rules determine the chattel paper's jurisdiction under this section:

(1) If the authoritative electronic copy of the record evidencing chattel paper, or a record attached to or logically associated with the electronic copy and readily available for review, expressly provides that a particular jurisdiction is the chattel paper's jurisdiction for purposes of this part, this article, or the Uniform Commercial Code, that jurisdiction is the chattel paper's jurisdiction.

(2) If paragraph (1) does not apply and the rules of the system in which the authoritative electronic copy is recorded are readily available for review and expressly provide that a particular jurisdiction is the chattel paper's jurisdiction for purposes of this part, this article, or the Uniform Commercial Code, that jurisdiction is the chattel paper's jurisdiction.

(3) If paragraphs (1) and (2) do not apply and the authoritative electronic copy, or a record attached to or logically associated with the electronic copy and readily available for review, expressly provides that the chattel paper is governed by the law of a particular jurisdiction, that jurisdiction is the chattel paper's jurisdiction.

(4) If paragraphs (1), (2), and (3) do not apply and the rules of the system in which the authoritative electronic copy is recorded are readily available for review and expressly provide that the chattel paper or the system is governed by the law of a particular jurisdiction, that jurisdiction is the chattel paper's jurisdiction.

(5) If paragraphs (1) through (4) do not apply, the chattel paper's jurisdiction is the jurisdiction in which the debtor is located.

(c) Chattel paper evidenced by authoritative tangible copy. If an authoritative tangible copy of a record evidences chattel paper and the chattel paper is not evidenced by an authoritative electronic copy, while the authoritative tangible copy of the record evidencing chattel paper is located in a jurisdiction, the local law of that jurisdiction governs:

(1) perfection of a security interest in the chattel paper by possession under Section 9-314A; and

(2) the effect of perfection or nonperfection and the priority of a security interest in the chattel paper.

(d) When perfection governed by law of jurisdiction where debtor located. The local law of the jurisdiction in which the debtor is located governs perfection of a security interest in chattel paper by filing.

§ 8.9A-306.2. Law governing perfection and priority of security interests in controllable accounts, controllable electronic records, and controllable payment intangibles.

(a) Governing law: general rules. Except as provided in subsection (b), the local law of the controllable electronic record's jurisdiction specified in Section 12-107(c) and (d) governs perfection, the effect of perfection or nonperfection, and the priority of a security interest in a controllable electronic record and a security interest in a controllable account or controllable payment intangible evidenced by the controllable electronic record.

(b) When perfection governed by law of jurisdiction where debtor located. The local law of the jurisdiction in which the debtor is located governs:

(1) perfection of a security interest in a controllable account, controllable electronic record, or controllable payment intangible by filing; and

(2) automatic perfection of a security interest in a controllable payment intangible created by a sale of the controllable payment intangible.

§ 8.9A-310. When filing required to perfect security interest or agricultural lien; security interests and agricultural liens to which filing provisions do not apply.

(a) General rule; perfection by filing. Except as otherwise provided in subsection (b) and § 8.9A-312 (b), a financing statement must be filed to perfect all security interests and agricultural liens.

(b) Exceptions; filing not necessary. The filing of a financing statement is not necessary to perfect a security interest:

(1) that is perfected under § 8.9A-308 (d), (e), (f), or (g);

(2) that is perfected under § 8.9A-309 when it attaches;

(3) in property subject to a statute, regulation, or treaty described in § 8.9A-311 (a);

(4) in goods in possession of a bailee that is perfected under § 8.9A-312 (d) (1) or (2);

(5) in certificated securities, documents, goods, or instruments that is perfected without filing, control, or possession under § 8.9A-312 (e), (f), or (g);

(6) in collateral in the secured party's possession under § 8.9A-313;

(7) in a certificated security which is perfected by delivery of the security certificate to the secured party under § 8.9A-313;

(8) in *controllable accounts, controllable electronic records, controllable payment intangibles,* deposit accounts~~, electronic chattel paper~~, electronic documents, investment property, or letter-of-credit rights which is perfected by control under § 8.9A-314;

(8.1) in chattel paper which is perfected by possession and control under § 8.9A-314A.

(9) in proceeds which is perfected under § 8.9A-315; or

(10) that is perfected under § 8.9A-316.

(c) Assignment of perfected security interest. If a secured party assigns a perfected security interest or agricultural lien, a filing under this title is not required to continue the perfected status of the security interest against creditors of and transferees from the original debtor.

§ 8.9A-312. Perfection of security interests in chattel paper, controllable accounts, controllable electronic records, controllable payment intangibles, deposit accounts, documents, goods covered by documents, instruments, investment property, letter-of-credit rights, and money; perfection by permissive filing, temporary perfection without filing or transfer of possession.

(a) Perfection by filing permitted. A security interest in chattel paper~~, negotiable documents~~, *controllable accounts, controllable electronic records, controllable payment intangibles,* instruments, ~~or~~ investment property*, or negotiable documents* may be perfected by filing.

(b) Control or possession of certain collateral. Except as otherwise provided in § 8.9A-315 (c) and (d) for proceeds:

(1) a security interest in a deposit account may be perfected only by control under § 8.9A-314;

(2) except as otherwise provided in § 8.9A-308 (d), a security interest in a letter-of-credit right may be perfected only by control under § 8.9A-314; ~~and~~

(3) a security interest in *tangible* money may be perfected only by the secured party's taking possession under § 8.9A-313*; and*

(4) a security interest in electronic money may be perfected only by control under § 8.9A-314.

(c) Goods covered by negotiable document. While goods are in the possession of a bailee that has issued a negotiable document covering the goods:

(1) a security interest in the goods may be perfected by perfecting a security interest in the document; and

(2) a security interest perfected in the document has priority over any security interest that becomes perfected in the goods by another method during that time.

(d) Goods covered by nonnegotiable document. While goods are in the possession of a bailee that has issued a nonnegotiable document covering the goods, a security interest in the goods may be perfected by:

(1) issuance of a document in the name of the secured party;

(2) the bailee's receipt of notification of the secured party's interest; or

(3) filing as to the goods.

(e) Temporary perfection; new value. A security interest in certificated securities, negotiable documents, or instruments is perfected without filing or the taking of possession or control for a period of 20 days from the time it attaches to the extent that it arises for new value given under ~~an authenticated~~ *a signed* security agreement.

(f) Temporary perfection; goods or documents made available to debtor. A perfected security interest in a negotiable document or goods in possession of a bailee, other than one that has issued a negotiable document for the goods, remains perfected for 20 days without filing if the secured party makes available to the debtor the goods or documents representing the goods for the purpose of:

(1) ultimate sale or exchange; or

(2) loading, unloading, storing, shipping, transshipping, manufacturing, processing, or otherwise dealing with them in a manner preliminary to their sale or exchange.

(g) Temporary perfection; delivery of security certificate or instrument to debtor. A perfected security interest in a certificated security or instrument remains perfected for 20 days without filing if the secured party delivers the security certificate or instrument to the debtor for the purpose of:

(1) ultimate sale or exchange; or

(2) presentation, collection, enforcement, renewal, or registration of transfer.

(h) Expiration of temporary perfection. After the 20-day period specified in subsection (e), (f), or (g) expires, perfection depends upon compliance with this title.

§ 8.9A-313. When possession by or delivery to secured party perfects security interest without filing.

(a) Perfection by possession or delivery. Except as otherwise provided in subsection (b), a secured party may perfect a security interest in ~~tangible negotiable documents,~~ goods, instruments, *negotiable tangible documents, or tangible* money~~, or tangible chattel paper~~ by taking possession of the collateral. A secured party may perfect a security interest in certificated securities by taking delivery of the certificated securities under § 8.8A-301.

(b) Goods covered by certificate of title. With respect to goods covered by a certificate of title issued by this Commonwealth, a secured party may perfect a security interest in the goods by taking possession of the goods only in the circumstances described in § 8.9A-316 (d).

(c) Collateral in possession of person other than debtor. With respect to collateral other than certificated securities and goods covered by a document, a secured party takes possession of collateral in the possession of a person other than the debtor, the secured party, or a lessee of the collateral from the debtor in the ordinary course of the debtor's business, when:

(1) the person in possession ~~authenticates~~ *signs* a record acknowledging that it holds possession of the collateral for the secured party's benefit; or

(2) the person takes possession of the collateral after having ~~authenticated~~ *signed* a record acknowledging that it will hold possession of *the* collateral for the secured party's benefit.

(d) Time of perfection by possession; continuation of perfection. If perfection of a security interest depends upon possession of the collateral by a secured party, perfection occurs ~~no~~ *not* earlier than the time the secured party takes possession and continues only while the secured party retains possession.

(e) Time of perfection by delivery; continuation of perfection. A security interest in a certificated security in registered form is perfected by delivery when delivery of the certificated security occurs under § 8.8A-301 and remains perfected by delivery until the debtor obtains possession of the security certificate.

(f) Acknowledgment not required. A person in possession of collateral is not required to acknowledge that it holds possession for a secured party's benefit.

(g) Effectiveness of acknowledgment; no duties or confirmation. If a person acknowledges that it holds possession for the secured party's benefit:

(1) the acknowledgment is effective under subsection (c) or § 8.8A-301 (a), even if the acknowledgment violates the rights of a debtor; and

(2) unless the person otherwise agrees or law other than this title otherwise provides, the person does not owe any duty to the secured party and is not required to confirm the acknowledgment to another person.

(h) Secured party's delivery to person other than debtor. A secured party having possession of collateral does not relinquish possession by delivering the collateral to a person other than the debtor or a lessee of the collateral from the debtor in the ordinary course of the debtor's business if the person was instructed before the delivery or is instructed contemporaneously with the delivery:

(1) to hold possession of the collateral for the secured party's benefit; or

(2) to redeliver the collateral to the secured party.

(i) Effect of delivery under subsection (h); no duties or confirmation. A secured party does not relinquish possession, even if a delivery under subsection (h) violates the rights of a debtor. A person to which collateral is delivered under subsection (h) does not owe any duty to the secured party and is not required to confirm the delivery to another person unless the person otherwise agrees or law other than this title otherwise provides.

§ 8.9A-314. Perfection by control.

(a) Perfection by control. A security interest in ~~investment property, deposit accounts, letter-of-credit rights, electronic chattel paper, or electronic documents~~ *controllable accounts, controllable electronic records, controllable payment intangibles, deposit accounts, electronic documents, electronic money, investment property, or letter-of-credit rights* may be perfected by control of the collateral under §§ 8.7-106, 8.9A-104, ~~8.9A-105~~ *8.9A-105A*, 8.9A-106 ~~or §~~, 8.9A-107*, or 8.9A-107A*.

(b) Specified collateral; time of perfection by control; continuation of perfection. A security interest in ~~deposit accounts, electronic chattel paper, letter-of-credit rights, or electronic documents~~ *controllable accounts, controllable electronic records, controllable payment intangibles, deposit accounts, electronic documents, electronic money, investment property, or letter-of-credit rights* is perfected by control under §§ 8.7-106, 8.9A-104, ~~8.9A-105~~ *8.9A-105A*, 8.9A-106 ~~or §~~, 8.9A-107*, or 8.9A-107A* ~~when~~ *not earlier than the time* the secured party obtains control and remains perfected by control only while the secured party retains control.

(c) Investment property; time of perfection by control; continuation of perfection. A security interest in investment property is perfected by control under § 8.9A-106 ~~from~~ *not earlier than* the time the secured party obtains control and remains perfected by control until:

(1) the secured party does not have control; and

(2) one of the following occurs:

(A) if the collateral is a certificated security, the debtor has or acquires possession of the security certificate;

(B) if the collateral is an uncertificated security, the issuer has registered or registers the debtor as the registered owner; or

(C) if the collateral is a security entitlement, the debtor is or becomes the entitlement holder.

§ 8.9A-314.1. Perfection by possession and control of chattel paper.

(a) Perfection by possession and control. A secured party may perfect a security interest in chattel paper by taking possession of each authoritative tangible copy of the record evidencing the chattel paper and obtaining control of each authoritative electronic copy of the electronic record evidencing the chattel paper.

(b) Time of perfection; continuation of perfection. A security interest is perfected under subsection (a) not earlier than the time the secured party takes possession and obtains control and remains perfected under subsection (a) only while the secured party retains possession and control.

(c) Application of § 8.9A-313 to perfection by possession of chattel paper. § 8.9A-313(c) and (f) through (i) applies to perfection by possession of an authoritative tangible copy of a record evidencing chattel paper.

§ 8.9A-316. Effect of change in governing law.

(a) General rule; effect on perfection of change in governing law. A security interest perfected pursuant to the law of the jurisdiction designated in § 8.9A-301 (1) ~~or~~, 8.9A-305 (c)*, 8.9A-306A (d), 8.9A-306B (b)* remains perfected until the earliest of:

(1) the time perfection would have ceased under the law of that jurisdiction;

(2) the expiration of four months after a change of the debtor's location to another jurisdiction; or

(3) the expiration of one year after a transfer of collateral to a person that thereby becomes a debtor and is located in another jurisdiction.

(b) Security interest perfected or unperfected under law of new jurisdiction. If a security interest described in subsection (a) becomes perfected under the law of the other jurisdiction before the earliest time or event described in that subsection, it remains perfected thereafter. If the security interest does not become perfected under the law of the other jurisdiction before the earliest time or event, it becomes unperfected and is deemed never to have been perfected as against a purchaser of the collateral for value.

(c) Possessory security interest in collateral moved to new jurisdiction. A possessory security interest in collateral, other than goods covered by a certificate of title and as-extracted collateral consisting of goods, remains continuously perfected if:

(1) the collateral is located in one jurisdiction and subject to a security interest perfected under the law of that jurisdiction;

(2) thereafter the collateral is brought into another jurisdiction; and

(3) upon entry into the other jurisdiction, the security interest is perfected under the law of the other jurisdiction.

(d) Goods covered by certificate of title from the Commonwealth. Except as otherwise provided in subsection (e), a security interest in goods covered by a certificate of title which is perfected by any method under the law of another jurisdiction when the goods become covered by a certificate of title from the Commonwealth remains perfected until the security interest would have become unperfected under the law of the other jurisdiction had the goods not become so covered.

(e) When subsection (d) security interest becomes unperfected against purchasers. A security interest described in subsection (d) becomes unperfected as against a purchaser of the goods for value and is deemed never to have been perfected as against a purchaser of the goods for value if the applicable requirements for perfection under § 8.9A-311(b) or 8.9A-313 are not satisfied before the earlier of:

(1) the time the security interest would have become unperfected under the law of the other jurisdiction had the goods not become covered by a certificate of title from the Commonwealth; or

(2) the expiration of four months after the goods had become so covered.

(f) Change in jurisdiction of *chattel paper, controllable electronic record,* bank, issuer, nominated person, securities intermediary, or commodity intermediary. A security interest in *chattel paper, controllable accounts, controllable electronic records, controllable payment intangibles,* deposit accounts, letter-of-credit rights, or investment property which is perfected under the law of the *chattel paper's jurisdiction, the controllable electronic record's jurisdiction, the* bank's jurisdiction, the issuer's jurisdiction, a nominated person's jurisdiction, the securities intermediary's jurisdiction, or the commodity intermediary's jurisdiction, as applicable, remains perfected until the earlier of:

(1) the time the security interest would have become unperfected under the law of that jurisdiction; or

(2) the expiration of four months after a change of the applicable jurisdiction to another jurisdiction.

(g) Subsection (f) security interest perfected or unperfected under law of new jurisdiction. If a security interest described in subsection (f) becomes perfected under the law of the other jurisdiction before the earlier of the time or the end of the period described in that subsection, it remains perfected thereafter. If the security interest does not become perfected under the law of the other jurisdiction before the earlier of that time or the end of that period, it becomes unperfected and is deemed never to have been perfected as against a purchaser of the collateral for value.

(h) Effect on filed financing statement of change in governing law. The following rules apply to collateral to which a security interest attaches within four months after the debtor changes its location to another jurisdiction:

(1) A financing statement filed before the change pursuant to the law of the jurisdiction designated in § 8.9A-301(1) or 8.9A-305(c) is effective to perfect a security interest in the collateral if the financing statement would have been effective to perfect a security interest in the collateral if the debtor had not changed its location.

(2) If a security interest perfected by a financing statement that is effective under paragraph (1) becomes perfected under the law of the other jurisdiction before the earlier of the time the financing statement would have become ineffective under the law of the jurisdiction designated in § 8.9A-301(1) or 8.9A-305(c) or the expiration of the four-month period, it remains perfected thereafter. If the security interest does not become perfected under the law of the other jurisdiction before the earlier time or event, it becomes unperfected and is deemed never to have been perfected as against a purchaser of the collateral for value.

(i) Effect of change in governing law on financing statement filed against original debtor. If a financing statement naming an original debtor is filed pursuant to the law of the jurisdiction designated in § 8.9A-301(1) or 8.9A-305(c) and the new debtor is located in another jurisdiction, the following rules apply:

(1) The financing statement is effective to perfect a security interest in collateral in which the new debtor has or acquires rights before or within four months after the new debtor becomes bound under § 8.9A-203(d), if the financing statement would have been effective to perfect a security interest in the collateral if the collateral had been acquired by the original debtor.

(2) A security interest that is perfected by the financing statement and which becomes perfected under the law of the other jurisdiction before the earlier of the expiration of the four-month period or the time the financing statement would have become ineffective under the law of the jurisdiction designated in § 8.9A-301(1) or 8.9A-305(c) remains perfected thereafter. A security interest that is perfected by the financing statement but which does not become perfected under the law of the other jurisdiction before the earlier time or event becomes unperfected and is deemed never to have been perfected as against a purchaser of the collateral for value.

§ 8.9A-317. Interests that take priority over or take free of security interest or agricultural lien.

(a) Conflicting security interests and rights of lien creditors. A security interest or agricultural lien is subordinate to the rights of:

(1) a person entitled to priority under § 8.9A-322; and

(2) except as otherwise provided in subsection (e), a person that becomes a lien creditor before the earlier of the time:

(A) the security interest or agricultural lien is perfected; or

(B) one of the conditions specified in subdivision (b)(3) of § 8.9A-203 is met and a financing statement covering the collateral is filed.

(b) Buyers that receive delivery. Except as otherwise provided in subsection (e), a buyer, other than a secured party, ~~of tangible chattel paper, tangible documents,~~ *of* goods, instruments, *tangible documents,* or a certificated security takes free of a security interest or agricultural lien if the buyer gives value and receives delivery of the collateral without knowledge of the security interest or agricultural lien and before it is perfected.

(c) Lessees that receive delivery. Except as otherwise provided in subsection (e), a lessee of goods takes free of a security interest or agricultural lien if the lessee gives value and receives delivery of the collateral without knowledge of the security interest or agricultural lien and before it is perfected.

(d) Licensees and buyers of certain collateral. ~~A~~ *Subject to subsections (f) through (i), a* licensee of a general intangible or a buyer, other than a secured party, of collateral other than ~~tangible chattel paper, tangible documents~~ *electronic money*, goods, instruments, *tangible documents,* or a certificated security takes free of a security interest if the licensee or buyer gives value without knowledge of the security interest and before it is perfected.

(e) Purchase-money security interest. Except as otherwise provided in §§ 8.9A-320 and 8.9A-321, if a person files a financing statement with respect to a purchase-money security interest before or within twenty days after the debtor receives delivery of the collateral, the security interest takes priority over the rights of a buyer, lessee, or lien creditor which arise between the time the security interest attaches and the time of filing.

(f) Buyers of chattel paper. A buyer, other than a secured party, of chattel paper takes free of a security interest if, without knowledge of the security interest and before it is perfected, the buyer gives value and:

(1) receives delivery of each authoritative tangible copy of the record evidencing the chattel paper; and

(2) if each authoritative electronic copy of the record evidencing the chattel paper can be subjected to control under Section 9-105, obtains control of each authoritative electronic copy.

(g) Buyers of electronic documents. A buyer of an electronic document takes free of a security interest if, without knowledge of the security interest and before it is perfected, the buyer gives value and, if each authoritative electronic copy of the document can be subjected to control under Section 7-106, obtains control of each authoritative electronic copy.

(h) Buyers of controllable electronic records. A buyer of a controllable electronic record takes free of a security interest if, without knowledge of the security interest and before it is perfected, the buyer gives value and obtains control of the controllable electronic record.

(i) Buyers of controllable accounts and controllable payment intangibles. A buyer, other than a secured party, of a controllable account or a controllable payment intangible takes free of a security interest if, without knowledge of the security interest and before it is perfected, the buyer gives value and obtains control of the controllable account or controllable payment intangible.

§ 8.9A-323. Future advances.

(a) When priority based on time of advance. Except as otherwise provided in subsection (c), for purposes of determining the priority of a perfected security interest under § 8.9A-322 (a) (1), perfection of the security interest dates from the time an advance is made to the extent that the security interest secures an advance that:

(1) is made while the security interest is perfected only:

(A) under § 8.9A-309 when it attaches; or

(B) temporarily under § 8.9A-312 (e), (f), or (g); and

(2) is not made pursuant to a commitment entered into before or while the security interest is perfected by a method other than under § 8.9A-309 or § 8.9A-312 (e), (f), or (g).

(b) Lien creditor. Except as otherwise provided in subsection (c), a security interest is subordinate to the rights of a person that becomes a lien creditor to the extent that the security interest secures an advance made more than forty-five days after the person becomes a lien creditor unless the advance is made:

(1) without knowledge of the lien; or

(2) pursuant to a commitment entered into without knowledge of the lien.

(c) Buyer of receivables. Subsections (a) and (b) do not apply to a security interest held by a secured party that is a buyer of accounts, chattel paper, payment intangibles, or promissory notes or a consignor.

(d) Buyer of goods. Except as otherwise provided in subsection (e), a buyer of goods ~~other than a buyer in ordinary course of business~~ takes free of a security interest to the extent that it secures advances made after the earlier of:

(1) the time the secured party acquires knowledge of the buyer's purchase; or

(2) forty-five days after the purchase.

(e) Advances made pursuant to commitment; priority of buyer of goods. Subsection (d) does not apply if the advance is made pursuant to a commitment entered into without knowledge of the buyer's purchase and before the expiration of the forty-five day period.

(f) Lessee of goods. Except as otherwise provided in subsection (g), a lessee of goods~~, other than a lessee in ordinary course of business,~~ takes the leasehold interest free of a security interest to the extent that it secures advances made after the earlier of:

(1) the time the secured party acquires knowledge of the lease; or

(2) forty-five days after the lease contract becomes enforceable.

(g) Advances made pursuant to commitment: priority of lessee of goods. Subsection (f) does not apply if the advance is made pursuant to a commitment entered into without knowledge of the lease and before the expiration of the forty-five day period.

§ 8.9A-324. Priority of purchase-money security interests.

(a) General rule; purchase-money priority. Except as otherwise provided in subsection (g), a perfected purchase-money security interest in goods other than inventory or livestock has priority over a conflicting security interest in the same goods, and, except as otherwise provided in § 8.9A-327, a perfected security interest in its identifiable proceeds also has priority, if the purchase-money security interest is perfected when the debtor receives possession of the collateral or within twenty days thereafter.

(b) Inventory purchase-money priority. Subject to subsection (c) and except as otherwise provided in subsection (g), a perfected purchase-money security interest in inventory has priority over a conflicting security interest in the same inventory, has priority over a conflicting security interest in chattel paper or an instrument constituting proceeds of the inventory and in proceeds of the chattel paper, if so provided in § 8.9A-330, and, except as otherwise provided in § 8.9A-327, also has priority in identifiable cash proceeds of the inventory to the extent the identifiable cash proceeds are received on or before the delivery of the inventory to a buyer, if:

(1) the purchase-money security interest is perfected when the debtor receives possession of the inventory;

(2) the purchase-money secured party sends ~~an authenticated~~ *a signed* notification to the holder of the conflicting security interest;

(3) the holder of the conflicting security interest receives the notification within five years before the debtor receives possession of the inventory; and

(4) the notification states that the person sending the notification has or expects to acquire a purchase-money security interest in inventory of the debtor and describes the inventory.

(c) Holders of conflicting inventory security interests to be notified. Subsections (b) (2) through (4) apply only if the holder of the conflicting security interest had filed a financing statement covering the same types of inventory:

(1) if the purchase-money security interest is perfected by filing, before the date of the filing; or

(2) if the purchase-money security interest is temporarily perfected without filing or possession under § 8.9A-312 (f), before the beginning of the twenty-day period thereunder.

(d) Livestock purchase-money priority. Subject to subsection (e) and except as otherwise provided in subsection (g), a perfected purchase-money security interest in livestock that are farm products has priority over a conflicting security interest in the same livestock, and, except as otherwise provided in § 8.9A-327, a perfected security interest in their identifiable proceeds and identifiable products in their unmanufactured states also has priority, if:

(1) the purchase-money security interest is perfected when the debtor receives possession of the livestock;

(2) the purchase-money secured party sends ~~an authenticated~~ *a signed* notification to the holder of the conflicting security interest;

(3) the holder of the conflicting security interest receives the notification within six months before the debtor receives possession of the livestock; and

(4) the notification states that the person sending the notification has or expects to acquire a purchase-money security interest in livestock of the debtor and describes the livestock.

(e) Holders of conflicting livestock security interests to be notified. Subsections (d) (2) through (4) apply only if the holder of the conflicting security interest had filed a financing statement covering the same types of livestock:

(1) if the purchase-money security interest is perfected by filing, before the date of the filing; or

(2) if the purchase-money security interest is temporarily perfected without filing or possession under § 8.9A-312 (f), before the beginning of the twenty-day period thereunder.

(f) Software purchase-money priority. Except as otherwise provided in subsection (g), a perfected purchase-money security interest in software has priority over a conflicting security interest in the same collateral, and, except as otherwise provided in § 8.9A-327, a perfected security interest in its identifiable proceeds also has priority, to the extent that the purchase-money security interest in the goods in which the software was acquired for use has priority in the goods and proceeds of the goods under this section.

(g) Conflicting purchase-money security interests. If more than one security interest qualifies for priority in the same collateral under subsection (a), (b), (d), or (f):

(1) a security interest securing an obligation incurred as all or part of the price of the collateral has priority over a security interest securing an obligation incurred for value given to enable the debtor to acquire rights in or the use of collateral; and

(2) in all other cases, § 8.9A-322 (a) applies to the qualifying security interests.

§ 8.9A-326.1. Priority of security interest in controllable account, controllable electronic record, and controllable payment intangible.

A security interest in a controllable account, controllable electronic record, or controllable payment intangible held by a secured party having control of the account, electronic record, or payment intangible has priority over a conflicting security interest held by a secured party that does not have control.

§ 8.9A-330. Priority of purchaser of chattel paper or instrument.

(a) Purchaser's priority; security interest claimed merely as proceeds. A purchaser of chattel paper has priority over a security interest in the chattel paper which is claimed merely as proceeds of inventory subject to a security interest if:

(1) in good faith and in the ordinary course of the purchaser's business, the purchaser gives new value ~~and~~, takes possession of *each authoritative tangible copy of the record evidencing* the chattel paper ~~or~~, *and* obtains control ~~of~~ *under § 8.9A-105 of each authoritative electronic copy of the record evidencing* the chattel paper ~~under § 8.9A-105~~; and

(2) the ~~chattel paper does~~ *authoritative copies of the record evidencing the chattel paper do* not indicate that ~~it~~ *the chattel paper* has been assigned to an identified assignee other than the purchaser.

(b) Purchaser's priority; other security interests. A purchaser of chattel paper has priority over a security interest in the chattel paper which is claimed other than merely as proceeds of inventory subject to a security interest if the purchaser gives new value ~~and~~, takes possession of *each authoritative tangible copy of the record evidencing* the chattel paper ~~or~~, *and* obtains control ~~of~~ *under § 8.9A-105 of each authoritative electronic copy evidencing* the chattel paper ~~under § 8.9A-105~~ in good faith, in the ordinary course of the purchaser's business, and without knowledge that the purchase violates the rights of the secured party.

(c) Chattel paper purchaser's priority in proceeds. Except as otherwise provided in § 8.9A-327, a purchaser having priority in chattel paper under subsection (a) or (b) also has priority in proceeds of the chattel paper to the extent that:

(1) § 8.9A-322 provides for priority in the proceeds; or

(2) the proceeds consist of the specific goods covered by the chattel paper or cash proceeds of the specific goods, even if the purchaser's security interest in the proceeds is unperfected.

(d) Instrument purchaser's priority. Except as otherwise provided in § 8.9A-331 (a), a purchaser of an instrument has priority over a security interest in the instrument perfected by a method other than possession if the purchaser gives value and takes possession of the instrument in good faith and without knowledge that the purchase violates the rights of the secured party.

(e) Holder of purchase-money security interest gives new value. For purposes of subsections (a) and (b), the holder of a purchase-money security interest in inventory gives new value for chattel paper constituting proceeds of the inventory.

(f) Indication of assignment gives knowledge. For purposes of subsections (b) and (d), if *the authoritative copies of the record evidencing* chattel paper or an instrument ~~indicates~~ *indicate* that ~~it~~ *the chattel paper or instrument* has been assigned to an identified secured party other than the purchaser, a purchaser of the chattel paper or instrument has knowledge that the purchase violates the rights of the secured party.

§ 8.9A-331. Priority of rights of purchasers of controllable accounts, controllable electronic records, controllable payment intangibles, documents, instruments and securities under other titles, priority of interests in financial assets and security entitlements and protection against assertion of claims under Titles 8.8A and 8.12.

(a) Rights under Titles 8.3A, 8.7, ~~and~~ 8.8A*, and 8.12* not limited. This title does not limit the rights of a holder in due course of a negotiable instrument, a holder to which a negotiable document of title has been duly negotiated, ~~or~~ a protected purchaser of a security*, or a qualifying purchaser of a controllable account, controllable electronic record, or controllable payment intangible*. These holders or purchasers take priority over an earlier security interest, even if perfected, to the extent provided in Titles 8.3A, 8.7, ~~and~~ 8.8A*, and 8.12*.

(b) Protection under Title 8.8A *and 8.12*. This title does not limit the rights of or impose liability on a person to the extent that the person is protected against the assertion of a claim under Title 8.8A *or 8.12*.

(c) Filing not notice. Filing under this title does not constitute notice of a claim or defense to the holders, or purchasers, or persons described in subsections (a) and (b).

§ 8.9A-332. Transfer of money, transfer of funds from deposit account.

(a) Transferee of *tangible* money. A transferee of *tangible* money takes the money free of a security interest ~~unless~~ *if* the transferee ~~acts~~ *receives possession of the money without acting* in collusion with the debtor in violating the rights of the secured party.

(b) Transferee of funds from deposit account. A transferee of funds from a deposit account takes the funds free of a security interest ~~unless~~ *if* the transferee ~~acts~~ *receives the funds without acting* in collusion with the debtor in violating the rights of the secured party.

(c) Transferee of electronic money. A transferee of electronic money takes the money free of a security interest if the transferee obtains control of the money without acting in collusion with the debtor in violating the rights of the secured party.

§ 8.9A-334. Priority of security interests in fixtures and crops.

(a) Security interest in fixtures under this title. A security interest under this title may be created in goods that are fixtures or may continue in goods that become fixtures. A security interest does not exist under this title in ordinary building materials incorporated into an improvement on land.

(b) Security interest in fixtures under real property law. This title does not prevent creation of an encumbrance upon fixtures under real property law.

(c) General rule; subordination of security interest in fixtures. In cases not governed by subsections (d) through (h), a security interest in fixtures is subordinate to a conflicting interest of an encumbrancer or owner of the related real property other than the debtor.

(d) Fixtures purchase-money priority. Except as otherwise provided in subsection (h), a perfected security interest in fixtures has priority over a conflicting interest of an encumbrancer or owner of the real property if the debtor has an interest of record in or is in possession of the real property and:

(1) the security interest is a purchase-money security interest;

(2) the interest of the encumbrancer or owner arises before the goods become fixtures; and

(3) the security interest is perfected by a fixture filing before the goods become fixtures or within twenty days thereafter.

(e) Priority of security interest in fixtures over interests in real property. A perfected security interest in fixtures has priority over a conflicting interest of an encumbrancer or owner of the real property if:

(1) the debtor has an interest of record in the real property or is in possession of the real property and the security interest:

(A) is perfected by a fixture filing before the interest of the encumbrancer or owner is of record; and

(B) has priority over any conflicting interest of a predecessor in title of the encumbrancer or owner;

(2) before the goods become fixtures, the security interest is perfected by any method permitted by this title and the fixtures are readily removable:

(A) factory or office machines;

(B) equipment that is not primarily used or leased for use in the operation of the real property; or

(C) replacements of domestic appliances that are consumer goods;

(3) the conflicting interest is a lien on the real property obtained by legal or equitable proceedings after the security interest was perfected by any method permitted by this title; or

(4) the security interest is:

(A) created in a manufactured home in a manufactured-home transaction; and

(B) perfected pursuant to a statute described in § 8.9A-311 (a) (2).

(f) Priority based on consent, disclaimer, or right to remove. A security interest in fixtures, whether or not perfected, has priority over a conflicting interest of an encumbrancer or owner of the real property if:

(1) the encumbrancer or owner has, in ~~an authenticated~~ *a signed* record, consented to the security interest or disclaimed an interest in the goods as fixtures; or

(2) the debtor has a right to remove the goods as against the encumbrancer or owner.

(g) Continuation of subdivision (f) (2) priority. The priority of the security interest under subdivision (f) (2) continues for a reasonable time if the debtor's right to remove the goods as against the encumbrancer or owner terminates.

(h) Priority of construction mortgage. A mortgage is a construction mortgage to the extent that it secures an obligation incurred for the construction of an improvement on land, including the acquisition cost of the land, if a recorded record of the mortgage so indicates. Except as otherwise provided in subsections (e) and (f), a security interest in fixtures is subordinate to a construction mortgage if a record of the mortgage is recorded before the goods become fixtures and the goods become fixtures before the completion of the construction. A mortgage has this priority to the same extent as a construction mortgage to the extent that it is given to refinance a construction mortgage.

(i) Priority of security interest in crops. A perfected security interest in crops growing on real property has priority over a conflicting interest of an encumbrancer or owner of the real property if the debtor has an interest of record in or is in possession of the real property.

(j) Subsection (i) prevails. Subsection (i) prevails over any inconsistent provisions of the following statutes.

§ 8.9A-341. Bank's rights and duties with respect to deposit account.

Except as otherwise provided in § 8.9A-340 (c), and unless the bank otherwise agrees in ~~an authenticated~~ *a signed* record, a bank's rights and duties with respect to a deposit account maintained with the bank are not terminated, suspended, or modified by:

(1) the creation, attachment, or perfection of a security interest in the deposit account;

(2) the bank's knowledge of the security interest; or

(3) the bank's receipt of instructions from the secured party.

§ 8.9A-404. Rights acquired by assignee; claims and defenses against assignee.

(a) Assignee's rights subject to terms, claims, and defenses; exceptions. Unless an account debtor has made an enforceable agreement not to assert defenses or claims, and subject to subsections (b) through (e), the rights of an assignee are subject to:

(1) all terms of the agreement between the account debtor and assignor and any defense or claim in recoupment arising from the transaction that gave rise to the contract; and

(2) any other defense or claim of the account debtor against the assignor which accrues before the account debtor receives a notification of the assignment ~~authenticated~~ *signed* by the assignor or the assignee.

(b) Account debtor's claim reduces amount owed to assignee. Subject to subsection (c) and except as otherwise provided in subsection (d), the claim of an account debtor against an assignor may be asserted against an assignee under subsection (a) only to reduce the amount the account debtor owes.

(c) Rule for individual under other law. This section is subject to law other than this title which establishes a different rule for an account debtor who is an individual and who incurred the obligation primarily for personal, family, or household purposes.

(d) Omission of required statement in consumer transaction. In a consumer transaction, if a record evidences the account debtor's obligation, law other than this title requires that the record include a statement to the effect that the account debtor's recovery against an assignee with respect to claims and defenses against the assignor may not exceed amounts paid by the account debtor under the record, and the record does not include such a statement, the extent to which a claim of an account debtor against the assignor may be asserted against an assignee is determined as if the record included such a statement.

(e) Inapplicability to health-care-insurance receivable. This section does not apply to an assignment of a health-care-insurance receivable.

§ 8.9A-406. Discharge of account debtor; notification of assignment; identification and proof of assignment; restrictions on assignment of accounts, chattel paper, payment intangibles, and promissory notes ineffective.

(a) Discharge of account debtor; effect of notification. Subject to subsections (b) through (i) *and subsection (m)*, an account debtor on an account, chattel paper, or a payment intangible may discharge its obligation by paying the assignor until, but not after, the account debtor receives a notification, ~~authenticated~~ *signed* by the assignor or the assignee, that the amount due or to become due has been assigned and that payment is to be made to the assignee. After receipt of the notification, the account debtor may discharge its obligation by paying the assignee and may not discharge the obligation by paying the assignor.

(b) When notification ineffective. Subject to ~~subsection~~ *subsections* (h) *and (m)*, notification is ineffective under subsection (a):

(1) if it does not reasonably identify the rights assigned;

(2) to the extent that an agreement between an account debtor and a seller of a payment intangible limits the account debtor's duty to pay a person other than the seller and the limitation is effective under law other than this title; or

(3) at the option of an account debtor, if the notification notifies the account debtor to make less than the full amount of any installment or other periodic payment to the assignee, even if:

(A) only a portion of the account, chattel paper, or payment intangible has been assigned to that assignee;

(B) a portion has been assigned to another assignee; or

(C) the account debtor knows that the assignment to that assignee is limited.

(c) Proof of assignment. Subject to ~~subsection~~ *subsections* (h) *and (m)*, if requested by the account debtor, an assignee shall seasonably furnish reasonable proof that the assignment has been made. Unless the assignee complies, the account debtor may discharge its obligation by paying the assignor, even if the account debtor has received a notification under subsection (a).

(d) Term restricting assignment generally ineffective. *In this subsection, "promissory note" includes a negotiable instrument that evidences chattel paper.* Except as otherwise provided in subsection (e) and §§ 8.2A-303 and 8.9A-407, and subject to subsection (h), a term in an agreement between an account debtor and an assignor or in a promissory note is ineffective to the extent that it:

(1) prohibits, restricts, or requires the consent of the account debtor or person obligated on the promissory note to the assignment or transfer of, or the creation, attachment, perfection, or enforcement of a security interest in, the account, chattel paper, payment intangible, or promissory note; or

(2) provides that the assignment or transfer or the creation, attachment, perfection, or enforcement of the security interest may give rise to a default, breach, right of recoupment, claim, defense, termination, right of termination, or remedy under the account, chattel paper, payment intangible, or promissory note.

(e) Inapplicability of subsection (d) to certain sales. Subsection (d) does not apply to the sale of a payment intangible or promissory note, other than a sale pursuant to a disposition under § 8.9A-610 or an acceptance of collateral under § 8.9A-620.

(f) Legal restrictions on assignment generally ineffective. Except as otherwise provided in §§ 8.2A-303 and 8.9A-407 and subject to subsections (h) and (i), a rule of law, statute, or regulation that prohibits, restricts, or requires the consent of a government, governmental body or official, or account debtor to the assignment or transfer of, or creation of a security interest in, an account or chattel paper is ineffective to the extent that the rule of law, statute, or regulation:

(1) prohibits, restricts, or requires the consent of the government, governmental body or official, or account debtor to the assignment or transfer of, or the creation, attachment, perfection, or enforcement of a security interest in the account or chattel paper; or

(2) provides that the assignment or transfer or the creation, attachment, perfection, or enforcement of the security interest may give rise to a default, breach, right of recoupment, claim, defense, termination, right of termination, or remedy under the account or chattel paper.

(g) Subsection (b) (3) not waivable. Subject to ~~subsection~~ *subsections* (h) *and (m)*, an account debtor may not waive or vary its option under subsection (b) (3).

(h) Rule for individual under other law. This section is subject to law other than this title which establishes a different rule for an account debtor who is an individual and who incurred the obligation primarily for personal, family, or household purposes.

(i) Inapplicability to health-care-insurance receivable. This section does not apply to an assignment of a health-care-insurance receivable.

(j) Inapplicability of subsection (d) to certain transactions. Subsection (d) does not apply to:

(1) a claim or right to receive compensation for injuries or sickness as described in 26 U.S.C. § 104(a) (1), as amended from time to time; or

(2) a claim or right to receive benefits under a special needs trust as described in 42 U.S.C. § 1396p (d) (4), as amended from time to time.

(k) Inapplicability to partnership and limited liability company interests. This section does not apply to an interest in a partnership or limited liability company.

(l) No inference regarding structured settlements. This section shall not be construed or interpreted to relieve or exempt any person or entity from any duties, obligations or rights imposed or provided by the Structured Settlement Protection Act (§ 59.1-475 et seq.), as amended from time to time.

(m) Subsections (a), (b), (c), and (g) do not apply to a controllable account or controllable payment intangible.

§ 8.9A-408. Restrictions on assignment of promissory notes, health-care-insurance receivables, and certain general intangibles ineffective.

(a) Term restricting assignment generally ineffective. Except as otherwise provided in subsection (b), a term in a promissory note or in an agreement between an account debtor and a debtor which relates to a health-care-insurance receivable or a general intangible, including a contract, permit, license, or franchise, and which term prohibits, restricts, or requires the consent of the person obligated on the promissory note or the account debtor to, the assignment or transfer of, or creation, attachment, or perfection of a security interest in, the promissory note, health-care-insurance receivable, or general intangible, is ineffective to the extent that the term:

(1) would impair the creation, attachment, or perfection of a security interest; or

(2) provides that the assignment or transfer or the creation, attachment, or perfection of the security interest may give rise to a default, breach, right of recoupment, claim, defense, termination, right of termination, or remedy under the promissory note, health-care-insurance receivable, or general intangible.

(b) Applicability of subsection (a) to sales of certain rights to payment. Subsection (a) applies to a security interest in a payment intangible or promissory note only if the security interest arises out of a sale of the payment intangible or promissory note, other than a sale pursuant to a disposition under § 8.9A-610 or an acceptance of collateral under § 8.9A-620.

(c) Legal restrictions on assignment generally ineffective. A rule of law, statute, or regulation that prohibits, restricts, or requires the consent of a government, governmental body or official, person obligated on a promissory note, or account debtor to the assignment or transfer of, or creation of a security interest in, a promissory note, health-care-insurance receivable, or general intangible, including a contract, permit, license, or franchise between an account debtor and a debtor, is ineffective to the extent that the rule of law, statute, or regulation:

(1) would impair the creation, attachment, or perfection of a security interest; or

(2) provides that the assignment or transfer or the creation, attachment, or perfection of the security interest may give rise to a default, breach, right of recoupment, claim, defense, termination, right of termination, or remedy under the promissory note, health-care-insurance receivable, or general intangible.

(d) Limitation on ineffectiveness under subsections (a) and (c). To the extent that a term in a promissory note or in an agreement between an account debtor and a debtor which relates to a health-care-insurance receivable or general intangible or a rule of law, statute, or regulation described in subsection (c) would be effective under law other than this title but is ineffective under subsection (a) or (c), the creation, attachment, or perfection of a security interest in the promissory note, health-care-insurance receivable, or general intangible:

(1) is not enforceable against the person obligated on the promissory note or the account debtor;

(2) does not impose a duty or obligation on the person obligated on the promissory note or the account debtor;

(3) does not require the person obligated on the promissory note or the account debtor to recognize the security interest, pay or render performance to the secured party, or accept payment or performance from the secured party;

(4) does not entitle the secured party to use or assign the debtor's rights under the promissory note, health-care-insurance receivable, or general intangible, including any related information or materials furnished to the debtor in the transaction giving rise to the promissory note, health-care-insurance receivable, or general intangible;

(5) does not entitle the secured party to use, assign, possess, or have access to any trade secrets or confidential information of the person obligated on the promissory note or the account debtor; and

(6) does not entitle the secured party to enforce the security interest in the promissory note, health-care-insurance receivable, or general intangible.

(e) Inapplicability of subsection (a) to certain payment intangibles. Subsection (a) does not apply to:

(1) the sale of a claim or right to receive compensation for injuries or sickness as described in 26 U.S.C. § 104 (a) (2), as amended from time to time, provided that no inference shall be drawn regarding the enforceability or nonenforceability under other law or any term in an agreement which prohibits, restricts, or requires consent to the sale of such claim or right described in 26 U.S.C. § 104 (a) (2);

(2) a claim or right to receive compensation for injuries or sickness as described in 26 U.S.C. § 104 (a) (1), as amended from time to time; or

(3) a claim or right to receive benefits under a special needs trust as described in 42 U.S.C. § 1396p (d) (4), as amended from time to time.

(f) Inapplicability of subsection (c) to certain payment intangibles. Subsection (c) does not apply to:

(1) a claim or right to receive compensation for injuries or sickness as described in 26 U.S.C. § 104 (a) (1) or (2), as amended from time to time; or

(2) a claim or right to receive benefits under a special needs trust as described in 42 U.S.C. § 1396p (d) (4), as amended from time to time.

(g) Inapplicability to partnership and limited liability company interests. This section does not apply to an interest in a partnership or limited liability company.

(h) Promissory note. In this section, "promissory note" includes a negotiable instrument that evidences chattel paper.

§ 8.9A-509. Persons entitled to file a record.

(a) Person entitled to file record. A person may file an initial financing statement, amendment that adds collateral covered by a financing statement, or amendment that adds a debtor to a financing statement only if:

(1) the debtor authorizes the filing in ~~an authenticated~~ *a signed* record or pursuant to subsection (b) or (c); or

(2) the person holds an agricultural lien that has become effective at the time of filing and the financing statement covers only collateral in which the person holds an agricultural lien.

(b) Security agreement as authorization. By ~~authenticating~~ *signing* or becoming bound as debtor by a security agreement, a debtor or new debtor authorizes the filing of an initial financing statement, and an amendment, covering:

(1) the collateral described in the security agreement; and

(2) property that becomes collateral under § 8.9A-315 (a) (2), whether or not the security agreement expressly covers proceeds.

(c) Acquisition of collateral as authorization. By acquiring collateral in which a security interest or agricultural lien continues under § 8.9A-315 (a) (1), a debtor authorizes the filing of an initial financing statement, and an amendment, covering the collateral and property that becomes collateral under § 8.9A-315 (a) (2).

(d) Person entitled to file certain amendments. A person may file an amendment other than an amendment that adds collateral covered by a financing statement or an amendment that adds a debtor to a financing statement only if:

(1) the secured party of record authorizes the filing; or

(2) the amendment is a termination statement for a financing statement as to which the secured party of record has failed to file or send a termination statement as required by § 8.9A-513 (a) or (c), the debtor authorizes the filing, and the termination statement indicates that the debtor authorized it to be filed.

(e) Multiple secured parties of record. If there is more than one secured party of record for a financing statement, each secured party of record may authorize the filing of an amendment under subsection (d).

§ 8.9A-513. Termination statement.

(a) Consumer goods. A secured party shall cause the secured party of record for a financing statement to file a termination statement for the financing statement if the financing statement covers consumer goods and:

(1) there is no obligation secured by the collateral covered by the financing statement and no commitment to make an advance, incur an obligation, or otherwise give value; or

(2) the debtor did not authorize the filing of the initial financing statement.

(b) Time for compliance with subsection (a). To comply with subsection (a), a secured party shall cause the secured party of record to file the termination statement:

(1) within one month after there is no obligation secured by the collateral covered by the financing statement and no commitment to make an advance, incur an obligation, or otherwise give value; or

(2) if earlier, within twenty days after the secured party receives ~~an authenticated~~ *a signed* demand from a debtor.

(c) Other collateral. In cases not governed by subsection (a), within twenty days after a secured party receives ~~an authenticated~~ *a signed* demand from a debtor, the secured party shall cause the secured party of record for a financing statement to send to the debtor a termination statement for the financing statement or file the termination statement in the filing office if:

(1) except in the case of a financing statement covering accounts or chattel paper that has been sold or goods that are the subject of a consignment, there is no obligation secured by the collateral covered by the financing statement and no commitment to make an advance, incur an obligation, or otherwise give value;

(2) the financing statement covers accounts or chattel paper that has been sold but as to which the account debtor or other person obligated has discharged its obligation;

(3) the financing statement covers goods that were the subject of a consignment to the debtor but are not in the debtor's possession; or

(4) the debtor did not authorize the filing of the initial financing statement.

(d) Effect of filing termination statement. Except as otherwise provided in § 8.9A-510, upon the filing of a termination statement with the filing office, the financing statement to which the termination statement relates ceases to be effective. Except as otherwise provided in § 8.9A-510, for purposes of §§ 8.9A-519 (g), 8.9A-522 (a), and 8.9A-523 (c), the filing with the filing office of a termination statement relating to a financing statement that indicates that the debtor is a transmitting utility also causes the effectiveness of the financing statement to lapse.

§ 8.9A-601. Rights after default; judicial enforcement, consignor or buyer of accounts, chattel paper, payment intangibles, or promissory notes.

(a) Rights of secured party after default. After default, a secured party has the rights provided in this part and, except as otherwise provided in § 8.9A-602, those provided by agreement of the parties. A secured party:

(1) may reduce a claim to judgment, foreclose, or otherwise enforce the claim, security interest, or agricultural lien by any available judicial procedure; and

(2) if the collateral is documents, may proceed either as to the documents or as to the goods they cover.

(b) Rights and duties of secured party in possession or control. A secured party in possession of collateral or control of collateral under §§ 8.7-106, 8.9A-104, 8.9A-105, *8.9A-105A,* 8.9A-106, ~~or~~ ~~§~~ 8.9A-107*, or 8.9A-107A* has the rights and duties provided in § 8.9A-207.

(c) Rights cumulative; simultaneous exercise. The rights under subsections (a) and (b) are cumulative and may be exercised simultaneously.

(d) Rights of debtor and obligor. Except as otherwise provided in subsection (g) and § 8.9A-605, after default, a debtor and an obligor have the rights provided in this part and by agreement of the parties.

(e) Lien of levy after judgment. If a secured party has reduced its claim to judgment, the lien of any levy that may be made upon the collateral by virtue of an execution based upon the judgment relates back to the earliest of:

(1) the date of perfection of the security interest or agricultural lien in the collateral;

(2) the date of filing a financing statement covering the collateral; or

(3) any date specified in a statute under which the agricultural lien was created.

(f) Execution sale. A sale pursuant to an execution is a foreclosure of the security interest or agricultural lien by judicial procedure within the meaning of this section. A secured party may purchase at the sale and thereafter hold the collateral free of any other requirements of this title.

(g) Consignor or buyer of certain rights to payment. Except as otherwise provided in § 8.9A-607 (c), this part imposes no duties upon a secured party that is a consignor or is a buyer of accounts, chattel paper, payment intangibles, or promissory notes.

§ 8.9A-605. Unknown debtor or secondary obligor.

(a) In general: no duty owed by secured party. ~~A~~ *Except as provided in subsection (b), a* secured party does not owe a duty based on its status as secured party:

(1) to a person that is a debtor or obligor, unless the secured party knows:

(A) that the person is a debtor or obligor;

(B) the identity of the person; and

(C) how to communicate with the person; or

(2) to a secured party or lienholder that has filed a financing statement against a person, unless the secured party knows:

(A) that the person is a debtor; and

(B) the identity of the person.

(b) Exception: Secured party owes duty to debtor or obligor. A secured party owes a duty based on its status as a secured party to a person if, at the time the secured party obtains control of collateral that is a controllable account, controllable electronic record, or controllable payment intangible or at the time the security interest attaches to the collateral, whichever is later:

(1) the person is a debtor or obligor; and

(2) the secured party knows that the information in subsection (a)(1)(A), (B), or

(C) relating to the person is not provided by the collateral, a record attached to or logically associated with the collateral, or the system in which the collateral is recorded.

§ 8.9A-608. Application of proceeds of collection or enforcement; liability for deficiency and right to surplus.

(a) Application of proceeds, surplus, and deficiency if obligation secured. If a security interest or agricultural lien secures payment or performance of an obligation, the following rules apply:

(1) A secured party shall apply or pay over for application the cash proceeds of collection or enforcement under § 8.9A-607 in the following order to:

(A) the reasonable expenses of collection and enforcement and, to the extent provided for by agreement and not prohibited by law, reasonable attorney's fees and legal expenses incurred by the secured party;

(B) the satisfaction of obligations secured by the security interest or agricultural lien under which the collection or enforcement is made; and

(C) the satisfaction of obligations secured by any subordinate security interest in or other lien on the collateral subject to the security interest or agricultural lien under which the collection or enforcement is made if the secured party receives ~~an authenticated~~ *a signed* demand for proceeds before distribution of the proceeds is completed.

(2) If requested by a secured party, a holder of a subordinate security interest or other lien shall furnish reasonable proof of the interest or lien within a reasonable time. Unless the holder complies, the secured party need not comply with the holder's demand under subsection (a) (1) (C).

(3) A secured party need not apply or pay over for application noncash proceeds of collection and enforcement under § 8.9A-607 unless the failure to do so would be commercially unreasonable. A secured party that applies or pays over for application noncash proceeds shall do so in a commercially reasonable manner.

(4) A secured party shall account to and pay a debtor for any surplus, and the obligor is liable for any deficiency.

(b) No surplus or deficiency in sales of certain rights to payment. If the underlying transaction is a sale of accounts, chattel paper, payment intangibles, or promissory notes, the debtor is not entitled to any surplus, and the obligor is not liable for any deficiency.

§ 8.9A-611. Notification before disposition of collateral.

(a) "Notification date." In this section, "notification date" means the earlier of the date on which:

(1) a secured party sends to the debtor and any secondary obligor ~~an authenticated~~ *a signed* notification of disposition; or

(2) the debtor and any secondary obligor waive the right to notification.

(b) Notification of disposition required. Except as otherwise provided in subsection (d), a secured party that disposes of collateral under § 8.9A-610 shall send to the persons specified in subsection (c) a reasonable ~~authenticated~~ *signed* notification of disposition.

(c) Persons to be notified. To comply with subsection (b), the secured party shall send ~~an authenticated~~ *a signed* notification of disposition to:

(1) the debtor;

(2) any secondary obligor; and

(3) if the collateral is other than consumer goods:

(A) any other person from which the secured party has received, before the notification date, ~~an authenticated~~ *a signed* notification of a claim of an interest in the collateral;

(B) any other secured party or lienholder that, ten days before the notification date, held a security interest in or other lien on the collateral perfected by the filing of a financing statement that:

(i) identified the collateral;

(ii) was indexed under the debtor's name as of that date; and

(iii) was filed in the office in which to file a financing statement against the debtor covering the collateral as of that date; and

(C) any other secured party that, ten days before the notification date, held a security interest in the collateral perfected by compliance with a statute, regulation, or treaty described in § 8.9A-311 (a).

(d) Subsection (b) inapplicable; perishable collateral; recognized market. Subsection (b) does not apply if the collateral is perishable or threatens to decline speedily in value or is of a type customarily sold on a recognized market.

(e) Compliance with subsection (c) (3) (B). A secured party complies with the requirement for notification prescribed by subsection (c) (3) (B) if:

(1) not later than twenty days or earlier than thirty days before the notification date, the secured party requests, in a commercially reasonable manner, information concerning financing statements indexed under the debtor's name in the office indicated in subsection (c) (3) (B); and

(2) before the notification date, the secured party:

(A) did not receive a response to the request for information; or

(B) received a response to the request for information and sent ~~an authenticated~~ *a signed* notification of disposition to each secured party or other lienholder named in that response whose financing statement covered the collateral.

§ 8.9A-613. Contents and form of notification before disposition of collateral; general.

(a) Contents and form of notification. Except in a consumer-goods transaction, the following rules apply:

(1) The contents of a notification of disposition are sufficient if the notification:

(A) describes the debtor and the secured party;

(B) describes the collateral that is the subject of the intended disposition;

(C) states the method of intended disposition;

(D) states that the debtor is entitled to an accounting of the unpaid indebtedness and states the charge, if any, for an accounting; and

(E) states the time and place of a public disposition or the time after which any other disposition is to be made.

(2) Whether the contents of a notification that lacks any of the information specified in paragraph (1) are nevertheless sufficient is a question of fact.

(3) The contents of a notification providing substantially the information specified in paragraph (1) are sufficient, even if the notification includes:

(A) information not specified by that paragraph; or

(B) minor errors that are not seriously misleading.

(4) A particular phrasing of the notification is not required.

(5) The following form of notification and the form appearing in § ~~8.9A-614~~ ~~(3)~~ *8.9A-614(a)(3)*, when completed *in accordance with the instructions in subsection (b) and § 8.9A-614(b)*, each provides sufficient information:

~~NOTIFICATION OF DISPOSITION OF COLLATERAL~~

~~To:~~

~~Name of debtor, obligor, or other person to which~~

~~the notification is sent~~
~~From:~~
~~Name, address, and telephone number of secured party~~
~~Name of~~
~~Debtor(s):~~
~~Include only if debtor(s) are not an addressee~~
~~For a public disposition:~~
~~We will sell or lease or license, as applicable, the (describe collateral) to the highest qualified bidder in public as follows:~~
~~Day and Date:~~
~~Time:~~
~~Place:~~
~~For a private disposition:~~
~~We will sell or lease or license, as applicable, the (describe collateral) privately sometime after (day and date).~~
~~You are entitled to an accounting of the unpaid indebtedness secured by the property that we intend to sell or lease or license, as applicable, for a charge of $. You may request an accounting by calling us at (telephone number).~~

NOTIFICATION OF DISPOSITION OF COLLATERAL

To: (Name of debtor, obligor, or other person to which the notification is sent)

From: (Name, address, and telephone number of secured party)

{1} Name of any debtor that is not an addressee: (Name of each debtor)

{2} We will sell (describe collateral) (to the highest qualified bidder) at public sale. A sale could include a lease or license. The sale will be held as follows:

(Date)

(Time)

(Place)

{3} We will sell (describe collateral) at private sale sometime after (date). A sale could include a lease or license.

{4} You are entitled to an accounting of the unpaid indebtedness secured by the property that we intend to sell or, as applicable, lease or license.

{5} If you request an accounting you must pay a charge of $ (amount).

{6} You may request an accounting by calling us at (telephone number).

[End of Form]

(b) Instructions for form of notification. The following instructions apply to the form of notification in subsection (a)(5):

(1) The instructions in this subsection refer to the numbers in braces before items in the form of notification in subsection (a)(5). Do not include the numbers or braces in the notification. The numbers and braces are used only for the purpose of these instructions.

(2) Include and complete item {1} only if there is a debtor that is not an addressee of the notification and list the name or names.

(3) Include and complete either item {2}, if the notification relates to a public disposition of the collateral, or item {3}, if the notification relates to a private disposition of the collateral. If item {2} is included, include the words "to the highest qualified bidder" only if applicable.

(4) Include and complete items {4} and {6}.

(5) Include and complete item {5} only if the sender will charge the recipient for an accounting.

§ 8.9A-614. Contents and form of notification before disposition of collateral; consumer-goods transaction.

(a) Contents and form of notification. In a consumer-goods transaction, the following rules apply:

(1) A notification of disposition must provide the following information:

(A) the information specified in § ~~8.9A-613 (1)~~ *8.9A-613(a)(1)*;

(B) a description of any liability for a deficiency of the person to which the notification is sent;

(C) a telephone number from which the amount that must be paid to the secured party to redeem the collateral under § 8.9A-623 is available; and

(D) a telephone number or mailing address from which additional information concerning the disposition and the obligation secured is available.

(2) A particular phrasing of the notification is not required.

(3) The following form of notification, when completed *in accordance with the instructions in subsection (b)*, provides sufficient information:

~~Name and address of secured party~~
~~Date~~
~~NOTICE OF OUR PLAN TO SELL PROPERTY~~
~~Name and address of any obligor who is also a debtor~~
~~Subject:~~

~~Identification of Transaction~~

~~We have your (describe collateral), because you broke promises in our agreement.~~

~~For a public disposition:~~

~~We will sell (describe collateral) at public sale. A sale could include a lease or license. The sale will be held as follows:~~

~~Date:~~

~~Time:~~

~~Place:~~

~~You may attend the sale and bring bidders if you want.~~

~~For a private disposition:~~

~~We will sell (describe collateral) at private sale sometime after (date). A sale could include a lease or license.~~

~~The money that we get from the sale (after paying our costs) will reduce the amount you owe. If we get less money than you owe, you (will or will not, as applicable) still owe us the difference. If we get more money than you owe, you will get the extra money, unless we must pay it to someone else.~~

~~You can get the property back at any time before we sell it by paying us the full amount you owe (not just the past due payments), including our expenses. To learn the exact amount you must pay, call us at (telephone number).~~

~~If you want us to explain to you in writing how we have figured the amount that you owe us, you may call us at (telephone number) or write us at (secured party's address) and request a written explanation. We will charge you $for the explanation if we sent you another written explanation of the amount you owe us within the last six months.~~

~~If you need more information about the sale call us at (telephone number) or write us at (secured party's address).~~

~~We are sending this notice to the following other people who have an interest in (describe collateral) or who owe money under your agreement:~~

~~(names of all other debtors and obligors, if any)~~

(Name and address of secured party)

(Date)

NOTICE OF OUR PLAN TO SELL PROPERTY

(Name and address of any obligor who is also a debtor)

Subject: (Identify transaction)

We have your (describe collateral), because you broke promises in our agreement.

{1} We will sell (describe collateral) at public sale. A sale could include a lease or license. The sale will be held as follows:

(Date)

(Time)

(Place)

You may attend the sale and bring bidders if you want.

{2} We will sell (describe collateral) at private sale sometime after (date). A sale could include a lease or license.

{3} The money that we get from the sale, after paying our costs, will reduce the amount you owe. If we get less money than you owe, you (will or will not, as applicable) still owe us the difference. If we get more money than you owe, you will get the extra money, unless we must pay it to someone else.

{4} You can get the property back at any time before we sell it by paying us the full amount you owe, not just the past due payments, including our expenses. To learn the exact amount you must pay, call us at (telephone number).

{5} If you want us to explain to you in (writing) (writing or in (description of electronic record)) (description of electronic record) how we have figured the amount that you owe us, {6} call us at (telephone number) (or) (write us at (secured party's address)) (or contact us by (description of electronic communication method)) {7} and request (a written explanation) (a written explanation or an explanation in (description of electronic record)) (an explanation in (description of electronic record)).

{8} We will charge you $ (amount) for the explanation if we sent you another written explanation of the amount you owe us within the last six months.

{9} If you need more information about the sale (call us at (telephone number)) (or) (write us at (secured party's address)) (or contact us by (description of electronic communication method)).

{10} We are sending this notice to the following other people who have an interest in (describe collateral) or who owe money under your agreement:

(Names of all other debtors and obligors, if any)

[End of Form]

(4) A notification in the form of paragraph (3) is sufficient, even if additional information appears at the end of the form.

(5) A notification in the form of paragraph (3) is sufficient, even if it includes errors in information not required by paragraph (1), unless the error is misleading with respect to rights arising under this title.

(6) If a notification under this section is not in the form of paragraph (3), law other than this title determines the effect of including information not required by paragraph (1).

(b) Instructions for form of notification. The following instructions apply to the form of notification in subsection (a)(3):

(1) The instructions in this subsection refer to the numbers in braces before items in the form of notification in subsection (a)(3). Do not include the numbers or braces in the notification. The numbers and braces are used only for the purpose of these instructions.

(2) Include and complete either item {1}, if the notification relates to a public disposition of the collateral, or item {2}, if the notification relates to a private disposition of the collateral.

(3) Include and complete items {3}, {4}, {5}, {6}, and {7}.

(4) In item {5}, include and complete any one of the three alternative methods for the explanation—writing, writing or electronic record, or electronic record.

(5) In item {6}, include the telephone number. In addition, the sender may include and complete either or both of the two additional alternative methods of communication—writing or electronic communication—for the recipient of the notification to communicate with the sender. Neither of the two additional methods of communication is required to be included.

(6) In item {7}, include and complete the method or methods for the explanation—writing, writing or electronic record, or electronic record—included in item {5}.

(7) Include and complete item {8} only if a written explanation is included in item {5} as a method for communicating the explanation and the sender will charge the recipient for another written explanation.

(8) In item {9}, include either the telephone number or the address or both the telephone number and the address. In addition, the sender may include and complete the additional method of communication—electronic communication—for the recipient of the notification to communicate with the sender. The additional method of electronic communication is not required to be included.

(9) If item {10} does not apply, insert "None" after "agreement:".

§ 8.9A-615. Application of proceeds of disposition; liability for deficiency and right to surplus.

(a) Application of proceeds. A secured party shall apply or pay over for application the cash proceeds of disposition under § 8.9A-610 in the following order to:

(1) the reasonable expenses of retaking, holding, preparing for disposition, processing, and disposing, and, to the extent provided for by agreement and not prohibited by law, reasonable attorney's fees and legal expenses incurred by the secured party;

(2) the satisfaction of obligations secured by the security interest or agricultural lien under which the disposition is made;

(3) the satisfaction of obligations secured by any subordinate security interest in or other subordinate lien on the collateral if:

(A) the secured party receives from the holder of the subordinate security interest or other lien ~~an authenticated~~ *a signed* demand for proceeds before distribution of the proceeds is completed; and

(B) in a case in which a consignor has an interest in the collateral, the subordinate security interest or other lien is senior to the interest of the consignor; and

(4) a secured party that is a consignor of the collateral if the secured party receives from the consignor ~~an authenticated~~ *a signed* demand for proceeds before distribution of the proceeds is completed.

(b) Proof of subordinate interest. If requested by a secured party, a holder of a subordinate security interest or other lien shall furnish reasonable proof of the interest or lien within a reasonable time. Unless the holder does so, the secured party need not comply with the holder's demand under subsection (a) (3).

(c) Application of noncash proceeds. A secured party need not apply or pay over for application noncash proceeds of disposition under § 8.9A-610 unless the failure to do so would be commercially unreasonable. A secured party that applies or pays over for application noncash proceeds shall do so in a commercially reasonable manner.

(d) Surplus or deficiency if obligation secured. If the security interest under which a disposition is made secures payment or performance of an obligation, after making the payments and applications required by subsection (a) and permitted by subsection (c):

(1) unless subsection (a) (4) requires the secured party to apply or pay over cash proceeds to a consignor, the secured party shall account to and pay a debtor for any surplus; and

(2) the obligor is liable for any deficiency.

(e) No surplus or deficiency in sales of certain rights to payment. If the underlying transaction is a sale of accounts, chattel paper, payment intangibles, or promissory notes:

(1) the debtor is not entitled to any surplus; and

(2) the obligor is not liable for any deficiency.

(f) Calculation of surplus or deficiency in disposition to person related to secured party. The surplus or deficiency following a disposition is calculated based on the amount of proceeds that would have been realized in a disposition complying with this part to a transferee other than the secured party, a person related to the secured party, or a secondary obligor if:

(1) the transferee in the disposition is the secured party, a person related to the secured party, or a secondary obligor; and

(2) the amount of proceeds of the disposition is significantly below the range of proceeds that a complying disposition to a person other than the secured party, a person related to the secured party, or a secondary obligor would have brought.

§ 8.9A-616. Explanation of calculation of surplus or deficiency.

(a) Definitions. In this section:

(1) "Explanation" means a ~~writing~~ *record* that:

(A) states the amount of the surplus or deficiency;

(B) provides an explanation in accordance with subsection (c) of how the secured party calculated the surplus or deficiency;

(C) states, if applicable, that future debits, credits, charges, including additional credit service charges or interest, rebates, and expenses may affect the amount of the surplus or deficiency; and

(D) provides a telephone number or mailing address from which additional information concerning the transaction is available.

(2) "Request" means a record:

(A) ~~authenticated~~ *signed* by a debtor or consumer obligor;

(B) requesting that the recipient provide an explanation; and

(C) sent after disposition of the collateral under § 8.9A-610.

(b) Explanation of calculation. In a consumer-goods transaction in which the debtor is entitled to a surplus or a consumer obligor is liable for a deficiency under § 8.9A-615, the secured party shall:

(1) send an explanation to the debtor or consumer obligor, as applicable, after the disposition and:

(A) before or when the secured party accounts to the debtor and pays any surplus or first makes ~~written~~ demand *in a record* on the consumer obligor after the disposition for payment of the deficiency; and

(B) within fourteen days after receipt of a request; or

(2) in the case of a consumer obligor who is liable for a deficiency, within fourteen days after receipt of a request, send to the consumer obligor a record waiving the secured party's right to a deficiency.

(c) Required information. To comply with subsection (a) (1) (B), ~~a writing~~ *an explanation* must provide the following information in the following order:

(1) the aggregate amount of obligations secured by the security interest under which the disposition was made, and, if the amount reflects a rebate of unearned interest or credit service charge, an indication of that fact, calculated as of a specified date:

(A) if the secured party takes or receives possession of the collateral after default, not more than thirty-five days before the secured party takes or receives possession; or

(B) if the secured party takes or receives possession of the collateral before default or does not take possession of the collateral, not more than thirty-five days before the disposition;

(2) the amount of proceeds of the disposition;

(3) the aggregate amount of the obligations after deducting the amount of proceeds;

(4) the amount, in the aggregate or by type, and types of expenses, including expenses of retaking, holding, preparing for disposition, processing, and disposing of the collateral, and attorney's fees secured by the collateral which are known to the secured party and relate to the current disposition;

(5) the amount, in the aggregate or by type, and types of credits, including rebates of interest or credit service charges, to which the obligor is known to be entitled and which are not reflected in the amount in paragraph (1); and

(6) the amount of the surplus or deficiency.

(d) Substantial compliance. A particular phrasing of the explanation is not required. An explanation complying substantially with the requirements of subsection (a) is sufficient, even if it includes minor errors that are not seriously misleading.

(e) Charges for responses. A debtor or consumer obligor is entitled without charge to one response to a request under this section during any six-month period in which the secured party did not send to the debtor or consumer obligor an explanation pursuant to subsection (b) (1). The secured party may require payment of a charge not exceeding twenty-five dollars for each additional response.

§ 8.9A-619. Transfer of record or legal title.

(a) "Transfer statement." In this section, "transfer statement" means a record ~~authenticated~~ *signed* by a secured party stating:

(1) that the debtor has defaulted in connection with an obligation secured by specified collateral;

(2) that the secured party has exercised its postdefault remedies with respect to the collateral;

(3) that, by reason of the exercise, a transferee has acquired the rights of the debtor in the collateral; and

(4) the name and mailing address of the secured party, debtor, and transferee.

(b) Effect of transfer statement. A transfer statement entitles the transferee to the transfer of record of all rights of the debtor in the collateral specified in the statement in any official filing, recording, registration, or certificate-of-title system covering the collateral. If a transfer statement is presented with the applicable fee and request form to the official or office responsible for maintaining the system, the official or office shall:

(1) accept the transfer statement;

(2) promptly amend its records to reflect the transfer; and

(3) if applicable, issue a new appropriate certificate of title in the name of the transferee.

(c) Transfer not a disposition; no relief of secured party's duties. A transfer of the record or legal title to collateral to a secured party under subsection (b) or otherwise is not of itself a disposition of collateral under this title and does not of itself relieve the secured party of its duties under this title.

§ 8.9A-620. Acceptance of collateral in full or partial satisfaction of obligation; compulsory disposition of collateral.

(a) Conditions to acceptance in satisfaction. Except as otherwise provided in subsection (g), a secured party may accept collateral in full or partial satisfaction of the obligation it secures only if:

(1) the debtor consents to the acceptance under subsection (c);

(2) the secured party does not receive, within the time set forth in subsection (d), a notification of objection to the proposal ~~authenticated~~ *signed* by:

(A) a person to which the secured party was required to send a proposal under § 8.9A-621; or

(B) any other person, other than the debtor, holding an interest in the collateral subordinate to the security interest that is the subject of the proposal;

(3) subsection (e) does not require the secured party to dispose of the collateral or the debtor waives the requirement pursuant to § 8.9A-624.

(b) Purported acceptance ineffective. A purported or apparent acceptance of collateral under this section is ineffective unless:

(1) the secured party consents to the acceptance in ~~an authenticated~~ *a signed* record or sends a proposal to the debtor; and

(2) the conditions of subsection (a) are met.

(c) Debtor's consent. For purposes of this section:

(1) a debtor consents to an acceptance of collateral in partial satisfaction of the obligation it secures only if the debtor agrees to the terms of the acceptance in a record ~~authenticated~~ *signed* after default; and

(2) a debtor consents to an acceptance of collateral in full satisfaction of the obligation it secures only if the debtor agrees to the terms of the acceptance in a record ~~authenticated~~ *signed* after default or the secured party:

(A) sends to the debtor after default a proposal that is unconditional or subject only to a condition that collateral not in the possession of the secured party be preserved or maintained;

(B) in the proposal, proposes to accept collateral in full satisfaction of the obligation it secures; and

(C) does not receive a notification of objection ~~authenticated~~ *signed* by the debtor within twenty days after the proposal is sent.

(d) Effectiveness of notification. To be effective under subsection (a) (2), a notification of objection must be received by the secured party:

(1) in the case of a person to which the proposal was sent pursuant to § 8.9A-621, within twenty days after notification was sent to that person; and

(2) in other cases:

(A) within twenty days after the last notification was sent pursuant to § 8.9A-621; or

(B) if a notification was not sent, before the debtor consents to the acceptance under subsection (c).

(e) Mandatory disposition of consumer goods.

A secured party that has taken possession of collateral shall dispose of the collateral pursuant to § 8.9A-610 within the time specified in subsection (f) if:

(1) sixty percent of the cash price has been paid in the case of a purchase-money security interest in consumer goods; or

(2) sixty percent of the principal amount of the obligation secured has been paid in the case of a nonpurchase-money security interest in consumer goods.

(f) Compliance with mandatory disposition requirement. To comply with subsection (e), the secured party shall dispose of the collateral:

(1) within ninety days after taking possession; or

(2) within any longer period to which the debtor and all secondary obligors have agreed in an agreement to that effect entered into and ~~authenticated~~ *signed* after default.

(g) No partial satisfaction in consumer transaction. In a consumer transaction, a secured party may not accept collateral in partial satisfaction of the obligation it secures.

§ 8.9A-621. Notification of proposal to accept collateral.

(a) Persons to which proposal to be sent. A secured party that desires to accept collateral in full or partial satisfaction of the obligation it secures shall send its proposal to:

(1) any person from which the secured party has received, before the debtor consented to the acceptance, ~~an authenticated~~ *a signed* notification of a claim of an interest in the collateral;

(2) any other secured party or lienholder that, ten days before the debtor consented to the acceptance, held a security interest in or other lien on the collateral perfected by the filing of a financing statement that:

(A) identified the collateral;

(B) was indexed under the debtor's name as of that date; and

(C) was filed in the office or offices in which to file a financing statement against the debtor covering the collateral as of that date; and

(3) any other secured party that, ten days before the debtor consented to the acceptance, held a security interest in the collateral perfected by compliance with a statute, regulation, or treaty described in § 8.9A-311 (a).

(b) Proposal to be sent to secondary obligor in partial satisfaction. A secured party that desires to accept collateral in partial satisfaction of the obligation it secures shall send its proposal to any secondary obligor in addition to the persons described in subsection (a).

§ 8.9A-624. Waiver.

(a) Waiver of disposition notification. A debtor or secondary obligor may waive the right to notification of disposition of collateral under § 8.9A-611 only by an agreement to that effect entered into and ~~authenticated~~ *signed* after default.

(b) Waiver of mandatory disposition. A debtor may waive the right to require disposition of collateral under § 8.9A-620 (e) only by an agreement to that effect entered into and ~~authenticated~~ *signed* after default.

(c) Waiver of redemption right. Except in a consumer-goods transaction, a debtor or secondary obligor may waive the right to redeem collateral under § 8.9A-623 only by an agreement to that effect entered into and ~~authenticated~~ *signed* after default.

§ 8.9A-628. Nonliability and limitation on liability of secured party; liability of secondary obligor.

(a) Limitation of liability of secured party for noncompliance with title. ~~Unless~~ *Subject to subsection (f), unless* a secured party knows that a person is a debtor or obligor, knows the identity of the person, and knows how to communicate with the person:

(1) the secured party is not liable to the person, or to a secured party or lienholder that has filed a financing statement against the person, for failure to comply with this title; and

(2) the secured party's failure to comply with this title does not affect the liability of the person for a deficiency.

(b) Limitation of liability based on status as secured party. ~~A~~ *Subject to subsection (f), a* secured party is not liable because of its status as secured party:

(1) to a person that is a debtor or obligor, unless the secured party knows:

(A) that the person is a debtor or obligor;

(B) the identity of the person; and

(C) how to communicate with the person; or

(2) to a secured party or lienholder that has filed a financing statement against a person, unless the secured party knows:

(A) that the person is a debtor; and

(B) the identity of the person.

(c) Limitation of liability if reasonable belief that transaction not a consumer-goods transaction or consumer transaction. A secured party is not liable to any person, and a person's liability for a deficiency is not affected, because of any act or omission arising out of the secured party's reasonable belief that a transaction is not a consumer-goods transaction or a consumer transaction or that goods are not consumer goods, if the secured party's belief is based on its reasonable reliance on:

(1) a debtor's representation concerning the purpose for which collateral was to be used, acquired, or held; or

(2) an obligor's representation concerning the purpose for which a secured obligation was incurred.

(d) Limitation of liability for statutory damages. A secured party is not liable to any person under § 8.9A-625 (c) (2) for its failure to comply with § 8.9A-616.

(e) Limitation of multiple liability for statutory damages. A secured party is not liable under § 8.9A-625 (c) (2) more than once with respect to any one secured obligation.

(f) Limitation of liability under subsections (a) and (b) does not apply. Subsections (a) and (b) do not apply to limit the liability of a secured party to a person if, at the time the secured party obtains control of collateral that is a controllable account, controllable electronic record, or controllable payment intangible or at the time the security interest attaches to the collateral, whichever is later:

(1) the person is a debtor or obligor; and

(2) the secured party knows that the information in subsection (b)(1)(A), (B), or (C) relating to the person is not provided by the collateral, a record attached to or logically associated with the collateral, or the system in which the collateral is recorded.

TITLE 8.12.

CONTROLLABLE ELECTRONIC RECORDS.

§ 8.12-101. Title.

This title shall be known and may be cited as Uniform Commercial Code--Controllable Electronic Records.

§ 8.12-102. Definitions.

(a) Title 8.12 definitions. In this article:

(1) "Controllable electronic record" means a record stored in an electronic medium that can be subjected to control under Section 8.12-105. The term does not include a controllable account, a controllable payment intangible, a deposit account, an electronic copy of a record evidencing chattel paper, an electronic document of title, electronic money, investment property, or a transferable record.

(2) "Qualifying purchaser" means a purchaser of a controllable electronic record or an interest in a controllable electronic record that obtains control of the controllable electronic record for value, in good faith, and without notice of a claim of a property right in the controllable electronic record.

(3) "Transferable record" has the meaning provided for that term in:

(A) Section 201(a)(1) of the Electronic Signatures in Global and National Commerce Act, 15 U.S.C. Section 7021(a)(1), as amended; or

(B) Section 59.1-494 of the Uniform Electronic Transactions Act (§§ 59.1-479 et seq.).

(4) "Value" has the meaning provided in Section 3-303(a), as if references in that subsection to an "instrument" were references to a controllable account, controllable electronic record, or controllable payment intangible.

(b) Definitions in Article 9. The definitions in Article 9 of "account debtor," "controllable account," "controllable payment intangible," "chattel paper," "deposit account," "electronic money," and "investment property" apply to this article.

(c) Article 1 definitions and principles. Article 1 contains general definitions and principles of construction and interpretation applicable throughout this article.

§ 8.12-103. Relation to Article 9 and consumer laws.

(a) Article 9 governs in case of conflict. If there is conflict between this article and Article 9, Article 9 governs.

(b) Applicable consumer law and other laws. A transaction subject to this article is subject to any applicable rule of law that establishes a different rule for consumers and (i) any other statute or regulation that regulates the rates, charges, agreements, and practices for loans, credit sales, or other extensions of credit and (ii) any consumer-protection statute or regulation.

§ 8.12-104. Rights in controllable account, controllable electronic record, and controllable payment intangible.

(a) Applicability of section to controllable account and controllable payment intangible. This section applies to the acquisition and purchase of rights in a controllable account or controllable payment intangible, including the rights and benefits under subsections (c), (d), (e), (g), and (h) of a purchaser and qualifying purchaser, in the same manner this section applies to a controllable electronic record.

(b) Control of controllable account and controllable payment intangible. To determine whether a purchaser of a controllable account or a controllable payment intangible is a qualifying purchaser, the purchaser obtains control of the account or payment intangible if it obtains control of the controllable electronic record that evidences the account or payment intangible.

(c) Applicability of other law to acquisition of rights. Except as provided in this section, law other than this article determines whether a person acquires a right in a controllable electronic record and the right the person acquires.

(d) Shelter principle and purchase of limited interest. A purchaser of a controllable electronic record acquires all rights in the controllable electronic record that the transferor had or had power to transfer, except that a purchaser of a limited interest in a controllable electronic record acquires rights only to the extent of the interest purchased.

(e) Rights of qualifying purchaser. A qualifying purchaser acquires its rights in the controllable electronic record free of a claim of a property right in the controllable electronic record.

(f) Limitation of rights of qualifying purchaser in other property. Except as provided in subsections (a) and (e) for a controllable account and a controllable payment intangible or law other than this article, a qualifying purchaser takes a right to payment, right to performance, or other interest in property evidenced by the controllable electronic record subject to a claim of a property right in the right to payment, right to performance, or other interest in property.

(g) No-action protection for qualifying purchaser. An action may not be asserted against a qualifying purchaser based on both a purchase by the qualifying purchaser of a controllable electronic record and a claim of a property right in another controllable electronic record, whether the action is framed in conversion, replevin, constructive trust, equitable lien, or other theory.

(h) Filing not notice. Filing of a financing statement under Article 9 is not notice of a claim of a property right in a controllable electronic record.

§ 8.12-105. Control of controllable electronic record.

(a) General rule: control of controllable electronic record. A person has control of a controllable electronic record if the electronic record, a record attached to or logically associated with the electronic record, or a system in which the electronic record is recorded:

(1) gives the person:

(A) power to avail itself of substantially all the benefit from the electronic record; and

(B) exclusive power, subject to subsection (b), to:

(i) prevent others from availing themselves of substantially all the benefit from the electronic record; and

(ii) transfer control of the electronic record to another person or cause another person to obtain control of another controllable electronic record as a result of the transfer of the electronic record; and

(2) enables the person readily to identify itself in any way, including by name, identifying number, cryptographic key, office, or account number, as having the powers specified in paragraph (1).

(b) Meaning of exclusive. Subject to subsection (c), a power is exclusive under subsection (a)(1)(B)(i) and (ii) even if:

(1) the controllable electronic record, a record attached to or logically associated with the electronic record, or a system in which the electronic record is recorded limits the use of the electronic record or has a protocol programmed to cause a change, including a transfer or loss of control or a modification of benefits afforded by the electronic record; or

(2) the power is shared with another person.

(c) When power not shared with another person. A power of a person is not shared with another person under subsection (b)(2) and the person's power is not exclusive if:

(1) the person can exercise the power only if the power also is exercised by the other person; and

(2) the other person:

(A) can exercise the power without exercise of the power by the person; or

(B) is the transferor to the person of an interest in the controllable electronic record or a controllable account or controllable payment intangible evidenced by the controllable electronic record.

(d) Presumption of exclusivity of certain powers. If a person has the powers specified in subsection (a)(1)(B)(i) and (ii), the powers are presumed to be exclusive.

(e) Control through another person. A person has control of a controllable electronic record if another person, other than the transferor to the person of an interest in the controllable electronic record or a controllable account or controllable payment intangible evidenced by the controllable electronic record:

(1) has control of the electronic record and acknowledges that it has control on behalf of the person; or

(2) obtains control of the electronic record after having acknowledged that it will obtain control of the electronic record on behalf of the person.

(f) No requirement to acknowledge. A person that has control under this section is not required to acknowledge that it has control on behalf of another person.

(g) No duties or confirmation. If a person acknowledges that it has or will obtain control on behalf of another person, unless the person otherwise agrees or law other than this article or Article 9 otherwise provides, the person does not owe any duty to the other person and is not required to confirm the acknowledgment to any other person.

§ 8.12-106. Discharge of account debtor on controllable account or controllable payment intangible.

(a) Discharge of account debtor. An account debtor on a controllable account or controllable payment intangible may discharge its obligation by paying:

(1) the person having control of the controllable electronic record that evidences the controllable account or controllable payment intangible; or

(2) except as provided in subsection (b), a person that formerly had control of the controllable electronic record.

(b) Content and effect of notification. Subject to subsection (d), the account debtor may not discharge its obligation by paying a person that formerly had control of the controllable electronic record if the account debtor receives a notification that:

(1) is signed by a person that formerly had control or the person to which control was transferred;

(2) reasonably identifies the controllable account or controllable payment intangible;

(3) notifies the account debtor that control of the controllable electronic record that evidences the controllable account or controllable payment intangible was transferred;

(4) identifies the transferee, in any reasonable way, including by name, identifying number, cryptographic key, office, or account number; and

(5) provides a commercially reasonable method by which the account debtor is to pay the transferee.

(c) Discharge following effective notification. After receipt of a notification that complies with subsection (b), the account debtor may discharge its obligation by paying in accordance with the notification and may not discharge the obligation by paying a person that formerly had control.

(d) When notification ineffective. Subject to subsection (h), notification is ineffective under subsection (b):

(1) unless, before the notification is sent, the account debtor and the person that, at that time, had control of the controllable electronic record that evidences the controllable account or controllable payment intangible agree in a signed record to a commercially reasonable method by which a person may furnish reasonable proof that control has been transferred;

(2) to the extent an agreement between the account debtor and seller of a payment intangible limits the account debtor's duty to pay a person other than the seller and the limitation is effective under law other than this article; or

(3) at the option of the account debtor, if the notification notifies the account debtor to:

(A) divide a payment;

(B) make less than the full amount of an installment or other periodic payment; or

(C) pay any part of a payment by more than one method or to more than one person.

(e) Proof of transfer of control. Subject to subsection (h), if requested by the account debtor, the person giving the notification under subsection (b) seasonably shall furnish reasonable proof, using the method in the agreement referred to in subsection (d)(1), that control of the controllable electronic record has been transferred. Unless the person complies with the request, the account debtor may discharge its obligation by paying a person that formerly had control, even if the account debtor has received a notification under subsection (b).

(f) What constitutes reasonable proof. A person furnishes reasonable proof under subsection (e) that control has been transferred if the person demonstrates, using the method in the agreement referred to in subsection (d)(1), that the transferee has the power to:

(1) avail itself of substantially all the benefit from the controllable electronic record;

(2) prevent others from availing themselves of substantially all the benefit from the controllable electronic record; and

(3) transfer the powers specified in paragraphs (1) and (2) to another person.

(g) Rights not waivable. Subject to subsection (h), an account debtor may not waive or vary its rights under subsections (d)(1) and (e) or its option under subsection (d)(3).

(h) Rule for individual under other law. This section is subject to law other than this article which establishes a different rule for an account debtor who is an individual and who incurred the obligation primarily for personal, family, or household purposes.

§ 8.12-107. Governing law.

(a) Governing law: general rule. Except as provided in subsection (b), the local law of a controllable electronic record's jurisdiction governs a matter covered by this article.

(b) Governing law: Section 8.12-106. For a controllable electronic record that evidences a controllable account or controllable payment intangible, the local law of the controllable electronic record's jurisdiction governs a matter covered by Section 12-106 unless an effective agreement determines that the local law of another jurisdiction governs.

(c) Controllable electronic record's jurisdiction. The following rules determine a controllable electronic record's jurisdiction under this section:

(1) If the controllable electronic record, or a record attached to or logically associated with the controllable electronic record and readily available for review, expressly provides that a particular jurisdiction is the controllable electronic record's jurisdiction for purposes of this article or the Uniform Commercial Code, that jurisdiction is the controllable electronic record's jurisdiction.

(2) If paragraph (1) does not apply and the rules of the system in which the controllable electronic record is recorded are readily available for review and expressly provide that a particular jurisdiction is the controllable electronic record's jurisdiction for purposes of this title or the Uniform Commercial Code, that jurisdiction is the controllable electronic record's jurisdiction.

(3) If paragraphs (1) and (2) do not apply and the controllable electronic record, or a record attached to or logically associated with the controllable electronic record and readily available for review, expressly provides that the controllable electronic record is governed by the law of a particular jurisdiction, that jurisdiction is the controllable electronic record's jurisdiction.

(4) If paragraphs (1), (2), and (3) do not apply and the rules of the system in which the controllable electronic record is recorded are readily available for review and expressly provide that the controllable electronic record or the system is governed by the law of a particular jurisdiction, that jurisdiction is the controllable electronic record's jurisdiction.

(5) If paragraphs (1) through (4) do not apply, the controllable electronic record's jurisdiction is the District of Columbia.

(d) Applicability of Title 8.12. If subsection (c)(5) applies and Title 8.12 is not in effect in the District of Columbia without material modification, the governing law for a matter covered by this article is the law of the District of Columbia as though Title 8.12 were in effect in the District of Columbia without material modification. In this subsection, "Title 8.12" means Article 12 of Uniform Commercial Code Amendments (2022).

(e) Relation of matter or transaction to controllable electronic record's jurisdiction not necessary. To the extent subsections (a) and (b) provide that the local law of the controllable electronic record's jurisdiction governs a matter covered by this article, that law governs even if the matter or a transaction to which the matter relates does not bear any relation to the controllable electronic record's jurisdiction.

(f) Rights of purchasers determined at time of purchase. The rights acquired under Section 12-104 by a purchaser or qualifying purchaser are governed by the law applicable under this section at the time of purchase.

TITLE 8.13.

2022 AMENDMENTS - EFFECTIVE DATE AND TRANSITION PROVISIONS.

PART 1.

§ 8.13-101. Title.

This article may be cited as Transitional Provisions for Uniform Commercial Code Amendments (2022).

§ 8.13-102. Definitions.

(a) Article A Definitions. In this article:

(1) "Act" means the Uniform Commercial Code Amendments (2022).

(2) "Adjustment date" means the date that is one year after the effective date of this act.

(3) "Title 8.12" means Title 8.12 of the Uniform Commercial Code (§§ 8.12-101 et seq.).

(4) "Title 8.12 property" means a controllable account, controllable electronic record, or controllable payment intangible.

(5) "Effective date of this act" means July 1, 2025.

(b) Definitions in other articles. The following definitions in other articles of the Uniform Commercial Code apply to this article.

"Controllable account". Section 8.9A-102.

"Controllable electronic record". Section 8.12-102.

"Controllable payment intangible". Section 8.9A-102.

"Electronic money". Section 8.9A-102.

"Financing statement". Section 8.9A-102.

(c) Title 8.1A definitions and principles. Title 8.1A contains general definitions and principles of construction and interpretation applicable throughout this article.

PART 2.

§ 8.13-201. Savings clause.

Except as provided in Part 3, a transaction validly entered into before the effective date of this act and the rights, duties, and interests flowing from the transaction remain valid thereafter and may be terminated, completed, consummated, or enforced as required or permitted by law other than the Uniform Commercial Code or, if applicable, the Uniform Commercial Code, as though this act had not taken effect.

PART 3.

§ 8.13-301. Savings clause.

(a) Pre-effective-date transaction, lien, or interest. Except as provided in this part, Title 8.9A as amended by this act and Title 8.12 apply to a transaction, lien, or other interest in property, even if the transaction, lien, or interest was entered into, created, or acquired before the effective date of this act.

(b) Continuing validity. Except as provided in subsection (c) and §§ 8.13-302 through 8.13-306:

(1) a transaction, lien, or interest in property that was validly entered into, created, or transferred before the effective date of this act and was not governed by the Uniform Commercial Code, but would be subject to Title 8.9A as amended by this act or Title 8.12 if it had been entered into, created, or transferred on or after the effective date of this act, including the rights, duties, and interests flowing from the transaction, lien, or interest, remains valid on and after the effective date of this act; and

(2) the transaction, lien, or interest may be terminated, completed, consummated, and enforced as required or permitted by this act or by the law that would apply if this act had not taken effect.

(c) Pre-effective-date proceeding. This act does not affect an action, case, or proceeding commenced before the effective date of this act.

§ 8.13-302. Security interest perfected before effective date.

(a) Continuing perfection: perfection requirements satisfied. A security interest that is enforceable and perfected immediately before the effective date of this act is a perfected security interest under this act if, on the effective date of this act, the requirements for enforceability and perfection under this act are satisfied without further action.

(b) Continuing perfection: enforceability or perfection requirements not satisfied. If a security interest is enforceable and perfected immediately before the effective date of this act, but the requirements for enforceability or perfection under this act are not satisfied on the effective date of this act, the security interest:

(1) is a perfected security interest until the earlier of the time perfection would have ceased under the law in effect immediately before the effective date of this act or the adjustment date;

(2) remains enforceable thereafter only if the security interest satisfies the requirements for enforceability under § 8.9A-203, as amended by this act, before the adjustment date; and

(3) remains perfected thereafter only if the requirements for perfection under this act are satisfied before the time specified in paragraph (1).

§ 8.13-303. Security interest unperfected before effective date.

A security interest that is enforceable immediately before the effective date of this act but is unperfected at that time:

(1) remains an enforceable security interest until the adjustment date;

(2) remains enforceable thereafter if the security interest becomes enforceable under Section 9-203, as amended by this act, on the effective date of this act or before the adjustment date; and

(3) becomes perfected:

(A) without further action, on the effective date of this act if the requirements for perfection under this act are satisfied before or at that time; or

(B) when the requirements for perfection are satisfied if the requirements are satisfied after that time.

§ 8.13-304. Effectiveness of actions taken before effective date.

(a) Pre-effective-date action; attachment and perfection before adjustment date. If action, other than the filing of a financing statement, is taken before the effective date of this act and the action would have resulted in perfection of the security interest had the security interest become enforceable before the effective date of this act, the action is effective to perfect a security interest that attaches under this act before the adjustment date. An attached security interest becomes unperfected on the adjustment date unless the security interest becomes a perfected security interest under this act before the adjustment date.

(b) Pre-effective-date filing. The filing of a financing statement before the effective date of this act is effective to perfect a security interest on the effective date of this act to the extent the filing would satisfy the requirements for perfection under this act.

(c) Pre-effective-date enforceability action. The taking of an action before the effective date of this act is sufficient for the enforceability of a security interest on the effective date of this act if the action would satisfy the requirements for enforceability under this act.

§ 8.13-305. Priority.

(a) Determination of priority. Subject to subsections (b) and (c), this act determines the priority of conflicting claims to collateral.

(b) Established priorities. Subject to subsection (c), if the priorities of claims to collateral were established before the effective date of this act, Title 8.9A as in effect before the effective date of this act determines priority.

(c) Determination of certain priorities on adjustment date. On the adjustment date, to the extent the priorities determined by Title 8.9A as amended by this act modify the priorities established before the effective date of this act, the priorities of claims to Title 8.12 property and electronic money established before the effective date of this act cease to apply.

§ 8.13-306. Priority of claims when priority rules of Title 8.9A do not apply.

(a) Determination of priority. Subject to subsections (b) and (c), Title 8.12 determines the priority of conflicting claims to Title 8.12 property when the priority rules of Title 8.9A as amended by this act do not apply.

(b) Established priorities. Subject to subsection (c), when the priority rules of Article 9 as amended by this act do not apply and the priorities of claims to Title 8.12 property were established before the effective date of this act, law other than Title 8.12 determines priority.

(c) Determination of certain priorities on adjustment date. When the priority rules of Article 9 as amended by this act do not apply, to the extent the priorities determined by this act modify the priorities established before the effective date of this act, the priorities of claims to Title 8.12 property established before the effective date of this act cease to apply on the adjustment date.

PART 4.

§ 8.13-401. Effective date.

This act shall take effect on July 1, 2025.

2. That this act may be referred to as the Uniform Commercial Code Amendments (2022).

3. That the provisions of this act shall become effective on July 1, 2025.

CHAPTER 653

An Act to amend and reenact § 46.2-1232 of the Code of Virginia, relating to regulation of towing companies; local authority.

[H 1287]

Approved April 8, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 46.2-1232 of the Code of Virginia is amended and reenacted as follows:

§ 46.2-1232. Localities may regulate removal or immobilization of trespassing vehicles.

A. The governing body of any county, city, or town may by ordinance regulate the removal of trespassing vehicles from property by or at the direction of the owner, operator, lessee, or authorized agent in charge of the property. In the event that a vehicle is towed from one locality and stored in or released from a location in another locality, the local ordinance, if any, of the locality from which the vehicle was towed shall apply.

B. No local ordinance adopted under authority of this section shall require that any towing and recovery business also operate as or provide services as a vehicle repair facility or body shop, filling station, or any business other than a towing and recovery business.

C. Any such local ordinance may also require towing and recovery operators to (i) obtain and retain photographs or other documentary evidence substantiating the reason for the removal; (ii) post signs at their main place of business and at any other location where towed vehicles may be reclaimed conspicuously indicating (a) the maximum charges allowed by local ordinance, if any, for all their fees for towing, recovery, and storage services and (b) the name and business telephone number of the local official, if any, responsible for handling consumer complaints; (iii) obtain at the time the vehicle is towed, verbal approval of an agent designated in the local ordinance who is available at all times; and (iv) obtain, at the time the vehicle is towed, if such towing is performed during the normal business hours of the owner of the property from which the vehicle is being towed, the written authorization of the owner of the property from which the vehicle is towed, or his agent. Such written authorization, if required, shall be in addition to any written contract between the towing and recovery operator and the owner of the property or his agent, except for vehicles being towed from a locality within Planning District 8 or Planning District 16, which shall not require written authorization if such written contract is in place. Any such written contract governing a property located within Planning District 8 or Planning District 16 shall clearly state the terms on which towing and recovery operators may monitor private lots on behalf of property owners. For the purposes of this subsection, "agent" shall not include any person who either (a) is related by blood or marriage to the towing and recovery operator or (b) has a financial interest in the towing and recovery operator's business.

D. Any such ordinance adopted by a locality within Planning District 8 may require towing companies that tow vehicles from the county, city, or town adopting the ordinance to other localities, provided that the stored or released location is within the Commonwealth of Virginia and within 10 miles of the point of origin of the actual towing, (i) to obtain from the locality from which such vehicles are towed a permit to do so and (ii) to submit to an inspection of such towing company's facilities to ensure that the company meets all the locality's requirements, regardless of whether such facilities are located within the locality or elsewhere. The locality may impose and collect reasonable fees for the issuance and administration of permits as provided for in this subsection. Such ordinance may also provide grounds for revocation,

suspension, or modification of any permit issued under this subsection, subject to notice to the permittee of the revocation, suspension, or modification and an opportunity for the permittee to have a hearing before the governing body of the locality or its designated agent to challenge the revocation, suspension, or modification. Any tow truck driver who removes or tows a vehicle, pursuant to any such ordinance, that is occupied by an unattended companion animal as defined in § 3.2-6500 shall, upon such removal, immediately notify the animal control office of the locality in which the vehicle is being removed or towed. Nothing in this subsection shall be applicable to public safety towing.

Nothing in this subsection shall restrict or modify the authority of a locality within Planning District 8 to require, by such ordinance, towing companies that tow and store or release vehicles within such county, city, or town to obtain from such locality a permit to do so.

CHAPTER 654

An Act to amend and reenact §§ 2.2-204, 2.2-211, 19.2-389, 54.1-4400, 54.1-4402, 54.1-4403, 54.1-4407, 54.1-4412.1, 54.1-4413.4, 54.1-4421, and 54.1-4425 of the Code of Virginia and to repeal § 54.1-4420 of the Code of Virginia, relating to Board of Accountancy; powers and duties.

[H 1337]

Approved April 8, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-204, 2.2-211, 19.2-389, 54.1-4400, 54.1-4402, 54.1-4403, 54.1-4407, 54.1-4412.1, 54.1-4413.4, 54.1-4421, and 54.1-4425 of the Code of Virginia are amended and reenacted as follows:

§ 2.2-204. Position established; agencies for which responsible; additional duties.

The position of Secretary of Commerce and Trade (the Secretary) is created. The Secretary shall be responsible to the Governor for the following agencies: Virginia Economic Development Partnership Authority, Commonwealth of Virginia Innovation Partnership Authority, Virginia International Trade Corporation, Virginia Tourism Authority, Department of Energy, Department of Housing and Community Development, Department of Small Business and Supplier Diversity, Virginia Housing Development Authority, *and* Tobacco Region Revitalization Commission~~, and Board of Accountancy~~. The Governor, by executive order, may assign any state executive agency to the Secretary, or reassign any agency listed in this section to another Secretary.

The Secretary shall implement the provisions of the Virginia Biotechnology Research Act (§ 2.2-5500 et seq.).

§ 2.2-211. Position established; agencies for which responsible; additional powers.

A. The position of Secretary of Finance (the Secretary) is created. The Secretary shall be responsible for the following agencies: Department of Accounts, Department of Planning and Budget, Department of Taxation, Department of the Treasury, *Board of Accountancy,* and Virginia Resources Authority. The Governor, by executive order, may assign any other state executive agency to the Secretary of Finance, or reassign any agency listed.

B. To the greatest extent practicable, the agencies assigned to the Secretary shall pay all amounts due and owing by the Commonwealth through electronic transfers of funds from the general fund or appropriate special fund to the bank account of the payee or a party identified by law to receive funds on behalf of the payee. All wire transfer costs associated with the electronic transfer shall be paid by the payee subject to exemptions authorized by the State Treasurer affecting the investment, debt, and intergovernmental transactions of the Commonwealth and its agencies, institutions, boards, and authorities.

§ 19.2-389. Dissemination of criminal history record information.

A. Criminal history record information shall be disseminated, whether directly or through an intermediary, only to:

1. Authorized officers or employees of criminal justice agencies, as defined by § 9.1-101, for purposes of the administration of criminal justice and the screening of an employment application or review of employment by a criminal justice agency with respect to its own employees or applicants, and dissemination to the Virginia Parole Board, pursuant to this subdivision, of such information on all state-responsible inmates for the purpose of making parole determinations pursuant to subdivisions 1, 2, 3, 4, and 6 of § 53.1-136 shall include collective dissemination by electronic means every 30 days. For purposes of this subdivision, criminal history record information includes information sent to the Central Criminal Records Exchange pursuant to §§ 37.2-819 and 64.2-2014 when disseminated to any full-time or part-time employee of the State Police, a police department or sheriff's office that is a part of or administered by the Commonwealth or any political subdivision thereof, and who is responsible for the prevention and detection of crime and the enforcement of the penal, traffic or highway laws of the Commonwealth for the purposes of the administration of criminal justice;

2. Such other individuals and agencies that require criminal history record information to implement a state or federal statute or executive order of the President of the United States or Governor that expressly refers to criminal conduct and contains requirements or exclusions expressly based upon such conduct, except that information concerning the arrest of an individual may not be disseminated to a noncriminal justice agency or individual if an interval of one year has elapsed from the date of the arrest and no disposition of the charge has been recorded and no active prosecution of the charge is pending;

3. Individuals and agencies pursuant to a specific agreement with a criminal justice agency to provide services required for the administration of criminal justice pursuant to that agreement which shall specifically authorize access to data, limit the use of data to purposes for which given, and ensure the security and confidentiality of the data;

4. Individuals and agencies for the express purpose of research, evaluative, or statistical activities pursuant to an agreement with a criminal justice agency that shall specifically authorize access to data, limit the use of data to research, evaluative, or statistical purposes, and ensure the confidentiality and security of the data;

5. Agencies of state or federal government that are authorized by state or federal statute or executive order of the President of the United States or Governor to conduct investigations determining employment suitability or eligibility for security clearances allowing access to classified information;

6. Individuals and agencies where authorized by court order or court rule;

7. Agencies of any political subdivision of the Commonwealth, public transportation companies owned, operated or controlled by any political subdivision, and any public service corporation that operates a public transit system owned by a local government for the conduct of investigations of applicants for employment, permit, or license whenever, in the interest of public welfare or safety, it is necessary to determine under a duly enacted ordinance if the past criminal conduct of a person with a conviction record would be compatible with the nature of the employment, permit, or license under consideration;

7a. Commissions created pursuant to the Transportation District Act of 1964 (§ 33.2-1900 et seq.) of Title 33.2 and their contractors, for the conduct of investigations of individuals who have been offered a position of employment whenever, in the interest of public welfare or safety and as authorized in the Transportation District Act of 1964, it is necessary to determine if the past criminal conduct of a person with a conviction record would be compatible with the nature of the employment under consideration;

8. Public or private agencies when authorized or required by federal or state law or interstate compact to investigate (i) applicants for foster or adoptive parenthood or (ii) any individual, and the adult members of that individual's household, with whom the agency is considering placing a child or from whom the agency is considering removing a child due to abuse or neglect, on an emergency, temporary, or permanent basis pursuant to §§ 63.2-901.1 and 63.2-1505, subject to the restriction that the data shall not be further disseminated to any party other than a federal or state authority or court as may be required to comply with an express requirement of law;

9. To the extent permitted by federal law or regulation, public service companies as defined in § 56-1, for the conduct of investigations of applicants for employment when such employment involves personal contact with the public or when past criminal conduct of an applicant would be incompatible with the nature of the employment under consideration;

10. The appropriate authority for purposes of granting citizenship and for purposes of international travel, including, but not limited to, issuing visas and passports;

11. A person requesting a copy of his own criminal history record information as defined in § 9.1-101 at his cost, except that criminal history record information shall be supplied at no charge to a person who has applied to be a volunteer with (i) a Virginia affiliate of Big Brothers/Big Sisters of America; (ii) a volunteer fire company; (iii) the Volunteer Emergency Families for Children; (iv) any affiliate of Prevent Child Abuse, Virginia; (v) any Virginia affiliate of Compeer; or (vi) any board member or any individual who has been offered membership on the board of a Crime Stoppers, Crime Solvers or Crime Line program as defined in § 15.2-1713.1;

12. Administrators and board presidents of and applicants for licensure or registration as a child welfare agency as defined in § 63.2-100 for dissemination to the Commissioner of Social Services' representative pursuant to § 63.2-1702 for the conduct of investigations with respect to employees of and volunteers at such facilities, caretakers, and foster and adoptive parent applicants of private child-placing agencies, pursuant to §§ 63.2-1719, 63.2-1720, and 63.2-1721, subject to the restriction that the data shall not be further disseminated by the facility or agency to any party other than the data subject, the Commissioner of Social Services' representative or a federal or state authority or court as may be required to comply with an express requirement of law for such further dissemination; however, nothing in this subdivision shall be construed to prohibit the Commissioner of Social Services' representative from issuing written certifications regarding the results of a background check that was conducted before July 1, 2021, in accordance with subsection J of § 22.1-289.035 or § 22.1-289.039;

13. The school boards of the Commonwealth for the purpose of screening individuals who are offered or who accept public school employment and those current school board employees for whom a report of arrest has been made pursuant to § 19.2-83.1;

14. The Virginia Lottery for the conduct of investigations as set forth in the Virginia Lottery Law (§ 58.1-4000 et seq.) and casino gaming as set forth in Chapter 41 (§ 58.1-4100 et seq.) of Title 58.1, and the Department of Agriculture and Consumer Services for the conduct of investigations as set forth in Article 1.1:1 (§ 18.2-340.15 et seq.) of Chapter 8 of Title 18.2;

15. Licensed nursing homes, hospitals and home care organizations for the conduct of investigations of applicants for compensated employment in licensed nursing homes pursuant to § 32.1-126.01, hospital pharmacies pursuant to § 32.1-126.02, and home care organizations pursuant to § 32.1-162.9:1, subject to the limitations set out in subsection E;

16. Licensed assisted living facilities and licensed adult day care centers for the conduct of investigations of applicants for compensated employment in licensed assisted living facilities and licensed adult day care centers pursuant to § 63.2-1720, subject to the limitations set out in subsection F;

17. The Virginia Alcoholic Beverage Control Authority for the conduct of investigations as set forth in § 4.1-103.1;

18. The State Board of Elections and authorized officers and employees thereof and general registrars appointed pursuant to § 24.2-110 in the course of conducting necessary investigations with respect to voter registration, limited to any record of felony convictions;

19. The Commissioner of Behavioral Health and Developmental Services (the Commissioner) or his designees for individuals who are committed to the custody of or being evaluated by the Commissioner pursuant to §§ 19.2-168.1, 19.2-169.1, 19.2-169.2, 19.2-169.5, 19.2-169.6, 19.2-182.2, 19.2-182.3, 19.2-182.8, and 19.2-182.9 where such information may be beneficial for the purpose of placement, evaluation, treatment, or discharge planning;

20. Any alcohol safety action program certified by the Commission on the Virginia Alcohol Safety Action Program for (i) interventions with first offenders under § 18.2-251 or (ii) services to offenders under § 18.2-51.4, 18.2-266, or 18.2-266.1;

21. Residential facilities for juveniles regulated or operated by the Department of Social Services, the Department of Education, or the Department of Behavioral Health and Developmental Services for the purpose of determining applicants' fitness for employment or for providing volunteer or contractual services;

22. The Department of Behavioral Health and Developmental Services and facilities operated by the Department for the purpose of determining an individual's fitness for employment pursuant to departmental instructions;

23. Pursuant to § 22.1-296.3, the governing boards or administrators of private elementary or secondary schools which are accredited pursuant to § 22.1-19 or a private organization coordinating such records information on behalf of such governing boards or administrators pursuant to a written agreement with the Department of State Police;

24. Public institutions of higher education and nonprofit private institutions of higher education for the purpose of screening individuals who are offered or accept employment;

25. Members of a threat assessment team established by a local school board pursuant to § 22.1-79.4, by a public institution of higher education pursuant to § 23.1-805, or by a private nonprofit institution of higher education, for the purpose of assessing or intervening with an individual whose behavior may present a threat to safety; however, no member of a threat assessment team shall redisclose any criminal history record information obtained pursuant to this section or otherwise use any record of an individual beyond the purpose that such disclosure was made to the threat assessment team;

26. Executive directors of community services boards or the personnel director serving the community services board for the purpose of determining an individual's fitness for employment, approval as a sponsored residential service provider, permission to enter into a shared living arrangement with a person receiving medical assistance services pursuant to a waiver, or permission for any person under contract with the community services board to serve in a direct care position on behalf of the community services board pursuant to §§ 37.2-506, 37.2-506.1, and 37.2-607;

27. Executive directors of behavioral health authorities as defined in § 37.2-600 for the purpose of determining an individual's fitness for employment, approval as a sponsored residential service provider, permission to enter into a shared living arrangement with a person receiving medical assistance services pursuant to a waiver, or permission for any person under contract with the behavioral health authority to serve in a direct care position on behalf of the behavioral health authority pursuant to §§ 37.2-506, 37.2-506.1, and 37.2-607;

28. The Commissioner of Social Services for the purpose of locating persons who owe child support or who are alleged in a pending paternity proceeding to be a putative father, provided that only the name, address, demographics and social security number of the data subject shall be released;

29. Authorized officers or directors of agencies licensed pursuant to Article 2 (§ 37.2-403 et seq.) of Chapter 4 of Title 37.2 by the Department of Behavioral Health and Developmental Services for the purpose of determining if any applicant who accepts employment in any direct care position or requests approval as a sponsored residential service provider, permission to enter into a shared living arrangement with a person receiving medical assistance services pursuant to a waiver, or permission for any person under contract with the provider to serve in a direct care position has been convicted of a crime that affects his fitness to have responsibility for the safety and well-being of individuals with mental illness, intellectual disability, or substance abuse pursuant to §§ 37.2-416, 37.2-416.1, 37.2-506, 37.2-506.1, and 37.2-607;

30. The Commissioner of the Department of Motor Vehicles, for the purpose of evaluating applicants for and holders of a motor carrier certificate or license subject to the provisions of Chapters 20 (§ 46.2-2000 et seq.) and 21 (§ 46.2-2100 et seq.) of Title 46.2;

31. The Chairman of the Senate Committee on the Judiciary or the Chairman of the House Committee for Courts of Justice for the purpose of determining if any person being considered for election to any judgeship has been convicted of a crime;

32. Heads of state agencies in which positions have been identified as sensitive for the purpose of determining an individual's fitness for employment in positions designated as sensitive under Department of Human Resource Management policies developed pursuant to § 2.2-1201.1;

33. The Office of the Attorney General, for all criminal justice activities otherwise permitted under subdivision A 1 and for purposes of performing duties required by the Civil Commitment of Sexually Violent Predators Act (§ 37.2-900 et seq.);

34. Shipyards, to the extent permitted by federal law or regulation, engaged in the design, construction, overhaul, or repair of nuclear vessels for the United States Navy, including their subsidiary companies, for the conduct of investigations of applications for employment or for access to facilities, by contractors, leased laborers, and other visitors;

35. Any employer of individuals whose employment requires that they enter the homes of others, for the purpose of screening individuals who apply for, are offered, or have accepted such employment;

36. Public agencies when and as required by federal or state law to investigate (i) applicants as providers of adult foster care and home-based services or (ii) any individual with whom the agency is considering placing an adult on an emergency, temporary, or permanent basis pursuant to § 63.2-1601.1, subject to the restriction that the data shall not be further disseminated by the agency to any party other than a federal or state authority or court as may be required to comply with an express requirement of law for such further dissemination, subject to limitations set out in subsection G;

37. The Department of Medical Assistance Services, or its designee, for the purpose of screening individuals who, through contracts, subcontracts, or direct employment, volunteer, apply for, are offered, or have accepted a position related to the provision of transportation services to enrollees in the Medicaid Program or the Family Access to Medical Insurance Security (FAMIS) Program, or any other program administered by the Department of Medical Assistance Services;

38. The State Corporation Commission for the purpose of investigating individuals who are current or proposed members, senior officers, directors, and principals of an applicant or person licensed under Chapter 16 (§ 6.2-1600 et seq.), Chapter 19 (§ 6.2-1900 et seq.), or Chapter 26 (§ 6.2-2600 et seq.) of Title 6.2. Notwithstanding any other provision of law, if an application is denied based in whole or in part on information obtained from the Central Criminal Records Exchange pursuant to Chapter 16, 19, or 26 of Title 6.2, the Commissioner of Financial Institutions or his designee may disclose such information to the applicant or its designee;

39. The Department of Professional and Occupational Regulation for the purpose of investigating individuals for initial licensure pursuant to § 54.1-2106.1;

40. The Department for Aging and Rehabilitative Services and the Department for the Blind and Vision Impaired for the purpose of evaluating an individual's fitness for various types of employment and for the purpose of delivering comprehensive vocational rehabilitation services pursuant to Article 11 (§ 51.5-170 et seq.) of Chapter 14 of Title 51.5 that will assist the individual in obtaining employment;

41. Bail bondsmen, in accordance with the provisions of § 19.2-120;

42. The State Treasurer for the purpose of determining whether a person receiving compensation for wrongful incarceration meets the conditions for continued compensation under § 8.01-195.12;

43. The Department of Education or its agents or designees for the purpose of screening individuals seeking to enter into a contract with the Department of Education or its agents or designees for the provision of child care services for which child care subsidy payments may be provided;

44. The Department of Juvenile Justice to investigate any parent, guardian, or other adult members of a juvenile's household when completing a predispositional or postdispositional report required by § 16.1-273 or a Board of Juvenile Justice regulation promulgated pursuant to § 16.1-233;

45. The State Corporation Commission, for the purpose of screening applicants for insurance licensure under Chapter 18 (§ 38.2-1800 et seq.) of Title 38.2;

46. Administrators and board presidents of and applicants for licensure or registration as a child day program or family day system, as such terms are defined in § 22.1-289.02, for dissemination to the Superintendent of Public Instruction's representative pursuant to § 22.1-289.013 for the conduct of investigations with respect to employees of and volunteers at such facilities pursuant to §§ 22.1-289.034 through 22.1-289.037, subject to the restriction that the data shall not be further disseminated by the facility or agency to any party other than the data subject, the Superintendent of Public Instruction's representative, or a federal or state authority or court as may be required to comply with an express requirement of law for such further dissemination; however, nothing in this subdivision shall be construed to prohibit the Superintendent of Public Instruction's representative from issuing written certifications regarding the results of prior background checks in accordance with subsection J of § 22.1-289.035 or § 22.1-289.039;

47. The National Center for Missing and Exploited Children for the purpose of screening individuals who are offered or accept employment or will be providing volunteer or contractual services with the National Center for Missing and Exploited Children; ~~and~~

48. *The Executive Director or investigators of the Board of Accountancy for the purpose of the enforcement of laws relating to the Board of Accountancy in accordance with § 54.1-4407; and*

49. Other entities as otherwise provided by law.

Upon an ex parte motion of a defendant in a felony case and upon the showing that the records requested may be relevant to such case, the court shall enter an order requiring the Central Criminal Records Exchange to furnish the defendant, as soon as practicable, copies of any records of persons designated in the order on whom a report has been made under the provisions of this chapter.

Notwithstanding any other provision of this chapter to the contrary, upon a written request sworn to before an officer authorized to take acknowledgments, the Central Criminal Records Exchange, or the criminal justice agency in cases of offenses not required to be reported to the Exchange, shall furnish a copy of conviction data covering the person named in the request to the person making the request; however, such person on whom the data is being obtained shall consent in writing, under oath, to the making of such request. A person receiving a copy of his own conviction data may utilize or further disseminate that data as he deems appropriate. In the event no conviction data is maintained on the data subject, the person making the request shall be furnished at his cost a certification to that effect.

B. Use of criminal history record information disseminated to noncriminal justice agencies under this section shall be limited to the purposes for which it was given and may not be disseminated further, except as otherwise provided in subdivision A 46.

C. No criminal justice agency or person shall confirm the existence or nonexistence of criminal history record information for employment or licensing inquiries except as provided by law.

D. Criminal justice agencies shall establish procedures to query the Central Criminal Records Exchange prior to dissemination of any criminal history record information on offenses required to be reported to the Central Criminal Records Exchange to ensure that the most up-to-date disposition data is being used. Inquiries of the Exchange shall be made prior to any dissemination except in those cases where time is of the essence and the normal response time of the Exchange would exceed the necessary time period. A criminal justice agency to whom a request has been made for the dissemination of criminal history record information that is required to be reported to the Central Criminal Records Exchange may direct the inquirer to the Central Criminal Records Exchange for such dissemination. Dissemination of information regarding offenses not required to be reported to the Exchange shall be made by the criminal justice agency maintaining the record as required by § 15.2-1722.

E. Criminal history information provided to licensed nursing homes, hospitals and to home care organizations pursuant to subdivision A 15 shall be limited to the convictions on file with the Exchange for any offense specified in §§ 32.1-126.01, 32.1-126.02, and 32.1-162.9:1.

F. Criminal history information provided to licensed assisted living facilities and licensed adult day care centers pursuant to subdivision A 16 shall be limited to the convictions on file with the Exchange for any offense specified in § 63.2-1720.

G. Criminal history information provided to public agencies pursuant to subdivision A 36 shall be limited to the convictions on file with the Exchange for any offense set forth in clause (i) of the definition of barrier crime in § 19.2-392.02.

H. Upon receipt of a written request from an employer or prospective employer, the Central Criminal Records Exchange, or the criminal justice agency in cases of offenses not required to be reported to the Exchange, shall furnish at the employer's cost a copy of conviction data covering the person named in the request to the employer or prospective employer making the request, provided that the person on whom the data is being obtained has consented in writing to the making of such request and has presented a photo-identification to the employer or prospective employer. In the event no conviction data is maintained on the person named in the request, the requesting employer or prospective employer shall be furnished at his cost a certification to that effect. The criminal history record search shall be conducted on forms provided by the Exchange.

I. Nothing in this section shall preclude the dissemination of a person's criminal history record information pursuant to the rules of court for obtaining discovery or for review by the court.

§ 54.1-4400. Definitions.

As used in this chapter, unless the context ~~clearly indicates otherwise~~ *requires a different meaning*:

"Accredited institution" means a degree-granting institution of higher education accredited either by (i) one of the ~~six major~~ regional accrediting organizations~~.~~*, including the* Middle States Association of Colleges and Schools, New England ~~Association~~ *Commission* of ~~Schools and Colleges~~ *Higher Education*, ~~North Central Association of Colleges and Schools~~ *Higher Learning Commission*, Northwest Commission on Colleges and Universities, Southern Association of Colleges and Schools *Commission on Colleges*, and ~~Western Association of Schools and Colleges.~~ *WASC Senior College and University Commission,* or their successors~~;~~ or (ii) an accrediting organization demonstrating to the Board periodically, as prescribed by the Board, that its accreditation process and standards are substantially equivalent to the accreditation process and standards of the ~~six major~~ regional accrediting organizations.

"Assurance" means any form of expressed or implied opinion or conclusion about the conformity of a financial statement with any recognition, measurement, presentation, or disclosure principles for financial statements.

"Attest services" means audit, review, or other ~~attest services for which~~ *engagements performed in accordance with the* standards *that* have been established by the Public Company Accounting Oversight Board, by the Auditing Standards Board or the Accounting and Review Services Committee of the American Institute of Certified Public Accountants, or by any successor standard-setting authorities.

"Board" means the Virginia Board of Accountancy.

"Compilation services" means compiling financial statements in accordance with standards established by the American Institute of Certified Public Accountants or by any successor standard-setting authorities.

"Continuing professional education" means the education that a person obtains after passing the CPA examination and that relates to services provided to or on behalf of an employer in academia, government, or industry or to services provided to the public.

"CPA" means certified public accountant.

"CPA examination" means the national uniform CPA examination approved and administered by the board of accountancy of a state or by the board's designee.

"CPA wall certificate" means the symbolic document suitable for wall display that is issued by the board of accountancy of a state to a person meeting the requirements to use the CPA title in that state.

"Executive Director" means the Executive Director of the Board.

"Experience" means employment in academia, a firm, government, or *an* industry in any capacity involving the substantial use of accounting, financial, tax, or other skills that are relevant, as determined by the Board, to provide services to or on behalf of an employer or to the public~~, as~~. *Such experience must be* verified by an active, licensed CPA.

"Facilitated State Board Access" or "FSBA" means the sponsoring organization's process whereby it provides the Board access to peer review results via a secure website.

"Financial statement" means a presentation of historical or prospective financial information about one or more persons or entities.

"Financial statement preparation services" means *engaging a licensee in public practice for* financial statement preparation services ~~for which~~ *executed in accordance with the* standards ~~have been~~ established by the *Statements on Standards for Accounting and Review Services of the* American Institute of Certified Public Accountants or by any successor standard-setting authorities.

"Firm" means an entity formed by one or more licensees as a sole proprietorship, a partnership, a corporation, a limited liability company, or any other type of entity permitted by law *with the purpose of providing professional services to the public*.

"License of another state" means the license that is issued by the board of accountancy of a state other than Virginia that gives a person the privilege of using the CPA title in that state or that gives a firm the privilege of providing attest services, compilation services, and financial statement preparation services to persons and entities located in that state.

"Licensed" means holding a Virginia license or the license of another state.

"Licensee" means a person or firm holding a Virginia license or the license of another state.

"Peer review" means a review of a firm's attest services, compilation services, and financial statements preparation services that is conducted in accordance with the applicable monitoring program of the American Institute of Certified Public Accountants or its successor, or with another monitoring program approved by the Board.

"Practice of public accounting" means the ~~giving of an assurance other than (i) by the person or persons about whom the financial information is presented or (ii) by one or more owners, officers, employees, or members of the governing body of the entity or entities about whom the financial information is presented~~ *performance of professional services for a client by a licensee or licensee's firm*.

"Professional services" means all services requiring substantial use of accountancy or related skills that are performed by a licensee for a client or for an employer. Such services are subject to the guidance of the standard-setting authorities listed in the standards of conduct and practice in subdivisions 5 and 6 of § 54.1-4413.3 or by any equivalent standard-setting authority as approved by the Board.

"Providing services to *or on behalf of* an employer" means ~~providing to or on behalf of an entity services that require the substantial use of accounting, financial, tax, or other skills that are relevant, as determined by the Board~~ *the performance of professional services while employed or engaged on a contractual basis by a licensee to or on behalf of an entity. "Providing services to or on behalf of an employer" does not include a person or firm engaged in the practice of public accounting*.

"Providing services to the public" means providing services that are subject to the guidance of the standard-setting authorities listed in the standards of conduct and practice in subdivisions 5 and 6 of § 54.1-4413.3 *or by an equivalent standard-setting authority as approved by the Board*.

"Sponsoring organization" means a Board-approved professional society or other organization responsible for the facilitation and administration of peer reviews through use of its peer review program and applicable peer review standards.

"State" means any state of the United States, the District of Columbia, or any territory of the United States that is a recognized jurisdiction by the National Association of State Boards of Accountancy or its successor.

"Using the CPA title in Virginia" means ~~using~~ *the use of* "CPA," "Certified Public Accountant," or "public accountant" ~~(i)~~ in any ~~form or~~ manner of ~~verbal~~ communication *by any person, firm, or entity* to persons or entities located in Virginia ~~or (ii) in any form or manner of written communication to persons or entities located in Virginia, including but not limited to the use in any abbreviation, acronym, phrase, or title that appears in business cards, the CPA wall certificate, Internet postings, letterhead, reports, signs, tax returns, or any other document or device~~ *portraying such person, firm, or entity as being licensed or legally permitted to provide professional services in Virginia*. Holding a Virginia license or the license of another state constitutes using the CPA title *in Virginia*.

"Virginia license" means a license that is issued by the Board giving a person *or firm* the privilege of using the CPA title in Virginia or a firm the privilege of providing attest services, compilation services, and financial statement preparation services to persons and entities located in Virginia.

§ 54.1-4402. Board; membership; qualifications; powers and duties.

A. The Board of Accountancy established under the former § 54.1-2000 and previously operating in the Department of Professional and Occupational Regulation is hereby continued and reestablished as an independent board in the executive branch of state government.

B. The Board shall consist of seven members appointed by the Governor as follows: one member shall be a public member who may be an accountant who is not licensed but otherwise meets the requirements of clauses (i) and (ii) of § 54.1-107; one member shall be an educator in the field of accounting who holds a Virginia license; four members shall be holders of Virginia licenses who have been actively engaged in providing services to the public for at least three years prior to appointment to the Board; and one member shall hold a Virginia license and for at least three years prior to appointment

to the Board shall have been actively engaged in providing services to the public or in providing services to or on behalf of an employer in government or industry.

C. Members of the Board shall serve for terms of four years. The Governor may remove any member as provided in subsection A of § 2.2-108. Any member of the Board whose Virginia license is revoked or suspended shall automatically cease to be a member of the Board.

D. The Board shall restrict the practice of public accounting and the use of the CPA title in Virginia to licensed persons and firms as specified in §§ 54.1-4409.1 and 54.1-4412.1.

E. The Board shall restrict the provision of attest services, compilation services, and financial statement preparation services to persons or ~~entities~~ *firms* located in Virginia and as specified in § 54.1-4412.1. However, this shall not affect the privilege of a person who is not licensed to include a statement on financial statements indicating that no assurance is provided on the financial statements, to say that financial statements have been compiled, or to use the compilation language as prescribed by subsections B and C of § 54.1-4401.

F. The Board shall take such actions as may be authorized by this chapter to ensure the continued competence of persons *or firms* using the CPA title in Virginia and firms providing attest services, compilation services, or financial statement preparation services to persons or entities located in Virginia and to aid the public in determining their qualifications.

G. The Board shall take such actions as may be authorized by this chapter to ensure that persons *or firms holding a Virginia license or* using the CPA title in Virginia and firms providing attest services, compilation services, or financial statement preparation services to persons or entities located in Virginia adhere to the standards of conduct and practice in § 54.1-4413.3 and regulations promulgated by the Board.

H. The Board shall have the responsibility of enforcing this chapter and may by regulation establish rules and procedures for the implementation of the provisions of this chapter.

§ 54.1-4403. General powers and duties of the Board.

The Board shall have the power and duty to:

1. Establish the qualifications of applicants for licensure, provided that all qualifications shall be necessary to ensure competence and integrity.

2. Examine, or cause to be examined, the qualifications of each applicant for licensure, including the preparation, administration*,* and grading of the CPA examination.

3. Promulgate regulations in accordance with the Administrative Process Act (§ 2.2-4000 et seq.) necessary to assure continued competency, to prevent deceptive or misleading practices by licensees, and to effectively administer the regulatory system.

4. Levy and collect fees for the issuance, renewal, or reinstatement of Virginia licenses that are sufficient to cover all expenses of the administration and operation of the Board.

5. Levy on holders of Virginia licenses special assessments necessary to cover expenses of the Board.

6. Initiate or receive complaints concerning the conduct of ~~holders of Virginia licenses~~ or ~~concerning their~~ violation of the provisions of this chapter or regulations promulgated by the Board *by holders of Virginia licenses, individuals, firms, or entities claiming to hold a Virginia license, or unlicensed individuals, firms, or entities using the CPA title in Virginia*, and to take appropriate disciplinary action if warranted.

7. Initiate or receive complaints concerning the conduct of persons *or firms* who use the CPA title in Virginia under the substantial equivalency provisions of § 54.1-4411 or firms that provide attest services, compilation services, or financial statement preparation services to persons or entities located in Virginia under the provisions of subsection C of § 54.1-4412.1, and to take appropriate disciplinary action if warranted.

8. Initiate or receive complaints concerning violations of the provisions of this chapter or regulations promulgated by the Board by persons *or firms* who use the CPA title in Virginia under the substantial equivalency provisions of § 54.1-4411 or firms that provide attest services, compilation services, or financial statement preparation services to persons or entities located in Virginia under the provisions of subsection C of § 54.1-4412.1, and to take appropriate disciplinary action if warranted.

9. Revoke, suspend, or refuse to renew or reinstate a Virginia license for just causes as prescribed by the Board.

10. Revoke or suspend, for just causes as prescribed by the Board, a person's *or firm's* privilege of using the CPA title in Virginia under the substantial equivalency provisions of § 54.1-4411 or a firm's privilege of providing attest services, compilation services, or financial statement preparation services to persons or entities located in Virginia under the provisions of subsection C of § 54.1-4412.1.

11. Establish requirements for peer reviews.

12. Establish continuing professional educational requirements as a condition for issuance, renewal, or reinstatement of a Virginia license.

13. Expand or interpret the standards of conduct and practice in § 54.1-4413.3.

14. Enter into contracts necessary or convenient for carrying out the provisions of this chapter or the functions of the Board.

15. *Permit certain biographical references to previous CPA licensure.*

16. Promulgate additional guidance on using the CPA title in Virginia as necessary.

17. Do all things necessary and convenient for carrying into effect this chapter and regulations promulgated by the Board.

§ 54.1-4407. Enforcement of laws by the Executive Director or investigators; authority of investigators appointed by the Executive Director.

A. The Executive Director or investigators appointed by him shall:

1. Be sworn to enforce the statutes and regulations pertaining to the Board;

2. Have the authority to investigate violations of the statutes and regulations that the Executive Director is required to enforce;

3. Have the authority to issue summonses for violations of the provisions of this chapter or regulations promulgated by the Board.

B. In the event a person or entity that is issued a summons by the Executive Director or investigators appointed by him fails or refuses to discontinue the unlawful acts or refuses to give a written promise to appear at the time and place specified in the summons, the Executive Director or the investigators may appear before a magistrate or other issuing authority having jurisdiction to obtain a criminal warrant under § 19.2-72.

C. The Executive Director and all investigators appointed by the Executive Director are vested with the authority to administer oaths or affirmations (i) for the purpose of receiving complaints and conducting investigations of violations of the provisions of this chapter or any regulations promulgated by the Board or (ii) in connection with any investigation conducted on behalf of the Board. The Executive Director and the investigators are vested with the authority to (a) obtain, serve, and execute any warrant, paper, or process issued by any court or magistrate or by the Board under the authority of the Executive Director and (b) request and receive criminal history information under the provisions of § 19.2-389.

D. The authority of the Executive Director shall include the ability to request and receive reports from the Central Criminal Records Exchange to be used for the purpose of the investigative and enforcement authority of the Executive Director and not to be disseminated except as provided for in this section.

§ 54.1-4412.1. Licensing requirements for firms.

A. Only a *licensed* firm can provide attest services, compilation services, or financial statement preparation services to persons or entities located in Virginia. However, this shall not affect the privilege of a person who is not licensed to include a statement on financial statements indicating that no assurance is provided on the financial statements, to say that financial statements have been compiled, or to use the compilation language, as prescribed by subsections B and C of § 54.1-4401.

B. A firm that provides attest services, compilation services, or financial statement preparation services to persons or entities located in Virginia shall obtain a Virginia license if ~~the~~ *such firm's* principal place of business ~~in which it provides those services~~ is in Virginia.

C. A firm ~~that is~~ *whose principal place of business is not in Virginia is* not required to obtain a Virginia license *but* may provide attest services, compilation services, or financial statement preparation services to persons or entities located in Virginia if *the following provisions are met*:

1. The firm *holds the license of another state and* can lawfully provide attest services, compilation services, or financial statement preparation services to persons or entities in the state where its principal place of business is located; and

2. The firm complies with ~~subdivisions~~ *subsection* D ~~1, 2, 4, 5, 6, and 7 and subsection F~~; and

3. The firm's personnel working on the engagement either (i) hold a Virginia license or (ii) hold the license of another state and comply with the substantial equivalency provisions of § 54.1-4411; or

4. The firm's personnel working on the engagement are under the supervision of a person who either (i) holds a Virginia license or (ii) holds the license of another state and complies with the substantial equivalency provisions of § 54.1-4411.

D. For a firm to obtain and hold a Virginia license:

1. As determined on a firm-wide basis:

a. At least 51 percent of the owners of the firm shall be licensees, trustees of an eligible employee stock ownership plan as defined in § 13.1-543, or a firm that meets this requirement; and

b. At least 51 percent of the voting equity interest in the firm shall be owned by persons who are licensees, by trustees of an eligible employee stock ownership plan as defined in § 13.1-543, or by a firm that meets this requirement.

If the death, retirement, or departure of an owner causes either of these requirements not to be met, the requirement shall be met within one year after the death, retirement, or departure of the owner.

2. The Board shall prescribe requirements concerning the hours that owners who are not licensees work in the firm and may prescribe other requirements for those persons.

3. All attest services, compilation services, and financial statement preparation services provided for persons and entities located in Virginia shall be under the supervision of a person who either (i) holds a Virginia license or (ii) holds the license of another state and complies with the substantial equivalency provisions of § 54.1-4411.

4. Any person who releases or authorizes the release of reports on attest services, compilation services, or financial statement preparation services provided for persons or entities located in Virginia shall:

a. Either (i) hold a Virginia license or (ii) hold the license of another state and comply with the substantial equivalency provisions of § 54.1-4411; and

b. Meet any additional requirements the Board prescribes.

5. The firm shall conduct its attest services, compilation services, and financial statement preparation services in conformity with the standards of conduct and practice in § 54.1-4413.3 and regulations promulgated by the Board.

6. If the services provided by the firm are within the scope of the practice-monitoring program of the American Institute of Certified Public Accountants or its successor, the firm shall enroll in the program or in another practice-monitoring program for attest services, compilation services, and financial statement preparation services that is approved by the Board. In addition, if enrolled the firm shall:

a. Comply with any requirements prescribed by the Board in response to the results of peer reviews; and

b. Participate in the American Institute of Certified Public Accountants', or sponsoring organizations', Facilitated State Board Access process, or its successor process, *or another process approved by the Board* for peer reviews.

7. The name of the firm shall not be false, misleading, or deceptive.

E. The Board shall prescribe the methods and fees for a firm to apply for the issuance, renewal, or reinstatement of a Virginia license.

F. ~~An entity~~ *A firm* may not use the CPA title in Virginia unless it ~~meets the requirements of subdivision D 1~~ *holds a Virginia license or the license of another state as permitted in subsection C.*

§ 54.1-4413.4. Penalties.

A. Penalties the Board may impose consist of:

1. Revoking *a Virginia license or* the privilege of using the CPA title in Virginia or providing attest services, compilation services, or financial statement preparation services to persons or entities located in Virginia;

2. Suspending or refusing to renew or reinstate *a Virginia license or* the privilege of using the CPA title in Virginia or providing attest services, compilation services, or financial statement preparation services to persons or entities located in Virginia;

3. Reprimanding, censuring, or limiting the scope of practice of any person*, firm, or entity* using *a Virginia license or* the CPA title in Virginia or any firm providing attest services, compilation services, or financial statement preparation services to persons or entities located in Virginia;

4. Placing any person*, firm, or entity* using *a Virginia license or* the CPA title in Virginia or any firm providing attest services, compilation services, or financial statement preparation services to persons or entities located in Virginia on probation, with or without terms, conditions, and limitations;

5. Requiring a firm holding a Virginia license to have an accelerated peer review conducted as the Board may specify or to take other remedial actions;

6. Requiring a person holding a Virginia license to satisfactorily complete additional or specific continuing professional education as the Board may specify;

7. Imposing a monetary penalty up to $100,000 for each violation of the provisions of this chapter or regulations promulgated by the Board; any monetary penalty may be sued for and recovered in the name of the Commonwealth; and

8. Requiring any person*, firm,* or entity that violates § 54.1-4414 to discontinue any acts in violation of that provision.

B. The Board may impose penalties on persons*, firms, or entities* using *a Virginia license or* the CPA title in Virginia or firms *or entities* providing attest services, compilation services, or financial statement preparation services to persons or entities located in Virginia for:

1. Violation of the provisions of this chapter or violation of any regulation, subpoena, or order of the Board;

2. Fraud or deceit in obtaining, renewing, or applying for reinstatement or lifting the suspension of a Virginia license;

3. Revocation, suspension, or refusal to reinstate the license of another state for disciplinary reasons;

4. Revocation or suspension of the privilege of practicing before any state or federal agency or federal court of law;

5. Dishonesty, fraud, or gross negligence in providing services to or on behalf of an employer, in providing services to the public, or in providing attest services, compilation services, or financial statement preparation services;

6. Dishonesty, fraud, or gross negligence in preparing the person's or firm's own state or federal income tax return or financial statement;

7. Conviction of a felony, or of any crime involving moral turpitude, under the laws of the United States, of Virginia, or of any other state if the acts involved would have constituted a crime under the laws of Virginia; or

8. Lack of the competence required to provide services to the public for persons and entities located in Virginia or to provide attest services, compilation services, and financial statement preparation services to persons and entities located in Virginia, as determined by the Board.

C. The Board may also impose penalties on:

1. A person ~~who~~*, firm, or entity that* does not hold a Virginia license, or ~~who~~ *that* does not meet the requirements to use the CPA title in Virginia under the substantial equivalency provisions of § 54.1-4411, and commits any of the acts prohibited by § 54.1-4414; or

2. ~~An~~ *A firm or* entity that does not meet the criteria prescribed by subdivision D 1 of § 54.1-4412.1 and commits any of the acts prohibited by § 54.1-4414.

§ 54.1-4421. Biennial report.

The Board shall submit a biennial report to the Governor and General Assembly on or before November 1 of each even-numbered year. The biennial report shall contain, at a minimum, the following information: (i) a description of the Board's activities, (ii) a report on the ~~audit of the~~ Board's financial statements ~~for the biennium~~, (iii) statistical information

regarding the administrative hearings and decisions of the Board, and (iv) a general summary of all complaints received against persons and firms and the procedures used to resolve the complaints.

§ 54.1-4425. Time for filing complaints against CPAs or CPA firms.

A. Except as otherwise provided in subsections B and C, any complaint against the holder of a Virginia license for any violation of statutes or regulations pertaining to the Board or any of the programs that may be in another title of the Code for which the Board has enforcement responsibility, in order to be investigated by the Board, shall be made in writing, or otherwise made in accordance with Board procedures, and received by the Board within three years of the act, omission, or occurrence giving rise to the violation.

B. However, where a holder of a Virginia license has materially and willfully misrepresented, concealed, or omitted any information and the information so misrepresented, concealed, or omitted is material to the establishment of the violation, the complaint may be made at any time within two years after discovery of the misrepresentation, concealment, or omission.

C. In cases where criminal charges have been filed involving matters that, if found to be true, would also constitute a violation of the regulations or laws of the regulant's profession enforced by the Board, an investigation may be initiated by the Board at any time within ~~two~~ *three* years following the date ~~such criminal charges are filed~~ *of conviction*.

D. In order to be investigated by the Board, any complaint against an individual *or firm* using the CPA title in Virginia under the substantial equivalency provisions of § 54.1-4411 or against a firm *or entity* providing attest services, compilation services, or financial statement preparation services under subsection C of § ~~54.4412.1~~ *54.1-4412.1* for any violation of statutes or regulations pertaining to the Board or any of the programs that may be in another title of this Code for which the Board has enforcement responsibility shall be made in writing, or otherwise made in accordance with Board procedures, and received by the Board within five years of the act, omission, or occurrence giving rise to the violation.

E. Public information obtained from any source may serve as the basis for a written complaint. Nothing in this section shall be construed to require the filing of a complaint if the alleged violation of the statute or regulation is discovered during an investigation authorized by law, and the acts, omissions, or conditions constituting the alleged violations are witnessed by a sworn investigator appointed by the Executive Director.

F. Nothing herein shall deny the right of any party to bring a civil cause of action in a court of law.

2. That § 54.1-4420 of the Code of Virginia is repealed.

3. That the Board of Accountancy shall promulgate regulations to implement the provisions of this act to be effective within 280 days of its enactment.

CHAPTER 655

An Act to amend and reenact § 1-211.1, as it is currently effective, of the Code of Virginia and to repeal Chapter 683 of the Acts of Assembly of 2022 and Chapter 598 of the Acts of Assembly of 2023, relating to courthouses and website posting of notices.

[H 1338]

Approved April 8, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 1-211.1, as it is currently effective, of the Code of Virginia is amended and reenacted as follows:

§ 1-211.1. Courthouse; posting of notices.

If any notice, summons, order, or other official document of any type is required to be posted *pursuant to a provision of the Code* on or at the front door of a courthouse or on a public bulletin board at a courthouse, it shall constitute compliance with this requirement if the notice, summons, order, or other official document is *(i)* posted *on the public government website of the locality served by the court or the website of any court, court clerk, sheriff, or commissioner of accounts of the locality or (ii) posted* with other such documents where such notice, summons, order, or other official document is posted or at or near the principal public entrance to the courthouse in a location that is conspicuous to the public and approved by the chief judge of the circuit in which the courthouse is situated~~, or both. The requirement to post any notice, summons, order, or other official document of any type is satisfied if such notice, summons, order, or other official document is posted on the public government website of the locality served by the court or the website of the circuit court clerk~~.

2. That Chapter 683 of the Acts of Assembly of 2022 and Chapter 598 of the Acts of Assembly of 2023 are repealed.

CHAPTER 656

An Act to amend and reenact §§ 8.01-512.4, 34-4, 34-13, and 34-26 of the Code of Virginia, relating to exemptions from garnishment and lien; householder; total value.

[H 1339]

Approved April 8, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 8.01-512.4, 34-4, 34-13, and 34-26 of the Code of Virginia are amended and reenacted as follows:

§ 8.01-512.4. Notice of exemptions from garnishment and lien.

No summons in garnishment shall be issued or served, nor shall any notice of lien be served on a financial institution pursuant to § 8.01-502.1, unless a notice of exemptions and claim for exemption form are attached. The notice shall contain the following statement:

Notice to judgment debtor

How to claim exemptions from garnishment and lien

The attached Summons in Garnishment or Notice of Lien has been issued on request of a creditor who holds a judgment against you. The Summons may cause your property or wages to be held or taken to pay the judgment.

The law provides that certain property and wages cannot be taken in garnishment. Such property is said to be exempted. A summary of some of the major exemptions is set forth in the request for hearing form. There is no exemption solely because you are having difficulty paying your debts.

If you claim an exemption, you should (i) fill out the claim for exemption form and (ii) deliver or mail the form to the clerk's office of this court. You have a right to a hearing within seven business days from the date you file your claim with the court. If the creditor is asking that your wages be withheld, the method of computing the amount of wages that are exempt from garnishment by law is indicated on the Summons in Garnishment attached. You do not need to file a claim for exemption to receive this exemption, but if you believe the wrong amount is being withheld you may file a claim for exemption.

On the day of the hearing you should come to court ready to explain why your property is exempted, and you should bring any documents that may help you prove your case. If you do not come to court at the designated time and prove that your property is exempt, you may lose some of your rights.

It may be helpful to you to seek the advice of an attorney in this matter.

Request for hearing-garnishment/lien exemption claim

I claim that the exemption(s) from garnishment or lien that are checked below apply in this case:

MAJOR EXEMPTIONS UNDER FEDERAL AND STATE LAW

____1. Social Security benefits and Supplemental Security Income (SSI)(42 U.S.C. § 407).

____2. Veterans' benefits (38 U.S.C. § 5301).

____3. Federal civil service retirement benefits (5 U.S.C. § 8346).

____4. Annuities to survivors of federal judges (28 U.S.C. § 376(n)).

____5. Longshore and Harbor Workers' Compensation Act (33 U.S.C. § 916).

____6. Black lung benefits.

Exemptions listed under 1 through 6 above may not be applicable in child support and alimony cases (42 U.S.C. § 659).

____7. Seaman's, master's or fisherman's wages, except for child support or spousal support and maintenance (46 U.S.C. § 11109).

____8. Unemployment compensation benefits (§ 60.2-600, Code of Virginia). This exemption may not be applicable in child support cases (§ 60.2-608, Code of Virginia).

____9. Portions or amounts of wages subject to garnishment (§ 34-29, Code of Virginia).

____10. Public assistance payments (§ 63.2-506, Code of Virginia).

____11. Homestead exemption of $5,000, or $10,000 if the debtor is 65 years of age or older, in cash, and, in addition, real or personal property used as the principal residence of the householder or the householder's dependents not exceeding ~~$25,000~~ *$50,000* in value (§ 34-4, Code of Virginia). This exemption may not be claimed in certain cases, such as payment of spousal or child support (§ 34-5, Code of Virginia).

____12. Property of disabled veterans — additional $10,000 cash (§ 34-4.1, Code of Virginia).

____13. Workers' Compensation benefits (§ 65.2-531, Code of Virginia).

____14. Growing crops (§ 8.01-489, Code of Virginia).

____15. Benefits from group life insurance policies (§ 38.2-3339, Code of Virginia).

____16. Proceeds from industrial sick benefits insurance (§ 38.2-3549, Code of Virginia).

____17. Assignments of certain salary and wages (§ 8.01-525.10, Code of Virginia).

____18. Benefits for victims of crime (§ 19.2-368.12, Code of Virginia).

____19. Preneed funeral trusts (§ 54.1-2823, Code of Virginia).

____20. Certain retirement benefits (§ 34-34, Code of Virginia).

____21. Child support payments (§ 20-108.1, Code of Virginia).

____22. Support for dependent minor children (§ 34-4.2, Code of Virginia). To claim this exemption, the debtor shall attach to the claim for exemption form an affidavit that complies with the requirements of subsection B of § 34-4.2 and two items of proof showing that the debtor is entitled to this exemption.

____23. Other (describe exemption): ~~$____Other (describe exemption):~~ $_____

I request a court hearing to decide the validity of my claim. Notice of the hearing should be given me at:

_____ _____

(address) (telephone no.)

The statements made in this request are true to the best of my knowledge and belief.

_____ _____

(date) (signature of judgment debtor)

§ 34-4. Exemption created.

Every householder shall be entitled, in addition to the property or estate exempt under §§ 23.1-707, 34-26, 34-27, 34-29, and 64.2-311, to hold exempt from creditor process arising out of a debt, real and personal property, or either, to be selected by the householder, including money and debts due the householder not exceeding $5,000 in value or, if the householder is 65 years of age or older, not exceeding $10,000 in value, and, in addition, real or personal property used as the principal residence of the householder or the householder's dependents not exceeding ~~$25,000~~ *$50,000* in value. In addition, upon a showing that a householder supports dependents, the householder shall be entitled to hold exempt from creditor process real and personal property, or either, selected by the householder, including money or monetary obligations or liabilities due the householder, not exceeding $500 in value for each dependent.

For the purposes of this section, "dependent" means an individual who derives support primarily from the householder and who does not have assets sufficient to support himself, but in no case shall an individual be the dependent of more than one householder.

On April 1, 2027, and at each three-year interval ending on April 1 thereafter, each monetary limit in effect under this section immediately before such April 1 shall be adjusted to reflect the change in the Consumer Price Index for all urban consumers (CPI-U), as published by the Bureau of Labor Statistics of the U.S. Department of Labor, for the most recent three-year period ending immediately before January 1 preceding such April 1, and rounded to the nearest $25, the dollar amount that represents such change. Adjustments made in this section shall not apply with respect to bankruptcy cases commenced before April 1, 2027.

§ 34-13. Householder may set apart exemption in personal estate.

If the householder does not set apart any real estate as before provided, or if what he does or has so set apart is not of the total value which he is entitled to hold exempt, he may, in addition to the property or estate which he is entitled to hold exempt under §§ 34-26, 34-27, 34-29, and 64.2-311, in the first case select and set apart by the writing required by § 34-14 to be held by him as exempt under §§ 34-4 and 34-4.1, so much of his personal estate as shall not exceed the total value which he is entitled to hold exempt and, in the latter case, personal estate, the value of which, when added to the value of the real estate set apart, does not exceed such total value.

For the purposes of this section, the exemption under § 34-4, or unused portion thereof, that is limited by such section to real or personal property used as the principal residence of the householder or the householder's dependents may only be used for such property, and its proceeds as provided under § 34-20, and no other property.

§ 34-26. Poor debtor's exemption; exempt articles enumerated.

In addition to the exemptions provided in Chapter 2 (§ 34-4 et seq.), every householder shall be entitled to hold exempt from creditor process the following enumerated items:

1. The family Bible.

1a. Wedding and engagement rings.

2. Family portraits and family heirlooms not to exceed $5,000 in value.

3. (i) A lot in a burial ground~~,~~ and (ii) any preneed funeral contract not to exceed $5,000.

4. All wearing apparel of the householder not to exceed $1,000 in value.

4a. All household furnishings including, but not limited to, beds, dressers, floor coverings, stoves, refrigerators, washing machines, dryers, sewing machines, pots and pans for cooking, plates, and eating utensils, not to exceed $5,000 in value.

4b. Firearms, not to exceed a total of $3,000 in value.

5. All animals owned as pets, such as cats, dogs, birds, squirrels, rabbits, and other pets not kept or raised for sale or profit.

6. Medically prescribed health aids.

7. Tools, books, instruments, implements, equipment, and machines, including motor vehicles, vessels, and aircraft, which are necessary for use in the course of the householder's occupation or trade not exceeding $10,000 in value, except that a perfected security interest on such personal property shall have priority over the claim of exemption under this section. A motor vehicle, vessel, or aircraft used to commute to and from a place of occupation or trade and not otherwise necessary for use in the course of such occupation or trade shall not be exempt under this subdivision. "Occupation," as used in this subdivision, includes enrollment in any public or private elementary, secondary, or career and technical education school or institution of higher education.

8. Motor vehicles, not held as exempt under subdivision 7, owned by the householder, not to exceed a total of ~~$6,000~~ *$10,000* in value, except that a perfected security interest on a motor vehicle shall have priority over the claim of exemption under this subdivision.

9. Those portions of a tax refund or governmental payment attributable to the Child Tax Credit or Additional Child Tax Credit pursuant to § 24 of the Internal Revenue Code of 1986, as amended, or the Earned Income Credit pursuant to § 32 of the Internal Revenue Code of 1986, as amended.

10. Unpaid spousal or child support.

The value of an item claimed as exempt under this section shall be the fair market value of the item less any prior security interest.

The monetary limits, where provided, are applicable to the total value of property claimed as exempt under that subdivision.

The purchase of an item claimed as exempt under this section with nonexempt property in contemplation of bankruptcy or creditor process shall not be deemed to be in fraud of creditors.

No officer or other person shall levy or distrain upon, or attach, such articles, or otherwise seek to subject such articles to any lien or process. It shall not be required that a householder designate any property exempt under this section in a deed in order to secure such exemption.

On April 1, 2027, and at each three-year interval ending on April 1 thereafter, each monetary limit in effect under this section immediately before such April 1 shall be adjusted to reflect the change in the Consumer Price Index for all urban consumers (CPI-U), as published by the Bureau of Labor Statistics of the U.S. Department of Labor, for the most recent three-year period ending immediately before January 1 preceding such April 1, and rounded to the nearest $25, the dollar amount that represents such change. Adjustments made in this section shall not apply with respect to bankruptcy cases commenced before April 1, 2027.

2. That not later than March 1, 2027, and at each three-year interval ending on March 1 thereafter, the Department of Planning and Budget shall submit the updated dollar amounts that will become effective on April 1 pursuant to the provisions of this act to the Virginia Code Commission for purposes of amending §§ 8.01-512.4, 34-4, and 34-26 of the Code of Virginia, as amended by this act.

CHAPTER 657

An Act to amend and reenact §§ 22.1-253.13:1, as it shall become effective, and 22.1-253.13:4 of the Code of Virginia, relating to high school graduation requirements; satisfaction of elective course credits with workforce credentials; development and maintenance of list of accepted credentials.

[H 1345]

Approved April 8, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 22.1-253.13:1, as it shall become effective, and 22.1-253.13:4 of the Code of Virginia are amended and reenacted as follows:

§ 22.1-253.13:1. (For effective date, see Acts 2022, cc. 549, 550, cl. 2) Standard 1. Instructional programs supporting the Standards of Learning and other educational objectives.

A. The General Assembly and the Board believe that the fundamental goal of the public schools of the Commonwealth must be to enable each student to develop the skills that are necessary for success in school, preparation for life, and reaching their full potential. The General Assembly and the Board find that the quality of education is dependent upon the provision of (i) the appropriate working environment, benefits, and salaries necessary to ensure the availability of high-quality instructional personnel; (ii) the appropriate learning environment designed to promote student achievement; (iii) quality instruction that enables each student to become a productive and educated citizen of Virginia and the United States of America; and (iv) the adequate commitment of other resources. In keeping with this goal, the General Assembly shall provide for the support of public education as set forth in Article VIII, § 1 of the Constitution of Virginia.

B. The Board shall establish educational objectives known as the Standards of Learning, which shall form the core of Virginia's educational program, and other educational objectives, which together are designed to ensure the development of the skills that are necessary for success in school and for preparation for life in the years beyond. At a minimum, the Board shall establish Standards of Learning for English, mathematics, science, and history and social science. The Standards of Learning shall not be construed to be regulations as defined in § 2.2-4001.

The Board shall seek to ensure that the Standards of Learning are consistent with a high-quality foundation educational program. The Standards of Learning shall include, but not be limited to, the basic skills of communication (listening, speaking, reading, and writing); computation and critical reasoning, including problem solving and decision making; proficiency in the use of computers and related technology; computer science and computational thinking, including computer coding; and the skills to manage personal finances and to make sound financial decisions.

The English Standards of Learning for reading in kindergarten through grade eight shall align with evidence-based literacy instruction and science-based reading research.

The Standards of Learning in all subject areas shall be subject to regular review and revision to maintain rigor and to reflect a balance between content knowledge and the application of knowledge in preparation for eventual employment and lifelong learning. The Board shall establish a regular schedule, in a manner it deems appropriate, for the review, and revision as may be necessary, of the Standards of Learning in all subject areas. Such review of each subject area shall occur at least once every seven years. Nothing in this section shall be construed to prohibit the Board from conducting such review and revision on a more frequent basis.

To provide appropriate opportunity for input from the general public, teachers, and local school boards, the Board shall conduct public hearings prior to establishing revised Standards of Learning. Thirty days prior to conducting such hearings, the Board shall give notice of the date, time, and place of the hearings to all local school boards and any other persons requesting to be notified of the hearings and publish notice of its intention to revise the Standards of Learning in the Virginia Register of Regulations. Interested parties shall be given reasonable opportunity to be heard and present information prior to final adoption of any revisions of the Standards of Learning.

In addition, the Department shall make available and maintain a website, either separately or through an existing website utilized by the Department, enabling public elementary, middle, and high school educators to submit recommendations for improvements relating to the Standards of Learning, when under review by the Board according to its established schedule, and related assessments required by the Standards of Quality pursuant to this chapter. Such website shall facilitate the submission of recommendations by educators.

School boards shall implement the Standards of Learning or objectives specifically designed for their school divisions that are equivalent to or exceed the Board's requirements. Students shall be expected to achieve the educational objectives established by the school division at appropriate age or grade levels. The curriculum adopted by the local school division shall be aligned to the Standards of Learning.

The Board shall include in the Standards of Learning for history and social science the study of contributions to society of diverse people. For the purposes of this subsection, "diverse" includes consideration of disability, ethnicity, race, and gender.

The Board shall include in the Standards of Learning for health instruction in emergency first aid, cardiopulmonary resuscitation, and the use of an automated external defibrillator, including hands-on practice of the skills necessary to perform cardiopulmonary resuscitation. Such instruction shall be based on the current national evidence-based emergency cardiovascular care guidelines for cardiopulmonary resuscitation and the use of an automated external defibrillator, such as a program developed by the American Heart Association or the American Red Cross. No teacher who is in compliance with subdivision D 3 of § 22.1-298.1 shall be required to be certified as a trainer of cardiopulmonary resuscitation to provide instruction for non-certification.

With such funds as are made available for this purpose, the Board shall regularly review and revise the competencies for career and technical education programs to require the full integration of English, mathematics, science, and history and social science Standards of Learning. Career and technical education programs shall be aligned with industry and professional standard certifications, where they exist.

The Board shall establish content standards and curriculum guidelines for courses in career investigation in elementary school, middle school, and high school. Each school board shall (i) require each middle school student to take at least one course in career investigation or (ii) select an alternate means of delivering the career investigation course to each middle school student, provided that such alternative is equivalent in content and rigor and provides the foundation for such students to develop their academic and career plans. Any school board may require (a) such courses in career investigation at the high school level as it deems appropriate, subject to Board approval as required in subsection A of § 22.1-253.13:4, and (b) such courses in career investigation at the elementary school level as it deems appropriate. The Board shall develop and disseminate to each school board career investigation resource materials that are designed to ensure that students have the ability to further explore interest in career and technical education opportunities in middle and high school. In developing such resource materials, the Board shall consult with representatives of career and technical education, industry, skilled trade associations, chambers of commerce or similar organizations, and contractor organizations.

C. Local school boards shall develop and implement a program of instruction for grades K through 12 that is aligned to the Standards of Learning and meets or exceeds the requirements of the Board. The program of instruction shall emphasize reading, writing, speaking, mathematical concepts and computations, proficiency in the use of computers and related technology, computer science and computational thinking, including computer coding, and scientific concepts and processes; essential skills and concepts of citizenship, including knowledge of Virginia history and world and United States history, economics, government, foreign languages, international cultures, health and physical education, environmental issues, and geography necessary for responsible participation in American society and in the international community; fine arts, which may include, but need not be limited to, music and art, and practical arts; knowledge and skills needed to qualify for further education, gainful employment, or training in a career or technical field; and development of the ability to apply such skills and knowledge in preparation for eventual employment and lifelong learning and to achieve economic self-sufficiency.

Local school boards shall also develop and implement programs of prevention, intervention, or remediation for students who are educationally at risk including, but not limited to, those who fail to achieve a passing score on any Standards of Learning assessment in grades three through eight or who fail an end-of-course test required for the award of a verified unit of credit. Such programs shall include components that are research-based.

Any student who achieves a passing score on one or more, but not all, of the Standards of Learning assessments for the relevant grade level in grades three through eight may be required to attend a remediation program.

Any student who fails to achieve a passing score on all of the Standards of Learning assessments for the relevant grade level in grades three through eight or who fails an end-of-course test required for the award of a verified unit of credit shall be required to attend a remediation program or to participate in another form of remediation. Division superintendents shall require such students to take special programs of prevention, intervention, or remediation, which may include attendance in public summer school programs, in accordance with clause (ii) of subsection A of § 22.1-254 and § 22.1-254.01.

Remediation programs shall include, when applicable, a procedure for early identification of students who are at risk of failing the Standards of Learning assessments in grades three through eight or who fail an end-of-course test required for the award of a verified unit of credit. Such programs may also include summer school for all elementary and middle school grades and for all high school academic courses, as defined by regulations promulgated by the Board, or other forms of remediation. Summer school remediation programs or other forms of remediation shall be chosen by the division superintendent to be appropriate to the academic needs of the student. Students who are required to attend such summer school programs or to participate in another form of remediation shall not be charged tuition by the school division.

The requirement for remediation may, however, be satisfied by the student's attendance in a program of prevention, intervention or remediation that has been selected by his parent, in consultation with the division superintendent or his designee, and is either (i) conducted by an accredited private school or (ii) a special program that has been determined to be comparable to the required public school remediation program by the division superintendent. The costs of such private school remediation program or other special remediation program shall be borne by the student's parent.

The Board shall establish standards for full funding of summer remedial programs that shall include, but not be limited to, the minimum number of instructional hours or the equivalent thereof required for full funding and an assessment system designed to evaluate program effectiveness. Based on the number of students attending and the Commonwealth's share of the per pupil instructional costs, state funds shall be provided for the full cost of summer and other remediation programs as set forth in the appropriation act, provided such programs comply with such standards as shall be established by the Board, pursuant to § 22.1-199.2.

D. Local school boards shall also implement the following:

1. Programs in grades K through three that emphasize developmentally appropriate learning to enhance success.

2. Programs based on prevention, intervention, or remediation designed to increase the number of students who earn a high school diploma and to prevent students from dropping out of school. Such programs shall include components that are research-based.

3. Career and technical education programs incorporated into the K through 12 curricula that include:

a. Knowledge of careers and all types of employment opportunities, including, but not limited to, apprenticeships, entrepreneurship and small business ownership, the military, and the teaching profession, and emphasize the advantages of completing school with marketable skills;

b. Career exploration opportunities in the middle school grades;

c. Competency-based career and technical education programs that integrate academic outcomes, career guidance, and job-seeking skills for all secondary students. Programs shall be based upon labor market needs and student interest. Career guidance shall include counseling about available employment opportunities and placement services for students exiting school. Each school board shall develop and implement a plan to ensure compliance with the provisions of this subdivision. Such plan shall be developed with the input of area business and industry representatives and local comprehensive community colleges and shall be submitted to the Superintendent in accordance with the timelines established by federal law;

d. Annual notice on its website to enrolled high school students and their parents of (i) the availability of the postsecondary education and employment data published by the State Council of Higher Education on its website pursuant to § 23.1-204.1 and (ii) the opportunity for such students to obtain a nationally recognized career readiness certificate at a local public high school, comprehensive community college, or workforce center; and

e. As part of each student's academic and career plan, a list of (i) the top 100 professions in the Commonwealth by median pay and the education, training, and skills required for each such profession and (ii) the top 10 degree programs at institutions of higher education in the Commonwealth by median pay of program graduates. The Department shall annually compile such lists and provide them to each local school board.

4. Educational objectives in middle and high school that emphasize economic education and financial literacy pursuant to § 22.1-200.03.

5. Early identification of students with disabilities and enrollment of such students in appropriate instructional programs consistent with state and federal law.

6. Early identification of gifted students and enrollment of such students in appropriately differentiated instructional programs.

7. Educational alternatives for students whose needs are not met in programs prescribed elsewhere in these standards. Such students shall be counted in average daily membership (ADM) in accordance with the regulations of the Board.

8. Adult education programs for individuals functioning below the high school completion level. Such programs may be conducted by the school board as the primary agency or through a collaborative arrangement between the school board and other agencies.

9. A plan to make achievements for students who are educationally at risk a divisionwide priority that shall include procedures for measuring the progress of such students.

10. An agreement for postsecondary degree attainment with a comprehensive community college in the Commonwealth specifying the options for students to complete an associate degree or a one-year Uniform Certificate of General Studies from a comprehensive community college concurrent with a high school diploma. Such agreement shall specify the credit available for dual enrollment courses and Advanced Placement courses with qualifying exam scores of three or higher.

11. A plan to notify students and their parents of the availability of dual enrollment and advanced placement classes; career and technical education programs, including internships, externships, apprenticeships, credentialing programs, certification programs, licensure programs, and other work-based learning experiences; the International Baccalaureate Program and Academic Year Governor's School Programs; the qualifications for enrolling in such classes, programs, and experiences; and the availability of financial assistance to low-income and needy students to take the advanced placement and International Baccalaureate examinations. This plan shall include notification to students and parents of the agreement with a comprehensive community college in the Commonwealth to enable students to complete an associate degree or a one-year Uniform Certificate of General Studies concurrent with a high school diploma.

12. Identification of students with limited English proficiency and enrollment of such students in appropriate instructional programs, which programs may include dual language programs whereby such students receive instruction in English and in a second language.

13. Early identification, diagnosis, and assistance for students with mathematics problems and provision of instructional strategies and mathematics practices that benefit the development of mathematics skills for all students.

Local school divisions shall provide algebra readiness intervention services to students in grades six through nine who are at risk of failing the Algebra I end-of-course test, as demonstrated by their individual performance on any diagnostic test that has been approved by the Department. Local school divisions shall report the results of the diagnostic tests to the Department on an annual basis, at a time to be determined by the Superintendent. Each student who receives algebra readiness intervention services will be assessed again at the end of that school year. Funds appropriated for prevention, intervention, and remediation; summer school remediation; at-risk; or algebra readiness intervention services may be used to meet the requirements of this subdivision.

14. Incorporation of art, music, and physical education as a part of the instructional program at the elementary school level.

15. A program of physical activity available to all students in grades kindergarten through five consisting of at least 20 minutes per day or an average of 100 minutes per week during the regular school year and available to all students in grades six through 12 with a goal of at least 150 minutes per week on average during the regular school year. Such program may include any combination of (i) physical education classes, (ii) extracurricular athletics, (iii) recess, or (iv) other programs and physical activities deemed appropriate by the local school board. Each local school board shall implement such program during the regular school year. Any physical education class offered to students in grades seven and eight shall include at least one hour of personal safety training per school year in each such grade level that is developed and delivered in partnership with the local law-enforcement agency and consists of situational safety awareness training and social media education.

16. A program of student services for kindergarten through grade 12 that shall be designed to aid students in their educational, social, and career development.

17. The collection and analysis of data and the use of the results to evaluate and make decisions about the instructional program.

18. A program of instruction in the high school Virginia and U.S. Government course on all information and concepts contained in the civics portion of the U.S. Naturalization Test.

E. From such funds as may be appropriated or otherwise received for such purpose, there shall be established within the Department a unit to (i) conduct evaluative studies; (ii) provide the resources and technical assistance to increase the capacity for school divisions to deliver quality instruction; and (iii) assist school divisions in implementing those programs and practices that will enhance pupil academic performance and improve family and community involvement in the public schools. Such unit shall identify and analyze effective instructional programs and practices and professional development initiatives; evaluate the success of programs encouraging parental and family involvement; assess changes in student outcomes prompted by family involvement; and collect and disseminate among school divisions information regarding effective instructional programs and practices, initiatives promoting family and community involvement, and potential funding and support sources. Such unit may also provide resources supporting professional development for administrators and teachers. In providing such information, resources, and other services to school divisions, the unit shall give priority to those divisions demonstrating a less than 70 percent passing rate on the Standards of Learning assessments.

F. *The Board shall, in collaboration with the Virginia Community College System, Career and Technical Education directors, and industry partners, develop and maintain a current, comprehensive, and uniform list of industry-recognized workforce credentials that students may take as a substitute for certain credits required for graduation pursuant to 8VAC20-131-51 of the Virginia Administrative Code, including industry-recognized workforce credentials that students may take as a substitute for elective credits and industry-recognized workforce credentials completed outside of regular school hours. The Board, in collaboration with the Virginia Community College System, shall ensure that such list reflects the*

current credit requirements for graduation and the current credentials accepted as substitutes. The Board shall post such list in a publicly accessible location on its website. Each school board shall accept as a substitute for a required credit any credential listed as an accepted substitute for such required credit.

G. Each local school board may enter into agreements for postsecondary course credit, credential, certification, or license attainment, hereinafter referred to as College and Career Access Pathways Partnerships (Partnerships), with comprehensive community colleges or other public institutions of higher education or educational institutions established pursuant to Title 23.1 that offer a career and technical education curriculum. Such Partnerships shall (i) specify the options for students to take courses as part of the career and technical education curriculum that lead to course credit or an industry-recognized credential, certification, or license concurrent with a high school diploma; (ii) specify the credit, credentials, certifications, or licenses available for such courses; ~~and~~ (iii) *specify the industry-recognized credentials that are accepted as substitutes for certain credits required for high school graduation, consistent with the list developed and maintained by the Board pursuant to subsection F; and (iv)* specify available options for students to participate in pre-apprenticeship and apprenticeship programs at comprehensive community colleges concurrent with the pursuit of a high school diploma and receive college credit and high school credit for successful completion of any such program.

~~G.~~ *H.* Each local school board shall provide a program of literacy instruction that is aligned with science-based reading research and provides evidenced-based literacy instruction to students in kindergarten through grade eight and is consistent with the school board's literacy plan as required by subsection B of § 22.1-253.13:6. Pursuant to such program:

1. Each local school board shall provide reading intervention services to students in kindergarten through grade eight who demonstrate substantial deficiencies based on their individual performance on the Standards of Learning reading assessment or a literacy screener provided or approved by the Department. Such reading intervention services shall consist of evidence-based literacy instruction, align with science-based reading research, and be documented for each student in a written student reading plan, consistent with the requirements in subdivision 2 and the list developed by the Department pursuant to subdivision ~~H~~ *I* 2.

2. A reading specialist, in collaboration with the teacher of any student who receives reading intervention services pursuant to subdivision 1, shall develop, oversee implementation of, and monitor student progress on a student reading plan. The parent of each student who receives reading intervention services pursuant to subdivision 1 shall receive notice of and have the opportunity to participate in the development of the student reading plan. Each student reading plan (i) shall follow the Department template created pursuant to subdivision ~~H~~ *I* 3; (ii) shall document such reading intervention services; (iii) shall include, at a minimum, (a) the student's specific, diagnosed reading skill deficiencies as determined or identified by diagnostic assessment data or the literacy screener provided or approved by the Department; (b) the goals and benchmarks for student growth in reading; (c) a description of the specific measures that will be used to evaluate and monitor the student's reading progress; (d) the specific evidence-based literacy instruction that the student will receive; (e) the strategies, resources, and materials that will be provided to the student's parent to support the student to make reading progress; and (f) any additional services the teacher deems available and appropriate to accelerate the student's reading skill development; and (iv) may include the following services for the student: instruction from a reading specialist, trained aide, computer-based reading tutorial program, or classroom teacher with support from an aide, extended instructional time in the school day or school year, or, for students in grades six through eight, a literacy course, in addition to the course required by the Standards of Learning in English, that provides the specific evidence-based literacy instruction identified in the student's reading plan. In accordance with § 22.1-215.2, the parent of each student shall receive notice before services begin and a copy of the student reading plan.

3. Each student who receives such reading intervention services shall be assessed utilizing either the literacy screener provided or approved by the Department or the grade-level reading Standards of Learning assessment again at the end of that school year.

Funds appropriated for prevention, intervention, and remediation, summer school remediation, the at-risk add-on, or early intervention reading may be used to meet the requirements of this subsection.

~~H.~~ *I.* In order to assist local school boards to implement the provisions of subsection ~~G~~ *H*:

1. The Board shall provide guidance on the content of student reading plans;

2. The Department shall develop a list of core literacy curricula, supplemental instruction practices and programs, and intervention programs that consist of evidence-based literacy instruction aligned with science-based reading research for students in kindergarten through grade eight. The list shall be approved by the Board;

3. The Department shall develop a template for student reading plans that aligns with the requirements of subsection ~~G~~ *H*;

4. The Department shall develop and implement a plan for the annual collection and public reporting of division-level and school-level literacy data, at a time to be determined by the Superintendent, to include results on the literacy screeners provided or approved by the Department and the reading Standards of Learning assessments; and

5. The Department shall provide free online evidence-based literacy instruction resources that can be accessed by parents and local school boards to support student literacy development at home.

§ 22.1-253.13:4. Standard 4. Student achievement and graduation requirements.

A. Each local school board shall award diplomas to all secondary school students, including students who transfer from nonpublic schools or from home instruction, who meet the requirements prescribed by the Board and meet such other requirements as may be prescribed by the local school board and approved by the Board. Provisions shall be made to facilitate the transfer and appropriate grade placement of students from other public secondary schools, from nonpublic

schools, or from home instruction as outlined in the standards for accreditation. The standards for accreditation shall include provisions relating to the completion of graduation requirements through Virtual Virginia. Further, reasonable accommodation to meet the requirements for diplomas shall be provided for otherwise qualified students with disabilities as needed.

In addition, each local school board may devise, vis-a-vis the award of diplomas to secondary school students, a mechanism for calculating class rankings that takes into consideration whether the student has taken a required class more than one time and has had any prior earned grade for such required class expunged.

Each local school board shall notify the parents of rising eleventh and twelfth grade students of (i) the requirements for graduation pursuant to the standards for accreditation and (ii) the requirements that have yet to be completed by the individual student.

B. Students identified as disabled who complete the requirements of their individualized education programs and meet certain requirements prescribed by the Board pursuant to regulations but do not meet the requirements for any named diploma shall be awarded Applied Studies diplomas by local school boards. The Board shall develop and implement statewide requirements for earning an Applied Studies diploma for implementation at the beginning of the 2022-2023 school year.

Each local school board shall notify the parent of such students with disabilities who have an individualized education program and who fail to meet the graduation requirements of the student's right to a free and appropriate education to age 21, inclusive, pursuant to Article 2 (§ 22.1-213 et seq.) of Chapter 13.

The Department shall develop guidance, in multiple languages, for students and parents conveying (i) the limitations of the applied studies diploma, (ii) key curriculum and testing decisions that reduce the likelihood that a student will be able to obtain a standard diploma, and (iii) a statement that the pursuit of an applied studies diploma may preclude a student's ability to pursue a standard diploma.

Each local school board shall provide guidance from the Department to parents of students with disabilities regarding the Applied Studies diploma and its limitations at a student's annual individualized education program meeting corresponding to grades three through 12 when curriculum or statewide assessment decisions are being made that impact the type of diploma for which the student can qualify.

C. Students who have completed a prescribed course of study as defined by the local school board shall be awarded certificates of program completion by local school boards if they are not eligible to receive a Board-approved diploma.

Each local school board shall provide notification of the right to a free public education for students who have not reached 20 years of age on or before August 1 of the school year, pursuant to Chapter 1 (§ 22.1-1 et seq.), to the parent of students who fail to graduate or who have failed to achieve graduation requirements as provided in the standards for accreditation. If such student who does not graduate or complete such requirements is a student for whom English is a second language, the local school board shall notify the parent of the student's opportunity for a free public education in accordance with § 22.1-5.

D. In establishing graduation requirements, the Board shall:

1. Develop and implement, in consultation with stakeholders representing elementary and secondary education, higher education, and business and industry in the Commonwealth and including parents, policymakers, and community leaders in the Commonwealth, a Profile of a Virginia Graduate that identifies the knowledge and skills that students should attain during high school in order to be successful contributors to the economy of the Commonwealth, giving due consideration to critical thinking, creative thinking, collaboration, communication, and citizenship.

2. Emphasize the development of core skill sets in the early years of high school.

3. Establish multiple paths toward college and career readiness for students to follow in the later years of high school. Each such pathway shall include opportunities for internships, externships, and credentialing.

4. Provide for the selection of integrated learning courses meeting the Standards of Learning and approved by the Board to satisfy graduation requirements, which shall include Standards of Learning testing, as necessary.

5. Require students to complete at least one course in fine or performing arts or career and technical education, one course in United States and Virginia history, and two sequential elective courses chosen from a concentration of courses selected from a variety of options that may be planned to ensure the completion of a focused sequence of elective courses that provides a foundation for further education or training or preparation for employment.

6. Require that students (i) complete an Advanced Placement, honors, International Baccalaureate, or dual enrollment course; (ii) complete a high-quality work-based learning experience, as defined by the Board; or (iii) earn a career and technical education credential that has been approved by the Board, except when a career and technical education credential in a particular subject area is not readily available or appropriate or does not adequately measure student competency, in which case the student shall receive satisfactory competency-based instruction in the subject area to earn credit. The career and technical education credential, when required, could include the successful completion of an industry certification, a state licensure examination, a national occupational competency assessment, the Armed Services Vocational Aptitude Battery, or the Virginia workplace readiness skills assessment. The Department shall develop, maintain, and make available to each local school board a catalogue of the testing accommodations available to English language learners for each such certification, examination, assessment, and battery. Each local school board shall develop and implement policies to require each high school principal or his designee to notify each English language learner of the availability of such testing accommodations prior to the student's participation in any such certification, examination, assessment, or battery.

7. Require students to be trained in emergency first aid, cardiopulmonary resuscitation, and the use of automated external defibrillators, including hands-on practice of the skills necessary to perform cardiopulmonary resuscitation.

8. Make provision in its regulations for students with disabilities to earn a diploma.

9. Require students to complete one virtual course, which may be a noncredit-bearing course.

10. Provide that students who complete elective classes into which the Standards of Learning for any required course have been integrated and achieve a passing score on the relevant Standards of Learning test for the relevant required course receive credit for such elective class.

11. Establish a procedure to facilitate the acceleration of students that allows qualified students, with the recommendation of the division superintendent, without completing the 140-hour class, to obtain credit for such class upon demonstrating mastery of the course content and objectives and receiving a passing score on the relevant Standards of Learning assessment. Nothing in this section shall preclude relevant school division personnel from enforcing compulsory attendance in public schools.

12. Provide for the award of credit for passing scores on industry certifications, state licensure examinations, and national occupational competency assessments approved by the Board.

School boards shall report annually to the Board the number of Board-approved industry certifications obtained, state licensure examinations passed, national occupational competency assessments passed, Armed Services Vocational Aptitude Battery assessments passed, and Virginia workplace readiness skills assessments passed, and the number of career and technical education completers who graduated. These numbers shall be reported as separate categories on the School Performance Report Card.

For the purposes of this subdivision, "career and technical education completer" means a student who has met the requirements for a career and technical concentration or specialization and all requirements for high school graduation or an approved alternative education program.

In addition, the Board may:

a. For the purpose of awarding credit, approve the use of additional or substitute tests for the correlated Standards of Learning assessment, such as academic achievement tests, industry certifications, or state licensure examinations; and

b. Permit students completing career and technical education programs designed to enable such students to pass such industry certification examinations or state licensure examinations to be awarded, upon obtaining satisfactory scores on such industry certification or licensure examinations, appropriate credit for one or more career and technical education classes into which relevant Standards of Learning for various classes taught at the same level have been integrated. Such industry certification and state licensure examinations may cover relevant Standards of Learning for various required classes and may, at the discretion of the Board, address some Standards of Learning for several required classes.

13. Provide for the waiver of certain graduation requirements and the subsequent award of a high school diploma (i) upon the Board's initiative, (ii) at the request of a local school board, or (iii) upon the request of the parent of any high school senior who died in good standing prior to graduation during the student's senior year. Such waivers shall be granted only for good cause and shall be considered on a case-by-case basis.

14. Consider all computer science course credits earned by students to be science course credits, mathematics course credits, or career and technical education credits. The Board shall develop guidelines addressing how computer science courses can satisfy graduation requirements.

15. Permit local school divisions to waive the requirement for students to receive 140 clock hours of instruction upon providing the Board with satisfactory proof, based on Board guidelines, that the students for whom such requirements are waived have learned the content and skills included in the relevant Standards of Learning.

16. Provide for the award of verified units of credit for a satisfactory score, as determined by the Board, on the Preliminary ACT (PreACT) or Preliminary SAT/National Merit Scholarship Qualifying Test (PSAT/NMSQT) examination.

17. Permit students to exceed a full course load in order to participate in courses offered by an institution of higher education that lead to a degree, certificate, or credential at such institution.

18. Permit local school divisions to waive the requirement for students to receive 140 clock hours of instruction after the student has completed the course curriculum and relevant Standards of Learning end-of-course assessment, or Board-approved substitute, provided that such student subsequently receives instruction, coursework, or study toward an industry certification approved by the local school board.

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

20. Permit a student who is pursuing an advanced diploma and whose individualized education program specifies a credit accommodation for world language to substitute two standard units of credit in computer science for two standard units of credit in a world language. For any student that elects to substitute a credit in computer science for credit in world language, his or her school counselor must provide notice to the student and parent or guardian of possible impacts related to college entrance requirements.

21. Permit any student to substitute elective credits for completion of any industry-approved workforce credential, provided that such credential is included on the list of credentials that are uniformly accepted as substitutes for such required credits developed and maintained by the Board pursuant to subsection F of § 22.1-253.13:1.

E. In the exercise of its authority to recognize exemplary performance by providing for diploma seals:

1. The Board shall develop criteria for recognizing exemplary performance in career and technical education programs by students who have completed the requirements for a Board of Education-approved diploma and shall award seals on the diplomas of students meeting such criteria.

2. The Board shall establish criteria for awarding a diploma seal for science, technology, engineering, and mathematics (STEM) for the Board-approved diplomas. The Board shall consider including criteria for (i) relevant coursework; (ii) technical writing, reading, and oral communication skills; (iii) relevant training; and (iv) industry, professional, and trade association national certifications.

3. The Board shall establish criteria for awarding a diploma seal for excellence in civics education and understanding of our state and federal constitutions and the democratic model of government for the Board-approved diplomas. The Board shall consider including criteria for (i) successful completion of history, government, and civics courses, including courses that incorporate character education; (ii) voluntary participation in community service or extracurricular activities that includes the types of activities that shall qualify as community service and the number of hours required; and (iii) related requirements as it deems appropriate.

4. The Board shall establish criteria for awarding a diploma seal of biliteracy to any student who demonstrates proficiency in English and at least one other language for the Board-approved diplomas. The Board shall consider criteria including the student's (i) score on a College Board Advanced Placement foreign language examination, (ii) score on an SAT II Subject Test in a foreign language, (iii) proficiency level on an ACTFL Assessment of Performance toward Proficiency in Languages (AAPPL) measure or another nationally or internationally recognized language proficiency test, or (iv) cumulative grade point average in a sequence of foreign language courses approved by the Board.

F. The Board shall establish, by regulation, requirements for the award of a general achievement adult high school diploma for those persons who are not subject to the compulsory school attendance requirements of § 22.1-254 and have (i) achieved a passing score on a high school equivalency examination approved by the Board; (ii) successfully completed an education and training program designated by the Board; (iii) earned a Board-approved career and technical education credential such as the successful completion of an industry certification, a state licensure examination, a national occupational competency assessment, the Armed Services Vocational Aptitude Battery, or the Virginia workplace readiness skills assessment; and (iv) satisfied other requirements as may be established by the Board for the award of such diploma.

G. To ensure the uniform assessment of high school graduation rates, the Board shall collect, analyze, report, and make available to the public high school graduation and dropout data using a formula prescribed by the Board.

H. The Board shall also collect, analyze, report, and make available to the public high school graduation and dropout data using a formula that excludes any student who fails to graduate because such student is in the custody of the Department of Corrections, the Department of Juvenile Justice, or local law enforcement. For the purposes of the Standards of Accreditation, the Board shall use the graduation rate required by this subsection.

I. The Board may promulgate such regulations as may be necessary and appropriate for the collection, analysis, and reporting of such data required by subsections G and H.

CHAPTER 658

An Act to amend the Code of Virginia by adding in Title 52 a chapter numbered 7.1:1, consisting of sections numbered 52-34.3:1, 52-34.3:2, and 52-34.3:3, relating to alert for missing or endangered children; Virginia Critical Operation for a Disappeared Child Initiative (Codi) Alert Program.

[H 1388]

Approved April 8, 2024

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Title 52 a chapter numbered 7.1:1, consisting of sections numbered 52-34.3:1, 52-34.3:2, and 52-34.3:3, as follows:

CHAPTER 7.1:1.

VIRGINIA CRITICAL OPERATION FOR A DISAPPEARED CHILD INITIATIVE (CODI) ALERT PROGRAM.

§ 52-34.3:1. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Critical Operation for a Disappeared Child Initiative Agreement" or "Codi Agreement" means the voluntary agreement between law-enforcement officials and members of the media whereby a child will be declared missing or endangered and the public will be notified, and includes all other incidental conditions of the partnership as found appropriate by the Virginia State Police.

"Critical Operation for a Disappeared Child Initiative Alert" or "Codi Alert" means the notice of a missing or endangered child provided to the public by the media or other methods under a Codi Agreement.

"Critical Operation for a Disappeared Child Initiative Alert Program" or "Codi Alert Program" or "Program" means the procedures and Codi Agreements to aid in the identification and location of missing or endangered children.

"Media" means print, radio, television, and Internet-based communication systems or other methods of communicating information to the public.

"Missing or endangered child" means a child (i) who is 17 years of age or younger or is currently enrolled in a secondary school in the Commonwealth, regardless of age; (ii) whose whereabouts are unknown; and (iii) whose disappearance is under suspicious circumstances or poses a credible threat as determined by law enforcement to the safety and health of the child and under such other circumstances as deemed appropriate by the Virginia State Police.

§ 52-34.3:2. Establishment of the Virginia Critical Operation for a Disappeared Child Initiative (Codi) Alert Program.

The Virginia State Police shall develop, in consultation with representatives of local law-enforcement agencies, including representatives from the Virginia Sheriffs' Association and the Virginia Association of Chiefs of Police, policies for the establishment of uniform standards for the creation of Codi Alert Programs throughout the Commonwealth. Codi Alert Programs may be local, regional, or statewide. They may include multiple localities or regions and may be expanded or compressed. The Virginia State Police may (i) inform local law-enforcement officials of the policies and procedures for the Codi Alert Programs set by the Virginia State Police, (ii) assist in determining the geographic scope of a particular Codi Alert, and (iii) establish procedures and standards by which a local law-enforcement agency may verify a child is missing or endangered and report such information to the Virginia State Police.

The establishment of a Codi Alert Program by a locality and the media is voluntary, and nothing in this chapter shall be construed to be a mandate that local officials or the media establish or participate in a Codi Alert Program. Existing Codi Agreements and Codi Alert Programs shall not be altered by the act of assembly creating this chapter.

§ 52-34.3:3. Activation of the Virginia Critical Operation for a Disappeared Child Initiative (Codi) Alert Program upon incident of a missing or endangered child.

A. Upon receipt of a notice of a missing or endangered child from a law-enforcement agency, the Virginia State Police shall confirm the accuracy of the information and provide assistance in the implementation of the Codi Alert Program as the investigation dictates.

B. Codi Alerts may be local, regional, or statewide. The initial decision to make a local or regional Codi Alert shall be at the discretion of the local or regional law-enforcement officials. Prior to making a local or regional Codi Alert, the local or regional law-enforcement officials shall confer with the Virginia State Police and provide information regarding the missing or endangered child to the Virginia State Police. The initial decision to make a statewide Codi Alert shall be at the discretion of the Virginia State Police. The Missing Children Information Clearinghouse operated by the Virginia State Police shall serve as a central repository for information related to a missing or endangered child.

C. In those situations where appropriate, the Virginia State Police shall send the Codi Alert to Virginia's emergency alert system. Participating media are encouraged to issue the Codi Alert at designated intervals as specified by the Codi Alert Program.

D. In those situations where appropriate and an existing system is available, the Virginia State Police shall contact the operator of the existing automatic dialing-announcing device system to target residents in the geographic location where the missing or endangered child was most recently seen. For purposes of this section, "automatic dialing-announcing device system" means a device that (i) selects and dials telephone numbers and (ii) working alone or in conjunction with other equipment, disseminates a prerecorded or synthesized voice message to the telephone number called.

E. The Codi Alert shall include such information as the law-enforcement agency deems appropriate that will assist in the safe recovery of the missing or endangered child.

F. The Codi Alert shall be canceled under the terms of the Codi Agreement. Any local law-enforcement agency that locates a child who is the subject of a Codi Alert shall notify the Virginia State Police immediately that the child has been located.

2. That the Virginia State Police shall ensure the Virginia Critical Operation for a Disappeared Child Initiative Alert Program, or Codi Alert Program, as created by this act, is available and operational no later than July 1, 2025.

CHAPTER 659

An Act to amend and reenact § 2.2-602 of the Code of Virginia, relating to duties of agencies and their appointing authorities; diversity, equity, and inclusion strategic plans.

[H 1452]

Approved April 8, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 2.2-602 of the Code of Virginia is amended and reenacted as follows:

§ 2.2-602. Duties of agencies and their appointing authorities; establishment of personnel standards; diversity, equity, and inclusion strategic plans.

A. The heads of state agencies shall be the appointing authorities of the respective agencies, and shall establish and maintain within their agencies methods of administration relating to the establishment and maintenance of personnel

standards on a merit basis that are approved by the Governor for the proper and efficient enforcement of the Virginia Personnel Act (§ 2.2-2900 et seq.). But the Governor shall exercise no authority with respect to the selection or tenure of office of any individual employed in accordance with such methods, except when the Governor is the appointing authority.

Appointing authorities may assign to the personnel officers or to other officers and employees of their agencies such personnel duties as they see fit.

Agencies shall establish and maintain rosters of their employees that shall set forth, as to each employee, the class title, pay, and status and such other data as they may deem desirable to produce significant facts pertaining to personnel administration.

Agencies shall establish and maintain such promotion and employment lists, rated according to merit and fitness, as they deem desirable. Agencies may make use of the employment list kept by the Department of Human Resource Management in lieu of keeping employment lists for their agencies.

Agencies shall supply the Governor with any information he deems necessary for the performance of his duties in connection with the administration of Virginia Personnel Act (§ 2.2-2900 et seq.).

B. The heads of state agencies shall establish and maintain a comprehensive diversity, equity, and inclusion strategic plan in coordination with the Governor's Director of Diversity, Equity, and Inclusion.

The plan shall integrate the diversity, equity, and inclusion goals into the agency's mission, operations, programs, and infrastructure to enhance equitable opportunities for the populations served by the agency and to foster an increasingly diverse, equitable, and inclusive workplace environment.

The plan shall include best practices that (i) proactively address potential barriers to equal employment opportunities pursuant to federal and state equal employment opportunity laws; (ii) foster pay equity pursuant to federal and state equal pay laws; (iii) promote diversity and equity in hiring, promotion, retention, succession planning, and agency leadership opportunities; and (iv) promote employee engagement and inclusivity in the workplace.

Each agency shall establish an infrastructure to effectively support ongoing progress and ~~accountability in achieving~~ *achievements by reporting* diversity, equity, and inclusion goals in coordination with the Governor's Director of Diversity, Equity, and Inclusion *and the General Assembly*.

Each agency shall submit an annual report to the Governor *and the General Assembly by July 1 of each year* assessing the impact of the strategic plan on the populations served by the agency and on the agency's workforce and budget.

CHAPTER 660

An Act to amend and reenact the second enactment of Chapter 30 and the second enactment of Chapter 578 of the Acts of Assembly of 2022, relating to tangible personal property tax; classification; certain vehicles.

[H 1502]

Approved April 8, 2024

Be it enacted by the General Assembly of Virginia:

1. That the second enactment of Chapter 30 and the second enactment of Chapter 578 of the Acts of Assembly of 2022 are amended and reenacted as follows:

2. That the provisions of this act shall apply to taxable years beginning on or after January 1, 2022~~, but before January 1, 2025~~.

CHAPTER 661

An Act to amend and reenact §§ 58.1-439.12:08 and 58.1-439.12:11 of the Code of Virginia, relating to research and development expenses tax credits.

[H 1518]

Approved April 8, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 58.1-439.12:08 and 58.1-439.12:11 of the Code of Virginia are amended and reenacted as follows:

§ 58.1-439.12:08. Research and development expenses tax credit.

A. As used in this section, unless the context requires a different meaning:

"Virginia base amount" means the base amount as defined in § 41(c) of the Internal Revenue Code, as amended, that is attributable to Virginia, determined by (i) substituting "Virginia qualified research and development expense" for "qualified research expense"; (ii) substituting "Virginia qualified research" for "qualified research"; and (iii) instead of "fixed base percentage," using:

1. The percentage that the Virginia qualified research and development expense for the three taxable years immediately preceding the current taxable year in which the expense is incurred is of the taxpayer's total gross receipts for such years; or

2. The percentage that the Virginia qualified research and development expense for the applicable number of taxable years immediately preceding the current taxable year in which the expense is incurred is of the taxpayer's total gross receipts for such years, for the taxpayer that has fewer than three but at least one prior taxable year.

"Virginia gross receipts" means the same as "gross receipts" as defined in § 58.1-3700.1.

"Virginia qualified research" means qualified research, as defined in § 41(d) of the Internal Revenue Code, as amended, that is conducted in the Commonwealth.

"Virginia qualified research and development expenses" means qualified research expenses, as defined in § 41(b) of the Internal Revenue Code, as amended, incurred for Virginia qualified research.

B. 1. For taxable years beginning on or after January 1, 2011, but before January 1, 2021, a taxpayer shall be allowed a credit against the tax levied pursuant to § 58.1-320 or 58.1-400 in an amount equal to (i) 15 percent of the first $300,000 in Virginia qualified research and development expenses paid or incurred by the taxpayer during the taxable year or (ii) 20 percent of the first $300,000 in Virginia qualified research and development expenses paid or incurred by the taxpayer during the taxable year if the Virginia qualified research was conducted in conjunction with a public or private institution of higher education in the Commonwealth, to the extent the expenses exceed the Virginia base amount for the taxpayer.

2. For taxable years beginning on or after January 1, 2021, but before January 1, 2025, a taxpayer shall be allowed a credit against the tax levied pursuant to § 58.1-320, 58.1-400, or 58.1-1202 in an amount equal to (i) 15 percent of the first $300,000 in Virginia qualified research and development expenses paid or incurred by the taxpayer during the taxable year or (ii) 20 percent of the first $300,000 in Virginia qualified research and development expenses paid or incurred by the taxpayer during the taxable year if the Virginia qualified research was conducted in conjunction with a public or private institution of higher education in the Commonwealth, to the extent the expenses exceed the Virginia base amount for the taxpayer.

C. 1. Effective for taxable years beginning on or after January 1, 2016, at the election of the taxpayer, the credit otherwise allowed under this section shall be computed under this subsection and shall equal 10 percent of the difference of (i) the Virginia qualified research and development expenses paid or incurred by the taxpayer during the taxable year and (ii) 50 percent of the average Virginia qualified research and development expenses paid or incurred by the taxpayer for the three taxable years immediately preceding the taxable year for which the credit is being determined. If the taxpayer did not pay or incur Virginia qualified research and development expenses in any one of the three taxable years immediately preceding the taxable year for which the credit is being determined, the tax credit shall equal five percent of the Virginia qualified research and development expenses paid or incurred by the taxpayer during the relevant taxable year.

2. The aggregate amount of credits allowed to each taxpayer under this subsection shall not exceed $45,000 for the taxable year, except that the aggregate amount of credits allowed to each taxpayer shall not exceed $60,000 for the taxable year if the Virginia qualified research was conducted in conjunction with a public institution of higher education in the Commonwealth or a private institution of higher education in the Commonwealth.

D. The aggregate amount of credits available under this section for each fiscal year of the Commonwealth shall be as follows:

1. For taxable years beginning on and after January 1, 2014, but before January 1, 2016, the total amount of credits granted for each of fiscal years 2015 and 2016 shall not exceed $6 million.

2. For taxable years beginning on and after January 1, 2016, but before January 1, 2021, the total amount of credits granted for each fiscal year of the Commonwealth beginning with fiscal year 2017 shall not exceed $7 million.

3. For taxable years beginning on and after January 1, 2021, *but before January 1, 2023,* the total amount of credits granted for each fiscal year of the Commonwealth beginning with fiscal year 2022 shall not exceed $7.77 million.

4. For taxable years beginning on and after January 1, 2023, the total amount of credits granted for each fiscal year of the Commonwealth beginning with fiscal year 2024 shall not exceed $15.77 million.

E. A taxpayer meeting the requirements of this section shall be eligible to receive a tax credit as provided herein. The Department shall develop and publish guidelines for applications and such guidelines shall be exempt from the Administrative Process Act (§ 2.2-4000 et seq.). Applications must be received by the Department no later than September 1 of the calendar year following the close of the taxable year in which the expenses were paid or incurred. In the event that approved applications for the tax credits allowed under this section exceed the amount of credits specified in subsection D for the taxable year, the Department shall apportion the credits by dividing the amount of credits specified in subsection D by the total amount of tax credits approved, to determine the percentage of allowed tax credits each taxpayer shall receive. In the event that the total amount of approved tax credits under this section for all applications for any taxable year is less than the maximum amount of credits for the year as specified in subsection D, the Department shall allocate credits up to the maximum amount as specified in subsection D, on a pro rata basis, to taxpayers who are already approved for the tax credit for the taxable year, in the following amounts:

1. If the taxpayer computed the credit pursuant to subsection B, in an amount equal to 15 percent of the second $300,000 in qualified research expenses during the taxable year or 20 percent of the second $300,000 in qualified research expenses if the Virginia qualified research was conducted in conjunction with a public institution of higher education in the Commonwealth or a private institution of higher education in the Commonwealth; or

2. If the taxpayer computed the credit under subdivision C 1, in an amount equal to the excess of the limitation set forth in subdivision C 2, up to an additional $45,000 per taxpayer, or $60,000 per taxpayer if the Virginia qualified research was conducted in conjunction with a public institution of higher education in the Commonwealth or a private institution of higher education in the Commonwealth.

F. If the amount of the credit allowed exceeds the taxpayer's tax liability for the taxable year, the amount that exceeds the tax liability shall be refunded to the taxpayer, subject to the limitations set forth in the guidelines developed by the Department.

G. Any taxpayer who claims the tax credit for Virginia qualified research and development expenses pursuant to this section shall not use such expenses as the basis for claiming any other credit provided under the Code of Virginia.

H. Effective for taxable years beginning on or after January 1, 2016, no taxpayer with Virginia qualified research and development expenses in excess of $5 million for the taxable year shall claim both the credit allowed pursuant to this section and the credit allowed under § 58.1-439.12:11 for such year.

I. Credits granted to a partnership, limited liability company, or electing small business corporation (S corporation) shall be allocated to the individual partners, members, or shareholders, respectively, in proportion to their ownership interests in such entities or in accordance with a written agreement entered into by such individual partners, members, or shareholders, unless the partnership, limited liability company, or electing small business corporation (S corporation) elects for such credits not to be so allocated but to be received and claimed at the entity level by the partnership, limited liability company, or electing small business corporation (S corporation) pursuant to guidelines that shall be issued by the Department for purposes of such election.

J. The Department shall adopt guidelines to prescribe standards for determining when research and development is considered conducted in the Commonwealth for purposes of allowing the credit under this section. In adopting guidelines, the Department may consider (i) the location where the research and development is performed; (ii) the residence or business location of the taxpayer or taxpayers conducting the research and development; (iii) the location where supplies used in the research and development are consumed; and (iv) any other factors that the Department deems to be relevant.

K. The Tax Commissioner's annual report to the Governor on revenue collections by tax source shall include (i) the total number of applicants approved for tax credits pursuant to this section for the applicable tax year and (ii) the total amount of such tax credits approved for the applicable tax year.

L. The Department shall require taxpayers applying for the credit to provide information including (i) the number of full-time employees employed by the taxpayer in the Commonwealth during the taxable year for which the credit is sought; (ii) the taxpayer's sector or sectors according to the 2012 edition of the North American Industry Classification System (NAICS) as published by the United States Census Bureau; (iii) a brief description of the area, discipline, or field of Virginia qualified research performed by the taxpayer; (iv) the total gross receipts or anticipated total gross receipts of the taxpayer for the taxable year for which the credit is sought; and (v) whether the Virginia qualified research was conducted in conjunction with a Virginia public or private college or university. The Department shall aggregate and summarize the information collected and make it available to the Governor and any member of the General Assembly upon request, regardless of the number of taxpayers applying for the credit.

M. No tax credit shall be allowed pursuant to this section if the otherwise qualified research and development expenses are paid for or incurred by a taxpayer for research conducted in the Commonwealth on human cells or tissue derived from induced abortions or from stem cells obtained from human embryos. The foregoing provision shall not apply to research conducted using stem cells other than embryonic stem cells.

§ 58.1-439.12:11. Major research and development expenses tax credit.

A. As used in this section, unless the context requires a different meaning:

"Virginia qualified research" means qualified research, as defined in § 41(d) of the Internal Revenue Code, as amended, that is conducted in the Commonwealth.

"Virginia qualified research and development expenses" means qualified research expenses, as defined in § 41(b) of the Internal Revenue Code, as amended, incurred for Virginia qualified research.

B. 1. For taxable years beginning on or after January 1, 2016, but before January 1, 2021, a taxpayer with Virginia qualified research and development expenses for the taxable year in excess of $5 million shall be allowed a credit against the tax levied pursuant to § 58.1-320 or 58.1-400 in an amount equal to 10 percent of the difference between (i) the Virginia qualified research and development expenses paid or incurred by the taxpayer during the taxable year and (ii) 50 percent of the average Virginia qualified research and development expenses paid or incurred by the taxpayer for the three taxable years immediately preceding the taxable year for which the credit is being determined. If the taxpayer did not pay or incur Virginia qualified research and development expenses in any one of the three taxable years immediately preceding the taxable year for which the credit is being determined, the tax credit shall equal five percent of the Virginia qualified research and development expenses paid or incurred by the taxpayer during the relevant taxable year.

2. For taxable years beginning on or after January 1, 2021, but before January 1, ~~2025~~ *2023*, a taxpayer with Virginia qualified research and development expenses for the taxable year in excess of $5 million shall be allowed a credit against the tax levied pursuant to § 58.1-320, 58.1-400, or 58.1-1202 in an amount equal to 10 percent of the difference between (i) the Virginia qualified research and development expenses paid or incurred by the taxpayer during the taxable year and (ii) 50 percent of the average Virginia qualified research and development expenses paid or incurred by the taxpayer for the three taxable years immediately preceding the taxable year for which the credit is being determined. If the taxpayer did not pay or incur Virginia qualified research and development expenses in any one of the three taxable years immediately preceding the taxable year for which the credit is being determined, the tax credit shall equal five percent of the Virginia qualified research and development expenses paid or incurred by the taxpayer during the relevant taxable year.

3. For taxable years beginning on or after January 1, 2023, but before January 1, 2025, a taxpayer with Virginia qualified research and development expenses for the taxable year in excess of $5 million shall be allowed a credit against the tax levied pursuant to § 58.1-320, 58.1-400, or 58.1-1202 in an amount equal to:

a. Ten percent, up to the first $1 million, of the difference between (i) Virginia qualified research and development expenses paid or incurred by the taxpayer during the taxable year and (ii) 50 percent of the average Virginia qualified research and development expenses paid or incurred by the taxpayer for the three taxable years immediately preceding the taxable year for which the credit is being determined.

b. Five percent of the difference in excess of $1 million between (i) any Virginia qualified research and development expenses paid or incurred by the taxpayer during the taxable year and (ii) 50 percent of the average Virginia qualified research and development expenses paid or incurred by the taxpayer for the three taxable years immediately preceding the taxable year for which the credit is being determined.

If the taxpayer did not pay or incur Virginia qualified research and development expenses in any one of the three taxable years immediately preceding the taxable year for which the credit is being determined, the tax credit shall equal five percent of the Virginia qualified research and development expenses paid or incurred by the taxpayer during the relevant taxable year.

The aggregate amount of credits allowed to each taxpayer under this subdivision 3 shall not exceed $300,000 for the taxable year, except that the aggregate amount of credits allowed to each taxpayer shall not exceed $400,000 for the taxable year if the Virginia qualified research was conducted in conjunction with a public institution of higher education in the Commonwealth or a private institution of higher education in the Commonwealth.

C. 1. For taxable years beginning before January 1, 2021, the aggregate amount of credits granted for each fiscal year of the Commonwealth pursuant to this section shall not exceed $20 million.

2. For taxable years beginning on and after January 1, 2021, *but before January 1, 2023,* the aggregate amount of credits granted for each fiscal year of the Commonwealth pursuant to this section shall not exceed $24 million.

3. For taxable years beginning on or after January 1, 2023, the aggregate amount of credits granted for each fiscal year of the Commonwealth pursuant to this section shall not exceed $16 million.

D. In the event that approved applications for the tax credits allowed under this section exceed the limit described in subsection C for any taxable year, the Department shall apportion the credits by dividing such limit by the total amount of tax credits approved, to determine the percentage of allowed tax credits each taxpayer shall receive.

E. The amount of the credit claimed for the taxable year shall not exceed 75 percent of the total amount of tax imposed by this chapter upon the taxpayer for the taxable year. Any credit not usable for the taxable year for which the credit was first allowed may be carried over for credit against the income taxes of the taxpayer in the next 10 succeeding taxable years or until the total amount of the tax credit has been taken, whichever is sooner.

F. Any taxpayer who claims the tax credit for Virginia qualified research and development expenses pursuant to this section shall not use such expenses as the basis for claiming any other credit provided under the Code of Virginia.

G. Credits granted to a partnership, limited liability company, or electing small business corporation (S corporation) shall be allocated to the individual partners, members, or shareholders, respectively, in proportion to their ownership interests in such entities or in accordance with a written agreement entered into by such individual partners, members, or shareholders.

H. The Department shall develop and publish guidelines under this section including guidelines for applying for the tax credit. Such guidelines shall be exempt from the Administrative Process Act (§ 2.2-4000 et seq.). Applications for the tax credit must be received by the Department no later than September 1 of the calendar year following the close of the taxable year in which the expenses were paid or incurred.

The Department shall also adopt guidelines to prescribe standards for determining when research and development is considered conducted in the Commonwealth for purposes of allowing the credit under this section. In adopting guidelines, the Department may consider (i) the location where the research and development is performed; (ii) the residence or business location of the taxpayer or taxpayers conducting the research and development; (iii) the location where supplies used in the research and development are consumed; and (iv) any other factors that the Department deems to be relevant.

I. No tax credit shall be allowed pursuant to this section, if the otherwise qualified research and development expenses are paid for or incurred by a taxpayer for research conducted in the Commonwealth on human cells or tissue derived from induced abortions or from stem cells obtained from human embryos. The foregoing provision shall not apply to research conducted using stem cells other than embryonic stem cells.

CHAPTER 662

An Act to amend and reenact § 63.2-900.1 of the Code of Virginia and to amend the Code of Virginia by adding in Chapter 15 of Title 63.2 an article numbered 7, consisting of sections numbered 63.2-1531 through 63.2-1536, relating to kinship foster care; alternative living arrangements; Parental Child Safety Placement Program established.

[S 39]

Approved April 8, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 63.2-900.1 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding in Chapter 15 of Title 63.2 an article numbered 7, consisting of sections numbered 63.2-1531 through 63.2-1536, as follows:

§ 63.2-900.1. Kinship foster care.

A. *When placing a child, the local board shall first consider placement with a kinship foster parent.*

B. The local board shall, in accordance with regulations adopted by the Board, determine whether the child has any relative who may be eligible to become a kinship foster parent. Searches for relatives eligible to serve as kinship foster parents shall be conducted at the time the child enters foster care, at least annually thereafter, and prior to any subsequent changes to the child's placement setting. The local board shall take all reasonable steps to provide notice to such relatives of their potential eligibility to become kinship foster parents and explain any opportunities such relatives may have to participate in the placement and care of the child, including opportunities available through kinship foster care or kinship guardianship.

If a relative requests to become the child's kinship foster parent, the local board shall provide the relative with any forms or materials that must be submitted in order to become a kinship foster parent within no more than 15 days of such request. If the relative's request to become a kinship foster parent is denied, the local board shall provide to the relative (i) a clear and specific explanation of the reasons for such denial, (ii) a statement that such denial is appealable pursuant to § 63.2-915, and (iii) information regarding the procedure for filing such appeal.

~~B.~~ *C. If a local board does not place a child with an approved kinship foster parent, the local board shall file an exception report with the Commissioner within 72 hours of placement. For the purposes of this section, an exception report is defined as a report that has been approved by a director of a local department prior to placing a child in a non-kinship foster care placement and documents all known relatives and fictive kin of the child, all efforts of the local board to locate relatives and fictive kin of the child, and the reasons why the child was not placed with relatives.*

D. Kinship foster care placements pursuant to this section shall be subject to all requirements of, and shall be eligible for all services related to, foster care placement contained in this chapter. Subject to approval by the Commissioner, a local board may grant a waiver of the Board's standards for foster home approval, set forth in regulations, that are not related to safety. Training requirements may be waived for purposes of initial approval; however, such training requirements shall be completed within six months of the initial approval. If a local board determines that training requirements are a barrier to placement with a kinship foster parent and that placement with such kinship foster parent is in the child's best interest, the local board shall submit a waiver request to the Commissioner. Waivers granted pursuant to this subsection shall be considered and, if appropriate, granted on a case-by-case basis and shall include consideration of the unique needs of each child to be placed. Upon request by a local board, the Commissioner shall review the local board's decision and reasoning to grant a waiver and shall verify that the foster home approval standard being waived is not related to safety. If the Commissioner grants the waiver and allows approval of the home in accordance with Board regulations, the child may be placed in the home immediately. The approval or disapproval by the Commissioner of the local board's waiver shall not be considered a case decision as defined in § 2.2-4001.

~~C.~~ *E.* The kinship foster parent shall be eligible to receive payment at the full foster care rate for the care of the child.

~~D.~~ *F.* During the process of determining whether a person should be approved as a kinship foster parent, a local board shall not require that the child be removed from the physical custody of the kinship foster parent who is the subject of such approval process, provided the placement remains in the child's best interest.

~~E.~~ *G.* A child placed in kinship foster care pursuant to this section shall not be removed from the physical custody of the kinship foster parent, provided that the child has been living with the kinship foster parent for six consecutive months and the placement continues to meet approval standards for foster care, unless (i) the kinship foster parent consents to the removal; (ii) removal is agreed upon at a family partnership meeting as defined by the Department; (iii) removal is ordered by a court of competent jurisdiction; or (iv) removal is warranted pursuant to § 63.2-1517.

~~F.~~ *H.* For purposes of this section, "relative" means an adult who is (i) related to the child by blood, marriage, or adoption or (ii) fictive kin of the child.

Article 7.

Parental Child Safety Placement Program.

§ 63.2-1531. Definitions.

For the purposes of this article, unless the context requires a different meaning:

"Alternative living arrangement" means an arrangement whereby custody of a child is temporarily transferred to a caregiver in conjunction with an alternative living arrangement service plan.

"Alternative living arrangement service plan" means a plan developed by the local department and the family that describes the services identified to meet the safety needs of the child and to address the issues identified by the local department that necessitated the parental child safety placement arrangement and any subsequent court-approved removal of the child from his home.

"Caregiver" means a relative of the child as defined in subsection H of § 63.2-900.1 other than the child's parent, guardian, or legal custodian.

"In-Home Services" means services that (i) address child safety and risk factors; (ii) preserve families by maintaining the child's safety at home or in the home of a caregiver; (iii) prevent further abuse or neglect of the child; (iv) reduce or

eliminate re-traumatization of the child or family; (v) maintain the child's current living arrangement and community culture; or (vi) otherwise promote the child's well-being, safety, and permanence.

"Parental child safety placement arrangement" means a temporary out-of-home placement of a child with a caregiver that is arranged by the child's parent, guardian, or legal custodian in accordance with a written agreement approved by the local department that ensures the safety of the child.

"Program" means the Parental Child Safety Placement Program established pursuant to § 63.2-1532.

§ 63.2-1532. Parental Child Safety Placement Program; established.

The Parental Child Safety Placement Program is established to prevent unnecessary entry into foster care by promoting and supporting placements with relatives and fictive kin and requiring accountability for pre-court placements of children. A local department may facilitate a parental child safety placement arrangement in accordance with the provisions of this article if (i) a family assessment or investigation has been initiated in response to a valid complaint alleging that the child has been abused or neglected; (ii) the safety assessment conducted by the local department indicates that a child cannot remain safely in the home; and (iii) the child's parent, guardian, or legal custodian is in agreement with the parental child safety placement arrangement.

§ 63.2-1533. Parental child safety placement agreement; terms.

A. A parental child safety placement agreement shall include provisions describing the following:

1. The facts and circumstances that provide the basis for the safety assessment indicating that the child cannot remain safely in the home;

2. The responsibilities of the child's parent, guardian, or legal custodian and the caregiver, including a plan for how the caregiver will access necessary medical treatment, mental health services, and appropriate educational services for the child;

3. Visitation arrangements for the child's parent, guardian, or legal custodian, including supervised visitation as necessary, and other methods by which the child's parent, guardian, or legal custodian may contact the child;

4. The responsibilities of the local department, including (i) any services to be provided to the child, the child's parent, guardian, or legal custodian, and the caregiver and (ii) a requirement that the local department visits the caregiver's home (a) within two weeks of the placement and (b) thereafter in accordance with Board regulations;

5. The date on which the agreement will terminate unless terminated sooner or extended to a subsequent date as provided in this article; and

6. Any other terms the local department determines necessary for the safety and welfare of the child.

B. A parental child safety placement agreement shall contain the following:

1. A statement that the child's parent, guardian, or legal custodian voluntarily consents to the parental child safety placement arrangement and that such consent is not an admission of child abuse or neglect on such person's part;

2. A statement that the agreement may be terminated by any party, at any time, and for any reason and a statement that, upon such termination, the local department may take actions to protect the child, including the removal of the child pursuant to the provisions of this title;

3. A statement that the child's parent, guardian, or legal custodian and the caregiver may seek legal counsel prior to entering into the agreement;

4. A statement that the child's parent, guardian, or legal custodian and the caregiver have the right to refuse to enter into the agreement; and

5. A statement that the local department has notified the child's parent, guardian, or legal custodian and the caregiver of the alternative option for the child to enter foster care and the potential for the caregiver to become an approved kinship foster parent.

C. Prior to signing the parental child safety placement agreement, the local department shall notify the caregiver of any financial assistance available to the caregiver through the Program for the period of time that the agreement is in place.

D. A parental child safety placement agreement shall be in writing and signed by the child's parent, guardian, or legal custodian, the caregiver, and the local department.

E. The local department shall provide a written copy of the parental child safety placement agreement to the child's parent, guardian, or legal custodian and the caregiver.

F. The local department shall include a scanned copy of the parental child safety placement agreement in the case record.

G. The term of the parental child safety placement agreement shall be no more than 90 days from the date the agreement is signed, which shall, as applicable, run concurrently with the time necessary to complete the child protective services investigation or family assessment. A parental child safety placement agreement may be extended, but such extension shall not exceed one additional 90-day period and the reason for such extension shall be documented in the case record. Prior to any extension, the local department shall conduct a facilitated meeting and perform a safety assessment to determine whether (i) the child should be returned home, (ii) the agreement should be extended, or (iii) the local department should seek a child protective order or other court action.

H. The In-Home Services case shall remain open for the duration of the parental child safety placement agreement.

§ 63.2-1534. Caregiver assessment.

A. The local department shall assess the proposed caregiver and determine whether the proposed caregiver (i) is willing and qualified to receive and care for the child; (ii) is willing to have a positive, continuous relationship with the

child; and (iii) is willing and has the ability to protect the child from abuse and neglect. Such assessment shall include requirements for (a) inquiry into the criminal and child protective services history of each adult in the proposed caregiver's household and (b) an assessment of the caregiver's home environment in accordance with Board regulations.

B. The local department shall document the results of the assessment of the proposed caregiver and his home environment in the case record.

C. If, after conducting the assessment of the proposed caregiver, the local department determines that it is not in the child's best interests to be placed with the proposed caregiver, the local department shall notify the child's parent, guardian, or legal custodian and the proposed caregiver of the reasons for the local department's determination but may not disclose the results of any criminal or child protective services history unless the proposed caregiver consents to such disclosure.

§ 63.2-1535. Termination of the parental child safety placement agreement and the alternative living arrangement.

A. Prior to the conclusion of a parental child safety placement agreement, the local department shall reassess the safety of the child if the child were to be returned home.

B. If it is determined that the child can be safely returned home prior to or at the conclusion of the parental child safety placement agreement, the local department shall develop a safety plan with the child's parent, guardian, or legal custodian and the caregiver for the safe return of the child to the child's parent, guardian, or legal custodian or to another legal custodian. The local department may take the following actions if it is determined that continued services are required for the child to safely return home:

1. Maintain an open In-Home Services case for continued services with the agreement of the child's parent, guardian, or legal custodian; or

2. Seek a child protective order or other court action to order continued services if the child's parent, guardian, or legal custodian does not agree to the In-Home Services case remaining open for continued services.

C. If it is determined that the child cannot be safely returned home at the conclusion of the parental child safety placement agreement, the local department shall seek removal of the child from the child's parent, guardian, or legal custodian, upon a petition alleging abuse or neglect pursuant to § 16.1-251 or 16.1-252.

1. Prior to the first court hearing, the local department shall make reasonable efforts to convene a facilitated meeting that includes the child's parent, guardian, or legal custodian, the caregiver, and the child, if 12 years of age or older, to collaboratively develop an alternate living arrangement service plan. During such meeting, the local department shall notify the child's parent, guardian, or legal custodian and the caregiver of all possible options for the care of the child, to include foster care, kinship foster care, and the transfer of temporary custody to the caregiver.

2. If the court orders temporary custody of the child to the caregiver, the local department may continue to provide services to the caregiver and child through an In-Home Services case, consistent with the alternate living arrangement service plan. At the dispositional hearing of the local department's petition, if the child cannot be safely returned to the child's parent, guardian, or legal custodian, the local department shall either:

a. If reunification of the child with the child's parent, guardian, or legal custodian remains the plan, request that the court continue temporary custody of the child with the caregiver, if appropriate, and enter such terms and conditions that would promote the child's interest and welfare, provide ongoing services to the family, and provide for further court review of the child's placement in accordance with the court's authority in subdivision A 1 of § 16.1-278.2; or

b. If reunification of the child with the child's parent, guardian, or legal custodian is no longer the plan, request the court to enter a final order of custody to the caregiver. If further services are necessary to ensure the child's safety and welfare with the caregiver, the local department may keep the case open as an In-Home Services case until stability for the child is achieved.

3. If the court denies the removal of the child, the local department shall seek a child protective order to provide continued services for the child and the child's parent, guardian, or legal custodian to ensure the child's safety and welfare. If the child protective order is granted, the case shall remain open as an In-Home Services case.

4. The alternate living arrangement service plan shall include provisions describing the following:

a. The facts and circumstances that provide the basis for the safety assessment indicating that the child cannot remain safely in the home;

b. The responsibilities of the child's parent, guardian, or legal custodian and the caregiver;

c. Visitation arrangements for the child's parent, guardian, or legal custodian and conditions under which and methods by which the child's parent, guardian, or legal custodian may contact the child;

d. The responsibilities of the local department, including any services to be provided to the child, the child's parent, guardian, or legal custodian, and the caregiver; and

e. Any other term the local department determines necessary for the safety and welfare of the child.

§ 63.2-1536. General provisions.

A. Nothing herein shall be deemed to prohibit the local department from seeking any other appropriate court action at any time to protect the health and welfare of the child.

B. Nothing herein shall be deemed to prohibit a caregiver or other person with a legitimate interest from petitioning the court for custody of the child. If the caregiver petitions for custody, the local department shall make reasonable efforts to conduct a facilitated meeting to discuss the continuation of services for the child and family.

2. That the provisions requiring a local board to file an exception report, established pursuant to § 63.2-900.1 of the Code of Virginia, as amended by this act, shall become effective on January 1, 2025.

3. That the State Board of Social Services (the Board) shall promulgate regulations to implement the provisions of this act by January 1, 2025. Such regulations shall include provisions regarding the manner in which Parental Child Safety Placement Program payments are prioritized based on available funding. The Board's initial adoption of such regulations and any other regulations necessary to implement the provisions of this act shall be exempt from the Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia), except that the Board shall provide an opportunity for public comment on such regulations prior to adoption.

CHAPTER 663

An Act to amend the Code of Virginia by adding in Chapter 6 of Title 58.1 a section numbered 58.1-639.1, relating to annual retail sales and use tax holiday.

[S 116]

Approved April 8, 2024

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Chapter 6 of Title 58.1 a section numbered 58.1-639.1 as follows:

§ 58.1-639.1. Annual retail sales and use tax holiday.

A. Each year there shall be a three-day period that begins on the first Friday in August and ends at 11:59 p.m. the following Sunday, during which time certain items shall be exempt from the taxes imposed by this chapter or pursuant to the authority granted in § 58.1-605 or 58.1-606.

B. Pursuant to subsection A, the taxes imposed by this chapter or pursuant to the authority granted in § 58.1-605 or 58.1-606 shall not apply to the following:

1. Certain school supplies with a selling price of $20 or less, including dictionaries, notebooks, pens, pencils, notebook paper, and calculators;

2. Clothing and footwear with a selling price of $100 or less designed to be worn on or about the human body;

3. Qualified products designated as Energy Star or WaterSense with a sales price of $2,500 or less per product purchased for noncommercial home or personal use. For the purposes of this exemption, an Energy Star-qualified product is any dishwasher, clothes washer, air conditioner, ceiling fan, compact fluorescent light bulb, dehumidifier, programmable thermostat, or refrigerator, the energy efficiency of which has been designated by the U.S. Environmental Protection Agency and the U.S. Department of Energy as meeting or exceeding each such agency's requirements under the Energy Star program;

4. Portable generators with a selling price of $1,000 or less used to provide light or communications or preserve food in the event of a power outage; and

5. Certain other hurricane preparedness equipment, including blue ice, carbon monoxide detectors, cell phone batteries, cell phone chargers, gas or diesel fuel tanks, nonelectric food storage coolers, portable self-powered light sources, portable self-powered radios, two-way radios, weather band radios, storm shutter devices, tarpaulins or other flexible waterproof sheeting, ground anchor systems or tie-down kits, gas-powered chain saws and chain saw accessories, and packages of AAA-cell, AA-cell, C-cell, D-cell, 6-volt, or 9-volt batteries, excluding automobile and boat batteries. As used in this section, "storm shutter" means materials and products manufactured, rated, and marketed specifically for the purpose of preventing window damage from storms. The tax exemption shall apply to each gas-powered chain saw with a selling price of $350 or less and each article of other hurricane preparedness equipment with a selling price of $60 or less.

C. Any discount, coupon, or other credit offered either by the retailer or by a vendor of the retailer to reduce the final price to the customer shall be taken into account in determining the selling price for purposes of this exemption.

D. The Department shall develop guidelines that describe the items of merchandise that qualify for the exemption and make such guidelines available no later than July 15 of each year.

2. That the provisions of this act shall be effective on July 1, 2025, through July 1, 2030.

CHAPTER 664

An Act to direct the Office of the State Inspector General to develop a plan and submit reports regarding investigations of abuse or neglect at state psychiatric hospitals.

[S 178]

Approved April 8, 2024

Be it enacted by the General Assembly of Virginia:

1. *§ 1. The Office of the State Inspector General (the Office) shall (i) develop a plan to fulfill its statutory obligation to fully investigate all complaints it receives alleging abuse, neglect, or inadequate care at a state psychiatric hospital and (ii) submit such plan to the Chairmen of the House Committee on Health and Human Services and the Senate Committee on Education and Health by November 1, 2024. The Office shall also submit an annual report to the General Assembly on or*

before December 1 of each year that states the number of such complaints received by the Office during the prior fiscal year and the number of such complaints that were fully investigated by the Office.

CHAPTER 665

An Act to amend and reenact the second enactment of Chapter 30 and the second enactment of Chapter 578 of the Acts of Assembly of 2022, relating to tangible personal property tax; classification; certain vehicles.

[S 194]

Approved April 8, 2024

Be it enacted by the General Assembly of Virginia:

1. That the second enactment of Chapter 30 and the second enactment of Chapter 578 of the Acts of Assembly of 2022 are amended and reenacted as follows:

2. That the provisions of this act shall apply to taxable years beginning on or after January 1, 2022~~, but before January 1, 2025~~.

CHAPTER 666

An Act to amend and reenact §§ 22.1-253.13:1, as it shall become effective, and 22.1-253.13:4 of the Code of Virginia, relating to high school graduation requirements; satisfaction of elective course credits with workforce credentials; development and maintenance of list of accepted credentials.

[S 199]

Approved April 8, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 22.1-253.13:1, as it shall become effective, and 22.1-253.13:4 of the Code of Virginia are amended and reenacted as follows:

§ 22.1-253.13:1. (For effective date, see Acts 2022, cc. 549, 550, cl. 2) Standard 1. Instructional programs supporting the Standards of Learning and other educational objectives.

A. The General Assembly and the Board believe that the fundamental goal of the public schools of the Commonwealth must be to enable each student to develop the skills that are necessary for success in school, preparation for life, and reaching their full potential. The General Assembly and the Board find that the quality of education is dependent upon the provision of (i) the appropriate working environment, benefits, and salaries necessary to ensure the availability of high-quality instructional personnel; (ii) the appropriate learning environment designed to promote student achievement; (iii) quality instruction that enables each student to become a productive and educated citizen of Virginia and the United States of America; and (iv) the adequate commitment of other resources. In keeping with this goal, the General Assembly shall provide for the support of public education as set forth in Article VIII, § 1 of the Constitution of Virginia.

B. The Board shall establish educational objectives known as the Standards of Learning, which shall form the core of Virginia's educational program, and other educational objectives, which together are designed to ensure the development of the skills that are necessary for success in school and for preparation for life in the years beyond. At a minimum, the Board shall establish Standards of Learning for English, mathematics, science, and history and social science. The Standards of Learning shall not be construed to be regulations as defined in § 2.2-4001.

The Board shall seek to ensure that the Standards of Learning are consistent with a high-quality foundation educational program. The Standards of Learning shall include, but not be limited to, the basic skills of communication (listening, speaking, reading, and writing); computation and critical reasoning, including problem solving and decision making; proficiency in the use of computers and related technology; computer science and computational thinking, including computer coding; and the skills to manage personal finances and to make sound financial decisions.

The English Standards of Learning for reading in kindergarten through grade eight shall align with evidence-based literacy instruction and science-based reading research.

The Standards of Learning in all subject areas shall be subject to regular review and revision to maintain rigor and to reflect a balance between content knowledge and the application of knowledge in preparation for eventual employment and lifelong learning. The Board shall establish a regular schedule, in a manner it deems appropriate, for the review, and revision as may be necessary, of the Standards of Learning in all subject areas. Such review of each subject area shall occur at least once every seven years. Nothing in this section shall be construed to prohibit the Board from conducting such review and revision on a more frequent basis.

To provide appropriate opportunity for input from the general public, teachers, and local school boards, the Board shall conduct public hearings prior to establishing revised Standards of Learning. Thirty days prior to conducting such hearings, the Board shall give notice of the date, time, and place of the hearings to all local school boards and any other persons requesting to be notified of the hearings and publish notice of its intention to revise the Standards of Learning in the Virginia Register of Regulations. Interested parties shall be given reasonable opportunity to be heard and present information prior to final adoption of any revisions of the Standards of Learning.

In addition, the Department shall make available and maintain a website, either separately or through an existing website utilized by the Department, enabling public elementary, middle, and high school educators to submit recommendations for improvements relating to the Standards of Learning, when under review by the Board according to its established schedule, and related assessments required by the Standards of Quality pursuant to this chapter. Such website shall facilitate the submission of recommendations by educators.

School boards shall implement the Standards of Learning or objectives specifically designed for their school divisions that are equivalent to or exceed the Board's requirements. Students shall be expected to achieve the educational objectives established by the school division at appropriate age or grade levels. The curriculum adopted by the local school division shall be aligned to the Standards of Learning.

The Board shall include in the Standards of Learning for history and social science the study of contributions to society of diverse people. For the purposes of this subsection, "diverse" includes consideration of disability, ethnicity, race, and gender.

The Board shall include in the Standards of Learning for health instruction in emergency first aid, cardiopulmonary resuscitation, and the use of an automated external defibrillator, including hands-on practice of the skills necessary to perform cardiopulmonary resuscitation. Such instruction shall be based on the current national evidence-based emergency cardiovascular care guidelines for cardiopulmonary resuscitation and the use of an automated external defibrillator, such as a program developed by the American Heart Association or the American Red Cross. No teacher who is in compliance with subdivision D 3 of § 22.1-298.1 shall be required to be certified as a trainer of cardiopulmonary resuscitation to provide instruction for non-certification.

With such funds as are made available for this purpose, the Board shall regularly review and revise the competencies for career and technical education programs to require the full integration of English, mathematics, science, and history and social science Standards of Learning. Career and technical education programs shall be aligned with industry and professional standard certifications, where they exist.

The Board shall establish content standards and curriculum guidelines for courses in career investigation in elementary school, middle school, and high school. Each school board shall (i) require each middle school student to take at least one course in career investigation or (ii) select an alternate means of delivering the career investigation course to each middle school student, provided that such alternative is equivalent in content and rigor and provides the foundation for such students to develop their academic and career plans. Any school board may require (a) such courses in career investigation at the high school level as it deems appropriate, subject to Board approval as required in subsection A of § 22.1-253.13:4, and (b) such courses in career investigation at the elementary school level as it deems appropriate. The Board shall develop and disseminate to each school board career investigation resource materials that are designed to ensure that students have the ability to further explore interest in career and technical education opportunities in middle and high school. In developing such resource materials, the Board shall consult with representatives of career and technical education, industry, skilled trade associations, chambers of commerce or similar organizations, and contractor organizations.

C. Local school boards shall develop and implement a program of instruction for grades K through 12 that is aligned to the Standards of Learning and meets or exceeds the requirements of the Board. The program of instruction shall emphasize reading, writing, speaking, mathematical concepts and computations, proficiency in the use of computers and related technology, computer science and computational thinking, including computer coding, and scientific concepts and processes; essential skills and concepts of citizenship, including knowledge of Virginia history and world and United States history, economics, government, foreign languages, international cultures, health and physical education, environmental issues, and geography necessary for responsible participation in American society and in the international community; fine arts, which may include, but need not be limited to, music and art, and practical arts; knowledge and skills needed to qualify for further education, gainful employment, or training in a career or technical field; and development of the ability to apply such skills and knowledge in preparation for eventual employment and lifelong learning and to achieve economic self-sufficiency.

Local school boards shall also develop and implement programs of prevention, intervention, or remediation for students who are educationally at risk including, but not limited to, those who fail to achieve a passing score on any Standards of Learning assessment in grades three through eight or who fail an end-of-course test required for the award of a verified unit of credit. Such programs shall include components that are research-based.

Any student who achieves a passing score on one or more, but not all, of the Standards of Learning assessments for the relevant grade level in grades three through eight may be required to attend a remediation program.

Any student who fails to achieve a passing score on all of the Standards of Learning assessments for the relevant grade level in grades three through eight or who fails an end-of-course test required for the award of a verified unit of credit shall be required to attend a remediation program or to participate in another form of remediation. Division superintendents shall require such students to take special programs of prevention, intervention, or remediation, which may include attendance in public summer school programs, in accordance with clause (ii) of subsection A of § 22.1-254 and § 22.1-254.01.

Remediation programs shall include, when applicable, a procedure for early identification of students who are at risk of failing the Standards of Learning assessments in grades three through eight or who fail an end-of-course test required for the award of a verified unit of credit. Such programs may also include summer school for all elementary and middle school grades and for all high school academic courses, as defined by regulations promulgated by the Board, or other forms of remediation. Summer school remediation programs or other forms of remediation shall be chosen by the division

superintendent to be appropriate to the academic needs of the student. Students who are required to attend such summer school programs or to participate in another form of remediation shall not be charged tuition by the school division.

The requirement for remediation may, however, be satisfied by the student's attendance in a program of prevention, intervention or remediation that has been selected by his parent, in consultation with the division superintendent or his designee, and is either (i) conducted by an accredited private school or (ii) a special program that has been determined to be comparable to the required public school remediation program by the division superintendent. The costs of such private school remediation program or other special remediation program shall be borne by the student's parent.

The Board shall establish standards for full funding of summer remedial programs that shall include, but not be limited to, the minimum number of instructional hours or the equivalent thereof required for full funding and an assessment system designed to evaluate program effectiveness. Based on the number of students attending and the Commonwealth's share of the per pupil instructional costs, state funds shall be provided for the full cost of summer and other remediation programs as set forth in the appropriation act, provided such programs comply with such standards as shall be established by the Board, pursuant to § 22.1-199.2.

D. Local school boards shall also implement the following:

1. Programs in grades K through three that emphasize developmentally appropriate learning to enhance success.

2. Programs based on prevention, intervention, or remediation designed to increase the number of students who earn a high school diploma and to prevent students from dropping out of school. Such programs shall include components that are research-based.

3. Career and technical education programs incorporated into the K through 12 curricula that include:

a. Knowledge of careers and all types of employment opportunities, including, but not limited to, apprenticeships, entrepreneurship and small business ownership, the military, and the teaching profession, and emphasize the advantages of completing school with marketable skills;

b. Career exploration opportunities in the middle school grades;

c. Competency-based career and technical education programs that integrate academic outcomes, career guidance, and job-seeking skills for all secondary students. Programs shall be based upon labor market needs and student interest. Career guidance shall include counseling about available employment opportunities and placement services for students exiting school. Each school board shall develop and implement a plan to ensure compliance with the provisions of this subdivision. Such plan shall be developed with the input of area business and industry representatives and local comprehensive community colleges and shall be submitted to the Superintendent in accordance with the timelines established by federal law;

d. Annual notice on its website to enrolled high school students and their parents of (i) the availability of the postsecondary education and employment data published by the State Council of Higher Education on its website pursuant to § 23.1-204.1 and (ii) the opportunity for such students to obtain a nationally recognized career readiness certificate at a local public high school, comprehensive community college, or workforce center; and

e. As part of each student's academic and career plan, a list of (i) the top 100 professions in the Commonwealth by median pay and the education, training, and skills required for each such profession and (ii) the top 10 degree programs at institutions of higher education in the Commonwealth by median pay of program graduates. The Department shall annually compile such lists and provide them to each local school board.

4. Educational objectives in middle and high school that emphasize economic education and financial literacy pursuant to § 22.1-200.03.

5. Early identification of students with disabilities and enrollment of such students in appropriate instructional programs consistent with state and federal law.

6. Early identification of gifted students and enrollment of such students in appropriately differentiated instructional programs.

7. Educational alternatives for students whose needs are not met in programs prescribed elsewhere in these standards. Such students shall be counted in average daily membership (ADM) in accordance with the regulations of the Board.

8. Adult education programs for individuals functioning below the high school completion level. Such programs may be conducted by the school board as the primary agency or through a collaborative arrangement between the school board and other agencies.

9. A plan to make achievements for students who are educationally at risk a divisionwide priority that shall include procedures for measuring the progress of such students.

10. An agreement for postsecondary degree attainment with a comprehensive community college in the Commonwealth specifying the options for students to complete an associate degree or a one-year Uniform Certificate of General Studies from a comprehensive community college concurrent with a high school diploma. Such agreement shall specify the credit available for dual enrollment courses and Advanced Placement courses with qualifying exam scores of three or higher.

11. A plan to notify students and their parents of the availability of dual enrollment and advanced placement classes; career and technical education programs, including internships, externships, apprenticeships, credentialing programs, certification programs, licensure programs, and other work-based learning experiences; the International Baccalaureate Program and Academic Year Governor's School Programs; the qualifications for enrolling in such classes, programs, and experiences; and the availability of financial assistance to low-income and needy students to take the advanced placement

and International Baccalaureate examinations. This plan shall include notification to students and parents of the agreement with a comprehensive community college in the Commonwealth to enable students to complete an associate degree or a one-year Uniform Certificate of General Studies concurrent with a high school diploma.

12. Identification of students with limited English proficiency and enrollment of such students in appropriate instructional programs, which programs may include dual language programs whereby such students receive instruction in English and in a second language.

13. Early identification, diagnosis, and assistance for students with mathematics problems and provision of instructional strategies and mathematics practices that benefit the development of mathematics skills for all students.

Local school divisions shall provide algebra readiness intervention services to students in grades six through nine who are at risk of failing the Algebra I end-of-course test, as demonstrated by their individual performance on any diagnostic test that has been approved by the Department. Local school divisions shall report the results of the diagnostic tests to the Department on an annual basis, at a time to be determined by the Superintendent. Each student who receives algebra readiness intervention services will be assessed again at the end of that school year. Funds appropriated for prevention, intervention, and remediation; summer school remediation; at-risk; or algebra readiness intervention services may be used to meet the requirements of this subdivision.

14. Incorporation of art, music, and physical education as a part of the instructional program at the elementary school level.

15. A program of physical activity available to all students in grades kindergarten through five consisting of at least 20 minutes per day or an average of 100 minutes per week during the regular school year and available to all students in grades six through 12 with a goal of at least 150 minutes per week on average during the regular school year. Such program may include any combination of (i) physical education classes, (ii) extracurricular athletics, (iii) recess, or (iv) other programs and physical activities deemed appropriate by the local school board. Each local school board shall implement such program during the regular school year. Any physical education class offered to students in grades seven and eight shall include at least one hour of personal safety training per school year in each such grade level that is developed and delivered in partnership with the local law-enforcement agency and consists of situational safety awareness training and social media education.

16. A program of student services for kindergarten through grade 12 that shall be designed to aid students in their educational, social, and career development.

17. The collection and analysis of data and the use of the results to evaluate and make decisions about the instructional program.

18. A program of instruction in the high school Virginia and U.S. Government course on all information and concepts contained in the civics portion of the U.S. Naturalization Test.

E. From such funds as may be appropriated or otherwise received for such purpose, there shall be established within the Department a unit to (i) conduct evaluative studies; (ii) provide the resources and technical assistance to increase the capacity for school divisions to deliver quality instruction; and (iii) assist school divisions in implementing those programs and practices that will enhance pupil academic performance and improve family and community involvement in the public schools. Such unit shall identify and analyze effective instructional programs and practices and professional development initiatives; evaluate the success of programs encouraging parental and family involvement; assess changes in student outcomes prompted by family involvement; and collect and disseminate among school divisions information regarding effective instructional programs and practices, initiatives promoting family and community involvement, and potential funding and support sources. Such unit may also provide resources supporting professional development for administrators and teachers. In providing such information, resources, and other services to school divisions, the unit shall give priority to those divisions demonstrating a less than 70 percent passing rate on the Standards of Learning assessments.

F. *The Board shall, in collaboration with the Virginia Community College System, Career and Technical Education directors, and industry partners, develop and maintain a current, comprehensive, and uniform list of industry-recognized workforce credentials that students may take as a substitute for certain credits required for graduation pursuant to 8VAC20-131-51 of the Virginia Administrative Code, including industry-recognized workforce credentials that students may take as a substitute for elective credits and industry-recognized workforce credentials completed outside of regular school hours. The Board, in collaboration with the Virginia Community College System, shall ensure that such list reflects the current credit requirements for graduation and the current credentials accepted as substitutes. The Board shall post such list in a publicly accessible location on its website. Each school board shall accept as a substitute for a required credit any credential listed as an accepted substitute for such required credit.*

G. Each local school board may enter into agreements for postsecondary course credit, credential, certification, or license attainment, hereinafter referred to as College and Career Access Pathways Partnerships (Partnerships), with comprehensive community colleges or other public institutions of higher education or educational institutions established pursuant to Title 23.1 that offer a career and technical education curriculum. Such Partnerships shall (i) specify the options for students to take courses as part of the career and technical education curriculum that lead to course credit or an industry-recognized credential, certification, or license concurrent with a high school diploma; (ii) specify the credit, credentials, certifications, or licenses available for such courses; ~~and~~ (iii) *specify the industry-recognized credentials that are accepted as substitutes for certain credits required for high school graduation, consistent with the list developed and maintained by the Board pursuant to subsection F; and (iv)* specify available options for students to participate in

pre-apprenticeship and apprenticeship programs at comprehensive community colleges concurrent with the pursuit of a high school diploma and receive college credit and high school credit for successful completion of any such program.

~~G.~~ *H.* Each local school board shall provide a program of literacy instruction that is aligned with science-based reading research and provides evidenced-based literacy instruction to students in kindergarten through grade eight and is consistent with the school board's literacy plan as required by subsection B of § 22.1-253.13:6. Pursuant to such program:

1. Each local school board shall provide reading intervention services to students in kindergarten through grade eight who demonstrate substantial deficiencies based on their individual performance on the Standards of Learning reading assessment or a literacy screener provided or approved by the Department. Such reading intervention services shall consist of evidence-based literacy instruction, align with science-based reading research, and be documented for each student in a written student reading plan, consistent with the requirements in subdivision 2 and the list developed by the Department pursuant to subdivision ~~H~~ *I* 2.

2. A reading specialist, in collaboration with the teacher of any student who receives reading intervention services pursuant to subdivision 1, shall develop, oversee implementation of, and monitor student progress on a student reading plan. The parent of each student who receives reading intervention services pursuant to subdivision 1 shall receive notice of and have the opportunity to participate in the development of the student reading plan. Each student reading plan (i) shall follow the Department template created pursuant to subdivision ~~H~~ *I* 3; (ii) shall document such reading intervention services; (iii) shall include, at a minimum, (a) the student's specific, diagnosed reading skill deficiencies as determined or identified by diagnostic assessment data or the literacy screener provided or approved by the Department; (b) the goals and benchmarks for student growth in reading; (c) a description of the specific measures that will be used to evaluate and monitor the student's reading progress; (d) the specific evidence-based literacy instruction that the student will receive; (e) the strategies, resources, and materials that will be provided to the student's parent to support the student to make reading progress; and (f) any additional services the teacher deems available and appropriate to accelerate the student's reading skill development; and (iv) may include the following services for the student: instruction from a reading specialist, trained aide, computer-based reading tutorial program, or classroom teacher with support from an aide, extended instructional time in the school day or school year, or, for students in grades six through eight, a literacy course, in addition to the course required by the Standards of Learning in English, that provides the specific evidence-based literacy instruction identified in the student's reading plan. In accordance with § 22.1-215.2, the parent of each student shall receive notice before services begin and a copy of the student reading plan.

3. Each student who receives such reading intervention services shall be assessed utilizing either the literacy screener provided or approved by the Department or the grade-level reading Standards of Learning assessment again at the end of that school year.

Funds appropriated for prevention, intervention, and remediation, summer school remediation, the at-risk add-on, or early intervention reading may be used to meet the requirements of this subsection.

~~H.~~ *I.* In order to assist local school boards to implement the provisions of subsection ~~G~~ *H*:

1. The Board shall provide guidance on the content of student reading plans;

2. The Department shall develop a list of core literacy curricula, supplemental instruction practices and programs, and intervention programs that consist of evidence-based literacy instruction aligned with science-based reading research for students in kindergarten through grade eight. The list shall be approved by the Board;

3. The Department shall develop a template for student reading plans that aligns with the requirements of subsection ~~G~~ *H*;

4. The Department shall develop and implement a plan for the annual collection and public reporting of division-level and school-level literacy data, at a time to be determined by the Superintendent, to include results on the literacy screeners provided or approved by the Department and the reading Standards of Learning assessments; and

5. The Department shall provide free online evidence-based literacy instruction resources that can be accessed by parents and local school boards to support student literacy development at home.

§ 22.1-253.13:4. Standard 4. Student achievement and graduation requirements.

A. Each local school board shall award diplomas to all secondary school students, including students who transfer from nonpublic schools or from home instruction, who meet the requirements prescribed by the Board and meet such other requirements as may be prescribed by the local school board and approved by the Board. Provisions shall be made to facilitate the transfer and appropriate grade placement of students from other public secondary schools, from nonpublic schools, or from home instruction as outlined in the standards for accreditation. The standards for accreditation shall include provisions relating to the completion of graduation requirements through Virtual Virginia. Further, reasonable accommodation to meet the requirements for diplomas shall be provided for otherwise qualified students with disabilities as needed.

In addition, each local school board may devise, vis-a-vis the award of diplomas to secondary school students, a mechanism for calculating class rankings that takes into consideration whether the student has taken a required class more than one time and has had any prior earned grade for such required class expunged.

Each local school board shall notify the parents of rising eleventh and twelfth grade students of (i) the requirements for graduation pursuant to the standards for accreditation and (ii) the requirements that have yet to be completed by the individual student.

B. Students identified as disabled who complete the requirements of their individualized education programs and meet certain requirements prescribed by the Board pursuant to regulations but do not meet the requirements for any named

diploma shall be awarded Applied Studies diplomas by local school boards. The Board shall develop and implement statewide requirements for earning an Applied Studies diploma for implementation at the beginning of the 2022-2023 school year.

Each local school board shall notify the parent of such students with disabilities who have an individualized education program and who fail to meet the graduation requirements of the student's right to a free and appropriate education to age 21, inclusive, pursuant to Article 2 (§ 22.1-213 et seq.) of Chapter 13.

The Department shall develop guidance, in multiple languages, for students and parents conveying (i) the limitations of the applied studies diploma, (ii) key curriculum and testing decisions that reduce the likelihood that a student will be able to obtain a standard diploma, and (iii) a statement that the pursuit of an applied studies diploma may preclude a student's ability to pursue a standard diploma.

Each local school board shall provide guidance from the Department to parents of students with disabilities regarding the Applied Studies diploma and its limitations at a student's annual individualized education program meeting corresponding to grades three through 12 when curriculum or statewide assessment decisions are being made that impact the type of diploma for which the student can qualify.

C. Students who have completed a prescribed course of study as defined by the local school board shall be awarded certificates of program completion by local school boards if they are not eligible to receive a Board-approved diploma.

Each local school board shall provide notification of the right to a free public education for students who have not reached 20 years of age on or before August 1 of the school year, pursuant to Chapter 1 (§ 22.1-1 et seq.), to the parent of students who fail to graduate or who have failed to achieve graduation requirements as provided in the standards for accreditation. If such student who does not graduate or complete such requirements is a student for whom English is a second language, the local school board shall notify the parent of the student's opportunity for a free public education in accordance with § 22.1-5.

D. In establishing graduation requirements, the Board shall:

1. Develop and implement, in consultation with stakeholders representing elementary and secondary education, higher education, and business and industry in the Commonwealth and including parents, policymakers, and community leaders in the Commonwealth, a Profile of a Virginia Graduate that identifies the knowledge and skills that students should attain during high school in order to be successful contributors to the economy of the Commonwealth, giving due consideration to critical thinking, creative thinking, collaboration, communication, and citizenship.

2. Emphasize the development of core skill sets in the early years of high school.

3. Establish multiple paths toward college and career readiness for students to follow in the later years of high school. Each such pathway shall include opportunities for internships, externships, and credentialing.

4. Provide for the selection of integrated learning courses meeting the Standards of Learning and approved by the Board to satisfy graduation requirements, which shall include Standards of Learning testing, as necessary.

5. Require students to complete at least one course in fine or performing arts or career and technical education, one course in United States and Virginia history, and two sequential elective courses chosen from a concentration of courses selected from a variety of options that may be planned to ensure the completion of a focused sequence of elective courses that provides a foundation for further education or training or preparation for employment.

6. Require that students (i) complete an Advanced Placement, honors, International Baccalaureate, or dual enrollment course; (ii) complete a high-quality work-based learning experience, as defined by the Board; or (iii) earn a career and technical education credential that has been approved by the Board, except when a career and technical education credential in a particular subject area is not readily available or appropriate or does not adequately measure student competency, in which case the student shall receive satisfactory competency-based instruction in the subject area to earn credit. The career and technical education credential, when required, could include the successful completion of an industry certification, a state licensure examination, a national occupational competency assessment, the Armed Services Vocational Aptitude Battery, or the Virginia workplace readiness skills assessment. The Department shall develop, maintain, and make available to each local school board a catalogue of the testing accommodations available to English language learners for each such certification, examination, assessment, and battery. Each local school board shall develop and implement policies to require each high school principal or his designee to notify each English language learner of the availability of such testing accommodations prior to the student's participation in any such certification, examination, assessment, or battery.

7. Require students to be trained in emergency first aid, cardiopulmonary resuscitation, and the use of automated external defibrillators, including hands-on practice of the skills necessary to perform cardiopulmonary resuscitation.

8. Make provision in its regulations for students with disabilities to earn a diploma.

9. Require students to complete one virtual course, which may be a noncredit-bearing course.

10. Provide that students who complete elective classes into which the Standards of Learning for any required course have been integrated and achieve a passing score on the relevant Standards of Learning test for the relevant required course receive credit for such elective class.

11. Establish a procedure to facilitate the acceleration of students that allows qualified students, with the recommendation of the division superintendent, without completing the 140-hour class, to obtain credit for such class upon demonstrating mastery of the course content and objectives and receiving a passing score on the relevant Standards of Learning assessment. Nothing in this section shall preclude relevant school division personnel from enforcing compulsory attendance in public schools.

12. Provide for the award of credit for passing scores on industry certifications, state licensure examinations, and national occupational competency assessments approved by the Board.

School boards shall report annually to the Board the number of Board-approved industry certifications obtained, state licensure examinations passed, national occupational competency assessments passed, Armed Services Vocational Aptitude Battery assessments passed, and Virginia workplace readiness skills assessments passed, and the number of career and technical education completers who graduated. These numbers shall be reported as separate categories on the School Performance Report Card.

For the purposes of this subdivision, "career and technical education completer" means a student who has met the requirements for a career and technical concentration or specialization and all requirements for high school graduation or an approved alternative education program.

In addition, the Board may:

a. For the purpose of awarding credit, approve the use of additional or substitute tests for the correlated Standards of Learning assessment, such as academic achievement tests, industry certifications, or state licensure examinations; and

b. Permit students completing career and technical education programs designed to enable such students to pass such industry certification examinations or state licensure examinations to be awarded, upon obtaining satisfactory scores on such industry certification or licensure examinations, appropriate credit for one or more career and technical education classes into which relevant Standards of Learning for various classes taught at the same level have been integrated. Such industry certification and state licensure examinations may cover relevant Standards of Learning for various required classes and may, at the discretion of the Board, address some Standards of Learning for several required classes.

13. Provide for the waiver of certain graduation requirements and the subsequent award of a high school diploma (i) upon the Board's initiative, (ii) at the request of a local school board, or (iii) upon the request of the parent of any high school senior who died in good standing prior to graduation during the student's senior year. Such waivers shall be granted only for good cause and shall be considered on a case-by-case basis.

14. Consider all computer science course credits earned by students to be science course credits, mathematics course credits, or career and technical education credits. The Board shall develop guidelines addressing how computer science courses can satisfy graduation requirements.

15. Permit local school divisions to waive the requirement for students to receive 140 clock hours of instruction upon providing the Board with satisfactory proof, based on Board guidelines, that the students for whom such requirements are waived have learned the content and skills included in the relevant Standards of Learning.

16. Provide for the award of verified units of credit for a satisfactory score, as determined by the Board, on the Preliminary ACT (PreACT) or Preliminary SAT/National Merit Scholarship Qualifying Test (PSAT/NMSQT) examination.

17. Permit students to exceed a full course load in order to participate in courses offered by an institution of higher education that lead to a degree, certificate, or credential at such institution.

18. Permit local school divisions to waive the requirement for students to receive 140 clock hours of instruction after the student has completed the course curriculum and relevant Standards of Learning end-of-course assessment, or Board-approved substitute, provided that such student subsequently receives instruction, coursework, or study toward an industry certification approved by the local school board.

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

20. Permit a student who is pursuing an advanced diploma and whose individualized education program specifies a credit accommodation for world language to substitute two standard units of credit in computer science for two standard units of credit in a world language. For any student that elects to substitute a credit in computer science for credit in world language, his or her school counselor must provide notice to the student and parent or guardian of possible impacts related to college entrance requirements.

21. Permit any student to substitute elective credits for completion of any industry-approved workforce credential, provided that such credential is included on the list of credentials that are uniformly accepted as substitutes for such required credits developed and maintained by the Board pursuant to subsection F of § 22.1-253.13:1.

E. In the exercise of its authority to recognize exemplary performance by providing for diploma seals:

1. The Board shall develop criteria for recognizing exemplary performance in career and technical education programs by students who have completed the requirements for a Board of Education-approved diploma and shall award seals on the diplomas of students meeting such criteria.

2. The Board shall establish criteria for awarding a diploma seal for science, technology, engineering, and mathematics (STEM) for the Board-approved diplomas. The Board shall consider including criteria for (i) relevant coursework; (ii) technical writing, reading, and oral communication skills; (iii) relevant training; and (iv) industry, professional, and trade association national certifications.

3. The Board shall establish criteria for awarding a diploma seal for excellence in civics education and understanding of our state and federal constitutions and the democratic model of government for the Board-approved diplomas. The Board shall consider including criteria for (i) successful completion of history, government, and civics courses, including courses

that incorporate character education; (ii) voluntary participation in community service or extracurricular activities that includes the types of activities that shall qualify as community service and the number of hours required; and (iii) related requirements as it deems appropriate.

4. The Board shall establish criteria for awarding a diploma seal of biliteracy to any student who demonstrates proficiency in English and at least one other language for the Board-approved diplomas. The Board shall consider criteria including the student's (i) score on a College Board Advanced Placement foreign language examination, (ii) score on an SAT II Subject Test in a foreign language, (iii) proficiency level on an ACTFL Assessment of Performance toward Proficiency in Languages (AAPPL) measure or another nationally or internationally recognized language proficiency test, or (iv) cumulative grade point average in a sequence of foreign language courses approved by the Board.

F. The Board shall establish, by regulation, requirements for the award of a general achievement adult high school diploma for those persons who are not subject to the compulsory school attendance requirements of § 22.1-254 and have (i) achieved a passing score on a high school equivalency examination approved by the Board; (ii) successfully completed an education and training program designated by the Board; (iii) earned a Board-approved career and technical education credential such as the successful completion of an industry certification, a state licensure examination, a national occupational competency assessment, the Armed Services Vocational Aptitude Battery, or the Virginia workplace readiness skills assessment; and (iv) satisfied other requirements as may be established by the Board for the award of such diploma.

G. To ensure the uniform assessment of high school graduation rates, the Board shall collect, analyze, report, and make available to the public high school graduation and dropout data using a formula prescribed by the Board.

H. The Board shall also collect, analyze, report, and make available to the public high school graduation and dropout data using a formula that excludes any student who fails to graduate because such student is in the custody of the Department of Corrections, the Department of Juvenile Justice, or local law enforcement. For the purposes of the Standards of Accreditation, the Board shall use the graduation rate required by this subsection.

I. The Board may promulgate such regulations as may be necessary and appropriate for the collection, analysis, and reporting of such data required by subsections G and H.

CHAPTER 667

An Act to amend the Code of Virginia by adding in Title 52 a chapter numbered 7.1:1, consisting of sections numbered 52-34.3:1, 52-34.3:2, and 52-34.3:3, relating to alert for missing or endangered children; Virginia Critical Operation for a Disappeared Child Initiative (Codi) Alert Program.

[S 201]

Approved April 8, 2024

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Title 52 a chapter numbered 7.1:1, consisting of sections numbered 52-34.3:1, 52-34.3:2, and 52-34.3:3, as follows:

CHAPTER 7.1:1.

VIRGINIA CRITICAL OPERATION FOR A DISAPPEARED CHILD INITIATIVE (CODI) ALERT PROGRAM.

§ 52-34.3:1. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Critical Operation for a Disappeared Child Initiative Agreement" or "Codi Agreement" means the voluntary agreement between law-enforcement officials and members of the media whereby a child will be declared missing or endangered and the public will be notified, and includes all other incidental conditions of the partnership as found appropriate by the Virginia State Police.

"Critical Operation for a Disappeared Child Initiative Alert" or "Codi Alert" means the notice of a missing or endangered child provided to the public by the media or other methods under a Codi Agreement.

"Critical Operation for a Disappeared Child Initiative Alert Program" or "Codi Alert Program" or "Program" means the procedures and Codi Agreements to aid in the identification and location of missing or endangered children.

"Media" means print, radio, television, and Internet-based communication systems or other methods of communicating information to the public.

"Missing or endangered child" means a child (i) who is 17 years of age or younger or is currently enrolled in a secondary school in the Commonwealth, regardless of age; (ii) whose whereabouts are unknown; and (iii) whose disappearance is under suspicious circumstances or poses a credible threat as determined by law enforcement to the safety and health of the child and under such other circumstances as deemed appropriate by the Virginia State Police.

§ 52-34.3:2. Establishment of the Virginia Critical Operation for a Disappeared Child Initiative (Codi) Alert Program.

The Virginia State Police shall develop, in consultation with representatives of local law-enforcement agencies, including representatives from the Virginia Sheriffs' Association and the Virginia Association of Chiefs of Police, policies for the establishment of uniform standards for the creation of Codi Alert Programs throughout the Commonwealth. Codi Alert Programs may be local, regional, or statewide. They may include multiple localities or regions and may be expanded or compressed. The Virginia State Police may (i) inform local law-enforcement officials of the policies and procedures for

the Codi Alert Programs set by the Virginia State Police, (ii) assist in determining the geographic scope of a particular Codi Alert, and (iii) establish procedures and standards by which a local law-enforcement agency may verify a child is missing or endangered and report such information to the Virginia State Police.

The establishment of a Codi Alert Program by a locality and the media is voluntary, and nothing in this chapter shall be construed to be a mandate that local officials or the media establish or participate in a Codi Alert Program. Existing Codi Agreements and Codi Alert Programs shall not be altered by the act of assembly creating this chapter.

§ 52-34.3:3. Activation of the Virginia Critical Operation for a Disappeared Child Initiative (Codi) Alert Program upon incident of a missing or endangered child.

A. Upon receipt of a notice of a missing or endangered child from a law-enforcement agency, the Virginia State Police shall confirm the accuracy of the information and provide assistance in the implementation of the Codi Alert Program as the investigation dictates.

B. Codi Alerts may be local, regional, or statewide. The initial decision to make a local or regional Codi Alert shall be at the discretion of the local or regional law-enforcement officials. Prior to making a local or regional Codi Alert, the local or regional law-enforcement officials shall confer with the Virginia State Police and provide information regarding the missing or endangered child to the Virginia State Police. The initial decision to make a statewide Codi Alert shall be at the discretion of the Virginia State Police. The Missing Children Information Clearinghouse operated by the Virginia State Police shall serve as a central repository for information related to a missing or endangered child.

C. In those situations where appropriate, the Virginia State Police shall send the Codi Alert to Virginia's emergency alert system. Participating media are encouraged to issue the Codi Alert at designated intervals as specified by the Codi Alert Program.

D. In those situations where appropriate and an existing system is available, the Virginia State Police shall contact the operator of the existing automatic dialing-announcing device system to target residents in the geographic location where the missing or endangered child was most recently seen. For purposes of this section, "automatic dialing-announcing device system" means a device that (i) selects and dials telephone numbers and (ii) working alone or in conjunction with other equipment, disseminates a prerecorded or synthesized voice message to the telephone number called.

E. The Codi Alert shall include such information as the law-enforcement agency deems appropriate that will assist in the safe recovery of the missing or endangered child.

F. The Codi Alert shall be canceled under the terms of the Codi Agreement. Any local law-enforcement agency that locates a child who is the subject of a Codi Alert shall notify the Virginia State Police immediately that the child has been located.

2. That the Virginia State Police shall ensure the Virginia Critical Operation for a Disappeared Child Initiative Alert Program, or Codi Alert Program, as created by this act, is available and operational no later than July 1, 2025.

CHAPTER 668

An Act to amend the Code of Virginia by adding a section numbered 59.1-21.11:2, relating to Virginia Petroleum Products Franchise Act; agreements between jobber/distributors and dealers; market valuation study.

[S 248]

Approved April 8, 2024

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 59.1-21.11:2 as follows:

§ 59.1-21.11:2. Required provisions pertaining to agreements between jobber/distributors and dealers.

A. A term of an initial agreement between a jobber/distributor and a dealer relating to specific marketing premises shall not be less than one year, and the term of all subsequent agreements between the jobber/distributor and the dealer relating to the same marketing premises shall not be for less than three years. The rental provisions in any such agreement or franchise shall be based on commercially fair and reasonable standards at a fair market value of the leased marketing premises. If a dealer believes the terms of the agreement offered do not meet a fair market value, such dealer may hire, at his expense, an independent third-party appraisal company from a list of appraisal companies provided by the jobber/distributor to provide a market valuation study. Such study shall (i) be for informational purposes only, (ii) not require either party to disclose confidential business information, and (iii) not bind either party.

B. The provisions of this section shall be limited to Planning District 8 and shall apply to initial franchise agreements and renewals of franchise agreements entered into after July 1, 2024.

CHAPTER 669

An Act to amend and reenact § 2.2-3704 of the Code of Virginia, relating to Virginia Freedom of Information Act; charges for production of public records; report.

[S 324]

Approved April 8, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 2.2-3704 of the Code of Virginia is amended and reenacted as follows:

§ 2.2-3704. Public records to be open to inspection; procedure for requesting records and responding to request; charges; transfer of records for storage, etc.

A. Except as otherwise specifically provided by law, all public records shall be open to citizens of the Commonwealth, representatives of newspapers and magazines with circulation in the Commonwealth, and representatives of radio and television stations broadcasting in or into the Commonwealth during the regular office hours of the custodian of such records. Access to such records shall be provided by the custodian in accordance with this chapter by inspection or by providing copies of the requested records, at the option of the requester. The custodian may require the requester to provide his name and legal address. The custodian of such records shall take all necessary precautions for their preservation and safekeeping.

B. A request for public records shall identify the requested records with reasonable specificity. The request need not make reference to this chapter in order to invoke the provisions of this chapter or to impose the time limits for response by a public body. Any public body that is subject to this chapter and that is the custodian of the requested records shall promptly, but in all cases within five working days of receiving a request, provide the requested records to the requester or make one of the following responses in writing:

1. The requested records are being entirely withheld. Such response shall identify with reasonable particularity the volume and subject matter of withheld records, and cite, as to each category of withheld records, the specific Code section that authorizes the withholding of the records.

2. The requested records are being provided in part and are being withheld in part. Such response shall identify with reasonable particularity the subject matter of withheld portions, and cite, as to each category of withheld records, the specific Code section that authorizes the withholding of the records.

3. The requested records could not be found or do not exist. However, if the public body that received the request knows that another public body has the requested records, the response shall include contact information for the other public body.

4. It is not practically possible to provide the requested records or to determine whether they are available within the five-work-day period. Such response shall specify the conditions that make a response impossible. If the response is made within five working days, the public body shall have an additional seven work days or, in the case of a request for criminal investigative files pursuant to § 2.2-3706.1, 60 work days in which to provide one of the four preceding responses.

C. Any public body may petition the appropriate court for additional time to respond to a request for records when the request is for an extraordinary volume of records or requires an extraordinarily lengthy search, and a response by the public body within the time required by this chapter will prevent the public body from meeting its operational responsibilities. Before proceeding with the petition, however, the public body shall make reasonable efforts to reach an agreement with the requester concerning the production of the records requested.

D. Subject to the provisions of subsection G, no public body shall be required to create a new record if the record does not already exist. However, a public body may abstract or summarize information under such terms and conditions as agreed between the requester and the public body.

E. Failure to respond to a request for records shall be deemed a denial of the request and shall constitute a violation of this chapter.

F. *1.* Except with regard to scholastic records requested pursuant to subdivision A 1 of § 2.2-3705.4 that must be made available for inspection pursuant to the federal Family Educational Rights and Privacy Act (20 U.S.C. § 1232g) and such requests for scholastic records by a parent or legal guardian of a minor student or by a student who is 18 years of age or older, a public body may make reasonable charges not to exceed its actual cost incurred in accessing, duplicating, supplying, or searching for the requested records and shall make all reasonable efforts to supply the requested records at the lowest possible cost*, except that (i) for the first hour of the first request made by a requester to a public body during a calendar year, a public body shall not charge a requester for any costs incurred during the first hour spent accessing, duplicating, supplying, or searching for the requested records and (ii) for any additional time spent accessing, duplicating, supplying, or searching for such records, or for any additional record requests, the public body shall not charge an hourly rate for accessing, duplicating, supplying, or searching for the records exceeding the lesser of the hourly rate of pay of the lowest-paid individual capable of fulfilling the request or $40 per hour.*

2. With regard to clause (ii) of subdivision 1, a public body may petition the appropriate court for relief from the fee cap imposed by such clause upon showing by a preponderance of the evidence that there is no qualified individual capable of fulfilling the request for $40 per hour or less. Any such petition shall be heard within seven days of the date when the same is made, provided that the public body has sent and the requester has received a copy of the petition at least three working days prior to filing. The hearing on any petition made outside of the regular terms of the circuit court of a locality that is included in a judicial circuit with another locality or localities shall be given precedence on the docket of such court over all cases that are not otherwise given precedence by law. The period within which the public body shall respond under this section shall be tolled for the amount of time that elapses between the requester's receipt of a copy of the petition and a final disposition of the court. A public body shall not pass along to the requester or otherwise incorporate into allowable charges any court costs or fees resulting from such petition.

3. The Office of the Attorney General and any local public body, including local school boards, are exempt from the fee cap imposed by clause (ii) of subdivision 1 and from the provisions of subdivision 2.

4. A public body shall document all requests for electronic public records that take longer than 30 minutes to fulfill and shall include the number of hours spent accessing or searching for the requested records.

5. No public body shall impose any extraneous, intermediary, or surplus fees or expenses to recoup the general costs associated with creating or maintaining records or transacting the general business of the public body. Any duplicating fee charged by a public body shall not exceed the actual cost of duplication. The public body may also make a reasonable charge for the cost incurred in supplying records produced from a geographic information system at the request of anyone other than the owner of the land that is the subject of the request. However, such charges shall not exceed the actual cost to the public body in supplying such records, except that the public body may charge, on a pro rata per acre basis, for the cost of creating topographical maps developed by the public body, for such maps or portions thereof, which encompass a contiguous area greater than 50 acres. Prior to conducting a search for records, the public body shall notify the requester in writing that the public body may make reasonable charges not to exceed its actual cost incurred in accessing, duplicating, supplying, or searching for requested records and inquire of the requester whether he would like to request a cost estimate in advance of the supplying of the requested records. The public body shall provide the requester with a cost estimate if requested. The period within which the public body shall respond under this section shall be tolled for the amount of time that elapses between notice of the cost estimate and the response of the requester. If the public body receives no response from the requester within 30 days of sending the cost estimate, the request shall be deemed to be withdrawn. Any costs incurred by the public body in estimating the cost of supplying the requested records shall be applied toward the overall charges to be paid by the requester for the supplying of such requested records. Any local public body that charges for the production of records pursuant to this section may provide an electronic method of payment through which all payments for the production of such records to such locality may be made. For purposes of this subsection, "electronic method of payment" means any kind of noncash payment that does not involve a paper check and includes credit cards, debit cards, direct deposit, direct debit, electronic checks, and payment through the use of telephonic or similar communications.

G. Public records maintained by a public body in an electronic data processing system, computer database, or any other structured collection of data shall be made available to a requester at a reasonable cost, not to exceed the actual cost *and the costs permitted to be charged by a public body* in accordance with *the provisions of* subsection F. When electronic or other databases are combined or contain exempt and nonexempt records, the public body may provide access to the exempt records if not otherwise prohibited by law, but shall provide access to the nonexempt records as provided by this chapter.

Public bodies shall produce nonexempt records maintained in an electronic database in any tangible medium identified by the requester, including, where the public body has the capability, the option of posting the records on a website or delivering the records through an electronic mail address provided by the requester, if that medium is used by the public body in the regular course of business. No public body shall be required to produce records from an electronic database in a format not regularly used by the public body. However, the public body shall make reasonable efforts to provide records in any format under such terms and conditions as agreed between the requester and public body, including the payment of reasonable costs. The excision of exempt fields of information from a database or the conversion of data from one available format to another shall not be deemed the creation, preparation, or compilation of a new public record.

H. In any case where a public body determines in advance that charges for producing the requested records are likely to exceed $200, the public body may, before continuing to process the request, require the requester to pay a deposit not to exceed the amount of the advance determination. The deposit shall be credited toward the final cost of supplying the requested records. The period within which the public body shall respond under this section shall be tolled for the amount of time that elapses between notice of the advance determination and the response of the requester.

I. Before processing a request for records, a public body may require the requester to pay any amounts owed to the public body for previous requests for records that remain unpaid 30 days or more after billing.

J. In the event a public body has transferred possession of public records to any entity, including but not limited to any other public body, for storage, maintenance, or archiving, the public body initiating the transfer of such records shall remain the custodian of such records for purposes of responding to requests for public records made pursuant to this chapter and shall be responsible for retrieving and supplying such public records to the requester. In the event a public body has transferred public records for storage, maintenance, or archiving and such transferring public body is no longer in existence, any public body that is a successor to the transferring public body shall be deemed the custodian of such records. In the event no successor entity exists, the entity in possession of the public records shall be deemed the custodian of the records for purposes of compliance with this chapter, and shall retrieve and supply such records to the requester. Nothing in this subsection shall be construed to apply to records transferred to the Library of Virginia for permanent archiving pursuant to the duties imposed by the Virginia Public Records Act (§ 42.1-76 et seq.). In accordance with § 42.1-79, the Library of Virginia shall be the custodian of such permanently archived records and shall be responsible for responding to requests for such records made pursuant to this chapter.

2. That the provisions of the first enactment of this act shall not become effective unless reenacted by the 2025 Session of the General Assembly.

3. That the Virginia Freedom of Information Advisory Council (the FOIA Council) shall study whether the provisions of the Virginia Freedom of Information Act (§ 2.2-3700 et seq. of the Code of Virginia) allowing public bodies to charge requesters for the production of public records should be permanently amended to make access to

public records easier for requesters. In conducting its study, the FOIA Council shall convene a work group consisting of citizens of the Commonwealth, representatives of state and local government entities, broadcast, print, and electronic media sources, open government organizations, and other interested parties, to examine the current FOIA provisions on charges and make recommendations on ways to amend such provisions to make the assessment of charges by public bodies for the production of public records more uniform, more transparent, easier to understand, and less costly. Technical assistance shall be provided to the FOIA Council by the Division of Legislative Services. All agencies of the Commonwealth shall provide assistance to the FOIA Council for this study, upon request. The work group shall complete its meetings by November 30, 2024, and present its findings and recommendations for consideration by the FOIA Council at its meeting in December 2024. The chairman of the FOIA Council shall submit to the Division of Legislative Automated Systems an executive summary of the work group's findings and recommendations with any additional comments by the FOIA Council no later than the first day of the 2025 Regular Session of the General Assembly. The executive summary shall state whether the FOIA Council intends to submit to the General Assembly and the Governor a report of its findings and recommendations for publication as a House or Senate document. The executive summary and report shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.

CHAPTER 670

An Act to amend and reenact §§ 33.2-373, 46.2-208, and 46.2-882.1 of the Code of Virginia, relating to photo speed monitoring devices; high-risk intersection segments.

[S 336]

Approved April 8, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 33.2-373, 46.2-208, and 46.2-882.1 of the Code of Virginia are amended and reenacted as follows:

§ 33.2-373. Virginia Highway Safety Improvement Program.

A. The Board shall establish the Virginia Highway Safety Improvement Program (the Program) to reduce motorized and nonmotorized fatalities and severe injuries on highways in the Commonwealth, whether such highways are state or locally maintained. The Board shall use funds set aside pursuant to § 33.2-358 *and any funds deposited pursuant to § 46.2-882.1* for the Program.

B. Beginning in fiscal year 2024, the Board shall, after program administration costs, allocate the funds in accordance with its adopted investment strategy pursuant to subsection C as follows:

1. At least 54 percent for infrastructure projects that address a hazardous road location or feature and address an identified highway safety problem;

2. At least 29 percent for strategies and activities to address behavioral causes of crashes that result in fatalities and severe injuries; and

3. The remaining amount for eligible purposes under this section pursuant to the investment strategy adopted pursuant to subsection C.

C. The Board shall adopt an investment strategy to guide the investments of the Program. The strategy shall cover a period of at least five years and seek to achieve a significant reduction in the anticipated number of fatalities and severe injuries over the covered period and shall give priority to projects, strategies, and activities based on the expected reduction in fatalities and severe injuries relative to cost, including improvements that are widely implemented based on a high-risk roadway feature that is correlated with a particular crash type, rather than crash frequency.

§ 46.2-208. Records of Department; when open for inspection; release of privileged information.

A. The following information shall be considered privileged and unless otherwise provided for in this title shall not be released except as provided in subsection B:

1. Personal information as defined in § 2.2-3801;

2. Driver information, defined as all data that relates to driver's license status and driver activity;

3. Special identification card information, defined as all data that relates to identification card status; and

4. Vehicle information, including all descriptive vehicle data and title, registration, and vehicle activity data, but excluding crash data.

B. The Commissioner shall release such information only under the following conditions:

1. Notwithstanding other provisions of this section, medical information included in personal information shall be released only to a physician, a physician assistant, or an advanced practice registered nurse in accordance with a proceeding under §§ 46.2-321 and 46.2-322.

2, 3. [Repealed.]

4. Upon the request of (i) the subject of the information, (ii) the parent of a minor who is the subject of the information, (iii) the guardian of the subject of the information, (iv) the authorized agent or representative of the subject of the information, or (v) the owner of the vehicle that is the subject of the information, the Commissioner shall provide him with the requested information and a complete explanation of it. Requests for such information need not be made in writing or in

person and may be made orally or by telephone, provided that the Department is satisfied that there is adequate verification of the requester's identity. When so requested in writing by (a) the subject of the information, (b) the parent of a minor who is the subject of the information, (c) the guardian of the subject of the information, (d) the authorized agent or representative of the subject of the information, or (e) the owner of the vehicle that is the subject of the information, the Commissioner shall verify and, if necessary, correct the personal information provided and furnish driver, special identification card, or vehicle information. If the requester is requesting such information in the scope of his official business as counsel from a public defender's office or as counsel appointed by a court, such records shall be provided free of charge.

5. Upon the written request of any insurance carrier or surety, or authorized agent of either, the Commissioner shall furnish to such requester information in the record of any person subject to the provisions of this title. The transcript shall include any record of any conviction of a violation of any provision of any statute or ordinance relating to the operation or ownership of a motor vehicle or of any injury or damage in which he was involved and a report filed pursuant to § 46.2-373. No such report of any conviction or crash shall be made after 60 months from the date of the conviction or crash unless the Commissioner or court used the conviction or crash as a reason for the suspension or revocation of a driver's license or driving privilege, in which case the revocation or suspension and any conviction or crash pertaining thereto shall not be reported after 60 months from the date that the driver's license or driving privilege has been reinstated. The response of the Commissioner under this subdivision shall not be admissible in evidence in any court proceedings.

6. Upon the written request of any business organization or its authorized agent, in the conduct of its business, the Commissioner shall compare personal information supplied by the requester with that contained in the Department's records and, when the information supplied by the requester is different from that contained in the Department's records, provide the requester with correct information as contained in the Department's records. Personal information provided under this subdivision shall be used solely for the purpose of pursuing remedies that require locating an individual.

7. Upon the written request of any business organization or its authorized agent, the Commissioner shall provide vehicle information to the requester. Disclosures made under this subdivision shall not include any personal information, driver information, or special identification card information and shall not be subject to the limitations contained in subdivision 6.

8. Upon the written request of any motor vehicle rental or leasing company or its authorized agent, the Commissioner shall (i) compare personal information supplied by the requester with that contained in the Department's records and, when the information supplied by the requester is different from that contained in the Department's records, provide the requester with correct information as contained in the Department's records and (ii) provide the requester with driver information of any person subject to the provisions of this title. Such information shall include any record of any conviction of a violation of any provision of any statute or ordinance relating to the operation or ownership of a motor vehicle or of any injury or damage in which the subject of the information was involved and a report of which was filed pursuant to § 46.2-373. No such information shall include any record of any conviction or crash more than 60 months after the date of such conviction or crash unless the Commissioner or court used the conviction or crash as a reason for the suspension or revocation of a driver's license or driving privilege, in which case the revocation or suspension and any conviction or crash pertaining thereto shall cease to be included in such information after 60 months from the date on which the driver's license or driving privilege was reinstated. The response of the Commissioner under this subdivision shall not be admissible in evidence in any court proceedings.

9. Upon the request of any federal, state, or local governmental entity, local government group self-insurance pool, law-enforcement officer, attorney for the Commonwealth, or court, or the authorized agent of any of the foregoing, the Commissioner shall compare personal information supplied by the requester with that contained in the Department's records and, when the information supplied by the requester is different from that contained in the Department's records, provide the requester with correct information as contained in the Department's records. The Commissioner shall also provide driver, special identification card, and vehicle information as requested pursuant to this subdivision. The Commissioner may release other appropriate information to the governmental entity upon request. Upon request in accordance with this subdivision, the Commissioner shall furnish a certificate, under seal of the Department, setting forth a distinguishing number or license plate of a motor vehicle, trailer, or semitrailer, together with the name and address of its owner. The certificate shall be prima facie evidence in any court in the Commonwealth of the ownership of the vehicle, trailer, or semitrailer to which the distinguishing number or license plate has been assigned by the Department. However, the Commissioner shall not release any photographs pursuant to this subdivision unless the requester provides the depicted individual's name and other sufficient identifying information contained on such individual's record. The information in this subdivision shall be provided free of charge.

The Department shall release to a requester information that is required for a requester to carry out the requester's official functions in accordance with this subdivision. If the requester has entered into an agreement with the Department, such agreement shall be in a manner prescribed by the Department, and such agreement shall contain the legal authority that authorizes the performance of the requester's official functions and a description of how such information will be used to carry out such official functions. If the Commissioner determines that sufficient authority has not been provided by the requester to show that the purpose for which the information shall be used is one of the requester's official functions, the Commissioner shall refuse to enter into any agreement. If the requester submits a request for information in accordance with this subdivision without an existing agreement to receive the information, the request shall be in a manner prescribed by the Department, and such request shall contain the legal authority that authorizes the performance of the requester's official

functions and a description of how such information will be used to carry out such official functions. If the Commissioner determines that sufficient authority has not been provided by the requester to show that the purpose for which such information shall be used is one of the requester's official functions, the Commissioner shall deny such request.

Notwithstanding the provisions of this subdivision, the Department shall not disseminate to any federal, state, or local government entity, law-enforcement officer, or law-enforcement agency any privileged information for any purposes related to civil immigration enforcement unless (i) the subject of the information provides consent or (ii) the requesting agency presents a lawful judicial order, judicial subpoena, or judicial warrant. When responding to a lawful judicial order, judicial subpoena, or judicial warrant, the Department shall disclose only those records or information specifically requested. Within three business days of receiving a request for information for the purpose of civil immigration enforcement, the Commissioner shall send a notification to the individual about whom such information was requested that such a request was made and the identity of the entity that made such request.

The Department shall not enter into any agreement pursuant to subsection E with a requester pursuant to this subdivision unless the requester certifies that the information obtained will not be used for civil immigration purposes or knowingly disseminated to any third party for any purpose related to civil immigration enforcement.

10. Upon the request of the driver licensing authority in any foreign country, the Commissioner shall provide whatever driver and vehicle information the requesting authority shall require to carry out its official functions. The information shall be provided free of charge.

11. a. For the purpose of obtaining information regarding noncommercial driver's license holders, upon the written request of any employer, prospective employer, or authorized agent of either, and with the written consent of the individual concerned, the Commissioner shall (i) compare personal information supplied by the requester with that contained in the Department's records and, when the information supplied by the requester is different from that contained in the Department's records, provide the requester with correct information as contained in the Department's records and (ii) provide the requester with driver information in the form of a transcript of an individual's record, including all convictions, all crashes, any type of driver's license that the individual currently possesses, and all driver's license suspensions, revocations, cancellations, or forfeiture, provided that such individual's position or the position that the individual is being considered for involves the operation of a motor vehicle.

b. For the purpose of obtaining information regarding commercial driver's license holders, upon the written request of any employer, prospective employer, or authorized agent of either, the Commissioner shall (i) compare personal information supplied by the requester with that contained in the Department's records and, when the information supplied by the requester is different from that contained in the Department's records, provide the requester with correct information as contained in the Department's records and (ii) provide the requester with driver information in the form of a transcript of such individual's record, including all convictions, all crashes, any type of driver's license that the individual currently possesses, and all driver's license suspensions, revocations, cancellations, forfeitures, or disqualifications, provided that such individual's position or the position that the individual is being considered for involves the operation of a commercial motor vehicle.

12. Upon the written request of any member of a volunteer fire company or volunteer emergency medical services agency and with written consent of the individual concerned, or upon the request of an applicant for membership in a volunteer fire company or to serve as volunteer emergency medical services personnel, the Commissioner shall (i) compare personal information supplied by the requester with that contained in the Department's records and, when the information supplied by the requester is different from that contained in the Department's records, provide the requester with correct information as contained in the Department's records and (ii) provide driver information in the form of a transcript of the individual's record, including all convictions, all crashes, any type of driver's license that the individual currently possesses, and all license suspensions, revocations, cancellations, or forfeitures. Such transcript shall be provided free of charge if the request is accompanied by appropriate written evidence that the person is a member of or applicant for membership in a volunteer fire company or a volunteer emergency medical services agency and the transcript is needed by the requester to establish the qualifications of the member, volunteer, or applicant to operate equipment owned by the volunteer fire company or volunteer emergency medical services agency.

13. Upon the written request of a Virginia affiliate of Big Brothers Big Sisters of America, a Virginia affiliate of Compeer, or the Virginia Council of the Girl Scouts of the USA, and with the consent of the individual who is the subject of the information and has applied to be a volunteer with the requester, or on the written request of a Virginia chapter of the American Red Cross, a Virginia chapter of the Civil Air Patrol, or Faith in Action, and with the consent of the individual who is the subject of the information and applied to be a volunteer vehicle operator with the requester, the Commissioner shall (i) compare personal information supplied by the requester with that contained in the Department's records and, when the information supplied by the requester is different from that contained in the Department's records, provide the requester with correct information as contained in the Department's records and (ii) provide driver information in the form of a transcript of the applicant's record, including all convictions, all crashes, any type of driver's license that the individual currently possesses, and all license suspensions, revocations, cancellations, or forfeitures. Such transcript shall be provided at a fee that is one-half the normal charge if the request is accompanied by appropriate written evidence that the person has applied to be a volunteer or volunteer vehicle operator with the requester as provided in this subdivision.

14. On the written request of any person who has applied to be a volunteer with a court-appointed special advocate program pursuant to § 9.1-153, the Commissioner shall provide a transcript of the applicant's record, including all

convictions, all crashes, any type of driver's license that the individual currently possesses, and all license suspensions, revocations, cancellations, or forfeitures. Such transcript shall be provided free of charge if the request is accompanied by appropriate written evidence that the person has applied to be a volunteer with a court-appointed special advocate program pursuant to § 9.1-153.

15, 16. [Repealed.]

17. Upon the request of an attorney representing a person involved in a motor vehicle crash, the Commissioner shall provide the vehicle information for any vehicle involved in the crash and the name and address of the owner of any such vehicle.

18. Upon the request, in the course of business, of any authorized agent of an insurance company or of any not-for-profit entity organized to prevent and detect insurance fraud, or perform rating and underwriting activities, the Commissioner shall provide (i) all vehicle information, the owner's name and address, descriptive data and title, registration, and vehicle activity data, as requested, or (ii) the driver name, license number and classification, date of birth, and address information for each driver under the age of 22 licensed in the Commonwealth, provided that such request includes the driver's license number or address information of such driver. Use of such information shall be limited to use in connection with insurance claims investigation activities, antifraud activities, rating, or underwriting.

19. [Repealed.]

20. Upon the written request of the compliance agent of a private security services business, as defined in § 9.1-138, which is licensed by the Virginia Department of Criminal Justice Services, the Commissioner shall provide the name and address of the owner of the vehicle under procedures determined by the Commissioner.

21. (For contingent expiration date, see Acts 2023, c. 738, cl. 2) Upon the request of the operator of a toll facility, a traffic light signal violation monitoring system acting on behalf of a government entity, a traffic control device violation monitoring system acting on behalf of a government entity, or the Dulles Access Highway, or an authorized agent or employee of a toll facility operator, a traffic light signal violation monitoring system operator acting on behalf of a government entity, a traffic control device violation monitoring system operator acting on behalf of a government entity, or the Dulles Access Highway, for the purpose of obtaining vehicle owner data under subsection H of § 15.2-968.1, subsection A of § 33.2-504, subsection M of § 46.2-819.1, subsection P of § 46.2-819.3:1, or subsection N of § 46.2-819.5. Information released pursuant to this subdivision shall be limited to (i) the name, physical address, and, if available, email or other electronic address of the owner of the vehicle having failed to pay a toll, comply with a traffic light signal, or comply with a traffic control device or having improperly used the Dulles Access Highway and (ii) the vehicle information, including all descriptive vehicle data and title and registration data of the same vehicle.

21. (For contingent effective date, see Acts 2023, c. 738, cl. 2) Upon the request of the operator of a toll facility, a traffic light photo monitoring system acting on behalf of a government entity, or the Dulles Access Highway, or an authorized agent or employee of a toll facility operator or traffic light photo monitoring system operator acting on behalf of a government entity or the Dulles Access Highway, for the purpose of obtaining vehicle owner data under subsection H of § 15.2-968.1, subsection A of § 33.2-504, subsection M of § 46.2-819.1, subsection P of § 46.2-819.3:1, or subsection N of § 46.2-819.5. Information released pursuant to this subdivision shall be limited to the name, physical address, and, if available, email or other electronic address of the owner of the vehicle having failed to pay a toll or having failed to comply with a traffic light signal or having improperly used the Dulles Access Highway and the vehicle information, including all descriptive vehicle data and title registration data of the same vehicle.

22-26. [Repealed.]

27. Upon the written request of the executor or administrator of a deceased person's estate, the Department shall, if the deceased person had been issued a driver's license or special identification card by the Department, supply the requester with a hard copy image of any photograph of the deceased person kept in the Department's records.

28. [Repealed.]

29. a. Upon written agreement, the Commissioner may digitally verify the authenticity and validity of a driver's license, learner's permit, or special identification card to the American Association of Motor Vehicle Administrators, a motor vehicle dealer as defined in § 46.2-1500, or another organization approved by the Commissioner.

b. Upon written agreement, the Commissioner may release minimum information as needed in the Department's record through any American Association of Motor Vehicle Administrators service program created for the purpose of the exchange of information to any business, government agency, or authorized agent who would otherwise be authorized to receive the information requested pursuant to this section.

30. Upon the request of the operator of a video-monitoring system as defined in § 46.2-844 acting on behalf of a government entity, the Commissioner shall provide vehicle owner data pursuant to subsection B of § 46.2-844. Information released pursuant to this subdivision shall be limited to the name and address of the owner of the vehicle having passed a stopped school bus and the vehicle information, including all descriptive vehicle data and title and registration data for such vehicle.

31. Upon the request of the operator of a photo speed monitoring device as defined in § 46.2-882.1 acting on behalf of a government entity, the Commissioner shall provide vehicle owner data pursuant to subsection ~~B~~ *H* of § 46.2-882.1. Information released pursuant to this subdivision shall be limited to the name and address of the owner of the vehicle having committed a *vehicle speed* violation ~~of~~ § ~~46.2-873~~ ~~or~~ ~~46.2-878.1~~*, as defined in § 46.2-882.1,* and the vehicle information, including all descriptive vehicle data and title and registration data, for such vehicle.

32. Notwithstanding the provisions of this section other than subdivision 33, the Department shall not release, except upon request by the subject of the information, the guardian of the subject of the information, the parent of a minor who is the subject of the information, or the authorized agent of the subject of the information, or pursuant to a court order, (i) proof documents submitted for the purpose of obtaining a driving credential or a special identification card, (ii) the information in the Department's records indicating the type of proof documentation that was provided, or (iii) applications relating to the issuance of a driving credential or a special identification card. As used in this subdivision, "proof document" means any document not originally created by the Department that is submitted to the Department for the issuance of any driving credential or special identification card. "Proof document" does not include any information contained on a driving credential or special identification card.

33. Notwithstanding the provisions of this section, the Department may release the information in the Department's records that it deems reasonable and necessary for the purpose of federal compliance audits.

C. Information disclosed or furnished shall be assessed a fee as specified in § 46.2-214, unless as otherwise provided in this section.

D. Upon the receipt of a completed application and payment of applicable processing fees, the Commissioner may enter into an agreement with any governmental authority or business to exchange information specified in this section by electronic or other means.

E. The Department shall not release any privileged information pursuant to this title unless the Department has entered into a written agreement authorizing such release. The Department shall require the requesting entity to specify the purpose authorized pursuant to this title that forms the basis for the request and provide the permissible purpose as defined under 18 U.S.C. § 2721(b). Privileged information requested by an entity that has been altered or aggregated may be used only for the original purposes specified in the written agreement consistent with this title. The requesting entity shall disseminate privileged information only to third parties subject to the original purpose specified in the written agreement consistent with this title. Any agreement that does not allow third-party distribution shall include a statement that such distribution is prohibited. Such agreement may limit the scope of any authorized distribution consistent with this title. Privileged information distributed to any third party shall only be further distributed by such third party subject to the original purpose specified and consistent with this title, or unless such third party is the subject of the information, the parent of a minor who is the subject of the information, the guardian of the subject of the information, the authorized agent or representative of the subject of the information, or the owner of the vehicle that is the subject of the information.

Any agreement entered into pursuant to this subsection between the Department and the Department of State Police shall specify (i) that privileged information shall be distributed only to authorized personnel of an entity meeting the definition of a criminal justice agency as defined in § 9.1-101 and other comparable local, state, and federal criminal justice agencies and entities issued a Virginia S-Originating Agency Identification (S-ORI) status; (ii) that privileged information shall be accessed, used, and disseminated only for the administration of criminal justice as defined in § 9.1-101; and (iii) that no local, state, or federal government entity, through the Virginia Criminal Information Network (VCIN) or any other method of dissemination controlled by the Department of State Police, has access to information stored by the Department in violation of the protections contained in this section. The Department of State Police shall notify the Department prior to when a new entity is to be granted S-ORI status and provide a copy of the S-ORI application to the Department. The Department of State Police shall not allow any entity to access Department data through VCIN if the Department objects in writing to the entity obtaining such data.

The provisions of this subsection shall not apply to (a) requests for information made pursuant to subdivision B 4; (b) a request made by an entity authorized to receive privileged information pursuant to subsection B, provided that such request is made on a form provided by the Department, other than a written agreement, that requires the requester to certify that such entity is entitled to receive such information pursuant to this title, state the purpose authorized pursuant to subsection B that forms the basis for the request, explain why the information requested is necessary to accomplish the stated purpose, and certify that the information will be used only for the stated purpose and the information received shall not be disseminated to third parties unless there is authorization to do so; or (c) the release of information to a law-enforcement officer or agency during an emergency situation, provided that (1) the requesting entity is authorized to receive such information pursuant to subdivision B 9, (2) the timely release of such information is in the interest of public safety, and (3) the requesting entity completes the form required pursuant to clause (b) within 48 hours of the release of such information.

F. Any person that receives any privileged information that such person knows or has reason to know was received in violation of this title shall not disseminate any such information and shall notify the Department of the receipt of such privileged information.

G. The Department shall conduct audits annually based on a risk assessment to ensure that privileged information released by the Department pursuant to this title is being used as authorized by law and pursuant to the agreements entered into by the Department. If the Department finds that privileged information has been used in a manner contrary to law or the relevant agreement, the Department may revoke access.

H. Any request for privileged information by an authorized agent of a governmental entity shall be governed by the provisions of subdivision B 9.

§ 46.2-882.1. Use of photo speed monitoring devices in highway work zones, school crossing zones, and high-risk intersection segments; civil penalty.

A. For the purposes of this section:

"High-risk intersection segment" means any highway or portion thereof located not more than 1,000 feet from the limits of the property of a school that is part of or adjacent to an intersection containing a marked crosswalk that is identified in the manner provided in this section as one in which a traffic fatality has occurred since January 1, 2014.

"Highway work zone" has the same meaning ascribed to it in § 46.2-878.1.

"Photo speed monitoring device" means equipment that uses radar or LIDAR-based speed detection and produces one or more photographs, microphotographs, videotapes, or other recorded images of vehicles.

"School crossing zone" has the same meaning ascribed to it in § 46.2-873.

"Vehicle speed violation" means a violation of this title resulting from the operation of a vehicle in excess of the speed limit, including a violation of § 46.2-873 or 46.2-878.1.

B. A state or local law-enforcement agency may place and operate a photo speed monitoring device in school crossing zones for the purposes of recording violations of § 46.2-873 and in highway work zones for the purposes of recording violations of § 46.2-878.1.

A state or local law-enforcement agency may place and operate a photo speed monitoring device at a high-risk intersection segment located within the locality for the purpose of recording vehicle speed violations, provided that such law-enforcement agency certifies that a traffic fatality has occurred since January 1, 2014, in such segment.

~~1.~~ *C.* The operator of a vehicle shall be liable for a monetary civil penalty imposed pursuant to this section if such vehicle is found, as evidenced by information obtained from a photo speed monitoring device, to be traveling at speeds of at least 10 miles per hour above the posted ~~school crossing zone or highway work zone~~ speed limit ~~within such school crossing zone or highway work zone~~ *in the zone monitored by the photo speed monitoring device*. Such civil penalty shall not exceed $100, and any prosecution shall be instituted and conducted in the same manner as prosecution for traffic infractions. Civil penalties collected under this section resulting from a summons issued by a local law-enforcement officer shall be paid to the locality in which such violation occurred. Civil penalties collected under this section resulting from a summons issued by a law-enforcement officer employed by the Department of State Police shall be paid into the Literary Fund. *However, all civil penalties collected under this section resulting from a summons issued based on evidence obtained from a photo speed monitoring device placed and operated at a high-risk intersection segment shall be paid to the Commonwealth Transportation Board to be used for the Virginia Highway Safety Improvement Program established pursuant to § 33.2-373.*

~~2.~~ *D.* If a photo speed monitoring device is used, proof of a ~~violation of § 46.2-873 or 46.2-878.1~~ *vehicle speed violation* shall be evidenced by information obtained from such device. A certificate, or a facsimile thereof, sworn to or affirmed by a law-enforcement officer, based upon inspection of photographs, microphotographs, videotapes, or other recorded images produced by a photo speed monitoring device, shall be prima facie evidence of the facts contained therein. Any photographs, microphotographs, videotapes, or other recorded images evidencing such a violation shall be available for inspection in any proceeding to adjudicate the liability for such ~~violation of § 46.2-873 or 46.2-878.1~~ *vehicle speed violation*.

~~3.~~ *E.* In the prosecution for a ~~violation of § 46.2-873 or 46.2-878.1~~ *vehicle speed violation* in which a summons was issued by mail, prima facie evidence that the vehicle described in the summons issued pursuant to this section was operated in ~~violation of § 46.2-873 or 46.2-878.1~~ *a manner constituting a vehicle speed violation*, together with proof that the defendant was at the time of such violation the owner, lessee, or renter of the vehicle, shall constitute in evidence a rebuttable presumption that such owner, lessee, or renter of the vehicle was the person who committed the violation. Such presumption shall be rebutted if the owner, lessee, or renter of the vehicle (i) files an affidavit by regular mail with the clerk of the general district court that he was not the operator of the vehicle at the time of the alleged violation and provides the name and address of the person who was operating the vehicle at the time of the alleged violation or (ii) testifies in open court under oath that he was not the operator of the vehicle at the time of the alleged violation and provides the name and address of the person who was operating the vehicle at the time of the alleged violation. Such presumption shall also be rebutted if a certified copy of a police report, showing that the vehicle had been reported to the police as stolen prior to the time of the alleged ~~violation of § 46.2-873 or 46.2-878.1~~ *vehicle speed violation*, is presented, prior to the return date established on the summons issued pursuant to this section, to the court adjudicating the alleged violation.

~~4.~~ *F.* Imposition of a penalty pursuant to this section by mailing a summons shall not be deemed a conviction as an operator and shall not be made part of the operating record of the person upon whom such liability is imposed, nor shall it be used for insurance purposes in the provision of motor vehicle insurance coverage. However, if a law-enforcement officer uses a photo speed monitoring device to record a ~~violation of § 46.2-873 or 46.2-878.1~~ *vehicle speed violation* and personally issues a summons at the time of the violation, the conviction that results shall be made a part of such driver's driving record and used for insurance purposes in the provision of motor vehicle insurance coverage.

~~5.~~ *G.* A summons for a ~~violation of § 46.2-873 or 46.2-878.1~~ *vehicle speed violation* issued by mail pursuant to this section may be executed pursuant to § 19.2-76.2. Notwithstanding the provisions of § 19.2-76, a summons issued by mail pursuant to this section may be executed by mailing by first-class mail a copy thereof to the owner, lessee, or renter of the vehicle. In the case of a vehicle owner, the copy shall be mailed to the address contained in the records of or accessible to the Department. In the case of a vehicle lessee or renter, the copy shall be mailed to the address contained in the records of the lessor or renter. Every such mailing shall include, in addition to the summons, a notice of (i) the summoned person's ability to rebut the presumption that he was the operator of the vehicle at the time of the alleged violation through the filing of an affidavit as provided in ~~subdivision 3~~ *subsection E* and (ii) instructions for filing such affidavit, including the address

to which the affidavit is to be sent. If the summoned person fails to appear on the date of return set out in the summons mailed pursuant to this section, the summons shall be executed in the manner set out in § 19.2-76.3. No proceedings for contempt or arrest of a person summoned by mailing shall be instituted for failure to appear on the return date of the summons. If the summons is issued to an owner, lessee, or renter of a vehicle with a registration outside the Commonwealth and such person fails to appear on the date of return set out in the summons mailed pursuant to this section, the summons will be eligible for all legal collections activities. Any summons executed for a ~~violation of~~ § ~~46.2-873 or 46.2-878.1~~ *vehicle speed violation* issued pursuant to this section shall provide to the person summoned at least 30 days from the mailing of the summons to inspect information collected by a photo speed monitoring device in connection with the violation. If the law-enforcement agency that was operating the photo speed monitoring device does not execute a summons for a ~~violation of~~ § ~~46.2-873 or 46.2-878.1~~ *vehicle speed violation* issued pursuant to this section within 30 days from the date of the violation, all information collected pertaining to that suspected violation shall be purged within 60 days from the date of the violation.

~~6.~~ *H.* A private vendor may enter into an agreement with a law-enforcement agency to be compensated for providing a photo speed monitoring device and all related support services, including consulting, operations, and administration. However, only a law-enforcement officer may swear to or affirm the certificate required by this ~~subsection~~ *section*. Any such agreement for compensation shall be based on the value of the goods and services provided, not on the number of violations paid or monetary penalties imposed. Any private vendor contracting with a law-enforcement agency pursuant to this section may enter into an agreement with the Department, in accordance with the provisions of subdivision B 31 of § 46.2-208, to obtain vehicle owner information regarding the registered owners of vehicles that committed a ~~violation of~~ § ~~46.2-873 or 46.2-878.1~~ *vehicle speed violation*. Any such information provided to such private vendor shall be protected in a database.

~~7.~~ *I.* Information collected by a photo speed monitoring device operated pursuant to this section shall be limited exclusively to that information that is necessary for the enforcement of ~~school crossing zone and, highway work zone speeding~~ *vehicle speed* violations. Information provided to the operator of a photo speed monitoring device shall be protected in a database and used only for enforcement *of vehicle speed violations and enforcement* against individuals who violate the provisions of this section ~~or~~ § ~~46.2-873 or 46.2-878.1~~. Notwithstanding any other provision of law, all photographs, microphotographs, videotapes, or other recorded images collected by a photo speed monitoring device shall be used exclusively for enforcing ~~school crossing zone and highway work zone speed limits~~ *vehicle speed violations* and shall not be (i) open to the public; (ii) sold or used for sales, solicitation, or marketing purposes; (iii) disclosed to any other entity except as may be necessary for the enforcement of ~~school crossing zone and highway work zone speed limits~~ *a vehicle speed violation* or to a vehicle owner or operator as part of a challenge to the violation; or (iv) used in a court in a pending action or proceeding unless the action or proceeding relates to a *vehicle speed violation or a* violation of this section ~~or~~ § ~~46.2-873 or 46.2-878.1~~, or such information is requested upon order from a court of competent jurisdiction. Information collected under this section pertaining to a specific violation shall be purged and not retained later than 60 days after the collection of any civil penalties. Any law-enforcement agency using photo speed monitoring devices shall annually certify compliance with this section and make all records pertaining to such system available for inspection and audit by the Commissioner of Highways or the Commissioner of the Department of Motor Vehicles or his designee. Any person who discloses personal information in violation of the provisions of this ~~subdivision~~ *subsection* shall be subject to a civil penalty of $1,000 per disclosure.

~~8.~~ *J.* A conspicuous sign shall be placed within 1,000 feet of any school crossing zone ~~or~~*,* highway work zone*, or high-risk intersection segment* at which a photo speed monitoring device is used, indicating the use of the device. There shall be a rebuttable presumption that such sign was in place at the time of the commission of the speed limit violation.

~~9.~~ *K.* Any state or local law-enforcement agency that places and operates a photo speed monitoring device pursuant to the provisions of this section shall report to the Department of State Police, in a format to be determined by the Department of State Police, by January 15 of each year on the number of traffic violations prosecuted, the number of successful prosecutions, and the total amount of monetary civil penalties collected. The Department of State Police shall aggregate such information and report it to the General Assembly by February 15 of each year.

CHAPTER 671

An Act to amend and reenact § 2.2-3705.2 of the Code of Virginia, relating to Virginia Freedom of Information Act; exclusions from mandatory disclosure; purchase card statement.

[S 340]

Approved April 8, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 2.2-3705.2 of the Code of Virginia is amended and reenacted as follows:

§ 2.2-3705.2. Exclusions to application of chapter; records relating to public safety.

The following information contained in a public record is excluded from the mandatory disclosure provisions of this chapter but may be disclosed by the custodian in his discretion, except where such disclosure is prohibited by law.

Redaction of information excluded under this section from a public record shall be conducted in accordance with § 2.2-3704.01.

1. Confidential information, including victim identity, provided to or obtained by staff in a rape crisis center or a program for battered spouses.

2. Information that describes the design, function, operation, or access control features of any security system, whether manual or automated, which is used to control access to or use of any automated data processing or telecommunications system.

3. Information that would disclose the security aspects of a system safety program plan adopted pursuant to Federal Transit Administration regulations by the Commonwealth's designated Rail Fixed Guideway Systems Safety Oversight agency; and information in the possession of such agency, the release of which would jeopardize the success of an ongoing investigation of a rail accident or other incident threatening railway safety.

4. Information concerning security plans and specific assessment components of school safety audits, as provided in § 22.1-279.8.

Nothing in this subdivision shall be construed to prevent the disclosure of information relating to the effectiveness of security plans after (i) any school building or property has been subjected to fire, explosion, natural disaster, or other catastrophic event or (ii) any person on school property has suffered or been threatened with any personal injury.

5. Information concerning the mental health assessment of an individual subject to commitment as a sexually violent predator under Chapter 9 (§ 37.2-900 et seq.) of Title 37.2 held by the Commitment Review Committee; except that in no case shall information identifying the victims of a sexually violent predator be disclosed.

6. Subscriber data provided directly or indirectly by a communications services provider to a public body that operates a 911 or E-911 emergency dispatch system or an emergency notification or reverse 911 system if the data is in a form not made available by the communications services provider to the public generally. Nothing in this subdivision shall prevent the disclosure of subscriber data generated in connection with specific calls to a 911 emergency system, where the requester is seeking to obtain public records about the use of the system in response to a specific crime, emergency or other event as to which a citizen has initiated a 911 call.

For the purposes of this subdivision:

"Communications services provider" means the same as that term is defined in § 58.1-647.

"Subscriber data" means the name, address, telephone number, and any other information identifying a subscriber of a communications services provider.

7. Subscriber data collected by a local governing body in accordance with the Enhanced Public Safety Telephone Services Act (§ 56-484.12 et seq.) and other identifying information of a personal, medical, or financial nature provided to a local governing body in connection with a 911 or E-911 emergency dispatch system or an emergency notification or reverse 911 system if such records are not otherwise publicly available.

Nothing in this subdivision shall prevent the disclosure of subscriber data generated in connection with specific calls to a 911 emergency system, where the requester is seeking to obtain public records about the use of the system in response to a specific crime, emergency or other event as to which a citizen has initiated a 911 call.

For the purposes of this subdivision:

"Communications services provider" means the same as that term is defined in § 58.1-647.

"Subscriber data" means the name, address, telephone number, and any other information identifying a subscriber of a communications services provider.

8. Information held by the Virginia Military Advisory Council or any commission created by executive order for the purpose of studying and making recommendations regarding preventing closure or realignment of federal military and national security installations and facilities located in Virginia and relocation of such facilities to Virginia, or a local or regional military affairs organization appointed by a local governing body, that would (i) reveal strategies under consideration or development by the Council or such commission or organizations to prevent the closure or realignment of federal military installations located in Virginia or the relocation of national security facilities located in Virginia, to limit the adverse economic effect of such realignment, closure, or relocation, or to seek additional tenant activity growth from the Department of Defense or federal government or (ii) disclose trade secrets provided to the Council or such commission or organizations in connection with their work.

In order to invoke the trade secret protection provided by clause (ii), the submitting entity shall, in writing and at the time of submission (a) invoke this exclusion, (b) identify with specificity the information for which such protection is sought, and (c) state the reason why such protection is necessary. Nothing in this subdivision shall be construed to prevent the disclosure of all or part of any record, other than a trade secret that has been specifically identified as required by this subdivision, after the Department of Defense or federal agency has issued a final, unappealable decision, or in the event of litigation, a court of competent jurisdiction has entered a final, unappealable order concerning the closure, realignment, or expansion of the military installation or tenant activities, or the relocation of the national security facility, for which records are sought.

9. Information, as determined by the State Comptroller, that describes the design, function, operation, or implementation of internal controls over the Commonwealth's financial processes and systems, and the assessment of risks and vulnerabilities of those controls, including the annual assessment of internal controls mandated by the State Comptroller, if disclosure of such information would jeopardize the security of the Commonwealth's financial assets.

~~However,~~ *Nothing in this subdivision shall be construed to authorize the withholding of (i) the name of the public employee, officer, or official as it appears on a purchase card statement or other payment record or (ii) the description of individual purchases. Additionally,* records relating to the investigation of and findings concerning the soundness of any fiscal process shall be disclosed in a form that does not compromise internal controls. Nothing in this subdivision shall be construed to prohibit the Auditor of Public Accounts or the Joint Legislative Audit and Review Commission from reporting internal control deficiencies discovered during the course of an audit.

10. Information relating to the Statewide Agencies Radio System (STARS) or any other similar local or regional public safety communications system that (i) describes the design, function, programming, operation, or access control features of the overall system, components, structures, individual networks, and subsystems of the STARS or any other similar local or regional communications system or (ii) relates to radio frequencies assigned to or utilized by STARS or any other similar local or regional communications system, code plugs, circuit routing, addressing schemes, talk groups, fleet maps, encryption, or programming maintained by or utilized by STARS or any other similar local or regional public safety communications system.

11. Information concerning a salaried or volunteer Fire/EMS company or Fire/EMS department if disclosure of such information would reveal the telephone numbers for cellular telephones, pagers, or comparable portable communication devices provided to its personnel for use in the performance of their official duties.

12. Information concerning the disaster recovery plans or the evacuation plans in the event of fire, explosion, natural disaster, or other catastrophic event for hospitals and nursing homes regulated by the Board of Health pursuant to Chapter 5 (§ 32.1-123 et seq.) of Title 32.1 provided to the Department of Health. Nothing in this subdivision shall be construed to prevent the disclosure of information relating to the effectiveness of executed evacuation plans after the occurrence of fire, explosion, natural disaster, or other catastrophic event.

13. Records received by the Department of Criminal Justice Services pursuant to §§ 9.1-184, 22.1-79.4, and 22.1-279.8 or for purposes of evaluating threat assessment teams established by a public institution of higher education pursuant to § 23.1-805 or by a private nonprofit institution of higher education, to the extent such records reveal security plans, walk-through checklists, or vulnerability and threat assessment components.

14. Information contained in (i) engineering, architectural, or construction drawings; (ii) operational, procedural, tactical planning, or training manuals; (iii) staff meeting minutes; or (iv) other records that reveal any of the following, the disclosure of which would jeopardize the safety or security of any person; governmental facility, building, or structure or persons using such facility, building, or structure; or public or private commercial office, multifamily residential, or retail building or its occupants:

a. Critical infrastructure information or the location or operation of security equipment and systems of any public building, structure, or information storage facility, including ventilation systems, fire protection equipment, mandatory building emergency equipment or systems, elevators, electrical systems, telecommunications equipment and systems, or utility equipment and systems;

b. Vulnerability assessments, information not lawfully available to the public regarding specific cybersecurity threats or vulnerabilities, or security plans and measures of an entity, facility, building structure, information technology system, or software program;

c. Surveillance techniques, personnel deployments, alarm or security systems or technologies, or operational or transportation plans or protocols; or

d. Interconnectivity, network monitoring, network operation centers, master sites, or systems related to the Statewide Agencies Radio System (STARS) or any other similar local or regional public safety communications system.

The same categories of records of any person or entity submitted to a public body for the purpose of antiterrorism response planning or cybersecurity planning or protection may be withheld from disclosure if such person or entity in writing (a) invokes the protections of this subdivision, (b) identifies with specificity the records or portions thereof for which protection is sought, and (c) states with reasonable particularity why the protection of such records from public disclosure is necessary to meet the objective of antiterrorism, cybersecurity planning or protection, or critical infrastructure information security and resilience. Such statement shall be a public record and shall be disclosed upon request.

Any public body receiving a request for records excluded under clauses (a) and (b) of this subdivision 14 shall notify the Secretary of Public Safety and Homeland Security or his designee of such request and the response made by the public body in accordance with § 2.2-3704.

Nothing in this subdivision 14 shall prevent the disclosure of records relating to (1) the structural or environmental soundness of any such facility, building, or structure or (2) an inquiry into the performance of such facility, building, or structure after it has been subjected to fire, explosion, natural disaster, or other catastrophic event.

As used in this subdivision, "critical infrastructure information" means the same as that term is defined in 6 U.S.C. § 671.

15. Information held by the Virginia Commercial Space Flight Authority that is categorized as classified or sensitive but unclassified, including national security, defense, and foreign policy information, provided that such information is exempt under the federal Freedom of Information Act, 5 U.S.C. § 552.

CHAPTER 672

An Act to amend and reenact § 22.1-298.1, as it shall become effective, of the Code of Virginia, relating to teachers; certain licenses and certificates.

[S 352]

Approved April 8, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 22.1-298.1, as it shall become effective, of the Code of Virginia is amended and reenacted as follows:

§ 22.1-298.1. (For effective date, see Acts 2022, cc. 549 and 550, cl. 2) Regulations governing licensure.

A. As used in this section:

"Alternate route to licensure" means a nontraditional route to teacher licensure available to individuals who meet the criteria specified in the guidelines developed pursuant to subsection ~~N~~ *O* or regulations issued by the Board ~~of Education~~.

"Industry certification credential" means an active career and technical education credential that is earned by successfully completing a ~~Board of Education-approved~~ *Board-approved* industry certification examination, being issued a professional license in the Commonwealth, or successfully completing an occupational competency examination.

"Licensure by reciprocity" means ~~a process used to issue~~ *the issuance of* a license *as a teacher in the Commonwealth* to an individual coming into the Commonwealth from another state when that individual meets certain conditions specified in the ~~Board of Education's~~ *Board's* regulations.

"Professional teacher's assessment" means those tests mandated for licensure as prescribed by the Board ~~of Education~~.

"Provisional license" means a nonrenewable license issued by the Board ~~of Education~~ *or by a division superintendent as permitted pursuant to subdivision D 5* for a specified period of time, not to exceed three years, to an individual who may be employed by a school division in the Commonwealth and who generally meets the requirements specified in the ~~Board of Education's~~ *Board's* regulations for licensure, but who may need to take additional coursework, pass additional assessments, or meet alternative evaluation standards to be fully licensed with a renewable license.

"Renewable license" means a license issued by the Board ~~of Education~~ for 10 years to an individual who meets the requirements specified in the ~~Board of Education's~~ *Board's* regulations.

"Universal licensure by reciprocity" means the issuance of a license as a teacher in the Commonwealth to any individual who holds a valid out-of-state teaching license with full credentials and without deficiencies that has been in force and in use by the individual as an employed teacher in a non-virtual classroom setting at a public or private elementary or secondary school for at least three years prior to and is in force at the time the Department receives such individual's application for a license as a teacher in the Commonwealth.

B. The Board ~~of Education~~ shall prescribe, by regulation, the requirements for the licensure of teachers and other school personnel required to hold a license. Such regulations shall include procedures for (i) the denial, suspension, cancellation, revocation, and reinstatement of licensure; (ii) written reprimand of license holders on grounds established by the Board, in accordance with law, notice of which shall be made by the Superintendent ~~of Public Instruction~~ to division superintendents or their designated representatives; and (iii) the immediate and thorough investigation by the division superintendent or his designee of any complaint alleging that a license holder has engaged in conduct that may form the basis for the revocation of his license. At a minimum, such procedures for investigations contained in such regulations shall require (a) the division superintendent to petition for the revocation of the license upon completing such investigation and finding that there is reasonable cause to believe that the license holder has engaged in conduct that forms the basis for revocation of a license; (b) the school board to proceed to a hearing on such petition for revocation within 90 days of the mailing of a copy of the petition to the license holder, unless the license holder requests the cancellation of his license in accordance with Board regulations; and (c) the school board to provide a copy of the investigative file and such petition for revocation to the Superintendent ~~of Public Instruction~~ at the time that the hearing is scheduled. The Board ~~of Education~~ shall revoke the license of any person for whom it has received a notice of dismissal or resignation pursuant to subsection F of § 22.1-313 and, in the case of a person who is the subject of a founded complaint of child abuse or neglect, after all rights to any administrative appeal provided by § 63.2-1526 have been exhausted. In the case of a teacher who is the subject of a founded complaint of child abuse or neglect and whose license has been revoked pursuant to this subsection, in the event that a court reverses such finding of abuse or neglect and the individual submits to the Department an application for the reinstatement of his license as a teacher, the Board shall consider and act upon such application no later than 90 days after the date of submission. Regardless of the authority of any other agency of the Commonwealth to approve educational programs, only the Board ~~of Education~~ shall have the authority to license teachers to be regularly employed by school boards, including those teachers employed to provide nursing education.

The Board ~~of Education~~ shall prescribe by regulation the licensure requirements for teachers who teach only online courses, as defined in § 22.1-212.23. Such license shall be valid only for teaching online courses. Teachers who hold a 10-year renewable license issued by the Board ~~of Education~~ may teach online courses for which they are properly endorsed.

C. The ~~Board of Education's~~ *Board's* regulations shall include requirements that a person seeking initial licensure:

1. Demonstrate proficiency in the relevant content area, communication, literacy, and other core skills for educators by achieving a qualifying score on professional assessments or meeting alternative evaluation standards as prescribed by the Board. The literacy assessment for any individual seeking initial licensure with an endorsement in early/primary education

preschool through grade three, elementary education preschool through grade six, special education general curriculum kindergarten through grade 12, special education deaf and hard of hearing preschool through grade 12, or special education blindness/visual impairments preschool through grade 12 or as a reading specialist shall include a rigorous test of science-based reading research and evidence-based literacy instruction;

2. Complete study in attention deficit disorder;

3. Complete study in gifted education, including the use of multiple criteria to identify gifted students; and

4. Complete study in methods of improving communication between schools and families and ways of increasing family involvement in student learning at home and at school.

D. In addition, such regulations shall include requirements that:

1. Every person seeking initial licensure and persons seeking licensure renewal as teachers who have not completed such study shall complete study in child abuse recognition and intervention in accordance with curriculum guidelines developed by the Board ~~of Education~~ in consultation with the Department of Social Services that are relevant to the specific teacher licensure routes;

2. Every person seeking renewal of a license shall complete all renewal requirements, including professional development in a manner prescribed by the Board, except that no person seeking renewal of a license shall be required to satisfy any such requirement by completing coursework and earning credit at an institution of higher education;

3. Every person seeking initial licensure or renewal of a license shall provide evidence of completion of certification or training in emergency first aid, cardiopulmonary resuscitation, and the use of automated external defibrillators. The certification or training program shall (i) be based on the current national evidence-based emergency cardiovascular care guidelines for cardiopulmonary resuscitation and the use of an automated external defibrillator, such as a program developed by the American Heart Association or the American Red Cross, and (ii) include hands-on practice of the skills necessary to perform cardiopulmonary resuscitation. The Board shall provide a waiver for this requirement for any person with a disability whose disability prohibits such person from completing the certification or training;

4. Every person seeking licensure with an endorsement as a teacher of the blind and visually impaired shall demonstrate proficiency in reading and writing Braille;

5. Every teacher seeking an initial license in the Commonwealth with an endorsement in the area of career and technical education shall have an industry certification credential in the area in which the teacher seeks endorsement. If a teacher seeking an initial license in the Commonwealth has not attained an industry certification credential in the area in which the teacher seeks endorsement, the ~~Board~~ *division superintendent* may~~, upon request of the employing school division or educational agency,~~ issue the teacher a provisional license to allow time for the teacher to attain such credential;

6. Every person seeking initial licensure or renewal of a license shall complete awareness training, provided by the Department, on the indicators of dyslexia, as that term is defined by the Board pursuant to regulations, and the evidence-based interventions and accommodations for dyslexia;

7. Every person seeking initial licensure or renewal of a license with an endorsement as a school counselor shall complete training in the recognition of mental health disorder and behavioral distress, including depression, trauma, violence, youth suicide, and substance abuse;

8. Every person seeking initial licensure as a teacher who has not received the instruction described in subsection D of § 23.1-902 shall receive instruction or training on positive behavior interventions and supports; crisis prevention and de-escalation; the use of physical restraint and seclusion, consistent with regulations of the Board ~~of Education~~; and appropriate alternative methods to reduce and prevent the need for the use of physical restraint and seclusion;

9. Every person seeking initial licensure or renewal of a license shall complete instruction or training in cultural competency;

10. Every person seeking initial licensure or renewal of a license with an endorsement in history and social sciences shall complete instruction in African American history, as prescribed by the Board;

11. Every person seeking renewal of a license as a teacher shall complete training in the instruction of students with disabilities that includes (i) differentiating instruction for students depending on their needs; (ii) understanding the role of general education teachers on the individualized education program team; (iii) implementing effective models of collaborative instruction, including co-teaching; and (iv) understanding the goals and benefits of inclusive education for all students; and

12. Every person seeking initial licensure with an endorsement in early/primary education preschool through grade three, elementary education preschool through grade six, special education general curriculum kindergarten through grade 12, special education deaf and hard of hearing preschool through grade 12, or special education blindness/visual impairments preschool through grade 12 or as a reading specialist shall complete study in science-based reading research and evidence-based literacy instruction.

E. No teacher who seeks a provisional license shall be required to meet any requirement set forth in subdivision D 1, 3, 6, or 8 as a condition of such licensure, but each such teacher shall complete each such requirement during the first year of provisional licensure.

F. The Board shall issue a license to an individual seeking initial licensure who has not completed professional assessments as prescribed by the Board, if such individual (i) holds a provisional license that will expire within three months or, at the discretion of the school board and division superintendent, within six months if the individual has received a satisfactory mid-year performance review in the current school year; (ii) is employed by a school board; (iii) is

recommended for licensure by the division superintendent; (iv) has attempted, unsuccessfully, to obtain a qualifying score on the professional assessments as prescribed by the Board; (v) has received an evaluation rating of proficient or above on the performance standards for each year of the provisional license, and such evaluation was conducted in a manner consistent with the Guidelines for Uniform Performance Standards and Evaluation Criteria for Teachers, Principals, and Superintendents; and (vi) meets all other requirements for initial licensure.

G. Each ~~local school board or~~ division superintendent may waive for any individual whom ~~it~~ *he* seeks to employ as a career and technical education teacher and who is also seeking initial licensure or renewal of a license with an endorsement in the area of career and technical education any applicable requirement set forth in subsection C or subdivision D 2, 4, or 6.

H. The Board's regulations shall require that initial licensure for principals and assistant principals be contingent upon passage of an assessment as prescribed by the Board.

I. The Board shall establish criteria in its regulations to effectuate the substitution of experiential learning for coursework for those persons seeking initial licensure through an alternate route as defined in Board regulations. Such alternate routes shall include eligibility for any individual to receive, notwithstanding any provision of law to the contrary, a renewable one-year license to teach in public high schools in the Commonwealth if he has:

1. Received a graduate degree from a regionally accredited institution of higher education;

2. Completed at least 30 credit hours of teaching experience as an instructor at a regionally accredited institution of higher education;

3. Received qualifying scores on the professional teacher's assessments prescribed by the Board, including the communication and literacy assessment and the content-area assessment for the endorsement sought. The literacy assessment for any individual seeking initial licensure through an alternate route with an endorsement in early/primary education preschool through grade three, elementary education preschool through grade six, special education general curriculum kindergarten through grade 12, special education deaf and hard of hearing preschool through grade 12, or special education blindness/visual impairments preschool through grade 12 or as a reading specialist shall include a rigorous test of science-based reading research and evidence-based literacy instruction; and

4. Met the requirements set forth in subdivisions D 1 and 3.

J. Notwithstanding any provision of law to the contrary, the Board (i) may provide for the issuance of a provisional license, valid for a period not to exceed three years, pursuant to subdivision D 5 or to any person who does not meet the requirements of this section or any other requirement for licensure imposed by law; (ii) shall provide for the issuance of a provisional license, valid for a period not to exceed three years, to any former member of the Armed Forces of the United States or the Virginia National Guard who has received an honorable discharge and has the appropriate level of experience or training but does not meet the requirements for a renewable license; and (iii) may provide for the issuance of a provisional license, valid for a period not to exceed three years, to any individual who has held within the last five years a valid and officially issued and recognized license or certification to teach issued by an entity outside of the United States but does not meet the requirements for a renewable license if the individual's license or certification to teach has been evaluated and verified by an entity approved by the Department.

K. The Board's licensure regulations shall also provide for licensure by reciprocity:

1. With comparable endorsement areas for those individuals holding a valid out-of-state teaching license and national certification from the National Board for Professional Teaching Standards or a nationally recognized certification program approved by the Board ~~of Education~~. The application for such individuals shall require evidence of such valid licensure and national certification and shall not require official student transcripts; *and*

2. For any spouse of an active duty or reserve member of the Armed Forces of the United States or a member of the Virginia National Guard who has obtained a valid out-of-state license, with full credentials and without deficiencies, that is in force at the time the application for a Virginia license is received by the Department. Each such individual shall establish a file in the Department by submitting a complete application packet, which shall include official student transcripts and an official copy of the military permanent assignment orders of the individual's spouse. No service requirements or licensing assessments shall be required for any such individual. The Department shall determine and communicate such individual's eligibility for licensure by reciprocity within 15 business days of receipt of the complete application packet~~; and~~

~~3. For individuals who have obtained a valid out-of-state license, with full credentials and without deficiencies, that is in force at the time the application for a Virginia license is received by the Department. Each such individual shall establish a file in the Department by submitting a complete application packet, which shall include official student transcripts.~~

L. The Board's licensure regulations shall also provide for universal licensure by reciprocity for any individual who holds a valid out-of-state teaching license with full credentials and without deficiencies that has been in force for at least three years prior to and is in force at the time of application. No service requirements or licensing assessments shall be required for any ~~such~~ individual *who applies for universal licensure by reciprocity. Any individual who applies for universal licensure by reciprocity shall provide a copy of the individual's out-of-state teaching license that meets the criteria set forth in this subsection. Any such individual shall be subject to the provisions of §§ 22.1-296.2 and 22.1-296.4. The Department shall prioritize applications for universal licensure by reciprocity*.

~~L.~~ *M.* The Board shall include in its regulations an alternate route to licensure for elementary education preschool through grade six and an alternate route to licensure for special education general curriculum kindergarten through grade 12. Each such alternate route to licensure shall require individuals to (i) meet the qualifying scores on the content area assessment prescribed by the Board for the endorsements sought and (ii) complete an alternative certification program that

provides training in the pedagogy and methodology of the respective content or special education areas prescribed by the Board. The curriculum of any such alternative certification program shall be approved by the Board. Nothing in this subsection shall preclude the Board from establishing other alternate routes to licensure.

~~M.~~ *N.* The Board, in its regulations providing for licensure by reciprocity established pursuant to ~~subsection~~ *subsections* K *and L*, shall (i) permit applicants to submit third-party employment verification forms and (ii) grant special consideration to individuals who have successfully completed a program offered by a provider that is accredited by the Council for the Accreditation of Educator Preparation.

~~N.~~ *O.* The Board shall develop guidelines that establish a process to permit a school board or any organization sponsored by a school board to petition the Board for approval of an alternate route to licensure that may be used to meet the requirements for a provisional or renewable license or any endorsement. Any such alternate route may include alternatives to the regulatory requirements for teacher preparation, including alternative professional assessments and coursework. The petitioner may proffer or the Board may impose conditions in conjunction with the approval of such petition.

2. That the Department of Education shall compile and publicly post on its website in a format conducive to comparison to the standards and requirements for teacher licensure in the Commonwealth data on the teacher licensure standards and requirements for each state for the purposes of facilitating the determination of the compatibility of out-of-state teacher licenses with teacher licensure requirements and standards in the Commonwealth and increasing transparency in requirements for teacher licensure and licensure by reciprocity in the Commonwealth. The Department shall update such data as necessary to reflect the current and accurate standards and requirements for teacher licensure in each state.

CHAPTER 673

An Act to amend and reenact §§ 55.1-2900 and 55.1-2901 of the Code of Virginia, relating to Virginia Self-Service Storage Act.

[S 355]

Approved April 8, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 55.1-2900 and 55.1-2901 of the Code of Virginia are amended and reenacted are follows:

§ 55.1-2900. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Default" means the failure to perform on time any obligation or duty set forth in the rental agreement or this chapter.

"Last known address" means that address or electronic mail address provided by the occupant in the rental agreement or the address or electronic mail address provided by the occupant in a subsequent written notice of a change of address.

"Leased space" means the individual storage space at the self-service facility that is leased or rented to an occupant pursuant to a rental agreement.

"Occupant" means a person, his sublessee, successor, or assign, entitled to the use of a leased space at a self-service storage facility under a rental agreement.

"Owner" means the owner, operator, lessor, or sublessor of a self-service storage facility, his agent, or any other person authorized to manage the facility or to receive rent from any occupant under a rental agreement.

The owner of a self-service storage facility is not a warehouseman as defined in § 8.7-102, unless the owner issues a warehouse receipt, bill of lading, or other document of title for the personal property stored, in which event, the owner and the occupant are subject to the provisions of Title 8.7 dealing with warehousemen.

"Personal property" means movable property not affixed to land and includes goods, wares, merchandise, and household items and furnishings.

"Rental agreement" means any agreement or lease that establishes or modifies the terms, conditions, or rules concerning the use and occupancy of a self-service storage facility. *The rental agreement may be delivered and accepted electronically.*

"Self-service storage facility" means any real property designed and used for renting or leasing individual storage spaces, other than storage spaces that are leased or rented as an incident to the lease or rental of residential property or dwelling units, to which the occupants thereof have access for storing or removing their personal property. No occupant shall use a self-service storage facility for residential purposes.

"Verified mail" means any method of mailing that is offered by the United States Postal Service or private delivery service that provides evidence of mailing.

§ 55.1-2901. Lien on personal property stored within a leased space.

A. The owner shall have a lien on all personal property stored within each leased space for rent, labor, or other charges, and for expenses reasonably incurred in its sale pursuant to this chapter. Such lien shall attach as of the date the personal property is stored within each leased space and, to the extent that the property remains stored within such leased space, as provided in this subsection, shall be superior to any other existing liens or security interests to the extent of $250 or, if the leased space is a climate-controlled facility, $500. In addition, such lien shall extend to the proceeds, if any, remaining after

the satisfaction of any perfected liens, and the owner may retain possession of such proceeds until the balance, if any, of such charges is paid.

B. In the case of any watercraft that is subject to a lien, previously recorded on the certificate of title, the owner, so long as the watercraft remains stored within such leased space, shall have a lien on such watercraft as provided in this subsection to the extent of $250 or, if the leased space is a climate-controlled facility, $500. In addition, such lien shall extend to the proceeds, if any, remaining after the satisfaction of any recorded liens, and the owner may retain possession of such proceeds until the balance, if any, of such charges is paid.

C. The rental agreement shall contain a statement, in bold type, advising the occupant of the existence of such lien and that the personal property stored within the leased space may be sold to satisfy the lien if the occupant is in default.

D. A rental agreement may contain a provision regarding the effect of an unsigned rental agreement. Any such provision is binding only if it contains statements, in bold type, advising the occupant of the following:

1. If the owner does not sign and deliver a written rental agreement signed and delivered to him by the occupant, acceptance of rent by the owner gives the rental agreement the same effect as if it had been signed and delivered by the owner; and

2. If the occupant does not sign and deliver a written rental agreement, acceptance of possession or payment of rent gives the rental agreement the same effect as if it had been signed and delivered by the occupant, if the owner also sends the rental agreement electronically or to the occupant's last known address.

~~D.~~ *E.* In the case of any motor vehicle that is subject to a lien, previously recorded on the certificate of title, the owner, so long as the motor vehicle remains stored within such leased space, shall have a lien on such vehicle in accordance with § 46.2-644.01. *In the case of any abandoned, immobilized, unattended, or trespassing vehicles or watercraft that are not authorized to be at the self-service storage facility by the owner, the owner may tow the property in accordance with any city or county private property towing ordinance.*

CHAPTER 674

An Act to amend and reenact § 40.1-27.4 of the Code of Virginia, relating to employee protections; medicinal use of cannabis oil.

[S 391]

Approved April 8, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 40.1-27.4 of the Code of Virginia is amended and reenacted as follows:

§ 40.1-27.4. Discipline for employee's medicinal use of cannabis oil prohibited.

A. As used in this section~~, "cannabis~~*:*

"Cannabis oil" means the same as that term is defined in § 4.1-1600.

"Employee" means the same as that term is defined in § 40.1-2, except that for the purposes of this section, "employee" does not include any law-enforcement officer, as defined in § 9.1-101.

"Employer" means the same as that term is defined in § 40.1-2, except that for the purposes of this section, "employer" also includes the Commonwealth, any county, city, town, or other political subdivision thereof, and any agency of the Commonwealth or such county, city, town, or political subdivision.

B. No employer shall discharge, discipline, or discriminate against an employee for such employee's lawful use of cannabis oil *under the laws of the Commonwealth* pursuant to a valid written certification issued by a practitioner for the treatment or to eliminate the symptoms of the employee's diagnosed condition or disease pursuant to § 4.1-1601.

C. Notwithstanding the provisions of subsection B, nothing in this section shall (i) restrict an employer's ability to take any adverse employment action for any work impairment caused by the use of cannabis oil or to prohibit possession during work hours, (ii) require an employer to commit any act that would cause the employer to be in violation of federal law or that would result in the loss of a federal contract or federal funding, or (iii) require any defense industrial base sector employer or prospective employer, as defined by the U.S. Cybersecurity and Infrastructure Security Agency, to hire or retain any applicant or employee who tests positive for tetrahydrocannabinol (THC) in excess of 50 ng/ml for a urine test or 10 pg/mg for a hair test.

CHAPTER 675

An Act to direct the Department of Agriculture and Consumer Services to convene the Task Force on Transparency in Publicly Funded Animal Testing Facilities; report.

[S 411]

Approved April 8, 2024

Be it enacted by the General Assembly of Virginia:

1. *§ 1. The Department of Agriculture and Consumer Services, in collaboration with the State Council of Higher Education for Virginia, shall convene the Task Force on Transparency in Publicly Funded Animal Testing Facilities (the Task Force)*

for the purpose of identifying potential deficiencies in publicly funded animal testing facilities, as that term is defined in § 3.2-6593.2 of the Code of Virginia, in the Commonwealth and recommending methods and context for making certain information about such animal testing facilities publicly available, including information pertaining to instances of noncompliance with federal animal welfare regulations, guidelines, or policies, as well as the care, use, and approximate numbers of animals used for research, education, testing, or other experimental, scientific, or medical purposes by each public institution of higher education in the Commonwealth, including animals not covered by the federal Animal Welfare Act (7 U.S.C. § 2131 et seq.).

The Task Force shall consist of legislators and stakeholders, including (i) representatives from one institution of higher education in the Commonwealth with Carnegie research classification R1, one institution of higher education in the Commonwealth with Carnegie research classification R2, and one institution of higher education in the Commonwealth with Carnegie research classification R3; (ii) representatives from three unaffiliated animal protection or animal welfare watchdog groups in the Commonwealth; (iii) an individual who serves as a member of an institutional animal care and use committee at one of the Commonwealth's publicly funded animal testing facilities; (iv) a Virginia-licensed American College of Laboratory Animal Medicine-certified veterinarian functioning in the role of attending veterinarian at one of the Commonwealth's publicly funded animal testing facilities; (v) a representative of the Virginia Press Association; (vi) a representative of the Virginia Coalition for Open Government; (vii) a member of the Virginia Freedom of Information Council; and (viii) two members of the Senate appointed by the Senate Committee on Rules and two members of the House of Delegates appointed by the Speaker of the House of Delegates.

The Task Force shall report its findings and recommendations on how to improve transparency at publicly funded animal testing facilities in the Commonwealth to the House Committees on Agriculture, Chesapeake and Natural Resources, Finance, and Appropriations and the Senate Committees on Agriculture, Conservation and Natural Resources and Finance and Appropriations no later than November 1, 2024. Such report shall be submitted as a report document as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.

CHAPTER 676

An Act to amend and reenact §§ 46.2-1177.1 and 46.2-1182 of the Code of Virginia, relating to emissions inspections; fees; agreement for services and service charge fees.

[S 453]

Approved April 8, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 46.2-1177.1 and 46.2-1182 of the Code of Virginia are amended and reenacted as follows:

§ 46.2-1177.1. Inspection program coordinator; agreement for services.

The Director may enter into an agreement to designate a program coordinator for all inspection programs pursuant to this article, except that no on-road clean screen program or any program or inspection process that utilizes remote sensing shall be included in the agreement. The Director shall determine the services to be provided by the program coordinator and the amount to be paid to the program coordinator for such services by the Department. Such agreement shall include a provision that the program coordinator shall provide and maintain inspection stations as defined in § 46.2-1176 with equipment, as set forth in this article, as required for a station to provide inspections. In addition to the amount the Director agrees for the Department to pay the program coordinator, the agreement shall permit the program coordinator to be paid up to ~~$3,500~~ *$5,000* per year from each inspection station for each set of required equipment for the provision and maintenance of such equipment by the program coordinator.

§ 46.2-1182. Emissions inspection fees; exemption.

Emissions inspection stations performing emissions inspections under subsection A of § 46.2-1178 may charge $11.40 for each emissions inspection, but such charge shall not be mandatory. Any such fee shall be paid to the emissions inspection station.

Each emissions inspection station performing emissions inspections under subsection B of § 46.2-1178 may charge for each emissions inspection an amount not to exceed $17. Any such fee shall be paid to and retained by the emissions inspection station.

Beginning at such date upon which the program becomes an enhanced emissions program, each emissions inspection station performing emissions inspections under subsection C of § 46.2-1178 may charge an amount not to exceed ~~$28~~ *$30* for each emissions inspection. Any such fee shall be paid to and retained by the emissions inspection station.

Within 14 days of an initial failure of an emissions inspection performed at an emissions inspection station, the vehicle's owner shall be entitled to one free reinspection at the station or facility that conducted the original inspection.

The on-road emissions inspector performing emissions inspections under subsection C of § 46.2-1178 may charge each motor vehicle owner who elects to participate in the on-road clean screen program an amount not to exceed ~~$28~~ *$30* for each emissions inspection. Any such fee shall be paid to the on-road emissions inspector. From each emissions inspection fee received by the on-road emissions inspector, a minimum of $4.50 shall be appropriated to the Highway Maintenance and Operating Fund established pursuant to § 33.2-1530.

CHAPTER 677

An Act to amend and reenact §§ 2.2-204, 2.2-211, 19.2-389, 54.1-4400, 54.1-4402, 54.1-4403, 54.1-4407, 54.1-4412.1, 54.1-4413.4, 54.1-4421, and 54.1-4425 of the Code of Virginia and to repeal § 54.1-4420 of the Code of Virginia, relating to Board of Accountancy; powers and duties.

[S 463]

Approved April 8, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-204, 2.2-211, 19.2-389, 54.1-4400, 54.1-4402, 54.1-4403, 54.1-4407, 54.1-4412.1, 54.1-4413.4, 54.1-4421, and 54.1-4425 of the Code of Virginia are amended and reenacted as follows:

§ 2.2-204. Position established; agencies for which responsible; additional duties.

The position of Secretary of Commerce and Trade (the Secretary) is created. The Secretary shall be responsible to the Governor for the following agencies: Virginia Economic Development Partnership Authority, Commonwealth of Virginia Innovation Partnership Authority, Virginia International Trade Corporation, Virginia Tourism Authority, Department of Energy, Department of Housing and Community Development, Department of Small Business and Supplier Diversity, Virginia Housing Development Authority, *and* Tobacco Region Revitalization Commission~~, and Board of Accountancy~~. The Governor, by executive order, may assign any state executive agency to the Secretary, or reassign any agency listed in this section to another Secretary.

The Secretary shall implement the provisions of the Virginia Biotechnology Research Act (§ 2.2-5500 et seq.).

§ 2.2-211. Position established; agencies for which responsible; additional powers.

A. The position of Secretary of Finance (the Secretary) is created. The Secretary shall be responsible for the following agencies: Department of Accounts, Department of Planning and Budget, Department of Taxation, Department of the Treasury, *Board of Accountancy,* and Virginia Resources Authority. The Governor, by executive order, may assign any other state executive agency to the Secretary of Finance, or reassign any agency listed.

B. To the greatest extent practicable, the agencies assigned to the Secretary shall pay all amounts due and owing by the Commonwealth through electronic transfers of funds from the general fund or appropriate special fund to the bank account of the payee or a party identified by law to receive funds on behalf of the payee. All wire transfer costs associated with the electronic transfer shall be paid by the payee subject to exemptions authorized by the State Treasurer affecting the investment, debt, and intergovernmental transactions of the Commonwealth and its agencies, institutions, boards, and authorities.

§ 19.2-389. Dissemination of criminal history record information.

A. Criminal history record information shall be disseminated, whether directly or through an intermediary, only to:

1. Authorized officers or employees of criminal justice agencies, as defined by § 9.1-101, for purposes of the administration of criminal justice and the screening of an employment application or review of employment by a criminal justice agency with respect to its own employees or applicants, and dissemination to the Virginia Parole Board, pursuant to this subdivision, of such information on all state-responsible inmates for the purpose of making parole determinations pursuant to subdivisions 1, 2, 3, 4, and 6 of § 53.1-136 shall include collective dissemination by electronic means every 30 days. For purposes of this subdivision, criminal history record information includes information sent to the Central Criminal Records Exchange pursuant to §§ 37.2-819 and 64.2-2014 when disseminated to any full-time or part-time employee of the State Police, a police department or sheriff's office that is a part of or administered by the Commonwealth or any political subdivision thereof, and who is responsible for the prevention and detection of crime and the enforcement of the penal, traffic or highway laws of the Commonwealth for the purposes of the administration of criminal justice;

2. Such other individuals and agencies that require criminal history record information to implement a state or federal statute or executive order of the President of the United States or Governor that expressly refers to criminal conduct and contains requirements or exclusions expressly based upon such conduct, except that information concerning the arrest of an individual may not be disseminated to a noncriminal justice agency or individual if an interval of one year has elapsed from the date of the arrest and no disposition of the charge has been recorded and no active prosecution of the charge is pending;

3. Individuals and agencies pursuant to a specific agreement with a criminal justice agency to provide services required for the administration of criminal justice pursuant to that agreement which shall specifically authorize access to data, limit the use of data to purposes for which given, and ensure the security and confidentiality of the data;

4. Individuals and agencies for the express purpose of research, evaluative, or statistical activities pursuant to an agreement with a criminal justice agency that shall specifically authorize access to data, limit the use of data to research, evaluative, or statistical purposes, and ensure the confidentiality and security of the data;

5. Agencies of state or federal government that are authorized by state or federal statute or executive order of the President of the United States or Governor to conduct investigations determining employment suitability or eligibility for security clearances allowing access to classified information;

6. Individuals and agencies where authorized by court order or court rule;

7. Agencies of any political subdivision of the Commonwealth, public transportation companies owned, operated or controlled by any political subdivision, and any public service corporation that operates a public transit system owned by a local government for the conduct of investigations of applicants for employment, permit, or license whenever, in the interest

of public welfare or safety, it is necessary to determine under a duly enacted ordinance if the past criminal conduct of a person with a conviction record would be compatible with the nature of the employment, permit, or license under consideration;

7a. Commissions created pursuant to the Transportation District Act of 1964 (§ 33.2-1900 et seq.) of Title 33.2 and their contractors, for the conduct of investigations of individuals who have been offered a position of employment whenever, in the interest of public welfare or safety and as authorized in the Transportation District Act of 1964, it is necessary to determine if the past criminal conduct of a person with a conviction record would be compatible with the nature of the employment under consideration;

8. Public or private agencies when authorized or required by federal or state law or interstate compact to investigate (i) applicants for foster or adoptive parenthood or (ii) any individual, and the adult members of that individual's household, with whom the agency is considering placing a child or from whom the agency is considering removing a child due to abuse or neglect, on an emergency, temporary, or permanent basis pursuant to §§ 63.2-901.1 and 63.2-1505, subject to the restriction that the data shall not be further disseminated to any party other than a federal or state authority or court as may be required to comply with an express requirement of law;

9. To the extent permitted by federal law or regulation, public service companies as defined in § 56-1, for the conduct of investigations of applicants for employment when such employment involves personal contact with the public or when past criminal conduct of an applicant would be incompatible with the nature of the employment under consideration;

10. The appropriate authority for purposes of granting citizenship and for purposes of international travel, including, but not limited to, issuing visas and passports;

11. A person requesting a copy of his own criminal history record information as defined in § 9.1-101 at his cost, except that criminal history record information shall be supplied at no charge to a person who has applied to be a volunteer with (i) a Virginia affiliate of Big Brothers/Big Sisters of America; (ii) a volunteer fire company; (iii) the Volunteer Emergency Families for Children; (iv) any affiliate of Prevent Child Abuse, Virginia; (v) any Virginia affiliate of Compeer; or (vi) any board member or any individual who has been offered membership on the board of a Crime Stoppers, Crime Solvers or Crime Line program as defined in § 15.2-1713.1;

12. Administrators and board presidents of and applicants for licensure or registration as a child welfare agency as defined in § 63.2-100 for dissemination to the Commissioner of Social Services' representative pursuant to § 63.2-1702 for the conduct of investigations with respect to employees of and volunteers at such facilities, caretakers, and foster and adoptive parent applicants of private child-placing agencies, pursuant to §§ 63.2-1719, 63.2-1720, and 63.2-1721, subject to the restriction that the data shall not be further disseminated by the facility or agency to any party other than the data subject, the Commissioner of Social Services' representative or a federal or state authority or court as may be required to comply with an express requirement of law for such further dissemination; however, nothing in this subdivision shall be construed to prohibit the Commissioner of Social Services' representative from issuing written certifications regarding the results of a background check that was conducted before July 1, 2021, in accordance with subsection J of § 22.1-289.035 or § 22.1-289.039;

13. The school boards of the Commonwealth for the purpose of screening individuals who are offered or who accept public school employment and those current school board employees for whom a report of arrest has been made pursuant to § 19.2-83.1;

14. The Virginia Lottery for the conduct of investigations as set forth in the Virginia Lottery Law (§ 58.1-4000 et seq.) and casino gaming as set forth in Chapter 41 (§ 58.1-4100 et seq.) of Title 58.1, and the Department of Agriculture and Consumer Services for the conduct of investigations as set forth in Article 1.1:1 (§ 18.2-340.15 et seq.) of Chapter 8 of Title 18.2;

15. Licensed nursing homes, hospitals and home care organizations for the conduct of investigations of applicants for compensated employment in licensed nursing homes pursuant to § 32.1-126.01, hospital pharmacies pursuant to § 32.1-126.02, and home care organizations pursuant to § 32.1-162.9:1, subject to the limitations set out in subsection E;

16. Licensed assisted living facilities and licensed adult day care centers for the conduct of investigations of applicants for compensated employment in licensed assisted living facilities and licensed adult day care centers pursuant to § 63.2-1720, subject to the limitations set out in subsection F;

17. The Virginia Alcoholic Beverage Control Authority for the conduct of investigations as set forth in § 4.1-103.1;

18. The State Board of Elections and authorized officers and employees thereof and general registrars appointed pursuant to § 24.2-110 in the course of conducting necessary investigations with respect to voter registration, limited to any record of felony convictions;

19. The Commissioner of Behavioral Health and Developmental Services (the Commissioner) or his designees for individuals who are committed to the custody of or being evaluated by the Commissioner pursuant to §§ 19.2-168.1, 19.2-169.1, 19.2-169.2, 19.2-169.5, 19.2-169.6, 19.2-182.2, 19.2-182.3, 19.2-182.8, and 19.2-182.9 where such information may be beneficial for the purpose of placement, evaluation, treatment, or discharge planning;

20. Any alcohol safety action program certified by the Commission on the Virginia Alcohol Safety Action Program for (i) interventions with first offenders under § 18.2-251 or (ii) services to offenders under § 18.2-51.4, 18.2-266, or 18.2-266.1;

21. Residential facilities for juveniles regulated or operated by the Department of Social Services, the Department of Education, or the Department of Behavioral Health and Developmental Services for the purpose of determining applicants' fitness for employment or for providing volunteer or contractual services;

22. The Department of Behavioral Health and Developmental Services and facilities operated by the Department for the purpose of determining an individual's fitness for employment pursuant to departmental instructions;

23. Pursuant to § 22.1-296.3, the governing boards or administrators of private elementary or secondary schools which are accredited pursuant to § 22.1-19 or a private organization coordinating such records information on behalf of such governing boards or administrators pursuant to a written agreement with the Department of State Police;

24. Public institutions of higher education and nonprofit private institutions of higher education for the purpose of screening individuals who are offered or accept employment;

25. Members of a threat assessment team established by a local school board pursuant to § 22.1-79.4, by a public institution of higher education pursuant to § 23.1-805, or by a private nonprofit institution of higher education, for the purpose of assessing or intervening with an individual whose behavior may present a threat to safety; however, no member of a threat assessment team shall redisclose any criminal history record information obtained pursuant to this section or otherwise use any record of an individual beyond the purpose that such disclosure was made to the threat assessment team;

26. Executive directors of community services boards or the personnel director serving the community services board for the purpose of determining an individual's fitness for employment, approval as a sponsored residential service provider, permission to enter into a shared living arrangement with a person receiving medical assistance services pursuant to a waiver, or permission for any person under contract with the community services board to serve in a direct care position on behalf of the community services board pursuant to §§ 37.2-506, 37.2-506.1, and 37.2-607;

27. Executive directors of behavioral health authorities as defined in § 37.2-600 for the purpose of determining an individual's fitness for employment, approval as a sponsored residential service provider, permission to enter into a shared living arrangement with a person receiving medical assistance services pursuant to a waiver, or permission for any person under contract with the behavioral health authority to serve in a direct care position on behalf of the behavioral health authority pursuant to §§ 37.2-506, 37.2-506.1, and 37.2-607;

28. The Commissioner of Social Services for the purpose of locating persons who owe child support or who are alleged in a pending paternity proceeding to be a putative father, provided that only the name, address, demographics and social security number of the data subject shall be released;

29. Authorized officers or directors of agencies licensed pursuant to Article 2 (§ 37.2-403 et seq.) of Chapter 4 of Title 37.2 by the Department of Behavioral Health and Developmental Services for the purpose of determining if any applicant who accepts employment in any direct care position or requests approval as a sponsored residential service provider, permission to enter into a shared living arrangement with a person receiving medical assistance services pursuant to a waiver, or permission for any person under contract with the provider to serve in a direct care position has been convicted of a crime that affects his fitness to have responsibility for the safety and well-being of individuals with mental illness, intellectual disability, or substance abuse pursuant to §§ 37.2-416, 37.2-416.1, 37.2-506, 37.2-506.1, and 37.2-607;

30. The Commissioner of the Department of Motor Vehicles, for the purpose of evaluating applicants for and holders of a motor carrier certificate or license subject to the provisions of Chapters 20 (§ 46.2-2000 et seq.) and 21 (§ 46.2-2100 et seq.) of Title 46.2;

31. The Chairman of the Senate Committee on the Judiciary or the Chairman of the House Committee for Courts of Justice for the purpose of determining if any person being considered for election to any judgeship has been convicted of a crime;

32. Heads of state agencies in which positions have been identified as sensitive for the purpose of determining an individual's fitness for employment in positions designated as sensitive under Department of Human Resource Management policies developed pursuant to § 2.2-1201.1;

33. The Office of the Attorney General, for all criminal justice activities otherwise permitted under subdivision A 1 and for purposes of performing duties required by the Civil Commitment of Sexually Violent Predators Act (§ 37.2-900 et seq.);

34. Shipyards, to the extent permitted by federal law or regulation, engaged in the design, construction, overhaul, or repair of nuclear vessels for the United States Navy, including their subsidiary companies, for the conduct of investigations of applications for employment or for access to facilities, by contractors, leased laborers, and other visitors;

35. Any employer of individuals whose employment requires that they enter the homes of others, for the purpose of screening individuals who apply for, are offered, or have accepted such employment;

36. Public agencies when and as required by federal or state law to investigate (i) applicants as providers of adult foster care and home-based services or (ii) any individual with whom the agency is considering placing an adult on an emergency, temporary, or permanent basis pursuant to § 63.2-1601.1, subject to the restriction that the data shall not be further disseminated by the agency to any party other than a federal or state authority or court as may be required to comply with an express requirement of law for such further dissemination, subject to limitations set out in subsection G;

37. The Department of Medical Assistance Services, or its designee, for the purpose of screening individuals who, through contracts, subcontracts, or direct employment, volunteer, apply for, are offered, or have accepted a position related to the provision of transportation services to enrollees in the Medicaid Program or the Family Access to Medical Insurance Security (FAMIS) Program, or any other program administered by the Department of Medical Assistance Services;

38. The State Corporation Commission for the purpose of investigating individuals who are current or proposed members, senior officers, directors, and principals of an applicant or person licensed under Chapter 16 (§ 6.2-1600 et seq.), Chapter 19 (§ 6.2-1900 et seq.), or Chapter 26 (§ 6.2-2600 et seq.) of Title 6.2. Notwithstanding any other provision of law, if an application is denied based in whole or in part on information obtained from the Central Criminal Records Exchange pursuant to Chapter 16, 19, or 26 of Title 6.2, the Commissioner of Financial Institutions or his designee may disclose such information to the applicant or its designee;

39. The Department of Professional and Occupational Regulation for the purpose of investigating individuals for initial licensure pursuant to § 54.1-2106.1;

40. The Department for Aging and Rehabilitative Services and the Department for the Blind and Vision Impaired for the purpose of evaluating an individual's fitness for various types of employment and for the purpose of delivering comprehensive vocational rehabilitation services pursuant to Article 11 (§ 51.5-170 et seq.) of Chapter 14 of Title 51.5 that will assist the individual in obtaining employment;

41. Bail bondsmen, in accordance with the provisions of § 19.2-120;

42. The State Treasurer for the purpose of determining whether a person receiving compensation for wrongful incarceration meets the conditions for continued compensation under § 8.01-195.12;

43. The Department of Education or its agents or designees for the purpose of screening individuals seeking to enter into a contract with the Department of Education or its agents or designees for the provision of child care services for which child care subsidy payments may be provided;

44. The Department of Juvenile Justice to investigate any parent, guardian, or other adult members of a juvenile's household when completing a predispositional or postdispositional report required by § 16.1-273 or a Board of Juvenile Justice regulation promulgated pursuant to § 16.1-233;

45. The State Corporation Commission, for the purpose of screening applicants for insurance licensure under Chapter 18 (§ 38.2-1800 et seq.) of Title 38.2;

46. Administrators and board presidents of and applicants for licensure or registration as a child day program or family day system, as such terms are defined in § 22.1-289.02, for dissemination to the Superintendent of Public Instruction's representative pursuant to § 22.1-289.013 for the conduct of investigations with respect to employees of and volunteers at such facilities pursuant to §§ 22.1-289.034 through 22.1-289.037, subject to the restriction that the data shall not be further disseminated by the facility or agency to any party other than the data subject, the Superintendent of Public Instruction's representative, or a federal or state authority or court as may be required to comply with an express requirement of law for such further dissemination; however, nothing in this subdivision shall be construed to prohibit the Superintendent of Public Instruction's representative from issuing written certifications regarding the results of prior background checks in accordance with subsection J of § 22.1-289.035 or § 22.1-289.039;

47. The National Center for Missing and Exploited Children for the purpose of screening individuals who are offered or accept employment or will be providing volunteer or contractual services with the National Center for Missing and Exploited Children; ~~and~~

48. *The Executive Director or investigators of the Board of Accountancy for the purpose of the enforcement of laws relating to the Board of Accountancy in accordance with § 54.1-4407; and*

49. Other entities as otherwise provided by law.

Upon an ex parte motion of a defendant in a felony case and upon the showing that the records requested may be relevant to such case, the court shall enter an order requiring the Central Criminal Records Exchange to furnish the defendant, as soon as practicable, copies of any records of persons designated in the order on whom a report has been made under the provisions of this chapter.

Notwithstanding any other provision of this chapter to the contrary, upon a written request sworn to before an officer authorized to take acknowledgments, the Central Criminal Records Exchange, or the criminal justice agency in cases of offenses not required to be reported to the Exchange, shall furnish a copy of conviction data covering the person named in the request to the person making the request; however, such person on whom the data is being obtained shall consent in writing, under oath, to the making of such request. A person receiving a copy of his own conviction data may utilize or further disseminate that data as he deems appropriate. In the event no conviction data is maintained on the data subject, the person making the request shall be furnished at his cost a certification to that effect.

B. Use of criminal history record information disseminated to noncriminal justice agencies under this section shall be limited to the purposes for which it was given and may not be disseminated further, except as otherwise provided in subdivision A 46.

C. No criminal justice agency or person shall confirm the existence or nonexistence of criminal history record information for employment or licensing inquiries except as provided by law.

D. Criminal justice agencies shall establish procedures to query the Central Criminal Records Exchange prior to dissemination of any criminal history record information on offenses required to be reported to the Central Criminal Records Exchange to ensure that the most up-to-date disposition data is being used. Inquiries of the Exchange shall be made prior to any dissemination except in those cases where time is of the essence and the normal response time of the Exchange would exceed the necessary time period. A criminal justice agency to whom a request has been made for the dissemination of criminal history record information that is required to be reported to the Central Criminal Records Exchange may direct the inquirer to the Central Criminal Records Exchange for such dissemination. Dissemination of information regarding

offenses not required to be reported to the Exchange shall be made by the criminal justice agency maintaining the record as required by § 15.2-1722.

E. Criminal history information provided to licensed nursing homes, hospitals and to home care organizations pursuant to subdivision A 15 shall be limited to the convictions on file with the Exchange for any offense specified in §§ 32.1-126.01, 32.1-126.02, and 32.1-162.9:1.

F. Criminal history information provided to licensed assisted living facilities and licensed adult day care centers pursuant to subdivision A 16 shall be limited to the convictions on file with the Exchange for any offense specified in § 63.2-1720.

G. Criminal history information provided to public agencies pursuant to subdivision A 36 shall be limited to the convictions on file with the Exchange for any offense set forth in clause (i) of the definition of barrier crime in § 19.2-392.02.

H. Upon receipt of a written request from an employer or prospective employer, the Central Criminal Records Exchange, or the criminal justice agency in cases of offenses not required to be reported to the Exchange, shall furnish at the employer's cost a copy of conviction data covering the person named in the request to the employer or prospective employer making the request, provided that the person on whom the data is being obtained has consented in writing to the making of such request and has presented a photo-identification to the employer or prospective employer. In the event no conviction data is maintained on the person named in the request, the requesting employer or prospective employer shall be furnished at his cost a certification to that effect. The criminal history record search shall be conducted on forms provided by the Exchange.

I. Nothing in this section shall preclude the dissemination of a person's criminal history record information pursuant to the rules of court for obtaining discovery or for review by the court.

§ 54.1-4400. Definitions.

As used in this chapter, unless the context ~~clearly indicates otherwise~~ *requires a different meaning*:

"Accredited institution" means a degree-granting institution of higher education accredited either by (i) one of the ~~six major~~ regional accrediting organizations~~.~~*, including the* Middle States Association of Colleges and Schools, New England ~~Association~~ *Commission* of ~~Schools and Colleges~~ *Higher Education*, ~~North Central Association of Colleges and Schools~~ *Higher Learning Commission*, Northwest Commission on Colleges and Universities, Southern Association of Colleges and Schools *Commission on Colleges*, and ~~Western Association of Schools and Colleges~~ *WASC Senior College and University Commission,* or their successors~~;~~ or (ii) an accrediting organization demonstrating to the Board periodically, as prescribed by the Board, that its accreditation process and standards are substantially equivalent to the accreditation process and standards of the ~~six major~~ regional accrediting organizations.

"Assurance" means any form of expressed or implied opinion or conclusion about the conformity of a financial statement with any recognition, measurement, presentation, or disclosure principles for financial statements.

"Attest services" means audit, review, or other ~~attest services for which~~ *engagements performed in accordance with the* standards *that* have been established by the Public Company Accounting Oversight Board, by the Auditing Standards Board or the Accounting and Review Services Committee of the American Institute of Certified Public Accountants, or by any successor standard-setting authorities.

"Board" means the Virginia Board of Accountancy.

"Compilation services" means compiling financial statements in accordance with standards established by the American Institute of Certified Public Accountants or by any successor standard-setting authorities.

"Continuing professional education" means the education that a person obtains after passing the CPA examination and that relates to services provided to or on behalf of an employer in academia, government, or industry or to services provided to the public.

"CPA" means certified public accountant.

"CPA examination" means the national uniform CPA examination approved and administered by the board of accountancy of a state or by the board's designee.

"CPA wall certificate" means the symbolic document suitable for wall display that is issued by the board of accountancy of a state to a person meeting the requirements to use the CPA title in that state.

"Executive Director" means the Executive Director of the Board.

"Experience" means employment in academia, a firm, government, or *an* industry in any capacity involving the substantial use of accounting, financial, tax, or other skills that are relevant, as determined by the Board, to provide services to or on behalf of an employer or to the public~~, as~~*. Such experience must be* verified by an active, licensed CPA.

"Facilitated State Board Access" or "FSBA" means the sponsoring organization's process whereby it provides the Board access to peer review results via a secure website.

"Financial statement" means a presentation of historical or prospective financial information about one or more persons or entities.

"Financial statement preparation services" means *engaging a licensee in public practice for* financial statement preparation services ~~for which~~ *executed in accordance with the* standards ~~have been~~ established by the *Statements on Standards for Accounting and Review Services of the* American Institute of Certified Public Accountants or by any successor standard-setting authorities.

"Firm" means an entity formed by one or more licensees as a sole proprietorship, a partnership, a corporation, a limited liability company, or any other type of entity permitted by law *with the purpose of providing professional services to the public*.

"License of another state" means the license that is issued by the board of accountancy of a state other than Virginia that gives a person the privilege of using the CPA title in that state or that gives a firm the privilege of providing attest services, compilation services, and financial statement preparation services to persons and entities located in that state.

"Licensed" means holding a Virginia license or the license of another state.

"Licensee" means a person or firm holding a Virginia license or the license of another state.

"Peer review" means a review of a firm's attest services, compilation services, and financial statements preparation services that is conducted in accordance with the applicable monitoring program of the American Institute of Certified Public Accountants or its successor, or with another monitoring program approved by the Board.

"Practice of public accounting" means the ~~giving of an assurance other than (i) by the person or persons about whom the financial information is presented or (ii) by one or more owners, officers, employees, or members of the governing body of the entity or entities about whom the financial information is presented~~ *performance of professional services for a client by a licensee or licensee's firm.*

"Professional services" means all services requiring substantial use of accountancy or related skills that are performed by a licensee for a client or for an employer. Such services are subject to the guidance of the standard-setting authorities listed in the standards of conduct and practice in subdivisions 5 and 6 of § 54.1-4413.3 or by any equivalent standard-setting authority as approved by the Board.

"Providing services to *or on behalf of* an employer" means ~~providing to or on behalf of an entity services that require the substantial use of accounting, financial, tax, or other skills that are relevant, as determined by the Board~~ *the performance of professional services while employed or engaged on a contractual basis by a licensee to or on behalf of an entity. "Providing services to or on behalf of an employer" does not include a person or firm engaged in the practice of public accounting.*

"Providing services to the public" means providing services that are subject to the guidance of the standard-setting authorities listed in the standards of conduct and practice in subdivisions 5 and 6 of § 54.1-4413.3 *or by an equivalent standard-setting authority as approved by the Board.*

"Sponsoring organization" means a Board-approved professional society or other organization responsible for the facilitation and administration of peer reviews through use of its peer review program and applicable peer review standards.

"State" means any state of the United States, the District of Columbia, or any territory of the United States that is a recognized jurisdiction by the National Association of State Boards of Accountancy or its successor.

"Using the CPA title in Virginia" means ~~using~~ *the use of* "CPA," "Certified Public Accountant," or "public accountant" ~~(i)~~ in any ~~form or~~ manner of ~~verbal~~ communication *by any person, firm, or entity* to persons or entities located in Virginia ~~or (ii) in any form or manner of written communication to persons or entities located in Virginia, including but not limited to the use in any abbreviation, acronym, phrase, or title that appears in business cards, the CPA wall certificate, Internet postings, letterhead, reports, signs, tax returns, or any other document or device~~ *portraying such person, firm, or entity as being licensed or legally permitted to provide professional services in Virginia*. Holding a Virginia license or the license of another state constitutes using the CPA title *in Virginia*.

"Virginia license" means a license that is issued by the Board giving a person *or firm* the privilege of using the CPA title in Virginia or a firm the privilege of providing attest services, compilation services, and financial statement preparation services to persons and entities located in Virginia.

§ 54.1-4402. Board; membership; qualifications; powers and duties.

A. The Board of Accountancy established under the former § 54.1-2000 and previously operating in the Department of Professional and Occupational Regulation is hereby continued and reestablished as an independent board in the executive branch of state government.

B. The Board shall consist of seven members appointed by the Governor as follows: one member shall be a public member who may be an accountant who is not licensed but otherwise meets the requirements of clauses (i) and (ii) of § 54.1-107; one member shall be an educator in the field of accounting who holds a Virginia license; four members shall be holders of Virginia licenses who have been actively engaged in providing services to the public for at least three years prior to appointment to the Board; and one member shall hold a Virginia license and for at least three years prior to appointment to the Board shall have been actively engaged in providing services to the public or in providing services to or on behalf of an employer in government or industry.

C. Members of the Board shall serve for terms of four years. The Governor may remove any member as provided in subsection A of § 2.2-108. Any member of the Board whose Virginia license is revoked or suspended shall automatically cease to be a member of the Board.

D. The Board shall restrict the practice of public accounting and the use of the CPA title in Virginia to licensed persons and firms as specified in §§ 54.1-4409.1 and 54.1-4412.1.

E. The Board shall restrict the provision of attest services, compilation services, and financial statement preparation services to persons or ~~entities~~ *firms* located in Virginia and as specified in § 54.1-4412.1. However, this shall not affect the privilege of a person who is not licensed to include a statement on financial statements indicating that no assurance is

provided on the financial statements, to say that financial statements have been compiled, or to use the compilation language as prescribed by subsections B and C of § 54.1-4401.

F. The Board shall take such actions as may be authorized by this chapter to ensure the continued competence of persons *or firms* using the CPA title in Virginia and firms providing attest services, compilation services, or financial statement preparation services to persons or entities located in Virginia and to aid the public in determining their qualifications.

G. The Board shall take such actions as may be authorized by this chapter to ensure that persons *or firms holding a Virginia license or* using the CPA title in Virginia and firms providing attest services, compilation services, or financial statement preparation services to persons or entities located in Virginia adhere to the standards of conduct and practice in § 54.1-4413.3 and regulations promulgated by the Board.

H. The Board shall have the responsibility of enforcing this chapter and may by regulation establish rules and procedures for the implementation of the provisions of this chapter.

§ 54.1-4403. General powers and duties of the Board.

The Board shall have the power and duty to:

1. Establish the qualifications of applicants for licensure, provided that all qualifications shall be necessary to ensure competence and integrity.

2. Examine, or cause to be examined, the qualifications of each applicant for licensure, including the preparation, administration*,* and grading of the CPA examination.

3. Promulgate regulations in accordance with the Administrative Process Act (§ 2.2-4000 et seq.) necessary to assure continued competency, to prevent deceptive or misleading practices by licensees, and to effectively administer the regulatory system.

4. Levy and collect fees for the issuance, renewal, or reinstatement of Virginia licenses that are sufficient to cover all expenses of the administration and operation of the Board.

5. Levy on holders of Virginia licenses special assessments necessary to cover expenses of the Board.

6. Initiate or receive complaints concerning the conduct of ~~holders of Virginia licenses~~ or ~~concerning their~~ violation of the provisions of this chapter or regulations promulgated by the Board *by holders of Virginia licenses, individuals, firms, or entities claiming to hold a Virginia license, or unlicensed individuals, firms, or entities using the CPA title in Virginia*, and to take appropriate disciplinary action if warranted.

7. Initiate or receive complaints concerning the conduct of persons *or firms* who use the CPA title in Virginia under the substantial equivalency provisions of § 54.1-4411 or firms that provide attest services, compilation services, or financial statement preparation services to persons or entities located in Virginia under the provisions of subsection C of § 54.1-4412.1, and to take appropriate disciplinary action if warranted.

8. Initiate or receive complaints concerning violations of the provisions of this chapter or regulations promulgated by the Board by persons *or firms* who use the CPA title in Virginia under the substantial equivalency provisions of § 54.1-4411 or firms that provide attest services, compilation services, or financial statement preparation services to persons or entities located in Virginia under the provisions of subsection C of § 54.1-4412.1, and to take appropriate disciplinary action if warranted.

9. Revoke, suspend, or refuse to renew or reinstate a Virginia license for just causes as prescribed by the Board.

10. Revoke or suspend, for just causes as prescribed by the Board, a person's *or firm's* privilege of using the CPA title in Virginia under the substantial equivalency provisions of § 54.1-4411 or a firm's privilege of providing attest services, compilation services, or financial statement preparation services to persons or entities located in Virginia under the provisions of subsection C of § 54.1-4412.1.

11. Establish requirements for peer reviews.

12. Establish continuing professional educational requirements as a condition for issuance, renewal, or reinstatement of a Virginia license.

13. Expand or interpret the standards of conduct and practice in § 54.1-4413.3.

14. Enter into contracts necessary or convenient for carrying out the provisions of this chapter or the functions of the Board.

15. *Permit certain biographical references to previous CPA licensure.*

16. Promulgate additional guidance on using the CPA title in Virginia as necessary.

17. Do all things necessary and convenient for carrying into effect this chapter and regulations promulgated by the Board.

§ 54.1-4407. Enforcement of laws by the Executive Director or investigators; authority of investigators appointed by the Executive Director.

A. The Executive Director or investigators appointed by him shall:

1. Be sworn to enforce the statutes and regulations pertaining to the Board;

2. Have the authority to investigate violations of the statutes and regulations that the Executive Director is required to enforce;

3. Have the authority to issue summonses for violations of the provisions of this chapter or regulations promulgated by the Board.

B. In the event a person or entity that is issued a summons by the Executive Director or investigators appointed by him fails or refuses to discontinue the unlawful acts or refuses to give a written promise to appear at the time and place specified in the summons, the Executive Director or the investigators may appear before a magistrate or other issuing authority having jurisdiction to obtain a criminal warrant under § 19.2-72.

C. The Executive Director and all investigators appointed by the Executive Director are vested with the authority to administer oaths or affirmations (i) for the purpose of receiving complaints and conducting investigations of violations of the provisions of this chapter or any regulations promulgated by the Board or (ii) in connection with any investigation conducted on behalf of the Board. The Executive Director and the investigators are vested with the authority to (a) obtain, serve, and execute any warrant, paper, or process issued by any court or magistrate or by the Board under the authority of the Executive Director and (b) request and receive criminal history information under the provisions of § 19.2-389.

D. The authority of the Executive Director shall include the ability to request and receive reports from the Central Criminal Records Exchange to be used for the purpose of the investigative and enforcement authority of the Executive Director and not to be disseminated except as provided for in this section.

§ 54.1-4412.1. Licensing requirements for firms.

A. Only a *licensed* firm can provide attest services, compilation services, or financial statement preparation services to persons or entities located in Virginia. However, this shall not affect the privilege of a person who is not licensed to include a statement on financial statements indicating that no assurance is provided on the financial statements, to say that financial statements have been compiled, or to use the compilation language, as prescribed by subsections B and C of § 54.1-4401.

B. A firm that provides attest services, compilation services, or financial statement preparation services to persons or entities located in Virginia shall obtain a Virginia license if ~~the~~ *such firm's* principal place of business ~~in which it provides those services~~ is in Virginia.

C. A firm ~~that is~~ *whose principal place of business is not in Virginia is* not required to obtain a Virginia license *but* may provide attest services, compilation services, or financial statement preparation services to persons or entities located in Virginia if *the following provisions are met*:

1. The firm *holds the license of another state and* can lawfully provide attest services, compilation services, or financial statement preparation services to persons or entities in the state where its principal place of business is located; and

2. The firm complies with ~~subdivisions~~ *subsection* D ~~1, 2, 4, 5, 6, and 7 and subsection F~~; and

3. The firm's personnel working on the engagement either (i) hold a Virginia license or (ii) hold the license of another state and comply with the substantial equivalency provisions of § 54.1-4411; or

4. The firm's personnel working on the engagement are under the supervision of a person who either (i) holds a Virginia license or (ii) holds the license of another state and complies with the substantial equivalency provisions of § 54.1-4411.

D. For a firm to obtain and hold a Virginia license:

1. As determined on a firm-wide basis:

a. At least 51 percent of the owners of the firm shall be licensees, trustees of an eligible employee stock ownership plan as defined in § 13.1-543, or a firm that meets this requirement; and

b. At least 51 percent of the voting equity interest in the firm shall be owned by persons who are licensees, by trustees of an eligible employee stock ownership plan as defined in § 13.1-543, or by a firm that meets this requirement.

If the death, retirement, or departure of an owner causes either of these requirements not to be met, the requirement shall be met within one year after the death, retirement, or departure of the owner.

2. The Board shall prescribe requirements concerning the hours that owners who are not licensees work in the firm and may prescribe other requirements for those persons.

3. All attest services, compilation services, and financial statement preparation services provided for persons and entities located in Virginia shall be under the supervision of a person who either (i) holds a Virginia license or (ii) holds the license of another state and complies with the substantial equivalency provisions of § 54.1-4411.

4. Any person who releases or authorizes the release of reports on attest services, compilation services, or financial statement preparation services provided for persons or entities located in Virginia shall:

a. Either (i) hold a Virginia license or (ii) hold the license of another state and comply with the substantial equivalency provisions of § 54.1-4411; and

b. Meet any additional requirements the Board prescribes.

5. The firm shall conduct its attest services, compilation services, and financial statement preparation services in conformity with the standards of conduct and practice in § 54.1-4413.3 and regulations promulgated by the Board.

6. If the services provided by the firm are within the scope of the practice-monitoring program of the American Institute of Certified Public Accountants or its successor, the firm shall enroll in the program or in another practice-monitoring program for attest services, compilation services, and financial statement preparation services that is approved by the Board. In addition, if enrolled the firm shall:

a. Comply with any requirements prescribed by the Board in response to the results of peer reviews; and

b. Participate in the American Institute of Certified Public Accountants', or sponsoring organizations', Facilitated State Board Access process, or its successor process, *or another process approved by the Board* for peer reviews.

7. The name of the firm shall not be false, misleading, or deceptive.

E. The Board shall prescribe the methods and fees for a firm to apply for the issuance, renewal, or reinstatement of a Virginia license.

F. ~~An entity~~ *A firm* may not use the CPA title in Virginia unless it ~~meets the requirements of subdivision D 1~~ *holds a Virginia license or the license of another state as permitted in subsection C.*

§ 54.1-4413.4. Penalties.

A. Penalties the Board may impose consist of:

1. Revoking *a Virginia license or* the privilege of using the CPA title in Virginia or providing attest services, compilation services, or financial statement preparation services to persons or entities located in Virginia;

2. Suspending or refusing to renew or reinstate *a Virginia license or* the privilege of using the CPA title in Virginia or providing attest services, compilation services, or financial statement preparation services to persons or entities located in Virginia;

3. Reprimanding, censuring, or limiting the scope of practice of any person*, firm, or entity* using *a Virginia license or* the CPA title in Virginia or any firm providing attest services, compilation services, or financial statement preparation services to persons or entities located in Virginia;

4. Placing any person*, firm, or entity* using *a Virginia license or* the CPA title in Virginia or any firm providing attest services, compilation services, or financial statement preparation services to persons or entities located in Virginia on probation, with or without terms, conditions, and limitations;

5. Requiring a firm holding a Virginia license to have an accelerated peer review conducted as the Board may specify or to take other remedial actions;

6. Requiring a person holding a Virginia license to satisfactorily complete additional or specific continuing professional education as the Board may specify;

7. Imposing a monetary penalty up to $100,000 for each violation of the provisions of this chapter or regulations promulgated by the Board; any monetary penalty may be sued for and recovered in the name of the Commonwealth; and

8. Requiring any person*, firm,* or entity that violates § 54.1-4414 to discontinue any acts in violation of that provision.

B. The Board may impose penalties on persons*, firms, or entities* using *a Virginia license or* the CPA title in Virginia or firms *or entities* providing attest services, compilation services, or financial statement preparation services to persons or entities located in Virginia for:

1. Violation of the provisions of this chapter or violation of any regulation, subpoena, or order of the Board;

2. Fraud or deceit in obtaining, renewing, or applying for reinstatement or lifting the suspension of a Virginia license;

3. Revocation, suspension, or refusal to reinstate the license of another state for disciplinary reasons;

4. Revocation or suspension of the privilege of practicing before any state or federal agency or federal court of law;

5. Dishonesty, fraud, or gross negligence in providing services to or on behalf of an employer, in providing services to the public, or in providing attest services, compilation services, or financial statement preparation services;

6. Dishonesty, fraud, or gross negligence in preparing the person's or firm's own state or federal income tax return or financial statement;

7. Conviction of a felony, or of any crime involving moral turpitude, under the laws of the United States, of Virginia, or of any other state if the acts involved would have constituted a crime under the laws of Virginia; or

8. Lack of the competence required to provide services to the public for persons and entities located in Virginia or to provide attest services, compilation services, and financial statement preparation services to persons and entities located in Virginia, as determined by the Board.

C. The Board may also impose penalties on:

1. A person ~~who~~*, firm, or entity that* does not hold a Virginia license, or ~~who~~ *that* does not meet the requirements to use the CPA title in Virginia under the substantial equivalency provisions of § 54.1-4411, and commits any of the acts prohibited by § 54.1-4414; or

2. ~~An~~ *A firm or* entity that does not meet the criteria prescribed by subdivision D 1 of § 54.1-4412.1 and commits any of the acts prohibited by § 54.1-4414.

§ 54.1-4421. Biennial report.

The Board shall submit a biennial report to the Governor and General Assembly on or before November 1 of each even-numbered year. The biennial report shall contain, at a minimum, the following information: (i) a description of the Board's activities, (ii) a report on the ~~audit of the~~ Board's financial statements ~~for the biennium~~, (iii) statistical information regarding the administrative hearings and decisions of the Board, and (iv) a general summary of all complaints received against persons and firms and the procedures used to resolve the complaints.

§ 54.1-4425. Time for filing complaints against CPAs or CPA firms.

A. Except as otherwise provided in subsections B and C, any complaint against the holder of a Virginia license for any violation of statutes or regulations pertaining to the Board or any of the programs that may be in another title of the Code for which the Board has enforcement responsibility, in order to be investigated by the Board, shall be made in writing, or otherwise made in accordance with Board procedures, and received by the Board within three years of the act, omission, or occurrence giving rise to the violation.

B. However, where a holder of a Virginia license has materially and willfully misrepresented, concealed, or omitted any information and the information so misrepresented, concealed, or omitted is material to the establishment of the

violation, the complaint may be made at any time within two years after discovery of the misrepresentation, concealment, or omission.

C. In cases where criminal charges have been filed involving matters that, if found to be true, would also constitute a violation of the regulations or laws of the regulant's profession enforced by the Board, an investigation may be initiated by the Board at any time within ~~two~~ *three* years following the date ~~such criminal charges are filed~~ *of conviction*.

D. In order to be investigated by the Board, any complaint against an individual *or firm* using the CPA title in Virginia under the substantial equivalency provisions of § 54.1-4411 or against a firm *or entity* providing attest services, compilation services, or financial statement preparation services under subsection C of § ~~54.4412.1~~ *54.1-4412.1* for any violation of statutes or regulations pertaining to the Board or any of the programs that may be in another title of this Code for which the Board has enforcement responsibility shall be made in writing, or otherwise made in accordance with Board procedures, and received by the Board within five years of the act, omission, or occurrence giving rise to the violation.

E. Public information obtained from any source may serve as the basis for a written complaint. Nothing in this section shall be construed to require the filing of a complaint if the alleged violation of the statute or regulation is discovered during an investigation authorized by law, and the acts, omissions, or conditions constituting the alleged violations are witnessed by a sworn investigator appointed by the Executive Director.

F. Nothing herein shall deny the right of any party to bring a civil cause of action in a court of law.

2. That § 54.1-4420 of the Code of Virginia is repealed.

3. That the Board of Accountancy shall promulgate regulations to implement the provisions of this act to be effective within 280 days of its enactment.

CHAPTER 678

An Act to direct the Joint Commission on Technology and Science to examine the use of artificial intelligence by public bodies in the Commonwealth and the creation of a Commission on Artificial Intelligence; report.

[S 487]

Approved April 8, 2024

Be it enacted by the General Assembly of Virginia:

1. *§ 1. That the Joint Commission on Technology and Science (JCOTS) shall, in consultation with relevant stakeholders, conduct an analysis of the use of artificial intelligence by public bodies in the Commonwealth and the creation of a Commission on Artificial Intelligence. The analysis shall include an examination of proper policies and procedures regarding artificial intelligence systems to (i) govern the procurement, implementation, and ongoing assessment of any such system by a public body; (ii) ensure that no such system results in any unlawful discrimination or unlawful disparate impact against any individual or group of individuals; and (iii) require a public body to assess the likely impact of using any such system and perform ongoing assessments to ensure that the use of any such system does not result in any such unlawful discrimination or disparate impact. The analysis shall also include an assessment of creating a Commission on Artificial Intelligence to advise the General Assembly on issues related to artificial intelligence, the proper composition of such a commission, and the proper duties of the commission in accordance with the provisions of clauses (i), (ii), and (iii). JCOTS shall submit a report of its findings and recommendations to the Chairmen of the House Committees on Appropriations and Communications, Technology and Innovation and the Senate Committees on Finance and Appropriations and General Laws and Technology no later than December 1, 2024.*

CHAPTER 679

An Act to direct the Department of Medical Assistance Services and the Department of Behavioral Health and Developmental Services to submit state plan amendments to the Centers for Medicare and Medicaid Services to seek to modify the program rules for certain 1915(c) Home and Community Based Services Medicaid Waivers.

[S 488]

Approved April 8, 2024

Be it enacted by the General Assembly of Virginia:

1. *§ 1. That the Department of Medical Assistance Services (DMAS) and the Department of Behavioral Health and Developmental Services (DBHDS) shall seek federal authority through the necessary state plan amendments under Titles XIX and XXI of the Social Security Act to modify the program rules for the following 1915(c) Home and Community Based Services (HCBS) Medicaid Waivers: Community Living Waiver, Family and Individual Support Waiver, and Commonwealth Coordinated Care Plus Waiver. DMAS and DBHDS shall submit state plan amendments to the Centers for Medicare and Medicaid Services for the following:*

1. Modify the 40-hour-per-week work limit to allow legally responsible individuals with more than one waiver-receiving child to receive reimbursement for 40 hours of work per week per child receiving a waiver;

2. Eliminate the requirement that, in order for a legally responsible individual to receive reimbursement for personal care services, no one else be available to provide services to the member; and

3. When a member under the age of 18 receives personal care through consumer direction, as defined in 12VAC30-122-20, modify the program rules to allow a legally responsible individual or stepparent to be the employer of record.

2. That the Department of Medical Assistance Services (DMAS) shall analyze the possibility of allowing for respite services under the Community Living Waiver, Family and Individual Support Waiver, and Commonwealth Coordinated Care Plus Waiver when the legally responsible individual is an unpaid caregiver all or part of the time and when there are multiple adult caregivers providing any portion of unpaid care for the waiver-receiving child. DMAS shall develop recommendations on allowing for respite services under such circumstances and shall estimate the cost of providing such respite services. DMAS shall submit its recommendations, cost estimate, and methodology used for obtaining the cost estimate to the Chairmen of the House Committee on Health and Human Services and the Senate Committee on Education and Health no later than November 1, 2024.

CHAPTER 680

An Act to amend and reenact § 37.2-810 of the Code of Virginia, relating to temporary detention order; alternative transportation.

[S 497]

Approved April 8, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 37.2-810 of the Code of Virginia is amended and reenacted as follows:

§ 37.2-810. Transportation of person in the temporary detention process.

A. In specifying the primary law-enforcement agency and jurisdiction for purposes of this section, the magistrate shall specify in the temporary detention order the law-enforcement agency of the jurisdiction in which the person resides, or any other willing law-enforcement agency that has agreed to provide transportation, to execute the order and, in cases in which transportation is ordered to be provided by the primary law-enforcement agency, provide transportation. However, if the nearest boundary of the jurisdiction in which the person resides is more than 50 miles from the nearest boundary of the jurisdiction in which the person is located, the law-enforcement agency of the jurisdiction in which the person is located shall execute the order and provide transportation.

B. The magistrate issuing the temporary detention order shall (i) specify the law-enforcement agency to execute the order and (ii) designate a transportation provider. In determining the transportation provider, the magistrate shall authorize transportation by an alternative transportation provider in accordance with this section, whenever an alternative transportation provider is identified to the magistrate, which may be a person, facility, or agency, including a family member or friend of the person who is the subject of the temporary detention order, a representative of the community services board, an employee of or person providing services pursuant to a contract with the Department, or other transportation provider with personnel trained to provide transportation in a safe manner. Upon determining, following consideration of information provided by the petitioner; the community services board or its designee; the local law-enforcement agency, if any; the person's treating physician, if any; or other persons who are available and have knowledge of the person, and, when the magistrate deems appropriate, the proposed alternative transportation provider, either in person or via two-way electronic video and audio or telephone communication system, that an alternative transportation provider is available to provide transportation, willing to provide transportation, and able to provide transportation in a safe manner, the magistrate shall designate such alternative transportation provider to provide transportation of the person. *An alternative transportation provider shall be deemed to be available if the alternative transportation provider states that it is available to take custody of the individual from law enforcement within six hours of issuance of the temporary detention order or an order changing the transportation provider pursuant to subsection E.* If *(a)* no alternative transportation provider is available to provide transportation, willing to provide transportation, and able to provide transportation in a safe manner *or (b) the law-enforcement agency elects to provide transportation*, the magistrate shall designate the primary law-enforcement agency and jurisdiction designated to execute the temporary detention order to provide transportation of the person.

When transportation is ordered to be provided by an alternative transportation provider, the magistrate shall order the specified law-enforcement agency to execute the order, to take the person into custody, and to transfer custody of the person to the alternative transportation provider identified in the order. The primary law-enforcement agency may transfer custody of the person to the alternative transportation provider immediately upon execution of the temporary detention order based on the availability of alternative transportation providers. The alternative transportation provider shall maintain custody of the person from the time custody is transferred to the alternative transportation provider by the primary law-enforcement agency until such time as custody of the person is transferred to the temporary detention facility, including during any period prior to the initiation of transportation of the person from the facility to which he was transported pursuant to § 37.2-808 and while transportation is being provided pursuant to this section.

In such cases, a copy of the temporary detention order shall accompany the person being transported pursuant to this section at all times and shall be delivered by the alternative transportation provider to the temporary detention facility. The temporary detention facility shall return a copy of the temporary detention order to the court designated by the magistrate as

soon as is practicable. Delivery of an order to a law-enforcement officer or alternative transportation provider and return of an order to the court may be accomplished electronically or by facsimile.

The order may include transportation of the person to such other medical facility as may be necessary to obtain further medical evaluation or treatment prior to placement as required by a physician at the admitting temporary detention facility. Nothing herein shall preclude a law-enforcement officer or alternative transportation provider from obtaining emergency medical treatment or further medical evaluation at any time for a person in his custody as provided in this section. Such medical evaluation or treatment shall be conducted immediately in accordance with state and federal law.

C. If an alternative transportation provider providing transportation or maintaining custody of a person who is the subject of a temporary detention order becomes unable to continue providing transportation or maintaining custody of the person at any time after taking custody of the person, the primary law-enforcement agency for the jurisdiction in which the alternative transportation provider is located at the time he becomes unable to continue providing transportation or maintaining custody shall take custody of the person and shall transport the person to the facility of temporary detention. In such cases, a copy of the temporary detention order shall accompany the person being transported and shall be delivered to and returned by the temporary detention facility in accordance with the provisions of subsection B.

D. In cases in which an alternative facility of temporary detention is identified and the law-enforcement agency or alternative transportation provider identified to provide transportation in accordance with subsection B continues to have custody of the person, the local law-enforcement agency or alternative transportation provider shall transport the person to the alternative facility of temporary detention identified by the employee or designee of the community services board. In cases in which an alternative facility of temporary detention is identified and custody of the person has been transferred from the law-enforcement agency or alternative transportation provider that provided transportation in accordance with subsection B to the initial facility of temporary detention, the employee or designee of the community services board shall request, and a magistrate may enter an order specifying, an alternative transportation provider or, if no alternative transportation provider is available, willing, and able to provide transportation in a safe manner, the local law-enforcement agency for the jurisdiction in which the person resides or, if the nearest boundary of the jurisdiction in which the person resides is more than 50 miles from the nearest boundary of the jurisdiction in which the person is located, the law-enforcement agency of the jurisdiction in which the person is located, to provide transportation.

E. The magistrate may change the transportation provider specified in a temporary detention order at any time prior to the initiation of transportation of a person who is the subject of a temporary detention order pursuant to this section. If the designated transportation provider is changed by the magistrate at any time after the temporary detention order has been executed but prior to the initiation of transportation, the transportation provider having custody of the person shall transfer custody of the person to the transportation provider subsequently specified to provide transportation. For the purposes of this subsection, "transportation provider" includes both a law-enforcement agency and an alternative transportation provider.

F. A law-enforcement officer may lawfully go to or be sent beyond the territorial limits of the county, city, or town in which he serves to any point in the Commonwealth for the purpose of executing any temporary detention order pursuant to this section. Law-enforcement agencies may enter into agreements to facilitate the execution of temporary detention orders and provide transportation.

G. An employee or contractor of an entity providing alternative transportation services pursuant to a contract with the Department who has completed training approved by the Department in the proper and safe use of restraint may use restraint (i) if restraint is necessary to ensure the safety of the person or others or prevent escape and (ii) if less restrictive techniques have been determined to be ineffective to protect the person or others from harm or to prevent escape.

H. No person who provides alternative transportation pursuant to this section shall be liable to the person being transported for any civil damages for ordinary negligence in acts or omissions that result from providing such alternative transportation.

I. For purposes of this section:

"Law-enforcement agency" includes an auxiliary police force established pursuant to § 15.2-1731.

"Law-enforcement officer" includes an auxiliary police officer appointed or provided for pursuant to §§ 15.2-1731 and 15.2-1733.

CHAPTER 681

An Act to amend and reenact § 36-106 of the Code of Virginia, relating to Uniform Statewide Building Code; violations; fines.

[S 538]

Approved April 8, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 36-106 of the Code of Virginia is amended and reenacted as follows:

§ 36-106. Violation a misdemeanor; civil penalty.

A. It shall be unlawful for any owner or any other person, firm, or corporation, on or after the effective date of any Code provisions, to violate any such provisions. Any such violation shall be deemed a misdemeanor and any owner or any

other person, firm, or corporation convicted of such a violation shall be punished by a fine of not more than $2,500. ~~In addition, each day the violation continues after conviction or the court-ordered abatement period has expired shall constitute a separate offense.~~ If the violation remains uncorrected at the time of the conviction, the court shall order the violator to abate or remedy the violation in order to comply with the Code. Except as otherwise provided by the court for good cause shown, any such violator shall abate or remedy the violation within six months of the date of conviction. Each day during which the violation continues after the court-ordered abatement period has ended shall constitute a separate offense. Any person*, firm, or corporation* convicted of a second offense committed within less than five years after a first offense under this chapter shall be punished by a fine of not less than $1,000 nor more than $2,500. Any person*, firm, or corporation* convicted of a second offense committed within a period of five to 10 years of a first offense under this chapter shall be punished by a fine of not less than $500 nor more than $2,500. Any person*, firm, or corporation* convicted of a third or subsequent offense ~~involving the same property~~ committed within 10 years of an offense under this chapter after having been at least twice previously convicted shall be punished by confinement in jail for not more than 10 days and a fine of not less than ~~$2,500~~ *$5,000* nor more than ~~$5,000~~ *$10,000*, either or both. No portion of the fine imposed for such third or subsequent offense committed within 10 years of an offense under this chapter shall be suspended.

B. Violations of any provision of the Building Code, adopted and promulgated pursuant to § 36-103, that results in a dwelling not being a safe, decent and sanitary dwelling, as defined in § 25.1-400, in a locality where the local governing body has taken official action to enforce such provisions, shall be deemed a misdemeanor and any owner or any other person, firm, or corporation convicted of such a violation shall be punished by a fine of not more than $2,500. In addition, each day the violation continues after conviction or the expiration of the court-ordered abatement period shall constitute a separate offense. If the violation remains uncorrected at the time of the conviction, the court shall order the violator to abate or remedy the violation in order to comply with the Code. Except as otherwise provided by the court for good cause shown, any such violator shall abate or remedy the violation within six months of the date of conviction. Each day during which the violation continues after the court-ordered abatement period has ended shall constitute a separate offense. Any person convicted of a second offense, committed within less than five years after a first offense under this chapter shall be punished by confinement in jail for not more than five days and a fine of not less than $1,000 nor more than $2,500, either or both. Provided, however, that the provision for confinement in jail shall not be applicable to any person, firm, or corporation, when such violation involves a multiple-family dwelling unit. Any person convicted of a second offense committed within a period of five to 10 years of a first offense under this chapter shall be punished by a fine of not less than $500 nor more than $2,500. Any person convicted of a third or subsequent offense involving the same property, committed within 10 years of an offense under this chapter after having been at least twice previously convicted, shall be punished by confinement in jail for not more than 10 days and a fine of not less than $2,500 nor more than $5,000, either or both. No portion of the fine imposed for such third or subsequent offense committed within 10 years of an offense under this chapter shall be suspended.

C. *Violations of any provision of the Building Code, adopted and promulgated pursuant to § 36-103, at a dwelling unit of a multifamily property that the local governing body has declared blighted pursuant to § 36-49.1:1 or 36-105.1:1, and where the local governing body has taken official action to enforce such provisions, shall be deemed a misdemeanor and any owner or any other person, firm, or corporation convicted of such a violation shall be punished by a fine of not more than $10,000. If the violation remains uncorrected at the time of the conviction, the court shall order the violator to abate or remedy the violation in order to comply with the Code within a time period that is determined by the court and appropriate considering the circumstances of the violation. The abatement period shall not be longer than six months. If the court fails to define an abatement period, the period shall be seven calendar days. Each day during which the violation continues after the court-ordered abatement period has ended shall constitute a separate offense.*

Any person, firm, or corporation convicted of a second offense committed within less than five years after a first offense under this chapter shall be punished by confinement in jail for not more than five days and a fine of not less than $2,500 nor more than $10,000, either or both.

Any person, firm, or corporation convicted of a second offense committed within a period of five to 10 years of a first offense under this chapter shall be punished by a fine of not less than $1,000 nor more than $10,000. Any person, firm, or corporation convicted of a third or subsequent offense committed within 10 years of an offense under this chapter after having been at least twice previously convicted shall be punished by confinement in jail for not more than 10 days and a fine of not less than $5,000 nor more than $10,000, either or both. No portion of the fine imposed for such third or subsequent offense committed within 10 years of an offense under this chapter shall be suspended.

D. Any locality may adopt an ordinance which establishes a uniform schedule of civil penalties for violations of specified provisions of the Code which are not abated, or otherwise remedied through hazard control, promptly after receipt of notice of violation from the local enforcement officer.

This schedule of civil penalties shall be uniform for each type of specified violation, and the penalty for any one violation shall be a civil penalty of not more than $100 for the initial summons and not more than $350 for each additional summons. Each day during which the violation is found to have existed shall constitute a separate offense. However, specified violations arising from the same operative set of facts shall not be charged more frequently than once in any 10-day period, and a series of specified violations arising from the same operative set of facts shall not result in civil penalties which exceed a total of $4,000. Designation of a particular Code violation for a civil penalty pursuant to this section shall be in lieu of criminal sanctions, and except for any violation resulting in injury to persons, such designation shall preclude the prosecution of a violation as a misdemeanor.

Any person summoned or issued a ticket for a scheduled violation may make an appearance in person or in writing by mail to the department of finance or the treasurer of the locality prior to the date fixed for trial in court. Any person so appearing may enter a waiver of trial, admit liability, and pay the civil penalty established for the offense charged. Such persons shall be informed of their right to stand trial and that a signature to an admission of liability will have the same force and effect as a judgment of court. As a condition of waiver of trial, admission of liability, and payment of a civil penalty, the violator and a representative of the locality shall agree in writing to terms of abatement or remediation of the violation within six months after the date of payment of the civil penalty.

If a person charged with a scheduled violation does not elect to enter a waiver of trial and admit liability, the violation shall be tried in the general district court in the same manner and with the same right of appeal as provided for by law. In any trial for a scheduled violation authorized by this section, it shall be the burden of the locality to show the liability of the violator by a preponderance of the evidence. An admission of liability or finding of liability shall not be a criminal conviction for any purpose.

If the violation concerns a residential unit, and if the violation remains uncorrected at the time of assessment of the civil penalty, the court shall order the violator to abate, or otherwise remedy through hazard control, the violation in order to comply with the Code. Except as otherwise provided by the court for good cause shown, any such violator shall abate, or otherwise remedy through hazard control, the violation within six months of the date of the assessment of the civil penalty.

If the violation concerns a nonresidential building or structure, and if the violation remains uncorrected at the time of assessment of the civil penalty, the court may order the violator to abate, or otherwise remedy through hazard control, the violation in order to comply with the Code. Any such violator so ordered shall abate, or otherwise remedy through hazard control, the violation within the time specified by the court.

~~D.~~ *E.* Any owner or any other person, firm or corporation violating any Code provisions relating to lead hazard controls that poses a hazard to the health of pregnant women and children under the age of six years who occupy the premises shall, upon conviction, be guilty of a misdemeanor and shall be subject to a fine of not more than $2,500. If the court convicts pursuant to this subsection and sets a time by which such hazard must be controlled, each day the hazard remains uncontrolled after the time set for the lead hazard control has expired shall constitute a separate violation of the Uniform Statewide Building Code.

The landlord shall maintain the painted surfaces of the dwelling unit in compliance with the International Property Maintenance Code of the Uniform Statewide Building Code. The landlord's failure to do so shall be enforceable in accordance with the Uniform Statewide Building Code and shall entitle the tenant to terminate the rental agreement.

Termination of the rental agreement or any other action in retaliation against the tenant after written notification of (i) a lead hazard in the dwelling unit or (ii) that a child of the tenant, who is an authorized occupant in the dwelling unit, has an elevated blood lead level, shall constitute retaliatory conduct in violation of § 55.1-1258.

~~E.~~ *F.* Nothing in this section shall be construed to prohibit a local enforcement officer from issuing a summons or a ticket for violation of any Code provision to the lessor or sublessor of a residential dwelling unit, provided a copy of the notice is served on the owner.

~~F.~~ *G.* Any prosecution under this section shall be commenced within the period provided for in § 19.2-8.

CHAPTER 682

An Act to amend and reenact §§ 37.2-808 and 37.2-809 of the Code of Virginia, relating to emergency custody and temporary detention orders; evaluations; presence of others.

[S 546]

Approved April 8, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 37.2-808 and 37.2-809 of the Code of Virginia are amended and reenacted as follows:

§ 37.2-808. Emergency custody; issuance and execution of order.

A. Any magistrate shall issue, upon the sworn petition of any responsible person, treating physician, or upon his own motion, or a court may issue pursuant to § 19.2-271.6, an emergency custody order when he has probable cause to believe that any person (i) has a mental illness and that there exists a substantial likelihood that, as a result of mental illness, the person will, in the near future, (a) cause serious physical harm to himself or others as evidenced by recent behavior causing, attempting, or threatening harm and other relevant information, if any, or (b) suffer serious harm due to his lack of capacity to protect himself from harm or to provide for his basic human needs, (ii) is in need of hospitalization or treatment, and (iii) is unwilling to volunteer or incapable of volunteering for hospitalization or treatment. Any emergency custody order entered pursuant to this section shall provide for the disclosure of medical records pursuant to § 37.2-804.2. This subsection shall not preclude any other disclosures as required or permitted by law.

When considering whether there is probable cause to issue an emergency custody order, the magistrate may, in addition to the petition, or the court may pursuant to § 19.2-271.6, consider (1) the recommendations of any treating or examining physician or psychologist licensed in Virginia, if available, (2) any past actions of the person, (3) any past mental health treatment of the person, (4) any relevant hearsay evidence, (5) any medical records available, (6) any affidavits submitted, if

the witness is unavailable and it so states in the affidavit, and (7) any other information available that the magistrate or the court considers relevant to the determination of whether probable cause exists to issue an emergency custody order.

B. Any person for whom an emergency custody order is issued shall be taken into custody and transported to a convenient location to be evaluated to determine whether the person meets the criteria for temporary detention pursuant to § 37.2-809 and to assess the need for hospitalization or treatment. The evaluation shall be made by a person designated by the community services board who is skilled in the diagnosis and treatment of mental illness and who has completed a certification program approved by the Department.

C. The magistrate or court issuing an emergency custody order shall specify the primary law-enforcement agency and jurisdiction to execute the emergency custody order and provide transportation. However, the magistrate or court shall authorize transportation by an alternative transportation provider in accordance with this section, whenever an alternative transportation provider is identified to the magistrate or court, which may be a person, facility, or agency, including a family member or friend of the person who is the subject of the order, a representative of the community services board, or other transportation provider with personnel trained to provide transportation in a safe manner, upon determining, following consideration of information provided by the petitioner; the community services board or its designee; the local law-enforcement agency, if any; the person's treating physician, if any; or other persons who are available and have knowledge of the person, and, when the magistrate or court deems appropriate, the proposed alternative transportation provider, either in person or via two-way electronic video and audio or telephone communication system, that the proposed alternative transportation provider is available to provide transportation, willing to provide transportation, and able to provide transportation in a safe manner.

When transportation is ordered to be provided by an alternative transportation provider, the magistrate or court shall order the specified primary law-enforcement agency to execute the order, to take the person into custody, and to transfer custody of the person to the alternative transportation provider identified in the order. In such cases, a copy of the emergency custody order shall accompany the person being transported pursuant to this section at all times and shall be delivered by the alternative transportation provider to the community services board or its designee responsible for conducting the evaluation. The community services board or its designee conducting the evaluation shall return a copy of the emergency custody order to the court designated by the magistrate or the court that issued the emergency custody order as soon as is practicable. Delivery of an order to a law-enforcement officer or alternative transportation provider and return of an order to the court may be accomplished electronically or by facsimile.

Transportation under this section shall include transportation to a medical facility as may be necessary to obtain emergency medical evaluation or treatment that shall be conducted immediately in accordance with state and federal law. Transportation under this section shall include transportation to a medical facility for a medical evaluation if a physician at the hospital in which the person subject to the emergency custody order may be detained requires a medical evaluation prior to admission.

D. In specifying the primary law-enforcement agency and jurisdiction for purposes of this section, the magistrate or court shall order the primary law-enforcement agency from the jurisdiction served by the community services board that designated the person to perform the evaluation required in subsection B to execute the order and, in cases in which transportation is ordered to be provided by the primary law-enforcement agency, provide transportation. If the community services board serves more than one jurisdiction, the magistrate or court shall designate the primary law-enforcement agency from the particular jurisdiction within the community services board's service area where the person who is the subject of the emergency custody order was taken into custody or, if the person has not yet been taken into custody, the primary law-enforcement agency from the jurisdiction where the person is presently located to execute the order and provide transportation.

E. The law-enforcement agency or alternative transportation provider providing transportation pursuant to this section may transfer custody of the person to the facility or location to which the person is transported for the evaluation required in subsection B, G, or H if the facility or location (i) is licensed to provide the level of security necessary to protect both the person and others from harm, (ii) is actually capable of providing the level of security necessary to protect the person and others from harm, and (iii) in cases in which transportation is provided by a law-enforcement agency, has entered into an agreement or memorandum of understanding with the law-enforcement agency setting forth the terms and conditions under which it will accept a transfer of custody, provided, however, that the facility or location may not require the law-enforcement agency to pay any fees or costs for the transfer of custody.

F. A law-enforcement officer may lawfully go or be sent beyond the territorial limits of the county, city, or town in which he serves to any point in the Commonwealth for the purpose of executing an emergency custody order pursuant to this section.

G. A law-enforcement officer who, based upon his observation or the reliable reports of others, has probable cause to believe that a person meets the criteria for emergency custody as stated in this section may take that person into custody and transport that person to an appropriate location to assess the need for hospitalization or treatment without prior authorization. A law-enforcement officer who takes a person into custody pursuant to this subsection or subsection H may lawfully go or be sent beyond the territorial limits of the county, city, or town in which he serves to any point in the Commonwealth for the purpose of obtaining the assessment. Such evaluation shall be conducted immediately. The period of custody shall not exceed eight hours from the time the law-enforcement officer takes the person into custody.

H. A law-enforcement officer who is transporting a person who has voluntarily consented to be transported to a facility for the purpose of assessment or evaluation and who is beyond the territorial limits of the county, city, or town in which he serves may take such person into custody and transport him to an appropriate location to assess the need for hospitalization or treatment without prior authorization when the law-enforcement officer determines (i) that the person has revoked consent to be transported to a facility for the purpose of assessment or evaluation, and (ii) based upon his observations, that probable cause exists to believe that the person meets the criteria for emergency custody as stated in this section. The period of custody shall not exceed eight hours from the time the law-enforcement officer takes the person into custody.

I. Nothing herein shall preclude a law-enforcement officer or alternative transportation provider from obtaining emergency medical treatment or further medical evaluation at any time for a person in his custody as provided in this section.

J. A representative of the primary law-enforcement agency specified to execute an emergency custody order or a representative of the law-enforcement agency employing a law-enforcement officer who takes a person into custody pursuant to subsection G or H shall notify the community services board responsible for conducting the evaluation required in subsection B, G, or H as soon as practicable after execution of the emergency custody order or after the person has been taken into custody pursuant to subsection G or H.

K. The person shall remain in custody until (i) a temporary detention order is issued in accordance with § 37.2-809, (ii) an order for temporary detention for observation, testing, or treatment is entered in accordance with § 37.2-1104, ending law enforcement custody, (iii) the person is released, or (iv) the emergency custody order expires. An emergency custody order shall be valid for a period not to exceed eight hours from the time of execution.

L. Nothing in this section shall preclude the issuance of an order for temporary detention for testing, observation, or treatment pursuant to § 37.2-1104 for a person who is also the subject of an emergency custody order issued pursuant to this section. In any case in which an order for temporary detention for testing, observation, or treatment is issued for a person who is also the subject of an emergency custody order, the person may be detained by a hospital emergency room or other appropriate facility for testing, observation, and treatment for a period not to exceed 24 hours, unless extended by the court as part of an order pursuant to § 37.2-1101, in accordance with subsection C of § 37.2-1104. Upon completion of testing, observation, or treatment pursuant to § 37.2-1104, the hospital emergency room or other appropriate facility in which the person is detained shall notify the nearest community services board, and the designee of the community services board shall, as soon as is practicable and prior to the expiration of the order for temporary detention issued pursuant to § 37.2-1104, conduct an evaluation of the person to determine if he meets the criteria for temporary detention pursuant to § 37.2-809. *The (i) evaluator conducting the evaluation pursuant to subsection B and § 37.2-809 or (ii) hospital emergency department and treating physician or other health care provider designated by the physician shall allow a family member or legal guardian of the individual subject to evaluation who is present, and who may provide support and supportive decision-making, to be present with the individual unless the individual objects or the evaluator or treating physician determines that the presence of any such person would create a medical, clinical, or safety risk to the patient or health care provider or interferes with patient care. No provision of this section shall delay the process of the patient receiving treatment.*

M. Any person taken into emergency custody pursuant to this section shall be given a written summary of the emergency custody procedures and the statutory protections associated with those procedures.

N. If an emergency custody order is not executed within eight hours of its issuance, the order shall be void and shall be returned unexecuted to the office of the clerk of the issuing court or, if such office is not open, to any magistrate serving the jurisdiction of the issuing court.

O. In addition to the eight-hour period of emergency custody set forth in subsection G, H, or K, if the individual is detained in a state facility pursuant to subsection E of § 37.2-809, the state facility and an employee or designee of the community services board as defined in § 37.2-809 may, for an additional four hours, continue to attempt to identify an alternative facility that is able and willing to provide temporary detention and appropriate care to the individual.

P. Payments shall be made pursuant to § 37.2-804 to licensed health care providers for medical screening and assessment services provided to persons with mental illnesses while in emergency custody.

Q. An employee or contractor of an entity providing alternative transportation services pursuant to a contract with the Department who has completed training approved by the Department in the proper and safe use of restraint may use restraint (i) if restraint is necessary to ensure the safety of the person or others or prevent escape and (ii) if less restrictive techniques have been determined to be ineffective to protect the person or others from harm or to prevent escape.

R. No person who provides alternative transportation pursuant to this section shall be liable to the person being transported for any civil damages for ordinary negligence in acts or omissions that result from providing such alternative transportation.

S. For purposes of this section:

"Law-enforcement agency" includes an auxiliary police force established pursuant to § 15.2-1731.

"Law-enforcement officer" includes an auxiliary police officer appointed or provided for pursuant to §§ 15.2-1731 and 15.2-1733, except for the purposes of subsection G.

§ 37.2-809. Involuntary temporary detention; issuance and execution of order.

A. For the purposes of this section:

"Designee of the local community services board" means an examiner designated by the local community services board who (i) is skilled in the assessment and treatment of mental illness, (ii) has completed a certification program approved by the Department, (iii) is able to provide an independent examination of the person, (iv) is not related by blood or marriage to the person being evaluated, (v) has no financial interest in the admission or treatment of the person being evaluated, (vi) has no investment interest in the facility detaining or admitting the person under this article, and (vii) except for employees of state hospitals and of the U.S. Department of Veterans Affairs, is not employed by the facility.

"Employee" means an employee of the local community services board who is skilled in the assessment and treatment of mental illness and has completed a certification program approved by the Department.

"Investment interest" means the ownership or holding of an equity or debt security, including shares of stock in a corporation, interests or units of a partnership, bonds, debentures, notes, or other equity or debt instruments.

B. A magistrate shall issue, upon the sworn petition of any responsible person, treating physician, or upon his own motion and only after an evaluation conducted in-person or by means of a two-way electronic video and audio communication system as authorized in § 37.2-804.1 by an employee or a designee of the local community services board to determine whether the person meets the criteria for temporary detention, a temporary detention order if it appears from all evidence readily available, including any recommendation from a physician, clinical psychologist, clinical social worker, or licensed professional counselor treating the person, that the person (i) has a mental illness and that there exists a substantial likelihood that, as a result of mental illness, the person will, in the near future, (a) cause serious physical harm to himself or others as evidenced by recent behavior causing, attempting, or threatening harm and other relevant information, if any, or (b) suffer serious harm due to his lack of capacity to protect himself from harm or to provide for his basic human needs; (ii) is in need of hospitalization or treatment; and (iii) is unwilling to volunteer or incapable of volunteering for hospitalization or treatment. The magistrate shall also consider, if available, (a) information provided by the person who initiated emergency custody and (b) the recommendations of any treating or examining physician licensed in Virginia either verbally or in writing prior to rendering a decision. Any temporary detention order entered pursuant to this section shall provide for the disclosure of medical records pursuant to § 37.2-804.2. This subsection shall not preclude any other disclosures as required or permitted by law.

C. When considering whether there is probable cause to issue a temporary detention order, the magistrate may, in addition to the petition, consider (i) the recommendations of any treating or examining physician, psychologist, clinical social worker, or licensed professional counselor licensed in Virginia, if available, (ii) any past actions of the person, (iii) any past mental health treatment of the person, (iv) any relevant hearsay evidence, (v) any medical records available, (vi) any affidavits submitted, if the witness is unavailable and it so states in the affidavit, and (vii) any other information available that the magistrate considers relevant to the determination of whether probable cause exists to issue a temporary detention order.

D. A magistrate may issue a temporary detention order without an emergency custody order proceeding. A magistrate may issue a temporary detention order without a prior evaluation pursuant to subsection B if (i) the person has been personally examined within the previous 72 hours by an employee or a designee of the local community services board or (ii) there is a significant physical, psychological, or medical risk to the person or to others associated with conducting such evaluation.

E. An employee or a designee of the local community services board shall determine the facility of temporary detention in accordance with the provisions of § 37.2-809.1 for all persons detained pursuant to this section. An employee or designee of the local community services board may change the facility of temporary detention and may designate an alternative facility for temporary detention at any point during the period of temporary detention if it is determined that the alternative facility is a more appropriate facility for temporary detention of the person given the specific security, medical, or behavioral health needs of the person. In cases in which the facility of temporary detention is changed following transfer of custody to an initial facility of temporary custody, transportation of the person to the alternative facility of temporary detention shall be provided in accordance with the provisions of § 37.2-810. The initial facility of temporary detention shall be identified on the preadmission screening report and indicated on the temporary detention order; however, if an employee or designee of the local community services board designates an alternative facility, that employee or designee shall provide written notice forthwith, on a form developed by the Executive Secretary of the Supreme Court of Virginia, to the clerk of the issuing court of the name and address of the alternative facility. Subject to the provisions of § 37.2-809.1, if a facility of temporary detention cannot be identified by the time of the expiration of the period of emergency custody pursuant to § 37.2-808, the person shall be detained in a state facility for the treatment of persons with mental illness and such facility shall be indicated on the temporary detention order. Except as provided in § 37.2-811 for inmates requiring hospitalization in accordance with subdivision A 2 of § 19.2-169.6, the person shall not be detained in a jail or other place of confinement for persons charged with criminal offenses. Except as provided in § 37.2-811 for inmates requiring hospitalization in accordance with subdivision A 2 of § 19.2-169.6 or in subsection C of § 37.2-813 for persons prior to transfer to the facility of temporary detention, the person shall remain in the custody of law enforcement until either (i) the person is detained within a secure facility or (ii) custody has been accepted by the appropriate personnel designated by either the initial facility of temporary detention identified in the temporary detention order or by the alternative facility of temporary detention designated by the employee or designee of the local community services board pursuant to this subsection. The person detained or in custody pursuant to this section shall be given a written summary of the temporary detention procedures and the statutory protections associated with those procedures.

F. Any facility caring for a person placed with it pursuant to a temporary detention order is authorized to provide emergency medical and psychiatric services within its capabilities when the facility determines that the services are in the best interests of the person within its care. The costs incurred as a result of the hearings and by the facility in providing services during the period of temporary detention shall be paid and recovered pursuant to § 37.2-804. The maximum costs reimbursable by the Commonwealth pursuant to this section shall be established by the State Board of Medical Assistance Services based on reasonable criteria. The State Board of Medical Assistance Services shall, by regulation, establish a reasonable rate per day of inpatient care for temporary detention.

G. The employee or the designee of the local community services board who is conducting the evaluation pursuant to this section shall determine, prior to the issuance of the temporary detention order, the insurance status of the person. Where coverage by a third party payor exists, the facility seeking reimbursement under this section shall first seek reimbursement from the third party payor. The Commonwealth shall reimburse the facility only for the balance of costs remaining after the allowances covered by the third party payor have been received.

H. The duration of temporary detention shall be sufficient to allow for completion of the examination required by § 37.2-815, preparation of the preadmission screening report required by § 37.2-816, and initiation of mental health treatment to stabilize the person's psychiatric condition to avoid involuntary commitment where possible, but shall not exceed 72 hours prior to a hearing. If the 72-hour period herein specified terminates on a Saturday, Sunday, legal holiday, or, if the individual has been admitted to a facility of temporary detention, day or part of a day on which the clerk's office is lawfully closed, the person may be detained, as herein provided, until the close of business on the next day that is not a Saturday, Sunday, legal holiday, or, if the individual has been admitted to a facility of temporary detention, day or part of a day on which the clerk's office is lawfully closed. The person may be released, pursuant to § 37.2-813, before the 72-hour period herein specified has run.

I. If a temporary detention order is not executed within 24 hours of its issuance, or within a shorter period as is specified in the order, the order shall be void and shall be returned unexecuted to the office of the clerk of the issuing court or, if the office is not open, to any magistrate serving the jurisdiction of the issuing court. Subsequent orders may be issued upon the original petition within 96 hours after the petition is filed. However, a magistrate must again obtain the advice of an employee or a designee of the local community services board prior to issuing a subsequent order upon the original petition. Any petition for which no temporary detention order or other process in connection therewith is served on the subject of the petition within 96 hours after the petition is filed shall be void and shall be returned to the office of the clerk of the issuing court.

J. The Executive Secretary of the Supreme Court of Virginia shall establish and require that a magistrate, as provided by this section, be available seven days a week, 24 hours a day, for the purpose of performing the duties established by this section. Each community services board shall provide to each general district court and magistrate's office within its service area a list of its employees and designees who are available to perform the evaluations required herein.

K. For purposes of this section, a health care provider or designee of a local community services board or behavioral health authority shall not be required to encrypt any email containing information or medical records provided to a magistrate unless there is reason to believe that a third party will attempt to intercept the email.

L. If the employee or designee of the community services board who is conducting the evaluation pursuant to this section recommends that the person should not be subject to a temporary detention order, such employee or designee shall (i) inform the petitioner, the person who initiated emergency custody if such person is present, and an onsite treating physician of his recommendation; (ii) promptly inform such person who initiated emergency custody that the community services board will facilitate communication between the person and the magistrate if the person disagrees with recommendations of the employee or designee of the community services board who conducted the evaluation and the person who initiated emergency custody so requests; and (iii) upon prompt request made by the person who initiated emergency custody, arrange for such person who initiated emergency custody to communicate with the magistrate as soon as is practicable and prior to the expiration of the period of emergency custody. The magistrate shall consider any information provided by the person who initiated emergency custody and any recommendations of the treating or examining physician and the employee or designee of the community services board who conducted the evaluation and consider such information and recommendations in accordance with subsection B in making his determination to issue a temporary detention order. The person who is the subject of emergency custody shall remain in the custody of law enforcement or a designee of law enforcement and shall not be released from emergency custody until communication with the magistrate pursuant to this subsection has concluded and the magistrate has made a determination regarding issuance of a temporary detention order.

M. For purposes of this section, "person who initiated emergency custody" means any person who initiated the issuance of an emergency custody order pursuant to § 37.2-808 or a law-enforcement officer who takes a person into custody pursuant to subsection G of § 37.2-808.

N. In any case in which a person subject to an evaluation pursuant to this section is receiving services in a hospital emergency department, the treating physician or his designee and the employee or designee of the local community services board shall disclose to each other relevant information pertaining to the individual's treatment in the emergency department. *The (i) evaluator conducting the evaluation pursuant to subsection B of § 37.2-808 and the provisions of this section or (ii) hospital emergency department and treating physician or other health care provider designated by the physician shall allow a family member or legal guardian of the individual subject to evaluation who is present, and who may provide*

support and supportive decision-making, to be present with the individual unless the individual objects or the evaluator or treating physician determines that the presence of any such person would create a medical, clinical, or safety risk to the patient or health care provider or interferes with patient care. No provision of this section shall delay the process of the patient receiving treatment.

CHAPTER 683

An Act to amend and reenact §§ 37.2-314, 37.2-416.1, and 37.2-506.1 of the Code of Virginia, relating to barrier crimes; adult substance abuse and mental health services; exception.

[S 626]

Approved April 8, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 37.2-314, 37.2-416.1, and 37.2-506.1 of the Code of Virginia are amended and reenacted as follows:

§ 37.2-314. Background check required.

A. As a condition of employment, the Department shall require any applicant who (i) accepts a position of employment at a state facility and was not employed by that state facility prior to July 1, 1996, or (ii) accepts a position with the Department that receives, monitors, or disburses funds of the Commonwealth and was not employed by the Department prior to July 1, 1996, to submit to fingerprinting and provide personal descriptive information to be forwarded along with the applicant's fingerprints through the Central Criminal Records Exchange to the Federal Bureau of Investigation (FBI) for the purpose of obtaining national criminal history record information regarding the applicant.

B. For purposes of clause (i) of subsection A, the Department shall not hire for compensated employment persons who have been convicted of (i) any offense set forth in clause (i), (ii), or (iii) of the definition of barrier crime in § 19.2-392.02 or (ii) any offense set forth in clause (iv) of the definition of barrier crime in § 19.2-392.02 (a) in the five years prior to the application date for employment or (b) if such person continues on probation or parole or has failed to pay required court costs for such offense set forth in clause (iv) of the definition of barrier crime in § 19.2-392.02.

C. *Notwithstanding the provisions of subsection B, the Department may hire for compensated employment at an adult substance abuse or mental health treatment program a person who was convicted of any misdemeanor violation of § 18.2-57 or any violation of § 18.2-248, 18.2-250, or 18.2-258.1, except an offense pursuant to subsection H1 or H2 of § 18.2-248, provided that such conviction occurred more than four years prior to the application date for employment.*

D. Notwithstanding the provisions of subsection B, the Department may hire for compensated employment at an adult substance abuse or adult mental health treatment program a person who was convicted of any violation of § 18.2-51.3; any misdemeanor violation of § 18.2-56 or 18.2-56.1 ~~or subsection A of §~~ ~~18.2-57~~; any first offense misdemeanor violation of § 18.2-57.2; any violation of § 18.2-60, 18.2-89, 18.2-92, or 18.2-94; any misdemeanor violation of § 18.2-282, 18.2-346, or 18.2-346.01; any offense set forth in clause (iii) of the definition of barrier crime in § 19.2-392.02, except an offense pursuant to subsection H1 or H2 of § 18.2-248; or any substantially similar offense under the laws of another jurisdiction, if the Department determines, based upon a screening assessment, that the criminal behavior was substantially related to the applicant's substance abuse or mental illness and that the person has been successfully rehabilitated and is not a risk to individuals receiving services based on his criminal history background and his substance abuse or mental illness history. In addition, where the employment at an adult substance abuse treatment program is as a peer recovery specialist, the Department may hire any person eligible under this subsection or who was convicted of any offense set forth in clause (iv) of the definition of barrier crime in § 19.2-392.02 if the Department determines, based upon a screening assessment, that the criminal behavior was substantially related to the person's substance abuse or mental illness and that the person has been successfully rehabilitated and is not a risk to individuals receiving services based on his criminal history background and his substance abuse or mental illness history.

For the purposes of this subsection, "peer recovery specialist" means any person who has completed a peer recovery specialist training course approved by the Department of Behavioral Health and Developmental Services.

~~D.~~ *E.* The Department and a screening contractor designated by the Department shall screen applicants who meet the criteria set forth in subsection ~~C~~ *D* to assess whether the applicants have been rehabilitated successfully and are not a risk to individuals receiving services based on their criminal history backgrounds and substance abuse or mental illness histories. To be eligible for such screening, the applicant shall have completed all prison or jail terms; shall not be under probation or parole supervision; shall have no pending charges in any locality; shall have paid all fines, restitution, and court costs for any prior convictions; and shall have been free of parole or probation for at least five years for all convictions. In addition to any supplementary information the Department or screening contractor may require or the applicant may wish to present, the applicant shall provide to the screening contractor a statement from his most recent probation or parole officer, if any, outlining his period of supervision and a copy of any pre-sentencing or post-sentencing report in connection with the felony conviction. The cost of this screening shall be paid by the applicant, unless the Department decides to pay the cost.

~~E.~~ *F.* The Central Criminal Records Exchange, upon receipt of an applicant's record or notification that no record exists, shall submit a report or record to the state facility or to the Department. If an applicant is denied employment because of information appearing on his criminal history record and the applicant disputes the information upon which the denial was based, the Central Criminal Records Exchange shall, upon written request, furnish to the applicant the procedures for

obtaining a copy of the criminal history record from the FBI. The information provided to the state facility or Department shall not be disseminated except as provided in this section.

~~F.~~ *G.* Those applicants listed in clause (i) of subsection A also shall provide to the state facility or Department a copy of information from the central registry maintained pursuant to § 63.2-1515 on any investigation of child abuse or neglect undertaken on them.

~~G.~~ *H.* The Board may adopt regulations to comply with the provisions of this section. Copies of any information received by the state facility or Department pursuant to this section shall be available to the Department and to the applicable state facility but shall not be disseminated further, except as permitted by state or federal law. The cost of obtaining the criminal history record and the central registry information shall be borne by the applicant, unless the Department or state facility decides to pay the cost.

§ 37.2-416.1. Background checks required; adult substance abuse and mental health services.

A. As used in this section:

"Direct care position" means any position that includes responsibility for (i) treatment, case management, health, safety, development, or well-being of an adult receiving substance abuse or mental health services or (ii) immediately supervising a person in a position described in this definition.

"Hire for compensated employment" does not include (i) a promotion from one adult substance abuse or adult mental health treatment position to another such position within the same licensee licensed pursuant to this article or (ii) new employment in an adult substance abuse or adult mental health treatment position in another office or program licensed pursuant to this article if the person employed prior to July 1, 1999, in a licensed program had no convictions in the five years prior to the application date for employment. "Hire for compensated employment" includes (a) a promotion or transfer from an adult substance abuse treatment position to any mental health or developmental services direct care position within the same licensee licensed pursuant to this article or (b) new employment in any mental health or developmental services direct care position in another office or program of the same licensee licensed pursuant to this article for which the person has previously worked in an adult substance abuse treatment position.

"Peer recovery specialist" means any person who has completed a peer recovery specialist training course approved by the Department of Behavioral Health and Developmental Services.

"Provider" means a provider who is licensed pursuant to this article and who provides substance abuse or mental health services to adults.

B. Every provider shall require (i) any applicant who accepts employment in any direct care position and (ii) any person under contract with the provider to serve in a direct care position to submit to fingerprinting and provide personal descriptive information to be forwarded through the Central Criminal Records Exchange to the Federal Bureau of Investigation (FBI) for the purpose of obtaining national criminal history record information regarding the applicant. Except as otherwise provided in subsection C, D, *E,* or ~~E~~ *G*, no provider shall:

1. Hire for compensated employment any person who has been convicted of (i) any offense set forth in clause (i), (ii), or (iii) of the definition of barrier crime in § 19.2-392.02 or (ii) any offense set forth in clause (iv) of the definition of barrier crime in § 19.2-392.02 (a) in the five years prior to the application date for employment or (b) if such person continues on probation or parole or has failed to pay required court costs for such offense set forth in clause (iv) of the definition of barrier crime in § 19.2-392.02; or

2. Allow any person under contract with the provider to serve in a direct care position who has been convicted of (i) any offense set forth in clause (i), (ii), or (iii) of the definition of barrier crime in § 19.2-392.02 or (ii) any offense set forth in clause (iv) of the definition of barrier crime in § 19.2-392.02 (a) in the five years prior to the application date for employment or (b) if such person continues on probation or parole or has failed to pay required court costs for such offense set forth in clause (iv) of the definition of barrier crime in § 19.2-392.02.

The Central Criminal Records Exchange, upon receipt of an applicant's record or notification that no record exists, shall submit a report to the requesting authorized officer or director of a provider. If any applicant is denied employment because of information appearing on the criminal history record and the applicant disputes the information upon which the denial was based, the Central Criminal Records Exchange shall, upon written request, furnish to the applicant the procedures for obtaining a copy of the criminal history record from the FBI. The information provided to the authorized officer or director of a provider shall not be disseminated except as provided in this section.

C. *Notwithstanding the provisions of subsection B, a provider may hire for compensated employment or permit any person under contract with the provider to serve in a direct care position or permit any person employed by a temporary agency that has entered into a contract with the provider to provide direct care services on behalf of the provider at an adult substance abuse or mental health treatment program a person who was convicted of any misdemeanor violation of § 18.2-57 or any violation of § 18.2-248, 18.2-250, or 18.2-258.1, except an offense pursuant to subsection H1 or H2 of § 18.2-248, provided that such conviction occurred more than four years prior to the application date for employment.*

D. Notwithstanding the provisions of subsection B, a provider may hire for compensated employment or permit any person under contract with the provider to serve in a direct care position or permit any person employed by a temporary agency that has entered into a contract with the provider to provide direct care services on behalf of the provider at adult substance abuse or adult mental health treatment programs a person who was convicted of any violation of § 18.2-51.3; any misdemeanor violation of § 18.2-56 or 18.2-56.1 ~~or subsection A of § 18.2-57~~; any first offense misdemeanor violation of § 18.2-57.2; any violation of § 18.2-60, 18.2-89, 18.2-92, or 18.2-94; any misdemeanor violation of § 18.2-282, 18.2-346,

or 18.2-346.01; any offense set forth in clause (iii) of the definition of barrier crime in § 19.2-392.02, except an offense pursuant to subsections H1 and H2 of § 18.2-248; or any substantially similar offense under the laws of another jurisdiction, if the hiring provider determines, based upon a screening assessment, that the criminal behavior was substantially related to the applicant's substance abuse or mental illness and that the person has been successfully rehabilitated and is not a risk to individuals receiving services based on his criminal history background and his substance abuse or mental illness history. In addition, where the employment at an adult substance abuse treatment program is as a peer recovery specialist, the provider may hire any person eligible under this subsection or who was convicted of any offense set forth in clause (iv) of the definition of barrier crime in § 19.2-392.02 if the hiring provider determines, based upon a screening assessment, that the criminal behavior was substantially related to the person's substance abuse or mental illness and that the person has been successfully rehabilitated and is not a risk to individuals receiving services based on his criminal history background and his substance abuse or mental illness history.

~~D.~~ *E.* Notwithstanding the provisions of subsection B, a provider may hire for compensated employment or permit any person under contract with the provider to serve in a direct care position or permit any person employed by a temporary agency that has entered into a contract with the provider to provide direct care services on behalf of the provider at adult substance abuse treatment facilities a person who has been convicted of not more than one offense under subsection C of § 18.2-57, or any substantially similar offense under the laws of another jurisdiction, if (i) the person has been granted a simple pardon if the offense was a felony committed in Virginia, or the equivalent if the person was convicted under the laws of another jurisdiction; (ii) more than 10 years have elapsed since the conviction; and (iii) the hiring provider determines, based upon a screening assessment, that the criminal behavior was substantially related to the applicant's substance abuse and that the person has been successfully rehabilitated and is not a risk to individuals receiving services based on his criminal history background and his substance abuse history.

~~E.~~ *F.* The hiring provider and a screening contractor designated by the Department shall screen applicants who meet the criteria set forth in subsections ~~C and~~ D *and E* to assess whether the applicants have been rehabilitated successfully and are not a risk to individuals receiving services based on their criminal history backgrounds and substance abuse or mental illness histories. To be eligible for such screening, the applicant shall have completed all prison or jail terms, shall not be under probation or parole supervision, shall have no pending charges in any locality, shall have paid all fines, restitution, and court costs for any prior convictions, and shall have been free of parole or probation for at least five years for all convictions. In addition to any supplementary information the provider or screening contractor may require or the applicant may wish to present, the applicant shall provide to the screening contractor a statement from his most recent probation or parole officer, if any, outlining his period of supervision and a copy of any pre-sentencing or post-sentencing report in connection with the felony conviction. The cost of this screening shall be paid by the applicant, unless the licensed provider decides to pay the cost.

~~F.~~ *G.* Notwithstanding the provisions of subsection B, a provider may (i) hire for compensated employment, (ii) approve as a sponsored residential service provider, (iii) permit to enter into a shared living arrangement, or (iv) permit any person under contract with the provider to serve in a direct care position on behalf of the provider or permit any person employed by a temporary agency that has entered into a contract with the provider to provide direct care services on behalf of the provider persons who have been convicted of not more than one misdemeanor offense under § ~~18.2-57 or~~ 18.2-57.2, or any substantially similar offense under the laws of another jurisdiction, if 10 years have elapsed following the conviction, unless the person committed the offense while employed in a direct care position. A provider may also approve a person as a sponsored residential service provider if (a) any adult living in the home of an applicant or (b) any person employed by the applicant to provide services in the home in which sponsored residential services are provided has been convicted of not more than one misdemeanor offense under § ~~18.2-57 or~~ 18.2-57.2, or any substantially similar offense under the laws of another jurisdiction, if 10 years have elapsed following the conviction, unless the person committed the offense while employed in a direct care position.

~~G.~~ *H.* Every provider shall require, as a condition of employment, approval as a sponsored residential service provider, permission to enter into a shared living arrangement with a person receiving medical assistance services pursuant to a waiver, or permission for any person under contract with the provider to serve in a direct care position, written consent and personal information necessary to obtain a search of the registry of founded complaints of child abuse and neglect that is maintained by the Department of Social Services pursuant to § 63.2-1515.

~~H.~~ *I.* The cost of obtaining the criminal history record and search of the child abuse and neglect registry record shall be borne by the applicant, unless the provider decides to pay the cost.

~~I.~~ *J.* A person who complies in good faith with the provisions of this section shall not be liable for any civil damages for any act or omission in the performance of duties under this section unless the act or omission was the result of gross negligence or willful misconduct.

~~J.~~ *K.* Notwithstanding any other provision of law, a provider that provides services to individuals receiving services under the state plan for medical assistance services or any waiver thereto may disclose to the Department of Medical Assistance Services (i) whether a criminal history background check has been completed for a person described in subsection B for whom a criminal history background check is required and (ii) whether the person described in subsection B is eligible for employment, to provide sponsored residential services, to provide services in the home of a sponsored residential service provider, or to enter into a shared living arrangement with a person receiving medical assistance services pursuant to a waiver.

~~K.~~ *L.* Any person employed by a temporary agency that has entered into a contract with a provider and who will serve in a direct care position on behalf of such provider shall undergo a background check that shall include:

1. A criminal history records check through the Central Criminal Records Exchange pursuant to § 19.2-389; and

2. A search of the central registry maintained pursuant to § 63.2-1515 for any founded complaint of child abuse and neglect.

Except as otherwise provided in subsection C, D, *E,* or ~~F~~ *G*, no provider shall permit any person employed by a temporary agency that has entered into a contract with the provider to provide direct care services on behalf of the provider if that person has been convicted of (i) any offense set forth in clause (i), (ii), or (iii) of the definition of barrier crime in § 19.2-392.02 or (ii) any offense set forth in clause (iv) of the definition of barrier crime in § 19.2-392.02 (a) in the five years prior to the application date for employment or (b) if such person continues on probation or parole or has failed to pay required court costs for such offense set forth in clause (iv) of the definition of barrier crime in § 19.2-392.02.

§ 37.2-506.1. Background checks required; adult substance abuse and mental health services.

A. As used in this section:

"Direct care position" means any position that includes responsibility for (i) treatment, case management, health, safety, development, or well-being of an adult receiving substance abuse or mental health services or (ii) immediately supervising a person in a position described in this definition.

"Hire for compensated employment" does not include (i) a promotion from one adult substance abuse or adult mental health treatment position to another such position within the same community services board or (ii) new employment in an adult substance abuse or adult mental health treatment position in another office or program of the same community services board if the person employed prior to July 1, 1999, had no convictions in the five years prior to the application date for employment. "Hire for compensated employment" includes (a) a promotion or transfer from an adult substance abuse treatment position to any mental health or developmental services direct care position within the same community services board or (b) new employment in any mental health or developmental services direct care position in another office or program of the same community services board for which the person has previously worked in an adult substance abuse treatment position.

"Peer recovery specialist" means any person who has completed a peer recovery specialist training course approved by the Department of Behavioral Health and Developmental Services.

B. Every community services board shall require (i) any applicant who accepts employment in any direct care position with the community services board and (ii) any person under contract to serve in a direct care position on behalf of the community services board to submit to fingerprinting and provide personal descriptive information to be forwarded through the Central Criminal Records Exchange to the Federal Bureau of Investigation (FBI) for the purpose of obtaining national criminal history record information regarding the applicant. Except as otherwise provided in subsection C, D, *E,* or ~~F~~ *G*, no community services board shall hire for compensated employment, approve as a sponsored residential service provider, permit to enter into a shared living arrangement with a person receiving medical assistance services pursuant to a waiver, or permit any person under contract to serve in a direct care position on behalf of the community services board persons who have been convicted of (a) any offense set forth in clause (i), (ii), or (iii) of the definition of barrier crime in § 19.2-392.02 or (b) any offense set forth in clause (iv) of the definition of barrier crime in § 19.2-392.02 (1) in the five years prior to the application date for employment, the application date to be a sponsored residential service provider, or entering into a shared living arrangement or (2) if such person continues on probation or parole or has failed to pay required court costs for such offense set forth in clause (iv) of the definition of barrier crime in § 19.2-392.02.

The Central Criminal Records Exchange, upon receipt of an applicant's record or notification that no record exists, shall submit a report to the requesting executive director or personnel director of the community services board. If any applicant is denied employment because of information appearing on his criminal history record and the applicant disputes the information upon which the denial was based, the Central Criminal Records Exchange shall, upon written request, furnish to the applicant the procedures for obtaining a copy of the criminal history record from the FBI. The information provided to the executive director or personnel director of any community services board shall not be disseminated except as provided in this section.

C. *Notwithstanding the provisions of subsection B, the community services board may hire for compensated employment or permit any person under contract to serve in a direct care position on behalf of the community services board or permit any person employed by a temporary agency that has entered into a contract with the community services board to provide direct care services on behalf of the community services board at an adult substance abuse or mental health treatment program a person who was convicted of any misdemeanor violation of § 18.2-57 or any violation of § 18.2-248, 18.2-250, or 18.2-258.1, except an offense pursuant to subsection H1 or H2 of § 18.2-248, provided that such conviction occurred more than four years prior to the application date for employment.*

D. Notwithstanding the provisions of subsection B, the community services board may hire for compensated employment or permit any person under contract to serve in a direct care position on behalf of the community services board or permit any person employed by a temporary agency that has entered into a contract with the community services board to provide direct care services on behalf of the community services board at adult substance abuse or adult mental health treatment programs a person who was convicted of any violation of § 18.2-51.3; any misdemeanor violation of § 18.2-56 ~~or~~, 18.2-56.1, ~~subsection A of §~~ ~~18.2-57,~~ or ~~§~~ 18.2-57.2; any violation of § 18.2-60, 18.2-89, 18.2-92, or 18.2-94; any misdemeanor violation of § 18.2-282, 18.2-346, or 18.2-346.01; any offense set forth in clause (iii) of the definition of

barrier crime in § 19.2-392.02, except an offense pursuant to subsection H1 or H2 of § 18.2-248; or any substantially similar offense under the laws of another jurisdiction, if the hiring community services board determines, based upon a screening assessment, that the criminal behavior was substantially related to the applicant's substance abuse or mental illness and that the person has been successfully rehabilitated and is not a risk to individuals receiving services based on his criminal history background and his substance abuse or mental illness history. In addition, where the employment at an adult substance abuse treatment program is as a peer recovery specialist, the community services board may hire any person eligible under this subsection or who was convicted of any offense set forth in clause (iv) of the definition of barrier crime in § 19.2-392.02 if the hiring community services board determines, based upon a screening assessment, that the criminal behavior was substantially related to the person's substance abuse or mental illness and that the person has been successfully rehabilitated and is not a risk to individuals receiving services based on his criminal history background and his substance abuse or mental illness history.

~~D.~~ *E.* Notwithstanding the provisions of subsection B, the community services board may hire for compensated employment or permit any person under contract to serve in a direct care position on behalf of the community services board or permit any person employed by a temporary agency that has entered into a contract with the community services board to provide direct care services on behalf of the community services board at adult substance abuse treatment programs a person who has been convicted of not more than one offense under subsection C of § 18.2-57, or any substantially similar offense under the laws of another jurisdiction, if (i) the person has been granted a simple pardon if the offense was a felony committed in Virginia, or the equivalent if the person was convicted under the laws of another jurisdiction; (ii) more than 10 years have elapsed since the conviction; and (iii) the hiring community services board determines, based upon a screening assessment, that the criminal behavior was substantially related to the applicant's substance abuse and that the person has been successfully rehabilitated and is not a risk to individuals receiving services based on his criminal history background and his substance abuse history.

~~E.~~ *F.* The community services board and a screening contractor designated by the Department shall screen applicants who meet the criteria set forth in subsections ~~C and~~ D *and E* to assess whether the applicants have been rehabilitated successfully and are not a risk to individuals receiving services based on their criminal history backgrounds and substance abuse or mental illness histories. To be eligible for such screening, the applicant shall have completed all prison or jail terms, shall not be under probation or parole supervision, shall have no pending charges in any locality, shall have paid all fines, restitution, and court costs for any prior convictions, and shall have been free of parole or probation for at least five years for all convictions. In addition to any supplementary information the community services board or screening contractor may require or the applicant may wish to present, the applicant shall provide to the screening contractor a statement from his most recent probation or parole officer, if any, outlining his period of supervision and a copy of any pre-sentencing or post-sentencing report in connection with the felony conviction. The cost of this screening shall be paid by the applicant, unless the board decides to pay the cost.

~~F.~~ *G.* Notwithstanding the provisions of subsection B, a community services board may (i) hire for compensated employment or (ii) permit any person under contract to serve in a direct care position on behalf of the community services board or permit any person employed by a temporary agency that has entered into a contract with the community services board to provide direct care services on behalf of the community services board persons who have been convicted of not more than one misdemeanor offense under § ~~18.2-57 or~~ 18.2-57.2, or any substantially similar offense under the laws of another jurisdiction, if 10 years have elapsed following the conviction, unless the person committed the offense while employed in a direct care position.

~~G.~~ *H.* Community services boards also shall require, as a condition of employment or permission for any person under contract to serve in a direct care position on behalf of the community services board, written consent and personal information necessary to obtain a search of the registry of founded complaints of child abuse and neglect that is maintained by the Department of Social Services pursuant to § 63.2-1515.

~~H.~~ *I.* The cost of obtaining the criminal history record and search of the child abuse and neglect registry record shall be borne by the applicant, unless the community services board decides to pay the cost.

~~I.~~ *J.* Notwithstanding any other provision of law, a community services board that provides services to individuals receiving services under the state plan for medical assistance services or any waiver thereto may disclose to the Department of Medical Assistance Services (i) whether a criminal history background check has been completed for a person described in subsection B for whom a criminal history background check is required and (ii) whether the person described in subsection B is eligible for employment.

~~J.~~ *K.* Any person employed by a temporary agency that has entered into a contract with a community services board and who will serve in a direct care position on behalf of such community services board shall undergo a background check that shall include:

1. A criminal history records check through the Central Criminal Records Exchange pursuant to § 19.2-389; and

2. A search of the central registry maintained pursuant to § 63.2-1515 for any founded complaint of child abuse and neglect.

Except as otherwise provided in subsection C, D, *E,* or ~~F~~ *G*, no community services board shall permit any person employed by a temporary agency that has entered into a contract with the community services board to provide direct care services on behalf of the community services board if that person has been convicted of (i) any offense set forth in clause (i), (ii), or (iii) of the definition of barrier crime in § 19.2-392.02 or (ii) any offense set forth in clause (iv) of the definition of

barrier crime in § 19.2-392.02 (a) in the five years prior to the application date for employment, the application date to be a sponsored residential service provider, or entering into a shared living arrangement or (b) if such person continues on probation or parole or has failed to pay required court costs for such offense set forth in clause (iv) of the definition of barrier crime in § 19.2-392.02.

CHAPTER 684

An Act to amend and reenact §§ 22.1-1, 22.1-206.3, and 22.1-253.13:1, as they shall become effective, 23.1-100, and 23.1-907 of the Code of Virginia and to amend the Code of Virginia by adding in Chapter 13 of Title 22.1 an article numbered 5.1, consisting of sections numbered 22.1-237.1 through 22.1-237.5, relating to Department of Education and Virginia Community College System; College and Career Ready Virginia Program and Fund established.

[S 627]

Approved April 8, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 22.1-1, 22.1-206.3, and 22.1-253.13:1, as they shall become effective, 23.1-100, and 23.1-907 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Chapter 13 of Title 22.1 an article numbered 5.1, consisting of sections numbered 22.1-237.1 through 22.1-237.5, as follows:

§ 22.1-1. (For effective date, see Acts 2022, cc. 549, 550, cl. 2) Definitions.

As used in this title, unless the context requires a different meaning:

"Board" or "State Board" means the Board of Education.

"Department" means the Department of Education.

"Division superintendent" means the division superintendent of schools of a school division.

"Dual enrollment" means the enrollment of a qualified high school student in a postsecondary course that is creditable toward high school completion and a career certificate or an associate or baccalaureate degree at a public institution of higher education. "Dual enrollment" does not include the enrollment of a qualified high school student in a postsecondary course that is not creditable toward high school completion.

"Elementary" includes kindergarten.

"Elementary and secondary" and "elementary or secondary" include elementary, middle, and high school grades.

"Evidence-based literacy instruction" means structured instructional practices, including sequential, systematic, explicit, and cumulative teaching, that (i) are based on reliable, trustworthy, and valid evidence consistent with science-based reading research; (ii) are used in core or general instruction, supplemental instruction, intervention services, and intensive intervention services; (iii) have a demonstrated record of success in adequately increasing students' reading competency, vocabulary, oral language, and comprehension and in building mastery of the foundational reading skills of phonological and phonemic awareness, alphabetic principle, phonics, spelling, and text reading fluency; and (iv) are able to be differentiated in order to meet the individual needs of students.

"Governing body" or "local governing body" means the board of supervisors of a county, council of a city, or council of a town, responsible for appropriating funds for such locality, as the context may require.

"Middle school" means separate schools for early adolescents and the middle school grades that might be housed at elementary or high schools.

"Parent" or "parents" means any parent, guardian, legal custodian, or other person having control or charge of a child.

"Person of school age" means a person who will have reached his fifth birthday on or before September 30 of the school year and who has not reached twenty years of age on or before August 1 of the school year.

"School board" means the school board that governs a school division.

"Science-based reading research" means research that (i) applies rigorous, systematic, and objective observational or experimental procedures to obtain valid knowledge relevant to reading development, reading instruction, and reading and writing difficulties and (ii) explains how proficient reading and writing develop, why some children have difficulties developing key literacy skills, and how schools can best assess and instruct early literacy, including the use of evidence-based literacy instruction practices to promote reading and writing achievement.

"Superintendent" means the Superintendent of Public Instruction.

§ 22.1-206.3. (Effective July 1, 2024) Dual enrollment programs; course credit; guidelines.

The Board shall*, consistent with the provisions of Article 5.1 (§ 22.1-237.1 et seq.),* develop guidelines and policies for prioritizing to the maximum extent practicable dual enrollment programs, including the Passport Program, the Uniform Certificate of General Studies Program, the New Economy Workforce Credential Grant Program, and other such programs that allow high school students to receive credit toward the completion of an undergraduate course, degree, or credential offered in the Virginia Community College System. Such guidelines and policies shall include recommendations and strategies on how to ensure the prioritization of such programs to the maximum extent practicable, including ways to direct prioritization of funding to such programs.

Article 5.1.

College and Career Ready Virginia Program and Fund.

§ 22.1-237.1. Definitions.

As used in this article, unless the context requires a different meaning:

"Associate-degree-granting public institution of higher education," "baccalaureate public institution of higher education," "comprehensive community college," "Council," "public institution of higher education," and "System" have the same meanings as provided in § 23.1-100.

"Career and technical education" has the same meaning as provided in § 23.1-2900.

"Fund" means the College and Career Ready Virginia Fund.

"Program" means the College and Career Ready Virginia Program.

"Qualified high school student" means a student who is eligible to participate in the Program in accordance with subdivision 3 of § 22.1-237.4.

§ 22.1-237.2. College and Career Ready Virginia Program and Fund; establishment.

A. The Board and the State Board for Community Colleges shall establish the College and Career Ready Virginia Program.

B. The purpose of the Program is to offer consistent, structured opportunities for all qualified high school students in the Commonwealth to enroll in postsecondary coursework offered by a comprehensive community college that is creditable toward high school completion and a certificate or degree from a public institution of higher education. Academic credits earned through the Program shall enable students to complete a postsecondary credential in less time and at lower cost.

C. There is hereby created in the state treasury a special nonreverting fund to be known as the College and Career Ready Virginia Fund. The Fund shall be established on the books of the Comptroller. All funds appropriated for such purpose and any gifts, donations, grants, bequests, and other funds received on its behalf shall be paid into the state treasury and credited to the Fund. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. Moneys in the Fund shall be used solely for the purpose of administering the Program. Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants issued by the Comptroller upon written request signed by the Chancellor of the System and the Superintendent.

D. Comprehensive community colleges, the Online Virginia Network Authority, and local school boards shall not charge qualified high school students tuition or fees for enrolling and participating in Program courses.

§ 22.1-237.3. College and Career Ready Virginia Program; requirements.

A. The Program shall consist of the dual enrollment and participation of qualified high school students at the high school in college courses pursuant to the Passport Program and the Uniform Certificate of General Studies Program established in accordance with the requirements set forth in subsection B of § 23.1-907.

B. Each school board shall, pursuant to the Program, offer each qualified high school student in the local school division access to courses at each high school that are sufficient to complete the Passport Program and the Uniform Certificate of General Studies Program at a public institution of higher education at no cost to such student.

C. The System and the Online Virginia Network Authority shall, pursuant to the Program, offer each local school board access to courses at each high school, including virtual courses, that are sufficient for each local school board's qualified high school students to complete the Passport Program and the Uniform Certificate of General Studies Program at a public institution of higher education, at no cost to such local school board.

D. Any credit earned through successful completion of Passport Program and Uniform Certificate of General Studies Program courses through the Program shall transfer to each public institution of higher education pursuant to §§ 23.1-905.1 and 23.1-907.

E. The Program shall include appropriate counseling by high school and comprehensive community college staff to ensure that all high school students and parents of high school students receive thorough information about the availability of and process for enrolling in Program courses and the opportunity to earn Passport Program and Uniform Certificate of General Studies Program credits that will transfer to public institutions of higher education.

F. The Program shall be data-driven and continually updated to (i) reduce socioeconomic, academic, and other barriers impeding students' access to Program courses; (ii) improve student academic and career outcomes; and (iii) align with the changing workforce needs of the Commonwealth.

G. The Auditor of Public Accounts shall annually audit the receipt and expenditure of any funds associated with the Program by any local school board, any comprehensive community college, the Department, or the System to ensure that such funds are expended exclusively in furtherance of the purposes of this article.

§ 22.1-237.4. College and Career Ready Virginia Program; administration.

The Department and the System shall administer the Program. In administering the Program, the Department and the System shall:

1. Establish an advisory committee composed of representatives from local school divisions from each of the eight Superintendent's regions, associate-degree-granting public institutions of higher education from each of the eight Superintendent's regions, baccalaureate public institutions of higher education, Richard Bland College, the Office of the Secretary of Education, the State Council of Higher Education for Virginia, the Council of Independent Colleges in Virginia, the Virginia Office of Education Economics, the Virginia Chamber of Commerce, and the Federal Reserve Bank of Richmond, as well as parents of public school students from each of the eight Superintendent's regions, a parent of a student who receives home instruction, and a representative from the Department with expertise in state and federal requirements for meeting the needs of students with disabilities. Such advisory committee shall provide guidance to the Department and

the System to ensure that the Program fulfills the purpose of the Program described in subsection B of § 22.1-237.2 and meets the requirements set forth in § 22.1-237.3.

2. Coordinate with the Council in its performance of its responsibilities under §§ 23.1-905.1, 23.1-907, and 23.1-908.

3. Review existing regulations, including 8VAC20-131-140, and policies, including policy 6.6.3 in the VCCS Policy Manual, on dual enrollment student eligibility and admission requirements and develop consistent student eligibility and admission requirements for the Program that balance improving student access to and ensuring student preparedness for Program courses.

4. Develop and implement initiatives to improve participation in the Program by qualified high school students from groups of students that are underrepresented in baccalaureate public institutions of higher education.

5. Develop guidelines for school boards and comprehensive community colleges to provide notice of and counseling relating to the Program to high school students and their parents.

6. Develop guidelines for local school boards and comprehensive community colleges to provide students enrolled in the Program with appropriate support, including academic support services and activities, access and user privileges to adequate library collections and services, accommodations for students with disabilities, transportation, and any other learning information or resources.

7. Establish and implement initiatives to increase the number of high school teachers across the Commonwealth that meet the applicable dual enrollment faculty credential requirements.

8. In local school divisions in which in-person instruction by qualified high school faculty is not available, ensure that comprehensive community colleges and the Online Virginia Network Authority provide access to Program courses transmitted virtually.

9. Consider the unique needs of local school divisions related to their location, size, and proximity to a comprehensive community college when developing recommendations and implementing the Program.

10. Consider how to incorporate all associate-degree-granting public institutions of higher education in the Program, consistent with the establishment of the Program pursuant to § 22.1-237.2.

11. Make distributions from the Fund as set forth in subsection C of § 22.1-237.2.

12. Develop and implement a plan for the annual collection and public reporting of state-level and division-level Program data, including high school and postsecondary student outcomes.

13. Develop and implement a plan for the annual collection from local school divisions and comprehensive community colleges of data on their receipts and expenditures related to the Program.

14. Establish a Program webpage that provides information necessary for students and parents to understand and access the Program.

15. Complete an annual, comprehensive review of the effectiveness of the Program, including its cost, student outcomes, and the quality and rigor of Program courses, and prepare a plan for continuous Program improvement.

16. Annually report to the General Assembly the results of the review and the plan for continuous Program improvement in subdivision 15.

§ 22.1-237.5. College and Career Ready Virginia Program; incorporation of career and technical education coursework; work group.

A. In recognition of the fact that career and technical education is an essential element of workforce readiness in the Commonwealth, the Department and the System shall establish the Program career and technical education work group (the work group) for the purpose of developing and recommending a career and technical education program of coursework that is available to all qualified high school students as part of the Program.

B. The work group shall be composed of representatives from local school divisions from each of the eight Superintendent's regions, associate-degree-granting public institutions of higher education from each of the eight Superintendent's regions, Richard Bland College, the Office of the Secretary of Education, the State Council of Higher Education for Virginia, the Council of Independent Colleges in Virginia, the Virginia Office of Education Economics, the Virginia Chamber of Commerce, and the Federal Reserve Bank of Richmond, as well as parents of public school students from each of the eight Superintendent's regions, a parent of a student who receives home instruction, and a representative from the Department with expertise in state and federal requirements for meeting the needs of students with disabilities.

C. The work group shall:

1. Review existing statutory requirements related to career and technical education, including § 23.1-2906.1, and assess their relevance to qualified dual enrollment students;

2. Gather data sufficient to understand (i) what career and technical education courses and pathways are currently offered through dual enrollment to students; (ii) how the current dual enrollment course offerings differ across local school divisions; (iii) whether existing state funding programs that support career and technical education, including the Get Skilled, Get a Job, Give Back (G3) Program established pursuant to § 23.1-2911.2, the New Economy Workforce Credential Grant Program established pursuant to Article 4.1 (§ 23.1-627.1 et seq.) of Chapter 6 of Title 23.1, and the FastForward Program established by the System, are available to dual enrollment students; (iv) the current availability of instructors who are qualified to teach dual enrollment career and technical education courses across local school divisions; (v) the current costs of dual enrollment in career and technical education courses for students across local school divisions; (vi) the current cost to comprehensive community colleges to provide career and technical education through dual

enrollment; and (vii) the extent to which current dual enrollment career and technical education coursework meets industry needs across the Commonwealth; and

3. Develop recommendations for the Department and the System to incorporate career and technical education coursework into the Program. Such recommendations shall address (i) what career and technical education coursework shall be available through dual enrollment to qualified high school students through the Program; (ii) how to ensure that all qualified dual enrolled students can access career and technical courses available through the Program; (iii) how to ensure that such courses meet the industry needs of the Commonwealth; (iv) how to ensure that such courses are affordable for qualified high school students across the Commonwealth; (v) how to ensure that qualified instructors are available to teach career and technical education coursework through the Program; (vi) how to make career and technical education coursework offered through the Program available to qualified high school students through the Online Virginia Network; (vii) what measurable objectives and quantifiable goals the Department and the System should use to understand the cost, assess outcomes, and develop plans for continuous improvement of dual enrollment career and technical education coursework through the Program; and (viii) what legislative action is necessary to incorporate career and technical education coursework into the Program.

§ 22.1-253.13:1. (For effective date, see Acts 2022, cc. 549, 550, cl. 2) Standard 1. Instructional programs supporting the Standards of Learning and other educational objectives.

A. The General Assembly and the Board believe that the fundamental goal of the public schools of the Commonwealth must be to enable each student to develop the skills that are necessary for success in school, preparation for life, and reaching their full potential. The General Assembly and the Board find that the quality of education is dependent upon the provision of (i) the appropriate working environment, benefits, and salaries necessary to ensure the availability of high-quality instructional personnel; (ii) the appropriate learning environment designed to promote student achievement; (iii) quality instruction that enables each student to become a productive and educated citizen of Virginia and the United States of America; and (iv) the adequate commitment of other resources. In keeping with this goal, the General Assembly shall provide for the support of public education as set forth in Article VIII, § 1 of the Constitution of Virginia.

B. The Board shall establish educational objectives known as the Standards of Learning, which shall form the core of Virginia's educational program, and other educational objectives, which together are designed to ensure the development of the skills that are necessary for success in school and for preparation for life in the years beyond. At a minimum, the Board shall establish Standards of Learning for English, mathematics, science, and history and social science. The Standards of Learning shall not be construed to be regulations as defined in § 2.2-4001.

The Board shall seek to ensure that the Standards of Learning are consistent with a high-quality foundation educational program. The Standards of Learning shall include, but not be limited to, the basic skills of communication (listening, speaking, reading, and writing); computation and critical reasoning, including problem solving and decision making; proficiency in the use of computers and related technology; computer science and computational thinking, including computer coding; and the skills to manage personal finances and to make sound financial decisions.

The English Standards of Learning for reading in kindergarten through grade eight shall align with evidence-based literacy instruction and science-based reading research.

The Standards of Learning in all subject areas shall be subject to regular review and revision to maintain rigor and to reflect a balance between content knowledge and the application of knowledge in preparation for eventual employment and lifelong learning. The Board shall establish a regular schedule, in a manner it deems appropriate, for the review, and revision as may be necessary, of the Standards of Learning in all subject areas. Such review of each subject area shall occur at least once every seven years. Nothing in this section shall be construed to prohibit the Board from conducting such review and revision on a more frequent basis.

To provide appropriate opportunity for input from the general public, teachers, and local school boards, the Board shall conduct public hearings prior to establishing revised Standards of Learning. Thirty days prior to conducting such hearings, the Board shall give notice of the date, time, and place of the hearings to all local school boards and any other persons requesting to be notified of the hearings and publish notice of its intention to revise the Standards of Learning in the Virginia Register of Regulations. Interested parties shall be given reasonable opportunity to be heard and present information prior to final adoption of any revisions of the Standards of Learning.

In addition, the Department shall make available and maintain a website, either separately or through an existing website utilized by the Department, enabling public elementary, middle, and high school educators to submit recommendations for improvements relating to the Standards of Learning, when under review by the Board according to its established schedule, and related assessments required by the Standards of Quality pursuant to this chapter. Such website shall facilitate the submission of recommendations by educators.

School boards shall implement the Standards of Learning or objectives specifically designed for their school divisions that are equivalent to or exceed the Board's requirements. Students shall be expected to achieve the educational objectives established by the school division at appropriate age or grade levels. The curriculum adopted by the local school division shall be aligned to the Standards of Learning.

The Board shall include in the Standards of Learning for history and social science the study of contributions to society of diverse people. For the purposes of this subsection, "diverse" includes consideration of disability, ethnicity, race, and gender.

The Board shall include in the Standards of Learning for health instruction in emergency first aid, cardiopulmonary resuscitation, and the use of an automated external defibrillator, including hands-on practice of the skills necessary to perform cardiopulmonary resuscitation. Such instruction shall be based on the current national evidence-based emergency cardiovascular care guidelines for cardiopulmonary resuscitation and the use of an automated external defibrillator, such as a program developed by the American Heart Association or the American Red Cross. No teacher who is in compliance with subdivision D 3 of § 22.1-298.1 shall be required to be certified as a trainer of cardiopulmonary resuscitation to provide instruction for non-certification.

With such funds as are made available for this purpose, the Board shall regularly review and revise the competencies for career and technical education programs to require the full integration of English, mathematics, science, and history and social science Standards of Learning. Career and technical education programs shall be aligned with industry and professional standard certifications, where they exist.

The Board shall establish content standards and curriculum guidelines for courses in career investigation in elementary school, middle school, and high school. Each school board shall (i) require each middle school student to take at least one course in career investigation or (ii) select an alternate means of delivering the career investigation course to each middle school student, provided that such alternative is equivalent in content and rigor and provides the foundation for such students to develop their academic and career plans. Any school board may require (a) such courses in career investigation at the high school level as it deems appropriate, subject to Board approval as required in subsection A of § 22.1-253.13:4, and (b) such courses in career investigation at the elementary school level as it deems appropriate. The Board shall develop and disseminate to each school board career investigation resource materials that are designed to ensure that students have the ability to further explore interest in career and technical education opportunities in middle and high school. In developing such resource materials, the Board shall consult with representatives of career and technical education, industry, skilled trade associations, chambers of commerce or similar organizations, and contractor organizations.

C. Local school boards shall develop and implement a program of instruction for grades K through 12 that is aligned to the Standards of Learning and meets or exceeds the requirements of the Board. The program of instruction shall emphasize reading, writing, speaking, mathematical concepts and computations, proficiency in the use of computers and related technology, computer science and computational thinking, including computer coding, and scientific concepts and processes; essential skills and concepts of citizenship, including knowledge of Virginia history and world and United States history, economics, government, foreign languages, international cultures, health and physical education, environmental issues, and geography necessary for responsible participation in American society and in the international community; fine arts, which may include, but need not be limited to, music and art, and practical arts; knowledge and skills needed to qualify for further education, gainful employment, or training in a career or technical field; and development of the ability to apply such skills and knowledge in preparation for eventual employment and lifelong learning and to achieve economic self-sufficiency.

Local school boards shall also develop and implement programs of prevention, intervention, or remediation for students who are educationally at risk including, but not limited to, those who fail to achieve a passing score on any Standards of Learning assessment in grades three through eight or who fail an end-of-course test required for the award of a verified unit of credit. Such programs shall include components that are research-based.

Any student who achieves a passing score on one or more, but not all, of the Standards of Learning assessments for the relevant grade level in grades three through eight may be required to attend a remediation program.

Any student who fails to achieve a passing score on all of the Standards of Learning assessments for the relevant grade level in grades three through eight or who fails an end-of-course test required for the award of a verified unit of credit shall be required to attend a remediation program or to participate in another form of remediation. Division superintendents shall require such students to take special programs of prevention, intervention, or remediation, which may include attendance in public summer school programs, in accordance with clause (ii) of subsection A of § 22.1-254 and § 22.1-254.01.

Remediation programs shall include, when applicable, a procedure for early identification of students who are at risk of failing the Standards of Learning assessments in grades three through eight or who fail an end-of-course test required for the award of a verified unit of credit. Such programs may also include summer school for all elementary and middle school grades and for all high school academic courses, as defined by regulations promulgated by the Board, or other forms of remediation. Summer school remediation programs or other forms of remediation shall be chosen by the division superintendent to be appropriate to the academic needs of the student. Students who are required to attend such summer school programs or to participate in another form of remediation shall not be charged tuition by the school division.

The requirement for remediation may, however, be satisfied by the student's attendance in a program of prevention, intervention or remediation that has been selected by his parent, in consultation with the division superintendent or his designee, and is either (i) conducted by an accredited private school or (ii) a special program that has been determined to be comparable to the required public school remediation program by the division superintendent. The costs of such private school remediation program or other special remediation program shall be borne by the student's parent.

The Board shall establish standards for full funding of summer remedial programs that shall include, but not be limited to, the minimum number of instructional hours or the equivalent thereof required for full funding and an assessment system designed to evaluate program effectiveness. Based on the number of students attending and the Commonwealth's share of the per pupil instructional costs, state funds shall be provided for the full cost of summer and other remediation programs as

set forth in the appropriation act, provided such programs comply with such standards as shall be established by the Board, pursuant to § 22.1-199.2.

D. Local school boards shall also implement the following:

1. Programs in grades K through three that emphasize developmentally appropriate learning to enhance success.

2. Programs based on prevention, intervention, or remediation designed to increase the number of students who earn a high school diploma and to prevent students from dropping out of school. Such programs shall include components that are research-based.

3. Career and technical education programs incorporated into the K through 12 curricula that include:

a. Knowledge of careers and all types of employment opportunities, including, but not limited to, apprenticeships, entrepreneurship and small business ownership, the military, and the teaching profession, and emphasize the advantages of completing school with marketable skills;

b. Career exploration opportunities in the middle school grades;

c. Competency-based career and technical education programs that integrate academic outcomes, career guidance, and job-seeking skills for all secondary students. Programs shall be based upon labor market needs and student interest. Career guidance shall include counseling about available employment opportunities and placement services for students exiting school. Each school board shall develop and implement a plan to ensure compliance with the provisions of this subdivision. Such plan shall be developed with the input of area business and industry representatives and local comprehensive community colleges and shall be submitted to the Superintendent in accordance with the timelines established by federal law;

d. Annual notice on its website to enrolled high school students and their parents of (i) the availability of the postsecondary education and employment data published by the State Council of Higher Education on its website pursuant to § 23.1-204.1 and (ii) the opportunity for such students to obtain a nationally recognized career readiness certificate at a local public high school, comprehensive community college, or workforce center; and

e. As part of each student's academic and career plan, a list of (i) the top 100 professions in the Commonwealth by median pay and the education, training, and skills required for each such profession and (ii) the top 10 degree programs at institutions of higher education in the Commonwealth by median pay of program graduates. The Department shall annually compile such lists and provide them to each local school board.

4. Educational objectives in middle and high school that emphasize economic education and financial literacy pursuant to § 22.1-200.03.

5. Early identification of students with disabilities and enrollment of such students in appropriate instructional programs consistent with state and federal law.

6. Early identification of gifted students and enrollment of such students in appropriately differentiated instructional programs.

7. Educational alternatives for students whose needs are not met in programs prescribed elsewhere in these standards. Such students shall be counted in average daily membership (ADM) in accordance with the regulations of the Board.

8. Adult education programs for individuals functioning below the high school completion level. Such programs may be conducted by the school board as the primary agency or through a collaborative arrangement between the school board and other agencies.

9. A plan to make achievements for students who are educationally at risk a divisionwide priority that shall include procedures for measuring the progress of such students.

10. An agreement for postsecondary *credit and* degree attainment with ~~a~~ *any* comprehensive community college in the Commonwealth specifying the options for students to complete an associate degree ~~or~~, a one-year Uniform Certificate of General Studies*, or the Passport Program* from a comprehensive community college concurrent with a high school diploma*, consistent with the requirements for the College and Career Ready Virginia Program set forth in Article 5.1 (§ 22.1-237.1 et seq.) of Chapter 13*. Such agreement shall specify the credit available for dual enrollment courses and Advanced Placement courses with qualifying exam scores of three or higher.

11. A plan to notify students and their parents of the availability of dual enrollment and advanced placement classes; career and technical education programs, including internships, externships, apprenticeships, credentialing programs, certification programs, licensure programs, and other work-based learning experiences; the International Baccalaureate Program and Academic Year Governor's School Programs; the qualifications for enrolling in such classes, programs, and experiences; and the availability of financial assistance to low-income and needy students to take the advanced placement and International Baccalaureate examinations. This plan shall include notification to students and parents of the *College and Career Ready Virginia Program established pursuant to Article 5.1. (§ 22.1-237.1 et seq.) of Chapter 13 and its* agreement with a comprehensive community college in the Commonwealth *pursuant to subdivision 10* to enable students to complete an associate degree ~~or~~, a one-year Uniform Certificate of General Studies*, or the Passport Program* concurrent with a high school diploma.

12. Identification of students with limited English proficiency and enrollment of such students in appropriate instructional programs, which programs may include dual language programs whereby such students receive instruction in English and in a second language.

13. Early identification, diagnosis, and assistance for students with mathematics problems and provision of instructional strategies and mathematics practices that benefit the development of mathematics skills for all students.

Local school divisions shall provide algebra readiness intervention services to students in grades six through nine who are at risk of failing the Algebra I end-of-course test, as demonstrated by their individual performance on any diagnostic test that has been approved by the Department. Local school divisions shall report the results of the diagnostic tests to the Department on an annual basis, at a time to be determined by the Superintendent. Each student who receives algebra readiness intervention services will be assessed again at the end of that school year. Funds appropriated for prevention, intervention, and remediation; summer school remediation; at-risk; or algebra readiness intervention services may be used to meet the requirements of this subdivision.

14. Incorporation of art, music, and physical education as a part of the instructional program at the elementary school level.

15. A program of physical activity available to all students in grades kindergarten through five consisting of at least 20 minutes per day or an average of 100 minutes per week during the regular school year and available to all students in grades six through 12 with a goal of at least 150 minutes per week on average during the regular school year. Such program may include any combination of (i) physical education classes, (ii) extracurricular athletics, (iii) recess, or (iv) other programs and physical activities deemed appropriate by the local school board. Each local school board shall implement such program during the regular school year. Any physical education class offered to students in grades seven and eight shall include at least one hour of personal safety training per school year in each such grade level that is developed and delivered in partnership with the local law-enforcement agency and consists of situational safety awareness training and social media education.

16. A program of student services for kindergarten through grade 12 that shall be designed to aid students in their educational, social, and career development.

17. The collection and analysis of data and the use of the results to evaluate and make decisions about the instructional program.

18. A program of instruction in the high school Virginia and U.S. Government course on all information and concepts contained in the civics portion of the U.S. Naturalization Test.

E. From such funds as may be appropriated or otherwise received for such purpose, there shall be established within the Department a unit to (i) conduct evaluative studies; (ii) provide the resources and technical assistance to increase the capacity for school divisions to deliver quality instruction; and (iii) assist school divisions in implementing those programs and practices that will enhance pupil academic performance and improve family and community involvement in the public schools. Such unit shall identify and analyze effective instructional programs and practices and professional development initiatives; evaluate the success of programs encouraging parental and family involvement; assess changes in student outcomes prompted by family involvement; and collect and disseminate among school divisions information regarding effective instructional programs and practices, initiatives promoting family and community involvement, and potential funding and support sources. Such unit may also provide resources supporting professional development for administrators and teachers. In providing such information, resources, and other services to school divisions, the unit shall give priority to those divisions demonstrating a less than 70 percent passing rate on the Standards of Learning assessments.

F. Each local school board may enter into agreements for postsecondary course credit, credential, certification, or license attainment, hereinafter referred to as College and Career Access Pathways Partnerships (Partnerships), with comprehensive community colleges or other public institutions of higher education or educational institutions established pursuant to Title 23.1 that offer a career and technical education curriculum. Such Partnerships shall (i) specify the options for students to take courses as part of the career and technical education curriculum that lead to course credit or an industry-recognized credential, certification, or license concurrent with a high school diploma; (ii) specify the credit, credentials, certifications, or licenses available for such courses; and (iii) specify available options for students to participate in pre-apprenticeship and apprenticeship programs at comprehensive community colleges concurrent with the pursuit of a high school diploma and receive college credit and high school credit for successful completion of any such program.

G. Each local school board shall provide a program of literacy instruction that is aligned with science-based reading research and provides evidenced-based literacy instruction to students in kindergarten through grade eight and is consistent with the school board's literacy plan as required by subsection B of § 22.1-253.13:6. Pursuant to such program:

1. Each local school board shall provide reading intervention services to students in kindergarten through grade eight who demonstrate substantial deficiencies based on their individual performance on the Standards of Learning reading assessment or a literacy screener provided or approved by the Department. Such reading intervention services shall consist of evidence-based literacy instruction, align with science-based reading research, and be documented for each student in a written student reading plan, consistent with the requirements in subdivision 2 and the list developed by the Department pursuant to subdivision H 2.

2. A reading specialist, in collaboration with the teacher of any student who receives reading intervention services pursuant to subdivision 1, shall develop, oversee implementation of, and monitor student progress on a student reading plan. The parent of each student who receives reading intervention services pursuant to subdivision 1 shall receive notice of and have the opportunity to participate in the development of the student reading plan. Each student reading plan (i) shall follow the Department template created pursuant to subdivision H 3; (ii) shall document such reading intervention services; (iii) shall include, at a minimum, (a) the student's specific, diagnosed reading skill deficiencies as determined or identified by diagnostic assessment data or the literacy screener provided or approved by the Department; (b) the goals and benchmarks for student growth in reading; (c) a description of the specific measures that will be used to evaluate and

monitor the student's reading progress; (d) the specific evidence-based literacy instruction that the student will receive; (e) the strategies, resources, and materials that will be provided to the student's parent to support the student to make reading progress; and (f) any additional services the teacher deems available and appropriate to accelerate the student's reading skill development; and (iv) may include the following services for the student: instruction from a reading specialist, trained aide, computer-based reading tutorial program, or classroom teacher with support from an aide, extended instructional time in the school day or school year, or, for students in grades six through eight, a literacy course, in addition to the course required by the Standards of Learning in English, that provides the specific evidence-based literacy instruction identified in the student's reading plan. In accordance with § 22.1-215.2, the parent of each student shall receive notice before services begin and a copy of the student reading plan.

3. Each student who receives such reading intervention services shall be assessed utilizing either the literacy screener provided or approved by the Department or the grade-level reading Standards of Learning assessment again at the end of that school year.

Funds appropriated for prevention, intervention, and remediation, summer school remediation, the at-risk add-on, or early intervention reading may be used to meet the requirements of this subsection.

H. In order to assist local school boards to implement the provisions of subsection G:

1. The Board shall provide guidance on the content of student reading plans;

2. The Department shall develop a list of core literacy curricula, supplemental instruction practices and programs, and intervention programs that consist of evidence-based literacy instruction aligned with science-based reading research for students in kindergarten through grade eight. The list shall be approved by the Board;

3. The Department shall develop a template for student reading plans that aligns with the requirements of subsection G;

4. The Department shall develop and implement a plan for the annual collection and public reporting of division-level and school-level literacy data, at a time to be determined by the Superintendent, to include results on the literacy screeners provided or approved by the Department and the reading Standards of Learning assessments; and

5. The Department shall provide free online evidence-based literacy instruction resources that can be accessed by parents and local school boards to support student literacy development at home.

§ 23.1-100. Definitions.

As used in this title, unless the context requires a different meaning:

"Associate-degree-granting" means that an associate degree is the most advanced degree that is granted.

"Associate-degree-granting public institution of higher education" includes Richard Bland College and each comprehensive community college.

"Baccalaureate" means that bachelor's degrees or more advanced degrees, or both, are granted.

"Baccalaureate public institution of higher education" includes Christopher Newport University, George Mason University, James Madison University, Longwood University, the University of Mary Washington, Norfolk State University, Old Dominion University, Radford University, the University of Virginia, the University of Virginia's College at Wise as a division of the University of Virginia, Virginia Commonwealth University, Virginia Military Institute, Virginia Polytechnic Institute and State University, Virginia State University, and The College of William and Mary in Virginia.

"Chief executive officer" includes the Chancellor of the Virginia Community College System, the Chancellor of the University of Virginia's College at Wise, the Superintendent of Virginia Military Institute, and the president of each other public institution of higher education.

"Comprehensive community college" means an associate-degree-granting public institution of higher education governed by the State Board that offers instruction in one or more of the following fields:

1. Freshman and sophomore courses in arts and sciences acceptable for transfer to baccalaureate degree programs;

2. Diversified technical curricula, including programs leading to an associate degree;

3. Career and technical education leading directly to employment;

4. Courses in general and continuing education for adults in the fields set out in subdivisions 1, 2, and 3; or

5. Noncredit training and retraining courses and programs of varying lengths to meet the needs of business and industry in the Commonwealth.

"Council" means the State Council of Higher Education for Virginia.

"Dual enrollment" means the enrollment of a qualified high school student in a postsecondary course that is creditable toward high school completion and a career certificate or an associate or baccalaureate degree at a public institution of higher education. "Dual enrollment" does not include the enrollment of a qualified high school student in a postsecondary course that is not creditable toward high school completion.

"Governing board" includes the State Board and the board of visitors of each baccalaureate public institution of higher education. "Governing board" does not include local community college boards.

"Local community college board" means the board established to act in an advisory capacity to the State Board and perform such duties with respect to the operation of a single comprehensive community college as may be delegated to it by the State Board.

"Nonprofit private institution of higher education" means any postsecondary school, as that term is defined in § 23.1-213, in the Commonwealth that is exempt from paying federal income taxes under § 501(c)(3) of the Internal Revenue Code and is certified by the Council to offer degrees or exempt from such certification pursuant to Article 3 (§ 23.1-213 et seq.) of Chapter 2.

"Non-Virginia student" means any student who has not established domicile in the Commonwealth pursuant to § 23.1-502.

"Private institution of higher education" includes each nonprofit private institution of higher education and proprietary private institution of higher education in the Commonwealth.

"Proprietary private institution of higher education" means any postsecondary school, as that term is defined in § 23.1-213, in the Commonwealth that is privately owned, privately managed, and obligated to pay federal income taxes in the Commonwealth and is certified by the Council to offer degrees or exempt from such certification pursuant to Article 3 (§ 23.1-213 et seq.) of Chapter 2.

"Public institution of higher education" includes the System as a whole and each associate-degree-granting and baccalaureate public institution of higher education in the Commonwealth.

"State Board" means the State Board for Community Colleges.

"System" means the Virginia Community College System.

"Virginia student" means any student who has established domicile in the Commonwealth pursuant to § 23.1-502.

§ 23.1-907. Articulation, dual admissions, and guaranteed admissions agreements; admission of certain comprehensive community college graduates.

A. The board of visitors of each baccalaureate public institution of higher education shall develop, consistent with Council guidelines and the institution's six-year plan as set forth in § 23.1-306, articulation, dual admissions, and guaranteed admissions agreements with each associate-degree-granting public institution of higher education. Such guaranteed admissions agreements may provide for the guaranteed admission of a student who earns an associate degree concurrently with a high school diploma through a dual enrollment program, in addition to any guaranteed admission for a student who earns an associate degree post-high school.

B. The System, in cooperation with the Council and each public institution of higher education, and consistent with the guidelines developed pursuant to subdivision 20 of § 23.1-203, shall establish a one-semester Passport Program and a one-year Uniform Certificate of General Studies Program. The Passport Program shall consist of 15 course credit hours and shall be a component of the 30-credit-hour Uniform Certificate of General Studies Program. Each Uniform Certificate of General Studies Program and Passport Program course shall be transferable and shall satisfy a lower division general education requirement at any public institution of higher education. The Uniform Certificate of General Studies Program and Passport Program shall be available at each comprehensive community college and through the Online Virginia Network.

C. The Council shall establish procedures under which a baccalaureate public institution of higher education may seek a waiver from the Council from accepting the transfer of a Uniform Certificate of General Studies Program or Passport Program course to satisfy the requirements for the completion of a specific pathway or degree. A waiver shall not be granted allowing a baccalaureate public institution to (i) generally reject the transfer of all coursework that is a part of the Uniform Certificate of General Studies Program or Passport Program or (ii) generally reject the transfer of a course from the Uniform Certificate of General Studies Program or Passport Program for all pathway maps and degrees. An application for a waiver shall identify with particularity the course for which the institution is seeking a waiver and the particular pathway or degree to which the waiver would apply. The application shall provide justification for the waiver and shall designate alternative courses offered through the System that may be completed by a student in order to complete a transferable, 30-credit-hour Uniform Certificate *of General Studies* or 15-credit-hour Passport. The Council shall adopt guidelines regarding the criteria to be used to review and issue decisions regarding waiver requests. Such waiver requests shall only be granted if the baccalaureate public institution of higher education provides evidence that the specified pathway or degree requires a specialized, lower division course not available through the System. Once approved, notice of a waiver granted by the Council shall be included in the online portal established pursuant to § 23.1-908.

D. The Council shall develop guidelines for associate-degree-granting and baccalaureate public institutions of higher education to use in mapping pathways for the completion of credits in particular programs of study, including the courses recommended to be taken in a dual enrollment, comprehensive community college, and baccalaureate public institution setting in order to pursue a specific degree or career. Such guidelines shall define the elements of a pathway map and identify the pathway maps to be developed. Initial guidelines adopted for mapping such pathways shall establish a multiyear schedule for the development and implementation of pathway maps for all fields of study.

E. Each baccalaureate public institution of higher education, in cooperation and consultation with the System, shall develop pathway maps consistent with the guidelines established pursuant to subsection D. Such pathways maps shall clearly set forth the courses that a student at a comprehensive community college is encouraged to complete prior to transferring to the baccalaureate institution. The goal of the career education pathway maps shall be to assist students in achieving optimal efficiencies in the time and cost of completing a degree program. Such program map shall also clearly identify the courses, if any, for which the baccalaureate institution has received a waiver from transfer pursuant to subsection C.

F. The Council shall prepare a comprehensive annual report on the effectiveness of transferring from comprehensive community colleges to baccalaureate public institutions of higher education, including a review of the effectiveness of the use of pathway maps in achieving efficiencies and cost savings in the completion of a degree program. The report shall include the following elements: completion rates, average time to degree, credit accumulation, post-transfer student academic performance, and comparative efficiency. The Council shall adopt guidelines for data submission from public

institutions of higher education necessary for such report, and all institutions shall report such data in accordance with the guidelines. The report shall be made publicly available on the Council website and on the online portal maintained pursuant to § 23.1-908.

G. Each comprehensive community college shall develop agreements for postsecondary *credit and degree* attainment with the public high schools in the school divisions that such comprehensive community college serves specifying the options for students to complete an associate degree, the Passport Program, or the Uniform Certificate of General Studies Program concurrent with a high school diploma *consistent with the requirements for the College and Career Ready Virginia Program set forth in Article 5.1 (§ 22.1-237.1 et seq.) of Chapter 13 of Title 22.1.* Such agreements shall specify the credit available for dual enrollment courses and Advanced Placement courses with qualifying exam scores of three or higher.

H. The provisions of this section shall not apply to any public institution of higher education established pursuant to Chapter 25 (§ 23.1-2500 et seq.).

2. That the provisions of subsections B, C, and D of § 22.1-237.3 of the Code of Virginia, as created by this act, shall become effective beginning with course registrations for the fall term of the 2025 academic year.

3. That the College and Career Ready Virginia Program career and technical education work group established by the Department of Education (the Department) and the Virginia Community College System (the System) pursuant to § 22.1-237.5 of the Code of Virginia, as created by this act, shall submit its recommendations to the Department and the System as required pursuant to subdivision C 3 of § 22.1-237.5 of the Code of Virginia, as created by this act, no later than November 1, 2024.

4. That each comprehensive community college and school board shall make such amendments to its agreements for postsecondary credit and degree attainment as required by subdivision D 10 of § 22.1-253.13:1 of the Code of Virginia, as amended by this act, and subsection G of § 23.1-907 of the Code of Virginia, as amended by this act, as it deems necessary to comply with the provisions of this act.

5. That the Secretary of Education, the Superintendent of Public Instruction, and the Chancellor of the Virginia Community College System shall make such amendments to their *Governing Principles for Dual Enrollment between Virginia Public Schools and the Virginia Community College System* as they deem necessary to comply with the provisions of this act.

CHAPTER 685

An Act to amend and reenact §§ 55.1-1805 and 55.1-1904 of the Code of Virginia, relating to Property Owners' Association Act; Virginia Condominium Act; assessments for legal obligations of associations.

[S 672]

Approved April 8, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 55.1-1805 and 55.1-1904 of the Code of Virginia are amended and reenacted as follows:

§ 55.1-1805. Association charges.

Except as expressly authorized in this chapter, in the declaration, or otherwise provided by law, no association shall ~~(i) make an assessment or~~ impose a charge against ~~a lot or a lot owner~~ *one or more but less than all lot owners* unless the charge is *(i)* a fee for services provided ~~or~~*, (ii)* related to use of the common area*,* or ~~(ii) charge~~ *(iii)* a fee ~~related to the issuance of a resale certificate pursuant to § 55.1-2309 or 55.1-2311 except as~~ expressly authorized in § 55.1-2316. ~~Nothing in this chapter shall be construed to authorize an association or common interest community manager to charge an inspection fee for an unimproved or improved lot except as provided in § 55.1-2316.~~ *Nothing in this chapter shall be construed to prevent an association from levying or using assessments, charges, or fees to pay the association's contractual or other legal obligations in the exercise of the association's duties and responsibilities.* The Common Interest Community Board may assess a monetary penalty for a violation of this section against any (a) association pursuant to § 54.1-2351 or (b) common interest community manager pursuant to § 54.1-2349, and may issue a cease and desist order pursuant to § 54.1-2352.

§ 55.1-1904. Association charges.

Except as expressly authorized in this chapter, in the condominium instruments, or as otherwise provided by law, no unit owners' association may ~~make an assessment or~~ impose a charge against ~~a unit owner~~ *one or more but less than all unit owners* unless the charge is (i) authorized under § 55.1-1964, (ii) a fee for services provided, or (iii) ~~related to the provisions set out in~~ *a fee expressly authorized by* § 55.1-2316. *Nothing in this chapter shall be construed to prevent a unit owners' association from using assessments, charges, or fees to pay the unit owners' association's contractual or other legal obligations in the exercise of the unit owners' association's duties and responsibilities.* The Common Interest Community Board may assess a monetary penalty for a violation of this section against any (a) unit owners' association pursuant to § 54.1-2351 or (b) common interest community manager pursuant to § 54.1-2349 and may issue a cease and desist order pursuant to § 54.1-2352.

CHAPTER 686

An Act to amend and reenact § 59.1-542 of the Code of Virginia, relating to enterprise zones; extension.

[S 679]

Approved April 8, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 59.1-542 of the Code of Virginia is amended and reenacted as follows:

§ 59.1-542. Enterprise zone designation.

A. Upon the Department's announcement of periodic zone designation competitions, the governing body of any county or city may make written application to the Department to have an area or areas declared an enterprise zone. Such application shall include a description of the area or areas to be included, the development potential of these areas, the need for special state incentives, the local incentives that shall be provided to support new economic activity, and other information that the Department deems necessary to assess requests for designation.

B. Two or more adjacent localities may file a joint application for an enterprise zone. Localities applying for a joint zone shall demonstrate a regional need for an enterprise zone and a regional impact that could not be achieved through a single jurisdiction zone. Applicants for a joint zone shall also specify what mechanisms will be used to ensure that the economic benefits of such a zone are shared among the applicant localities.

C. An enterprise zone may consist of no more than three noncontiguous areas. The aggregate size of these noncontiguous zone areas shall be as follows:

1. For cities, the minimum size of an enterprise zone shall be one-quarter square mile and the maximum size of an enterprise zone shall be one square mile or seven percent of the jurisdiction's land area or an area that includes seven percent of the population, whichever is largest.

2. For towns designated as enterprise zones under former §§ 59.1-272 through 59.1-278, 59.1-279.1, or 59.1-280.2 through 59.1-284 of the Enterprise Zone Act (§ 59.1-270 et seq.), the size of an enterprise zone shall conform to the size requirements for cities in subdivision 1.

3. For unincorporated areas of counties, the minimum size of an enterprise zone shall be one-half square mile and the maximum size of an enterprise zone shall be six square miles.

4. For consolidated cities the enterprise zones in cities for which the boundaries were created through the consolidation of a city and county or the consolidation of two cities, the enterprise zone shall conform substantially to the size requirements for unincorporated areas of counties in subdivision 3.

In no instance shall a zone consist only of a site for a single business firm. Localities shall be limited to three enterprise zone designations.

D. A joint enterprise zone shall consist of no more than three noncontiguous zone areas for each participating locality. The aggregate size of these noncontiguous areas shall be specified by regulation.

E. Upon recommendation of the Director of the Department, the Governor may designate up to 30 enterprise zones in accordance with the provisions of this chapter. Such designations are to be done in coordination with the expiration of existing zones designated under earlier Enterprise Zone Program provisions. The initial round of six zone designation applications and approval may be conducted prior to adoption of final program regulations provided that the process is consistent with the provisions of this chapter. Enterprise zones shall be designated for an initial 10-year period except as provided for in subsections A and B of § 59.1-546. Upon recommendation of the Director of the Department, the Governor may renew zones designated on or after July 1, 2005, for up to ~~three~~ *four* five-year renewal periods and zones designated prior to July 1, 2005, for ~~one~~ *up to two* five-year renewal ~~period~~ *periods*. Recommendations for five-year renewals shall be based on the locality's performance of its enterprise zone responsibilities, the continued need for such a zone, and its effectiveness in creating jobs and capital investment. *Notwithstanding any provision to the contrary, any enterprise zone in effect as of June 30, 2024, shall be extended for an additional four-year period, in addition to any renewal periods provided by this section.*

F. Localities that have zone designations are responsible for providing the local incentives specified in their applications, providing timely submission of enterprise zone reports and evaluations as required by regulation, verifying that businesses and properties seeking enterprise zone incentives are physically located within their zones, and implementing an active local enterprise zone program within the context of overall economic development efforts.

CHAPTER 687

An Act to amend and reenact § 15.2-1804.1 of the Code of Virginia, relating to Department of Energy; building standards for certain local buildings.

[H 151]

Approved April 8, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 15.2-1804.1 of the Code of Virginia is amended and reenacted as follows:

§ 15.2-1804.1. (For applicability, see Acts 2021, Sp. Sess. I, c. 473, cl. 2) Building by locality; high performance standards.

A. As used in this section:

"Appropriate resilience features" means features that are included to prepare for, by reducing risk or enabling recovery, acts of nature, failures of systems, or adversarial acts that could cause a major disruption to building functionality. A locality maintains the responsibility for identifying those potential hazards for which a project should prepare and for determining the sufficiency of the incorporated features to address the potential hazard, following consideration of any guidance pursuant to subsection E.

"Commissioning" means the process of ensuring functional performance of mechanical equipment, water heating equipment, lighting, automated control systems, and building envelope, including the steps described in the ICC G4-2018 "Guideline for Commissioning" or successor guidelines and additional guidelines as may be applicable to such systems.

"Design phase" means the design of a building construction or renovation project, *which, until July 1, 2025, shall be* inclusive of the issuance of a request for proposal and the project budget approval*, and after July 1, 2025, shall be based on the effective execution date of the contract with the design team*.

"EV" means an electric vehicle.

"High performance building certification program" means a public building design, construction, and renovation program that achieves certification using the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED) green building rating standard or the Green Building Initiative's "Green Globes" building standard~~, or meets the requirements of VEES~~. *For buildings 50,000 square feet and smaller, Earthcraft Light Commercial at the silver level may instead be used for certification under this section.*

"Locality" means a county, city, or town, inclusive of a school division.

"Major disruption" means a disturbance that interrupts the normal activities that are conducted in a building for a duration of time that would require that building to temporarily or permanently cease operations. Localities may define the parameters that would constitute a major disruption based on the nature and duration of a disrupting event, as well as on building typology, consistent with any guidance pursuant to subsection E.

"Sufficient ZEV charging and fueling infrastructure" means the provision of ~~ZEV charging or fueling infrastructure, including EV-ready charging electrical capacity and pre-wiring, (i) sufficient to support every passenger-type vehicle owned by the locality and available for use by the locality that will be located at such building upon full occupancy, meet projected demand for such infrastructure during the first 10 years following building occupancy, or (ii) that achieves the current ZEV or EV charging credit for a high performance building certification program~~ *EV supply equipment, EV-ready charging electrical capacity and pre-wiring, or fueling infrastructure for other ZEVs that is deemed sufficient based on meeting relevant guidelines or recommendations available during the design phase of a project from either the Virginia Department of Energy pursuant to subsection E or the U.S. Department of Energy.*

~~"VEES" means the Virginia Energy Conservation and Environmental Standards developed by the Department considering the U.S. Green Building Council (LEED) green building rating standard, the Green Building Initiative "Green Globes" building standard, and other appropriate requirements as determined by the Department.~~

"ZEV" means a zero-emissions vehicle.

B. Any locality entering the design phase for the construction of a new building greater than 5,000 gross square feet in size, or the renovation of a building where the cost of the renovation exceeds 50 percent of the value of the building, shall ensure that such building:

1. Is designed, constructed, verified, and operated to comply with a high performance building certification program;

2. Has sufficient ZEV charging and fueling infrastructure~~. In making a sufficiency determination, the locality may also consider the interest of the Commonwealth in providing infrastructure for nearby locations, geographical gaps in ZEV charging infrastructure, availability of incentives, and other factors~~;

3. Has features that permit the agency or institution to measure the building's energy consumption ~~and associated carbon emissions~~, including metering of all electricity, gas, water, and other utilities; and

4. Incorporates appropriate *onsite renewable energy generation, energy storage, and* resilience ~~and distributed energy~~ features *as determined by the locality and following consideration of any guidance pursuant to subsection E*.

C. Notwithstanding the provisions of subsection B, for any such construction or renovation of a building that is less than 20,000 gross square feet in size, the locality may instead ensure that such building achieves the relevant ENERGY STAR certification and implement ~~mechanical, electrical, plumbing, and envelope~~ commissioning. *In the event that the specific building type is not eligible for ENERGY STAR certification, then the locality shall demonstrate, using energy modeling, that the project has been designed to perform at least as well as the ENERGY STAR Target Finder value for that building type or that the project has been designed to meet equivalent standards for such building types as provided in guidance pursuant to subsection E.*

D. Upon a finding that special circumstances make the construction or renovation to the standards impracticable, the governing body of such locality may, by resolution, grant an exemption from any such design and construction standards. Such resolution shall be made in writing and shall explain the basis for granting the exemption. If the local governing body cites cost as a factor in granting an exemption, the local governing body shall include a comparison of the cost the locality will incur over the next 20 years or the lifecycle of the project, whichever is shorter, if the locality does not comply with the standards required by subsection B versus the costs to the locality if the locality were to comply with such standards.

E. The Department of Energy shall upon request provide technical assistance related to subsections A, B, and C to localities subject to available budgetary resources. Such technical assistance may include the issuance of guidance.

~~E.~~ *F.* Any local governing body may, by ordinance, adopt its own green design and construction program ~~that includes standards that are~~. *When a local program includes standards that address all of the requirements in subsection B and is equal in stringency to or* more stringent than ~~any equivalent standard~~ *the standards* in subsection B~~. While such program remains in effect~~, the locality shall be deemed compliant with the provisions of this section.

CHAPTER 688

An Act to amend and reenact § 2.2-4302.2 of the Code of Virginia, relating to Virginia Public Procurement Act; competitive negotiation; exceptions to contractual terms.

[H 242]

Approved April 8, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 2.2-4302.2 of the Code of Virginia is amended and reenacted as follows:

§ 2.2-4302.2. Process for competitive negotiation.

A. The process for competitive negotiation shall include the following:

1. Issuance of a written Request for Proposal indicating in general terms that which is sought to be procured, specifying the factors that will be used in evaluating the proposal, indicating whether a numerical scoring system will be used in evaluation of the proposal, and containing or incorporating by reference the other applicable contractual terms and conditions, including any unique capabilities, specifications or qualifications that will be required. Except with regard to contracts for architectural, professional engineering, transportation construction, or transportation-related construction services, a public body may include as a factor that will be used in evaluating a proposal the proposer's employment of persons with disabilities to perform the specifications of the contract. In the event that a numerical scoring system will be used in the evaluation of proposals, the point values assigned to each of the evaluation criteria shall be included in the Request for Proposal or posted at the location designated for public posting of procurement notices prior to the due date and time for receiving proposals. No Request for Proposal for construction authorized by this chapter shall condition a successful offeror's eligibility on having a specified experience modification factor;

2. Public notice of the Request for Proposal at least 10 days prior to the date set for receipt of proposals by posting on the Department of General Services' central electronic procurement website or other appropriate websites. Public bodies may also publish in a newspaper of general circulation in the area in which the contract is to be performed so as to provide reasonable notice to the maximum number of offerors that can be reasonably anticipated to submit proposals in response to the particular request. Posting on the Department of General Services' central electronic procurement website shall be required of (i) any state public body and (ii) any local public body if such local public body elects not to publish notice of the Request for Proposal in a newspaper of general circulation in the area in which the contract is to be performed. Local public bodies are encouraged to utilize the Department of General Services' central electronic procurement website to provide the public with centralized visibility and access to the Commonwealth's procurement opportunities. In addition, proposals may be solicited directly from potential contractors. Any additional solicitations shall include certified businesses selected from a list made available by the Department of Small Business and Supplier Diversity; and

3. For goods, nonprofessional services, and insurance, selection shall be made of two or more offerors deemed to be fully qualified and best suited among those submitting proposals, on the basis of the factors involved in the Request for Proposal, including price if so stated in the Request for Proposal. ~~In the case of a proposal for information technology, as defined in § 2.2-2006, a public body shall not require an offeror to state in a proposal any exception to any liability provisions contained in the Request for Proposal.~~ Negotiations shall then be conducted with each of the offerors so selected. The offeror shall state any exception to any *contractual terms or conditions, including any* liability provisions contained in the Request for Proposal in writing ~~at the beginning of negotiations~~ *at the time of responding to such Request for Proposal if so requested by the public body*~~, and such~~. *Such* exceptions shall be considered during negotiation *but shall not be used as a basis for scoring or evaluating which offerors are selected for negotiations*. Price shall be considered, but need not be the sole or primary determining factor. After negotiations have been conducted with each offeror so selected, the public body shall select the offeror which, in its opinion, has made the best proposal and provides the best value, and shall award the contract to that offeror. When the terms and conditions of multiple awards are so provided in the Request for Proposal, awards may be made to more than one offeror. Should the public body determine in writing and in its sole discretion that only one offeror is fully qualified, or that one offeror is clearly more highly qualified than the others under consideration, a contract may be negotiated and awarded to that offeror; or

4. For professional services, the public body shall engage in individual discussions with two or more offerors deemed fully qualified, responsible and suitable on the basis of initial responses and with emphasis on professional competence, to provide the required services. Repetitive informal interviews shall be permissible. The offerors shall be encouraged to elaborate on their qualifications and performance data or staff expertise pertinent to the proposed project, as well as alternative concepts. In addition, offerors shall be informed of any ranking criteria that will be used by the public body in addition to the review of the professional competence of the offeror. The Request for Proposal shall not, however, request

that offerors furnish estimates of man-hours or cost for services. At the discussion stage, the public body may discuss nonbinding estimates of total project costs, including, but not limited to, life-cycle costing, and where appropriate, nonbinding estimates of price for services. In accordance with § 2.2-4342, proprietary information from competing offerors shall not be disclosed to the public or to competitors. For architectural or engineering services, the public body shall not request or require offerors to list any exceptions to proposed contractual terms and conditions, unless such terms and conditions are required by statute, regulation, ordinance, or standards developed pursuant to § 2.2-1132, until after the qualified offerors are ranked for negotiations. At the conclusion of discussion, outlined in this subdivision, on the basis of evaluation factors published in the Request for Proposal and all information developed in the selection process to this point, the public body shall select in the order of preference two or more offerors whose professional qualifications and proposed services are deemed most meritorious.

Negotiations shall then be conducted, beginning with the offeror ranked first. If a contract satisfactory and advantageous to the public body can be negotiated at a price considered fair and reasonable and pursuant to contractual terms and conditions acceptable to the public body, the award shall be made to that offeror. Otherwise, negotiations with the offeror ranked first shall be formally terminated and negotiations conducted with the offeror ranked second, and so on until such a contract can be negotiated at a fair and reasonable price.

Notwithstanding the foregoing, if the terms and conditions for multiple awards are included in the Request for Proposal, a public body may award contracts to more than one offeror.

Should the public body determine in writing and in its sole discretion that only one offeror is fully qualified or that one offeror is clearly more highly qualified and suitable than the others under consideration, a contract may be negotiated and awarded to that offeror.

B. Multiphase professional services contracts satisfactory and advantageous to the completion of large, phased, or long-term projects may be negotiated and awarded based on a fair and reasonable price for the first phase only, where the completion of the earlier phases is necessary to provide information critical to the negotiation of a fair and reasonable price for succeeding phases. Prior to entering into any such contract, the public body shall (i) state the anticipated intended total scope of the project and (ii) determine in writing that the nature of the work is such that the best interests of the public body require awarding the contract.

For the purposes of subdivision A 1, "experience modification factor" means a value assigned to an employer as determined by a rate service organization in accordance with its uniform experience rating plan required to be filed pursuant to subsection D of § 38.2-1913.

CHAPTER 689

An Act to amend and reenact § 22.1-79 of the Code of Virginia, relating to school boards; meetings; public comment or citizen participation; enrolled students.

[H 253]

Approved April 8, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 22.1-79 of the Code of Virginia is amended and reenacted as follows:

§ 22.1-79. Powers and duties.

Each school board shall:

1. See that the school laws are properly explained, enforced, and observed;

2. Secure, by visitation or otherwise, as full information as possible about the conduct of the public schools in the school division and take care that they are conducted according to law and with the utmost efficiency;

3. Care for, manage, and control the property of the school division and provide for the erecting, furnishing, equipping, and noninstructional operating of necessary school buildings and appurtenances and the maintenance thereof by purchase, lease, or other contracts;

4. Provide for the consolidation of schools or redistricting of school boundaries or adopt pupil assignment plans whenever such procedure will contribute to the efficiency of the school division;

5. Insofar as not inconsistent with state statutes and regulations of the Board, operate and maintain the public schools in the school division and determine the length of the school term, the studies to be pursued, the methods of teaching, and the government to be employed in the schools;

6. In instances in which no grievance procedure has been adopted prior to January 1, 1991, establish and administer by July 1, 1992, a grievance procedure for all school board employees, except the division superintendent and those employees covered under the provisions of Article 2 (§ 22.1-293 et seq.) and Article 3 (§ 22.1-306 et seq.) of Chapter 15, who have completed such probationary period as may be required by the school board, not to exceed 18 months. The grievance procedure shall afford a timely and fair method of the resolution of disputes arising between the school board and such employees regarding dismissal or other disciplinary actions, excluding suspensions, and shall be consistent with the provisions of the Board's procedures for adjusting grievances. Except in the case of dismissal, suspension, or other disciplinary action, the grievance procedure prescribed by the Board pursuant to § 22.1-308 shall apply to all full-time employees of a school board, except supervisory employees;

7. Perform such other duties as shall be prescribed by the Board or as are imposed by law;

8. Obtain public comment through a public hearing not less than seven days after reasonable notice to the public in a newspaper of general circulation in the school division prior to providing (i) for the consolidation of schools; (ii) the transfer from the public school system of the administration of all instructional services for any public school classroom or all noninstructional services in the school division pursuant to a contract with any private entity or organization; or (iii) in school divisions having 15,000 pupils or more in average daily membership, for redistricting of school boundaries or adopting any pupil assignment plan affecting the assignment of 15 percent or more of the pupils in average daily membership in the affected school. Such public hearing may be held at the same time and place as the meeting of the school board at which the proposed action is taken if the public hearing is held before the action is taken. If a public hearing has been held prior to the effective date of this provision on a proposed consolidation, redistricting, or pupil assignment plan that is to be implemented after the effective date of this provision, an additional public hearing shall not be required;

9. (Expires July 1, 2028) At least annually, survey the school division to identify critical shortages of (i) teachers and administrative personnel by subject matter, (ii) specialized student support positions as that term is described in subsection O of § 22.1-253.13:2, and (iii) school bus drivers and report such critical shortages to the Superintendent and to the Virginia Retirement System; however, the school board may request the division superintendent to conduct such survey and submit such report to the school board, the Superintendent, and the Virginia Retirement System;

10. Ensure that the public schools within the school division are registered with the Department of State Police to receive from the State Police electronic notice of the registration, reregistration, or verification of registration information of any person required to register with the Sex Offender and Crimes Against Minors Registry pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1 within that school division pursuant to § 9.1-914;

11. Ensure that at any back to school night event in the local school division to which the parents of enrolled students are invited, any such parent in attendance receives prominent notification of and access, in paper or electronic form, or both, to information about application and eligibility for free or reduced price meals for students and a fillable free or reduced price meals application that may be completed and submitted on site;

12. Ensure that the information sheet on the SNAP benefits program developed and provided by the Department of Social Services pursuant to subsection D of § 63.2-801 is sent home with each student enrolled in a public elementary or secondary school in the local school division at the beginning of each school year or, in the case of any student who enrolls after the beginning of the school year, as soon as practicable after enrollment; ~~and~~

13. Ensure that a fillable free or reduced price meals application is sent home with each student enrolled in a public elementary or secondary school in the local school division at the beginning of each school year or, in the case of any student who enrolls after the beginning of the school year, as soon as practicable after enrollment*;*

14. Permit any student enrolled in a public elementary or secondary school in the local school division who provides acceptable proof of identification as set forth in subdivision 15, if requested, and signs up in accordance with sign-up procedures for the respective school board meeting, to submit oral comments during any public comment or citizen participation portion of such meeting subject to the same reasonable time, place, and manner restrictions imposed by such school board on the expression of any other citizen participant in such meetings; and

15. Accept as proof of student identification for the purpose of providing oral public comment as permitted pursuant to subdivision 14 any current student identification card or other school document such as a report card or a personal school email address.

CHAPTER 690

An Act to amend the Code of Virginia by adding in Chapter 37 of Title 54.1 an article numbered 3, consisting of a section numbered 54.1-3709.4, relating to Social Work Licensure Compact.

[H 326]

Approved April 8, 2024

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Chapter 37 of Title 54.1 an article numbered 3, consisting of a section numbered 54.1-3709.4, as follows:

Article 3.

Social Work Licensure Compact.

§ 54.1-3709.4. Social Work Licensure Compact.

The General Assembly hereby enacts, and the Commonwealth of Virginia hereby enters into, the Social Work Licensure Compact with any and all states legally joining therein according to its terms, in the form substantially as follows:

SOCIAL WORK LICENSURE COMPACT.

Section 1.

Purpose.

The purpose of this Compact is to facilitate interstate practice of Regulated Social Workers by improving public access to competent Social Work Services. The Compact preserves the regulatory authority of States to protect public health and safety through the current system of State licensure.

This Compact is designed to achieve the following objectives:

1. Increase public access to Social Work Services;

2. Reduce overly burdensome and duplicative requirements associated with holding multiple licenses;

3. Enhance the Member States' ability to protect the public's health and safety;

4. Encourage the cooperation of Member States in regulating multistate practice;

5. Promote mobility and address workforce shortages by eliminating the necessity for licenses in multiple States by providing for the mutual recognition of other Member State licenses;

6. Support military families;

7. Facilitate the exchange of licensure and disciplinary information among Member States;

8. Authorize all Member States to hold a Regulated Social Worker accountable for abiding by a Member State's laws, regulations, and applicable professional standards in the Member State in which the client is located at the time care is rendered; and

9. Allow for the use of telehealth to facilitate increased access to regulated Social Work Services.

Section 2.

Definitions.

As used in this Compact, and except as otherwise provided, the following definitions shall apply:

"Active Military Member" means any individual with full-time duty status in the active armed forces of the United States including members of the National Guard and Reserve.

"Adverse Action" means any administrative, civil, equitable, or criminal action permitted by a State's laws which is imposed by a Licensing Authority or other authority against a Regulated Social Worker, including actions against an individual's license or Multistate Authorization to Practice such as revocation, suspension, probation, monitoring of the Licensee, limitation on the Licensee's practice, or any other Encumbrance on licensure affecting a Regulated Social Worker's authorization to practice, including issuance of a cease and desist action.

"Alternative Program" means a non-disciplinary monitoring or practice remediation process approved by a Licensing Authority to address practitioners with an Impairment.

"Charter Member States" means Member States who have enacted legislation to adopt this Compact where such legislation predates the effective date of this Compact as described in Section 14.

"Compact Commission" or "Commission" means the government agency whose membership consists of all States that have enacted this Compact, which is known as the Social Work Licensure Compact Commission, as described in Section 10, and which shall operate as an instrumentality of the Member States.

"Current Significant Investigative Information" means:

1. Investigative information that a Licensing Authority, after a preliminary inquiry that includes notification and an opportunity for the Regulated Social Worker to respond has reason to believe is not groundless and, if proved true, would indicate more than a minor infraction as may be defined by the Commission; or

2. Investigative information that indicates that the Regulated Social Worker represents an immediate threat to public health and safety, as may be defined by the Commission, regardless of whether the Regulated Social Worker has been notified and has had an opportunity to respond.

"Data System" means a repository of information about Licensees, including, continuing education, examination, licensure, Current Significant Investigative Information, Disqualifying Event, Multistate License(s), and Adverse Action information or other information as required by the Commission.

"Domicile" means the jurisdiction in which the Licensee resides and intends to remain indefinitely.

"Disqualifying Event" means any Adverse Action or incident which results in an Encumbrance that disqualifies or makes the Licensee ineligible to either obtain, retain, or renew a Multistate License.

"Encumbrance" means a revocation or suspension of, or any limitation on, the full and unrestricted practice of Social Work licensed and regulated by a Licensing Authority.

"Executive Committee" means a group of delegates elected or appointed to act on behalf of, and within the powers granted to them by, the Compact and Commission.

"Home State" means the Member State that is the Licensee's primary Domicile.

"Impairment" means a condition(s) that may impair a practitioner's ability to engage in full and unrestricted practice as a Regulated Social Worker without some type of intervention and may include alcohol and drug dependence, mental health impairment, and neurological or physical impairments.

"Licensee(s)" means an individual who currently holds a license from a State to practice as a Regulated Social Worker.

"Licensing Authority" means the board or agency of a Member State or equivalent that is responsible for the licensing and regulation of Regulated Social Workers.

"Member State" means a state, commonwealth, district, or territory of the United States of America that has enacted this Compact.

"Multistate Authorization to Practice" means a legally authorized privilege to practice, which is equivalent to a license, associated with a Multistate License permitting the practice of Social Work in a Remote State.

"Multistate License" means a license to practice as a Regulated Social Worker issued by a Home State Licensing Authority that authorizes the Regulated Social Worker to practice in all Member States under Multistate Authorization to Practice.

"Qualifying National Exam" means a national licensing examination approved by the Commission.

"Regulated Social Worker" means any clinical, master's or bachelor's Social Worker licensed by a Member State regardless of the title used by that Member State.

"Remote State" means a Member State other than the Licensee's Home State.

"Rule(s)" or "Rule(s) of the Commission" means a regulation or regulations duly promulgated by the Commission, as authorized by the Compact, that has the force of law.

"Single State License" means a Social Work license issued by any State that authorizes practice only within the issuing State and does not include Multistate Authorization to Practice in any Member State.

"Social Work" or "Social Work Services" means the application of social work theory, knowledge, methods, ethics, and the professional use of self to restore or enhance social, psychosocial, or biopsychosocial functioning of individuals, couples, families, groups, organizations, and communities through the care and services provided by a Regulated Social Worker as set forth in the Member State's statutes and regulations in the State where the services are being provided.

"State" means any state, commonwealth, district, or territory of the United States of America that regulates the practice of Social Work.

"Unencumbered License" means a license that authorizes a Regulated Social Worker to engage in the full and unrestricted practice of Social Work.

Section 3.

State Participation in the Compact.

A. To be eligible to participate in the Compact, a potential Member State must currently meet all of the following criteria:

1. License and regulate the practice of Social Work at either the clinical, master's, or bachelor's category.

2. Require applicants for licensure to graduate from a program that is:

a. Operated by a college or university recognized by the Licensing Authority;

b. Accredited, or in candidacy by an institution that subsequently becomes accredited, by an accrediting agency recognized by either:

(1) The Council for Higher Education Accreditation, or its successor; or

(2) The United States Department of Education; and

c. Corresponds to the licensure sought as outlined in Section 4.

3. Require applicants for clinical licensure to complete a period of supervised practice.

4. Have a mechanism in place for receiving, investigating, and adjudicating complaints about Licensees.

B. To maintain membership in the Compact a Member State shall:

1. Require that applicants for a Multistate License pass a Qualifying National Exam for the corresponding category of Multistate License sought as outlined in Section 4;

2. Participate fully in the Commission's Data System, including using the Commission's unique identifier as defined in Rules;

3. Notify the Commission, in compliance with the terms of the Compact and Rules, of any Adverse Action or the availability of Current Significant Investigative Information regarding a Licensee;

4. Implement procedures for considering the criminal history records of applicants for a Multistate License. Such procedures shall include the submission of fingerprints or other biometric-based information by applicants for the purpose of obtaining an applicant's criminal history record information from the Federal Bureau of Investigation and the agency responsible for retaining that State's criminal records;

5. Comply with the Rules of the Commission;

6. Require an applicant to obtain or retain a license in the Home State and meet the Home State's qualifications for licensure or renewal of licensure, as well as all other applicable Home State laws;

7. Authorize a Licensee holding a Multistate License in any Member State to practice in accordance with the terms of the Compact and Rules of the Commission; and

8. Designate a delegate to participate in the Commission meetings.

C. A Member State meeting the requirements of Sections 3 A and 3 B of this Compact shall designate the categories of Social Work licensure that are eligible for issuance of a Multistate License for applicants in such Member State. To the extent that any Member State does not meet the requirements for participation in the Compact at any particular category of Social Work licensure, such Member State may choose, but is not obligated to, issue a Multistate License to applicants that otherwise meet the requirements of Section 4 for issuance of a Multistate License in such category or categories of licensure.

D. The Home State may charge a fee for granting the Multistate License.

Section 4.

Social Worker Participation in the Compact.

A. To be eligible for a Multistate License under the terms and provisions of the Compact, an applicant, regardless of category must:

1. Hold or be eligible for an active, Unencumbered License in the Home State.

2. Pay any applicable fees, including any State fee, for the Multistate License.

3. Submit, in connection with an application for a Multistate License, fingerprints or other biometric data for the purpose of obtaining criminal history record information from the Federal Bureau of Investigation and the agency responsible for retaining that State's criminal records.

4. Notify the Home State of any Adverse Action, Encumbrance, or restriction on any professional license taken by any Member State or non-Member State within 30 days from the date the action is taken.

5. Meet any continuing competence requirements established by the Home State.

6. Abide by the laws, regulations, and applicable standards in the Member State where the client is located at the time care is rendered.

B. An applicant for a clinical-category Multistate License must meet all of the following requirements:

1. Fulfill a competency requirement, which shall be satisfied by either:

a. Passage of a clinical-category Qualifying National Exam; or

b. Licensure of the applicant in their Home State at the clinical category, beginning prior to such time as a Qualifying National Exam was required by the Home State and accompanied by a period of continuous Social Work licensure thereafter, all of which may be further governed by the Rules of the Commission; or

c. The substantial equivalency of the foregoing competency requirements which the Commission may determine by Rule.

2. Attain at least a master's degree in Social Work from a program that is:

a. Operated by a college or university recognized by the Licensing Authority; and

b. Accredited, or in candidacy that subsequently becomes accredited, by an accrediting agency recognized by either:

(1) The Council for Higher Education Accreditation or its successor; or

(2) The United States Department of Education.

3. Fulfill a practice requirement, which shall be satisfied by demonstrating completion of either:

a. A period of postgraduate supervised clinical practice equal to a minimum of three thousand hours; or

b. A minimum of two years of full-time postgraduate supervised clinical practice; or

c. The substantial equivalency of the foregoing practice requirements which the Commission may determine by Rule.

C. An applicant for a master's-category Multistate License must meet all of the following requirements:

1. Fulfill a competency requirement, which shall be satisfied by either:

a. Passage of a masters-category Qualifying National Exam;

b. Licensure of the applicant in their Home State at the master's category, beginning prior to such time as a Qualifying National Exam was required by the Home State at the master's category and accompanied by a continuous period of Social Work licensure thereafter, all of which may be further governed by the Rules of the Commission; or

c. The substantial equivalency of the foregoing competency requirements which the Commission may determine by Rule.

2. Attain at least a master's degree in Social Work from a program that is:

a. Operated by a college or university recognized by the Licensing Authority; and

b. Accredited, or in candidacy that subsequently becomes accredited, by an accrediting agency recognized by either:

(1) The Council for Higher Education Accreditation or its successor; or

(2) The United States Department of Education.

D. An applicant for a bachelor's-category Multistate License must meet all of the following requirements:

1. Fulfill a competency requirement, which shall be satisfied by either:

a. Passage of a bachelor's-category Qualifying National Exam;

b. Licensure of the applicant in their Home State at the bachelor's category, beginning prior to such time as a Qualifying National Exam was required by the Home State and accompanied by a period of continuous Social Work licensure thereafter, all of which may be further governed by the Rules of the Commission; or

c. The substantial equivalency of the foregoing competency requirements which the Commission may determine by Rule.

2. Attain at least a bachelor's degree in Social Work from a program that is:

a. Operated by a college or university recognized by the Licensing Authority; and

b. Accredited, or in candidacy that subsequently becomes accredited, by an accrediting agency recognized by either:

(1) The Council for Higher Education Accreditation or its successor; or

(2) The United States Department of Education.

E. The Multistate License for a Regulated Social Worker is subject to the renewal requirements of the Home State. The Regulated Social Worker must maintain compliance with the requirements of Section 4 A to be eligible to renew a Multistate License.

F. The Regulated Social Worker's services in a Remote State are subject to that Member State's regulatory authority. A Remote State may, in accordance with due process and that Member State's laws, remove a Regulated Social Worker's Multistate Authorization to Practice in the Remote State for a specific period of time, impose fines, and take any other necessary actions to protect the health and safety of its citizens.

G. If a Multistate License is encumbered, the Regulated Social Worker's Multistate Authorization to Practice shall be deactivated in all Remote States until the Multistate License is no longer encumbered.

H. If a Multistate Authorization to Practice is encumbered in a Remote State, the regulated Social Worker's Multistate Authorization to Practice may be deactivated in that State until the Multistate Authorization to Practice is no longer encumbered.

Section 5.

Issuance of a Multistate License.

A. Upon receipt of an application for Multistate License, the Home State Licensing Authority shall determine the applicant's eligibility for a Multistate License in accordance with Section 4 of this Compact.

B. If such applicant is eligible pursuant to Section 4 of this Compact, the Home State Licensing Authority shall issue a Multistate License that authorizes the applicant or Regulated Social Worker to practice in all Member States under a Multistate Authorization to Practice.

C. Upon issuance of a Multistate License, the Home State Licensing Authority shall designate whether the Regulated Social Worker holds a Multistate License in the Bachelor's, Masters, or Clinical category of Social Work.

D. A Multistate License issued by a Home State to a resident in that State shall be recognized by all Compact Member States as authorizing Social Work Practice under a Multistate Authorization to Practice corresponding to each category of licensure regulated in each Member State.

Section 6.

Authority of Interstate Compact Commission and Member State Licensing Authorities.

A. Nothing in this Compact, nor any Rule of the Commission, shall be construed to limit, restrict, or in any way reduce the ability of a Member State to enact and enforce laws, regulations, or other rules related to the practice of Social Work in that State, where those laws, regulations, or other rules are not inconsistent with the provisions of this Compact.

B. Nothing in this Compact shall affect the requirements established by a Member State for the issuance of a Single State License.

C. Nothing in this Compact, nor any Rule of the Commission, shall be construed to limit, restrict, or in any way reduce the ability of a Member State to take Adverse Action against a Licensee's Single State License to practice Social Work in that State.

D. Nothing in this Compact, nor any Rule of the Commission, shall be construed to limit, restrict, or in any way reduce the ability of a Remote State to take Adverse Action against a Licensee's Multistate Authorization to Practice in that State.

E. Nothing in this Compact, nor any Rule of the Commission, shall be construed to limit, restrict, or in any way reduce the ability of a Licensee's Home State to take Adverse Action against a Licensee's Multistate License based upon information provided by a Remote State.

Section 7.

Reissuance of a Multistate License by a New Home State.

A. A Licensee can hold a Multistate License, issued by their Home State, in only one Member State at any given time.

B. If a Licensee changes their Home State by moving between two Member States:

1. The Licensee shall immediately apply for the reissuance of their Multistate License in their new Home State. The Licensee shall pay all applicable fees and notify the prior Home State in accordance with the Rules of the Commission.

2. Upon receipt of an application to reissue a Multistate License, the new Home State shall verify that the Multistate License is active, unencumbered, and eligible for reissuance under the terms of the Compact and the Rules of the Commission. The Multistate License issued by the prior Home State will be deactivated and all Member States notified in accordance with the applicable Rules adopted by the Commission.

3. Prior to the reissuance of the Multistate License, the new Home State shall conduct procedures for considering the criminal history records of the Licensee. Such procedures shall include the submission of fingerprints or other biometric-based information by applicants for the purpose of obtaining an applicant's criminal history record information from the Federal Bureau of Investigation and the agency responsible for retaining that State's criminal records.

4. If required for initial licensure, the new Home State may require completion of jurisprudence requirements in the new Home State.

5. Notwithstanding any other provision of this Compact, if a Licensee does not meet the requirements set forth in this Compact for the reissuance of a Multistate License by the new Home State, then the Licensee shall be subject to the new Home State requirements for the issuance of a Single State License in that State.

C. If a Licensee changes their primary State of residence by moving from a Member State to a non-Member State, or from a non-Member State to a Member State, then the Licensee shall be subject to the State requirements for the issuance of a Single State License in the new Home State.

D. Nothing in this Compact shall interfere with a Licensee's ability to hold a Single State License in multiple States; however, for the purposes of this Compact, a Licensee shall have only one Home State, and only one Multistate License.

E. Nothing in this Compact shall interfere with the requirements established by a Member State for the issuance of a Single State License.

Section 8.

Military Families.

An Active Military Member or their spouse shall designate a Home State where the individual has a Multistate License. The individual may retain their Home State designation during the period the service member is on active duty.

Section 9.

Adverse Actions.

A. In addition to the other powers conferred by State law, a Remote State shall have the authority, in accordance with existing State due process law, to:

1. Take Adverse Action against a Regulated Social Worker's Multistate Authorization to Practice only within that Member State, and issue subpoenas for both hearings and investigations that require the attendance and testimony of witnesses as well as the production of evidence. Subpoenas issued by a Licensing Authority in a Member State for the attendance and testimony of witnesses or the production of evidence from another Member State shall be enforced in the latter State by any court of competent jurisdiction, according to the practice and procedure of that court applicable to subpoenas issued in proceedings pending before it. The issuing Licensing Authority shall pay any witness fees, travel expenses, mileage, and other fees required by the service statutes of the State in which the witnesses or evidence are located.

2. Only the Home State shall have the power to take Adverse Action against a Regulated Social Worker's Multistate License.

B. For purposes of taking Adverse Action, the Home State shall give the same priority and effect to reported conduct received from a Member State as it would if the conduct had occurred within the Home State. In so doing, the Home State shall apply its own State laws to determine appropriate action.

C. The Home State shall complete any pending investigations of a Regulated Social Worker who changes their Home State during the course of the investigations. The Home State shall also have the authority to take appropriate action(s) and shall promptly report the conclusions of the investigations to the administrator of the Data System. The administrator of the Data System shall promptly notify the new Home State of any Adverse Actions.

D. A Member State, if otherwise permitted by State law, may recover from the affected Regulated Social Worker the costs of investigations and dispositions of cases resulting from any Adverse Action taken against that Regulated Social Worker.

E. A Member State may take Adverse Action based on the factual findings of another Member State, provided that the Member State follows its own procedures for taking the Adverse Action.

F. Joint Investigations:

1. In addition to the authority granted to a Member State by its respective Social Work practice act or other applicable State law, any Member State may participate with other Member States in joint investigations of Licensees.

2. Member States shall share any investigative, litigation, or compliance materials in furtherance of any joint or individual investigation initiated under the Compact.

G. If Adverse Action is taken by the Home State against the Multistate License of a Regulated Social Worker, the Regulated Social Worker's Multistate Authorization to Practice in all other Member States shall be deactivated until all Encumbrances have been removed from the Multistate License. All Home State disciplinary orders that impose Adverse Action against the license of a Regulated Social Worker shall include a statement that the Regulated Social Worker's Multistate Authorization to Practice is deactivated in all Member States until all conditions of the decision, order, or agreement are satisfied.

H. If a Member State takes Adverse Action, it shall promptly notify the administrator of the Data System. The administrator of the Data System shall promptly notify the Home State and all other Member States of any Adverse Actions by Remote States.

I. Nothing in this Compact shall override a Member State's decision that participation in an Alternative Program may be used in lieu of Adverse Action.

J. Nothing in this Compact shall authorize a Member State to demand the issuance of subpoenas for attendance and testimony of witnesses or the production of evidence from another Member State for lawful actions within that Member State.

K. Nothing in this Compact shall authorize a Member State to impose discipline against a Regulated Social Worker who holds a Multistate Authorization to Practice for lawful actions within another Member State.

Section 10.

Establishment of Social Work Licensure Compact Commission.

A. The Compact Member States hereby create and establish a joint government agency whose membership consists of all Member States that have enacted the compact known as the Social Work Licensure Compact Commission. The Commission is an instrumentality of the Compact States acting jointly and not an instrumentality of any one State. The Commission shall come into existence on or after the effective date of the Compact as set forth in Section 14.

B. Membership, Voting, and Meetings:

1. Each Member State shall have and be limited to one (1) delegate selected by that Member State's State Licensing Authority.

2. The delegate shall be either:

a. A current member of the State Licensing Authority at the time of appointment, who is a Regulated Social Worker or public member of the State Licensing Authority; or

b. An administrator of the State Licensing Authority or their designee.

3. The Commission shall by Rule or bylaw establish a term of office for delegates and may by Rule or bylaw establish term limits.

4. The Commission may recommend removal or suspension of any delegate from office.

5. A Member State's State Licensing Authority shall fill any vacancy of its delegate occurring on the Commission within 60 days of the vacancy.

6. Each delegate shall be entitled to one vote on all matters before the Commission requiring a vote by Commission delegates.

7. A delegate shall vote in person or by such other means as provided in the bylaws. The bylaws may provide for delegates to meet by telecommunication, videoconference, or other means of communication.

8. The Commission shall meet at least once during each calendar year. Additional meetings may be held as set forth in the bylaws. The Commission may meet by telecommunication, video conference, or other similar electronic means.

C. The Commission shall have the following powers:

1. Establish the fiscal year of the Commission;

2. Establish code of conduct and conflict of interest policies;

3. Establish and amend Rules and bylaws;

4. Maintain its financial records in accordance with the bylaws;

5. Meet and take such actions as are consistent with the provisions of this Compact, the Commission's Rules, and the bylaws;

6. Initiate and conclude legal proceedings or actions in the name of the Commission, provided that the standing of any State Licensing Board to sue or be sued under applicable law shall not be affected;

7. Maintain and certify records and information provided to a Member State as the authenticated business records of the Commission, and designate an agent to do so on the Commission's behalf;

8. Purchase and maintain insurance and bonds;

9. Borrow, accept, or contract for services of personnel, including, but not limited to, employees of a Member State;

10. Conduct an annual financial review;

11. Hire employees, elect or appoint officers, fix compensation, define duties, grant such individuals appropriate authority to carry out the purposes of the Compact, and establish the Commission's personnel policies and programs relating to conflicts of interest, qualifications of personnel, and other related personnel matters;

12. Assess and collect fees;

13. Accept any and all appropriate gifts, donations, grants of money, other sources of revenue, equipment, supplies, materials, and services, and receive, utilize, and dispose of the same; provided that at all times the Commission shall avoid any appearance of impropriety or conflict of interest;

14. Lease, purchase, retain, own, hold, improve, or use any property, real, personal, or mixed, or any undivided interest therein;

15. Sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property real, personal, or mixed;

16. Establish a budget and make expenditures;

17. Borrow money;

18. Appoint committees, including standing committees, composed of members, State regulators, State legislators or their representatives, and consumer representatives, and such other interested persons as may be designated in this Compact and the bylaws;

19. Provide and receive information from, and cooperate with, law enforcement agencies;

20. Establish and elect an Executive Committee, including a chair and a vice chair;

21. Determine whether a State's adopted language is materially different from the model compact language such that the State would not qualify for participation in the Compact; and

22. Perform such other functions as may be necessary or appropriate to achieve the purposes of this Compact.

D. The Executive Committee:

1. The Executive Committee shall have the power to act on behalf of the Commission according to the terms of this Compact. The powers, duties, and responsibilities of the Executive Committee shall include:

a. Oversee the day-to-day activities of the administration of the compact including enforcement and compliance with the provisions of the compact, its Rules and bylaws, and other such duties as deemed necessary;

b. Recommend to the Commission changes to the Rules or bylaws, changes to this Compact legislation, fees charged to Compact Member States, fees charged to Licensees, and other fees;

c. Ensure Compact administration services are appropriately provided, including by contract;

d. Prepare and recommend the budget;

e. Maintain financial records on behalf of the Commission;

f. Monitor Compact compliance of Member States and provide compliance reports to the Commission;

g. Establish additional committees as necessary;

h. Exercise the powers and duties of the Commission during the interim between Commission meetings, except for adopting or amending Rules, adopting or amending bylaws, and exercising any other powers and duties expressly reserved to the Commission by Rule or bylaw; and

i. Other duties as provided in the Rules or bylaws of the Commission.

2. The Executive Committee shall be composed of up to eleven (11) members:

a. The chair and vice chair of the Commission shall be voting members of the Executive Committee; and

b. The Commission shall elect five voting members from the current membership of the Commission.

c. Up to four (4) ex-officio, nonvoting members from four (4) recognized national Social Work organizations.

d. The ex-officio members will be selected by their respective organizations.

3. The Commission may remove any member of the Executive Committee as provided in the Commission's bylaws.

4. The Executive Committee shall meet at least annually.

a. Executive Committee meetings shall be open to the public, except that the Executive Committee may meet in a closed, non-public meeting as provided in subsection F 2 below.

b. The Executive Committee shall give seven (7) days' notice of its meetings, posted on its website and as determined to provide notice to persons with an interest in the business of the Commission.

c. The Executive Committee may hold a special meeting in accordance with subsection F.1.b. below.

E. The Commission shall adopt and provide to the Member States an annual report.

F. Meetings of the Commission:

1. All meetings shall be open to the public, except that the Commission may meet in a closed, non-public meeting as provided in subsection F 2 below.

a. Public notice for all meetings of the full Commission of meetings shall be given in the same manner as required under the Rulemaking provisions in Section 12, except that the Commission may hold a special meeting as provided in subsection F 1 b below.

b. The Commission may hold a special meeting when it must meet to conduct emergency business by giving 48 hours' notice to all commissioners, on the Commission's website, and other means as provided in the Commission's Rules. The Commission's legal counsel shall certify that the Commission's need to meet qualifies as an emergency.

2. The Commission or the Executive Committee or other committees of the Commission may convene in a closed, non-public meeting for the Commission or Executive Committee or other committees of the Commission to receive legal advice or to discuss:

a. Non-compliance of a Member State with its obligations under the Compact;

b. The employment, compensation, discipline, or other matters, practices, or procedures related to specific employees;

c. Current or threatened discipline of a Licensee by the Commission or by a Member State's Licensing Authority;

d. Current, threatened, or reasonably anticipated litigation;

e. Negotiation of contracts for the purchase, lease, or sale of goods, services, or real estate;

f. Accusing any person of a crime or formally censuring any person;

g. Trade secrets or commercial or financial information that is privileged or confidential;

h. Information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;

i. Investigative records compiled for law enforcement purposes;

j. Information related to any investigative reports prepared by or on behalf of or for use of the Commission or other committee charged with responsibility of investigation or determination of compliance issues pursuant to the Compact;

k. Matters specifically exempted from disclosure by federal or Member State law; or

l. Other matters as promulgated by the Commission by Rule.

3. If a meeting, or portion of a meeting, is closed, the presiding officer shall state that the meeting will be closed and reference each relevant exempting provision, and such reference shall be recorded in the minutes.

4. The Commission shall keep minutes that fully and clearly describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken, and the reasons therefor, including a description of the views expressed. All documents considered in connection with an action shall be identified in such minutes. All minutes and documents of a closed meeting shall remain under seal, subject to release only by a majority vote of the Commission or order of a court of competent jurisdiction.

G. Financing of the Commission:

1. The Commission shall pay, or provide for the payment of, the reasonable expenses of its establishment, organization, and ongoing activities.

2. The Commission may accept any and all appropriate revenue sources as provided in subsection C 13.

3. The Commission may levy on and collect an annual assessment from each Member State and impose fees on Licensees of Member States to whom it grants a Multistate License to cover the cost of the operations and activities of the Commission and its staff, which must be in a total amount sufficient to cover its annual budget as approved each year for which revenue is not provided by other sources. The aggregate annual assessment amount for Member States shall be allocated based upon a formula that the Commission shall promulgate by Rule.

4. The Commission shall not incur obligations of any kind prior to securing the funds adequate to meet the same; nor shall the Commission pledge the credit of any of the Member States, except by and with the authority of the Member State.

5. The Commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the Commission shall be subject to the financial review and accounting procedures established under its bylaws. However, all receipts and disbursements of funds handled by the Commission shall be subject to an annual financial review by a certified or licensed public accountant, and the report of the financial review shall be included in and become part of the annual report of the Commission.

H. Qualified Immunity, Defense, and Indemnification:

1. The members, officers, executive director, employees, and representatives of the Commission shall be immune from suit and liability, both personally and in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused by or arising out of any actual or alleged act, error, or omission that occurred, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of Commission employment, duties, or responsibilities; provided that nothing in this paragraph shall be construed to protect any such person from suit or liability for any damage, loss, injury, or liability caused by the intentional or willful or wanton misconduct of that person. The procurement of insurance of any type by the Commission shall not in any way compromise or limit the immunity granted hereunder.

2. The Commission shall defend any member, officer, executive director, employee, and representative of the Commission in any civil action seeking to impose liability arising out of any actual or alleged act, error, or omission that occurred within the scope of Commission employment, duties, or responsibilities, or as determined by the Commission that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of Commission employment, duties, or responsibilities; provided that nothing herein shall be construed to prohibit that person from retaining their own counsel at their own expense; and provided further, that the actual or alleged act, error, or omission did not result from that person's intentional or willful or wanton misconduct.

3. The Commission shall indemnify and hold harmless any member, officer, executive director, employee, and representative of the Commission for the amount of any settlement or judgment obtained against that person arising out of any actual or alleged act, error, or omission that occurred within the scope of Commission employment, duties, or responsibilities, or that such person had a reasonable basis for believing occurred within the scope of Commission employment, duties, or responsibilities, provided that the actual or alleged act, error, or omission did not result from the intentional or willful or wanton misconduct of that person.

4. Nothing herein shall be construed as a limitation on the liability of any Licensee for professional malpractice or misconduct, which shall be governed solely by any other applicable State laws.

5. Nothing in this Compact shall be interpreted to waive or otherwise abrogate a Member State's state action immunity or state action affirmative defense with respect to antitrust claims under the Sherman Act, Clayton Act, or any other State or federal antitrust or anticompetitive law or regulation.

6. Nothing in this Compact shall be construed to be a waiver of sovereign immunity by the Member States or by the Commission.

Section 11.
Data System.

A. The Commission shall provide for the development, maintenance, operation, and utilization of a coordinated Data System.

B. The Commission shall assign each applicant for a Multistate License a unique identifier, as determined by the Rules of the Commission.

C. Notwithstanding any other provision of State law to the contrary, a Member State shall submit a uniform data set to the Data System on all individuals to whom this Compact is applicable as required by the Rules of the Commission, including:

1. Identifying information;

2. Licensure data;

3. Adverse Actions against a license and information related thereto;

4. Non-confidential information related to Alternative Program participation, the beginning and ending dates of such participation, and other information related to such participation not made confidential under Member State law;

5. Any denial of application for licensure, and the reason(s) for such denial;

6. The presence of Current Significant Investigative Information; and

7. Other information that may facilitate the administration of this Compact or the protection of the public, as determined by the Rules of the Commission.

D. The records and information provided to a Member State pursuant to this Compact or through the Data System, when certified by the Commission or an agent thereof, shall constitute the authenticated business records of the Commission, and shall be entitled to any associated hearsay exception in any relevant judicial, quasi-judicial or administrative proceedings in a Member State.

E. Current Significant Investigative Information pertaining to a Licensee in any Member State will only be available to other Member States.

It is the responsibility of the Member States to report any Adverse Action against a Licensee and to monitor the database to determine whether Adverse Action has been taken against a Licensee. Adverse Action information pertaining to a Licensee in any Member State will be available to any other Member State.

F. Member States contributing information to the Data System may designate information that may not be shared with the public without the express permission of the contributing State. Any information submitted to the Data System that is subsequently expunged pursuant to federal law or the laws of the Member State contributing the information shall be removed from the Data System.

Section 12.
Rulemaking.

A. The Commission shall promulgate reasonable Rules in order to effectively and efficiently implement and administer the purposes and provisions of the Compact. A Rule shall be invalid and have no force or effect only if a court of competent jurisdiction holds that the Rule is invalid because the Commission exercised its rulemaking authority in a manner that is beyond the scope and purposes of the Compact, or the powers granted hereunder, or based upon another applicable standard of review.

B. The Rules of the Commission shall have the force of law in each Member State, provided however that where the Rules of the Commission conflict with the laws of the Member State that establish the Member State's laws, regulations, and applicable standards that govern the practice of Social Work as held by a court of competent jurisdiction, the Rules of the Commission shall be ineffective in that State to the extent of the conflict.

C. The Commission shall exercise its Rulemaking powers pursuant to the criteria set forth in this Section and the Rules adopted thereunder. Rules shall become binding on the day following adoption or the date specified in the rule or amendment, whichever is later.

D. If a majority of the legislatures of the Member States rejects a Rule or portion of a Rule, by enactment of a statute or resolution in the same manner used to adopt the Compact within four (4) years of the date of adoption of the Rule, then such Rule shall have no further force and effect in any Member State.

E. Rules shall be adopted at a regular or special meeting of the Commission.

F. Prior to adoption of a proposed Rule, the Commission shall hold a public hearing and allow persons to provide oral and written comments, data, facts, opinions, and arguments.

G. Prior to adoption of a proposed Rule by the Commission, and at least thirty (30) days in advance of the meeting at which the Commission will hold a public hearing on the proposed Rule, the Commission shall provide a Notice of Proposed Rulemaking:

1. On the website of the Commission or other publicly accessible platform;

2. To persons who have requested notice of the Commission's notices of proposed rulemaking; and

3. In such other way(s) as the Commission may by Rule specify.

H. The Notice of Proposed Rulemaking shall include:

1. The time, date, and location of the public hearing at which the Commission will hear public comments on the proposed Rule and, if different, the time, date, and location of the meeting where the Commission will consider and vote on the proposed Rule;

2. If the hearing is held via telecommunication, video conference, or other electronic means, the Commission shall include the mechanism for access to the hearing in the Notice of Proposed Rulemaking;

3. The text of the proposed Rule and the reason therefor;

4. A request for comments on the proposed Rule from any interested person; and

5. The manner in which interested persons may submit written comments.

I. All hearings will be recorded. A copy of the recording and all written comments and documents received by the Commission in response to the proposed Rule shall be available to the public.

J. Nothing in this Section shall be construed as requiring a separate hearing on each Rule. Rules may be grouped for the convenience of the Commission at hearings required by this Section.

K. The Commission shall, by majority vote of all members, take final action on the proposed Rule based on the Rulemaking record and the full text of the Rule.

1. The Commission may adopt changes to the proposed Rule provided the changes do not enlarge the original purpose of the proposed Rule.

2. The Commission shall provide an explanation of the reasons for substantive changes made to the proposed Rule as well as reasons for substantive changes not made that were recommended by commenters.

3. The Commission shall determine a reasonable effective date for the Rule. Except for an emergency as provided in Section 12 L, the effective date of the Rule shall be no sooner than 30 days after issuing the notice that it adopted or amended the Rule.

L. Upon determination that an emergency exists, the Commission may consider and adopt an emergency Rule with 48 hours' notice, with opportunity to comment, provided that the usual Rulemaking procedures provided in the Compact and in this Section shall be retroactively applied to the Rule as soon as reasonably possible, in no event later than ninety (90) days after the effective date of the Rule. For the purposes of this provision, an emergency Rule is one that must be adopted immediately in order to:

1. Meet an imminent threat to public health, safety, or welfare;

2. Prevent a loss of Commission or Member State funds;

3. Meet a deadline for the promulgation of a Rule that is established by federal law or rule; or

4. Protect public health and safety.

M. The Commission or an authorized committee of the Commission may direct revisions to a previously adopted Rule for purposes of correcting typographical errors, errors in format, errors in consistency, or grammatical errors. Public notice of any revisions shall be posted on the website of the Commission. The revision shall be subject to challenge by any person for a period of thirty (30) days after posting. The revision may be challenged only on grounds that the revision results in a material change to a Rule. A challenge shall be made in writing and delivered to the Commission prior to the

end of the notice period. If no challenge is made, the revision will take effect without further action. If the revision is challenged, the revision may not take effect without the approval of the Commission.

N. No Member State's rulemaking requirements shall apply under this compact.

Section 13.

Oversight, Dispute Resolution, and Enforcement.

A. Oversight:

1. The executive and judicial branches of State government in each Member State shall enforce this Compact and take all actions necessary and appropriate to implement the Compact.

2. Except as otherwise provided in this Compact, venue is proper and judicial proceedings by or against the Commission shall be brought solely and exclusively in a court of competent jurisdiction where the principal office of the Commission is located. The Commission may waive venue and jurisdictional defenses to the extent it adopts or consents to participate in alternative dispute resolution proceedings. Nothing herein shall affect or limit the selection or propriety of venue in any action against a Licensee for professional malpractice, misconduct, or any such similar matter.

3. The Commission shall be entitled to receive service of process in any proceeding regarding the enforcement or interpretation of the Compact and shall have standing to intervene in such a proceeding for all purposes. Failure to provide the Commission service of process shall render a judgment or order void as to the Commission, this Compact, or promulgated Rules.

B. Default, Technical Assistance, and Termination:

1. If the Commission determines that a Member State has defaulted in the performance of its obligations or responsibilities under this Compact or the promulgated Rules, the Commission shall provide written notice to the defaulting State. The notice of default shall describe the default, the proposed means of curing the default, and any other action that the Commission may take, and shall offer training and specific technical assistance regarding the default.

2. The Commission shall provide a copy of the notice of default to the other Member States.

C. If a State in default fails to cure the default, the defaulting State may be terminated from the Compact upon an affirmative vote of a majority of the delegates of the Member States, and all rights, privileges, and benefits conferred on that State by this Compact may be terminated on the effective date of termination. A cure of the default does not relieve the offending State of obligations or liabilities incurred during the period of default.

D. Termination of membership in the Compact shall be imposed only after all other means of securing compliance have been exhausted. Notice of intent to suspend or terminate shall be given by the Commission to the governor, the majority and minority leaders of the defaulting State's legislature, the defaulting State's State Licensing Authority and each of the Member States' State Licensing Authority.

E. A State that has been terminated is responsible for all assessments, obligations, and liabilities incurred through the effective date of termination, including obligations that extend beyond the effective date of termination.

F. Upon the termination of a State's membership from this Compact, that State shall immediately provide notice to all Licensees within that State of such termination. The terminated State shall continue to recognize all licenses granted pursuant to this Compact for a minimum of six (6) months after the date of said notice of termination.

G. The Commission shall not bear any costs related to a State that is found to be in default or that has been terminated from the Compact, unless agreed upon in writing between the Commission and the defaulting State.

H. The defaulting State may appeal the action of the Commission by petitioning the U.S. District Court for the District of Columbia or the federal district where the Commission has its principal offices. The prevailing party shall be awarded all costs of such litigation, including reasonable attorney fees.

I. Dispute Resolution:

1. Upon request by a Member State, the Commission shall attempt to resolve disputes related to the Compact that arise among Member States and between Member and non-Member States.

2. The Commission shall promulgate a Rule providing for both mediation and binding dispute resolution for disputes as appropriate.

J. Enforcement:

1. By majority vote as provided by Rule, the Commission may initiate legal action against a Member State in default in the United States District Court for the District of Columbia or the federal district where the Commission has its principal offices to enforce compliance with the provisions of the Compact and its promulgated Rules. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing party shall be awarded all costs of such litigation, including reasonable attorney fees. The remedies herein shall not be the exclusive remedies of the Commission. The Commission may pursue any other remedies available under federal or the defaulting Member State's law.

2. A Member State may initiate legal action against the Commission in the U.S. District Court for the District of Columbia or the federal district where the Commission has its principal offices to enforce compliance with the provisions of the Compact and its promulgated Rules. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing party shall be awarded all costs of such litigation, including reasonable attorney fees.

3. No person other than a Member State shall enforce this compact against the Commission.

Section 14.

Effective Date, Withdrawal, and Amendment.

A. The Compact shall come into effect on the date on which the Compact statute is enacted into law in the seventh Member State.

1. On or after the effective date of the Compact, the Commission shall convene and review the enactment of each of the first seven Member States ("Charter Member States") to determine if the statute enacted by each such Charter Member State is materially different than the model Compact statute.

a. A Charter Member State whose enactment is found to be materially different from the model Compact statute shall be entitled to the default process set forth in Section 13.

b. If any Member State is later found to be in default, or is terminated or withdraws from the Compact, the Commission shall remain in existence and the Compact shall remain in effect even if the number of Member States should be less than seven.

2. Member States enacting the Compact subsequent to the seven initial Charter Member States shall be subject to the process set forth in Section 10 C 21 to determine if their enactments are materially different from the model Compact statute and whether they qualify for participation in the Compact.

3. All actions taken for the benefit of the Commission or in furtherance of the purposes of the administration of the Compact prior to the effective date of the Compact or the Commission coming into existence shall be considered to be actions of the Commission unless specifically repudiated by the Commission.

4. Any State that joins the Compact subsequent to the Commission's initial adoption of the Rules and bylaws shall be subject to the Rules and bylaws as they exist on the date on which the Compact becomes law in that State. Any Rule that has been previously adopted by the Commission shall have the full force and effect of law on the day the Compact becomes law in that State.

B. Any Member State may withdraw from this Compact by enacting a statute repealing the same.

1. A Member State's withdrawal shall not take effect until 180 days after enactment of the repealing statute.

2. Withdrawal shall not affect the continuing requirement of the withdrawing State's Licensing Authority to comply with the investigative and Adverse Action reporting requirements of this Compact prior to the effective date of withdrawal.

3. Upon the enactment of a statute withdrawing from this compact, a State shall immediately provide notice of such withdrawal to all Licensees within that State. Notwithstanding any subsequent statutory enactment to the contrary, such withdrawing State shall continue to recognize all licenses granted pursuant to this compact for a minimum of 180 days after the date of such notice of withdrawal.

C. Nothing contained in this Compact shall be construed to invalidate or prevent any licensure agreement or other cooperative arrangement between a Member State and a non-Member State that does not conflict with the provisions of this Compact.

D. This Compact may be amended by the Member States. No amendment to this Compact shall become effective and binding upon any Member State until it is enacted into the laws of all Member States.

Section 15.

Construction and Severability.

A. This Compact and the Commission's rulemaking authority shall be liberally construed so as to effectuate the purposes, and the implementation and administration of the Compact. Provisions of the Compact expressly authorizing or requiring the promulgation of Rules shall not be construed to limit the Commission's rulemaking authority solely for those purposes.

B. The provisions of this Compact shall be severable and if any phrase, clause, sentence, or provision of this Compact is held by a court of competent jurisdiction to be contrary to the constitution of any Member State, a State seeking participation in the Compact, or of the United States, or the applicability thereof to any government, agency, person, or circumstance is held to be unconstitutional by a court of competent jurisdiction, the validity of the remainder of this Compact and the applicability thereof to any other government, agency, person, or circumstance shall not be affected thereby.

C. Notwithstanding subsection B of this Section, the Commission may deny a State's participation in the Compact or, in accordance with the requirements of Section 13.B, terminate a Member State's participation in the Compact, if it determines that a constitutional requirement of a Member State is a material departure from the Compact. Otherwise, if this Compact shall be held to be contrary to the constitution of any Member State, the Compact shall remain in full force and effect as to the remaining Member States and in full force and effect as to the Member State affected as to all severable matters.

Section 16.

Consistent Effect and Conflict with Other State Laws.

A. A Licensee providing services in a Remote State under a Multistate Authorization to Practice shall adhere to the laws and regulations, including laws, regulations, and applicable standards, of the Remote State where the client is located at the time care is rendered.

B. Nothing herein shall prevent or inhibit the enforcement of any other law of a Member State that is not inconsistent with the Compact.

C. Any laws, statutes, regulations, or other legal requirements in a Member State in conflict with the Compact are superseded to the extent of the conflict.

D. All permissible agreements between the Commission and the Member States are binding in accordance with their terms.

2. That applicants for a Multistate License shall pay for the cost of fingerprinting required by the Social Work Licensure Compact, as entered into by this act.

CHAPTER 691

An Act to amend and reenact § 15.2-961.1 of the Code of Virginia, relating to conservation of trees during land development process in certain localities.

[H 459]

Approved April 8, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 15.2-961.1 of the Code of Virginia is amended and reenacted as follows:

§ 15.2-961.1. Conservation of trees during land development process in localities belonging to a nonattainment area for air quality standards.

A. For purposes of this section, "tree canopy" or "tree cover" includes all areas of canopy coverage by self-supporting and healthy woody plant material exceeding five feet in height, and the extent of planted tree canopy at 20-years maturity.

B. Any locality within Planning District 8 that meets the population density criteria of subsection A of § 15.2-961 and is classified as an eight-hour nonattainment area for ozone under the federal Clean Air Act and Amendments of 1990, in effect as of July 1, 2008, may adopt an ordinance providing for the conservation of trees during the land development process pursuant to the provisions of this section. In no event shall any local tree conservation ordinance adopted pursuant to this section also impose the tree replacement provisions of § 15.2-961.

C. The ordinance shall require that the site plan for any subdivision or development provide for the preservation or replacement of trees on the development site such that the minimum tree canopy or tree cover percentage 20 years after development is projected to be as follows:

1. Ten percent tree canopy for a site zoned business, commercial, or industrial;

2. Ten percent tree canopy for a residential site zoned 20 or more units per acre;

3. Fifteen percent tree canopy for a residential site zoned more than eight but less than 20 units per acre;

4. Twenty percent tree canopy for a residential site zoned more than four but not more than eight units per acre;

5. Twenty-five percent tree canopy for a residential site zoned more than two but not more than four units per acre; and

6. Thirty percent tree canopy for a residential site zoned two or fewer units per acre.

In meeting these percentages, (i) the ordinance shall first emphasize the preservation of existing tree canopy where that canopy meets local standards for health and structural condition, and where it is feasible to do so within the framework of design standards and densities allowed by the local zoning and other development ordinances; and (ii) second, where it is not feasible in whole or in part for any of the justifications listed in subsection E to preserve existing canopy in the required percentages listed above, the ordinance shall provide for the planting of new trees to meet the required percentages.

D. Except as provided in subsection E, the percentage of the site covered by tree canopy at the time of plan submission shall equate to the minimum portion of the requirements identified in subsection C that shall be provided through tree preservation. This portion of the canopy requirements shall be identified as the "tree preservation target" and shall be included in site plan calculations or narratives demonstrating how the overall requirements of subsection C have been met.

E. The ordinance shall provide deviations, in whole or in part, from the tree preservation target defined in subsection D under the following conditions:

1. Meeting the preservation target would prevent the development of uses and densities otherwise allowed by the locality's zoning or development ordinance.

2. The predevelopment condition of vegetation does not meet the locality's standards for health and structural condition.

3. Construction activities could be reasonably expected to impact existing trees to the extent that they would not likely survive in a healthy and structurally sound manner. This includes activities that would cause direct physical damage to the trees, including root systems, or cause environmental changes that could result in or predispose the trees to structural and health problems.

If, in the opinion of the developer, the project cannot meet the tree preservation target due to the conditions described in subdivision 1, 2, or 3, the developer may request a deviation from the preservation requirement in subsection D. In the request for deviation, the developer shall provide a letter to the locality that provides justification for the deviation, describes how the deviation is the minimum necessary to afford relief, and describes how the requirements of subsection C will be met through tree planting or a tree canopy bank or fund established by the locality. Proposed deviations shall be reviewed by the locality's urban forester, arborist, or equivalent in consultation with the locality's land development or licensed professional civil engineering review staff. The locality may propose an alternative site design based upon adopted land development practices and sound vegetation management practices that take into account the relationship between the cost of conservation and the benefits of the trees to be preserved as described in ANSI A300 (Part 5) — 2005 Management: Tree, Shrub, and Other Woody Plant Maintenance — Standard Practices, Management of Trees and Shrubs During Site Planning, Site Development, and Construction, Annex A, A-1.5, Cost Benefits Analysis (or the latest version of this standard). The developer shall consider the alternative and redesign the plan accordingly, or elect to satisfy the unmet

portion of the preservation threshold through on-site tree planting or through the off-site planting mechanisms identified in subsection G, so long as the developer provides the locality with an explanation of why the alternative design recommendations were rejected. Letters of explanation from the developer shall be prepared and certified by a licensed professional engineer as defined in § 54.1-400. If arboricultural issues are part of explanation then the letter shall be signed by a Certified Arborist who has taken and passed the certification examination sponsored by the International Society of Arboriculture and who maintains a valid certification status or by a Registered Consulting Arborist as designated by the American Society of Consulting Arborists. If arboricultural issues are the sole subject of the letter of explanation then certification by a licensed professional engineer shall not be required.

F. The ordinance shall provide for deviations of the overall canopy requirements set forth in subsection C to allow for the preservation of wetlands, the development of farm land or other areas previously devoid of healthy and/or suitable tree canopy, or where the strict application of the requirements would result in unnecessary or unreasonable hardship to the developer.

G. The ordinance shall provide for the establishment of a tree canopy bank or fund whereby any portion of the tree canopy requirement that cannot be met on-site may be met through off-site tree preservation or tree planting efforts. Such provisions may be offered where it can be demonstrated that application of the requirements of subsection C would cause irresolvable conflicts with other local site development requirements, standards, or comprehensive planning goals, where sites or portions of sites lack sufficient space for future tree growth, where planting spaces will not provide adequate space for healthy root development, where trees will cause unavoidable conflicts with underground or overhead utilities, or where it can be demonstrated that trees are likely to cause damage to public infrastructure. The ordinance may utilize any of the following off-site canopy establishment mechanisms:

1. A tree canopy bank may be established in order for the locality to facilitate off-site tree preservation, tree planting, stream bank, and riparian restoration projects. Banking efforts shall provide tree canopy that is preserved in perpetuity through conservation easements, deed restrictions, or similar protective mechanisms acceptable to the locality. Projects used in off-site banking will meet the same ordinance standards established for on-site tree canopy; however, the locality may also require the submission of five-year management plans and funds to ensure the execution of maintenance and management obligations identified in those plans. Any such bank shall occur within the same nonattainment area in which the locality approving the tree banking is situated.

2. A tree canopy fund may be established to act as a fiscal mechanism to collect, manage, and disburse fees collected from developers that cannot provide full canopy requirements on-site. The locality may use this fund directly to plant *and maintain* trees on public *or private* property, or the locality may elect to disburse this fund to community-based organizations exempt from taxation under § 501(c)(3) of the Internal Revenue Code with tree planting*, stewardship,* or community beautification missions ~~for tree planting programs~~ that benefit the community at large. For purposes of establishing consistent and predictable fees, the ordinance shall establish cost units that are based on average costs ~~to establish 20-year canopy areas using~~ *of* two-inch caliper nursery stock trees. Any funds collected by localities for these purposes shall be spent within a five-year period established by the collection date~~, or the locality shall return such funds to the original contributor, or legal successor~~.

H. The following uses shall be exempt from the requirements of any ordinance promulgated under this section: bona fide silvicultural activity as defined by § 10.1-1181.1 and the areas of sites included in lakes, ponds, and the normal water elevation area of stormwater retention facilities. The ordinance shall modify the canopy requirements of dedicated school sites, playing fields, and other nonwooded active recreation areas by allowing these and other facilities and uses of a similar nature to provide 10 percent tree canopy 20 years after development.

I. 1. In recognition of the added benefits of tree preservation, the ordinance shall provide for an additional tree canopy credit of up to one and one-quarter times the canopy area at the time of plan submission for individual trees or the coalesced canopy of forested areas preserved from the predevelopment tree canopy.

2. The following additional credits may be provided in the ordinance in connection with tree preservation:

a. The ordinance may provide canopy credits of up to *(i)* one and one-half times the actual canopy area for the preservation of forest communities that achieve environmental, ecological, and wildlife conservation objectives set by the locality *and (ii) two times the actual canopy credits if a site developer provides a stand assessment before development plans are created, for review by the local jurisdiction, and protects identified trees for conservation on the submitted site plans*. The ordinance may establish minimal area, dimensional and viability standards as prerequisites for the application of credits. Forest communities shall be identified using the nomenclature of either the federal National Vegetation Classification System (FGDC-STD-005, or latest version) or the Natural Communities of Virginia Classification of Ecological Community Groups, Second Approximation (Version 2.2, or latest version).

b. The ordinance may provide canopy credits of up to three times the actual canopy area of trees that are officially designated for preservation in conjunction with local tree conservation ordinances based on the authority granted by § 10.1-1127.1.

J. The following additional credits shall be provided in the ordinance in connection with tree planting:

1. The ordinance shall provide canopy credits of one and one-half the area normally projected for trees planted to absorb or intercept air pollutants, tree species that produce lower levels of reactive volatile organic compounds, or trees that act to reduce air pollution or greenhouse gas emissions by conserving the energy used to cool and heat buildings.

2. The ordinance shall provide canopy credits of one and one-quarter the area normally projected for trees planted for water quality-related reforestation or afforestation projects, and for trees planted in low-impact development and bioretention water quality facilities. The low-impact development practices and designs shall conform to local standards in order for these supplemental credits to apply.

3. The ordinance shall provide canopy credits of one and one-half the area normally projected for native tree species planted to provide food, nesting, habitat, and migration opportunities for wildlife. These canopy credits may also apply to cultivars of native species if the locality determines that such a cultivar is capable of providing the same type and extent of wildlife benefit as the species it is derived from.

4. The ordinance shall provide canopy credits of one and one-half the area normally projected for use of native tree species that are propagated from seed or tissue collected within the mid-Atlantic region.

5. The ordinance shall provide canopy credits of one and one-quarter the area normally projected for the use of cultivars or varieties that develop desirable growth and structural patterns, resist decay organisms and the development of cavities, show high levels of resistance to disease or insect infestations, or exhibit high survival rates in harsh urban environments.

K. Tree preservation areas and individual trees may not receive more than one application of additional canopy credits provided in subsection I. Individual trees planted to meet these requirements may not receive more than two categories of additional canopy credits provided in subsection J. Canopy credits will only be given to trees with trunks that are fully located on the development site, or in the case of tree banking projects only to trees with trunks located fully within easements or other areas protected by deed restrictions listed in subsection G.

L. All trees planted for tree cover credits shall meet the specifications of the American Association of Nurserymen and shall be planted in accordance with the publication entitled "Tree and Shrub Planting Guidelines," published by the Virginia Cooperative Extension.

M. In order to provide higher levels of biodiversity and to minimize the spread of pests and diseases, or to limit the use of species that cause negative impacts to native plant communities, cause damage to nearby structures, or possess inherent physiological traits that prone trees to structural failure, the ordinance may designate species that cannot be used to meet tree canopy requirements or designate species that will only receive partial 20-year tree canopy credits.

N. The locality may allow the use of tree seedlings for meeting tree canopy requirements in large open spaces, low-density residential settings, or in low-impact development reforestation/afforestation projects. In these cases, the ordinance shall allow the ground surface area of seedling planting areas to equate to a 20-year canopy credit area. Tree seedling plantings will be comprised of native species and will be planted in densities that equate to 400 seedlings per acre, or in densities specified by low-impact development designs approved by the locality. The locality may set standards for seedling mortality rates and replacement procedures if unacceptable rates of mortality occur. The locality may elect to allow native woody shrubs or native woody seed mix to substitute for tree species as long as these treatments do not exceed 33 percent of the overall seedling planting area. The number of a single species may not exceed 10 percent of the overall number of trees or shrubs planted to meet the provisions of this subsection.

O. The following process shall be used to demonstrate achievement of the required percentage of tree canopy listed in subsection C:

1. The site plan shall graphically delineate the edges of predevelopment tree canopy, the proposed limits of disturbance on grading or erosion and sedimentation control plans, and the location of tree protective fencing or other tree protective devices allowed in the Virginia Erosion and Sediment Control Handbook.

2. Site plans proposing modification to tree canopy requirements or claiming supplemental tree canopy credits will require a text narrative.

3. The site plan shall include the 20-year tree canopy calculations on a worksheet provided by the locality.

4. Site plans requiring tree planting shall provide a planting schedule that provides botanical and common names of trees, the number of trees being planted, the total of tree canopy area given to each species, variety or cultivars planted, total of tree canopy area that will be provided by all trees, planting sizes, and associated planting specifications. The site plan will also provide a landscape plan that delineates where the trees shall be planted.

P. The ordinance shall provide a list of commercially available tree species, varieties, and cultivars that are capable of thriving in the locality's climate and ranges of planting environments. The ordinance will also provide a 20-year tree canopy area credit for each tree. The amount of tree canopy area credited to individual tree species, varieties, and cultivars 20 years after they are planted shall be based on references published or endorsed by Virginia academic institutions such as the Virginia Polytechnic Institute and State University and accepted by urban foresters, arborists, and horticulturalists as being accurate for the growing conditions and climate of the locality.

Q. The ordinance shall establish standards of health and structural condition of existing trees and associated plant communities to be preserved. The ordinance may also identify standards for removal of trees or portions of trees that are dead, dying, or hazardous due to construction impacts. Such removal standards may allow for the retention of trunk snags where the locality determines that these may provide habitat or other wildlife benefits and do not represent a hazardous condition. In the event that existing tree canopy proposed to be preserved for tree canopy credits dies or must be removed because it represents a hazard, the locality may require the developer to remove the tree, or a portion of the tree and to replace the missing canopy area by the planting of nursery stock trees, or if a viable alternative, by tree seedlings. Existing

trees that have been granted credits will be replaced with canopy area determined using the same supplemental credit multipliers as originally granted for that canopy area.

R. Penalties for violation of ordinances adopted pursuant to this section shall be the same as those applicable to violations of zoning ordinances of the locality.

S. In no event shall any local tree conservation ordinance adopted pursuant to this section exceed the requirements set forth herein; however, any local ordinance adopted pursuant to the provisions of § 15.2-961 prior to July 1, 1990, may adopt the tree conservation provisions of this section based on 10-year minimum tree canopy requirements.

T. Nothing in this section shall invalidate any local ordinance adopted pursuant to § 15.2-961.

U. Nothing in this section shall prohibit or unreasonably limit silvicultural practices in accordance with § 10.1-1126.1.

CHAPTER 692

An Act to amend and reenact § 15.2-958.5 of the Code of Virginia, relating to community revitalization fund; expanding use for all localities.

[H 478]

Approved April 8, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 15.2-958.5 of the Code of Virginia is amended and reenacted as follows:

§ 15.2-958.5. Local funding for community revitalization.

A. ~~The City of Richmond~~ *Any locality* may by ordinance provide for the creation of a community revitalization fund for the purpose of preventing neighborhood deterioration *in such locality*. The community revitalization fund shall be ~~exclusively comprised~~ *composed* of appropriated local moneys.

B. Any such community fund established pursuant to this section shall be used for one or more of the following purposes:

1. Loans or grants to for-profit and nonprofit organizations for the construction, renovation, or demolition of residential structures in the ~~City~~ *locality*;

2. Infrastructure improvements; and

3. Acquisition of blighted structures in accordance with § 36-49.1:1.

C. Such ordinance shall establish (i) qualifying income guidelines for participants and the communities in which community revitalization funds may be expended and (ii) criteria for participation by for-profit and nonprofit organizations that may be eligible for loans or grants pursuant to the provisions of this section.

CHAPTER 693

An Act to direct the Department of Agriculture and Consumer Services to convene the Task Force on Transparency in Publicly Funded Animal Testing Facilities; report.

[H 580]

Approved April 8, 2024

Be it enacted by the General Assembly of Virginia:

1. *§ 1. The Department of Agriculture and Consumer Services, in collaboration with the State Council of Higher Education for Virginia, shall convene the Task Force on Transparency in Publicly Funded Animal Testing Facilities (the Task Force) for the purpose of identifying potential deficiencies in publicly funded animal testing facilities, as that term is defined in § 3.2-6593.2 of the Code of Virginia, in the Commonwealth and recommending methods and context for making certain information about such animal testing facilities publicly available, including information pertaining to instances of noncompliance with federal animal welfare regulations, guidelines, or policies, as well as the care, use, and approximate numbers of animals used for research, education, testing, or other experimental, scientific, or medical purposes by each public institution of higher education in the Commonwealth, including animals not covered by the federal Animal Welfare Act (7 U.S.C. § 2131 et seq.).*

The Task Force shall consist of legislators and stakeholders, including (i) representatives from one institution of higher education in the Commonwealth with Carnegie research classification R1, one institution of higher education in the Commonwealth with Carnegie research classification R2, and one institution of higher education in the Commonwealth with Carnegie research classification R3; (ii) representatives from three unaffiliated animal protection or animal welfare watchdog groups in the Commonwealth; (iii) an individual who serves as a member of an institutional animal care and use committee at one of the Commonwealth's publicly funded animal testing facilities; (iv) a Virginia-licensed American College of Laboratory Animal Medicine-certified veterinarian functioning in the role of attending veterinarian at one of the Commonwealth's publicly funded animal testing facilities; (v) a representative of the Virginia Press Association; (vi) a representative of the Virginia Coalition for Open Government; (vii) a member of the Virginia Freedom of Information Council; and (viii) two members of the Senate appointed by the Senate Committee on Rules and two members of the House of Delegates appointed by the Speaker of the House of Delegates.

The Task Force shall report its findings and recommendations on how to improve transparency at publicly funded animal testing facilities in the Commonwealth to the House Committees on Agriculture, Chesapeake and Natural Resources, Finance, and Appropriations and the Senate Committees on Agriculture, Conservation and Natural Resources and Finance and Appropriations no later than November 1, 2024. Such report shall be submitted as a report document as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.

CHAPTER 694

An Act to amend the Code of Virginia by adding in Article 1 of Chapter 13 of Title 22.1 a section numbered 22.1-212.2:4, relating to high school student-athletes; use of name, image, or likeness.

[H 617]

Approved April 8, 2024

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Article 1 of Chapter 13 of Title 22.1 a section numbered 22.1-212.2:4 as follows:

§ 22.1-212.2:4. Interscholastic athletics; student-athletes; compensation and representation for name, image, or likeness.

A. As used in this section:

"Athlete agent" means an individual who holds a valid certificate of registration as an athlete agent issued pursuant to Chapter 5.2 (§ 54.1-526 et seq.) of Title 54.1.

"Attorney" means an attorney licensed to practice law in the Commonwealth.

"Compensation" means any type of remuneration or anything of value. "Compensation" does not include any (i) scholarship provided to a student-athlete that covers some or all of the cost of attendance at a high school at which the student-athlete is enrolled or (ii) benefit a student-athlete may receive in accordance with the rules of the relevant athletic association or conference.

"High school" means any public or private high school in the Commonwealth.

"Student-athlete" means an individual enrolled at a high school who participates in interscholastic athletics.

B. No high school or agent thereof, athletic association, athletic conference, or other organization with authority over interscholastic athletics shall:

1. Prohibit or prevent a student-athlete from earning compensation for the use of his name, image, or likeness, except as otherwise permitted in this section;

2. Prohibit or prevent a student-athlete from obtaining professional representation by an athlete agent or legal representation by an attorney in connection with issues related to name, image, or likeness; or

3. Declare a student-athlete ineligible for interscholastic athletic competition because he earns compensation for the use of his name, image, or likeness or obtains professional representation by an athlete agent or legal representation by an attorney in connection with issues related to name, image, or likeness.

C. No athletic association, athletic conference, or other organization with authority over interscholastic athletics shall prohibit or prevent a high school from becoming a member of the association, conference, or organization or participating in interscholastic athletics sponsored by such association, conference, or organization as a consequence of any student-athlete earning compensation for the use of his name, image, or likeness or obtaining representation by an athlete agent or attorney in connection with issues related to name, image, or likeness.

D. No student-athlete shall earn compensation for the use of his name, image, or likeness in connection with any of the following:

1. Alcohol and alcoholic beverages;

2. Adult entertainment;

3. Cannabis, cannabinoids, cannabidiol, or other derivatives, not including hemp or hemp products;

4. Controlled substances, as defined in § 54.1-3401;

5. Performance enhancing drugs or substances such as steroids or human growth hormone;

6. Drug paraphernalia, as defined in § 18.2-265.1;

7. Tobacco, tobacco products, alternative nicotine products, nicotine vapor products, and similar products and devices;

8. Weapons, including firearms and ammunition for firearms; and

9. Casinos or gambling, including sports betting.

E. Any high school may prohibit a student-athlete from earning compensation for the use of his name, image, or likeness while the student-athlete is engaged in academic, official team, or athletic program activities, including class, tutoring, competition, practice, travel, academic services, community service, promotional activities, and other athletic program activities.

F. No student-athlete shall use a high school's facilities; apparel; equipment; uniforms; or intellectual property, including logos, indicia, registered and unregistered trademarks, and products protected by copyright, for any opportunity to earn compensation for the use of his name, image, or likeness, unless otherwise permitted by such high school.

G. Prior to executing an agreement concerning the use of his name, image, or likeness, a student-athlete shall disclose such agreement to the high school at which he is enrolled in a manner designated by the high school. If a student-athlete discloses a potential agreement that conflicts with an existing high school agreement, the high school shall disclose the relevant terms of the conflicting agreement to the student-athlete.

H. A high school may prohibit a student-athlete from using his name, image, or likeness to earn compensation if the proposed use conflicts with an existing high school agreement relating to interscholastic athletics.

I. No high school shall, except as otherwise permitted in this section, enter into, renew, or modify any agreement that prohibits a student-athlete from using his name, image, or likeness to earn compensation while the student-athlete is engaged in non-academic, unofficial team, or non-athletic program activities.

J. Nothing in this section shall be construed to impact the employment status of a student-athlete or qualify a student-athlete as an employee of a high school solely because the student-athlete engages in name, image, or likeness opportunities.

K. Any student-athlete who is aggrieved by any action of a high school or agent thereof, athletic association, athletic conference, or other organization with authority over interscholastic athletics in violation of any provision of this section may bring an action for injunctive relief.

L. The Department shall publish in a publicly accessibly format on its website information about laws that are applicable to any contract entered into by a student-athlete relating to compensation for the use of his name, image, or likeness.

CHAPTER 695

An Act to amend and reenact §§ 16.1-338 and 16.1-339 of the Code of Virginia, relating to parental admission of minors for inpatient treatment.

[H 772]

Approved April 8, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 16.1-338 and 16.1-339 of the Code of Virginia are amended and reenacted as follows:

§ 16.1-338. Parental admission of minors younger than 14 and nonobjecting minors 14 years of age or older.

A. A minor younger than 14 years of age may be admitted to a willing mental health facility for inpatient treatment *related to mental illness, which may include substance abuse as described in § 16.1-336,* upon application and with the consent of a parent. A minor 14 years of age or older may be admitted to a willing mental health facility for inpatient treatment *related to mental illness, which may include substance abuse as described in § 16.1-336,* upon the joint application and consent of the minor and the minor's parent.

B. Admission of a minor under this section shall be approved by a qualified evaluator who has conducted a personal examination of the minor within 48 hours after admission and has made the following written findings:

1. The minor appears to have a mental illness*, which may include substance abuse as described in § 16.1-336,* serious enough to warrant inpatient treatment and is reasonably likely to benefit from the treatment; and

2. The minor has been provided with a clinically appropriate explanation of the nature and purpose of the treatment; and

3. If the minor is 14 years of age or older, that he has been provided with an explanation of his rights under this Act as they would apply if he were to object to admission, and that he has consented to admission; and

4. All available modalities of treatment less restrictive than inpatient treatment have been considered and no less restrictive alternative is available that would offer comparable benefits to the minor.

If admission is sought to a state hospital, the community services board serving the area in which the minor resides shall provide, in lieu of the examination required by this section, a preadmission screening report conducted by an employee or designee of the community services board and shall ensure that the necessary written findings have been made before approving the admission. A copy of the written findings of the evaluation or preadmission screening report required by this section shall be provided to the consenting parent and the parent shall have the opportunity to discuss the findings with the qualified evaluator or employee or designee of the community services board.

C. Within 10 days after the admission of a minor under this section, the director of the facility or the director's designee shall ensure that an individualized plan of treatment has been prepared by the provider responsible for the minor's treatment and has been explained to the parent consenting to the admission and to the minor. The minor shall be involved in the preparation of the plan to the maximum feasible extent consistent with his ability to understand and participate, and the minor's family shall be involved to the maximum extent consistent with the minor's treatment needs. The plan shall include a preliminary plan for placement and aftercare upon completion of inpatient treatment and shall include specific behavioral and emotional goals against which the success of treatment may be measured. A copy of the plan shall be provided to the minor and to his parents.

D. If the parent who consented to a minor's admission under this section revokes his consent at any time, or if a minor 14 or older objects at any time to further treatment, the minor shall be discharged within 48 hours to the custody of such consenting parent unless the minor's continued hospitalization is authorized pursuant to § 16.1-339, 16.1-340.1, or 16.1-345. If the 48-hour time period expires on a Saturday, Sunday, legal holiday or day on which the court is lawfully closed, the 48 hours shall extend to the next day that is not a Saturday, Sunday, legal holiday or day on which the court is lawfully closed. If a minor 14 or older objects to further treatment, the mental health facility shall (i) immediately notify the consenting parent of the minor's objections and (ii) provide to the consenting parent a summary, prepared by the Office of the Attorney General, of the procedures for requesting continued treatment of the minor pursuant to § 16.1-339, 16.1-340.1, or 16.1-345.

E. Inpatient treatment of a minor hospitalized under this section may not exceed 90 consecutive days unless it has been authorized by appropriate hospital medical personnel, based upon their written findings that the criteria set forth in subsection B of this section continue to be met, after such persons have examined the minor and interviewed the consenting parent and reviewed reports submitted by members of the facility staff familiar with the minor's condition.

F. Any minor admitted under this section while younger than 14 and his consenting parent shall be informed orally and in writing by the director of the facility for inpatient treatment within 10 days of his fourteenth birthday that continued voluntary treatment under the authority of this section requires his consent.

G. Any minor 14 years of age or older who joins in an application and consents to admission pursuant to subsection A, shall, in addition to his parent, have the right to access his health information. The concurrent authorization of both the parent and the minor shall be required to disclose such minor's health information.

H. A minor who has been hospitalized while properly detained by a juvenile and domestic relations district court or circuit court shall be returned to the detention home, shelter care, or other facility approved by the Department of Juvenile Justice by the sheriff serving the jurisdiction where the minor was detained within 24 hours following completion of a period of inpatient treatment, unless the court having jurisdiction over the case orders that the minor be released from custody.

§ 16.1-339. Parental admission of an objecting minor 14 years of age or older.

A. A minor 14 years of age or older who (i) objects to admission or (ii) is incapable of making an informed decision may be admitted to a willing facility for up to 120 hours, pending the review required by subsections B and C, upon the application of a parent. If admission is sought to a state hospital, the community services board serving the area in which the minor resides shall provide the preadmission screening report required by subsection B of § 16.1-338 and shall ensure that the necessary written findings, except the minor's consent, have been made before approving the admission. *A temporary detention order under § 16.1-340.1 shall not be required for a minor to be admitted to a willing facility upon the application of a parent pursuant to this section.*

B. A minor admitted under this section shall be examined within 24 hours of his admission by a qualified evaluator designated by the community services board serving the area where the facility is located. If the 24-hour time period expires on a Saturday, Sunday, legal holiday, or day on which the court is lawfully closed, the 24 hours shall extend to the next day that is not a Saturday, Sunday, legal holiday, or day on which the court is lawfully closed. The evaluator shall prepare a report that shall include written findings as to whether:

1. The minor appears to have a mental illness*, which may include substance abuse as described in § 16.1-336*, serious enough to warrant inpatient treatment and is reasonably likely to benefit from the treatment;

2. The minor has been provided with a clinically appropriate explanation of the nature and purpose of the treatment; and

3. All available modalities of treatment less restrictive than inpatient treatment have been considered and no less restrictive alternative is available that would offer comparable benefits to the minor.

The qualified evaluator shall submit his report to the juvenile and domestic relations district court for the jurisdiction in which the facility is located.

C. Upon admission of a minor under this section, the facility shall file a petition for judicial approval no sooner than 24 hours and no later than 120 hours after admission with the juvenile and domestic relations district court for the jurisdiction in which the facility is located. To the extent available, the petition shall contain the information required by § 16.1-339.1. A copy of this petition shall be delivered to the minor's consenting parent. Upon receipt of the petition and of the evaluator's report submitted pursuant to subsection B, the judge shall appoint a guardian ad litem for the minor and counsel to represent the minor, unless it has been determined that the minor has retained counsel. A copy of the evaluator's report shall be provided to the minor's counsel and guardian ad litem. The court and the guardian ad litem shall review the petition and evaluator's report and shall ascertain the views of the minor, the minor's consenting parent, the evaluator, and the attending psychiatrist. The court shall conduct its review in such place and manner, including the facility, as it deems to be in the best interests of the minor. Based upon its review and the recommendations of the guardian ad litem, the court shall order one of the following dispositions:

1. If the court finds that the minor does not meet the criteria for admission specified in subsection B, the court shall issue an order directing the facility to release the minor into the custody of the parent who consented to the minor's admission. However, nothing herein shall be deemed to affect the terms and provisions of any valid court order of custody affecting the minor.

2. If the court finds that the minor meets the criteria for admission specified in subsection B, the court shall issue an order authorizing continued hospitalization of the minor for up to 90 days on the basis of the parent's consent.

Within 10 days after the admission of a minor under this section, the director of the facility or the director's designee shall ensure that an individualized plan of treatment has been prepared by the provider responsible for the minor's treatment and has been explained to the parent consenting to the admission and to the minor. A copy of the plan shall also be provided to the guardian ad litem and to counsel for the minor. The minor shall be involved in the preparation of the plan to the maximum feasible extent consistent with his ability to understand and participate, and the minor's family shall be involved to the maximum extent consistent with the minor's treatment needs. The plan shall include a preliminary plan for placement and aftercare upon completion of inpatient treatment and shall include specific behavioral and emotional goals against which the success of treatment may be measured.

3. If the court determines that the available information is insufficient to permit an informed determination regarding whether the minor meets the criteria specified in subsection B, the court shall schedule a commitment hearing that shall be conducted in accordance with the procedures specified in §§ 16.1-341 through 16.1-345. The minor may be detained in the hospital for up to 120 additional hours pending the holding of the commitment hearing.

D. A minor admitted under this section who rescinds his objection may be retained in the hospital pursuant to § 16.1-338.

E. If the parent who consented to a minor's admission under this section revokes his consent at any time, the minor shall be released within 48 hours to the parent's custody unless the minor's continued hospitalization is authorized pursuant to § 16.1-340.1 or 16.1-345. If the 48-hour time period expires on a Saturday, Sunday, legal holiday, or day on which the court is lawfully closed, the 48 hours shall extend to the next day that is not a Saturday, Sunday, legal holiday, or day on which the court is lawfully closed.

F. A minor who has been hospitalized while properly detained by a juvenile and domestic relations district court or circuit court shall be returned to the detention home, shelter care, or other facility approved by the Department of Juvenile Justice by the sheriff serving the jurisdiction where the minor was detained within 24 hours following completion of a period of inpatient treatment, unless the court having jurisdiction over the case orders that the minor be released from custody.

CHAPTER 696

An Act to amend and reenact §§ 37.2-809, 37.2-809.1, 37.2-815, 37.2-816, and 37.2-817 of the Code of Virginia, relating to civil commitments and temporary detention orders; definition of mental illness; neurocognitive disorders and neurodevelopmental disabilities; Secretary of Health and Human Resources to evaluate placements for certain individuals; report.

[H 888]

Approved April 8, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 37.2-809, 37.2-809.1, 37.2-815, 37.2-816, and 37.2-817 of the Code of Virginia are amended and reenacted as follows:

§ 37.2-809. Involuntary temporary detention; issuance and execution of order.

A. For the purposes of this section:

"Designee of the local community services board" means an examiner designated by the local community services board who (i) is skilled in the assessment and treatment of mental illness, (ii) has completed a certification program approved by the Department, (iii) is able to provide an independent examination of the person, (iv) is not related by blood or marriage to the person being evaluated, (v) has no financial interest in the admission or treatment of the person being evaluated, (vi) has no investment interest in the facility detaining or admitting the person under this article, and (vii) except for employees of state hospitals and of the U.S. Department of Veterans Affairs, is not employed by the facility.

"Employee" means an employee of the local community services board who is skilled in the assessment and treatment of mental illness and has completed a certification program approved by the Department.

"Investment interest" means the ownership or holding of an equity or debt security, including shares of stock in a corporation, interests or units of a partnership, bonds, debentures, notes, or other equity or debt instruments.

B. A magistrate shall issue, upon the sworn petition of any responsible person, treating physician, or upon his own motion and only after an evaluation conducted in-person or by means of a two-way electronic video and audio communication system as authorized in § 37.2-804.1 by an employee or a designee of the local community services board to determine whether the person meets the criteria for temporary detention, a temporary detention order if it appears from all evidence readily available, including any recommendation from a physician, clinical psychologist, clinical social worker, or licensed professional counselor treating the person, that the person (i) has a mental illness and that there exists a substantial likelihood that, as a result of mental illness, the person will, in the near future, (a) cause serious physical harm to himself or others as evidenced by recent behavior causing, attempting, or threatening harm and other relevant information, if any, or (b) suffer serious harm due to his lack of capacity to protect himself from harm or to provide for his basic human needs; (ii) is in need of hospitalization or treatment; and (iii) is unwilling to volunteer or incapable of volunteering for

hospitalization or treatment. *Behaviors or symptoms that manifest from a neurocognitive disorder, including dementia, or a neurodevelopmental disability, including a developmental disability or intellectual disability, such as autism spectrum disorder, as defined in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders of the American Psychiatric Association are not sufficient, in themselves, to justify a finding of mental illness within the meaning of this section.* The magistrate shall also consider, if available, (a) information provided by the person who initiated emergency custody and (b) the recommendations of any treating or examining physician licensed in Virginia either verbally or in writing prior to rendering a decision. Any temporary detention order entered pursuant to this section shall provide for the disclosure of medical records pursuant to § 37.2-804.2. This subsection shall not preclude any other disclosures as required or permitted by law.

C. When considering whether there is probable cause to issue a temporary detention order, the magistrate may, in addition to the petition, consider (i) the recommendations of any treating or examining physician, psychologist, clinical social worker, or licensed professional counselor licensed in Virginia, if available, (ii) any past actions of the person, (iii) any past mental health treatment of the person, (iv) any relevant hearsay evidence, (v) any medical records available, (vi) any affidavits submitted, if the witness is unavailable and it so states in the affidavit, and (vii) any other information available that the magistrate considers relevant to the determination of whether probable cause exists to issue a temporary detention order.

D. A magistrate may issue a temporary detention order without an emergency custody order proceeding. A magistrate may issue a temporary detention order without a prior evaluation pursuant to subsection B if (i) the person has been personally examined within the previous 72 hours by an employee or a designee of the local community services board or (ii) there is a significant physical, psychological, or medical risk to the person or to others associated with conducting such evaluation.

E. An employee or a designee of the local community services board shall determine the facility of temporary detention in accordance with the provisions of § 37.2-809.1 for all persons detained pursuant to this section. An employee or designee of the local community services board may change the facility of temporary detention and may designate an alternative facility for temporary detention at any point during the period of temporary detention if it is determined that the alternative facility is a more appropriate facility for temporary detention of the person given the specific security, medical, or behavioral health needs of the person. In cases in which the facility of temporary detention is changed following transfer of custody to an initial facility of temporary custody, transportation of the person to the alternative facility of temporary detention shall be provided in accordance with the provisions of § 37.2-810. The initial facility of temporary detention shall be identified on the preadmission screening report and indicated on the temporary detention order; however, if an employee or designee of the local community services board designates an alternative facility, that employee or designee shall provide written notice forthwith, on a form developed by the Executive Secretary of the Supreme Court of Virginia, to the clerk of the issuing court of the name and address of the alternative facility. Subject to the provisions of § 37.2-809.1, if a facility of temporary detention cannot be identified by the time of the expiration of the period of emergency custody pursuant to § 37.2-808, the person shall be detained in a state facility for the treatment of persons with mental illness and such facility shall be indicated on the temporary detention order. Except as provided in § 37.2-811 for inmates requiring hospitalization in accordance with subdivision A 2 of § 19.2-169.6, the person shall not be detained in a jail or other place of confinement for persons charged with criminal offenses. Except as provided in § 37.2-811 for inmates requiring hospitalization in accordance with subdivision A 2 of § 19.2-169.6 or in subsection C of § 37.2-813 for persons prior to transfer to the facility of temporary detention, the person shall remain in the custody of law enforcement until either (i) the person is detained within a secure facility or (ii) custody has been accepted by the appropriate personnel designated by either the initial facility of temporary detention identified in the temporary detention order or by the alternative facility of temporary detention designated by the employee or designee of the local community services board pursuant to this subsection. The person detained or in custody pursuant to this section shall be given a written summary of the temporary detention procedures and the statutory protections associated with those procedures.

F. Any facility caring for a person placed with it pursuant to a temporary detention order is authorized to provide emergency medical and psychiatric services within its capabilities when the facility determines that the services are in the best interests of the person within its care. The costs incurred as a result of the hearings and by the facility in providing services during the period of temporary detention shall be paid and recovered pursuant to § 37.2-804. The maximum costs reimbursable by the Commonwealth pursuant to this section shall be established by the State Board of Medical Assistance Services based on reasonable criteria. The State Board of Medical Assistance Services shall, by regulation, establish a reasonable rate per day of inpatient care for temporary detention.

G. The employee or the designee of the local community services board who is conducting the evaluation pursuant to this section shall determine, prior to the issuance of the temporary detention order, the insurance status of the person. Where coverage by a third party payor exists, the facility seeking reimbursement under this section shall first seek reimbursement from the third party payor. The Commonwealth shall reimburse the facility only for the balance of costs remaining after the allowances covered by the third party payor have been received.

H. The duration of temporary detention shall be sufficient to allow for completion of the examination required by § 37.2-815, preparation of the preadmission screening report required by § 37.2-816, and initiation of mental health treatment to stabilize the person's psychiatric condition to avoid involuntary commitment where possible, but shall not exceed 72 hours prior to a hearing. If the 72-hour period herein specified terminates on a Saturday, Sunday, legal holiday, or,

if the individual has been admitted to a facility of temporary detention, day or part of a day on which the clerk's office is lawfully closed, the person may be detained, as herein provided, until the close of business on the next day that is not a Saturday, Sunday, legal holiday, or, if the individual has been admitted to a facility of temporary detention, day or part of a day on which the clerk's office is lawfully closed. The person may be released, pursuant to § 37.2-813, before the 72-hour period herein specified has run.

I. If a temporary detention order is not executed within 24 hours of its issuance, or within a shorter period as is specified in the order, the order shall be void and shall be returned unexecuted to the office of the clerk of the issuing court or, if the office is not open, to any magistrate serving the jurisdiction of the issuing court. Subsequent orders may be issued upon the original petition within 96 hours after the petition is filed. However, a magistrate must again obtain the advice of an employee or a designee of the local community services board prior to issuing a subsequent order upon the original petition. Any petition for which no temporary detention order or other process in connection therewith is served on the subject of the petition within 96 hours after the petition is filed shall be void and shall be returned to the office of the clerk of the issuing court.

J. The Executive Secretary of the Supreme Court of Virginia shall establish and require that a magistrate, as provided by this section, be available seven days a week, 24 hours a day, for the purpose of performing the duties established by this section. Each community services board shall provide to each general district court and magistrate's office within its service area a list of its employees and designees who are available to perform the evaluations required herein.

K. For purposes of this section, a health care provider or designee of a local community services board or behavioral health authority shall not be required to encrypt any email containing information or medical records provided to a magistrate unless there is reason to believe that a third party will attempt to intercept the email.

L. If the employee or designee of the community services board who is conducting the evaluation pursuant to this section recommends that the person should not be subject to a temporary detention order, such employee or designee shall (i) inform the petitioner, the person who initiated emergency custody if such person is present, and an onsite treating physician of his recommendation; (ii) promptly inform such person who initiated emergency custody that the community services board will facilitate communication between the person and the magistrate if the person disagrees with recommendations of the employee or designee of the community services board who conducted the evaluation and the person who initiated emergency custody so requests; and (iii) upon prompt request made by the person who initiated emergency custody, arrange for such person who initiated emergency custody to communicate with the magistrate as soon as is practicable and prior to the expiration of the period of emergency custody. The magistrate shall consider any information provided by the person who initiated emergency custody and any recommendations of the treating or examining physician and the employee or designee of the community services board who conducted the evaluation and consider such information and recommendations in accordance with subsection B in making his determination to issue a temporary detention order. The person who is the subject of emergency custody shall remain in the custody of law enforcement or a designee of law enforcement and shall not be released from emergency custody until communication with the magistrate pursuant to this subsection has concluded and the magistrate has made a determination regarding issuance of a temporary detention order.

M. For purposes of this section, "person who initiated emergency custody" means any person who initiated the issuance of an emergency custody order pursuant to § 37.2-808 or a law-enforcement officer who takes a person into custody pursuant to subsection G of § 37.2-808.

N. In any case in which a person subject to an evaluation pursuant to this section is receiving services in a hospital emergency department, the treating physician or his designee and the employee or designee of the local community services board shall disclose to each other relevant information pertaining to the individual's treatment in the emergency department.

§ 37.2-809.1. Facility of temporary detention.

A. In each case in which an employee or designee of the local community services board as defined in § 37.2-809 is required to make an evaluation of an individual pursuant to subsection B, G, or H of § 37.2-808, an employee or designee of the local community services board shall, upon being notified of the need for such evaluation, contact the state facility for the area in which the community services board is located and notify the state facility that the individual will be transported to the facility upon issuance of a temporary detention order if no other facility of temporary detention can be identified by the time of the expiration of the period of emergency custody pursuant to § 37.2-808. Upon completion of the evaluation, the employee or designee of the local community services board shall convey to the state facility information about the individual necessary to allow the state facility to determine the services the individual will require upon admission.

B. If upon notification from the employee or designee of the local community services board a state facility has reason to believe that the individual's behaviors or symptoms are solely a manifestation of a neurocognitive disorder or neurodevelopmental disorder, the state facility may require that a licensed psychiatrist or other licensed mental health professional reevaluate the individual's eligibility for a temporary detention order under § 37.2-809 before the individual is admitted. If the licensed psychiatrist or other licensed mental health professional determines the individual's behaviors or symptoms are solely a manifestation of a neurocognitive or neurodevelopmental disorder, the state facility shall promptly authorize the release of the person held under a temporary detention order pursuant to § 37.2-809 and the employee or a designee of the local community services board shall provide a discharge plan.

~~B.~~ *C.* A state facility may, following the notice in accordance with subsection A, conduct a search for an alternative facility that is able and willing to provide temporary detention and appropriate care to the individual, which may include

another state facility if the state facility notified in accordance with subsection A is unable to provide temporary detention and appropriate care for the individual. Under no circumstances*, other than those specified in this section,* shall a state facility fail or refuse to admit an individual who meets the criteria for temporary detention pursuant to § 37.2-809 unless an alternative facility that is able to provide temporary detention and appropriate care agrees to accept the individual for temporary detention and the individual shall not during the duration of the temporary detention order be released from custody except for purposes of transporting the individual to the state facility or alternative facility in accordance with the provisions of § 37.2-810. If an alternative facility is identified and agrees to accept the individual for temporary detention, the state facility shall notify the community services board, and an employee or designee of the community services board shall designate the alternative facility on the prescreening report.

~~C.~~ *D.* A state facility may conduct a search for an alternative facility that is able and willing to provide temporary detention and appropriate care to the individual in accordance with subsection B if the individual is in the custody of an alternative transportation provider.

~~D.~~ *E.* The facility of temporary detention designated in accordance with this section shall be one that has been approved pursuant to regulations of the Board.

§ 37.2-815. Commitment hearing for involuntary admission; examination required.

A. Notwithstanding § 37.2-814, the district court judge or special justice shall require an examination of the person who is the subject of the hearing by a psychiatrist or a psychologist who is licensed in Virginia by the Board of Medicine or the Board of Psychology and is qualified in the diagnosis of mental illness or, if such a psychiatrist or psychologist is not available, a mental health professional who (i) is licensed in Virginia through the Department of Health Professions as a clinical social worker, professional counselor, marriage and family therapist, or psychiatric advanced practice registered nurse; (ii) is qualified in the assessment of mental illness; and (iii) has completed a certification program approved by the Department. The examiner chosen shall be able to provide an independent clinical evaluation of the person and recommendations for his placement, care, and treatment. The examiner shall (a) not be related by blood or marriage to the person, (b) not be responsible for treating the person, (c) have no financial interest in the admission or treatment of the person, (d) have no investment interest in the facility detaining or admitting the person under this chapter, and (e) except for employees of state hospitals, the U.S. Department of Veterans Affairs, and community service boards, not be employed by the facility. For purposes of this section, the term "investment interest" shall be as defined in § 37.2-809.

B. The examination conducted pursuant to this section shall be a comprehensive evaluation of the person conducted in-person or, if that is not practicable, by two-way electronic video and audio communication system as authorized in § 37.2-804.1. Translation or interpreter services shall be provided during the evaluation where necessary. The examination shall consist of (i) a clinical assessment that includes a mental status examination; determination of current use of psychotropic and other medications; a medical and psychiatric history; a substance use, abuse, or dependency determination; and a determination of the likelihood that, as a result of mental illness, the person will, in the near future, suffer serious harm due to his lack of capacity to protect himself from harm or to provide for his basic human needs; (ii) a substance abuse screening, when indicated; (iii) a risk assessment that includes an evaluation of the likelihood that, as a result of mental illness, the person will, in the near future, cause serious physical harm to himself or others as evidenced by recent behavior causing, attempting, or threatening harm and other relevant information, if any; (iv) an assessment of the person's capacity to consent to treatment, including his ability to maintain and communicate choice, understand relevant information, and comprehend the situation and its consequences; (v) a review of the temporary detention facility's records for the person, including the treating physician's evaluation, any collateral information, reports of any laboratory or toxicology tests conducted, and all admission forms and nurses' notes; (vi) a discussion of treatment preferences expressed by the person or contained in a document provided by the person in support of recovery; (vii) an assessment of whether the person meets the criteria for an order authorizing discharge to mandatory outpatient treatment following a period of inpatient treatment pursuant to subsection C of § 37.2-817.01; (viii) an assessment of alternatives to involuntary inpatient treatment; and (ix) recommendations for the placement, care, and treatment of the person.

C. All such examinations shall be conducted in private. The judge or special justice shall summons the examiner who shall certify that he has personally examined the person and state whether he has probable cause to believe that the person (i) has a mental illness and there is a substantial likelihood that, as a result of mental illness, the person will, in the near future, (a) cause serious physical harm to himself or others as evidenced by recent behavior causing, attempting, or threatening harm and other relevant information, if any, or (b) suffer serious harm due to his lack of capacity to protect himself from harm or to provide for his basic human needs, and (ii) requires involuntary inpatient treatment. *Behaviors or symptoms that manifest from a neurocognitive disorder, including dementia, or a neurodevelopmental disability, including a developmental disability or intellectual disability, such as autism spectrum disorder, as defined in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders of the American Psychiatric Association are not sufficient, in themselves, to justify a finding of mental illness within the meaning of this section.* The judge or special justice shall not render any decision on the petition until the examiner has presented his report. The examiner may report orally at the hearing, but he shall provide a written report of his examination prior to the hearing. The examiner's written certification may be accepted into evidence unless objected to by the person or his attorney, in which case the examiner shall attend in person or by electronic communication. When the examiner attends the hearing in person or by electronic communication, the examiner shall not be excluded from the hearing pursuant to an order of sequestration of witnesses.

§ 37.2-816. Commitment hearing for involuntary admission; preadmission screening report.

The district court judge or special justice shall require a preadmission screening report from the community services board that serves the county or city where the person resides or, if impractical, where the person is located. The report shall be admitted as evidence of the facts stated therein and shall state (i) whether the person has a mental illness and whether there exists a substantial likelihood that, as a result of mental illness, the person will, in the near future, (a) cause serious physical harm to himself or others as evidenced by recent behavior causing, attempting, or threatening harm and other relevant information, if any, or (b) suffer serious harm due to his lack of capacity to protect himself from harm or to provide for his basic human needs, (ii) whether the person is in need of involuntary inpatient treatment, (iii) whether there is no less restrictive alternative to inpatient treatment, and (iv) the recommendations for that person's placement, care, and treatment including, where appropriate, recommendations for mandatory outpatient treatment. The board shall provide the preadmission screening report to the court prior to the hearing, and the report shall be admitted into evidence and made part of the record of the case. In the case of a person who has been sentenced and committed to the Department of Corrections and who has been examined by a psychiatrist or clinical psychologist, the judge or special justice may proceed to adjudicate whether the person has mental illness and should be involuntarily admitted without requesting a preadmission screening report from the community services board. *Behaviors or symptoms that manifest from a neurocognitive disorder, including dementia, or a neurodevelopmental disability, including a developmental disability or intellectual disability, such as autism spectrum disorder, as defined in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders of the American Psychiatric Association are not sufficient, in themselves, to justify a finding of mental illness within the meaning of this section.*

§ 37.2-817. Involuntary admission.

A. The district court judge or special justice shall render a decision on the petition for involuntary admission after the appointed examiner has presented the report required by § 37.2-815, and after the community services board that serves the county or city where the person resides or, if impractical, where the person is located has presented a preadmission screening report with recommendations for that person's placement, care, and treatment pursuant to § 37.2-816. These reports, if not contested, may constitute sufficient evidence upon which the district court judge or special justice may base his decision. The examiner, if not physically present at the hearing, and the treating physician at the facility of temporary detention shall be available whenever possible for questioning during the hearing through a two-way electronic video and audio or telephonic communication system as authorized in § 37.2-804.1.

B. Any employee or designee of the local community services board, as defined in § 37.2-809, representing the community services board that prepared the preadmission screening report shall attend the hearing in person or, if physical attendance is not practicable, shall participate in the hearing through a two-way electronic video and audio or telephonic communication system as authorized in § 37.2-804.1. Where a hearing is held outside of the service area of the community services board that prepared the preadmission screening report, and it is not practicable for a representative of the community services board that prepared the preadmission screening report to attend or participate in the hearing, arrangements shall be made by the community services board that prepared the preadmission screening report for an employee or designee of the community services board serving the area in which the hearing is held to attend or participate on behalf of the community services board that prepared the preadmission screening report. The employee or designee of the local community services board, as defined in § 37.2-809, representing the community services board that prepared the preadmission screening report or attending or participating on behalf of the community services board that prepared the preadmission screening report shall not be excluded from the hearing pursuant to an order of sequestration of witnesses. The community services board that prepared the preadmission screening report shall remain responsible for the person subject to the hearing and, prior to the hearing, shall send the preadmission screening report through certified mail, personal delivery, facsimile with return receipt acknowledged, or other electronic means with documented acknowledgment of receipt to the community services board attending the hearing. Where a community services board attends the hearing on behalf of the community services board that prepared the preadmission screening report, the attending community services board shall inform the community services board that prepared the preadmission screening report of the disposition of the matter upon the conclusion of the hearing. In addition, the attending community services board shall transmit the disposition through certified mail, personal delivery, facsimile with return receipt acknowledged, or other electronic means with documented acknowledgment of receipt.

At least 12 hours prior to the hearing, the court shall provide to the community services board that prepared the preadmission screening report the time and location of the hearing. If the representative of the community services board that prepared the preadmission screening report will be present by telephonic means, the court shall provide the telephone number to the community services board. If a representative of a community services board will be attending the hearing on behalf of the community services board that prepared the preadmission screening report, the community services board that prepared the preadmission screening report shall promptly communicate the time and location of the hearing and, if the representative of the community services board attending on behalf of the community services board that prepared the preadmission screening report will be present by telephonic means, the telephone number to the attending community services board.

C. After observing the person and considering (i) the recommendations of any treating or examining physician or psychologist licensed in Virginia, if available, (ii) any past actions of the person, (iii) any past mental health treatment of the person, (iv) any examiner's certification, (v) any health records available, (vi) the preadmission screening report, and (vii) any other relevant evidence that may have been admitted, including whether the person recently has been found

unrestorably incompetent to stand trial after a hearing held pursuant to subsection E of § 19.2-169.1, if the judge or special justice finds by clear and convincing evidence that (a) the person has a mental illness and there is a substantial likelihood that, as a result of mental illness, the person will, in the near future, (1) cause serious physical harm to himself or others as evidenced by recent behavior causing, attempting, or threatening harm and other relevant information, if any, or (2) suffer serious harm due to his lack of capacity to protect himself from harm or to provide for his basic human needs, and (b) all available less restrictive treatment alternatives to involuntary inpatient treatment that would offer an opportunity for the improvement of the person's condition have been investigated and determined to be inappropriate, the judge or special justice shall by written order and specific findings so certify and order that the person be admitted involuntarily to a facility for a period of treatment not to exceed 30 days from the date of the court order. *Behaviors or symptoms that manifest from a neurocognitive disorder, including dementia, or a neurodevelopmental disability, including a developmental disability or intellectual disability, such as autism spectrum disorder, as defined in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders of the American Psychiatric Association are not sufficient, in themselves, to justify a finding of mental illness within the meaning of this section.* Such involuntary admission shall be to a facility designated by the community services board that serves the county or city in which the person was examined as provided in § 37.2-816. If the community services board does not designate a facility at the commitment hearing, the person shall be involuntarily admitted to a facility designated by the Commissioner. Upon the expiration of an order for involuntary admission, the person shall be released unless (A) he is involuntarily admitted by further petition and order of a court, which shall be for a period not to exceed 180 days from the date of the subsequent court order, (B) he makes application for treatment on a voluntary basis as provided for in § 37.2-805, or (C) he is ordered to mandatory outpatient treatment following a period of inpatient treatment pursuant to § 37.2-817.01.

2. That the Secretary of Health and Human Resources shall convene a work group of relevant stakeholders, including representatives from local community services boards, the Virginia Hospital and Healthcare Association, and the Office of the Executive Secretary of the Supreme Court of Virginia to (i) evaluate the current availability of placements for individuals with neurocognitive disorders and neurodevelopmental disabilities who would otherwise be placed in state psychiatric hospitals; (ii) identify and develop placements and services other than state psychiatric hospitals that would better support such individuals, especially individuals whose behaviors or symptoms are solely a manifestation of such disorders and disabilities, including through enhanced Medicaid reimbursements and a Medicaid waiver for individuals with neurocognitive disorders; (iii) specify any additional funding or statutory changes needed to prevent inappropriate placements of such individuals in state psychiatric hospitals; (iv) provide recommendations for training of magistrates and community services boards related to the implementation of this act; and (v) report the work group's findings and recommendations to the Chairmen of the House Committee on Appropriations, the Senate Committee on Finance and Appropriations, the House Committee on Health and Human Services, and the Senate Committee on Education and Health by November 1, 2024.

3. That the provisions of the first enactment of this act shall not become effective unless reenacted by the 2025 Session of the General Assembly.

CHAPTER 697

An Act to amend and reenact §§ 18.2-386.2 and 19.2-8 of the Code of Virginia, relating to unlawful dissemination or sale of images of another; penalty.

[H 926]

Approved April 8, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 18.2-386.2 and 19.2-8 of the Code of Virginia are amended and reenacted as follows:

§ 18.2-386.2. Unlawful dissemination or sale of images of another; penalty.

A. Any person who, with the intent to coerce, harass, or intimidate, maliciously disseminates or sells any videographic or still image created by any means whatsoever that depicts another person *(i)* who is totally nude~~, or~~*; (ii) who is* in a state of undress so as to expose the genitals, pubic area, buttocks, or female breast~~,~~*; or (iii) whose genitals, pubic area, buttocks, or female breast are not exposed but such videographic or still image is obscene as defined in § 18.2-372* where such person knows or has reason to know that he is not licensed or authorized to disseminate or sell such videographic or still image is guilty of a Class 1 misdemeanor. For purposes of this subsection, "another person" includes a person whose image was used in creating, adapting, or modifying a videographic or still image with the intent to depict an actual person and who is recognizable as an actual person by the person's face, likeness, or other distinguishing characteristic.

B. If a person uses services of an Internet service provider, an electronic mail service provider, or any other information service, system, or access software provider that provides or enables computer access by multiple users to a computer server in committing acts prohibited under this section, such provider shall not be held responsible for violating this section for content provided by another person.

C. Venue for a prosecution under this section may lie in the jurisdiction where the unlawful act occurs or where any videographic or still image created by any means whatsoever is produced, reproduced, found, stored, received, or possessed in violation of this section.

D. The provisions of this section shall not preclude prosecution under any other statute.

§ 19.2-8. Limitation of prosecutions.

A prosecution for a misdemeanor, or any pecuniary fine, forfeiture, penalty or amercement, shall be commenced within one year next after there was cause therefor, except that a prosecution for petit larceny may be commenced within five years, and for an attempt to produce abortion, within two years after commission of the offense.

A prosecution for any misdemeanor violation of § 54.1-3904 shall be commenced within two years of the discovery of the offense.

A prosecution for violation of laws governing the placement of children for adoption without a license pursuant to § 63.2-1701 shall be commenced within one year from the date of the filing of the petition for adoption.

A prosecution for making a false statement or representation of a material fact knowing it to be false or knowingly failing to disclose a material fact, to obtain or increase any benefit or other payment under the Virginia Unemployment Compensation Act (§ 60.2-100 et seq.) shall be commenced within three years next after the commission of the offense.

A prosecution for any violation of § 10.1-1320, 62.1-44.32 (b), 62.1-194.1, or Article 11 (§ 62.1-44.34:14 et seq.) of Chapter 3.1 of Title 62.1 that involves the discharge, dumping or emission of any toxic substance as defined in § 32.1-239 shall be commenced within three years next after the commission of the offense.

Prosecution of Building Code violations under § 36-106 shall commence within one year of discovery of the offense by the building official, provided that such discovery occurs within two years of the date of initial occupancy or use after construction of the building or structure, or the issuance of a certificate of use and occupancy for the building or structure, whichever is later. However, prosecutions under § 36-106 relating to the maintenance of existing buildings or structures as contained in the Uniform Statewide Building Code shall commence within one year of the issuance of a notice of violation for the offense by the building official.

Prosecution of any misdemeanor violation of § 54.1-111 shall commence within one year of the discovery of the offense by the complainant, but in no case later than five years from occurrence of the offense.

Prosecution of any misdemeanor violation of any professional licensure requirement imposed by a locality shall commence within one year of the discovery of the offense by the complainant, but in no case later than five years from occurrence of the offense.

Prosecution of nonfelonious offenses which constitute malfeasance in office shall commence within two years next after the commission of the offense.

Prosecution for a violation for which a penalty is provided for by § 55.1-1989 shall commence within three years next after the commission of the offense.

Prosecution of illegal sales or purchases of wild birds, wild animals and freshwater fish under § 29.1-553 shall commence within three years after commission of the offense.

Prosecution of violations under Title 58.1 for offenses involving false or fraudulent statements, documents or returns, or for the offense of willfully attempting in any manner to evade or defeat any tax or the payment thereof, or for the offense of willfully failing to pay any tax, or willfully failing to make any return at the time or times required by law or regulations shall commence within three years next after the commission of the offense, unless a longer period is otherwise prescribed.

Prosecution of violations of subsection A or B of § 3.2-6570 shall commence within five years of the commission of the offense, except violations regarding agricultural animals shall commence within one year of the commission of the offense.

A prosecution for a *misdemeanor* violation of § 18.2-386.1 *or 18.2-386.2* shall be commenced within five years of the commission of the offense *or within one year of the date the victim discovers the offense or, by the exercise of due diligence, reasonably should have discovered the offense, whichever is later*.

A prosecution for any violation of the Campaign Finance Disclosure Act, Chapter 9.3 (§ 24.2-945 et seq.) of Title 24.2, shall commence within one year of the discovery of the offense but in no case more than three years after the date of the commission of the offense.

A prosecution of a crime that is punishable as a misdemeanor pursuant to the Virginia Computer Crimes Act (§ 18.2-152.1 et seq.) or pursuant to § 18.2-186.3 for identity theft shall be commenced before the earlier of (i) five years after the commission of the last act in the course of conduct constituting a violation of the article or (ii) one year after the existence of the illegal act and the identity of the offender are discovered by the Commonwealth, by the owner, or by anyone else who is damaged by such violation.

A prosecution of a misdemeanor under § 18.2-64.2, 18.2-67.4, 18.2-67.4:1, 18.2-67.4:2, 18.2-67.5, or 18.2-370.6 or clause (ii) of § 18.2-371 where the victim is a minor at the time of the offense shall be commenced no later than one year after the victim reaches majority, unless the alleged offender of such offense was an adult and more than three years older than the victim at the time of the offense, in which instance such prosecution shall be commenced no later than five years after the victim reaches majority.

A prosecution for a violation of § 18.2-260.1 shall be commenced within three years of the commission of the offense.

Nothing in this section shall be construed to apply to any person fleeing from justice or concealing himself within or without the Commonwealth to avoid arrest or be construed to limit the time within which any prosecution may be commenced for desertion of a spouse or child or for neglect or refusal or failure to provide for the support and maintenance of a spouse or child.

CHAPTER 698

An Act to amend and reenact § 9.1-102 of the Code of Virginia and to amend the Code of Virginia by adding sections numbered 9.1-203.2 and 32.1-111.5:2, relating to Alzheimer's disease and dementia training for dispatchers, firefighters, and emergency medical personnel.

[H 933]

Approved April 8, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 9.1-102 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding sections numbered 9.1-203.2 and 32.1-111.5:2 as follows:

§ 9.1-102. Powers and duties of the Board and the Department.

The Department, under the direction of the Board, which shall be the policy-making body for carrying out the duties and powers hereunder, shall have the power and duty to:

1. Adopt regulations, pursuant to the Administrative Process Act (§ 2.2-4000 et seq.), for the administration of this chapter including the authority to require the submission of reports and information by law-enforcement officers within the Commonwealth. Any proposed regulations concerning the privacy, confidentiality, and security of criminal justice information shall be submitted for review and comment to any board, commission, or committee or other body which may be established by the General Assembly to regulate the privacy, confidentiality, and security of information collected and maintained by the Commonwealth or any political subdivision thereof;

2. Establish compulsory minimum training standards subsequent to employment as a law-enforcement officer in (i) permanent positions and (ii) temporary or probationary status and establish the time required for completion of such training. Such compulsory minimum training standards shall include crisis intervention training in accordance with clause (i) of § 9.1-188;

3. Establish minimum training standards and qualifications for certification and recertification for law-enforcement officers serving as field training officers;

4. Establish compulsory minimum curriculum requirements for in-service and advanced courses and programs for schools, whether located in or outside the Commonwealth, which are operated for the specific purpose of training law-enforcement officers;

5. Establish (i) compulsory minimum training standards for law-enforcement officers who utilize radar or an electrical or microcomputer device to measure the speed of motor vehicles as provided in § 46.2-882 and establish the time required for completion of the training and (ii) compulsory minimum qualifications for certification and recertification of instructors who provide such training;

6. [Repealed];

7. Establish compulsory minimum entry-level, in-service and advanced training standards for those persons designated to provide courthouse and courtroom security pursuant to the provisions of § 53.1-120, and to establish the time required for completion of such training;

8. Establish compulsory minimum entry-level, in-service and advanced training standards for deputy sheriffs designated to serve process pursuant to the provisions of § 8.01-293, and establish the time required for the completion of such training;

9. Establish compulsory minimum entry-level, in-service, and advanced training standards, as well as the time required for completion of such training, for persons employed as deputy sheriffs and jail officers by local criminal justice agencies and correctional officers employed by the Department of Corrections under the provisions of Title 53.1. For correctional officers employed by the Department of Corrections, such standards shall include training on the general care of pregnant women, the impact of restraints on pregnant inmates and fetuses, the impact of being placed in restrictive housing or solitary confinement on pregnant inmates, and the impact of body cavity searches on pregnant inmates;

10. Establish compulsory minimum training standards for all dispatchers employed by or in any local or state government agency, whose duties include the dispatching of law-enforcement personnel. Such training standards shall apply only to dispatchers hired on or after July 1, 1988. *Such training shall include training in the identification of, communication with, and facilitation of the safe return of individuals diagnosed with Alzheimer's disease and dementia, which shall include (i) techniques for respectful and effective communication with individuals with Alzheimer's disease and dementia and their caregivers; (ii) techniques for addressing the behavioral symptoms of Alzheimer's disease and dementia, including alternatives to physical restraint; (iii) protocols for identifying and reporting incidents of abuse, neglect, and exploitation of individuals with Alzheimer's disease and dementia to adult protective services; (iv) protocols for contacting caregivers when an individual with Alzheimer's disease or dementia is found wandering or during an emergency or crisis situation; (v) a reference list of local resources available for individuals with Alzheimer's disease and dementia; and (vi) a reference list of local and national organizations that assist law-enforcement personnel with locating missing and wandering individuals with Alzheimer's disease and dementia and returning them to their caregivers*;

11. Establish compulsory minimum training standards for all auxiliary police officers employed by or in any local or state government agency. Such training shall be graduated and based on the type of duties to be performed by the auxiliary police officers. Such training standards shall not apply to auxiliary police officers exempt pursuant to § 15.2-1731;

12. Consult and cooperate with counties, municipalities, agencies of the Commonwealth, other state and federal governmental agencies, and institutions of higher education within or outside the Commonwealth, concerning the development of police training schools and programs or courses of instruction;

13. Approve institutions, curricula and facilities, whether located in or outside the Commonwealth, for school operation for the specific purpose of training law-enforcement officers; but this shall not prevent the holding of any such school whether approved or not;

14. Establish and maintain police training programs through such agencies and institutions as the Board deems appropriate;

15. Establish compulsory minimum qualifications of certification and recertification for instructors in criminal justice training academies approved by the Department;

16. Conduct and stimulate research by public and private agencies which shall be designed to improve police administration and law enforcement;

17. Make recommendations concerning any matter within its purview pursuant to this chapter;

18. Coordinate its activities with those of any interstate system for the exchange of criminal history record information, nominate one or more of its members to serve upon the council or committee of any such system, and participate when and as deemed appropriate in any such system's activities and programs;

19. Conduct inquiries and investigations it deems appropriate to carry out its functions under this chapter and, in conducting such inquiries and investigations, may require any criminal justice agency to submit information, reports, and statistical data with respect to its policy and operation of information systems or with respect to its collection, storage, dissemination, and usage of criminal history record information and correctional status information, and such criminal justice agencies shall submit such information, reports, and data as are reasonably required;

20. Conduct audits as required by § 9.1-131;

21. Conduct a continuing study and review of questions of individual privacy and confidentiality of criminal history record information and correctional status information;

22. Advise criminal justice agencies and initiate educational programs for such agencies with respect to matters of privacy, confidentiality, and security as they pertain to criminal history record information and correctional status information;

23. Maintain a liaison with any board, commission, committee, or other body which may be established by law, executive order, or resolution to regulate the privacy and security of information collected by the Commonwealth or any political subdivision thereof;

24. Adopt regulations establishing guidelines and standards for the collection, storage, and dissemination of criminal history record information and correctional status information, and the privacy, confidentiality, and security thereof necessary to implement state and federal statutes, regulations, and court orders;

25. Operate a statewide criminal justice research center, which shall maintain an integrated criminal justice information system, produce reports, provide technical assistance to state and local criminal justice data system users, and provide analysis and interpretation of criminal justice statistical information;

26. Develop a comprehensive, statewide, long-range plan for strengthening and improving law enforcement and the administration of criminal justice throughout the Commonwealth, and periodically update that plan;

27. Cooperate with, and advise and assist, all agencies, departments, boards and institutions of the Commonwealth, and units of general local government, or combinations thereof, including planning district commissions, in planning, developing, and administering programs, projects, comprehensive plans, and other activities for improving law enforcement and the administration of criminal justice throughout the Commonwealth, including allocating and subgranting funds for these purposes;

28. Define, develop, organize, encourage, conduct, coordinate, and administer programs, projects and activities for the Commonwealth and units of general local government, or combinations thereof, in the Commonwealth, designed to strengthen and improve law enforcement and the administration of criminal justice at every level throughout the Commonwealth;

29. Review and evaluate programs, projects, and activities, and recommend, where necessary, revisions or alterations to such programs, projects, and activities for the purpose of improving law enforcement and the administration of criminal justice;

30. Coordinate the activities and projects of the state departments, agencies, and boards of the Commonwealth and of the units of general local government, or combination thereof, including planning district commissions, relating to the preparation, adoption, administration, and implementation of comprehensive plans to strengthen and improve law enforcement and the administration of criminal justice;

31. Do all things necessary on behalf of the Commonwealth and its units of general local government, to determine and secure benefits available under the Omnibus Crime Control and Safe Streets Act of 1968 (P.L. 90-351, 82 Stat. 197), as amended, and under any other federal acts and programs for strengthening and improving law enforcement, the administration of criminal justice, and delinquency prevention and control;

32. Receive, administer, and expend all funds and other assistance available to the Board and the Department for carrying out the purposes of this chapter and the Omnibus Crime Control and Safe Streets Act of 1968, as amended;

33. Apply for and accept grants from the United States government or any other source in carrying out the purposes of this chapter and accept any and all donations both real and personal, and grants of money from any governmental unit or public agency, or from any institution, person, firm or corporation, and may receive, utilize and dispose of the same. Any arrangements pursuant to this section shall be detailed in the annual report of the Board. Such report shall include the identity of the donor, the nature of the transaction, and the conditions, if any. Any moneys received pursuant to this section shall be deposited in the state treasury to the account of the Department. To these ends, the Board shall have the power to comply with conditions and execute such agreements as may be necessary;

34. Make and enter into all contracts and agreements necessary or incidental to the performance of its duties and execution of its powers under this chapter, including but not limited to, contracts with the United States, units of general local government or combinations thereof, in Virginia or other states, and with agencies and departments of the Commonwealth;

35. Adopt and administer reasonable regulations for the planning and implementation of programs and activities and for the allocation, expenditure and subgranting of funds available to the Commonwealth and to units of general local government, and for carrying out the purposes of this chapter and the powers and duties set forth herein;

36. Certify and decertify law-enforcement officers in accordance with §§ 15.2-1706 and 15.2-1707;

37. Establish training standards and publish and periodically update model policies for law-enforcement personnel in the following subjects:

a. The handling of family abuse, domestic violence, sexual assault, and stalking cases, including standards for determining the predominant physical aggressor in accordance with § 19.2-81.3. The Department shall provide technical support and assistance to law-enforcement agencies in carrying out the requirements set forth in subsection A of § 9.1-1301;

b. The identification of, communication with, and facilitation of the safe return of individuals diagnosed with Alzheimer's disease and dementia, which shall include (i) techniques for respectful and effective communication with individuals with Alzheimer's disease and dementia and their caregivers; (ii) techniques for addressing the behavioral symptoms of Alzheimer's disease and dementia, including alternatives to physical restraint; (iii) protocols for identifying and reporting incidents of abuse, neglect, and exploitation of individuals with Alzheimer's disease and dementia to adult protective services; (iv) protocols for contacting caregivers when an individual with Alzheimer's disease or dementia is found wandering or during an emergency or crisis situation; (v) a reference list of local resources available for individuals with Alzheimer's disease and dementia; and (vi) a reference list of local and national organizations that assist law-enforcement personnel with locating missing and wandering individuals with Alzheimer's disease and dementia and returning them to their caregivers;

c. Sensitivity to and awareness of systemic and individual racism, cultural diversity, and the potential for racially biased policing and bias-based profiling as defined in § 52-30.1, which shall include recognizing implicit biases in interacting with persons who have a mental illness, substance use disorder, or developmental or cognitive disability;

d. Protocols for local and regional sexual assault response teams;

e. Communication of death notifications;

f. The questioning of individuals suspected of driving while intoxicated concerning the physical location of such individual's last consumption of an alcoholic beverage and the communication of such information to the Virginia Alcoholic Beverage Control Authority;

g. Vehicle patrol duties that embody current best practices for pursuits and for responding to emergency calls;

h. Criminal investigations that embody current best practices for conducting photographic and live lineups;

i. Sensitivity to and awareness of human trafficking offenses and the identification of victims of human trafficking offenses for personnel involved in criminal investigations or assigned to vehicle or street patrol duties;

j. The recognition, prevention, and reporting of human trafficking;

k. Missing children, missing adults, and search and rescue protocol; and

l. The handling and use of tear gas or other gases and kinetic impact munitions, as defined in § 19.2-83.3, that embody current best practices for using such items as a crowd control measure or during an arrest or detention of another person;

38. Establish compulsory training standards for basic training and the recertification of law-enforcement officers to ensure (i) sensitivity to and awareness of systemic and individual racism, cultural diversity, and the potential for racially biased policing and bias-based profiling as defined in § 52-30.1, which shall include recognizing implicit biases in interacting with persons who have a mental illness, substance use disorder, or developmental or cognitive disability; (ii) training in de-escalation techniques; and (iii) training in the lawful use of force, including the use of deadly force, as defined in § 19.2-83.3, only when necessary to protect the law-enforcement officer or another person;

39. Review and evaluate community-policing programs in the Commonwealth, and recommend where necessary statewide operating procedures, guidelines, and standards that strengthen and improve such programs, including sensitivity to and awareness of systemic and individual racism, cultural diversity, and the potential for racially biased policing and bias-based profiling as defined in § 52-30.1, which shall include recognizing implicit biases in interacting with persons who have a mental illness, substance use disorder, or developmental or cognitive disability;

40. Establish a Virginia Law-Enforcement Accreditation Center. The Center may, in cooperation with Virginia law-enforcement agencies, provide technical assistance and administrative support, including staffing, for the establishment of voluntary state law-enforcement accreditation standards. The Center may provide accreditation assistance and training,

resource material, and research into methods and procedures that will assist the Virginia law-enforcement community efforts to obtain Virginia accreditation status;

41. Promote community policing philosophy and practice throughout the Commonwealth by providing community policing training and technical assistance statewide to all law-enforcement agencies, community groups, public and private organizations and citizens; developing and distributing innovative policing curricula and training tools on general community policing philosophy and practice and contemporary critical issues facing Virginia communities; serving as a consultant to Virginia organizations with specific community policing needs; facilitating continued development and implementation of community policing programs statewide through discussion forums for community policing leaders, development of law-enforcement instructors; promoting a statewide community policing initiative; and serving as a statewide information source on the subject of community policing including, but not limited to periodic newsletters, a website and an accessible lending library;

42. Establish, in consultation with the Department of Education and the Virginia State Crime Commission, compulsory minimum standards for employment and job-entry and in-service training curricula and certification requirements for school security officers, including school security officers described in clause (b) of § 22.1-280.2:1, which training and certification shall be administered by the Virginia Center for School and Campus Safety (VCSCS) pursuant to § 9.1-184. Such training standards shall be specific to the role and responsibility of school security officers and shall include (i) relevant state and federal laws; (ii) school and personal liability issues; (iii) security awareness in the school environment; (iv) mediation and conflict resolution, including de-escalation techniques such as a physical alternative to restraint; (v) disaster and emergency response; (vi) awareness of systemic and individual racism, cultural diversity, and implicit bias; (vii) working with students with disabilities, mental health needs, substance use disorders, and past traumatic experiences; and (viii) student behavioral dynamics, including child and adolescent development and brain research. The Department shall establish an advisory committee consisting of local school board representatives, principals, superintendents, and school security personnel to assist in the development of the standards and certification requirements in this subdivision. The Department shall require any school security officer who carries a firearm in the performance of his duties to provide proof that he has completed a training course provided by a federal, state, or local law-enforcement agency that includes training in active shooter emergency response, emergency evacuation procedure, and threat assessment;

43. License and regulate property bail bondsmen and surety bail bondsmen in accordance with Article 11 (§ 9.1-185 et seq.);

44. License and regulate bail enforcement agents in accordance with Article 12 (§ 9.1-186 et seq.);

45. In conjunction with the Virginia State Police and the State Compensation Board, advise criminal justice agencies regarding the investigation, registration, and dissemination of information requirements as they pertain to the Sex Offender and Crimes Against Minors Registry Act (§ 9.1-900 et seq.);

46. Establish minimum standards for (i) employment, (ii) job-entry and in-service training curricula, and (iii) certification requirements for campus security officers. Such training standards shall include, but not be limited to, the role and responsibility of campus security officers, relevant state and federal laws, school and personal liability issues, security awareness in the campus environment, and disaster and emergency response. The Department shall provide technical support and assistance to campus police departments and campus security departments on the establishment and implementation of policies and procedures, including but not limited to: the management of such departments, investigatory procedures, judicial referrals, the establishment and management of databases for campus safety and security information sharing, and development of uniform record keeping for disciplinary records and statistics, such as campus crime logs, judicial referrals and Clery Act statistics. The Department shall establish an advisory committee consisting of college administrators, college police chiefs, college security department chiefs, and local law-enforcement officials to assist in the development of the standards and certification requirements and training pursuant to this subdivision;

47. Assess and report, in accordance with § 9.1-190, the crisis intervention team programs established pursuant to § 9.1-187;

48. In conjunction with the Office of the Attorney General, advise law-enforcement agencies and attorneys for the Commonwealth regarding the identification, investigation, and prosecution of human trafficking offenses using the common law and existing criminal statutes in the Code of Virginia;

49. Register tow truck drivers in accordance with § 46.2-116 and carry out the provisions of § 46.2-117;

50. Administer the activities of the Virginia Sexual and Domestic Violence Program Professional Standards Committee by providing technical assistance and administrative support, including staffing, for the Committee;

51. In accordance with § 9.1-102.1, design and approve the issuance of photo-identification cards to private security services registrants registered pursuant to Article 4 (§ 9.1-138 et seq.);

52. In consultation with the State Council of Higher Education for Virginia and the Virginia Association of Campus Law Enforcement Administrators, develop multidisciplinary curricula on trauma-informed sexual assault investigation;

53. In consultation with the Department of Behavioral Health and Developmental Services, develop a model addiction recovery program that may be administered by sheriffs, deputy sheriffs, jail officers, administrators, or superintendents in any local or regional jail. Such program shall be based on any existing addiction recovery programs that are being administered by any local or regional jails in the Commonwealth. Participation in the model addiction recovery program shall be voluntary, and such program may address aspects of the recovery process, including medical and clinical recovery, peer-to-peer support, availability of mental health resources, family dynamics, and aftercare aspects of the recovery process;

54. Establish compulsory minimum training standards for certification and recertification of law-enforcement officers serving as school resource officers. Such training shall be specific to the role and responsibility of a law-enforcement officer working with students in a school environment and shall include (i) relevant state and federal laws; (ii) school and personal liability issues; (iii) security awareness in the school environment; (iv) mediation and conflict resolution, including de-escalation techniques; (v) disaster and emergency response; (vi) awareness of systemic and individual racism, cultural diversity, and implicit bias; (vii) working with students with disabilities, mental health needs, substance use disorders, or past traumatic experiences; and (viii) student behavioral dynamics, including current child and adolescent development and brain research;

55. Establish a model policy for the operation of body-worn camera systems as defined in § 15.2-1723.1 that also addresses the storage and maintenance of body-worn camera system records;

56. Establish compulsory minimum training standards for detector canine handlers employed by the Department of Corrections, standards for the training and retention of detector canines used by the Department of Corrections, and a central database on the performance and effectiveness of such detector canines that requires the Department of Corrections to submit comprehensive information on each canine handler and detector canine, including the number and types of calls and searches, substances searched for and whether or not detected, and the number of false positives, false negatives, true positives, and true negatives;

57. Establish compulsory training standards for basic training of law-enforcement officers for recognizing and managing stress, self-care techniques, and resiliency;

58. Establish guidelines and standards for psychological examinations conducted pursuant to subsection C of § 15.2-1705;

59. Establish compulsory in-service training standards, to include frequency of retraining, for law-enforcement officers in the following subjects: (i) relevant state and federal laws; (ii) awareness of cultural diversity and the potential for bias-based profiling as defined in § 52-30.1; (iii) de-escalation techniques; (iv) working with individuals with disabilities, mental health needs, or substance use disorders; and (v) the lawful use of force, including the use of deadly force, as defined in § 19.2-83.3, only when necessary to protect the law-enforcement officer or another person;

60. Develop a uniform curriculum and lesson plans for the compulsory minimum entry-level, in-service, and advanced training standards to be employed by criminal justice training academies approved by the Department when conducting training;

61. Adopt statewide professional standards of conduct applicable to all certified law-enforcement officers and certified jail officers and appropriate due process procedures for decertification based on serious misconduct in violation of those standards;

62. Establish and administer a waiver process, in accordance with §§ 2.2-5515 and 15.2-1721.1, for law-enforcement agencies to use certain military property. Any waivers granted by the Criminal Justice Services Board shall be published by the Department on the Department's website;

63. Establish compulsory training standards for basic training and the recertification of law-enforcement officers to include crisis intervention training in accordance with clause (ii) of § 9.1-188;

64. Advise and assist the Department of Behavioral Health and Developmental Services, and support local law-enforcement cooperation, with the development and implementation of the Marcus alert system, as defined in § 37.2-311.1, including the establishment of local protocols for law-enforcement participation in the Marcus alert system pursuant to § 9.1-193 and for reporting requirements pursuant to §§ 9.1-193 and 37.2-311.1;

65. Develop an online course to train hotel proprietors and their employees to recognize and report instances of suspected human trafficking; and

66. Perform such other acts as may be necessary or convenient for the effective performance of its duties.

§ 9.1-203.2. Firefighter Alzheimer's disease and dementia training.

A. Each fire department as defined in § 27-6.01 shall develop curricula for Alzheimer's disease and dementia training for its personnel, which shall include training regarding the following: the identification of, communication with, and facilitation of the safe return of individuals diagnosed with Alzheimer's disease and dementia, which shall include (i) techniques for respectful and effective communication with individuals with Alzheimer's disease and dementia and their caregivers; (ii) techniques for addressing the behavioral symptoms of Alzheimer's disease and dementia, including alternatives to physical restraint; (iii) protocols for identifying and reporting incidents of abuse, neglect, and exploitation of individuals with Alzheimer's disease and dementia to adult protective services; (iv) protocols for contacting caregivers when an individual with Alzheimer's disease or dementia is found wandering or during an emergency or crisis situation; (v) a reference list of local resources available for individuals with Alzheimer's disease and dementia; and (vi) a reference list of local and national organizations that assist law-enforcement personnel with locating missing and wandering individuals with Alzheimer's disease and dementia and returning them to their caregivers.

B. Any fire department may develop the mental health awareness training curricula in conjunction with other fire departments or firefighter stakeholder groups or may use any training program, developed by any entity that satisfies the criteria set forth in subsection A.

C. Firefighters who receive mental health awareness training in accordance with this section shall receive appropriate continuing education credits from the Department of Fire Programs and the Virginia Fire Services Board.

§ 32.1-111.5:2. Emergency medical services personnel Alzheimer's disease and dementia training.

A. Each emergency medical services agency shall develop curricula for Alzheimer's disease and dementia training for its personnel, which shall include training regarding the following: the identification of, communication with, and facilitation of the safe return of individuals diagnosed with Alzheimer's disease and dementia, which shall include (i) techniques for respectful and effective communication with individuals with Alzheimer's disease and dementia and their caregivers; (ii) techniques for addressing the behavioral symptoms of Alzheimer's disease and dementia, including alternatives to physical restraint; (iii) protocols for identifying and reporting incidents of abuse, neglect, and exploitation of individuals with Alzheimer's disease and dementia to adult protective services; (iv) protocols for contacting caregivers when an individual with Alzheimer's disease or dementia is found wandering or during an emergency or crisis situation; (v) a reference list of local resources available for individuals with Alzheimer's disease and dementia; and (vi) a reference list of local and national organizations that assist law-enforcement personnel with locating missing and wandering individuals with Alzheimer's disease and dementia and returning them to their caregivers.

B. Any emergency medical services agency may develop the Alzheimer's disease and dementia training curricula in conjunction with other emergency medical services agencies or emergency medical services personnel stakeholder groups or may use any training program, developed by any entity that satisfies the criteria set forth in subsection A.

C. Emergency medical services personnel who receive Alzheimer's disease and dementia training in accordance with this section shall receive appropriate continuing education credits from the Office of Emergency Medical Services.

CHAPTER 699

An Act to amend and reenact § 58.1-3242.1 of the Code of Virginia, relating to Forest Sustainability Fund; fund allocation.

[H 944]

Approved April 8, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 58.1-3242.1 of the Code of Virginia is amended and reenacted as follows:

§ 58.1-3242.1. Forest Sustainability Fund.

A. There is hereby created in the state treasury a special nonreverting fund to be known as the Forest Sustainability Fund, referred to in this section as "the Fund." The Fund shall be established on the books of the Comptroller. All funds appropriated for such purpose and any gifts, donations, grants, bequests, and other funds received on its behalf shall be paid into the state treasury and credited to the Fund. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. Moneys in the Fund shall be used solely for the purposes set forth in subsection B. Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants issued by the Comptroller upon written request signed by the State Forester.

B. Any locality that has adopted an ordinance to provide for the use value assessment and taxation for real estate devoted for forest use pursuant to this article may apply for an annual allocation of funds from the Fund. A locality shall submit by November 15 of each year (i) a copy of its ordinance and (ii) the total revenue forgone by the locality in the prior fiscal year due to the use value assessment and taxation for real estate devoted for forest use. The State Forester shall allocate ~~funds from the Fund on a proportional basis, based on the amount of revenues forgone by the applicant localities~~ *moneys from the Fund proportionally to each locality that submitted an approved application. No locality shall receive more moneys from the Fund than such locality forwent in the prior fiscal year. Notwithstanding the foregoing, no locality shall receive an allocation of more than four percent or less than one-half of one percent of available funds*. Any funds received by a locality shall be used solely for public education generally or for projects related to outdoor recreation or forest conservation.

CHAPTER 700

An Act to amend and reenact § 15.2-983 of the Code of Virginia, relating to short-term rental property; locality's ability to prohibit lessee or sublessee operator.

[H 1461]

Approved April 8, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 15.2-983 of the Code of Virginia is amended and reenacted as follows:

§ 15.2-983. Creation of registry for short-term rental of property.

A. As used in this section:

"Operator" means the proprietor of any dwelling, lodging, or sleeping accommodations offered as a short-term rental, whether in the capacity of owner, lessee, sublessee, mortgagee in possession, licensee, or any other possessory capacity.

"Short-term rental" means the provision of a room or space that is suitable or intended for occupancy for dwelling, sleeping, or lodging purposes, for a period of fewer than 30 consecutive days, in exchange for a charge for the occupancy.

B. 1. Notwithstanding any other provision of law, general or special, any locality may, by ordinance, establish a short-term rental registry and require operators within the locality to register annually. The registration shall be ministerial in nature and shall require the operator to provide *(i)* the complete name of the operator ~~and~~*, (ii)* the address of each property in the locality offered for short-term rental by the operator*, and (iii) an attestation that the property owner has granted permission for use of such property as a short-term rental if the operator is a lessee or sublessee*. A locality may charge a reasonable fee for such registration related to the actual costs of establishing and maintaining the registry.

2. No ordinance shall require a person to register pursuant to this section if such person is (i) licensed by the Real Estate Board or is a property owner who is represented by a real estate licensee; (ii) registered pursuant to the Virginia Real Estate Time-Share Act (§ 55.1-2200 et seq.); (iii) licensed or registered with the Department of Health, related to the provision of room or space for lodging; or (iv) licensed or registered with the locality, related to the rental or management of real property, including licensed real estate professionals, hotels, motels, campgrounds, and bed and breakfast establishments.

C. 1. If a locality adopts a registry ordinance pursuant to this section, such ordinance may include a penalty not to exceed $500 per violation for an operator required to register who offers for short-term rental a property that is not registered with the locality. Such ordinance may provide that unless and until an operator pays the penalty and registers such property, the operator may not continue to offer such property for short-term rental. Upon repeated violations of a registry ordinance as it relates to a specific property, an operator may be prohibited from registering and offering that property for short-term rental.

2. Such ordinance may further provide that an operator required to register may be prohibited from offering a specific property for short-term rental in the locality upon multiple violations on more than three occasions of applicable state and local laws, ordinances, and regulations, as they relate to the short-term rental.

D. *No local ordinance shall prohibit an operator from offering a property as a short-term rental solely on the basis that such operator is a lessee or sublessee, provided that the property owner has granted permission for such property's use as a short-term rental. Localities may enact an ordinance that limits a lessee or sublessee to one short-term rental within the applicable locality.*

E. Except as provided in this section, nothing herein shall be construed to prohibit, limit, or otherwise supersede existing local authority to regulate the short-term rental of property through general land use and zoning authority. Nothing in this section shall be construed to supersede or limit contracts or agreements between or among individuals or private entities related to the use of real property, including recorded declarations and covenants, the provisions of condominium instruments of a condominium created pursuant to the Virginia Condominium Act (§ 55.1-1900 et seq.), the declaration of a common interest community as defined in § 54.1-2345, the cooperative instruments of a cooperative created pursuant to the Virginia Real Estate Cooperative Act (§ 55.1-2100 et seq.), or any declaration of a property owners' association created pursuant to the Property Owners' Association Act (§ 55.1-1800 et seq.).

CHAPTER 701

An Act to amend and reenact § 15.2-958.5 of the Code of Virginia, relating to community revitalization fund; expanding use for all localities.

[S 49]

Approved April 8, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 15.2-958.5 of the Code of Virginia is amended and reenacted as follows:

§ 15.2-958.5. Local funding for community revitalization.

A. ~~The City of Richmond~~ *Any locality* may by ordinance provide for the creation of a community revitalization fund for the purpose of preventing neighborhood deterioration *in such locality*. The community revitalization fund shall be ~~exclusively comprised~~ *composed* of appropriated local moneys.

B. Any such community fund established pursuant to this section shall be used for one or more of the following purposes:

1. Loans or grants to for-profit and nonprofit organizations for the construction, renovation, or demolition of residential structures in the ~~City~~ *locality*;

2. Infrastructure improvements; and

3. Acquisition of blighted structures in accordance with § 36-49.1:1.

C. Such ordinance shall establish (i) qualifying income guidelines for participants and the communities in which community revitalization funds may be expended and (ii) criteria for participation by for-profit and nonprofit organizations that may be eligible for loans or grants pursuant to the provisions of this section.

CHAPTER 702

An Act to amend and reenact § 15.2-961.1 of the Code of Virginia, relating to conservation of trees during land development process in certain localities.

[S 121]

Approved April 8, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 15.2-961.1 of the Code of Virginia is amended and reenacted as follows:

§ 15.2-961.1. Conservation of trees during land development process in localities belonging to a nonattainment area for air quality standards.

A. For purposes of this section, "tree canopy" or "tree cover" includes all areas of canopy coverage by self-supporting and healthy woody plant material exceeding five feet in height, and the extent of planted tree canopy at 20-years maturity.

B. Any locality within Planning District 8 that meets the population density criteria of subsection A of § 15.2-961 and is classified as an eight-hour nonattainment area for ozone under the federal Clean Air Act and Amendments of 1990, in effect as of July 1, 2008, may adopt an ordinance providing for the conservation of trees during the land development process pursuant to the provisions of this section. In no event shall any local tree conservation ordinance adopted pursuant to this section also impose the tree replacement provisions of § 15.2-961.

C. The ordinance shall require that the site plan for any subdivision or development provide for the preservation or replacement of trees on the development site such that the minimum tree canopy or tree cover percentage 20 years after development is projected to be as follows:

1. Ten percent tree canopy for a site zoned business, commercial, or industrial;

2. Ten percent tree canopy for a residential site zoned 20 or more units per acre;

3. Fifteen percent tree canopy for a residential site zoned more than eight but less than 20 units per acre;

4. Twenty percent tree canopy for a residential site zoned more than four but not more than eight units per acre;

5. Twenty-five percent tree canopy for a residential site zoned more than two but not more than four units per acre; and

6. Thirty percent tree canopy for a residential site zoned two or fewer units per acre.

In meeting these percentages, (i) the ordinance shall first emphasize the preservation of existing tree canopy where that canopy meets local standards for health and structural condition, and where it is feasible to do so within the framework of design standards and densities allowed by the local zoning and other development ordinances; and (ii) second, where it is not feasible in whole or in part for any of the justifications listed in subsection E to preserve existing canopy in the required percentages listed above, the ordinance shall provide for the planting of new trees to meet the required percentages.

D. Except as provided in subsection E, the percentage of the site covered by tree canopy at the time of plan submission shall equate to the minimum portion of the requirements identified in subsection C that shall be provided through tree preservation. This portion of the canopy requirements shall be identified as the "tree preservation target" and shall be included in site plan calculations or narratives demonstrating how the overall requirements of subsection C have been met.

E. The ordinance shall provide deviations, in whole or in part, from the tree preservation target defined in subsection D under the following conditions:

1. Meeting the preservation target would prevent the development of uses and densities otherwise allowed by the locality's zoning or development ordinance.

2. The predevelopment condition of vegetation does not meet the locality's standards for health and structural condition.

3. Construction activities could be reasonably expected to impact existing trees to the extent that they would not likely survive in a healthy and structurally sound manner. This includes activities that would cause direct physical damage to the trees, including root systems, or cause environmental changes that could result in or predispose the trees to structural and health problems.

If, in the opinion of the developer, the project cannot meet the tree preservation target due to the conditions described in subdivision 1, 2, or 3, the developer may request a deviation from the preservation requirement in subsection D. In the request for deviation, the developer shall provide a letter to the locality that provides justification for the deviation, describes how the deviation is the minimum necessary to afford relief, and describes how the requirements of subsection C will be met through tree planting or a tree canopy bank or fund established by the locality. Proposed deviations shall be reviewed by the locality's urban forester, arborist, or equivalent in consultation with the locality's land development or licensed professional civil engineering review staff. The locality may propose an alternative site design based upon adopted land development practices and sound vegetation management practices that take into account the relationship between the cost of conservation and the benefits of the trees to be preserved as described in ANSI A300 (Part 5) — 2005 Management: Tree, Shrub, and Other Woody Plant Maintenance — Standard Practices, Management of Trees and Shrubs During Site Planning, Site Development, and Construction, Annex A, A-1.5, Cost Benefits Analysis (or the latest version of this standard). The developer shall consider the alternative and redesign the plan accordingly, or elect to satisfy the unmet portion of the preservation threshold through on-site tree planting or through the off-site planting mechanisms identified in subsection G, so long as the developer provides the locality with an explanation of why the alternative design recommendations were rejected. Letters of explanation from the developer shall be prepared and certified by a licensed

professional engineer as defined in § 54.1-400. If arboricultural issues are part of explanation then the letter shall be signed by a Certified Arborist who has taken and passed the certification examination sponsored by the International Society of Arboriculture and who maintains a valid certification status or by a Registered Consulting Arborist as designated by the American Society of Consulting Arborists. If arboricultural issues are the sole subject of the letter of explanation then certification by a licensed professional engineer shall not be required.

F. The ordinance shall provide for deviations of the overall canopy requirements set forth in subsection C to allow for the preservation of wetlands, the development of farm land or other areas previously devoid of healthy and/or suitable tree canopy, or where the strict application of the requirements would result in unnecessary or unreasonable hardship to the developer.

G. The ordinance shall provide for the establishment of a tree canopy bank or fund whereby any portion of the tree canopy requirement that cannot be met on-site may be met through off-site tree preservation or tree planting efforts. Such provisions may be offered where it can be demonstrated that application of the requirements of subsection C would cause irresolvable conflicts with other local site development requirements, standards, or comprehensive planning goals, where sites or portions of sites lack sufficient space for future tree growth, where planting spaces will not provide adequate space for healthy root development, where trees will cause unavoidable conflicts with underground or overhead utilities, or where it can be demonstrated that trees are likely to cause damage to public infrastructure. The ordinance may utilize any of the following off-site canopy establishment mechanisms:

1. A tree canopy bank may be established in order for the locality to facilitate off-site tree preservation, tree planting, stream bank, and riparian restoration projects. Banking efforts shall provide tree canopy that is preserved in perpetuity through conservation easements, deed restrictions, or similar protective mechanisms acceptable to the locality. Projects used in off-site banking will meet the same ordinance standards established for on-site tree canopy; however, the locality may also require the submission of five-year management plans and funds to ensure the execution of maintenance and management obligations identified in those plans. Any such bank shall occur within the same nonattainment area in which the locality approving the tree banking is situated.

2. A tree canopy fund may be established to act as a fiscal mechanism to collect, manage, and disburse fees collected from developers that cannot provide full canopy requirements on-site. The locality may use this fund directly to plant *and maintain* trees on public *or private* property, or the locality may elect to disburse this fund to community-based organizations exempt from taxation under § 501(c)(3) of the Internal Revenue Code with tree planting*, stewardship,* or community beautification missions ~~for tree planting programs~~ that benefit the community at large. For purposes of establishing consistent and predictable fees, the ordinance shall establish cost units that are based on average costs ~~to establish 20-year canopy areas using~~ *of* two-inch caliper nursery stock trees. Any funds collected by localities for these purposes shall be spent within a five-year period established by the collection date~~, or the locality shall return such funds to the original contributor, or legal successor~~.

H. The following uses shall be exempt from the requirements of any ordinance promulgated under this section: bona fide silvicultural activity as defined by § 10.1-1181.1 and the areas of sites included in lakes, ponds, and the normal water elevation area of stormwater retention facilities. The ordinance shall modify the canopy requirements of dedicated school sites, playing fields, and other nonwooded active recreation areas by allowing these and other facilities and uses of a similar nature to provide 10 percent tree canopy 20 years after development.

I. 1. In recognition of the added benefits of tree preservation, the ordinance shall provide for an additional tree canopy credit of up to one and one-quarter times the canopy area at the time of plan submission for individual trees or the coalesced canopy of forested areas preserved from the predevelopment tree canopy.

2. The following additional credits may be provided in the ordinance in connection with tree preservation:

a. The ordinance may provide canopy credits of up to *(i)* one and one-half times the actual canopy area for the preservation of forest communities that achieve environmental, ecological, and wildlife conservation objectives set by the locality *and (ii) two times the actual canopy credits if a site developer provides a stand assessment before development plans are created, for review by the local jurisdiction, and protects identified trees for conservation on the submitted site plans*. The ordinance may establish minimal area, dimensional and viability standards as prerequisites for the application of credits. Forest communities shall be identified using the nomenclature of either the federal National Vegetation Classification System (FGDC-STD-005, or latest version) or the Natural Communities of Virginia Classification of Ecological Community Groups, Second Approximation (Version 2.2, or latest version).

b. The ordinance may provide canopy credits of up to three times the actual canopy area of trees that are officially designated for preservation in conjunction with local tree conservation ordinances based on the authority granted by § 10.1-1127.1.

J. The following additional credits shall be provided in the ordinance in connection with tree planting:

1. The ordinance shall provide canopy credits of one and one-half the area normally projected for trees planted to absorb or intercept air pollutants, tree species that produce lower levels of reactive volatile organic compounds, or trees that act to reduce air pollution or greenhouse gas emissions by conserving the energy used to cool and heat buildings.

2. The ordinance shall provide canopy credits of one and one-quarter the area normally projected for trees planted for water quality-related reforestation or afforestation projects, and for trees planted in low-impact development and bioretention water quality facilities. The low-impact development practices and designs shall conform to local standards in order for these supplemental credits to apply.

3. The ordinance shall provide canopy credits of one and one-half the area normally projected for native tree species planted to provide food, nesting, habitat, and migration opportunities for wildlife. These canopy credits may also apply to cultivars of native species if the locality determines that such a cultivar is capable of providing the same type and extent of wildlife benefit as the species it is derived from.

4. The ordinance shall provide canopy credits of one and one-half the area normally projected for use of native tree species that are propagated from seed or tissue collected within the mid-Atlantic region.

5. The ordinance shall provide canopy credits of one and one-quarter the area normally projected for the use of cultivars or varieties that develop desirable growth and structural patterns, resist decay organisms and the development of cavities, show high levels of resistance to disease or insect infestations, or exhibit high survival rates in harsh urban environments.

K. Tree preservation areas and individual trees may not receive more than one application of additional canopy credits provided in subsection I. Individual trees planted to meet these requirements may not receive more than two categories of additional canopy credits provided in subsection J. Canopy credits will only be given to trees with trunks that are fully located on the development site, or in the case of tree banking projects only to trees with trunks located fully within easements or other areas protected by deed restrictions listed in subsection G.

L. All trees planted for tree cover credits shall meet the specifications of the American Association of Nurserymen and shall be planted in accordance with the publication entitled "Tree and Shrub Planting Guidelines," published by the Virginia Cooperative Extension.

M. In order to provide higher levels of biodiversity and to minimize the spread of pests and diseases, or to limit the use of species that cause negative impacts to native plant communities, cause damage to nearby structures, or possess inherent physiological traits that prone trees to structural failure, the ordinance may designate species that cannot be used to meet tree canopy requirements or designate species that will only receive partial 20-year tree canopy credits.

N. The locality may allow the use of tree seedlings for meeting tree canopy requirements in large open spaces, low-density residential settings, or in low-impact development reforestation/afforestation projects. In these cases, the ordinance shall allow the ground surface area of seedling planting areas to equate to a 20-year canopy credit area. Tree seedling plantings will be comprised of native species and will be planted in densities that equate to 400 seedlings per acre, or in densities specified by low-impact development designs approved by the locality. The locality may set standards for seedling mortality rates and replacement procedures if unacceptable rates of mortality occur. The locality may elect to allow native woody shrubs or native woody seed mix to substitute for tree species as long as these treatments do not exceed 33 percent of the overall seedling planting area. The number of a single species may not exceed 10 percent of the overall number of trees or shrubs planted to meet the provisions of this subsection.

O. The following process shall be used to demonstrate achievement of the required percentage of tree canopy listed in subsection C:

1. The site plan shall graphically delineate the edges of predevelopment tree canopy, the proposed limits of disturbance on grading or erosion and sedimentation control plans, and the location of tree protective fencing or other tree protective devices allowed in the Virginia Erosion and Sediment Control Handbook.

2. Site plans proposing modification to tree canopy requirements or claiming supplemental tree canopy credits will require a text narrative.

3. The site plan shall include the 20-year tree canopy calculations on a worksheet provided by the locality.

4. Site plans requiring tree planting shall provide a planting schedule that provides botanical and common names of trees, the number of trees being planted, the total of tree canopy area given to each species, variety or cultivars planted, total of tree canopy area that will be provided by all trees, planting sizes, and associated planting specifications. The site plan will also provide a landscape plan that delineates where the trees shall be planted.

P. The ordinance shall provide a list of commercially available tree species, varieties, and cultivars that are capable of thriving in the locality's climate and ranges of planting environments. The ordinance will also provide a 20-year tree canopy area credit for each tree. The amount of tree canopy area credited to individual tree species, varieties, and cultivars 20 years after they are planted shall be based on references published or endorsed by Virginia academic institutions such as the Virginia Polytechnic Institute and State University and accepted by urban foresters, arborists, and horticulturalists as being accurate for the growing conditions and climate of the locality.

Q. The ordinance shall establish standards of health and structural condition of existing trees and associated plant communities to be preserved. The ordinance may also identify standards for removal of trees or portions of trees that are dead, dying, or hazardous due to construction impacts. Such removal standards may allow for the retention of trunk snags where the locality determines that these may provide habitat or other wildlife benefits and do not represent a hazardous condition. In the event that existing tree canopy proposed to be preserved for tree canopy credits dies or must be removed because it represents a hazard, the locality may require the developer to remove the tree, or a portion of the tree and to replace the missing canopy area by the planting of nursery stock trees, or if a viable alternative, by tree seedlings. Existing trees that have been granted credits will be replaced with canopy area determined using the same supplemental credit multipliers as originally granted for that canopy area.

R. Penalties for violation of ordinances adopted pursuant to this section shall be the same as those applicable to violations of zoning ordinances of the locality.

S. In no event shall any local tree conservation ordinance adopted pursuant to this section exceed the requirements set forth herein; however, any local ordinance adopted pursuant to the provisions of § 15.2-961 prior to July 1, 1990, may adopt the tree conservation provisions of this section based on 10-year minimum tree canopy requirements.

T. Nothing in this section shall invalidate any local ordinance adopted pursuant to § 15.2-961.

U. Nothing in this section shall prohibit or unreasonably limit silvicultural practices in accordance with § 10.1-1126.1.

CHAPTER 703

An Act to amend and reenact § 58.1-3242.1 of the Code of Virginia, relating to Forest Sustainability Fund; fund allocation.

[S 129]

Approved April 8, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 58.1-3242.1 of the Code of Virginia is amended and reenacted as follows:

§ 58.1-3242.1. Forest Sustainability Fund.

A. There is hereby created in the state treasury a special nonreverting fund to be known as the Forest Sustainability Fund, referred to in this section as "the Fund." The Fund shall be established on the books of the Comptroller. All funds appropriated for such purpose and any gifts, donations, grants, bequests, and other funds received on its behalf shall be paid into the state treasury and credited to the Fund. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. Moneys in the Fund shall be used solely for the purposes set forth in subsection B. Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants issued by the Comptroller upon written request signed by the State Forester.

B. Any locality that has adopted an ordinance to provide for the use value assessment and taxation for real estate devoted for forest use pursuant to this article may apply for an annual allocation of funds from the Fund. A locality shall submit by November 15 of each year (i) a copy of its ordinance and (ii) the total revenue forgone by the locality in the prior fiscal year due to the use value assessment and taxation for real estate devoted for forest use. The State Forester shall allocate ~~funds from the Fund on a proportional basis, based on the amount of revenues forgone by the applicant localities~~ *moneys from the Fund proportionally to each locality that submitted an approved application. No locality shall receive more moneys from the Fund than such locality forwent in the prior fiscal year. Notwithstanding the foregoing, no locality shall receive an allocation of more than four percent or less than one-half of one percent of available funds*. Any funds received by a locality shall be used solely for public education generally or for projects related to outdoor recreation or forest conservation.

CHAPTER 704

An Act to amend the Code of Virginia by adding in Chapter 37 of Title 54.1 an article numbered 3, consisting of a section numbered 54.1-3709.4, relating to Social Work Licensure Compact.

[S 239]

Approved April 8, 2024

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Chapter 37 of Title 54.1 an article numbered 3, consisting of a section numbered 54.1-3709.4, as follows:

Article 3.

Social Work Licensure Compact.

§ 54.1-3709.4. Social Work Licensure Compact.

The General Assembly hereby enacts, and the Commonwealth of Virginia hereby enters into, the Social Work Licensure Compact with any and all states legally joining therein according to its terms, in the form substantially as follows:

SOCIAL WORK LICENSURE COMPACT.

Section 1.

Purpose.

The purpose of this Compact is to facilitate interstate practice of Regulated Social Workers by improving public access to competent Social Work Services. The Compact preserves the regulatory authority of States to protect public health and safety through the current system of State licensure.

This Compact is designed to achieve the following objectives:

1. Increase public access to Social Work Services;

2. Reduce overly burdensome and duplicative requirements associated with holding multiple licenses;

3. Enhance the Member States' ability to protect the public's health and safety;

4. Encourage the cooperation of Member States in regulating multistate practice;

5. Promote mobility and address workforce shortages by eliminating the necessity for licenses in multiple States by providing for the mutual recognition of other Member State licenses;

6. Support military families;

7. Facilitate the exchange of licensure and disciplinary information among Member States;

8. Authorize all Member States to hold a Regulated Social Worker accountable for abiding by a Member State's laws, regulations, and applicable professional standards in the Member State in which the client is located at the time care is rendered; and

9. Allow for the use of telehealth to facilitate increased access to regulated Social Work Services.

Section 2.

Definitions.

As used in this Compact, and except as otherwise provided, the following definitions shall apply:

"Active Military Member" means any individual with full-time duty status in the active armed forces of the United States including members of the National Guard and Reserve.

"Adverse Action" means any administrative, civil, equitable, or criminal action permitted by a State's laws which is imposed by a Licensing Authority or other authority against a Regulated Social Worker, including actions against an individual's license or Multistate Authorization to Practice such as revocation, suspension, probation, monitoring of the Licensee, limitation on the Licensee's practice, or any other Encumbrance on licensure affecting a Regulated Social Worker's authorization to practice, including issuance of a cease and desist action.

"Alternative Program" means a non-disciplinary monitoring or practice remediation process approved by a Licensing Authority to address practitioners with an Impairment.

"Charter Member States" means Member States who have enacted legislation to adopt this Compact where such legislation predates the effective date of this Compact as described in Section 14.

"Compact Commission" or "Commission" means the government agency whose membership consists of all States that have enacted this Compact, which is known as the Social Work Licensure Compact Commission, as described in Section 10, and which shall operate as an instrumentality of the Member States.

"Current Significant Investigative Information" means:

1. Investigative information that a Licensing Authority, after a preliminary inquiry that includes notification and an opportunity for the Regulated Social Worker to respond has reason to believe is not groundless and, if proved true, would indicate more than a minor infraction as may be defined by the Commission; or

2. Investigative information that indicates that the Regulated Social Worker represents an immediate threat to public health and safety, as may be defined by the Commission, regardless of whether the Regulated Social Worker has been notified and has had an opportunity to respond.

"Data System" means a repository of information about Licensees, including, continuing education, examination, licensure, Current Significant Investigative Information, Disqualifying Event, Multistate License(s), and Adverse Action information or other information as required by the Commission.

"Domicile" means the jurisdiction in which the Licensee resides and intends to remain indefinitely.

"Disqualifying Event" means any Adverse Action or incident which results in an Encumbrance that disqualifies or makes the Licensee ineligible to either obtain, retain, or renew a Multistate License.

"Encumbrance" means a revocation or suspension of, or any limitation on, the full and unrestricted practice of Social Work licensed and regulated by a Licensing Authority.

"Executive Committee" means a group of delegates elected or appointed to act on behalf of, and within the powers granted to them by, the Compact and Commission.

"Home State" means the Member State that is the Licensee's primary Domicile.

"Impairment" means a condition(s) that may impair a practitioner's ability to engage in full and unrestricted practice as a Regulated Social Worker without some type of intervention and may include alcohol and drug dependence, mental health impairment, and neurological or physical impairments.

"Licensee(s)" means an individual who currently holds a license from a State to practice as a Regulated Social Worker.

"Licensing Authority" means the board or agency of a Member State or equivalent that is responsible for the licensing and regulation of Regulated Social Workers.

"Member State" means a state, commonwealth, district, or territory of the United States of America that has enacted this Compact.

"Multistate Authorization to Practice" means a legally authorized privilege to practice, which is equivalent to a license, associated with a Multistate License permitting the practice of Social Work in a Remote State.

"Multistate License" means a license to practice as a Regulated Social Worker issued by a Home State Licensing Authority that authorizes the Regulated Social Worker to practice in all Member States under Multistate Authorization to Practice.

"Qualifying National Exam" means a national licensing examination approved by the Commission.

"Regulated Social Worker" means any clinical, master's or bachelor's Social Worker licensed by a Member State regardless of the title used by that Member State.

"Remote State" means a Member State other than the Licensee's Home State.

"Rule(s)" or "Rule(s) of the Commission" means a regulation or regulations duly promulgated by the Commission, as authorized by the Compact, that has the force of law.

"Single State License" means a Social Work license issued by any State that authorizes practice only within the issuing State and does not include Multistate Authorization to Practice in any Member State.

"Social Work" or "Social Work Services" means the application of social work theory, knowledge, methods, ethics, and the professional use of self to restore or enhance social, psychosocial, or biopsychosocial functioning of individuals, couples, families, groups, organizations, and communities through the care and services provided by a Regulated Social Worker as set forth in the Member State's statutes and regulations in the State where the services are being provided.

"State" means any state, commonwealth, district, or territory of the United States of America that regulates the practice of Social Work.

"Unencumbered License" means a license that authorizes a Regulated Social Worker to engage in the full and unrestricted practice of Social Work.

Section 3.

State Participation in the Compact.

A. To be eligible to participate in the Compact, a potential Member State must currently meet all of the following criteria:

1. License and regulate the practice of Social Work at either the clinical, master's, or bachelor's category.

2. Require applicants for licensure to graduate from a program that is:

a. Operated by a college or university recognized by the Licensing Authority;

b. Accredited, or in candidacy by an institution that subsequently becomes accredited, by an accrediting agency recognized by either:

(1) The Council for Higher Education Accreditation, or its successor; or

(2) The United States Department of Education; and

c. Corresponds to the licensure sought as outlined in Section 4.

3. Require applicants for clinical licensure to complete a period of supervised practice.

4. Have a mechanism in place for receiving, investigating, and adjudicating complaints about Licensees.

B. To maintain membership in the Compact a Member State shall:

1. Require that applicants for a Multistate License pass a Qualifying National Exam for the corresponding category of Multistate License sought as outlined in Section 4;

2. Participate fully in the Commission's Data System, including using the Commission's unique identifier as defined in Rules;

3. Notify the Commission, in compliance with the terms of the Compact and Rules, of any Adverse Action or the availability of Current Significant Investigative Information regarding a Licensee;

4. Implement procedures for considering the criminal history records of applicants for a Multistate License. Such procedures shall include the submission of fingerprints or other biometric-based information by applicants for the purpose of obtaining an applicant's criminal history record information from the Federal Bureau of Investigation and the agency responsible for retaining that State's criminal records;

5. Comply with the Rules of the Commission;

6. Require an applicant to obtain or retain a license in the Home State and meet the Home State's qualifications for licensure or renewal of licensure, as well as all other applicable Home State laws;

7. Authorize a Licensee holding a Multistate License in any Member State to practice in accordance with the terms of the Compact and Rules of the Commission; and

8. Designate a delegate to participate in the Commission meetings.

C. A Member State meeting the requirements of Sections 3 A and 3 B of this Compact shall designate the categories of Social Work licensure that are eligible for issuance of a Multistate License for applicants in such Member State. To the extent that any Member State does not meet the requirements for participation in the Compact at any particular category of Social Work licensure, such Member State may choose, but is not obligated to, issue a Multistate License to applicants that otherwise meet the requirements of Section 4 for issuance of a Multistate License in such category or categories of licensure.

D. The Home State may charge a fee for granting the Multistate License.

Section 4.

Social Worker Participation in the Compact.

A. To be eligible for a Multistate License under the terms and provisions of the Compact, an applicant, regardless of category must:

1. Hold or be eligible for an active, Unencumbered License in the Home State.

2. Pay any applicable fees, including any State fee, for the Multistate License.

3. Submit, in connection with an application for a Multistate License, fingerprints or other biometric data for the purpose of obtaining criminal history record information from the Federal Bureau of Investigation and the agency responsible for retaining that State's criminal records.

4. Notify the Home State of any Adverse Action, Encumbrance, or restriction on any professional license taken by any Member State or non-Member State within 30 days from the date the action is taken.

5. Meet any continuing competence requirements established by the Home State.

6. Abide by the laws, regulations, and applicable standards in the Member State where the client is located at the time care is rendered.

B. An applicant for a clinical-category Multistate License must meet all of the following requirements:

1. Fulfill a competency requirement, which shall be satisfied by either:

a. Passage of a clinical-category Qualifying National Exam; or

b. Licensure of the applicant in their Home State at the clinical category, beginning prior to such time as a Qualifying National Exam was required by the Home State and accompanied by a period of continuous Social Work licensure thereafter, all of which may be further governed by the Rules of the Commission; or

c. The substantial equivalency of the foregoing competency requirements which the Commission may determine by Rule.

2. Attain at least a master's degree in Social Work from a program that is:

a. Operated by a college or university recognized by the Licensing Authority; and

b. Accredited, or in candidacy that subsequently becomes accredited, by an accrediting agency recognized by either:

(1) The Council for Higher Education Accreditation or its successor; or

(2) The United States Department of Education.

3. Fulfill a practice requirement, which shall be satisfied by demonstrating completion of either:

a. A period of postgraduate supervised clinical practice equal to a minimum of three thousand hours; or

b. A minimum of two years of full-time postgraduate supervised clinical practice; or

c. The substantial equivalency of the foregoing practice requirements which the Commission may determine by Rule.

C. An applicant for a master's-category Multistate License must meet all of the following requirements:

1. Fulfill a competency requirement, which shall be satisfied by either:

a. Passage of a masters-category Qualifying National Exam;

b. Licensure of the applicant in their Home State at the master's category, beginning prior to such time as a Qualifying National Exam was required by the Home State at the master's category and accompanied by a continuous period of Social Work licensure thereafter, all of which may be further governed by the Rules of the Commission; or

c. The substantial equivalency of the foregoing competency requirements which the Commission may determine by Rule.

2. Attain at least a master's degree in Social Work from a program that is:

a. Operated by a college or university recognized by the Licensing Authority; and

b. Accredited, or in candidacy that subsequently becomes accredited, by an accrediting agency recognized by either:

(1) The Council for Higher Education Accreditation or its successor; or

(2) The United States Department of Education.

D. An applicant for a bachelor's-category Multistate License must meet all of the following requirements:

1. Fulfill a competency requirement, which shall be satisfied by either:

a. Passage of a bachelor's-category Qualifying National Exam;

b. Licensure of the applicant in their Home State at the bachelor's category, beginning prior to such time as a Qualifying National Exam was required by the Home State and accompanied by a period of continuous Social Work licensure thereafter, all of which may be further governed by the Rules of the Commission; or

c. The substantial equivalency of the foregoing competency requirements which the Commission may determine by Rule.

2. Attain at least a bachelor's degree in Social Work from a program that is:

a. Operated by a college or university recognized by the Licensing Authority; and

b. Accredited, or in candidacy that subsequently becomes accredited, by an accrediting agency recognized by either:

(1) The Council for Higher Education Accreditation or its successor; or

(2) The United States Department of Education.

E. The Multistate License for a Regulated Social Worker is subject to the renewal requirements of the Home State. The Regulated Social Worker must maintain compliance with the requirements of Section 4 A to be eligible to renew a Multistate License.

F. The Regulated Social Worker's services in a Remote State are subject to that Member State's regulatory authority. A Remote State may, in accordance with due process and that Member State's laws, remove a Regulated Social Worker's Multistate Authorization to Practice in the Remote State for a specific period of time, impose fines, and take any other necessary actions to protect the health and safety of its citizens.

G. If a Multistate License is encumbered, the Regulated Social Worker's Multistate Authorization to Practice shall be deactivated in all Remote States until the Multistate License is no longer encumbered.

H. If a Multistate Authorization to Practice is encumbered in a Remote State, the regulated Social Worker's Multistate Authorization to Practice may be deactivated in that State until the Multistate Authorization to Practice is no longer encumbered.

Section 5.

Issuance of a Multistate License.

A. Upon receipt of an application for Multistate License, the Home State Licensing Authority shall determine the applicant's eligibility for a Multistate License in accordance with Section 4 of this Compact.

B. If such applicant is eligible pursuant to Section 4 of this Compact, the Home State Licensing Authority shall issue a Multistate License that authorizes the applicant or Regulated Social Worker to practice in all Member States under a Multistate Authorization to Practice.

C. Upon issuance of a Multistate License, the Home State Licensing Authority shall designate whether the Regulated Social Worker holds a Multistate License in the Bachelor's, Masters, or Clinical category of Social Work.

D. A Multistate License issued by a Home State to a resident in that State shall be recognized by all Compact Member States as authorizing Social Work Practice under a Multistate Authorization to Practice corresponding to each category of licensure regulated in each Member State.

Section 6.

Authority of Interstate Compact Commission and Member State Licensing Authorities.

A. Nothing in this Compact, nor any Rule of the Commission, shall be construed to limit, restrict, or in any way reduce the ability of a Member State to enact and enforce laws, regulations, or other rules related to the practice of Social Work in that State, where those laws, regulations, or other rules are not inconsistent with the provisions of this Compact.

B. Nothing in this Compact shall affect the requirements established by a Member State for the issuance of a Single State License.

C. Nothing in this Compact, nor any Rule of the Commission, shall be construed to limit, restrict, or in any way reduce the ability of a Member State to take Adverse Action against a Licensee's Single State License to practice Social Work in that State.

D. Nothing in this Compact, nor any Rule of the Commission, shall be construed to limit, restrict, or in any way reduce the ability of a Remote State to take Adverse Action against a Licensee's Multistate Authorization to Practice in that State.

E. Nothing in this Compact, nor any Rule of the Commission, shall be construed to limit, restrict, or in any way reduce the ability of a Licensee's Home State to take Adverse Action against a Licensee's Multistate License based upon information provided by a Remote State.

Section 7.

Reissuance of a Multistate License by a New Home State.

A. A Licensee can hold a Multistate License, issued by their Home State, in only one Member State at any given time.

B. If a Licensee changes their Home State by moving between two Member States:

1. The Licensee shall immediately apply for the reissuance of their Multistate License in their new Home State. The Licensee shall pay all applicable fees and notify the prior Home State in accordance with the Rules of the Commission.

2. Upon receipt of an application to reissue a Multistate License, the new Home State shall verify that the Multistate License is active, unencumbered, and eligible for reissuance under the terms of the Compact and the Rules of the Commission. The Multistate License issued by the prior Home State will be deactivated and all Member States notified in accordance with the applicable Rules adopted by the Commission.

3. Prior to the reissuance of the Multistate License, the new Home State shall conduct procedures for considering the criminal history records of the Licensee. Such procedures shall include the submission of fingerprints or other biometric-based information by applicants for the purpose of obtaining an applicant's criminal history record information from the Federal Bureau of Investigation and the agency responsible for retaining that State's criminal records.

4. If required for initial licensure, the new Home State may require completion of jurisprudence requirements in the new Home State.

5. Notwithstanding any other provision of this Compact, if a Licensee does not meet the requirements set forth in this Compact for the reissuance of a Multistate License by the new Home State, then the Licensee shall be subject to the new Home State requirements for the issuance of a Single State License in that State.

C. If a Licensee changes their primary State of residence by moving from a Member State to a non-Member State, or from a non-Member State to a Member State, then the Licensee shall be subject to the State requirements for the issuance of a Single State License in the new Home State.

D. Nothing in this Compact shall interfere with a Licensee's ability to hold a Single State License in multiple States; however, for the purposes of this Compact, a Licensee shall have only one Home State, and only one Multistate License.

E. Nothing in this Compact shall interfere with the requirements established by a Member State for the issuance of a Single State License.

Section 8.

Military Families.

An Active Military Member or their spouse shall designate a Home State where the individual has a Multistate License. The individual may retain their Home State designation during the period the service member is on active duty.

Section 9.

Adverse Actions.

A. In addition to the other powers conferred by State law, a Remote State shall have the authority, in accordance with existing State due process law, to:

1. Take Adverse Action against a Regulated Social Worker's Multistate Authorization to Practice only within that Member State, and issue subpoenas for both hearings and investigations that require the attendance and testimony of

witnesses as well as the production of evidence. Subpoenas issued by a Licensing Authority in a Member State for the attendance and testimony of witnesses or the production of evidence from another Member State shall be enforced in the latter State by any court of competent jurisdiction, according to the practice and procedure of that court applicable to subpoenas issued in proceedings pending before it. The issuing Licensing Authority shall pay any witness fees, travel expenses, mileage, and other fees required by the service statutes of the State in which the witnesses or evidence are located.

2. Only the Home State shall have the power to take Adverse Action against a Regulated Social Worker's Multistate License.

B. For purposes of taking Adverse Action, the Home State shall give the same priority and effect to reported conduct received from a Member State as it would if the conduct had occurred within the Home State. In so doing, the Home State shall apply its own State laws to determine appropriate action.

C. The Home State shall complete any pending investigations of a Regulated Social Worker who changes their Home State during the course of the investigations. The Home State shall also have the authority to take appropriate action(s) and shall promptly report the conclusions of the investigations to the administrator of the Data System. The administrator of the Data System shall promptly notify the new Home State of any Adverse Actions.

D. A Member State, if otherwise permitted by State law, may recover from the affected Regulated Social Worker the costs of investigations and dispositions of cases resulting from any Adverse Action taken against that Regulated Social Worker.

E. A Member State may take Adverse Action based on the factual findings of another Member State, provided that the Member State follows its own procedures for taking the Adverse Action.

F. Joint Investigations:

1. In addition to the authority granted to a Member State by its respective Social Work practice act or other applicable State law, any Member State may participate with other Member States in joint investigations of Licensees.

2. Member States shall share any investigative, litigation, or compliance materials in furtherance of any joint or individual investigation initiated under the Compact.

G. If Adverse Action is taken by the Home State against the Multistate License of a Regulated Social Worker, the Regulated Social Worker's Multistate Authorization to Practice in all other Member States shall be deactivated until all Encumbrances have been removed from the Multistate License. All Home State disciplinary orders that impose Adverse Action against the license of a Regulated Social Worker shall include a statement that the Regulated Social Worker's Multistate Authorization to Practice is deactivated in all Member States until all conditions of the decision, order, or agreement are satisfied.

H. If a Member State takes Adverse Action, it shall promptly notify the administrator of the Data System. The administrator of the Data System shall promptly notify the Home State and all other Member States of any Adverse Actions by Remote States.

I. Nothing in this Compact shall override a Member State's decision that participation in an Alternative Program may be used in lieu of Adverse Action.

J. Nothing in this Compact shall authorize a Member State to demand the issuance of subpoenas for attendance and testimony of witnesses or the production of evidence from another Member State for lawful actions within that Member State.

K. Nothing in this Compact shall authorize a Member State to impose discipline against a Regulated Social Worker who holds a Multistate Authorization to Practice for lawful actions within another Member State.

Section 10.

Establishment of Social Work Licensure Compact Commission.

A. The Compact Member States hereby create and establish a joint government agency whose membership consists of all Member States that have enacted the compact known as the Social Work Licensure Compact Commission. The Commission is an instrumentality of the Compact States acting jointly and not an instrumentality of any one State. The Commission shall come into existence on or after the effective date of the Compact as set forth in Section 14.

B. Membership, Voting, and Meetings:

1. Each Member State shall have and be limited to one (1) delegate selected by that Member State's State Licensing Authority.

2. The delegate shall be either:

a. A current member of the State Licensing Authority at the time of appointment, who is a Regulated Social Worker or public member of the State Licensing Authority; or

b. An administrator of the State Licensing Authority or their designee.

3. The Commission shall by Rule or bylaw establish a term of office for delegates and may by Rule or bylaw establish term limits.

4. The Commission may recommend removal or suspension of any delegate from office.

5. A Member State's State Licensing Authority shall fill any vacancy of its delegate occurring on the Commission within 60 days of the vacancy.

6. Each delegate shall be entitled to one vote on all matters before the Commission requiring a vote by Commission delegates.

7. A delegate shall vote in person or by such other means as provided in the bylaws. The bylaws may provide for delegates to meet by telecommunication, videoconference, or other means of communication.

8. The Commission shall meet at least once during each calendar year. Additional meetings may be held as set forth in the bylaws. The Commission may meet by telecommunication, video conference, or other similar electronic means.

C. The Commission shall have the following powers:

1. Establish the fiscal year of the Commission;

2. Establish code of conduct and conflict of interest policies;

3. Establish and amend Rules and bylaws;

4. Maintain its financial records in accordance with the bylaws;

5. Meet and take such actions as are consistent with the provisions of this Compact, the Commission's Rules, and the bylaws;

6. Initiate and conclude legal proceedings or actions in the name of the Commission, provided that the standing of any State Licensing Board to sue or be sued under applicable law shall not be affected;

7. Maintain and certify records and information provided to a Member State as the authenticated business records of the Commission, and designate an agent to do so on the Commission's behalf;

8. Purchase and maintain insurance and bonds;

9. Borrow, accept, or contract for services of personnel, including, but not limited to, employees of a Member State;

10. Conduct an annual financial review;

11. Hire employees, elect or appoint officers, fix compensation, define duties, grant such individuals appropriate authority to carry out the purposes of the Compact, and establish the Commission's personnel policies and programs relating to conflicts of interest, qualifications of personnel, and other related personnel matters;

12. Assess and collect fees;

13. Accept any and all appropriate gifts, donations, grants of money, other sources of revenue, equipment, supplies, materials, and services, and receive, utilize, and dispose of the same; provided that at all times the Commission shall avoid any appearance of impropriety or conflict of interest;

14. Lease, purchase, retain, own, hold, improve, or use any property, real, personal, or mixed, or any undivided interest therein;

15. Sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property real, personal, or mixed;

16. Establish a budget and make expenditures;

17. Borrow money;

18. Appoint committees, including standing committees, composed of members, State regulators, State legislators or their representatives, and consumer representatives, and such other interested persons as may be designated in this Compact and the bylaws;

19. Provide and receive information from, and cooperate with, law enforcement agencies;

20. Establish and elect an Executive Committee, including a chair and a vice chair;

21. Determine whether a State's adopted language is materially different from the model compact language such that the State would not qualify for participation in the Compact; and

22. Perform such other functions as may be necessary or appropriate to achieve the purposes of this Compact.

D. The Executive Committee:

1. The Executive Committee shall have the power to act on behalf of the Commission according to the terms of this Compact. The powers, duties, and responsibilities of the Executive Committee shall include:

a. Oversee the day-to-day activities of the administration of the compact including enforcement and compliance with the provisions of the compact, its Rules and bylaws, and other such duties as deemed necessary;

b. Recommend to the Commission changes to the Rules or bylaws, changes to this Compact legislation, fees charged to Compact Member States, fees charged to Licensees, and other fees;

c. Ensure Compact administration services are appropriately provided, including by contract;

d. Prepare and recommend the budget;

e. Maintain financial records on behalf of the Commission;

f. Monitor Compact compliance of Member States and provide compliance reports to the Commission;

g. Establish additional committees as necessary;

h. Exercise the powers and duties of the Commission during the interim between Commission meetings, except for adopting or amending Rules, adopting or amending bylaws, and exercising any other powers and duties expressly reserved to the Commission by Rule or bylaw; and

i. Other duties as provided in the Rules or bylaws of the Commission.

2. The Executive Committee shall be composed of up to eleven (11) members:

a. The chair and vice chair of the Commission shall be voting members of the Executive Committee; and

b. The Commission shall elect five voting members from the current membership of the Commission.

c. Up to four (4) ex-officio, nonvoting members from four (4) recognized national Social Work organizations.

d. The ex-officio members will be selected by their respective organizations.

3. The Commission may remove any member of the Executive Committee as provided in the Commission's bylaws.

4. The Executive Committee shall meet at least annually.

a. Executive Committee meetings shall be open to the public, except that the Executive Committee may meet in a closed, non-public meeting as provided in subsection F 2 below.

b. The Executive Committee shall give seven (7) days' notice of its meetings, posted on its website and as determined to provide notice to persons with an interest in the business of the Commission.

c. The Executive Committee may hold a special meeting in accordance with subsection F.1.b. below.

E. The Commission shall adopt and provide to the Member States an annual report.

F. Meetings of the Commission:

1. All meetings shall be open to the public, except that the Commission may meet in a closed, non-public meeting as provided in subsection F 2 below.

a. Public notice for all meetings of the full Commission of meetings shall be given in the same manner as required under the Rulemaking provisions in Section 12, except that the Commission may hold a special meeting as provided in subsection F 1 b below.

b. The Commission may hold a special meeting when it must meet to conduct emergency business by giving 48 hours' notice to all commissioners, on the Commission's website, and other means as provided in the Commission's Rules. The Commission's legal counsel shall certify that the Commission's need to meet qualifies as an emergency.

2. The Commission or the Executive Committee or other committees of the Commission may convene in a closed, non-public meeting for the Commission or Executive Committee or other committees of the Commission to receive legal advice or to discuss:

a. Non-compliance of a Member State with its obligations under the Compact;

b. The employment, compensation, discipline, or other matters, practices, or procedures related to specific employees;

c. Current or threatened discipline of a Licensee by the Commission or by a Member State's Licensing Authority;

d. Current, threatened, or reasonably anticipated litigation;

e. Negotiation of contracts for the purchase, lease, or sale of goods, services, or real estate;

f. Accusing any person of a crime or formally censuring any person;

g. Trade secrets or commercial or financial information that is privileged or confidential;

h. Information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;

i. Investigative records compiled for law enforcement purposes;

j. Information related to any investigative reports prepared by or on behalf of or for use of the Commission or other committee charged with responsibility of investigation or determination of compliance issues pursuant to the Compact;

k. Matters specifically exempted from disclosure by federal or Member State law; or

l. Other matters as promulgated by the Commission by Rule.

3. If a meeting, or portion of a meeting, is closed, the presiding officer shall state that the meeting will be closed and reference each relevant exempting provision, and such reference shall be recorded in the minutes.

4. The Commission shall keep minutes that fully and clearly describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken, and the reasons therefor, including a description of the views expressed. All documents considered in connection with an action shall be identified in such minutes. All minutes and documents of a closed meeting shall remain under seal, subject to release only by a majority vote of the Commission or order of a court of competent jurisdiction.

G. Financing of the Commission:

1. The Commission shall pay, or provide for the payment of, the reasonable expenses of its establishment, organization, and ongoing activities.

2. The Commission may accept any and all appropriate revenue sources as provided in subsection C 13.

3. The Commission may levy on and collect an annual assessment from each Member State and impose fees on Licensees of Member States to whom it grants a Multistate License to cover the cost of the operations and activities of the Commission and its staff, which must be in a total amount sufficient to cover its annual budget as approved each year for which revenue is not provided by other sources. The aggregate annual assessment amount for Member States shall be allocated based upon a formula that the Commission shall promulgate by Rule.

4. The Commission shall not incur obligations of any kind prior to securing the funds adequate to meet the same; nor shall the Commission pledge the credit of any of the Member States, except by and with the authority of the Member State.

5. The Commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the Commission shall be subject to the financial review and accounting procedures established under its bylaws. However, all receipts and disbursements of funds handled by the Commission shall be subject to an annual financial review by a certified or licensed public accountant, and the report of the financial review shall be included in and become part of the annual report of the Commission.

H. Qualified Immunity, Defense, and Indemnification:

1. The members, officers, executive director, employees, and representatives of the Commission shall be immune from suit and liability, both personally and in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused by or arising out of any actual or alleged act, error, or omission that occurred, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of Commission

employment, duties, or responsibilities; provided that nothing in this paragraph shall be construed to protect any such person from suit or liability for any damage, loss, injury, or liability caused by the intentional or willful or wanton misconduct of that person. The procurement of insurance of any type by the Commission shall not in any way compromise or limit the immunity granted hereunder.

2. The Commission shall defend any member, officer, executive director, employee, and representative of the Commission in any civil action seeking to impose liability arising out of any actual or alleged act, error, or omission that occurred within the scope of Commission employment, duties, or responsibilities, or as determined by the Commission that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of Commission employment, duties, or responsibilities; provided that nothing herein shall be construed to prohibit that person from retaining their own counsel at their own expense; and provided further, that the actual or alleged act, error, or omission did not result from that person's intentional or willful or wanton misconduct.

3. The Commission shall indemnify and hold harmless any member, officer, executive director, employee, and representative of the Commission for the amount of any settlement or judgment obtained against that person arising out of any actual or alleged act, error, or omission that occurred within the scope of Commission employment, duties, or responsibilities, or that such person had a reasonable basis for believing occurred within the scope of Commission employment, duties, or responsibilities, provided that the actual or alleged act, error, or omission did not result from the intentional or willful or wanton misconduct of that person.

4. Nothing herein shall be construed as a limitation on the liability of any Licensee for professional malpractice or misconduct, which shall be governed solely by any other applicable State laws.

5. Nothing in this Compact shall be interpreted to waive or otherwise abrogate a Member State's state action immunity or state action affirmative defense with respect to antitrust claims under the Sherman Act, Clayton Act, or any other State or federal antitrust or anticompetitive law or regulation.

6. Nothing in this Compact shall be construed to be a waiver of sovereign immunity by the Member States or by the Commission.

Section 11.

Data System.

A. The Commission shall provide for the development, maintenance, operation, and utilization of a coordinated Data System.

B. The Commission shall assign each applicant for a Multistate License a unique identifier, as determined by the Rules of the Commission.

C. Notwithstanding any other provision of State law to the contrary, a Member State shall submit a uniform data set to the Data System on all individuals to whom this Compact is applicable as required by the Rules of the Commission, including:

1. Identifying information;

2. Licensure data;

3. Adverse Actions against a license and information related thereto;

4. Non-confidential information related to Alternative Program participation, the beginning and ending dates of such participation, and other information related to such participation not made confidential under Member State law;

5. Any denial of application for licensure, and the reason(s) for such denial;

6. The presence of Current Significant Investigative Information; and

7. Other information that may facilitate the administration of this Compact or the protection of the public, as determined by the Rules of the Commission.

D. The records and information provided to a Member State pursuant to this Compact or through the Data System, when certified by the Commission or an agent thereof, shall constitute the authenticated business records of the Commission, and shall be entitled to any associated hearsay exception in any relevant judicial, quasi-judicial or administrative proceedings in a Member State.

E. Current Significant Investigative Information pertaining to a Licensee in any Member State will only be available to other Member States.

It is the responsibility of the Member States to report any Adverse Action against a Licensee and to monitor the database to determine whether Adverse Action has been taken against a Licensee. Adverse Action information pertaining to a Licensee in any Member State will be available to any other Member State.

F. Member States contributing information to the Data System may designate information that may not be shared with the public without the express permission of the contributing State. Any information submitted to the Data System that is subsequently expunged pursuant to federal law or the laws of the Member State contributing the information shall be removed from the Data System.

Section 12.

Rulemaking.

A. The Commission shall promulgate reasonable Rules in order to effectively and efficiently implement and administer the purposes and provisions of the Compact. A Rule shall be invalid and have no force or effect only if a court of competent jurisdiction holds that the Rule is invalid because the Commission exercised its rulemaking authority in a manner that is

beyond the scope and purposes of the Compact, or the powers granted hereunder, or based upon another applicable standard of review.

B. The Rules of the Commission shall have the force of law in each Member State, provided however that where the Rules of the Commission conflict with the laws of the Member State that establish the Member State's laws, regulations, and applicable standards that govern the practice of Social Work as held by a court of competent jurisdiction, the Rules of the Commission shall be ineffective in that State to the extent of the conflict.

C. The Commission shall exercise its Rulemaking powers pursuant to the criteria set forth in this Section and the Rules adopted thereunder. Rules shall become binding on the day following adoption or the date specified in the rule or amendment, whichever is later.

D. If a majority of the legislatures of the Member States rejects a Rule or portion of a Rule, by enactment of a statute or resolution in the same manner used to adopt the Compact within four (4) years of the date of adoption of the Rule, then such Rule shall have no further force and effect in any Member State.

E. Rules shall be adopted at a regular or special meeting of the Commission.

F. Prior to adoption of a proposed Rule, the Commission shall hold a public hearing and allow persons to provide oral and written comments, data, facts, opinions, and arguments.

G. Prior to adoption of a proposed Rule by the Commission, and at least thirty (30) days in advance of the meeting at which the Commission will hold a public hearing on the proposed Rule, the Commission shall provide a Notice of Proposed Rulemaking:

1. On the website of the Commission or other publicly accessible platform;

2. To persons who have requested notice of the Commission's notices of proposed rulemaking; and

3. In such other way(s) as the Commission may by Rule specify.

H. The Notice of Proposed Rulemaking shall include:

1. The time, date, and location of the public hearing at which the Commission will hear public comments on the proposed Rule and, if different, the time, date, and location of the meeting where the Commission will consider and vote on the proposed Rule;

2. If the hearing is held via telecommunication, video conference, or other electronic means, the Commission shall include the mechanism for access to the hearing in the Notice of Proposed Rulemaking;

3. The text of the proposed Rule and the reason therefor;

4. A request for comments on the proposed Rule from any interested person; and

5. The manner in which interested persons may submit written comments.

I. All hearings will be recorded. A copy of the recording and all written comments and documents received by the Commission in response to the proposed Rule shall be available to the public.

J. Nothing in this Section shall be construed as requiring a separate hearing on each Rule. Rules may be grouped for the convenience of the Commission at hearings required by this Section.

K. The Commission shall, by majority vote of all members, take final action on the proposed Rule based on the Rulemaking record and the full text of the Rule.

1. The Commission may adopt changes to the proposed Rule provided the changes do not enlarge the original purpose of the proposed Rule.

2. The Commission shall provide an explanation of the reasons for substantive changes made to the proposed Rule as well as reasons for substantive changes not made that were recommended by commenters.

3. The Commission shall determine a reasonable effective date for the Rule. Except for an emergency as provided in Section 12 L, the effective date of the Rule shall be no sooner than 30 days after issuing the notice that it adopted or amended the Rule.

L. Upon determination that an emergency exists, the Commission may consider and adopt an emergency Rule with 48 hours' notice, with opportunity to comment, provided that the usual Rulemaking procedures provided in the Compact and in this Section shall be retroactively applied to the Rule as soon as reasonably possible, in no event later than ninety (90) days after the effective date of the Rule. For the purposes of this provision, an emergency Rule is one that must be adopted immediately in order to:

1. Meet an imminent threat to public health, safety, or welfare;

2. Prevent a loss of Commission or Member State funds;

3. Meet a deadline for the promulgation of a Rule that is established by federal law or rule; or

4. Protect public health and safety.

M. The Commission or an authorized committee of the Commission may direct revisions to a previously adopted Rule for purposes of correcting typographical errors, errors in format, errors in consistency, or grammatical errors. Public notice of any revisions shall be posted on the website of the Commission. The revision shall be subject to challenge by any person for a period of thirty (30) days after posting. The revision may be challenged only on grounds that the revision results in a material change to a Rule. A challenge shall be made in writing and delivered to the Commission prior to the end of the notice period. If no challenge is made, the revision will take effect without further action. If the revision is challenged, the revision may not take effect without the approval of the Commission.

N. No Member State's rulemaking requirements shall apply under this compact.

Section 13.

Oversight, Dispute Resolution, and Enforcement.

A. Oversight:

1. The executive and judicial branches of State government in each Member State shall enforce this Compact and take all actions necessary and appropriate to implement the Compact.

2. Except as otherwise provided in this Compact, venue is proper and judicial proceedings by or against the Commission shall be brought solely and exclusively in a court of competent jurisdiction where the principal office of the Commission is located. The Commission may waive venue and jurisdictional defenses to the extent it adopts or consents to participate in alternative dispute resolution proceedings. Nothing herein shall affect or limit the selection or propriety of venue in any action against a Licensee for professional malpractice, misconduct, or any such similar matter.

3. The Commission shall be entitled to receive service of process in any proceeding regarding the enforcement or interpretation of the Compact and shall have standing to intervene in such a proceeding for all purposes. Failure to provide the Commission service of process shall render a judgment or order void as to the Commission, this Compact, or promulgated Rules.

B. Default, Technical Assistance, and Termination:

1. If the Commission determines that a Member State has defaulted in the performance of its obligations or responsibilities under this Compact or the promulgated Rules, the Commission shall provide written notice to the defaulting State. The notice of default shall describe the default, the proposed means of curing the default, and any other action that the Commission may take, and shall offer training and specific technical assistance regarding the default.

2. The Commission shall provide a copy of the notice of default to the other Member States.

C. If a State in default fails to cure the default, the defaulting State may be terminated from the Compact upon an affirmative vote of a majority of the delegates of the Member States, and all rights, privileges, and benefits conferred on that State by this Compact may be terminated on the effective date of termination. A cure of the default does not relieve the offending State of obligations or liabilities incurred during the period of default.

D. Termination of membership in the Compact shall be imposed only after all other means of securing compliance have been exhausted. Notice of intent to suspend or terminate shall be given by the Commission to the governor, the majority and minority leaders of the defaulting State's legislature, the defaulting State's State Licensing Authority and each of the Member States' State Licensing Authority.

E. A State that has been terminated is responsible for all assessments, obligations, and liabilities incurred through the effective date of termination, including obligations that extend beyond the effective date of termination.

F. Upon the termination of a State's membership from this Compact, that State shall immediately provide notice to all Licensees within that State of such termination. The terminated State shall continue to recognize all licenses granted pursuant to this Compact for a minimum of six (6) months after the date of said notice of termination.

G. The Commission shall not bear any costs related to a State that is found to be in default or that has been terminated from the Compact, unless agreed upon in writing between the Commission and the defaulting State.

H. The defaulting State may appeal the action of the Commission by petitioning the U.S. District Court for the District of Columbia or the federal district where the Commission has its principal offices. The prevailing party shall be awarded all costs of such litigation, including reasonable attorney fees.

I. Dispute Resolution:

1. Upon request by a Member State, the Commission shall attempt to resolve disputes related to the Compact that arise among Member States and between Member and non-Member States.

2. The Commission shall promulgate a Rule providing for both mediation and binding dispute resolution for disputes as appropriate.

J. Enforcement:

1. By majority vote as provided by Rule, the Commission may initiate legal action against a Member State in default in the United States District Court for the District of Columbia or the federal district where the Commission has its principal offices to enforce compliance with the provisions of the Compact and its promulgated Rules. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing party shall be awarded all costs of such litigation, including reasonable attorney fees. The remedies herein shall not be the exclusive remedies of the Commission. The Commission may pursue any other remedies available under federal or the defaulting Member State's law.

2. A Member State may initiate legal action against the Commission in the U.S. District Court for the District of Columbia or the federal district where the Commission has its principal offices to enforce compliance with the provisions of the Compact and its promulgated Rules. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing party shall be awarded all costs of such litigation, including reasonable attorney fees.

3. No person other than a Member State shall enforce this compact against the Commission.

Section 14.

Effective Date, Withdrawal, and Amendment.

A. The Compact shall come into effect on the date on which the Compact statute is enacted into law in the seventh Member State.

1. On or after the effective date of the Compact, the Commission shall convene and review the enactment of each of the first seven Member States ("Charter Member States") to determine if the statute enacted by each such Charter Member State is materially different than the model Compact statute.

a. A Charter Member State whose enactment is found to be materially different from the model Compact statute shall be entitled to the default process set forth in Section 13.

b. If any Member State is later found to be in default, or is terminated or withdraws from the Compact, the Commission shall remain in existence and the Compact shall remain in effect even if the number of Member States should be less than seven.

2. Member States enacting the Compact subsequent to the seven initial Charter Member States shall be subject to the process set forth in Section 10 C 21 to determine if their enactments are materially different from the model Compact statute and whether they qualify for participation in the Compact.

3. All actions taken for the benefit of the Commission or in furtherance of the purposes of the administration of the Compact prior to the effective date of the Compact or the Commission coming into existence shall be considered to be actions of the Commission unless specifically repudiated by the Commission.

4. Any State that joins the Compact subsequent to the Commission's initial adoption of the Rules and bylaws shall be subject to the Rules and bylaws as they exist on the date on which the Compact becomes law in that State. Any Rule that has been previously adopted by the Commission shall have the full force and effect of law on the day the Compact becomes law in that State.

B. Any Member State may withdraw from this Compact by enacting a statute repealing the same.

1. A Member State's withdrawal shall not take effect until 180 days after enactment of the repealing statute.

2. Withdrawal shall not affect the continuing requirement of the withdrawing State's Licensing Authority to comply with the investigative and Adverse Action reporting requirements of this Compact prior to the effective date of withdrawal.

3. Upon the enactment of a statute withdrawing from this compact, a State shall immediately provide notice of such withdrawal to all Licensees within that State. Notwithstanding any subsequent statutory enactment to the contrary, such withdrawing State shall continue to recognize all licenses granted pursuant to this compact for a minimum of 180 days after the date of such notice of withdrawal.

C. Nothing contained in this Compact shall be construed to invalidate or prevent any licensure agreement or other cooperative arrangement between a Member State and a non-Member State that does not conflict with the provisions of this Compact.

D. This Compact may be amended by the Member States. No amendment to this Compact shall become effective and binding upon any Member State until it is enacted into the laws of all Member States.

Section 15.

Construction and Severability.

A. This Compact and the Commission's rulemaking authority shall be liberally construed so as to effectuate the purposes, and the implementation and administration of the Compact. Provisions of the Compact expressly authorizing or requiring the promulgation of Rules shall not be construed to limit the Commission's rulemaking authority solely for those purposes.

B. The provisions of this Compact shall be severable and if any phrase, clause, sentence, or provision of this Compact is held by a court of competent jurisdiction to be contrary to the constitution of any Member State, a State seeking participation in the Compact, or of the United States, or the applicability thereof to any government, agency, person, or circumstance is held to be unconstitutional by a court of competent jurisdiction, the validity of the remainder of this Compact and the applicability thereof to any other government, agency, person, or circumstance shall not be affected thereby.

C. Notwithstanding subsection B of this Section, the Commission may deny a State's participation in the Compact or, in accordance with the requirements of Section 13.B, terminate a Member State's participation in the Compact, if it determines that a constitutional requirement of a Member State is a material departure from the Compact. Otherwise, if this Compact shall be held to be contrary to the constitution of any Member State, the Compact shall remain in full force and effect as to the remaining Member States and in full force and effect as to the Member State affected as to all severable matters.

Section 16.

Consistent Effect and Conflict with Other State Laws.

A. A Licensee providing services in a Remote State under a Multistate Authorization to Practice shall adhere to the laws and regulations, including laws, regulations, and applicable standards, of the Remote State where the client is located at the time care is rendered.

B. Nothing herein shall prevent or inhibit the enforcement of any other law of a Member State that is not inconsistent with the Compact.

C. Any laws, statutes, regulations, or other legal requirements in a Member State in conflict with the Compact are superseded to the extent of the conflict.

D. All permissible agreements between the Commission and the Member States are binding in accordance with their terms.

2. That applicants for a Multistate License shall pay for the cost of fingerprinting required by the Social Work Licensure Compact, as entered into by this act.

CHAPTER 705

An Act to amend and reenact § 2.2-4302.2 of the Code of Virginia, relating to Virginia Public Procurement Act; competitive negotiation; exceptions to contractual terms.

[S 242]

Approved April 8, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 2.2-4302.2 of the Code of Virginia is amended and reenacted as follows:

§ 2.2-4302.2. Process for competitive negotiation.

A. The process for competitive negotiation shall include the following:

1. Issuance of a written Request for Proposal indicating in general terms that which is sought to be procured, specifying the factors that will be used in evaluating the proposal, indicating whether a numerical scoring system will be used in evaluation of the proposal, and containing or incorporating by reference the other applicable contractual terms and conditions, including any unique capabilities, specifications or qualifications that will be required. Except with regard to contracts for architectural, professional engineering, transportation construction, or transportation-related construction services, a public body may include as a factor that will be used in evaluating a proposal the proposer's employment of persons with disabilities to perform the specifications of the contract. In the event that a numerical scoring system will be used in the evaluation of proposals, the point values assigned to each of the evaluation criteria shall be included in the Request for Proposal or posted at the location designated for public posting of procurement notices prior to the due date and time for receiving proposals. No Request for Proposal for construction authorized by this chapter shall condition a successful offeror's eligibility on having a specified experience modification factor;

2. Public notice of the Request for Proposal at least 10 days prior to the date set for receipt of proposals by posting on the Department of General Services' central electronic procurement website or other appropriate websites. Public bodies may also publish in a newspaper of general circulation in the area in which the contract is to be performed so as to provide reasonable notice to the maximum number of offerors that can be reasonably anticipated to submit proposals in response to the particular request. Posting on the Department of General Services' central electronic procurement website shall be required of (i) any state public body and (ii) any local public body if such local public body elects not to publish notice of the Request for Proposal in a newspaper of general circulation in the area in which the contract is to be performed. Local public bodies are encouraged to utilize the Department of General Services' central electronic procurement website to provide the public with centralized visibility and access to the Commonwealth's procurement opportunities. In addition, proposals may be solicited directly from potential contractors. Any additional solicitations shall include certified businesses selected from a list made available by the Department of Small Business and Supplier Diversity; and

3. For goods, nonprofessional services, and insurance, selection shall be made of two or more offerors deemed to be fully qualified and best suited among those submitting proposals, on the basis of the factors involved in the Request for Proposal, including price if so stated in the Request for Proposal. ~~In the case of a proposal for information technology, as defined in § 2.2-2006, a public body shall not require an offeror to state in a proposal any exception to any liability provisions contained in the Request for Proposal.~~ Negotiations shall then be conducted with each of the offerors so selected. The offeror shall state any exception to any *contractual terms or conditions, including any* liability provisions contained in the Request for Proposal in writing ~~at the beginning of negotiations, and such~~ *at the time of responding to such Request for Proposal if so requested by the public body. Such* exceptions shall be considered during negotiation *but shall not be used as a basis for scoring or evaluating which offerors are selected for negotiations*. Price shall be considered, but need not be the sole or primary determining factor. After negotiations have been conducted with each offeror so selected, the public body shall select the offeror which, in its opinion, has made the best proposal and provides the best value, and shall award the contract to that offeror. When the terms and conditions of multiple awards are so provided in the Request for Proposal, awards may be made to more than one offeror. Should the public body determine in writing and in its sole discretion that only one offeror is fully qualified, or that one offeror is clearly more highly qualified than the others under consideration, a contract may be negotiated and awarded to that offeror; or

4. For professional services, the public body shall engage in individual discussions with two or more offerors deemed fully qualified, responsible and suitable on the basis of initial responses and with emphasis on professional competence, to provide the required services. Repetitive informal interviews shall be permissible. The offerors shall be encouraged to elaborate on their qualifications and performance data or staff expertise pertinent to the proposed project, as well as alternative concepts. In addition, offerors shall be informed of any ranking criteria that will be used by the public body in addition to the review of the professional competence of the offeror. The Request for Proposal shall not, however, request that offerors furnish estimates of man-hours or cost for services. At the discussion stage, the public body may discuss nonbinding estimates of total project costs, including, but not limited to, life-cycle costing, and where appropriate, nonbinding estimates of price for services. In accordance with § 2.2-4342, proprietary information from competing offerors shall not be disclosed to the public or to competitors. For architectural or engineering services, the public body shall not request or require offerors to list any exceptions to proposed contractual terms and conditions, unless such terms and conditions are required by statute, regulation, ordinance, or standards developed pursuant to § 2.2-1132, until after the qualified offerors are ranked for negotiations. At the conclusion of discussion, outlined in this subdivision, on the basis of

evaluation factors published in the Request for Proposal and all information developed in the selection process to this point, the public body shall select in the order of preference two or more offerors whose professional qualifications and proposed services are deemed most meritorious.

Negotiations shall then be conducted, beginning with the offeror ranked first. If a contract satisfactory and advantageous to the public body can be negotiated at a price considered fair and reasonable and pursuant to contractual terms and conditions acceptable to the public body, the award shall be made to that offeror. Otherwise, negotiations with the offeror ranked first shall be formally terminated and negotiations conducted with the offeror ranked second, and so on until such a contract can be negotiated at a fair and reasonable price.

Notwithstanding the foregoing, if the terms and conditions for multiple awards are included in the Request for Proposal, a public body may award contracts to more than one offeror.

Should the public body determine in writing and in its sole discretion that only one offeror is fully qualified or that one offeror is clearly more highly qualified and suitable than the others under consideration, a contract may be negotiated and awarded to that offeror.

B. Multiphase professional services contracts satisfactory and advantageous to the completion of large, phased, or long-term projects may be negotiated and awarded based on a fair and reasonable price for the first phase only, where the completion of the earlier phases is necessary to provide information critical to the negotiation of a fair and reasonable price for succeeding phases. Prior to entering into any such contract, the public body shall (i) state the anticipated intended total scope of the project and (ii) determine in writing that the nature of the work is such that the best interests of the public body require awarding the contract.

For the purposes of subdivision A 1, "experience modification factor" means a value assigned to an employer as determined by a rate service organization in accordance with its uniform experience rating plan required to be filed pursuant to subsection D of § 38.2-1913.

CHAPTER 706

An Act to amend and reenact § 15.2-1804.1 of the Code of Virginia, relating to Department of Energy; building standards for certain local buildings.

[S 245]

Approved April 8, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 15.2-1804.1 of the Code of Virginia is amended and reenacted as follows:

§ 15.2-1804.1. (For applicability, see Acts 2021, Sp. Sess. I, c. 473, cl. 2) Building by locality; high performance standards.

A. As used in this section:

"Appropriate resilience features" means features that are included to prepare for, by reducing risk or enabling recovery, acts of nature, failures of systems, or adversarial acts that could cause a major disruption to building functionality. A locality maintains the responsibility for identifying those potential hazards for which a project should prepare and for determining the sufficiency of the incorporated features to address the potential hazard, following consideration of any guidance pursuant to subsection E.

"Commissioning" means the process of ensuring functional performance of mechanical equipment, water heating equipment, lighting, automated control systems, and building envelope, including the steps described in the ICC G4-2018 "Guideline for Commissioning" or successor guidelines and additional guidelines as may be applicable to such systems.

"Design phase" means the design of a building construction or renovation project, *which, until July 1, 2025, shall be* inclusive of the issuance of a request for proposal and the project budget approval*, and after July 1, 2025, shall be based on the effective execution date of the contract with the design team*.

"EV" means an electric vehicle.

"High performance building certification program" means a public building design, construction, and renovation program that achieves certification using the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED) green building rating standard or the Green Building Initiative's "Green Globes" building standard~~, or meets the requirements of VEES~~. *For buildings 50,000 square feet and smaller, Earthcraft Light Commercial at the silver level may instead be used for certification under this section.*

"Locality" means a county, city, or town, inclusive of a school division.

"Major disruption" means a disturbance that interrupts the normal activities that are conducted in a building for a duration of time that would require that building to temporarily or permanently cease operations. Localities may define the parameters that would constitute a major disruption based on the nature and duration of a disrupting event, as well as on building typology, consistent with any guidance pursuant to subsection E.

"Sufficient ZEV charging and fueling infrastructure" means the provision of ~~ZEV charging or fueling infrastructure, including EV-ready charging electrical capacity and pre-wiring, (i) sufficient to support every passenger-type vehicle owned by the locality and available for use by the locality that will be located at such building upon full occupancy, meet projected demand for such infrastructure during the first 10 years following building occupancy, or (ii) that achieves the current ZEV~~

~~or EV charging credit for a high performance building certification program~~ *EV supply equipment, EV-ready charging electrical capacity and pre-wiring, or fueling infrastructure for other ZEVs that is deemed sufficient based on meeting relevant guidelines or recommendations available during the design phase of a project from either the Virginia Department of Energy pursuant to subsection E or the U.S. Department of Energy.*

~~"VEES" means the Virginia Energy Conservation and Environmental Standards developed by the Department considering the U.S. Green Building Council (LEED) green building rating standard, the Green Building Initiative "Green Globes" building standard, and other appropriate requirements as determined by the Department.~~

"ZEV" means a zero-emissions vehicle.

B. Any locality entering the design phase for the construction of a new building greater than 5,000 gross square feet in size, or the renovation of a building where the cost of the renovation exceeds 50 percent of the value of the building, shall ensure that such building:

1. Is designed, constructed, verified, and operated to comply with a high performance building certification program;

2. Has sufficient ZEV charging and fueling infrastructure~~. In making a sufficiency determination, the locality may also consider the interest of the Commonwealth in providing infrastructure for nearby locations, geographical gaps in ZEV charging infrastructure, availability of incentives, and other factors~~;

3. Has features that permit the agency or institution to measure the building's energy consumption ~~and associated carbon emissions~~, including metering of all electricity, gas, water, and other utilities; and

4. Incorporates appropriate *onsite renewable energy generation, energy storage, and* resilience ~~and distributed energy~~ features *as determined by the locality and following consideration of any guidance pursuant to subsection E.*

C. Notwithstanding the provisions of subsection B, for any such construction or renovation of a building that is less than 20,000 gross square feet in size, the locality may instead ensure that such building achieves the relevant ENERGY STAR certification and implement ~~mechanical, electrical, plumbing, and envelope~~ commissioning. *In the event that the specific building type is not eligible for ENERGY STAR certification, then the locality shall demonstrate, using energy modeling, that the project has been designed to perform at least as well as the ENERGY STAR Target Finder value for that building type or that the project has been designed to meet equivalent standards for such building types as provided in guidance pursuant to subsection E.*

D. Upon a finding that special circumstances make the construction or renovation to the standards impracticable, the governing body of such locality may, by resolution, grant an exemption from any such design and construction standards. Such resolution shall be made in writing and shall explain the basis for granting the exemption. If the local governing body cites cost as a factor in granting an exemption, the local governing body shall include a comparison of the cost the locality will incur over the next 20 years or the lifecycle of the project, whichever is shorter, if the locality does not comply with the standards required by subsection B versus the costs to the locality if the locality were to comply with such standards.

E. The Department of Energy shall upon request provide technical assistance related to subsections A, B, and C to localities subject to available budgetary resources. Such technical assistance may include the issuance of guidance.

~~E.~~ *F.* Any local governing body may, by ordinance, adopt its own green design and construction program ~~that includes standards that are~~. *When a local program includes standards that address all of the requirements in subsection B and is equal in stringency to or* more stringent than ~~any equivalent standard~~ *the standards* in subsection B~~. While such program remains in effect~~, the locality shall be deemed compliant with the provisions of this section.

CHAPTER 707

An Act to direct the Joint Commission on Technology and Science to analyze the use of blockchain technology, digital asset mining, and cryptocurrency in the Commonwealth.

[S 339]

Approved April 8, 2024

Be it enacted by the General Assembly of Virginia:

1. *§ 1. That the Joint Commission on Technology and Science (JCOTS) shall, in consultation with the State Corporation Commission and other relevant stakeholders, conduct an analysis of and make recommendations related to the use of blockchain technology, digital asset mining, and cryptocurrency in the Commonwealth and fostering the appropriate expansion of blockchain technology, digital asset mining, and cryptocurrency in the Commonwealth. JCOTS shall submit a report of its findings and recommendations to the Chairmen of the House Committees on Appropriations and Communications, Technology and Innovation and the Senate Committees on Finance and Appropriations and General Laws and Technology no later than December 1, 2024.*

CHAPTER 708

An Act to amend the Code of Virginia by adding in Title 30 a chapter numbered 50.1, consisting of sections numbered 30-329.1 through 30-329.4, relating to Autism Advisory Council; reestablished.

[S 389]

Approved April 8, 2024

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Title 30 a chapter numbered 50.1, consisting of sections numbered 30-329.1 through 30-329.4, as follows:

CHAPTER 50.1.

AUTISM ADVISORY COUNCIL.

§ 30-329.1. Autism Advisory Council created; purpose; membership; staff.

A. The Autism Advisory Council (the Council) is established as an advisory council in the legislative branch of state government to promote coordination of services and resources among agencies involved in the delivery of services to Virginians with autism spectrum disorders and to increase public awareness of such services and resources.

B. The Council shall have a total membership of 25 members that shall consist of six legislative members, 12 nonlegislative citizen members, and seven ex officio members. Members shall be appointed as follows: two members of the Senate to be appointed by the Senate Committee on Rules; four members of the House of Delegates, to be appointed by the Speaker of the House of Delegates in accordance with the principles of proportional representation contained in the Rules of the House of Delegates; and 12 nonlegislative citizen members, of whom (i) two shall be representatives of autism advocacy organizations, (ii) two shall be parents of children with autism, (iii) two shall be persons with an autism spectrum disorder, (iv) one shall be a clinician in the autism field, (v) one shall be a licensed behavior analyst, (vi) one shall be a private day school director, (vii) one shall be a public school special education director, and (viii) two shall be representatives from autism programs at an institution of higher education, to be appointed by the Governor. The Commissioner of Behavioral Health and Developmental Services, the Commissioner for Aging and Rehabilitative Services, the Commissioner of Health, the Commissioner of Social Services, the Superintendent of Public Instruction, the Executive Director of the Virginia Board for People with Disabilities, and the Director of the Department of Medical Assistance Services, or their designees, shall serve ex officio with voting privileges. Nonlegislative citizen members of the Council shall be citizens of the Commonwealth. Unless otherwise approved in writing by the chairman of the Council and the respective Clerk, nonlegislative citizen members shall only be reimbursed for travel originating and ending within the Commonwealth for the purpose of attending meetings.

C. Legislative and ex officio members shall serve terms coincident with their terms of office. All appointments of nonlegislative citizen members shall be for four-year terms. Appointments to fill vacancies, other than by expiration of a term, shall be for the unexpired terms. All members may be reappointed; however, no citizen member shall serve more than two consecutive four-year terms. The remainder of any term to which a member is appointed to fill a vacancy shall not constitute a term in determining the member's term limit. Vacancies shall be filled in the same manner as the original appointments.

Legislative members of the Council shall receive such compensation as provided in § 30-19.12 and nonlegislative citizen members shall receive such compensation as provided in § 2.2-2813 for their services. All members shall be reimbursed for all reasonable and necessary expenses incurred in the performance of their duties as provided in §§ 2.2-2813 and 2.2-2825. However, all such compensation and expense payments shall be paid from existing appropriations to the Council or, if unfunded, shall be approved by the Joint Rules Committee.

D. The Council shall elect a chairman and vice-chairman annually, who shall be members of the General Assembly. A majority of the members of the Council shall constitute a quorum. The Council shall meet no less than five times a year, upon the call of the chairman or a majority of the members.

E. Administrative staff support shall be provided by the Office of the Clerk of the Senate or the Clerk of the House of Delegates, as may be appropriate for the house in which the chairman serves. The Division of Legislative Services shall provide legal, research, policy analysis, and other services as requested by the Council.

F. No recommendation of the Council shall be adopted if a majority of the legislative members appointed to the Council (i) vote against the recommendation and (ii) vote for the recommendation to fail notwithstanding the majority vote of the Council.

§ 30-329.2. Powers and duties of the Council.

A. The Council shall have the power and duty to:

1. Facilitate the coordination of services and resources among agencies involved in the delivery of services to Virginians with autism spectrum disorders;

2. Monitor the implementation of action plans developed by agencies in response to the report of the Joint Legislative Audit and Review Commission entitled "Assessment of Services for Virginians with Autism Spectrum Disorders," House Document No. 8 (2009);

3. Recommend policies, legislation, and funding needed to implement the action plans developed in response to the report of the Joint Legislative Audit and Review Commission entitled "Assessment of Services for Virginians with Autism Spectrum Disorders," House Document No. 8 (2009) and address other emerging issues; and

4. Determine services, resources, and policies that may further address the needs of individuals with autism spectrum disorders.

B. By December 1 of each year, the Council shall submit to the Governor and the General Assembly and to the Division of Legislative Automated Systems for publication as a House or Senate document an annual report containing progress updates and recommended next steps to be taken by agencies in the following year.

§ 30-329.3. Autism spectrum disorders defined.

For the purposes of this chapter, "autism spectrum disorder" means the same as that term is defined in the current edition of the "Diagnostic and Statistical Manual of Mental Disorders" published by the American Psychiatric Association.

§ 30-329.4. Sunset.

This chapter shall expire on July 1, 2027.

2. That, for its first year of existence, if the Autism Advisory Council (the Council) is not funded by a separate appropriation in the appropriation act, the Council may be funded from the operating budgets of the Clerk of the Senate and the Clerk of the House of Delegates upon the approval of the Joint Rules Committee. If the Council is not funded by a separate appropriation in the appropriation act for any year thereafter, this chapter shall expire on July 1 of the fiscal year in which the Council fails to receive such funding.

CHAPTER 709

An Act to direct the Joint Commission on Technology and Science to examine the use of blockchain and cryptocurrency in the Commonwealth and the creation of a Blockchain and Cryptocurrency Commission.

[S 439]

Approved April 8, 2024

Be it enacted by the General Assembly of Virginia:

1. *§ 1. That the Joint Commission on Technology and Science (JCOTS) shall, in consultation with the State Corporation Commission and other relevant stakeholders, conduct an analysis of the expansion of blockchain technology and cryptocurrency in the Commonwealth and the creation of a Blockchain and Cryptocurrency Commission. The analysis shall include (i) an examination of the risks, including privacy risks, and benefits of using blockchain technology in state and local government and in businesses in the Commonwealth and (ii) an assessment of the impact of the cryptocurrency industry on the Commonwealth, including the effect on state revenues and energy consumption. The analysis shall also include an assessment of creating a Blockchain and Cryptocurrency Commission to develop recommendations related to the use of and regulation over blockchain technology and cryptocurrency in the Commonwealth and study any other related topic that the Commission may choose to examine in relation to blockchain or cryptocurrency. JCOTS shall submit a report of its findings and recommendations to the Chairmen of the House Committees on Appropriations and Communications, Technology and Innovation and the Senate Committees on Finance and Appropriations and General Laws and Technology no later than December 1, 2024.*

CHAPTER 710

An Act to amend and reenact §§ 16.1-338 and 16.1-339 of the Code of Virginia, relating to parental admission of minors for inpatient treatment.

[S 460]

Approved April 8, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 16.1-338 and 16.1-339 of the Code of Virginia are amended and reenacted as follows:

§ 16.1-338. Parental admission of minors younger than 14 and nonobjecting minors 14 years of age or older.

A. A minor younger than 14 years of age may be admitted to a willing mental health facility for inpatient treatment *related to mental illness, which may include substance abuse as described in § 16.1-336,* upon application and with the consent of a parent. A minor 14 years of age or older may be admitted to a willing mental health facility for inpatient treatment *related to mental illness, which may include substance abuse as described in § 16.1-336,* upon the joint application and consent of the minor and the minor's parent.

B. Admission of a minor under this section shall be approved by a qualified evaluator who has conducted a personal examination of the minor within 48 hours after admission and has made the following written findings:

1. The minor appears to have a mental illness*, which may include substance abuse as described in § 16.1-336,* serious enough to warrant inpatient treatment and is reasonably likely to benefit from the treatment; and

2. The minor has been provided with a clinically appropriate explanation of the nature and purpose of the treatment; and

3. If the minor is 14 years of age or older, that he has been provided with an explanation of his rights under this Act as they would apply if he were to object to admission, and that he has consented to admission; and

4. All available modalities of treatment less restrictive than inpatient treatment have been considered and no less restrictive alternative is available that would offer comparable benefits to the minor.

If admission is sought to a state hospital, the community services board serving the area in which the minor resides shall provide, in lieu of the examination required by this section, a preadmission screening report conducted by an employee or designee of the community services board and shall ensure that the necessary written findings have been made before approving the admission. A copy of the written findings of the evaluation or preadmission screening report required by this section shall be provided to the consenting parent and the parent shall have the opportunity to discuss the findings with the qualified evaluator or employee or designee of the community services board.

C. Within 10 days after the admission of a minor under this section, the director of the facility or the director's designee shall ensure that an individualized plan of treatment has been prepared by the provider responsible for the minor's treatment and has been explained to the parent consenting to the admission and to the minor. The minor shall be involved in the preparation of the plan to the maximum feasible extent consistent with his ability to understand and participate, and the minor's family shall be involved to the maximum extent consistent with the minor's treatment needs. The plan shall include a preliminary plan for placement and aftercare upon completion of inpatient treatment and shall include specific behavioral and emotional goals against which the success of treatment may be measured. A copy of the plan shall be provided to the minor and to his parents.

D. If the parent who consented to a minor's admission under this section revokes his consent at any time, or if a minor 14 or older objects at any time to further treatment, the minor shall be discharged within 48 hours to the custody of such consenting parent unless the minor's continued hospitalization is authorized pursuant to § 16.1-339, 16.1-340.1, or 16.1-345. If the 48-hour time period expires on a Saturday, Sunday, legal holiday or day on which the court is lawfully closed, the 48 hours shall extend to the next day that is not a Saturday, Sunday, legal holiday or day on which the court is lawfully closed. If a minor 14 or older objects to further treatment, the mental health facility shall (i) immediately notify the consenting parent of the minor's objections and (ii) provide to the consenting parent a summary, prepared by the Office of the Attorney General, of the procedures for requesting continued treatment of the minor pursuant to § 16.1-339, 16.1-340.1, or 16.1-345.

E. Inpatient treatment of a minor hospitalized under this section may not exceed 90 consecutive days unless it has been authorized by appropriate hospital medical personnel, based upon their written findings that the criteria set forth in subsection B of this section continue to be met, after such persons have examined the minor and interviewed the consenting parent and reviewed reports submitted by members of the facility staff familiar with the minor's condition.

F. Any minor admitted under this section while younger than 14 and his consenting parent shall be informed orally and in writing by the director of the facility for inpatient treatment within 10 days of his fourteenth birthday that continued voluntary treatment under the authority of this section requires his consent.

G. Any minor 14 years of age or older who joins in an application and consents to admission pursuant to subsection A, shall, in addition to his parent, have the right to access his health information. The concurrent authorization of both the parent and the minor shall be required to disclose such minor's health information.

H. A minor who has been hospitalized while properly detained by a juvenile and domestic relations district court or circuit court shall be returned to the detention home, shelter care, or other facility approved by the Department of Juvenile Justice by the sheriff serving the jurisdiction where the minor was detained within 24 hours following completion of a period of inpatient treatment, unless the court having jurisdiction over the case orders that the minor be released from custody.

§ 16.1-339. Parental admission of an objecting minor 14 years of age or older.

A. A minor 14 years of age or older who (i) objects to admission or (ii) is incapable of making an informed decision may be admitted to a willing facility for up to 120 hours, pending the review required by subsections B and C, upon the application of a parent. If admission is sought to a state hospital, the community services board serving the area in which the minor resides shall provide the preadmission screening report required by subsection B of § 16.1-338 and shall ensure that the necessary written findings, except the minor's consent, have been made before approving the admission. *A temporary detention order under § 16.1-340.1 shall not be required for a minor to be admitted to a willing facility upon the application of a parent pursuant to this section.*

B. A minor admitted under this section shall be examined within 24 hours of his admission by a qualified evaluator designated by the community services board serving the area where the facility is located. If the 24-hour time period expires on a Saturday, Sunday, legal holiday, or day on which the court is lawfully closed, the 24 hours shall extend to the next day that is not a Saturday, Sunday, legal holiday, or day on which the court is lawfully closed. The evaluator shall prepare a report that shall include written findings as to whether:

1. The minor appears to have a mental illness*, which may include substance abuse as described in § 16.1-336,* serious enough to warrant inpatient treatment and is reasonably likely to benefit from the treatment;

2. The minor has been provided with a clinically appropriate explanation of the nature and purpose of the treatment; and

3. All available modalities of treatment less restrictive than inpatient treatment have been considered and no less restrictive alternative is available that would offer comparable benefits to the minor.

The qualified evaluator shall submit his report to the juvenile and domestic relations district court for the jurisdiction in which the facility is located.

C. Upon admission of a minor under this section, the facility shall file a petition for judicial approval no sooner than 24 hours and no later than 120 hours after admission with the juvenile and domestic relations district court for the jurisdiction in which the facility is located. To the extent available, the petition shall contain the information required by § 16.1-339.1. A copy of this petition shall be delivered to the minor's consenting parent. Upon receipt of the petition and of the evaluator's report submitted pursuant to subsection B, the judge shall appoint a guardian ad litem for the minor and counsel to represent the minor, unless it has been determined that the minor has retained counsel. A copy of the evaluator's report shall be provided to the minor's counsel and guardian ad litem. The court and the guardian ad litem shall review the petition and evaluator's report and shall ascertain the views of the minor, the minor's consenting parent, the evaluator, and the attending psychiatrist. The court shall conduct its review in such place and manner, including the facility, as it deems to be in the best interests of the minor. Based upon its review and the recommendations of the guardian ad litem, the court shall order one of the following dispositions:

1. If the court finds that the minor does not meet the criteria for admission specified in subsection B, the court shall issue an order directing the facility to release the minor into the custody of the parent who consented to the minor's admission. However, nothing herein shall be deemed to affect the terms and provisions of any valid court order of custody affecting the minor.

2. If the court finds that the minor meets the criteria for admission specified in subsection B, the court shall issue an order authorizing continued hospitalization of the minor for up to 90 days on the basis of the parent's consent.

Within 10 days after the admission of a minor under this section, the director of the facility or the director's designee shall ensure that an individualized plan of treatment has been prepared by the provider responsible for the minor's treatment and has been explained to the parent consenting to the admission and to the minor. A copy of the plan shall also be provided to the guardian ad litem and to counsel for the minor. The minor shall be involved in the preparation of the plan to the maximum feasible extent consistent with his ability to understand and participate, and the minor's family shall be involved to the maximum extent consistent with the minor's treatment needs. The plan shall include a preliminary plan for placement and aftercare upon completion of inpatient treatment and shall include specific behavioral and emotional goals against which the success of treatment may be measured.

3. If the court determines that the available information is insufficient to permit an informed determination regarding whether the minor meets the criteria specified in subsection B, the court shall schedule a commitment hearing that shall be conducted in accordance with the procedures specified in §§ 16.1-341 through 16.1-345. The minor may be detained in the hospital for up to 120 additional hours pending the holding of the commitment hearing.

D. A minor admitted under this section who rescinds his objection may be retained in the hospital pursuant to § 16.1-338.

E. If the parent who consented to a minor's admission under this section revokes his consent at any time, the minor shall be released within 48 hours to the parent's custody unless the minor's continued hospitalization is authorized pursuant to § 16.1-340.1 or 16.1-345. If the 48-hour time period expires on a Saturday, Sunday, legal holiday, or day on which the court is lawfully closed, the 48 hours shall extend to the next day that is not a Saturday, Sunday, legal holiday, or day on which the court is lawfully closed.

F. A minor who has been hospitalized while properly detained by a juvenile and domestic relations district court or circuit court shall be returned to the detention home, shelter care, or other facility approved by the Department of Juvenile Justice by the sheriff serving the jurisdiction where the minor was detained within 24 hours following completion of a period of inpatient treatment, unless the court having jurisdiction over the case orders that the minor be released from custody.

CHAPTER 711

An Act to amend and reenact § 55.1-601 of the Code of Virginia, relating to property and conveyances; recordation of documents; name changes.

[S 598]

Approved April 8, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 55.1-601 of the Code of Virginia is amended and reenacted as follows:

§ 55.1-601. Recording and indexing of certain documents showing changes of names.

A duly authenticated copy of a marriage license with the certificate of the person celebrating the marriage or a duly authenticated copy of a final order of divorce showing a change of name of ~~a woman~~ *any person* shall be entitled to be recorded in the clerk's office in which deeds are recorded of the county or city in which any land, or an interest in any land, that is owned by such ~~woman~~ *person* lies and shall be indexed by such clerk in the grantor and grantee indices in his office.

CHAPTER 712

An Act to amend the Code of Virginia by adding in Article 9 of Chapter 65 of Title 3.2 a section numbered 3.2-6573.1, relating to local animal cruelty registries.

[H 62]

Approved April 8, 2024

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Article 9 of Chapter 65 of Title 3.2 a section numbered 3.2-6573.1 as follows:

§ 3.2-6573.1. Local animal cruelty registries.

A. Any locality may establish, organize, and maintain a computerized animal cruelty registry as a database of information regarding persons convicted of a felony violation of (i) cruelty to animals as provided by § 3.2-6570; (ii) animal fighting as provided by § 3.2-6571; (iii) maiming, killing, or poisoning an animal as provided by § 18.2-144; or (iv) killing or injuring a police animal as provided by § 18.2-144.1. Information on such registry may include the name and address of the offender at the time of conviction as well as the offense for which the offender was convicted and the date and place of conviction. Access to such registry may be made available to the public on the website of the locality or local police department.

B. On a form promulgated by a locality or local police department, a person may request removal of his name and information from a registry established in subsection A not less than 15 years after the violation that warranted inclusion in the registry, provided he has no additional felony convictions of an offense listed in subsection A.

C. A locality that has established a registry pursuant to subsection A may adopt ordinances and develop forms to implement the provisions of this section, including the operation and maintenance of a registry and the removal of records on persons who are deceased, whose convictions have been reversed or who have been pardoned, or who have requested removal pursuant to subsection B.

D. All costs to establish, organize, and maintain a locality's animal cruelty registry pursuant to this section shall be borne by such locality.

CHAPTER 713

An Act to amend and reenact § 19.2-197 of the Code of Virginia, relating to foreman of grand jury; oaths of jurors and witnesses.

[H 76]

Approved April 8, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 19.2-197 of the Code of Virginia is amended and reenacted as follows:

§ 19.2-197. Foreman of grand jury; oaths of jurors and witnesses.

~~From~~ *The court shall select a foreman from* among the persons summoned who attend ~~the court shall select a foreman~~ who shall be sworn as follows: "~~You shall~~ *Do you solemnly swear (or affirm) that you will* diligently inquire *into*~~,~~ and ~~true presentment make, of~~ *carefully consider* all such matters ~~as may be given you in charge, or come to your knowledge, touching the~~ *that come to your attention concerning this* present service~~. You shall present~~*, and do you solemnly swear (or affirm) that you will indict* no person through prejudice or ill-will, nor leave any ~~unpresented~~ *unindicted* through fear or favor, but in all your presentments you ~~shall~~ *will* present the truth, the whole truth, and nothing but the truth~~. So~~*, (so* help you God~~.~~*)?*" The other grand jurors shall afterwards be sworn as follows: "The ~~same~~ oath that your foreman has taken on his part, *do* you and each of you ~~shall~~ *solemnly swear (or affirm) that you will* observe and keep *the same* on your part~~. So~~*, (so* help you God~~.~~*)?*" Any witness testifying before the grand jury may be sworn by the foreman.

CHAPTER 714

An Act to amend and reenact § 19.2-163 of the Code of Virginia, relating to compensation of court-appointed counsel.

[H 102]

Approved April 8, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 19.2-163 of the Code of Virginia is amended and reenacted as follows:

§ 19.2-163. Compensation of court-appointed counsel.

Upon submission to the court, for which appointed representation is provided, of a detailed accounting of the time expended for that representation, made within 30 days of the completion of all proceedings in that court, counsel appointed to represent an indigent accused in a criminal case shall be compensated for his services on an hourly basis at a rate set by the Supreme Court of Virginia in a total amount not to exceed the amounts specified in ~~the following schedule~~ *this section,*

or other such amount as may be provided by law. Such amounts shall be allowed in any case wherein counsel conducts the defense of a single charge against the indigent accused through to its conclusion or a charge of violation of probation at any hearing conducted under § 19.2-306; thereafter, compensation for additional charges against the same accused also conducted by the same counsel shall be allowed on the basis of additional time expended as to such additional charges:

1. In a district court, *except as provided in subdivisions 2 and 3, (i)* a sum not to exceed ~~$120~~ *$330 or (ii) for a charge of violation of probation for any misdemeanor offense, a sum not to exceed $180*, provided that, notwithstanding the foregoing limitation, the court in its discretion~~,~~ and subject to guidelines issued by the Executive Secretary of the Supreme Court of Virginia~~,~~ may waive the limitation of fees *provided under clause (i) or (ii)* up to ~~(i)~~ an additional $120 when the effort expended, the time reasonably necessary for the particular representation, the novelty and difficulty of the issues, or other circumstances warrant such a waiver ~~or (ii) an amount up to $650 to defend, in the case of a juvenile, an offense that would be a felony if committed by an adult that may be punishable by confinement in the state correctional facility for a period of more than 20 years, or a charge of violation of probation for such offense, when the effort expended, the time reasonably necessary for the particular representation, the novelty and difficulty of the issues, or other circumstances warrant such a waiver; or (iii) such other amount as may be provided by law. Such amount shall be allowed in any case wherein counsel conducts the defense of a single charge against the indigent through to its conclusion or a charge of violation of probation at any hearing conducted under § 19.2-306; thereafter, compensation for additional charges against the same accused also conducted by the same counsel shall be allowed on the basis of additional time expended as to such additional charges~~;

2. *For a misdemeanor charge in a district court for a violation of § 18.2-266, 18.2-266.1, 18.2-270, or 46.2-341.24, (i) a sum not to exceed $448 or (ii) for a charge of violation of probation for such a misdemeanor offense, a sum not to exceed $180, provided that, notwithstanding the foregoing limitation, the court in its discretion and subject to guidelines issued by the Executive Secretary of the Supreme Court of Virginia may waive the limitation of fees provided under clause (i) or (ii) up to an additional $120 when the effort expended, the time reasonably necessary for the particular representation, the novelty and difficulty of the issues, or other circumstances warrant such a waiver;*

3. For a juvenile charge in a district court, (i) a sum not to exceed $680 or (ii) for a charge of violation of probation for any offense, a sum not to exceed $180, provided that, notwithstanding the foregoing limitation, the court in its discretion and subject to guidelines issued by the Executive Secretary of the Supreme Court of Virginia may waive the limitation of fees provided under clause (i) or (ii) up to (a) an additional $120 or (b) an additional $650 for an offense that would be a felony if committed by an adult that may be punishable by confinement in the state correctional facility for a period of more than 20 years or a charge of violation of probation for such offense when the effort expended, the time reasonably necessary for the particular representation, the novelty and difficulty of the issues, or other circumstances warrant such a waiver;

4. In a circuit court (i) to defend a Class 1 felony charge, compensation for each appointed attorney in an amount deemed reasonable by the court; (ii) to defend a felony charge that may be punishable by confinement in the state correctional facility for a period of more than 20 years~~,~~ or ~~a charge of violation of probation for such offense, a sum not to exceed $1,235~~ *any felony violation of § 18.2-35, 18.2-36, 18.2-36.1, 18.2-41, 18.2-51, 18.2-67.3, 18.2-79, 18.2-80, 18.2-370, 18.2-370.1, or 18.2-371.1, a sum not to exceed $1,692*, provided that, notwithstanding the foregoing limitation, the court in its discretion~~,~~ and subject to guidelines issued by the Executive Secretary of the Supreme Court of Virginia~~,~~ may waive the limitation of fees up to an additional $850 when the effort expended, the time reasonably necessary for the particular representation, the novelty and difficulty of the issues, or other circumstances warrant such a waiver; (iii) to defend any other felony charge, ~~or a charge of violation of probation for such offense~~ *except those described in clause (i) or (ii)*, a sum not to exceed ~~$445~~ *$834*, provided that, notwithstanding the foregoing limitation, the court in its discretion~~,~~ and subject to guidelines issued by the Executive Secretary of the Supreme Court of Virginia~~,~~ may waive the limitation of fees up to an additional $155 when the effort expended, the time reasonably necessary for the particular representation, the novelty and difficulty of the issues, or other circumstances warrant such a waiver; ~~and~~ (iv) ~~in the circuit court only,~~ *for a charge of violation of probation for any felony offense, except Class 1 felonies, a sum not to exceed $445, provided that, notwithstanding the foregoing limitation, the court in its discretion and subject to guidelines issued by the Executive Secretary of the Supreme Court of Virginia may waive the limitation of fees up to (a) an additional $850 for a charge of violation of probation for any felony described in clause (ii) or (b) an additional $155 for a charge of violation of probation of any other felony when the effort expended, the time reasonably necessary for the particular representation, the novelty and difficulty of the issues, or other circumstances warrant such a waiver; (v)* to defend *a misdemeanor violation of § 18.2-266, 18.2-266.1, 18.2-279, or 46.2-341.24, a sum not to exceed $448 and to defend* any *other* misdemeanor charge punishable by confinement in jail ~~or a charge of violation of probation for such offense~~, a sum not to exceed ~~$158~~ *$330; (vi) for a charge of violation of probation for any misdemeanor offense, a sum not to exceed $180; (vii) for a juvenile adjudication appealed from a district court, a sum not to exceed $680; or (viii) for a charge of violation of probation for any juvenile adjudication appealed from a district court, a sum not to exceed $180.* In the event any case is required to be retried due to a mistrial for any cause or reversed on appeal, the court may allow an additional fee for each case in an amount not to exceed the amounts allowable in the initial trial. In the event counsel is appointed to defend an indigent charged with a felony that is punishable as a Class 1 felony, each attorney appointed shall continue to receive compensation as provided in this paragraph for defending such a felony, regardless of whether the charge is reduced or amended to a lesser felony, prior to final disposition of the case. In the event counsel is appointed to defend an indigent charged with any other felony, such counsel shall receive compensation as provided in this paragraph for defending such a felony, regardless of whether the

charge is reduced or amended to a misdemeanor or lesser felony prior to final disposition of the case in either the district court or circuit court.

Counsel appointed to represent an indigent accused in a criminal case, who are not public defenders, may request an additional waiver exceeding the amounts provided for in this section. The request for any additional amount shall be submitted to the presiding judge, in writing, with a detailed accounting of the time spent and the justification for the additional amount. The presiding judge shall determine, subject to guidelines issued by the Executive Secretary of the Supreme Court of Virginia, whether the request for an additional amount is justified in whole or in part, by considering the effort expended and the time reasonably necessary for the particular representation, and, if so, shall forward the request as approved to the chief judge of the circuit court or district court for approval. If the presiding judge determines that the request for an additional amount is not justified in whole or in part, such presiding judge shall provide to the requesting attorney, in writing, the reasons for such determination and shall, if such request has been approved in part, include a copy of such writing when forwarding the request as approved to the chief judge of the circuit court or district court for approval. If the chief judge of the circuit court or district court, upon review of the request as approved, determines, subject to the guidelines issued by the Executive Secretary of the Supreme Court of Virginia, that any part of the request for an additional amount is not justified, such chief judge shall provide to the requesting attorney and to the presiding judge, in writing, the reason for such determination.

If at any time the funds appropriated to pay for waivers under this section become insufficient, the Executive Secretary of the Supreme Court of Virginia shall so certify to the courts and no further waivers shall be approved.

The circuit or district court shall direct the payment of such reasonable expenses incurred by such court-appointed counsel as it deems appropriate under the circumstances of the case. Counsel appointed by the court to represent an indigent charged with repeated violations of the same section of the Code of Virginia, with each of such violations arising out of the same incident, occurrence, or transaction, shall be compensated in an amount not to exceed the fee prescribed for the defense of a single charge, if such offenses are tried as part of the same judicial proceeding. The trial judge shall consider any guidelines established by the Supreme Court but shall have the sole discretion to fix the amount of compensation to be paid counsel appointed by the court to defend a felony charge that is punishable as a Class 1 felony.

The circuit or district court shall direct that the foregoing payments shall be paid out by the Commonwealth, if the defendant is charged with a violation of a statute, or by the county, city, or town, if the defendant is charged with a violation of a county, city, or town ordinance, to the attorney so appointed to defend such person as compensation for such defense.

Counsel representing a defendant charged with a Class 1 felony may submit to the court, on a monthly basis, a statement of all costs incurred and fees charged by him in the case during that month. Whenever the total charges as are deemed reasonable by the court for which payment has not previously been made or requested exceed $1,000, the court may direct that payment be made as otherwise provided in this section.

When such directive is entered upon the order book of the court, the Commonwealth, county, city, or town, as the case may be, shall provide for the payment out of its treasury of the sum of money so specified. If the defendant is convicted, the amount allowed by the court to the attorney appointed to defend him shall be taxed against the defendant as a part of the costs of prosecution and, if collected, the same shall be paid to the Commonwealth, or the county, city, or town, as the case may be. In the event that counsel for the defendant requests a waiver of the limitations on compensation, the court shall assess against the defendant an amount equal to the pre-waiver compensation limit specified in this section for each charge for which the defendant was convicted. An abstract of such costs shall be docketed in the judgment docket and execution lien book maintained by such court. *Notwithstanding any provision to the contrary, no person found indigent pursuant to § 19.2-159 shall have fees assessed against him for any amount paid for his legal representation pursuant to this article in an amount greater than the amount such defendant would have owed if the assessment took place on or before June 30, 2024.*

Any statement submitted by an attorney for payments due him for indigent representation or for representation of a child pursuant to § 16.1-266 shall, after the submission of the statement, be forwarded forthwith by the clerk to the Commonwealth, county, city, or town, as the case may be, responsible for payment. *Notwithstanding any provision to the contrary, if the court has determined such child's parents or other persons responsible for his care to be indigent pursuant to § 19.2-159, no fee shall be taxed by the clerk against any such child in an amount greater than the amount the clerk would have taxed against such child if the assessment took place on or before June 30, 2024.*

For the purposes of this section, the defense of a case may be considered conducted through to its conclusion and an appointed counsel entitled to compensation for his services in the event an indigent accused fails to appear in court subject to a capias for his arrest or a show cause summons for his failure to appear and remains a fugitive from justice for one year following the issuance of the capias or the summons to show cause, and appointed counsel has appeared at a hearing on behalf of the accused.

Effective July 1, 2007, the Executive Secretary of the Supreme Court of Virginia shall track and report the number and category of offenses charged involving adult and juvenile offenders in cases in which court-appointed counsel is assigned. The Executive Secretary shall also track and report the amounts paid by waiver above the initial cap to court-appointed counsel. The Executive Secretary shall provide these reports to the Governor, members of the House Committee on Appropriations, and members of the Senate Committee on Finance and Appropriations on a quarterly basis.

2. That the provisions of this act shall become effective on January 1, 2025.

CHAPTER 715

An Act to amend and reenact § 56-594.3 of the Code of Virginia, relating to shared solar programs; Phase II Utility; minimum bill; capacity.

[H 106]

Approved April 8, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 56-594.3 of the Code of Virginia is amended and reenacted as follows:

§ 56-594.3. Shared solar programs; Phase II Utility.

A. As used in this section:

"Administrative cost" means the reasonable incremental cost to the investor-owned utility to process subscribers' bills for the program.

"Applicable bill credit rate" means the dollar-per-kilowatt-hour rate used to calculate the subscriber's bill credit.

"Bill credit" means the monetary value of the electricity, in kilowatt-hours, generated by the shared solar facility allocated to a subscriber to offset that subscriber's electricity bill.

"Dual-use agricultural facility" means agricultural production and electricity production from solar photovoltaic panels occurring simultaneously on the same property.

"Gross bill" means the amount that a customer would pay to the utility based on the customer's monthly energy consumption before any bill credits are applied.

"Incremental cost" means any cost directly caused by the implementation of the shared solar program that would not have occurred absent the implementation of the shared solar program.

"Low-income customer" means any person or household whose income is no more than 80 percent of the median income of the locality in which the customer resides. The median income of the locality is determined by the U.S. Department of Housing and Urban Development.

"Low-income service organization" means a nonresidential customer of an investor-owned utility whose primary purpose is to serve low-income individuals and households.

"Low-income shared solar facility" means a shared solar facility at least 30 percent of the capacity of which is subscribed by low-income customers or low-income service organizations.

"Minimum bill" means an amount determined by the Commission under subsection D that ~~subscribers are~~ *a subscriber is* required to, at a minimum, pay on ~~their~~ *the subscriber's* utility bill each month after accounting for any bill credits.

"Net bill" means the resulting amount a customer must pay the utility after deducting the bill credit from the customer's monthly gross bill.

"Phase II Utility" has the same meaning as provided in subdivision A 1 of § 56-585.1.

"Shared solar facility" means a facility that:

1. Generates electricity by means of a solar photovoltaic device with a nameplate capacity rating that does not exceed 5,000 kilowatts of alternating current;

2. Is ~~located in the service territory of an investor-owned electric utility~~ *interconnected with a Phase II Utility's distribution system within the Commonwealth*;

3. ~~Is connected to the electric distribution grid serving the Commonwealth;~~

~~4.~~ Has at least three subscribers;

~~5.~~ *4.* Has at least 40 percent of its capacity subscribed by customers with subscriptions of 25 kilowatts or less; and

~~6.~~ *5.* Is located on a single parcel of land.

"Shared solar program" or "program" means the program created through the adoption of rules to allow for the development of shared solar facilities.

"Subscriber" means a retail customer of a utility that (i) owns one or more subscriptions of a shared solar facility that is interconnected with the utility and (ii) receives service in the service territory of the same utility in whose service territory the shared solar facility is ~~located~~ *interconnected*.

"Subscriber organization" means any for-profit or nonprofit entity that owns or operates one or more shared solar facilities. A subscriber organization shall not be considered a utility solely as a result of its ownership or operation of a shared solar facility. *A subscriber organization licensed with the Commission shall be eligible to own or operate shared solar facilities in more than one investor-owned utility service territory.*

"Subscribed" means, in relation to a subscription, that a subscriber has made initial payments or provided a deposit to the owner of a shared solar facility for such subscription.

"Subscription" means a contract or other agreement between a subscriber and the owner of a shared solar facility. A subscription shall be sized such that the estimated bill credits do not exceed the subscriber's average annual bill for the customer account to which the subscription is attributed.

"Utility" means a Phase II Utility.

B. The Commission shall establish by regulation a program that affords customers of a Phase II Utility the opportunity to participate in shared solar projects. Under its shared solar program, a utility shall provide a bill credit for the proportional output of a shared solar facility attributable to that subscriber. The shared solar program shall be administered as follows:

1. The value of the bill credit for the subscriber shall be calculated by multiplying the subscriber's portion of the kilowatt-hour electricity production from the shared solar facility by the applicable bill credit rate for the subscriber. Any amount of the bill credit that exceeds the subscriber's monthly bill, minus the minimum bill, shall be carried over and applied to the next month's bill.

2. The utility shall provide bill credits to a shared solar facility's subscribers for not less than 25 years from the date the shared solar facility becomes commercially operational.

3. The subscriber organization shall, on a monthly basis~~,~~ *and* in a standardized electronic format, and pursuant to guidelines established by the Commission, provide to the utility a subscriber list indicating the kilowatt-hours of generation attributable to each of the subscribers participating in a shared solar facility in accordance with the subscriber's portion of the output of the shared solar facility.

4. Subscriber lists may be updated monthly to reflect canceling subscribers and to add new subscribers. The utility shall apply bill credits to subscriber bills within two billing cycles following the cycle during which the energy was generated by the shared solar facility.

5. Each utility shall, on a monthly basis and in a standardized electronic format, provide to the subscriber organization a report indicating the total value of bill credits generated by the shared solar facility in the prior month, as well as the amount of the bill credit applied to each subscriber.

6. A subscriber organization may accumulate bill credits in the event that all of the electricity generated by a shared solar facility is not allocated to subscribers in a given month. On an annual basis and pursuant to guidelines established by the Commission, the subscriber organization shall furnish to the utility allocation instructions for distributing excess bill credits to subscribers.

7. ~~All~~ *A subscriber organization that registers a shared solar facility in the program within the first 200 megawatts alternating current of awarded capacity shall own all* environmental attributes associated with a shared solar facility, including renewable energy certificates~~,~~. *At such subscriber organization's direction, such environmental attributes may be distributed to subscribers, sold to load-serving entities with compliance obligations or other buyers, accumulated, or retired. For a shared solar facility registered in the program after the first 200 megawatts alternating current of awarded capacity, the registering subscriber organization* shall ~~be distributed to the subscribers~~ *transfer renewable energy certificates to a Phase II Utility to be retired for compliance with such Phase II Utility's renewable portfolio standard obligations pursuant to subsection C of § 56-585.5.*

8. Projects shall be entitled to receive incentives when they are located on rooftops, brownfields, or landfills, are dual-use agricultural facilities, or meet the definition of another category established by the Department of Energy pursuant to this section.

C. Each subscriber shall pay a minimum bill, established pursuant to subsection D, and shall receive an applicable bill credit based on the subscriber's customer class of residential, commercial, or industrial. Each class's applicable credit rate shall be calculated by the Commission annually by dividing revenues to the class by sales, measured in kilowatt-hours, to that class to yield a bill credit rate for the class ($/kWh).

D. The Commission shall establish a minimum bill, which shall include the costs of all utility infrastructure and services used to provide electric service and administrative costs of the shared solar program. The Commission may modify the minimum bill over time. In establishing the minimum bill, the Commission shall (i) consider further costs the Commission deems relevant to ensure subscribing customers pay a fair share of the costs of providing electric services and *generation sufficient to meet customer needs at all times,* (ii) minimize the costs shifted to customers not in a shared solar program*, and (iii) calculate the benefits of shared solar to the electric grid and to the Commonwealth and deduct such benefits from other costs. The Commission shall explicitly set forth its findings as to each cost and benefit, or other value used to determine such minimum bill.* Low-income customers shall be exempt from the minimum bill.

E. The Commission shall approve *part one of* a shared solar ~~facility~~ program *with an aggregate capacity* of ~~150~~ *200* megawatts ~~with a minimum requirement of 30 percent low-income customers~~. ~~The~~ *Upon a determination that at least 90 percent of the megawatts of the aggregate capacity of such program have been subscribed and that project construction is substantially complete, the* Commission shall approve *up to* an additional ~~50~~ *150* megawatts of capacity *as part two of such program,* ~~upon determining that at least 45~~ *75* megawatts of ~~the aggregated shared solar capacity in the Commonwealth have been subscribed to by~~ *which shall serve no more than 51 percent* low-income customers. Subscriber organizations shall be allowed to demonstrate compliance with the low income requirement using either project capacity or project savings methodology. The Commission, in collaboration with the Department of Energy, may adopt mechanisms to ensure low-income customer participation.

F. The Commission shall establish by regulation a shared solar program that complies with the provisions of subsections B, C, D, and E by ~~January~~ *March* 1, ~~2021~~ *2025*, and shall require each utility to file any tariffs, agreements, or forms necessary for implementation of the program ~~within 60 days of the utility's full implementation of a new customer information platform or~~ by ~~July~~ *December* 1, ~~2023, whichever occurs first~~ *2025*. *Any tariffs, agreements, and forms currently in effect at the time of enactment shall remain in effect until such revisions are approved by the Commission.* Any rule or utility implementation filings approved by the Commission shall:

1. Reasonably allow for the creation of shared solar facilities;

2. Allow all customer classes to participate in the program;

3. Create a stakeholder working group including low-income community representatives and community solar providers to facilitate low-income customer and low-income service organization participation in the program;

4. Encourage public-private partnerships to further the Commonwealth's clean energy and equity goals, such as state agency and affordable housing provider participation ~~in the program~~ as subscribers of *a* shared solar ~~projects~~ *program*;

5. Not remove a customer from its otherwise applicable customer class in order to participate in a shared solar facility;

6. Reasonably allow for the transferability and portability of subscriptions, including allowing a subscriber to retain a subscription to a shared solar facility if the subscriber moves within the same utility's service territory;

7. Establish standards, fees, and processes for the interconnection of shared solar facilities that allow the utility to recover reasonable interconnection costs for each shared solar facility;

8. Adopt standardized consumer disclosure forms;

9. Allow the utility the opportunity to recover reasonable costs of administering the program;

10. Ensure nondiscriminatory and efficient requirements and utility procedures for interconnecting projects;

11. Address the co-location of two or more shared solar facilities on a single parcel of land and provide guidelines for determining when two or more *such* facilities are co-located;

12. Include a program implementation schedule;

13. Prohibit credit checks as a means of establishing eligibility for residential customers to become subscribers;

14. *Prohibit early termination fees and credit reporting for any low-income customer;*

15. Require a customer's affirmative consent by written or electronic signature before providing access to customer billing and usage data to a subscriber organization;

16. Establish customer engagement rules and minimum rules for education, contract reviews, and continued engagement;

17. Require net crediting functionality ~~as part of any new customer information platform approved by the Commission~~. Under net crediting, the utility shall include the shared solar subscription fee on the customer's utility bill and provide the customer with a net credit equivalent to the total bill credit value for that generation period minus the shared solar subscription fee as set by the subscriber organization. The net crediting fee shall not exceed one percent of the bill credit value. Net crediting shall be optional for subscriber organizations, and any shared solar subscription fees charged via the net crediting model shall be set to ensure that subscribers do not pay more in subscription fees than they receive in bill credits; and

~~15.~~ *18.* Allow the utility to recover as the cost of purchased power pursuant to § 56-249.6 any difference between the bill credit provided to the subscriber and the cost of energy injected into the grid by the subscriber organization.

G. Within 180 days of finalization of the Commission's adoption of regulations for the shared solar program, a utility shall~~, provided that the utility has successfully implemented its customer information platform,~~ begin crediting subscriber accounts of each shared solar facility interconnected in its service territory, subject to the requirements of this section and regulations adopted thereto.

2. That, pursuant to subdivision B 8 of § 56-594.3 of the Code of Virginia, as amended by this act, the Department of Energy (the Department) shall convene a stakeholder work group to determine the amounts and forms of project incentives and shall document the proceedings of the stakeholder work group, submit a written report to the Chairmen of the House Committee on Labor and Commerce and the Senate Committee on Commerce and Labor no later than November 30, 2024, and make such report publicly available on the Department's website at the same time as its submission to the House and Senate Committees. In establishing such project incentives, the Department shall give special consideration to projects seeking to leverage funding from the Virginia Brownfield and Coal Mine Renewable Energy Grant Program established pursuant to Article 7 (§ 45.2-1725) of Chapter 17 of Title 45.2 of the Code of Virginia.

3. That the State Corporation Commission shall initiate a proceeding to recalculate the minimum bill in accordance with § 56-594.3 of the Code of the Virginia, as amended by this act, within 30 days of its final order in the proceeding required by § 56-594 of the Code of Virginia.

CHAPTER 716

An Act to amend the Code of Virginia by adding a section numbered 56-594.4, relating to shared solar programs; Phase I Utility; minimum bill; capacity.

[H 108]

Approved April 8, 2024

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 56-594.4 as follows:

§ 56-594.4. Shared solar programs; Phase I Utility.

A. As used in this section:

"Administrative cost" means the reasonable incremental cost to the investor-owned utility to process subscribers' bills for the program.

"Applicable bill credit rate" means the dollar-per-kilowatt-hour rate used to calculate the subscriber's bill credit.

"Bill credit" means the monetary value of the electricity, in kilowatt-hours, generated by the shared solar facility allocated to a subscriber to offset that subscriber's electricity bill.

"Dual-use agricultural facility" means agricultural production and electricity production from solar photovoltaic panels occurring simultaneously on the same property.

"Gross bill" means the amount that a customer would pay to the utility based on the customer's monthly energy consumption before any bill credits are applied.

"Incremental cost" means any cost directly caused by the implementation of the shared solar program that would not have occurred absent the implementation of the shared solar program.

"Minimum bill" means an amount determined by the Commission under subsection D that a subscriber is required to, at a minimum, pay on the subscriber's utility bill each month after accounting for any bill credits.

"Net bill" means the resulting amount a customer must pay the utility after deducting the bill credit from the customer's monthly gross bill.

"Phase I Utility" has the same meaning as provided in subdivision A 1 of § 56-585.1.

"Shared solar facility" means a facility that:

1. Generates electricity by means of a solar photovoltaic device with a nameplate capacity rating that does not exceed 5,000 kilowatts of alternating current;

2. Is interconnected with the distribution system of an investor-owned electric utility within the Commonwealth;

3. Has at least three subscribers;

4. Has at least 40 percent of its capacity subscribed by customers with subscriptions of 25 kilowatts or less; and

5. Is located on a single parcel of land.

"Shared solar program" or "program" means the program created through the adoption of rules to allow for the development of shared solar facilities.

"Subscriber" means a retail customer of a utility that (i) owns one or more subscriptions of a shared solar facility that is interconnected with the utility and (ii) receives service in the service territory of the same utility in whose service territory the shared solar facility is interconnected.

"Subscriber organization" means any for-profit or nonprofit entity that owns or operates one or more shared solar facilities. A subscriber organization shall not be considered a utility solely as a result of its ownership or operation of a shared solar facility. A subscriber organization licensed with the Commission shall be eligible to own or operate shared solar facilities in more than one investor-owned utility service territory.

"Subscription" means a contract or other agreement between a subscriber and the owner of a shared solar facility. A subscription shall be sized such that the estimated bill credits do not exceed the subscriber's average annual bill for the customer account to which the subscription is attributed.

"Utility" means a Phase I Utility.

B. The Commission shall establish by regulation a program that affords customers of a Phase I Utility the opportunity to participate in shared solar projects. Under its shared solar program, a utility shall provide a bill credit for the proportional output of a shared solar facility attributable to that subscriber. The shared solar program shall be administered as follows:

1. The value of the bill credit for the subscriber shall be calculated by multiplying the subscriber's portion of the kilowatt-hour electricity production from the shared solar facility by the applicable bill credit rate for the subscriber. Any amount of the bill credit that exceeds the subscriber's monthly bill, minus the minimum bill, shall be carried over and applied to the next month's bill.

2. The utility shall provide bill credits to a shared solar facility's subscribers for not less than 25 years from the date the shared solar facility becomes commercially operational.

3. The subscriber organization shall, on a monthly basis and in a standardized electronic format, and pursuant to guidelines established by the Commission, provide to the utility a subscriber list indicating the percentage of shared solar capacity attributable to each of the subscribers participating in a shared solar facility in accordance with the subscriber's portion of the output of the shared solar facility.

4. Subscriber lists may be updated monthly to reflect canceling subscribers and to add new subscribers. The utility shall apply bill credits to subscriber bills within two billing cycles following the cycle during which the energy was generated by the shared solar facility.

5. Each utility shall, on a monthly basis and in a standardized electronic format, provide to the subscriber organization a report indicating the total value of bill credits generated by the shared solar facility in the prior month, as well as the amount of the bill credit applied to each subscriber.

6. A subscriber organization may accumulate bill credits in the event that all of the electricity generated by a shared solar facility is not allocated to subscribers in a given month. On an annual basis and pursuant to guidelines established by the Commission, the subscriber organization shall furnish to the utility allocation instructions for distributing excess bill credits to subscribers.

7. Any renewable energy certificates associated with a shared solar facility shall be distributed to a Phase I Utility to be retired for compliance with such Phase I Utility's renewable portfolio standard obligations pursuant to subsection C of § 56-585.5.

8. Projects shall be entitled to receive incentives when they are located on rooftops, brownfields, or landfills, are dual-use agricultural facilities, or meet the definition of another category established by the Department of Energy pursuant to this section.

C. Each subscriber shall pay a minimum bill, established pursuant to subsection D, and shall receive an applicable bill credit based on the subscriber's customer class of residential, commercial, or industrial. Each class's applicable credit rate shall be calculated by the Commission annually by dividing revenues to the class by sales, measured in kilowatt-hours, to that class to yield a bill credit rate for the class ($/kWh).

D. The Commission shall establish a minimum bill, which shall include the costs of all utility infrastructure and services used to provide electric service and administrative costs of the shared solar program. The Commission may modify the minimum bill over time. In establishing the minimum bill, the Commission shall (i) consider further costs the Commission deems relevant to ensure subscribing customers pay a fair share of the costs of providing electric services, (ii) minimize the costs shifted to customers not in a shared solar program, and (iii) calculate the benefits of shared solar to the electric grid and to the Commonwealth and deduct such benefits from other costs. The Commission shall explicitly set forth its findings as to each cost and benefit, or other value used to determine such minimum bill.

E. The Commission shall approve a shared solar program of 50 megawatts or six percent of peak load, whichever is less.

F. The Commission shall establish by regulation a shared solar program that complies with the provisions of subsections B, C, D, and E by January 1, 2025, and shall require each utility to file any tariffs, agreements, or forms necessary for implementation of the program by July 1, 2025. Any rule or utility implementation filings approved by the Commission shall:

1. Reasonably allow for the creation of shared solar facilities;

2. Allow all customer classes to participate in the program;

3. Encourage public-private partnerships to further the Commonwealth's clean energy and equity goals, such as state agency and affordable housing provider participation as subscribers of a shared solar program;

4. Not remove a customer from its otherwise applicable customer class in order to participate in a shared solar facility;

5. Reasonably allow for the transferability and portability of subscriptions, including allowing a subscriber to retain a subscription to a shared solar facility if the subscriber moves within the same utility's service territory;

6. Establish standards, fees, and processes for the interconnection of shared solar facilities that allow the utility to recover reasonable interconnection costs for each shared solar facility;

7. Adopt standardized consumer disclosure forms;

8. Allow the utility the opportunity to recover reasonable costs of administering the program;

9. Ensure nondiscriminatory and efficient requirements and utility procedures for interconnecting projects;

10. Allow for the co-location of two or more shared solar facilities on a single parcel of land and provide guidelines for determining when two or more such facilities are co-located;

11. Include a program implementation schedule;

12. Prohibit credit checks as a means of establishing eligibility for residential customers to become subscribers;

13. Require a customer's affirmative consent by written or electronic signature before providing access to customer billing and usage data to a subscriber organization;

14. Establish customer engagement rules and minimum rules for education, contract reviews, and continued engagement;

15. Require net financial savings for low-income customers, as that term is defined in § 56-594.3, of at least 10 percent, relative to the subscription fee throughout the life of the subscription; and

16. Allow the utility to recover as the cost of purchased power pursuant to § 56-249.6 any difference between the bill credit provided to the subscriber and the cost of energy injected into the grid by the subscriber organization.

G. Within 180 days of finalization of the Commission's adoption of regulations for the shared solar program, a utility shall begin crediting subscriber accounts of each shared solar facility interconnected in its service territory, subject to the requirements of this section and regulations adopted thereto.

2. That, pursuant to subdivision B 8 of § 56-594.4 of the Code of Virginia, as created by this act, the Department of Energy (the Department) shall convene a stakeholder work group to determine the amounts and forms of project incentives and shall document the proceedings of the stakeholder work group, submit a written report to the Chairs of the House Committee on Labor and Commerce and the Senate Committee on Commerce and Labor no later than November 30, 2024, and make copies of such report publicly available on the Department's website at the same time as submission to the House and Senate Committees. In establishing such project incentives, the Department shall give special consideration to projects seeking to leverage funding from the Virginia Brownfield and Coal Mine Renewable Energy Grant Program established pursuant to Article 7 (§ 45.2-1725) of Chapter 17 of Title 45.2 of the Code of Virginia.

3. That the State Corporation Commission shall initiate a proceeding to recalculate the minimum bill in accordance with § 56-594.4 of Code of Virginia, as created by this act, within 30 days of its final order in the proceeding required by § 56-594 of the Code of Virginia.

CHAPTER 717

An Act to amend and reenact § 10.1-1197.7 of the Code of Virginia, relating to Department of Environmental Quality; review and authorization of projects; hearing and appeal.

[H 122]

Approved April 8, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 10.1-1197.7 of the Code of Virginia is amended and reenacted as follows:

§ 10.1-1197.7. Review and authorization of projects.

A. Upon submission of a complete application, the Department, after consultation with other agencies in the Secretariat of Natural and Historic Resources before authorizing the project, shall conduct an assessment of whether the application meets the requirements of the applicable permit by rule regulations. If the Department determines that the application is deficient, it promptly shall notify the applicant in writing and specify the deficiencies.

B. Any interested party, including an applicant for a permit, who has participated in a proceeding for a permit to construct or operate a small renewable energy project under procedures adopted by the Department pursuant to this section, and who is aggrieved by the final decision of the Department, shall *only* have the remedies provided by ~~the Administrative Process Act (§ 2.2-4000 et seq.)~~ *subsection C.*

C. Any interested party seeking judicial review for the final decision of the Department pursuant to this chapter shall file such action in the Circuit Court of the City of Richmond within 30 days of such decision in accordance with Article 5 (§ 2.2-4025 et seq.) of the Administrative Process Act. The court shall hear and decide such action as soon as practicable after the date of filing. Any conflicting provisions of the Administrative Process Act shall be superseded by the requirements of this subsection.

CHAPTER 718

An Act to amend and reenact § 8.01-401.2 of the Code of Virginia, relating to optometrists; expert witness testimony.

[H 202]

Approved April 8, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 8.01-401.2 of the Code of Virginia is amended and reenacted as follows:

§ 8.01-401.2. Chiropractor, physician assistant, advanced practice registered nurse, or optometrist as expert witness.

A. A doctor of chiropractic, when properly qualified, may testify as an expert witness in a court of law as to etiology, diagnosis, prognosis, treatment, treatment plan, and disability, including anatomical, physiological, and pathological considerations within the scope of the practice of chiropractic as defined in § 54.1-2900.

B. A physician assistant or an advanced practice registered nurse, when properly qualified, may testify as an expert witness in a court of law as to etiology, diagnosis, prognosis, treatment, treatment plan, and disability, including anatomical, physiological, and pathological considerations within the scope of his activities as authorized pursuant to § 54.1-2952 or 54.1-2957, respectively. However, no physician assistant or advanced practice registered nurse shall be permitted to testify as an expert witness for or against (i) a defendant doctor of medicine or osteopathic medicine in a medical malpractice action regarding the standard of care of a doctor of medicine or osteopathic medicine or (ii) a defendant health care provider in a medical malpractice action regarding causation.

C. An optometrist, when properly qualified, may testify as an expert witness in a court of law as to etiology, diagnosis, prognosis, treatment, treatment plan, and disability, including anatomical, physiological, and pathological considerations within the scope of the practice of optometry as defined in § 54.1-3201.

CHAPTER 719

An Act to amend and reenact § 16.1-247.1 of the Code of Virginia, relating to custodial interrogation of a child; failure to comply; inadmissibility of statement.

[H 266]

Approved April 8, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 16.1-247.1 of the Code of Virginia is amended and reenacted as follows:

§ 16.1-247.1. Custodial interrogation of a child; parental notification and contact; inadmissibility of statement.

A. Prior to any custodial interrogation of a child by a law-enforcement officer who has arrested such child pursuant to subsection C, C1, or D of § 16.1-246, the child's parent, guardian, or legal custodian shall be notified of his arrest and the

child shall have contact with his parent, guardian, or legal custodian. The notification and contact required by this subsection may be in person, electronically, by telephone, or by video conference.

B. Notwithstanding the provisions of subsection A, a custodial interrogation may be conducted ~~if~~ (i) *if* the child's parent, guardian, or legal custodian is a codefendant in the alleged offense; (ii) *if* the child's parent, guardian, or legal custodian has been arrested for, has been charged with, or is being investigated for a crime against the child; (iii) if, after every reasonable effort has been made to comply with subsection A, the child's parent, guardian, or legal custodian cannot be located or refuses contact with the child; or (iv) if the law-enforcement officer conducting the custodial interrogation reasonably believes the information sought is necessary to protect life, limb, or property from an imminent danger and the law-enforcement officer's questions are limited to those that are reasonably necessary to obtain such information.

C. Except as provided in subsection B, if a law-enforcement officer knowingly violates the provisions of subsection A, any statements made by such child shall be inadmissible in any delinquency proceeding or criminal proceeding against such child, unless the attorney for the Commonwealth proves by a preponderance of the evidence that the statement was made knowingly, intelligently, and voluntarily.

2. That the provisions of § 16.1-247.1 of the Code of Virginia, as amended by this act, shall not apply to any statements made by a child prior to July 1, 2024.

CHAPTER 720

An Act to amend and reenact § 3.2-3931 of the Code of Virginia, relating to pesticide control exemptions; herbicide applications by unpaid volunteers.

[H 320]

Approved April 8, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 3.2-3931 of the Code of Virginia is amended and reenacted as follows:

§ 3.2-3931. Agencies or persons exempt or partially exempt.

A. All state agencies, municipal corporations, or other governmental agencies shall be exempt from any certification fees prescribed by this article, but remain subject to the provisions of this article and regulations adopted hereunder concerning the application of pesticides.

B. Individuals, employees, or representatives of such governmental agencies shall be certified as commercial applicators or registered technicians for the use of pesticides covered by the applicant's certification. The certification shall be valid only when applying or supervising application of pesticides used by such governmental agencies.

C. The following persons shall be exempt from the provisions of this article: (i) persons conducting laboratory research involving restricted use pesticides; (ii) doctors of medicine or doctors of veterinary medicine applying pesticides as drugs or medication, or to control pests in corpses during the normal course of their practice; (iii) providers of janitorial, cleaning, or sanitizing services if the providers use no pesticides other than nonrestricted use sanitizers, disinfectants, and germicides; (iv) persons who apply paints containing pesticides, provided that the pesticides in the paints are not restricted use pesticides; (v) classes of persons specified by regulation who can use or supervise the use of pesticides with minimal risk to the public health and safety by virtue of their experience and knowledge regarding the safe use of pesticides; and (vi) classes of persons specified by regulation whose use or supervision of the use of pesticides can be accomplished with minimal risk to the public health and safety by virtue of the nature of the pesticides used or method of application of the pesticides.

D. A painter who applies restricted-use marine antifoulant paint only under the direct, on-site supervision of a commercial applicator is not required to be a commercial applicator or a registered technician, provided that one commercial applicator may not provide on-site supervision for more than eight paint applicators.

E. Neither the provisions of this chapter nor regulations adopted hereunder shall require the certification of any person who uses or supervises the use of any pesticide that is not a restricted use pesticide only on property owned or leased by his employer as part of his job duties. This exemption shall not apply to any person who: (i) uses or supervises the use of any pesticide on any area open to the general public at educational institutions, health care facilities, day-care facilities, or convalescent facilities; (ii) uses or supervises the use of any pesticide within any area where open food is stored, processed, or sold; (iii) uses or supervises the use of any pesticide on any recreational land over five acres in size; and (iv) is otherwise specifically required by this article to be certified as a commercial applicator.

F. Neither the provisions of this chapter nor the regulations adopted hereunder shall require the certification of any unpaid volunteer who uses any nonrestricted herbicide with the express authorization of a local political subdivision for the sole purpose of controlling invasive plants or noxious weeds, as that term is defined in § 3.2-800, on properties owned by such local political subdivision. Such unpaid volunteer shall use such herbicide under the direct supervision of a certified commercial applicator, and such local political subdivision shall provide instruction by a certified commercial applicator to such unpaid volunteer prior to application on (i) the risks associated with the herbicide utilized, (ii) the proper use of equipment used to apply the herbicide, (iii) the proper use of personal protective equipment, (iv) other information to prevent an unreasonable adverse effect on the environment, and (v) any other information relevant to the specific herbicide utilized.

CHAPTER 721

An Act to direct the Commissioner of Behavioral Health and Developmental Services to develop a plan to ensure people with disabilities have an opportunity to access affordable and inclusive housing.

[H 327]

Approved April 8, 2024

Be it enacted by the General Assembly of Virginia:

1. *§ 1. That the Commissioner of Behavioral Health and Developmental Services (the Commissioner) shall work with stakeholders to develop a plan to ensure that people with disabilities across the Commonwealth, including individuals affected by the Settlement Agreement entered into on August 23, 2012, pursuant to U.S. of America v. Commonwealth of Virginia, No. 3:12cv059-JAG, have an opportunity to access affordable and inclusive housing that is comparable to those of their nondisabled peers. Such plan shall include recommendations for (i) increasing the supply of affordable and inclusive housing through new construction and renovations of existing real property; (ii) minimizing the cost to the individual to secure such housing; (iii) ensuring that individuals are able to secure the services they need to sustain inclusive housing; (iv) educating communities on best practices for inclusion in all aspects of community life; and (v) undertaking meaningful regulatory reform.*

The Commissioner shall present such plan to the Chairmen of the House Committee on Health and Human Services and the Senate Committee on Education and Health no later than November 1, 2025.

For purposes of this act, "inclusive housing" means housing that includes individualized accessibility features and ready access to essential community resources. The goal of inclusive housing is to provide the occupant with freedom, equality, and opportunities to participate fully in public life.

CHAPTER 722

An Act to amend and reenact § 22.1-289.03 of the Code of Virginia, relating to early childhood care and education system; need-based and demand-based funding.

[H 419]

Approved April 8, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 22.1-289.03 of the Code of Virginia is amended and reenacted as follows:

§ 22.1-289.03. Early childhood care and education system; establishment; need-based and demand-based funding.

A. The Board shall establish a statewide unified public-private system for early childhood care and education in the Commonwealth to ensure that every child has the opportunity to enter kindergarten healthy and ready to learn. Such system shall be administered by the Board, the Superintendent, and the Department and shall be formed, implemented, and sustained through a structure that engages and leverages both state-level authority and regional-level public-private partnership assets.

B. It is the intent of the General Assembly that the system established pursuant to subsection A shall (i) provide families with coordinated access for referral to early childhood education programs, (ii) provide families with easy-to-understand information about the quality of publicly funded early childhood care and education programs, (iii) establish expectations for the continuous improvement of early childhood care and education programs, and (iv) establish shared expectations for early childhood care and education programs among the Department of Education, the Department of Social Services, local school divisions, and state and regional stakeholders.

C. The system established pursuant to subsection A shall consist of a combination of programs offered through (i) the Virginia Preschool Initiative, pursuant to § 22.1-289.09, or any other school-based early childhood care and education program; (ii) licensed programs, pursuant to Article 3 (§ 22.1-289.010 et seq.); and (iii) unlicensed programs, pursuant to Article 4 (§ 22.1-289.030 et seq.).

D. To address family demand and preferences for affordable, high-quality early childhood care and education services, state general funds that support the provision of services to families for early childhood care and education shall be provided as specified in the general appropriation act. Each year, no later than November 15, the Department shall report to the Governor and the Chairs of the House Committee on Appropriations, the House Committee on Education, the Senate Committee on Education and Health, and the Senate Committee on Finance and Appropriations the projected general funds needed for the upcoming two fiscal years based on cost of quality rate per child in order to (i) maintain the current number of slots, (ii) increase the number of slots using a projected growth rate, and (iii) increase the number of slots to fully accommodate parent demand and eliminate waitlists. Such projected general funds to meet such needs shall be based on:

1. An annual per-child cost determined through re-benchmarking for the Virginia Preschool Initiative;

2. An annual per-child cost based on the Department's federally approved alternative cost methodology for the Mixed Delivery Program identified in the general appropriation act;

3. An annual per-child cost based on the Department's federally approved alternative cost methodology for the Child Care Subsidy Program, which program shall be open to each child who is under the age of 13 in each family for as long as:

a. The family's income does not exceed 85 percent of the state median income;

b. The family includes at least one child who is five years of age or younger and has not started kindergarten; and

c. The family meets all other eligibility requirements;

4. Current program eligibility criteria; and

5. Maximization of regularly recurring federal funding including federal funding provided for the Child Care Subsidy Program, Early Head Start, or Head Start, or pursuant to Part B of the federal Individuals with Disabilities Education Act, 20 U.S.C. § 1411 et seq.

No later than May 15 before each upcoming year, each regional entity established by the Board pursuant to subsection D of § 22.1-289.05 shall indicate the number of slots needed in the region for the Mixed Delivery Program, each local school division shall indicate the number of slots needed in the local school division for the Virginia Preschool Initiative, and each locality shall indicate the number of slots needed in the locality for the Child Care Subsidy Program. The Department shall reallocate slots with available funding from the Child Care Subsidy Program and Mixed Delivery Program as determined pursuant to this subsection no later than July 1. Following fall enrollment periods, the Department shall make adjustments based on family preferences. In providing funding for slots pursuant to this subsection, all current-year state general funds shall be expended first.

CHAPTER 723

An Act to amend and reenact § 16.1-69.9:2 of the Code of Virginia, relating to pro tempore judicial appointments; criminal background checks; financial disclosure.

[H 431]

Approved April 8, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 16.1-69.9:2 of the Code of Virginia is amended and reenacted as follows:

§ 16.1-69.9:2. Vacancies in office of judges; terms of successor judges; appointment while General Assembly not in session.

Whenever a vacancy occurs in the office of a full-time district court judge the successor shall be elected for a full term of six years and upon qualification shall enter at once upon the discharge of the duties of his office. But subject to the provisions of § 16.1-69.9:3, the judges of the circuit having jurisdiction over the district shall have the power while the General Assembly is not in session to fill pro tempore vacancies in the office of full-time district court judges. *No person shall be appointed under this section until he has submitted his fingerprints to be used for the conduct of a national criminal history record search and a Virginia criminal history record search, submitted to a search of the central registry maintained pursuant to § 63.2-1515 for any founded complaint of child abuse or neglect, and provided a written statement of economic interests on the disclosure form prescribed in § 2.2-3117. No person with a criminal conviction for a felony shall be appointed as a pro tempore judge.* Appointment to every such vacancy shall be by commission to expire at the end of thirty days after the commencement of the next session of the General Assembly.

CHAPTER 724

An Act to amend the Code of Virginia by adding a section numbered 15.2-983.1, relating to real estate contracts; localities; certain real estate contract disclosures prohibited.

[H 467]

Approved April 8, 2024

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 15.2-983.1 as follows:

§ 15.2-983.1. Establishment by localities of certain real estate contract disclosures prohibited.

No locality shall have the authority to establish or enforce a mandatory disclosure requirement for a real estate licensee, any party to a contract for the sale or listing of residential real property, or any authorized agent of such party. For purposes of this section, "mandatory disclosure" means any notification required to be made by a homeowner or his authorized agent to a potential or actual buyer or his authorized agent. Prohibited mandatory disclosures include mandatory notifications in contracts, contract amendments or addenda, advertising, other promotional materials, and subsequent deeds after the initial deed is recorded, related to the sale of residential real estate.

CHAPTER 725

An Act to amend the Code of Virginia by adding a section numbered 54.1-3410.3, relating to prescription drugs; labels; blind and disabled users.

[H 516]

Approved April 8, 2024

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 54.1-3410.3 as follows:

§ 54.1-3410.3. Accessible prescription labels.

A. For the purposes of this section, "prescription reader" means a device that is designed to audibly identify the prescription drug contained on the label of a prescription drug.

B. A pharmacy shall notify each person who identifies themselves or a patient as blind, visually impaired, or otherwise print disabled to whom a prescription drug is dispensed that an accessible prescription label or alternate accommodation is available to the person upon request at no additional cost.

C. If a person informs the pharmacy that he is blind, visually impaired, or otherwise print disabled, and the person requests an accessible prescription label or accommodation, as determined between the pharmacist and the patient, the pharmacy shall:

1. Upon request of a person for an accessible prescription label, provide the person, either at the pharmacy or through mail order, an accessible prescription label fixable to the bottle or container that:

a. Is available to the person in a timely manner comparable to other patient wait times and will remain available for at least the duration of the prescription;

b. Utilizes audible or large print labels or enclosures that are appropriate to the disability and preference of the person making the request;

c. Seeks to attain best practice standards established by the U.S. Access Board; and

d. Is compatible with a prescription reader; or

2. As determined between the pharmacist and patient, provide appropriate counseling and accommodation to the patient and dispense the medication in suitable packaging with sufficient labeling and other information.

2. That the Board of Pharmacy shall adopt initial regulations to implement the provisions of this act no later than December 31, 2024. The Board of Pharmacy's initial adoption of regulations necessary to implement the provisions of this act shall be exempt from the provisions of the Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia), except that the Board of Pharmacy shall consult with organizations of blind or low-vision consumers and other individuals who are blind, community pharmacists, and other pharmacy stakeholders to assist in the development of necessary regulations and shall provide an opportunity for public comment on the regulations prior to adoption.

3. That the Board of Pharmacy shall issue a guidance document identifying appropriate technologies, packaging, labeling, and counseling for dispensing medications to blind or low-vision patients. In developing guidance documents, the Board of Pharmacy shall consider best practices and formatting suggestions as published and revised by the U.S. Access Board.

CHAPTER 726

An Act to amend and reenact §§ 55.1-1302, 55.1-1308, 55.1-1311, and 55.1-1315 of the Code of Virginia, relating to manufactured home parks; rights of residents.

[H 572]

Approved April 8, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 55.1-1302, 55.1-1308, 55.1-1311, and 55.1-1315 of the Code of Virginia are amended and reenacted as follows:

§ 55.1-1302. Term of rental agreement; renewal; security deposits.

A. A landlord shall offer all current and prospective year-round residents a rental agreement with a rental period of not less than one year. Such offer shall contain the same terms and conditions as are offered with shorter term leases, except that rental discounts may be offered by a landlord to residents who enter into a rental agreement for a period of not less than one year.

B. Upon the expiration of a rental agreement *with a term of one year or more*, the agreement shall be automatically renewed for a term of ~~one year~~ *the same duration* with the same terms unless *either party provides written notification of an intent to not renew the agreement at least 60 days prior to the expiration date or* the landlord provides written notice to the tenant of any change in the terms of the agreement at least 60 days prior to the expiration date. *If the tenant notifies the landlord in writing within 30 days of receiving notice of the change in terms that he does not agree to such change in terms, such tenant may choose to not renew the rental agreement unless the landlord agrees to maintain the same terms as those in*

the current agreement. In the case of an automatic renewal of a rental agreement for a year-round resident, the security deposit initially furnished by the tenant shall not be increased by the landlord, nor shall an additional security deposit be required.

C. Except as limited by subsection B, the provisions of § 55.1-1226 shall govern the terms and conditions of security deposits for rental agreements under this chapter.

D. No landlord shall charge a tenant for late payment of rent unless such charge is provided for in the written rental agreement. No such late charge shall exceed the lesser of 10 percent of the periodic rent or 10 percent of the remaining balance due and owed by the tenant.

§ 55.1-1308. Termination of tenancy.

A. ~~Either party may terminate a rental agreement with a term of 60 days or more by giving written notice to the other at least 60 days prior to the termination date; however, the rental agreement may require a longer period of notice.~~ Notwithstanding the provisions of this section, where a landlord and seller of a manufactured home have in common (i) one or more owners, (ii) immediate family members, or (iii) officers or directors, the rental agreement shall be renewed except for reasons that would justify a termination of the rental agreement or eviction by the landlord as authorized by this chapter. ~~A landlord may not cause the eviction of a tenant by willfully interrupting gas, electricity, water, or any other essential service, or by removal of the manufactured home from the manufactured home lot, or by any other willful self-help measure.~~

B. ~~If the termination is~~ *A landlord may terminate a rental agreement of any length* due to a change in the use of all or any part of a manufactured home park ~~by the landlord~~, including conversion to hotel, motel, or other commercial use, planned unit development, rehabilitation, or demolition, *by delivering to each tenant, by certified mail,* a 180-day written notice ~~is required to terminate a~~ *stating the date upon which the* rental agreement *will terminate and the reason for the termination*. Such termination notice requirement shall not be waived; however, *at the request of the tenant,* a period of less than 180 days may be agreed upon by both the landlord and tenant in a written agreement separate from the rental agreement executed after such notice is given. The notice required by this section may be sent concurrently with the notice of intent to sell required by § 55.1-1308.2.

§ 55.1-1311. Other provisions of law applicable.

Section 55.1-1202, subsection A of § 55.1-1204, §§ 55.1-1207, 55.1-1208, 55.1-1216, 55.1-1224, 55.1-1226, 55.1-1228, 55.1-1234 through ~~55.1-1249, 55.1-1251,~~ 55.1-1252, and 55.1-1259 shall, insofar as they are not inconsistent with this chapter, apply, mutatis mutandis, to the rental and occupancy of a manufactured home lot*, including termination of a lot lease if a tenant commits a remediable breach and, after remedying such breach, intentionally commits a subsequent breach of a like nature, during the same lease term*.

§ 55.1-1315. Eviction of tenant.

~~A~~ *In addition to the remedies provided by §§ 55.1-1228 and 55.1-1311, a* landlord may evict a tenant only for~~:~~

~~1. Nonpayment of rent;~~

~~2. Violation~~ *violation* of the applicable building and housing code caused by a lack of reasonable care by the tenant, a member of the tenant's household, or a guest or invitee of the tenant~~;~~

~~3. Violation of a federal, state, or local law or ordinance that is detrimental to the health, safety, and welfare of other tenants in the manufactured home park;~~

~~4. Violation of any rule or provisions of the rental agreement materially affecting the health, safety, and welfare of the tenant or others; or~~

~~5. Two or more violations of any rule or provision of the rental agreement occurring within a six-month period~~.

CHAPTER 727

An Act to direct that certain Department of Health emergency regulations related to prescription drug price transparency remain in effect until final regulations are promulgated; emergency.

[H 592]

Approved April 8, 2024

Be it enacted by the General Assembly of Virginia:

1. *§ 1. Notwithstanding any other provision of law, the emergency regulations in 12VAC5-219 of the Virginia Administrative Code, promulgated by the Department of Health pursuant to Chapter 304 of the Acts of Assembly of 2021, Special Session I, shall be reinstated and remain in effect until the promulgation of final regulations.*

2. That the provisions of the first enactment of this act shall be retroactively effective beginning January 1, 2024.

3. That an emergency exists and this act is in force from its passage.

CHAPTER 728

An Act to amend and reenact § 6.2-303 of the Code of Virginia, relating to contracts assigning rights to inheritance funds; legal rate of interest.

[H 648]

Approved April 8, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 6.2-303 of the Code of Virginia is amended and reenacted as follows:

§ 6.2-303. Contracts for more than legal rate of interest.

A. Except as otherwise permitted by law, no contract shall be made for the payment of interest on a loan at a rate that exceeds 12 percent per year.

B. Laws that permit payment of interest at a rate that exceeds 12 percent per year are set out, without limitation, in:

1. Article 4 (§ 6.2-309 et seq.) of this chapter;

2. Chapter 15 (§ 6.2-1500 et seq.), relating to powers of consumer finance companies;

3. Chapter 18 (§ 6.2-1800 et seq.), relating to short-term loans;

4. Chapter 22 (§ 6.2-2200 et seq.), relating to interest chargeable by motor vehicle title lenders;

5. § 36-55.31, relating to loans by the Virginia Housing Development Authority;

6. § 38.2-1806, relating to interest chargeable by insurance agents;

7. Chapter 47 (§ 38.2-4700 et seq.) of Title 38.2, relating to interest chargeable by premium finance companies;

8. § 54.1-4008, relating to interest chargeable by pawnbrokers; and

9. § 58.1-3018, relating to interest and origination fees payable under third-party tax payment agreements.

C. In the case of any loan upon which a person is not permitted to plead usury, interest and other charges may be imposed and collected as agreed by the parties.

D. Any provision of this chapter that provides that a loan or extension of credit may be enforced as agreed in the contract of indebtedness, shall not be construed to preclude the charging or collecting of other loan fees and charges permitted by law, in addition to the stated interest rate. Such other loan fees and charges need not be included in the rate of interest stated in the contract of indebtedness.

E. The provisions of subsection A shall apply to any person who seeks to evade its application by any device, subterfuge, or pretense whatsoever, including:

1. The loan, forbearance, use, or sale of (i) credit, as guarantor, surety, endorser, comaker, or otherwise; (ii) money; (iii) goods; or (iv) things in action;

2. The use of collateral or related sales or purchases of goods or services, or agreements to sell or purchase, whether real or pretended; receiving or charging compensation for goods or services, whether or not sold, delivered, or provided; and

3. The real or pretended negotiation, arrangement, or procurement of a loan through any use or activity of a third person, whether real or fictitious.

F. Any contract made in violation of this section is void and no person shall have the right to collect, receive, or retain any principal, interest, fees, or other charges in connection with the contract.

G. Any contract entered into on or after July 1, 2024, pursuant to which a person receives a cash advance for assigning to a company or other entity a portion of such person's rights to receive inheritance funds from a will that has been, or is anticipated to be, offered for probate in a circuit court of the Commonwealth shall be considered a loan. Any funds such person is obligated to pay under the terms of such contract in addition to the total of the cash advance shall be considered interest. Such contract shall be subject to the provisions of subsection A.

CHAPTER 729

An Act to amend and reenact § 22.1-298.1, as it shall become effective, of the Code of Virginia, relating to teachers; renewable licenses; requirements; assessments.

[H 731]

Approved April 8, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 22.1-298.1, as it shall become effective, of the Code of Virginia is amended and reenacted as follows:

§ 22.1-298.1. (For effective date, see Acts 2022, cc. 549 and 550, cl. 2) Regulations governing licensure.

A. As used in this section:

"Alternate route to licensure" means a nontraditional route to teacher licensure available to individuals who meet the criteria specified in the guidelines developed pursuant to subsection N or regulations issued by the Board ~~of Education~~.

"Industry certification credential" means an active career and technical education credential that is earned by successfully completing a ~~Board of Education-approved~~ *Board-approved* industry certification examination, being issued a professional license in the Commonwealth, or successfully completing an occupational competency examination.

"Licensure by reciprocity" means a process used to issue a license to an individual coming into the Commonwealth from another state when that individual meets certain conditions specified in the ~~Board of Education's~~ *Board's* regulations.

"Professional teacher's assessment" means those tests mandated for licensure as prescribed by the Board ~~of Education~~.

"Provisional license" means a nonrenewable license issued by the Board ~~of Education~~ for a specified period of time, not to exceed three years, to an individual who may be employed by a school division in the Commonwealth and who generally meets the requirements specified in the ~~Board of Education's~~ *Board's* regulations for licensure, but who may need to take additional coursework, pass additional assessments, or meet alternative evaluation standards to be fully licensed with a renewable license.

"Renewable license" means a license issued by the Board ~~of Education~~ for 10 years to an individual who meets the requirements specified in the ~~Board of Education's~~ *Board's* regulations.

B. The Board ~~of Education~~ shall prescribe, by regulation, the requirements for the licensure of teachers and other school personnel required to hold a license. Such regulations shall include procedures for (i) the denial, suspension, cancellation, revocation, and reinstatement of licensure; (ii) written reprimand of license holders on grounds established by the Board, in accordance with law, notice of which shall be made by the Superintendent ~~of Public Instruction~~ to division superintendents or their designated representatives; and (iii) the immediate and thorough investigation by the division superintendent or his designee of any complaint alleging that a license holder has engaged in conduct that may form the basis for the revocation of his license. At a minimum, such procedures for investigations contained in such regulations shall require (a) the division superintendent to petition for the revocation of the license upon completing such investigation and finding that there is reasonable cause to believe that the license holder has engaged in conduct that forms the basis for revocation of a license; (b) the school board to proceed to a hearing on such petition for revocation within 90 days of the mailing of a copy of the petition to the license holder, unless the license holder requests the cancellation of his license in accordance with Board regulations; and (c) the school board to provide a copy of the investigative file and such petition for revocation to the Superintendent ~~of Public Instruction~~ at the time that the hearing is scheduled. The Board ~~of Education~~ shall revoke the license of any person for whom it has received a notice of dismissal or resignation pursuant to subsection F of § 22.1-313 and, in the case of a person who is the subject of a founded complaint of child abuse or neglect, after all rights to any administrative appeal provided by § 63.2-1526 have been exhausted. In the case of a teacher who is the subject of a founded complaint of child abuse or neglect and whose license has been revoked pursuant to this subsection, in the event that a court reverses such finding of abuse or neglect and the individual submits to the Department an application for the reinstatement of his license as a teacher, the Board shall consider and act upon such application no later than 90 days after the date of submission. Regardless of the authority of any other agency of the Commonwealth to approve educational programs, only the Board ~~of Education~~ shall have the authority to license teachers to be regularly employed by school boards, including those teachers employed to provide nursing education.

The Board ~~of Education~~ shall prescribe by regulation the licensure requirements for teachers who teach only online courses, as defined in § 22.1-212.23. Such license shall be valid only for teaching online courses. Teachers who hold a 10-year renewable license issued by the Board ~~of Education~~ may teach online courses for which they are properly endorsed.

C. The ~~Board of Education's~~ *Board's* regulations shall include requirements that a person seeking initial licensure:

1. Demonstrate proficiency in the relevant content area~~, communication, literacy,~~ and other core skills for educators by achieving a qualifying score on professional assessments or meeting alternative evaluation standards as prescribed by the Board. ~~The literacy assessment~~ *Such assessments* for any individual seeking initial licensure with an endorsement in early/primary education preschool through grade three, elementary education preschool through grade six, special education general curriculum kindergarten through grade 12, special education deaf and hard of hearing preschool through grade 12, or special education blindness/visual impairments preschool through grade 12 or as a reading specialist shall include a rigorous test of science-based reading research and evidence-based literacy instruction;

2. Complete study in attention deficit disorder;

3. Complete study in gifted education, including the use of multiple criteria to identify gifted students; and

4. Complete study in methods of improving communication between schools and families and ways of increasing family involvement in student learning at home and at school.

D. In addition, such regulations shall include requirements that:

1. Every person seeking initial licensure and persons seeking licensure renewal as teachers who have not completed such study shall complete study in child abuse recognition and intervention in accordance with curriculum guidelines developed by the Board ~~of Education~~ in consultation with the Department of Social Services that are relevant to the specific teacher licensure routes;

2. Every person seeking renewal of a license shall complete all renewal requirements, including professional development in a manner prescribed by the Board, except that no person seeking renewal of a license shall be required to satisfy any such requirement by completing coursework and earning credit at an institution of higher education;

3. Every person seeking initial licensure or renewal of a license shall provide evidence of completion of certification or training in emergency first aid, cardiopulmonary resuscitation, and the use of automated external defibrillators. The certification or training program shall (i) be based on the current national evidence-based emergency cardiovascular care guidelines for cardiopulmonary resuscitation and the use of an automated external defibrillator, such as a program developed by the American Heart Association or the American Red Cross, and (ii) include hands-on practice of the skills

necessary to perform cardiopulmonary resuscitation. The Board shall provide a waiver for this requirement for any person with a disability whose disability prohibits such person from completing the certification or training;

4. Every person seeking licensure with an endorsement as a teacher of the blind and visually impaired shall demonstrate proficiency in reading and writing Braille;

5. Every teacher seeking an initial license in the Commonwealth with an endorsement in the area of career and technical education shall have an industry certification credential in the area in which the teacher seeks endorsement. If a teacher seeking an initial license in the Commonwealth has not attained an industry certification credential in the area in which the teacher seeks endorsement, the Board may, upon request of the employing school division or educational agency, issue the teacher a provisional license to allow time for the teacher to attain such credential;

6. Every person seeking initial licensure or renewal of a license shall complete awareness training, provided by the Department, on the indicators of dyslexia, as that term is defined by the Board pursuant to regulations, and the evidence-based interventions and accommodations for dyslexia;

7. Every person seeking initial licensure or renewal of a license with an endorsement as a school counselor shall complete training in the recognition of mental health disorder and behavioral distress, including depression, trauma, violence, youth suicide, and substance abuse;

8. Every person seeking initial licensure as a teacher who has not received the instruction described in subsection D of § 23.1-902 shall receive instruction or training on positive behavior interventions and supports; crisis prevention and de-escalation; the use of physical restraint and seclusion, consistent with regulations of the Board ~~of Education~~; and appropriate alternative methods to reduce and prevent the need for the use of physical restraint and seclusion;

9. Every person seeking initial licensure or renewal of a license shall complete instruction or training in cultural competency;

10. Every person seeking initial licensure or renewal of a license with an endorsement in history and social sciences shall complete instruction in African American history, as prescribed by the Board;

11. Every person seeking renewal of a license as a teacher shall complete training in the instruction of students with disabilities that includes (i) differentiating instruction for students depending on their needs; (ii) understanding the role of general education teachers on the individualized education program team; (iii) implementing effective models of collaborative instruction, including co-teaching; and (iv) understanding the goals and benefits of inclusive education for all students; and

12. Every person seeking initial licensure with an endorsement in early/primary education preschool through grade three, elementary education preschool through grade six, special education general curriculum kindergarten through grade 12, special education deaf and hard of hearing preschool through grade 12, or special education blindness/visual impairments preschool through grade 12 or as a reading specialist shall complete study in science-based reading research and evidence-based literacy instruction.

E. No teacher who seeks a provisional license shall be required to meet any requirement set forth in subdivision D 1, 3, 6, or 8 as a condition of such licensure, but each such teacher shall complete each such requirement during the first year of provisional licensure.

F. The Board shall issue a license to an individual seeking initial licensure who has not completed professional assessments as prescribed by the Board, if such individual (i) holds a provisional license that will expire within three months or, at the discretion of the school board and division superintendent, within six months if the individual has received a satisfactory mid-year performance review in the current school year; (ii) is employed by a school board; (iii) is recommended for licensure by the division superintendent; (iv) has attempted, unsuccessfully, to obtain a qualifying score on the professional assessments as prescribed by the Board; (v) has received an evaluation rating of proficient or above on the performance standards for each year of the provisional license, and such evaluation was conducted in a manner consistent with the Guidelines for Uniform Performance Standards and Evaluation Criteria for Teachers, Principals, and Superintendents; and (vi) meets all other requirements for initial licensure.

G. Each local school board or division superintendent may waive for any individual whom it seeks to employ as a career and technical education teacher and who is also seeking initial licensure or renewal of a license with an endorsement in the area of career and technical education any applicable requirement set forth in subsection C or subdivision D 2, 4, or 6.

H. The Board's regulations shall require that initial licensure for principals and assistant principals be contingent upon passage of an assessment as prescribed by the Board.

I. The Board shall establish criteria in its regulations to effectuate the substitution of experiential learning for coursework for those persons seeking initial licensure through an alternate route as defined in Board regulations. Such alternate routes shall include eligibility for any individual to receive, notwithstanding any provision of law to the contrary, a renewable one-year license to teach in public high schools in the Commonwealth if he has:

1. Received a graduate degree from a regionally accredited institution of higher education;

2. Completed at least 30 credit hours of teaching experience as an instructor at a regionally accredited institution of higher education;

3. Received qualifying scores on the professional teacher's assessments prescribed by the Board, including ~~the communication and literacy assessment and~~ the content-area assessment for the endorsement sought. ~~The literacy assessment~~ *Such assessments* for any individual seeking initial licensure through an alternate route with an endorsement in early/primary education preschool through grade three, elementary education preschool through grade six, special education

general curriculum kindergarten through grade 12, special education deaf and hard of hearing preschool through grade 12, or special education blindness/visual impairments preschool through grade 12 or as a reading specialist shall include a rigorous test of science-based reading research and evidence-based literacy instruction; and

4. Met the requirements set forth in subdivisions D 1 and 3.

J. Notwithstanding any provision of law to the contrary, the Board (i) may provide for the issuance of a provisional license, valid for a period not to exceed three years, pursuant to subdivision D 5 or to any person who does not meet the requirements of this section or any other requirement for licensure imposed by law; (ii) shall provide for the issuance of a provisional license, valid for a period not to exceed three years, to any former member of the Armed Forces of the United States or the Virginia National Guard who has received an honorable discharge and has the appropriate level of experience or training but does not meet the requirements for a renewable license; and (iii) may provide for the issuance of a provisional license, valid for a period not to exceed three years, to any individual who has held within the last five years a valid and officially issued and recognized license or certification to teach issued by an entity outside of the United States but does not meet the requirements for a renewable license if the individual's license or certification to teach has been evaluated and verified by an entity approved by the Department.

K. The Board's licensure regulations shall also provide for licensure by reciprocity:

1. With comparable endorsement areas for those individuals holding a valid out-of-state teaching license and national certification from the National Board for Professional Teaching Standards or a nationally recognized certification program approved by the Board ~~of Education~~. The application for such individuals shall require evidence of such valid licensure and national certification and shall not require official student transcripts;

2. For any spouse of an active duty or reserve member of the Armed Forces of the United States or a member of the Virginia National Guard who has obtained a valid out-of-state license, with full credentials and without deficiencies, that is in force at the time the application for a Virginia license is received by the Department. Each such individual shall establish a file in the Department by submitting a complete application packet, which shall include official student transcripts and an official copy of the military permanent assignment orders of the individual's spouse. No service requirements or licensing assessments shall be required for any such individual. The Department shall determine and communicate such individual's eligibility for licensure by reciprocity within 15 business days of receipt of the complete application packet; and

3. For individuals who have obtained a valid out-of-state license, with full credentials and without deficiencies, that is in force at the time the application for a Virginia license is received by the Department. Each such individual shall establish a file in the Department by submitting a complete application packet, which shall include official student transcripts. No service requirements or licensing assessments shall be required for any such individual.

L. The Board shall include in its regulations an alternate route to licensure for elementary education preschool through grade six and an alternate route to licensure for special education general curriculum kindergarten through grade 12. Each such alternate route to licensure shall require individuals to (i) meet the qualifying scores on the content area assessment prescribed by the Board for the endorsements sought and (ii) complete an alternative certification program that provides training in the pedagogy and methodology of the respective content or special education areas prescribed by the Board. The curriculum of any such alternative certification program shall be approved by the Board. Nothing in this subsection shall preclude the Board from establishing other alternate routes to licensure.

M. The Board, in its regulations providing for licensure by reciprocity established pursuant to subsection K, shall (i) permit applicants to submit third-party employment verification forms and (ii) grant special consideration to individuals who have successfully completed a program offered by a provider that is accredited by the Council for the Accreditation of Educator Preparation.

N. The Board shall develop guidelines that establish a process to permit a school board or any organization sponsored by a school board to petition the Board for approval of an alternate route to licensure that may be used to meet the requirements for a provisional or renewable license or any endorsement. Any such alternate route may include alternatives to the regulatory requirements for teacher preparation, including alternative professional assessments and coursework. The petitioner may proffer or the Board may impose conditions in conjunction with the approval of such petition.

2. That the Board of Education shall eliminate the requirement for any individual to take and receive a passing score on the Virginia Communication and Literacy Assessment as a condition of the initial award or renewal of a renewable license as a teacher in the Commonwealth.

CHAPTER 730

An Act to direct the Department of Law's Division of Consumer Counsel to convene a work group to examine the practice of persons receiving compensation for providing certain services regarding veterans' benefits matters.

[H 736]

Approved April 8, 2024

Be it enacted by the General Assembly of Virginia:

1. *§ 1. The Department of Law's Division of Consumer Counsel (the Division) shall convene a work group to examine and make recommendations regarding the practice of persons receiving compensation for preparing, presenting, prosecuting, advising, consulting, or assisting any individual regarding any veterans' benefits matter before the U.S. Department of*

Veterans Affairs, the U.S. Department of Defense, or the Virginia Department of Veterans Services. The work group shall consist of at least one member of the House of Delegates, appointed by the Speaker of the House of Delegates, at least one member of the Senate, appointed by the Senate Committee on Rules, representatives from the Division and the Virginia Department of Veterans Affairs, a representative from the Veterans of Foreign Wars, a representative of the American Legion, and a person providing such services for compensation. The work group shall report its findings and recommendations to the Governor and the General Assembly by November 1, 2024.

As used in this act, "veterans' benefits matter" means the preparation, presentation, or prosecution of any claim affecting any person who has filed or expressed an intent to file a claim for any benefit, program, service, commodity, function, or status that is offered under the laws and regulations administered by the U.S. Department of Veterans Affairs or the Virginia Department of Veterans Services pertaining to veterans, their dependents, their survivors, and any other individual eligible for such benefits.

CHAPTER 731

An Act to amend and reenact § 15.2-901 of the Code of Virginia, relating to civil penalties for certain local property violations; industrial and commercial areas.

[H 755]

Approved April 8, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 15.2-901 of the Code of Virginia is amended and reenacted as follows:

§ 15.2-901. Locality may provide for removal or disposal of trash and clutter, cutting of grass, weeds, and running bamboo; penalty in certain counties; penalty.

A. Any locality may, by ordinance, provide that:

1. The owners of property therein shall, at such time or times as the governing body may prescribe, remove therefrom any and all trash, garbage, refuse, litter, clutter, except on land zoned for or in active farming operation, and other substances that might endanger the health or safety of other residents of such locality, or may, whenever the governing body deems it necessary, after reasonable notice, have such trash, garbage, refuse, litter, clutter, except on land zoned for or in active farming operation, and other like substances that might endanger the health of other residents of the locality removed by its own agents or employees, in which event the cost or expenses thereof shall be chargeable to and paid by the owners of such property and may be collected by the locality as taxes are collected. For purposes of this section, "clutter" includes mechanical equipment, household furniture, containers, and similar items that may be detrimental to the well-being of a community when they are left in public view for an extended period or are allowed to accumulate.

2. Trash, garbage, refuse, litter, clutter, except on land zoned for or in active farming operation, and other debris shall be disposed of in personally owned or privately owned receptacles that are provided for such use and for the use of the persons disposing of such matter or in authorized facilities provided for such purpose and in no other manner not authorized by law.

3. The owners of occupied or vacant developed or undeveloped property therein, including such property upon which buildings or other improvements are located, shall cut the grass, weeds, and other foreign growth, including running bamboo as defined in § 15.2-901.1, on such property or any part thereof at such time or times as the governing body shall prescribe, or may, whenever the governing body deems it necessary, after reasonable notice as determined by the locality, have such grass, weeds, or other foreign growth cut by its agents or employees, in which event the cost and expenses thereof shall be chargeable to and paid by the owner of such property and may be collected by the locality as taxes are collected. For purposes of this provision, one written notice per growing season to the owner of record of the subject property shall be considered reasonable notice. No such ordinance adopted by any county shall have any force and effect within the corporate limits of any town. No such ordinance adopted by any county having a density of population of less than 500 per square mile shall have any force or effect except within the boundaries of platted subdivisions or any other areas zoned for residential, business, commercial, or industrial use. No such ordinance shall be applicable to land zoned for or in active farming operation. However, in any locality located in Planning District 6 or in Planning District 22, no such ordinance shall be applicable to land zoned for agricultural use unless such lot is one acre or less in area and used for a residential purpose. In any locality within Planning District 23, such ordinance may also include provisions for cutting overgrown shrubs, trees, and other such vegetation.

4. The owners of any land, regardless of zoning classification, used for the interment of human remains shall cut the grass, weeds, and other foreign growth, including running bamboo as defined in § 15.2-901.1, on such property or any part thereof at such time or times as the governing body shall prescribe, or may, whenever the governing body deems it necessary, after reasonable notice as determined by the locality, have such grass, weeds, or other foreign growth cut by its agents or employees, in which event the cost and expenses thereof shall be chargeable to and paid by the owner of such property and may be collected by the locality as taxes are collected. For purposes of this provision, one written notice per growing season to the owner of record of the subject property shall be considered reasonable notice. No such ordinance shall be applicable to land owned by an individual, family, property owners' association as defined in § 55.1-1800, or church.

B. Every charge authorized by this section with which the owner of any such property shall have been assessed and which remains unpaid shall constitute a lien against such property ranking on a parity with liens for unpaid local real estate taxes and enforceable in the same manner as provided in Articles 3 (§ 58.1-3940 et seq.) and 4 (§ 58.1-3965 et seq.) of Chapter 39 of Title 58.1. A locality may waive such liens in order to facilitate the sale of the property. Such liens may be waived only as to a purchaser who is unrelated by blood or marriage to the owner and who has no business association with the owner. All such liens shall remain a personal obligation of the owner of the property at the time the liens were imposed.

C. The governing body of any locality may by ordinance provide that violations of this section shall be subject to a civil penalty, not to exceed $50 for the first violation, or violations arising from the same set of operative facts. The civil penalty for subsequent violations not arising from the same set of operative facts within 12 months of the first violation shall not exceed $200. Each business day during which the same violation is found to have existed shall constitute a separate offense. In no event shall a series of specified violations arising from the same set of operative facts result in civil penalties that exceed a total of $3,000 in a 12-month period *or, in the case of property that is zoned or utilized for industrial or commercial purposes, $6,000 in a 12-month period*.

D. Except as provided in this subsection, adoption of an ordinance pursuant to subsection C shall be in lieu of criminal penalties and shall preclude prosecution of such violation as a misdemeanor. The governing body of any locality may, however, by ordinance provide that such violations shall be a Class 3 misdemeanor in the event three civil penalties have previously been imposed on the same defendant for the same or similar violation, not arising from the same set of operative facts, within a 24-month period. Classifying such subsequent violations as criminal offenses shall preclude the imposition of civil penalties for the same violation.

CHAPTER 732

An Act to amend and reenact §§ 2.2-3705.3, 4.1-1602, and 4.1-1603 of the Code of Virginia and to amend the Code of Virginia by adding in Chapter 16 of Title 4.1 a section numbered 4.1-1606, relating to medical cannabis program; product expiration; confidentiality; penalty.

[H 815]

Approved April 8, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-3705.3, 4.1-1602, and 4.1-1603 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Chapter 16 of Title 4.1 a section numbered 4.1-1606 as follows:

§ 2.2-3705.3. Exclusions to application of chapter; records relating to administrative investigations.

The following information contained in a public record is excluded from the mandatory disclosure provisions of this chapter but may be disclosed by the custodian in his discretion, except where such disclosure is prohibited by law. Redaction of information excluded under this section from a public record shall be conducted in accordance with § 2.2-3704.01.

1. Information relating to investigations of applicants for licenses and permits, and of all licensees and permittees, made by or submitted to the Virginia Alcoholic Beverage Control Authority, *the Virginia Cannabis Control Authority,* the Virginia Lottery pursuant to Chapter 40 (§ 58.1-4000 et seq.) and Chapter 41 (§ 58.1-4100 et seq.) of Title 58.1, the Virginia Racing Commission, the Department of Agriculture and Consumer Services relating to investigations and applications pursuant to Article 1.1:1 (§ 18.2-340.15 et seq.) of Chapter 8 of Title 18.2, or the Private Security Services Unit of the Department of Criminal Justice Services.

2. Records of active investigations being conducted by *the Virginia Cannabis Control Authority or by* the Department of Health Professions or ~~by~~ any health regulatory board in the Commonwealth pursuant to § 54.1-108.

3. Investigator notes, and other correspondence and information, furnished in confidence with respect to an active investigation of individual employment discrimination complaints made to the Department of Human Resource Management, to such personnel of any local public body, including local school boards, as are responsible for conducting such investigations in confidence, or to any public institution of higher education. However, nothing in this subdivision shall prevent the disclosure of information taken from inactive reports in a form that does not reveal the identity of charging parties, persons supplying the information, or other individuals involved in the investigation.

4. Records of active investigations being conducted by the Department of Medical Assistance Services pursuant to Chapter 10 (§ 32.1-323 et seq.) of Title 32.1.

5. Investigative notes and other correspondence and information furnished in confidence with respect to an investigation or conciliation process involving an alleged unlawful discriminatory practice under the Virginia Human Rights Act (§ 2.2-3900 et seq.) or under any local ordinance adopted in accordance with the authority specified in § 2.2-524, or adopted pursuant to § 15.2-965, or adopted prior to July 1, 1987, in accordance with applicable law, relating to local human rights or human relations commissions. However, nothing in this subdivision shall prevent the distribution of information taken from inactive reports in a form that does not reveal the identity of the parties involved or other persons supplying information.

6. Information relating to studies and investigations by the Virginia Lottery of (i) lottery agents, (ii) lottery vendors, (iii) lottery crimes under §§ 58.1-4014 through 58.1-4018, (iv) defects in the law or regulations that cause abuses in the

administration and operation of the lottery and any evasions of such provisions, or (v) the use of the lottery as a subterfuge for organized crime and illegal gambling where such information has not been publicly released, published or copyrighted. All studies and investigations referred to under clauses (iii), (iv), and (v) shall be open to inspection and copying upon completion of the study or investigation.

7. Investigative notes, correspondence and information furnished in confidence, and records otherwise exempted by this chapter or any Virginia statute, provided to or produced by or for (i) the Auditor of Public Accounts; (ii) the Joint Legislative Audit and Review Commission; (iii) an appropriate authority as defined in § 2.2-3010 with respect to an allegation of wrongdoing or abuse under the Fraud and Abuse Whistle Blower Protection Act (§ 2.2-3009 et seq.); (iv) the Office of the State Inspector General with respect to an investigation initiated through the Fraud, Waste and Abuse Hotline or an investigation initiated pursuant to Chapter 3.2 (§ 2.2-307 et seq.); (v) internal auditors appointed by the head of a state agency or by any public institution of higher education; (vi) the committee or the auditor with respect to an investigation or audit conducted pursuant to § 15.2-825; (vii) the auditors, appointed by the local governing body of any county, city, or town or a school board, who by charter, ordinance, or statute have responsibility for conducting an investigation of any officer, department, or program of such body; or (viii) the Behavioral Health Commission. Information contained in completed investigations shall be disclosed in a form that does not reveal the identity of the complainants or persons supplying information to investigators. Unless disclosure is excluded by this subdivision, the information disclosed shall include the agency involved, the identity of the person who is the subject of the complaint, the nature of the complaint, and the actions taken to resolve the complaint. If an investigation does not lead to corrective action, the identity of the person who is the subject of the complaint may be released only with the consent of the subject person. Local governing bodies shall adopt guidelines to govern the disclosure required by this subdivision.

8. The names, addresses, and telephone numbers of complainants furnished in confidence with respect to an investigation of individual zoning enforcement complaints or complaints relating to the Uniform Statewide Building Code (§ 36-97 et seq.) or the Statewide Fire Prevention Code (§ 27-94 et seq.) made to a local governing body.

9. Records of active investigations being conducted by the Department of Criminal Justice Services pursuant to Article 4 (§ 9.1-138 et seq.), Article 4.1 (§ 9.1-150.1 et seq.), Article 11 (§ 9.1-185 et seq.), and Article 12 (§ 9.1-186 et seq.) of Chapter 1 of Title 9.1.

10. Information furnished to or prepared by the Board of Education pursuant to subsection D of § 22.1-253.13:3 in connection with the review or investigation of any alleged breach in security, unauthorized alteration, or improper administration of tests by local school board employees responsible for the distribution or administration of the tests. However, this section shall not prohibit the disclosure of such information to (i) a local school board or division superintendent for the purpose of permitting such board or superintendent to consider or to take personnel action with regard to an employee or (ii) any requester, after the conclusion of a review or investigation, in a form that (a) does not reveal the identity of any person making a complaint or supplying information to the Board on a confidential basis and (b) does not compromise the security of any test mandated by the Board.

11. Information contained in (i) an application for licensure or renewal of a license for teachers and other school personnel, including transcripts or other documents submitted in support of an application, and (ii) an active investigation conducted by or for the Board of Education related to the denial, suspension, cancellation, revocation, or reinstatement of teacher and other school personnel licenses including investigator notes and other correspondence and information, furnished in confidence with respect to such investigation. However, this subdivision shall not prohibit the disclosure of such (a) application information to the applicant at his own expense or (b) investigation information to a local school board or division superintendent for the purpose of permitting such board or superintendent to consider or to take personnel action with regard to an employee. Information contained in completed investigations shall be disclosed in a form that does not reveal the identity of any complainant or person supplying information to investigators. The completed investigation information disclosed shall include information regarding the school or facility involved, the identity of the person who was the subject of the complaint, the nature of the complaint, and the actions taken to resolve the complaint. If an investigation fails to support a complaint or does not lead to corrective action, the identity of the person who was the subject of the complaint may be released only with the consent of the subject person. No personally identifiable information regarding a current or former student shall be released except as permitted by state or federal law.

12. Information provided in confidence and related to an investigation by the Attorney General under Article 1 (§ 3.2-4200 et seq.) or Article 3 (§ 3.2-4204 et seq.) of Chapter 42 of Title 3.2, Article 10 (§ 18.2-246.6 et seq.) of Chapter 6 or Chapter 13 (§ 18.2-512 et seq.) of Title 18.2, or Article 1 (§ 58.1-1000) of Chapter 10 of Title 58.1. However, information related to an investigation that has been inactive for more than six months shall, upon request, be disclosed provided such disclosure is not otherwise prohibited by law and does not reveal the identity of charging parties, complainants, persons supplying information, witnesses, or other individuals involved in the investigation.

13. Records of active investigations being conducted by the Department of Behavioral Health and Developmental Services pursuant to Chapter 4 (§ 37.2-400 et seq.) of Title 37.2.

§ 4.1-1602. Permit to operate pharmaceutical processor or cannabis dispensing facility.

A. No person shall operate a pharmaceutical processor or a cannabis dispensing facility without first obtaining a permit from the Board. The application for such permit shall be made on a form provided by the Authority and signed by a pharmacist who will be in full and actual charge of the pharmaceutical processor's dispensing area or cannabis dispensing facility. The Board shall establish an application fee and other general requirements for such application.

B. Each permit shall expire annually on a date determined by the Board in regulation. The number of permits that the Board may issue or renew in any year is limited to one pharmaceutical processor and up to five cannabis dispensing facilities for each health service area established by the Board of Health. Permits shall be displayed in a conspicuous place on the premises of the pharmaceutical processor and cannabis dispensing facility.

C. The Board shall adopt regulations establishing health, safety, and security requirements for pharmaceutical processors and cannabis dispensing facilities. Such regulations shall include requirements for (i) physical standards; (ii) location restrictions; (iii) security systems and controls; (iv) minimum equipment and resources; (v) recordkeeping; (vi) labeling and packaging; (vii) routine inspections no more frequently than once annually; (viii) processes for safely and securely dispensing and delivering in person cannabis products to a patient, his registered agent, or, if such patient is a minor or a vulnerable adult as defined in § 18.2-369, such patient's parent or legal guardian; (ix) dosage limitations for cannabis products that provide that each dispensed dose of a cannabis product not exceed 10 milligrams of total tetrahydrocannabinol, except as permitted under § 4.1-1603.2; (x) a process for the wholesale distribution of and the transfer of usable cannabis, botanical cannabis, cannabis oil, and cannabis products between pharmaceutical processors, between a pharmaceutical processor and a cannabis dispensing facility, and between cannabis dispensing facilities; (xi) an allowance for the sale of devices for administration of dispensed cannabis products and hemp-based CBD products that meet the applicable standards set forth in state and federal law, including the laboratory testing standards set forth in subsection N; (xii) an allowance for the use and distribution of inert product samples containing no cannabinoids for patient demonstration exclusively at the pharmaceutical processor or cannabis dispensing facility, and not for further distribution or sale, without the need for a written certification; (xiii) a process for acquiring industrial hemp extracts and formulating such extracts into cannabis products; and (xiv) an allowance for the advertising and promotion of the pharmaceutical processor's products and operations, which shall not limit the pharmaceutical processor from the provision of educational material to practitioners who issue written certifications and patients. The Board shall also adopt regulations for pharmaceutical processors that include requirements for (a) processes for safely and securely cultivating cannabis plants intended for producing cannabis products, (b) the disposal of agricultural waste, and (c) a process for registering cannabis products.

D. The Board shall require pharmaceutical processors, after processing and before dispensing any cannabis products, to make a sample available from each batch of cannabis product for testing by an independent laboratory that is located in Commonwealth and meets Board requirements. A valid sample size for testing shall be determined by each laboratory and may vary due to sample matrix, analytical method, and laboratory-specific procedures. A minimum sample size of 0.5 percent of individual units for dispensing or distribution from each homogenized batch of cannabis oil is required to achieve a representative cannabis oil sample for analysis. A minimum sample size, to be determined by the certified testing laboratory, from each batch of botanical cannabis is required to achieve a representative botanical cannabis sample for analysis. Botanical cannabis products shall only be tested for the following: total cannabidiol (CBD), total tetrahydrocannabinol (THC), terpenes, pesticide chemical residue, heavy metals, mycotoxins, moisture, and microbiological contaminants. Testing thresholds shall be consistent with generally accepted cannabis industry thresholds. The pharmaceutical processor may remediate botanical cannabis or cannabis oil that fails any quality testing standard except pesticides. Following remediation, all remediated botanical cannabis or cannabis oil shall be subject to laboratory testing, which shall not be more stringent than initial testing prior to remediation. Remediated botanical cannabis or cannabis oil that passes such quality testing may be packaged and labeled. If a batch of botanical cannabis fails retesting after remediation, it shall be considered usable cannabis and may be processed into cannabis oil. Stability testing shall not be required for any cannabis product with an expiration date assigned by the pharmaceutical processor of ~~six~~ *12* months or less from the date of the cannabis product registration approval. Stability testing required for assignment of an expiration date longer than ~~six~~ *12* months shall be limited to microbial testing, on a pass/fail basis, and potency testing, on a 15 percent deviation basis, of total THC and total CBD. No cannabis product shall have an expiration date longer than ~~six~~ *12* months from the date of the cannabis product registration approval unless supported by stability testing.

E. A laboratory testing samples for a pharmaceutical processor shall obtain a controlled substances registration certificate pursuant to § 54.1-3423 and shall comply with quality standards established by the Board of Pharmacy in regulation.

F. Every pharmaceutical processor's dispensing area or cannabis dispensing facility shall be under the personal supervision of a licensed pharmacist on the premises of the pharmaceutical processor or cannabis dispensing facility unless all cannabis products are contained in a vault or other similar container to which only the pharmacist has access controls. The pharmaceutical processor shall ensure that security measures are adequate to protect the cannabis from diversion at all times, and the pharmacist-in-charge shall have concurrent responsibility for preventing diversion from the dispensing area.

Every pharmaceutical processor shall designate a person who shall have oversight of the cultivation and production areas of the pharmaceutical processor and shall provide such information to the Board. The Board shall direct all communications related to enforcement of requirements related to cultivation and production of cannabis and cannabis products by the pharmaceutical processor to such designated person.

G. The Board shall require the material owners of an applicant for a pharmaceutical processor or cannabis dispensing facility permit to submit to fingerprinting and provide personal descriptive information to be forwarded along with his fingerprints through the Central Criminal Records Exchange to the Federal Bureau of Investigation for the purpose of obtaining criminal history record information regarding the applicant's material owners. The cost of fingerprinting and the

criminal history record search shall be paid by the applicant. The Central Criminal Records Exchange shall forward the results of the criminal history background check to the Board or its designee, which shall be a governmental entity.

H. A pharmaceutical processor shall maintain evidence of criminal background checks for all employees and delivery agents of the pharmaceutical processor. Criminal background checks of employees and delivery agents may be conducted by any service sufficient to disclose any federal and state criminal convictions.

I. In addition to other employees authorized by the Board, a pharmaceutical processor may employ individuals who may have less than ~~two years~~ *one year* of experience (i) to perform cultivation-related duties under the supervision of an individual who has received a degree in a field related to the cultivation of plants or a certification recognized by the Board or who has at least ~~two years~~ *one year* of experience cultivating plants, (ii) to perform extraction-related duties under the supervision of an individual who has a degree in chemistry or pharmacology or at least ~~two years~~ *one year* of experience extracting chemicals from plants, ~~and~~ (iii) to perform duties at the pharmaceutical processor and cannabis dispensing facility upon certification as a pharmacy technician*, and (iv) to serve as pharmacy technician trainees*.

J. A pharmaceutical processor to whom a permit has been issued by the Board may (i) establish up to five cannabis dispensing facilities, subject to the permit requirement set forth in subsection B, for the dispensing of cannabis products that have been cultivated and produced on the premises of a pharmaceutical processor permitted by the Board and (ii) establish, if authorized by the Board, one additional location at which the pharmaceutical processor may cultivate cannabis plants. Each cannabis dispensing facility and the additional cultivation location shall be located within the same health service area as the pharmaceutical processor.

K. No person who has been convicted of a felony under the laws of the Commonwealth or another jurisdiction within the last five years shall be employed by or act as an agent of a pharmaceutical processor or cannabis dispensing facility.

L. Every pharmaceutical processor or cannabis dispensing facility shall adopt policies for pre-employment drug screening and regular, ongoing, random drug screening of employees.

M. A pharmacist at the pharmaceutical processor's dispensing area and the cannabis dispensing facility shall determine the number of pharmacy interns, pharmacy technicians, and pharmacy technician trainees who can be safely and competently supervised at one time; however, no pharmacist shall supervise more than six persons performing the duties of a pharmacy technician at one time in the pharmaceutical processor's dispensing area or cannabis dispensing facility.

N. A pharmaceutical processor may acquire from a registered industrial hemp handler or processor industrial hemp extracts that (i) are grown and processed in Virginia in compliance with state or federal law, and (ii) notwithstanding the tetrahydrocannabinol limits set forth in the definition of "industrial hemp extract" in § 3.2-5145.1, contain a total tetrahydrocannabinol concentration of no greater than 0.3 percent. A pharmaceutical processor may process and formulate such extracts into an allowable dosage of cannabis product. Industrial hemp extracts acquired and formulated by a pharmaceutical processor are subject to the same third-party testing requirements that may apply to cannabis plant extract. Testing shall be performed by a laboratory located in Virginia and in compliance with state law governing the testing of cannabis products. The industrial hemp handler or processor shall provide such third-party testing results to the pharmaceutical processor before industrial hemp extracts may be acquired.

O. Product labels for all cannabis products and botanical cannabis shall be complete, accurate, easily discernable, and uniform among different products and brands. Pharmaceutical processors shall affix to all cannabis products and botanical cannabis a label, which shall also be accessible on the pharmaceutical processor's website, that includes:

1. The product name;

2. All active and inactive ingredients, including cannabinoids, terpenes, additives, preservatives, flavorings, sweeteners, and carrier oils;

3. The total percentage and milligrams of tetrahydrocannabinol and cannabidiol included in the product and the number of milligrams of tetrahydrocannabinol and cannabidiol in each serving;

4. The amount of product that constitutes a single serving and the amount recommended for use by the practitioner or dispensing pharmacist;

5. Information regarding the product's purpose and detailed usage directions;

6. Child and safety warnings in a conspicuous font; and

7. Such other information required by the Board.

P. A pharmaceutical processor or cannabis dispensing facility shall maintain an adequate supply of cannabis products that (i) contain cannabidiol as their primary cannabinoid and (ii) have low levels of or no tetrahydrocannabinol.

Q. With the exception of § 2.2-4031, neither the provisions of the Administrative Process Act (§ 2.2-4000 et seq.) nor public participation guidelines adopted pursuant thereto shall apply to the adoption of any regulation pursuant to this section. Prior to adopting any regulation pursuant to this section, the Board shall publish a notice of opportunity to comment in the Virginia Register of Regulations and post the action on the Virginia Regulatory Town Hall. Such notice of opportunity to comment shall contain (i) a summary of the proposed regulation; (ii) the text of the proposed regulation; and (iii) the name, address, and telephone number of the agency contact person responsible for receiving public comments. Such notice shall be made at least 60 days in advance of the last date prescribed in such notice for submittals of public comment. The legislative review provisions of subsections A and B of § 2.2-4014 shall apply to the promulgation or final adoption process for regulations pursuant to this section. The Board shall consider and keep on file all public comments received for any regulation adopted pursuant to this section.

§ 4.1-1603. Dispensing cannabis products; report.

A. A pharmaceutical processor or cannabis dispensing facility shall dispense or deliver cannabis products only in person to (i) a patient who is a Virginia resident or temporarily resides in Virginia and has been issued a valid written certification; (ii) such patient's registered agent; or (iii) if such patient is a minor or a vulnerable adult as defined in § 18.2-369, such patient's parent or legal guardian who is a Virginia resident or temporarily resides in Virginia. A companion may accompany a patient into a pharmaceutical processor's dispensing area or cannabis dispensing facility. Prior to the initial dispensing of cannabis products pursuant to each written certification, a pharmacist or pharmacy technician employed by the pharmaceutical processor or cannabis dispensing facility shall make and maintain, on site or remotely by electronic means, for two years a paper or electronic copy of the written certification that provides an exact image of the document that is clearly legible; shall view, in person or by audiovisual means, a current photo identification of the patient, registered agent, parent, or legal guardian; and shall verify current board registration of the corresponding registered agent if applicable. Thereafter, an initial dispensing may be delivered to the patient, registered agent, parent, legal guardian, or designated caregiver facility. Prior to any subsequent dispensing of cannabis products pursuant to each written certification, an employee or delivery agent shall view a current photo identification of the patient, registered agent, parent, or legal guardian and the current board registration issued to the registered agent if applicable. No pharmaceutical processor or cannabis dispensing facility shall dispense more than a 90-day supply, as determined by the dispensing pharmacist or certifying practitioner, for any patient during any 90-day period. A pharmaceutical processor or cannabis dispensing facility may dispense less than a 90-day supply of a cannabis product for any patient during any 90-day period; however, a pharmaceutical processor or cannabis dispensing facility may dispense more than one cannabis product to a patient at one time. No more than four ounces of botanical cannabis shall be dispensed for each 30-day period for which botanical cannabis is dispensed. In determining the appropriate amount of a cannabis product to be dispensed to a patient, a pharmaceutical processor or cannabis dispensing facility shall consider all cannabis products dispensed to the patient and adjust the amount dispensed accordingly.

B. A pharmaceutical processor or cannabis dispensing facility shall dispense only cannabis products produced on the premises of a pharmaceutical processor permitted by the Board or cannabis products that have been formulated with extracts from industrial hemp acquired by a pharmaceutical processor from a registered industrial hemp handler or processor pursuant to § 4.1-1602. A pharmaceutical processor may begin cultivation upon being issued a permit by the Board.

C. The Board shall report annually by December 1 to the Chairmen of the House Committee on General Laws and the Senate Committee on Rehabilitation and Social Services on the operation of pharmaceutical processors and cannabis dispensing facilities issued a permit by the Board.

D. The concentration of total tetrahydrocannabinol in any cannabis product on site may be up to 15 percent greater than or less than the level of total tetrahydrocannabinol listed in the approved cannabis product registration. A pharmaceutical processor and cannabis dispensing facility shall ensure that such concentration in any cannabis product on site is within such range. A pharmaceutical processor producing cannabis products shall establish a stability testing schedule of cannabis products that have an expiration date of longer than ~~six~~ *12* months.

§ 4.1-1606. Confidentiality of reports, information, and records; penalty.

A. Except as otherwise provided in this section, any reports, information, or records received or maintained by the Board regarding active investigations or disciplinary proceedings for violations of this chapter shall be strictly confidential. The Board may only disclose such confidential information:

1. In a disciplinary proceeding before a health regulatory board or in any subsequent trial or appeal of an action or order;

2. To the permittee when entering into a confidential consent agreement;

3. To regulatory authorities tasked with granting, limiting, or denying licenses, certificates, or registrations to practice a health profession;

4. Pursuant to a court order for good cause arising from extraordinary circumstances;

5. To qualified personnel for bona fide research or educational purposes, provided that identifying information is redacted and the information is released pursuant to a written agreement that ensures compliance with this section;

6. To the Health Practitioners' Monitoring Program within the Department of Health Professions for the purpose of evaluating health practitioners who have applied to or participate in the Program; or

7. To the Joint Legislative Audit and Review Commission pursuant to § 30-59.

B. In no event shall confidential information received, maintained, or developed by the Board or disclosed by the Board to others pursuant to this section be available for discovery or court subpoena or introduced into evidence in any civil action. This section shall not, however, be construed to inhibit an investigation or prosecution under Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2.

C. Any claim of a practitioner-patient privilege shall not prevail in any investigation or proceeding by the Board when acting within the scope of its authority. However, the disclosure of any information pursuant to this section shall not be deemed a waiver of such privilege in any other proceeding.

D. This section shall not prohibit the Board, after consultation with the relevant health regulatory board president or his designee, from disclosing to the Attorney General, or the appropriate attorney for the Commonwealth, investigatory information that indicates a possible violation of any provision of criminal law, including the laws relating to the

manufacture, distribution, dispensing, prescribing, or administration of drugs, other than drugs classified as Schedule VI drugs and devices, by any individual regulated by the Board or any health regulatory board.

E. This section shall not prohibit the Board from (i) disclosing information regarding any (a) disciplinary action taken against a person holding a permit issued pursuant to this chapter in another state or in a federal health institution or any voluntary surrender of a license in another state while under investigation; (b) malpractice judgment against a person holding a permit issued pursuant to this chapter; or (c) settlement of a malpractice claim against a person holding a permit issued pursuant to this chapter or (ii) making any report of aggregate, non-identifying information.

F. This section shall not prohibit the Board, following consultation with any relevant health regulatory board president or his designee, from (i) disclosing information about a suspected violation of state or federal law or regulation to agencies within the Health and Human Resources Secretariat or to state or federal law-enforcement agencies having jurisdiction over the suspected violation or (ii) requesting an inspection or investigation of a permittee by such state or federal agency when the Board has reason to believe that a possible violation of state or federal law has occurred. Such disclosure shall not exceed the minimum information necessary to permit the state or federal agency having jurisdiction over the suspected violation of state or federal law or regulation to conduct an inspection or investigation. Disclosures by the Board pursuant to this subsection shall not be limited to requests for inspections or investigations of permittees. However, nothing in this subsection shall be construed to require the Board to make any disclosure or to permit any agency to which the Board makes a disclosure to re-disclose any information, reports, records, or materials received from the Board.

G. Whenever a complaint has been filed about a permittee under this chapter, the Board shall provide information to the source and the subject of the complaint regarding investigative and disciplinary procedures. Prior to interviewing a permittee who is the subject of a complaint, or at the time that the permittee is first notified in writing of the complaint, whichever occurs first, the Board shall provide the permittee with a copy of the complaint and any records or supporting documentation, unless such provision would materially obstruct a criminal or regulatory investigation. If the Board concludes that a disciplinary proceeding will not be instituted, the Board may send an advisory letter to the person who was the subject of the complaint. The Board may also inform the source of the complaint (i) that an investigation has been conducted, (ii) that the matter was concluded without a disciplinary proceeding, (iii) of the process the Board followed in making its determination, and (iv) if appropriate, that an advisory letter from the Board has been communicated to the person who was the subject of the complaint. In providing such information, the Board shall inform the source of the complaint that he is subject to the requirements of this section relating to confidentiality and discovery.

H. Orders and notices of the Board relating to disciplinary actions, other than confidential exhibits described in subsection I, shall be disclosed. The Board shall provide to the source of the complaint (i) information regarding the date and location of any disciplinary proceeding, allegations against the permittee, and the list of statutes and regulations the permittee is alleged to have violated prior to the proceeding and (ii) notice of the disposition of the disciplinary case.

I. In disciplinary actions in which a practitioner is or may be unable to practice with reasonable skill and safety to patients and the public because of a mental or physical disability, the Board shall consider whether to disclose and may decide not to disclose the practitioner's health records or services. Such information may be considered by the Board in a closed hearing and included in a confidential exhibit to a notice or order. The public notice or order shall identify, if known, the practitioner's mental or physical disability that is the basis for its determination. In the event that the Board determines that information should be withheld pursuant to this subsection, information contained in the confidential exhibit shall remain part of the Board's confidential record and is subject to court review under the Administrative Process Act (§ 2.2-4000 et seq.) and to release in accordance with this section.

J. This section shall not prohibit investigative staff authorized under § 54.1-2506 or investigative staff of any other agency to which disclosure of information about a suspected violation of state or federal law or regulation is authorized by subsection F from interviewing fact witnesses, disclosing to fact witnesses the identity of the subject of the complaint, or reviewing with fact witnesses any portion of records or other supporting documentation necessary to refresh the fact witnesses' recollection.

K. The provisions of this section shall apply only to information collected or maintained by the Board pursuant to the provisions of this chapter.

L. Any person that discloses confidential information of the Board in violation of this section is guilty of a Class 1 misdemeanor.

CHAPTER 733

An Act to amend and reenact § 2.2-3701 of the Code of Virginia, relating to the Virginia Freedom of Information Act; definitions.

[H 818]

Approved April 8, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 2.2-3701 of the Code of Virginia is amended and reenacted as follows:

§ 2.2-3701. Definitions.

As used in this chapter, unless the context requires a different meaning:

"All-virtual public meeting" means a public meeting (i) conducted by a public body, other than those excepted pursuant to subsection C of § 2.2-3708.3, using electronic communication means, (ii) during which all members of the public body who participate do so remotely rather than being assembled in one physical location, and (iii) to which public access is provided through electronic communication means.

"Closed meeting" means a meeting from which the public is excluded.

"Electronic communication" means the use of technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities to transmit or receive information.

"Emergency" means an unforeseen circumstance rendering the notice required by this chapter impossible or impracticable and which circumstance requires immediate action.

"Information," as used in the exclusions established by §§ 2.2-3705.1 through 2.2-3705.7, means the content within a public record that references a specifically identified subject matter, and shall not be interpreted to require the production of information that is not embodied in a public record.

"Meeting" or "meetings" means the meetings including work sessions, when sitting physically, or through electronic communication means pursuant to § 2.2-3708.2 or 2.2-3708.3, as a body or entity, or as an informal assemblage of (i) as many as three members or (ii) a quorum, if less than three, of the constituent membership, wherever held, with or without minutes being taken, whether or not votes are cast, of any public body. Neither the gathering of employees of a public body nor the gathering or attendance of two or more members of a public body (a) at any place or function where no part of the purpose of such gathering or attendance is the discussion or transaction of any public business, ~~and~~ such gathering or attendance was not called or prearranged with any purpose of discussing or transacting any business of the public body, *and no discussion or transaction of public business takes place among the members of the public body* or (b) at a public forum, *informational gathering,* candidate appearance, *meeting of another public body,* or debate, the purpose of which is to inform the electorate *or to gather information from the public* and not to transact public business or to hold discussions relating to the transaction of public business, *where no discussion or transaction of public business takes place among the members of the public body,* even though the performance of the members individually or collectively in the conduct of public business may be a topic of discussion ~~or~~, debate*, or question presented by others* at such public meeting, shall be deemed a "meeting" subject to the provisions of this chapter. *The appointment of more than two members of a public body to another public body does not constitute a meeting of the first public body. For purposes of this definition of "meeting" only, the term "public business" means any activity a public body has undertaken or proposes to undertake on behalf of the people it represents.*

"Official public government website" means any Internet site controlled by a public body and used, among any other purposes, to post required notices and other content pursuant to this chapter on behalf of the public body.

"Open meeting" or "public meeting" means a meeting at which the public may be present.

"Public body" means any legislative body, authority, board, bureau, commission, district, or agency of the Commonwealth or of any political subdivision of the Commonwealth, including counties, cities, and towns, municipal councils, governing bodies of counties, school boards, and planning commissions; governing boards of public institutions of higher education; and other organizations, corporations, or agencies in the Commonwealth supported wholly or principally by public funds. It shall include (i) the Virginia Birth-Related Neurological Injury Compensation Program and its board of directors established pursuant to Chapter 50 (§ 38.2-5000 et seq.) of Title 38.2 and (ii) any committee, subcommittee, or other entity however designated of the public body created to perform delegated functions of the public body or to advise the public body. It shall not exclude any such committee, subcommittee, or entity because it has private sector or citizen members. Corporations organized by the Virginia Retirement System are "public bodies" for purposes of this chapter.

For the purposes of the provisions of this chapter applicable to access to public records, constitutional officers and private police departments as defined in § 9.1-101 shall be considered public bodies and, except as otherwise expressly provided by law, shall have the same obligations to disclose public records as other custodians of public records.

"Public records" means all writings and recordings that consist of letters, words, or numbers, or their equivalent, set down by handwriting, typewriting, printing, photostatting, photography, magnetic impulse, optical or magneto-optical form, mechanical or electronic recording, or other form of data compilation, however stored, and regardless of physical form or characteristics, prepared or owned by, or in the possession of a public body or its officers, employees, or agents in the transaction of public business.

"Regional public body" means a unit of government organized as provided by law within defined boundaries, as determined by the General Assembly, which unit includes two or more localities.

"Remote participation" means participation by an individual member of a public body by electronic communication means in a public meeting where a quorum of the public body is otherwise physically assembled.

"Scholastic records" means those records containing information directly related to a student or an applicant for admission and maintained by a public body that is an educational agency or institution or by a person acting for such agency or institution.

"Trade secret" means the same as that term is defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.).

2. That the provisions of this act are declarative of existing law.

CHAPTER 734

An Act to direct the State Board of Social Services to allow applications for the Home Energy Assistance Program over an application period that provides adequate time for individuals to apply and is extended beyond the current application period.

[H 855]

Approved April 8, 2024

Be it enacted by the General Assembly of Virginia:

1. *§ 1. The State Board of Social Services (the Board) is authorized to promulgate regulations to allow applications for the Home Energy Assistance Program to be submitted over an application period that provides adequate time for individuals to apply and is extended beyond the current application period in effect as of July 1, 2024, provided adequate funding is available to extend such application period. The Board's initial adoption of regulations necessary to implement the provisions of this act shall be exempt from the provisions of the Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia), except that the Board shall provide an opportunity for public comment on the regulations prior to adoption.*

CHAPTER 735

An Act to amend and reenact § 19.2-354.1 of the Code of Virginia, relating to deferred or installment payment agreements; certain benefits; maximum amounts to be paid.

[H 896]

Approved April 8, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 19.2-354.1 of the Code of Virginia is amended and reenacted as follows:

§ 19.2-354.1. Deferred or installment payment agreements.

A. For purposes of this section:

"Deferred payment agreement" means an agreement in which no installment payments are required and the defendant agrees to pay the full amount of the fines and costs at the end of the agreement's stated term.

"Fines and costs" means all fines, court costs, forfeitures, and penalties assessed in any case by a single court against a defendant for the commission of any crime or traffic infraction. "Fines and costs" includes restitution unless the court orders a separate payment schedule for restitution.

"Installment payment agreement" means an agreement in which the defendant agrees to make monthly or other periodic payments until the fines and costs are paid in full.

"Modified deferred payment agreement" means a deferred payment agreement in which the defendant also agrees to use best efforts to make monthly or other periodic payments.

B. The court shall give a defendant ordered to pay fines and costs written notice of the availability of deferred, modified deferred, and installment payment agreements and, if a community service program has been established, the availability of earning credit toward discharge of fines and costs through the performance of community service work. The court shall offer any defendant the opportunity to enter into a deferred payment agreement, modified deferred payment agreement, or installment payment agreement.

C. The court shall not deny a defendant the opportunity to enter into a deferred, modified deferred, or installment payment agreement solely (i) because of the category of offense for which the defendant was convicted or found not innocent, (ii) because of the total amount of all fines and costs, (iii) because the defendant previously defaulted under the terms of a payment agreement, (iv) because the fines and costs have been referred for collections pursuant to § 19.2-349, or (v) because the defendant has not established a payment history.

D. In determining the length of time to pay under a deferred, modified deferred, or installment payment agreement and the amount of the payments, a court shall take into account the defendant's financial resources and obligations, including any fines and costs owed by the defendant in other courts. In assessing the defendant's ability to pay, the court shall use a written financial statement, on a form developed by the Executive Secretary of the Supreme Court, setting forth the defendant's financial resources and obligations or conduct an oral examination of the defendant to determine his financial resources and obligations. The length of a payment agreement and the amount of the payments shall be reasonable in light of the defendant's financial resources and obligations and shall not be based solely on the amount of fines and costs. The court may offer a payment agreement combining an initial period during which no payment of fines and costs is required followed by a period of installment payments.

E. No court shall require a defendant to make a down payment upon entering a deferred, modified deferred, or installment payment agreement, other than a subsequent payment agreement, in which case the court may require a down payment pursuant to subsection I. Nothing in this section shall prevent a defendant from voluntarily making a down payment upon entering any payment agreement.

F. All fines and costs that a defendant owes for all cases in any single court may be incorporated into one payment agreement, unless otherwise ordered by the court in specific cases. A payment agreement shall include only those outstanding fines and costs for which the limitations period set forth in § 19.2-341 has not run.

G. Any payment received within 10 days of its due date shall be considered to be timely made.

H. At any time during the duration of a payment agreement, the defendant may request a modification of the agreement in writing on a form provided by the Executive Secretary of the Supreme Court, and the court may grant such modification based on a good faith showing of need.

I. A defendant who has defaulted on a payment agreement may petition the court for a subsequent payment agreement. In determining whether to approve the request for a subsequent payment agreement, the court shall consider any change in the defendant's circumstances. A court may require a down payment to enter into a subsequent payment agreement, provided that the down payment required to enter into a subsequent payment agreement shall not exceed (i) if the fines and costs owed are $500 or less, 10 percent of such amount or (ii) if the fines and costs owed are more than $500, five percent of such amount or $50, whichever is greater. When a defendant enters into a subsequent payment agreement, a court shall not require a defendant to establish a payment history on the subsequent payment agreement before restoring the defendant's driver's license.

J. In any case in which a defendant owes fines and costs and where such defendant's sole financial resource is a Social Security benefit or Supplemental Security Income, then such defendant shall be exempt from making payments at least until such time that such defendant has a resource other than a Social Security benefit or Supplemental Security Income. If such defendant informs the court that his sole financial resource is a Social Security benefit or Supplemental Security Income, the case shall not be referred to collections pursuant to § 19.2-349. Courts shall include in payment plan policies developed in accordance with §§ 19.2-354 and 19.2-354.1 that where the court is informed that a defendant receives a Social Security benefit or Supplemental Security Income, no payment toward fines and costs shall be taken from such exempt resource.

No Social Security benefit or Supplemental Security Income shall be considered an available resource in determining the length of time to pay under a deferred, modified deferred, or installment payment agreement and the amount of payments, if any, pursuant to subsection D.

CHAPTER 736

An Act to amend and reenact § 10.1-2500 of the Code of Virginia and to amend the Code of Virginia by adding in Chapter 20 of Title 62.1 a section numbered 62.1-196.1, relating to high polycyclic aromatic hydrocarbon pavement sealants; prohibition; civil penalty.

[H 985]

Approved April 8, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 10.1-2500 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding in Chapter 20 of Title 62.1 a section numbered 62.1-196.1 as follows:

§ 10.1-2500. Virginia Environmental Emergency Response Fund established.

A. There is hereby established the Virginia Environmental Emergency Response Fund, hereafter referred to as the Fund, to be used (i) for the purpose of emergency response to environmental pollution incidents and for the development and implementation of corrective actions for pollution incidents, other than pollution incidents addressed through the Virginia Underground Petroleum Storage Tank Fund, as described in § 62.1-44.34:11 of the State Water Control Law; (ii) to conduct assessments of potential sources of toxic contamination in accordance with the policy developed pursuant to § 62.1-44.19:10; and (iii) to assist small businesses for the purposes described in § 10.1-1197.3.

B. The Fund shall be a nonlapsing revolving fund consisting of grants, general funds, and other such moneys as appropriated by the General Assembly, and moneys received by the State Treasurer for:

1. Noncompliance penalties assessed pursuant to § 10.1-1311, civil penalties assessed pursuant to subsection B of § 10.1-1316, and civil charges assessed pursuant to subsection C of § 10.1-1316.

2. Civil penalties assessed pursuant to subsection C of § 10.1-1418.1, civil penalties assessed pursuant to subsections A and E of § 10.1-1455, and civil charges assessed pursuant to subsection F of § 10.1-1455.

3. (For contingent expiration date, see Acts 2016, cc. 68 and 758, as amended by Acts 2017, c. 345) Civil charges assessed pursuant to subdivision 8d of § 62.1-44.15 and civil penalties assessed pursuant to subsection (a) of § 62.1-44.32, excluding assessments made for violations of Article 9 (§ 62.1-44.34:8 et seq.) or 10 (§ 62.1-44.34:10 et seq.), Chapter 3.1 of Title 62.1, or a regulation, administrative or judicial order, or term or condition of approval relating to or issued under those articles.

3. (For contingent effective date, see Acts 2016, cc. 68 and 758, as amended by Acts 2017, c. 345) Civil charges assessed pursuant to subdivision (8d) of § 62.1-44.15 and civil penalties assessed pursuant to subsection (a) of § 62.1-44.32, excluding assessments made for violations of Article 2.3 (§ 62.1-44.15:24 et seq.), 2.4 (§ 62.1-44.15:51 et seq.), 2.5 (§ 62.1-44.15:67 et seq.), 9 (§ 62.1-44.34:8 et seq.), or 10 (§ 62.1-44.34:10 et seq.) of Chapter 3.1 of Title 62.1, or a regulation, administrative or judicial order, or term or condition of approval relating to or issued under those articles.

4. Civil penalties *assessed pursuant to subsection D of § 62.1-196.1 and civil penalties* and civil charges assessed pursuant to § 62.1-270.

5. Civil penalties assessed pursuant to subsection A of § 62.1-252 and civil charges assessed pursuant to subsection B of § 62.1-252.

6. Civil penalties assessed in conjunction with special orders by the Director pursuant to § 10.1-1186 and by the Waste Management Board pursuant to subsection G of § 10.1-1455.

§ 62.1-196.1. Prohibiting high-PAH pavement sealants; civil penalty.

A. For the purposes of this section:

"High-PAH pavement sealant" means a sealant product intended for application on asphalt pavement surfaces, including driveways and parking lots, containing levels of polycyclic aromatic hydrocarbons in excess of one percent by weight.

"Polycyclic aromatic hydrocarbons" or "PAH" means a group of compounds that are byproducts of incomplete combustion, that include several carcinogens, and that are designated as hazardous substances pursuant to § 9602(a) of the federal Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. § 9601 et seq.).

B. No person shall sell or distribute at retail or offer for retail sale or distribution a high-PAH pavement sealant on or after July 1, 2024. This subsection shall not restrict the continued sale of such a product by a retailer of any existing inventory in stock on July 1, 2024.

C. No person shall apply or use a high-PAH pavement sealant on or after July 1, 2025.

D. Any person who violates any provision of this section is subject to a civil penalty of $250, to be paid into the state treasury and deposited by the State Treasurer into the Virginia Environmental Emergency Response Fund established in § 10.1-2500.

CHAPTER 737

An Act to amend and reenact §§ 16.1-241, 16.1-331, 16.1-333, 16.1-334, 20-45.1, 20-48, 20-89.1, and 20-90 of the Code of Virginia and to repeal § 16.1-333.1 of the Code of Virginia, relating to legal age for marriage.

[H 994]

Approved April 8, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 16.1-241, 16.1-331, 16.1-333, 16.1-334, 20-45.1, 20-48, 20-89.1, and 20-90 of the Code of Virginia are amended and reenacted as follows:

§ 16.1-241. Jurisdiction; consent for abortion.

The judges of the juvenile and domestic relations district court elected or appointed under this law shall be conservators of the peace within the corporate limits of the cities and the boundaries of the counties for which they are respectively chosen and within one mile beyond the limits of such cities and counties. Except as hereinafter provided, each juvenile and domestic relations district court shall have, within the limits of the territory for which it is created, exclusive original jurisdiction, and within one mile beyond the limits of said city or county, concurrent jurisdiction with the juvenile court or courts of the adjoining city or county, over all cases, matters and proceedings involving:

A. The custody, visitation, support, control or disposition of a child:

1. Who is alleged to be abused, neglected, in need of services, in need of supervision, a status offender, or delinquent except where the jurisdiction of the juvenile court has been terminated or divested;

2. Who is abandoned by his parent or other custodian or who by reason of the absence or physical or mental incapacity of his parents is without parental care and guardianship;

2a. Who is at risk of being abused or neglected by a parent or custodian who has been adjudicated as having abused or neglected another child in the care of the parent or custodian;

3. Whose custody, visitation or support is a subject of controversy or requires determination. In such cases jurisdiction shall be concurrent with and not exclusive of courts having equity jurisdiction, except as provided in § 16.1-244;

4. Who is the subject of an entrustment agreement entered into pursuant to § 63.2-903 or 63.2-1817 or whose parent or parents for good cause desire to be relieved of his care and custody;

5. Where the termination of residual parental rights and responsibilities is sought. In such cases jurisdiction shall be concurrent with and not exclusive of courts having equity jurisdiction, as provided in § 16.1-244;

6. Who is charged with a traffic infraction as defined in § 46.2-100; or

7. Who is alleged to have refused to take a blood test in violation of § 18.2-268.2.

In any case in which the juvenile is alleged to have committed a violent juvenile felony enumerated in subsection B of § 16.1-269.1, and for any charges ancillary thereto, the jurisdiction of the juvenile court shall be limited to conducting a preliminary hearing to determine if there is probable cause to believe that the juvenile committed the act alleged and that the juvenile was 16 years of age or older at the time of the commission of the alleged offense, and any matters related thereto. In any case in which the juvenile is alleged to have committed a violent juvenile felony enumerated in subsection C of § 16.1-269.1, and for all charges ancillary thereto, if the attorney for the Commonwealth has given notice as provided in subsection C of § 16.1-269.1, the jurisdiction of the juvenile court shall be limited to conducting a preliminary hearing to

determine if there is probable cause to believe that the juvenile committed the act alleged and that the juvenile was 16 years of age or older at the time of the commission of the alleged offense, and any matters related thereto. A determination by the juvenile court following a preliminary hearing pursuant to subsection B or C of § 16.1-269.1 to certify a charge to the grand jury shall divest the juvenile court of jurisdiction over the charge and any ancillary charge. In any case in which a transfer hearing is held pursuant to subsection A of § 16.1-269.1, if the juvenile court determines to transfer the case, jurisdiction of the juvenile court over the case shall be divested as provided in § 16.1-269.6.

In all other cases involving delinquent acts, and in cases in which an ancillary charge remains after a violent juvenile felony charge has been dismissed or a violent juvenile felony has been reduced to a lesser offense not constituting a violent juvenile felony, the jurisdiction of the juvenile court shall not be divested unless there is a transfer pursuant to subsection A of § 16.1-269.1.

The authority of the juvenile court to adjudicate matters involving the custody, visitation, support, control or disposition of a child shall not be limited to the consideration of petitions filed by a mother, father or legal guardian but shall include petitions filed at any time by any party with a legitimate interest therein. A party with a legitimate interest shall be broadly construed and shall include, but not be limited to, grandparents, step-grandparents, stepparents, former stepparents, blood relatives and family members. A party with a legitimate interest shall not include any person (i) whose parental rights have been terminated by court order, either voluntarily or involuntarily, (ii) whose interest in the child derives from or through a person whose parental rights have been terminated by court order, either voluntarily or involuntarily, including, but not limited to, grandparents, stepparents, former stepparents, blood relatives and family members, if the child subsequently has been legally adopted, except where a final order of adoption is entered pursuant to § 63.2-1241, or (iii) who has been convicted of a violation of subsection A of § 18.2-61, § 18.2-63, subsection B of § 18.2-366, or an equivalent offense of another state, the United States, or any foreign jurisdiction, when the child who is the subject of the petition was conceived as a result of such violation. The authority of the juvenile court to consider a petition involving the custody of a child shall not be proscribed or limited where the child has previously been awarded to the custody of a local board of social services.

A1. Making specific findings of fact required by state or federal law to enable a child to apply for or receive a state or federal benefit. For the purposes of this subsection only, when the court has obtained jurisdiction over the case of any child, the court may continue to exercise its jurisdiction until such person reaches 21 years of age, for the purpose of entering findings of fact or amending past orders, to include findings of fact necessary for the person to petition the federal government for status as a special immigrant juvenile, as defined by 8 U.S.C. § 1101(a)(27)(J).

B. The admission of minors for inpatient treatment in a mental health facility in accordance with the provisions of Article 16 (§ 16.1-335 et seq.) and the involuntary admission of a person with mental illness or judicial certification of eligibility for admission to a training center for persons with intellectual disability in accordance with the provisions of Chapter 8 (§ 37.2-800 et seq.) of Title 37.2. Jurisdiction of the involuntary admission and certification of adults shall be concurrent with the general district court.

C. Except as provided in subsections D and H, judicial consent to such activities as may require parental consent may be given for a child who has been separated from his parents, guardian, legal custodian or other person standing in loco parentis and is in the custody of the court when such consent is required by law.

D. Judicial consent for emergency surgical or medical treatment for a child who is neither married nor has ever been married, when the consent of his parent, guardian, legal custodian or other person standing in loco parentis is unobtainable because such parent, guardian, legal custodian or other person standing in loco parentis (i) is not a resident of the Commonwealth, (ii) has his whereabouts unknown, (iii) cannot be consulted with promptness, reasonable under the circumstances, or (iv) fails to give such consent or provide such treatment when requested by the judge to do so.

E. Any person charged with deserting, abandoning or failing to provide support for any person in violation of law.

F. Any parent, guardian, legal custodian or other person standing in loco parentis of a child:

1. Who has been abused or neglected;

2. Who is the subject of an entrustment agreement entered into pursuant to § 63.2-903 or 63.2-1817 or is otherwise before the court pursuant to subdivision A 4; or

3. Who has been adjudicated in need of services, in need of supervision, or delinquent, if the court finds that such person has by overt act or omission induced, caused, encouraged or contributed to the conduct of the child complained of in the petition.

G. Petitions filed by or on behalf of a child or such child's parent, guardian, legal custodian or other person standing in loco parentis for the purpose of obtaining treatment, rehabilitation or other services that are required by law to be provided for that child or such child's parent, guardian, legal custodian or other person standing in loco parentis. Jurisdiction in such cases shall be concurrent with and not exclusive of that of courts having equity jurisdiction as provided in § 16.1-244.

H. Judicial consent to apply for a work permit for a child when such child is separated from his parents, legal guardian or other person standing in loco parentis.

I. The prosecution and punishment of persons charged with ill-treatment, abuse, abandonment or neglect of children or with any violation of law that causes or tends to cause a child to come within the purview of this law, or with any other offense against the person of a child. In prosecution for felonies over which the court has jurisdiction, jurisdiction shall be limited to determining whether or not there is probable cause.

J. All offenses in which one family or household member is charged with an offense in which another family or household member is the victim and all offenses under § 18.2-49.1.

In prosecution for felonies over which the court has jurisdiction, jurisdiction shall be limited to determining whether or not there is probable cause. Any objection based on jurisdiction under this subsection shall be made before a jury is impaneled and sworn in a jury trial or, in a nonjury trial, before the earlier of when the court begins to hear or receive evidence or the first witness is sworn, or it shall be conclusively waived for all purposes. Any such objection shall not affect or be grounds for challenging directly or collaterally the jurisdiction of the court in which the case is tried.

K. Petitions filed by a natural parent, whose parental rights to a child have been voluntarily relinquished pursuant to a court proceeding, to seek a reversal of the court order terminating such parental rights. No such petition shall be accepted, however, after the child has been placed in the home of adoptive parents.

L. Any person who seeks spousal support after having separated from his spouse. A decision under this subdivision shall not be res judicata in any subsequent action for spousal support in a circuit court. A circuit court shall have concurrent original jurisdiction in all causes of action under this subdivision.

M. Petitions filed for the purpose of obtaining an order of protection pursuant to § 16.1-253.1, 16.1-253.4, or 16.1-279.1, and all petitions filed for the purpose of obtaining an order of protection pursuant to § 19.2-152.8, 19.2-152.9, or 19.2-152.10 if either the alleged victim or the respondent is a juvenile.

N. Any person who escapes or remains away without proper authority from a residential care facility in which he had been placed by the court or as a result of his commitment to the Virginia Department of Juvenile Justice.

O. Petitions for emancipation of a minor pursuant to Article 15 (§ 16.1-331 et seq.).

P. Petitions for enforcement of administrative support orders entered pursuant to Chapter 19 (§ 63.2-1900 et seq.) of Title 63.2, or by another state in the same manner as if the orders were entered by a juvenile and domestic relations district court upon the filing of a certified copy of such order in the juvenile and domestic relations district court.

Q. Petitions for a determination of parentage pursuant to Chapter 3.1 (§ 20-49.1 et seq.) of Title 20. A circuit court shall have concurrent original jurisdiction to the extent provided for in § 20-49.2.

R. [Repealed.]

S. Petitions filed by school boards against parents pursuant to §§ 16.1-241.2 and 22.1-279.3.

T. Petitions to enforce any request for information or subpoena that is not complied with or to review any refusal to issue a subpoena in an administrative appeal regarding child abuse and neglect pursuant to § 63.2-1526.

U. Petitions filed in connection with parental placement adoption consent hearings pursuant to § 63.2-1233. Such proceedings shall be advanced on the docket so as to be heard by the court within 10 days of filing of the petition, or as soon thereafter as practicable so as to provide the earliest possible disposition.

V. Petitions filed for the purpose of obtaining the court's assistance with the execution of consent to an adoption when the consent to an adoption is executed pursuant to the laws of another state and the laws of that state provide for the execution of consent to an adoption in the court of the Commonwealth.

W. Petitions filed by a juvenile seeking judicial authorization for a physician to perform an abortion if a minor elects not to seek consent of an authorized person.

After a hearing, a judge shall issue an order authorizing a physician to perform an abortion, without the consent of any authorized person, if he finds that (i) the minor is mature enough and well enough informed to make her abortion decision, in consultation with her physician, independent of the wishes of any authorized person, or (ii) the minor is not mature enough or well enough informed to make such decision, but the desired abortion would be in her best interest.

If the judge authorizes an abortion based on the best interests of the minor, such order shall expressly state that such authorization is subject to the physician or his agent giving notice of intent to perform the abortion; however, no such notice shall be required if the judge finds that such notice would not be in the best interest of the minor. In determining whether notice is in the best interest of the minor, the judge shall consider the totality of the circumstances; however, he shall find that notice is not in the best interest of the minor if he finds that (a) one or more authorized persons with whom the minor regularly and customarily resides is abusive or neglectful and (b) every other authorized person, if any, is either abusive or neglectful or has refused to accept responsibility as parent, legal guardian, custodian or person standing in loco parentis.

The minor may participate in the court proceedings on her own behalf, and the court may appoint a guardian ad litem for the minor. The court shall advise the minor that she has a right to counsel and shall, upon her request, appoint counsel for her.

Notwithstanding any other provision of law, the provisions of this subsection shall govern proceedings relating to consent for a minor's abortion. Court proceedings under this subsection and records of such proceedings shall be confidential. Such proceedings shall be given precedence over other pending matters so that the court may reach a decision promptly and without delay in order to serve the best interests of the minor. Court proceedings under this subsection shall be heard and decided as soon as practicable but in no event later than four days after the petition is filed.

An expedited confidential appeal to the circuit court shall be available to any minor for whom the court denies an order authorizing an abortion without consent or without notice. Any such appeal shall be heard and decided no later than five days after the appeal is filed. The time periods required by this subsection shall be subject to subsection B of § 1-210. An order authorizing an abortion without consent or without notice shall not be subject to appeal.

No filing fees shall be required of the minor at trial or upon appeal.

If either the original court or the circuit court fails to act within the time periods required by this subsection, the court before which the proceeding is pending shall immediately authorize a physician to perform the abortion without consent of or notice to an authorized person.

Nothing contained in this subsection shall be construed to authorize a physician to perform an abortion on a minor in circumstances or in a manner that would be unlawful if performed on an adult woman.

A physician shall not knowingly perform an abortion upon an unemancipated minor unless consent has been obtained or the minor delivers to the physician a court order entered pursuant to this section and the physician or his agent provides such notice as such order may require. However, neither consent nor judicial authorization nor notice shall be required if the minor declares that she is abused or neglected and the attending physician has reason to suspect that the minor may be an abused or neglected child as defined in § 63.2-100 and reports the suspected abuse or neglect in accordance with § 63.2-1509; or if there is a medical emergency, in which case the attending physician shall certify the facts justifying the exception in the minor's medical record.

For purposes of this subsection:

"Authorization" means the minor has delivered to the physician a notarized, written statement signed by an authorized person that the authorized person knows of the minor's intent to have an abortion and consents to such abortion being performed on the minor.

"Authorized person" means (i) a parent or duly appointed legal guardian or custodian of the minor or (ii) a person standing in loco parentis, including, but not limited to, a grandparent or adult sibling with whom the minor regularly and customarily resides and who has care and control of the minor. Any person who knows he is not an authorized person and who knowingly and willfully signs an authorization statement consenting to an abortion for a minor is guilty of a Class 3 misdemeanor.

"Consent" means that (i) the physician has given notice of intent to perform the abortion and has received authorization from an authorized person, or (ii) at least one authorized person is present with the minor seeking the abortion and provides written authorization to the physician, which shall be witnessed by the physician or an agent thereof. In either case, the written authorization shall be incorporated into the minor's medical record and maintained as a part thereof.

"Medical emergency" means any condition which, on the basis of the physician's good faith clinical judgment, so complicates the medical condition of the pregnant minor as to necessitate the immediate abortion of her pregnancy to avert her death or for which a delay will create a serious risk of substantial and irreversible impairment of a major bodily function.

"Notice of intent to perform the abortion" means that (i) the physician or his agent has given actual notice of his intention to perform such abortion to an authorized person, either in person or by telephone, at least 24 hours previous to the performance of the abortion or (ii) the physician or his agent, after a reasonable effort to notify an authorized person, has mailed notice to an authorized person by certified mail, addressed to such person at his usual place of abode, with return receipt requested, at least 72 hours prior to the performance of the abortion.

"Perform an abortion" means to interrupt or terminate a pregnancy by any surgical or nonsurgical procedure or to induce a miscarriage as provided in § 18.2-72, 18.2-73, or 18.2-74.

"Unemancipated minor" means a minor who has not been emancipated by (i) entry into a valid marriage *entered into prior to July 1, 2024, or lawfully entered into in another state or country prior to being domiciled in the Commonwealth*, even though the marriage may have been terminated by dissolution; (ii) active duty with any of the Armed Forces of the United States; (iii) willingly living separate and apart from his or her parents or guardian, with the consent or acquiescence of the parents or guardian; or (iv) entry of an order of emancipation pursuant to Article 15 (§ 16.1-331 et seq.).

X. Petitions filed pursuant to Article 17 (§ 16.1-349 et seq.) relating to standby guardians for minor children.

Y. Petitions involving minors filed pursuant to § 32.1-45.1 relating to obtaining a blood specimen or test results.

Z. Petitions filed pursuant to § 16.1-283.3 for review of voluntary agreements for continuation of services and support for persons who meet the eligibility criteria for the Fostering Futures program set forth in § 63.2-919.

The ages specified in this law refer to the age of the child at the time of the acts complained of in the petition.

Notwithstanding any other provision of law, no fees shall be charged by a sheriff for the service of any process in a proceeding pursuant to subdivision A 3, except as provided in subdivision A 6 of § 17.1-272, or subsection B, D, M, or R.

Notwithstanding the provisions of § 18.2-71, any physician who performs an abortion in violation of subsection W shall be guilty of a Class 3 misdemeanor.

Upon certification by the juvenile and domestic relations district court of any felony charge and ancillary misdemeanor charge committed by an adult or when an appeal of a conviction or adjudication of delinquency of an offense in the juvenile and domestic relations district court is noted, jurisdiction as to such charges shall vest in the circuit court, unless such case is reopened pursuant to § 16.1-133.1; a final judgment, order, or decree is modified, vacated, or suspended pursuant to Supreme Court of Virginia Rule 1:1; or the appeal has been withdrawn in the juvenile and domestic relations district court within 10 days pursuant to § 16.1-133.

§ 16.1-331. Petition for emancipation.

Any minor who has reached his sixteenth birthday and is residing in this Commonwealth, or any parent or guardian of such minor, may petition the juvenile and domestic relations district court for the county or city in which either the minor or his parents or guardian resides for a determination that the minor named in the petition be emancipated. The petition shall contain, in addition to the information required by § 16.1-262, the gender of the minor and, if the petitioner is not the minor,

the name of the petitioner and the relationship of the petitioner to the minor. ~~If the petition is based on the minor's desire to enter into a valid marriage, the petition shall also include the name, age, date of birth, if known, and residence of the intended spouse. The petitioner shall also attach copies of any criminal records of each individual intending to be married. The petitioner shall also attach copies of any protective order issued between the individuals to be married.~~

§ 16.1-333. Findings necessary to order that minor is emancipated.

The court may enter an order declaring the minor emancipated if, after a hearing, it is found that: (i) ~~the minor has entered into a valid marriage, whether or not that marriage has been terminated by dissolution; (ii)~~ the minor is on active duty with any of the armed forces of the United States of America~~; (iii)~~ *or (ii)* the minor willingly lives separate and apart from his parents or guardian, with the consent or acquiescence of the parents or guardian, and that the minor is or is capable of supporting himself and competently managing his own financial affairs~~; or (iv) the minor desires to enter into a valid marriage and the requirements of § 16.1-333.1 are met~~.

§ 16.1-334. Effects of order.

An order that a minor is emancipated shall have the following effects:

1. The minor may consent to medical, dental, or psychiatric care, without parental consent, knowledge, or liability;

2. The minor may enter into a binding contract or execute a will;

3. The minor may sue and be sued in his own name;

4. The minor shall be entitled to his own earnings and shall be free of control by his parents or guardian;

5. The minor may establish his own residence;

6. The minor may buy and sell real property;

7. The minor may not thereafter be the subject of a petition under this chapter as abused, neglected, abandoned, in need of services, in need of supervision, or in violation of a juvenile curfew ordinance enacted by a local governing body;

8. The minor may enroll in any school or institution of higher education, without parental consent;

9. The minor may secure a driver's license under § 46.2-334 or § 46.2-335 without parental consent;

10. The parents of the minor shall no longer be the guardians of the minor;

11. The parents of a minor shall be relieved of any obligations respecting his school attendance under Article 1 (§ 22.1-254 et seq.) of Chapter 14 of Title 22.1;

12. The parents shall be relieved of all obligation to support the minor;

13. The minor shall be emancipated for the purposes of parental liability for his acts;

14. The minor may execute releases in his own name; *and*

15. The minor may not have a guardian ad litem appointed for him pursuant to any statute solely because he is under age 18~~; and~~

~~16. The minor may marry without parental, judicial, or other consent~~.

The acts done when such order is or is purported to be in effect shall be valid notwithstanding any subsequent action terminating such order or a judicial determination that the order was void ab initio.

§ 20-45.1. Void and voidable marriages.

A. All marriages that are prohibited by § 20-38.1 are void.

B. All marriages solemnized when either of the parties lacked capacity to consent to the marriage at the time the marriage was solemnized, because of mental incapacity or infirmity, shall be void from the time they shall be so declared by a decree of divorce or nullity.

C. All marriages solemnized on or after *(i)* July 1, 2016, when either or both of the parties were, at the time of the solemnization, under the age of 18 and have not been emancipated as required by § 20-48 *or (ii) July 1, 2024, when either or both of the parties were, at the time of solemnization, under the age of 18* shall be void from the time they shall be so declared by a decree of divorce or nullity. Notwithstanding the foregoing, this section shall not apply to a lawful marriage entered in another state or country prior to the parties being domiciled in the Commonwealth.

§ 20-48. Minimum age of marriage.

The minimum age at which persons may marry shall be 18~~, unless a minor has been emancipated by court order. Upon application for a marriage license, an emancipated minor shall provide a certified copy of the order of emancipation~~.

§ 20-89.1. Suit to annul marriage.

A. When a marriage is alleged to be void or voidable for any of the causes mentioned in § 20-13, 20-38.1, or 20-45.1 or by virtue of fraud or duress, either party may institute a suit for annulling the same; and upon proof of the nullity of the marriage, it shall be decreed void by a decree of annulment.

B. In the case of natural or incurable impotency of body existing at the time of entering into the marriage contract, or when, prior to the marriage, either party, without the knowledge of the other, had been convicted of a felony, or when, at the time of the marriage, either spouse, without the knowledge of the other spouse, was with child by a person other than the other spouse or had conceived a child born to a person other than the other spouse within 10 months after the date of the solemnization of the marriage, or where, prior to the marriage, either party had been, without the knowledge of the other, a prostitute, a decree of annulment may be entered upon proof, on complaint of the party aggrieved.

C. No annulment for a marriage alleged to be void or voidable under subsection B of § 20-45.1 or subsection B of this section or by virtue of fraud or duress shall be decreed if it appears that the party applying for such annulment has cohabited with the other after knowledge of the facts giving rise to what otherwise would have been grounds for annulment, and in no

event shall any such decree be entered if the parties had been married for a period of two years prior to the institution of such suit for annulment.

D. ~~A~~ *For any marriage entered into prior to July 1, 2024, a* party who, at the time of such marriage as is mentioned in § 20-48, was capable of consenting with a party not so capable shall not be permitted to institute a suit for the purpose of annulling such marriage.

§ 20-90. Suit to affirm marriage.

~~A.~~ When the validity of any marriage shall be denied or doubted by either of the parties, the other party may institute a suit for affirmance of the marriage, and upon due proof of the validity thereof, it shall be decreed to be valid, and such decree shall be conclusive upon all persons concerned.

~~B. Notwithstanding § 20-13, a marriage of a couple where one of the parties was under the age of 18 at the time of solemnization may be decreed valid upon petition by the party who was under the age of 18 at the time of the solemnization that would otherwise be deemed voidable under subsection C of § 20-45.1 solely because of age, once such party has attained the age of 18. If both parties were under the age of 18 at the time of solemnization, such petition shall not be granted unless both parties have reached the age of 18 and join in the petition together.~~

2. That § 16.1-333.1 of the Code of Virginia is repealed.

CHAPTER 738

An Act to amend and reenact §§ 24.2-653.01, 24.2-671, and 24.2-678 of the Code of Virginia, relating to conduct of elections; local electoral boards; certification and abstract of results; deadline.

[H 998]

Approved April 8, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 24.2-653.01, 24.2-671, and 24.2-678 of the Code of Virginia are amended and reenacted as follows:

§ 24.2-653.01. Provisional ballots; electoral boards to make determination as to validity.

A. The electoral board shall meet on the day following the election and determine whether each person having submitted a provisional vote pursuant to § 24.2-653 was entitled to do so as a qualified voter in the precinct in which he offered the provisional vote. In the case of persons voting provisionally pursuant to § 24.2-653.3, the electoral board shall determine of which district the person is a qualified voter. At the meeting, the voter may request an extension of the determination of the provisional vote in order to provide information to prove that the voter is entitled to vote in the precinct pursuant to § 24.2-401. The electoral board shall have the authority to grant such extensions that it deems reasonable to determine the status of a provisional vote.

If the board is unable to determine the validity of all the provisional ballots offered in the election, or has granted any voter who has offered a provisional ballot an extension, the meeting shall stand adjourned, not to exceed ~~seven~~ *10* calendar days from the date of the election, until the board has determined the validity of all provisional ballots offered in the election.

B. The electoral board shall permit one authorized representative of each political party or independent candidate in a general or special election or one authorized representative of each candidate in a primary election to remain in the room in which the determination is being made as an observer so long as he does not participate in the proceedings and does not impede the orderly conduct of the determination. Each authorized representative shall be a qualified voter of any jurisdiction of the Commonwealth. Each representative, who is not himself a candidate or party chairman, shall present to the electoral board a written statement designating him to be a representative of the party or candidate and signed by the county or city chairman of his political party, the independent candidate, or the primary candidate, as appropriate. If the county or city chairman is unavailable to sign such a written designation, such a designation may be made by the state or district chairman of the political party. However, no written designation made by a state or district chairman shall take precedence over a written designation made by the county or city chairman. Such statement, bearing the chairman's or candidate's original signature, may be photocopied and such photocopy shall be as valid as if the copy had been signed.

Notwithstanding the provisions of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.), attendance at meetings of the electoral board to determine the validity of provisional ballots shall be permitted only for the authorized representatives provided for in this subsection, for the persons whose provisional votes are being considered and their representative or legal counsel, and for appropriate staff and legal counsel for the electoral board.

C. If the electoral board determines that such person was not entitled to vote as a qualified voter in the precinct or district in which he offered the provisional vote, is unable to determine his right to vote, or has not been provided one of the forms of identification specified in subsection B of § 24.2-643, or the signed statement that the voter is the named registered voter he claims to be, the envelope containing his ballot shall not be opened and his vote shall not be counted. The general registrar shall notify in writing pursuant to § 24.2-114 those persons found not properly registered or whose provisional vote was not counted.

The provisional vote shall be counted if (i) such person is entitled to vote in the precinct pursuant to § 24.2-401 or (ii) the Department of Elections or the voter presents proof that indicates the voter submitted an application for registration to a state-designated voter registration agency or the voter's information was transmitted by the Department of Motor

Vehicles to the Department of Elections pursuant to § 24.2-411.3 prior to the close of registration pursuant to § 24.2-416 and the registrar determines that the person was qualified for registration based upon the application for registration submitted by the person pursuant to subsection B of § 24.2-652.

If the electoral board determines that such person was entitled to vote, the name of the voter shall be entered in a provisional votes pollbook and marked as having voted, the envelope shall be opened, and the ballot shall be placed in a ballot container without any inspection further than that provided for in § 24.2-646.

D. On completion of its determination, the electoral board shall proceed to count such ballots and certify the results of its count. Its certified results shall be added to those found pursuant to § 24.2-671. No adjustment shall be made to the statement of results for the precinct in which the person offered to vote. However, any voter who cast a provisional ballot and is determined by the electoral board to have been entitled to vote shall have his name included on the list of persons who voted that is submitted to the Department of Elections pursuant to § 24.2-406.

E. The certification of the results of the count together with all ballots and envelopes, whether open or unopened, and other related material shall be delivered by the electoral board to the clerk of the circuit court and retained by him as provided for in §§ 24.2-668 and 24.2-669.

§ 24.2-671. Electoral board to meet and ascertain results; conclusiveness of results.

A. Each electoral board shall meet at the clerk's or general registrar's office of the county or city for which they are appointed at or before 5:00 p.m. on the day after any election. The board may adjourn to another room of sufficient size in a public building to ascertain the results, and may adjourn as needed, not to exceed ~~seven~~ *10* calendar days from the date of the election unless an extension has been granted to accommodate a risk-limiting audit conducted pursuant to § 24.2-671.2. Written directions to the location of any room other than the clerk's or general registrar's office where the board will meet shall be posted at the doors of the clerk's and general registrar's offices prior to the beginning of the meeting.

~~The board shall open the returns delivered by the officers.~~

If the electoral board has exercised the option provided by § 24.2-668 for delivery of the election materials to the office of the general registrar on the night of the election, the electoral board shall meet at the office of the general registrar at or before 5:00 p.m. on the day after any election.

B. The board shall *open the returns delivered by the officers and* ascertain from the returns the total votes in the county or city, or town in a town election, for each candidate and for and against each question and complete the abstract of votes cast at such election, as provided for in § 24.2-675. For any office in which no person was elected by write-in votes, and for which the total number of write-in votes for that office is less than (i) 10 percent of the total number of votes cast for that office and (ii) the total number of votes cast for the candidate receiving the most votes, the electoral board shall ascertain the total votes for each write-in candidate for the office within one week following the election. For offices for which the electoral board issues the certificate of election, the result so ascertained, signed and attested, shall be conclusive and shall not thereafter be subject to challenge except as specifically provided in Chapter 8 (§ 24.2-800 et seq.).

Once the result is so ascertained, the secretary of the electoral board shall deliver one copy of each statement of results to the general registrar to be available for inspection when his office is open for business. The secretary shall then return all pollbooks, any printed inspection and return sheets, and one copy of each statement of results to the clerk.

~~Beginning with the general election in November 2007, a~~ *C. A* report of any changes made by the local electoral board to the unofficial results ascertained by the officers of election or any subsequent change to the official abstract of votes made by the local electoral board shall be forwarded to the State Board of Elections and the explanation of such change shall be posted on the State Board website.

D. Each political party and each independent candidate on the ballot, or each primary candidate, shall be entitled to have representatives present when the local electoral board meets to ascertain the results of the election. Each such party and candidate shall be entitled to have at least as many representatives present as there are teams of officials working to ascertain the results, and the room in which the local electoral board meets shall be of sufficient size and configuration to allow the representatives reasonable access and proximity to view the ballots as the teams of officials work to ascertain the results. The representatives and observers lawfully present shall be prohibited from interfering with the officials in any way. It is unlawful for any person to knowingly possess any firearm as defined in § 18.2-308.2:2 within 40 feet of any building, or part thereof, used as a meeting place for the local electoral board while the electoral board meets to ascertain the results of an election, unless such person is (a) any law-enforcement officer or any retired law-enforcement officer qualified pursuant to subsection C of § 18.2-308.016; (b) occupying his own private property that falls within 40 feet of a polling place; or (c) an armed security officer, licensed pursuant to Article 4 (§ 9.1-138 et seq.) of Chapter 1 of Title 9.1, whose employment or performance of his duties occurs within 40 feet of any building, or part thereof, used as a meeting place for the local electoral board while the electoral board meets to ascertain the results of an election.

§ 24.2-678. Law-enforcement officer to be sent for abstracts not forwarded.

If the State Board has not received the abstracts of votes from any county or city within ~~seven~~ *10* days after any election, it shall dispatch a law-enforcement officer to obtain a copy of the abstract from the official having charge thereof. That official shall immediately, on demand of the officer, make out and deliver to him the copy required, and the officer shall deliver the abstract to the State Board without delay.

CHAPTER 739

An Act to amend and reenact § 30-87 of the Code of Virginia, relating to Joint Commission on Technology and Science; staff; authority to appoint, employ, and remove.

[H 1199]

Approved April 8, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 30-87 of the Code of Virginia is amended and reenacted as follows:

§ 30-87. Staff; cooperation and assistance.

~~The Division of Legislative Services shall provide staff support to JCOTS.~~ *JCOTS may appoint, employ, and remove an executive director and such other persons as it deems necessary and determine their duties and fix their salaries or compensation within the amounts appropriated therefor.* All agencies, authorities, and institutions of the Commonwealth shall cooperate and provide assistance to JCOTS upon request.

CHAPTER 740

An Act to amend and reenact § 15.2-2405 of the Code of Virginia, relating to establishment of tax assessment districts; petition by parcel owners.

[H 1211]

Approved April 8, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 15.2-2405 of the Code of Virginia is amended and reenacted as follows:

§ 15.2-2405. How imposed.

Such improvements may be ordered by the governing body and the cost thereof apportioned in pursuance of an agreement between the governing body and the abutting landowners, and, in the absence of such an agreement, the cost of improvements which is to be defrayed in whole or in part by such local tax or assessment, may in cities and towns be ordered on a petition from *the owners of* not less than three-fourths of the ~~landowners~~ *parcels* to be affected thereby, or in counties on a petition from not less than sixty percent of the landowners to be affected thereby or by a two-thirds vote of all the members elected to the governing body. Notice shall be given to the abutting landowners, notifying them when and where they may appear before the governing body, or some committee thereof, or the administrative board or other similar board of the locality to whom the matter may be referred, to be heard in favor of or against such improvements.

CHAPTER 741

An Act to amend and reenact § 22.1-207 of the Code of Virginia, relating to health education; menstrual education instruction permitted.

[H 1221]

Approved April 8, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 22.1-207 of the Code of Virginia is amended and reenacted as follows:

§ 22.1-207. Physical and health education.

Physical and health education shall be emphasized throughout the public school curriculum by lessons, drills, and physical exercises, and all pupils in the public elementary, middle, and high schools shall receive as part of the educational program such health instruction and physical training as shall be prescribed by the Board ~~of Education~~ and approved by the State Board of Health. Such health instruction shall incorporate standards that recognize the multiple dimensions of health by including mental health and the relationship of physical and mental health so as to enhance student understanding, attitudes, and behavior that promote health, well-being, and human dignity. Such health instruction may include an age-appropriate program of instruction on the safe use of and risks of abuse of prescription drugs that is consistent with curriculum guidelines developed by the Board and approved by the State Board of Health. *Each school board may provide, as a part of such health instruction offered at such grade level in grades four through eight as the school board deems appropriate, a program of instruction on menstrual education.*

CHAPTER 742

An Act to amend and reenact § 9.1-102 of the Code of Virginia, relating to law-enforcement training; communication with individuals with an intellectual disability or a developmental disability.

[H 1246]

Approved April 8, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 9.1-102 of the Code of Virginia is amended and reenacted as follows:

§ 9.1-102. Powers and duties of the Board and the Department.

The Department, under the direction of the Board, which shall be the policy-making body for carrying out the duties and powers hereunder, shall have the power and duty to:

1. Adopt regulations, pursuant to the Administrative Process Act (§ 2.2-4000 et seq.), for the administration of this chapter including the authority to require the submission of reports and information by law-enforcement officers within the Commonwealth. Any proposed regulations concerning the privacy, confidentiality, and security of criminal justice information shall be submitted for review and comment to any board, commission, or committee or other body which may be established by the General Assembly to regulate the privacy, confidentiality, and security of information collected and maintained by the Commonwealth or any political subdivision thereof;

2. Establish compulsory minimum training standards subsequent to employment as a law-enforcement officer in (i) permanent positions and (ii) temporary or probationary status and establish the time required for completion of such training. Such compulsory minimum training standards shall include crisis intervention training in accordance with clause (i) of § 9.1-188;

3. Establish minimum training standards and qualifications for certification and recertification for law-enforcement officers serving as field training officers;

4. Establish compulsory minimum curriculum requirements for in-service and advanced courses and programs for schools, whether located in or outside the Commonwealth, which are operated for the specific purpose of training law-enforcement officers;

5. Establish (i) compulsory minimum training standards for law-enforcement officers who utilize radar or an electrical or microcomputer device to measure the speed of motor vehicles as provided in § 46.2-882 and establish the time required for completion of the training and (ii) compulsory minimum qualifications for certification and recertification of instructors who provide such training;

6. [Repealed];

7. Establish compulsory minimum entry-level, in-service and advanced training standards for those persons designated to provide courthouse and courtroom security pursuant to the provisions of § 53.1-120, and to establish the time required for completion of such training;

8. Establish compulsory minimum entry-level, in-service and advanced training standards for deputy sheriffs designated to serve process pursuant to the provisions of § 8.01-293, and establish the time required for the completion of such training;

9. Establish compulsory minimum entry-level, in-service, and advanced training standards, as well as the time required for completion of such training, for persons employed as deputy sheriffs and jail officers by local criminal justice agencies and correctional officers employed by the Department of Corrections under the provisions of Title 53.1. For correctional officers employed by the Department of Corrections, such standards shall include training on the general care of pregnant women, the impact of restraints on pregnant inmates and fetuses, the impact of being placed in restrictive housing or solitary confinement on pregnant inmates, and the impact of body cavity searches on pregnant inmates;

10. Establish compulsory minimum training standards for all dispatchers employed by or in any local or state government agency, whose duties include the dispatching of law-enforcement personnel. Such training standards shall apply only to dispatchers hired on or after July 1, 1988;

11. Establish compulsory minimum training standards for all auxiliary police officers employed by or in any local or state government agency. Such training shall be graduated and based on the type of duties to be performed by the auxiliary police officers. Such training standards shall not apply to auxiliary police officers exempt pursuant to § 15.2-1731;

12. Consult and cooperate with counties, municipalities, agencies of the Commonwealth, other state and federal governmental agencies, and institutions of higher education within or outside the Commonwealth, concerning the development of police training schools and programs or courses of instruction;

13. Approve institutions, curricula and facilities, whether located in or outside the Commonwealth, for school operation for the specific purpose of training law-enforcement officers; but this shall not prevent the holding of any such school whether approved or not;

14. Establish and maintain police training programs through such agencies and institutions as the Board deems appropriate;

15. Establish compulsory minimum qualifications of certification and recertification for instructors in criminal justice training academies approved by the Department;

16. Conduct and stimulate research by public and private agencies which shall be designed to improve police administration and law enforcement;

17. Make recommendations concerning any matter within its purview pursuant to this chapter;

18. Coordinate its activities with those of any interstate system for the exchange of criminal history record information, nominate one or more of its members to serve upon the council or committee of any such system, and participate when and as deemed appropriate in any such system's activities and programs;

19. Conduct inquiries and investigations it deems appropriate to carry out its functions under this chapter and, in conducting such inquiries and investigations, may require any criminal justice agency to submit information, reports, and statistical data with respect to its policy and operation of information systems or with respect to its collection, storage, dissemination, and usage of criminal history record information and correctional status information, and such criminal justice agencies shall submit such information, reports, and data as are reasonably required;

20. Conduct audits as required by § 9.1-131;

21. Conduct a continuing study and review of questions of individual privacy and confidentiality of criminal history record information and correctional status information;

22. Advise criminal justice agencies and initiate educational programs for such agencies with respect to matters of privacy, confidentiality, and security as they pertain to criminal history record information and correctional status information;

23. Maintain a liaison with any board, commission, committee, or other body which may be established by law, executive order, or resolution to regulate the privacy and security of information collected by the Commonwealth or any political subdivision thereof;

24. Adopt regulations establishing guidelines and standards for the collection, storage, and dissemination of criminal history record information and correctional status information, and the privacy, confidentiality, and security thereof necessary to implement state and federal statutes, regulations, and court orders;

25. Operate a statewide criminal justice research center, which shall maintain an integrated criminal justice information system, produce reports, provide technical assistance to state and local criminal justice data system users, and provide analysis and interpretation of criminal justice statistical information;

26. Develop a comprehensive, statewide, long-range plan for strengthening and improving law enforcement and the administration of criminal justice throughout the Commonwealth, and periodically update that plan;

27. Cooperate with, and advise and assist, all agencies, departments, boards and institutions of the Commonwealth, and units of general local government, or combinations thereof, including planning district commissions, in planning, developing, and administering programs, projects, comprehensive plans, and other activities for improving law enforcement and the administration of criminal justice throughout the Commonwealth, including allocating and subgranting funds for these purposes;

28. Define, develop, organize, encourage, conduct, coordinate, and administer programs, projects and activities for the Commonwealth and units of general local government, or combinations thereof, in the Commonwealth, designed to strengthen and improve law enforcement and the administration of criminal justice at every level throughout the Commonwealth;

29. Review and evaluate programs, projects, and activities, and recommend, where necessary, revisions or alterations to such programs, projects, and activities for the purpose of improving law enforcement and the administration of criminal justice;

30. Coordinate the activities and projects of the state departments, agencies, and boards of the Commonwealth and of the units of general local government, or combination thereof, including planning district commissions, relating to the preparation, adoption, administration, and implementation of comprehensive plans to strengthen and improve law enforcement and the administration of criminal justice;

31. Do all things necessary on behalf of the Commonwealth and its units of general local government, to determine and secure benefits available under the Omnibus Crime Control and Safe Streets Act of 1968 (P.L. 90-351, 82 Stat. 197), as amended, and under any other federal acts and programs for strengthening and improving law enforcement, the administration of criminal justice, and delinquency prevention and control;

32. Receive, administer, and expend all funds and other assistance available to the Board and the Department for carrying out the purposes of this chapter and the Omnibus Crime Control and Safe Streets Act of 1968, as amended;

33. Apply for and accept grants from the United States government or any other source in carrying out the purposes of this chapter and accept any and all donations both real and personal, and grants of money from any governmental unit or public agency, or from any institution, person, firm or corporation, and may receive, utilize and dispose of the same. Any arrangements pursuant to this section shall be detailed in the annual report of the Board. Such report shall include the identity of the donor, the nature of the transaction, and the conditions, if any. Any moneys received pursuant to this section shall be deposited in the state treasury to the account of the Department. To these ends, the Board shall have the power to comply with conditions and execute such agreements as may be necessary;

34. Make and enter into all contracts and agreements necessary or incidental to the performance of its duties and execution of its powers under this chapter, including but not limited to, contracts with the United States, units of general local government or combinations thereof, in Virginia or other states, and with agencies and departments of the Commonwealth;

35. Adopt and administer reasonable regulations for the planning and implementation of programs and activities and for the allocation, expenditure and subgranting of funds available to the Commonwealth and to units of general local government, and for carrying out the purposes of this chapter and the powers and duties set forth herein;

36. Certify and decertify law-enforcement officers in accordance with §§ 15.2-1706 and 15.2-1707;

37. Establish training standards and publish and periodically update model policies for law-enforcement personnel in the following subjects:

a. The handling of family abuse, domestic violence, sexual assault, and stalking cases, including standards for determining the predominant physical aggressor in accordance with § 19.2-81.3. The Department shall provide technical support and assistance to law-enforcement agencies in carrying out the requirements set forth in subsection A of § 9.1-1301;

b. The identification of, communication with, and facilitation of the safe return of individuals diagnosed with Alzheimer's disease and dementia, which shall include (i) techniques for respectful and effective communication with individuals with Alzheimer's disease and dementia and their caregivers; (ii) techniques for addressing the behavioral symptoms of Alzheimer's disease and dementia, including alternatives to physical restraint; (iii) protocols for identifying and reporting incidents of abuse, neglect, and exploitation of individuals with Alzheimer's disease and dementia to adult protective services; (iv) protocols for contacting caregivers when an individual with Alzheimer's disease or dementia is found wandering or during an emergency or crisis situation; (v) a reference list of local resources available for individuals with Alzheimer's disease and dementia; and (vi) a reference list of local and national organizations that assist law-enforcement personnel with locating missing and wandering individuals with Alzheimer's disease and dementia and returning them to their caregivers;

c. Sensitivity to and awareness of systemic and individual racism, cultural diversity, and the potential for racially biased policing and bias-based profiling as defined in § 52-30.1, which shall include recognizing implicit biases in interacting with persons who have a mental illness, substance use disorder, or developmental or cognitive disability;

d. Protocols for local and regional sexual assault response teams;

e. Communication of death notifications;

f. The questioning of individuals suspected of driving while intoxicated concerning the physical location of such individual's last consumption of an alcoholic beverage and the communication of such information to the Virginia Alcoholic Beverage Control Authority;

g. Vehicle patrol duties that embody current best practices for pursuits and for responding to emergency calls;

h. Criminal investigations that embody current best practices for conducting photographic and live lineups;

i. Sensitivity to and awareness of human trafficking offenses and the identification of victims of human trafficking offenses for personnel involved in criminal investigations or assigned to vehicle or street patrol duties;

j. The recognition, prevention, and reporting of human trafficking;

k. Missing children, missing adults, and search and rescue protocol; and

l. The handling and use of tear gas or other gases and kinetic impact munitions, as defined in § 19.2-83.3, that embody current best practices for using such items as a crowd control measure or during an arrest or detention of another person;

38. Establish compulsory training standards for basic training and the recertification of law-enforcement officers to ensure (i) sensitivity to and awareness of systemic and individual racism, cultural diversity, and the potential for racially biased policing and bias-based profiling as defined in § 52-30.1, which shall include recognizing implicit biases in interacting with persons who have a mental illness, substance use disorder, or developmental or cognitive disability; (ii) training in de-escalation techniques; and (iii) training in the lawful use of force, including the use of deadly force, as defined in § 19.2-83.3, only when necessary to protect the law-enforcement officer or another person;

39. Review and evaluate community-policing programs in the Commonwealth, and recommend where necessary statewide operating procedures, guidelines, and standards that strengthen and improve such programs, including sensitivity to and awareness of systemic and individual racism, cultural diversity, and the potential for racially biased policing and bias-based profiling as defined in § 52-30.1, which shall include recognizing implicit biases in interacting with persons who have a mental illness, substance use disorder, or developmental or cognitive disability;

40. Establish a Virginia Law-Enforcement Accreditation Center. The Center may, in cooperation with Virginia law-enforcement agencies, provide technical assistance and administrative support, including staffing, for the establishment of voluntary state law-enforcement accreditation standards. The Center may provide accreditation assistance and training, resource material, and research into methods and procedures that will assist the Virginia law-enforcement community efforts to obtain Virginia accreditation status;

41. Promote community policing philosophy and practice throughout the Commonwealth by providing community policing training and technical assistance statewide to all law-enforcement agencies, community groups, public and private organizations and citizens; developing and distributing innovative policing curricula and training tools on general community policing philosophy and practice and contemporary critical issues facing Virginia communities; serving as a consultant to Virginia organizations with specific community policing needs; facilitating continued development and implementation of community policing programs statewide through discussion forums for community policing leaders, development of law-enforcement instructors; promoting a statewide community policing initiative; and serving as a statewide information source on the subject of community policing including, but not limited to periodic newsletters, a website and an accessible lending library;

42. Establish, in consultation with the Department of Education and the Virginia State Crime Commission, compulsory minimum standards for employment and job-entry and in-service training curricula and certification requirements for school security officers, including school security officers described in clause (b) of § 22.1-280.2:1, which training and certification shall be administered by the Virginia Center for School and Campus Safety (VCSCS) pursuant to § 9.1-184. Such training standards shall be specific to the role and responsibility of school security officers and shall include (i) relevant state and federal laws; (ii) school and personal liability issues; (iii) security awareness in the school environment; (iv) mediation and conflict resolution, including de-escalation techniques such as a physical alternative to restraint; (v) disaster and emergency response; (vi) awareness of systemic and individual racism, cultural diversity, and implicit bias; (vii) working with students with disabilities, mental health needs, substance use disorders, and past traumatic experiences; and (viii) student behavioral dynamics, including child and adolescent development and brain research. The Department shall establish an advisory committee consisting of local school board representatives, principals, superintendents, and school security personnel to assist in the development of the standards and certification requirements in this subdivision. The Department shall require any school security officer who carries a firearm in the performance of his duties to provide proof that he has completed a training course provided by a federal, state, or local law-enforcement agency that includes training in active shooter emergency response, emergency evacuation procedure, and threat assessment;

43. License and regulate property bail bondsmen and surety bail bondsmen in accordance with Article 11 (§ 9.1-185 et seq.);

44. License and regulate bail enforcement agents in accordance with Article 12 (§ 9.1-186 et seq.);

45. In conjunction with the Virginia State Police and the State Compensation Board, advise criminal justice agencies regarding the investigation, registration, and dissemination of information requirements as they pertain to the Sex Offender and Crimes Against Minors Registry Act (§ 9.1-900 et seq.);

46. Establish minimum standards for (i) employment, (ii) job-entry and in-service training curricula, and (iii) certification requirements for campus security officers. Such training standards shall include, but not be limited to, the role and responsibility of campus security officers, relevant state and federal laws, school and personal liability issues, security awareness in the campus environment, and disaster and emergency response. The Department shall provide technical support and assistance to campus police departments and campus security departments on the establishment and implementation of policies and procedures, including but not limited to: the management of such departments, investigatory procedures, judicial referrals, the establishment and management of databases for campus safety and security information sharing, and development of uniform record keeping for disciplinary records and statistics, such as campus crime logs, judicial referrals and Clery Act statistics. The Department shall establish an advisory committee consisting of college administrators, college police chiefs, college security department chiefs, and local law-enforcement officials to assist in the development of the standards and certification requirements and training pursuant to this subdivision;

47. Assess and report, in accordance with § 9.1-190, the crisis intervention team programs established pursuant to § 9.1-187;

48. In conjunction with the Office of the Attorney General, advise law-enforcement agencies and attorneys for the Commonwealth regarding the identification, investigation, and prosecution of human trafficking offenses using the common law and existing criminal statutes in the Code of Virginia;

49. Register tow truck drivers in accordance with § 46.2-116 and carry out the provisions of § 46.2-117;

50. Administer the activities of the Virginia Sexual and Domestic Violence Program Professional Standards Committee by providing technical assistance and administrative support, including staffing, for the Committee;

51. In accordance with § 9.1-102.1, design and approve the issuance of photo-identification cards to private security services registrants registered pursuant to Article 4 (§ 9.1-138 et seq.);

52. In consultation with the State Council of Higher Education for Virginia and the Virginia Association of Campus Law Enforcement Administrators, develop multidisciplinary curricula on trauma-informed sexual assault investigation;

53. In consultation with the Department of Behavioral Health and Developmental Services, develop a model addiction recovery program that may be administered by sheriffs, deputy sheriffs, jail officers, administrators, or superintendents in any local or regional jail. Such program shall be based on any existing addiction recovery programs that are being administered by any local or regional jails in the Commonwealth. Participation in the model addiction recovery program shall be voluntary, and such program may address aspects of the recovery process, including medical and clinical recovery, peer-to-peer support, availability of mental health resources, family dynamics, and aftercare aspects of the recovery process;

54. Establish compulsory minimum training standards for certification and recertification of law-enforcement officers serving as school resource officers. Such training shall be specific to the role and responsibility of a law-enforcement officer working with students in a school environment and shall include (i) relevant state and federal laws; (ii) school and personal liability issues; (iii) security awareness in the school environment; (iv) mediation and conflict resolution, including de-escalation techniques; (v) disaster and emergency response; (vi) awareness of systemic and individual racism, cultural diversity, and implicit bias; (vii) working with students with disabilities, mental health needs, substance use disorders, or past traumatic experiences; and (viii) student behavioral dynamics, including current child and adolescent development and brain research;

55. Establish a model policy for the operation of body-worn camera systems as defined in § 15.2-1723.1 that also addresses the storage and maintenance of body-worn camera system records;

56. Establish compulsory minimum training standards for detector canine handlers employed by the Department of Corrections, standards for the training and retention of detector canines used by the Department of Corrections, and a central database on the performance and effectiveness of such detector canines that requires the Department of Corrections to submit comprehensive information on each canine handler and detector canine, including the number and types of calls and searches, substances searched for and whether or not detected, and the number of false positives, false negatives, true positives, and true negatives;

57. Establish compulsory training standards for basic training of law-enforcement officers for recognizing and managing stress, self-care techniques, and resiliency;

58. Establish guidelines and standards for psychological examinations conducted pursuant to subsection C of § 15.2-1705;

59. Establish compulsory in-service training standards, to include frequency of retraining, for law-enforcement officers in the following subjects: (i) relevant state and federal laws; (ii) awareness of cultural diversity and the potential for bias-based profiling as defined in § 52-30.1; (iii) de-escalation techniques; (iv) working with individuals with disabilities, mental health needs, or substance use disorders; and (v) the lawful use of force, including the use of deadly force, as defined in § 19.2-83.3, only when necessary to protect the law-enforcement officer or another person;

60. Develop a uniform curriculum and lesson plans for the compulsory minimum entry-level, in-service, and advanced training standards to be employed by criminal justice training academies approved by the Department when conducting training;

61. Adopt statewide professional standards of conduct applicable to all certified law-enforcement officers and certified jail officers and appropriate due process procedures for decertification based on serious misconduct in violation of those standards;

62. Establish and administer a waiver process, in accordance with §§ 2.2-5515 and 15.2-1721.1, for law-enforcement agencies to use certain military property. Any waivers granted by the Criminal Justice Services Board shall be published by the Department on the Department's website;

63. Establish compulsory training standards for basic training and the recertification of law-enforcement officers to include crisis intervention training in accordance with clause (ii) of § 9.1-188;

64. Advise and assist the Department of Behavioral Health and Developmental Services, and support local law-enforcement cooperation, with the development and implementation of the Marcus alert system, as defined in § 37.2-311.1, including the establishment of local protocols for law-enforcement participation in the Marcus alert system pursuant to § 9.1-193 and for reporting requirements pursuant to §§ 9.1-193 and 37.2-311.1;

65. Develop an online course to train hotel proprietors and their employees to recognize and report instances of suspected human trafficking; ~~and~~

66. *Establish compulsory minimum and in-service training standards for law-enforcement officers on communicating with individuals with an intellectual disability or a developmental disability as defined in § 37.2-100, such as autism spectrum disorder as defined in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders of the American Psychiatric Association, which shall include (i) an overview and behavioral recognition of autism spectrum disorder, (ii) best practices for crisis prevention and de-escalation techniques, (iii) an objective review of any relevant tools and technology available to assist in communication, and (iv) education on law-enforcement agency and community resources for the autism community on future crisis prevention. Such training standards shall be established in consultation with at least one individual with autism spectrum disorder, one family member of an individual with autism spectrum disorder, one specialist who works with individuals with autism spectrum disorder, one representative from the Department of Behavioral Health and Developmental Services, and one representative from a state or local law-enforcement agency; and*

67. Perform such other acts as may be necessary or convenient for the effective performance of its duties.

2. That the Department of Criminal Justice Services shall establish the compulsory minimum and in-service training standards as required by subdivision 66 of § 9.1-102 of the Code of Virginia, as amended by this act, by January 1, 2027.

3. That any person employed as a law-enforcement officer prior to July 1, 2024, shall complete the compulsory in-service training as required by subdivision 66 of § 9.1-102 of the Code of Virginia, as amended by this act, by July 1, 2028.

CHAPTER 743

An Act to amend and reenact § 22.1-253.13:2, as it shall become effective, of the Code of Virginia, relating to public school funding; ratios of instructional positions to English language learner students.

[H 1247]

Approved April 8, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 22.1-253.13:2, as it shall become effective, of the Code of Virginia is amended and reenacted as follows:

§ 22.1-253.13:2. (For effective date, see Acts 2022, cc. 549 and 550, cl. 2) Standard 2. Instructional, administrative, and support personnel.

A. The Board shall establish requirements for the licensing of teachers, principals, superintendents, and other professional personnel.

B. School boards shall employ licensed instructional personnel qualified in the relevant subject areas.

C. Each school board shall assign licensed instructional personnel in a manner that produces divisionwide ratios of students in average daily membership to full-time equivalent teaching positions, excluding special education teachers, principals, assistant principals, school counselors or certain other licensed individuals as set forth in subdivision H 4, and librarians, that are not greater than the following ratios: (i) 24 to one in kindergarten with no class being larger than 29 students; if the average daily membership in any kindergarten class exceeds 24 pupils, a full-time teacher's aide shall be assigned to the class; (ii) 24 to one in grades one, two, and three with no class being larger than 30 students; (iii) 25 to one in grades four through six with no class being larger than 35 students; and (iv) 24 to one in English classes in grades six through 12. After September 30 of any school year, anytime the number of students in a class exceeds the class size limit established by this subsection, the local school division shall notify the parent of each student in such class of such fact no later than 10 days after the date on which the class exceeded the class size limit. Such notification shall state the reason that the class size exceeds the class size limit and describe the measures that the local school division will take to reduce the class size to comply with this subsection.

Within its regulations governing special education programs, the Board shall seek to set pupil/teacher ratios for pupils with intellectual disability that do not exceed the pupil/teacher ratios for self-contained classes for pupils with specific learning disabilities.

Further, school boards shall assign instructional personnel in a manner that produces schoolwide ratios of students in average daily memberships to full-time equivalent teaching positions of 21 to one in middle schools and high schools. School divisions shall provide all middle and high school teachers with one planning period per day or the equivalent, unencumbered of any teaching or supervisory duties.

D. Each local school board shall employ with state and local basic, special education, gifted, and career and technical education funds a minimum number of licensed, full-time equivalent instructional personnel for each 1,000 students in average daily membership (ADM) as set forth in the appropriation act.

E. In addition to the positions supported by basic aid and in support of regular school year programs of prevention, intervention, and remediation, state funding, pursuant to the appropriation act, shall be provided to fund certain full-time equivalent instructional positions for each 1,000 students in grades K through 12 who are identified as needing prevention, intervention, and remediation services. State funding for prevention, intervention, and remediation programs provided pursuant to this subsection and the appropriation act may be used to support programs for educationally at-risk students as identified by the local school boards.

To provide algebra readiness intervention services required by § 22.1-253.13:1, school divisions may employ mathematics teacher specialists to provide the required algebra readiness intervention services. School divisions using the Standards of Learning Algebra Readiness Initiative funding in this manner shall only employ instructional personnel licensed by the Board.

F. In addition to the positions supported by basic aid and those in support of regular school year programs of prevention, intervention, and remediation, state funding, pursuant to the general appropriation act, shall be provided to support ~~(i)~~ ~~18.5~~ ~~full-time~~ ~~equivalent~~ ~~instructional~~ ~~positions~~ ~~in the~~ ~~2020-2021~~ ~~school~~ ~~year~~ ~~for each~~ ~~1,000~~ ~~students~~ ~~identified as having limited English proficiency~~ ~~and~~ ~~(ii)~~ ~~20~~ ~~full-time~~ ~~equivalent~~ ~~instructional~~ ~~positions~~ ~~in the~~ ~~2021-2022~~ ~~school~~ ~~year and thereafter~~ ~~for each~~ ~~1,000~~ ~~students~~ ~~identified as having limited English proficiency~~ *ratios of instructional positions to English language learner students, based on each such student's English proficiency level, as established in the general appropriation act*, which positions may include dual language teachers who provide instruction in English and in a second language.

To provide flexibility in the instruction of English language learners who have limited English proficiency and who are at risk of not meeting state accountability standards, school divisions may use state and local funds from the Standards of Quality Prevention, Intervention, and Remediation account to employ additional English language learner teachers or dual language teachers to provide instruction to identified limited English proficiency students. Using these funds in this manner is intended to supplement the instructional services provided in this section. School divisions using the SOQ Prevention, Intervention, and Remediation funds in this manner shall employ only instructional personnel licensed by the Board.

G. In addition to the full-time equivalent positions required elsewhere in this section, each local school board shall employ one reading specialist for each 550 students in kindergarten through grade five and one reading specialist for each 1,100 students in grades six through eight. Each such reading specialist shall have training in science-based reading research and evidence-based literacy instruction practices. In addition, each such reading specialist shall have training in the identification of and the appropriate interventions, accommodations, and teaching techniques for students with dyslexia or a related disorder and shall serve as an advisor on dyslexia and related disorders. Such reading specialist shall have an understanding of the definition of dyslexia and a working knowledge of (i) techniques to help a student on the continuum of skills with dyslexia; (ii) dyslexia characteristics that may manifest at different ages and grade levels; (iii) the basic foundation of the keys to reading, including multisensory, explicit, systemic, and structured reading instruction; and (iv) appropriate interventions, accommodations, and assistive technology supports for students with dyslexia.

To provide reading intervention services required by § 22.1-253.13:1, school divisions may employ reading specialists to provide the required reading intervention services. School divisions using the Early Reading Intervention Initiative funds in this manner shall employ only instructional personnel licensed by the Board. Local school divisions that employ a sufficient number of reading specialists to meet this staffing standard may assign reading specialists to grade levels according to grade levels with greatest need, regardless of the individual staffing standards established for grades kindergarten through five and six through eight.

H. Each local school board shall employ, at a minimum, the following full-time equivalent positions for any school that reports fall membership, according to student enrollment:

1. Principals, one full-time in each elementary school, middle school, and high school, to be employed on a 12-month basis;

2. Assistant principals in elementary schools, one half-time at 600 students, one full-time at 900 students; assistant principals in middle schools, one full-time for each 600 students; assistant principals in high schools, one full-time for each 600 students; and school divisions that employ a sufficient number of assistant principals to meet this staffing requirement may assign assistant principals to schools within the division according to the area of greatest need, regardless of whether such schools are elementary, middle, or secondary;

3. Librarians in elementary schools, one part-time to 299 students, one full-time at 300 students; librarians in middle schools, one-half time to 299 students, one full-time at 300 students, two full-time at 1,000 students; librarians in high schools, one half-time to 299 students, one full-time at 300 students, two full-time at 1,000 students. Local school divisions that employ a sufficient number of librarians to meet this staffing requirement may assign librarians to schools within the division according to the area of greatest need, regardless of whether such schools are elementary, middle, or secondary; and

4. School counselors, one full-time equivalent position per 325 students in grades kindergarten through 12.

However, in order to meet the staffing requirements set forth in this subdivision, any local school board (i) may employ, under a provisional license issued by the Department for three school years with an allowance for an additional two-year extension with the approval of the division superintendent, any professional counselor licensed by the Board of Counseling, clinical social worker licensed by the Board of Social Work, psychologist licensed by the Board of Psychology, or other licensed counseling professional with appropriate experience and training, provided that any such individual makes progress toward completing the requirements for full licensure as a school counselor during such period of employment or (ii) in the event that the school board does not receive any application from a licensed school counselor, professional counselor, clinical social worker, or psychologist or another licensed counseling professional with appropriate experience and training to fill a school counselor vacancy in the school division, may enter into an annual contract with another entity for the provision of school counseling services by a licensed professional counselor, clinical social worker, or psychologist or another licensed counseling professional with appropriate experience and training. Local school boards that employ a sufficient number of individuals to meet the staffing requirements set forth in this subdivision may assign such individuals to schools within the division according to the area of greatest need, regardless of whether such schools are elementary, middle, or high schools.

I. Local school boards shall employ five full-time equivalent positions per 1,000 students in grades kindergarten through five to serve as elementary resource teachers in art, music, and physical education.

J. Local school boards shall employ two full-time equivalent positions per 1,000 students in grades kindergarten through 12, one to provide technology support and one to serve as an instructional technology resource teacher.

To provide flexibility, school divisions may use the state and local funds for instructional technology resource teachers to employ a data coordinator position, an instructional technology resource teacher position, or a data coordinator/instructional resource teacher blended position. The data coordinator position is intended to serve as a resource to principals and classroom teachers in the area of data analysis and interpretation for instructional and school improvement purposes, as well as for overall data management and administration of state assessments. School divisions using these funds in this manner shall employ only instructional personnel licensed by the Board.

K. Local school boards may employ additional positions that exceed these minimal staffing requirements. These additional positions may include, but are not limited to, those funded through the state's incentive and categorical programs as set forth in the appropriation act.

L. A combined school, such as kindergarten through 12, shall meet at all grade levels the staffing requirements for the highest grade level in that school; this requirement shall apply to all staff, except for school counselors or certain other licensed individuals as set forth in subdivision H 4, and shall be based on the school's total enrollment. The Board may grant waivers from these staffing levels upon request from local school boards seeking to implement experimental or innovative programs that are not consistent with these staffing levels.

M. School boards shall, however, annually, on or before December 31, report to the public (i) the actual pupil/teacher ratios in elementary school classrooms in the local school division by school for the current school year; and (ii) the actual pupil/teacher ratios in middle school and high school in the local school division by school for the current school year. Actual pupil/teacher ratios shall include only the teachers who teach the grade and class on a full-time basis and shall exclude resource personnel. School boards shall report pupil/teacher ratios that include resource teachers in the same annual report. Any classes funded through the voluntary kindergarten through third grade class size reduction program shall be identified as such classes. Any classes having waivers to exceed the requirements of this subsection shall also be identified.

Schools shall be identified; however, the data shall be compiled in a manner to ensure the confidentiality of all teacher and pupil identities.

N. Students enrolled in a public school on a less than full-time basis shall be counted in ADM in the relevant school division. Students who are either (i) enrolled in a nonpublic school or (ii) receiving home instruction pursuant to § 22.1-254.1, and who are enrolled in public school on a less than full-time basis in any mathematics, science, English, history, social science, career and technical education, fine arts, foreign language, or health education or physical education course shall be counted in the ADM in the relevant school division on a pro rata basis as provided in the appropriation act. Each such course enrollment by such students shall be counted as 0.25 in the ADM; however, no such nonpublic or home school student shall be counted as more than one-half a student for purposes of such pro rata calculation. Such calculation shall not include enrollments of such students in any other public school courses.

O. Each school board shall provide at least three specialized student support positions per 1,000 students. For purposes of this subsection, specialized student support positions include school social workers, school psychologists, school nurses, licensed behavior analysts, licensed assistant behavior analysts, and other licensed health and behavioral positions, which may either be employed by the school board or provided through contracted services.

In order to fill vacant school psychologist positions, any local school board may employ, under a provisional license issued by the Department for three school years with an allowance for an additional two-year extension with the approval of the division superintendent, clinical psychologists licensed by the Board of Psychology, provided that any such individual makes progress toward completing the requirements for full licensure as a school psychologist during such period of employment.

P. Each local school board shall provide those support services that are necessary for the efficient and cost-effective operation and maintenance of its public schools.

For the purposes of this title, unless the context otherwise requires, "support services positions" shall include the following:

1. Executive policy and leadership positions, including school board members, superintendents and assistant superintendents;

2. Fiscal and human resources positions, including fiscal and audit operations;

3. Student support positions, including (i) social work administrative positions not included in subsection O; (ii) school counselor administrative positions not included in subdivision H 4; (iii) homebound administrative positions supporting instruction; (iv) attendance support positions related to truancy and dropout prevention; and (v) health and behavioral administrative positions not included in subsection O;

4. Instructional personnel support, including professional development positions and library and media positions not included in subdivision H 3;

5. Technology professional positions not included in subsection J;

6. Operation and maintenance positions, including facilities; pupil transportation positions; operation and maintenance professional and service positions; and security service, trade, and laborer positions;

7. Technical and clerical positions for fiscal and human resources, student support, instructional personnel support, operation and maintenance, administration, and technology; and

8. School-based clerical personnel in elementary schools; part-time to 299 students, one full-time at 300 students; clerical personnel in middle schools; one full-time and one additional full-time for each 600 students beyond 200 students and one full-time for the library at 750 students; clerical personnel in high schools; one full-time and one additional full-time for each 600 students beyond 200 students and one full-time for the library at 750 students. Local school divisions that employ a sufficient number of school-based clerical personnel to meet this staffing requirement may assign the clerical personnel to schools within the division according to the area of greatest need, regardless of whether such schools are elementary, middle, or secondary.

Pursuant to the appropriation act, support services shall be funded from basic school aid.

School divisions may use the state and local funds for support services to provide additional instructional services.

Q. Notwithstanding the provisions of this section, when determining the assignment of instructional and other licensed personnel in subsections C through J, a local school board shall not be required to include full-time students of approved virtual school programs.

CHAPTER 744

An Act to amend and reenact § 8.01-506 of the Code of Virginia, relating to debtor interrogatories; fieri facias; against whom a summons shall be issued.

[H 1248]

Approved April 8, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 8.01-506 of the Code of Virginia is amended and reenacted as follows:

§ 8.01-506. Proceedings by interrogatories to ascertain estate of debtor; summons; proviso; objections by judgment debtor.

A. To ascertain the personal estate of a judgment debtor, and to ascertain any real estate, in or out of ~~this~~ *the* Commonwealth, to which the debtor named in a judgment and fieri facias is entitled, upon the application of the execution creditor, the clerk of the court from which such fieri facias issued shall issue a summons against (i) the execution debtor~~,~~*;* (ii) any officer*, manager, or partner* of ~~the~~ *a* corporation*, limited liability company, partnership, or other business entity* if such execution debtor is ~~a corporation~~ *an entity* having an office in ~~this~~ *the* Commonwealth~~,~~*;* (iii) any employee of ~~a corporation~~ *such entity* if such execution debtor is ~~a corporation~~ *an entity* having an office but no *known* officers*, managers, or partners* in the Commonwealth*,* provided that a copy of the summons shall also be served upon the registered agent of ~~the corporation,~~ *such entity;* or (iv) any debtor to, or bailee of, the execution debtor *if the judgment creditor or such judgment creditor's attorney files an affidavit that he knows or reasonably suspects such person to be a debtor to, or bailee of, the execution debtor*.

B. The summons shall require him to appear before the court from which the fieri facias issued or a commissioner of the county or city in which such court is located, or a like court or a commissioner of a county or city contiguous thereto, or upon request of the execution creditor, before a like court or a commissioner of the county or city in which the execution debtor resides, or of a county or city contiguous thereto, to answer such interrogatories as may be propounded to him by the execution creditor or his attorney, or the court, or the commissioner, as the case may be. If the execution creditor requests that the summons require the execution debtor to appear before a like court of the county or city in which the execution debtor resides, or of a county or city contiguous thereto, the case may be filed or docketed in accordance with the requirements of § 8.01-506.2 prior to issuance of the summons.

C. ~~Provided, however, that as a condition precedent to~~ *Before* proceeding under this section, the execution creditor ~~has furnished~~ *shall furnish* to the court a certificate setting forth that he has not proceeded against the execution debtor under this section within the six months last preceding the date of such certificate. ~~Except that for~~ *However, for* good cause shown, the court may, on motion of the execution creditor, issue an order allowing further proceedings before a commissioner by interrogatories during the six-month period. Any judgment creditor who knowingly gives false information upon any such certificate made under this article ~~shall be~~ *is* guilty of a Class 1 misdemeanor. The issuance of a summons that is not served shall not constitute the act of proceeding against an execution debtor for purposes of making the certificate required by this subsection.

D. The debtor or other person served with such summons shall appear at the time and place mentioned and make answer to such interrogatories. The commissioner shall, at the request of either of the parties, enter in his proceedings and report to the court mentioned in § 8.01-507.1~~,~~ any and all objections taken by such debtor against answering such interrogatories, or any or either of them, and if the court afterwards sustains any one or more of such objections, the answers given to such interrogatories as to which objections are sustained shall be held for naught in that or any other case.

E. Notwithstanding the foregoing provisions of this section, the court from which a writ of fieri facias issued, upon motion by the execution debtor ~~and~~*, or by a person summoned pursuant to clause (iv) of subsection A,* for good cause shown, shall transfer debtor interrogatory proceedings to a *more convenient* forum ~~more convenient to the execution debtor~~.

CHAPTER 745

An Act to amend and reenact § 17.1-607 of the Code of Virginia, relating to security for costs upon suit by nonresident plaintiff.

[H 1249]

Approved April 8, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 17.1-607 of the Code of Virginia is amended and reenacted as follows:

§ 17.1-607. Security for costs upon suit by nonresident.

In any *plaintiff's* suit or action *by a nonresident of the Commonwealth*, except when ~~an~~ *such plaintiff is* indigent ~~is plaintiff, there may be a suggestion on the record in court, or, if the case be at rules, on the rule docket, by a defendant, or any officer of the court, that the plaintiff is not a resident of this Commonwealth and the security is required of him. After sixty days from such suggestion, the suit or action shall, by order of the court, be dismissed, unless, before the dismissal, it is proven that plaintiff is a resident of the Commonwealth or security be given before the court, or its clerk, for the payment of the costs and damages in the court in which the suit or action is instituted which may be awarded to the defendant, and of the fees due, or to become due, in such suit or action to the officers of the court. The~~*, upon motion by any party to such suit or action and for good cause shown, the court may order that the plaintiff post security within 60 days following entry of such order in an amount determined to be sufficient by such court but not exceeding $250 for the payment of costs in the court in which the suit or action is instituted and that may be awarded to the defendant. Any* security ~~shall~~ *so given may* be by *(i) payment to the moving party or his counsel, who shall hold such payment in trust in an interest-bearing account for the benefit of the prevailing party in such suit or action; (ii) payment into the court pursuant to § 8.01-600; or (iii)* bond, payable to the Commonwealth, but there need only be one obligor therein, if ~~he~~ *such obligor* be sufficient and a resident of the Commonwealth. The court before whom, or before whose clerk, such bond *or other payment made pursuant to this section* is given, may, on motion by a defendant or officer, give judgment for so much as he is entitled to by virtue of such bond *or other payment made pursuant to this section*.

As used in this section, the term "plaintiff" shall also apply to a counterclaim plaintiff, cross-claim plaintiff, or third-party plaintiff, and the term "defendant" shall also apply to a counterclaim defendant, cross-claim defendant, or third-party defendant.

CHAPTER 746

An Act to amend and reenact §§ 60.2-528, 60.2-612.1, 60.2-619, and 60.2-633 of the Code of Virginia, relating to unemployment compensation; continuation of benefits; repayment of overpayments.

[H 1261]

Approved April 8, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 60.2-528, 60.2-612.1, 60.2-619, and 60.2-633 of the Code of Virginia are amended and reenacted as follows:

§ 60.2-528. Individual benefit charges.

A. An individual's "benefit charges" shall be computed in the following manner:

1. For each week benefits are received, a claimant's "benefit charges" shall be equal to his benefits received for such week.

2. For each week extended benefits are received, pursuant to § 60.2-610 or 60.2-611, a claimant's "benefit charges" shall be equal to one-half his benefits received for such week. However, a claimant's "benefit charges" for extended benefits attributable to service in the employ of a governmental entity referred to in subdivisions 1 through 3 of subsection A of § 60.2-213 shall be equal to the full amount of such extended benefit.

3. For each week partial benefits are received, the claimant's "benefit charges" shall be computed (i) in the case of regular benefits as in subdivision 1 of this subsection, or (ii) in the case of extended benefits as in subdivision 2 of this subsection.

B. 1. The employing unit from whom such individual was separated, resulting in the current period of unemployment, shall be the most recent employing unit for whom such individual has performed services for remuneration (i) during 30 days, whether or not such days are consecutive, or (ii) during 240 hours. If such individual's unemployment is caused by separation from an employer, such individual's "benefit charges" for such period of unemployment shall be deemed the responsibility of the last employer for (i) 30 days or (ii) 240 hours prior to such period of unemployment.

2. Any employer charged with benefits paid shall be notified of the charges quarterly by the Commission. The amount specified shall be conclusive on the employer unless, not later than 30 days after the notice of benefit charges was mailed to its last known address or otherwise delivered to it, the employer files an appeal with the Commission, setting forth the grounds for such an appeal. Proceedings on appeal to the Commission regarding the amount of benefit charges under this subsection or a redetermination of such amount shall be in accordance with the provisions of § 60.2-500. The decision of the Commission shall be subject to the provisions of § 60.2-500. Any appeal perfected pursuant to the provisions of this section shall not address any issue involving the merits or conditions of a claimant's separation from employment.

C. No "benefit charges" shall be deemed the responsibility of an employer of:

1. An individual whose separation from the work of such employer arose as a result of a violation of the law by such individual, which violation led to confinement in any jail or prison;

2. An individual who voluntarily left employment in order to accept other employment, genuinely believing such employment to be permanent;

3. An individual with respect to any weeks in which benefits are claimed and received after such date as that individual refused to accept an offer of rehire by the employer because such individual was in training with approval of the Commission pursuant to § 60.2-613;

4. An individual who voluntarily left employment to enter training approved under § 236 of the Trade Act of 1974 (19 U.S.C. § 2296 et seq.);

5. An individual hired to replace a member of the Reserve of the United States Armed Forces or the National Guard called into active duty in connection with an international conflict and whose employment is terminated concurrent with and because of that member's return from active duty;

6. An individual who left employment voluntarily with good cause due to a personal bona fide medical reason caused by a non-job-related injury or medical condition;

7. An individual participating as an inmate in (i) state or local work release programs pursuant to § 53.1-60 or 53.1-131; (ii) community residential programs pursuant to §§ 53.1-177, 53.1-178, and 53.1-179; or (iii) any similar work release program, whose separation from work arose from conditions of release or parole from such program;

8. An individual who was unable to work at his regular employment due to a disaster for which the Governor, by executive order, has declared a state of emergency, if such disaster forced the closure of the employer's business. In no case shall more than four weeks of benefit charges be waived; ~~or~~

9. An individual who leaves employment to accompany his spouse to the location of the spouse's new duty assignment if (i) the spouse is on active duty in the military or naval services of the United States; (ii) the spouse's relocation to a new military-related assignment is pursuant to a permanent change of station order; (iii) the location of the spouse's new duty assignment is not readily accessible from the individual's place of employment; and (iv) the spouse's new duty assignment is

located in a state that, pursuant to statute, does not deem a person accompanying a military spouse as a person leaving work voluntarily without good cause*; or*

10. An individual who has received any overpayment of benefits that the Commission waived the requirement to repay pursuant to subsection A of § 60.2-633.

§ 60.2-612.1. Program integrity.

A. In order to verify that an individual is eligible to receive benefits, the Commission shall conduct all mandatory and recommended program integrity activities as identified by the U.S. Department of Labor Employment and Training Administration and the U.S. Department of Labor Office of Inspector General.

B. The Commission shall perform a full eligibility review of suspicious or potentially improper claims. In determining if a claim is suspicious or potentially improper, the Commission shall consider the factors utilized by the Integrity Data Hub and any additional factors that may be appropriate, including commonalities in physical addresses, mailing addresses, internet protocol addresses, email addresses, multi-factor authentication, and bank accounts.

C. The Commission shall recover ~~any~~ improper ~~overpayment~~ *overpayments* of benefits ~~to the fullest extent authorized by this title and federal law~~ *as provided in § 60.2-633*.

D. The Department of Social Services, the Department of Medical Assistance Services, and the Department of Housing and Community Development, upon receipt of notification that an individual enrolled in any of such department's public assistance programs has become employed, shall notify the Commission of such fact in order for the Commission to determine the individual's eligibility for benefits.

E. The Commission may enter into a memorandum of understanding with any state agency necessary to implement the provisions of this section.

F. The Commission shall report by December 1 of each year to the Commission on Unemployment Compensation addressing the implementation and enforcement of the provisions of this section. The report shall include:

1. The Commission's general program integrity processes, including tools, resources, and databases utilized, to the extent that sharing the information does not jeopardize program integrity measures;

2. A description of efforts to identify, prevent, and recover improper overpayments of benefits and fraudulent payments and measures being taken to improve such efforts;

3. The type and amount of improper payments detected retroactively;

4. The type and amount of improper payments prevented;

5. Moneys saved in preventing improper overpayments and, if any, in recouping improper overpayments; and

6. An explanation for the nonrecovery of overpayments, including the application of any allowable recovery exceptions.

§ 60.2-619. Determinations and decisions by deputy; appeals therefrom.

A. 1. A representative designated by the Commission as a deputy, shall promptly examine the claim. On the basis of the facts found by him, the deputy shall either:

a. Determine whether or not such claim is valid, and if valid, the week with respect to which benefits shall commence, the weekly benefit amount payable and the maximum duration thereof; or

b. Refer such claim or any question involved therein to any appeal tribunal or to the Commission, which tribunal or Commission shall make its determination in accordance with the procedure described in § 60.2-620.

2. When the payment or denial of benefits will be determined by the provisions of subdivision A 2 of § 60.2-612, the deputy shall promptly transmit his full finding of fact with respect to that subdivision to any appeal tribunal, which shall make its determination in accordance with the procedure described in § 60.2-620.

B. Upon the filing of an initial claim for benefits, the Commission shall cause an informatory notice of such filing to be mailed to the most recent 30-day or 240-hour employing unit of the claimant and all subsequent employing units, and any reimbursable employing units that may be liable for reimbursement to the Commission for any benefits paid. However, the failure to furnish such notice shall not have any effect upon the claim for benefits. *If a claimant has had a determination of initial eligibility for benefits under this chapter, as evidenced by the issuance of compensation or waiting-week credit, payments shall continue, subject to a presumption of continued eligibility and in accordance with the terms of this subsection, until a determination is made that provides the claimant notice and an opportunity to be heard. When a question concerning continued eligibility for benefits arises, a determination shall be made as to whether it affects future weeks of benefits or only past weeks. With respect to future weeks, presumptive payment shall be made no later than 21 days after the issue arises, regardless of the type of issue. With respect to past weeks, presumptive payment shall be issued immediately, regardless of the type of issue. Notice shall be given to individuals who receive payments under such presumption that pending eligibility may affect their entitlement to the payment and may result in an overpayment that requires repayment.*

C. Notice of determination upon a claim shall be promptly given to the claimant by delivering or by mailing such notice to the claimant's last known address. In addition, notice of any determination that involves the application of the provisions of § 60.2-618, together with the reasons therefor, shall be promptly given in the same manner to the most recent 30-day or 240-hour employing unit by whom the claimant was last employed and any subsequent employing unit which is a party. The Commission may dispense with the giving of notice of any determination to any employing unit, and such employing unit shall not be entitled to such notice if it has failed to respond timely or adequately to a written request of the Commission for information, as required by § 60.2-528.1, from which the deputy may have determined that the claimant

may be ineligible or disqualified under any provision of this title. The deputy shall promptly notify the claimant of any decision made by him at any time which in any manner denies benefits to the claimant for one or more weeks.

D. Such determination or decision shall be final unless the claimant or any such employing unit files an appeal from such determination or decision (i) within 30 calendar days after the delivery of such notification, (ii) within 30 calendar days after such notification was mailed to his last known address, or (iii) within 30 days after such notification was mailed to the last known address of an interstate claimant. For good cause shown, the 30-day period may be extended. A claim that the Commission has determined to be invalid because of monetary ineligibility shall first be subject to review only upon a request for redetermination pursuant to § 60.2-629. The Commission shall issue a new monetary determination as a result of such review, and such monetary determination shall become final unless appealed by the claimant within 30 days of the date of mailing. The Commission shall clearly set out the process for requesting a redetermination and the process for filing an appeal on each monetary determination issued. Monetary ineligibility does not include an appeal on the effective date of the claim, unless the claimant has requested and received a redetermination of the monetary determination pursuant to § 60.2-629.

E. Benefits shall be paid promptly in accordance with a determination or redetermination under this chapter, or decision of an appeal tribunal, the Commission, the Board of Review or a reviewing court under §§ 60.2-625 and 60.2-631 upon the issuance of such determination, redetermination or decision, regardless of the pendency of the period to file an appeal or petition for judicial review that is provided in this chapter, or the pendency of any such appeal or review. Such benefits shall be paid unless or until such determination, redetermination or decision has been modified or reversed by a subsequent redetermination or decision, in which event benefits shall be paid or denied for weeks of unemployment thereafter in accordance with such modifying or reversing redetermination or decision. If a decision of an appeal tribunal allowing benefits is affirmed in any amount by the Commission, benefits shall continue to be paid until such time as a court decision has become final so that no further appeal can be taken. If an appeal is taken from the Commission's decision, benefits paid shall result in a benefit charge to the account of the employer under § 60.2-530 only when, and as of the date on which, as the result of an appeal, the courts finally determine that the Commission should have awarded benefits to the claimant or claimants involved in such appeal.

§ 60.2-633. Receiving benefits to which not entitled.

A. Any person who has received any sum as benefits under this title to which he was not entitled shall be liable to repay such sum to the Commission. For purposes of this section, "benefits under this title" includes benefits under an unemployment benefit program of the United States or of any other state. In the event the claimant does not refund the overpayment, the Commission shall deduct from any future benefits such sum payable to him under this title. ~~However, if an overpayment of benefits under this chapter, but not under an unemployment benefit program of the United States or of any other state, occurred due to administrative error,~~ *The Commission shall waive the requirement to repay the overpayment after an individual case review if (i) the overpayment was made without fault on the part of the individual and (ii) requiring repayment would be contrary to equity and good conscience. Subject to the requirements of this section, the Commission may grant a waiver of the obligation to repay an overpayment to an individual who has a pending appeal with the Commission.*

For the purposes of this section:

1. An overpayment made "without fault on the part of the individual" shall include overpayments that (i) result from administrative error; (ii) are the result of inducement, solicitation, or coercion on the part of the employer; or (iii) result from the employer's failure to respond timely or adequately to the Commission's request for information, as required by § 60.2-528.1. An overpayment shall not be considered "without fault on the part of the individual" if such overpayment was the result of (a) a reversal in the appeals process, unless the employer failed to respond timely or adequately to the Commission's request for information regarding the individual's separation from employment; (b) a programming, technological, or automatic system error not directly associated with an individual claim that results in erroneous payments to a group of individuals; or (c) fraud.

2. It shall be contrary to equity and good conscience if requiring repayment of an overpayment would deprive the individual of the income required to provide for basic necessities, including shelter, food, medicine, child care, or any other essential living expense.

B. For any overpayment where repayment is not forgiven, the Commission shall have the authority to negotiate the terms of repayment, which shall include (i) deducting up to 50 percent of the payable amount for any future week of benefits claimed, rounded down to the next lowest dollar until the overpayment is satisfied; (ii) forgoing collection of the payable amount until the recipient has found employment as defined in § 60.2-212; or (iii) determining and instituting an individualized repayment plan. The Commission shall collect an overpayment of benefits under this chapter caused by administrative error only by offset against future benefits or a negotiated repayment plan; however, the Commission may institute any other method of collection if the individual fails to enter into or comply with the terms of the repayment plan. Administrative error shall not include decisions reversed in the appeals process. ~~In addition, the overpayment~~

Overpayments where the obligation to repay has not been waived may be collectible by civil action in the name of the Commission. Amounts collected in this manner may be subject to an interest charge as prescribed in § 58.1-15 from the date of judgment and may be subject to fees and costs. Collection activities for any benefit overpayment established of ~~five dollars~~ *$5* or less may be suspended. The Commission may, for good cause, determine as uncollectible and discharge from its records any benefit overpayment which remains unpaid after the expiration of seven years from the date such

overpayment was determined, or immediately upon the death of such person or upon his discharge in bankruptcy occurring subsequently to the determination of overpayment. Any existing overpayment balance not equal to an even dollar amount shall be rounded to the next lowest even dollar amount.

~~B.~~ *C.* The Commission is authorized to accept repayment of benefit overpayments by use of a credit card. The Virginia Employment Commission shall add to such payment a service charge for the acceptance of such card. Such service charge shall not exceed the percentage charged to the Virginia Employment Commission for use of such card.

D. No determination with respect to benefit overpayments shall be issued until after a determination or decision that finds a claimant ineligible or disqualified for benefits previously paid has become final.

E. The Commission shall notify each individual with an unpaid overpayment of benefits established for claim weeks commencing on or after March 15, 2020, under this chapter or any unemployment benefit program of the United States or any other state, that such individual may be entitled to a waiver of the obligation to repay such overpayment and shall provide 30 days from the date of such notification for the individual to request a waiver of repayment. For good cause shown, the Commission may extend the 30-day period for requesting a waiver. The Commission shall conduct an individualized review and adjudicate any request received in accordance with the provisions of § 60.2-619, and any individual who is denied a waiver shall have the right to appeal the Commission's decision as provided in subsection D of § 60.2-619. In ruling on any waiver request, the Commission shall apply the provisions of this chapter or, if applicable, the overpayment waiver provisions of any unemployment compensation program of the United States.

~~C.~~ *F.* Final orders of the Commission with respect to benefit overpayments may be recorded, enforced and satisfied as orders or decrees of a circuit court upon certification of such orders by the Commissioner as may be appropriate.

G. All costs that result from implementing the provisions of this section shall be incurred by federal administrative grants, where permitted. For an overpayment waived pursuant to this section, no individual employer shall be responsible for (i) reimbursing benefits or (ii) benefits charges, except as provided in § 60.2-528.1.

2. That the provisions of this act shall expire on July 1, 2028.

CHAPTER 747

An Act to amend and reenact § 59.1-200 of the Code of Virginia, relating to Virginia Consumer Protection Act; prohibited practices; ignition interlock system.

[H 1351]

Approved April 8, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 59.1-200 of the Code of Virginia is amended and reenacted as follows:

§ 59.1-200. Prohibited practices.

A. The following fraudulent acts or practices committed by a supplier in connection with a consumer transaction are hereby declared unlawful:

1. Misrepresenting goods or services as those of another;

2. Misrepresenting the source, sponsorship, approval, or certification of goods or services;

3. Misrepresenting the affiliation, connection, or association of the supplier, or of the goods or services, with another;

4. Misrepresenting geographic origin in connection with goods or services;

5. Misrepresenting that goods or services have certain quantities, characteristics, ingredients, uses, or benefits;

6. Misrepresenting that goods or services are of a particular standard, quality, grade, style, or model;

7. Advertising or offering for sale goods that are used, secondhand, repossessed, defective, blemished, deteriorated, or reconditioned, or that are "seconds," irregulars, imperfects, or "not first class," without clearly and unequivocally indicating in the advertisement or offer for sale that the goods are used, secondhand, repossessed, defective, blemished, deteriorated, reconditioned, or are "seconds," irregulars, imperfects or "not first class";

8. Advertising goods or services with intent not to sell them as advertised, or with intent not to sell at the price or upon the terms advertised.

In any action brought under this subdivision, the refusal by any person, or any employee, agent, or servant thereof, to sell any goods or services advertised or offered for sale at the price or upon the terms advertised or offered, shall be prima facie evidence of a violation of this subdivision. This paragraph shall not apply when it is clearly and conspicuously stated in the advertisement or offer by which such goods or services are advertised or offered for sale, that the supplier or offeror has a limited quantity or amount of such goods or services for sale, and the supplier or offeror at the time of such advertisement or offer did in fact have or reasonably expected to have at least such quantity or amount for sale;

9. Making false or misleading statements of fact concerning the reasons for, existence of, or amounts of price reductions;

10. Misrepresenting that repairs, alterations, modifications, or services have been performed or parts installed;

11. Misrepresenting by the use of any written or documentary material that appears to be an invoice or bill for merchandise or services previously ordered;

12. Notwithstanding any other provision of law, using in any manner the words "wholesale," "wholesaler," "factory," or "manufacturer" in the supplier's name, or to describe the nature of the supplier's business, unless the supplier is actually engaged primarily in selling at wholesale or in manufacturing the goods or services advertised or offered for sale;

13. Using in any contract or lease any liquidated damage clause, penalty clause, or waiver of defense, or attempting to collect any liquidated damages or penalties under any clause, waiver, damages, or penalties that are void or unenforceable under any otherwise applicable laws of the Commonwealth, or under federal statutes or regulations;

13a. Failing to provide to a consumer, or failing to use or include in any written document or material provided to or executed by a consumer, in connection with a consumer transaction any statement, disclosure, notice, or other information however characterized when the supplier is required by 16 C.F.R. Part 433 to so provide, use, or include the statement, disclosure, notice, or other information in connection with the consumer transaction;

14. Using any other deception, fraud, false pretense, false promise, or misrepresentation in connection with a consumer transaction;

15. Violating any provision of § 3.2-6509, 3.2-6512, 3.2-6513, 3.2-6513.1, 3.2-6514, 3.2-6515, 3.2-6516, or 3.2-6519 is a violation of this chapter;

16. Failing to disclose all conditions, charges, or fees relating to:

a. The return of goods for refund, exchange, or credit. Such disclosure shall be by means of a sign attached to the goods, or placed in a conspicuous public area of the premises of the supplier, so as to be readily noticeable and readable by the person obtaining the goods from the supplier. If the supplier does not permit a refund, exchange, or credit for return, he shall so state on a similar sign. The provisions of this subdivision shall not apply to any retail merchant who has a policy of providing, for a period of not less than 20 days after date of purchase, a cash refund or credit to the purchaser's credit card account for the return of defective, unused, or undamaged merchandise upon presentation of proof of purchase. In the case of merchandise paid for by check, the purchase shall be treated as a cash purchase and any refund may be delayed for a period of 10 banking days to allow for the check to clear. This subdivision does not apply to sale merchandise that is obviously distressed, out of date, post season, or otherwise reduced for clearance; nor does this subdivision apply to special order purchases where the purchaser has requested the supplier to order merchandise of a specific or unusual size, color, or brand not ordinarily carried in the store or the store's catalog; nor shall this subdivision apply in connection with a transaction for the sale or lease of motor vehicles, farm tractors, or motorcycles as defined in § 46.2-100;

b. A layaway agreement. Such disclosure shall be furnished to the consumer (i) in writing at the time of the layaway agreement, or (ii) by means of a sign placed in a conspicuous public area of the premises of the supplier, so as to be readily noticeable and readable by the consumer, or (iii) on the bill of sale. Disclosure shall include the conditions, charges, or fees in the event that a consumer breaches the agreement;

16a. Failing to provide written notice to a consumer of an existing open-end credit balance in excess of $5 (i) on an account maintained by the supplier and (ii) resulting from such consumer's overpayment on such account. Suppliers shall give consumers written notice of such credit balances within 60 days of receiving overpayments. If the credit balance information is incorporated into statements of account furnished consumers by suppliers within such 60-day period, no separate or additional notice is required;

17. If a supplier enters into a written agreement with a consumer to resolve a dispute that arises in connection with a consumer transaction, failing to adhere to the terms and conditions of such an agreement;

18. Violating any provision of the Virginia Health Club Act, Chapter 24 (§ 59.1-294 et seq.);

19. Violating any provision of the Virginia Home Solicitation Sales Act, Chapter 2.1 (§ 59.1-21.1 et seq.);

20. Violating any provision of the Automobile Repair Facilities Act, Chapter 17.1 (§ 59.1-207.1 et seq.);

21. Violating any provision of the Virginia Lease-Purchase Agreement Act, Chapter 17.4 (§ 59.1-207.17 et seq.);

22. Violating any provision of the Prizes and Gifts Act, Chapter 31 (§ 59.1-415 et seq.);

23. Violating any provision of the Virginia Public Telephone Information Act, Chapter 32 (§ 59.1-424 et seq.);

24. Violating any provision of § 54.1-1505;

25. Violating any provision of the Motor Vehicle Manufacturers' Warranty Adjustment Act, Chapter 17.6 (§ 59.1-207.34 et seq.);

26. Violating any provision of § 3.2-5627, relating to the pricing of merchandise;

27. Violating any provision of the Pay-Per-Call Services Act, Chapter 33 (§ 59.1-429 et seq.);

28. Violating any provision of the Extended Service Contract Act, Chapter 34 (§ 59.1-435 et seq.);

29. Violating any provision of the Virginia Membership Camping Act, Chapter 25 (§ 59.1-311 et seq.);

30. Violating any provision of the Comparison Price Advertising Act, Chapter 17.7 (§ 59.1-207.40 et seq.);

31. Violating any provision of the Virginia Travel Club Act, Chapter 36 (§ 59.1-445 et seq.);

32. Violating any provision of §§ 46.2-1231 and 46.2-1233.1;

33. Violating any provision of Chapter 40 (§ 54.1-4000 et seq.) of Title 54.1;

34. Violating any provision of Chapter 10.1 (§ 58.1-1031 et seq.) of Title 58.1;

35. Using the consumer's social security number as the consumer's account number with the supplier, if the consumer has requested in writing that the supplier use an alternate number not associated with the consumer's social security number;

36. Violating any provision of Chapter 18 (§ 6.2-1800 et seq.) of Title 6.2;

37. Violating any provision of § 8.01-40.2;

38. Violating any provision of Article 7 (§ 32.1-212 et seq.) of Chapter 6 of Title 32.1;

39. Violating any provision of Chapter 34.1 (§ 59.1-441.1 et seq.);
40. Violating any provision of Chapter 20 (§ 6.2-2000 et seq.) of Title 6.2;
41. Violating any provision of the Virginia Post-Disaster Anti-Price Gouging Act, Chapter 46 (§ 59.1-525 et seq.);
42. Violating any provision of Chapter 47 (§ 59.1-530 et seq.);
43. Violating any provision of § 59.1-443.2;
44. Violating any provision of Chapter 48 (§ 59.1-533 et seq.);
45. Violating any provision of Chapter 25 (§ 6.2-2500 et seq.) of Title 6.2;
46. Violating the provisions of clause (i) of subsection B of § 54.1-1115;
47. Violating any provision of § 18.2-239;
48. Violating any provision of Chapter 26 (§ 59.1-336 et seq.);
49. Selling, offering for sale, or manufacturing for sale a children's product the supplier knows or has reason to know was recalled by the U.S. Consumer Product Safety Commission. There is a rebuttable presumption that a supplier has reason to know a children's product was recalled if notice of the recall has been posted continuously at least 30 days before the sale, offer for sale, or manufacturing for sale on the website of the U.S. Consumer Product Safety Commission. This prohibition does not apply to children's products that are used, secondhand or "seconds";
50. Violating any provision of Chapter 44.1 (§ 59.1-518.1 et seq.);
51. Violating any provision of Chapter 22 (§ 6.2-2200 et seq.) of Title 6.2;
52. Violating any provision of § 8.2-317.1;
53. Violating subsection A of § 9.1-149.1;
54. Selling, offering for sale, or using in the construction, remodeling, or repair of any residential dwelling in the Commonwealth, any drywall that the supplier knows or has reason to know is defective drywall. This subdivision shall not apply to the sale or offering for sale of any building or structure in which defective drywall has been permanently installed or affixed;
55. Engaging in fraudulent or improper or dishonest conduct as defined in § 54.1-1118 while engaged in a transaction that was initiated (i) during a declared state of emergency as defined in § 44-146.16 or (ii) to repair damage resulting from the event that prompted the declaration of a state of emergency, regardless of whether the supplier is licensed as a contractor in the Commonwealth pursuant to Chapter 11 (§ 54.1-1100 et seq.) of Title 54.1;
56. Violating any provision of Chapter 33.1 (§ 59.1-434.1 et seq.);
57. Violating any provision of § 18.2-178, 18.2-178.1, or 18.2-200.1;
58. Violating any provision of Chapter 17.8 (§ 59.1-207.45 et seq.);
59. Violating any provision of subsection E of § 32.1-126;
60. Violating any provision of § 54.1-111 relating to the unlicensed practice of a profession licensed under Chapter 11 (§ 54.1-1100 et seq.) or Chapter 21 (§ 54.1-2100 et seq.) of Title 54.1;
61. Violating any provision of § 2.2-2001.5;
62. Violating any provision of Chapter 5.2 (§ 54.1-526 et seq.) of Title 54.1;
63. Violating any provision of § 6.2-312;
64. Violating any provision of Chapter 20.1 (§ 6.2-2026 et seq.) of Title 6.2;
65. Violating any provision of Chapter 26 (§ 6.2-2600 et seq.) of Title 6.2;
66. Violating any provision of Chapter 54 (§ 59.1-586 et seq.);
67. Knowingly violating any provision of § 8.01-27.5;
68. Failing to, in accordance with § 59.1-207.46, (i) make available a conspicuous online option to cancel a recurring purchase of a good or service or (ii) with respect to a free trial lasting more than 30 days, notify a consumer of his option to cancel such free trial within 30 days of the end of the trial period to avoid an obligation to pay for the goods or services;
69. Selling or offering for sale any substance intended for human consumption, orally or by inhalation, that contains a synthetic derivative of tetrahydrocannabinol. As used in this subdivision, "synthetic derivative" means a chemical compound produced by man through a chemical transformation to turn a compound into a different compound by adding or subtracting molecules to or from the original compound. This subdivision shall not (i) apply to products that are approved for marketing by the U.S. Food and Drug Administration and scheduled in the Drug Control Act (§ 54.1-3400 et seq.) or (ii) be construed to prohibit any conduct permitted under Chapter 16 (§ 4.1-1600 et seq.) of Title 4.1;
70. Selling or offering for sale to a person younger than 21 years of age any substance intended for human consumption, orally or by inhalation, that contains tetrahydrocannabinol. This subdivision shall not (i) apply to products that are approved for marketing by the U.S. Food and Drug Administration and scheduled in the Drug Control Act (§ 54.1-3400 et seq.) or (ii) be construed to prohibit any conduct permitted under Chapter 16 (§ 4.1-1600 et seq.) of Title 4.1;
71. Selling or offering for sale any substance intended for human consumption, orally or by inhalation, that contains tetrahydrocannabinol, unless such substance is (i) contained in child-resistant packaging, as defined in § 4.1-600; (ii) equipped with a label that states, in English and in a font no less than 1/16 of an inch, (a) that the substance contains tetrahydrocannabinol and may not be sold to persons younger than 21 years of age, (b) all ingredients contained in the substance, (c) the amount of such substance that constitutes a single serving, and (d) the total percentage and milligrams of tetrahydrocannabinol included in the substance and the number of milligrams of tetrahydrocannabinol that are contained in each serving; and (iii) accompanied by a certificate of analysis, produced by an independent laboratory that is accredited pursuant to standard ISO/IEC 17025 of the International Organization of Standardization by a third-party accrediting body,

that states the tetrahydrocannabinol concentration of the substance or the tetrahydrocannabinol concentration of the batch from which the substance originates. This subdivision shall not (i) apply to products that are approved for marketing by the U.S. Food and Drug Administration and scheduled in the Drug Control Act (§ 54.1-3400 et seq.) or (ii) be construed to prohibit any conduct permitted under Chapter 16 (§ 4.1-1600 et seq.) of Title 4.1;

72. Manufacturing, offering for sale at retail, or selling at retail an industrial hemp extract, as defined in § 3.2-5145.1, a food containing an industrial hemp extract, or a substance containing tetrahydrocannabinol that depicts or is in the shape of a human, animal, vehicle, or fruit;

73. Selling or offering for sale any substance intended for human consumption, orally or by inhalation, that contains tetrahydrocannabinol and, without authorization, bears, is packaged in a container or wrapper that bears, or is otherwise labeled to bear the trademark, trade name, famous mark as defined in 15 U.S.C. § 1125, or other identifying mark, imprint, or device, or any likeness thereof, of a manufacturer, processor, packer, or distributor of a product intended for human consumption other than the manufacturer, processor, packer, or distributor that did in fact so manufacture, process, pack, or distribute such substance;

74. Selling or offering for sale a topical hemp product, as defined in § 3.2-4112, that does not include a label stating that the product is not intended for human consumption. This subdivision shall not (i) apply to products that are approved for marketing by the U.S. Food and Drug Administration and scheduled in the Drug Control Act (§ 54.1-3400 et seq.), (ii) be construed to prohibit any conduct permitted under Chapter 16 (§ 4.1-1600 et seq.) of Title 4.1, or (iii) apply to topical hemp products that were manufactured prior to July 1, 2023, provided that the person provides documentation of the date of manufacture if requested;

75. Violating any provision of § 59.1-466.8;

76. Violating subsection F of § 36-96.3:1;

77. Selling or offering for sale (i) any kratom product to a person younger than 21 years of age or (ii) any kratom product that does not include a label listing all ingredients and with the following guidance: "This product may be harmful to your health, has not been evaluated by the FDA, and is not intended to diagnose, treat, cure, or prevent any disease." As used in this subdivision, "kratom" means any part of the leaf of the plant Mitragyna speciosa or any extract thereof; ~~and~~

78. *Advertising of any ignition interlock system in Virginia by an ignition interlock vendor not approved by the Commission on the Virginia Alcohol Safety Action Program to operate in Virginia; targeted advertising of any ignition interlock system to a person before determination of guilt; and any advertising, whether before or after determination of guilt, without a conspicuous statement that such advertisement is not affiliated with any government agency. For purposes of this subdivision, "ignition interlock system" has the same meaning as ascribed to that term in § 18.2-270.1 and "targeted advertising" has the same meaning ascribed to that term in § 59.1-575 and includes direct mailings to an individual. This provision shall not apply to ignition interlock service vendor ads, pamphlets, or kiosk advertisements approved by the Commission on the Virginia Alcohol Safety Action Program and provided at a Commission-approved location; and*

79. Failing to disclose the total cost of a good or continuous service, as defined in § 59.1-207.45, to a consumer, including any mandatory fees or charges, prior to entering into an agreement for the sale of any such good or provision of any such continuous service.

B. Nothing in this section shall be construed to invalidate or make unenforceable any contract or lease solely by reason of the failure of such contract or lease to comply with any other law of the Commonwealth or any federal statute or regulation, to the extent such other law, statute, or regulation provides that a violation of such law, statute, or regulation shall not invalidate or make unenforceable such contract or lease.

CHAPTER 748

An Act to amend the Code of Virginia by adding in Chapter 38 of Title 54.1 a section numbered 54.1-3814, relating to declawing cats; prohibition.

[H 1354]

Approved April 8, 2024

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Chapter 38 of Title 54.1 a section numbered 54.1-3814 as follows:

§ 54.1-3814. Declawing cats; prohibition.

A. As used in this section:

"Cat" means any domesticated species of the family Felidae and does not include any wild or nonnative species of the family Felidae.

"Declawing procedure" means (i) an onychectomy, a dactylectomy, a phalangectomy, or any other procedure that removes a portion of the paw or digit of a cat in order to remove a claw; (ii) a tendonectomy or any other procedure that cuts or modifies the tendon of the limb, paw, or digit of a cat in order to prohibit the normal movement of a claw; or (iii) any procedure that prevents the normal functioning of one or more claws of a cat. "Declawing procedure" does not include nail filing, nail trimming, or the placement of temporary nail caps on one or more claws of a cat.

"Therapeutic purpose" means any action intended (i) to address an existing or recurring infection, disease, injury, or abnormal condition in an animal's claw, nail bed, or toe bone that jeopardizes the animal's health, and for which addressing the infection, disease, injury, or abnormal condition is a medical necessity, as documented by a licensed veterinarian, or (ii) to protect the owner's life or health, as documented by a licensed physician, when such owner has been diagnosed with an infection, disease, disorder, or similar condition that could reasonably be expected to worsen if such owner were to be scratched by a cat. For purposes of this definition, "owner" includes members of the owner's household. "Therapeutic purpose" does not include any action performed for cosmetic or aesthetic reasons or reasons of convenience in the keeping or handling of a cat.

B. It is unlawful for any person engaged in the practice of veterinary medicine to perform a declawing procedure on a cat, except such person may perform such a procedure if it is necessary for a therapeutic purpose.

CHAPTER 749

An Act to amend and reenact § 2.2-4324 of the Code of Virginia, relating to Virginia Public Procurement Act; Virginia resident preference; report.

[H 1361]

Approved April 8, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 2.2-4324 of the Code of Virginia is amended and reenacted as follows:

§ 2.2-4324. Preference for Virginia goods, U.S. goods, and Virginia residents.

A. In the case of a tie bid, preference shall *first* be given to goods produced in Virginia~~, goods or services or construction provided by Virginia persons, firms or corporations~~ *and preference shall then be given to goods produced in the United States*; otherwise the tie shall be decided by lot.

B. *In the case of procurement of goods by manufacturers:*

1. If (i) the lowest responsive and responsible bidder is not a resident of Virginia and (ii) the bid of any Virginia resident is within 10 percent of such bid, the lowest responsive and responsible bidder that is a Virginia resident shall be granted the option to match the price of the lowest responsive and responsible bidder.

2. If the lowest responsive and responsible bidder is a resident of a state other than Virginia and such state under its laws allows a resident of that state a percentage preference or price-matching preference for the procurement of goods, a like preference shall be granted to responsive and responsible bidders who are residents of Virginia.

3. An eligible bidder that is a Virginia resident shall be granted the greater of either preference pursuant to this subsection.

C. Whenever the lowest responsive and responsible bidder is a resident of any other state and such state under its laws allows a resident contractor of that state a percentage preference, a like preference shall be ~~allowed~~ *granted* to the lowest responsive and responsible bidder who is a resident of Virginia and is the next lowest bidder. If the lowest responsive and responsible bidder is a resident of any other state and such state under its laws allows a resident contractor of that state a price-matching preference, a like preference shall be ~~allowed~~ *granted* to responsive and responsible bidders who are residents of Virginia. If the lowest bidder is a resident contractor of a state with an absolute preference, the bid shall not be considered. The Department of General Services shall post and maintain an updated list on its website of all states with an absolute preference for their resident contractors and those states that allow their resident contractors a percentage preference, including the respective percentage amounts. For purposes of compliance with this section, all public bodies may rely upon the accuracy of the information posted on this website.

~~C.~~ *D.* Notwithstanding the provisions of subsections A ~~and~~, B, *and C*, in the case of a tie bid in instances where goods are being offered, and existing price preferences have already been taken into account, preference shall be given to the bidder whose goods contain the greatest amount of recycled content.

~~D.~~ *E.* For the purposes of this section, a ~~Virginia person,~~ firm or corporation shall be deemed to be a resident of Virginia if such ~~person,~~ firm or corporation has been organized pursuant to Virginia law or maintains a principal place of business within Virginia.

F. To the extent that this section conflicts with federal law or regulations and application of this section to a project or procurement would render a public body ineligible to receive federal funds for such project or procurement, such project or procurement shall be exempt from the provisions of this section.

2. That the provisions of this act shall expire on July 1, 2027.

3. That the Department of General Services shall report to the Governor, the General Assembly, and the Chairmen of the House Committee on General Laws and the Senate Committee on General Laws and Technology regarding the efficacy of this act, including any retaliatory action taken by other states, and any recommendations regarding this act. Such report shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports no later than the first day of the 2025 Regular Session of the General Assembly and shall be posted on the General Assembly's website.

CHAPTER 750

An Act to amend the Code of Virginia by adding in Article 1 of Chapter 9 of Title 23.1 a section numbered 23.1-900.2, relating to public institutions of higher education; release of student transcripts.

[H 1365]

Approved April 8, 2024

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Article 1 of Chapter 9 of Title 23.1 a section numbered 23.1-900.2 as follows:

§ 23.1-900.2. Release of student transcripts.

A. Each public institution of higher education shall release an academic transcript directly to the employer or prospective employer of a student currently or formerly enrolled at such institution upon the request of the student.

B. No public institution of higher education shall condition the release of an academic transcript to a student currently or formerly enrolled at such institution on the payment of an outstanding debt if:

1. Such outstanding debt is less than $500;

2. Such outstanding debt is less than $1,000 and such currently or formerly enrolled student received a Federal Pell Grant at any time during his enrollment; or

3. Such currently or formerly enrolled student has enrolled in a repayment plan and has made at least three consecutive monthly payments on such outstanding debt.

CHAPTER 751

An Act to amend and reenact §§ 59.1-200 and 59.1-444.1 of the Code of Virginia and to amend the Code of Virginia by adding in Chapter 35.1 of Title 59.1 a section numbered 59.1-444.4, relating to reporting of medical debt to consumer reporting agencies by certain health care providers; prohibited; civil penalties.

[H 1370]

Approved April 8, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 59.1-200 and 59.1-444.1 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Chapter 35.1 of Title 59.1 a section numbered 59.1-444.4 as follows:

§ 59.1-200. Prohibited practices.

A. The following fraudulent acts or practices committed by a supplier in connection with a consumer transaction are hereby declared unlawful:

1. Misrepresenting goods or services as those of another;

2. Misrepresenting the source, sponsorship, approval, or certification of goods or services;

3. Misrepresenting the affiliation, connection, or association of the supplier, or of the goods or services, with another;

4. Misrepresenting geographic origin in connection with goods or services;

5. Misrepresenting that goods or services have certain quantities, characteristics, ingredients, uses, or benefits;

6. Misrepresenting that goods or services are of a particular standard, quality, grade, style, or model;

7. Advertising or offering for sale goods that are used, secondhand, repossessed, defective, blemished, deteriorated, or reconditioned, or that are "seconds," irregulars, imperfects, or "not first class," without clearly and unequivocally indicating in the advertisement or offer for sale that the goods are used, secondhand, repossessed, defective, blemished, deteriorated, reconditioned, or are "seconds," irregulars, imperfects or "not first class";

8. Advertising goods or services with intent not to sell them as advertised, or with intent not to sell at the price or upon the terms advertised.

In any action brought under this subdivision, the refusal by any person, or any employee, agent, or servant thereof, to sell any goods or services advertised or offered for sale at the price or upon the terms advertised or offered, shall be prima facie evidence of a violation of this subdivision. This paragraph shall not apply when it is clearly and conspicuously stated in the advertisement or offer by which such goods or services are advertised or offered for sale, that the supplier or offeror has a limited quantity or amount of such goods or services for sale, and the supplier or offeror at the time of such advertisement or offer did in fact have or reasonably expected to have at least such quantity or amount for sale;

9. Making false or misleading statements of fact concerning the reasons for, existence of, or amounts of price reductions;

10. Misrepresenting that repairs, alterations, modifications, or services have been performed or parts installed;

11. Misrepresenting by the use of any written or documentary material that appears to be an invoice or bill for merchandise or services previously ordered;

12. Notwithstanding any other provision of law, using in any manner the words "wholesale," "wholesaler," "factory," or "manufacturer" in the supplier's name, or to describe the nature of the supplier's business, unless the supplier is actually engaged primarily in selling at wholesale or in manufacturing the goods or services advertised or offered for sale;

13. Using in any contract or lease any liquidated damage clause, penalty clause, or waiver of defense, or attempting to collect any liquidated damages or penalties under any clause, waiver, damages, or penalties that are void or unenforceable under any otherwise applicable laws of the Commonwealth, or under federal statutes or regulations;

13a. Failing to provide to a consumer, or failing to use or include in any written document or material provided to or executed by a consumer, in connection with a consumer transaction any statement, disclosure, notice, or other information however characterized when the supplier is required by 16 C.F.R. Part 433 to so provide, use, or include the statement, disclosure, notice, or other information in connection with the consumer transaction;

14. Using any other deception, fraud, false pretense, false promise, or misrepresentation in connection with a consumer transaction;

15. Violating any provision of § 3.2-6509, 3.2-6512, 3.2-6513, 3.2-6513.1, 3.2-6514, 3.2-6515, 3.2-6516, or 3.2-6519 is a violation of this chapter;

16. Failing to disclose all conditions, charges, or fees relating to:

a. The return of goods for refund, exchange, or credit. Such disclosure shall be by means of a sign attached to the goods, or placed in a conspicuous public area of the premises of the supplier, so as to be readily noticeable and readable by the person obtaining the goods from the supplier. If the supplier does not permit a refund, exchange, or credit for return, he shall so state on a similar sign. The provisions of this subdivision shall not apply to any retail merchant who has a policy of providing, for a period of not less than 20 days after date of purchase, a cash refund or credit to the purchaser's credit card account for the return of defective, unused, or undamaged merchandise upon presentation of proof of purchase. In the case of merchandise paid for by check, the purchase shall be treated as a cash purchase and any refund may be delayed for a period of 10 banking days to allow for the check to clear. This subdivision does not apply to sale merchandise that is obviously distressed, out of date, post season, or otherwise reduced for clearance; nor does this subdivision apply to special order purchases where the purchaser has requested the supplier to order merchandise of a specific or unusual size, color, or brand not ordinarily carried in the store or the store's catalog; nor shall this subdivision apply in connection with a transaction for the sale or lease of motor vehicles, farm tractors, or motorcycles as defined in § 46.2-100;

b. A layaway agreement. Such disclosure shall be furnished to the consumer (i) in writing at the time of the layaway agreement, or (ii) by means of a sign placed in a conspicuous public area of the premises of the supplier, so as to be readily noticeable and readable by the consumer, or (iii) on the bill of sale. Disclosure shall include the conditions, charges, or fees in the event that a consumer breaches the agreement;

16a. Failing to provide written notice to a consumer of an existing open-end credit balance in excess of $5 (i) on an account maintained by the supplier and (ii) resulting from such consumer's overpayment on such account. Suppliers shall give consumers written notice of such credit balances within 60 days of receiving overpayments. If the credit balance information is incorporated into statements of account furnished consumers by suppliers within such 60-day period, no separate or additional notice is required;

17. If a supplier enters into a written agreement with a consumer to resolve a dispute that arises in connection with a consumer transaction, failing to adhere to the terms and conditions of such an agreement;

18. Violating any provision of the Virginia Health Club Act, Chapter 24 (§ 59.1-294 et seq.);

19. Violating any provision of the Virginia Home Solicitation Sales Act, Chapter 2.1 (§ 59.1-21.1 et seq.);

20. Violating any provision of the Automobile Repair Facilities Act, Chapter 17.1 (§ 59.1-207.1 et seq.);

21. Violating any provision of the Virginia Lease-Purchase Agreement Act, Chapter 17.4 (§ 59.1-207.17 et seq.);

22. Violating any provision of the Prizes and Gifts Act, Chapter 31 (§ 59.1-415 et seq.);

23. Violating any provision of the Virginia Public Telephone Information Act, Chapter 32 (§ 59.1-424 et seq.);

24. Violating any provision of § 54.1-1505;

25. Violating any provision of the Motor Vehicle Manufacturers' Warranty Adjustment Act, Chapter 17.6 (§ 59.1-207.34 et seq.);

26. Violating any provision of § 3.2-5627, relating to the pricing of merchandise;

27. Violating any provision of the Pay-Per-Call Services Act, Chapter 33 (§ 59.1-429 et seq.);

28. Violating any provision of the Extended Service Contract Act, Chapter 34 (§ 59.1-435 et seq.);

29. Violating any provision of the Virginia Membership Camping Act, Chapter 25 (§ 59.1-311 et seq.);

30. Violating any provision of the Comparison Price Advertising Act, Chapter 17.7 (§ 59.1-207.40 et seq.);

31. Violating any provision of the Virginia Travel Club Act, Chapter 36 (§ 59.1-445 et seq.);

32. Violating any provision of §§ 46.2-1231 and 46.2-1233.1;

33. Violating any provision of Chapter 40 (§ 54.1-4000 et seq.) of Title 54.1;

34. Violating any provision of Chapter 10.1 (§ 58.1-1031 et seq.) of Title 58.1;

35. Using the consumer's social security number as the consumer's account number with the supplier, if the consumer has requested in writing that the supplier use an alternate number not associated with the consumer's social security number;

36. Violating any provision of Chapter 18 (§ 6.2-1800 et seq.) of Title 6.2;

37. Violating any provision of § 8.01-40.2;

38. Violating any provision of Article 7 (§ 32.1-212 et seq.) of Chapter 6 of Title 32.1;

39. Violating any provision of Chapter 34.1 (§ 59.1-441.1 et seq.);

40. Violating any provision of Chapter 20 (§ 6.2-2000 et seq.) of Title 6.2;

41. Violating any provision of the Virginia Post-Disaster Anti-Price Gouging Act, Chapter 46 (§ 59.1-525 et seq.);

42. Violating any provision of Chapter 47 (§ 59.1-530 et seq.);

43. Violating any provision of § 59.1-443.2;

44. Violating any provision of Chapter 48 (§ 59.1-533 et seq.);

45. Violating any provision of Chapter 25 (§ 6.2-2500 et seq.) of Title 6.2;

46. Violating the provisions of clause (i) of subsection B of § 54.1-1115;

47. Violating any provision of § 18.2-239;

48. Violating any provision of Chapter 26 (§ 59.1-336 et seq.);

49. Selling, offering for sale, or manufacturing for sale a children's product the supplier knows or has reason to know was recalled by the U.S. Consumer Product Safety Commission. There is a rebuttable presumption that a supplier has reason to know a children's product was recalled if notice of the recall has been posted continuously at least 30 days before the sale, offer for sale, or manufacturing for sale on the website of the U.S. Consumer Product Safety Commission. This prohibition does not apply to children's products that are used, secondhand or "seconds";

50. Violating any provision of Chapter 44.1 (§ 59.1-518.1 et seq.);

51. Violating any provision of Chapter 22 (§ 6.2-2200 et seq.) of Title 6.2;

52. Violating any provision of § 8.2-317.1;

53. Violating subsection A of § 9.1-149.1;

54. Selling, offering for sale, or using in the construction, remodeling, or repair of any residential dwelling in the Commonwealth, any drywall that the supplier knows or has reason to know is defective drywall. This subdivision shall not apply to the sale or offering for sale of any building or structure in which defective drywall has been permanently installed or affixed;

55. Engaging in fraudulent or improper or dishonest conduct as defined in § 54.1-1118 while engaged in a transaction that was initiated (i) during a declared state of emergency as defined in § 44-146.16 or (ii) to repair damage resulting from the event that prompted the declaration of a state of emergency, regardless of whether the supplier is licensed as a contractor in the Commonwealth pursuant to Chapter 11 (§ 54.1-1100 et seq.) of Title 54.1;

56. Violating any provision of Chapter 33.1 (§ 59.1-434.1 et seq.);

57. Violating any provision of § 18.2-178, 18.2-178.1, or 18.2-200.1;

58. Violating any provision of Chapter 17.8 (§ 59.1-207.45 et seq.);

59. Violating any provision of subsection E of § 32.1-126;

60. Violating any provision of § 54.1-111 relating to the unlicensed practice of a profession licensed under Chapter 11 (§ 54.1-1100 et seq.) or Chapter 21 (§ 54.1-2100 et seq.) of Title 54.1;

61. Violating any provision of § 2.2-2001.5;

62. Violating any provision of Chapter 5.2 (§ 54.1-526 et seq.) of Title 54.1;

63. Violating any provision of § 6.2-312;

64. Violating any provision of Chapter 20.1 (§ 6.2-2026 et seq.) of Title 6.2;

65. Violating any provision of Chapter 26 (§ 6.2-2600 et seq.) of Title 6.2;

66. Violating any provision of Chapter 54 (§ 59.1-586 et seq.);

67. Knowingly violating any provision of § 8.01-27.5;

68. Failing to, in accordance with § 59.1-207.46, (i) make available a conspicuous online option to cancel a recurring purchase of a good or service or (ii) with respect to a free trial lasting more than 30 days, notify a consumer of his option to cancel such free trial within 30 days of the end of the trial period to avoid an obligation to pay for the goods or services;

69. Selling or offering for sale any substance intended for human consumption, orally or by inhalation, that contains a synthetic derivative of tetrahydrocannabinol. As used in this subdivision, "synthetic derivative" means a chemical compound produced by man through a chemical transformation to turn a compound into a different compound by adding or subtracting molecules to or from the original compound. This subdivision shall not (i) apply to products that are approved for marketing by the U.S. Food and Drug Administration and scheduled in the Drug Control Act (§ 54.1-3400 et seq.) or (ii) be construed to prohibit any conduct permitted under Chapter 16 (§ 4.1-1600 et seq.) of Title 4.1;

70. Selling or offering for sale to a person younger than 21 years of age any substance intended for human consumption, orally or by inhalation, that contains tetrahydrocannabinol. This subdivision shall not (i) apply to products that are approved for marketing by the U.S. Food and Drug Administration and scheduled in the Drug Control Act (§ 54.1-3400 et seq.) or (ii) be construed to prohibit any conduct permitted under Chapter 16 (§ 4.1-1600 et seq.) of Title 4.1;

71. Selling or offering for sale any substance intended for human consumption, orally or by inhalation, that contains tetrahydrocannabinol, unless such substance is (i) contained in child-resistant packaging, as defined in § 4.1-600; (ii) equipped with a label that states, in English and in a font no less than 1/16 of an inch, (a) that the substance contains tetrahydrocannabinol and may not be sold to persons younger than 21 years of age, (b) all ingredients contained in the substance, (c) the amount of such substance that constitutes a single serving, and (d) the total percentage and milligrams of tetrahydrocannabinol included in the substance and the number of milligrams of tetrahydrocannabinol that are contained in each serving; and (iii) accompanied by a certificate of analysis, produced by an independent laboratory that is accredited pursuant to standard ISO/IEC 17025 of the International Organization of Standardization by a third-party accrediting body, that states the tetrahydrocannabinol concentration of the substance or the tetrahydrocannabinol concentration of the batch from which the substance originates. This subdivision shall not (i) apply to products that are approved for marketing by the

U.S. Food and Drug Administration and scheduled in the Drug Control Act (§ 54.1-3400 et seq.) or (ii) be construed to prohibit any conduct permitted under Chapter 16 (§ 4.1-1600 et seq.) of Title 4.1;

72. Manufacturing, offering for sale at retail, or selling at retail an industrial hemp extract, as defined in § 3.2-5145.1, a food containing an industrial hemp extract, or a substance containing tetrahydrocannabinol that depicts or is in the shape of a human, animal, vehicle, or fruit;

73. Selling or offering for sale any substance intended for human consumption, orally or by inhalation, that contains tetrahydrocannabinol and, without authorization, bears, is packaged in a container or wrapper that bears, or is otherwise labeled to bear the trademark, trade name, famous mark as defined in 15 U.S.C. § 1125, or other identifying mark, imprint, or device, or any likeness thereof, of a manufacturer, processor, packer, or distributor of a product intended for human consumption other than the manufacturer, processor, packer, or distributor that did in fact so manufacture, process, pack, or distribute such substance;

74. Selling or offering for sale a topical hemp product, as defined in § 3.2-4112, that does not include a label stating that the product is not intended for human consumption. This subdivision shall not (i) apply to products that are approved for marketing by the U.S. Food and Drug Administration and scheduled in the Drug Control Act (§ 54.1-3400 et seq.), (ii) be construed to prohibit any conduct permitted under Chapter 16 (§ 4.1-1600 et seq.) of Title 4.1, or (iii) apply to topical hemp products that were manufactured prior to July 1, 2023, provided that the person provides documentation of the date of manufacture if requested;

75. Violating any provision of § 59.1-466.8;

76. Violating subsection F of § 36-96.3:1;

77. Selling or offering for sale (i) any kratom product to a person younger than 21 years of age or (ii) any kratom product that does not include a label listing all ingredients and with the following guidance: "This product may be harmful to your health, has not been evaluated by the FDA, and is not intended to diagnose, treat, cure, or prevent any disease." As used in this subdivision, "kratom" means any part of the leaf of the plant Mitragyna speciosa or any extract thereof; ~~and~~

78. Failing to disclose the total cost of a good or continuous service, as defined in § 59.1-207.45, to a consumer, including any mandatory fees or charges, prior to entering into an agreement for the sale of any such good or provision of any such continuous service*; and*

79. Willfully violating any provision of § 59.1-444.4.

B. Nothing in this section shall be construed to invalidate or make unenforceable any contract or lease solely by reason of the failure of such contract or lease to comply with any other law of the Commonwealth or any federal statute or regulation, to the extent such other law, statute, or regulation provides that a violation of such law, statute, or regulation shall not invalidate or make unenforceable such contract or lease.

CHAPTER 35.1.

~~SECURITY FREEZES~~ *CONSUMER REPORTING AGENCIES.*

§ 59.1-444.1. Definitions.

As used in this chapter:

"Collection entity" means any person that purchases debt or collects debt on behalf of another entity.

"Consumer" means an individual who is also a resident of ~~this state~~ *the Commonwealth*.

"Consumer report" has the same meaning as provided in § 603(d) of the federal Fair Credit Reporting Act (15 U.S.C. § 1681a(d)).

"Consumer reporting agency" has the same meaning as in § 603(f) of the *federal* Fair Credit Reporting Act (15 U.S.C. § 1681a(f)).

"Credit report" means a "consumer report," ~~as defined in § 603(d) of the Fair Credit Reporting Act (15 U.S.C. § 1681a(d));~~ provided, however, that for purposes of this chapter, a credit report is limited to information that a consumer reporting agency furnishes to a person that it has reason to believe intends to use the information as a factor in establishing the consumer's eligibility for credit to be used primarily for personal, family, or household purposes.

"Health care services" means the furnishing of services for the purpose of preventing, alleviating, curing, or healing human physical illness or injury or a mental or behavioral condition or disorder.

"Medical debt" means debt arising from health care services, including products, devices, durable medical equipment, and prescription drugs, and from the provision of transportation to receive health care services. "Medical debt" does not include debt charged to a credit card but does include an open-end or closed-end extension of credit made by a financial institution to a borrower that may be used by the borrower solely for the purpose of the purchase of health care services.

"Proper identification" means proper identification as defined in 15 U.S.C. § 1681h(a)(1).

§ 59.1-444.4. Reporting of medical debt prohibited; civil penalty.

A. No medical care facility listed in § 32.1-102.1:3, no person licensed or certified by a health regulatory board within the Department of Health Professions, and no emergency medical services agency, as defined in § 32.1-111.1, shall report any portion of a medical debt to a consumer reporting agency.

B. No collection entity collecting or attempting to collect a medical debt shall report such collection or attempts to collect to a consumer reporting agency.

C. Any willful violation of the provisions of this section shall constitute a prohibited practice pursuant to the provisions of § 59.1-200 and shall be subject to any and all of the enforcement provisions of Chapter 17 (§ 59.1-196 et seq.).

CHAPTER 752

An Act to amend and reenact § 15.2-2306 of the Code of Virginia, relating to historic preservation.

[H 1395]

Approved April 8, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 15.2-2306 of the Code of Virginia is amended and reenacted as follows:

§ 15.2-2306. Preservation of historical sites and architectural areas.

A. 1. Any locality may adopt an ordinance setting forth the historic landmarks within the locality as established by the Virginia Board of Historic Resources, and any other buildings or structures within the locality having an important historic, architectural, archaeological, or cultural interest, any historic areas within the locality as defined by § 15.2-2201, and areas of unique architectural value located within designated conservation, rehabilitation, or redevelopment districts, amending the existing zoning ordinance and delineating one or more historic districts, adjacent to such landmarks, buildings, and structures, or encompassing such areas, or encompassing parcels of land contiguous to arterial streets or highways (as designated pursuant to Title 33.2, including § 33.2-319) found by the governing body to be significant routes of tourist access to the locality or to designated historic landmarks, buildings, structures, or districts therein or in a contiguous locality. A governing body may provide in the ordinance that the applicant must submit documentation that any development in an area of the locality of known historical or archaeological significance will preserve or accommodate the historical or archaeological resources. *The filing of the building permit or demolition application shall stay the locality from issuing any permit to raze or demolish the historic landmark, building, or structure until 30 days after the rendering of the final decision of the governing body of the locality.* An amendment of the zoning ordinance and the establishment of a district or districts shall be in accordance with the provisions of Article 7 (§ 15.2-2280 et seq.). The governing body may provide for a review board to administer the ordinance and may provide compensation to the board. The ordinance may include a provision that no building or structure, including signs, shall be erected, reconstructed, altered, or restored within any such district unless approved by the review board or, on appeal, by the governing body of the locality as being architecturally compatible with the historic landmarks, buildings, or structures therein.

2. Subject to the provisions of subdivision 3, the governing body may provide in the ordinance that no historic landmark, building, or structure within any district shall be razed, demolished, or moved until the razing, demolition, or moving thereof is approved by the review board~~,~~ or, on appeal, by the governing body after consultation with the review board.

3. The governing body shall provide by ordinance for appeals to the circuit court for such locality from any final decision of the governing body pursuant to subdivisions 1 and 2 and shall specify therein the parties entitled to appeal the decisions, which parties shall have the right to appeal to the circuit court for review by filing a petition at law, setting forth the alleged illegality of the action of the governing body, provided *that* the petition is filed within 30 days after the final decision is rendered by the governing body. The filing of the petition shall stay the decision of the governing body pending the outcome of the appeal to the court, except that the filing of the petition shall not stay the decision of the governing body if the decision denies the right to raze or demolish a historic landmark, building, or structure. The court may reverse or modify the decision of the governing body, in whole or in part, if it finds upon review that the decision of the governing body is contrary to law or that its decision is arbitrary and constitutes an abuse of discretion, or it may affirm the decision of the governing body.

In addition to the right of appeal hereinabove set forth, the owner of a historic landmark, building, or structure, the razing or demolition of which is subject to the provisions of subdivision 2, shall, as a matter of right, be entitled to raze or demolish such landmark, building, or structure, provided that~~:~~ (i) he has applied to the governing body for such right, (ii) the owner has for the period of time set forth in the same schedule hereinafter contained and at a price reasonably related to its fair market value, made a bona fide offer to sell the landmark, building, or structure, and the land pertaining thereto, to the locality or to any person, firm, corporation, government, or agency thereof, or political subdivision or agency thereof, which gives reasonable assurance that it is willing to preserve and restore the landmark, building, or structure and the land pertaining thereto, and (iii) no bona fide contract, binding upon all parties thereto, shall have been executed for the sale of any such landmark, building, or structure, and the land pertaining thereto, prior to the expiration of the applicable time period set forth in the time schedule hereinafter contained. Any appeal ~~which~~ *that* may be taken to the court from the decision of the governing body, whether instituted by the owner or by any other proper party, notwithstanding the provisions heretofore stated relating to a stay of the decision appealed from shall not affect the right of the owner to make the bona fide offer to sell referred to above. No offer to sell shall be made more than one year after a final decision by the governing body, but thereafter the owner may renew his request to the governing body to approve the razing or demolition of the historic landmark, building, or structure. The time schedule for offers to sell shall be as follows: three months when the offering price is less than $25,000; four months when the offering price is $25,000 or more but less than $40,000; five months when the offering price is $40,000 or more but less than $55,000; six months when the offering price is $55,000 or more but less than $75,000; seven months when the offering price is $75,000 or more but less than $90,000; and 12 months when the offering price is $90,000 or more.

4. The governing body is authorized to acquire in any legal manner any historic area, landmark, building, or structure, land pertaining thereto, or any estate or interest therein which, in the opinion of the governing body should be acquired, preserved, and maintained for the use, observation, education, pleasure, and welfare of the people; provide for their renovation, preservation, maintenance, management, and control as places of historic interest by a department of the locality or by a board, commission, or agency specially established by ordinance for the purpose; charge or authorize the charging of compensation for the use thereof or admission thereto; lease, subject to such regulations as may be established by ordinance, any such area, property, lands, or estate or interest therein so acquired upon the condition that the historic character of the area, landmark, building, structure, or land shall be preserved and maintained; or to enter into contracts with any person, firm, or corporation for the management, preservation, maintenance, or operation of any such area, landmark, building, structure, land pertaining thereto, or interest therein so acquired as a place of historic interest; however, the locality shall not use the right of condemnation under this subsection unless the historic value of such area, landmark, building, structure, land pertaining thereto, or estate or interest therein is about to be destroyed.

The authority to enter into contracts with any person, firm, or corporation as stated above may include the creation, by ordinance, of a resident curator program such that private entities through lease or other contract may be engaged to manage, preserve, maintain, or operate, including the option to reside in, any such historic area, property, lands, or estate owned or leased by the locality. Any leases or contracts entered into under this provision shall require that all maintenance and improvement be conducted in accordance with established treatment standards for historic landmarks, areas, buildings, and structures. For purposes of this section, leases or contracts that preserve historic landmarks, buildings, structures, or areas are deemed to be consistent with the purposes of use, observation, education, pleasure, and welfare of the people as stated above so long as the lease or contract provides for reasonable public access consistent with the property's nature and use. The Department of Historic Resources shall provide technical assistance to local governments, at their request, to assist in developing resident curator programs.

B. Notwithstanding any contrary provision of law, general or special, in the City of Portsmouth no approval of any governmental agency or review board shall be required for the construction of a ramp to serve individuals with disabilities at any structure designated pursuant to the provisions of this section.

C. Any locality that establishes or expands a local historic district pursuant to this section shall identify and inventory all landmarks, buildings, or structures in the areas being considered for inclusion within the proposed district. Prior to adoption of an ordinance establishing or expanding a local historic district, the locality shall (i) provide for public input from the community and affected property owners in accordance with § 15.2-2204; (ii) establish written criteria to be used to determine which properties should be included within a local historic district; and (iii) review the inventory and the criteria to determine which properties in the areas being considered for inclusion within the proposed district meet the criteria to be included in a local historic district. Local historic district boundaries may be adjusted to exclude properties along the perimeter that do not meet the criteria. The locality shall include only the geographical areas in a local historic district where a majority of the properties meet the criteria established by the locality in accordance with this section. However, parcels of land contiguous to arterial streets or highways found by the governing body to be significant routes of tourist access to the locality or to designated historic landmarks, buildings, structures, or districts therein, or in a contiguous locality may be included in a local historic district notwithstanding the provisions of this subsection.

D. Any locality utilizing the urban county executive form of government may include a provision in any ordinance adopted pursuant to this section that would allow public access to any such historic area, landmark, building, or structure, or land pertaining thereto, or providing that no subdivision shall occur within any historic district unless approved by the review board or, on appeal, by the governing body of the locality as being compatible with the historic nature of such area, landmarks, buildings, or structures therein with regard to any parcel or parcels that collectively are (i) adjacent to a navigable river and a national park and (ii) in part or as a whole subject to an easement granted to the National Park Service or Virginia Outdoors Foundation granted on or after January 1, 1973.

CHAPTER 753

An Act to amend and reenact §§ 2.2-220.5, 10.1-104.6:1, 10.1-603.25, 10.1-603.29, and 10.1-659 of the Code of Virginia and to repeal § 2.2-435.11 of the Code of Virginia, relating to Chief Resilience Officer of the Commonwealth; Interagency Resilience Management Team; Virginia Community Flood Preparedness Fund; Resilient Virginia Revolving Fund; Advisory Review Committee.

[H 1458]

Approved April 8, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-220.5, 10.1-104.6:1, 10.1-603.25, 10.1-603.29, and 10.1-659 of the Code of Virginia are amended and reenacted as follows:

§ 2.2-220.5. Chief Resilience Officer of the Commonwealth; Interagency Resilience Management Team.

A. The Governor shall designate a Chief Resilience Officer. The Chief Resilience Officer shall serve as the primary coordinator of resilience and adaptation initiatives in Virginia and as the primary point of contact regarding issues related to resilience, ~~recurrent flooding, all flooding-related pre-disaster hazard mitigation, and adaptation~~ *as that term is defined in*

§ 10.1-603.28. The Chief Resilience Officer shall be equally responsible for all urban, suburban, and rural areas of the Commonwealth. *All agencies of the Commonwealth shall assist the Chief Resilience Officer in the discharge of his duties upon request.*

B. The Chief Resilience ~~Officer's duties, in consultation with the Special Assistant to the Governor for Coastal Adaptation and Protection, shall include but not be limited to the following~~ *Officer shall (i) promote communication, coordination, and cooperation between state agencies, the federal government, local governments, other political subdivisions of the Commonwealth, and other interested parties regarding resilience; (ii) lead in developing and in providing direction and ensuring accountability for a statewide resilience and adaptation strategy; (iii) seek to ensure that resilience and adaptation strategies prioritize the protection of Virginia's natural resources and maximize the implementation of nature-based design while supporting Virginia's statutory obligations to clean water; and (iv) initiate and assist with economic development opportunities associated with adaptation. The Chief Resilience Officer, in his role, shall also*:

1. Identify and monitor those areas of the Commonwealth that are at greatest risk from ~~recurrent flooding and increased future flooding~~ *significant multi-hazard threats* and recommend actions that both the private and public sectors should consider in order to increase the resilience of such areas~~.~~*;*

2. ~~Upon the request of any locality in the Commonwealth in which is located a substantial flood defense or catchment area, including a levee, reservoir, dam, catch basin, or wetland or lake improved or constructed for the purpose of flood control, review and comment on plans for the construction or substantial reinforcement of such flood defense or catchment area.~~ *Provide support to local governments, as that term is defined in § 10.1-603.28, that are seeking to promote resilience within their communities by providing technical assistance and capacity building support regarding best practices for resilience planning, data collection, and project design and implementation;*

3. ~~Serve as the primary point of contact on all issues relating to pre-disaster hazard mitigation and coordinate the planning of resilience initiatives across state government.~~ *Coordinate with the Department of Emergency Management on all issues related to pre-disaster hazard mitigation and post-disaster recovery;*

4. ~~Create and oversee~~ *Assist the Department of Conservation and Recreation with* the *development and* implementation of a Virginia Flood Protection Master Plan and a Virginia Coastal Resilience Master Plan in accordance with § 10.1-602 ~~to anticipate, prepare for, respond to, and recover from significant multi-hazard threats with minimum damage to social well-being, health, the economy, and the environment.~~*;*

5. ~~Initiate and assist with the pursuit of~~ *Seek to maximize the coordination, availability, and use of federal, state, and private funding to address resilience challenges, including initiating and assisting with the pursuit of* funding opportunities ~~for resilience initiatives~~ at both the state and local levels ~~and help to oversee and coordinate funding initiatives of all agencies of the Commonwealth~~. *In order to maximize federal funding, the Chief Resilience Officer is authorized to:*

a. Serve as a non-federal sponsor, as that term is described in 33 C.F.R. § 203.15, and enter into a legal agreement with the U.S. Army Corps of Engineers for the purpose of mitigating flooding and integrating resilience, at the request of and in coordination with an eligible funding recipient;

b. Enter into and execute agreements with the federal government, including the U.S. Department of Defense, for support for flood control initiatives to increase resilience related to U.S. Department of Defense installations; and

c. Make applications on behalf of the Commonwealth for other federal funding as directed by the Governor;

6. Coordinate the *collection and* dissemination of the best available *resilience* science, legal guidance, ~~and~~ planning strategies*, best practices, and needs assessments* to the public. *Such needs assessments shall include any local government needs assessments that have been submitted to the Chief Resilience Officer. Such information shall be made available on a publicly accessible website; and*

7. Beginning July 1, ~~2023~~ *2025*, and every two years thereafter, report to the Governor and the General Assembly on the status of ~~flood~~ resilience in the Commonwealth. ~~The~~ *Such* report shall ~~serve as an evaluation of flood protection for critical infrastructure, including human and natural infrastructure. The report shall identify risks to critical transportation, energy, communication, water and food supply, waste management, health, and emergency services infrastructure. The report shall also include the status of flood resilience planning~~ *include the status of actions undertaken by the Chief Resilience Officer and state agencies regarding resilience coordination and planning and all resilience funding received and distributed by the Commonwealth during the prior two years*. In preparing the report, the Chief Resilience Officer shall also coordinate with the Director of Diversity, Equity, and Inclusion and shall be assisted by all relevant Secretariats and agencies.

C. The Chief Resilience Officer shall convene an Interagency Resilience Management Team (the Team) to support the coordination of planning and implementation of resilience efforts, and he shall serve as chairman of the Team. The Team shall meet on the call of the chairman but not less than once every three months. Membership of the Team shall include representatives from the Departments of Agriculture and Consumer Services, Conservation and Recreation, Emergency Management, Energy, Environmental Quality, Forestry, General Services, Health, Historic Resources, Housing and Community Development, Transportation, and Wildlife Resources; the Marine Resources Commission; the Virginia Resources Authority; the Office of Diversity, Equity, and Inclusion; and others as appointed by the Governor. Each agency participating in the Team shall designate a resilience coordinator to represent such agency in the Team. The responsibilities of the Team shall include:

1. Exchanging information and best practices related to resilience, including means of integrating common language and practices for resilience work across agencies;

2. Advising the Chief Resilience Officer on strategies for enhancing resilience planning and funding coordination across agencies under a unified statewide approach to resilience; and

3. Recommending metrics for measuring the progress of resilience efforts in the Commonwealth.

§ 10.1-104.6:1. ConserveVirginia program established.

A. The Department shall develop a program for the creation, maintenance, operation, and regular updating of a data-driven Geographical Information Systems model to prioritize potential conservation areas across the Commonwealth that would provide quantifiable benefits to the citizens of Virginia. Such program shall be known as ConserveVirginia. The model shall synthesize multiple mapped data inputs, divided into categories, each representing a different overarching conservation value, including (i) agriculture and forestry, (ii) natural habitat and ecosystem diversity, (iii) floodplains and flooding resilience, (iv) cultural and historic preservation, (v) scenic preservation, (vi) protected landscapes resilience, and (vii) water quality improvement.

B. The Department shall consult regularly with the Chief Resilience Officer~~, the Special Assistant for Coastal Adaptation and Protection~~ *of the Commonwealth*, the Department of Forestry, the Department of Agriculture and Consumer Services, the Department of Historic Resources, the Department of Wildlife Resources, the Department of Environmental Quality, the Marine Resources Commission, and any other state or federal agency or private organization deemed appropriate to provide data or information to update methodologies, map layers, and emerging conservation priorities.

C. The Department shall review and revise the methodology used to develop and prioritize each conservation value identified in subsection A. The Department shall conduct such review and revision process no less than once every two years, and such process shall include public hearings and solicitation of public comment. The Department shall continue to develop ways to incorporate and encourage environmental justice, as defined in § 2.2-234, into all existing and future conservation values. The Department shall not utilize any methodology or conservation value to limit a landowner's decision on implementing any aspect of an approved forest management plan or any appropriate best management practice to achieve water quality improvements.

D. The Department shall provide access to the ConserveVirginia model to the public and all state and federal agencies that benefit by using ConserveVirginia to determine conservation priorities.

E. The Department shall incorporate ConserveVirginia into acquisition or grant decisions when appropriate.

F. The Department shall utilize information provided by the Department of Agriculture and Consumer Services and the Department of Forestry when creating the Agriculture and Forestry map layers of ConserveVirginia. Such information shall include, as appropriate, new data sources that better reflect the economic viability of working farms and forests. The Department of Agriculture and Consumer Services and the Department of Forestry shall engage agriculture and forestry stakeholders to improve and refine the ConserveVirginia model to accurately reflect the conservation value of agricultural and forestal land in the Commonwealth. Such information shall inform whether the ConserveVirginia conservation values related to agriculture and forestry have been achieved.

§ 10.1-603.25. Virginia Community Flood Preparedness Fund; loan and grant program.

A. The Virginia ~~Shoreline Resiliency~~ *Community Flood Preparedness* Fund is hereby ~~continued~~ *established* as a permanent and perpetual fund ~~to be known as the Virginia Community Flood Preparedness Fund~~. All sums that are designated for deposit in the Fund from revenue generated by the sale of emissions allowances pursuant to subdivision C 1 of § 10.1-1330, all sums that may be appropriated to the Fund by the General Assembly, all receipts by the Fund from the repayment of loans made by it to local governments, all income from the investment of moneys held in the Fund, and any other sums designated for deposit to the Fund from any source, public or private, including any federal grants and awards or other forms of assistance received by the Commonwealth that are eligible for deposit in the Fund under federal law, shall be designated for deposit to the Fund. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including any appropriated funds and all principal, interest accrued, and payments, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. All loans and grants provided under this article shall be deemed to promote the public purposes of enhancing flood prevention or protection and coastal resilience.

B. Moneys in the Fund shall be used solely for the purposes of enhancing flood prevention or protection and coastal resilience as required by this article. The Authority shall manage the Fund and shall establish interest rates and repayment terms of such loans as provided in this article in accordance with a memorandum of agreement with the Department. The Authority may disburse from the Fund its reasonable costs and expenses incurred in the management of the Fund. The Department shall direct distribution of loans and grants from the Fund in accordance with the provisions of subsection D.

C. The Authority is authorized at any time and from time to time to pledge, assign, or transfer from the Fund or any bank or trust company designated by the Authority any or all of the assets of the Fund to be held in trust as security for the payment of principal of, premium, if any, and interest on any and all bonds, as defined in § 62.1-199, issued to finance any flood prevention or protection project undertaken pursuant to the provisions of this article. In addition, the Authority is authorized at any time and from time to time to sell upon such terms and conditions as the Authority deems appropriate any loan or interest thereon made pursuant to this article. The net proceeds of the sale remaining after payment of costs and expenses shall be designated for deposit to, and become part of, the Fund.

D. *1.* The Fund shall be administered by the Department as prescribed in this article. The Department, in consultation with the Secretary of Natural and Historic Resources and the ~~Special Assistant to the Governor for Coastal Adaptation and Protection~~ *Chief Resilience Officer of the Commonwealth*, shall establish guidelines regarding the distribution and prioritization of loans and grants, including loans and grants that support flood prevention or protection studies of statewide or regional significance. *The Department shall develop and provide an opportunity for a 30-day public comment period prior to each new grant or loan offering to solicit feedback on proposed revisions to the Virginia Community Flood Preparedness Manual. A record of each application for a grant or loan and the action taken thereon shall be available for public inspection at the office of the Department and on a publicly accessible website.*

2. The Director shall convene an Advisory Review Committee (the Committee) to assist in the distribution of loans and grants from the Fund. The Committee shall review applications to the Fund and make recommendations on the disbursement of moneys from the Fund and any other appropriate issues to the Department, the Secretary of Natural and Historic Resources, and the Chief Resilience Officer of the Commonwealth. The Committee shall include representatives from the Department of Emergency Management, the Department of Environmental Quality, the Department of Housing and Community Development, a nonprofit group engaged in resilience efforts, the agriculture industry, the manufacturing industry, and the business community, the Virginia Director of the Chesapeake Bay Commission, and others as the Director deems appropriate. Appointed members of the Committee shall serve without compensation.

E. Localities shall use moneys from the Fund primarily for the purpose of implementing flood prevention and protection projects and studies in areas that are subject to recurrent flooding as confirmed by a locality-certified floodplain manager. Moneys in the Fund may be used to mitigate future flood damage and to assist inland and coastal communities across the Commonwealth that are subject to recurrent or repetitive flooding. No less than 25 percent of the moneys disbursed from the Fund each year shall be used for projects in low-income geographic areas. Priority shall be given to projects that implement community-scale hazard mitigation activities that use nature-based solutions to reduce flood risk.

F. Any locality is authorized to secure a loan made pursuant to this section by placing a lien up to the value of the loan against any property that benefits from the loan. Such a lien shall be subordinate to each prior lien on such property, except prior liens for which the prior lienholder executes a written subordination agreement, in a form and substance acceptable to the prior lienholder in its sole and exclusive discretion, that is recorded in the land records where the property is located.

G. Any locality using moneys in the Fund to provide a loan for a project in a low-income geographic area is authorized to forgive the principal of such loan. If a locality forgives the principal of any such loan, any obligation of the locality to repay that principal to the Commonwealth shall not be forgiven and such obligation shall remain in full force and effect. The total amount of loans forgiven by all localities in a fiscal year shall not exceed 30 percent of the amount appropriated in such fiscal year to the Fund by the General Assembly.

§ 10.1-603.29. Resilient Virginia Revolving Fund.

~~There shall be set apart~~ *A. The Resilient Virginia Revolving Fund is established* as a permanent and perpetual fund~~, to be known as the "Resilient Virginia Revolving Fund,"~~. *All* sums appropriated to the Fund by the General Assembly, *all* sums allocated to the Commonwealth for resilience purposes through the federal government, all receipts by the Fund from loans made by it to local governments, all income from the investment of moneys held in the Fund, and any other sums designated for deposit to the Fund from any source public or private *shall be designated for deposit to the Fund*. The Fund shall be administered and managed by the Authority as prescribed in this article, subject to the right of the Department, following consultation with the Authority, *the Secretary of Natural and Historic Resources, and the Chief Resilience Officer of the Commonwealth,* to direct the distribution of loans or grants from the Fund to particular local governments and to establish the interest rates and repayment terms of such loans as provided in this article. A portion of the Fund shall be reserved to hold money that is allocated only for the hazard mitigation of buildings and that shall not be available for other uses. In order to carry out the administration and management of the Fund, the Authority is granted the power to employ officers, employees, agents, advisers, and consultants, including, without limitation, attorneys, financial advisers, engineers, and other technical advisers and public accountants and, the provisions of any other law to the contrary notwithstanding, to determine their duties and compensation without the approval of any other agency or instrumentality. The Authority may disburse from the Fund its reasonable costs and expenses incurred in the administration and management of the Fund and a reasonable fee to be approved by the Department for its management services. The Authority may provide a portion of that fee to the Department to cover the Department's costs and expenses in administering the Fund.

B. 1. The Department shall develop and provide an opportunity for a 30-day public comment period prior to each new loan or grant offering to solicit feedback on proposed revisions to the Resilient Virginia Revolving Fund Manual. A record of each application for a grant or loan from the Fund and the action taken thereon shall be available for public inspection at the office of the Department and on a publicly accessible website.

2. The Director shall convene an Advisory Review Committee (the Committee) to assist in the distribution of loans and grants from the Fund. The Committee shall review applications to the Fund and make recommendations on the disbursement of moneys from the Fund and any other appropriate issues to the Department, the Secretary of Natural and Historic Resources, and the Chief Resilience Officer of the Commonwealth. The Committee shall include representatives from the Department of Emergency Management, the Department of Environmental Quality, the Department of Housing and Community Development, a nonprofit group engaged in resilience efforts, the agriculture industry, the manufacturing industry, and the business community, the Virginia Director of the Chesapeake Bay Commission, and others as the Director deems appropriate. Appointed members of the Committee shall serve without compensation.

§ 10.1-659. Flood protection programs; coordination.

A. The provisions of this chapter shall be coordinated with the Virginia Coastal Resilience Master Plan, the Virginia Flood Protection Master Plan, and federal, state, and local flood prevention and water quality programs to minimize loss of life, property damage, and negative impacts on the environment. This program coordination shall include but not be limited to the following: flood prevention, flood plain management, small watershed protection, dam safety, shoreline erosion and public beach preservation, and soil conservation programs of the Department of Conservation and Recreation; the construction activities of the Department of Transportation, including projects that result in hydrologic modification of rivers, streams, and flood plains; the nontidal wetlands, water quality, Chesapeake Bay Preservation Area criteria, stormwater management, erosion and sediment control, and other water management programs of the State Water Control Board; the Virginia Coastal Zone Management Program at the Department of Environmental Quality; forested watershed management programs of the Department of Forestry; the agricultural stewardship, farmland preservation, and disaster assistance programs of the Department of Agriculture and Consumer Services; the statewide building code and other land use control programs of the Department of Housing and Community Development; the habitat management programs of the Virginia Marine Resources Commission; the hazard mitigation planning and disaster response programs of the Department of Emergency Management; the fish and wildlife habitat protection programs of the Department of Wildlife Resources; the mineral extraction regulatory program of the Department of Energy; the flood plain restrictions of the Virginia Waste Management Board; flooding-related research programs of the state universities; local government assistance programs of the Virginia Soil and Water Conservation Board; the Virginia Antiquities Act program of the Department of Historic Resources; the public health and preparedness programs of the Virginia Department of Health; the State Council of Higher Education for Virginia; the State Corporation Commission; and any other state agency programs deemed necessary by the Director, *and* the Chief Resilience Officer of the Commonwealth~~, and the Special Assistant to the Governor for Coastal Adaptation and Protection~~. The Department shall also coordinate with soil and water conservation districts, Virginia Cooperative Extension agents, and planning district commissions, and shall coordinate and cooperate with localities in rendering assistance to such localities in their efforts to comply with the planning, subdivision of land, and zoning provisions of Chapter 22 (§ 15.2-2200 et seq.) of Title 15.2.

B. The Director, in coordination with ~~the Special Assistant to the Governor for Coastal Adaptation and Protection and~~ the Chief Resilience Officer *of the Commonwealth*, shall hold meetings of representatives of the programs, entities, and localities described in subsection A at least annually in order to determine, coordinate, and prioritize the Commonwealth's efforts and expenditures to increase flooding resilience and flood preparedness and to implement the Virginia Coastal Resilience Master Plan and the Virginia Flood Protection Master Plan. The Department shall review any revisions to the Virginia Flood Protection Master Plan and provide an update on the progress of the implementation of the Virginia Coastal Resilience Master Plan at any such meetings. The Department shall cooperate with other public and private agencies having flood plain management programs and shall coordinate its responsibilities under this article and any other law. These activities shall constitute the Commonwealth's flood resilience, preparedness, prevention, and protection program.

C. 1. The *Director, in coordination with the* Chief Resilience Officer~~, in coordination with the Special Assistant to the Governor for Coastal Adaptation and Protection and the Director~~ *of the Commonwealth*, shall establish the Virginia Coastal Resilience Technical Advisory Committee (the Committee) to assist with developing, updating, and implementing the Virginia Coastal Resilience Master Plan.

2. The Committee shall be ~~comprised~~ *composed* of representatives of state agencies, coastal planning district commissions, regional commissions, academic advisors, and any other representatives as needed. Members shall serve at the pleasure of the Governor and shall include the following individuals or their designees: the executive directors of coastal planning district commissions and regional commissions~~, the Special Assistant to the Governor for Coastal Adaptation and Protection~~; the Director; *the Chief Resilience Officer of the Commonwealth;* the Director of the Virginia Department of Emergency Management; the Director of the Virginia Department of Housing and Community Development; the Executive Director of the Virginia Resources Authority; the Director of the Department of Environmental Quality; the Commissioner of the Virginia Department of Transportation; the Director of the Virginia Transportation Research Council; the Commissioner of ~~the Virginia~~ Marine Resources ~~Commission~~; the Director of the Institute for Coastal Adaptation and Resilience; the Associate Dean for Research and Advisory Services at the Virginia Institute of Marine Science; the Director of the ~~William and Mary School of Law Coastal Policy Center~~ *Virginia Coastal Resilience Collaborative at the College of William and Mary in Virginia*; the Director of the Virginia Tech Center for Coastal Studies; the Director of the Environmental Resilience Institute at the University of Virginia; the Director of Virginia Sea Grant; the Director of Diversity, Equity, and Inclusion; and the Chief Data Officer of the Commonwealth. The ~~Chief Resilience Officer~~ *Director* shall serve as chairman of the Committee *and the Chief Resilience Officer of the Commonwealth shall serve as vice-chairman of the Committee*.

3. The ~~Chief Resilience Officer~~ *Director* shall invite participation by the Commander of the U.S. Army Corps of Engineers, Norfolk District; *the Commander of the U.S. Army Corps of Engineers, Baltimore District;* the Commander of the Navy Region Mid-Atlantic; and representatives of the seven federally recognized Tribal Nations indigenous to the Commonwealth of Virginia.

4. Appointed members shall serve in an advisory role without compensation.

5. The Committee shall meet at least quarterly.

6. The Department~~, the Special Assistant to the Governor for Coastal Adaptation and Protection,~~ and the Coastal Zone Management Program shall provide staff support to the Committee.

7. The Committee shall ensure that (i) risk evaluations and project prioritization protocols are regularly updated and are informed by the best applicable scientific and technical data; (ii) statewide and regional needs are addressed using the best applicable science and long-term resilience approaches; and (iii) the Virginia Coastal Resilience Master Planning Framework is adhered to in the development and updating of the Virginia Coastal Resilience Master Plan. The Committee shall also review updates to the Virginia Coastal Resilience Master Plan and receive updates about the progress of the Virginia Flood Protection Master Plan at each meeting. Additionally, the Committee may be called upon to assist the Department with the development and updating of the Virginia Flood Protection Master Plan.

D. 1. The Director, in coordination with the Chief Resilience Officer of the Commonwealth, shall establish the Virginia Flood Resilience Advisory Committee (the Committee) to assist with developing, updating, and implementing the Virginia Flood Protection Master Plan pursuant to § 10.1-602 and implementing the Commonwealth's flood resilience, preparedness, prevention, and protection programs.

2. The Committee shall be composed of the following individuals representing state agencies, or their designees: the Director, the Chief Resilience Officer of the Commonwealth, the Director of the Department of Emergency Management, the Director of the Department of Housing and Community Development, the Executive Director of the Virginia Resources Authority, the Director of the Department of Environmental Quality, the Commissioner of the Department of Transportation, the Director of the Office of Intermodal Planning and Investment, the Commissioner of Marine Resources, the Director of the Department of General Services, the Virginia Director of the Chesapeake Bay Commission, and the Director of Diversity, Equity, and Inclusion. Committee membership shall also include one representative from each of the following: the Virginia Association of Planning District Commissions, the Virginia Municipal League, and the Virginia Association of Counties. The Director may invite participation by other representatives as deemed appropriate. The Director shall serve as chairman of the Committee. The Chief Resilience Officer of the Commonwealth shall serve as vice-chairman of the Committee.

3. Members appointed to the Committee shall serve in an advisory role without compensation.

4. The Committee shall meet at least two times per calendar year.

5. The Department shall provide staff support to the Committee.

6. The Committee shall receive updates to the Virginia Flood Protection Master Plan, the Coastal Resilience Master Plan, and other regional flood resilience plans. The Committee shall advise the Department on (i) assessing the impacts of flooding on people, the economy, and the environment; (ii) establishing and measuring flood resilience goals and metrics for the Commonwealth; (iii) prioritizing state policies, programs, funding, and other strategies to mitigate the impacts of severe and repetitive flooding; (iv) enhancing intergovernmental and interagency coordination for flood resilience planning and strategy implementation; (v) conducting stakeholder outreach and engagement in support of flood resilience planning and implementation; (vi) assisting local governments to minimize loss of life, property damage, and negative impacts on the environment resulting from flooding; and (vii) issues relating to the Virginia Flood Protection Master Plan in accordance with the requirements established in § 10.1-602.

7. The Director may establish subcommittees or other bodies to advise on the development and implementation of the Coastal Resilience Master Plan and other regional flood resilience plans.

8. The Department shall engage with the following entities in the development of the Virginia Flood Protection Master Plan: the federally recognized Tribal Nations indigenous to the Commonwealth, the flooding-related research programs of institutions of higher education in the Commonwealth, the agricultural community, the economic development community, environmental nonprofit organizations, local governments, planning district commissions, regional commissions, the Commander of the U.S. Army Corps of Engineers for each district that includes a portion of the Commonwealth, the Commander of the U.S. Navy Region Mid-Atlantic, and other federal facilities located within the Commonwealth.

2. That § 2.2-435.11 of the Code of Virginia is repealed.

3. That the provisions of subsection C of § 10.1-659 of the Code of Virginia, as amended by this act, shall expire on February 1, 2025.

4. That the provisions of subsection D of § 10.1-659 of the Code of Virginia, as amended by this act, shall become effective on February 1, 2025.

5. The Chief Resilience Officer of the Commonwealth shall submit a report on funding and staffing needs to the Chairmen of the House Committee on Agriculture, Chesapeake and Natural Resources, the House Committee on Appropriations, the Senate Committee on Agriculture, Conservation and Natural Resources, and the Senate Committee on Finance and Appropriations no later than December 31, 2025.

CHAPTER 754

An Act to amend and reenact §§ 32.1-122.7, 32.1-122.7:1, 32.1-122.7:2, 54.1-3600, and 54.1-3606 of the Code of Virginia and to amend the Code of Virginia by adding in Article 1 of Chapter 20.2 of Title 2.2 a section numbered 2.2-2040.1 and by adding a section numbered 54.1-3606.3, relating to Virginia Health Workforce Development Authority; Virginia

Health Care Career and Technical Training and Education Fund created; psychological practitioner defined; educational requirements for nursing faculty.

[H 1499]

Approved April 8, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 32.1-122.7, 32.1-122.7:1, 32.1-122.7:2, 54.1-3600, and 54.1-3606 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Article 1 of Chapter 20.2 of Title 2.2 a section numbered 2.2-2040.1 and by adding a section numbered 54.1-3606.3 as follows:

§ 2.2-2040.1. Virginia Health Care Career and Technical Training and Education Fund.

There is hereby created in the state treasury a special nonreverting fund to be known as the Virginia Health Care Career and Technical Training and Education Fund, referred to in this section as "the Fund." The Fund shall be established on the books of the Comptroller. All funds appropriated for such purpose and any gifts, donations, grants, bequests, and other funds received on its behalf shall be paid into the state treasury and credited to the Fund. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. The Fund shall be administered by the Director of the Department of Workforce Development and Advancement. Moneys in the Fund shall be used solely for the purposes of supporting the mission of the Virginia Health Workforce Development Authority, as described in § 32.1-122.7. Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants issued by the Comptroller upon written request signed by the Director of the Department of Workforce Development and Advancement.

§ 32.1-122.7. Virginia Health Workforce Development Authority; purpose.

A. There is hereby created as a public body corporate and as a political subdivision of the Commonwealth the Virginia Health Workforce Development Authority (the Authority), with such public and corporate powers as are set forth in § 32.1-122.7:2. The Authority is hereby constituted as a public instrumentality, exercising public and essential governmental functions with the power and purpose to provide for the health, welfare, convenience, knowledge, benefit, and prosperity of the residents of the Commonwealth and such other persons who might be served by the Authority. The Authority is established to move the Commonwealth forward in achieving its vision of ensuring a quality health workforce for all Virginians.

B. The mission of the Authority is to facilitate the development of a statewide health professions pipeline that identifies, educates, recruits, and retains a diverse, appropriately geographically distributed, and culturally competent quality workforce. The mission of the Authority is accomplished by~~:~~ (i) providing the statewide infrastructure required for health workforce needs assessment and planning that maintains engagement by health professions training programs in decision making and program implementation; (ii) serving as the advisory board and setting priorities for the Virginia Area Health Education Centers Program; (iii) coordinating with and serving as a resource to relevant state, regional, and local entities, including the Department of Health Professions Workforce Data Center, the Joint Legislative Audit and Review Commission, the Joint Commission on Health Care, *the Behavioral Health Commission,* the Southwest Virginia Health Authority, or any similar regional health authority that may be developed; (iv) informing state and local policy development as it pertains to health care delivery, training, and education; (v) identifying and promoting evidence-based strategies for health workforce pipeline development and interdisciplinary health care service models, particularly those affecting rural and other underserved areas; (vi) supporting communities in their health workforce recruitment and retention efforts and developing partnerships and promoting models of participatory engagement with business and community-based and social organizations to foster integration of health care training and education; (vii) *setting priorities for and evaluating graduate medical education programs overseen by the Commonwealth; (viii)* advocating for programs that will result in reducing the debt load of newly trained health professionals; ~~(viii)~~ *(ix) setting priorities for and managing the Virginia Health Care Career and Technical Training and Education Fund; (x)* identifying high priority target areas within each region of the Commonwealth and working toward health workforce development initiatives that improve health measurably in those areas; ~~(ix)~~ *(xi)* fostering or creating innovative health workforce development models that provide both health and economic benefits to the regions they serve; ~~(x)~~ *(xii)* developing strategies to increase diversity in the health workforce by examining demographic data on race and ethnicity in training programs and health professional licensure; ~~(xi)~~ *(xiii)* identifying ways to leverage technology to increase access to health workforce training and health care delivery; and ~~(xii)~~ *(xiv)* developing a centralized health care careers roadmap in partnership with the Department of Health Professions that includes information on both licensed and unlicensed professions and that is disseminated to the Commonwealth's health care workforce stakeholders to raise awareness about available career pathways.

§ 32.1-122.7:1. Board of Directors of the Virginia Health Workforce Development Authority.

The Virginia Health Workforce Development Authority *(the Authority)* shall be governed by a Board of Directors. The Board of Directors shall have a total membership of ~~15~~ *19* members that shall consist of three legislative members, nine nonlegislative citizen members, and ~~three~~ *seven* ex officio members. Members shall be appointed as follows: two members of the House of Delegates, to be appointed by the Speaker of the House of Delegates in accordance with the principles of proportional representation contained in the Rules of the House of Delegates; one member of the Senate, to be appointed by the Senate Committee on Rules; and nine nonlegislative citizen members, three of whom shall be representatives of health professional educational or training programs, five of whom shall be health professionals or employers or representatives of

health professionals, and one of whom shall be a representative of community health, to be appointed by the Governor. The Commissioner of Health ~~or his designee~~, the Chancellor of the Virginia Community College System ~~or his designee~~, ~~and~~ the Director of the Department of Health Professions ~~or his designee~~*, the Director of the Department of Workforce Development and Advancement, the Director of the State Council of Higher Education for Virginia, the Chairman of the House Committee on Appropriations, and the Chairman of the Senate Committee on Finance and Appropriations or their designees* shall serve ex officio with voting privileges. Members appointed by the Governor shall be citizens of the Commonwealth.

Legislative members and ex officio members shall serve terms coincident with their terms of office. All appointments of nonlegislative citizen members shall be for two-year terms following the initial staggering of terms. Appointments to fill vacancies, other than by expiration of a term, shall be for the unexpired terms. Legislative and citizen members may be reappointed; however, no citizen member shall serve more than four consecutive two-year terms. The remainder of any term to which a member is appointed to fill a vacancy shall not constitute a term in determining the member's term limit. Vacancies shall be filled in the same manner as the original appointments.

The Board of Directors shall elect a chairman and vice-chairman annually from among its members. A majority of the members of the Board of Directors shall constitute a quorum.

The Board of Directors shall report biennially on the activities and recommendations of the Authority to the Secretary of Health and Human Resources, the Secretary of Education, the Secretary of Commerce and Trade, the ~~Chief Workforce Development Advisor~~ *Secretary of Labor*, the State Board of Health, the State Council of Higher Education for Virginia, the Joint Commission on Health Care, *the Chairman of the House Committee on Appropriations, the Chairman of the Senate Committee on Finance and Appropriations,* the Governor, and the General Assembly. In any reporting period where state general funds are appropriated to the Authority, the report shall include a detailed summary of how state general funds were expended.

The accounts and records of the Authority showing the receipt and disbursement of funds from whatever source derived shall be in a form prescribed by the Auditor of Public Accounts. The Auditor of Public Accounts, or his legally authorized representative, shall examine the accounts of the Authority as determined necessary by the Auditor of Public Accounts. The cost of such audit shall be borne by the Authority.

§ 32.1-122.7:2. Powers and duties of the Virginia Health Workforce Development Authority; exemptions.

A. The *Virginia Health Workforce Development* Authority *(the Authority)* is authorized to serve as the incorporated consortium of allopathic and osteopathic medical schools in Virginia as required by federal statute to qualify for the receipt of Area Health Education Centers programs, legislatively mandated under the Public Health Service Act as amended, Title VII, Section 751, and 42 U.S.C. § 294a, and to administer federal, state, and local programs as needed to carry out its public purpose and objectives. The Authority is further authorized to exercise independently the powers conferred by this section in furtherance of its corporate and public purposes to benefit citizens and such other persons who might be served by the Authority.

B. The Authority is authorized to monitor, collect, and track data pertaining to health care delivery, training, and education from Virginia educational institutions and other entities as needed to carry out its public purpose and objectives in areas where such data efforts do not already exist. *The Authority is further authorized to request and seek data for program evaluation purposes and may partner with other agencies and institutions to help manage and analyze health workforce data. The Authority shall assist in the coordination of data from various sources, including the Department of Education, the Department of Health Professions, the Department of Health, the Virginia Office of Education Economics, the Workforce Data Trust, and the George Mason University Center for Health Workforce.*

C. The Authority shall have the authority to assess policies, engage in policy development, and make policy recommendations.

D. The Authority shall have the authority to apply for and accept federal, state, and local public and private grants, loans, appropriations, and donations; hire and compensate staff, including an executive director; rent, lease, buy, own, acquire, and dispose of property, real or personal; participate in joint ventures, including to make contracts and other agreements with public and private entities in order to carry out its public purpose and objectives; and make bylaws for the management and regulation of its affairs.

E. The Authority shall be exempt from the provisions of ~~Chapters 29~~ *the Virginia Personnel Act* (§ 2.2-2900 et seq.) and ~~43~~ *the Virginia Public Procurement Act* (§ 2.2-4300 et seq.) ~~of Title 2.2~~.

F. The exercise of powers granted by this article and the undertaking of activities in the furtherance of the purpose of the Authority shall constitute the performance of essential governmental functions. Therefore, the Authority shall be exempt from any tax or assessment upon any project or property acquired or used by the Authority under the provisions of this article or upon the income therefrom, including sales and use taxes on tangible personal property used in the operation of the Authority. This exemption shall not extend to persons conducting business for which local or state taxes would otherwise be required.

§ 54.1-3600. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Applied psychologist" means an individual licensed to practice applied psychology.

"Board" means the Board of Psychology.

"Certified sex offender treatment provider" means a person who is certified to provide treatment to sex offenders and who provides such services in accordance with the provisions of §§ 54.1-3005, 54.1-3505, 54.1-3611, and 54.1-3705 and the regulations promulgated pursuant to these provisions.

"Clinical psychologist" means an individual licensed to practice clinical psychology.

"Practice of applied psychology" means application of the principles and methods of psychology to improvement of organizational function, personnel selection and evaluation, program planning and implementation, individual motivation, development and behavioral adjustment, as well as consultation on teaching and research.

"Practice of clinical psychology" includes, but is not limited to:

1. "Testing and measuring" ~~which~~ *that* consists of the psychological evaluation or assessment of personal characteristics such as intelligence, abilities, interests, aptitudes, achievements, motives, personality dynamics, psychoeducational processes, neuropsychological functioning, or other psychological attributes of individuals or groups.

2. "Diagnosis and treatment of mental and emotional disorders" ~~which~~ *that* consists of the appropriate diagnosis of mental disorders according to standards of the profession and the ordering or providing of treatments according to need. Treatment includes providing counseling, psychotherapy, marital/family therapy, group therapy, behavior therapy, psychoanalysis, hypnosis, biofeedback, and other psychological interventions with the objective of modification of perception, adjustment, attitudes, feelings, values, self-concept, personality, or personal goals, the treatment of alcoholism and substance abuse, *the treatment of* disorders of habit or conduct, as well as of the psychological aspects of physical illness, pain, injury, or disability.

3. "Psychological consulting" ~~which~~ *that* consists of interpreting or reporting on scientific theory or research in psychology, rendering expert psychological or clinical psychological opinion~~,~~ *or* evaluation, or engaging in applied psychological research, program or organizational development, *or* administration, supervision, or evaluation of psychological services.

"Practice of psychology" means the practice of applied psychology, clinical psychology, or school psychology.

The "practice of school psychology" means:

1. "Testing and measuring" ~~which~~ *that* consists of psychological assessment, evaluation, and diagnosis relative to the assessment of intellectual ability, aptitudes, achievement, adjustment, motivation, personality, or any other psychological attribute of persons as individuals or in groups that directly relates to learning or behavioral problems that impact education.

2. "Counseling" ~~which~~ *that* consists of professional advisement and interpretive services with children or adults for amelioration or prevention of problems that impact education. Counseling services relative to the practice of school psychology include but are not limited to the procedures of verbal interaction, interviewing, behavior modification, environmental manipulation, and group processes.

3. "Consultation" ~~which~~ *that* consists of educational or vocational consultation or direct educational services to schools, agencies, organizations, or individuals. Psychological consulting ~~as herein defined~~ *relative to the practice of school psychology* is directly related to learning problems and related adjustments.

4. Development of programs such as designing more efficient and psychologically sound classroom situations and acting as a catalyst for teacher involvement in adaptations and innovations.

"Psychological practitioner" means a person licensed pursuant to § 54.1-3606.3 to diagnose and treat mental and emotional disorders by providing counseling, psychotherapy, marital therapy, family therapy, group therapy, or behavioral therapy and to provide an assessment and evaluation of an individual's intellectual or cognitive ability, emotional adjustment, or personality, as related to the treatment of mental or emotional disorders.

"Psychologist" means a person licensed to practice school, applied, or clinical psychology.

"School psychologist" means a person licensed by the Board of Psychology to practice school psychology.

§ 54.1-3606. License required.

A. In order to engage in the practice of applied psychology, school psychology, or clinical psychology, *or to engage in practice as a psychological practitioner,* it shall be necessary to hold a license.

B. Notwithstanding the provisions of subdivision 4 of § 54.1-3601 or any Board regulation, the Board of Psychology shall license, as school psychologists-limited, persons licensed by the Board of Education with an endorsement in psychology and a master's degree in psychology. The Board of Psychology shall issue licenses to such persons without examination, upon review of credentials and payment of an application fee in accordance with regulations of the Board for school psychologists-limited.

Persons holding such licenses as school psychologists-limited shall practice solely in public school divisions; holding a license as a school psychologist-limited pursuant to this subsection shall not authorize such persons to practice outside the school setting or in any setting other than the public schools of the Commonwealth, unless such individuals are licensed by the Board of Psychology to offer to the public the services defined in § 54.1-3600.

The Board shall issue persons, holding licenses from the Board of Education with an endorsement in psychology and a license as a school psychologist-limited from the Board of Psychology, a license which notes the limitations on practice set forth in this section.

Persons who hold licenses as psychologists issued by the Board of Psychology without these limitations shall be exempt from the requirements of this section.

§ 54.1-3606.3. Licensure of psychological practitioners; independent practice.

A. It is unlawful for any person to practice or hold himself out as a psychological practitioner in the Commonwealth or use the title of psychological practitioner unless he holds a license issued by the Board.

B. The Board shall establish criteria for licensure as a psychological practitioner, which shall include the following:

1. Documentation that the applicant received a master's degree in psychology or counseling psychology from a program accredited by the American Psychological Association, from a program equivalent to those accredited by the American Psychological Association as determined by the Board, or from a program accredited by another national accrediting body approved by the Board; and

2. Documentation that the applicant successfully completed the academic portion of a national exam recognized by the Board.

C. Every psychological practitioner who meets the requirements of subsection B shall practice under the supervision of a clinical psychologist unless the requirements of subsection D are met. The Board shall determine the requirements and procedures for such supervision.

D. A psychological practitioner may practice without supervision upon:

1. Successful completion of the clinical portion of a national exam recognized by the Board; and

2. Completion of one year of full-time experience, as determined by the Board, of practice under the supervision of a clinical psychologist.

Upon receipt of documentation of such examination and experience requirements and a fee as established by the Board, the Board shall issue to the psychological practitioner a new license that includes a designation indicating that the psychological practitioner is authorized to practice independently.

E. The Board shall determine appropriate standards of practice for psychological practitioners.

F. The Board shall promulgate such regulations as may be necessary to implement the provisions of this section.

2. That the Board of Psychology shall promulgate regulations to implement the provisions of the first enactment of this act in Title 54.1 to be effective no later than January 1, 2025. The Board of Psychology's initial adoption of regulations necessary to implement the provisions of the first enactment of this act shall be exempt from the Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia), except that the Board of Psychology shall provide an opportunity for public comment on the regulations prior to adoption of such regulations.

3. That the Board of Nursing shall amend its regulations to add or remove the following requirements related to educational requirements for nursing faculty: (i) for baccalaureate degree and prelicensure graduate degree programs, add requirements that every clinical nursing faculty member hold a graduate degree in nursing, or hold a baccalaureate degree in nursing and be enrolled in a graduate degree program, or hold a baccalaureate degree in nursing and hold alternative credentials, and that clinical faculty members with a graduate degree other than in nursing be required to hold a baccalaureate degree in nursing; (ii) for associate degree and diploma programs, remove requirements that the majority of the members of the nursing faculty hold a graduate degree, preferably with a major in nursing, and that all members of the nursing faculty hold a baccalaureate degree with a major in nursing; (iii) for associate degree and diploma programs, add requirements that the didactic members of the nursing faculty hold a graduate degree, preferably with a major in nursing, or hold a baccalaureate degree and be actively enrolled in a graduate degree program and that the clinical members of the nursing faculty hold a baccalaureate degree in nursing or an associate degree in nursing and be actively enrolled in a baccalaureate degree program in nursing; (iv) for practical nursing programs, remove the requirement that the majority of the members of the nursing faculty hold a baccalaureate degree, preferably with a major in nursing; and (v) for practical nursing programs, add a requirement that the nursing faculty hold a baccalaureate degree, preferably with a major in nursing, or hold an associate degree and be actively enrolled in a baccalaureate degree program.

4. That the Board of Nursing shall promulgate regulations to implement the provisions of the third enactment of this act to be effective no later than January 1, 2025. The Board of Nursing's initial adoption of regulations necessary to implement the provisions of the third enactment of this act shall be exempt from the Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia), except that the Board of Nursing shall provide an opportunity for public comment on the regulations prior to adoption of such regulations.

CHAPTER 755

An Act to amend and reenact § 19.2-298.02 of the Code of Virginia, relating to deferred dispositions; expungement.

[S 20]

Approved April 8, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 19.2-298.02 of the Code of Virginia is amended and reenacted as follows:

§ 19.2-298.02. Deferred disposition in a criminal case.

A. A trial court presiding in a criminal case may, with the agreement of the defendant and the Commonwealth, after any plea or trial, with or without a determination, finding, or pronouncement of guilt, and notwithstanding the entry of a conviction order, upon consideration of the facts and circumstances of the case, including (i) mitigating factors relating to the defendant or the offense, (ii) the request of the victim, or (iii) any other appropriate factors, defer proceedings, defer

entry of a conviction order, if none, or defer entry of a final order, and continue the case for final disposition, on such reasonable terms and conditions as may be agreed upon by the parties and placed on the record, or if there is no agreement, as may be imposed by the court. Final disposition may include (a) conviction of the original charge, (b) conviction of an alternative charge, or (c) dismissal of the proceedings.

B. Upon violation of a term or condition, the court may enter an adjudication of guilt, if not already entered, and make any final disposition of the case provided by subsection A. Upon fulfillment of the terms and conditions, the court shall adjudicate the matter consistent with the agreement of the parties or, if none, by conviction of an alternative charge or dismissal of the case.

C. By consenting to and receiving a deferral of proceedings or a deferral of entry of a final order of guilt and fulfilling the conditions as specified by the court as provided by subsection A, the defendant waives his right to appeal such entry of a final order of guilt.

Prior to granting a deferral of proceedings, a deferral of entry of a conviction order, if none, or a deferral of a final order, the court shall notify the defendant that he would be waiving his rights to appeal any final order of guilt if such deferral is granted.

D. Upon agreement of all parties, a charge that is dismissed pursuant to this section*, including an original charge that was reduced or a charge that is dismissed after a plea or stipulation of the facts that would justify a finding of guilt,* may be considered as otherwise dismissed for purposes of expungement of police and court records in accordance with § 19.2-392.2, and such agreement of all parties and expungement eligibility ~~shall~~ *may* be indicated in the final disposition order.

CHAPTER 756

An Act to amend and reenact § 2.2-3701 of the Code of Virginia, relating to the Virginia Freedom of Information Act; definitions.

[S 36]

Approved April 8, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 2.2-3701 of the Code of Virginia is amended and reenacted as follows:

§ 2.2-3701. Definitions.

As used in this chapter, unless the context requires a different meaning:

"All-virtual public meeting" means a public meeting (i) conducted by a public body, other than those excepted pursuant to subsection C of § 2.2-3708.3, using electronic communication means, (ii) during which all members of the public body who participate do so remotely rather than being assembled in one physical location, and (iii) to which public access is provided through electronic communication means.

"Closed meeting" means a meeting from which the public is excluded.

"Electronic communication" means the use of technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities to transmit or receive information.

"Emergency" means an unforeseen circumstance rendering the notice required by this chapter impossible or impracticable and which circumstance requires immediate action.

"Information," as used in the exclusions established by §§ 2.2-3705.1 through 2.2-3705.7, means the content within a public record that references a specifically identified subject matter, and shall not be interpreted to require the production of information that is not embodied in a public record.

"Meeting" or "meetings" means the meetings including work sessions, when sitting physically, or through electronic communication means pursuant to § 2.2-3708.2 or 2.2-3708.3, as a body or entity, or as an informal assemblage of (i) as many as three members or (ii) a quorum, if less than three, of the constituent membership, wherever held, with or without minutes being taken, whether or not votes are cast, of any public body. Neither the gathering of employees of a public body nor the gathering or attendance of two or more members of a public body (a) at any place or function where no part of the purpose of such gathering or attendance is the discussion or transaction of any public business, ~~and~~ such gathering or attendance was not called or prearranged with any purpose of discussing or transacting any business of the public body, *and no discussion or transaction of public business takes place among the members of the public body* or (b) at a public forum, *informational gathering,* candidate appearance, *meeting of another public body,* or debate, the purpose of which is to inform the electorate *or to gather information from the public* and not to transact public business or to hold discussions relating to the transaction of public business, *where no discussion or transaction of public business takes place among the members of the public body,* even though the performance of the members individually or collectively in the conduct of public business may be a topic of discussion ~~or~~, debate*, or question presented by others* at such public meeting, shall be deemed a "meeting" subject to the provisions of this chapter. *The appointment of more than two members of a public body to another public body does not constitute a meeting of the first public body. For purposes of this definition of "meeting" only, the term "public business" means any activity a public body has undertaken or proposes to undertake on behalf of the people it represents.*

"Official public government website" means any Internet site controlled by a public body and used, among any other purposes, to post required notices and other content pursuant to this chapter on behalf of the public body.

"Open meeting" or "public meeting" means a meeting at which the public may be present.

"Public body" means any legislative body, authority, board, bureau, commission, district, or agency of the Commonwealth or of any political subdivision of the Commonwealth, including counties, cities, and towns, municipal councils, governing bodies of counties, school boards, and planning commissions; governing boards of public institutions of higher education; and other organizations, corporations, or agencies in the Commonwealth supported wholly or principally by public funds. It shall include (i) the Virginia Birth-Related Neurological Injury Compensation Program and its board of directors established pursuant to Chapter 50 (§ 38.2-5000 et seq.) of Title 38.2 and (ii) any committee, subcommittee, or other entity however designated of the public body created to perform delegated functions of the public body or to advise the public body. It shall not exclude any such committee, subcommittee, or entity because it has private sector or citizen members. Corporations organized by the Virginia Retirement System are "public bodies" for purposes of this chapter.

For the purposes of the provisions of this chapter applicable to access to public records, constitutional officers and private police departments as defined in § 9.1-101 shall be considered public bodies and, except as otherwise expressly provided by law, shall have the same obligations to disclose public records as other custodians of public records.

"Public records" means all writings and recordings that consist of letters, words, or numbers, or their equivalent, set down by handwriting, typewriting, printing, photostatting, photography, magnetic impulse, optical or magneto-optical form, mechanical or electronic recording, or other form of data compilation, however stored, and regardless of physical form or characteristics, prepared or owned by, or in the possession of a public body or its officers, employees, or agents in the transaction of public business.

"Regional public body" means a unit of government organized as provided by law within defined boundaries, as determined by the General Assembly, which unit includes two or more localities.

"Remote participation" means participation by an individual member of a public body by electronic communication means in a public meeting where a quorum of the public body is otherwise physically assembled.

"Scholastic records" means those records containing information directly related to a student or an applicant for admission and maintained by a public body that is an educational agency or institution or by a person acting for such agency or institution.

"Trade secret" means the same as that term is defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.).

2. That the provisions of this act are declarative of existing law.

CHAPTER 757

An Act to amend and reenact § 22.1-289.03 of the Code of Virginia, relating to early childhood care and education system; need-based and demand-based funding.

[S 54]

Approved April 8, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 22.1-289.03 of the Code of Virginia is amended and reenacted as follows:

§ 22.1-289.03. Early childhood care and education system; establishment; need-based and demand-based funding.

A. The Board shall establish a statewide unified public-private system for early childhood care and education in the Commonwealth to ensure that every child has the opportunity to enter kindergarten healthy and ready to learn. Such system shall be administered by the Board, the Superintendent, and the Department and shall be formed, implemented, and sustained through a structure that engages and leverages both state-level authority and regional-level public-private partnership assets.

B. It is the intent of the General Assembly that the system established pursuant to subsection A shall (i) provide families with coordinated access for referral to early childhood education programs, (ii) provide families with easy-to-understand information about the quality of publicly funded early childhood care and education programs, (iii) establish expectations for the continuous improvement of early childhood care and education programs, and (iv) establish shared expectations for early childhood care and education programs among the Department of Education, the Department of Social Services, local school divisions, and state and regional stakeholders.

C. The system established pursuant to subsection A shall consist of a combination of programs offered through (i) the Virginia Preschool Initiative, pursuant to § 22.1-289.09, or any other school-based early childhood care and education program; (ii) licensed programs, pursuant to Article 3 (§ 22.1-289.010 et seq.); and (iii) unlicensed programs, pursuant to Article 4 (§ 22.1-289.030 et seq.).

D. To address family demand and preferences for affordable, high-quality early childhood care and education services, state general funds that support the provision of services to families for early childhood care and education shall be provided as specified in the general appropriation act. Each year, no later than November 15, the Department shall report to the Governor and the Chairs of the House Committee on Appropriations, the House Committee on Education, the Senate Committee on Education and Health, and the Senate Committee on Finance and Appropriations the projected general funds needed for the upcoming two fiscal years based on cost of quality rate per child in order to (i) maintain the current number

of slots, (ii) increase the number of slots using a projected growth rate, and (iii) increase the number of slots to fully accommodate parent demand and eliminate waitlists. Such projected general funds to meet such needs shall be based on:

1. An annual per-child cost determined through re-benchmarking for the Virginia Preschool Initiative;

2. An annual per-child cost based on the Department's federally approved alternative cost methodology for the Mixed Delivery Program identified in the general appropriation act;

3. An annual per-child cost based on the Department's federally approved alternative cost methodology for the Child Care Subsidy Program, which program shall be open to each child who is under the age of 13 in each family for as long as:

a. The family's income does not exceed 85 percent of the state median income;

b. The family includes at least one child who is five years of age or younger and has not started kindergarten; and

c. The family meets all other eligibility requirements;

4. Current program eligibility criteria; and

5. Maximization of regularly recurring federal funding including federal funding provided for the Child Care Subsidy Program, Early Head Start, or Head Start, or pursuant to Part B of the federal Individuals with Disabilities Education Act, 20 U.S.C. § 1411 et seq.

No later than May 15 before each upcoming year, each regional entity established by the Board pursuant to subsection D of § 22.1-289.05 shall indicate the number of slots needed in the region for the Mixed Delivery Program, each local school division shall indicate the number of slots needed in the local school division for the Virginia Preschool Initiative, and each locality shall indicate the number of slots needed in the locality for the Child Care Subsidy Program. The Department shall reallocate slots with available funding from the Child Care Subsidy Program and Mixed Delivery Program as determined pursuant to this subsection no later than July 1. Following fall enrollment periods, the Department shall make adjustments based on family preferences. In providing funding for slots pursuant to this subsection, all current-year state general funds shall be expended first.

CHAPTER 758

An Act to amend the Code of Virginia by adding in Article 9 of Chapter 65 of Title 3.2 a section numbered 3.2-6573.1, relating to local animal cruelty registries.

[S 93]

Approved April 8, 2024

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Article 9 of Chapter 65 of Title 3.2 a section numbered 3.2-6573.1 as follows:

§ 3.2-6573.1. Local animal cruelty registries.

A. Any locality may establish, organize, and maintain a computerized animal cruelty registry as a database of information regarding persons convicted of a felony violation of (i) cruelty to animals as provided by § 3.2-6570; (ii) animal fighting as provided by § 3.2-6571; (iii) maiming, killing, or poisoning an animal as provided by § 18.2-144; or (iv) killing or injuring a police animal as provided by § 18.2-144.1. Information on such registry may include the name and address of the offender at the time of conviction as well as the offense for which the offender was convicted and the date and place of conviction. Access to such registry may be made available to the public on the website of the locality or local police department.

B. On a form promulgated by a locality or local police department, a person may request removal of his name and information from a registry established in subsection A not less than 15 years after the violation that warranted inclusion in the registry, provided he has no additional felony convictions of an offense listed in subsection A.

C. A locality that has established a registry pursuant to subsection A may adopt ordinances and develop forms to implement the provisions of this section, including the operation and maintenance of a registry and the removal of records on persons who are deceased, whose convictions have been reversed or who have been pardoned, or who have requested removal pursuant to subsection B.

D. All costs to establish, organize, and maintain a locality's animal cruelty registry pursuant to this section shall be borne by such locality.

CHAPTER 759

An Act to amend and reenact § 18.2-267 of the Code of Virginia, relating to preliminary analysis of breath to determine alcoholic content of blood; failure to advise person of rights.

[S 95]

Approved April 8, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 18.2-267 of the Code of Virginia is amended and reenacted as follows:

§ 18.2-267. Preliminary analysis of breath to determine alcoholic content of blood.

A. Any person who is suspected of a violation of § 18.2-266, 18.2-266.1, subsection B of § 18.2-272, or a similar ordinance shall ~~be entitled~~ *have the right*, if such equipment is available, to have his breath analyzed to determine the probable alcoholic content of his blood. The person shall ~~also be entitled, upon request,~~ *have the right* to observe the process of analysis and to see the blood-alcohol reading on the equipment used to perform the breath test. His breath may be analyzed by any police officer of the Commonwealth, or of any county, city or town, or by any member of a sheriff's department in the normal discharge of his duties.

B. The Department of Forensic Science shall determine the proper method and equipment to be used in analyzing breath samples taken pursuant to this section and shall advise the respective police and sheriff's departments of the same.

C. Any person who has been stopped by a police officer of the Commonwealth, or of any county, city or town, or by any member of a sheriff's department and is suspected by such officer to be guilty of an offense listed in subsection A, shall have the right to refuse to permit his breath to be so analyzed, and his failure to permit such analysis shall not be evidence in any prosecution for an offense listed in subsection A.

D. Whenever the breath sample analysis indicates that alcohol is present in the person's blood, the officer may charge the person with a violation of an offense listed in subsection A. The person so charged shall then be subject to the provisions of §§ 18.2-268.1 through 18.2-268.12, or of a similar ordinance.

E. The results of the breath analysis shall not be admitted into evidence in any prosecution for an offense listed in subsection A, the purpose of this section being to permit a preliminary analysis of the alcoholic content of the blood of a person suspected of having committed an offense listed in subsection A.

F. Police officers or members of any sheriff's department shall, upon stopping any person suspected of having committed an offense listed in subsection A, advise the person of his rights under the provisions of this section. *If a police officer or a member of any sheriff's department fails to advise a person of his rights under the provisions of this section, any breath sample obtained pursuant to this section shall not be admissible by the Commonwealth in any motion to suppress for the purpose of determining probable cause.*

G. Nothing in this section shall be construed as limiting the provisions of §§ 18.2-268.1 through 18.2-268.12.

CHAPTER 760

An Act to amend the Code of Virginia by adding a section numbered 20-13.2, relating to marriage lawful regardless of sex, gender, or race of parties; issuance of marriage license.

[S 101]

Approved April 8, 2024

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 20-13.2 as follows:

§ 20-13.2. Marriage lawful regardless of sex, gender, or race of parties.

No person authorized by § 20-14 to issue a marriage license shall deny the issuance of such license to two parties contemplating a lawful marriage on the basis of the sex, gender, or race of such parties. Such lawful marriages shall be recognized in the Commonwealth regardless of the sex, gender, or race of the parties.

Religious organizations and members of the clergy acting in their religious capacity shall have the right to refuse to perform any marriage.

CHAPTER 761

An Act to amend and reenact §§ 32.1-122.7, 32.1-122.7:1, 32.1-122.7:2, 54.1-3600, and 54.1-3606 of the Code of Virginia and to amend the Code of Virginia by adding in Article 1 of Chapter 20.2 of Title 2.2 a section numbered 2.2-2040.1 and by adding a section numbered 54.1-3606.3, relating to Virginia Health Workforce Development Authority; Virginia Health Care Career and Technical Training and Education Fund created; psychological practitioner defined; educational requirements for nursing faculty.

[S 155]

Approved April 8, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 32.1-122.7, 32.1-122.7:1, 32.1-122.7:2, 54.1-3600, and 54.1-3606 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Article 1 of Chapter 20.2 of Title 2.2 a section numbered 2.2-2040.1 and by adding a section numbered 54.1-3606.3 as follows:

§ 2.2-2040.1. Virginia Health Care Career and Technical Training and Education Fund.

There is hereby created in the state treasury a special nonreverting fund to be known as the Virginia Health Care Career and Technical Training and Education Fund, referred to in this section as "the Fund." The Fund shall be established on the books of the Comptroller. All funds appropriated for such purpose and any gifts, donations, grants, bequests, and other funds received on its behalf shall be paid into the state treasury and credited to the Fund. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the

end of each fiscal year shall not revert to the general fund but shall remain in the Fund. The Fund shall be administered by the Director of the Department of Workforce Development and Advancement. Moneys in the Fund shall be used solely for the purposes of supporting the mission of the Virginia Health Workforce Development Authority, as described in § 32.1-122.7. Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants issued by the Comptroller upon written request signed by the Director of the Department of Workforce Development and Advancement.

§ 32.1-122.7. Virginia Health Workforce Development Authority; purpose.

A. There is hereby created as a public body corporate and as a political subdivision of the Commonwealth the Virginia Health Workforce Development Authority (the Authority), with such public and corporate powers as are set forth in § 32.1-122.7:2. The Authority is hereby constituted as a public instrumentality, exercising public and essential governmental functions with the power and purpose to provide for the health, welfare, convenience, knowledge, benefit, and prosperity of the residents of the Commonwealth and such other persons who might be served by the Authority. The Authority is established to move the Commonwealth forward in achieving its vision of ensuring a quality health workforce for all Virginians.

B. The mission of the Authority is to facilitate the development of a statewide health professions pipeline that identifies, educates, recruits, and retains a diverse, appropriately geographically distributed, and culturally competent quality workforce. The mission of the Authority is accomplished by~~:~~ (i) providing the statewide infrastructure required for health workforce needs assessment and planning that maintains engagement by health professions training programs in decision making and program implementation; (ii) serving as the advisory board and setting priorities for the Virginia Area Health Education Centers Program; (iii) coordinating with and serving as a resource to relevant state, regional, and local entities, including the Department of Health Professions Workforce Data Center, the Joint Legislative Audit and Review Commission, the Joint Commission on Health Care, *the Behavioral Health Commission,* the Southwest Virginia Health Authority, or any similar regional health authority that may be developed; (iv) informing state and local policy development as it pertains to health care delivery, training, and education; (v) identifying and promoting evidence-based strategies for health workforce pipeline development and interdisciplinary health care service models, particularly those affecting rural and other underserved areas; (vi) supporting communities in their health workforce recruitment and retention efforts and developing partnerships and promoting models of participatory engagement with business and community-based and social organizations to foster integration of health care training and education; (vii) *setting priorities for and evaluating graduate medical education programs overseen by the Commonwealth; (viii)* advocating for programs that will result in reducing the debt load of newly trained health professionals; ~~(viii)~~ *(ix) setting priorities for and managing the Virginia Health Care Career and Technical Training and Education Fund; (x)* identifying high priority target areas within each region of the Commonwealth and working toward health workforce development initiatives that improve health measurably in those areas; ~~(ix)~~ *(xi)* fostering or creating innovative health workforce development models that provide both health and economic benefits to the regions they serve; ~~(x)~~ *(xii)* developing strategies to increase diversity in the health workforce by examining demographic data on race and ethnicity in training programs and health professional licensure; ~~(xi)~~ *(xiii)* identifying ways to leverage technology to increase access to health workforce training and health care delivery; and ~~(xii)~~ *(xiv)* developing a centralized health care careers roadmap in partnership with the Department of Health Professions that includes information on both licensed and unlicensed professions and that is disseminated to the Commonwealth's health care workforce stakeholders to raise awareness about available career pathways.

§ 32.1-122.7:1. Board of Directors of the Virginia Health Workforce Development Authority.

The Virginia Health Workforce Development Authority *(the Authority)* shall be governed by a Board of Directors. The Board of Directors shall have a total membership of ~~15~~ *19* members that shall consist of three legislative members, nine nonlegislative citizen members, and ~~three~~ *seven* ex officio members. Members shall be appointed as follows: two members of the House of Delegates, to be appointed by the Speaker of the House of Delegates in accordance with the principles of proportional representation contained in the Rules of the House of Delegates; one member of the Senate, to be appointed by the Senate Committee on Rules; and nine nonlegislative citizen members, three of whom shall be representatives of health professional educational or training programs, five of whom shall be health professionals or employers or representatives of health professionals, and one of whom shall be a representative of community health, to be appointed by the Governor. The Commissioner of Health ~~or his designee~~, the Chancellor of the Virginia Community College System ~~or his designee~~, ~~and~~ the Director of the Department of Health Professions ~~or his designee~~*, the Director of the Department of Workforce Development and Advancement, the Director of the State Council of Higher Education for Virginia, the Chairman of the House Committee on Appropriations, and the Chairman of the Senate Committee on Finance and Appropriations or their designees* shall serve ex officio with voting privileges. Members appointed by the Governor shall be citizens of the Commonwealth.

Legislative members and ex officio members shall serve terms coincident with their terms of office. All appointments of nonlegislative citizen members shall be for two-year terms following the initial staggering of terms. Appointments to fill vacancies, other than by expiration of a term, shall be for the unexpired terms. Legislative and citizen members may be reappointed; however, no citizen member shall serve more than four consecutive two-year terms. The remainder of any term to which a member is appointed to fill a vacancy shall not constitute a term in determining the member's term limit. Vacancies shall be filled in the same manner as the original appointments.

The Board of Directors shall elect a chairman and vice-chairman annually from among its members. A majority of the members of the Board of Directors shall constitute a quorum.

The Board of Directors shall report biennially on the activities and recommendations of the Authority to the Secretary of Health and Human Resources, the Secretary of Education, the Secretary of Commerce and Trade, the ~~Chief Workforce Development Advisor~~ *Secretary of Labor*, the State Board of Health, the State Council of Higher Education for Virginia, the Joint Commission on Health Care, *the Chairman of the House Committee on Appropriations, the Chairman of the Senate Committee on Finance and Appropriations,* the Governor, and the General Assembly. In any reporting period where state general funds are appropriated to the Authority, the report shall include a detailed summary of how state general funds were expended.

The accounts and records of the Authority showing the receipt and disbursement of funds from whatever source derived shall be in a form prescribed by the Auditor of Public Accounts. The Auditor of Public Accounts, or his legally authorized representative, shall examine the accounts of the Authority as determined necessary by the Auditor of Public Accounts. The cost of such audit shall be borne by the Authority.

§ 32.1-122.7:2. Powers and duties of the Virginia Health Workforce Development Authority; exemptions.

A. The *Virginia Health Workforce Development* Authority *(the Authority)* is authorized to serve as the incorporated consortium of allopathic and osteopathic medical schools in Virginia as required by federal statute to qualify for the receipt of Area Health Education Centers programs, legislatively mandated under the Public Health Service Act as amended, Title VII, Section 751, and 42 U.S.C. § 294a, and to administer federal, state, and local programs as needed to carry out its public purpose and objectives. The Authority is further authorized to exercise independently the powers conferred by this section in furtherance of its corporate and public purposes to benefit citizens and such other persons who might be served by the Authority.

B. The Authority is authorized to monitor, collect, and track data pertaining to health care delivery, training, and education from Virginia educational institutions and other entities as needed to carry out its public purpose and objectives in areas where such data efforts do not already exist. *The Authority is further authorized to request and seek data for program evaluation purposes and may partner with other agencies and institutions to help manage and analyze health workforce data. The Authority shall assist in the coordination of data from various sources, including the Department of Education, the Department of Health Professions, the Department of Health, the Virginia Office of Education Economics, the Workforce Data Trust, and the George Mason University Center for Health Workforce.*

C. The Authority shall have the authority to assess policies, engage in policy development, and make policy recommendations.

D. The Authority shall have the authority to apply for and accept federal, state, and local public and private grants, loans, appropriations, and donations; hire and compensate staff, including an executive director; rent, lease, buy, own, acquire, and dispose of property, real or personal; participate in joint ventures, including to make contracts and other agreements with public and private entities in order to carry out its public purpose and objectives; and make bylaws for the management and regulation of its affairs.

E. The Authority shall be exempt from the provisions of ~~Chapters 29~~ *the Virginia Personnel Act* (§ 2.2-2900 et seq.) and ~~43~~ *the Virginia Public Procurement Act* (§ 2.2-4300 et seq.) ~~of Title 2.2~~.

F. The exercise of powers granted by this article and the undertaking of activities in the furtherance of the purpose of the Authority shall constitute the performance of essential governmental functions. Therefore, the Authority shall be exempt from any tax or assessment upon any project or property acquired or used by the Authority under the provisions of this article or upon the income therefrom, including sales and use taxes on tangible personal property used in the operation of the Authority. This exemption shall not extend to persons conducting business for which local or state taxes would otherwise be required.

§ 54.1-3600. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Applied psychologist" means an individual licensed to practice applied psychology.

"Board" means the Board of Psychology.

"Certified sex offender treatment provider" means a person who is certified to provide treatment to sex offenders and who provides such services in accordance with the provisions of §§ 54.1-3005, 54.1-3505, 54.1-3611, and 54.1-3705 and the regulations promulgated pursuant to these provisions.

"Clinical psychologist" means an individual licensed to practice clinical psychology.

"Practice of applied psychology" means application of the principles and methods of psychology to improvement of organizational function, personnel selection and evaluation, program planning and implementation, individual motivation, development and behavioral adjustment, as well as consultation on teaching and research.

"Practice of clinical psychology" includes, but is not limited to:

1. "Testing and measuring" ~~which~~ *that* consists of the psychological evaluation or assessment of personal characteristics such as intelligence, abilities, interests, aptitudes, achievements, motives, personality dynamics, psychoeducational processes, neuropsychological functioning, or other psychological attributes of individuals or groups.

2. "Diagnosis and treatment of mental and emotional disorders" ~~which~~ *that* consists of the appropriate diagnosis of mental disorders according to standards of the profession and the ordering or providing of treatments according to need. Treatment includes providing counseling, psychotherapy, marital/family therapy, group therapy, behavior therapy, psychoanalysis, hypnosis, biofeedback, and other psychological interventions with the objective of modification of perception, adjustment, attitudes, feelings, values, self-concept, personality, or personal goals, the treatment of alcoholism

and substance abuse, *the treatment of* disorders of habit or conduct, as well as of the psychological aspects of physical illness, pain, injury, or disability.

3. "Psychological consulting" ~~which~~ *that* consists of interpreting or reporting on scientific theory or research in psychology, rendering expert psychological or clinical psychological opinion~~,~~ *or* evaluation, or engaging in applied psychological research, program or organizational development, *or* administration, supervision, or evaluation of psychological services.

"Practice of psychology" means the practice of applied psychology, clinical psychology, or school psychology.

The "practice of school psychology" means:

1. "Testing and measuring" ~~which~~ *that* consists of psychological assessment, evaluation, and diagnosis relative to the assessment of intellectual ability, aptitudes, achievement, adjustment, motivation, personality, or any other psychological attribute of persons as individuals or in groups that directly relates to learning or behavioral problems that impact education.

2. "Counseling" ~~which~~ *that* consists of professional advisement and interpretive services with children or adults for amelioration or prevention of problems that impact education. Counseling services relative to the practice of school psychology include but are not limited to the procedures of verbal interaction, interviewing, behavior modification, environmental manipulation, and group processes.

3. "Consultation" ~~which~~ *that* consists of educational or vocational consultation or direct educational services to schools, agencies, organizations, or individuals. Psychological consulting ~~as herein defined~~ *relative to the practice of school psychology* is directly related to learning problems and related adjustments.

4. Development of programs such as designing more efficient and psychologically sound classroom situations and acting as a catalyst for teacher involvement in adaptations and innovations.

"Psychological practitioner" means a person licensed pursuant to § 54.1-3606.3 to diagnose and treat mental and emotional disorders by providing counseling, psychotherapy, marital therapy, family therapy, group therapy, or behavioral therapy and to provide an assessment and evaluation of an individual's intellectual or cognitive ability, emotional adjustment, or personality, as related to the treatment of mental or emotional disorders.

"Psychologist" means a person licensed to practice school, applied, or clinical psychology.

"School psychologist" means a person licensed by the Board of Psychology to practice school psychology.

§ 54.1-3606. License required.

A. In order to engage in the practice of applied psychology, school psychology, or clinical psychology, *or to engage in practice as a psychological practitioner,* it shall be necessary to hold a license.

B. Notwithstanding the provisions of subdivision 4 of § 54.1-3601 or any Board regulation, the Board of Psychology shall license, as school psychologists-limited, persons licensed by the Board of Education with an endorsement in psychology and a master's degree in psychology. The Board of Psychology shall issue licenses to such persons without examination, upon review of credentials and payment of an application fee in accordance with regulations of the Board for school psychologists-limited.

Persons holding such licenses as school psychologists-limited shall practice solely in public school divisions; holding a license as a school psychologist-limited pursuant to this subsection shall not authorize such persons to practice outside the school setting or in any setting other than the public schools of the Commonwealth, unless such individuals are licensed by the Board of Psychology to offer to the public the services defined in § 54.1-3600.

The Board shall issue persons, holding licenses from the Board of Education with an endorsement in psychology and a license as a school psychologist-limited from the Board of Psychology, a license which notes the limitations on practice set forth in this section.

Persons who hold licenses as psychologists issued by the Board of Psychology without these limitations shall be exempt from the requirements of this section.

§ 54.1-3606.3. Licensure of psychological practitioners; independent practice.

A. It is unlawful for any person to practice or hold himself out as a psychological practitioner in the Commonwealth or use the title of psychological practitioner unless he holds a license issued by the Board.

B. The Board shall establish criteria for licensure as a psychological practitioner, which shall include the following:

1. Documentation that the applicant received a master's degree in psychology or counseling psychology from a program accredited by the American Psychological Association, from a program equivalent to those accredited by the American Psychological Association as determined by the Board, or from a program accredited by another national accrediting body approved by the Board; and

2. Documentation that the applicant successfully completed the academic portion of a national exam recognized by the Board.

C. Every psychological practitioner who meets the requirements of subsection B shall practice under the supervision of a clinical psychologist unless the requirements of subsection D are met. The Board shall determine the requirements and procedures for such supervision.

D. A psychological practitioner may practice without supervision upon:

1. Successful completion of the clinical portion of a national exam recognized by the Board; and

2. Completion of one year of full-time experience, as determined by the Board, of practice under the supervision of a clinical psychologist.

Upon receipt of documentation of such examination and experience requirements and a fee as established by the Board, the Board shall issue to the psychological practitioner a new license that includes a designation indicating that the psychological practitioner is authorized to practice independently.

E. The Board shall determine appropriate standards of practice for psychological practitioners.

F. The Board shall promulgate such regulations as may be necessary to implement the provisions of this section.

2. That the Board of Psychology shall promulgate regulations to implement the provisions of the first enactment of this act in Title 54.1 to be effective no later than January 1, 2025. The Board of Psychology's initial adoption of regulations necessary to implement the provisions of the first enactment of this act shall be exempt from the Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia), except that the Board of Psychology shall provide an opportunity for public comment on the regulations prior to adoption of such regulations.

3. That the Board of Nursing shall amend its regulations to add or remove the following requirements related to educational requirements for nursing faculty: (i) for baccalaureate degree and prelicensure graduate degree programs, add requirements that every clinical nursing faculty member hold a graduate degree in nursing, or hold a baccalaureate degree in nursing and be enrolled in a graduate degree program, or hold a baccalaureate degree in nursing and hold alternative credentials, and that clinical faculty members with a graduate degree other than in nursing be required to hold a baccalaureate degree in nursing; (ii) for associate degree and diploma programs, remove requirements that the majority of the members of the nursing faculty hold a graduate degree, preferably with a major in nursing, and that all members of the nursing faculty hold a baccalaureate degree with a major in nursing; (iii) for associate degree and diploma programs, add requirements that the didactic members of the nursing faculty hold a graduate degree, preferably with a major in nursing, or hold a baccalaureate degree and be actively enrolled in a graduate degree program and that the clinical members of the nursing faculty hold a baccalaureate degree in nursing or an associate degree in nursing and be actively enrolled in a baccalaureate degree program in nursing; (iv) for practical nursing programs, remove the requirement that the majority of the members of the nursing faculty hold a baccalaureate degree, preferably with a major in nursing; and (v) for practical nursing programs, add a requirement that the nursing faculty hold a baccalaureate degree, preferably with a major in nursing, or hold an associate degree and be actively enrolled in a baccalaureate degree program.

4. That the Board of Nursing shall promulgate regulations to implement the provisions of the third enactment of this act to be effective no later than January 1, 2025. The Board of Nursing's initial adoption of regulations necessary to implement the provisions of the third enactment of this act shall be exempt from the Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia), except that the Board of Nursing shall provide an opportunity for public comment on the regulations prior to adoption of such regulations.

CHAPTER 762

An Act to amend and reenact §§ 55.1-1302, 55.1-1308, 55.1-1311, and 55.1-1315 of the Code of Virginia, relating to manufactured home parks; rights of residents.

[S 232]

Approved April 8, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 55.1-1302, 55.1-1308, 55.1-1311, and 55.1-1315 of the Code of Virginia are amended and reenacted as follows:

§ 55.1-1302. Term of rental agreement; renewal; security deposits.

A. A landlord shall offer all current and prospective year-round residents a rental agreement with a rental period of not less than one year. Such offer shall contain the same terms and conditions as are offered with shorter term leases, except that rental discounts may be offered by a landlord to residents who enter into a rental agreement for a period of not less than one year.

B. Upon the expiration of a rental agreement *with a term of one year or more*, the agreement shall be automatically renewed for a term of ~~one year~~ *the same duration* with the same terms unless *either party provides written notification of an intent to not renew the agreement at least 60 days prior to the expiration date or* the landlord provides written notice to the tenant of any change in the terms of the agreement at least 60 days prior to the expiration date. *If the tenant notifies the landlord in writing within 30 days of receiving notice of the change in terms that he does not agree to such change in terms, such tenant may choose to not renew the rental agreement unless the landlord agrees to maintain the same terms as those in the current agreement.* In the case of an automatic renewal of a rental agreement for a year-round resident, the security deposit initially furnished by the tenant shall not be increased by the landlord, nor shall an additional security deposit be required.

C. Except as limited by subsection B, the provisions of § 55.1-1226 shall govern the terms and conditions of security deposits for rental agreements under this chapter.

D. No landlord shall charge a tenant for late payment of rent unless such charge is provided for in the written rental agreement. No such late charge shall exceed the lesser of 10 percent of the periodic rent or 10 percent of the remaining balance due and owed by the tenant.

§ 55.1-1308. Termination of tenancy.

A. ~~Either party may terminate a rental agreement with a term of 60 days or more by giving written notice to the other at least 60 days prior to the termination date; however, the rental agreement may require a longer period of notice.~~ Notwithstanding the provisions of this section, where a landlord and seller of a manufactured home have in common (i) one or more owners, (ii) immediate family members, or (iii) officers or directors, the rental agreement shall be renewed except for reasons that would justify a termination of the rental agreement or eviction by the landlord as authorized by this chapter. ~~A landlord may not cause the eviction of a tenant by willfully interrupting gas, electricity, water, or any other essential service, or by removal of the manufactured home from the manufactured home lot, or by any other willful self-help measure.~~

B. ~~If the termination is~~ *A landlord may terminate a rental agreement of any length* due to a change in the use of all or any part of a manufactured home park ~~by the landlord~~, including conversion to hotel, motel, or other commercial use, planned unit development, rehabilitation, or demolition, *by delivering to each tenant, by certified mail,* a 180-day written notice ~~is required to terminate a~~ *stating the date upon which the* rental agreement *will terminate and the reason for the termination*. Such termination notice requirement shall not be waived; however, *at the request of the tenant,* a period of less than 180 days may be agreed upon by both the landlord and tenant in a written agreement separate from the rental agreement executed after such notice is given. The notice required by this section may be sent concurrently with the notice of intent to sell required by § 55.1-1308.2.

§ 55.1-1311. Other provisions of law applicable.

Section 55.1-1202, subsection A of § 55.1-1204, §§ 55.1-1207, 55.1-1208, 55.1-1216, 55.1-1224, 55.1-1226, 55.1-1228, 55.1-1234 through ~~55.1-1249, 55.1-1251,~~ 55.1-1252, and 55.1-1259 shall, insofar as they are not inconsistent with this chapter, apply, mutatis mutandis, to the rental and occupancy of a manufactured home lot*, including termination of a lot lease if a tenant commits a remediable breach and, after remedying such breach, intentionally commits a subsequent breach of a like nature, during the same lease term*.

§ 55.1-1315. Eviction of tenant.

~~A~~ *In addition to the remedies provided by §§ 55.1-1228 and 55.1-1311, a* landlord may evict a tenant only for~~:~~

~~1. Nonpayment of rent;~~

~~2. Violation~~ *violation* of the applicable building and housing code caused by a lack of reasonable care by the tenant, a member of the tenant's household, or a guest or invitee of the tenant~~;~~

~~3. Violation of a federal, state, or local law or ordinance that is detrimental to the health, safety, and welfare of other tenants in the manufactured home park;~~

~~4. Violation of any rule or provisions of the rental agreement materially affecting the health, safety, and welfare of the tenant or others; or~~

~~5. Two or more violations of any rule or provision of the rental agreement occurring within a six-month period~~.

CHAPTER 763

An Act to amend and reenact § 56-594.3 of the Code of Virginia, relating to shared solar programs; Phase II Utility; minimum bill; capacity.

[S 253]

Approved April 8, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 56-594.3 of the Code of Virginia is amended and reenacted as follows:

§ 56-594.3. Shared solar programs; Phase II Utility.

A. As used in this section:

"Administrative cost" means the reasonable incremental cost to the investor-owned utility to process subscribers' bills for the program.

"Applicable bill credit rate" means the dollar-per-kilowatt-hour rate used to calculate the subscriber's bill credit.

"Bill credit" means the monetary value of the electricity, in kilowatt-hours, generated by the shared solar facility allocated to a subscriber to offset that subscriber's electricity bill.

"Dual-use agricultural facility" means agricultural production and electricity production from solar photovoltaic panels occurring simultaneously on the same property.

"Gross bill" means the amount that a customer would pay to the utility based on the customer's monthly energy consumption before any bill credits are applied.

"Incremental cost" means any cost directly caused by the implementation of the shared solar program that would not have occurred absent the implementation of the shared solar program.

"Low-income customer" means any person or household whose income is no more than 80 percent of the median income of the locality in which the customer resides. The median income of the locality is determined by the U.S. Department of Housing and Urban Development.

"Low-income service organization" means a nonresidential customer of an investor-owned utility whose primary purpose is to serve low-income individuals and households.

"Low-income shared solar facility" means a shared solar facility at least 30 percent of the capacity of which is subscribed by low-income customers or low-income service organizations.

"Minimum bill" means an amount determined by the Commission under subsection D that ~~subscribers are~~ *a subscriber is* required to, at a minimum, pay on ~~their~~ *the subscriber's* utility bill each month after accounting for any bill credits.

"Net bill" means the resulting amount a customer must pay the utility after deducting the bill credit from the customer's monthly gross bill.

"Phase II Utility" has the same meaning as provided in subdivision A 1 of § 56-585.1.

"Shared solar facility" means a facility that:

1. Generates electricity by means of a solar photovoltaic device with a nameplate capacity rating that does not exceed 5,000 kilowatts of alternating current;

2. Is ~~located in the service territory of an investor-owned electric utility~~ *interconnected with a Phase II Utility's distribution system within the Commonwealth*;

3. ~~Is connected to the electric distribution grid serving the Commonwealth;~~

~~4.~~ Has at least three subscribers;

~~5.~~ *4.* Has at least 40 percent of its capacity subscribed by customers with subscriptions of 25 kilowatts or less; and

~~6.~~ *5.* Is located on a single parcel of land.

"Shared solar program" or "program" means the program created through the adoption of rules to allow for the development of shared solar facilities.

"Subscriber" means a retail customer of a utility that (i) owns one or more subscriptions of a shared solar facility that is interconnected with the utility and (ii) receives service in the service territory of the same utility in whose service territory the shared solar facility is ~~located~~ *interconnected*.

"Subscriber organization" means any for-profit or nonprofit entity that owns or operates one or more shared solar facilities. A subscriber organization shall not be considered a utility solely as a result of its ownership or operation of a shared solar facility. *A subscriber organization licensed with the Commission shall be eligible to own or operate shared solar facilities in more than one investor-owned utility service territory.*

"Subscribed" means, in relation to a subscription, that a subscriber has made initial payments or provided a deposit to the owner of a shared solar facility for such subscription.

"Subscription" means a contract or other agreement between a subscriber and the owner of a shared solar facility. A subscription shall be sized such that the estimated bill credits do not exceed the subscriber's average annual bill for the customer account to which the subscription is attributed.

"Utility" means a Phase II Utility.

B. The Commission shall establish by regulation a program that affords customers of a Phase II Utility the opportunity to participate in shared solar projects. Under its shared solar program, a utility shall provide a bill credit for the proportional output of a shared solar facility attributable to that subscriber. The shared solar program shall be administered as follows:

1. The value of the bill credit for the subscriber shall be calculated by multiplying the subscriber's portion of the kilowatt-hour electricity production from the shared solar facility by the applicable bill credit rate for the subscriber. Any amount of the bill credit that exceeds the subscriber's monthly bill, minus the minimum bill, shall be carried over and applied to the next month's bill.

2. The utility shall provide bill credits to a shared solar facility's subscribers for not less than 25 years from the date the shared solar facility becomes commercially operational.

3. The subscriber organization shall, on a monthly basis~~,~~ *and* in a standardized electronic format, and pursuant to guidelines established by the Commission, provide to the utility a subscriber list indicating the kilowatt-hours of generation attributable to each of the subscribers participating in a shared solar facility in accordance with the subscriber's portion of the output of the shared solar facility.

4. Subscriber lists may be updated monthly to reflect canceling subscribers and to add new subscribers. The utility shall apply bill credits to subscriber bills within two billing cycles following the cycle during which the energy was generated by the shared solar facility.

5. Each utility shall, on a monthly basis and in a standardized electronic format, provide to the subscriber organization a report indicating the total value of bill credits generated by the shared solar facility in the prior month, as well as the amount of the bill credit applied to each subscriber.

6. A subscriber organization may accumulate bill credits in the event that all of the electricity generated by a shared solar facility is not allocated to subscribers in a given month. On an annual basis and pursuant to guidelines established by the Commission, the subscriber organization shall furnish to the utility allocation instructions for distributing excess bill credits to subscribers.

7. ~~All~~ *A subscriber organization that registers a shared solar facility in the program within the first 200 megawatts alternating current of awarded capacity shall own all* environmental attributes associated with a shared solar facility, including renewable energy certificates~~,~~. *At such subscriber organization's direction, such environmental attributes may be distributed to subscribers, sold to load-serving entities with compliance obligations or other buyers, accumulated, or retired. For a shared solar facility registered in the program after the first 200 megawatts alternating current of awarded capacity, the registering subscriber organization* shall ~~be distributed to the subscribers~~ *transfer renewable energy*

certificates to a Phase II Utility to be retired for compliance with such Phase II Utility's renewable portfolio standard obligations pursuant to subsection C of § 56-585.5.

8. Projects shall be entitled to receive incentives when they are located on rooftops, brownfields, or landfills, are dual-use agricultural facilities, or meet the definition of another category established by the Department of Energy pursuant to this section.

C. Each subscriber shall pay a minimum bill, established pursuant to subsection D, and shall receive an applicable bill credit based on the subscriber's customer class of residential, commercial, or industrial. Each class's applicable credit rate shall be calculated by the Commission annually by dividing revenues to the class by sales, measured in kilowatt-hours, to that class to yield a bill credit rate for the class ($/kWh).

D. The Commission shall establish a minimum bill, which shall include the costs of all utility infrastructure and services used to provide electric service and administrative costs of the shared solar program. The Commission may modify the minimum bill over time. In establishing the minimum bill, the Commission shall (i) consider further costs the Commission deems relevant to ensure subscribing customers pay a fair share of the costs of providing electric services and *generation sufficient to meet customer needs at all times,* (ii) minimize the costs shifted to customers not in a shared solar program*, and (iii) calculate the benefits of shared solar to the electric grid and to the Commonwealth and deduct such benefits from other costs. The Commission shall explicitly set forth its findings as to each cost and benefit, or other value used to determine such minimum bill.* Low-income customers shall be exempt from the minimum bill.

E. The Commission shall approve *part one of* a shared solar ~~facility~~ program *with an aggregate capacity* of ~~150~~ *200* megawatts ~~with a minimum requirement of 30 percent low-income customers~~. ~~The~~ *Upon a determination that at least 90 percent of the megawatts of the aggregate capacity of such program have been subscribed and that project construction is substantially complete, the* Commission shall approve *up to* an additional ~~50~~ *150* megawatts of capacity *as part two of such program,* ~~upon determining that at least 45~~ *75* megawatts of ~~the aggregated shared solar capacity in the Commonwealth have been subscribed to by~~ *which shall serve no more than 51 percent* low-income customers. Subscriber organizations shall be allowed to demonstrate compliance with the low income requirement using either project capacity or project savings methodology. The Commission, in collaboration with the Department of Energy, may adopt mechanisms to ensure low-income customer participation.

F. The Commission shall establish by regulation a shared solar program that complies with the provisions of subsections B, C, D, and E by ~~January~~ *March* 1, ~~2021~~ *2025*, and shall require each utility to file any tariffs, agreements, or forms necessary for implementation of the program ~~within 60 days of the utility's full implementation of a new customer information platform or~~ by ~~July~~ *December* 1, ~~2023, whichever occurs first~~ *2025*. *Any tariffs, agreements, and forms currently in effect at the time of enactment shall remain in effect until such revisions are approved by the Commission.* Any rule or utility implementation filings approved by the Commission shall:

1. Reasonably allow for the creation of shared solar facilities;

2. Allow all customer classes to participate in the program;

3. Create a stakeholder working group including low-income community representatives and community solar providers to facilitate low-income customer and low-income service organization participation in the program;

4. Encourage public-private partnerships to further the Commonwealth's clean energy and equity goals, such as state agency and affordable housing provider participation ~~in the program~~ as subscribers of *a* shared solar ~~projects~~ *program*;

5. Not remove a customer from its otherwise applicable customer class in order to participate in a shared solar facility;

6. Reasonably allow for the transferability and portability of subscriptions, including allowing a subscriber to retain a subscription to a shared solar facility if the subscriber moves within the same utility's service territory;

7. Establish standards, fees, and processes for the interconnection of shared solar facilities that allow the utility to recover reasonable interconnection costs for each shared solar facility;

8. Adopt standardized consumer disclosure forms;

9. Allow the utility the opportunity to recover reasonable costs of administering the program;

10. Ensure nondiscriminatory and efficient requirements and utility procedures for interconnecting projects;

11. Address the co-location of two or more shared solar facilities on a single parcel of land and provide guidelines for determining when two or more *such* facilities are co-located;

12. Include a program implementation schedule;

13. Prohibit credit checks as a means of establishing eligibility for residential customers to become subscribers;

14. *Prohibit early termination fees and credit reporting for any low-income customer;*

15. Require a customer's affirmative consent by written or electronic signature before providing access to customer billing and usage data to a subscriber organization;

16. Establish customer engagement rules and minimum rules for education, contract reviews, and continued engagement;

17. Require net crediting functionality ~~as part of any new customer information platform approved by the Commission~~. Under net crediting, the utility shall include the shared solar subscription fee on the customer's utility bill and provide the customer with a net credit equivalent to the total bill credit value for that generation period minus the shared solar subscription fee as set by the subscriber organization. The net crediting fee shall not exceed one percent of the bill credit value. Net crediting shall be optional for subscriber organizations, and any shared solar subscription fees charged via the net

crediting model shall be set to ensure that subscribers do not pay more in subscription fees than they receive in bill credits; and

~~15.~~ *18.* Allow the utility to recover as the cost of purchased power pursuant to § 56-249.6 any difference between the bill credit provided to the subscriber and the cost of energy injected into the grid by the subscriber organization.

G. Within 180 days of finalization of the Commission's adoption of regulations for the shared solar program, a utility shall~~, provided that the utility has successfully implemented its customer information platform,~~ begin crediting subscriber accounts of each shared solar facility interconnected in its service territory, subject to the requirements of this section and regulations adopted thereto.

2. That, pursuant to subdivision B 8 of § 56-594.3 of the Code of Virginia, as amended by this act, the Department of Energy (the Department) shall convene a stakeholder work group to determine the amounts and forms of project incentives and shall document the proceedings of the stakeholder work group, submit a written report to the Chairmen of the House Committee on Labor and Commerce and the Senate Committee on Commerce and Labor no later than November 30, 2024, and make such report publicly available on the Department's website at the same time as its submission to the House and Senate Committees. In establishing such project incentives, the Department shall give special consideration to projects seeking to leverage funding from the Virginia Brownfield and Coal Mine Renewable Energy Grant Program established pursuant to Article 7 (§ 45.2-1725) of Chapter 17 of Title 45.2 of the Code of Virginia.

3. That the State Corporation Commission shall initiate a proceeding to recalculate the minimum bill in accordance with § 56-594.3 of the Code of the Virginia, as amended by this act, within 30 days of its final order in the proceeding required by § 56-594 of the Code of Virginia.

CHAPTER 764

An Act to amend and reenact § 8.01-401.2 of the Code of Virginia, relating to optometrists; expert witness testimony.

[S 254]

Approved April 8, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 8.01-401.2 of the Code of Virginia is amended and reenacted as follows:

§ 8.01-401.2. Chiropractor, physician assistant, advanced practice registered nurse, or optometrist as expert witness.

A. A doctor of chiropractic, when properly qualified, may testify as an expert witness in a court of law as to etiology, diagnosis, prognosis, treatment, treatment plan, and disability, including anatomical, physiological, and pathological considerations within the scope of the practice of chiropractic as defined in § 54.1-2900.

B. A physician assistant or an advanced practice registered nurse, when properly qualified, may testify as an expert witness in a court of law as to etiology, diagnosis, prognosis, treatment, treatment plan, and disability, including anatomical, physiological, and pathological considerations within the scope of his activities as authorized pursuant to § 54.1-2952 or 54.1-2957, respectively. However, no physician assistant or advanced practice registered nurse shall be permitted to testify as an expert witness for or against (i) a defendant doctor of medicine or osteopathic medicine in a medical malpractice action regarding the standard of care of a doctor of medicine or osteopathic medicine or (ii) a defendant health care provider in a medical malpractice action regarding causation.

C. An optometrist, when properly qualified, may testify as an expert witness in a court of law as to etiology, diagnosis, prognosis, treatment, treatment plan, and disability, including anatomical, physiological, and pathological considerations within the scope of the practice of optometry as defined in § 54.1-3201.

CHAPTER 765

An Act to amend the Code of Virginia by adding a section numbered 56-594.4, relating to shared solar programs; Phase I Utility; minimum bill; capacity.

[S 255]

Approved April 8, 2024

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 56-594.4 as follows:

§ 56-594.4. Shared solar programs; Phase I Utility.

A. As used in this section:

"Administrative cost" means the reasonable incremental cost to the investor-owned utility to process subscribers' bills for the program.

"Applicable bill credit rate" means the dollar-per-kilowatt-hour rate used to calculate the subscriber's bill credit.

"Bill credit" means the monetary value of the electricity, in kilowatt-hours, generated by the shared solar facility allocated to a subscriber to offset that subscriber's electricity bill.

"Dual-use agricultural facility" means agricultural production and electricity production from solar photovoltaic panels occurring simultaneously on the same property.

"Gross bill" means the amount that a customer would pay to the utility based on the customer's monthly energy consumption before any bill credits are applied.

"Incremental cost" means any cost directly caused by the implementation of the shared solar program that would not have occurred absent the implementation of the shared solar program.

"Minimum bill" means an amount determined by the Commission under subsection D that a subscriber is required to, at a minimum, pay on the subscriber's utility bill each month after accounting for any bill credits.

"Net bill" means the resulting amount a customer must pay the utility after deducting the bill credit from the customer's monthly gross bill.

"Phase I Utility" has the same meaning as provided in subdivision A 1 of § 56-585.1.

"Shared solar facility" means a facility that:

1. Generates electricity by means of a solar photovoltaic device with a nameplate capacity rating that does not exceed 5,000 kilowatts of alternating current;

2. Is interconnected with the distribution system of an investor-owned electric utility within the Commonwealth;

3. Has at least three subscribers;

4. Has at least 40 percent of its capacity subscribed by customers with subscriptions of 25 kilowatts or less; and

5. Is located on a single parcel of land.

"Shared solar program" or "program" means the program created through the adoption of rules to allow for the development of shared solar facilities.

"Subscriber" means a retail customer of a utility that (i) owns one or more subscriptions of a shared solar facility that is interconnected with the utility and (ii) receives service in the service territory of the same utility in whose service territory the shared solar facility is interconnected.

"Subscriber organization" means any for-profit or nonprofit entity that owns or operates one or more shared solar facilities. A subscriber organization shall not be considered a utility solely as a result of its ownership or operation of a shared solar facility. A subscriber organization licensed with the Commission shall be eligible to own or operate shared solar facilities in more than one investor-owned utility service territory.

"Subscription" means a contract or other agreement between a subscriber and the owner of a shared solar facility. A subscription shall be sized such that the estimated bill credits do not exceed the subscriber's average annual bill for the customer account to which the subscription is attributed.

"Utility" means a Phase I Utility.

B. The Commission shall establish by regulation a program that affords customers of a Phase I Utility the opportunity to participate in shared solar projects. Under its shared solar program, a utility shall provide a bill credit for the proportional output of a shared solar facility attributable to that subscriber. The shared solar program shall be administered as follows:

1. The value of the bill credit for the subscriber shall be calculated by multiplying the subscriber's portion of the kilowatt-hour electricity production from the shared solar facility by the applicable bill credit rate for the subscriber. Any amount of the bill credit that exceeds the subscriber's monthly bill, minus the minimum bill, shall be carried over and applied to the next month's bill.

2. The utility shall provide bill credits to a shared solar facility's subscribers for not less than 25 years from the date the shared solar facility becomes commercially operational.

3. The subscriber organization shall, on a monthly basis and in a standardized electronic format, and pursuant to guidelines established by the Commission, provide to the utility a subscriber list indicating the percentage of shared solar capacity attributable to each of the subscribers participating in a shared solar facility in accordance with the subscriber's portion of the output of the shared solar facility.

4. Subscriber lists may be updated monthly to reflect canceling subscribers and to add new subscribers. The utility shall apply bill credits to subscriber bills within two billing cycles following the cycle during which the energy was generated by the shared solar facility.

5. Each utility shall, on a monthly basis and in a standardized electronic format, provide to the subscriber organization a report indicating the total value of bill credits generated by the shared solar facility in the prior month, as well as the amount of the bill credit applied to each subscriber.

6. A subscriber organization may accumulate bill credits in the event that all of the electricity generated by a shared solar facility is not allocated to subscribers in a given month. On an annual basis and pursuant to guidelines established by the Commission, the subscriber organization shall furnish to the utility allocation instructions for distributing excess bill credits to subscribers.

7. Any renewable energy certificates associated with a shared solar facility shall be distributed to a Phase I Utility to be retired for compliance with such Phase I Utility's renewable portfolio standard obligations pursuant to subsection C of § 56-585.5.

8. Projects shall be entitled to receive incentives when they are located on rooftops, brownfields, or landfills, are dual-use agricultural facilities, or meet the definition of another category established by the Department of Energy pursuant to this section.

C. Each subscriber shall pay a minimum bill, established pursuant to subsection D, and shall receive an applicable bill credit based on the subscriber's customer class of residential, commercial, or industrial. Each class's applicable credit rate shall be calculated by the Commission annually by dividing revenues to the class by sales, measured in kilowatt-hours, to that class to yield a bill credit rate for the class ($/kWh).

D. The Commission shall establish a minimum bill, which shall include the costs of all utility infrastructure and services used to provide electric service and administrative costs of the shared solar program. The Commission may modify the minimum bill over time. In establishing the minimum bill, the Commission shall (i) consider further costs the Commission deems relevant to ensure subscribing customers pay a fair share of the costs of providing electric services, (ii) minimize the costs shifted to customers not in a shared solar program, and (iii) calculate the benefits of shared solar to the electric grid and to the Commonwealth and deduct such benefits from other costs. The Commission shall explicitly set forth its findings as to each cost and benefit, or other value used to determine such minimum bill.

E. The Commission shall approve a shared solar program of 50 megawatts or six percent of peak load, whichever is less.

F. The Commission shall establish by regulation a shared solar program that complies with the provisions of subsections B, C, D, and E by January 1, 2025, and shall require each utility to file any tariffs, agreements, or forms necessary for implementation of the program by July 1, 2025. Any rule or utility implementation filings approved by the Commission shall:

1. Reasonably allow for the creation of shared solar facilities;

2. Allow all customer classes to participate in the program;

3. Encourage public-private partnerships to further the Commonwealth's clean energy and equity goals, such as state agency and affordable housing provider participation as subscribers of a shared solar program;

4. Not remove a customer from its otherwise applicable customer class in order to participate in a shared solar facility;

5. Reasonably allow for the transferability and portability of subscriptions, including allowing a subscriber to retain a subscription to a shared solar facility if the subscriber moves within the same utility's service territory;

6. Establish standards, fees, and processes for the interconnection of shared solar facilities that allow the utility to recover reasonable interconnection costs for each shared solar facility;

7. Adopt standardized consumer disclosure forms;

8. Allow the utility the opportunity to recover reasonable costs of administering the program;

9. Ensure nondiscriminatory and efficient requirements and utility procedures for interconnecting projects;

10. Allow for the co-location of two or more shared solar facilities on a single parcel of land and provide guidelines for determining when two or more such facilities are co-located;

11. Include a program implementation schedule;

12. Prohibit credit checks as a means of establishing eligibility for residential customers to become subscribers;

13. Require a customer's affirmative consent by written or electronic signature before providing access to customer billing and usage data to a subscriber organization;

14. Establish customer engagement rules and minimum rules for education, contract reviews, and continued engagement;

15. Require net financial savings for low-income customers, as that term is defined in § 56-594.3, of at least 10 percent, relative to the subscription fee throughout the life of the subscription; and

16. Allow the utility to recover as the cost of purchased power pursuant to § 56-249.6 any difference between the bill credit provided to the subscriber and the cost of energy injected into the grid by the subscriber organization.

G. Within 180 days of finalization of the Commission's adoption of regulations for the shared solar program, a utility shall begin crediting subscriber accounts of each shared solar facility interconnected in its service territory, subject to the requirements of this section and regulations adopted thereto.

2. That, pursuant to subdivision B 8 of § 56-594.4 of the Code of Virginia, as created by this act, the Department of Energy (the Department) shall convene a stakeholder work group to determine the amounts and forms of project incentives and shall document the proceedings of the stakeholder work group, submit a written report to the Chairs of the House Committee on Labor and Commerce and the Senate Committee on Commerce and Labor no later than November 30, 2024, and make copies of such report publicly available on the Department's website at the same time as submission to the House and Senate Committees. In establishing such project incentives, the Department shall give special consideration to projects seeking to leverage funding from the Virginia Brownfield and Coal Mine Renewable Energy Grant Program established pursuant to Article 7 (§ 45.2-1725) of Chapter 17 of Title 45.2 of the Code of Virginia.

3. That the State Corporation Commission shall initiate a proceeding to recalculate the minimum bill in accordance with § 56-594.4 of the Code of Virginia, as created by this act, within 30 days of its final order in the proceeding required by § 56-594 of the Code of Virginia.

CHAPTER 766

An Act to amend and reenact § 22.1-253.13:2, as it shall become effective, of the Code of Virginia, relating to public school funding; ratios of instructional positions to English language learner students.

[S 272]

Approved April 8, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 22.1-253.13:2, as it shall become effective, of the Code of Virginia is amended and reenacted as follows:

§ 22.1-253.13:2. (For effective date, see Acts 2022, cc. 549 and 550, cl. 2) Standard 2. Instructional, administrative, and support personnel.

A. The Board shall establish requirements for the licensing of teachers, principals, superintendents, and other professional personnel.

B. School boards shall employ licensed instructional personnel qualified in the relevant subject areas.

C. Each school board shall assign licensed instructional personnel in a manner that produces divisionwide ratios of students in average daily membership to full-time equivalent teaching positions, excluding special education teachers, principals, assistant principals, school counselors or certain other licensed individuals as set forth in subdivision H 4, and librarians, that are not greater than the following ratios: (i) 24 to one in kindergarten with no class being larger than 29 students; if the average daily membership in any kindergarten class exceeds 24 pupils, a full-time teacher's aide shall be assigned to the class; (ii) 24 to one in grades one, two, and three with no class being larger than 30 students; (iii) 25 to one in grades four through six with no class being larger than 35 students; and (iv) 24 to one in English classes in grades six through 12. After September 30 of any school year, anytime the number of students in a class exceeds the class size limit established by this subsection, the local school division shall notify the parent of each student in such class of such fact no later than 10 days after the date on which the class exceeded the class size limit. Such notification shall state the reason that the class size exceeds the class size limit and describe the measures that the local school division will take to reduce the class size to comply with this subsection.

Within its regulations governing special education programs, the Board shall seek to set pupil/teacher ratios for pupils with intellectual disability that do not exceed the pupil/teacher ratios for self-contained classes for pupils with specific learning disabilities.

Further, school boards shall assign instructional personnel in a manner that produces schoolwide ratios of students in average daily memberships to full-time equivalent teaching positions of 21 to one in middle schools and high schools. School divisions shall provide all middle and high school teachers with one planning period per day or the equivalent, unencumbered of any teaching or supervisory duties.

D. Each local school board shall employ with state and local basic, special education, gifted, and career and technical education funds a minimum number of licensed, full-time equivalent instructional personnel for each 1,000 students in average daily membership (ADM) as set forth in the appropriation act.

E. In addition to the positions supported by basic aid and in support of regular school year programs of prevention, intervention, and remediation, state funding, pursuant to the appropriation act, shall be provided to fund certain full-time equivalent instructional positions for each 1,000 students in grades K through 12 who are identified as needing prevention, intervention, and remediation services. State funding for prevention, intervention, and remediation programs provided pursuant to this subsection and the appropriation act may be used to support programs for educationally at-risk students as identified by the local school boards.

To provide algebra readiness intervention services required by § 22.1-253.13:1, school divisions may employ mathematics teacher specialists to provide the required algebra readiness intervention services. School divisions using the Standards of Learning Algebra Readiness Initiative funding in this manner shall only employ instructional personnel licensed by the Board.

F. In addition to the positions supported by basic aid and those in support of regular school year programs of prevention, intervention, and remediation, state funding, pursuant to the general appropriation act, shall be provided to support ~~(i) 18.5 full-time equivalent instructional positions in the 2020-2021 school year for each 1,000 students identified as having limited English proficiency and (ii) 20 full-time equivalent instructional positions in the 2021-2022 school year and thereafter for each 1,000 students identified as having limited English proficiency~~ *ratios of instructional positions to English language learner students, based on each such student's English proficiency level, as established in the general appropriation act*, which positions may include dual language teachers who provide instruction in English and in a second language.

To provide flexibility in the instruction of English language learners who have limited English proficiency and who are at risk of not meeting state accountability standards, school divisions may use state and local funds from the Standards of Quality Prevention, Intervention, and Remediation account to employ additional English language learner teachers or dual language teachers to provide instruction to identified limited English proficiency students. Using these funds in this manner is intended to supplement the instructional services provided in this section. School divisions using the SOQ Prevention, Intervention, and Remediation funds in this manner shall employ only instructional personnel licensed by the Board.

G. In addition to the full-time equivalent positions required elsewhere in this section, each local school board shall employ one reading specialist for each 550 students in kindergarten through grade five and one reading specialist for each 1,100 students in grades six through eight. Each such reading specialist shall have training in science-based reading research and evidence-based literacy instruction practices. In addition, each such reading specialist shall have training in the identification of and the appropriate interventions, accommodations, and teaching techniques for students with dyslexia or a related disorder and shall serve as an advisor on dyslexia and related disorders. Such reading specialist shall have an understanding of the definition of dyslexia and a working knowledge of (i) techniques to help a student on the continuum of skills with dyslexia; (ii) dyslexia characteristics that may manifest at different ages and grade levels; (iii) the basic foundation of the keys to reading, including multisensory, explicit, systemic, and structured reading instruction; and (iv) appropriate interventions, accommodations, and assistive technology supports for students with dyslexia.

To provide reading intervention services required by § 22.1-253.13:1, school divisions may employ reading specialists to provide the required reading intervention services. School divisions using the Early Reading Intervention Initiative funds in this manner shall employ only instructional personnel licensed by the Board. Local school divisions that employ a sufficient number of reading specialists to meet this staffing standard may assign reading specialists to grade levels according to grade levels with greatest need, regardless of the individual staffing standards established for grades kindergarten through five and six through eight.

H. Each local school board shall employ, at a minimum, the following full-time equivalent positions for any school that reports fall membership, according to student enrollment:

1. Principals, one full-time in each elementary school, middle school, and high school, to be employed on a 12-month basis;

2. Assistant principals in elementary schools, one half-time at 600 students, one full-time at 900 students; assistant principals in middle schools, one full-time for each 600 students; assistant principals in high schools, one full-time for each 600 students; and school divisions that employ a sufficient number of assistant principals to meet this staffing requirement may assign assistant principals to schools within the division according to the area of greatest need, regardless of whether such schools are elementary, middle, or secondary;

3. Librarians in elementary schools, one part-time to 299 students, one full-time at 300 students; librarians in middle schools, one-half time to 299 students, one full-time at 300 students, two full-time at 1,000 students; librarians in high schools, one half-time to 299 students, one full-time at 300 students, two full-time at 1,000 students. Local school divisions that employ a sufficient number of librarians to meet this staffing requirement may assign librarians to schools within the division according to the area of greatest need, regardless of whether such schools are elementary, middle, or secondary; and

4. School counselors, one full-time equivalent position per 325 students in grades kindergarten through 12.

However, in order to meet the staffing requirements set forth in this subdivision, any local school board (i) may employ, under a provisional license issued by the Department for three school years with an allowance for an additional two-year extension with the approval of the division superintendent, any professional counselor licensed by the Board of Counseling, clinical social worker licensed by the Board of Social Work, psychologist licensed by the Board of Psychology, or other licensed counseling professional with appropriate experience and training, provided that any such individual makes progress toward completing the requirements for full licensure as a school counselor during such period of employment or (ii) in the event that the school board does not receive any application from a licensed school counselor, professional counselor, clinical social worker, or psychologist or another licensed counseling professional with appropriate experience and training to fill a school counselor vacancy in the school division, may enter into an annual contract with another entity for the provision of school counseling services by a licensed professional counselor, clinical social worker, or psychologist or another licensed counseling professional with appropriate experience and training. Local school boards that employ a sufficient number of individuals to meet the staffing requirements set forth in this subdivision may assign such individuals to schools within the division according to the area of greatest need, regardless of whether such schools are elementary, middle, or high schools.

I. Local school boards shall employ five full-time equivalent positions per 1,000 students in grades kindergarten through five to serve as elementary resource teachers in art, music, and physical education.

J. Local school boards shall employ two full-time equivalent positions per 1,000 students in grades kindergarten through 12, one to provide technology support and one to serve as an instructional technology resource teacher.

To provide flexibility, school divisions may use the state and local funds for instructional technology resource teachers to employ a data coordinator position, an instructional technology resource teacher position, or a data coordinator/instructional resource teacher blended position. The data coordinator position is intended to serve as a resource to principals and classroom teachers in the area of data analysis and interpretation for instructional and school improvement purposes, as well as for overall data management and administration of state assessments. School divisions using these funds in this manner shall employ only instructional personnel licensed by the Board.

K. Local school boards may employ additional positions that exceed these minimal staffing requirements. These additional positions may include, but are not limited to, those funded through the state's incentive and categorical programs as set forth in the appropriation act.

L. A combined school, such as kindergarten through 12, shall meet at all grade levels the staffing requirements for the highest grade level in that school; this requirement shall apply to all staff, except for school counselors or certain other licensed individuals as set forth in subdivision H 4, and shall be based on the school's total enrollment. The Board may grant

waivers from these staffing levels upon request from local school boards seeking to implement experimental or innovative programs that are not consistent with these staffing levels.

M. School boards shall, however, annually, on or before December 31, report to the public (i) the actual pupil/teacher ratios in elementary school classrooms in the local school division by school for the current school year; and (ii) the actual pupil/teacher ratios in middle school and high school in the local school division by school for the current school year. Actual pupil/teacher ratios shall include only the teachers who teach the grade and class on a full-time basis and shall exclude resource personnel. School boards shall report pupil/teacher ratios that include resource teachers in the same annual report. Any classes funded through the voluntary kindergarten through third grade class size reduction program shall be identified as such classes. Any classes having waivers to exceed the requirements of this subsection shall also be identified. Schools shall be identified; however, the data shall be compiled in a manner to ensure the confidentiality of all teacher and pupil identities.

N. Students enrolled in a public school on a less than full-time basis shall be counted in ADM in the relevant school division. Students who are either (i) enrolled in a nonpublic school or (ii) receiving home instruction pursuant to § 22.1-254.1, and who are enrolled in public school on a less than full-time basis in any mathematics, science, English, history, social science, career and technical education, fine arts, foreign language, or health education or physical education course shall be counted in the ADM in the relevant school division on a pro rata basis as provided in the appropriation act. Each such course enrollment by such students shall be counted as 0.25 in the ADM; however, no such nonpublic or home school student shall be counted as more than one-half a student for purposes of such pro rata calculation. Such calculation shall not include enrollments of such students in any other public school courses.

O. Each school board shall provide at least three specialized student support positions per 1,000 students. For purposes of this subsection, specialized student support positions include school social workers, school psychologists, school nurses, licensed behavior analysts, licensed assistant behavior analysts, and other licensed health and behavioral positions, which may either be employed by the school board or provided through contracted services.

In order to fill vacant school psychologist positions, any local school board may employ, under a provisional license issued by the Department for three school years with an allowance for an additional two-year extension with the approval of the division superintendent, clinical psychologists licensed by the Board of Psychology, provided that any such individual makes progress toward completing the requirements for full licensure as a school psychologist during such period of employment.

P. Each local school board shall provide those support services that are necessary for the efficient and cost-effective operation and maintenance of its public schools.

For the purposes of this title, unless the context otherwise requires, "support services positions" shall include the following:

1. Executive policy and leadership positions, including school board members, superintendents and assistant superintendents;

2. Fiscal and human resources positions, including fiscal and audit operations;

3. Student support positions, including (i) social work administrative positions not included in subsection O; (ii) school counselor administrative positions not included in subdivision H 4; (iii) homebound administrative positions supporting instruction; (iv) attendance support positions related to truancy and dropout prevention; and (v) health and behavioral administrative positions not included in subsection O;

4. Instructional personnel support, including professional development positions and library and media positions not included in subdivision H 3;

5. Technology professional positions not included in subsection J;

6. Operation and maintenance positions, including facilities; pupil transportation positions; operation and maintenance professional and service positions; and security service, trade, and laborer positions;

7. Technical and clerical positions for fiscal and human resources, student support, instructional personnel support, operation and maintenance, administration, and technology; and

8. School-based clerical personnel in elementary schools; part-time to 299 students, one full-time at 300 students; clerical personnel in middle schools; one full-time and one additional full-time for each 600 students beyond 200 students and one full-time for the library at 750 students; clerical personnel in high schools; one full-time and one additional full-time for each 600 students beyond 200 students and one full-time for the library at 750 students. Local school divisions that employ a sufficient number of school-based clerical personnel to meet this staffing requirement may assign the clerical personnel to schools within the division according to the area of greatest need, regardless of whether such schools are elementary, middle, or secondary.

Pursuant to the appropriation act, support services shall be funded from basic school aid.

School divisions may use the state and local funds for support services to provide additional instructional services.

Q. Notwithstanding the provisions of this section, when determining the assignment of instructional and other licensed personnel in subsections C through J, a local school board shall not be required to include full-time students of approved virtual school programs.

CHAPTER 767

An Act to amend the Code of Virginia by adding a section numbered 57-27.1:1, relating to family cemeteries; interment rights; proof of kinship.

[S 281]

Approved April 8, 2024

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 57-27.1:1 as follows:

§ 57-27.1:1. Family cemeteries located on private property; interment rights of immediate family members and descendants.

A. For purposes of this section:

"Family cemetery" means a private burying ground or cemetery, not operated for profit, that contains a collection of graves of people who descend from the same immediate family and that is exempt from taxation pursuant to Article X, Section 6 (a) (3) of the Constitution of Virginia.

"Immediate family member or descendant" means a spouse, child, parent, sibling, grandchild, grandparent, and parent-in-law of a deceased person buried in a family cemetery.

"Interment" means the same as that term is defined in § 54.1-2310.

B. Any immediate family member or descendant of a deceased person who died prior to July 1, 2024, and is buried in an identified family cemetery located on private property owned by someone other than such immediate family member or descendant may petition the circuit court of the county or city wherein the property is located for interment rights upon such property. Those seeking interment rights shall be considered within the existing perimeter of a family cemetery. The perimeter of a family cemetery shall be determined by a survey agreed upon by the petitioner and the property owner. The surveying costs, including the cost of the survey and of preparing the original and one copy of the plat, shall be shared equally by the petitioner and the property owner.

C. Upon satisfactory showing of proof of kinship, the court shall award the immediate family member or descendant interment rights upon such property. Such immediate family member or descendant shall, in addition to the rights provided for in § 57-27.1, have interment rights concerning himself and other immediate family members and descendants. The immediate family member or descendant may prove kinship to a deceased person buried in the family cemetery by proffering official documentation or evidence of kinship or nonofficial documentation, such as obituaries, family Bibles or other documents with family signatures, journals or letters of the deceased family person, family photographs, or other official or nonofficial documentation deemed by the court to be reliable.

D. The court may order the petitioner to pay the reasonable costs and fees of the private property owner incurred pursuant to an action under this section.

E. The provisions of this section shall not apply to any cemetery, mausoleum, columbarium, or similar interment facility located on the property of any church or religious association, denomination, or body. For purposes of this subsection, the property of any church or religious association, denomination, or body owned or leased by (i) an incorporated church or religious body or corporation, as described in § 57-16.1; (ii) a duly designated ecclesiastical officer; or (iii) a trustee of an unincorporated church or religious body shall be deemed to be owned by such church or religious association, denomination, or body.

F. Nothing in this section shall be construed to prohibit a property owner from petitioning a circuit court for removal of remains from a previously unidentified graveyard or an abandoned family graveyard as permitted by § 57-38.1.

CHAPTER 768

An Act to amend the Code of Virginia by adding a section numbered 62.1-262.2, relating to Eastern Virginia Groundwater Management Area; continued residential withdrawals.

[S 337]

Approved April 8, 2024

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 62.1-262.2 as follows:

§ 62.1-262.2. Permits for certain ground water withdrawals in Eastern Virginia Groundwater Management Area.

Notwithstanding the provisions of § 62.1-266, the Board shall waive the expiration of any ground water withdrawal permit for a well that serves exclusively residential users, is located in the Eastern Virginia Groundwater Management Area north of the Occoquan River, and is located within five miles of any commercial or industrial permitted ground water withdrawal until all such permitted withdrawals for commercial or industrial permitted wells within five miles of the subject residential well have been halted for five years. No sooner than five years after the termination of such commercial or industrial withdrawals, the Department shall assess whether the termination of the commercial or industrial withdrawals has substantially mitigated the stress upon the aquifer in proximity to the permitted residential well and redetermine whether the ground water withdrawal permit for the residential well shall be renewed.

CHAPTER 769

An Act to amend the Code of Virginia by adding a section numbered 15.2-983.1, relating to real estate contracts; localities; certain real estate contract disclosures prohibited.

[S 354]

Approved April 8, 2024

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 15.2-983.1 as follows:

§ 15.2-983.1. Establishment by localities of certain real estate contract disclosures prohibited.

No locality shall have the authority to establish or enforce a mandatory disclosure requirement for a real estate licensee, any party to a contract for the sale or listing of residential real property, or any authorized agent of such party. For purposes of this section, "mandatory disclosure" means any notification required to be made by a homeowner or his authorized agent to a potential or actual buyer or his authorized agent. Prohibited mandatory disclosures include mandatory notifications in contracts, contract amendments or addenda, advertising, other promotional materials, and subsequent deeds after the initial deed is recorded, related to the sale of residential real estate.

CHAPTER 770

An Act to amend and reenact § 19.2-163 of the Code of Virginia, relating to compensation of court-appointed counsel.

[S 356]

Approved April 8, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 19.2-163 of the Code of Virginia is amended and reenacted as follows:

§ 19.2-163. Compensation of court-appointed counsel.

Upon submission to the court, for which appointed representation is provided, of a detailed accounting of the time expended for that representation, made within 30 days of the completion of all proceedings in that court, counsel appointed to represent an indigent accused in a criminal case shall be compensated for his services on an hourly basis at a rate set by the Supreme Court of Virginia in a total amount not to exceed the amounts specified in ~~the following schedule~~ *this section, or other such amount as may be provided by law. Such amounts shall be allowed in any case wherein counsel conducts the defense of a single charge against the indigent accused through to its conclusion or a charge of violation of probation at any hearing conducted under § 19.2-306; thereafter, compensation for additional charges against the same accused also conducted by the same counsel shall be allowed on the basis of additional time expended as to such additional charges*:

1. In a district court, *except as provided in subdivisions 2 and 3, (i)* a sum not to exceed ~~$120~~ *$330 or (ii) for a charge of violation of probation for any misdemeanor offense, a sum not to exceed $180*, provided that, notwithstanding the foregoing limitation, the court in its discretion~~,~~ and subject to guidelines issued by the Executive Secretary of the Supreme Court of Virginia~~,~~ may waive the limitation of fees *provided under clause (i) or (ii)* up to ~~(i)~~ an additional $120 when the effort expended, the time reasonably necessary for the particular representation, the novelty and difficulty of the issues, or other circumstances warrant such a waiver ~~or (ii) an amount up to $650 to defend, in the case of a juvenile, an offense that would be a felony if committed by an adult that may be punishable by confinement in the state correctional facility for a period of more than 20 years, or a charge of violation of probation for such offense, when the effort expended, the time reasonably necessary for the particular representation, the novelty and difficulty of the issues, or other circumstances warrant such a waiver; or (iii) such other amount as may be provided by law. Such amount shall be allowed in any case wherein counsel conducts the defense of a single charge against the indigent through to its conclusion or a charge of violation of probation at any hearing conducted under § 19.2-306; thereafter, compensation for additional charges against the same accused also conducted by the same counsel shall be allowed on the basis of additional time expended as to such additional charges~~;

2. *For a misdemeanor charge in a district court for a violation of § 18.2-266, 18.2-266.1, 18.2-270, or 46.2-341.24, (i) a sum not to exceed $448 or (ii) for a charge of violation of probation for such a misdemeanor offense, a sum not to exceed $180, provided that, notwithstanding the foregoing limitation, the court in its discretion and subject to guidelines issued by the Executive Secretary of the Supreme Court of Virginia may waive the limitation of fees provided under clause (i) or (ii) up to an additional $120 when the effort expended, the time reasonably necessary for the particular representation, the novelty and difficulty of the issues, or other circumstances warrant such a waiver;*

3. For a juvenile charge in a district court, (i) a sum not to exceed $680 or (ii) for a charge of violation of probation for any offense, a sum not to exceed $180, provided that, notwithstanding the foregoing limitation, the court in its discretion and subject to guidelines issued by the Executive Secretary of the Supreme Court of Virginia may waive the limitation of fees provided under clause (i) or (ii) up to (a) an additional $120 or (b) an additional $650 for an offense that would be a felony if committed by an adult that may be punishable by confinement in the state correctional facility for a period of more than 20 years or a charge of violation of probation for such offense when the effort expended, the time reasonably necessary for the particular representation, the novelty and difficulty of the issues, or other circumstances warrant such a waiver;

4. In a circuit court (i) to defend a Class 1 felony charge, compensation for each appointed attorney in an amount deemed reasonable by the court; (ii) to defend a felony charge that may be punishable by confinement in the state correctional facility for a period of more than 20 years~~,~~ or ~~a charge of violation of probation for such offense, a sum not to exceed $1,235~~ *any felony violation of § 18.2-35, 18.2-36, 18.2-36.1, 18.2-41, 18.2-51, 18.2-67.3, 18.2-79, 18.2-80, 18.2-370, 18.2-370.1, or 18.2-371.1, a sum not to exceed $1,692*, provided that, notwithstanding the foregoing limitation, the court in its discretion~~,~~ and subject to guidelines issued by the Executive Secretary of the Supreme Court of Virginia~~,~~ may waive the limitation of fees up to an additional $850 when the effort expended, the time reasonably necessary for the particular representation, the novelty and difficulty of the issues, or other circumstances warrant such a waiver; (iii) to defend any other felony charge, ~~or a charge of violation of probation for such offense~~ *except those described in clause (i) or (ii)*, a sum not to exceed ~~$445~~ *$834*, provided that, notwithstanding the foregoing limitation, the court in its discretion~~,~~ and subject to guidelines issued by the Executive Secretary of the Supreme Court of Virginia~~,~~ may waive the limitation of fees up to an additional $155 when the effort expended, the time reasonably necessary for the particular representation, the novelty and difficulty of the issues, or other circumstances warrant such a waiver; ~~and~~ (iv) ~~in the circuit court only,~~ *for a charge of violation of probation for any felony offense, except Class 1 felonies, a sum not to exceed $445, provided that, notwithstanding the foregoing limitation, the court in its discretion and subject to guidelines issued by the Executive Secretary of the Supreme Court of Virginia may waive the limitation of fees up to (a) an additional $850 for a charge of violation of probation for any felony described in clause (ii) or (b) an additional $155 for a charge of violation of probation of any other felony when the effort expended, the time reasonably necessary for the particular representation, the novelty and difficulty of the issues, or other circumstances warrant such a waiver; (v)* to defend *a misdemeanor violation of § 18.2-266, 18.2-266.1, 18.2-279, or 46.2-341.24, a sum not to exceed $448 and to defend* any *other* misdemeanor charge punishable by confinement in jail ~~or a charge of violation of probation for such offense~~, a sum not to exceed ~~$158~~ *$330; (vi) for a charge of violation of probation for any misdemeanor offense, a sum not to exceed $180; (vii) for a juvenile adjudication appealed from a district court, a sum not to exceed $680; or (viii) for a charge of violation of probation for any juvenile adjudication appealed from a district court, a sum not to exceed $180.* In the event any case is required to be retried due to a mistrial for any cause or reversed on appeal, the court may allow an additional fee for each case in an amount not to exceed the amounts allowable in the initial trial. In the event counsel is appointed to defend an indigent charged with a felony that is punishable as a Class 1 felony, each attorney appointed shall continue to receive compensation as provided in this paragraph for defending such a felony, regardless of whether the charge is reduced or amended to a lesser felony, prior to final disposition of the case. In the event counsel is appointed to defend an indigent charged with any other felony, such counsel shall receive compensation as provided in this paragraph for defending such a felony, regardless of whether the charge is reduced or amended to a misdemeanor or lesser felony prior to final disposition of the case in either the district court or circuit court.

Counsel appointed to represent an indigent accused in a criminal case, who are not public defenders, may request an additional waiver exceeding the amounts provided for in this section. The request for any additional amount shall be submitted to the presiding judge, in writing, with a detailed accounting of the time spent and the justification for the additional amount. The presiding judge shall determine, subject to guidelines issued by the Executive Secretary of the Supreme Court of Virginia, whether the request for an additional amount is justified in whole or in part, by considering the effort expended and the time reasonably necessary for the particular representation, and, if so, shall forward the request as approved to the chief judge of the circuit court or district court for approval. If the presiding judge determines that the request for an additional amount is not justified in whole or in part, such presiding judge shall provide to the requesting attorney, in writing, the reasons for such determination and shall, if such request has been approved in part, include a copy of such writing when forwarding the request as approved to the chief judge of the circuit court or district court for approval. If the chief judge of the circuit court or district court, upon review of the request as approved, determines, subject to the guidelines issued by the Executive Secretary of the Supreme Court of Virginia, that any part of the request for an additional amount is not justified, such chief judge shall provide to the requesting attorney and to the presiding judge, in writing, the reason for such determination.

If at any time the funds appropriated to pay for waivers under this section become insufficient, the Executive Secretary of the Supreme Court of Virginia shall so certify to the courts and no further waivers shall be approved.

The circuit or district court shall direct the payment of such reasonable expenses incurred by such court-appointed counsel as it deems appropriate under the circumstances of the case. Counsel appointed by the court to represent an indigent charged with repeated violations of the same section of the Code of Virginia, with each of such violations arising out of the same incident, occurrence, or transaction, shall be compensated in an amount not to exceed the fee prescribed for the defense of a single charge, if such offenses are tried as part of the same judicial proceeding. The trial judge shall consider any guidelines established by the Supreme Court but shall have the sole discretion to fix the amount of compensation to be paid counsel appointed by the court to defend a felony charge that is punishable as a Class 1 felony.

The circuit or district court shall direct that the foregoing payments shall be paid out by the Commonwealth, if the defendant is charged with a violation of a statute, or by the county, city, or town, if the defendant is charged with a violation of a county, city, or town ordinance, to the attorney so appointed to defend such person as compensation for such defense.

Counsel representing a defendant charged with a Class 1 felony may submit to the court, on a monthly basis, a statement of all costs incurred and fees charged by him in the case during that month. Whenever the total charges as are

deemed reasonable by the court for which payment has not previously been made or requested exceed $1,000, the court may direct that payment be made as otherwise provided in this section.

When such directive is entered upon the order book of the court, the Commonwealth, county, city, or town, as the case may be, shall provide for the payment out of its treasury of the sum of money so specified. If the defendant is convicted, the amount allowed by the court to the attorney appointed to defend him shall be taxed against the defendant as a part of the costs of prosecution and, if collected, the same shall be paid to the Commonwealth, or the county, city, or town, as the case may be. In the event that counsel for the defendant requests a waiver of the limitations on compensation, the court shall assess against the defendant an amount equal to the pre-waiver compensation limit specified in this section for each charge for which the defendant was convicted. An abstract of such costs shall be docketed in the judgment docket and execution lien book maintained by such court. *Notwithstanding any provision to the contrary, no person found indigent pursuant to § 19.2-159 shall have fees assessed against him for any amount paid for his legal representation pursuant to this article in an amount greater than the amount such defendant would have owed if the assessment took place on or before June 30, 2024.*

Any statement submitted by an attorney for payments due him for indigent representation or for representation of a child pursuant to § 16.1-266 shall, after the submission of the statement, be forwarded forthwith by the clerk to the Commonwealth, county, city, or town, as the case may be, responsible for payment. *Notwithstanding any provision to the contrary, if the court has determined such child's parents or other persons responsible for his care to be indigent pursuant to § 19.2-159, no fee shall be taxed by the clerk against any such child in an amount greater than the amount the clerk would have taxed against such child if the assessment took place on or before June 30, 2024.*

For the purposes of this section, the defense of a case may be considered conducted through to its conclusion and an appointed counsel entitled to compensation for his services in the event an indigent accused fails to appear in court subject to a capias for his arrest or a show cause summons for his failure to appear and remains a fugitive from justice for one year following the issuance of the capias or the summons to show cause, and appointed counsel has appeared at a hearing on behalf of the accused.

Effective July 1, 2007, the Executive Secretary of the Supreme Court of Virginia shall track and report the number and category of offenses charged involving adult and juvenile offenders in cases in which court-appointed counsel is assigned. The Executive Secretary shall also track and report the amounts paid by waiver above the initial cap to court-appointed counsel. The Executive Secretary shall provide these reports to the Governor, members of the House Committee on Appropriations, and members of the Senate Committee on Finance and Appropriations on a quarterly basis.

2. That the provisions of this act shall become effective on January 1, 2025.

CHAPTER 771

An Act to amend the Code of Virginia by adding in Article 1 of Chapter 1 of Title 9.1 a section numbered 9.1-116.9, relating to Task Force on Fentanyl and Heroin Enforcement established.

[S 367]

Approved April 8, 2024

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Article 1 of Chapter 1 of Title 9.1 a section numbered 9.1-116.9 as follows:

§ 9.1-116.9. Establishment of Task Force on Fentanyl and Heroin Enforcement.

A. There is hereby created the Task Force on Fentanyl and Heroin Enforcement (the Task Force), which shall consist of (i) two members of the House of Delegates appointed by the Speaker of the House of Delegates; (ii) two members of the Senate appointed by the Senate Committee on Rules; (iii) the Attorney General, or his designee; (iv) the Secretary of Public Safety and Homeland Security, or his designee; (v) the Director of the Department, or his designee; (vi) the Superintendent of State Police, or his designee; (vii) a representative of the Virginia Association of Chiefs of Police; (viii) a representative of the Virginia Sheriffs' Association; and (ix) an attorney for the Commonwealth representing the Virginia Association of Commonwealth's Attorneys. The Task Force shall annually elect a chairman from among its members.

B. The purpose of the Task Force is to study ways to enhance the ability of law-enforcement officers throughout the Commonwealth to combat the illegal manufacturing, importation, and distribution of fentanyl, heroin, and other similar controlled substances.

C. The Task Force shall meet at least annually and upon call of the chairman and shall report to the Governor and the General Assembly by December 1 of each year regarding its activities and any recommendations.

CHAPTER 772

An Act to amend and reenact §§ 60.2-528, 60.2-612.1, 60.2-619, and 60.2-633 of the Code of Virginia, relating to unemployment compensation; continuation of benefits; repayment of overpayments.

[S 536]

Approved April 8, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 60.2-528, 60.2-612.1, 60.2-619, and 60.2-633 of the Code of Virginia are amended and reenacted as follows:

§ 60.2-528. Individual benefit charges.

A. An individual's "benefit charges" shall be computed in the following manner:

1. For each week benefits are received, a claimant's "benefit charges" shall be equal to his benefits received for such week.

2. For each week extended benefits are received, pursuant to § 60.2-610 or 60.2-611, a claimant's "benefit charges" shall be equal to one-half his benefits received for such week. However, a claimant's "benefit charges" for extended benefits attributable to service in the employ of a governmental entity referred to in subdivisions 1 through 3 of subsection A of § 60.2-213 shall be equal to the full amount of such extended benefit.

3. For each week partial benefits are received, the claimant's "benefit charges" shall be computed (i) in the case of regular benefits as in subdivision 1 of this subsection, or (ii) in the case of extended benefits as in subdivision 2 of this subsection.

B. 1. The employing unit from whom such individual was separated, resulting in the current period of unemployment, shall be the most recent employing unit for whom such individual has performed services for remuneration (i) during 30 days, whether or not such days are consecutive, or (ii) during 240 hours. If such individual's unemployment is caused by separation from an employer, such individual's "benefit charges" for such period of unemployment shall be deemed the responsibility of the last employer for (i) 30 days or (ii) 240 hours prior to such period of unemployment.

2. Any employer charged with benefits paid shall be notified of the charges quarterly by the Commission. The amount specified shall be conclusive on the employer unless, not later than 30 days after the notice of benefit charges was mailed to its last known address or otherwise delivered to it, the employer files an appeal with the Commission, setting forth the grounds for such an appeal. Proceedings on appeal to the Commission regarding the amount of benefit charges under this subsection or a redetermination of such amount shall be in accordance with the provisions of § 60.2-500. The decision of the Commission shall be subject to the provisions of § 60.2-500. Any appeal perfected pursuant to the provisions of this section shall not address any issue involving the merits or conditions of a claimant's separation from employment.

C. No "benefit charges" shall be deemed the responsibility of an employer of:

1. An individual whose separation from the work of such employer arose as a result of a violation of the law by such individual, which violation led to confinement in any jail or prison;

2. An individual who voluntarily left employment in order to accept other employment, genuinely believing such employment to be permanent;

3. An individual with respect to any weeks in which benefits are claimed and received after such date as that individual refused to accept an offer of rehire by the employer because such individual was in training with approval of the Commission pursuant to § 60.2-613;

4. An individual who voluntarily left employment to enter training approved under § 236 of the Trade Act of 1974 (19 U.S.C. § 2296 et seq.);

5. An individual hired to replace a member of the Reserve of the United States Armed Forces or the National Guard called into active duty in connection with an international conflict and whose employment is terminated concurrent with and because of that member's return from active duty;

6. An individual who left employment voluntarily with good cause due to a personal bona fide medical reason caused by a non-job-related injury or medical condition;

7. An individual participating as an inmate in (i) state or local work release programs pursuant to § 53.1-60 or 53.1-131; (ii) community residential programs pursuant to §§ 53.1-177, 53.1-178, and 53.1-179; or (iii) any similar work release program, whose separation from work arose from conditions of release or parole from such program;

8. An individual who was unable to work at his regular employment due to a disaster for which the Governor, by executive order, has declared a state of emergency, if such disaster forced the closure of the employer's business. In no case shall more than four weeks of benefit charges be waived; ~~or~~

9. An individual who leaves employment to accompany his spouse to the location of the spouse's new duty assignment if (i) the spouse is on active duty in the military or naval services of the United States; (ii) the spouse's relocation to a new military-related assignment is pursuant to a permanent change of station order; (iii) the location of the spouse's new duty assignment is not readily accessible from the individual's place of employment; and (iv) the spouse's new duty assignment is located in a state that, pursuant to statute, does not deem a person accompanying a military spouse as a person leaving work voluntarily without good cause*; or*

10. An individual who has received any overpayment of benefits that the Commission waived the requirement to repay pursuant to subsection A of § 60.2-633.

§ 60.2-612.1. Program integrity.

A. In order to verify that an individual is eligible to receive benefits, the Commission shall conduct all mandatory and recommended program integrity activities as identified by the U.S. Department of Labor Employment and Training Administration and the U.S. Department of Labor Office of Inspector General.

B. The Commission shall perform a full eligibility review of suspicious or potentially improper claims. In determining if a claim is suspicious or potentially improper, the Commission shall consider the factors utilized by the Integrity Data Hub

and any additional factors that may be appropriate, including commonalities in physical addresses, mailing addresses, internet protocol addresses, email addresses, multi-factor authentication, and bank accounts.

C. The Commission shall recover ~~any~~ improper ~~overpayment~~ *overpayments* of benefits ~~to the fullest extent authorized by this title and federal law~~ *as provided in § 60.2-633*.

D. The Department of Social Services, the Department of Medical Assistance Services, and the Department of Housing and Community Development, upon receipt of notification that an individual enrolled in any of such department's public assistance programs has become employed, shall notify the Commission of such fact in order for the Commission to determine the individual's eligibility for benefits.

E. The Commission may enter into a memorandum of understanding with any state agency necessary to implement the provisions of this section.

F. The Commission shall report by December 1 of each year to the Commission on Unemployment Compensation addressing the implementation and enforcement of the provisions of this section. The report shall include:

1. The Commission's general program integrity processes, including tools, resources, and databases utilized, to the extent that sharing the information does not jeopardize program integrity measures;

2. A description of efforts to identify, prevent, and recover improper overpayments of benefits and fraudulent payments and measures being taken to improve such efforts;

3. The type and amount of improper payments detected retroactively;

4. The type and amount of improper payments prevented;

5. Moneys saved in preventing improper overpayments and, if any, in recouping improper overpayments; and

6. An explanation for the nonrecovery of overpayments, including the application of any allowable recovery exceptions.

§ 60.2-619. Determinations and decisions by deputy; appeals therefrom.

A. 1. A representative designated by the Commission as a deputy, shall promptly examine the claim. On the basis of the facts found by him, the deputy shall either:

a. Determine whether or not such claim is valid, and if valid, the week with respect to which benefits shall commence, the weekly benefit amount payable and the maximum duration thereof; or

b. Refer such claim or any question involved therein to any appeal tribunal or to the Commission, which tribunal or Commission shall make its determination in accordance with the procedure described in § 60.2-620.

2. When the payment or denial of benefits will be determined by the provisions of subdivision A 2 of § 60.2-612, the deputy shall promptly transmit his full finding of fact with respect to that subdivision to any appeal tribunal, which shall make its determination in accordance with the procedure described in § 60.2-620.

B. Upon the filing of an initial claim for benefits, the Commission shall cause an informatory notice of such filing to be mailed to the most recent 30-day or 240-hour employing unit of the claimant and all subsequent employing units, and any reimbursable employing units that may be liable for reimbursement to the Commission for any benefits paid. However, the failure to furnish such notice shall not have any effect upon the claim for benefits. *If a claimant has had a determination of initial eligibility for benefits under this chapter, as evidenced by the issuance of compensation or waiting-week credit, payments shall continue, subject to a presumption of continued eligibility and in accordance with the terms of this subsection, until a determination is made that provides the claimant notice and an opportunity to be heard. When a question concerning continued eligibility for benefits arises, a determination shall be made as to whether it affects future weeks of benefits or only past weeks. With respect to future weeks, presumptive payment shall be made no later than 21 days after the issue arises, regardless of the type of issue. With respect to past weeks, presumptive payment shall be issued immediately, regardless of the type of issue. Notice shall be given to individuals who receive payments under such presumption that pending eligibility may affect their entitlement to the payment and may result in an overpayment that requires repayment.*

C. Notice of determination upon a claim shall be promptly given to the claimant by delivering or by mailing such notice to the claimant's last known address. In addition, notice of any determination that involves the application of the provisions of § 60.2-618, together with the reasons therefor, shall be promptly given in the same manner to the most recent 30-day or 240-hour employing unit by whom the claimant was last employed and any subsequent employing unit which is a party. The Commission may dispense with the giving of notice of any determination to any employing unit, and such employing unit shall not be entitled to such notice if it has failed to respond timely or adequately to a written request of the Commission for information, as required by § 60.2-528.1, from which the deputy may have determined that the claimant may be ineligible or disqualified under any provision of this title. The deputy shall promptly notify the claimant of any decision made by him at any time which in any manner denies benefits to the claimant for one or more weeks.

D. Such determination or decision shall be final unless the claimant or any such employing unit files an appeal from such determination or decision (i) within 30 calendar days after the delivery of such notification, (ii) within 30 calendar days after such notification was mailed to his last known address, or (iii) within 30 days after such notification was mailed to the last known address of an interstate claimant. For good cause shown, the 30-day period may be extended. A claim that the Commission has determined to be invalid because of monetary ineligibility shall first be subject to review only upon a request for redetermination pursuant to § 60.2-629. The Commission shall issue a new monetary determination as a result of such review, and such monetary determination shall become final unless appealed by the claimant within 30 days of the date of mailing. The Commission shall clearly set out the process for requesting a redetermination and the process for filing an appeal on each monetary determination issued. Monetary ineligibility does not include an appeal on the effective date of the

claim, unless the claimant has requested and received a redetermination of the monetary determination pursuant to § 60.2-629.

E. Benefits shall be paid promptly in accordance with a determination or redetermination under this chapter, or decision of an appeal tribunal, the Commission, the Board of Review or a reviewing court under §§ 60.2-625 and 60.2-631 upon the issuance of such determination, redetermination or decision, regardless of the pendency of the period to file an appeal or petition for judicial review that is provided in this chapter, or the pendency of any such appeal or review. Such benefits shall be paid unless or until such determination, redetermination or decision has been modified or reversed by a subsequent redetermination or decision, in which event benefits shall be paid or denied for weeks of unemployment thereafter in accordance with such modifying or reversing redetermination or decision. If a decision of an appeal tribunal allowing benefits is affirmed in any amount by the Commission, benefits shall continue to be paid until such time as a court decision has become final so that no further appeal can be taken. If an appeal is taken from the Commission's decision, benefits paid shall result in a benefit charge to the account of the employer under § 60.2-530 only when, and as of the date on which, as the result of an appeal, the courts finally determine that the Commission should have awarded benefits to the claimant or claimants involved in such appeal.

§ 60.2-633. Receiving benefits to which not entitled.

A. Any person who has received any sum as benefits under this title to which he was not entitled shall be liable to repay such sum to the Commission. For purposes of this section, "benefits under this title" includes benefits under an unemployment benefit program of the United States or of any other state. In the event the claimant does not refund the overpayment, the Commission shall deduct from any future benefits such sum payable to him under this title. ~~However, if an overpayment of benefits under this chapter, but not under an unemployment benefit program of the United States or of any other state, occurred due to administrative error,~~ *The Commission shall waive the requirement to repay the overpayment after an individual case review if (i) the overpayment was made without fault on the part of the individual and (ii) requiring repayment would be contrary to equity and good conscience. Subject to the requirements of this section, the Commission may grant a waiver of the obligation to repay an overpayment to an individual who has a pending appeal with the Commission.*

For the purposes of this section:

1. An overpayment made "without fault on the part of the individual" shall include overpayments that (i) result from administrative error; (ii) are the result of inducement, solicitation, or coercion on the part of the employer; or (iii) result from the employer's failure to respond timely or adequately to the Commission's request for information, as required by § 60.2-528.1. An overpayment shall not be considered "without fault on the part of the individual" if such overpayment was the result of (a) a reversal in the appeals process, unless the employer failed to respond timely or adequately to the Commission's request for information regarding the individual's separation from employment; (b) a programming, technological, or automatic system error not directly associated with an individual claim that results in erroneous payments to a group of individuals; or (c) fraud.

2. It shall be contrary to equity and good conscience if requiring repayment of an overpayment would deprive the individual of the income required to provide for basic necessities, including shelter, food, medicine, child care, or any other essential living expense.

B. For any overpayment where repayment is not forgiven, the Commission shall have the authority to negotiate the terms of repayment, which shall include (i) deducting up to 50 percent of the payable amount for any future week of benefits claimed, rounded down to the next lowest dollar until the overpayment is satisfied; (ii) forgoing collection of the payable amount until the recipient has found employment as defined in § 60.2-212; or (iii) determining and instituting an individualized repayment plan. The Commission shall collect an overpayment of benefits under this chapter caused by administrative error only by offset against future benefits or a negotiated repayment plan; however, the Commission may institute any other method of collection if the individual fails to enter into or comply with the terms of the repayment plan. Administrative error shall not include decisions reversed in the appeals process. ~~In addition, the overpayment~~

Overpayments where the obligation to repay has not been waived may be collectible by civil action in the name of the Commission. Amounts collected in this manner may be subject to an interest charge as prescribed in § 58.1-15 from the date of judgment and may be subject to fees and costs. Collection activities for any benefit overpayment established of ~~five dollars~~ *$5* or less may be suspended. The Commission may, for good cause, determine as uncollectible and discharge from its records any benefit overpayment which remains unpaid after the expiration of seven years from the date such overpayment was determined, or immediately upon the death of such person or upon his discharge in bankruptcy occurring subsequently to the determination of overpayment. Any existing overpayment balance not equal to an even dollar amount shall be rounded to the next lowest even dollar amount.

~~B.~~ *C.* The Commission is authorized to accept repayment of benefit overpayments by use of a credit card. The Virginia Employment Commission shall add to such payment a service charge for the acceptance of such card. Such service charge shall not exceed the percentage charged to the Virginia Employment Commission for use of such card.

D. No determination with respect to benefit overpayments shall be issued until after a determination or decision that finds a claimant ineligible or disqualified for benefits previously paid has become final.

E. The Commission shall notify each individual with an unpaid overpayment of benefits established for claim weeks commencing on or after March 15, 2020, under this chapter or any unemployment benefit program of the United States or any other state, that such individual may be entitled to a waiver of the obligation to repay such overpayment and shall

provide 30 days from the date of such notification for the individual to request a waiver of repayment. For good cause shown, the Commission may extend the 30-day period for requesting a waiver. The Commission shall conduct an individualized review and adjudicate any request received in accordance with the provisions of § 60.2-619, and any individual who is denied a waiver shall have the right to appeal the Commission's decision as provided in subsection D of § 60.2-619. In ruling on any waiver request, the Commission shall apply the provisions of this chapter or, if applicable, the overpayment waiver provisions of any unemployment compensation program of the United States.

~~C.~~ *F.* Final orders of the Commission with respect to benefit overpayments may be recorded, enforced and satisfied as orders or decrees of a circuit court upon certification of such orders by the Commissioner as may be appropriate.

G. All costs that result from implementing the provisions of this section shall be incurred by federal administrative grants, where permitted. For an overpayment waived pursuant to this section, no individual employer shall be responsible for (i) reimbursing benefits or (ii) benefits charges, except as provided in § 60.2-528.1.

2. That the provisions of this act shall expire on July 1, 2028.

CHAPTER 773

An Act to amend and reenact § 9.1-102 of the Code of Virginia, relating to law-enforcement training; communication with individuals with autism spectrum disorder.

[S 547]

Approved April 8, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 9.1-102 of the Code of Virginia is amended and reenacted as follows:

§ 9.1-102. Powers and duties of the Board and the Department.

The Department, under the direction of the Board, which shall be the policy-making body for carrying out the duties and powers hereunder, shall have the power and duty to:

1. Adopt regulations, pursuant to the Administrative Process Act (§ 2.2-4000 et seq.), for the administration of this chapter including the authority to require the submission of reports and information by law-enforcement officers within the Commonwealth. Any proposed regulations concerning the privacy, confidentiality, and security of criminal justice information shall be submitted for review and comment to any board, commission, or committee or other body which may be established by the General Assembly to regulate the privacy, confidentiality, and security of information collected and maintained by the Commonwealth or any political subdivision thereof;

2. Establish compulsory minimum training standards subsequent to employment as a law-enforcement officer in (i) permanent positions and (ii) temporary or probationary status and establish the time required for completion of such training. Such compulsory minimum training standards shall include crisis intervention training in accordance with clause (i) of § 9.1-188;

3. Establish minimum training standards and qualifications for certification and recertification for law-enforcement officers serving as field training officers;

4. Establish compulsory minimum curriculum requirements for in-service and advanced courses and programs for schools, whether located in or outside the Commonwealth, which are operated for the specific purpose of training law-enforcement officers;

5. Establish (i) compulsory minimum training standards for law-enforcement officers who utilize radar or an electrical or microcomputer device to measure the speed of motor vehicles as provided in § 46.2-882 and establish the time required for completion of the training and (ii) compulsory minimum qualifications for certification and recertification of instructors who provide such training;

6. Repealed;

7. Establish compulsory minimum entry-level, in-service and advanced training standards for those persons designated to provide courthouse and courtroom security pursuant to the provisions of § 53.1-120, and to establish the time required for completion of such training;

8. Establish compulsory minimum entry-level, in-service and advanced training standards for deputy sheriffs designated to serve process pursuant to the provisions of § 8.01-293, and establish the time required for the completion of such training;

9. Establish compulsory minimum entry-level, in-service, and advanced training standards, as well as the time required for completion of such training, for persons employed as deputy sheriffs and jail officers by local criminal justice agencies and correctional officers employed by the Department of Corrections under the provisions of Title 53.1. For correctional officers employed by the Department of Corrections, such standards shall include training on the general care of pregnant women, the impact of restraints on pregnant inmates and fetuses, the impact of being placed in restrictive housing or solitary confinement on pregnant inmates, and the impact of body cavity searches on pregnant inmates;

10. Establish compulsory minimum training standards for all dispatchers employed by or in any local or state government agency, whose duties include the dispatching of law-enforcement personnel. Such training standards shall apply only to dispatchers hired on or after July 1, 1988;

11. Establish compulsory minimum training standards for all auxiliary police officers employed by or in any local or state government agency. Such training shall be graduated and based on the type of duties to be performed by the auxiliary police officers. Such training standards shall not apply to auxiliary police officers exempt pursuant to § 15.2-1731;

12. Consult and cooperate with counties, municipalities, agencies of the Commonwealth, other state and federal governmental agencies, and institutions of higher education within or outside the Commonwealth, concerning the development of police training schools and programs or courses of instruction;

13. Approve institutions, curricula and facilities, whether located in or outside the Commonwealth, for school operation for the specific purpose of training law-enforcement officers; but this shall not prevent the holding of any such school whether approved or not;

14. Establish and maintain police training programs through such agencies and institutions as the Board deems appropriate;

15. Establish compulsory minimum qualifications of certification and recertification for instructors in criminal justice training academies approved by the Department;

16. Conduct and stimulate research by public and private agencies which shall be designed to improve police administration and law enforcement;

17. Make recommendations concerning any matter within its purview pursuant to this chapter;

18. Coordinate its activities with those of any interstate system for the exchange of criminal history record information, nominate one or more of its members to serve upon the council or committee of any such system, and participate when and as deemed appropriate in any such system's activities and programs;

19. Conduct inquiries and investigations it deems appropriate to carry out its functions under this chapter and, in conducting such inquiries and investigations, may require any criminal justice agency to submit information, reports, and statistical data with respect to its policy and operation of information systems or with respect to its collection, storage, dissemination, and usage of criminal history record information and correctional status information, and such criminal justice agencies shall submit such information, reports, and data as are reasonably required;

20. Conduct audits as required by § 9.1-131;

21. Conduct a continuing study and review of questions of individual privacy and confidentiality of criminal history record information and correctional status information;

22. Advise criminal justice agencies and initiate educational programs for such agencies with respect to matters of privacy, confidentiality, and security as they pertain to criminal history record information and correctional status information;

23. Maintain a liaison with any board, commission, committee, or other body which may be established by law, executive order, or resolution to regulate the privacy and security of information collected by the Commonwealth or any political subdivision thereof;

24. Adopt regulations establishing guidelines and standards for the collection, storage, and dissemination of criminal history record information and correctional status information, and the privacy, confidentiality, and security thereof necessary to implement state and federal statutes, regulations, and court orders;

25. Operate a statewide criminal justice research center, which shall maintain an integrated criminal justice information system, produce reports, provide technical assistance to state and local criminal justice data system users, and provide analysis and interpretation of criminal justice statistical information;

26. Develop a comprehensive, statewide, long-range plan for strengthening and improving law enforcement and the administration of criminal justice throughout the Commonwealth, and periodically update that plan;

27. Cooperate with, and advise and assist, all agencies, departments, boards and institutions of the Commonwealth, and units of general local government, or combinations thereof, including planning district commissions, in planning, developing, and administering programs, projects, comprehensive plans, and other activities for improving law enforcement and the administration of criminal justice throughout the Commonwealth, including allocating and subgranting funds for these purposes;

28. Define, develop, organize, encourage, conduct, coordinate, and administer programs, projects and activities for the Commonwealth and units of general local government, or combinations thereof, in the Commonwealth, designed to strengthen and improve law enforcement and the administration of criminal justice at every level throughout the Commonwealth;

29. Review and evaluate programs, projects, and activities, and recommend, where necessary, revisions or alterations to such programs, projects, and activities for the purpose of improving law enforcement and the administration of criminal justice;

30. Coordinate the activities and projects of the state departments, agencies, and boards of the Commonwealth and of the units of general local government, or combination thereof, including planning district commissions, relating to the preparation, adoption, administration, and implementation of comprehensive plans to strengthen and improve law enforcement and the administration of criminal justice;

31. Do all things necessary on behalf of the Commonwealth and its units of general local government, to determine and secure benefits available under the Omnibus Crime Control and Safe Streets Act of 1968 (P.L. 90-351, 82 Stat. 197), as amended, and under any other federal acts and programs for strengthening and improving law enforcement, the administration of criminal justice, and delinquency prevention and control;

32. Receive, administer, and expend all funds and other assistance available to the Board and the Department for carrying out the purposes of this chapter and the Omnibus Crime Control and Safe Streets Act of 1968, as amended;

33. Apply for and accept grants from the United States government or any other source in carrying out the purposes of this chapter and accept any and all donations both real and personal, and grants of money from any governmental unit or public agency, or from any institution, person, firm or corporation, and may receive, utilize and dispose of the same. Any arrangements pursuant to this section shall be detailed in the annual report of the Board. Such report shall include the identity of the donor, the nature of the transaction, and the conditions, if any. Any moneys received pursuant to this section shall be deposited in the state treasury to the account of the Department. To these ends, the Board shall have the power to comply with conditions and execute such agreements as may be necessary;

34. Make and enter into all contracts and agreements necessary or incidental to the performance of its duties and execution of its powers under this chapter, including but not limited to, contracts with the United States, units of general local government or combinations thereof, in Virginia or other states, and with agencies and departments of the Commonwealth;

35. Adopt and administer reasonable regulations for the planning and implementation of programs and activities and for the allocation, expenditure and subgranting of funds available to the Commonwealth and to units of general local government, and for carrying out the purposes of this chapter and the powers and duties set forth herein;

36. Certify and decertify law-enforcement officers in accordance with §§ 15.2-1706 and 15.2-1707;

37. Establish training standards and publish and periodically update model policies for law-enforcement personnel in the following subjects:

a. The handling of family abuse, domestic violence, sexual assault, and stalking cases, including standards for determining the predominant physical aggressor in accordance with § 19.2-81.3. The Department shall provide technical support and assistance to law-enforcement agencies in carrying out the requirements set forth in subsection A of § 9.1-1301;

b. The identification of, communication with, and facilitation of the safe return of individuals diagnosed with Alzheimer's disease and dementia, which shall include (i) techniques for respectful and effective communication with individuals with Alzheimer's disease and dementia and their caregivers; (ii) techniques for addressing the behavioral symptoms of Alzheimer's disease and dementia, including alternatives to physical restraint; (iii) protocols for identifying and reporting incidents of abuse, neglect, and exploitation of individuals with Alzheimer's disease and dementia to adult protective services; (iv) protocols for contacting caregivers when an individual with Alzheimer's disease or dementia is found wandering or during an emergency or crisis situation; (v) a reference list of local resources available for individuals with Alzheimer's disease and dementia; and (vi) a reference list of local and national organizations that assist law-enforcement personnel with locating missing and wandering individuals with Alzheimer's disease and dementia and returning them to their caregivers;

c. Sensitivity to and awareness of systemic and individual racism, cultural diversity, and the potential for racially biased policing and bias-based profiling as defined in § 52-30.1, which shall include recognizing implicit biases in interacting with persons who have a mental illness, substance use disorder, or developmental or cognitive disability;

d. Protocols for local and regional sexual assault response teams;

e. Communication of death notifications;

f. The questioning of individuals suspected of driving while intoxicated concerning the physical location of such individual's last consumption of an alcoholic beverage and the communication of such information to the Virginia Alcoholic Beverage Control Authority;

g. Vehicle patrol duties that embody current best practices for pursuits and for responding to emergency calls;

h. Criminal investigations that embody current best practices for conducting photographic and live lineups;

i. Sensitivity to and awareness of human trafficking offenses and the identification of victims of human trafficking offenses for personnel involved in criminal investigations or assigned to vehicle or street patrol duties;

j. The recognition, prevention, and reporting of human trafficking;

k. Missing children, missing adults, and search and rescue protocol; and

l. The handling and use of tear gas or other gases and kinetic impact munitions, as defined in § 19.2-83.3, that embody current best practices for using such items as a crowd control measure or during an arrest or detention of another person;

38. Establish compulsory training standards for basic training and the recertification of law-enforcement officers to ensure (i) sensitivity to and awareness of systemic and individual racism, cultural diversity, and the potential for racially biased policing and bias-based profiling as defined in § 52-30.1, which shall include recognizing implicit biases in interacting with persons who have a mental illness, substance use disorder, or developmental or cognitive disability; (ii) training in de-escalation techniques; and (iii) training in the lawful use of force, including the use of deadly force, as defined in § 19.2-83.3, only when necessary to protect the law-enforcement officer or another person;

39. Review and evaluate community-policing programs in the Commonwealth, and recommend where necessary statewide operating procedures, guidelines, and standards that strengthen and improve such programs, including sensitivity to and awareness of systemic and individual racism, cultural diversity, and the potential for racially biased policing and bias-based profiling as defined in § 52-30.1, which shall include recognizing implicit biases in interacting with persons who have a mental illness, substance use disorder, or developmental or cognitive disability;

40. Establish a Virginia Law-Enforcement Accreditation Center. The Center may, in cooperation with Virginia law-enforcement agencies, provide technical assistance and administrative support, including staffing, for the establishment

of voluntary state law-enforcement accreditation standards. The Center may provide accreditation assistance and training, resource material, and research into methods and procedures that will assist the Virginia law-enforcement community efforts to obtain Virginia accreditation status;

41. Promote community policing philosophy and practice throughout the Commonwealth by providing community policing training and technical assistance statewide to all law-enforcement agencies, community groups, public and private organizations and citizens; developing and distributing innovative policing curricula and training tools on general community policing philosophy and practice and contemporary critical issues facing Virginia communities; serving as a consultant to Virginia organizations with specific community policing needs; facilitating continued development and implementation of community policing programs statewide through discussion forums for community policing leaders, development of law-enforcement instructors; promoting a statewide community policing initiative; and serving as a statewide information source on the subject of community policing including, but not limited to periodic newsletters, a website and an accessible lending library;

42. Establish, in consultation with the Department of Education and the Virginia State Crime Commission, compulsory minimum standards for employment and job-entry and in-service training curricula and certification requirements for school security officers, including school security officers described in clause (b) of § 22.1-280.2:1, which training and certification shall be administered by the Virginia Center for School and Campus Safety (VCSCS) pursuant to § 9.1-184. Such training standards shall be specific to the role and responsibility of school security officers and shall include (i) relevant state and federal laws; (ii) school and personal liability issues; (iii) security awareness in the school environment; (iv) mediation and conflict resolution, including de-escalation techniques such as a physical alternative to restraint; (v) disaster and emergency response; (vi) awareness of systemic and individual racism, cultural diversity, and implicit bias; (vii) working with students with disabilities, mental health needs, substance use disorders, and past traumatic experiences; and (viii) student behavioral dynamics, including child and adolescent development and brain research. The Department shall establish an advisory committee consisting of local school board representatives, principals, superintendents, and school security personnel to assist in the development of the standards and certification requirements in this subdivision. The Department shall require any school security officer who carries a firearm in the performance of his duties to provide proof that he has completed a training course provided by a federal, state, or local law-enforcement agency that includes training in active shooter emergency response, emergency evacuation procedure, and threat assessment;

43. License and regulate property bail bondsmen and surety bail bondsmen in accordance with Article 11 (§ 9.1-185 et seq.);

44. License and regulate bail enforcement agents in accordance with Article 12 (§ 9.1-186 et seq.);

45. In conjunction with the Virginia State Police and the State Compensation Board, advise criminal justice agencies regarding the investigation, registration, and dissemination of information requirements as they pertain to the Sex Offender and Crimes Against Minors Registry Act (§ 9.1-900 et seq.);

46. Establish minimum standards for (i) employment, (ii) job-entry and in-service training curricula, and (iii) certification requirements for campus security officers. Such training standards shall include, but not be limited to, the role and responsibility of campus security officers, relevant state and federal laws, school and personal liability issues, security awareness in the campus environment, and disaster and emergency response. The Department shall provide technical support and assistance to campus police departments and campus security departments on the establishment and implementation of policies and procedures, including but not limited to: the management of such departments, investigatory procedures, judicial referrals, the establishment and management of databases for campus safety and security information sharing, and development of uniform record keeping for disciplinary records and statistics, such as campus crime logs, judicial referrals and Clery Act statistics. The Department shall establish an advisory committee consisting of college administrators, college police chiefs, college security department chiefs, and local law-enforcement officials to assist in the development of the standards and certification requirements and training pursuant to this subdivision;

47. Assess and report, in accordance with § 9.1-190, the crisis intervention team programs established pursuant to § 9.1-187;

48. In conjunction with the Office of the Attorney General, advise law-enforcement agencies and attorneys for the Commonwealth regarding the identification, investigation, and prosecution of human trafficking offenses using the common law and existing criminal statutes in the Code of Virginia;

49. Register tow truck drivers in accordance with § 46.2-116 and carry out the provisions of § 46.2-117;

50. Administer the activities of the Virginia Sexual and Domestic Violence Program Professional Standards Committee by providing technical assistance and administrative support, including staffing, for the Committee;

51. In accordance with § 9.1-102.1, design and approve the issuance of photo-identification cards to private security services registrants registered pursuant to Article 4 (§ 9.1-138 et seq.);

52. In consultation with the State Council of Higher Education for Virginia and the Virginia Association of Campus Law Enforcement Administrators, develop multidisciplinary curricula on trauma-informed sexual assault investigation;

53. In consultation with the Department of Behavioral Health and Developmental Services, develop a model addiction recovery program that may be administered by sheriffs, deputy sheriffs, jail officers, administrators, or superintendents in any local or regional jail. Such program shall be based on any existing addiction recovery programs that are being administered by any local or regional jails in the Commonwealth. Participation in the model addiction recovery program

shall be voluntary, and such program may address aspects of the recovery process, including medical and clinical recovery, peer-to-peer support, availability of mental health resources, family dynamics, and aftercare aspects of the recovery process;

54. Establish compulsory minimum training standards for certification and recertification of law-enforcement officers serving as school resource officers. Such training shall be specific to the role and responsibility of a law-enforcement officer working with students in a school environment and shall include (i) relevant state and federal laws; (ii) school and personal liability issues; (iii) security awareness in the school environment; (iv) mediation and conflict resolution, including de-escalation techniques; (v) disaster and emergency response; (vi) awareness of systemic and individual racism, cultural diversity, and implicit bias; (vii) working with students with disabilities, mental health needs, substance use disorders, or past traumatic experiences; and (viii) student behavioral dynamics, including current child and adolescent development and brain research;

55. Establish a model policy for the operation of body-worn camera systems as defined in § 15.2-1723.1 that also addresses the storage and maintenance of body-worn camera system records;

56. Establish compulsory minimum training standards for detector canine handlers employed by the Department of Corrections, standards for the training and retention of detector canines used by the Department of Corrections, and a central database on the performance and effectiveness of such detector canines that requires the Department of Corrections to submit comprehensive information on each canine handler and detector canine, including the number and types of calls and searches, substances searched for and whether or not detected, and the number of false positives, false negatives, true positives, and true negatives;

57. Establish compulsory training standards for basic training of law-enforcement officers for recognizing and managing stress, self-care techniques, and resiliency;

58. Establish guidelines and standards for psychological examinations conducted pursuant to subsection C of § 15.2-1705;

59. Establish compulsory in-service training standards, to include frequency of retraining, for law-enforcement officers in the following subjects: (i) relevant state and federal laws; (ii) awareness of cultural diversity and the potential for bias-based profiling as defined in § 52-30.1; (iii) de-escalation techniques; (iv) working with individuals with disabilities, mental health needs, or substance use disorders; and (v) the lawful use of force, including the use of deadly force, as defined in § 19.2-83.3, only when necessary to protect the law-enforcement officer or another person;

60. Develop a uniform curriculum and lesson plans for the compulsory minimum entry-level, in-service, and advanced training standards to be employed by criminal justice training academies approved by the Department when conducting training;

61. Adopt statewide professional standards of conduct applicable to all certified law-enforcement officers and certified jail officers and appropriate due process procedures for decertification based on serious misconduct in violation of those standards;

62. Establish and administer a waiver process, in accordance with §§ 2.2-5515 and 15.2-1721.1, for law-enforcement agencies to use certain military property. Any waivers granted by the Criminal Justice Services Board shall be published by the Department on the Department's website;

63. Establish compulsory training standards for basic training and the recertification of law-enforcement officers to include crisis intervention training in accordance with clause (ii) of § 9.1-188;

64. Advise and assist the Department of Behavioral Health and Developmental Services, and support local law-enforcement cooperation, with the development and implementation of the Marcus alert system, as defined in § 37.2-311.1, including the establishment of local protocols for law-enforcement participation in the Marcus alert system pursuant to § 9.1-193 and for reporting requirements pursuant to §§ 9.1-193 and 37.2-311.1;

65. Develop an online course to train hotel proprietors and their employees to recognize and report instances of suspected human trafficking; ~~and~~

66. *Establish compulsory minimum and in-service training standards for law-enforcement officers on communicating with individuals with an intellectual disability or a developmental disability as defined in § 37.2-100, such as autism spectrum disorder as defined in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders of the American Psychiatric Association, which shall include (i) an overview and behavioral recognition of autism spectrum disorder, (ii) best practices for crisis prevention and de-escalation techniques, (iii) an objective review of any relevant tools and technology available to assist in communication, and (iv) education on law-enforcement agency and community resources for the autism community on future crisis prevention. Such training standards shall be established in consultation with at least one individual with autism spectrum disorder, one family member of an individual with autism spectrum disorder, one specialist who works with individuals with autism spectrum disorder, one representative from the Department of Behavioral Health and Developmental Services, and one representative from a state or local law-enforcement agency; and*

67. Perform such other acts as may be necessary or convenient for the effective performance of its duties.

2. That the Department of Criminal Justice Services shall establish the compulsory minimum and in-service training standards as required by subdivision 66 of § 9.1-102 of the Code of Virginia, as amended by this act, by January 1, 2027.

3. That any person employed as a law-enforcement officer prior to July 1, 2024, shall complete the compulsory in-service training as required by subdivision 66 of § 9.1-102 of the Code of Virginia, as amended by this act, by July 1, 2028.

CHAPTER 774

An Act to amend and reenact § 10.1-1197.7 of the Code of Virginia, relating to Department of Environmental Quality; review and authorization of projects; hearing and appeal.

[S 580]

Approved April 8, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 10.1-1197.7 of the Code of Virginia is amended and reenacted as follows:

§ 10.1-1197.7. Review and authorization of projects.

A. Upon submission of a complete application, the Department, after consultation with other agencies in the Secretariat of Natural and Historic Resources before authorizing the project, shall conduct an assessment of whether the application meets the requirements of the applicable permit by rule regulations. If the Department determines that the application is deficient, it promptly shall notify the applicant in writing and specify the deficiencies.

B. Any interested party, including an applicant for a permit, who has participated in a proceeding for a permit to construct or operate a small renewable energy project under procedures adopted by the Department pursuant to this section, and who is aggrieved by the final decision of the Department, shall *only* have the remedies provided by ~~the Administrative Process Act (§ 2.2-4000 et seq.)~~ *subsection C.*

C. Any interested party seeking judicial review for the final decision of the Department pursuant to this chapter shall file such action in the Circuit Court of the City of Richmond within 30 days of such decision in accordance with Article 5 (§ 2.2-4025 et seq.) of the Administrative Process Act. The court shall hear and decide such action as soon as practicable after the date of filing. Any conflicting provisions of the Administrative Process Act shall be superseded by the requirements of this subsection.

CHAPTER 775

An Act to amend and reenact § 19.2-354.1 of the Code of Virginia, relating to deferred or installment payment agreements; certain benefits.

[S 625]

Approved April 8, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 19.2-354.1 of the Code of Virginia is amended and reenacted as follows:

§ 19.2-354.1. Deferred or installment payment agreements.

A. For purposes of this section:

"Deferred payment agreement" means an agreement in which no installment payments are required and the defendant agrees to pay the full amount of the fines and costs at the end of the agreement's stated term.

"Fines and costs" means all fines, court costs, forfeitures, and penalties assessed in any case by a single court against a defendant for the commission of any crime or traffic infraction. "Fines and costs" includes restitution unless the court orders a separate payment schedule for restitution.

"Installment payment agreement" means an agreement in which the defendant agrees to make monthly or other periodic payments until the fines and costs are paid in full.

"Modified deferred payment agreement" means a deferred payment agreement in which the defendant also agrees to use best efforts to make monthly or other periodic payments.

B. The court shall give a defendant ordered to pay fines and costs written notice of the availability of deferred, modified deferred, and installment payment agreements and, if a community service program has been established, the availability of earning credit toward discharge of fines and costs through the performance of community service work. The court shall offer any defendant the opportunity to enter into a deferred payment agreement, modified deferred payment agreement, or installment payment agreement.

C. The court shall not deny a defendant the opportunity to enter into a deferred, modified deferred, or installment payment agreement solely (i) because of the category of offense for which the defendant was convicted or found not innocent, (ii) because of the total amount of all fines and costs, (iii) because the defendant previously defaulted under the terms of a payment agreement, (iv) because the fines and costs have been referred for collections pursuant to § 19.2-349, or (v) because the defendant has not established a payment history.

D. In determining the length of time to pay under a deferred, modified deferred, or installment payment agreement and the amount of the payments, a court shall take into account the defendant's financial resources and obligations, including any fines and costs owed by the defendant in other courts. In assessing the defendant's ability to pay, the court shall use a

written financial statement, on a form developed by the Executive Secretary of the Supreme Court, setting forth the defendant's financial resources and obligations or conduct an oral examination of the defendant to determine his financial resources and obligations. The length of a payment agreement and the amount of the payments shall be reasonable in light of the defendant's financial resources and obligations and shall not be based solely on the amount of fines and costs. The court may offer a payment agreement combining an initial period during which no payment of fines and costs is required followed by a period of installment payments.

E. No court shall require a defendant to make a down payment upon entering a deferred, modified deferred, or installment payment agreement, other than a subsequent payment agreement, in which case the court may require a down payment pursuant to subsection I. Nothing in this section shall prevent a defendant from voluntarily making a down payment upon entering any payment agreement.

F. All fines and costs that a defendant owes for all cases in any single court may be incorporated into one payment agreement, unless otherwise ordered by the court in specific cases. A payment agreement shall include only those outstanding fines and costs for which the limitations period set forth in § 19.2-341 has not run.

G. Any payment received within 10 days of its due date shall be considered to be timely made.

H. At any time during the duration of a payment agreement, the defendant may request a modification of the agreement in writing on a form provided by the Executive Secretary of the Supreme Court, and the court may grant such modification based on a good faith showing of need.

I. A defendant who has defaulted on a payment agreement may petition the court for a subsequent payment agreement. In determining whether to approve the request for a subsequent payment agreement, the court shall consider any change in the defendant's circumstances. A court may require a down payment to enter into a subsequent payment agreement, provided that the down payment required to enter into a subsequent payment agreement shall not exceed (i) if the fines and costs owed are $500 or less, 10 percent of such amount or (ii) if the fines and costs owed are more than $500, five percent of such amount or $50, whichever is greater. When a defendant enters into a subsequent payment agreement, a court shall not require a defendant to establish a payment history on the subsequent payment agreement before restoring the defendant's driver's license.

J. In any case in which a defendant owes fines and costs and where such defendant's sole financial resource is a Social Security benefit or Supplemental Security Income, then such defendant shall be exempt from making payments at least until such time that such defendant has a resource other than a Social Security benefit or Supplemental Security Income. If such defendant informs the court that his sole financial resource is a Social Security benefit or Supplemental Security Income, the case shall not be referred to collections pursuant to § 19.2-349. Courts shall include in payment plan policies developed in accordance with §§ 19.2-354 and 19.2-354.1 that where the court is informed that a defendant receives a Social Security benefit or Supplemental Security Income, no payment toward fines and costs shall be taken from such exempt resource.

No Social Security benefit or Supplemental Security Income shall be considered an available resource in determining the length of time to pay under a deferred, modified deferred, or installment payment agreement and the amount of payments, if any, pursuant to subsection D.

CHAPTER 776

An Act to amend and reenact § 22.1-227.1 of the Code of Virginia, relating to public middle schools and high schools; student organizations; career and technical education organizations permitted.

[S 707]

Approved April 8, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 22.1-227.1 of the Code of Virginia is amended and reenacted as follows:

§ 22.1-227.1. Career and technical education.

A. The Board ~~of Education~~ shall incorporate into career and technical education the Standards of Learning for mathematics, science, English, and social studies, including history, and other subject areas as may be appropriate. The Board may also authorize, in its regulations for accrediting public schools in Virginia, the substitution of industry certification and state licensure examinations for Standards of Learning assessments for the purpose of awarding credit for career and technical education courses, where appropriate.

B. The Board shall also develop a plan for increasing the number of students receiving industry certification and state licensure as part of their career and technical education. The plan shall include an annual goal for school divisions. Where there is an accepted national industry certification for career and technical education instructional personnel and programs for automotive technology, such certification shall be mandatory.

C. With such funds as may be appropriated for such purpose, there shall be established, within the Department ~~of Education~~, a unit of specialists in career and technical education. The unit shall (i) assist in developing and revising local career and technical curriculum to integrate the Standards of Learning, (ii) provide professional development for career and technical instructional personnel to improve the quality of career and technical education, (iii) conduct site visits to the schools providing career and technical education, and (iv) seek the input of business and industry representatives regarding the content and direction of career and technical education programs in the public schools of the Commonwealth.

D. The Board shall develop guidelines for the establishment of High School to Work Partnerships, hereafter referred to as "Partnerships," between public high schools and local businesses to create opportunities for high school students to (i) participate in an apprenticeship, internship, or job shadow program in a variety of trades and skilled labor positions or (ii) tour local businesses and meet with owners and employees. These guidelines shall include a model waiver form to be used by high schools and local businesses in connection with Partnership programs to protect both the students and the businesses from liability.

Each local school board may establish Partnerships or delegate the authority to establish Partnerships to the local school division's career and technical education administrator or his designee, in collaboration with the school counselor office of each public high school in the school division, and shall educate high school students about opportunities available through such Partnerships.

Students who miss a partial or full day of school while participating in Partnership programs shall not be counted as absent for the purposes of calculating average daily membership, but each local school board shall develop policies and procedures for students to make up missed work and may determine the maximum number of school days per academic year that a student may spend participating in a Partnership program.

E. Each public middle school and high school, regardless of whether such school offers career and technical education courses, may establish career and technical education student organizations.

CHAPTER 777

HOUSE JOINT RESOLUTION NO. 45

Proposing an amendment to Section 6-A of Article X of the Constitution of Virginia, relating to real property tax exemption; surviving spouses of soldiers who died in the line of duty.

Agreed to by the House of Delegates, February 7, 2024
Agreed to by the Senate, February 28, 2024

WHEREAS, a proposed amendment to the Constitution of Virginia, hereinafter set forth, was agreed to by a majority of the members elected to each of the two houses of the General Assembly at the regular session of 2023 and referred to this, the next regular session held after the 2023 general election of members of the House of Delegates, as required by the Constitution of Virginia; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the following amendment to the Constitution of Virginia be, and the same hereby is, proposed in conformity with the provisions of Section 1 of Article XII of the Constitution of Virginia, namely:

Amend Section 6-A of Article X of the Constitution of Virginia as follows:

ARTICLE X

TAXATION AND FINANCE

Section 6-A. Property tax exemption ~~for~~*;* certain veterans and their surviving spouses ~~and~~*;* surviving spouses of soldiers ~~killed in action~~ *who died in the line of duty*.

(a) Notwithstanding the provisions of Section 6, the General Assembly by general law, and within the restrictions and conditions prescribed therein, shall exempt from taxation the real property, including the joint real property of husband and wife, of any veteran who has been determined by the United States Department of Veterans Affairs or its successor agency pursuant to federal law to have a one hundred percent service-connected, permanent, and total disability, and who occupies the real property as his or her principal place of residence. The General Assembly shall also provide this exemption from taxation for real property owned by the surviving spouse of a veteran who was eligible for the exemption provided in this subdivision, so long as the surviving spouse does not remarry. This exemption applies to the surviving spouse's principal place of residence without any restriction on the spouse's moving to a different principal place of residence.

(b) Notwithstanding the provisions of Section 6, the General Assembly by general law, and within the restrictions and conditions prescribed therein, may exempt from taxation the real property of the surviving spouse of any member of the armed forces of the United States who ~~was killed in action as determined by~~ *died in the line of duty with a Line of Duty determination from* the United States Department of Defense, who occupies the real property as his or her principal place of residence. The exemption under this subdivision shall cease if the surviving spouse remarries and shall not be claimed thereafter. This exemption applies regardless of whether the spouse was ~~killed in action~~ *determined to have died in the line of duty* prior to the effective date of this subdivision, but the exemption shall not be applicable for any period of time prior to the effective date. This exemption applies to the surviving spouse's principal place of residence without any restriction on the spouse's moving to a different principal place of residence and without any requirement that the spouse reside in the Commonwealth at the time of death of the member of the armed forces.

CHAPTER 778

SENATE JOINT RESOLUTION NO. 3

Proposing an amendment to Section 6-A of Article X of the Constitution of Virginia, relating to real property tax exemption; surviving spouses of soldiers who died in the line of duty.

Agreed to by the Senate, February 5, 2024

Agreed to by the House of Delegates, February 21, 2024

WHEREAS, a proposed amendment to the Constitution of Virginia, hereinafter set forth, was agreed to by a majority of the members elected to each of the two houses of the General Assembly at the regular session of 2023 and referred to this, the next regular session held after the 2023 general election of members of the House of Delegates, as required by the Constitution of Virginia; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the following amendment to the Constitution of Virginia be, and the same hereby is, proposed in conformity with the provisions of Section 1 of Article XII of the Constitution of Virginia, namely:

Amend Section 6-A of Article X of the Constitution of Virginia as follows:

ARTICLE X

TAXATION AND FINANCE

Section 6-A. Property tax exemption ~~for~~*;* certain veterans and their surviving spouses ~~and~~*;* surviving spouses of soldiers ~~killed in action~~ *who died in the line of duty*.

(a) Notwithstanding the provisions of Section 6, the General Assembly by general law, and within the restrictions and conditions prescribed therein, shall exempt from taxation the real property, including the joint real property of husband and wife, of any veteran who has been determined by the United States Department of Veterans Affairs or its successor agency pursuant to federal law to have a one hundred percent service-connected, permanent, and total disability, and who occupies the real property as his or her principal place of residence. The General Assembly shall also provide this exemption from taxation for real property owned by the surviving spouse of a veteran who was eligible for the exemption provided in this subdivision, so long as the surviving spouse does not remarry. This exemption applies to the surviving spouse's principal place of residence without any restriction on the spouse's moving to a different principal place of residence.

(b) Notwithstanding the provisions of Section 6, the General Assembly by general law, and within the restrictions and conditions prescribed therein, may exempt from taxation the real property of the surviving spouse of any member of the armed forces of the United States who ~~was killed in action as determined by~~ *died in the line of duty with a Line of Duty determination from* the United States Department of Defense, who occupies the real property as his or her principal place of residence. The exemption under this subdivision shall cease if the surviving spouse remarries and shall not be claimed thereafter. This exemption applies regardless of whether the spouse was ~~killed in action~~ *determined to have died in the line of duty* prior to the effective date of this subdivision, but the exemption shall not be applicable for any period of time prior to the effective date. This exemption applies to the surviving spouse's principal place of residence without any restriction on the spouse's moving to a different principal place of residence and without any requirement that the spouse reside in the Commonwealth at the time of death of the member of the armed forces.

CHAPTER 779

An Act to amend and reenact §§ 15.2-1627.5, 63.2-100, 63.2-1505, and 63.2-1506.1 of the Code of Virginia, relating to children's advocacy centers; definitions; investigations by local departments of social services.

[S 12]

Approved April 17, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 15.2-1627.5, 63.2-100, 63.2-1505, and 63.2-1506.1 of the Code of Virginia are amended and reenacted as follows:

§ 15.2-1627.5. Coordination of multidisciplinary response to child sexual abuse and the abuse, neglect, and exploitation of adults.

A. The attorney for the Commonwealth in each jurisdiction in the Commonwealth shall establish a multidisciplinary child sexual abuse response team, which may be an existing multidisciplinary team. The multidisciplinary team shall conduct regular reviews of new and ongoing reports of felony sex offenses in the jurisdiction involving a child and the investigations thereof and, at the request of any member of the team, may conduct reviews of any other reports of child abuse and neglect or sex offenses in the jurisdiction involving a child and the investigations thereof. The multidisciplinary team shall meet frequently enough to ensure that no new or ongoing reports go more than 60 days without being reviewed by the team.

B. The following individuals, or their designees, shall participate in review meetings of the multidisciplinary team established pursuant to subsection A: the attorney for the Commonwealth; law-enforcement officials responsible for the investigation of sex offenses involving a child in the jurisdiction; a representative of the local child protective services unit; a representative of a ~~child~~ *children's* advocacy center serving the jurisdiction, if one exists; and a representative of an Internet Crimes Against Children task force affiliate agency serving the jurisdiction, if one exists. In addition, the attorney for the Commonwealth may invite other individuals, or their designees, including the school superintendent of the jurisdiction; a representative of any sexual assault crisis center serving the jurisdiction, if one exists; the director of the

victim/witness program serving the jurisdiction, if one exists; and a health professional knowledgeable in the treatment and provision of services to children who have been sexually abused.

C. The attorney for the Commonwealth in each jurisdiction may also establish a multidisciplinary adult abuse, neglect, and exploitation response team to review cases of abuse, neglect, and exploitation of adults as defined in § 63.2-1603. The multidisciplinary team may be established separately or in conjunction with any already existing multidisciplinary team.

§ 63.2-100. Definitions.

As used in this title, unless the context requires a different meaning:

"Abused or neglected child" means any child less than 18 years of age:

1. Whose parents or other person responsible for his care creates or inflicts, threatens to create or inflict, or allows to be created or inflicted upon such child a physical or mental injury by other than accidental means, or creates a substantial risk of death, disfigurement, or impairment of bodily or mental functions, including, but not limited to, a child who is with his parent or other person responsible for his care either (i) during the manufacture or attempted manufacture of a Schedule I or II controlled substance, or (ii) during the unlawful sale of such substance by that child's parents or other person responsible for his care, where such manufacture, or attempted manufacture or unlawful sale would constitute a felony violation of § 18.2-248;

2. Whose parents or other person responsible for his care neglects or refuses to provide care necessary for his health. However, no child who in good faith is under treatment solely by spiritual means through prayer in accordance with the tenets and practices of a recognized church or religious denomination shall for that reason alone be considered to be an abused or neglected child. Further, a decision by parents who have legal authority for the child or, in the absence of parents with legal authority for the child, any person with legal authority for the child, who refuses a particular medical treatment for a child with a life-threatening condition shall not be deemed a refusal to provide necessary care if (i) such decision is made jointly by the parents or other person with legal authority and the child; (ii) the child has reached 14 years of age and is sufficiently mature to have an informed opinion on the subject of his medical treatment; (iii) the parents or other person with legal authority and the child have considered alternative treatment options; and (iv) the parents or other person with legal authority and the child believe in good faith that such decision is in the child's best interest. No child whose parent or other person responsible for his care allows the child to engage in independent activities without adult supervision shall for that reason alone be considered to be an abused or neglected child, provided that (a) such independent activities are appropriate based on the child's age, maturity, and physical and mental abilities and (b) such lack of supervision does not constitute conduct that is so grossly negligent as to endanger the health or safety of the child. Such independent activities include traveling to or from school or nearby locations by bicycle or on foot, playing outdoors, or remaining at home for a reasonable period of time. Nothing in this subdivision shall be construed to limit the provisions of § 16.1-278.4;

3. Whose parents or other person responsible for his care abandons such child;

4. Whose parents or other person responsible for his care, or an intimate partner of such parent or person, commits or allows to be committed any act of sexual exploitation or any sexual act upon a child in violation of the law;

5. Who is without parental care or guardianship caused by the unreasonable absence or the mental or physical incapacity of the child's parent, guardian, legal custodian or other person standing in loco parentis;

6. Whose parents or other person responsible for his care creates a substantial risk of physical or mental injury by knowingly leaving the child alone in the same dwelling, including an apartment as defined in § 55.1-2000, with a person to whom the child is not related by blood or marriage and who the parent or other person responsible for his care knows has been convicted of an offense against a minor for which registration is required as a Tier III offender pursuant to § 9.1-902; or

7. Who has been identified as a victim of sex trafficking or severe forms of trafficking as defined in the Trafficking Victims Protection Act of 2000, 22 U.S.C. § 7102 et seq., and in the Justice for Victims of Trafficking Act of 2015, 42 U.S.C. § 5101 et seq.

If a civil proceeding under this title is based solely on the parent having left the child at a hospital or emergency medical services agency, it shall be an affirmative defense that such parent safely delivered the child within 30 days of the child's birth to (i) a hospital that provides 24-hour emergency services, (ii) an attended emergency medical services agency that employs emergency medical services providers, or (iii) a newborn safety device located at and operated by such hospital or emergency medical services agency. For purposes of terminating parental rights pursuant to § 16.1-283 and placement for adoption, the court may find such a child is a neglected child upon the ground of abandonment.

"Adoptive home" means any family home selected and approved by a parent, local board or a licensed child-placing agency for the placement of a child with the intent of adoption.

"Adoptive placement" means arranging for the care of a child who is in the custody of a child-placing agency in an approved home for the purpose of adoption.

"Adult abuse" means the willful infliction of physical pain, injury or mental anguish or unreasonable confinement of an adult as defined in § 63.2-1603.

"Adult day care center" means any facility that is either operated for profit or that desires licensure and that provides supplementary care and protection during only a part of the day to four or more adults who are aged or infirm or who have disabilities and who reside elsewhere, except (i) a facility or portion of a facility licensed by the State Board of Health or the Department of Behavioral Health and Developmental Services, and (ii) the home or residence of an individual who cares for only persons related to him by blood or marriage. Included in this definition are any two or more places, establishments or

institutions owned, operated or controlled by a single entity and providing such supplementary care and protection to a combined total of four or more adults who are aged or infirm or who have disabilities.

"Adult exploitation" means the illegal, unauthorized, improper, or fraudulent use of an adult as defined in § 63.2-1603 or his funds, property, benefits, resources, or other assets for another's profit, benefit, or advantage, including a caregiver or person serving in a fiduciary capacity, or that deprives the adult of his rightful use of or access to such funds, property, benefits, resources, or other assets. "Adult exploitation" includes (i) an intentional breach of a fiduciary obligation to an adult to his detriment or an intentional failure to use the financial resources of an adult in a manner that results in neglect of such adult; (ii) the acquisition, possession, or control of an adult's financial resources or property through the use of undue influence, coercion, or duress; and (iii) forcing or coercing an adult to pay for goods or services or perform services against his will for another's profit, benefit, or advantage if the adult did not agree, or was tricked, misled, or defrauded into agreeing, to pay for such goods or services or to perform such services.

"Adult foster care" means room and board, supervision, and special services to an adult who has a physical or mental condition. Adult foster care may be provided by a single provider for up to three adults. "Adult foster care" does not include services or support provided to individuals through the Fostering Futures program set forth in Article 2 (§ 63.2-917 et seq.) of Chapter 9.

"Adult neglect" means that an adult as defined in § 63.2-1603 is living under such circumstances that he is not able to provide for himself or is not being provided services necessary to maintain his physical and mental health and that the failure to receive such necessary services impairs or threatens to impair his well-being. However, no adult shall be considered neglected solely on the basis that such adult is receiving religious nonmedical treatment or religious nonmedical nursing care in lieu of medical care, provided that such treatment or care is performed in good faith and in accordance with the religious practices of the adult and there is a written or oral expression of consent by that adult.

"Adult protective services" means services provided by the local department that are necessary to protect an adult as defined in § 63.2-1603 from abuse, neglect or exploitation.

"Assisted living care" means a level of service provided by an assisted living facility for adults who may have physical or mental impairments and require at least a moderate level of assistance with activities of daily living.

"Assisted living facility" means any congregate residential setting that provides or coordinates personal and health care services, 24-hour supervision, and assistance (scheduled and unscheduled) for the maintenance or care of four or more adults who are aged or infirm or who have disabilities and who are cared for in a primarily residential setting, except (i) a facility or portion of a facility licensed by the State Board of Health or the Department of Behavioral Health and Developmental Services, but including any portion of such facility not so licensed; (ii) the home or residence of an individual who cares for or maintains only persons related to him by blood or marriage; (iii) a facility or portion of a facility serving individuals who are infirm or who have disabilities between the ages of 18 and 21, or 22 if enrolled in an educational program for individuals with disabilities pursuant to § 22.1-214, when such facility is licensed by the Department as a children's residential facility under Chapter 17 (§ 63.2-1700 et seq.), but including any portion of the facility not so licensed; and (iv) any housing project for individuals who are 62 years of age or older or individuals with disabilities that provides no more than basic coordination of care services and is funded by the U.S. Department of Housing and Urban Development, by the U.S. Department of Agriculture, or by the Virginia Housing Development Authority. Included in this definition are any two or more places, establishments or institutions owned or operated by a single entity and providing maintenance or care to a combined total of four or more adults who are aged or infirm or who have disabilities. Maintenance or care means the protection, general supervision and oversight of the physical and mental well-being of an individual who is aged or infirm or who has a disability.

"Auxiliary grants" means cash payments made to certain aged, blind or disabled individuals who receive benefits under Title XVI of the Social Security Act, as amended, or would be eligible to receive these benefits except for excess income.

"Birth family" or "birth sibling" means the child's biological family or biological sibling.

"Birth parent" means the child's biological parent and, for purposes of adoptive placement, means parent(s) by previous adoption.

"Board" means the State Board of Social Services.

"Child" means any natural person who is (i) under 18 years of age or (ii) for purposes of the Fostering Futures program set forth in Article 2 (§ 63.2-917 et seq.) of Chapter 9, under 21 years of age and meets the eligibility criteria set forth in § 63.2-919.

"Child-placing agency" means (i) any person who places children in foster homes, adoptive homes or independent living arrangements pursuant to § 63.2-1819, (ii) a local board that places children in foster homes or adoptive homes pursuant to §§ 63.2-900, 63.2-903, and 63.2-1221, or (iii) an entity that assists parents with the process of delegating parental and legal custodial powers of their children pursuant to Chapter 10 (§ 20-166 et seq.) of Title 20. "Child-placing agency" does not include the persons to whom such parental or legal custodial powers are delegated pursuant to Chapter 10 (§ 20-166 et seq.) of Title 20. Officers, employees, or agents of the Commonwealth, or any locality acting within the scope of their authority as such, who serve as or maintain a child-placing agency, shall not be required to be licensed.

"Child-protective services" means the identification, receipt and immediate response to complaints and reports of alleged child abuse or neglect for children under 18 years of age. It also includes assessment, and arranging for and providing necessary protective and rehabilitative services for a child and his family when the child has been found to have been abused or neglected or is at risk of being abused or neglected.

"Children's advocacy center" means a child-friendly facility that (i) enables law enforcement, child protection, prosecution, mental health, medical, and victim advocacy professionals to work together to investigate child abuse, help children heal from abuse, and hold offenders accountable; (ii) has completed, or is in the process of completing, certain accreditation obligations and requires any forensic interview conducted at such facility to only be conducted by a trained child forensic interviewer in a multidisciplinary team collaborative effort; and (iii) is a member in good standing of the Children's Advocacy Centers of Virginia.

"Children's Advocacy Centers of Virginia" means the organizing entity for children's advocacy centers in Virginia.

"Child support services" means any civil, criminal or administrative action taken by the Division of Child Support Enforcement to locate parents; establish paternity; and establish, modify, enforce, or collect child support, or child and spousal support.

"Child-welfare agency" means a child-placing agency, children's residential facility, or independent foster home.

"Children's residential facility" means any facility, child-caring institution, or group home that is maintained for the purpose of receiving children separated from their parents or guardians for full-time care, maintenance, protection and guidance, or for the purpose of providing independent living services to persons between 18 and 21 years of age who are in the process of transitioning out of foster care. Children's residential facility shall not include:

1. A licensed or accredited educational institution whose pupils, in the ordinary course of events, return annually to the homes of their parents or guardians for not less than two months of summer vacation;

2. An establishment required to be licensed as a summer camp by § 35.1-18; and

3. A licensed or accredited hospital legally maintained as such.

"Commissioner" means the Commissioner of the Department, his designee or authorized representative.

"Department" means the State Department of Social Services.

"Department of Health and Human Services" means the Department of Health and Human Services of the United States government or any department or agency thereof that may hereafter be designated as the agency to administer the Social Security Act, as amended.

"Disposable income" means that part of the income due and payable of any individual remaining after the deduction of any amount required by law to be withheld.

"Energy assistance" means benefits to assist low-income households with their home heating and cooling needs, including, but not limited to, purchase of materials or substances used for home heating, repair or replacement of heating equipment, emergency intervention in no-heat situations, purchase or repair of cooling equipment, and payment of electric bills to operate cooling equipment, in accordance with § 63.2-805, or provided under the Virginia Energy Assistance Program established pursuant to the Low-Income Home Energy Assistance Act of 1981 (Title XXVI of P.L. 97-35), as amended.

"Family and permanency team" means the group of individuals assembled by the local department to assist with determining planning and placement options for a child, which shall include, as appropriate, all biological relatives and fictive kin of the child, as well as any professionals who have served as a resource to the child or his family, such as teachers, medical or mental health providers, and clergy members. In the case of a child who is 14 years of age or older, the family and permanency team shall also include any members of the child's case planning team that were selected by the child in accordance with subsection A of § 16.1-281.

"Federal-Funded Kinship Guardianship Assistance program" means a program consistent with 42 U.S.C. § 673 that provides, subject to a kinship guardianship assistance agreement developed in accordance with § 63.2-1305, payments to eligible individuals who have received custody of a child of whom they had been the foster parents.

"Fictive kin" means persons who are not related to a child by blood or adoption but have an established relationship with the child or his family.

"Foster care placement" means placement of a child through (i) an agreement between the parents or guardians and the local board where legal custody remains with the parents or guardians or (ii) an entrustment or commitment of the child to the local board or licensed child-placing agency. "Foster care placement" does not include placement of a child in accordance with a power of attorney pursuant to Chapter 10 (§ 20-166 et seq.) of Title 20.

"Foster home" means a residence approved by a child-placing agency or local board in which any child, other than a child by birth or adoption of such person or a child who is the subject of a power of attorney to delegate parental or legal custodial powers by his parents or legal custodian to the natural person who has been designated the child's legal guardian pursuant to Chapter 10 (§ 20-166 et seq.) of Title 20 and who exercises legal authority over the child on a continuous basis for at least 24 hours without compensation, resides as a member of the household.

"General relief" means money payments and other forms of relief made to those persons mentioned in § 63.2-802 in accordance with the regulations of the Board and reimbursable in accordance with § 63.2-401.

"Independent foster home" means a private family home in which any child, other than a child by birth or adoption of such person, resides as a member of the household and has been placed therein independently of a child-placing agency except (i) a home in which are received only children related by birth or adoption of the person who maintains such home and children of personal friends of such person; (ii) a home in which is received a child or children committed under the provisions of subdivision A 4 of § 16.1-278.2, subdivision 6 of § 16.1-278.4, or subdivision A 13 of § 16.1-278.8; and (iii) a home in which are received only children who are the subject of a properly executed power of attorney pursuant to Chapter 10 (§ 20-166 et seq.) of Title 20.

"Independent living" means a planned program of services designed to assist a child age 16 and over and persons who are former foster care children or were formerly committed to the Department of Juvenile Justice and are between the ages of 18 and 21 in transitioning to self-sufficiency.

"Independent living arrangement" means placement of (i) a child at least 16 years of age who is in the custody of a local board or licensed child-placing agency by the local board or licensed child-placing agency or (ii) a child at least 16 years of age or a person between the ages of 18 and 21 who was committed to the Department of Juvenile Justice immediately prior to placement by the Department of Juvenile Justice, in a living arrangement in which such child or person does not have daily substitute parental supervision.

"Independent living services" means services and activities provided to a child in foster care 14 years of age or older who was committed or entrusted to a local board of social services, child welfare agency, or private child-placing agency. "Independent living services" may also mean services and activities provided to a person who (i) was in foster care on his 18th birthday and has not yet reached the age of 21 years; (ii) is between the ages of 18 and 21 and who, immediately prior to his commitment to the Department of Juvenile Justice, was in the custody of a local board of social services; or (iii) is a child at least 16 years of age or a person between the ages of 18 and 21 who was committed to the Department of Juvenile Justice immediately prior to placement in an independent living arrangement. Such services shall include counseling, education, housing, employment, and money management skills development, access to essential documents, and other appropriate services to help children or persons prepare for self-sufficiency.

"Independent physician" means a physician who is chosen by the resident of the assisted living facility and who has no financial interest in the assisted living facility, directly or indirectly, as an owner, officer, or employee or as an independent contractor with the residence.

"Intercountry placement" means the arrangement for the care of a child in an adoptive home or foster care placement into or out of the Commonwealth by a licensed child-placing agency, court, or other entity authorized to make such placements in accordance with the laws of the foreign country under which it operates.

"Interstate placement" means the arrangement for the care of a child in an adoptive home, foster care placement or in the home of the child's parent or with a relative or nonagency guardian, into or out of the Commonwealth, by a child-placing agency or court when the full legal right of the child's parent or nonagency guardian to plan for the child has been voluntarily terminated or limited or severed by the action of any court.

"Kinship care" means the full-time care, nurturing, and protection of children by relatives.

"Kinship guardian" means the adult relative of a child in a kinship guardianship established in accordance with § 63.2-1305 or 63.2-1306 who has been awarded custody of the child by the court after acting as the child's foster parent.

"Kinship guardianship" means a relationship established in accordance with § 63.2-1305 or 63.2-1306 between a child and an adult relative of the child who has formerly acted as the child's foster parent that is intended to be permanent and self-sustaining as evidenced by the transfer by the court to the adult relative of the child of the authority necessary to ensure the protection, education, care and control, and custody of the child and the authority for decision making for the child.

"Local board" means the local board of social services representing one or more counties or cities.

"Local department" means the local department of social services of any county or city in the Commonwealth.

"Local director" means the director or his designated representative of the local department of the city or county.

"Merit system plan" means those regulations adopted by the Board in the development and operation of a system of personnel administration meeting requirements of the federal Office of Personnel Management.

"Parental placement" means locating or effecting the placement of a child or the placing of a child in a family home by the child's parent or legal guardian for the purpose of foster care or adoption.

"Public assistance" means Temporary Assistance for Needy Families (TANF); auxiliary grants to the aged, blind and disabled; medical assistance; energy assistance; food stamps; employment services; child care; and general relief.

"Qualified assessor" means an entity contracting with the Department of Medical Assistance Services to perform nursing facility pre-admission screening or to complete the uniform assessment instrument for a home and community-based waiver program, including an independent physician contracting with the Department of Medical Assistance Services to complete the uniform assessment instrument for residents of assisted living facilities, or any hospital that has contracted with the Department of Medical Assistance Services to perform nursing facility pre-admission screenings.

"Qualified individual" means a trained professional or licensed clinician who is not an employee of the local board of social services or licensed child-placing agency that placed the child in a qualified residential treatment program and is not affiliated with any placement setting in which children are placed by such local board of social services or licensed child-placing agency.

"Qualified residential treatment program" means a program that (i) provides 24-hour residential placement services for children in foster care; (ii) has adopted a trauma-informed treatment model that meets the clinical and other needs of children with serious emotional or behavioral disorders, including any clinical or other needs identified through assessments conducted pursuant to clause (viii) of this definition; (iii) employs registered or licensed nursing and other clinical staff who provide care, on site and within the scope of their practice, and are available 24 hours a day, 7 days a week; (iv) conducts outreach with the child's family members, including efforts to maintain connections between the child and his siblings and other family; documents and maintains records of such outreach efforts; and maintains contact information for any known biological family and fictive kin of the child; (v) whenever appropriate and in the best interest of the child, facilitates

participation by family members in the child's treatment program before and after discharge and documents the manner in which such participation is facilitated; (vi) provides discharge planning and family-based aftercare support for at least six months after discharge; (vii) is licensed in accordance with 42 U.S.C. § 671(a)(10) and accredited by an organization approved by the federal Secretary of Health and Human Services; and (viii) requires that any child placed in the program receive an assessment within 30 days of such placement by a qualified individual that (a) assesses the strengths and needs of the child using an age-appropriate, evidence-based, validated, and functional assessment tool approved by the Commissioner of Social Services; (b) identifies whether the needs of the child can be met through placement with a family member or in a foster home or, if not, in a placement setting authorized by 42 U.S.C. § 672(k)(2), including a qualified residential treatment program, that would provide the most effective and appropriate level of care for the child in the least restrictive environment and be consistent with the short-term and long-term goals established for the child in his foster care or permanency plan; (c) establishes a list of short-term and long-term mental and behavioral health goals for the child; and (d) is documented in a written report to be filed with the court prior to any hearing on the child's placement pursuant to § 16.1-281, 16.1-282, 16.1-282.1, or 16.1-282.2.

"Residential living care" means a level of service provided by an assisted living facility for adults who may have physical or mental impairments and require only minimal assistance with the activities of daily living. The definition of "residential living care" includes the services provided by independent living facilities that voluntarily become licensed.

"Sibling" means each of two or more children having one or more parents in common.

"Social services" means foster care, adoption, adoption assistance, child-protective services, domestic violence services, or any other services program implemented in accordance with regulations adopted by the Board. Social services also includes adult services pursuant to Article 4 (§ 51.5-144 et seq.) of Chapter 14 of Title 51.5 and adult protective services pursuant to Article 5 (§ 51.5-148) of Chapter 14 of Title 51.5 provided by local departments of social services in accordance with regulations and under the supervision of the Commissioner for Aging and Rehabilitative Services.

"Special order" means an order imposing an administrative sanction issued to any party licensed pursuant to this title by the Commissioner that has a stated duration of not more than 12 months. A special order shall be considered a case decision as defined in § 2.2-4001.

"State-Funded Kinship Guardianship Assistance program" means a program that provides payments to eligible individuals who have received custody of a relative child subject to a kinship guardianship assistance agreement developed in accordance with § 63.2-1306.

"Supervised independent living setting" means the residence of a person 18 years of age or older who is participating in the Fostering Futures program set forth in Article 2 (§ 63.2-917 et seq.) of Chapter 9 where supervision includes a monthly visit with a service worker or, when appropriate, contracted supervision. "Supervised independent living setting" does not include residential facilities or group homes.

"Temporary Assistance for Needy Families" or "TANF" means the program administered by the Department through which a relative can receive monthly cash assistance for the support of his eligible children.

"Temporary Assistance for Needy Families-Unemployed Parent" or "TANF-UP" means the Temporary Assistance for Needy Families program for families in which both natural or adoptive parents of a child reside in the home and neither parent is exempt from Virginia Initiative for Education and Work (VIEW) participation under § 63.2-609.

"Title IV-E Foster Care" means a federal program authorized under §§ 472 and 473 of the Social Security Act, as amended, and administered by the Department through which foster care is provided on behalf of qualifying children.

§ 63.2-1505. Investigations by local departments.

A. An investigation requires the collection of information necessary to determine:

1. The immediate safety needs of the child;

2. The protective and rehabilitative services needs of the child and family that will deter abuse or neglect;

3. Risk of future harm to the child;

4. Alternative plans for the child's safety if protective and rehabilitative services are indicated and the family is unable or unwilling to participate in services;

5. Whether abuse or neglect has occurred;

6. If abuse or neglect has occurred, who abused or neglected the child; and

7. A finding of either founded or unfounded based on the facts collected during the investigation.

B. If the local department responds to the report or complaint by conducting an investigation, the local department shall:

1. Make immediate investigation and, if the report or complaint was based upon one of the factors specified in subsection B of § 63.2-1509, the local department may file a petition pursuant to § 16.1-241.3;

2. Complete a report and enter it into the statewide automation system maintained by the Department;

3. Consult with the family to arrange for necessary protective and rehabilitative services to be provided to the child and his family;

4. Petition the court for services deemed necessary including, but not limited to, removal of the child or his siblings from their home;

5. Determine within 45 days if a report of abuse or neglect is founded or unfounded and transmit a report to such effect to the Department and to the person who is the subject of the investigation. However, upon written justification by the local department, the time for such determination may be extended not to exceed a total of 60 days or, in the event that the

investigation is being conducted in cooperation with a law-enforcement agency and both parties agree that circumstances so warrant, as stated in the written justification, the time for such determination may be extended not to exceed 90 days. If through the exercise of reasonable diligence the local department is unable to find the child who is the subject of the report, the time the child cannot be found shall not be computed as part of the total time period allowed for the investigation and determination and documentation of such reasonable diligence shall be placed in the record. In cases involving the death of a child or alleged sexual abuse of a child who is the subject of the report, the time during which records necessary for the investigation of the complaint but not created by the local department, including autopsy or medical or forensic records or reports, are not available to the local department due to circumstances beyond the local department's control shall not be computed as part of the total time period allowed for the investigation and determination, and documentation of the circumstances that resulted in the delay shall be placed in the record. In cases in which the subject of the investigation is a full-time, part-time, permanent, or temporary employee of a school division who is suspected of abusing or neglecting a child in the course of his educational employment, the time period for determining whether a report is founded or unfounded and transmitting a report to that effect to the Department and the person who is the subject of the investigation shall be mandatory, and every local department shall make the required determination and report within the specified time period without delay;

6. If a report of abuse or neglect is unfounded, transmit a report to such effect to the complainant and parent or guardian and the person responsible for the care of the child in those cases where such person was suspected of abuse or neglect;

7. If a report of child abuse and neglect is founded, and the subject of the report is or was at the time of the investigation or the conduct that led to the report a full-time, part-time, permanent, or temporary employee of a school division located within the Commonwealth, notify the relevant school board of the founded complaint without delay; and

8. Upon request, disclose to the child's parent or guardian the location of the child, provided that (i) the investigation has not been completed and a report has not been transmitted pursuant to subdivision 5; (ii) the parent or guardian requesting disclosure of the child's location has not been the subject of a founded report of child abuse or neglect; (iii) the parent or guardian requesting disclosure of the child's location has legal custody of the child and provides to the local department any records or other information necessary to verify such custody; (iv) the local department is not aware of any court order, and has confirmed with the child's other parent or guardian or other person responsible for the care of the child that no court order has been issued, that prohibits or limits contact by the parent or guardian requesting disclosure of the child's location with the child, the child's other parent or guardian or other person responsible for the care of the child, or any member of the household in which the child is located; and (v) disclosure of the child's location to the parent or guardian will not compromise the safety of the child, the child's other parent or guardian, or any other person responsible for the care of the child.

If a local multidisciplinary team has determined that an interview of the child by a ~~child~~ *children's* advocacy center ~~recognized by the National Children's Alliance~~ is needed and an interview with a ~~recognized child~~ *children's* advocacy center within the jurisdiction cannot be completed within 14 days, the local department may facilitate the interview with a ~~recognized child~~ *children's* advocacy center located in another jurisdiction.

Any information exchanged for the purposes of this subsection shall not be considered a violation of § 63.2-102, 63.2-104, or 63.2-105.

C. Each local board may obtain and consider, in accordance with regulations adopted by the Board, statewide criminal history record information from the Central Criminal Records Exchange and shall obtain and consider results of a search of the child abuse and neglect central registry of any individual who is the subject of a child abuse or neglect investigation conducted under this section when there is evidence of child abuse or neglect and the local board is evaluating the safety of the home and whether removal will protect a child from harm. The local board shall determine whether the individual has resided in another state within at least the preceding five years and, if he has resided in another state, the local board shall request a search of the child abuse and neglect registry or equivalent registry maintained by such state. The local board also may obtain such a criminal records or registry search on all adult household members residing in the home where the individual who is the subject of the investigation resides and the child resides or visits. If a child abuse or neglect petition is filed in connection with such removal, a court may admit such information as evidence. Where the individual who is the subject of such information contests its accuracy through testimony under oath in hearing before the court, no court shall receive or consider the contested criminal history record information without certified copies of conviction. Further dissemination of the information provided to the local board is prohibited, except as authorized by law.

D. A person who has not previously participated in the investigation of complaints of child abuse or neglect in accordance with this chapter shall not participate in the investigation of any case involving a complaint of alleged sexual abuse of a child unless he (i) has completed a Board-approved training program for the investigation of complaints involving alleged sexual abuse of a child or (ii) is under the direct supervision of a person who has completed a Board-approved training program for the investigation of complaints involving alleged sexual abuse of a child. No individual may make a determination of whether a case involving a complaint of alleged sexual abuse of a child is founded or unfounded unless he has completed a Board-approved training program for the investigation of complaints involving alleged sexual abuse of a child.

E. Any individual who is the subject of a child abuse or neglect investigation conducted under this section shall notify the local department prior to changing his place of residence and provide the local department with the address of his new residence.

§ 63.2-1506.1. Human trafficking assessments by local departments.

A. If a report or complaint is based upon information and allegations that a child is a victim of sex trafficking or severe forms of trafficking as defined in the federal Trafficking Victims Protection Act of 2000 (22 U.S.C. § 7102 et seq.) and in the federal Justice for Victims of Trafficking Act of 2015 (P.L. 114-22), the local department shall conduct a human trafficking assessment, unless at any time during the human trafficking assessment the local department determines that an investigation or family assessment is required pursuant to § 63.2-1505 or 63.2-1506. *If at any time during the human trafficking assessment it is determined that a forensic interview of the child is needed, such interview may be performed by a children's advocacy center within the jurisdiction; however, if an interview with a children's advocacy center within the jurisdiction cannot be completed within 14 days, the forensic interview may be conducted by a children's advocacy center located in another jurisdiction.*

B. A human trafficking assessment requires the collection of information necessary to determine:

1. The immediate safety needs of the child;

2. The protective and rehabilitative services needs of the child and the child's family that will deter abuse and neglect; and

3. Risk of future harm to the child.

C. When a local department responds to the report or complaint by conducting a human trafficking assessment, the local department may:

1. Consult with the family to arrange for necessary protective and rehabilitative services to be provided to the child and the child's family;

2. Petition the court for services deemed necessary; or

3. Commence an immediate investigation or family assessment, if at any time during the human trafficking assessment the local department determines that an investigation or family assessment is required pursuant to § 63.2-1505 or 63.2-1506.

D. In the event that the parents or guardians of the child reside in a jurisdiction other than that in which the report or complaint was received, the local department that received the report or complaint and the local department where the child resides with his parents or guardians shall work jointly to complete the human trafficking assessment.

E. Reports or complaints for which a human trafficking assessment is completed shall not be entered into the central registry contained in § 63.2-1515.

F. The local department or departments shall notify the Child Protective Services Unit within the Department in writing whenever such a human trafficking assessment is conducted.

G. When conducting a human trafficking assessment pursuant to this section, the local department may interview the alleged child victim or his siblings without the consent and outside the presence of such child's or siblings' parent, guardian, legal custodian, or other person standing in loco parentis, or school personnel.

CHAPTER 780

An Act to amend and reenact §§ 37.2-800, 37.2-804.2, 37.2-805, 37.2-808 through 37.2-810, 37.2-813, 37.2-814, 37.2-816, 37.2-817, and 37.2-1104 of the Code of Virginia, relating to temporary detention; certified evaluators; report.

[S 34]

Approved April 17, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 37.2-800, 37.2-804.2, 37.2-805, 37.2-808 through 37.2-810, 37.2-813, 37.2-814, 37.2-816, 37.2-817, and 37.2-1104 of the Code of Virginia are amended and reenacted as follows:

§ 37.2-800. Applicability of chapter.

For the purposes of this chapter, whenever the term mental illness appears, it shall include substance abuse. Whenever the term responsible person appears, it shall include a family member as that term is defined in § 37.2-100, a community services board or behavioral health authority, any treating physician of the person, *a certified evaluator as defined in § 37.2-809,* or a law-enforcement officer. Whenever the term community services board or board appears, it shall include behavioral health authority.

§ 37.2-804.2. Disclosure of records.

Any health care provider, as defined in § 32.1-127.1:03, or other provider who has provided or is currently providing services to a person who is the subject of proceedings pursuant to this chapter shall, upon request, disclose to a magistrate, the court, the person's attorney, the person's guardian ad litem, the examiner identified to perform an examination pursuant to § 37.2-815, the community services board or its designee *or a certified evaluator, as defined in § 37.2-809,* performing any evaluation, preadmission screening, or monitoring duties pursuant to this chapter, or a law-enforcement officer any information that is necessary and appropriate for the performance of his duties pursuant to this chapter. Any health care provider, as defined in § 32.1-127.1:03, or other provider who has provided or is currently evaluating or providing services to a person who is the subject of proceedings pursuant to this chapter shall disclose information that may be necessary for

the treatment of such person to any other health care provider or other provider evaluating or providing services to or monitoring the treatment of the person. Health records disclosed to a law-enforcement officer shall be limited to information necessary to protect the officer, the person, or the public from physical injury or to address the health care needs of the person. Information disclosed to a law-enforcement officer shall not be used for any other purpose, disclosed to others, or retained.

Any health care provider providing services to a person who is the subject of proceedings under this chapter shall (i) inform the person that his family member or personal representative, including any agent named in an advance directive executed in accordance with the Health Care Decisions Act (§ 54.1-2981 et seq.), will be notified of information that is directly relevant to such individual's involvement with the person's health care, which may include the person's location and general condition, in accordance with subdivision D 34 of § 32.1-127.1:03, and (ii) make a reasonable effort to so notify the person's family member or personal representative, unless the provider has actual knowledge that the family member or personal representative is currently prohibited by court order from contacting the person. No health care provider shall be required to notify a person's family member or personal representative pursuant to this section if the health care provider has actual knowledge that such notice has been provided.

Any health care provider disclosing records pursuant to this section shall be immune from civil liability for any harm resulting from the disclosure, including any liability under the federal Health Insurance Portability and Accountability Act (42 U.S.C. § 1320d et seq.), as amended, unless the person or provider disclosing such records intended the harm or acted in bad faith.

§ 37.2-805. Voluntary admission.

Any state facility shall admit any person requesting admission who has been (i) screened by the community services board or behavioral health authority that serves the county or city where the person resides or, if impractical, where the person is located, *or a certified evaluator, as defined in § 37.2-809,* (ii) examined by a physician on the staff of the state facility, and (iii) deemed by the board ~~or~~*,* authority*, or certified evaluator* and the state facility physician to be in need of treatment, training, or habilitation in a state facility. Upon motion of the treating physician, a family member or personal representative of the person, or the community services board serving the county or city where the facility is located, the county or city where the person resides, or the county or city where the person receives treatment, a hearing shall be held prior to the release date of any person who has been the subject of a temporary detention order and voluntarily admitted himself in accordance with subsection B of § 37.2-814 to determine whether such person should be ordered to mandatory outpatient treatment pursuant to subsection D of § 37.2-817.01, except that such 36-month period shall not include any time during which the person was receiving inpatient psychiatric treatment or was incarcerated, as established by evidence admitted at the hearing, upon his release if such person, on at least two previous occasions within 36 months preceding the date of the hearing, has been (a) the subject of a temporary detention order and voluntarily admitted himself in accordance with subsection B of § 37.2-814 or (b) involuntarily admitted pursuant to § 37.2-817. A district court judge or special justice shall hold the hearing within 72 hours after receiving the motion for a mandatory outpatient treatment order; however, if the 72-hour period expires on a Saturday, Sunday, or legal holiday, the hearing shall be held by the close of business on the next day that is not a Saturday, Sunday, or legal holiday.

§ 37.2-808. Emergency custody; issuance and execution of order.

A. Any magistrate shall issue, upon the sworn petition of any responsible person, treating physician, or upon his own motion, or a court may issue pursuant to § 19.2-271.6, an emergency custody order when he has probable cause to believe that any person (i) has a mental illness and that there exists a substantial likelihood that, as a result of mental illness, the person will, in the near future, (a) cause serious physical harm to himself or others as evidenced by recent behavior causing, attempting, or threatening harm and other relevant information, if any, or (b) suffer serious harm due to his lack of capacity to protect himself from harm or to provide for his basic human needs, (ii) is in need of hospitalization or treatment, and (iii) is unwilling to volunteer or incapable of volunteering for hospitalization or treatment. Any emergency custody order entered pursuant to this section shall provide for the disclosure of medical records pursuant to § 37.2-804.2. This subsection shall not preclude any other disclosures as required or permitted by law.

When considering whether there is probable cause to issue an emergency custody order, the magistrate may, in addition to the petition, or the court may pursuant to § 19.2-271.6, consider (1) the recommendations of any treating or examining physician or psychologist licensed in Virginia, if available, (2) any past actions of the person, (3) any past mental health treatment of the person, (4) any relevant hearsay evidence, (5) any medical records available, (6) any affidavits submitted, if the witness is unavailable and it so states in the affidavit, and (7) any other information available that the magistrate or the court considers relevant to the determination of whether probable cause exists to issue an emergency custody order.

B. Any person for whom an emergency custody order is issued shall be taken into custody and transported to a convenient location to be evaluated to determine whether the person meets the criteria for temporary detention pursuant to § 37.2-809 and to assess the need for hospitalization or treatment. The evaluation shall be made by a person designated by the community services board *or a certified evaluator* who is skilled in the diagnosis and treatment of mental illness and who has completed a certification program approved by the Department.

C. The magistrate or court issuing an emergency custody order shall specify the primary law-enforcement agency and jurisdiction to execute the emergency custody order and provide transportation. However, the magistrate or court shall authorize transportation by an alternative transportation provider in accordance with this section, whenever an alternative transportation provider is identified to the magistrate or court, which may be a person, facility, or agency, including a family

member or friend of the person who is the subject of the order, a representative of the community services board, *or a certified evaluator,* or other transportation provider with personnel trained to provide transportation in a safe manner, upon determining, following consideration of information provided by the petitioner; the community services board or its designee *or a certified evaluator*; the local law-enforcement agency, if any; the person's treating physician, if any; or other persons who are available and have knowledge of the person, and, when the magistrate or court deems appropriate, the proposed alternative transportation provider, either in person or via two-way electronic video and audio or telephone communication system, that the proposed alternative transportation provider is available to provide transportation, willing to provide transportation, and able to provide transportation in a safe manner.

When transportation is ordered to be provided by an alternative transportation provider, the magistrate or court shall order the specified primary law-enforcement agency to execute the order, to take the person into custody, and to transfer custody of the person to the alternative transportation provider identified in the order. In such cases, a copy of the emergency custody order shall accompany the person being transported pursuant to this section at all times and shall be delivered by the alternative transportation provider to the community services board or its designee *or certified evaluator* responsible for conducting the evaluation. The community services board or its designee *or certified evaluator* conducting the evaluation shall return a copy of the emergency custody order to the court designated by the magistrate or the court that issued the emergency custody order as soon as is practicable. Delivery of an order to a law-enforcement officer or alternative transportation provider and return of an order to the court may be accomplished electronically or by facsimile.

Transportation under this section shall include transportation to a medical facility as may be necessary to obtain emergency medical evaluation or treatment that shall be conducted immediately in accordance with state and federal law. Transportation under this section shall include transportation to a medical facility for a medical evaluation if a physician at the hospital in which the person subject to the emergency custody order may be detained requires a medical evaluation prior to admission.

D. In specifying the primary law-enforcement agency and jurisdiction for purposes of this section, the magistrate or court shall order the primary law-enforcement agency from the jurisdiction served by the community services board *or certified evaluator* that designated the person to perform the evaluation required in subsection B to execute the order and, in cases in which transportation is ordered to be provided by the primary law-enforcement agency, provide transportation. If the community services board serves more than one jurisdiction, the magistrate or court shall designate the primary law-enforcement agency from the particular jurisdiction within the community services board's service area where the person who is the subject of the emergency custody order was taken into custody or, if the person has not yet been taken into custody, the primary law-enforcement agency from the jurisdiction where the person is presently located to execute the order and provide transportation.

E. The law-enforcement agency or alternative transportation provider providing transportation pursuant to this section may transfer custody of the person to the facility or location to which the person is transported for the evaluation required in subsection B, G, or H if the facility or location (i) is licensed to provide the level of security necessary to protect both the person and others from harm, (ii) is actually capable of providing the level of security necessary to protect the person and others from harm, and (iii) in cases in which transportation is provided by a law-enforcement agency, has entered into an agreement or memorandum of understanding with the law-enforcement agency setting forth the terms and conditions under which it will accept a transfer of custody, provided, however, that the facility or location may not require the law-enforcement agency to pay any fees or costs for the transfer of custody.

F. A law-enforcement officer may lawfully go or be sent beyond the territorial limits of the county, city, or town in which he serves to any point in the Commonwealth for the purpose of executing an emergency custody order pursuant to this section.

G. A law-enforcement officer who, based upon his observation or the reliable reports of others, has probable cause to believe that a person meets the criteria for emergency custody as stated in this section may take that person into custody and transport that person to an appropriate location to assess the need for hospitalization or treatment without prior authorization. A law-enforcement officer who takes a person into custody pursuant to this subsection or subsection H may lawfully go or be sent beyond the territorial limits of the county, city, or town in which he serves to any point in the Commonwealth for the purpose of obtaining the assessment. Such evaluation shall be conducted immediately. The period of custody shall not exceed eight hours from the time the law-enforcement officer takes the person into custody.

H. A law-enforcement officer who is transporting a person who has voluntarily consented to be transported to a facility for the purpose of assessment or evaluation and who is beyond the territorial limits of the county, city, or town in which he serves may take such person into custody and transport him to an appropriate location to assess the need for hospitalization or treatment without prior authorization when the law-enforcement officer determines (i) that the person has revoked consent to be transported to a facility for the purpose of assessment or evaluation, and (ii) based upon his observations, that probable cause exists to believe that the person meets the criteria for emergency custody as stated in this section. The period of custody shall not exceed eight hours from the time the law-enforcement officer takes the person into custody.

I. Nothing herein shall preclude a law-enforcement officer or alternative transportation provider from obtaining emergency medical treatment or further medical evaluation at any time for a person in his custody as provided in this section.

J. A representative of the primary law-enforcement agency specified to execute an emergency custody order or a representative of the law-enforcement agency employing a law-enforcement officer who takes a person into custody

pursuant to subsection G or H shall notify the community services board *or certified evaluator* responsible for conducting the evaluation required in subsection B, G, or H as soon as practicable after execution of the emergency custody order or after the person has been taken into custody pursuant to subsection G or H.

K. The person shall remain in custody until (i) a temporary detention order is issued in accordance with § 37.2-809, (ii) an order for temporary detention for observation, testing, or treatment is entered in accordance with § 37.2-1104, ending law enforcement custody, (iii) the person is released, or (iv) the emergency custody order expires. An emergency custody order shall be valid for a period not to exceed eight hours from the time of execution.

L. Nothing in this section shall preclude the issuance of an order for temporary detention for testing, observation, or treatment pursuant to § 37.2-1104 for a person who is also the subject of an emergency custody order issued pursuant to this section. In any case in which an order for temporary detention for testing, observation, or treatment is issued for a person who is also the subject of an emergency custody order, the person may be detained by a hospital emergency room or other appropriate facility for testing, observation, and treatment for a period not to exceed 24 hours, unless extended by the court as part of an order pursuant to § 37.2-1101, in accordance with subsection C of § 37.2-1104. Upon completion of testing, observation, or treatment pursuant to § 37.2-1104, the hospital emergency room or other appropriate facility in which the person is detained shall notify the nearest community services board *or certified evaluator*, and the designee of the community services board *or certified evaluator* shall, as soon as is practicable and prior to the expiration of the order for temporary detention issued pursuant to § 37.2-1104, conduct an evaluation of the person to determine if he meets the criteria for temporary detention pursuant to § 37.2-809.

M. Any person taken into emergency custody pursuant to this section shall be given a written summary of the emergency custody procedures and the statutory protections associated with those procedures.

N. If an emergency custody order is not executed within eight hours of its issuance, the order shall be void and shall be returned unexecuted to the office of the clerk of the issuing court or, if such office is not open, to any magistrate serving the jurisdiction of the issuing court.

O. In addition to the eight-hour period of emergency custody set forth in subsection G, H, or K, if the individual is detained in a state facility pursuant to subsection E of § 37.2-809, the state facility and an employee or designee of the community services board as defined in § 37.2-809 *or certified evaluator* may, for an additional four hours, continue to attempt to identify an alternative facility that is able and willing to provide temporary detention and appropriate care to the individual.

P. Payments shall be made pursuant to § 37.2-804 to licensed health care providers for medical screening and assessment services provided to persons with mental illnesses while in emergency custody.

Q. An employee or contractor of an entity providing alternative transportation services pursuant to a contract with the Department who has completed training approved by the Department in the proper and safe use of restraint may use restraint (i) if restraint is necessary to ensure the safety of the person or others or prevent escape and (ii) if less restrictive techniques have been determined to be ineffective to protect the person or others from harm or to prevent escape.

R. No person who provides alternative transportation pursuant to this section shall be liable to the person being transported for any civil damages for ordinary negligence in acts or omissions that result from providing such alternative transportation.

S. For purposes of this section:

"Certified evaluator" means the same as that term is defined in § 37.2-809.

"Law-enforcement agency" includes an auxiliary police force established pursuant to § 15.2-1731.

"Law-enforcement officer" includes an auxiliary police officer appointed or provided for pursuant to §§ 15.2-1731 and 15.2-1733, except for the purposes of subsection G.

§ 37.2-809. Involuntary temporary detention; issuance and execution of order.

A. For the purposes of this section:

"Certified evaluator" means (i) an individual with an educational attainment of a master's or doctoral degree with an associated professional license; (ii) a licensed professional counselor, licensed clinical social worker, licensed marriage and family therapist, licensed clinical psychologist, or psychiatrist; or (iii) a licensed psychiatric nurse practitioner, psychiatric physician assistant, psychiatric clinical nurse specialist, doctor of medicine, or doctor of osteopathy, who are not emergency department providers. A certified evaluator shall (a) be employed or contracted by a hospital with a psychiatric emergency department in the City of Hampton; (b) be skilled in the assessment and treatment of mental illness; (c) have completed a training and certification program approved by the Department; (d) have received a prescreener orientation presentation developed by the Department in consultation with the Virginia Association of Community Services Boards, which shall include information on determining the least restrictive treatment available for the person being evaluated pursuant to subsection G of § 37.2-817.01; (e) be able to provide an independent examination of the person; (f) not be related by blood or marriage to the person being evaluated; (g) have no financial interest in the admission, treatment, or denial of admission of the person being evaluated; (h) have no investment interest in the facility detaining or admitting the person under this article; and (i) only be permitted to conduct in-person evaluations on site at participating hospitals.

"Designee of the local community services board" means an examiner designated by the local community services board who (i) is skilled in the assessment and treatment of mental illness, (ii) has completed a certification program approved by the Department, (iii) is able to provide an independent examination of the person, (iv) is not related by blood or

marriage to the person being evaluated, (v) has no financial interest in the admission or treatment of the person being evaluated, (vi) has no investment interest in the facility detaining or admitting the person under this article, and (vii) except for employees of state hospitals and of the U.S. Department of Veterans Affairs, is not employed by the facility.

"Employee" means an employee of the local community services board who is skilled in the assessment and treatment of mental illness and has completed a certification program approved by the Department.

"Investment interest" means the ownership or holding of an equity or debt security, including shares of stock in a corporation, interests or units of a partnership, bonds, debentures, notes, or other equity or debt instruments.

"Psychiatric emergency department" means a facility that (i) is a separate and secure environment operating under the authority of a hospital with emergency department services licensed by the Department of Health, (ii) provides immediate access to psychiatric and psychological care, (iii) is adjacent to a facility licensed by the Department, and (iv) provides medical care, case management, discharge planning, and bridge psychiatric services post-discharge as needed.

B. A magistrate shall issue, upon the sworn petition of any responsible person, treating physician, or upon his own motion and only after an evaluation conducted in-person or by means of a two-way electronic video and audio communication system as authorized in § 37.2-804.1 by an employee or a designee of the local community services board *or after an in-person evaluation conducted by a certified evaluator* to determine whether the person meets the criteria for temporary detention, a temporary detention order if it appears from all evidence readily available, including any recommendation from a physician, clinical psychologist, clinical social worker, or licensed professional counselor treating the person, that the person (i) has a mental illness and that there exists a substantial likelihood that, as a result of mental illness, the person will, in the near future, (a) cause serious physical harm to himself or others as evidenced by recent behavior causing, attempting, or threatening harm and other relevant information, if any, or (b) suffer serious harm due to his lack of capacity to protect himself from harm or to provide for his basic human needs; (ii) is in need of hospitalization or treatment; and (iii) is unwilling to volunteer or incapable of volunteering for hospitalization or treatment. The magistrate shall also consider, if available, (a) information provided by the person who initiated emergency custody and (b) the recommendations of any treating or examining physician licensed in Virginia either verbally or in writing prior to rendering a decision. Any temporary detention order entered pursuant to this section shall provide for the disclosure of medical records pursuant to § 37.2-804.2. This subsection shall not preclude any other disclosures as required or permitted by law.

C. When considering whether there is probable cause to issue a temporary detention order, the magistrate may, in addition to the petition, consider (i) the recommendations of any treating or examining physician, psychologist, clinical social worker, or licensed professional counselor licensed in Virginia, if available, (ii) any past actions of the person, (iii) any past mental health treatment of the person, (iv) any relevant hearsay evidence, (v) any medical records available, (vi) any affidavits submitted, if the witness is unavailable and it so states in the affidavit, and (vii) any other information available that the magistrate considers relevant to the determination of whether probable cause exists to issue a temporary detention order.

D. A magistrate may issue a temporary detention order without an emergency custody order proceeding. A magistrate may issue a temporary detention order without a prior evaluation pursuant to subsection B if (i) the person has been personally examined within the previous 72 hours by an employee or a designee of the local community services board *or a certified evaluator* or (ii) there is a significant physical, psychological, or medical risk to the person or to others associated with conducting such evaluation.

E. An employee or a designee of the local community services board *or a certified evaluator* shall determine the facility of temporary detention in accordance with the provisions of § 37.2-809.1 for all persons detained pursuant to this section. An employee or designee of the local community services board *or a certified evaluator* may change the facility of temporary detention and may designate an alternative facility for temporary detention at any point during the period of temporary detention if it is determined that the alternative facility is a more appropriate facility for temporary detention of the person given the specific security, medical, or behavioral health needs of the person. In cases in which the facility of temporary detention is changed following transfer of custody to an initial facility of temporary custody, transportation of the person to the alternative facility of temporary detention shall be provided in accordance with the provisions of § 37.2-810. The initial facility of temporary detention shall be identified on the preadmission screening report and indicated on the temporary detention order; however, if an employee or designee of the local community services board *or the certified evaluator* designates an alternative facility, that employee or designee *or certified evaluator* shall provide written notice forthwith, on a form developed by the Executive Secretary of the Supreme Court of Virginia, to the clerk of the issuing court of the name and address of the alternative facility. Subject to the provisions of § 37.2-809.1, if a facility of temporary detention cannot be identified by the time of the expiration of the period of emergency custody pursuant to § 37.2-808, the person shall be detained in a state facility for the treatment of persons with mental illness and such facility shall be indicated on the temporary detention order. Except as provided in § 37.2-811 for inmates requiring hospitalization in accordance with subdivision A 2 of § 19.2-169.6, the person shall not be detained in a jail or other place of confinement for persons charged with criminal offenses. Except as provided in § 37.2-811 for inmates requiring hospitalization in accordance with subdivision A 2 of § 19.2-169.6 or in subsection C of § 37.2-813 for persons prior to transfer to the facility of temporary detention, the person shall remain in the custody of law enforcement until either (i) the person is detained within a secure facility or (ii) custody has been accepted by the appropriate personnel designated by either the initial facility of temporary detention identified in the temporary detention order or by the alternative facility of temporary detention designated by the employee or designee of the local community services board *or the certified evaluator* pursuant to this subsection. The

person detained or in custody pursuant to this section shall be given a written summary of the temporary detention procedures and the statutory protections associated with those procedures.

F. Any facility caring for a person placed with it pursuant to a temporary detention order is authorized to provide emergency medical and psychiatric services within its capabilities when the facility determines that the services are in the best interests of the person within its care. The costs incurred as a result of the hearings and by the facility in providing services during the period of temporary detention shall be paid and recovered pursuant to § 37.2-804. The maximum costs reimbursable by the Commonwealth pursuant to this section shall be established by the State Board of Medical Assistance Services based on reasonable criteria. The State Board of Medical Assistance Services shall, by regulation, establish a reasonable rate per day of inpatient care for temporary detention.

G. The employee or the designee of the local community services board *or the certified evaluator* who is conducting the evaluation pursuant to this section shall determine, prior to the issuance of the temporary detention order, the insurance status of the person. Where coverage by a third party payor exists, the facility seeking reimbursement under this section shall first seek reimbursement from the third party payor. The Commonwealth shall reimburse the facility only for the balance of costs remaining after the allowances covered by the third party payor have been received.

H. The duration of temporary detention shall be sufficient to allow for completion of the examination required by § 37.2-815, preparation of the preadmission screening report required by § 37.2-816, and initiation of mental health treatment to stabilize the person's psychiatric condition to avoid involuntary commitment where possible, but shall not exceed 72 hours prior to a hearing. If the 72-hour period herein specified terminates on a Saturday, Sunday, legal holiday, or, if the individual has been admitted to a facility of temporary detention, day or part of a day on which the clerk's office is lawfully closed, the person may be detained, as herein provided, until the close of business on the next day that is not a Saturday, Sunday, legal holiday, or, if the individual has been admitted to a facility of temporary detention, day or part of a day on which the clerk's office is lawfully closed. The person may be released, pursuant to § 37.2-813, before the 72-hour period herein specified has run.

I. If a temporary detention order is not executed within 24 hours of its issuance, or within a shorter period as is specified in the order, the order shall be void and shall be returned unexecuted to the office of the clerk of the issuing court or, if the office is not open, to any magistrate serving the jurisdiction of the issuing court. Subsequent orders may be issued upon the original petition within 96 hours after the petition is filed. However, a magistrate must again obtain the advice of an employee or a designee of the local community services board *or a certified evaluator* prior to issuing a subsequent order upon the original petition. Any petition for which no temporary detention order or other process in connection therewith is served on the subject of the petition within 96 hours after the petition is filed shall be void and shall be returned to the office of the clerk of the issuing court.

J. The Executive Secretary of the Supreme Court of Virginia shall establish and require that a magistrate, as provided by this section, be available seven days a week, 24 hours a day, for the purpose of performing the duties established by this section. Each community services board shall provide to each general district court and magistrate's office within its service area a list of its employees and designees who are available to perform the evaluations required herein. *The employer of any certified evaluator shall provide to each general district court and magistrate's office within its service area a list of its employees and designees who are available to perform the evaluations required herein.*

K. For purposes of this section, a health care provider*, including any certified evaluator* or designee of a local community services board or behavioral health authority*,* shall not be required to encrypt any email containing information or medical records provided to a magistrate unless there is reason to believe that a third party will attempt to intercept the email.

L. If the employee or designee of the community services board *or the certified evaluator* who is conducting the evaluation pursuant to this section recommends that the person should not be subject to a temporary detention order, such employee or designee *or certified evaluator* shall (i) inform the petitioner, the person who initiated emergency custody if such person is present, and an onsite treating physician of his recommendation; (ii) promptly inform such person who initiated emergency custody that the community services board *or certified evaluator* will facilitate communication between the person and the magistrate if the person disagrees with recommendations of the employee or designee of the community services board *or certified evaluator* who conducted the evaluation and the person who initiated emergency custody so requests; and (iii) upon prompt request made by the person who initiated emergency custody, arrange for such person who initiated emergency custody to communicate with the magistrate as soon as is practicable and prior to the expiration of the period of emergency custody. The magistrate shall consider any information provided by the person who initiated emergency custody and any recommendations of the treating or examining physician and the employee or designee of the community services board *or certified evaluator* who conducted the evaluation and consider such information and recommendations in accordance with subsection B in making his determination to issue a temporary detention order. The person who is the subject of emergency custody shall remain in the custody of law enforcement or a designee of law enforcement and shall not be released from emergency custody until communication with the magistrate pursuant to this subsection has concluded and the magistrate has made a determination regarding issuance of a temporary detention order.

M. For purposes of this section, "person who initiated emergency custody" means any person who initiated the issuance of an emergency custody order pursuant to § 37.2-808 or a law-enforcement officer who takes a person into custody pursuant to subsection G of § 37.2-808.

N. In any case in which a person subject to an evaluation pursuant to this section is receiving services in a hospital emergency department, the treating physician or his designee and the employee or designee of the local community services board *or certified evaluator* shall disclose to each other relevant information pertaining to the individual's treatment in the emergency department.

§ 37.2-809.1. Facility of temporary detention.

A. In each case in which an employee or designee of the local community services board *or certified evaluator* as defined in § 37.2-809 is required to make an evaluation of an individual pursuant to subsection B, G, or H of § 37.2-808, an employee or designee of the local community services board *or certified evaluator* shall, upon being notified of the need for such evaluation, contact the state facility for the area in which the community services board is located and notify the state facility that the individual will be transported to the facility upon issuance of a temporary detention order if no other facility of temporary detention can be identified by the time of the expiration of the period of emergency custody pursuant to § 37.2-808. Upon completion of the evaluation, the employee or designee of the local community services board *or certified evaluator* shall convey to the state facility information about the individual necessary to allow the state facility to determine the services the individual will require upon admission.

B. A state facility may, following the notice in accordance with subsection A, conduct a search for an alternative facility that is able and willing to provide temporary detention and appropriate care to the individual, which may include another state facility if the state facility notified in accordance with subsection A is unable to provide temporary detention and appropriate care for the individual. Under no circumstances shall a state facility fail or refuse to admit an individual who meets the criteria for temporary detention pursuant to § 37.2-809 unless an alternative facility that is able to provide temporary detention and appropriate care agrees to accept the individual for temporary detention and the individual shall not during the duration of the temporary detention order be released from custody except for purposes of transporting the individual to the state facility or alternative facility in accordance with the provisions of § 37.2-810. If an alternative facility is identified and agrees to accept the individual for temporary detention, the state facility shall notify the community services board *or certified evaluator*, and an employee or designee of the community services board *or certified evaluator* shall designate the alternative facility on the prescreening report.

C. A state facility may conduct a search for an alternative facility that is able and willing to provide temporary detention and appropriate care to the individual in accordance with subsection B if the individual is in the custody of an alternative transportation provider.

D. The facility of temporary detention designated in accordance with this section shall be one that has been approved pursuant to regulations of the Board.

§ 37.2-810. Transportation of person in the temporary detention process.

A. In specifying the primary law-enforcement agency and jurisdiction for purposes of this section, the magistrate shall specify in the temporary detention order the law-enforcement agency of the jurisdiction in which the person resides, or any other willing law-enforcement agency that has agreed to provide transportation, to execute the order and, in cases in which transportation is ordered to be provided by the primary law-enforcement agency, provide transportation. However, if the nearest boundary of the jurisdiction in which the person resides is more than 50 miles from the nearest boundary of the jurisdiction in which the person is located, the law-enforcement agency of the jurisdiction in which the person is located shall execute the order and provide transportation.

B. The magistrate issuing the temporary detention order shall (i) specify the law-enforcement agency to execute the order and (ii) designate a transportation provider. In determining the transportation provider, the magistrate shall authorize transportation by an alternative transportation provider in accordance with this section, whenever an alternative transportation provider is identified to the magistrate, which may be a person, facility, or agency, including a family member or friend of the person who is the subject of the temporary detention order, a representative of the community services board, *a certified evaluator,* an employee of or person providing services pursuant to a contract with the Department, or other transportation provider with personnel trained to provide transportation in a safe manner. Upon determining, following consideration of information provided by the petitioner; the community services board or its designee; *the certified evaluator;* the local law-enforcement agency, if any; the person's treating physician, if any; or other persons who are available and have knowledge of the person, and, when the magistrate deems appropriate, the proposed alternative transportation provider, either in person or via two-way electronic video and audio or telephone communication system, that an alternative transportation provider is available to provide transportation, willing to provide transportation, and able to provide transportation in a safe manner, the magistrate shall designate such alternative transportation provider to provide transportation of the person. If no alternative transportation provider is available to provide transportation, willing to provide transportation, and able to provide transportation in a safe manner, the magistrate shall designate the primary law-enforcement agency and jurisdiction designated to execute the temporary detention order to provide transportation of the person.

When transportation is ordered to be provided by an alternative transportation provider, the magistrate shall order the specified law-enforcement agency to execute the order, to take the person into custody, and to transfer custody of the person to the alternative transportation provider identified in the order. The primary law-enforcement agency may transfer custody of the person to the alternative transportation provider immediately upon execution of the temporary detention order based on the availability of alternative transportation providers. The alternative transportation provider shall maintain custody of the person from the time custody is transferred to the alternative transportation provider by the primary law-enforcement

agency until such time as custody of the person is transferred to the temporary detention facility, including during any period prior to the initiation of transportation of the person from the facility to which he was transported pursuant to § 37.2-808 and while transportation is being provided pursuant to this section.

In such cases, a copy of the temporary detention order shall accompany the person being transported pursuant to this section at all times and shall be delivered by the alternative transportation provider to the temporary detention facility. The temporary detention facility shall return a copy of the temporary detention order to the court designated by the magistrate as soon as is practicable. Delivery of an order to a law-enforcement officer or alternative transportation provider and return of an order to the court may be accomplished electronically or by facsimile.

The order may include transportation of the person to such other medical facility as may be necessary to obtain further medical evaluation or treatment prior to placement as required by a physician at the admitting temporary detention facility. Nothing herein shall preclude a law-enforcement officer or alternative transportation provider from obtaining emergency medical treatment or further medical evaluation at any time for a person in his custody as provided in this section. Such medical evaluation or treatment shall be conducted immediately in accordance with state and federal law.

C. If an alternative transportation provider providing transportation or maintaining custody of a person who is the subject of a temporary detention order becomes unable to continue providing transportation or maintaining custody of the person at any time after taking custody of the person, the primary law-enforcement agency for the jurisdiction in which the alternative transportation provider is located at the time he becomes unable to continue providing transportation or maintaining custody shall take custody of the person and shall transport the person to the facility of temporary detention. In such cases, a copy of the temporary detention order shall accompany the person being transported and shall be delivered to and returned by the temporary detention facility in accordance with the provisions of subsection B.

D. In cases in which an alternative facility of temporary detention is identified and the law-enforcement agency or alternative transportation provider identified to provide transportation in accordance with subsection B continues to have custody of the person, the local law-enforcement agency or alternative transportation provider shall transport the person to the alternative facility of temporary detention identified by the employee or designee of the community services board *or certified evaluator*. In cases in which an alternative facility of temporary detention is identified and custody of the person has been transferred from the law-enforcement agency or alternative transportation provider that provided transportation in accordance with subsection B to the initial facility of temporary detention, the employee or designee of the community services board *or certified evaluator* shall request, and a magistrate may enter an order specifying, an alternative transportation provider or, if no alternative transportation provider is available, willing, and able to provide transportation in a safe manner, the local law-enforcement agency for the jurisdiction in which the person resides or, if the nearest boundary of the jurisdiction in which the person resides is more than 50 miles from the nearest boundary of the jurisdiction in which the person is located, the law-enforcement agency of the jurisdiction in which the person is located, to provide transportation.

E. The magistrate may change the transportation provider specified in a temporary detention order at any time prior to the initiation of transportation of a person who is the subject of a temporary detention order pursuant to this section. If the designated transportation provider is changed by the magistrate at any time after the temporary detention order has been executed but prior to the initiation of transportation, the transportation provider having custody of the person shall transfer custody of the person to the transportation provider subsequently specified to provide transportation. For the purposes of this subsection, "transportation provider" includes both a law-enforcement agency and an alternative transportation provider.

F. A law-enforcement officer may lawfully go to or be sent beyond the territorial limits of the county, city, or town in which he serves to any point in the Commonwealth for the purpose of executing any temporary detention order pursuant to this section. Law-enforcement agencies may enter into agreements to facilitate the execution of temporary detention orders and provide transportation.

G. An employee or contractor of an entity providing alternative transportation services pursuant to a contract with the Department who has completed training approved by the Department in the proper and safe use of restraint may use restraint (i) if restraint is necessary to ensure the safety of the person or others or prevent escape and (ii) if less restrictive techniques have been determined to be ineffective to protect the person or others from harm or to prevent escape.

H. No person who provides alternative transportation pursuant to this section shall be liable to the person being transported for any civil damages for ordinary negligence in acts or omissions that result from providing such alternative transportation.

I. For purposes of this section:

"Certified evaluator" means the same as that term is defined in § 37.2-809.

"Law-enforcement agency" includes an auxiliary police force established pursuant to § 15.2-1731.

"Law-enforcement officer" includes an auxiliary police officer appointed or provided for pursuant to §§ 15.2-1731 and 15.2-1733.

§ 37.2-813. Release of person prior to commitment hearing for involuntary admission.

A. Prior to a hearing as authorized in §§ 37.2-814 through 37.2-819, the district court judge or special justice may release the person on his personal recognizance or bond set by the district court judge or special justice if it appears from all evidence readily available that the person does not meet the commitment criteria specified in subsection C of § 37.2-817.

B. The director of any facility in which the person is detained*, as long as such director is not the person's certified evaluator,* may release the person prior to a hearing as authorized in §§ 37.2-814 through 37.2-819 if it appears, based on an evaluation conducted by the psychiatrist or clinical psychologist treating the person, that the person would not meet the commitment criteria specified in subsection C of § 37.2-817 if released.

C. For any person under a temporary detention order pursuant to § 37.2-809, prior to transport to the facility of temporary detention, the director of the facility in which the person is located*, as long as such director is not the person's certified evaluator,* may release the person if an employee or a designee of the local community services board *or certified evaluator*, as those terms are defined in § 37.2-809, in consultation with the person's treating physician, (i) conducts an evaluation of the person, (ii) determines that the person no longer meets the commitment criteria specified in subsection C of § 37.2-817, (iii) authorizes the release of the person, and (iv) provides a discharge plan.

D. For the purposes of this section, "certified evaluator" means the same as that term is defined in § 37.2-809.

§ 37.2-814. Commitment hearing for involuntary admission; written explanation; right to counsel; rights of petitioner.

A. The commitment hearing for involuntary admission shall be held after a sufficient period of time has passed to allow for completion of the examination required by § 37.2-815, preparation of the preadmission screening report required by § 37.2-816, and initiation of mental health treatment to stabilize the person's psychiatric condition to avoid involuntary commitment where possible, but shall be held within 72 hours of the execution of the temporary detention order as provided for in § 37.2-809; however, if the 72-hour period herein specified terminates on a Saturday, Sunday, legal holiday, or day on which the court is lawfully closed, the person may be detained, as herein provided, until the close of business on the next day that is not a Saturday, Sunday, legal holiday, or day on which the court is lawfully closed.

B. At the commencement of the commitment hearing, the district court judge or special justice shall inform the person whose involuntary admission is being sought of his right to apply for voluntary admission for inpatient treatment as provided for in § 37.2-805 and shall afford the person an opportunity for voluntary admission. The district court judge or special justice shall advise the person whose involuntary admission is being sought that if the person chooses to be voluntarily admitted pursuant to § 37.2-805, such person will be prohibited from possessing, purchasing, or transporting a firearm pursuant to § 18.2-308.1:3. The judge or special justice shall ascertain if the person is then willing and capable of seeking voluntary admission for inpatient treatment. In determining whether a person is capable of consenting to voluntary admission, the judge or special justice may consider evidence regarding the person's past compliance or noncompliance with treatment. If the judge or special justice finds that the person is capable and willingly accepts voluntary admission for inpatient treatment, the judge or special justice shall require him to accept voluntary admission for a minimum period of treatment not to exceed 72 hours. After such minimum period of treatment, the person shall give the facility 48 hours' notice prior to leaving the facility. During this notice period, the person shall not be discharged except as provided in § 37.2-837, 37.2-838, or 37.2-840. The person shall be subject to the transportation provisions as provided in § 37.2-829 and the requirement for preadmission screening by a community services board *or certified evaluator* as provided in § 37.2-805.

C. If a person is incapable of accepting or unwilling to accept voluntary admission and treatment, the judge or special justice shall inform the person of his right to a commitment hearing and right to counsel. The judge or special justice shall ascertain if the person whose admission is sought is represented by counsel, and, if he is not represented by counsel, the judge or special justice shall appoint an attorney to represent him. However, if the person requests an opportunity to employ counsel, the judge or special justice shall give him a reasonable opportunity to employ counsel at his own expense.

D. A written explanation of the involuntary admission process and the statutory protections associated with the process shall be given to the person, and its contents shall be explained by an attorney prior to the commitment hearing. The written explanation shall describe, at a minimum, the person's rights to (i) retain private counsel or be represented by a court-appointed attorney, (ii) present any defenses including independent evaluation and expert testimony or the testimony of other witnesses, (iii) be present during the hearing and testify, (iv) appeal any order for involuntary admission to the circuit court, and (v) have a jury trial on appeal. The judge or special justice shall ascertain whether the person whose involuntary admission is sought has been given the written explanation required herein.

E. To the extent possible, during or before the commitment hearing, the attorney for the person whose involuntary admission is sought shall interview his client, the petitioner, the examiner described in § 37.2-815, the community services board staff *or certified evaluator*, and any other material witnesses. He also shall examine all relevant diagnostic and other reports, present evidence and witnesses, if any, on his client's behalf, and otherwise actively represent his client in the proceedings. A health care provider shall disclose or make available all such reports, treatment information, and records concerning his client to the attorney, upon request. The role of the attorney shall be to represent the wishes of his client, to the extent possible.

F. The petitioner shall be given adequate notice of the place, date, and time of the commitment hearing. The petitioner shall be entitled to retain counsel at his own expense, to be present during the hearing, and to testify and present evidence. The petitioner shall be encouraged but shall not be required to testify at the hearing, and the person whose involuntary admission is sought shall not be released solely on the basis of the petitioner's failure to attend or testify during the hearing.

G. For the purposes of this section, "certified evaluator" means the same as that term is defined in § 37.2-809.

§ 37.2-816. Commitment hearing for involuntary admission; preadmission screening report.

The district court judge or special justice shall require a preadmission screening report from the community services board that serves the county or city where the person resides or, if impractical, where the person is located *or from the*

certified evaluator as defined in § 37.2-809. The report shall be admitted as evidence of the facts stated therein and shall state (i) whether the person has a mental illness and whether there exists a substantial likelihood that, as a result of mental illness, the person will, in the near future, (a) cause serious physical harm to himself or others as evidenced by recent behavior causing, attempting, or threatening harm and other relevant information, if any, or (b) suffer serious harm due to his lack of capacity to protect himself from harm or to provide for his basic human needs, (ii) whether the person is in need of involuntary inpatient treatment, (iii) whether there is no less restrictive alternative to inpatient treatment, and (iv) the recommendations for that person's placement, care, and treatment including, where appropriate, recommendations for mandatory outpatient treatment. The board *or the certified evaluator* shall provide the preadmission screening report to the court prior to the hearing, and the report shall be admitted into evidence and made part of the record of the case. In the case of a person who has been sentenced and committed to the Department of Corrections and who has been examined by a psychiatrist or clinical psychologist, the judge or special justice may proceed to adjudicate whether the person has mental illness and should be involuntarily admitted without requesting a preadmission screening report from the community services board.

§ 37.2-817. Involuntary admission.

A. The district court judge or special justice shall render a decision on the petition for involuntary admission after the appointed examiner has presented the report required by § 37.2-815, and after the community services board that serves the county or city where the person resides or, if impractical, where the person is located *or certified evaluator* has presented a preadmission screening report with recommendations for that person's placement, care, and treatment pursuant to § 37.2-816. These reports, if not contested, may constitute sufficient evidence upon which the district court judge or special justice may base his decision. The examiner, if not physically present at the hearing, and the treating physician at the facility of temporary detention shall be available whenever possible for questioning during the hearing through a two-way electronic video and audio or telephonic communication system as authorized in § 37.2-804.1.

B. Any employee or designee of the local community services board, as defined in § 37.2-809, representing the community services board *or certified evaluator* that prepared the preadmission screening report shall attend the hearing in person or, if physical attendance is not practicable, shall participate in the hearing through a two-way electronic video and audio or telephonic communication system as authorized in § 37.2-804.1. Where a hearing is held outside of the service area of the community services board that prepared the preadmission screening report, and it is not practicable for a representative of the community services board that prepared the preadmission screening report to attend or participate in the hearing, arrangements shall be made by the community services board that prepared the preadmission screening report for an employee or designee of the community services board serving the area in which the hearing is held to attend or participate on behalf of the community services board that prepared the preadmission screening report. The employee or designee of the local community services board, as defined in § 37.2-809, representing the community services board that prepared the preadmission screening report or attending or participating on behalf of the community services board that prepared the preadmission screening report *or the certified evaluator* shall not be excluded from the hearing pursuant to an order of sequestration of witnesses. The community services board that prepared the preadmission screening report *or the certified evaluator* shall remain responsible for the person subject to the hearing and, prior to the hearing, shall send the preadmission screening report through certified mail, personal delivery, facsimile with return receipt acknowledged, or other electronic means with documented acknowledgment of receipt to the community services board attending the hearing. Where a community services board attends the hearing on behalf of the community services board that prepared the preadmission screening report, the attending community services board shall inform the community services board that prepared the preadmission screening report of the disposition of the matter upon the conclusion of the hearing. In addition, the attending community services board shall transmit the disposition through certified mail, personal delivery, facsimile with return receipt acknowledged, or other electronic means with documented acknowledgment of receipt.

At least 12 hours prior to the hearing, the court shall provide to the community services board *or certified evaluator* that prepared the preadmission screening report the time and location of the hearing. If the representative of the community services board *or certified evaluator* that prepared the preadmission screening report will be present by telephonic means, the court shall provide the telephone number to the community services board *or certified evaluator*. If a representative of a community services board will be attending the hearing on behalf of the community services board that prepared the preadmission screening report, the community services board that prepared the preadmission screening report shall promptly communicate the time and location of the hearing and, if the representative of the community services board attending on behalf of the community services board that prepared the preadmission screening report will be present by telephonic means, the telephone number to the attending community services board.

C. After observing the person and considering (i) the recommendations of any treating or examining physician or psychologist licensed in Virginia, if available, (ii) any past actions of the person, (iii) any past mental health treatment of the person, (iv) any examiner's certification, (v) any health records available, (vi) the preadmission screening report, and (vii) any other relevant evidence that may have been admitted, including whether the person recently has been found unrestorably incompetent to stand trial after a hearing held pursuant to subsection E of § 19.2-169.1, if the judge or special justice finds by clear and convincing evidence that (a) the person has a mental illness and there is a substantial likelihood that, as a result of mental illness, the person will, in the near future, (1) cause serious physical harm to himself or others as evidenced by recent behavior causing, attempting, or threatening harm and other relevant information, if any, or (2) suffer serious harm due to his lack of capacity to protect himself from harm or to provide for his basic human needs, and (b) all

available less restrictive treatment alternatives to involuntary inpatient treatment that would offer an opportunity for the improvement of the person's condition have been investigated and determined to be inappropriate, the judge or special justice shall by written order and specific findings so certify and order that the person be admitted involuntarily to a facility for a period of treatment not to exceed 30 days from the date of the court order. Such involuntary admission shall be to a facility designated by the community services board that serves the county or city in which the person was examined *or by the certified evaluator* as provided in § 37.2-816. If the community services board *or the certified evaluator* does not designate a facility at the commitment hearing, the person shall be involuntarily admitted to a facility designated by the Commissioner. Upon the expiration of an order for involuntary admission, the person shall be released unless (A) he is involuntarily admitted by further petition and order of a court, which shall be for a period not to exceed 180 days from the date of the subsequent court order, (B) he makes application for treatment on a voluntary basis as provided for in § 37.2-805, or (C) he is ordered to mandatory outpatient treatment following a period of inpatient treatment pursuant to § 37.2-817.01.

D. For the purposes of this section, "certified evaluator" means the same as that term is defined in § 37.2-809.

§ 37.2-1104. Temporary detention in hospital for testing, observation, or treatment.

A. The court or, if the court is unavailable, a magistrate serving the jurisdiction where the respondent is located may, with the advice of a licensed physician who has attempted to obtain informed consent of an adult person to treatment of a mental or physical condition, issue an order authorizing temporary detention of the adult person in a hospital emergency department or other appropriate facility for testing, observation, or treatment upon a finding that (i) probable cause exists to believe the person is incapable of making or communicating an informed decision regarding treatment of a physical or mental condition due to a mental or physical condition, including intoxication and (ii) the medical standard of care calls for observation, testing, or treatment within the next 24 hours to prevent injury, disability, death, or other harm to the person resulting from such mental or physical condition.

B. When a mental or physical condition to be treated appears to be a result of intoxication, a licensed physician who has attempted to obtain informed consent of an adult person for treatment of such mental or physical condition appearing to be a result of intoxication may seek an order from the magistrate or court in the jurisdiction where the respondent is located authorizing temporary detention of the adult person in a hospital emergency department or other appropriate facility for testing, observation, or treatment upon a finding that (i) probable cause exists to believe the person's intoxication has rendered the person incapable of making or communicating an informed decision regarding treatment and (ii) the medical standard of care calls for observation, testing, or treatment within the next 24 hours to prevent injury, disability, death, or other harm to the person or another person resulting from such intoxication.

C. The duration of temporary detention pursuant to this section shall not exceed 24 hours, unless extended by the court as part of an order authorizing treatment under § 37.2-1101. If, before completion of authorized testing, observation, or treatment, the physician determines that a person subject to an order under this subsection has become capable of making and communicating an informed decision, the physician shall rely on the person's decision on whether to consent to further testing, observation, or treatment. If, before issuance of an order under this subsection or during its period of effectiveness, the physician learns of an objection by a member of the person's immediate family to the testing, observation, or treatment, he shall so notify the court or magistrate, who shall consider the objection in determining whether to issue, modify, or terminate the order.

D. A court or, if the court is unavailable or pursuant to subsection B, a magistrate serving the jurisdiction may issue an order authorizing temporary detention for testing, observation, or treatment for a person who is also the subject of an emergency custody order issued pursuant to § 37.2-808, if such person meets the criteria set forth in subsection A or B. In any case in which an order for temporary detention for testing, observation, or treatment is issued for a person who is also the subject of an emergency custody order pursuant to § 37.2-808, the hospital emergency room or other appropriate facility in which the person is detained for testing, observation, or treatment shall notify the nearest community services board when such testing, observation, or treatment is complete, and the designee of the community services board *or certified evaluator, as defined in § 37.2-809,* shall, as soon as is practicable and prior to the expiration of the order for temporary detention issued pursuant to subsection A or B, conduct an evaluation of the person to determine if he meets the criteria for temporary detention pursuant to § 37.2-809.

2. That at the end of each calendar year, participating hospitals with psychiatric emergency departments in the City of Hampton shall report to the Chairmen of the Senate Committees on Education and Health and Finance and Appropriations, the House Committees on Appropriations and Health and Human Services, and the Behavioral Health Commission and the Commissioner of Behavioral Health and Developmental Services the following information: (i) the length of time between when a person who is the subject of an emergency custody order pursuant to § 37.2-808 of the Code of Virginia, as amended by this act, arrives at the psychiatric emergency department of a participating hospital and when the temporary detention order evaluation is completed and (ii) the number of (a) admissions, (b) psychiatric emergency department visits, (c) temporary detention order evaluations completed, (d) temporary detention orders executed, (e) individuals under temporary detention admitted to the participating hospital, and (f) individuals transferred from the psychiatric emergency department of the participating hospital to a state facility.

3. That participating hospitals with psychiatric emergency departments in the City of Hampton shall report monthly to the Commissioner of Behavioral Health and Developmental Services the number of (i) crisis evaluations

conducted each month; (ii) temporary detention orders executed as a result of such evaluations and the percentage of evaluations such temporary detention orders represent by payor type; (iii) reportable events associated with such temporary detention orders and the percentage of temporary detention orders that such reportable events represent; (iv) reportable events (a) involving loss of custody, (b) with and without an emergency custody order, (c) with a temporary detention order executed subsequently, (d) in which the individual subsequently became engaged in outpatient treatment, (e) in which the individual did not become engaged in treatment services, and (f) involving medical treatment; and (v) other events. Such participating hospitals shall include in their monthly report the facility where each patient, classified by payor type, is placed for any temporary detention order that is executed based on their evaluation.

4. That the Department of Behavioral Health and Developmental Services shall submit by December 15, 2024, to the Chairmen of the Senate Committees on Education and Health and Finance and Appropriations and the House Committees on Appropriations and Health and Human Services an interim report on the implementation of the provisions of this act and the impact of this act on the state hospital census.

5. That the Department of Behavioral Health and Developmental Services shall submit by October 1, 2026, to the Senate Committee on Education and Health and the House Committee on Health and Human Services an evaluation of the overall effectiveness of certified evaluators conducting temporary detention order evaluations in lieu of employees or designees of the local community services board pursuant to this act.

6. That pursuant to the provisions of this act, a certified evaluator shall conduct the temporary detention order evaluation in lieu of an employee or designee of the local community services board if the person subject to the temporary detention order evaluation is located in a hospital with a psychiatric emergency department in the City of Hampton.

7. That participating hospitals with psychiatric emergency departments in the City of Hampton shall be responsible for all costs associated with the hiring, training, and supervision of the certified evaluators, including salary, fringe benefits, and overhead costs.

8. That the provisions of this act shall expire on July 1, 2026.

CHAPTER 781

An Act to amend and reenact §§ 8.01-66.1, as it shall become effective, and 38.2-2206 of the Code of Virginia, relating to remedies for bad faith refusal of motor vehicle insurance claims.

[S 256]

Approved April 17, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 8.01-66.1, as it shall become effective, and 38.2-2206 of the Code of Virginia are amended and reenacted as follows:

§ 8.01-66.1. (Effective July 1, 2024) Remedy for arbitrary refusal of motor vehicle insurance claim.

A. Whenever any insurance company licensed in this Commonwealth to write insurance as defined in § 38.2-124 denies, refuses or fails to pay to its insured a *property damage* claim ~~of $3,500 or less in excess of the deductible, if any,~~ *or medical expense benefit or loss of income benefit claim* under the provisions of a policy of motor vehicle insurance ~~issued by such company to the insured~~ and it is subsequently found by the judge of a court of proper jurisdiction that such denial, refusal or failure to pay was not made in good faith, the company shall be liable to the insured in an amount double the amount ~~otherwise due and payable under the provisions of the insured's policy of motor vehicle insurance~~ *of the judgment, plus interest from 30 days after the date the claim was submitted in writing to the insurer or its authorized agent,* together with reasonable ~~attorney's~~ *attorney* fees and expenses.

~~The provisions of this subsection shall be construed to include an insurance company's refusal or failure to pay medical expenses to persons covered under the terms of any medical payments coverage extended under a policy of motor vehicle insurance, when the amount of the claim therefor is $3,500 or less and the refusal was not made in good faith.~~

B. Notwithstanding the provisions of subsection A, whenever any insurance company licensed in this Commonwealth to write insurance as defined in § 38.2-124 denies, refuses or fails to pay to a third party claimant, on behalf of an insured to whom such company has issued a policy of motor vehicle liability insurance, a claim of $3,500 or less made by such third party claimant and if the judge of a court of proper jurisdiction finds that the insured is liable for the claim, the third party claimant shall have a cause of action against the insurance company. If the judge finds that such denial, refusal or failure to pay was not made in good faith, the company, in addition to the liability assumed by the company under the provisions of the insured's policy of motor vehicle liability insurance, shall be liable to the third party claimant in an amount double the amount of the judgment awarded the third party claimant, together with reasonable ~~attorney's~~ *attorney* fees and expenses.

C. Notwithstanding the provisions of subsections A and B, whenever any person who has furnished proof of financial responsibility in lieu of obtaining a policy or policies of motor vehicle liability insurance pursuant to the provisions of Title 46.2 or any person who is required and has failed to furnish such proof pursuant to the provisions of Title 46.2 denies, refuses, or fails to pay to a claimant a claim of $3,500 or less made by such claimant as a result of a motor vehicle accident, and if the trial judge of a court of proper jurisdiction finds that such denial, refusal, or failure to pay was not made in good

faith, such person shall be liable to the claimant in an amount double the amount ~~otherwise due and payable~~ *of the judgment,* together with reasonable attorney fees and expenses.

For the purposes of this subsection, "person" means and includes any natural person, firm, partnership, association, or corporation.

D. ~~1. Whenever a court of proper jurisdiction finds that an insurance company licensed in this Commonwealth to write insurance as defined in § 38.2-124 denies, refuses or fails to pay to its insured a claim of more than $3,500 in excess of the deductible, if any, under the provisions of a policy of motor vehicle insurance issued by such company to the insured and it is subsequently found by the judge of a court of proper jurisdiction that such denial, refusal or failure to pay was not made in good faith, the company shall be liable to the insured in the amount otherwise due and payable under the provisions of the insured's policy of motor vehicle insurance, plus interest on the amount due at double the rate provided in § 6.2-301 from the date that the claim was submitted to the insurer or its authorized agent, together with reasonable attorney's fees and expenses.~~

~~2. The provisions of this subsection shall be construed to include an insurance company's refusal or failure to pay medical expenses to persons covered under the terms of any medical payments coverage extended under a policy of motor vehicle insurance when the refusal was not made in good faith.~~

Whenever any insurance company licensed in the Commonwealth to write motor vehicle insurance as defined in § 38.2-124 (i) denies, refuses, fails to pay, or fails to make a timely and reasonable settlement offer to its insured under the provisions of any uninsured or underinsured motorist benefits coverage in a policy of motor vehicle insurance applicable to the insured after the insured has become legally entitled to recover or (ii) after all applicable liability policy limits and underlying uninsured and underinsured motorists benefits have been tendered or paid, rejects a reasonable settlement demand made by the insured within the policy's coverage limits for uninsured or underinsured motorist benefits or fails to respond within a reasonable time after being presented with such demand after the insured has become legally entitled to recover, and it is subsequently found by a court of proper jurisdiction that such denial, refusal, or failure to timely pay or failure to make a timely and reasonable settlement offer, rejection of a reasonable settlement demand, or failure to timely accept a reasonable settlement demand was not made in good faith, in addition to the amount due and owing by the insurance company to its insured on the judgment against the tortfeasor, the insurance company shall also be liable to the insured in an amount up to double the amount of the judgment obtained against the underinsured motorist, uninsured motorist, immune motorist, unknown owner or operator, or released defendant in the underlying personal injury or wrongful death action, not to exceed $500,000, together with reasonable attorney fees for bringing a claim under this subsection, and all costs and expenses incurred by the insured to secure a judgment against the tortfeasor, and interest from 30 days after the date of such denial or failure or the date the reasonable settlement demand was submitted in writing. The insured or the insured's representative may seek adjudication of a claim that the insurance company did not act in good faith as a posttrial motion before the court in which the underlying personal injury or wrongful death judgment was obtained or as a separate action against the company. If the insured or the insured's representative seeks adjudication as a separate action and the underlying judgment is appealed, any action filed under this subsection shall be stayed by the court pending final resolution of the appeal of the underlying judgment.

E. Prior to making a demand under this section, the claimant shall provide notice to the insurer 45 days prior to making such demand along with information and documentation sufficient for the insurer to assess the liability and damages of the claimant.

F. There shall be no action for bad faith under this section if the insurer tenders to the claimant the lesser of the (i) applicable limits of the policy or (ii) monetary amount demanded by the claimant either prior to the insurer's receipt of a settlement offer from the claimant or within 45 days of the insurer's receipt of the notice of the claimant's intent to make a claim and accompanying information and documentation pursuant to subsection E.

For the purposes of this section, the term "legally entitled to recover" means the point in time when liability to the uninsured or underinsured motorist insurance company's insured has become reasonably foreseeable without necessity of a judgment by its insured against an uninsured or underinsured motorist, an unknown owner or operator, or an immune motorist.

§ 38.2-2206. Uninsured motorist insurance coverage.

A. Except as provided in subsection J, no policy or contract of bodily injury or property damage liability insurance relating to the ownership, maintenance, or use of a motor vehicle shall be issued or delivered in this Commonwealth to the owner of such vehicle or shall be issued or delivered by any insurer licensed in this Commonwealth upon any motor vehicle principally garaged or used in this Commonwealth unless it contains an endorsement or provisions undertaking to pay the insured all sums that he is legally entitled to recover as damages from the owner or operator of an uninsured motor vehicle, within limits not less than the requirements of § 46.2-472. Those limits shall equal but not exceed the limits of the liability insurance provided by the policy, unless any one named insured rejects the additional uninsured motorist insurance coverage by notifying the insurer as provided in subsection B of § 38.2-2202. This rejection of the additional uninsured motorist insurance coverage by any one named insured shall be binding upon all insureds under such policy. The endorsement or provisions shall also provide underinsured motorist insurance coverage with limits that shall be equal to the uninsured motorist insurance coverage limits and shall obligate the insurer to make payment for bodily injury or property damage caused by the operation or use of an underinsured motor vehicle to the extent the vehicle is underinsured.

The endorsement shall provide that underinsured motorist coverage shall be paid without any credit for the bodily injury and property damage coverage available for payment, unless any one named insured signs an election to reduce any underinsured motorist coverage payments by the bodily injury liability or property damage liability coverage available for payment by notifying the insurer as provided in subsection C of § 38.2-2202. This election by any one named insured shall be binding upon all insureds under such policy.

The endorsement or provisions shall also provide for at least $20,000 coverage for damage or destruction of the property of the insured in any one accident but may provide an exclusion of the first $200 of the loss or damage where the loss or damage is a result of any one accident involving an unidentifiable owner or operator of an uninsured motor vehicle.

For the purposes of this section, "legally entitled to recover" has the same meaning as provided in § 8.01-66.1.

B. 1. As used in this section:

"Bodily injury" includes death resulting from bodily injury.

"Insured" as used in subsections A, D, G, and H, means the named insured and, while resident of the same household, the spouse of the named insured, and relatives, wards or foster children of either, while in a motor vehicle or otherwise, and any person who uses the motor vehicle to which the policy applies, with the expressed or implied consent of the named insured, and a guest in the motor vehicle to which the policy applies or the personal representative of any of the above.

"Uninsured motor vehicle" means a motor vehicle for which (i) there is no bodily injury liability insurance and property damage liability insurance in the amounts specified by § 46.2-472, (ii) there is such insurance but the insurer writing the insurance denies coverage for any reason whatsoever, including failure or refusal of the insured to cooperate with the insurer, (iii) there is no bond or deposit of money or securities in lieu of such insurance, (iv) the owner of the motor vehicle has not qualified as a self-insurer under the provisions of § 46.2-368, or (v) the owner or operator of the motor vehicle is immune from liability for negligence under the laws of the Commonwealth or the United States, in which case the provisions of subsection F shall apply and the action shall continue against the insurer. A motor vehicle shall be deemed uninsured if its owner or operator is unknown.

A motor vehicle is "underinsured" when, and to the extent that, the total amount of bodily injury and property damage coverage applicable to the operation or use of the motor vehicle and available for payment for such bodily injury or property damage, including all bonds or deposits of money or securities made pursuant to Article 15 (§ 46.2-435 et seq.) of Chapter 3 of Title 46.2, is less than the total amount of damages sustained up to the total amount of underinsured motorist coverage afforded any person injured as a result of the operation or use of the vehicle.

"Available for payment" means the amount of liability insurance coverage applicable to the claim of the injured person for bodily injury or property damage reduced by the payment of any other claims arising out of the same occurrence.

2. If an injured person is entitled to uninsured or underinsured motorist coverage under more than one policy, the insurers shall be obligated to the injured person in the following order of priority of payment:

a. The policy covering a motor vehicle occupied by the injured person at the time of the accident;

b. The policy covering a motor vehicle not involved in the accident under which the injured person is a named insured;

c. The policy covering a motor vehicle not involved in the accident under which the injured person is an insured other than a named insured.

Where there is more than one insurer providing coverage under one of the payment priorities set forth, their liability shall be proportioned as to their respective available uninsured or underinsured motorist coverages.

3. If an injured person is entitled to underinsured motorist coverage under one or more policies wherein a named insured has elected to reduce the underinsured motorist limits by the available bodily injury liability insurance or property damage liability insurance coverage available for payment, any amount available for payment shall be credited against such policies in payment priority pursuant to subdivision 2 a only, and where there is more than one such policy entitled to such credit, the credit shall be apportioned pro-rata pursuant to the policies' respective available underinsured motorist coverages.

4. Recovery under the endorsement or provisions shall be subject to the conditions set forth in this section.

C. There shall be a rebuttable presumption that a motor vehicle is uninsured if the Commissioner of the Department of Motor Vehicles certifies that, from the records of the Department of Motor Vehicles, it appears that (i) there is no bodily injury liability insurance and property damage liability insurance in the amounts specified by § 46.2-472 covering the owner or operator of the motor vehicle; (ii) no bond has been given or cash or securities delivered in lieu of the insurance; or (iii) the owner or operator of the motor vehicle has not qualified as a self-insurer in accordance with the provisions of § 46.2-368.

D. If the owner or operator of any motor vehicle that causes bodily injury or property damage to the insured is unknown, and if the damage or injury results from an accident where there has been no contact between that motor vehicle and the motor vehicle occupied by the insured, or where there has been no contact with the person of the insured if the insured was not occupying a motor vehicle, then for the insured to recover under the endorsement required by subsection A, the accident shall be reported promptly to either (i) the insurer or (ii) a law-enforcement officer having jurisdiction in the county or city in which the accident occurred. If it is not reasonably practicable to make the report promptly, the report shall be made as soon as reasonably practicable under the circumstances.

E. If the owner or operator of any vehicle causing injury or damages is unknown, an action may be instituted against the unknown defendant as "John Doe" and service of process may be made by delivering a copy of the motion for judgment or other pleadings to the clerk of the court in which the action is brought. Service upon the insurer issuing the policy shall be made as prescribed by law as though the insurer were a party defendant. The provisions of § 8.01-288 shall not be

applicable to the service of process required in this subsection. The insurer shall have the right to file pleadings and take other action allowable by law in the name of John Doe.

F. If any action is instituted against the owner or operator of an uninsured or underinsured motor vehicle by any insured intending to rely on the uninsured or underinsured coverage provision or endorsement of this policy under which the insured is making a claim, then the insured shall serve a copy of the process upon this insurer in the manner prescribed by law, as though the insurer were a party defendant. The provisions of § 8.01-288 shall not be applicable to the service of process required in this subsection. The insurer shall then have the right to file pleadings and take other action allowable by law in the name of the owner or operator of the uninsured or underinsured motor vehicle or in its own name. Notwithstanding the provisions of subsection A, the immunity from liability for negligence of the owner or operator of a motor vehicle shall not be a bar to the insured obtaining a judgment enforceable against the insurer for the negligence of the immune owner or operator, and shall not be a defense available to the insurer to the action brought by the insured, which shall proceed against the named defendant although any judgment obtained against an immune defendant shall be entered in the name of "Immune Defendant" and shall be enforceable against the insurer and any other nonimmune defendant as though it were entered in the actual name of the named immune defendant. Nothing in this subsection shall prevent the owner or operator of the uninsured motor vehicle from employing counsel of his own choice and taking any action in his own interest in connection with the proceeding.

G. Any insurer paying a claim under the endorsement or provisions required by subsection A shall be subrogated to the rights of the insured to whom the claim was paid against the person causing the injury, death, or damage and that person's insurer, although it may deny coverage for any reason, to the extent that payment was made. The bringing of an action against the unknown owner or operator as John Doe or the conclusion of such an action shall not bar the insured from bringing an action against the owner or operator proceeded against as John Doe, or against the owner's or operator's insurer denying coverage for any reason, if the identity of the owner or operator who caused the injury or damages becomes known. The bringing of an action against an unknown owner or operator as John Doe shall toll the statute of limitations for purposes of bringing an action against the owner or operator who caused the injury or damages until his identity becomes known. In no event shall an action be brought against an owner or operator who caused the injury or damages, previously filed against as John Doe, more than three years from the commencement of the action against the unknown owner or operator as John Doe in a court of competent jurisdiction. Any recovery against the owner or operator, or the insurer of the owner or operator shall be paid to the insurer of the injured party to the extent that the insurer paid the named insured in the action brought against the owner or operator as John Doe. However, the insurer shall pay its proportionate part of all reasonable costs and expenses incurred in connection with the action, including reasonable ~~attorney's~~ *attorney* fees. Nothing in an endorsement or provisions made under this subsection nor any other provision of law shall prevent the joining in an action against John Doe of the owner or operator of the motor vehicle causing the injury as a party defendant, and the joinder is hereby specifically authorized. No action, verdict or release arising out of a suit brought under this subsection shall give rise to any defenses in any other action brought in the subrogated party's name, including res judicata and collateral estoppel.

H. No endorsement or provisions providing the coverage required by subsection A shall require arbitration of any claim arising under the endorsement or provisions, nor may anything be required of the insured except the establishment of legal liability, nor shall the insured be restricted or prevented in any manner from employing legal counsel or instituting legal proceedings.

I. Except as provided in § 65.2-309.1, the provisions of subsections A and B of § 38.2-2204 and the provisions of subsection A shall not apply to any policy of insurance to the extent that it covers the liability of an employer under any workers' compensation law, or to the extent that it covers liability to which the Federal Tort Claims Act applies. No provision or application of this section shall limit the liability of an insurer of motor vehicles to an employee or other insured under this section who is injured by an uninsured motor vehicle; provided that in the event an employee of a self-insured employer receives a workers' compensation award for injuries resulting from an accident with an uninsured motor vehicle, such award shall be set off against any judgment for damages awarded pursuant to this section for personal injuries resulting from such accident.

J. Policies of insurance whose primary purpose is to provide coverage in excess of other valid and collectible insurance or qualified self-insurance may include uninsured motorist coverage as provided in subsection A. Insurers issuing or providing liability policies that are of an excess or umbrella type or which provide liability coverage incidental to a policy and not related to a specifically insured motor vehicle, shall not be required to offer, provide or make available to those policies uninsured or underinsured motor vehicle coverage as defined in subsection A.

K. An injured person, or in the case of death or disability his personal representative, may settle a claim with (i) a liability insurer, including any insurer providing liability coverage through an excess or umbrella insurance policy or contract and (ii) the liability insurer's insured for the available limits of the liability insurer's coverage. Upon settlement with the liability insurer, the injured party or personal representative shall proceed to execute a full release in favor of the underinsured motorist's liability insurer and its insured and finalize the proposed settlement without prejudice to any underinsured motorist benefits or claim. Any such release that states that it is being executed pursuant to or consistent with this subsection shall not operate to release any parties other than the liability insurer and underinsured motorist, regardless of the identities of the released parties set forth in the release, and any terms contained in the release that are inconsistent with, or in violation of, this section are null and void. Upon payment of the liability insurer's available limits to the injured person or personal representative or his attorney, the liability insurer shall thereafter have no further duties to its insured,

including the duty to defend its insured if an action has been or is brought against the liability insurer's insured, and the insurer providing applicable underinsured motorist coverage shall have no right of subrogation or claim against the underinsured motorist. However, if the underinsured motorist unreasonably fails to cooperate with the underinsured motorist benefits insurer in the defense of any lawsuit brought by the injured person or his personal representative, he may again be subjected to a claim for subrogation by the underinsured motorist benefits insurer pursuant to § 8.01-66.1:1. Nothing in this section or § 8.01-66.1:1 shall create any duty on the part of any underinsured motorist benefits insurer to defend any underinsured motorist. No attorney-client relationship is created between the underinsured motorist and counsel for the underinsured motorist benefits insurer without the express intent and agreement of the underinsured motorist, the underinsured motorist benefits insurer, and counsel for the underinsured motorist benefits insurer. This section provides an alternative means by which the parties may resolve claims and does not eliminate or restrict any other available means.

L. Any settlement between the injured person or his personal representative, any insurer providing liability coverage applicable to the claim, and the underinsured motorist described in subsection K shall be in writing, signed by both the injured person or his personal representative and the underinsured motorist, and shall include the following notice to the underinsured motorist, which must be initialed by the underinsured motorist:

"NOTICE TO RELEASED PARTY: Your insurance company has agreed to pay the available limits of its insurance to settle certain claims on your behalf. This settlement secures a full release of you for all claims the claimant/plaintiff has against you arising out of the subject accident, as well as ensures that no judgment can ever be entered against you by the claimant/plaintiff. In order to protect yourself from subrogation by any underinsured motorist insurer, you are agreeing to cooperate with the underinsured motorist benefits insurer(s). The underinsured motorist benefits insurer is not your insurer and has no duty to defend you.

Under this manner of settlement, the underinsured motorist benefits insurer(s) that is/are involved in this case has/have no right of subrogation against you unless you fail to reasonably cooperate in its/their defense of the claim by not (i) attending your deposition and trial, if subpoenaed, (ii) assisting in responding to discovery, (iii) meeting with defense counsel at reasonable times after commencement of this suit and before your testimony at a deposition and/or trial, and (iv) notifying the underinsured motorist benefits insurer or its defense counsel of any change in your address, provided that the underinsured motorist benefits insurer or its defense counsel has notified you of its existence and provided you with their contact information.

Upon payment of the agreed settlement amount by your insurance company(ies), such company shall no longer owe you any duties, including the duty to hire and pay for an attorney for you. You are not required to consent to settlement in this manner. If you do not consent to settlement in this manner, your insurance company will still defend you in any lawsuit brought against you by the claimant/plaintiff, but you will not have the protections of a full release from the claimant/plaintiff, judgment could be entered against you and may exceed your available insurance coverage, and any underinsured motorist benefits insurer would have a right of subrogation against you to recover any moneys it pays to the claimant/plaintiff.

You are encouraged to discuss your rights and obligations related to settlement in this manner with your insurance company and/or an attorney. By signing this document, you agree to consent to this settlement and to reasonably cooperate with the underinsured motorist benefits insurer in the defense of any lawsuit brought by the claimant/plaintiff.

_____ (initial)"

In the alternative to having the underinsured motorist sign the release and initial the notice, the liability insurer may send the notice and release to the underinsured motorist by certified mail return receipt requested to his last known address, which will be deemed to have satisfied the requirements of this subsection.

M. Any action brought by the injured person or his personal representative to recover underinsured motorist benefits after payment of the liability insurer's available limits pursuant to subsection K shall be brought against the released defendant, and a copy of the complaint shall be served on any insurer providing underinsured motorist benefits. If an action is pending at the time the liability insurer's available limits are paid to the injured person or personal representative or his attorney, then the action shall remain pending against the named defendant or defendants who have been released. If such action results in a verdict in favor of the injured person or his personal representative against a released defendant, then judgment as to that defendant shall be entered in the name of "Released Defendant" and shall be enforceable against the underinsured motorist benefits insurer, not to exceed the underinsured motorist benefits limits, and against any unreleased defendant, as though it were entered in the actual name of the released defendant.

N. Any proposed settlement between a liability insurer and a person under a disability or a personal representative as permitted in subsection K that compromises in part a claim for personal injuries by the person under a disability or for death by wrongful act pursuant to § 8.01-50 may be, but is not required to be, approved pursuant to § 8.01-424 or 8.01-55, as applicable. If the personal representative elects not to have the settlement with the liability insurer approved pursuant to § 8.01-55, then any payment made to the personal representative by the liability insurer shall be made payable to the personal representative's attorney, to be held in trust, or paid into the court pursuant to § 8.01-600 if the personal representative is not represented by an attorney, with no disbursements made therefrom until the compromise is approved by the court pursuant to § 8.01-55. Approval by the court of a settlement between the liability insurer and a person under a disability or the personal representative pursuant to this subsection shall not prejudice the person's or personal representative's claim for underinsured motorist benefits.

2. That the provisions of this act amending §§ 8.01-66.1 and 38.2-2206 of the Code of Virginia shall apply to any claim for personal injury or wrongful death arising out of a motor vehicle accident that occurs on or after July 1, 2024.

CHAPTER 782

An Act to amend and reenact § 2.2-4324 of the Code of Virginia, relating to Virginia Public Procurement Act; Virginia resident preference; report.

[S 260]

Approved April 17, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 2.2-4324 of the Code of Virginia is amended and reenacted as follows:

§ 2.2-4324. Preference for Virginia goods, U.S. goods, and Virginia residents.

A. In the case of a tie bid, preference shall *first* be given to goods produced in Virginia~~, goods or services or construction provided by Virginia persons, firms or corporations~~ *and preference shall then be given to goods produced in the United States*; otherwise the tie shall be decided by lot.

B. *In the case of procurement of goods by manufacturers:*

1. If (i) the lowest responsive and responsible bidder is not a resident of Virginia and (ii) the bid of any Virginia resident is within 10 percent of such bid, the lowest responsive and responsible bidder that is a Virginia resident shall be granted the option to match the price of the lowest responsive and responsible bidder.

2. If the lowest responsive and responsible bidder is a resident of a state other than Virginia and such state under its laws allows a resident of that state a percentage preference or price-matching preference for the procurement of goods, a like preference shall be granted to responsive and responsible bidders who are residents of Virginia.

3. An eligible bidder that is a Virginia resident shall be granted the greater of either preference pursuant to this subsection.

C. Whenever the lowest responsive and responsible bidder is a resident of any other state and such state under its laws allows a resident contractor of that state a percentage preference, a like preference shall be ~~allowed~~ *granted* to the lowest responsive and responsible bidder who is a resident of Virginia and is the next lowest bidder. If the lowest responsive and responsible bidder is a resident of any other state and such state under its laws allows a resident contractor of that state a price-matching preference, a like preference shall be ~~allowed~~ *granted* to responsive and responsible bidders who are residents of Virginia. If the lowest bidder is a resident contractor of a state with an absolute preference, the bid shall not be considered. The Department of General Services shall post and maintain an updated list on its website of all states with an absolute preference for their resident contractors and those states that allow their resident contractors a percentage preference, including the respective percentage amounts. For purposes of compliance with this section, all public bodies may rely upon the accuracy of the information posted on this website.

~~C.~~ *D.* Notwithstanding the provisions of subsections A ~~and~~, B*, and C*, in the case of a tie bid in instances where goods are being offered, and existing price preferences have already been taken into account, preference shall be given to the bidder whose goods contain the greatest amount of recycled content.

~~D.~~ *E.* For the purposes of this section, a ~~Virginia person,~~ firm or corporation shall be deemed to be a resident of Virginia if such ~~person,~~ firm or corporation has been organized pursuant to Virginia law or maintains a principal place of business within Virginia.

F. To the extent that this section conflicts with federal law or regulations and application of this section to a project or procurement would render a public body ineligible to receive federal funds for such project or procurement, such project or procurement shall be exempt from the provisions of this section.

2. That the provisions of this act shall expire on July 1, 2027.

3. That the Department of General Services shall report to the Governor, the General Assembly, and the Chairmen of the House Committee on General Laws and the Senate Committee on General Laws and Technology regarding the efficacy of this act, including any retaliatory action taken by other states, and any recommendations regarding this act. Such report shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports no later than the first day of the 2025 Regular Session of the General Assembly and shall be posted on the General Assembly's website.

CHAPTER 783

An Act to amend and reenact §§ 56-594 and 56-594.02 of the Code of Virginia, relating to net energy metering; eligible customer-generators and eligible agricultural customer-generators.

[S 271]

Approved April 17, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 56-594 and 56-594.02 of the Code of Virginia are amended and reenacted as follows:

§ 56-594. Net energy metering provisions.

A. The Commission shall establish by regulation a program that affords eligible customer-generators the opportunity to participate in net energy metering, and a program, to begin no later than July 1, 2014, for customers of investor-owned utilities and to begin no later than July 1, 2015, and to end July 1, 2019, for customers of electric cooperatives as provided in subsection G, to afford eligible agricultural customer-generators the opportunity to participate in net energy metering. The regulations may include, but need not be limited to, requirements for (i) retail sellers; (ii) owners or operators of distribution or transmission facilities; (iii) providers of default service; (iv) eligible customer-generators; (v) eligible agricultural customer-generators; or (vi) any combination of the foregoing, as the Commission determines will facilitate the provision of net energy metering, provided that the Commission determines that such requirements do not adversely affect the public interest. On and after July 1, 2017, small agricultural generators or eligible agricultural customer-generators may elect to interconnect pursuant to the provisions of this section or as small agricultural generators pursuant to § 56-594.2, but not both. Existing eligible agricultural customer-generators may elect to become small agricultural generators, but may not revert to being eligible agricultural customer-generators after such election. On and after July 1, 2019, interconnection of eligible agricultural customer-generators shall cease for electric cooperatives only, and such facilities shall interconnect solely as small agricultural generators. For electric cooperatives, eligible agricultural customer-generators whose renewable energy generating facilities were interconnected before July 1, 2019, may continue to participate in net energy metering pursuant to this section for a period not to exceed 25 years from the date of their renewable energy generating facility's original interconnection.

B. For the purpose of this section:

"Eligible agricultural customer-generator" means a customer that operates a renewable energy generating facility as part of an agricultural business, which generating facility (i) uses as its sole energy source solar power, wind power, or aerobic or anaerobic digester gas, (ii) does not have an aggregate generation capacity of more than 500 kilowatts, (iii) is located on land owned or controlled by the agricultural business, (iv) is connected to the customer's wiring on the customer's side of its interconnection with the distributor; (v) is interconnected and operated in parallel with an electric company's transmission and distribution facilities, and (vi) is used primarily to provide energy to metered accounts of the agricultural business. An eligible agricultural customer-generator may be served by multiple meters serving the eligible agricultural customer-generator that are located at the same or adjacent sites, such that the eligible agricultural customer-generator may aggregate in a single account the electricity consumption and generation measured by the meters, provided that the same utility serves all such meters. The aggregated load shall be served under the appropriate tariff.

"Eligible customer-generator" means a customer that owns and operates, or contracts with other persons to own, operate, or both, an electrical generating facility*, including any additions or enhancements such as battery storage or a smart inverter,* that (i) has a capacity of not more than 25 kilowatts for residential customers and not more than three megawatts for nonresidential customers; (ii) uses as its total source of fuel renewable energy, as defined in § 56-576; (iii) is located on land owned or leased by the customer and is connected to the customer's wiring on the customer's side of its interconnection with the distributor; (iv) is interconnected and operated in parallel with an electric company's transmission and distribution facilities; and (v) is intended primarily to offset all or part of the customer's own electricity requirements. *No contract, lease, or arrangement by which a third party owns, maintains, or operates an electrical generating facility on an eligible customer-generator's property shall constitute the sale of electricity or cause the customer-generator or the third party to be considered an electric utility by virtue of participating in net energy metering.* In addition to the electrical generating facility size limitations in clause (i), the capacity of any generating facility installed under this section between July 1, 2015, and July 1, 2020, shall not exceed the expected annual energy consumption based on the previous 12 months of billing history or an annualized calculation of billing history if 12 months of billing history is not available. In addition to the electrical generating facility size limitation in clause (i), in the certificated service territory of a Phase I Utility, the capacity of any generating facility installed under this section after July 1, 2020, shall not exceed 100 percent of the expected annual energy consumption based on the previous 12 months of billing history or an annualized calculation of billing history if 12 months of billing history is not available, and in the certificated service territory of a Phase II Utility, the capacity of any generating facility installed under this section after July 1, 2020, shall not exceed 150 percent of the expected annual energy consumption based on the previous 12 months of billing history or an annualized calculation of billing history if 12 months of billing history is not available.

"Net energy metering" means measuring the difference, over the net metering period, between (i) electricity supplied to an eligible customer-generator or eligible agricultural customer-generator from the electric grid and (ii) the electricity generated and fed back to the electric grid by the eligible customer-generator or eligible agricultural customer-generator.

"Net metering period" means the 12-month period following the date of final interconnection of the eligible customer-generator's or eligible agricultural customer-generator's system with an electric service provider, and each 12-month period thereafter.

"Small agricultural generator" has the same meaning that is ascribed to that term in § 56-594.2.

C. The Commission's regulations shall ensure that (i) the metering equipment installed for net metering shall be capable of measuring the flow of electricity in two directions and (ii) any eligible customer-generator seeking to participate in net energy metering shall notify its supplier and receive approval to interconnect prior to installation of an electrical generating facility. The electric distribution company shall have 30 days from the date of notification for residential facilities, and 60 days from the date of notification for nonresidential facilities, to determine whether the interconnection

requirements have been met. Such regulations shall allocate fairly the cost of such equipment and any necessary interconnection. An eligible customer-generator's electrical generating system, and each electrical generating system of an eligible agricultural customer-generator, shall meet all applicable safety and performance standards established by the National Electrical Code, the Institute of Electrical and Electronics Engineers, and accredited testing laboratories such as Underwriters Laboratories. Beyond the requirements set forth in this section and to ensure public safety, power quality, and reliability of the supplier's electric distribution system, an eligible customer-generator or eligible agricultural customer-generator whose electrical generating system meets those standards and rules shall bear all reasonable costs of equipment required for the interconnection to the supplier's electric distribution system, including costs, if any, to (a) install additional controls~~,~~ *and* (b) perform or pay for additional tests~~, and (c)~~. *No eligible customer-generator or eligible agricultural customer-generator shall be required to provide proof of liability insurance or to* purchase additional liability insurance *as a condition of interconnection*.

D. The Commission shall establish minimum requirements for contracts to be entered into by the parties to net metering arrangements. Such requirements shall protect the eligible customer-generator or eligible agricultural customer-generator against discrimination by virtue of its status as an eligible customer-generator or eligible agricultural customer-generator, and permit customers that are served on time-of-use tariffs that have electricity supply demand charges contained within the electricity supply portion of the time-of-use tariffs to participate as an eligible customer-generator or eligible agricultural customer-generator. Notwithstanding the cost allocation provisions of subsection C, eligible customer-generators or eligible agricultural customer-generators served on demand charge-based time-of-use tariffs shall bear the incremental metering costs required to net meter such customers.

E. If electricity generated by an eligible customer-generator or eligible agricultural customer-generator over the net metering period exceeds the electricity consumed by the eligible customer-generator or eligible agricultural customer-generator, the customer-generator or eligible agricultural customer-generator shall be compensated for the excess electricity if the entity contracting to receive such electric energy and the eligible customer-generator or eligible agricultural customer-generator enter into a power purchase agreement for such excess electricity. Upon the written request of the eligible customer-generator or eligible agricultural customer-generator, the supplier that serves the eligible customer-generator or eligible agricultural customer-generator shall enter into a power purchase agreement with the requesting eligible customer-generator or eligible agricultural customer-generator that is consistent with the minimum requirements for contracts established by the Commission pursuant to subsection D. The power purchase agreement shall obligate the supplier to purchase such excess electricity at the rate that is provided for such purchases in a net metering standard contract or tariff approved by the Commission, unless the parties agree to a higher rate. The eligible customer-generator or eligible agricultural customer-generator owns any renewable energy certificates associated with its electrical generating facility; however, at the time that the eligible customer-generator or eligible agricultural customer-generator enters into a power purchase agreement with its supplier, the eligible customer-generator or eligible agricultural customer-generator shall have a one-time option to sell the renewable energy certificates associated with such electrical generating facility to its supplier and be compensated at an amount that is established by the Commission to reflect the value of such renewable energy certificates. Nothing in this section shall prevent the eligible customer-generator or eligible agricultural customer-generator and the supplier from voluntarily entering into an agreement for the sale and purchase of excess electricity or renewable energy certificates at mutually-agreed upon prices if the eligible customer-generator or eligible agricultural customer-generator does not exercise its option to sell its renewable energy certificates to its supplier at Commission-approved prices at the time that the eligible customer-generator or eligible agricultural customer-generator enters into a power purchase agreement with its supplier. All costs incurred by the supplier to purchase excess electricity and renewable energy certificates from eligible customer-generators or eligible agricultural customer-generators shall be recoverable through its Renewable Energy Portfolio Standard (RPS) rate adjustment clause, if the supplier has a Commission-approved RPS plan. If not, then all costs shall be recoverable through the supplier's fuel adjustment clause. For purposes of this section, "all costs" shall be defined as the rates paid to the eligible customer-generator or eligible agricultural customer-generator for the purchase of excess electricity and renewable energy certificates and any administrative costs incurred to manage the eligible customer-generator's or eligible agricultural customer-generator's power purchase arrangements. The net metering standard contract or tariff shall be available to eligible customer-generators or eligible agricultural customer-generators on a first-come, first-served basis in each electric distribution company's Virginia service area until the rated generating capacity owned and operated by eligible customer-generators, eligible agricultural customer-generators, and small agricultural generators in the Commonwealth reaches six percent, in the aggregate, five percent of which is available to all customers and one percent of which is available only to low-income utility customers of each electric distribution company's adjusted Virginia peak-load forecast for the previous year, and shall require the supplier to pay the eligible customer-generator or eligible agricultural customer-generator for such excess electricity in a timely manner at a rate to be established by the Commission.

On and after the earlier of (i) 2024 for a Phase I Utility or 2025 for a Phase II Utility or (ii) when the aggregate rated generating capacity owned and operated by eligible customer-generators, eligible agricultural customer-generators, and small agricultural generators in the Commonwealth reaches three percent of a Phase I or Phase II Utility's adjusted Virginia peak-load forecast for the previous year, the Commission shall conduct a net energy metering proceeding.

In any net energy metering proceeding, the Commission shall, after notice and opportunity for hearing, evaluate and establish (a) an amount customers shall pay on their utility bills each month for the costs of using the utility's infrastructure;

(b) an amount the utility shall pay to appropriately compensate the customer, as determined by the Commission, for the total benefits such facilities provide; (c) the direct and indirect economic impact of net metering to the Commonwealth; and (d) any other information the Commission deems relevant. The Commission shall establish an appropriate rate structure related thereto, which shall govern compensation related to all eligible customer-generators, eligible agricultural customer-generators, and small agricultural generators, except low-income utility customers, that interconnect after the effective date established in the Commission's final order. Nothing in the Commission's final order shall affect any eligible customer-generators, eligible agricultural customer-generators, and small agricultural generators who interconnect before the effective date of such final order. As part of the net energy metering proceeding, the Commission shall evaluate the six percent aggregate net metering cap and may, if appropriate, raise or remove such cap. The Commission shall enter its final order in such a proceeding no later than 12 months after it commences such proceeding, and such final order shall establish a date by which the new terms and conditions shall apply for interconnection and shall also provide that, if the terms and conditions of compensation in the final order differ from the terms and conditions available to customers before the proceeding, low-income utility customers may interconnect under whichever terms are most favorable to them.

F. Any residential eligible customer-generator or eligible agricultural customer-generator, in the service territory of a Phase II Utility who owns and operates, or contracts with other persons to own, operate, or both, an electrical generating facility with a capacity that exceeds 15 kilowatts shall pay to its supplier, in addition to any other charges authorized by law, a monthly standby charge. The amount of the standby charge and the terms and conditions under which it is assessed shall be in accordance with a methodology developed by the supplier and approved by the Commission. The Commission shall approve a supplier's proposed standby charge methodology if it finds that the standby charges collected from all such eligible customer-generators and eligible agricultural customer-generators allow the supplier to recover only the portion of the supplier's infrastructure costs that are properly associated with serving such eligible customer-generators or eligible agricultural customer-generators. Such an eligible customer-generator or eligible agricultural customer-generator shall not be liable for a standby charge until the date specified in an order of the Commission approving its supplier's methodology. For customers of all other investor-owned utilities, on and after July 1, 2020, standby charges are prohibited for any residential eligible customer-generator or agricultural customer-generator.

G. On and after the later of July 1, 2019, or the effective date of regulations that the Commission is required to adopt pursuant to § 56-594.01, (i) net energy metering in the service territory of each electric cooperative shall be conducted as provided in a program implemented pursuant to § 56-594.01 and (ii) the provisions of this section shall not apply to net energy metering in the service territory of an electric cooperative except as provided in § 56-594.01.

H. The Commission may adopt such rules or establish such guidelines as may be necessary for its general administration of this section.

I. When the Commission conducts a net energy metering proceeding, it shall:

1. Investigate and determine the costs and benefits of the current net energy metering program;

2. Establish an appropriate netting measurement interval for a successor tariff that is just and reasonable in light of the costs and benefits of the net metering program in aggregate, and applicable to new requests for net energy metering service; ~~and~~

3. Determine a specific avoided cost for customer-generators, the different type of customer-generator technologies where the Commission deems it appropriate, and establish the methodology for determining the compensation rate for any net excess generation determined according to the applicable net measurement interval for any new tariff*; and*

4. Make all reasonable efforts to ensure that the net energy metering program does not result in unreasonable cost-shifting to nonparticipating electric utility customers.

J. In evaluating the costs and benefits of the net energy metering program, the Commission shall consider:

1. The aggregate impact of customer-generators on the electric utility's long-run marginal costs of generation, distribution, and transmission;

2. The cost of service implications of customer-generators on other customers within the same class, including an evaluation of whether customer-generators provide an adequate rate of return to the electrical utility compared to the otherwise applicable rate class when, for analytical purposes only, examined as a separate class within a cost of service study;

3. The direct and indirect economic impact of the net energy metering program to the Commonwealth; and

4. Any other information it deems relevant, including environmental and resilience benefits of customer-generator facilities.

K. Notwithstanding the provisions of this section, § 56-585.1:8, or any other provision of law to the contrary, any locality that is a nonjurisdictional customer of a Phase II Utility, as defined in § 56-585.1:3, and is in Planning District Eight with a population greater than 1 million may (i) install solar-powered or wind-powered electric generation facilities with a rated capacity not exceeding five megawatts, whether the facilities are owned by the locality or owned and operated by a third party pursuant to a contract with the locality, on any locality-owned site within the locality and (ii) credit the electricity generated at any such facility as directed by the governing body of the locality to any one or more of the metered accounts of buildings or other facilities of the locality or the locality's public school division that are located within the locality, without regard to whether the buildings and facilities are located at the same site where the electric generation facility is located or at a site contiguous thereto. The amount of the credit for such electricity to the metered accounts of the locality or its public school division shall be identical, with respect to the rate structure, all retail rate components, and monthly

charges, to the amount the locality or public school division would otherwise be charged for such amount of electricity under its contract with the public utility, without the assessment by the public utility of any distribution charges, service charges, or fees in connection with or arising out of such crediting.

L. Any eligible customer-generator or eligible agricultural customer-generator may participate in demand response, energy efficiency, or peak reduction from dispatch of onsite battery service, provided that the compensation received is in exchange for a distinct service that is not already compensated by net metering credits for electricity exported to the electric distribution system or compensated by any other utility program or tariff. The Commission shall review and evaluate the continuing need for the imposition of standby or other charges on eligible customer-generators or eligible agricultural customer-generators in any net energy metering proceeding conducted pursuant to subsection E.

§ 56-594.02. Solar-powered or wind-powered electricity generation; power purchase agreements; pilot programs.

A. The Commission shall conduct pilot programs under which a person that owns or operates a solar-powered or wind-powered electricity generation facility located on premises owned or leased by an eligible customer-generator, as defined in § 56-594, shall be permitted to sell the electricity generated from such facility exclusively to such eligible customer-generator under a power purchase agreement used to provide third party financing of the costs of such a renewable generation facility (third party power purchase agreement), subject to the following terms, conditions, and restrictions:

1. Notwithstanding subsection G of § 56-580 or any other provision of law, a pilot program shall be conducted within the certificated service territory of each investor-owned electric utility ("Pilot Utility");

2. Except as provided in this subdivision, both jurisdictional and nonjurisdictional customers may participate in such pilot programs on a first-come, first-serve basis. The aggregated capacity of all generation facilities that are subject to such third party power purchase agreements at any time during the pilot program shall not exceed 500 megawatts for Virginia jurisdictional customers and 500 megawatts for Virginia nonjurisdictional customers. Such limitation on the aggregated capacity of such facilities shall constitute a portion of the existing limit of six percent of each Pilot Utility's adjusted Virginia peak-load forecast for the previous year that is available to eligible customer-generators pursuant to subsection E of § 56-594. Notwithstanding any provision of this section that incorporates provisions of § 56-594, the seller and the customer shall elect either to (i) enter into their third party power purchase agreement subject to the conditions and provisions of the Pilot Utility's net energy metering program under § 56-594 or (ii) provide that electricity generated from the generation facilities subject to the third party power purchase agreement will not be net metered under § 56-594, provided that an election not to net meter under § 56-594 shall not exempt the third party power purchase agreement and the parties thereto from the requirements of this section that incorporate provisions of § 56-594;

3. A solar-powered or wind-powered generation facility with a capacity of no less than 50 kilowatts and no more than three megawatts shall be eligible for a third party power purchase agreement under a pilot program; however, if the customer under such agreement is a low-income utility customer, as defined in § 56-576, or is an entity with tax-exempt status in accordance with § 501(c) of the Internal Revenue Code of 1954, as amended, then such facility is eligible for the pilot program even if it does not meet the 50 kilowatts minimum size requirement. The maximum generation capacity of three megawatts shall not affect the limits on the capacity of electrical generating capacities of 25 kilowatts for residential customers and three megawatts for nonresidential customers set forth in subsection B of § 56-594, which limitations shall continue to apply to net energy metering generation facilities regardless of whether they are the subject of a third party power purchase agreement under the pilot program;

4. A generation facility that is the subject of a third party power purchase agreement under the pilot program shall serve only one customer, and a third party power purchase agreement shall not serve multiple customers;

5. The customer under a third party power purchase agreement under the pilot program shall be subject to the interconnection and other requirements imposed on eligible customer-generators pursuant to subsection C of § 56-594, including the requirement that the customer bear the reasonable costs, as determined by the Commission, of the items described in clauses ~~(i), (ii),~~ *(a)* and ~~(iii)~~ *(b)* of such subsection;

6. A third party power purchase agreement under the pilot program shall not be valid unless it conforms in all respects to the requirements of the pilot program conducted under the provisions of this section and unless the Commission and the Pilot Utility are provided written notice of the parties' intent to enter into a third party power purchase agreement not less than 30 days prior to the agreement's proposed effective date; and

7. An affiliate of the Pilot Utility shall be permitted to offer and enter into third party power purchase arrangements on the same basis as may any other person that satisfies the requirements of being a seller under a third party power purchase agreement under the pilot program.

B. The Commission shall review the pilot program established pursuant to subsection A in 2015 and every two years thereafter during the pilot program. In its review, the Commission shall determine whether the limitations in subdivisions A 2 and 3 should be expanded, reduced, or continued.

C. Any third party power purchase agreement that is not entered into pursuant to the pilot program established pursuant to subsection A is prohibited in the Pilot Utility's service territory, unless such third party power purchase agreement is entered into between a licensed supplier and a retail customer pursuant to § 56-577 where such supplier is responsible for serving 100 percent of the load requirements for each retail customer account it serves.

D. If the Commission approves a tariff proposed for electric power provided 100 percent from renewable energy that serves 100 percent of the load requirements for each retail customer account it serves under such tariff, hereafter referred to as a "green tariff," such a green tariff shall not be available to any party to a third party power purchase agreement for the account being served by such power purchase agreement, and such an agreement shall remain in effect notwithstanding the approval of the green tariff.

E. Nothing in this section shall be construed as (i) rendering any person, by virtue of its selling electric power to an eligible customer-generator under a third party power purchase agreement entered into pursuant to the pilot program established under this section, a public utility or a competitive service provider, (ii) imposing a requirement that such a person meet 100 percent of the load requirements for each retail customer account it serves, or (iii) affecting third party power purchase agreements in effect prior to July 1, 2013.

F. Nothing in this section shall abridge any rights of either party to an agreement between a Pilot Utility and a group purchasing organization acting on behalf of Virginia local governments regarding the purchase of electric service.

G. The Commission shall, by December 1, 2013, establish guidelines concerning (i) information to be provided in notices required under subdivision A 6 and (ii) procedures for aggregating and posting to the Commission's web site information derived from the aforesaid notices, including total capacity utilized by pilot projects for which notice has been received and capacity remaining available for future pilot projects. In addition, the Commission may adopt such rules or establish such guidelines as may be necessary for its general administration of the pilot program established under this section.

CHAPTER 784

An Act to amend and reenact §§ 2.2-3907 and 2.2-3908 of the Code of Virginia, relating to Virginia Human Rights Act; right to sue.

[S 350]

Approved April 17, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-3907 and 2.2-3908 of the Code of Virginia are amended and reenacted as follows:

§ 2.2-3907. Procedures for a charge of unlawful discrimination; notice; investigation; report; conciliation; notice of the right to file a civil action; temporary relief.

A. Any person claiming to be aggrieved by an unlawful discriminatory practice may file a complaint in writing under oath or affirmation with the Office of Civil Rights of the Department of Law (the Office). The Office itself or the Attorney General may in a like manner file such a complaint. The complaint shall be in such detail as to substantially apprise any party properly concerned as to the time, place, and facts surrounding the alleged unlawful discrimination.

B. Upon perfection of a complaint filed pursuant to subsection A, the Office shall timely serve a charge on the respondent and provide all parties with a notice informing the parties of the complainant's rights, including the right to commence a civil action, and the dates within which the complainant may exercise such rights. In the notice, the Office shall notify the complainant that the charge of unlawful discrimination will be dismissed with prejudice and with no right to further proceed if a written complaint is not timely filed with the appropriate general district or circuit court.

C. The complainant and respondent may agree to voluntarily submit the charge to mediation without waiving any rights that are otherwise available to either party pursuant to this chapter and without incurring any obligation to accept the result of the mediation process. Nothing occurring in mediation shall be disclosed by the Office or admissible in evidence in any subsequent proceeding unless the complainant and the respondent agree in writing that such disclosure be made.

D. Once a charge has been issued, the Office shall conduct an investigation sufficient to determine whether there is reasonable cause to believe the alleged discrimination occurred. Such charge shall be the subject of a report made by the Office. The report shall be a confidential document subject to review by the Attorney General, authorized Office employees, and the parties. The review shall state whether there is reasonable cause to believe the alleged unlawful discrimination has been committed.

E. If the report on a charge of discrimination concludes that there is no reasonable cause to believe the alleged unlawful discrimination has been committed, the charge shall be dismissed and the complainant shall be given notice of his right to commence a civil action.

F. If the report on a charge of discrimination concludes that there is reasonable cause to believe the alleged unlawful discrimination has been committed, the complainant and respondent shall be notified of such determination and the Office shall immediately endeavor to eliminate any alleged unlawful discriminatory practice by informal methods such as conference, conciliation, and persuasion. When the Office determines that further endeavor to settle a complaint by conference, conciliation, and persuasion is unworkable and should be bypassed, the Office shall issue a notice that the case has been closed and the complainant shall be given notice of his right to commence a civil action.

G. At any time after a notice of charge of discrimination is issued, the Office or complainant may petition the appropriate court for temporary relief, pending final determination of the proceedings under this section, including an order or judgment restraining the respondent from doing or causing any act that would render ineffectual an order that a court may enter with respect to the complainant. Whether it is brought by the Office or by the complainant, the petition shall contain a

certification by the Office that the particular matter presents exceptional circumstances in which irreparable injury will result from unlawful discrimination in the absence of temporary relief.

H. Upon receipt of a written request from the complainant, the Office shall promptly issue a notice of the right to file a civil action to the complainant after (i) 180 days have passed from the date the complaint was filed or (ii) the Office determines that it will be unable to complete its investigation within 180 days from the date the complaint was filed. *If the Office fails to issue such a notice pursuant to the provisions of this subsection, the complainant may commence a timely civil action as provided in § 2.2-3908.*

§ 2.2-3908. Civil actions by private parties.

A. An aggrieved person *(i)* who has been provided a notice of his right to file a civil action pursuant to § 2.2-3907 *by the Office or the Equal Employment Opportunity Commission or (ii) if 180 days have passed since a complaint was filed in the Office and the aggrieved person has not been provided a notice of his right to file a civil action* may commence a timely civil action in an appropriate general district or circuit court having jurisdiction over the person who allegedly unlawfully discriminated against such person in violation of this chapter. *Any person may file an action that is not dual-filed after 180 days have passed since the complaint was filed with the Office of Civil Rights of the Department of Law.*

B. If the court or jury finds that unlawful discrimination has occurred, the court or jury may award to the plaintiff, as the prevailing party, compensatory and punitive damages and the court may award reasonable attorney fees and costs and may grant as relief any permanent or temporary injunction, temporary restraining order, or other order, including an order enjoining the defendant from engaging in such practice, or order such affirmative action as may be appropriate.

C. Upon timely application, the Attorney General may intervene in such civil action if the Attorney General certifies that the case is of general public importance. Upon intervention, the Attorney General may obtain such relief as would be available to a private party under subsection B.

CHAPTER 785

An Act to amend and reenact § 18.2-251 of the Code of Virginia, relating to first offender drug program; previous misdemeanor marijuana conviction.

[S 362]

Approved April 17, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 18.2-251 of the Code of Virginia is amended and reenacted as follows:

§ 18.2-251. Persons charged with first offense may be placed on probation; conditions; substance abuse screening, assessment treatment and education programs or services; drug tests; costs and fees; violations; discharge.

Whenever any person who has not previously been convicted of any criminal offense under this article or under any statute of the United States or of any state relating to narcotic drugs, marijuana, or stimulant, depressant, or hallucinogenic drugs, *with the exception of any misdemeanor conviction for possession of marijuana,* or has not previously had a proceeding against him for violation of such an offense dismissed as provided in this section, ~~or~~ *except a dismissal of a misdemeanor offense for possession of marijuana,* pleads guilty to or enters a plea of not guilty to possession of a controlled substance under § 18.2-250, the court, upon such plea if the facts found by the court would justify a finding of guilt, without entering a judgment of guilt and with the consent of the accused, may defer further proceedings and place him on probation upon terms and conditions. If the court defers further proceedings, at that time the court shall determine whether the clerk of court has been provided with the fingerprint identification information or fingerprints of the person, taken by a law-enforcement officer pursuant to § 19.2-390, and, if not, shall order that the fingerprints and photograph of the person be taken by a law-enforcement officer.

As a term or condition, the court shall require the accused to undergo a substance abuse assessment pursuant to § 18.2-251.01 or 19.2-299.2, as appropriate, and enter treatment and/or education program or services, if available, such as, in the opinion of the court, may be best suited to the needs of the accused based upon consideration of the substance abuse assessment. The program or services may be located in the judicial district in which the charge is brought or in any other judicial district as the court may provide. The services shall be provided by (i) a program licensed by the Department of Behavioral Health and Developmental Services, by a similar program which is made available through the Department of Corrections, (ii) a local community-based probation services agency established pursuant to § 9.1-174, or (iii) an ASAP program certified by the Commission on VASAP.

The court shall require the person entering such program under the provisions of this section to pay all or part of the costs of the program, including the costs of the screening, assessment, testing, and treatment, based upon the accused's ability to pay unless the person is determined by the court to be indigent.

As a condition of probation, the court shall require the accused (a) to successfully complete treatment or education program or services, (b) to remain drug and alcohol free during the period of probation and submit to such tests during that period as may be necessary and appropriate to determine if the accused is drug and alcohol free, (c) to make reasonable efforts to secure and maintain employment, and (d) to comply with a plan of at least 100 hours of community service for a

felony and up to 24 hours of community service for a misdemeanor. Such testing shall be conducted by personnel of the supervising probation agency or personnel of any program or agency approved by the supervising probation agency.

Upon violation of a term or condition, the court may enter an adjudication of guilt and proceed as otherwise provided. Upon fulfillment of the terms and conditions, and upon determining that the clerk of court has been provided with the fingerprint identification information or fingerprints of such person, the court shall discharge the person and dismiss the proceedings against him. Discharge and dismissal under this section shall be without adjudication of guilt and is a conviction only for the purposes of applying this section in subsequent proceedings.

Notwithstanding any other provision of this section, whenever a court places an individual on probation upon terms and conditions pursuant to this section, such action shall be treated as a conviction for purposes of § 22.1-315. The provisions of this paragraph shall not be applicable to any offense for which a juvenile has had his license suspended or denied pursuant to § 16.1-278.9 for the same offense.

CHAPTER 786

An Act to amend and reenact § 18.2-311.1 of the Code of Virginia, relating to removing, altering, etc., serial number on firearm; selling, giving, etc., or possessing firearm with removed, altered, etc., serial number; penalty.

[S 363]

Approved April 17, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 18.2-311.1 of the Code of Virginia is amended and reenacted as follows:

§ 18.2-311.1. Removing, altering, etc., serial number or other identification on firearm; selling, giving, etc., or possessing firearm without serial number; penalties.

~~Any~~ *A. It is unlawful for any* person, firm, association, or corporation ~~who or which~~ *to* intentionally ~~removes, defaces, alters, changes, destroys or obliterates~~ *remove, alter, change, destroy, or obliterate* in any manner or way or ~~who or which causes~~ *cause* to be removed, ~~defaced,~~ altered, changed, destroyed, or obliterated in any manner or way the name of the maker, model, manufacturer's or serial number, or any other ~~mark or~~ identification *required by federal law* on any pistol, shotgun, rifle, machine gun, or any other firearm ~~shall be guilty of~~. *A violation of this subsection is* a Class 1 misdemeanor.

B. It is unlawful for any person, firm, association, or corporation to knowingly possess any pistol, shotgun, rifle, machine gun, or any other firearm that has a serial number that has been removed, altered, changed, destroyed, or obliterated in any manner. A violation of this subsection is a Class 1 misdemeanor.

C. It is unlawful for any person, firm, association, or corporation to knowingly sell, give, or distribute any pistol, shotgun, rifle, machine gun, or any other firearm that has a serial number that has been removed, altered, changed, destroyed, or obliterated in any manner. A violation of this subsection is a Class 6 felony.

D. The provisions of this section shall not apply to antique firearms as defined in § 18.2-308.2:2.

2. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter 1 of the Acts of Assembly of 2023, Special Session I, requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of $50,000. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.

CHAPTER 787

An Act to amend and reenact §§ 24.2-418 and 24.2-1000 of the Code of Virginia, relating to elections; protection of electors and election officials; penalty.

[S 364]

Approved April 17, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 24.2-418 and 24.2-1000 of the Code of Virginia are amended and reenacted as follows:

§ 24.2-418. Application for registration.

A. Each applicant to register shall provide, subject to felony penalties for making false statements pursuant to § 24.2-1016, the information necessary to complete the application to register. Unless physically disabled, he shall sign the application. The application to register shall be only on a form or forms prescribed by the State Board.

The form of the application to register shall require the applicant to provide the following information: full name; gender; date of birth; social security number, if any; whether the applicant is presently a United States citizen; address of residence in the precinct; place of last previous registration to vote; and whether the applicant has ever been adjudicated incapacitated and disqualified to vote or convicted of a felony, and if so, whether the applicant's right to vote has been restored. The form shall contain a statement that whoever votes more than once in any election in the same or different

jurisdictions is guilty of a Class 6 felony. Unless directed by the applicant or as permitted in § 24.2-411.2 or 24.2-411.3, the registration application shall not be pre-populated with information the applicant is required to provide.

The form of the application to register shall request that the applicant provide his telephone number and email address, but no application shall be denied for failure to provide such information.

B. The form shall permit any individual, as follows, or member of his household, to furnish, in addition to his residence street address, a post office box address located within the Commonwealth to be included in lieu of his street address on the lists of registered voters and persons who voted, which are furnished pursuant to §§ 24.2-405 and 24.2-406, on voter registration records made available for public inspection pursuant to § 24.2-444, or on lists of absentee voter applicants furnished pursuant to § 24.2-706 or 24.2-710. The voter shall comply with the provisions of § 24.2-424 for any change in the post office box address provided under this subsection.

1. Any active or retired law-enforcement officer, as defined in § 9.1-101 and in 5 U.S.C. § 8331(20), but excluding officers whose duties relate to detention as defined in 5 U.S.C. § 8331(20);

2. Any party granted a protective order issued by or under the authority of any court of competent jurisdiction, including but not limited to courts of the Commonwealth of Virginia;

3. Any party who has furnished a signed written statement by the party that he is in fear for his personal safety from another person who has threatened or stalked him;

4. Any party participating in the address confidentiality program pursuant to § 2.2-515.2;

5. Any active or retired federal or Virginia justice, judge, or magistrate and any active or retired attorney employed by the United States Attorney General or Virginia Attorney General; ~~and~~

6. Any person who has been approved to be a foster parent pursuant to Chapter 9 (§ 63.2-900 et seq.) of Title 63.2*;*

7. Any person who is or has been one of the Commonwealth's electors for President and Vice President of the United States; and

8. Any person who is or has been a member of the State Board of Elections, the Commissioner of Elections, an employee of the Department of Elections, a member of a local electoral board, a general registrar, a deputy registrar, an employee in the office of the general registrar, or an officer of election.

C. If the applicant formerly resided in another state, the general registrar shall send the information contained in the applicant's registration application to the appropriate voter registration official or other authority of another state where the applicant formerly resided, as prescribed in subdivision 15 of § 24.2-114.

§ 24.2-1000. Intimidation and threats toward election officials; penalty.

A. Any person who, by bribery, intimidation, threats, coercion, or other means in violation of the election laws willfully *and intentionally* hinders or prevents, or attempts to hinder or prevent, ~~the officers of election at any polling place, voter satellite office, or other location being used by a locality for voting purposes from holding an election~~ *an election official or the employee of an election official from administering elections pursuant to this title* is guilty of a Class 5 felony.

B. For purposes of this section:

"Election official" includes members of the State Board of Elections, the Commissioner of Elections, members of local electoral boards, general registrars, deputy registrars, and officers of election.

"Employee of an election official" includes persons employed by the Department of Elections or in the office of a general registrar.

2. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter 1 of the Acts of Assembly of 2023, Special Session I, requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of $50,000. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.

CHAPTER 788

An Act to amend the Code of Virginia by adding a section numbered 55.1-1204.1, relating to Virginia Residential Landlord and Tenant Act; fee disclosure statement.

[S 405]

Approved April 17, 2024

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 55.1-1204.1 as follows:

§ 55.1-1204.1. Fee disclosure statement.

A landlord shall provide, beginning on the first page of the written rental agreement, a description of any rent and fees to be charged to the tenant in addition to the periodic rent. Immediately above the list of fees, the written rental agreement shall state: No fee shall be collected unless it is listed below or incorporated into this agreement by way of a separate addendum after execution of this rental agreement.

CHAPTER 789

An Act to amend the Code of Virginia by adding a section numbered 56-585.1:14, relating to electric utilities; recovery of development costs associated with small modular reactor.

[S 454]

Approved April 17, 2024

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 56-585.1:14 as follows:

§ 56-585.1:14. Recovery of development costs associated with small modular reactor.

A. As used in this section:

"Small modular reactor" or "SMR" means a nuclear reactor that produces nuclear power and has a nameplate capacity that does not exceed 500 megawatts of generating capacity per reactor.

"SMR facility" means an SMR or multiple SMRs that generate electricity at a single site.

"SMR project development costs" or "project costs" means all costs associated with the development of one or more SMRs, including costs of evaluation, design, engineering, federal approvals and licensing, environmental analysis and permitting, early site permitting, equipment procurement, and authorized rate of return.

"Utility" means a Phase II Utility, as that term is defined in subdivision A 1 of § 56-585.1.

B. Notwithstanding any limitation under subdivision A 6 of § 56-585.1, the utility may petition the Commission at any time for approval of a rate adjustment clause pursuant to subdivision A 6 of § 56-585.1 for the recovery of SMR project development costs. The utility may petition the Commission for up to one SMR facility pursuant to this section. Such utilities may petition the Commission for SMR project development cost recovery along separate development phases and, if the Commission determines such projected or actual project costs to be reasonable and prudent, such project costs may be recovered by such utility on a timely and current basis from customers prior to any approval pursuant to subsection D of § 56-580 or the commercial operation date of any such SMR facility. Any SMR project development costs incurred prior to July 1, 2024, and 20 percent of SMR project development costs incurred after July 1, 2024, shall not be eligible for accelerated cost recovery pursuant to this section and may be recovered through the utility's rates for generation and distribution services pursuant to subdivision A 1 of § 56-585.1. The utility that petitions the Commission for recovery of SMR project development costs shall demonstrate that such utility has evaluated funding opportunities from the U.S. Department of Energy. Nothing in this section shall limit the Commission's discretion to determine whether the proposed SMR project development costs are reasonable and prudent. As part of a final order approving such cost recovery, the Commission may impose a deadline by which the relevant utility shall either (i) place an SMR into commercial operation or (ii) sell the permitted site, unless it is at a previously existing nuclear site, and return the proceeds of the sale to customers. The length of such deadline shall be at the Commission's discretion; however, it shall provide the utility a reasonable timeframe in which to obtain all necessary permits and approvals, including allowing for approval by federal agencies such as the Nuclear Regulatory Commission, and completing construction of an SMR.

C. Nothing in this section shall limit the Commission's authority to approve or deny a petition for recovery of SMR project development costs or to require a utility to demonstrate that such utility made reasonable good-faith efforts to secure appropriate funding opportunities from the U.S. Department of Energy. The annual revenue requirement for any rate adjustment clause authorized pursuant to this section shall not exceed an amount that would increase the monthly bill of the utility's typical Virginia residential customer, utilizing 1,000 kilowatt hours of electricity monthly, by more than $1.40.

2. That the provisions of this act shall expire on December 31, 2029.

CHAPTER 790

An Act to amend the Code of Virginia by adding in Chapter 21 of Title 15.2 an article numbered 2.1, consisting of sections numbered 15.2-2121.1, 15.2-2121.2, and 15.2-2121.3, by adding in Chapter 3.2 of Title 44 a section numbered 44-146.29:4, and by adding in Article 2 of Chapter 10 of Title 56 sections numbered 56-245.1:3 and 56-245.1:4, relating to public utilities; municipal utilities; disconnection of service; limitations; consumer protections.

[S 480]

Approved April 17, 2024

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Chapter 21 of Title 15.2 an article numbered 2.1, consisting of sections numbered 15.2-2121.1, 15.2-2121.2, and 15.2-2121.3, by adding in Chapter 3.2 of Title 44 a section numbered 44-146.29:4, and by adding in Article 2 of Chapter 10 of Title 56 sections numbered 56-245.1:3 and 56-245.1:4 as follows:

Article 2.1.

Disconnection Provisions for Public Utilities.

§ 15.2-2121.1. Definitions.

As used in this article, "utility" means a public utility that is owned or operated by a locality of the Commonwealth.

§ 15.2-2121.2. Disconnection suspension for utilities.

A. 1. No electric utility shall disconnect from service any residential customer for the nonpayment of bills or fees (i) when the forecasted temperature low is at or below 32 degrees Fahrenheit within the 24 hours following the scheduled disconnection or (ii) when the forecasted temperature is at or above 92 degrees Fahrenheit within the 24 hours following the scheduled disconnection.

2. No gas utility shall disconnect from service any residential customer for nonpayment of bills or fees when the forecasted temperature low is at or below 32 degrees Fahrenheit within the 24 hours following the scheduled disconnection.

3. No water or wastewater utility shall disconnect from service any residential customer when the forecasted temperature is at or above 92 degrees Fahrenheit within the 24 hours following the scheduled disconnection.

4. To ascertain the projected temperature as provided in this subsection, each utility shall refer to the forecasted local temperature provided by the National Weather Service where the customer to be disconnected is located.

B. No utilities shall disconnect from service any residential customer for nonpayment of bills or fees on Fridays, weekends, state holidays, or the day immediately preceding a state holiday.

C. Nothing in this section shall be construed to limit utilities from voluntarily suspending scheduled disconnections during other extreme weather events, emergency conditions, or circumstances in which a utility determines such suspension is necessary to protect the health and safety of its customers and the reliability of utility service in the Commonwealth. Further, nothing in this section shall be construed to prohibit (i) a disconnection required by the conditions of subdivision A 8 of § 56-247.1, (ii) emergency disconnections for health and safety purposes, or (iii) the occurrence of an automatic service suspension associated with prepaid utility service. Any fees or expenses incurred by a utility in complying with the requirements of this section shall be recovered by the utility.

§ 15.2-2121.3. Notice procedures for nonpayment; disconnecting utility service.

A. Each utility subject to the provisions of this article shall provide to each of its residential customers a copy of its disconnection for nonpayment policy (i) at any time a new residential account is established, (ii) when any disconnection for nonpayment of bills or fees is scheduled by including a copy of the policy with such notice, or (iii) by publishing the disconnection policy on the utility's website. Each such utility shall provide all required notices in English and Spanish. Such required notices shall include information regarding payment plans and state, federal, or utility energy assistance programs.

B. Each utility subject to the provisions of this article shall deliver notice of nonpayment of bills or fees to its residential customers prior to disconnection by using at least one of the following methods: (i) mail, (ii) email, (iii) text message, (iv) phone call, or (v) door hanger.

C. Utility disconnections due to the nonpayment of bills or fees are prohibited for residential customers until the customer's account is 45 days in arrears. After each missed payment, the utility shall provide notice pursuant to subsection B and make contact with the customer and offer bill payment assistance, arrange a payment plan, or provide information to the customer for other bill payment assistance or energy savings programs.

D. No electric or gas utility shall require a deposit of more than 25 percent of the arrearage amount for service, exclusive of nonpayment fees, penalties, or interest, in order to restore service to any residential customer where such utility received funding from the Department of Social Services for such customer through the Home Energy Assistance Program pursuant to § 63.2-805 within the last 12 months. A customer is eligible for this provision once every three years.

§ 44-146.29:4. Disconnection suspension for certain utilities.

In the case of any state of emergency declared by the Governor in response to a communicable disease of public health threat, each utility that is engaged in the business of furnishing electricity, gas, water, or wastewater service and subject to the regulation of the State Corporation Commission or owned or operated by a municipality shall be suspended from disconnecting service to residential customers for nonpayment of bills or fees for 30 days upon the declaration of such emergency.

§ 56-245.1:3. Disconnection suspension for utilities.

A. As used in this section, "utility" means an electric company, a natural gas supplier, or a water supplier or wastewater service provider that is subject to the regulation of the Commission.

B. 1. No electric utility shall disconnect from service any residential customer for the nonpayment of bills or fees (i) when the forecasted temperature low is at or below 32 degrees Fahrenheit within the 24 hours following the scheduled disconnection or (ii) when the forecasted temperature is at or above 92 degrees Fahrenheit within the 24 hours following the scheduled disconnection.

2. No gas utility shall disconnect from service any residential customer for nonpayment of bills or fees when the forecasted temperature low is at or below 32 degrees Fahrenheit within the 24 hours following the scheduled disconnection.

3. No water or wastewater utility shall disconnect from service any residential customer when the forecasted temperature is at or above 92 degrees Fahrenheit within the 24 hours following the scheduled disconnection.

4. To ascertain the projected temperature as provided in this subsection, each utility shall refer to the forecasted local temperature provided by the National Weather Service where the customer to be disconnected is located.

C. No utilities shall disconnect from service any residential customer for nonpayment of bills or fees on Fridays, weekends, state holidays, or the day immediately preceding a state holiday.

D. Nothing in this section shall be construed to limit utilities from voluntarily suspending scheduled disconnections during other extreme weather events, emergency conditions, or circumstances in which a utility determines such suspension

necessary to protect the health and safety of its customers and the reliability of utility service in the Commonwealth. Further, nothing in this section shall be construed to prohibit (i) a disconnection required by the conditions of subdivision A 8 of § 56-247.1, (ii) emergency disconnections for health and safety purposes, or (iii) the occurrence of an automatic service suspension associated with prepaid utility service. Any fees or expenses incurred by a utility in complying with the requirements of this section shall be recovered by the utility.

§ 56-245.1:4. Notice procedures for nonpayment; disconnecting utility service.

A. Each utility subject to the provisions of § 56-245.1:3 shall provide to each of its residential customers a copy of its disconnection for nonpayment policy (i) at any time a new residential account is established, (ii) when any disconnection for nonpayment of bills or fees is scheduled by including a copy of the policy with such notice, or (iii) by publishing the disconnection policy on the utility's website. Each such utility shall provide all required notices in English and Spanish. Such required notices shall include information regarding payment plans and state, federal, or utility energy assistance programs.

B. Each utility subject to the provisions of this section shall deliver notice of nonpayment of bills or fees to its residential customers prior to disconnection by using at least two of the following methods: (i) mail, (ii) email, (iii) text message, (iv) phone call, or (v) door hanger.

C. Utility disconnections due to the nonpayment of bills or fees are prohibited for residential customers until the customer's account is 60 days in arrears. After each missed payment, the utility shall provide notice pursuant to subsection B and make contact with the customer and offer bill payment assistance, arrange a payment plan, or provide information to the customer for other bill payment assistance or energy savings programs.

D. No electric or gas utility shall require a deposit of more than 25 percent of the arrearage amount for service, exclusive of nonpayment fees, penalties, or interest, in order to restore service to any residential customer where such utility received funding from the Department of Social Services for such customer through the Home Energy Assistance Program pursuant to § 63.2-805 within the last 12 months. A customer is eligible for this provision once every three years.

2. That the State Corporation Commission (the Commission) may, in its discretion, direct a utility subject to the Commission's jurisdiction and the provisions of §§ 44-146.29:4 and 56-245.1:3 of the Code of Virginia, as created by this act, to extend or otherwise modify a suspension or limitation on disconnecting service to residential customers beyond the time periods prescribed by this act (i) if the Commission finds such extension or modification to be necessary or in the public interest and (ii) provided that any such modification does not shorten the disconnection suspension under § 44-146.29:4 of the Code of Virginia, as created by this act, to a time period of less than 30 days. Prior to issuing any such extension or modification, the Commission shall convene a stakeholder meeting to seek input from utility representatives, interested parties, and customers to inform such decision and determine whether such decision is in the public interest.

CHAPTER 791

An Act to amend and reenact § 46.2-1569 of the Code of Virginia, relating to motor vehicle dealers; sale of franchise.

[S 534]

Approved April 17, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 46.2-1569 of the Code of Virginia is amended and reenacted as follows:

§ 46.2-1569. Other coercion of dealers; transfer, grant, succession to and cancellation of dealer franchises; delivery of vehicles, parts, and accessories.

Notwithstanding the terms of any franchise agreement, it shall be unlawful for any manufacturer, factory branch, distributor, distributor branch, or affiliate, or any field representative, officer, agent, or their representatives to do any of the following. It shall further be unlawful for any manufacturer, factory branch, distributor, distributor branch, or any field representative, officer, agent, or their representatives to engage in conduct prohibited under this section through an affiliate.

1. To coerce or attempt to coerce any dealer to accept delivery of any motor vehicle or vehicles, parts or accessories therefor, or any other commodities, which have not been ordered by the dealer.

2. To coerce or attempt to coerce any dealer to enter into an agreement with the manufacturer, factory branch, distributor, or distributor branch, or representative thereof by threat to take or by taking any action in violation of the chapter, or by any other act unfair or injurious to the dealer, including the threat to withhold any incentive payments in whole or in part or to deny the dealer the right to participate in an incentive program in which more than one of the dealers of the line-make in the Commonwealth are eligible to participate and under the same terms as such other dealers. Nothing contained in this section shall require that a dealer be qualified for or entitled to incentive payments or the right to payments or benefits from an incentive program, nor will a manufacturer, factory branch, distributor, or distributor branch be prohibited from informing a dealer thereof, unless the dealer meets all qualifications and performs all applicable requirements and meets all of the applicable standards for such payments or benefits reasonably established by the manufacturer, factory branch, distributor, or distributor branch, or as otherwise provided in this article. If a manufacturer, factory branch, distributor, or distributor branch conditions the grant of a new franchise to a dealer on the dealer's consent (i) to provide a site control agreement as defined in subdivision 10, (ii) to provide a written agreement containing an option

to purchase the franchise of the dealer, provided, however, that agreements pursuant to § 46.2-1569.1 shall be permitted, or (iii) to provide a termination agreement to be held by the manufacturer, factory branch, distributor, or distributor branch for subsequent use, it shall be considered coercion and an act that is unfair and injurious to the dealer; provided, however, that the provisions of § 46.2-1572.3 related to the good faith settlement of disputes shall apply to the agreements described in clauses (i), (ii), and (iii) of this subdivision, mutatis mutandis. This subdivision shall not apply to any agreement the enforcement of which is subject to the jurisdiction of a United States Bankruptcy Court.

2a. To coerce or attempt to coerce any dealer to join, contribute to, or affiliate with any advertising association.

2b. To coerce or require any dealer to establish in connection with the sale of a motor vehicle prices at which the dealer shall sell products or services not manufactured or distributed by the manufacturer, factory branch, distributor, or distributor branch, whether by agreement, program, incentive provision, or otherwise.

2c. To coerce or require any dealer, whether by agreement, program, incentive provision, or otherwise, to construct improvements to its facilities or to install new signs or other franchisor image elements that replace or substantially alter those improvements, signs, or franchisor image elements completed within the preceding 10 years that were required or approved by the manufacturer, factory branch, distributor, or distributor branch or one of its affiliates. If a manufacturer, factory branch, distributor, or distributor branch offers incentives, or other payments under a program offered after the effective date of this subdivision and available to more than one dealer in the Commonwealth that are premised wholly or in part on dealer facility improvements or installation of franchisor signs or other franchisor image elements, a dealer that constructed improvements or installed signs or other franchisor image elements required by or approved by the manufacturer, factory branch, distributor, or distributor branch and completed within the 10 years preceding the program shall be deemed to be in compliance with the program requirements pertaining to construction of facilities or installation of signs or other franchisor image elements that would replace or substantially alter those previously constructed or installed within that 10-year period. This subdivision shall not apply to a program that provides lump sum payments to assist dealers in making facility improvements or to pay for signs or franchisor image elements when such payments are not dependent on the dealer selling or purchasing specific numbers of new vehicles and shall not apply to a program that is in effect with more than one dealer in the Commonwealth on the effective date of this subdivision, nor to any renewal or modification of such a program.

2d. To coerce or require any dealer, whether by agreement, program, incentive provision, or provision for loss of incentive payments or other benefits, to refrain from selling any used motor vehicle subject to (i) recall, (ii) stop sale directive, (iii) technical service bulletin, or (iv) other manufacturer, factory branch, distributor, or distributor branch notification to perform work on such used motor vehicle, unless the manufacturer, factory branch, distributor, or distributor branch has a remedy and parts available to the dealer to remediate the basis for the coercion or requirement of the dealer to refrain from selling each affected used motor vehicle. If there is no remedy or there are no parts available from the manufacturer, factory branch, distributor, or distributor branch to remediate each affected used motor vehicle in the inventory of the dealer, the manufacturer, factory branch, distributor, or distributor branch shall (a) compensate the dealer for any affected used motor vehicle in the inventory of the dealer that it cannot sell because of such coercion or requirement at least one percent a month or any part thereof of the cost of such used motor vehicle, including repairs and reconditioning expenses based on the financial records of the dealer, and (b) establish a written procedure to compensate dealers under this subdivision that it shall provide to dealers subject to its coercion or requirement and file with the Commissioner as a franchise document pursuant to § 46.2-1566.

Any claim for compensation by a dealer shall be submitted on a monthly basis for the amount owed pursuant to this subdivision. The manufacturer, factory branch, distributor, or distributor branch shall process and pay the claim in the same manner as a claim for warranty reimbursements as provided in § 46.2-1571. This subdivision shall not prevent a manufacturer, factory branch, distributor, or distributor branch from (1) requiring that a motor vehicle not be subject to an open recall or stop sale directive in order to be qualified, remain qualified, or be sold as a certified pre-owned vehicle or similar designation; (2) paying incentives for selling used vehicles with no unremedied recalls; or (3) paying incentives for performing recall repairs on a vehicle in the dealer's inventory.

Nothing in this subdivision shall prevent a manufacturer, factory branch, distributor, or distributor branch from instructing that a dealer repair used vehicles of the line-make for which the dealer holds a franchise with an open recall, provided that the instruction does not involve coercion that imposes a penalty or provision of loss of benefits on the dealer.

2e. To coerce or require any dealer, whether by agreement, program, incentive provision, or provision for loss of incentive payments or other benefits, to amend its franchise agreement or similar agreement governing the sales and leasing of new motor vehicles, or to establish or implement a franchise agreement for the sales and leasing of new motor vehicles, under which the manufacturer, factory branch, distributor, or distributor branch (i) maintains a website or other electronic or digital means of communication for negotiating binding terms of sale or leasing of new motor vehicles directly between the manufacturer, factory branch, distributor, or distributor branch and retail buyers or lessees, including but not limited to agreements on prices or other substantive terms of sale or leasing of new vehicles; (ii) retains ownership of new motor vehicles until they are sold or leased to the retail buyers or lessees thereof; however, a manufacturer, factory branch, distributor, or distributor branch may maintain a common supply of new vehicles of which it maintains ownership until such vehicles are sold to dealers, from which more than one dealer may buy vehicles, provided that the manufacturer, factory branch, distributor, or distributor branch may not use the common supply of new vehicles to engage in the negotiation of binding terms of sales or leases directly with retail buyers or lessees and further provided that a dealer may buy vehicles

from the common supply for the dealer's inventory without having reached agreement for sale or lease of any new vehicle with a retail buyer or lessee if the manufacturer, factory branch, distributor, or distributor branch does not otherwise allow its dealers to obtain stock inventory through the vehicle allocation process; (iii) except for the sale or lease of a vehicle to an actual employee of the manufacturer, factory branch, distributor, or distributor branch or in connection with any replacement or buyback under Chapter 17.3 (§ 59.1-207.9 et seq.) of Title 59.1, consigns new motor vehicles to dealers for dealer inventory or for sale or lease to retail buyers or lessees; (iv) reserves the right to negotiate binding terms of sale directly with retail buyers or lessees of new motor vehicles, provided that displaying on a website or other electronic or digital means of communication prices set by dealers, lists of available financing sources provided by dealers, or a conditional trade-in value shall not be considered negotiating; (v) reserves the right to offer or negotiate directly with the retail buyers or lessees in connection with and at the time of sale of a new motor vehicle the sale of any service contract, vehicle maintenance agreement, guaranteed asset protection (GAP) agreement or waiver, or other vehicle-related products and services that are otherwise offered by the dealer; however, a manufacturer, factory branch, distributor, or distributor branch may communicate or negotiate and finalize agreements with vehicle owners or lessees directly concerning any accessory or function of a vehicle that may be initiated, updated, changed, or maintained by the manufacturer, factory branch, distributor, or distributor branch through over-the-air or remote means if the manufacturer, factory branch, distributor, or distributor branch complies with the requirements of subdivision B 10 of § 46.2-1571; or (vi) designates dealers to be only delivery agents for new motor vehicles the binding terms of sale or lease of which are negotiated directly between the manufacturer, factory branch, distributor, or distributor branch and the retail buyers or lessees of the new motor vehicles. No manufacturer, factory branch, distributor, or distributor branch shall engage in any of the activities listed in clauses (i) through (vi). Notwithstanding the foregoing provisions of this subsection, a manufacturer, factory branch, distributor, or distributor branch may engage in fleet sales with a fleet customer that has a designation as such by the manufacturer, factory branch, distributor, or distributor branch because it has purchased or leased or has committed to purchase or lease five or more vehicles under the fleet program. Nothing in this section shall limit a manufacturer, factory branch, distributor, or distributor branch from setting or advertising a manufacturer's suggested retail price.

3. To prevent or refuse to approve the sale or transfer of the ownership of a dealership by the sale of the business, stock transfer, or otherwise, or the transfer, sale, or assignment of a dealer franchise, or a change in the executive management or principal operator of the dealership, unless the franchisor provides written notice to the dealer of its objection and the reasons therefor by certified mail or overnight delivery or other method designed to ensure delivery to the dealer ~~at least 30 days prior to the proposed effective date of the transfer, sale, assignment, or change~~ *within 60 days of receipt of notice from the dealer as required by this section. Such notice by the dealer shall be deemed complete when it includes (i) the applicant's name, address, financial qualifications, and business experience during the previous five years; (ii) a certification that the applicant meets the standards otherwise established by this title to be a dealer; and (iii) a copy of the full agreement for the proposed transaction in the form existing as of the date of the notice. No subsequent additions, modifications, or amendments to such agreement shall in any way toll the time in which the franchisor is required to provide notice hereunder. The franchisor may request such additional supporting documentation as may be reasonably required by the franchisor to determine if an objection to the sale or transfer may be made, and the dealer will provide such requested documentation within 10 business days. However, no such request shall toll the time in which the franchisor is required to provide notice hereunder. The franchisor and the dealer may, but under no circumstances shall they be required to, mutually agree to toll any of the time periods provided for in this subdivision to facilitate the exchange of information. Failure of the franchisor to notify the motor vehicle dealer within the 60-day period of such rejection shall be deemed an approval of the transfer*. No such objection shall be sufficient unless the failure to approve is reasonable. Notwithstanding the provisions of subsection D of § 46.2-1573, the only grounds that may be considered reasonable for a failure to approve are that an individual who is the applicant or is in control of an entity that is an applicant ~~(i)~~ *(a)* lacks good moral character, ~~(ii)~~ *(b)* lacks reasonable *years of* motor vehicle dealership management experience ~~and qualifications~~, ~~(iii)~~ *(c)* lacks financial ability to be the dealer, or ~~(iv)~~ *(d)* fails to meet the standards otherwise established by this title to be a dealer. No such objection shall be effective to prevent the sale, transfer, assignment, or change if the Commissioner has determined, if requested in writing by the dealer within 30 days after receipt of an objection to the proposed sale, transfer, or change, and after a hearing on the matter, that the failure to permit or honor the sale, transfer, assignment, or change is unreasonable under the circumstances. No franchise may be sold, assigned, or transferred ~~unless (a) the franchisor has been given at least 90 days' prior written notice by the dealer as to the identity, financial ability, and qualifications of the proposed transferee on forms generally utilized by the franchisor to conduct its review, as well as the full agreement for the proposed transaction, and (b)~~ *if* the sale or transfer of the franchise and business will ~~not~~ involve, without the franchisor's consent, *which consent shall not be unreasonably withheld,* a relocation of the business.

3a. To impose a condition on the approval of the sale or transfer of the ownership of a dealership by the sale of the business, stock transfer, or otherwise if the condition would violate the provisions of this title if imposed on the existing dealer.

In the event the manufacturer, factory branch, distributor or distributor branch takes action to prevent or refuse to approve the sale or transfer of the ownership of a dealership by the sale of the business, stock transfer, or otherwise, or the transfer, sale or assignment of a dealer franchise, or a change in the executive management or principal operator of the dealership, without a statement of specific grounds for doing so that is consistent with subdivision 3 hereof or imposes a condition in violation of subdivision 3a hereof, that shall constitute a violation of this section. The existing dealer may

request review of the action or imposition of the condition in a hearing by the Commissioner. If the Commissioner finds that the action or the imposition of the condition was a violation of this section, the Commissioner may order that the sale or transfer be approved by the manufacturer, factory branch, distributor, or distributor branch, without imposition of the condition. If the existing dealer does not request a hearing by the Commissioner concerning the action or the condition imposed by the manufacturer, factory branch, distributor, or distributor branch, and the action or condition was the proximate cause of the failure of the contract for the sale or transfer of ownership of the dealership, the applicant for approval of the sale or transfer or the existing dealer, or both, may commence an action at law for violation of this section. The action may be commenced in the circuit court of the city or county in which the dealer is located, or in any other circuit court with permissible venue, within two years following the action or the imposition of the condition by the manufacturer, factory branch, distributor, or distributor branch for the damages suffered by the applicant or the dealer as a result of the violation of this section by the manufacturer, factory branch, distributor, or distributor branch, plus the applicant's or dealer's reasonable attorney fees and costs of litigation. Notwithstanding the foregoing, an exercise of the right of first refusal by the manufacturer, factory branch, distributor, or distributor branch pursuant to § 46.2-1569.1 shall not be considered the imposition of a condition prohibited by this section.

4. To grant an additional franchise for a particular line-make of motor vehicle in a relevant market area in which a dealer or dealers in that line-make are already located unless the franchisor has first advised in writing all other dealers in the line-make in the relevant market area. No such additional franchise may be established at the proposed site unless the Commissioner has determined, if requested by a dealer of the same line-make in the relevant market area within 30 days after receipt of the franchisor's notice of intention to establish the additional franchise, and after a hearing on the matter, that the franchisor can show by a preponderance of the evidence that after the grant of the new franchise, the relevant market area will support all of the dealers in that line-make in the relevant market area. Establishing a franchised dealer in a relevant market area to replace a franchised dealer that has not been in operation for more than two years shall constitute the establishment of a new franchise subject to the terms of this subdivision. The two-year period for replacing a franchised dealer shall begin on the day the franchise was terminated, or, if a termination hearing was held, on the day the franchisor was legally permitted finally to terminate the franchise. The relocation of a franchise in a relevant market area, whether by an existing dealer or by a dealer who is acquiring the franchise, shall constitute the establishment of a new franchise subject to the terms of this subdivision. This subdivision shall not apply to (i) the relocation of an existing dealer within that dealer's relevant market area if the relocation site is to be more than 10 miles distant from any other dealer for the same line-make; (ii) the relocation of an existing dealer within that dealer's relevant market area if the relocation site is to be more distant than the existing site from all other dealers of the same line-make in that relevant market area; or (iii) the relocation of an existing new motor vehicle dealer within two miles of the existing site of the relocating dealer.

5. Except as otherwise provided in this subdivision and notwithstanding the terms of any franchise, to terminate, cancel, or refuse to renew the franchise of any dealer without good cause and unless (i) the dealer and the Commissioner have received written notice of the franchisor's intentions at least 60 days prior to the effective date of such termination, cancellation, or the expiration date of the franchise, setting forth the specific grounds for the action, and (ii) the Commissioner has determined, if requested in writing by the dealer within the 60-day period prior to the effective date of such termination, cancellation, or the expiration date of the franchise and, after a hearing on the matter, that the franchisor has shown by a preponderance of the evidence that there is good cause for the termination, cancellation, or nonrenewal of the franchise. If any manufacturer, factory branch, distributor, or distributor branch takes action that will have the effect of terminating, canceling, or refusing to renew the franchise of any dealer (a) by use of a termination agreement executed by the dealer and obtained more than 90 days before the purported date of use, (b) by exercise of rights under a written option to purchase the franchise of a dealer, or (c) by exercise of rights under a site control agreement as defined in subdivision 10, that action shall be considered a termination, cancellation, or refusal to renew pursuant to the terms of this subdivision and subject to the rights, provisions, and procedures provided herein. In any case where a petition is made to the Commissioner for a determination as to good cause for the termination, cancellation, or nonrenewal of a franchise, the franchise in question shall continue in effect pending the Commissioner's decision or, if that decision is appealed to the circuit court, pending the decision of the circuit court. Where the termination, cancellation, or nonrenewal of a franchise will result from use of a termination agreement executed by the dealer and obtained more than 90 days before the purported date of use, exercise of rights under a written option to purchase the franchise of a dealer, or exercise of rights under a site control agreement as defined in subdivision 10, such use or exercise shall be stayed pending the Commissioner's decision or, if that decision is appealed to the circuit court, pending the decision of the circuit court, and its use or exercise will be allowed only where the franchisor has shown by a preponderance of the evidence that there is good cause for the termination, cancellation, or nonrenewal of the franchise. In any case in which a franchisor neither advises a dealer that it does not intend to renew a franchise nor takes any action to renew a franchise beyond its expiration date, the franchise in question shall continue in effect on the terms last agreed to by the parties. Notwithstanding the other provisions of this subdivision notice of termination, cancellation, or nonrenewal may be provided to a dealer by a franchisor not less than 15 days prior to the effective date of such termination, cancellation, or nonrenewal when the grounds for such action are any of the following:

a. Insolvency of the franchised motor vehicle dealer or filing of any petition by or against the franchised motor vehicle dealer, under any bankruptcy or receivership law, leading to liquidation or which is intended to lead to liquidation of the franchisee's business.

b. Failure of the franchised motor vehicle dealer to conduct its customary sales and service operations during its posted business hours for seven consecutive business days, except where the failure results from acts of God or circumstances beyond the direct control of the franchised motor vehicle dealer.

c. Revocation of any license which the franchised motor vehicle dealer is required to have to operate a dealership.

d. Conviction of the dealer or any principal of the dealer of a felony.

The change or discontinuance of a marketing or distribution system of a particular line-make product by a manufacturer or distributor, while the name identification of the product is continued in substantial form by the same or a different manufacturer or distributor, may be considered to be a franchise termination, cancellation, or nonrenewal. The provisions of this paragraph shall apply to changes and discontinuances made after January 1, 1989, but they shall not be considered by any court in any case in which such a change or discontinuance occurring prior to that date has been challenged as constituting a termination, cancellation or nonrenewal.

5a. To fail to provide continued parts and service support to a dealer which holds a franchise in a discontinued line-make for at least five years from the date of such discontinuance. This requirement shall not apply to a line-make which was discontinued prior to January 1, 1989.

5b. Upon the involuntary or voluntary termination, nonrenewal, or cancellation of the franchise of any dealer, by either the manufacturer, distributor, or factory branch or by the dealer, notwithstanding the terms of any franchise whether entered into before or after the enactment of this section, to fail to pay the dealer for at least the following:

(1) The dealer cost plus any charges by the franchisor for distribution, delivery, and taxes paid by the dealer, less all allowances paid to the dealer by the franchisor, for new and undamaged motor vehicles in the dealer's inventory acquired from the franchisor or from another dealer of the same line — make in the ordinary course of business within 18 months of termination;

(2) The dealer cost as shown in the price catalog of the franchisor current at the time of repurchase of each new, unused, undamaged, and unsold part or accessory if such part or accessory is in the current parts catalog and is still in the original, resalable merchandising package and in unbroken lots, except that in the case of sheet metal, a comparable substitute for the original package may be used;

(3) The fair market value of each undamaged sign owned by the dealer that bears a trademark, trade name or commercial symbol used or claimed by the franchisor if such sign was purchased from or at the request of the franchisor;

(4) The fair market value of all special tools and automotive service equipment owned by the dealer that were recommended and designated as special tools or equipment by the franchisor, if the tools and equipment are in usable and good condition, normal wear and tear excepted; and

(5) The reasonable cost of transporting, handling, packing, and loading of motor vehicles, parts, signs, tools, and special equipment subject to repurchase hereunder.

The provisions of this subdivision do not apply to a dealer who is unable to convey clear title to the property identified in this subdivision.

For purposes of this subdivision, a voluntary termination shall not include the transfer of the terminating dealer's franchised business in connection with a transfer of that business by means of sale of the equity ownership or assets thereof to another dealer.

5c. If the termination, cancellation, or nonrenewal of the dealer's franchise is the result of the termination, elimination, or cessation of a line-make by the manufacturer, distributor, or factory branch, then, in addition to the payments to the dealer pursuant to subdivision 5b, the manufacturer, distributor, or factory branch shall be liable to the dealer for the following:

(1) An amount at least equivalent to the fair market value of the franchise for the line-make, which shall be the greater of that value determined as of (i) the date the franchisor announces the action that results in termination, cancellation, or nonrenewal, (ii) the date the action that resulted in the termination, cancellation, or nonrenewal first became general knowledge, or (iii) the day 12 months prior to the date on which the notice of termination, cancellation, or nonrenewal is issued. In determining the fair market value of a franchise for a line-make, if the line-make is not the only line-make for which the dealer holds a franchise in the dealership facilities, the dealer shall also be entitled to compensation for the contribution of the line-make to payment of the rent or to covering obligation for the fair rental value of the dealership facilities for the period set forth in subdivision 5c (2). Fair market value of the franchise for the line-make shall only include the goodwill value of the dealer's franchise for that line-make in the dealer's relevant market area.

(2) If the line-make is the only line-make for which the dealer holds a franchise in the dealership facilities, the manufacturer, distributor, or factory branch shall also pay assistance with respect to the dealership facilities leased or owned by the dealer as follows: (i) the manufacturer, distributor, or factory branch shall pay the dealer a sum equivalent to the rent for the unexpired term of the lease or three years' rent, whichever is the lesser, or (ii) if the dealer owns the dealership facilities, the manufacturer, distributor, or factory branch shall pay the dealer a sum equivalent to the reasonable rental value of the dealership facilities for three years.

To be entitled to facilities assistance from the manufacturer, distributor, or factory branch, the dealer shall have the obligation to mitigate damages by listing the dealership facilities for lease or sublease with a licensed real estate agent within 30 days after the effective date of the termination of the franchise and thereafter by reasonably cooperating with such real estate agent in the performance of the agent's duties and responsibilities. If the dealer is able to lease or sublease the dealership facilities on terms that are consistent with local zoning requirements to preserve the right to sell motor vehicles from the dealership facilities and the terms of the dealer's lease, the dealer shall be obligated to pay the manufacturer the net

revenue received from such mitigation, but only following receipt of facilities assistance payments pursuant to clause (i) or (ii) of subdivision 5c (2), and only up to the total amount of facilities assistance payments that the dealer has received.

6. To fail to allow a dealer the right at any time to designate a member of his family as a successor to the dealership in the event of the death or incapacity of the dealer. Such designation may be made by the dealer or, in the event of the death or incapacity of the dealer, by the qualified executor or personal representative of the dealer. It shall be unlawful to prevent or refuse to honor the succession to a dealership by a member of the family of a deceased or incapacitated dealer if the franchisor has not provided to the member of the family designated the dealer's successor written notice of its objections to the succession and of such person's right to seek a hearing on the matter before the Commissioner pursuant to this article, and the Commissioner determines, if requested in writing by such member of the family within 30 days of receipt of such notice from the franchisor, and after a hearing on the matter before the Commissioner pursuant to this article, that the failure to permit or honor the succession is unreasonable under the circumstances. No member of the family may succeed to a franchise unless (i) the franchisor has been given written notice as to the identity, financial ability, and qualifications of the member of the family in question, and (ii) the succession to the franchise will not involve, without the franchisor's consent, a relocation of the business.

7. To delay, refuse, or fail to deliver to any dealer, if ordered by the dealer, in reasonable quantities and within a reasonable time, any new vehicles of each series and model sold or distributed by the franchisor as covered by such franchise and which are publicly advertised by the manufacturer, factory branch, distributor, or distributor branch in the Commonwealth to be available for immediate delivery, provided, however, that the failure to deliver any motor vehicle shall not be considered a violation of this chapter if such failure is due to an act of God, a work stoppage or delay due to a strike or labor difficulty, a shortage of materials, a lack of available manufacturing capacity, a freight embargo, or other cause over which the manufacturer, factory branch, distributor, or distributor branch shall have no control. If ordered by a dealer, a franchisor shall deliver an equitable supply of new vehicles during the model year of each series and model under the dealer's franchise in proportion to the sales objectives or goals established by the franchisor for the dealer compared to the sales objectives or goals established by the other same line-make dealers in the Commonwealth, provided, however, that the failure to deliver any motor vehicle shall not be considered a violation of this chapter if such failure is due to a cause over which the manufacturer, factory branch, distributer, or distributer branch shall have no control. Upon the written request of any dealer holding its sales or sales and service franchise, the manufacturer or distributor shall disclose to the dealer in writing the basis upon which new motor vehicles of the same line-make are allocated, scheduled, and delivered to dealers in the Commonwealth, and the basis upon which the current allocation or distribution is being made or will be made to such dealer. In the event that allocation is at issue in a request for a hearing, the dealer may demand the Commissioner to direct that the manufacturer or distributor provide to the dealer, within 30 days of such demand, all records of sales and all records of distribution of all motor vehicles to the same line-make dealers who compete with the dealer requesting the hearing.

7a. To fail or refuse to offer to its same line-make franchised dealers all models manufactured for the line-make, or require a dealer to pay any extra fee, or remodel, renovate, or recondition the dealer's existing facilities, or purchase unreasonable advertising displays or other materials as a prerequisite to receiving a model or a series of vehicles.

7b. To require or otherwise coerce a dealer to underutilize the dealer's facilities by requiring or otherwise coercing a dealer to exclude or remove from the dealer's facilities operations for selling or servicing of a line-make of vehicles for which the dealer has a franchise agreement to utilize the facilities.

7c. To require a dealer to purchase goods or services from a vendor selected, identified, or designated by a manufacturer, factory branch, distributor, distributor branch, or one of its affiliates by agreement, program, incentive provision, or otherwise without making available to the dealer the option to obtain the goods or services of substantially similar quality from a vendor chosen by the dealer. For purposes of this subdivision, the term "goods" does not include moveable displays, brochures, and promotional materials containing material subject to intellectual property rights of, or special tools and training as required by the manufacturer, or parts to be used in repairs under warranty obligations of, a manufacturer, factory branch, distributor, or distributor branch.

7d. To fail to provide a notice to a dealer when notifying it of the requirement to purchase goods or services from a vendor selected, identified, or designated by a manufacturer, factory branch, distributor, or distributor branch of the dealer's rights pursuant to subdivision 7c.

7e. To fail to provide to a dealer, when the manufacturer, factory branch, distributor, or distributor branch claims that a vendor chosen by the dealer cannot supply goods and services of substantially similar quality, a disclosure concerning the vendor selected, identified, or designated by the franchisor stating (i) whether the manufacturer, factory branch, distributor, distributor branch, or one of its affiliates, or any officer, director, or employee of the same, has an ownership interest, actual or beneficial, in the vendor and, if so, the percentage of the ownership interest and (ii) whether the manufacturer, factory branch, distributor, distributor branch, or one of its affiliates has an agreement or arrangement by which the vendor pays to the manufacturer, factory branch, distributor, distributor branch, or one of its affiliates, or any officer, director, or employee of the same, any compensation and, if so, the basis and amount of the compensation to be paid as a result of any purchases by the dealer, whether it is to be paid by direct payment by the vendor or by credit from the vendor for the benefit of the recipient.

7f. To fail to provide to a dealer, if the goods and services to be supplied to the dealer by a vendor selected, identified, or designated by the manufacturer, factory branch, distributor, or distributor branch are signs or other franchisor image elements to be leased to the dealer, the right to purchase the signs or other franchisor image elements of like kind and quality

from a vendor selected by the dealer. If the vendor selected by the manufacturer, factory branch, distributor, or distributor branch is the only available vendor, the dealer must be given the opportunity to purchase the signs or other franchisor image elements at a price substantially similar to the capitalized lease costs thereof. This subdivision shall not be construed to allow a dealer to impair or eliminate the intellectual property rights of the manufacturer, factory branch, distributor, or distributor branch, nor to permit a dealer to erect or maintain signs that do not conform to the intellectual property usage guidelines of the manufacturer, factory branch, distributor, or distributor branch.

8. To include in any franchise with a motor vehicle dealer terms that are contrary to, prohibited by, or otherwise inconsistent with the requirements of this chapter.

8a. For any franchise agreement, to require a motor vehicle dealer to pay the attorney fees of the manufacturer or distributor related to hearings and appeals brought under this article.

9. To fail to include in any franchise with a motor vehicle dealer the following language: "If any provision herein contravenes the laws or regulations of any state or other jurisdiction wherein this agreement is to be performed, or denies access to the procedures, forums, or remedies provided for by such laws or regulations, such provision shall be deemed to be modified to conform to such laws or regulations, and all other terms and provisions shall remain in full force," or words to that effect.

9a. To include in any franchise agreement or similar agreement governing the sales, leasing, or service of new motor vehicles, or to enforce or seek to enforce in such franchise agreement or similar agreement, a right for the manufacturer, factory branch, distributor, or distributor branch to unilaterally amend the franchise agreement or similar agreement. Any amendment to a franchise agreement or similar agreement governing the sales, leasing, or service of new vehicles must be agreed by both the manufacturer, factory branch, distributor, or distributor branch and the dealer at the time the franchise agreement or similar agreement is to be amended.

10. To enter into any agreement with a motor vehicle dealer in which the manufacturer, factory branch, distributor, distributor branch, or one of its affiliates is given site control over the premises of a dealer that does not terminate upon the occurrence of any of the following events: (i) the right of the franchisor to manufacture or distribute the line-make of vehicles covered by the dealer's franchise is sold, assigned, or otherwise transferred by the manufacturer, factory branch, distributor, or distributor branch to another; (ii) the final termination of the dealer's franchise for any reason; or (iii) the manufacturer, factory branch, distributor, or distributor branch of its affiliate fails for any reason to exercise its right of first refusal to purchase the assets or ownership of the business of the dealer when given the opportunity to do so by virtue of its franchise agreement, another agreement, or as set forth in § 46.2-1569. For purposes of this subdivision, the term "site control" shall mean the contractual right to control in any way the commercial use and development of the premises upon which a dealer's business operations are located, including the right to approve of additional or different uses for the property beyond those of its franchise, the right to lease or sublease the dealer's property, or the right or option to purchase the dealer's property.

11. To require or coerce a motor vehicle dealer, whether by agreement, program, incentive provision, or otherwise, to submit or to provide a manufacturer, factory branch, distributor, or distributor branch access to consumer data maintained by the dealer (i) by any method that violates or would violate the dealer's chosen policies and processes for complying with obligations to protect consumer data under laws of the United States or the Commonwealth or (ii) through franchisor access to the computer database of the dealer if the dealer chooses to submit data specified by the franchisor.

The manufacturer, factory branch, distributor, or distributor branch shall provide a dealer the right to cancel the dealer's participation in a program under which the dealer provides consumer data or access to data to the manufacturer, factory branch, distributor, or distributor branch, provided that a manufacturer, factory branch, distributor, or distributor branch may require notice of up to 60 days of the dealer's decision to cancel the dealer's participation.

If a manufacturer, factory branch, distributor, or distributor branch offers incentives or other payments under a program offered after July 1, 2015, excluding any continuation, renewal, or modification of any existing program, and available to more than one dealer in the Commonwealth that are premised wholly or in part on dealer participation in manufacturer, factory branch, distributor, or distributor branch programs under which consumer data is provided to or accessed by the manufacturer, factory branch, distributor, or distributor branch, a dealer that exercises its rights under this subdivision shall be deemed to be in compliance with the program requirements pertaining to providing consumer data, provided that the dealer has otherwise met program requirements to the extent of providing any consumer data that is not nonpublic personal information.

It shall not constitute a violation of this subdivision for a manufacturer, factory branch, distributor, or distributor branch to require a motor vehicle dealer to provide data (a) concerning a new motor vehicle sale or used motor vehicle sale under a manufacturer certification program, (b) to validate a customer or dealer incentive, (c) to calculate dealer or market sales or evaluate service performance or customer satisfaction to facilitate analysis of product quality and market feedback, (d) to facilitate warranty service work on a vehicle, (e) concerning information with respect to recall repairs or information about a recalled vehicle, (f) pursuant to a mutual agreement between a manufacturer, factory branch, distributor, or distributor branch and a dealer, or (g) where consumer data is reasonably necessary to enable a manufacturer, factory branch, distributor, or distributor branch to provide programs, products, or services to a dealer.

A dealer that elects to submit or push data or information to the manufacturer, factory branch, distributor, or distributor branch through any method other than that provided by the manufacturer, factory branch, distributor, or distributor branch shall timely obtain and furnish the requested data in a widely accepted electronic file format. A manufacturer, factory

branch, distributor, or distributor branch shall not impose a fee, surcharge, or charge of any type on a dealer that chooses to submit data specified by the manufacturer, factory branch, distributor, or distributor branch rather than provide the manufacturer, factory branch, distributor, or distributor branch access to the dealer's computer database.

CHAPTER 792

An Act to amend and reenact § 15.2-983 of the Code of Virginia, relating to short-term rental property; special exceptions.

[S 544]

Approved April 17, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 15.2-983 of the Code of Virginia is amended and reenacted as follows:

§ 15.2-983. Creation of registry for short-term rental of property.

A. As used in this section:

"Operator" means the proprietor of any dwelling, lodging, or sleeping accommodations offered as a short-term rental, whether in the capacity of owner, lessee, sublessee, mortgagee in possession, licensee, or any other possessory capacity.

"Short-term rental" means the provision of a room or space that is suitable or intended for occupancy for dwelling, sleeping, or lodging purposes, for a period of fewer than 30 consecutive days, in exchange for a charge for the occupancy.

B. 1. Notwithstanding any other provision of law, general or special, any locality may, by ordinance, establish a short-term rental registry and require operators within the locality to register annually. The registration shall be ministerial in nature and shall require the operator to provide *(i)* the complete name of the operator and *(ii)* the address of each property in the locality offered for short-term rental by the operator. A locality may charge a reasonable fee for such registration related to the actual costs of establishing and maintaining the registry.

2. No ordinance shall require a person to register pursuant to this section if such person is (i) licensed by the Real Estate Board or is a property owner who is represented by a real estate licensee; (ii) registered pursuant to the Virginia Real Estate Time-Share Act (§ 55.1-2200 et seq.); (iii) licensed or registered with the Department of Health, related to the provision of room or space for lodging; or (iv) licensed or registered with the locality, related to the rental or management of real property, including licensed real estate professionals, hotels, motels, campgrounds, and bed and breakfast establishments.

C. 1. If a locality adopts a registry ordinance pursuant to this section, such ordinance may include a penalty not to exceed $500 per violation for an operator required to register who offers for short-term rental a property that is not registered with the locality. Such ordinance may provide that unless and until an operator pays the penalty and registers such property, the operator may not continue to offer such property for short-term rental. Upon repeated violations of a registry ordinance as it relates to a specific property, an operator may be prohibited from registering and offering that property for short-term rental.

2. Such ordinance may further provide that an operator required to register may be prohibited from offering a specific property for short-term rental in the locality upon multiple violations on more than three occasions of applicable state and local laws, ordinances, and regulations, as they relate to the short-term rental.

D. *No local ordinance enacted after December 31, 2023, or any subsequent amendment, shall require that a special exception, special use, or conditional use permit be obtained for the use of a residential dwelling as a short-term rental where the dwelling unit is also legally occupied by the property owner as his primary residence.*

E. Except as provided in this section, nothing herein shall be construed to prohibit, limit, or otherwise supersede existing local authority to regulate the short-term rental of property through general land use and zoning authority. Nothing in this section shall be construed to supersede or limit contracts or agreements between or among individuals or private entities related to the use of real property, including recorded declarations and covenants, the provisions of condominium instruments of a condominium created pursuant to the Virginia Condominium Act (§ 55.1-1900 et seq.), the declaration of a common interest community as defined in § 54.1-2345, the cooperative instruments of a cooperative created pursuant to the Virginia Real Estate Cooperative Act (§ 55.1-2100 et seq.), or any declaration of a property owners' association created pursuant to the Property Owners' Association Act (§ 55.1-1800 et seq.).

CHAPTER 793

An Act to amend and reenact §§ 59.1-200 and 59.1-293.10 of the Code of Virginia and to amend the Code of Virginia by adding in Chapter 23.2 of Title 59.1 sections numbered 59.1-293.12 through 59.1-293.19, relating to liquid nicotine and nicotine vapor products; certification and directory; penalties.

[S 550]

Approved April 17, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 59.1-200 and 59.1-293.10 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Chapter 23.2 of Title 59.1 sections numbered 59.1-293.12 through 59.1-293.19 as follows:

§ 59.1-200. Prohibited practices.

A. The following fraudulent acts or practices committed by a supplier in connection with a consumer transaction are hereby declared unlawful:

1. Misrepresenting goods or services as those of another;

2. Misrepresenting the source, sponsorship, approval, or certification of goods or services;

3. Misrepresenting the affiliation, connection, or association of the supplier, or of the goods or services, with another;

4. Misrepresenting geographic origin in connection with goods or services;

5. Misrepresenting that goods or services have certain quantities, characteristics, ingredients, uses, or benefits;

6. Misrepresenting that goods or services are of a particular standard, quality, grade, style, or model;

7. Advertising or offering for sale goods that are used, secondhand, repossessed, defective, blemished, deteriorated, or reconditioned, or that are "seconds," irregulars, imperfects, or "not first class," without clearly and unequivocally indicating in the advertisement or offer for sale that the goods are used, secondhand, repossessed, defective, blemished, deteriorated, reconditioned, or are "seconds," irregulars, imperfects or "not first class";

8. Advertising goods or services with intent not to sell them as advertised, or with intent not to sell at the price or upon the terms advertised.

In any action brought under this subdivision, the refusal by any person, or any employee, agent, or servant thereof, to sell any goods or services advertised or offered for sale at the price or upon the terms advertised or offered, shall be prima facie evidence of a violation of this subdivision. This paragraph shall not apply when it is clearly and conspicuously stated in the advertisement or offer by which such goods or services are advertised or offered for sale, that the supplier or offeror has a limited quantity or amount of such goods or services for sale, and the supplier or offeror at the time of such advertisement or offer did in fact have or reasonably expected to have at least such quantity or amount for sale;

9. Making false or misleading statements of fact concerning the reasons for, existence of, or amounts of price reductions;

10. Misrepresenting that repairs, alterations, modifications, or services have been performed or parts installed;

11. Misrepresenting by the use of any written or documentary material that appears to be an invoice or bill for merchandise or services previously ordered;

12. Notwithstanding any other provision of law, using in any manner the words "wholesale," "wholesaler," "factory," or "manufacturer" in the supplier's name, or to describe the nature of the supplier's business, unless the supplier is actually engaged primarily in selling at wholesale or in manufacturing the goods or services advertised or offered for sale;

13. Using in any contract or lease any liquidated damage clause, penalty clause, or waiver of defense, or attempting to collect any liquidated damages or penalties under any clause, waiver, damages, or penalties that are void or unenforceable under any otherwise applicable laws of the Commonwealth, or under federal statutes or regulations;

13a. Failing to provide to a consumer, or failing to use or include in any written document or material provided to or executed by a consumer, in connection with a consumer transaction any statement, disclosure, notice, or other information however characterized when the supplier is required by 16 C.F.R. Part 433 to so provide, use, or include the statement, disclosure, notice, or other information in connection with the consumer transaction;

14. Using any other deception, fraud, false pretense, false promise, or misrepresentation in connection with a consumer transaction;

15. Violating any provision of § 3.2-6509, 3.2-6512, 3.2-6513, 3.2-6513.1, 3.2-6514, 3.2-6515, 3.2-6516, or 3.2-6519 is a violation of this chapter;

16. Failing to disclose all conditions, charges, or fees relating to:

a. The return of goods for refund, exchange, or credit. Such disclosure shall be by means of a sign attached to the goods, or placed in a conspicuous public area of the premises of the supplier, so as to be readily noticeable and readable by the person obtaining the goods from the supplier. If the supplier does not permit a refund, exchange, or credit for return, he shall so state on a similar sign. The provisions of this subdivision shall not apply to any retail merchant who has a policy of providing, for a period of not less than 20 days after date of purchase, a cash refund or credit to the purchaser's credit card account for the return of defective, unused, or undamaged merchandise upon presentation of proof of purchase. In the case of merchandise paid for by check, the purchase shall be treated as a cash purchase and any refund may be delayed for a period of 10 banking days to allow for the check to clear. This subdivision does not apply to sale merchandise that is obviously distressed, out of date, post season, or otherwise reduced for clearance; nor does this subdivision apply to special order purchases where the purchaser has requested the supplier to order merchandise of a specific or unusual size, color, or brand not ordinarily carried in the store or the store's catalog; nor shall this subdivision apply in connection with a transaction for the sale or lease of motor vehicles, farm tractors, or motorcycles as defined in § 46.2-100;

b. A layaway agreement. Such disclosure shall be furnished to the consumer (i) in writing at the time of the layaway agreement, or (ii) by means of a sign placed in a conspicuous public area of the premises of the supplier, so as to be readily noticeable and readable by the consumer, or (iii) on the bill of sale. Disclosure shall include the conditions, charges, or fees in the event that a consumer breaches the agreement;

16a. Failing to provide written notice to a consumer of an existing open-end credit balance in excess of $5 (i) on an account maintained by the supplier and (ii) resulting from such consumer's overpayment on such account. Suppliers shall give consumers written notice of such credit balances within 60 days of receiving overpayments. If the credit balance information is incorporated into statements of account furnished consumers by suppliers within such 60-day period, no separate or additional notice is required;

17. If a supplier enters into a written agreement with a consumer to resolve a dispute that arises in connection with a consumer transaction, failing to adhere to the terms and conditions of such an agreement;

18. Violating any provision of the Virginia Health Club Act, Chapter 24 (§ 59.1-294 et seq.);

19. Violating any provision of the Virginia Home Solicitation Sales Act, Chapter 2.1 (§ 59.1-21.1 et seq.);

20. Violating any provision of the Automobile Repair Facilities Act, Chapter 17.1 (§ 59.1-207.1 et seq.);

21. Violating any provision of the Virginia Lease-Purchase Agreement Act, Chapter 17.4 (§ 59.1-207.17 et seq.);

22. Violating any provision of the Prizes and Gifts Act, Chapter 31 (§ 59.1-415 et seq.);

23. Violating any provision of the Virginia Public Telephone Information Act, Chapter 32 (§ 59.1-424 et seq.);

24. Violating any provision of § 54.1-1505;

25. Violating any provision of the Motor Vehicle Manufacturers' Warranty Adjustment Act, Chapter 17.6 (§ 59.1-207.34 et seq.);

26. Violating any provision of § 3.2-5627, relating to the pricing of merchandise;

27. Violating any provision of the Pay-Per-Call Services Act, Chapter 33 (§ 59.1-429 et seq.);

28. Violating any provision of the Extended Service Contract Act, Chapter 34 (§ 59.1-435 et seq.);

29. Violating any provision of the Virginia Membership Camping Act, Chapter 25 (§ 59.1-311 et seq.);

30. Violating any provision of the Comparison Price Advertising Act, Chapter 17.7 (§ 59.1-207.40 et seq.);

31. Violating any provision of the Virginia Travel Club Act, Chapter 36 (§ 59.1-445 et seq.);

32. Violating any provision of §§ 46.2-1231 and 46.2-1233.1;

33. Violating any provision of Chapter 40 (§ 54.1-4000 et seq.) of Title 54.1;

34. Violating any provision of Chapter 10.1 (§ 58.1-1031 et seq.) of Title 58.1;

35. Using the consumer's social security number as the consumer's account number with the supplier, if the consumer has requested in writing that the supplier use an alternate number not associated with the consumer's social security number;

36. Violating any provision of Chapter 18 (§ 6.2-1800 et seq.) of Title 6.2;

37. Violating any provision of § 8.01-40.2;

38. Violating any provision of Article 7 (§ 32.1-212 et seq.) of Chapter 6 of Title 32.1;

39. Violating any provision of Chapter 34.1 (§ 59.1-441.1 et seq.);

40. Violating any provision of Chapter 20 (§ 6.2-2000 et seq.) of Title 6.2;

41. Violating any provision of the Virginia Post-Disaster Anti-Price Gouging Act, Chapter 46 (§ 59.1-525 et seq.);

42. Violating any provision of Chapter 47 (§ 59.1-530 et seq.);

43. Violating any provision of § 59.1-443.2;

44. Violating any provision of Chapter 48 (§ 59.1-533 et seq.);

45. Violating any provision of Chapter 25 (§ 6.2-2500 et seq.) of Title 6.2;

46. Violating the provisions of clause (i) of subsection B of § 54.1-1115;

47. Violating any provision of § 18.2-239;

48. Violating any provision of Chapter 26 (§ 59.1-336 et seq.);

49. Selling, offering for sale, or manufacturing for sale a children's product the supplier knows or has reason to know was recalled by the U.S. Consumer Product Safety Commission. There is a rebuttable presumption that a supplier has reason to know a children's product was recalled if notice of the recall has been posted continuously at least 30 days before the sale, offer for sale, or manufacturing for sale on the website of the U.S. Consumer Product Safety Commission. This prohibition does not apply to children's products that are used, secondhand or "seconds";

50. Violating any provision of Chapter 44.1 (§ 59.1-518.1 et seq.);

51. Violating any provision of Chapter 22 (§ 6.2-2200 et seq.) of Title 6.2;

52. Violating any provision of § 8.2-317.1;

53. Violating subsection A of § 9.1-149.1;

54. Selling, offering for sale, or using in the construction, remodeling, or repair of any residential dwelling in the Commonwealth, any drywall that the supplier knows or has reason to know is defective drywall. This subdivision shall not apply to the sale or offering for sale of any building or structure in which defective drywall has been permanently installed or affixed;

55. Engaging in fraudulent or improper or dishonest conduct as defined in § 54.1-1118 while engaged in a transaction that was initiated (i) during a declared state of emergency as defined in § 44-146.16 or (ii) to repair damage resulting from the event that prompted the declaration of a state of emergency, regardless of whether the supplier is licensed as a contractor in the Commonwealth pursuant to Chapter 11 (§ 54.1-1100 et seq.) of Title 54.1;

56. Violating any provision of Chapter 33.1 (§ 59.1-434.1 et seq.);

57. Violating any provision of § 18.2-178, 18.2-178.1, or 18.2-200.1;

58. Violating any provision of Chapter 17.8 (§ 59.1-207.45 et seq.);

59. Violating any provision of subsection E of § 32.1-126;

60. Violating any provision of § 54.1-111 relating to the unlicensed practice of a profession licensed under Chapter 11 (§ 54.1-1100 et seq.) or Chapter 21 (§ 54.1-2100 et seq.) of Title 54.1;

61. Violating any provision of § 2.2-2001.5;

62. Violating any provision of Chapter 5.2 (§ 54.1-526 et seq.) of Title 54.1;

63. Violating any provision of § 6.2-312;

64. Violating any provision of Chapter 20.1 (§ 6.2-2026 et seq.) of Title 6.2;

65. Violating any provision of Chapter 26 (§ 6.2-2600 et seq.) of Title 6.2;

66. Violating any provision of Chapter 54 (§ 59.1-586 et seq.);

67. Knowingly violating any provision of § 8.01-27.5;

68. Failing to, in accordance with § 59.1-207.46, (i) make available a conspicuous online option to cancel a recurring purchase of a good or service or (ii) with respect to a free trial lasting more than 30 days, notify a consumer of his option to cancel such free trial within 30 days of the end of the trial period to avoid an obligation to pay for the goods or services;

69. Selling or offering for sale any substance intended for human consumption, orally or by inhalation, that contains a synthetic derivative of tetrahydrocannabinol. As used in this subdivision, "synthetic derivative" means a chemical compound produced by man through a chemical transformation to turn a compound into a different compound by adding or subtracting molecules to or from the original compound. This subdivision shall not (i) apply to products that are approved for marketing by the U.S. Food and Drug Administration and scheduled in the Drug Control Act (§ 54.1-3400 et seq.) or (ii) be construed to prohibit any conduct permitted under Chapter 16 (§ 4.1-1600 et seq.) of Title 4.1;

70. Selling or offering for sale to a person younger than 21 years of age any substance intended for human consumption, orally or by inhalation, that contains tetrahydrocannabinol. This subdivision shall not (i) apply to products that are approved for marketing by the U.S. Food and Drug Administration and scheduled in the Drug Control Act (§ 54.1-3400 et seq.) or (ii) be construed to prohibit any conduct permitted under Chapter 16 (§ 4.1-1600 et seq.) of Title 4.1;

71. Selling or offering for sale any substance intended for human consumption, orally or by inhalation, that contains tetrahydrocannabinol, unless such substance is (i) contained in child-resistant packaging, as defined in § 4.1-600; (ii) equipped with a label that states, in English and in a font no less than 1/16 of an inch, (a) that the substance contains tetrahydrocannabinol and may not be sold to persons younger than 21 years of age, (b) all ingredients contained in the substance, (c) the amount of such substance that constitutes a single serving, and (d) the total percentage and milligrams of tetrahydrocannabinol included in the substance and the number of milligrams of tetrahydrocannabinol that are contained in each serving; and (iii) accompanied by a certificate of analysis, produced by an independent laboratory that is accredited pursuant to standard ISO/IEC 17025 of the International Organization of Standardization by a third-party accrediting body, that states the tetrahydrocannabinol concentration of the substance or the tetrahydrocannabinol concentration of the batch from which the substance originates. This subdivision shall not (i) apply to products that are approved for marketing by the U.S. Food and Drug Administration and scheduled in the Drug Control Act (§ 54.1-3400 et seq.) or (ii) be construed to prohibit any conduct permitted under Chapter 16 (§ 4.1-1600 et seq.) of Title 4.1;

72. Manufacturing, offering for sale at retail, or selling at retail an industrial hemp extract, as defined in § 3.2-5145.1, a food containing an industrial hemp extract, or a substance containing tetrahydrocannabinol that depicts or is in the shape of a human, animal, vehicle, or fruit;

73. Selling or offering for sale any substance intended for human consumption, orally or by inhalation, that contains tetrahydrocannabinol and, without authorization, bears, is packaged in a container or wrapper that bears, or is otherwise labeled to bear the trademark, trade name, famous mark as defined in 15 U.S.C. § 1125, or other identifying mark, imprint, or device, or any likeness thereof, of a manufacturer, processor, packer, or distributor of a product intended for human consumption other than the manufacturer, processor, packer, or distributor that did in fact so manufacture, process, pack, or distribute such substance;

74. Selling or offering for sale a topical hemp product, as defined in § 3.2-4112, that does not include a label stating that the product is not intended for human consumption. This subdivision shall not (i) apply to products that are approved for marketing by the U.S. Food and Drug Administration and scheduled in the Drug Control Act (§ 54.1-3400 et seq.), (ii) be construed to prohibit any conduct permitted under Chapter 16 (§ 4.1-1600 et seq.) of Title 4.1, or (iii) apply to topical hemp products that were manufactured prior to July 1, 2023, provided that the person provides documentation of the date of manufacture if requested;

75. Violating any provision of § 59.1-466.8;

76. Violating subsection F of § 36-96.3:1;

77. Selling or offering for sale (i) any kratom product to a person younger than 21 years of age or (ii) any kratom product that does not include a label listing all ingredients and with the following guidance: "This product may be harmful to your health, has not been evaluated by the FDA, and is not intended to diagnose, treat, cure, or prevent any disease." As used in this subdivision, "kratom" means any part of the leaf of the plant Mitragyna speciosa or any extract thereof; ~~and~~

78. Failing to disclose the total cost of a good or continuous service, as defined in § 59.1-207.45, to a consumer, including any mandatory fees or charges, prior to entering into an agreement for the sale of any such good or provision of any such continuous service*; and*

79. Violating any provision of Chapter 23.2 (§ 59.1-293.10 et seq.).

B. Nothing in this section shall be construed to invalidate or make unenforceable any contract or lease solely by reason of the failure of such contract or lease to comply with any other law of the Commonwealth or any federal statute or regulation, to the extent such other law, statute, or regulation provides that a violation of such law, statute, or regulation shall not invalidate or make unenforceable such contract or lease.

§ 59.1-293.10. Definitions.

As used in this chapter, unless the context requires another meaning:

"Child-resistant packaging" means packaging that is designed or constructed to meet the child-resistant effectiveness standards set forth in 16 C.F.R. § 1700.15(b)(1) when tested in accordance with the protocols described in 16 C.F.R. § 1700.20 as in effect on July 1, 2015.

"Liquid nicotine" ~~means a liquid or other substance containing nicotine in any concentration that is sold, marketed, or intended for use in a nicotine vapor product~~ *has the same meaning as provided in § 58.1-1021.01.*

"Liquid nicotine container" means a bottle or other container holding liquid nicotine in any concentration but does not include a cartridge containing liquid nicotine if such cartridge is prefilled and sealed by the manufacturer of such cartridge and is not intended to be opened by the consumer.

"Nicotine vapor product" has the same meaning as *provided* in ~~§ 18.2-371.2~~ *§ 58.1-1021.01.*

§ 59.1-293.12. Liquid nicotine and nicotine vapor product; directory.

The Attorney General shall establish and maintain a directory that lists all liquid nicotine or nicotine vapor product manufacturers and liquid nicotine and nicotine vapor products for which current and accurate certification forms have been submitted in accordance with the provisions of § 59.1-293.13. The Attorney General shall make the directory available for public inspection on its website. The Attorney General shall update the directory as necessary.

§ 59.1-293.13. Liquid nicotine and nicotine vapor product; certification; penalty.

A. By December 31, 2025, and annually thereafter, every manufacturer of liquid nicotine or nicotine vapor products that are sold for retail sale in the Commonwealth, whether directly or through a wholesaler, distributor, retailer, or similar intermediary, shall certify in a form and manner as prescribed by the Attorney General that the manufacturer agrees to comply with the provisions of this chapter and that:

1. The manufacturer has received a marketing authorization or similar order for the liquid nicotine or nicotine vapor product from the U.S. Food and Drug Administration pursuant to 21 U.S.C. § 387j; or

2. The liquid nicotine or nicotine vapor product was marketed in the United States as of August 8, 2016, or the manufacturer submitted a premarket tobacco product application for the liquid nicotine or nicotine vapor product to the U.S. Food and Drug Administration pursuant to 21 U.S.C. § 387j on or before September 9, 2020, and the application either remains under review by the U.S. Food and Drug Administration or a final decision on the application has not otherwise taken effect.

B. A manufacturer of liquid nicotine or nicotine vapor products shall submit a certification form for each liquid nicotine and nicotine vapor product that such manufacturer sells for retail sale in the Commonwealth.

C. Each certification form shall be accompanied by:

1. A copy of the marketing authorization or other order for each liquid nicotine or nicotine vapor product issued by the U.S. Food and Drug Administration pursuant to 21 U.S.C. § 387j, or evidence that the premarket tobacco product application for the liquid nicotine or nicotine vapor product was submitted to the U.S. Food and Drug Administration and a final authorization or order has not yet taken effect;

2. A fee of $2,000 for each liquid nicotine and nicotine vapor product, to be remitted with the manufacturer's first certification submission that identifies any such product and with any resubmission of a certification for any such product following any period of noncertified status; and

3. A fee of $500 to be submitted annually for each liquid nicotine and nicotine vapor product to be remitted with the manufacturer's annual recertification submission identifying any liquid nicotine or nicotine vapor product, where such recertification does not follow any period of noncertified status.

D. A manufacturer required to submit a certification pursuant to this section shall notify the Attorney General within 30 days of any material change to the certification form, including the issuance or denial of a marketing authorization or other order or action by the U.S. Food and Drug Administration pursuant to 21 U.S.C. § 387j, or any other order or action by the U.S. Food and Drug Administration that affects the ability of the liquid nicotine or nicotine vapor product to be introduced or delivered into interstate commerce for commercial distribution in the United States.

E. Any manufacturer that falsely represents any of the information required by this section is guilty of a Class 3 misdemeanor for each false representation. Venue for prosecution of a violation of this subsection shall be proper in the Circuit Court for the City of Richmond.

§ 59.1-293.14. Removal or exclusion from directory.

A. The Attorney General shall, in accordance with the provisions of this section, remove or exclude from the directory any liquid nicotine or nicotine vapor product manufacturer or liquid nicotine or nicotine vapor product that the Attorney General determines is not in compliance with the provisions of this chapter.

B. If the Attorney General determines to remove or exclude from the directory a liquid nicotine or nicotine vapor product manufacturer or a liquid nicotine or nicotine vapor product in the directory, the Attorney General shall notify by electronic or other practicable means the manufacturer's registered agent in the Commonwealth of such determination. The liquid nicotine or nicotine vapor product manufacturer shall have 10 business days from receipt of such notice to establish that the liquid nicotine or nicotine vapor product manufacturer or liquid nicotine or nicotine vapor product meets the requirements to be included in the directory. If the liquid nicotine or nicotine vapor product manufacturer fails to establish compliance within the 10-business-day period, the Attorney General shall remove or exclude from the directory the liquid nicotine or nicotine vapor product manufacturer or liquid nicotine or nicotine vapor product.

C. Any determination by the Attorney General to remove or exclude from the directory a manufacturer or a product shall be subject to review by the filing of a civil action for prospective declaratory or injunctive relief in the Circuit Court for the City of Richmond.

D. If a liquid nicotine or nicotine vapor product is removed from the directory:

1. Each retailer, distributor, and wholesaler shall have 30 days to sell the product or remove such product intended for retail sale in the Commonwealth from its inventory and return the product to the manufacturer for disposal. After 21 days following the removal from the directory, the liquid nicotine and nicotine vapor products removed from the directory shall be subject to seizure, forfeiture, and destruction and shall not be purchased or sold in the Commonwealth.

2. Each manufacturer, wholesaler, or retail dealer selling the product intended for retail sale in the Commonwealth shall notify each purchaser of the product that it has been removed from the directory at the time of delivery of such product. Unless otherwise provided by contract or purchase agreement, the manufacturer, wholesaler, or retail dealer shall provide the purchaser a refund of the purchase price of the removed product. If a manufacturer, wholesaler, or retail dealer fails to provide such refund, the purchaser may bring an action against the manufacturer, wholesaler, or retail dealer in a court of competent jurisdiction to recover the purchase price and reasonable attorney fees and costs.

§ 59.1-293.15. Agent for service of process.

A. Any nonresident manufacturer of liquid nicotine or nicotine vapor products that has not registered to do business in the Commonwealth as a foreign corporation or business entity shall, as a condition precedent to being included in the directory established by the Attorney General pursuant to § 59.1-293.12, appoint and continually engage without interruption the services of an agent in the Commonwealth to act as agent for the service of process in any action or proceeding against such nonresident manufacturer concerning or arising out of the enforcement of this chapter, and such nonresident manufacturer may be served in any manner authorized by law. Such service shall constitute legal and valid service of process on the nonresident manufacturer. The manufacturer shall provide the name, address, telephone number, and proof of the appointment and availability of such agent to the Attorney General.

B. The manufacturer shall provide notice to the Attorney General 30 calendar days prior to termination of the authority of an agent and shall further provide proof to the satisfaction of the Attorney General of the appointment of a new agent no less than five calendar days prior to the termination of an existing agent appointment. In the event an agent terminates an agency appointment, the manufacturer shall notify the Attorney General of the termination within five calendar days and shall include proof to the satisfaction of the Attorney General of the appointment of a new agent.

C. Any manufacturer whose liquid nicotine or nicotine vapor products are sold in the Commonwealth who has not appointed and engaged the services of an agent as required by this section shall be deemed to have appointed the Secretary of the Commonwealth as its agent for service of process. The appointment of the Secretary of the Commonwealth as agent shall not satisfy the condition precedent required in subsection A to be included in the directory.

§ 59.1-293.16. Recordkeeping; audits, inspections, and investigations; penalties.

A. Any person that receives, stores, sells, handles, or transports liquid nicotine or nicotine vapor products shall preserve all invoices, books, papers, canceled checks, or other documents relating to the purchase, sale, exchange, receipt, or transportation of all liquid nicotine or nicotine vapor products for a period of three years. All such invoices, books, papers, canceled checks, or other documents shall be subject to audit or inspection at any time by any duly authorized representative of the Attorney General.

B. Any person who violates the provisions of subsection A is guilty of a Class 2 misdemeanor.

C. The Department of Taxation shall impose a penalty of $1,000 for each day that a person fails or refuses to allow or cooperate with an audit, inspection, or investigation of such records. Such penalty shall be collected as other taxes are collected. Upon a person's refusal to cooperate with an audit, inspection, or investigation, the Attorney General may apply to the Circuit Court for the City of Richmond for injunctive relief.

D. The Department of Taxation, the Attorney General, any other law-enforcement agency of the Commonwealth, or any federal law-enforcement agency conducting a criminal investigation involving the trafficking of liquid nicotine or nicotine vapor products may access at any time the records required to be preserved by this section. Copies of such records shall be provided to such officials or agencies upon request. Any court, investigatory grand jury, or special grand jury that has been impaneled in accordance with the provisions of Chapter 13 (§ 19.2-191 et seq.) of Title 19.2 may access such records if relevant to any proceedings therein. Such records shall be exempt from disclosure under the Virginia Freedom of Information Act (§ 2.2-3700 et seq.). Investigators of the Attorney General may accompany and participate with other law-enforcement officials engaging in enforcement action relating to such trafficking.

§ 59.1-293.17. Sale or distribution prohibited.

A. Beginning December 31, 2025, no person shall sell, distribute or import for resale, or offer for sale a liquid nicotine or nicotine vapor product for retail sale in the Commonwealth unless such liquid nicotine or nicotine vapor product is included in the directory established by the Attorney General pursuant to § 59.1-293.12.

B. Beginning December 31, 2025, no liquid nicotine or nicotine vapor product manufacturer shall sell for retail sale, either directly or through a wholesaler, distributor, retailer, or similar intermediary or intermediaries, a liquid nicotine or nicotine vapor product in the Commonwealth unless such liquid nicotine or nicotine vapor product is included in the directory established by the Attorney General pursuant to § 59.1-293.12.

C. Any person that violates the provisions of subsection A is subject to a fine of $1,000 per day for each product offered for sale in violation until the offending product is removed from the market or until the offending product is properly listed on the directory.

D. A liquid nicotine or nicotine vapor product manufacturer that violates the provisions of subsection B is subject to a fine of $1,000 per day for each product offered for sale in violation until the offending product is removed from the market or until the offending product is properly listed on the directory.

E. Each retailer shall have 60 days from the date that the Attorney General first makes the directory available for inspection on its public website to sell any products that were in its inventory and not included in the directory or to remove from inventory and return such products to the manufacturer for disposal.

F. Each distributor or wholesaler shall have 60 days from the date that the Attorney General first makes the directory available for inspection on its public website to remove any products intended for sale in the Commonwealth from its inventory and return such products to the manufacturer for disposal.

G. In an action brought under this section, the attorney for the Commonwealth or the attorney for the county, city, or town may recover reasonable costs of investigation, the costs of the action, and attorney fees.

H. Any civil penalties assessed under this section in an action brought in the name of a locality shall be paid into the general fund of the locality.

I. All fees collected by the Attorney General pursuant to this chapter shall be used for the administration and enforcement of this chapter.

§ 59.1-293.18. Enforcement; inspection.

A. Notwithstanding any other provisions of law to the contrary, any attorney for the Commonwealth or the attorney for any city, county, or town may cause an action to be brought in the appropriate circuit court in the name of the Commonwealth or of the county, city, or town to enjoin any violation of this chapter. The circuit court having jurisdiction may enjoin such violations notwithstanding the existence of an adequate remedy at law. In any action under this section, it shall not be necessary that damages be proved.

B. The circuit courts are authorized to (i) issue temporary or permanent injunctions to restrain and prevent violations of this chapter and (ii) order forfeiture of any property seized for a violation of this chapter.

C. Each violation of this chapter shall constitute a separate violation and shall be subject to any penalties imposed under this chapter.

D. Any retailer or wholesaler that sells or distributes any liquid nicotine or nicotine vapor product in the Commonwealth shall be subject to scheduled or unscheduled compliance checks carried out by the Attorney General, or an agent thereof, for the purposes of enforcing the provisions of this chapter.

§ 59.1-293.19. Liquid nicotine and nicotine vapor product; report.

The Attorney General shall provide an annual report on or before January 31 to the General Assembly regarding the status of the directory, manufacturers and products included in the directory, revenues and expenditures related to the administration of this chapter, and enforcement activities undertaken pursuant to this chapter.

2. That the provisions of this act shall become effective on July 1, 2025.

CHAPTER 794

An Act to amend and reenact §§ 56-576 and 56-596.2 of the Code of Virginia, relating to energy efficiency programs; incremental annual savings.

[S 565]

Approved April 17, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 56-576 and 56-596.2 of the Code of Virginia are amended and reenacted as follows:

§ 56-576. Definitions.

As used in this chapter:

"Affiliate" means any person that controls, is controlled by, or is under common control with an electric utility.

"Aggregator" means a person that, as an agent or intermediary, (i) offers to purchase, or purchases, electric energy or (ii) offers to arrange for, or arranges for, the purchase of electric energy, for sale to, or on behalf of, two or more retail customers not controlled by or under common control with such person. The following activities shall not, in and of themselves, make a person an aggregator under this chapter: (i) furnishing legal services to two or more retail customers, suppliers or aggregators; (ii) furnishing educational, informational, or analytical services to two or more retail customers, unless direct or indirect compensation for such services is paid by an aggregator or supplier of electric energy; (iii) furnishing educational, informational, or analytical services to two or more suppliers or aggregators; (iv) providing default service under § 56-585; (v) engaging in activities of a retail electric energy supplier, licensed pursuant to § 56-587, which are authorized by such supplier's license; and (vi) engaging in actions of a retail customer, in common with one or more other such retail customers, to issue a request for proposal or to negotiate a purchase of electric energy for consumption by such retail customers.

"Business park" means a land development containing a minimum of 100 contiguous acres classified as a Tier 4 site under the Virginia Economic Development Partnership's Business Ready Sites Program that is developed and constructed by a locality, an industrial development authority, or a similar political subdivision of the Commonwealth created pursuant to § 15.2-4903 or other act of the General Assembly, in order to promote business development.

"Combined heat and power" means a method of using waste heat from electrical generation to offset traditional processes, space heating, air conditioning, or refrigeration.

"Commission" means the State Corporation Commission.

"Community in which a majority of the population are people of color" means a U.S. Census tract where more than 50 percent of the population comprises individuals who identify as belonging to one or more of the following groups: Black, African American, Asian, Pacific Islander, Native American, other non-white race, mixed race, Hispanic, Latino, or linguistically isolated.

"Cooperative" means a utility formed under or subject to Chapter 9.1 (§ 56-231.15 et seq.).

"Covered entity" means a provider in the Commonwealth of an electric service not subject to competition but does not include default service providers.

"Covered transaction" means an acquisition, merger, or consolidation of, or other transaction involving stock, securities, voting interests or assets by which one or more persons obtains control of a covered entity.

"Curtailment" means inducing retail customers to reduce load during times of peak demand so as to ease the burden on the electrical grid.

"Customer choice" means the opportunity for a retail customer in the Commonwealth to purchase electric energy from any supplier licensed and seeking to sell electric energy to that customer.

"Demand response" means measures aimed at shifting time of use of electricity from peak-use periods to times of lower demand by inducing retail customers to curtail electricity usage during periods of congestion and higher prices in the electrical grid.

"Distribute," "distributing," or "distribution of" electric energy means the transfer of electric energy through a retail distribution system to a retail customer.

"Distributor" means a person owning, controlling, or operating a retail distribution system to provide electric energy directly to retail customers.

"Electric distribution grid transformation project" means a project associated with electric distribution infrastructure, including related data analytics equipment, that is designed to accommodate or facilitate the integration of utility-owned or customer-owned renewable electric generation resources with the utility's electric distribution grid or to otherwise enhance electric distribution grid reliability, electric distribution grid security, customer service, or energy efficiency and conservation, including advanced metering infrastructure; intelligent grid devices for real time system and asset information; automated control systems for electric distribution circuits and substations; communications networks for service meters; intelligent grid devices and other distribution equipment; distribution system hardening projects for circuits, other than the conversion of overhead tap lines to underground service, and substations designed to reduce service outages or service restoration times; physical security measures at key distribution substations; cyber security measures; energy storage systems and microgrids that support circuit-level grid stability, power quality, reliability, or resiliency or provide temporary backup energy supply; electrical facilities and infrastructure necessary to support electric vehicle charging systems; LED street light conversions; and new customer information platforms designed to provide improved customer access, greater service options, and expanded access to energy usage information.

"Electric utility" means any person that generates, transmits, or distributes electric energy for use by retail customers in the Commonwealth, including any investor-owned electric utility, cooperative electric utility, or electric utility owned or operated by a municipality.

"Energy efficiency program" means a program that reduces the total amount of electricity that is required for the same process or activity implemented after the expiration of capped rates. Energy efficiency programs include equipment, physical, or program change designed to produce measured and verified reductions in the amount of electricity required to perform the same function and produce the same or a similar outcome. Energy efficiency programs may include, but are not limited to, (i) programs that result in improvements in lighting design, heating, ventilation, and air conditioning systems, appliances, building envelopes, and industrial and commercial processes; (ii) measures, such as but not limited to the installation of advanced meters, implemented or installed by utilities, that reduce fuel use or losses of electricity and otherwise improve internal operating efficiency in generation, transmission, and distribution systems; and (iii) customer engagement programs that result in measurable and verifiable energy savings that lead to efficient use patterns and practices. Energy efficiency programs include demand response, combined heat and power and waste heat recovery, curtailment, or other programs that are designed to reduce electricity consumption so long as they reduce the total amount of electricity that is required for the same process or activity. Utilities shall be authorized to install and operate such advanced metering technology and equipment on a customer's premises; however, nothing in this chapter establishes a requirement that an energy efficiency program be implemented on a customer's premises and be connected to a customer's wiring on the customer's side of the inter-connection without the customer's expressed consent.

"Generate," "generating," or "generation of" electric energy means the production of electric energy.

"Generator" means a person owning, controlling, or operating a facility that produces electric energy for sale.

"Historically economically disadvantaged community" means (i) a community in which a majority of the population are people of color or (ii) a low-income geographic area.

"Incremental annual savings" means the total combined kilowatt-hour savings achieved by electric utility energy efficiency and demand response programs and measures in the program year in which they are installed.

"Incumbent electric utility" means each electric utility in the Commonwealth that, prior to July 1, 1999, supplied electric energy to retail customers located in an exclusive service territory established by the Commission.

"Independent system operator" means a person that may receive or has received, by transfer pursuant to this chapter, any ownership or control of, or any responsibility to operate, all or part of the transmission systems in the Commonwealth.

"In the public interest," for purposes of assessing energy efficiency programs *prior to the 2029 program year*, describes an energy efficiency program if the Commission determines that the net present value of the benefits exceeds the net present value of the costs as determined by not less than any three of the following four tests: (i) the Total Resource Cost Test; (ii) the Utility Cost Test (also referred to as the Program Administrator Test); (iii) the Participant Test; and (iv) the Ratepayer Impact Measure Test. Such determination shall include an analysis of all four tests, and a program or portfolio of programs shall be approved if the net present value of the benefits exceeds the net present value of the costs as determined by not less than any three of the four tests. *For programs proposed for the 2029 program year and all subsequent years, the Commission shall establish targets pursuant to subdivision B 4 of § 56-596.2, and a program shall be approved if the Commission determines it is cost-effective pursuant to applicable Commission regulations and that the net present value of the benefits exceeds the net present value of the costs as determined by the Total Resource Cost Test.* If the Commission determines that an energy efficiency program or portfolio of programs is not in the public interest, its final order shall include all work product and analysis conducted by the Commission's staff in relation to that program, including testimony relied upon by the Commission's staff, that has bearing upon the Commission's decision. If the Commission reduces the proposed budget for a program or portfolio of programs, its final order shall include an analysis of the impact such budget reduction has upon the cost-effectiveness of such program or portfolio of programs. An order by the Commission (a) finding that a program or portfolio of programs is not in the public interest or (b) reducing the proposed budget for any program or portfolio of programs shall adhere to existing protocols for extraordinarily sensitive information. In addition, an energy efficiency program may be deemed to be "in the public interest" if the program (1) provides measurable and verifiable energy savings to low-income customers or elderly customers or (2) is a pilot program of limited scope, cost, and duration, that is intended to determine whether a new or substantially revised program or technology would be cost-effective.

"Low-income geographic area" means any locality, or community within a locality, that has a median household income that is not greater than 80 percent of the local median household income, or any area in the Commonwealth designated as a qualified opportunity zone by the U.S. Secretary of the Treasury via his delegation of authority to the Internal Revenue Service.

"Low-income utility customer" means any person or household whose income is no more than 80 percent of the median income of the locality in which the customer resides. The median income of the locality is determined by the U.S. Department of Housing and Urban Development.

"Measured and verified" means a process determined pursuant to methods accepted for use by utilities and industries to measure, verify, and validate energy savings and peak demand savings. This may include the protocol established by the United States Department of Energy, Office of Federal Energy Management Programs, Measurement and Verification Guidance for Federal Energy Projects, measurement and verification standards developed by the American Society of Heating, Refrigeration and Air Conditioning Engineers (ASHRAE), or engineering-based estimates of energy and demand savings associated with specific energy efficiency measures, as determined by the Commission.

"Municipality" means a city, county, town, authority, or other political subdivision of the Commonwealth.

"New underground facilities" means facilities to provide underground distribution service. "New underground facilities" includes underground cables with voltages of 69 kilovolts or less, pad-mounted devices, connections at customer meters, and transition terminations from existing overhead distribution sources.

"Peak-shaving" means measures aimed solely at shifting time of use of electricity from peak-use periods to times of lower demand by inducing retail customers to curtail electricity usage during periods of congestion and higher prices in the electrical grid.

"Percentage of Income Payment Program (PIPP) eligible utility customer" means any person or household whose income does not exceed 150 percent of the federal poverty level.

"Person" means any individual, corporation, partnership, association, company, business, trust, joint venture, or other private legal entity, and the Commonwealth or any municipality.

"Previously developed project site" means any property, including related buffer areas, if any, that has been previously disturbed or developed for non-single-family residential, non-agricultural, or non-silvicultural use, regardless of whether such property currently is being used for any purpose.

"Previously developed project site" includes a brownfield as defined in § 10.1-1230 or any parcel that has been previously used (i) for a retail, commercial, or industrial purpose; (ii) as a parking lot; (iii) as the site of a parking lot canopy or structure; (iv) for mining, which is any lands affected by coal mining that took place before August 3, 1977, or any lands upon which extraction activities have been permitted by the Department of Energy under Title 45.2; (v) for quarrying; or (vi) as a landfill.

"Qualified waste heat resource" means (i) exhaust heat or flared gas from an industrial process that does not have, as its primary purpose, the production of electricity and (ii) a pressure drop in any gas for an industrial or commercial process.

"Renewable energy" means energy derived from sunlight, wind, falling water, biomass, sustainable or otherwise, (the definitions of which shall be liberally construed), energy from waste, landfill gas, municipal solid waste, wave motion, tides, and geothermal power, and does not include energy derived from coal, oil, natural gas, or nuclear power. "Renewable energy" also includes the proportion of the thermal or electric energy from a facility that results from the co-firing of biomass. "Renewable energy" does not include waste heat from fossil-fired facilities or electricity generated from pumped storage but includes run-of-river generation from a combined pumped-storage and run-of-river facility.

"Renewable thermal energy" means the thermal energy output from (i) a renewable-fueled combined heat and power generation facility that is (a) constructed, or renovated and improved, after January 1, 2012, (b) located in the Commonwealth, and (c) utilized in industrial processes other than the combined heat and power generation facility or (ii) a solar energy system, certified to the OG-100 standard of the Solar Ratings and Certification Corporation or an equivalent certification body, that (a) is constructed, or renovated and improved, after January 1, 2013, (b) is located in the Commonwealth, and (c) heats water or air for residential, commercial, institutional, or industrial purposes.

"Renewable thermal energy equivalent" means the electrical equivalent in megawatt hours of renewable thermal energy calculated by dividing (i) the heat content, measured in British thermal units (BTUs), of the renewable thermal energy at the point of transfer to a residential, commercial, institutional, or industrial process by (ii) the standard conversion factor of 3.413 million BTUs per megawatt hour.

"Renovated and improved facility" means a facility the components of which have been upgraded to enhance its operating efficiency.

"Retail customer" means any person that purchases retail electric energy for its own consumption at one or more metering points or nonmetered points of delivery located in the Commonwealth.

"Retail electric energy" means electric energy sold for ultimate consumption to a retail customer.

"Revenue reductions related to energy efficiency programs" means reductions in the collection of total non-fuel revenues, previously authorized by the Commission to be recovered from customers by a utility, that occur due to measured and verified decreased consumption of electricity caused by energy efficiency programs approved by the Commission and implemented by the utility, less the amount by which such non-fuel reductions in total revenues have been mitigated through other program-related factors, including reductions in variable operating expenses.

"Rooftop solar installation" means a distributed electric generation facility, storage facility, or generation and storage facility utilizing energy derived from sunlight, with a rated capacity of not less than 50 kilowatts, that is installed on the roof structure of an incumbent electric utility's commercial or industrial class customer, including host sites on commercial buildings, multifamily residential buildings, school or university buildings, and buildings of a church or religious body.

"Solar energy system" means a system of components that produces heat or electricity, or both, from sunlight.

"Supplier" means any generator, distributor, aggregator, broker, marketer, or other person who offers to sell or sells electric energy to retail customers and is licensed by the Commission to do so, but it does not mean a generator that produces electric energy exclusively for its own consumption or the consumption of an affiliate.

"Supply" or "supplying" electric energy means the sale of or the offer to sell electric energy to a retail customer.

"Total annual energy savings" means (i) the total combined kilowatt-hour savings achieved by electric utility energy efficiency and demand response programs and measures installed in that program year, as well as savings still being achieved by measures and programs implemented in prior years, or (ii) savings attributable to newly installed combined heat and power facilities, including waste heat-to-power facilities, and any associated reduction in transmission line losses, provided that biomass is not a fuel and the total efficiency, including the use of thermal energy, for eligible combined heat and power facilitates must meet or exceed 65 percent and have a nameplate capacity rating of less than 25 megawatts.

"Transmission of," "transmit," or "transmitting" electric energy means the transfer of electric energy through the Commonwealth's interconnected transmission grid from a generator to either a distributor or a retail customer.

"Transmission system" means those facilities and equipment that are required to provide for the transmission of electric energy.

"Waste heat to power" means a system that generates electricity through the recovery of a qualified waste heat resource.

§ 56-596.2. Energy efficiency policy and programs; financial assistance for low-income customers.

A. Notwithstanding subsection G of § 56-580, or any other provision of law, each incumbent investor-owned electric utility shall develop proposed energy efficiency programs. Any program shall provide for the submission of a petition or petitions for approval to design, implement, and operate energy efficiency programs pursuant to subdivision A 5 c of § 56-585.1. At least 15 percent of such proposed costs of energy efficiency programs shall be allocated to programs designed to benefit low-income, elderly, or disabled individuals or veterans.

B. Notwithstanding any other provision of law, each investor-owned incumbent electric utility shall implement energy efficiency programs and measures to achieve the following total annual energy savings:

1. For Phase I electric utilities:

a. In calendar year 2022, at least 0.5 percent of the average annual energy jurisdictional retail sales by that utility in 2019;

b. In calendar year 2023, at least 1.0 percent of the average annual energy jurisdictional retail sales by that utility in 2019;

c. In calendar year 2024, at least 1.5 percent of the average annual energy jurisdictional retail sales by that utility in 2019; and

d. In calendar year 2025, at least 2.0 percent of the average annual energy jurisdictional retail sales by that utility in 2019;

2. For Phase II electric utilities:

a. In calendar year 2022, at least 1.25 percent of the average annual energy jurisdictional retail sales by that utility in 2019;

b. In calendar year 2023, at least 2.5 percent of the average annual energy jurisdictional retail sales by that utility in 2019;

c. In calendar year 2024, at least 3.75 percent of the average annual energy jurisdictional retail sales by that utility in 2019; and

d. In calendar year 2025, at least 5.0 percent of the average annual energy jurisdictional retail sales by that utility in 2019; ~~and~~

3. For the time period 2026 through 2028*, the Commission shall, after notice and hearing, establish new energy efficiency savings targets measured as a percentage of the average annual energy jurisdictional retail sales by that utility in 2019; and*

4. For the time period 2029 through 2031, and for every successive three-year period thereafter, the Commission shall establish new energy efficiency savings targets *measured as a percentage of the average annual energy jurisdictional retail sales by that utility in 2019, which shall be the greatest level of energy savings that the Commission finds is feasible and cost-effective pursuant to the Commission's cost-effectiveness test regulations. To assist the Commission in setting such targets, the Commission shall retain a qualified expert, compensated pursuant to subsection E of § 56-592.1, to independently conduct an energy efficiency potential study for each Phase I and Phase II Utility's service territory, and each such utility shall provide to the Commission and its expert any information necessary to complete such study if such information is reasonably available. For every subsequent three-year period, the Commission shall retain an expert, compensated pursuant to subsection E of § 56-592.1, to update the energy efficiency potential study for each Phase I and Phase II Utility's service territory. A utility may recover any costs it incurs to assist the Commission with the energy efficiency potential study if the Commission finds such costs are reasonable and prudent. Such costs shall not be considered when determining whether an energy efficiency measure or program is cost-effective*. In advance of the effective date of such targets, the Commission shall, after notice and opportunity for hearing, initiate proceedings to establish such targets. As part of such proceeding, the Commission shall consider the feasibility of achieving energy efficiency goals and future energy efficiency savings through cost-effective programs and measures. The Commission shall annually review the feasibility of the energy efficiency program savings in this section and report to the Chairs of the House Committee on Labor and Commerce and the Senate Committee on Commerce and Labor and the Secretary of Natural and Historic Resources and the Secretary of Commerce and Trade on such feasibility by October 1, 2022, and each year thereafter.

C. The projected costs for the utility to design, implement, and operate such energy efficiency programs and portfolios of programs shall be no less than an aggregate amount of $140 million for a Phase I Utility and $870 million for a Phase II Utility for the period beginning July 1, 2018, and ending July 1, 2028, including any existing approved energy efficiency programs. In developing such portfolio of energy efficiency programs and portfolios of programs, each utility shall utilize a stakeholder process, to be facilitated by an independent monitor compensated under the funding provided pursuant to subsection E of § 56-592.1, to provide input and feedback on (i) the development of such energy efficiency programs and portfolios of programs; (ii) compliance with the total annual energy savings set forth in this subsection and how such savings affect utility integrated resource plans; (iii) recommended policy reforms by which the General Assembly or the Commission can ensure maximum and cost-effective deployment of energy efficiency technology across the Commonwealth; and (iv) best practices for evaluation, measurement, and verification for the purposes of assessing compliance with the total annual energy savings set forth in subsection B. Utilities shall utilize the services of a third party to perform evaluation, measurement, and verification services to determine a utility's total annual savings as required by this subsection, as well as the annual and lifecycle net and gross energy and capacity savings, related emissions reductions, and other quantifiable benefits of each program; total customer bill savings that the programs and portfolios produce; and utility spending on each program, including any associated administrative costs. The third-party evaluator shall include and review each utility's avoided costs and cost-benefit analyses. The findings and reports of such third parties shall be concurrently provided to both the Commission and the utility, and the Commission shall make each such final annual report easily and publicly accessible online. Such stakeholder process shall include the participation of representatives from each utility, relevant directors, deputy directors, and staff members of the Commission who participate in approval and oversight of utility energy efficiency savings programs, the office of Consumer Counsel of the Attorney General, the Department of Energy, energy efficiency program implementers, energy efficiency providers, residential and small business customers, and any other interested stakeholder whom the independent monitor deems appropriate for inclusion in such process. The independent monitor shall convene meetings of the participants in the stakeholder process not less frequently than twice in each calendar year during the period beginning July 1, 2019, and ending July 1, 2028. The independent monitor shall report on the status of the energy efficiency stakeholder process, including (a) the objectives established by the stakeholder group during this process related to programs to be proposed, (b) recommendations related to programs to be proposed that result from the stakeholder process, and (c) the status of those recommendations, in addition to the petitions filed and the determination thereon, to the

Governor, the Commission, and the Chairmen of the House Committee on Labor and Commerce and the Senate Committee on Commerce and Labor on July 1, 2019, and annually thereafter through July 1, 2028.

D. Nothing in this section shall apply to any entity organized under Chapter 9.1 (§ 56-231.15 et seq.).

2. That, no later than September 30, 2025, the State Corporation Commission (the Commission) shall promulgate regulations establishing a single, consistent cost-effectiveness test for use in evaluating proposed energy efficiency programs. In developing this test, the Commission shall (i) refer to the cost-benefit analysis framework and process contained in the National Energy Screening Project's National Standard Practice Manual for Benefit-Cost Analysis of Distributed Energy Resources, in addition to any other materials deemed relevant by the Commission; (ii) utilize a stakeholder process to develop such regulations, facilitated by an independent monitor with technical assistance provided by a group with experience in the process set forth in the National Standard Practice Manual for Benefit-Cost Analysis of Distributed Energy Resources, compensated under the funding provided pursuant to subsection E of § 56-592.1 of the Code of Virginia; and (iii) design such regulations to further the Commonwealth's energy policy requirements and goals, including furthering compliance with the standards set forth under § 56-596.2 of the Code of Virginia, as amended by this act.

3. That each Phase I and Phase II Utility, as those terms are defined in subdivision A 1 of § 56-585.1 of the Code of Virginia, shall track, quantify, and report to the State Corporation Commission the incremental annual savings, as defined in § 56-576 of the Code of Virginia, as amended by this act, achieved by such utility's energy efficiency programs in such utility's annual evaluation, measurement, and verification reports.

4. That nothing in this act shall be construed to prevent the State Corporation Commission, in its sole discretion, from considering reasonableness, prudence, or the public interest in determining the cost-effectiveness test for use in evaluating proposed energy efficiency programs.

CHAPTER 795

An Act to direct the State Board of Behavioral Health and Developmental Services to amend its regulations to ensure that its licensing and human rights regulations support high-quality crisis services in crisis receiving centers and crisis stabilization units; appropriate and safe use of seclusion; work group; report.

[S 569]

Approved April 17, 2024

Be it enacted by the General Assembly of Virginia:

1. *§ 1. The State Board of Behavioral Health and Developmental Services (the Board) shall amend its regulations to ensure that its licensing and human rights regulations support high-quality crisis services, including by authorizing the appropriate and safe use of seclusion in crisis receiving centers and crisis stabilization units. Such regulations shall, to the extent practicable, permit seclusion in the same manner authorized in other public and private facilities and programs licensed or funded by the Department of Behavioral Health and Developmental Services (the Department). Such initial adoption of regulations by the Board shall be exempt from the provisions of the Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia).*

§ 2. The Department shall convene a work group to propose additional regulations to allow for the use of (i) evidence-based and recovery-oriented seclusion and restraint practices and (ii) alternative behavior management practices that may limit or replace the use of seclusion and restraint in hospitals, residential programs, and licensed facilities. In developing such regulations, the work group shall (a) solicit input from experts in the field of behavioral health, persons with relevant lived experience with the Commonwealth's behavioral health system, and staff from both public and private providers; (b) review any data and other information made available by the Department regarding seclusion and restraint, serious incidents, and complaints and investigations regarding the misuse of seclusion and restraint; (c) review current regulations and training policies; (d) examine practices used in other states, best practice recommendations from the Substance Abuse and Mental Health Services Administration, and evidence-based and trauma-informed practices recommended by other national experts; (e) identify practices and approaches that safely de-escalate persons in crisis and reduce or replace the use of seclusion and restraint; and (f) identify staffing, training, and monitoring practices related to seclusion and restraint and that limit and ensure the appropriate use of seclusion and restraint. The work group shall include the Secretary of Health and Human Resources or his designee; the Commissioner of Behavioral Health and Developmental Services or his designee; staff from public and private facilities, including frontline workers with treatment experience; at least three mental health consumers; representatives of the disAbility Law Center of Virginia; representatives of the Institute of Law, Psychiatry, and Public Policy at the University of Virginia; staff representatives of community services boards; at least one member of the House of Delegates, to be appointed by the Speaker of the House of Delegates; and at least one member of the Senate, to be appointed by the Senate Committee on Rules. The Department may seek assistance from faculty and students of institutions of higher education in the Commonwealth and, subject to the availability of funding, may contract with a third-party expert to lead and advise the work group. The Department shall submit a report of its findings, recommendations, and proposed regulations to the General Assembly by November 1, 2025.

2. That an emergency exists and this act is in its force from its passage.

CHAPTER 796

An Act to amend and reenact §§ 18.2-246.8, 18.2-371.2, 22.1-79.5, 22.1-206, 22.1-279.6, 58.1-1021.01, 58.1-1021.02, 58.1-1021.04:1, 58.1-1021.04:5, 59.1-293.10, and 59.1-293.11 of the Code of Virginia and to amend the Code of Virginia by adding in Article 2.1 of Chapter 10 of Title 58.1 sections numbered 58.1-1021.06 through 58.1-1021.09 and by adding in Chapter 23.2 of Title 59.1 sections numbered 59.1-293.12, 59.1-293.13, and 59.1-293.14, relating to purchase, possession, and sale of retail tobacco products; retail tobacco products and liquid nicotine tax; penalties.

[S 582]

Approved April 17, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 18.2-246.8, 18.2-371.2, 22.1-79.5, 22.1-206, 22.1-279.6, 58.1-1021.01, 58.1-1021.02, 58.1-1021.04:1, 58.1-1021.04:5, 59.1-293.10, and 59.1-293.11 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Article 2.1 of Chapter 10 of Title 58.1 sections numbered 58.1-1021.06 through 58.1-1021.09 and by adding in Chapter 23.2 of Title 59.1 sections numbered 59.1-293.12, 59.1-293.13, and 59.1-293.14 as follows:

§ 18.2-246.8. Age verification requirements.

A. No person shall mail, ship, or otherwise deliver cigarettes in connection with a delivery sale unless prior to the first delivery sale to a consumer such person:

1. Obtains from the prospective consumer a certification that includes (i) a reliable confirmation that the consumer is at least the legal minimum purchase age~~,~~ and (ii) a statement signed by the prospective consumer in writing that certifies the prospective consumer's address and that the consumer is at least 21 years of age. Such statement shall also confirm (a) that the prospective consumer understands that signing another person's name to such certification is illegal, (b) that the sale of cigarettes to individuals under the legal minimum purchase age is illegal, and (c) that the purchase of cigarettes by individuals under the legal minimum purchase age is illegal under the laws of the Commonwealth;

2. Makes a good faith effort to verify the information contained in the certification provided by the prospective consumer pursuant to ~~subsection A~~ *subdivision 1* against a commercially available database of valid, government-issued identification that contains the date of birth or age of the individual placing the order, or obtains a photocopy or other image of the valid, government-issued identification stating the date of birth or age of the individual placing the order;

3. Provides to the prospective consumer, via ~~e-mail~~ *email* or other means, a notice that meets the requirements of § 18.2-246.9; and

4. Receives payment for the delivery sale from the prospective consumer by a credit or debit card that has been issued in such consumer's name or by a check drawn on the consumer's account.

B. *1. Except as provided in § 58.1-1021.06, if a purchase order for a liquid nicotine or nicotine vapor product, as defined in § 58.1-1021.01, is made via the Internet, no person shall make a delivery for such order unless the delivery is to a retail dealer, as defined in § 58.1-1021.01.*

2. Persons accepting purchase orders made via the Internet for delivery sales may request that prospective consumers provide their ~~e-mail~~ *email* addresses.

§ 18.2-371.2. Prohibiting purchase or possession of retail tobacco products and hemp products intended for smoking by a person under 21 years of age or sale of retail tobacco products and hemp products intended for smoking to persons under 21 years of age; civil penalties.

A. No person shall sell to, distribute to, purchase for, or knowingly permit the purchase by any person ~~less~~ *younger* than 21 years of age, knowing or having reason to believe that such person is ~~less~~ *younger* than 21 years of age, any *retail* tobacco product~~, nicotine vapor product, alternative nicotine product,~~ or hemp product intended for smoking.

~~Tobacco products, nicotine vapor products, alternative nicotine products, and~~ *No person shall sell retail tobacco products or* hemp products intended for smoking ~~may be sold~~ from a vending machine ~~only if the machine is (i) posted with a notice, in a conspicuous manner and place, indicating that the purchase or possession of such products by persons under 21 years of age is unlawful and (ii) located in a place that is not open to the general public and is not generally accessible to persons under 21 years of age. An establishment that prohibits the presence of persons under 21 years of age unless accompanied by a person 21 years of age or older is not open to the general public~~.

B. ~~No person less than 21 years of age shall attempt to purchase, purchase, or possess any tobacco product, nicotine vapor product, alternative nicotine product, or hemp product intended for smoking. The provisions of this subsection shall not be applicable to the possession of tobacco products, nicotine vapor products, alternative nicotine products, or hemp products intended for smoking by a person less than 21 years of age (i) making a delivery of tobacco products, nicotine vapor products, alternative nicotine products, or hemp products intended for smoking in pursuance of his employment or (ii) as part of a scientific study being conducted by an organization for the purpose of medical research to further efforts in cigarette and tobacco use prevention and cessation and tobacco product regulation, provided that such medical research has been approved by an institutional review board pursuant to applicable federal regulations or by a research review committee pursuant to Chapter 5.1 (§ 32.1-162.16 et seq.) of Title 32.1. This subsection shall not apply to purchase, attempt to purchase, or possession by a law-enforcement officer or his agent when the same is necessary in the performance of his duties.~~

~~C.~~ No person shall sell a *retail* tobacco product~~, nicotine vapor product, alternative nicotine product,~~ or hemp product intended for smoking to any individual who does not demonstrate, by producing a driver's license or similar photo identification issued by a government agency, that the individual is at least 21 years of age. ~~Such identification is not required from an individual whom the person has reason to believe is at least 21 years of age or who the person knows is at least 21 years of age. Proof that the person demanded, was shown, and reasonably relied upon a photo identification stating that the individual was at least 21 years of age shall be a defense to any action brought under this subsection. In determining whether a person had reason to believe an individual is at least 21 years of age, the trier of fact may consider, but is not limited to, proof of the general appearance, facial characteristics, behavior, and manner of the individual.~~

Before a retail dealer may sell retail tobacco products, other than cigar and pipe tobacco products as defined in § 58.1-1021.01, to any consumer, the person selling, offering for sale, giving, or furnishing the retail tobacco products shall verify that the consumer is of legal age by examining from any person who appears to be under 30 years of age a government-issued photographic identification that establishes that the person is of legal age or, if required pursuant to subdivision C 4 b of § 58.1-1021.04:1 or subdivision B 2 b of § 59.1-293.12, verifying the identification presented using identification fraud detection software, technology, or a scanner that confirms the authenticity of such identification.

This subsection shall not apply to mail order or Internet sales, provided that the person offering the *retail* tobacco product~~, nicotine vapor product, alternative nicotine product,~~ or hemp product intended for smoking for sale through mail order or the Internet (i) prior to the sale of the *retail* tobacco product~~, nicotine vapor product, alternative nicotine product,~~ or hemp product intended for smoking verifies that the purchaser is at least 21 years of age through a commercially available database that is regularly used by businesses or governmental entities for the purpose of age and identity verification and (ii) uses a method of mailing, shipping, or delivery that requires the signature of a person at least 21 years of age before the *retail* tobacco product~~, nicotine vapor product, alternative nicotine product,~~ or hemp product intended for smoking will be released to the purchaser.

~~D. The provisions of subsections B and C shall not apply to the sale, giving, or furnishing of any tobacco product, nicotine vapor product, alternative nicotine product, or hemp product intended for smoking to any active duty military personnel who are 18 years of age or older. An identification card issued by the Armed Forces of the United States shall be accepted as proof of age for this purpose.~~

~~E. A violation of subsection A or C by an individual or by a separate retail establishment that involves a nicotine vapor product, alternative nicotine product, hemp product intended for smoking, or tobacco product other than a bidi is punishable by a civil penalty not to exceed $100 for a first violation, a civil penalty not to exceed $200 for a second violation, and a civil penalty not to exceed $500 for a third or subsequent violation.~~

C. A violation of subsection A or ~~C~~ *B* by an individual or by a separate retail establishment ~~that involves the sale, distribution, or purchase of a bidi~~ is punishable by a civil penalty in the amount of $500 for a first violation~~, a civil penalty in the amount of $1,000 for a second violation,~~ and a civil penalty in the amount of $2,500 for a ~~third~~ *second* or subsequent violation *within a three-year period*. ~~Where a defendant retail establishment offers proof that it has trained its employees concerning the requirements of this section, the court shall suspend all of the penalties imposed hereunder. However, where the court finds that a retail establishment has failed to so train its employees, the court may impose a civil penalty not to exceed $1,000 in lieu of any penalties imposed hereunder for a violation of subsection A or C involving a nicotine vapor product, alternative nicotine product, hemp product intended for smoking, or tobacco product other than a bidi~~ *If applicable, upon a second or subsequent violation within a three-year period, the Department of Taxation may suspend or revoke any approved license, permit, or registration issued pursuant to subsection C of § 58.1-1021.04:1.*

~~A violation of subsection B is punishable by a civil penalty not to exceed $100 for a first violation and a civil penalty not to exceed $250 for a second or subsequent violation. A court may, as an alternative to the civil penalty, and upon motion of the defendant, prescribe the performance of up to 20 hours of community service for a first violation of subsection B and up to 40 hours of community service for a second or subsequent violation. If the defendant fails or refuses to complete the community service as prescribed, the court may impose the civil penalty. Upon a violation of subsection B, the judge may enter an order pursuant to subdivision A 9 of § 16.1-278.8.~~ *For any violation of this section by an employee of a retail establishment, (i) such penalty shall be assessed against the establishment and (ii) an additional penalty of $100 shall be assessed against the employee.*

Any attorney for the Commonwealth of the county or city in which an alleged violation occurred may bring an action to recover the civil penalty, which shall be paid into the state treasury. Any law-enforcement officer may issue a summons for a violation of subsection A~~,~~ *or* B~~, or C~~.

~~F.~~ *D.* 1. Cigarettes and hemp products intended for smoking shall be sold only in sealed packages provided by the manufacturer, with the required health warning. The proprietor of every retail establishment that offers for sale any *retail* tobacco product~~, nicotine vapor product, alternative nicotine product,~~ or hemp product intended for smoking shall post in a conspicuous manner and place a sign or signs indicating that the sale of *retail* tobacco products~~, nicotine vapor products, alternative nicotine products,~~ or hemp products intended for smoking to any person under 21 years of age is prohibited by law. Any attorney for the county, city, or town in which an alleged violation of this subsection occurred may enforce this subsection by civil action to recover a civil penalty not to exceed $500. The civil penalty shall be paid into the local treasury. No filing fee or other fee or cost shall be charged to the county, city, or town which instituted the action.

2. For the purpose of compliance with regulations of the Substance Abuse and Mental Health Services Administration published at 61 Federal Register 1492, the Department of Agriculture and Consumer Services may promulgate regulations which allow the Department to undertake the activities necessary to comply with such regulations.

3. Any attorney for the county, city, or town in which an alleged violation of this subsection occurred may enforce this subsection by civil action to recover a civil penalty not to exceed $500. The civil penalty shall be paid into the local treasury. No filing fee or other fee or cost shall be charged to the county, city, or town which instituted the action.

~~G.~~ *E.* Nothing in this section shall be construed to create a private cause of action.

~~H.~~ *F.* Agents of the Virginia Alcoholic Beverage Control Authority designated pursuant to § 4.1-105 may issue a summons for any violation of this section. *Additionally, any retailer selling retail tobacco products shall be subject to the enforcement and compliance provisions of Chapter 23.2 (§ 59.1-293.10 et seq.) of Title 59.1.*

~~I.~~ *G.* As used in this section:

~~"Alternative nicotine product" means any noncombustible product containing nicotine that is intended for human consumption, whether chewed, absorbed, dissolved, or ingested by any other means. "Alternative nicotine product" does not include any nicotine vapor product, tobacco product, or product regulated as a drug or device by the U.S. Food and Drug Administration (FDA) under Chapter V (21 U.S.C. § 351 et seq.) of the Federal Food, Drug, and Cosmetic Act.~~

~~"Bidi" means a product containing tobacco that is wrapped in temburni leaf (diospyros melanoxylon) or tendu leaf (diospyros exculpra), or any other product that is offered to, or purchased by, consumers as a bidi or beedie.~~

"Electronic smoking device" means any device that may be used to deliver any aerosolized or vaporized substance to the person inhaling from the device, including an e-cigarette, e-cigar, e-pipe, vape pen, or e-hookah. "Electronic smoking device" includes any component, part, or accessory of the device, whether or not sold separately, and also includes any substance intended to be aerosolized or vaporized during the use of the device, whether or not the substance contains nicotine. "Electronic smoking device" does not include any (i) battery or battery charger when sold separately or (ii) device used for heated tobacco products. "Electronic smoking device" does not include drugs or devices, as such terms are defined in 21 U.S.C. § 321, or combination products, as such term is used in 21 U.S.C. § 353, if such drugs, devices, or combination products are authorized for sale by the U.S. Food and Drug Administration.

"Hemp product" ~~means~~ *and "hemp product intended for smoking" mean* the same as ~~that term is~~ *those terms are* defined in § 3.2-4112.

~~"Nicotine vapor product" means any noncombustible product containing nicotine that employs a heating element, power source, electronic circuit, or other electronic, chemical, or mechanical means, regardless of shape or size, that can be used to produce vapor from nicotine in a solution or other form. "Nicotine vapor product" includes any electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device and any cartridge or other container of nicotine in a solution or other form that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device. "Nicotine vapor product" does not include any product regulated by the FDA under Chapter V (21 U.S.C. § 351 et seq.) of the Federal Food, Drug, and Cosmetic Act.~~

"~~Tobacco~~ *Retail tobacco* product" means *(i)* any product *containing,* made of*, or derived from* tobacco *or that contains nicotine that is intended for human consumption or is likely to be consumed, whether smoked, heated, chewed, dissolved, inhaled, absorbed, or ingested by other means, including a cigarette, a heated tobacco product, a cigar, pipe tobacco, chewing tobacco, snuff, or snus; (ii) any electronic smoking device and any substances that may be aerosolized or vaporized by such device, whether or not the substance contains nicotine;* and ~~includes cigarettes, cigars, smokeless tobacco, pipe tobacco, bidis, and wrappings~~ *(iii) any component, part, or accessory of a product described in clause (i) or (ii), whether or not such component, part, or accessory contains tobacco or nicotine, including filters, rolling papers, blunt or hemp wraps, and pipes. "Retail tobacco product" includes any nicotine vapor product as that term is defined in § 58.1-1021.01.* "~~Tobacco~~ *Retail tobacco* product" does not include ~~any nicotine vapor product, alternative nicotine product, or product that is regulated by the FDA under Chapter V (21 U.S.C. § 351 et seq.) of the Federal Food, Drug, and Cosmetic Act~~ *drugs or devices, as such terms are defined in 21 U.S.C. § 321, or combination products, as such term is used in 21 U.S.C. § 353, if such drugs, devices, or combination products are authorized for sale by the U.S. Food and Drug Administration*.

"Wrappings" includes ~~papers~~ *materials* made or sold for covering or rolling tobacco or other materials for smoking in a manner similar to a cigarette or cigar.

§ 22.1-79.5. Policy regarding retail tobacco products and hemp products intended for smoking.

Each school board shall develop and implement a policy to prohibit, at any time, the use and distribution of any *retail* tobacco product ~~or nicotine vapor product~~ *or hemp product intended for smoking*, as those terms are defined in § 18.2-371.2, on a school bus, on school property, or at an on-site or off-site school-sponsored activity.

Such policy shall include (i) provisions for its enforcement among students, employees, and visitors, including the enumeration of possible sanctions or disciplinary action consistent with state or federal law, and (ii) referrals to resources to help staff and students overcome tobacco addiction.

Each school board shall work to ensure adequate notice of this policy.

§ 22.1-206. Instruction concerning drugs, alcohol, substance abuse, retail tobacco products, hemp products intended for smoking, and gambling.

A. Instruction concerning drugs and drug abuse shall be provided by the public schools as prescribed by the Board of Education.

B. Instruction concerning the public safety hazards and dangers of alcohol abuse, underage drinking, and drunk driving shall be provided in the public schools. The Virginia Alcoholic Beverage Control Authority shall provide educational materials to the Department of Education. The Department of Education shall review and shall distribute such materials as are approved to the public schools.

~~C.~~ The Virginia Foundation for Healthy Youth shall develop and the Department of Education shall distribute to each local school division educational materials concerning the health and safety risks of using *retail* tobacco products~~, nicotine vapor products, and alternative nicotine products~~ *and hemp products intended for smoking*, as such terms are defined in § 18.2-371.2. Instruction concerning the health and safety risks of using tobacco products~~, nicotine vapor products, and alternative nicotine products~~ *and hemp products intended for smoking*, as such terms are defined in § 18.2-371.2, shall be provided in each public elementary and secondary school in the Commonwealth, consistent with such educational materials.

~~D.~~ *C.* Instruction concerning gambling and the addictive potential thereof shall be provided by the public schools as prescribed by the Board.

§ 22.1-279.6. Board of Education guidelines and model policies for codes of student conduct; school board regulations.

A. The Board of Education shall establish guidelines and develop model policies for codes of student conduct to aid local school boards in the implementation of such policies. The guidelines and model policies shall include (i) criteria for the removal of a student from a class, the use of suspension, expulsion, and exclusion as disciplinary measures, the grounds for suspension ~~and~~*,* expulsion*,* and exclusion, and the procedures to be followed in such cases, including proceedings for such suspension, expulsion, and exclusion decisions and all applicable appeals processes; (ii) standards, consistent with state, federal*,* and case laws, for school board policies on alcohol and drugs, gang-related activity, hazing, vandalism, trespassing, threats, search and seizure, disciplining of students with disabilities, intentional injury of others, self-defense, bullying, the use of electronic means for purposes of bullying, harassment, and intimidation, and dissemination of such policies to students, their parents, and school personnel; (iii) standards for in-service training of school personnel in and examples of the appropriate management of student conduct and student offenses in violation of school board policies; (iv) standards for dress or grooming codes; and (v) standards for reducing bias and harassment in the enforcement of any code of student conduct.

In accordance with the most recent enunciation of constitutional principles by the Supreme Court of the United States of America, the Board's standards for school board policies on alcohol and drugs and search and seizure shall include guidance for procedures relating to voluntary and mandatory drug testing in schools, including which groups may be tested, use of test results, confidentiality of test information, privacy considerations, consent to the testing, need to know, and release of the test results to the appropriate school authority.

In the case of suspension and expulsion, the procedures set forth in this article shall be the minimum procedures that the school board may prescribe.

B. School boards shall adopt and revise, as required by § 22.1-253.13:7 and in accordance with the requirements of this section, regulations on codes of student conduct that are consistent with, but may be more stringent than, the guidelines of the Board. School boards shall include in the regulations on codes of student conduct procedures for suspension, expulsion, and exclusion decisions and shall biennially review the model student conduct code to incorporate discipline options and alternatives to preserve a safe, nondisruptive environment for effective teaching and learning.

C. Each school board shall include in its code of student conduct prohibitions against hazing and profane or obscene language or conduct. School boards shall also cite in their codes of student conduct the provisions of § 18.2-56, which defines and prohibits hazing and imposes a Class 1 misdemeanor penalty for violations, that is, confinement in jail for not more than 12 months and a fine of not more than $2,500, either or both.

D. Each school board shall include in its code of student conduct policies and procedures that include a prohibition against bullying. Such policies and procedures shall (i) be consistent with the standards for school board policies on bullying and the use of electronic means for purposes of bullying developed by the Board pursuant to subsection A and (ii) direct the principal or his designee to notify the parent of any student involved in an alleged incident of bullying within 24 hours of learning of the allegation of bullying.

Such policies and procedures shall not be interpreted to infringe upon the First Amendment rights of students and are not intended to prohibit expression of religious, philosophical, or political views, provided that such expression does not cause an actual, material disruption of the work of the school.

E. A school board may regulate the use or possession of beepers or other portable communications devices and laser pointers by students on school property or attending school functions or activities and establish disciplinary procedures pursuant to this article to which students violating such regulations will be subject.

F. Nothing in this section shall be construed to require any school board to adopt policies requiring or encouraging any drug testing in schools. However, a school board may, in its discretion, require or encourage drug testing in accordance with the Board of Education's guidelines and model student conduct policies required by subsection A and the Board's guidelines for student searches required by § 22.1-279.7.

G. The Board of Education shall establish standards to ensure compliance with the federal Improving America's Schools Act of 1994 (Part F-Gun-Free Schools Act of 1994), as amended, in accordance with § 22.1-277.07.

This subsection shall not be construed to diminish the authority of the Board of Education or to diminish the Governor's authority to coordinate and provide policy direction on official communications between the Commonwealth and the United States government.

H. Each school board shall include in its code of student conduct a prohibition on possessing any *retail* tobacco product or ~~nicotine vapor product~~ *hemp product intended for smoking*, as those terms are defined in § 18.2-371.2, on a school bus, on school property, or at an on-site or off-site school-sponsored activity.

I. Any school board may include in its code of student conduct a dress or grooming code. Any dress or grooming code included in a school board's code of student conduct or otherwise adopted by a school board shall (i) permit any student to wear any religiously and ethnically specific or significant head covering or hairstyle, including hijabs, yarmulkes, headwraps, braids, locs, and cornrows; (ii) maintain gender neutrality by subjecting any student to the same set of rules and standards regardless of gender; (iii) not have a disparate impact on students of a particular gender; (iv) be clear, specific, and objective in defining terms, if used; (v) prohibit any school board employee from enforcing the dress or grooming code by direct physical contact with a student or a student's attire; and (vi) prohibit any school board employee from requiring a student to undress in front of any other individual, including the enforcing school board employee, to comply with the dress or grooming code.

§ 58.1-1021.01. Definitions.

As used in this article, unless the context requires a different meaning:

"Actual cost" means the actual price paid by a remote retail seller for each individual stock keeping unit or SKU.

"Alternative nicotine product" means any noncombustible product containing nicotine that is not made of tobacco and is intended for human consumption, whether chewed, absorbed, dissolved, or ingested by any other means. "Alternative nicotine product" does not include any nicotine vapor product or any product regulated as a drug or device by the U.S. Food and Drug Administration (FDA) under Chapter V (21 U.S.C. § 351 et seq.) of the Federal Food, Drug, and Cosmetic Act.

"Cigar" means any roll of tobacco wrapped in leaf tobacco or in any substance containing tobacco, other than any roll of tobacco that is a cigarette as such term is defined in § 58.1-1000.

"Closed system" means any nicotine vapor product capable of utilizing a disposable container that is (i) prefilled with liquid nicotine and sealed by the manufacturer, (ii) not easily refillable or intended or designed to be refillable, and (iii) intended or used to dispense liquid nicotine for use in a nicotine vapor product that is intended or designed for reuse. "Closed system" does not include any open system.

"Consumer" means the person who is the end or final user of tobacco products *or liquid nicotine*.

"Delivery sale" means a sale of liquid nicotine or nicotine vapor products to a consumer in the Commonwealth in which the consumer submits the order for the sale by telephone, over the Internet, or through the mail or another delivery system, and where the liquid nicotine or nicotine vapor products are shipped through a delivery service. "Delivery sale" does not include a sale of liquid nicotine or nicotine vapor products not for personal consumption to a person who is a manufacturer, distributor, or retail dealer.

"Distributor" means (i) any person engaged in the business of selling tobacco products in the Commonwealth who brings, or causes to be brought, into the Commonwealth from outside the Commonwealth any tobacco products for sale; (ii) any person who makes, manufactures, fabricates, or stores tobacco products in the Commonwealth for sale in the Commonwealth; (iii) any person engaged in the business of selling tobacco products outside the Commonwealth who ships or transports tobacco products to any person in the business of selling tobacco products in the Commonwealth; or (iv) any retail dealer in possession of untaxed tobacco products in the Commonwealth.

"Heated tobacco product" means a product containing tobacco that produces an inhalable aerosol (i) by heating the tobacco by means of an electronic device without combustion of the tobacco or (ii) by heat generated from a combustion source that only or primarily heats rather than burns the tobacco.

"Liquid nicotine" means a liquid or other substance containing nicotine in ~~any~~ *a* concentration that is sold, marketed, ~~or~~ *and* intended for use in a nicotine vapor product.

"Loose leaf tobacco" means any leaf tobacco that is not intended to be smoked, but ~~shall~~ *does* not include moist snuff. Loose leaf tobacco weight unit categories shall be as follows:

1. "Loose leaf tobacco half pound-unit" means a ~~consumer sized~~ *consumer-sized* unit, pouch, or package containing at least ~~4~~ *four* ounces but not more than ~~8~~ *eight* ounces of loose leaf tobacco, by net weight, produced by the manufacturer to be sold to consumers as a single unit and not produced to be divided or sold separately and containing one individual package.

2. "Loose leaf tobacco pound-unit" means a ~~consumer sized~~ *consumer-sized* unit, pouch, or package containing more than ~~8~~ *eight* ounces of loose leaf tobacco, by net weight, produced by the manufacturer to be sold to consumers as a single unit and not produced to be divided or sold separately and containing one individual package.

3. "Loose leaf tobacco single-unit" means a ~~consumer sized~~ *consumer-sized* unit, pouch, or package containing less than ~~4~~ *four* ounces of loose leaf tobacco, by net weight, produced by the manufacturer to be sold to consumers as a single unit and not produced to be divided or sold separately and containing one individual package.

"Manufacturer" means a person who manufactures or produces tobacco products and sells tobacco products to a distributor.

"Manufacturer's representative" means a person employed by a manufacturer to sell or distribute the manufacturer's tobacco products.

"Manufacturer's sales price" means the actual price for which a manufacturer, manufacturer's representative, or any other person sells tobacco products to an unaffiliated distributor.

"Moist snuff" means a tobacco product consisting of finely cut, ground, or powdered tobacco that is not intended to be smoked but ~~shall~~ *does* not include any finely cut, ground, or powdered tobacco that is intended to be placed in the nasal cavity.

"Nicotine vapor product" means any noncombustible product containing nicotine that employs a heating element, power source, electronic circuit, or other electronic, chemical, or mechanical means, regardless of shape or size, that can be used to produce vapor from nicotine in a solution or other form*, including liquid nicotine*. "Nicotine vapor product" includes any electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, *closed system, open system,* or similar product or device and any cartridge or other container of nicotine in a solution or other form*, including liquid nicotine,* that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device. "Nicotine vapor product" does not include any product regulated by the FDA under Chapter V (21 U.S.C. § 351 et seq.) of the Federal Food, Drug, and Cosmetic Act.

"Open system" means a nicotine vapor product designed and intended by the manufacturer to be reusable and refilled with liquid nicotine of the end user's choice. "Open system" does not include any closed system.

"Person" means any individual, corporation, partnership, association, company, business, trust, joint venture, or other legal entity.

"Pipe tobacco" means any tobacco that, because of its appearance, type, packaging, or labeling, is suitable for use and likely to be offered or purchased by consumers as tobacco to be smoked in a pipe.

"Remote retail sale" means any sale of cigars or pipe tobacco to a consumer in the Commonwealth when (i) the consumer submits the order for the sale by means of a telephone or other method of voice transmission, the mail, or the Internet or other online service, or the seller is otherwise not in the physical presence of the consumer when the request for the purchase or order is made, or (ii) the cigars or pipe tobacco are delivered to the consumer by common carrier, private delivery service, or other method of remote delivery, or the seller is not in the physical presence of the consumer when the buyer obtains possession of the cigars or pipe tobacco.

"Remote retail seller" means a person located within or outside of ~~this state~~ *the Commonwealth* that makes remote retail sales of cigars or pipe tobacco.

"Retail dealer" means every person ~~who~~ *that* sells or offers for sale any tobacco product *or liquid nicotine* to consumers at retail in a transaction other than a remote retail sale *and includes any person that holds an approved Retail Sales and Use Tax Exemption Certificate for Stamped Cigarettes Purchased for Resale or an Other Tobacco Products Distributor's License issued by the Department of Taxation*.

"SKU" means an individual stock keeping unit identifier used for tracking inventory.

"Tobacco product" or "tobacco products" means (i) "cigar" as defined in § 5702(a) of the Internal Revenue Code, and as such section may be amended; (ii) "smokeless tobacco" as defined in § 5702(m) of the Internal Revenue Code, and as such section may be amended; or (iii) "pipe tobacco" as defined in § 5702(n) of the Internal Revenue Code, and as such section may be amended. "Tobacco products" shall also include loose leaf tobacco.

§ 58.1-1021.02. Tax on tobacco products and liquid nicotine.

A. In addition to all other taxes now imposed by law, there is hereby imposed a tax upon the privilege of selling or dealing in tobacco products *and liquid nicotine* in the Commonwealth by any person engaged in business as a distributor or remote retail seller thereof, at the following rates:

1. Upon each package of moist snuff, at the rate of $0.18 per ounce with a proportionate tax at the same rate on all fractional parts of an ounce. The tax shall be computed based on the net weight as listed by the manufacturer on the package in accordance with federal law.

2. For purposes of the tax under this article, loose leaf tobacco shall be classified as loose leaf tobacco single-units, loose leaf tobacco half pound-units, and loose leaf tobacco pound-units. Such tax shall be imposed ~~on~~ *upon* the distributor for loose leaf tobacco as follows:

a. $0.21 for each loose leaf tobacco single-unit;

b. $0.40 for each loose leaf tobacco half pound-unit;

c. $0.70 for each loose leaf tobacco pound-unit; and

d. For any other unit, pouch, or package of loose leaf tobacco, the tax shall be by net weight and shall be $0.21 per unit, pouch, or package plus $0.21 for each increment of ~~4~~ *four* ounces or portion thereof that the loose leaf tobacco exceeds 16 ounces.

The tax for each unit, pouch, or package of loose leaf tobacco shall be in accordance with the provisions of subdivisions ~~a.~~ through ~~d.~~ only and regardless of sales price.

3. ~~Upon~~ *Except as otherwise provided, upon* tobacco products other than moist snuff or loose leaf tobacco, at the rate of 10 percent of the manufacturer's sales price of such tobacco products.

Upon cigars and pipe tobacco products sold by remote retail sellers, the tax rates delineated in this subdivision shall apply to:

~~(a)~~ *a.* The actual cost; or

~~(b)~~ *b.* If the actual cost is not available, the average of the actual cost over the 12 calendar months before January 1 of the year in which the sale occurs.

4. a. Upon the privilege of selling or dealing in liquid nicotine in the Commonwealth by any person engaged in business as a distributor of liquid nicotine, at the following rates:

(1) Upon liquid nicotine in closed systems at the rate of $0.066 per milliliter beginning July 1, 2024, for taxable sales or purchases occurring on and after such date.

(2) Upon liquid nicotine in open systems at the rate of 10 percent of the wholesale price beginning July 1, 2024, for taxable sales or purchases occurring on and after such date.

b. For any transaction involving liquid nicotine between a distributor and a retail dealer, both the distributor and the retail dealer shall maintain and retain records of any invoice or sales receipt that shall include itemized lists of the types of products included in such transaction, the tax due on each product pursuant to this subsection, and the total amount of taxes paid. In every instance, a distributor shall be responsible for paying the tax on liquid nicotine pursuant to this subdivision 4 at the time of sale to a retail dealer. Such taxes shall apply only to liquid nicotine and not to any batteries, filters, or other mechanical or aesthetic components of liquid nicotine in a closed system or an open system.

Such tax shall be imposed at the time the remote retail seller located within or outside the Commonwealth makes a remote retail sale to a consumer within the Commonwealth. It is the intent and purpose of this subdivision that the remote retail seller be liable for the tax. It is further the intent and purpose of this article to impose the tax once, and only once on all tobacco products, including cigars and pipe tobacco sold in the Commonwealth.

~~Such~~ *Except as otherwise provided, such* tax shall be imposed on tobacco products (i) at the time of retail sale by a retail dealer or distributor; (ii) at the time the distributor makes, manufactures, or fabricates tobacco products in the Commonwealth for sale in the Commonwealth; or (iii) at the time the distributor ships or transports tobacco products to retailers in the Commonwealth to be sold by those retailers. It is the intent and purpose of this article that the distributor who first possesses the tobacco product subject to this tax in the Commonwealth shall be the distributor liable for the tax. It is further the intent and purpose of this article to impose the tax once~~,~~ and only once on all tobacco products for sale in the Commonwealth.

B. No tax shall be imposed pursuant to this section upon tobacco products not within the taxing power of the Commonwealth under the Commerce Clause of the United States Constitution.

C. A distributor that calculates and pays the tax pursuant to subdivision A 1 or A 2 in good faith reliance on the net weight listed by the manufacturer on the package or on the manufacturer's invoice shall not be liable for additional tax, or for interest or penalties, solely by reason of a subsequent determination that such weight information was incorrect.

§ 58.1-1021.04:1. Distributor's or remote retail seller's license; liquid nicotine and nicotine vapor products license; penalties.

A. *1.* No person shall engage in the business of selling or dealing in tobacco products as a distributor in the Commonwealth without first having received a separate license from the Department for each location or place of business. Each application for a distributor's license shall be accompanied by a fee to be prescribed by the Department. Every application for such license shall be made on a form prescribed by the Department and the following information shall be provided on the application:

~~1.~~ *a.* The name and address of the applicant. If the applicant is a firm, partnership, or association, the name and address of each of its members shall be provided. If the applicant is a corporation, the name and address of each of its principal officers shall be provided;

~~2.~~ *b.* The address of the applicant's principal place of business;

~~3.~~ *c.* The place or places where the business to be licensed is to be conducted; and

~~4.~~ *d.* Such other information as the Department may require for the purpose of the administration of this article.

~~B.~~ *2.* A person outside the Commonwealth who ships or transports tobacco products to retailers in the Commonwealth, to be sold by those retailers, may make application for license as a distributor, be granted such a license by the Department, and thereafter be subject to all the provisions of this article. Once a license is granted pursuant to this section, such person shall be entitled to act as a licensed distributor and, unless such person maintains a registered agent pursuant to Chapter 9 *(§ 13.1-601 et seq.)*, 10 *(§ 13.1-801 et seq.)*, 12 *(§ 13.1-1000 et seq.),* or 14 *(§ 13.1-1200 et seq.)* of Title 13.1 or Chapter 2.1 *(§ 50-73.1 et seq.)* or 2.2 *(§ 50-73.79 et seq.)* of Title 50, shall be deemed to have appointed the Clerk of the State Corporation Commission as the person's agent for the purpose of service of process relating to any matter or issue involving the person and arising under the provisions of this article.

The Department shall conduct a background investigation, to include a Virginia ~~Criminal History Records~~ *criminal history records* search, and fingerprints of the applicant, or the responsible principals, managers, and other persons engaged in handling tobacco products at the licensable locations, that shall be submitted to the Federal Bureau of Investigation if the Department deems a ~~National Criminal Records~~ *national criminal records* search necessary, on applicants for licensure as tobacco products distributors. The Department may refuse to issue a distributor's license or may suspend, revoke, or refuse to renew a distributor's license issued to any person, partnership, corporation, limited liability company, or business trust~~,~~ if it determines that the principals, managers, and other persons engaged in handling tobacco products at the licensable location of the applicant have been (i) found guilty of any fraud or misrepresentation in any connection; (ii) convicted of robbery, extortion, burglary, larceny, embezzlement, fraudulent conversion, gambling, perjury, bribery, treason, or racketeering; or (iii) convicted of a felony. Anyone who knowingly and willfully falsifies, conceals, or misrepresents a material fact or knowingly and willfully makes a false, fictitious, or fraudulent statement or representation in any application for a distributor's license to the Department, ~~shall be~~ *is* guilty of a Class 1 misdemeanor. The Department may

establish an application or renewal fee not to exceed $750 to be retained by the Department to be applied to the administrative and other costs of processing distributor's license applications, conducting background investigations, and issuing distributor's licenses. Any amount collected pursuant to this section in excess of such costs as of June 30 in ~~even numbered~~ *even-numbered* years shall be reported to the State Treasurer and deposited into the state treasury.

~~C.~~ *3.* No person inside or outside the Commonwealth shall make a remote retail sale of cigars or pipe tobacco to consumers in the Commonwealth without (i) completing an application for and being granted a license as a remote retail seller; (ii) determining whether economic nexus activity thresholds have been met to register for a dealer's certificate under § 58.1-613; (iii) if economic nexus thresholds are met, collecting and remitting the excise tax pursuant to subsection A of § 58.1-1021.02; (iv) providing for age verification through an independent, third-party age verification service that compares information available from a commercially available database, or aggregate of databases, that is regularly used by government agencies and businesses for the purpose of age and identity verification to the personal information entered by the individual during the ordering process that establishes that the individual is of age; and (v) if economic nexus thresholds are met~~,~~ and excise tax is being remitted using the actual cost list method to calculate the excise tax, providing the remote retail seller's certified actual cost list to the Department for each SKU to be offered for remote retail sale in the subsequent calendar year. The actual cost list shall be updated quarterly as new SKUs are added to a remote retail seller's inventory. New SKUs will be added using the actual cost first paid for the SKU.

~~D.~~ *B.* Upon receipt of an application in proper form and payment of the required license fee, the Department shall, unless otherwise provided by this article, issue to the applicant a license, which shall permit the licensee to engage in business as a distributor at the place of business shown on the license. Each license, or a copy thereof, shall be prominently displayed on the premises covered by the license. No license shall be transferable to any other person. Distributor's licenses issued pursuant to this section shall be valid for a period of three years from the date of issue unless revoked by the Department in the manner provided herein. The Department may at any time revoke the license issued to any distributor who is found guilty of violating or noncompliance with any of the provisions of this chapter~~,~~ or any of the rules of the Department adopted and promulgated under authority of this chapter. *The Department shall suspend or revoke the license issued to any distributor who is found guilty of a second or subsequent violation of subsection A or B of § 18.2-371.2.*

C. 1. No person shall engage in the business of selling or dealing liquid nicotine or nicotine vapor products or who ships or transports liquid nicotine or nicotine vapor products to retailers in the Commonwealth, to be sold by those retailers, as a manufacturer, distributor, or retail dealer in the Commonwealth without first having received a separate license from the Department for each location or place of business. Each application for a manufacturer's, distributor's, or retail dealer's liquid nicotine and nicotine vapor products license shall be accompanied by a fee to be prescribed by the Department. Any retail dealer who holds an approved Retail Sales and Use Tax Exemption Certificate for Stamped Cigarettes Purchased for Resale or an Other Tobacco Products (OTP) Distributor's License issued by the Department shall not be required to obtain a license under this subsection. Every application for such liquid nicotine and nicotine vapor products license shall be made on a form prescribed by the Department and the following information shall be provided on the application:

a. The name and address of the applicant. If the applicant is a firm, partnership, or association, the name and address of each of its members shall be provided. If the applicant is a corporation, the name and address of each of its principal officers shall be provided;

b. The address of the applicant's principal place of business;

c. The place or places where the business to be licensed is to be conducted; and

d. Such other information as the Department may require for the purpose of the administration of this article.

2. The Department shall conduct a background investigation, to include a Virginia criminal history records search of the applicant, or the responsible principals and managers of liquid nicotine and nicotine vapor products at the licensable locations that shall be submitted to the Federal Bureau of Investigation if the Department deems a national criminal records search necessary, on applicants for licensure as a liquid nicotine and nicotine vapor products manufacturer, distributor, or retailer, as applicable. The Department may refuse to issue a license or may suspend, revoke, or refuse to renew a license issued to any person, partnership, corporation, limited liability company, or business trust if it determines that the principals and managers at the licensable location of the applicant have been (i) found guilty of any fraud or misrepresentation in any connection; (ii) convicted of robbery, extortion, burglary, larceny, embezzlement, fraudulent conversion, gambling, perjury, bribery, treason, tax evasion, or racketeering; or (iii) convicted of a felony within the last five years. Anyone who knowingly and willfully falsifies, conceals, or misrepresents a material fact or knowingly and willfully makes a false, fictitious, or fraudulent statement or representation in any application for a license to the Department is guilty of a Class 1 misdemeanor. The Department may establish an application or renewal fee to be retained by the Department to be applied to the administrative and other costs of processing license applications, conducting background investigations, and issuing licenses. Any amount collected pursuant to this section in excess of such costs as of June 30 in even-numbered years shall be reported to the State Treasurer and deposited into the state treasury.

3. Upon receipt of an application in proper form and payment of the required license fee, the Department shall, unless otherwise provided by this article, issue to the applicant a liquid nicotine and nicotine vapor products license, which shall permit the licensee to engage in business as a manufacturer, distributor, or retail dealer at the place of business shown on the license. Each license, or a copy thereof, shall be prominently displayed on the premises covered by the license. No license shall be transferable to any other person, partnership, corporation, limited liability company, or business trust;

however, the Department may grant a temporary license to any applicant that has purchased the business of any manufacturer, distributor, or retail dealer licensed pursuant to this section while such applicant's application for licensure is pending. Licenses, other than temporary licenses, issued pursuant to this section shall be valid for two years from the date of issue unless revoked by the Department in the manner provided in this section. The Department may at any time suspend or revoke the approved license, permit, or registration issued in accordance with subsection C of § 58.1-1021.04:1 to any person who is found guilty of violating or noncompliance with any of the provisions of this chapter or any of the rules of the Department adopted and promulgated under authority of this chapter. Any person authorized to sell liquid nicotine or nicotine vapor products pursuant to subsection C of § 58.1-1021.04:1 shall, as a condition of renewing or extending an approved license, permit, or registration, be required to submit to the Department an accurate record of any taxes paid on liquid nicotine pursuant to § 58.1-1021.02.

4. No person shall make a sale of liquid nicotine or nicotine vapor products (i) to any person who has not attained the legal age for purchasing liquid nicotine or nicotine vapor products and (ii) without a valid liquid nicotine and nicotine vapor products license issued pursuant to this subsection. Any person who is found guilty of violating or noncompliance with this subdivision shall be subject to the following penalties:

a. For the first violation in a 36-month period, a penalty of no less than $1,000;

b. For a second violation in a 36-month period, a penalty of no less than $5,000 and a 30-day suspension of the liquid nicotine and nicotine vapor products license. If the person is found to be in violation of clause (i) of this subdivision 4, such person shall be required to verify that any consumer who appears to be under 30 years of age is of legal age by verifying such consumer's government-issued photographic identification using fraud detection software, technology, or a scanner that confirms the authenticity of such identification; and

c. For a third violation in a 36-month period, a penalty of no less than $10,000, revocation of the liquid nicotine and nicotine vapor products license, and ineligibility to possess a liquid nicotine and nicotine vapor products license for a period of three years from the date of the most recent violation.

5. No person inside or outside the Commonwealth shall make a retail sale of liquid nicotine and nicotine vapor products without verifying that the consumer is of legal age by examining from any person who appears to be under 30 years of age a government-issued photographic identification that establishes that the person is of legal age or providing for age verification through an independent age verification service that compares information available from a commercially available database, or aggregate of databases, that is regularly used by government agencies and businesses for the purpose of age and identity verification to the personal information entered by the individual during the ordering process that establishes that the individual is of age.

6. For any transaction between a distributor and a retail dealer involving liquid nicotine or nicotine vapor products, both the distributor and the retail dealer shall maintain and retain records of any invoice or sales receipt involved that shall include itemized lists of the types of products included in such transaction, the tax due on each product pursuant to subsection B of § 58.1-1021.02, and the total amount of taxes paid. Such records shall be produced and provided to the Department as necessary for auditing, compliance, and enforcement purposes.

~~E.~~ *D.* The Department shall compile and maintain a current list of licensed distributors and remote retail sellers *of tobacco products and of manufacturers, distributors, and retail dealers of liquid nicotine and nicotine vapor products*. The list shall be updated on a monthly basis~~,~~ and published on the Department's ~~official Internet~~ website, available to any interested party.

§ 58.1-1021.04:5. Tax Commissioner to establish guidelines and rules.

The Tax Commissioner shall establish guidelines and rules, including ~~record keeping~~ *recordkeeping* requirements, for implementation of the tax on tobacco products under ~~Article~~ 2.1 ~~(§ 58.1-1021.01 et seq.) of Chapter 10 of Title 58.1 of the Code of Virginia~~ *this article*. The establishment of the guidelines and rules by the Tax Commissioner shall be exempt from the provisions of the Administrative Process Act (§ 2.2-4000 et seq.).

§ 58.1-1021.06. Delivery sales of liquid nicotine and nicotine vapor products.

A. A retail dealer shall not make a delivery sale of liquid nicotine or nicotine vapor products without a license issued pursuant to § 58.1-1021.04:1. Such delivery sales and any shipment shall be made only to a legal consumer.

B. A retail dealer may not ship for delivery sale any liquid nicotine or nicotine vapor products without first making a good faith effort to verify the age of the purchaser of the liquid nicotine or nicotine vapor products through an independent age verification software, service, or technology that compares information available from public records to the personal information entered by the purchaser during the ordering process that establishes the purchaser is of legal age or older.

C. Prior to shipment of liquid nicotine or nicotine vapor products for a delivery sale, a retail dealer shall be fully paid for the purchase and shall accept payment from the consumer by a check drawn on an account in the consumer's name, by a credit card issued in the consumer's name, or by a debit card issued in the consumer's name. A retail dealer taking a delivery sale may request the electronic mail address of the consumer as a condition of completing such delivery sale.

§ 58.1-1021.07. Retail sales of liquid nicotine and nicotine vapor products; identification and use by minors.

Before a retail dealer may sell liquid nicotine or nicotine vapor products to any consumer, the person selling, offering for sale, giving, or furnishing the liquid nicotine or nicotine vapor product shall verify that the consumer is of legal age by:

1. For any retail sale by a retail dealer, examining from any person who appears to be under 30 years of age a government-issued photographic identification that establishes the person is of legal age or, if required pursuant to

subdivision C 4 b of § 58.1-1021.04:1 or subdivision B 2 b of § 59.1-293.12, verifying the identification presented using identification fraud detection software, technology, or scanner that confirms the authenticity of such identification; or

2. For any delivery sale by a retail dealer to a consumer in the Commonwealth, performing an age verification through an independent, age verification software, service, or technology that compares information available from public records to the personal information entered by the purchaser during the ordering process that establishes that the purchaser is of legal age or older.

§ 58.1-1021.08. General requirements for liquid nicotine and nicotine vapor products sales and resale.

A. A retail dealer shall procure liquid nicotine and nicotine vapor products only from distributors duly permitted to operate in the Commonwealth pursuant to this article.

B. A retail dealer shall sell liquid nicotine and nicotine vapor products only to consumers and is prohibited from selling to manufacturers, distributors, other retailer dealers, and any other commercial entities.

C. A retail dealer shall not sell more than two packages of nicotine vapor products and five bottles or packages of liquid nicotine in any one transaction to a consumer.

D. In every instance, a distributor shall be responsible for paying the tax on liquid nicotine pursuant to § 58.1-1021.02 at the time of sale to a retail dealer.

E. A manufacturer may use as an ingredient in liquid nicotine and a distributor or retail dealer may sell liquid nicotine containing a flavoring or food grade additive or synthetic flavoring substance that is used to add flavor and that is not prohibited by the federal Food and Drug Administration as an additive in nicotine vapor products.

§ 58.1-1021.09. Safety requirements for liquid nicotine and nicotine vapor products.

A. 1. Any retail dealer shall comply with the following requirements:

a. Any liquid nicotine container shall use a child-resistant cap that has the child-resistant effectiveness set forth in the poison prevention packaging standards under 16 C.F.R. § 1700.15(b)(1);

b. Any liquid nicotine container shall use a tamper-evident package feature that is designed to remain intact and that does remain intact when handled in a reasonable manner during the manufacture, distribution, and retail display of such liquid nicotine or nicotine vapor product container; and

c. Any label on a liquid nicotine container shall meet the nicotine addictiveness warning statement requirements under 21 C.F.R. § 1143.3.

2. Any retail dealer selling liquid nicotine or nicotine vapor products shall also be required to display signage clearly indicating "products are not for sale to minors" or "underage sales prohibited" and to display vapor products behind a counter or in an enclosed display that is inaccessible without the assistance of a sales representative of the retailer.

B. No person may sell, offer for sale, or otherwise distribute any liquid nicotine or nicotine vapor product with labeling or packaging that is not in compliance with 21 C.F.R. § 1143.3 or that:

1. Imitates or mimics a trademark of any kind or trade dress of any food products, including candy, cookies, cereal, juice boxes, or soft drinks, that are or have primarily been marketed to minors;

2. Depicts images or references to video games, movies, videos, celebrity endorsements, or animated television shows known to appeal to minors;

3. Depicts the actual consumption of liquid nicotine or nicotine vapor products or a minor using liquid nicotine or nicotine vapor products;

4. Makes any health, medicinal, or therapeutic claims about liquid nicotine or nicotine vapor products; or

5. Otherwise promotes overconsumption of liquid nicotine or nicotine vapor products.

C. Any person shall advertise or market any liquid nicotine or nicotine vapor products only where consistent with the following requirements:

1. All advertisements and marketing shall accurately and legibly identify the person responsible for its content, shall be truthful and appropriately substantiated, shall not be presented in a manner that is materially false or untrue, and shall not be presented in a manner that imitates or mimics a trademark of any kind or trade dress of any food products, including candy, cookies, cereal, juice boxes, or soft drinks, that are or have primarily been marketed to minors;

2. Any advertising or marketing in broadcast, cable, radio, print, and digital communications or any event marketing or sponsorships shall be made only where at least 85 percent of the audience is reasonably expected to be at least 21 years of age, as determined by reliable, up-to-date audience composition data;

3. No advertising or marketing may contain any statement concerning a brand or product that is inconsistent with any statement or images on its labeling; and

4. No advertising or marketing may contain any health-related statement that is untrue in any particular manner or tends to create a misleading impression as to the health benefits of consumption of liquid nicotine or nicotine vapor products.

CHAPTER 23.2.

RETAIL TOBACCO PRODUCTS AND NICOTINE VAPOR PRODUCTS CONTAINING LIQUID NICOTINE.

§ 59.1-293.10. Definitions.

As used in this chapter, unless the context requires another meaning:

"Child-resistant packaging" means packaging that is designed or constructed to meet the child-resistant effectiveness standards set forth in 16 C.F.R. § 1700.15(b)(1) when tested in accordance with the protocols described in 16 C.F.R. § 1700.20 as in effect on July 1, 2015.

"Department" means the Department of Taxation.

"Liquid nicotine" means ~~a liquid or other substance containing nicotine in any concentration that is sold, marketed, or intended for use in a nicotine vapor product~~ *the same as that term is defined in § 58.1-1021.01.*

"Liquid nicotine container" means a bottle or other container holding liquid nicotine in any concentration but does not include a cartridge containing liquid nicotine if such cartridge is prefilled and sealed by the manufacturer of such cartridge and is not intended to be opened by the consumer.

"Nicotine vapor product" ~~has~~ *means* the same ~~meaning~~ as *that term is defined* in § ~~18.2-371.2~~ *58.1-1021.01 and includes liquid nicotine containers.*

"Retail dealer" means the same as that term is defined in § 58.1-1021.01.

"Retail tobacco product" means (i) any product containing, made of, or derived from tobacco or that contains nicotine that is intended for human consumption or is likely to be consumed, whether smoked, heated, chewed, dissolved, inhaled, absorbed, or ingested by other means, including a cigarette, a heated tobacco product, chewing tobacco, snuff, or snus; (ii) any electronic smoking device and any substances that may be aerosolized or vaporized by such device, whether or not the substance contains nicotine; and (iii) any component, part, or accessory of a product described in clause (i) or (ii), whether or not such component, part, or accessory contains tobacco or nicotine, including filters, rolling papers, blunt or hemp wraps, and glass pipes. "Retail tobacco product" includes any nicotine vapor product. "Retail tobacco product" does not include drugs or devices, as such terms are defined in 21 U.S.C. § 321, or combination products, as such term is used in 21 U.S.C. § 353, if such drugs, devices, or combination products are authorized for sale by the U.S. Food and Drug Administration. "Retail tobacco product" does not include any cigar or pipe tobacco as defined in § 58.1-1021.01.

"Tobacco retailer" means any person, partnership, joint venture, society, club, trustee, trust, association, organization, or corporation that owns, operates, or manages any tobacco retail establishment. "Tobacco retailer" does not include nonmanagement employees of a tobacco retail establishment.

"Tobacco retail establishment" means any place of business where retail tobacco products are available for sale to the general public, including any grocery store, retail tobacco product shop, kiosk, convenience store, gasoline service station, bar, or restaurant where retail tobacco products are available for sale to the general public.

§ 59.1-293.11. Sale or distribution of liquid nicotine container; prohibition; penalty.

A. No person shall sell or distribute at retail or offer for retail sale or distribution a liquid nicotine container in the Commonwealth on or after October 1, 2015, unless such liquid nicotine container meets child-resistant packaging standards.

B. The requirements of subsection A shall not prohibit a wholesaler or retailer from selling its existing inventory of liquid nicotine until January 1, 2016, if the wholesaler or retailer can establish that the inventory was purchased prior to October 1, 2015, in a quantity comparable to that of the inventory purchased during the same period of the prior year.

C. Any person who sells or distributes at retail or offers for retail sale or distribution a liquid nicotine container in the Commonwealth on or after October 1, 2015, that he knows or has reason to know does not satisfy the child-resistant packaging standards required by this section is guilty of a Class 4 misdemeanor. However, no person shall be guilty of a violation of this section who relies in good faith on any information provided by the manufacturer of a liquid nicotine container that such container meets the requirements of this section.

D. The provisions of this chapter do not apply to any manufacturer or wholesaler of liquid nicotine containers who sells or distributes a liquid nicotine container, provided that any such liquid nicotine container sold or distributed is intended for use outside of the Commonwealth.

E. The provisions of subsection A shall be null, void, and of no force and effect upon the effective date of either enacted federal legislation or final regulations issued by the U.S. Food and Drug Administration or by any other federal agency where such legislation or regulations mandate child-resistant packaging for liquid nicotine containers.

F. The provisions of this section with respect to retail sales, retail establishments, and offers for retail sales shall only apply to retail sales or offers at retail of liquid nicotine containers before July 1, 2024.

§ 59.1-293.12. Restrictions on the sale of retail tobacco products to minors; penalties.

A. A retail dealer shall comply with the provisions of this section, §§ 18.2-246.8, 18.2-246.10, 18.2-371.2, and 59.1-293.13, and any other state or local law related to the sale of retail tobacco products. If the Department determines that a retail dealer has violated any such provision of law, the Department may suspend or revoke such retail dealer's Retail Sales and Use Tax Exemption Certificate for Stamped Cigarettes Purchased for Resale or Other Tobacco Products (OTP) Distributor's License.

B. 1. For each retail dealer, the Department shall conduct an unannounced investigation at least once every 24 months to verify that the retail dealer is not selling retail tobacco products to persons under 21 years of age. If the Department determines that the retail dealer has violated any provision of this section, § 18.2-246.8, 18.2-246.10, 18.2-371.2, or 59.1-293.13, or any other state or local law related to the sale of retail tobacco products, it shall conduct an unannounced investigation of the retail dealer within six months of such violation.

2. If the Department determines that a retail dealer, or a retail dealer's agent or employee, sold a retail tobacco product to a person under 21 years of age or violated subsection A or B of § 18.2-371.2, the Department shall impose and the retail dealer shall be subject to:

a. For the first violation in a 36-month period, a penalty of no less than $1,000;

b. For a second violation in a 36-month period, a penalty of no less than $5,000. Any retail dealer found to be in violation of this subdivision 2 b shall be required to verify that any consumer who appears to be under 30 years of age is of

legal age by verifying such consumer's government-issued photographic identification using fraud detection software, technology, or a scanner that confirms the authenticity of such identification; and

c. For a third violation in a 36-month period, a penalty of no less than $10,000 and a 30-day suspension of the retail dealer's Retail Sales and Use Tax Exemption Certificate for Stamped Cigarettes Purchased for Resale or OTP Distributor's License.

d. For a fourth violation in a 36-month period, revocation of the retail dealer's Retail Sales and Use Tax Exemption Certificate for Stamped Cigarettes Purchased for Resale or OTP Distributor's License, and ineligibility to possess any such certificate or license for a period of three years from the date of the most recent violation.

3. Any civil penalties assessed pursuant to this section shall be paid into the Tobacco Retail Enforcement Fund, established pursuant to § 59.1-293.14.

C. The Department shall collaborate with the Virginia Alcoholic Beverage Control Authority and local law enforcement to the extent possible to enforce the provisions of this section and § 4.1-103.01.

§ 59.1-293.13. Required education for retail dealers and employees.

Any retail dealer shall be required to attest that it has conducted education and training for its employees related to:

1. The provisions of § 59.1-293.12;

2. The prohibitions on the sale of retail tobacco products to persons under age 21 and other restrictions prescribed by §§ 18.2-246.8, 18.2-246.10, and 18.2-371.2;

3. Forms of identification that are acceptable as proof of age; and

4. The legal penalties that may be incurred for violation of the provisions of law identified in subdivisions 1 and 2.

§ 59.1-293.14. Tobacco Retail Enforcement Fund.

There is hereby created in the state treasury a special nonreverting fund to be known as the Tobacco Retail Enforcement Fund, referred to in this section as "the Fund." The Fund shall be established on the books of the Comptroller. All revenues accruing to the Fund pursuant to this article, all funds appropriated for such purpose, and any gifts, donations, grants, bequests, and other funds received on its behalf shall be paid into the state treasury and credited to the Fund. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. Moneys in the Fund shall be used solely for the purposes of funding the Department of Taxation's direct and indirect costs of the license administration and enforcement program administered pursuant to Article 2.1 (§ 58.1-1021.01 et seq.) of Chapter 10 of Title 58.1 and the administrative costs of education and training, retail inspections, and unannounced compliance checks in accordance with the provisions of §§ 59.1-293.12 and 59.1-293.13. Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants issued by the Comptroller upon written request signed by the Tax Commissioner.

2. That the Department of Taxation shall develop guidelines implementing the provisions of this act. Such guidelines shall be exempt from the provisions of the Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia).

3. That the Department of Taxation shall develop or revise the forms and applications necessary to implement the provisions of this act.

CHAPTER 797

An Act to amend and reenact § 22.1-199.7 of the Code of Virginia, relating to public education; community schools; Office of Community Schools at Department of Education.

[S 608]

Approved April 17, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 22.1-199.7 of the Code of Virginia is amended and reenacted as follows:

§ 22.1-199.7. Community schools; interagency task force; Office of Community Schools at the Department.

A. In order to remove nonacademic barriers to learning as a means to enhance student academic success in public elementary and secondary schools throughout the Commonwealth, the Department ~~of Education~~ shall establish an interagency task force composed of state and local agencies and entities in the areas of early childhood development, health, social services, community engagement, family engagement, higher education, communities in schools, and workforce development for the purpose of (i) developing a program for the establishment of community schools whereby public elementary and secondary schools serve as centers for the provision of such community programs and services to students and their families as may be necessary on the basis of unique needs of the student population to be served and (ii) developing and providing to the Governor, the Secretary of Education, local school boards, and other interested state, local, and private entities policy recommendations relating to the coordinated delivery of community services to students and their families and the operation of community schools throughout the Commonwealth in accordance with the Virginia Community School Framework.

B. The community schools program established pursuant to subsection A shall include a process by which school boards and community partnerships consisting of school boards and other community and service providers may apply to the Department ~~of Education~~ to designate an elementary or secondary school in the local school division as a community

school. The application process shall include requirements for applicants to provide a plan for the sustainability of the community school and for the measurement of the success and effectiveness of the community school. The Department ~~of Education~~ shall consult with the interagency task force established pursuant to subsection A in the selection of applications and the designation of community schools.

C. The Department shall establish the Office of Community Schools as an office within the Department for the purpose of supporting the development and growth of community schools throughout the Commonwealth in accordance with the Virginia Community School Framework by collaborating with the interagency task force established pursuant to subsection A; administering state funds provided to school divisions to develop and sustain community school models; assisting school leaders in the application for federal grant funds for their community school models; and providing technical assistance to school personnel and contracted coordinators regarding effective practices and models for community schools and capital considerations relating to community schools, including site acquisition and building construction, renovations, and additions.

CHAPTER 798

An Act to amend and reenact §§ 58.1-4107 and 58.1-4123 of the Code of Virginia, relating to casino gaming; eligible host cities.

[S 628]

Approved April 17, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 58.1-4107 and 58.1-4123 of the Code of Virginia is amended and reenacted as follows:

§ 58.1-4107. Eligible host city; certification of preferred casino gaming operator.

A. The conduct of casino gaming shall be limited to the following eligible host cities:

1. Any city (i) in which at least 40 percent of the assessed value of all real estate in such city is exempt from local property taxation, according to the Virginia Department of Taxation Annual Report for Fiscal Year 2018, and (ii) that experienced a population decrease of at least seven percent from 1990 to 2016, according to data provided by the U.S. Census Bureau;

2. Any city that had (i) an annual unemployment rate of at least five percent in 2018, according to data provided by the U.S. Bureau of Labor Statistics; (ii) an annual poverty rate of at least 20 percent in 2017, according to data provided by the U.S. Census Bureau; and (iii) a population decrease of at least 20 percent from 1990 to 2016, according to data provided by the U.S. Census Bureau;

3. Any city that (i) had an annual unemployment rate of at least 3.6 percent in 2018, according to data provided by the U.S. Bureau of Labor Statistics; (ii) had an annual poverty rate of at least 20 percent in 2017, according to data provided by the U.S. Census Bureau; (iii) experienced a population decrease of at least four percent from 1990 to 2016, according to data provided by the U.S. Census Bureau; and (iv) is located adjacent to a state that has adopted a Border Region Retail Tourism Development District Act;

4. Any city (i) with a population greater than 200,000 according to the 2018 population estimates from the Weldon Cooper Center for Public Service of the University of Virginia; (ii) in which at least 24 percent of the assessed value of all real estate in such city is exempt from local property taxation, according to the Virginia Department of Taxation Annual Report for Fiscal Year 2018; and (iii) that experienced a population decrease of at least five percent from 1990 to 2016, according to data provided by the U.S. Census Bureau; and

5. Any city (i) ~~with a population greater than 200,000 according to the 2018 population estimates from the Weldon Cooper Center for Public Service of the University of Virginia; (ii)~~ in which at least ~~24~~ *17* percent of the assessed value of all real estate in such city is exempt from local property taxation, according to the Virginia Department of Taxation Annual Report for Fiscal Year ~~2018~~ *2016*; ~~and (iii)~~ *(ii)* that had a poverty rate of at least ~~24~~ *21* percent in ~~2017~~ *2019*, according to data provided by the U.S. Census Bureau*; and (iii) that had an annual unemployment rate of at least 13 percent in 2020, according to data provided by the U.S. Bureau of Labor Statistics*.

B. In selecting a preferred casino gaming operator, an eligible host city shall have considered and given substantial weight to factors such as:

1. The potential benefit and prospective revenues of the proposed casino gaming establishment.

2. The total value of the proposed casino gaming establishment.

3. The proposed capital investment and the financial health of the proposer and any proposed development partners.

4. The experience of the proposer and any development partners in the operation of a casino gaming establishment.

5. Security plans for the proposed casino gaming establishment.

6. The economic development value of the proposed casino gaming establishment and the potential for community reinvestment and redevelopment in an area in need of such.

7. Availability of city-owned assets and privately owned assets, such as real property, including where there is only one location practicably available or land under a development agreement between a potential operator and the city, incorporated in the proposal.

8. The best financial interest of the city.

9. The proposer's status as a minority-owned business as defined in § 2.2-1604 or the proposer's commitment to solicit equity investment in the proposed casino gaming establishment from one or more minority-owned businesses and the proposer's commitment to solicit contracts with minority-owned businesses for the purchase of goods and services.

C. The Department shall, upon request of any eligible host city, provide a list of resources that may be of assistance in evaluating the technical merits of any proposal submitted pursuant to this section, provided that selection of the preferred casino gaming operator shall be at the city's sole discretion.

D. The eligible host city described in subdivision A 4 shall provide substantial and preferred consideration to a proposer who is a Virginia Indian tribe recognized in House Joint Resolution No. 54 (1983) and acknowledged by the Assistant Secretary-Indian Affairs for the U.S. Department of the Interior as an Indian tribe within the meaning of federal law that has the authority to conduct gaming activities as a matter of claimed inherent authority or under the authority of the Indian Gaming Regulatory Act (25 U.S.C. § 2701 et seq.).

E. ~~The eligible host city described in subdivision A 5 may provide preferred consideration to a proposer who is a Virginia Indian tribe recognized in House Joint Resolution No. 54 (1983) and acknowledged by the Assistant Secretary-Indian Affairs for the U.S. Department of the Interior as an Indian tribe within the meaning of federal law that has the authority to conduct gaming activities as a matter of claimed inherent authority or under the authority of the Indian Gaming Regulatory Act (25 U.S.C. § 2701 et seq.).~~

~~F.~~ An eligible host city shall promptly submit its preferred casino gaming operator to the Department for review prior to scheduling the referendum required by § 58.1-4123. An eligible host city shall include with the submission any written or electronic documentation considered as part of the criteria in subsection B, including any memorandums of understanding, incentives, development agreements, land purchase agreements, or local infrastructure agreements. The Department shall conduct a preliminary review of the financial status and ability of the preferred casino gaming operator to operate and properly support ongoing operations in an eligible host city, as well as current casino operations in other states and territories. The Department shall conduct such review within 45 days of receipt of the submission by the eligible host city. An eligible host city and preferred casino gaming operator shall fully cooperate with all necessary requests by the Department in that regard. Upon successful preliminary review, the Department shall certify approval for the eligible host city to proceed to the referendum required by § 58.1-4123. The Department shall develop guidelines establishing procedures and criteria for conducting the preliminary review required by this subsection. Certification by the Department to proceed to referendum shall in no way entitle the preferred casino gaming operator to approval of any application to operate a casino gaming establishment.

§ 58.1-4123. Local referendum required.

A. The Department shall not grant any initial license to operate a gaming operation in an eligible host city until a referendum on the question of whether casino gaming shall be permitted in such city is approved by the voters of such city.

B. The governing body of any city containing an eligible host city shall petition the court, by resolution, asking that a referendum be held on the question of whether casino gaming shall be permitted within the city. The court, by order entered of record in accordance with Article 5 (§ 24.2-681 et seq.) of Chapter 6 of Title 24.2, shall require the regular election officials of the city to open the polls and take the sense of the voters on the question as herein provided.

C. The clerk of such court of record of such city shall publish notice of such election in a newspaper of general circulation in such city once a week for three consecutive weeks prior to such election.

D. The regular election officers of such city shall open the polls at the various voting places in such city on the date specified in such order and conduct such election in the manner provided by law. The election shall be by ballot, which shall be prepared by the electoral board of the city and on which shall be printed the following question:

"Shall casino gaming be permitted at a casino gaming establishment in _____ (name of city and location) as may be approved by the Virginia Lottery Board?

[ ] Yes

[ ] No"

In the blank shall be inserted the name of the city in which such election is held and the proposed location of the casino gaming establishment. Any voter desiring to vote "Yes" shall mark in the square provided for such purpose immediately preceding the word "Yes," leaving the square immediately preceding the word "No" unmarked. Any voter desiring to vote "No" shall mark in the square provided for such purpose immediately preceding the word "No," leaving the square immediately preceding the word "Yes" unmarked.

E. The ballots shall be counted, the returns made and canvassed as in other elections, and the results certified by the electoral board to the court ordering such election. Thereupon, such court shall enter an order proclaiming the results of such election and a duly certified copy of such order shall be transmitted to the Department and to the governing body of such city.

F. A subsequent local referendum shall be required if a license has not been granted by the Board within five years of the court order proclaiming the results of the election.

G. The governing body of any eligible host city that holds a local referendum pursuant to this section that subsequently fails shall be prohibited from holding another local referendum on the same question for a period of three years from the date of the last referendum.

CHAPTER 799

An Act to amend and reenact § 56-466.1 of the Code of Virginia, relating to public service companies; pole attachments; cable television systems and telecommunications service providers.

[S 713]

Approved April 17, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 56-466.1 of the Code of Virginia is amended and reenacted as follows:

§ 56-466.1. Pole attachments; cable television systems and telecommunications service providers.

A. As used in this section:

"Cable television system" means any system licensed, franchised or certificated pursuant to Article 1.2 (§ 15.2-2108.19 et seq.) of Chapter 21 of Title 15.2 that transmits television signals, for distribution to subscribers of its services for a fee, by means of wires or cables connecting its distribution facilities with its subscriber's television receiver or other equipment connecting to the subscriber's television receiver, and not by transmission of television signals through the air.

"Electric cooperative" means a utility services cooperative formed under or subject to Article 1 (§ 56-231.15 et seq.) of Chapter 9.1.

"Existing attacher" means any entity with equipment on a utility pole.

"National electrical safety standards" means standards provided in the National Electrical Safety Code.

"New attacher" means a cable television system or telecommunications service provider requesting a new pole attachment.

"Pole attachment" means any attachment by a cable television system or provider of telecommunications service to a pole, duct, conduit, right-of-way or similar facility owned or controlled by a public utility.

"Public utility" has the same meaning ascribed thereto in § 56-232 *but shall not include any utility that is regulated pursuant to 47 U.S.C. § 224*.

"Rearrangement" means work ~~performed~~ *necessitated solely by and* at the request of a telecommunications service provider or cable television system to, on*,* or in an existing pole, duct, conduit, right-of-way*,* or similar facility owned or controlled by a public utility that is necessary to make such pole, duct, conduit, right-of-way, or similar facility usable for a pole attachment. "Rearrangement" shall include replacement, *necessitated solely by and* at the request of a telecommunications service provider or cable television system, of the existing pole, duct, conduit, right-of-way, or similar facility if the existing pole, duct, conduit, right-of-way, or similar facility does not contain adequate surplus space or excess capacity and cannot be rearranged so as to create the adequate surplus space or excess capacity required for a pole attachment.

"Red-tagged pole" means a pole owned or controlled by a public utility that (i) is designated for replacement for any reason unrelated to a lack of capacity to accommodate a new attacher's request for attachment or (ii) would have needed to be replaced at the time of replacement even if the new attachment was not made.

"Telecommunications service provider" means any public service corporation or public service company that holds a certificate of public convenience and necessity to furnish local exchange telephone service or interexchange telephone service.

B. Upon request by a telecommunications service provider or cable television system to a public utility, both the public utility and the telecommunications service provider or cable television system shall negotiate in good faith to arrive at a mutually agreeable contract for attachments to the public utility's poles by the telecommunications service provider or cable television system. *The terms of such contract shall comply with the requirements of this section.*

C. After entering into a contract for attachments to its poles by any telecommunications service provider or cable television system, a public utility shall permit, upon reasonable terms and conditions and the payment of *just and* reasonable annual charges and the *reasonable, actual* cost of any required rearrangement, the attachment of any wire, cable, facility*,* or apparatus to its poles or pedestals, or the placement of any wire, cable, facility*,* or apparatus in conduit or duct space owned or controlled by it, by such telecommunications service provider or cable television system that is authorized by law~~,~~ to construct and maintain the attachment, provided that the attachment does not interfere, obstruct*,* or delay the service and operation of the public utility or create a safety hazard.

D. Notwithstanding the provisions of subsection C, a public utility providing electric utility service may deny access by a telecommunications service provider or cable television system to any pole, duct, conduit, right-of-way, or similar facility owned or controlled, in whole or in part, by such public utility, provided such denial is made on a nondiscriminatory basis on grounds of insufficient capacity or reasons of safety, reliability, or generally applicable engineering principles. *Insufficient capacity shall not exist if a rearrangement can be accomplished consistent with prevailing electric safety and utility standards as determined by the Commission. In making such determination, the Commission shall consider national electrical safety standards, the public interest relating to expanding broadband access in the Commonwealth, the impact to ratepayers, and other relevant considerations as determined by the Commission.*

E. This section shall not apply to any pole attachments regulated pursuant to 47 U.S.C. § 224.

F. *A public utility shall establish and adhere to pole attachment practices and procedures that comply with the requirements of this section.*

G. In processing requests for access to a public utility's poles, such public utility shall adhere to the following practices and shall incorporate the following provisions into its terms and conditions governing pole attachments:

1. a. A public utility shall review a new attacher's attachment request for completeness before reviewing such request on its merits. A new attacher's attachment request shall be considered complete for the purposes of this subdivision if such request provides the public utility with the information necessary, according to such public utility's procedures as specified in a master services agreement or in requirements made publicly available by such public utility at the time such request is submitted, for such public utility to begin to survey the affected poles.

(1) A public utility shall determine within 15 business days after receiving a new attacher's attachment request whether such request is complete for the purposes of subdivision a and shall notify such new attacher of such determination and, if such request is determined to be incomplete, the reasons for such determination. If such public utility does not respond within 15 business days after the receipt of such request, or if such public utility rejects such request as incomplete without specifying the reasons for such determination, then such request shall be deemed complete for the purposes of subdivision a.

(2) A new attacher's attachment request that was previously determined to be incomplete may be resubmitted, and such resubmission shall only be required to address the reasons for such determination specified by the public utility. Such resubmitted request shall be deemed complete for the purposes of subdivision a within seven business days after its resubmission unless the public utility notifies the new attacher of unaddressed reasons that such resubmission remains incomplete and how such resubmission fails to address such reasons. A new attacher may repeat the resubmission procedure described in this subdivision (2) as necessary until the attachment request is determined to be complete for the purposes of subdivision a so long as such new attacher makes a bona fide attempt with each resubmission to correct the attachment request according to the reasons for such determination of incompleteness.

b. A public utility shall respond to a new attacher's complete attachment request either by (i) granting access or (ii) consistent with subsection D, denying access within 75 days after the receipt of such request.

c. (1) Within 75 days of receiving a complete attachment request, a public utility shall complete a survey of the affected poles.

(2) A public utility shall permit the new attacher and any existing attachers to the affected poles to be present for any field inspection conducted as part of such public utility's survey pursuant to subdivision (1). A public utility shall use commercially reasonable efforts to provide such new and existing attachers at least five business days' advance notice of such field inspection and shall provide in such notice the time, date, and location of such survey and the name of the contractor performing such survey, if applicable. Any attacher attending such field inspection shall do so at its own risk and expense.

2. If a new attacher's request for access is not denied, a public utility shall present to such new attacher a detailed, itemized estimate, on a pole-by-pole basis, if requested, of charges to perform all necessary rearrangement within 20 days after providing the response required by subdivision 1. If the new attacher requests an estimate on such pole-by-pole basis and the public utility incurs fixed costs that are not reasonably calculable on a pole-by-pole basis, such public utility may present charges on a per-job basis rather than on a pole-by-pole basis for such fixed cost charges. The public utility shall provide documentation sufficient to determine the basis of all estimated charges, including any projected material, labor, and other related costs that form the basis of such estimate.

a. A public utility may withdraw an outstanding estimate of charges to perform rearrangement work beginning 30 days after the estimate is presented. A new attacher may accept a valid estimate and pay such charges at any time after receiving such estimate except if such estimate is withdrawn.

b. After a public utility completes rearrangement, if the cost of the work performed differs from the estimate, such public utility shall provide the new attacher a detailed, itemized final invoice of the actual rearrangement charges incurred, on a pole-by-pole basis, if requested, to accommodate the new attachment. If the new attacher requests an invoice on such pole-by-pole basis and the public utility incurs fixed costs that are not reasonably calculable on a pole-by-pole basis, such public utility may present charges on a per-job basis rather than on a pole-by-pole basis for such fixed cost charges. The public utility shall provide documentation sufficient to determine the basis of all charges, including material, labor, and other related costs that form the basis of such estimate.

3. Upon a public utility's receipt of payment pursuant to subdivision 2 a, such public utility shall immediately notify in writing all known existing attachers that may be affected by such rearrangement. Such notice shall:

a. Specify the details and location of such rearrangement;

b. Set a completion date for such rearrangement that is no later than 95 days after such notice is sent;

c. Provide that any entity with an existing attachment may modify such attachment consistent with the specified rearrangement before the date of such rearrangement; and

d. Provide the name, telephone number, and email address of a contact person for more information about the rearrangement procedure.

Upon providing such notice, a public utility shall provide the new attacher with a copy of any such notice, the contact information of any existing attachers, and any address to which such public utility sent such notice. The new attacher shall be responsible for coordinating with existing attachers to encourage the completion of rearrangement by the completion date specified in such notice.

4. A public utility shall complete any rearrangement by the completion date provided in the notice described in subdivision 3.

5. a. A public utility may deviate from the time limits specified in this section before offering an estimate of charges if the parties involved have no agreement specifying the rates, terms, and conditions of attachment.

b. A public utility may deviate from the time limits specified in this subsection during performance of a rearrangement for good and sufficient cause, as defined by the Commission, that renders it unfeasible for such public utility to complete rearrangement within such time limits. A public utility making such deviation shall immediately notify in writing the new attacher and affected existing attachers, and such notice shall identify the affected poles and include a detailed explanation of the reason for such deviation and a new completion date. No such deviation shall occur for a period longer than necessary to complete rearrangement of the affected poles, and such public utility shall resume rearrangement without discrimination upon returning to routine operations.

6. If the pole attachment request of a telecommunications service provider or cable television system would cause the aggregate number of attachments or attachment requests by all attachers to exceed the lesser of 300 poles per month or 0.5 percent of the total poles owned by a public utility in any given month, then such public utility shall promptly notify such new attacher and shall negotiate in good faith to contract with a mutually agreed upon third-party entity to perform all necessary work that such public utility would otherwise perform, within a reasonable timeframe and in accordance with the cost allocation principles set forth in this section. In negotiating for a reasonable timeframe for the performance of work, the parties involved shall use their best efforts to comply with the timeframes established in subdivisions 1, 2, and 3. All work performed by a contracted entity under this subdivision shall be subject to the oversight of the public utility, which may only assess the new attacher for the actual, reasonable costs of such oversight.

7. Notwithstanding any other provision of law, a public utility subject to this section shall not apportion to a telecommunications service provider or cable television system the cost of replacing a red-tagged pole, provided that such public utility may apportion to a telecommunications service provider or cable television system the incremental cost of a taller or stronger pole that is necessitated solely by the new facilities of such telecommunications service provider or cable television system.

H. The Commission is authorized to *enforce the requirements of this section and to* determine just and reasonable rates, and terms and conditions of service, excluding safety and debt collection, for attachments to electric cooperative poles by telecommunications service providers or cable television systems if, following good faith negotiations to do so, the parties cannot reach agreement thereon; however, the Commission shall not determine rates or terms and conditions for any existing agreement until it expires or is terminated pursuant to its own terms. The terms of an expired or terminated agreement shall continue to govern while good faith negotiations or Commission review pursuant to this section are pending. Such determinations shall be made in accordance with the following:

1. Just and reasonable pole attachment rates and terms and conditions of service to be determined by the Commission shall include, without limitation, rearrangement and make-ready costs, pole replacement costs, and all other costs directly related to pole attachments and maintenance, replacement, and inspection of poles or pole attachments, and right of way maintenance essential to pole attachments, provided*,* however, that cost recovery for rearrangement, make-ready*,* and pole replacement ~~shall be~~ addressed in terms and conditions~~, and~~ shall not *also* be included in annual rental rates;

2. In determining pole attachment rates*, terms, and conditions*, the Commission shall consider (i) any effect of such rates*, terms, and conditions* on the deployment or utilization, or both, of broadband and other telecommunications services, (ii) the interests of electric cooperatives' members, and (iii) the overall public interest;

3. The Commission may develop and utilize alternative forms of dispute resolution for purposes of addressing disputes (i) arising under this subsection and (ii) falling within the scope of the Commission's authority established hereunder;

4. *The Commission shall resolve disputes (i) involving pole access, including the allocation of rearrangement costs, within 90 days and (ii) concerning all other matters arising under this section within 120 days, provided, however, that either period may be extended by Commission order for an additional period not to exceed 60 days;*

5. The Commission is authorized to assess reasonable application fees to recover appropriate Commission costs of proceedings arising under this subsection; and

~~5.~~ *6.* The Commission is authorized to develop, if necessary, rules and regulations, including a definition of good faith negotiations, to implement this section.

2. That in administrating the Virginia Telecommunication Initiative (VATI) and the federal Broadband Equity, Access, and Deployment (BEAD) Program in the Commonwealth, the Department of Housing and Community Development is directed to submit annually on or before December 1 of 2024 through 2028 a report to the Governor, the General Assembly, and the State Corporation Commission on the progress of broadband expansion projects across the Commonwealth funded through VATI and BEAD. Such report shall assess (i) the fiber mileage constructed, (ii) the locations passed, (iii) the timelines for remaining contracted projects, (iv) the amount of grant funding expended, and (v) the number of projects extended and the rationale for such extensions.

3. That any telecommunications service provider or cable television system that receives state or federal funding for infrastructure development in the Commonwealth shall coordinate with any public utility in the Commonwealth impacted by such funding receipt during any application process and shall promptly notify any such impacted public utility of such funding receipt within 30 days after such funding receipt.

4. That the requirements of § 56-466.1 of the Code of Virginia, as amended by this act, shall apply only to requests for pole access in the Commonwealth submitted by a telecommunications service provider or cable television system on or after July 1, 2024, and no provision of this act shall invalidate or impair any contract or agreement entered into prior to July 1, 2024.

CHAPTER 800

An Act to amend and reenact § 8.01-246 of the Code of Virginia, relating to contract actions; medical debt.

[H 34]

Approved April 17, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 8.01-246 of the Code of Virginia is amended and reenacted as follows:

§ 8.01-246. Personal actions based on contracts.

A. Subject to the provisions of § 8.01-243 regarding injuries to person and property and of § 8.01-245 regarding the application of limitations to fiduciaries, and their bonds, actions founded upon a contract, other than actions on a judgment or decree, shall be brought within the following number of years next after the cause of action shall have accrued:

1. In actions or upon a recognizance, except recognizance of bail in a civil suit, within 10 years; and in actions or motions upon a recognizance of bail in a civil suit, within three years, omitting from the computation of such three years such time as the right to sue out such execution shall have been suspended by injunction, supersedeas or other process;

2. In actions on any contract that is not otherwise specified and that is in writing and signed by the party to be charged thereby, or by his agent, within five years whether such writing be under seal or not;

3. In actions by a partner against another for settlement of the partnership account or in actions upon accounts concerning the trade of merchandise between merchant and merchant, their factors, or servants, within five years from the cessation of the dealings in which they are interested together;

4. In actions upon (i) any contract that is not otherwise specified and that is in writing and not signed by the party to be charged, or by his agent, or (ii) any unwritten contract, express or implied, within three years.

B. In any action, including those brought by the Commonwealth, upon any contract under subdivision A 2 or 4 to collect medical debt, such an action is barred if not commenced within three years from the due date applicable to the final invoice for a health care service unless the contract with a hospital or health care provider is for a payment plan that allows for a longer period of time for the collection of debt by the hospital or health care provider. In the event of breach of a payment plan, an action is barred if not commenced within three years from the date of breach by the debtor. For the purposes of this subsection, "medical debt" means a debt arising directly from the receipt of a health care service and originally owed directly to a health care service provider. The provisions of this subsection shall not apply to medical debt arising from services paid for under programs administered by the Department of Medical Assistance Services.

~~Provided that as to~~ *C. In the case of* any action to which § 8.2-725 of the Uniform Commercial Code is applicable, that section shall be controlling except that in products liability actions for injury to person and for injury to property, other than the property subject to contract, the limitation prescribed in § 8.01-243 shall apply.

CHAPTER 801

An Act to amend and reenact §§ 24.2-311 and 24.2-614 of the Code of Virginia; to amend the Code of Virginia by adding in Title 24.2 a chapter numbered 2.1, containing articles numbered 1 and 2, consisting of sections numbered 24.2-240 through 24.2-246; and to repeal §§ 24.2-202 through 24.2-205 and Article 6 (§§ 24.2-542, 24.2-542.1, and 24.2-543) of Chapter 5 of Title 24.2 of the Code of Virginia, relating to electors for President and Vice President of the United States; binding of electors; oaths; vacancies.

[H 111]

Approved April 17, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 24.2-311 and 24.2-614 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Title 24.2 a chapter numbered 2.1, containing articles numbered 1 and 2, consisting of sections numbered 24.2-240 through 24.2-246, as follows:

CHAPTER 2.1.

PRESIDENTIAL ELECTORS.

Article 1.

Nomination of Electors.

§ 24.2-240. Qualifications of electors; oath.

Each nominated elector selected pursuant to this article shall, at the time of his nomination and until the conclusion of the day electors cast their votes in the Electoral College, be a citizen of the United States and a legal resident of the Commonwealth, and shall subscribe to an oath, which shall be notarized, that he is, in fact, a citizen of the United States

and a legal resident of the Commonwealth, and that he will, if elected, cast his ballot in the Electoral College for the candidates for President and Vice President of the United States as set forth in subsection A or B of § 24.2-241 or pursuant to § 24.2-242, as applicable, or as such political party or group of qualified voters may direct in the event of the death, withdrawal, or disqualification of a candidate of that party or group. The State Board shall also be furnished, if it requests, with satisfactory evidence that any individual undertaking to act as an elector under this chapter is, in fact, qualified and duly and properly authorized to do so.

§ 24.2-241. State Board to be furnished names of nominated electors selected by political parties; certain national conventions; vacancies.

A. In elections for President and Vice President of the United States, the appropriate chairman or secretary of each political party as defined in § 24.2-101 shall furnish to the State Board by noon on the seventy-fourth day before the presidential election (i) the names of the individuals nominated to be electors by the party at its convention held for that purpose, with the total number of its nominated electors equaling the whole number of senators and representatives to which the Commonwealth at that time is entitled in the Congress of the United States, together with the names of the political party and of the candidates for President and Vice President for whom the nominated electors are required to vote in the Electoral College, and (ii) a copy of the subscribed and notarized oath required by § 24.2-240.

B. Notwithstanding the provisions of subsection A, (i) the state political party chairman of a political party whose national convention has been scheduled to be held after the seventy-fourth day before the presidential election shall file by noon on the seventy-fourth day before the presidential election, with the certification of its nominated electors, a certification of the individuals expected to be nominated for President and Vice President at its national convention; (ii) the State Board shall certify candidates to the local electoral boards, and ballot preparation shall proceed on the basis of the state party chairman's certifications; and (iii) the candidates for President and Vice President nominated by the party at its national convention shall be certified to the State Board no later than 5:00 p.m. on the sixtieth day before the presidential election.

C. In the event of the death, withdrawal, or disqualification of a candidate of a political party for President or Vice President, or of a nominated elector of a political party, that party may substitute the name of a different candidate or nominated elector, as applicable, before the State Board certifies to the county and city electoral boards the form of the official ballots.

§ 24.2-242. How other groups may submit names of electors; oaths of electors.

A. A group of qualified voters, not constituting a political party as defined in § 24.2-101, may have the names of nominated electors selected by them, which shall include one elector residing in each congressional district and two from the Commonwealth at large, printed upon the official ballot to be used in the election of electors for President and Vice President by filing a petition pursuant to this section.

B. The petition shall have printed on the front of each page the names of the individuals nominated to be electors by the petitioners, the party name under which they desire to be nominated electors to be listed on the ballot, and the names of the candidates for President and Vice President for whom the nominated electors are required to vote in the Electoral College.

The petition shall be signed by at least 5,000 qualified voters and include signatures of at least 200 qualified voters from each congressional district. The petition shall be signed by petitioners on and after January 1 of the year of the presidential election and contain the residence address of each petitioner. The signature of each petitioner shall be witnessed either by an individual who is a constitutionally qualified candidate for President, who may witness his own petition, or by an individual who is not a minor or a felon whose voting rights have not been restored and whose affidavit to that effect appears on each page of the petition. Each individual circulating a petition who is not a legal resident of the Commonwealth shall sign a statement on the affidavit that he consents to the jurisdiction of the courts of Virginia in resolving any disputes concerning the circulation of petitions, or signatures contained therein, by that individual. The signatures of qualified voters collected by a nonresident petition circulator who fails to sign such statement, or who later fails to appear or produce documents when properly served with a subpoena to do so, shall not be counted toward the minimum number of signatures required pursuant to this subsection.

C. The petition shall be filed with the State Board by noon of the seventy-fourth day before the presidential election. The individuals filing the petition shall file with a copy of a subscribed and notarized oath by each nominated elector pursuant to § 24.2-240. In order to utilize a selected party name on the ballot, the petitioners shall have had, for at least six months prior to filing the petition, a state central committee composed of registered voters from each congressional district of the Commonwealth, a party plan and bylaws, and a duly designated chairman and secretary in existence and holding office. The State Board may require proof that the petitioners meet these requirements before permitting use of a party name on the ballot. The party name shall not be identical or substantially similar to the name of any political party qualifying under § 24.2-101 and then in existence.

D. In the event that a group of qualified voters meets the requirements set forth in this section except that they cannot utilize a party name, the nominated electors and the candidates for President and Vice President shall be identified and designated as "Independent" on the ballot. Substitution of a different candidate for Vice President may be made by the candidate for President before the State Board certifies to the county and city electoral boards the form of the official ballot.

E. In the event of the death, withdrawal, or disqualification of a candidate for President or Vice President qualified to appear on the ballot pursuant to this section, the petitioner may substitute the name of a different candidate before the State Board certifies to the county and city electoral boards the form of the official ballots.

In the event of the death, withdrawal, or disqualification of any individual listed as a nominated elector for candidates for President and Vice President on a petition filed pursuant to this section, the petitioners or candidate for President, as applicable, may substitute the name of a different nominated elector. Such substitution shall not invalidate any petition of qualified voters circulated with the name of the deceased, withdrawn, or disqualified nominated elector provided that notice of the substitution is filed with the State Board by noon of the seventy-fourth day before the presidential election.

Notice of the substitution and the name of any substitute candidate or nominated elector shall be submitted on a form prepared by the State Board.

F. If the State Board determines that a candidate for President does not qualify to have his name appear on the ballot pursuant to this section by reason of the group of qualified voters' filed petition not containing the minimum number of signatures of qualified voters for the office sought, the candidate may appeal the determination to the State Board within seven calendar days of the issuance of the notice of disqualification. The notice of disqualification shall be sent by email or regular mail to the address on file for the candidate, and such notice shall be deemed sufficient. The State Board shall hear the appeal within three business days of the filing of the appeal.

The State Board shall develop procedures for the conduct of such an appeal. The consideration on appeal shall be limited to whether the signatures on the petitions that were filed were reasonably rejected according to the requirements of this title and the rules and procedures adopted by the State Board for checking petitions. Immediately after the conclusion of the appeal hearing, the State Board shall notify the candidate of its decision in writing. The decision on appeal shall be final and not subject to further appeal.

Article 2.

Selection by Voters and Duties of Electors.

§ 24.2-243. Electors for President and Vice President.

The qualified voters of the Commonwealth shall choose the Commonwealth's electors for President and Vice President of the United States at the general election in November 2024 and every fourth year thereafter. Each voter shall vote for a number of electors that equals the whole number of senators and representatives to which the Commonwealth at the time is entitled in the Congress of the United States.

§ 24.2-244. Convening of electors; filling vacancies; how electors required to vote.

A. The electors shall convene at the Capitol building in the capital city of the Commonwealth at noon on the first Tuesday after the second Wednesday in December following their election.

B. Those electors present shall immediately fill, by ballot and by a plurality of votes, any vacancy due to death, withdrawal, disqualification, failure or inability to attend, or other cause. When all electors are present and any vacancies have been filled, they shall proceed to perform the duties required of such electors by the Constitution and laws of the United States.

C. Electors selected by the state convention of any political party as defined in § 24.2-101 shall be required to vote for the nominees of the national convention to which the state convention elects delegates. Electors named in any petition of qualified voters as provided in § 24.2-242 shall be required to vote for the individuals named for President and for Vice President in the petition. Any elector who refuses to present a ballot, presents an unmarked ballot, or presents a ballot marked in violation of the elector's oath signed and notarized pursuant to § 24.2-240 shall be deemed to vacate the office of elector. Such vacancy shall be filled immediately by those electors present pursuant to subsection B.

§ 24.2-245. Election of electors and meeting when Congress prescribes a different day.

If Congress establishes a different day for choosing electors, or appoints a different day for their meeting to give their votes, then the election shall be held and the meeting of the electors shall take place on those days.

§ 24.2-246. Pay of electors.

Each elector shall receive the sum of $50 per day while actually engaged in the discharge of his official duties and the same mileage as is allowed to members of the General Assembly.

§ 24.2-311. Effective date of decennial redistricting measures; elections following decennial redistricting.

A. Legislation enacted to accomplish the decennial redistricting of congressional and General Assembly districts required by Article II, Section 6 of the Constitution of Virginia shall take effect immediately. Members of Congress and the General Assembly in office on the effective date of the decennial redistricting legislation shall complete their terms of office. The elections for their successors shall be held at the November general election next preceding the expiration of the terms of office of the incumbent members and shall be conducted on the basis of the districts set out in the legislation to accomplish the decennial redistricting. However, (i) if the decennial redistricting of congressional districts has not been enacted and approved for implementation pursuant to § 5 of the United States Voting Rights Act of 1965 before January 1 of the year of the election for statewide office, the previously enacted congressional districts shall remain in effect for the purpose of meeting the petition signature requirements set out in §§ *24.2-242,* 24.2-506, 24.2-521~~, 24.2-543~~, and 24.2-545 and (ii) any reference on a petition to the usual primary date of the third Tuesday in June shall not be cause to invalidate the petition even though the date of the primary may be altered by law.

B. Ordinances adopted by local governing bodies to accomplish the decennial redistricting of districts for county, city, and town governing bodies required by Article VII, Section 5 of the Constitution of Virginia shall take effect immediately. Members of county, city, and town governing bodies in office on the effective date of a decennial redistricting measure shall complete their terms of office. The elections for their successors shall be held at the general election next preceding the

expiration of the terms of office of the incumbent members and shall be conducted on the basis of the districts set out in the measures to accomplish the decennial redistricting.

C. If a vacancy in any such office occurs after the effective date of a decennial redistricting measure and a special election is required by law to fill the vacancy, the vacancy shall be filled from the district in the decennial redistricting measure which most closely approximates the district in which the vacancy occurred.

D. If a decennial redistricting measure adopted by a local governing body adds one or more districts and also increases the size of the governing body, an election for the additional governing body member or members to represent the additional district or districts for the full or partial term provided by law shall be held at the next November general election in any county or in any city or town that regularly elects its governing body in November pursuant to § 24.2-222.1, or at the next May general election in any other city or town, which occurs at least 120 days after the effective date of the redistricting measure.

E. In the event of a conflict between the provisions of a decennial redistricting measure and the provisions of the charter of any locality, the provisions of the redistricting measure shall be deemed to override the charter provisions to the extent required to give effect to the redistricting plan.

§ 24.2-614. Preparation and form of presidential election ballots.

As soon as practicable after the seventy-fourth day before the presidential election, the State Board shall certify to the general registrar of each county and city the form of official ballot for the presidential election which shall be uniform throughout the Commonwealth. Each general registrar shall have the official ballot printed at least 45 days preceding the election.

The ballot shall contain the name of each political party and the party group name, if any, specified by the ~~persons~~ *individuals* naming electors by petition pursuant to § ~~24.2-543~~ *24.2-242*. Below the party name in parentheses, the ballot shall contain the words "Electors for _____, President and _____, Vice President" with the blanks filled in with the names of the candidates for President and Vice President for whom the candidates for electors are expected to vote in the Electoral College.

Groups of petitioners qualifying for a party name under § ~~24.2-543~~ *24.2-242* shall be treated as a class; the order of the groups shall be determined by lot by the State Board; and the groups shall immediately precede the independent class on the ballot. The names of the candidates within the independent class shall be listed alphabetically.

2. That §§ 24.2-202 through 24.2-205 and Article 6 (§§ 24.2-542, 24.2-542.1, and 24.2-543) of Chapter 5 of Title 24.2 of the Code of Virginia are repealed.

CHAPTER 802

An Act to amend and reenact § 37.2-804 of the Code of Virginia, relating to special justices and independent evaluator fees; emergency custody and voluntary and involuntary civil admissions.

[H 125]

Approved April 17, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 37.2-804 of the Code of Virginia is amended and reenacted as follows:

§ 37.2-804. Fees and expenses.

A. Any special justice, *any* retired judge sitting by designation pursuant to § 16.1-69.35, or any district court substitute judge who presides over hearings pursuant to the provisions of §§ 37.2-809 through 37.2-820, Article 16 (§ 16.1-335 et seq.) of Chapter 11 of Title 16.1, or § 19.2-169.6 shall receive a fee of ~~$86.25~~ *$120* for each hearing thereunder plus his necessary *expenses, including* mileage, parking, tolls, and postage, and ~~$43.25~~ *$70* for each certification hearing and each order under Chapter 11 (§ 37.2-1100 et seq.) ruling on competency or treatment plus his necessary *expenses, including* mileage, parking, tolls, and postage.

B. Any physician, psychologist or other mental health professional, or any interpreter, appointed pursuant to § 37.2-802 for persons who are deaf, who is not regularly employed by the Commonwealth and is required to serve as a witness or as an interpreter in any proceeding under this chapter or § 19.2-169.6 shall receive a fee of ~~$75~~ *$120* and his necessary expenses for each commitment hearing for involuntary admission in which he serves and ~~$43.25~~ *$70* and necessary expenses for each certification hearing in which he serves.

C. Other witnesses regularly summoned before a judge or special justice under the provisions of this chapter shall receive the compensation for their attendance and mileage that is allowed witnesses summoned to testify before grand juries.

D. Every attorney appointed under § 37.2-806 or §§ 37.2-809 through 37.2-820 shall receive a fee of $120 and his necessary expenses for each hearing thereunder and $70 and his necessary expenses for each certification hearing and each proceeding under Chapter 11 (§ 37.2-1100 et seq.).

E. Except as hereinafter provided, all expenses incurred, including the fees, attendance, and mileage aforesaid, shall be paid by the Commonwealth. When any such fees, costs, and expenses, incurred in connection with an examination or hearing for an admission pursuant to § 37.2-806 or §§ 37.2-809 through 37.2-820, to carry out the provisions of this chapter or in connection with a proceeding under Chapter 11 (§ 37.2-1100 et seq.) or § 19.2-169.6, are paid by the Commonwealth,

they shall be recoverable by the Commonwealth from the person who is the subject of the examination, hearing, or proceeding or from his estate. Collection or recovery may be undertaken by the Department. When the fees, costs, and expenses are collected or recovered by the Department, they shall be refunded to the Commonwealth. No fees or costs shall be recovered, however, from the person who is the subject of the examination or hearing or his estate when no good cause for his admission exists or when the recovery would create an undue financial hardship. *Any necessary expenses incurred pursuant to subsection A, B, or D shall be paid in accordance with guidelines established by the Supreme Court of Virginia.*

CHAPTER 803

An Act to amend and reenact § 55.1-321 of the Code of Virginia, relating to foreclosure procedures; subordinate mortgage; affidavit required.

[H 184]

Approved April 17, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 55.1-321 of the Code of Virginia is amended and reenacted as follows:

§ 55.1-321. Notices required before sale by trustee to owners, lienors, etc.; if note lost.

A. In addition to the advertisement required by § 55.1-322, the trustee or the party secured shall give written notice of the time, date, and place of any proposed sale in execution of a deed of trust, and such notice shall include either (i) the instrument number or deed book and page numbers of the instrument of appointment filed pursuant to § 55.1-320, or (ii) a copy of the executed and notarized appointment of substitute trustee by personal delivery or by mail to (a) the present owner of the property to be sold at his last known address as such owner and address appear in the records of the party secured; (b) any subordinate lienholder who holds a note against the property secured by a deed of trust recorded at least 75 days, in the case of a deed of trust conveying owner-occupied residential real estate, or 30 days, in the case of all other deeds of trust, prior to the proposed sale and whose address is recorded with the deed of trust; (c) any assignee of such a note secured by a deed of trust, provided that the assignment and address of assignee are likewise recorded at least 75 days, in the case of a deed of trust conveying owner-occupied residential real estate, or 30 days, in the case of all other deeds of trust, prior to the proposed sale; (d) any condominium unit owners' association that has filed a lien pursuant to § 55.1-1966; (e) any property owners' association that has filed a lien pursuant to § 55.1-1833; and (f) any proprietary lessees' association that has filed a lien pursuant to § 55.1-2148. Written notice shall be given pursuant to clauses (d), (e), and (f) only if the lien is recorded at least 75 days, in the case of a deed of trust conveying owner-occupied residential real estate, or 30 days, in the case of all other deeds of trust, prior to the proposed sale. If the secured party has received notification that the owner of the property to be sold is deceased, the notice required by clause (a) shall be given to (1) the last known address of such owner as such address appears in the records of the party secured; (2) any personal representative of the deceased's estate whose appointment is recorded among the records of the circuit court where the property is located, at the address of the personal representative that appears in such records; and (3) any heirs of the deceased who are listed on the list of heirs recorded among the records of the circuit court where the property is located, at the addresses of the heirs that appear in such records. Mailing of a copy of the advertisement or a notice containing the same information to the owner by certified or registered mail no less than 60 days prior to such sale, in the case of a deed of trust conveying owner-occupied residential real estate, or 14 days prior to such sale, in the case of all other deeds of trust, and to lienholders, the property owners' association or proprietary lessees' association, their assigns, and the condominium unit owners' association, at the address noted in the memorandum of lien, by ordinary mail no less than 60 days prior to such sale, in the case of a deed of trust conveying owner-occupied residential real estate, or 14 days prior to such sale, in the case of all other deeds of trust, shall be a sufficient compliance with the requirement of notice. The written notice of proposed sale when given as provided in this subsection shall be deemed an effective exercise of any right of acceleration contained in such deed of trust or otherwise possessed by the party secured relative to the indebtedness secured. The inadvertent failure to give notice as required by this subsection shall not impose liability on either the trustee or the secured party. The foreclosure sale cannot go forward unless the trustee has proof that the notice has been sent.

A1. If the proposed sale is initiated due to a default in payment under a security instrument that (i) was, at the time it was recorded, subordinate to another security interest encumbering the same real property and (ii) has not subsequently been elevated to a first priority lien by a recorded voluntary subordination agreement, such subordinate mortgage lienholder shall submit to the trustee an affidavit affirming whether monthly statements were sent to the property owner for each period that any interest, fees, or other charges were assessed. No such interest, fees, or other charges shall be assessed or charged for any period during which periodic statements were not sent unless the subordinate mortgage lienholder identifies a specific exemption pursuant to applicable law for which such subordinate mortgage lienholder was not required to send such specific statements for any period of time enumerated in the affidavit. Such affidavit shall also include an itemized list of the current amount owed, including any periods in which interest, fees, and other charges were waived because no monthly statements were sent during such period. The subordinate mortgage lienholder shall provide a copy of such affidavit to the person required to pay the instrument with written notice that a request for sale shall be made of the trustee upon the expiration of 60 days from the day of mailing such notice. Such notice shall be sent by certified mail, return receipt requested, to the last known mailing address of such person required to pay the instrument. Such notice shall advise

the person required to pay the instrument that if such person believes that such interest, fees, or other charges have been assessed in error, such person may, prior to the sale, petition the circuit court of the city or county where such property or some part thereof lies for an accounting and order declaring the proper balance secured by the subordinate mortgage. If the court determines that charges were assessed in error, such person shall be entitled to recover attorney fees and costs against the subordinate mortgage lienholder. The provisions of this subsection shall not apply to subordinate lienholders who are either (a) the original creditor, (b) a mortgage servicer acting on behalf of the original creditor, (c) a national or state chartered bank, or (d) a federal or state chartered credit union.

A2. Any purchaser at a foreclosure sale shall provide certification that such purchaser shall pay off any priority security instruments no later than 90 days from the date that the trustee's deed conveying the property pursuant to such sale is recorded in the land records. The person originally required to pay the instrument shall have the right to petition the circuit court of the city or county where the property or some part thereof lies to recover from the purchaser any payments toward such priority lien amounts made by such person required to pay the instrument after the date of the foreclosure sale, plus any attorney fees and costs.

B. If a note or other evidence of indebtedness secured by a deed of trust is lost or for any reason cannot be produced and the beneficiary submits to the trustee an affidavit to that effect, the trustee may nonetheless proceed to sale, provided that the beneficiary has given written notice to the person required to pay the instrument that the instrument is unavailable and a request for sale will be made of the trustee upon expiration of 60 days from the date of mailing of the notice, in the case of a deed of trust conveying owner-occupied residential real estate, or 14 days from the date of mailing of the notice, in the case of all other deeds of trust. The notice shall be sent by certified mail, return receipt requested, to the last known address of the person required to pay the instrument as reflected in the records of the beneficiary and shall include the name and mailing address of the trustee. The notice shall further advise the person required to pay the instrument that if he believes he may be subject to a claim by a person other than the beneficiary to enforce the instrument, he may petition the circuit court of the county or city where the property or some part thereof lies for an order requiring the beneficiary to provide adequate protection against any such claim. If deemed appropriate by the court, the court may condition the sale on a finding that the person required to pay the instrument is adequately protected against loss that might occur by reason of a claim by another person to enforce the instrument. Adequate protection may be provided by any reasonable means. If the trustee proceeds to sale, the fact that the instrument is lost or cannot be produced shall not affect the authority of the trustee to sell or the validity of the sale.

C. When the written notice of proposed sale is given as provided in this section, there is a rebuttable presumption that the lienholder has complied with any requirement to provide notice of default contained in a deed of trust. Failure to comply with the requirements of notice contained in this section shall not affect the validity of the sale, and a purchaser for value at such sale shall be under no duty to ascertain whether such notice was validly given.

D. In the event of postponement of sale, which may be done in the discretion of the trustee, no new or additional notice is required to be given pursuant to this section.

E. In the case of a deed of trust conveying owner-occupied residential real estate, the notice to the owner in subsections A and B shall include the website address of the U.S. Housing and Urban Development's (HUD) Office of Housing Counseling with a listing of HUD-certified housing counseling agencies, the website address and telephone number of the statewide legal aid center, and the following language, or language that is substantially similar, in at least 12-point type: "This is NOT a notice to vacate the premises. You should consider contacting an attorney or your local legal aid or housing counseling agency."

F. In the case of a deed of trust conveying owner-occupied residential real estate, the notice to the owner in subsections A and B shall include the date of the last payment received and the amount received; the total amount of principal, interest, costs, and fees due in arrears; and the remaining total principal balance due on the instrument.

CHAPTER 804

An Act to amend and reenact § 46.2-1569 of the Code of Virginia, relating to motor vehicle dealers; sale of franchise.

[H 191]

Approved April 17, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 46.2-1569 of the Code of Virginia is amended and reenacted as follows:

§ 46.2-1569. Other coercion of dealers; transfer, grant, succession to and cancellation of dealer franchises; delivery of vehicles, parts, and accessories.

Notwithstanding the terms of any franchise agreement, it shall be unlawful for any manufacturer, factory branch, distributor, distributor branch, or affiliate, or any field representative, officer, agent, or their representatives to do any of the following. It shall further be unlawful for any manufacturer, factory branch, distributor, distributor branch, or any field representative, officer, agent, or their representatives to engage in conduct prohibited under this section through an affiliate.

1. To coerce or attempt to coerce any dealer to accept delivery of any motor vehicle or vehicles, parts or accessories therefor, or any other commodities, which have not been ordered by the dealer.

2. To coerce or attempt to coerce any dealer to enter into an agreement with the manufacturer, factory branch, distributor, or distributor branch, or representative thereof by threat to take or by taking any action in violation of the chapter, or by any other act unfair or injurious to the dealer, including the threat to withhold any incentive payments in whole or in part or to deny the dealer the right to participate in an incentive program in which more than one of the dealers of the line-make in the Commonwealth are eligible to participate and under the same terms as such other dealers. Nothing contained in this section shall require that a dealer be qualified for or entitled to incentive payments or the right to payments or benefits from an incentive program, nor will a manufacturer, factory branch, distributor, or distributor branch be prohibited from informing a dealer thereof, unless the dealer meets all qualifications and performs all applicable requirements and meets all of the applicable standards for such payments or benefits reasonably established by the manufacturer, factory branch, distributor, or distributor branch, or as otherwise provided in this article. If a manufacturer, factory branch, distributor, or distributor branch conditions the grant of a new franchise to a dealer on the dealer's consent (i) to provide a site control agreement as defined in subdivision 10, (ii) to provide a written agreement containing an option to purchase the franchise of the dealer, provided, however, that agreements pursuant to § 46.2-1569.1 shall be permitted, or (iii) to provide a termination agreement to be held by the manufacturer, factory branch, distributor, or distributor branch for subsequent use, it shall be considered coercion and an act that is unfair and injurious to the dealer; provided, however, that the provisions of § 46.2-1572.3 related to the good faith settlement of disputes shall apply to the agreements described in clauses (i), (ii), and (iii) of this subdivision, mutatis mutandis. This subdivision shall not apply to any agreement the enforcement of which is subject to the jurisdiction of a United States Bankruptcy Court.

2a. To coerce or attempt to coerce any dealer to join, contribute to, or affiliate with any advertising association.

2b. To coerce or require any dealer to establish in connection with the sale of a motor vehicle prices at which the dealer shall sell products or services not manufactured or distributed by the manufacturer, factory branch, distributor, or distributor branch, whether by agreement, program, incentive provision, or otherwise.

2c. To coerce or require any dealer, whether by agreement, program, incentive provision, or otherwise, to construct improvements to its facilities or to install new signs or other franchisor image elements that replace or substantially alter those improvements, signs, or franchisor image elements completed within the preceding 10 years that were required or approved by the manufacturer, factory branch, distributor, or distributor branch or one of its affiliates. If a manufacturer, factory branch, distributor, or distributor branch offers incentives, or other payments under a program offered after the effective date of this subdivision and available to more than one dealer in the Commonwealth that are premised wholly or in part on dealer facility improvements or installation of franchisor signs or other franchisor image elements, a dealer that constructed improvements or installed signs or other franchisor image elements required by or approved by the manufacturer, factory branch, distributor, or distributor branch and completed within the 10 years preceding the program shall be deemed to be in compliance with the program requirements pertaining to construction of facilities or installation of signs or other franchisor image elements that would replace or substantially alter those previously constructed or installed within that 10-year period. This subdivision shall not apply to a program that provides lump sum payments to assist dealers in making facility improvements or to pay for signs or franchisor image elements when such payments are not dependent on the dealer selling or purchasing specific numbers of new vehicles and shall not apply to a program that is in effect with more than one dealer in the Commonwealth on the effective date of this subdivision, nor to any renewal or modification of such a program.

2d. To coerce or require any dealer, whether by agreement, program, incentive provision, or provision for loss of incentive payments or other benefits, to refrain from selling any used motor vehicle subject to (i) recall, (ii) stop sale directive, (iii) technical service bulletin, or (iv) other manufacturer, factory branch, distributor, or distributor branch notification to perform work on such used motor vehicle, unless the manufacturer, factory branch, distributor, or distributor branch has a remedy and parts available to the dealer to remediate the basis for the coercion or requirement of the dealer to refrain from selling each affected used motor vehicle. If there is no remedy or there are no parts available from the manufacturer, factory branch, distributor, or distributor branch to remediate each affected used motor vehicle in the inventory of the dealer, the manufacturer, factory branch, distributor, or distributor branch shall (a) compensate the dealer for any affected used motor vehicle in the inventory of the dealer that it cannot sell because of such coercion or requirement at least one percent a month or any part thereof of the cost of such used motor vehicle, including repairs and reconditioning expenses based on the financial records of the dealer, and (b) establish a written procedure to compensate dealers under this subdivision that it shall provide to dealers subject to its coercion or requirement and file with the Commissioner as a franchise document pursuant to § 46.2-1566.

Any claim for compensation by a dealer shall be submitted on a monthly basis for the amount owed pursuant to this subdivision. The manufacturer, factory branch, distributor, or distributor branch shall process and pay the claim in the same manner as a claim for warranty reimbursements as provided in § 46.2-1571. This subdivision shall not prevent a manufacturer, factory branch, distributor, or distributor branch from (1) requiring that a motor vehicle not be subject to an open recall or stop sale directive in order to be qualified, remain qualified, or be sold as a certified pre-owned vehicle or similar designation; (2) paying incentives for selling used vehicles with no unremedied recalls; or (3) paying incentives for performing recall repairs on a vehicle in the dealer's inventory.

Nothing in this subdivision shall prevent a manufacturer, factory branch, distributor, or distributor branch from instructing that a dealer repair used vehicles of the line-make for which the dealer holds a franchise with an open recall, provided that the instruction does not involve coercion that imposes a penalty or provision of loss of benefits on the dealer.

2e. To coerce or require any dealer, whether by agreement, program, incentive provision, or provision for loss of incentive payments or other benefits, to amend its franchise agreement or similar agreement governing the sales and leasing of new motor vehicles, or to establish or implement a franchise agreement for the sales and leasing of new motor vehicles, under which the manufacturer, factory branch, distributor, or distributor branch (i) maintains a website or other electronic or digital means of communication for negotiating binding terms of sale or leasing of new motor vehicles directly between the manufacturer, factory branch, distributor, or distributor branch and retail buyers or lessees, including but not limited to agreements on prices or other substantive terms of sale or leasing of new vehicles; (ii) retains ownership of new motor vehicles until they are sold or leased to the retail buyers or lessees thereof; however, a manufacturer, factory branch, distributor, or distributor branch may maintain a common supply of new vehicles of which it maintains ownership until such vehicles are sold to dealers, from which more than one dealer may buy vehicles, provided that the manufacturer, factory branch, distributor, or distributor branch may not use the common supply of new vehicles to engage in the negotiation of binding terms of sales or leases directly with retail buyers or lessees and further provided that a dealer may buy vehicles from the common supply for the dealer's inventory without having reached agreement for sale or lease of any new vehicle with a retail buyer or lessee if the manufacturer, factory branch, distributor, or distributor branch does not otherwise allow its dealers to obtain stock inventory through the vehicle allocation process; (iii) except for the sale or lease of a vehicle to an actual employee of the manufacturer, factory branch, distributor, or distributor branch or in connection with any replacement or buyback under Chapter 17.3 (§ 59.1-207.9 et seq.) of Title 59.1, consigns new motor vehicles to dealers for dealer inventory or for sale or lease to retail buyers or lessees; (iv) reserves the right to negotiate binding terms of sale directly with retail buyers or lessees of new motor vehicles, provided that displaying on a website or other electronic or digital means of communication prices set by dealers, lists of available financing sources provided by dealers, or a conditional trade-in value shall not be considered negotiating; (v) reserves the right to offer or negotiate directly with the retail buyers or lessees in connection with and at the time of sale of a new motor vehicle the sale of any service contract, vehicle maintenance agreement, guaranteed asset protection (GAP) agreement or waiver, or other vehicle-related products and services that are otherwise offered by the dealer; however, a manufacturer, factory branch, distributor, or distributor branch may communicate or negotiate and finalize agreements with vehicle owners or lessees directly concerning any accessory or function of a vehicle that may be initiated, updated, changed, or maintained by the manufacturer, factory branch, distributor, or distributor branch through over-the-air or remote means if the manufacturer, factory branch, distributor, or distributor branch complies with the requirements of subdivision B 10 of § 46.2-1571; or (vi) designates dealers to be only delivery agents for new motor vehicles the binding terms of sale or lease of which are negotiated directly between the manufacturer, factory branch, distributor, or distributor branch and the retail buyers or lessees of the new motor vehicles. No manufacturer, factory branch, distributor, or distributor branch shall engage in any of the activities listed in clauses (i) through (vi). Notwithstanding the foregoing provisions of this subsection, a manufacturer, factory branch, distributor, or distributor branch may engage in fleet sales with a fleet customer that has a designation as such by the manufacturer, factory branch, distributor, or distributor branch because it has purchased or leased or has committed to purchase or lease five or more vehicles under the fleet program. Nothing in this section shall limit a manufacturer, factory branch, distributor, or distributor branch from setting or advertising a manufacturer's suggested retail price.

3. To prevent or refuse to approve the sale or transfer of the ownership of a dealership by the sale of the business, stock transfer, or otherwise, or the transfer, sale, or assignment of a dealer franchise, or a change in the executive management or principal operator of the dealership, unless the franchisor provides written notice to the dealer of its objection and the reasons therefor by certified mail or overnight delivery or other method designed to ensure delivery to the dealer ~~at least 30 days prior to the proposed effective date of the transfer, sale, assignment, or change~~ *within 60 days of receipt of notice from the dealer as required by this section. Such notice by the dealer shall be deemed complete when it includes (i) the applicant's name, address, financial qualifications, and business experience during the previous five years; (ii) a certification that the applicant meets the standards otherwise established by this title to be a dealer; and (iii) a copy of the full agreement for the proposed transaction in the form existing as of the date of the notice. No subsequent additions, modifications, or amendments to such agreement shall in any way toll the time in which the franchisor is required to provide notice hereunder. The franchisor may request such additional supporting documentation as may be reasonably required by the franchisor to determine if an objection to the sale or transfer may be made, and the dealer will provide such requested documentation within 10 business days. However, no such request shall toll the time in which the franchisor is required to provide notice hereunder. The franchisor and the dealer may, but under no circumstances shall they be required to, mutually agree to toll any of the time periods provided for in this subdivision to facilitate the exchange of information. Failure of the franchisor to notify the motor vehicle dealer within the 60-day period of such rejection shall be deemed an approval of the transfer*. No such objection shall be sufficient unless the failure to approve is reasonable. Notwithstanding the provisions of subsection D of § 46.2-1573, the only grounds that may be considered reasonable for a failure to approve are that an individual who is the applicant or is in control of an entity that is an applicant ~~(i)~~ *(a)* lacks good moral character, ~~(ii)~~ *(b)* lacks reasonable *years of* motor vehicle dealership management experience ~~and qualifications~~, ~~(iii)~~ *(c)* lacks financial ability to be the dealer, or ~~(iv)~~ *(d)* fails to meet the standards otherwise established by this title to be a dealer. No such objection shall be effective to prevent the sale, transfer, assignment, or change if the Commissioner has determined, if requested in writing by the dealer within 30 days after receipt of an objection to the proposed sale, transfer, or change, and after a hearing on the matter, that the failure to permit or honor the sale, transfer, assignment, or change is unreasonable under the circumstances. No franchise may be sold, assigned, or transferred ~~unless (a) the franchisor has been given at least~~

~~90 days' prior written notice by the dealer as to the identity, financial ability, and qualifications of the proposed transferee on forms generally utilized by the franchisor to conduct its review, as well as the full agreement for the proposed transaction, and (b)~~ *if* the sale or transfer of the franchise and business will ~~not~~ involve, without the franchisor's consent, *which consent shall not be unreasonably withheld,* a relocation of the business.

3a. To impose a condition on the approval of the sale or transfer of the ownership of a dealership by the sale of the business, stock transfer, or otherwise if the condition would violate the provisions of this title if imposed on the existing dealer.

In the event the manufacturer, factory branch, distributor or distributor branch takes action to prevent or refuse to approve the sale or transfer of the ownership of a dealership by the sale of the business, stock transfer, or otherwise, or the transfer, sale or assignment of a dealer franchise, or a change in the executive management or principal operator of the dealership, without a statement of specific grounds for doing so that is consistent with subdivision 3 hereof or imposes a condition in violation of subdivision 3a hereof, that shall constitute a violation of this section. The existing dealer may request review of the action or imposition of the condition in a hearing by the Commissioner. If the Commissioner finds that the action or the imposition of the condition was a violation of this section, the Commissioner may order that the sale or transfer be approved by the manufacturer, factory branch, distributor, or distributor branch, without imposition of the condition. If the existing dealer does not request a hearing by the Commissioner concerning the action or the condition imposed by the manufacturer, factory branch, distributor, or distributor branch, and the action or condition was the proximate cause of the failure of the contract for the sale or transfer of ownership of the dealership, the applicant for approval of the sale or transfer or the existing dealer, or both, may commence an action at law for violation of this section. The action may be commenced in the circuit court of the city or county in which the dealer is located, or in any other circuit court with permissible venue, within two years following the action or the imposition of the condition by the manufacturer, factory branch, distributor, or distributor branch for the damages suffered by the applicant or the dealer as a result of the violation of this section by the manufacturer, factory branch, distributor, or distributor branch, plus the applicant's or dealer's reasonable attorney fees and costs of litigation. Notwithstanding the foregoing, an exercise of the right of first refusal by the manufacturer, factory branch, distributor, or distributor branch pursuant to § 46.2-1569.1 shall not be considered the imposition of a condition prohibited by this section.

4. To grant an additional franchise for a particular line-make of motor vehicle in a relevant market area in which a dealer or dealers in that line-make are already located unless the franchisor has first advised in writing all other dealers in the line-make in the relevant market area. No such additional franchise may be established at the proposed site unless the Commissioner has determined, if requested by a dealer of the same line-make in the relevant market area within 30 days after receipt of the franchisor's notice of intention to establish the additional franchise, and after a hearing on the matter, that the franchisor can show by a preponderance of the evidence that after the grant of the new franchise, the relevant market area will support all of the dealers in that line-make in the relevant market area. Establishing a franchised dealer in a relevant market area to replace a franchised dealer that has not been in operation for more than two years shall constitute the establishment of a new franchise subject to the terms of this subdivision. The two-year period for replacing a franchised dealer shall begin on the day the franchise was terminated, or, if a termination hearing was held, on the day the franchisor was legally permitted finally to terminate the franchise. The relocation of a franchise in a relevant market area, whether by an existing dealer or by a dealer who is acquiring the franchise, shall constitute the establishment of a new franchise subject to the terms of this subdivision. This subdivision shall not apply to (i) the relocation of an existing dealer within that dealer's relevant market area if the relocation site is to be more than 10 miles distant from any other dealer for the same line-make; (ii) the relocation of an existing dealer within that dealer's relevant market area if the relocation site is to be more distant than the existing site from all other dealers of the same line-make in that relevant market area; or (iii) the relocation of an existing new motor vehicle dealer within two miles of the existing site of the relocating dealer.

5. Except as otherwise provided in this subdivision and notwithstanding the terms of any franchise, to terminate, cancel, or refuse to renew the franchise of any dealer without good cause and unless (i) the dealer and the Commissioner have received written notice of the franchisor's intentions at least 60 days prior to the effective date of such termination, cancellation, or the expiration date of the franchise, setting forth the specific grounds for the action, and (ii) the Commissioner has determined, if requested in writing by the dealer within the 60-day period prior to the effective date of such termination, cancellation, or the expiration date of the franchise and, after a hearing on the matter, that the franchisor has shown by a preponderance of the evidence that there is good cause for the termination, cancellation, or nonrenewal of the franchise. If any manufacturer, factory branch, distributor, or distributor branch takes action that will have the effect of terminating, canceling, or refusing to renew the franchise of any dealer (a) by use of a termination agreement executed by the dealer and obtained more than 90 days before the purported date of use, (b) by exercise of rights under a written option to purchase the franchise of a dealer, or (c) by exercise of rights under a site control agreement as defined in subdivision 10, that action shall be considered a termination, cancellation, or refusal to renew pursuant to the terms of this subdivision and subject to the rights, provisions, and procedures provided herein. In any case where a petition is made to the Commissioner for a determination as to good cause for the termination, cancellation, or nonrenewal of a franchise, the franchise in question shall continue in effect pending the Commissioner's decision or, if that decision is appealed to the circuit court, pending the decision of the circuit court. Where the termination, cancellation, or nonrenewal of a franchise will result from use of a termination agreement executed by the dealer and obtained more than 90 days before the purported date of use, exercise of rights under a written option to purchase the franchise of a dealer, or exercise of rights under a site control agreement as

defined in subdivision 10, such use or exercise shall be stayed pending the Commissioner's decision or, if that decision is appealed to the circuit court, pending the decision of the circuit court, and its use or exercise will be allowed only where the franchisor has shown by a preponderance of the evidence that there is good cause for the termination, cancellation, or nonrenewal of the franchise. In any case in which a franchisor neither advises a dealer that it does not intend to renew a franchise nor takes any action to renew a franchise beyond its expiration date, the franchise in question shall continue in effect on the terms last agreed to by the parties. Notwithstanding the other provisions of this subdivision notice of termination, cancellation, or nonrenewal may be provided to a dealer by a franchisor not less than 15 days prior to the effective date of such termination, cancellation, or nonrenewal when the grounds for such action are any of the following:

a. Insolvency of the franchised motor vehicle dealer or filing of any petition by or against the franchised motor vehicle dealer, under any bankruptcy or receivership law, leading to liquidation or which is intended to lead to liquidation of the franchisee's business.

b. Failure of the franchised motor vehicle dealer to conduct its customary sales and service operations during its posted business hours for seven consecutive business days, except where the failure results from acts of God or circumstances beyond the direct control of the franchised motor vehicle dealer.

c. Revocation of any license which the franchised motor vehicle dealer is required to have to operate a dealership.

d. Conviction of the dealer or any principal of the dealer of a felony.

The change or discontinuance of a marketing or distribution system of a particular line-make product by a manufacturer or distributor, while the name identification of the product is continued in substantial form by the same or a different manufacturer or distributor, may be considered to be a franchise termination, cancellation, or nonrenewal. The provisions of this paragraph shall apply to changes and discontinuances made after January 1, 1989, but they shall not be considered by any court in any case in which such a change or discontinuance occurring prior to that date has been challenged as constituting a termination, cancellation or nonrenewal.

5a. To fail to provide continued parts and service support to a dealer which holds a franchise in a discontinued line-make for at least five years from the date of such discontinuance. This requirement shall not apply to a line-make which was discontinued prior to January 1, 1989.

5b. Upon the involuntary or voluntary termination, nonrenewal, or cancellation of the franchise of any dealer, by either the manufacturer, distributor, or factory branch or by the dealer, notwithstanding the terms of any franchise whether entered into before or after the enactment of this section, to fail to pay the dealer for at least the following:

(1) The dealer cost plus any charges by the franchisor for distribution, delivery, and taxes paid by the dealer, less all allowances paid to the dealer by the franchisor, for new and undamaged motor vehicles in the dealer's inventory acquired from the franchisor or from another dealer of the same line — make in the ordinary course of business within 18 months of termination;

(2) The dealer cost as shown in the price catalog of the franchisor current at the time of repurchase of each new, unused, undamaged, and unsold part or accessory if such part or accessory is in the current parts catalog and is still in the original, resalable merchandising package and in unbroken lots, except that in the case of sheet metal, a comparable substitute for the original package may be used;

(3) The fair market value of each undamaged sign owned by the dealer that bears a trademark, trade name or commercial symbol used or claimed by the franchisor if such sign was purchased from or at the request of the franchisor;

(4) The fair market value of all special tools and automotive service equipment owned by the dealer that were recommended and designated as special tools or equipment by the franchisor, if the tools and equipment are in usable and good condition, normal wear and tear excepted; and

(5) The reasonable cost of transporting, handling, packing, and loading of motor vehicles, parts, signs, tools, and special equipment subject to repurchase hereunder.

The provisions of this subdivision do not apply to a dealer who is unable to convey clear title to the property identified in this subdivision.

For purposes of this subdivision, a voluntary termination shall not include the transfer of the terminating dealer's franchised business in connection with a transfer of that business by means of sale of the equity ownership or assets thereof to another dealer.

5c. If the termination, cancellation, or nonrenewal of the dealer's franchise is the result of the termination, elimination, or cessation of a line-make by the manufacturer, distributor, or factory branch, then, in addition to the payments to the dealer pursuant to subdivision 5b, the manufacturer, distributor, or factory branch shall be liable to the dealer for the following:

(1) An amount at least equivalent to the fair market value of the franchise for the line-make, which shall be the greater of that value determined as of (i) the date the franchisor announces the action that results in termination, cancellation, or nonrenewal, (ii) the date the action that resulted in the termination, cancellation, or nonrenewal first became general knowledge, or (iii) the day 12 months prior to the date on which the notice of termination, cancellation, or nonrenewal is issued. In determining the fair market value of a franchise for a line-make, if the line-make is not the only line-make for which the dealer holds a franchise in the dealership facilities, the dealer shall also be entitled to compensation for the contribution of the line-make to payment of the rent or to covering obligation for the fair rental value of the dealership facilities for the period set forth in subdivision 5c (2). Fair market value of the franchise for the line-make shall only include the goodwill value of the dealer's franchise for that line-make in the dealer's relevant market area.

(2) If the line-make is the only line-make for which the dealer holds a franchise in the dealership facilities, the manufacturer, distributor, or factory branch shall also pay assistance with respect to the dealership facilities leased or owned by the dealer as follows: (i) the manufacturer, distributor, or factory branch shall pay the dealer a sum equivalent to the rent for the unexpired term of the lease or three years' rent, whichever is the lesser, or (ii) if the dealer owns the dealership facilities, the manufacturer, distributor, or factory branch shall pay the dealer a sum equivalent to the reasonable rental value of the dealership facilities for three years.

To be entitled to facilities assistance from the manufacturer, distributor, or factory branch, the dealer shall have the obligation to mitigate damages by listing the dealership facilities for lease or sublease with a licensed real estate agent within 30 days after the effective date of the termination of the franchise and thereafter by reasonably cooperating with such real estate agent in the performance of the agent's duties and responsibilities. If the dealer is able to lease or sublease the dealership facilities on terms that are consistent with local zoning requirements to preserve the right to sell motor vehicles from the dealership facilities and the terms of the dealer's lease, the dealer shall be obligated to pay the manufacturer the net revenue received from such mitigation, but only following receipt of facilities assistance payments pursuant to clause (i) or (ii) of subdivision 5c (2), and only up to the total amount of facilities assistance payments that the dealer has received.

6. To fail to allow a dealer the right at any time to designate a member of his family as a successor to the dealership in the event of the death or incapacity of the dealer. Such designation may be made by the dealer or, in the event of the death or incapacity of the dealer, by the qualified executor or personal representative of the dealer. It shall be unlawful to prevent or refuse to honor the succession to a dealership by a member of the family of a deceased or incapacitated dealer if the franchisor has not provided to the member of the family designated the dealer's successor written notice of its objections to the succession and of such person's right to seek a hearing on the matter before the Commissioner pursuant to this article, and the Commissioner determines, if requested in writing by such member of the family within 30 days of receipt of such notice from the franchisor, and after a hearing on the matter before the Commissioner pursuant to this article, that the failure to permit or honor the succession is unreasonable under the circumstances. No member of the family may succeed to a franchise unless (i) the franchisor has been given written notice as to the identity, financial ability, and qualifications of the member of the family in question, and (ii) the succession to the franchise will not involve, without the franchisor's consent, a relocation of the business.

7. To delay, refuse, or fail to deliver to any dealer, if ordered by the dealer, in reasonable quantities and within a reasonable time, any new vehicles of each series and model sold or distributed by the franchisor as covered by such franchise and which are publicly advertised by the manufacturer, factory branch, distributor, or distributor branch in the Commonwealth to be available for immediate delivery, provided, however, that the failure to deliver any motor vehicle shall not be considered a violation of this chapter if such failure is due to an act of God, a work stoppage or delay due to a strike or labor difficulty, a shortage of materials, a lack of available manufacturing capacity, a freight embargo, or other cause over which the manufacturer, factory branch, distributor, or distributor branch shall have no control. If ordered by a dealer, a franchisor shall deliver an equitable supply of new vehicles during the model year of each series and model under the dealer's franchise in proportion to the sales objectives or goals established by the franchisor for the dealer compared to the sales objectives or goals established by the other same line-make dealers in the Commonwealth, provided, however, that the failure to deliver any motor vehicle shall not be considered a violation of this chapter if such failure is due to a cause over which the manufacturer, factory branch, distributer, or distributer branch shall have no control. Upon the written request of any dealer holding its sales or sales and service franchise, the manufacturer or distributor shall disclose to the dealer in writing the basis upon which new motor vehicles of the same line-make are allocated, scheduled, and delivered to dealers in the Commonwealth, and the basis upon which the current allocation or distribution is being made or will be made to such dealer. In the event that allocation is at issue in a request for a hearing, the dealer may demand the Commissioner to direct that the manufacturer or distributor provide to the dealer, within 30 days of such demand, all records of sales and all records of distribution of all motor vehicles to the same line-make dealers who compete with the dealer requesting the hearing.

7a. To fail or refuse to offer to its same line-make franchised dealers all models manufactured for the line-make, or require a dealer to pay any extra fee, or remodel, renovate, or recondition the dealer's existing facilities, or purchase unreasonable advertising displays or other materials as a prerequisite to receiving a model or a series of vehicles.

7b. To require or otherwise coerce a dealer to underutilize the dealer's facilities by requiring or otherwise coercing a dealer to exclude or remove from the dealer's facilities operations for selling or servicing of a line-make of vehicles for which the dealer has a franchise agreement to utilize the facilities.

7c. To require a dealer to purchase goods or services from a vendor selected, identified, or designated by a manufacturer, factory branch, distributor, distributor branch, or one of its affiliates by agreement, program, incentive provision, or otherwise without making available to the dealer the option to obtain the goods or services of substantially similar quality from a vendor chosen by the dealer. For purposes of this subdivision, the term "goods" does not include moveable displays, brochures, and promotional materials containing material subject to intellectual property rights of, or special tools and training as required by the manufacturer, or parts to be used in repairs under warranty obligations of, a manufacturer, factory branch, distributor, or distributor branch.

7d. To fail to provide a notice to a dealer when notifying it of the requirement to purchase goods or services from a vendor selected, identified, or designated by a manufacturer, factory branch, distributor, or distributor branch of the dealer's rights pursuant to subdivision 7c.

7e. To fail to provide to a dealer, when the manufacturer, factory branch, distributor, or distributor branch claims that a vendor chosen by the dealer cannot supply goods and services of substantially similar quality, a disclosure concerning the vendor selected, identified, or designated by the franchisor stating (i) whether the manufacturer, factory branch, distributor, distributor branch, or one of its affiliates, or any officer, director, or employee of the same, has an ownership interest, actual or beneficial, in the vendor and, if so, the percentage of the ownership interest and (ii) whether the manufacturer, factory branch, distributor, distributor branch, or one of its affiliates has an agreement or arrangement by which the vendor pays to the manufacturer, factory branch, distributor, distributor branch, or one of its affiliates, or any officer, director, or employee of the same, any compensation and, if so, the basis and amount of the compensation to be paid as a result of any purchases by the dealer, whether it is to be paid by direct payment by the vendor or by credit from the vendor for the benefit of the recipient.

7f. To fail to provide to a dealer, if the goods and services to be supplied to the dealer by a vendor selected, identified, or designated by the manufacturer, factory branch, distributor, or distributor branch are signs or other franchisor image elements to be leased to the dealer, the right to purchase the signs or other franchisor image elements of like kind and quality from a vendor selected by the dealer. If the vendor selected by the manufacturer, factory branch, distributor, or distributor branch is the only available vendor, the dealer must be given the opportunity to purchase the signs or other franchisor image elements at a price substantially similar to the capitalized lease costs thereof. This subdivision shall not be construed to allow a dealer to impair or eliminate the intellectual property rights of the manufacturer, factory branch, distributor, or distributor branch, nor to permit a dealer to erect or maintain signs that do not conform to the intellectual property usage guidelines of the manufacturer, factory branch, distributor, or distributor branch.

8. To include in any franchise with a motor vehicle dealer terms that are contrary to, prohibited by, or otherwise inconsistent with the requirements of this chapter.

8a. For any franchise agreement, to require a motor vehicle dealer to pay the attorney fees of the manufacturer or distributor related to hearings and appeals brought under this article.

9. To fail to include in any franchise with a motor vehicle dealer the following language: "If any provision herein contravenes the laws or regulations of any state or other jurisdiction wherein this agreement is to be performed, or denies access to the procedures, forums, or remedies provided for by such laws or regulations, such provision shall be deemed to be modified to conform to such laws or regulations, and all other terms and provisions shall remain in full force," or words to that effect.

9a. To include in any franchise agreement or similar agreement governing the sales, leasing, or service of new motor vehicles, or to enforce or seek to enforce in such franchise agreement or similar agreement, a right for the manufacturer, factory branch, distributor, or distributor branch to unilaterally amend the franchise agreement or similar agreement. Any amendment to a franchise agreement or similar agreement governing the sales, leasing, or service of new vehicles must be agreed by both the manufacturer, factory branch, distributor, or distributor branch and the dealer at the time the franchise agreement or similar agreement is to be amended.

10. To enter into any agreement with a motor vehicle dealer in which the manufacturer, factory branch, distributor, distributor branch, or one of its affiliates is given site control over the premises of a dealer that does not terminate upon the occurrence of any of the following events: (i) the right of the franchisor to manufacture or distribute the line-make of vehicles covered by the dealer's franchise is sold, assigned, or otherwise transferred by the manufacturer, factory branch, distributor, or distributor branch to another; (ii) the final termination of the dealer's franchise for any reason; or (iii) the manufacturer, factory branch, distributor, or distributor branch of its affiliate fails for any reason to exercise its right of first refusal to purchase the assets or ownership of the business of the dealer when given the opportunity to do so by virtue of its franchise agreement, another agreement, or as set forth in § 46.2-1569. For purposes of this subdivision, the term "site control" shall mean the contractual right to control in any way the commercial use and development of the premises upon which a dealer's business operations are located, including the right to approve of additional or different uses for the property beyond those of its franchise, the right to lease or sublease the dealer's property, or the right or option to purchase the dealer's property.

11. To require or coerce a motor vehicle dealer, whether by agreement, program, incentive provision, or otherwise, to submit or to provide a manufacturer, factory branch, distributor, or distributor branch access to consumer data maintained by the dealer (i) by any method that violates or would violate the dealer's chosen policies and processes for complying with obligations to protect consumer data under laws of the United States or the Commonwealth or (ii) through franchisor access to the computer database of the dealer if the dealer chooses to submit data specified by the franchisor.

The manufacturer, factory branch, distributor, or distributor branch shall provide a dealer the right to cancel the dealer's participation in a program under which the dealer provides consumer data or access to data to the manufacturer, factory branch, distributor, or distributor branch, provided that a manufacturer, factory branch, distributor, or distributor branch may require notice of up to 60 days of the dealer's decision to cancel the dealer's participation.

If a manufacturer, factory branch, distributor, or distributor branch offers incentives or other payments under a program offered after July 1, 2015, excluding any continuation, renewal, or modification of any existing program, and available to more than one dealer in the Commonwealth that are premised wholly or in part on dealer participation in manufacturer, factory branch, distributor, or distributor branch programs under which consumer data is provided to or accessed by the manufacturer, factory branch, distributor, or distributor branch, a dealer that exercises its rights under this subdivision shall be deemed to be in compliance with the program requirements pertaining to providing consumer data, provided that the

dealer has otherwise met program requirements to the extent of providing any consumer data that is not nonpublic personal information.

It shall not constitute a violation of this subdivision for a manufacturer, factory branch, distributor, or distributor branch to require a motor vehicle dealer to provide data (a) concerning a new motor vehicle sale or used motor vehicle sale under a manufacturer certification program, (b) to validate a customer or dealer incentive, (c) to calculate dealer or market sales or evaluate service performance or customer satisfaction to facilitate analysis of product quality and market feedback, (d) to facilitate warranty service work on a vehicle, (e) concerning information with respect to recall repairs or information about a recalled vehicle, (f) pursuant to a mutual agreement between a manufacturer, factory branch, distributor, or distributor branch and a dealer, or (g) where consumer data is reasonably necessary to enable a manufacturer, factory branch, distributor, or distributor branch to provide programs, products, or services to a dealer.

A dealer that elects to submit or push data or information to the manufacturer, factory branch, distributor, or distributor branch through any method other than that provided by the manufacturer, factory branch, distributor, or distributor branch shall timely obtain and furnish the requested data in a widely accepted electronic file format. A manufacturer, factory branch, distributor, or distributor branch shall not impose a fee, surcharge, or charge of any type on a dealer that chooses to submit data specified by the manufacturer, factory branch, distributor, or distributor branch rather than provide the manufacturer, factory branch, distributor, or distributor branch access to the dealer's computer database.

CHAPTER 805

An Act to amend the Code of Virginia by adding a section numbered 22.1-23.4, relating to Department of Education; development of Title IX and sexual harassment prevention training modules for students in the ninth and tenth grades.

[H 215]

Approved April 17, 2024

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 22.1-23.4 as follows:

§ 22.1-23.4. Title IX and sexual harassment prevention training; policies.

A. As used in this section, "sexual harassment" has the same meaning as described in 34 C.F.R. § 106.30(a) and includes sexual assault, dating violence, domestic violence, stalking, and other gender or sex-based verbal or physical misconduct.

B. The Department shall develop, in collaboration with organizations that serve sexual harassment victims, culturally appropriate, age-appropriate, and trauma-informed Title IX and sexual harassment prevention training modules and shall make such training modules available to each school board for the education of students in the ninth and tenth grades. Such training modules shall discuss:

1. Title IX (20 U.S.C. § 1681 et seq.) rights and protections;

2. The law and meaning of consent;

3. Prevention of sexual harassment; and

4. Reporting of sexual harassment.

C. The Department shall revise the Title IX and sexual harassment prevention training modules developed pursuant to subsection B and make such revised modules available to each school board no later than December 31 of each year to ensure that the such training modules conform to the standards pursuant to subsection B and comply with applicable state and federal law.

D. Each school board may adopt policies to require all students in the ninth and tenth grades to complete the sexual harassment modules developed by the Department pursuant to subsection B. Each school board shall also:

1. Allow all such students to opt-out of participating in the completion of such training modules by request of the student's parents if such student is under the age of 18, or by request of the student if such student is 18 years of age or older; and

2. Ensure that all such students are provided information about school counseling services and the supportive measures and formal complaint procedures available to them, as required under Title IX (20 U.S.C. § 1681 et seq.), in the school they attend as part of the training modules developed pursuant to subsection B.

2. That the Department of Education shall develop and make available to each school board no later than July 1, 2025, the training modules described in subsection B of § 22.1-23.4 of the Code of Virginia, as created by this act.

3. That each school board shall adopt policies pursuant to subsection D of § 22.1-23.4 of the Code of Virginia, as created by this act, no later than the beginning of the 2025–2026 school year.

CHAPTER 806

An Act to amend and reenact § 36-98.1 of the Code of Virginia, relating to Uniform Statewide Building Code; bus shelters.

[H 285]

Approved April 17, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 36-98.1 of the Code of Virginia is amended and reenacted as follows:

§ 36-98.1. State buildings; exception for certain assets owned by the Department of Transportation.

A. The Building Code shall be applicable to all state-owned buildings and structures, and to all buildings and structures built on state-owned property, with the exception that §§ 2.2-1159 through 2.2-1161 shall provide the standards for ready access to and use of state-owned buildings by individuals with physical disabilities.

Any state-owned building or structure, or building or structure built on state-owned property, for which preliminary plans were prepared or on which construction commenced after the initial effective date of the Uniform Statewide Building Code, shall remain subject to the provisions of the Uniform Statewide Building Code that were in effect at the time such plans were completed or such construction commenced. Subsequent reconstruction, renovation or demolition of such building or structure shall be subject to the pertinent provisions of the Building Code.

Acting through the Division of Engineering and Buildings, the Department of General Services shall function as the building official for any state-owned buildings or structures and for all buildings and structures built on state-owned property. The Department shall review and approve plans and specifications, grant modifications, and establish such rules and regulations as may be necessary to implement this section. It may provide for the (i) inspection of state-owned buildings or structures and for all buildings and structures built on state-owned property and (ii) enforcement of the Building Code and standards for access by individuals with physical disabilities by delegating inspection and Building Code enforcement duties to the State Fire Marshal's Office, to other appropriate state agencies having needed expertise, and to local building departments, all of which shall provide such assistance within a reasonable time and in the manner requested. State agencies and institutions occupying buildings shall pay to the local building department the same fees as would be paid by a private citizen for the services rendered when such services are requested by the Department of General Services. The Department of General Services may alter or overrule any decision of the local building department after having first considered the local building department's report or other rationale given for its decision. When altering or overruling any decision of a local building department, the Department of General Services shall provide the local building department with a written summary of its reasons for doing so.

B. Notwithstanding the provisions of subsection A and § 27-99, roadway tunnels and bridges owned by the Department of Transportation shall be exempt from the Building Code and the Statewide Fire Prevention Code Act (§ 27-94 et seq.). The Department of General Services shall not have jurisdiction over such roadway tunnels, bridges, and other limited access highways; provided, however, that the Department of General Services shall have jurisdiction over any occupied buildings within any Department of Transportation rights-of-way that are subject to the Building Code.

Roadway tunnels and bridges shall be designed, constructed, and operated to comply with fire safety standards based on nationally recognized model codes and standards to be developed by the Department of Transportation in consultation with the State Fire Marshal. Emergency response planning and activities related to the standards shall be developed by the Department of Transportation and coordinated with the appropriate local officials and emergency services providers. On an annual basis the Department of Transportation shall provide a report on the maintenance and operability of installed fire protection and detection systems in roadway tunnels and bridges to the State Fire Marshal.

C. Except as provided in subsection E of § 23.1-1016, and notwithstanding the provisions of subsection A, at the request of a public institution of higher education, the Department, as further set forth in this subsection, shall authorize that institution of higher education to contract with a building official of the locality in which the construction is taking place to perform any inspection and certifications required for the purpose of complying with the Uniform Statewide Building Code (§ 36-97 et seq.). The Department shall publish administrative procedures that shall be followed in contracting with a building official of the locality. The authority granted to a public institution of higher education under this subsection to contract with a building official of the locality shall be subject to the institution meeting the conditions prescribed in subsection A of § 23.1-1002.

D. This section shall not apply to the nonhabitable structures, equipment, and wiring owned by a public service company, a certificated provider of telecommunications services, or a franchised cable operator that are built on rights-of-way owned or controlled by the Commonwealth Transportation Board.

E. Enforcement of the Uniform Statewide Building Code for bus shelters to be constructed for transit agencies receiving state funds from the Commonwealth Mass Transit Fund, pursuant to § 33.2-1526.1, and that do not exceed 256 square feet, shall be delegated to the local building official in lieu of the Department of General Services. The state shall not be liable for any bus shelter built on state-owned property under this subsection.

2. That the provisions of this act shall expire on July 1, 2027.

CHAPTER 807

An Act to amend the Code of Virginia by adding a section numbered 8.01-66.9:2, relating to Department of Medical Assistance Services; lien for claim of personal injuries.

[H 315]

Approved April 17, 2024

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 8.01-66.9:2 as follows:

§ 8.01-66.9:2. Lien in favor of the Department of Medical Assistance Services on claim for personal injuries.

A. When the Department of Medical Assistance Services (the Department) has a lien on the claim of an injured person or his personal representative for funds that may be due to him from insurance moneys received for medical services provided pursuant to § 8.01-66.9, the Department shall, upon request of the injured person or his personal representative, within 60 days from the receipt of such request provide such injured party or his personal representative with (i) an itemized statement detailing all health care expenses paid for by a program of the Department for services rendered or performed and for equipment or devices used due to an alleged injury on which the claim is based and (ii) a sum specific demand for payment in full and final resolution, satisfaction, and compromise of the Department's lien pursuant to this section, § 8.01-66.9, and its rights pursuant to subsection C of § 32.1-325.2. Such request shall not be made by the injured person or his personal representative until all claims for health care expenses to be paid for by a program of the Department for an alleged injury on which the claim is based have been submitted to and processed for potential payment by the Department.

B. If the Department fails to comply with the provisions of subsection A, the injured party or his personal representative may submit to the Department, with a copy to the Office of the Attorney General, an offer of the payment for a sum certain in satisfaction of the lien and shall include in such offer an itemized statement of all health care expenses paid for by a program of the Department for services rendered or performed and for equipment or devices used due to an alleged injury on which the claim is based and any explanation that may be necessary for the reasons for the underlying offer. The Department shall accept or reject such offer within 45 days of receipt. If such offer is rejected, the Department shall provide (i) an itemized statement detailing all health care expenses paid for by a program of the Department for services rendered or performed and for equipment or devices used due to an alleged injury on which the claim is based and (ii) a sum specific demand for payment in full and final resolution, satisfaction, and compromise of the Department's lien pursuant to this section, § 8.01-66.9, and its rights pursuant to subsection C of § 32.1-325.2.

C. If the Department does not respond to the offer in accordance with the provisions of subsection B, such offer shall be deemed to have been accepted by the Department as payment in full and final resolution, satisfaction, and compromise of the Department's lien pursuant to this section, § 8.01-66.9, and its rights pursuant to subsection C of § 32.1-325.2.

D. Nothing in this section shall be construed to be the exclusive means by which the injured party or his personal representative may request an itemized statement detailing all health care expenses paid for by a program of the Department for services rendered or performed and for equipment or devices used due to an alleged injury on which the claim is based, or to seek a full and final resolution, satisfaction, and compromise of the Department's lien pursuant to this section, § 8.01-66.9, and its rights pursuant to subsection C of § 32.1-325.2.

The provisions of this section shall apply whenever any person sustains personal injuries and receives treatment, medical attention, or nursing services or care, or receives pharmaceutical goods or any type of medical or rehabilitative device, apparatus, or treatment that is paid for by any program of the Department.

2. That the Department of Medical Assistance Services shall report on a quarterly basis those offers of the payment for a sum certain in satisfaction of liens to which it does not respond pursuant to subsections B and C of § 8.01-66.9:2 of the Code of Virginia, as created by this act, to the Chairs of the Senate Committee on Finance and Appropriations and the House Committee on Appropriations.

3. That the provisions of this act shall become effective on January 1, 2025.

CHAPTER 808

An Act to direct the Department of Behavioral Health and Developmental Services to require certain facilities to prepare and record valid discharge plans.

[H 434]

Approved April 17, 2024

Be it enacted by the General Assembly of Virginia:

1. *§ 1. That the Department of Behavioral Health and Developmental Services (the Department) shall amend its regulations to require that any facility licensed by the Department to provide inpatient or residential substance use disorder treatment be required to prepare and record a valid discharge plan upon the discharge or withdrawal of any individual from the facility who has received substance use disorder treatment while admitted to such facility. Such discharge plan shall include the provisions that the facility (i) identify and coordinate with public and private agencies or persons identified as able to deliver any needed services to such individuals and (ii) provide care coordination with such individual's payor to assist such*

individual in the execution of such discharge plan. The regulations shall provide that failure by a facility to prepare and record valid discharge plans may result in issuance of a licensing report, reduction in license status, or sanctions enumerated in § 37.2-419 of the Code of Virginia, as deemed appropriate by the Department.

CHAPTER 809

An Act to amend and reenact § 19.2-72 of the Code of Virginia, relating to written complaints; felony offenses.

[H 438]

Approved April 17, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 19.2-72 of the Code of Virginia is amended and reenacted as follows:

§ 19.2-72. When it may issue; what to recite and require.

On complaint of a criminal offense to any officer authorized to issue criminal warrants he shall examine on oath the complainant and any other witnesses, or when such officer shall suspect that an offense punishable otherwise than by a fine has been committed he may, without formal complaint, issue a summons for witnesses and shall examine such witnesses. A written complaint shall be required if the complainant is not a law-enforcement officer; however *a written complaint is required for a felony offense, regardless of whether the complainant is a law-enforcement officer. If no arrest warrant is issued in response to a written complaint made by such complainant, the written complaint shall be returned to the complainant.* If upon such examination such officer finds that there is probable cause to believe the accused has committed an offense, such officer shall issue a warrant for his arrest, except that no magistrate may issue an arrest warrant for a felony offense upon the basis of a complaint by a person other than a law-enforcement officer or an animal control officer without prior authorization by the attorney for the Commonwealth or by a law-enforcement agency having jurisdiction over the alleged offense. The warrant shall (i) be directed to an appropriate officer or officers, (ii) name the accused or, if his name is unknown, set forth a description by which he can be identified with reasonable certainty, (iii) describe the offense charged with reasonable certainty, (iv) command that the accused be arrested and brought before a court of appropriate jurisdiction in the county, city or town in which the offense was allegedly committed, and (v) be signed by the issuing officer. If a warrant is issued for an offense in violation of any county, city, or town ordinance that is similar to any provision of this Code, the warrant shall reference the offense using both the citation corresponding to the county, city, or town ordinance and the specific provision of this Code. The warrant shall require the officer to whom it is directed to summon such witnesses as shall be therein named to appear and give evidence on the examination. But in a city or town having a police force, the warrant shall be directed "To any policeman, sheriff or his deputy sheriff of such city (or town)," and shall be executed by the policeman, sheriff or his deputy sheriff into whose hands it shall come or be delivered. A sheriff or his deputy may execute an arrest warrant throughout the county in which he serves and in any city or town surrounded thereby and effect an arrest in any city or town surrounded thereby as a result of a criminal act committed during the execution of such warrant. A jail officer as defined in § 53.1-1 employed at a regional jail or jail farm is authorized to execute a warrant of arrest upon an accused in his jail. The venue for the prosecution of such criminal act shall be the jurisdiction in which the offense occurred.

CHAPTER 810

An Act to amend the Code of Virginia by adding a section numbered 5.1-2.25, relating to abandoned or derelict aircraft.

[H 446]

Approved April 17, 2024

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 5.1-2.25 as follows:

§ 5.1-2.25. Abandoned or derelict aircraft; disposal.

A. For the purposes of this section:

"Abandoned aircraft" means an aircraft that has been disposed of on the premises of a public-use airport in a wrecked, inoperative, or partially dismantled condition or an aircraft that has without prior authorization remained in an idle state on premises owned or controlled by the operator of an airport for 90 consecutive calendar days.

"Derelict aircraft" means any aircraft that is not in a flyable condition for a period of 90 consecutive calendar days or does not have a current valid certificate of airworthiness issued by the Federal Aviation Administration and is not in the process of being built, modified, inspected, repaired, or refurbished.

B. Whenever any abandoned or derelict aircraft is found or located on premises owned or controlled by the operator of an airport, the operator of the airport or his designee shall make a record of the date the aircraft was found or determined to be present on the airport premises.

C. The airport operator or his designee shall contact the Federal Aviation Administration, Aircraft Registration Branch, to determine the name and address of the last registered owner of the aircraft and shall make a diligent search of available records, or contact an aircraft title search company, to determine the name and address of any person having an equitable or legal interest in the aircraft. Within 30 calendar days after receipt of such information, the airport operator or

his designee shall notify the owner and all persons having an equitable or legal interest in the aircraft by certified mail, return receipt requested, of the location of the abandoned or derelict aircraft on the airport premises; any fees and charges for the use of the airport by the aircraft that have accrued and the amount thereof; if the aircraft is subject to a lien under subsection F for the accrued fees and charges for the use of the airport and for the transportation, storage, and removal of the aircraft; that the lien is subject to enforcement pursuant to law; and that the airport may cause the use, trade, sale, or removal of the aircraft if, within 90 calendar days after the date of receipt of such notice, the aircraft has not been removed from the airport upon payment in full of all accrued fees and charges for the use of the airport and for the transportation, storage, and removal of the aircraft.

D. If the owner of the aircraft is unknown or cannot be found, the airport operator or his designee shall cause a laminated notice, in a form prescribed by the Board, to be placed conspicuously upon a window of such aircraft stating that the aircraft is unlawfully upon the airport's property, has accrued fees and charges for the use of such property, and those fees must be paid in full and the property removed within 90 calendar days of the date of the notice or the property will be removed or disposed of. The notice shall also provide that the aircraft is subject to a lien for all accrued fees and charges for the use of the airport and for the transportation, storage, and removal of the aircraft, as well as the publication of such notice. The notice shall include the date of posting. Such notice shall be not less than eight inches by 10 inches and shall be sufficiently weatherproof to withstand normal exposure to the weather. If, at the end of 90 calendar days after posting the notice, the owner or any person having an equitable or legal interest in the described abandoned or derelict aircraft has not removed the aircraft from the airport upon payment in full or entry into a written payment plan for all accrued fees and charges for the use of the airport and for the transportation, storage, and removal of the aircraft, or shown reasonable cause for failure to do so, the airport operator or his designee may dispose of the aircraft as provided in subsection E.

E. Such abandoned or derelict aircraft shall be removed within the time period specified in the notice provided under subsection C or D. If, at the end of such time period, the owner or any person having an equitable or legal interest in the described abandoned or derelict aircraft has not removed the aircraft from the airport upon payment in full or entry into a written payment plan for all accrued fees and charges for the use of the airport and for the transportation, storage, and removal of the aircraft, or shown reasonable cause for the failure to do so, the airport operator or his designee may (i) retain such aircraft or any part thereof for use by the airport; (ii) trade such aircraft to another airport operator, the Commonwealth, or a subdivision thereof; (iii) sell such aircraft at public auction; or (iv) dispose of such aircraft through an appropriate refuse removal company or a company that provides salvage services for aircraft.

1. If the airport elects to sell the aircraft, the aircraft must be sold at public auction after (i) giving notice of the time and place of sale twice, once no less than 30 calendar days and once no less than 10 calendar days prior to the date of sale, in a publication of general circulation within the county or city where the airport is located; (ii) posting notice of the time and place of sale in the airport no less than 30 calendar days prior to the date of sale; and (iii) after providing written notice of the intended sale to all parties known to have an equitable or legal interest in the aircraft.

2. If the airport elects to dispose of the aircraft as provided in clause (iv), the airport shall be entitled to negotiate with the company for a price to be received from such company in payment for the aircraft, or, if circumstances so warrant, a price to be paid to such company by the airport for the costs of disposing of the aircraft. All information pertaining to the establishment of such price and the justification for the amount of such price shall be prepared and maintained by the airport, and such negotiated price shall be deemed to be a commercially reasonable price.

3. If the sale price or the negotiated price is less than the airport's then current charges and costs against the aircraft or if the airport is required to pay the salvage company for its services, the owner of the aircraft shall remain liable to the airport for the airport's costs that are not offset by the sale price or negotiated price, in addition to the owner's liability for payment to the airport of the price the airport was required to pay any salvage company. All costs incurred by the airport in the removal, storage, and sale of any aircraft shall be recoverable against the owner of the aircraft, including attorney fees.

4. If the sale price or the negotiated price is greater than the airport's then current charges and costs against the aircraft, the surplus of the proceeds of the sale or negotiated price shall be distributed to the owner of the aircraft and all parties known to have an equitable or legal interest in the aircraft by priority.

F. The airport shall have a lien on an abandoned or derelict aircraft for all fees and charges for the use of the airport by such aircraft and for all fees and charges incurred by the airport for the transportation, storage, and removal of such aircraft. As a prerequisite to perfecting a lien under this section, the airport operator or his designee shall serve a notice on the last registered owner and all persons having an equitable or legal interest in the aircraft. Serving the notice does not dispense with recording the claim of lien.

G. For the purpose of perfecting its lien under this section, the airport shall record a claim of lien that shall state:

1. The name and address of the airport;

2. The name of the last registered owner of the aircraft and all persons having an equitable or legal interest in the aircraft;

3. The dates upon which the lien is claimed by the airport;

4. The fees and charges incurred by the aircraft for the use of the airport and the fees and charges for the transportation, storage, and removal of the aircraft, including attorney fees and post-judgment interest at six percent annually; and

5. A description of the aircraft sufficient for identification.

The claim of lien shall be signed and sworn to or affirmed by the airport operator or his designee and served on the last registered owner of the aircraft and all persons having an equitable or legal interest in the aircraft. The claim of lien shall be so served before recordation.

The claim of lien shall be recorded with the clerk of court in the county or city where the airport is located. The recording of the claim of lien shall be constructive notice to all persons of the contents and effect of such claim. The lien shall attach at the time of recordation and shall take priority as of that time.

H. A purchaser or recipient in good faith of an aircraft sold or obtained under this section takes the property free of the rights of persons then holding any equitable or legal interest in the aircraft, whether or not recorded. The purchaser or recipient is required to notify the appropriate Federal Aviation Administration office of such change in the registered owner of the aircraft.

I. If the aircraft is sold at public sale, the airport shall deduct from the proceeds of sale the costs of transportation, storage, publication of notice, and all other costs reasonably incurred by the airport, including attorney fees, and any balance of the proceeds shall be deposited into an interest-bearing account not later than 30 calendar days after the airport's receipt of the proceeds and held there for one year. The rightful owner of the aircraft may claim the balance of the proceeds within one year after the date of the deposit by making application to the airport and presenting acceptable written evidence of ownership to the airport operator or his designee. If no rightful owner claims the proceeds within the one-year period, the balance of the proceeds shall be retained by the airport to be used in any manner authorized by law.

J. Any person acquiring a legal interest in an aircraft that is sold by an airport under this section shall be the lawful owner of such aircraft and all other equitable or legal interests in such aircraft shall be divested and of no further force and effect, provided that the holder of any such equitable or legal interests was notified of the intended disposal of the aircraft to the extent required in this section. The airport may issue documents of disposition to the purchaser or recipient of an aircraft disposed of under this section.

K. The provisions of this section shall not apply to aircraft owned or operated by (i) active-duty military personnel or (ii) any person or business engaged in the commercial industry of building, modifying, inspecting, repairing, or refurbishing aircraft.

CHAPTER 811

An Act to amend and reenact § 18.2-251 of the Code of Virginia, relating to first offender drug program; previous misdemeanor marijuana conviction.

[H 452]

Approved April 17, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 18.2-251 of the Code of Virginia is amended and reenacted as follows:

§ 18.2-251. Persons charged with first offense may be placed on probation; conditions; substance abuse screening, assessment treatment and education programs or services; drug tests; costs and fees; violations; discharge.

Whenever any person who has not previously been convicted of any criminal offense under this article or under any statute of the United States or of any state relating to narcotic drugs, marijuana, or stimulant, depressant, or hallucinogenic drugs, *with the exception of any misdemeanor conviction for possession of marijuana,* or has not previously had a proceeding against him for violation of such an offense dismissed as provided in this section, ~~or~~ *except a dismissal of a misdemeanor offense for possession of marijuana,* pleads guilty to or enters a plea of not guilty to possession of a controlled substance under § 18.2-250, the court, upon such plea if the facts found by the court would justify a finding of guilt, without entering a judgment of guilt and with the consent of the accused, may defer further proceedings and place him on probation upon terms and conditions. If the court defers further proceedings, at that time the court shall determine whether the clerk of court has been provided with the fingerprint identification information or fingerprints of the person, taken by a law-enforcement officer pursuant to § 19.2-390, and, if not, shall order that the fingerprints and photograph of the person be taken by a law-enforcement officer.

As a term or condition, the court shall require the accused to undergo a substance abuse assessment pursuant to § 18.2-251.01 or 19.2-299.2, as appropriate, and enter treatment and/or education program or services, if available, such as, in the opinion of the court, may be best suited to the needs of the accused based upon consideration of the substance abuse assessment. The program or services may be located in the judicial district in which the charge is brought or in any other judicial district as the court may provide. The services shall be provided by (i) a program licensed by the Department of Behavioral Health and Developmental Services, by a similar program which is made available through the Department of Corrections, (ii) a local community-based probation services agency established pursuant to § 9.1-174, or (iii) an ASAP program certified by the Commission on VASAP.

The court shall require the person entering such program under the provisions of this section to pay all or part of the costs of the program, including the costs of the screening, assessment, testing, and treatment, based upon the accused's ability to pay unless the person is determined by the court to be indigent.

As a condition of probation, the court shall require the accused (a) to successfully complete treatment or education program or services, (b) to remain drug and alcohol free during the period of probation and submit to such tests during that period as may be necessary and appropriate to determine if the accused is drug and alcohol free, (c) to make reasonable efforts to secure and maintain employment, and (d) to comply with a plan of at least 100 hours of community service for a felony and up to 24 hours of community service for a misdemeanor. Such testing shall be conducted by personnel of the supervising probation agency or personnel of any program or agency approved by the supervising probation agency.

Upon violation of a term or condition, the court may enter an adjudication of guilt and proceed as otherwise provided. Upon fulfillment of the terms and conditions, and upon determining that the clerk of court has been provided with the fingerprint identification information or fingerprints of such person, the court shall discharge the person and dismiss the proceedings against him. Discharge and dismissal under this section shall be without adjudication of guilt and is a conviction only for the purposes of applying this section in subsequent proceedings.

Notwithstanding any other provision of this section, whenever a court places an individual on probation upon terms and conditions pursuant to this section, such action shall be treated as a conviction for purposes of § 22.1-315. The provisions of this paragraph shall not be applicable to any offense for which a juvenile has had his license suspended or denied pursuant to § 16.1-278.9 for the same offense.

CHAPTER 812

An Act to amend and reenact § 22.1-207 of the Code of Virginia, relating to public schools; health instruction; certain topics relating to mental health.

[H 603]

Approved April 17, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 22.1-207 of the Code of Virginia is amended and reenacted as follows:

§ 22.1-207. Physical and health education.

Physical and health education shall be emphasized throughout the public school curriculum by lessons, drills, and physical exercises, and all pupils in the public elementary, middle, and high schools shall receive as part of the educational program such health instruction and physical training as shall be prescribed by the Board of Education and approved by the State Board of Health. Such health instruction shall incorporate standards that recognize the multiple dimensions of health by including mental health and the relationship of physical and mental health so as to enhance student understanding, attitudes, and behavior that promote health, well-being, and human dignity. Such health instruction may include an age-appropriate program of instruction on the safe use of and risks of abuse of prescription drugs that is consistent with curriculum guidelines developed by the Board and approved by the State Board of Health. *Such health instruction shall also include the following topics:*

1. General themes of life skills, including self-awareness, self-management, responsible decision making, relationship skills, and social awareness;

2. Signs and symptoms of common mental health challenges;

3. Mental health wellness and healthy strategies for coping with stress and negative feelings, including conflict resolution skills;

4. The importance of and guidance on seeking assistance from an adult or mental health professional, including information on services offered within the school or the local school division;

5. The prevalence of mental health challenges and the importance of overcoming common stigmas surrounding such mental health challenges;

6. The connection between mental health and substance use disorders; and

7. The importance of mental health to the student's overall well-being, including physical health and academic success.

CHAPTER 813

An Act to amend and reenact § 9.1-192 of the Code of Virginia and to amend the Code of Virginia by adding in Article 15 of Chapter 1 of Title 9.1 a section numbered 9.1-192.1, relating to civilian deaths in custody; report.

[H 611]

Approved April 17, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 9.1-192 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding in Article 15 of Chapter 1 of Title 9.1 a section numbered 9.1-192.1 as follows:

Article 15.

Virginia Community Policing ~~Report~~ *and Corrections Reports*.

§ 9.1-192. Community Policing Reporting Database; annual report.

A. The Department shall periodically access the Community Policing Reporting Database, which is maintained by the Department of State Police ~~in accordance with~~ *pursuant to* § 52-30.3, for the purposes of analyzing the data to determine the existence and prevalence of the practice of bias-based profiling and the prevalence of complaints alleging the use of excessive force. The Department shall maintain all records relating to the analysis, validation, and interpretation of such data. The Department may seek assistance in analyzing the data from any accredited public or private institution of higher education in the Commonwealth or from an independent body having the experience, staff expertise, and technical support capability to provide such assistance.

B. The Director shall annually report the findings and recommendations resulting from the analysis and interpretation of the data from the Community Policing Reporting Database to the Governor, the General Assembly, and the Attorney General beginning on or before July 1, 2021, and each July 1 thereafter. The report shall also include information regarding state or local law-enforcement agencies that have failed or refused to report the required data to the Department of State Police as required by §§ 15.2-1609.10, 15.2-1722.1, and 52-30.2. A copy of the Director's report shall also be provided to each attorney for the Commonwealth of the county or city in which a reporting law-enforcement agency is located.

§ 9.1-192.1. Civilian deaths in custody; annual report.

A. For the purposes of this section:

"Correctional facility" includes any local, regional, state, or juvenile correctional facility.

"Law-enforcement agency" means any sheriff's office, police department, or other agency or department that employs persons who have law-enforcement authority that is under the direction and control of the Commonwealth or any local governing body.

B. Every law-enforcement agency and state or juvenile correctional facility shall report to the Department and every local or regional adult correctional facility shall report to the State Board of Local and Regional Jails the following information regarding the death of any person who is detained, under arrest or in the process of being arrested, en route to be incarcerated, incarcerated, or otherwise in the custody of such law-enforcement agency or correctional facility:

1. The name, gender, race, ethnicity, and age of the deceased;

2. The date, time, and location of death;

3. The law-enforcement agency or correctional facility that detained, arrested or was in the process of arresting, transported, incarcerated, or otherwise had custody of the deceased; and

4. A brief description of the circumstances surrounding the death and the cause of death.

C. Any law-enforcement agency or state or juvenile correctional facility that fails to comply with subsection B may, at the discretion of the Department, be declared ineligible for state grants or funds.

D. The Department and the State Board of Local and Regional Jails shall analyze the data submitted pursuant to subsection B to determine the means by which such information can be used to reduce the number of such deaths. The Director and the State Board of Local and Regional Jails shall each report annually the findings and recommendations resulting from the analysis and interpretation of the data to the Governor, the General Assembly, and the Attorney General beginning on or before July 1, 2025, and each July 1 thereafter.

E. Upon request, the State Board of Local and Regional Jails shall provide the data specified in subsection B to the Department to meet federal reporting requirements.

CHAPTER 814

An Act to amend and reenact § 22.1-367 of the Code of Virginia, relating to Virginia STEM Education Advisory Board; powers and duties; historically underrepresented students.

[H 615]

Approved April 17, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 22.1-367 of the Code of Virginia is amended and reenacted as follows:

§ 22.1-367. Powers and duties of the Board; acceptance of gifts and grants; report.

A. The ~~Virginia STEM Education Advisory~~ Board shall have the following powers and duties:

1. Create a unified vision regarding STEM education initiatives, language, and measures of success to promote a culture of collaboration for STEM programming in the Commonwealth.

2. Develop the infrastructure for creating STEM Regional Hubs and naming STEM Champions in communities across the Commonwealth to facilitate partnerships between organizations across regions and populations that will lead to increased cross-sector opportunities.

3. Advance and disseminate STEM curricular and professional development resources for formal and informal education.

4. *Identify strategies to promote the participation of historically underrepresented students in STEM education. Such strategies shall include (i) identifying barriers to STEM participation for historically underrepresented students in elementary and secondary schools; (ii) developing recommendations for elective courses in secondary schools that expand hands-on STEM opportunities for all secondary school students; (iii) developing recommendations for elective courses in secondary schools that expand and promote hands-on STEM opportunities and STEM participation for historically*

underrepresented students; (iv) recommending changes to the Standards of Learning that promote the STEM-related contributions of historically underrepresented groups; and (v) collaborating with institutions of higher education and the private sector in the Commonwealth to educate students on and expand STEM pathways and opportunities in higher education, STEM careers, STEM internships, STEM fellowships, and other STEM enrichment programs.

5. Submit an annual report to the Governor and the General Assembly for publication as a report document as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports. The chairman shall submit to the Governor and the General Assembly an annual executive summary of the interim activity and work of the Board no later than the first day of each regular session of the General Assembly. The executive summary shall be submitted for publication as a report document as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.

B. The Board may apply for, accept, and expend gifts, grants, or donations from public or private sources to enable it to carry out its objectives.

CHAPTER 815

An Act to amend and reenact § 22.1-199.7 of the Code of Virginia, relating to public education; community schools; Office of Community Schools at Department of Education.

[H 625]

Approved April 17, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 22.1-199.7 of the Code of Virginia is amended and reenacted as follows:

§ 22.1-199.7. Community schools; interagency task force; Office of Community Schools at the Department.

A. In order to remove nonacademic barriers to learning as a means to enhance student academic success in public elementary and secondary schools throughout the Commonwealth, the Department ~~of Education~~ shall establish an interagency task force composed of state and local agencies and entities in the areas of early childhood development, health, social services, community engagement, family engagement, higher education, communities in schools, and workforce development for the purpose of (i) developing a program for the establishment of community schools whereby public elementary and secondary schools serve as centers for the provision of such community programs and services to students and their families as may be necessary on the basis of unique needs of the student population to be served and (ii) developing and providing to the Governor, the Secretary of Education, local school boards, and other interested state, local, and private entities policy recommendations relating to the coordinated delivery of community services to students and their families and the operation of community schools throughout the Commonwealth in accordance with the Virginia Community School Framework.

B. The community schools program established pursuant to subsection A shall include a process by which school boards and community partnerships consisting of school boards and other community and service providers may apply to the Department ~~of Education~~ to designate an elementary or secondary school in the local school division as a community school. The application process shall include requirements for applicants to provide a plan for the sustainability of the community school and for the measurement of the success and effectiveness of the community school. The Department ~~of Education~~ shall consult with the interagency task force established pursuant to subsection A in the selection of applications and the designation of community schools.

C. The Department shall establish the Office of Community Schools as an office within the Department for the purpose of supporting the development and growth of community schools throughout the Commonwealth in accordance with the Virginia Community School Framework by collaborating with the interagency task force established pursuant to subsection A; administering state funds provided to school divisions to develop and sustain community school models; assisting school leaders in the application for federal grant funds for their community school models; and providing technical assistance to school personnel and contracted coordinators regarding effective practices and models for community schools and capital considerations relating to community schools, including site acquisition and building construction, renovations, and additions.

CHAPTER 816

An Act to amend and reenact § 10.1-603.29 of the Code of Virginia, relating to Resilient Virginia Revolving Fund; projects; low-income geographic areas.

[H 673]

Approved April 17, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 10.1-603.29 of the Code of Virginia is amended and reenacted as follows:

§ 10.1-603.29. Resilient Virginia Revolving Fund.

There shall be set apart as a permanent and perpetual fund, to be known as the "Resilient Virginia Revolving Fund," sums appropriated to the Fund by the General Assembly, sums allocated to the Commonwealth for resilience purposes through the federal government, all receipts by the Fund from loans made by it to local governments, all income from the investment of moneys held in the Fund, and any other sums designated for deposit to the Fund from any source public or private. The Fund shall be administered and managed by the Authority as prescribed in this article, subject to the right of the Department, following consultation with the Authority, to direct the distribution of loans or grants from the Fund to particular local governments and to establish the interest rates and repayment terms of such loans as provided in this article. *Additional weight shall be given to those projects that are located in a locality designated as having a very low community resilience rating under a standard adopted by the Department.* A portion of the Fund shall be reserved to hold money that is allocated only for the hazard mitigation of buildings and that shall not be available for other uses. In order to carry out the administration and management of the Fund, the Authority is granted the power to employ officers, employees, agents, advisers, and consultants, including, without limitation, attorneys, financial advisers, engineers, and other technical advisers and public accountants and, the provisions of any other law to the contrary notwithstanding, to determine their duties and compensation without the approval of any other agency or instrumentality. The Authority may disburse from the Fund its reasonable costs and expenses incurred in the administration and management of the Fund and a reasonable fee to be approved by the Department for its management services. The Authority may provide a portion of that fee to the Department to cover the Department's costs and expenses in administering the Fund.

CHAPTER 817

An Act to amend and reenact Chapter 147 of the Acts of Assembly of 2013 and to amend and reenact §§ 2.2-2001.4, 8.01-337, 20-108, 20-124.7, 22.1-287.04, 23.1-508.1, 24.2-452, 44-93.1, 54.1-2701, 54.1-2901, 54.1-3601, and 55.1-615 of the Code of Virginia, relating to Space Force; extension of certain benefits and privileges for persons serving in a branch of the Armed Forces.

[H 738]

Approved April 17, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-2001.4, 8.01-337, 20-108, 20-124.7, 22.1-287.04, 23.1-508.1, 24.2-452, 44-93.1, 54.1-2701, 54.1-2901, 54.1-3601, and 55.1-615 of the Code of Virginia are amended and reenacted as follows:

§ 2.2-2001.4. Military medical personnel; program.

A. For the purposes of this section, "military medical personnel" means an individual who has recently served as a medic in the United States Army, medical technician in the United States Air Force, *medical personnel in the United States Space Force,* or corpsman in the United States Navy or the United States Coast Guard and who was discharged or released from such service under conditions other than dishonorable.

B. The Department, in collaboration with the Department of Health Professions, shall establish a program in which military medical personnel may practice and perform certain delegated acts that constitute the practice of medicine or nursing in accordance with subsection B of § 54.1-2901 or subsection B of § 54.1-3001. Such activities shall reflect the level of training and experience of the military medical personnel. The supervising physician or podiatrist shall retain responsibility for the care of the patient.

C. Any licensed physician or podiatrist, professional corporation or partnership of any licensee, hospital, commercial enterprise having medical facilities for its employees that are supervised by one or more physicians or podiatrists, or facility that offers medical services to the public and that is supervised by one or more physicians or podiatrists may participate in such program.

D. The Department shall establish general requirements for military medical personnel, licensees, and employers participating in the military medical personnel program established pursuant to subsection B.

E. The Department shall assist veterans and other service members who are preparing for discharge or release and who have recently served in health care-related specialties but who do not meet the definition of "military medical personnel" in finding employment in the health care sector.

§ 8.01-337. Who liable to serve as jurors.

All citizens over 18 years of age who have been residents of the Commonwealth one year, and of the county, city, or town in which they reside six months next preceding their being summoned to serve as such, and competent in other respects, except as hereinafter provided, shall be liable to serve as jurors. No person shall be deemed incompetent to serve on any jury because of blindness or partial blindness. Military personnel of the United States Army, Air Force, Marine Corps, Coast Guard, *Space Force,* or Navy shall not be considered residents of this Commonwealth by reason of their being stationed herein.

§ 20-108. Revision and alteration of such decrees.

The court may, from time to time after decreeing as provided in § 20-107.2, on petition of either of the parents, or on its own motion or upon petition of any probation officer or the Department of Social Services, which petition shall set forth the reasons for the relief sought, revise and alter such decree concerning the care, custody, and maintenance of the children and make a new decree concerning the same, as the circumstances of the parents and the benefit of the children may require. The

intentional withholding of visitation of a child from the other parent without just cause may constitute a material change of circumstances justifying a change of custody in the discretion of the court.

No support order may be retroactively modified, but may be modified with respect to any period during which there is a pending petition for modification in any court, but only from the date that notice of such petition has been given to the responding party.

Any member of the United States Army, Navy, Air Force, Marine Corps, Coast Guard, *Space Force,* National Guard, or any other reserve component thereof, who files a petition or is a party to a petition requesting the adjudication of the custody, visitation or support of a child based on a change of circumstances due to one of the parent's deployment, as that term is defined in § 20-124.7, shall be entitled to have such a petition expedited on the docket of the court.

§ 20-124.7. Definitions.

For purposes of this chapter:

"Deploying parent or guardian" means a parent of a child under the age of 18 whose parental rights have not been terminated by a court of competent jurisdiction or a guardian of a child under the age of 18 who is deployed or who has received written orders to deploy with the United States Army, Navy, Air Force, Marine Corps, Coast Guard, *Space Force,* National Guard, or any other reserve component thereof.

"Deployment" means compliance with military orders received by a member of the United States Army, Navy, Air Force, Marine Corps, Coast Guard, *Space Force,* National Guard, or any other reserve component thereof to report for combat operations or other active service for which the deploying parent or guardian is required to report unaccompanied by any family member.

§ 22.1-287.04. Uniformed services-connected students.

A. For purposes of this section, a "uniformed services-connected student" means a student enrolled in a public school whose parent is serving in either (i) the active component of the U.S. Army, Navy, Air Force, Marine Corps, Coast Guard, *Space Force,* or National Guard, the Commissioned Corps of the National Oceanic and Atmospheric Administration, or the Commissioned Corps of the U.S. Public Health Services or (ii) the reserve component of the U.S. Army, Navy, Air Force, Marine Corps, Coast Guard, *Space Force,* or National Guard.

B. The Department of Education shall establish a process for the identification of newly enrolled uniformed services-connected students by local school divisions. Local school divisions shall identify newly enrolled uniformed services-connected students in accordance with such process.

C. Nonidentifiable, aggregate data collected from the identification of uniformed services-connected students shall be made available to local, state, and federal entities for the purposes of becoming eligible for nongeneral fund sources and receiving services to meet the needs of uniformed services-connected students residing in the Commonwealth.

D. Data collected from the identification of uniformed services-connected students shall not be a public record as defined in § 2.2-3701. No person shall disclose such data except as permitted under the provisions of the federal Family Educational Rights and Privacy Act (20 U.S.C. § 1232g) and related regulations. No such data shall be used for the purposes of student achievement, the Standards of Accreditation, student-growth indicators, the school performance report card, or any other school rating system.

§ 23.1-508.1. State Board; reduced rate tuition and mandatory fee charges; certain students who are active duty members of Armed Forces of the United States.

A. The State Board may charge reduced rate tuition and mandatory fees to any student who is (i) an active duty member of the Armed Forces of the United States stationed outside the Commonwealth; (ii) enrolled in a degree program at a comprehensive community college, provided that any such comprehensive community college that offers online degree programs is a member of the National Council for State Authorization Reciprocity Agreements; and (iii) enrolled in training that leads to a Military Occupational Specialty in the Army or Marine Corps, an Air Force Specialty Code, *a Space Force Specialty Code,* or a Navy Enlisted Classification.

B. Any student granted reduced rate tuition pursuant to this section shall be counted as a non-Virginia student for the purposes of determining college admissions and enrollment policies.

§ 24.2-452. Definitions.

As used in this chapter, unless the context requires a different meaning:

1. "Covered voter" means:

a. A uniformed-service voter or an overseas voter who is registered to vote in this state;

b. A uniformed-service voter defined in subdivision 9 a whose voting residence is in this state and who otherwise satisfies this state's voter eligibility requirements;

c. An overseas voter who, before leaving the United States, was last eligible to vote in this state and, except for a state residency requirement, otherwise satisfies this state's voter eligibility requirements;

d. An overseas voter who, before leaving the United States, would have been last eligible to vote in this state had the voter then been of voting age and, except for a state residency requirement, otherwise satisfies this state's voter eligibility requirements; or

e. An overseas voter who was born outside the United States, is not described in subdivision c or d, and, except for a state residency requirement, otherwise satisfies this state's voter eligibility requirements, if:

(1) The last place where a parent or legal guardian of the voter was, or under this chapter would have been, eligible to vote before leaving the United States is within this state; and

(2) The voter has not previously registered to vote in any other state.

2. "Dependent" means an individual recognized as a dependent by a uniformed service.

3. "Federal postcard application" means the application prescribed under § 101(b)(2) of the Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C. § 20301(b)(2).

4. "Federal write-in absentee ballot" means the ballot described in § 103 of the Uniformed and Overseas Citizens Absentee Voting Act, 52 U.S.C. § 20303, that may be used in all elections in which the voter is eligible to vote as provided in § 24.2-702.1.

5. "Military-overseas ballot" means:

a. A federal write-in absentee ballot;

b. A ballot specifically prepared or distributed for use by a covered voter in accordance with this title; or

c. A ballot cast by a covered voter in accordance with this title.

6. "Overseas voter" means a United States citizen who is outside the United States.

7. "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.

8. "Uniformed service" means:

a. Active and reserve components of the Army, Navy, Air Force, Marine Corps, *Space Force,* or Coast Guard of the United States;

b. The Merchant Marine, the commissioned corps of the Public Health Service, or the commissioned corps of the National Oceanic and Atmospheric Administration of the United States; or

c. The Virginia National Guard.

9. "Uniformed-service voter" means an individual who is qualified to vote and is:

a. A member of the active or reserve components of the Army, Navy, Air Force, Marine Corps, *Space Force,* or Coast Guard of the United States who is on active duty;

b. A member of the Merchant Marine, the commissioned corps of the Public Health Service, or the commissioned corps of the National Oceanic and Atmospheric Administration of the United States;

c. A member on activated status of the National Guard; or

d. A spouse or dependent of a member referred to in this definition.

10. "United States," used in the territorial sense, means the several states, the District of Columbia, Puerto Rico, the United States Virgin Islands, and any territory or insular possession subject to the jurisdiction of the United States.

§ 44-93.1. Supplement of military pay and additional life insurance benefits for employees of Commonwealth or political subdivisions.

A. In addition to the paid military leave provisions of § 44-93, the Commonwealth or any political subdivision of the Commonwealth may supplement the military pay of its officers and employees who are reservists or national guard members called to federally funded military duty in an amount necessary to bring their total salary, inclusive of their base military pay, to the level earned at the time they were called to federally funded military duty. The employer may also, in its discretion, continue to provide any health insurance and other existing benefits to such officers and employees.

B. In addition to any other benefit provided by law, if an employee of the Commonwealth or of any political subdivision has been called to federal active duty services under Title 10 of the United States Code, the Commonwealth shall provide an additional death benefit in the amount of $20,000 to be paid if the employee is killed in action in any armed conflict while serving with any reserve component of the Army, Navy, Marine Corps, Air Force, *Space Force,* or Coast Guard or with any unit of these respective services of the United States.

§ 54.1-2701. Exemptions.

This chapter shall not:

1. Apply to a licensed physician or surgeon unless he practices dentistry as a specialty;

2. Apply to an advanced practice registered nurse certified by the Board of Nursing and the Board of Medicine except that intraoral procedures shall be performed only under the direct supervision of a licensed dentist;

3. Apply to a dentist or a dental hygienist of the United States Army, Navy, Coast Guard, Air Force, *Space Force, Marine Corps,* Public Health Service, or Department of Veterans Affairs;

4. Apply to any dentist of the United States Army, Navy, Coast Guard, or Air Force rendering services voluntarily and without compensation while deemed to be licensed pursuant to § 54.1-106;

5. Apply to any dentist or dental hygienist who (i) does not regularly practice dentistry in Virginia, (ii) holds a current valid license or certificate to practice as a dentist or dental hygienist in another state, territory, district or possession of the United States, (iii) volunteers to provide free health care to an underserved area of the Commonwealth under the auspices of a publicly supported nonprofit organization that sponsors the provision of health care to populations of underserved people, (iv) files a copy of the license or certificate issued in such other jurisdiction with the Board, (v) notifies the Board at least five days prior to the voluntary provision of services of the dates and location of such service, and (vi) acknowledges, in writing, that such licensure exemption shall only be valid, in compliance with the Board's regulations, during the limited period that such free health care is made available through the nonprofit organization on the dates and at the location filed with the Board. Clauses (iv), (v), and (vi) shall not apply to dentists and dental hygienists volunteering to provide free health care to an underserved area of the Commonwealth under the auspices of a publicly supported nonprofit organization that sponsors the provision of health care to populations of underserved people if they do so for a period not exceeding three

consecutive days and if the nonprofit organization verifies that the practitioner has a valid, unrestricted license in another state. The Board may deny the right to practice in Virginia to any dentist or dental hygienist whose license has been previously suspended or revoked, who has been convicted of a felony, or who is otherwise found to be in violation of applicable laws or regulations; or

6. Prevent an office assistant from performing usual secretarial duties or other assistance as set forth in regulations promulgated by the Board.

§ 54.1-2901. Exceptions and exemptions generally.

A. The provisions of this chapter shall not prevent or prohibit:

1. Any person entitled to practice his profession under any prior law on June 24, 1944, from continuing such practice within the scope of the definition of his particular school of practice;

2. Any person licensed to practice naturopathy prior to June 30, 1980, from continuing such practice in accordance with regulations promulgated by the Board;

3. Any licensed advanced practice registered nurse from rendering care in accordance with the provisions of §§ 54.1-2957 and 54.1-2957.01, any advanced practice registered nurse licensed by the Boards of Medicine and Nursing in the category of certified nurse midwife practicing pursuant to subsection H of § 54.1-2957, or any advanced practice registered nurse licensed by the Boards of Medicine and Nursing in the category of clinical nurse specialist practicing pursuant to subsection J of § 54.1-2957 when such services are authorized by regulations promulgated jointly by the Boards of Medicine and Nursing;

4. Any registered professional nurse, licensed advanced practice registered nurse, graduate laboratory technician or other technical personnel who have been properly trained from rendering care or services within the scope of their usual professional activities which shall include the taking of blood, the giving of intravenous infusions and intravenous injections, and the insertion of tubes when performed under the orders of a person licensed to practice medicine or osteopathy, an advanced practice registered nurse, or a physician assistant;

5. Any dentist, pharmacist or optometrist from rendering care or services within the scope of his usual professional activities;

6. Any practitioner licensed or certified by the Board from delegating to personnel supervised by him, such activities or functions as are nondiscretionary and do not require the exercise of professional judgment for their performance and which are usually or customarily delegated to such persons by practitioners of the healing arts, if such activities or functions are authorized by and performed for such practitioners of the healing arts and responsibility for such activities or functions is assumed by such practitioners of the healing arts;

7. The rendering of medical advice or information through telecommunications from a physician licensed to practice medicine in Virginia or an adjoining state, or from a licensed advanced practice registered nurse, to emergency medical personnel acting in an emergency situation;

8. The domestic administration of family remedies;

9. The giving or use of massages, steam baths, dry heat rooms, infrared heat or ultraviolet lamps in public or private health clubs and spas;

10. The manufacture or sale of proprietary medicines in this Commonwealth by licensed pharmacists or druggists;

11. The advertising or sale of commercial appliances or remedies;

12. The fitting by nonitinerant persons or manufacturers of artificial eyes, limbs or other apparatus or appliances or the fitting of plaster cast counterparts of deformed portions of the body by a nonitinerant bracemaker or prosthetist for the purpose of having a three-dimensional record of the deformity, when such bracemaker or prosthetist has received a prescription from a licensed physician, licensed advanced practice registered nurse, or licensed physician assistant directing the fitting of such casts and such activities are conducted in conformity with the laws of Virginia;

13. Any person from the rendering of first aid or medical assistance in an emergency in the absence of a person licensed to practice medicine or osteopathy under the provisions of this chapter;

14. The practice of the religious tenets of any church in the ministration to the sick and suffering by mental or spiritual means without the use of any drug or material remedy, whether gratuitously or for compensation;

15. Any legally qualified out-of-state or foreign practitioner from meeting in consultation with legally licensed practitioners in this Commonwealth;

16. Any practitioner of the healing arts licensed or certified and in good standing with the applicable regulatory agency in another state or Canada when that practitioner of the healing arts is in Virginia temporarily and such practitioner has been issued a temporary authorization by the Board from practicing medicine or the duties of the profession for which he is licensed or certified (i) in a summer camp or in conjunction with patients who are participating in recreational activities, (ii) while participating in continuing educational programs prescribed by the Board, or (iii) by rendering at any site any health care services within the limits of his license, voluntarily and without compensation, to any patient of any clinic which is organized in whole or in part for the delivery of health care services without charge as provided in § 54.1-106;

17. The performance of the duties of any active duty health care provider in active service in the army, navy, coast guard, marine corps, air force, *space force,* or public health service of the United States at any public or private health care facility while such individual is so commissioned or serving and in accordance with his official military duties;

18. Any masseur, who publicly represents himself as such, from performing services within the scope of his usual professional activities and in conformance with state law;

19. Any person from performing services in the lawful conduct of his particular profession or business under state law;

20. Any person from rendering emergency care pursuant to the provisions of § 8.01-225;

21. Qualified emergency medical services personnel, when acting within the scope of their certification, and licensed health care practitioners, when acting within their scope of practice, from following Durable Do Not Resuscitate Orders issued in accordance with § 54.1-2987.1 and Board of Health regulations, or licensed health care practitioners from following any other written order of a physician not to resuscitate a patient in the event of cardiac or respiratory arrest;

22. Any commissioned or contract medical officer of the army, navy, coast guard or air force rendering services voluntarily and without compensation while deemed to be licensed pursuant to § 54.1-106;

23. Any provider of a chemical dependency treatment program who is certified as an "acupuncture detoxification specialist" by the National Acupuncture Detoxification Association or an equivalent certifying body, from administering auricular acupuncture treatment under the appropriate supervision of a National Acupuncture Detoxification Association certified licensed physician or licensed acupuncturist;

24. Any employee of any assisted living facility who is certified in cardiopulmonary resuscitation (CPR) acting in compliance with the patient's individualized service plan and with the written order of the attending physician not to resuscitate a patient in the event of cardiac or respiratory arrest;

25. Any person working as a health assistant under the direction of a licensed medical or osteopathic doctor within the Department of Corrections, the Department of Juvenile Justice or local correctional facilities;

26. Any employee of a school board, authorized by a prescriber and trained in the administration of insulin and glucagon, when, upon the authorization of a prescriber and the written request of the parents as defined in § 22.1-1, assisting with the administration of insulin or administrating glucagon to a student diagnosed as having diabetes and who requires insulin injections during the school day or for whom glucagon has been prescribed for the emergency treatment of hypoglycemia;

27. Any practitioner of the healing arts or other profession regulated by the Board from rendering free health care to an underserved population of Virginia who (i) does not regularly practice his profession in Virginia, (ii) holds a current valid license or certificate to practice his profession in another state, territory, district or possession of the United States, (iii) volunteers to provide free health care to an underserved area of the Commonwealth under the auspices of a publicly supported all volunteer, nonprofit organization that sponsors the provision of health care to populations of underserved people, (iv) files a copy of the license or certification issued in such other jurisdiction with the Board, (v) notifies the Board at least five business days prior to the voluntary provision of services of the dates and location of such service, and (vi) acknowledges, in writing, that such licensure exemption shall only be valid, in compliance with the Board's regulations, during the limited period that such free health care is made available through the volunteer, nonprofit organization on the dates and at the location filed with the Board. The Board may deny the right to practice in Virginia to any practitioner of the healing arts whose license or certificate has been previously suspended or revoked, who has been convicted of a felony or who is otherwise found to be in violation of applicable laws or regulations. However, the Board shall allow a practitioner of the healing arts who meets the above criteria to provide volunteer services without prior notice for a period of up to three days, provided the nonprofit organization verifies that the practitioner has a valid, unrestricted license in another state;

28. Any registered nurse, acting as an agent of the Department of Health, from obtaining specimens of sputum or other bodily fluid from persons in whom the diagnosis of active tuberculosis disease, as defined in § 32.1-49.1, is suspected and submitting orders for testing of such specimens to the Division of Consolidated Laboratories or other public health laboratories, designated by the State Health Commissioner, for the purpose of determining the presence or absence of tubercle bacilli as defined in § 32.1-49.1;

29. Any physician of medicine or osteopathy or advanced practice registered nurse from delegating to a registered nurse under his supervision the screening and testing of children for elevated blood-lead levels when such testing is conducted (i) in accordance with a written protocol between the physician or advanced practice registered nurse and the registered nurse and (ii) in compliance with the Board of Health's regulations promulgated pursuant to §§ 32.1-46.1 and 32.1-46.2. Any follow-up testing or treatment shall be conducted at the direction of a physician or an advanced practice registered nurse;

30. Any practitioner of one of the professions regulated by the Board of Medicine who is in good standing with the applicable regulatory agency in another state or Canada from engaging in the practice of that profession when the practitioner is in Virginia temporarily with an out-of-state athletic team or athlete for the duration of the athletic tournament, game, or event in which the team or athlete is competing;

31. Any person from performing state or federally funded health care tasks directed by the consumer, which are typically self-performed, for an individual who lives in a private residence and who, by reason of disability, is unable to perform such tasks but who is capable of directing the appropriate performance of such tasks;

32. Any practitioner of one of the professions regulated by the Board of Medicine who is in good standing with the applicable regulatory agency in another state from engaging in the practice of that profession in Virginia with a patient who is being transported to or from a Virginia hospital for care;

33. Any doctor of medicine or osteopathy, physician assistant, or advanced practice registered nurse who would otherwise be subject to licensure by the Board who holds an active, unrestricted license in another state, the District of Columbia, or a United States territory or possession and who is in good standing with the applicable regulatory agency in that state, the District of Columbia, or that United States territory or possession who provides behavioral health services, as

defined in § 37.2-100, from engaging in the practice of his profession and providing behavioral health services to a patient located in the Commonwealth in accordance with the standard of care when (i) such practice is for the purpose of providing continuity of care through the use of telemedicine services as defined in § 38.2-3418.16 and (ii) the practitioner has previously established a practitioner-patient relationship with the patient and has performed an in-person evaluation of the patient within the previous year. A practitioner who provides behavioral health services to a patient located in the Commonwealth through use of telemedicine services pursuant to this subdivision may provide such services for a period of no more than one year from the date on which the practitioner began providing such services to such patient;

34. Any employee of a program licensed by the Department of Behavioral Health and Developmental Services who is certified in cardiopulmonary resuscitation from acting in compliance with a program participant's valid written order not to resuscitate issued in accordance with § 54.1-2987.1 if such valid written order not to resuscitate is included in the program participant's individualized service plan; or

35. Any doctor of medicine or osteopathy, physician assistant, respiratory therapist, occupational therapist, or advanced practice registered nurse who would otherwise be subject to licensure by the Board who holds an active, unrestricted license in another state or the District of Columbia and who is in good standing with the applicable regulatory agency in that state or the District of Columbia from engaging in the practice of that profession in the Commonwealth with a patient located in the Commonwealth when (i) such practice is for the purpose of providing continuity of care through the use of telemedicine services as defined in § 38.2-3418.16 and (ii) the patient is a current patient of the practitioner with whom the practitioner has previously established a practitioner-patient relationship and the practitioner has performed an in-person examination of the patient within the previous 12 months.

For purposes of this subdivision, if such practitioner with whom the patient has previously established a practitioner-patient relationship is unavailable at the time in which the patient seeks continuity of care, another practitioner of the same subspecialty at the same practice group with access to the patient's treatment history may provide continuity of care using telemedicine services until the practitioner with whom the patient has a previously established practitioner-patient relationship becomes available. For the purposes of this subdivision, "practitioner of the same subspecialty" means a practitioner who utilizes the same subspecialty taxonomy code designation for claims processing.

For the purposes of this subdivision, if a patient is (a) an enrollee of a health maintenance organization that contracts with a multispecialty group of practitioners, each of whom is licensed by the Board of Medicine, and (b) a current patient of at least one practitioner who is a member of the multispecialty group with whom such practitioner has previously established a practitioner-patient relationship and of whom such practitioner has performed an in-person examination within the previous 12 months, the patient shall be deemed to be a current patient of each practitioner in the multispecialty group with whom each such practitioner has established a practitioner-patient relationship.

B. Notwithstanding any provision of law or regulation to the contrary, military medical personnel, as defined in § 2.2-2001.4, while participating in a program established by the Department of Veterans Services pursuant to § 2.2-2001.4, may practice under the supervision of a licensed physician or podiatrist or the chief medical officer of an organization participating in such program, or his designee who is a licensee of the Board and supervising within his scope of practice.

§ 54.1-3601. Exemption from requirements of licensure.

The requirements for licensure provided for in this chapter shall not be applicable to:

1. Persons who render services that are like or similar to those falling within the scope of the classifications or categories in this chapter, so long as the recipients or beneficiaries of such services are not subject to any charge or fee, or any financial requirement, actual or implied, and the person rendering such service is not held out, by himself or otherwise, as a licensed practitioner or a provider of clinical or school psychology services.

2. The activities or services of a student pursuing a course of study in psychology in an institution accredited by an accrediting agency recognized by the Board or under the supervision of a practitioner licensed or certified under this chapter, if such activities or services constitute a part of his course of study and are adequately supervised.

3. The activities of rabbis, priests, ministers or clergymen of any religious denomination or sect when such activities are within the scope of the performance of their regular or specialized ministerial duties, and no separate charge is made or when such activities are performed, whether with or without charge, for or under the auspices or sponsorship, individually or in conjunction with others, of an established and legally cognizable church, denomination or sect, and the person rendering service remains accountable to its established authority.

4. Persons employed as salaried employees or volunteers of the federal government, the Commonwealth, a locality, or any agency established or funded, in whole or part, by any such governmental entity or of a private, nonprofit organization or agency sponsored or funded, in whole or part, by a community-based citizen group or organization, except that any such person who renders psychological services, as defined in this chapter, shall be (i) supervised by a licensed psychologist or clinical psychologist; (ii) licensed by the Department of Education as a school psychologist; or (iii) employed by a school for students with disabilities which is certified by the Board of Education. Any person who, in addition to the above-enumerated employment, engages in an independent private practice shall not be exempt from the licensure requirements.

5. Persons regularly employed by private business firms as personnel managers, deputies or assistants so long as their counseling activities relate only to employees of their employer and in respect to their employment.

6. Any psychologist holding a license or certificate in another state, the District of Columbia, or a United States territory or foreign jurisdiction consulting with licensed psychologists in this Commonwealth.

7. Any psychologist holding a license or certificate in another state, the District of Columbia, or a United States territory or foreign jurisdiction when in Virginia temporarily and such psychologist has been issued a temporary license by the Board to participate in continuing education programs or rendering psychological services without compensation to any patient of any clinic which is organized in whole or in part for the delivery of health care services without charge as provided in § 54.1-106.

8. The performance of the duties of any commissioned or contract clinical psychologist in active service in the army, navy, coast guard, marine corps, air force, *space force,* or public health service of the United States while such individual is so commissioned or serving.

9. Any person performing services in the lawful conduct of his particular profession or business under state law.

10. Any person duly licensed as a psychologist in another state or the District of Columbia who testifies as a treating psychologist or who is employed as an expert for the purpose of possibly testifying as an expert witness.

11. Any psychologist who is licensed in another state, the District of Columbia, or a United States territory or possession and who is in good standing with the applicable regulatory agency in that state, the District of Columbia, or that United States territory or possession who provides behavioral health services, as defined in § 37.2-100, to a patient located in the Commonwealth when (i) such practice is for the purpose of providing continuity of care through the use of telemedicine services as defined in § 38.2-3418.16 and (ii) the psychologist has previously established a practitioner-patient relationship with the patient. A psychologist who provides behavioral health services to a patient located in the Commonwealth through use of telemedicine services pursuant to this subdivision may provide such services for a period of no more than one year from the date on which the psychologist began providing such services to such patient.

§ 55.1-615. Acknowledgments taken before commissioned officers in military service.

A circuit court of any county or city, or clerk of such court, shall also record any writing as is described in § 55.1-600 as to any person whose name is signed thereto who at the time of such acknowledgment was in active service in the Armed Forces of the United States, or as to the consort of such person, upon the certificate of any commissioned officer of the army, navy, marine corps, air force, coast guard, *space force,* any state national guard that is federally recognized, or other branch of the service of which such person is a member, that such writing had been acknowledged before him by such person. Such certificate shall be written upon or attached to such writing and shall be substantially to the following effect:

In the army (or navy, etc.) of the United States.

I, _____, a commissioned officer of the army (or navy, marine corps, air force, coast guard, *space force,* or other branch of service) of the United States with the rank of lieutenant (or ensign or other appropriate rank) whose home address is _____, do certify that E.F. (or E.F. and G.H., and so forth), whose name (or names) is (or are) signed to the writing above (or hereto attached), bearing date on the _____ day of ____, and who, or whose consort, is a private (corporal, seaman, captain, or other grade or rank) in the army (or navy, etc.) of the United States, and whose home address is _____, has (or have) acknowledged the same before me.

Given under my hand this _____ day of _____.

Such acknowledgment may be taken at any place where the officer taking the acknowledgment and the person whose name is signed to the writing may be. Such commissioned officer may take the acknowledgment of any person in any branch of the Armed Forces of the United States or the consort of such person.

Every acknowledgment executed prior to July 1, 1995, in substantial compliance with the provisions of this section is hereby validated, ratified, and confirmed, notwithstanding any error or omission with respect to any address, grade, or rank.

2. That Chapter 147 of the Acts of Assembly of 2013 is amended and reenacted as follows:

§ 1. Notwithstanding any other provision to the contrary, and in accordance with Chapter 404 of the Acts of Assembly of 2009, the names and homes of record of patriotic Virginians who rendered faithful military service and paid the ultimate sacrifice in the cause of freedom and liberty for the Commonwealth and the nation shall be engraved on the walls of the Virginia War Memorial Shrine of Memory, subject to the following criteria:

1. The deceased service member shall be a Virginian based upon official state of residency as listed on U.S. Department of Defense documents. However, the Virginia War Memorial Foundation Board of Trustees may also, under extraordinary circumstances and within the full discretion of the Board, determine that the service member is a Virginian based on place of birth, longtime residency, or other substantial ties to the Commonwealth independent of the residency status listed on U.S. Department of Defense documents; and

2. The deceased service member shall have died while serving on active duty in the uniformed armed forces in a U.S. Department of Defense designated combat zone under honorable conditions or shall have been designated "Missing in Action" and presumed dead. For purposes of this act, "uniformed armed forces" shall include active duty members of the Army, Navy, Air Force, Marine Corps, Coast Guard, *Space Force,* Reserve elements of any such branches, and National Guard when mobilized for qualifying service.

CHAPTER 818

An Act to amend and reenact §§ 56-576 and 56-596.2 of the Code of Virginia, relating to energy efficiency programs; incremental annual savings.

[H 746]

Approved April 17, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 56-576 and 56-596.2 of the Code of Virginia are amended and reenacted as follows:

§ 56-576. Definitions.

As used in this chapter:

"Affiliate" means any person that controls, is controlled by, or is under common control with an electric utility.

"Aggregator" means a person that, as an agent or intermediary, (i) offers to purchase, or purchases, electric energy or (ii) offers to arrange for, or arranges for, the purchase of electric energy, for sale to, or on behalf of, two or more retail customers not controlled by or under common control with such person. The following activities shall not, in and of themselves, make a person an aggregator under this chapter: (i) furnishing legal services to two or more retail customers, suppliers or aggregators; (ii) furnishing educational, informational, or analytical services to two or more retail customers, unless direct or indirect compensation for such services is paid by an aggregator or supplier of electric energy; (iii) furnishing educational, informational, or analytical services to two or more suppliers or aggregators; (iv) providing default service under § 56-585; (v) engaging in activities of a retail electric energy supplier, licensed pursuant to § 56-587, which are authorized by such supplier's license; and (vi) engaging in actions of a retail customer, in common with one or more other such retail customers, to issue a request for proposal or to negotiate a purchase of electric energy for consumption by such retail customers.

"Business park" means a land development containing a minimum of 100 contiguous acres classified as a Tier 4 site under the Virginia Economic Development Partnership's Business Ready Sites Program that is developed and constructed by a locality, an industrial development authority, or a similar political subdivision of the Commonwealth created pursuant to § 15.2-4903 or other act of the General Assembly, in order to promote business development.

"Combined heat and power" means a method of using waste heat from electrical generation to offset traditional processes, space heating, air conditioning, or refrigeration.

"Commission" means the State Corporation Commission.

"Community in which a majority of the population are people of color" means a U.S. Census tract where more than 50 percent of the population comprises individuals who identify as belonging to one or more of the following groups: Black, African American, Asian, Pacific Islander, Native American, other non-white race, mixed race, Hispanic, Latino, or linguistically isolated.

"Cooperative" means a utility formed under or subject to Chapter 9.1 (§ 56-231.15 et seq.).

"Covered entity" means a provider in the Commonwealth of an electric service not subject to competition but does not include default service providers.

"Covered transaction" means an acquisition, merger, or consolidation of, or other transaction involving stock, securities, voting interests or assets by which one or more persons obtains control of a covered entity.

"Curtailment" means inducing retail customers to reduce load during times of peak demand so as to ease the burden on the electrical grid.

"Customer choice" means the opportunity for a retail customer in the Commonwealth to purchase electric energy from any supplier licensed and seeking to sell electric energy to that customer.

"Demand response" means measures aimed at shifting time of use of electricity from peak-use periods to times of lower demand by inducing retail customers to curtail electricity usage during periods of congestion and higher prices in the electrical grid.

"Distribute," "distributing," or "distribution of" electric energy means the transfer of electric energy through a retail distribution system to a retail customer.

"Distributor" means a person owning, controlling, or operating a retail distribution system to provide electric energy directly to retail customers.

"Electric distribution grid transformation project" means a project associated with electric distribution infrastructure, including related data analytics equipment, that is designed to accommodate or facilitate the integration of utility-owned or customer-owned renewable electric generation resources with the utility's electric distribution grid or to otherwise enhance electric distribution grid reliability, electric distribution grid security, customer service, or energy efficiency and conservation, including advanced metering infrastructure; intelligent grid devices for real time system and asset information; automated control systems for electric distribution circuits and substations; communications networks for service meters; intelligent grid devices and other distribution equipment; distribution system hardening projects for circuits, other than the conversion of overhead tap lines to underground service, and substations designed to reduce service outages or service restoration times; physical security measures at key distribution substations; cyber security measures; energy storage systems and microgrids that support circuit-level grid stability, power quality, reliability, or resiliency or provide temporary backup energy supply; electrical facilities and infrastructure necessary to support electric vehicle charging systems; LED street light conversions; and new customer information platforms designed to provide improved customer access, greater service options, and expanded access to energy usage information.

"Electric utility" means any person that generates, transmits, or distributes electric energy for use by retail customers in the Commonwealth, including any investor-owned electric utility, cooperative electric utility, or electric utility owned or operated by a municipality.

"Energy efficiency program" means a program that reduces the total amount of electricity that is required for the same process or activity implemented after the expiration of capped rates. Energy efficiency programs include equipment,

physical, or program change designed to produce measured and verified reductions in the amount of electricity required to perform the same function and produce the same or a similar outcome. Energy efficiency programs may include, but are not limited to, (i) programs that result in improvements in lighting design, heating, ventilation, and air conditioning systems, appliances, building envelopes, and industrial and commercial processes; (ii) measures, such as but not limited to the installation of advanced meters, implemented or installed by utilities, that reduce fuel use or losses of electricity and otherwise improve internal operating efficiency in generation, transmission, and distribution systems; and (iii) customer engagement programs that result in measurable and verifiable energy savings that lead to efficient use patterns and practices. Energy efficiency programs include demand response, combined heat and power and waste heat recovery, curtailment, or other programs that are designed to reduce electricity consumption so long as they reduce the total amount of electricity that is required for the same process or activity. Utilities shall be authorized to install and operate such advanced metering technology and equipment on a customer's premises; however, nothing in this chapter establishes a requirement that an energy efficiency program be implemented on a customer's premises and be connected to a customer's wiring on the customer's side of the inter-connection without the customer's expressed consent.

"Generate," "generating," or "generation of" electric energy means the production of electric energy.

"Generator" means a person owning, controlling, or operating a facility that produces electric energy for sale.

"Historically economically disadvantaged community" means (i) a community in which a majority of the population are people of color or (ii) a low-income geographic area.

"Incremental annual savings" means the total combined kilowatt-hour savings achieved by electric utility energy efficiency and demand response programs and measures in the program year in which they are installed.

"Incumbent electric utility" means each electric utility in the Commonwealth that, prior to July 1, 1999, supplied electric energy to retail customers located in an exclusive service territory established by the Commission.

"Independent system operator" means a person that may receive or has received, by transfer pursuant to this chapter, any ownership or control of, or any responsibility to operate, all or part of the transmission systems in the Commonwealth.

"In the public interest," for purposes of assessing energy efficiency programs *prior to the 2029 program year*, describes an energy efficiency program if the Commission determines that the net present value of the benefits exceeds the net present value of the costs as determined by not less than any three of the following four tests: (i) the Total Resource Cost Test; (ii) the Utility Cost Test (also referred to as the Program Administrator Test); (iii) the Participant Test; and (iv) the Ratepayer Impact Measure Test. Such determination shall include an analysis of all four tests, and a program or portfolio of programs shall be approved if the net present value of the benefits exceeds the net present value of the costs as determined by not less than any three of the four tests. *For programs proposed for the 2029 program year and all subsequent years, the Commission shall establish targets pursuant to subdivision B 4 of § 56-596.2, and a program shall be approved if the Commission determines it is cost-effective pursuant to applicable Commission regulations and that the net present value of the benefits exceeds the net present value of the costs as determined by the Total Resource Cost Test.* If the Commission determines that an energy efficiency program or portfolio of programs is not in the public interest, its final order shall include all work product and analysis conducted by the Commission's staff in relation to that program, including testimony relied upon by the Commission's staff, that has bearing upon the Commission's decision. If the Commission reduces the proposed budget for a program or portfolio of programs, its final order shall include an analysis of the impact such budget reduction has upon the cost-effectiveness of such program or portfolio of programs. An order by the Commission (a) finding that a program or portfolio of programs is not in the public interest or (b) reducing the proposed budget for any program or portfolio of programs shall adhere to existing protocols for extraordinarily sensitive information. In addition, an energy efficiency program may be deemed to be "in the public interest" if the program (1) provides measurable and verifiable energy savings to low-income customers or elderly customers or (2) is a pilot program of limited scope, cost, and duration, that is intended to determine whether a new or substantially revised program or technology would be cost-effective.

"Low-income geographic area" means any locality, or community within a locality, that has a median household income that is not greater than 80 percent of the local median household income, or any area in the Commonwealth designated as a qualified opportunity zone by the U.S. Secretary of the Treasury via his delegation of authority to the Internal Revenue Service.

"Low-income utility customer" means any person or household whose income is no more than 80 percent of the median income of the locality in which the customer resides. The median income of the locality is determined by the U.S. Department of Housing and Urban Development.

"Measured and verified" means a process determined pursuant to methods accepted for use by utilities and industries to measure, verify, and validate energy savings and peak demand savings. This may include the protocol established by the United States Department of Energy, Office of Federal Energy Management Programs, Measurement and Verification Guidance for Federal Energy Projects, measurement and verification standards developed by the American Society of Heating, Refrigeration and Air Conditioning Engineers (ASHRAE), or engineering-based estimates of energy and demand savings associated with specific energy efficiency measures, as determined by the Commission.

"Municipality" means a city, county, town, authority, or other political subdivision of the Commonwealth.

"New underground facilities" means facilities to provide underground distribution service. "New underground facilities" includes underground cables with voltages of 69 kilovolts or less, pad-mounted devices, connections at customer meters, and transition terminations from existing overhead distribution sources.

"Peak-shaving" means measures aimed solely at shifting time of use of electricity from peak-use periods to times of lower demand by inducing retail customers to curtail electricity usage during periods of congestion and higher prices in the electrical grid.

"Percentage of Income Payment Program (PIPP) eligible utility customer" means any person or household whose income does not exceed 150 percent of the federal poverty level.

"Person" means any individual, corporation, partnership, association, company, business, trust, joint venture, or other private legal entity, and the Commonwealth or any municipality.

"Previously developed project site" means any property, including related buffer areas, if any, that has been previously disturbed or developed for non-single-family residential, non-agricultural, or non-silvicultural use, regardless of whether such property currently is being used for any purpose.

"Previously developed project site" includes a brownfield as defined in § 10.1-1230 or any parcel that has been previously used (i) for a retail, commercial, or industrial purpose; (ii) as a parking lot; (iii) as the site of a parking lot canopy or structure; (iv) for mining, which is any lands affected by coal mining that took place before August 3, 1977, or any lands upon which extraction activities have been permitted by the Department of Energy under Title 45.2; (v) for quarrying; or (vi) as a landfill.

"Qualified waste heat resource" means (i) exhaust heat or flared gas from an industrial process that does not have, as its primary purpose, the production of electricity and (ii) a pressure drop in any gas for an industrial or commercial process.

"Renewable energy" means energy derived from sunlight, wind, falling water, biomass, sustainable or otherwise, (the definitions of which shall be liberally construed), energy from waste, landfill gas, municipal solid waste, wave motion, tides, and geothermal power, and does not include energy derived from coal, oil, natural gas, or nuclear power. "Renewable energy" also includes the proportion of the thermal or electric energy from a facility that results from the co-firing of biomass. "Renewable energy" does not include waste heat from fossil-fired facilities or electricity generated from pumped storage but includes run-of-river generation from a combined pumped-storage and run-of-river facility.

"Renewable thermal energy" means the thermal energy output from (i) a renewable-fueled combined heat and power generation facility that is (a) constructed, or renovated and improved, after January 1, 2012, (b) located in the Commonwealth, and (c) utilized in industrial processes other than the combined heat and power generation facility or (ii) a solar energy system, certified to the OG-100 standard of the Solar Ratings and Certification Corporation or an equivalent certification body, that (a) is constructed, or renovated and improved, after January 1, 2013, (b) is located in the Commonwealth, and (c) heats water or air for residential, commercial, institutional, or industrial purposes.

"Renewable thermal energy equivalent" means the electrical equivalent in megawatt hours of renewable thermal energy calculated by dividing (i) the heat content, measured in British thermal units (BTUs), of the renewable thermal energy at the point of transfer to a residential, commercial, institutional, or industrial process by (ii) the standard conversion factor of 3.413 million BTUs per megawatt hour.

"Renovated and improved facility" means a facility the components of which have been upgraded to enhance its operating efficiency.

"Retail customer" means any person that purchases retail electric energy for its own consumption at one or more metering points or nonmetered points of delivery located in the Commonwealth.

"Retail electric energy" means electric energy sold for ultimate consumption to a retail customer.

"Revenue reductions related to energy efficiency programs" means reductions in the collection of total non-fuel revenues, previously authorized by the Commission to be recovered from customers by a utility, that occur due to measured and verified decreased consumption of electricity caused by energy efficiency programs approved by the Commission and implemented by the utility, less the amount by which such non-fuel reductions in total revenues have been mitigated through other program-related factors, including reductions in variable operating expenses.

"Rooftop solar installation" means a distributed electric generation facility, storage facility, or generation and storage facility utilizing energy derived from sunlight, with a rated capacity of not less than 50 kilowatts, that is installed on the roof structure of an incumbent electric utility's commercial or industrial class customer, including host sites on commercial buildings, multifamily residential buildings, school or university buildings, and buildings of a church or religious body.

"Solar energy system" means a system of components that produces heat or electricity, or both, from sunlight.

"Supplier" means any generator, distributor, aggregator, broker, marketer, or other person who offers to sell or sells electric energy to retail customers and is licensed by the Commission to do so, but it does not mean a generator that produces electric energy exclusively for its own consumption or the consumption of an affiliate.

"Supply" or "supplying" electric energy means the sale of or the offer to sell electric energy to a retail customer.

"Total annual energy savings" means (i) the total combined kilowatt-hour savings achieved by electric utility energy efficiency and demand response programs and measures installed in that program year, as well as savings still being achieved by measures and programs implemented in prior years, or (ii) savings attributable to newly installed combined heat and power facilities, including waste heat-to-power facilities, and any associated reduction in transmission line losses, provided that biomass is not a fuel and the total efficiency, including the use of thermal energy, for eligible combined heat and power facilitates must meet or exceed 65 percent and have a nameplate capacity rating of less than 25 megawatts.

"Transmission of," "transmit," or "transmitting" electric energy means the transfer of electric energy through the Commonwealth's interconnected transmission grid from a generator to either a distributor or a retail customer.

"Transmission system" means those facilities and equipment that are required to provide for the transmission of electric energy.

"Waste heat to power" means a system that generates electricity through the recovery of a qualified waste heat resource.

§ 56-596.2. Energy efficiency policy and programs; financial assistance for low-income customers.

A. Notwithstanding subsection G of § 56-580, or any other provision of law, each incumbent investor-owned electric utility shall develop proposed energy efficiency programs. Any program shall provide for the submission of a petition or petitions for approval to design, implement, and operate energy efficiency programs pursuant to subdivision A 5 c of § 56-585.1. At least 15 percent of such proposed costs of energy efficiency programs shall be allocated to programs designed to benefit low-income, elderly, or disabled individuals or veterans.

B. Notwithstanding any other provision of law, each investor-owned incumbent electric utility shall implement energy efficiency programs and measures to achieve the following total annual energy savings:

1. For Phase I electric utilities:

a. In calendar year 2022, at least 0.5 percent of the average annual energy jurisdictional retail sales by that utility in 2019;

b. In calendar year 2023, at least 1.0 percent of the average annual energy jurisdictional retail sales by that utility in 2019;

c. In calendar year 2024, at least 1.5 percent of the average annual energy jurisdictional retail sales by that utility in 2019; and

d. In calendar year 2025, at least 2.0 percent of the average annual energy jurisdictional retail sales by that utility in 2019;

2. For Phase II electric utilities:

a. In calendar year 2022, at least 1.25 percent of the average annual energy jurisdictional retail sales by that utility in 2019;

b. In calendar year 2023, at least 2.5 percent of the average annual energy jurisdictional retail sales by that utility in 2019;

c. In calendar year 2024, at least 3.75 percent of the average annual energy jurisdictional retail sales by that utility in 2019; ~~and~~

d. In calendar year 2025, at least 5.0 percent of the average annual energy jurisdictional retail sales by that utility in 2019; and

3. For the time period 2026 through 2028*, the Commission shall, after notice and hearing, establish new energy efficiency savings targets measured as a percentage of the average annual energy jurisdictional retail sales by that utility in 2019.*

4. For the time period 2029 through 2031, and for every successive three-year period thereafter, the Commission shall establish new energy efficiency savings targets *measured as a percentage of the average annual energy jurisdictional retail sales by that utility in 2019, which shall be the greatest level of energy savings that the Commission finds is feasible and cost-effective pursuant to the Commission's cost-effectiveness test regulations. To assist the Commission in setting such targets, the Commission shall retain a qualified expert, compensated pursuant to subsection E of § 56-592.1, to independently conduct an energy efficiency potential study for each Phase I and Phase II Utility's service territory, and each such utility shall provide to the Commission and its expert any information necessary to complete such study if such information is reasonably available. For every subsequent three-year period, the Commission shall retain an expert, compensated pursuant to subsection E of § 56-592.1, to update the energy efficiency potential study for each Phase I and Phase II Utility's service territory. A utility may recover any costs it incurs to assist the Commission with the energy efficiency potential study if the Commission finds such costs are reasonable and prudent. Such costs shall not be considered when determining whether an energy efficiency measure or program is cost-effective*. In advance of the effective date of such targets, the Commission shall, after notice and opportunity for hearing, initiate proceedings to establish such targets. As part of such proceeding, the Commission shall consider the feasibility of achieving energy efficiency goals and future energy efficiency savings through cost-effective programs and measures. The Commission shall annually review the feasibility of the energy efficiency program savings in this section and report to the Chairs of the House Committee on Labor and Commerce and the Senate Committee on Commerce and Labor and the Secretary of Natural and Historic Resources and the Secretary of Commerce and Trade on such feasibility by October 1, 2022, and each year thereafter.

C. The projected costs for the utility to design, implement, and operate such energy efficiency programs and portfolios of programs shall be no less than an aggregate amount of $140 million for a Phase I Utility and $870 million for a Phase II Utility for the period beginning July 1, 2018, and ending July 1, 2028, including any existing approved energy efficiency programs. In developing such portfolio of energy efficiency programs and portfolios of programs, each utility shall utilize a stakeholder process, to be facilitated by an independent monitor compensated under the funding provided pursuant to subsection E of § 56-592.1, to provide input and feedback on (i) the development of such energy efficiency programs and portfolios of programs; (ii) compliance with the total annual energy savings set forth in this subsection and how such savings affect utility integrated resource plans; (iii) recommended policy reforms by which the General Assembly or the Commission can ensure maximum and cost-effective deployment of energy efficiency technology across the Commonwealth; and (iv) best practices for evaluation, measurement, and verification for the purposes of assessing compliance with the total annual

energy savings set forth in subsection B. Utilities shall utilize the services of a third party to perform evaluation, measurement, and verification services to determine a utility's total annual savings as required by this subsection, as well as the annual and lifecycle net and gross energy and capacity savings, related emissions reductions, and other quantifiable benefits of each program; total customer bill savings that the programs and portfolios produce; and utility spending on each program, including any associated administrative costs. The third-party evaluator shall include and review each utility's avoided costs and cost-benefit analyses. The findings and reports of such third parties shall be concurrently provided to both the Commission and the utility, and the Commission shall make each such final annual report easily and publicly accessible online. Such stakeholder process shall include the participation of representatives from each utility, relevant directors, deputy directors, and staff members of the Commission who participate in approval and oversight of utility energy efficiency savings programs, the office of Consumer Counsel of the Attorney General, the Department of Energy, energy efficiency program implementers, energy efficiency providers, residential and small business customers, and any other interested stakeholder whom the independent monitor deems appropriate for inclusion in such process. The independent monitor shall convene meetings of the participants in the stakeholder process not less frequently than twice in each calendar year during the period beginning July 1, 2019, and ending July 1, 2028. The independent monitor shall report on the status of the energy efficiency stakeholder process, including (a) the objectives established by the stakeholder group during this process related to programs to be proposed, (b) recommendations related to programs to be proposed that result from the stakeholder process, and (c) the status of those recommendations, in addition to the petitions filed and the determination thereon, to the Governor, the Commission, and the Chairmen of the House Committee on Labor and Commerce and the Senate Committee on Commerce and Labor on July 1, 2019, and annually thereafter through July 1, 2028.

D. Nothing in this section shall apply to any entity organized under Chapter 9.1 (§ 56-231.15 et seq.).

2. That, no later than September 30, 2025, the State Corporation Commission (the Commission) shall promulgate regulations establishing a single, consistent cost-effectiveness test for use in evaluating proposed energy efficiency programs. In developing this test, the Commission shall (i) refer to the cost-benefit analysis framework and process contained in the National Energy Screening Project's National Standard Practice Manual for Benefit-Cost Analysis of Distributed Energy Resources, in addition to any other materials deemed relevant by the Commission; (ii) utilize a stakeholder process to develop such regulations, facilitated by an independent monitor with technical assistance provided by a group with experience in the process set forth in the National Standard Practice Manual for Benefit-Cost Analysis of Distributed Energy Resources, compensated under the funding provided pursuant to subsection E of § 56-592.1 of the Code of Virginia; and (iii) design such regulations to further the Commonwealth's energy policy requirements and goals, including furthering compliance with the standards set forth under § 56-596.2 of the Code of Virginia, as amended by this act.

3. That each Phase I and Phase II Utility, as those terms are defined in subdivision A 1 of § 56-585.1 of the Code of Virginia, shall track, quantify, and report to the State Corporation Commission the incremental annual savings, as defined in § 56-576 of the Code of Virginia, as amended by this act, achieved by such utility's energy efficiency programs in such utility's annual evaluation, measurement, and verification reports.

4. That nothing in this act shall be construed to prevent the State Corporation Commission, in its sole discretion, from considering reasonableness, prudence, or the public interest in determining the cost-effectiveness test for use in evaluating proposed energy efficiency programs.

CHAPTER 819

An Act to amend and reenact §§ 2.2-3901, 2.2-3907, and 2.2-3908 of the Code of Virginia, relating to Virginia Human Rights Act; dual-filed civil actions.

[H 782]

Approved April 17, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-3901, 2.2-3907, and 2.2-3908 of the Code of Virginia are amended and reenacted as follows:

§ 2.2-3901. Definitions.

A. The terms "because of sex or gender" or "on the basis of sex or gender" or terms of similar import when used in reference to discrimination in the Code and acts of the General Assembly include because of or on the basis of pregnancy, childbirth, or related medical conditions, including lactation. Women affected by pregnancy, childbirth, or related medical conditions shall be treated the same for all purposes as persons not so affected but similar in their abilities or disabilities.

B. The term "gender identity," when used in reference to discrimination in the Code and acts of the General Assembly, means the gender-related identity, appearance, or other gender-related characteristics of an individual, with or without regard to the individual's designated sex at birth.

C. The term "sexual orientation," when used in reference to discrimination in the Code and acts of the General Assembly, means a person's actual or perceived heterosexuality, bisexuality, or homosexuality.

D. The terms "because of race" or "on the basis of race" or terms of similar import when used in reference to discrimination in the Code and acts of the General Assembly include because of or on the basis of traits historically associated with race, including hair texture, hair type, and protective hairstyles such as braids, locks, and twists.

E. As used in this chapter, unless the context requires a different meaning:

"E.E.O.C." means the U.S. Equal Employment Opportunity Commission.

"Lactation" means a condition that may result in the feeding of a child directly from the breast or the expressing of milk from the breast.

"Military status" means status as (i) a member of the uniformed forces, as defined in 10 U.S.C. § 101(a)(5), of the United States or a reserve component thereof named under 10 U.S.C. § 10101, (ii) a veteran as defined in 38 U.S.C. § 101(2), or (iii) a dependent as defined in 50 U.S.C. § 3911(4) except that the support provided by the service member to the individual shall have been provided 180 days immediately preceding an alleged action that if proven true would constitute unlawful discrimination under this section instead of 180 days immediately preceding an application for relief under 50 U.S.C. Chapter 50.

"Religion" includes any outward expression of religious faith, including adherence to religious dressing and grooming practices and the carrying or display of religious items or symbols.

§ 2.2-3907. Procedures for a charge of unlawful discrimination; notice; investigation; report; conciliation; notice of the right to file a civil action; temporary relief.

A. Any person claiming to be aggrieved by an unlawful discriminatory practice may file a complaint in writing under oath or affirmation with the Office of Civil Rights of the Department of Law (the Office). *Unless otherwise stated in this chapter, a complaint alleging a violation of this chapter or federal statutes governing discrimination in employment that also falls under the jurisdiction of this chapter shall be filed with the Office no later than 300 days from the day upon which the alleged discriminatory practice occurred.* The Office itself ~~or the Attorney General~~ may in a like manner ~~file~~ *initiate* such a complaint. The complaint shall be in such detail as to substantially apprise any party properly concerned as to the time, place, and facts surrounding the alleged unlawful discrimination.

B. Upon perfection of a complaint filed pursuant to subsection A, the Office shall timely serve a charge on the respondent and provide all parties with a notice informing the parties of the complainant's rights, including the right to commence a civil action, and the dates within which the complainant may exercise such rights. In the notice, the Office shall notify the complainant that the charge of unlawful discrimination will be dismissed with prejudice and with no right to further proceed if a written complaint is not timely filed with the appropriate general district or circuit court.

C. The complainant and respondent may agree to voluntarily submit the charge to mediation without waiving any rights that are otherwise available to either party pursuant to this chapter and without incurring any obligation to accept the result of the mediation process. Nothing occurring in mediation shall be disclosed by the Office or admissible in evidence in any subsequent proceeding unless the complainant and the respondent agree in writing that such disclosure be made.

D. Once a charge has been issued, the Office shall conduct an investigation sufficient to determine whether there is reasonable cause to believe the alleged discrimination occurred. Such charge shall be the subject of a report made by the Office. The report shall be a confidential document subject to review by the Attorney General, authorized Office employees, and the parties. The review shall state whether there is reasonable cause to believe the alleged unlawful discrimination has been committed.

E. If the report on a charge of discrimination concludes that there is no reasonable cause to believe the alleged unlawful discrimination has been committed, the charge shall be dismissed and the complainant shall be given notice of his right to commence a civil action.

F. If the report on a charge of discrimination concludes that there is reasonable cause to believe the alleged unlawful discrimination has been committed, the complainant and respondent shall be notified of such determination and the Office shall immediately endeavor to eliminate any alleged unlawful discriminatory practice by informal methods such as conference, conciliation, and persuasion. When the Office determines that further endeavor to settle a complaint by conference, conciliation, and persuasion is unworkable and should be bypassed, the Office shall issue a notice that the case has been closed and the complainant shall be given notice of his right to commence a civil action.

G. At any time after a notice of charge of discrimination is issued, the Office or complainant may petition the appropriate court for temporary relief, pending final determination of the proceedings under this section, including an order or judgment restraining the respondent from doing or causing any act that would render ineffectual an order that a court may enter with respect to the complainant. Whether it is brought by the Office or by the complainant, the petition shall contain a certification by the Office that the particular matter presents exceptional circumstances in which irreparable injury will result from unlawful discrimination in the absence of temporary relief.

H. Upon receipt of a written request from the complainant, the Office shall promptly issue a notice of the right to file a civil action to the complainant after (i) 180 days have passed from the date the complaint was filed or (ii) the Office determines that it will be unable to complete its investigation within 180 days from the date the complaint was filed.

I. For any complaint or charge of discrimination for which the complainant has received a Notice of Right to Sue from the E.E.O.C., the general district or circuit court having jurisdiction shall accept the E.E.O.C. Notice of Right to Sue as a notice of the right to file a civil action under subsection H.

§ 2.2-3908. Civil actions by private parties.

A. An aggrieved person ~~who has been provided~~ *may commence a timely civil action in an appropriate general district or circuit court having jurisdiction over the person who allegedly unlawfully discriminated against such person in violation of this chapter. Any such civil action may only be filed, if at all, within 90 days of the complainant's receipt of* a notice of his right to file a civil action pursuant to § 2.2-3907 ~~may commence a timely civil action in an appropriate general district or~~

~~circuit court having jurisdiction over the person who allegedly unlawfully discriminated against such person in violation of this chapter~~.

B. If the court or jury finds that unlawful discrimination has occurred, the court or jury may award to the plaintiff, as the prevailing party, compensatory and punitive damages and the court may award reasonable attorney fees and costs and may grant as relief any permanent or temporary injunction, temporary restraining order, or other order, including an order enjoining the defendant from engaging in such practice, or order such affirmative action as may be appropriate.

C. Upon timely application, the Attorney General may intervene in such civil action if the Attorney General certifies that the case is of general public importance. Upon intervention, the Attorney General may obtain such relief as would be available to a private party under subsection B.

CHAPTER 820

An Act to amend and reenact §§ 64.2-2009 and 64.2-2012 of the Code of Virginia, relating to guardianship and conservatorship; restoration or modification or termination of order; informal written communication.

[H 786]

Approved April 17, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 64.2-2009 and 64.2-2012 of the Code of Virginia are amended and reenacted as follows:

§ 64.2-2009. Court order of appointment; limited guardianships and conservatorships.

A. The court's order appointing a guardian or conservator shall (i) state the nature and extent of the person's incapacity; (ii) define the powers and duties of the guardian or conservator so as to permit the incapacitated person to care for himself and manage property to the extent he is capable; (iii) specify whether the appointment of a guardian or conservator is limited to a specified length of time, as the court in its discretion may determine; (iv) specify the legal disabilities, if any, of the person in connection with the finding of incapacity, including but not limited to mental competency for purposes of Article II, § 1 of the Constitution of Virginia or Title 24.2; (v) include any limitations deemed appropriate following consideration of the factors specified in § 64.2-2007; (vi) set the bond of the guardian and the bond and surety, if any, of the conservator; and (vii) where a petition is brought prior to the incapacitated person's eighteenth birthday, pursuant to subsection C of § 64.2-2001, whether the order shall take effect immediately upon entry or on the incapacitated person's eighteenth birthday.

A1. Beginning July 1, 2023, the court shall set a schedule in the order of appointment for periodic review hearings, to be held no later than one year after the initial appointment and no later than every three years thereafter, unless the court orders that such hearings are to be waived because they are unnecessary or impracticable or that such hearings shall be held on such other schedule as the court shall determine. Any such determination to waive the hearing or use a schedule differing from that prescribed in this subsection shall be supported in the order and address the reason for such determination, including (i) the likelihood that the respondent's condition will improve or the respondent will regain capacity, (ii) whether concerns or questions were raised about the suitability of the person appointed as a guardian or conservator at the time of the initial appointment, and (iii) whether the appointment of a guardian or conservator or the appointment of the specifically appointed guardian or conservator was contested by the respondent or another party.

The court shall not waive the initial periodic review hearing scheduled pursuant to this subsection where the petitioner for guardianship or conservatorship is a hospital, convalescent home, or certified nursing facility licensed by the Department of Health pursuant to § 32.1-123; an assisted living facility, as defined in § 63.2-100, or any other similar institution; or a health care provider other than a family member. If the petitioner is a hospital, convalescent home, or certified nursing facility licensed by the Department of Health pursuant to § 32.1-123 or an assisted living facility as defined in § 63.2-100, nothing in this chapter shall require such petitioner to attend any periodic review hearing.

Any person may file a petition, which may be on a form developed by the Office of the Executive Secretary of the Supreme Court of Virginia, to hold a periodic review hearing prior to the scheduled date set forth in the order of appointment. The court shall hold an earlier hearing upon good cause shown. At such a hearing, the court shall review the schedule set forth in the order of appointment and determine whether future periodic review hearings are necessary or may be waived.

A2. If the court has ordered a hearing pursuant to subsection A1, the court shall appoint a guardian ad litem, who shall conduct an investigation in accordance with the stated purpose of the hearing and file a report. The incapacitated person has a right to be represented by counsel, and the provisions of § 64.2-2006 shall apply, mutatis mutandis. The guardian ad litem shall provide notice of the hearing to the incapacitated person and to all individuals entitled to notice as identified in the court order of appointment. Fees and costs shall be paid in accordance with the provisions of §§ 64.2-2003 and 64.2-2008. The court shall enter an order reflecting any findings made during the review hearing and any modification to the guardianship or conservatorship.

B. The court may appoint a limited guardian for an incapacitated person who is capable of addressing some of the essential requirements for his care for the limited purpose of medical decision making, decisions about place of residency, or other specific decisions regarding his personal affairs. The court may appoint a limited conservator for an incapacitated

person who is capable of managing some of his property and financial affairs for limited purposes that are specified in the order.

C. Unless the guardian has a professional relationship with the incapacitated person or is employed by or affiliated with a facility where the person resides, the court's order may authorize the guardian to consent to the admission of the person to a facility pursuant to § 37.2-805.1, upon finding by clear and convincing evidence that (i) the person has severe and persistent mental illness that significantly impairs the person's capacity to exercise judgment or self-control, as confirmed by the evaluation of a licensed psychiatrist; (ii) such condition is unlikely to improve in the foreseeable future; and (iii) the guardian has formulated a plan for providing ongoing treatment of the person's illness in the least restrictive setting suitable for the person's condition.

D. A guardian need not be appointed for a person who has appointed an agent under an advance directive executed in accordance with the provisions of Article 8 (§ 54.1-2981 et seq.) of Chapter 29 of Title 54.1, unless the court determines that the agent is not acting in accordance with the wishes of the principal or there is a need for decision making outside the purview of the advance directive. A guardian need not be appointed for a person where a health care decision is made pursuant to, and within the scope of, the Health Care Decisions Act (§ 54.1-2981 et seq.).

A conservator need not be appointed for a person (i) who has appointed an agent under a durable power of attorney, unless the court determines pursuant to the Uniform Power of Attorney Act (§ 64.2-1600 et seq.) that the agent is not acting in the best interests of the principal or there is a need for decision making outside the purview of the durable power of attorney or (ii) whose only or major source of income is from the Social Security Administration or other government program and who has a representative payee.

E. All orders appointing a guardian shall include the following statements in conspicuous bold print in at least 14-point type:

1. Pursuant to § 64.2-2009 of the Code of Virginia, (name of guardian), is hereby appointed as guardian of (name of respondent) with all duties and powers granted to a guardian pursuant to § 64.2-2019 of the Code of Virginia, including but not limited to: (enter a statement of the rights removed and retained, if any, at the time of appointment; whether the appointment of a guardian is a full guardianship, public guardianship pursuant to § 64.2-2010 of the Code of Virginia, limited guardianship pursuant to § 64.2-2009 of the Code of Virginia, or temporary guardianship; and the duration of the appointment).

2. Pursuant to the provisions of subsection E of § 64.2-2019 of the Code of Virginia, a guardian, to the extent possible, shall encourage the incapacitated person to participate in decisions, shall consider the expressed desires and personal values of the incapacitated person to the extent known, and shall not restrict an incapacitated person's ability to communicate with, visit, or interact with other persons with whom the incapacitated person has an established relationship, unless such restriction is reasonable to prevent physical, mental, or emotional harm to or financial exploitation of such incapacitated person and after consideration of the expressed wishes of the incapacitated person. Such restrictions shall only be imposed pursuant to § 64.2-2019.1.

3. Pursuant to § 64.2-2020 of the Code of Virginia, an annual report shall be filed by the guardian with the local department of social services for the jurisdiction where the incapacitated person resides.

4. Pursuant to § 64.2-2012 of the Code of Virginia, all guardianship orders are subject to petition for restoration of the incapacitated person to capacity; modification of the type of appointment or areas of protection, management, or assistance granted; or termination of the guardianship. *In lieu of such a petition, if the person subject to the guardianship is not represented by counsel, such person may initiate the process by sending informal written communications to the court. All orders appointing a guardian, conservator, or both shall include the current mailing address, email address, and physical address of the court issuing the order and to which such informal written communication shall be directed.*

§ 64.2-2012. Petition for restoration, modification, or termination; effects.

A. Upon petition by the incapacitated person, the guardian or conservator, or any other person or upon motion of the court, the court may (i) declare the incapacitated person restored to capacity; (ii) modify the type of appointment or the areas of protection, management, or assistance previously granted or require a new bond; (iii) terminate the guardianship or conservatorship; (iv) order removal of the guardian or conservator as provided in § 64.2-1410; or (v) order other appropriate relief. The fee for filing the petition shall be as provided in subdivision A 42 of § 17.1-275.

A1. Instead of the filing of a petition or upon motion provided by subsection A, if the person subject to the guardianship or conservatorship is not represented by counsel, such person may initiate the process to be restored to capacity or have guardianship or conservatorship modified or terminated by informal written communication to the court.

Upon receipt of such informal written communication, the court shall review the communication to determine whether there is good cause to take action and may (i) set the matter for hearing pursuant to the provisions of this section or (ii) take no action if there is not good cause for such a hearing. The court shall communicate its decision to the incapacitated person and any guardian, conservator, and guardian ad litem then serving. Any court response, whether to set the matter for hearing or take no action, shall be issued in the form of a court order.

No filing fee shall be assessed for the receipt of such informal communication.

B. In the case of a petition for modification to expand the scope of a guardianship or conservatorship, the incapacitated person shall be entitled to a jury, upon request. Notice of the hearing and a copy of the petition shall be personally served on the incapacitated person and mailed to other persons entitled to notice pursuant to § 64.2-2004. The court shall appoint a guardian ad litem for the incapacitated person and may appoint one or more licensed physicians or psychologists or licensed

professionals skilled in the assessment and treatment of the physical or mental conditions of the incapacitated person, as alleged in the petition, to conduct an evaluation. Upon the filing of any other such petition or upon the motion of the court, and after reasonable notice to the incapacitated person, any guardian or conservator, any attorney of record, any person entitled to notice of the filing of an original petition as provided in § 64.2-2004, and any other person or entity as the court may require, the court shall hold a hearing. *Upon the filing of any petition or submission of informal written communications pursuant to subsection A1, the incapacitated person has a right to be represented by counsel, and the provisions of § 64.2-2006 shall apply, mutatis mutandis.*

C. An order appointing a guardian or conservator may be revoked, modified, or terminated upon a finding that it is in the best interests of the incapacitated person and that:

1. The incapacitated person is no longer in need of the assistance or protection of a guardian or conservator;

2. The extent of protection, management, or assistance previously granted is either excessive or insufficient considering the current need of the incapacitated person;

3. The incapacitated person's understanding or capacity to manage his estate and financial affairs or to provide for his health, care, or safety has so changed as to warrant such action; or

4. Circumstances are such that the guardianship or conservatorship is no longer necessary or is insufficient.

D. The court shall declare the person restored to capacity and discharge the guardian or conservator if, on the basis of evidence offered at the hearing, the court finds by a preponderance of the evidence that the incapacitated person has substantially regained his ability to (i) care for his person in the case of a guardianship or (ii) manage and handle his estate in the case of a conservatorship.

In the case of a petition for modification of a guardianship or conservatorship, the court shall order (a) limiting or reducing the powers of the guardian or conservator if the court finds by a preponderance of the evidence that it is in the best interests of the incapacitated person to do so, or (b) increasing or expanding the powers of the guardian or conservator if the court finds by clear and convincing evidence that it is in the best interests of the incapacitated person to do so.

The court may order a new bond or other appropriate relief upon finding by a preponderance of the evidence that the guardian or conservator is not acting in the best interests of the incapacitated person or of the estate.

E. The powers of a guardian or conservator shall terminate upon the death, resignation, or removal of the guardian or conservator or upon the termination of the guardianship or conservatorship.

A guardianship or conservatorship shall terminate upon the death of the incapacitated person or, if ordered by the court, following a hearing on the petition of any interested person.

F. The court may allow reasonable compensation from the estate of the incapacitated person to any guardian ad litem, attorney, or evaluator appointed pursuant to this section. Any compensation allowed shall be taxed as costs of the proceeding.

CHAPTER 821

An Act to amend and reenact §§ 18.2-246.8, 18.2-371.2, 22.1-79.5, 22.1-206, 22.1-279.6, 58.1-1021.01, 58.1-1021.02, 58.1-1021.04:1, 58.1-1021.04:5, 59.1-293.10, and 59.1-293.11 of the Code of Virginia and to amend the Code of Virginia by adding in Article 2.1 of Chapter 10 of Title 58.1 sections numbered 58.1-1021.06 through 58.1-1021.09 and by adding in Chapter 23.2 of Title 59.1 sections numbered 59.1-293.12, 59.1-293.13, and 59.1-293.14, relating to purchase, possession, and sale of retail tobacco products; retail tobacco products and liquid nicotine tax; penalties.

[H 790]

Approved April 17, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 18.2-246.8, 18.2-371.2, 22.1-79.5, 22.1-206, 22.1-279.6, 58.1-1021.01, 58.1-1021.02, 58.1-1021.04:1, 58.1-1021.04:5, 59.1-293.10, and 59.1-293.11 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Article 2.1 of Chapter 10 of Title 58.1 sections numbered 58.1-1021.06 through 58.1-1021.09 and by adding in Chapter 23.2 of Title 59.1 sections numbered 59.1-293.12, 59.1-293.13, and 59.1-293.14 as follows:

§ 18.2-246.8. Age verification requirements.

A. No person shall mail, ship, or otherwise deliver cigarettes in connection with a delivery sale unless prior to the first delivery sale to a consumer such person:

1. Obtains from the prospective consumer a certification that includes (i) a reliable confirmation that the consumer is at least the legal minimum purchase age~~,~~ and (ii) a statement signed by the prospective consumer in writing that certifies the prospective consumer's address and that the consumer is at least 21 years of age. Such statement shall also confirm (a) that the prospective consumer understands that signing another person's name to such certification is illegal, (b) that the sale of cigarettes to individuals under the legal minimum purchase age is illegal, and (c) that the purchase of cigarettes by individuals under the legal minimum purchase age is illegal under the laws of the Commonwealth;

2. Makes a good faith effort to verify the information contained in the certification provided by the prospective consumer pursuant to ~~subsection A~~ *subdivision 1* against a commercially available database of valid, government-issued

identification that contains the date of birth or age of the individual placing the order, or obtains a photocopy or other image of the valid, government-issued identification stating the date of birth or age of the individual placing the order;

3. Provides to the prospective consumer, via ~~e-mail~~ *email* or other means, a notice that meets the requirements of § 18.2-246.9; and

4. Receives payment for the delivery sale from the prospective consumer by a credit or debit card that has been issued in such consumer's name or by a check drawn on the consumer's account.

B. *1. Except as provided in § 58.1-1021.06, if a purchase order for a liquid nicotine or nicotine vapor product, as defined in § 58.1-1021.01, is made via the Internet, no person shall make a delivery for such order unless the delivery is to a retail dealer, as defined in § 58.1-1021.01.*

2. Persons accepting purchase orders made via the Internet for delivery sales may request that prospective consumers provide their ~~e-mail~~ *email* addresses.

§ 18.2-371.2. Prohibiting purchase or possession of retail tobacco products and hemp products intended for smoking by a person under 21 years of age or sale of retail tobacco products and hemp products intended for smoking to persons under 21 years of age; civil penalties.

A. No person shall sell to, distribute to, purchase for, or knowingly permit the purchase by any person ~~less~~ *younger* than 21 years of age, knowing or having reason to believe that such person is ~~less~~ *younger* than 21 years of age, any *retail* tobacco product~~, nicotine vapor product, alternative nicotine product,~~ or hemp product intended for smoking.

~~Tobacco products, nicotine vapor products, alternative nicotine products, and~~ *No person shall sell retail tobacco products or* hemp products intended for smoking ~~may be sold~~ from a vending machine ~~only if the machine is (i) posted with a notice, in a conspicuous manner and place, indicating that the purchase or possession of such products by persons under 21 years of age is unlawful and (ii) located in a place that is not open to the general public and is not generally accessible to persons under 21 years of age. An establishment that prohibits the presence of persons under 21 years of age unless accompanied by a person 21 years of age or older is not open to the general public~~.

B. ~~No person less than 21 years of age shall attempt to purchase, purchase, or possess any tobacco product, nicotine vapor product, alternative nicotine product, or hemp product intended for smoking. The provisions of this subsection shall not be applicable to the possession of tobacco products, nicotine vapor products, alternative nicotine products, or hemp products intended for smoking by a person less than 21 years of age (i) making a delivery of tobacco products, nicotine vapor products, alternative nicotine products, or hemp products intended for smoking in pursuance of his employment or (ii) as part of a scientific study being conducted by an organization for the purpose of medical research to further efforts in cigarette and tobacco use prevention and cessation and tobacco product regulation, provided that such medical research has been approved by an institutional review board pursuant to applicable federal regulations or by a research review committee pursuant to Chapter 5.1 (§ 32.1-162.16 et seq.) of Title 32.1. This subsection shall not apply to purchase, attempt to purchase, or possession by a law-enforcement officer or his agent when the same is necessary in the performance of his duties.~~

~~C.~~ No person shall sell a *retail* tobacco product~~, nicotine vapor product, alternative nicotine product,~~ or hemp product intended for smoking to any individual who does not demonstrate, by producing a driver's license or similar photo identification issued by a government agency, that the individual is at least 21 years of age. ~~Such identification is not required from an individual whom the person has reason to believe is at least 21 years of age or who the person knows is at least 21 years of age. Proof that the person demanded, was shown, and reasonably relied upon a photo identification stating that the individual was at least 21 years of age shall be a defense to any action brought under this subsection. In determining whether a person had reason to believe an individual is at least 21 years of age, the trier of fact may consider, but is not limited to, proof of the general appearance, facial characteristics, behavior, and manner of the individual.~~

Before a retail dealer may sell retail tobacco products, other than cigar and pipe tobacco products as defined in § 58.1-1021.01, to any consumer, the person selling, offering for sale, giving, or furnishing the retail tobacco products shall verify that the consumer is of legal age by examining from any person who appears to be under 30 years of age a government-issued photographic identification that establishes that the person is of legal age or, if required pursuant to subdivision C 4 b of § 58.1-1021.04:1 or subdivision B 2 b of § 59.1-293.12, verifying the identification presented using identification fraud detection software, technology, or a scanner that confirms the authenticity of such identification.

This subsection shall not apply to mail order or Internet sales, provided that the person offering the *retail* tobacco product~~, nicotine vapor product, alternative nicotine product,~~ or hemp product intended for smoking for sale through mail order or the Internet (i) prior to the sale of the *retail* tobacco product~~, nicotine vapor product, alternative nicotine product,~~ or hemp product intended for smoking verifies that the purchaser is at least 21 years of age through a commercially available database that is regularly used by businesses or governmental entities for the purpose of age and identity verification and (ii) uses a method of mailing, shipping, or delivery that requires the signature of a person at least 21 years of age before the *retail* tobacco product~~, nicotine vapor product, alternative nicotine product,~~ or hemp product intended for smoking will be released to the purchaser.

~~D. The provisions of subsections B and C shall not apply to the sale, giving, or furnishing of any tobacco product, nicotine vapor product, alternative nicotine product, or hemp product intended for smoking to any active duty military personnel who are 18 years of age or older. An identification card issued by the Armed Forces of the United States shall be accepted as proof of age for this purpose.~~

~~E. A violation of subsection A or C by an individual or by a separate retail establishment that involves a nicotine vapor product, alternative nicotine product, hemp product intended for smoking, or tobacco product other than a bidi is punishable by a civil penalty not to exceed $100 for a first violation, a civil penalty not to exceed $200 for a second violation, and a civil penalty not to exceed $500 for a third or subsequent violation.~~

C. A violation of subsection A or ~~C~~ *B* by an individual or by a separate retail establishment ~~that involves the sale, distribution, or purchase of a bidi~~ is punishable by a civil penalty in the amount of $500 for a first violation~~, a civil penalty in the amount of $1,000 for a second violation,~~ and a civil penalty in the amount of $2,500 for a ~~third~~ *second* or subsequent violation *within a three-year period*. ~~Where a defendant retail establishment offers proof that it has trained its employees concerning the requirements of this section, the court shall suspend all of the penalties imposed hereunder. However, where the court finds that a retail establishment has failed to so train its employees, the court may impose a civil penalty not to exceed $1,000 in lieu of any penalties imposed hereunder for a violation of subsection A or C involving a nicotine vapor product, alternative nicotine product, hemp product intended for smoking, or tobacco product other than a bidi~~ *If applicable, upon a second or subsequent violation within a three-year period, the Department of Taxation may suspend or revoke any approved license, permit, or registration issued pursuant to subsection C of § 58.1-1021.04:1.*

~~A violation of subsection B is punishable by a civil penalty not to exceed $100 for a first violation and a civil penalty not to exceed $250 for a second or subsequent violation. A court may, as an alternative to the civil penalty, and upon motion of the defendant, prescribe the performance of up to 20 hours of community service for a first violation of subsection B and up to 40 hours of community service for a second or subsequent violation. If the defendant fails or refuses to complete the community service as prescribed, the court may impose the civil penalty. Upon a violation of subsection B, the judge may enter an order pursuant to subdivision A 9 of § 16.1-278.8.~~ *For any violation of this section by an employee of a retail establishment, (i) such penalty shall be assessed against the establishment and (ii) an additional penalty of $100 shall be assessed against the employee.*

Any attorney for the Commonwealth of the county or city in which an alleged violation occurred may bring an action to recover the civil penalty, which shall be paid into the state treasury. Any law-enforcement officer may issue a summons for a violation of subsection A~~,~~ *or* B~~, or C~~.

~~F.~~ *D.* 1. Cigarettes and hemp products intended for smoking shall be sold only in sealed packages provided by the manufacturer, with the required health warning. The proprietor of every retail establishment that offers for sale any *retail* tobacco product~~, nicotine vapor product, alternative nicotine product,~~ or hemp product intended for smoking shall post in a conspicuous manner and place a sign or signs indicating that the sale of *retail* tobacco products~~, nicotine vapor products, alternative nicotine products,~~ or hemp products intended for smoking to any person under 21 years of age is prohibited by law. Any attorney for the county, city, or town in which an alleged violation of this subsection occurred may enforce this subsection by civil action to recover a civil penalty not to exceed $500. The civil penalty shall be paid into the local treasury. No filing fee or other fee or cost shall be charged to the county, city, or town which instituted the action.

2. For the purpose of compliance with regulations of the Substance Abuse and Mental Health Services Administration published at 61 Federal Register 1492, the Department of Agriculture and Consumer Services may promulgate regulations which allow the Department to undertake the activities necessary to comply with such regulations.

3. Any attorney for the county, city, or town in which an alleged violation of this subsection occurred may enforce this subsection by civil action to recover a civil penalty not to exceed $500. The civil penalty shall be paid into the local treasury. No filing fee or other fee or cost shall be charged to the county, city, or town which instituted the action.

~~G.~~ *E.* Nothing in this section shall be construed to create a private cause of action.

~~H.~~ *F.* Agents of the Virginia Alcoholic Beverage Control Authority designated pursuant to § 4.1-105 may issue a summons for any violation of this section. *Additionally, any retailer selling retail tobacco products shall be subject to the enforcement and compliance provisions of Chapter 23.2 (§ 59.1-293.10 et seq.) of Title 59.1.*

~~I.~~ *G.* As used in this section:

~~"Alternative nicotine product" means any noncombustible product containing nicotine that is intended for human consumption, whether chewed, absorbed, dissolved, or ingested by any other means. "Alternative nicotine product" does not include any nicotine vapor product, tobacco product, or product regulated as a drug or device by the U.S. Food and Drug Administration (FDA) under Chapter V (21 U.S.C. § 351 et seq.) of the Federal Food, Drug, and Cosmetic Act.~~

~~"Bidi" means a product containing tobacco that is wrapped in temburni leaf (diospyros melanoxylon) or tendu leaf (diospyros exculpra), or any other product that is offered to, or purchased by, consumers as a bidi or beedie.~~

"Electronic smoking device" means any device that may be used to deliver any aerosolized or vaporized substance to the person inhaling from the device, including an e-cigarette, e-cigar, e-pipe, vape pen, or e-hookah. "Electronic smoking device" includes any component, part, or accessory of the device, whether or not sold separately, and also includes any substance intended to be aerosolized or vaporized during the use of the device, whether or not the substance contains nicotine. "Electronic smoking device" does not include any (i) battery or battery charger when sold separately or (ii) device used for heated tobacco products. "Electronic smoking device" does not include drugs or devices, as such terms are defined in 21 U.S.C. § 321, or combination products, as such term is used in 21 U.S.C. § 353, if such drugs, devices, or combination products are authorized for sale by the U.S. Food and Drug Administration.

"Hemp product" ~~means~~ *and "hemp product intended for smoking" mean* the same as ~~that term is~~ *those terms are* defined in § 3.2-4112.

~~"Nicotine vapor product" means any noncombustible product containing nicotine that employs a heating element, power source, electronic circuit, or other electronic, chemical, or mechanical means, regardless of shape or size, that can be used to produce vapor from nicotine in a solution or other form. "Nicotine vapor product" includes any electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device and any cartridge or other container of nicotine in a solution or other form that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device. "Nicotine vapor product" does not include any product regulated by the FDA under Chapter V (21 U.S.C. § 351 et seq.) of the Federal Food, Drug, and Cosmetic Act.~~

"~~Tobacco~~ *Retail tobacco* product" means *(i)* any product *containing,* made of*, or derived from* tobacco *or that contains nicotine that is intended for human consumption or is likely to be consumed, whether smoked, heated, chewed, dissolved, inhaled, absorbed, or ingested by other means, including a cigarette, a heated tobacco product, a cigar, pipe tobacco, chewing tobacco, snuff, or snus; (ii) any electronic smoking device and any substances that may be aerosolized or vaporized by such device, whether or not the substance contains nicotine;* and ~~includes cigarettes, cigars, smokeless tobacco, pipe tobacco, bidis, and wrappings~~ *(iii) any component, part, or accessory of a product described in clause (i) or (ii), whether or not such component, part, or accessory contains tobacco or nicotine, including filters, rolling papers, blunt or hemp wraps, and pipes. "Retail tobacco product" includes any nicotine vapor product as that term is defined in § 58.1-1021.01.* "~~Tobacco~~ *Retail tobacco* product" does not include ~~any nicotine vapor product, alternative nicotine product, or product that is regulated by the FDA under Chapter V (21 U.S.C. § 351 et seq.) of the Federal Food, Drug, and Cosmetic Act~~ *drugs or devices, as such terms are defined in 21 U.S.C. § 321, or combination products, as such term is used in 21 U.S.C. § 353, if such drugs, devices, or combination products are authorized for sale by the U.S. Food and Drug Administration*.

"Wrappings" includes ~~papers~~ *materials* made or sold for covering or rolling tobacco or other materials for smoking in a manner similar to a cigarette or cigar.

§ 22.1-79.5. Policy regarding retail tobacco products and hemp products intended for smoking.

Each school board shall develop and implement a policy to prohibit, at any time, the use and distribution of any *retail* tobacco product ~~or nicotine vapor product~~ *or hemp product intended for smoking*, as those terms are defined in § 18.2-371.2, on a school bus, on school property, or at an on-site or off-site school-sponsored activity.

Such policy shall include (i) provisions for its enforcement among students, employees, and visitors, including the enumeration of possible sanctions or disciplinary action consistent with state or federal law, and (ii) referrals to resources to help staff and students overcome tobacco addiction.

Each school board shall work to ensure adequate notice of this policy.

§ 22.1-206. Instruction concerning drugs, alcohol, substance abuse, retail tobacco products, hemp products intended for smoking, and gambling.

A. Instruction concerning drugs and drug abuse shall be provided by the public schools as prescribed by the Board of Education.

B. Instruction concerning the public safety hazards and dangers of alcohol abuse, underage drinking, and drunk driving shall be provided in the public schools. The Virginia Alcoholic Beverage Control Authority shall provide educational materials to the Department of Education. The Department of Education shall review and shall distribute such materials as are approved to the public schools.

~~C.~~ The Virginia Foundation for Healthy Youth shall develop and the Department of Education shall distribute to each local school division educational materials concerning the health and safety risks of using *retail* tobacco products~~, nicotine vapor products, and alternative nicotine products~~ *and hemp products intended for smoking*, as such terms are defined in § 18.2-371.2. Instruction concerning the health and safety risks of using tobacco products~~, nicotine vapor products, and alternative nicotine products~~ *and hemp products intended for smoking*, as such terms are defined in § 18.2-371.2, shall be provided in each public elementary and secondary school in the Commonwealth, consistent with such educational materials.

~~D.~~ *C.* Instruction concerning gambling and the addictive potential thereof shall be provided by the public schools as prescribed by the Board.

§ 22.1-279.6. Board of Education guidelines and model policies for codes of student conduct; school board regulations.

A. The Board of Education shall establish guidelines and develop model policies for codes of student conduct to aid local school boards in the implementation of such policies. The guidelines and model policies shall include (i) criteria for the removal of a student from a class, the use of suspension, expulsion, and exclusion as disciplinary measures, the grounds for suspension ~~and~~*,* expulsion*,* and exclusion, and the procedures to be followed in such cases, including proceedings for such suspension, expulsion, and exclusion decisions and all applicable appeals processes; (ii) standards, consistent with state, federal*,* and case laws, for school board policies on alcohol and drugs, gang-related activity, hazing, vandalism, trespassing, threats, search and seizure, disciplining of students with disabilities, intentional injury of others, self-defense, bullying, the use of electronic means for purposes of bullying, harassment, and intimidation, and dissemination of such policies to students, their parents, and school personnel; (iii) standards for in-service training of school personnel in and examples of the appropriate management of student conduct and student offenses in violation of school board policies; (iv) standards for dress or grooming codes; and (v) standards for reducing bias and harassment in the enforcement of any code of student conduct.

In accordance with the most recent enunciation of constitutional principles by the Supreme Court of the United States of America, the Board's standards for school board policies on alcohol and drugs and search and seizure shall include

guidance for procedures relating to voluntary and mandatory drug testing in schools, including which groups may be tested, use of test results, confidentiality of test information, privacy considerations, consent to the testing, need to know, and release of the test results to the appropriate school authority.

In the case of suspension and expulsion, the procedures set forth in this article shall be the minimum procedures that the school board may prescribe.

B. School boards shall adopt and revise, as required by § 22.1-253.13:7 and in accordance with the requirements of this section, regulations on codes of student conduct that are consistent with, but may be more stringent than, the guidelines of the Board. School boards shall include in the regulations on codes of student conduct procedures for suspension, expulsion, and exclusion decisions and shall biennially review the model student conduct code to incorporate discipline options and alternatives to preserve a safe, nondisruptive environment for effective teaching and learning.

C. Each school board shall include in its code of student conduct prohibitions against hazing and profane or obscene language or conduct. School boards shall also cite in their codes of student conduct the provisions of § 18.2-56, which defines and prohibits hazing and imposes a Class 1 misdemeanor penalty for violations, that is, confinement in jail for not more than 12 months and a fine of not more than $2,500, either or both.

D. Each school board shall include in its code of student conduct policies and procedures that include a prohibition against bullying. Such policies and procedures shall (i) be consistent with the standards for school board policies on bullying and the use of electronic means for purposes of bullying developed by the Board pursuant to subsection A and (ii) direct the principal or his designee to notify the parent of any student involved in an alleged incident of bullying within 24 hours of learning of the allegation of bullying.

Such policies and procedures shall not be interpreted to infringe upon the First Amendment rights of students and are not intended to prohibit expression of religious, philosophical, or political views, provided that such expression does not cause an actual, material disruption of the work of the school.

E. A school board may regulate the use or possession of beepers or other portable communications devices and laser pointers by students on school property or attending school functions or activities and establish disciplinary procedures pursuant to this article to which students violating such regulations will be subject.

F. Nothing in this section shall be construed to require any school board to adopt policies requiring or encouraging any drug testing in schools. However, a school board may, in its discretion, require or encourage drug testing in accordance with the Board of Education's guidelines and model student conduct policies required by subsection A and the Board's guidelines for student searches required by § 22.1-279.7.

G. The Board of Education shall establish standards to ensure compliance with the federal Improving America's Schools Act of 1994 (Part F-Gun-Free Schools Act of 1994), as amended, in accordance with § 22.1-277.07.

This subsection shall not be construed to diminish the authority of the Board of Education or to diminish the Governor's authority to coordinate and provide policy direction on official communications between the Commonwealth and the United States government.

H. Each school board shall include in its code of student conduct a prohibition on possessing any *retail* tobacco product or ~~nicotine vapor product~~ *hemp product intended for smoking*, as those terms are defined in § 18.2-371.2, on a school bus, on school property, or at an on-site or off-site school-sponsored activity.

I. Any school board may include in its code of student conduct a dress or grooming code. Any dress or grooming code included in a school board's code of student conduct or otherwise adopted by a school board shall (i) permit any student to wear any religiously and ethnically specific or significant head covering or hairstyle, including hijabs, yarmulkes, headwraps, braids, locs, and cornrows; (ii) maintain gender neutrality by subjecting any student to the same set of rules and standards regardless of gender; (iii) not have a disparate impact on students of a particular gender; (iv) be clear, specific, and objective in defining terms, if used; (v) prohibit any school board employee from enforcing the dress or grooming code by direct physical contact with a student or a student's attire; and (vi) prohibit any school board employee from requiring a student to undress in front of any other individual, including the enforcing school board employee, to comply with the dress or grooming code.

§ 58.1-1021.01. Definitions.

As used in this article, unless the context requires a different meaning:

"Actual cost" means the actual price paid by a remote retail seller for each individual stock keeping unit or SKU.

"Alternative nicotine product" means any noncombustible product containing nicotine that is not made of tobacco and is intended for human consumption, whether chewed, absorbed, dissolved, or ingested by any other means. "Alternative nicotine product" does not include any nicotine vapor product or any product regulated as a drug or device by the U.S. Food and Drug Administration (FDA) under Chapter V (21 U.S.C. § 351 et seq.) of the Federal Food, Drug, and Cosmetic Act.

"Cigar" means any roll of tobacco wrapped in leaf tobacco or in any substance containing tobacco, other than any roll of tobacco that is a cigarette as such term is defined in § 58.1-1000.

"Closed system" means any nicotine vapor product capable of utilizing a disposable container that is (i) prefilled with liquid nicotine and sealed by the manufacturer, (ii) not easily refillable or intended or designed to be refillable, and (iii) intended or used to dispense liquid nicotine for use in a nicotine vapor product that is intended or designed for reuse. "Closed system" does not include any open system.

"Consumer" means the person who is the end or final user of tobacco products *or liquid nicotine*.

"Delivery sale" means a sale of liquid nicotine or nicotine vapor products to a consumer in the Commonwealth in which the consumer submits the order for the sale by telephone, over the Internet, or through the mail or another delivery system, and where the liquid nicotine or nicotine vapor products are shipped through a delivery service. "Delivery sale" does not include a sale of liquid nicotine or nicotine vapor products not for personal consumption to a person who is a manufacturer, distributor, or retail dealer.

"Distributor" means (i) any person engaged in the business of selling tobacco products in the Commonwealth who brings, or causes to be brought, into the Commonwealth from outside the Commonwealth any tobacco products for sale; (ii) any person who makes, manufactures, fabricates, or stores tobacco products in the Commonwealth for sale in the Commonwealth; (iii) any person engaged in the business of selling tobacco products outside the Commonwealth who ships or transports tobacco products to any person in the business of selling tobacco products in the Commonwealth; or (iv) any retail dealer in possession of untaxed tobacco products in the Commonwealth.

"Heated tobacco product" means a product containing tobacco that produces an inhalable aerosol (i) by heating the tobacco by means of an electronic device without combustion of the tobacco or (ii) by heat generated from a combustion source that only or primarily heats rather than burns the tobacco.

"Liquid nicotine" means a liquid or other substance containing nicotine in ~~any~~ *a* concentration that is sold, marketed, ~~or~~ *and* intended for use in a nicotine vapor product.

"Loose leaf tobacco" means any leaf tobacco that is not intended to be smoked, but ~~shall~~ *does* not include moist snuff. Loose leaf tobacco weight unit categories shall be as follows:

1. "Loose leaf tobacco half pound-unit" means a ~~consumer sized~~ *consumer-sized* unit, pouch, or package containing at least ~~4~~ *four* ounces but not more than ~~8~~ *eight* ounces of loose leaf tobacco, by net weight, produced by the manufacturer to be sold to consumers as a single unit and not produced to be divided or sold separately and containing one individual package.

2. "Loose leaf tobacco pound-unit" means a ~~consumer sized~~ *consumer-sized* unit, pouch, or package containing more than ~~8~~ *eight* ounces of loose leaf tobacco, by net weight, produced by the manufacturer to be sold to consumers as a single unit and not produced to be divided or sold separately and containing one individual package.

3. "Loose leaf tobacco single-unit" means a ~~consumer sized~~ *consumer-sized* unit, pouch, or package containing less than ~~4~~ *four* ounces of loose leaf tobacco, by net weight, produced by the manufacturer to be sold to consumers as a single unit and not produced to be divided or sold separately and containing one individual package.

"Manufacturer" means a person who manufactures or produces tobacco products and sells tobacco products to a distributor.

"Manufacturer's representative" means a person employed by a manufacturer to sell or distribute the manufacturer's tobacco products.

"Manufacturer's sales price" means the actual price for which a manufacturer, manufacturer's representative, or any other person sells tobacco products to an unaffiliated distributor.

"Moist snuff" means a tobacco product consisting of finely cut, ground, or powdered tobacco that is not intended to be smoked but ~~shall~~ *does* not include any finely cut, ground, or powdered tobacco that is intended to be placed in the nasal cavity.

"Nicotine vapor product" means any noncombustible product containing nicotine that employs a heating element, power source, electronic circuit, or other electronic, chemical, or mechanical means, regardless of shape or size, that can be used to produce vapor from nicotine in a solution or other form*, including liquid nicotine*. "Nicotine vapor product" includes any electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, *closed system, open system,* or similar product or device and any cartridge or other container of nicotine in a solution or other form*, including liquid nicotine,* that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device. "Nicotine vapor product" does not include any product regulated by the FDA under Chapter V (21 U.S.C. § 351 et seq.) of the Federal Food, Drug, and Cosmetic Act.

"Open system" means a nicotine vapor product designed and intended by the manufacturer to be reusable and refilled with liquid nicotine of the end user's choice. "Open system" does not include any closed system.

"Person" means any individual, corporation, partnership, association, company, business, trust, joint venture, or other legal entity.

"Pipe tobacco" means any tobacco that, because of its appearance, type, packaging, or labeling, is suitable for use and likely to be offered or purchased by consumers as tobacco to be smoked in a pipe.

"Remote retail sale" means any sale of cigars or pipe tobacco to a consumer in the Commonwealth when (i) the consumer submits the order for the sale by means of a telephone or other method of voice transmission, the mail, or the Internet or other online service, or the seller is otherwise not in the physical presence of the consumer when the request for the purchase or order is made, or (ii) the cigars or pipe tobacco are delivered to the consumer by common carrier, private delivery service, or other method of remote delivery, or the seller is not in the physical presence of the consumer when the buyer obtains possession of the cigars or pipe tobacco.

"Remote retail seller" means a person located within or outside of ~~this state~~ *the Commonwealth* that makes remote retail sales of cigars or pipe tobacco.

"Retail dealer" means every person ~~who~~ *that* sells or offers for sale any tobacco product *or liquid nicotine* to consumers at retail in a transaction other than a remote retail sale *and includes any person that holds an approved Retail Sales and Use*

Tax Exemption Certificate for Stamped Cigarettes Purchased for Resale or an Other Tobacco Products Distributor's License issued by the Department of Taxation.

"SKU" means an individual stock keeping unit identifier used for tracking inventory.

"Tobacco product" or "tobacco products" means (i) "cigar" as defined in § 5702(a) of the Internal Revenue Code, and as such section may be amended; (ii) "smokeless tobacco" as defined in § 5702(m) of the Internal Revenue Code, and as such section may be amended; or (iii) "pipe tobacco" as defined in § 5702(n) of the Internal Revenue Code, and as such section may be amended. "Tobacco products" shall also include loose leaf tobacco.

§ 58.1-1021.02. Tax on tobacco products and liquid nicotine.

A. In addition to all other taxes now imposed by law, there is hereby imposed a tax upon the privilege of selling or dealing in tobacco products *and liquid nicotine* in the Commonwealth by any person engaged in business as a distributor or remote retail seller thereof, at the following rates:

1. Upon each package of moist snuff, at the rate of $0.18 per ounce with a proportionate tax at the same rate on all fractional parts of an ounce. The tax shall be computed based on the net weight as listed by the manufacturer on the package in accordance with federal law.

2. For purposes of the tax under this article, loose leaf tobacco shall be classified as loose leaf tobacco single-units, loose leaf tobacco half pound-units, and loose leaf tobacco pound-units. Such tax shall be imposed ~~on~~ *upon* the distributor for loose leaf tobacco as follows:

a. $0.21 for each loose leaf tobacco single-unit;

b. $0.40 for each loose leaf tobacco half pound-unit;

c. $0.70 for each loose leaf tobacco pound-unit; and

d. For any other unit, pouch, or package of loose leaf tobacco, the tax shall be by net weight and shall be $0.21 per unit, pouch, or package plus $0.21 for each increment of ~~4~~ *four* ounces or portion thereof that the loose leaf tobacco exceeds 16 ounces.

The tax for each unit, pouch, or package of loose leaf tobacco shall be in accordance with the provisions of subdivisions ~~a.~~ through ~~d.~~ only and regardless of sales price.

3. ~~Upon~~ *Except as otherwise provided, upon* tobacco products other than moist snuff or loose leaf tobacco, at the rate of 10 percent of the manufacturer's sales price of such tobacco products.

Upon cigars and pipe tobacco products sold by remote retail sellers, the tax rates delineated in this subdivision shall apply to:

~~(a)~~ *a.* The actual cost; or

~~(b)~~ *b.* If the actual cost is not available, the average of the actual cost over the 12 calendar months before January 1 of the year in which the sale occurs.

4. a. Upon the privilege of selling or dealing in liquid nicotine in the Commonwealth by any person engaged in business as a distributor of liquid nicotine, at the following rates:

(1) Upon liquid nicotine in closed systems at the rate of $0.066 per milliliter beginning July 1, 2024, for taxable sales or purchases occurring on and after such date.

(2) Upon liquid nicotine in open systems at the rate of 10 percent of the wholesale price beginning July 1, 2024, for taxable sales or purchases occurring on and after such date.

b. For any transaction involving liquid nicotine between a distributor and a retail dealer, both the distributor and the retail dealer shall maintain and retain records of any invoice or sales receipt that shall include itemized lists of the types of products included in such transaction, the tax due on each product pursuant to this subsection, and the total amount of taxes paid. In every instance, a distributor shall be responsible for paying the tax on liquid nicotine pursuant to this subdivision 4 at the time of sale to a retail dealer. Such taxes shall apply only to liquid nicotine and not to any batteries, filters, or other mechanical or aesthetic components of liquid nicotine in a closed system or an open system.

Such tax shall be imposed at the time the remote retail seller located within or outside the Commonwealth makes a remote retail sale to a consumer within the Commonwealth. It is the intent and purpose of this subdivision that the remote retail seller be liable for the tax. It is further the intent and purpose of this article to impose the tax once, and only once on all tobacco products, including cigars and pipe tobacco sold in the Commonwealth.

~~Such~~ *Except as otherwise provided, such* tax shall be imposed on tobacco products (i) at the time of retail sale by a retail dealer or distributor; (ii) at the time the distributor makes, manufactures, or fabricates tobacco products in the Commonwealth for sale in the Commonwealth; or (iii) at the time the distributor ships or transports tobacco products to retailers in the Commonwealth to be sold by those retailers. It is the intent and purpose of this article that the distributor who first possesses the tobacco product subject to this tax in the Commonwealth shall be the distributor liable for the tax. It is further the intent and purpose of this article to impose the tax once~~,~~ and only once on all tobacco products for sale in the Commonwealth.

B. No tax shall be imposed pursuant to this section upon tobacco products not within the taxing power of the Commonwealth under the Commerce Clause of the United States Constitution.

C. A distributor that calculates and pays the tax pursuant to subdivision A 1 or A 2 in good faith reliance on the net weight listed by the manufacturer on the package or on the manufacturer's invoice shall not be liable for additional tax, or for interest or penalties, solely by reason of a subsequent determination that such weight information was incorrect.

§ 58.1-1021.04:1. Distributor's or remote retail seller's license; liquid nicotine and nicotine vapor products license; penalties.

A. *1.* No person shall engage in the business of selling or dealing in tobacco products as a distributor in the Commonwealth without first having received a separate license from the Department for each location or place of business. Each application for a distributor's license shall be accompanied by a fee to be prescribed by the Department. Every application for such license shall be made on a form prescribed by the Department and the following information shall be provided on the application:

~~1.~~ *a.* The name and address of the applicant. If the applicant is a firm, partnership, or association, the name and address of each of its members shall be provided. If the applicant is a corporation, the name and address of each of its principal officers shall be provided;

~~2.~~ *b.* The address of the applicant's principal place of business;

~~3.~~ *c.* The place or places where the business to be licensed is to be conducted; and

~~4.~~ *d.* Such other information as the Department may require for the purpose of the administration of this article.

~~B.~~ *2.* A person outside the Commonwealth who ships or transports tobacco products to retailers in the Commonwealth, to be sold by those retailers, may make application for license as a distributor, be granted such a license by the Department, and thereafter be subject to all the provisions of this article. Once a license is granted pursuant to this section, such person shall be entitled to act as a licensed distributor and, unless such person maintains a registered agent pursuant to Chapter 9 *(§ 13.1-601 et seq.)*, 10 *(§ 13.1-801 et seq.)*, 12 *(§ 13.1-1000 et seq.),* or 14 *(§ 13.1-1200 et seq.)* of Title 13.1 or Chapter 2.1 *(§ 50-73.1 et seq.)* or 2.2 *(§ 50-73.79 et seq.)* of Title 50, shall be deemed to have appointed the Clerk of the State Corporation Commission as the person's agent for the purpose of service of process relating to any matter or issue involving the person and arising under the provisions of this article.

The Department shall conduct a background investigation, to include a Virginia ~~Criminal History Records~~ *criminal history records* search, and fingerprints of the applicant, or the responsible principals, managers, and other persons engaged in handling tobacco products at the licensable locations, that shall be submitted to the Federal Bureau of Investigation if the Department deems a ~~National Criminal Records~~ *national criminal records* search necessary, on applicants for licensure as tobacco products distributors. The Department may refuse to issue a distributor's license or may suspend, revoke, or refuse to renew a distributor's license issued to any person, partnership, corporation, limited liability company, or business trust~~,~~ if it determines that the principals, managers, and other persons engaged in handling tobacco products at the licensable location of the applicant have been (i) found guilty of any fraud or misrepresentation in any connection; (ii) convicted of robbery, extortion, burglary, larceny, embezzlement, fraudulent conversion, gambling, perjury, bribery, treason, or racketeering; or (iii) convicted of a felony. Anyone who knowingly and willfully falsifies, conceals, or misrepresents a material fact or knowingly and willfully makes a false, fictitious, or fraudulent statement or representation in any application for a distributor's license to the Department, ~~shall be~~ *is* guilty of a Class 1 misdemeanor. The Department may establish an application or renewal fee not to exceed $750 to be retained by the Department to be applied to the administrative and other costs of processing distributor's license applications, conducting background investigations, and issuing distributor's licenses. Any amount collected pursuant to this section in excess of such costs as of June 30 in ~~even numbered~~ *even-numbered* years shall be reported to the State Treasurer and deposited into the state treasury.

~~C.~~ *3.* No person inside or outside the Commonwealth shall make a remote retail sale of cigars or pipe tobacco to consumers in the Commonwealth without (i) completing an application for and being granted a license as a remote retail seller; (ii) determining whether economic nexus activity thresholds have been met to register for a dealer's certificate under § 58.1-613; (iii) if economic nexus thresholds are met, collecting and remitting the excise tax pursuant to subsection A of § 58.1-1021.02; (iv) providing for age verification through an independent, third-party age verification service that compares information available from a commercially available database, or aggregate of databases, that is regularly used by government agencies and businesses for the purpose of age and identity verification to the personal information entered by the individual during the ordering process that establishes that the individual is of age; and (v) if economic nexus thresholds are met~~,~~ and excise tax is being remitted using the actual cost list method to calculate the excise tax, providing the remote retail seller's certified actual cost list to the Department for each SKU to be offered for remote retail sale in the subsequent calendar year. The actual cost list shall be updated quarterly as new SKUs are added to a remote retail seller's inventory. New SKUs will be added using the actual cost first paid for the SKU.

~~D.~~ *B.* Upon receipt of an application in proper form and payment of the required license fee, the Department shall, unless otherwise provided by this article, issue to the applicant a license, which shall permit the licensee to engage in business as a distributor at the place of business shown on the license. Each license, or a copy thereof, shall be prominently displayed on the premises covered by the license. No license shall be transferable to any other person. Distributor's licenses issued pursuant to this section shall be valid for a period of three years from the date of issue unless revoked by the Department in the manner provided herein. The Department may at any time revoke the license issued to any distributor who is found guilty of violating or noncompliance with any of the provisions of this chapter~~,~~ or any of the rules of the Department adopted and promulgated under authority of this chapter. *The Department shall suspend or revoke the license issued to any distributor who is found guilty of a second or subsequent violation of subsection A or B of § 18.2-371.2.*

C. 1. No person shall engage in the business of selling or dealing liquid nicotine or nicotine vapor products or who ships or transports liquid nicotine or nicotine vapor products to retailers in the Commonwealth, to be sold by those retailers, as a manufacturer, distributor, or retail dealer in the Commonwealth without first having received a separate

license from the Department for each location or place of business. Each application for a manufacturer's, distributor's, or retail dealer's liquid nicotine and nicotine vapor products license shall be accompanied by a fee to be prescribed by the Department. Any retail dealer who holds an approved Retail Sales and Use Tax Exemption Certificate for Stamped Cigarettes Purchased for Resale or an Other Tobacco Products (OTP) Distributor's License issued by the Department shall not be required to obtain a license under this subsection. Every application for such liquid nicotine and nicotine vapor products license shall be made on a form prescribed by the Department and the following information shall be provided on the application:

a. The name and address of the applicant. If the applicant is a firm, partnership, or association, the name and address of each of its members shall be provided. If the applicant is a corporation, the name and address of each of its principal officers shall be provided;

b. The address of the applicant's principal place of business;

c. The place or places where the business to be licensed is to be conducted; and

d. Such other information as the Department may require for the purpose of the administration of this article.

2. The Department shall conduct a background investigation, to include a Virginia criminal history records search of the applicant, or the responsible principals and managers of liquid nicotine and nicotine vapor products at the licensable locations that shall be submitted to the Federal Bureau of Investigation if the Department deems a national criminal records search necessary, on applicants for licensure as a liquid nicotine and nicotine vapor products manufacturer, distributor, or retailer, as applicable. The Department may refuse to issue a license or may suspend, revoke, or refuse to renew a license issued to any person, partnership, corporation, limited liability company, or business trust if it determines that the principals and managers at the licensable location of the applicant have been (i) found guilty of any fraud or misrepresentation in any connection; (ii) convicted of robbery, extortion, burglary, larceny, embezzlement, fraudulent conversion, gambling, perjury, bribery, treason, tax evasion, or racketeering; or (iii) convicted of a felony within the last five years. Anyone who knowingly and willfully falsifies, conceals, or misrepresents a material fact or knowingly and willfully makes a false, fictitious, or fraudulent statement or representation in any application for a license to the Department is guilty of a Class 1 misdemeanor. The Department may establish an application or renewal fee to be retained by the Department to be applied to the administrative and other costs of processing license applications, conducting background investigations, and issuing licenses. Any amount collected pursuant to this section in excess of such costs as of June 30 in even-numbered years shall be reported to the State Treasurer and deposited into the state treasury.

3. Upon receipt of an application in proper form and payment of the required license fee, the Department shall, unless otherwise provided by this article, issue to the applicant a liquid nicotine and nicotine vapor products license, which shall permit the licensee to engage in business as a manufacturer, distributor, or retail dealer at the place of business shown on the license. Each license, or a copy thereof, shall be prominently displayed on the premises covered by the license. No license shall be transferable to any other person, partnership, corporation, limited liability company, or business trust; however, the Department may grant a temporary license to any applicant that has purchased the business of any manufacturer, distributor, or retail dealer licensed pursuant to this section while such applicant's application for licensure is pending. Licenses, other than temporary licenses, issued pursuant to this section shall be valid for two years from the date of issue unless revoked by the Department in the manner provided in this section. The Department may at any time suspend or revoke the approved license, permit, or registration issued in accordance with subsection C of § 58.1-1021.04:1 to any person who is found guilty of violating or noncompliance with any of the provisions of this chapter or any of the rules of the Department adopted and promulgated under authority of this chapter. Any person authorized to sell liquid nicotine or nicotine vapor products pursuant to subsection C of § 58.1-1021.04:1 shall, as a condition of renewing or extending an approved license, permit, or registration, be required to submit to the Department an accurate record of any taxes paid on liquid nicotine pursuant to § 58.1-1021.02.

4. No person shall make a sale of liquid nicotine or nicotine vapor products (i) to any person who has not attained the legal age for purchasing liquid nicotine or nicotine vapor products and (ii) without a valid liquid nicotine and nicotine vapor products license issued pursuant to this subsection. Any person who is found guilty of violating or noncompliance with this subdivision shall be subject to the following penalties:

a. For the first violation in a 36-month period, a penalty of no less than $1,000;

b. For a second violation in a 36-month period, a penalty of no less than $5,000 and a 30-day suspension of the liquid nicotine and nicotine vapor products license. If the person is found to be in violation of clause (i) of this subdivision 4, such person shall be required to verify that any consumer who appears to be under 30 years of age is of legal age by verifying such consumer's government-issued photographic identification using fraud detection software, technology, or a scanner that confirms the authenticity of such identification; and

c. For a third violation in a 36-month period, a penalty of no less than $10,000, revocation of the liquid nicotine and nicotine vapor products license, and ineligibility to possess a liquid nicotine and nicotine vapor products license for a period of three years from the date of the most recent violation.

5. No person inside or outside the Commonwealth shall make a retail sale of liquid nicotine and nicotine vapor products without verifying that the consumer is of legal age by examining from any person who appears to be under 30 years of age a government-issued photographic identification that establishes that the person is of legal age or providing for age verification through an independent age verification service that compares information available from a commercially available database, or aggregate of databases, that is regularly used by government agencies and businesses

for the purpose of age and identity verification to the personal information entered by the individual during the ordering process that establishes that the individual is of age.

6. For any transaction between a distributor and a retail dealer involving liquid nicotine or nicotine vapor products, both the distributor and the retail dealer shall maintain and retain records of any invoice or sales receipt involved that shall include itemized lists of the types of products included in such transaction, the tax due on each product pursuant to subsection B of § 58.1-1021.02, and the total amount of taxes paid. Such records shall be produced and provided to the Department as necessary for auditing, compliance, and enforcement purposes.

~~E.~~ *D.* The Department shall compile and maintain a current list of licensed distributors and remote retail sellers *of tobacco products and of manufacturers, distributors, and retail dealers of liquid nicotine and nicotine vapor products*. The list shall be updated on a monthly basis~~,~~ and published on the Department's ~~official Internet~~ website, available to any interested party.

§ 58.1-1021.04:5. Tax Commissioner to establish guidelines and rules.

The Tax Commissioner shall establish guidelines and rules, including ~~record keeping~~ *recordkeeping* requirements, for implementation of the tax on tobacco products under ~~Article 2.1 (§ 58.1-1021.01 et seq.) of Chapter 10 of Title 58.1 of the Code of Virginia~~ *this article*. The establishment of the guidelines and rules by the Tax Commissioner shall be exempt from the provisions of the Administrative Process Act (§ 2.2-4000 et seq.).

§ 58.1-1021.06. Delivery sales of liquid nicotine and nicotine vapor products.

A. A retail dealer shall not make a delivery sale of liquid nicotine or nicotine vapor products without a license issued pursuant to § 58.1-1021.04:1. Such delivery sales and any shipment shall be made only to a legal consumer.

B. A retail dealer may not ship for delivery sale any liquid nicotine or nicotine vapor products without first making a good faith effort to verify the age of the purchaser of the liquid nicotine or nicotine vapor products through an independent age verification software, service, or technology that compares information available from public records to the personal information entered by the purchaser during the ordering process that establishes the purchaser is of legal age or older.

C. Prior to shipment of liquid nicotine or nicotine vapor products for a delivery sale, a retail dealer shall be fully paid for the purchase and shall accept payment from the consumer by a check drawn on an account in the consumer's name, by a credit card issued in the consumer's name, or by a debit card issued in the consumer's name. A retail dealer taking a delivery sale may request the electronic mail address of the consumer as a condition of completing such delivery sale.

§ 58.1-1021.07. Retail sales of liquid nicotine and nicotine vapor products; identification and use by minors.

Before a retail dealer may sell liquid nicotine or nicotine vapor products to any consumer, the person selling, offering for sale, giving, or furnishing the liquid nicotine or nicotine vapor product shall verify that the consumer is of legal age by:

1. For any retail sale by a retail dealer, examining from any person who appears to be under 30 years of age a government-issued photographic identification that establishes the person is of legal age or, if required pursuant to subdivision C 4 b of § 58.1-1021.04:1 or subdivision B 2 b of § 59.1-293.12, verifying the identification presented using identification fraud detection software, technology, or scanner that confirms the authenticity of such identification; or

2. For any delivery sale by a retail dealer to a consumer in the Commonwealth, performing an age verification through an independent, age verification software, service, or technology that compares information available from public records to the personal information entered by the purchaser during the ordering process that establishes that the purchaser is of legal age or older.

§ 58.1-1021.08. General requirements for liquid nicotine and nicotine vapor products sales and resale.

A. A retail dealer shall procure liquid nicotine and nicotine vapor products only from distributors duly permitted to operate in the Commonwealth pursuant to this article.

B. A retail dealer shall sell liquid nicotine and nicotine vapor products only to consumers and is prohibited from selling to manufacturers, distributors, other retailer dealers, and any other commercial entities.

C. A retail dealer shall not sell more than two packages of nicotine vapor products and five bottles or packages of liquid nicotine in any one transaction to a consumer.

D. In every instance, a distributor shall be responsible for paying the tax on liquid nicotine pursuant to § 58.1-1021.02 at the time of sale to a retail dealer.

E. A manufacturer may use as an ingredient in liquid nicotine and a distributor or retail dealer may sell liquid nicotine containing a flavoring or food grade additive or synthetic flavoring substance that is used to add flavor and that is not prohibited by the federal Food and Drug Administration as an additive in nicotine vapor products.

§ 58.1-1021.09. Safety requirements for liquid nicotine and nicotine vapor products.

A. 1. Any retail dealer shall comply with the following requirements:

a. Any liquid nicotine container shall use a child-resistant cap that has the child-resistant effectiveness set forth in the poison prevention packaging standards under 16 C.F.R. § 1700.15(b)(1);

b. Any liquid nicotine container shall use a tamper-evident package feature that is designed to remain intact and that does remain intact when handled in a reasonable manner during the manufacture, distribution, and retail display of such liquid nicotine or nicotine vapor product container; and

c. Any label on a liquid nicotine container shall meet the nicotine addictiveness warning statement requirements under 21 C.F.R. § 1143.3.

2. Any retail dealer selling liquid nicotine or nicotine vapor products shall also be required to display signage clearly indicating "products are not for sale to minors" or "underage sales prohibited" and to display vapor products behind a counter or in an enclosed display that is inaccessible without the assistance of a sales representative of the retailer.

B. No person may sell, offer for sale, or otherwise distribute any liquid nicotine or nicotine vapor product with labeling or packaging that is not in compliance with 21 C.F.R. § 1143.3 or that:

1. Imitates or mimics a trademark of any kind or trade dress of any food products, including candy, cookies, cereal, juice boxes, or soft drinks, that are or have primarily been marketed to minors;

2. Depicts images or references to video games, movies, videos, celebrity endorsements, or animated television shows known to appeal to minors;

3. Depicts the actual consumption of liquid nicotine or nicotine vapor products or a minor using liquid nicotine or nicotine vapor products;

4. Makes any health, medicinal, or therapeutic claims about liquid nicotine or nicotine vapor products; or

5. Otherwise promotes overconsumption of liquid nicotine or nicotine vapor products.

C. Any person shall advertise or market any liquid nicotine or nicotine vapor products only where consistent with the following requirements:

1. All advertisements and marketing shall accurately and legibly identify the person responsible for its content, shall be truthful and appropriately substantiated, shall not be presented in a manner that is materially false or untrue, and shall not be presented in a manner that imitates or mimics a trademark of any kind or trade dress of any food products, including candy, cookies, cereal, juice boxes, or soft drinks, that are or have primarily been marketed to minors;

2. Any advertising or marketing in broadcast, cable, radio, print, and digital communications or any event marketing or sponsorships shall be made only where at least 85 percent of the audience is reasonably expected to be at least 21 years of age, as determined by reliable, up-to-date audience composition data;

3. No advertising or marketing may contain any statement concerning a brand or product that is inconsistent with any statement or images on its labeling; and

4. No advertising or marketing may contain any health-related statement that is untrue in any particular manner or tends to create a misleading impression as to the health benefits of consumption of liquid nicotine or nicotine vapor products.

CHAPTER 23.2.

RETAIL TOBACCO PRODUCTS AND NICOTINE VAPOR PRODUCTS CONTAINING LIQUID NICOTINE.

§ 59.1-293.10. Definitions.

As used in this chapter, unless the context requires another meaning:

"Child-resistant packaging" means packaging that is designed or constructed to meet the child-resistant effectiveness standards set forth in 16 C.F.R. § 1700.15(b)(1) when tested in accordance with the protocols described in 16 C.F.R. § 1700.20 as in effect on July 1, 2015.

"Department" means the Department of Taxation.

"Liquid nicotine" means ~~a liquid or other substance containing nicotine in any concentration that is sold, marketed, or intended for use in a nicotine vapor product~~ *the same as that term is defined in § 58.1-1021.01.*

"Liquid nicotine container" means a bottle or other container holding liquid nicotine in any concentration but does not include a cartridge containing liquid nicotine if such cartridge is prefilled and sealed by the manufacturer of such cartridge and is not intended to be opened by the consumer.

"Nicotine vapor product" ~~has~~ *means* the same ~~meaning~~ as *that term is defined* in § ~~18.2-371.2~~ *58.1-1021.01 and includes liquid nicotine containers.*

"Retail dealer" means the same as that term is defined in § 58.1-1021.01.

"Retail tobacco product" means (i) any product containing, made of, or derived from tobacco or that contains nicotine that is intended for human consumption or is likely to be consumed, whether smoked, heated, chewed, dissolved, inhaled, absorbed, or ingested by other means, including a cigarette, a heated tobacco product, chewing tobacco, snuff, or snus; (ii) any electronic smoking device and any substances that may be aerosolized or vaporized by such device, whether or not the substance contains nicotine; and (iii) any component, part, or accessory of a product described in clause (i) or (ii), whether or not such component, part, or accessory contains tobacco or nicotine, including filters, rolling papers, blunt or hemp wraps, and glass pipes. "Retail tobacco product" includes any nicotine vapor product. "Retail tobacco product" does not include drugs or devices, as such terms are defined in 21 U.S.C. § 321, or combination products, as such term is used in 21 U.S.C. § 353, if such drugs, devices, or combination products are authorized for sale by the U.S. Food and Drug Administration. "Retail tobacco product" does not include any cigar or pipe tobacco as defined in § 58.1-1021.01.

"Tobacco retailer" means any person, partnership, joint venture, society, club, trustee, trust, association, organization, or corporation that owns, operates, or manages any tobacco retail establishment. "Tobacco retailer" does not include nonmanagement employees of a tobacco retail establishment.

"Tobacco retail establishment" means any place of business where retail tobacco products are available for sale to the general public, including any grocery store, retail tobacco product shop, kiosk, convenience store, gasoline service station, bar, or restaurant where retail tobacco products are available for sale to the general public.

§ 59.1-293.11. Sale or distribution of liquid nicotine container; prohibition; penalty.

A. No person shall sell or distribute at retail or offer for retail sale or distribution a liquid nicotine container in the Commonwealth on or after October 1, 2015, unless such liquid nicotine container meets child-resistant packaging standards.

B. The requirements of subsection A shall not prohibit a wholesaler or retailer from selling its existing inventory of liquid nicotine until January 1, 2016, if the wholesaler or retailer can establish that the inventory was purchased prior to October 1, 2015, in a quantity comparable to that of the inventory purchased during the same period of the prior year.

C. Any person who sells or distributes at retail or offers for retail sale or distribution a liquid nicotine container in the Commonwealth on or after October 1, 2015, that he knows or has reason to know does not satisfy the child-resistant packaging standards required by this section is guilty of a Class 4 misdemeanor. However, no person shall be guilty of a violation of this section who relies in good faith on any information provided by the manufacturer of a liquid nicotine container that such container meets the requirements of this section.

D. The provisions of this chapter do not apply to any manufacturer or wholesaler of liquid nicotine containers who sells or distributes a liquid nicotine container, provided that any such liquid nicotine container sold or distributed is intended for use outside of the Commonwealth.

E. The provisions of subsection A shall be null, void, and of no force and effect upon the effective date of either enacted federal legislation or final regulations issued by the U.S. Food and Drug Administration or by any other federal agency where such legislation or regulations mandate child-resistant packaging for liquid nicotine containers.

F. The provisions of this section with respect to retail sales, retail establishments, and offers for retail sales shall only apply to retail sales or offers at retail of liquid nicotine containers before July 1, 2024.

§ 59.1-293.12. Restrictions on the sale of retail tobacco products to minors; penalties.

A. A retail dealer shall comply with the provisions of this section, §§ 18.2-246.8, 18.2-246.10, 18.2-371.2, and 59.1-293.13, and any other state or local law related to the sale of retail tobacco products. If the Department determines that a retail dealer has violated any such provision of law, the Department may suspend or revoke such retail dealer's Retail Sales and Use Tax Exemption Certificate for Stamped Cigarettes Purchased for Resale or Other Tobacco Products (OTP) Distributor's License.

B. 1. For each retail dealer, the Department shall conduct an unannounced investigation at least once every 24 months to verify that the retail dealer is not selling retail tobacco products to persons under 21 years of age. If the Department determines that the retail dealer has violated any provision of this section, § 18.2-246.8, 18.2-246.10, 18.2-371.2, or 59.1-293.13, or any other state or local law related to the sale of retail tobacco products, it shall conduct an unannounced investigation of the retail dealer within six months of such violation.

2. If the Department determines that a retail dealer, or a retail dealer's agent or employee, sold a retail tobacco product to a person under 21 years of age or violated subsection A or B of § 18.2-371.2, the Department shall impose and the retail dealer shall be subject to:

a. For the first violation in a 36-month period, a penalty of no less than $1,000;

b. For a second violation in a 36-month period, a penalty of no less than $5,000. Any retail dealer found to be in violation of this subdivision 2 b shall be required to verify that any consumer who appears to be under 30 years of age is of legal age by verifying such consumer's government-issued photographic identification using fraud detection software, technology, or a scanner that confirms the authenticity of such identification; and

c. For a third violation in a 36-month period, a penalty of no less than $10,000 and a 30-day suspension of the retail dealer's Retail Sales and Use Tax Exemption Certificate for Stamped Cigarettes Purchased for Resale or OTP Distributor's License.

d. For a fourth violation in a 36-month period, revocation of the retail dealer's Retail Sales and Use Tax Exemption Certificate for Stamped Cigarettes Purchased for Resale or OTP Distributor's License, and ineligibility to possess any such certificate or license for a period of three years from the date of the most recent violation.

3. Any civil penalties assessed pursuant to this section shall be paid into the Tobacco Retail Enforcement Fund, established pursuant to § 59.1-293.14.

C. The Department shall collaborate with the Virginia Alcoholic Beverage Control Authority and local law enforcement to the extent possible to enforce the provisions of this section and § 4.1-103.01.

§ 59.1-293.13. Required education for retail dealers and employees.

Any retail dealer shall be required to attest that it has conducted education and training for its employees related to:

1. The provisions of § 59.1-293.12;

2. The prohibitions on the sale of retail tobacco products to persons under age 21 and other restrictions prescribed by §§ 18.2-246.8, 18.2-246.10, and 18.2-371.2;

3. Forms of identification that are acceptable as proof of age; and

4. The legal penalties that may be incurred for violation of the provisions of law identified in subdivisions 1 and 2.

§ 59.1-293.14. Tobacco Retail Enforcement Fund.

There is hereby created in the state treasury a special nonreverting fund to be known as the Tobacco Retail Enforcement Fund, referred to in this section as "the Fund." The Fund shall be established on the books of the Comptroller. All revenues accruing to the Fund pursuant to this article, all funds appropriated for such purpose, and any gifts, donations, grants, bequests, and other funds received on its behalf shall be paid into the state treasury and credited to the Fund. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund.

Moneys in the Fund shall be used solely for the purposes of funding the Department of Taxation's direct and indirect costs of the license administration and enforcement program administered pursuant to Article 2.1 (§ 58.1-1021.01 et seq.) of Chapter 10 of Title 58.1 and the administrative costs of education and training, retail inspections, and unannounced compliance checks in accordance with the provisions of §§ 59.1-293.12 and 59.1-293.13. Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants issued by the Comptroller upon written request signed by the Tax Commissioner.

2. That the Department of Taxation shall develop guidelines implementing the provisions of this act. Such guidelines shall be exempt from the provisions of the Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia).

3. That the Department of Taxation shall develop or revise the forms and applications necessary to implement the provisions of this act.

CHAPTER 822

An Act to amend and reenact § 56-466.1 of the Code of Virginia, relating to public service companies; pole attachments; cable television systems and telecommunications service providers.

[H 800]

Approved April 17, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 56-466.1 of the Code of Virginia is amended and reenacted as follows:

§ 56-466.1. Pole attachments; cable television systems and telecommunications service providers.

A. As used in this section:

"Cable television system" means any system licensed, franchised or certificated pursuant to Article 1.2 (§ 15.2-2108.19 et seq.) of Chapter 21 of Title 15.2 that transmits television signals, for distribution to subscribers of its services for a fee, by means of wires or cables connecting its distribution facilities with its subscriber's television receiver or other equipment connecting to the subscriber's television receiver, and not by transmission of television signals through the air.

"Electric cooperative" means a utility services cooperative formed under or subject to Article 1 (§ 56-231.15 et seq.) of Chapter 9.1.

"Existing attacher" means any entity with equipment on a utility pole.

"National electrical safety standards" means standards provided in the National Electrical Safety Code.

"New attacher" means a cable television system or telecommunications service provider requesting a new pole attachment.

"Pole attachment" means any attachment by a cable television system or provider of telecommunications service to a pole, duct, conduit, right-of-way or similar facility owned or controlled by a public utility.

"Public utility" has the same meaning ascribed thereto in § 56-232 *but shall not include any utility that is regulated pursuant to 47 U.S.C. § 224.*

"Rearrangement" means work ~~performed~~ *necessitated solely by and* at the request of a telecommunications service provider or cable television system to, on*,* or in an existing pole, duct, conduit, right-of-way*,* or similar facility owned or controlled by a public utility that is necessary to make such pole, duct, conduit, right-of-way, or similar facility usable for a pole attachment. "Rearrangement" shall include replacement, *necessitated solely by and* at the request of a telecommunications service provider or cable television system, of the existing pole, duct, conduit, right-of-way, or similar facility if the existing pole, duct, conduit, right-of-way, or similar facility does not contain adequate surplus space or excess capacity and cannot be rearranged so as to create the adequate surplus space or excess capacity required for a pole attachment.

"Red-tagged pole" means a pole owned or controlled by a public utility that (i) is designated for replacement for any reason unrelated to a lack of capacity to accommodate a new attacher's request for attachment or (ii) would have needed to be replaced at the time of replacement even if the new attachment was not made.

"Telecommunications service provider" means any public service corporation or public service company that holds a certificate of public convenience and necessity to furnish local exchange telephone service or interexchange telephone service.

B. Upon request by a telecommunications service provider or cable television system to a public utility, both the public utility and the telecommunications service provider or cable television system shall negotiate in good faith to arrive at a mutually agreeable contract for attachments to the public utility's poles by the telecommunications service provider or cable television system. *The terms of such contract shall comply with the requirements of this section.*

C. After entering into a contract for attachments to its poles by any telecommunications service provider or cable television system, a public utility shall permit, upon reasonable terms and conditions and the payment of *just and* reasonable annual charges and the *reasonable, actual* cost of any required rearrangement, the attachment of any wire, cable, facility*,* or apparatus to its poles or pedestals, or the placement of any wire, cable, facility*,* or apparatus in conduit or duct space owned or controlled by it, by such telecommunications service provider or cable television system that is authorized by law~~,~~ to construct and maintain the attachment, provided that the attachment does not interfere, obstruct*,* or delay the service and operation of the public utility or create a safety hazard.

D. Notwithstanding the provisions of subsection C, a public utility providing electric utility service may deny access by a telecommunications service provider or cable television system to any pole, duct, conduit, right-of-way, or similar facility owned or controlled, in whole or in part, by such public utility, provided such denial is made on a nondiscriminatory basis on grounds of insufficient capacity or reasons of safety, reliability, or generally applicable engineering principles. *Insufficient capacity shall not exist if a rearrangement can be accomplished consistent with prevailing electric safety and utility standards as determined by the Commission. In making such determination, the Commission shall consider national electrical safety standards, the public interest relating to expanding broadband access in the Commonwealth, the impact to ratepayers, and other relevant considerations as determined by the Commission.*

E. This section shall not apply to any pole attachments regulated pursuant to 47 U.S.C. § 224.

F. *A public utility shall establish and adhere to pole attachment practices and procedures that comply with the requirements of this section.*

G. In processing requests for access to a public utility's poles, such public utility shall adhere to the following practices and shall incorporate the following provisions into its terms and conditions governing pole attachments:

1. a. A public utility shall review a new attacher's attachment request for completeness before reviewing such request on its merits. A new attacher's attachment request shall be considered complete for the purposes of this subdivision if such request provides the public utility with the information necessary, according to such public utility's procedures as specified in a master services agreement or in requirements made publicly available by such public utility at the time such request is submitted, for such public utility to begin to survey the affected poles.

(1) A public utility shall determine within 15 business days after receiving a new attacher's attachment request whether such request is complete for the purposes of subdivision a and shall notify such new attacher of such determination and, if such request is determined to be incomplete, the reasons for such determination. If such public utility does not respond within 15 business days after the receipt of such request, or if such public utility rejects such request as incomplete without specifying the reasons for such determination, then such request shall be deemed complete for the purposes of subdivision a.

(2) A new attacher's attachment request that was previously determined to be incomplete may be resubmitted, and such resubmission shall only be required to address the reasons for such determination specified by the public utility. Such resubmitted request shall be deemed complete for the purposes of subdivision a within seven business days after its resubmission unless the public utility notifies the new attacher of unaddressed reasons that such resubmission remains incomplete and how such resubmission fails to address such reasons. A new attacher may repeat the resubmission procedure described in this subdivision (2) as necessary until the attachment request is determined to be complete for the purposes of subdivision a so long as such new attacher makes a bona fide attempt with each resubmission to correct the attachment request according to the reasons for such determination of incompleteness.

b. A public utility shall respond to a new attacher's complete attachment request either by (i) granting access or (ii) consistent with subsection D, denying access within 75 days after the receipt of such request.

c. (1) Within 75 days of receiving a complete attachment request, a public utility shall complete a survey of the affected poles.

(2) A public utility shall permit the new attacher and any existing attachers to the affected poles to be present for any field inspection conducted as part of such public utility's survey pursuant to subdivision (1). A public utility shall use commercially reasonable efforts to provide such new and existing attachers at least five business days' advance notice of such field inspection and shall provide in such notice the time, date, and location of such survey and the name of the contractor performing such survey, if applicable. Any attacher attending such field inspection shall do so at its own risk and expense.

2. If a new attacher's request for access is not denied, a public utility shall present to such new attacher a detailed, itemized estimate, on a pole-by-pole basis, if requested, of charges to perform all necessary rearrangement within 20 days after providing the response required by subdivision 1. If the new attacher requests an estimate on such pole-by-pole basis and the public utility incurs fixed costs that are not reasonably calculable on a pole-by-pole basis, such public utility may present charges on a per-job basis rather than on a pole-by-pole basis for such fixed cost charges. The public utility shall provide documentation sufficient to determine the basis of all estimated charges, including any projected material, labor, and other related costs that form the basis of such estimate.

a. A public utility may withdraw an outstanding estimate of charges to perform rearrangement work beginning 30 days after the estimate is presented. A new attacher may accept a valid estimate and pay such charges at any time after receiving such estimate except if such estimate is withdrawn.

b. After a public utility completes rearrangement, if the cost of the work performed differs from the estimate, such public utility shall provide the new attacher a detailed, itemized final invoice of the actual rearrangement charges incurred, on a pole-by-pole basis, if requested, to accommodate the new attachment. If the new attacher requests an invoice on such pole-by-pole basis and the public utility incurs fixed costs that are not reasonably calculable on a pole-by-pole basis, such public utility may present charges on a per-job basis rather than on a pole-by-pole basis for such fixed cost charges. The public utility shall provide documentation sufficient to determine the basis of all charges, including material, labor, and other related costs that form the basis of such estimate.

3. Upon a public utility's receipt of payment pursuant to subdivision 2 a, such public utility shall immediately notify in writing all known existing attachers that may be affected by such rearrangement. Such notice shall:

a. Specify the details and location of such rearrangement;

b. Set a completion date for such rearrangement that is no later than 95 days after such notice is sent;

c. Provide that any entity with an existing attachment may modify such attachment consistent with the specified rearrangement before the date of such rearrangement; and

d. Provide the name, telephone number, and email address of a contact person for more information about the rearrangement procedure.

Upon providing such notice, a public utility shall provide the new attacher with a copy of any such notice, the contact information of any existing attachers, and any address to which such public utility sent such notice. The new attacher shall be responsible for coordinating with existing attachers to encourage the completion of rearrangement by the completion date specified in such notice.

4. A public utility shall complete any rearrangement by the completion date provided in the notice described in subdivision 3.

5. a. A public utility may deviate from the time limits specified in this section before offering an estimate of charges if the parties involved have no agreement specifying the rates, terms, and conditions of attachment.

b. A public utility may deviate from the time limits specified in this subsection during performance of a rearrangement for good and sufficient cause, as defined by the Commission, that renders it unfeasible for such public utility to complete rearrangement within such time limits. A public utility making such deviation shall immediately notify in writing the new attacher and affected existing attachers, and such notice shall identify the affected poles and include a detailed explanation of the reason for such deviation and a new completion date. No such deviation shall occur for a period longer than necessary to complete rearrangement of the affected poles, and such public utility shall resume rearrangement without discrimination upon returning to routine operations.

6. If the pole attachment request of a telecommunications service provider or cable television system would cause the aggregate number of attachments or attachment requests by all attachers to exceed the lesser of 300 poles per month or 0.5 percent of the total poles owned by a public utility in any given month, then such public utility shall promptly notify such new attacher and shall negotiate in good faith to contract with a mutually agreed upon third-party entity to perform all necessary work that such public utility would otherwise perform, within a reasonable timeframe and in accordance with the cost allocation principles set forth in this section. In negotiating for a reasonable timeframe for the performance of work, the parties involved shall use their best efforts to comply with the timeframes established in subdivisions 1, 2, and 3. All work performed by a contracted entity under this subdivision shall be subject to the oversight of the public utility, which may only assess the new attacher for the actual, reasonable costs of such oversight.

7. Notwithstanding any other provision of law, a public utility subject to this section shall not apportion to a telecommunications service provider or cable television system the cost of replacing a red-tagged pole, provided that such public utility may apportion to a telecommunications service provider or cable television system the incremental cost of a taller or stronger pole that is necessitated solely by the new facilities of such telecommunications service provider or cable television system.

H. The Commission is authorized to *enforce the requirements of this section and to* determine just and reasonable rates, and terms and conditions of service, excluding safety and debt collection, for attachments to electric cooperative poles by telecommunications service providers or cable television systems if, following good faith negotiations to do so, the parties cannot reach agreement thereon; however, the Commission shall not determine rates or terms and conditions for any existing agreement until it expires or is terminated pursuant to its own terms. The terms of an expired or terminated agreement shall continue to govern while good faith negotiations or Commission review pursuant to this section are pending. Such determinations shall be made in accordance with the following:

1. Just and reasonable pole attachment rates and terms and conditions of service to be determined by the Commission shall include, without limitation, rearrangement and make-ready costs, pole replacement costs, and all other costs directly related to pole attachments and maintenance, replacement, and inspection of poles or pole attachments, and right of way maintenance essential to pole attachments, provided*,* however, that cost recovery for rearrangement, make-ready*,* and pole replacement ~~shall be~~ addressed in terms and conditions~~, and~~ shall not *also* be included in annual rental rates;

2. In determining pole attachment rates*, terms, and conditions*, the Commission shall consider (i) any effect of such rates*, terms, and conditions* on the deployment or utilization, or both, of broadband and other telecommunications services, (ii) the interests of electric cooperatives' members, and (iii) the overall public interest;

3. The Commission may develop and utilize alternative forms of dispute resolution for purposes of addressing disputes (i) arising under this subsection and (ii) falling within the scope of the Commission's authority established hereunder;

4. *The Commission shall resolve disputes (i) involving pole access, including the allocation of rearrangement costs, within 90 days and (ii) concerning all other matters arising under this section within 120 days, provided, however, that either period may be extended by Commission order for an additional period not to exceed 60 days;*

5. The Commission is authorized to assess reasonable application fees to recover appropriate Commission costs of proceedings arising under this subsection; and

~~5.~~ *6.* The Commission is authorized to develop, if necessary, rules and regulations, including a definition of good faith negotiations, to implement this section.

2. That in administrating the Virginia Telecommunication Initiative (VATI) and the federal Broadband Equity, Access, and Deployment (BEAD) Program in the Commonwealth, the Department of Housing and Community Development is directed to submit annually on or before December 1 of 2024 through 2028 a report to the Governor,

the General Assembly, and the State Corporation Commission on the progress of broadband expansion projects across the Commonwealth funded through VATI and BEAD. Such report shall assess (i) the fiber mileage constructed, (ii) the locations passed, (iii) the timelines for remaining contracted projects, (iv) the amount of grant funding expended, and (v) the number of projects extended and the rationale for such extensions.

3. That any telecommunications service provider or cable television system that receives state or federal funding for infrastructure development in the Commonwealth shall coordinate with any public utility in the Commonwealth impacted by such funding receipt during any application process and shall promptly notify any such impacted public utility of such funding receipt within 30 days after such funding receipt.

4. That the requirements of § 56-466.1 of the Code of Virginia, as amended by this act, shall apply only to requests for pole access in the Commonwealth submitted by a telecommunications service provider or cable television system on or after July 1, 2024, and no provision of this act shall invalidate or impair any contract or agreement entered into prior to July 1, 2024.

CHAPTER 823

An Act to amend and reenact § 27-14 of the Code of Virginia, relating to local government ordinances related to fire departments; billing on behalf of volunteer fire departments.

[H 852]

Approved April 17, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 27-14 of the Code of Virginia is amended and reenacted as follows:

§ 27-14. Ordinances as to fire departments and fire companies.

A. The governing body of any county, city, or town in which a fire department or fire company is established may make such ordinances in relation to the powers and duties of such fire departments or fire companies, and chiefs and other officers of such fire departments or fire companies, as it may deem proper, including billing property owners on behalf of volunteer fire departments as provided in § 38.2-2130 *and billing on behalf of volunteer fire departments for the support of a licensed emergency medical services agency, as defined in § 32.1-111.1.*

B. The ordinances shall not require a minor who achieved certification under National Fire Protection Association 1001, level one, firefighter standards, as administered by the Department of Fire Programs, on or before January 1, 2006, between the ages of 15 and 16, to repeat the certification after his sixteenth birthday.

CHAPTER 824

An Act to amend the Code of Virginia by adding in Chapter 21 of Title 15.2 an article numbered 2.1, consisting of sections numbered 15.2-2121.1, 15.2-2121.2, and 15.2-2121.3, by adding in Chapter 3.2 of Title 44 a section numbered 44-146.29:4, and by adding in Article 2 of Chapter 10 of Title 56 sections numbered 56-245.1:3 and 56-245.1:4, relating to public utilities; municipal utilities; disconnection of service; limitations; consumer protections.

[H 906]

Approved April 17, 2024

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Chapter 21 of Title 15.2 an article numbered 2.1, consisting of sections numbered 15.2-2121.1, 15.2-2121.2, and 15.2-2121.3, by adding in Chapter 3.2 of Title 44 a section numbered 44-146.29:4, and by adding in Article 2 of Chapter 10 of Title 56 sections numbered 56-245.1:3 and 56-245.1:4 as follows:

Article 2.1.

Disconnection Provisions for Public Utilities.

§ 15.2-2121.1. Definitions.

As used in this article, "utility" means a public utility that is owned or operated by a locality of the Commonwealth.

§ 15.2-2121.2. Disconnection suspension for utilities.

A. 1. No electric utility shall disconnect from service any residential customer for the nonpayment of bills or fees (i) when the forecasted temperature low is at or below 32 degrees Fahrenheit within the 24 hours following the scheduled disconnection or (ii) when the forecasted temperature is at or above 92 degrees Fahrenheit within the 24 hours following the scheduled disconnection.

2. No gas utility shall disconnect from service any residential customer for nonpayment of bills or fees when the forecasted temperature low is at or below 32 degrees Fahrenheit within the 24 hours following the scheduled disconnection.

3. No water or wastewater utility shall disconnect from service any residential customer when the forecasted temperature is at or above 92 degrees Fahrenheit within the 24 hours following the scheduled disconnection.

4. To ascertain the projected temperature as provided in this subsection, each utility shall refer to the forecasted local temperature provided by the National Weather Service where the customer to be disconnected is located.

B. No utilities shall disconnect from service any residential customer for nonpayment of bills or fees on Fridays, weekends, state holidays, or the day immediately preceding a state holiday.

C. Nothing in this section shall be construed to limit utilities from voluntarily suspending scheduled disconnections during other extreme weather events, emergency conditions, or circumstances in which a utility determines such suspension is necessary to protect the health and safety of its customers and the reliability of utility service in the Commonwealth. Further, nothing in this section shall be construed to prohibit (i) a disconnection required by the conditions of subdivision A 8 of § 56-247.1, (ii) emergency disconnections for health and safety purposes, or (iii) the occurrence of an automatic service suspension associated with prepaid utility service. Any fees or expenses incurred by a utility in complying with the requirements of this section shall be recovered by the utility.

§ 15.2-2121.3. Notice procedures for nonpayment; disconnecting utility service.

A. Each utility subject to the provisions of this article shall provide to each of its residential customers a copy of its disconnection for nonpayment policy (i) at any time a new residential account is established, (ii) when any disconnection for nonpayment of bills or fees is scheduled by including a copy of the policy with such notice, or (iii) by publishing the disconnection policy on the utility's website. Each such utility shall provide all required notices in English and Spanish. Such required notices shall include information regarding payment plans and state, federal, or utility energy assistance programs.

B. Each utility subject to the provisions of this article shall deliver notice of nonpayment of bills or fees to its residential customers prior to disconnection by using at least one of the following methods: (i) mail, (ii) email, (iii) text message, (iv) phone call, or (v) door hanger.

C. Utility disconnections due to the nonpayment of bills or fees are prohibited for residential customers until the customer's account is 45 days in arrears. After each missed payment, the utility shall provide notice pursuant to subsection B and make contact with the customer and offer bill payment assistance, arrange a payment plan, or provide information to the customer for other bill payment assistance or energy savings programs.

D. No electric or gas utility shall require a deposit of more than 25 percent of the arrearage amount for service, exclusive of nonpayment fees, penalties, or interest, in order to restore service to any residential customer where such utility received funding from the Department of Social Services for such customer through the Home Energy Assistance Program pursuant to § 63.2-805 within the last 12 months. A customer is eligible for this provision once every three years.

§ 44-146.29:4. Disconnection suspension for certain utilities.

In the case of any state of emergency declared by the Governor in response to a communicable disease of public health threat, each utility that is engaged in the business of furnishing electricity, gas, water, or wastewater service and subject to the regulation of the State Corporation Commission or owned or operated by a municipality shall be suspended from disconnecting service to residential customers for nonpayment of bills or fees for 30 days upon the declaration of such emergency.

§ 56-245.1:3. Disconnection suspension for utilities.

A. As used in this section, "utility" means an electric company, a natural gas supplier, or a water supplier or wastewater service provider that is subject to the regulation of the Commission.

B. 1. No electric utility shall disconnect from service any residential customer for the nonpayment of bills or fees (i) when the forecasted temperature low is at or below 32 degrees Fahrenheit within the 24 hours following the scheduled disconnection or (ii) when the forecasted temperature is at or above 92 degrees Fahrenheit within the 24 hours following the scheduled disconnection.

2. No gas utility shall disconnect from service any residential customer for nonpayment of bills or fees when the forecasted temperature low is at or below 32 degrees Fahrenheit within the 24 hours following the scheduled disconnection.

3. No water or wastewater utility shall disconnect from service any residential customer when the forecasted temperature is at or above 92 degrees Fahrenheit within the 24 hours following the scheduled disconnection.

4. To ascertain the projected temperature as provided in this subsection, each utility shall refer to the forecasted local temperature provided by the National Weather Service where the customer to be disconnected is located.

C. No utilities shall disconnect from service any residential customer for nonpayment of bills or fees on Fridays, weekends, state holidays, or the day immediately preceding a state holiday.

D. Nothing in this section shall be construed to limit utilities from voluntarily suspending scheduled disconnections during other extreme weather events, emergency conditions, or circumstances in which a utility determines such suspension necessary to protect the health and safety of its customers and the reliability of utility service in the Commonwealth. Further, nothing in this section shall be construed to prohibit (i) a disconnection required by the conditions of subdivision A 8 of § 56-247.1, (ii) emergency disconnections for health and safety purposes, or (iii) the occurrence of an automatic service suspension associated with prepaid utility service. Any fees or expenses incurred by a utility in complying with the requirements of this section shall be recovered by the utility.

§ 56-245.1:4. Notice procedures for nonpayment; disconnecting utility service.

A. Each utility subject to the provisions of § 56-245.1:3 shall provide to each of its residential customers a copy of its disconnection for nonpayment policy (i) at any time a new residential account is established, (ii) when any disconnection for nonpayment of bills or fees is scheduled by including a copy of the policy with such notice, or (iii) by publishing the disconnection policy on the utility's website. Each such utility shall provide all required notices in English and Spanish.

Such required notices shall include information regarding payment plans and state, federal, or utility energy assistance programs.

B. Each utility subject to the provisions of this section shall deliver notice of nonpayment of bills or fees to its residential customers prior to disconnection by using at least two of the following methods: (i) mail, (ii) email, (iii) text message, (iv) phone call, or (v) door hanger.

C. Utility disconnections due to the nonpayment of bills or fees are prohibited for residential customers until the customer's account is 60 days in arrears. After each missed payment, the utility shall provide notice pursuant to subsection B and make contact with the customer and offer bill payment assistance, arrange a payment plan, or provide information to the customer for other bill payment assistance or energy savings programs.

D. No electric or gas utility shall require a deposit of more than 25 percent of the arrearage amount for service, exclusive of nonpayment fees, penalties, or interest, in order to restore service to any residential customer where such utility received funding from the Department of Social Services for such customer through the Home Energy Assistance Program pursuant to § 63.2-805 within the last 12 months. A customer is eligible for this provision once every three years.

2. That the State Corporation Commission (the Commission) may, in its discretion, direct a utility subject to the Commission's jurisdiction and the provisions of §§ 44-146.29:4 and 56-245.1:3 of the Code of Virginia, as created by this act, to extend or otherwise modify a suspension or limitation on disconnecting service to residential customers beyond the time periods prescribed by this act (i) if the Commission finds such extension or modification to be necessary or in the public interest and (ii) provided that any such modification does not shorten the disconnection suspension under § 44-146.29:4 of the Code of Virginia, as created by this act, to a time period of less than 30 days. Prior to issuing any such extension or modification, the Commission shall convene a stakeholder meeting to seek input from utility representatives, interested parties, and customers to inform such decision and determine whether such decision is in the public interest.

CHAPTER 825

An Act to amend the Code of Virginia by adding a section numbered 55.1-1243.2, relating to Virginia Residential Landlord and Tenant Act; tenant's remedies for exclusion from dwelling unit due to condemnation.

[H 957]

Approved April 17, 2024

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 55.1-1243.2 as follows:

§ 55.1-1243.2. Tenant's remedies for exclusion from dwelling unit due to condemnation.

A. If the tenant gave notice to the landlord during the tenancy that his dwelling unit was in violation of an applicable building code, such violation posed a substantial risk to the health, safety, or welfare of a tenant, and such violation resulted in the tenant being excluded from his dwelling unit due to such unit being condemned, the landlord shall be liable to the tenant for actual damages. The landlord shall also return to the tenant any (i) prepaid rent that had not become due as of the date of condemnation, (ii) security deposit, or (iii) rent paid, if any, to the landlord subsequent to the unit being condemned.

B. No landlord shall be liable pursuant to this section if:

1. The condemnation of the dwelling unit was caused by (i) the deliberate or negligent act or omission of the tenant, an authorized occupant, or a guest or invitee of the tenant or (ii) an act of God; or

2. The lease was properly terminated pursuant to § 55.1-1240.

CHAPTER 826

An Act to amend the Code of Virginia by adding a section numbered 55.1-1204.1, relating to Virginia Residential Landlord and Tenant Act; fee disclosure statement.

[H 967]

Approved April 17, 2024

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 55.1-1204.1 as follows:

§ 55.1-1204.1. Fee disclosure statement.

A landlord shall provide, beginning on the first page of the written rental agreement, a description of any rent and fees to be charged to the tenant in addition to the periodic rent. Immediately above the list of fees, the written rental agreement shall state: No fee shall be collected unless it is listed below or incorporated into this agreement by way of a separate addendum after execution of this rental agreement.

CHAPTER 827

An Act to amend and reenact §§ 56-594 and 56-594.02 of the Code of Virginia, relating to net energy metering; eligible customer-generators and eligible agricultural customer-generators.

[H 1062]

Approved April 17, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 56-594 and 56-594.02 of the Code of Virginia are amended and reenacted as follows:

§ 56-594. Net energy metering provisions.

A. The Commission shall establish by regulation a program that affords eligible customer-generators the opportunity to participate in net energy metering, and a program, to begin no later than July 1, 2014, for customers of investor-owned utilities and to begin no later than July 1, 2015, and to end July 1, 2019, for customers of electric cooperatives as provided in subsection G, to afford eligible agricultural customer-generators the opportunity to participate in net energy metering. The regulations may include, but need not be limited to, requirements for (i) retail sellers; (ii) owners or operators of distribution or transmission facilities; (iii) providers of default service; (iv) eligible customer-generators; (v) eligible agricultural customer-generators; or (vi) any combination of the foregoing, as the Commission determines will facilitate the provision of net energy metering, provided that the Commission determines that such requirements do not adversely affect the public interest. On and after July 1, 2017, small agricultural generators or eligible agricultural customer-generators may elect to interconnect pursuant to the provisions of this section or as small agricultural generators pursuant to § 56-594.2, but not both. Existing eligible agricultural customer-generators may elect to become small agricultural generators, but may not revert to being eligible agricultural customer-generators after such election. On and after July 1, 2019, interconnection of eligible agricultural customer-generators shall cease for electric cooperatives only, and such facilities shall interconnect solely as small agricultural generators. For electric cooperatives, eligible agricultural customer-generators whose renewable energy generating facilities were interconnected before July 1, 2019, may continue to participate in net energy metering pursuant to this section for a period not to exceed 25 years from the date of their renewable energy generating facility's original interconnection.

B. For the purpose of this section:

"Eligible agricultural customer-generator" means a customer that operates a renewable energy generating facility as part of an agricultural business, which generating facility (i) uses as its sole energy source solar power, wind power, or aerobic or anaerobic digester gas, (ii) does not have an aggregate generation capacity of more than 500 kilowatts, (iii) is located on land owned or controlled by the agricultural business, (iv) is connected to the customer's wiring on the customer's side of its interconnection with the distributor; (v) is interconnected and operated in parallel with an electric company's transmission and distribution facilities, and (vi) is used primarily to provide energy to metered accounts of the agricultural business. An eligible agricultural customer-generator may be served by multiple meters serving the eligible agricultural customer-generator that are located at the same or adjacent sites, such that the eligible agricultural customer-generator may aggregate in a single account the electricity consumption and generation measured by the meters, provided that the same utility serves all such meters. The aggregated load shall be served under the appropriate tariff.

"Eligible customer-generator" means a customer that owns and operates, or contracts with other persons to own, operate, or both, an electrical generating facility*, including any additions or enhancements such as battery storage or a smart inverter,* that (i) has a capacity of not more than 25 kilowatts for residential customers and not more than three megawatts for nonresidential customers; (ii) uses as its total source of fuel renewable energy, as defined in § 56-576; (iii) is located on land owned or leased by the customer and is connected to the customer's wiring on the customer's side of its interconnection with the distributor; (iv) is interconnected and operated in parallel with an electric company's transmission and distribution facilities; and (v) is intended primarily to offset all or part of the customer's own electricity requirements. *No contract, lease, or arrangement by which a third party owns, maintains, or operates an electrical generating facility on an eligible customer-generator's property shall constitute the sale of electricity or cause the customer-generator or the third party to be considered an electric utility by virtue of participating in net energy metering.* In addition to the electrical generating facility size limitations in clause (i), the capacity of any generating facility installed under this section between July 1, 2015, and July 1, 2020, shall not exceed the expected annual energy consumption based on the previous 12 months of billing history or an annualized calculation of billing history if 12 months of billing history is not available. In addition to the electrical generating facility size limitation in clause (i), in the certificated service territory of a Phase I Utility, the capacity of any generating facility installed under this section after July 1, 2020, shall not exceed 100 percent of the expected annual energy consumption based on the previous 12 months of billing history or an annualized calculation of billing history if 12 months of billing history is not available, and in the certificated service territory of a Phase II Utility, the capacity of any generating facility installed under this section after July 1, 2020, shall not exceed 150 percent of the expected annual energy consumption based on the previous 12 months of billing history or an annualized calculation of billing history if 12 months of billing history is not available.

"Net energy metering" means measuring the difference, over the net metering period, between (i) electricity supplied to an eligible customer-generator or eligible agricultural customer-generator from the electric grid and (ii) the electricity generated and fed back to the electric grid by the eligible customer-generator or eligible agricultural customer-generator.

"Net metering period" means the 12-month period following the date of final interconnection of the eligible customer-generator's or eligible agricultural customer-generator's system with an electric service provider, and each 12-month period thereafter.

"Small agricultural generator" has the same meaning that is ascribed to that term in § 56-594.2.

C. The Commission's regulations shall ensure that (i) the metering equipment installed for net metering shall be capable of measuring the flow of electricity in two directions and (ii) any eligible customer-generator seeking to participate in net energy metering shall notify its supplier and receive approval to interconnect prior to installation of an electrical generating facility. The electric distribution company shall have 30 days from the date of notification for residential facilities, and 60 days from the date of notification for nonresidential facilities, to determine whether the interconnection requirements have been met. Such regulations shall allocate fairly the cost of such equipment and any necessary interconnection. An eligible customer-generator's electrical generating system, and each electrical generating system of an eligible agricultural customer-generator, shall meet all applicable safety and performance standards established by the National Electrical Code, the Institute of Electrical and Electronics Engineers, and accredited testing laboratories such as Underwriters Laboratories. Beyond the requirements set forth in this section and to ensure public safety, power quality, and reliability of the supplier's electric distribution system, an eligible customer-generator or eligible agricultural customer-generator whose electrical generating system meets those standards and rules shall bear all reasonable costs of equipment required for the interconnection to the supplier's electric distribution system, including costs, if any, to (a) install additional controls~~,~~ *and* (b) perform or pay for additional tests~~, and (c)~~. *No eligible customer-generator or eligible agricultural customer-generator shall be required to provide proof of liability insurance or to* purchase additional liability insurance *as a condition of interconnection*.

D. The Commission shall establish minimum requirements for contracts to be entered into by the parties to net metering arrangements. Such requirements shall protect the eligible customer-generator or eligible agricultural customer-generator against discrimination by virtue of its status as an eligible customer-generator or eligible agricultural customer-generator, and permit customers that are served on time-of-use tariffs that have electricity supply demand charges contained within the electricity supply portion of the time-of-use tariffs to participate as an eligible customer-generator or eligible agricultural customer-generator. Notwithstanding the cost allocation provisions of subsection C, eligible customer-generators or eligible agricultural customer-generators served on demand charge-based time-of-use tariffs shall bear the incremental metering costs required to net meter such customers.

E. If electricity generated by an eligible customer-generator or eligible agricultural customer-generator over the net metering period exceeds the electricity consumed by the eligible customer-generator or eligible agricultural customer-generator, the customer-generator or eligible agricultural customer-generator shall be compensated for the excess electricity if the entity contracting to receive such electric energy and the eligible customer-generator or eligible agricultural customer-generator enter into a power purchase agreement for such excess electricity. Upon the written request of the eligible customer-generator or eligible agricultural customer-generator, the supplier that serves the eligible customer-generator or eligible agricultural customer-generator shall enter into a power purchase agreement with the requesting eligible customer-generator or eligible agricultural customer-generator that is consistent with the minimum requirements for contracts established by the Commission pursuant to subsection D. The power purchase agreement shall obligate the supplier to purchase such excess electricity at the rate that is provided for such purchases in a net metering standard contract or tariff approved by the Commission, unless the parties agree to a higher rate. The eligible customer-generator or eligible agricultural customer-generator owns any renewable energy certificates associated with its electrical generating facility; however, at the time that the eligible customer-generator or eligible agricultural customer-generator enters into a power purchase agreement with its supplier, the eligible customer-generator or eligible agricultural customer-generator shall have a one-time option to sell the renewable energy certificates associated with such electrical generating facility to its supplier and be compensated at an amount that is established by the Commission to reflect the value of such renewable energy certificates. Nothing in this section shall prevent the eligible customer-generator or eligible agricultural customer-generator and the supplier from voluntarily entering into an agreement for the sale and purchase of excess electricity or renewable energy certificates at mutually-agreed upon prices if the eligible customer-generator or eligible agricultural customer-generator does not exercise its option to sell its renewable energy certificates to its supplier at Commission-approved prices at the time that the eligible customer-generator or eligible agricultural customer-generator enters into a power purchase agreement with its supplier. All costs incurred by the supplier to purchase excess electricity and renewable energy certificates from eligible customer-generators or eligible agricultural customer-generators shall be recoverable through its Renewable Energy Portfolio Standard (RPS) rate adjustment clause, if the supplier has a Commission-approved RPS plan. If not, then all costs shall be recoverable through the supplier's fuel adjustment clause. For purposes of this section, "all costs" shall be defined as the rates paid to the eligible customer-generator or eligible agricultural customer-generator for the purchase of excess electricity and renewable energy certificates and any administrative costs incurred to manage the eligible customer-generator's or eligible agricultural customer-generator's power purchase arrangements. The net metering standard contract or tariff shall be available to eligible customer-generators or eligible agricultural customer-generators on a first-come, first-served basis in each electric distribution company's Virginia service area until the rated generating capacity owned and operated by eligible customer-generators, eligible agricultural customer-generators, and small agricultural generators in the Commonwealth reaches six percent, in the aggregate, five percent of which is available to all customers and one percent of which is

available only to low-income utility customers of each electric distribution company's adjusted Virginia peak-load forecast for the previous year, and shall require the supplier to pay the eligible customer-generator or eligible agricultural customer-generator for such excess electricity in a timely manner at a rate to be established by the Commission.

On and after the earlier of (i) 2024 for a Phase I Utility or 2025 for a Phase II Utility or (ii) when the aggregate rated generating capacity owned and operated by eligible customer-generators, eligible agricultural customer-generators, and small agricultural generators in the Commonwealth reaches three percent of a Phase I or Phase II Utility's adjusted Virginia peak-load forecast for the previous year, the Commission shall conduct a net energy metering proceeding.

In any net energy metering proceeding, the Commission shall, after notice and opportunity for hearing, evaluate and establish (a) an amount customers shall pay on their utility bills each month for the costs of using the utility's infrastructure; (b) an amount the utility shall pay to appropriately compensate the customer, as determined by the Commission, for the total benefits such facilities provide; (c) the direct and indirect economic impact of net metering to the Commonwealth; and (d) any other information the Commission deems relevant. The Commission shall establish an appropriate rate structure related thereto, which shall govern compensation related to all eligible customer-generators, eligible agricultural customer-generators, and small agricultural generators, except low-income utility customers, that interconnect after the effective date established in the Commission's final order. Nothing in the Commission's final order shall affect any eligible customer-generators, eligible agricultural customer-generators, and small agricultural generators who interconnect before the effective date of such final order. As part of the net energy metering proceeding, the Commission shall evaluate the six percent aggregate net metering cap and may, if appropriate, raise or remove such cap. The Commission shall enter its final order in such a proceeding no later than 12 months after it commences such proceeding, and such final order shall establish a date by which the new terms and conditions shall apply for interconnection and shall also provide that, if the terms and conditions of compensation in the final order differ from the terms and conditions available to customers before the proceeding, low-income utility customers may interconnect under whichever terms are most favorable to them.

F. Any residential eligible customer-generator or eligible agricultural customer-generator, in the service territory of a Phase II Utility who owns and operates, or contracts with other persons to own, operate, or both, an electrical generating facility with a capacity that exceeds 15 kilowatts shall pay to its supplier, in addition to any other charges authorized by law, a monthly standby charge. The amount of the standby charge and the terms and conditions under which it is assessed shall be in accordance with a methodology developed by the supplier and approved by the Commission. The Commission shall approve a supplier's proposed standby charge methodology if it finds that the standby charges collected from all such eligible customer-generators and eligible agricultural customer-generators allow the supplier to recover only the portion of the supplier's infrastructure costs that are properly associated with serving such eligible customer-generators or eligible agricultural customer-generators. Such an eligible customer-generator or eligible agricultural customer-generator shall not be liable for a standby charge until the date specified in an order of the Commission approving its supplier's methodology. For customers of all other investor-owned utilities, on and after July 1, 2020, standby charges are prohibited for any residential eligible customer-generator or agricultural customer-generator.

G. On and after the later of July 1, 2019, or the effective date of regulations that the Commission is required to adopt pursuant to § 56-594.01, (i) net energy metering in the service territory of each electric cooperative shall be conducted as provided in a program implemented pursuant to § 56-594.01 and (ii) the provisions of this section shall not apply to net energy metering in the service territory of an electric cooperative except as provided in § 56-594.01.

H. The Commission may adopt such rules or establish such guidelines as may be necessary for its general administration of this section.

I. When the Commission conducts a net energy metering proceeding, it shall:

1. Investigate and determine the costs and benefits of the current net energy metering program;

2. Establish an appropriate netting measurement interval for a successor tariff that is just and reasonable in light of the costs and benefits of the net metering program in aggregate, and applicable to new requests for net energy metering service; ~~and~~

3. Determine a specific avoided cost for customer-generators, the different type of customer-generator technologies where the Commission deems it appropriate, and establish the methodology for determining the compensation rate for any net excess generation determined according to the applicable net measurement interval for any new tariff*; and*

4. Make all reasonable efforts to ensure that the net energy metering program does not result in unreasonable cost-shifting to nonparticipating electric utility customers.

J. In evaluating the costs and benefits of the net energy metering program, the Commission shall consider:

1. The aggregate impact of customer-generators on the electric utility's long-run marginal costs of generation, distribution, and transmission;

2. The cost of service implications of customer-generators on other customers within the same class, including an evaluation of whether customer-generators provide an adequate rate of return to the electrical utility compared to the otherwise applicable rate class when, for analytical purposes only, examined as a separate class within a cost of service study;

3. The direct and indirect economic impact of the net energy metering program to the Commonwealth; and

4. Any other information it deems relevant, including environmental and resilience benefits of customer-generator facilities.

K. Notwithstanding the provisions of this section, § 56-585.1:8, or any other provision of law to the contrary, any locality that is a nonjurisdictional customer of a Phase II Utility, as defined in § 56-585.1:3, and is in Planning District Eight with a population greater than 1 million may (i) install solar-powered or wind-powered electric generation facilities with a rated capacity not exceeding five megawatts, whether the facilities are owned by the locality or owned and operated by a third party pursuant to a contract with the locality, on any locality-owned site within the locality and (ii) credit the electricity generated at any such facility as directed by the governing body of the locality to any one or more of the metered accounts of buildings or other facilities of the locality or the locality's public school division that are located within the locality, without regard to whether the buildings and facilities are located at the same site where the electric generation facility is located or at a site contiguous thereto. The amount of the credit for such electricity to the metered accounts of the locality or its public school division shall be identical, with respect to the rate structure, all retail rate components, and monthly charges, to the amount the locality or public school division would otherwise be charged for such amount of electricity under its contract with the public utility, without the assessment by the public utility of any distribution charges, service charges, or fees in connection with or arising out of such crediting.

L. Any eligible customer-generator or eligible agricultural customer-generator may participate in demand response, energy efficiency, or peak reduction from dispatch of onsite battery service, provided that the compensation received is in exchange for a distinct service that is not already compensated by net metering credits for electricity exported to the electric distribution system or compensated by any other utility program or tariff. The Commission shall review and evaluate the continuing need for the imposition of standby or other charges on eligible customer-generators or eligible agricultural customer-generators in any net energy metering proceeding conducted pursuant to subsection E.

§ 56-594.02. Solar-powered or wind-powered electricity generation; power purchase agreements; pilot programs.

A. The Commission shall conduct pilot programs under which a person that owns or operates a solar-powered or wind-powered electricity generation facility located on premises owned or leased by an eligible customer-generator, as defined in § 56-594, shall be permitted to sell the electricity generated from such facility exclusively to such eligible customer-generator under a power purchase agreement used to provide third party financing of the costs of such a renewable generation facility (third party power purchase agreement), subject to the following terms, conditions, and restrictions:

1. Notwithstanding subsection G of § 56-580 or any other provision of law, a pilot program shall be conducted within the certificated service territory of each investor-owned electric utility ("Pilot Utility");

2. Except as provided in this subdivision, both jurisdictional and nonjurisdictional customers may participate in such pilot programs on a first-come, first-serve basis. The aggregated capacity of all generation facilities that are subject to such third party power purchase agreements at any time during the pilot program shall not exceed 500 megawatts for Virginia jurisdictional customers and 500 megawatts for Virginia nonjurisdictional customers. Such limitation on the aggregated capacity of such facilities shall constitute a portion of the existing limit of six percent of each Pilot Utility's adjusted Virginia peak-load forecast for the previous year that is available to eligible customer-generators pursuant to subsection E of § 56-594. Notwithstanding any provision of this section that incorporates provisions of § 56-594, the seller and the customer shall elect either to (i) enter into their third party power purchase agreement subject to the conditions and provisions of the Pilot Utility's net energy metering program under § 56-594 or (ii) provide that electricity generated from the generation facilities subject to the third party power purchase agreement will not be net metered under § 56-594, provided that an election not to net meter under § 56-594 shall not exempt the third party power purchase agreement and the parties thereto from the requirements of this section that incorporate provisions of § 56-594;

3. A solar-powered or wind-powered generation facility with a capacity of no less than 50 kilowatts and no more than three megawatts shall be eligible for a third party power purchase agreement under a pilot program; however, if the customer under such agreement is a low-income utility customer, as defined in § 56-576, or is an entity with tax-exempt status in accordance with § 501(c) of the Internal Revenue Code of 1954, as amended, then such facility is eligible for the pilot program even if it does not meet the 50 kilowatts minimum size requirement. The maximum generation capacity of three megawatts shall not affect the limits on the capacity of electrical generating capacities of 25 kilowatts for residential customers and three megawatts for nonresidential customers set forth in subsection B of § 56-594, which limitations shall continue to apply to net energy metering generation facilities regardless of whether they are the subject of a third party power purchase agreement under the pilot program;

4. A generation facility that is the subject of a third party power purchase agreement under the pilot program shall serve only one customer, and a third party power purchase agreement shall not serve multiple customers;

5. The customer under a third party power purchase agreement under the pilot program shall be subject to the interconnection and other requirements imposed on eligible customer-generators pursuant to subsection C of § 56-594, including the requirement that the customer bear the reasonable costs, as determined by the Commission, of the items described in clauses ~~(i), (ii),~~ *(a)* and ~~(iii)~~ *(b)* of such subsection;

6. A third party power purchase agreement under the pilot program shall not be valid unless it conforms in all respects to the requirements of the pilot program conducted under the provisions of this section and unless the Commission and the Pilot Utility are provided written notice of the parties' intent to enter into a third party power purchase agreement not less than 30 days prior to the agreement's proposed effective date; and

7. An affiliate of the Pilot Utility shall be permitted to offer and enter into third party power purchase arrangements on the same basis as may any other person that satisfies the requirements of being a seller under a third party power purchase agreement under the pilot program.

B. The Commission shall review the pilot program established pursuant to subsection A in 2015 and every two years thereafter during the pilot program. In its review, the Commission shall determine whether the limitations in subdivisions A 2 and 3 should be expanded, reduced, or continued.

C. Any third party power purchase agreement that is not entered into pursuant to the pilot program established pursuant to subsection A is prohibited in the Pilot Utility's service territory, unless such third party power purchase agreement is entered into between a licensed supplier and a retail customer pursuant to § 56-577 where such supplier is responsible for serving 100 percent of the load requirements for each retail customer account it serves.

D. If the Commission approves a tariff proposed for electric power provided 100 percent from renewable energy that serves 100 percent of the load requirements for each retail customer account it serves under such tariff, hereafter referred to as a "green tariff," such a green tariff shall not be available to any party to a third party power purchase agreement for the account being served by such power purchase agreement, and such an agreement shall remain in effect notwithstanding the approval of the green tariff.

E. Nothing in this section shall be construed as (i) rendering any person, by virtue of its selling electric power to an eligible customer-generator under a third party power purchase agreement entered into pursuant to the pilot program established under this section, a public utility or a competitive service provider, (ii) imposing a requirement that such a person meet 100 percent of the load requirements for each retail customer account it serves, or (iii) affecting third party power purchase agreements in effect prior to July 1, 2013.

F. Nothing in this section shall abridge any rights of either party to an agreement between a Pilot Utility and a group purchasing organization acting on behalf of Virginia local governments regarding the purchase of electric service.

G. The Commission shall, by December 1, 2013, establish guidelines concerning (i) information to be provided in notices required under subdivision A 6 and (ii) procedures for aggregating and posting to the Commission's web site information derived from the aforesaid notices, including total capacity utilized by pilot projects for which notice has been received and capacity remaining available for future pilot projects. In addition, the Commission may adopt such rules or establish such guidelines as may be necessary for its general administration of the pilot program established under this section.

CHAPTER 828

An Act to amend and reenact §§ 59.1-200 and 59.1-293.10 of the Code of Virginia and to amend the Code of Virginia by adding in Chapter 23.2 of Title 59.1 sections numbered 59.1-293.12 through 59.1-293.19, relating to liquid nicotine and nicotine vapor products; certification and directory; penalties.

[H 1069]

Approved April 17, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 59.1-200 and 59.1-293.10 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Chapter 23.2 of Title 59.1 sections numbered 59.1-293.12 through 59.1-293.19 as follows:

§ 59.1-200. Prohibited practices.

A. The following fraudulent acts or practices committed by a supplier in connection with a consumer transaction are hereby declared unlawful:

1. Misrepresenting goods or services as those of another;

2. Misrepresenting the source, sponsorship, approval, or certification of goods or services;

3. Misrepresenting the affiliation, connection, or association of the supplier, or of the goods or services, with another;

4. Misrepresenting geographic origin in connection with goods or services;

5. Misrepresenting that goods or services have certain quantities, characteristics, ingredients, uses, or benefits;

6. Misrepresenting that goods or services are of a particular standard, quality, grade, style, or model;

7. Advertising or offering for sale goods that are used, secondhand, repossessed, defective, blemished, deteriorated, or reconditioned, or that are "seconds," irregulars, imperfects, or "not first class," without clearly and unequivocally indicating in the advertisement or offer for sale that the goods are used, secondhand, repossessed, defective, blemished, deteriorated, reconditioned, or are "seconds," irregulars, imperfects or "not first class";

8. Advertising goods or services with intent not to sell them as advertised, or with intent not to sell at the price or upon the terms advertised.

In any action brought under this subdivision, the refusal by any person, or any employee, agent, or servant thereof, to sell any goods or services advertised or offered for sale at the price or upon the terms advertised or offered, shall be prima facie evidence of a violation of this subdivision. This paragraph shall not apply when it is clearly and conspicuously stated in the advertisement or offer by which such goods or services are advertised or offered for sale, that the supplier or offeror has a limited quantity or amount of such goods or services for sale, and the supplier or offeror at the time of such advertisement or offer did in fact have or reasonably expected to have at least such quantity or amount for sale;

9. Making false or misleading statements of fact concerning the reasons for, existence of, or amounts of price reductions;

10. Misrepresenting that repairs, alterations, modifications, or services have been performed or parts installed;

11. Misrepresenting by the use of any written or documentary material that appears to be an invoice or bill for merchandise or services previously ordered;

12. Notwithstanding any other provision of law, using in any manner the words "wholesale," "wholesaler," "factory," or "manufacturer" in the supplier's name, or to describe the nature of the supplier's business, unless the supplier is actually engaged primarily in selling at wholesale or in manufacturing the goods or services advertised or offered for sale;

13. Using in any contract or lease any liquidated damage clause, penalty clause, or waiver of defense, or attempting to collect any liquidated damages or penalties under any clause, waiver, damages, or penalties that are void or unenforceable under any otherwise applicable laws of the Commonwealth, or under federal statutes or regulations;

13a. Failing to provide to a consumer, or failing to use or include in any written document or material provided to or executed by a consumer, in connection with a consumer transaction any statement, disclosure, notice, or other information however characterized when the supplier is required by 16 C.F.R. Part 433 to so provide, use, or include the statement, disclosure, notice, or other information in connection with the consumer transaction;

14. Using any other deception, fraud, false pretense, false promise, or misrepresentation in connection with a consumer transaction;

15. Violating any provision of § 3.2-6509, 3.2-6512, 3.2-6513, 3.2-6513.1, 3.2-6514, 3.2-6515, 3.2-6516, or 3.2-6519 is a violation of this chapter;

16. Failing to disclose all conditions, charges, or fees relating to:

a. The return of goods for refund, exchange, or credit. Such disclosure shall be by means of a sign attached to the goods, or placed in a conspicuous public area of the premises of the supplier, so as to be readily noticeable and readable by the person obtaining the goods from the supplier. If the supplier does not permit a refund, exchange, or credit for return, he shall so state on a similar sign. The provisions of this subdivision shall not apply to any retail merchant who has a policy of providing, for a period of not less than 20 days after date of purchase, a cash refund or credit to the purchaser's credit card account for the return of defective, unused, or undamaged merchandise upon presentation of proof of purchase. In the case of merchandise paid for by check, the purchase shall be treated as a cash purchase and any refund may be delayed for a period of 10 banking days to allow for the check to clear. This subdivision does not apply to sale merchandise that is obviously distressed, out of date, post season, or otherwise reduced for clearance; nor does this subdivision apply to special order purchases where the purchaser has requested the supplier to order merchandise of a specific or unusual size, color, or brand not ordinarily carried in the store or the store's catalog; nor shall this subdivision apply in connection with a transaction for the sale or lease of motor vehicles, farm tractors, or motorcycles as defined in § 46.2-100;

b. A layaway agreement. Such disclosure shall be furnished to the consumer (i) in writing at the time of the layaway agreement, or (ii) by means of a sign placed in a conspicuous public area of the premises of the supplier, so as to be readily noticeable and readable by the consumer, or (iii) on the bill of sale. Disclosure shall include the conditions, charges, or fees in the event that a consumer breaches the agreement;

16a. Failing to provide written notice to a consumer of an existing open-end credit balance in excess of $5 (i) on an account maintained by the supplier and (ii) resulting from such consumer's overpayment on such account. Suppliers shall give consumers written notice of such credit balances within 60 days of receiving overpayments. If the credit balance information is incorporated into statements of account furnished consumers by suppliers within such 60-day period, no separate or additional notice is required;

17. If a supplier enters into a written agreement with a consumer to resolve a dispute that arises in connection with a consumer transaction, failing to adhere to the terms and conditions of such an agreement;

18. Violating any provision of the Virginia Health Club Act, Chapter 24 (§ 59.1-294 et seq.);

19. Violating any provision of the Virginia Home Solicitation Sales Act, Chapter 2.1 (§ 59.1-21.1 et seq.);

20. Violating any provision of the Automobile Repair Facilities Act, Chapter 17.1 (§ 59.1-207.1 et seq.);

21. Violating any provision of the Virginia Lease-Purchase Agreement Act, Chapter 17.4 (§ 59.1-207.17 et seq.);

22. Violating any provision of the Prizes and Gifts Act, Chapter 31 (§ 59.1-415 et seq.);

23. Violating any provision of the Virginia Public Telephone Information Act, Chapter 32 (§ 59.1-424 et seq.);

24. Violating any provision of § 54.1-1505;

25. Violating any provision of the Motor Vehicle Manufacturers' Warranty Adjustment Act, Chapter 17.6 (§ 59.1-207.34 et seq.);

26. Violating any provision of § 3.2-5627, relating to the pricing of merchandise;

27. Violating any provision of the Pay-Per-Call Services Act, Chapter 33 (§ 59.1-429 et seq.);

28. Violating any provision of the Extended Service Contract Act, Chapter 34 (§ 59.1-435 et seq.);

29. Violating any provision of the Virginia Membership Camping Act, Chapter 25 (§ 59.1-311 et seq.);

30. Violating any provision of the Comparison Price Advertising Act, Chapter 17.7 (§ 59.1-207.40 et seq.);

31. Violating any provision of the Virginia Travel Club Act, Chapter 36 (§ 59.1-445 et seq.);

32. Violating any provision of §§ 46.2-1231 and 46.2-1233.1;

33. Violating any provision of Chapter 40 (§ 54.1-4000 et seq.) of Title 54.1;

34. Violating any provision of Chapter 10.1 (§ 58.1-1031 et seq.) of Title 58.1;

35. Using the consumer's social security number as the consumer's account number with the supplier, if the consumer has requested in writing that the supplier use an alternate number not associated with the consumer's social security number;

36. Violating any provision of Chapter 18 (§ 6.2-1800 et seq.) of Title 6.2;

37. Violating any provision of § 8.01-40.2;

38. Violating any provision of Article 7 (§ 32.1-212 et seq.) of Chapter 6 of Title 32.1;

39. Violating any provision of Chapter 34.1 (§ 59.1-441.1 et seq.);

40. Violating any provision of Chapter 20 (§ 6.2-2000 et seq.) of Title 6.2;

41. Violating any provision of the Virginia Post-Disaster Anti-Price Gouging Act, Chapter 46 (§ 59.1-525 et seq.);

42. Violating any provision of Chapter 47 (§ 59.1-530 et seq.);

43. Violating any provision of § 59.1-443.2;

44. Violating any provision of Chapter 48 (§ 59.1-533 et seq.);

45. Violating any provision of Chapter 25 (§ 6.2-2500 et seq.) of Title 6.2;

46. Violating the provisions of clause (i) of subsection B of § 54.1-1115;

47. Violating any provision of § 18.2-239;

48. Violating any provision of Chapter 26 (§ 59.1-336 et seq.);

49. Selling, offering for sale, or manufacturing for sale a children's product the supplier knows or has reason to know was recalled by the U.S. Consumer Product Safety Commission. There is a rebuttable presumption that a supplier has reason to know a children's product was recalled if notice of the recall has been posted continuously at least 30 days before the sale, offer for sale, or manufacturing for sale on the website of the U.S. Consumer Product Safety Commission. This prohibition does not apply to children's products that are used, secondhand or "seconds";

50. Violating any provision of Chapter 44.1 (§ 59.1-518.1 et seq.);

51. Violating any provision of Chapter 22 (§ 6.2-2200 et seq.) of Title 6.2;

52. Violating any provision of § 8.2-317.1;

53. Violating subsection A of § 9.1-149.1;

54. Selling, offering for sale, or using in the construction, remodeling, or repair of any residential dwelling in the Commonwealth, any drywall that the supplier knows or has reason to know is defective drywall. This subdivision shall not apply to the sale or offering for sale of any building or structure in which defective drywall has been permanently installed or affixed;

55. Engaging in fraudulent or improper or dishonest conduct as defined in § 54.1-1118 while engaged in a transaction that was initiated (i) during a declared state of emergency as defined in § 44-146.16 or (ii) to repair damage resulting from the event that prompted the declaration of a state of emergency, regardless of whether the supplier is licensed as a contractor in the Commonwealth pursuant to Chapter 11 (§ 54.1-1100 et seq.) of Title 54.1;

56. Violating any provision of Chapter 33.1 (§ 59.1-434.1 et seq.);

57. Violating any provision of § 18.2-178, 18.2-178.1, or 18.2-200.1;

58. Violating any provision of Chapter 17.8 (§ 59.1-207.45 et seq.);

59. Violating any provision of subsection E of § 32.1-126;

60. Violating any provision of § 54.1-111 relating to the unlicensed practice of a profession licensed under Chapter 11 (§ 54.1-1100 et seq.) or Chapter 21 (§ 54.1-2100 et seq.) of Title 54.1;

61. Violating any provision of § 2.2-2001.5;

62. Violating any provision of Chapter 5.2 (§ 54.1-526 et seq.) of Title 54.1;

63. Violating any provision of § 6.2-312;

64. Violating any provision of Chapter 20.1 (§ 6.2-2026 et seq.) of Title 6.2;

65. Violating any provision of Chapter 26 (§ 6.2-2600 et seq.) of Title 6.2;

66. Violating any provision of Chapter 54 (§ 59.1-586 et seq.);

67. Knowingly violating any provision of § 8.01-27.5;

68. Failing to, in accordance with § 59.1-207.46, (i) make available a conspicuous online option to cancel a recurring purchase of a good or service or (ii) with respect to a free trial lasting more than 30 days, notify a consumer of his option to cancel such free trial within 30 days of the end of the trial period to avoid an obligation to pay for the goods or services;

69. Selling or offering for sale any substance intended for human consumption, orally or by inhalation, that contains a synthetic derivative of tetrahydrocannabinol. As used in this subdivision, "synthetic derivative" means a chemical compound produced by man through a chemical transformation to turn a compound into a different compound by adding or subtracting molecules to or from the original compound. This subdivision shall not (i) apply to products that are approved for marketing by the U.S. Food and Drug Administration and scheduled in the Drug Control Act (§ 54.1-3400 et seq.) or (ii) be construed to prohibit any conduct permitted under Chapter 16 (§ 4.1-1600 et seq.) of Title 4.1;

70. Selling or offering for sale to a person younger than 21 years of age any substance intended for human consumption, orally or by inhalation, that contains tetrahydrocannabinol. This subdivision shall not (i) apply to products that are approved for marketing by the U.S. Food and Drug Administration and scheduled in the Drug Control Act (§ 54.1-3400 et seq.) or (ii) be construed to prohibit any conduct permitted under Chapter 16 (§ 4.1-1600 et seq.) of Title 4.1;

71. Selling or offering for sale any substance intended for human consumption, orally or by inhalation, that contains tetrahydrocannabinol, unless such substance is (i) contained in child-resistant packaging, as defined in § 4.1-600; (ii) equipped with a label that states, in English and in a font no less than 1/16 of an inch, (a) that the substance contains

tetrahydrocannabinol and may not be sold to persons younger than 21 years of age, (b) all ingredients contained in the substance, (c) the amount of such substance that constitutes a single serving, and (d) the total percentage and milligrams of tetrahydrocannabinol included in the substance and the number of milligrams of tetrahydrocannabinol that are contained in each serving; and (iii) accompanied by a certificate of analysis, produced by an independent laboratory that is accredited pursuant to standard ISO/IEC 17025 of the International Organization of Standardization by a third-party accrediting body, that states the tetrahydrocannabinol concentration of the substance or the tetrahydrocannabinol concentration of the batch from which the substance originates. This subdivision shall not (i) apply to products that are approved for marketing by the U.S. Food and Drug Administration and scheduled in the Drug Control Act (§ 54.1-3400 et seq.) or (ii) be construed to prohibit any conduct permitted under Chapter 16 (§ 4.1-1600 et seq.) of Title 4.1;

72. Manufacturing, offering for sale at retail, or selling at retail an industrial hemp extract, as defined in § 3.2-5145.1, a food containing an industrial hemp extract, or a substance containing tetrahydrocannabinol that depicts or is in the shape of a human, animal, vehicle, or fruit;

73. Selling or offering for sale any substance intended for human consumption, orally or by inhalation, that contains tetrahydrocannabinol and, without authorization, bears, is packaged in a container or wrapper that bears, or is otherwise labeled to bear the trademark, trade name, famous mark as defined in 15 U.S.C. § 1125, or other identifying mark, imprint, or device, or any likeness thereof, of a manufacturer, processor, packer, or distributor of a product intended for human consumption other than the manufacturer, processor, packer, or distributor that did in fact so manufacture, process, pack, or distribute such substance;

74. Selling or offering for sale a topical hemp product, as defined in § 3.2-4112, that does not include a label stating that the product is not intended for human consumption. This subdivision shall not (i) apply to products that are approved for marketing by the U.S. Food and Drug Administration and scheduled in the Drug Control Act (§ 54.1-3400 et seq.), (ii) be construed to prohibit any conduct permitted under Chapter 16 (§ 4.1-1600 et seq.) of Title 4.1, or (iii) apply to topical hemp products that were manufactured prior to July 1, 2023, provided that the person provides documentation of the date of manufacture if requested;

75. Violating any provision of § 59.1-466.8;

76. Violating subsection F of § 36-96.3:1;

77. Selling or offering for sale (i) any kratom product to a person younger than 21 years of age or (ii) any kratom product that does not include a label listing all ingredients and with the following guidance: "This product may be harmful to your health, has not been evaluated by the FDA, and is not intended to diagnose, treat, cure, or prevent any disease." As used in this subdivision, "kratom" means any part of the leaf of the plant Mitragyna speciosa or any extract thereof; ~~and~~

78. Failing to disclose the total cost of a good or continuous service, as defined in § 59.1-207.45, to a consumer, including any mandatory fees or charges, prior to entering into an agreement for the sale of any such good or provision of any such continuous service*; and*

79. Violating any provision of Chapter 23.2 (§ 59.1-293.10 et seq.).

B. Nothing in this section shall be construed to invalidate or make unenforceable any contract or lease solely by reason of the failure of such contract or lease to comply with any other law of the Commonwealth or any federal statute or regulation, to the extent such other law, statute, or regulation provides that a violation of such law, statute, or regulation shall not invalidate or make unenforceable such contract or lease.

§ 59.1-293.10. Definitions.

As used in this chapter, unless the context requires another meaning:

"Child-resistant packaging" means packaging that is designed or constructed to meet the child-resistant effectiveness standards set forth in 16 C.F.R. § 1700.15(b)(1) when tested in accordance with the protocols described in 16 C.F.R. § 1700.20 as in effect on July 1, 2015.

"Liquid nicotine" ~~means a liquid or other substance containing nicotine in any concentration that is sold, marketed, or intended for use in a nicotine vapor product~~ *has the same meaning as provided in § 58.1-1021.01.*

"Liquid nicotine container" means a bottle or other container holding liquid nicotine in any concentration but does not include a cartridge containing liquid nicotine if such cartridge is prefilled and sealed by the manufacturer of such cartridge and is not intended to be opened by the consumer.

"Nicotine vapor product" has the same meaning as *provided* in ~~§ 18.2-371.2~~ *§ 58.1-1021.01.*

§ 59.1-293.12. Liquid nicotine and nicotine vapor product; directory.

The Attorney General shall establish and maintain a directory that lists all liquid nicotine or nicotine vapor product manufacturers and liquid nicotine and nicotine vapor products for which current and accurate certification forms have been submitted in accordance with the provisions of § 59.1-293.13. The Attorney General shall make the directory available for public inspection on its website. The Attorney General shall update the directory as necessary.

§ 59.1-293.13. Liquid nicotine and nicotine vapor product; certification; penalty.

A. By December 31, 2025, and annually thereafter, every manufacturer of liquid nicotine or nicotine vapor products that are sold for retail sale in the Commonwealth, whether directly or through a wholesaler, distributor, retailer, or similar intermediary, shall certify in a form and manner as prescribed by the Attorney General that the manufacturer agrees to comply with the provisions of this chapter and that:

1. The manufacturer has received a marketing authorization or similar order for the liquid nicotine or nicotine vapor product from the U.S. Food and Drug Administration pursuant to 21 U.S.C. § 387j; or

2. The liquid nicotine or nicotine vapor product was marketed in the United States as of August 8, 2016, or the manufacturer submitted a premarket tobacco product application for the liquid nicotine or nicotine vapor product to the U.S. Food and Drug Administration pursuant to 21 U.S.C. § 387j on or before September 9, 2020, and the application either remains under review by the U.S. Food and Drug Administration or a final decision on the application has not otherwise taken effect.

B. A manufacturer of liquid nicotine or nicotine vapor products shall submit a certification form for each liquid nicotine and nicotine vapor product that such manufacturer sells for retail sale in the Commonwealth.

C. Each certification form shall be accompanied by:

1. A copy of the marketing authorization or other order for each liquid nicotine or nicotine vapor product issued by the U.S. Food and Drug Administration pursuant to 21 U.S.C. § 387j, or evidence that the premarket tobacco product application for the liquid nicotine or nicotine vapor product was submitted to the U.S. Food and Drug Administration and a final authorization or order has not yet taken effect;

2. A fee of $2,000 for each liquid nicotine and nicotine vapor product, to be remitted with the manufacturer's first certification submission that identifies any such product and with any resubmission of a certification for any such product following any period of noncertified status; and

3. A fee of $500 to be submitted annually for each liquid nicotine and nicotine vapor product to be remitted with the manufacturer's annual recertification submission identifying any liquid nicotine or nicotine vapor product, where such recertification does not follow any period of noncertified status.

D. A manufacturer required to submit a certification pursuant to this section shall notify the Attorney General within 30 days of any material change to the certification form, including the issuance or denial of a marketing authorization or other order or action by the U.S. Food and Drug Administration pursuant to 21 U.S.C. § 387j, or any other order or action by the U.S. Food and Drug Administration that affects the ability of the liquid nicotine or nicotine vapor product to be introduced or delivered into interstate commerce for commercial distribution in the United States.

E. Any manufacturer that falsely represents any of the information required by this section is guilty of a Class 3 misdemeanor for each false representation. Venue for prosecution of a violation of this subsection shall be proper in the Circuit Court for the City of Richmond.

§ 59.1-293.14. Removal or exclusion from directory.

A. The Attorney General shall, in accordance with the provisions of this section, remove or exclude from the directory any liquid nicotine or nicotine vapor product manufacturer or liquid nicotine or nicotine vapor product that the Attorney General determines is not in compliance with the provisions of this chapter.

B. If the Attorney General determines to remove or exclude from the directory a liquid nicotine or nicotine vapor product manufacturer or a liquid nicotine or nicotine vapor product in the directory, the Attorney General shall notify by electronic or other practicable means the manufacturer's registered agent in the Commonwealth of such determination. The liquid nicotine or nicotine vapor product manufacturer shall have 10 business days from receipt of such notice to establish that the liquid nicotine or nicotine vapor product manufacturer or liquid nicotine or nicotine vapor product meets the requirements to be included in the directory. If the liquid nicotine or nicotine vapor product manufacturer fails to establish compliance within the 10-business-day period, the Attorney General shall remove or exclude from the directory the liquid nicotine or nicotine vapor product manufacturer or liquid nicotine or nicotine vapor product.

C. Any determination by the Attorney General to remove or exclude from the directory a manufacturer or a product shall be subject to review by the filing of a civil action for prospective declaratory or injunctive relief in the Circuit Court for the City of Richmond.

D. If a liquid nicotine or nicotine vapor product is removed from the directory:

1. Each retailer, distributor, and wholesaler shall have 30 days to sell the product or remove such product intended for retail sale in the Commonwealth from its inventory and return the product to the manufacturer for disposal. After 21 days following the removal from the directory, the liquid nicotine and nicotine vapor products removed from the directory shall be subject to seizure, forfeiture, and destruction and shall not be purchased or sold in the Commonwealth.

2. Each manufacturer, wholesaler, or retail dealer selling the product intended for retail sale in the Commonwealth shall notify each purchaser of the product that it has been removed from the directory at the time of delivery of such product. Unless otherwise provided by contract or purchase agreement, the manufacturer, wholesaler, or retail dealer shall provide the purchaser a refund of the purchase price of the removed product. If a manufacturer, wholesaler, or retail dealer fails to provide such refund, the purchaser may bring an action against the manufacturer, wholesaler, or retail dealer in a court of competent jurisdiction to recover the purchase price and reasonable attorney fees and costs.

§ 59.1-293.15. Agent for service of process.

A. Any nonresident manufacturer of liquid nicotine or nicotine vapor products that has not registered to do business in the Commonwealth as a foreign corporation or business entity shall, as a condition precedent to being included in the directory established by the Attorney General pursuant to § 59.1-293.12, appoint and continually engage without interruption the services of an agent in the Commonwealth to act as agent for the service of process in any action or proceeding against such nonresident manufacturer concerning or arising out of the enforcement of this chapter, and such nonresident manufacturer may be served in any manner authorized by law. Such service shall constitute legal and valid service of process on the nonresident manufacturer. The manufacturer shall provide the name, address, telephone number, and proof of the appointment and availability of such agent to the Attorney General.

B. The manufacturer shall provide notice to the Attorney General 30 calendar days prior to termination of the authority of an agent and shall further provide proof to the satisfaction of the Attorney General of the appointment of a new agent no less than five calendar days prior to the termination of an existing agent appointment. In the event an agent terminates an agency appointment, the manufacturer shall notify the Attorney General of the termination within five calendar days and shall include proof to the satisfaction of the Attorney General of the appointment of a new agent.

C. Any manufacturer whose liquid nicotine or nicotine vapor products are sold in the Commonwealth who has not appointed and engaged the services of an agent as required by this section shall be deemed to have appointed the Secretary of the Commonwealth as its agent for service of process. The appointment of the Secretary of the Commonwealth as agent shall not satisfy the condition precedent required in subsection A to be included in the directory.

§ 59.1-293.16. Recordkeeping; audits, inspections, and investigations; penalties.

A. Any person that receives, stores, sells, handles, or transports liquid nicotine or nicotine vapor products shall preserve all invoices, books, papers, canceled checks, or other documents relating to the purchase, sale, exchange, receipt, or transportation of all liquid nicotine or nicotine vapor products for a period of three years. All such invoices, books, papers, canceled checks, or other documents shall be subject to audit or inspection at any time by any duly authorized representative of the Attorney General.

B. Any person who violates the provisions of subsection A is guilty of a Class 2 misdemeanor.

C. The Department of Taxation shall impose a penalty of $1,000 for each day that a person fails or refuses to allow or cooperate with an audit, inspection, or investigation of such records. Such penalty shall be collected as other taxes are collected. Upon a person's refusal to cooperate with an audit, inspection, or investigation, the Attorney General may apply to the Circuit Court for the City of Richmond for injunctive relief.

D. The Department of Taxation, the Attorney General, any other law-enforcement agency of the Commonwealth, or any federal law-enforcement agency conducting a criminal investigation involving the trafficking of liquid nicotine or nicotine vapor products may access at any time the records required to be preserved by this section. Copies of such records shall be provided to such officials or agencies upon request. Any court, investigatory grand jury, or special grand jury that has been impaneled in accordance with the provisions of Chapter 13 (§ 19.2-191 et seq.) of Title 19.2 may access such records if relevant to any proceedings therein. Such records shall be exempt from disclosure under the Virginia Freedom of Information Act (§ 2.2-3700 et seq.). Investigators of the Attorney General may accompany and participate with other law-enforcement officials engaging in enforcement action relating to such trafficking.

§ 59.1-293.17. Sale or distribution prohibited.

A. Beginning December 31, 2025, no person shall sell, distribute or import for resale, or offer for sale a liquid nicotine or nicotine vapor product for retail sale in the Commonwealth unless such liquid nicotine or nicotine vapor product is included in the directory established by the Attorney General pursuant to § 59.1-293.12.

B. Beginning December 31, 2025, no liquid nicotine or nicotine vapor product manufacturer shall sell for retail sale, either directly or through a wholesaler, distributor, retailer, or similar intermediary or intermediaries, a liquid nicotine or nicotine vapor product in the Commonwealth unless such liquid nicotine or nicotine vapor product is included in the directory established by the Attorney General pursuant to § 59.1-293.12.

C. Any person that violates the provisions of subsection A is subject to a fine of $1,000 per day for each product offered for sale in violation until the offending product is removed from the market or until the offending product is properly listed on the directory.

D. A liquid nicotine or nicotine vapor product manufacturer that violates the provisions of subsection B is subject to a fine of $1,000 per day for each product offered for sale in violation until the offending product is removed from the market or until the offending product is properly listed on the directory.

E. Each retailer shall have 60 days from the date that the Attorney General first makes the directory available for inspection on its public website to sell any products that were in its inventory and not included in the directory or to remove from inventory and return such products to the manufacturer for disposal.

F. Each distributor or wholesaler shall have 60 days from the date that the Attorney General first makes the directory available for inspection on its public website to remove any products intended for sale in the Commonwealth from its inventory and return such products to the manufacturer for disposal.

G. In an action brought under this section, the attorney for the Commonwealth or the attorney for the county, city, or town may recover reasonable costs of investigation, the costs of the action, and attorney fees.

H. Any civil penalties assessed under this section in an action brought in the name of a locality shall be paid into the general fund of the locality.

I. All fees collected by the Attorney General pursuant to this chapter shall be used for the administration and enforcement of this chapter.

§ 59.1-293.18. Enforcement; inspection.

A. Notwithstanding any other provisions of law to the contrary, any attorney for the Commonwealth or the attorney for any city, county, or town may cause an action to be brought in the appropriate circuit court in the name of the Commonwealth or of the county, city, or town to enjoin any violation of this chapter. The circuit court having jurisdiction may enjoin such violations notwithstanding the existence of an adequate remedy at law. In any action under this section, it shall not be necessary that damages be proved.

B. The circuit courts are authorized to (i) issue temporary or permanent injunctions to restrain and prevent violations of this chapter and (ii) order forfeiture of any property seized for a violation of this chapter.

C. Each violation of this chapter shall constitute a separate violation and shall be subject to any penalties imposed under this chapter.

D. Any retailer or wholesaler that sells or distributes any liquid nicotine or nicotine vapor product in the Commonwealth shall be subject to scheduled or unscheduled compliance checks carried out by the Attorney General, or an agent thereof, for the purposes of enforcing the provisions of this chapter.

§ 59.1-293.19. Liquid nicotine and nicotine vapor product; report.

The Attorney General shall provide an annual report on or before January 31 to the General Assembly regarding the status of the directory, manufacturers and products included in the directory, revenues and expenditures related to the administration of this chapter, and enforcement activities undertaken pursuant to this chapter.

2. That the provisions of this act shall become effective on July 1, 2025.

CHAPTER 829

An Act to amend and reenact §§ 15.2-1627.5, 63.2-100, 63.2-1505, and 63.2-1506.1 of the Code of Virginia, relating to children's advocacy centers; definitions; investigations by local departments of social services.

[H 1128]

Approved April 17, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 15.2-1627.5, 63.2-100, 63.2-1505, and 63.2-1506.1 of the Code of Virginia are amended and reenacted as follows:

§ 15.2-1627.5. Coordination of multidisciplinary response to child sexual abuse and the abuse, neglect, and exploitation of adults.

A. The attorney for the Commonwealth in each jurisdiction in the Commonwealth shall establish a multidisciplinary child sexual abuse response team, which may be an existing multidisciplinary team. The multidisciplinary team shall conduct regular reviews of new and ongoing reports of felony sex offenses in the jurisdiction involving a child and the investigations thereof and, at the request of any member of the team, may conduct reviews of any other reports of child abuse and neglect or sex offenses in the jurisdiction involving a child and the investigations thereof. The multidisciplinary team shall meet frequently enough to ensure that no new or ongoing reports go more than 60 days without being reviewed by the team.

B. The following individuals, or their designees, shall participate in review meetings of the multidisciplinary team established pursuant to subsection A: the attorney for the Commonwealth; law-enforcement officials responsible for the investigation of sex offenses involving a child in the jurisdiction; a representative of the local child protective services unit; a representative of a ~~child~~ *children's* advocacy center serving the jurisdiction, if one exists; and a representative of an Internet Crimes Against Children task force affiliate agency serving the jurisdiction, if one exists. In addition, the attorney for the Commonwealth may invite other individuals, or their designees, including the school superintendent of the jurisdiction; a representative of any sexual assault crisis center serving the jurisdiction, if one exists; the director of the victim/witness program serving the jurisdiction, if one exists; and a health professional knowledgeable in the treatment and provision of services to children who have been sexually abused.

C. The attorney for the Commonwealth in each jurisdiction may also establish a multidisciplinary adult abuse, neglect, and exploitation response team to review cases of abuse, neglect, and exploitation of adults as defined in § 63.2-1603. The multidisciplinary team may be established separately or in conjunction with any already existing multidisciplinary team.

§ 63.2-100. Definitions.

As used in this title, unless the context requires a different meaning:

"Abused or neglected child" means any child less than 18 years of age:

1. Whose parents or other person responsible for his care creates or inflicts, threatens to create or inflict, or allows to be created or inflicted upon such child a physical or mental injury by other than accidental means, or creates a substantial risk of death, disfigurement, or impairment of bodily or mental functions, including, but not limited to, a child who is with his parent or other person responsible for his care either (i) during the manufacture or attempted manufacture of a Schedule I or II controlled substance, or (ii) during the unlawful sale of such substance by that child's parents or other person responsible for his care, where such manufacture, or attempted manufacture or unlawful sale would constitute a felony violation of § 18.2-248;

2. Whose parents or other person responsible for his care neglects or refuses to provide care necessary for his health. However, no child who in good faith is under treatment solely by spiritual means through prayer in accordance with the tenets and practices of a recognized church or religious denomination shall for that reason alone be considered to be an abused or neglected child. Further, a decision by parents who have legal authority for the child or, in the absence of parents with legal authority for the child, any person with legal authority for the child, who refuses a particular medical treatment for a child with a life-threatening condition shall not be deemed a refusal to provide necessary care if (i) such decision is made jointly by the parents or other person with legal authority and the child; (ii) the child has reached 14 years of age and

is sufficiently mature to have an informed opinion on the subject of his medical treatment; (iii) the parents or other person with legal authority and the child have considered alternative treatment options; and (iv) the parents or other person with legal authority and the child believe in good faith that such decision is in the child's best interest. No child whose parent or other person responsible for his care allows the child to engage in independent activities without adult supervision shall for that reason alone be considered to be an abused or neglected child, provided that (a) such independent activities are appropriate based on the child's age, maturity, and physical and mental abilities and (b) such lack of supervision does not constitute conduct that is so grossly negligent as to endanger the health or safety of the child. Such independent activities include traveling to or from school or nearby locations by bicycle or on foot, playing outdoors, or remaining at home for a reasonable period of time. Nothing in this subdivision shall be construed to limit the provisions of § 16.1-278.4;

3. Whose parents or other person responsible for his care abandons such child;

4. Whose parents or other person responsible for his care, or an intimate partner of such parent or person, commits or allows to be committed any act of sexual exploitation or any sexual act upon a child in violation of the law;

5. Who is without parental care or guardianship caused by the unreasonable absence or the mental or physical incapacity of the child's parent, guardian, legal custodian or other person standing in loco parentis;

6. Whose parents or other person responsible for his care creates a substantial risk of physical or mental injury by knowingly leaving the child alone in the same dwelling, including an apartment as defined in § 55.1-2000, with a person to whom the child is not related by blood or marriage and who the parent or other person responsible for his care knows has been convicted of an offense against a minor for which registration is required as a Tier III offender pursuant to § 9.1-902; or

7. Who has been identified as a victim of sex trafficking or severe forms of trafficking as defined in the Trafficking Victims Protection Act of 2000, 22 U.S.C. § 7102 et seq., and in the Justice for Victims of Trafficking Act of 2015, 42 U.S.C. § 5101 et seq.

If a civil proceeding under this title is based solely on the parent having left the child at a hospital or emergency medical services agency, it shall be an affirmative defense that such parent safely delivered the child within 30 days of the child's birth to (i) a hospital that provides 24-hour emergency services, (ii) an attended emergency medical services agency that employs emergency medical services providers, or (iii) a newborn safety device located at and operated by such hospital or emergency medical services agency. For purposes of terminating parental rights pursuant to § 16.1-283 and placement for adoption, the court may find such a child is a neglected child upon the ground of abandonment.

"Adoptive home" means any family home selected and approved by a parent, local board or a licensed child-placing agency for the placement of a child with the intent of adoption.

"Adoptive placement" means arranging for the care of a child who is in the custody of a child-placing agency in an approved home for the purpose of adoption.

"Adult abuse" means the willful infliction of physical pain, injury or mental anguish or unreasonable confinement of an adult as defined in § 63.2-1603.

"Adult day care center" means any facility that is either operated for profit or that desires licensure and that provides supplementary care and protection during only a part of the day to four or more adults who are aged or infirm or who have disabilities and who reside elsewhere, except (i) a facility or portion of a facility licensed by the State Board of Health or the Department of Behavioral Health and Developmental Services, and (ii) the home or residence of an individual who cares for only persons related to him by blood or marriage. Included in this definition are any two or more places, establishments or institutions owned, operated or controlled by a single entity and providing such supplementary care and protection to a combined total of four or more adults who are aged or infirm or who have disabilities.

"Adult exploitation" means the illegal, unauthorized, improper, or fraudulent use of an adult as defined in § 63.2-1603 or his funds, property, benefits, resources, or other assets for another's profit, benefit, or advantage, including a caregiver or person serving in a fiduciary capacity, or that deprives the adult of his rightful use of or access to such funds, property, benefits, resources, or other assets. "Adult exploitation" includes (i) an intentional breach of a fiduciary obligation to an adult to his detriment or an intentional failure to use the financial resources of an adult in a manner that results in neglect of such adult; (ii) the acquisition, possession, or control of an adult's financial resources or property through the use of undue influence, coercion, or duress; and (iii) forcing or coercing an adult to pay for goods or services or perform services against his will for another's profit, benefit, or advantage if the adult did not agree, or was tricked, misled, or defrauded into agreeing, to pay for such goods or services or to perform such services.

"Adult foster care" means room and board, supervision, and special services to an adult who has a physical or mental condition. Adult foster care may be provided by a single provider for up to three adults. "Adult foster care" does not include services or support provided to individuals through the Fostering Futures program set forth in Article 2 (§ 63.2-917 et seq.) of Chapter 9.

"Adult neglect" means that an adult as defined in § 63.2-1603 is living under such circumstances that he is not able to provide for himself or is not being provided services necessary to maintain his physical and mental health and that the failure to receive such necessary services impairs or threatens to impair his well-being. However, no adult shall be considered neglected solely on the basis that such adult is receiving religious nonmedical treatment or religious nonmedical nursing care in lieu of medical care, provided that such treatment or care is performed in good faith and in accordance with the religious practices of the adult and there is a written or oral expression of consent by that adult.

"Adult protective services" means services provided by the local department that are necessary to protect an adult as defined in § 63.2-1603 from abuse, neglect or exploitation.

"Assisted living care" means a level of service provided by an assisted living facility for adults who may have physical or mental impairments and require at least a moderate level of assistance with activities of daily living.

"Assisted living facility" means any congregate residential setting that provides or coordinates personal and health care services, 24-hour supervision, and assistance (scheduled and unscheduled) for the maintenance or care of four or more adults who are aged or infirm or who have disabilities and who are cared for in a primarily residential setting, except (i) a facility or portion of a facility licensed by the State Board of Health or the Department of Behavioral Health and Developmental Services, but including any portion of such facility not so licensed; (ii) the home or residence of an individual who cares for or maintains only persons related to him by blood or marriage; (iii) a facility or portion of a facility serving individuals who are infirm or who have disabilities between the ages of 18 and 21, or 22 if enrolled in an educational program for individuals with disabilities pursuant to § 22.1-214, when such facility is licensed by the Department as a children's residential facility under Chapter 17 (§ 63.2-1700 et seq.), but including any portion of the facility not so licensed; and (iv) any housing project for individuals who are 62 years of age or older or individuals with disabilities that provides no more than basic coordination of care services and is funded by the U.S. Department of Housing and Urban Development, by the U.S. Department of Agriculture, or by the Virginia Housing Development Authority. Included in this definition are any two or more places, establishments or institutions owned or operated by a single entity and providing maintenance or care to a combined total of four or more adults who are aged or infirm or who have disabilities. Maintenance or care means the protection, general supervision and oversight of the physical and mental well-being of an individual who is aged or infirm or who has a disability.

"Auxiliary grants" means cash payments made to certain aged, blind or disabled individuals who receive benefits under Title XVI of the Social Security Act, as amended, or would be eligible to receive these benefits except for excess income.

"Birth family" or "birth sibling" means the child's biological family or biological sibling.

"Birth parent" means the child's biological parent and, for purposes of adoptive placement, means parent(s) by previous adoption.

"Board" means the State Board of Social Services.

"Child" means any natural person who is (i) under 18 years of age or (ii) for purposes of the Fostering Futures program set forth in Article 2 (§ 63.2-917 et seq.) of Chapter 9, under 21 years of age and meets the eligibility criteria set forth in § 63.2-919.

"Child-placing agency" means (i) any person who places children in foster homes, adoptive homes or independent living arrangements pursuant to § 63.2-1819, (ii) a local board that places children in foster homes or adoptive homes pursuant to §§ 63.2-900, 63.2-903, and 63.2-1221, or (iii) an entity that assists parents with the process of delegating parental and legal custodial powers of their children pursuant to Chapter 10 (§ 20-166 et seq.) of Title 20. "Child-placing agency" does not include the persons to whom such parental or legal custodial powers are delegated pursuant to Chapter 10 (§ 20-166 et seq.) of Title 20. Officers, employees, or agents of the Commonwealth, or any locality acting within the scope of their authority as such, who serve as or maintain a child-placing agency, shall not be required to be licensed.

"Child-protective services" means the identification, receipt and immediate response to complaints and reports of alleged child abuse or neglect for children under 18 years of age. It also includes assessment, and arranging for and providing necessary protective and rehabilitative services for a child and his family when the child has been found to have been abused or neglected or is at risk of being abused or neglected.

"Children's advocacy center" means a child-friendly facility that (i) enables law enforcement, child protection, prosecution, mental health, medical, and victim advocacy professionals to work together to investigate child abuse, help children heal from abuse, and hold offenders accountable; (ii) has completed, or is in the process of completing, certain accreditation obligations and requires any forensic interview conducted at such facility to only be conducted by a trained child forensic interviewer in a multidisciplinary team collaborative effort; and (iii) is a member in good standing of the Children's Advocacy Centers of Virginia.

"Children's Advocacy Centers of Virginia" means the organizing entity for children's advocacy centers in Virginia.

"Child support services" means any civil, criminal or administrative action taken by the Division of Child Support Enforcement to locate parents; establish paternity; and establish, modify, enforce, or collect child support, or child and spousal support.

"Child-welfare agency" means a child-placing agency, children's residential facility, or independent foster home.

"Children's residential facility" means any facility, child-caring institution, or group home that is maintained for the purpose of receiving children separated from their parents or guardians for full-time care, maintenance, protection and guidance, or for the purpose of providing independent living services to persons between 18 and 21 years of age who are in the process of transitioning out of foster care. Children's residential facility shall not include:

1. A licensed or accredited educational institution whose pupils, in the ordinary course of events, return annually to the homes of their parents or guardians for not less than two months of summer vacation;

2. An establishment required to be licensed as a summer camp by § 35.1-18; and

3. A licensed or accredited hospital legally maintained as such.

"Commissioner" means the Commissioner of the Department, his designee or authorized representative.

"Department" means the State Department of Social Services.

"Department of Health and Human Services" means the Department of Health and Human Services of the United States government or any department or agency thereof that may hereafter be designated as the agency to administer the Social Security Act, as amended.

"Disposable income" means that part of the income due and payable of any individual remaining after the deduction of any amount required by law to be withheld.

"Energy assistance" means benefits to assist low-income households with their home heating and cooling needs, including, but not limited to, purchase of materials or substances used for home heating, repair or replacement of heating equipment, emergency intervention in no-heat situations, purchase or repair of cooling equipment, and payment of electric bills to operate cooling equipment, in accordance with § 63.2-805, or provided under the Virginia Energy Assistance Program established pursuant to the Low-Income Home Energy Assistance Act of 1981 (Title XXVI of P.L. 97-35), as amended.

"Family and permanency team" means the group of individuals assembled by the local department to assist with determining planning and placement options for a child, which shall include, as appropriate, all biological relatives and fictive kin of the child, as well as any professionals who have served as a resource to the child or his family, such as teachers, medical or mental health providers, and clergy members. In the case of a child who is 14 years of age or older, the family and permanency team shall also include any members of the child's case planning team that were selected by the child in accordance with subsection A of § 16.1-281.

"Federal-Funded Kinship Guardianship Assistance program" means a program consistent with 42 U.S.C. § 673 that provides, subject to a kinship guardianship assistance agreement developed in accordance with § 63.2-1305, payments to eligible individuals who have received custody of a child of whom they had been the foster parents.

"Fictive kin" means persons who are not related to a child by blood or adoption but have an established relationship with the child or his family.

"Foster care placement" means placement of a child through (i) an agreement between the parents or guardians and the local board where legal custody remains with the parents or guardians or (ii) an entrustment or commitment of the child to the local board or licensed child-placing agency. "Foster care placement" does not include placement of a child in accordance with a power of attorney pursuant to Chapter 10 (§ 20-166 et seq.) of Title 20.

"Foster home" means a residence approved by a child-placing agency or local board in which any child, other than a child by birth or adoption of such person or a child who is the subject of a power of attorney to delegate parental or legal custodial powers by his parents or legal custodian to the natural person who has been designated the child's legal guardian pursuant to Chapter 10 (§ 20-166 et seq.) of Title 20 and who exercises legal authority over the child on a continuous basis for at least 24 hours without compensation, resides as a member of the household.

"General relief" means money payments and other forms of relief made to those persons mentioned in § 63.2-802 in accordance with the regulations of the Board and reimbursable in accordance with § 63.2-401.

"Independent foster home" means a private family home in which any child, other than a child by birth or adoption of such person, resides as a member of the household and has been placed therein independently of a child-placing agency except (i) a home in which are received only children related by birth or adoption of the person who maintains such home and children of personal friends of such person; (ii) a home in which is received a child or children committed under the provisions of subdivision A 4 of § 16.1-278.2, subdivision 6 of § 16.1-278.4, or subdivision A 13 of § 16.1-278.8; and (iii) a home in which are received only children who are the subject of a properly executed power of attorney pursuant to Chapter 10 (§ 20-166 et seq.) of Title 20.

"Independent living" means a planned program of services designed to assist a child age 16 and over and persons who are former foster care children or were formerly committed to the Department of Juvenile Justice and are between the ages of 18 and 21 in transitioning to self-sufficiency.

"Independent living arrangement" means placement of (i) a child at least 16 years of age who is in the custody of a local board or licensed child-placing agency by the local board or licensed child-placing agency or (ii) a child at least 16 years of age or a person between the ages of 18 and 21 who was committed to the Department of Juvenile Justice immediately prior to placement by the Department of Juvenile Justice, in a living arrangement in which such child or person does not have daily substitute parental supervision.

"Independent living services" means services and activities provided to a child in foster care 14 years of age or older who was committed or entrusted to a local board of social services, child welfare agency, or private child-placing agency. "Independent living services" may also mean services and activities provided to a person who (i) was in foster care on his 18th birthday and has not yet reached the age of 21 years; (ii) is between the ages of 18 and 21 and who, immediately prior to his commitment to the Department of Juvenile Justice, was in the custody of a local board of social services; or (iii) is a child at least 16 years of age or a person between the ages of 18 and 21 who was committed to the Department of Juvenile Justice immediately prior to placement in an independent living arrangement. Such services shall include counseling, education, housing, employment, and money management skills development, access to essential documents, and other appropriate services to help children or persons prepare for self-sufficiency.

"Independent physician" means a physician who is chosen by the resident of the assisted living facility and who has no financial interest in the assisted living facility, directly or indirectly, as an owner, officer, or employee or as an independent contractor with the residence.

"Intercountry placement" means the arrangement for the care of a child in an adoptive home or foster care placement into or out of the Commonwealth by a licensed child-placing agency, court, or other entity authorized to make such placements in accordance with the laws of the foreign country under which it operates.

"Interstate placement" means the arrangement for the care of a child in an adoptive home, foster care placement or in the home of the child's parent or with a relative or nonagency guardian, into or out of the Commonwealth, by a child-placing agency or court when the full legal right of the child's parent or nonagency guardian to plan for the child has been voluntarily terminated or limited or severed by the action of any court.

"Kinship care" means the full-time care, nurturing, and protection of children by relatives.

"Kinship guardian" means the adult relative of a child in a kinship guardianship established in accordance with § 63.2-1305 or 63.2-1306 who has been awarded custody of the child by the court after acting as the child's foster parent.

"Kinship guardianship" means a relationship established in accordance with § 63.2-1305 or 63.2-1306 between a child and an adult relative of the child who has formerly acted as the child's foster parent that is intended to be permanent and self-sustaining as evidenced by the transfer by the court to the adult relative of the child of the authority necessary to ensure the protection, education, care and control, and custody of the child and the authority for decision making for the child.

"Local board" means the local board of social services representing one or more counties or cities.

"Local department" means the local department of social services of any county or city in the Commonwealth.

"Local director" means the director or his designated representative of the local department of the city or county.

"Merit system plan" means those regulations adopted by the Board in the development and operation of a system of personnel administration meeting requirements of the federal Office of Personnel Management.

"Parental placement" means locating or effecting the placement of a child or the placing of a child in a family home by the child's parent or legal guardian for the purpose of foster care or adoption.

"Public assistance" means Temporary Assistance for Needy Families (TANF); auxiliary grants to the aged, blind and disabled; medical assistance; energy assistance; food stamps; employment services; child care; and general relief.

"Qualified assessor" means an entity contracting with the Department of Medical Assistance Services to perform nursing facility pre-admission screening or to complete the uniform assessment instrument for a home and community-based waiver program, including an independent physician contracting with the Department of Medical Assistance Services to complete the uniform assessment instrument for residents of assisted living facilities, or any hospital that has contracted with the Department of Medical Assistance Services to perform nursing facility pre-admission screenings.

"Qualified individual" means a trained professional or licensed clinician who is not an employee of the local board of social services or licensed child-placing agency that placed the child in a qualified residential treatment program and is not affiliated with any placement setting in which children are placed by such local board of social services or licensed child-placing agency.

"Qualified residential treatment program" means a program that (i) provides 24-hour residential placement services for children in foster care; (ii) has adopted a trauma-informed treatment model that meets the clinical and other needs of children with serious emotional or behavioral disorders, including any clinical or other needs identified through assessments conducted pursuant to clause (viii) of this definition; (iii) employs registered or licensed nursing and other clinical staff who provide care, on site and within the scope of their practice, and are available 24 hours a day, 7 days a week; (iv) conducts outreach with the child's family members, including efforts to maintain connections between the child and his siblings and other family; documents and maintains records of such outreach efforts; and maintains contact information for any known biological family and fictive kin of the child; (v) whenever appropriate and in the best interest of the child, facilitates participation by family members in the child's treatment program before and after discharge and documents the manner in which such participation is facilitated; (vi) provides discharge planning and family-based aftercare support for at least six months after discharge; (vii) is licensed in accordance with 42 U.S.C. § 671(a)(10) and accredited by an organization approved by the federal Secretary of Health and Human Services; and (viii) requires that any child placed in the program receive an assessment within 30 days of such placement by a qualified individual that (a) assesses the strengths and needs of the child using an age-appropriate, evidence-based, validated, and functional assessment tool approved by the Commissioner of Social Services; (b) identifies whether the needs of the child can be met through placement with a family member or in a foster home or, if not, in a placement setting authorized by 42 U.S.C. § 672(k)(2), including a qualified residential treatment program, that would provide the most effective and appropriate level of care for the child in the least restrictive environment and be consistent with the short-term and long-term goals established for the child in his foster care or permanency plan; (c) establishes a list of short-term and long-term mental and behavioral health goals for the child; and (d) is documented in a written report to be filed with the court prior to any hearing on the child's placement pursuant to § 16.1-281, 16.1-282, 16.1-282.1, or 16.1-282.2.

"Residential living care" means a level of service provided by an assisted living facility for adults who may have physical or mental impairments and require only minimal assistance with the activities of daily living. The definition of "residential living care" includes the services provided by independent living facilities that voluntarily become licensed.

"Sibling" means each of two or more children having one or more parents in common.

"Social services" means foster care, adoption, adoption assistance, child-protective services, domestic violence services, or any other services program implemented in accordance with regulations adopted by the Board. Social services also includes adult services pursuant to Article 4 (§ 51.5-144 et seq.) of Chapter 14 of Title 51.5 and adult protective

services pursuant to Article 5 (§ 51.5-148) of Chapter 14 of Title 51.5 provided by local departments of social services in accordance with regulations and under the supervision of the Commissioner for Aging and Rehabilitative Services.

"Special order" means an order imposing an administrative sanction issued to any party licensed pursuant to this title by the Commissioner that has a stated duration of not more than 12 months. A special order shall be considered a case decision as defined in § 2.2-4001.

"State-Funded Kinship Guardianship Assistance program" means a program that provides payments to eligible individuals who have received custody of a relative child subject to a kinship guardianship assistance agreement developed in accordance with § 63.2-1306.

"Supervised independent living setting" means the residence of a person 18 years of age or older who is participating in the Fostering Futures program set forth in Article 2 (§ 63.2-917 et seq.) of Chapter 9 where supervision includes a monthly visit with a service worker or, when appropriate, contracted supervision. "Supervised independent living setting" does not include residential facilities or group homes.

"Temporary Assistance for Needy Families" or "TANF" means the program administered by the Department through which a relative can receive monthly cash assistance for the support of his eligible children.

"Temporary Assistance for Needy Families-Unemployed Parent" or "TANF-UP" means the Temporary Assistance for Needy Families program for families in which both natural or adoptive parents of a child reside in the home and neither parent is exempt from Virginia Initiative for Education and Work (VIEW) participation under § 63.2-609.

"Title IV-E Foster Care" means a federal program authorized under §§ 472 and 473 of the Social Security Act, as amended, and administered by the Department through which foster care is provided on behalf of qualifying children.

§ 63.2-1505. Investigations by local departments.

A. An investigation requires the collection of information necessary to determine:

1. The immediate safety needs of the child;

2. The protective and rehabilitative services needs of the child and family that will deter abuse or neglect;

3. Risk of future harm to the child;

4. Alternative plans for the child's safety if protective and rehabilitative services are indicated and the family is unable or unwilling to participate in services;

5. Whether abuse or neglect has occurred;

6. If abuse or neglect has occurred, who abused or neglected the child; and

7. A finding of either founded or unfounded based on the facts collected during the investigation.

B. If the local department responds to the report or complaint by conducting an investigation, the local department shall:

1. Make immediate investigation and, if the report or complaint was based upon one of the factors specified in subsection B of § 63.2-1509, the local department may file a petition pursuant to § 16.1-241.3;

2. Complete a report and enter it into the statewide automation system maintained by the Department;

3. Consult with the family to arrange for necessary protective and rehabilitative services to be provided to the child and his family;

4. Petition the court for services deemed necessary including, but not limited to, removal of the child or his siblings from their home;

5. Determine within 45 days if a report of abuse or neglect is founded or unfounded and transmit a report to such effect to the Department and to the person who is the subject of the investigation. However, upon written justification by the local department, the time for such determination may be extended not to exceed a total of 60 days or, in the event that the investigation is being conducted in cooperation with a law-enforcement agency and both parties agree that circumstances so warrant, as stated in the written justification, the time for such determination may be extended not to exceed 90 days. If through the exercise of reasonable diligence the local department is unable to find the child who is the subject of the report, the time the child cannot be found shall not be computed as part of the total time period allowed for the investigation and determination and documentation of such reasonable diligence shall be placed in the record. In cases involving the death of a child or alleged sexual abuse of a child who is the subject of the report, the time during which records necessary for the investigation of the complaint but not created by the local department, including autopsy or medical or forensic records or reports, are not available to the local department due to circumstances beyond the local department's control shall not be computed as part of the total time period allowed for the investigation and determination, and documentation of the circumstances that resulted in the delay shall be placed in the record. In cases in which the subject of the investigation is a full-time, part-time, permanent, or temporary employee of a school division who is suspected of abusing or neglecting a child in the course of his educational employment, the time period for determining whether a report is founded or unfounded and transmitting a report to that effect to the Department and the person who is the subject of the investigation shall be mandatory, and every local department shall make the required determination and report within the specified time period without delay;

6. If a report of abuse or neglect is unfounded, transmit a report to such effect to the complainant and parent or guardian and the person responsible for the care of the child in those cases where such person was suspected of abuse or neglect;

7. If a report of child abuse and neglect is founded, and the subject of the report is or was at the time of the investigation or the conduct that led to the report a full-time, part-time, permanent, or temporary employee of a school division located within the Commonwealth, notify the relevant school board of the founded complaint without delay; and

8. Upon request, disclose to the child's parent or guardian the location of the child, provided that (i) the investigation has not been completed and a report has not been transmitted pursuant to subdivision 5; (ii) the parent or guardian requesting disclosure of the child's location has not been the subject of a founded report of child abuse or neglect; (iii) the parent or guardian requesting disclosure of the child's location has legal custody of the child and provides to the local department any records or other information necessary to verify such custody; (iv) the local department is not aware of any court order, and has confirmed with the child's other parent or guardian or other person responsible for the care of the child that no court order has been issued, that prohibits or limits contact by the parent or guardian requesting disclosure of the child's location with the child, the child's other parent or guardian or other person responsible for the care of the child, or any member of the household in which the child is located; and (v) disclosure of the child's location to the parent or guardian will not compromise the safety of the child, the child's other parent or guardian, or any other person responsible for the care of the child.

If a local multidisciplinary team has determined that an interview of the child by a ~~child~~ *children's* advocacy center ~~recognized by the National Children's Alliance~~ is needed and an interview with a ~~recognized child~~ *children's* advocacy center within the jurisdiction cannot be completed within 14 days, the local department may facilitate the interview with a ~~recognized child~~ *children's* advocacy center located in another jurisdiction.

Any information exchanged for the purposes of this subsection shall not be considered a violation of § 63.2-102, 63.2-104, or 63.2-105.

C. Each local board may obtain and consider, in accordance with regulations adopted by the Board, statewide criminal history record information from the Central Criminal Records Exchange and shall obtain and consider results of a search of the child abuse and neglect central registry of any individual who is the subject of a child abuse or neglect investigation conducted under this section when there is evidence of child abuse or neglect and the local board is evaluating the safety of the home and whether removal will protect a child from harm. The local board shall determine whether the individual has resided in another state within at least the preceding five years and, if he has resided in another state, the local board shall request a search of the child abuse and neglect registry or equivalent registry maintained by such state. The local board also may obtain such a criminal records or registry search on all adult household members residing in the home where the individual who is the subject of the investigation resides and the child resides or visits. If a child abuse or neglect petition is filed in connection with such removal, a court may admit such information as evidence. Where the individual who is the subject of such information contests its accuracy through testimony under oath in hearing before the court, no court shall receive or consider the contested criminal history record information without certified copies of conviction. Further dissemination of the information provided to the local board is prohibited, except as authorized by law.

D. A person who has not previously participated in the investigation of complaints of child abuse or neglect in accordance with this chapter shall not participate in the investigation of any case involving a complaint of alleged sexual abuse of a child unless he (i) has completed a Board-approved training program for the investigation of complaints involving alleged sexual abuse of a child or (ii) is under the direct supervision of a person who has completed a Board-approved training program for the investigation of complaints involving alleged sexual abuse of a child. No individual may make a determination of whether a case involving a complaint of alleged sexual abuse of a child is founded or unfounded unless he has completed a Board-approved training program for the investigation of complaints involving alleged sexual abuse of a child.

E. Any individual who is the subject of a child abuse or neglect investigation conducted under this section shall notify the local department prior to changing his place of residence and provide the local department with the address of his new residence.

§ 63.2-1506.1. Human trafficking assessments by local departments.

A. If a report or complaint is based upon information and allegations that a child is a victim of sex trafficking or severe forms of trafficking as defined in the federal Trafficking Victims Protection Act of 2000 (22 U.S.C. § 7102 et seq.) and in the federal Justice for Victims of Trafficking Act of 2015 (P.L. 114-22), the local department shall conduct a human trafficking assessment, unless at any time during the human trafficking assessment the local department determines that an investigation or family assessment is required pursuant to § 63.2-1505 or 63.2-1506. *If at any time during the human trafficking assessment it is determined that a forensic interview of the child is needed, such interview may be performed by a children's advocacy center within the jurisdiction; however, if an interview with a children's advocacy center within the jurisdiction cannot be completed within 14 days, the forensic interview may be conducted by a children's advocacy center located in another jurisdiction.*

B. A human trafficking assessment requires the collection of information necessary to determine:

1. The immediate safety needs of the child;

2. The protective and rehabilitative services needs of the child and the child's family that will deter abuse and neglect; and

3. Risk of future harm to the child.

C. When a local department responds to the report or complaint by conducting a human trafficking assessment, the local department may:

1. Consult with the family to arrange for necessary protective and rehabilitative services to be provided to the child and the child's family;

2. Petition the court for services deemed necessary; or

3. Commence an immediate investigation or family assessment, if at any time during the human trafficking assessment the local department determines that an investigation or family assessment is required pursuant to § 63.2-1505 or 63.2-1506.

D. In the event that the parents or guardians of the child reside in a jurisdiction other than that in which the report or complaint was received, the local department that received the report or complaint and the local department where the child resides with his parents or guardians shall work jointly to complete the human trafficking assessment.

E. Reports or complaints for which a human trafficking assessment is completed shall not be entered into the central registry contained in § 63.2-1515.

F. The local department or departments shall notify the Child Protective Services Unit within the Department in writing whenever such a human trafficking assessment is conducted.

G. When conducting a human trafficking assessment pursuant to this section, the local department may interview the alleged child victim or his siblings without the consent and outside the presence of such child's or siblings' parent, guardian, legal custodian, or other person standing in loco parentis, or school personnel.

CHAPTER 830

An Act to amend and reenact §§ 2.2-401.01, 10.1-1003, 10.1-1188, 10.1-2206.1, 10.1-2214, 10.1-2305, 56-46.1, and 62.1-266 of the Code of Virginia and to amend the Code of Virginia by adding sections numbered 10.1-104.02, 10.1-1186.3:1, 10.1-2205.1, and 28.2-104.01, relating to consultation with federally recognized Tribal Nations in the Commonwealth; permits and reviews with potential impacts on environmental, cultural, and historic resources.

[H 1157]

Approved April 17, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-401.01, 10.1-1003, 10.1-1188, 10.1-2206.1, 10.1-2214, 10.1-2305, 56-46.1, and 62.1-266 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding sections numbered 10.1-104.02, 10.1-1186.3:1, 10.1-2205.1, and 28.2-104.01 as follows:

§ 2.2-401.01. Liaison to Virginia Indian tribes; Ombudsman for Tribal Consultation; Virginia Indigenous People's Trust Fund.

A. The Secretary of the Commonwealth shall:

1. Serve as the Governor's liaison to the Virginia Indian tribes; ~~and~~

2. *Designate an Ombudsman for Tribal Consultation pursuant to subsection B; and*

3. Report annually on the status of Indian tribes in Virginia.

B. *The Secretary of the Commonwealth shall designate, in consultation with and upon the advice of federally recognized Tribal Nations in the Commonwealth, an Ombudsman for Tribal Consultation (the Ombudsman). The Ombudsman shall:*

1. Facilitate communication between federally recognized Tribal Nations in the Commonwealth and relevant state agencies and local governments for consultation on environmental, cultural, and historical permits and reviews;

2. Develop a list of localities in ongoing consultation with the federally recognized Tribal Nations in which federally recognized Tribal Nations in the Commonwealth shall be consulted regarding actions and projects pursuant to §§ 10.1-104.02, 10.1-1186.3:1, 10.1-2205.1, and 28.2-104.01;

3. Assist the Department of Environmental Quality, the Department of Conservation and Recreation, the Department of Historic Resources, and the Virginia Marine Resources Commission in developing policies and procedures to ensure meaningful and appropriate consultation with federally recognized Tribal Nations in the Commonwealth regarding permits and reviews; and

4. Make recommendations to the Governor about additional permits and reviews that, in the opinion of the Ombudsman, should require consultation with federally recognized Tribal Nations in the Commonwealth.

C. The Secretary of the Commonwealth may establish a Virginia Indian advisory board to assist the Secretary in reviewing applications seeking recognition as a Virginia Indian tribe and to make recommendations to the Secretary, the Governor, and the General Assembly on such applications and other matters relating to recognition as follows:

1. The members of any such board shall be composed of no more than seven members to be appointed by the Secretary as follows: at least three of the members shall be members of Virginia recognized tribes to represent the Virginia Indian community, and one nonlegislative citizen member shall represent the Commonwealth's scholarly community. The Librarian of Virginia, the Director of the Department of Historic Resources, and the Superintendent of Public Instruction, or their designees, shall serve ex officio with voting privileges. Nonlegislative citizen members of any such board shall be citizens of the Commonwealth. ex officio members shall serve terms coincident with their terms of office. Nonlegislative citizen members shall be appointed for a term of two years. Appointments to fill vacancies, other than by expiration of a term, shall be for the unexpired terms. All members may be reappointed. The Secretary of the Commonwealth shall appoint

a chairperson from among the members for a two-year term. Members shall be reimbursed for reasonable and necessary expenses incurred in the performance of their duties as provided in §§ 2.2-2813 and 2.2-2825.

2. Any such board shall have the following powers and duties:

a. Establish guidance for documentation required to meet the criteria for full recognition of the Virginia Indian tribes that is consistent with the principles and requirements of federal tribal recognition;

b. Establish a process for accepting and reviewing all applications for full tribal recognition;

c. Appoint and establish a workgroup on tribal recognition composed of nonlegislative citizens at large who have knowledge of Virginia Indian history and current status. Such workgroup (i) may be activated in any year in which an application for full tribal recognition has been submitted and in other years as deemed appropriate by any such board and (ii) shall include at a minimum a genealogist and at least two scholars with recognized familiarity with Virginia Indian tribes. No member of the workgroup shall be associated in any way with the applicant. Members of the workgroup shall be reimbursed for reasonable and necessary expenses incurred in the performance of their duties as provided in §§ 2.2-2813 and 2.2-2825;

d. Solicit, accept, use, and dispose of gifts, grants, donations, bequests, or other funds or real or personal property for the purpose of aiding or facilitating the work of the board;

e. Make recommendations to the Secretary for full tribal recognition based on the findings of the workgroup and the board; and

f. Perform such other duties, functions, and activities as may be necessary to facilitate and implement the objectives of this subsection.

~~C.~~ *D.* There is hereby created in the state treasury a special nonreverting fund to be known as the Virginia Indigenous People's Trust Fund, referred to in this section as "the Fund." The Fund shall be established on the books of the Comptroller. All funds appropriated for such purpose, any tax revenue accruing to the Fund pursuant to § 58.1-4125, and any gifts, donations, grants, bequests, and other funds received on its behalf shall be paid into the state treasury and credited to the Fund. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. After payment of the costs of administration of the Fund, moneys in the Fund shall be used to make disbursements on a quarterly basis in equal amounts to each of the six Virginia Indian tribes federally recognized under P.L. 115-121 of 2018. Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants issued by the Comptroller upon written request signed by the Secretary of the Commonwealth.

§ 10.1-104.02. Policies for consultation with federally recognized Tribal Nations in the Commonwealth.

A. The Department, with assistance from the Ombudsman for Tribal Consultation designated pursuant to § 2.2-401.01, shall develop policies and procedures, to the extent permitted by law, to ensure an opportunity for meaningful and appropriate written consultation with potentially impacted federally recognized Tribal Nations in the Commonwealth regarding certain major actions or permits issued by the Department. The Department shall designate an agency official to evaluate the adequacy of consultation and ensure that agency consultation practices are consistent. Actions and permits appropriate for consultation shall include the projects and actions set forth in subsection B. The policies shall define an appropriate means of notifying federally recognized Tribal Nations in the Commonwealth based on tribal preferences, ensure that sufficient information and time is provided for the federally recognized Tribal Nations in the Commonwealth to fully engage in consultation regarding the proposed action, and establish procedures for the Department to provide feedback to the federally recognized Tribal Nations in the Commonwealth to explain how their input was considered. Should feedback from the federally recognized Tribal Nations in the Commonwealth not be received by the deadline established in the Department's policies and procedures, the consultation provisions of this section shall be deemed fulfilled.

B. The following actions and projects are subject to consultation as set forth in subsection A: (i) cave collection permits, issued pursuant to the Cave Protection Act (§ 10.1-1000 et seq.), for permit applications pertaining to the study, extraction, or removal of any archaeological or historic feature in a cave in a locality identified by the Ombudsman for Tribal Consultation pursuant to subdivision B 2 of § 2.2-401.01 and (ii) Virginia-regulated impounding structures permits issued pursuant to 4VAC50-20-70 and 4VAC50-20-80 in a locality identified by the Ombudsman for Tribal Consultation pursuant to subdivision B 2 of § 2.2-401.01.

§ 10.1-1003. Permits for excavation and scientific investigation; how obtained; penalties.

A. In addition to the written permission of the owner required by § 10.1-1004*,* a permit shall be obtained from the Department ~~of Conservation and Recreation~~ prior to excavating or removing any archaeological, paleontological, prehistoric, or historic feature of any cave. *Prior to issuing any permit in a locality identified by the Ombudsman for Tribal Consultation pursuant to subdivision B 2 of § 2.2-401.01, the Department shall consult with any federally recognized Tribal Nation in the Commonwealth pursuant to § 10.1-104.02.* The Department shall issue a permit to excavate or remove such a feature if it finds*,* with the concurrence of the Director of the Department of Historic Resources*,* that it is in the best interest of the Commonwealth and that the applicant meets the criteria of this section. The permit shall be issued for a period of two years and may be renewed upon expiration. Such permit shall not be transferable; however, the provisions of this section shall not preclude any person from working under the direct supervision of the permittee.

B. All field investigations, explorations, or recovery operations undertaken under this section shall be carried out under the general supervision of the Department and in a manner to ensure that the maximum amount of historic, scientific, archaeologic, and educational information may be recovered and preserved in addition to the physical recovery of objects.

C. A person applying for a permit pursuant to this section shall:

1. Be a historic, scientific, or educational institution, or a professional or amateur historian, biologist, archaeologist, or paleontologist, who is qualified and recognized in these areas of field investigations.

2. Provide a detailed statement to the Department giving the reasons and objectives for excavation or removal and the benefits expected to be obtained from the contemplated work.

3. Provide data and results of any completed excavation, study, or collection at the first of each calendar year.

4. Obtain the prior written permission of the owner if the site of the proposed excavation is on privately owned land.

5. Carry the permit while exercising the privileges granted.

D. Any person who fails to obtain a permit required by subsection A ~~hereof shall be~~ *is* guilty of a Class 1 misdemeanor. Any violation of subsection C ~~hereof shall be punished~~ *is punishable* as a Class 3 misdemeanor, and the permit shall be revoked.

E. The provisions of this section shall not apply to any person in any cave located on his own property.

§ 10.1-1186.3:1. Policies for consultation with federally recognized Tribal Nations in the Commonwealth.

A. The Department, with assistance from the Ombudsman for Tribal Consultation designated pursuant to § 2.2-401.01, shall develop policies and procedures, to the extent permitted by law, to ensure an opportunity for meaningful and appropriate written consultation with potentially impacted federally recognized Tribal Nations in the Commonwealth regarding certain major actions or permits issued by the Department. The Department shall designate an agency official to evaluate the adequacy of consultation and ensure that agency consultation practices are consistent. Actions and permits appropriate for consultation shall include the projects and actions set forth in subsection B. The policies shall define an appropriate means of notifying federally recognized Tribal Nations in the Commonwealth based on tribal preferences, ensure that sufficient information and time is provided for the federally recognized Tribal Nations in the Commonwealth to fully engage in consultation regarding the proposed action, and establish procedures for the Department to provide feedback to the federally recognized Tribal Nations in the Commonwealth to explain how their input was considered. Should feedback from the federally recognized Tribal Nations in the Commonwealth not be received by the deadline established in the Department's policies and procedures, the consultation provisions of this section shall be deemed fulfilled. For environmental impact reports for major state projects prepared pursuant to § 10.1-1188, the policies and procedures shall require the state project proponent to perform the required consultation.

B. The following actions and projects in a locality identified by the Ombudsman for Tribal Consultation pursuant to subdivision B 2 of § 2.2-401.01 are subject to consultation as set forth in subsection A: (i) environmental impact reports for major state projects prepared pursuant to § 10.1-1188, (ii) State Corporation Commission project reports prepared pursuant to § 56-46.1 and 20VAC5-302-25, (iii) environmental impact assessments for oil or gas well drilling operations in Tidewater Virginia prepared pursuant to 9VAC15-20, (iv) federal consistency determinations prepared pursuant to § 307 of the federal Coastal Zone Management Act of 1972 (16 U.S.C. § 1451 et seq.), and (v) ground water withdrawal permits for ground water withdrawals greater than 365 million gallons per year issued pursuant to § 62.1-266.

§ 10.1-1188. State agencies to submit environmental impact reports on major projects.

A. All state agencies, boards, authorities, and commissions or any branch of the state government shall prepare and submit an environmental impact report to the Department on each major state project.

~~"Major~~ *For the purposes of this section, "major* state project" means the acquisition of an interest in land for any state facility construction, or the construction of any facility or expansion of an existing facility ~~which~~ *that* is hereafter undertaken by any state agency, board, commission, *or* authority or any branch of state government, including public institutions of higher education, ~~which~~ *that* costs $500,000 or more. For the purposes of this chapter, authority shall not include any industrial development authority created pursuant to the provisions of Chapter 49 (§ 15.2-4900 et seq.) of Title 15.2 or Chapter 643, as amended, of the ~~1964~~ Acts of Assembly *of 1964*. Nor shall it include the Virginia Port Authority created pursuant to the provisions of § 62.1-128, unless such project is a capital project that costs in excess of $5 million. Nor shall authority include any housing development or redevelopment authority established pursuant to state law. For the purposes of this chapter, branch of state government shall include any county, city, or town of the Commonwealth only in connection with highway construction, reconstruction, or improvement projects affecting highways or roads undertaken by the county, city, or town on projects estimated to cost more than $2 million. For projects undertaken by any locality costing more than $500,000 and less than $2 million, the locality shall consult with the Department of Historic Resources to consider and make reasonable efforts to avoid or minimize impacts to historic resources if the project involves a new location or a new disturbance that extends outside the area or depth of a prior disturbance, or otherwise has the potential to affect such resources adversely.

Such environmental impact report shall include, but not be limited to, the following:

1. The environmental impact of the major state project, including the impact on wildlife habitat;

2. Any adverse environmental effects ~~which~~ *that* cannot be avoided if the major state project is undertaken;

3. Measures proposed to minimize the impact of the major state project;

4. Any alternatives to the proposed construction; ~~and~~

5. Any irreversible environmental changes ~~which~~ *that* would be involved in the major state project*; and*

6. If required, a record of consultation with any federally recognized Tribal Nation in the Commonwealth that may be impacted by the major state project in a locality identified by the Ombudsman for Tribal Consultation pursuant to subdivision B 2 of § 2.2-401.01 pursuant to § 10.1-1186.3:1. The record of consultation shall include the information

provided to the federally recognized Tribal Nation in the Commonwealth, any feedback or response received by the federally recognized Tribal Nation in the Commonwealth, and a description of how the impact was considered or incorporated into the major state project.

For the purposes of subdivision 4, the report shall contain all alternatives considered and the reasons why the alternatives were rejected. If a report does not set forth alternatives, it shall state why alternatives were not considered.

B. For purposes of this chapter, this subsection shall only apply to the review of highway and road construction projects or any part thereof. The Secretaries of Transportation and Natural and Historic Resources shall jointly establish procedures for review and comment by state natural and historic resource agencies of highway and road construction projects. Such procedures shall provide for review and comment on appropriate projects and categories of projects to address the environmental impact of the project, any adverse environmental effects ~~which~~ *that* cannot be avoided if the project is undertaken, the measures proposed to minimize the impact of the project, any alternatives to the proposed construction, and any irreversible environmental changes ~~which~~ *that* would be involved in the project.

§ 10.1-2205.1. Policies for consultation with federally recognized Tribal Nations in the Commonwealth.

A. The Department, with assistance from the Ombudsman for Tribal Consultation designated pursuant to § 2.2-401.01, shall develop policies and procedures, to the extent permitted by law, to ensure an opportunity for meaningful and appropriate written consultation with federally recognized Tribal Nations in the Commonwealth regarding certain major actions or permits issued by the Department. The Department shall designate an agency official to evaluate the adequacy of consultation and ensure that agency consultation practices are consistent. Actions and permits appropriate for consultation shall include the projects and actions set forth in subsection B. The policies shall define an appropriate means of notifying federally recognized Tribal Nations in the Commonwealth based on tribal preferences, ensure that sufficient information and time is provided for the federally recognized Tribal Nations in the Commonwealth to fully engage in consultation regarding developing informed opinions about the proposed action, and establish procedures for the Department to provide feedback to the federally recognized Tribal Nations in the Commonwealth to explain how their input was considered. Should feedback from the federally recognized Tribal Nations in the Commonwealth not be received by the deadline established in the Department's policies and procedures, the consultation provisions of this section shall be deemed fulfilled.

B. The following actions and projects are subject to consultation as set forth in subsection A: (i) the designation of historic districts, buildings, structures, or sites as historic landmarks pursuant to § 10.1-2206.1; (ii) permits to conduct field investigations pursuant to § 10.1-2302; and (iii) burial permits for relocation of human remains issued pursuant to § 10.1-2305.

§ 10.1-2206.1. Procedure for designating a historic district, building, structure, or site as a historic landmark; National Register of Historic Places, National Historic Landmarks; historic district defined.

A. In any county, city, or town where the Board proposes to designate a historic district, building, structure, object, or site as a historic landmark, or where the Director proposes to nominate property to the National Park Service for inclusion in the National Register of Historic Places or for designation as a National Historic Landmark, the Department shall give written notice of the proposal to the governing body and to the owner, owners, or the owner's agent, of property proposed to be so designated or nominated, and to the owners, or their agents, of all abutting property and property immediately across the street or road from the property. *The Department shall also consult with any federally recognized Tribal Nations in the Commonwealth pursuant to § 10.1-2205.1 if the designation or nomination is in a locality identified by the Ombudsman for Tribal Consultation pursuant to subdivision B 2 of § 2.2-401.01.*

B. Prior to the designation or nomination of a historic district, the Department shall hold a public hearing at the seat of government of the county, city, or town in which the proposed historic district is located or within the proposed historic district. The public hearing shall be for the purpose of supplying additional information to the Board and to the Director. The time and place of such hearing shall be determined in consultation with a duly authorized representative of the local governing body~~,~~ and shall be scheduled at a time and place that will reasonably allow for the attendance of the affected property owners. The Department shall publish notice of the public hearing once a week for two successive weeks in a newspaper published or having general circulation in the county, city, or town. Such notice shall specify the time and place of the public hearing at which persons affected may appear and present their views, not less than six days nor more than ~~twenty-one~~ *21* days after the second publication of the notice in such newspaper. In addition to publishing the notice, the Department shall give written notice of the public hearing at least five days before such hearing to the owner, owners, or the owner's agent, of each parcel of real property to be included in the proposed historic district, and to the owners, or their agents, of all abutting property and property immediately across the street or road from the included property. Notice required to be given to owners by this subsection may be given concurrently with the notice required to be given to the owners by subsection A. The Department shall make and maintain an appropriate record of all public hearings held pursuant to this section.

C. Any written notice required to be given by the Department to any person shall be deemed to comply with the requirements of this section if sent by first class mail to the last known address of such person as shown on the current real estate tax assessment books, provided that a representative of the Department shall make an affidavit that such mailings have been made.

D. The local governing body and property owners shall have ~~thirty~~ *30* days from the date of the notice required by subsection A, or, in the case of a historic district, ~~thirty~~ *30* days from the date of the public hearing required by subsection B to provide comments and recommendations, if any, to the Board and to the Director.

E. For the purposes of this chapter, a historic district means a geographically definable area ~~which~~ *that* contains a significant concentration of historic buildings, structures, or sites having a common historical, architectural, archaeological, or cultural heritage, and which may contain local tax parcels having separate owners. Contributing properties within a registered district are historic landmarks by definition.

F. All regulations promulgated by the Director pursuant to § 10.1-2202 and all regulations promulgated by the Board pursuant to § 10.1-2205 shall be consistent with the provisions of this section.

§ 10.1-2214. Underwater historic property; penalty.

A. ~~"Underwater~~ *For purposes of this section, "underwater* historic property" means any submerged shipwreck, vessel, cargo, tackle, or underwater archaeological specimen, including any object found at underwater refuse sites or submerged sites of former habitation, that has remained unclaimed on the state-owned subaqueous bottom and has historic value as determined by the Department.

B. Underwater historic property shall be preserved and protected and shall be the exclusive property of the Commonwealth. Preservation and protection of such property shall be the responsibility of all state agencies, including but not limited to the Department, the Virginia Institute of Marine Science, and the Virginia Marine Resources Commission. Insofar as may be practicable, such property shall be preserved, protected, and displayed for the public benefit within the county or city within which it is found~~,~~ or within a museum operated by a state agency.

C. It ~~shall be~~ *is* unlawful for any person, firm, or corporation to conduct any type of recovery operations involving the removal, destruction, or disturbance of any underwater historic property without first applying for and receiving a permit from the Virginia Marine Resources Commission to conduct such operations pursuant to § 28.2-1203. If the Virginia Marine Resources Commission, *after consultation with any federally recognized Tribal Nations in the Commonwealth pursuant to § 28.2-104.01, and* with the concurrence of the Department and in consultation with the Virginia Institute of Marine Science and other concerned state agencies, finds that granting the permit is in the best interest of the Commonwealth, it shall grant the applicant a permit. The permit shall provide that all objects recovered shall be the exclusive property of the Commonwealth. The permit shall provide the applicant with a fair share of the objects recovered, or in the discretion of the Department, a reasonable percentage of the cash value of the objects recovered to be paid by the Department. Title to all objects recovered shall be retained by the Commonwealth unless or until they are released to the applicant by the Department. All recovery operations undertaken pursuant to a permit issued under this section shall be carried out under the general supervision of the Department and in accordance with § 28.2-1203 and in such a manner that the maximum amount of historical, scientific, archaeological, and educational information may be recovered and preserved in addition to the physical recovery of items. The Virginia Marine Resources Commission shall not grant a permit to conduct operations at substantially the same location described and covered by a permit previously granted if recovery operations are being actively pursued, unless the holder of the previously granted permit concurs in the grant of another permit.

D. The Department may seek a permit pursuant to this section and § 28.2-1203 to preserve and protect or recover any underwater historic property.

E. Any person violating the provisions of this section ~~shall be~~ *is* guilty of a Class 1 misdemeanor and, in addition, shall forfeit to the Commonwealth any objects recovered.

§ 10.1-2305. Permit required for the archaeological excavation of human remains.

A. It ~~shall be~~ *is* unlawful for any person to conduct any type of archaeological field investigation involving the removal of human skeletal remains or associated artifacts from any unmarked human burial regardless of age of an archaeological site and regardless of ownership without first receiving a permit from the Director.

B. Where unmarked burials are not part of a legally chartered cemetery, archaeological excavation of such burials pursuant to a permit from the Director shall be exempt from the requirements of §§ 57-38.1 and 57-39. However, such exemption shall not apply in the case of human burials within formally chartered cemeteries that have been abandoned.

C. The Department shall be considered an interested party in court proceedings considering the abandonment of legally constituted cemeteries or family graveyards with historic significance. A permit from the Director is required if archaeological investigations are undertaken as a part of a court-approved removal of a cemetery.

D. The Board shall promulgate regulations implementing this section that provide for appropriate public notice prior to issuance of a permit, provide for appropriate treatment of excavated remains, the scientific quality of the research conducted on the remains, and the appropriate disposition of the remains upon completion of the research. *Such regulations shall also require consultation with any federally recognized Tribal Nations in the Commonwealth pursuant to § 10.1-2205.1. When a burial permit would result in the disturbance of a burial site of an individual that has a cultural affiliation with a particular federally recognized Tribal Nation in the Commonwealth, the Department shall consult and seek consensus with such federally recognized Tribal Nation in the Commonwealth in the consideration and drafting of the permit document.* The Department may carry out such excavations and research without a permit, provided that it has complied with the substantive requirements of the regulations promulgated pursuant to this section.

E. Any interested party may appeal the Director's decision to issue a permit or to act directly to excavate human remains to the local circuit court. Such appeal must be filed within ~~fourteen~~ *14* days of the Director's decision.

F. For the purposes of this section, "cultural affiliation" has the same definition as provided in 25 U.S.C. § 3001(2) of the federal Native American Graves Protection and Repatriation Act (25 U.S.C. § 3001 et seq.) and its regulations. If doubt exists as to cultural affiliation, the federally recognized Tribal Nations in the Commonwealth with potential cultural affiliation shall make the determination.

§ 28.2-104.01. Policies for consultation with federally recognized Tribal Nations in the Commonwealth.

The Commission, with assistance from the Ombudsman for Tribal Consultation designated pursuant to § 2.2-401.01, shall develop policies and procedures to ensure an opportunity for meaningful and appropriate written consultation with federally recognized Tribal Nations in the Commonwealth regarding certain major actions or permits issued by the Commission. The Commission shall designate an agency official to evaluate the adequacy of consultation and ensure that agency consultation practices are consistent. Actions and permits appropriate for consultation shall include underwater recovery permits issued pursuant to § 10.1-2214 in a locality identified by the Ombudsman for Tribal Consultation pursuant to subdivision B 2 of § 2.2-401.01. The policies shall define an appropriate means of notifying federally recognized Tribal Nations in the Commonwealth based on tribal preferences, ensure that sufficient information and time is provided for the federally recognized Tribal Nations in the Commonwealth to fully engage in consultation regarding the proposed action, and establish procedures for the Commission to provide feedback to the federally recognized Tribal Nations in the Commonwealth to explain how their input was considered. Should feedback from the federally recognized Tribal Nations in the Commonwealth not be received by the deadline established in the Commission's policies and procedures, the consultation provisions of this section shall be deemed fulfilled.

§ 56-46.1. Commission to consider environmental, economic, and improvements in service reliability factors in approving construction of electrical utility facilities; approval required for construction of certain electrical transmission lines; notice and hearings.

A. Whenever the Commission is required to approve the construction of any electrical utility facility, it shall give consideration to the effect of that facility on the environment and establish such conditions as may be desirable or necessary to minimize adverse environmental impact. In order to avoid duplication of governmental activities, any valid permit or approval required for an electric generating plant and associated facilities issued or granted by a federal, state, or local governmental entity charged by law with responsibility for issuing permits or approvals regulating environmental impact and mitigation of adverse environmental impact or for other specific public interest issues such as building codes, transportation plans, and public safety, whether such permit or approval is granted prior to or after the Commission's decision, shall be deemed to satisfy the requirements of this section with respect to all matters that (i) are governed by the permit or approval or (ii) are within the authority of, and were considered by, the governmental entity in issuing such permit or approval, and the Commission shall impose no additional conditions with respect to such matters. Nothing in this section shall affect the ability of the Commission to keep the record of a case open. Nothing in this section shall affect any right to appeal such permits or approvals in accordance with applicable law. In the case of a proposed facility located in a region that was designated as of July 1, 2001, as serious nonattainment for the one-hour ozone standard as set forth in the federal Clean Air Act, the Commission shall not issue a decision approving such proposed facility that is conditioned upon issuance of any environmental permit or approval. In every proceeding under this subsection, the Commission shall receive and give consideration to all reports that relate to the proposed facility by state agencies concerned with environmental protection; and if requested by any county or municipality in which the facility is proposed to be built, to local comprehensive plans that have been adopted pursuant to Article 3 (§ 15.2-2223 et seq.) of Chapter 22 of Title 15.2. Additionally, the Commission (a) shall consider the effect of the proposed facility on economic development within the Commonwealth, including but not limited to furtherance of the economic and job creation objectives of the Commonwealth Clean Energy Policy set forth in § 45.2-1706.1, and (b) shall consider any improvements in service reliability that may result from the construction of such facility.

B. Subject to the provisions of subsection J, no electrical transmission line of 138 kilovolts or more shall be constructed unless the State Corporation Commission shall, after at least 30 days' advance notice by (i) publication in a newspaper or newspapers of general circulation in the counties and municipalities through which the line is proposed to be built, (ii) written notice to the governing body of each such county and municipality, and (iii) causing to be sent a copy of the notice by first class mail to all owners of property within the route of the proposed line, as indicated on the map or sketch of the route filed with the Commission, which requirement shall be satisfied by mailing the notice to such persons at such addresses as are indicated in the land books maintained by the commissioner of revenue, director of finance or treasurer of the county or municipality, approve such line. Such notices shall include a written description of the proposed route the line is to follow, as well as a map or sketch of the route including a digital geographic information system (GIS) map provided by the public utility showing the location of the proposed route. The Commission shall make GIS maps provided under this subsection available to the public on the Commission's website. Such notices shall be in addition to the advance notice to the chief administrative officer of the county or municipality required pursuant to § 15.2-2202.

As a condition to approval the Commission shall determine that the line is needed and that the corridor or route chosen for the line will avoid or reasonably minimize adverse impact to the greatest extent reasonably practicable on the scenic assets, historic *and cultural* resources recorded with the Department of Historic Resources, *cultural resources identified by federally recognized Tribal Nations in the Commonwealth,* and environment of the area concerned. To assist the Commission in this determination, as part of the application for Commission approval of the line, the applicant shall summarize its efforts to avoid or reasonably minimize adverse impact to the greatest extent reasonably practicable on the scenic assets, historic resources recorded with the Department of Historic Resources, and environment of the area concerned. In making the determinations about need, corridor or route, and method of installation, the Commission shall verify the applicant's load flow modeling, contingency analyses, and reliability needs presented to justify the new line and its proposed method of installation. If the local comprehensive plan of an affected county or municipality designates

corridors or routes for electric transmission lines and the line is proposed to be constructed outside such corridors or routes, in any hearing the county or municipality may provide adequate evidence that the existing planned corridors or routes designated in the plan can adequately serve the needs of the company. Additionally, the Commission shall consider, upon the request of the governing body of any county or municipality in which the line is proposed to be constructed, (a) the costs and economic benefits likely to result from requiring the underground placement of the line and (b) any potential impediments to timely construction of the line.

C. If, prior to such approval, any interested party shall request a public hearing, the Commission shall, as soon as reasonably practicable after such request, hold such hearing or hearings at such place as may be designated by the Commission. In any hearing, the public service company shall provide adequate evidence that existing rights-of-way cannot adequately serve the needs of the company.

If, prior to such approval, written requests therefor are received from the governing body of any county or municipality through which the line is proposed to be built or from 20 or more interested parties, the Commission shall hold at least one hearing in the area that would be affected by construction of the line, for the purpose of receiving public comment on the proposal. If any hearing is to be held in the area affected, the Commission shall direct that a copy of the transcripts of any previous hearings held in the case be made available for public inspection at a convenient location in the area for a reasonable time before such local hearing.

D. As used in this section, unless the context requires a different meaning:

"Environment" or "environmental" shall be deemed to include in meaning "historic," as well as a consideration of the probable effects of the line on the health and safety of the persons in the area concerned.

"Interested parties" ~~shall include~~ *includes* the governing bodies of any counties or municipalities through which the line is proposed to be built~~,~~ and persons residing or owning property in each such county or municipality.

"Public utility" means a public utility as defined in § 56-265.1.

"Qualifying facilities" means a cogeneration or small power production facility ~~which~~ *that* meets the criteria of 18 C.F.R. Part 292.

"Reasonably accommodate requests to wheel or transmit power" means:

1. That the applicant will make available to new electric generation facilities constructed after January 9, 1991, qualifying facilities and other nonutilities, a minimum of one-fourth of the total megawatts of the additional transmission capacity created by the proposed line, for the purpose of wheeling to public utility purchasers the power generated by such qualifying facilities and other nonutility facilities which are awarded a power purchase contract by a public utility purchaser in compliance with applicable state law or regulations governing bidding or capacity acquisition programs for the purchase of electric capacity from nonutility sources, provided that the obligation of the applicant will extend only to those requests for wheeling service made within the 12 months following certification by the State Corporation Commission of the transmission line and with effective dates for commencement of such service within the 12 months following completion of the transmission line; and

2. That the wheeling service offered by the applicant, pursuant to subdivision ~~D~~ 1, will reasonably further the purposes of the Public Utilities Regulatory Policies Act of 1978 (P. L. 95-617), as demonstrated by submitting to the Commission, with its application for approval of the line, the cost methodologies, terms, conditions, and dispatch and interconnection requirements the applicant intends, subject to any applicable requirements of the Federal Energy Regulatory Commission, to include in its agreements for such wheeling service.

E. In the event that, at any time after the giving of the notice required in subsection B, it appears to the Commission that consideration of a route or routes significantly different from the route described in the notice is desirable, the Commission shall cause notice of the new route or routes to be published and mailed in accordance with subsection B. The Commission shall thereafter comply with the provisions of this section with respect to the new route or routes to the full extent necessary to give affected localities*, federally recognized Tribal Nations in the Commonwealth,* and interested parties in the newly affected areas the same protection afforded to affected localities and interested parties affected by the route described in the original notice.

F. Approval of a transmission line pursuant to this section shall be deemed to satisfy the requirements of § 15.2-2232 and local zoning ordinances with respect to such transmission line.

G. The Commission shall enter into a memorandum of agreement with the Department of Environmental Quality regarding the coordination of their reviews of the environmental impact of electric generating plants and associated facilities. *If the proposed plants or associated facilities are in a locality identified by the Ombudsman for Tribal Consultation pursuant to subdivision B 2 of § 2.2-401.01, such consultation information shall be included in the memorandum of agreement.*

H. An applicant that is required to obtain (i) a certificate of public convenience and necessity from the Commission for any electric generating facility, electric transmission line, natural or manufactured gas transmission line as defined in 49 ~~Code of Federal Regulations~~ *C.F.R.* § 192.3, or natural or manufactured gas storage facility (hereafter, an energy facility) and (ii) an environmental permit for the energy facility that is subject to issuance by any agency or board within the Secretariat of Natural and Historic Resources, may request a pre-application planning and review process. In any such request to the Commission or the Secretariat of Natural and Historic Resources, the applicant shall identify the proposed energy facility for which it requests the pre-application planning and review process. The Commission, the Department of Environmental Quality, the Marine Resources Commission, the Department of Wildlife Resources, the Department of

Historic Resources, the Department of Conservation and Recreation, and other appropriate agencies of the Commonwealth shall participate in the pre-application planning and review process. Participation in such process shall not limit the authority otherwise provided by law to the Commission or other agencies or boards of the Commonwealth. The Commission and other participating agencies *and boards* of the Commonwealth may invite federal and local governmental entities charged by law with responsibility for issuing permits or approvals *and potentially impacted federally recognized Tribal Nations in the Commonwealth* to participate in the pre-application planning and review process. Through the pre-application planning and review process, the applicant, the Commission, ~~and other~~ *participating* agencies and boards *of the Commonwealth, and potentially impacted federally recognized Tribal Nations in the Commonwealth* shall identify the potential impacts and approvals that may be required and shall develop a plan that will provide for an efficient and coordinated review of the proposed energy facility. The plan shall include (a) a list of the permits or other approvals likely to be required based on the information available, (b) a specific plan and preliminary schedule for the different reviews, (c) a plan for coordinating those reviews and the related public comment process, and (d) designation of points of contact, either within each agency or for the Commonwealth as a whole, to facilitate this coordination. The plan shall be made readily available to the public and shall be maintained on a dedicated website to provide current information on the status of each component of the plan and each approval process including opportunities for public comment.

I. The provisions of this section shall not apply to the construction and operation of a small renewable energy project, as defined in § 10.1-1197.5, by a utility regulated pursuant to this title for which the Department of Environmental Quality has issued a permit by rule pursuant to Article 5 (§ 10.1-1197.5 et seq.) of Chapter 11.1 of Title 10.1.

J. Approval under this section shall not be required for any transmission line for which a certificate of public convenience and necessity is not required pursuant to subdivision A of § 56-265.2.

§ 62.1-266. Ground water withdrawal permits.

A. The Board may issue any ground water withdrawal permit upon terms, conditions, and limitations necessary for the protection of the public welfare, safety, and health.

B. Applications for ground water withdrawal permits shall be in a form prescribed by the Board and shall contain such information, consistent with this chapter, as the Board deems necessary.

C. All ground water withdrawal permits issued by the Board under this chapter shall have a fixed term not to exceed 15 years. The term of a ground water withdrawal permit issued by the Board shall not be extended by modification beyond the maximum duration, and the permit shall expire at the end of the term unless a complete application for a new permit has been filed in a timely manner as required by the regulations of the Board, and the Board is unable, through no fault of the permittee, to issue a new permit before the expiration date of the previous permit.

D. Renewed ground water withdrawal permits shall be for a withdrawal amount that includes such savings as can be demonstrated to have been achieved through water conservation, provided that a beneficial use of the permitted ground water can be demonstrated for the following permit term.

E. Any permit issued by the Board under this chapter may, after notice and opportunity for a hearing, be amended or revoked on any of the following grounds or for good cause as may be provided by the regulations of the Board:

1. The permittee has violated any regulation or order of the Board pertaining to ground water, any condition of a ground water withdrawal permit, any provision of this chapter, or any order of a court, where such violation presents a hazard or potential hazard to human health or the environment or is representative of a pattern of serious or repeated violations that, in the opinion of the Board, demonstrates the permittee's disregard for or inability to comply with applicable laws, regulations, or requirements;

2. The permittee has failed to disclose fully all relevant material facts or has misrepresented a material fact in applying for a permit, or in any other report or document required under this chapter or under the ground water withdrawal regulations of the Board;

3. The activity for which the permit was issued endangers human health or the environment and can be regulated to acceptable levels by amendment or revocation of the permit; or

4. There exists a material change in the basis on which the permit was issued that requires either a temporary or a permanent reduction or elimination of the withdrawal controlled by the permit necessary to protect human health or the environment.

F. No application for a ground water withdrawal permit shall be considered complete unless the applicant has provided the Executive Director of the Board with notification from the governing body of the locality in which the withdrawal is to occur that the location and operation of the withdrawing facility is in compliance with all ordinances adopted pursuant to Chapter 22 (§ 15.2-2200 et seq.) of Title 15.2. The provisions of this subsection shall not apply to any applicant exempt from compliance under Chapter 22 (§ 15.2-2200 et seq.) of Title 15.2.

G. A ground water withdrawal permit shall authorize withdrawal of a specific amount of ground water through a single well or system of wells, including a backup well or wells, or such other means as the withdrawer specifies.

H. The Board may adopt regulations to develop a general permit for the regulation of irrigation withdrawals from the surficial aquifer greater than 300,000 gallons in any one month. Regulations adopted pursuant to this subsection shall provide that withdrawals from the surficial aquifer may be permitted under either a general permit developed pursuant to this subsection or another ground water withdrawal permit.

I. The Board shall promulgate regulations establishing criteria for determining whether the quantity or quality of the ground water in a surficial aquifer is adequate to meet a proposed beneficial use. Such regulations shall specify the

information required to be submitted to the Department by a golf course or any other person seeking a determination from the Department that either the quantity or quality of the ground water in a surficial aquifer is not adequate to meet a proposed beneficial use. Such regulations shall require the Department, within 30 days of receipt of a complete request, to make a determination as to the adequacy of the quantity or quality of the ground water in a surficial aquifer.

J. If the proposed permit will allow for ground water withdrawals greater than 365 million gallons per year in a locality identified by the Ombudsman for Tribal Consultation pursuant to subdivision B 2 of § 2.2-401.01, the Board shall ensure that the Department consults with any potentially impacted federally recognized Tribal Nations in the Commonwealth pursuant to the policies and procedures adopted by the Department pursuant to § 10.1-1186.3:1. Should feedback from potentially impacted federally recognized Tribal Nations in the Commonwealth not be received by the deadline established in the Department's policies and procedures, the consultation provisions of this section shall be deemed fulfilled.

2. That by January 1, 2025, and in consultation with federally recognized Tribal Nations in the Commonwealth, the Ombudsman for Tribal Consultation designated pursuant to § 2.2-401.01 of the Code of Virginia, as amended by this act, shall develop a list of localities in which federally recognized Tribal Nations in the Commonwealth shall be consulted to effectuate the provisions of this act.

3. That the Departments of Conservation and Recreation, Environmental Quality, and Historic Resources and the Marine Resources Commission shall adopt regulations as necessary to carry out the provisions of this act. Such regulations shall provide that when consultation with federally recognized Tribal Nations in the Commonwealth has been or is being conducted pursuant to federal law for a particular undertaking and the Commonwealth is already involved in such consultation, such consultation shall suffice to meet the requirements of this act.

CHAPTER 831

An Act to amend and reenact § 55.1-1204 of the Code of Virginia, relating to Virginia Residential Landlord and Tenant Act; copy of rental agreement for tenant.

[H 1272]

Approved April 17, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 55.1-1204 of the Code of Virginia is amended and reenacted as follows:

§ 55.1-1204. Terms and conditions of rental agreement; payment of rent; copy of rental agreement for tenant.

A. A landlord and tenant may include in a rental agreement terms and conditions not prohibited by this chapter or other rule of law, including rent, charges for late payment of rent, the term of the agreement, automatic renewal of the rental agreement, requirements for notice of intent to vacate or terminate the rental agreement, and other provisions governing the rights and obligations of the parties.

B. A landlord shall offer a prospective tenant a written rental agreement containing the terms governing the rental of the dwelling unit and setting forth the terms and conditions of the landlord-tenant relationship and shall provide with it the statement of tenant rights and responsibilities developed by the Department of Housing and Community Development and posted on its website pursuant to § 36-139. The parties to a written rental agreement shall sign the form developed by the Department of Housing and Community Development and posted on its website pursuant to § 36-139 acknowledging that the tenant has received from the landlord the statement of tenant rights and responsibilities. The written rental agreement shall be effective upon the date signed by the parties.

If a tenant fails to sign the form available pursuant to this subsection, the landlord shall record the date or dates on which he provided the form to the tenant and the fact that the tenant failed to sign such form. Subsequent to the effective date of the tenancy, a landlord may, but shall not be required to, provide a tenant with and allow such tenant an opportunity to sign the form described pursuant to this subsection. The form shall be current as of the date of delivery.

C. If a landlord does not offer a written rental agreement, the tenancy shall exist by operation of law, consisting of the following terms and conditions:

1. The provision of this chapter shall be applicable to the dwelling unit that is being rented;

2. The duration of the rental agreement shall be for 12 months and shall not be subject to automatic renewal, except in the event of a month-to-month lease as otherwise provided for under subsection D of § 55.1-1253;

3. Rent shall be paid in 12 equal periodic installments in an amount agreed upon by the landlord and the tenant and if no amount is agreed upon, the installments shall be at fair market rent;

4. Rent payments shall be due on the first day of each month during the tenancy and shall be considered late if not paid by the fifth of the month;

5. If the rent is paid by the tenant after the fifth day of any given month, the landlord shall be entitled to charge a late charge as provided in this chapter;

6. The landlord may collect a security deposit in an amount that does not exceed a total amount equal to two months of rent; and

7. The parties may enter into a written rental agreement at any time during the 12-month tenancy created by this subsection.

D. Except as provided in the written rental agreement, or as provided in subsection C if no written agreement is offered, rent shall be payable without demand or notice at the time and place agreed upon by the parties. Except as provided in the written rental agreement, rent is payable at the place designated by the landlord, and periodic rent is payable at the beginning of any term of one month or less and otherwise in equal installments at the beginning of each month. If the landlord receives from a tenant a written request for a written statement of charges and payments, he shall provide the tenant with a written statement showing all debits and credits over the tenancy or the past 12 months, whichever is shorter. The landlord shall provide such written statement within 10 business days of receiving the request.

E. A landlord shall not charge a tenant for late payment of rent unless such charge is provided for in the written rental agreement. No such late charge shall exceed the lesser of 10 percent of the periodic rent or 10 percent of the remaining balance due and owed by the tenant.

F. Except as provided in the written rental agreement or, as provided in subsection C if no written agreement is offered, the tenancy shall be week-to-week in the case of a tenant who pays weekly rent and month-to-month in all other cases. Terminations of tenancies shall be governed by § 55.1-1253 unless the rental agreement provides for a different notice period.

G. If the rental agreement contains any provision allowing the landlord to approve or disapprove a sublessee or assignee of the tenant, the landlord shall, within 10 business days of receipt of the written application of the prospective sublessee or assignee on a form to be provided by the landlord, approve or disapprove the sublessee or assignee. Failure of the landlord to act within 10 business days is evidence of his approval.

H. The landlord shall provide a copy of ~~any~~ *the signed* written rental agreement and the statement of tenant rights and responsibilities to the tenant within ~~one month~~ *10 business days* of the effective date of the written rental agreement. The failure of the landlord to deliver such a rental agreement and statement shall not affect the validity of the agreement. However, the landlord shall not file or maintain an action, including any summons for unlawful detainer, against the tenant in a court of law for any alleged lease violation until he has provided the tenant with the statement of tenant rights and responsibilities.

The landlord shall provide the tenant with an additional hard copy of such tenant's rental agreement once per year upon request or shall maintain such rental agreement in an electronic format that can be easily accessed by or shared with the tenant upon request. Any additional electronic copy of a tenant's rental agreement provided pursuant to this subsection shall be provided by the landlord at no charge to the tenant.

I. No unilateral change in the terms of a rental agreement by a landlord or tenant shall be valid unless (i) notice of the change is given in accordance with the terms of the rental agreement or as otherwise required by law and (ii) both parties consent in writing to the change.

J. The landlord shall provide the tenant with a written receipt, upon request from the tenant, whenever the tenant pays rent in the form of cash or money order.

K. A landlord who owns more than four rental dwelling units or more than a 10 percent interest in more than four rental dwelling units, whether individually or through a business entity, in the Commonwealth, shall be required to provide written notice to any tenant who has the option to renew a rental agreement or whose rental agreement contains an automatic renewal provision of any increase in rent during the subsequent rental agreement term. Such notice shall be provided to the tenant no less than 60 days prior to the end of the rental agreement term. This subsection shall not apply to any periodic tenancy created pursuant to subsection C of § 55.1-1253.

CHAPTER 832

An Act to amend and reenact §§ 47.1-2, 47.1-16, and 47.1-20.1 of the Code of Virginia, relating to notaries; definitions; knowledge-based authentication assessment.

[H 1372]

Approved April 17, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 47.1-2, 47.1-16, and 47.1-20.1 of the Code of Virginia are amended and reenacted as follows:

§ 47.1-2. Definitions.

As used in this title, unless the context demands a different meaning:

"Acknowledgment" means a notarial act in which an individual at a single time and place (i) appears in person before the notary and presents a document; (ii) is personally known to the notary or identified by the notary through satisfactory evidence of identity; and (iii) indicates to the notary that the signature on the document was voluntarily affixed by the individual for the purposes stated within the document and, if applicable, that the individual had due authority to sign in a particular representative capacity.

"Affirmation" means a notarial act, or part thereof, that is legally equivalent to an oath and in which an individual at a single time and place (i) appears in person before the notary and presents a document; (ii) is personally known to the notary or identified by the notary through satisfactory evidence of identity; and (iii) makes a vow of truthfulness or fidelity on penalty of perjury.

"Commissioned notary public" means that the applicant has completed and submitted the registration forms along with the appropriate fee to the Secretary of the Commonwealth and the Secretary of the Commonwealth has determined that the applicant meets the qualifications to be a notary public and issues a notary commission and forwards same to the clerk of the circuit court, pursuant to this chapter.

"Copy certification" means a notarial act in which a notary (i) is presented with a document that is not a public record; (ii) copies or supervises the copying of the document using a photographic or electronic copying process; (iii) compares the document to the copy; and (iv) determines that the copy is accurate and complete.

"Credential analysis" means a process or service that independently affirms the veracity of a government-issued identity credential by reviewing public or proprietary data sources and meets the standards of the Secretary of the Commonwealth.

"Credible witness" means an honest, reliable, and impartial person who personally knows an individual appearing before a notary and takes an oath or affirmation from the notary to confirm that individual's identity.

"Document" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form, including a record as defined in the Uniform Electronic Transactions Act (§ 59.1-479 et seq.).

"Electronic" means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.

"Electronic document" means information that is created, generated, sent, communicated, received, or stored by electronic means.

"Electronic notarial act" or "electronic notarization" means an official act by a notary under § 47.1-12 or as otherwise authorized by law that involves electronic documents.

"Electronic notarial certificate" means the portion of a notarized electronic document that is completed by the notary public, bears the notary public's signature, title, commission expiration date, and other required information concerning the date and place of the electronic notarization, and states the facts attested to or certified by the notary public in a particular notarization. The "electronic notarial certificate" shall indicate whether the notarization was done in person or by remote online notarization.

"Electronic notary public" or "electronic notary" means a notary public who has been commissioned by the Secretary of the Commonwealth with the capability of performing electronic notarial acts under § 47.1-7.

"Electronic notary seal" or "electronic seal" means information within a notarized electronic document that confirms the notary's name, jurisdiction, and commission expiration date and generally corresponds to data in notary seals used on paper documents.

"Electronic signature" means an electronic sound, symbol, or process attached to or logically associated with an electronic document and executed or adopted by a person with the intent to sign the document.

"Identity proofing" means a process or service that independently verifies an individual's identity in accordance with § 2.2-436.

"Knowledge-based authentication assessment" means an identity assessment formulated from public or private data sources for which the principal has not provided a prior answer that meets the following requirements:

1. The principal shall answer a quiz composed of at least five questions related to the principal's personal history or identity;

2. At least five possible answer choices shall be available for each question;

3. The principal shall pass the quiz if he achieves a score of 80 percent or higher;

4. The principal shall have two minutes to answer the questions on the quiz;

5. If the principal fails to achieve a score of at least 80 percent, the principal may attempt up to two additional quizzes within 48 hours following the first failed quiz; and

6. No more than 60 percent of the questions from the initial quiz can be reused on additional quizzes.

"Notarial act" or "notarization" means any official act performed by a notary under § 47.1-12 or 47.1-13 or as otherwise authorized by law.

"Notarial certificate" or "certificate" means the part of, or attachment to, a notarized document that is completed by the notary public, bears the notary public's signature, title, commission expiration date, notary registration number, and other required information concerning the date and place of the notarization and states the facts attested to or certified by the notary public in a particular notarization.

"Notary public" or "notary" means any person commissioned to perform official acts under the title, and includes an electronic notary except where expressly provided otherwise.

"Oath" shall include "affirmation."

"Official misconduct" means any violation of this title by a notary, whether committed knowingly, willfully, recklessly or negligently.

"Personal knowledge of identity" or "personally knows" means familiarity with an individual resulting from interactions with that individual over a period of time sufficient to dispel any reasonable uncertainty that the individual has the identity claimed.

"Principal" means (i) a person whose signature is notarized or (ii) a person, other than a credible witness, taking an oath or affirmation from the notary.

"Record of notarial acts" means a device for creating and preserving a chronological record of notarizations performed by a notary.

"Remote online notarization" means an electronic notarization under this chapter where the signer is not in the physical presence of the notary.

"Satisfactory evidence of identity" means identification of an individual based on (i) examination of one or more of the following unexpired documents bearing a photographic image of the individual's face and signature: a United States Passport Book, a United States Passport Card, a certificate of United States citizenship, a certificate of naturalization, a foreign passport, an alien registration card with photograph, a state issued driver's license or a state issued identification card or a United States military card or (ii) the oath or affirmation of one credible witness unaffected by the document or transaction who is personally known to the notary and who personally knows the individual or of two credible witnesses unaffected by the document or transaction who each personally knows the individual and shows to the notary documentary identification as described in clause (i). In the case of an individual who resides in an assisted living facility, as defined in § 63.2-100, or a nursing home, licensed by the State Department of Health pursuant to Article 1 (§ 32.1-123 et seq.) of Chapter 5 of Title 32.1 or exempt from licensure pursuant to § 32.1-124, an expired United States Passport Book, expired United States Passport Card, expired foreign passport, or expired state issued driver's license or state issued identification card may also be used for identification of such individual, provided that the expiration of such document occurred within five years of the date of use for identification purposes pursuant to this title. In the case of an electronic notarization, "satisfactory evidence of identity" may be based on video and audio conference technology, in accordance with the standards for electronic video and audio communications set out in subdivisions B 1, 2, and 3 of § 19.2-3.1, that permits the notary to communicate with and identify the principal at the time of the notarial act, provided that such identification is confirmed by (a) personal knowledge, (b) an oath or affirmation of a credible witness *who personally knows the principal and is either personally known to the notary or is identified pursuant to clause (c)*, or (c) *is identified by* at least two of the following: (1) credential analysis of an unexpired government-issued identification bearing a photograph of the principal's face and signature~~,~~*;* (2) identity proofing by an antecedent in-person identity proofing process in accordance with the specifications of the Federal Bridge Certification Authority, *including any supplements thereto or revisions thereof;* (3) another identity proofing method authorized in guidance documents, regulations, or standards adopted pursuant to § 2.2-436~~, or~~*;* (4) a valid digital certificate accessed by biometric data or by use of an interoperable Personal Identity Verification card that is designed, issued, and managed in accordance with the specifications published by the National Institute of Standards and Technology in Federal Information Processing Standards Publication 201-1, "Personal Identity Verification (PIV) of Federal Employees and Contractors," and supplements thereto or revisions thereof, including the specifications published by the Federal Chief Information Officers Council in "Personal Identity Verification Interoperability for Non-Federal Issuers~~.~~"*; or (5) a knowledge-based authentication assessment.*

"Seal" means a device for affixing on a paper document an image containing the notary's name and other information related to the notary's commission.

"Secretary" means the Secretary of the Commonwealth.

"State" includes any state, territory, or possession of the United States.

"Verification of fact" means a notarial act in which a notary reviews public or vital records to (i) ascertain or confirm facts regarding a person's identity, identifying attributes, or authorization to access a building, database, document, network, or physical site or (ii) validate an identity credential on which satisfactory evidence of identity may be based.

§ 47.1-16. Notarizations to show date of act, official signature and seal, etc.

A. Every notarization shall include the date upon which the notarial act was performed and the county or city and state in which it was performed. Every electronic notarial certificate *completed by an electronic notary public commissioned in the Commonwealth* shall include the county or city within the Commonwealth where the electronic notary public was physically located at the time of the notarial act. The electronic notarial certificate shall indicate whether the notarization was done in person or by remote online notarization.

B. A notarial act shall be evidenced by a notarial certificate or electronic notarial certificate signed by a notary in a manner that attributes such signature to the notary public identified on the commission.

C. Upon every writing that is the subject of a notarial act, the notary shall, after his certificate, state the date of the expiration of his commission in substantially the following form:

"My commission expires the ____ day of _____, ____ "

Near the notary's official signature on the notarial certificate of a paper document, the notary shall affix a sharp, legible, permanent, and photographically reproducible image of the official seal, or, to an electronic document, the notary shall attach an official electronic seal.

D. The notary shall attach the official electronic signature and electronic seal to the electronic notarial certificate of an electronic document in a manner that is capable of independent verification and renders any subsequent changes or modifications to the electronic document evident.

E. An electronic notary's electronic signature and electronic seal shall conform to the standards for electronic notarization developed in accordance with § 47.1-6.1.

§ 47.1-20.1. Validation of certain acts.

A. Oaths of office administered by a notary public on or before July 1, 1982, are hereby deemed to be valid and actions of any public officer taking such oaths are hereby deemed valid.

B. No notarial act performed by a notary public shall be invalidated solely because of the failure of such notary public to perform a duty or meet a requirement specified in this title. However, the validity of a notarial act shall not prohibit an aggrieved person from seeking to invalidate the record or transaction that is the subject of such notarial act or from seeking other remedies authorized by the laws of the Commonwealth or laws of the United States. Nothing in this subsection shall be construed to validate a purported notarial act performed by an individual who is not authorized to perform such notarial acts.

2. That the provisions of subsection B of § 47.1-20.1 of the Code of Virginia, as amended by this act, shall apply retroactively to any notarial act that was performed before July 1, 2024.

CHAPTER 833

An Act to amend and reenact § 55.1-1308.1 of the Code of Virginia, relating to Manufactured Home Lot Rental Act; manufactured home park; notice of sale; relocation expenses.

[H 1397]

Approved April 17, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 55.1-1308.1 of the Code of Virginia is amended and reenacted as follows:

§ 55.1-1308.1. Sale of manufactured home park to developer; relocation expenses.

If ~~the~~ termination of a rental agreement is due to the sale of the manufactured home park to a buyer that is going to redevelop the park and change its use, the landlord shall provide to each manufactured home owner in the park ~~$2,500~~ *$5,000* in relocation expenses within the 180-day notice period provided for in subsection B of § 55.1-1308 ~~for the purpose of removing the manufactured home from the park. For manufactured home parks located in Planning District 8, the landlord shall provide to each manufactured home owner in the park $3,500 in relocation expenses within the 180-day notice period provided for in subsection B of § 55.1-1308 for the purpose of removing the manufactured home from the park. Such relocation expenses shall be subject to a written agreement between the landlord and the manufactured home owner to remove the manufactured home from the park. Notwithstanding any other provision of law, a landlord shall not be subject to any other requirement under a zoning ordinance or conditional use or other permit under Title 15.2 to pay additional funds or provide additional financial assistance to a manufactured home owner if a rental agreement is terminated due to the sale of the manufactured home park to a buyer that is going to redevelop the park and change its use~~.

CHAPTER 834

An Act to amend and reenact §§ 2.2-1604, 2.2-1605, 2.2-1610, 2.2-4310, 2.2-4310.3, and 23.1-1017 of the Code of Virginia and to amend the Code of Virginia by adding in Chapter 16.1 of Title 2.2 an article numbered 4, consisting of sections numbered 2.2-1618 through 2.2-1622, relating to the Department of Small Business and Supplier Diversity; Small SWaM Business Procurement Enhancement Program established; disparity study report.

[H 1404]

Approved April 17, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-1604, 2.2-1605, 2.2-1610, 2.2-4310, 2.2-4310.3, and 23.1-1017 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Chapter 16.1 of Title 2.2 an article numbered 4, consisting of sections numbered 2.2-1618 through 2.2-1622, as follows:

§ 2.2-1604. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Certification" means the process by which (i) a business is determined to be a small, women-owned, or minority-owned business or (ii) an employment services organization, for the purpose of reporting small, women-owned, and minority-owned business and employment services organization participation in state contracts and purchases pursuant to §§ 2.2-1608 and 2.2-1610.

"Covered institution" means a public institution of higher education operating (i) subject to a management agreement set forth in Article 4 (§ 23.1-1004 et seq.) of Chapter 10 of Title 23.1, (ii) under a memorandum of understanding pursuant to § 23.1-1003, or (iii) under the pilot program authorized in the appropriation act.

"Department" means the Department of Small Business and Supplier Diversity or any division of the Department to which the Director has delegated or assigned duties and responsibilities.

"Employment services organization" means an organization that provides community-based employment services to individuals with disabilities that is an approved Commission on Accreditation of Rehabilitation Facilities (CARF) accredited vendor of the Department for Aging and Rehabilitative Services.

"Executive branch agency" means the same as that term is defined in § 2.2-2006.

"Historically black ~~colleges and~~ *college or* university" includes any college or university that was established prior to 1964; whose principal mission was, and is, the education of black Americans; and that is accredited by a nationally recognized accrediting agency or association determined by the Secretary of Education.

"Microbusiness" means a business that has been certified by the Department as a small business and has (i) 25 or fewer employees and (ii) average annual gross receipts of $3 million or less over the previous three years.

"Minority individual" means an individual who is a citizen of the United States or a legal resident alien and who satisfies one or more of the following definitions:

1. "African American" means a person having origins in any of the original peoples of Africa and who is regarded as such by the community of which this person claims to be a part.

2. "Asian American" means a person having origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent, or the Pacific Islands, including but not limited to Japan, China, Vietnam, Samoa, Laos, Cambodia, Taiwan, Northern Mariana Islands, the Philippines, a U.S. territory of the Pacific, India, Pakistan, Bangladesh, or Sri Lanka, and who is regarded as such by the community of which this person claims to be a part.

3. "Hispanic American" means a person having origins in any of the Spanish-speaking peoples of Mexico, South or Central America, or the Caribbean Islands or other Spanish or Portuguese cultures and who is regarded as such by the community of which this person claims to be a part.

4. "Native American" means a person having origins in any of the original peoples of North America and who is regarded as such by the community of which this person claims to be a part or who is recognized by a tribal organization.

"Minority-owned business" means a business that is at least 51 percent owned by one or more minority individuals who are U.S. citizens or legal resident aliens, or in the case of a corporation, partnership, or limited liability company or other entity, at least 51 percent of the equity ownership interest in the corporation, partnership, or limited liability company or other entity is owned by one or more minority individuals who are U.S. citizens or legal resident aliens, and both the management and daily business operations are controlled by one or more minority individuals, or any historically black college or university, regardless of the percentage ownership by minority individuals or, in the case of a corporation, partnership, or limited liability company or other entity, the equity ownership interest in the corporation, partnership, or limited liability company or other entity.

"Prime contractor" means the contractor that has full legal responsibility for completion of a contract with a public body. A "prime contractor" may employ or manage one or more subcontractors to carry out specific parts of the contract.

"Service disabled veteran" means a veteran who (i) served on active duty in the United States military ground, naval, or air service; (ii) was discharged or released under conditions other than dishonorable; and (iii) has a service-connected disability rating fixed by the U.S. Department of Veterans Affairs.

"Service disabled veteran-owned business" means a business that is at least 51 percent owned by one or more service disabled veterans or, in the case of a corporation, partnership, or limited liability company or other entity, a business in which at least 51 percent of the equity ownership interest in the corporation, partnership, or limited liability company or other entity is owned by one or more individuals who are service disabled veterans and both the management and daily business operations are controlled by one or more individuals who are service disabled veterans.

"Small business" means a business that is at least 51 percent independently owned and controlled by one or more individuals, or in the case of a cooperative association organized pursuant to Chapter 3 (§ 13.1-301 et seq.) of Title 13.1 as a nonstock corporation, is at least 51 percent independently controlled by one or more members, who are U.S. citizens or legal resident aliens and, together with affiliates, has 250 or fewer employees or average annual gross receipts of $10 million or less averaged over the previous three years. One or more of the individual owners or members shall control both the management and daily business operations of the small business.

"Small SWaM business" means a small business certified by the Department as being small, any subcategory of small, small women-owned, small minority-owned, or small service disabled veteran-owned.

"Small SWaM business set-aside" means the reserving of a procurement for businesses that are small SWaM businesses.

"State agency" means any authority, board, department, instrumentality, institution, agency, or other unit of state government. "State agency" does not include any county, city, or town.

"SWaM" means small, women-owned, or minority-owned or related to a small, women-owned, or minority-owned business.

"SWaM plan" means a written program, plan, or progress report submitted by a state agency to the Department pursuant to § 2.2-4310.

"Women-owned business" means a business that is at least 51 percent owned by one or more women who are U.S. citizens or legal resident aliens, or in the case of a corporation, partnership, or limited liability company or other entity, at least 51 percent of the equity ownership interest is owned by one or more women who are U.S. citizens or legal resident aliens, and both the management and daily business operations are controlled by one or more women.

§ 2.2-1605. Powers and duties of Department.

A. The Department shall have the following powers and duties:

1. Coordinate as consistent with prevailing law the plans, programs, and operations of the state government that affect or may contribute to the establishment, preservation, and strengthening of small, women-owned, and minority-owned businesses;

2. Promote the mobilization of activities and resources of state and local governments, businesses and trade associations, baccalaureate institutions of higher education, foundations, professional organizations, and volunteer and other groups towards the growth of small businesses and businesses owned by women and minorities, and facilitate the coordination of the efforts of these groups with those of state departments and agencies;

3. Establish a center for the development, collection, summarization, and dissemination of information that will be helpful to persons and organizations throughout the nation in undertaking or promoting procurement from small, women-owned, and minority-owned businesses;

4. Consistent with prevailing law and availability of funds, and according to the Director's discretion, provide technical and management assistance to small, women-owned, and minority-owned businesses and defray all or part of the costs of pilot or demonstration projects that are designed to overcome the special problems of small, women-owned, and minority-owned businesses;

5. Advise the Small Business Financing Authority on the management and administration of the Small, Women-owned, and Minority-owned Business Loan Fund created pursuant to § 2.2-2311.1;

6. *Implement the Small SWaM Business Procurement Enhancement Program established by Article 4 (§ 2.2-1618 et seq.);*

7. Implement any remediation or enhancement measure for small, women-owned, or minority-owned businesses as may be authorized by the Governor pursuant to subsection C of § 2.2-4310 and develop regulations, consistent with prevailing law, for program implementation. Such regulations shall be developed in consultation with the state agencies with procurement responsibility and promulgated by those agencies in accordance with applicable law;

~~7.~~ *8.* Receive and coordinate, with the appropriate state agency, the investigation of complaints that a business certified pursuant to this chapter has failed to comply with its subcontracting plan under subsection D of § 2.2-4310. If the Department determines that a business certified pursuant to this chapter has failed to comply with the subcontracting plan, the business shall provide a written explanation; and

~~8.~~ *9.* Facilitate relationships between established businesses and start-up women-owned and minority-owned businesses by creating and administering a mentorship program under the provisions of § 2.2-1605.1*; and*

10. Conduct regular disparity studies as provided in § 2.2-1610.

B. In addition, the Department shall serve as the liaison between the Commonwealth's existing businesses and state government in order to promote the development of Virginia's economy. To that end, the Department shall:

1. Encourage the training or retraining of individuals for specific employment opportunities at new or expanding business facilities in the Commonwealth;

2. Develop and implement programs to assist small businesses in the Commonwealth in order to promote their growth and the creation and retention of jobs for Virginians;

3. Establish an industry program that is the principal point of communication between basic employers in the Commonwealth and the state government that will address issues of significance to business;

4. Make available to existing businesses, in conjunction and cooperation with localities, chambers of commerce, and other public and private groups, basic information and pertinent factors of interest and concern to such businesses;

5. Develop statistical reports on job creation and the general economic conditions in the Commonwealth; and

6. Annually review and provide feedback on SWaM plans. The review shall focus on strategies state agencies can use to improve SWaM spending, increase procurement of goods and services from SWaM businesses, and meet procurement goals outlined in SWaM plans. The Department shall encourage state agencies to integrate such strategies with all current and future procurements. The Department shall suggest strategies that may be more effective or changes to strategies that have not been effective. Upon request of a state agency, the Department shall meet with the state agency one-on-one to discuss its SWaM goals and strategies and advise it on effective strategies. The Department shall research and compile information that state agencies can use to increase SWaM spending and shall develop and publish guidance on how state agencies can implement these strategies.

C. All agencies of the Commonwealth shall assist the Department upon request and furnish such information and assistance as the Department may require in the discharge of its duties.

§ 2.2-1610. Reports and recommendations; collection of data.

The Director shall, from time to time, submit directly or through an assistant to the Governor his recommendations for legislation or other action as he deems desirable to promote the purposes of this chapter.

The Director shall report, on or before November 1 of each year, to the Governor and the General Assembly the identity of the state departments and agencies failing to submit annual progress reports on small, women-owned, and minority-owned business procurement required by § 2.2-4310 and the nature and extent of such lack of compliance. The annual report shall include recommendations on the ways to improve compliance with the provisions of § 2.2-4310 and such other related matters as the Director deems appropriate. The Department shall include in its annual report information on the progress of the mentorship program established under § 2.2-1605.1.

The Director, with the assistance of the Comptroller, shall develop and implement a systematic data collection process that will provide information for a report to the Governor and General Assembly on state expenditures to small, women-owned, and minority-owned businesses during the previous fiscal year.

An institution exercising authority granted under this section shall promptly make available to the Department, upon request, copies of its procurement records, receipts, and transactions in regard to procurement from small, women-owned,

and minority-owned businesses in order for the Department to ensure institution compliance with its approved reporting and certification criteria.

The Director shall conduct, or contract with an independent entity to conduct, a disparity study every five years. The study shall evaluate the need for enhancement and remedial measures to address the disparity between the availability and the utilization of women-owned and minority-owned businesses. The study shall recommend measures that consist of narrowly tailored procurement policies to address documented statistical disparities between the availability and utilization of women-owned and minority-owned businesses. The measures shall be consistent with rulings of the U.S. Supreme Court regarding the available remedies that may be employed to address past discrimination and the need for evidence to quantify past discrimination. The study shall incorporate the findings of past disparity studies conducted by Virginia and evaluate Virginia's progress toward the recommendations of those studies. The Director shall include the findings of each study in his annual report to the Governor and General Assembly required by this section, beginning with the annual report required to be submitted by this section in the first year after the year in which a disparity study is conducted pursuant to this paragraph.

The Department shall, in accordance with the provisions of the previous paragraph, utilize the results of the disparity study and the recommendations therein to update a statewide goal for SWaM business procurement and similar individual goals for women-owned and minority-owned businesses for the purpose of closing any disparity demonstrated by such study.

Article 4.

Procurement Enhancement Programs.

§ 2.2-1618. Division of Procurement Enhancement created.

The Division of Procurement Enhancement (the Division) is hereby created within the Department. The purpose of the Division shall be to collaborate with the Department of General Services, the Virginia Information Technologies Agency, the Department of Transportation, and covered institutions to further the Commonwealth's efforts to meet the goals established in this article, as well as to implement initiatives to enhance the development of small businesses, microbusinesses, women-owned businesses, minority-owned businesses, and service disabled veteran-owned businesses in the Commonwealth.

§ 2.2-1619. Small SWaM Business Procurement Enhancement Program established; report.

A. The Small SWaM Business Procurement Enhancement Program (the Program) is hereby established to facilitate the participation of small SWaM businesses in state procurement. The goal of the Program shall be the achievement of a 42 percent small SWaM business utilization rate, including a five percent utilization rate directed to microbusiness utilization. For purposes of this section, "utilization rate" means the percentage of discretionary spending directed to a particular subset of business in relation to all discretionary spending by executive branch agencies and covered institutions in procurement orders, prime contracts, and subcontracts. The 42-percent target shall be determined based on the aggregate level of such discretionary spending by executive branch agencies and covered institutions and shall not require each individual executive branch agency or covered institution to meet the 42-percent target. The Department shall be responsible for implementing the Program. Executive branch state agencies and covered institutions shall increase their utilization rates of small SWaM businesses by three percent each year until achievement of the 42-percent target. If an executive branch agency or covered institution is unable to increase its small SWaM business utilization rate by three percent per year, such agency or institution shall establish and implement achievable goals to increase its small SWaM business utilization rate and include such goals in its SWaM business procurement plan required by § 2.2-1621. In addition, for all new capital outlay construction solicitations that are issued, there shall be a target goal of 50 percent subcontracting to small SWaM businesses in instances where the prime contractor is not a small SWaM business.

B. The Program shall include a small SWaM business set-aside for the purchase of goods, services, and construction by executive branch agencies and covered institutions. Purchases up to $100,000 shall be set aside for award to small SWaM businesses. Such set-aside may allow for small SWaM businesses to have a price preference over noncertified businesses competing for the same contract award on designated procurements, provided that the bid of the small SWaM business does not exceed the low bid by more than five percent. An executive branch agency or covered institution may open a solicitation to all bidders or offerors (i) where it is determined that fewer than two certified small SWaM businesses are available for competition using data from the Department of General Services' central electronic procurement website known as eVA or procurement systems utilized by covered institutions that are integrated with eVA or (ii) where bids or offers do not result in a fair and reasonable price. The Department shall develop guidance for determining whether a price is fair and reasonable.

§ 2.2-1620. SWaM business subcontracting plan required for certain proposals or bids.

A. For purchases over $100,000, executive branch agencies and covered institutions shall require each bidder or offeror to include in each bid or proposal a SWaM business subcontracting plan detailing intended subcontractor participation of such businesses whenever the prime contractor will rely on subcontractors to meet the applicable goals established in § 2.2-1619. Nothing in this section shall prohibit a bidder or offeror from submitting a SWaM business subcontracting plan when SWaM business participation deviates from the applicable goals established in § 2.2-1619. The Department shall develop guidelines for considering any such SWaM business subcontracting plan. Each bidder or offeror awarded a contract shall comply with the SWaM business subcontracting plan that is included in its bid or proposal.

B. Whenever the actual subcontractor participation does not meet the level included in the SWaM business subcontracting plan, the prime contractor shall provide a written explanation of the prime contractor's good faith efforts to comply with the SWaM business subcontracting plan, which shall be made a part of the contract file. The Department, with assistance from the Department of General Services, the Department of Transportation, the Virginia Information Technologies Agency, and covered institutions, shall (i) establish a uniform methodology for evaluating and monitoring SWaM business subcontracting plans, (ii) establish and conduct panels to review the failure of prime contractors to comply with their SWaM business subcontracting plans, and (iii) implement processes for producing reliable data on (a) the utilization of SWaM business subcontractors by prime contractors and (b) the amounts paid by prime contractors to SWaM business subcontractors. Each executive branch agency and covered institution shall report such data on the Department of General Services' central electronic procurement website known as eVA unless otherwise directed by the Director of the Department and the Director of the Department of General Services. The record of a prime contractor's compliance with SWaM business subcontracting plan requirements, including reviews of the failure of such prime contractor to comply with its SWaM business subcontracting plan, shall be considered in the prospective award of a contract or renewal of an existing contract and may, if the prime contractor has been found to have not complied with its SWaM business subcontracting plan in good faith, result in the prime contractor being barred from being awarded a contract or renewal of an existing contract for a period of up to one year.

C. Notwithstanding the foregoing, the provisions of this section shall not apply to Department of Transportation projects for the design or construction of highways.

D. Notwithstanding the foregoing, any covered institution shall provide the data or plans required by this section using the Department of General Services' central electronic procurement website known as eVA or by integration or interface with the eVA system.

§ 2.2-1621. Submission of SWaM business procurement plan; designation of SWaM business procurement enhancement liaison.

A. Each executive branch agency and covered institution shall submit to the Department on or before September 30, 2024, its SWaM business procurement plan, consistent with the provisions of this article, to include promotion and utilization of certified small, any subcategory of small, small women-owned, small minority-owned, and small service disabled veteran-owned businesses, and employment services organizations. Each executive branch agency and covered institution shall certify to the Department by September 30 of each subsequent year that it has reviewed, and updated as necessary to meet the requirements of this article and any guidance developed by the Department, its SWaM business procurement plan. If the SWaM business procurement plan is updated, it shall be submitted to the Department along with the annual certification.

B. The Department shall review and provide meaningful feedback to executive branch agencies and covered institutions regarding the plan required by subsection A in order to improve and accelerate compliance with the goals provided by this article. Executive branch agencies and covered institutions may revise and resubmit such plan to incorporate such feedback.

C. Any executive branch agency or covered institution that is unable to increase its small SWaM business utilization rate by three percent per year, as required by § 2.2-1619, shall include in the plan required by subsection A (i) an explanation as to why it is unable to comply with such goals and requirements and (ii) achievable goals to increase its small SWaM business utilization rate.

D. Each executive branch agency and covered institution shall designate an existing employee as a SWaM business procurement enhancement liaison whose responsibilities shall be to promote participation in the Small SWaM Business Procurement Enhancement Program by small SWaM businesses and to serve as an advocate for small SWaM businesses that hold active contracts with such executive branch agency or covered institution.

§ 2.2-1622. Report.

On or before November 30 of each year, the Department shall report to the Governor and the General Assembly on the implementation and effectiveness of the Small SWaM Business Procurement Enhancement Program.

§ 2.2-4310. Discrimination prohibited; participation of small, women-owned, minority-owned, and service disabled veteran-owned businesses and employment services organizations.

A. In the solicitation or awarding of contracts, no public body shall discriminate against a bidder or offeror because of race, religion, color, sex, sexual orientation, gender identity, national origin, age, disability, status as a service disabled veteran, or any other basis prohibited by state law relating to discrimination in employment. Whenever solicitations are made, each public body shall include businesses selected from a list made available by the Department of Small Business and Supplier Diversity, which list shall include all companies and organizations certified by the Department.

B. All public bodies shall establish programs consistent with this chapter to facilitate the participation of small businesses, businesses owned by women, minorities, and service disabled veterans, and employment services organizations in procurement transactions. The programs established shall be in writing and shall comply with the provisions of any enhancement or remedial measures authorized by the Governor pursuant to subsection C or, where applicable, by the chief executive of a local governing body pursuant to § 15.2-965.1, and shall include specific plans to achieve any goals established therein. *Public bodies may rely on the recommendations of disparity studies conducted pursuant to § 2.2-1610 in establishing programs under this subsection.* State agencies shall submit annual progress reports on (i) small, women-owned, and minority-owned business procurement, (ii) service disabled veteran-owned business procurement, and

(iii) employment services organization procurement to the Department of Small Business and Supplier Diversity in a form specified by the Department of Small Business and Supplier Diversity. All state agencies shall cooperate with the Department of Small Business and Supplier Diversity's annual review of their programs pursuant to § 2.2-1605 and shall update such programs to incorporate any feedback and suggestions for improvement. Contracts and subcontracts awarded to employment services organizations and service disabled veteran-owned businesses shall be credited toward the small business, women-owned *business*, and minority-owned business contracting and subcontracting goals of state agencies and contractors. The Department of Small Business and Supplier Diversity shall make information on service disabled veteran-owned procurement available to the Department of Veterans Services upon request.

C. Whenever there exists (i) a rational basis for small business or employment services organization enhancement or (ii) a persuasive analysis that documents a statistically significant disparity between the availability and utilization of women-owned and minority-owned businesses, the Governor is authorized and encouraged to require state agencies to implement appropriate enhancement or remedial measures consistent with prevailing law. *The Governor may rely on the recommendations of disparity studies conducted pursuant to § 2.2-1610 in implementing requirements pursuant to this subsection.* Any enhancement or remedial measure authorized by the Governor pursuant to this subsection for state public bodies may allow for small businesses certified by the Department of Small Business and Supplier Diversity or a subcategory of small businesses established as a part of the enhancement program to have a price preference over noncertified businesses competing for the same contract award on designated procurements, provided that the bid of the certified small business or the business in such subcategory of small businesses established as a part of an enhancement program does not exceed the low bid by more than five percent.

D. In awarding a contract for services to a small, women-owned, or minority-owned business that is certified in accordance with § 2.2-1606, or to a business identified by a public body as a service disabled veteran-owned business where the award is being made pursuant to an enhancement or remedial program as provided in subsection C, *or when awarding a contract under the Small SWaM Business Procurement Enhancement Program established in § 2.2-1619,* the public body shall include in every such contract of more than $10,000 the following:

"If the contractor intends to subcontract work as part of its performance under this contract, the contractor shall include in the proposal a plan to subcontract to small, women-owned, minority-owned, and service disabled veteran-owned businesses."

E. In the solicitation or awarding of contracts, no state agency, department, or institution shall discriminate against a bidder or offeror because the bidder or offeror employs ex-offenders unless the state agency, department, or institution has made a written determination that employing ex-offenders on the specific contract is not in its best interest.

F. As used in this section:

"Employment services organization" means an organization that provides community-based employment services to individuals with disabilities that is an approved Commission on Accreditation of Rehabilitation Facilities (CARF) accredited vendor of the Department for Aging and Rehabilitative Services.

"Minority individual" means an individual who is a citizen of the United States or a legal resident alien and who satisfies one or more of the following definitions:

1. "African American" means a person having origins in any of the original peoples of Africa and who is regarded as such by the community of which this person claims to be a part.

2. "Asian American" means a person having origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent, or the Pacific Islands, including but not limited to Japan, China, Vietnam, Samoa, Laos, Cambodia, Taiwan, Northern Mariana Islands, the Philippines, a U.S. territory of the Pacific, India, Pakistan, Bangladesh, or Sri Lanka and who is regarded as such by the community of which this person claims to be a part.

3. "Hispanic American" means a person having origins in any of the Spanish-speaking peoples of Mexico, South or Central America, or the Caribbean Islands or other Spanish or Portuguese cultures and who is regarded as such by the community of which this person claims to be a part.

4. "Native American" means a person having origins in any of the original peoples of North America and who is regarded as such by the community of which this person claims to be a part or who is recognized by a tribal organization.

"Minority-owned business" means a business that is at least 51 percent owned by one or more minority individuals who are U.S. citizens or legal resident aliens, or in the case of a corporation, partnership, or limited liability company or other entity, at least 51 percent of the equity ownership interest in the corporation, partnership, or limited liability company or other entity is owned by one or more minority individuals who are U.S. citizens or legal resident aliens, and both the management and daily business operations are controlled by one or more minority individuals, or any historically black college or university as defined in § 2.2-1604, regardless of the percentage ownership by minority individuals or, in the case of a corporation, partnership, or limited liability company or other entity, the equity ownership interest in the corporation, partnership, or limited liability company or other entity.

"Service disabled veteran" means a veteran who (i) served on active duty in the United States military ground, naval, or air service, (ii) was discharged or released under conditions other than dishonorable, and (iii) has a service-connected disability rating fixed by the United States Department of Veterans Affairs.

"Service disabled ~~veteran~~ *veteran-owned* business" means a business that is at least 51 percent owned by one or more service disabled veterans or, in the case of a corporation, partnership, or limited liability company or other entity, at least 51 percent of the equity ownership interest in the corporation, partnership, or limited liability company or other entity is

owned by one or more individuals who are service disabled veterans and both the management and daily business operations are controlled by one or more individuals who are service disabled veterans.

"Small business" means a business, independently owned and controlled by one or more individuals, or in the case of a cooperative association organized pursuant to Chapter 3 (§ 13.1-301 et seq.) of Title 13.1 as a nonstock corporation, controlled by one or more members, who are U.S. citizens or legal resident aliens, and together with affiliates, has 250 or fewer employees, or annual gross receipts of $10 million or less averaged over the previous three years. One or more of the individual owners or members shall control both the management and daily business operations of the small business.

"State agency" means any authority, board, department, instrumentality, institution, agency, or other unit of state government. "State agency" ~~shall~~ *does* not include any county, city, or town.

"Women-owned business" means a business that is at least 51 percent owned by one or more women who are U.S. citizens or legal resident aliens, or in the case of a corporation, partnership, or limited liability company or other entity, at least 51 percent of the equity ownership interest is owned by one or more women who are U.S. citizens or legal resident aliens, and both the management and daily business operations are controlled by one or more women.

§ 2.2-4310.3. Fiscal data pertaining to certain enhancement or remedial measures.

The Department of General Services shall make available a dashboard of purchase order reports from the Commonwealth's statewide electronic procurement system known as eVA. The dashboard shall include aggregated data showing (i) current fiscal year purchase orders, (ii) purchase orders from *the Small SWaM Business Procurement Enhancement Program established in § 2.2-1619 in* the previous fiscal year, and (iii) other relevant data derived from any enhancement or remedial measure implemented by the Governor pursuant to subsection C of § 2.2-4310.

§ 23.1-1017. Covered institutions; operational authority; procurement.

A. Subject to the express provisions of the management agreement, each covered institution may be exempt from the provisions of the Virginia Public Procurement Act (§ 2.2-4300 et seq.), except for §§ 2.2-4340, 2.2-4340.1, 2.2-4340.2, 2.2-4342, and 2.2-4376.2, which shall not be construed to require compliance with the prequalification application procedures of subsection B of § 2.2-4317, provided, however, that (i) any deviations from the Virginia Public Procurement Act in the management agreement shall be uniform across all covered institutions and (ii) the governing board of the covered institution shall adopt, and the covered institution shall comply with, policies for the procurement of goods and services, including professional services, that shall (a) be based upon competitive principles; (b) in each instance seek competition to the maximum practical degree; (c) implement a system of competitive negotiation for professional services pursuant to §§ 2.2-4303.1 and 2.2-4302.2; (d) prohibit discrimination in the solicitation and award of contracts on the basis of the bidder's or offeror's race, religion, color, sex, sexual orientation, gender identity, national origin, age, or disability or on any other basis prohibited by state or federal law; (e) incorporate the prompt payment principles of §§ 2.2-4350 and 2.2-4354; (f) consider the impact on correctional enterprises under § 53.1-47; and (g) provide that whenever solicitations are made seeking competitive procurement of goods or services, it shall be a priority of the institution to provide for fair and reasonable consideration of small, women-owned, and minority-owned businesses and to promote and encourage a diversity of suppliers.

B. Such policies may (i) provide for consideration of the dollar amount of the intended procurement, the term of the anticipated contract, and the likely extent of competition; (ii) implement a prequalification procedure for contractors or products; and (iii) include provisions for cooperative arrangements with other covered institutions, other public or private educational institutions, or other public or private organizations or entities, including public-private partnerships, public bodies, charitable organizations, health care provider alliances or purchasing organizations or entities, state agencies or institutions of the Commonwealth or the other states, the District of Columbia, the territories, or the United States, and any combination of such organizations and entities.

C. Nothing in this section shall preclude a covered institution from requesting and utilizing the assistance of the Virginia Information Technologies Agency for information technology procurements and covered institutions are encouraged to utilize such assistance.

D. Each covered institution shall post on the Department of General Services' central electronic procurement website all Invitations to Bid, Requests for Proposal, sole source award notices, and emergency award notices to ensure visibility and access to the Commonwealth's procurement opportunities on one website.

E. As part of any procurement provisions of the management agreement, the governing board of a covered institution shall identify the public, educational, and operational interests served by any procurement rule that deviates from procurement rules in the Virginia Public Procurement Act (§ 2.2-4300 et seq.).

F. Notwithstanding any provision of law to the contrary, each covered institution shall be subject to the provisions of the Small SWaM Business Procurement Enhancement Program established in § 2.2-1619.

2. That the provisions of the first enactment of this act shall not become effective unless reenacted by the 2025 Session of the General Assembly.

3. That the Department of General Services (DGS) shall, in coordination with other interested agencies, including the Department of Small Business and Supplier Diversity, the Virginia Information Technologies Agency, the Department of Transportation, and covered institutions, convene a work group to review the issues presented by the first enactment of this act. In its review, DGS shall (i) invite and obtain input from public and private stakeholders, including members of the business community interested in state procurement and the small SWaM business program in particular; (ii) assess the provisions of this act and what steps are needed to best position Virginia for

success with an enhanced small SWaM business program; and (iii) report to the Governor and the General Assembly its findings and any recommendations by December 1, 2024.

4. That the Department of Small Business and Supplier Diversity (DSBSD) shall contract with a qualified independent entity to conduct a disparity study. The procurement for a new disparity study shall be completed by January 1, 2025. The disparity study shall evaluate (i) the availability and utilization of small, micro, women-owned, and minority-owned businesses and differences between categories of state procurement, such as by the types of goods and services needed or procured by state agencies; (ii) the disparities that exist between such availability and utilization; and (iii) the need for and available remedies that may be employed consistent with current federal law to address such disparities and past discrimination. The study shall also take into account past disparity studies conducted by Virginia and related legislative reporting, such as the September 2020 JLARC Report 537, Operations and Performance of the Department of Small Business & Supplier Diversity, and evaluate Virginia's progress toward the recommendations of those studies. State agencies and covered institutions shall cooperate with and assist in DSBSD's efforts and the new disparity study as needed.

CHAPTER 835

An Act to amend and reenact § 15.2-2306 of the Code of Virginia, relating to civil penalty for demolition of historic structures.

[H 1415]

Approved April 17, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 15.2-2306 of the Code of Virginia is amended and reenacted as follows:

§ 15.2-2306. Preservation of historical sites and architectural areas; civil penalty.

A. 1. Any locality may adopt an ordinance setting forth the historic landmarks within the locality as established by the Virginia Board of Historic Resources, and any other buildings or structures within the locality having an important historic, architectural, archaeological or cultural interest, any historic areas within the locality as defined by § 15.2-2201, and areas of unique architectural value located within designated conservation, rehabilitation or redevelopment districts, amending the existing zoning ordinance and delineating one or more historic districts, adjacent to such landmarks, buildings and structures, or encompassing such areas, or encompassing parcels of land contiguous to arterial streets or highways (as designated pursuant to Title 33.2, including § 33.2-319) found by the governing body to be significant routes of tourist access to the locality or to designated historic landmarks, buildings, structures or districts therein or in a contiguous locality. A governing body may provide in the ordinance that the applicant must submit documentation that any development in an area of the locality of known historical or archaeological significance will preserve or accommodate the historical or archaeological resources. An amendment of the zoning ordinance and the establishment of a district or districts shall be in accordance with the provisions of Article 7 (§ 15.2-2280 et seq.). The governing body may provide for a review board to administer the ordinance and may provide compensation to the board. The ordinance may include a provision that no building or structure, including signs, shall be erected, reconstructed, altered or restored within any such district unless approved by the review board or, on appeal, by the governing body of the locality as being architecturally compatible with the historic landmarks, buildings or structures therein.

2. Subject to the provisions of subdivision 3, the governing body may provide in the ordinance that no historic landmark, building or structure within any district shall be razed, demolished or moved until the razing, demolition or moving thereof is approved by the review board, or, on appeal, by the governing body after consultation with the review board.

3. The governing body shall provide by ordinance for appeals to the circuit court for such locality from any final decision of the governing body pursuant to subdivisions 1 and 2 and shall specify therein the parties entitled to appeal the decisions, which parties shall have the right to appeal to the circuit court for review by filing a petition at law, setting forth the alleged illegality of the action of the governing body, provided the petition is filed within 30 days after the final decision is rendered by the governing body. The filing of the petition shall stay the decision of the governing body pending the outcome of the appeal to the court, except that the filing of the petition shall not stay the decision of the governing body if the decision denies the right to raze or demolish a historic landmark, building or structure. The court may reverse or modify the decision of the governing body, in whole or in part, if it finds upon review that the decision of the governing body is contrary to law or that its decision is arbitrary and constitutes an abuse of discretion, or it may affirm the decision of the governing body.

In addition to the right of appeal hereinabove set forth, the owner of a historic landmark, building or structure, the razing or demolition of which is subject to the provisions of subdivision 2, shall, as a matter of right, be entitled to raze or demolish such landmark, building or structure provided that: (i) he has applied to the governing body for such right, (ii) the owner has for the period of time set forth in the same schedule hereinafter contained and at a price reasonably related to its fair market value, made a bona fide offer to sell the landmark, building or structure, and the land pertaining thereto, to the locality or to any person, firm, corporation, government or agency thereof, or political subdivision or agency thereof, which gives reasonable assurance that it is willing to preserve and restore the landmark, building or structure and the land

pertaining thereto, and (iii) no bona fide contract, binding upon all parties thereto, shall have been executed for the sale of any such landmark, building or structure, and the land pertaining thereto, prior to the expiration of the applicable time period set forth in the time schedule hereinafter contained. Any appeal which may be taken to the court from the decision of the governing body, whether instituted by the owner or by any other proper party, notwithstanding the provisions heretofore stated relating to a stay of the decision appealed from shall not affect the right of the owner to make the bona fide offer to sell referred to above. No offer to sell shall be made more than one year after a final decision by the governing body, but thereafter the owner may renew his request to the governing body to approve the razing or demolition of the historic landmark, building or structure. The time schedule for offers to sell shall be as follows: three months when the offering price is less than $25,000; four months when the offering price is $25,000 or more but less than $40,000; five months when the offering price is $40,000 or more but less than $55,000; six months when the offering price is $55,000 or more but less than $75,000; seven months when the offering price is $75,000 or more but less than $90,000; and 12 months when the offering price is $90,000 or more.

4. The governing body is authorized to acquire in any legal manner any historic area, landmark, building or structure, land pertaining thereto, or any estate or interest therein which, in the opinion of the governing body should be acquired, preserved and maintained for the use, observation, education, pleasure and welfare of the people; provide for their renovation, preservation, maintenance, management and control as places of historic interest by a department of the locality or by a board, commission or agency specially established by ordinance for the purpose; charge or authorize the charging of compensation for the use thereof or admission thereto; lease, subject to such regulations as may be established by ordinance, any such area, property, lands or estate or interest therein so acquired upon the condition that the historic character of the area, landmark, building, structure or land shall be preserved and maintained; or to enter into contracts with any person, firm or corporation for the management, preservation, maintenance or operation of any such area, landmark, building, structure, land pertaining thereto or interest therein so acquired as a place of historic interest; however, the locality shall not use the right of condemnation under this subsection unless the historic value of such area, landmark, building, structure, land pertaining thereto, or estate or interest therein is about to be destroyed.

The authority to enter into contracts with any person, firm or corporation as stated above may include the creation, by ordinance, of a resident curator program such that private entities through lease or other contract may be engaged to manage, preserve, maintain, or operate, including the option to reside in, any such historic area, property, lands, or estate owned or leased by the locality. Any leases or contracts entered into under this provision shall require that all maintenance and improvement be conducted in accordance with established treatment standards for historic landmarks, areas, buildings, and structures. For purposes of this section, leases or contracts that preserve historic landmarks, buildings, structures, or areas are deemed to be consistent with the purposes of use, observation, education, pleasure, and welfare of the people as stated above so long as the lease or contract provides for reasonable public access consistent with the property's nature and use. The Department of Historic Resources shall provide technical assistance to local governments, at their request, to assist in developing resident curator programs.

B. Notwithstanding any contrary provision of law, general or special, in the City of Portsmouth no approval of any governmental agency or review board shall be required for the construction of a ramp to serve individuals with disabilities at any structure designated pursuant to the provisions of this section.

C. Any locality that establishes or expands a local historic district pursuant to this section shall identify and inventory all landmarks, buildings, or structures in the areas being considered for inclusion within the proposed district. Prior to adoption of an ordinance establishing or expanding a local historic district, the locality shall (i) provide for public input from the community and affected property owners in accordance with § 15.2-2204; (ii) establish written criteria to be used to determine which properties should be included within a local historic district; and (iii) review the inventory and the criteria to determine which properties in the areas being considered for inclusion within the proposed district meet the criteria to be included in a local historic district. Local historic district boundaries may be adjusted to exclude properties along the perimeter that do not meet the criteria. The locality shall include only the geographical areas in a local historic district where a majority of the properties meet the criteria established by the locality in accordance with this section. However, parcels of land contiguous to arterial streets or highways found by the governing body to be significant routes of tourist access to the locality or to designated historic landmarks, buildings, structures, or districts therein, or in a contiguous locality may be included in a local historic district notwithstanding the provisions of this subsection.

D. Any locality utilizing the urban county executive form of government may include a provision in any ordinance adopted pursuant to this section that would allow public access to any such historic area, landmark, building, or structure, or land pertaining thereto, or providing that no subdivision shall occur within any historic district unless approved by the review board or, on appeal, by the governing body of the locality as being compatible with the historic nature of such area, landmarks, buildings, or structures therein with regard to any parcel or parcels that collectively are (i) adjacent to a navigable river and a national park and (ii) in part or as a whole subject to an easement granted to the National Park Service or Virginia Outdoors Foundation granted on or after January 1, 1973.

E. Any locality may adopt an ordinance that establishes a civil penalty for the razing, demolition, or moving of a building or structure that is located in a historic district or that has been designated by a governing body as a historic structure or landmark in violation of an ordinance adopted pursuant to subsection A. Such civil penalty shall not exceed twice the market value of the razed, demolished, or moved building or structure on the property as determined by the assessed value of the property at the time of the razing, demolition, or moving of the building or structure. Such ordinance

may be enforced by the attorney for the governing body of the locality by bringing an action in the name of the locality in the circuit court. A finding against the party or parties alleged to have violated such ordinance shall be established by a preponderance of the evidence.

Nothing in this subsection shall preclude action by the zoning administrator for the governing body pursuant to the general laws of the Commonwealth in either a separate action or as part of the action seeking a civil penalty as authorized by this subsection.

CHAPTER 836

An Act to amend the Code of Virginia by adding a section numbered 56-585.1:14, relating to Phase I Utility; recovery of development costs associated with small modular nuclear facility.

[H 1491]

Approved April 17, 2024

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 56-585.1:14 as follows:

§ 56-585.1:14. Recovery of development costs associated with small modular nuclear facility.

A. As used in this section:

"Phase I Utility" means an investor-owned incumbent electric utility that was, as of July 1, 1999, not bound by a rate case settlement adopted by the Commission that extended its application beyond January 1, 2002.

"Project development costs" means all capital and operation and maintenance costs associated with a potential small modular nuclear facility incurred by a Phase I Utility before issuance of a certificate for a small modular nuclear facility located in the Commonwealth, including the costs of evaluation, design, engineering, environmental analysis and permitting, land options or acquisition, and early site permitting, as that term is defined in 10 C.F.R. § 52.1. "Project development costs" does not include the costs to obtain construction permits, combined licensing costs required by the Nuclear Regulatory Commission, or construction costs other than construction costs necessary for early site permitting.

"Small modular nuclear facility" means a nuclear reactor that has a rated electric generating capacity of not more than 500 megawatts that is capable of being constructed and operated either alone or in combination with one or more similar reactors at a single site.

B. Prior to the filing of an application for a certificate to construct a small modular nuclear facility to serve customers in the Commonwealth or in West Virginia and no earlier than July 1, 2024, a Phase I Utility may request the Commission to review the Phase I Utility's decision to incur project development costs. The Commission shall hold a hearing regarding the request and shall issue a final order within 180 days after the date on which the Phase I Utility files its request.

C. All approved reasonable and prudent project development costs incurred for a potential small modular nuclear facility shall be recovered through a rate adjustment clause filed pursuant to subdivision A 6 of § 56-585.1, amortized over a period equal to the period during which the costs were incurred or five years, whichever is greater. Beginning July 1, 2025, a Phase I Utility may make annual filings pursuant to subdivision A 6 of § 56-585.1 to recover project development costs incurred for a small modular nuclear facility, provided that the annual revenue requirement shall not exceed $25 million and that the overall project development costs recovered in such rate adjustment clause shall not exceed $125 million, excluding the cost of acquiring a site. Any such rate adjustment clause shall not be implemented prior to January 1, 2026.

D. A Phase I Utility may only request for review under subsection B project development costs that are (i) associated with the preliminary analysis, testing, and evaluation of a site related to the property to be owned by such Phase I Utility, (ii) associated with the purchase of property to be owned by such Phase I Utility, or (iii) related to siting work on property owned by such Phase I Utility.

E. If a Phase I Utility serves customers in more than one jurisdiction, the percentage of project development costs to be recovered shall be equal to the percentage of associated energy and capacity from the small modular nuclear facility that is assigned to serve customers located in the Commonwealth.

F. As part of a final order approving cost recovery pursuant to this section, the Commission may impose a deadline by which the Phase I Utility shall either (i) place a small modular nuclear facility into commercial operation or (ii) sell the permitted site and return the proceeds of the sale to customers. The length of such deadline shall be at the Commission's discretion; however, it shall provide the utility a reasonable timeframe in which to obtain all necessary permits and approvals, including allowing for approval by federal agencies such as the Nuclear Regulatory Commission, and completing construction of a small modular nuclear facility.

2. That the provisions of this act shall expire on July 1, 2034.

CHAPTER 837

An Act to amend and reenact § 23.1-408.1 of the Code of Virginia, relating to intercollegiate athletics; student-athletes; compensation for name, image, or likeness.

[H 1505]

Approved April 17, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 23.1-408.1 of the Code of Virginia is amended and reenacted as follows:

§ 23.1-408.1. Intercollegiate athletics; student-athletes; compensation and representation for name, image, or likeness.

A. As used in this section:

"Athlete agent" means an individual who holds a valid certificate of registration as an athlete agent issued pursuant to Chapter 5.2 (§ 54.1-526 et seq.) of Title 54.1.

"Attorney" means an attorney licensed to practice law in the Commonwealth.

"Compensation" means any type of remuneration or anything of value. "Compensation" does not include any (i) scholarship provided to a student-athlete that covers some or all of the cost of attendance at an institution at which the student-athlete is enrolled or (ii) benefit a student-athlete may receive in accordance with the rules of the relevant athletic association or conference.

"Institution" means a private institution of higher education, associate-degree-granting public institution of higher education, or baccalaureate public institution of higher education.

"Student-athlete" means an individual enrolled at an institution who participates in intercollegiate athletics.

"Student fees" means any fees assessed by an institution against a student that are used to support any of the institution's intercollegiate athletics programs.

B. No institution or agent thereof, athletic association, athletic conference, or other organization with authority over intercollegiate athletics shall:

1. Prohibit or prevent a student-athlete from earning compensation for the use of his name, image, or likeness, except as otherwise permitted in this section;

2. Prohibit or prevent a student-athlete from obtaining professional representation by an athlete agent or legal representation by an attorney in connection with issues related to name, image, or likeness;

3. Declare a student-athlete ineligible for intercollegiate athletic competition because he earns compensation for the use of his name, image, or likeness or obtains professional representation by an athlete agent or attorney in connection with issues related to name, image, or likeness; or

4. Reduce, cancel, revoke, or not renew an athletic scholarship because a student-athlete earns compensation for the use of his name, image, or likeness or obtains professional representation by an athlete agent or attorney in connection with issues related to name, image, or likeness.

C. No athletic association, athletic conference, or other organization with authority over intercollegiate athletics shall ~~prohibit~~*:*

1. Prohibit or prevent an institution from becoming a member of the association, conference, or organization or participating in intercollegiate athletics sponsored by such association, conference, or organization as a consequence of any student-athlete earning compensation for the use of his name, image, or likeness or obtaining representation by an athlete agent or attorney in connection with issues related to name, image, or likeness*;*

2. Entertain a complaint, open an investigation, or take any other adverse action against an institution, its supporting foundations, or an entity acting on its behalf, for activity permitted under this section;

3. Penalize an institution or a student-athlete or prevent an institution or a student-athlete from participating in intercollegiate athletics because an individual or entity whose purpose includes supporting or benefiting the institution or student-athletes violates its rules or regulations concerning name, image, or likeness;

4. Prevent an institution from compensating a student-athlete for the use of his name, image, or likeness; or

5. Prevent an institution, its supporting foundations, or an entity acting on its behalf from identifying, creating, negotiating, facilitating, supporting, engaging with, assisting with, or otherwise enabling a name, image, or likeness opportunity for a student-athlete.

D. *Each institution shall develop and submit to the institution's governing board or similar governing body for approval institutional policies or procedures that govern the compensation of a student-athlete for the use of his name, image, or likeness. Such institutional policies or procedures shall not inhibit a student-athlete from participating in activities that are not related to intercollegiate athletics, as long as participation in such activities has no impact on the student-athlete's eligibility for intercollegiate athletics. Each institution may enforce such approved policies or procedures and the provisions of this section. No student fees shall be used to compensate student-athletes for the use of their name, image, or likeness.*

E. An institution may provide assets, resources, or benefits as an incentive to individuals, companies, or other entities to provide money, benefits, opportunities, or services to an outside entity that supports name, image, or likeness opportunities for the institution's student-athletes.

F. No student-athlete shall earn compensation for the use of his name, image, or likeness in connection with any of the following:

1. Alcohol and alcoholic beverages;

2. Adult entertainment;

3. Cannabis, cannabinoids, cannabidiol, or other derivatives, not including hemp or hemp products;

4. Controlled substances, as defined in § 54.1-3401;

5. Performance enhancing drugs or substances such as steroids or human growth hormone;

6. Drug paraphernalia, as defined in § 18.2-265.1;

7. Tobacco, tobacco products, alternative nicotine products, nicotine vapor products, and similar products and devices;

8. Weapons, including firearms and ammunition for firearms; and

9. Casinos or gambling, including sports betting.

~~E.~~ *G.* An institution may prohibit a student-athlete from earning compensation for the use of his name, image, or likeness while the student-athlete is engaged in academic, official team, or athletic department activities, including class, tutoring, competition, practice, travel, academic services, community service, promotional activities, and other athletic department activities.

~~F.~~ *H.* No student-athlete shall use an institution's facilities; apparel; equipment; uniforms; or intellectual property, including logos, indicia, registered and unregistered trademarks, and products protected by copyright, for any opportunity to earn compensation for the use of his name, image, or likeness, unless otherwise permitted by the institution.

~~G.~~ *I.* Prior to executing an agreement concerning the use of his name, image, or likeness, a student-athlete shall disclose such agreement to the institution at which he is enrolled in a manner designated by the institution. If a student-athlete discloses a potential agreement that conflicts with an existing institutional agreement, the institution shall disclose the relevant terms of the conflicting agreement to the student-athlete.

~~H.~~ *J.* An institution may prohibit a student-athlete from using his name, image, or likeness to earn compensation if the proposed use conflicts with an existing institutional agreement *or its institutional policies or procedures developed and approved pursuant to subsection D*.

~~I.~~ *K.* No institution shall, except as otherwise permitted in this section, enter into, renew, or modify any agreement that prohibits a student-athlete from using his name, image, or likeness to earn compensation while the student-athlete is engaged in non-academic, unofficial team, or non-athletic department activities.

~~J.~~ *L.* Nothing in this section shall be construed to impact the employment status of a student-athlete~~. No student-athlete shall be considered an employee of an institution based on participation in intercollegiate athletics~~ *or qualify a student-athlete as an employee of an institution solely because the student-athlete engages in name, image, or likeness opportunities*.

~~K.~~ *M.* Any student-athlete who is aggrieved by any action of an institution or agent thereof, athletic association, athletic conference, or other organization with authority over intercollegiate athletics in violation of any provision of this section may bring an action for injunctive relief.

N. No employee of an institution, its supporting foundations, or any entity acting on its behalf shall be liable for any damages to a student-athlete's ability to earn compensation for the use of his name, image, or likeness resulting from decisions and actions routinely taken in the course of intercollegiate athletics.

O. An institution, its supporting foundations, or an entity acting on its behalf that is subjected to any actual or threatened complaint, investigation, penalty, or other adverse action of an athletic association, athletic conference, or other organization with authority over intercollegiate athletics for engaging in activities permitted under this section may bring an action to recover actual damages and reasonable attorney fees and may seek injunctive relief and any other remedy available at law or in equity.

2. That the Intercollegiate Athletics Review Commission shall review plans and implementation considerations for the provisions of the first enactment of this act and provide a report on its review to the General Assembly no later than November 1, 2024.

CHAPTER 838

An Act to amend and reenact §§ 55.1-1208, 59.1-199, and 59.1-200 of the Code of Virginia, relating to fees for electronic fund transfers; prohibited.

[H 1519]

Approved April 17, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 55.1-1208, 59.1-199, and 59.1-200 of the Code of Virginia are amended and reenacted as follows:

§ 55.1-1208. Prohibited provisions in rental agreements; prohibited fees.

A. A rental agreement shall not contain provisions that the tenant:

1. Agrees to waive or forgo rights or remedies under this chapter;

2. Agrees to waive or forgo rights or remedies pertaining to the 120-day conversion or rehabilitation notice required in the Virginia Condominium Act (§ 55.1-1900 et seq.) or the Virginia Real Estate Cooperative Act (§ 55.1-2100 et seq.) or under § 55.1-1410;

3. Authorizes any person to confess judgment on a claim arising out of the rental agreement;

4. Agrees to pay the landlord's attorney fees except as provided in this chapter;

5. Agrees to the exculpation or limitation of any liability of the landlord to the tenant arising under law or to indemnify the landlord for that liability or any associated costs;

6. Agrees as a condition of tenancy in public housing to a prohibition or restriction of any lawful possession of a firearm within individual dwelling units unless required by federal law or regulation;

7. Agrees to the payment of a security deposit, insurance premiums for damage insurance, and insurance premiums for renter's insurance prior to the commencement of the tenancy that exceed the amount of two months' periodic rent; or

8. Agrees to waive remedies or rights under the Servicemembers Civil Relief Act, 50 U.S.C. § 3901 et seq., prior to the occurrence of a dispute between landlord and tenant. Execution of leases shall not be contingent upon the execution of a waiver of rights under the Servicemembers Civil Relief Act; however, upon the occurrence of any dispute, the landlord and tenant may execute a waiver of such rights and remedies as to that dispute in order to facilitate a resolution.

B. *No landlord shall charge the tenant any transaction or processing fee or similar surcharge for the use of an electronic fund transfer, as that term is defined in 12 C.F.R. § 1005.3, for the payment of a security deposit, rent, or any other amounts payable.*

C. Any provision prohibited by ~~subsection A~~ *this section* that is included in a rental agreement is unenforceable. If a landlord brings an action to enforce any such provision, the tenant may recover actual damages sustained by him and reasonable attorney fees.

§ 59.1-199. Exclusions.

Nothing in this chapter shall apply to:

1. Any aspect of a consumer transaction which aspect is authorized under laws or regulations of the Commonwealth or the United States, or the formal advisory opinions of any regulatory body or official of the Commonwealth or the United States.

2. Acts done by the publisher, owner, agent, or employee of a newspaper, periodical, or radio or television station, or other advertising media such as outdoor advertising and advertising agencies, in the publication or dissemination of an advertisement in violation of § 59.1-200, unless it be proved that such person knew that the advertisement was of a character prohibited by § 59.1-200.

3. ~~Those~~ *Except as provided in subdivision A 79 of § 59.1-200, those* aspects of a consumer transaction that are regulated by the Federal Consumer Credit Protection Act, 15 U.S.C. § 1601 et seq.

4. Banks, savings institutions, credit unions, small loan companies, public service corporations, mortgage lenders as defined in § 6.2-1600, broker-dealers as defined in § 13.1-501, gas suppliers as defined in subsection E of § 56-235.8, and insurance companies regulated and supervised by the State Corporation Commission or a comparable federal regulating body.

5. Any aspect of a consumer transaction that is subject to the Virginia Residential Landlord and Tenant Act (§ 55.1-1200 et seq.) or Chapter 14 (§ 55.1-1400 et seq.) of Title 55.1, unless the act or practice of a landlord constitutes a misrepresentation or fraudulent act or practice under § 59.1-200.

6. Real estate licensees who are licensed under Chapter 21 (§ 54.1-2100 et seq.) of Title 54.1.

7. Residential home sales between natural persons involving the seller's private residence.

§ 59.1-200. Prohibited practices.

A. The following fraudulent acts or practices committed by a supplier in connection with a consumer transaction are hereby declared unlawful:

1. Misrepresenting goods or services as those of another;

2. Misrepresenting the source, sponsorship, approval, or certification of goods or services;

3. Misrepresenting the affiliation, connection, or association of the supplier, or of the goods or services, with another;

4. Misrepresenting geographic origin in connection with goods or services;

5. Misrepresenting that goods or services have certain quantities, characteristics, ingredients, uses, or benefits;

6. Misrepresenting that goods or services are of a particular standard, quality, grade, style, or model;

7. Advertising or offering for sale goods that are used, secondhand, repossessed, defective, blemished, deteriorated, or reconditioned, or that are "seconds," irregulars, imperfects, or "not first class," without clearly and unequivocally indicating in the advertisement or offer for sale that the goods are used, secondhand, repossessed, defective, blemished, deteriorated, reconditioned, or are "seconds," irregulars, imperfects or "not first class";

8. Advertising goods or services with intent not to sell them as advertised, or with intent not to sell at the price or upon the terms advertised.

In any action brought under this subdivision, the refusal by any person, or any employee, agent, or servant thereof, to sell any goods or services advertised or offered for sale at the price or upon the terms advertised or offered, shall be prima facie evidence of a violation of this subdivision. This paragraph shall not apply when it is clearly and conspicuously stated in the advertisement or offer by which such goods or services are advertised or offered for sale, that the supplier or offeror

has a limited quantity or amount of such goods or services for sale, and the supplier or offeror at the time of such advertisement or offer did in fact have or reasonably expected to have at least such quantity or amount for sale;

9. Making false or misleading statements of fact concerning the reasons for, existence of, or amounts of price reductions;

10. Misrepresenting that repairs, alterations, modifications, or services have been performed or parts installed;

11. Misrepresenting by the use of any written or documentary material that appears to be an invoice or bill for merchandise or services previously ordered;

12. Notwithstanding any other provision of law, using in any manner the words "wholesale," "wholesaler," "factory," or "manufacturer" in the supplier's name, or to describe the nature of the supplier's business, unless the supplier is actually engaged primarily in selling at wholesale or in manufacturing the goods or services advertised or offered for sale;

13. Using in any contract or lease any liquidated damage clause, penalty clause, or waiver of defense, or attempting to collect any liquidated damages or penalties under any clause, waiver, damages, or penalties that are void or unenforceable under any otherwise applicable laws of the Commonwealth, or under federal statutes or regulations;

13a. Failing to provide to a consumer, or failing to use or include in any written document or material provided to or executed by a consumer, in connection with a consumer transaction any statement, disclosure, notice, or other information however characterized when the supplier is required by 16 C.F.R. Part 433 to so provide, use, or include the statement, disclosure, notice, or other information in connection with the consumer transaction;

14. Using any other deception, fraud, false pretense, false promise, or misrepresentation in connection with a consumer transaction;

15. Violating any provision of § 3.2-6509, 3.2-6512, 3.2-6513, 3.2-6513.1, 3.2-6514, 3.2-6515, 3.2-6516, or 3.2-6519 is a violation of this chapter;

16. Failing to disclose all conditions, charges, or fees relating to:

a. The return of goods for refund, exchange, or credit. Such disclosure shall be by means of a sign attached to the goods, or placed in a conspicuous public area of the premises of the supplier, so as to be readily noticeable and readable by the person obtaining the goods from the supplier. If the supplier does not permit a refund, exchange, or credit for return, he shall so state on a similar sign. The provisions of this subdivision shall not apply to any retail merchant who has a policy of providing, for a period of not less than 20 days after date of purchase, a cash refund or credit to the purchaser's credit card account for the return of defective, unused, or undamaged merchandise upon presentation of proof of purchase. In the case of merchandise paid for by check, the purchase shall be treated as a cash purchase and any refund may be delayed for a period of 10 banking days to allow for the check to clear. This subdivision does not apply to sale merchandise that is obviously distressed, out of date, post season, or otherwise reduced for clearance; nor does this subdivision apply to special order purchases where the purchaser has requested the supplier to order merchandise of a specific or unusual size, color, or brand not ordinarily carried in the store or the store's catalog; nor shall this subdivision apply in connection with a transaction for the sale or lease of motor vehicles, farm tractors, or motorcycles as defined in § 46.2-100;

b. A layaway agreement. Such disclosure shall be furnished to the consumer (i) in writing at the time of the layaway agreement, or (ii) by means of a sign placed in a conspicuous public area of the premises of the supplier, so as to be readily noticeable and readable by the consumer, or (iii) on the bill of sale. Disclosure shall include the conditions, charges, or fees in the event that a consumer breaches the agreement;

16a. Failing to provide written notice to a consumer of an existing open-end credit balance in excess of $5 (i) on an account maintained by the supplier and (ii) resulting from such consumer's overpayment on such account. Suppliers shall give consumers written notice of such credit balances within 60 days of receiving overpayments. If the credit balance information is incorporated into statements of account furnished consumers by suppliers within such 60-day period, no separate or additional notice is required;

17. If a supplier enters into a written agreement with a consumer to resolve a dispute that arises in connection with a consumer transaction, failing to adhere to the terms and conditions of such an agreement;

18. Violating any provision of the Virginia Health Club Act, Chapter 24 (§ 59.1-294 et seq.);

19. Violating any provision of the Virginia Home Solicitation Sales Act, Chapter 2.1 (§ 59.1-21.1 et seq.);

20. Violating any provision of the Automobile Repair Facilities Act, Chapter 17.1 (§ 59.1-207.1 et seq.);

21. Violating any provision of the Virginia Lease-Purchase Agreement Act, Chapter 17.4 (§ 59.1-207.17 et seq.);

22. Violating any provision of the Prizes and Gifts Act, Chapter 31 (§ 59.1-415 et seq.);

23. Violating any provision of the Virginia Public Telephone Information Act, Chapter 32 (§ 59.1-424 et seq.);

24. Violating any provision of § 54.1-1505;

25. Violating any provision of the Motor Vehicle Manufacturers' Warranty Adjustment Act, Chapter 17.6 (§ 59.1-207.34 et seq.);

26. Violating any provision of § 3.2-5627, relating to the pricing of merchandise;

27. Violating any provision of the Pay-Per-Call Services Act, Chapter 33 (§ 59.1-429 et seq.);

28. Violating any provision of the Extended Service Contract Act, Chapter 34 (§ 59.1-435 et seq.);

29. Violating any provision of the Virginia Membership Camping Act, Chapter 25 (§ 59.1-311 et seq.);

30. Violating any provision of the Comparison Price Advertising Act, Chapter 17.7 (§ 59.1-207.40 et seq.);

31. Violating any provision of the Virginia Travel Club Act, Chapter 36 (§ 59.1-445 et seq.);

32. Violating any provision of §§ 46.2-1231 and 46.2-1233.1;

33. Violating any provision of Chapter 40 (§ 54.1-4000 et seq.) of Title 54.1;

34. Violating any provision of Chapter 10.1 (§ 58.1-1031 et seq.) of Title 58.1;

35. Using the consumer's social security number as the consumer's account number with the supplier, if the consumer has requested in writing that the supplier use an alternate number not associated with the consumer's social security number;

36. Violating any provision of Chapter 18 (§ 6.2-1800 et seq.) of Title 6.2;

37. Violating any provision of § 8.01-40.2;

38. Violating any provision of Article 7 (§ 32.1-212 et seq.) of Chapter 6 of Title 32.1;

39. Violating any provision of Chapter 34.1 (§ 59.1-441.1 et seq.);

40. Violating any provision of Chapter 20 (§ 6.2-2000 et seq.) of Title 6.2;

41. Violating any provision of the Virginia Post-Disaster Anti-Price Gouging Act, Chapter 46 (§ 59.1-525 et seq.);

42. Violating any provision of Chapter 47 (§ 59.1-530 et seq.);

43. Violating any provision of § 59.1-443.2;

44. Violating any provision of Chapter 48 (§ 59.1-533 et seq.);

45. Violating any provision of Chapter 25 (§ 6.2-2500 et seq.) of Title 6.2;

46. Violating the provisions of clause (i) of subsection B of § 54.1-1115;

47. Violating any provision of § 18.2-239;

48. Violating any provision of Chapter 26 (§ 59.1-336 et seq.);

49. Selling, offering for sale, or manufacturing for sale a children's product the supplier knows or has reason to know was recalled by the U.S. Consumer Product Safety Commission. There is a rebuttable presumption that a supplier has reason to know a children's product was recalled if notice of the recall has been posted continuously at least 30 days before the sale, offer for sale, or manufacturing for sale on the website of the U.S. Consumer Product Safety Commission. This prohibition does not apply to children's products that are used, secondhand or "seconds";

50. Violating any provision of Chapter 44.1 (§ 59.1-518.1 et seq.);

51. Violating any provision of Chapter 22 (§ 6.2-2200 et seq.) of Title 6.2;

52. Violating any provision of § 8.2-317.1;

53. Violating subsection A of § 9.1-149.1;

54. Selling, offering for sale, or using in the construction, remodeling, or repair of any residential dwelling in the Commonwealth, any drywall that the supplier knows or has reason to know is defective drywall. This subdivision shall not apply to the sale or offering for sale of any building or structure in which defective drywall has been permanently installed or affixed;

55. Engaging in fraudulent or improper or dishonest conduct as defined in § 54.1-1118 while engaged in a transaction that was initiated (i) during a declared state of emergency as defined in § 44-146.16 or (ii) to repair damage resulting from the event that prompted the declaration of a state of emergency, regardless of whether the supplier is licensed as a contractor in the Commonwealth pursuant to Chapter 11 (§ 54.1-1100 et seq.) of Title 54.1;

56. Violating any provision of Chapter 33.1 (§ 59.1-434.1 et seq.);

57. Violating any provision of § 18.2-178, 18.2-178.1, or 18.2-200.1;

58. Violating any provision of Chapter 17.8 (§ 59.1-207.45 et seq.);

59. Violating any provision of subsection E of § 32.1-126;

60. Violating any provision of § 54.1-111 relating to the unlicensed practice of a profession licensed under Chapter 11 (§ 54.1-1100 et seq.) or Chapter 21 (§ 54.1-2100 et seq.) of Title 54.1;

61. Violating any provision of § 2.2-2001.5;

62. Violating any provision of Chapter 5.2 (§ 54.1-526 et seq.) of Title 54.1;

63. Violating any provision of § 6.2-312;

64. Violating any provision of Chapter 20.1 (§ 6.2-2026 et seq.) of Title 6.2;

65. Violating any provision of Chapter 26 (§ 6.2-2600 et seq.) of Title 6.2;

66. Violating any provision of Chapter 54 (§ 59.1-586 et seq.);

67. Knowingly violating any provision of § 8.01-27.5;

68. Failing to, in accordance with § 59.1-207.46, (i) make available a conspicuous online option to cancel a recurring purchase of a good or service or (ii) with respect to a free trial lasting more than 30 days, notify a consumer of his option to cancel such free trial within 30 days of the end of the trial period to avoid an obligation to pay for the goods or services;

69. Selling or offering for sale any substance intended for human consumption, orally or by inhalation, that contains a synthetic derivative of tetrahydrocannabinol. As used in this subdivision, "synthetic derivative" means a chemical compound produced by man through a chemical transformation to turn a compound into a different compound by adding or subtracting molecules to or from the original compound. This subdivision shall not (i) apply to products that are approved for marketing by the U.S. Food and Drug Administration and scheduled in the Drug Control Act (§ 54.1-3400 et seq.) or (ii) be construed to prohibit any conduct permitted under Chapter 16 (§ 4.1-1600 et seq.) of Title 4.1;

70. Selling or offering for sale to a person younger than 21 years of age any substance intended for human consumption, orally or by inhalation, that contains tetrahydrocannabinol. This subdivision shall not (i) apply to products that are approved for marketing by the U.S. Food and Drug Administration and scheduled in the Drug Control Act (§ 54.1-3400 et seq.) or (ii) be construed to prohibit any conduct permitted under Chapter 16 (§ 4.1-1600 et seq.) of Title 4.1;

71. Selling or offering for sale any substance intended for human consumption, orally or by inhalation, that contains tetrahydrocannabinol, unless such substance is (i) contained in child-resistant packaging, as defined in § 4.1-600; (ii) equipped with a label that states, in English and in a font no less than 1/16 of an inch, (a) that the substance contains tetrahydrocannabinol and may not be sold to persons younger than 21 years of age, (b) all ingredients contained in the substance, (c) the amount of such substance that constitutes a single serving, and (d) the total percentage and milligrams of tetrahydrocannabinol included in the substance and the number of milligrams of tetrahydrocannabinol that are contained in each serving; and (iii) accompanied by a certificate of analysis, produced by an independent laboratory that is accredited pursuant to standard ISO/IEC 17025 of the International Organization of Standardization by a third-party accrediting body, that states the tetrahydrocannabinol concentration of the substance or the tetrahydrocannabinol concentration of the batch from which the substance originates. This subdivision shall not (i) apply to products that are approved for marketing by the U.S. Food and Drug Administration and scheduled in the Drug Control Act (§ 54.1-3400 et seq.) or (ii) be construed to prohibit any conduct permitted under Chapter 16 (§ 4.1-1600 et seq.) of Title 4.1;

72. Manufacturing, offering for sale at retail, or selling at retail an industrial hemp extract, as defined in § 3.2-5145.1, a food containing an industrial hemp extract, or a substance containing tetrahydrocannabinol that depicts or is in the shape of a human, animal, vehicle, or fruit;

73. Selling or offering for sale any substance intended for human consumption, orally or by inhalation, that contains tetrahydrocannabinol and, without authorization, bears, is packaged in a container or wrapper that bears, or is otherwise labeled to bear the trademark, trade name, famous mark as defined in 15 U.S.C. § 1125, or other identifying mark, imprint, or device, or any likeness thereof, of a manufacturer, processor, packer, or distributor of a product intended for human consumption other than the manufacturer, processor, packer, or distributor that did in fact so manufacture, process, pack, or distribute such substance;

74. Selling or offering for sale a topical hemp product, as defined in § 3.2-4112, that does not include a label stating that the product is not intended for human consumption. This subdivision shall not (i) apply to products that are approved for marketing by the U.S. Food and Drug Administration and scheduled in the Drug Control Act (§ 54.1-3400 et seq.), (ii) be construed to prohibit any conduct permitted under Chapter 16 (§ 4.1-1600 et seq.) of Title 4.1, or (iii) apply to topical hemp products that were manufactured prior to July 1, 2023, provided that the person provides documentation of the date of manufacture if requested;

75. Violating any provision of § 59.1-466.8;

76. Violating subsection F of § 36-96.3:1;

77. Selling or offering for sale (i) any kratom product to a person younger than 21 years of age or (ii) any kratom product that does not include a label listing all ingredients and with the following guidance: "This product may be harmful to your health, has not been evaluated by the FDA, and is not intended to diagnose, treat, cure, or prevent any disease." As used in this subdivision, "kratom" means any part of the leaf of the plant Mitragyna speciosa or any extract thereof; ~~and~~

78. Failing to disclose the total cost of a good or continuous service, as defined in § 59.1-207.45, to a consumer, including any mandatory fees or charges, prior to entering into an agreement for the sale of any such good or provision of any such continuous service*; and*

79. Charging any transaction or processing fee or similar surcharge to a consumer for the use of an electronic fund transfer, as that term is defined in 12 C.F.R. § 1005.3, for payment for the purchase of a good or service. The provisions of this subdivision shall not apply (i) to the withdrawal of funds from an automated teller machine or (ii) in cases where the service is to expedite an electronic fund transfer.

B. Nothing in this section shall be construed to invalidate or make unenforceable any contract or lease solely by reason of the failure of such contract or lease to comply with any other law of the Commonwealth or any federal statute or regulation, to the extent such other law, statute, or regulation provides that a violation of such law, statute, or regulation shall not invalidate or make unenforceable such contract or lease.

2. That the provisions of the first enactment of this act shall not become effective unless reenacted by the 2025 Session of the General Assembly.

3. That the State Corporation Commission is directed to assess the amendments to the Code of Virginia made by the first enactment of this act and report its findings to the Chairmen of the House Committee on General Laws and the Senate Committee on General Laws and Technology no later than December 1, 2024.

CHAPTER 839

An Act to amend and reenact §§ 54.1-2347 and 60.2-210 of the Code of Virginia, relating to common interest communities; residents providing certain services exemption.

[H 214]

Approved May 17, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 54.1-2347 and 60.2-210 of the Code of Virginia are amended and reenacted as follows:

§ 54.1-2347. Exceptions and exemptions generally.

A. The provisions of this article shall not be construed to prevent or prohibit:

1. An employee of a duly licensed common interest community manager from providing management services within the scope of the employee's employment by the duly licensed common interest community manager;

2. An employee of an association from providing management services for that association's common interest community;

3. A resident of a common interest community acting without compensation from providing management services for that common interest community;

4. A resident of a common interest community from providing bookkeeping, billing, or recordkeeping services for that common interest community for compensation, provided *that such resident shall be presumed to be an independent contractor and that* the blanket fidelity bond or employee dishonesty insurance policy maintained by the association insures the association against losses resulting from theft or dishonesty committed by such person;

5. A member of the governing board of an association acting without compensation from providing management services for that association's common interest community;

6. A person acting as a receiver or trustee in bankruptcy in the performance of his duties as such or any person acting under order of any court from providing management services for a common interest community;

7. A duly licensed attorney-at-law from representing an association or a common interest community manager in any business that constitutes the practice of law;

8. A duly licensed certified public accountant from providing bookkeeping or accounting services to an association or a common interest community manager;

9. A duly licensed real estate broker or agent from selling, leasing, renting, or managing lots within a common interest community; or

10. An association, exchange agent, exchange company, managing agent, or managing entity of a time-share project registered pursuant to the Virginia Real Estate Time-Share Act (§ 55.1-2200 et seq.) from providing management services for such time-share project.

B. A licensee of the Board shall comply with the Board's regulations, notwithstanding the fact that the licensee would be otherwise exempt from licensure under subsection A. Nothing in this subsection shall be construed to require a person to be licensed in accordance with this article if he would be otherwise exempt from such licensure.

Nothing in this section shall be construed as contradicting the provisions of Chapter 19 (§ 58.1-1900 et seq.) of Title 58.1.

§ 60.2-210. Employer.

A. The term "employer" means any employing unit which:

1. In any calendar quarter in either the current or preceding calendar year paid for some service in employment wages of $1,500 or more or such other amount as provided by federal law pursuant to 26 U.S.C. § 3306; or

2. For some portion of a day in each of twenty different weeks, whether or not such weeks were consecutive, in either the current or the preceding calendar year, has or had in its employment at least one individual, irrespective of whether the same individual was in employment in each such day.

B. The term "employer" shall also mean:

1. Any employing unit which acquired the organization, trade, separate establishment or business or substantially all the assets thereof, of another which at the time of such acquisition was an employer subject to this title;

2. Any employing unit which acquired the organization, trade or business or substantially all the assets thereof, of another employing unit and which, if treated as a single unit with such other employing unit, would be an employer under subsection A of this section;

3. Any employing unit which together with one or more other employing units, is owned or controlled, by legally enforceable means or otherwise, directly or indirectly by the same interests, or which owns or controls one or more other employing units, by legally enforceable means or otherwise, and which if treated as a single unit with such other employing unit, would be an employer under subsection A or B of this section;

4. Any employing unit which having become an employer under subsection A of this section or subdivisions 1, 2, 3, 6, 7 or 8 of this subsection has not, under § 60.2-509, ceased to be an employer subject to this title;

5. For the effective period of its election pursuant to § 60.2-510, any other employing unit which has elected to become fully subject to this title;

6. Any employing unit not an employer by reason of any other subdivision of this section (i) for which, within either the current or preceding calendar year, service is or was performed with respect to which such employing unit is liable for any federal tax against which credit may be taken for taxes required to be paid into a state unemployment fund; or (ii) which, as a condition for approval of this title for full tax credit against the tax imposed by the Federal Unemployment Tax Act, is required, pursuant to such act, to be an "employer" under this title;

7. Any employing unit for which service in employment, as defined in subdivisions 1 through 3 of subsection A of § 60.2-213, is performed;

8. Any employing unit, for which service in employment, as defined in subdivision 4 of subsection A of § 60.2-213, is performed;

9. For the purposes of subdivision 2 of subsection A of this section and subdivisions 8 and 10 of this subsection if any week includes both December 31 and January 1, the days of that week up to January 1 shall be deemed one calendar week and the days beginning January 1 another such week;

10. Any employing unit for which agricultural labor in employment as defined in § 60.2-214 is performed; or

11. Any employing unit for which domestic service in employment as defined in § 60.2-215 is performed.

C. 1. In determining whether an employing unit for which service other than domestic service is also performed is an employer under subsection A or subdivision 10 of subsection B of this section, the wages earned or the employment of an employee performing domestic service shall not be taken into account.

2. In determining whether an employing unit for which service other than agricultural labor is also performed is an employer under subsection A or subdivision 11 of subsection B of this section, the wages earned or the employment of an employee performing service in agricultural labor shall not be taken into account. If an employing unit is determined an employer of agricultural labor, such employing unit shall be determined an employer for the purpose of subsection A of this section.

D. No employing unit created pursuant to Chapter 23.3 (§ 54.1-2345 et seq.) of Title 54.1 where the services provided to such employing unit are limited in scope and provided by a resident of the common interest community, as described in subdivision A 4 of § 54.1-2347, shall be determined to be an employer for the purpose of this section.

CHAPTER 840

An Act to amend and reenact §§ 59.1-575, 59.1-578, and 59.1-580 of the Code of Virginia, relating to Consumer Data Protection Act; protections for children.

[H 707]

Approved May 17, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 59.1-575, 59.1-578, and 59.1-580 of the Code of Virginia are amended and reenacted as follows:

§ 59.1-575. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Affiliate" means a legal entity that controls, is controlled by, or is under common control with another legal entity or shares common branding with another legal entity. For the purposes of this definition, "control" or "controlled" means (i) ownership of, or the power to vote, more than 50 percent of the outstanding shares of any class of voting security of a company; (ii) control in any manner over the election of a majority of the directors or of individuals exercising similar functions; or (iii) the power to exercise controlling influence over the management of a company.

"Authenticate" means verifying through reasonable means that the consumer, entitled to exercise his consumer rights in § 59.1-577, is the same consumer exercising such consumer rights with respect to the personal data at issue.

"Biometric data" means data generated by automatic measurements of an individual's biological characteristics, such as a fingerprint, voiceprint, eye retinas, irises, or other unique biological patterns or characteristics that is used to identify a specific individual. "Biometric data" does not include a physical or digital photograph, a video or audio recording or data generated therefrom, or information collected, used, or stored for health care treatment, payment, or operations under HIPAA.

"Business associate" means the same meaning as the term established by HIPAA.

"Child" means any natural person younger than 13 years of age.

"Consent" means a clear affirmative act signifying a consumer's freely given, specific, informed, and unambiguous agreement to process personal data relating to the consumer. Consent may include a written statement, including a statement written by electronic means, or any other unambiguous affirmative action.

"Consumer" means a natural person who is a resident of the Commonwealth acting only in an individual or household context. It does not include a natural person acting in a commercial or employment context.

"Controller" means the natural or legal person that, alone or jointly with others, determines the purpose and means of processing personal data.

"Covered entity" means the same as the term is established by HIPAA.

"Decisions that produce legal or similarly significant effects concerning a consumer" means a decision made by the controller that results in the provision or denial by the controller of financial and lending services, housing, insurance, education enrollment, criminal justice, employment opportunities, health care services, or access to basic necessities, such as food and water.

"De-identified data" means data that cannot reasonably be linked to an identified or identifiable natural person, or a device linked to such person. A controller that possesses "de-identified data" shall comply with the requirements of subsection A of § 59.1-581.

"Health record" means the same as that term is defined in § 32.1-127.1:03.

"Health care provider" means the same as that term is defined in § 32.1-276.3.

"HIPAA" means the federal Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. § 1320d et seq.).

"Identified or identifiable natural person" means a person who can be readily identified, directly or indirectly.

"Institution of higher education" means a public institution and private institution of higher education, as those terms are defined in § 23.1-100.

"Nonprofit organization" means any corporation organized under the Virginia Nonstock Corporation Act (§ 13.1-801 et seq.) or any organization exempt from taxation under § 501(c)(3), 501(c)(6), or 501(c)(12) of the Internal Revenue Code, any political organization, any organization exempt from taxation under § 501(c)(4) of the Internal Revenue Code that is identified in § 52-41, and any subsidiary or affiliate of entities organized pursuant to Chapter 9.1 (§ 56-231.15 et seq.) of Title 56.

"Online service, product, or feature" means any service, product, or feature that is provided online. "Online service, product, or feature" does not include telecommunications service, as defined in 47 U.S.C. § 153, broadband Internet access service, as defined in 47 C.F.R. § 54.400, or delivery or use of a physical product.

"Personal data" means any information that is linked or reasonably linkable to an identified or identifiable natural person. "Personal data" does not include de-identified data or publicly available information.

"Political organization" means a party, committee, association, fund, or other organization, whether or not incorporated, organized and operated primarily for the purpose of influencing or attempting to influence the selection, nomination, election, or appointment of any individual to any federal, state, or local public office or office in a political organization or the election of a presidential/vice-presidential elector, whether or not such individual or elector is selected, nominated, elected, or appointed.

"Precise geolocation data" means information derived from technology, including but not limited to global positioning system level latitude and longitude coordinates or other mechanisms, that directly identifies the specific location of a natural person with precision and accuracy within a radius of 1,750 feet. "Precise geolocation data" does not include the content of communications or any data generated by or connected to advanced utility metering infrastructure systems or equipment for use by a utility.

"Process" or "processing" means any operation or set of operations performed, whether by manual or automated means, on personal data or on sets of personal data, such as the collection, use, storage, disclosure, analysis, deletion, or modification of personal data.

"Processor" means a natural or legal entity that processes personal data on behalf of a controller.

"Profiling" means any form of automated processing performed on personal data to evaluate, analyze, or predict personal aspects related to an identified or identifiable natural person's economic situation, health, personal preferences, interests, reliability, behavior, location, or movements.

"Protected health information" means the same as the term is established by HIPAA.

"Pseudonymous data" means personal data that cannot be attributed to a specific natural person without the use of additional information, provided that such additional information is kept separately and is subject to appropriate technical and organizational measures to ensure that the personal data is not attributed to an identified or identifiable natural person.

"Publicly available information" means information that is lawfully made available through federal, state, or local government records, or information that a business has a reasonable basis to believe is lawfully made available to the general public through widely distributed media, by the consumer, or by a person to whom the consumer has disclosed the information, unless the consumer has restricted the information to a specific audience.

"Sale of personal data" means the exchange of personal data for monetary consideration by the controller to a third party. "Sale of personal data" does not include:

1. The disclosure of personal data to a processor that processes the personal data on behalf of the controller;

2. The disclosure of personal data to a third party for purposes of providing a product or service requested by the consumer;

3. The disclosure or transfer of personal data to an affiliate of the controller;

4. The disclosure of information that the consumer (i) intentionally made available to the general public via a channel of mass media and (ii) did not restrict to a specific audience; or

5. The disclosure or transfer of personal data to a third party as an asset that is part of a merger, acquisition, bankruptcy, or other transaction in which the third party assumes control of all or part of the controller's assets.

"Sensitive data" means a category of personal data that includes:

1. Personal data revealing racial or ethnic origin, religious beliefs, mental or physical health diagnosis, sexual orientation, or citizenship or immigration status;

2. The processing of genetic or biometric data for the purpose of uniquely identifying a natural person;

3. The personal data collected from a known child; or

4. Precise geolocation data.

"State agency" means the same as that term is defined in § 2.2-307.

"Targeted advertising" means displaying advertisements to a consumer where the advertisement is selected based on personal data obtained from that consumer's activities over time and across nonaffiliated websites or online applications to predict such consumer's preferences or interests. "Targeted advertising" does not include:

1. Advertisements based on activities within a controller's own websites or online applications;

2. Advertisements based on the context of a consumer's current search query, visit to a website, or online application;

3. Advertisements directed to a consumer in response to the consumer's request for information or feedback; or

4. Processing personal data processed solely for measuring or reporting advertising performance, reach, or frequency.

"Third party" means a natural or legal person, public authority, agency, or body other than the consumer, controller, processor, or an affiliate of the processor or the controller.

§ 59.1-578. Data controller responsibilities; transparency.

A. A controller shall:

1. Limit the collection of personal data to what is adequate, relevant, and reasonably necessary in relation to the purposes for which such data is processed, as disclosed to the consumer;

2. Except as otherwise provided in this chapter, not process personal data for purposes that are neither reasonably necessary to nor compatible with the disclosed purposes for which such personal data is processed, as disclosed to the consumer, unless the controller obtains the consumer's consent;

3. Establish, implement, and maintain reasonable administrative, technical, and physical data security practices to protect the confidentiality, integrity, and accessibility of personal data. Such data security practices shall be appropriate to the volume and nature of the personal data at issue;

4. Not process personal data in violation of state and federal laws that prohibit unlawful discrimination against consumers. A controller shall not discriminate against a consumer for exercising any of the consumer rights contained in this chapter, including denying goods or services, charging different prices or rates for goods or services, or providing a different level of quality of goods and services to the consumer. However, nothing in this subdivision shall be construed to require a controller to provide a product or service that requires the personal data of a consumer that the controller does not collect or maintain or to prohibit a controller from offering a different price, rate, level, quality, or selection of goods or services to a consumer, including offering goods or services for no fee, if the consumer has exercised his right to opt out pursuant to § 59.1-577 or the offer is related to a consumer's voluntary participation in a bona fide loyalty, rewards, premium features, discounts, or club card program; and

5. Not process sensitive data concerning a consumer without obtaining the consumer's consent, or, in the case of the processing of sensitive data concerning a known child, without processing such data in accordance with the federal Children's Online Privacy Protection Act (15 U.S.C. § 6501 et seq.).

B. Any provision of a contract or agreement of any kind that purports to waive or limit in any way consumer rights pursuant to § 59.1-577 shall be deemed contrary to public policy and shall be void and unenforceable.

C. Controllers shall provide consumers with a reasonably accessible, clear, and meaningful privacy notice that includes:

1. The categories of personal data processed by the controller;

2. The purpose for processing personal data;

3. How consumers may exercise their consumer rights pursuant § 59.1-577, including how a consumer may appeal a controller's decision with regard to the consumer's request;

4. The categories of personal data that the controller shares with third parties, if any; and

5. The categories of third parties, if any, with whom the controller shares personal data.

D. If a controller sells personal data to third parties or processes personal data for targeted advertising, the controller shall clearly and conspicuously disclose such processing, as well as the manner in which a consumer may exercise the right to opt out of such processing.

E. A controller shall establish, and shall describe in a privacy notice, one or more secure and reliable means for consumers to submit a request to exercise their consumer rights under this chapter. Such means shall take into account the ways in which consumers normally interact with the controller, the need for secure and reliable communication of such requests, and the ability of the controller to authenticate the identity of the consumer making the request. Controllers shall not require a consumer to create a new account in order to exercise consumer rights pursuant to § 59.1-577 but may require a consumer to use an existing account.

F. 1. Subject to the consent requirement established by subdivision 3, no controller shall process any personal data collected from a known child:

a. For the purposes of (i) targeted advertising, (ii) the sale of such personal data, or (iii) profiling in furtherance of decisions that produce legal or similarly significant effects concerning a consumer;

b. Unless such processing is reasonably necessary to provide the online service, product, or feature;

c. For any processing purpose other than the processing purpose that the controller disclosed at the time such controller collected such personal data or that is reasonably necessary for and compatible with such disclosed purpose; or

d. For longer than is reasonably necessary to provide the online service, product, or feature.

2. Subject to the consent requirement established by subdivision 3, no controller shall collect precise geolocation data from a known child unless (i) such precise geolocation data is reasonably necessary for the controller to provide an online service, product, or feature and, if such data is necessary to provide such online service, product, or feature, such controller shall only collect such data for the time necessary to provide such online service, product, or feature and (ii) the controller provides to the known child a signal indicating that such controller is collecting such precise geolocation data, which signal shall be available to such known child for the entire duration of such collection.

3. No controller shall engage in the activities described in subdivisions 1 or 2 unless the controller obtains consent from the child's parent or legal guardian in accordance with the federal Children's Online Privacy Protection Act (15 U.S.C. § 6501 et seq.).

§ 59.1-580. Data protection assessments.

A. A controller shall conduct and document a data protection assessment of each of the following processing activities involving personal data:

1. The processing of personal data for purposes of targeted advertising;

2. The sale of personal data;

3. The processing of personal data for purposes of profiling, where such profiling presents a reasonably foreseeable risk of (i) unfair or deceptive treatment of, or unlawful disparate impact on, consumers; (ii) financial, physical, or reputational injury to consumers; (iii) a physical or other intrusion upon the solitude or seclusion, or the private affairs or concerns, of consumers, where such intrusion would be offensive to a reasonable person; or (iv) other substantial injury to consumers;

4. The processing of sensitive data; and

5. Any processing activities involving personal data that present a heightened risk of harm to consumers.

B. *Each controller that offers any online service, product, or feature directed to consumers whom such controller has actual knowledge are children shall conduct a data protection assessment for such online service, product, or feature that addresses (i) the purpose of such online service, product, or feature; (ii) the categories of known children's personal data that such online service, product, or feature processes; and (iii) the purposes for which such controller processes known children's personal data with respect to such online service, product, or feature.*

C. Data protection assessments conducted pursuant to ~~subsection A~~ *this section* shall identify and weigh the benefits that may flow, directly and indirectly, from the processing to the controller, the consumer, other stakeholders, and the public against the potential risks to the rights of the consumer associated with such processing, as mitigated by safeguards that can be employed by the controller to reduce such risks. The use of de-identified data and the reasonable expectations of consumers, as well as the context of the processing and the relationship between the controller and the consumer whose personal data will be processed, shall be factored into this assessment by the controller.

~~C.~~ *D.* The Attorney General may request, pursuant to a civil investigative demand, that a controller disclose any data protection assessment that is relevant to an investigation conducted by the Attorney General, and the controller shall make the data protection assessment available to the Attorney General. The Attorney General may evaluate the data protection assessment for compliance with the responsibilities set forth in § 59.1-578. Data protection assessments shall be confidential and exempt from public inspection and copying under the Virginia Freedom of Information Act (§ 2.2-3700 et seq.). The disclosure of a data protection assessment pursuant to a request from the Attorney General shall not constitute a waiver of attorney-client privilege or work product protection with respect to the assessment and any information contained in the assessment.

~~D.~~ *E.* A single data protection assessment may address a comparable set of processing operations that include similar activities.

~~E.~~ *F.* Data protection assessments conducted by a controller for the purpose of compliance with other laws or regulations may comply under this section if the assessments have a reasonably comparable scope and effect.

~~F.~~ *G.* Data protection assessment requirements shall apply to processing activities created or generated after January 1, 2023, and are not retroactive.

2. That the provisions of this act shall become effective on January 1, 2025.

CHAPTER 841

An Act to amend and reenact § 23.1-2002, as it may become effective, of the Code of Virginia, relating to board of directors of Eastern Virginia Health Sciences Center at Old Dominion University; membership; meetings.

[H 1055]

Approved May 17, 2024

Be it enacted by the General Assembly of Virginia:

1. That § 23.1-2002, as it may become effective, of the Code of Virginia is amended and reenacted as follows:

§ 23.1-2002. (For effective date, see 2023 Acts, cc. 756 and 778, cl. 5) Meetings; officers; committees.

A. The board shall meet at the University once a year and at such other times as it determines. Special meetings of the board may be called by the rector or any three members. The secretary shall provide notice of any special meeting to each member.

B. A majority of members shall constitute a quorum.

C. In every even-numbered year, the board shall elect from its membership a rector to preside at its meetings, a vice-rector to preside at its meetings in the absence of the rector, and a secretary to preside at its meetings in the absence of the rector and vice-rector. Such officers shall assume their duties on July 1 of such year.

D. The board may appoint a pro tempore officer to preside at its meetings in the absence of the rector, vice-rector, and secretary.

E. Vacancies in the offices of rector, vice-rector, and secretary may be filled by the board for the unexpired term.

F. At every regular annual meeting of the board, an executive committee for the transaction of business in the recess of the board may be appointed, consisting of at least five members. The executive committee shall consist of the officers of the board and such other members as the rector may appoint.

G. The board shall have a standing committee to serve as the board of directors of the Eastern Virginia Health Sciences Center at the University, which shall oversee the Eastern Virginia Health Sciences Center at the University and exercise

such decision-making authority over the Eastern Virginia Health Sciences Center at the University as the standing committee deems necessary or appropriate under the authority of and in accordance with the bylaws of the board. The standing committee shall oversee financial management of the Eastern Virginia Health Sciences Center at the University and approve and recommend to the board the budget for the Eastern Virginia Health Sciences Center at the University. The standing committee shall consist of no more than 17 members*, consisting of two ex officio members and no more than 15 appointed members* who are appointed as follows: ~~one~~ *two* nonlegislative citizen ~~member~~ *members* appointed by the Governor; one nonlegislative citizen member appointed by the Senate Committee on Rules; one nonlegislative citizen member appointed by the Speaker of the House of Delegates; ~~one nonlegislative citizen member appointed by the primary teaching hospital affiliated with the University~~; four members of the board appointed by the rector of the board; and no more than ~~nine~~ *seven nonlegislative citizen* members appointed by the Eastern Virginia Medical School Foundation or any successor foundation. *The president of the University and the executive vice president for health sciences at the University shall serve as ex officio nonvoting members of the standing committee. The primary teaching hospital affiliated with the University may submit to the Governor a list of at least three nominees for any vacancy on the standing committee that is to be filled by the Governor. Any such nominee shall be an expert in a relevant sector of the health care industry and shall have no business or financial relationship with the primary teaching hospital affiliated with the University in order to be considered for appointment as a member of the standing committee by the Governor. In support of good long-term governance, the members appointed to the standing committee by the Eastern Virginia Medical School Foundation or any successor foundation shall file, as a condition to assuming office, a disclosure statement of their personal interests and such other information as is required on the form prescribed by the Virginia Conflict of Interest and Ethics Advisory Council pursuant to § 2.2-3117 and thereafter shall file such a statement annually on or before February 1.*

H. The standing committee shall meet four times per year and at such other times as it determines.

I. After the initial staggering of terms, members of the standing committee shall be appointed for a term of four years.

2. That by January 1, 2029, the Old Dominion University Board of Visitors, the standing committee established pursuant to subsection G of § 23.1-2002 of the Code of Virginia, as it may become effective and as amended by this act, the Governor, and the Chairmen of the House Committee on Appropriations and the Senate Committee on Finance and Appropriations shall provide written input to one another on whether the standing committee governance provisions contained in this act should be revised.

3. That the initial appointments of members of the standing committee of Eastern Virginia Health Sciences Center at Old Dominion University shall be staggered as follows: one member for a term of four years appointed by the Speaker of the House of Delegates; one member for a term of four years appointed by the Senate Committee on Rules; two members for a term of four years appointed by the Governor; no more than four members for a term of three years appointed by the Eastern Virginia Medical School Foundation or any successor foundation; four members for a term of two years appointed by the Rector of the Old Dominion University Board of Visitors; and no more than three members for a term of one year appointed by the Eastern Virginia Medical School Foundation or any successor foundation.

CHAPTER 842

An Act to amend and reenact §§ 46.2-878 and 46.2-1300 of the Code of Virginia, relating to speed limits; local authority.

[H 1071]

Approved May 17, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 46.2-878 and 46.2-1300 of the Code of Virginia are amended and reenacted as follows:

§ 46.2-878. Authority to change speed limits.

A. Notwithstanding the other provisions of this article, *and except as otherwise provided in subdivision A 4 of § 46.2-1300,* the Commissioner of Highways or other authority having jurisdiction over highways may decrease the speed limits set forth in § 46.2-870 and may increase or decrease the speed limits set forth in §§ 46.2-873 through 46.2-875 on any highway under its jurisdiction~~;~~ and may establish differentiated speed limits for daytime and nighttime by decreasing for nighttime driving the speed limits set forth in § 46.2-870 and by increasing for daytime or decreasing for nighttime the speed limits set forth in §§ 46.2-873 through 46.2-875 on any highway under his jurisdiction. Such increased or decreased speed limits and such differentiated speed limits for daytime and nighttime driving shall be effective only when prescribed after a traffic engineering investigation and when indicated on the highway by signs. It ~~shall be~~ *is* unlawful to operate any motor vehicle in excess of speed limits established and posted as provided in this section. The increased or decreased speed limits over highways under the control of the Commissioner of Highways shall be effective only when prescribed in writing by the Commissioner of Highways and kept on file in the Central Office of the Department of Transportation. Whenever the speed limit on any highway has been increased or decreased or a differential speed limit has been established and such speed limit is properly posted, there shall be a rebuttable presumption that the change in speed was properly established in accordance with the provisions of this section.

B. Notwithstanding any other provision of this article, including the provisions of subsection A, the governing body of any town located entirely within the confines of a United States military base may by ordinance reduce the speed limit to

less than 25 miles per hour on any highway within its boundaries, provided such reduced speed limit is indicated by lawfully placed signs.

§ 46.2-1300. Powers of local authorities generally; erection of signs and markers; maximum penalties.

A. The governing bodies of counties, cities, and towns may adopt ordinances not in conflict with the provisions of this title to regulate the operation of vehicles on the highways in such counties, cities, and towns. They may also repeal, amend, or modify such ordinances and may erect appropriate signs or markers on the highway showing the general regulations applicable to the operation of vehicles on such highways. The governing body of any county, city, or town may by ordinance, or may by ordinance authorize its chief administrative officer to:

1. Increase or decrease the speed limit within its boundaries, provided such increase or decrease in speed shall be based upon an engineering and traffic investigation by such county, city or town and provided such speed area or zone is clearly indicated by markers or signs;

2. Authorize the city or town manager or such officer thereof as it may designate, to reduce for a temporary period not to exceed ~~sixty~~ *60* days, without such engineering and traffic investigation, the speed limit on any portion of any highway of the city or town on which work is being done or where the highway is under construction or repair;

3. Require vehicles to come to a full stop or yield the right-of-way at a street intersection if one or more of the intersecting streets has been designated as a part of the primary state highway system in a town ~~which~~ *that* has a population of less than 3,500;

4. Reduce the speed limit to less than 25 miles per hour, but not less than 15 miles per hour, on any highway*, including those in the state highway system,* within its boundaries that is located in a business district or residence district *for which the existing posted speed limit is 25 miles per hour, and restore a speed limit that had been reduced pursuant to this subdivision to the speed limit that had been previously posted at that location*, provided that such reduced *or restored* speed limit is indicated by lawfully placed signs. *At least 30 days prior to changing a speed limit on any highway in the state highway system pursuant to this subdivision, the governing body shall provide written notice of the change to the Commissioner of Highways. If any provision of this subdivision is inconsistent with the provisions of § 33.2-310, 33.2-317, 33.2-326, or 46.2-878, this subdivision shall be controlling.*

B. No such ordinance shall be violated if at the time of the alleged violation the sign or marker placed in conformity with this section is missing, substantially defaced, or obscured so that an ordinarily observant person under the same circumstances would not be aware of the existence of the ordinance.

C. No governing body of a county, city, or town may (i) provide penalties for violating a provision of an ordinance adopted pursuant to this section ~~which~~ *that* is greater than the penalty imposed for a similar offense under the provisions of this title or (ii) provide that a violation of a provision of an ordinance adopted pursuant to this section is cause for a stop or arrest of a driver when such a stop or arrest is prohibited for a similar offense under the provisions of this title.

D. No county whose roads are under the jurisdiction of the Department of Transportation shall designate, in terms of distance from a school, the placement of flashing warning lights unless the authority to do so has been expressly delegated to such county by the Department of Transportation, in its discretion.

E. No law-enforcement officer shall stop a motor vehicle for a violation of a local ordinance relating to the ownership or maintenance of a motor vehicle unless such violation is a jailable offense. No evidence discovered or obtained as the result of a stop in violation of this subsection, including evidence discovered or obtained with the operator's consent, shall be admissible in any trial, hearing, or other proceeding.

CHAPTER 843

An Act to amend the Code of Virginia by adding a section numbered 22.1-272.1:1, relating to Board of Education; guidelines on school-connected overdose policies; response and parental notification.

[S 498]

Approved May 17, 2024

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 22.1-272.1:1 as follows:

§ 22.1-272.1:1. Guidelines on school-connected overdose policies; response and parental notification.

The Board shall establish guidelines for school-connected overdose response and parental notification policies to aid local school boards in the implementation of such policies. The guidelines shall include (i) a model action plan for each school board to follow in responding to any school-connected overdose, including communicating and coordinating with (a) the Department and (b) the applicable law-enforcement liaison or the local law-enforcement agency that, pursuant to § 22.1-280.2:3, employs such school division's school resources officers, and (ii) criteria for issuing parental notification to ensure sensitivity to the privacy interests of affected individuals and compliance with any applicable law, rules, or regulations relating to the disclosure and protection of a minor's personal, confidential, or otherwise sensitive information.

CHAPTER 844

An Act to amend and reenact §§ 59.1-575, 59.1-578, and 59.1-580 of the Code of Virginia, relating to Consumer Data Protection Act; protections for children.

[S 361]

Approved May 17, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 59.1-575, 59.1-578, and 59.1-580 of the Code of Virginia are amended and reenacted as follows:

§ 59.1-575. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Affiliate" means a legal entity that controls, is controlled by, or is under common control with another legal entity or shares common branding with another legal entity. For the purposes of this definition, "control" or "controlled" means (i) ownership of, or the power to vote, more than 50 percent of the outstanding shares of any class of voting security of a company; (ii) control in any manner over the election of a majority of the directors or of individuals exercising similar functions; or (iii) the power to exercise controlling influence over the management of a company.

"Authenticate" means verifying through reasonable means that the consumer, entitled to exercise his consumer rights in § 59.1-577, is the same consumer exercising such consumer rights with respect to the personal data at issue.

"Biometric data" means data generated by automatic measurements of an individual's biological characteristics, such as a fingerprint, voiceprint, eye retinas, irises, or other unique biological patterns or characteristics that is used to identify a specific individual. "Biometric data" does not include a physical or digital photograph, a video or audio recording or data generated therefrom, or information collected, used, or stored for health care treatment, payment, or operations under HIPAA.

"Business associate" means the same meaning as the term established by HIPAA.

"Child" means any natural person younger than 13 years of age.

"Consent" means a clear affirmative act signifying a consumer's freely given, specific, informed, and unambiguous agreement to process personal data relating to the consumer. Consent may include a written statement, including a statement written by electronic means, or any other unambiguous affirmative action.

"Consumer" means a natural person who is a resident of the Commonwealth acting only in an individual or household context. It does not include a natural person acting in a commercial or employment context.

"Controller" means the natural or legal person that, alone or jointly with others, determines the purpose and means of processing personal data.

"Covered entity" means the same as the term is established by HIPAA.

"Decisions that produce legal or similarly significant effects concerning a consumer" means a decision made by the controller that results in the provision or denial by the controller of financial and lending services, housing, insurance, education enrollment, criminal justice, employment opportunities, health care services, or access to basic necessities, such as food and water.

"De-identified data" means data that cannot reasonably be linked to an identified or identifiable natural person, or a device linked to such person. A controller that possesses "de-identified data" shall comply with the requirements of subsection A of § 59.1-581.

"Health record" means the same as that term is defined in § 32.1-127.1:03.

"Health care provider" means the same as that term is defined in § 32.1-276.3.

"HIPAA" means the federal Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. § 1320d et seq.).

"Identified or identifiable natural person" means a person who can be readily identified, directly or indirectly.

"Institution of higher education" means a public institution and private institution of higher education, as those terms are defined in § 23.1-100.

"Nonprofit organization" means any corporation organized under the Virginia Nonstock Corporation Act (§ 13.1-801 et seq.) or any organization exempt from taxation under § 501(c)(3), 501(c)(6), or 501(c)(12) of the Internal Revenue Code, any political organization, any organization exempt from taxation under § 501(c)(4) of the Internal Revenue Code that is identified in § 52-41, and any subsidiary or affiliate of entities organized pursuant to Chapter 9.1 (§ 56-231.15 et seq.) of Title 56.

"Online service, product, or feature" means any service, product, or feature that is provided online. "Online service, product, or feature" does not include telecommunications service, as defined in 47 U.S.C. § 153, broadband Internet access service, as defined in 47 C.F.R. § 54.400, or delivery or use of a physical product.

"Personal data" means any information that is linked or reasonably linkable to an identified or identifiable natural person. "Personal data" does not include de-identified data or publicly available information.

"Political organization" means a party, committee, association, fund, or other organization, whether or not incorporated, organized and operated primarily for the purpose of influencing or attempting to influence the selection, nomination, election, or appointment of any individual to any federal, state, or local public office or office in a political organization or the election of a presidential/vice-presidential elector, whether or not such individual or elector is selected, nominated, elected, or appointed.

"Precise geolocation data" means information derived from technology, including but not limited to global positioning system level latitude and longitude coordinates or other mechanisms, that directly identifies the specific location of a natural person with precision and accuracy within a radius of 1,750 feet. "Precise geolocation data" does not include the content of communications or any data generated by or connected to advanced utility metering infrastructure systems or equipment for use by a utility.

"Process" or "processing" means any operation or set of operations performed, whether by manual or automated means, on personal data or on sets of personal data, such as the collection, use, storage, disclosure, analysis, deletion, or modification of personal data.

"Processor" means a natural or legal entity that processes personal data on behalf of a controller.

"Profiling" means any form of automated processing performed on personal data to evaluate, analyze, or predict personal aspects related to an identified or identifiable natural person's economic situation, health, personal preferences, interests, reliability, behavior, location, or movements.

"Protected health information" means the same as the term is established by HIPAA.

"Pseudonymous data" means personal data that cannot be attributed to a specific natural person without the use of additional information, provided that such additional information is kept separately and is subject to appropriate technical and organizational measures to ensure that the personal data is not attributed to an identified or identifiable natural person.

"Publicly available information" means information that is lawfully made available through federal, state, or local government records, or information that a business has a reasonable basis to believe is lawfully made available to the general public through widely distributed media, by the consumer, or by a person to whom the consumer has disclosed the information, unless the consumer has restricted the information to a specific audience.

"Sale of personal data" means the exchange of personal data for monetary consideration by the controller to a third party. "Sale of personal data" does not include:

1. The disclosure of personal data to a processor that processes the personal data on behalf of the controller;

2. The disclosure of personal data to a third party for purposes of providing a product or service requested by the consumer;

3. The disclosure or transfer of personal data to an affiliate of the controller;

4. The disclosure of information that the consumer (i) intentionally made available to the general public via a channel of mass media and (ii) did not restrict to a specific audience; or

5. The disclosure or transfer of personal data to a third party as an asset that is part of a merger, acquisition, bankruptcy, or other transaction in which the third party assumes control of all or part of the controller's assets.

"Sensitive data" means a category of personal data that includes:

1. Personal data revealing racial or ethnic origin, religious beliefs, mental or physical health diagnosis, sexual orientation, or citizenship or immigration status;

2. The processing of genetic or biometric data for the purpose of uniquely identifying a natural person;

3. The personal data collected from a known child; or

4. Precise geolocation data.

"State agency" means the same as that term is defined in § 2.2-307.

"Targeted advertising" means displaying advertisements to a consumer where the advertisement is selected based on personal data obtained from that consumer's activities over time and across nonaffiliated websites or online applications to predict such consumer's preferences or interests. "Targeted advertising" does not include:

1. Advertisements based on activities within a controller's own websites or online applications;

2. Advertisements based on the context of a consumer's current search query, visit to a website, or online application;

3. Advertisements directed to a consumer in response to the consumer's request for information or feedback; or

4. Processing personal data processed solely for measuring or reporting advertising performance, reach, or frequency.

"Third party" means a natural or legal person, public authority, agency, or body other than the consumer, controller, processor, or an affiliate of the processor or the controller.

§ 59.1-578. Data controller responsibilities; transparency.

A. A controller shall:

1. Limit the collection of personal data to what is adequate, relevant, and reasonably necessary in relation to the purposes for which such data is processed, as disclosed to the consumer;

2. Except as otherwise provided in this chapter, not process personal data for purposes that are neither reasonably necessary to nor compatible with the disclosed purposes for which such personal data is processed, as disclosed to the consumer, unless the controller obtains the consumer's consent;

3. Establish, implement, and maintain reasonable administrative, technical, and physical data security practices to protect the confidentiality, integrity, and accessibility of personal data. Such data security practices shall be appropriate to the volume and nature of the personal data at issue;

4. Not process personal data in violation of state and federal laws that prohibit unlawful discrimination against consumers. A controller shall not discriminate against a consumer for exercising any of the consumer rights contained in this chapter, including denying goods or services, charging different prices or rates for goods or services, or providing a different level of quality of goods and services to the consumer. However, nothing in this subdivision shall be construed to require a controller to provide a product or service that requires the personal data of a consumer that the controller does not

collect or maintain or to prohibit a controller from offering a different price, rate, level, quality, or selection of goods or services to a consumer, including offering goods or services for no fee, if the consumer has exercised his right to opt out pursuant to § 59.1-577 or the offer is related to a consumer's voluntary participation in a bona fide loyalty, rewards, premium features, discounts, or club card program; and

5. Not process sensitive data concerning a consumer without obtaining the consumer's consent, or, in the case of the processing of sensitive data concerning a known child, without processing such data in accordance with the federal Children's Online Privacy Protection Act (15 U.S.C. § 6501 et seq.).

B. Any provision of a contract or agreement of any kind that purports to waive or limit in any way consumer rights pursuant to § 59.1-577 shall be deemed contrary to public policy and shall be void and unenforceable.

C. Controllers shall provide consumers with a reasonably accessible, clear, and meaningful privacy notice that includes:

1. The categories of personal data processed by the controller;

2. The purpose for processing personal data;

3. How consumers may exercise their consumer rights pursuant § 59.1-577, including how a consumer may appeal a controller's decision with regard to the consumer's request;

4. The categories of personal data that the controller shares with third parties, if any; and

5. The categories of third parties, if any, with whom the controller shares personal data.

D. If a controller sells personal data to third parties or processes personal data for targeted advertising, the controller shall clearly and conspicuously disclose such processing, as well as the manner in which a consumer may exercise the right to opt out of such processing.

E. A controller shall establish, and shall describe in a privacy notice, one or more secure and reliable means for consumers to submit a request to exercise their consumer rights under this chapter. Such means shall take into account the ways in which consumers normally interact with the controller, the need for secure and reliable communication of such requests, and the ability of the controller to authenticate the identity of the consumer making the request. Controllers shall not require a consumer to create a new account in order to exercise consumer rights pursuant to § 59.1-577 but may require a consumer to use an existing account.

F. 1. Subject to the consent requirement established by subdivision 3, no controller shall process any personal data collected from a known child:

a. For the purposes of (i) targeted advertising, (ii) the sale of such personal data, or (iii) profiling in furtherance of decisions that produce legal or similarly significant effects concerning a consumer;

b. Unless such processing is reasonably necessary to provide the online service, product, or feature;

c. For any processing purpose other than the processing purpose that the controller disclosed at the time such controller collected such personal data or that is reasonably necessary for and compatible with such disclosed purpose; or

d. For longer than is reasonably necessary to provide the online service, product, or feature.

2. Subject to the consent requirement established by subdivision 3, no controller shall collect precise geolocation data from a known child unless (i) such precise geolocation data is reasonably necessary for the controller to provide an online service, product, or feature and, if such data is necessary to provide such online service, product, or feature, such controller shall only collect such data for the time necessary to provide such online service, product, or feature and (ii) the controller provides to the known child a signal indicating that such controller is collecting such precise geolocation data, which signal shall be available to such known child for the entire duration of such collection.

3. No controller shall engage in the activities described in subdivisions 1 or 2 unless the controller obtains consent from the child's parent or legal guardian in accordance with the federal Children's Online Privacy Protection Act (15 U.S.C. § 6501 et seq.).

§ 59.1-580. Data protection assessments.

A. A controller shall conduct and document a data protection assessment of each of the following processing activities involving personal data:

1. The processing of personal data for purposes of targeted advertising;

2. The sale of personal data;

3. The processing of personal data for purposes of profiling, where such profiling presents a reasonably foreseeable risk of (i) unfair or deceptive treatment of, or unlawful disparate impact on, consumers; (ii) financial, physical, or reputational injury to consumers; (iii) a physical or other intrusion upon the solitude or seclusion, or the private affairs or concerns, of consumers, where such intrusion would be offensive to a reasonable person; or (iv) other substantial injury to consumers;

4. The processing of sensitive data; and

5. Any processing activities involving personal data that present a heightened risk of harm to consumers.

B. *Each controller that offers any online service, product, or feature directed to consumers whom such controller has actual knowledge are children shall conduct a data protection assessment for such online service, product, or feature that addresses (i) the purpose of such online service, product, or feature; (ii) the categories of known children's personal data that such online service, product, or feature processes; and (iii) the purposes for which such controller processes known children's personal data with respect to such online service, product, or feature.*

C. Data protection assessments conducted pursuant to ~~subsection A~~ *this section* shall identify and weigh the benefits that may flow, directly and indirectly, from the processing to the controller, the consumer, other stakeholders, and the public against the potential risks to the rights of the consumer associated with such processing, as mitigated by safeguards that can be employed by the controller to reduce such risks. The use of de-identified data and the reasonable expectations of consumers, as well as the context of the processing and the relationship between the controller and the consumer whose personal data will be processed, shall be factored into this assessment by the controller.

~~C.~~ *D.* The Attorney General may request, pursuant to a civil investigative demand, that a controller disclose any data protection assessment that is relevant to an investigation conducted by the Attorney General, and the controller shall make the data protection assessment available to the Attorney General. The Attorney General may evaluate the data protection assessment for compliance with the responsibilities set forth in § 59.1-578. Data protection assessments shall be confidential and exempt from public inspection and copying under the Virginia Freedom of Information Act (§ 2.2-3700 et seq.). The disclosure of a data protection assessment pursuant to a request from the Attorney General shall not constitute a waiver of attorney-client privilege or work product protection with respect to the assessment and any information contained in the assessment.

~~D.~~ *E.* A single data protection assessment may address a comparable set of processing operations that include similar activities.

~~E.~~ *F.* Data protection assessments conducted by a controller for the purpose of compliance with other laws or regulations may comply under this section if the assessments have a reasonably comparable scope and effect.

~~F.~~ *G.* Data protection assessment requirements shall apply to processing activities created or generated after January 1, 2023, and are not retroactive.

2. That the provisions of this act shall become effective on January 1, 2025.

CHAPTER 845

An Act to amend and reenact §§ 22.1-298.1, as it shall become effective, and 22.1-299 of the Code of Virginia, relating to public school teachers; licensure requirements; one-year local eligibility license; alternate routes and flexibility.

[S 142]

Approved May 17, 2024

Be it enacted by the General Assembly of Virginia:

1. That §§ 22.1-298.1, as it shall become effective, and 22.1-299 of the Code of Virginia are amended and reenacted as follows:

§ 22.1-298.1. (For effective date, see Acts 2022, cc. 549, 550, cl. 2) Regulations governing licensure.

A. As used in this section:

"Alternate route to licensure" means a nontraditional route to teacher licensure available to individuals who meet the criteria specified in the guidelines developed pursuant to subsection ~~N~~ *O* or regulations issued by the Board ~~of Education~~.

"Industry certification credential" means an active career and technical education credential that is earned by successfully completing a ~~Board of Education-approved~~ *Board-approved* industry certification examination, being issued a professional license in the Commonwealth, or successfully completing an occupational competency examination.

"Licensure by reciprocity" means a process used to issue a license to an individual coming into the Commonwealth from another state when that individual meets certain conditions specified in the ~~Board of Education's~~ *Board's* regulations.

"Local eligibility license" means a nonrenewable license issued in accordance with subsection M, not to exceed one year, to an individual who needs to take additional coursework but otherwise meets certain conditions for licensure set forth in the Board's regulations and subsection M, and who may be employed by a school division in the Commonwealth with the intention of such individual, upon satisfaction of the applicable requirements set forth in Board regulations, receiving full licensure with a renewable license.

"Professional teacher's assessment" means those tests mandated for licensure as prescribed by the Board ~~of Education~~.

"Provisional license" means a nonrenewable license issued by the Board ~~of Education~~ for a specified period of time, not to exceed three years, to an individual who may be employed by a school division in the Commonwealth and who generally meets the requirements specified in the ~~Board of Education's~~ *Board's* regulations for licensure, but who may need to take additional coursework, pass additional assessments, or meet alternative evaluation standards to be fully licensed with a renewable license.

"Renewable license" means a license issued by the Board ~~of Education~~ for 10 years to an individual who meets the requirements specified in the ~~Board of Education's~~ *Board's* regulations.

B. The Board ~~of Education~~ shall prescribe, by regulation, the requirements for the licensure of teachers and other school personnel required to hold a license. Such regulations shall include procedures for (i) the denial, suspension, cancellation, revocation, and reinstatement of licensure; (ii) written reprimand of license holders on grounds established by the Board, in accordance with law, notice of which shall be made by the Superintendent ~~of Public Instruction~~ to division superintendents or their designated representatives; and (iii) the immediate and thorough investigation by the division superintendent or his designee of any complaint alleging that a license holder has engaged in conduct that may form the basis for the revocation of his license. At a minimum, such procedures for investigations contained in such regulations shall

require (a) the division superintendent to petition for the revocation of the license upon completing such investigation and finding that there is reasonable cause to believe that the license holder has engaged in conduct that forms the basis for revocation of a license; (b) the school board to proceed to a hearing on such petition for revocation within 90 days of the mailing of a copy of the petition to the license holder, unless the license holder requests the cancellation of his license in accordance with Board regulations; and (c) the school board to provide a copy of the investigative file and such petition for revocation to the Superintendent ~~of Public Instruction~~ at the time that the hearing is scheduled. The Board ~~of Education~~ shall revoke the license of any person for whom it has received a notice of dismissal or resignation pursuant to subsection F of § 22.1-313 and, in the case of a person who is the subject of a founded complaint of child abuse or neglect, after all rights to any administrative appeal provided by § 63.2-1526 have been exhausted. In the case of a teacher who is the subject of a founded complaint of child abuse or neglect and whose license has been revoked pursuant to this subsection, in the event that a court reverses such finding of abuse or neglect and the individual submits to the Department an application for the reinstatement of his license as a teacher, the Board shall consider and act upon such application no later than 90 days after the date of submission. Regardless of the authority of any other agency of the Commonwealth to approve educational programs, only the Board ~~of Education~~ shall have the authority to license teachers to be regularly employed by school boards, including those teachers employed to provide nursing education.

The Board ~~of Education~~ shall prescribe by regulation the licensure requirements for teachers who teach only online courses, as defined in § 22.1-212.23. Such license shall be valid only for teaching online courses. Teachers who hold a 10-year renewable license issued by the Board ~~of Education~~ may teach online courses for which they are properly endorsed.

C. The ~~Board of Education's~~ *Board's* regulations shall include requirements that a person seeking initial licensure:

1. Demonstrate proficiency in the relevant content area, communication, literacy, and other core skills for educators by achieving a qualifying score on professional assessments or meeting alternative evaluation standards as prescribed by the Board. The literacy assessment for any individual seeking initial licensure with an endorsement in early/primary education preschool through grade three, elementary education preschool through grade six, special education general curriculum kindergarten through grade 12, special education deaf and hard of hearing preschool through grade 12, or special education blindness/visual impairments preschool through grade 12 or as a reading specialist shall include a rigorous test of science-based reading research and evidence-based literacy instruction;

2. Complete study in attention deficit disorder;

3. Complete study in gifted education, including the use of multiple criteria to identify gifted students; and

4. Complete study in methods of improving communication between schools and families and ways of increasing family involvement in student learning at home and at school.

D. In addition, such regulations shall include requirements that:

1. Every person seeking initial licensure and persons seeking licensure renewal as teachers who have not completed such study shall complete study in child abuse recognition and intervention in accordance with curriculum guidelines developed by the Board ~~of Education~~ in consultation with the Department of Social Services that are relevant to the specific teacher licensure routes;

2. Every person seeking renewal of a license shall complete all renewal requirements, including professional development in a manner prescribed by the Board, except that no person seeking renewal of a license shall be required to satisfy any such requirement by completing coursework and earning credit at an institution of higher education;

3. Every person seeking initial licensure or renewal of a license shall provide evidence of completion of certification or training in emergency first aid, cardiopulmonary resuscitation, and the use of automated external defibrillators. The certification or training program shall (i) be based on the current national evidence-based emergency cardiovascular care guidelines for cardiopulmonary resuscitation and the use of an automated external defibrillator, such as a program developed by the American Heart Association or the American Red Cross, and (ii) include hands-on practice of the skills necessary to perform cardiopulmonary resuscitation. The Board shall provide a waiver for this requirement for any person with a disability whose disability prohibits such person from completing the certification or training;

4. Every person seeking licensure with an endorsement as a teacher of the blind and visually impaired shall demonstrate proficiency in reading and writing Braille;

5. Every teacher seeking an initial license in the Commonwealth with an endorsement in the area of career and technical education shall have an industry certification credential in the area in which the teacher seeks endorsement. If a teacher seeking an initial license in the Commonwealth has not attained an industry certification credential in the area in which the teacher seeks endorsement, the Board may, upon request of the employing school division or educational agency, issue the teacher a provisional license to allow time for the teacher to attain such credential;

6. Every person seeking initial licensure or renewal of a license shall complete awareness training, provided by the Department, on the indicators of dyslexia, as that term is defined by the Board pursuant to regulations, and the evidence-based interventions and accommodations for dyslexia;

7. Every person seeking initial licensure or renewal of a license with an endorsement as a school counselor shall complete training in the recognition of mental health disorder and behavioral distress, including depression, trauma, violence, youth suicide, and substance abuse;

8. Every person seeking initial licensure as a teacher who has not received the instruction described in subsection D of § 23.1-902 shall receive instruction or training on positive behavior interventions and supports; crisis prevention and

de-escalation; the use of physical restraint and seclusion, consistent with regulations of the Board ~~of Education~~; and appropriate alternative methods to reduce and prevent the need for the use of physical restraint and seclusion;

9. Every person seeking initial licensure or renewal of a license shall complete instruction or training in cultural competency;

10. Every person seeking initial licensure or renewal of a license with an endorsement in history and social sciences shall complete instruction in African American history, as prescribed by the Board;

11. Every person seeking renewal of a license as a teacher shall complete training in the instruction of students with disabilities that includes (i) differentiating instruction for students depending on their needs; (ii) understanding the role of general education teachers on the individualized education program team; (iii) implementing effective models of collaborative instruction, including co-teaching; and (iv) understanding the goals and benefits of inclusive education for all students; and

12. Every person seeking initial licensure with an endorsement in early/primary education preschool through grade three, elementary education preschool through grade six, special education general curriculum kindergarten through grade 12, special education deaf and hard of hearing preschool through grade 12, or special education blindness/visual impairments preschool through grade 12 or as a reading specialist shall complete study in science-based reading research and evidence-based literacy instruction.

E. No teacher who seeks a provisional license shall be required to meet any requirement set forth in subdivision D 1, 3, 6, or 8 as a condition of such licensure, but each such teacher shall complete each such requirement during the first year of provisional licensure.

F. The Board shall issue a license to an individual seeking initial licensure who has not completed professional assessments as prescribed by the Board, if such individual (i) holds a provisional license that will expire within three months or, at the discretion of the school board and division superintendent, within six months if the individual has received a satisfactory mid-year performance review in the current school year; (ii) is employed by a school board; (iii) is recommended for licensure by the division superintendent; (iv) has attempted, unsuccessfully, to obtain a qualifying score on the professional assessments as prescribed by the Board; (v) has received an evaluation rating of proficient or above on the performance standards for each year of the provisional license, and such evaluation was conducted in a manner consistent with the Guidelines for Uniform Performance Standards and Evaluation Criteria for Teachers, Principals, and Superintendents; and (vi) meets all other requirements for initial licensure.

G. Each local school board or division superintendent may waive for any individual whom it seeks to employ as a career and technical education teacher and who is also seeking initial licensure or renewal of a license with an endorsement in the area of career and technical education any applicable requirement set forth in subsection C or subdivision D 2, 4, or 6.

H. The Board's regulations shall require that initial licensure for principals and assistant principals be contingent upon passage of an assessment as prescribed by the Board.

I. The Board shall establish criteria in its regulations to effectuate the substitution of experiential learning for coursework for those persons seeking initial licensure through an alternate route as defined in Board regulations. Such alternate routes shall include eligibility for any individual to receive, notwithstanding any provision of law to the contrary, a renewable one-year license to teach in public high schools in the Commonwealth if he has:

1. Received a graduate degree from a regionally accredited institution of higher education;

2. Completed at least 30 credit hours of teaching experience as an instructor at a regionally accredited institution of higher education;

3. Received qualifying scores on the professional teacher's assessments prescribed by the Board, including the communication and literacy assessment and the content-area assessment for the endorsement sought. The literacy assessment for any individual seeking initial licensure through an alternate route with an endorsement in early/primary education preschool through grade three, elementary education preschool through grade six, special education general curriculum kindergarten through grade 12, special education deaf and hard of hearing preschool through grade 12, or special education blindness/visual impairments preschool through grade 12 or as a reading specialist shall include a rigorous test of science-based reading research and evidence-based literacy instruction; and

4. Met the requirements set forth in subdivisions D 1 and 3.

J. Notwithstanding any provision of law to the contrary, the Board (i) may provide for the issuance of a provisional license, valid for a period not to exceed three years, pursuant to subdivision D 5 or to any person who does not meet the requirements of this section or any other requirement for licensure imposed by law; (ii) shall provide for the issuance of a provisional license, valid for a period not to exceed three years, to any former member of the Armed Forces of the United States or the Virginia National Guard who has received an honorable discharge and has the appropriate level of experience or training but does not meet the requirements for a renewable license; and (iii) may provide for the issuance of a provisional license, valid for a period not to exceed three years, to any individual who has held within the last five years a valid and officially issued and recognized license or certification to teach issued by an entity outside of the United States but does not meet the requirements for a renewable license if the individual's license or certification to teach has been evaluated and verified by an entity approved by the Department.

K. The Board's licensure regulations shall also provide for licensure by reciprocity:

1. With comparable endorsement areas for those individuals holding a valid out-of-state teaching license and national certification from the National Board for Professional Teaching Standards or a nationally recognized certification program

approved by the Board ~~of Education~~. The application for such individuals shall require evidence of such valid licensure and national certification and shall not require official student transcripts;

2. For any spouse of an active duty or reserve member of the Armed Forces of the United States or a member of the Virginia National Guard who has obtained a valid out-of-state license, with full credentials and without deficiencies, that is in force at the time the application for a Virginia license is received by the Department. Each such individual shall establish a file in the Department by submitting a complete application packet, which shall include official student transcripts and an official copy of the military permanent assignment orders of the individual's spouse. No service requirements or licensing assessments shall be required for any such individual. The Department shall determine and communicate such individual's eligibility for licensure by reciprocity within 15 business days of receipt of the complete application packet; and

3. For individuals who have obtained a valid out-of-state license, with full credentials and without deficiencies, that is in force at the time the application for a Virginia license is received by the Department. Each such individual shall establish a file in the Department by submitting a complete application packet, which shall include official student transcripts. No service requirements or licensing assessments shall be required for any such individual.

L. The Board shall include in its regulations an alternate route to licensure for elementary education preschool through grade six and an alternate route to licensure for special education general curriculum kindergarten through grade 12. Each such alternate route to licensure shall require individuals to (i) meet the qualifying scores on the content area assessment prescribed by the Board for the endorsements sought and (ii) complete an alternative certification program that provides training in the pedagogy and methodology of the respective content or special education areas prescribed by the Board. The curriculum of any such alternative certification program shall be approved by the Board. Nothing in this subsection shall preclude the Board from establishing other alternate routes to licensure.

M. *Notwithstanding any provision of law to the contrary, the Board, upon recommendation of the division superintendent or school board, may provide for the issuance of a valid one-year nonrenewable local eligibility license to any individual who (i) received a baccalaureate degree from a regionally accredited institution of higher education and (ii) has experience or training in a subject or content area as the local school board and division superintendent may deem appropriate for the applicable teaching position or endorsement area. Any such one-year renewable local eligibility license shall be issued in accordance with the following criteria:*

1. Each school board shall ensure that the number of teachers employed by the school board under such local eligibility license does not exceed five percent of the teachers employed by such school board during the preceding school year;

2. No school board shall issue such local eligibility license to any individual who is (i) seeking to provide instruction in special education or (ii) eligible for a collegiate professional license or postgraduate professional license;

3. Any individual who is issued a local eligibility license pursuant to this subsection shall be required to complete within such one-year period the requirements set forth in subsection C and subdivisions D 1, 3, 6, 8, and 9 as well as any additional training requirements that may be prescribed by the school board and division superintendent;

4. Such local eligibility license shall only be valid within the issuing school division;

5. Each school board may, upon an individual's completion of a local eligibility license, issue a provisional license to such individual upon receiving from the division superintendent (i) a recommendation for such license and (ii) a satisfactory performance evaluation for such individual for the local eligibility licensure period;

6. Any individual issued a one-year local eligibility license shall be considered a probationary teacher and shall be subject to the probationary terms of employment pursuant to § 22.1-303;

7. Any teacher employed under a one-year local eligibility license shall be issued a collegiate professional or postgraduate professional license upon the expiration of the local eligibility license if such teacher, before or by the expiration of such local eligibility license, (i) receives a recommendation from the division superintendent and the school board, (ii) satisfies all requirements for the applicable license pursuant to relevant law and regulations, and (iii) satisfies any other criteria as may be prescribed by the Board; and

8. The Department's Office of Licensure shall review each local eligibility license within a month of issuance to any individual to ensure compliance with all Board regulations.

N. The Board, in its regulations providing for licensure by reciprocity established pursuant to subsection K, shall (i) permit applicants to submit third-party employment verification forms and (ii) grant special consideration to individuals who have successfully completed a program offered by a provider that is accredited by the Council for the Accreditation of Educator Preparation.

~~N.~~ *O.* The Board shall develop guidelines that establish a process to permit a school board or any organization sponsored by a school board to petition the Board for approval of an alternate route to licensure that may be used to meet the requirements for a provisional or renewable license or any endorsement. Any such alternate route may include alternatives to the regulatory requirements for teacher preparation, including alternative professional assessments and coursework. The petitioner may proffer or the Board may impose conditions in conjunction with the approval of such petition.

§ 22.1-299. License required of teachers; provisional licenses; exceptions.

A. No teacher shall be regularly employed by a school board or paid from public funds unless such teacher holds a license or provisional license issued by the Board *or a one-year local eligibility license issued by a school board pursuant to subsection M of § 22.1-298.1*.

B. Notwithstanding the provision in § 22.1-298.1 that the provisional license is limited to three years, the following exceptions shall apply:

1. If a teacher employed in the Commonwealth under a provisional license is activated or deployed for military service within a school year (July 1-June 30), an additional year shall be added to the teacher's provisional license for each school year or portion thereof during which the teacher is activated or deployed. The additional year shall be granted the year following the return of the teacher from deployment or activation.

2. The Board shall extend for at least one additional year, but for no more than two additional years, the three-year provisional license of a teacher upon receiving from the division superintendent (i) a recommendation for such extension and (ii) satisfactory performance evaluations for such teacher for each year during the original three-year provisional license that such teacher was actually employed and received a filed performance evaluation. *Any individual issued a local eligibility license pursuant to subsection M of § 22.1-298.1 shall not be eligible for an extension of a provisional license.*

3. The Board shall extend for at least one additional year, but for no more than two additional years, the three-year provisional license of a teacher employed in an accredited private elementary or secondary school or a school for students with disabilities that is licensed pursuant to Chapter 16 (§ 22.1-319 et seq.) upon receiving from the school administrator of such school (i) a recommendation for such extension and (ii) satisfactory performance evaluations for such teacher for each year of the original three-year provisional license.

C. In accordance with regulations prescribed by the Board, a person not meeting the requirements for a license or provisional license *issued by the Board or for a one-year local eligibility license issued by a school board pursuant to subsection M of § 22.1-298.1* may be employed and paid from public funds by a school board temporarily as a substitute teacher to meet an emergency.

2. That the provisions of this act shall expire on July 1, 2030.

CERTIFICATION OF THE ACTS OF ASSEMBLY

2024 REGULAR SESSION

I, G. Paul Nardo, Clerk of the House of Delegates and Keeper of the Rolls of the Commonwealth, do hereby certify that the 2024 Regular Session of the General Assembly of the Commonwealth of Virginia, at which the Acts of Assembly herein printed were enacted, convened on Wednesday, January 10, 2024, and adjourned sine die on Saturday, March 9, 2024, and the Reconvened Session, pursuant to Section 6 of Article IV of the Constitution of Virginia, convened on Wednesday, April 17, 2024, and adjourned sine die on Wednesday, April 17, 2024.

G. PAUL NARDO
Clerk of the House of Delegates
and
Keeper of the Rolls of the Commonwealth

Note: Except as otherwise provided therein, all Acts of the 2024 Regular Session of the General Assembly, including the Reconvened Session, became effective at the first moment of July 1, 2024.

The Acts contained in Chapters 777 and 778 became a chapter of the Acts of Assembly on April 8, 2024, pursuant to Section 1 of Article XII of the Constitution of Virginia and §§ 30-13, 30-14, and 30-19 of the Code of Virginia. These chapters, agreed to by the General Assembly as House Joint Resolution and Senate Joint Resolution, are not subject to presentation, review, and action by the Governor pursuant to Section 6 of Article V of the Constitution of Virginia.

The Acts contained in Chapters 779-838 became law without the signature of the Governor on April 17, 2014, pursuant to Section 6 (c) (iii) of Article V of the Constitution of Virginia.

The Acts contained in Chapters 839-845 were signed by the Governor on May 17, 2024, all having been returned to the Governor by the Reconvened Session, pursuant to Section 6 (c) (iii) of Article V of the Constitution of Virginia.

ACTS

OF THE

GENERAL ASSEMBLY



2024 REGULAR SESSION

VOLUME I

VOLUME II

VOLUME III

ACTS

OF THE

GENERAL ASSEMBLY

OF THE

COMMONWEALTH OF VIRGINIA

2024 REGULAR SESSION

which met at the State Capitol, Richmond

Convened Wednesday, January 10, 2024

Adjourned sine die Saturday, March 9, 2024

Reconvened Wednesday, April 17, 2024

Adjourned sine die Wednesday, April 17, 2024

VOLUME III

RESOLUTIONS
APPENDIX
INDEX

COMMONWEALTH OF VIRGINIA
RICHMOND
2024

Compiled by the Clerk's Office

The House of Delegates

G. Paul Nardo
Clerk of the House of Delegates
and
Keeper of the Rolls of the Commonwealth

Jacqueline D. Scott
Indexing and Enrolling Director

Indexing and Enrolling Assistant Clerks

Sarah A. Armistead
Jeannine B. Layell

Indexing and Enrolling Assistants

Kellie M. Bolden
Mary T. Davis
Caroline M. Espinosa
Jan Garver-Flanders
Julia L. Glowatsky
Jarl K. Jackson
Kyle W. Mathews
Melisa G. Milton
Chayton S. Mouzon
Taylah D. Randall

in cooperation with the

Senate of Virginia,
Division of Legislative Services,
and
Division of Legislative Automated Systems

TABLE OF CONTENTS
2024 REGULAR SESSION

VOLUME I

CHAPTERS 1-451 1

VOLUME II

CHAPTERS 452-845 973

CERTIFICATION OF THE 2024 REGULAR SESSION ACTS OF ASSEMBLY 1920

VOLUME III

RESOLUTIONS OF THE GENERAL ASSEMBLY-2024 REGULAR SESSION
House Joint Resolutions and House Resolutions 1921
Senate Joint Resolutions and Senate Resolutions 2380

APPENDIX
Summary of 2024 Regular Session Legislation 2659
House Bills Approved with Chapter and Page Numbers 2660
Senate Bills Approved with Chapter and Page Numbers 2663
Bills Vetoed by Governor 2665
Members of the House of Delegates 2676
Members of the Senate 2680
Senators and Delegates by Counties 2682
Senators and Delegates by Cities 2686
Counties and Cities--Land Area and Population 2688
Counties and Cities--Ranked by Population 2689
Table of Titles of the Code of Virginia 2690

INDEX 2693

RESOLUTIONS OF THE GENERAL ASSEMBLY
2024 REGULAR SESSION

HOUSE JOINT RESOLUTION NO. 4

Celebrating the life of Joseph Brian Hannigan.

Agreed to by the House of Delegates, January 15, 2024
Agreed to by the Senate, January 18, 2024

WHEREAS, Joseph Brian Hannigan, an active community leader in Arlington and a highly admired advance man who served two United States presidents in addition to government officials in Illinois and Virginia, died on May 21, 2022; and

WHEREAS, Brian Hannigan grew up in Wakefield, Rhode Island, where he began to cultivate his lifelong love of the ocean and surfing; and

WHEREAS, Brian Hannigan attended South Kingston High School and Saint Thomas Moore School in New Hampshire; he continued his education at Saint Louis University, where he became president of the institution's Young Democrats and subsequently became chair of the College Democrats of Missouri; and

WHEREAS, in college Brian Hannigan served as chair of the Robert F. Kennedy for President Club; he later became the scheduling and advance director for the governor of Illinois; and

WHEREAS, after he and his wife, Judy, relocated to Washington, D.C., Brian Hannigan became the deputy national finance director for the Democratic National Committee; with a reputation for an encyclopedic memory and unparalleled attention to detail, he later earned positions serving on the advance teams for President Jimmy Carter's visit to Israel in 1979 and President Bill Clinton's visit to Northern Ireland in 1995; and

WHEREAS, Brian Hannigan supported the campaign to bring Major League Baseball to the Washington, D.C., area as communications director for the Virginia Baseball Stadium Authority; he then served in the administration of Governor Mark Warner and finished his career in government relations with the government relations firm Smith, Dawson & Andrews; and

WHEREAS, outside of his career, Brian Hannigan volunteered his time and wise insights to many organizations in the Arlington area, including as president of the Dominion Hills Civic Association for more than 20 years; and

WHEREAS, Brian Hannigan was a champion for young people in Arlington and a passionate advocate for the positive impact of youth sports, going above and beyond to ensure that children had opportunities to participate in local programs; he served as chair of the Arlington County Sports Commission, president of the Better Sports Club, and as a referee for youth and high school soccer and basketball games; and

WHEREAS, Brian Hannigan is fondly remembered and greatly missed by his wife of 44 years, Judy; his children, Connor and Megan, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Joseph Brian Hannigan, a respected community leader and a great advance man; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Joseph Brian Hannigan as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 6

Designating October 4, in 2024 and in each succeeding year, as Energy Efficiency Day in Virginia.

Agreed to by the House of Delegates, February 8, 2024
Agreed to by the Senate, February 27, 2024

WHEREAS, improvements in energy efficiency technologies and practices, along with policies enacted around the United States enacted since the 1970s, have resulted in significant energy and cost savings and enhanced the health of Americans; and

WHEREAS, over the past five decades, the promotion of energy efficiency has enjoyed bipartisan support in the United States Congress and across numerous presidential administrations; and

WHEREAS, energy efficiency has long been supported by a diverse coalition of businesses, including manufacturers, utilities providers, energy service companies, and technology firms, as well as public interest organizations, environmental and conservation groups, and state and local governments; and

WHEREAS, since 1980, the United States has more than doubled its energy productivity, realizing twice the economic output per unit of energy consumed; and

WHEREAS, the average household saves almost $500 every year thanks to efficiency standards that apply to new appliances, such as dishwashers, refrigerators, and water heaters; and

WHEREAS, cutting energy waste saves the consumers of the Commonwealth and the United States billions of dollars on utility bills annually, and energy efficiency itself is an economic engine, supporting job growth nationwide; and

WHEREAS, as American business and industry have evolved to become more innovative and competitive in global markets, they have also become more conscious of energy efficiency, and more than two million individuals are currently employed in the energy efficiency sector in the United States; and

WHEREAS, smarter energy use reduces the amount of electricity and natural gas needed to power homes, and improved efficiency helps curb greenhouse gas emissions that pollute the environment and disrupt the climate; and

WHEREAS, October has been designated as Energy Awareness Month at the national level and as Energy Conservation Month in Virginia, a day of awareness and action around conserving energy would help to continue lowering costs and improving the health of communities; and

WHEREAS, during Energy Efficiency Day, and every day, Virginians are encouraged to take one or more actions in their homes, workplaces, or schools to reduce energy use, cut costs, and promote a healthier environment; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly designate October 4, in 2024 and in each succeeding year, as Energy Efficiency Day in Virginia; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates transmit a copy of this resolution to the American Council for an Energy-Efficient Economy so that members of the organization may be apprised of the sense of the General Assembly of Virginia in this matter; and, be it

RESOLVED FINALLY, That the Clerk of the House of Delegates post the designation of this day on the General Assembly's website.

HOUSE JOINT RESOLUTION NO. 7

Designating October 25, in 2024 and in each succeeding year, as Postural Orthostatic Tachycardia Syndrome Awareness Day in Virginia.

Agreed to by the House of Delegates, February 6, 2024
Agreed to by the Senate, February 27, 2024

WHEREAS, the term postural orthostatic tachycardia syndrome, or POTS, was adopted in the early 1990s to describe a form of dysautonomia and orthostatic intolerance in which a person experiences excessive tachycardia and other symptoms upon standing; and

WHEREAS, along with an increased heart rate upon standing from a seated or reclined position, the cluster of symptoms associated with POTS includes fatigue, headaches, lightheadedness, heart palpitations, exercise intolerance, nausea, diminished concentration, shaking, fainting, coldness or pain in the extremities, chest pain, and shortness of breath; and

WHEREAS, for many individuals with POTS, their autonomic nervous systems do not adequately cause the blood vessels in the lower body to constrict to maintain a steady flow of blood to the heart and brain when they stand up, causing blood to pool in their lower extremities; and

WHEREAS, POTS may on some occasions be caused by a small fiber neuropathy that impacts the sudomotor nerves, but in other instances may be the result of an undefined autoimmune dysfunction or other unknown causes; and

WHEREAS, the severity of POTS fluctuates markedly among individuals, with some able to carry on their normal lives with mild symptoms and others significantly limited in their ability to manage basic life functions like walking, bathing, and eating; and

WHEREAS, physicians with expertise in treating POTS have compared the functional impairment seen in some POTS patients to that of chronic obstructive pulmonary disease or congestive heart failure; and

WHEREAS, POTS symptoms may worsen in the presence of other illnesses and in severe cases prevent a person from being upright for more than a couple of minutes, affecting them in all aspects of personal, school, work, and social life; and

WHEREAS, POTS is not easily diagnosed because each patient experiences a different array of symptoms and the root cause of the syndrome cannot always be determined; currently, doctors may rely on a table tilt test to reach a diagnosis, in which a person's vitals are measured while they are gradually tilted from a reclined to standing position; and

WHEREAS, POTS patients have been regularly misdiagnosed as having anxiety or similar psychological disorders, in large part due to the limited awareness of POTS and its related symptoms, and past treatments have often aggravated rather than alleviated a patient's condition; and

WHEREAS, patients of color represent only about five percent of the population diagnosed with POTS, suggesting that discrimination in the health care system has resulted in many individuals living with POTS without a diagnosis; and

WHEREAS, it is estimated that the patient population affected by POTS increased from 3 million to 6 million Americans as a result of the COVID-19 pandemic, with many individuals experiencing long COVID-19 symptoms also suffering from POTS; and

WHEREAS, POTS has not been adequately studied by the National Institutes of Health and other organizations relative to other disorders affecting smaller patient populations; and

WHEREAS, an increase in research devoted to POTS and promotional campaigns spreading awareness of the disorder has the potential to greatly improve the quality of life for many; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly designate October 25, in 2024 and in each succeeding year, as Postural Orthostatic Tachycardia Syndrome Awareness Day in Virginia; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates transmit a copy of this resolution to Dysautonomia International so that members of the organization be apprised of the sense of the General Assembly of Virginia in this matter; and, be it

RESOLVED FINALLY, That the Clerk of the House of Delegates post the designation of this day on the General Assembly's website.

HOUSE JOINT RESOLUTION NO. 8

Designating April, in 2024 and in each succeeding year, as Black Women's History Month in Virginia.

Agreed to by the House of Delegates, February 6, 2024
Agreed to by the Senate, February 27, 2024

WHEREAS, for more than 400 years of Virginia's history, Black women have shaped the Commonwealth's history, facing combined racial and gender barriers, often with little recognition; and

WHEREAS, the lives and contributions of Black women in Virginia, both historical and contemporary, should be honored and celebrated in the Commonwealth; and

WHEREAS, Mary Elizabeth Bowser was born into slavery, gained an education, and later served as a spy for the Union in the Confederate White House during the American Civil War; after the war, she worked as a teacher, educating the formerly enslaved in freedman's schools; and

WHEREAS, Rosa Dixon Bowser, born in 1855, was an educator, women's rights activist, and social reformer, who founded the first African American teachers association and co-founded the Virginia State Federation of Colored Women's Clubs and the National Association of Colored Women; and

WHEREAS, Lucy Simms, born into slavery, began teaching as a teenager and continued teaching for 56 years, becoming a dedicated and beloved educator of three generations of Harrisonburg students; and

WHEREAS, Evelyn Thomas Butts, a civil rights activist and Democratic Party leader from Norfolk, successfully fought toward overturning Virginia's poll tax; she conduced voter registration campaigns and helped establish Concerned Citizens for Political Education and by the end of the 1970s was considered one of the most important Black political leaders in her region; and

WHEREAS, Barbara Rose Johns, at the age of 16, led the student strike at the racially segregated R.R. Moton High School in Prince Edward County in 1951, protesting the school's poor conditions, and setting in motion events that would lead to the 1954 *Brown v. Board of Education of Topeka* case; and

WHEREAS, countless Black women throughout Virginia's history, including, among many others, Elizabeth Keckley, Lucy Goode Brooks, Jennie Serepta Dean, Maggie Lena Walker, Dorothy Irene Height, Virginia Randolph, Virgie M. Binford, Winsome Earle-Sears, and Yvonne Miller, have had a hand in shaping the Commonwealth's history, creating pathways amidst racial and gender barriers for Black women and for all citizens of the Commonwealth to follow and benefit from; and

WHEREAS, Black women in the Commonwealth continue to face inequities and injustices in the present day and continue to break barriers; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly designate April, in 2024 and in each succeeding year, as Black Women's History Month in Virginia; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates post the designation of this month on the General Assembly's website.

HOUSE JOINT RESOLUTION NO. 10

Continuing the Joint Subcommittee to Study the Feasibility of Establishing the Virginia Gaming Commission to regulate and oversee all forms of gaming in the Commonwealth. Report.

Agreed to by the House of Delegates, March 6, 2024
Agreed to by the Senate, March 5, 2024

WHEREAS, House Joint Resolution 548 (2023) established the Joint Subcommittee to Study the Feasibility of Establishing the Virginia Gaming Commission to analyze and make recommendations, as appropriate, with respect to (i) the feasibility of establishing a new agency in the executive branch of state government, to be known as the Virginia Gaming Commission (the Commission), under which all legal forms of gaming in the Commonwealth, except for the state lottery established and operated pursuant to the Virginia Lottery Law (§ 58.1-4000 et seq.), shall be consolidated for the purposes of regulation and oversight; (ii) the timely and orderly transition of the regulatory authority over casino gaming and sports betting, charitable gaming, and pari-mutuel wagering on horse racing from the Virginia Lottery, the Virginia Department of Agriculture and Consumer Services, and the Virginia Racing Commission, respectively, to the Commission; and (iii) ways to effectively prioritize problem gambling prevention and treatment efforts; and

WHEREAS, the Joint Subcommittee to Study the Feasibility of Establishing the Virginia Gaming Commission met in 2023 to (i) review the laws and regulations of the Commonwealth governing the relevant forms of legal gambling, (ii) hear presentations and testimony from experts and interested parties, and (iii) discuss and develop a work plan for the joint subcommittee to carry out its work and stated purpose; and

WHEREAS, the Joint Subcommittee to Study the Feasibility of Establishing the Virginia Gaming Commission was unable to hold a sufficient number of meetings to adequately address the considerable number of issues posed in House Joint Resolution 548 (2023) or the research resulting therefrom, and it has become evident that additional work is required to meet the objectives of House Joint Resolution 548 (2023); now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the Joint Subcommittee to Study the Feasibility of Establishing the Virginia Gaming Commission to regulate and oversee all forms of gaming in the Commonwealth be continued. The joint subcommittee shall have a total membership of eight members that shall consist of two members from each of the following committees, to be appointed by the respective committee chairmen: (i) the Senate Committee on General Laws and Technology, (ii) the Senate Committee on Finance and Appropriations, (iii) the House Committee on General Laws, and (iv) the House Committee on Appropriations. Vacancies shall be filled by the original appointing authority. The joint subcommittee shall elect a chairman and vice-chairman from among its membership, who shall be members of the General Assembly.

In conducting its study, the joint subcommittee shall continue the work it has begun with regard to developing recommendations with respect to (i) the laws of the Commonwealth and agency regulations related to legal forms of gambling; (ii) the feasibility of establishing the Virginia Gaming Commission to oversee and regulate all such legal forms of gambling, other than the lottery; (iii) ways to increase funding to the Problem Gambling Treatment and Support Fund and for related efforts; and (iv) additional issues recommended by the joint subcommittee to study in relation to gambling and the regulation and oversight thereof in the Commonwealth.

Administrative staff support shall continue to be provided by the Office of the Clerk of the Senate. Legal, research, policy analysis, and other services as requested by the joint subcommittee shall continue to be provided by the Division of Legislative Services. All agencies of the Commonwealth, including (i) the Virginia Lottery, (ii) the Department of Agriculture and Consumer Services' Office of Charitable and Regulatory Programs, and (iii) the Virginia Racing Commission, shall provide assistance to the joint subcommittee for this study, upon request.

The joint subcommittee shall be limited to four meetings for the 2024 interim and four meetings for the 2025 interim. Approval for unbudgeted nonmember-related expenses shall require the written authorization of the chairman of the joint subcommittee and the respective Clerk. If a companion joint resolution of the other chamber is agreed to, written authorization of both Clerks shall be required.

The joint subcommittee shall complete its meetings for the first year by November 30, 2024, and for the second year by November 30, 2025, and the chairman shall submit to the Division of Legislative Automated Systems an executive summary of its findings and recommendations no later than the first day of the next Regular Session of the General Assembly for each year. Each executive summary shall state whether the joint subcommittee intends to submit to the General Assembly and the Governor a report of its findings and recommendations for publication as a House or Senate document. The executive summaries and reports shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.

HOUSE JOINT RESOLUTION NO. 11

Celebrating the life of Emmitt Bruce Marshall.

Agreed to by the House of Delegates, January 15, 2024
Agreed to by the Senate, January 18, 2024

WHEREAS, Emmitt Bruce Marshall, a respected business owner and the longest-tenured member of the Spotsylvania County Board of Supervisors in county history, died on May 7, 2023; and

WHEREAS, Emmitt Marshall served the community for more than 60 years as the owner of Marshall Brothers Lumber Company, and he was an active member of the local Farm Bureau, the Lions Club, and the Berkeley Hunt Club; and

WHEREAS, desirous to be of further service to the community, Emmitt Marshall ran for and was elected to the Spotsylvania County Board of Supervisors, taking office in 1980 as the supervisor for the Berkeley District; and

WHEREAS, during his extensive tenure on the Spotsylvania County Board of Supervisors, Emmitt Marshall went above and beyond to enhance the quality of life in the region and strove to build compromise and consensus on important issues; and

WHEREAS, Emmitt Marshall participated in annexation negotiations between Fredericksburg and Spotsylvania County, oversaw the purchase of the former cellophane plant that became the Bowman Center, and led efforts to sell the Rappahannock Regional Jail at auction, ultimately generating $520,000 for Spotsylvania County, King George County, and the City of Fredericksburg; and

WHEREAS, Emmitt Marshall retired from public office in 2013 after 34 years of exceptional service, and his grandson, Kevin, subsequently followed in his footsteps as the supervisor for the Berkeley District; and

WHEREAS, Emmitt Marshall enjoyed fellowship and worship with the congregation of Bethany Baptist Church, where he served as a deacon; and

WHEREAS, predeceased by his wife of more than 72 years, Viola, and one son, Donald, Emmitt Marshall will be fondly remembered and greatly missed by his daughter, Donna, and her family; his daughter-in-law, Peggy, and her family; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Emmitt Bruce Marshall, a highly admired community leader and public servant in Spotsylvania County; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Emmitt Bruce Marshall as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 13

Designating May, in 2024 and in each succeeding year, as Progressive Supranuclear Palsy Month of Awareness in Virginia.

Agreed to by the House of Delegates, February 7, 2024
Agreed to by the Senate, February 27, 2024

WHEREAS, progressive supranuclear palsy, also known as PSP, is a neurodegenerative disease affecting the brain cells, particularly in areas that control mobility, balance, walking, speech, swallowing, vision, behavior, and cognitive abilities; and

WHEREAS, while estimates vary and are often undercounted and misdiagnosed, more than 20,000 Americans are diagnosed with progressive supranuclear palsy in the United States; and

WHEREAS, on average, symptoms manifest after age 60 and can have a severe impact on an individual's quality of life; and

WHEREAS, there is currently no known effective treatment, no known cure, and no known cause of progressive supranuclear palsy; some symptoms may be managed with medication and care, but the lack of understanding about the disease has often led to misdiagnosis, which has in turn caused significant delays in proper intervention and hindered clinical trials; and

WHEREAS, the National Institutes of Health has made strides in the understanding and treatment of progressive supranuclear palsy; and

WHEREAS, it is vital to continue supporting research on progressive supranuclear palsy, as people with the disease can become severely disabled within three to five years of the first onset of symptoms; and

WHEREAS, CurePSP is the leading nonprofit organization dedicated to raising awareness and promoting care programs and cure research for progressive supranuclear palsy and two other neurodegenerative diseases: corticobasal degeneration and multiple system atrophy; and

WHEREAS, in September 2023, United States Representative Jennifer Wexton, a friend and former colleague who previously served in the Senate of Virginia, announced that she had been diagnosed with progressive supranuclear palsy; and

WHEREAS, like many individuals with progressive supranuclear palsy, Congresswoman Wexton was initially diagnosed with Parkinson's disease; she is courageously fighting the disease and has pledged to amplify the voices of those suffering from progressive supranuclear palsy and to raise awareness of the disease both among members of the public and in the health care community; and

WHEREAS, Progressive Supranuclear Palsy Month of Awareness provides an opportunity for all Virginians to learn more about progressive supranuclear palsy and seek ways to support research into treatment and cures or to provide hope and assistance to people living with the disease and their families; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly designate May, in 2024 and in each succeeding year, as Progressive Supranuclear Palsy Month of Awareness in Virginia; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates transmit a copy of this resolution to CurePSP so that members of the organization may be apprised of the sense of the General Assembly of Virginia in this matter; and, be it

RESOLVED FINALLY, That the Clerk of the House of Delegates post the designation of this month on the General Assembly's website.

HOUSE JOINT RESOLUTION NO. 16

Commending LeadingAge Virginia.

Agreed to by the House of Delegates, January 15, 2024
Agreed to by the Senate, January 18, 2024

WHEREAS, for the past 50 years, the tireless efforts of countless individuals and members of LeadingAge Virginia have expanded the world of possibilities for all aging adults in the Commonwealth and improved their quality of life through compassionate care; and

WHEREAS, these efforts, made with open hearts and minds, have taken many expanding forms from LeadingAge Virginia's outset in 1973, including programs that provide housing, specialized physical and emotional care, and other services to Virginia's aging population, as well as initiatives that promote awareness of the unique contributions, distinctions, and value of nonprofit organizations in serving older adults; and

WHEREAS, LeadingAge Virginia has made a profound and lasting impact by creating a positive aging experience for Virginians, addressing their unique aging needs and helping them to live with dignity, respect, and independence, all while embracing their diverse perspectives; and

WHEREAS, LeadingAge Virginia has fulfilled its mission through the tremendous contributions of employees and volunteers who have dedicated their time, resources, and energy to the aging services field; their achievements have helped create a better future for older adults and promoted a culture of respect, compassion, and inclusivity for all; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend LeadingAge Virginia on the occasion of its 50th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to LeadingAge Virginia as an expression of the General Assembly's admiration for the organization's important mission to support older adults and ensure that all Virginians maintain opportunities to continue to participate fully in their communities as they age.

HOUSE JOINT RESOLUTION NO. 17

Designating July, in 2024 and in each succeeding year, as Disability Pride Month in Virginia.

Agreed to by the House of Delegates, February 6, 2024
Agreed to by the Senate, February 27, 2024

WHEREAS, according to the Centers for Disease Control and Prevention, there are 61 million adults in the United States living with disabilities; and

WHEREAS, the United States Census Bureau reports that there are also more than 3 million children in the United States living with disabilities; and

WHEREAS, on July 26, 1990, the Americans with Disabilities Act was signed into law to prevent discrimination based on disabilities, require that employers provide reasonable accommodations for people with disabilities, and create accessibility requirements in public spaces; and

WHEREAS, despite these protections, individuals with a disability remain at an increased risk of experiencing discrimination, isolation, and other inequities; and

WHEREAS, throughout the Commonwealth, individuals with disabilities are active members of their communities and make meaningful contributions to the arts, science, health care, technology, sports, education, law, and many other professions; and

WHEREAS, Disability Pride Month is celebrated in July by people across the United States and provides an opportunity for all Virginians to celebrate the achievements of people with disabilities and take an active role in preventing discrimination against people with disabilities; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly designate July, in 2024 and in each succeeding year, as Disability Pride Month in Virginia; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates transmit a copy of this resolution to representatives of the disability community in the Commonwealth so that they may be apprised of the sense of the General Assembly of Virginia in this matter; and, be it

RESOLVED FINALLY, That the Clerk of the House of Delegates post the designation of this month on the General Assembly's website.

HOUSE JOINT RESOLUTION NO. 26

Designating July, in 2024 and in each succeeding year, as Uterine Fibroids Awareness Month in Virginia.

Agreed to by the House of Delegates, February 6, 2024
Agreed to by the Senate, February 27, 2024

WHEREAS, in the United States, an estimated 26 million women between the ages of 15 and 50 have uterine fibroids; and

WHEREAS, as women age, prevalence of uterine fibroids increases, with more than 70 percent of white women and more than 84 percent of black women having fibroids documented by imaging or surgical records by age 49; and

WHEREAS, uterine fibroids may cause further health complications and may require treatment; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly designate July, in 2024 and in each succeeding year, as Uterine Fibroids Awareness Month in Virginia; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates post the designation of this month on the General Assembly's website.

HOUSE JOINT RESOLUTION NO. 27

Designating the week of October 6, in 2024 and in each succeeding year, as Coach Appreciation Week in Virginia.

Agreed to by the House of Delegates, February 6, 2024
Agreed to by the Senate, February 27, 2024

WHEREAS, school athletics coaches throughout the Commonwealth play a vital role in the educational process by helping students build upon their academic achievements, maintain physical fitness, and better understand the importance of self-confidence, accountability, responsibility, and teamwork; and

WHEREAS, coaching is a year-round position that involves not only supervision and guidance during competitions, but pre-season planning with the school, officials, assistant coaches, and prospective student-athletes; storage and maintenance of equipment before, during, and after the season; and proper instruction of skills and techniques during practices; and

WHEREAS, coaches are responsible for the safety of their student-athletes and develop plans to deal with sports-related injuries, as well as illnesses and other emergencies; and

WHEREAS, coaches balance the needs of their students to ensure that athletics do not interfere with the learning process, home life, or their ability to participate in their communities; and

WHEREAS, by building supportive relationships based on trust and respect, coaches promote the physical, mental, social, and emotional well-being of their student-athletes and teach not only sportsmanship, but the value of good personal habits, sound judgment, and other leadership skills; and

WHEREAS, coaches have many opportunities for teaching real-world lessons on patience, perseverance, and good communication, and they help their student-athletes learn humility in victory and resilience in defeat; and

WHEREAS, coaches uphold the honor and ideals of their schools outside of the classroom and often outside of normal school hours; they set a positive example for student-athletes through their interactions with other coaches, officials, athletic directors, administrators, the media, parents, fans, and other members of the community; and

WHEREAS, according to a survey by the organization FlipGive, Virginia ranks among the top 10 states where coaches are most well-liked by players and parents; and

WHEREAS, the inaugural National Coaches Day was held on October 6, 1972, and recognized the critical role that coaches play in the lives of young people as mentors, counselors, and educators; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly designate the week of October 6, in 2024 and in each succeeding year, as Coach Appreciation Week in Virginia; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates transmit copies of this resolution to the Virginia High School League and the Virginia Independent Schools Athletic Association so that members of the organizations may be apprised of the sense of the General Assembly of Virginia in this matter; and, be it

RESOLVED FINALLY, That the Clerk of the House of Delegates post the designation of this week on the General Assembly's website.

HOUSE JOINT RESOLUTION NO. 28

Designating March, in 2024 and in each succeeding year, as Kidney Disease Awareness Month in Virginia.

Agreed to by the House of Delegates, February 6, 2024
Agreed to by the Senate, February 27, 2024

WHEREAS, chronic kidney disease (CKD) is the progressive, gradual loss of kidney function that results in a decrease in the ability of the kidneys to remove waste from the body; and

WHEREAS, it is estimated that 37 million adults in the United States have CKD, and of that number approximately 90 percent remain undiagnosed; and

WHEREAS, without diagnosis and treatment to slow its progression, CKD can progress to end-stage renal failure, which is fatal unless the patient receives dialysis or a kidney transplant; and

WHEREAS, CKD is associated with more severe COVID-19 infections, and COVID-19 may cause acute kidney damage that can lead to dialysis or even death; and

WHEREAS, regular screening and early detection can prevent the progression of kidney disease to kidney failure, and it is essential that awareness of kidney disease and the importance of prevention and early detection be raised; and

WHEREAS, kidney disease awareness empowers patients and families to seek diagnosis, support, and appropriate treatment; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly designate March, in 2024 and in each succeeding year, as Kidney Disease Awareness Month in Virginia; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates post the designation of this month on the General Assembly's website.

HOUSE JOINT RESOLUTION NO. 30

Requesting the State Corporation Commission, in collaboration with the Department of Energy, to study performance-based regulatory tools for investor-owned electric utilities in the Commonwealth. Report.

Agreed to by the House of Delegates, March 6, 2024
Agreed to by the Senate, March 5, 2024

WHEREAS, energy is essential to the health, safety, and welfare of the people of the Commonwealth and to the Commonwealth's economy; and

WHEREAS, a well-capitalized utility that is financially stable is vital to every aspect of the Commonwealth; and

WHEREAS, performance-based regulation and alternative regulatory tools represent a potential opportunity for the Commonwealth to further align the financial incentives of investor-owned utilities with public interest goals, including reliability, customer satisfaction, and the deployment of the best-available and lowest-cost energy technologies, in meeting the policies of the Commonwealth; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the State Corporation Commission, in collaboration with the Department of Energy, be requested to study performance-based regulatory tools for investor-owned electric utilities. Such study shall evaluate the potential of such tools and alternative regulatory tools to modernize the legal or regulatory framework relevant to such utilities and competitive service providers. Such review shall consider the long-term financial stability of investor-owned utilities and balance the interests of all stakeholders for the benefit of the Commonwealth. For purposes of this resolution, "competitive service providers" means entities with generation or transmission and licensed suppliers that sell electricity to end-use customers.

In conducting its study, the State Corporation Commission (the Commission) shall evaluate the potential of performance-based regulatory tools and alternative regulatory tools to assist in the regulation of investor-owned electric utilities by (i) tracking and achieving improved performance in affordability, reliability, customer service, and resiliency; (ii) enhancing cost-containment incentives; (iii) streamlining planning and resource procurement to secure competitive prices for energy infrastructure; (iv) harmonizing financial incentives created through regulation with the Commonwealth's energy policy goals; (v) eliminating disincentives for utilities to deploy third-party and customer-owned generation, energy efficiency savings, and peak-load reduction; and (vi) making progress toward the Commonwealth's decarbonization goals. The Commission shall (a) provide an analysis of the current regulatory framework and the financial incentives such framework creates for investor-owned electric utilities and competitive service providers in the Commonwealth; (b) identify possible misalignments between such incentives for investor-owned utilities and competitive service providers and the Commonwealth's energy policy goals; (c) analyze performance-based and alternative regulatory tools used in other jurisdictions to correct such misalignments; (d) review the varying obligations on investor-owned utilities and competitive service providers; (e) analyze the potential impact of competitive service providers to all customers in the Commonwealth; (f) propose reforms to the current regulatory framework; (g) identify reforms that could be implemented under the current authority vested in the Commission, as well as reforms requiring additional enabling legislation; and (h) consider whether and how these tools assist in preventing carbon leakage from the manufacturing sector. Tools the Commission shall consider in its study include reporting metrics, scorecards, performance-incentive mechanisms, the decoupling of electricity sales from utility revenues, multiyear rate plans, fuel cost-sharing mechanisms, best practices for all-source competitive procurement, and strategies to equalize financial incentives to deploy capital expenditures and operating expenses and any other information deemed relevant or helpful by the Commission in its review. Performance areas the Commission shall consider in conducting such study include (1) reliability and resiliency; (2) affordability for customers; (3) emergency response and safety; (4) cost-efficient utility investments and operations; (5) customer service; (6) savings maximization from energy efficiency and exceedance of statutorily required savings levels; (7) peak-demand reductions; (8) integration of distributed energy resources, including the quality and timeliness of interconnection of customer-owned and third-party-owned resources; (9) environmental justice and equity; (10) beneficial electrification, including in the transportation and buildings sectors; (11) maximization of available federal funding; (12) decarbonization of the Commonwealth's electricity sector; (13) cyber and physical security of the grid; (14) annual and monthly generation and resource needs in addition to hourly generation and resource needs on the 10 hottest and coldest days of the year; and (15) any other topics deemed relevant and useful to the Commission in its review of performance areas.

In conducting its study, the Commission shall gather comments and include the input and recommendations of a stakeholder process that shall be developed by the Department of Energy (the Department). The Department shall create and facilitate such stakeholder process and shall include as stakeholders electric utilities in the Commonwealth, competitive service suppliers in the Commonwealth, representatives of all customer classes, Commission staff, the Office of the Attorney General, environmental organizations, consumer protection groups, and local communities. Such stakeholder process shall engage stakeholders in the Commission's study of alternative regulatory tools and other jurisdictions' experiences, successes, and failures in implementing such tools, and such process shall lead to the development and

proposal of potential reforms to the current regulatory framework of investor-owned electric utilities in the Commonwealth that shall inform the Commission's final report. The activities of such stakeholder group shall include (A) facilitated workshops and presentations on alternative regulatory tools, (B) opportunities for open dialogue and meaningful input, (C) access to the information and other resources necessary for robust engagement, and (D) the opportunity to respond to proposals, as appropriate.

Technical assistance shall be provided to the Commission by the Department. In conducting its study, the Commission may engage consultants with experience in alternative utility regulation and performance-based regulation. All agencies of the Commonwealth shall provide assistance to the Commission for this study, upon request.

The Commission shall complete its meetings by September 30, 2025, and shall submit to the Governor and the General Assembly an executive summary and report of its findings and recommendations for publication as a House or Senate document by October 15, 2025. The executive summary and report shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports no later than the first day of the next Regular Session of the General Assembly and shall be posted on the General Assembly's website. The Commission and the Department shall report their findings and recommendations to the Senate Committee on Commerce and Labor and the House Committee on Labor and Commerce and shall additionally present their findings and recommendations in a public meeting to the Commission on Electric Utility Regulation by November 15, 2025.

HOUSE JOINT RESOLUTION NO. 31

Celebrating the life of Leri Melissa Thomas.

Agreed to by the House of Delegates, January 15, 2024
Agreed to by the Senate, January 18, 2024

WHEREAS, Leri Melissa Thomas, an accomplished writer and educator, enterprising business consultant and advocate, and beloved member of the Madison County community, died on August 23, 2023; and

WHEREAS, Leri Thomas was a lifelong learner whose educational pursuits included a bachelor's degree from what was then Mary Washington College and a master's degree and doctoral degree in the social foundations of education from the University of Virginia; and

WHEREAS, Leri Thomas achieved success as a consultant in various fields over her career, helping several small businesses, nonprofit organizations, and private clients improve their operations and achieve their goals; and

WHEREAS, Leri Thomas demonstrated a deep commitment to the well-being of her community during her life, serving as chair of the Madison County Electoral Board, as treasurer of the Madison County Republican Committee, and as director of the Madison County Commonwealth Attorney's Office's Victim/Witness Assistance Program; and

WHEREAS, between 1993 and 2008, Leri Thomas lent her artistic and creative talents to numerous theater productions at Woodberry Forest School in her capacity as a scenic artist, designer, and instructor, helping countless children discover their love for the theater; and

WHEREAS, an expert communicator with a background in newspapers and advertising, Leri Thomas provided freelance publishing, graphic design, public relations, and research and writing services for the benefit of both individuals and corporations over the years; and

WHEREAS, in recognition of her knowledge and understanding of the mountain regions that comprise a significant portion of the Commonwealth, Leri Thomas was appointed by Governor George Allen in 1994 to serve on the Board of Trustees of the Virginia Outdoors Foundation; and

WHEREAS, preceded in death by her loving husband of 30 years, James, Leri Thomas will be fondly remembered and dearly missed by her daughter, Shyla, and her family and by numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Leri Melissa Thomas, a Renaissance woman of many gifts and interests who left an indelible impact on the Madison County community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Leri Melissa Thomas as an expression of the General Assembly's respect for her memory.

HOUSE JOINT RESOLUTION NO. 41

Directing the Joint Commission on Health Care to study policy solutions to the Commonwealth's fentanyl crisis. Report.

Agreed to by the House of Delegates, February 12, 2024
Agreed to by the Senate, March 5, 2024

WHEREAS, in 2022 there were 2,490 drug overdose deaths among Virginians; and

WHEREAS, nearly eight out of 10 drug overdose deaths in Virginia in 2022 were caused by fentanyl, fentanyl analogs, and tramadol; and

WHEREAS, there were 22,398 drug overdose emergency department visits among Virginians in 2022, a five percent increase from 2021; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the Joint Commission on Health Care be directed to study policy solutions to the Commonwealth's fentanyl crisis.

In conducting its study, the Joint Commission on Health Care shall (i) study the causes of the rise in fentanyl prevalence and fentanyl overdoses in the Commonwealth, (ii) study the impact of the rise in fentanyl prevalence and fentanyl overdoses in the Commonwealth on Virginians and the Commonwealth's health care system, (iii) study and provide insight into the fentanyl crisis within the context of other drug crises and addiction trends in recent history, and (iv) establish and make policy recommendations related to reducing the prevalence of fentanyl in the Commonwealth and reducing the number of fentanyl overdoses in the Commonwealth.

All agencies of the Commonwealth shall provide assistance to the Joint Commission on Health Care for this study, upon request.

The Joint Commission on Health Care shall complete its meetings by November 30, 2025, and the chairman shall submit to the Division of Legislative Automated Systems an executive summary of its findings and recommendations no later than the first day of the next Regular Session of the General Assembly for each year. Each executive summary shall state whether the Joint Commission on Health Care intends to submit to the General Assembly and the Governor a report of its findings and recommendations for publication as a House or Senate document. The executive summaries and reports shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.

HOUSE JOINT RESOLUTION NO. 42

Designating April 15, in 2024 and in each succeeding year, as Nepali American Heritage Day in Virginia.

Agreed to by the House of Delegates, February 6, 2024
Agreed to by the Senate, February 27, 2024

WHEREAS, Nepal, officially the Federal Democratic Republic of Nepal, is a landlocked nation situated largely in the Himalaya mountain range with rich history and a vibrant culture; and

WHEREAS, the United States recognized what was then the Kingdom of Nepal in 1947 and the two countries established formal diplomatic relations more than 75 years ago in 1948; and

WHEREAS, since that time, many Nepali individuals and families have immigrated to the United States, and the Commonwealth is now home to a significant Nepali American population; and

WHEREAS, the Commonwealth and the nation have greatly benefited from the contributions of Nepali Americans, especially in the areas of art, dance, music, meditation, yoga, philosophy, language, literature, and community service; and

WHEREAS, 2023 marked the 75th anniversary of the establishment of diplomatic relations between the United States and Nepal; and

WHEREAS, the first Nepali American Community Center (NACC) in Virginia is under construction in Manassas and will empower Nepali Americans to strengthen ties with communities in Northern Virginia and beyond; and

WHEREAS, Nepali Americans have also made significant contributions to education, public health, engineering, science, technology, business, civil service, public service, and many other areas in the Commonwealth; and

WHEREAS, Nepali Americans are committed to civic engagement and the Commonwealth will be enriched by the local community center in Manassas as it has been by other cultural and professional organizations they have established; and

WHEREAS, Nepali Americans throughout the Commonwealth celebrate numerous holidays and festivals, such as Dasain, Tihar, Chaith, Lhosar, Teej, and Holi, among others, many of which commemorate the victory of good over evil or knowledge over ignorance; and

WHEREAS, Nepali New Year falls on or around April 15 each year, and Nepali American Heritage Day provides an opportunity to promote the rich and diverse heritage of Nepalis, including those who live and work in the Commonwealth; and

WHEREAS, on Nepali American Heritage Day, Virginians are encouraged to learn more about Nepali history and culture and honor the achievements and contributions of Nepali American community members; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly designate April 15, in 2024 and in each succeeding year, as Nepali American Heritage Day in Virginia; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates transmit a copy of this resolution to representatives of the Nepali American community in Virginia so that they may be apprised of the sense of the General Assembly of Virginia in this matter; and, be it

RESOLVED FINALLY, That the Clerk of the House of Delegates post the designation of this day on the General Assembly's website.

HOUSE JOINT RESOLUTION NO. 43

Requesting the Board of Veterinary Medicine, in consultation with the State Veterinarian, to study the shortage of large animal veterinarians. Report.

Agreed to by the House of Delegates, February 12, 2024
Agreed to by the Senate, March 5, 2024

WHEREAS, as of 2023, the shortage of rural veterinarians has reached an all-time high as 500 counties in 46 states have been deemed to have a critical shortage of large animal veterinarians; and

WHEREAS, only three to four percent of new veterinary graduates have entered food animal-related practice over the past 20 years; and

WHEREAS, by providing preventative care, disease treatment, and strategies for herd health and productivity, large animal veterinarians are a critical resource for farmers; large animal veterinarians can help prevent large-scale loss of herds or flocks when a highly transmissible disease sweeps through an area; and

WHEREAS, if the current downward trend in large animal veterinarians continues, there will be cause for concern for a safe food supply, the potential for widespread animal disease outbreaks, and a decline in the economic vitality of rural communities; and

WHEREAS, while the State Veterinarian designates areas of the Commonwealth that have a shortage of large animal veterinarians so students from such areas can apply for partial federal loan forgiveness programs, the current program fails to attract students in such areas of most need; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the Board of Veterinary Medicine, in consultation with the State Veterinarian, be requested to study the shortage of large animal veterinarians.

In conducting the study, the Board of Veterinary Medicine and the State Veterinarian shall (i) identify ways to strengthen existing debt repayment programs for veterinarians, including making recommendations on how to simplify application criteria, exploring state matching loan repayment programs, limiting barriers for participation, and improving methods for consistent identification of veterinary shortage areas to better target rural communities in need; (ii) examine options for developing programs that offer business support to provide incentives or low-interest business loans for large animal private practices; (iii) identify programs that support a strong pipeline of veterinary students from rural backgrounds and help such students navigate post-secondary education to increase retention; (iv) examine other possible solutions for increasing the number of large animal veterinarians in the Commonwealth, such as expanding veterinary technician-type or physician assistant-type programs to allow large animal veterinarians to expand their scope of practice in rural areas; and (v) reexamine the recommendations from the 2010 study on the shortage of large animal veterinarians published pursuant to House Joint Resolution 730 (2009).

Technical assistance shall be provided to the Board of Veterinary Medicine and the State Veterinarian by the Virginia-Maryland College of Veterinary Medicine at Virginia Polytechnic Institute and State University, the Lincoln Memorial University College of Veterinary Medicine, the Virginia Farm Bureau Federation, the Virginia Veterinary Medical Association, the Virginia Academy of Food Animal Practitioners, the Virginia Agribusiness Council, the Virginia Department of Business Assistance, Virginia Department of Health, the Virginia Economic Development Partnership, and the Virginia Tobacco Region Revitalization Commission and a member of the House of Delegates appointed by the Speaker of the House of Delegates and a member of the Senate of Virginia appointed by the Senate Committee on Rules. All agencies of the Commonwealth shall provide assistance to the Board of Veterinary Medicine for this study, upon request.

Upon completion of the study, the Board of Veterinary Medicine shall submit its report to the House Committees on Agriculture, Chesapeake and Natural Resources and on Education, and the Senate Committees on Agriculture, Conservation and Natural Resources and on Education and Health, and these standing committees shall review the findings and recommendations of the report for appropriate legislative, policy, and budgetary implications and action, and make such recommendations as necessary.

The Board of Veterinary Medicine shall complete its meetings for the first year by November 30, 2024, and for the second year by November 30, 2025, and the Board of Veterinary Medicine shall submit to the Governor and the General Assembly an executive summary and report of its findings and recommendations for publication as a House or Senate document for each year. The executive summaries and reports shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports no later than the first day of the next Regular Session of the General Assembly and shall be posted on the General Assembly's website.

HOUSE JOINT RESOLUTION NO. 44

Designating April 11 through April 17, in 2024 and in each succeeding year, as Black Maternal Health Week in Virginia.

Agreed to by the House of Delegates, February 6, 2024
Agreed to by the Senate, February 27, 2024

WHEREAS, the National Black Maternal Health Week campaign, founded and led by the Black Mamas Matter Alliance, strives to raise awareness and facilitate activism and community building; and

WHEREAS, Black Maternal Health Week serves as a national platform for Black women-led entities and other members of the diaspora to enhance community organization on Black maternal health via community conversations, events, and outreach; as well as efforts on maternal health, birth equity, and reproductive justice, through the Women of African Descent for Reproductive Justice; and

WHEREAS, Black Maternal Health Week is intended to increase awareness about the Black maternal health crisis in the United States, the root causes of poor maternal health outcomes, community-driven policies and programming, and care solutions; and

WHEREAS, a report by the Centers for Disease Control and Prevention (the CDC) indicated that in 2021 the United States had one of the worst rates of maternal mortality in the nation's history: a 40 percent increase from 2020; and

WHEREAS, maternal mortality rates in the United States are among the highest in the developed world and are increasing, according to the CDC; and

WHEREAS, between 2011 and 2018, the maternal mortality rate in Virginia was two times higher for Black and other women of color than that of white women (55.0 vs. 24.6 maternal deaths per 100,000 live births, respectively) and Virginia is among the top 10 states for highest maternal mortality in the nation; and

WHEREAS, Black women in the United States suffer from life-threatening pregnancy complications, known as maternal morbidities, twice as often as white women, and Black women are 55 percent more likely than all other women to deliver prematurely; and

WHEREAS, the disproportionate mortality rate of Black mothers is a significant factor in the high maternal mortality rate in the United States; and

WHEREAS, the high rate of maternal mortality among Black birthing people is consistent across all income, education, and socioeconomic levels; and

WHEREAS, these deaths have devastating effects on Black birthing people, children, and families, and the vast majority are entirely preventable through assertive efforts to ensure Black birthing people can access information, birth worker services, and supports to make their own informed health care decisions, particularly around pregnancy and childbearing; and

WHEREAS, it is imperative to create equitable access to prevention, early identification, and effective treatment services that are delivered in a culturally informed care setting for existing trauma and chronic health conditions to effectively improve maternal health among Black birthing people; and

WHEREAS, a fair distribution of resources, especially with regard to reproductive health care services and maternal health programming, is critical to closing the racial disparity gap in maternal health; and

WHEREAS, maternal mental health has been listed by the CDC as a leading underlying cause of pregnancy-related death, but even with growing concern about improving access to mental health services, Black birthing people are least likely to have access to mental health screenings, treatment, and support before, during, and after pregnancy; and

WHEREAS, Black midwives, doulas, perinatal health workers, community-based organizations, and other birth workers provide holistic maternal care in spite of facing structural and legal barriers to licensure, reimbursement, and provision to provide care; and

WHEREAS, community-based models of perinatal care offer enhanced support throughout the pre-pregnancy to postpartum spectrum, including through doula and midwifery childbirth services, to birthing people who face barriers to care; and

WHEREAS, it is critical to improve access to dignified, high-quality maternal health care across the Commonwealth by expanding access to doula care services for birthing people who are both publicly and privately insured and increasing low Medicaid reimbursement rates for maternity care services performed by obstetrician-gynecologists; and

WHEREAS, in addition, midwives can fill important gaps to eliminate maternity-care deserts and provide life-saving care for mothers and a healthier start for babies; and

WHEREAS, in 2019, Birth in Color RVA commemorated Black Maternal Health Week with a proclamation from Mayor Levar Stoney for the City of Richmond, and in 2020, the organization received a proclamation on the occasion of Black Maternal Health Week from Governor Ralph Northam; and

WHEREAS, Black Maternal Health Week provides an opportunity to raise statewide awareness about the maternal health crisis in the Black community and the importance of reducing maternal mortality and morbidity among Black birthing people throughout the Commonwealth, the United States, and the world; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly designate April 11 through April 17, in 2024 and in each succeeding year, as Black Maternal Health Week in Virginia; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates transmit a copy of this resolution to the Black Mamas Matter Alliance so that members of the organization may be apprised of the sense of the General Assembly of Virginia in this matter; and, be it

RESOLVED FINALLY, That the Clerk of the House of Delegates post the designation of this week on the General Assembly's website.

HOUSE JOINT RESOLUTION NO. 47

Notifying the Governor of organization.

Agreed to by the House of Delegates, January 10, 2024
Agreed to by the Senate, January 10, 2024

RESOLVED by the House of Delegates, the Senate concurring, That a committee be appointed, composed of six on the part of the House of Delegates and five on the part of the Senate, to notify the Governor that the General Assembly is duly organized and is ready to receive any communication he may desire to make.

HOUSE JOINT RESOLUTION NO. 48

Providing for a Joint Assembly, establishing a schedule for the conduct of business coming before the 2024 Regular Session of the General Assembly of Virginia, and providing for legislative continuity between the 2024 and 2025 Regular Sessions of the General Assembly.

Agreed to by the House of Delegates, January 10, 2024
Agreed to by the Senate, January 10, 2024

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly shall meet in joint session in the Hall of the House of Delegates on Wednesday, January 10, 2024, at such time as specified by the Speaker of the House of Delegates, to receive the Governor of Virginia, and such address as he may desire to make, and that the rules for the government of the House of Delegates and the Senate, when convened in joint session for such purpose, shall be as follows:

Rule I. At the hour fixed for the meeting of the Joint Assembly, the Senators, accompanied by the President and the Clerk of the Senate, shall proceed to the Hall of the House of Delegates and shall be received by the Delegates standing. Appropriate seats shall be assigned to the Senators by the Sergeant at Arms of the House. The Speaker of the House of Delegates shall assign an appropriate seat for the President of the Senate.

Rule II. The Speaker of the House of Delegates shall be President of the Joint Assembly. In case it shall be necessary for the Speaker to vacate the Chair, the President of the Senate shall serve as the presiding officer.

Rule III. The Clerk of the House of Delegates shall be Clerk of the Joint Assembly and shall be assisted by the Clerk of the Senate. The Clerk of the Joint Assembly shall enter the proceedings of the Joint Assembly in the Journal of the House and shall certify a copy of the same to the Clerk of the Senate, who shall enter the same in the Journal of the Senate.

Rule IV. The Sergeant at Arms and Doorkeepers of the House shall act as such for the Joint Assembly.

Rule V. The Rules of the House of Delegates, as far as applicable, shall be the rules of the Joint Assembly.

Rule VI. In calling the roll of the Joint Assembly, the names of the Senators shall be called in alphabetical order, then the names of the Delegates in like order, except that the name of the Speaker of the House of Delegates shall be called last.

Rule VII. If, when the Joint Assembly meets, it shall be ascertained that a majority of each house is not present, the Joint Assembly may take measures to secure the attendance of absentees, or adjourn to a succeeding day, as a majority of those present may determine.

Rule VIII. When the Joint Assembly adjourns, the Senators, accompanied by the President and the Clerk of the Senate, shall return to their chamber, and the business of the House shall be continued in the same order as at the time of the entrance of the Senators; and, be it

RESOLVED FURTHER, That notwithstanding any other provision of this resolution and in accordance with the practices of each house, with the exception of commending and memorial joint resolutions, a request to be added as a co-patron shall be received prior to the first vote on the passage of a bill or agreement to a joint resolution or, if the bill or joint resolution is not reported from committee, then prior to the last action on such legislation. A request to be removed as a co-patron shall be received no later than 3:00 p.m., Friday, March 1, 2024; and, be it

RESOLVED FURTHER, That any member offering for introduction a bill or joint resolution not submitted to the Division of Legislative Services for drafting is encouraged to submit an electronic version no later than 5:00 p.m. on the day the legislation is introduced; and, be it

RESOLVED FURTHER, That for purposes of the procedural deadlines established herein for the 2024 Regular Session of the General Assembly:

"Budget Bill" means the general appropriation bill introduced in each house that authorizes the biennial expenditure of public revenues for the period from July 1, 2022, through June 30, 2024, or July 1, 2024, through June 30, 2026.

"Debt bill" means any bill that authorizes the issuance of debt.

"Legislative day" means the period of time that begins with the call to order by the presiding officer and ends when declared adjourned by the presiding officer. Unless another time is specified, any deadline established in this resolution shall expire at the end of the legislative day.

"Prefiled legislation" means any bill or joint resolution requested from the Division of Legislative Services no later than 5:00 p.m., Thursday, November 30, 2023, and prefiled no later than 10:00 a.m., Wednesday, January 10, 2024, or any bill or joint resolution not requested from the Division of Legislative Services and prefiled no later than 10:00 a.m., Wednesday,

January 10, 2024. Notwithstanding the deadline established by House Joint Resolution 472 (2023), any drafts of prefiled legislation requested from the Division of Legislative Services and not made available to the requestor for review by midnight, Friday, December 29, 2023, may be made available for review no later than midnight, Wednesday, January 3, 2024.

"Revenue bill" means any bill, except the Budget Bill(s) and debt bills, that increases or decreases the total revenues available for appropriation.

"Unanimous consent" means the affirmation of all the members present in the house of origin. Any legislation intended to be offered for introduction with unanimous consent or with the written request of the Governor shall not require the consent of the house in order for the member to request the Division of Legislative Services to draft such legislation. The Division of Legislative Services shall return such legislation after the original introduction deadline.

"Virginia Retirement System bill" means any bill that amends, adds, repeals, or modifies any provision of any retirement system established in Title 51.1 of the Code of Virginia; and, be it

RESOLVED FINALLY, That the 2024 Regular Session of the General Assembly shall be governed by the following procedural rules, which establish introduction limits and time limitations for elections and for all legislation prefiled and introduced for the 2024 Regular Session except:

(i) House and Senate resolutions, except for the time limitations established in Rules 18 and 20;

(ii) Bills and joint resolutions affecting the rules of procedure or the schedule of business of the General Assembly, either of its houses, or any of its committees;

(iii) Bills and joint resolutions introduced with unanimous consent to exceed the introduction limits in Rule 1 or to exceed the time limitations established in Rules 2, 3, 6, and 16;

(iv) Joint resolutions confirming appointments subject to the confirmation of the General Assembly;

(v) Joint commending and memorial resolutions, except for the time limitations established in Rules 14 and 16;

(vi) Bills, joint resolutions, or resolutions regarding elections held by the General Assembly during the 2024 Regular Session; or

(vii) Bills and joint resolutions requested in writing by the Governor.

Rule 1. After the deadline for filing prefiled legislation established by House Joint Resolution 472 (2023), no member of the House of Delegates shall introduce more than a combined total of five bills and joint resolutions and no member of the Senate shall introduce more than a combined total of six bills and joint resolutions.

Rule 2. No bill or joint resolution creating or continuing a study shall be offered in either house after adjournment of that house on Wednesday, January 10, 2024.

Rule 3. No Virginia Retirement System bill shall be offered in either house after adjournment of that house on Wednesday, January 10, 2024.

Rule 4. Except for bills and joint resolutions required to be requested earlier, requests for the drafting, redrafting, or correction of any bill or joint resolution shall be submitted to and received by the Division of Legislative Services no later than 5:00 p.m., Friday, January 12, 2024.

Rule 5. No later than Monday, January 15, 2024, each house shall begin its consideration of any election to fill any judicial seat in the courts of the Commonwealth, or to fill a seat on any commission or office elected by the General Assembly. In the event that the houses cannot agree on such election before Tuesday, January 16, 2024, such election shall become the subject of a special and continuing joint order in each house, and such special and continuing joint order shall have precedence over all other business of either house, until such time as both houses reach agreement on such election or agree to hold it at another specific time. The Rules of each house, as far as applicable, shall be the rules governing such election.

Rule 6. Except for bills required to be filed earlier, no bill or joint resolution shall be offered in either house after 3:00 p.m., Friday, January 19, 2024.

Rule 7. No later than Thursday, January 25, 2024, the Board of Trustees of the Virginia Retirement System shall submit, in accordance with § 30-19.1:7, impact statements for all Virginia Retirement System bills filed by the first day of session. For any Virginia Retirement System bill filed later than the first day of session, the Board of Trustees shall use due diligence in preparing the impact statement in time for review by the standing committees.

Rule 8. Except for the Budget Bill(s), beginning Wednesday, February 14, 2024, the House of Delegates shall consider only Senate bills, Senate joint resolutions, House bills with Senate amendments, and House joint resolutions with Senate amendments; the Senate shall consider only House bills, House joint resolutions, Senate bills with House amendments, and Senate joint resolutions with House amendments; and each house may consider conference reports and other privileged matters relating thereto to the end that the work of each house may be disposed of by the other.

Rule 9. The committees responsible for the consideration of the Budget Bill(s) in the houses of introduction shall complete their work on such bill(s) no later than midnight, Sunday, February 18, 2024, and any amendments proposed by such committees shall be made available to their respective houses no later than noon, Tuesday, February 20, 2024.

Rule 10. The houses of introduction shall complete their consideration of the Budget Bill(s), except for conference reports and other privileged matters relating thereto, no later than Thursday, February 22, 2024.

Rule 11. The committees responsible for consideration of revenue bills of the other house shall complete their consideration of such bills no later than Tuesday, February 27, 2024.

Rule 12. No later than Wednesday, February 28, 2024, each house shall complete consideration of the Budget Bill(s) and all revenue bills of the other house, except for conference reports and other privileged matters relating thereto, and the appointing authority shall appoint the conferees to such bills.

Rule 13. No later than Wednesday, February 28, 2024, each house shall begin its consideration of any election to fill any judicial seat in the courts of the Commonwealth, or to fill a seat on any commission or office elected by the General Assembly. In the event that the houses cannot agree on such election before Thursday, February 29, 2024, such election shall become the subject in each house of a special and continuing joint order, and such special and continuing joint order shall have precedence over all other business of either house, until such time as both houses reach agreement on such election or either house votes to suspend or discharge the order. The Rules of each house, as far as applicable, shall be the rules governing any such election.

Rule 14. Requests for the drafting, redrafting, or correction of any joint commending or memorial resolution shall be submitted to and received by the Division of Legislative Services no later than 5:00 p.m., Thursday, February 29, 2024.

Rule 15. Any conference committee on any revenue bills shall complete its deliberations and make the report of such conference available to the General Assembly as soon as practicable.

Rule 16. No joint commending or memorial resolution shall be offered in either house after 5:00 p.m., Monday, March 4, 2024.

Rule 17. Beginning Tuesday, March 5, 2024, neither house shall receive from any committee any bill or joint resolution acted on by any committee later than midnight, Monday, March 4, 2024.

Rule 18. Requests for the drafting, redrafting, or correction of any single-house commending or memorial resolution shall be submitted to and received by the Division of Legislative Services no later than 5:00 p.m., Tuesday, March 5, 2024.

Rule 19. Any conference committee on the Budget Bill(s) shall complete its deliberations and make the report of such conference available to the General Assembly as soon as practicable. Neither house shall consider such conference report earlier than 48 hours after receipt, unless both houses respectively determine to proceed earlier by a vote of two-thirds of the members voting in each house. No engrossment of the Budget Bill(s) shall be required in either house, and any conference on the Budget Bill(s) shall consider, as the basis of its deliberations, the Budget Bill(s) as recommended by the Governor and introduced in the House and the amendments thereto proposed by each house. A report shall be issued concurrently with the report of the conference committee that identifies the following by item number, narrative description, and dollar amount: (i) any nonstate agency appropriation, (ii) any item in the conference report that was not included in a general appropriation bill as passed by either the House or the Senate, and (iii) any item that represents legislation that failed in either house during the regular or a special session.

Rule 20. No single-house commending or memorial resolution shall be offered in either house after 5:00 p.m., Thursday, March 7, 2024.

Rule 21. Except for joint resolutions affecting the rules of procedure or the schedule of business of the General Assembly, beginning Friday, March 8, 2024, the House shall consider only Senate joint resolutions and House joint resolutions with Senate amendments; the Senate shall consider only House joint resolutions and Senate joint resolutions with House amendments; and each house may consider conference reports or joint resolutions and other privileged matters relating thereto, to the end that the work of each house may be disposed of by the other.

Rule 22. This session of the General Assembly shall adjourn sine die no later than the legislative day of Saturday, March 9, 2024.

Rule 23. Pursuant to Section 6 of Article IV of the Constitution of Virginia, the General Assembly shall reconvene Wednesday, April 17, 2024, for the purpose of considering bills that may have been returned by the Governor with recommendations for their amendment and bills and items of appropriation bills, including the general appropriation act, that may have been returned by the Governor with his objections.

Rule 24. Pursuant to Section 7 of Article IV of the Constitution of Virginia, legislative continuity is hereby provided for between sessions occurring during the terms for which members of the House of Delegates are elected, in conformity with the Rules of the House of Delegates and the Rules of the Senate.

Rule 25. The conduct of the business of any subcommittee of any House committee, any joint subcommittee of House and Senate committees, and any interim study commission created pursuant to a House measure shall be governed by the Rules of the House of Delegates; the conduct of the business of any subcommittee of any Senate committee, any joint subcommittee of Senate and House committees, and any interim study commission created pursuant to a Senate measure shall be governed by the Rules of the Senate. If a House measure and a Senate measure create the same study, the conduct of business of the study shall be governed by the rules of the house of the chairman of the study, or in the case of co-chairmen, the rules of the house as agreed upon by the co-chairmen.

Rule 26. Interim meetings of any standing committee, joint committee, joint subcommittee, legislative commission, or any other interim study subcommittee or study commission shall be held on Monday, Tuesday, or Wednesday during the first and third full weeks of the month, unless otherwise authorized by the Speaker of the House of Delegates or the Chairman of the Senate Committee on Rules, as may be appropriate for the house in which the chairman serves.

Rule 27. Any staff member assigned to work for, and support the efforts of, any committee of the House or Senate, any subcommittee of any such committee, any joint subcommittee of House and Senate committees, or any interim study commission shall work under the direction of the chairman of such committee, subcommittee, joint subcommittee, or interim study commission.

Rule 28. The standing committees of the General Assembly shall complete their consideration of all legislation continued by them from the 2024 Regular Session no later than midnight, Monday, November 18, 2024.

HOUSE JOINT RESOLUTION NO. 49

Establishing a schedule for the conduct of business for the prefiling period of the 2025 Regular Session of the General Assembly of Virginia.

Agreed to by the House of Delegates, January 10, 2024
Agreed to by the Senate, January 10, 2024

RESOLVED by the House of Delegates, the Senate concurring, That the prefiling period of the 2025 Regular Session of the General Assembly shall be governed by the following rules:

Rule 1. Requests for drafts of any bill or joint resolution to be prefiled shall be submitted to and received by the Division of Legislative Services no later than 5:00 p.m., Monday, November 25, 2024. The Division shall make such drafts available for review no later than midnight, Tuesday, December 31, 2024.

Rule 2. Requests for the drafting, redrafting, or correction of any bill or joint resolution creating or continuing a study shall be submitted to and received by the Division of Legislative Services no later than 5:00 p.m., Friday, January 3, 2025, in order to be filed on the first day of the 2025 Regular Session.

Rule 3. Requests for redrafts and corrections of any draft prepared for prefiling shall be submitted to and received by the Division of Legislative Services no later than 5:00 p.m., Friday, January 3, 2025. The Division shall make such drafts available no later than noon, Tuesday, January 7, 2025.

Rule 4. Bills and joint resolutions offered for prefiling shall be prefiled in either house no later than 10:00 a.m., Wednesday, January 8, 2025. Any member offering for prefiling a bill or joint resolution not submitted to the Division of Legislative Services for drafting is encouraged to submit an electronic version no later than 5:00 p.m. on the day the legislation is prefiled.

HOUSE JOINT RESOLUTION NO. 52

Designating the week of March 20, in 2024 and in each succeeding year, as Student Appreciation Week in Virginia.

Agreed to by the House of Delegates, February 6, 2024
Agreed to by the Senate, February 27, 2024

WHEREAS, as of the 2023–2024 academic year, there are more than 1.2 million students in kindergarten through 12th grade in more than 2,000 public schools in 131 school divisions and more than 150,000 students in over 900 private schools across the Commonwealth; and

WHEREAS, school students exemplify the diversity of the Commonwealth and come from a broad range of backgrounds, faiths, and ethnicities, including students of immigrant families representing dozens of countries of origin; and

WHEREAS, in addition, there are more than 529,000 students enrolled in colleges and universities at both the undergraduate and graduate levels in Virginia, with students traveling from across the United States and around the globe to study at the Commonwealth's world-class institutions of higher education; and

WHEREAS, students throughout the Commonwealth go above and beyond to achieve their fullest potential both in and outside of the classroom, investing their time and talents wisely in their studies, athletics, extracurricular activities, and community service; and

WHEREAS, students in the Commonwealth, like all young people, deserve the finest quality education, complete with the tools to find success in their chosen career paths, the resources to help them meet the unique challenges of a global society, the confidence to pursue their dreams, and the mindfulness to support their communities and enhance the world around them for the better; and

WHEREAS, supported by exceptional faculty, administrators, and staff members at all levels, students in the Commonwealth have demonstrated an outstanding commitment to their education and have achieved significant academic heights in their pursuit of the skills they need to become future leaders and good citizens; and

WHEREAS, Student Appreciation Week provides an opportunity for all Virginians to celebrate and honor the Commonwealth's students and wish them the best of luck with their studies and for all students to recommit themselves to investing in their future; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly designate the week of March 20, in 2024 and in each succeeding year, as Student Appreciation Week in Virginia; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates transmit a copy of this resolution to representatives of student communities in Virginia so that they may be apprised of the sense of the General Assembly of Virginia in this matter; and, be it

RESOLVED FINALLY, That the Clerk of the House of Delegates post the designation of this week on the General Assembly's website.

HOUSE JOINT RESOLUTION NO. 57

Designating September 16, in 2024 and in each succeeding year, as 6888th Central Postal Directory Battalion Day in Virginia.

Agreed to by the House of Delegates, February 6, 2024
Agreed to by the Senate, February 27, 2024

WHEREAS, in an effort to mobilize its full population to support the war effort during World War II, the United States established the Women's Army Auxiliary Corps, later known as the Women's Army Corps (WAC), in 1942; and

WHEREAS, while women of all ethnicities often faced hostility and ridicule when seeking to enlist in the military, African American women faced additional challenges due to widespread racial segregation; and

WHEREAS, many military recruiters refused to provide enlistment documents or otherwise assist African American applicants, and even after enlistment, these women faced blatant discrimination in duty assignments; women who had worked as teachers or in professional settings often found themselves working as cooks, bakers, or cleaners in the military; and

WHEREAS, women's rights activist Mary McLeod Bethune led efforts to fight for equal treatment of African Americans in the WAC, and in December 1944, the U.S. Department of War formed the 6888th Central Postal Directory Battalion, an all-African American women's unit led by Major Charity Adams; and

WHEREAS, the 6888th Battalion trained at Fort Oglethorpe, Georgia, then sailed to Europe aboard a former cruise ship in February 1945; the unit arrived in Birmingham, England, and was stationed at King's Edward's School; and

WHEREAS, as a postal directory unit, the 6888th Battalion was responsible for all mail that could not be delivered on its first attempt, often because the sender had used an incomplete or outdated address; other challenges included locating combat units on the move and differentiating between individuals with similar names, such as the 7,500 United States personnel all named Robert Smith deployed to Europe at the time; and

WHEREAS, upon arrival, the 6888th Battalion was greeted with a staggering backlog of undelivered mail, including stacks of mailbags and airplane hangars full of Christmas packages, and given six months to ensure all items were delivered to its intended recipients; and

WHEREAS, the 6888th Battalion was divided into a headquarters company and four postal directory companies made up of locator clerks who tracked unit addresses and postal clerks who were assigned to alphabetical ranges of surnames; and

WHEREAS, working around the clock in three eight-hour shifts, the 6888th Battalion exceeded expectations and processed tens of thousands of letters and packages in only three months; and

WHEREAS, in May 1945, not long after Victory in Europe Day, the 6888th Battalion relocated to Rouen, France, where it continued to receive and distribute mail and provided critical support to other civilian and military African American women in Europe at the time; and

WHEREAS, in October of the same year, the unit moved to Paris and nearly a third of its members were discharged home the following month; and

WHEREAS, by the end of the war, the 6888th Battalion had cemented its reputation as a cohesive and highly motivated unit that received accolades for its exemplary discipline and effectiveness; the unit played not only a vital role in maintaining morale, but also broke down barriers of racial segregation and gender discrimination that empowered future women of color to serve their nation with honor and dignity; and

WHEREAS, the 6888th Battalion was disbanded at Fort Dix, New Jersey, in February 1946 and received little public recognition at the time; and

WHEREAS, in recent years, the 6888th Battalion has been honored by various military organizations and has been the subject of numerous film and theater projects, including a Netflix movie that is currently in production titled *Six Triple Eight*; and

WHEREAS, in 2022, President Joseph Biden signed bipartisan legislation to award the Congressional Gold Medal to surviving members of the 6888th Battalion; and

WHEREAS, 6888th Central Postal Directory Battalion Day provides an opportunity to Virginians to learn more about this exceptional unit, the contributions made by all women in World War II, and the unique challenges faced by women members of the United States Armed Forces; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly designate September 16, in 2024 and in each succeeding year, as 6888th Central Postal Directory Battalion Day; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates transmit a copy of this resolution to former members of the 6888th Central Postal Directory Battalion or their families so that they may be apprised of the sense of the General Assembly of Virginia in this matter; and, be it

RESOLVED FINALLY, That the Clerk of the House of Delegates post the designation of this day on the General Assembly's website.

HOUSE JOINT RESOLUTION NO. 59

Celebrating the life of the Honorable Victor Blake McKinney.

Agreed to by the House of Delegates, January 15, 2024
Agreed to by the Senate, January 18, 2024

WHEREAS, the Honorable Victor Blake McKinney, an accomplished attorney and a retired judge of the 28th Judicial District of Virginia died on September 22, 2023; and

WHEREAS, born in Lawton, Oklahoma, Blake McKinney lived most of his life in Abingdon and graduated from Abingdon High School, where he set a school record for most passes caught in a season during his junior season on the football team; and

WHEREAS, having dreamed of becoming an attorney and a judge from a young age, Blake McKinney earned a bachelor's degree in political science from Emory and Henry College and a law degree from Mercer University; and

WHEREAS, Blake McKinney began his legal career working with a collections attorney, worked as a part-time prosecutor, then opened the firm McKinney and Moore with his friend Mike Moore in 1990; he subsequently became the sole practitioner of V. Blake McKinney, P.C., in 1996; and

WHEREAS, Blake McKinney achieved his lifelong goal in July 2012, when he was selected as a general district court judge of the 28th Judicial District of Virginia; he presided over the court with great fairness and wisdom and served the Commonwealth with integrity until his retirement in 2021; and

WHEREAS, outside of his career, Blake McKinney was a loyal fan of the University of Oklahoma football team and traveled to Oklahoma and around the country to watch several memorable games, including the Oklahoma Sooners' victory in the 2021 Cotton Bowl; and

WHEREAS, Blake McKinney was also an avid bicyclist who often rode the Creeper Trail between Abingdon and Damascus, often stopping at his cabin near Whitetop Laurel along the way; and

WHEREAS, Blake McKinney enjoyed fellowship and worship with the Abingdon community at Pleasant View United Methodist Church for more than 30 years; and

WHEREAS, predeceased by one son, Hunter, Blake McKinney will be fondly remembered and greatly missed by his loving wife, Suzanne; his children, Katie, Lynsey, and Alex, and their families; his mother, Phyllis; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Victor Blake McKinney; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Victor Blake McKinney as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 62

Celebrating the life of Charles Wayne Payne, Sr.

Agreed to by the House of Delegates, January 15, 2024
Agreed to by the Senate, January 18, 2024

WHEREAS, Charles Wayne Payne, Sr., a former chair of the Stafford County Board of Supervisors, entrepreneur, and active member of his community, died on April 8, 2023; and

WHEREAS, Charles "Togie" Wayne Payne, Sr., grew up in Falmouth and graduated from Stafford Senior High School, where he was a standout basketball and baseball player; and

WHEREAS, well-known for his scoring ability and tenacity on the court, Togie Payne continued to play basketball at what were then known as Chowan College and Mary Washington College; in the 1960s and 1970s, he played for a local semi-professional team, the Stafford Braves, and later worked as a high school basketball referee; and

WHEREAS, Togie Payne sold sports equipment to high schools, colleges, and professional teams on behalf of several companies over the years, and he supported the local sports community as the owner of Togie's Dugout; and

WHEREAS, desirous to be of further service to the community as a whole, Togie Payne ran for and was elected to the Stafford County Board of Supervisors, serving from 1978 to 1982; he was also elected by his fellow members of the board as chair in 1981; and

WHEREAS, Togie Payne brought joy to others through his kindness, compassion, charm, and quick wit; he was a passionate collector of sports memorabilia and an avid sports fan, who relished every opportunity to watch a good game with family and friends; and

WHEREAS, Togie Payne will be fondly remembered and greatly missed by his children, Charlie, Frank, and Julia, and their families; his stepson, Chip, and his family; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Charles Wayne Payne, Sr., a former public servant, entrepreneur, and highly admired member of the Stafford County community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Charles Wayne Payne, Sr., as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 66

Commending the Town of Chase City.

Agreed to by the House of Delegates, January 15, 2024
Agreed to by the Senate, January 18, 2024

WHEREAS, the Town of Chase City, a vibrant rural community in Mecklenburg County, celebrated its 150th anniversary in 2023; and

WHEREAS, Chase City traces its roots to when George Alfred Endly of Ohio and his financial partner, John E. Boyd, bought 1,325 acres of land belonging to the estate of R. C. Puryear, bounded by the property of Adam Finch, T. W. Greer, W. W. Gordon, John Cunningham, and others; and

WHEREAS, George Endly and John Boyd, now considered the founding fathers of Chase City, paid $9,000 for the land, which was in an area then known as Christiansville, with a goal to create a new community; advertisements for plots in Christiansville appeared in Ohio and Pennsylvania as early as 1871; and

WHEREAS, in 1873, the name of the community was changed to Chase City to honor Salmon P. Chase, the sixth chief justice of the Supreme Court of the United States; and

WHEREAS, settlers from other parts of Virginia, North Carolina, South Carolina, and Georgia came to Chase City for the affordable and arable farmland; and

WHEREAS, Chase City played a significant role in the economic development of the Commonwealth and the region and was the largest and most prosperous town in Mecklenburg County for decades; and

WHEREAS, by 1890, Chase City had four tobacco warehouses and produced numerous other crops; it also had a thriving lumber industry and was the site of the first hydrotherapy sanitarium in the United States; and

WHEREAS, Mecklenburg Hotel and Sanitarium, owned by the Mecklenburg Mineral Springs Company attracted visitors from all over the east coast for entertainment, hydrotherapy, and respite; and

WHEREAS, Chase City was home to Hilda Saunders Lewter, one of the first female graduates of the Medical College of Virginia Pharmacy Program and the first licensed female pharmacist in Virginia; Earl Davis Gregory, the first recipient of the Congressional Medal of Honor from Virginia; and two professional baseball players, Rufus Meadows and Michael Tucker; and

WHEREAS, multiple locations in Chase City are listed on the Virginia Landmarks Register and the National Register of Historic Places, including Chase City High School, the Shadow Lawn historic home, and the MacCallum More and Hudgins House Historic District, which includes the MacCallum More Museum and Gardens; and

WHEREAS, Chase City has many other attractions, such as the Bondurant Brothers Distillery, which offers high quality craft spirits while promoting the region's unique history during the Prohibition era; and

WHEREAS, on July 8, 2023, the residents of Chase City held a special celebration to highlight the past and present accomplishments of the community and its citizens; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Town of Chase City on the occasion of its 150th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Town of Chase City as an expression of the General Assembly's admiration for the town's rich history and contributions to the Commonwealth for the past 150 years.

HOUSE JOINT RESOLUTION NO. 68

Celebrating the life of Pablo Teodoro III.

Agreed to by the House of Delegates, January 22, 2024
Agreed to by the Senate, January 25, 2024

WHEREAS, Pablo Teodoro III, owner of the Great Harvest Bread Company in Warrenton and a beloved son, brother, father, grandfather, and member of his community, died on July 19, 2023; and

WHEREAS, Pablo Teodoro devoted the first 22 years of his career to working for a car dealership, but ultimately found his true calling in the world of sustainable food and agriculture; and

WHEREAS, after foraying into farming and establishing a popular farmers market in Warrenton, Pablo Teodoro opened a Great Harvest Bread Company franchise on Main Street in Warrenton in 2010; and

WHEREAS, Pablo Teodoro's vocation as a baker aligned with his passion for nurturing and caring for others, and his Great Harvest Bread Company grew over the years into a thriving and supportive gathering place; and

WHEREAS, Pablo Teodoro's charitable and benevolent spirit could not be extinguished even in the most difficult times; as the COVID-19 pandemic disrupted food supply chains and livelihoods, his Great Harvest Bread Company baked and

donated approximately 30,000 loaves of bread to support the community, while free loaves of bread were always made available at his store to those in need; and

WHEREAS, Pablo Teodoro's influence extended beyond his businesses, as his mentorship of his staff, advocacy for causes important to him, and support for various local events and organizations left a positive and indelible impression on many; and

WHEREAS, Pablo Teodoro will be fondly remembered and dearly missed by his loving fiancée, Brittany; his children, Pablo IV, Joshua, Sarah, and Abigail, and their families; his parents, Patricia and Pablo, Jr.; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Pablo Teodoro III, a treasured member of the Warrenton community whose kind, generous, and joyous nature left a lasting and meaningful impact on countless lives; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Pablo Teodoro III as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 69

Commending Sandra Gioia Treadway.

Agreed to by the House of Delegates, January 22, 2024
Agreed to by the Senate, January 25, 2024

WHEREAS, Sandra Gioia Treadway, a distinguished historian who has preserved Virginia's heritage and strengthened educational outreach to communities throughout the Commonwealth, will retire as the Librarian of Virginia after 16 years of outstanding service; and

WHEREAS, Sandra "Sandy" Gioia Treadway holds degrees from Manhattanville College, the University of Virginia, and the University of Tennessee, and she first joined the staff of The Library of Virginia in 1978 as an associate editor of publications; and

WHEREAS, over the course of her career, Sandy Treadway worked in various positions at The Library of Virginia, including deputy librarian; she was selected as the ninth Librarian of Virginia in 2007 and has ably managed The Library of Virginia's comprehensive collection of materials documenting the history, culture, and government of the Commonwealth since that time; and

WHEREAS, under Sandy Treadway's leadership, The Library of Virginia achieved significant growth in the digitization and accessibility of its records, expanded exhibitions, and launched innovative projects like Virginia Untold: The African American Narrative and Making History with LVA, a volunteer transcription program; the Library further expanded public programming statewide through the launch of its mobile van, LVA On the Go; and

WHEREAS, Sandy Treadway has overseen The Library of Virginia's participation in several historical commemorations, including the anniversary of the founding of Jamestown in 2007, the Virginia Sesquicentennial of the American Civil War Commission, the Virginia Bicentennial of the American War of 1812 Commission, and the 2019 Commemoration, American Evolution; she also helped organize a yearlong celebration of the Library's own 200th anniversary; and

WHEREAS, Sandy Treadway strengthened The Library of Virginia's ties to government agencies and officials and to the library community across the Commonwealth and nationwide, ensuring that the Library has the support it needs to continue fulfilling its important mission; she also has served on numerous state advisory groups, including the Virginia Freedom of Information Advisory Council and the Virginia Women's Monument Commission; and

WHEREAS, Sandy Treadway also offered her wisdom and expertise to the American Library Association, the Chief Officers of State Library Agencies, and the Southern Association for Women Historians; and

WHEREAS, during her tenure as the Librarian of Virginia, Sandy Treadway has mentored and inspired countless fellow library professionals and built a capable, dedicated, and highly motived team that will continue to serve the residents of the Commonwealth after her well-earned retirement; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Sandra Gioia Treadway on the occasion of her retirement as the Librarian of Virginia; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Sandra Gioia Treadway as an expression of the General Assembly's admiration for her achievements in service to the Commonwealth.

HOUSE JOINT RESOLUTION NO. 70

Commending the Army Navy Country Club.

Agreed to by the House of Delegates, January 22, 2024
Agreed to by the Senate, January 25, 2024

WHEREAS, for 100 years, the Army Navy Country Club in Arlington has provided outstanding service to its members and the Northern Virginia community; and

WHEREAS, originally known as the Army, Navy, and Marine Corps Country Club, the Army Navy Country Club was established by a group of military officers on November 11, 1924, and adopted its current name in 1930; and

WHEREAS, after several years of evaluating locations for the Army Navy Country Club, the club's board of governors selected the property in Arlington, where nearly a half-century before, the Union Army had built Fort Richardson to guard Washington, D.C., during the American Civil War; and

WHEREAS, the Army Navy Country Club officially broke ground on August 5, 1927, when Major General Charles P. Summerall, Chief of Staff of the Army, Major General John J. Lejuene, Commandant of the United States Marine Corps, and Rear Admiral Edward W. Eberele, Chief of Naval Operations, United States Navy, operated the plow to mark the beginning of construction; and

WHEREAS, to accommodate its growing membership, the Army Navy Country Club approved the purchase of the former Fairfax Country Club which was designed by Robert Trent Jones; the sale was completed in 1958 and the club subsequently relocated to the new property; and

WHEREAS, many of the Army Navy Country Club's early members would later become famous leaders during World War II, including General Omar N. Bradley, Fleet Admiral Chester W. Nimitz, Fleet Admiral Ernest J. King, and General Hoyt S. Vandenberg, as well as President Dwight D. Eisenhower; and

WHEREAS, the Army Navy Country Club is proud to have counted among its membership individuals who have accomplished extraordinary deeds, including eight Medal of Honor recipients; and

WHEREAS, while the Army Navy Country Club's lineage is closely associated with the United States Armed Forces, its modern membership comprises men and women from the military, government officials, and civilians, all of whom share a deep passion for the club's history and accomplishments; and

WHEREAS, the Army Navy Country Club has built strong partnerships with local communities in both Arlington County and the City of Fairfax through its support of various charitable organizations and worthy causes; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Army Navy Country Club for its rich history on the occasion of its 100th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Army Navy Country Club as an expression of the General Assembly's admiration for its contributions to service members and their families.

HOUSE JOINT RESOLUTION NO. 71

Celebrating the life of Julius L. Branscome.

Agreed to by the House of Delegates, January 22, 2024
Agreed to by the Senate, January 25, 2024

WHEREAS, Julius L. Branscome, a dedicated husband and father and an active member of his local community, died on November 12, 2023; and

WHEREAS, Julius Branscome was born on September 26, 1933, at the foot of the Buffalo Mountain in Carroll County; and

WHEREAS, Julius Branscome met the love of his life, Lila Brady, and the two were married on November 18, 1950; and

WHEREAS, known for his hard work and entrepreneurial spirit, Julius Branscome moved in 1960 to Prince William County where he participated in the development of the Interstate Highway System, then started a sole proprietorship in 1962; and

WHEREAS, in 1973, Julius Branscome took the next step and formed Julius Branscome, Inc., which provided road building services in Northern Virginia; and

WHEREAS, in 1988, Julius Branscome founded Branscome Paving Company, a family-owned small business which is known throughout the Commonwealth for its commitment to quality and excellent service to its customers in both the private and public sectors; and

WHEREAS, in recognition of Julius Branscome's legacy of contributions to the transportation infrastructure sector, the Heavy Construction Contractors Association presented him with its Lifetime Achievement Award in September 2023; and

WHEREAS, at the age of 90, Julius Branscome was still involved in the day-to-day operations of the family-owned business he founded; and

WHEREAS, in addition to Julius Branscome's reputation as a successful businessman, he is best known for being a man of faith, whose greatest joys were spending time with his family and friends and supporting his local community; and

WHEREAS, Julius Branscome was predeceased by his son, Tommy Branscome; his parents, Grover Samuel Branscome and Cosby Goad Branscome; his sister, Violet Nester; and his brothers Henry, Robert, and James Branscome; and

WHEREAS, Julius Branscome is survived by his beloved wife of 73 years, Lila Brady Branscome; his children, Kathy Bowman and David Branscome; seven grandchildren; 15 great grandchildren; and three great-great grandchildren; and

WHEREAS, Julius Branscome will also be fondly remembered and greatly missed by countless friends and colleagues who knew him to be a man of great character and compassion; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Julius L. Branscome, devoted family man and successful entrepreneur; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Julius L. Branscome as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 72

Commending the First Baptist Church of West Point.

Agreed to by the House of Delegates, January 17, 2024
Agreed to by the Senate, January 18, 2024

WHEREAS, for 150 years, the First Baptist Church of West Point has provided its members with uplifting spiritual guidance, occasions of joyful worship, and opportunities for generous community outreach; and

WHEREAS, the vision for the First Baptist Church of West Point came from West Point resident Sue Davis, who convinced the Reverend Alfred Bagby to hold services on every fifth Sunday, which led a council of three Baptist ministers to organize a Baptist church in West Point on December 21, 1873, with 13 founding members as its initial congregation; and

WHEREAS, the Reverend Alfred Bagby was elected pastor of the First Baptist Church of West Point at its second business meeting, and his able leadership helped the congregation to grow to more than 60 members by 1880; and

WHEREAS, the First Baptist Church of West Point laid the cornerstone for its first church building on July 4, 1875, and completed the structure in 1876; it added a parsonage in the 1880s and several other structures and improvements thereafter to accommodate the church's growing membership; and

WHEREAS, since the Reverend Alfred Bagby, the First Baptist Church of West Point has been subsequently led by 27 other accomplished pastors, including the Reverend Marvin Kerby, who served the church as senior pastor from 1969 to 2000 and who has been a significant spiritual leader to the Town of West Point, and its current pastor, the Reverend Dr. Jim Goebel, all of whom have provided sage counsel to the church's members while working tirelessly to ensure the church's prosperity and longevity; and

WHEREAS, the First Baptist Church of West Point organized its First Ladies Aid and Missionary Society in 1884 and has since developed a number of other outreach activities to benefit the community; and

WHEREAS, the congregation of First Baptist Church of West Point has navigated several catastrophes over the church's history, including a fire in 1903 that ravaged the business section of West Point, emerging from each instance both stronger and more faithful; and

WHEREAS, over the past 150 years, First Baptist Church has been a spiritual refuge for the many individuals who have sought solace and a greater sense of purpose and belonging within its walls; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the First Baptist Church of West Point as its congregation celebrates the church's 150th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the First Baptist Church of West Point as an expression of the General Assembly's admiration for the church's history and its contributions to the Commonwealth.

HOUSE JOINT RESOLUTION NO. 73

Commending Scott Chambers.

Agreed to by the House of Delegates, January 22, 2024
Agreed to by the Senate, January 25, 2024

WHEREAS, Scott Chambers, a dedicated and highly admired deputy with the Chesapeake Sheriffs' Office who was wounded in the line of duty in January 2023, was selected as the 2023 Deputy of Year by the Virginia Sheriffs' Association for his bravery and professionalism; and

WHEREAS, Scott Chambers is a former United States Army Ranger and has worked in law enforcement for more than two decades; he is a member of the Chesapeake Sheriff's Office's Criminal Apprehension Unit and a sworn deputy with the U.S. Marshals Service; and

WHEREAS, as part of his work with the U.S. Marshals Service, Scott Chambers was assigned to a task force that was tracking a homicide suspect who had been on the loose for two weeks; and

WHEREAS, on January 11, 2023, Scott Chambers and the members of the task force located the suspect, who leapt out of a vehicle, firing two handguns at the officers; and

WHEREAS, Scott Chambers returned fire, but was shot three times and had to rely on his emergency medical training to apply a tourniquet before the scene was secured and assistance arrived; he was transported to a local hospital, where he underwent several surgeries and was released two weeks later; and

WHEREAS, admired by his fellow officers for his toughness, determination, and cool-headedness under pressure, Scott Chambers received the Wounded in Combat and Combat Cross medals, two of the Chesapeake Sheriff's Office's highest honors; and

WHEREAS, Scott Chambers was selected as the Deputy of the Quarter by the Chesapeake Sheriff's Office, before earning the statewide Deputy of the Year award the following July; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Scott Chambers, a courageous law-enforcement officer in Chesapeake, on the occasion of his selection as the 2023 Deputy of the Year by the Virginia Sheriffs' Association; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Scott Chambers as an expression of the General Assembly's admiration for his commitment to serving and protecting the members of the Chesapeake community.

HOUSE JOINT RESOLUTION NO. 74

Designating the week of the new moon in April, in 2024 and in each succeeding year, as International Dark Sky Week in Virginia.

Agreed to by the House of Delegates, February 6, 2024
Agreed to by the Senate, February 27, 2024

WHEREAS, the beauty and majesty of a natural night sky is a shared heritage of all humankind, and the experience of standing beneath a starry night sky inspires feelings of wonder and awe; and

WHEREAS, many people in Virginia live under a dome of light pollution—excessive artificial nighttime lighting that disrupts natural darkness—and may never experience the joys of stargazing or the ecological and health benefits of living under a natural, dark sky; and

WHEREAS, light pollution has proven economic and environmental consequences and significantly impacts the ecology and human health of affected communities; light pollution represents a waste of resources amounting to roughly $3 billion per year of wasted energy in the United States; and

WHEREAS, Virginia is home to several renowned astronomical observatories, including Fan Mountain Observatory in Albemarle County, Keeble Observatory in Ashland, Leander McCormick Observatory in Charlottesville, George Mason Observatory in Fairfax, Winfree Observatory in Lynchburg, and Stokesville Observatory in Stokesville; and

WHEREAS, Virginia is home to four state parks, Staunton River State Park, James River State Park, Natural Bridge State Park, and Sky Meadows State Park, that are all designated as International Dark Sky Parks by DarkSky International; and

WHEREAS, DarkSky International is the globally recognized authority on light pollution and has created International Dark Sky Week to raise awareness of light pollution; the organization provides free education, resources, and solutions to facilitate the protection and enjoyment of dark skies and encourage responsible outdoor lighting; and

WHEREAS, International Dark Sky week provides an opportunity for all Virginians to learn more about light pollution, support efforts to protect dark skies, and take a moment to appreciate the beauty of the night sky above and ponder the cosmic eons beyond; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly designate the week of the new moon in April, in 2024 and in each succeeding year, as International Dark Sky Week in Virginia; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates transmit a copy of this resolution to DarkSky International so that members of the organization may be apprised of the sense of the General Assembly of Virginia in this matter; and, be it

RESOLVED FINALLY, That the Clerk of the House of Delegates post the designation of this week on the General Assembly's website.

HOUSE JOINT RESOLUTION NO. 75

Celebrating the life of Allan Roberts.

Agreed to by the House of Delegates, January 22, 2024
Agreed to by the Senate, January 25, 2024

WHEREAS, Allan Roberts, a public servant, entrepreneur, and man of deep faith who touched countless lives in the Gate City community through his leadership and kindness, died on October 6, 2023; and

WHEREAS, Allan "Cotton" Roberts grew up in Kingsport, Tennessee, and graduated from Ketron High School; he subsequently earned a bachelor's degree from Steed College, then served his country in the United States Army as an MGM-31 Pershing missile crew member stationed in Germany during the Cold War; and

WHEREAS, Cotton Roberts joined Eastman Chemical Company in an entry-level position and retired as a senior team manager after a distinguished career; and

WHEREAS, in later life Cotton Roberts and his wife, Vickie, opened The Family Bakery, a beloved local business that contributed to the revitalization of downtown Gate City; they subsequently opened two other businesses and renovated other properties for retail development in the area; and

WHEREAS, Cotton Roberts was also a founding member of Gate City Frontier, a nonprofit organization dedicated to promoting downtown Gate City; and

WHEREAS, Cotton Roberts further supported the community as a member of the Gate City Town Council for more than a decade, including a term as vice mayor; and

WHEREAS, Cotton Roberts supported young people by coaching the Colonial Heights Optimist Club football team and a baseball travel team for the American Amateur Baseball Congress; he also relished every opportunity to support his sons and nephews when they played for Gate City High School teams; and

WHEREAS, Cotton Roberts enjoyed fellowship and worship with the community as a member of First Baptist Church Gate City, where he served as a deacon, started a youth program, was active in missionary work, and was a coach and referee in the Upward Basketball program for many years; and

WHEREAS, Cotton Roberts will be fondly remembered and greatly missed by his wife of 45 years, Vickie; his children, Elizabeth, Aaron, and Christopher, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Allan Roberts; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Allan Roberts as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 76

Directing the Joint Legislative Audit and Review Commission to study the social, physical, emotional, and economic effects of gun violence on communities across the Commonwealth. Report.

Agreed to by the House of Delegates, February 12, 2024

Agreed to by the Senate, March 5, 2024

WHEREAS, according to the Centers for Disease Control and Prevention and the National Center for Health Statistics, 4,482 Virginians died by firearm between 2018 and 2021, and the firearm homicide rate in Virginia increased by 21 percent in that time; and

WHEREAS, in addition to fatal shootings, gun violence includes other firearm-involved crimes and incidents in which a victim may suffer from non-fatal gunshot wounds, may be shot at but not wounded, or may be threatened with a brandished firearm that is not fired; and

WHEREAS, not only does gun violence result in physical harm, it can also lead to long-term adverse effects on the overall health and well-being of individuals, as well as lasting social and economic impacts on communities; and

WHEREAS, in order to reduce gun violence and its enduring consequences, it is important to understand the extent of such social, physical, emotional, and economic effects on communities in the Commonwealth; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the Joint Legislative Audit and Review Commission be directed to study the social, physical, emotional, and economic effects of gun violence on communities across the Commonwealth.

In conducting its study, the Joint Legislative Audit and Review Commission shall examine the impact of gun violence on (i) the overall physical health of individuals living in affected communities, (ii) the mental and emotional health of individuals living in affected communities, and (iii) the social and economic health of communities impacted by gun violence and shall consider and propose policy recommendations to address gun violence and its effects.

All agencies of the Commonwealth shall provide assistance to the Joint Legislative Audit and Review Commission for this study, upon request.

The Joint Legislative Audit and Review Commission shall complete its meetings for the first year by November 30, 2024, and for the second year by November 30, 2025, and the chairman shall submit to the Division of Legislative Automated Systems an executive summary of its findings and recommendations no later than the first day of the next Regular Session of the General Assembly for each year. Each executive summary shall state whether the Joint Legislative Audit and Review Commission intends to submit to the General Assembly and the Governor a report of its findings and recommendations for publication as a House or Senate document. The executive summaries and reports shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.

HOUSE JOINT RESOLUTION NO. 77

Designating Monday, January 22, 2024 as Recovery Day in Virginia.

Agreed to by the House of Delegates, February 7, 2024
Agreed to by the Senate, February 27, 2024

Whereas, the residents of the Commonwealth persist in grappling with Substance Use Disorder, a struggle further intensified by the repercussions of the COVID-19 pandemic, resulting in a total of 2,490 deaths in the state in 2022—a twofold increase in the drug overdose mortality rate since 2018; and

Whereas, the Substance Abuse and Mental Health Administration has reported that between 2015 and 2017, approximately 502,000 adults over 12 years old in Virginia were afflicted with Substance Use Disorder; and

Whereas, the 2021 National Survey on Drug Use and Health reveals that 5.8 million adults aged 18 or older contend with a co-occurring mental illness and an illicit drug or alcohol use disorder; and

Whereas, the Virginia Department of Criminal Justice Services recorded around 27,000 drug-related arrests in Virginia in 2020; and

Whereas, in 2022, there were 22,398 drug overdose emergency department visits among Virginians, marking a 5% increase from the preceding year, as reported by the Virginia Department of Health; and

Whereas, a 2020 study by the CDC and National Institute on Drug Abuse found that 3 out of 4 individuals experiencing addiction eventually achieve recovery; and

Whereas, Substance Use Disorder not only impacts the individual but also plays a significant role in the lives of friends, family, and the surrounding community; and

Whereas, the establishment of Virginia's "Recovery Day" aims to honor and celebrate those who have demonstrated resilience in their recovery journey, enduring physical, emotional, and economic hardships; and

Whereas, this day extends its support to those still on the path to recovery and to those dedicating their lives to ensuring that each individual has the opportunity to receive treatment and recovery services; and

Whereas, "Recovery Day" provides an additional opportunity to draw attention to the vital importance of recovery organizations and the interconnectedness of mental health, community, familial support, and Substance Use Disorder.

Therefore, the General Assembly of Virginia hereby declares Monday, January 22, 2024, to be officially recognized as Recovery Day in the Commonwealth of Virginia.

HOUSE JOINT RESOLUTION NO. 78

Designating March 31, in 2024 and in each succeeding year, as FIRST Robotics Day in Virginia.

Agreed to by the House of Delegates, February 6, 2024
Agreed to by the Senate, February 27, 2024

WHEREAS, For the Inspiration and Recognition of Science and Technology, or FIRST, is a global nonprofit organization dedicated to preparing young people for the future through a suite of inclusive, team-based robotics programs for ages four through 18; and

WHEREAS, robotics is rapidly proving to be one of the most effective, compelling, and engaging means for teaching and reinforcing fundamental science, technology, engineering, and mathematics (STEM) concepts as well as inspiring the nation's youth to pursue STEM-related careers, thereby helping to create a highly skilled, 21st-century American workforce; and

WHEREAS, there is a strong need to recognize America's leadership in robotics technology; educate the public on robotics technology's broad potential, growing importance, and future impact on American society; underscore the need for increased investment in robotics technology research and development; and inspire the nation's youth to pursue careers in robotics and other STEM-related fields; and

WHEREAS, the United States has the largest number of academic and research organizations with dedicated programs focused on the advancement of robotics technology; and

WHEREAS, aptitude in mathematics, science, and engineering is essential for a knowledge-based society; and

WHEREAS, deep, hands-on STEM experiences at school districts around the country hold the potential to build strong foundations for STEM literacy; increase diversity, equity, and inclusion in STEM; and prepare the STEM workforce for the future; and

WHEREAS, not all STEM jobs require a traditional four-year degree, so a greater and more diverse array of pathways toward STEM education should be encouraged; and

WHEREAS, FIRST has a unique relationship with the Commonwealth and businesses and organizations operating in the Commonwealth, with the organization being sponsored by NASA Langley, Dominion Energy, Inc., Booz Allen Hamilton Holding Corporation, Bechtel Corporation, Leidos, and Newport News Shipbuilding, among other partners; and

WHEREAS, FIRST is partnered with several public colleges in the Commonwealth, including Virginia Polytechnic Institute and State University, George Mason University, James Madison University, Virginia State University, Virginia Commonwealth University, and the University of Virginia; and

WHEREAS, FIRST Chesapeake, a regional district of FIRST, supports more than 300 robotics teams, totaling over 6,700 kindergarten through 12th grade students and 650 volunteer mentors; and

WHEREAS, FIRST robotics has developed deep partnerships across the Commonwealth's education, nonprofit, economic development, government, and industry sectors since receiving its originating state support from the former Virginia Business-Education Partnership (VBEP) in 2000; and

WHEREAS, the emerging market for robotics and related technology in various sectors, including health care, national defense, homeland security, energy, manufacturing, logistics, transportation, agriculture, education, consumer goods, and others is expected to grow at a compound annual growth rate of nearly 20 percent over the next few years to become a $27 billion industry worldwide; and

WHEREAS, robotics is a critical technology capable in the near term of contributing to the economic recovery by creating new jobs, increasing productivity, improving quality of life, and increasing worker safety; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly designate March 31, in 2024 and in each succeeding year, as FIRST Robotics Day in Virginia; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates transmit a copy of this resolution to For the Inspiration and Recognition of Science and Technology so that members of the organization may be apprised of the sense of the General Assembly of Virginia in this matter; and, be it

RESOLVED FINALLY, That the Clerk of the House of Delegates post the designation of this day on the General Assembly's website.

HOUSE JOINT RESOLUTION NO. 79

Commending the Triangle Volunteer Fire Department.

Agreed to by the House of Delegates, January 29, 2024
Agreed to by the Senate, February 1, 2024

WHEREAS, for 50 years, the Triangle Volunteer Fire Department in Nathalie has safeguarded the lives and property of the members of the Halifax County community; and

WHEREAS, in early 1974, approximately 20 residents of the Providence, Ellis Creek, and Hunting Creek areas of Halifax County met to discuss the need for local fire service; and

WHEREAS, the Triangle Volunteer Fire Department was officially incorporated on March 22, 1974, with Fulton Conner as its original president; and

WHEREAS, in its early days, the Triangle Volunteer Fire Department used a utility truck and a 1954 Ford tanker truck that had been purchased with donations from the community; local resident Cliff Anderson and his family also donated land for a new fire station, which was completed in 1975; and

WHEREAS, in the late 1970s, six members of the Triangle Volunteer Fire Department earned emergency medical service certifications to better care for the members of the department's service area, which covers more than 80 square miles of Halifax County; and

WHEREAS, the Triangle Volunteer Fire Department made important additions to the station in 2002 and dedicated the new facilities in honor of deceased and past members; the department further expanded the station in 2015; and

WHEREAS, the highly trained members of the Triangle Volunteer Fire Department utilize modern techniques and best practices to fulfill their duties, and the department now maintains one engine, one tanker, one emergency medical truck, two brush trucks, one equipment truck, and a utility vehicle, totaling seven apparatuses; and

WHEREAS, Triangle Volunteer Fire Department hosts numerous activities and events to raise funds and engage with local residents; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the Triangle Volunteer Fire Department of Halifax County hereby be commended on the occasion of its 50th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Triangle Volunteer Fire Department as an expression of the House of Delegates' admiration for the department's legacy of service to the Halifax County community.

HOUSE JOINT RESOLUTION NO. 80

Commending Kenbridge Construction Company, Inc.

Agreed to by the House of Delegates, January 29, 2024
Agreed to by the Senate, February 1, 2024

WHEREAS, Kenbridge Construction Company, Inc., an esteemed general contracting and construction company serving public and private sector clients throughout the Commonwealth and the Carolinas, celebrated its 75th anniversary in 2023; and

WHEREAS, the precursor to the Kenbridge Construction Company was the Kenbridge Manufacturing and Supply Company (KM&S), a building supply business that was started by Roland Walker and George B. Clarke III in 1948; and

WHEREAS, shortly after its founding, KM&S branched out into construction, hiring contractors to build houses with the company's own materials; in 1957, the company would split its building supply and construction operations and Kenbridge Construction Company was officially formed; and

WHEREAS, in the 1960s, Kenbridge Construction Company looked to diversify into the commercial construction market and brought on graduates from the Building Construction program at Virginia Polytechnic Institute and State University (Virginia Tech) to accomplish this goal; and

WHEREAS, in the 1970s, George Clarke looked to establish a pre-engineered steel building division within Kenbridge Construction Company and partnered with Bill Paulette of Republic Steel to create Kenbridge Building Systems in Richmond, which would later separate from Kenbridge Construction Company and become known as KBS; and

WHEREAS, following the retirement of Roland Walker and George Clarke in the late 1970s and early 1980s, longtime employees, Jack Roberts and Jerry Callis, became president and executive vice president of the company, respectively, and continued to grow the business; and

WHEREAS, in the 2000s, Jack Roberts, Jerry Callis, Jack Roberts' son Richard Roberts, and Jerry Callis' son-in-law Emory Hodges, became equal partners in Kenbridge Construction Company; shortly after the retirement of Jerry Callis and Jack Roberts, Emory Hodges became the third president in Kenbridge Construction Company history, and, in 2013, he and his wife, Kristin, bought out Richard Roberts' share to become the sole owners of the company; and

WHEREAS, in recent years, Brandon Spencer, John Mahaney, Jr., Terri Newcomb, and Mike Bender have joined the Hodges as minority owners of Kenbridge Construction Company, contributing to a tradition of excellency that has been integral to the company's success; and

WHEREAS, over 75 years, Kenbridge Construction Company has built an impressive portfolio with a wide array of projects and services to its name, cementing its reputation as one of the Commonwealth's leading general contracting and construction companies; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Kenbridge Construction Company, Inc., on the occasion of its 75th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Kenbridge Construction Company, Inc., as an expression of the General Assembly's admiration for the company's history and its contributions to the Commonwealth.

HOUSE JOINT RESOLUTION NO. 81

Designating the first week in May, in 2024 and in each succeeding year, as Tardive Dyskinesia Awareness Week in Virginia.

Agreed to by the House of Delegates, February 6, 2024
Agreed to by the Senate, February 27, 2024

WHEREAS, many people living with serious mental illnesses, such as bipolar disorder, major depressive disorder, schizophrenia, or schizoaffective disorder, or gastrointestinal disorders such as gastroparesis, upset stomach, nausea, or vomiting, may be treated with medications that work as dopamine receptor blocking agents, including antipsychotics and antiemetics; and

WHEREAS, while ongoing treatment with these medications may be necessary, prolonged use is associated with what is known as tardive dyskinesia (TD), an involuntary movement disorder that is characterized by uncontrollable, abnormal, or repetitive movements of the face, torso, limbs, or fingers or toes; and

WHEREAS, it is estimated that TD affects approximately 600,000 people in the United States and that approximately 65 percent of people with TD have not been diagnosed, making it important to raise awareness about the related symptoms of this disorder; and

WHEREAS, even mild symptoms of TD can impact people physically, socially, and emotionally; it is therefore important that people taking dopamine receptor blocking agents are monitored for TD by a health care provider, as is recommended by the American Psychiatric Association; and

WHEREAS, clinical research has led to the approval of treatments for adults with TD by the U.S. Food and Drug Administration, an important milestone considering that recognition and treatment of TD can make a positive impact in the lives of many people experiencing psychotic and mood disorders; and

WHEREAS, by establishing Tardive Dyskinesia Awareness Week, the General Assembly can raise awareness of TD among the public and medical community, as well as encourage anyone experiencing uncontrollable, abnormal, and repetitive movements to consult their health care provider regarding their symptoms; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly designate the first week in May, in 2024 and in each succeeding year, as Tardive Dyskinesia Awareness Week in Virginia; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates transmit a copy of this resolution to representatives of the Tardive Dyskinesia community so that its members may be apprised of the sense of the General Assembly of Virginia in this matter; and, be it

RESOLVED FINALLY, That the Clerk of the House of Delegates post the designation of this week on the General Assembly's website.

HOUSE JOINT RESOLUTION NO. 83

Designating the first full week of February, in 2024 and in each succeeding year, as Burn Awareness Week in Virginia.

Agreed to by the House of Delegates, February 6, 2024
Agreed to by the Senate, February 27, 2024

WHEREAS, burn injuries continue to be one of the leading causes of accidental death and injury in our nation; tragically, children, the elderly, and the disabled are especially vulnerable to burn injuries and almost one-third of all burn injuries occur in children under the age of 15; and

WHEREAS, the Centers for Disease Control and Prevention reports that 276,086 people received medical care for the treatment of unintentional burn injuries in the United States in 2020, with 3,028 deaths from fire and smoke inhalation; of 87 hospitals reporting to the American Burn Association registry, 91,875 people were treated in hospitals for burn-related injuries with 32 percent of those being for scalds; and

WHEREAS, compared to the overall population, children under five years of age were twice as likely to be seen for burn injuries at a hospital emergency department, while young adults from age 20 to 29 had 1.4 times the risk, and those from age 30 to 39 had 1.3 times the risk of the general population; and

WHEREAS, most burn injuries occur in the home, and the primary causes of injury include fire-flame, scalds, and contact with hot objects, electrical devices, or chemicals; and

WHEREAS, today, 96.8 percent of those who suffer burn injuries will survive, but many survivors will sustain serious scarring and lifelong physical disabilities and will have difficulty adjusting after their injuries; and

WHEREAS, National Burn Awareness Week, an initiative of the American Burn Association, brings together burn, fire, and life safety educators to make the public aware of the frequency, devastation, and causes of burn injury, as well as consistent and authoritative measures available to prevent these injuries and how to best care for those who are injured; and

WHEREAS, the theme for 2024 National Burn Awareness Week is "Handle with Care, Flammable Liquids Beware," highlighting that flammable liquids pose a common risk of injury; and

WHEREAS, significant research and medical advances have dramatically improved burn care and treatment, aided rehabilitation, shortened hospital stays, and increased burn survival rates; aftercare support for the physical and emotional effects of burns has also played a key role in the successful reintegration of burn survivors into our communities, and burn safety education and prevention efforts continue to reduce the number of people who suffer burns each year; and

WHEREAS, many people devote their lives and careers to treating, caring for, supporting, and rehabilitating burn injury survivors, including those performing vital work in burn research and treatment development, dedicated firefighters who risk their own lives every day to protect others, and burn foundations and other life safety professionals who promote burn injury awareness and prevention; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly designate the first full week of February, in 2024 and in each succeeding year, as Burn Awareness Week in Virginia; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates transmit a copy of this resolution to the Evans-Haynes Burn Center at Virginia Commonwealth University Health so that members of the organization may be apprised of the sense of the General Assembly of Virginia in this matter; and, be it

RESOLVED FINALLY, That the Clerk of the House of Delegates post the designation of this week on the General Assembly's website.

HOUSE JOINT RESOLUTION NO. 84

Encouraging public institutions of higher education in Virginia to display the VA250 logo on all men's and women's athletic uniforms for the 2025-2026 academic year.

Agreed to by the House of Delegates, February 6, 2024
Agreed to by the Senate, February 27, 2024

WHEREAS, the Virginia General Assembly in 2020 established the VA250 Commemoration Commission to celebrate the 250th anniversary of the American Revolution and American independence; and

WHEREAS, the Commission has been charged with creating a state-wide, multi-faceted and inclusive commemoration that will educate, engage and inspire all communities throughout the Commonwealth and nation; and

WHEREAS, Virginia has always been the crucible of our nation: the first colonists arrived in Virginia; the first encounters with indigenous people occurred in Virginia the first enslaved peoples arrived in Virginia, the first representative government was formed in Virginia, and Virginians authored the founding documents of our nation, including the Declaration of Independence, the Constitution and the Bill of Rights; and

WHEREAS, Virginia will lead the nation in America's 250th commemoration, hosting national and international events, exhibitions, meetings and symposia intended to educate Virginians and Americans about our desire "To Form a More Perfect Union" and to reignite the beginning of a new era of civic engagement; and

WHEREAS, Virginia's 15 public colleges and universities play a critical role in educating young Virginians and Americans about our history, our founding ideals and system of government; and

WHEREAS, Virginia's 15 public colleges and universities can help build awareness of the VA250 Commemoration and all the activities related to it; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the public institutions of higher education be encouraged to display the logo of the VA250 Commemoration Commission on to the front of the jerseys and uniforms of all athletic teams, both men's and women's, for the 2025-2026 academic year; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates transmit a copy of this resolution to the Executive Director of the State Council of Higher Education and to the presidents and athletic directors of all Virginia public institutions of higher education requesting their participation in following the guidance of this resolution.

HOUSE JOINT RESOLUTION NO. 85

Commending the McLean High School softball team.

Agreed to by the House of Delegates, January 29, 2024
Agreed to by the Senate, February 1, 2024

WHEREAS, the McLean High School softball team claimed its second state title in program history with a victory in the Virginia High School League Class 6 state championship in 2023; and

WHEREAS, after winning a state tournament doubleheader on June 9, the McLean High School Highlanders advanced to the state final the following day and defeated the James Madison High School Warhawks by a score of 2-1; and

WHEREAS, the McLean Highlanders took the lead in the top of fourth inning and held it for the rest of the game, adding their second run in the top of the sixth inning before the Madison Warhawks responded with their only score in the bottom of the sixth; and

WHEREAS, with their three whirlwind playoff victories in 28 hours, the McLean Highlanders finished the season with a 21-6 record and the state crown; and

WHEREAS, Maurice Tawil became head coach of the McLean Highlanders in 2007 and led the team to its last state championship win in 2010; he recorded his 301st career win as a coach at the 2023 state final; and

WHEREAS, the victorious season is a tribute to the skill and hard work of the student-athletes, the leadership and guidance of coaches and staff, and the enthusiastic support of the entire McLean High School community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the McLean High School softball team on winning the Virginia High School League Class 6 state championship in 2023; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the McLean High School softball team as an expression of the General Assembly's admiration for the team's achievements and best wishes for the future.

HOUSE JOINT RESOLUTION NO. 87

Designating June 16, in 2024 and in each succeeding year, as Domestic Workers Day in Virginia.

Agreed to by the House of Delegates, February 6, 2024
Agreed to by the Senate, February 27, 2024

WHEREAS, every day, domestic workers care for the elderly, assist people with disabilities, clean homes, and nurture children, thus freeing up the time and attention of millions of other members of working families; and

WHEREAS, domestic work is routinely undervalued and overlooked, and the needs of domestic workers are often cast into the shadows or made invisible; and

WHEREAS, according to a report by the Economic Policy Institute, 54,236 domestic workers, including nannies, house cleaners, and home care workers, were employed in Virginia in 2022; and

WHEREAS, in the United States, domestic workers were intentionally excluded from the Fair Labor Standards Act as a concession to southern politicians in the early 1900s; and

WHEREAS, this exclusion was mirrored on the state level, creating an unregulated and underground economy that left domestic workers subject to widespread mistreatment and abuse in the United States; and

WHEREAS, without laws to regulate behavior and policies, domestic workers are vulnerable to rampant exploitation, including wage theft, sexual harassment and abuse, and discrimination; and

WHEREAS, domestic workers often have to rely on the good graces of potential employers rather than expect industry standards and practices to protect them; and

WHEREAS, in 2010 and 2011, domestic workers from around the world came together to fight to establish the first global standards for the estimated 50 to 100 million domestic workers worldwide, and International Domestic Workers Day celebrates the passage in 2011 of the International Labour Organization Convention 189 concerning decent working conditions and standards for domestic workers; and

WHEREAS, International Labour Organization Convention 189 provides domestic workers with protections equivalent to those available to other workers, addresses historic discrimination and frequent exclusion from labor laws for the domestic work sector, and promises better working conditions and better lives; and

WHEREAS, after the passage of International Labour Organization Convention 189, domestic workers established the International Domestic Workers Federation, a strong, democratic and united domestic workers global organization to protect and advance domestic workers' rights everywhere; and

WHEREAS, in 2021, Virginia became the first southern state to extend labor protections to domestic workers by passing the Domestic Workers Bill of Rights; since that time, 11 states, the District of Columbia, and one municipality have passed similar legislation, representing a historic step forward for domestic work being recognized as real work and establishing labor protections; and

WHEREAS, domestic workers have an inherent right to be able to demand more from their industry and be able to engage in dialogue with employers and government officials to determine fair standards that honor their humanity; and

WHEREAS, Domestic Workers Day provides an opportunity for all Virginians to honor the contributions of domestic workers to the individuals and families who benefit from their labor and care, as well as to seek opportunities to support domestic workers as they strive to develop international standards for their industry; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly designate June 16, in 2024 and in each succeeding year, as Domestic Workers Day in Virginia; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates transmit copies of this resolution to Care in Action and the National Domestic Workers Alliance so that members of the organizations may be apprised of the sense of the General Assembly of Virginia in this matter; and, be it

RESOLVED FINALLY, That the Clerk of the House of Delegates post the designation of this day on the General Assembly's website.

HOUSE JOINT RESOLUTION NO. 88

Commending Jill D. Neice.

Agreed to by the House of Delegates, January 29, 2024
Agreed to by the Senate, February 1, 2024

WHEREAS, Jill D. Neice, a distinguished law-enforcement officer, retired as chief of the Pulaski Police Department in January 2024; and

WHEREAS, a graduate of New River Community College, Radford University, and the New River Criminal Justice Training Academy, Jill Neice spent her entire 25-year career in law enforcement with the Pulaski Police Department; and

WHEREAS, after joining the department as a patrol officer in 1998, Jill Neice worked her way up through the ranks to become a detective sergeant, then lieutenant of the patrol division, in which capacity she served for six years; and

WHEREAS, Jill Neice built strong relationships based on mutual trust and respect with members of the community and was highly admired by her fellow officers and local officials for her professionalism and dedication to duty; and

WHEREAS, Jill Neice began serving as interim chief of the Pulaski Police Department in June 2021, then was officially selected as chief the following September; and

WHEREAS, Jill Neice served the Pulaski community with integrity and distinction; she received two Distinguished Service Awards, an Officer of the Year award, and many other accolades and commendations over the course of her career; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Jill D. Neice on the occasion of her retirement as chief of the Police Department; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Jill D. Neice as an expression of the General Assembly's admiration for her many years serving and protecting the residents of Pulaski and outstanding legacy of contributions to the community.

HOUSE JOINT RESOLUTION NO. 89

Celebrating the life of Joseph Brown Journell.

Agreed to by the House of Delegates, January 29, 2024
Agreed to by the Senate, February 1, 2024

WHEREAS, Joseph Brown Journell, a highly admired member of the Giles County community who touched many lives through his personal and professional achievements, died on August 20, 2023; and

WHEREAS, a lifelong resident of Giles County, Joseph Brown "J.B." Journell was born in Pearisburg, lived in Narrows, and was a resident of Heritage Hall in Rich Creek at the time of his passing; and

WHEREAS, J.B. Journell served and safeguarded his fellow residents for 39 years as a member of the Narrows Volunteer Fire Department, where he held several leadership positions during his tenure; and

WHEREAS, J.B. Journell enjoyed a long career with Celanese Corporation and retired as a millwright in 2005 after 27 years of dedicated work; and

WHEREAS, J.B. Journell was an avid golfer and a longtime member of Castle Rock Golf Course, where he worked after his well-earned retirement from Celanese Corporation; and

WHEREAS, J.B. Journell never met a stranger and loved taking walks to share stories or jokes with friends and neighbors, touching countless lives through his generosity and sense of humor; and

WHEREAS, J.B. Journell will be fondly remembered and greatly missed by his beloved wife of 49 years, Sandy; his daughters, Paula and Sheila, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Joseph Brown Journell; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Joseph Brown Journell as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 90

Commending Rick Cormany.

Agreed to by the House of Delegates, January 29, 2024
Agreed to by the Senate, February 1, 2024

WHEREAS, Rick Cormany, who achieved the second most wins by a boys' high school basketball coach in Virginia High School League history, retired as the head coach of the Radford High School boys' basketball team in 2023; and

WHEREAS, over the course of his exceptional 40-year career as a head coach, Rick Cormany compiled a 773-249 record, beginning at Rocky Gap High School in Bland County in 1983; he subsequently coached at Grayson County High School from 1989 to 1993, when he became head coach of the boys' basketball team at Radford High School; and

WHEREAS, Rick Cormany amassed 609 of his career wins during his tenure with Radford High School and led the Radford High School Bobcats to their first state title in 60 years in 2009; and

WHEREAS, Rick Cormany led the Radford Bobcats to five additional state championship victories in 2011, 2013, 2016, 2017, and 2019, when the team finished the season with a perfect 30-0 record; and

WHEREAS, under Rick Cormany's leadership, the Radford Bobcats also won 12 regional championships, 16 district tournament championships, and 22 district regular season titles; and

WHEREAS, in recognition of his legacy of contributions to the school and to countless student athletes over the years, Rick Cormany was inducted into the Radford High School Hall of Fame in 2021; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Rick Cormany on the occasion of his well-earned retirement as a high school basketball head coach; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Rick Cormany as an expression of the General Assembly's admiration for his outstanding accomplishments as a head coach and trusted mentor to generations of students.

HOUSE JOINT RESOLUTION NO. 91

Commending Iridium Communications, Inc.

Agreed to by the House of Delegates, January 29, 2024
Agreed to by the Senate, February 1, 2024

WHEREAS, Iridium Communications, Inc., owner and operator of the Iridium satellite constellation, which has the ability to transmit voice and data information around the world to satellite phones and other devices, celebrated the 25th anniversary of the commercial launch of the Iridium Network in 2023; and

WHEREAS, the origins of Iridium date to 1987, when Bary Bertiger, Ray Leopold, and Ken Peterson, while working at a Motorola research lab in Arizona, began to develop a satellite-based communication system designed to connect people around the globe; and

WHEREAS, formally established in 1988, Iridium began by utilizing technology abandoned by President Ronald Reagan's Strategic Defense Initiative, and over the next decade, the company built and launched more than 90 satellites to create the world's first global satellite network and a viable alternative to cellular telephone technology; and

WHEREAS, on November 1, 1998, Iridium launched its commercial Iridium Network and worldwide voice services with a ceremonial first call from Vice President Al Gore to Gilbert Grosvenor, chairman of the National Geographic Society and descendant of Alexander Graham Bell, the inventor of the telephone; and

WHEREAS, after struggling to compete in the telecommunications market, the Iridium Network was nearly decommissioned in 2000 when a team of investors led by Dan Colussy took over the system and began partnering with the United States Department of Defense and exploring new applications for the technology; and

WHEREAS, through an initiative known as Iridium NEXT and in partnership with SpaceX, Iridium sent 75 next-generation satellites into space between 2017 and 2019 to update its existing constellation of satellites; and

WHEREAS, in early 2019, Iridium introduced its new commercial service, Iridium Certus, to leverage its updated satellite network, providing customers with state-of-the-art satellite communications services; and

WHEREAS, with its visionary leaders and capacity for innovation, Iridium stands poised to continue reaching new heights in worldwide communications over the next 25 years and beyond; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Iridium Communications, Inc., on the occasion of the 25th anniversary of the commercial launch of its global satellite network; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Matthew J. Desch, chief executive officer of Iridium Communications, Inc., as an expression of the General Assembly's admiration for the company's achievements and best wishes in its future endeavors.

HOUSE JOINT RESOLUTION NO. 92

Commending Daniel M. Gade.

Agreed to by the House of Delegates, January 29, 2024
Agreed to by the Senate, February 1, 2024

WHEREAS, on January 15, 2024, after two years of outstanding service to the Commonwealth, Daniel M. Gade completed his term as commissioner of the Department of Veterans Services; and

WHEREAS, under Daniel Gade's direction, the Department of Veterans Services successfully provided numerous critical programs and support services to the Commonwealth's 700,000 veterans and their families; and

WHEREAS, during Daniel Gade's tenure as commissioner, the influence of the Department of Veterans Services with the Virginia congressional delegation has grown significantly, and the Commonwealth has become a prominent national leader in addressing the needs of veterans and their families; and

WHEREAS, at Daniel Gade's insistence, the Department of Veterans Services has conducted unprecedented outreach to state officials and state agencies to assist them in understanding, reaching, and serving veterans and their families; and

WHEREAS, under Daniel Gade's visionary leadership, the Department of Veterans Services completed its first ever Strategic Plan, plotting a course to continued excellence in care for veterans, active duty service members, and their families; and

WHEREAS, prior to becoming the commissioner of the Department of Veterans Services, Daniel Gade served in the United States Army for more than 25 years and retired with the rank of lieutenant colonel; over the course of his distinguished military career, he was an exemplar of courage, selflessness, and sacrifice and was wounded in combat twice; and

WHEREAS, Daniel Gade's contributions to the Commonwealth have been numerous and significant, and his dedication to veterans and their families has never wavered; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Daniel M. Gade for his exceptional leadership of the Virginia Department of Veterans Services; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Daniel M. Gade as an expression of the General Assembly's admiration for his years of service on behalf of the veterans of the Commonwealth.

HOUSE JOINT RESOLUTION NO. 93

Celebrating the life of Annie Walker.

Agreed to by the House of Delegates, January 29, 2024
Agreed to by the Senate, February 1, 2024

WHEREAS, Annie Walker, a retired member of the United States Army, who supported her fellow veterans in the Commonwealth for over two decades, including 17 years as a deputy commissioner of the Department of Veterans Services, died in November 2023; and

WHEREAS, over the course of her distinguished military career, Annie Walker served as a fire control instrument repairer, Pershing missile electronics material specialist, multiple launch rocket systems repairer, and a unit supply specialist; her last duty assignment was at Fort Lee as a drill sergeant, and she completed her military career in 1997 as the director for the Instructor Development Course at the United States Army Quartermaster Center and School; and

WHEREAS, among her many awards and accolades, Annie Walker received the Meritorious Service Medal, the Army Commendation Medal, the National Defense Service Medal, the Humanitarian Service Medal, the Good Conduct Award, the Overseas Service Ribbon, and the Distinguished Instructor Award; and

WHEREAS, Annie Walker gained experience in education and social services in Petersburg, then began working for the Commonwealth as an education specialist with the Virginia State Approving Agency (SAA) for Veterans Education and Training (GI Bill) under the Virginia Department of Education; the SAA subsequently became part of the Department of Veterans Services in 2004; and

WHEREAS, as a deputy commissioner of the Department of Veterans Services, Annie Walker provided general counsel and guidance to the commissioner on agency strategy and administration and helped veterans and their families to find resources to receive state benefits, recognition, and quality care; and

WHEREAS, Annie Walker oversaw numerous programs at the Department of Veterans Services, including Benefits, Virginia Veterans and Family Support, the Veterans Education, Transition & Employment directorate, which includes the SAA, the Virginia Military Survivors and Dependents Education Program, Military Education & Workforce Initiative, the Virginia Values Veterans Employment (V3) Program, the V3 Transition Program, the Military Medics and Corpsmen Program, the Virginia Women Veterans Program, and the Military Spouse Liaison program; and

WHEREAS, at the national level, Annie Walker served as a past president of the National Association of State Approving Agencies (NASAA), a past member of the Veterans Advisory Council on Education of the Department of Veterans Affairs (DVA), and a past member of the DVA/NASAA Joint Advisory Council; and

WHEREAS, Annie Walker touched countless lives and helped make the Commonwealth one of the best places for veterans and their families to live, work, and thrive; and

WHEREAS, Annie Walker will be fondly remembered and greatly missed by numerous family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Annie Walker, a consummate professional, distinguished military veteran, and devoted public servant who touched countless lives throughout the Commonwealth; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Annie Walker as an expression of the General Assembly's respect for her memory.

HOUSE JOINT RESOLUTION NO. 94

Commending John George Psaris.

Agreed to by the House of Delegates, January 29, 2024
Agreed to by the Senate, February 1, 2024

WHEREAS, John George Psaris, a distinguished veteran of World War II and a highly admired member of the Leesburg community, celebrated his 100th birthday in 2023; and

WHEREAS, John Psaris was born in New York City on September 28, 1923, to George and Argero Psaris, both of whom had immigrated from Greece; and

WHEREAS, against his parents' wishes, John Psaris joined many of the other young men and women of his generation in service to the nation during World War II and enlisted in the United States Army in 1943; and

WHEREAS, John Psaris tested, maintained, transferred, and trained on the Boeing B-17 Flying Fortress heavy bomber, Boeing B-29 Superfortress heavy bomber, and the North American B-25 Mitchell medium bomber, all iconic symbols of the American air power that played a critical role in the victory over the Axis powers; and

WHEREAS, as a flight engineer, John Psaris developed an extensive technical understanding of his aircraft, and his expertise and experience made him a vital crew member; and

WHEREAS, John Psaris was responsible for monitoring and managing an aircraft's engines and fuel, as well as troubleshooting any malfunctions while in flight; he also played a key defensive role as the top turret gunner should the aircraft come under attack from above; and

WHEREAS, after his honorable military service, John Psaris returned to the United States and ultimately settled in the Commonwealth; he currently resides at Spring Arbor Senior Living in Leesburg; and

WHEREAS, John Psaris has witnessed countless historic events throughout his life, from the Great Depression and World War II to the Moon landing and the dawn of the Internet era, and he has provided his wise insights to new generations of Virginians; and

WHEREAS, in recognition of his 100th birthday, the nonprofit organization Chariots of Honor hosted a procession at Spring Arbor Senior Living to honor John Psaris' lifetime of achievements; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend John George Psaris on the occasion of his 100th birthday; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to John George Psaris as an expression of the General Assembly's admiration for his service to the nation and contributions to his community.

HOUSE JOINT RESOLUTION NO. 95

Commending the Capitol Area Telugu Society.

Agreed to by the House of Delegates, January 29, 2024
Agreed to by the Senate, February 1, 2024

WHEREAS, the Capitol Area Telugu Society is a nonprofit community service organization that has dedicated itself to serving the residents of Virginia, Maryland, and Washington, D.C., as well as communities in India, for the last 20 years; and

WHEREAS, the Capitol Area Telugu Society (CATS) has consistently demonstrated its commitment to promoting cultural awareness, education, and social well-being among the Telugu community, which is one of the largest groups of Indian Americans in the region and makes significant contributions to the local and national economy; and

WHEREAS, CATS has tirelessly organized and facilitated numerous cultural events, workshops, and educational programs to foster a sense of belonging and cultural appreciation among its members and the broader community; and

WHEREAS, CATS has shown unwavering support for charitable initiatives locally and has done so at the international level by actively engaging in philanthropic endeavors to uplift disadvantaged communities in India; and

WHEREAS, CATS has exemplified the core values of unity, compassion, and service and inspired individuals to come together to make a meaningful impact on society; and

WHEREAS, CATS has consistently strengthened the bonds of friendship and cooperation within the Telugu community, fostering a sense of belonging and solidarity; and

WHEREAS, CATS participates in civic engagement activities and invites policy and political officials irrespective of party designation to improve engagement and immerse Telugu Americans into mainstream American values; and

WHEREAS, CATS has touched countless lives by promoting education, cultural exchange, and social welfare in the Commonwealth and the surrounding region and through its humanitarian efforts to provide essential services and support to communities in India; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Capitol Area Telugu Society for its 20 years of outstanding contributions to communities in Virginia, Maryland, Washington, D.C., and India; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Capitol Area Telugu Society as an expression of the General Assembly's admiration for the organization's dedication to preserving and promoting the rich cultural heritage of the Telugu community and for its positive impact on the lives of people in need.

HOUSE JOINT RESOLUTION NO. 96

Commending Walter C. Zaremba.

Agreed to by the House of Delegates, January 29, 2024
Agreed to by the Senate, February 1, 2024

WHEREAS, Walter C. Zaremba, an Army veteran who served in Vietnam, accomplished attorney, and faithful public servant, retired from the York County Board of Supervisors in 2023; and

WHEREAS, Walter "Walt" C. Zaremba enlisted with the United States Army out of high school and honorably served his country for 33 years, rising through the ranks from a private to colonel; and

WHEREAS, as a Green Beret Special Forces Officer and later as the operations officer of a direct support artillery battalion, Mr. Zaremba fulfilled two combat tours during the Vietnam War, along with other assignments around the globe, including Somalia; he received numerous decorations for his service over the years, including the Distinguished Service Medal, the Purple Heart, and induction into the Field Artillery OCS Hall of Fame; and

WHEREAS, Walt Zaremba earned a bachelor's degree in political science from Texas Lutheran College, a master's degree in political science from Kansas University, and a juris doctor degree from Wayne State University; he was also a graduate of the United States Army Command and General Staff College and the United States Army War College; and

WHEREAS, following his service with the United States Army, Walt Zaremba embarked upon a legal career as a general practice attorney focusing on estate planning, contract law, business organization, and domestic relations; and

WHEREAS, Walt Zaremba later established his own legal firm, the Zaremba Center for Estate Planning & Elder Law, to specialize in developing quality estate plans for clients that were tailored to address their individual needs and circumstances, and where he continues to serve his clients today in Northern York County; and

WHEREAS, Walt Zaremba was elected to represent District 1 on the York County Board of Supervisors in 1995 and proudly served his constituents for nearly three consecutive decades; and

WHEREAS, Walt Zaremba's devotion to his community has led to various civic endeavors and his involvement with myriad local organizations; along with being named honorary chairman of First Night of Williamsburg in 2001, he has served on the Board of Directors of the Kiwanis Club of Williamsburg and on the Executive Board of the Greater Williamsburg Chamber of Commerce; and

WHEREAS, by demonstrating an unwavering commitment to serving others, Walt Zaremba has embodied the ideals of public service, and is the true mark of a York County gentleman; he has worked tirelessly to make York County a wonderful place to live, work, and raise a family; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Walter C. Zaremba for his service as he steps down from his position on the York County Board of Supervisors; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Walter C. Zaremba as an expression of the General Assembly's high regard for his contributions to York County and best wishes for a happy and fulfilling retirement.

HOUSE JOINT RESOLUTION NO. 97

Commending Ann Thomas.

Agreed to by the House of Delegates, January 29, 2024
Agreed to by the Senate, February 1, 2024

WHEREAS, Ann Thomas, an esteemed public servant who greatly served the citizens and businesses of York County for a half century as Commissioner of the Revenue and in other capacities, retired on September 1, 2023; and

WHEREAS, Ann Thomas began her career with the Commissioner of the Revenue's Office in York County as an office assistant and was subsequently promoted to Deputy Commissioner of the Revenue and then Chief Deputy Commissioner of the Revenue before being elected Commissioner of the Revenue in 1992; and

WHEREAS, over eight consecutive four-year terms, Ann Thomas oversaw the complex array of tasks and responsibilities that are required to assess and administer various local taxes and develop revenue projections to help guide York County policymakers; and

WHEREAS, Ann Thomas has been credited with modernizing the Commissioner of the Revenue's Office throughout her tenure by embracing new technologies, including an online document portal and other internet services, to enhance customers' interaction with her department; and

WHEREAS, throughout her tenure, Ann Thomas fostered a positive working relationship with the York County Board of Supervisors, county administrators, and the citizens and businesses of York County; and

WHEREAS, in recognition of her exemplary service, Ann Thomas was presented the President's Award by the Commissioners of the Revenue Association of Virginia in 2007 and received official accreditation from the Commissioners of the Revenue Association of Virginia in 2009 and each year thereafter, becoming one of the first Commissioner of the Revenue offices in the Commonwealth to achieve this distinction; and

WHEREAS, by demonstrating impeccable professionalism and an unwavering commitment to good governance, Ann Thomas has embodied the highest ideals of public service and helped to make York County a wonderful place to live, work, and raise a family; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Ann Thomas, former York County Commissioner of the Revenue, on the occasion of her retirement; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Ann Thomas as an expression of the General Assembly's high regard for her meaningful contributions to York County and best wishes for a long and fulfilling retirement.

HOUSE JOINT RESOLUTION NO. 98

Commending Elizabeth Fowler.

Agreed to by the House of Delegates, January 29, 2024
Agreed to by the Senate, February 1, 2024

WHEREAS, Elizabeth Fowler, an esteemed librarian who faithfully served the residents of Williamsburg and James City County since 2017 as director of the Williamsburg Regional Library, retired in 2023; and

WHEREAS, Elizabeth "Betsy" Fowler joined the Central Rappahannock Regional Library in 1980 as manager of what was then the North Stafford Branch and would later go on to serve the library system as coordinator of branch services from 1990 to 2008; and

WHEREAS, after serving as director of libraries and research services with the Chesapeake Public Library from 2008 to 2013 and working for some time as a library consultant, Betsy Fowler took the helm of the Williamsburg Regional Library (WRL) system in 2017; and

WHEREAS, as head of WRL, Betsy Fowler oversaw a library system that serves more than 57,000 registered users, including approximately 6,000 visitors weekly, and that offers a multitude of engaging and innovative programs to educate and inspire its patrons; and

WHEREAS, Betsy Fowler spearheaded various initiatives at WRL that enhanced services and increased visitorship, including the Kiwanis Kids Idea Studio and the Cena con Cuentos Spanish-language program, while strengthening partnerships with other local institutions such as The College of William & Mary; and

WHEREAS, Betsy Fowler's sterling leadership kept WRL operational during the COVID-19 pandemic as she worked tirelessly to provide quality Internet services, bolster the library's digital collections, and implement other measures to ensure public safety during this historic health crisis; and

WHEREAS, Betsy Fowler has received numerous distinctions over the years in recognition of her accomplishments, including multiple awards from the Virginia Public Library Directors Association, and in 2023, WRL was named Virginia Library of the Year by the Virginia Library Association; and

WHEREAS, with a deep understanding of the role libraries play in our communities and steadfast devotion to the patrons that she serves, Betsy Fowler has demonstrated the power libraries have to change lives and has made Williamsburg and James City County a more wonderful place to live, work, and raise a family; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Elizabeth Fowler, director of the Williamsburg Regional Library, on the occasion of her retirement; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Elizabeth Fowler as an expression of the General Assembly's high regard for her admirable contributions to Williamsburg, James City County, and the Commonwealth and best wishes for a happy and fulfilling retirement.

HOUSE JOINT RESOLUTION NO. 99

Election of a Court of Appeals of Virginia Judge, Circuit Court Judges, General District Court Judges, Juvenile and Domestic Relations District Court Judges, a member of the Judicial Inquiry and Review Commission, members of the State Corporation Commission, and a member of the Virginia Workers' Compensation Commission.

Agreed to by the House of Delegates, January 24, 2024
Agreed to by the Senate, January 24, 2024

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly shall proceed today
To the election of a Court of Appeals of Virginia judge for a term of eight years commencing April 16, 2024.
To the election of Circuit Court judges for terms of eight years commencing as follows:
One judge for the First Judicial Circuit, term commencing May 1, 2024.
One judge for the Fourth Judicial Circuit, term commencing March 1, 2024.
One judge for the Tenth Judicial Circuit, term commencing July 1, 2024.
One judge for the Fifteenth Judicial Circuit, term commencing May 1, 2024.
One judge for the Fifteenth Judicial Circuit, term commencing July 1, 2024.
One judge for the Nineteenth Judicial Circuit, term commencing April 1, 2024.
One judge for the Nineteenth Judicial Circuit, term commencing February 1, 2024.
One judge for the Twenty-third Judicial Circuit, term commencing July 1, 2024.
One judge for the Twenty-fourth Judicial Circuit, term commencing June 1, 2024.
One judge for the Twenty-seventh Judicial Circuit, term commencing July 1, 2024.
To the election of General District Court judges for terms of six years commencing as follows:
One judge for the First Judicial District, term commencing July 1, 2024.
One judge for the Second Judicial District, term commencing July 1, 2024.
One judge for the Judicial District 2-A, term commencing July 1, 2024.
One judge for the Eighth Judicial District, term commencing July 1, 2024.
One judge for the Sixteenth Judicial District, term commencing July 1, 2024.
One judge for the Nineteenth Judicial District, term commencing October 1, 2024.
One judge for the Nineteenth Judicial District, term commencing April 1, 2024.
One judge for the Twenty-second Judicial District, term commencing February 1, 2024.
One judge for the Twenty-fourth Judicial District, term commencing July 1, 2024.
One judge for the Twenty-fifth Judicial District, term commencing March 16, 2024.
One judge for the Twenty-seventh Judicial District, term commencing July 1, 2024.
One judge for the Twenty-seventh Judicial District, term commencing July 1, 2024.
One judge for the Twenty-eighth Judicial District, term commencing February 1, 2024.
One judge for the Thirty-first Judicial District, term commencing November 1, 2024.
To the election of Juvenile and Domestic Relations District Court judges for terms of six years commencing as follows:
One judge for the First Judicial District, term commencing May 1, 2024.
One judge for the Third Judicial District, term commencing July 1, 2024.
One judge for the Fourth Judicial District, term commencing July 1, 2024.
One judge for the Twelfth Judicial District, term commencing July 1, 2024.
One judge for the Thirteenth Judicial District, term commencing May 16, 2024.

One judge for the Fourteenth Judicial District, term commencing July 1, 2024.
One judge for the Sixteenth Judicial District, term commencing February 1, 2024.
One judge for the Nineteenth Judicial District, term commencing February 1, 2024.
One judge for the Nineteenth Judicial District, term commencing August 1, 2024.
One judge for the Twenty-second Judicial District, term commencing July 1, 2024.
One judge for the Twenty-fourth Judicial District, term commencing July 1, 2024.
One judge for the Twenty-fourth Judicial District, term commencing July 1, 2024.
One judge for the Twenty-seventh Judicial District, term commencing February 1, 2024.
One judge for the Twenty-eighth Judicial District, term commencing July 1, 2024.
One judge for the Thirtieth Judicial District, term commencing July 1, 2024.

To the election of a member of the Judicial Inquiry and Review Commission for a term of four years commencing July 1, 2024.

To the election of members of the State Corporation Commission for terms commencing as follows:

One member, for a term of six years commencing April 1, 2024.

One member, for an unexpired term commencing March 17, 2024 and ending January 31, 2028.

To the election of a member of the Virginia Workers' Compensation Commission for a term of six years commencing June 1, 2024.

And that in the execution of the joint order nominations shall be made in the order herein named, and that each house shall be notified of said nominations, and when the rolls shall be called for the whole number, the presiding officers of each house shall appoint a committee of three, which together shall constitute the joint committee to count the vote of each house in each case and report the results to their respective houses. The joint order may be suspended by the presiding officer of either house at any time but for no longer than twenty-four hours to receive the report of the joint committee.

HOUSE JOINT RESOLUTION NO. 100

Commending Neil Morgan.

Agreed to by the House of Delegates, January 29, 2024
Agreed to by the Senate, February 1, 2024

WHEREAS, Neil Morgan, a faithful and dedicated public servant who devoted many years to serving the City of Newport News and who most recently served as the County Administrator of York County, retired on January 1, 2024; and

WHEREAS, in his early years, Neil Morgan earned a bachelor's degree from the University of Virginia and a master's degree in public administration from West Virginia University; he also later completed postgraduate work in public administration and public affairs at Virginia Polytechnic Institute and State University (Virginia Tech); and

WHEREAS, after serving as an educator in the early 1980s, Neil Morgan began his career in local government in 1985 as a budget analyst for the City of Roanoke and a year later joined the City of Newport News, which he would serve for the next 27 years; and

WHEREAS, starting with the City of Newport News as a project coordinator in what was then the Department of Planning and Development, Neil Morgan later became the Department's Assistant Director before he was promoted to Assistant City Manager in 1997; he then became deputy city manager before ultimately serving as city manager from 2009 until 2013; and

WHEREAS, during his tenure as city manager, Neil Morgan ably led the City of Newport News out of a recession while improving the city's sustainability programs, broadening its tax base through various developments, and spearheading revitalization efforts in the Southeast Community neighborhood; and

WHEREAS, following a brief stint in academics when he served as a senior fellow with Virginia Tech's Center for Organizational and Technical Advancement, Neil Morgan assumed the position of County Administrator of York County in 2015; and

WHEREAS, as the administrative leader of York County, Neil Morgan has been vital to the locality's growth and success in recent years; along with conducting a Strengths, Weaknesses, Opportunities, and Threats (SWOT) analysis, he has advanced numerous initiatives to bolster services and enhance transparency in local government; and

WHEREAS, under Neil Morgan's sage leadership, York County has established a sustainable capital budget while still providing exceptional public safety and educational opportunities to its residents; and

WHEREAS, Neil Morgan guided York County through the COVID-19 pandemic and also helped to steer a collective of 16 localities on the Virginia Peninsula and in South Hampton Roads that was instrumental to the region's effective response to this historic public health crisis; and

WHEREAS, through his impeccable professionalism, belief in incrementalism, and commitment to good governance, Neil Morgan has earned the respect and esteem of all Virginians; and

WHEREAS, Mr. Morgan emulates the values of a York County gentleman; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Neil Morgan on the occasion of his retirement for his exemplary career in public service; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Neil Morgan as an expression of the General Assembly's admiration for his contributions to the Commonwealth and best wishes for a happy and fulfilling retirement.

HOUSE JOINT RESOLUTION NO. 101

Commending Peter A. Blake.

Agreed to by the House of Delegates, February 26, 2024
Agreed to by the Senate, February 29, 2024

WHEREAS, Peter A. Blake, the recently retired director of the State Council of Higher Education for Virginia, served the Commonwealth for 38 years in various capacities in the executive and legislative branches, including as Secretary and Deputy Secretary of Education, as staff to the House Committee on Appropriations, and as vice chancellor at the Virginia Community College System; and

WHEREAS, Peter Blake provided outstanding service to the State Council of Higher Education for Virginia (SCHEV) throughout his tenure and strong leadership of the agency since 2011; and

WHEREAS, Peter Blake forged strong relationships with and unwavering responsiveness to the administrations of 10 governors of the Commonwealth and members of the General Assembly for 39 sessions; and

WHEREAS, Peter Blake brought unparalleled excellence and integrity to his work on behalf of SCHEV to develop innovative statewide postsecondary policies and to manage its system-wide planning, academic, budgetary, consumer-protection, and student service functions; and

WHEREAS, Peter Blake earned the respect of SCHEV members, executive and legislative staff, institutional chief executive officers, and his agency colleagues for his vision, knowledge, compassion, steadfast work ethic, and experience; and

WHEREAS, Peter Blake worked tirelessly for almost four decades to bring together constituencies from across the Commonwealth to promote and improve higher education; and

WHEREAS, Peter Blake was recognized by his national peers in 2022 with the Exceptional Leader Award from the State Higher Education Executive Officers Association; and

WHEREAS, Peter Blake left an indelible legacy, not only at his agency but on all of Virginia higher education, to the benefit of students, their families, and all citizens of the Commonwealth for generations to come; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Peter A. Blake for his exceptional service to the Commonwealth; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Peter A. Blake as an expression of the General Assembly's admiration for his dedication and service.

HOUSE JOINT RESOLUTION NO. 102

Commending John Henry Printing.

Agreed to by the House of Delegates, February 5, 2024
Agreed to by the Senate, February 8, 2024

WHEREAS, John Henry Printing, a leading print shop serving the residents and businesses of York County, celebrates its 45th anniversary in 2024; and

WHEREAS, John Henry Printing was founded by John Stanaway and his son-in-law Henry, who leveraged their experience working at a family printing business in Newport News when they established their new print shop in York County in 1979; and

WHEREAS, Randy and Charlene Stanaway, who now own and operate John Henry Printing, are avid car enthusiasts, including owning their award-winning Ford Mustang; and

WHEREAS, John Henry Printing offers an array of print services to meet the various needs of its customers, including custom printing, graphic design, wide format printing and signage, lamination, stickers, business cards, brochures, and more; and

WHEREAS, John Henry Printing has ably adapted over the years by investing in new technologies, shifting from an entirely offset printing operation to one that incorporates color copiers and other high-end machinery; and

WHEREAS, the foundation of John Henry Printing's success is the devotion of its owners and staff to customer service as each member of the business is guided by the philosophy that no job is too small and no deadline is too soon; and

WHEREAS, John Henry Printing owes its accomplishments to the visionary leadership of its owners, the hard work and commitment of its staff, and a steadfast faith in God, which together have earned the shop regular recognition as one of the top 100 small print companies in America; and

WHEREAS, John Henry Printing exemplifies the positive role that local businesses play in our communities as it has helped deliver spectacular services to York County residents; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend John Henry Printing for its service on the occasion of its 45th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Randy and Charlene Stanaway as an expression of the General Assembly's admiration for the business' history and its contributions to the Commonwealth.

HOUSE JOINT RESOLUTION NO. 103

Commending the Honorable M.B. Clark.

Agreed to by the House of Delegates, February 5, 2024
Agreed to by the Senate, February 8, 2024

WHEREAS, the Honorable M.B. Clark, an accomplished insurance broker, community leader, and dedicated public servant, has greatly served his community as the York County director on the Colonial Soil and Water Conservation District Board of Directors; and

WHEREAS, the Honorable M.B. "George" Clark was elected to the Colonial Soil and Water Conservation District (SWCD) Board of Directors in 2019, an organization tasked with protecting the environment and natural resources in Charles City, James City, New Kent, and York Counties and the City of Williamsburg; and

WHEREAS, George Clark's accomplishments with the SWCD included establishing a shoreline resiliency program for York County homeowners that both improved the quality of area waterways and generated more than a half million dollars for York County citizens; and

WHEREAS, George Clark, through his efforts with the SWCD, has helped grow the bald eagle population in the communities on and around the York River; and

WHEREAS, George Clark has served thousands of youth in the Commonwealth as a board member of the Boys & Girls Clubs of the Virginia Peninsula since 2000, and he currently serves as the organization's vice chair; and

WHEREAS, George Clark has worked tirelessly to support area youth through various initiatives and fundraising endeavors, including leading efforts to bring the Boys & Girls Clubs of America and the YMCA to York County; and

WHEREAS, George Clark has received numerous accolades in recognition of his efforts on behalf of the community, including a National Service to Youth Award from the Boys & Girls Clubs of America in 2011; and

WHEREAS, George Clark has worked with entities at the federal, state, and local level to advance health care reform that benefits both individuals and small and medium-sized businesses; and

WHEREAS, through his steadfast commitment to helping others, George Clark has helped to make York County a wonderful place to live, work, and raise a family; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Honorable M.B. Clark for his service as York County director on the Colonial Soil and Water Conservation District Board of Directors; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Honorable M.B. Clark as an expression of the General Assembly's admiration for his contributions to the Commonwealth.

HOUSE JOINT RESOLUTION NO. 104

Commending Travis G. Hill.

Agreed to by the House of Delegates, February 5, 2024
Agreed to by the Senate, February 8, 2024

WHEREAS, Travis G. Hill, former chief executive officer of the Virginia Alcoholic Beverage Control Authority, stepped down from his position with the state organization on November 10, 2023; and

WHEREAS, Travis Hill previously served as the deputy secretary of agriculture and forestry under Governors Robert McDonnell and Terry McAuliffe and was appointed chief operating officer of the Virginia Alcoholic Beverage Control Authority (Virginia ABC) in 2014 when it was still a state agency; and

WHEREAS, after leading the Virginia ABC through its transition from a state department to an independent authority, Travis Hill was appointed the authority's first chief executive officer in 2018; and

WHEREAS, as chief executive officer of the Virginia ABC, Travis Hill ably led an organization that operates nearly 400 stores statewide, provides alcohol education and prevention programs for people of all ages, and oversees approximately 19,000 licensed establishments; and

WHEREAS, Travis Hill was instrumental to the Virginia ABC's recent efforts to modernize its technology system, build a new central office and distribution center, and reform its licensing structure, enhancing the authority's ability to serve citizens and businesses of the Commonwealth while ensuring public safety; and

WHEREAS, over Travis Hill's tenure with the Virginia ABC, the state organization netted more than $4 billion in the form of profits and tax collections for the benefit of the Commonwealth, while earning recognition for its accomplishments in the areas of innovation, education, and enforcement; and

WHEREAS, under Travis Hill's visionary and effective leadership, the Virginia ABC was twice named the Alcohol Law Enforcement Agency of the Year by the National Liquor Law Enforcement Association; and

WHEREAS, Travis Hill has made an impact on alcohol regulation nationwide by serving both as president and as a member of the National Conference of State Liquor Administrators Executive Committee; and

WHEREAS, through his steadfast professionalism, Travis Hill has left an indelible mark both on the Virginia ABC and the Commonwealth, earning the praise and esteem of all Virginians; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Travis G. Hill for his service as chief executive officer of the Virginia Alcoholic Beverage Control Authority; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Travis G. Hill as an expression of the General Assembly's admiration for his contributions to the Commonwealth and best wishes in his future endeavors.

HOUSE JOINT RESOLUTION NO. 105

Commending the York County Little League 9-11 All-Stars baseball team.

Agreed to by the House of Delegates, February 5, 2024
Agreed to by the Senate, February 8, 2024

WHEREAS, the York County Little League 9-11 All-Stars baseball team won the Little League 9-11 Baseball State Tournament in July 2023; and

WHEREAS, the York County All-Stars defeated West Springfield Little League by a score of 7-6 to secure York County's first Little League title for the 9-11 age group and the county's first Little League title in nearly two decades; and

WHEREAS, the York County All-Stars won the state championship in commanding fashion, going undefeated throughout the tournament and outscoring their opponents 83-10; and

WHEREAS, the York County All-Stars were led in the championship game by Ayden Allbrook, who pitched a complete game and struck out six batters; and

WHEREAS, the York County All-Stars roster also includes Harper Bailey, Rylan Butler, Brody Drewry, Trent Drewry, Jackson Ham, Parker Humphreys, Griffin Leach, Jaxson Morgan, Trever Tenkley, Adrian Thompson, and Will Warren; and

WHEREAS, as a result of winning the state championship, the York County All-Stars enjoyed the honor of competing in the Tournament of State Champions against the top teams from Florida, South Carolina, North Carolina, West Virginia, Tennessee, and Georgia; and

WHEREAS, the success of the York County All-Stars is the result of the hard work and dedication of the young athletes, the leadership and guidance of their coaches, and the unwavering support of their families and the entire York County community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the York County Little League 9-11 All-Stars baseball team for winning the 2023 Little League 9-11 Baseball State Tournament; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the York County Little League 9-11 All-Stars baseball team as an expression of the General Assembly's admiration for the team's achievement.

HOUSE JOINT RESOLUTION NO. 106

Commending James E. Barnett.

Agreed to by the House of Delegates, February 5, 2024
Agreed to by the Senate, February 8, 2024

WHEREAS, James E. Barnett, former county attorney of York County who provided legal counsel to the York County Board of Supervisors and the county's administration for many years, retired from his position on April 28, 2023; and

WHEREAS, prior to his career with York County, James Barnett earned a bachelor's degree in political science and government from Wake Forest University and a juris doctor degree from the Washington and Lee University School of Law before working as assistant county attorney for Prince William County and as an associate with what was previously Walsh, Colucci, Stackhouse, Emerick and Lubeley, PC; and

WHEREAS, James Barnett joined York County 32 years ago as the attorney advising the county's school division and department of social services, and he was promoted to county attorney of York County, the locality's chief legal role, in 1999; and

WHEREAS, throughout his career, James Barnett consistently applied a proactive approach to his practice of the law, working tirelessly to stay informed and aware of legal developments impacting county agencies and departments and striving to always obviate any potential legal problems before they occurred; and

WHEREAS, James Barnett's legal acumen and astute approach to the practice of the law has facilitated the successful operation of York County's government over the past three decades, helping to make the locality a wonderful place to live, work, and raise a family; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend James E. Barnett for his remarkable career on the occasion of his retirement from his role as attorney of York County; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to James E. Barnett as an expression of the General Assembly's admiration for his service to York County and best wishes in his future endeavors.

HOUSE JOINT RESOLUTION NO. 107

Commending the Yorktown ReStore.

Agreed to by the House of Delegates, February 5, 2024
Agreed to by the Senate, February 8, 2024

WHEREAS, the Yorktown ReStore, a nonprofit establishment operated by Habitat for Humanity Peninsula and Greater Williamsburg, celebrated its grand opening on May 6, 2023; and

WHEREAS, Habitat for Humanity Peninsula and Greater Williamsburg opened the Yorktown ReStore after seeing tremendous results at its two other ReStore locations in Newport News and Williamsburg, which rank among the top 25 ReStores in the nation; and

WHEREAS, Habitat for Humanity Peninsula and Greater Williamsburg previously operated a ReStore drop-off center in Yorktown and has established the Yorktown ReStore to broaden the organization's impact in the region; and

WHEREAS, the Yorktown ReStore supports the community by offering a variety of new and gently used goods donated by the public, including furniture, appliances, home accessories, building materials, and more, for considerably less than their original retail price; and

WHEREAS, the proceeds from the Yorktown ReStore help to fund Habitat for Humanity Peninsula and Greater Williamsburg's efforts to construct affordable homes for qualifying families in need; and

WHEREAS, the accomplishments of the Yorktown ReStore are the product of the generosity of its donors, the hard work of its staff, and the devotion of the many volunteers who strive to advance the organization's charitable ambitions; and

WHEREAS, the Yorktown ReStore will undoubtedly build on Habitat for Humanity Peninsula and Greater Williamsburg's beneficent efforts in the region, making Yorktown a more wonderful place to live, work, and raise a family; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Yorktown ReStore on the occasion of its grand opening; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Yorktown ReStore as an expression of the General Assembly's admiration for the store's mission and best wishes for its success.

HOUSE JOINT RESOLUTION NO. 108

Commending Hunt Smile Design.

Agreed to by the House of Delegates, February 5, 2024
Agreed to by the Senate, February 8, 2024

WHEREAS, Hunt Smile Design, a highly respected preventive, restorative, and cosmetic dental care practice in Poquoson, celebrates its 100th anniversary in 2024; and

WHEREAS, Hunt Smile Design was founded as Hunt Dentistry in 1924 by Dr. John F. Hunt, Jr., who moved the practice from Hampton to his hometown of Poquoson after its first year in business; and

WHEREAS, Dr. John F. Hunt, Jr., was later joined at what is now Hunt Smile Design by his son, Dr. John F. Hunt III, who continues to visit the office and support its operations in a consulting role to this day; and

WHEREAS, Dr. William "Bill" Hunt, son of Dr. John F. Hunt III, continued the family tradition by joining Hunt Smile Design, alongside his wife, Dr. Dawn Hunt, in 1989; his sister Susan would also soon join the practice and care for patients in its hygiene department; and

WHEREAS, William Hunt, son of Dr. Bill Hunt, will graduate in 2024 from the Claude A. Adams Jr. and Grace Phillips Adams School of Dentistry at the University of North Carolina, continuing the family tradition; and

WHEREAS, Hunt Smile Design's state-of-the-art care incorporates a variety of dental services, including porcelain veneers, smile makeovers, teeth whitening, implants, and more; and

WHEREAS, Hunt Smile Design has earned a sterling reputation in the Poquoson, York, and Hampton Roads area for its ability to give its patients bright, healthy smiles of which they can be confident and proud; and

WHEREAS, through its devotion to providing exceptional care to its patients over the past 100 years, Hunt Smile Design has helped to make Poquoson a wonderful place to live, work, and keep your teeth healthy; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Hunt Smile Design for its service on the occasion of its 100th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Hunt Smile Design as an expression of the General Assembly's admiration for the practice's history and its contributions to the health and wellness of the Poquoson community.

HOUSE JOINT RESOLUTION NO. 109

Celebrating the life of John R. Griffith.

Agreed to by the House of Delegates, February 5, 2024
Agreed to by the Senate, February 8, 2024

WHEREAS, John R. Griffith, a highly admired teacher and coach who was a passionate advocate for young people in the Roanoke Valley, died on September 23, 2023; and

WHEREAS, John Griffith was born in Richmond and moved with his family to South Hill, where he graduated from Park View High School; and

WHEREAS, John Griffith subsequently earned degrees from what is now Campbell University and East Carolina University, both in North Carolina, then returned to the Commonwealth and began his career as a biology teacher in Lunenburg County; and

WHEREAS, John Griffith devoted more than 50 years of service to young people as an educator and ultimately retired from Roanoke City Schools in 2014; and

WHEREAS, a champion for youth athletics, John Griffith coached football, basketball, baseball, softball, track, and golf at different points over the course of his distinguished career; and

WHEREAS, John Griffith was a trusted mentor to countless young people, and he inspired them to fulfill their greatest potential both in and out of the classroom, ensuring they had the tools to achieve success in higher education and beyond; and

WHEREAS, in 2018, John Griffith created the Valley Girls Junior Open, a golf tournament for girls 18 and under that has awarded more than $23,000 in scholarships since its inception; and

WHEREAS, John Griffith was also active in the Ancient Free and Accepted Masons and served as chaplain of Catawba Lodge No. 342 in Fincastle; and

WHEREAS, predeceased by his beloved wife of 55 years, Gwendolyn, John Griffith will be fondly remembered and greatly missed by his children, Robyn and Kevin, and their families, and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of John R. Griffith; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of John R. Griffith as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 110

Celebrating the life of Gloria Randolph-King.

Agreed to by the House of Delegates, February 5, 2024
Agreed to by the Senate, February 8, 2024

WHEREAS, Gloria Randolph-King, an esteemed educator, education administrator, and active and beloved member of the Roanoke community, died on October 8, 2023; and

WHEREAS, Gloria Randolph-King devoted 40 years to the students of Roanoke City Public Schools as an educator and principal, contributing greatly to their success both in academics and life; and

WHEREAS, Gloria Randolph-King advanced civil rights and other issues as the first vice president of the Roanoke branch of the NAACP and as Afro-Academic, Cultural, Technological and Scientific Olympics (ACT-SO) chair and advisor of its NAACP Youth Council; and

WHEREAS, Gloria Randolph-King served others in her capacity as a golden life member of Delta Sigma Theta Sorority, Inc., and as president of its Roanoke alumnae chapter from 1994-1996; and

WHEREAS, Gloria Randolph-King empowered and uplifted others through her service as past president of the Roanoke chapter of Continental Societies, Inc., and as educational outreach chair for Women United for Community Action; and

WHEREAS, guided throughout her life by her faith, Gloria Randolph-King enjoyed worship and fellowship with her community at High Street Baptist Church in Roanoke, where she was a member of the educational services ministry; and

WHEREAS, in recognition of her accomplishments and expertise, Gloria Randolph-King was appointed to the African American History Education Commission by Governor Ralph Northam to advise on ways to improve how African American history is taught in the Commonwealth; and

WHEREAS, Gloria Randolph-King will be fondly remembered and dearly missed by numerous family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Gloria Randolph-King, a treasured member of the Roanoke community whose kindness and generosity touched countless lives; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Gloria Randolph-King as an expression of the General Assembly's respect for her memory.

HOUSE JOINT RESOLUTION NO. 111

Celebrating the life of Gina Elizabeth Kohler.

Agreed to by the House of Delegates, February 5, 2024
Agreed to by the Senate, February 8, 2024

WHEREAS, Gina Elizabeth Kohler, a talented performer who shared her love of dance with others as a business owner and educator, died on May 23, 2023; and

WHEREAS, Gina Kohler earned a bachelor's degree in dance from Kent State University and a master's degree in dance from Hollins University's American Dance Festival program; and

WHEREAS, over the course of her career, Gina Kohler performed at venues around the country and taught dance at institutions in New York, Michigan, Massachusetts, Ohio, Maryland, North Carolina, and Austria, among others; and

WHEREAS, Gina Kohler served as a visiting assistant professor and assistant director of the master of fine arts program at Hollins University from 2014 to 2017, developing several performances and participating in a range of work groups to enhance academic offerings and support diversity and inclusivity on campus; and

WHEREAS, in 2018, Gina Kohler joined the faculty of Community School, an independent school in Roanoke serving children between the ages of three and 14, as the drama, movement, and mindfulness teacher; and

WHEREAS, Gina Kohler will be fondly remembered and greatly missed by her loving husband of 19 years, Eric; her son, Gino; her parents, Vladimir and Elizabeth; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Gina Elizabeth Kohler; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Gina Elizabeth Kohler as an expression of the General Assembly's respect for her memory.

HOUSE JOINT RESOLUTION NO. 112

Celebrating the life of Richard Henry Wilde Dillard.

Agreed to by the House of Delegates, February 5, 2024
Agreed to by the Senate, February 15, 2024

WHEREAS, Richard Henry Wilde Dillard, a luminary of the creative writing world who delighted readers with his stories and poetry and supported aspiring writers as a longtime faculty member at Hollins University, died on April 4, 2023; and

WHEREAS, R.H.W. Dillard grew up in Roanoke and received a bachelor's degree from Roanoke College; he continued his education at the University of Virginia, where he earned master's and doctoral degrees and was awarded two fellowships; and

WHEREAS, after joining Hollins University in 1964, R.H.W. Dillard taught courses in creative writing, British and American literature, and film, and served as chair of the Department of English and Creative Writing; and

WHEREAS, in 1992, R.H.W. Dillard began serving as editor-in-chief of the annual publication of the Children's Literature Association, *Children's Literature*, and he subsequently founded the graduate program in children's literature at Hollins University; and

WHEREAS, R.H.W. Dillard also offered his wisdom and expertise to the *Hollins Critic*, the institution's literary journal, as editor of the publication since 1996; and

WHEREAS, over the course of his long career in higher education, R.H.W. Dillard mentored hundreds of students, many of whom went on to achieve national and international acclaim, including several Pulitzer Prize winners; and

WHEREAS, R.H.W. Dillard was himself a talented author and poet who published numerous engaging novels, thought-provoking poetry collections, and insightful essays and translations, as well as the screenplay for the 1965 cult classic film *Frankenstein Meets the Space Monster*; and

WHEREAS, in addition, R.H.W. Dillard founded Groundhog Poetry Press, a small, independent publisher dedicated to seeking out the finest voices in poetry; and

WHEREAS, R.H.W. Dillard received many awards and accolades for his achievements, including the Academy of American Poets Prize, the O.B. Hardison, Jr. Poetry Prize, the Hanes Award for Poetry, and the George Garrett Award for Service to Contemporary Literature from the Association of Writers and Writing Programs; and

WHEREAS, R.H.W. Dillard will be fondly remembered and greatly missed by numerous family members, friends, and members of the literary community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Richard Henry Wilde Dillard, a prolific author and poet who inspired generations of young writers in the Roanoke Valley as an educator; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Richard Henry Wilde Dillard as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 113

Commending the Roanoke Valley Chess Club.

Agreed to by the House of Delegates, February 5, 2024
Agreed to by the Senate, February 8, 2024

WHEREAS, for more than 75 years, the Roanoke Valley Chess Club has promoted the game of chess as an engaging hobby for people of all ages and backgrounds, hosted tournaments and events, and developed numerous master-level players; and

WHEREAS, established in 1947, the Roanoke Valley Chess Club is the oldest continuously operating chess club in the Commonwealth; as a nonprofit organization, it is staffed entirely by passionate, knowledgeable, and deeply dedicated volunteers; and

WHEREAS, the Roanoke Valley Chess Club welcomes people of all skill levels and strives to create a friendly and supportive atmosphere, where new members can learn about the recreational, educational, and mental benefits of playing chess; and

WHEREAS, the Roanoke Valley Chess Club is both welcoming to new and casual players and facilitates high levels of play for more experienced members; the club has produced multiple experts and six different national masters of the game; and

WHEREAS, in addition to regular meetings at Raleigh Court Branch Library on Wednesday evenings, the Roanoke Valley Chess Club organizes amateur tournaments and events rated by the United States Chess Federation; and

WHEREAS, notably, the Roanoke Valley Chess Club hosts two tournaments to honor former members, the Walter Muir Memorial Grand Prix Chess Tournament and the Tracy Callis Jr. Memorial Grand Prix Chess Tournament; and

WHEREAS, the Roanoke Valley Chess Club is highly engaged in the community and holds annual outreach events at the Festival in the Park, Grandin Court Block Party, and other gatherings; the club also supports the St. Baldrick's Foundation to raise money for childhood cancer research; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Roanoke Valley Chess Club on the occasion of its 75th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Roanoke Valley Chess Club as an expression of the General Assembly's admiration for the club's contributions to the Roanoke community.

HOUSE JOINT RESOLUTION NO. 114

Commending the Honorable Charles Vic Mason.

Agreed to by the House of Delegates, February 5, 2024
Agreed to by the Senate, February 8, 2024

WHEREAS, the Honorable Charles Vic Mason, longtime Clerk of the King George County Circuit Court and the third generation of Mason to hold this distinguished position, retired in 2023; and

WHEREAS, Vic Mason was elected to serve as Clerk of the King George County Circuit Court in 1994 and for nearly three decades thereafter oversaw the effective and efficient administration of the court's procedures and operations; and

WHEREAS, in his role as clerk of the court, Vic Mason ably managed hundreds of different responsibilities, including serving as the recorder of deeds and as probate judge and as the official court administrator for all of the circuit court's civil and criminal cases; and

WHEREAS, Vic Mason greatly supported the mission of the Virginia Court Clerks Association as its president from 2009 to 2010 and in other leadership roles with the organization; and

WHEREAS, Vic Mason is an avid sportsman who from 2010 to 2020 shared his expertise as a hunter education instructor with the agency formerly known as the Department of Game and Inland Fisheries; he also fostered his interest in hunting through affiliations with the National Rifle Association and Ducks Unlimited; and

WHEREAS, Vic Mason has worked to support our nation's veterans through his involvement with Sons of The American Legion, the Veterans of Foreign Wars Auxiliary, and the Fredericksburg Guard Association Foundation and as a volunteer with the annual Disabled Veterans Hunt at Caledon Natural Area in King George County; and

WHEREAS, Vic Mason served as director and treasurer of the Frazier-Mason Some Gave All Memorial Foundation, which was established in 2007 in memory of his son, United States Army sergeant Nicholas Conan Mason of King George County, as well as United States Marine sergeant Joshua James Frazier of Spotsylvania County; the organization has awarded nearly $500,000 since its founding to individuals and organizations in support of disabled veterans; and

WHEREAS, Vic Mason established and has served as director of the Sgt. Nicholas C. Mason Memorial Scholarship Fund, which has awarded more than $150,000 in scholarships to King George High School graduates since 2005; and

WHEREAS, through his tireless efforts and unwavering commitment to his purpose, Vic Mason has made a profound and lasting impact on the community of King George County; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Honorable Charles Vic Mason on the occasion of his retirement as Clerk of the King George County Circuit Court; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Honorable Charles Vic Mason as an expression of the General Assembly's admiration for his legacy of service and best wishes for a happy and fulfilling retirement.

HOUSE JOINT RESOLUTION NO. 115

Celebrating the life of Douglas Durrell Monroe, Jr.

Agreed to by the House of Delegates, February 5, 2024
Agreed to by the Senate, February 8, 2024

WHEREAS, Douglas Durrell Monroe, Jr., a respected banking executive and a community leader who enhanced the quality of life in the Northern Neck through his commitment to philanthropy and servant-leadership, died on August 31, 2023; and

WHEREAS, Douglas "Doug" Durrell Monroe, Jr., grew up in Pelham, New York, and spent summers in his youth on a farm in Irvington, gaining a lifelong appreciation for the natural beauty of the Northern Neck; and

WHEREAS, Doug Monroe earned a bachelor's degree from Washington and Lee University and a master's degree from Purdue University, then continued his graduate studies at Rutgers University; and

WHEREAS, Doug Monroe proudly served his country as a member of the United States Navy from 1955 to 1959 and was stationed aboard the destroyers USS *McNair* and USS *Pillsbury*; he also taught courses for the United States Navy at Purdue University; and

WHEREAS, after his honorable military service, Doug Monroe pursued a long and successful career in commercial banking and financial services, first with Wachovia Bank in Winston Salem, North Carolina; and

WHEREAS, in 1965, Doug Monroe returned to the Commonwealth, moving his family to Irvington, and joined Lancaster National Bank, which soon after became Chesapeake Bank; and

WHEREAS, Doug Monroe devoted 58 years of service to Chesapeake Bank and ultimately became chief executive officer and chair of the board; under his innovative leadership, the bank created many new programs to better serve the community, including the nation's first bank branch on a boat; and

WHEREAS, highly admired in the banking industry, Doug Monroe was a member of the board of directors of the Federal Reserve Bank of Richmond and was a past president of the Virginia Bankers Association; and

WHEREAS, Doug Monroe worked diligently to support the community in the Northern Neck and was a founding board member of the Chesapeake Academy, Rappahannock Westminster-Canterbury retirement home, and Virginia Quality Life, Inc., a multi-faceted health, recreation, and education center, co-locating the Lower Northern Neck YMCA, the Lancaster County chapter of the American Red Cross, the Northern Neck Free Health Clinic, and the Rappahannock General Hospital on a single campus; and

WHEREAS, outside of his career and community service, Doug Monroe enjoyed fishing, boating, and playing golf; he was a former club champion at Indian Creek Country Club, where he proudly shot his age several times between 68 and 87; he also worked with Tides Inn Resort to preserve the Golden Eagle Golf Course created by the prolific golf course designer George W. Cobb; and

WHEREAS, a man of deep faith, Doug Monroe enjoyed fellowship and worship with the community as a member of Campbell Memorial Presbyterian Church, where he had served as a deacon and an elder; and

WHEREAS, Doug Monroe will be fondly remembered and greatly missed by his children, Douglas III, Margaret, Kathy, Wende, and John, and their families, and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Douglas Durrell Monroe, Jr., a longtime banking executive and pillar of his community in the Northern Neck; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Douglas Durrell Monroe, Jr., as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 116

Commending Ammon G. Dunton, Jr.

Agreed to by the House of Delegates, February 5, 2024
Agreed to by the Senate, February 8, 2024

WHEREAS, Ammon G. Dunton, Jr., a respected attorney and active community leader, has made numerous contributions to the residents of the Northern Neck and the Commonwealth; and

WHEREAS, a native of Lancaster County, Ammon Dunton graduated from Yale University in 1957, then served the nation as an officer in the United States Army; he subsequently graduated from the University of Virginia School of Law, where he served as an associate editor of the *Virginia Journal of International Law*; and

WHEREAS, Ammon Dunton began his career with the firm Shearman & Sterling in New York City, then returned to the Northern Neck, where he currently focuses his practice on the administration of trusts and estates; as a registered investment advisor, he also has clients in numerous other states; and

WHEREAS, Ammon Dunton has offered his leadership and expertise to businesses in the region as chair of the Bay Banks of Virginia, chair of the Bank of Lancaster, chair of the Northern Neck Insurance Company, president of the Virginia Association of Mutual Insurance Companies, and vice president of the Virginia Chamber of Commerce; and

WHEREAS, outside of his career, Ammon Dunton generously supports many worthy charitable causes and serves as the president of the Tidewater Foundation; and

WHEREAS, Ammon Dunton has preserved the historical resources of the Northern Neck as president of the Mary Ball Washington Museum & Library, president of the Northern Neck Historical Society, chair of the Lancaster County Landmarks Commission, and former chair of the Lancaster County Bicentennial Commission; and

WHEREAS, Ammon Dunton also supports local cultural life as chair of the board of the Northern Neck Symphony Orchestra; and

WHEREAS, Ammon Dunton enjoys fellowship and worship with the congregation of Grace Episcopal Church in Kilmarnock, where he has served as a member of the vestry and was elected as senior warden three times; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Ammon G. Dunton, Jr., an attorney and community leader in the Northern Neck, for his many contributions to his profession and his fellow residents; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Ammon G. Dunton, Jr., as an expression of the General Assembly's admiration for his personal and professional achievements.

HOUSE JOINT RESOLUTION NO. 117

Celebrating the life of Edward Thompson.

Agreed to by the House of Delegates, February 5, 2024
Agreed to by the Senate, February 15, 2024

WHEREAS, Edward Thompson, an honorable veteran and active and beloved member of the Roanoke community, died on March 30, 2023; and

WHEREAS, Edward Thompson served his country with honor and distinction for several years as a member of the United States Army; and

WHEREAS, Edward Thompson dedicated 31 years to the City of Salem, contributing to the locality's efforts to serve its residents and businesses; and

WHEREAS, affectionately known throughout the Roanoke Valley as "Coach Ed" or "Mister William Fleming," Edward Thompson joined the staff at William Fleming High School in Roanoke in 1997 and worked tirelessly for 26 years to ensure the well-being of its student-athletes; and

WHEREAS, Edward Thompson was an avid sports fan who found great joy in cheering on his favorite team, the Washington Commanders of the National Football League; and

WHEREAS, Edward Thompson will be fondly remembered and dearly missed by his siblings, Albert and Ramona, and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Edward Thompson, a pillar of the William Fleming High School community whose legacy will inspire others for years to come; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Edward Thompson as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 118

Commending the Bradley Free Clinic.

Agreed to by the House of Delegates, February 5, 2024
Agreed to by the Senate, February 8, 2024

WHEREAS, for 50 years, the Bradley Free Clinic has provided compassionate, comprehensive health care services to the residents of the Roanoke Valley; and

WHEREAS, established in 1974, the Bradley Free Clinic provides free medical, dental, behavioral health, and pharmacy services and other specialty programs to low-income, uninsured, and underinsured residents of the Roanoke Valley and surrounding areas; and

WHEREAS, the Bradley Free Clinic offers a professional, ethical, inclusive, and safe environment for all patients and works with local partners to address the unique needs of the community; and

WHEREAS, while the Bradley Free Clinic has grown in size, scope, and vision over the past five decades, it has maintained its clear focus on providing health care to anyone in need; the center has treated countless patients in the Roanoke Valley and achieved state and national accolades for its commitment to excellence; and

WHEREAS, the Bradley Free Clinic is supported by generous donations from individuals, local businesses, and foundations and receives other funding through the Virginia Association of Free and Charitable Clinics; and

WHEREAS, the Bradley Free Clinic has fulfilled its mission to enhance the quality of life throughout the Roanoke Valley through the hard work, dedication, and expertise of its staff members, medical students, and volunteers; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Bradley Free Clinic on the occasion of its 50th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Janine Underwood, the executive director of the Bradley Free Clinic, as an expression of the General Assembly's admiration for the clinic's work to promote community health and wellness by providing accessible, high-quality programs and services to people in need.

HOUSE JOINT RESOLUTION NO. 119

Commending Blue Ridge Baptist Church.

Agreed to by the House of Delegates, February 5, 2024
Agreed to by the Senate, February 8, 2024

WHEREAS, for 150 years, Blue Ridge Baptist Church of Botetourt County has provided its members with uplifting spiritual guidance, occasions for joyful worship, and opportunities for generous community outreach; and

WHEREAS, starting in a one-room, log building in 1873, Blue Ridge Baptist Church was one of the only Black churches in the Blue Ridge region for many years; and

WHEREAS, Blue Ridge Baptist Church was relocated to its current church building in 1977 following a capital campaign organized by pastor William B. Crocker and members of the Ragsdale family; and

WHEREAS, several accomplished pastors have led the congregation at Blue Ridge Baptist Church over the years and worked to ensure the church's prosperity and longevity, including William B. Crocker, Ottawa Pullen, Gary Alexander, and Marcus Huffman; and

WHEREAS, Blue Ridge Baptist Church is a member of the Valley Baptist Association of Roanoke and is engaged in numerous outreach activities to benefit communities throughout the region; and

WHEREAS, over the past 150 years, Blue Ridge Baptist Church has been a spiritual home for the many individuals who have sought community and a greater sense of purpose within its walls; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Blue Ridge Baptist Church of Botetourt County as its congregation celebrates the church's 150th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Marcus Huffman, pastor of Blue Ridge Baptist Church of Botetourt County, as an expression of the General Assembly's admiration for the church's history and its contributions to the Commonwealth.

HOUSE JOINT RESOLUTION NO. 120

Commending the ASK Childhood Cancer Foundation.

Agreed to by the House of Delegates, February 12, 2024
Agreed to by the Senate, February 15, 2024

WHEREAS, since 2022, the ASK Childhood Cancer Foundation has greatly supported children diagnosed with or recovering from cancer and their families through its Education Support Navigator program; and

WHEREAS, more than 350 children are diagnosed with cancer every year in the Commonwealth, while more than 2,500 survivors are coping with late effects from treatment, which include cognitive, physical, and emotional issues that will impact their ability to learn; and

WHEREAS, the ASK Childhood Cancer Foundation and its five primary cancer treatment centers are working collaboratively to find solutions that will help raise the level of care for all children with cancer; and

WHEREAS, the ASK Childhood Cancer Foundation's new Education Support Navigator program is helping the Commonwealth's young cancer patients and survivors move forward with their lives during and after treatment; and

WHEREAS, in the last 12 months, ASK Childhood Cancer Foundation's Education Support Navigator program has helped 519 pediatric cancer patients and survivors transition back to school with the support that they need to be successful; and

WHEREAS, the accomplishments of the ASK Childhood Cancer Foundation are the result of the tireless efforts of its advocates, who have been a voice for Virginia's children battling cancer; and

WHEREAS, many of the advocates supporting the ASK Childhood Cancer Foundation have faced the fight against cancer firsthand and are working to make the journey easier for the children and families who follow them; and

WHEREAS, the ASK Childhood Cancer Foundation has led the effort to build impactful programs that provide family support, back-to-school support, and community and connection for patients, survivors, and families across the Commonwealth; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the ASK Childhood Cancer Foundation for its efforts to support the Commonwealth's youngest cancer patients and survivors through its Education Support Navigator program, which will help them navigate their treatment and move forward after their devastating diagnosis; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the ASK Childhood Cancer Foundation as an expression of the General Assembly's admiration for the organization's mission and best wishes for its continued success.

HOUSE JOINT RESOLUTION NO. 121

Commending Xcellerated Offshore.

Agreed to by the House of Delegates, February 5, 2024
Agreed to by the Senate, February 8, 2024

WHEREAS, Xcellerated Offshore, a manufacturer of high-performance boats based in Hopewell, won first place and the "Best in Show" overall title at the 2023 Virginia Manufacturing Cup with its XLR3800R high-performance marine pleasure craft; and

WHEREAS, Xcellerated Offshore's achievement highlights its commitment to innovation and world-class technology in waterborne transport and the noncommercial boating industry; and

WHEREAS, the Virginia Manufacturing Cup is an annual competition hosted by the Virginia Manufacturers Association that recognizes the hard work and ingenuity of the Virginia manufacturing sector, which has long served as the backbone of the Commonwealth's economy, driving economic growth, capital investment, job creation, and innovation; and

WHEREAS, the Virginia Manufacturing Cup recognizes "the Coolest Things Made in Virginia" by selecting top products in nine industry categories that range from ships and chips to electric trucks and space exploration technology, reflecting the Commonwealth's diverse manufacturing sector; and

WHEREAS, as testament to its mastery as a manufacturer of high-performance boats, Xcellerated Offshore was duly nominated for the 2023 Virginia Manufacturing Cup and received the highest number of votes out of the 75,000 total votes cast by the public; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Xcellerated Offshore for winning first place and the "Best in Show" overall title at the 2023 Virginia Manufacturing Cup; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Xcellerated Offshore as an expression of the General Assembly's admiration for its excellence in manufacturing.

HOUSE JOINT RESOLUTION NO. 122

Commending James G. Ashworth, Jr.

Agreed to by the House of Delegates, February 5, 2024
Agreed to by the Senate, February 8, 2024

WHEREAS, James G. Ashworth, Jr., an esteemed law-enforcement officer and chief of the Tappahannock Police Department for the last 11 years, retired on December 31, 2023; and

WHEREAS, James Ashworth began his law-enforcement career with the Virginia State Police on November 1, 1975, and graduated from the state police academy in July 1976; and

WHEREAS, committed to achieving excellence in his profession, James Ashworth honed his abilities as a law-enforcement officer by earning an associate's degree in political science from Rappahannock Community College and completing courses at Virginia Commonwealth University and the University of Virginia's National Criminal Justice Command College; and

WHEREAS, as a result of his exemplary efforts, James Ashworth would be promoted to the rank of sergeant in 1990 and first sergeant nine years later before ultimately retiring from the Virginia State Police on July 1, 2012; and

WHEREAS, that same day, James Ashworth accepted an appointment to serve as the chief of the Tappahannock Police Department and immediately began working to enhance the agency's services for the community; and

WHEREAS, during his tenure with the Tappahannock Police Department, James Ashworth built the agency into a standard bearer for the region, in large part by improving working conditions for staff and by achieving accreditation from the Virginia Law Enforcement Professional Standards Commission of the Virginia Department of Criminal Justice Services; and

WHEREAS, over nearly a half-century of dedicated service to the Commonwealth and the Town of Tappahannock, James Ashworth has upheld the highest ideals of the law-enforcement profession, earning the respect and admiration of all Virginians; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend James G. Ashworth, Jr., on the occasion of his retirement for his unwavering commitment to protecting and serving the citizens of the Commonwealth and the Town of Tappahannock; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to James G. Ashworth, Jr., as an expression of the General Assembly's high regard for his noteworthy career and legacy of service.

HOUSE JOINT RESOLUTION NO. 123

Commending J.S. Walton.

Agreed to by the House of Delegates, February 5, 2024
Agreed to by the Senate, February 8, 2024

WHEREAS, J.S. Walton, an esteemed law-enforcement officer and longtime sheriff of King William County, retired in 2023; and

WHEREAS, after earning an associate's degree from Rappahannock Community College, J.S. "Jeff" Walton embarked upon his career in law enforcement as a dispatcher in 1983 and rose through the ranks over the years to serve as deputy sheriff, sergeant, lieutenant, and investigator; and

WHEREAS, Jeff Walton was first elected sheriff of King William County in 1999 and would go on to be reelected five times, serving as the locality's chief law-enforcement officer from 2000 to 2023; and

WHEREAS, Jeff Walton honed his skills as a law-enforcement officer by receiving basic law-enforcement training in 1985 and advanced arson investigative training in 1995, by becoming a Drug Abuse Resistance Education instructor and Department of Criminal Justice Services general instructor in 1987, and by completing certifications with the National Sheriffs' Institute in 2001 and the Virginia Sheriffs' Institute in 2018; and

WHEREAS, Jeff Walton made an impact on the law-enforcement community as president of the Virginia Sheriffs' Institute from 2009 to 2010, regional director of the Virginia Sheriffs' Association Board of Directors from 2010 to 2012, and board member of the Middle Peninsula Regional Security Center; and

WHEREAS, Jeff Walton gave generously of his time for the benefit of others as a board member of Middle Peninsula Northern Neck Community Services and advisory board member of Bridging Communities Regional Career and Technical Center; and

WHEREAS, beyond his law-enforcement career, Jeff Walton was actively involved in community endeavors through his membership with a number of local service organizations, including the King William Ruritan Club, the Walkerton Fire Department, the Mattaponi Volunteer Rescue Squad, and the King William County Volunteer Fire and Rescue Squad, of which he was a life member; and

WHEREAS, by demonstrating a deep and unwavering commitment to the safety and well-being of the King William County community, Jeff Walton has earned the respect and admiration of all Virginians; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend J.S. Walton, former sheriff of King William County, on the occasion of his retirement; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to J.S. Walton as an expression of the General Assembly's high regard for his remarkable career and legacy of service.

HOUSE JOINT RESOLUTION NO. 124

Commending the Monticello American Viticultural Area.

Agreed to by the House of Delegates, February 5, 2024
Agreed to by the Senate, February 8, 2024

WHEREAS, the Monticello American Viticultural Area, a designated wine grape growing region in the central Piedmont, was named Wine Region of the Year during *Wine Enthusiast* magazine's Wine Star Awards in 2023; and

WHEREAS, the Commonwealth, rich with history, is the birthplace of American wine with the practice of winemaking credited to centuries of Virginians cultivating grape vines and producing unrivaled wines; and

WHEREAS, in 1818, Thomas Jefferson, founding father and third president of the United States, stated, "in nothing have the habits of the palate more decisive influence than in our relish of wines"; and

WHEREAS, upon Thomas Jefferson's vision and inspiration for grape growing and winemaking, a superior American Viticultural Area (AVA) known as Monticello was built some 200 years later on the eastern slopes and rolling countryside of the Blue Ridge Mountains in Central Virginia, which has since produced outstanding and award-winning varietals; and

WHEREAS, in 1984, upon the proposal of the Jeffersonian Wine Grape Growers Society (JWGGS), the Monticello AVA was established to honor the area's name recognition, the historical significance of its boundaries, and most importantly, its fertile geographical features; and

WHEREAS, surrounding the City of Charlottesville in Albemarle County, the Monticello AVA is the Commonwealth's oldest AVA, with its viticulturists harvesting approximately 30 varieties of grapes, most notably Cabernet Franc, Chardonnay, and Viognier; and

WHEREAS, today, the Monticello Wine Trail, a subset of the JWGGS located within the Monticello AVA, is an active association of wineries within 25 miles of Charlottesville, each of which is honored to play a part in fulfilling Thomas Jefferson's dream of producing wines of state, national, and international acclaim; and

WHEREAS, the more than 40 wineries on the Monticello Wine Trail are characterized by the deep historic significance and winemaking heritage of the Monticello AVA, the lush vineyard views of the Blue Ridge Mountains, and the grace and spirit of the myriad winemakers who embody Virginia's traditions of wine excellence; and

WHEREAS, more than two million people from around the world visit Virginia wineries each year to toast the local bounty of our region and enjoy the Commonwealth's winemaking heritage; and

WHEREAS, *Wine Enthusiast* magazine, an esteemed, internationally recognized wine publication, recognized the Monticello AVA over four other distinguished international nominees for its place in American wine history, its ability to move toward a future of wine style diversity and consumer inclusivity, and its achievement of the highest level of quality in winemaking; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Monticello American Viticultural Area for being named the 2023 Wine Region of the Year by *Wine Enthusiast* magazine; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to representatives of the Monticello American Viticultural Area as an expression of the General Assembly's admiration for the region's contributions to the Commonwealth.

HOUSE JOINT RESOLUTION NO. 125

Celebrating the life of Ronald Lewis Slough.

Agreed to by the House of Delegates, February 12, 2024
Agreed to by the Senate, February 15, 2024

WHEREAS, Ronald Lewis Slough, a longtime community leader in Buena Vista, died on September 15, 2023; and

WHEREAS, after graduating from Natural Bridge High School, Ronald "Ronnie" Lewis Slough gained employment in 1964 with Mundet-Hermetite, Inc., and was a consistent and reliable employee for 33 years; and

WHEREAS, in 1970, Ronnie Slough joined what was then the Buena Vista Volunteer Rescue Squad and ultimately became a lifetime member, serving his community for 53 years; and

WHEREAS, from the time Ronnie Slough joined the rescue squad, he devoted himself to learning how the squad operated and continually strived to increase his knowledge of its operations so that the agency ran effectively and efficiently; and

WHEREAS, Ronnie Slough served in various leadership roles within the Buena Vista Rescue Squad, including many years as president, the capacity in which he was serving at the time of his passing; and

WHEREAS, Ronnie Slough was instrumental to the Buena Vista Rescue Squad's transition to a career staff to ensure 24-hour coverage for the community; he also assisted in overseeing numerous upgrades to the squad's building so that career staff would be accommodated in a professional and efficient manner; and

WHEREAS, Ronnie Slough had a vision for the future needs of the rescue squad and the community, and he was instrumental in upgrading the former van-style ambulances to the more modern box-style ambulances, giving great care and attention to the quality of the vehicles' manufacturer; and

WHEREAS, Ronnie Slough also found time to participate on the Buena Vista Rescue Squad's emergency medical services team for 12 years and the vehicle extrication team for 15 years and also served locally as the emergency coordinator for Rockbridge County Emergency Management; and

WHEREAS, Ronnie Slough became active in the Virginia Association of Volunteer Rescue Squads, Inc., (VAVRS) in 1976, beginning as a junior squad advisor, then serving as the District 1 vice president for seven years, then serving as the chief rescue officer, training officer, secretary, and vice-president; and

WHEREAS, in September 1995, Ronnie Slough was elected president of VAVRS and re-elected for a second term the following year; he was inducted as a Life Member of VAVRS in September 1994 and into the Virginia Life Saving and Rescue Hall of Fame in 1997; and

WHEREAS, Ronnie Slough not only held many leadership positions within VAVRS, he was also very active in teaching others; whether as an instructor-trainer in an emergency vehicle operators course or as a teacher in a farm machinery extrication course and other classes, he held a keen interest in sharing his knowledge by teaching others; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Ronald Lewis Slough; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare copies of this resolution for presentation to his family and to members of the Buena Vista Rescue Squad as an expression of the General Assembly's appreciation for his service and respect for his memory.

HOUSE JOINT RESOLUTION NO. 126

Commending Augusta Health.

Agreed to by the House of Delegates, February 12, 2024
Agreed to by the Senate, February 15, 2024

WHEREAS, for 30 years, Augusta Health in Fishersville has combined personalized service with state-of-the-art technology and a wealth of medical expertise to provide exceptional care to the residents of the Shenandoah Valley; and

WHEREAS, established in 1994, Augusta Health serves communities in Augusta County, Staunton, Waynesboro, and the surrounding region; and

WHEREAS, as of 2022, Augusta Health maintained 255 beds, with 2,450 total employees, 225 active medical staff, and dozens of volunteers ensuring that patients and their families receive high-quality, compassionate care; and

WHEREAS, in 2022, Augusta Health recorded 59,573 emergency visits, admitted 10,324 patients, delivered 892 babies, and cared for 549 new cancer patients; Augusta Medical Group clinics also recorded hundreds of thousands of outpatient visits, as well as more than 60,000 urgent care visits; and

WHEREAS, as a member of the Mayo Clinic Care Network, Augusta Health offers patients convenient access to the knowledge and resources of the top hospital in the nation; physicians at Augusta Health can use the Mayo Clinic's latest research and recommendations to develop the best treatment plan for each patient or seek expertise on rare or complex conditions; and

WHEREAS, Augusta Health is highly accredited and has earned numerous awards and accolades for its innovative programs and commitment to excellence; and

WHEREAS, Augusta Health has developed strong partnerships with local businesses and organizations to create outreach programs that promote a healthy community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Augusta Health on the occasion of its 30th anniversary in 2024; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Augusta Health as an expression of the General Assembly's admiration for the hospital's legacy of outstanding service to the residents of the Shenandoah Valley.

HOUSE JOINT RESOLUTION NO. 127

Commending Trinity United Methodist Church.

Agreed to by the House of Delegates, February 8, 2024
Agreed to by the Senate, February 15, 2024

WHEREAS, for 250 years, Trinity United Methodist Church of Alexandria has provided its members with uplifting spiritual guidance, innumerable moments of joyful fellowship and worship, and ample opportunities for generous community outreach; and

WHEREAS, on November 20, 1774, at a time when there were fewer than 20 Methodist preachers in the colonies of America, 17-year-old pastor William Duke founded the first Methodist society in Alexandria, which would ultimately adopt the name Trinity United Methodist Church in 1883; and

WHEREAS, the congregation that would become Trinity United Methodist Church was there at the founding of the nation, and its preacher, James Tolleson, presented one of the memorial sermons sponsored by the citizens of Alexandria following the death of President George Washington; and

WHEREAS, since William Duke, the congregation of Trinity United Methodist Church has been subsequently led by several other accomplished pastors, all of whom have provided sage counsel to the church's members while working tirelessly to ensure the church's prosperity and longevity; and

WHEREAS, Trinity United Methodist Church has faced a number of calamities and upheavals over the past quarter-millennium, and in each instance its congregation has emerged stronger and more faithful; and

WHEREAS, Trinity United Methodist Church's legacy of outreach and service dates back to 1816 when the church established its Society for the Relief of the Poor; the church has since engaged in an untold number of mission and social work activities and made an impact in communities both locally and globally; and

WHEREAS, located in the Beverley Hills neighborhood since 1941, Trinity United Methodist Church proudly opens its doors to people of all walks of life without exception, recognizing the sacred worth and dignity of all individuals; and

WHEREAS, over the past 250 years, Trinity United Methodist Church has been the spiritual home for its many members who have found joy and a greater sense of purpose within its walls; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Trinity United Methodist Church of Alexandria as its congregation celebrates the church's 250th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Grace Han, pastor of Trinity United Methodist Church, as an expression of the General Assembly's admiration for the church's history and its contributions to the Commonwealth.

HOUSE JOINT RESOLUTION NO. 128

Celebrating the life of Donald Wayne Rife.

Agreed to by the House of Delegates, February 12, 2024
Agreed to by the Senate, February 15, 2024

WHEREAS, Donald Wayne Rife, respected surface coal miner, esteemed public servant and civic leader, and beloved member of the Dickenson County community, died on December 8, 2023; and

WHEREAS, after graduating from Clintwood High School and attending what is today Carson-Newman University, Donald "Donnie" Wayne Rife found success in a career as a surface coal miner, working tirelessly to support the energy needs of the Commonwealth and beyond; and

WHEREAS, Donnie Rife gave generously of his time in service to the community for more than 30 years as a member of his local Lions Club, which he served as both governor and president; and

WHEREAS, Donnie Rife proudly served the interests of his constituents as a member of the Dickenson County Board of Supervisors, demonstrating an unwavering commitment to the betterment of Dickenson County; and

WHEREAS, Donnie Rife supported the responsible growth and development of the Commonwealth through his involvement with several organizations over the years, including the board of the Virginia Coalfield Economic Development Authority and the Virginia Gas and Oil Board; and

WHEREAS, Donnie Rife's devotion to ensuring the well-being of others was evident in his work with various charitable organizations in Dickenson County, including St. Mary's Health Wagon and the Clintwood Rescue Squad, which he served as chairman of the board; and

WHEREAS, Donnie Rife will be fondly remembered and dearly missed by his loving wife of 43 years, Doris, and by numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Donald Wayne Rife, a treasured member of the Dickenson County community whose kindness and generosity touched countless lives; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Donald Wayne Rife as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 129

Commending Frances M. Boswell.

Agreed to by the House of Delegates, February 12, 2024
Agreed to by the Senate, February 15, 2024

WHEREAS, Frances M. Boswell, secretary to the Department of Wildlife Resources Board and executive assistant to the executive director of the Department of Wildlife Resources, has served the Commonwealth for more than 50 years; and

WHEREAS, a lifelong resident of the Commonwealth, Frances Boswell began working for what was then the Virginia Department of Game and Inland Fisheries on September 5, 1973, as a license accounting clerk; and

WHEREAS, in recognition of her outstanding performance, Frances Boswell was promoted to the position of license accounting supervisor, assuming responsibility for the collection of $20 million in hunting and fishing license fee revenue, which represented 40 percent of the agency's annual revenue; and

WHEREAS, as the license accounting supervisor in 2006, Frances Boswell implemented the agency's new E-LARS electronic license accounting records system for print-on-demand hunting and fishing licenses and trained more than 300 license agents statewide to use the system; and

WHEREAS, Frances Boswell was appointed by Governor Robert F. McDonnell in June 2010 as the confidential assistant for administration to the director of what was then the Department of Game and Inland Fisheries; and

WHEREAS, Frances Boswell was also assigned as the secretary to the agency's board and, in recognition of her dedicated and excellent service to the executive director and the board, was retained as an appointee under Governors Terence R. McAuliffe, Ralph S. Northam, and Glenn Youngkin; and

WHEREAS, on November 5, 2023, Frances Boswell was recognized for her 50 years of faithful and loyal service to the Department of Wildlife Resources and the citizens of the Commonwealth; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Frances M. Boswell for her long legacy of devoted service to the Commonwealth; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Frances M. Boswell as an expression of the General Assembly's admiration for her commitment and dedication to serving the citizens of the Commonwealth.

HOUSE JOINT RESOLUTION NO. 130

Commending the Brunswick Garden Club.

Agreed to by the House of Delegates, February 12, 2024
Agreed to by the Senate, February 15, 2024

WHEREAS, the Brunswick Garden Club, a cherished organization in Brunswick County that has greatly served others by beautifying the region and protecting its native species and by cultivating a knowledge of and appreciation for gardening among its members, celebrates its 100th anniversary in 2024; and

WHEREAS, in 1924, 21 women from Brunswick County founded the Brunswick Garden Club, and two years later began their association with the Garden Club of Virginia, the primary activity of the club to this day; and

WHEREAS, the Brunswick Garden Club annually participates in the Garden Club of Virginia's Historic Garden Week, one of the oldest and largest home and garden tours in the country; and

WHEREAS, the Brunswick Garden Club's accomplishments over the years have included planting magnolia trees and publishing a historical register to benefit Oakwood Cemetery in Lawrenceville and landscaping around the local library and courthouse and the historic St. Mark's Episcopal Church in Brunswick County; and

WHEREAS, the Brunswick Garden Club makes an impact locally by actively supporting the historic plantation Prestwould in Clarksville, MacCallum More Gardens and Museum in Chase City, and Fort Christanna and the community garden in Lawrenceville; and

WHEREAS, the Brunswick Garden Club is presently supporting restoration and preservation projects regionally at Monticello, Poplar Forest, and the Poe Museum in Richmond, while also aiding historical projects locally at Fort Christanna and Prestwould; and

WHEREAS, the Brunswick Garden Club will be holding a number of events throughout 2024 to commemorate the organization's centennial, providing members and the public with the opportunity to reflect on the meaningful role the club has played in the history of Brunswick County; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Brunswick Garden Club on the occasion of its 100th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Brunswick Garden Club as an expression of the General Assembly's admiration for the organization's contributions to the Commonwealth.

HOUSE JOINT RESOLUTION NO. 131

Commending Harry J. Parrish II.

Agreed to by the House of Delegates, February 12, 2024
Agreed to by the Senate, February 15, 2024

WHEREAS, Harry J. Parrish II, a dedicated public servant, demonstrated the utmost integrity and commitment to civic leadership as a longtime member of the Manassas City Council, including 12 years as mayor; and

WHEREAS, a lifelong resident of Manassas, Harry "Hal" J. Parrish II graduated from Osbourn High School, then earned a bachelor's degree in aerospace engineering and physics from the University of Virginia; and

WHEREAS, Hal Parrish subsequently served the nation as a member of the United States Air Force and earned a master's degree in business management from Central Michigan University; and

WHEREAS, Hal Parrish returned to Manassas to help run the family business, Manassas Ice and Fuel; he was inspired to pursue a life of public service by his father, Harry Parrish, Sr., who was a former mayor of Manassas and member of the Virginia House of Delegates; and

WHEREAS, Hal Parrish was appointed to the Manassas City Council in 1993, then won election to his first full term in 1996; he was re-elected in 2000 and 2004 and served as vice mayor from 1999 to 2008; and

WHEREAS, Hal Parrish was elected mayor in May 2008 and won reelection in 2012 and 2016 before retiring from public office; and

WHEREAS, during his tenure as mayor, Hal Parrish oversaw the replacement of Baldwin Elementary School, the transformation of Old Town Manassas into a thriving dining and shopping destination, and the development of Manassas Airport; and

WHEREAS, under Hal Parrish's leadership, Manassas welcomed new businesses to the area and launched a partnership with Prince William County and George Mason University to build the Hylton Performing Arts Center and the Freedom Aquatic Center; and

WHEREAS, Hal Parrish also offered his expertise to the Prince William Chamber of Commerce, Northern Virginia Regional Commission, Northern Virginia Transportation Authority, and Prince William Hospital Foundation; and

WHEREAS, Hal Parrish further served the community as a volunteer with the American Red Cross, the Manassas Volunteer Fire Company, and the Kiwanis Club of Bull Run; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Harry J. Parrish II for his years of service in local government; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Harry J. Parrish II as an expression of the General Assembly's admiration for his legacy of achievements on behalf of the residents of Manassas.

HOUSE JOINT RESOLUTION NO. 132

Celebrating the life of Lila V. Branscome.

Agreed to by the House of Delegates, February 12, 2024
Agreed to by the Senate, February 15, 2024

WHEREAS, Lila V. Branscome, a dedicated wife, mother, grandmother, and beloved member of her local community, died peacefully on December 6, 2023, in Woodbridge; and

WHEREAS, Lila Branscome was born Lila Victoria Brady on April 3, 1932, in Carroll County; she married the love of her life, Julius L. Branscome, on November 18, 1950, whereupon they embarked on a loving 73-year marriage; and

WHEREAS, in 1960, Lila and Julius Branscome moved to Prince William County, where she supported her husband's efforts to start a successful asphalt business; and

WHEREAS, Lila Branscome was a devoted mother to her children, Tommy, Kathy, and David, and instilled in them important values such as faith and hard work; and

WHEREAS, Lila Branscome was a devout Christian and a charter member of the Central Baptist Church of Woodbridge, where she attended services for more than 60 years, and where she taught Sunday School to girls in sixth, seventh, and eighth grade; and

WHEREAS, Lila Branscome viewed her friends at Central Baptist Church as her extended family and was known for having a positive and profound impact on the many lives she touched; and

WHEREAS, Lila Branscome was preceded in death by her husband, Julius L. Branscome; her son, Tommy Branscome; her parents, Thomas Sears Brady and Fannie Lillian Quesenberry Brady; and her siblings, Lorraine Nicely, Melvin Brady, Arlis Brady, Howard Brady, Donald Brady, and Verlyn Brady; and

WHEREAS, Lila Branscome is survived by her children, Kathy Bowman and David Branscome, seven grandchildren, 15 great-grandchildren, and three great-great grandchildren; and

WHEREAS, Lila Branscome will also be missed by countless friends who knew her to be a woman of great character and compassion; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Lila V. Branscome, a devoted wife, mother, and community servant in Woodbridge; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Lila V. Branscome as an expression of the General Assembly's respect for her memory.

HOUSE JOINT RESOLUTION NO. 133

Celebrating the life of William David Lamb.

Agreed to by the House of Delegates, February 12, 2024
Agreed to by the Senate, February 15, 2024

WHEREAS, William David Lamb of Gordonsville, one of the most well-known horsemen in Virginia, who helped promote and preserve equestrian sports in the Commonwealth and advocated for the interests of the equine industry as a whole, died on May 20, 2023; and

WHEREAS, David Lamb grew up in Craig County and began to cultivate his horsemanship skills at a young age; he often rode a pony to school and once organized a trail ride for his senior high school class; and

WHEREAS, David Lamb began his career in the equine industry working for a quarter horse farm in Northern Virginia, where he developed an interest in equestrian competitions, particularly the sport of cutting, which has roots in the cattle ranching industry; and

WHEREAS, in the 1970s, David Lamb managed cattle on a farm in Albemarle County, for which he was named the 1973 Farmer of the Year for Albemarle County; during that time, he also trained and showed cutting horses and received numerous accolades for his success in equestrian sports; and

WHEREAS, David Lamb acquired Oakland Heights Farm in 1979, and he and his wife, Sally, began their horse operation by green breaking young and troubled horses; as his reputation for excellence grew, he began exporting horses to England and South America, then became the premier trainer for trail riding horses on the east coast of the United States; and

WHEREAS, at Oakland Heights Farm, David Lamb continued to run a cattle operation while teaching both Western-style and English-style horseback riding, organizing professional bull riding shows, and offering riding lessons and trail rides year round; and

WHEREAS, known for his affinity for the cowboy lifestyle of the American west, David Lamb could be seen mounted atop an American quarter horse in his trademark hat, boots, and blue jeans almost every day; he organized an annual Cowboy Camp to teach young people about horse knowledge and history and was a leader in the local 4-H program for more than 25 years; and

WHEREAS, David Lamb gave back to the community by hosting charity events at Oakland Heights Farm, supporting worthy causes and organizations like the Wounded Warrior Project, St. Jude's Children's Research Hospital, and research into juvenile diabetes; and

WHEREAS, over the years, David Lamb hosted movie stars, an astronaut, and other celebrities at Oakland Heights Farm, and he organized special trail rides for state and national elected officials to help them better understand the equine industry; and

WHEREAS, David Lamb offered his wise insights to several policy efforts related to the equine industry, including the creation of the Commonwealth's equine liability law, the establishment of the Virginia Horse Center, the founding of the Virginia Horse Industry Board, and the enactment of other important changes related to agriculture and agritourism laws; and

WHEREAS, highly admired in the equine industry, David Lamb was a lifetime member of the American Quarter Horse Association, Virginia Quarter Horse Association (VQHA), National Cutting Horse Association, East Coast Cutting Horse Association, and the New Castle Historical Society; and

WHEREAS, in 2022, David Lamb was inducted into the VQHA Board of Directors Hall of Fame for his decades of contributions to promoting the sale, breeding, exhibition, and ownership of the American quarter horse; and

WHEREAS, David Lamb was a proud patriot who served the nation as a member of the United States Army Reserve, and he provided horses for or participated in many commemorative events at the state and national levels; and

WHEREAS, David Lamb inspired others through his integrity, humility, and pride in his work; he touched countless lives by helping visitors to Oakland Heights Farm gain an appreciation for the joys of horseback riding; and

WHEREAS, predeceased by his wife of 52 years, Sally, David Lamb will be fondly remembered and greatly missed by his son, Matthew, and his family, and by numerous other family members, friends, and fellow leaders in the equine industry; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of William David Lamb, an incomparable horseman and a true Virginia gentleman; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of William David Lamb as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 134

Commending 49 Winchester.

Agreed to by the House of Delegates, February 12, 2024
Agreed to by the Senate, February 15, 2024

WHEREAS, 49 Winchester, a Russell County-based band that released its fourth studio album in 2022, has gained fans throughout the Commonwealth, the United States, and the world through its unique blend of country, rock and roll, alternative, folk, and soul music; and

WHEREAS, 49 Winchester formed on Winchester Street in Castlewood as a neighborhood jam band shortly after lead singer and guitarist Isaac Gibson and bassist Chase Chafin graduated from high school in 2013; and

WHEREAS, 49 Winchester added Castlewood natives Brandon Shelton on guitar and Noah Patrick on pedal steel guitar, as well as Tim Hall on keyboards and Justin Louthian on drums; the band released its first album, *49 Winchester*, in 2014; and

WHEREAS, 49 Winchester followed up with two more self-released albums, *The Wind*, in 2018 and a third album *III*, in 2020, then signed with the Nashville label New West Records and released its fourth album, *Fortune Favors the Bold*, in 2022; and

WHEREAS, 49 Winchester's style has evolved both sonically and lyrically over the past decade, growing from a softer country sound to a grittier blend of genres that allows for more creative freedom but never strays far from the band's Appalachian roots; and

WHEREAS, despite signing with a Nashville-based record label, 49 Winchester has recorded all of its albums in either Bristol or Charlottesville and takes pride in its deep connections to Southwest Virginia; and

WHEREAS, 49 Winchester's songs are rich with timeless tales of pushing beyond one's limits toward an unknown horizon while developing an appreciation for one's heritage and longing for home, themes that are essential to musical Americana, but that appeal to listeners all over the world; and

WHEREAS, 49 Winchester has played at small venues throughout the Commonwealth, along the East Coast of the United States, and has even performed a show in London, England, earning a reputation as an engaging and energetic live act; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend 49 Winchester for its continuing success in the music industry; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to 49 Winchester as an expression of the General Assembly's admiration for the band's achievements and best wishes for the future.

HOUSE JOINT RESOLUTION NO. 135

Commending Claudia Byrd.

Agreed to by the House of Delegates, February 12, 2024
Agreed to by the Senate, February 15, 2024

WHEREAS, Claudia Byrd, director of the Bristol chapter of Speedway Children's Charities, was named Bristolian of the Year by the *Bristol Herald Courier* in 2023; and

WHEREAS, as director of the Bristol chapter of Speedway Children's Charities (SCC), Claudia Byrd leads an organization dedicated to raising funds to support the work of nonprofit organizations serving children and families in Southwest Virginia and Northeast Tennessee; and

WHEREAS, shortly after moving to Bristol in 1996, Claudia Byrd was selected by the SCC board of directors to manage the organization's Bristol chapter; since 1997, the chapter has raised and contributed approximately $20 million to more than 100 organizations and agencies; and

WHEREAS, Claudia Byrd and her husband, Jeff, established the Bristol chapter of SCC's main fundraising event, its annual Pinnacle Speedway in Lights at the Bristol Motor Speedway, which has become a beloved holiday tradition for families in the Bristol area, who come to enjoy an elaborate holiday light display assembled throughout the raceway property; and

WHEREAS, every year, Claudia Byrd and the Bristol chapter of SCC host the organization's "Night of Smiles" event to distribute hundreds of thousands of dollars' worth of grants to local nonprofit organizations; and

WHEREAS, as a member of SCC's national board of directors, Claudia Byrd supports the efforts of the organization's other chapters, which are located in every city across the country where Speedway Motorsports operates; and

WHEREAS, with steadfast devotion and an unwavering commitment to her cause, Claudia Byrd has improved the quality of life for countless children and families throughout the Bristol region; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Claudia Byrd for being named the *Bristol Herald Courier*'s 2023 Bristolian of the Year; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Claudia Byrd as an expression of the General Assembly's admiration for her legacy of service in the Bristol community.

HOUSE JOINT RESOLUTION NO. 136

Commending Margaret L. Sanner.

Agreed to by the House of Delegates, February 12, 2024
Agreed to by the Senate, February 15, 2024

WHEREAS, Margaret L. Sanner, an accomplished attorney and nonprofit executive, recently retired from the Chesapeake Bay Foundation, a regional nonprofit organization dedicated to saving the Chesapeake Bay through environmental advocacy, restoration, and education; and

WHEREAS, Margaret "Peggy" L. Sanner received her law degree from Rutgers University and also holds graduate and undergraduate degrees from the University of Pennsylvania and Swarthmore College, respectively; and

WHEREAS, Peggy Sanner is a member of the Virginia State Bar and has practiced before state and federal courts, agencies, and boards on key legal and policy issues; and

WHEREAS, Peggy Sanner began her law career in Philadelphia at Morgan, Lewis & Bockius LLP and served most recently as counsel with Reed Smith LLP in Richmond; and

WHEREAS, Peggy Sanner joined the Chesapeake Bay Foundation in 2010 as senior attorney, eventually assuming the role of Virginia Executive Director in 2020; she has played a pivotal role in building partnerships and advancing legislative and regulatory policy in the Commonwealth during her 13 years working at the organization; and

WHEREAS, Peggy Sanner has educated members of the General Assembly, countless members of various gubernatorial administrations, staff at numerous state agencies, decision-makers, and the general public about water-quality and habitat issues throughout her tenure at the Chesapeake Bay Foundation; and

WHEREAS, highlights that were spearheaded by Peggy Sanner include accelerating fencing cattle out of streams, banning phosphorus from lawn fertilizer, establishing a comprehensive nutrient trading program, expanding tree cover, securing additional wastewater treatment plant upgrades, and transferring menhaden fishery management from the General Assembly to the Virginia Marine Resources Commission; and

WHEREAS, Peggy Sanner has been a leading advocate for the environmental community in the development and maturation of the Commonwealth's clean water regulatory programs, including improving and protecting wetland preservation and mitigation policies, advocating for effective implementation and enforcement of the Chesapeake Bay Preservation Act, and ensuring stormwater and erosion and sediment control programs are backed by the best available science; and

WHEREAS, Peggy Sanner regularly appeared before the State Water Control Board to prevent harmful projects like the Atlantic Coast Pipeline and Fones Cliff development and to hold Clean Water Act permittees accountable; she has also led collaborative efforts to ensure historic levels of funding for state clean-water programs to reduce pollution from wastewater, stormwater, and agriculture; and

WHEREAS, Peggy Sanner has overseen the Chesapeake Bay Foundation's restoration programs in the Commonwealth in her role as Virginia Executive Director, including facilitating the plantings of thousands of trees and millions of native oysters; and

WHEREAS, Peggy Sanner has led efforts to educate residents of the Commonwealth for more than 13 years and is dedicated to increasing knowledge about the restoration and protection of the Chesapeake Bay, a national treasure and one of the Commonwealth's greatest natural resources; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Margaret L. Sanner on the occasion of her retirement for her efforts to improve the Commonwealth's waterways and, specifically, for leading the Chesapeake Bay Foundation's Save the Bay initiatives; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Margaret L. Sanner as an expression of the General Assembly's admiration for her career of outstanding public service to the Commonwealth and the Chesapeake Bay and gratitude for her fine work to advance restoration and protection of both the Chesapeake Bay and the Commonwealth's rivers and streams.

HOUSE JOINT RESOLUTION NO. 137

Celebrating the life of Charles D. Grant.

Agreed to by the House of Delegates, February 7, 2024
Agreed to by the Senate, February 8, 2024

WHEREAS, Charles D. Grant passed away at the age of 87 on December 6, 2023, after serving Loudoun County for more than 50 years, and will be missed and remembered as a husband, father, grandfather, great-grandfather, chaplain, pastor, volunteer, and a larger-than-life local legend; and

WHEREAS, as the founding pastor of Grace Baptist Church and Grace Christian Academy in Sterling, and at the request of the newly elected sheriff in 1979, Charles "Charlie" D. Grant established the Loudoun County Sheriff's Office chaplain

program and faithfully served as its emergency services chaplain, the sole chaplain on-call 24 hours a day, for nearly 10 years; and

WHEREAS, Charlie Grant subsequently joined the Sterling Volunteer Fire Company and the Sterling Volunteer Rescue Squad and founded the Loudoun County Fire and Rescue System chaplain program, faithfully serving those organizations for more than 40 years; in addition, he was the public safety chaplain for the Metropolitan Washington Airports Authority, offering comfort and compassion to families in need; and

WHEREAS, Charlie Grant founded the faith-based nonprofit LINK, uniting several churches providing food for the underserved, and the Good Shepherd Alliance in 1983 to provide emergency housing and support for the unhoused; and

WHEREAS, through his unwavering compassion for others, Charlie Grant also recognized the need for access to transportation in the rural communities and helped to establish Virginia Regional Transit Authority; and

WHEREAS, Charlie Grant was elected to the Loudoun County Board of Supervisors as the Broad Run District supervisor in November of 1991 and served one term from January 1992 to December 1995; and

WHEREAS, Charlie Grant considered his service to others a privilege rather than an obligation, and he received many awards such as the Stu Plitman First Responder Community Service Award in 2021, which recognizes emergency first responders who demonstrate the highest commitment to fostering positive relationships with the Loudoun County community in ways that enhance the safety and security of the citizens, and he was inducted into the Loudoun County Fire and Rescue Hall of fame; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Charles D. Grant, a true public servant with a kind and gentle heart and pillar of his community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family and colleagues of Charles D. Grant as an expression of the General Assembly's admiration for his contributions to the Commonwealth and respect for his memory.

HOUSE JOINT RESOLUTION NO. 138

Celebrating the life of Laura Belle Gordy.

Agreed to by the House of Delegates, February 12, 2024
Agreed to by the Senate, February 15, 2024

WHEREAS, Laura Belle Gordy, a respected community leader in Accomack County and a beloved wife, mother, and grandmother, died on December 7, 2023; and

WHEREAS, Laura Belle Gordy grew up in Tasley, where she attended Onancock High School, and she later graduated from cosmetology school; and

WHEREAS, Laura Belle Gordy ran for and was elected to the Accomack County Board of Supervisors in 1988 as the supervisor for District 7; and

WHEREAS, during her long and distinguished tenure on the Accomack County Board of Supervisors, Laura Belle Gordy went above and beyond to enhance the quality of life in the region and strove to build compromise and consensus on important issues; and

WHEREAS, Laura Belle Gordy was honored by Governor George Allen for her achievements and was appointed to the Secretary of the Commonwealth Advisory Board by Governor James S. Gilmore III; and

WHEREAS, Laura Belle Gordy was instrumental in the development of Saw Mill Recreational Park and the Wallops Research Park, and she helped facilitate the construction of new schools and retail establishments in Accomack County; and

WHEREAS, Laura Belle Gordy retired from public office in 2020 after more than 30 years of exceptional service; and

WHEREAS, Laura Belle Gordy will be fondly remembered and greatly missed by her sons, James Alfred "Mac" Mackie and his wife, Elsie, and Robert Bates "Bobby" Taylor, Sr., and his wife, Susan; a niece she considered a daughter, Billye D. Custis; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Laura Belle Gordy, a highly admired community leader and public servant in Accomack County; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Laura Belle Gordy as an expression of the General Assembly's respect for her memory.

HOUSE JOINT RESOLUTION NO. 139

Celebrating the life of Herbert Simon Claybrook, Jr.

Agreed to by the House of Delegates, February 12, 2024
Agreed to by the Senate, February 15, 2024

WHEREAS, Herbert Simon Claybrook, Jr., a dedicated husband, father, grandfather, and beloved member of his local community, died peacefully on January 8, 2024, in Slidell, Louisiana; and

WHEREAS, Herbert Claybrook was born on October 17, 1953, in New Site, Alabama, to his loving parents, the late Herbert Claybrook, Sr., and Winnie Lee Claybrook; and

WHEREAS, Herbert Claybrook, Jr., graduated from Auburn University with a bachelor's degree in business and later from the University of Alabama in Birmingham with a bachelor's degree in electrical engineering; and

WHEREAS, after completing his college education, Herbert Claybrook pursued a career in electrical engineering and retired from Lockheed Martin after 30 years of dedicated service; and

WHEREAS, Herbert Claybrook maintained a lifelong passion for sports and was a ferocious supporter of the Auburn Tigers; his other favorite hobbies included gardening, travel, and listening to music; and

WHEREAS, Herbert Claybrook was a dedicated member of Grace Memorial Baptist Church in Slidell; and

WHEREAS, Herbert Claybrook was a devoted husband to his wife of 43 years, Connie, and a committed father to their daughter, Karissa; and

WHEREAS, predeceased by his brother, Billy Joe, Herbert Claybrook will be fondly remembered and dearly missed by his wife, Connie; his daughter, Karissa; his granddaughter, Arabelle; his two sisters, Winnie and Carol; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Herbert Simon Claybrook, Jr., a devoted husband, father, brother, and dedicated community leader; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Herbert Simon Claybrook, Jr., as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 140

Commending Troop 710 of the Boy Scouts of America.

Agreed to by the House of Delegates, February 12, 2024
Agreed to by the Senate, February 15, 2024

WHEREAS, in 2023, Troop 710 of the Boy Scouts of America in Goochland County achieved the notable distinction of awarding its 100th scout with the rank of Eagle Scout, the organization's highest honor; and

WHEREAS, Troop 710 is chartered to American Legion Post 215 in Goochland and is part of the Cardinal District in the Heart of Virginia Council of the Boy Scouts of America (BSA); and

WHEREAS, Troop 710 is currently supporting approximately 40 young people as they mature into seasoned scouts and active members of their communities; and

WHEREAS, Troop 710 organizes weekly meetings, monthly camping and backpacking trips, summer camps, service projects, and high-adventure excursions to provide its scouts with opportunities to develop their scouting skills and enjoy the camaraderie of the BSA; and

WHEREAS, the leaders of Troop 710 have worked tirelessly to guide their scouts through the arduous and rewarding process of becoming Eagle Scouts, contributing to their success both with the scouts and in life; and

WHEREAS, the accomplishments of Troop 710 are a result of the hard-work and dedication of its scouts, who embodied the values of the BSA's oath and motto throughout their pursuit of the Eagle Scout rank; and

WHEREAS, Troop 710 exemplifies the positive and lasting impact that scouting can have on the lives of its members and on the community in which they serve; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Troop 710 of the Boy Scouts of America for installing its 100th Eagle Scout; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Troop 710 of the Boy Scouts of America as an expression of the General Assembly's admiration for the troop's outstanding achievement.

HOUSE JOINT RESOLUTION NO. 141

Commending Lafayette Lodge No. 137 of the Ancient Free and Accepted Masons.

Agreed to by the House of Delegates, February 12, 2024
Agreed to by the Senate, February 15, 2024

WHEREAS, Lafayette Lodge No. 137 of the Ancient Free and Accepted Masons, a venerable fraternal organization serving the communities of Luray and Page County, commemorates its 200th anniversary in 2024; and

WHEREAS, Lafayette Lodge takes its name from the Marquis de Lafayette, who famously fought alongside President George Washington at the decisive Battle of Yorktown during the Revolutionary War; and

WHEREAS, the Lafayette Lodge was chartered by the Grand Lodge of Virginia in December 1824, a few months after the Marquis de Lafayette began his historic and highly celebrated grand tour of the United States; and

WHEREAS, the first master of Lafayette Lodge was Morgan Adolphus Lauck, son of Revolutionary War hero Peter Lauck, who was joined by members from local lodges in Front Royal and Winchester, including senior warden,

Edwin T. Robinson; junior warden, Charles H. Flinn; and brothers John M. Tump, J. D. Miller, Jasper Ball, William B. Whittney, and Daniel Flinn; and

WHEREAS, the Lafayette Lodge was chartered 12 years after the founding of Luray in 1812 and seven years before the creation of Page County in 1831 and has been a pillar of both communities ever since; and

WHEREAS, beyond offering its members brotherly friendship and camaraderie, the Lafayette Lodge makes an impact in Luray and Page County by sponsoring a number of youth and community organizations, as well as charities beyond the region; and

WHEREAS, the steadfast commitment of the members of the Lafayette Lodge to the core principles of their organization has helped to make Luray and Page County wonderful places to live, work, and raise a family; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Lafayette Lodge No. 137 of the Ancient Free and Accepted Masons on the occasion of its 200th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Robbie Painter, worshipful master of Lafayette Lodge No. 137 of the Ancient Free and Accepted Masons, as an expression of the General Assembly's admiration for the organization's history and its contributions to the Commonwealth.

HOUSE JOINT RESOLUTION NO. 142

Commending Mark Barrick.

Agreed to by the House of Delegates, February 12, 2024
Agreed to by the Senate, February 15, 2024

WHEREAS, Mark Barrick, who served and protected communities in Hampton Roads as a law-enforcement officer for 37 years, retired as the sheriff of Mathews County in 2023; and

WHEREAS, Mark Barrick began his career in law enforcement at the age of 19 as a deputy with the Mathews County Sheriff's Office in 1982; and

WHEREAS, Mark Barrick joined the Newport News Police Department in 1986 as a uniformed patrol officer assigned to downtown Norfolk; after four years, he became a member of the street crimes unit, focusing on narcotics, prostitution, and violent crimes; and

WHEREAS, Mark Barrick was next assigned to the vice and narcotics unit, often working undercover, and in his first year with the unit, his team recorded more than 800 drug-related arrests; and

WHEREAS, Mark Barrick subsequently became a burglary detective and a member of the major crimes and special victims units, then offered his expertise to the office of the Newport News fire marshal as an investigator; and

WHEREAS, Mark Barrick returned to the patrol division as a senior officer and retired from the Newport News Police Department with the rank of sergeant in 2006; and

WHEREAS, desirous to be of further service to the community, Mark Barrick ran for and was elected as sheriff of Mathews County in 2011 and ably served in that capacity from 2012 to 2023; and

WHEREAS, Mark Barrick elevated the professionalism of the Mathews County Sheriff's Office and worked diligently to ensure that his sworn officers had the tools and training they needed to effectively serve and protect local residents; and

WHEREAS, highly respected in the law-enforcement profession, Mark Barrick was an advocate for fair salaries for sheriffs in smaller locations; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Mark Barrick on the occasion of his retirement as sheriff of Mathews County; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Mark Barrick as an expression of the General Assembly's admiration for his professional achievements in service to the residents of Hampton Roads.

HOUSE JOINT RESOLUTION NO. 143

Commending Geline Bowman Williams.

Agreed to by the House of Delegates, February 12, 2024
Agreed to by the Senate, February 15, 2024

WHEREAS, Geline Bowman Williams, a lifelong resident of Richmond and a dedicated civic leader with a servant's soul, celebrates her 100th birthday on February 27, 2024; and

WHEREAS, a graduate of St. Catherine's School, Geline Williams attended Goucher College, then raised five children with her late husband, Alexander; and

WHEREAS, an active and engaged citizen, Geline Williams has devoted her life to serving people in need in communities throughout the Commonwealth; and

WHEREAS, devoted to the well-being and prosperity of her hometown, Geline Williams served four terms on the Richmond City Council; she was appointed as mayor from 1988 to 1990 and was only the second woman in city history to hold the office; and

WHEREAS, during her tenure in local government, Geline Williams worked tirelessly on behalf of her constituents, coordinating with local, state, and federal officials to ensure the construction of a flood wall that continues to protect businesses and residents today; and

WHEREAS, Geline Williams served two terms on the Virginia Commission on Local Government, providing unique and invaluable insights to the commission and facilitating its work to assist counties, cities, and towns across the state; and

WHEREAS, Geline Williams has selflessly given of her time and talents in a variety of leadership roles with private and nonprofit organizations, such as the Instructive Visiting Nurse Association, the United Way, Richmond Catholic Family and Children's Services, and ChildFund International; and

WHEREAS, in 1967, Geline and Alexander Williams founded the Virginia Society for Human Life, the oldest state-level pro-life organization in the nation; and

WHEREAS, for over three decades, Geline Williams served as the board chair of the National Right to Life Committee, providing strong and stable leadership; and

WHEREAS, a member of Saint Bridget Catholic Church, Geline Williams has been an active leader for generations in the Roman Catholic community, serving as president of the Richmond Diocesan Council of Catholic Women and on the board of directors of the McMahon Parater Foundation for Education; and

WHEREAS, in recognition of her long and exceptional service to religious and civic life, in 1985, Geline Williams was honored by Pope John Paul II with the Benemerenti Medal, the highest papal honor awarded to a Catholic layperson; and

WHEREAS, over the course of her long and fruitful life, Geline Williams has sought to serve Christ by serving her brothers and sisters throughout Richmond, the Commonwealth, and the nation; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Geline Bowman Williams on the occasion of her 100th birthday; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Geline Bowman Williams as an expression of the General Assembly's admiration, congratulations, and appreciation for her lifetime of selfless service to the residents of the Commonwealth.

HOUSE JOINT RESOLUTION NO. 144

Celebrating the life of Forrest A. Parker, Sr.

Agreed to by the House of Delegates, February 12, 2024
Agreed to by the Senate, February 15, 2024

WHEREAS, Forrest A. Parker, Sr., of Fredericksburg, a champion for diversity in higher education who touched countless lives through his visionary leadership, died on January 1, 2024; and

WHEREAS, Forrest Parker was born in Franklin and attended public schools in Newport News, where he began to build a strong foundation for lifelong learning and excelled in both academics and athletics; and

WHEREAS, after graduating from Warwick High School, Forrest Parker earned a bachelor's degree from Ferrum College, where he was a member of several student organizations and was elected student body vice president, and a master's degree in counseling education from James Madison University (JMU); and

WHEREAS, Forrest Parker joined JMU in the 1980s and was the institution's first administrator dedicated to the recruitment of minority students; as an assistant dean of admissions, he played a critical role in JMU's successful efforts to grow enrollment of Black students in accordance with statewide goals and presided over a 400 percent increase in the enrollment of all minority students; and

WHEREAS, Forrest Parker also enhanced student retention and academic success at JMU by creating two support groups for Black students, the Brothers of a New Direction (BOND) and Women of Color; and

WHEREAS, in 1989, Forrest Parker joined the University of Mary Washington (UMW), then known as Mary Washington College, as an associate dean for admissions; he directed the Summer Orientation Adventure Retreat and led the James Farmer Scholars Program; and

WHEREAS, Forrest Parker also served as the founding director of what is now known as the James Farmer Multicultural Center, through which he coordinated culturally diverse commemorative events and established the Multicultural Fair at Mary Washington, a groundbreaking program that has become a beloved annual tradition in the community; and

WHEREAS, Forrest Parker was promoted to vice president for multicultural affairs in 1993 and built on his success by bringing the BOND and Women of Color groups to UMW and developing similar support organizations for students of other backgrounds; he also created a mentorship program that matches minority students with leaders in the community and a national conference, Multi-Ethnic Perspectives, that addresses diversity in higher education and beyond; and

WHEREAS, after 20 years in academia, Forrest Parker pursued other career opportunities in real estate, retail, and public speaking, and he volunteered his time and leadership to several civic and service organizations; and

WHEREAS, Forrest Parker served on the organizing board and later became the chief executive officer of the Boys & Girls Club of the Rappahannock Region; during his tenure, the organization supported and empowered more than 4,600 young people in the region; and

WHEREAS, Forrest Parker worked with the Tau Rho Chapter of Omega Psi Phi Fraternity and its Rappahannock Regional Uplift and Scholarship Foundation to creating a special mentoring program at the Boys & Girls Club of the Rappahannock Region, the Passport to Manhood Program, which earned several prestigious awards for the Tau Rho Chapter; and

WHEREAS, Forrest Parker was a longtime member of Omega Psi Phi Fraternity, having joined the Beta Delta Delta Chapter at James Madison University in 1985; he earned many awards and accolades for his achievements, including Omega Man of the Year awards at chapter and district levels; and

WHEREAS, Forrest Parker's proudest role in life was that of a father, and he strove to always set a good example for his son, Forrest, Jr., and inspire him to achieve his fullest potential; and

WHEREAS, Forrest Parker will be fondly remembered and greatly missed by his son, Forrest, Jr.; his mother, Olga; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Forrest A. Parker, Sr., who inspired countless young people as a trailblazing higher education administrator at both James Madison University and the University of Mary Washington; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Forrest A. Parker, Sr., as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 145

Commending the Old Dominion Hounds hunting club.

Agreed to by the House of Delegates, February 12, 2024
Agreed to by the Senate, February 15, 2024

WHEREAS, the Old Dominion Hounds hunting club, a distinguished foxhunting club based in Orleans, celebrates the organization's 100th anniversary in 2024; and

WHEREAS, the origins of the Old Dominion Hounds (ODH) date to 1924, when Sterling Larrabee, ODH's first master of the foxhounds (MFH), rented a property in Flint Hill after being persuaded to try hunting in Rappahannock County and northern Fauquier County; and

WHEREAS, in 1925, after its second season, Sterling Larrabee's hunt club, which at the time was operated as Mr. Larrabee's Hounds, was granted recognition by the Masters of Foxhounds Association of North America; and

WHEREAS, after operating privately through the 1920s, Mr. Larrabee's Hounds began accepting subscriptions in 1931 and was renamed the Old Dominion Hounds to reflect the organization's growing membership; and

WHEREAS, in 1941, Sterling Larrabee sold ODH's hounds and the rights to its country to Albert Hinckley, who then immediately sold them to ODH, Inc., for a dollar; six years later, after serving during World War II, Colonel Albert Hinckley embarked upon a long and honorable term as the club's MFH; and

WHEREAS, numerous successive MFHs and huntsmen have been integral to ODH's growth and development over the years, contributing greatly to the preservation of foxhunting in the Commonwealth; and

WHEREAS, today, ODH territory spans approximately 100 square miles of Fauquier and Rappahannock Counties through the bucolic foothills of the Blue Ridge Mountains, offering its riders both thrilling sport and enchanting vistas; and

WHEREAS, ODH is dedicated to ensuring the future of foxhunting both by caring for and sustaining the land and wildlife on the club's property and by supporting new riders who represent the next generation of the sport; and

WHEREAS, through its commitment to upholding the sporting traditions of the Commonwealth and to fostering a welcoming and inclusive community for those who wish to foxhunt, ODH stands at its centennial poised for another century of success; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Old Dominion Hounds hunting club for the organization's 100th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Old Dominion Hounds hunting club as an expression of the General Assembly's admiration for the organization's history and its service to the Commonwealth.

HOUSE JOINT RESOLUTION NO. 146

Commending Wreaths Across Southern Fauquier.

Agreed to by the House of Delegates, February 12, 2024
Agreed to by the Senate, February 15, 2024

WHEREAS, for five years, Wreaths Across Southern Fauquier has honored the legacy and memory of deceased American veterans by placing wreaths in cemeteries throughout southern Fauquier County; and

WHEREAS, Wreaths Across Southern Fauquier was established in 2018 by David Sillaman, a retired United States Navy veteran and member of Harold J. Davis American Legion Post 247, who had previously laid wreaths at Arlington National Cemetery with the Wreaths Across America program; and

WHEREAS, Wreaths Across Southern Fauquier originally laid wreaths at two cemeteries in the Bealeton and Remington areas and has expanded to cover 12 locations, with plans to continue seeking new cemeteries where veterans may be interred; and

WHEREAS, with the help of volunteers from Harold J. Davis American Legion Post 247, the Bealeton Remington Ruritan Club, and Mary Pierce Elementary School, Wreaths Across Southern Fauquier raised donations to purchase and lay 430 wreaths during the 2023 Christmas season; and

WHEREAS, in 2024, Wreaths Across Southern Fauquier plans to seek additional community support, research other local military gravesites, and coordinate with Wreaths Across America to register known gravesites, allowing individuals to sponsor wreaths from the national organization's website; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Wreaths Across Southern Fauquier on the occasion of its fifth anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to David Sillaman, chair of Wreaths Across Southern Fauquier, as an expression of the General Assembly's admiration for the initiative's work to honor those who have served and sacrificed in defense of the nation and ensure that no veteran is forgotten.

HOUSE JOINT RESOLUTION NO. 147

Commending the Loudoun Impact Fund.

Agreed to by the House of Delegates, February 12, 2024
Agreed to by the Senate, February 15, 2024

WHEREAS, the Loudoun Impact Fund donated $116,000 in grants to 15 local nonprofit organizations in 2023, crossing an incredible milestone of more than $1 million in total donations since the establishment of the fund in 2014; and

WHEREAS, the Loudoun Impact Fund provides an opportunity for individuals and businesses to fund grants that are administered through a partnership between the Community Foundation for Northern Virginia and the Community Foundation for Loudoun and Northern Fauquier Counties; and

WHEREAS, in 2023, 64 individuals and businesses donated funds, then reviewed grant proposals from local organizations that offer support services for at-risk youths, seniors, people with disabilities, and low-income families; and

WHEREAS, the 2023 recipients of Loudoun Impact Fund grants were A Farm Less Ordinary, All Ages Read Together, A Place To Be, Crossroads Jobs, Dulles South Food Pantry, Insight Memory Care Center, Legacy Farms, Loudoun Cares, Loudoun Hunger Relief, Loudoun Literacy Council, Loudoun Serenity House, Loudoun Volunteer Caregivers, Ryan Bartel Foundation, The Arc of Loudoun, and Women Giving Back; and

WHEREAS, through the generosity of the individual and corporate members of its giving circle, the Loudoun Impact Fund has significantly enhanced the quality of life in the region; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Loudoun Impact Fund for donating more than $1 million in grants to worthy businesses over the course of its history; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Loudoun Impact Fund as an expression of the General Assembly's admiration for the fund's vital role in supporting nonprofit organizations in Loudoun County.

HOUSE JOINT RESOLUTION NO. 148

Commending Alexandra Gressitt.

Agreed to by the House of Delegates, February 12, 2024
Agreed to by the Senate, February 15, 2024

WHEREAS, Alexandra Gressitt has helped Thomas Balch Library in Leesburg achieve national renown as a research library while providing exceptional services to the local community; and

WHEREAS, Alexandra Gressitt began her career as an assistant reference librarian and worked as an archivist at North Carolina State University and St. Mary's College while pursuing graduate-level studies; and

WHEREAS, before joining Thomas Balch Library in 2003, Alexandra Gressitt also worked as curator of manuscripts and archives at the Indiana Historical Society, archivist for the City of Hattiesburg, Mississippi, assistant university archivist at the University of Southern Mississippi, and archives research services director at the Library of Virginia; and

WHEREAS, Alexandra Gressitt used her wide range of experience and expertise to help Thomas Balch Library become a world-class destination for history and genealogy researchers, overseeing significant growth and modernization; and

WHEREAS, Alexandra Gressitt converted Thomas Balch Library's catalog from the Dewey Decimal System to the Library of Congress Classification and granted people in more than 100 countries access to the library's resources through the Online Computer Library Center's WorldCat Discovery service; and

WHEREAS, Alexandra Gressitt renewed partnerships with local schools, including George Mason University, and helped develop regular classes, lecture series, exhibits, and other events; she also established an internship program and invigorated the library's volunteer program; and

WHEREAS, in 2015, Alexandra Gressitt guided the creation of the Thomas Balch Library Foundation to further support innovative program and strengthen the library's community engagement through outreach projects; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Alexandra Gressitt for her years of outstanding service as director of the Thomas Balch Library in Leesburg; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Alexandra Gressitt as an expression of the General Assembly's admiration for her achievements in service to the Leesburg community and contributions to the field of library science.

HOUSE JOINT RESOLUTION NO. 149

Commending Brittany Dwyer-Gianoli.

Agreed to by the House of Delegates, February 12, 2024
Agreed to by the Senate, February 15, 2024

WHEREAS, Brittany Dwyer-Gianoli of Rappahannock County, the executive director of Headwaters Foundation and a passionate advocate for children in public schools, was selected by *Rappahannock News* as its 2023 Citizen of the Year; and

WHEREAS, the Citizen of the Year award was created by the longtime publisher of *Rappahannock News*, Arthur W. Arundel, to honor exceptional local leaders like Brittany Dwyer-Gianoli who have left an indelible impact on Rappahannock County through their commitment to service; she is the youngest-ever recipient of the award; and

WHEREAS, Brittany Dwyer-Gianoli attended Rappahannock County Public Schools and, with the encouragement and support of the Headwaters Foundation staff, where she began working as an intern at the age of 16, she graduated eighth in her high school class and earned multiple college scholarships; and

WHEREAS, a first-generation college student, Brittany Dwyer-Gianoli proudly earned a bachelor's degree from George Mason University and a master's degree from the University of Southern California; and

WHEREAS, Brittany Dwyer-Gianoli worked for the Mental Health Association of Fauquier County and the Northern Piedmont Community Foundation before she returned to Headwaters Foundation in 2021 as the youngest executive director in the organization's history; and

WHEREAS, as executive director, Brittany Dwyer-Gianoli immediately faced numerous challenges related to the COVID-19 pandemic, such as chronic absenteeism and learning loss; and

WHEREAS, Brittany Dwyer-Gianoli worked with a teacher and team of volunteers to reinvigorate a reading assistance program to enhance student literacy and expanded an after-school enrichment program to include new and engaging activities like martial arts, cooking, robotics, sewing, and health and wellness activities; and

WHEREAS, under Brittany Dwyer-Gianoli's leadership, Headwaters Foundation awarded more than $115,000 in scholarships and financial assistance in 2023, provided education stipends for teachers, sponsored field trips for local students, and created a youth mentorship program; and

WHEREAS, Brittany Dwyer-Gianoli also launched an annual Harvest Festival to build a strong sense of community while raising money to support Headwaters Foundation's vital outreach programs; and

WHEREAS, Brittany Dwyer-Gianoli has touched the lives of hundreds of public school students through her kindness and generosity, and she has inspired her colleagues through her unparalleled organizational and leadership skills; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Brittany Dwyer-Gianoli on her selection as the 2023 Citizen of the Year by *Rappahannock News*; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Brittany Dwyer-Gianoli as an expression of the General Assembly's admiration for her legacy of contributions to young people in Rappahannock County.

HOUSE JOINT RESOLUTION NO. 150

Commending Patrick A. Joyce.

Agreed to by the House of Delegates, February 12, 2024
Agreed to by the Senate, February 15, 2024

WHEREAS, Patrick A. Joyce, an honorable veteran who has lived in the Commonwealth since 2007, was born on November 29, 1968, in Pittsburgh, Pennsylvania; and

WHEREAS, Patrick Joyce earned both undergraduate and graduate degrees from the University of Pennsylvania, where he was a member of the Phi Beta Kappa honor society and graduated magna cum laude; and

WHEREAS, Patrick Joyce bravely served in the United States Army during Operation Desert Storm of the Persian Gulf War; he distinguished himself in the United States Military Intelligence Corps, with which he served as a combat electronic warfare intelligence tactical team lead; and

WHEREAS, upon his honorable discharge from military service, Patrick Joyce has devoted his career to assisting the national intelligence community, allied governments, aerospace defense contractors, and Global 2000 companies in identifying and mitigating supply chain and industrial base risks; and

WHEREAS, Patrick Joyce is a globally recognized and respected leader in his field, having been regularly invited to brief the United States National Security Council and congressional leaders on issues of greatest importance to our nation's defense, its economic competitiveness, and its industrial resiliency; and

WHEREAS, Patrick Joyce ardently supports and works closely with veterans' nonprofit organizations to assist returning veterans' reintegration into civilian life and provide educational and recreational opportunities to military families; and

WHEREAS, Patrick Joyce's philanthropic work includes serving as a patron of Hero Homes, Inc., as a member of the board of advisors of the Rick Herrema Foundation, and as a champion of wildlife habitat conservation; and

WHEREAS, Patrick Joyce is a great American, a patriot, and an adopted son of the Commonwealth; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Patrick A. Joyce for his dedication to duty and faithful service to the United States and its allies, to the Commonwealth, and to the United States military veteran community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Patrick A. Joyce as an expression of the General Assembly's admiration for his contributions to our country and to the Commonwealth.

HOUSE JOINT RESOLUTION NO. 151

Commending John Rossmann.

Agreed to by the House of Delegates, February 12, 2024
Agreed to by the Senate, February 15, 2024

WHEREAS, born in the Bronx, New York, on July 8, 1924, John Rossmann, a resident of the Commonwealth for the last fifty years, will soon be celebrating his 100th birthday; and

WHEREAS, John Rossmann began his service in the United States Army in March 1943; at age 19 and as part of the 1st Army, 4th Infantry Division, he landed on Utah Beach, Normandy, during the Allied campaign in World War II to stop Nazi aggression and free France and Western Europe from Nazi occupation; and

WHEREAS, John Rossmann participated in the infamous hedgerow combat against the Nazis on the 1st Army's advance to Paris; after reaching Paris, he was assigned to the Supreme Headquarters Allied Expeditionary Force, and ultimately was honorably discharged from military service in March 1946; and

WHEREAS, John Rossmann received a bachelor's degree from New York University in 1956 and thereafter served the United States as a treasury enforcement agent for 21 years, combating counterfeiting and drug trafficking from assigned posts in London, Chicago, Paris, and Washington, D.C.; and

WHEREAS, for his service to his country, John Rossmann was awarded the United States Department of the Treasury's highest career service award, the Albert Gallatin Award; and

WHEREAS, John Rossmann is a patriot, a great American, and an adopted son of the Commonwealth; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend John Rossmann for his dedication to duty and faithful service to the United States and its allies, as well as to the Commonwealth; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to John Rossmann as an expression of the General Assembly's admiration for his contributions to the country and to the Commonwealth.

HOUSE JOINT RESOLUTION NO. 152

Celebrating the life of Emerson Latham Gravatt.

Agreed to by the House of Delegates, February 12, 2024
Agreed to by the Senate, February 15, 2024

WHEREAS, Emerson Latham Gravatt, an esteemed public servant, longtime employee of Rappahannock General Hospital, and active and beloved member of the Kilmarnock community, died on March 19, 2023; and

WHEREAS, Emerson Gravatt grew up in Kilmarnock and attended Hargrave Military Academy in Chatham before graduating from what is today Campbell University; and

WHEREAS, after returning to Kilmarnock, Emerson Gravatt taught mathematics and science at schools in Lancaster and Northumberland Counties, contributing greatly to the success of his students, and worked for some time as a gas station attendant and oil delivery man before ultimately joining the staff at Rappahannock General Hospital; and

WHEREAS, over a distinguished 37-year career at Rappahannock General Hospital, Emerson Gravatt held many different positions and played a vital role in the hospital's efforts to meet the health care needs of the community, retiring as senior vice president of human resources and physician recruitment; and

WHEREAS, as a member of the Kilmarnock Town Council over several terms, Emerson Gravatt proudly represented his constituents and worked tirelessly for the benefit of Kilmarnock and its residents; and

WHEREAS, Emerson Gravatt gave generously of his time to various civic organizations over the years, including the Kilmarnock Volunteer Fire Department, Kilmarnock-Irvington-White Stone Rotary Club, Kilmarnock Lions Club, and Lancaster High School Parent Teacher Association; and

WHEREAS, Emerson Gravatt was an avid sportsman who held a state cross country record as a teenager and later won medals and championships in skiing, tennis, and golf; and

WHEREAS, Emerson Gravatt was the consummate family man who was happiest when he was spending time with his wife and children and sharing with them the natural wonders of the Northern Neck; and

WHEREAS, Emerson Gravatt will be fondly remembered and dearly missed by his loving wife of 54 years, Joan; his children, Amanda and Emerson, Jr., and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Emerson Latham Gravatt, a cherished member of the Kilmarnock community whose kindness and dedication touched countless lives; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Emerson Latham Gravatt as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 153

Commending the Virginia School Boards Association.

Agreed to by the House of Delegates, February 12, 2024
Agreed to by the Senate, February 15, 2024

WHEREAS, for 118 years, the Virginia School Boards Association, a voluntary, nonprofit organization that supports local school boards throughout the Commonwealth, has promoted excellence in public education through leadership, advocacy, and innovative programs; and

WHEREAS, the Virginia School Boards Association works to ensure that every child in the public education system deserves to receive the tools and support they need, when they need it, to advance student outcomes; and

WHEREAS, inequities in schools and learning loss exacerbated by the COVID-19 pandemic have become increasingly significant challenges across both the Commonwealth and the United States; and

WHEREAS, the Virginia School Boards Association has established a Task Force on Students and Schools in Challenging Environments to make recommendations and to stay at the forefront of discussions on academic excellence in Virginia schools; and

WHEREAS, the Virginia School Boards Association has studied the way factors like disability, race, ethnicity, and socioeconomic status have a demonstrated history of impacting the educational opportunities provided to a student; and

WHEREAS, the Virginia School Boards Association also seeks to address the way that inequities in resources, including educational settings, supplies, technology, and buildings can impede student learning; and

WHEREAS, the Virginia School Boards Association strives to fulfill the promise of public education for every child to be successful in school and life in every locality and community in Virginia; and

WHEREAS, it is important for Virginia families, school boards, students, teachers, and school administrators to be aware of the diverse needs of learners, and to encourage discussion of the challenges as a school community; and

WHEREAS, the Virginia School Boards Association recognizes the month of March as Equity in Education Month to encourage educational equity, promote best practices, and invigorate discussions about equity in Virginia's communities, school divisions, and classrooms; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Virginia School Boards Association for its contributions to the advancement of equity in public education throughout the Commonwealth; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Virginia School Boards Association as an expression of the General Assembly's admiration for the organization's vital mission and legacy of achievements in service to students.

HOUSE JOINT RESOLUTION NO. 154

Commending Nathan Hershberger.

Agreed to by the House of Delegates, February 12, 2024
Agreed to by the Senate, February 15, 2024

WHEREAS, Nathan Hershberger, a fifth-grade teacher at George Mason Elementary School in Alexandria, was named the 2022-2023 Alexandria City Public Schools Teacher of the Year; and

WHEREAS, Nathan Hershberger earned his bachelor's degree in education from the University of Pittsburgh and began teaching with Alexandria City Public Schools in 2014 when he joined the faculty at William Ramsay Elementary School as a third-grade teacher; and

WHEREAS, Nathan Hershberger later transferred to George Mason Elementary School and continued to teach third grade for some time before assuming his current role teaching fifth-grade students in the areas of mathematics, science, and social studies; and

WHEREAS, Nathan Hershberger has worked tirelessly to cultivate a nurturing and supportive learning environment for his students, utilizing science experiments, project-based educational opportunities, and other hands-on activities to spark their curiosity and inspire their creativity; and

WHEREAS, Nathan Hershberger has demonstrated an exceptional commitment to the academic, social, and emotional well-being of his students, preparing them for successful futures both in and out of the classroom; and

WHEREAS, Nathan Hershberger serves on the Science Task Force, a group of educators that assist with the development of the science curriculum, bringing his classroom experience to bear for the benefit of others; and

WHEREAS, by challenging his students to discover the mathematician, scientist, and historian in each of them, Nathan Hershberger has placed his students on paths to greatness, earning the admiration and respect of all Virginians; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Nathan Hershberger, a fifth-grade educator at George Mason Elementary School, for being named the 2022-2023 Alexandria City Public Schools Teacher of the Year; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Nathan Hershberger as an expression of the General Assembly's high esteem for his contributions to education in the Commonwealth.

HOUSE JOINT RESOLUTION NO. 155

Commending Patricia Washington.

Agreed to by the House of Delegates, February 12, 2024
Agreed to by the Senate, February 15, 2024

WHEREAS, Patricia Washington, president and chief executive officer of Visit Alexandria, a membership-based organization dedicated to promoting tourism in Alexandria, will retire on June 30, 2024; and

WHEREAS, Patricia Washington took the helm of Visit Alexandria in 2012 and over her tenure has seen the City of Alexandria increase its revenue through sales, meals, and lodging taxes from $55 million to more than $80 million annually; and

WHEREAS, Patricia Washington spearheaded a number of collaborative ventures with the City of Alexandria and its Office of Historic Alexandria, such as Visit Alexandria's "Drop In" and "Expand Your ALX" campaigns, which were designed to develop engaging visitor experiences that would market the city to new, diverse audiences; and

WHEREAS, Patricia Washington steered Visit Alexandria's national media strategy to help the city earn top accolades from a number of prominent publications, including *Travel + Leisure*, *Condé Nast Traveler*, and *Southern Living*; and

WHEREAS, Patricia Washington has advanced her industry through her involvement with the U.S. Travel Association's Destinations Council and with the Northern Virginia Tourism Partnership; and

WHEREAS, a devoted arts advocate, Patricia Washington served on the board of the Alexandria Arts Alliance and with Heard, a nonprofit organization that supports underserved children and adults through arts instruction and other services; and

WHEREAS, Patricia Washington's indefatigable efforts have made Alexandria a leading global destination, contributing greatly to the prosperity of the region; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Patricia Washington, president and chief executive officer of Visit Alexandria, on the occasion of her retirement; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Patricia Washington as an expression of the General Assembly's admiration for her legacy of service and best wishes for a happy and fulfilling retirement.

HOUSE JOINT RESOLUTION NO. 156

Commending Joanna Anderson.

Agreed to by the House of Delegates, February 12, 2024
Agreed to by the Senate, February 15, 2024

WHEREAS, Joanna Anderson, a distinguished attorney who has served the City of Alexandria for many years, retired from her position as city attorney in 2023; and

WHEREAS, Joanna Anderson initially joined the Alexandria City Attorney's Office as a law clerk in 2001 and served as an assistant city attorney from 2003 to 2005 before entering private practice and working with McGuireWoods, LLP, as a land use attorney from 2005 to 2010; and

WHEREAS, Joanna Anderson returned to her role as assistant city attorney in 2010 and served as chief deputy attorney and then acting city attorney between 2016 and 2018 before she was officially appointed city attorney on October 23, 2018; and

WHEREAS, during her tenure as city attorney, Joanna Anderson provided sage advice to Alexandria's mayors, councilmembers, and city manager as the locality navigated various complex legal issues, such as operating during the COVID-19 pandemic and implementing a collective bargaining policy for city employees; and

WHEREAS, among her many responsibilities as city attorney, Joanna Anderson counseled local leaders with regard to major infrastructure projects, interpreted the city's zoning ordinance, and processed development applications; and

WHEREAS, Joanna Anderson's leadership and professionalism have been invaluable assets to the City of Alexandria, helping to make the city a more wonderful place to live, work, and raise a family; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Joanna Anderson as she retires from her position as city attorney of the City of Alexandria; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Joanna Anderson as an expression of the General Assembly's admiration for her legacy of service.

HOUSE JOINT RESOLUTION NO. 157

Commending Debra Collins.

Agreed to by the House of Delegates, February 12, 2024
Agreed to by the Senate, February 15, 2024

WHEREAS, Debra Collins, longtime deputy city manager of the City of Alexandria, who devoted nearly two decades to the success and well-being of the Alexandria community, retired on July 1, 2023; and

WHEREAS, Debra Collins developed a passion for service in the early years of her career while supporting nonprofit organizations providing at-risk youth services, rehousing assistance, and transitional housing for people affected by domestic violence and substance use disorders; and

WHEREAS, following an eight-year stint as the second deputy commissioner of the Department of Social Services in Erie County, New York, Debra Collins began her career in Alexandria when she was appointed the city's director of human services in 2003; and

WHEREAS, five years later, after leading the consolidation of three city agencies in creating the Department of Community and Human Services (DCHS), Debra Collins joined the City Manager's Office as assistant city manager; and

WHEREAS, Debra Collins was named deputy city manager of the City of Alexandria in 2012, assuming the responsibility of overseeing the city's public safety agencies, including its police, fire, and emergency communications departments, DCHS, the Department of Human Resources, the Office of Human Rights, and the Department of Recreation, Parks, and Cultural Activities; and

WHEREAS, Debra Collins interacted with a wide range of agencies, institutions, and organizations in Alexandria as the city's liaison to the Health Department, the Commonwealth's Attorney, the Court Service Unit, the Alexandria Library, and the Sheriff's Office; as its lead staff to Alexandria City Public Schools; and as the individual managing the city's distribution of grant funds to nonprofits; and

WHEREAS, Debra Collins' many noteworthy achievements include the consolidation of city services at the Redella S. "Del" Pepper Community Resource Center, also known as the West End City Hall, the reinstatement of the City Schools Staff Group, and the creation of the Center for Alexandria's Children, an advocacy and education center for families developed in partnership with ACT for Alexandria; and

WHEREAS, through inspired leadership and an unwavering commitment to serving others, Debra Collins has made a profound impact on the lives of countless individuals and families in Alexandria, earning her the praise and esteem of all Virginians; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Debra Collins on the occasion of her retirement; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Debra Collins as an expression of the General Assembly's admiration for her service to the City of Alexandria.

HOUSE JOINT RESOLUTION NO. 158

Commending Zahra Rahimi.

Agreed to by the House of Delegates, February 12, 2024
Agreed to by the Senate, February 15, 2024

WHEREAS, Zahra Rahimi, a community leader and student at the International Academy of Alexandria City High School, was named a "Girls Leading Change" honoree by First Lady Jill Biden in 2023 as part of the White House's celebration of International Day of the Girl; and

WHEREAS, Zahra Rahimi was also honored in 2023 by Alexandria Celebrates Women, an organization dedicated to recognizing the accomplishments and contributions of Alexandria's women of the past, present, and future; and

WHEREAS, since arriving in the United States from Afghanistan four years ago, Zahra Rahimi has become an influential member of the Afghan refugee community in Alexandria, helping countless families with the process of resettling; and

WHEREAS, after becoming the first-ever International Academy of Alexandria City High School (ACHS) student representative to the Alexandria City School Board, Zahra Rahimi has organized cultural events and staff trainings that facilitate the school district's efforts to accommodate newly settled Afghan refugee families; and

WHEREAS, in partnership with Northern Virginia Resettling Afghan Families Together, Zahra Rahimi established a literacy program to assist middle school and high school students who were reading significantly below their grade level; and

WHEREAS, as a member of the City of Alexandria's Children, Youth, and Families Collaborative Commission, Zahra Rahimi has developed and implemented trainings on youth-adult partnerships designed to enhance youth engagement with local decision-making bodies; and

WHEREAS, Zahra Rahimi has additionally lent her talents to the Substance Abuse Prevention Coalition of Alexandria during a recent messaging campaign, volunteered with the local Afghan community to celebrate the winter solstice holiday Yalda Night, and contributed articles to *Theogony*, the ACHS newspaper; and

WHEREAS, beyond supporting refugee resettlement and improving access to English as a Second Language resources, Zahra Rahimi has advocated passionately for advancing women's rights globally, especially in areas of conflict; and

WHEREAS, Zahra Rahimi's recent accolades are a testament to the impact she has made in the Alexandria community and to the bright future that lies ahead of her; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Zahra Rahimi for being named a 2023 "Girls Leading Change" honoree; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Zahra Rahimi as an expression of the General Assembly's admiration for her contributions to the City of Alexandria and the Commonwealth.

HOUSE JOINT RESOLUTION NO. 159

Commending the Virginia Association of Roofing Professionals.

Agreed to by the House of Delegates, February 19, 2024
Agreed to by the Senate, February 22, 2024

WHEREAS, for more than five decades, the Virginia Association of Roofing Professionals has worked to advance the roofing industry in the Commonwealth through education, advocacy, and workforce development and to uphold high standards for member organizations; and

WHEREAS, as the first line of defense against rain, snow, and other weather, the roof is one of the most important components of any home or business, and yet it is often taken for granted until it falls into disrepair; the Virginia Association of Roofing Professionals was established in 1967 to support roofing contractors, consultants, and suppliers in their important mission; and

WHEREAS, the Virginia Association of Roofing Professionals represents the hundreds of roofing companies and thousands of workers contributing to the installation of new construction and replacement roof systems on businesses and homes throughout the Commonwealth; and

WHEREAS, by promoting industry education, workforce development, and best practices, the Virginia Association of Roofing Professionals helps the roofing industry contribute to the economic prosperity of the Commonwealth by creating stable job opportunities and supporting the growth of the construction sector; and

WHEREAS, the Virginia Association of Roofing Professionals and its member organizations play a vital role in every Virginia community; many roofing companies are small, privately held businesses that provide family-sustaining jobs, supporting the backbone of local economies; and

WHEREAS, in the first full week of June, the Virginia Association of Roofing Professionals celebrates Roofing Week to honor its members and the hundreds of roofing-related businesses and thousands of workers across the Commonwealth, as well as to highlight the roofing industry's commitment to public service, and underscore the profound impact of quality roofing on every home and business; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Virginia Association of Roofing Professionals for its decades of service to its members and commitment to excellence in the roofing industry on the occasion of Roofing Week 2024; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Virginia Association of Roofing Professionals as an expression of the General Assembly's admiration for the many contributions of roofing professionals to communities throughout the Commonwealth.

HOUSE JOINT RESOLUTION NO. 160

Celebrating the life of William Arthur Olson.

Agreed to by the House of Delegates, February 19, 2024
Agreed to by the Senate, February 22, 2024

WHEREAS, William Arthur Olson, an expert in regulatory consulting who dedicated his leadership abilities to the preservation of the Commonwealth's natural and historical resources, died on June 15, 2023; and

WHEREAS, William "Bill" Arthur Olson grew up in Minneapolis, Minnesota, where he graduated from Roosevelt High School; he continued his education at the University of Minnesota, earning a bachelor's degree in animal husbandry and a doctorate in physiologic chemistry; and

WHEREAS, while at the University of Minnesota, Bill Olson was a member of the Reserve Officer Training Corps and later served his country as a member of the United States Army Reserve for 15 years; and

WHEREAS, Bill Olson began his career in animal pharmaceuticals and worked at Hazleton Labs, which later became Covance; he relocated to Reston in 1969, then started his own regulatory consulting firm, the Center for Regulatory Services, in 1973; and

WHEREAS, under Bill Olson's leadership, the Center for Regulatory Services focused on products regulated by the Environmental Protection Agency and the Food and Drug Administration; the company gained several domestic and international clients and celebrated its 50th anniversary in 2023; and

WHEREAS, in 2002, Bill Olson moved to Prince William County, where he was an active member of the community and a champion for environmental and historical preservation programs; and

WHEREAS, Bill Olson served on the Prince William County Historical Commission and was a loyal supporter of Historic Prince William; he oversaw numerous preservation projects and applications for historical markers, and he proudly cared for more than 500 small cemeteries across Prince William County; and

WHEREAS, Bill Olson personally mentored more than 50 Boy Scouts who achieved the rank of Eagle Scout with service projects related to local cemetery maintenance or beautification and conservation work in local parks; and

WHEREAS, Bill Olson formed the Prince William Conservation Association with several fellow residents and played a vital role in the preservation of the Merrimac Farm Wildlife Management Area; and

WHEREAS, Bill Olson enjoyed fellowship and worship with the congregation of Grace United Methodist Church in Manassas, where he spearheaded the restoration and interpretation of the Clover Hill Farm Slave Quarters on church grounds; and

WHEREAS, Bill Olson loved spending time in the great outdoors with friends and family, and he made countless memories on hiking and camping trips; he was also an avid traveler who enjoyed many trips back to Minnesota and around the country and the world, including one journey to the Galapagos Islands; and

WHEREAS, predeceased by his beloved wife, JoAnn, Bill Olson will be fondly remembered and greatly missed by his children, Kristi, Gwendolyn, and Jonathan, and their families, and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of William Arthur Olson; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of William Arthur Olson as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 161

Celebrating the life of Donald Lee Wilson.

Agreed to by the House of Delegates, February 19, 2024
Agreed to by the Senate, February 22, 2024

WHEREAS, Donald Lee Wilson of Manassas, a passionate historian and genealogist who helped countless Northern Virginia residents research their family heritage, died on March 6, 2023; and

WHEREAS, Donald "Don" Lee Wilson grew up in Anderson, Indiana, and served his country as a member of the United States Air Force after graduating from high school; he subsequently earned a bachelor's degree in history from Ball State University and a master's degree in library sciences from Indiana University; and

WHEREAS, Don Wilson began his career in 1970 as a reference librarian at Oxon Hill Library in Prince George's County, Maryland; he relocated to the Commonwealth in September 1979 and became a fixture at libraries in Manassas and Prince William County; and

WHEREAS, Don Wilson played an instrumental role in countless research projects on old homes, cemeteries, events, roads, and local families; he was known as the "tree doctor" for his willingness to lend his knowledge and experience to visitors in need of help building their family trees; and

WHEREAS, Don Wilson also provided his leadership and expertise to several historical groups, including the Historic Resources Board of the Manassas Museum, Historic Prince William, and the Prince William County Historical Commission; and

WHEREAS, in addition, Don Wilson supported the Prince William Little Theatre and performed a number of roles in its productions; and

WHEREAS, outside of his career, Don Wilson was dedicated to researching his own family's genealogy and kept extensive records in spiral-bound notebooks and small cue cards handwritten in his exceptional penmanship; and

WHEREAS, Don Wilson will be fondly remembered and greatly missed by his siblings and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Donald Lee Wilson, a historical researcher and genealogist; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Donald Lee Wilson as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 162

Commending Pohick Episcopal Church.

Agreed to by the House of Delegates, February 19, 2024
Agreed to by the Senate, February 22, 2024

WHEREAS, Pohick Episcopal Church, the home church of George Washington and George Mason, has provided inspirational religious leadership and transformative outreach to the members of the Lorton community and the Commonwealth from its current location for 250 years; and

WHEREAS, Pohick Church is listed on the Virginia Landmarks Register and the National Register of Historic Places and bears historical significance as an elegant specimen of Georgian-style architecture, reflecting its Colonial-era origins, while continuing to serve as an active Episcopal Church; and

WHEREAS, originally known as the Occoquan Church, Pohick Church was established around 1724, and as the first permanent church established north of the Occoquan River, it has been called "the Mother Church of Northern Virginia"; and

WHEREAS, Pohick Church played a pivotal role as the spiritual sanctuary of George Washington; as a Truro Parish vestryman, he assumed responsibilities for overseeing financial matters, church and community leadership, and clergy elections, and was himself elected as church warden; and

WHEREAS, George Washington surveyed the land and played a crucial part in the relocation, design, and construction of the current Pohick Church, which was completed in 1774; and

WHEREAS, in addition to George Washington, fellow vestryman George Mason and other significant figures of the era, claimed Pohick Church as their spiritual home; their faith and unwavering commitment to individual liberties was a fundamental and integral component of the drafting of the Virginia Declaration of Rights, and the church was the location of the early discussions leading to the Fairfax Resolves; and

WHEREAS, Pohick Church stands as a testament to the collective endeavors and achievements of its congregants, including noteworthy individuals like George Washington and George Mason, other local tradespeople and business owners, community members, and numerous enslaved Africans, and in 2023, the church immortalized many of their names in bronze to serve as a commemoration and a lasting reminder of their contributions to the early history of the nation; and

WHEREAS, Pohick Church has solidified its role as a spiritual haven and welcoming community for military veterans, reflecting its historical association with George Washington in its present-day congregation, which has counted veterans of every branch of service among its membership, as well as numerous alumni from institutions such as the United States Military Academy, the United States Naval Academy, United States Coast Guard Academy, the Citadel, and Virginia Military Institute; and

WHEREAS, Pohick Church continues to welcome seekers and newcomers of all backgrounds, races, and cultures, reaching out to the wider community through a variety of ministries in the spirit of its forebears; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Pohick Episcopal Church, one of the most historically significant churches in the Commonwealth and the nation, on the occasion of its 250th anniversary of the completion of its 1774 church building; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Pohick Episcopal Church on Presidents' Day 2024 as an expression of the General Assembly's admiration for the church's unique role in American history as the home church of George Washington, and for the ways the church has carried forward the spiritual legacy of its founders to current and future generations.

HOUSE JOINT RESOLUTION NO. 163

Celebrating the life of Shirley Estelle Savage Harris.

Agreed to by the House of Delegates, February 19, 2024
Agreed to by the Senate, February 22, 2024

WHEREAS, Shirley Estelle Savage Harris, an esteemed educator and an active and beloved member of the Richmond community, died on December 3, 2023; and

WHEREAS, Shirley Harris was born to the late Frederick D. Savage and LaVerna Roane Savage and graduated from Armstrong High School in Richmond, Virginia State University, and Columbia University, where she earned a master's degree in teaching; and

WHEREAS, Shirley Harris returned to Richmond and taught in Richmond Public Schools for 41 years, most of which she spent at William Fox Elementary School, where she was beloved by generations of students and faculty; and

WHEREAS, Shirley Harris was a humble servant and a leader in her community whose mentorship and support was valued by many, and she was regarded as a woman of style and substance in everything she did; and

WHEREAS, Shirley Harris was involved in her community and was initiated into the Richmond Alumnae Chapter of Delta Sigma Theta Sorority, Inc., and the Richmond Chapter of THE MOLES, Inc.; and

WHEREAS, preceded in death by her loving husband, Archie L. Harris, Sr., and her sister, Fredi Savage Eaton, Shirley Harris will be lovingly remembered and dearly missed by her son, Archie Harris, Jr., and his wife Cheryle Thorne-Harris; her daughter, Kelly Harris-Braxton and her husband George P. Braxton; and her four grandsons, Harris B. Braxton, Miles Q. Braxton, Taylor Mack, and Hunter Mack, as well as her sisters, Sandra S. Mundle and LaVerna S. Johnson; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Shirley Estelle Savage Harris, a cherished member of the Richmond community whose kind and generous spirit brightened countless lives; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Shirley Estelle Savage Harris as an expression of the General Assembly's respect for her memory and her many accomplishments.

HOUSE JOINT RESOLUTION NO. 164

Celebrating the life of Gerard Everett Woodbury.

Agreed to by the House of Delegates, February 19, 2024
Agreed to by the Senate, February 22, 2024

WHEREAS, Gerard Everett Woodbury, an honorable veteran, accomplished engineer, and beloved member of the Newport News community, died on December 24, 2023; and

WHEREAS, born in Portsmouth, Gerard Everett "Woody" Woodbury went on to graduate from Duke University before honorably serving his country as a member of the United States Navy for three years; and

WHEREAS, Woody Woodbury enjoyed a successful career as an engineer with the National Aeronautics and Space Administration, including work with the team that put astronauts on the moon; and

WHEREAS, Woody Woodbury foresaw the value of computer technology and would spend many years of his life exploring its potential; and

WHEREAS, Woody Woodbury embraced his creative side through his love for music, dancing, puzzles, games, scriptwriting, and storytelling; and

WHEREAS, preceded in death by his son, Gerard, Jr., Woody Woodbury will be fondly remembered and dearly missed by his loving wife of 64 years, Dr. Patricia "Pat" Woodbury; his daughter, Michelle, and her family; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Gerard Everett Woodbury, a treasured member of the Newport News community whose dedication and service inspired all who knew him; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Gerard Everett Woodbury as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 165

Celebrating the life of Harold Martin Gross.

Agreed to by the House of Delegates, February 19, 2024
Agreed to by the Senate, February 22, 2024

WHEREAS, Harold Martin Gross, a highly admired attorney, congressional staffer, and volunteer leader who touched countless lives as an advocate for civil rights and a champion for the Native American community, died on November 1, 2023; and

WHEREAS, Harold "Hal" Martin Gross grew up in New York City, where one of his earliest experiences with politics was handing out pins and leaflets in support of Franklin D. Roosevelt's campaign for a fourth term as president in 1944; and

WHEREAS, in 1945, Hal Gross and his family relocated to Palo Alto, California; he subsequently served the nation as a military police officer in the United States Army and earned a bachelor's degree and a law degree from Stanford University; and

WHEREAS, Hal Gross opened his own law firm in 1961 and specialized in civil rights litigation; over the course of the next five years, he became the chair of the Mid-Peninsula Chapter of the American Civil Liberties Union (ACLU) and vice president of the Palo-Alto-Stanford Branch of the NAACP; and

WHEREAS, in 1966, Hal Gross sold his legal practice and moved to Oregon as the first paid staff member of the ACLU; during that period, he also served on the Oregon Workers' Compensation Board and traveled throughout the state to hear cases, primarily in the timber industry; and

WHEREAS, Hal Gross next served as a state field coordinator for the successful primary re-election campaign of United States Senator Wayne Morse, who later became the chair of the Senate Select Committee on Indian Education; and

WHEREAS, Senator Morse invited Hal Gross to come to Washington, D.C., as a member of his staff, and from 1969 to 1974, he also served as counsel to the National Congress of American Indians and the National Council on Indian Opportunity, as well as founder and executive director of the Indian Legal Information Development Service; he was notably one of the first to lobby the professional football team then known as the Washington Redskins to change its name; and

WHEREAS, Hal Gross eventually joined the office of United States Senator Alan Cranston and spent the next 13 years drafting legislation and policy statements on energy, environmental, labor, and Native American issues; and

WHEREAS, Hal Gross joined the Fairfax County Democratic Committee in 1985 and served the committee in various capacities for three decades; he was an emeritus member of the Mason District Democratic Committee, returned to practicing law for a few years, then served as a congressional liaison for the U.S. Department of Agriculture under President Bill Clinton in 1994; and

WHEREAS, after his well-earned retirement, Hal Gross took up stamp collecting and joined the American Philatelic Society in 1985; he also regularly attended meetings of the Springfield Stamp Club for more than 25 years; and

WHEREAS, Hal Gross will be fondly remembered and greatly missed by his beloved wife of 53 years, Penny; his children, David, Sabra, and Pamela, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Harold Martin Gross, a distinguished attorney who made lasting contributions to communities throughout the Commonwealth and the United States; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Harold Martin Gross as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 166

Celebrating the life of Michelle Antonette Leete.

Agreed to by the House of Delegates, February 26, 2024
Agreed to by the Senate, February 29, 2024

WHEREAS, Michelle Antonette Leete, a passionate champion for civil rights, equity, and social justice, who was serving as president of the Fairfax County Branch of the NAACP, died on January 4, 2024; and

WHEREAS, a native of Portsmouth, Michelle Leete received a bachelor's degree in computer science from Elizabeth City State University and a master's degree from Villanova University; she subsequently earned a master of business administration degree in strategic leadership from Amberton University; and

WHEREAS, Michelle Leete began her career at the New York Stock Exchange, then supported the maintenance, operation, development, and preservation of the United States Capitol Complex as a member of the Office of the Architect of the Capitol for 17 years; and

WHEREAS, Michelle Leete was well-known for her incredible organizational skills and could take command of any situation through her proactive management style; and

WHEREAS, Michelle Leete settled in Alexandria, where she was an active participant in local education, serving on parent-teacher associations at Weyanoke Elementary School, Holmes Middle School, and Edison High School; she also served as vice president of the Virginia PTA and the Fairfax County Council PTA; and

WHEREAS, Michelle Leete's true calling was civic leadership, and she supported reform in housing, education, criminal justice, and environmental and economic policies for the betterment of all; and

WHEREAS, Michelle Leete was the longest-serving board member of the Fairfax County Branch of the NAACP and had previously served as treasurer; she inspired others through her determined advocacy and genuine commitment to enhancing community life and was elected as president in 2023; and

WHEREAS, predeceased by her son, Myles, Michelle Leete will be fondly remembered and greatly missed by her daughter, Sydney; her mother, Lynda; and numerous other family members and friends; and

WHEREAS, Michelle Leete is to be noted in the archives of the Commonwealth of Virginia for her leadership in transforming her community, the Commonwealth, and our nation; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Michelle Antonette Leete, the highly admired president of the Fairfax County Branch of the NAACP; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Michelle Antonette Leete as an expression of the General Assembly's respect for her memory.

HOUSE JOINT RESOLUTION NO. 167

Celebrating the life of Jack D. Cole, D.D.S.

Agreed to by the House of Delegates, February 19, 2024
Agreed to by the Senate, February 22, 2024

WHEREAS, Jack D. Cole, D.D.S., a distinguished dentist and active and beloved member of the Abingdon community, died on January 11, 2024; and

WHEREAS, Jack Cole graduated in 1951 from Chilhowie High School, where he excelled as a trombonist in the school band and lettered in four different sports; and

WHEREAS, after earning a bachelor's degree in chemistry and mathematics from what is today the University of Lynchburg, Jack Cole worked briefly as a high school basketball coach, teacher, research chemist, graduate school instructor, and registered nurse; and

WHEREAS, Jack Cole fulfilled a lifelong dream of a career in medicine by attaining a doctor of dental surgery degree from what was then the Medical College of Virginia School of Dentistry; and

WHEREAS, Jack Cole embarked upon a dental career that would span nearly a half-century when he joined the staff at what was formerly the Southwestern Virginia State Hospital in Marion in 1960; and

WHEREAS, a year later, Jack Cole opened his own private practice in Glade Spring, and in 1970, moved his office to Abingdon, where he would masterfully serve the dental hygiene and surgery needs of the community until his retirement in 2008; and

WHEREAS, Jack Cole gave generously of his time to support the Southwest Virginia community by serving with a number of professional and charitable associations and societies on both the local and state level; and

WHEREAS, Jack Cole was an avid golfer whose love for the game led him to serve two terms as president of Glenrochie Country Club in Abingdon; and

WHEREAS, guided by his faith, Jack Cole rededicated his life to God at the age of 73 and was baptized in South Holston Lake; and

WHEREAS, Jack Cole will be lovingly remembered and dearly missed by his wife, Joy; his children, James, Anthony, and Jennifer, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Jack D. Cole, D.D.S., a cherished member of the Abingdon community whose dedication and service were an inspiration to all who knew him; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Jack D. Cole, D.D.S., as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 168

Celebrating the life of Rachel Gayle Davis Fowlkes.

Agreed to by the House of Delegates, February 19, 2024
Agreed to by the Senate, February 22, 2024

WHEREAS, Rachel Gayle Davis Fowlkes, an accomplished educator, founding executive director of the Southwest Virginia Higher Education Center, and active and beloved member of the Abingdon community, died on April 1, 2023; and

WHEREAS, a native of Meridian, Mississippi, Rachel Fowlkes graduated from Millsaps College and later earned a master's degree from Mississippi State University and a doctoral degree in education from the University of Virginia; and

WHEREAS, in the early years of her career, Rachel Fowlkes served as an elementary school teacher, special education teacher, and supervisor for special education for Washington County, working tirelessly to foster a learning environment in which her students could grow and thrive; and

WHEREAS, after completing her doctoral work, Rachel Fowlkes focused her career on post-secondary education, taking a position as director of the University of Virginia's division of continuing education in Southwest Virginia and later as the state coordinator of the university's education programs; and

WHEREAS, recognizing the need for greater higher education resources in Southwest Virginia to foster economic development, Rachel Fowlkes played an instrumental role in the creation of the Southwest Virginia Higher Education Center and served as its executive director from its founding in 1991 until her retirement in 2015; and

WHEREAS, Rachel Fowlkes' tenure as executive director of the Southwest Virginia Higher Education Center was characterized by her willingness to embrace technology and other innovations and her unwavering determination to understand the area's students and businesses to improve the organization's programs and services; and

WHEREAS, Rachel Fowlkes gave generously of her time and offered insightful leadership as a board member with various local and regional organizations supporting missions in the areas of education, health care, business development, heritage preservation, and more; and

WHEREAS, guided throughout her life by her faith, Rachel Fowlkes enjoyed worship and fellowship with her community at Sinking Spring Presbyterian Church in Abingdon and volunteered regularly with the organization Ecumenical Faith in Action; and

WHEREAS, Rachel Fowlkes will be lovingly remembered and dearly missed by her children, Merrill and John, and their families and by numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Rachel Gayle Davis Fowlkes, a cherished member of the Abingdon community whose dedication and service made a profound and lasting impact on countless lives; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Rachel Gayle Davis Fowlkes as an expression of the General Assembly's respect for her memory.

HOUSE JOINT RESOLUTION NO. 169

Commending Columbia Gas of Virginia.

Agreed to by the House of Delegates, March 7, 2024
Agreed to by the Senate, March 6, 2024

WHEREAS, Columbia Gas of Virginia, which serves tens of thousands of residential, commercial, and industrial clients by providing the energy they rely upon every day, traces its roots in the Commonwealth back more than 175 years; and

WHEREAS, Columbia Gas of Virginia is one of the oldest utilities currently operating in the Commonwealth, and some of its predecessor companies were in service in the Commonwealth as early as 1847; and

WHEREAS, as one of the leading energy providers in the Commonwealth, Columbia Gas of Virginia serves more than 290,000 customers in 98 counties, cities, and towns through the hard work and dedication of its frontline utility workers and other employees; and

WHEREAS, Columbia Gas of Virginia employs more than 450 utility workers, who are committed to fulfilling the company's mission to deliver safe and reliable energy to those customers; and

WHEREAS, Columbia Gas of Virginia's frontline utility workers and employees ensure that customers have the energy they rely upon every day in a variety of ways, from turning on service for a new homeowner to simply taking the time to listen to customers and answer their questions; and

WHEREAS, Columbia Gas of Virginia's frontline utility workers and employees have worked diligently to provide peace of mind and address the needs of customers in a timely and efficient manner during emergency situations; and

WHEREAS, Columbia Gas of Virginia recognizes the accomplishments and service of its frontline utility workers and employees on Natural Gas Utility Workers' Day, which takes place every year on March 18; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Columbia Gas of Virginia for its legacy of more than 175 years of service to Virginians; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Columbia Gas of Virginia as an expression of the General Assembly's admiration for the organization's long history of service to communities throughout the Commonwealth.

HOUSE JOINT RESOLUTION NO. 170

Commending Master Sergeant John G. King, USAF, Ret.

Agreed to by the House of Delegates, February 19, 2024
Agreed to by the Senate, February 22, 2024

WHEREAS, Master Sergeant John G. King, USAF, Ret., an honorable veteran and esteemed educator at Warhill High School in Williamsburg was named the Veterans of Foreign Wars' 2023-2024 Virginia High School Teacher of the Year; and

WHEREAS, prior to becoming a teacher, John King served his country with honor and distinction as a member of the United States Air Force for 22 years before retiring in 2010; and

WHEREAS, John King embarked upon a second career as an educator with Williamsburg–James City County Public Schools and for the past 13 years has worked tirelessly to ensure his students have the knowledge and skills they need to succeed and achieve their dreams; and

WHEREAS, John King teaches social studies, including the courses Advanced Placement Human Geography and Advanced American Studies, at Warhill High School, which also presented him with Teacher of the Year honors in 2023; and

WHEREAS, as a veteran, John King has played an outsized role in supporting military-connected students and families at Warhill High School, spearheading the institution's efforts to achieve its Purple Star School designation from the Department of Education in 2022; and

WHEREAS, by fostering a learning environment in which all may grow and thrive, John King has primed his students to lead accomplished and fulfilling lives, earning the praise and admiration of all Virginians; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Master Sergeant John G. King, USAF, Ret., for being named the Veterans of Foreign Wars' 2023-2024 Virginia High School Teacher of the Year; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Master Sergeant John G. King, USAF, Ret., as an expression of the General Assembly's high regard for his legacy of service and commitment to educating the Commonwealth's youth.

HOUSE JOINT RESOLUTION NO. 172

Commending Marie Ridder.

Agreed to by the House of Delegates, February 19, 2024
Agreed to by the Senate, February 22, 2024

WHEREAS, Marie Ridder of McLean, a distinguished journalist and passionate environmental conservationist, celebrated her 99th birthday on January 27, 2024; and

WHEREAS, Marie Ridder began her career in journalism as a correspondent for the *Philadelphia Bulletin*, covering reconstruction in post-World War II Europe; and

WHEREAS, Marie Ridder subsequently served as an editor for *Condé Nast* magazine and the Washington, D.C., editor for *Vogue*, *Mademoiselle*, and *Glamour* magazines; and

WHEREAS, Marie Ridder wrote for the *Washington Post* and the *Boston Globe* and worked as the Washington correspondent for Ridder Publications, which later became Knight Ridder; and

WHEREAS, over the course of her career, Marie Ridder also supported early children education as deputy to the national director of Project Head Start and served as a liaison to Claudia Alta "Lady Bird" Johnson, first lady of the United States, from 1964 to 1968; and

WHEREAS, Marie Ridder was a champion for environmental protection and served on the boards of the Piedmont Environmental Council, the Trust for Public Land, and the League of Conservation Voters; and

WHEREAS, in addition, Marie Ridder provided her leadership and expertise to the Sasha Bruce House, which offers compassionate care to abused, abandoned, neglected, and runaway children in Washington, D.C.; and

WHEREAS, in 2019, Marie Ridder received the Clara Mortenson Beyer Women and Children First Award from U.S. Representative Don Beyer for her outstanding accomplishments and commitment to empowering women; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Marie Ridder on the occasion of her 99th birthday in 2024; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Marie Ridder as an expression of the General Assembly's admiration for her lifetime of personal and professional achievements.

HOUSE JOINT RESOLUTION NO. 173

Commending Antoinette Dempsey-Waters.

Agreed to by the House of Delegates, February 19, 2024
Agreed to by the Senate, February 22, 2024

WHEREAS, Antoinette Dempsey-Waters, a visionary educator with Arlington Public Schools, served on the Development Committee for the College Board's AP African American Studies course, a unique, elective program for students in several public high schools in the Commonwealth; and

WHEREAS, a history teacher at Wakefield High School, Antoinette Dempsey-Waters was inspired to develop a program that offered African American perspectives on the history of the United States after a visit to the National Museum of African American History and Culture in Washington, D.C.; and

WHEREAS, Antoinette Dempsey-Waters wrote the curriculum for and taught Wakefield High School's AP African American History course and was subsequently selected as the Virginia History Teacher of the Year by Mount Vernon Ladies' Association in 2019; and

WHEREAS, Antoinette Dempsey-Waters joined 12 other content writers to create a statewide version of the course, which is now available at school divisions in the cities of Charlottesville, Covington, Norfolk, Portsmouth, Suffolk, and Winchester and the counties of Alleghany, Amherst, Arlington, Carroll, Chesterfield, Franklin, Henrico, Henry, Loudoun, and Prince William; and

WHEREAS, through her work on the Development Committee for the College Board's AP African American Studies course, Antoinette Dempsey-Waters helped students around the Commonwealth and the nation achieve a better understanding of the history of the United States, while promoting cultural awareness and critical thinking; and

WHEREAS, Antoinette Dempsey-Waters and her students have been featured in regional and national publications and news stories, and she has led efforts to train more teachers in the College Board's AP African American History; and

WHEREAS, Antoinette Dempsey-Waters is a graduate of Temple University and George Mason University and has been teaching in Northern Virginia for the past 14 years; she currently resides in Bowie, Maryland with her husband and two sons; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Antoinette Dempsey-Waters for her work on the Development Committee for the College Board's AP African American Studies course; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Antoinette Dempsey-Waters as an expression of the General Assembly's admiration for her contributions to the advancement of public education in the Commonwealth.

HOUSE JOINT RESOLUTION NO. 174

Commending the Chilhowie High School girls' track and field team.

Agreed to by the House of Delegates, February 19, 2024
Agreed to by the Senate, February 22, 2024

WHEREAS, the Chilhowie High School girls' track and field team won the Virginia High School League Region 1D championship on May 22, 2023, at John McKilgore Park; and

WHEREAS, the Chilhowie High School Warriors tallied 118 points to outpace the four-time defending champions, the Patrick Henry High School Rebels of Glade Spring, by 15 points; and

WHEREAS, the Chilhowie Warriors were carried by a strong performance from Tess Somervell, who notched 30 points for the team by winning the 400-meter, 800-meter, and 1,600-meter events; and

WHEREAS, the Chilhowie Warriors' victory was a remarkable finish for coach Sadie Martello, who was in only her second year leading the team; and

WHEREAS, the accomplishments of the Chilhowie Warriors is the result of the hard work and dedication of the student-athletes, the leadership and guidance of their coaches and teachers, and the unwavering support of the entire Chilhowie High School community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Chilhowie High School girls' track and field team for winning the 2023 Virginia High School League Region 1D championship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Sadie Martello, head coach of the Chilhowie High School girls' track and field team, as an expression of the General Assembly's admiration for their extraordinary achievement.

HOUSE JOINT RESOLUTION NO. 175

Commending the George Wythe High School quiz bowl team.

Agreed to by the House of Delegates, February 19, 2024
Agreed to by the Senate, February 22, 2024

WHEREAS, the George Wythe High School quiz bowl team, a talented group of students from Wytheville, advanced to the Small School National Championship Tournament in 2023 and finished 13th out of 77 competitors; and

WHEREAS, quiz bowl is an interscholastic activity that pits teams of students against one another to quickly answer questions about science, math, history, literature, mythology, geography, social science, current events, sports, and popular culture, fostering both individual achievement and teambuilding skills and reinforcing classroom lessons while encouraging students to develop new intellectual interests; and

WHEREAS, the George Wythe High School quiz bowl team was one of four teams from Virginia that traveled to Chicago, Illinois, in April 2023 to compete in the championship, which was hosted by National Academic Quiz Tournaments; and

WHEREAS, the George Wythe High School quiz bowl team competed in the Traditional Public Schools Division, which featured 77 of the top quiz bowl teams from around the country; and

WHEREAS, the George Wythe High School quiz bowl team defeated talented opponents from Ohio, Michigan, Illinois, Alabama, Missouri, and Kentucky and finished the preliminary round with an impressive 8-2 record; and

WHEREAS, the George Wythe High School quiz bowl team advanced to the playoffs and finished its campaign in 13th place overall after several close-fought matches; and

WHEREAS, the George Wythe quiz bowl team was led by Mason Mabry as team captain and made up of Charla King, Ivy Lin, Eden Miller, Kendra Nguyen, Charlotte Phillips, and Samuel Wilner; and

WHEREAS, the George Wythe quiz bowl team benefited from the leadership and guidance of coaches Doug Campbell, Jennifer Ferguson, and Jonathan Powers, with assistance from Lorna King; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the George Wythe High School quiz bowl team for representing the Wytheville community and the Commonwealth on a national stage; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the George Wythe High School quiz bowl team as an expression of the General Assembly's admiration for the team's achievements and best wishes for the future.

HOUSE JOINT RESOLUTION NO. 176

Commending Blake Hall.

Agreed to by the House of Delegates, February 19, 2024
Agreed to by the Senate, February 22, 2024

WHEREAS, Blake Hall, a student at Marion Senior High School in Smyth County, represented the Commonwealth as a member of the USA Youth Fly Fishing Team and won a gold medal at the 2023 World Youth Fly Fishing Championship; and

WHEREAS, Blake Hall took up fishing after he inherited his grandmother's collection of fly fishing rods when he was 10 years old; he studied fishing videos, books, and magazines and honed his skills in the waters around his home in rural Smyth County, becoming a local legend for his patience, persistence, and expertise; and

WHEREAS, Blake Hall placed third in the USA Youth Fly Fishing National Championship in 2021 and won the first place award in 2022, which earned him an invite to the national team; and

WHEREAS, Blake Hall partially funded his trip to the world championship by taking clients on guided fishing trips, and he received support and encouragement from his parents, Kellie Vernon and Brent Hall; and

WHEREAS, Blake Hall joined other young fly fishers from across the country and traveled to Bosnia and Herzegovina to compete against talented teams from around the world in the five-day tournament held along the Neretva River; and

WHEREAS, after a week-long orientation and practice session, Blake Hall and the USA Youth Fly Fishing Team fished randomly selected areas of the river in four-hour sessions across five days; and

WHEREAS, despite being one of the youngest competitors, Blake Hall demonstrated exceptional concentration and skill and adapted to the environment by using a new fishing fly that more closely imitated local insect life; and

WHEREAS, Blake Hall caught 29 fish during the competition and helped the USA Youth Fly Fishing Team claim the gold medal, outpacing the runner-up team from France by 28 points and the third-place team from Slovakia by 67 points; and

WHEREAS, after his success at the world championship, Blake Hall plans to continue competing in fly fishing tournaments as well as bass fishing tournaments; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Blake Hall on winning a gold medal at the World Youth Fly Fishing Championship in 2023; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Blake Hall as an expression of the General Assembly's admiration for his accomplishments and best wishes for the future.

HOUSE JOINT RESOLUTION NO. 177

Commending Victoria Cimino.

Agreed to by the House of Delegates, February 19, 2024
Agreed to by the Senate, February 22, 2024

WHEREAS, Victoria Cimino, executive director and chief executive officer of Visit Williamsburg, an official marketing organization dedicated to promoting tourism in Williamsburg, Jamestown, and Yorktown, retired from Visit Williamsburg on January 2, 2024; and

WHEREAS, after many years in the public relations and marketing industry, including a role as director of the New Hampshire Division of Travel and Tourism Development, Victoria "Vicki" Cimino took the helm of Visit Williamsburg in 2019; and

WHEREAS, Vicki Cimino made an immediate impact on Visit Williamsburg and its initiatives through her visionary leadership and invaluable marketing experience and expertise; and

WHEREAS, during her tenure with Visit Williamsburg, Vicki Cimino produced award-winning marketing campaigns that helped the region achieve its highest visitorship and hotel occupancy in several years; and

WHEREAS, Vicki Cimino played a vital role in the region's response to the COVID-19 pandemic, helping revitalize tourism in the Greater Williamsburg area following the historic public health crisis; and

WHEREAS, Vicki Cimino's indefatigable efforts have made Williamsburg a leading global destination, contributing greatly to the prosperity of the region; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Victoria Cimino for her service as executive director and chief executive officer of Visit Williamsburg; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Victoria Cimino as an expression of the General Assembly's admiration for her legacy of service and best wishes for her future endeavors.

HOUSE JOINT RESOLUTION NO. 178

Celebrating the life of Rear Admiral Ming Erh Chang, USN, Ret.

Agreed to by the House of Delegates, February 19, 2024
Agreed to by the Senate, February 22, 2024

WHEREAS, Rear Admiral Ming Erh Chang, USN, Ret., of McLean, the first naturalized Asian American to become a flag officer in the United States Navy, died on October 3, 2017; and

WHEREAS, Ming Chang was born in 1932 in Shanghai, China, and endured the occupation of his city during World War II; his father joined the United States Navy and ultimately relocated to America, where he worked under the U.S. Secretary of Defense; and

WHEREAS, in the post-war period, Ming Chang and his mother also immigrated to the United States to escape the rise of the Chinese Communist Party; and

WHEREAS, Ming Chang dreamed of following in his father's footsteps and becoming an officer in the United States Navy, but could not attend the U.S. Naval Academy as he was not yet a citizen; he was encouraged by an Admiral's secretary to instead apply to the secretary's alma mater, The College of William & Mary in Virginia; and

WHEREAS, during his college years, Ming Chang served as a member of the William & Mary Honor Council, the William & Mary Choir, the Baptist Collegiate Ministry at William & Mary, Lambda Chi Alpha, and the Order of the White Jacket, which honors student food service workers; and

WHEREAS, in addition to working in the cafeteria, Ming Chang supported himself by working at the college bookstore and at the King's Arms Tavern in Colonial Williamsburg; and

WHEREAS, Ming Chang proudly joined the United States Navy in 1958; he distinguished himself through his patriotism, hard work, and dedication to duty and was one of the first officers in history to earn the rank of Admiral after graduating from Officer Candidate School, not the U.S. Naval Academy; and

WHEREAS, Ming Chang commanded the USS *Rathburne* and the USS *Reeves*, then was selected as the Naval Inspector General, in which capacity he oversaw the investigation of a turret explosion aboard the USS *Iowa*; and

WHEREAS, having faced and overcome racial discrimination during his military career, Ming Chang led efforts to put an end to hazing in the U.S. Naval Academy after its first class of women was admitted in the 1970s; and

WHEREAS, Ming Chang next served as the chief of staff to Carrier Strike Group Three, chief of staff to the Commander of Third Fleet, and the Commander of Cruiser-Destroyer Group Two; and

WHEREAS, as a Rear Admiral, Ming Chang served as the deputy commander of Weapons and Combat Systems for Naval Sea Systems Command; and

WHEREAS, Ming Chang retired from military service in 1992; two of his children followed in his footsteps as officers in the United States Navy, his son, Daniel, who graduated from the U.S. Naval Academy in 1979 and retired after 22 years, and his daughter, Donalda, who served for 11 years; and

WHEREAS, Ming Chang continued to achieve success in civilian life as vice president and regional corporate director for what was then known as the Raytheon Company and as President of MEC International; and

WHEREAS, Ming Chang was a passionate advocate and mentor for Asian Americans seeking leadership opportunities in the public and private sectors; he cultivated bipartisan cooperation as the first President of the Asian Pacific American Institute for Congressional Studies and helped develop the Congressional Asian Pacific American Caucus in the U.S. House of Representatives; and

WHEREAS, Ming Chang worked with President Bill Clinton on the development and construction of the World War II Memorial in Washington, D.C., and played a leading role in the inclusion of the Philippines as one of the pillars in the monument; and

WHEREAS, predeceased by one son, Donald, Ming Chang is fondly remembered and greatly missed by his beloved wife of 61 years, Charlotte; his children, Daniel and Donalda, and their families; and numerous other family members, friends, and fellow veterans; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Rear Admiral Ming Erh Chang, USN, Ret., a trailblazing leader in the United States Navy who served the Commonwealth and the nation with honor and integrity; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Rear Admiral Ming Erh Chang, USN, Ret., as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 180

Commending the Virginia Department of Motor Vehicles.

Agreed to by the House of Delegates, February 19, 2024
Agreed to by the Senate, February 22, 2024

WHEREAS, the Office of the Motor Vehicle Commissioner was created in 1924 to enforce motor vehicle laws, marking a pivotal moment in the establishment of organized motor vehicle regulations; and

WHEREAS, the Virginia Department of Motor Vehicles has evolved over the years, adapting to changing community needs, integrating technological advancements, and ensuring accessibility for all residents; and

WHEREAS, the Virginia Department of Motor Vehicles currently operates 76 Customer Service Centers and 61 DMV Selects, as well as offering mobile services; the agency maintains 13 strategically located weigh stations, inspecting 20 million trucks annually, and serves as the Commonwealth's Highway Safety Office, actively improving roadway safety; and

WHEREAS, the Virginia Department of Motor Vehicles serves more than 4.5 million Virginians annually, the highest number of any state agency, and collects close to $4 billion in revenue annually to fund highway construction and maintenance; and

WHEREAS, the Virginia Department of Motor Vehicles extends its services to diverse stakeholders, fostering partnerships with law enforcement, dealers, fuels tax customers, rental companies, driving schools, other state agencies, local governments, and nonprofit partner organizations; and

WHEREAS, the contributions of its dedicated employees have been integral to the success of the Virginia Department of Motor Vehicles, playing a vital role in advancing the agency to its present operational standards; and

WHEREAS, through its commitment to service excellence, the Virginia Department of Motor Vehicles has streamlined processes, enhanced efficiency, and implemented initiatives that have a positive impact on the lives of Virginians; and

WHEREAS, the 100th anniversary of the Virginia Department of Motor Vehicles is an occasion that deserves recognition and celebration, acknowledging its steadfast dedication to providing essential services to all residents of the Commonwealth; and

WHEREAS, the Virginia Department of Motor Vehicles will continue to uphold its critical mission of safeguarding lives, securing identities, serving the motoring public, and supporting industry partners; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Virginia Department of Motor Vehicles for its outstanding contributions to the Commonwealth, its dedication to innovation, and its commitment to public service on the occasion of its 100th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Virginia Department of Motor Vehicles as an expression of the General Assembly's admiration for the agency's long history of service to the residents of the Commonwealth and best wishes for continued success.

HOUSE JOINT RESOLUTION NO. 181

Commending Roanoke-Blacksburg Regional Airport.

Agreed to by the House of Delegates, February 19, 2024
Agreed to by the Senate, February 29, 2024

WHEREAS, Roanoke-Blacksburg Regional Airport serves as a vital transportation hub in western Virginia and 2023 marked the 90th anniversary of the first commercial flight in the region; and

WHEREAS, Roanoke-Blacksburg Regional Airport traces its deepest roots to the end of World War I, when local leaders began discussing the need for an airport, and on July 1, 1929, the City of Roanoke signed a lease for what became known as Roanoke Municipal Airport; and

WHEREAS, Roanoke Municipal Airport opened with a single hangar and a pair of dirt runways; its first carrier was Ludington Airlines, which primarily flew routes from New York City to Washington, D.C., but acquired Dixie Flying Service of Charlottesville in 1931, leading to an expansion of new routes; and

WHEREAS, Ludington Airlines made Roanoke a stop on its route to and from Nashville, and the first commercial passenger flight departed from Roanoke Municipal Airport in 1933; the motto of Ludington Airlines, "Plane Service Like Train Service," was appropriate, given Roanoke's history and heritage as a railway hub; and

WHEREAS, through the mid-1930s, Ludington Airlines flew Ford Trimotors, the workhorse passenger aircraft of the time, then transitioned to the revolutionary Boeing 247 and the venerable Douglas DC-2 and Douglas DC-3; and

WHEREAS, Ludington Airlines was subsequently acquired by Eastern Airlines, which broke up in 1991, with its routes becoming part of American Airlines and Continental Airlines, which is now known as United Airlines; and

WHEREAS, Roanoke Municipal Airport received additional funding as a national defense asset in the lead up to World War II and continued to expand and flourish in the post-war era; and

WHEREAS, Piedmont Airlines began service to Roanoke in 1948 and grew to become the top carrier in the region; Piedmont Airlines introduced the first jetliner to the region, the Boeing 727, in 1967; and

WHEREAS, in 1983, Roanoke Municipal Airport changed its name to Roanoke Regional Airport, and in 1987, the newly formed Roanoke Regional Airport Commission assumed ownership of the facility; and

WHEREAS, Roanoke Municipal Airport adopted its current name in 2014 to better reflect its growing service area and the deep economic ties between Roanoke and the New River Valley; and

WHEREAS, today, Roanoke-Blacksburg Regional Airport offers dozens of scheduled flights per day and provides nonstop service to several major cities; the airport is served by major carriers like American, United Airlines, Delta, and Allegiant and is well equipped to accommodate passenger airlines, airfreight, general aviation, private charter operators, and the military; and

WHEREAS, as western Virginia's only full-service airport, Roanoke-Blacksburg Regional Airport connects local residents, the thriving business sector in the region, and the students, faculty, and researchers at Virginia Polytechnic Institute and State University to the rest of the Commonwealth and the world; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Roanoke-Blacksburg Regional Airport on the occasion of the 90th anniversary of the first commercial flight in the region; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Roanoke-Blacksburg Regional Airport as an expression of the General Assembly's admiration for the airport's decades of contributions to residents, businesses, and travelers and work to maintain the legacy of air travel in the region.

HOUSE JOINT RESOLUTION NO. 182

Celebrating the life of John Peter Clements.

Agreed to by the House of Delegates, February 26, 2024
Agreed to by the Senate, February 29, 2024

WHEREAS, John Peter Clements, a respected banking professional, community leader, and a devoted husband, father, and grandfather in Carson, died on July 28, 2023; and

WHEREAS, a lifelong resident of Carson in Prince George County, Peter Clements attended Ferrum College and received a bachelor's degree from Washington and Lee University; he continued his education at The College of William & Mary in Virginia, where he earned a master of business administration degree; and

WHEREAS, Peter Clements was a strong supporter and board member at his alma maters, at Richard Bland College, and at his father's beloved Randolph-Macon College; and

WHEREAS, Peter Clements joined the Bank of Southside Virginia in 1984 and dedicated many years of service to the banking industry, and he provided his leadership and expertise to several organizations related to banking and economic development; and

WHEREAS, Peter Clements served as chair of the Virginia Bankers Association and on several committees at the American Bankers Association and Virginia's Gateway Region; and

WHEREAS, Peter Clements volunteered his time to enhance community life in a variety of ways, such as cooking stew for events at the Carson Ruritan Club; and

WHEREAS, Peter Clements enjoyed fellowship and worship with the community as a devout member of Carson United Methodist Church, through which he supported several other charitable causes and missions; and

WHEREAS, Peter Clements will be fondly remembered and greatly missed by his beloved wife of 39 years, Jennifer; his sons, Will and James; daughters-in-law, Amanda Russell and Courtney Clements; and an adored granddaughter, Lillie Clements; and

WHEREAS, Peter Clements led a life of commitment, impact, and service, leaving an indelible mark on all who knew him and every organization he supported; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of John Peter Clements; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of John Peter Clements as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 183

Commending DC's Wine Country®.

Agreed to by the House of Delegates, February 26, 2024
Agreed to by the Senate, February 29, 2024

WHEREAS, the wine industry in Loudoun County, called DC's Wine Country® by Visit Loudoun, has achieved accolades at the state, national, and international levels and attracted visitors from around the world to sample its delightful offerings for 40 years; and

WHEREAS, Loudoun County leads the Commonwealth in visitor spending, topping just over $4 billion in 2022 according to Virginia Tourism; and

WHEREAS, in 1984, Willowcroft Farm Vineyards barreled Loudoun County's first commercial wine; and

WHEREAS, with more than 50 licensed wineries and more than 25 varietals grown, Loudoun County is now Virginia's top-producing wine region, yielding nearly 2,300 tons of grapes annually and keeping nearly 5,000 acres in agricultural use; and

WHEREAS, Loudoun County's award-winning vineyards are the county's number one visitor activity, followed by shopping, dining, historic sites, breweries, and scenic outdoor activities; and

WHEREAS, Visit Loudoun branded Loudoun County as DC's Wine Country, and the moniker has been recognized locally, nationally, and internationally; and

WHEREAS, DC's Wine Country has been lauded as "one of the top East Coast destinations for wine" by *Travel and Leisure*, and the *Atlanta Journal-Constitution* wrote of DC's Wine Country: "Marked by rolling hills, acres of lush vineyards and storybook small towns, Loudoun is a wine-drinking traveler's dream"; and

WHEREAS, the *Toronto Star* also noted the scenic vistas around the family-owned vineyards in DC's Wine Country and encouraged its readers to "Get a taste of the East Coast Napa Valley," while *Decanter Magazine* declared DC's Wine Country as "the most exciting corner of Virginia and among the most intriguing in US Wine"; and

WHEREAS, DC's Wine Country has been invaluable for Loudoun County's tourism and agricultural economy and has enhanced the overall quality of life for local residents; and

WHEREAS, the first Loudoun County vintage barreled in 1984 sparked an industry that led to DC's Wine Country becoming the preferred East Coast destination for lovers of artisanal, epicurean, and culturally rich experiences; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend DC's Wine Country® on the occasion of the 40th anniversary of the birth of Loudoun County's wine industry; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Visit Loudoun as an expression of the General Assembly's admiration for the DC's Wine Country® brand and appreciation for the many contributions to the local and state economy made by the wine industry in Loudoun County.

HOUSE JOINT RESOLUTION NO. 184

Commending the Lynchburg Museum System.

Agreed to by the House of Delegates, February 26, 2024
Agreed to by the Senate, February 29, 2024

WHEREAS, the Lynchburg Museum System collects, interprets, preserves, and shares the history and culture of the City of Lynchburg and the surrounding region; and

WHEREAS, the Lynchburg Museum System manages two locations, the Lynchburg Museum at the Old Court House and Point of Honor, a historic home on Daniel's Hill, both of which are listed on the Virginia Landmarks Register and the National Register of Historic Places; and

WHEREAS, the Lynchburg Museum System cares for more than 40,000 artifacts and collects diverse stories representing three centuries of local history; it has provided informative historical interpretation for generations of residents and tourists of all ages and backgrounds; and

WHEREAS, the Lynchburg Museum System maintains a partnership with Lynchburg City Schools to enhance the learning process by hosting field trips for all local public school students in first through fourth grade; and

WHEREAS, the Lynchburg Museum System has served the Commonwealth by loaning artwork for display at the Virginia State Capitol; and

WHEREAS, the Lynchburg Museum System is a division of the Lynchburg Office of Economic Development and Tourism and is supported by the Lynchburg Museum Foundation, a nonprofit organization established in 1998; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Lynchburg Museum System for its contributions to historical education and service to the Lynchburg community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Lynchburg Museum System as an expression of the General Assembly's admiration for its efforts to preserve the history and heritage of the Commonwealth.

HOUSE JOINT RESOLUTION NO. 185

Commending Amanda L. Newins.

Agreed to by the House of Delegates, March 5, 2024
Agreed to by the Senate, March 7, 2024

WHEREAS, Amanda L. Newins, an attorney and a member of the Chesapeake City Council, was selected as the 2023 Woman of the Year by the Women's Division Chamber of Commerce Chesapeake; and

WHEREAS, a native of Hampton Roads, Amanda Newins worked as a 911 dispatcher in the Harrisonburg and Rockingham County region while she was attending James Madison University, then returned to Virginia Beach to earn a law degree from Regent University; and

WHEREAS, Amanda Newins stayed in Hampton Roads to complete an internship with the United States Coast Guard Legal Service Command, then served as an assistant attorney for the Commonwealth in Chesapeake; and

WHEREAS, as a prosecutor, Amanda Newins handled complex felony and misdemeanor cases and developed an interest in animal law and offenses related to driving under the influence; she currently works as an attorney at Shannon & Associates, P.C., specializing in traffic cases and criminal defense; and

WHEREAS, Amanda Newins has helped nonviolent offenders with substance abuse issues pursue rehabilitation as a member of the Chesapeake Drug Treatment Court team; she also serves as a court-appointed attorney, representing individuals who could not otherwise afford legal counsel; and

WHEREAS, desirous to be of further service to the community, Amanda Newins ran for and was elected to the Chesapeake City Council in 2022; and

WHEREAS, Amanda Newins has offered her time and talents to numerous other boards, committees, and service organizations to enhance the quality of life throughout Chesapeake; she often volunteers at animal shelters and has fostered several cats and dogs in need of permanent homes; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Amanda L. Newins on her selection as the 2023 Woman of the Year by the Women's Division Chamber of Commerce Chesapeake; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Amanda L. Newins as an expression of the General Assembly's admiration for her service to the Chesapeake community.

HOUSE JOINT RESOLUTION NO. 186

Commending Annie Ray.

Agreed to by the House of Delegates, March 4, 2024
Agreed to by the Senate, March 6, 2024

WHEREAS, Annie Ray, music educator, orchestra director, and chair of the Performing Arts Department at Annandale High School, was named the winner of the 2024 Music Educator Award from the Recording Academy and the GRAMMY Museum from over 2,000 nominees; and

WHEREAS, Annie Ray was presented the prestigious Grammy Music Educator Award during the 66th Annual Grammy Awards weekend in recognition of the significant and lasting contributions she has made to the field of music education; and

WHEREAS, inspired by the diversity of Annandale High School, where the student body is drawn from more than 60 countries, Annie Ray has worked tirelessly to improve access to music education for all; and

WHEREAS, Annie Ray created the Crescendo Orchestra to help students with severe intellectual and developmental disabilities learn an instrument and experience the joy of playing music, taking great care and consideration to meet each student at their level and to support their needs; and

WHEREAS, Annie Ray established the Fairfax County Public Schools Parent Orchestra, which provides hundreds of caregivers the opportunity to learn an instrument alongside their child, bringing families closer while facilitating the music education process; and

WHEREAS, Annie Ray prepares her students for success both as musicians and in their future lives by instilling in them the confidence they need to both make mistakes and learn from them; and

WHEREAS, as a Wolf Trap Foundation grantee in 2022-2023, Annie Ray brought Grammy-nominated musician Christylez Bacon to Annandale High School as an artist-in-residence to teach improvisation and composition to the school's orchestra ensembles; and

WHEREAS, Annie Ray is a member of the StringRise professional development organization for music educators and has presented at numerous colleges and conferences on music education; and

WHEREAS, in addition to her Grammy Award, Annie Ray was also named the 2023 Fairfax County Public School's Outstanding Secondary Teacher of the Year for her efforts to promote equity in education; and

WHEREAS, by upholding the noblest virtues of the education profession in her commitment to her students, Annie Ray has earned the respect and esteem of all Virginians; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Annie Ray for receiving the 2024 Grammy Music Educator Award; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Annie Ray as an expression of the General Assembly's admiration for her renowned achievements and for her contributions to the education and personal development of students in the Commonwealth.

HOUSE JOINT RESOLUTION NO. 187

Commending Tilth & Oak.

Agreed to by the House of Delegates, February 26, 2024
Agreed to by the Senate, February 29, 2024

WHEREAS, Tilth & Oak, an artisan market and refill bar that promotes sustainability by offering locally crafted products in reusable containers, opened in Virginia Beach in May 2023; and

WHEREAS, sisters Devin and Isabel Lavender originally established Tilth & Oak as an online business, then opened the store's first physical location in Benicia, California, in 2022; and

WHEREAS, Tilth & Oak's second location, conveniently situated in the Town Center of Virginia Beach, opened in May 2023; and

WHEREAS, Tilth & Oak offers unique products curated from local artisans and artists, including pet products like treats, collars, and toys, as well as baby items, stationary, and other gifts; and

WHEREAS, Tilth & Oak also features more than 50 refillable products made by local and state businesses, including soaps, shampoos, olive oil, and other goods and encourages customers to bring their own containers and jars to reduce waste from one-time use plastic containers; and

WHEREAS, the refill movement is part of a growing national trend, and Tilth & Oak hopes to expand its business through partnerships with similar stores throughout Hampton Roads and the Richmond area; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Tilth & Oak, a newly opened small business in Virginia Beach, for its contributions to the vibrant local economy; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Devin and Isabel Lavender, co-owners of Tilth & Oak, as an expression of the General Assembly's admiration for its efforts to promote sustainability and reduce waste through its environmentally conscious business practices.

HOUSE JOINT RESOLUTION NO. 188

Commending Senior Airman Kostiantyn Khymchenko, USAF.

Agreed to by the House of Delegates, February 26, 2024
Agreed to by the Senate, February 29, 2024

WHEREAS, Senior Airman Kostiantyn Khymchenko, USAF, stationed at Joint Base Langley-Eustis, was selected as one of the 2023 Outstanding Airmen of the Year by the United States Air Force; and

WHEREAS, originally from Konotop, Ukraine, Kostiantyn Khymchenko enlisted in the United States Air Force only eight months after moving to the United States with his family in June 2019; and

WHEREAS, Kostiantyn Khymchenko currently serves as a heating, ventilation, air conditioning journeyman with the 633rd Civil Engineer Squadron at Joint Base Langley-Eustis, where he was named Wing Airman of the Quarter for the second quarter of 2022 for his leadership with 12 engineers to complete 742 jobs and respond to 36 emergencies, including the protection of a $10 million server farm; and

WHEREAS, Kostiantyn Khymchenko previously deployed to Germany with the United States Air Force's Grey Wolf Team, which advises the Ukrainian Air Force; as a native Ukrainian speaker, he translated tactical maps and transmissions, led eight translators in 50 multinational teleconferences, and advised general officers on partner-nation air defense; and

WHEREAS, Kostiantyn Khymchenko received the prestigious Outstanding Airmen of the Year award at a formal ceremony in September 2023 in National Harbor, Maryland; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Senior Airman Kostiantyn Khymchenko, USAF, on the occasion of his selection as one of the 2023 Outstanding Airmen of the Year; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Senior Airman Kostiantyn Khymchenko, USAF, as an expression of the General Assembly's admiration for his service to the Commonwealth and the United States.

HOUSE JOINT RESOLUTION NO. 189

Commending Master Sergeant Stephen Drakes, VA ANG.

Agreed to by the House of Delegates, February 26, 2024
Agreed to by the Senate, February 29, 2024

WHEREAS, Master Sergeant Stephen Drakes, VA ANG, was selected as the 2023 Outstanding Senior Noncommissioned Officer of the Year by the Virginia Air National Guard; and

WHEREAS, the Virginia Air National Guard provides reserve elements to the United States Air Force and serves as the aerial component of the Virginia National Guard, protecting the skies over the Commonwealth through the outstanding contributions of members like Stephen Drakes; and

WHEREAS, Stephen Drakes serves as the flight chief, wing weapons and tactics, and survival evasion resistance and escape (SERE) specialist noncommissioned officer in charge of the 192nd Operations Support Squadron, 192nd Operations Group, 192nd Wing at Joint Base Langley-Eustis; and

WHEREAS, Stephen Drakes plans, supervises, and manages all SERE training and personnel recovery operations that occur within the 192nd Wing; and

WHEREAS, Stephen Drakes received this prestigious honor at the Virginia Air National Guard's annual awards ceremony in February 2023; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Master Sergeant Stephen Drakes, VA ANG, on the occasion of his selection as the 2023 Outstanding Senior Noncommissioned Officer of the Year; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Master Sergeant Stephen Drakes, VA ANG, as an expression of the General Assembly's admiration for his outstanding service to the Commonwealth.

HOUSE JOINT RESOLUTION NO. 190

Commending Technical Sergeant Jacquelyn N. Montoya, VA ANG.

Agreed to by the House of Delegates, February 26, 2024
Agreed to by the Senate, February 29, 2024

WHEREAS, Technical Sergeant Jacquelyn N. Montoya, VA ANG, was selected as the 2023 Outstanding Noncommissioned Officer of the Year by the Virginia Air National Guard; and

WHEREAS, the Virginia Air National Guard provides reserve elements to the United States Air Force and serves as the aerial component of the Virginia National Guard, protecting the skies over the Commonwealth through the outstanding contributions of members like Jacquelyn Montoya; and

WHEREAS, Jacquelyn Montoya serves as the 4N Group Medical Functional Manager assigned to 192nd Medical Group, 192nd Wing at Joint Base Langley-Eustis, where she plans, supervises, manages, and trains enlisted members who provide physical exams and immunizations to members of the 192nd Wing, including flight personnel; and

WHEREAS, Jacquelyn Montoya received this prestigious honor at the Virginia Air National Guard's annual awards ceremony in February 2023; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Technical Sergeant Jacquelyn N. Montoya, VA ANG, on the occasion of her selection as the 2023 Outstanding Noncommissioned Officer of the Year; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Technical Sergeant Jacquelyn N. Montoya, VA ANG, as an expression of the General Assembly's admiration for her outstanding service to the Commonwealth.

HOUSE JOINT RESOLUTION NO. 191

Commending Staff Sergeant Britney Phillips, VA ANG.

Agreed to by the House of Delegates, February 26, 2024
Agreed to by the Senate, February 29, 2024

WHEREAS, Staff Sergeant Britney Phillips, VA ANG, was selected as the 2023 Outstanding Airman of the Year by the Virginia Air National Guard; and

WHEREAS, the Virginia Air National Guard provides reserve elements to the United States Air Force and serves as the aerial component of the Virginia National Guard, protecting the skies over the Commonwealth through the outstanding contributions of members like Britney Phillips; and

WHEREAS, Britney Phillips serves as an all-source program manager for the 192nd Intelligence Squadron, 192nd Operations Group, 192nd Wing at Joint Base Langley-Eustis; and

WHEREAS, Britney Phillips also supports the 497th Intelligence Surveillance and Reconnaissance Group as the all-source tactician; and

WHEREAS, Britney Phillips received this prestigious honor at the Virginia Air National Guard's annual awards ceremony in February 2023; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Staff Sergeant Britney Phillips, VA ANG, on the occasion of her selection as the 2023 Outstanding Airman of the Year; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Staff Sergeant Britney Phillips, VA ANG, as an expression of the General Assembly's admiration for her outstanding service to the Commonwealth.

HOUSE JOINT RESOLUTION NO. 192

Commending Bishop Kim W. Brown.

Agreed to by the House of Delegates, February 20, 2024
Agreed to by the Senate, February 21, 2024

WHEREAS, Bishop Kim W. Brown, presiding prelate of The Mount Global Fellowship of Churches and senior pastor at The Mount at Chesapeake, retired from his pastorship on February 25, 2024, as he transitions to the Office of Bishop of The Mount Global Fellowship of Churches; and

WHEREAS, after earning a bachelor's degree in engineering from Norfolk State University, Kim Brown heard the call to preach and acquired master's and doctoral degrees from the Samuel D. Proctor School of Theology at Virginia Union University; and

WHEREAS, Kim Brown joined what was then Mount Lebanon Missionary Baptist Church in Chesapeake in 1990 and has since then seen its congregation grow from 75 people to more than 13,000 over his 33-year tenure with the organization; and

WHEREAS, Kim Brown's creative and innovative approach to ministry has contributed greatly to the expansion of what is today The Mount Global Fellowship of Churches, which now has six campuses throughout the Hampton Roads Region of the Commonwealth and two campuses in North Carolina; and

WHEREAS, as senior pastor at The Mount at Chesapeake, Kim Brown has provided his congregation with uplifting spiritual guidance and counsel, as well as ample occasions for joyful worship and fellowship and opportunities for meaningful community outreach; and

WHEREAS, in 2001, Kim Brown founded K.W. Brown International Ministries, Inc., alongside his wife, Valerie, which has made a positive impact in countless lives over the years through myriad programs and services; and

WHEREAS, Kim Brown has been an active and engaged member of the Hampton Roads community and has fostered close ties with many fellow clergymen and other local leaders; and

WHEREAS, inspired by his unwavering commitment to the well-being of others, Kim Brown has given generously of his time for the betterment of his community as a member of the Chesapeake Hospital Authority, including a term as chair, as well as the Elizabeth City State University Board of Trustees and the Norfolk State University Board of Visitors; and

WHEREAS, Kim Brown has been honored with numerous awards and accolades in recognition of his accomplishments as a community and faith leader, including the 2017 First Citizen of Chesapeake award from the Chesapeake Rotary Club and the 2017 Trailblazer Award from Men for Hope; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Bishop Kim W. Brown on the occasion of his retirement as presiding prelate of The Mount Global Fellowship of Churches and as senior pastor at The Mount at Chesapeake; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Bishop Kim W. Brown as an expression of the General Assembly's admiration for his legacy of service and best wishes for a happy and fulfilling retirement.

HOUSE JOINT RESOLUTION NO. 193

Celebrating the life of Robert S. King.

Agreed to by the House of Delegates, February 26, 2024
Agreed to by the Senate, February 29, 2024

WHEREAS, Robert S. King, a dedicated husband, father, grandfather, and beloved member of his local community, died on December 10, 2023, in Alexandria; and

WHEREAS, Robert King was born on September 6, 1930, in Woburn, Massachusetts, where he spent his formative years; and

WHEREAS, Robert King graduated from the Massachusetts School of Pharmacy and pursued a long and successful career in the pharmaceutical industry; and

WHEREAS, after completing his education and working as a pharmacist in Kansas City, Robert King met the love of his life, Patricia, and the two were married a few months later; and

WHEREAS, Robert and Patricia King ultimately settled in Alexandria, where they had one son, Patrick; and

WHEREAS, while in Alexandria, Robert King became an executive with the American Association of Retired Persons, now AARP, while Patricia opened a successful clothing boutique; and

WHEREAS, in his well-earned retirement, Robert King became a watercolor artist and enjoyed playing golf and bridge with his friends; and

WHEREAS, at the age of 91, Robert King fulfilled a lifelong dream by completing the final Boy Scout merit badge he needed to earn an honorary Eagle Scout award; and

WHEREAS, predeceased by his wife, Patricia, Robert King will be fondly remembered and dearly missed by his son, Patrick; his two grandchildren; and his numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Robert S. King, a devoted husband, father, businessman, and community leader; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Robert S. King as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 194

Commending Superheroes Ice Cream.

Agreed to by the House of Delegates, February 26, 2024
Agreed to by the Senate, February 29, 2024

WHEREAS, Superheroes Ice Cream, a unique, family-owned ice cream parlor, opened in Virginia Beach in January 2024; and

WHEREAS, Superheroes Ice Cream was established by Coleman and Amberly Ferguson, two experienced entrepreneurs who also own and operate The Gala 417, a wedding and event venue that opened in 2019; and

WHEREAS, after their son, Brantley, took an interest in YouTube reviews, the Fergusons began reviewing local ice cream parlors for fun in 2022; and

WHEREAS, when Brantley suggested they begin making their own ice cream, the Fergusons were inspired to create Superheroes Ice Cream as their next business venture; and

WHEREAS, the Fergusons chose a superhero theme to make the shop more appealing for kids and worked with a local artist, Bob Langston, to design a cast of comic book superhero characters based on themselves to adorn the walls; and

WHEREAS, the Fergusons took several classes on making ice cream and developed creative flavors like a blend of Tootsie Roll and cotton candy, Cinnamon Toast Crunch Cereal Milk, and a mint chocolate flavor called Hulk's Underwear; and

WHEREAS, located inside Lynnhaven Mall, Superheroes Ice Cream is a convenient stop for visitors, and the shop offers monthly memberships for regular customers; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Superheroes Ice Cream on the occasion of its grand opening in 2024; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Ferguson family, owners of Superheroes Ice Cream, as an expression of the General Assembly's admiration for the shop's contributions to the vibrant local economy in Virginia Beach.

HOUSE JOINT RESOLUTION NO. 195

Celebrating the life of John Oliver Wynne.

Agreed to by the House of Delegates, February 26, 2024
Agreed to by the Senate, February 29, 2024

WHEREAS, John Oliver Wynne, the former president and chief executive officer of Landmark Communications, Inc., who had a profound impact on the Commonwealth through his innovative leadership on economic development, education, regional collaboration, governmental performance, and civic and cultural initiatives, died on October 26, 2023; and

WHEREAS, John "Dubby" Oliver Wynne was born in Norfolk on July 6, 1945, and graduated from Norfolk Academy, where he was captain of the tennis, football, and basketball teams; he earned a bachelor's degree from Princeton University, then, after interrupting his legal studies for active duty in the United States Army Reserve, took his law degree from the University of Virginia; he was also later awarded an honorary doctorate of humane letters by Old Dominion University; and

WHEREAS, after completing his legal studies, Dubby Wynne joined the Willcox Savage law firm, then moved to Landmark Communications, a Norfolk-based media company, to work as an attorney on significant litigation matters; he rose to the company's executive ranks, where he was mentored by Frank Batten, Sr., and after a fruitful career, he retired as the company's president and chief executive officer in 2001, while continuing to serve on its board of directors; and

WHEREAS, Dubby Wynne's productive tenure at Landmark Communications included his primary role in launching The Weather Channel cable network, for which he received numerous national awards, including the Governor's Award from the National Academy of Cable Programming for "his leadership and insight in making The Weather Channel the preeminent provider of weather information, and one of the most innovative and popular networks on television," as well as induction into the Cable Hall of Fame; during this time he also served in leadership roles in the National Cable Television Association and National Satellite Programmers Group; and

WHEREAS, Dubby Wynne gave back generously to each of the educational institutions that helped prepare him for success in business and in life, serving as a trustee and president of the board of trustees of Norfolk Academy, as a charter trustee and executive committee member of the board of trustees and national chair of giving campaigns for Princeton University, and as member and rector of the board of visitors of the University of Virginia and chair of the University of Virginia Investment Management Company; and

WHEREAS, perceiving a crucial connection between education and economic development in the Commonwealth, Dubby Wynne dedicated his time, talent, and experience to service on the State Council of Higher Education for Virginia, the Virginia Business Higher Education Council (VBHEC), the Council on Virginia's Future, and the Virginia Growth and Opportunity Board and Foundation, selflessly devoting hundreds of his retirement hours to travel throughout the Commonwealth for meetings and presentations; and

WHEREAS, under Dubby Wynne's leadership, the Council on Virginia's Future examined best practices from other states and the private sector to enhance the efficiency, effectiveness, and accountability of state government and made extensive and detailed recommendations on actions to improve the quality of life for Virginians through initiatives in economic and talent development, human services, health care, and government reform; and

WHEREAS, the work of the Council on Virginia's Future under Dubby Wynne's direction documented the steps needed to make Virginia the national leader in educational attainment, laying the intellectual foundation for VBHEC's initiative to add 100,000 bachelor's and associate degrees by 2025 with a focus on science, technology, engineering, mathematics, and health care; as a member of Governor Robert McDonnell's higher education commission and business advocate, he also helped weave that initiative into the Commonwealth's law and policy through passage of the landmark Higher Education Opportunity Act of 2011, known as the "Top Jobs Act"; and

WHEREAS, reflecting his conviction that the economic growth of the Commonwealth depended on strong regional cooperation, Dubby Wynne galvanized the state's senior business community to develop and promote the collaborative regional program known as GO Virginia, which aimed to bring business, education, and government leaders together in each region for cooperative effort on business recruitment and retention, job creation, entrepreneurship, and workforce development; and

WHEREAS, after leading efforts to secure passage of the GO Virginia legislation, Dubby Wynne served as founding chair of the Virginia Growth and Opportunity Board; he then took the reins of the business-led GO Virginia Foundation, spearheading the talent pathways initiative designed to meet the workforce needs of the highest growth industry clusters in each region and to help keep young people in Virginia for post-graduation employment; and

WHEREAS, the Joint Legislative Audit and Review Commission report on the GO Virginia program in 2023 found that it was fulfilling its intended purpose by facilitating greater collaboration among key stakeholders within the state's regional economies and offered suggestions for expanding the program's impact by accelerating its grant awards; and

WHEREAS, Dubby Wynne enhanced the well-being of people in his home region of Hampton Roads and throughout the Commonwealth by his exceedingly generous philanthropic activity and by his personal involvement in numerous worthy civic and cultural causes; and

WHEREAS, Dubby Wynne served as chair of the Virginia Business Council, co-chair of the Hampton Roads Business Partnership, chair of the Hampton Roads Community Foundation; he was a founding member of the Hampton Roads

Business Roundtable, served on the governing boards of the Eastern Virginia Medical School Foundation and the Children's Hospital of the King's Daughters, and provided his leadership to Junior Achievement of Tidewater, the United Way of South Hampton Roads Capital Campaign, and the board of the Colonial Williamsburg Foundation; and

WHEREAS, faith and family were of primary importance to Dubby Wynne; he was devoted to his wife of more than 50 years, Susan, and to his sons, John and Bradford, and their families; and

WHEREAS, the loss of Dubby Wynne's son Lee to leukemia in 1984 at age six profoundly fortified his faith; he was a lifelong member of Galilee Episcopal Church in Virginia Beach, where he served on the vestry and in other key roles, and he sought to live out his faith by devoting himself tirelessly to serving others in his community and the Commonwealth; and

WHEREAS, Dubby Wynne improved the lives of countless young Virginians of all backgrounds, regions, and circumstances by expanding their educational and employment opportunities, and he will be fondly remembered and greatly missed by his family and friends as well as colleagues throughout Virginia; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of John Oliver Wynne, a former executive of Landmark Communications and transformational servant-leader in Hampton Roads and throughout the Commonwealth; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of John Oliver Wynne as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 196

Commending Voodoo Brewing Company Virginia Beach.

Agreed to by the House of Delegates, February 26, 2024
Agreed to by the Senate, February 29, 2024

WHEREAS, Voodoo Brewing Company Virginia Beach, a locally owned and operated franchise of the nationally acclaimed Voodoo Brewing Company, held its grand opening on January 13, 2024; and

WHEREAS, Voodoo Brewing Company was established in Meadville, Pennsylvania, in 2005 and opened its first taproom in 2012; since then, the company has expanded to locations throughout western and central Pennsylvania as well as Ohio, North Carolina, South Carolina, Texas, Colorado, and Nevada; and

WHEREAS, Voodoo Brewing Company Virginia Beach is owned by Alex and Chrissy Bergren, who fulfilled their longtime dream to open a bar when they presided over the grand opening of the first Voodoo Brewing Company franchise in the Commonwealth; and

WHEREAS, led by general manager Max Gutierrez, Voodoo Brewing Company Virginia Beach offers 23 beers, seltzers, and ciders, along with cold brew coffee on tap and a full menu of handcrafted cocktails and delicious pub fare like burgers, wings, nachos, and pizza; and

WHEREAS, Voodoo Brewing Company Virginia Beach is located near Virginia Beach Town Center, making it well suited to serve both local residents and visitors to the region; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Voodoo Brewing Company Virginia Beach on the occasion of its grand opening in 2024; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Voodoo Brewing Company Virginia Beach as an expression of the General Assembly's admiration for its contributions to the vibrant local economy in Virginia Beach.

HOUSE JOINT RESOLUTION NO. 197

Commending Carter Myers Automotive.

Agreed to by the House of Delegates, February 26, 2024
Agreed to by the Senate, February 29, 2024

WHEREAS, Carter Myers Automotive, a family and employee-owned business, has served customers throughout Virginia for 100 years; and

WHEREAS, originally known as Petersburg Motor Company, Carter Myers Automotive (CMA) was incorporated in 1924 by H. Carter Myers, Sr., who previously owned a local hardware store named Stockdell-Myers; and

WHEREAS, from its original dealership, Petersburg Ford, CMA has grown to serve customers at multiple locations around the Commonwealth with numerous franchises and has been led by generations of the Myers family; and

WHEREAS, H. Carter Myers, Jr., was elected president and general manager of CMA in 1934, during which time he was a leader in the industry and served as chair of the Virginia Automobile Dealers Association, where he had the distinction of being the only dealer in the association's history to hold the office for three years; and

WHEREAS, H. Carter Myers, Jr., was named the 1972 Virginia nominee for the prestigious *Time* Magazine Quality Dealer of the Year award and was honored as one of 10 national finalists for the award; and

WHEREAS, H. Carter Myers III was elected president of CMA in 1974 and has also enjoyed great success as chair of the Virginia Automobile Dealers Association, the 2011 Virginia nominee for the prestigious *Time* Magazine Quality Dealer of the Year award, chair of the National Automobile Dealers Association, recipient of the 2016 Lifetime Achievement Award from The American International Automobile Dealers Association, Entrepreneur of the Year for the Richmond Metro Area, and as a member of the Commonwealth Transportation Board, where he served at the request of two governors of the Commonwealth; and

WHEREAS, H. Carter Myers III continues to serve as CMA's executive chair and has now been with the company for more than 55 years; and

WHEREAS, Elizabeth (Liza) Myers Borches joined the company in 2003 and was elected as president of CMA in 2011 and chair in 2012, marking the first time that a fourth generation of a Virginia dealer family became the leader of a family dealership; and

WHEREAS, Liza Myers Borches also became the third generation of her family to lead the Virginia Automobile Dealers Association when her peers in the industry elected her as their leader in 2023; and

WHEREAS, Liza Myers Borches has received numerous awards as CMA's leader, including Ford's 2009 Salute to Dealers Award, the 2012 Athena Award, the 2020 Automotive News 100 Leading Women in the North American Auto Industry, and the 2020 Barbara Cox Woman of the Year Award from Cox Automotive; and

WHEREAS, in 1979, CMA decided to share ownership with employees and became one of the only automotive groups in the country to offer an employee stock ownership plan; with a philosophy of "shared ownership means shared success," CMA associates currently own more than 26 percent of the company and continue to share in its growth to this day; and

WHEREAS, in 2024, CMA has 23 locations representing 18 new car brands and employs more than 1,100 associates in Virginia, Maryland, and West Virginia; and

WHEREAS, an active and dedicated part of the auto industry, Carter Myers Automotive continues its long tradition of honesty, integrity, and customer satisfaction through a strong commitment to training and a desire to operate its businesses with the utmost professionalism; and

WHEREAS, Carter Myers Automotive has also dedicated itself to giving back to the community through philanthropy and volunteer service, adopting the mission statement, "Moving Lives Forward," to represent its commitment to its associates, customers, and communities and efforts to be more than a place to buy or service a car; and

WHEREAS, CMA encourages its associates to donate time, treasure, and talent to help their communities thrive, benefiting numerous local nonprofit organizations that better the lives of their neighbors; and

WHEREAS, Carter Myers Automotive takes great pride in its history and is very much looking towards the future; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Carter Myers Automotive on the occasion of its 100th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Carter Myers Automotive as an expression of the General Assembly's admiration for the organization's storied history and legacy of contributions to the community in Central Virginia.

HOUSE JOINT RESOLUTION NO. 198

Commending William G. Coada.

Agreed to by the House of Delegates, February 26, 2024
Agreed to by the Senate, February 29, 2024

WHEREAS, for 12 years, William G. Coada served as a member and former chair of the Charles City County Board of Supervisors, demonstrating steadfast dedication to the residents of District Two and exceptional leadership to the community as a whole; and

WHEREAS, during his tenure in local government, William "Bill" G. Coada spearheaded numerous projects and initiatives aimed at fostering economic development, improving schools, and enhancing the lives of all residents of Charles City County; and

WHEREAS, Bill Coada oversaw significant advancements in land purchases, transportation improvements, emergency services, waste management, budget controls, and the creation of new jobs; and

WHEREAS, a champion for lifelong learning, Bill Coada implemented innovative programs related to school infrastructure and the enhancement of academic resources, ensuring that Charles City County students receive the best possible education; and

WHEREAS, over the course of his career, Bill Coada placed a high priority on the well-being of community members by advocating for their rights, addressing their concerns with utmost diligence and compassion, and participating in countless local activities and events; and

WHEREAS, respected for his integrity and expertise, Bill Coada fostered a culture of collaboration and supported effective decision-making processes within the Charles City County Board of Supervisors, greatly contributing to the overall growth of the community; and

WHEREAS, through his visionary leadership, Bill Coada earned the respect and admiration of his colleagues, constituents, and the community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend William G. Coada for his 12 years of service as a member of the Charles City County Board of Supervisors; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to William G. Coada as an expression of the General Assembly's admiration for his achievements in service to the Charles City County community.

HOUSE JOINT RESOLUTION NO. 199

Commending Jennifer DeBruhl.

Agreed to by the House of Delegates, March 1, 2024
Agreed to by the Senate, March 6, 2024

WHEREAS, Jennifer DeBruhl will retire as director of the Virginia Department of Rail and Public Transportation in June 2024, concluding over 30 years of distinguished public service to the Commonwealth; and

WHEREAS, a native of Hampton Roads, Jennifer DeBruhl has dedicated her life to public service and shaping the Commonwealth's multimodal transportation system; and

WHEREAS, Jennifer DeBruhl worked at the Virginia Department of Transportation and the Federal Highway Administration, then joined the Virginia Department of Rail and Public Transportation as the chief of public transportation in 2016; and

WHEREAS, while the transportation industry is typically male-dominated, Jennifer DeBruhl benefited from the mentorship of several women early in her career; she subsequently became the first woman to serve as the Department of Transportation's director of local assistance, the first woman to serve as deputy district administrator for the Department of Transportation's Richmond District, and the first woman to serve as the Department of Rail and Public Transportation's chief of public transportation; and

WHEREAS, over the course of her career, Jennifer DeBruhl played a significant role in the delivery of many impactful multimodal transportation projects including the Virginia Capital Trail, Pulse Bus Rapid Transit, and the Long Bridge; and

WHEREAS, Governor Glenn Youngkin appointed Jennifer DeBruhl as director of the Department of Rail and Public Transportation in June 2022; her distinguished tenure as director was the capstone of a 31-year career in transportation, throughout which she devoted herself to improving people's everyday lives in the Commonwealth and across the country; and

WHEREAS, as the leader of the Department of Rail and Public Transportation, Jennifer DeBruhl played a significant role in the development and implementation of the agency's funding program, increasing accountability in public transportation funding, launching the Virginia Breeze intercity bus service, spearheading a new grant program to grow transit use, and developing the Virginia Transit Equity and Modernization study to set public transportation on a path toward future improvement; and

WHEREAS, Jennifer DeBruhl's tireless work has impacted the lives of countless people by connecting communities and by providing access to education, health care, and jobs; and

WHEREAS, the Virginia Department of Rail and Public Transportation's mission is to connect people and improve the quality of life for all Virginians with innovative transportation solutions by working with dozens of public transportation and rail partners; Jennifer DeBruhl has earned praise from partners and stakeholders for her leadership and guidance in navigating significant changes to transportation in the Commonwealth and navigating the effects of a global pandemic; and

WHEREAS, as director of the Department of Rail and Public Transportation, Jennifer DeBruhl served as a board member for several transit agencies around the Commonwealth, as a member of the Commonwealth Transportation Board, and as chair of the Virginia Passenger Rail Authority board, helping Virginia advance its ambitious passenger rail program and become a national leader in railway travel; and

WHEREAS, Jennifer DeBruhl is a model of the dedication, professionalism, and sound leadership demonstrated by public servants throughout the Commonwealth; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Jennifer DeBruhl on the occasion of her retirement as director of the Department of Rail and Public Transportation; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Jennifer DeBruhl as an expression of the General Assembly's admiration for her achievements in creating a more connected Commonwealth through transportation.

HOUSE JOINT RESOLUTION NO. 200

Commending Neighborhood Health.

Agreed to by the House of Delegates, February 26, 2024
Agreed to by the Senate, February 29, 2024

WHEREAS, Neighborhood Health, a health care safety net nonprofit organization and community health center in Northern Virginia, is celebrating 25 years of service; and

WHEREAS, Neighborhood Health's mission is to improve health and advance health equity in the City of Alexandria, Arlington County, and Fairfax County by providing high-quality primary health care regardless of a patient's ability to pay; and

WHEREAS, in its 25 years of service, Neighborhood Health has remained committed to the vision that everyone in the community deserves access to high-quality health care; and

WHEREAS, Neighborhood Health has worked tirelessly to increase access to health care for the most underserved individuals in Northern Virginia; the organization has grown to serve 35,000 patients in 2022, compared to only 1,500 patients when it was founded in 1997; and

WHEREAS, Neighborhood Health's patients are predominately low income, uninsured or underinsured, ethnically and racially diverse, and have few other options for accessing high-quality health care; and

WHEREAS, Neighborhood Health provides primary health care for adults and children, chronic disease care, pediatrics and newborn care, women's health care, prenatal care, dental care, behavioral healthcare, family planning, HIV care and prevention, optometry, pharmacy and lab services, immunizations, nutrition, cancer screenings, health insurance enrollment, and COVID-19 testing and vaccinations; and

WHEREAS, Neighborhood Health operates 14 clinics in high-need areas in Northern Virginia; and

WHEREAS, Neighborhood Health is accredited by The Joint Commission and certified as a Patient Centered Medical Home; it has been recognized for several consecutive years by the Health Resources and Services Administration for its high level of quality health care; and

WHEREAS, Neighborhood Health played a leading role in the response to the COVID-19 pandemic in Northern Virginia by administering more than 70,000 tests and distributing 30,000 self-tests and 13,000 N-95 masks; and

WHEREAS, in 2021, Neighborhood Health was selected to participate in the first round of the federal health center vaccine program and established vaccination sites, including a mobile vaccination clinic, in partnership with numerous local faith organizations, nonprofit organizations, and agencies; through this effort, the organization administered more than 90,000 vaccines in underserved neighborhoods; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Neighborhood Health on the occasion of its 25th anniversary of offering exceptional primary health care services to patients in the City of Alexandria, Arlington County, and Fairfax County; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Neighborhood Health as an expression of the General Assembly's admiration for the organization's contributions to public health in Northern Virginia and best wishes for continued success.

HOUSE JOINT RESOLUTION NO. 201

Celebrating the life of John F. Benton.

Agreed to by the House of Delegates, February 26, 2024
Agreed to by the Senate, February 29, 2024

WHEREAS, John F. Benton, longtime executive at the Smithsonian Institution and a beloved member of the Arlington community, died on September 20, 2023; and

WHEREAS, a native of Hopewell, John Benton graduated from Dinwiddie High School before earning a bachelor's degree in business administration and economics from the Robins School of Business of the University of Richmond in 1973; and

WHEREAS, John Benton held a series of increasingly senior positions in public service in Washington, D.C., before embarking on an illustrious 20-year career at the Smithsonian Institution; and

WHEREAS, in 2001, John Benton became associate director for management and public programs at the Smithsonian's National Air and Space Museum, guiding the growth and development of the institution until his first retirement in 2013; and

WHEREAS, John Benton was recruited out of retirement four times by the Smithsonian to take high-level positions within the organization, including to serve as deputy undersecretary for finance and administration; and

WHEREAS, John Benton generously devoted himself to supporting a number of local organizations, including the Arlington Community Foundation, the Arlington Free Clinic, the Signature Theatre, the Arlington Commission for the Arts, and the Federal City Performing Arts Association; and

WHEREAS, John Benton was a proud University of Richmond "Spider," having recently been elected to the University of Richmond Alumni Board; he had recently supported his cherished alma mater by serving as co-chair of his class's 50th anniversary reunion committee; and

WHEREAS, in recognition of his leadership and experience, John Benton was appointed by Governor Ralph Northam to sit on the Board of Trustees of the Science Museum of Virginia, serving as its finance committee chair; and

WHEREAS, John Benton will be fondly remembered and dearly missed by his loving husband and partner of 45 years, David, and numerous other family members and friends in Richmond, Rehoboth Beach, and the Greater Washington area; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of John F. Benton, a treasured member of the Arlington community whose kind and energetic spirit touched countless lives; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of John F. Benton as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 202

Commending Carolyn Jones.

Agreed to by the House of Delegates, February 26, 2024
Agreed to by the Senate, February 29, 2024

WHEREAS, Carolyn Jones provided visionary leadership and outstanding service to the residents of Brunswick County as a member of the Brunswick County School Board since 2012 and was a trusted and effective representative for the Powellton District; and

WHEREAS, as a retired educator, Carolyn Jones brought a wealth of knowledge and experience, a commitment to lifelong learning, and an unwavering devotion to the well-being of children to the Brunswick County School Board; and

WHEREAS, throughout her long tenure on the Brunswick County School Board, Carolyn Jones worked diligently to support teachers and students and enhance the quality of education across the school division; and

WHEREAS, Carolyn Jones further promoted academic excellence as a member of the Virginia School Boards Association, where she represented the region and provided her expertise to committees on policy, finance, and instruction; and

WHEREAS, reflecting her commitment to educational excellence, Carolyn Jones received the Virginia School Boards Association's Award of Distinction multiple times; and

WHEREAS, outside of her career, Carolyn Jones is a generous servant-leader who volunteers her time to help others in many ways, and she is an active member of her church community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Carolyn Jones, an esteemed former educator, for her service as a member of the Brunswick County School Board; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Carolyn Jones as an expression of the General Assembly's admiration for her personal and professional achievements on behalf of young people in Brunswick County.

HOUSE JOINT RESOLUTION NO. 203

Celebrating the life of Susan Jane Redford.

Agreed to by the House of Delegates, February 26, 2024
Agreed to by the Senate, February 29, 2024

WHEREAS, Susan Jane Redford, a highly admired civic leader in Colonial Heights, died on January 27, 2024; and

WHEREAS, Susan Redford began her career with the Chesapeake and Potomac Telephone Company, then took time off to raise her family; and

WHEREAS, Susan Redford returned to the work force as an employee of the City of Colonial Heights and went on to serve local residents with dedication and distinction for the next three decades; and

WHEREAS, during her tenure in local government, Susan Redford served in the Office of the Commissioner of the Revenue and the Registrar's Office, then was appointed as General Registrar of Colonial Heights from 2007 to 2018; and

WHEREAS, outside of her career, Susan Redford enjoyed birdwatching and spending time on the beach in the Outer Banks, and as a member of the Hooked on Hallmark Committed Collectors Club, she was an avid collector of keepsakes and ornaments; and

WHEREAS, a woman of deep faith, Susan Redford enjoyed fellowship and worship with the congregation of Ettrick United Methodist Church, where she offered her leadership to several church boards; and

WHEREAS, predeceased by her beloved partner, Jimmy Parrish, Susan Redford will be fondly remembered and greatly missed by her daughters, Jennifer and Brandy, and their families, and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Susan Jane Redford; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Susan Jane Redford as an expression of the General Assembly's respect for her memory.

HOUSE JOINT RESOLUTION NO. 204

Commending Bernard L. Jones, Sr.

Agreed to by the House of Delegates, February 26, 2024
Agreed to by the Senate, February 29, 2024

WHEREAS, Bernard L. Jones, Sr., provided visionary leadership and outstanding service to the residents of Brunswick County as a member of the Brunswick County Board of Supervisors for 20 years; and

WHEREAS, Bernard Jones spent much of his career working for phone companies, but was most passionate about farming and agriculture; he worked on a farm in his youth and enjoyed tending to crops in his spare time throughout his life; and

WHEREAS, Bernard Jones was well-known in the community for his fresh produce, especially his delicious sweet potatoes, which he occasionally sold, but more often gave away to family, friends, community members, and even people visiting Brunswick County on official business; and

WHEREAS, beginning in 2004, Bernard Jones represented the Red Oak District on the Brunswick County Board of Supervisors and worked diligently to enhance the quality of life of all Brunswick County residents; and

WHEREAS, Bernard Jones served as chair of the Brunswick County Board of Supervisors in 2007, 2011, 2014, and 2016 and as vice chair in 2010, 2021, and 2023; he provided his expertise to standing committees related to emergency services, facilities, finance, solid waste, technology, and schools; and

WHEREAS, over the course of his career in local government, Bernard Jones supported responsible growth and development, including projects at Fort Christanna, the Dominion Energy Power Plant, the Meherrin River Regional Jail, the Brunswick County Conference Center, the Brunswick County Byways Visitor Center, and several local convenience centers; and

WHEREAS, Bernard Jones supported the creation of a new emergency communications system, construction of new schools, infrastructure for broadband Internet, and improvements to local affordable housing, and he helped facilitate Brunswick Stew Day at the Virginia State Capitol; and

WHEREAS, Bernard Jones worked with Brunswick Health Ambassadors, a group of volunteers promoting healthier lifestyles for county residents, and served as chair of an off-shoot called Brunswick Farms to Families, which was created to address the lack of accessibility to fresh food for many residents; and

WHEREAS, under the leadership of Bernard Jones, Brunswick Farms to Families encouraged local farmers to plant fruits and vegetables to develop local sources of healthy food, facilitated donations of fresh food to community food pantries, and helped set up local gardens; in addition, he worked with schools to inspire young people to develop and pursue interests in agriculture; and

WHEREAS, Bernard Jones also represented the community on the Brunswick County Planning Commission, Brunswick County Board of Zoning Appeals, Southside Planning District Commission, Emergency Services Advisory Board, South Central Workforce Development Board, Southside Virginia Education Center Board of Directors, and Virginia's Growth Alliance, as well as other local boards and commissions; and

WHEREAS, during his tenure on the Brunswick County Board of Supervisors, Bernard Jones was a trusted source of institutional knowledge, who earned the admiration of his colleagues for his attention to detail and ability with numbers; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Bernard L. Jones, Sr., for his two decades of service as a member of the Brunswick County Board of Supervisors; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Bernard L. Jones, Sr., as an expression of the General Assembly's admiration for his personal and professional achievements.

HOUSE JOINT RESOLUTION NO. 205

Commending Secretariat Racing Into History.

Agreed to by the House of Delegates, February 26, 2024
Agreed to by the Senate, February 29, 2024

WHEREAS, in 2024, the Town of Ashland will unveil Secretariat Racing Into History, a statue dedicated to one of the greatest racehorses in the history of the sport, Virginia's own Secretariat, who won the coveted American Triple Crown in 1973; and

WHEREAS, Secretariat, also known as Big Red, was foaled and raised on a farm in Caroline County by his owner and breeder Helen Bates "Penny" Chenery, who famously received the horse as the result of a coin toss between her and her fellow stable owner and breeding partner Ogden Phipps; and

WHEREAS, Penny Chenery's father, Christopher Chenery, grew up in Ashland, attended Randolph-Macon College, and founded the nearby Meadow Stable, where Secretariat was born in 1970; and

WHEREAS, with his exceptional size and strength, Secretariat impressed immediately and appeared destined for racing greatness; he won every race with the exception of his debut and a disqualification in his first year of racing and would go on to earn 1972 Horse of the Year honors; and

WHEREAS, in his second year of racing at age three, Secretariat became the first thoroughbred since 1948 to win the American Triple Crown, along with the unprecedented feat of breaking track records in all three races; and

WHEREAS, Secretariat's 1973 campaign included a track record time of 1:59 2/5 at the Kentucky Derby on May 5, 1973, a stakes record at the Preakness Stakes with a time of 1:53 on May 19, and included an American record for 1 1/2 miles on dirt with a time of 2:24 at the Belmont Stakes on June 9; and

WHEREAS, Secretariat was a celebrated icon of his day, leading news headlines and appearing on the covers of several major publications, bringing new fans and attention to the sport of horse racing; and

WHEREAS, Secretariat had been syndicated for a record-breaking $6.08 million at the beginning of his third year and would later appear in the pedigree of several other champion racehorses, becoming the leading broodmare sire in 1992; the two most recent Triple Crown winners, American Pharaoh in 2015 and Justify in 2018, were descendants of Secretariat; and

WHEREAS, in 2023, the 50th anniversary of Secretariat's Triple Crown victory was celebrated throughout the Commonwealth and the United States; and

WHEREAS, in February 2024, the Town of Ashland accepted a magnificent 3,500-pound bronze statute by sculptor Jocelyn Russell, Secretariat Racing Into History, which will be placed at Reynolds Family Plaza, a planned park at the intersection of England Street and Railroad Avenue; and

WHEREAS, the Secretariat Racing Into History statue toured several racing tracks in 2023 and will be the first permanent monument to Secretariat located in the Commonwealth; and

WHEREAS, the momentous occasion was made possible through the Secretariat for Virginia Committee, which is chaired by Kate Chenery Tweedy, the daughter of Penny Chenery and granddaughter of Christopher Chenery, who brought her family's legacy full circle by facilitating the monument's placement in Ashland; and

WHEREAS, Secretariat Racing Into History will stand as an emblem of Secretariat's excellence, a gleaming beacon for regional tourism, and a dramatic focal point for educating the public about the region's illustrious history in horse racing; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Secretariat Racing Into History, a monument to the achievements and legacy of one of the Commonwealth's greatest athletes; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Town of Ashland as an expression of the General Assembly's admiration for the significance of the Secretariat Racing Into History monument as a symbol of the high regard in which Secretariat is held by the horse racing community to this day.

HOUSE JOINT RESOLUTION NO. 206

Commending the United States Foreign Service.

Agreed to by the House of Delegates, March 4, 2024
Agreed to by the Senate, March 6, 2024

WHEREAS, for 100 years, the United States Foreign Service has carried out vital diplomacy, implemented the foreign policy of the United States, and provided assistance to American citizens living, working, and traveling abroad; and

WHEREAS, in the early history of the United States, the diplomatic service provided ambassadors and ministers to staff overseas embassies, while the consular service provided consuls to assist American mariners in foreign ports and promote international trade and commerce; and

WHEREAS, in 1924, the United States Congress passed the Rogers Act, introduced by Representative John Jacobs Rogers, merging the duties, responsibilities, and personnel of the diplomatic and consular services into a single administrative unit, the United States Foreign Service, under the U.S. Department of State; and

WHEREAS, prior to the creation of the United States Foreign Service, ambassadors and consuls were appointed by the president and, for many years, earned no salary due to an expectation that they would support themselves through private business or by collecting fees; and

WHEREAS, the United States Foreign Service reshaped the institutions of American diplomacy by developing a rigorous examination to ensure the recruitment of the most outstanding individuals and implementing a merit-based promotion system; and

WHEREAS, the United States Foreign Service has grown steadily over the years, and there are currently more than 13,900 Foreign Service professionals stationed at the 279 diplomatic missions around the world, including embassies, consulates, and other facilities, or in Washington, D.C.; and

WHEREAS, in the course of American history, more than 321 diplomats and Foreign Service professionals have died in the line of duty; their names are inscribed on memorial plaques in the lobby of the U.S. Department of State office to honor their sacrifice; and

WHEREAS, members of the United States Foreign Service continue to provide accurate information, expert counsel, and wise guidance to policymakers, the media, and scholars; their accomplishments and critical insights on foreign events are

often recorded in oral histories that are managed by the Association for Diplomatic Studies and Training and filed with the Frontline Diplomacy Collection at the Library of Congress; and

WHEREAS, shortly after the creation of the United States Foreign Service, the Consular Association was reestablished as the American Foreign Service Association, which has operated as the primary professional association of the Foreign Service community since that time and as a labor union for more than 50 years; and

WHEREAS, the American Foreign Service Association will celebrate the milestone 100th anniversary of the United States Foreign Service with a variety of events, including a special commemorative edition of *The Foreign Service Journal* in May 2024; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the United States Foreign Service on the occasion of its 100th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare copies of this resolution for presentation to the American Foreign Service Association and the Association for Diplomatic Studies and Training as an expression of the General Assembly's admiration for the important mission and outstanding achievements of American diplomats and Foreign Service members around the globe.

HOUSE JOINT RESOLUTION NO. 207

Celebrating the life of Stanley William Roberts.

Agreed to by the House of Delegates, March 4, 2024
Agreed to by the Senate, March 6, 2024

WHEREAS, Stanley William Roberts, a health care professional and highly admired member of the Fredericksburg community, died on February 12, 2024; and

WHEREAS, Stanley "Stan" William Roberts was born in Lanham, Maryland, to the late William and Frieda Roberts; and

WHEREAS, Stan Roberts moved to the Commonwealth with his family in his youth and graduated from Osbourn High School in Manassas; and

WHEREAS, Stan Roberts joined Phillips Medical Systems and supported the healthcare industry as a biomedical technician for 35 years; and

WHEREAS, outside of his career, Stan Roberts was an amateur shortwave radio operator and train enthusiast; and

WHEREAS, Stan Roberts enjoyed fellowship and worship with the Fredericksburg community as an active member of New Life in Christ Church; and

WHEREAS, Stan Roberts will be fondly remembered and greatly missed by his wife of 49 years, Eileen; his children, Jennifer, Jessica, and Jason, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Stanley William Roberts; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Stanley William Roberts as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 208

Commending Virginia S. Perrin.

Agreed to by the House of Delegates, March 4, 2024
Agreed to by the Senate, March 6, 2024

WHEREAS, Virginia S. Perrin has served the members of Deep Run Hunt Club in Goochland County as the master of foxhounds for more than two decades and promoted fair and safe hunting throughout the Commonwealth; and

WHEREAS, Virginia "Ginny" S. Perrin is a highly respected foxhound breeder, with a crossbred pack that adheres to strict guidelines, reflecting excellent pedigree and performance; and

WHEREAS, Ginny Perrin promotes the preservation of open spaces and the conservation of wildlife and the Commonwealth's valuable natural resources; and

WHEREAS, over the course of her career, Ginny Perrin has been a trusted source of institutional knowledge at Deep Run Hunt Club, keeping alive traditions that stretch back decades to the club's founding in the late 1800s; and

WHEREAS, Ginny Perrin has been a mentor to countless young people, imparting both her love of hunting and her appreciation for the great outdoors to new generations of hunters; and

WHEREAS, through her inspirational leadership, perseverance, and strength of character, Ginny Perrin has maintained and enhanced the sport of fox hunting in the Commonwealth; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Virginia S. Perrin for her outstanding service as master of foxhounds at Deep Run Hunt Club and her legacy of contributions to the hunting community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Virginia S. Perrin as an expression of the General Assembly's admiration for her personal and professional achievements.

HOUSE JOINT RESOLUTION NO. 209

Celebrating the life of Gilbert Lofton Granger.

Agreed to by the House of Delegates, March 4, 2024
Agreed to by the Senate, March 6, 2024

WHEREAS, Gilbert Lofton Granger, an esteemed public servant, accomplished accountant and businessman, honorable member of the Virginia National Guard and the United States Army Reserve, and a beloved member of the Williamsburg community, died on June 17, 2023; and

WHEREAS, after graduating from Central High School in Philadelphia in 1953, Gilbert "Gil" Lofton Granger earned a bachelor's degree in accounting from The College of William & Mary, an experience that would inspire him to make his home in Williamsburg for the rest of his life; and

WHEREAS, primarily a certified public accountant by trade, with his own firm, Granger, Lent, and Hawthorne, Gil Granger would devote himself to myriad endeavors throughout his career, including owning a Minor League Baseball team, the Peninsula Pilots, and serving as president of WMBG Radio in Williamsburg; and

WHEREAS, Gil Granger proudly served the residents of Williamsburg over the course of two decades in public office, beginning in 1969 with what was formerly the Williamsburg Board of Adjustments and Appeals, followed by terms with the Williamsburg–James City County School Board and ultimately the Williamsburg City Council, where he held a seat for 16 years and served as mayor from 1996 to 1998; and

WHEREAS, beyond his accomplishments in business and in public service, Gil Granger served the community through his involvement with upwards of 30 civic organizations, including the Junior Chamber of Commerce and the Kiwanis Club; and

WHEREAS, with a deep commitment to the safety and well-being of the Commonwealth and the country, Gil Granger served in the Virginia National Guard and the United States Army Reserve between 1958 and 1981; and

WHEREAS, known for his kind and generous nature, Gil Granger was a willing mentor to many aspiring business owners in the Williamsburg area, while always prizing the importance of spending time with family above all else; and

WHEREAS, guided throughout his life by his faith, Gil Granger enjoyed worship and fellowship with his community at Williamsburg Presbyterian Church for many years; and

WHEREAS, preceded in death by his daughter Gilinda, Gil Granger will be fondly remembered and dearly missed by his loving wife of 65 years, Ann Cornelia; his children, GrayAnn and Gregory, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Gilbert Lofton Granger, a pillar of the Williamsburg community whose dedication to serving others touched countless lives; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Gilbert Lofton Granger as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 210

Commending Lafayette High School.

Agreed to by the House of Delegates, March 4, 2024
Agreed to by the Senate, March 6, 2024

WHEREAS, Lafayette High School, a public secondary school of Williamsburg-James City County Public Schools, celebrated its 50th anniversary in 2023; and

WHEREAS, Lafayette High School was the only high school in the Williamsburg-James City County area when it was founded in 1973, bringing life-changing educational resources and opportunities to the region's young people; and

WHEREAS, over the past half-century, Lafayette High School has helped thousands of students by providing them with knowledge and skills that have allowed them to enjoy successful careers and lead meaningful lives; and

WHEREAS, as the Williamsburg area's population grew, Lafayette High School saw many of its students transferred, first to Jamestown High School in 1997 and later to Warhill High School in 2007, though the school's identity and culture has remained unchanged; and

WHEREAS, Lafayette High School has long prided itself on the friendly and inclusive learning environment it provides its students; known as the home of the Rams, the school's mascot today doubly serves as an acronym for the school's guiding principles—"respectable, accountable, motivated, and safe"; and

WHEREAS, alongside its exemplary academics, Lafayette High School supports its students through its top-notch athletic programs, school band, various clubs, and theatre program, offering many students an inspiring outlet for their ambitions and creativity; and

WHEREAS, Lafayette High School boasts a long list of notable alumni across myriad fields and professions, from star athletes of the National Football League and professional musicians to doctors, professors, and veterans; and

WHEREAS, the accomplishments of Lafayette High School would not have been possible without the tireless efforts of the teachers and administrators who served at the school over the years and who established a commitment to excellency that endures to this day; and

WHEREAS, students and alumni of Lafayette High School rejoiced in the school's golden jubilee during homecoming events held October 9-13, 2023, which offered all in attendance the chance to reflect on the school's legacy and its enduring impact on the Williamsburg–James City County community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Lafayette High School on the occasion of its 50th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the students, alumni, and teachers of Lafayette High School as an expression of the General Assembly's admiration for the school's history and its contributions to the Commonwealth.

HOUSE JOINT RESOLUTION NO. 211

Commending The Peanut Shop of Williamsburg.

Agreed to by the House of Delegates, March 4, 2024
Agreed to by the Senate, March 6, 2024

WHEREAS, for more than 50 years, The Peanut Shop of Williamsburg has offered high-quality peanuts roasted with traditional methods and other delectable products to local residents and visitors of Colonial Williamsburg; and

WHEREAS, established in 1973, The Peanut Shop of Williamsburg is located in Merchants' Square and offers a wide array of snack mixes, chocolates, sweets, and handcooked Virginia peanuts, the store's flagship product; and

WHEREAS, Virginia peanuts, one of the four main types of peanuts grown in the United States, represent 15 percent of the nation's total peanut production; The Peanut Shop of Williamsburg uses only the highest grade of Virginia peanut, super extra-large, and only three percent of Virginia peanuts meet the shop's rigorous standards; and

WHEREAS, generations of skilled roastmasters at The Peanut Shop of Williamsburg have used time-honored recipes to cook small batches of the finest Virginia peanuts to plump, golden, crunchy perfection; and

WHEREAS, The Peanut Shop of Williamsburg is a charming fixture of local culture, and people from all over the Commonwealth, the United States, and the world, have experienced the store's exquisite products while visiting the region; and

WHEREAS, The Peanut Shop of Williamsburg celebrated its 50th anniversary in July 2023 and offered several products in special commemorative tins; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend The Peanut Shop of Williamsburg on the occasion of its 50th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to The Peanut Shop of Williamsburg as an expression of the General Assembly's admiration for the shop's contributions to the vibrant local economy and sense of community in Colonial Williamsburg.

HOUSE JOINT RESOLUTION NO. 212

Commending the Merchants Square Baskin-Robbins.

Agreed to by the House of Delegates, March 4, 2024
Agreed to by the Senate, March 6, 2024

WHEREAS, the Merchants Square Baskin-Robbins, conveniently located near Colonial Williamsburg, has provided ice cream and other sweet treats to local residents and visitors for five decades; and

WHEREAS, the Merchants Square Baskin-Robbins had served the Williamsburg community since 1973 and was up for sale when Gina and Ralph Youngs, two practicing attorneys from Chicago, visited the area in 1998; and

WHEREAS, Gina and Ralph Youngs, who had made several previous visits to the Historic Triangle, researched the history of the franchise and decided to purchase the store and settle in the area; and

WHEREAS, working with the Baskin-Robbins corporation and the Colonial Williamsburg Foundation, Gina and Ralph Youngs have helped the Merchants Square location remain an integral part of the community, serving delicious ice cream, cakes, milkshakes, coffee drinks, and more to local families and countless visitors; and

WHEREAS, in 2023, Gina and Ralph Youngs celebrated their 25th anniversary of ownership, along with the store's 50th anniversary of service to the community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Merchants Square Baskin-Robbins for its legacy of service to the residents of and visitors to the Williamsburg area on the occasion of its 50th anniversary of operation; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Gina and Ralph Youngs, owners of the Merchants Square Baskin-Robbins, as an expression of the General Assembly's admiration for their contributions to the Williamsburg community.

HOUSE JOINT RESOLUTION NO. 213

Commending Bruton Parish Episcopal Church.

Agreed to by the House of Delegates, March 4, 2024
Agreed to by the Senate, March 6, 2024

WHEREAS, for 350 years, Bruton Parish Episcopal Church in Williamsburg has preserved the history of the nation while providing opportunities for joyful worship and offering generous outreach to the community; and

WHEREAS, Bruton Parish Episcopal Church traces its earliest roots to 1633, when an Anglican parish church named after the Middle Plantation was constructed somewhere in the area; and

WHEREAS, in 1658, Middle Plantation Parish merged with Harrop Parish in James City County to form Middletown Parish, which in turn merged with Marston Parish in 1674 to form Bruton Parish; and

WHEREAS, Bruton Parish Episcopal Church was named for the community of Bruton in County Somerset, England, the ancestral home of the colonial governor, Sir William Berkeley, and the colonial secretary, Thomas Ludwell, who was also a parish member at the time; and

WHEREAS, the Reverend Roland Jones was selected as the first pastor of Bruton Parish Episcopal Church, and in 1677, the vestry agreed to build a new brick church to better serve the consolidated parish; the Gothic-style building was situated northwest of the current location on land donated by Colonel John Page and completed in 1683; and

WHEREAS, with the establishment of The College of William & Mary in Virginia and the relocation of the colonial capital from Jamestown to the Middle Plantation, which was renamed as Williamsburg shortly after, Bruton Parish Episcopal Church experienced significant growth in the 1690s; and

WHEREAS, in the early 1700s, the Bruton Parish Episcopal Church vestry again discussed a new church building; the cruciform-shaped church, designed by Governor Alexander Spotswood, was the first of its kind in Virginia, and it was completed in 1715 under the oversight of James Blair, who was serving as both rector of the church and president of The College of William & Mary in Virginia; and

WHEREAS, over the course of the 18th century, Bruton Parish Episcopal Church flourished as a house of worship and an important meeting place for students, townspeople, and government officials; the church received numerous additions, including a new steeple, the historic Tarpley Bell, and a prized organ that was played by the professionally trained musician Peter Pelham for 46 years; and

WHEREAS, during this time, Bruton Parish Episcopal Church also received several important artifacts, including copies of the Book of Common Prayer and the Holy Bible, as well as three sets of silver communion services, including the Jamestown Church communion service, which is now typically on display at the Jamestown Settlement; and

WHEREAS, several founding fathers, including George Washington, Thomas Jefferson, and Patrick Henry attended Bruton Parish Episcopal Church while serving as members of the House of Burgesses, and the church was the site of heated debate in the lead up to the American Revolution; and

WHEREAS, the Reverend John Bracken, who served as rector of Bruton Parish Episcopal Church from 1773 to 1818 and president of The College of William & Mary in Virginia from 1812 to 1814, guided the community through the Revolutionary War; he is most likely responsible for crossing out the prayer for the king in the church's Book of Common Prayer and replacing it with a prayer for the president of the United States; and

WHEREAS, Bruton Parish Episcopal Church broke from the Church of England and joined the Episcopal Church in the United States; in the post-war period, the church endured financial hardship and sold numerous furnishings to generate operating funds and allow for necessary remodeling; and

WHEREAS, during the American Civil War, Bruton Parish Episcopal Church served as a hospital for wounded soldiers after the Battle of Williamsburg; the parish continued to struggle until the 1880s, when the Catherine Memorial Society, a forerunner of what is now Preservation Virginia, raised funds to repair church furnishings and restore tombstones and monuments in the parish's historic cemetery; and

WHEREAS, the Reverend William T. Roberts and the Reverend W.A.R. Goodwin led additional restoration efforts, and by the early 1900s, Bruton Parish Episcopal Church had regained much of its original character and played a role in the commemoration of the 300th anniversary of the Jamestown Settlement in 1907; and

WHEREAS, from 1926 to 1928, Reverend Goodwin was instrumental in convincing John D. Rockefeller, Jr., to restore Williamsburg's colonial heritage, leading to a complete renovation of Bruton Parish Episcopal Church; and

WHEREAS, under the leadership of the Reverend Francis H. Craighill, the Reverend Cotesworth Pinckney Lewis, the Reverend Richard L. May, the Reverend Herman Hollerith IV, and the Reverend Christopher L. Epperson, Bruton Parish

Episcopal Church has thrived in the modern era; membership has remained high, programs and services have multiplied, and the church has given back to the community in myriad ways, including religious education, community festivals, and the annual Rockefeller Concert; and

WHEREAS, in January 2024, Bruton Parish Episcopal Church kicked off the commemorative events for its milestone 350th anniversary with a presentation by Carl Lounsbury, the former senior architectural historian of the Colonial Williamsburg Foundation, and a special worship service celebrated with a prayer book from 1662 and the Jamestown Church communion silver; and

WHEREAS, Bruton Parish Episcopal Church's yearlong anniversary program will feature more historical presentations, along with fellowship and social events, to educate, enlighten, and engage with members of the public; the program divides the year into four quarters, focusing on the beginning of the church from 1674 to 1789, the evolution of the church from 1789 to 1900, the modern era from 1900 to 2023, and the church's future; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Bruton Parish Episcopal Church on the occasion of its 350th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Bruton Parish Episcopal Church as an expression of the General Assembly's admiration for the church's storied history and legacy of service to the Commonwealth.

HOUSE JOINT RESOLUTION NO. 214

Celebrating the life of Serafim C. Canavos.

Agreed to by the House of Delegates, March 4, 2024

Agreed to by the Senate, March 6, 2024

WHEREAS, Serafim C. Canavos, a successful and enterprising restaurateur and businessman and an active and beloved member of the Virginia Peninsula community, died on August 13, 2023; and

WHEREAS, a proud son of Newport News, Serafim "Sammy" C. Canavos spent his youth in Greece and endured the tribulations of World War II before returning to the United States and joining his father at his family's restaurant, Washington Lunch, in downtown Newport News; and

WHEREAS, after founding his first restaurant in 1952, Sammy Canavos would go on to establish several other restaurants, both independently and in partnership with family, throughout the Virginia Peninsula, including Sammy's Steak House in Newport News, Sammy and Nick's in Hampton, and Capitol Pancake House in Williamsburg; and

WHEREAS, a master of both business and hospitality, Sammy Canavos entered the hotel industry in 1985 with the construction of a 100-room Howard Johnson hotel in Williamsburg and would go on to develop other customer service-oriented commercial real estate projects throughout his career; and

WHEREAS, Sammy Canavos was a kind and generous mentor to his employees and fellow restaurateurs, helping several of them establish restaurants of their own, and supported his industry by serving as a board member and president of the Virginia Restaurant Association; and

WHEREAS, Sammy Canavos' service to the community extended to his work with various state and local organizations, including the Boys & Girls Clubs of the Virginia Peninsula, the NationsBank Advisory Board, and the National Conference for Community and Justice; and

WHEREAS, for 34 years, Sammy Canavos provided the food and labor for the Boys & Girls Clubs of the Virginia Peninsula's Annual Steak ‘N Burger Dinner, raising millions of dollars to support young people in the area; and

WHEREAS, Sammy Canavos was the recipient of various honors and accolades throughout his life in recognition of his legacy of service to the community, including the Medallion Award from the Boys & Girls Clubs of America and the Lifetime Achievement Award from the Boys & Girls Clubs of the Virginia Peninsula; he was also notably inducted into the latter's Wall of Fame; and

WHEREAS, guided by his deep and abiding faith, Sammy Canavos was an active member of Saints Constantine & Helen Greek Orthodox Church in Newport News and served several terms on its Parish Council; and

WHEREAS, Sammy Canavos will be fondly remembered and dearly missed by his loving wife of 61 years, Angeliki; his children, Chris, Dean, and Alexis, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Serafim C. Canavos, a treasured member of the Virginia Peninsula community whose munificent spirit and love for his country and community were an inspiration to all who knew him; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Serafim C. Canavos as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 215

Commending Rocktown History.

Agreed to by the House of Delegates, March 4, 2024
Agreed to by the Senate, March 6, 2024

WHEREAS, Rocktown History, a distinguished historical society and museum formerly known as the Harrisonburg-Rockingham Historical Society, commemorates its 125th anniversary in 2024; and

WHEREAS, after several years of growing interest and nascent efforts by a formal committee to preserve local history by collecting various documents and relics, the Harrisonburg-Rockingham Historical Society held its first public meeting in March 1899; and

WHEREAS, in the 1940s, members of the Harrisonburg-Rockingham Historical Society established a community historical museum, which was later located in the Warren-Sipe House in Harrisonburg from 1977 until 1993, until the organization was gifted the property in Dayton where the museum stands today; and

WHEREAS, Rocktown History maintains a collection of artifacts exemplifying facets of life in Harrisonburg and Rockingham County over the past 240 years, including family heirlooms, advertisements, industrial products, and more; and

WHEREAS, Rocktown History and its curators develop a number of exhibitions and events throughout the year to draw the public's attention to notable artifacts or stories from the region's history; and

WHEREAS, Rocktown History maintains an extensive genealogy library and other resources to facilitate the efforts of individuals interested in learning more about their family and the past; and

WHEREAS, Rocktown History has improved the quality of life in Harrisonburg and Rockingham County by providing residents with a place where they may learn more about the history of the region and reflect upon how their community has grown and transformed over time; and

WHEREAS, in the winter of 2023, Rocktown History opened a special exhibition, "A Tip of the Hat," to honor and remember local historians who have been vital to the organization's success since its founding; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Rocktown History on the occasion of its 125th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Rocktown History as an expression of the General Assembly's admiration for the organization's history and its contributions to the Commonwealth.

HOUSE JOINT RESOLUTION NO. 216

Commending The Crooked Road: Virginia's Heritage Music Trail.

Agreed to by the House of Delegates, March 4, 2024
Agreed to by the Senate, March 6, 2024

WHEREAS, The Crooked Road: Virginia's Heritage Music Trail, a nonprofit organization dedicated to supporting economic development in Southwest Virginia by promoting the region's rich heritage of traditional music, celebrates its 20th anniversary in 2024; and

WHEREAS, Southwest Virginia has been home to several musical pioneers, including the Carter Family, the Stanley Brothers, Carl Martin, Grayson & Whitter, Pop Stoneman, and many others, and the region's musical heritage has played an integral part in the musical heritage of America; and

WHEREAS, The Crooked Road: Virginia's Heritage Music Trail was first conceived in 2003 as a mechanism for cultural tourism and for honoring the musical legacy of Southwest Virginia; and

WHEREAS, The Crooked Road driving trail spans 333 miles and connects 10 major venues, including the Ralph Stanley Museum, the Country Cabin, the Carter Family Fold, the Birthplace of Country Music Museum, the Southwest Virginia Cultural Center and Marketplace, the Floyd Country Store, County Sales Music in Floyd, the Blue Ridge Music Center, the Rex Theater and Galax Old Fiddlers Convention, and the Blue Ridge Institute and Museum, as well as more than 50 affiliate venues featuring old time and bluegrass music on a regular basis; and

WHEREAS, The Crooked Road was designated as Virginia's Heritage Music Trail by the General Assembly in 2004, and it serves 19 counties, four cities, and 53 towns in Southwest Virginia; and

WHEREAS, The Crooked Road continues to invest in the next generation of old time and bluegrass musicians, ensuring that Southwest Virginia's vibrant musical legacy remains an important aspect of its cultural identity and a viable sector of the creative economy; and

WHEREAS, The Crooked Road has served as a vital contributor to Southwest Virginia's economy amidst an economic transition from the region's historical industries, such as coal, tobacco, timber, and textiles; and

WHEREAS, Southwest Virginia has experienced an increase in visitor spending, tourism-related taxes, and job creation due to economic activity along The Crooked Road trail; and

WHEREAS, The Crooked Road is home to countless musicians, dancers, and tradition bearers who continue to preserve the rich musical heritage of Southwest Virginia; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend and congratulate The Crooked Road: Virginia's Heritage Music Trail on the occasion of its 20th anniversary of promoting old time and bluegrass music experiences across Southwest Virginia; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to The Crooked Road: Virginia's Heritage Music Trail as an expression of the General Assembly's appreciation for its preservation of the musical legacy of Southwest Virginia.

HOUSE JOINT RESOLUTION NO. 217

Celebrating the life of Peter Easter.

Agreed to by the House of Delegates, March 4, 2024
Agreed to by the Senate, March 6, 2024

WHEREAS, Peter Easter, a respected government relations executive and civic leader and beloved father, grandfather, husband, friend, and member of the Albemarle County community, died on November 7, 2023; and

WHEREAS, a native of Chicago, Peter Easter graduated from Deerfield Academy in Deerfield, Massachusetts, in 1956 before earning a bachelor's degree in economics from Dartmouth College four years later; and

WHEREAS, for eight years early in his career, Peter Easter served his country with honor and distinction as a member of the United States Army Reserves; and

WHEREAS, Peter Easter later founded the lobbying and association management company Easter Associates, Inc., operating out of Charlottesville and Richmond, where he helped an untold number of associations better achieve their missions; and

WHEREAS, Peter Easter was a former executive vice president of the Virginia Society of Association Executives (VSAE) and was the 1997 recipient of VSAE's CEO Award of Excellence; and

WHEREAS, Peter Easter enjoyed an illustrious 40-year career with Easter Associates representing the interests of his many clients before the General Assembly; and

WHEREAS, Peter Easter, among his many legislative achievements, led the effort to allow commercial and private game preserve operators to open on Sundays, paving the way for statewide Sunday hunting, which was subsequently enacted; and

WHEREAS, in recognition of his service with the Virginia Association of Broadcasters, Peter Easter was inducted into the Virginia Communications Hall of Fame in 2008; and

WHEREAS, Peter Easter was respected by governors, cabinet secretaries, and agency heads for his honesty, integrity, congenial manner, and fair representation of his clients; and

WHEREAS, Peter Easter gave generously of his time in service to his community, including as chairman of the Albemarle County Planning Commission and as president of the Virginia Hunting Preserve Association; and

WHEREAS, in 2017, Peter Easter led a capital campaign that raised over one million dollars for what is today known as the Charlottesville Band, helping to preserve this treasured institution for the benefit of future generations; and

WHEREAS, Peter Easter and his wife, Carol, purchased Springhaven Farm in Albemarle County in 1962, and he joyfully pursued his passion for training and hunting with English Setter bird dogs there for many years; and

WHEREAS, preceded in death by his loving wife of 57 years, Carol, Peter Easter will be fondly remembered and dearly missed by his spouse, Laney; his children, Deborah, Brooke, and Douglas, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Peter Easter, a cherished member of the Albemarle County community whose legacy of service was an inspiration to all who knew him; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Peter Easter as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 218

Commending the Northern Virginia Transportation Commission.

Agreed to by the House of Delegates, March 4, 2024
Agreed to by the Senate, March 6, 2024

WHEREAS, the Northern Virginia Transportation Commission, created by the General Assembly in 1964, will celebrate its 60th anniversary on September 5, 2024; and

WHEREAS, the Northern Virginia Transportation Commission (NVTC) began with an initial district of five jurisdictions, including the Counties of Arlington and Fairfax and the Cities of Alexandria, Fairfax, and Falls Church, with

11 elected officials from those jurisdictions and the chair of the State Highway Commission serving jointly as commissioners; and

WHEREAS, NVTC membership has grown to include Loudoun County and now has 21 commissioners, including six members of the General Assembly and a designee of the Secretary of Transportation; and

WHEREAS, the NVTC district now has a population of approximately two million people in a territory covering 1,000 square miles, connected by a robust transit network providing residents with 1.5 million transit trips each week on Metrorail, Virginia Railway Express (VRE), local and express bus services, and paratransit services; and

WHEREAS, the public transit network serving the NVTC district is a vital component of the region's transportation system that supports its overall quality of life and economic competitiveness, generating more than $1.5 billion in annual sales and income tax revenue for the Commonwealth, a 160 percent return on the state investment in these transit systems; and

WHEREAS, NVTC played a pivotal role in creating the Washington Metropolitan Area Transit Authority (WMATA), whereby the resulting interstate compact requires WMATA's Virginia board members to be appointed from among the NVTC's commissioners, who now provide additional oversight and reporting responsibilities as directed by an update to state code in 2018; and

WHEREAS, NVTC began to plan for commuter rail service at its first business meeting in 1964 and persevered until VRE began operations in 1992, a system now co-owned with the Potomac and Rappahannock Transportation Commission that has carried more than 95 million riders; and

WHEREAS, NVTC initiated the first transit service to run on dedicated bus lanes with the NVTC Shirley Highway Express-Bus-on-Freeway Demonstration Project, serving as a model for future Express and Bus Rapid Transit (BRT) corridors, including the regional Envision Route 7 BRT planned for the Cities of Alexandria and Falls Church and the Counties of Arlington and Fairfax; and

WHEREAS, NVTC launched the innovative Commuter Choice program in 2017, which has invested more than $150 million in toll revenues for projects that have moved more than five million people through the congested Interstate-66 and Interstate-395/95 corridors while reducing vehicle emissions by 69 percent, saving 1.1 million hours of travel time and $14.5 million in fuel costs, and preventing more than 130 vehicle crashes; and

WHEREAS, NVTC manages financial resources from federal, state, regional, and local partners exceeding $400 million annually, while demonstrating sound fiscal management of public funds and establishing a set of stringent internal controls to manage NVTC's complex financial role in the region, resulting in unblemished independent audits; and

WHEREAS, NVTC consistently promotes transit innovations leading to improved efficiency, environmental stewardship, and customer service, including advanced fare payment systems, hybrid and zero-emission bus technologies, improved bus speeds on local and interstate routes, bus stop improvements, and policy considerations for fare-free transit; and

WHEREAS, NVTC has managed numerous successful public transit marketing campaigns in coordination with the Department of Rail and Public Transportation, the jurisdictions that make up NVTC, the local bus systems in Northern Virginia, and VRE to promote transit use throughout the region; and

WHEREAS, NVTC routinely leads regional planning efforts to provide coordinated emergency responses by Northern Virginia's transit systems to facilitate faster transit reactions and better communication with customers, police, fire departments, and other public safety personnel during emergencies and transit system shutdowns; and

WHEREAS, NVTC provides ongoing and extensive data analysis of Northern Virginia public transit trends to better understand how our transit network serves our region in terms of service area coverage, connectivity, ridership, service levels, and accessibility; and

WHEREAS, NVTC conducts policy and financial analyses to support funding and legislative actions including conducting regional transit needs assessments, regional economic impact studies, and evaluation of the impact of federal and state policy and funding actions on the public transit systems that serve Northern Virginia; and

WHEREAS, in 60 years of leadership in transit system development, expansion, funding, and research, each of the current and former board members and staff of the NVTC have played an integral role in building and operating the transit network required to sustain the regional economy; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Northern Virginia Transportation Commission on the occasion of its 60th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare copies of this resolution for presentation to Matt de Ferranti, chair, and Kate Mattice, executive director, of the Northern Virginia Transportation Commission as an expression of the General Assembly's congratulations on reaching this landmark in the commission's history and appreciation for the leadership of the commission in promoting public transit and other sustainable commuting options in Northern Virginia to the benefit of the region and the entire Commonwealth.

HOUSE JOINT RESOLUTION NO. 219

Commending Lee William Horton.

Agreed to by the House of Delegates, March 4, 2024
Agreed to by the Senate, March 6, 2024

WHEREAS, Lee William Horton, a resident of Georges Tavern in Goochland County, has devoted his life to selfless service and supporting others in a variety of active duty military, corporate, and volunteer roles; and

WHEREAS, a native of Galveston, Texas, Lee William Horton enlisted in the United States Air Force in 1964 and completed basic training at Lackland Air Force Base in San Antonio, Texas, and follow-on specialty advanced meteorological and radar training at Chanute Air Force Base in Champagne, Illinois, commencing a distinguished military career spanning more than 20 years, on several continents, which culminated in his retirement as a service-disabled veteran with the rank of senior master sergeant; and

WHEREAS, while serving in the Republic of Vietnam, Lee William Horton worked with United States Army Special Forces A-Teams to install motion sensors along the so-called Ho Chi Minh Trail, deep within hostile enemy territory, and served with the 10th Weather Squadron, providing real-time meteorological data to mission planners and aircraft commanders; and

WHEREAS, over the balance of his military career, Lee William Horton deployed worldwide, to duty stations as varied as Tahnsunhut Air Force Base in Thailand, Yokota Air Base in Japan, Tinker Air Force Base in Oklahoma, Laughlin Air Force Base in Texas, Forbes Air Force Base in Kansas, and Joint Base Langley-Eustis in Virginia, among others; and

WHEREAS, as an accomplished technical expert in meteorology, radar propagation fundamentals, and sensor technology, Lee William Horton served as part of the military and civilian research team at the NOAA National Severe Storms Laboratory, which developed the Doppler radar technology that has revolutionized the field of severe weather forecasting; and

WHEREAS, while stationed at Forbes Air Force Base in Kansas, Lee William Horton served as part of a team which surveyed and created the first comprehensive navigational charts of the Amazon rainforest; and

WHEREAS, in recognition of his consummate professionalism and consistently superior service in a variety of difficult, demanding, and dangerous duties worldwide, Lee William Horton was awarded, among other citations, three Air Force Commendation Medals and a Meritorious Service Medal; and

WHEREAS, commencing in 1965, and over the course of the next 58 years, in addition to his primary military duties and corporate duties in the private sector, Lee William Horton provided telephone patch services, the only means available at that time for military service members deployed worldwide to communicate with their families, as a volunteer operator within the Military Auxiliary Radio System (MARS) until his retirement in 2023; and

WHEREAS, Lee William Horton served in a variety of volunteer leadership roles within MARS, including Virginia director (2010-2013), Region 3 ARMY MARS executive officer (2013-2019), and one of only 18 members nationwide of the National Support Network, ARMY MARS (2019-2023), in which capacity he provided leadership and direction to the Military Auxiliary Radio System mission to provide worldwide, reliable contingency communications interoperability to U.S. Department of Defense, civil defense, state and local governments, and national command authority units and agencies; and

WHEREAS, Lee William Horton has embodied the ideals of fidelity, obedience, and zeal throughout a lifetime of selfless service to the Commonwealth and the nation; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Lee William Horton on the occasion of his retirement; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Lee William Horton as an expression of the General Assembly's appreciation and admiration for his distinguished service to the Commonwealth and the nation.

HOUSE JOINT RESOLUTION NO. 220

Commending WLNI.

Agreed to by the House of Delegates, March 4, 2024
Agreed to by the Senate, March 6, 2024

WHEREAS, WLNI, a news and information radio station broadcasting to the communities of Lynchburg, Amherst, Bedford, and Campbell Counties on 105.9 FM, celebrates its 30th anniversary in 2024; and

WHEREAS, WLNI was founded in 1994 as Lynchburg's first full-time FM talk radio station under the ownership of the Friendship Broadcasting Company and was acquired by Daughters Media four years later; and

WHEREAS, WLNI transferred ownership again in 2004 to Centennial Broadcasting and moved its studios from their original location in Madison Heights to midtown Lynchburg; and

WHEREAS, WLNI was then acquired by Wheeler Media in 2013, joining an eight-station group and relocating to its current studios in the Wyndhurst neighborhood; and

WHEREAS, since 2020, WLNI has been a stand-alone station under the ownership of James River Media, which has shifted the station's programming to emphasize Lynchburg-area news and issues; and

WHEREAS, WLNI's local show *The Morningline* with Mari White and Brian Weigand has kept citizens in Central Virginia updated and well-informed on matters before the General Assembly; and

WHEREAS, WLNI also airs its local sports show *The Sportsline* with Rich Roth and Dennis Carter, along with an array of the nation's leading syndicated programs as a Fox News affiliate, as well as other local features; and

WHEREAS, in recognition of its exceptional news coverage and programming, WLNI has received several awards from the Virginia Association of Broadcasters over the years; and

WHEREAS, both as a valued partner of many local organizations in support of meaningful causes and as an important means by which listeners may engage with their elected officials and community leaders, WLNI has helped to make Lynchburg a more wonderful place to live, work, and raise a family; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend WLNI on the occasion of its 30th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to WLNI as an expression of the General Assembly's admiration for the station's contributions to the Lynchburg community.

HOUSE JOINT RESOLUTION NO. 221

Celebrating the life of Bryan Kelly Miller.

Agreed to by the House of Delegates, March 4, 2024
Agreed to by the Senate, March 6, 2024

WHEREAS, Bryan Kelly Miller, a longtime employee of the City of Bristol and beloved member of the Bristol community, died on December 7, 2023; and

WHEREAS, Kelly Miller served the City of Bristol since 1992, beginning his more than 30 years of service as an engineering aid in the Public Works Department, where he assisted in the planning, design, and inspection of engineering and construction projects for the city; and

WHEREAS, Kelly Miller assisted with surveying as a drafter and computer-aided-design operator, was certified as a Department of Conservation and Recreation inspector and erosion and sediment control inspector, and served as a city project representative during subdivision construction and as an information technology specialist; and

WHEREAS, in 2018, Kelly Miller was promoted to geographic information system (GIS) coordinator, a role in which he oversaw the creation, expansion, and maintenance of all geospatial-related data contained in Bristol's GIS system; and

WHEREAS, as Bristol's GIS coordinator, Bryan Miller served as the city's administrator for its Master Street Address Guide (MSAG) and its Any Number Identification-Any Location Identification (ANI-ALI) service for 9-1-1 compliance; and

WHEREAS, Kelly Miller left his fingerprints on many projects and had a say in the completion of major developments within Bristol; and

WHEREAS, Kelly Miller's sense of humor, kindness, energy, and graciousness enriched those fortunate enough to know and work with him; and

WHEREAS, the medical clinic where Kelly Miller was treated named him a national "patient champion" for his active lifestyle and positive attitude; and

WHEREAS, Kelly Miller shared a love for the outdoors by enjoying fishing and golf in the beautiful region of Southwest Virginia; and

WHEREAS, guided by his faith, Kelly Miller enjoyed worship and fellowship with his community at Highlands Fellowship Church in Bristol; and

WHEREAS, Kelly Miller will be fondly remembered and dearly missed by his loving wife, Penny; his siblings, Robbie and Nikki; his father and his father's wife, Bob and Darla; his mother, Katheryn; and his father-in-law, Tom; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Bryan Kelly Miller, a cherished member of the Bristol community who made an impact on countless lives; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Bryan Kelly Miller as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 222

Commending AbbyCakes.

Agreed to by the House of Delegates, March 4, 2024
Agreed to by the Senate, March 6, 2024

WHEREAS, AbbyCakes, a woman veteran-owned bakery specializing in custom cakes and other sweet delights, opened in Virginia Beach in 2023; and

WHEREAS, AbbyCakes was founded by Alberta "Abby" Keen, who has cultivated a passion for baking ever since working at a bakery in her twenties; and

WHEREAS, Abby Keen was inspired to open AbbyCakes after witnessing how much her friends and family enjoyed the cakes she baked for special occasions, dating back to the cake she baked for her daughter's first birthday; and

WHEREAS, since starting AbbyCakes, Abby Keen has helped countless individuals and families bring sweetness and joy to their significant moments, including birthdays, graduations, bridal showers, weddings, baby showers, and gender reveal parties; and

WHEREAS, Abby Keen puts extraordinary care and attention into every one-of-a-kind creation she makes at AbbyCakes, producing cakes that are stunningly beautiful, unimaginably delicious, and the highlight of any celebration; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend AbbyCakes on the occasion of its new store opening in Virginia Beach; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Abby Keen, owner of AbbyCakes, as an expression of the General Assembly's admiration for her achievements and best wishes for success in her endeavor.

HOUSE JOINT RESOLUTION NO. 223

Commending Michael W. Keyes.

Agreed to by the House of Delegates, March 4, 2024
Agreed to by the Senate, March 6, 2024

WHEREAS, on July 23, 2023, faith leader Michael W. Keyes was installed as pastor of New Hope Baptist Church in Virginia Beach, becoming only the second pastor in the church's 53-year history to lead the congregation; and

WHEREAS, after graduating from New Castle County Vocational–Technical High School in New Castle, Pennsylvania, Michael Keyes enlisted with the United States Navy and served his country faithfully and proudly for more than 20 years, receiving numerous awards, medals, and citations for his service; and

WHEREAS, Michael Keyes subsequently joined American Funds following his service with the United States Navy, where he demonstrated exceptional professionalism and top-tier work ethic as he rose through the company's ranks until his retirement on June 30, 2023; and

WHEREAS, guided throughout his life by his faith, Michael Keyes first attended Second Baptist Church in New Castle, Pennsylvania, where he was a youth usher and member of the youth choir; and

WHEREAS, Michael Keyes later became a member of New Hope Baptist Church and dedicated himself to the church's mission as an usher and through his involvement with the deacons ministry and the evangelistic ministry; and

WHEREAS, under the tutelage of Dr. E. Ray Cox, Sr., pastor of New Hope Baptist Church, Michael Keyes received his licensure to preach and gave his first sermon on October 21, 2012, stepping into his role as special administrative assistant to Pastor Cox; and

WHEREAS, Michael Keyes has honed his abilities as a faith leader by earning a bachelor's degree in religion from Saint Leo University in 2017 and a master of divinity degree from the Samuel Dewitt Proctor School of Theology at Virginia Union University (VUU) in 2020; he is also currently pursuing a doctor of ministry degree at VUU; and

WHEREAS, Michael Keyes was ordained on June 30, 2019, at New Hope Baptist Church, taking the next step toward becoming the church's pastor and spiritual leader; and

WHEREAS, Michael Keyes has embraced his new role at New Hope Baptist Church with clarity of purpose and an unwavering commitment to his congregation and the well-being of others, ensuring the church will continue to be an integral part of the Virginia Beach community for years to come; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Michael W. Keyes for becoming the pastor of New Hope Baptist Church in Virginia Beach; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Michael W. Keyes as an expression of the General Assembly's admiration for his legacy of service and best wishes in his future endeavors.

HOUSE JOINT RESOLUTION NO. 224

Commending Glory's Bakery.

Agreed to by the House of Delegates, March 4, 2024
Agreed to by the Senate, March 6, 2024

WHEREAS, Glory's Bakery, a beloved staple of the Virginia Beach food scene, celebrated its 40th anniversary in 2023; and

WHEREAS, Glory's Bakery, owned by Luz and Alfonso Esteban, in partnership with Carol Wheat, first opened on Centerville Turnpike in 1983 and then at a second location at the intersection of North Witchduck Road and Aragona Boulevard two years later; and

WHEREAS, Glory's Bakery serves classics of Filipino cuisine, including pancit, lumpia, and chicken adobo and is renowned throughout the region for its pandesal-inspired pepperoni bread; and

WHEREAS, by consistently serving quality meals at an affordable price with exceptional hospitality, Glory's Bakery has established itself as a culinary institution of Virginia Beach and an important part of what makes the city a wonderful place to live, work, and eat; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Glory's Bakery on the occasion of its 40th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Luz and Alfonso Esteban, owners of Glory's Bakery, as an expression of the General Assembly's admiration for the bakery's history and appreciation for its contributions to the Commonwealth.

HOUSE JOINT RESOLUTION NO. 225

Commemorating the life and legacy of Secretariat.

Agreed to by the House of Delegates, March 4, 2024
Agreed to by the Senate, March 6, 2024

WHEREAS, 2023 marked 50 years since Secretariat, regarded by many to be the greatest racehorse in the history of the sport, won the 1973 Triple Crown; and

WHEREAS, Secretariat, also known as Big Red, was foaled and raised on a farm in Caroline County by his owner and breeder Helen Bates "Penny" Chenery, who famously received the horse as the result of a coin toss between her and her fellow stable owner and breeding partner Ogden Phipps; and

WHEREAS, with his exceptional size and strength, Secretariat impressed immediately and appeared destined for racing greatness; he won every race with the exception of his debut and a disqualification in his first year of racing and would go on to earn 1972 Horse of the Year honors; and

WHEREAS, in his second year of racing at age three, Secretariat became the first horse in a quarter century to win the American Triple Crown when he won the Kentucky Derby on May 5, 1973, with a track record time of 1:59 2/5; and

WHEREAS, Secretariat's 1973 campaign also included an American record for 1 1/2 miles on dirt with a time of 2:24 from his win at the Belmont Stakes and a stakes record at the Preakness Stakes with a time of 1:53; and

WHEREAS, Secretariat was a celebrated icon of his day, leading news headlines and appearing on the covers of several major publications, bringing new fans and attention to the sport of horse racing; and

WHEREAS, Secretariat had been syndicated for a record-breaking $6.08 million at the beginning of his third year and would later appear in the pedigree of several other champion racehorses, becoming the leading broodmare sire in 1992; and

WHEREAS, Secretariat's prominent place in the history of the sport of horseracing is the pride of the Commonwealth and a legacy worth honoring for generations to come; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commemorate the life and legacy of Secretariat on the occasion of the 50th anniversary of his American Triple Crown victory; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to representatives of Secretariat as an expression of the General Assembly's admiration for the horse's illustrious accomplishments.

HOUSE JOINT RESOLUTION NO. 226

Commending Lucy Addison High School.

Agreed to by the House of Delegates, February 29, 2024
Agreed to by the Senate, March 6, 2024

WHEREAS, 2023 marked the 50th anniversary of the last class to graduate from Lucy Addison High School of Roanoke, the last historically Black high school in the city; and

WHEREAS, Lucy Addison High School opened as a public school in 1928; it was named for a woman who had been born into slavery in Fauquier County in 1861 and who, after earning a teaching diploma, would serve first as a teacher and later as principal of the segregated Harrison School of Roanoke; and

WHEREAS, Lucy Addison High School exclusively served Roanoke's Black population for 42 years until 1970, when the Roanoke City School Board's plan for a unitary school system was implemented; and

WHEREAS, Charles W. Day was hired and tasked with navigating the transition and operation of Lucy Addison High School at this time, and his calm and approachable demeanor proved vital in directing the school during its three years as an integrated high school; and

WHEREAS, the school's alumni and community members have worked tirelessly to fund the Lucy Addison High School monument wall, which recognizes the school's many accomplished graduates and, in the words of Louise Bond Cheatham, stands "as a historic symbol of African American achievement and . . . a testament to the indelible legacy" of the school; and

WHEREAS, the Lucy Addison High School monument wall lists nearly 1,000 former students, teaching staff, and administrators, including Dr. Florence Saunders Farley (Class of 1946), the first Black woman in the Commonwealth to be clinically licensed as a psychologist and who subsequently served as mayor of Petersburg, and Dr. Lloyd V. Hackley (Class of 1958), a decorated United States Air Force veteran whose impressive resume includes serving as chancellor of three historically Black universities and as the first Black president of the North Carolina Community College System; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Lucy Addison High School, the last historically Black high school of Roanoke, on the occasion of the 50th anniversary of its last graduating class; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to alumni representatives of Lucy Addison High School as an expression of the General Assembly's admiration for the school's history and legacy and the achievements of the school's many former students and staff.

HOUSE JOINT RESOLUTION NO. 227

Commending Vale United Methodist Church.

Agreed to by the House of Delegates, March 4, 2024
Agreed to by the Senate, March 6, 2024

WHEREAS, on February 4, 2023, Vale United Methodist Church, a distinguished faith organization in Oakton, packaged its one-millionth meal to help fight hunger around the globe; and

WHEREAS, founded in 1894, Vale United Methodist Church has been a spiritual home to its congregation for many years and has inspired its members to live their lives in service to others; and

WHEREAS, every January, Vale United Methodist Church partners with the organization Rise Against Hunger to purchase food and package meals that will be boxed and shipped around the world; and

WHEREAS, meals prepared by the congregation at Vale United Methodist Church have been delivered to school nutrition programs, vocational programs, hospitals, and orphanages, meeting a critical need for countless individuals and families; and

WHEREAS, since 2008, Vale United Methodist Church has raised money for its anti-hunger initiatives by selling Christmas trees during the holiday season; today, the church sells more than 800 trees annually, which translates to more than 80,000 meals every year; and

WHEREAS, beyond its meals program with Rise Against Hunger, Vale United Methodist Church is also engaged in a number of endeavors in coordination with local organizations to address hunger in the Greater Washington, D.C., area; and

WHEREAS, Vale United Methodist Church's outreach efforts also include financial and volunteer support for several local organizations and endeavors, including hypothermia prevention shelters and homeless shelters, the immigration legal service organization Just Neighbors, and others; and

WHEREAS, the accomplishments of Vale United Methodist Church are the result of the dedication and determination of its congregation and the generous support of both its partner organizations and the entire Northern Virginia community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Vale United Methodist Church of Oakton for packaging its one-millionth meal to fight hunger around the world; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to representatives of Vale United Methodist Church as an expression of the General Assembly's admiration for the church's achievements in the fulfillment of its mission.

HOUSE JOINT RESOLUTION NO. 228

Celebrating the life of Elizabeth Burgoyne Knapp.

Agreed to by the House of Delegates, March 4, 2024
Agreed to by the Senate, March 6, 2024

WHEREAS, Elizabeth Burgoyne Knapp, a beloved wife, mother, grandmother, and sister and treasured member of the Reston and South Lakes High School communities, died on January 13, 2024; and

WHEREAS, born in Liverpool, England, and raised in Buffalo, New York, Elizabeth "Liz" Burgoyne Knapp graduated from Amherst Central High School in Buffalo before attending McGill University and earning a degree from the former Hardbarger Business College; and

WHEREAS, following graduation, Liz Knapp moved to Washington, D.C., and worked for some time with the Association of American Medical Colleges before marrying her husband, Dr. Richard M. Knapp, in 1969 and moving to Reston soon thereafter; and

WHEREAS, Liz Knapp devoted herself to raising her children and caring for her family over many years and became an active and engaged member of the Reston community; and

WHEREAS, in 1989, Liz Knapp began a new phase of her life that would span nearly three decades when she began working at the front desk at South Lakes High School in Reston; and

WHEREAS, Liz Knapp became a pillar of the South Lakes High School community over her tenure with the school and contributed in myriad ways to the success of her students and fellow faculty and staff; and

WHEREAS, an avid traveler and sports fan, Liz Knapp found her greatest joy in life in spending quality time with her family and friends; and

WHEREAS, Liz Knapp was presented with various awards and recognitions by South Lakes High School over the years for her service and received county-wide recognition in 2006 when she was named Lady Fairfax by the Fairfax County Board of Supervisors; and

WHEREAS, Liz Knapp will be fondly remembered and dearly missed by her loving husband, Richard; her children, Peter and Heather, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Elizabeth Burgoyne Knapp, a cherished member of the communities of Reston and South Lakes High School whose kindness and generosity touched countless lives; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Elizabeth Burgoyne Knapp as an expression of the General Assembly's respect for her memory.

HOUSE JOINT RESOLUTION NO. 229

Celebrating the life of Peter Lee McCandless.

Agreed to by the House of Delegates, March 4, 2024
Agreed to by the Senate, March 6, 2024

WHEREAS, Peter Lee McCandless, a beloved member of the Reston community who played an outsized role in promoting the town after its founding in 1964, died on December 26, 2023; and

WHEREAS, a native of St. Louis, Missouri, Peter McCandless attended Principia School and graduated from Principia College in 1958; and

WHEREAS, Peter McCandless honorably served his country as a member of the United States Army and also taught English in Turkey and studied drama at Yale University before embarking on a long and successful career in public relations; and

WHEREAS, as one of the first employees of Reston founder Robert E. Simon's Palindrome Corporation, Peter McCandless contributed immeasurably to the town's prosperity and longevity; and

WHEREAS, Peter McCandless later extended his talents for public relations by founding his own agency, The McCandless Company, in 1984; and

WHEREAS, Peter McCandless was a gifted singer who helped to start the Reston Chorale in the late 1960s and who sang with the choir for many years; and

WHEREAS, Peter McCandless took every opportunity to travel and be outdoors, cultivating his passion for photography while documenting his adventures; and

WHEREAS, in recent years, Peter McCandless worked at the Great Harvest Bread Co. in Herndon, brightening customers' days through his warm and genial nature; and

WHEREAS, guided by his faith, Peter McCandless enjoyed worship and fellowship with his community at First Church of Christ, Scientist, in Reston; and

WHEREAS, preceded in death by his first wife, Nancy; Peter McCandless will be fondly remembered and dearly missed by his loving wife, Susan; his children, Kristopher and Sarah, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Peter Lee McCandless, a treasured member of the Reston community whose kindness and generosity touched countless lives; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Peter Lee McCandless as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 230

Commending the Radford University College of Nursing.

Agreed to by the House of Delegates, March 4, 2024
Agreed to by the Senate, March 6, 2024

WHEREAS, the Radford University College of Nursing draws upon a long lineage of nursing programs at Radford University, which have provided outstanding education to students in Southwest Virginia and advanced the field of nursing throughout the Commonwealth for more than 50 years; and

WHEREAS, the Radford University College of Nursing traces its roots to the establishment of the first bachelor of science degree in nursing at what was then known as Radford College in 1966; 11 members of the program's charter class graduated in 1973 and the program received accreditation from the National League for Nursing in 1976; and

WHEREAS, after Radford College became Radford University in 1979, the nursing program was expanded to become the Radford University School of Nursing in 1982; the school began to expand its degree programs, developed distance learning courses to better serve students throughout the region, and established a location at the Roanoke Higher Education Center through a partnership between Radford University and Carilion Roanoke Memorial Hospital; and

WHEREAS, the Radford University School of Nursing launched its first master's degree program, which concentrated on home health nursing, in 1988 and subsequently added additional graduate-level programs in advanced adult care, family nurse practitioner, and gerontological nursing; and

WHEREAS, in 1997, the Radford University School of Nursing became part of the Waldron College of Health and Human Services as a result of institutional reorganization; and

WHEREAS, the Radford University School of Nursing continued to flourish and created a doctor of nursing practice program that was the first of its kind in the Commonwealth to be offered in a distance-learning format to both post-baccalaureate students and students with master's degrees; the school also added psychiatric nurse practitioner programs through a grant from the Health Resources and Services Administration; and

WHEREAS, to address shortages of nursing faculty and promote new opportunities for clinical education, the Radford University School of Nursing developed, created, and has maintained two Nursing Clinical Simulation Centers offering state-of-the-art, high-fidelity simulation programs available to nursing students at partner institutions throughout the region; and

WHEREAS, in 2018, the Carilion Clinic and Radford University merged the Jefferson College of Health Sciences into the Radford University system, further expanding the School of Nursing's academic offerings and degree tracks; and

WHEREAS, the Radford University School of Nursing hired its first dean in 2020 and separated from the Waldron College of Health and Human Services to become an independent academic unit in 2021; and

WHEREAS, the Radford University College of Nursing officially adopted its current name on January 15, 2024; the college currently serves more than 1,100 students, with bachelor's, master's, and doctoral degree programs, as well as post-graduate certification programs, all accredited to the highest standards of the Commission on Collegiate Nursing Education; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Radford University College of Nursing on the occasion of the 50th anniversary of Radford University's first graduating class in a nursing program; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Radford University College of Nursing as an expression of the General Assembly's admiration for the long history of nursing education at Radford University.

HOUSE JOINT RESOLUTION NO. 231

Commending the Mill Mountain Theatre.

Agreed to by the House of Delegates, March 4, 2024
Agreed to by the Senate, March 6, 2024

WHEREAS, the Mill Mountain Theatre, one of Roanoke's leading local theaters and a major part of the cultural life of the city for decades, celebrates its 60th anniversary in 2024; and

WHEREAS, the vision of producers from New York, the Mill Mountain Theatre began as the Roanoke Summer Theatre in 1964 and was incorporated as the Mill Mountain Playhouse Company two years later; and

WHEREAS, after the Mill Mountain Playhouse Company's building burned down in 1976, the Mill Mountain Theatre emerged from the ashes and took up residence at the Grandin Theatre for ten years before ultimately establishing itself at its current location at Roanoke's Center in the Square; and

WHEREAS, the Mill Mountain Theatre's enduring quality and innovation contributed significantly to the renaissance of downtown Roanoke as the theater became one of the most respected regional theaters in the country; and

WHEREAS, the Mill Mountain Theatre has played host to many productions over the years, including the premiere of the national hit *All I Really Need to Know I Learned in Kindergarten* and the American debut of *Children of Eden*; and

WHEREAS, alongside its productions, the Mill Mountain Theatre has also cultivated the area's theater talent through various programs and initiatives, including the Norfolk Southern Festival of New Works, which for many years planted and nourished the careers of many young playwrights, and the Mill Mountain Theatre Conservatory, which plays an instrumental part today in the development of young actors, technical workers, and other performers alike through classes and summer camps; and

WHEREAS, the Mill Mountain Theatre also provides countless opportunities to the Roanoke Valley's aspiring artists, in large part through its apprenticeship and internship programs, as well as its partnership with Hollins University; and

WHEREAS, the Mill Mountain Theatre has generously supported the growth and development of Roanoke's young people through partnerships with local groups such as the West End Center for Youth, the local YMCA after-school program, Roanoke City Public Schools, Roanoke area libraries, Roanoke Parks and Recreation, Star City Reads, and more; and

WHEREAS, through its Mill Mountain Young Audiences series, the Mill Mountain Theatre presents certain performances for no charge or on a pay-what-you-can basis to offer students and adults from all backgrounds and circumstances the opportunity to enjoy the theater; and

WHEREAS, by demonstrating a deep commitment to quality performances and community and youth development, the Mill Mountain Theatre has established its status as an icon of the Roanoke Valley, earning the praise and esteem of all Virginians; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Mill Mountain Theatre on the occasion of its 60th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Mill Mountain Theatre as an expression of the General Assembly's admiration for its history and its contributions to Roanoke and the Commonwealth.

HOUSE JOINT RESOLUTION NO. 232

Commending WFIR.

Agreed to by the House of Delegates, March 4, 2024
Agreed to by the Senate, March 6, 2024

WHEREAS, WFIR, one of the oldest commercial radio stations in both the Commonwealth and the country, celebrates its 100th anniversary in 2024; and

WHEREAS, the radio station that is WFIR today started as the hobby of Frank E. Maddox, who was encouraged in 1924 to build a commercial station by his employer, the Richardson-Wayland Electrical Corporation, so that customers who bought the company's radios would have programming to enjoy; and

WHEREAS, alongside Hayden Huddleston, who would become Roanoke's first radio and television superstar with hit shows like "Klub Kwiz," Frank Maddox built many of the radios that the first listeners of what is today WFIR tuned in on; and

WHEREAS, WFIR started under the call sign of WDBJ on the assigned frequency of 1310 AM and, on June 20, 1924, the station broadcast its first musical act, a fiddle and banjo duo featuring Raymond Jordan, who would play a prominent role at the station in its early years; and

WHEREAS, on October 8, 1929, a few months after upgrading the station's power to 500 watts, WDBJ joined the Columbia Broadcasting System, an affiliation that would last the next 70 years and bring a plethora of syndicated music, drama, serials, and news to the Roanoke airwaves for the first time; and

WHEREAS, over WFIR's history, the station has upgraded its power three subsequent times, up to 1,000 watts in 1934, then to 5,000 watts in 1936, and ultimately to 10,000 watts during the day and 5,000 watts at night beginning in 2014, allowing the station to reach larger audiences and make a greater impact in the community; and

WHEREAS, WDBJ's broadcasts followed the musical trends of the day, from western and swing music in the 1930s, to country in the 1940s and 1950s, to light pop and rock n' roll in the 1960s; and

WHEREAS, the Vodrey Family purchased WDBJ Radio from Times-World Publishing in May 1969 and on November 1 of that year the station began broadcasting under the call letters WFIR, inspired by the station's status as the "First In Roanoke"; and

WHEREAS, WFIR first aired talk shows in 1979 with syndicated broadcasts of Larry King and Bruce Williams and over the next decade would transform into a station that exclusively featured news and other talk show programming, such as "The Rush Limbaugh Show"; and

WHEREAS, today, WFIR's news and talk show programs cover the issues of local government, civic affairs, education, state and national government, crime and public safety, local business and economic development, health and medicine, environment and the outdoors, arts and leisure, sports, and more, making it a valued source of information in the region; and

WHEREAS, WFIR was purchased by Mel Wheeler, Inc., in 2000 and moved to its current location on Electric Road two years later; in addition to broadcasting on 960 AM, the station has also been available on 107.3 FM and 94.5 FM since 2011 and 2017, respectively; and

WHEREAS, for the past 100 years, WFIR's broadcasts have been an important part of what makes Roanoke a wonderful place to live, work, and raise a family; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend WFIR of Roanoke on the occasion of its 100th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to representatives of WFIR as an expression of the General Assembly's admiration for the station's history and best wishes for another century of success.

HOUSE JOINT RESOLUTION NO. 233

Commending the Virginia Alcoholic Beverage Control Authority.

Agreed to by the House of Delegates, March 5, 2024
Agreed to by the Senate, March 7, 2024

WHEREAS, the Virginia Alcoholic Beverage Control Authority will celebrate its 90th anniversary on March 22, 2024; and

WHEREAS, following the end of national Prohibition, the Commonwealth chose to become a control state for the sale, consumption, and regulation of alcohol; and

WHEREAS, over the course of the past 90 years, the Virginia Alcoholic Beverage Control Authority has matured with the alcohol industry to become a leader among the 17 control states in the United States, consistently ranking above the national average in alcohol-related health, regulation, education, prevention, and public safety; and

WHEREAS, the mission of the Virginia Alcoholic Beverage Control Authority is to strengthen the Commonwealth through public safety, education, and revenue from the responsible regulation and sale of alcoholic beverages; and

WHEREAS, the Virginia Alcoholic Beverage Control Authority is a leading revenue producer for the Commonwealth and source of future economic growth and innovation for the state; the authority administers and regulates alcohol-related laws, while prioritizing public safety and fairness by embracing the authority's values of accountability, service, integrity, and performance excellence for a stronger and safer Commonwealth; and

WHEREAS, the Virginia Alcoholic Beverage Control Authority contributes to community health through expansive community partnerships and K–12 and higher education prevention programs for Virginians of all ages; and

WHEREAS, the Virginia Alcoholic Beverage Control Authority's special agents work with more than 19,000 licensed businesses to achieve compliance with alcohol-related laws and regulations and to address noncompliance issues in a collaborative and thorough manner; and

WHEREAS, the Virginia Alcoholic Beverage Control Authority works frequently with other state and local law-enforcement agencies to reduce criminal activities involving alcohol, and in the past year alone, this work has resulted in more than 500 public safety investigations and dozens of summary suspensions to enhance public safety; and

WHEREAS, the Virginia Alcoholic Beverage Control Authority is primarily focused on alcohol-related regulatory matters, achieving compliance, and continuous improvement; and

WHEREAS, the Virginia Alcoholic Beverage Control Authority's Bureau of Law Enforcement has achieved and sustained accreditation through the Virginia Law Enforcement Professional Standards Commission, has been recognized twice as Liquor Law Enforcement Agency of the Year, and has exceeded training requirements to ensure agents remain equipped to successfully execute on the authority's mission now and into the future; and

WHEREAS, the Virginia Alcoholic Beverage Control Authority has evolved from six initial stores in Richmond to over 400 throughout the Commonwealth and has contributed $13.2 billion to the Commonwealth's general fund supporting major education, health, and prevention initiatives; now, therefore, be it

RESOLVED by House of Delegates, the Senate concurring, That the General Assembly hereby commend the Virginia Alcoholic Beverage Control Authority for its progress and growth over the last 90 years and for its continuing efforts on behalf of the Commonwealth and its residents that will continue well into the future; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the leadership of the Virginia Alcoholic Beverage Control Authority as an expression of the General Assembly's admiration for nine decades of exemplary service to the Commonwealth and its residents.

HOUSE JOINT RESOLUTION NO. 234

Celebrating the life of John Mason.

Agreed to by the House of Delegates, March 4, 2024
Agreed to by the Senate, March 6, 2024

WHEREAS, John Mason, a distinguished veteran, generous community leader, and visionary public servant who transformed the Fairfax community as mayor for more than a decade, died on February 7, 2024; and

WHEREAS, John Mason grew up in Springfield, Massachusetts, attended Classical High School, and earned the prestigious rank of Eagle Scout in the Boy Scouts of America; and

WHEREAS, John Mason earned a bachelor's degree from the University of Massachusetts Amherst, where he served as a member of the Reserve Officer Training Corps; he later continued his education by earning a master's degree from New York University; and

WHEREAS, in 1956, John Mason was commissioned as an officer in the United States Army, completed Jump School, and was stationed at bases in Texas and Hawaii; he subsequently deployed to Vietnam in 1965 as an advisor to a Vietnamese railway security battalion; and

WHEREAS, John Mason next served as a senior armor instructor at the United States Military Academy, then returned to Vietnam in 1970 as commander of the 1st Squadron, 10th Cavalry Regiment; he completed a follow-on command tour with

the 5th Battalion, 68th Armor Regiment, 8th Infantry Division, then served as a staff officer of the 1st Armored Division in Germany; and

WHEREAS, John Mason's final assignment before his retirement with the rank of colonel was as the assistant director of operations and readiness in the Office of the Deputy Chief of Staff at the Department of the Army Headquarters; and

WHEREAS, desirous to be of further service to his community, John Mason ran for and was elected to the Fairfax City Council from 1986 to 1990, then served as mayor from 1990 to 2002; and

WHEREAS, as the longest-serving mayor in city history, John Mason oversaw critical enhancements to transportation, housing, commercial development, and local amenities like parks and trails; his investments helped reposition Fairfax as a leader in the region and an excellent place to live and work; and

WHEREAS, John Mason supported the Arts Council of Fairfax County, the Fairfax Symphony, and the Workhouse Arts Center in Lorton, and he guided the creation of innovative programs like Spotlight on the Arts, a collaboration with George Mason University, to invigorate local culture; and

WHEREAS, John Mason provided his leadership and expertise to many other regional and national boards and commissions, including as executive director of the Northern Virginia Transportation Authority and the board chair of the American Metropolitan Planning Organization; and

WHEREAS, John Mason inspired others through his humility, selflessness, commitment to duty, and genuine care for the community; his contributions to the residents of Fairfax will be felt throughout the city for generations; and

WHEREAS, John Mason will be fondly remembered and greatly missed by his wife of 60 years, Jeanette; their three children, John, Joanna, and Jeffrey, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of John Mason, the highly respected former mayor of the City of Fairfax; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of John Mason as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 235

Commending Scott McGeary.

Agreed to by the House of Delegates, March 4, 2024
Agreed to by the Senate, March 6, 2024

WHEREAS, for a total of 20 years over three different stints, Scott McGeary ably represented the residents of Arlington as a member of the Arlington Electoral Board; and

WHEREAS, a native of Northern Virginia, Scott McGeary pursued a career as an attorney after graduating from George Washington University and George Mason University; he currently serves as the director of state public policy for Washington Gas, a public utility and energy services company operating in Virginia, Maryland, and Washington, D.C.; and

WHEREAS, Scott McGeary moved to Arlington in 1961 and began volunteering in local government in the early 1960s, serving as secretary of the Arlington County Republican Committee, followed by a term as party chair; and

WHEREAS, Scott McGeary first joined the Arlington Electoral Board in 1994 and served as vice chair; he became chair from 1995 to 2002, vice chair again from 2010 to 2013, then secretary from 2016 to 2023; and

WHEREAS, during his long tenure on the Arlington Electoral Board, Scott McGeary witnessed significant growth and change and in the community; he worked diligently to ensure electoral integrity and efficiency and oversaw the development of new processes and procedures, such as the implementation of ranked choice voting; and

WHEREAS, Scott McGeary also provided his expertise to the Arlington County Board of Zoning Appeals, the Arlington County Civic Federation, the Northern Virginia Building Industry Association, the Kiwanis Club of Arlington, and numerous other civic and service organizations; and

WHEREAS, Scott McGeary chaired the Arlington Chamber of Commerce, and worked with the Northern Virginia Chamber of Commerce, the Loudoun County Chamber of Commerce, the Prince William County Chamber of Commerce, and the Virginia Chamber of Commerce; and

WHEREAS, Scott McGeary earned several awards and accolades over the course of his career, and he was inducted into the Arlington Business Hall of Fame for his contributions to business in Northern Virginia and across the Commonwealth; and

WHEREAS, in the summer of 2023, Scott McGeary, his wife, Linda, and his son, Joey, relocated to Frederick County; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Scott McGeary for his two decades of service as a member of the Arlington Electoral Board; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Scott McGeary as an expression of the General Assembly's admiration for his achievements on behalf of the residents of Arlington.

HOUSE JOINT RESOLUTION NO. 236

Celebrating the life of George Samuel Hobart.

Agreed to by the House of Delegates, March 4, 2024
Agreed to by the Senate, March 6, 2024

WHEREAS, George Samuel Hobart, a veteran and former federal employee who helped others experience the joys of the performing arts as a longtime usher at the John F. Kennedy Center for the Performing Arts, died on July 6, 2023; and

WHEREAS, George Hobart was born in Brooklyn, New York, and served his country as a member of the United States Navy during the Korean War; and

WHEREAS, after his military service, George Hobart attended the University of Massachusetts Amherst through the GI Bill and earned a bachelor's degree in history; and

WHEREAS, George Hobart worked in the office of the chief of military history at the Pentagon, then transferred to the Library of Congress, where he became the curator of documentary photographs in the Prints and Photographs Division; and

WHEREAS, a champion for the performing arts, George Hobart was one of the original ushers at the John F. Kennedy Center for the Performing Arts and served in that role for more than 50 years; and

WHEREAS, George Hobart was a talented vocalist who sang with the Arlingtones Barbershop Chorus, the Clarendon United Methodist Church choir, the Medical Musical Group, and the Jefferson Chorus in his retirement community; and

WHEREAS, George Hobart was also an avid tennis player who was active with teams in Virginia and Maryland, and he once won a gold medal in men's 70 and over tennis at the Senior Olympics; and

WHEREAS, George Hobart will be fondly remembered and greatly missed by his wife of nearly 20 years, Marjorie; his children, Robert, Ted, and Lauren, and their families; his stepchildren, Edwin and Anita, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of George Samuel Hobart; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of George Samuel Hobart as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 237

Celebrating the life of Janet Mary Corcoran O'Neil.

Agreed to by the House of Delegates, March 4, 2024
Agreed to by the Senate, March 6, 2024

WHEREAS, Janet Mary Corcoran O'Neil, a highly admired member of the Arlington and Richmond communities, died on June 27, 2023; and

WHEREAS, Janet O'Neil grew up on Moulton Street in Newton Lower Falls, Massachusetts; she was a straight-A student and excelled in athletics, playing tennis, basketball, and field hockey, as well as pitching on a boys' sandlot baseball team; and

WHEREAS, Janet O'Neil won a full scholarship to the William F. Connell School of Nursing at Boston College, where she served as president of the local National Student Nurses' Association chapter and graduated magna cum laude; and

WHEREAS, Janet O'Neil worked as a school nurse at the Brussels American School while her former husband, Bill, was deployed in Belgium; and

WHEREAS, Janet O'Neil subsequently continued her education at the Catholic University in Washington, D.C., earning a master's degree in social work; she pursued a career in urban social work for many years before retiring in Arlington and later settling in Richmond; and

WHEREAS, Janet O'Neil was an active volunteer who strove to enhance the quality of life in her community, and she volunteered her time and leadership to the Arlington County Democratic Committee as a precinct captain; and

WHEREAS, Janet O'Neil enjoyed fellowship and worship with the congregation of Our Lady Queen of Peace Catholic Church in Arlington, where she was a member of the choir and a founding member of the meditation group; and

WHEREAS, Janet O'Neil will be fondly remembered and greatly missed by her sons, Mark, John, and Matthew, and their families, and by numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Janet Mary Corcoran O'Neil; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Janet Mary Corcoran O'Neil as an expression of the General Assembly's respect for her memory.

HOUSE JOINT RESOLUTION NO. 238

Celebrating the life of Miriam Zogby Balutis.

Agreed to by the House of Delegates, March 4, 2024
Agreed to by the Senate, March 6, 2024

WHEREAS, Miriam Zogby Balutis, a retired civil servant and a highly admired community leader in Arlington, died on August 22, 2023; and

WHEREAS, Miriam Balutis grew up in Utica, New York, where she earned a bachelor's degree from what is now Utica University; she subsequently received a master's degree from the State University of New York at Buffalo, then relocated to Arlington in 1977; and

WHEREAS, Miriam Balutis joined the United States Census Bureau in 1985 and provided essential contributions to the compilation of the 1990, 2000, and 2010 censuses before her well-earned retirement in 2011; and

WHEREAS, over the course of her career, Miriam Balutis developed instructional materials that helped thousands of newly hired temporary interviewers better understand the methodology of complex survey designs; and

WHEREAS, Miriam Balutis held a variety of other management roles at the United States Census Bureau and was respected by her colleagues for her expertise, insightful leadership, and steady demeanor; she received the Department of Commerce Bronze Medal for her exceptional work on the 2000 census; and

WHEREAS, Miriam Balutis was a passionate civic leader in her community and devoted countless volunteer hours to local, state, and national election campaigns; she served as a precinct captain for the Arlington County Democratic Committee; and

WHEREAS, Miriam Balutis also administered a volunteer training program for Arlington Neighborhood Village and worked with Matthew 25: Ministries, which distributes clothing and household necessities to people in need; and

WHEREAS, Miriam Balutis was an avid traveler who enjoyed spending time in the outdoors, from hiking in national parks around the country to caring for her backyard garden and cultivating her prized heirloom tomatoes; and

WHEREAS, Miriam Balutis touched countless lives through her professional integrity and commitment to advocacy, and she brought joy to others through her sense of humor, empathy, generosity, compassion, and wisdom; and

WHEREAS, Miriam Balutis will be fondly remembered and greatly missed by her devoted partner, Jan Jaworski, her children, Juliette and Adam, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Miriam Zogby Balutis; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Miriam Zogby Balutis as an expression of the General Assembly's respect for her memory.

HOUSE JOINT RESOLUTION NO. 239

Celebrating the life of Robert Peter Morgan.

Agreed to by the House of Delegates, March 4, 2024
Agreed to by the Senate, March 6, 2024

WHEREAS, Robert Peter Morgan, a highly respected educator and engineering professional who inspired others to strengthen their communities through the practical application of engineering and the proper use of new innovations, died on June 26, 2023; and

WHEREAS, Robert "Bob" Peter Morgan grew up in Brooklyn, New York, and was a dedicated fan of the Brooklyn Dodgers; he earned a bachelor's degree in chemical engineering from Cooper Union for the Advancement of Science and Art in New York City; and

WHEREAS, Bob Morgan continued his education at the Massachusetts Institute of Technology, from which he received a master's degree in chemical and nuclear engineering, and at Rensselaer Polytechnic Institute, where he earned a doctorate in chemical engineering; and

WHEREAS, in 1968, Bob Morgan joined the faculty of the School of Engineering at Washington University in St. Louis; he was a pioneer in solving real-world problems through engineering and established the university's Department of Technology and Human Affairs, where he espoused the importance of addressing existing challenges without creating new ones; and

WHEREAS, Bob Morgan chaired the Department of Technology and Human Affairs until 1983 and was the first recipient of the Elvera and William Stuckenberg Professor of Technology and Human Affairs endowment; he ultimately taught at Washington University for 30 years; and

WHEREAS, Bob Morgan also offered his insights to the Brookings Institution as a science public policy fellow and was a fellow of the National Academy of Engineering; he also served on advisory committees at the National Aeronautics and Space Administration and the National Science Foundation and was a member of a commission on research grants at the Office of Technology Assessment of the United States Congress; and

WHEREAS, outside of his career, Bob Morgan had a lifelong love of classical music and took up playing the cello as a member of several local symphonies, including the Georgetown Symphony, at the age of 40; he also took up running in his 40s and was an avid traveler who enjoyed frequent trips to England; and

WHEREAS, predeceased by his wife of 63 years, Nancy, and one son, Thomas, Bob Morgan will be fondly remembered and greatly missed by his son, Jonathan, and his family, and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Robert Peter Morgan; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Robert Peter Morgan as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 240

Celebrating the life of Joseph S. Wholey, Jr.

Agreed to by the House of Delegates, March 4, 2024
Agreed to by the Senate, March 6, 2024

WHEREAS, Joseph S. Wholey, Jr., a hardworking public administration professional and dedicated civil servant who made countless contributions to his fellow Arlington residents, died on August 24, 2023; and

WHEREAS, Joseph "Joe" S. Wholey, Jr., grew up in Rhode Island, then attended Catholic University in Washington, D.C., where he earned a bachelor's degree in mathematics and met his future wife, Midge; and

WHEREAS, Joe Wholey continued his education by earning a master's degree in mathematics and a doctorate in philosophy from Harvard University; he settled in Arlington and began his career working for the Institute for Defense Analyses, at the Pentagon, and at the Urban Institute; and

WHEREAS, Joe Wholey worked diligently to improve the efficiency and effectiveness of federal government programs and took a special interest in public administration; he became a respected member of both the National Academy of Public Administration and the American Society of Public Administration, which named two scholarship awards in his honor; and

WHEREAS, in the 1970s, Joe Wholey was elected to the Arlington County Board and served the community for eight years, including three years as chair; as chair of Arlington's Long Range County Improvement Program, he strove to make the county a place for families to grow and thrive as well as a linchpin of the regional economy; and

WHEREAS, Joe Wholey subsequently joined the Washington Metropolitan Area Transit Authority as chair in 1979 and helped provide critical leadership and stability during a period of financial uncertainty; and

WHEREAS, in later life, Joe Wholey enjoyed mentoring students as a professor at the University of Southern California and continued to offer his wise expertise as a consultant; he enjoyed brief stints at the U.S. Department of Health and Human Services, the Office of Management and Budget, and the General Accounting Office; and

WHEREAS, outside of his career, Joe Wholey was committed to enhancing the quality of life in Northern Virginia; he promoted the benefits of hospice care as president of what is now Capital Caring, which he helped establish by working closely with Josefina Magno and securing funding as a Medicare pilot program; and

WHEREAS, Joe Wholey also served as director of the Arlington Community Foundation and cofounded the Arlington Partnership for Affordable Housing and the Alliance for Housing Solutions; and

WHEREAS, Joe and Midge Wholey enjoyed fellowship and worship with the Arlington community as members of Our Lady Queen of Peace Catholic Church, where they were involved with several ministries and outreach organizations; and

WHEREAS, predeceased by his wife of 66 years, Midge, and one daughter, Kate, Joe Wholey will be fondly remembered and greatly missed by his children, Megan, Jane, Skef, and Sarah, and their families, and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Joseph S. Wholey, Jr., a pillar of the Arlington community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Joseph S. Wholey, Jr., as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 241

Celebrating the life of Margaret Smith Wholey.

Agreed to by the House of Delegates, March 4, 2024
Agreed to by the Senate, March 6, 2024

WHEREAS, Margaret Smith Wholey, a dedicated nurse and a volunteer leader who touched countless lives in the Arlington community, died on March 4, 2023; and

WHEREAS, Margaret "Midge" Smith Wholey grew up in Greenwich, Connecticut, and earned a bachelor's degree in nursing from Catholic University in Washington, D.C., where she met her future husband, Joe; and

WHEREAS, Midge Wholey worked as a public health nurse in Boston until the birth of her first child, then she and her young family relocated to Arlington in 1962; and

WHEREAS, Midge Wholey was an engaged member of the Arlington community and supported the civil rights and anti-war movements through her activism; over the years, she supported numerous local government campaigns, including her husband's own runs for the Arlington County Board; and

WHEREAS, a passionate lifelong learner, Midge Wholey earned her master's degree in nursing from Catholic University in 1987; she served as a registered nurse at Sibley Hospital and as a nurse and medical director for Community of Hope, a charitable health care provider in Washington, D.C.; and

WHEREAS, in 1993, Midge and Joe Wholey cofounded the Arlington Partnership for Affordable Housing, which has grown to provide more than 2,300 affordable rental units with several hundred more under construction; and

WHEREAS, after her well-earned retirement, Midge Wholey used her nursing expertise to produce and appear in a video on how to provide home care for loved ones in need; and

WHEREAS, Midge and Joe Wholey enjoyed fellowship and worship with the congregation of Our Lady of Peace Catholic Church; they offered their wisdom to many faith-based service organizations, including the Catholic Interracial Council, Christian Family Movement, NOVA Catholic Community, Cursillo, and the Ignatian Volunteer Corps; and

WHEREAS, Midge Wholey's husband of 66 years, Joe, passed away a few months after her on August 24, 2023; and

WHEREAS, Midge Wholey was predeceased by one daughter, Kate, in 2003, and she will be fondly remembered and greatly missed by her children, Megan, Jane, Skef, and Sarah, and their families, and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Margaret Smith Wholey, a highly admired nurse and devoted community leader in Arlington; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Margaret Smith Wholey as an expression of the General Assembly's respect for her memory.

HOUSE JOINT RESOLUTION NO. 242

Celebrating the life of Bennett Warburton Sutton.

Agreed to by the House of Delegates, March 4, 2024
Agreed to by the Senate, March 6, 2024

WHEREAS, Bennett Warburton Sutton of Arlington, a dedicated employee of the International Monetary Fund for more than 20 years, died on March 26, 2023; and

WHEREAS, Bennett "Ben" Warburton Sutton was born in Colorado and grew up in Northern Virginia, where he graduated from Madison High School in Vienna; and

WHEREAS, Ben Sutton subsequently earned a bachelor's degree in economics from the University of Mary Washington and a master's degree in economics from George Washington University; and

WHEREAS, Ben Sutton joined the International Monetary Fund in 1999 and served as a senior research officer; throughout his career, he cultivated a global network of friends and fellow economic professionals, and he served as a mentor to many of his colleagues as a representative for the Peers for a Respectful Workplace program; and

WHEREAS, Ben Sutton and his wife, Bethany, who is an elected member of the Arlington School Board, enjoyed many trips to the Outer Banks of North Carolina and the lakes and mountains of New England; he was an accomplished traveler who had visited numerous U.S. states, Canada, Mexico, the Caribbean, South America, and Europe and loved to explore new places on foot to better appreciate the local culture; and

WHEREAS, Ben Sutton was also a talented home cook who loved making meals for family and friends, and he was a passionate athlete who participated in coed soccer leagues in Arlington and hosted weekly badminton games in the atrium at the International Monetary Fund and in the backyard of his home; and

WHEREAS, Ben Sutton will be fondly remembered and greatly missed by his wife, Bethany; his daughters, Luna and Cara; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Bennett Warburton Sutton; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Bennett Warburton Sutton as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 243

Celebrating the life of Lannie Davis Ballard.

Agreed to by the House of Delegates, March 4, 2024
Agreed to by the Senate, March 6, 2024

WHEREAS, Lannie Davis Ballard, a well-known beekeeper and entrepreneur who made many contributions to the Natural Bridge community, died on October 12, 2023; and

WHEREAS, Lannie Ballard grew up in Sophia, West Virginia, a small coal mining town, where he began to develop an appreciation for hard work and responsibility at a young age by cleaning office spaces, delivering newspapers, and working at a local grocery store; and

WHEREAS, upon graduating from Sophia High School, Lannie Ballard served his country as a member of the United States Coast Guard, primarily stationed near New York and New Jersey; he became an accomplished ship's cook and proudly maintained an interest in the culinary arts throughout his life; and

WHEREAS, after his military service, Lannie Ballard worked part-time for the *Wall Street Journal* and the *National Observer* while he studied electro-mechanical drafting, then worked for 10 years as a design draftsman until he changed careers and opened a taxidermy shop; and

WHEREAS, Lannie Ballard had been an avid hunter in his youth and had long been interested in taxidermy; despite being self-taught, he became a regional leader in the industry and was at one point the only taxidermist in Northern Virginia certified to receive exotic animals from other countries; and

WHEREAS, Lannie Ballard judged numerous taxidermy competitions and taught classes in Virginia, Maryland, and North Carolina; he had a passion for educating young people about wildlife management, conservation, and the taxidermy profession; and

WHEREAS, Lannie Ballard and his wife, Loretta, established the Virginia Taxidermists Association, and he held several leadership positions in the National Taxidermists Association, including as a member of the board of directors for 12 years and vice president for two years; and

WHEREAS, Lannie Ballard and his family settled in Woodbridge, where he was an active leader in the community and at his children's schools; he served as president of the Marumsco Woods Citizens Association and was the first "home room father" at Rippon Elementary School; and

WHEREAS, in the mid-1990s, Lannie Ballard decided to return to design drafting and went back to school to study computer-aided design; he accepted a position with Des Champs Laboratories in Buena Vista, where he ultimately became supervisor of the commercial and industrial design departments; and

WHEREAS, in 1996, Lannie Ballard relocated to Natural Bridge and took up another passion from his childhood, beekeeping; he eventually managed as many as 50 hives in three locations and developed a patent for a one-person hive lifting tool that allowed him to care for bees well into his 80s; and

WHEREAS, Lannie Ballard served as the legislative liaison for the Virginia State Beekeepers Association for 20 years; he preserved the history of the arrival of the honey bee to North America with the Jamestown settlers, raised awareness of the important role the honey bee plays as a natural pollinator, and promoted the culinary and medicinal uses of honey and wax; and

WHEREAS, among many awards and accolades throughout his life, Lannie Ballard received the L.L. Langstroth Award from the Virginia State Beekeepers Association, the Lifetime Achievement Award from the Virginia Taxidermists Association, and the Director of the Year Award from the National Taxidermists Association; and

WHEREAS, guided by his faith throughout his life, Lannie Ballard was a longtime member of Manly Memorial Baptist Church, where he had served as an usher and a deacon, and he had recently become a member of Faith Baptist Church in Arnolds Valley, where he was a devoted member of the Glasgow-Natural Bridge Men's Prayer Breakfast; and

WHEREAS, in later life, Lannie Ballard was diagnosed with two rare cancer conditions and he shared his unique experiences to help support and inspire others; and

WHEREAS, Lannie Ballard will be fondly remembered and greatly missed by his beloved wife of 63 years, Loretta; his children, Lisa and Lowell, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Lannie Davis Ballard, a highly admired entrepreneur, beekeeper, and active resident of Natural Bridge; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Lannie Davis Ballard as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 244

Celebrating the life of Charles Stuart Clark.

Agreed to by the House of Delegates, March 4, 2024
Agreed to by the Senate, March 6, 2024

WHEREAS, Charles Stuart Clark, an accomplished writer and newsman, local historian and storyteller, and beloved member of the Arlington County community, died on November 15, 2023; and

WHEREAS, a proud native of Arlington County, Charles "Charlie" Stuart Clark graduated from Yorktown High School in 1971 before spending a yearlong sojourn abroad in Europe, attending the University of Oregon, and ultimately earning a degree from McGill University in Montreal; and

WHEREAS, Charlie Clark's early experiences working at his high school student newspaper and then at Time-Life Books cultivated in him a passion for producing quality journalism; and

WHEREAS, over a long and illustrious career reporting on the federal government, Charlie Clark held positions as a reporter or editor at *The Washington Post*, *Congressional Quarterly*, and *National Journal*, before ultimately retiring as senior correspondent of Atlantic Media's Government Executive Media Group in 2019; and

WHEREAS, in recent years, Charlie Clark embraced his role as a public authority on Arlington history and culture, writing his celebrated "Our Man in Arlington" column with the *Falls Church News-Press* for more than a decade as well as several books exploring his hometown's past, including *Hidden History of Arlington County*, *Lost Arlington County*, and *Arlington County Chronicles*; and

WHEREAS, Charlie Clark's writing and lectures on Arlington were effused with his love for the place where he had grown up and lived most of his life, offering many a deeper understanding of how the county had transformed over the years; and

WHEREAS, Charlie Clark was also the author of *George Washington Parke Custis: A Rarefied Life in America's First Family*, the first full biography to examine the life of the prominent Virginian, and *Life and Times of the Falls Church News-Press*, a history of the local paper that has served the residents of Falls Church since 1991; and

WHEREAS, Charlie Clark gave generously of his time in support of his community through his involvement with various local civic organizations, including as a board member of the Arlington Historical Society; and

WHEREAS, Charlie Clark was honored for his contributions to the preservation of Arlington's history with an induction into the Yorktown High School Hall of Fame in 2018; and

WHEREAS, Charlie Clark will be fondly remembered and dearly missed by his loving wife, Ellen; his children, Elizabeth and Susannah, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Charles Stuart Clark, a venerated journalist and cherished member of the Arlington County community whose kind and genial nature brightened countless lives; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Charles Stuart Clark as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 245

Celebrating the life of Richard Alan Barton.

Agreed to by the House of Delegates, March 4, 2024
Agreed to by the Senate, March 6, 2024

WHEREAS, Richard Alan Barton, a highly admired civic activist in Arlington, died on November 25, 2023; and

WHEREAS, Richard Barton was born in Baltimore, Maryland, and moved to Baton Rouge, Louisiana, with his family at a young age; and

WHEREAS, after receiving his bachelor's degree from Louisiana State University, Richard Barton earned a master's degree from the University of North Carolina at Chapel Hill and a doctoral degree from George Mason University; and

WHEREAS, Richard Barton began his career in government as an intern for U.S. Representative Hale Boggs, then ran an election campaign for and served as legislative assistant to U.S. Representative James H. Morrison; and

WHEREAS, Richard Barton spent 13 years as a staff director for three subcommittees related to postal issues, then worked in government affairs for the Direct Marketing Association for more than two decades until his retirement in 2000; and

WHEREAS, Richard Barton's talents as an organizer and flair as a raconteur served him well as a civic volunteer and community leader who worked diligently to enhance the quality of life in Arlington any way he could; and

WHEREAS, Richard Barton chaired the Arlington Democratic Committee and served on the Arlington School Board, Arlington Planning Commission, Arlington Transportation Commission, and Arlington Economic Development Commission; and

WHEREAS, Richard Barton and his wife, Jean, were well-known in Arlington as a power couple who had an outsized impact on community life through their generosity and commitment to servant-leadership; and

WHEREAS, Richard Barton inspired young leaders by teaching courses at George Mason University, where he was proudly appointed to the board of visitors by Governor Chuck Robb; he played a vital role in helping the institution flourish and develop a strong identity; and

WHEREAS, predeceased by his first wife, Judith, Richard Barton will be fondly remembered and greatly missed by his wife of 38 years, Jean; his children, Jennifer and Michael, and their families; his stepchildren, Jennifer and John; and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Richard Alan Barton, a pillar of the Arlington community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Richard Alan Barton as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 246

Commending Arlington Free Clinic.

Agreed to by the House of Delegates, March 4, 2024
Agreed to by the Senate, March 6, 2024

WHEREAS, Arlington Free Clinic, a volunteer-run clinic that provides high-quality health care to adult Arlingtonians living with a low income and without health insurance, celebrates its 30th anniversary in 2024; and

WHEREAS, founded by Dr. Joseph A. Backer and Dr. Stephen J. Sheehy, Arlington Free Clinic first provided medical services in space borrowed from an Arlington County Middle School in 1994; and

WHEREAS, over the past 30 years, Arlington Free Clinic has expanded into a comprehensive primary, specialty, dental, and behavioral health facility where the staff is supported by a team of medical and non-medical volunteers who now annually provide more than 11,680 hours of medical and care coordination services to 1,400 community members who lack access to care; and

WHEREAS, Arlington Free Clinic's mission has grown from the simple provision of medical care to providing care in conjunction with identifying and addressing the upstream factors contributing to patients' poor health, as well as advocating for enduring systems-level change; and

WHEREAS, to minimize health care costs for its patients, Arlington Free Clinic provides free comprehensive services, including primary and specialty medical care, dental care, mental health services, physical therapy, vision and hearing services, women's health services, pharmacy services, patient education programs, and patient support groups; and

WHEREAS, Arlington Free Clinic also works with community medical and non-medical partners to help patients access free laboratory and diagnostic services, treatment programs, and social services to address food, housing, and transportation needs essential to overall health; and

WHEREAS, the ability of Arlington Free Clinic to faithfully serve the Arlington community over the last three decades would not have been possible without the volunteers, donors, and community partners who dedicate their time, expertise, and funds to helping those in need; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Arlington Free Clinic on the occasion of its 30th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Lesley Daigle, chief executive officer of Arlington Free Clinic, as an expression of the General Assembly's respect and admiration for the clinic's commitment to providing quality health care to the Arlington community.

HOUSE JOINT RESOLUTION NO. 247

Celebrating the life of Donald Owen Manning.

Agreed to by the House of Delegates, March 4, 2024
Agreed to by the Senate, March 6, 2024

WHEREAS, Donald Owen Manning, a respected attorney and community leader in Arlington, died on April 20, 2023; and

WHEREAS, Donald "Don" Owen Manning grew up in Arlington, where he graduated from what is now Washington-Liberty High School; he subsequently earned a bachelor's degree from Duke University and a law degree from the University of Virginia; and

WHEREAS, after law school, Don Manning served his country as a lieutenant in the Fifth Infantry Division of the United States Army, earning a Bronze Star for his meritorious achievements in Vietnam; and

WHEREAS, Don Manning helped thousands of clients with estate planning and estate administration as a co-founder of the law firm Manning & Murray, now known as Manning, Murray & Barnett; and

WHEREAS, highly admired in the legal profession, Don Manning was elected as a fellow of the American College of Trust and Estate Counsel in 1985; and

WHEREAS, outside of his career, Don Manning enhanced local life as a past president of the Arlington Community Foundation, founder and chair of the endowment fund at Rock Spring Church, and a member of the Kiwanis Club of Arlington; and

WHEREAS, Don Manning was also a lifelong lover of baseball, who was a player and coach at different points of his life and was an avid fan of the Washington Nationals; and

WHEREAS, Don Manning will be fondly remembered and greatly missed by his wife of 50 years, Angela; his sons, Andrew and Michael, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Donald Owen Manning; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Donald Owen Manning as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 248

Commending Dyrri McCain.

Agreed to by the House of Delegates, March 4, 2024
Agreed to by the Senate, March 6, 2024

WHEREAS, Dyrri McCain, a proud graduate of Maury High School with the Class of 2007, and a former football player at Hampton University, has demonstrated exceptional leadership and dedication as the head football coach of Maury High School in Norfolk; and

WHEREAS, Dyrri McCain's impact on the lives of his players and the pathways he creates for them are nothing short of phenomenal, exemplifying his commitment to their personal growth and success both on and off the field; and

WHEREAS, Dyrri McCain possesses a unique blend of qualities that contribute to his coaching prowess, requiring his players to adhere to rules, attend classes, show respect, and work diligently, while holding them accountable for their actions with real consequences; and

WHEREAS, Dyrri McCain's ability to motivate, teach football skills, and serve as a mentor has led to remarkable results for the Maury High School football program, including an impressive record of 72-13 over the past seven years, with two undefeated 15-0 seasons, four state championship appearances, and two state championship titles, along with six consecutive regional championship victories; and

WHEREAS, under Dyrri McCain's guidance, the Maury High School football team has achieved a 100 percent graduation rate, produced 52 honor graduates, and fostered the development of 29 Division I student-athletes, five All-Americans, four Virginia Players of the Year, and two Tidewater Players of the Year; and

WHEREAS, the success of the Maury High School football program under Dyrri McCain extends beyond the field, with numerous former players continuing their academic and athletic pursuits at esteemed institutions across the country, including Clemson University, Pennsylvania State University, the University of South Carolina, the University of Wisconsin, Duke University, Old Dominion University, Coastal Carolina University, the University of Buffalo, The College of William & Mary, Virginia Military Institute, Norfolk State University, and others; and

WHEREAS, Dyrri McCain's leadership has cultivated a culture of excellence and achievement within the Maury High School football program, inspiring current and future generations of student-athletes to strive for greatness both on and off the field; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Dyrri McCain for his outstanding contributions to the Maury High School football program and the broader community, as well as his unwavering dedication, inspirational leadership, and commitment to excellence; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Dyrri McCain, coach of the Maury High School football team, as an expression of the General Assembly's admiration for his legacy of achievements.

HOUSE JOINT RESOLUTION NO. 249

Commending the Maury High School football team.

Agreed to by the House of Delegates, March 4, 2024
Agreed to by the Senate, March 6, 2024

WHEREAS, the Maury High School football team of Norfolk, led by head coach Dyrri McCain, capped off an incredible undefeated season with a triumphant victory in the Virginia High School League Class 5 state championship on December 9, 2023; and

WHEREAS, on the road to the state tournament, the Maury High School Commodores went 7-0 in the Eastern Region, outscoring their regional opponents by 516 to 27, including five shutout victories and three wins by 80 or more points; and

WHEREAS, ranked number 83 nationally by MaxPreps, the Maury Commodores also achieved remarkable victories over the nationally ranked Highland Springs High School and the defending Class 4 state champion, Dinwiddie High School to reach their third consecutive state final; and

WHEREAS, in the state final, held at Scott Stadium in Charlottesville, the Maury Commodores defeated the Stone Bridge High School Bulldogs by a score of 45-34 to finish the season with a flawless 15-0 record; and

WHEREAS, this monumental win signifies the resilience and fortitude of the Maury Commodores, securing their second state championship in five years and contributing to the school's storied history with a total of seven state championships, five of which were earned between the 1920s and 1930s; and

WHEREAS, the Maury Commodores' previous state championship victory in 2019 carried significant weight, marking the end of an 80-year championship drought, and the 2023 triumph also holds special significance, highlighting the team's ability to overcome unique challenges, particularly for the seniors who demonstrated exceptional perseverance in navigating the uncertainties of the COVID-19 pandemic and demonstrating a remarkable recovery from consecutive state championship losses; and

WHEREAS, the 2023 season showcased the dominance of the Maury Commodores against top-ranked opponents, boasting a 5-0 record against teams ranked in the top 10 in the Commonwealth, including one nationally ranked team; the defense showcased an outstanding performance with seven shutouts in 15 games overall, while the offense led the state in points per game with an impressive 57.6 average; and

WHEREAS, additionally, the Maury Commodores ranked third in the country for total points scored, tallying 864 points throughout the season; this historic achievement helped the 2023 Maury Commodores become the first team in the history of Maury High School's football program to be nationally ranked; and

WHEREAS, with a remarkable record of 72-13, including two undefeated 15-0 seasons, four state championship appearances, and two state championship titles, the Maury Commodores have established a legacy of excellence over the past seven years; and

WHEREAS, the achievements of the Maury Commodores extend beyond the football field, with the team boasting a 100 percent graduation rate, 52 honor graduates, 29 Division I student-athletes, five All-Americans, four Virginia Players of the Year, and two Tidewater Players of the Year; and

WHEREAS, notable former members of the Maury Commodores continue to excel at esteemed universities across the nation, including Clemson University, Pennsylvania State University, the University of South Carolina, the University of Wisconsin, Duke University, Old Dominion University, Coastal Carolina University, the University of Buffalo, The College of William & Mary, Virginia Military Institute, Norfolk State University, and others; and

WHEREAS, the Maury Commodores demonstrated unparalleled skill, strategy, persistence, teamwork, and passion throughout the season, restoring the school's historic reputation as a state champion; and

WHEREAS, in achieving this well-deserved state championship, the Maury Commodores represented the City of Norfolk with distinction, earning the admiration of their opponents and bringing honor and recognition to themselves and to the Norfolk community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Maury High School football team on winning the Virginia High School League Class 5 state championship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Dyrri McCain, head coach of the Maury High School football team, as an expression of the General Assembly's admiration for the team's achievements and best wishes for the future.

HOUSE JOINT RESOLUTION NO. 250

Commending the Norfolk Tides.

Agreed to by the House of Delegates, March 4, 2024
Agreed to by the Senate, March 6, 2024

WHEREAS, the Norfolk Tides, a Minor League Baseball team of the International League and the Triple-A affiliate of the Baltimore Orioles, won the Triple-A National Championship at the Las Vegas Ballpark on September 30, 2023; and

WHEREAS, the Norfolk Tides shut down the Durham Bulls by a score of 7-0 to capture the team's first International League title since 1985 and to advance to the Triple-A National Championship; and

WHEREAS, in the national championship game, the Norfolk Tides emerged victorious in a thrilling matchup against the Oklahoma City Dodgers, securing a 7-6 victory; and

WHEREAS, the Norfolk Tides showcased exceptional skill, determination, and teamwork throughout the championship game, demonstrating their unwavering commitment to excellence in baseball; and

WHEREAS, this remarkable achievement marks the second Triple-A national title in franchise history, further solidifying the Norfolk Tides' legacy as a powerhouse in Minor League Baseball; and

WHEREAS, the Norfolk Tides' triumph in the championship game follows closely on the heels of their victory in the International League title game at Harbor Park, exemplifying their consistency and dominance throughout the season; and

WHEREAS, Buck Britton, the Norfolk Tides' manager and the 2023 International League Manager of the Year, guided the Tides to a 90–59 record in the regular season, setting a single-season franchise record for wins and becoming the sixth Tides manager in Triple-A franchise history to win International League Manager of the Year; and

WHEREAS, Norfolk Tides' outfielder, Colton Cowser, who hit .300 with 72 runs, 18 doubles, a triple, 17 home runs, 62 runs-batted-in, and 64 walks, while slashing .398/.498/.896 in 87 games with the Tides, was named to the International League All-Star Team; and

WHEREAS, the players, coaches, and staff of the Norfolk Tides have exhibited dedication, perseverance, and sportsmanship, serving as exemplary ambassadors for the City of Norfolk and the sport of baseball as a whole; and

WHEREAS, the Norfolk Tides' success brings immense pride and joy to their fans, supporters, and the entire Norfolk community, inspiring future generations of athletes to pursue their dreams with passion and determination; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Norfolk Tides for their outstanding performance and victory in the 2023 Triple-A National Championship, celebrating their exceptional talent, resilience, and achievements in the sport of baseball; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the players, coaches, and staff of the Norfolk Tides for their tireless dedication, hard work, and sportsmanship, which have brought honor and glory to the city of Norfolk.

HOUSE JOINT RESOLUTION NO. 251

Celebrating the life of Bernard A. Strother, Jr.

Agreed to by the House of Delegates, March 4, 2024
Agreed to by the Senate, March 6, 2024

WHEREAS, Bernard A. Strother, Jr., a beloved son, brother, uncle, cousin, and friend, honorable and distinguished veteran, firefighter, and law-enforcement officer, and cherished member of the Richmond community, died on August 17, 2023; and

WHEREAS, Bernard "Bernie" A. Strother, Jr., began his career in service to others as a junior volunteer firefighter at King George Fire, Rescue, and Emergency Services while he was still attending King George High School; and

WHEREAS, after graduating in 2011, Bernie Strother enlisted with the United States Marine Corps and served at Marine Corps Base Camp Lejeune in North Carolina, where he earned the rank of Corporal E-4 as an aircraft rescue and firefighter specialist; and

WHEREAS, Bernie Strother received many medals and accolades in recognition of his service to the country, including the Marine Corps Good Conduct Medal, the Global War on Terrorism Service Medal, and the National Defense Service Medal; and

WHEREAS, after honorably retiring from the United States Marine Corps in 2015, Bernie Strother admirably served his community with the Falmouth Volunteer Fire Department and as a law-enforcement officer with the Fredericksburg Police Department and later the Essex County Sheriff's Office; and

WHEREAS, Bernie Strother's passion for firefighting led him to devote himself to serving as a firefighter full time; after working his way up as a firefighter and emergency medical technician with Spotsylvania County Fire, Rescue, and Emergency Management, he joined Richmond Fire Department, Station 6, in January 2023; and

WHEREAS, Bernie Strother epitomized servant leadership through his unwavering commitment to helping others, protecting his community, and assisting in any way he could; and

WHEREAS, Bernie Strother was baptized at Le Detroit Baptist Church in Oxon Hill, Maryland, and he remained guided and motivated by his faith throughout his life; and

WHEREAS, Bernie Strother will be fondly remembered and dearly missed by his loving parents, Ellis and Avis; his siblings, Ellis, Kasey, Nichole, and Stephanie; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Bernard A. Strother, Jr., a treasured member of the Richmond community whose legacy of service as a veteran, firefighter, and law-enforcement officer will inspire others for years to come; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Bernard A. Strother, Jr., as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 252

Commending Arlington Public Schools' recipients of The Posse Foundation or QuestBridge scholarships.

Agreed to by the House of Delegates, March 4, 2024
Agreed to by the Senate, March 6, 2024

WHEREAS, in the 2023–2024 school year, The Posse Foundation and QuestBridge collectively awarded six students in Arlington Public Schools four-year, full-ride college scholarships to partnering institutions of higher education; and

WHEREAS, The Posse Foundation presented full-ride scholarships to Rachel Nance of Arlington Tech at the Arlington Career Center and Maryam Elgindy of Washington-Liberty High School, both of whom will attend The College of William & Mary, and Rebqa Yohannes and Evelyn Rosales Mendez of Washington-Liberty High School, both of whom will attend the University of Virginia; and

WHEREAS, in addition to their scholarships, The Posse Foundation will also provide these students with comprehensive programmatic support over their next four years in college; and

WHEREAS, two other seniors at Arlington Public Schools were named QuestBridge Scholars and were awarded full-ride scholarships to some of the most prestigious institutions of higher education in the country; and

WHEREAS, Joseph Sparks of Arlington Tech at the Arlington Career Center will attend Princeton University and Amma Domme Baffour of Wakefield High School will attend Boston College; and

WHEREAS, in addition to their scholarships, QuestBridge scholarship recipients who attend its college and university partners are supported in their college years and beyond through on-campus chapters and nationwide opportunities offered through the QuestBridge Scholars Network and QuestBridge Alumni Association; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Arlington Public Schools' recipients of The Posse Foundation or QuestBridge scholarships for their hard work and dedication to their studies; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Arlington Public Schools' recipients of The Posse Foundation or QuestBridge scholarships as an expression of the General Assembly's heartfelt congratulations and best wishes in their future endeavors.

HOUSE JOINT RESOLUTION NO. 253

Celebrating the life of Evelyn Flengas.

Agreed to by the House of Delegates, March 4, 2024
Agreed to by the Senate, March 6, 2024

WHEREAS, Evelyn Flengas, a wildlife rehabilitator in Hampton Roads who rescued countless animals over the years and inspired others through her compassion and dedication to service, died on January 25, 2024; and

WHEREAS, Evelyn Flengas was born in England and traveled the world with her husband, James, while he was serving as an officer in the United States Navy; she served as a radio show host for the American Forces Network in Rota, Spain, and worked for what was then known as Naval Air Federal Credit Union; and

WHEREAS, after settling in Hampton Roads, Evelyn Flengas became an active member of the community and supported the Kempsville High School band while her children were students there; and

WHEREAS, in 1988, after finding a mallard duck in need of care, Evelyn Flengas discovered her passion for wildlife rehabilitation, and her home-based refuge operation soon included numerous cages and enclosures to temporarily house injured or orphaned squirrels, rabbits, snakes, foxes, possums, and raccoons before releasing them back into their natural habitat; and

WHEREAS, Evelyn and James Flengas incorporated Evelyn's Wildlife Refuge as a nonprofit organization in 2005; the refuge holds local, state, and federal licenses to handle wildlife and has provided exceptional care to thousands of animals in its history; and

WHEREAS, Evelyn Flengas promoted awareness and appreciation of native and migratory wildlife through education and outreach and helped foster a lifelong sense of care and respect for the Commonwealth's natural resources among young people; and

WHEREAS, over the course of her career, Evelyn Flengas trained at least 30 volunteer rehabilitators, including Meredith Broadhurst, who has served as president of Evelyn's Wildlife Refuge since 2017; and

WHEREAS, Evelyn Flengas authored her memoir, *A Ride on the Wildside*, in 2011, and she was featured in a National Geographic documentary titled "Backyard Bandit" in 2015; and

WHEREAS, Evelyn Flengas will be fondly remembered and greatly missed by her husband, James; her three children; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Evelyn Flengas; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Evelyn Flengas as an expression of the General Assembly's respect for her memory.

HOUSE JOINT RESOLUTION NO. 254

Commending Amy Burchuk.

Agreed to by the House of Delegates, March 4, 2024
Agreed to by the Senate, March 6, 2024

WHEREAS, Amy Burchuk, an esteemed special education teacher with Virginia Beach Public Schools, was named Indian Lakes Elementary School's 2024 Teacher of the Year; and

WHEREAS, Amy Burchuk yearned to become a teacher from a young age, a vision fostered and inspired by exceptional teachers she had as a student, and she went on to earn a bachelor's degree in special education from Edinboro University; and

WHEREAS, Amy Burchuk has been a cross-category special education teacher for 23 years, including 12 years with Virginia Beach Public Schools and five years at Indian Lakes Elementary School; and

WHEREAS, Amy Burchuk works tirelessly to create a learning environment that supports her students' needs and enables them to thrive; and

WHEREAS, one of Amy Burchuk's greatest strengths as an educator is her ability to forge relationships and bonds with her students and colleagues, while also helping her students better connect with one another; and

WHEREAS, with steadfast dedication to her students' well-being, Amy Burchuk devotes time to recognizing and addressing the issues impacting her at-risk students, building their trust and improving their educational outcomes; and

WHEREAS, with great compassion and a desire to help others, Amy Burchuk has embodied the ideals of the education profession, helping to make Virginia Beach a more wonderful place to live, work, and raise a family; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Amy Burchuk for being named the 2024 Indian Lakes Elementary School Teacher of the Year; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Amy Burchuk as an expression of the General Assembly's admiration for her contributions to the growth and development of young people in the Commonwealth.

HOUSE JOINT RESOLUTION NO. 255

Commending Tina Garfield.

Agreed to by the House of Delegates, March 4, 2024
Agreed to by the Senate, March 6, 2024

WHEREAS, Tina Garfield, an esteemed Spanish educator at Princess Anne High School, was named the Virginia Beach City Public Schools' Citywide Teacher of the Year for 2024; and

WHEREAS, Tina Garfield graduated from Princess Anne High School and credits the Spanish teachers she had while a student in Virginia Beach City Public Schools (VBCPS) with inspiring her own path to becoming an educator; and

WHEREAS, Tina Garfield has been teaching for more than 26 years and received her National Board Certification in 2019; and

WHEREAS, using various resources and teaching methods, including music, art, stories, photos and souvenirs from her travels, and more, Tina Garfield creates culturally immersive experiences for her students to enhance their language studies and give them a richer understanding of the Spanish-speaking world; and

WHEREAS, in addition to serving as a sponsor of Princess Anne High School's Spanish Honor Society, Tina Garfield supports the growth and development of her colleagues by leading professional development sessions for teachers; and

WHEREAS, Tina Garfield has previously served on VBCPS committees to organize its Beach Girls Rock! empowerment workshop and its annual African American Male Summit to commemorate the life and legacy of Dr. Martin Luther King, Jr.; and

WHEREAS, beyond teaching, Tina Garfield gives generously of her time in service to the community as a volunteer with Families of Autistic Children Coming Together in Virginia Beach; and

WHEREAS, Tina Garfield has embodied the highest principles of the teaching profession through her unwavering commitment to her students, helping to make Virginia Beach a more wonderful place to live, work, and raise a family; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Tina Garfield for being named the 2024 Virginia Beach City Public Schools' Citywide Teacher of the Year; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Tina Garfield as an expression of the General Assembly's admiration for her achievement and appreciation for her dedication to the Commonwealth's students.

HOUSE JOINT RESOLUTION NO. 256

Celebrating the life of Richard Thomas Cornwell.

Agreed to by the House of Delegates, March 4, 2024
Agreed to by the Senate, March 6, 2024

WHEREAS, Richard Thomas Cornwell, a highly admired telecommunications expert who helped reshape the industry at state and federal levels, died on July 3, 2023; and

WHEREAS, Richard "Rick" Thomas Cornwell grew up in Portsmouth, where in his youth he played drums in a rock band and enjoyed surfing; he graduated from Woodrow Wilson High School and subsequently earned a master's degree from James Madison University; and

WHEREAS, in the 1980s, Rick Cornwell began his career in telecommunications with Continental Telephone Company of Virginia (ConTel); he worked in marketing and operations in the Harrisonburg office, then relocated to Richmond in 1991 after the merger between ConTel and GTE Corporation, the largest telecommunications company merger in history at the time; and

WHEREAS, Rick Cornwell represented GTE in governmental affairs until 2000, when the company joined with Bell Atlantic to form Verizon Communications, another milestone in the industry and one of the largest business mergers in United States history; and

WHEREAS, over the course of his storied career, Rick Cornwell adapted to numerous technological changes in the telecommunications industry; when he first joined ConTel, cellular phones were a rarity and many rural areas of the Commonwealth still used party line systems managed by operators using electro-mechanical switch boards; and

WHEREAS, Rick Cornwell helped revolutionize the industry both in the Commonwealth and across the country; he was a key contributor to the passage of the federal Telecommunications Act of 1996, guided reform of state communication tax laws in the Commonwealth, and helped usher in enhanced 911 emergency systems; and

WHEREAS, Rick Cornwell encouraged market competition in telecommunications, creating new options for local telephone services and television providers, and he promoted the deployment of advanced wireless services to keep Virginians on the cutting edge of communications technology; and

WHEREAS, Rick Cornwell developed an unparalleled understanding of complex communications issues and keen instincts for the legislative process; he developed strong working relationships across party lines and built consensus to benefit all Virginians; and

WHEREAS, Rick Cornwell was respected for his honesty, humility, integrity, and attention to detail, and he was well-known in Richmond for his thoughtful sense of humor, impeccable fashion sense, and unfailing kindness; he was a trusted friend and mentor to countless government officials, state employees, and fellow communications professionals; and

WHEREAS, after his well-earned retirement from Verizon Communications as director of governmental affairs, Rick Cornwell continued to provide his wisdom and vast institutional knowledge as a consultant until the time of his passing; and

WHEREAS, Rick Cornwell will be fondly remembered and greatly missed by his mother, Mary; his sisters, Mary Redmon and Marla Terry, and their families; and numerous other family members, friends, and colleagues; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Richard Thomas Cornwell, a respected leader in the telecommunications industry and a true Virginia gentleman; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Richard Thomas Cornwell as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 257

Commending the Fairfax County Public Library.

Agreed to by the House of Delegates, March 4, 2024
Agreed to by the Senate, March 6, 2024

WHEREAS, for 85 years, the Fairfax County Public Library, now the largest library system in the Commonwealth, has provided essential resources to inform, engage with, and inspire members of the Fairfax County community; and

WHEREAS, established in 1939, the Fairfax County Public Library was originally a bookmobile program with a budget of $250 and has grown to serve more than 578,000 cardholders at eight regional branches, 14 community branches, and a special access branch for people with disabilities; and

WHEREAS, Fairfax County Public Library promotes and strengthens literacy through comprehensive collections of educational and recreational resources and further serves members of the public by offering community spaces, innovative programming, and access to technology; and

WHEREAS, during fiscal year 2023, the Fairfax County Public Library recorded 2,805,516 branch visits, 373,882 Wi-Fi sessions, a program attendance of 217,719, and an overall circulation of 11,220,910 print and electronic materials, all of which were increases from the previous year; and

WHEREAS, in fiscal year 2023, Fairfax County Public Library's programs and services represented a significant return on investment for the county and well over $200 million in value to the community; and

WHEREAS, Fairfax County has fulfilled its mission through the hard work and expertise of its staff members and tens of thousands of hours of support from generous volunteers; and

WHEREAS, over the course of its history, Fairfax County Public Library has built meaningful relationships with members of the public and local partners, fostered personal growth and educational achievement, and embraced innovation and creativity to better serve its members; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Fairfax County Public Library on the occasion of its 85th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Fairfax County Public Library as an expression of the General Assembly's admiration for the library system's vital work to promote literacy among generations of Fairfax County residents.

HOUSE JOINT RESOLUTION NO. 258

Commending Kelly Boyd.

Agreed to by the House of Delegates, March 4, 2024
Agreed to by the Senate, March 6, 2024

WHEREAS, Kelly Boyd, an esteemed English teacher at Princess Anne High School in Virginia Beach, was named her school's 2025 Teacher of the Year; and

WHEREAS, Kelly Boyd is a graduate of Princess Anne High School (PAHS) and holds a bachelor's degree from Mary Washington College, a master's degree in education from Averett University, and a National Board Certification; and

WHEREAS, Kelly Boyd began her education career teaching core and inclusion English to 11th graders and, after undergoing International Baccalaureate (IB) training, taught IB Diploma Programme Theory of Knowledge I and II, IB Middle Years Program 9th grade and 10th grade English, and IB Diploma Programme 12th grade English; and

WHEREAS, Kelly Boyd currently teaches IB Diploma Programme 11th grade English and Theory of Knowledge I and II, fostering a learning environment that contributes to her students ability to thrive academically, socially, and emotionally and succeed both in and out of the classroom; and

WHEREAS, the parent of two Princess Anne Marching Cavaliers and wife of the PAHS band director, John Boyd, Kelly Boyd is an ardent supporter of the Marching Cavaliers Parents Association; and

WHEREAS, recognizing the importance of global experiences, Kelly Boyd has hosted a Swiss exchange student, who went on to join the Princess Anne Marching Cavaliers and become a valued member of the PAHS community, and invited speakers from around the world to PAHS to share their experiences and perspectives with students; and

WHEREAS, a co-sponsor of the Princess Anne High School Class of 2026, Kelly Boyd is actively involved with many programs throughout PAHS, from thespian troupes and chorus productions to Mr. and Ms. Princess Anne Pageants and forensics competitions; and

WHEREAS, Kelly Boyd supports her fellow educators by regularly attending meetings and conferences of the women educator society Delta Kappa Gamma, and she served on a committee responsible for crafting the PAHS IB program's mission; and

WHEREAS, by cultivating compassionate, inquiring, lifelong learners, Kelly Boyd has contributed greatly to Princess Anne High School and the Virginia Beach community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Kelly Boyd for being named the 2025 Princess Anne High School Teacher of the Year; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Kelly Boyd as an expression of the General Assembly's admiration for her contributions to the Commonwealth.

HOUSE JOINT RESOLUTION NO. 259

Commending Linda Deans, Ph.D.

Agreed to by the House of Delegates, March 4, 2024
Agreed to by the Senate, March 6, 2024

WHEREAS, Linda Deans, Ph.D., a distinguished educator and education administrator and consultant, made history in 2023 by becoming the first African American woman to be elected to serve on the Loudoun County School Board; and

WHEREAS, after enduring many hardships growing up in segregated Goldsboro, North Carolina, Linda Deans earned a scholarship to North Carolina Central University, where she earned a bachelor's degree in biology; and

WHEREAS, Linda Deans taught science for a number of years in Goldsboro before earning a doctoral degree in urban education and leadership and a master's degree in guidance and counseling at Old Dominion University; and

WHEREAS, for 30 years, Linda Deans served Hampton City Schools (HCS) as a science and special education teacher, assistant principal, principal, and assistant superintendent, working tirelessly to foster the growth and development of her students and to support her fellow faculty members; and

WHEREAS, Linda Deans returned to North Carolina after retiring from HCS and served as the education director for an adolescent psychiatric unit at Cherry Hospital in Goldsboro, where she was recognized for her leadership and accomplishments, including enabling approximately 50 young adults to achieve their high school or General Educational Development diplomas; and

WHEREAS, Linda Deans moved to Loudoun County in 2015 and continues to serve as an education consultant, offering exceptional experience and expertise on a volunteer and professional basis to organizations committed to improving education and the quality of life of all children and families; and

WHEREAS, as chair of the Loudoun County School Board's Equity Committee, Linda Deans advocates for equitable educational opportunities and for learning environments that are inclusive, safe, caring, and supportive of all students; and

WHEREAS, Linda Deans has exemplified the highest virtues of the education profession throughout her career and promises to make a meaningful and lasting impact on Loudoun County Public Schools during her tenure on the Loudoun County School Board; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Linda Deans, Ph.D., for her legacy of service and for making history as the first African American woman on the Loudoun County School Board; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Linda Deans, Ph.D., as an expression of the General Assembly's admiration for her contributions to the Commonwealth and best wishes for her continued success.

HOUSE JOINT RESOLUTION NO. 260

Commending Mickey Thompson.

Agreed to by the House of Delegates, March 4, 2024
Agreed to by the Senate, March 6, 2024

WHEREAS, Mickey Thompson proudly served as the head coach of the Stone Bridge High School football team for 24 seasons, leading the team to winning records in all but one of those seasons, multiple district and regional titles, and three state titles; and

WHEREAS, Mickey Thompson previously coached at Park View High School in Sterling for 10 years and brought his signature single-wing offense to Stone Bridge High School when it opened in 2000; and

WHEREAS, under Mickey Thompson's leadership, the Stone Bridge Bulldogs have been a football powerhouse for nearly two and half decades, recording nine undefeated seasons and compiling an incredible 265-53 overall record in that period; and

WHEREAS, Mickey Thompson guided the Stone Bridge Bulldogs to the program's first state title in 2007 with a dominating 38-0 victory over the Potomac High School Panthers; and

WHEREAS, Mickey Thompson helped the Stone Bridge Bulldogs win their second state championship in the spring of 2021, when the state final had been delayed due to the COVID-19 pandemic, defeating Highland Springs High School 13-10 in overtime; and

WHEREAS, a few months later, Mickey Thompson and the Stone Bridge Bulldogs followed up with a dramatic victory against Maury High School on the last play of the game to secure back-to-back state titles; and

WHEREAS, Mickey Thompson coached his last season as head coach of the Stone Bridge Bulldogs in 2023, with the team finishing as state runner-up in a game that stayed close despite the Bulldogs losing both their quarterback and backup quarterback to injury; and

WHEREAS, Mickey Thompson plans to seek new opportunities to serve the community and may continue to serve as an assistant coach after his retirement as a head coach; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That Mickey Thompson hereby be commended for his exceptional service to Stone Bridge High School as the head football coach for 24 seasons; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Mickey Thompson as an expression of the General Assembly's admiration for his achievements as a coach and legacy of contributions to countless young people in Ashburn.

HOUSE JOINT RESOLUTION NO. 261

Commending John W. Zubrod.

Agreed to by the House of Delegates, March 4, 2024
Agreed to by the Senate, March 6, 2024

WHEREAS, John W. Zubrod, who ably served as a member of the Brunswick County Board of Supervisors for eight years, retired from public office in 2023; and

WHEREAS, John Zubrod represented the Meherrin District from January 2016 to December 2023 and worked diligently to enhance the quality of life of all Brunswick County residents; and

WHEREAS, John Zubrod provided his expertise to standing committees related to emergency services, facilities, finance, solid waste, and technology; and

WHEREAS, John Zubrod was a champion for fire and emergency services personnel, and he oversaw improvements to broadband Internet access, enhancements to the emergency communications system, and the beginning of construction on a new school; and

WHEREAS, John Zubrod has served as a volunteer firefighter since 1976 with such fire departments as the Fair Lawn Fire Department, Ebony Fire Department, and currently with Lake Gaston Fire & EMS; and

WHEREAS, John Zubrod facilitated responsible growth and development in Brunswick County, including projects like the Brunswick County Byways Visitor Center, the Herman Road Lake Gaston Day Use Area, and bridge labeling on Lake Gaston; and

WHEREAS, John Zubrod supported the establishment of the Brunswick County Economic Development Department and proudly worked with the Brunswick County Planning Commission to develop a local solar power ordinance that has become a model for other localities; and

WHEREAS, John Zubrod also represented the community on the Lake Gaston Weed Control Council, Local Board of Public Welfare, Meherrin Regional Library Board, Meherrin River Regional Jail Authority, Southside Planning District Commission, Emergency Services Advisory Board, and Roanoke River Service Authority; and

WHEREAS, John Zubrod has worked in the aviation industry for 27 years, including serving as chief of the Mecklenburg-Brunswick Regional Airport and as chair of the Mecklenburg-Brunswick Regional Airport Commission; and

WHEREAS, over the course of his career in local government, John Zubrod served the residents of Brunswick County with the utmost dedication and integrity; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend John W. Zubrod for his years of service as a member of the Brunswick County Board of Supervisors; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to John W. Zubrod as an expression of the General Assembly's admiration for his personal and professional achievements.

HOUSE JOINT RESOLUTION NO. 262

Celebrating the life of the Reverend Dr. Marcellus Lee Harris, Jr.

Agreed to by the House of Delegates, March 4, 2024
Agreed to by the Senate, March 6, 2024

WHEREAS, the Reverend Dr. Marcellus Lee Harris, Jr., an honorable veteran, esteemed pastor, devoted civil rights activist and advocate, and beloved member and leader of the Newport News community, died on February 10, 2024; and

WHEREAS, a native of Newport News, Marcellus Harris worked at the Newport News Shipyard as a teenager and graduated from the historic Collis P. Huntington High School in 1960; and

WHEREAS, Marcellus Harris enlisted with the United States Navy and served his country with honor and distinction during the war in Vietnam, where he heard his calling to preach and serve others as a faith leader; and

WHEREAS, Marcellus Harris attended West Virginia State University and earned degrees from Norfolk State University, United Christian College, National Theological Seminary and College, Richmond Virginia Seminary, and Canaan Theological Seminary and College, with his highest educational achievement being a doctor of ministry degree; and

WHEREAS, after returning to Newport News in 1969, Marcellus Harris began his ministry work at Ivy Baptist Church, and, two years later, became the pastor of First Baptist Church Morrison, where he would lead the congregation until his retirement in 2016; and

WHEREAS, as the pastor of First Baptist Church Morrison, Marcellus Harris provided his congregation with uplifting spiritual guidance and abundant opportunities for worship, fellowship, and community outreach; and

WHEREAS, Marcellus Harris' indefatigable efforts at First Baptist Church Morrison were vital to the church's growth and development over the years, contributing greatly to its prosperity and longevity; and

WHEREAS, Marcellus Harris was a tireless advocate for racial justice, equality, and civil rights and a valuable voice in the community at countless school board meetings, city council sessions, and other occasions; and

WHEREAS, Marcellus Harris extended his ministry beyond the church in various ways, including as the host of a radio show on the Christian station WTJZ, as a frequent contributor to *The New Journal and Guide*, as founder of United Campus Ministries at Christopher Newport University, as vice president of the Virginia Baptist State Convention, and as a member of the Hampton Roads chapter of the Southern Christian Leadership Conference; and

WHEREAS, Marcellus Harris was dedicated to the well-being of young people in the Newport News community, coaching youth basketball and serving as a mentor to many over the years; and

WHEREAS, Marcellus Harris will be fondly remembered and dearly missed by his loving wife, Annette; his six children and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of the Reverend Dr. Marcellus Lee Harris, Jr., a treasured member of the Newport News community who was a source of joy and inspiration to all who knew him; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of the Reverend Dr. Marcellus Lee Harris, Jr., as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 263

Celebrating the life of Brian Juel Jensen.

Agreed to by the House of Delegates, March 5, 2024
Agreed to by the Senate, March 7, 2024

WHEREAS, Brian Juel Jensen, recently retired Senior Researcher for Advanced Materials at the National Aeronautics and Space Administration (NASA) Langley Research Center in Hampton and Deputy Technical Fellow for the NASA

Engineering and Safety Center's Materials Discipline Team, who dedicated his 44-year career to the advancement of the United States' space program, died on January 30, 2024; and

WHEREAS, Brian Juel Jensen was born and raised in Newport News, graduated from Ferguson High School in 1976, and went on to earn a bachelor's degree in chemistry from Randolph-Macon College, a master's degree in chemistry from The College of William & Mary, and a doctoral degree in chemistry, specializing in organic and polymer chemistry, from Virginia Commonwealth University; and

WHEREAS, during his tenure at NASA, Brian Juel Jensen had more than 200 publications and technical presentations, secured more than 30 patents, and owned over 50 commercial licenses; and

WHEREAS, Brian Juel Jensen received the NASA Exceptional Achievement Medal; the NASA Commercial Inventions of the Year Award, both in 1998 and 2008, as well as an honorable mention in 2018; an R&D 100 Award; and the NASA Exceptional Service Medal and is a member of the NASA Inventors Hall of Fame; and

WHEREAS, desiring to be of further service to his Williamsburg community, Brian Juel Jensen was also a committed neighborhood and community leader; and

WHEREAS, Brian Juel Jensen was also a devoted son and gave his time generously to help his parents, especially in their later years; and

WHEREAS, Brian Juel Jensen loved the Commonwealth's great outdoors and spent countless hours boating on the James River and golfing with his friends and family; and

WHEREAS, Brian Juel Jensen will be lovingly remembered and greatly missed by his wife, Amy; his daughters, Chelsea and Colby, and their families; and numerous other family members, friends, and colleagues; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Brian Juel Jensen, a remarkable scientist, inventor, and public servant who touched countless lives throughout the Commonwealth and across the nation; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of the Brian Juel Jensen as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 264

Commending the Langley High School boys' swim and dive team.

Agreed to by the House of Delegates, March 4, 2024
Agreed to by the Senate, March 6, 2024

WHEREAS, the Langley High School boys' swim and dive team earned its second consecutive state title with a victory in the Virginia High School League Class 6 state championship on February 16, 2024; and

WHEREAS, on the road to the state championship, the Langley High School Saxons also earned district and regional championships titles; and

WHEREAS, in the state final, the Langley Saxons recorded 216 points, defeating the runners-up from Robinson Secondary School by a comfortable margin; and

WHEREAS, for the second year in a row, the Langley Saxons won the state championship without winning an event and with no members of the team finishing in second place or higher in an individual event; and

WHEREAS, Hunter Zipperer placed third in the 50-meter freestyle race and Charles Hu placed third in the 100-meter freestyle race; several other swimmers finished in the top 15 of their events, making the victory a true team effort; and

WHEREAS, the Langley Saxons earned crucial points from the second place finish by Michael Zhou, Jacob Lee, Ethan Shin, and Hunter Zipperer in the medley relay and another second place finish by Michael Zhou, Charles Hu, Avery Kuhn, and Hunter Zipperer in the 400-meter freestyle relay; and

WHEREAS, the victory is a tribute to the skill and hard work of all the student-athletes, the leadership and guidance of the coaches and staff, and the passionate support of the entire Langley High School community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Langley High School boys' swim and dive team on winning the Virginia High School League Class 6 state championship in 2024; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Langley High School boys' swim and dive team as an expression of the General Assembly's admiration for the team's achievements and best wishes for the future.

HOUSE JOINT RESOLUTION NO. 265

Commending the United Way of Roanoke Valley.

Agreed to by the House of Delegates, March 4, 2024
Agreed to by the Senate, March 6, 2024

WHEREAS, for 100 years, the United Way of Roanoke Valley has brought together people, resources, and strong community partners to improve lives and enhance the region for future generations by identifying and addressing complex issues; and

WHEREAS, the United Way of Roanoke Valley provides critical support to a range of nonprofit organizations in the region; and

WHEREAS, the United Way of Roanoke Valley helps maintain high-quality early childhood education programs and makes early childhood education available to families in need through government grants; and

WHEREAS, the United Way of Roanoke Valley also strives to ensure that young people reach their fullest potential through programs to promote high school education; and

WHEREAS, the United Way of Roanoke Valley provides the tools and support local families need to stay strong, healthy, and self-sufficient by offering financial assistance, education, and other resources; and

WHEREAS, according to the United Way of Roanoke Valley's 2021–2022 annual report, the organization helped 756 children access childcare, 100 youths access mental health services, and 361 people access preventative care; the organization also served nearly 11,000 meals in that time period; and

WHEREAS, the United Way of Roanoke Valley has fulfilled its mission through the generosity of local residents and community partners and the hard work and dedication of hundreds of volunteers each year; and

WHEREAS, the United Way of Roanoke Valley began commemorating its 100th anniversary in October 2023 with a pep rally in Elmwood Park in Roanoke; the free event featured marching bands and cheerleaders from local high schools and celebrated the way the local community has rallied around important causes in the organization's history; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the United Way of Roanoke Valley on the occasion of its 100th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Abby Hamilton, president and chief executive officer of the United Way of Roanoke Valley as an expression of the General Assembly's admiration for the organization's vital support for local nonprofit organizations and legacy of achievements in service to the community.

HOUSE JOINT RESOLUTION NO. 266

Commemorating the life and legacy of Cook Petty Officer Third Class Doris Miller, USN.

Agreed to by the House of Delegates, March 4, 2024
Agreed to by the Senate, March 6, 2024

WHEREAS, a native of Texas, Cook Petty Officer Third Class Doris Miller, USN, enlisted in the United States Navy in 1939 to help support his family; and

WHEREAS, after completing his training at Naval Station Norfolk, Doris "Dorie" Miller was assigned to the USS *Pyro* (AE-1) as a mess attendant; he subsequently served aboard the USS *West Virginia* (BB-48), where he was renowned for his physical prowess and became the ship's heavyweight boxing champion; and

WHEREAS, Dorie Miller distinguished himself by performing selfless acts of heroism on December 7, 1941, when the battleship USS *West Virginia* was attacked at Pearl Harbor, an attack in which the ship received two armor piercing bombs through the deck and was struck on the port side by five aircraft-launched torpedoes; and

WHEREAS, Dorie Miller was assigned to carry wounded sailors to places of greater safety and was directed to the exposed bridge, where he helped provide aid to the mortally wounded captain of the ship; and

WHEREAS, despite having no anti-aircraft training, Dorie Miller manned a machine gun battery to defend the ship and crew against incoming Japanese planes; he remained at the battery until all ammunition was expended and was reported to have shot down several enemy aircraft; and

WHEREAS, on May 27, 1942, Admiral Chester W. Nimitz, the Commander in Chief of the Pacific Fleet, presented the Navy Cross to Dorie Miller for his extraordinary courage in battle; he was the first Black American to be awarded the Navy Cross, the highest decoration for valor presented by the United States Navy; and

WHEREAS, in November 1943, Dorie Miller was killed while serving aboard the USS *Liscome Bay* (CVE-56), an escort carrier, when it was struck by a Japanese torpedo and sunk with over two-thirds of the crew lost, during the Battle of Makin in the Gilbert Islands, the deadliest sinking of a carrier in the history of the United States Navy; and

WHEREAS, in recognition of the heroic actions of Dorie Miller, the United States Navy commissioned the USS *Miller* (DE-1091), a Knox-class destroyer escort in June 1973 with the ship's motto "Courage-Devotion"; the USS *Miller* served the nation until it was decommissioned in October 1991; and

WHEREAS, in remembrance of Dorie Miller's heroic actions, CVN-81, a Gerald R. Ford-class aircraft carrier scheduled to be commissioned in 2032, has been named the USS *Doris Miller*, marking the first time that an aircraft carrier has been named for a Black American, and the first time a sailor has been so honored for actions taken as an enlisted man; and

WHEREAS, American Legion Post 194, established in Arlington in 1946, was named for Dorie Miller to honor his legacy of service and sacrifice in defense of the nation, and several other posts around the country also bear his name; and

WHEREAS, Dorie Miller American Legion posts throughout the United States commemorate Dorie Miller's life and service on October 12 each year, and Virginians are encouraged to take the opportunity to learn more about his valorous deeds and historic accomplishments; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commemorate the life and legacy of Cook Petty Officer Third Class Doris Miller, USN, the first Black American to be awarded the Navy Cross; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to American Legion Dorie Miller Post 194 in Arlington as an expression of the General Assembly's admiration for Doris Miller's heroic achievements in service to the United States.

HOUSE JOINT RESOLUTION NO. 267

Celebrating the life of Colonel William Joseph Flanagan, Jr., USA, Ret.

Agreed to by the House of Delegates, March 6, 2024
Agreed to by the Senate, March 8, 2024

WHEREAS, Colonel William Joseph Flanagan, Jr., USA, Ret., a distinguished veteran who worked diligently to support his fellow members of the military and who provided his exceptional leadership abilities to the Commonwealth as a longtime chief of staff for a member of the Virginia House of Delegates, died on December 3, 2023; and

WHEREAS, William "Bill" Joseph Flanagan, Jr., grew up in Saratoga Springs, a resort town in upstate New York, where he worked at his family's hotel properties, and he met his wife, Diane, while she was attending nearby Skidmore College; and

WHEREAS, Bill Flanagan received a bachelor's degree from Cornell University, where he was a member of the Army Reserve Officer Training Corps; he later earned a master's degree from the University of Delaware and subsequently graduated from the United States Army War College; and

WHEREAS, Bill Flanagan began his military career after graduating from Cornell University in 1960 and spent the next 30 years serving the nation; during that time period, he and his family lived in 22 different homes across the United States, as well as in France, Germany, and the United Kingdom; and

WHEREAS, known for his organizational skills and attention to detail, Bill Flanagan spent most of his career in the United States Army Quartermaster Corps, where he spearheaded several innovative processes to support his fellow members of the military; and

WHEREAS, Bill Flanagan became the first chief of the Office of the Quartermaster General and helped re-establish the Quartermaster Regiment and training programs for quartermaster occupational specialties; and

WHEREAS, Bill Flanagan also served as the first chief of staff of the Defense Commissary Agency at what is now Fort Gregg-Adams; he was handpicked to develop an integrated commissary system with an annual budget of more than $7 billion, and his innovative leadership ensured the continual viability of the system, which now serves more than 1.5 million service members and their families worldwide; and

WHEREAS, Bill Flanagan earned numerous awards and decorations over the course of his outstanding military career, including the Defense Superior Service Medal, Legion of Merit, Bronze Star, and Meritorious Service Medal, among others, and he was inducted into the Army Quartermaster Hall of Fame; and

WHEREAS, Bill Flanagan cultivated a lifelong commitment to supporting his fellow soldiers, veterans, and their families, serving as president of the Virginia chapter of the Military Officers Association of America, as a founding member of American Veterans Vote, and a member of several other veterans advocacy organizations; in addition, he volunteered at the Virginia War Memorial and was a member of the Quartermaster Museum Foundation board for three decades; and

WHEREAS, seeking new opportunities to serve the Commonwealth after his retirement from the military, Bill Flanagan became a legislative aide and chief of staff to the Honorable Kirk Cox, former speaker of the Virginia House of Delegates; and

WHEREAS, with Bill Flanagan's guidance, Delegate Cox's office submitted more legislation focused on military issues and supporting veterans than several members of the General Assembly combined; and

WHEREAS, Bill Flanagan was involved with the Colonial Heights Republican Committee for many years, serving two terms as chair; he also chaired Virginia's Fourth Congressional District Republican Committee and was a longtime member of the Republican Party of Virginia State Central Committee; and

WHEREAS, in recognition of his personal and professional achievements in service to Central Virginia, the Commonwealth as a whole, and the nation, Bill Flanagan was named as a Hometown Hero by the Colonial Heights Chamber of Commerce in 2018 and was honored by the Republican National Committee in 2022; and

WHEREAS, Bill Flanagan was a man of deep and abiding faith throughout his life, participated in various ministries in his church community, and was a fourth degree knight in the Knights of Columbus; and

WHEREAS, predeceased by his beloved wife of more than 60 years, Diane, Bill Flanagan will be fondly remembered and greatly missed by his children, Michael (Melia), Christopher (Lucila), William III, and Taimi, and their families, and numerous other family members, friends, and colleagues; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Colonel William Joseph Flanagan, Jr., USA, Ret.; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Colonel William Joseph Flanagan, Jr., USA, Ret., as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 268

Celebrating the life of Warren H. Lacy.

Agreed to by the House of Delegates, March 4, 2024
Agreed to by the Senate, March 6, 2024

WHEREAS, Warren H. Lacy, a beloved husband, father, grandfather, and great-grandfather and active and engaged member of the Richmond community, died on August 7, 2023; and

WHEREAS, Warren H. "Joe" Lacy worked with great dedication and sense of purpose throughout his career and was a longtime member of what was at the time the Sheet Metal Workers' International Association Local Union No. 100; and

WHEREAS, Joe Lacy gave generously of his time in support of the Henrico County Democratic Committee and was a regular presence on election days outside the polls at Chamberlayne Elementary School; and

WHEREAS, Joe Lacy fostered community and friendship as a member of the Northside Lodge No. 292 of the Ancient Free and Accepted Masons; and

WHEREAS, guided throughout his life by his faith, Joe Lacy enjoyed worship and fellowship with his community at Chamberlayne Baptist Church in Richmond for many years until it closed in 2021, and then he became a devoted member of Glen Allen Baptist Church; and

WHEREAS, preceded in death by his daughter, Connie, Warren Lacy will be fondly remembered and dearly missed by his loving wife, Shirley; his children, Diane, Laura, Curtis, and Bonnie, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Warren H. Lacy, a cherished member of the Richmond community who was a source of joy and inspiration to all who knew him; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Warren H. Lacy as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 269

Commending the River Basin Grand Winners of the Clean Water Farm Awards.

Agreed to by the House of Delegates, March 4, 2024
Agreed to by the Senate, March 6, 2024

WHEREAS, the Department of Conservation and Recreation and the Soil and Water Conservation Districts provide farmers throughout the Commonwealth with education, technical assistance, and incentive programs to encourage nutrient reduction and water quality improvement; and

WHEREAS, the General Assembly passed legislation in 1998 to establish the Clean Water Farm Award Program, which is administered by the Department of Conservation and Recreation; and

WHEREAS, the Clean Water Farm Award Program furthers the Commonwealth's water quality goals by recognizing farmers actively engaged in implementing important conservation practices that control nutrients, sediment, and other agricultural nonpoint source pollutants; and

WHEREAS, the Soil and Water Conservation Districts selected local farms across the Commonwealth for recognition in 2023 as winners of the Clean Water Farm Award; and

WHEREAS, farms have been selected to represent the Commonwealth's major river basins and to recognize the exemplary efforts of such farms in implementing best management practices; and

WHEREAS, the 2023 winners are:

Lazy M Farm, Tazewell County, for the Big Sandy-Upper Tennessee River Basin;

Shelton Alley Farms, Northampton County, for the Coastal Basin;

Old Tavern Farm, New Kent County, for the James River Basin;

Summerfield Pastoral Farm, Grayson County, for the New River Basin;

Justin and Casey Wisch, Long Stone Farm, Loudoun County, for the Potomac River Basin;

John Paul and Mollie Visosky, Locust Dale Cattle Company, Culpeper County, for the Rappahannock River Basin;

Tim, Amy, Justin, Samuel, Faith, and Zachary Alderson, A-Plus Farms, Pittsylvania County, for the Roanoke River Basin;

Justin and Kristi Schmidt, Rockingham County, for the Shenandoah River Basin;

Fred Massie and Peter Massie, Louisa County, for the York River Basin; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend and congratulate the River Basin Grand Winners of the Clean Water Farm Award; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare copies of this resolution for presentation to the River Basin Grand Winners of the Clean Water Farm Award as an expression of the General Assembly's admiration for their commitment to conserving the Commonwealth's natural resources and their outstanding conservation achievements.

HOUSE JOINT RESOLUTION NO. 270

Commending Courtney LeBlanc.

Agreed to by the House of Delegates, March 4, 2024
Agreed to by the Senate, March 6, 2024

WHEREAS, Courtney LeBlanc, the esteemed author of multiple full-length poetry collections, was selected as the third Arlington County poet laureate in 2023; and

WHEREAS, Courtney LeBlanc is the author of *Beautiful & Full of Monsters*, *Exquisite Bloody*, *Beating Heart*, and *Her Whole Bright Life*, for which she won the 2023 Jack McCarthy Book Prize; and

WHEREAS, Courtney LeBlanc is also the founder and editor-in-chief of Riot in Your Throat, an independent poetry press, and a fellow of the Virginia Center for the Creative Arts; and

WHEREAS, in her role as poet laureate, Courtney LeBlanc will work with Arlington Cultural Affairs to develop and facilitate public programming to make poetry more accessible by engaging with Arlington residents of all ages and backgrounds; and

WHEREAS, with her extensive body of work and experience in the literary realm, Courtney LeBlanc will serve as an outstanding ambassador for her fellow poets and work diligently to raise awareness of and appreciation for poetry in both written and spoken forms in the Arlington County community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Courtney LeBlanc on the occasion of her selection as Arlington County poet laureate; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Courtney LeBlanc as an expression of the General Assembly's admiration for her contributions to the literary arts.

HOUSE JOINT RESOLUTION NO. 271

Commending Rappahannock Coffee and Roasting.

Agreed to by the House of Delegates, March 4, 2024
Agreed to by the Senate, March 6, 2024

WHEREAS, Rappahannock Coffee and Roasting, a beloved coffee shop and cafe located along the Columbia Pike corridor in Arlington County, closed its doors for the last time in November 2023; and

WHEREAS, Rappahannock Coffee and Roasting opened in 2001 and had been owned since 2005 by Gi Lee, a veteran of the Korean Army who served in Vietnam, who worked indefatigably for nearly two decades to deliver his customers world-class service and an always freshly roasted cup of coffee; and

WHEREAS, Rappahannock Coffee and Roasting was a favored gathering place for many of the area's residents, who came for the exceptional coffee, but stayed for the meaningful conversation and camaraderie with neighbors and friends; and

WHEREAS, Rappahannock Coffee and Roasting attracted a diverse and eclectic clientele and was welcoming to all, fostering a sense of community among people from various different backgrounds; and

WHEREAS, a key part of the success of Rappahannock Coffee and Roasting was the hard work and friendly service of Annie Lee, Gi's wife, and longtime Rappahannock employee Paul Deppler; and

WHEREAS, Rappahannock Coffee and Roasting will be celebrated and dearly missed for years to come by the many regular customers who knew it best; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Rappahannock Coffee and Roasting on the occasion of its closing for its years of service to the Arlington County community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Gi Lee, owner of Rappahannock Coffee and Roasting, as an expression of the General Assembly's admiration for his business's contributions to the Commonwealth.

HOUSE JOINT RESOLUTION NO. 272

Commending Scouts BSA Troop 128.

Agreed to by the House of Delegates, March 4, 2024
Agreed to by the Senate, March 6, 2024

WHEREAS, for 100 years, Scouts BSA Troop 128, the oldest Scout troop in McLean, has provided opportunities for outdoor recreation, leadership development, and community service to generations of local young people; and

WHEREAS, Troop 128 was chartered in February 1924 with John M. Hart as its first Scoutmaster; since then, the Troop has benefited from the wisdom and steady guidance of 40 other Troop leaders, including the current Troop Leader, Tom Brooke; and

WHEREAS, Troop 128 started with 10 original members and has grown to serve thousands of Scouts over the course of its history; in 2024, the Troop supports about 70 members from McLean, Falls Church, and Arlington; and

WHEREAS, Troop 128 holds regular meetings at Saint John's Episcopal Church and conducts more than 20 outings each year, including summer camps and high adventure trips for older Scouts; and

WHEREAS, Troop 128 promotes community outreach and good citizenship by organizing a wide range of local service projects, such as supporting the annual McLean Arts Festival, collecting food donations during holiday seasons, providing a color guard at the McLean Little League Parade, laying wreaths for veterans at Arlington National Cemetery, and many others; and

WHEREAS, more than 150 members of Troop 128 have achieved the prestigious rank of Eagle Scout, the highest rank in Scouting, each of whom upheld the highest ideals of Scouting and completed an individual Eagle Scout service project of their own; and

WHEREAS, to celebrate 100 years of adventure, character, and service, Troop 128 will host a variety of special events, reunions, and outreach projects throughout the year; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Scouts BSA Troop 128 on the occasion of its 100th anniversary in 2024; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Scouts BSA Troop 128 as an expression of the General Assembly's admiration for the service and achievements of its members over the course of its long and storied history.

HOUSE JOINT RESOLUTION NO. 273

Commending People Incorporated.

Agreed to by the House of Delegates, March 4, 2024
Agreed to by the Senate, March 6, 2024

WHEREAS, People Incorporated, one of the first community action agencies in the Commonwealth and one of the first rural community action agencies in the United States, celebrates its 60th anniversary in 2024; and

WHEREAS, known originally as the Hayters Gap Community Club, what is today People Inc. was incorporated by Joseph P. Johnson, Jr., on August 11, 1964, as the Progressive Community Club of Washington County; and

WHEREAS, founded with a vision for building and sustaining a vibrant community for the residents of Washington County, the Progressive Community Club of Washington County extended its service to the Bristol area and became People Incorporated in 1974; and

WHEREAS, People Inc. has steadily expanded its service area over the past half-century and today offers programs and services in 16 cities and counties of the Commonwealth; and

WHEREAS, the founders of People Inc. believed that everyone, no matter their circumstances, deserves access to opportunities to improve their lives, their families, and their communities, principles which guide the organization to this day as its staff works tirelessly to make the Commonwealth a better place to live, work, and raise a family; and

WHEREAS, People Inc. has developed more than 30 services and programs to meet the needs of individuals and families, including affordable housing development and management, community development, community services, economic development, early childhood education, and workforce development; and

WHEREAS, in 2023 alone, People Inc.'s services reached more than 7,000 people across the Commonwealth, while the organization was one of the leading employers in Washington County, striving to create better opportunities for not just the community, but its employees; and

WHEREAS, in the last 60 years, People Inc. has grown from a small community organization to a nationally recognized service agency and community development corporation that is regarded as one of the most innovative and successful community action agencies in the nation; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend People Incorporated on the occasion of its 60th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to People Incorporated as an expression of the House of Delegates' admiration for the organization's history and its contributions to the Commonwealth.

HOUSE JOINT RESOLUTION NO. 274

Commending Communities in Schools of Appalachian Highlands.

Agreed to by the House of Delegates, March 4, 2024
Agreed to by the Senate, March 6, 2024

WHEREAS, for 10 years, the nonprofit organization Communities in Schools of Appalachian Highlands has removed barriers to learning and provided vital support to ensure that students stay in school and achieve success in their academic careers; and

WHEREAS, founded in 2013, Communities in Schools of Appalachian Highlands originally served one school in Bristol Virginia Public Schools; and

WHEREAS, driven by the needs and support of the local residents, Communities in Schools of Appalachian Highlands expanded to 64 public schools across 11 school divisions in the City of Norton and the Counties of Dickenson, Russell, Smyth, Tazewell, Washington, and Wise, along with the City of Bristol, Carter County, and Hancock County in Tennessee; and

WHEREAS, a total of more than 88,000 students have benefited from the programs offered by Communities in Schools of Appalachian Highlands over the course of its history; and

WHEREAS, during the 2023–2024 academic year, Communities in Schools of Appalachian Highlands has served more than 23,000 students, with 2,900 students receiving individualized support; and

WHEREAS, by placing student support coordinators inside partner schools, Communities in Schools of Appalachian Highlands has built strong, personal relationships with young people and empowered them to achieve their fullest potential both in and out of the classroom; and

WHEREAS, Communities in Schools of Appalachian Highlands has fulfilled its mission through the hard work and dedication of dozens of staff members, the leadership and guidance of its board of directors, and generous support from community partners; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Communities in Schools of Appalachian Highlands on the occasion of its 10th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Communities in Schools of Appalachian Highlands as an expression of the General Assembly's admiration for the organization's critical mission and legacy of contributions to young people.

HOUSE JOINT RESOLUTION NO. 275

Commending Johnnie Nash.

Agreed to by the House of Delegates, March 4, 2024
Agreed to by the Senate, March 6, 2024

WHEREAS, for 40 years, Johnnie Nash has provided life-changing support to people in need through the nonprofit organization HopeTree Family Services in Salem; and

WHEREAS, Johnnie Nash grew up in Roanoke, where he attended public schools and graduated from Patrick Henry High School in 1978; he continued his education at Radford University, from which he obtained a bachelor's degree in history and social sciences in 1983; and

WHEREAS, Johnnie Nash began his career at the Virginia Baptist Children's Home on September 8, 1983; since that time, he has witnessed many changes in the organization, including two name changes to Virginia Baptist Children's Home & Family Services in 1985 and to HopeTree Family Services in 2007; and

WHEREAS, HopeTree Family Services offers residential care to youths and adults with intellectual and development disabilities, foster care services, a private-day school, and community-based services like family-centered treatment and equine-assisted psychotherapy, and Johnnie Nash has held numerous leadership roles within the organization over the course of his career; and

WHEREAS, Johnnie Nash began as a senior residential counsel, then was promoted to assistant director of childcare in 1985, director of childcare in 1988, and director of residential services in 1993; and

WHEREAS, Johnnie Nash became the vice president of children's ministries in 1996 and was later appointed as the vice president of programs; in March 2020, he was appointed vice president and chief operations officer; and

WHEREAS, Johnnie Nash has worked alongside and mentored thousands of HopeTree Family Services employees, making tremendous contributions to the career development of others; he touched the lives of thousands of children, adults, and families who have lived at HopeTree Family Services or benefited from one of its many programs; and

WHEREAS, to commemorate Johnnie Nash's career and impact at HopeTree Family Services, the organization's largest conference room was named the Johnnie Nash Training Center on November 13, 2020; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Johnnie Nash for his 40 years of service to the employees, residents, and clients of HopeTree Family Services; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Johnnie Nash as an expression of the General Assembly's admiration for his legacy of achievements on behalf of people in need.

HOUSE JOINT RESOLUTION NO. 276

Commending Phillip Duncan.

Agreed to by the House of Delegates, March 4, 2024
Agreed to by the Senate, March 6, 2024

WHEREAS, Phillip Duncan, a longtime journalist and community activist who worked diligently to nurture a more informed and engaged electorate in the Commonwealth and the United States, provided outstanding local leadership as a member of the Falls Church City Council for three terms; and

WHEREAS, Phillip "Phil" Duncan began his journalistic career as a student at the Webb School of Knoxville, where he was the editor of the school newspaper and the sports editor of the yearbook; and

WHEREAS, Phil Duncan further honed his abilities as an editor for the weekly campus newspaper at Davidson College and spent summers covering local politics and human interest stories for the *Halls-Fountain City Shopper* and a chain of community newspapers; he completed internships at the *Charlotte Observer* and the *Knoxville News Sentinel*; and

WHEREAS, in 1979, Phil Duncan relocated to the Washington, D.C., area and began working for Congressional Quarterly (CQ), a nonpartisan publishing company focused on national politics and legislative action; and

WHEREAS, Phil Duncan served as a politics reporter and politics editor of CQ's weekly magazine and spent 10 years editing CQ's Politics in America, a print and online resource that analyzes the work of each member of the United States Congress; and

WHEREAS, after retiring from CQ, Phil Duncan founded Civicatalyst Communications to promote civic education, and he pursued other initiatives to improve understanding of the legislative process and help members of the public advocate for themselves in government; he is the founder of the Duncan Educational Fund and a longtime board member of the National Conference on Citizenship, a nonprofit organization that strives to develop a more active and engaged citizenry; and

WHEREAS, Phil Duncan also became deeply involved in civic life in Falls Church, serving as chair of the Economic Development Authority, the Falls Church City Public Schools Business in Education Partnership, and the Citizens' Advisory Committee on Transportation, as well as a board member of the Falls Church Education Foundation, Falls Church Chamber of Commerce, and Falls Church Kiwanis Little League, among many others; and

WHEREAS, desirous to be of further service, Phil Duncan ran for and was elected to the Falls Church City Council in 2012 and won competitive reelection campaigns in 2015 and 2019; he fostered constructive dialogue and provided his leadership and expertise to the Economic Development Committee, Government Operations Committee, and Legislative Committee; and

WHEREAS, during his tenure in local government, Phil Duncan supported existing business while welcoming new investments, overseeing unprecedented growth and development, including new stores, restaurants, hotels, and entertainment and recreational facilities; and

WHEREAS, Phil Duncan advocated for the modernization of civic infrastructure, including the construction of a new high school, the renovation and expansion of three elementary schools, improvements to stormwater management, new sidewalks and bicycle amenities, and enhancements to government buildings, libraries, and parks; and

WHEREAS, after the completion of his third term on the Falls Church City Council, Phil Duncan was appointed to the Falls Church Planning Commission, where he continues to use his vast expertise to enhance the quality of life in the city; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Phillip Duncan for more than a decade of service as a member of the Falls Church City Council; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Phillip Duncan as an expression of the General Assembly's admiration for his personal and professional achievements.

HOUSE JOINT RESOLUTION NO. 277

Commending Ed Saltzberg.

Agreed to by the House of Delegates, March 4, 2024
Agreed to by the Senate, March 6, 2024

WHEREAS, in January 2024, Ed Saltzberg retired from the Economic Development Authority of the City of Falls Church after serving the city for more than 42 years; and

WHEREAS, Ed Saltzberg was first appointed to the Economic Development Authority (EDA) of Falls Church on November 9, 1981, and then two years later was appointed to serve on the newly formed Industrial Development Authority (IDA) of Falls Church; and

WHEREAS, Ed Saltzberg returned to the EDA in 1999 when the entity was merged with the IDA, continuing to pursue the mission of advising the Falls Church City Council on economic development issues and proposals impacting the locality; and

WHEREAS, with the EDA, Ed Saltzberg has helped oversee an array of functions to further the growth and prosperity of Falls Church, including community education programs, research and analysis, property transactions, tax exempt financing, and other projects and programs that promote business and investment in the city; and

WHEREAS, Ed Saltzberg has earned the esteem of his fellow members on the EDA and other community leaders through his integrity, thoughtfulness, commitment to civic engagement, and willingness to collaborate and build consensus with others; and

WHEREAS, Ed Saltzberg has demonstrated steadfast dedication to community building, financial sustainability, and destination placemaking through his efforts with the EDA, supporting a great number of construction and infrastructure projects that have burnished the city's reputation as a wonderful place to live, work, and play; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Ed Saltzberg on the occasion of his retirement from the Economic Development Authority of the City of Falls Church; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Ed Saltzberg as an expression of the General Assembly's appreciation for his contributions to the City of Falls Church and best wishes in his future endeavors.

HOUSE JOINT RESOLUTION NO. 278

Commending P. David Tarter.

Agreed to by the House of Delegates, March 4, 2024
Agreed to by the Senate, March 6, 2024

WHEREAS, P. David Tarter, an esteemed public servant and attorney, retired from his position as mayor of the City of Falls Church in December 2023; and

WHEREAS, after acquiring his real estate agent's license at the age of 18 and earning his juris doctor degree from the University of Virginia in 1991, David Tarter embarked upon a successful career as an attorney specializing in land use development and commercial real estate; and

WHEREAS, as a partner at Lawson, Tarter & Charvet, P.C., and later as the founding partner at Tarter NoVa Law, PLC, David Tarter has had a role in an untold number of prominent real estate ventures in the Northern Virginia area over the past two decades; and

WHEREAS, in recognition of his experience and expertise, David Tarter has received top attorney accolades from various publications and organizations, including *Northern Virginia Magazine*, *Arlington Magazine*, and Martindale-Hubbell; and

WHEREAS, David Tarter has imparted his vast knowledge of real estate development, land use, local government, and title issues to future generations of attorneys and developers as a legal education speaker and lecturer; and

WHEREAS, prior to becoming mayor of the City of Falls Church, David Tarter served five years on the Falls Church Economic Development Authority, during which time the authority established its popular "Little City" branding effort; he was also interim city attorney for Falls Church for some time; and

WHEREAS, David Tarter's tenure as mayor was marked by a number of accomplishments for Falls Church, including several new businesses and developments, the city's first Triple-A rating from all bond agencies, and a new, $120 million, state-of-the-art high school funded through revenue from the West Falls Development Project; and

WHEREAS, beyond Falls Church, David Tarter has brought valued perspectives to regional matters by serving as the president of the Metropolitan Washington Council of Governments and as the chair of the Northern Virginia Regional Commission (NVRC); and

WHEREAS, David Tarter provided invaluable leadership as NVRC chair during the COVID-19 pandemic and helped to ensure collaboration and consistency, as well as effective coordination with state agencies, in the region's response to the unprecedented health crisis; and

WHEREAS, with a deep understanding of Falls Church and an ambitious vision for its future, David Tarter has fostered the city's growth over the past decade and helped to make it a wonderful place to live, work, and raise a family; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend P. David Tarter for his service as the mayor of the City of Falls Church; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to P. David Tarter as an expression of the General Assembly's admiration for his contributions to Falls Church and the Commonwealth.

HOUSE JOINT RESOLUTION NO. 279

Commending Christopher Fay.

Agreed to by the House of Delegates, March 4, 2024
Agreed to by the Senate, March 6, 2024

WHEREAS, in September 2023, Christopher Fay retired as executive director of the nonprofit organization Homestretch after 17 years of stable leadership and diligent efforts to end homelessness and break the cycle of poverty in Falls Church; and

WHEREAS, Christopher Fay began his career working with homeless families in New York City, then relocated to Washington, D.C., where he joined the Milton S. Eisenhower Foundation; and

WHEREAS, four years later, Christopher Fay discovered Homestretch, which seeks to provide comprehensive services that address the root causes of homelessness and poverty, and became the organization's executive director; and

WHEREAS, under Christopher Fay's leadership, Homestretch gave numerous individuals and families the support they needed to make swift, transformational changes; the organization provides temporary housing and the tools and education for clients to achieve self-sufficiency; and

WHEREAS, Christopher Fay proudly created an environment that allows Homestretch to offer individualized services and create dynamic plans that best suit the specific needs of each client; and

WHEREAS, Christopher Fay's achievements have strengthened the community for generations to come; according to a study in 2023, more than 90 percent of Homestretch's graduating families never returned to homelessness and a majority of families sought further education and built skills to enhance their financial stability; and

WHEREAS, upon his well-earned retirement, Christopher Fay was named executive director emeritus, and he plans to continue seeking new opportunities to serve the Falls Church community while spending more time with his beloved family; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Christopher Fay on the occasion of his retirement from Homestretch; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Christopher Fay as an expression of the General Assembly's admiration for his personal and professional achievements.

HOUSE JOINT RESOLUTION NO. 281

Celebrating the life of Diane Gay Flanagan.

Agreed to by the House of Delegates, March 6, 2024
Agreed to by the Senate, March 8, 2024

WHEREAS, Diane Gay Flanagan, a skilled nurse and a beloved wife, mother, and friend in Colonial Heights, died on September 26, 2023; and

WHEREAS, Diane Flanagan was born in Oklahoma to Vail and Taimi Konen, first-generation immigrants from Finland, and at a young age, she and her family moved to Geneva, New York, a serene community on the shores of Seneca Lake; and

WHEREAS, after graduating from Geneva High School, Diane Flanagan pursued higher education at Skidmore College until she met her husband, Bill in 1962; the couple raised four beloved children and traveled often during Bill's 30-year career in the United States Army; and

WHEREAS, after her children reached school age, Diane Flanagan completed her education by earning a bachelor's degree in nursing and graduating as the valedictorian of her class; and

WHEREAS, Diane Flanagan worked in the health care arena across the country and held leadership roles as a nursing supervisor or a charge nurse; and

WHEREAS, among her proudest achievements, Diane Flanagan served as a nurse at Landstuhl Regional Medical Center, which is the largest American hospital located outside of the United States and serves as a designated medical center for American soldiers wounded in the Middle East; and

WHEREAS, in later life, Diane Flanagan served as the chair of the Tri-City Area Republican Women's Club, president of Ikebana of Richmond, and regent of the Catholic Daughters of America Court Regina Coeli 2032; she was also active in her church community as a parish nurse, lector, Eucharistic minister, liturgy coordinator, and minister of services; and

WHEREAS, outside of her career and volunteer service, Diane Flanagan enjoyed collecting art and tending to her gardens, and she had visited more than 60 countries around the world throughout her life; and

WHEREAS, Diane Flanagan brought joy to others through her compassion, generosity, and unfailing kindness; and

WHEREAS, Diane Flanagan's husband of more than 60 years, Bill, died on December 3, 2023; she will be fondly remembered and greatly missed by her children, Michael (Melia), Christopher (Lucila), William, and Taimi, and their families, and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Diane Gay Flanagan; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Diane Gay Flanagan as an expression of the General Assembly's respect for her memory.

HOUSE JOINT RESOLUTION NO. 282

Commending Good Shepherd Housing.

Agreed to by the House of Delegates, March 4, 2024
Agreed to by the Senate, March 6, 2024

WHEREAS, Good Shepherd Housing, a nonprofit organization dedicated to reducing homelessness, increasing community support, and promoting self-sufficiency, celebrates its 50th anniversary in 2024; and

WHEREAS, Good Shepherd Housing was formed by parishioners at Good Shepherd Catholic Church in Alexandria, who responded to the needs of a struggling family by helping them find housing, which led to the official incorporation of the organization on January 31, 1974; and

WHEREAS, as their awareness of the need for affordable housing grew, the leaders of Good Shepherd Housing set out to hire a permanent, professional staff and acquired a number of affordable housing units throughout the part of Fairfax County near Alexandria; and

WHEREAS, Good Shepherd Housing has gradually acquired houses and developed programs to fulfill its commitment to ending housing insecurity in Northern Virginia over the past half-century and now operates more than 100 housing units serving more than 1,000 families and individuals in need; and

WHEREAS, in addition to providing permanent affordable housing, Good Shepherd Housing carries out its mission by offering emergency financial services, children's resources, budget counseling, and case management to the families and individuals it serves; and

WHEREAS, to promote a safe and inclusive community for all, Good Shepherd Housing recently partnered with Fairfax County's Communities of Trust Committee, a citizens group devoted to strengthening the bonds between public safety agencies and the communities the organization serves; and

WHEREAS, Good Shepherd Housing has received numerous accolades over the years in recognition of its meritorious service, including the Organization of the Year award from the Mount Vernon-Lee Chamber of Commerce in 2015 and the Award for Excellence in Nonprofit Management from *The Washington Post* in 2013; and

WHEREAS, the accomplishments of Good Shepherd Housing are the result of the leadership and hard work of its staff, the tireless efforts of its volunteers, and the generous support of its donors and other partners throughout the Fairfax County community and beyond; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Good Shepherd Housing on the occasion of its 50th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Good Shepherd Housing as an expression of the General Assembly's admiration for the organization's history and its noteworthy contributions to the Commonwealth.

HOUSE JOINT RESOLUTION NO. 283

Commending Michael S. Yew.

Agreed to by the House of Delegates, March 4, 2024
Agreed to by the Senate, March 6, 2024

WHEREAS, following the 2023 season, Michael S. Yew retired as head coach of the football team at Central High School in Woodstock, ending an illustrious 17-year tenure with the team; and

WHEREAS, when Michael Yew took the helm of the Central High School football program, the team had yet to win a playoff game in its history; and

WHEREAS, after going 2-18 his first two seasons, Michael Yew built the Central High School football program into one of the most successful in the Commonwealth, taking the team to the playoffs 11 times in his last 15 seasons; and

WHEREAS, Michael Yew's achievements as head coach of the Central High School football team include a career record of 121-71, a playoff record of 18-11, five district championships, and two regional championships, both of which came in the last three seasons; and

WHEREAS, in 2022, Michael Yew brought the Central High School Falcons all the way to the Virginia High School League state championship game; in his last season, he led the team to an undefeated regular season for only the second time in program history; and

WHEREAS, in recognition of his accomplishments with the Central High School football team, Michael Yew has received Regional Coach of the Year honors twice and District Coach of the Year honors six times; and

WHEREAS, before joining Central High School, Michael Yew honed his abilities as a leader of young men as a coach at the Massanutten Military Academy, where he won a conference championship during his three years with the team; and

WHEREAS, Michael Yew has had a profound and lasting impact on the more than 200 student-athletes who have passed through his program over 17 years, leaving a legacy that will be celebrated at Central High School for years to come; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Michael S. Yew on the occasion of his retirement as head coach of the Central High School football team; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Michael S. Yew as an expression of the General Assembly's admiration for his contributions to the Commonwealth.

HOUSE JOINT RESOLUTION NO. 284

Commending Mark Roller.

Agreed to by the House of Delegates, March 4, 2024
Agreed to by the Senate, March 6, 2024

WHEREAS, Mark Roller, who has admirably led the Strasburg High School football team as its head coach since 2008, retired from coaching in 2024; and

WHEREAS, Mark Roller graduated from Strasburg High School in 1989, where he was a three-sport athlete and helped lead the football team to back-to-back state finals in 1988 and 1989; and

WHEREAS, Mark Roller's high school coaching career has spanned 30 years, including four years as an assistant coach at Sherando High School in Frederick County and 16 years at Strasburg High School as head coach; and

WHEREAS, during Mark Roller's tenure as head coach of the Strasburg Rams, the team made 12 playoff appearances, including 10 consecutive appearances, and advanced to the regional championship game in both the spring of 2021 and the fall of 2022; and

WHEREAS, in 2022, Mark Roller's second to last season with the team, the Strasburg Rams won the Virginia High School League Bull Run District outright title after remaining undefeated in the regular season and posting an impressive 11-1 record; and

WHEREAS, after finishing his last season with a record of 8-3, Mark Roller's overall career record was an impressive 102-73, while his record over the past decade was 74-37; and

WHEREAS, Mark Roller has helped countless young people develop skills not only for football but for life, encouraging them to fulfill their potential and achieve their dreams; and

WHEREAS, Mark Roller's accomplishments are the result of his unwavering commitment to the Strasburg Rams football program and to the well-being of his student-athletes and staff; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Mark Roller on the occasion of his retirement as head coach of the Strasburg High School football team; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Mark Roller as an expression of the General Assembly's appreciation for his efforts as a coach and leader of the Commonwealth's youth and best wishes in his future endeavors.

HOUSE JOINT RESOLUTION NO. 285

Commending Mary Gavin.

Agreed to by the House of Delegates, March 4, 2024
Agreed to by the Senate, March 6, 2024

WHEREAS, Mary Gavin, a distinguished law-enforcement officer and chief of the City of Falls Church Police Department for the past 11 years, retired on January 6, 2024; and

WHEREAS, for the first 22 years of her illustrious career in law enforcement, Mary Gavin served with the Arlington County Police Department, where she retired as captain after having worked as a patrol officer, school resource officer, and commander of patrol districts and the vice and narcotics division; and

WHEREAS, Mary Gavin developed her skills as a law-enforcement officer by earning a master's degree in homeland security from Eastern Kentucky University and by participating in several prestigious law-enforcement educational programs; and

WHEREAS, Mary Gavin joined the Falls Church Police Department as a major in 2007 and served as deputy chief of police before being appointed chief of police in 2012; and

WHEREAS, under Mary Gavin, the Falls Church Police Department adopted the community policing principles outlined by President Barack Obama's task force on 21st century policing; and

WHEREAS, during her tenure, Mary Gavin spearheaded a partnership with the Center for Youth and Family Advocacy, making the Falls Church Police Department the first local public safety agency to work with the organization to promote restorative justice practices and resources; and

WHEREAS, Mary Gavin's steadfast commitment to safety and transparency led the Falls Church Police Department to embrace new tactics and policies that enhanced the department's ability to protect and serve the community; and

WHEREAS, Mary Gavin has been a leader within various law-enforcement organizations, including as a member of the board of directors of the International Association of Chiefs of Police and as chair of both the executive board for the Northern Virginia Criminal Justice Training Academy and the Northern Virginia Police Chiefs and Sheriffs Committee; and

WHEREAS, Mary Gavin has mentored future generations of law-enforcement professionals in her capacity as an adjunct professor at American University; and

WHEREAS, by demonstrating an unwavering dedication to the safety and well-being of the Arlington County and Falls Church communities over her career, Mary Gavin has earned the high esteem and respect of all Virginians; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Mary Gavin, chief of the Falls Church Police Department, for her service on the occasion of her retirement; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Mary Gavin as an expression of the General Assembly's admiration for her contributions to the Commonwealth and best wishes for a happy and fulfilling retirement.

HOUSE JOINT RESOLUTION NO. 286

Commending the Virginia Beach Medical Reserve Corps.

Agreed to by the House of Delegates, March 4, 2024
Agreed to by the Senate, March 6, 2024

WHEREAS, for more than two decades, the Virginia Beach Medical Reserve Corps, a group of medical and public health professionals and interested community members, has facilitated public health initiatives and provided critical support during health emergencies in Virginia Beach; and

WHEREAS, the Virginia Beach Medical Reserve Corps was established in 2002 and is organized locally through the Virginia Beach Department of Public Health; the volunteer efforts and expertise of its members helped save the city more than $130,000 in 2022-2023; and

WHEREAS, over the course of its history, the Virginia Beach Medical Reserve Corps has supported countless health services events; in recent years, the organization has provided assistance for incoming refugees from Ukraine and Afghanistan, facilitated first aid and water distribution at local marathons, and staffed a recovery center in the aftermath of a tornado; and

WHEREAS, during the COVID-19 pandemic, the Virginia Beach Medical Reserve Corps became synonymous with knowledge, professionalism, and efficiency in vaccination clinic logistics and operations; and

WHEREAS, the Virginia Beach Medical Reserve Corps pioneered a unique clinic design incorporating a separate "pharmacy" for drawing vaccines to be administered by volunteer vaccinators in a different area; the concept increased efficiency and was adopted in other parts of the Commonwealth; and

WHEREAS, as a regional leader in COVID-19 vaccination clinics, the Virginia Beach Medical Reserve Corps received the National Community Preparedness and Resilience Recognition Award from the Medical Reserve Corps network in 2022; and

WHEREAS, between July 2022 and June 2023, 254 volunteers from the Virginia Beach Medical Reserve Corps contributed a total of 4,477 service hours during 321 different events for COVID-19, flu, and other vaccine clinics, including back-to-school events for local children; and

WHEREAS, through its vaccination efforts, the Virginia Beach Medical Reserve Corps has built strong relationships with churches, public schools, cultural centers, universities, and marginalized communities, creating a strong foundation of trust and promoting a better understanding of health care needs; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Virginia Beach Medical Reserve Corps for its contributions to the community during the COVID-19 pandemic and legacy of service in a variety of public health initiatives; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Virginia Beach Medical Reserve Corps as an expression of the General Assembly's admiration for the organization's work to enhance the health and wellness of all Virginia Beach residents.

HOUSE JOINT RESOLUTION NO. 287

Celebrating the life of Emily Beer.

Agreed to by the House of Delegates, March 5, 2024
Agreed to by the Senate, March 7, 2024

WHEREAS, Emily Beer, a member of the Richmond community who devoted her life to helping and supporting others, died on January 1, 2024; and

WHEREAS, Emily Beer had lived in the Commonwealth for more than a decade and was a talented entrepreneur who owned a graphic design business; and

WHEREAS, outside of her career, Emily Beer was a passionate activist who supported a number of nonprofit organizations, charities, and worthy causes at the local, state, and national levels; and

WHEREAS, Emily Beer was a longtime volunteer with the Virginia Young Democrats, a supporter of Virginia Against Youth Discrimination, and a staff member of the Virginia House Democratic Caucus and the office of Delegate Charniele Herring; and

WHEREAS, outside of her career and community service, Emily Beer was deeply spiritual, and she enjoyed spending time with her dog, Honey, and sampling the Commonwealth's many fine restaurants; and

WHEREAS, Emily Beer's personal mission in life was to ensure that other people were happy, healthy, and successful; she created joy wherever she could and went out of her way to solve problems without being asked; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Emily Beer; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Emily Beer as an expression of the General Assembly's respect for her memory.

HOUSE JOINT RESOLUTION NO. 288

Commending Alex Vardavas.

Agreed to by the House of Delegates, March 4, 2024
Agreed to by the Senate, March 6, 2024

WHEREAS, Alex Vardavas, beloved on-air personality of WBTM in Danville and program director of the WBTM and WAKG radio stations, was named the Kiwanis Club of Danville's Citizen of the Year on December 7, 2023; and

WHEREAS, a native of Danville, Alex Vardavas began his illustrious career at WBTM when he was a rising junior at George Washington High School and continued to work at the station during weekends and summers while attending Elon University, where he earned a degree in political science; and

WHEREAS, Alex Vardavas began working at WBTM a week after graduating and has spent his entire professional career as a radio personality in Danville, delighting generations of listeners with songs and stories while becoming an integral part of the city's culture and identity; and

WHEREAS, for more than three decades, Alex Vardavas has hosted a local March of Dimes telethon, contributing greatly to the success of the organization and to the health of mothers and babies across the nation; and

WHEREAS, known for his reliability and truthfulness, Alex Vardavas was chosen by the Kiwanis Club of Danville for its 90th Citizen of the Year honor in part for his efforts to provide lifesaving information during Tropical Storm Michael in 2018, one of the most catastrophic natural disasters to hit Danville in recent history; and

WHEREAS, Alex Vardavas has received several awards in the past in recognition of his service and accomplishments, including the Humanitarian Award from Veterans of Foreign Wars Post 647, the Service to Mankind Award from the Sertoma Club of Danville, and the Communication and Leadership Award from Toastmasters International; and

WHEREAS, on April 26, 2023, Alex Vardavas was inducted into the Elon University chapter of Phi Kappa Phi, one of the nation's oldest and most prestigious honor societies; and

WHEREAS, with steadfast dedication to his hometown and an unwavering commitment to his listeners, Alex Vardavas has become a legend of the Danville airwaves and an important part of what makes the city a wonderful place to live, work, and raise a family; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Alex Vardavas for being named the 2023 Citizen of the Year by the Kiwanis Club of Danville; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Alex Vardavas as an expression of the General Assembly's admiration for his contributions to Danville and the Commonwealth.

HOUSE JOINT RESOLUTION NO. 289

Commending Big Brothers Big Sisters of Danville Area.

Agreed to by the House of Delegates, March 4, 2024
Agreed to by the Senate, March 6, 2024

WHEREAS, for more than 50 years, Big Brothers Big Sisters of Danville Area has transformed the lives of young people in Danville and Pittsylvania County by providing positive role models and opportunities for one-to-one mentoring and care; and

WHEREAS, Big Brothers Big Sisters of Danville Area traces its roots to 1973, when a Danville judge who was concerned about the number of young people in the justice system formed a mentorship program for boys; the program was later combined with a similar program for local girls and became affiliated with Big Brothers Big Sisters of America; and

WHEREAS, Big Brothers Big Sisters of Danville Area has grown to serve more than 100 at-risk youths each year through a variety of programs, including community-based outings, where children are paired with trustworthy volunteers who take them to sporting events, movies, and other activities; and

WHEREAS, volunteers from Big Brothers Big Sisters of Danville Area may also visit a child in school for lunch to talk about their lives and check on their grades, and the organization has facilitated engaging programs on agriculture, the arts, aviation, and other interests; and

WHEREAS, Big Brothers Big Sisters of Danville Area partners with Woodrow Wilson Intermediate School and the United Way, and it has cultivated ties with other local organizations to continue providing new services to participants; and

WHEREAS, Big Brothers Big Sisters of Danville Area commemorated its 50th anniversary with a special birthday party in June 2023, followed by a recognition event for several prominent volunteers; and

WHEREAS, Big Brothers Big Sisters of Danville Area has fulfilled its mission through the generosity and kindness of generations of volunteer mentors, the passionate leadership of its board members and staff, and the vital support of local businesses and community partners; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Big Brothers Big Sisters of Danville Area on the occasion of its 50th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Big Brothers Big Sisters of Danville Area as an expression of the General Assembly's admiration for the organization's commitment to enhancing the lives of young people through positive interactions and mentorship.

HOUSE JOINT RESOLUTION NO. 290

Commending Richard L. Grice.

Agreed to by the House of Delegates, March 4, 2024
Agreed to by the Senate, March 6, 2024

WHEREAS, Richard L. Grice, an esteemed public servant, retired from his seat on the Isle of Wight County Board of Supervisors on December 31, 2023; and

WHEREAS, Richard "Dick" L. Grice joined the Isle of Wight County Board of Supervisors in January 2016, representing the former Smithfield District, now listed as District 1; and

WHEREAS, Dick Grice ably led the Isle of Wight County Board of Supervisors as its chair from January 2021 through December 2021 and as its vice chair from January 2020 through December 2020; and

WHEREAS, Dick Grice played a vital role in developing and improving the Isle of Wight County Board of Supervisors' partnerships in the community and the region through his service on the Eastern Virginia Regional Industrial Facility Authority, Hampton Roads Alliance, Hampton Roads Workforce Council, Western Tidewater Community Transportation Collaborative, Western Tidewater Water Authority, and others; and

WHEREAS, through his dedication, integrity, and unwavering commitment to Isle of Wight County and the well-being of its residents, Dick Grice has embodied the highest ideals of public service and helped to make Isle of Wight County a wonderful place to live, work, and raise a family; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Richard L. Grice on the occasion of his retirement from the Isle of Wight County Board of Supervisors; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Richard L. Grice as an expression of the General Assembly's admiration for his contributions to Isle of Wight County and the Commonwealth.

HOUSE JOINT RESOLUTION NO. 291

Celebrating the life of Shawn Soares.

Agreed to by the House of Delegates, March 4, 2024
Agreed to by the Senate, March 6, 2024

WHEREAS, Shawn Soares, a master's degree student at Virginia Commonwealth University who was active in state government and was a passionate advocate for clean energy and environmental conservation, died on May 4, 2023; and

WHEREAS, a native of India, Shawn Soares spent much of his childhood in Qatar, then relocated to the United States; he lived in Florida until 2010, when he moved to Virginia; and

WHEREAS, Shawn Soares began his career in government as an intern for the late United States Representative Donald McEachin, for whom he later served as director of outreach; he also provided his expertise to Delegate Suhas Subramanyam as a legislative aide; and

WHEREAS, in addition, Shawn Soares served as the deputy director of Asian American and Pacific Islander outreach and the deputy director of appointments under Governor Ralph Northam; at the age of 24, he was the youngest member of the administration at the time; and

WHEREAS, Shawn Soares subsequently joined the Virginia Conservation Network, a partnership of more than 150 nonprofit organizations dedicated to protecting and preserving the Commonwealth's natural resources, and worked as a policy manager on clean energy and climate change issues; and

WHEREAS, Shawn Soares was well-known as a talented and dedicated professional, who brightened the days of his colleagues through his kindness and enthusiasm for making the world a better place; and

WHEREAS, outside of his career, Shawn Soares performed as a DJ, and in 2019, he opened a show in Washington, D.C., for his favorite artist, Tipper; and

WHEREAS, Shawn Soares will be fondly remembered and greatly missed by his parents, Alec and Nimmi, and his numerous beloved family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Shawn Soares; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Shawn Soares as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 292

Commending John Shinholser.

Agreed to by the House of Delegates, March 4, 2024
Agreed to by the Senate, March 6, 2024

WHEREAS, John Shinholser, senior peer, board member emeritus, president emeritus, and co-founder of the McShin Foundation, retired on December 31, 2023, from the organization he helped start nearly two decades ago; and

WHEREAS, an honorable veteran of the United States Marine Corps, John Shinholser began his path to recovery in 1982 while in the service and drew from that experience to become a pioneer of the peer recovery movement; and

WHEREAS, after years of informally assisting other individuals in different stages of recovery, John Shinholser and his wife, Carol McDaid, founded the McShin Foundation in 2004 with the belief that one can better sustain one's own recovery when helping others find and maintain their recovery; and

WHEREAS, in establishing the McShin Foundation, John Shinholser founded the first recovery community organization (RCO) in the Commonwealth, which is also the only RCO in Virginia to be nationally accredited by the Council on Accreditation of Peer Recovery Support Services; and

WHEREAS, John Shinholser has seen the McShin Foundation grow into an organization operating with upwards of 25 employees managing a number of jail peer recovery programs, 16 residential recovery homes, and other full-time programming; and

WHEREAS, John Shinholser's jail peer recovery programs were among the first in the Commonwealth and today are regarded as models for other programs both in Virginia and nationwide; and

WHEREAS, John Shinholser has become a prominent advocate for recovery services, serving as president of the Central Virginia affiliate of Substance Abuse and Addiction Recovery Alliance (SAARA), as a former board member of SAARA of Virginia, and as chairman of the board of Rubicon, Inc.; and

WHEREAS, outside of his work with the McShin Foundation, John Shinholser owned and managed a successful contracting business for more than 30 years and contributed to his industry locally by serving as president of the Richmond chapter of the Painting and Decorating Contractors Association; and

WHEREAS, John Shinholser's unwavering dedication to supporting and mentoring individuals in or seeking recovery has saved lives and brightened countless futures, leaving an indelible impact on the Richmond community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend John Shinholser on the occasion of his retirement from the McShin Foundation; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to John Shinholser as an expression of the General Assembly's admiration for his legacy of service and best wishes in his future endeavors.

HOUSE JOINT RESOLUTION NO. 293

Commending The Shepherd's Center of Richmond.

Agreed to by the House of Delegates, March 4, 2024
Agreed to by the Senate, March 6, 2024

WHEREAS, The Shepherd's Center of Richmond, a nondenominational, nonprofit organization committed to helping older individuals maintain active, independent, and engaged lives, celebrates its 40th anniversary in 2024; and

WHEREAS, in 1984, the Reverend Robert Seiler, veteran bomber pilot of B-24s in World War II, visionary Episcopal priest, and the founder of The Shepherd's Center of Richmond, noted a lack of opportunities and services for the ever-growing population of senior citizens in the Richmond area; and

WHEREAS, inspired by The Shepherd's Center of America, Robert Seiler and an advisory committee of local university administrators and business leaders created a nonprofit organization, The Shepherd's Center of Richmond, to pursue the aim of providing intellectual stimulation for older citizens, offering services to help them remain in their homes, and enabling opportunities for them to volunteer in the community; and

WHEREAS, The Shepherd's Center of Richmond's pilot program was funded by individuals, corporations, congregations, and foundations, while churches in the Fan District of Richmond provided space for classes and an office; and

WHEREAS, The Shepherd's Center of Richmond has since provided for the past 40 years rich and varied lifelong learning opportunities through its Open University, which today offers approximately 25 classes across various disciplines taught by local college professors and professionals in the community, representing more than 1,000 volunteer hours annually; and

WHEREAS, for 40 years, The Shepherd's Center of Richmond has offered personal services to qualified older citizens, with the goal of helping them stay in their homes as long as possible, including transportation to medical appointments and to the grocery store and assistance with handyman tasks; and

WHEREAS, The Shepherd's Center of Richmond regularly hosts events to enrich the health of older adults, including exercise and yoga classes, blood pressure screenings, and lectures on health topics and aging; and

WHEREAS, the accomplishments of The Shepherd's Center of Richmond are the result of the tireless efforts of one full-time executive director and three part-time staff and the overwhelming generosity of its many volunteers; and

WHEREAS, the spirit and vision of founder Robert Seiler are still alive today as The Shepherd's Center of Richmond carries out its mission of encouraging older adults to remain active and independent through enrichment programs and volunteer service to their peers; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend The Shepherd's Center of Richmond on the occasion of its 40th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to The Shepherd's Center of Richmond as an expression of the General Assembly's admiration for the organization's history and its contributions to Richmond and the Commonwealth.

HOUSE JOINT RESOLUTION NO. 294

Commending Dementi Studio.

Agreed to by the House of Delegates, March 4, 2024
Agreed to by the Senate, March 6, 2024

WHEREAS, Dementi Studio, a photography studio in Richmond offering a range of services, including portraiture, business headshots, school photos, engagement and bridal portraits, commercial and event photography, drone photography, and photograph and print restoration, celebrates 100 years of service to its customers in 2024; and

WHEREAS, Anthony "Tony" L. Dementi, the founder of Dementi Studio, started his career working at W. W. Foster Studio, which was established in 1881 and located across from the Virginia State Capitol, focusing in his early years on commercial photography in addition to covering events for the Richmond News Leader; and

WHEREAS, Tony Dementi helped pioneer the use of self-contained flash bulbs, an innovation that transformed the photographic industry, by testing some of the first flash bulbs when capturing an event at the John Marshall Hotel in Richmond in 1928; and

WHEREAS, Tony Dementi trained and worked alongside his brother Frank Dementi and then his son Robert "Bob" Dementi, who went on to earn a master's degree in photography from the Professional Photographers of America, to be

elected to become a member of the Royal Photographic Society of Great Britain, and to serve as the president of the Virginia Professional Photographers Association; and

WHEREAS, Bob Dementi, who was recognized repeatedly over the course of his career for the quality of his portraiture, expanded Dementi Studio by acquiring Foster Studio of Richmond in 1972, uniting two of the city's historic photography firms; and

WHEREAS, Dementi Studio donated an extensive glass plate negative collection to what is now the Virginia Museum of History and Culture and other negatives of local interest to the Valentine Museum; and

WHEREAS, upon Tony Dementi's retirement, Bob Dementi and his wife, Elisabeth "Betty" Dementi, continued operating Dementi Studio and were later joined by their son Anthony "Rob" Dementi after he graduated from Washington and Lee University; and

WHEREAS, after Bob Dementi's passing in 1988, Betty and Rob Dementi assumed leadership of Dementi Studio, continuing the family tradition while initiating a transition to digital photography; and

WHEREAS, after Rob Dementi established another photography business in Salem, Betty Dementi carried on the business of Dementi Studio and was joined for several years by Wayne Dementi, Frank Dementi's son; and

WHEREAS, Dementi Studio has continued to operate since 2010 under the ownership of a member of the third generation of the Dementi family, Bob and Betty Dementi's daughter, Margit Dementi Rankin, with able leadership from David Miller, who joined the staff in 2005 and who in 2010 became principal photographer and studio director; and

WHEREAS, over its century-long history, Dementi Studio has employed over 150 artists and photographic technicians, many of whom established their own practices; meanwhile, the studio has both pioneered new technologies and continued to adapt to the latest technologies as the field has changed radically from glass plates to digital photography; and

WHEREAS, the Dementi family and Dementi Studio staff have always maintained a profound sense of the historic importance of documenting the people, history, and significant events of the region, including portraits of members of the General Assembly and governors of the Commonwealth; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Dementi Studio, a photography business in Richmond, on the occasion of its 100th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Dementi Studio as an expression of the General Assembly's admiration for the company's longevity and high-quality services.

HOUSE JOINT RESOLUTION NO. 295

Celebrating the life of Agnes Wilder Nicholson.

Agreed to by the House of Delegates, March 4, 2024
Agreed to by the Senate, March 6, 2024

WHEREAS, Agnes Wilder Nicholson, an esteemed education professional and a beloved wife, mother, grandmother, and member of the Richmond community, died on May 13, 2023; and

WHEREAS, after graduating from Armstrong High School in Richmond in 1941, Agnes Nicholson embarked upon a career contributing to the education of young people as an administrative secretary with Richmond Public Schools; and

WHEREAS, Agnes Nicholson later held positions at the former Randolph Middle School and Maymont Elementary School, both in Richmond, where she contributed greatly to the success of her students until her retirement in 1988; and

WHEREAS, Agnes Nicholson's devotion to her community was evident through her active involvement with many local organizations, including the Maymont Civic League and the Richmond chapter of the National Epicureans, Inc.; and

WHEREAS, guided by her deep and abiding faith, Agnes Nicholson was a lifelong member of First African Baptist Church in Richmond, where she enjoyed worship and fellowship with her community and served on the church's historical commission; and

WHEREAS, preceded in death by her loving husband, Charles, Sr., Agnes Nicholson will be fondly remembered and dearly missed by her children, Charles, Jr., and Tracy, and their families and by numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Agnes Wilder Nicholson, a treasured member of the Richmond community whose kindness and generosity touched countless lives; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Agnes Wilder Nicholson as an expression of the General Assembly's respect for her memory.

HOUSE JOINT RESOLUTION NO. 296

Commending the Virginia Commonwealth University Massey Comprehensive Cancer Center.

Agreed to by the House of Delegates, March 4, 2024
Agreed to by the Senate, March 6, 2024

WHEREAS, for 50 years, the Virginia Commonwealth University Massey Comprehensive Cancer Center has worked toward a future without cancer through innovative research, patient care, education, and community engagement; and

WHEREAS, founded in 1974, the Virginia Commonwealth University Massey Comprehensive Cancer Center (Massey) was among the earliest cancer centers designated by the National Cancer Institute (NCI); and

WHEREAS, Massey's mission is to reduce the cancer burden for all Virginians by addressing the confluence between biological, social, and policy drivers through high-impact, cutting-edge research; person-centered care across the continuum, from prevention through survivorship; community integration; and training the next generation of community-centric researchers and health care professionals; and

WHEREAS, Massey's vision is to be a premier community-focused cancer center leading the nation in cancer health equity research and ensuring optimal health outcomes for all; and

WHEREAS, Massey is discovering, developing, delivering, and teaching effective means to prevent, detect, treat, and cure cancer and is dedicated to making these advancements equally available to all; and

WHEREAS, Massey conducts cancer research spanning basic, translational, clinical, and population sciences; offers state-of-the-art cancer therapies and clinical trials, including a network that brings trials to communities statewide; provides oncology education, teaching, and training; and promotes cancer prevention; and

WHEREAS, Massey has been designated a Comprehensive Cancer Center by the NCI, the nation's principal authority on cancer research and training, and Massey's receipt of the highest level of recognition from the NCI places it among an elite group of cancer centers influencing a new standard of care through research, education, and community engagement; and

WHEREAS, Massey is now among the top four percent of cancer centers in the country, leading a new generation of community-centered cancer centers across the nation to establish a 21st-century model of equity for cancer research and care; and

WHEREAS, NCI-designated Comprehensive Cancer Centers must conduct transdisciplinary research that bridges three scientific areas, show that they are effective in addressing cancer concerns in their catchment area through effective community outreach and engagement, and integrate cancer training and education of biomedical scientists and community health care professionals; and

WHEREAS, with Massey's new comprehensive status, those living in its catchment area are promised even greater access to life-saving cancer screenings and clinical trials, as well as leading-edge treatments, more resources for critical education about cancer risk and prevention, and care informed by the top scientific minds brought to Massey through recruitment and its training of the next generation of physician-scientists; and

WHEREAS, members of the community inform and partner with Massey on its research to best address the cancer burden and disparities of those the cancer center serves, with a local focus and a global impact; and

WHEREAS, Massey will commemorate its 50th anniversary with special events throughout 2024; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the Virginia Commonwealth University Massey Comprehensive Cancer Center hereby be commended for attaining a National Cancer Institute Comprehensive Cancer Center designation and on the occasion of its 50th anniversary as a cancer center; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Dr. Robert Winn, director of the Virginia Commonwealth University Massey Comprehensive Cancer Center, as an expression of the General Assembly's admiration for the center's significant contributions to cancer research, treatment, care, and education and outreach in the Commonwealth and beyond.

HOUSE JOINT RESOLUTION NO. 297

Commending Joseph F. Damico.

Agreed to by the House of Delegates, March 4, 2024
Agreed to by the Senate, March 6, 2024

WHEREAS, Joseph F. Damico, a devoted and effective public servant, retired as the director of the Department of General Services on January 1, 2024; and

WHEREAS, Joe Damico served the Commonwealth for nearly 30 years, first with the Department of Behavioral Health and Developmental Services, then as deputy director of the Department of General Services for 16 years; and

WHEREAS, Governor Ralph Northam appointed Joe Damico as director of the Department of General Services (DGS) in 2018 and he was reappointed by Governor Glenn Youngkin in 2022; and

WHEREAS, as director of DGS, Joe Damico managed more than 700 authorized employees and oversaw an annual budget of approximately $270 million, with an additional approximately $500 million in capital outlay projects; and

WHEREAS, Joe Damico successfully balanced the agency's wide scope of diverse, statewide responsibilities, including management of Virginia's public health and environmental laboratory, procurement of non-technology goods and services, capital outlay management, construction management, and real estate; management and maintenance of Capitol Square grounds and buildings, fleet management, the state and federal surplus property programs, and mail delivery at the seat of state government; and

WHEREAS, Joe Damico oversaw the transformation of Capitol Square, including construction of the new General Assembly Building, repairs to the Virginia State Capitol, enhancements to the grounds around the capitol building, renovation of Reid's Row, and renovation of Old City Hall, a National Historic Landmark; and

WHEREAS, Joe Damico guided the transformation of state procurement from a paper process to an electronic process, using the nationally acclaimed e-procurement platform, eVA, as well as overseeing the transition to a new electronic platform in 2022; and

WHEREAS, among other accomplishments while at DGS, Joe Damico helped manage centralization of real estate operations for the Commonwealth, the establishment of a transparent and formal statewide capital outlay budgeting and execution process, the implementation of a public-private partnership to enhance fleet vehicle maintenance for state government drivers, and the expansion of critical testing services at the Division of Consolidated Laboratory Services, including 365-day-a-year testing for potentially deadly disorders in newborns and the rise of the lab's prominence in the field of genomics; and

WHEREAS, Joe Damico previously served his country in the military for nearly 10 years on both active duty and in the reserves, achieving the rank of captain; while stationed in Nuremburg, Germany with the United States Army Medical Service Corps, he prepared a medical hold facility to accept wounded troops during the first Gulf War; and

WHEREAS, Joe Damico was born in Virginia and holds a bachelor's degree in mathematics and computer science from Longwood University, a master of public administration degree from Virginia Commonwealth University (VCU), and a master's degree in health administration from the VCU School of Medicine; he is also a graduate of the Virginia Executive Institute; and

WHEREAS, Joe Damico served on the board and as vice president of the National Association of State Chief Administrators (NASCA) and is a recipient of the prestigious 2021 Ray Walton Leadership Award, bestowed by NASCA to recognize outstanding leadership and commitment to state government operations; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Joseph F. Damico on the occasion of his retirement as director of the Department of General Services; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Joseph F. Damico as an expression of the General Assembly's admiration and gratitude for his loyal and committed service to the Commonwealth and best wishes for a happy retirement.

HOUSE JOINT RESOLUTION NO. 298

Commending the Tuckahoe Volunteer Rescue Squad.

Agreed to by the House of Delegates, February 29, 2024
Agreed to by the Senate, March 6, 2024

WHEREAS, for more than 70 years, the Tuckahoe Volunteer Rescue Squad has provided emergency medical services, 24 hours a day, seven days a week to residents of Henrico County and Richmond; and

WHEREAS, Tuckahoe Volunteer Rescue Squad was established on December 7, 1953, and originally operated out of the garage at Epiphany Lutheran Church near the intersection of Horsepen Road and Monument Avenue; and

WHEREAS, in its first year of operation, the 42 members of the Tuckahoe Volunteer Rescue Squad responded to more than 300 calls for service with only one ambulance; and

WHEREAS, to better serve the community, the Tuckahoe Volunteer Rescue Squad moved further down Horsepen Road and operated out of two trailers, one for dispatch and one for crews, until work on a new station was completed in 1956; and

WHEREAS, as the community continued to grow, the Tuckahoe Volunteer Rescue Squad added more vehicles to its fleet and began receiving regular calls for specialized rescue operations like water rescues, aircraft emergencies, construction site accidents, and other situations where specialized equipment was required; and

WHEREAS, the Tuckahoe Volunteer Rescue Squad adapted to meet these and other needs, ensuring its crews had the best tools and training to respond to any emergency situation; the squad began offering an emergency medical technician training course in 1972 and helped Richmond and Henrico County become some of the first localities in the Commonwealth to adopt the emergency 911 system in 1977; and

WHEREAS, in the 1980s, the Tuckahoe Volunteer Rescue Squad began admitting women as emergency medical technicians and adopted new technology like its first computer aided dispatch system; the squad also received a donated plot of land on which it constructed its second station on Pump Road in Short Pump; and

WHEREAS, in 2023, the 120 highly trained and certified volunteer members of the Tuckahoe Volunteer Rescue Squad answered more than 4,000 calls for service; and

WHEREAS, the Tuckahoe Volunteer Rescue Squad has always been staffed entirely by volunteers; this includes staffing on all holidays, through major storms and weather events, and during the COVID-19 pandemic; and

WHEREAS, the Tuckahoe Volunteer Rescue Squad regularly provides extra units as requested by Henrico County for special standby duties, such as line of duty death services or coverage of stations, sporting events, and other large functions; and

WHEREAS, countless members of the Tuckahoe Volunteer Rescue Squad have gone on to pursue careers in the health care profession, including as doctors, nurse practitioners, physician assistants, and nurses; members have worked for state and federal entities and have been appointed to state and federal committees, all in the quest to guarantee quality medical services; and

WHEREAS, the Tuckahoe Volunteer Rescue Squad has never billed a patient or their insurance company and still continues to provide all services free of charge, with operations funded by donations from local residents and community partners; the squad also sponsors a four-month emergency medical technician course for its members; and

WHEREAS, the Tuckahoe Volunteer Rescue Squad works closely with local fire departments to provide efficient and effective service and recently entered into an agreement enabling the Henrico County Fire Department to use the squad's Pump Road station and one of its ambulances for their medical transport truck on a daily basis; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Tuckahoe Volunteer Rescue Squad on the occasion of its 70th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Tuckahoe Volunteer Rescue Squad as an expression of the General Assembly's admiration for the squad's legacy of service to the residents of Henrico County.

HOUSE JOINT RESOLUTION NO. 299

Commending Britepaths, Inc.

Agreed to by the House of Delegates, March 4, 2024
Agreed to by the Senate, March 6, 2024

WHEREAS, for 40 years, Britepaths, Inc., has provided short-term safety net services to low-income families while offering the tools and support they need to achieve long-term financial stability and self-sufficiency; and

WHEREAS, Britepaths traces its origins to 1984, when it started as a homeless shelter that rotated between several local church congregations in Fairfax County, many of which still support the organization in its current form; and

WHEREAS, the shelter evolved to become a soup kitchen named Our Daily Bread, which was incorporated as an independent nonprofit organization in 1989; as the cost of housing began to rise sharply, the shelter refocused its mission on supporting low-income families who were not homeless, but were living paycheck to paycheck and potentially at risk of a financial crisis due to unforeseen circumstances; and

WHEREAS, Britepaths adopted its current name in 2016 to better reflect its vital mission and innovative programs; the organization provides emergency food and financial assistance, financial empowerment programs, workforce development, and support for students; and

WHEREAS, Britepaths strives to deliver its services with respect, compassion, and equity to ensure the dignity and self-esteem of its clients; the organization promotes client choice and offers grocery gift cards to allow families to choose food that meets their cultural and dietary needs; and

WHEREAS, among its many innovative programs, Britepaths is the only organization in Fairfax County to promote access to fresh produce by offering farmers market vouchers and one of the few organizations that provide assistance for car repairs; and

WHEREAS, Britepaths maintains a wide range of financial services, including classes and workshops, coaching and mentorship, matched savings and zero-interest loan opportunities, tax and legal consulting, career training, professional networking, and small business consulting; and

WHEREAS, in 2017, Britepaths was selected by the United Way of the National Capital Area and Fairfax County to manage the Financial Empowerment Center, augmenting its financial resilience capabilities, and in 2018, Britepaths was selected by Measure4Change, a collaboration between the Urban Institute and the World Bank Group, to develop data management and evaluation protocols; and

WHEREAS, during the COVID-19 pandemic, Britepaths worked with Fairfax County and the City of Fairfax to distribute direct assistance to 1,648 families and maintained the health and safety of its clients by establishing virtual programs; and

WHEREAS, in 2023, Britepaths partnered with Fairfax County, the United Way of the National Capital Area, and George Mason University to manage the Fairfax County Economic Mobility Pilot, a general income program that also delivers financial coaching and workforce development services; and

WHEREAS, among many awards and accolades, Britepaths was selected by the Northern Virginia Chamber of Commerce as the 2019 Non-Profit of the Year, and its executive director, Lisa Whetzel, earned an honorable mention in the Center for Nonprofit Advancement's EXCEL Award; and

WHEREAS, in 2023, Britepaths served a total of 8,000 individual clients and touched the lives of thousands more who were members of clients' households; and

WHEREAS, Britepaths has achieved success in its mission to break cycles of intergenerational poverty through the generosity of donors and partner organizations, the leadership and guidance of its dedicated staff members, and the hard work of hundreds of volunteers each year; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Britepaths, Inc., on the occasion of its 40th anniversary of outstanding service to residents of Fairfax County and the region; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Lisa Whetzel, executive director of Britepaths, Inc., as an expression of the General Assembly's admiration for the organization's achievements as a dedicated leader in developing sustainable solutions to meet the needs of low-income families.

HOUSE JOINT RESOLUTION NO. 300

Commending Troop 103 of the Boy Scouts of America.

Agreed to by the House of Delegates, March 4, 2024
Agreed to by the Senate, March 6, 2024

WHEREAS, for 100 years, Troop 103 of the Boy Scouts of America has facilitated opportunities for outdoor recreation and youth leadership development, while providing generous outreach to the Williamsburg community; and

WHEREAS, Troop 103 was established in March 1924, and has been in continuous operation since that time, training generations of boys to become men of high character who are active leaders in their communities and career fields; and

WHEREAS, in 1926, Troop 103 attended an event in Williamsburg commemorating the 150th anniversary of the Virginia Resolutions of 1776, and as part of the ceremony, President Calvin Coolidge presented the troop with an American flag and a troop flag; and

WHEREAS, Troop 103 carried its original troop flag for more than 40 years; the flag flew over local campouts and National Jamborees and was at the head of the troop's formation honoring Queen Elizabeth of England's visit to the region in 1957; over time, the flag gained six gold stars to honor former members who made the ultimate sacrifice in service to the nation during World War II and the Vietnam War; and

WHEREAS, Troop 103's original troop flag was retired in 1965 and encased in a frame that hangs in the Scout hallway in Williamsburg United Methodist Church, a reminder of the troop's history and heritage; and

WHEREAS, in its early years, Troop 103 held meetings in a Quonset hut on donated land which was sponsored by the Williamsburg Council of Churches and the Williamsburg Junior Chamber of Commerce; and

WHEREAS, in 1950, under the leadership of Scoutmaster Jimmy Fuller, Troop 103 moved to Williamsburg Methodist Church and was sponsored by the Williamsburg Jaycees until 1984, when it moved to Williamsburg United Methodist Church, which also became its new sponsor; and

WHEREAS, from 1980 to the present, Troop 103 has benefited from the able leadership of David L. Nunn, James C. Etchberger, David Coppinger, Doug Marty, and the current Scoutmaster Donald W. Reeves, Jr.; and

WHEREAS, since 2022, Troop 103 has been chartered by Veterans of Foreign Wars Post 4639, but continues to utilize space at Williamsburg United Methodist Church for meetings and activities; and

WHEREAS, over the course of its history, Troop 103 has offered an engaging Scouting program rooted in tradition; the troop conducts various outings, including local camping trips, high adventure trips, summer camps, conservation projects, and a range of community service projects that have enhanced the quality of life for Williamsburg residents; and

WHEREAS, as of January 2024, 296 members of Troop 103 have achieved the prestigious rank of Eagle Scout, the highest rank in Scouting, each of whom upheld the highest ideals of Scouting and completed an individual Eagle Scout service project of their own; and

WHEREAS, former members of Troop 103 have gone on to achieve great heights as good citizens and leaders in numerous career fields, touching countless lives through their commitment to excellence in all their endeavors; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Troop 103 of the Boy Scouts of America; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Troop 103 of the Boy Scouts of America as an expression of the General Assembly's admiration for the troop's storied history and legacy of service to the Williamsburg community.

HOUSE JOINT RESOLUTION NO. 301

Commending Kathleen White.

Agreed to by the House of Delegates, March 4, 2024
Agreed to by the Senate, March 6, 2024

WHEREAS, for two decades, Kathleen White has helped young people in Colonial Heights enhance their communications skills and prepare for higher education and careers while serving as a teacher and library media specialist at Colonial Heights High School; and

WHEREAS, Kathleen White holds bachelor's and master's degrees from Emporia State University and a certification from the National Board for Professional Teaching Standards; she began her career in 1994 in Iola, Kansas, where she taught high school English and supported students as a faculty sponsor for numerous extracurricular activities; and

WHEREAS, a military spouse, Kathleen White later worked as a library media specialist for Patton Junior High School, which is located on base at Fort Leavenworth, Kansas, from 1998 to 2004; while teaching on the historic post at Fort Leavenworth, she was instrumental in educating the sons and daughters of members of the United States Armed Forces, as well as the children of international allies; and

WHEREAS, during that time, Kathleen White also served as co-chair of the North Central Association of Colleges and Schools, a regional school accreditation organization; and

WHEREAS, Kathleen White joined Colonial Heights High School in 2004 after her husband was reassigned to what is now Fort Gregg-Adams and quickly became a leader in the school community; and

WHEREAS, Kathleen White became the first library media specialist to develop and teach an honors-level course that helps students leverage technology to enhance their verbal and written communications skills; and

WHEREAS, Kathleen White's innovative class, Power Research, also teaches students about the college admissions process and provides tools and assets to help students successfully apply to institutions of their choosing; and

WHEREAS, Kathleen White has gone above and beyond to ensure students receive the finest education, including by stepping in for an English teacher midway through an academic year; and

WHEREAS, Kathleen White was an advocate for the creation of a quiet lunch environment for students and led efforts to grant seniors the privilege of using the library as a lunchroom; and

WHEREAS, Kathleen White serves as an advisor to the Key Club, Innovators for Change Book Club, and co-chair of the Volunteer-A-Thon; she also oversees continuous efforts to maintain and beautify the courtyards adjoining the media center; and

WHEREAS, Kathleen White has earned the respect and admiration of her peers and school administrators, and she is frequently named by Colonial Heights High School students as the most influential educator in their lives; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Kathleen White for her legacy of achievements as an educator and library media specialist; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Kathleen White as an expression of the General Assembly's admiration for her contributions to the library sciences and loyal service to the students of Colonial Heights High School.

HOUSE JOINT RESOLUTION NO. 302

Commending the Virginia Polytechnic Institute and State University women's basketball team.

Agreed to by the House of Delegates, March 4, 2024
Agreed to by the Senate, March 6, 2024

WHEREAS, for the first time in program history, the Virginia Polytechnic Institute and State University women's basketball team advanced to the Final Four of the National Collegiate Athletic Association Division I Women's Basketball Tournament on March 31, 2023; and

WHEREAS, the starting line-up for the Virginia Polytechnic Institute and State University (Virginia Tech) Hokies—Georgia Amoore, Liz Kitley, Taylor Soule, Kayana Traylor, and Cayla King—each made a host of contributions throughout the regular season and the national tournament; and

WHEREAS, after winning their first ever Atlantic Coast Conference (ACC) title, the Virginia Tech Hokies entered the national tournament as a No. 1 seed and defeated talented teams from the University of Tennessee at Chattanooga, South Dakota State University, the University of Tennessee, and The Ohio State University; and

WHEREAS, in the first round matchup against Chattanooga, Georgia Amoore scored a game-high 22 points and set the single-season three-point record for the Virginia Tech Hokies; and

WHEREAS, Liz Kitley followed up with a record of her own in the second-round win against South Dakota State, registering a game-high five blocks to reach 261 overall and break the program's career blocks record previously held by Ieva Kublina; and

WHEREAS, in the Sweet 16 win over Tennessee, Liz Kitley also recorded her 2,000th career point in the third quarter to become only the fifth men's or women's Virginia Tech basketball player to reach that incredible milestone; and

WHEREAS, during the first four games of the tournament, junior guard Georgia Amoore led the Virginia Tech Hokies with an average of 24 points per game and 20 three-point shots; she ultimately set a new tournament record for three-pointers with 23; and

WHEREAS, in their Final Four matchup, held at American Airlines Arena in Dallas, Texas, the Virginia Tech Hokies faced the eventual champions, the Louisiana State University Tigers; and

WHEREAS, throughout her 2022-2023 season, Georgia Amoore became the first Virginia Tech women's basketball player to record a triple-double, set the single game record for assists, and the record for assists in ACC play; she was selected to the All-ACC First Team, the ACC Tournament First Team, and as the most valuable player of the ACC Tournament; and

WHEREAS, over the course of the season, Liz Kitley became Virginia Tech's all-time leader in points, field goals, blocks, and double-doubles, while also reaching 1,000 rebounds and 2,000 career points; she repeated as the ACC Player of the Year and was named to the All-ACC First Team for the third time in her college career; and

WHEREAS, a graduate student during the 2022-2023 season, Taylor Soule started in every game and was named to the All-ACC Second Team, the ACC Tournament Second Team, and the ACC All-Academic Team for the second time; she was drafted 28th overall by the Minnesota Lynx in the 2023 Women's National Basketball Association (WNBA) Draft; and

WHEREAS, Kayana Traylor finished the 2022-2023 season as a member of the ACC All-Academic Team and was drafted 23rd overall by the Chicago Sky in the 2023 WNBA Draft; and

WHEREAS, Cayla King also started in every game during the 2022-2023 season and was selected to the ACC All-Academic Team for the third consecutive year; a native of Greensboro, North Carolina, she proudly helped the Virginia Tech Hokies win the program's first ever conference title at the ACC Women's Tournament Championship, which took place in her hometown; and

WHEREAS, the successful season was a tribute to the skill and dedication of all the student-athletes, the leadership and guidance of coaches and staff, and the passionate support of friends, family members, faculty, and fans of the Virginia Tech Hokies throughout the Commonwealth and across the nation; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Virginia Polytechnic Institute and State University women's basketball team for advancing to the Final Four of the National Collegiate Athletic Association Division I Women's Basketball Tournament in 2023; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Kenny Brooks, head coach of the Virginia Polytechnic Institute and State University women's basketball team, as an expression of the General Assembly's admiration for the team's historic achievements.

HOUSE JOINT RESOLUTION NO. 303

Celebrating the life of Nancy Soaper Hayden.

Agreed to by the House of Delegates, March 4, 2024
Agreed to by the Senate, March 6, 2024

WHEREAS, Nancy Soaper Hayden of Bowling Green, a beloved wife and mother, retired educator, and active member of her community, died on February 16, 2024; and

WHEREAS, Nancy Hayden enjoyed a long and fulfilling career with Spotsylvania County Public Schools and was well-known in the Massaponax area for her commitment to service; and

WHEREAS, during her 26-year tenure with Spotsylvania County Public Schools, she worked as a sign language interpreter and supported children with developmental disabilities and behavioral or mental health issues through the REACH Program; and

WHEREAS, Nancy Hayden will be fondly remembered and greatly missed by her husband, Darrell; her children, Christopher, Adrienne, and Amanda, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Nancy Soaper Hayden; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Nancy Soaper Hayden as an expression of the General Assembly's respect for her memory.

HOUSE JOINT RESOLUTION NO. 304

Celebrating the life of William Louis Lee.

Agreed to by the House of Delegates, March 4, 2024
Agreed to by the Senate, March 6, 2024

WHEREAS, William Louis Lee, an active and engaged member of the Lancaster County community, esteemed faith leader, and beloved husband and father, died on February 27, 2023; and

WHEREAS, Louis Lee worked as a truck driver early in his career with Rappahannock Motor Lines and Wilson Trucking Corporation, rising to the position of assistant manager for a distribution center in White Stone; and

WHEREAS, after suffering a disability from an accident at work, Louis Lee retired and shifted his focus to serving the communities of the Northern Neck and Middle Peninsula with the organization Bay Aging, Inc., which he served for more than 20 years; and

WHEREAS, through his tireless efforts with Bay Aging, Louis Lee helped secure housing for more than 600 families, contributing greatly to the quality of life in the Northern Neck and Middle Peninsula region; and

WHEREAS, Louis Lee served his community as a member of the Lancaster County Board of Zoning and Appeals beginning in 1993 and as its chair since 2000 and was a member of the Lancaster County Electoral Board for 30 years; and

WHEREAS, Louis Lee was a devoted trustee of the Northern Neck Baptist Association from 2021–2023, member of the Lancaster/Northumberland Interfaith Service Council, and District Deputy Grandmaster of Northern Neck for the Ancient Free and Accepted Masons, having maintained membership with Palestine Lodge #100 for 49 years; and

WHEREAS, guided throughout his life by his faith, Louis Lee enjoyed worship and fellowship with his community at Beulah Baptist Church in Lively, where he served as a deacon and trustee for more than 30 years and inspired many as a bassist and singer with the church's Gospel Quartets; and

WHEREAS, preceded in death by his son, David, Louis Lee will be fondly remembered and dearly missed by his loving wife of 58 years, Shirley; his children, William, Daniel, and Michael; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of William Louis Lee, a cherished member of the Lancaster County community who was a source of joy and inspiration to all who knew him; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of William Louis Lee as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 305

Commending the Lionsbridge Football Club.

Agreed to by the House of Delegates, March 6, 2024
Agreed to by the Senate, March 8, 2024

WHEREAS, the Lionsbridge Football Club launched in 2017 on the Virginia Peninsula as a community-driven soccer team with a mission to deliver affordable family entertainment and to serve the communities of Newport News, Hampton, York County, Poquoson, Williamsburg, and James City County; and

WHEREAS, the Lionsbridge Football Club has since expanded activities and partnerships to serve the communities of Suffolk, Portsmouth, Smithfield, Isle of Wight, Chesapeake, and Gloucester; and

WHEREAS, the Lionsbridge Football Club competes in USL League Two, the top pre-professional soccer league in North America, consisting of more than 120 teams across the United States and Canada; and

WHEREAS, the Lionsbridge Football Club has become incredibly popular since its founding and boasts one of the most loyal fan bases anywhere in the country, averaging nearly 2,000 fans per game at the beautiful TowneBank Stadium on the campus of Christopher Newport University; and

WHEREAS, the Lionsbridge Football Club has finished in the top four of USL League Two teams nationally in attendance every season since its inception, and the club will welcome its 100,000th fan during the 2024 season; and

WHEREAS, the Lionsbridge Football Club features some of the best collegiate soccer players in America, with 19 of its former players moving on to the professional ranks both in the United States and around the world; and

WHEREAS, the Lionsbridge Football Club partners with a different nonprofit organization at every single home game, raising money and awareness for more than 50 charitable organizations thus far through an on-field recognition at halftime; and

WHEREAS, the Lionsbridge Football Club serves more than 1,000 youth each year through its summer camps, Lionsbridge Soccer School, and free soccer clinics in partnership with Food Lion, Riverside Health System, and Chick-fil-A of the Peninsula; and

WHEREAS, the Lionsbridge Football Club offers hands-on experience for college students to kick off their careers in sports business, with several interns going on to work professionally in the sports industry with high-profile organizations such as the Washington Commanders, Boston Red Sox, Milwaukee Bucks, and more; and

WHEREAS, the Lionsbridge Football Club is supported by an army of volunteers and host families that create a tight-knit bond between the club and its community; and

WHEREAS, the Lionsbridge Football Club was the 2023 USL League Two national runner-up out of 122 teams, representing the Virginia Peninsula and the Commonwealth at the national championship game in Seattle; and

WHEREAS, the Lionsbridge Football Club won the USL League Two Chesapeake Division in 2022 and 2023 and competed in the 2023 Lamar Hunt U.S. Open Cup, the oldest and most prestigious soccer tournament in the United States; and

WHEREAS, the Lionsbridge Football Club hosted the USL League Two playoffs each of the last three summers on the Virginia Peninsula, bringing in valuable sports tourism that made an economic impact while uniting the citizens of the Virginia Peninsula community together behind a truly local team and one common goal; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Lionsbridge Football Club for its accomplishments and service to the Virginia Peninsula community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Lionsbridge Football Club as an expression of the General Assembly's admiration for the team's contributions to the Commonwealth.

HOUSE JOINT RESOLUTION NO. 306

Commending the Tazewell High School Class of 1973.

Agreed to by the House of Delegates, March 4, 2024
Agreed to by the Senate, March 6, 2024

WHEREAS, the members of the Tazewell High School Class of 1973 celebrated their 50th high school graduation anniversary on September 9, 2023, marking a significant milestone in their lives and demonstrating their enduring bonds of friendship and camaraderie; and

WHEREAS, the motto of the Tazewell High School Class of 1973, "Today we follow, tomorrow we lead," embodies their commitment to leadership and excellence; and

WHEREAS, the members of the Tazewell High School Class of 1973 have excelled in numerous fields and endeavors in Tazewell County, throughout the Commonwealth, and beyond, making substantial contributions to their communities; and

WHEREAS, recognizing the importance of preserving their legacy, the members of the Tazewell High School Class of 1973 embarked on the commendable initiative of producing a documentary and a 250-page book to chronicle their journey and contributions over the past five decades, which archives the varied achievements, outlooks, and memories of the class; and

WHEREAS, the Tazewell High School Class of 1973 compiled 25 hours of video interviews of members of the class as part of the documentary and publication project, which serves as a testament to the resilience, success, and enduring spirit of the Tazewell High School Class of 1973, as well as a record of their positions of leadership and their numerous prestigious accolades and awards within the Commonwealth and beyond; and

WHEREAS, the 50th anniversary of the Tazewell High School Class of 1973, Tazewell High School's centennial class, offers an opportunity to reflect on the school's legacy during the school's 150th year, as well as the accomplishments of many of the members of the class; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Tazewell High School Class of 1973 on the occasion of its 50th anniversary for its members' dedication to preserving their history and inspiring future generations; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Tazewell High School Class of 1973 as an expression of the General Assembly's admiration for the class's contributions to the Commonwealth.

HOUSE JOINT RESOLUTION NO. 307

Celebrating the life of Carroll Lane Phillippe, Jr.

Agreed to by the House of Delegates, March 4, 2024
Agreed to by the Senate, March 6, 2024

WHEREAS, Carroll Lane Phillippe, Jr., of Nokesville, who served the community as a longtime member of the Fauquier County Sheriff's Office, died on December 14, 2023; and

WHEREAS, Lane Phillippe was born in Richmond and grew up in Spotsylvania County, where he graduated from Spotsylvania High School and played drums in the school band; and

WHEREAS, Lane Phillippe developed a passion for community service at a young age and joined the Spotsylvania Rescue Squad as a volunteer; and

WHEREAS, Lane Phillippe pursued a career in public safety and served members of the public with the Fauquier County Sheriff's Office for 27 years; and

WHEREAS, Lane Phillippe rose to the rank of master deputy sheriff and worked as an animal control officer and a courtroom security officer; and

WHEREAS, Lane Phillippe inspired others through his kindness and generosity, and he and his wife, Tammy, rescued and cared for several dogs over the years; and

WHEREAS, Lane Phillippe also brought joy to family, friends, and community members every Christmas through his impressive holiday decorations, including detailed Christmas villages inside and dazzling lights and displays outside; and

WHEREAS, Lane Phillippe will be fondly remembered and greatly missed by his wife, Tammy; his son, Christopher; his stepdaughter, Kimmie; his mother, Vicky; his father and stepmother, Buddy and Lynn; his sister, Kimberly, and her family; his grandmother, Dorothy; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Carroll Lane Phillippe, Jr., a respected law-enforcement officer in Fauquier County; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Carroll Lane Phillippe, Jr., as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 308

Celebrating the life of Anthony Stewart Viventi.

Agreed to by the House of Delegates, March 4, 2024
Agreed to by the Senate, March 6, 2024

WHEREAS, Anthony Stewart Viventi of Fredericksburg, a patriotic veteran and a hardworking federal employee, died on February 5, 2024; and

WHEREAS, a native of Henderson County, Kentucky, Anthony "Tony" Stewart Viventi served the nation for 26 years as a member of the United States Air Force and earned respect for his unwavering dedication to duty; and

WHEREAS, after his honorable military service, Tony Viventi joined the U.S. Department of Justice and worked as a logistics management specialist in Quantico; and

WHEREAS, Tony Viventi brought joy into the lives of others through his kindness, generosity, and inspirational devotion to his family, community, and country; and

WHEREAS, Tony Viventi will be fondly remembered and greatly missed by his wife, Cristina; his children, Bethany and Matthew; his stepchildren, Garrett and Sydney; his parents, Tresia and Dean; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Anthony Stewart Viventi, a respected member of the Fredericksburg community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Anthony Stewart Viventi as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 309

Celebrating the life of the Honorable David A. Melesco.

Agreed to by the House of Delegates, March 4, 2024
Agreed to by the Senate, March 6, 2024

WHEREAS, the Honorable David A. Melesco, a distinguished attorney and judge, esteemed public servant, and active and beloved member of the Franklin County community, died on September 26, 2023; and

WHEREAS, after graduating from San Lorenzo High School in 1963, David Melesco attended Weber State University, where he played football, and then earned a bachelor's degree from The George Washington University in 1967 and a juris doctor degree from the University of Virginia three years later; and

WHEREAS, David Melesco practiced law in Rocky Mount for 25 years, working tirelessly to secure favorable outcomes for his clients; and

WHEREAS, David Melesco was appointed in 1994 to serve as a juvenile and domestic relations district court judge for the 22nd Judicial District, taking great care to ensure the safety and well-being of children and families in Danville and Pittsylvania and Franklin Counties; and

WHEREAS, in 2005, David Melesco was appointed to serve on the circuit court bench for the 22nd Judicial District, judging civil and criminal cases with exceptional probity and fairness up to his retirement from the judgeship in 2012; and

WHEREAS, David Melesco faithfully served the citizens of Franklin County as a member of the Franklin County Board of Supervisors, striving indefatigably to make the locality a wonderful place to live, work, and raise a family; and

WHEREAS, beyond his work as a judge and public servant, David Melesco gave generously of his time to his community and the Commonwealth as a youth soccer and basketball coach, a member of a statewide committee to prevent domestic violence, and a member of the Virginia State Bar's disciplinary board; and

WHEREAS, David Melesco supported institutions of higher education in the Commonwealth through his service on the Board of Visitors at James Madison University and the University of Virginia athletic board; and

WHEREAS, guided and inspired throughout his life by his faith, David Melesco enjoyed worship and fellowship with his community at Trinity Episcopal Church in Rocky Mount for many years; and

WHEREAS, David Melesco will be fondly remembered and dearly missed by his loving wife of 36 years, Ceceilia; his children, Todd, Cameron, Clark, Alex, and John, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of the Honorable David A. Melesco, a treasured member of the Franklin County community whose legacy of service was an inspiration to all who knew him; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of the Honorable David A. Melesco as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 310

Commending Lieutenant Colonel Richard C. Oertel, USA, Ret.

Agreed to by the House of Delegates, March 4, 2024
Agreed to by the Senate, March 6, 2024

WHEREAS, Lieutenant Colonel Richard C. Oertel, USA, Ret., ably served and supported active duty service members, veterans, and military families throughout the Commonwealth as commander of the American Legion Department of Virginia; and

WHEREAS, Richard "Rick" C. Oertel began his military career with the 25th Infantry Division in Hawaii after graduating from the United States Military Academy at West Point; he later served in Australia, Korea, and other posts across the United States, earning numerous awards and decorations for his exemplary service; and

WHEREAS, Rick Oertel continued his education by earning a master's degree from the University of Southern California, then graduated from what is now known as the Joint Forces Staff College; he also served as an assistant professor of military science and adjutant at the Massachusetts Institute of Technology; and

WHEREAS, Rick Oertel retired from the United States Army in 1994 as the deputy director and senior military analyst at The Research and Analysis Center at what is now Fort Gregg-Adams; he subsequently worked for the U.S. Department of Taxation and provided his leadership and expertise to several banks; and

WHEREAS, desirous to be of further service to the Commonwealth, Rick Oertel served as a legislative aide to the Honorable M. Kirkland Cox, former speaker of the Virginia House of Delegates, and was a founding member of American Veterans Vote; and

WHEREAS, Rick Oertel supported and advocated for his fellow veterans as a longtime member and the former adjutant for American Legion Post 284 in Colonial Heights and as the district commander of the American Legion Department of Virginia's 11th District, for which he earned the prestigious 2011–2012 Virginia District Commander of the Year award; and

WHEREAS, through his work with the American Legion, Rick Oertel implemented an email service to keep members informed and organized, conducted Memorial Day and Labor Day ceremonies, created a mailing list for distribution of the post's newsletter, helped plan Post 284 and the 11th District's "Legion Day on the Hill," and participated in a number of community service projects; and

WHEREAS, Rick Oertel also devoted considerable time and energy to helping members and other veterans with receiving benefits, awards, and medals; he served as an instructor at the American Legion National College and as chair of the American Legion National Aerospace Committee; and

WHEREAS, Rick Oertel was elected as the vice commander for the American Legion Department of Virginia, earning the Vice Commander of the Year Award in 2018, and was elected as commander of the American Legion Department of Virginia for 2022-2023; and

WHEREAS, Rick Oertel continues to serve his fellow veterans as chair of the American Legion's National Legislative Council, which advocates for veterans at the national level by providing valuable resources and information to government officials, and he has inspired young people as the assistant director of the Virginia Boys State of the American Legion; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Lieutenant Colonel Richard C. Oertel, USA, Ret., for his outstanding service as commander of the American Legion Department of Virginia; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Lieutenant Colonel Richard C. Oertel, USA, Ret., as an expression of the General Assembly's admiration for his legacy of service to veterans throughout the Commonwealth.

HOUSE JOINT RESOLUTION NO. 311

Commending the Williamsburg Community Foundation.

Agreed to by the House of Delegates, March 4, 2024
Agreed to by the Senate, March 6, 2024

WHEREAS, for 25 years, the Williamsburg Community Foundation has enhanced the quality of life in the greater Williamsburg area by connecting people with worthy causes, managing charitable funds, and providing transformational grants and scholarships; and

WHEREAS, the Williamsburg Community Foundation is a public charity that invests and administers a pool of funds established by local businesses, organizations, and individuals to support a wide range of community needs; and

WHEREAS, originally known as the Greater Williamsburg Community Trust, the Williamsburg Community Foundation was established in 1999 and created the community endowment, its permanent grantmaking fund, with the proceeds from the 300th Anniversary Gala of the City of Williamsburg and a fundraising dinner; and

WHEREAS, the Williamsburg Community Foundation awarded its first grants in 2002, hired its first full-time staff members in 2004, and held its first grant awards ceremony in 2005; and

WHEREAS, in 2006, the Williamsburg Community Foundation launched the Chairman's Challenge, established by former chair John Jamison to invigorate giving to the community endowment; the organization adopted its current name the following year to better reflect its focus and mission; and

WHEREAS, the Williamsburg Community Foundation received its first-ever bequest, $1.2 million from the estate of Benjamin Altshuler, in 2008, which had a major impact on transportation enhancements and support for youth athletics in the region; and

WHEREAS, the Williamsburg Community Foundation surpassed 100 named funds in 2009 and subsequently created a Scholarship Endowment Fund through a merger with the Williamsburg-James City County Community Scholarship Fund; the organization later established a statewide scholarship fund after acquiring the Donald Perry Foundation, then held its first scholarship awards ceremony in 2013; and

WHEREAS, in 2015, the Williamsburg Community Foundation launched a five-year plan and created new endowment funds related to arts and culture, children and young adults, the environment and conservation, health and community wellness, and senior services; and

WHEREAS, during the COVID-19 pandemic, the Williamsburg Community Foundation developed the Community Emergency Response Fund and the Greater Williamsburg Small Business Relief Fund to address the unprecedented challenges of the global pandemic; and

WHEREAS, in 2021, the Williamsburg Community Foundation created the Ambassador Program to foster communication between current and former board and committee members to strategize and seek ways to better serve the community as a whole; and

WHEREAS, the Williamsburg Community Foundation hired a program officer to implement changes and program enhancements and began focusing on equity by supporting minority-led nonprofit organizations and providing scholarships to larger and more diverse groups of students; and

WHEREAS, over the course of its history, the Williamsburg Community Foundation has awarded grants and scholarships totaling more than $11.7 million to more than 123 nonprofit organizations and 1,000 students in Williamsburg, James City County, and York County; and

WHEREAS, the Williamsburg Community Foundation has fulfilled its mission through the hard work of its staff members, the guidance of its trustees, and the incredible generosity of businesses, partner organizations, and individuals and families, representing about 600 households per year; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Williamsburg Community Foundation; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Williamsburg Community Foundation as an expression of the General Assembly's admiration for its work to build a vibrant community where everyone has an opportunity to thrive.

HOUSE JOINT RESOLUTION NO. 312

Commending Linsey Chen Marr, Ph.D.

Agreed to by the House of Delegates, March 4, 2024
Agreed to by the Senate, March 6, 2024

WHEREAS, Linsey Chen Marr, Ph.D., an esteemed environmental engineer and the Charles P. Lunsford Professor in the Department of Civil and Environmental Engineering at Virginia Polytechnic Institute and State University, was named a MacArthur Fellow by the John D. and Catherine T. MacArthur Foundation in 2023; and

WHEREAS, Linsey Marr joined the faculty at Virginia Polytechnic Institute and State University after graduating summa cum laude with a bachelor's degree in engineering science from Harvard University, earning a doctorate in environmental engineering from the University of California at Berkeley, and completing postdoctoral training in earth, atmospheric, and planetary science at the Massachusetts Institute of Technology; and

WHEREAS, Linsey Marr's research interests incorporate atmospheric science, public health, nanomaterials, and infectious disease as her studies investigate indoor and outdoor air quality and the ways in which airborne pathogens move through the environment and affect human health; and

WHEREAS, by drawing from both research on traditional particulate pollutants and chemical and biological studies of pathogens, Linsey Marr has helped to uncover how time, atmospheric conditions, and particle size determine virus viability in aerosols, greatly enhancing our ability to combat airborne infectious diseases; and

WHEREAS, from determining how humidity levels shape influenza virus stability and infectiousness to highlighting how COVID-19 may be carried by small aerosol particles, Linsey Marr has made significant contributions to our understanding of how infectious diseases are spread, leading to improved public health strategies and outcomes; and

WHEREAS, in addition to publishing her research in preeminent academic journals such as *Science*, *Proceedings of the National Academy of Sciences*, *Clinical Infectious Diseases*, and *Environmental Science & Technology*, Linsey Marr has also made an impact by effectively communicating her ideas to policymakers around the globe; and

WHEREAS, the COVID-19 pandemic and the threat of future pandemics underscore the importance of Linsey Marr's work, as her efforts carry with them the potential to not only improve quality of life but to save lives around the world; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Linsey Chen Marr, Ph.D., a leading environmental engineer and the Charles P. Lunsford Professor in the Department of Civil and Environmental Engineering at Virginia Polytechnic Institute and State University, for being named a 2023 MacArthur Fellow; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Linsey Chen Marr, Ph.D., as an expression of the General Assembly's high regard for her contributions to science and to the health and well-being of our world.

HOUSE JOINT RESOLUTION NO. 313

Commending Alexandria City Public Schools' recipients of The Posse Foundation or QuestBridge scholarships.

Agreed to by the House of Delegates, March 4, 2024
Agreed to by the Senate, March 6, 2024

WHEREAS, in the 2023–2024 school year, The Posse Foundation and QuestBridge collectively awarded seven students in Alexandria City Public Schools four-year, full-ride college scholarships to partnering institutions of higher education; and

WHEREAS, The Posse Foundation presented full-ride scholarships to Chloe Yokitis, who will attend the University of Rochester, and Zahra Rahimi, Mohammed Rahman, and Krissia Rodriquez Rivera, all of whom will attend The College of William & Mary; and

WHEREAS, in addition to their scholarships, The Posse Foundation will also provide these students with comprehensive programmatic support over their next four years in college; and

WHEREAS, three other high school seniors in Alexandria City Public Schools were named QuestBridge Scholars and were awarded full-ride scholarships to some of the most prestigious institutions of higher education in the country; and

WHEREAS, Lucia Stakem will attend the University of Virginia, Zuha Hassen will attend Stanford University, and Sara Woube will attend Brown University; and

WHEREAS, in addition to their scholarships, QuestBridge scholarship recipients who attend its college and university partners are supported in their college years and beyond through on-campus chapters and nationwide opportunities offered through the QuestBridge Scholars Network and QuestBridge Alumni Association; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Alexandria City Public Schools' recipients of The Posse Foundation or QuestBridge scholarships for their hard work and dedication to their studies; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Alexandria City Public Schools' recipients of The Posse Foundation or QuestBridge scholarships as an expression of the General Assembly's heartfelt congratulations and best wishes in their future endeavors.

HOUSE JOINT RESOLUTION NO. 314

Commending The Arc of Greater Prince William/INSIGHT, Inc.

Agreed to by the House of Delegates, March 4, 2024
Agreed to by the Senate, March 6, 2024

WHEREAS, for 60 years, The Arc of Greater Prince William/INSIGHT, Inc., has advocated for the acceptance and inclusion of persons with developmental disabilities; and

WHEREAS, in 1963, Woodbridge resident Dorothy Bass-Tolberg placed an ad in a local newspaper seeking other families of children with developmental disabilities who were struggling to find educational support; and

WHEREAS, eight local families subsequently joined together in 1964 to establish a children's training center and to incorporate a chapter of the National Association for Retarded Children, which adopted its current name, The Arc, in 1992; and

WHEREAS, The Arc of Greater Prince William's center moved in 1967 to the former Bethel School, which was rededicated as the Muriel Humphrey School in honor of a United States senator's wife who advocated for children with developmental disabilities; and

WHEREAS, over the course of its 60-year history, The Arc of Greater Prince William greatly diversified its offerings and capabilities and now serves more than 2,700 individuals and their families a year through a wide range of programs and events; and

WHEREAS, The Arc of Greater Prince William continues to offer developmental childcare at the Muriel Humphrey Childcare Center in Dale City and the Robert Day Childcare Center in Old Town Manassas; and

WHEREAS, The Arc of Greater Prince William also serves adults through residential group homes with 24 hour support and, for those able to live semi-independently, provides a supported living program; and

WHEREAS, The Arc of Greater Prince William provides vocational training programs, several adult day programs for those adults requiring intensive support, and opportunities for socialization, volunteer work, and community service; and

WHEREAS, The Arc of Greater Prince William also offers recreational activities and transportation for individuals and provides educational resources, referral assistance, and other services to families and caregivers; and

WHEREAS, The Arc of Greater Prince William has succeeded in its mission to provide opportunities for individuals to achieve their greatest potential for growth and independence and to support their families and caregivers through the dedication of staff members, volunteers, and generous contributions; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend The Arc of Greater Prince William/INSIGHT, Inc., on the occasion of its 60th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to The Arc of Greater Prince William/INSIGHT, Inc., as an expression of the General Assembly's admiration for the organization's life-changing service to people with intellectual and developmental disabilities and their families.

HOUSE JOINT RESOLUTION NO. 315

Commending Barry Nelson.

Agreed to by the House of Delegates, March 4, 2024
Agreed to by the Senate, March 6, 2024

WHEREAS, Barry Nelson, of the Autos by Nelson automotive group in Martinsville, is the 2024 *Time Magazine* Quality Automobile Dealer of the Year nominee for Virginia; and

WHEREAS, Barry Nelson, whose career in the auto industry has spanned almost five decades, got his start in the auto industry when his father, G. R. Nelson, purchased a Ford dealership in Bassett; and

WHEREAS, Barry Nelson joined the family business full-time after high school graduation and worked every job in the dealership to learn the business from the ground up; and

WHEREAS, Autos by Nelson has grown to include eight new car franchises, as well as related businesses throughout Martinsville and Henry County; and

WHEREAS, Barry Nelson works with his children, Barry Lee Nelson, Jr., and Christina Vanness, to lead the family's business into its third generation; and

WHEREAS, an active and dedicated member of his community, Barry Nelson has supported a wide array of industry and community causes for many years; and

WHEREAS, Barry Nelson has been a leader in his community through his support for numerous worthy causes, including service on the boards of the Martinsville Chamber of Commerce, the Fellowship of Christian Athletes, and the Henry County Industrial Development Authority; and

WHEREAS, an avid baseball supporter, Barry Nelson served as a baseball coach for the American Legion Post 42 and Patrick Henry Community College, where he led efforts to establish the baseball team and build its baseball facilities, which are now used by the entire community of Martinsville and play host to the Martinsville Mustangs of the Coastal Plain League, a premiere summer collegiate baseball league; and

WHEREAS, Barry Nelson also provided his leadership and expertise to his industry as an active member of the Virginia Automobile Dealers Association; and

WHEREAS, Barry Nelson has served his customers and his community with a generous spirit and has been an example to other auto dealers in the region and around the Commonwealth; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Barry Nelson on his selection as the 2024 *Time Magazine* Quality Dealer of the Year nominee for Virginia; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Barry Nelson as an expression of the General Assembly's admiration for his achievements and best wishes.

HOUSE JOINT RESOLUTION NO. 316

Celebrating the life of John Kenner Marlow.

Agreed to by the House of Delegates, March 4, 2024
Agreed to by the Senate, March 6, 2024

WHEREAS, John Kenner Marlow, a longtime resident of Front Royal and a beloved husband, father, grandfather, uncle, and friend, died on February 4, 2023; and

WHEREAS, born on March 28, 1939, in Washington, D.C., John Marlow spent most of his 84 years as a proud resident of Shenandoah County, graduating from Warren County High School, where he played on Warren County's only undefeated and un-tied football team, held the high scoring record for the Warren County basketball team for decades, and was a district champion in the discus throw; and

WHEREAS, continuing his athletic career, John Marlow attended the University of Virginia (UVA) on a football scholarship, where he served as co-captain of the football team, lettered three times in track, and played basketball as a freshman; and

WHEREAS, an accomplished member of the UVA student body, John Marlow was the president of the V-Club, was a member of the Pi Kappa Alpha Fraternity and was a member of the Lawn Society; and

WHEREAS, John Marlow graduated from the UVA McIntyre School of Commerce before serving in the United States Army, where he achieved the rank of lieutenant; and

WHEREAS, John Marlow returned home to Front Royal and began an illustrious business career, which included home building and real estate development, as well as the growth of the Marlow Auto Group, beginning with its original dealership, Marlow Motor Company, which he purchased from his father and which remains a family legacy run by his daughter, Emily Marlow Beck; and

WHEREAS, an active and dedicated member of his community, John Marlow supported a wide array of business and community causes for many years; and

WHEREAS, John Marlow was a founding director of Peoples Bank of Front Royal, a director at Jefferson Bank, a director of First Bank and served as a director of the Museum of the Shenandoah Valley and as chair of the Board of Trustees at Shenandoah University; and

WHEREAS, John Marlow was the initial visionary and a founder of the Warren County Educational Endowment, which through the years has provided nearly a million dollars in grants for the benefit of Warren County students; and

WHEREAS, with the strong belief that he lived in the most beautiful area in the country, John Marlow was driven by duty to serve his community; and

WHEREAS, after a run for lieutenant governor of Virginia, John Marlow decided he could have the greatest impact in local office where he could always do what he felt was right, free from the pressures of the larger political arena; and

WHEREAS, in 1968, John Marlow was elected to the Warren County Board of Supervisors, where he served for 14 years as one of the first Republicans elected to office in Warren County since the Reconstruction and was a founding director of the Lord Fairfax Planning District Commission; and

WHEREAS, John Marlow was a visionary mayor of Front Royal from 1982 to 1990, during which time Front Royal's Main Street was redeveloped, including the design and construction of the Gazebo in Downtown and the renovation of the former train station into the Front Royal Visitors Center; and

WHEREAS, among all of his achievements, John Marlow would confidently say that the best decision he ever made was to marry the love of his life, Joyce Allison Marlow, with whom he shared 58 legendary years and a great partnership in service to their community; and

WHEREAS, John and Joyce Marlow were honored as the 2024 Community Stars at the Community Foundation of the Northern Shenandoah Valley's seventh annual Evening with Our Community Stars on January 11, 2024, for their exceptional acts of philanthropy; and

WHEREAS, John Marlow will be deeply missed by his family, including his wife, his four daughters, five grandchildren and four great-grandchildren, as well as several beloved nieces and nephews and great-nieces and great-nephews; and

WHEREAS, John Marlow will also be fondly remembered and greatly missed by numerous friends and colleagues; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of John Kenner Marlow, a respected member of the Front Royal community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of John Kenner Marlow as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 317

Commending William B. Downey.

Agreed to by the House of Delegates, March 4, 2024
Agreed to by the Senate, March 6, 2024

WHEREAS, William B. Downey is a faithful and dedicated health care and community leader who devoted more than 40 years to improving health care in the Commonwealth; and

WHEREAS, in his early years, William Downey earned a bachelor's degree from James Madison University and a master's degree in health administration from the Medical College of Virginia campus of Virginia Commonwealth University; and

WHEREAS, William Downey first joined Riverside Health System in 1981 as an administrative extern, and after completing his graduate degree he returned to Riverside in 1985 and held numerous executive roles until 1995, when he left to become president and chief executive officer (CEO) of Lewis-Gale Medical Center in Salem, then CEO of Regional Medical Center Bayonet Point in Hudson, Florida; and

WHEREAS, William Downey returned again to Riverside in 2001, then became president and CEO in 2012, and executive vice chair and special advisor to the board in 2023, with plans to retire in January 2025; and

WHEREAS, under William Downey's steady leadership, Riverside completed several major capital projects, including a $90 million expansion of its flagship Riverside Regional Medical Center in Newport News, a $50 million renovation and expansion of Riverside Walter Reed Hospital in Gloucester, the construction of a replacement hospital for Riverside Shore Memorial Hospital on Virginia's Eastern Shore, a $35 million expansion at Patriots Colony in Williamsburg, and significant growth of Riverside Medical Group to more than 700 providers; and

WHEREAS, William Downey guided Riverside through the COVID-19 pandemic and also helped to steer a collective regional and Commonwealth-wide coordinated mobilization that was instrumental to the effective response to the historic public health crisis; and

WHEREAS, William Downey has been a valued servant and leader in numerous community organizations over the years, including as a board member of Christopher Newport University, the Jamestown-Yorktown Foundation, Inc., and the Hampton Roads Economic Development Authority; and

WHEREAS, William Downey is past chair of the United Way of the Virginia Peninsula, the Virginia Living Museum, the Virginia Hospital and Healthcare Association, the Virginia Chamber of Commerce, the Hampton Roads Business Roundtable, the Virginia Business Council, TowneBank - Peninsula, An Achievable Dream, and Greater Peninsula Now; and

WHEREAS, in recognition of William Downey's leadership and dedication to improving the community, he has received numerous accolades, including recognition at the 50th Annual Peninsula Humanitarian Awards presented by the Peninsula Chapter of the Virginia Center for Inclusive Communities for his commitment to promoting respect and understanding among people of diverse racial, ethnic, and religious backgrounds in the Peninsula community; the Community Builders award from the Hampton Roads Community Action Program in recognition of his positive impact on the Hampton Roads Region; and the Lifetime Service and Achievement Award from the Virginia Commonwealth University Department of Health Administration; and

WHEREAS, William Downey was further honored by the Urban League of Hampton Roads with its Martin Luther King, Jr. Community Leaders Award, by the Virginia Peninsula Chamber of Commerce with its Citizen of the Year award, and by *Virginia Business* magazine, which named him to the Virginia 500 Power List and as one of its 50 Most Influential Virginians; and

WHEREAS, William Downey embodies the values of a Virginia gentleman and has earned the respect and esteem of countless Virginians; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend William B. Downey for his exemplary career as a health care and community leader on the occasion of his retirement; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to William B. Downey as an expression of the General Assembly's admiration for his contributions to the Commonwealth and best wishes for a happy and fulfilling retirement.

HOUSE JOINT RESOLUTION NO. 318

Celebrating the life of Francine Pannell Nash.

Agreed to by the House of Delegates, March 5, 2024
Agreed to by the Senate, March 7, 2024

WHEREAS, Francine Pannell Nash, an accomplished organizer with the Communications Workers of America and a beloved mother, grandmother, and member of the Roanoke community, died on February 3, 2024; and

WHEREAS, Francine Nash graduated from the historic Lucy Addison High School in Roanoke in 1967 and at the age of 19 joined the Chesapeake and Potomac Telephone Company, later Bell Atlantic, ultimately Verizon Communications, working with exceptional dedication and professionalism for 30 years until her retirement in 2000; and

WHEREAS, Francine Nash was a devoted member of the Communications Workers of America (CWA) Local 2204 for her entire career, striving tirelessly and fearlessly for the well-being of her fellow employees and union members; and

WHEREAS, with kindness and determination, Francine Nash rose through the ranks of the CWA to eventually make history as the first African American woman to serve as the Roanoke region's vice president; and

WHEREAS, affectionately known by many as "Gan-Gan," Francine Nash found great joy in her later years in caring for her grandchildren, Phazhon and Sanii, and in spending quality time with her daughter, Tanisha; and

WHEREAS, Francine Nash was a proud Addisonian who gave generously of her time to her high school alumni class, serving as secretary for many years, as well as host to many of the reunion planning meetings; and

WHEREAS, guided by her faith, Francine Nash enjoyed worship and fellowship with her community at Morning Star Baptist Church in Roanoke, where she served on the senior choir for several years; and

WHEREAS, Francine Nash will be fondly remembered and dearly missed by her loving daughter, Tanisha, and her family and by numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Francine Pannell Nash, a cherished member of the Roanoke community who was a source of joy and inspiration to all who knew her; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Francine Pannell Nash as an expression of the General Assembly's respect for her memory.

HOUSE JOINT RESOLUTION NO. 319

Celebrating the life of Lawrence Bussey.

Agreed to by the House of Delegates, March 4, 2024
Agreed to by the Senate, March 6, 2024

WHEREAS, Lawrence Bussey, a longtime member of the United States Department of Education's Office for Civil Rights and a beloved husband, father, grandfather, great-grandfather, and member of the Reston community, died on July 22, 2022; and

WHEREAS, after attending Abraham Lincoln High School in Brooklyn, where he excelled in track and field, Lawrence "Larry" Bussey earned a bachelor's degree in education and master's degree in education administration from New York University, followed by a doctoral degree in education from the University of Massachusetts Amherst; and

WHEREAS, Lawrence Bussey began his noble and distinguished career as an art educator in the New York City Public School System, contributing greatly to his students' success both in and out of the classroom; and

WHEREAS, with a deep commitment to ensuring equal access to quality education for the nation's youth, Larry Bussey joined the United States Department of Education's Office for Civil Rights (OCR), where for more than 30 years he worked tirelessly as an enforcement officer to identify, resolve, and prevent acts of discrimination against students; and

WHEREAS, Larry Bussey supported OCR's Civil Rights Data Collection survey by gathering, analyzing, and reporting on a plethora of school-level and district-level data, developing a vital resource for the Department of Education, policymakers, researchers, journalists, parents, and educators; and

WHEREAS, following his retirement from the U.S. Department of Education, Larry Bussey remained actively involved with a variety of educational institutions and equity and diversity organizations and initiatives, including Fairfax County Public Schools (FCPS), the Fairfax Alliance of Black School Educators, the Fairfax County branch of the NAACP, and The Family Place, an organization in Washington, D.C., serving low-income immigrant families; and

WHEREAS, Larry Bussey was a founding and longtime member of FCPS's Minority Student Achievement Oversight Committee and strove indefatigably to redress inequitable systems and practices in the school division; and

WHEREAS, Larry Bussey was an accomplished and practicing artist who continued to paint and sketch throughout his life and who supported his fellow artists as a patron and teacher at the Greater Reston Arts Center (GRACE); and

WHEREAS, Larry Bussey was happiest when spending time with his immediate and extended family and loved to entertain them over the years with his elaborate and humorous stories; and

WHEREAS, Larry Bussey will be fondly remembered and dearly missed by his loving wife of 62 years, Ellen; his children, Lawrence, Tara, and Gabrielle, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Lawrence Bussey, a cherished member of the Reston community whose kind and caring nature made an impact on countless lives; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Lawrence Bussey as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 320

Celebrating the life of Walter Spears Claytor, D.D.S.

Agreed to by the House of Delegates, March 5, 2024
Agreed to by the Senate, March 7, 2024

WHEREAS, Walter Spears Claytor, D.D.S., an honorable veteran, esteemed dentist, accomplished advocate for justice, and beloved member of the Roanoke community, died on January 1, 2024; and

WHEREAS, Walter Claytor earned a doctoral degree in dental surgery from Meharry Medical College School of Dentistry in 1948, the same year that his father, Dr. John B. Claytor, Sr., opened the Claytor Memorial Clinic to serve the predominantly Black community in the Roanoke neighborhood of Gainsboro; and

WHEREAS, Walter Claytor opened a private practice in the Claytor Memorial Clinic alongside his father and siblings in 1949, where he would provide quality and compassionate care to his patients until his retirement in 1994; and

WHEREAS, Walter Claytor interrupted his dental practice from 1951 to 1953 as he served his country with honor and distinction as a member of the United States Air Force, attaining the rank of captain in the Alaskan Air Command and serving as the commanding officer of the 39th Medical Group's alert at Elmendorf Air Force Base in Anchorage, Alaska; and

WHEREAS, Walter Claytor also worked as a dentist and in various leadership positions at the Burrell Memorial Hospital in Roanoke, working tirelessly to address the dental needs of indigent children and others in the Gainsboro neighborhood while improving the hospital's financial standing; and

WHEREAS, in recognition of his leadership and expertise, Walter Claytor was appointed by Governor Linwood Holton to serve on the Virginia Board of Dental Examiners in 1970, the first Black person to hold such a position in the southern states; he also held a number of leadership positions in the Old Dominion Dental Society, which presented him with its President's Award in 2007; and

WHEREAS, beginning in the 1970s, Walter Claytor led efforts to protect the value of the Claytor Memorial Clinic and other properties against the urban renewal initiatives of the Roanoke Redevelopment and Housing Authority; his success in court in the 2000s would ultimately transform property laws in the Commonwealth, limiting the power of government to seize private land under eminent domain; and

WHEREAS, a lifetime member of the NAACP and the Southern Christian Leadership Conference (SCLC), Walter Claytor advocated passionately for helping young people and for reducing gun violence in the community, leading the SCLC to present him with its Drum Major for Justice Award; and

WHEREAS, guided throughout his life by his faith, Walter Claytor enjoyed worship and fellowship with his community at Fifth Avenue Presbyterian Church in Roanoke, which honored him with its Man of the Year award in 2003; and

WHEREAS, Walter Claytor was married to his loving wife, Eiko, and they had three children, Kaye, David, and Mark; he will be fondly remembered and dearly missed by numerous family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Walter Spears Claytor, D.D.S., a pillar of the Gainsboro neighborhood of Roanoke whose courage, dedication, and service made an outsized impact on countless lives; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Walter Spears Claytor, D.D.S., as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 321

Celebrating the life of Susan Pope Irving.

Agreed to by the House of Delegates, March 4, 2024
Agreed to by the Senate, March 6, 2024

WHEREAS, Susan Pope Irving, a devoted public servant and community leader and a proud, lifelong resident of Waverly, passed away on February 15, 2024; and

WHEREAS, Susan Irving was born in Waverly to the late Leverette and Eloise Pope and helped her father run his local grocery store until it closed in 1987; and

WHEREAS, Susan Irving cultivated a passion for servant leadership from a young age and volunteered for countless community activities, fundraisers, disaster relief efforts, and other events; and

WHEREAS, Susan Irving was a member of the Waverly Rescue Squad for 17 years and was named Outstanding Squadsman of the Year in 1979 and 1982, and Squadsman of the Year in 1984; and

WHEREAS, desirous to be of further service to her fellow Waverly residents, Susan Irving ran for and was elected as mayor from 2000 to 2010; and

WHEREAS, guided by her faith in all her endeavors, Susan Irving taught Sunday school for many years at Waverly Baptist Church and enjoyed fellowship and worship with the community as a member of Waverly United Methodist Church; and

WHEREAS, Susan Irving will be fondly remembered and greatly missed by her husband, Frank; her sons, Greg and Matt, and their families; her stepchildren, Mandy and Mark, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Susan Pope Irving, former mayor of Waverly and a vibrant member of her community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Susan Pope Irving as an expression of the General Assembly's respect for her memory.

HOUSE JOINT RESOLUTION NO. 322

Commending Susan B. Seward.

Agreed to by the House of Delegates, March 4, 2024
Agreed to by the Senate, March 6, 2024

WHEREAS, Susan B. Seward began serving on the Sussex County Board of Supervisors for the Blackwater District on January 1, 2016; and

WHEREAS, Susan Seward untiringly devoted eight years to Sussex County and its communities, exhibiting leadership that will continue to have a growing impact far beyond her term of office; and

WHEREAS, Susan Seward served as chair of the Sussex County Board of Supervisors for six years starting in 2017 and concluding in 2022, and served as vice chair in 2016 and 2023; and

WHEREAS, Susan Seward, through the performance of her duties and responsibilities as a member of the Sussex County Board of Supervisors, has made excellent and constructive contributions for the betterment of Sussex County and the improvement of a wide range of its operations; and

WHEREAS, over the course of her career in local government, Susan Seward served the residents of Sussex County with the utmost dedication and integrity; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Susan B. Seward for her eight years of service as a member of the Sussex County Board of Supervisors; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Susan B. Seward as an expression of the General Assembly's admiration for her personal and professional achievements.

HOUSE JOINT RESOLUTION NO. 323

Commending Praveendharan Meyyan.

Agreed to by the House of Delegates, March 4, 2024
Agreed to by the Senate, March 6, 2024

WHEREAS, Praveendharan Meyyan has established himself as a preeminent economist and a committed leader within the Asian American community in Northern Virginia; and

WHEREAS, Praveendharan Meyyan has dedicated over a decade to elevating the Asian American and Pacific Islander communities, ensuring their voices are impactful within the civic landscape while cultivating emergent leadership within these communities; and

WHEREAS, Praveendharan Meyyan currently holds the esteemed position of national co-chair of political engagement for the organization South Asians for America, serves with distinction as an advisory commissioner on the Arlington Economic Development Commission, and actively participates on the Arlington Emergency Preparedness Advisory Commission; and

WHEREAS, Praveendharan Meyyan has also distinguished himself through his governor-appointed tenure on the Virginia Asian Advisory Board from 2017 to 2023, and delivered visionary leadership as chair of Democratic Asian Americans of Virginia from 2020 to 2024, a period marked by significant progress and expansion of opportunities for Asian Americans in public service; and

WHEREAS, Praveendharan Meyyan possesses an impressive academic lineage, being an alumnus of the Sorensen Institute for Political Leadership of the Weldon Cooper Center for Public Service at the University of Virginia, while holding dual bachelor's degrees from Binghamton University in industrial systems engineering and financial economics and a diploma from the esteemed Stuyvesant High School in New York City; and

WHEREAS, Praveendharan Meyyan is a valued resident of Arlington County, where he shares a nurturing home with his wife, Cameron; his son, Neil; and their cherished dog, Cooper, thus embodying the principles of community and family; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Praveendharan Meyyan for his exceptional contributions to the economic development and uplifting of the social fabric of the Asian American and Pacific Islander communities in the Commonwealth; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Praveendharan Meyyan as an expression of the General Assembly's admiration for his unwavering commitment to public service and leadership development.

HOUSE JOINT RESOLUTION NO. 324

Commending Brodie Farm.

Agreed to by the House of Delegates, March 4, 2024
Agreed to by the Senate, March 6, 2024

WHEREAS, Brodie Farm, a successful beef farm and bed and breakfast, has been an important part of the Spotsylvania County community for more than 100 years; and

WHEREAS, Brodie Farm was originally purchased in 1918 by E. T. "Ned" Hilldrup, who, with the help of a loan from the Federal Land Bank in Baltimore, acquired 101 acres, a farm house, a small barn, and a woodshed for a grand total of $100; and

WHEREAS, Brodie Farm started as a dairy farm and over time grew to become one of the largest dairy farms in Spotsylvania County; and

WHEREAS, Brodie Farm regularly evolved its practices to improve its efficiency and output and was notably the first dairy farm in the area to transition from a stanchion milking system to an automated milking parlor; and

WHEREAS, born and raised on Brodie Farm, Ned Hilldrup's son, E. Gordon Hilldrup, took over the family business and ultimately passed it on to his son, James "Jimmy" Hilldrup, who continues to run the farm to this day; and

WHEREAS, Jimmy Hilldrup showed a keen interest in farming from a young age, raising replacement calves beginning at the age of six, purchasing his own cow at the age of nine, and owning half of Brodie Farm's cattle by the age of 20; and

WHEREAS, in 1984, Jimmy Hilldrup converted Brodie Farm from a dairy farm and beef farm to an all-beef farm, allowing him to devote himself fully to the task of raising exceptional Angus cattle; and

WHEREAS, today, Brodie Farm has over 200 head of Angus cattle, up to 60 hives of honeybees, and approximately 100 brown hens, while the Hilldrups have also operated a bed and breakfast since 2022 out of their renovated 1800s farmhouse, providing guests the opportunity to luxuriate in the farm's picturesque setting; and

WHEREAS, the success of Brodie Farm is the result of the hard work and dedication of the Hilldrup family, who have helped to make Spotsylvania County a wonderful place to live, work, and raise a family; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Brodie Farm for its century of service to the Spotsylvania community and beyond; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Jimmy Hilldrup, owner of Brodie Farm, as an expression of the General Assembly's admiration for the farm's contributions to Spotsylvania County and the Commonwealth.

HOUSE JOINT RESOLUTION NO. 325

Celebrating the life of Robert W. Haskins.

Agreed to by the House of Delegates, March 4, 2024
Agreed to by the Senate, March 6, 2024

WHEREAS, Robert W. Haskins, a well-known educator and farmer in Danville, died on June 21, 2023; and

WHEREAS, Robert "Bob" W. Haskins was born and raised in North Carolina and graduated from Goldsboro High School; he earned a bachelor's degree from East Carolina University, where he was a standout member of the track team, and completed graduate studies at the University of Virginia, Virginia Polytechnic Institute and State University, and Lynchburg College; and

WHEREAS, Bob Haskins pursued a long and fulfilling 42-year career with Danville Public Schools; he served as principal of four schools: Edwin A. Gibson Middle School, O.T. Bonner Middle School, George Washington High School, and the former Stonewall Jackson Elementary School; and

WHEREAS, during his tenure with Danville Public Schools, Bob Haskins also served as director of finance for the school division; and

WHEREAS, Bob Haskins lived and worked on his family farm in Dry Fork and helped raise Hanoverian foals with his daughter, Angie, and her husband, Jim; and

WHEREAS, Bob Haskins also spent time playing golf, running, collecting Native American artifacts, and carving wooden canes and walking sticks; and

WHEREAS, Bob Haskins relished every opportunity to support his children and grandchildren in all of their endeavors; and

WHEREAS, Bob Haskins enjoyed fellowship and worship with the community as a longtime member of Trinity United Methodist Church and he proudly expressed his faith through inspirational posts online; and

WHEREAS, Bob Haskins will be fondly remembered and greatly missed by his beloved wife of 60 years, Ann; his three children, Bryan, Carrie, and Angie, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Robert W. Haskins, a highly admired member of the Danville community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Robert W. Haskins as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 326

Commending the Community Development Block Grant Program.

Agreed to by the House of Delegates, March 4, 2024
Agreed to by the Senate, March 6, 2024

WHEREAS, April 2024 has been designated as Community Development Month to celebrate the federal Community Development Block Grant Program's 50th anniversary; and

WHEREAS, the Community Development Block Grant (CDBG) Program is a partnership of federal, state, and local governments and community, nonprofit, and business organizations to support the development of affordable housing benefiting low- to moderate-income individuals and households, including older adults, children, people with disabilities, residents of manufactured housing communities, the workforce essential to economic health and growth, and those experiencing chronic and frequent homelessness; and

WHEREAS, the supply of affordable housing opportunities is the critical foundation to support the stability and success of all residents, neighborhoods, and communities within Fairfax County and across the Commonwealth; and

WHEREAS, the CDBG Program has facilitated the implementation of local strategies and initiatives to increase the availability of adequate and affordable housing and to improve access to amenities that promote healthy neighborhoods; and

WHEREAS, people of color are disproportionately negatively impacted by the lack of available affordable housing within Fairfax County; and

WHEREAS, the CDBG Program is critical to effecting racial and social equity policies prioritizing inclusivity and shared prosperity for all Fairfax County residents; and

WHEREAS, the CDBG program has been essential to the development of projects, such as North Hill, The Arden, and Little River Glen, as well as nonprofit scattered site acquisitions for affordable rental housing; and

WHEREAS, for five decades, the CDBG Program has contributed to the development of public facilities, infrastructure, and supportive services, including the Hybla Valley Community Center, home repair for the elderly, and homeownership down payment assistance; and

WHEREAS, the CDBG Program has provided important resources to Fairfax County's Consolidated Community Funding Pool (CCFP), a competitive funding process for human services programs developed and administered by nonprofits and community-based organizations; and

WHEREAS, CDBG funding allocated to organizations through the CCFP serves as an investment and catalyst for strengthening the human services network of programs available for Fairfax County residents; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Community Development Block Grant Program on the occasion of its 50th anniversary for the important contributions this landmark program has made to the Commonwealth, Fairfax County, and its residents; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare copies of this resolution for presentation to the appropriate elected and appointed officials of Fairfax County as an expression of the General Assembly's admiration for the county's commitment to leveraging CDBG funding to develop affordable housing production, preservation, and financing for its residents over the past 50 years.

HOUSE JOINT RESOLUTION NO. 327

Commending Debbie Jones.

Agreed to by the House of Delegates, March 4, 2024
Agreed to by the Senate, March 6, 2024

WHEREAS, Debbie Jones served on the Sussex County Board of Supervisors representing the citizens of the Stony Creek District from January 1, 2020, until December 31, 2023; and

WHEREAS, prior to serving on the Sussex County Board of Supervisors, Debbie Jones served as a deputy in the Sussex County Sheriff's Office and obtained the rank of Lieutenant in 2002; and

WHEREAS, after 31 years of exemplary service, Debbie Jones retired from the Sussex County Sheriff's Office on May 1, 2011; and

WHEREAS, during her tenure on the Sussex County Board of Supervisors, Debbie Jones served on the Personnel Committee for four years; and

WHEREAS, Debbie Jones has earned the admiration and high regard of those with whom she has come in contact and has demonstrated her deep and genuine love for Sussex County; and

WHEREAS, over the course of her time with the Sussex County Sheriff's Office and on the Sussex County Board of Supervisors, Debbie Jones served the residents of Sussex County with the utmost dedication and integrity; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Debbie Jones for her years of service as a member of the Sussex County Board of Supervisors; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Debbie Jones as an expression of the General Assembly's admiration for her personal and professional achievements.

HOUSE JOINT RESOLUTION NO. 328

Commending Noah Lyles.

Agreed to by the House of Delegates, March 4, 2024
Agreed to by the Senate, March 6, 2024

WHEREAS, Noah Lyles of Alexandria made history by winning two gold medals in sprint events at the 2023 World Athletics Championships; and

WHEREAS, a 2016 graduate of T.C. Williams High School, now known as Alexandria City High School, Noah Lyles has won a total of five gold medals in three consecutive world championships; and

WHEREAS, at the 2023 World Athletics Championships, held in Budapest, Hungary, Noah Lyles recorded a personal best time of 9.83 seconds during his victory in the 100-meter race; and

WHEREAS, a few days later, Noah Lyles also won the 200-meter race with a time of 19.52 seconds to achieve the coveted "sprint double"; and

WHEREAS, Noah Lyles is only the fifth athlete in history to win a gold medal in both events, an incredible feat that was last achieved by Usain Bolt in 2015; and

WHEREAS, through his amazing athletic abilities, Noah Lyles represented the Commonwealth with honor and distinction on the world stage; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Noah Lyles for winning two gold medals at the 2023 World Athletics Championships; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Noah Lyles as an expression of the General Assembly's admiration for his historic accomplishments.

HOUSE JOINT RESOLUTION NO. 329

Commending the Woodgrove High School wrestling team.

Agreed to by the House of Delegates, March 5, 2024
Agreed to by the Senate, March 7, 2024

WHEREAS, the Woodgrove High School wrestling team of Loudoun County won the Virginia High School League Class 4 state championship on February 17, 2024, at the Virginia Beach Sports Center; and

WHEREAS, the Woodgrove High School Wolverines qualified 13 wrestlers from the Region 4C wrestling tournament to compete in the state championship; and

WHEREAS, the Woodgrove Wolverines dominated their competition, recording an impressive 177 points and finishing 44 points in front of the runners-up from Eastern View High School as they captured the first wrestling state championship in Loudoun County Public Schools history; and

WHEREAS, the Woodgrove Wolverines' state title capped off an undefeated dual meet season that included Cactoctin District and Region 4C tournament titles; and

WHEREAS, the Woodgrove Wolverines' championship win was accentuated by two individual state championships for sophomore Sawyer Jones (144) and senior Austen Watson (150); and

WHEREAS, Woodgrove High School's Ben Spagnoli (126), Cameron Owens (157), and Luke Benkelman (190) also advanced to the finals of their respective weight classes; and

WHEREAS, the Woodgrove Wolverines' championship performance relied on key contributions from Zac Hartley (106), Adam Skinner (113), Jackson Knupp (120), Camden Murray (132), Brodie Carley (165), Campbell Frook (175), Ibrahim Zaky (215), and Jared Krogh (285); and

WHEREAS, the Woodgrove Wolverines were led by seasoned head coach Mike Skinner and a dedicated staff of assistant coaches; and

WHEREAS, the accomplishments of the Woodgrove Wolverines are the result of the hard work and dedication of all the student-athletes, the leadership and guidance of their coaches and teachers, and the unwavering support of their families and the entire Woodgrove High School community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Woodgrove High School wrestling team for winning the Virginia High School League Class 4 state championship in 2024; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Mike Skinner, head coach of the Woodgrove High School wrestling team, as an expression of the General Assembly's admiration for the team's extraordinary achievement.

HOUSE JOINT RESOLUTION NO. 330

Commending Nothin' Fancy.

Agreed to by the House of Delegates, March 5, 2024
Agreed to by the Senate, March 7, 2024

WHEREAS, since Nothin' Fancy was founded in 1994 in Crimora to compete in a bluegrass competition, the celebrated bluegrass band has consistently delighted and entertained multiple generations of Virginians across the Commonwealth; and

WHEREAS, Nothin' Fancy has grown in popularity, released 17 full-length albums, and continues to perform at festivals across the United States and in international engagements; and

WHEREAS, Nothin' Fancy has earned six Society for the Preservation of Bluegrass Music in America (SPBGMA) Entertainers of the Year awards, honorary West Virginia Mountaineer status, certificates of appreciation from several towns in the Commonwealth, and the declaration of a "Nothin' Fancy Day" by the mayor of the City of Buena Vista; and

WHEREAS, the Nothin' Fancy Bluegrass Festival at Glen Maury Park in Buena Vista has entertained audiences for twenty years, adding to the rich legacy, history, and cultural impact of bluegrass music and its storied history in the Commonwealth; and

WHEREAS, the Commonwealth's own musical history is likewise entwined with Nothin' Fancy's repertoire of bluegrass, Appalachian, old time, gospel, and mountain music; and

WHEREAS, Nothin' Fancy has recovered from the economic impact of the COVID-19 pandemic, which especially affected music festivals and other touring music industries, to commence its 30th anniversary tour across America and beyond; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Nothin' Fancy on the occasion of its 30th anniversary for its members' accomplishments as historically significant bluegrass, gospel, and Americana performing artists; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the members of Nothin' Fancy as an expression of the General Assembly's appreciation for their artistic contributions to the musical traditions and fabric of the Commonwealth.

HOUSE JOINT RESOLUTION NO. 331

Commending Charles R. King.

Agreed to by the House of Delegates, March 5, 2024
Agreed to by the Senate, March 7, 2024

WHEREAS, Charles R. King, the distinguished founding president of Southwest Virginia Community College, was selected as president emeritus in 2023; and

WHEREAS, Charles King became the founding president of Southwest Virginia Community College (SWCC) in 1967 and served in that capacity for 40 years until his well-earned retirement in 2007; and

WHEREAS, during his tenure as president, Charles King oversaw record growth in enrollment while also maintaining the highest academic standards and carefully managing fiscal resources, leading SWCC to achieve national and state recognition; and

WHEREAS, Charles King hired faculty and staff members, who, like him, were committed to the ideal that everyone who could benefit from a college education should have access to it; his establishment of SWCC Educational Foundation in 1981 helped SWCC become one of the premier community colleges in the Commonwealth; and

WHEREAS, Charles King was committed to strengthening relationships between SWCC and local public school divisions to coordinate educational needs, regularly communicating with school superintendents and administrators; under his leadership, SWCC became the number one college the residents of the region chose to attend; and

WHEREAS, Charles King participated in numerous campus activities and initiated the Virginia Mountain Music Festival, which brought dozens of popular musicians to the region; he also spearheaded the SWCC Festival of the Arts, which encouraged cultural enrichment for the entire community through the celebration of different cultures through music, dance, food, and written word; and

WHEREAS, over the course of his career, Charles King earned the admiration of students, faculty, staff, administrators, business leaders, and local partners for his unwavering commitment to servant-leadership and genuine care for the community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Charles R. King on the occasion of his selection as president emeritus of Southwest Virginia Community College; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Charles R. King as an expression of the General Assembly's admiration for his contributions to advancing the field of higher education and devoted service to the students and residents of Southwest Virginia.

HOUSE JOINT RESOLUTION NO. 332

Commending Rx Partnership.

Agreed to by the House of Delegates, March 5, 2024
Agreed to by the Senate, March 7, 2024

WHEREAS, for two decades, Rx Partnership has worked to increase access to medication for uninsured and underinsured residents of the Commonwealth; and

WHEREAS, medication access remains a critical issue for the thousands of Virginians that have little or no access to health care, and are unable to afford the cost of prescription medications; and

WHEREAS, the Governor, the General Assembly, and the Joint Commission on Health Care helped initiate Rx Partnership as a public-private partnership to provide free medications to eligible uninsured individuals in Virginia, starting in 2004; and

WHEREAS, Rx Partnership is a freestanding, nonprofit organization that serves as a broker to solicit free prescription medications from pharmaceutical companies and purchases a targeted formulary of generic medications via group purchasing, then arranges for their distribution to affiliate free clinics and community health centers with licensed pharmacies, which it credentials, monitors, and audits; and

WHEREAS, Rx Partnership provides regular shipments of filled prescriptions through the Access to Medication Program (AMP), a central-fill pharmacy model, to communities in which no clinic with a licensed pharmacy operates; and

WHEREAS, Rx Partnership developed a simple and cost-effective mail delivery program to allow clinics to mail filled prescriptions at no charge to patients who would otherwise face a barrier to access due to transportation challenges; and

WHEREAS, the Rx Partnership's model offers a streamlined, efficient, and cost-effective process for accessing a variety of brand-name and generic medications to treat chronic conditions quickly, easily, and affordably; and

WHEREAS, during the past two decades, more than one million prescriptions were filled for more than 80,600 eligible uninsured, chronically ill patients at 30 affiliate clinics and health centers, using a formulary currently consisting of 114 medications in 232 dosage strengths; and

WHEREAS, these medications have an estimated retail value in excess of $273.8 million and represent a tremendous return on the Commonwealth's investment by leveraging approximately $128 in medication value for every $1 match of state funds; and

WHEREAS, many Virginia-based corporations, foundations, and organizations have made financial commitments to Rx Partnership during the organization's 20 years of service to communities around the Commonwealth; and

WHEREAS, Rx Partnership has fulfilled its mission through the generosity and visionary support of these outstanding partner organizations, as well as through the hard work and dedication of its board members, staff, and volunteers; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Rx Partnership for its outstanding service to the Commonwealth and its successful efforts to increase access to prescription medications for Virginia's uninsured residents; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare copies of this resolution for presentation to Rx Partnership and its patient-assistance partners GSK, Merck, AbbVie, and Pfizer, as an expression of the General Assembly's admiration for the organization's vital mission and legacy of achievements.

HOUSE JOINT RESOLUTION NO. 333

Commending Virginians for High Speed Rail.

Agreed to by the House of Delegates, March 5, 2024
Agreed to by the Senate, March 7, 2024

WHEREAS, the Virginia High Speed Rail Development Committee was founded as a joint program of the Greater Richmond Chamber of Commerce and the Future of Hampton Roads in 1994; and

WHEREAS, the Virginia High Speed Rail Development Committee became an independent nonprofit organization in 2000 and was renamed Virginians for High Speed Rail; and

WHEREAS, for the last three decades, Virginians for High Speed Rail has championed the need for a fast, frequent, safe, and reliable passenger rail connecting the communities of the Commonwealth to one another, as well as to destinations up and down the East Coast; and

WHEREAS, Virginians for High Speed Rail is the largest and most successful passenger rail advocacy and education organization in the southern United States; and

WHEREAS, since Virginians for High Speed Rail's founding, ridership on Virginia's Amtrak trains has doubled; and

WHEREAS, since 2009, when Virginia began to partner with Amtrak to expand state-supported Amtrak Regional train service, ridership on Amtrak Regionals has grown nearly 200 percent; and

WHEREAS, since Virginians for High Speed Rail's founding, Virginia's passenger rail service has grown by 101 percent, including the return of passenger rail service to Norfolk and Roanoke for the first time in decades; and

WHEREAS, this passenger rail renaissance has resulted in more than 80 percent of Virginians receiving access to new or expanded passenger rail service; and

WHEREAS, seven million Virginians, representing 84 percent of statewide jobs, 88 percent of institutions of higher education, and 11 percent of the nation's active armed forces are within 20 miles of an Amtrak station; and

WHEREAS, since Virginians for High Speed Rail's founding, passenger rail service has generated an estimated $11.7 billion in economic benefits, created or sustained more than 118,000 jobs, lowered carbon emissions by 1.5 million metric tons, and reduced fuel consumption by 164.5 million gallons; and

WHEREAS, in 2020, the Commonwealth purchased more than 412 miles of railroad right-of-way as part of the historic $4 billion Transforming Rail in Virginia program; and

WHEREAS, the Commonwealth's Transforming Rail in Virginia program has received strong federal support, including two of the largest federal rail grants the Commonwealth has ever received; and

WHEREAS, the Transforming Rail in Virginia program is already paying dividends to the citizens of the Commonwealth and will result in improved passenger rail service over the coming years; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Virginians for High Speed Rail on the occasion of its 30th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Virginians for High Speed Rail as an expression of the General Assembly's congratulations and admiration for the organization's dedication to improving the mobility and quality of life of all Virginians.

HOUSE JOINT RESOLUTION NO. 334

Celebrating the life of the Honorable Robison Brown James.

Agreed to by the House of Delegates, March 5, 2024
Agreed to by the Senate, March 7, 2024

WHEREAS, the Honorable Robison Brown James, a distinguished religious scholar and talented musician who proudly represented the residents of Henrico County in the Virginia House of Delegates, died on February 8, 2024; and

WHEREAS, Robison "Rob" Brown James was born in Dade City, Florida, and grew up in Tuscaloosa, Alabama, where he began to cultivate the deep faith and unwavering sense of optimism that served him well throughout his life; and

WHEREAS, Rob James graduated from the University of Alabama, where he was the first chair trumpet on the Million Dollar Band; and

WHEREAS, Rob James received a Rotary Fellowship to study at the University of Edinburgh from 1955 to 1956, and while returning to the United States aboard the ocean liner *Liberté*, he met his future wife, Anne; the couple bonded over their passion for music and delighted their fellow passengers by standing in for the ship's band, with him playing trumpet and her playing piano; and

WHEREAS, Rob James worked in church ministry for a year, then matriculated at Duke University to pursue a doctoral degree; he joined the faculty of the University of Richmond in 1962 and taught courses in biblical scholarship, theology, and ethics until his well-earned retirement in 2000; and

WHEREAS, Rob James developed a lifelong academic interest in the works of Paul Tillich and published more than 50 articles and books including *Tillich and World Religions* in 2003; he also served as president of the North American Paul Tillich Society; and

WHEREAS, desirous to be of further service to his community, Rob James ran for and was elected to the Virginia House of Delegates in 1975 and represented the residents of Henrico County in what was originally the 34th District and later became the 32nd District after redistricting; and

WHEREAS, Rob James served a total of four terms in the Virginia House of Delegates and relished opportunities to foster strong relationships with his constituents; he introduced and supported many important pieces of legislation to benefit his district and all Virginians; and

WHEREAS, during his tenure as a state lawmaker, Rob James authored a pamphlet called "The Ethics of Politics," in which he addressed questions of ethical compromise and the need to account for different viewpoints in a vibrant and healthy democracy; and

WHEREAS, Rob James enjoyed fellowship and worship with the congregation of River Road Baptist Church, and he was a staunch advocate for religious freedom who resisted the fundamentalist movement in the Southern Baptist Convention in the 1980s; and

WHEREAS, outside of his career in education and public service, Rob James honed his musical talents throughout his life; in 1983, he joined a group of fellow University of Richmond professors to form the Doctors of Jazz, with whom he performed for the next 40 years; and

WHEREAS, Rob James will be fondly remembered and greatly missed by his beloved wife of 64 years, Anne; his daughters, Sara, Elizabeth, and Susan, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of the Honorable Robison Brown James, an insightful religious scholar, passionate musician, and dedicated public servant; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of the Honorable Robison Brown James as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 335

Commending the Cape Henry Collegiate baseball team.

Agreed to by the House of Delegates, March 5, 2024
Agreed to by the Senate, March 7, 2024

WHEREAS, the Cape Henry Collegiate baseball team of Virginia Beach won the Tidewater Conference of Independent Schools tournament championship on May 12, 2023, at War Memorial Stadium in Hampton; and

WHEREAS, the Cape Henry Collegiate Dolphins defeated the Nansemond-Suffolk Academy Saints of Suffolk by a score of 4-2 to secure the Tidewater Conference of Independent Schools tournament championship title; and

WHEREAS, the Cape Henry Dolphins jumped to an early lead with two runs in the second inning before seeing the Nansemond-Suffolk Saints claw back with a run in both the third and fourth innings; the team then rallied to score a run in both the sixth and seventh innings to seal the victory; and

WHEREAS, the Cape Henry Dolphins' win was a triumphant end to a season in which the team posted an impressive 27-4 overall record and an 8-1 record in regional play; and

WHEREAS, the success of the Cape Henry Dolphins is the result of the hard work and dedication of the student-athletes, the leadership and guidance of their coaches and teachers, and the unwavering support of their families and the entire Cape Henry Collegiate community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Cape Henry Collegiate baseball team for winning the 2023 Tidewater Conference of Independent Schools tournament championship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Cape Henry Collegiate baseball team as an expression of the General Assembly's admiration for the team's achievement.

HOUSE JOINT RESOLUTION NO. 336

Commending Benjamin Leese.

Agreed to by the House of Delegates, March 5, 2024
Agreed to by the Senate, March 7, 2024

WHEREAS, Benjamin Leese, an accomplished young artist from Lorton, was selected to be featured as part of the Access/VSA Emerging Young Artists exhibition presented by the Volkswagen Group of America and the John F. Kennedy Center for the Performing Arts Office of Accessibility in 2023; and

WHEREAS, the Access/VSA Emerging Young Artists exhibition, a Jean Kennedy Smith Arts Disability Program, is a national art program and exhibition that showcases 15 artists with disabilities, ages 16-25, at venues across the country, highlighting their individual talents and perspectives; and

WHEREAS, the theme of the 20th exhibition of the Access/VSA Emerging Young Artists Program was "Interchange," prompting artists to explore the intersection between their disability and artistic identity; and

WHEREAS, Benjamin "Pins" Leese was selected from hundreds of young artists to be included in the Access/VSA Emerging Young Artists exhibition, which was displayed at the John F. Kennedy Center for the Performing Arts and on Capitol Hill in Washington, D.C., before touring the nation; and

WHEREAS, Pins Leese is a comic book artist and illustrator and student at Bowling Green State University whose sequential art renderings and other drawings have amassed him a devoted following of fans online; and

WHEREAS, through anthropomorphic animals and other tropes, Pins Leese's art explores themes of sonder, mortality, and nostalgia and examines aspects of socialization in the modern world; and

WHEREAS, Pins Leese has supported the local arts community in the Washington, D.C., area as an intern at Gallery Underground in Arlington and as a gallery artist collaborating with Uniting US Arts; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Benjamin Leese for being featured in the 2023 Access/VSA Emerging Young Artists exhibition; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Benjamin Leese as an expression of the General Assembly's admiration for his achievements and best wishes for his continued success.

HOUSE JOINT RESOLUTION NO. 337

Commending the Capitol Region Military Alliance of Virginia.

Agreed to by the House of Delegates, March 5, 2024
Agreed to by the Senate, March 7, 2024

WHEREAS, on February 1, 2024, the Hopewell/Prince George Chamber of Commerce chartered the regional military affairs council known officially as the Capitol Region Military Alliance of Virginia; and

WHEREAS, the Hopewell/Prince George Chamber of Commerce, which was incorporated in 1920 and has served the region for more than 100 years, is a trusted resource that helps employers, employees, military families, veterans, transient students, and visitors connect with one another and achieve success in all their endeavors; and

WHEREAS, the Capitol Region Military Alliance of Virginia (CaRMA-VA) recognizes that local military installations, including Fort Gregg-Adams, Fort Barfoot, and Defense Supply Center Richmond, have a multi-billion dollar economic impact on the region; and

WHEREAS, the Fort Gregg-Adams Civilian Military Council (CMC) provides a consistent communication venue that fosters relationships across the region, and CaRMA-VA builds upon the CMC to create a broader coalition organized for action on behalf of these communities; and

WHEREAS, the 2023 "Survey to Action" assessments from the Office of the Virginia Secretary of Veterans and Defense Affairs recommended the creation of military affairs councils, and other regions in the Commonwealth benefit from using like organizations to access federal grants and improve the quality of life for both military installations and local communities; and

WHEREAS, higher education is a vital component of military affairs, and the Hopewell/Prince George Chamber of Commerce and CaRMA-VA are engaged with all public and private institutions of higher education in the area, including Bryant & Stratton College, Virginia State University, Brightpoint Community College, the Community College Workforce Alliance, Richard Bland College of William & Mary, Virginia Commonwealth University, and Commonwealth Center for Advanced Manufacturing, Commonwealth Center for Advanced Logistics Systems; and

WHEREAS, the Hopewell/Prince George Chamber of Commerce and CaRMA-VA also maintain ties to some of the Commonwealth's finest institutions of higher education, including the University of Virginia, Virginia Polytechnic Institute and State University, Longwood University, and Old Dominion University; and

WHEREAS, the Crater Planning District Commission, an important resource to military installations, provides the conduit to local governments and nearby planning district commissions, and is integral to the work of CaRMA-VA; and

WHEREAS, other chambers of commerce throughout the region plan to engage with and support CaRMA-VA; and

WHEREAS, the charter members of CaRMA-VA are committed to inviting further participation in the alliance by military, business, academic, and veteran groups, as well as other military affairs councils, planning district commissions, and local government organizations; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Capitol Region Military Alliance of Virginia, chartered by the Hopewell/Prince George Chamber of Commerce, for its contributions to the military community in Central Virginia; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare copies of this resolution for presentation to the Capitol Region Military Alliance of Virginia, the Hopewell/Prince George Chamber of Commerce, and the Civilian Aide to the Secretary of the Army, Virginia South, as an expression of the General Assembly's appreciation for the alliance's important mission.

HOUSE JOINT RESOLUTION NO. 338

Commending the Hopewell Rotary Club.

Agreed to by the House of Delegates, March 5, 2024
Agreed to by the Senate, March 7, 2024

WHEREAS, the Hopewell Rotary Club was organized on March 15, 1924, through the efforts of Prince George County and Hopewell area Rotarians; and

WHEREAS, the Hopewell Rotary Club has met in several locations, including the Appomattox Library and its current location at American Legion Post 146; and

WHEREAS, members of the Hopewell Rotary Club work for the benefit of the Hopewell community through the four Rotary "Avenues of Service," serving the needs of the club, the community, vocations, and the international community; and

WHEREAS, the Hopewell Rotary Club's current signature fundraising event, the Rotary Roast at Camp Crystal Lake, was organized around 1998; the event has grown significantly, averaging well over 300 attendees, and has become a beloved local tradition in Hopewell on the first Wednesday of May every year; and

WHEREAS, the Hopewell Rotary Club has donated time and funds to support area organizations such as Hopewell Social Services, Hopewell Public Schools, Hopewell Housing and Redevelopment, the Hopewell Public Health Clinic, Hopewell Police and Fire Departments, the Appomattox Public Library, Hopewell Youth Services, the Hopewell/Prince George Chamber of Commerce, Friends of the Lower Appomattox River, the Hopewell Food Pantry, Hopewell Parks and Recreation, and more; and

WHEREAS, the Hopewell Rotary Club has shown by its actions and good works for the past 100 years that it is a significant asset to the community, providing crucial local leadership and funding projects that have greatly benefited the area and its citizens, as well as people around the world; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Hopewell Rotary Club on the occasion of its 100th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Hopewell Rotary Club as an expression of the General Assembly's admiration for the club's legacy of service to the Hopewell community.

HOUSE JOINT RESOLUTION NO. 339

Commending the 2022 and 2023 seaplane flybys in honor of the 1619 Thanksgiving Prayer.

Agreed to by the House of Delegates, March 5, 2024
Agreed to by the Senate, March 7, 2024

WHEREAS, on November 5, 2023, a Virginia-based seaplane, piloted by Don Maxwell, conducted a flyby along the James River waterfront at Berkeley Hundred Plantation and rocked its wings to honor the reenactment of America's historic first official annual Thanksgiving Prayer, which took place in 1619; and

WHEREAS, Don Maxwell, a resident of Prince George County who is certified to fly single engine aircraft, with an additional seaplane rating, has more than 20 years of seaplane aviation experience; and

WHEREAS, the seaplane, technically categorized as a two-seat, light-sport, kit-built, amphibious flying boat is all-weather hangared at Chesterfield County Airport; and

WHEREAS, Don Maxwell annually hosts a Seaplane Splash-In on the James River, attended by other light-sport seaplanes, offering barbecue and spirited, seaplane aviation-related fellowship; and

WHEREAS, the 2023 flyby of the Berkeley Hundred Plantation site, as well as an earlier fly-around in 2022, were set up to broaden awareness within the world of aviation about America's 1619 First Thanksgiving; and

WHEREAS, the 1619 Thanksgiving Prayer, written out by the 1606-1624 Virginia Company, headquartered in London, England, was to be read aloud by the voyagers from the 957-year-old Berkeley Castle, near Bristol, when they first arrived at the assigned James River location; and

WHEREAS, immediately upon landing, the voyagers knelt on a small waterfront knoll and heard the 1619 Thanksgiving Prayer: "We ordaine that the day of our ships arrival at the place assigned for plantacon in the land of Virginia shall be yearly and perpetually kept holy as a day of thanksgiving to Almighty God."; and

WHEREAS, the Thanksgiving flyby activity was arranged by Chancellor Steven C. Smith, Henricus Colledge (1619)®, America's First Colledge – Revived, founded by the historic First Virginia General Assembly, convened in the 1617 Church on Jamestown Island; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the 2022 and 2023 seaplane flybys in honor of the 1619 Thanksgiving Prayer; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare copies of this resolution for presentation to Don Maxwell and Chancellor Steven C. Smith of Henricus Colledge (1619)® as an expression of the General Assembly's appreciation for the increased awareness of the historic 1619 Thanksgiving Prayer.

HOUSE JOINT RESOLUTION NO. 340

Commending the Virginia Association of Free and Charitable Clinics.

Agreed to by the House of Delegates, March 5, 2024
Agreed to by the Senate, March 7, 2024

WHEREAS, for more than 30 years, the Virginia Association of Free and Charitable Clinics has enabled clinics throughout the Commonwealth to provide free access to high quality health care through advocacy and support services; and

WHEREAS, established in 1993, the Virginia Association of Free and Charitable Clinics advocates for the needs and concerns of free and charitable clinics statewide, as well as their volunteer workforce of doctors, dentists, nurses, therapists, pharmacists, technicians, community health workers, and other health care professionals; and

WHEREAS, the Virginia Association of Free and Charitable Clinics believes that everyone deserves access to comprehensive, compassionate care regardless of their ability to pay and that free and charitable clinics play a vital role in the health care process by providing preventative, acute, and chronic care to people who are uninsured or underinsured; and

WHEREAS, the Virginia Association of Free and Charitable Clinics has witnessed a growing demand for services due to the effects of the COVID-19 pandemic and has worked diligently to help clinics provide in-demand services like dental care, behavioral health care, and substance use disorder programs; and

WHEREAS, the Virginia Association of Free and Charitable Clinics has helped clinics adapt to changes in technology like implementing telehealth and to address challenges with higher operating costs and workforce shortages; and

WHEREAS, in 2022, the 61 member clinics of the Virginia Association of Free and Charitable Clinics provided more than $114 million worth of care to 75,000 Virginians through more than 246,000 patient visits and 363,000 free prescriptions; and

WHEREAS, over the course of its history, the Virginia Association of Free and Charitable Clinics has strengthened communities throughout the Commonwealth by addressing health inequities and promoting overall wellness; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Virginia Association of Free and Charitable Clinics on the occasion of its 30th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Virginia Association of Free and Charitable Clinics as an expression of the General Assembly's admiration for the organization's vital mission to facilitate health care for underserved communities.

HOUSE JOINT RESOLUTION NO. 341

Celebrating the life of Locke A. Taylor, DVM.

Agreed to by the House of Delegates, March 5, 2024
Agreed to by the Senate, March 7, 2024

WHEREAS, Locke A. Taylor, DVM, a trusted veterinarian in Richmond who was passionate about providing the finest care to animals and their families and touched countless lives through his compassion, generosity, and professionalism, died on November 30, 2023; and

WHEREAS, Locke Taylor grew up in Richmond and knew from a young age that he wanted to care for animals; at the age of 13, he began working for a veterinarian near his home, assisting with anything he could, like cleaning the kennels and traveling with the doctor to local farms; and

WHEREAS, Locke Taylor attended Hermitage High School, where he was elected as senior class president, then graduated from Virginia Polytechnic Institute and State University as a member of the Corps of Cadets; and

WHEREAS, Locke Taylor continued his education at the University of Georgia College of Veterinary Medicine, then returned to Richmond, where he opened his own veterinary practice in a small cinderblock building and began his life's work; and

WHEREAS, over the next 54 years, Locke Taylor provided his knowledge and expertise to veterinary hospitals throughout Central Virginia and grew his practice, Locke A. Taylor Veterinary Hospital, to become one of the most highly recommended veterinary centers in the region; and

WHEREAS, Locke Taylor cared for thousands of animals in Richmond and the surrounding region, from cats, dogs, birds, reptiles, and other pets to livestock and farm animals; and

WHEREAS, known for his unmatched kindness toward both people and animals, Locke Taylor ensured that his practice continued to provide compassionate, personalized service to its patients, along with a comprehensive range of treatment options, knowledge, and support; and

WHEREAS, outside of his career, Locke Taylor loved dancing and stayed fit through distance running and had finished several marathons; and

WHEREAS, Locke Taylor also had a fond appreciation for the great outdoors and enjoyed hunting, fishing, skiing, waterskiing, gardening, and other activities; he was a proud steward of the environment and recycled everything he could; and

WHEREAS, in later life, Locke Taylor and his wife, Becky, were avid travelers who visited many exciting destinations, but he was quick to point out that his favorite moments were spent at home, making memories with family and friends; and

WHEREAS, Locke Taylor will be fondly remembered and greatly missed by his beloved wife, Becky; his children, Wendy, Allen, and Bo, and their families; and numerous other family members, friends, and members of the community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Locke A. Taylor, DVM, a trusted and respected medical professional who enhanced the lives of countless animals throughout Central Virginia; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Locke A. Taylor, DVM, as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 342

Commending Fort Gregg-Adams.

Agreed to by the House of Delegates, March 5, 2024
Agreed to by the Senate, March 7, 2024

WHEREAS, Fort Gregg-Adams, formerly Fort Lee, officially changed its name in 2023 to honor Lieutenant General Arthur J. Gregg and Lieutenant Colonel Charity Adams Earley, two prominent Black Americans who broke down racial barriers as distinguished officers in the United States Army; and

WHEREAS, Fort Gregg-Adams was originally established as Camp Lee shortly after the United States' declaration of war against Germany during World War I; it was reestablished at the outset of World War II, later designated as Fort Lee, and has served the nation since that time; and

WHEREAS, in 2021, the United States Congress created the Commission on the Naming of Items of the Department of Defense that Commemorate the Confederate States of America or Any Person Who Served Voluntarily with the Confederate States of America, which subsequently recommended that Fort Lee, along with several other bases across the country, be renamed; and

WHEREAS, on April 27, 2023, Fort Lee was officially redesignated as Fort Gregg-Adams in honor of Lieutenant General Arthur J. Gregg and Lieutenant Colonel Charity Adams Earley, both of whom established a legacy of excellence in logistics and sustainment during their military service; and

WHEREAS, Charity Adams Earley was the first Black woman to become an officer in the Women's Army Auxiliary Corps and was the commanding officer of the first battalion of Black women to serve overseas during World War II; her unit, the 6888th Central Postal Directory Battalion, earned accolades for its incredible efficiency and success in delivering a backlog of mail to tens of thousands of American soldiers spread across Europe; and

WHEREAS, Arthur Gregg was the first Black American to reach the rank of brigadier general in the United States Army Quartermaster Corps and the first Black American to achieve the rank of lieutenant general; he began his military career managing supply logistics in occupied Germany after World War II, later ran a supply depot in Japan, commanded a supply and support battalion in Vietnam, and held several postings throughout the Cold War, culminating in his final assignment as the United States Army's deputy chief of staff for logistics; and

WHEREAS, the primary mission of Fort Gregg-Adams is to provide logistics doctrine, training, leadership development, and solutions to support and sustain the United States Army's joint and expeditionary capabilities during peace and war; and

WHEREAS, Fort Gregg-Adams is currently home to the Army Combined Arms Support Command, Army Sustainment Center of Excellence, Army Quartermaster School, Army Ordnance School, Army Transportation School, Army Sustainment University, Defense Contract Management Agency, and Defense Commissary Agency; and

WHEREAS, Fort Gregg-Adams serves tens of thousands of students and supports thousands of permanent jobs, with an annual economic impact on the region of $2.4 billion; and

WHEREAS, under its new name, Fort Gregg-Adams will continue to provide the outstanding support and logistical knowledge and services that allow the United States Army to operate efficiently and effectively around the world; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Fort Gregg-Adams on the occasion of the adoption of its current name in 2023; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the commander of Fort Gregg-Adams as an expression of the General Assembly's admiration for the achievements of Lieutenant General Arthur J. Gregg and Lieutenant Colonel Charity Adams Earley and the vital role the post plays in the Prince George County community.

HOUSE JOINT RESOLUTION NO. 343

Commending G. Kenneth Morgan.

Agreed to by the House of Delegates, March 5, 2024
Agreed to by the Senate, March 7, 2024

WHEREAS, G. Kenneth Morgan was born on December 2, 1947, in Farmville, where he graduated from Prince Edward Academy; he received an undergraduate degree from the University of Richmond and a master's degree in adult education from Virginia Commonwealth University; and

WHEREAS, G. Kenneth "Ken" Morgan began his involvement with volunteer rescue squads in August 1964 as a junior member of the Emergency Squad in Crewe, later known as the Nottoway County Emergency Squad, and attended a convention in 1965 in Natural Bridge, where he was elected as a junior association officer; and

WHEREAS, in late 1966, Ken Morgan joined the Tuckahoe Junior Volunteer Rescue Squad in Richmond, serving as the resident dispatcher from November 1967 to June 1970, residing in the squad building while he attended college; he became a member of the senior squad in December of 1968 and served in numerous officer positions, until, at the age of 25, he became president of the squad; and

WHEREAS, Ken Morgan was elected as the Virginia Association of Volunteer Rescue Squads (VAVRS) District Three vice president in 1971, and at the age of 27, he became president of VAVRS; he also served as secretary, vice president, and historian; and

WHEREAS, in 1975, while serving as vice president of VAVRS, Ken Morgan worked with Virginia Polytechnic Institute and State University on the creation of the VAVRS Rescue College, which is now in its 49th year; and

WHEREAS, Ken Morgan's experience as a volunteer rescue squad member led to his career in the emergency medical services (EMS) field; while a student at the University of Richmond, he began employment in the St. Mary's Hospital Emergency Department, where he was part of the original CPR training team of the American Heart Association, which had a federally funded grant to expand CPR training throughout the Commonwealth; and

WHEREAS, in 1970, Ken Morgan was hired by the American Heart Association and was responsible for all educational programs in Virginia, including early CPR training for hospital and EMS personnel, and he and a team of volunteer instructors traveled the Commonwealth certifying CPR instructors; and

WHEREAS, in 1979, Ken Morgan was promoted by the American Heart Association, and after several moves, relocated to Chapel Hill, North Carolina, in 1982 as the state executive director; and

WHEREAS, while in Virginia, Ken Morgan served as CPR instructor trainer for the American Red Cross, as an adjunct faculty member in the Anesthesiology Department of the Virginia Commonwealth University School of Medicine, and was the first non-physician vice chair of the Virginia State EMS Advisory Board; and

WHEREAS, following his move to Chapel Hill, Ken Morgan became a member of Rotary International, where he served in numerous elected and appointed positions, including as one of the members of the Rotary International Board of Directors from 2004 to 2006; and

WHEREAS, Ken Morgan maintained his involvement with VAVRS, returning to many of its conventions; he was elected a VAVRS Life Member in September 1979, inducted as a member of the Virginia Life Saving and Rescue Hall of Fame in September 2011, and served nine months as the interim assistant executive director of VAVRS in 2020; and

WHEREAS, Ken Morgan and his wife, Winnie, have one daughter, Rebecca, and four grandchildren; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend G. Kenneth Morgan for his dedication to his fellow members of the emergency medical services community and those to whom he taught life-saving measures over the years; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to G. Kenneth Morgan as an expression of the General Assembly's admiration for his contributions to the field of emergency medical services and the Commonwealth.

HOUSE JOINT RESOLUTION NO. 344

Commending the Virginia Law Foundation.

Agreed to by the House of Delegates, March 5, 2024
Agreed to by the Senate, March 7, 2024

WHEREAS, the Virginia Law Foundation, an initiative of the Virginia State Bar dedicated to promoting, through philanthropy, the Rule of Law, access to justice, and law-related education, celebrates its 50th anniversary in 2024; and

WHEREAS, the Virginia Law Foundation (VLF) was chartered by the State Corporation Commission on March 4, 1974, to act as the vehicle for financing the acquisition of land and the construction of a headquarters building to serve law-related organizations in the Commonwealth; and

WHEREAS, in 1981, the corporation's board voted to change the name of the corporation to the Virginia Law Foundation, signaling a shift from a focus on building a bar headquarters to the broader agenda of supporting access to justice, law-related education, and Rule of Law projects; and

WHEREAS, that same year, at the behest of the Virginia State Bar and the Virginia Bar Association (VBA), the VLF began supervising the operations of Virginia continuing legal education (CLE) to ensure the provision of the finest in CLE services to the Commonwealth's legal community; and

WHEREAS, from 1983 through 1995, the VLF served as the entity designated by the Supreme Court of Virginia to administer the interest received from the Interest on Lawyers Trust Accounts program and handled this fiduciary responsibility with great care and effect; and

WHEREAS, in 1984, the VLF instituted its fellows program to recognize the top one percent of lawyers in the Commonwealth who have demonstrated excellence in all endeavors associated with the profession and who have made

outstanding contributions to their communities; to date the VLF has bestowed this honor on approximately 775 lawyers who meet the ideals of citizen lawyers; and

WHEREAS, through its robust grant program initiated in 1984, the VLF has awarded more than $28 million in grants to myriad programs that support the VLF's mission; and

WHEREAS, over the last decade, the VLF has financially supported several notable signature projects to leave a lasting impact on the Commonwealth, including the Nuremberg Trials Courtroom exhibit at the Virginia Holocaust Museum, the Supreme Court of Virginia's Judicial Learning Center, and the Library of Virginia's program to restore various original governing documents of Virginia; and

WHEREAS, in addition to providing outstanding legal education through its educational division Virginia CLE, the VLF supports other educational organizations and institutions, particularly those that provide educational programming in the areas of civics and constitutional history; and

WHEREAS, in the last five years, the VLF has pioneered its own tremendously successful educational initiatives, including the Constitutional Law Institute, the Civil Rights Law Institute, and the Wellness Institute, and has launched a prestigious professional recognition, the Qualified Counselor and Qualified Master Counselor Designation Program, to assist the public in securing competent legal representation; and

WHEREAS, over the past 50 years, the Virginia Law Foundation has been a constant clarion for justice and a force for good within the Commonwealth; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Virginia Law Foundation on the occasion of its 50th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Virginia Law Foundation as an expression of the General Assembly's admiration for the organization's contributions to the Commonwealth.

HOUSE JOINT RESOLUTION NO. 345

Commemorating the legacy of the Alexandria Library sit-in.

Agreed to by the House of Delegates, March 5, 2024
Agreed to by the Senate, March 7, 2024

WHEREAS, Alexandria established a public library in 1937, limiting access to only white citizens of Alexandria; and

WHEREAS, the African American citizens of Alexandria were not only denied access to the library but were also denied an equal facility dedicated to the African American community; and

WHEREAS, United States Army sergeant George Wilson and attorney Samuel W. Tucker applied for and were refused library cards in 1937, leading Samuel W. Tucker to plan and organize a peaceful protest at the library; and

WHEREAS, six courageous young African American men, William Evans, Otto Tucker, Edward Gaddis, Morris Murray, and Clarence Strange, as well as Robert Strange, who ran to notify Samuel Tucker that the police were arriving at the library, put Samuel Tucker's plan into action; and

WHEREAS, on August 21, 1939, five of the young men applied for and were denied library privileges at what is today Alexandria's Kate Waller Barrett Branch Library; and

WHEREAS, these men refused to comply with an order to leave the building and were arrested while reading in silent protest in the library's public reading room; and

WHEREAS, the City of Alexandria, after numerous delays and negotiations, established the Robinson Library in 1940, which was the "separate but equal" facility that purportedly served the "colored community" of Alexandria for more than 20 years after the 1939 sit-in; and

WHEREAS, the Alexandria Library and the City of Alexandria acknowledge and apologize for their roles in these events and pledge to ensure that all residents will have access to the public library, providing materials to meet their informational, recreational, and educational needs, regardless of age, race, gender, and socioeconomic status; and

WHEREAS, the Alexandria Library is commemorating the 85th anniversary of the sit-in throughout 2024 by celebrating the "legacy of courage" of William Evans, Otto Tucker, Edward Gaddis, Morris Murray, Clarence Strange, and Robert Strange through programming, guest speaker talks, book displays, performances, and other ceremonial events; and

WHEREAS, the Alexandria Library will continue to honor this legacy of the historic peaceful protest, which was ahead of its time, by establishing a "Sit-In Meeting Room" at the Kate Waller Barrett Branch Library to remember the courageous actions of those men; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commemorate the legacy of the Alexandria Library sit-in on the occasion of its 85th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to representatives of the Alexandria Library as an expression of the General Assembly's appreciation for the role of that event in setting the Alexandria Library, the City of Alexandria, the Commonwealth, and the United States on a correct course toward respecting all people and supporting them in their pursuit of knowledge and happiness.

HOUSE JOINT RESOLUTION NO. 346

Commending Julian C. Deck.

Agreed to by the House of Delegates, March 5, 2024
Agreed to by the Senate, March 7, 2024

WHEREAS, Julian C. Deck has dedicated his life to supporting teachers and students of the Commonwealth as a staunch advocate for public education; and

WHEREAS, Julian Deck is a proud son of the Commonwealth who graduated from James Wood High School in Winchester, and he holds a bachelor's degree in education from what is now Shepherd University in Shepherdstown, West Virginia; and

WHEREAS, Julian Deck served with distinction in the critically important role of a public school educator, working as an elementary physical education and driver education teacher in Warren County; and

WHEREAS, Julian Deck mentored young people as a football coach, defensive coordinator, and wrestling coach for Warren County High School; and

WHEREAS, Julian Deck has supported public school educators, throughout his beloved Shenandoah Valley and beyond, as a UniServ Director at the Virginia Education Association for 31 years; and

WHEREAS, Julian Deck has also advocated tirelessly for public education during more than 30 sessions of the General Assembly, earning the respect of legislators and staff on both sides of the aisle for his exceptional dedication and congeniality; and

WHEREAS, the 2024 Session of the General Assembly will be Julian Deck's final session advocating for public education; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Julian C. Deck for his work to support educators and young Virginians as an advocate for public education; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Julian C. Deck as an expression of the General Assembly's admiration for his contributions to the cause of public education in the Commonwealth.

HOUSE JOINT RESOLUTION NO. 347

Commending the Lake Taylor High School basketball program.

Agreed to by the House of Delegates, March 5, 2024
Agreed to by the Senate, March 7, 2024

WHEREAS, the Lake Taylor High School girls' basketball team and the Lake Taylor High School boys' basketball team both represented Norfolk Public Schools and the City of Norfolk in the Virginia High School League Region 3A semifinal games at Norfolk State University on February 22, 2024; and

WHEREAS, the Lake Taylor girls' basketball team faced off against Grafton High School in a hard-fought contest, with the Lake Taylor Mighty Titans emerging victorious with a final score of 53-51; and

WHEREAS, the Lake Taylor girls' basketball team's victory was secured by an incredible two-point buzzer-beater from Avanni McDaniel, showcasing the team's determination and skill; and

WHEREAS, the Lake Taylor boys' basketball team competed against Lakeland High School, delivering a dominant performance and securing a resounding victory with a final score of 86-46; and

WHEREAS, the Lake Taylor boys' basketball team's impressive win demonstrated their exceptional teamwork and dedication to the sport; and

WHEREAS, Saundra Sawyer and Derek Edwards, the respective head coaches of the girls' and boys' basketball teams provided exceptional leadership, guidance, and dedication to the student-athletes in their care; and

WHEREAS, the Lake Taylor girls' and boys' basketball teams received unwavering support from Principal Latesha N. Wade-Jenkins, and the administration, faculty, and staff members of Lake Taylor High School; and

WHEREAS, the success of the Lake Taylor girls' and boys' basketball teams in the Virginia High School League Region 3A semifinal games have brought great pride and honor to Norfolk Public Schools, the City of Norfolk, and the entire Lake Taylor High School community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Lake Taylor High School basketball program for the outstanding performances of both the girls' and boys' basketball teams in their Virginia High School League Region 3A semifinal games; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare copies of this resolution for presentation to the Lake Taylor High School girls' basketball team, the Lake Taylor High School boys' basketball team, head coaches Saundra Sawyer and Derek Edwards, and Principal Latesha N. Wade-Jenkins on behalf of the administration, faculty, staff, and athletic department of Lake Taylor High School as an expression of the General Assembly's admiration and appreciation for both teams' achievements.

HOUSE JOINT RESOLUTION NO. 348

Celebrating the life of the Reverend Rosalind Moats Hairston.

Agreed to by the House of Delegates, March 5, 2024
Agreed to by the Senate, March 7, 2024

WHEREAS, born Rosalind Marie Vines to Barbara Ann Ruffin Vines and Norris Marion Vines on September 15, 1961, the Reverend Rosalind Moats Hairston was a member of Mount Lebanon Baptist Church as a young child and gave her life to the Lord Jesus Christ at the Garden of Prayer Temple under the late Bishop Levi Willis, Sr., at the age of nine; and

WHEREAS, at the age of 16, Rosalind Hairston was hired as the first student-aid clerk typist for the Equal Employment Opportunity Commissioner (EEOC) at the Norfolk Naval Base under the late Deputy EEOC Officer Thomas L. Spicer while also attending Maury High School, where she lettered in band; and

WHEREAS, Rosalind Hairston was instrumental in founding the Granby Street Drillers, a girls' drill team, and was responsible for the team marching in the Norfolk State Homecoming Parade and the Azalea Parade in 1979; and

WHEREAS, Rosalind Hairston was introduced into society as a Bachelor of Benedict Debutante and was the first to ever return as a "married widow" the following year wearing red instead of black; and

WHEREAS, Rosalind Hairston married her first husband, the late Arthur Moats, Jr., in the summer of 1979 and moved to Beaufort, South Carolina, where she was hired as the first Black woman to work in the office of South Carolina Electric & Gas Company as a teller; and

WHEREAS, Rosalind Hairston received her calling into the ministry as an evangelist at the age of 18 at Grays Hill Holiness Church Unto the Lord while stationed in Beaufort, South Carolina, as a military dependent; and

WHEREAS, Rosalind Hairston became the first Black female radio announcer to spin records at WRNB in New Bern, North Carolina, and was also the first female minister to be licensed to preach the gospel at Ambassadors Christ Christian Fellowship Center, Inc., in Havelock, North Carolina; and

WHEREAS, Rosalind Hairston passed her North Carolina Insurance Licensing Exam in 1989 and six months later passed another exam to gain her Life Underwriter Training Council certification in disability insurance; and

WHEREAS, after returning to Virginia in 1990, Rosalind became the first Black woman to work as a licensed insurance agent for Durham Life Insurance Company in the Hampton Roads office, where she remained Agent of the Quarter for an entire year and was the first woman to qualify for an all-expense-paid ski trip to Denver, Colorado, for being number four in the company for sales; and

WHEREAS, after the birth of her last child, Rosalind Hairston worked as a broker specialist for Sentara ADS in their Small Group Marketing Department, where she was the first Black woman to work in that role; and

WHEREAS, in 1992, Rosalind Hairston gained her licenses in life and health and property and casualty insurance and further pursued her personal growth and development by working with Cigna Group Insurance as an account executive in the Commercial Property and Casualty Department with a one-million-dollar liability authority; and

WHEREAS, in 1994, Rosalind Hairston was asked to lead the Small Group Disability Unit, where she was the first Black female account executive hired to take the lead in broker relations and sales and instituted the Selah Christian Fellowship Email Group Ministry during her tenure there; and

WHEREAS, Rosalind Hairston was guided by her faith to pursue more work in the ministry; she was ordained in 1995 and co-pastored Selah Christian Fellowship Center, Inc., located in the former Tucker Elementary School, in the Berkley section of South Norfolk; and

WHEREAS, Rosalind Hairston became the violence intervention director for the center and for the Campostella Boys & Girls Club, which was housed there; she also became an entrepreneur and started Selah Kids Heaven Academy, where she was licensed as a child care provider and director by the Virginia Department of Social Services for more than 11 years; and

WHEREAS, Rosalind Hairston grew her business from a licensed home daycare to a certified center until 2008; and

WHEREAS, after nine years of assistant pastoral duties, Rosalind Hairston joined First Baptist Church West Munden in 2007, where she served in various ministries, including the nursery, Senior's Ministry, and Wednesday Night Youth Bible Study; and

WHEREAS, in 2009, Rosalind stood in the gap at First Baptist Church West Munden, where her gifts were utilized by representing the church by offering a prayer for the National Day of Prayer Ceremonies for the City of Chesapeake; and

WHEREAS, in 2012, Rosalind entered the archives of church history by becoming the first female pastor of First Baptist Church West Munden, in which capacity she served for over three years; and

WHEREAS, Rosalind Hairston's remarkable achievements, dedication to her community, and unwavering faith have left an indelible mark on the cities of Norfolk and Chesapeake and the rest of Hampton Roads, as well as on the lives of countless individuals; and

WHEREAS, Rosalind Hairston is fondly remembered and greatly missed by numerous family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of the Reverend Rosalind Moats Hairston, who had an immeasurable impact on the lives of others; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of the Reverend Rosalind Moats Hairston as an expression of the General Assembly's respect for her memory and for her outstanding contributions to the community, her pioneering spirit, and her unwavering faith.

HOUSE JOINT RESOLUTION NO. 349

Commending Robert Jones.

Agreed to by the House of Delegates, March 5, 2024
Agreed to by the Senate, March 7, 2024

WHEREAS, Robert Jones, head coach of the Norfolk State University men's basketball team, achieved a significant milestone in 2024, securing his 200th victory as a coach in a dramatic come-from-behind win against Howard University; and

WHEREAS, the Norfolk State University Spartans were down by 15 points at one stage, but rallied back with a 13-4 run to tie the game at 61, setting up a three-pointer by Jamarii Thomas with 25 seconds left to secure a 65-61 victory; and

WHEREAS, this victory not only marked the 200th career win for Robert Jones, but also highlighted the resilience and determination of the Norfolk State Spartans; and

WHEREAS, Robert Jones became the second coach in Norfolk State University history to achieve 200 victories, a remarkable feat that places him in the company of former coach Charles Christian; and

WHEREAS, the victory was a testament to the hard work and dedication of Robert Jones, his coaching staff, and the players of the Norfolk State University men's basketball team; and

WHEREAS, the outstanding leadership and mentorship of Robert Jones have been instrumental in the success of the team and the development of the student-athletes; and

WHEREAS, the victory is a source of pride for the entire Norfolk State University community and a reflection of the university's commitment to excellence in athletics; and

WHEREAS, the Norfolk State Spartans' victory against Howard University, which earned Robert Jones his 200th career win as a coach, is an extraordinary moment that will be remembered and celebrated by the Norfolk State University community for years to come; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Robert Jones, head coach of the Norfolk State University men's basketball team, on the occasion of his 200th career win as a coach; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Robert Jones as an expression of the General Assembly's admiration for his historic achievements in service to the students of Norfolk State University.

HOUSE JOINT RESOLUTION NO. 350

Commending the Norfolk State University men's basketball team.

Agreed to by the House of Delegates, March 5, 2024
Agreed to by the Senate, March 7, 2024

WHEREAS, the Norfolk State University men's basketball team, under the leadership of head coach Robert Jones, achieved a significant milestone with a come-from-behind win against Howard University to secure Coach Jones' 200th victory; and

WHEREAS, the Norfolk State University Spartans were down by 15 points at one stage but rallied back with a 13-4 run to tie the game at 61, setting up a three-pointer by Jamarii Thomas with 25 seconds left to secure a 65-61 victory; and

WHEREAS, this victory not only marked the 200th win for Robert Jones but also highlighted the resilience and determination of the Norfolk State Spartans; and

WHEREAS, the Norfolk State Spartans have faced adversity with grace and resilience, particularly during a game where racial slurs were directed at the team; and

WHEREAS, despite facing such unacceptable behavior, the Norfolk State Spartans maintained their composure and focused on the game, ultimately emerging victorious; and

WHEREAS, the Norfolk State Spartans' victory against Howard University is a historic moment that will be remembered and celebrated by the Norfolk State University community for years to come; and

WHEREAS, the tenacity of the Norfolk State Spartans serves as an inspiration to all, demonstrating the importance of unity, strength, and perseverance; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Norfolk State University men's basketball team for their historic victory and for their resilience in the face of adversity; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Norfolk State University men's basketball team as an expression of the General Assembly's congratulations and admiration for the team's athletic achievements.

HOUSE JOINT RESOLUTION NO. 351

Commending Matthew Fontaine Maury High School.

Agreed to by the House of Delegates, March 5, 2024
Agreed to by the Senate, March 7, 2024

WHEREAS, Matthew Fontaine Maury High School has shown an extraordinary commitment to computer science education and diversity; and

WHEREAS, Maury High School has been a pioneer in computer science education, offering courses in cyber security, information technology fundamentals, and Advanced Placement (AP) computer science; and

WHEREAS, Maury High School has been acknowledged for its dedication to diversity in computer science, with Maury High School winning the College Board's AP Computer Science Female Diversity Award in 2019, 2022, and 2023; and

WHEREAS, Maury High School's computer science courses integrate technology in their classrooms, emphasizing programming languages and real-world applications, such as securing computer networks and preventing hacking attempts; and

WHEREAS, Maury High School is committed to fostering women in science, technology, engineering, and mathematics careers by encouraging enrollment and success in computer science courses; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Matthew Fontaine Maury High School for its commitment to computer science education and diversity; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Karen Berg, principal of Matthew Fontaine Maury High School, as an expression of the General Assembly's admiration for the school's contributions to educating students in the areas of science, technology, engineering, and mathematics and its appreciation for the school's efforts to cultivate women leaders in these fields and to continue to expand and enhance computer science education and career opportunities for all students.

HOUSE JOINT RESOLUTION NO. 352

Commending Jeff Jones.

Agreed to by the House of Delegates, March 5, 2024
Agreed to by the Senate, March 7, 2024

WHEREAS, Jeff Jones, former head coach of the Old Dominion University men's basketball team, has shown extraordinary devotion to basketball and his community; and

WHEREAS, Jeff Jones has dedicated 41 years to coaching basketball, including 32 years as a head coach; and

WHEREAS, Jeff Jones has coached at the University of Virginia, American University, and Old Dominion University, leading teams to the National Invitation Tournament and the National Collegiate Athletic Association tournament, where he reached the Elite Eight in 1995; and

WHEREAS, Jeff Jones has been a mentor to countless players and coaches, always putting the team first and emphasizing the importance of hard work and teamwork; and

WHEREAS, Jeff Jones has been a positive force in the community, participating in charity events and initiatives, such as Samaritan's Feet International and Coaches Versus Cancer; and

WHEREAS, Jeff Jones has made the difficult decision to retire from coaching, prioritizing his health, happiness, and family; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Jeff Jones for his dedication to basketball and contributions to the community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Jeff Jones as an expression of the General Assembly's admiration and gratitude for his service and best wishes for a happy and fulfilling retirement.

HOUSE JOINT RESOLUTION NO. 353

Commending the Southside Youth Football League.

Agreed to by the House of Delegates, March 5, 2024
Agreed to by the Senate, March 7, 2024

WHEREAS, the Southside Youth Football League had a remarkable 2023 season with the 6u Norfolk Titans, the 10u Mighty Huntersville Wolverines, and the 12u Berkley Timberwolves entering the playoffs as the No. 1 seed, and the Bu Huntersville Wolverines entering the playoffs as the No. 2 seed; and

WHEREAS, the Southside Youth Football League championship games were played on November 11, 2023, at Booker T. Washington High School stadium where the 6u Norfolk Titans, Bu Huntersville Wolverines, 10u Mighty Huntersville Wolverines, and 12u Berkley Timberwolves prevailed as the 2023 Southside Youth Football League champions; and

WHEREAS, under the leadership of head coaches Marvin Hall, Bobby Dee Hall, and Larry Williams, the young athletes of the Southside Youth Football League have learned valuable lessons of teamwork, sportsmanship, friendly competition, and leadership; and

WHEREAS, the Southside Youth Football League is a valuable organization for the Norfolk community, and every player, parent, and supporter of the Southside Youth Football League should be proud of this momentous achievement; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Southside Youth Football League for its remarkable 2023 season; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the leadership of the Southside Youth Football League, as an expression of the General Assembly's admiration for the team's achievement.

HOUSE JOINT RESOLUTION NO. 354

Commending Annette Lewis.

Agreed to by the House of Delegates, March 6, 2024
Agreed to by the Senate, March 8, 2024

WHEREAS, Annette Lewis, former president of Total Action for Progress, a Roanoke-based nonprofit organization providing social support programs to area families in need, retired in September 2023; and

WHEREAS, a native of Dallas and graduate of West Texas State University, Annette Lewis began her career with Total Action for Progress (TAP) 35 years ago as a summer youth counselor; and

WHEREAS, as a result of her work ethic and dedication, Annette Lewis rose through the ranks at TAP, serving over the years as the organization's supervisor of family and parent involvement at the Head Start education program, as director of the This Valley Works employment program, and as vice president and later senior vice president of programs; and

WHEREAS, Annette Lewis became the president of TAP in May 2015, embracing the responsibility of overseeing the organization's expansive portfolio of educational programs, employment training, financial services, family services, housing programs, and more; and

WHEREAS, under Annette Lewis' tenure, TAP embarked on a number of remarkable initiatives, including the creation of a statewide job training network, the development of the Sabrina's Place supervised visitation and safe space program, and the establishment of an annual football game between historically Black colleges and universities in the Commonwealth to raise money for high school dropout retrieval; and

WHEREAS, Annette Lewis has received numerous honors through the years for her accomplishments in service to the Roanoke Valley community, such as the Reverend Dr. Martin Luther King, Jr. Drum Major of Justice Award from the Roanoke chapter of the Southern Christian Leadership Conference in 2016; and

WHEREAS, beyond TAP, Annette Lewis has made an impact by serving on the boards of several community organizations and committees, including the Roanoke Higher Education Authority, the Taubman Museum of Art, the Roanoke Regional Chamber of Commerce, and the Virginia Community Action Partnership, which she served as chair; and

WHEREAS, Annette Lewis was an appointed member of the Roanoke City School Board from 2010 to 2019, where she worked tirelessly for the benefit of the city's students, teachers, and families; and

WHEREAS, through her unwavering commitment to the mission and core values of TAP, Annette Lewis improved the quality of life for countless people living in the Roanoke Valley region, earning the esteem and admiration of all Virginians; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Annette Lewis on the occasion of her retirement from Total Action for Progress; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Annette Lewis as an expression of the General Assembly's high regard for her legacy of service and best wishes for a happy and fulfilling retirement.

HOUSE JOINT RESOLUTION NO. 355

Commending the Yorktown High School girls' swim and dive team.

Agreed to by the House of Delegates, March 5, 2024
Agreed to by the Senate, March 7, 2024

WHEREAS, the Yorktown High School girls' swim and dive team won its second consecutive state title with a victory in the Virginia High School League Class 6 state championship; and

WHEREAS, on the road to the state tournament, the Yorktown High School Patriots also won their third consecutive regional championship title; and

WHEREAS, in the state final, held at Hampton Aquaplex, the Yorktown Patriots finished with 224 points overall, outpacing the runners-up from Robinson Secondary School by more than 50 points; and

WHEREAS, with a deep roster of more than 70 talented student-athletes, the Yorktown Patriots participated in every event, with numerous team members earning top-five finishes; and

WHEREAS, Yorktown High School freshman Lila Sherman, who previously placed in the top 10 of the USA Swimming Futures Championship and won five heats at the Riley Eaton Holiday Invitational, won the state championship 500-yard freestyle race with a time of 4:54.33; and

WHEREAS, the victorious season is a testament to the skill and hard work of all the student-athletes, the leadership and guidance of coaches and staff, and the enthusiastic support of family members, friends, and the entire Yorktown High School community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Yorktown High School girls' swim and dive team on winning the Virginia High School League Class 6 state championship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Torey Ortmayer, head coach of the Yorktown High School girls' swim and dive team as an expression of the General Assembly's admiration for the team's athletic achievements.

HOUSE JOINT RESOLUTION NO. 356

Celebrating the life of the Honorable Thomas O. Bondurant.

Agreed to by the House of Delegates, March 5, 2024
Agreed to by the Senate, March 7, 2024

WHEREAS, the Honorable Thomas O. Bondurant, a distinguished attorney in the Richmond region and a retired judge of the 14th Judicial District of Virginia, died on July 26, 2023; and

WHEREAS, Thomas "Tom" O. Bondurant grew up in Rice and graduated from what was then known as Prince Edward Academy in Farmville; and

WHEREAS, Tom Bondurant continued his education at the University of Richmond, where he received a bachelor's degree in English, was a member of Theta Chi Fraternity, and played on the baseball team; and

WHEREAS, Tom Bondurant was twice selected as the All-Southern Conference first baseman, and he served as captain of the University of Richmond baseball team during hall-of-famer Mac Pitt's last season as head coach; and

WHEREAS, Tom Bondurant subsequently earned a law degree from the University of Richmond, during which time he served as an assistant coach on the baseball team; and

WHEREAS, Tom Bondurant pursued a career as an attorney and practiced law in the Richmond area for more than 40 years; he also served as the county attorney for Westmoreland County, the commissioner in chancery for Henrico County, and as a substitute judge for more than a decade; and

WHEREAS, Tom Bondurant was a founding member of the Henrico County Bar Association and provided his expertise to the Disciplinary Board of the Virginia State Bar; he inspired future generations of attorneys by teaching trial advocacy as an adjunct professor at the University of Richmond for 10 years; and

WHEREAS, Tom Bondurant was appointed as a judge of the Henrico County General District Court of the 14th Judicial District of Virginia and presided over the court with great fairness and wisdom until his retirement in 2022; and

WHEREAS, Tom Bondurant continued to serve as a substitute judge and was a trusted mentor to countless younger attorneys and judges over the years; and

WHEREAS, among many awards and accolades, Tom Bondurant was inducted into the University of Richmond Athletics Hall of Fame with the Class of 2018, and he was recognized by the Richmond Bar Association for his legacy of contributions to the legal community; and

WHEREAS, Tom Bondurant will be fondly remembered and greatly missed by his wife of 52 years, Christie; his daughters, Leigh and Ginnie, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of the Honorable Thomas O. Bondurant; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of the Honorable Thomas O. Bondurant as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 357

Celebrating the life of Lee Penington Rice.

Agreed to by the House of Delegates, March 5, 2024
Agreed to by the Senate, March 7, 2024

WHEREAS, Lee Penington Rice, a respected professional in the insurance industry, an accomplished author, and a highly admired member of the Richmond community, died on July 21, 2023; and

WHEREAS, born in Richmond to Julia Norris and Leon Rice, Lee Rice spent much of his childhood in Kilmarnock and graduated from James Monroe High School in Fredericksburg; and

WHEREAS, Lee Rice earned a bachelor's degree in history from Virginia Commonwealth University and a master's degree in humanities from the University of Richmond; and

WHEREAS, Lee Rice began working as a banker after earning his undergraduate degree, then enjoyed a long career as a commercial insurance agent with the A.W. Hargrove Insurance Agency in Hanover County; and

WHEREAS, Lee Rice was a talented author who published two books, a memoir for his mother titled *The Life of "P"* in 2007 and *Journeys of Entrepreneurs* in 2012; he made countless thought-provoking contributions to the Editorial Section of the *Richmond Times-Dispatch* on a wide range of subjects and received several of the newspaper's Correspondent of the Year awards; and

WHEREAS, Lee Rice volunteered his time and wise leadership to the Richmond Council of the Navy League of the United States, Meals on Wheels, and Needle's Eye Ministries; in addition, he served as a mentor to students at Woodville Elementary School through a program at his church; and

WHEREAS, Lee Rice enjoyed fellowship and worship with the community at St. Paul's Episcopal Church, where he had been a faithful member of the congregation for more than five decades; and

WHEREAS, outside of his career and community service, Lee Rice enjoyed trips to beaches and rivers with his family; he was also an avid runner and participated in the first ever Richmond Marathon in 1978; and

WHEREAS, Lee Rice will be fondly remembered and greatly missed by his wife of nearly 56 years, Connie; his children, Tom and Leslie, and their families; and numerous other family members, friends, and colleagues; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Lee Penington Rice, an active member of the Richmond community who touched countless lives through his personal and professional achievements; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Lee Penington Rice as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 358

Commending Jack Berry.

Agreed to by the House of Delegates, March 5, 2024
Agreed to by the Senate, March 7, 2024

WHEREAS, Jack Berry, longtime president and chief executive of Richmond Region Tourism, the Richmond area's tourism marketing agency, will retire from the organization on June 30, 2024; and

WHEREAS, Jack Berry embarked upon his illustrious career promoting tourism in the Richmond area more than three decades ago at the Richmond Metropolitan Convention & Visitors Bureau, the predecessor of Richmond Region Tourism (RRT); and

WHEREAS, as head of RRT, Jack Berry has worked diligently to attract tourists to the Counties of Chesterfield, Hanover, Henrico, and New Kent, in addition to Richmond, Colonial Heights, and Ashland; and

WHEREAS, Jack Berry's accomplishments at RRT include a major renovation and expansion of the Greater Richmond Convention Center, significant growth in sports tourism over the years, and the recent approval of a Tourism Improvement District in the Richmond region; and

WHEREAS, Jack Berry's success is a result of his collaborative approach and his ability to bring stakeholders from the region's various jurisdictions together around a common purpose; and

WHEREAS, Jack Berry's indefatigable efforts and visionary leadership have enhanced the Greater Richmond area's image as a top-tier global destination, contributing greatly to the prosperity of the region; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Jack Berry on the occasion of his retirement as president and chief executive of Richmond Region Tourism; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Jack Berry as an expression of the General Assembly's admiration for his legacy of service and best wishes in his future endeavors.

HOUSE JOINT RESOLUTION NO. 359

Commending the Virginia Professional Photographers Association.

Agreed to by the House of Delegates, March 5, 2024
Agreed to by the Senate, March 7, 2024

WHEREAS, the Virginia Professional Photographers Association will celebrate the end of its 125th anniversary year in March 2024; and

WHEREAS, the earliest recognition of the existence of what became the Virginia Professional Photographers Association was in a photograph published in the *Richmond Times-Dispatch* with the caption "the Virginia-North Carolina Photographers at their fourth annual Convention held in Richmond in August 1900"; and

WHEREAS, for 125 years, there has been an association of professional photographers active in Virginia; oral history asserts that the association functioned steadily until World War II with notable Virginia photographers A. W. Orphin, Fred Hamblin, Billy Lum, A. L. "Tony" Dementi, W. E. "Happy" Cheyne, and Ralph Holsinger serving in leadership roles from 1928 to 1939; and

WHEREAS, around 1930, the governor of Virginia appointed an examining board to oversee the photographic industry, and potential photographers had to pass an exam to qualify; the Act to Regulate and Control the Practice of Photography of 1938 officially regulated the industry; and

WHEREAS, the Virginia Professional Photographers Association continued to operate during World War II, but did not resume hosting activities and conventions until after the war; and

WHEREAS, in 1950, Robert A. Dementi of Richmond led the reorganization of the Virginia Professional Photographers Association and devoted his life to promoting the ideals of the association; and

WHEREAS, it was not until 1958 that women were taken seriously in the photography profession in Virginia; for many decades, women remained a distinct minority, with many photographers relying on women to perform the highly skilled accounting, marketing, and retouching tasks, but always in the background; and

WHEREAS, the Virginia Professional Photographers Association elected its first woman president in 1958; to date, there have been 71 association presidents, 17 of whom were women; and

WHEREAS, education is paramount to the continued success of the Virginia Professional Photographers Association; professional skill sets are constantly changing, and the association strives to provide access to information on technology and programs that allow members to further expand and develop the craft, adhering to the motto "Quality isn't accidental, it's the result of intelligent effort"; and

WHEREAS, above all, the Virginia Professional Photographers Association has valued integrity and ethics, requiring that ethical business practices be demonstrated by all their members; and

WHEREAS, the Virginia Professional Photographers Association's current membership more broadly reflects the diversity of American society with education and ethical business practices reinforced in every program, meeting, and personal interaction; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Virginia Professional Photographers Association on the occasion of its 125th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Virginia Professional Photographers Association as an expression of the General Assembly's admiration for the organization's work to advance the field of photography throughout the Commonwealth.

HOUSE JOINT RESOLUTION NO. 360

Celebrating the life of the Reverend Dr. David Douglas Burhans.

Agreed to by the House of Delegates, March 5, 2024
Agreed to by the Senate, March 7, 2024

WHEREAS, the Reverend Dr. David Douglas Burhans, an esteemed faith leader and beloved member of the Richmond community, died on April 11, 2023; and

WHEREAS, David Burhans graduated from William Jewell College with a bachelor's degree in English, then earned a master's degree and doctoral degree of theology at the Southern Baptist Theological Seminary; and

WHEREAS, from 1974 to 2004, David Burhans was chaplain of the University of Richmond (U of R), serving as the community's pastor, preacher, and spiritual leader; in 1986, he was named the inaugural Jesse Ball duPont chair of the chaplaincy; and

WHEREAS, beyond serving as a spiritual leader for the university's students, faculty, and staff, David Burhans' accomplishments at U of R included establishing the Wilton Center for Interfaith Campus Ministries, promoting inclusivity for the LGBTQ+ community at the school, and developing and supporting the Bonner Center for Civic Engagement; and

WHEREAS, in recognition of his work with the athletes and coaches of U of R, David Burhans was inducted into the University of Richmond Athletics Hall of Fame in 2012; and

WHEREAS, David Burhans gave generously of his time for the benefit of others through his service on the boards of the Virginia Center for Inclusive Communities, the Virginia Holocaust Museum, and the Charles B. Keesee Education Fund; and

WHEREAS, guided throughout his life by his faith, David Burhans most recently enjoyed worship and fellowship with his community at Grace Baptist Church in Richmond; and

WHEREAS, David Burhans will be fondly remembered and dearly missed by his wife of 62 years, Ellen; his children, Ann, David, Jr., Emily, and William, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of the Reverend Dr. David Douglas Burhans, a cherished member of the Richmond community whose faith and leadership were a source of joy and inspiration to all who knew him; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of the Reverend Dr. David Douglas Burhans as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 361

Celebrating the life of Henry Lee Valentine II.

Agreed to by the House of Delegates, March 5, 2024
Agreed to by the Senate, March 7, 2024

WHEREAS, Henry Lee Valentine II, who strengthened the Richmond community through his achievements as a respected public servant and business leader died on September 21, 2023; and

WHEREAS, Henry Valentine grew up in Richmond and attended the Woodberry Forest School, where he was a multisport athlete, captain of two sports teams, and a prefect; after graduation, he was drafted by the United States Army and served the nation at the end of World War II; and

WHEREAS, after his honorable military service, Henry Valentine flourished at the University of Virginia, joining several clubs, organizations, and honor societies; he was elected as president of the student council and was a talented member of the university's tennis team, who won singles and doubles championships in the Richmond City Tennis Tournament; and

WHEREAS, Henry Valentine joined the independent financial services firm Davenport & Company in 1950 when it had only about 15 employees, and when he completed his tenure as chair in 2012, the company had grown to more than 400 employees; and

WHEREAS, Henry Valentine ultimately retired from Davenport & Company in 2021, leaving a legacy of excellence to his colleagues; and

WHEREAS, Henry Valentine was elected to the Richmond City Council in 1970 and served in that capacity for eight years, including two years as vice mayor; he promoted inclusion, collaboration, and mutual understanding in all his endeavors and served the Richmond community with integrity, generosity, selflessness, and humility; and

WHEREAS, Henry Valentine later worked with other business and community leaders to establish Richmond Renaissance, a local nonprofit dedicated to developing the economy and atmosphere of the city's downtown area, and served as board member of the organization for 15 years; he offered his leadership and expertise to a wide range of other civic and service organizations over the course of his career; and

WHEREAS, among many awards and accolades, Henry Valentine received the Humanitarian Award from the National Conference of Christians and Jews in 1996 and was inducted into the Greater Richmond Business Hall of Fame in 2010; and

WHEREAS, in later life, Henry Valentine was known for his prowess on the golf course; he recorded several holes in one and, beginning at age 70, achieved a 22-year streak of shooting his age; he took great pride in supporting his children and grandchildren at their own athletic events, attending more than 1,000 games, rain or shine; and

WHEREAS, Henry Valentine enjoyed fellowship and worship with the Richmond community at Saint James's Episcopal Church, where he was a member of the vestry and president of the endowment board; and

WHEREAS, Henry Valentine will be fondly remembered and greatly missed by his beloved wife of 68 years, Peggy; his children, Margy, Henry III, Ida, and Ned, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Henry Lee Valentine II, a public servant and business leader in Richmond; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Henry Lee Valentine II as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 362

Commending the United Network for Organ Sharing.

Agreed to by the House of Delegates, March 5, 2024
Agreed to by the Senate, March 7, 2024

WHEREAS, the United Network for Organ Sharing, the mission-driven nonprofit organization that manages the nation's organ donation and transplantation network, celebrates its 40th anniversary in 2024; and

WHEREAS, established in Richmond in 1984, the United Network for Organ Sharing, more commonly known as UNOS, leads the network of transplant hospitals, organ procurement organizations, and thousands of volunteers who are dedicated to honoring the gifts of life and to making lifesaving transplants possible for patients in need; and

WHEREAS, UNOS was formed from the South-Eastern Organ Procurement Foundation, which Virginia Commonwealth University-Medical College of Virginia transplant surgeons helped create to develop the first computer-based organ matching system, called the United Network for Organ Sharing; and

WHEREAS, the United Network for Organ Sharing system was developed to address the problem that many organs were not being transplanted because transplant teams could not find a compatible recipient while the organ was still viable; and

WHEREAS, UNOS, named after that revolutionary technology, has helped facilitate more than one million organ transplants in the United States since the launch of the first matching system; and

WHEREAS, in 2023, more than 46,000 transplants, including 1,300 in the Commonwealth, were performed, twice the number of transplants that were performed 25 years ago; and

WHEREAS, UNOS is involved in many aspects of the organ donation and transplant process by managing the national transplant waiting list and the database containing information on every organ transplant performed in the United States; and

WHEREAS, UNOS matches donors to recipients 24 hours a day, 365 days a year, and monitors those matches to ensure allocation policies are followed; and

WHEREAS, UNOS also educates transplant professionals about their important roles in the donation and transplantation process and supports patients, families, and caregivers through that process; and

WHEREAS, with more than 490 employees, UNOS has continued to grow and establish new technologies, organ allocation policies, and initiatives to help transform the nation's organ donation and transplant system and to ensure patients across the nation have equitable access to transplants; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the United Network for Organ Sharing on the occasion of its 40th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the United Network for Organ Sharing as an expression of the General Assembly's admiration for the organization's contributions to the Commonwealth and the nation.

HOUSE JOINT RESOLUTION NO. 363

Commending the Virginia Museum of History & Culture.

Agreed to by the House of Delegates, March 5, 2024
Agreed to by the Senate, March 7, 2024

WHEREAS, the Virginia Museum of History & Culture, an institution in Richmond dedicated to presenting the entire history of the Commonwealth over time and across regions, was presented the Award of Excellence by the American Association of State and Local History in 2023; and

WHEREAS, the Virginia Museum of History & Culture (VMHC) is owned and operated by the Virginia Historical Society, the oldest cultural organization in the Commonwealth and one of the oldest and most distinguished history organizations in the nation; and

WHEREAS, the Award of Excellence is the highest honor of the American Association of State and Local History (AASLH), the preeminent association of history museums and organizations in the country; and

WHEREAS, the VMHC was the only institution in the Commonwealth and one of only 51 organizations out of more than 20,000 to be recognized by the AASLH in 2023; and

WHEREAS, the VMHC received this prestigious honor in recognition of the historic renovation and curatorial and programmatic reimagination that the museum underwent in 2022 and the History Matters campaign that it carried out to make the institution a more inclusive and welcoming place for all; and

WHEREAS, the VMHC's achievements in its recent transformation underscore the power museums have to build community, foster understanding, and improve the quality of life for all people; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Virginia Museum of History & Culture for receiving the 2023 American Association of State and Local History's Award of Excellence; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Jamie Bosket, president and chief executive officer of the Virginia Museum of History & Culture, as an expression of the General Assembly's admiration for the institution's contributions to the Commonwealth.

HOUSE JOINT RESOLUTION NO. 364

Commending the Warrenton Horse Show.

Agreed to by the House of Delegates, March 5, 2024
Agreed to by the Senate, March 7, 2024

WHEREAS, the Warrenton Horse Show, one of the oldest equestrian exhibitions in the United States, celebrated its 125th anniversary in 2024; and

WHEREAS, possibly inspired by the Upperville Colt and Horse Show, the Warrenton Horse Show was established in 1899 with contributions from prominent members of the Warrenton community like Charlie W. Smith, Julian Keith, William H. Gaines, E. Astley Cooper, W. A. Thompson, M. B. Payne, and George S. Smith; and

WHEREAS, the Warrenton Horse Show was originally held behind the historic home Monterosa, also known as Neptune Lodge, on an empty corner of property owned by South Warrenton Academy; and

WHEREAS, after South Warrenton Academy closed in 1900, the Warrenton Horse Show Association purchased the entire 8.74-acre property, including the schoolhouse, for use as the permanent home of the Warrenton Horse Show; and

WHEREAS, the Warrenton Horse Show was a hit with local residents from the beginning, earning wide acclaim for both its equestrian competitions and other lively special events like variety shows and pageants; and

WHEREAS, the Warrenton Horse Show remains a beloved local tradition, welcoming more than 4,000 attendees in 2023, and the Warrenton Horse Show Association is now the oldest continuously operating corporation in the Commonwealth, ably representing the interests of competitors, horse breeders, and other members of the equestrian community; and

WHEREAS, the Warrenton Horse Show maintains a long tradition of charitable giving and outreach; the show has benefited numerous organizations over the years, including the Fauquier Health Foundation, the Fauquier Society for the Prevention of Cruelty to Animals, the Warrenton Volunteer Fire Department, the Fauquier Free Clinic, and the Northern Piedmont Community Foundation; and

WHEREAS, in 2012, the Warrenton Horse Show was designated by the United States Equestrian Foundation as a Heritage Competition, a high honor reserved for shows that are at least 25 years old and have advanced and promoted the equestrian sports while making vital contributions to their home communities; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Warrenton Horse Show on the occasion of its 125th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Warrenton Horse Show Association as an expression of the General Assembly's admiration for the Warrenton Horse Show's legacy of contributions to equestrian sports and service to the Warrenton community.

HOUSE JOINT RESOLUTION NO. 365

Celebrating the life of the Honorable Onzlee Ware.

Agreed to by the House of Delegates, March 7, 2024
Agreed to by the Senate, March 8, 2024

WHEREAS, the Honorable Onzlee Ware, a highly admired former member of the Virginia House of Delegates who later served as a district and circuit court judge in Roanoke, died on February 10, 2024; and

WHEREAS, Onzlee Ware was born in Greensboro, North Carolina, and attended North Carolina Agricultural and Technical State University; and

WHEREAS, after an incident in which he was shot and severely wounded for being a police informant, Onzlee Ware resolved to change his life for the better and rededicate himself to the service of others; and

WHEREAS, in the 1980s, Onzlee Ware earned a law degree from North Carolina Central University and relocated to Roanoke to open a private practice; and

WHEREAS, Onzlee Ware was one of the few Black attorneys operating in the Roanoke Valley at the time, and he became a pivotal leader in the local Black community; and

WHEREAS, desirous to be of further service to the Commonwealth, Onzlee Ware ran for and was elected to the Virginia House of Delegates in 2003, becoming the first Black delegate from a district west of the Blue Ridge Mountains; and

WHEREAS, Onzlee Ware ably represented the residents of the 11th District for 10 years; he introduced and supported many important pieces of legislation to benefit his district and all Virginians, and he offered his leadership and expertise to the committees on Appropriations, Counties, Cities and Towns, and Education; and

WHEREAS, Onzlee Ware was known as a "quiet giant" who worked to build consensus and understanding, forging many strong friendships across party lines, and he proudly served as a mentor to new legislators and younger members of the General Assembly; and

WHEREAS, among many achievements, Onzlee Ware helped secure funding for the transportation plan that restored passenger rail service to Roanoke; and

WHEREAS, after his tenure as a state lawmaker, Onzlee Ware was selected as a judge of the Roanoke City Juvenile and Domestic Relations District Court of the 23rd Judicial District of Virginia; he presided over the court with great fairness and wisdom and was elected as chief judge; and

WHEREAS, Onzlee Ware was subsequently elevated to the Roanoke City Circuit Court and made history as the first Black circuit court judge in the city; in all his endeavors, he served the Commonwealth and the residents of the Roanoke Valley with the utmost dedication and distinction; and

WHEREAS, Onzlee Ware will be fondly remembered and greatly missed by numerous family members, friends, and colleagues on both sides of the aisle; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of the Honorable Onzlee Ware; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of the Honorable Onzlee Ware as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 366

Commending Grace Benjamin.

Agreed to by the House of Delegates, March 5, 2024
Agreed to by the Senate, March 7, 2024

WHEREAS, Grace Benjamin, an accomplished young artist from Woodbridge, was selected to be featured as part of the Access/VSA Emerging Young Artists exhibition presented by the Volkswagen Group of America and the John F. Kennedy Center for the Performing Arts Office of Accessibility in 2023; and

WHEREAS, the Access/VSA Emerging Young Artists exhibition, a Jean Kennedy Smith Arts Disability Program, is a national art program and exhibition that showcases 15 artists with disabilities, ages 16-25, at venues across the country, highlighting their individual talents and perspectives; and

WHEREAS, the theme of the 20th exhibition of the Access/VSA Emerging Young Artists Program was "Interchange," prompting artists to explore the intersection between their disability and artistic identity; and

WHEREAS, Grace Benjamin was selected from hundreds of young artists to be included in the Access/VSA Emerging Young Artists exhibition, which was displayed at the John F. Kennedy Center for the Performing Arts and on Capitol Hill in Washington, D.C., before touring the nation; and

WHEREAS, inspired by her parents' experience as refugees from South Sudan, Grace Benjamin incorporates illustration, graphic design, weaving, and figurative painting in her artwork to create visual narratives that explore and reflect human connections; and

WHEREAS, Grace Benjamin's creative process melds traditional and digital approaches, playing with the dualities between introspection and outward expression, resilience and vulnerability, and the past and present, which are core to her multidimensional human experience and identity; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Grace Benjamin for being featured in the 2023 Access/VSA Emerging Young Artists exhibition; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Grace Benjamin as an expression of the General Assembly's admiration for her achievements and best wishes for her continued success.

HOUSE JOINT RESOLUTION NO. 367

Commending Super Carlin Brothers.

Agreed to by the House of Delegates, March 7, 2024
Agreed to by the Senate, March 8, 2024

WHEREAS, for more than a decade, Super Carlin Brothers, a popular YouTube channel created by Jonathan and Benjamin Carlin of Roanoke, has captivated hundreds of millions of viewers worldwide through its engaging content and given back to the Roanoke community in a variety of ways; and

WHEREAS, Jonathan Carlin, a graduate of Virginia Polytechnic Institute and State University, and Benjamin Carlin, a graduate of Radford University, established Super Carlin Brothers as a daily video blog in 2012; and

WHEREAS, Super Carlin Brothers scored its first major hit with its viral "Pixar Theory" video, an in-depth breakdown of a theory by author Jon Negroni about how every Pixar film fits into the same timeline in one universe; and

WHEREAS, Jonathan and Benjamin Carlin made Super Carlin Brothers their full-time job in 2016, and their signature sign-on "Hey, brother" has become synonymous with expert theories on other popular fandoms like Harry Potter, Disney, Marvel, and Star Wars; the channel has achieved more than 600 million views, 10 million of which are for the original "Pixar Theory" video; and

WHEREAS, Super Carlin Brothers received the coveted YouTube Gold Play Button award upon reaching one million subscribers, and as of 2024, the channel's fan base has grown to more than two million subscribers around the globe; the channel has also cultivated partnerships with Disney, Wizarding World Digital, and other prestigious entertainment organizations; and

WHEREAS, in addition to Super Carlin Brothers, Jonathan and Benjamin Carlin started a gaming channel, Super Carlin Gaming, and various other vlogs, all of which account for an additional 200,000 YouTube subscribers; they also have thousands of patrons on Patreon, who receive exclusive merchandise and audio and video content; and

WHEREAS, Jonathan and Benjamin Carlin's weekly podcast, Popcorn Culture, has been downloaded more than three million times since it was created in 2019 and was ranked as the number one podcast in Roanoke in 2022; and

WHEREAS, in 2018, Jonathan and Benjamin Carlin founded Carlin Brothers Coffee, an online company that sells coffee, tea, hot chocolate, mugs, candles, and other items; the business partnered with Feya Foundation, a nonprofit organization that provides resources to end world hunger, to donate one meal for every order made on their website, now well over 20,000 meals; and

WHEREAS, through their various businesses, Jonathan and Benjamin Carlin have raised more than $100,000 to support other charitable organizations, including Feeding Southwest Virginia, the NAACP Legal Defense Fund, the It Gets Better Project, Project for Awesome, the Trevor Project, the Roanoke Diversity Club, and more; and

WHEREAS, Jonathan and Benjamin Carlin have been passionate advocates for the Roanoke Valley community and have promoted the region to their audiences all over the world; both brothers are avid hikers, mountain-bikers, and outdoor aficionados, and proceeds from the Nimbus Bike Blend at Carlin Brothers Coffee have supported construction and maintenance of bike trails in the region; and

WHEREAS, among many other awards and accolades, Jonathan and Benjamin Carlin were featured in *The Roanoker* magazine's 40 under 40 column in 2023 and they have been honored as the Best Social Media Presence, two-time Best Podcast, and the Local Company that Gives Back by the magazine; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Super Carlin Brothers, an acclaimed YouTube channel, for more than 10 years of accomplishments in social media and community service; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Jonathan and Benjamin Carlin, creators of Super Carlin Brothers, as an expression of the General Assembly's admiration for their incredible achievements in business and social media and outstanding contributions to the Roanoke community.

HOUSE JOINT RESOLUTION NO. 368

Commending the Alexandria Commission for Women.

Agreed to by the House of Delegates, March 5, 2024
Agreed to by the Senate, March 7, 2024

WHEREAS, the Alexandria Commission for Women, a municipal organization composed of 15 volunteers appointed by the Alexandria City Council and an executive director from City of Alexandria staff, celebrates its 50th anniversary in 2024; and

WHEREAS, upon completion of a 1974 study on the status of women, the Alexandria City Council established the Alexandria Commission for Women in order to eliminate gender discrimination and to encourage equal opportunity for women in all aspects of their lives; and

WHEREAS, the Alexandria Commission for Women supports existing city programs, including the Alexandria Domestic Violence Program, the Alexandria Sexual Assault Center, and the Alexandria Campaign on Adolescent Pregnancy, and other initiatives in the areas of reproductive health, affordable housing, and transportation; and

WHEREAS, the Alexandria Commission for Women provides guidance and advice to the City of Alexandria on relevant legislation and public policy issues; and

WHEREAS, the Alexandria Commission for Women sponsors many awareness and outreach events, including Take Our Daughters and Sons to Work Day, and since 1980 has hosted an annual Salute to Women Awards Banquet; and

WHEREAS, the Alexandria Commission for Women promotes the preservation and promotion of women's history in Alexandria through its women's history tour and related projects; and

WHEREAS, the Alexandria Commission for Women stays active in affairs within the city, and commissioners learn about and provide insight on local issues by attending city council meetings, hearings, and symposia; inviting speakers to Commission meetings; and attending educational and civic programs within the city and around the region; and

WHEREAS, the Alexandria Commission for Women published a report in 2018 on the status of women's equity in Alexandria and made recommendations based on their findings; and

WHEREAS, as a result of the work over the past 50 years of the members of the Alexandria Commission for Women, and all women in Alexandria, the City of Alexandria has become a more equitable place to live and work; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Alexandria Commission for Women on the occasion of its 50th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Alexandria Commission for Women as an expression of the General Assembly's admiration for the organization's history and its contributions to Alexandria and the Commonwealth.

HOUSE JOINT RESOLUTION NO. 369

Commending Craig M. Burns.

Agreed to by the House of Delegates, March 7, 2024
Agreed to by the Senate, March 8, 2024

WHEREAS, after a long and distinguished career, Craig M. Burns, Tax Commissioner for the Commonwealth, has announced he will retire from state service in April 2024; and

WHEREAS, before beginning his career in public service, Craig M. Burns earned a bachelor's degree in political science and economics from the State University of New York at Cortland and a master's degree in public administration from the Maxwell School of Citizenship and Public Affairs at Syracuse University; and

WHEREAS, Craig M. Burns began his employment with the Commonwealth as a legislative analyst at the Joint Legislative Audit and Review Commission in 1988, continued his state employment as a policy analyst at the Department of Medical Assistance Services from 1993 to 1994, and returned to the Joint Legislative Audit and Review Commission from 1994 to 2000, first as a senior legislative analyst and later as principal legislative analyst and chief legislative analyst; and

WHEREAS, Craig M. Burns served as a legislative fiscal analyst for the House Appropriations Committee from 2000 to 2006, during which he attended the Aresty Institute of Executive Education in The Wharton School of the University of Pennsylvania in 2002; and

WHEREAS, Craig M. Burns served as the policy, planning, and compliance director at the Virginia Retirement System from 2006 to 2008 and attended the Virginia Executive Institute through Virginia Commonwealth University in 2007 and the Center for Advancement of Leadership Skills through the Southern Legislative Conference in 2008; and

WHEREAS, Craig M. Burns was appointed Deputy Secretary of Finance by Governor Tim Kaine, serving in that role from 2008 to 2010, and was named acting Commissioner of the Virginia Department of Taxation in June 2010 and appointed Tax Commissioner in November of that year by Governor Robert McDonnell; and

WHEREAS, Craig M. Burns has continued to serve for more than 13 years as Tax Commissioner under Governors Terry McAuliffe, Ralph Northam, and Glenn Youngkin, overseeing the development and administration of the Commonwealth's general fund revenue forecast, tax policy, administrative appeals process, and compliance protocols and the operation of a complex technology platform and large customer call center; and

WHEREAS, as Tax Commissioner, Craig M. Burns has advised Secretaries of Finance, Governors, and members of the General Assembly on revenue collections and tax policy recommendations; and

WHEREAS, as Tax Commissioner, Craig M. Burns has built and maintained positive relationships with stakeholders, including legislators, administration officials, local officials, tax professionals, taxpayers, and revenue officials in other states; and

WHEREAS, as Tax Commissioner, Craig M. Burns has improved the taxpayer experience, overseeing investments in modernizing the agency's website, adding self-service options, upgrading the call center platform for phone agents, increasing responsiveness to localities and tax professionals, and rebranding the agency as "Virginia Tax"; and

WHEREAS, as Tax Commissioner, Craig M. Burns has been responsible for the activities, professional growth, and general well-being of approximately 800 employees in the Commonwealth and beyond who focus on serving the public by acting ethically and efficiently in the administration of Virginia's tax laws; and

WHEREAS, Craig M. Burns has effectively led Virginia Tax, providing continuity of taxpayer services and a positive employee experience during workplace challenges, including the COVID-19 pandemic, hiring freezes, budget crises, and more; and

WHEREAS, Craig M. Burns is a beloved leader among Virginia Tax employees, appreciated for his commitment to the agency's culture and adherence to the values of acting with integrity, striving for excellence, and demonstrating respect; and

WHEREAS, through his belief in public service, keen intellectual curiosity, and industrious work ethic, Craig M. Burns is leaving a lasting legacy at Virginia Tax and throughout the Commonwealth; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Craig M. Burns for his service to the Commonwealth in numerous roles, including Tax Commissioner; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Craig M. Burns as an expression of the General Assembly's admiration for his contributions to the Commonwealth and best wishes in his future endeavors.

HOUSE JOINT RESOLUTION NO. 370

Celebrating the life of Robert Ira Bryan Kahane.

Agreed to by the House of Delegates, March 5, 2024
Agreed to by the Senate, March 7, 2024

WHEREAS, Robert Ira Bryan Kahane, a highly admired member of the Annandale community, died on February 18, 2023; and

WHEREAS, Robert "Bob" Ira Bryan Kahane was born in Manhattan, New York, and moved to nearby Queens with his family when he was nine years old; though he spent many years in Virginia, he always considered himself a proud, lifelong New Yorker; and

WHEREAS, Bob Kahane earned a bachelor's degree in mathematics from the Brooklyn Collegiate and Polytechnic Institute, then embarked on a long career in the defense industry, both in the public and private sectors; and

WHEREAS, Bob Kahane participated in many projects that contributed greatly to national defense until his well-earned retirement in 2012; and

WHEREAS, Bob Kahane was an active member and past president of the Rotary Club of Annandale and applied the Rotary Four-Way Test to all of his personal and professional interactions; and

WHEREAS, Bob Kahane supported the community in many other ways, including his leadership of the Taste of Annandale event; he was named as a Community Champion for the Mason District in recognition of his legacy of volunteer service; and

WHEREAS, in later life, Bob Kahane cultivated a passion for woodturning and handcrafted countless beautiful gifts for family and friends; he was a member of the Capital Area Woodturners and shared camaraderie with other woodturning groups; and

WHEREAS, Bob Kahane relished every opportunity to spend time with his beloved family, and he was an avid traveler who planned many delightful family vacations to Europe over the years; and

WHEREAS, Bob Kahane will be fondly remembered and greatly missed by his wife, Anna; his daughter, Michelle; his stepson, Jeff; a large extended family, including his four grandsons, Evan, Brett, Wyatt, and Carson; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Robert Ira Bryan Kahane; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Robert Ira Bryan Kahane as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 371

Commending Braddock Elementary School.

Agreed to by the House of Delegates, March 5, 2024
Agreed to by the Senate, March 7, 2024

WHEREAS, for 65 years, Braddock Elementary School, an outstanding public primary school in Fairfax County, has given young people the tools to become engaged, lifelong learners with the tools and knowledge they need to achieve success in all their endeavors; and

WHEREAS, Braddock Elementary School was developed in response to significant growth in the region after World War II and was known during its construction as Bristow Elementary School as it was meant to serve the Bristow neighborhood; and

WHEREAS, in March 1959, Braddock Elementary School was officially named for Major General Edward Braddock, a British solider and commander-in-chief of the Thirteen Colonies during the French and Indian War; and

WHEREAS, Braddock Elementary School opened on September 4, 1959, with Margaret F. Daughtry as its first principal; the school had 20 classrooms with a capacity for 600 students; and

WHEREAS, after a fire devastated Braddock Elementary School in February 1964, students finished the school year at the new Thomas Jefferson High School, which had not been scheduled to open until the following September; and

WHEREAS, with support from the community, reconstruction of Braddock Elementary School commenced quickly, and the school reopened with a 10-room addition in 1964; and

WHEREAS, today, Braddock Elementary School strives to create a safe, loving, and encouraging environment that celebrates diversity and cultivates mutual honesty, respect, and love of learning; and

WHEREAS, Braddock Elementary School offers a rigorous academic curriculum and many opportunities for sports and extracurricular activities, empowering students to achieve their fullest potential in and out of the classroom; and

WHEREAS, the faculty and staff of Braddock Elementary School work diligently with community partners to ensure the academic success and socio-emotional development of all students; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Braddock Elementary School on the occasion of its 65th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Braddock Elementary School as an expression of the General Assembly's admiration for the school's contributions to the Fairfax County community.

HOUSE JOINT RESOLUTION NO. 372

Commending Annandale High School.

Agreed to by the House of Delegates, March 5, 2024
Agreed to by the Senate, March 7, 2024

WHEREAS, for 70 years, Annandale High School, an outstanding public secondary school in Fairfax County, has given young people the tools to become engaged, lifelong learners and to achieve success in higher education and careers and become good citizens of the Commonwealth; and

WHEREAS, Annandale High School opened on September 1, 1954, and was one of many schools developed to address the significant growth of the region after World War II; and

WHEREAS, Annandale High School and the Annandale community derived their names from a location in Scotland, as well as the English Lord of Annandale; and

WHEREAS, Annandale High School values and celebrates diversity and has been recognized for its high level of racial and cultural diversity since the 1980s, and the current student body represents dozens of countries and spoken languages; and

WHEREAS, Annandale High School proudly fosters a sense of belonging for all of its students and ensures that all of them have the knowledge they need to thrive in a global society; and

WHEREAS, Annandale High School offers a rigorous academic curriculum and many opportunities for sports and extracurricular activities, empowering students to achieve their fullest potential in and out of the classroom; and

WHEREAS, the faculty and staff of Annandale High School work diligently with local partners to create opportunities for students to further their academic growth and become more engaged with the community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Annandale High School on the occasion of its 70th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Annandale High School as an expression of the General Assembly's admiration for the school's contributions to the Fairfax County community.

HOUSE JOINT RESOLUTION NO. 373

Commending Camelot Elementary School.

Agreed to by the House of Delegates, March 5, 2024
Agreed to by the Senate, March 7, 2024

WHEREAS, for 55 years, Camelot Elementary School, an outstanding public primary school in Fairfax County, has given young people the support they need to become engaged, lifelong learners with the tools and knowledge to achieve success in all their endeavors; and

WHEREAS, Camelot Elementary School traces its roots to 1965 and the design of a 20-classroom school tentatively called Mill Creek Park Elementary School, which was never completed due to lack of funding; and

WHEREAS, a few years later, the design of Mill Creek Park Elementary School, by then known as Camelot Elementary School, was revived and adapted to include open classroom spaces and increase capacity to 900 students; and

WHEREAS, Camelot Elementary School took its name from the nearby Camelot residential area, but the name's association with King Arthur ultimately inspired the school's choice of logo and mascot, the Dragons; and

WHEREAS, construction began in 1968, and Camelot Elementary School officially opened on September 2, 1969, with 574 students led by Beatrice B. Ward as the first principal; and

WHEREAS, the staff and parents of Camelot Elementary School work together to empower students to gain self-awareness, a sense of community, and a passion for learning; and

WHEREAS, Camelot Elementary School offers a rigorous academic curriculum and many opportunities for sports and extracurricular activities, empowering students to achieve their fullest potential in and out of the classroom; and

WHEREAS, the faculty and staff of Camelot Elementary School work diligently with community partners to ensure the academic success and socio-emotional development of all students; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Camelot Elementary School on the occasion of its 55th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Camelot Elementary School as an expression of the General Assembly's admiration for the school's contributions to the Fairfax County community.

HOUSE JOINT RESOLUTION NO. 374

Commending Ron Fitzsimmons.

Agreed to by the House of Delegates, March 5, 2024
Agreed to by the Senate, March 7, 2024

WHEREAS, Ron Fitzsimmons was selected as the 2023 Lord Fairfax for the Mount Vernon District in honor of his service to young people through the charitable organization Alice's Kids; and

WHEREAS, every year, the Lord and Lady Fairfax Awards Program honors two volunteers from each magisterial district in Fairfax County for an act of heroism or outstanding commitment to community service; and

WHEREAS, recognizing that children who receive charity may feel ashamed or embarrassed, Ron Fitzsimmons and his sister, Laura Fitzsimmons Peters, created Alice's Kids to provide anonymous support for children in need; and

WHEREAS, Ron and Laura Fitzsimmons, who both benefited from charitable programs in their youth, named Alice's Kids in honor of their mother; the organization works with teachers and counselors to identify children's needs and provides gift cards to parents or caregivers to purchase the item themselves or cover necessary expenses; and

WHEREAS, through his work with Alice's Kids, Ron Fitzsimmons has helped parents brighten their children's days by facilitating the purchase of sports equipment, prom tickets, summer camps, and more; and

WHEREAS, while some support comes from grants and corporations, Ron Fitzsimmons has cultivated a strong network of generous individual donors to support young people in need, making Alice's Kids a true community effort; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Ron Fitzsimmons for his service to the community through Alice's Kids on the occasion of his selection as the 2023 Lord Fairfax for the Mount Vernon District; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Ron Fitzsimmons as an expression of the General Assembly's admiration for his life-changing contributions to thousands of young people in the Commonwealth.

HOUSE JOINT RESOLUTION NO. 375

Commending Shirley Short.

Agreed to by the House of Delegates, March 5, 2024
Agreed to by the Senate, March 7, 2024

WHEREAS, Shirley Short, an active volunteer who has enhanced local life in Fairfax County in countless ways, was selected as the 2023 Lady Fairfax for the Mount Vernon District; and

WHEREAS, every year, the Lord and Lady Fairfax Awards Program honors two volunteers from each magisterial district in Fairfax County for an act of heroism or outstanding commitment to community service; and

WHEREAS, Shirley Short is a retired Fairfax County firefighter who played an integral role helping residents during the 2006 Huntington flood; and

WHEREAS, since that time, Shirley Short has offered her expertise to several local organizations and participated in myriad community events, including ribbon cuttings, groundbreakings, and public meetings, registering thousands of volunteer hours, often greeting guests at an information table; and

WHEREAS, Shirley Short manages information stations at the Fairfax County Board of Supervisors office and the Lorton Community Center, gathering and stocking a wide range of interesting and informative materials in multiple languages; and

WHEREAS, in 2015, Shirley Short helped lead the first ever Ides of Bark Dog Festival that still brings together hundreds of pets and their owners for a day of fun every year; she also single-handedly organized the Taste of Mount Vernon event, which provides free lunches from local restaurants to the hundreds of attendees at the Town Meeting; and

WHEREAS, in addition, Shirley Short supported local young people by facilitating the collection of 200 backpacks filled with school supplies at a back-to-school event; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Shirley Short for her legacy of volunteer service to the residents of Fairfax County on the occasion of her selection as the 2023 Lady Fairfax for the Mount Vernon District; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Shirley Short as an expression of the General Assembly's admiration for her legacy of service to the residents of Fairfax County.

HOUSE JOINT RESOLUTION NO. 376

Celebrating the life of Janet Amend Carver.

Agreed to by the House of Delegates, March 5, 2024
Agreed to by the Senate, March 7, 2024

WHEREAS, Janet Amend Carver, a dedicated civil servant and a passionate volunteer in Northern Virginia, died on July 23, 2023; and

WHEREAS, Janet Carver grew up in California and graduated from Immaculate Heart High School in Hollywood; she earned a bachelor's degree from the University of Redlands, where she was the editor of the college newspaper and a stringer for the *Los Angeles Times*; and

WHEREAS, Janet Carver subsequently conducted graduate studies at the University of Oslo in Norway and traveled throughout Europe before settling in Washington, D.C.; and

WHEREAS, Janet Carver joined the U.S. Foreign Service in 1955, then worked for a United States senator, served as the district manager for most of Northern Virginia for the 1980 Census, and finished her career as a staffer for a member of the Fairfax County Board of Supervisors; and

WHEREAS, beginning in 1963, Janet Carver offered her energy, enthusiasm, and insights to several organizations affiliated with the Democratic Party in Virginia and coordinated grassroots support for progressive candidates to run against the Byrd Machine as a member of the Fairfax County Democratic Committee; and

WHEREAS, Janet Carver was also a member of the Virginia Democratic State Central Committee, first vice chair of the 8th Congressional District Democratic Committee, first vice chair of the 11th Congressional District Democratic Committee, and three-time chair of the Springfield Democratic Committee; and

WHEREAS, in 1992, Janet Carver was selected to attend the Democratic National Convention as a delegate for President Bill Clinton, and in 2008, she served as an Electoral College elector for President Barack Obama; and

WHEREAS, among many accolades, Janet Carver received the 2002 Eagle Award from the 8th Congressional District Democratic Committee for her lifetime of contributions to the advancement of civil rights and legacy of service in government; and

WHEREAS, outside of her career, Janet Carver was an avid camper, bird watcher, and traveler, who had visited all 50 states, Canada, Mexico, and several countries in Europe, Africa, and South America; she was well-known for her sense of adventure and obtained her scuba certification at age 42, rode rollercoasters in her 70s, and zip-lined in Hawaii at age 78; and

WHEREAS, Janet Carver brought joy to others through her kindness, wisdom, sense of humor, and zest for life, and she imparted to her children her strong sense of civic pride and commitment to community service; and

WHEREAS, Janet Carver will be fondly remembered and greatly missed by her husband of 65 years, John; her children, Wendy, Ted, and Andy, and their families; and numerous other family members, friends, and colleagues; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Janet Amend Carver, a highly admired member of the Northern Virginia community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Janet Amend Carver as an expression of the General Assembly's respect for her memory.

HOUSE JOINT RESOLUTION NO. 377

Celebrating the life of Bruce Cecil Dungan.

Agreed to by the House of Delegates, March 5, 2024
Agreed to by the Senate, March 7, 2024

WHEREAS, Bruce Cecil Dungan, an accomplished attorney, distinguished boater safety advocate, and beloved member of the Union Hall community, died on October 12, 2023; and

WHEREAS, Bruce Dungan worked tirelessly for the just treatment of all before the law in his professional career, supporting his many clients in both the public and private sectors; and

WHEREAS, after retiring to Smith Mountain Lake, Bruce Dungan served as president of the Smith Mountain Lake Association and dedicated himself to teaching and improving boater safety; and

WHEREAS, Bruce Dungan advocated effectively for improved boater safety legislation as a founding member and leader of the Virginia Safe Boating Alliance; and

WHEREAS, in recognition of his commitment to promoting boater safety both locally and statewide, Bruce Dungan was honored with myriad awards, including the Meritorious Public Service Award from the Commandant of the Coast Guard; and

WHEREAS, guided by his faith, Bruce Dungan enjoyed worship and fellowship with his community at Trinity Ecumenical Parish in Moneta; and

WHEREAS, Bruce Dungan will be fondly remembered and dearly missed by his loving wife, Wendie; his children, Angela and Callie, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Bruce Cecil Dungan, a cherished member of the Union Hall community whose leadership and service inspired all who knew him; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Bruce Cecil Dungan as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 378

Celebrating the life of Aaron Buchanan.

Agreed to by the House of Delegates, March 5, 2024
Agreed to by the Senate, March 7, 2024

WHEREAS, Aaron Buchanan, an accomplished educator and an active and beloved member of the Russell County community, died on February 16, 2024; and

WHEREAS, after dedicating himself for several years to a career in sales, Aaron Buchanan found his calling as a building trades instructor at the Russell County Career and Technology Center; and

WHEREAS, in his capacity as an educator and as a bus driver, Aaron Buchanan fostered his students' sense of confidence and their willingness to pursue their aspirations and achieve their dreams; and

WHEREAS, Aaron Buchanan's legacy will be felt throughout Lebanon and Russell County for years to come through the many projects his vocational classes took on in service to the community; and

WHEREAS, above all else, Aaron Buchanan was a loving and devoted husband and father to his four children, whom he supported in all their endeavors; and

WHEREAS, guided throughout his life by his faith, Aaron Buchanan enjoyed worship and fellowship with his community at Free Hill Baptist Church in Nickelsville; and

WHEREAS, Aaron Buchanan will be fondly remembered and dearly missed by his wife of 31 years, Stephanie; his children, Cole, Matthew, Seth, and Rileigh; his parents, Aaron and Olga; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Aaron Buchanan, a cherished member of the Russell County community who was a source of joy and inspiration to all who knew him; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Aaron Buchanan as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 379

Commending the Churchville Ruritan Club.

Agreed to by the House of Delegates, March 5, 2024
Agreed to by the Senate, March 7, 2024

WHEREAS, the Churchville Ruritan Club, a local chapter of Ruritan National, Inc., dedicated to bettering its community through fellowship, goodwill, and service, celebrates its 80th anniversary in 2024; and

WHEREAS, chartered in 1944, the Churchville Ruritan Club primarily works to improve the quality of life in its community through its five main service areas, including business and professions, citizenship and patriotism, environment, public service, and social development; and

WHEREAS, the various activities and initiatives of the Churchville Ruritan Club serve to nurture the education of young people, fight hunger, assist veterans, the elderly, and others in need, beautify the region, promote patriotism and pride in the community, and more; and

WHEREAS, the accomplishments of the Churchville Ruritan Club are the result of the unwavering commitment of the organization's volunteer members, who have helped to make Churchville a wonderful place to live, work, and raise a family; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Churchville Ruritan Club for its legacy of service on the occasion of its 80th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Churchville Ruritan Club as an expression of the General Assembly's admiration for the organization's contributions to Churchville and the Commonwealth.

HOUSE JOINT RESOLUTION NO. 380

Commending the Jennifer Bush-Lawson Foundation.

Agreed to by the House of Delegates, March 5, 2024
Agreed to by the Senate, March 7, 2024

WHEREAS, the Jennifer Bush-Lawson Foundation honors the memory of the late Jennifer Bush-Lawson by providing access to medical services, counseling, and support for at-risk mothers-to-be, newborn babies, and postpartum mothers; and

WHEREAS, throughout all three of her pregnancies, Jennifer Bush-Lawson of Arlington was challenged by gestational diabetes and hypertension, and all three of her children, Cooper, Booker, and Sadie, were born prematurely and required additional care in a neonatal intensive care unit; and

WHEREAS, Jennifer Bush-Lawson realized that not all mothers have access to the high-quality care that kept her and her children healthy, and she resolved to try to make a difference in the lives of mothers who are not so fortunate; and

WHEREAS, after Jennifer Bush-Lawson's tragic death in 2014, the Jennifer Bush-Lawson Foundation was established to honor her legacy of generosity and compassion, and the organization has since helped more than 3,500 families; and

WHEREAS, since its inception, the Jennifer Bush-Lawson Foundation has raised more than $1 million and written grants for more than $300,000 in grant funding to ensure low-income mothers can access health care that meets their needs; and

WHEREAS, the Jennifer Bush-Lawson Foundation has subsidized transportation for more than 250 low-income and uninsured mothers to get to and from prenatal appointments; and

WHEREAS, the Jennifer Bush-Lawson Foundation has donated hundreds of pack and plays, strollers, baby carriers, breastfeeding supplies, and car seats since 2017 and provided thousands of meals to feed pregnant women and their families during the COVID-19 pandemic; and

WHEREAS, the Jennifer Bush-Lawson Foundation raised funds to launch a telemedicine pilot program and OB Connect at-home monitoring service, allowing low-income mothers to better monitor their pregnancies and manage high-risk conditions such as hypertension and gestational diabetes; and

WHEREAS, the Jennifer Bush-Lawson Foundation strives to create an opportunity for a fair start for every mother and child in the region, regardless of race, color, creed, or economic status; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Jennifer Bush-Lawson Foundation on the occasion of its 10th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Jennifer Bush-Lawson Foundation as an expression of the General Assembly's admiration for the organization's contributions to mothers, babies, and families in the Commonwealth.

HOUSE JOINT RESOLUTION NO. 381

Commending the Western Branch High School boys' track and field team.

Agreed to by the House of Delegates, March 5, 2024
Agreed to by the Senate, March 7, 2024

WHEREAS, the Western Branch High School boys' track and field team of Chesapeake won the Virginia High School League Class 6 indoor track and field state championship on February 27, 2024; and

WHEREAS, the Western Branch High School Bruins tallied 54.6 total team points to outpace the runner-up by 8.6 points and bring home a state championship title; and

WHEREAS, the Western Branch Bruins saw Antonio Smith place first in the 55-meter hurdles, fourth in the 300-meter dash, sixth in the triple jump, seventh in the high jump, and eighth in the long jump; and

WHEREAS, the Western Branch Bruins were also lifted by James Craig, who placed second in the shot put; Micah Hinton, who placed second in the 55-meter hurdles, fourth in the 55-meter dash, and fourth in the triple jump; Ky'Nique Baines, who placed 16th in the 300-meter dash; and Gregory Taylor, who placed sixth in the long jump; and

WHEREAS, the Western Branch Bruins received further support from the 4 x 400-meter relay team, which placed third in its event; and

WHEREAS, the Western Branch Bruins were led to victory by head coach Yolanda Golden and assistant coaches Patrick Boone, Keith Bailey, and Alette McGuire; and

WHEREAS, the success of the Western Branch Bruins is the result of the hard work and dedication of the student-athletes, the leadership and guidance of their coaches, and the unwavering support of their families and the entire Western Branch High School community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Western Branch High School boys' track and field team for winning the 2024 Virginia High School League Class 6 indoor track and field state championship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Yolanda Golden, head coach of the Western Branch High School boys' track and field team, as an expression of the General Assembly's admiration for the team's achievement.

HOUSE JOINT RESOLUTION NO. 382

Commending the Charlottesville chapter of the National Organization for Women.

Agreed to by the House of Delegates, March 5, 2024
Agreed to by the Senate, March 7, 2024

WHEREAS, for nearly 50 years, the Charlottesville chapter of the National Organization for Women, a voluntary nonprofit organization, has worked to secure social, political, and economic equality for all women and girls; and

WHEREAS, through its leadership, educational programs, and outreach, the Charlottesville chapter of the National Organization for Women (Charlottesville NOW) has inspired engagement of community members from Charlottesville and the Counties of Albemarle, Augusta, Buckingham, Fluvanna, Greene, Louisa, Madison, Nelson, Orange, and Rockingham and from across the Commonwealth; and

WHEREAS, through its grassroots, multi-issue, multi-strategy approach, Charlottesville NOW has led advocates to champion reproductive freedom and economic equality, fight for racial justice, denounce LGBTQ+ discrimination, and work to end violence against women, leading advocates to lobby local, state, and national lawmakers; and

WHEREAS, Charlottesville NOW provided leadership on these core priorities and many other issues through a variety of initiatives across decades and also started traditions that continue in the community to this day, including Take Back the Night and an annual feminist book drive to benefit local public libraries; and

WHEREAS, Charlottesville NOW has made a lasting impact on many lives through initiatives such as founding the Blue Ridge Abortion Fund and creating a roundtable of city, county, university, and community organization representatives to identify and publish ways to improve processing of sexual assault cases and support for victims by police, courts, and hospitals; and

WHEREAS, for the entirety of its existence, Charlottesville NOW has worked diligently to secure an amendment to the United States Constitution that will guarantee equal rights for women and girls, raising $25,000 in an Equal Rights Amendment (ERA) Walk-a-thon in 1982, being a leader in the successful effort to get the ERA ratified by the Commonwealth in 2020, and now continuing to push for the fully ratified Equal Rights Amendment to be incorporated into the Constitution; and

WHEREAS, Charlottesville NOW has increased awareness of women's contributions to American and Virginia history through initiatives such as writing a history of notable women from Albemarle County and getting local governments to issue annual proclamations for Women's History Month and Women's Equality Day; and

WHEREAS, during March, Women's History Month, Charlottesville NOW is recognized for its extensive history of leadership and advocacy to secure equality and justice for all women and girls; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Charlottesville chapter of the National Organization for Women for its contributions to the advancement of equal rights, equity, and recognition for women and girls of the Commonwealth; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Charlottesville chapter of the National Organization for Women as an expression of the General Assembly's admiration for the organization's vital mission and legacy of achievements.

HOUSE JOINT RESOLUTION NO. 383

Commending Pearl Mae Wilson.

Agreed to by the House of Delegates, March 5, 2024
Agreed to by the Senate, March 7, 2024

WHEREAS, Pearl Mae Wilson is a vibrant member of the Richmond community who has dedicated her life to the care and support of others; and

WHEREAS, Pearl "Pearly" Mae Wilson was born on Sandy Island, South Carolina, to members of the Gullah Tribe, an African American ethnic group in the Lowcountry region of the United States that is descended from former slaves; and

WHEREAS, Pearly Mae Wilson was raised by her grandmother, who was also the island midwife, and completed her education up to the eighth grade by traveling to the mainland on a boat to attend school; and

WHEREAS, a caring and responsible sister, Pearly Mae Wilson began working to support her siblings at a young age; and

WHEREAS, Pearly Mae Wilson married at age 19, and she and her late husband settled in Richmond, where they raised seven children; she worked three jobs to support her family, including caring for the elderly in the community and providing housekeeping services; and

WHEREAS, Pearly Mae Wilson was a champion for the importance of a good education who helped her children attain college scholarships; she is also a talented author who has written many delightful poems; and

WHEREAS, Pearly Mae Wilson's three surviving children have followed her example of servant-leadership; one son was inspired to become a poet, one daughter works for the federal government, and another daughter is a social worker in Richmond; and

WHEREAS, throughout her life, Pearly Mae Wilson has been guided to help others by her deep and abiding faith, and she inspires everyone who meets her through her boundless generosity and unfailing kindness; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Pearl Mae Wilson for her lifetime of service to others; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Pearl Mae Wilson as an expression of the General Assembly's admiration for her personal achievements.

HOUSE JOINT RESOLUTION NO. 384

Commending Steve Nesmith.

Agreed to by the House of Delegates, March 5, 2024

Agreed to by the Senate, March 7, 2024

WHEREAS, in 2022, the Richmond Redevelopment and Housing Authority Board of Directors unanimously voted Steve Nesmith as their new chief executive officer; and

WHEREAS, Steve Nesmith, brought years of knowledge and experience to the Richmond Redevelopment and Housing Authority (RRHA), having previously served as assistant secretary of the U.S. Department of Housing and Urban Development (HUD) and deputy assistant secretary of the U.S. Department of Commerce's Economic Development Administration, counsel to several housing authorities across the country, chief operating officer (COO) and director of economic development for the Philadelphia Housing Agency, COO of a Fortune 500 company, and partner at an international law firm focused on affordable housing, mortgage, banking, and financial services matters; and

WHEREAS, as chief executive officer (CEO), Steve Nesmith launched a historic homeownership program for public housing residents and voucher holders, which was the first of its kind across the country; the comprehensive homeownership initiative for all public housing residents highlighted by the Biden Administration's Washington, D.C., HUD office as the type of program that should be syndicated across the country, and supported by Governor Glenn Youngkin's Department of Housing and Community Development; and

WHEREAS, under the leadership of Steve Nesmith, RRHA launched a program entitled, Hope, Jobs, and Security in Richmond's Big Six public housing communities and six senior living sites; the program provides free job training and opportunities for career placement, along with implementing a new security force to better protect residents, and strives to address health disparities, health and wellness issues, and mental health in these communities; and

WHEREAS, by restructuring RRHA's Finance and Accounting Department, Steve Nesmith helped put the organization on stronger financial footing, implementing new financial protocols and hiring a chief compliance officer to tackle enterprise-wide compliance throughout the organization; and

WHEREAS, Steve Nesmith hired a nationally known former public housing authority CEO who has begun reforming all operations as part of an overall reorganization of the agency and, with the help of the executive team, has created for the first time a five-year strategic plan for the organization; and

WHEREAS, Steve Nesmith transformed RRHA's approach to real estate development by adopting national models and tailoring them to what works best in the City of Richmond, and also focusing on development strategies that will create unrestricted revenue for the agency and stronger public-private partnerships; and

WHEREAS, Steve Nesmith relaunched the Richmond Redevelopment Corporation as a subsidiary of RRHA to help transform RRHA's real estate development strategy by attracting public and private financial investors and transitioning to the "self-development" stage, wherein the organization can begin to develop its own projects in partnership with a developer and generate unrestricted revenue; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Steve Nesmith, chief executive officer of the Richmond Redevelopment and Housing Authority, for the organization's major accomplishments under his leadership; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of the resolution for presentation to Steve Nesmith as an expression of the General Assembly's respect and admiration for the Richmond Redevelopment and Housing Authority's work to provide quality affordable housing and build vibrant communities.

HOUSE JOINT RESOLUTION NO. 385

Commending the Alexandria City High School Theatre program.

Agreed to by the House of Delegates, March 5, 2024
Agreed to by the Senate, March 7, 2024

WHEREAS, for 20 years, the Alexandria City High School Theatre program has produced dozens of engaging theatrical performances and achieved incredible heights under the visionary leadership of Hope E. Bachman and Leslie A. Jones; and

WHEREAS, Hope Bachman graduated from Alexandria City High School in 1998, when it was still known as T.C. Williams High School, and was later hired by her alma mater in 2003 as an English and Theatre teacher and the director of extracurricular Theatre activities; and

WHEREAS, Hope Bachman sought the counsel and assistance of Leslie Jones, a fellow English and Theatre teacher and cheerleading coach at the school, and the duo built a strong partnership that ultimately touched the lives of countless students; and

WHEREAS, known in the school community as "Bach and Jones," Hope Bachman and Leslie Jones developed the longest-standing work partnership in Alexandria City Public Schools as they guided the production of student-written plays and classics like "Dreamgirls," "Medea," "Romeo and Juliet," and one of their personal favorites, "Chicago"; and

WHEREAS, Hope Bachman and Leslie Jones worked with students in every aspect of a production, from behind-the-scenes logistics to the on-stage performances, with Bachman, who holds a degree in English, typically serving as a technical director and Jones, who holds bachelor's and master's degrees in Theatre, always organizing and editing the playbills; and

WHEREAS, outside of their work on the stage, Hope Bachman and Leslie Jones developed a collaborative program with Black Student Union Advisor RaAlim Shabazz and the members of the Black Student Union to promote social justice through the Alexandria Community Remembrance Project; and

WHEREAS, the Bach and Jones partnership will come to an end when Leslie Jones retires after 33 years as an educator; Hope Bachman will maintain the Theatre program's commitment to excellence and guide the program into the future using the procedures they developed together; and

WHEREAS, Hope Bachman and Leslie Jones were honored for their countless achievements at a special gala event, and their last production together will be "Bring It On" in spring 2024; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Alexandria City High School Theatre program for its decades of success under the exceptional leadership of Hope E. Bachman and Leslie A. Jones; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare copies of this resolution for presentation to Alexandria City High School, Hope E. Bachman, and Leslie A. Jones as an expression of the General Assembly's admiration for the Alexandria City High School Theatre program's legacy of service to students and the entire school community.

HOUSE JOINT RESOLUTION NO. 386

Commending Arlington Public Schools' recipients of the Amazon Future Engineer Scholarship.

Agreed to by the House of Delegates, March 5, 2024
Agreed to by the Senate, March 7, 2024

WHEREAS, in 2023, two Arlington Public Schools students each received a scholarship to pursue an undergraduate degree in the fast-growing fields of computer science and engineering and an internship offer from Amazon through the Amazon Future Engineer program; and

WHEREAS, as winners of the Amazon Future Engineer Scholarship, Kimberly Montesflores Gonzalez of the Arlington Career Center and Naomi Lindsay of Wakefield High School each received a $40,000 scholarship and a paid internship to work at Amazon after their freshman years of college; and

WHEREAS, the Amazon Future Engineer program is Amazon's global philanthropic computer science education initiative, which aims to increase student access to computer science education by funding professional development for educators and engaging computer science curricula for students; and

WHEREAS, the Amazon Future Engineer program helps students explore real-world applications of computer science and accounts for unique cultural perspectives to enhance diversity and inclusion in the field; and

WHEREAS, the Amazon Future Engineer Scholarship was established in 2019 and has awarded millions of dollars to hundreds of students in underserved and historically underrepresented communities across the nation; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Arlington Public Schools' recipients of the Amazon Future Engineer Scholarship for their hard work and dedication to their studies; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare copies of this resolution for presentation to Arlington Public Schools' recipients of the Amazon Future Engineer Scholarship as an expression of the General Assembly's heartfelt congratulations and best wishes in their future endeavors.

HOUSE JOINT RESOLUTION NO. 387

Commending Yahney-Marie Sangaré.

Agreed to by the House of Delegates, March 5, 2024
Agreed to by the Senate, March 7, 2024

WHEREAS, Yahney-Marie Sangaré, a senior at Alexandria City High School, received the prestigious Harry F. Byrd, Jr. Leadership Award in 2024; and

WHEREAS, the Harry F. Byrd, Jr. Leadership Award recognizes the academic accomplishments, excellence of character, devotion to duty, and leadership qualities in outstanding Virginia students like Yahney-Marie Sangaré; and

WHEREAS, one student from each of the Commonwealth's 11 congressional districts is selected as a winner of the Harry F. Byrd, Jr. Leadership Award, with Yahney-Marie Sangaré representing Virginia's 8th Congressional District; and

WHEREAS, as a Harry F. Byrd, Jr. Leadership Award honoree, Yahney-Marie Sangaré also received a $25,000 cash prize; and

WHEREAS, the Harry F. Byrd, Jr. Leadership Award was first presented in the spring of 1995, and Yahney-Marie Sangaré joins the ranks of more than 300 fellow recipients in the history of the award; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Yahney-Marie Sangaré, a distinguished recipient of the Harry F. Byrd, Jr. Leadership Award in 2024; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Yahney-Marie Sangaré as an expression of the General Assembly's admiration for her achievements in academics and community leadership and best wishes for the future.

HOUSE JOINT RESOLUTION NO. 388

Commending Henry Spencer.

Agreed to by the House of Delegates, March 5, 2024
Agreed to by the Senate, March 7, 2024

WHEREAS, Henry Spencer, a lieutenant with the Arlington County Fire Department, was named the Virginia Firefighter of the Year as part of the Governor's Fire Service Awards in 2023; and

WHEREAS, the Governor's Fire Service Awards were established in 2002 to formally recognize excellence in the Commonwealth's fire service and are facilitated by the Department of Fire Programs in collaboration with the Virginia Fire Services Board; and

WHEREAS, Henry Spencer has been a member of the Arlington County Fire Department (ACFD) for seven years, during which time he has displayed exceptional abilities as a firefighter and a deep devotion to the safety and well-being of the Arlington County community; and

WHEREAS, Henry Spencer has been actively involved in numerous committees at the ACFD, including service as co-chair of the department's mentorship program and as an integral member of the leadership development program; and

WHEREAS, Henry Spencer has completed several training courses to hone his abilities as a firefighter and was an instructor at the department's training academy, preparing future generations of the department to excel in their firefighting careers; and

WHEREAS, Henry Spencer demonstrated his passion for firefighting and fostered bonds with firefighters around the world by participating in the World's Strongest Firefighter competition; and

WHEREAS, Henry Spencer's service to the community also includes time spent teaching the ACFD's hands-only cardiopulmonary resuscitation program, Hands2Hearts, and volunteering at a local food bank; and

WHEREAS, Henry Spencer has embodied the highest virtues of the firefighting profession through his unwavering commitment to his fellow firefighters and the community he serves; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Henry Spencer for being named the 2023 Virginia Firefighter of the Year; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Henry Spencer as an expression of the General Assembly's admiration for his contributions to the Commonwealth.

HOUSE JOINT RESOLUTION NO. 389

Commending Marceline Castrillon.

Agreed to by the House of Delegates, March 5, 2024
Agreed to by the Senate, March 7, 2024

WHEREAS, in 2023, Marceline Castrillon, a senior at Wakefield High School, became the first-ever student from Arlington Public Schools to win a National Gold for Portfolio at the Scholastic Awards for Art and Writing; and

WHEREAS, the Scholastic Awards for Art and Writing recognizes teenagers in seventh grade through 12th grade for their literary and artistic achievements; Marceline Castrillon was one of 100,000 students across the country who submitted 260,000 works of art and writing; and

WHEREAS, Marceline Castrillon's portfolio, "A Swan is Born," which features artistic works inspired by the stories of Swan Lake and the Ugly Duckling, was one of only 2,000 total entries to win a national medal in 2023 and one of only eight portfolios to win a gold medal; and

WHEREAS, as a gold medal winner, Marceline Castrillon received a scholarship award along with her national accolades; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Marceline Castrillon for her outstanding achievements as a national gold medalist in the 2023 Scholastic Awards for Art and Writing; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Marceline Castrillon as an expression of the General Assembly's admiration for her talents and best wishes for the future.

HOUSE JOINT RESOLUTION NO. 390

Commending the Charlottesville Free Clinic.

Agreed to by the House of Delegates, March 5, 2024
Agreed to by the Senate, March 7, 2024

WHEREAS, for more than 30 years, the Charlottesville Free Clinic has provided compassionate, comprehensive health care services to the uninsured and underinsured residents of the Charlottesville area; and

WHEREAS, in 1992, Dr. Paul DeMarco and Dr. Mohan Nadkarni envisioned a volunteer-driven clinic that would provide free, high-quality health care to the Charlottesville community, leading to the founding of the Charlottesville Free Clinic; and

WHEREAS, today, the Charlottesville Free Clinic operates out of the generosity of health care professionals who collectively volunteer more than 14,000 hours of their time each year; and

WHEREAS, the Charlottesville Free Clinic provides care by engaging more than 700 volunteer health care professionals from the University of Virginia Health System, Sentara Martha Jefferson Hospital, and other community practices to provide free medical care, mental health support, prescription drugs, and dental services; and

WHEREAS, each year, the Charlottesville Free Clinic serves more than 2,600 medical and dental patients and services more than 8,000 visits to its clinic; and

WHEREAS, more than 500 companies in the Charlottesville area have at least one employee who is a patient of the Charlottesville Free Clinic; and

WHEREAS, the Charlottesville Free Clinic is actively expanding to meet the needs of the growing Charlottesville metro area; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Charlottesville Free Clinic for its legacy of service; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to representatives of the Charlottesville Free Clinic as an expression of the General Assembly's admiration for the organization's contributions to the Commonwealth.

HOUSE JOINT RESOLUTION NO. 391

Commending Piedmont Housing Alliance.

Agreed to by the House of Delegates, March 5, 2024
Agreed to by the Senate, March 7, 2024

WHEREAS, the mission of Piedmont Housing Alliance is to create affordable housing opportunities and foster community through education, lending, and equitable development; and

WHEREAS, Piedmont Housing Alliance has been the Charlottesville region's leading affordable housing organization and has worked to improve people's financial outcomes for more than 40 years; and

WHEREAS, Piedmont Housing Alliance's decades of experience include innovative approaches, deep community connections, and the essential leadership required to create bold solutions to address local housing shortages and injustices; and

WHEREAS, the board of Piedmont Housing Alliance intentionally consists of a genuinely diverse group of community members, including the organization's beneficiaries; and

WHEREAS, Piedmont Housing Alliance's work is grounded in the values of justice, equity, diversity, and inclusion and is deliberately reflective of the community served; and

WHEREAS, Piedmont Housing Alliance's housing counseling program creates ladders out of poverty with one-on-one coaching for home buying, credit improvement, debt reduction, savings programs, and eviction and foreclosure prevention; and

WHEREAS, Piedmont Housing Alliance has helped more than 1,000 first-time, aspiring homebuyers achieve homeownership and supported thousands more through financial counseling and eviction prevention; and

WHEREAS, in partnership with the Piedmont Community Land Trust, Piedmont Housing Alliance creates homeownership opportunities for low-income families in the costly Charlottesville housing market and has backed the development of more than 100 affordable for-sale homes; and

WHEREAS, since 1983, Piedmont Housing Alliance has financed the preservation and development of nearly 1,000 affordable rental homes and currently provides high-quality rental housing to more than 1,500 individuals in the greater Charlottesville region; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Piedmont Housing Alliance for its legacy of service; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Piedmont Housing Alliance as an expression of the General Assembly's admiration for the organization's contributions to the Commonwealth.

HOUSE JOINT RESOLUTION NO. 392

Commending Joshua Grainer.

Agreed to by the House of Delegates, March 5, 2024
Agreed to by the Senate, March 7, 2024

WHEREAS, Joshua Grainer, managing director and winemaker for RdV Vineyards in Delaplane, attained the title Master of Wine from the Institute of Masters of Wine in 2023; and

WHEREAS, Joshua Grainer discovered his love for wine while traveling through Italy in his early twenties, igniting a passion that would chart the course of his life; and

WHEREAS, after developing his abilities as a viticulturist in the United States, France, and Australia, Joshua Grainer joined RdV Vineyards for their inaugural vintage in 2008; and

WHEREAS, over the past 15 years, Joshua Grainer has helped to grow RdV Vineyards into the world-class, highly acclaimed vineyard that it is today; and

WHEREAS, to receive the title Master of Wine, Joshua Grainer had to pass both theory and practical exams that evaluated his understanding and comprehension of all aspects of wine, as well as write a research paper; and

WHEREAS, Joshua Grainer was named a Master of Wine after the successful submission and review of his research paper titled, "Evaluating Phenology Shifts of Cabernet Franc, Chardonnay, and Merlot in Virginia by the Mid-21st Century"; and

WHEREAS, Joshua Grainer was among the first two Masters of Wine to receive the distinguished appellation in 2023, the 70th year of the Master of Wine examination; and

WHEREAS, Joshua Grainer is the first Virginian to be honored as a Master of Wine and one of only approximately 400 other viticulturists across the world to hold this prestigious title; and

WHEREAS, Joshua Grainer's accomplishment is a testament to his commitment to his craft and his love for the art of wine and has brought great renown to the winemaking region of the Commonwealth; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Joshua Grainer, managing director and winemaker for RdV Vineyards, for being named a Master of Wine by the Institute of Masters of Wine; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Joshua Grainer as an expression of the General Assembly's admiration for his achievement and appreciation for his contributions to the Commonwealth.

HOUSE JOINT RESOLUTION NO. 393

Commending Amazon's Metropolitan Park (HQ2).

Agreed to by the House of Delegates, March 5, 2024
Agreed to by the Senate, March 7, 2024

WHEREAS, Amazon's Metropolitan Park (HQ2) in Arlington has been recently awarded Leadership in Energy and Environmental Design (LEED) Platinum Certification, the highest level of LEED green building certification; and

WHEREAS, developed by the U.S. Green Building Council (USGBC), the LEED certification system is a globally adopted green building rating system and guides design, construction, and operations practices that improve environmental and human health; and

WHEREAS, Amazon's Metropolitan Park is the largest newly constructed building built according to LEED v4 Building Design and Construction guidelines in the world to achieve LEED Platinum Certification; and

WHEREAS, Amazon's Metropolitan Park, which serves as the company's second headquarters, was built with sustainability at its core, using new, climate-friendly solutions such as low-carbon concrete, mass timber, electrified energy-efficient operations, advanced ways to reuse water, and two acres of landscaped roofs with native plants; and

WHEREAS, when determining its certification, USGBC recognized that Amazon's Metropolitan Park implemented practical and measurable strategies and solutions in the areas of sustainable site development, water savings, energy efficiency, materials selection, and indoor environmental quality; and

WHEREAS, the buildings at Amazon's Metropolitan Park are fully electric and are powered entirely by renewable energy, representing a meaningful step in Amazon's efforts to decarbonize its real estate portfolio as part of the company's commitment to The Climate Pledge; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Amazon's Metropolitan Park (HQ2) for receiving Leadership in Energy and Environmental Design Platinum Certification; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Amazon's Metropolitan Park (HQ2) as an expression of the General Assembly's admiration for Amazon's dedication to creating a more sustainable workplace and world.

HOUSE JOINT RESOLUTION NO. 394

Commending the KORUS Festival.

Agreed to by the House of Delegates, March 5, 2024
Agreed to by the Senate, March 7, 2024

WHEREAS, for 20 years, the KORUS Festival has celebrated Korean American heritage while building unity and promoting cultural exchange between attendees of all ages, backgrounds, and ethnicities; and

WHEREAS, hosted by the Korean American Association of Greater Washington Metropolitan Area, the KORUS Festival derives its name from an amalgamation of Korea and the United States, symbolizing the way Korean immigrant communities have grown and thrived in the American melting pot; and

WHEREAS, the KORUS Festival offers a wide range of events, programs, and cultural exhibitions that enrich the lives of Korean Americans and create an inclusive atmosphere for members of the broader community to learn about different perspectives and traditions; and

WHEREAS, the KORUS Festival features food and retail vendors, games, children's activities, and live performances, including marital arts, traditional dancing, and music from a wide range of genres; and

WHEREAS, the KORUS Festival is designed with people of all ages, interests, and abilities in mind, which gives all attendees an opportunity to build strong bonds based on shared values and celebrate the diversity of the region through open dialogue and meaningful interactions; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the KORUS Festival on the occasion of its 20th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Steve Lee, president of the Korean American Association of Greater Washington Metropolitan Area, as an expression of the General Assembly's admiration for the festival's vital role in promoting unity, multiculturalism, interconnectedness, and cultural understanding.

HOUSE JOINT RESOLUTION NO. 395

Commending the Assistance League of Northern Virginia.

Agreed to by the House of Delegates, March 5, 2024
Agreed to by the Senate, March 7, 2024

WHEREAS, the Assistance League of Northern Virginia, a chapter of the National Assistance League, celebrates its 20th anniversary in 2024; and

WHEREAS, beginning as a guild in 1999 and formally chartered as a chapter of the National Assistance League in 2004, the Assistance League of Northern Virginia has demonstrated a deep commitment to addressing the needs of its community since its founding; and

WHEREAS, the Assistance League of Northern Virginia, like every chapter of the National Assistance League, designs, organizes, and implements service programs and other initiatives that best address the unique needs of the local community; and

WHEREAS, early endeavors of the Assistance League of Northern Virginia included its Weekend Food for Kids and Hugs Pillows endeavors, and the organization has continued to develop new programs over the years to expand its impact in the community; and

WHEREAS, the Assistance League of Northern Virginia advances its philanthropic efforts by providing opportunities in which its friends and supporters may purchase items from wishlists to donate to the organization's beneficiaries; and

WHEREAS, the accomplishments of the Assistance League of Northern Virginia have been made possible by the overwhelming support and generosity of its member volunteers; and

WHEREAS, the commitment of the Assistance League of Northern Virginia's members to the well-being, self-esteem, and education of at-risk youth in Northern Virginia has helped to make the region a more wonderful place to live, work, and raise a family; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Assistance League of Northern Virginia on the occasion of its 20th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Assistance League of Northern Virginia as an expression of the General Assembly's admiration for the organization's history and its contributions to the Commonwealth.

HOUSE JOINT RESOLUTION NO. 396

Commending Providence Baptist Church.

Agreed to by the House of Delegates, March 6, 2024
Agreed to by the Senate, March 8, 2024

WHEREAS, for 60 years, Providence Baptist Church has strengthened the Newport News community by providing opportunities for worship, joyful evangelism, and generous outreach programs; and

WHEREAS, in April 1964, a group of 13 local residents met in the home of Deacon Carl Fauntleroy to discuss forming their own congregation; Hazel Pride suggested the name Providence Baptist Church, and on May 1, 1964, the group met at Taborian Hall to officially organize the new church; and

WHEREAS, in its early days, Providence Baptist Church installed officers, formed a Missionary Circle, and voted to purchase lots for the construction of a sanctuary and fellowship hall, which was subsequently built by members of the congregation; and

WHEREAS, the Reverend James L. Hargrave was called as the first pastor of Providence Baptist Church in September 1964; over the course of his 15-year tenure he oversaw the creation of men's, women's, and junior usher boards, music ministries, a Sunday school program, and Vacation Bible School; and

WHEREAS, the Reverend Dr. James J. Gray succeeded Reverend Hargrave in July 1979 and worked diligently to enhance the spiritual vitality of the church family; he actively sought new members and organized the congregation into 12 tribes, with deacons visiting each family in their tribe to learn about issues in the community and keep the church engaged in everyday life; and

WHEREAS, under Reverend Gray's leadership, Providence Baptist Church implemented a nursery and youth tutoring programs, restructured administrative offices and began construction on a new fellowship hall to better serve the growing congregation, and increased community outreach and charitable giving; and

WHEREAS, the third and current pastor of Providence Baptist Church, the Reverend Dr. Corey L. Brown, preached his first sermon in February 2006 and has fulfilled his original mission to provide sound doctrine and relevant ministry and to help the church become a beacon in the community; and

WHEREAS, Reverend Brown gave the members of the church a sense of direction through new vision and mission statements, focused on developing young leaders in the congregation, and strengthened outreach programs, all contributing to an 81 percent increase in membership; and

WHEREAS, a passionate lifelong learner, Reverend Brown also established the Annual Walk for Education, which has raised more than $195,000 for college scholarships, and a science, technology, engineering, and math ministry to help young people learn about careers in those fields; and

WHEREAS, Providence Baptist Church will commemorate its 60th anniversary with a special service on Sunday, May 19, 2024; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Providence Baptist Church on the occasion of its 60th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Providence Baptist Church as an expression of the General Assembly's admiration for its contributions to the Newport News community.

HOUSE JOINT RESOLUTION NO. 397

Commending Janet V. Green.

Agreed to by the House of Delegates, March 6, 2024
Agreed to by the Senate, March 8, 2024

WHEREAS, Janet V. Green, an esteemed community leader and dedicated advocate for inclusive communities, recently announced her retirement effective January 1, 2025, from her position as chief executive officer of Habitat for Humanity Peninsula and Greater Williamsburg; and

WHEREAS, since 2002, Janet V. Green has led Habitat for Humanity Peninsula and Greater Williamsburg (PGW), an organization that has helped hundreds of individuals and families in the region build and repair their homes; and

WHEREAS, Janet V. Green's tenure at Habitat for Humanity PGW was defined by her capacity for innovation, evidenced by her ability to guide homeowners through the financial straits of the COVID-19 pandemic, as well as her willingness to explore new building techniques, including insulating concrete forms and the nation's first Habitat for Humanity three-dimensional printed home; and

WHEREAS, shortly after joining Habitat for Humanity PGW, Janet V. Green opened the first Habitat ReStore in Newport News in 2003, a store that raises money for future Habitat for Humanity projects by selling donated home goods and building materials; she also led the ReStores in Williamsburg and Yorktown, opened in 2012 and 2023, respectively; and

WHEREAS, under Janet V. Green's leadership, the ReStores in Williamsburg and Newport News ranked among the most successful ReStores in the nation, a testament to her passion and commitment to the organization's mission; and

WHEREAS, Janet V. Green has been devoted to social justice and inclusive communities since her time at Michigan State, where she earned a degree in social work; and

WHEREAS, after shifting her focus from social work to politics to broaden her impact, Janet V. Green served as special assistant to the president and as director of White House operations in President William J. Clinton's administration; and

WHEREAS, Janet V. Green played an instrumental role in the formation of the Corporation for National Service, commonly known as AmeriCorps, and also served as executive director of the Democratic National Committee during President Clinton's second term; and

WHEREAS, beyond Habitat for Humanity, Janet V. Green has promoted inclusive communities through her service with a number of local boards and organizations, including the CIVIC Leadership Institute, the James City County Workforce Housing Task Force, the Judy Ford Wason Center for Public Policy, and more; and

WHEREAS, Janet V. Green has received numerous honors and accolades in recognition of her service over the years, such as being named to the 2023 *Inside Business* Power List Top 20 and being presented a Humanitarian Award from the Virginia Center for Inclusive Communities in 2020; and

WHEREAS, Janet V. Green's visionary leadership and tireless efforts over more than two decades at Habitat for Humanity PGW have helped to make the Peninsula and Greater Williamsburg area a wonderful place to live, work, and raise a family; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Janet V. Green on the occasion of her retirement as chief executive officer of Habitat for Humanity Peninsula and Greater Williamsburg; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Janet V. Green as an expression of the General Assembly's admiration for her legacy of service and best wishes in her future endeavors.

HOUSE JOINT RESOLUTION NO. 398

Commending The Closet of the Greater Herndon Area, Inc.

Agreed to by the House of Delegates, March 5, 2024
Agreed to by the Senate, March 7, 2024

WHEREAS, The Closet of the Greater Herndon Area, Inc., a beloved nonprofit thrift shop in historic downtown Herndon, celebrates its 50th anniversary in 2024; and

WHEREAS, in 1973, Janice Shanks, then head of community outreach at St. Timothy's Episcopal Church in Herndon, discussed with fellow church members and other local congregations the idea of opening a clothing thrift store to assist low-income families in the area; and

WHEREAS, with the support of several congregations and service organizations, The Closet opened in a small space above a farm supply store in 1974; and

WHEREAS, The Closet would grow and evolve over the years and occupy a number of storefronts before ultimately settling at its current location on Station Street; and

WHEREAS, over time, The Closet broadened and diversified the range of items it accepts and resells to include an array of household items, electronics, sporting goods, books, toys, videos, musical instruments, and more; and

WHEREAS, The Closet frequently donates clothing without charge to low-income families and individuals in need who have been referred by local service agencies and also sends many items to communities in the western part of the Commonwealth; and

WHEREAS, The Closet benevolently distributes its proceeds after expenses back into the community through post-secondary scholarships to students at several area high schools and grants to social service organizations in western Fairfax County that either directly or indirectly support low-income families; and

WHEREAS, since its founding, The Closet has raised and given away more than $2 million through its scholarships, grants, and donations, making a profound and lasting difference in countless lives; and

WHEREAS, the accomplishments of The Closet are the result of the hard work and generosity of the organization's staff, many volunteers, and 20 local faith-based congregations whose efforts have helped to make Herndon a wonderful place to live, work, and raise a family; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend The Closet of the Greater Herndon Area, Inc., on the occasion of its 50th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to The Closet of the Greater Herndon Area, Inc., as an expression of the General Assembly's admiration for the organization's history and its contributions to Herndon and the Commonwealth.

HOUSE JOINT RESOLUTION NO. 399

Commending Lynne Hunter.

Agreed to by the House of Delegates, March 5, 2024
Agreed to by the Senate, March 7, 2024

WHEREAS, Lynne Hunter of Herndon made history in 2023 when she became the first woman to be elected president of the Middle Atlantic Section of the Professional Golfers' Association of America since its formation in 1925; and

WHEREAS, Lynne Hunter will serve a two-year term as the 51st president of the Middle Atlantic Section of the Professional Golfers' Association (MAPGA) after having previously served as the organization's vice president from 2022 to 2023 and as its secretary from 2020 to 2021; and

WHEREAS, Lynne Hunter is the director of golf at Kenwood Golf & Country Club in Bethesda, Maryland, contributing greatly to the club's reputation and esteem in the world of golfing; and

WHEREAS, as president of the MAPGA, Lynne Hunter will lead more than 1,100 members and associates of the organization to foster the sport of golfing in the Mid-Atlantic region; and

WHEREAS, Lynne Hunter is a dual member of the Professional Golfers' Association of America and the Ladies Professional Golf Association (LPGA), holds a bachelor's degree in business administration from James Madison University, and has been a golf professional since 1997; and

WHEREAS, Lynne Hunter has received many accolades over her career in recognition of her service, including National LPGA Professional of the Year honors in 2021 and LPGA Northeast Section Golf Professional of the Year awards in 2010, 2017, and 2022; and

WHEREAS, Lynne Hunter has demonstrated extraordinary professionalism and love for the game of golf over her career and through her involvement with the MAPGA, and her accomplishments serve as inspiration to all Virginians; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Lynne Hunter for being elected president of the Middle Atlantic Section of the Professional Golfers' Association of America; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Lynne Hunter as an expression of the General Assembly's admiration for her achievements and best wishes for her continued success.

HOUSE JOINT RESOLUTION NO. 400

Commending the Mount Sidney Ruritan Club.

Agreed to by the House of Delegates, March 5, 2024
Agreed to by the Senate, March 7, 2024

WHEREAS, the Mount Sidney Ruritan Club, a local chapter of Ruritan National, Inc., dedicated to bettering its community through fellowship, goodwill, and service, celebrates its 85th anniversary in 2024; and

WHEREAS, the Mount Sidney Ruritan Club has greatly supported area youth over the years through various initiatives, including the establishment of a hot meals program at the historic Mount Sidney School beginning in 1940 and the hiring of a band instructor for the local elementary school and middle school in 1959; and

WHEREAS, the Mount Sidney Ruritan Club has played a vital role in promoting public safety in Mount Sidney by erecting road signs, installing street lights in the Sidney Heights neighborhood, and placing pedestrian crossing signs at critical junctures; and

WHEREAS, the Mount Sidney Ruritan Club spearheaded efforts to convince what was formerly the Augusta County Service Authority to provide water and sewer services in the Mount Sidney area, improving the quality of life for many; and

WHEREAS, in 1989, the Mount Sidney Ruritan Club purchased approximately four acres to create a public park that today offers myriad amenities for the benefit of residents of Mount Sidney, including barbecue pits, a basketball court, a soccer field, a playground, a picnic pavilion, and a helicopter landing area for use in the event of emergencies; and

WHEREAS, in recent years, the Mount Sidney Ruritan Club has effectively advocated for traffic safety measures along Route 11, the main thoroughfare through Mount Sidney, exemplifying the way in which the organization tailors its services to best meet the needs of its community; and

WHEREAS, the accomplishments of the Mount Sidney Ruritan Club are the result of the unwavering commitment of the organization's members and volunteers, who have helped to make Mount Sidney a wonderful place to live, work, and raise a family; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Mount Sidney Ruritan Club for its legacy of service on the occasion of its 85th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Mount Sidney Ruritan Club as an expression of the General Assembly's admiration for the organization's contributions to Mount Sidney and the Commonwealth.

HOUSE JOINT RESOLUTION NO. 401

Commending the New Hope Ruritan Club.

Agreed to by the House of Delegates, March 5, 2024
Agreed to by the Senate, March 7, 2024

WHEREAS, the New Hope Ruritan Club, a noble and distinguished civic organization serving the community of New Hope and beyond through a number of programs and initiatives, celebrates its 85th anniversary in 2024; and

WHEREAS, the New Hope Ruritan Club was chartered on April 11, 1939, with 30 charter members, receiving charter #75 and becoming the second Ruritan club in the national organization's Woodrow Wilson District; and

WHEREAS, guided by the values of fellowship, goodwill, and community service, the New Hope Ruritan Club's earliest endeavors included helping to sponsor a local Bible school, providing a community Christmas tree, and purchasing a piano for the former New Hope School; and

WHEREAS, the New Hope Ruritan Club promoted health and public safety by supporting the installation of street lights in New Hope in 1949 and by purchasing the lot that would be used for a new medical center three years later; and

WHEREAS, the New Hope Ruritan Club has supported young people in the community by sponsoring troops of the Boy Scouts of America and the Girl Scouts of the USA, as well as a youth baseball team that was organized in 1960; the organization also operated a concession stand and made a number of improvements at the baseball field over the years; and

WHEREAS, with a steadfast concern for sustainability and the environment, the New Hope Ruritan Club has regularly carried out roadside litter pick-ups and operated the New Hope solid waste collection site for Augusta County from 1989 to 2022; and

WHEREAS, in response to the closing of the New Hope Elementary School, the New Hope Ruritan Club established a 50-year lease agreement with Augusta County to operate the facility as a community center in 1997, creating a meaningful site that improved the quality of life for citizens of New Hope; and

WHEREAS, the New Hope Ruritan Club has continually renovated and updated the buildings of the New Hope Community Center in recent decades to better serve its visitors, enabling the facility to host a variety of uplifting activities; and

WHEREAS, through visionary leadership and the indefatigable efforts of its volunteer members, the New Hope Ruritan Club has helped to make New Hope a wonderful place to live, work, and raise a family; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the New Hope Ruritan Club on the occasion of its 85th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the New Hope Ruritan Club as an expression of the General Assembly's admiration for the organization's history and its contributions to New Hope and the Commonwealth.

HOUSE JOINT RESOLUTION NO. 402

Confirming various appointments by the Joint Committee on Rules and the Speaker of the House of Delegates.

Agreed to by the House of Delegates, March 6, 2024
Agreed to by the Senate, March 9, 2024

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly confirm the following appointments made by the Joint Committee on Rules:

1. Appointments to the Commonwealth Health Research Board pursuant to § 32.1-162.23 of the Code of Virginia:

Thomas W. Eppes, Jr., MD, of **Lynchburg,** Virginia, Member, for a term of five years beginning April 1, 2022, and ending March 31, 2027.

Ethlyn McQueen-Gibson, DNP, MSN, RN-BC, of **Yorktown,** Virginia, Member, for a term of five years beginning July 1, 2022, and ending June 30, 2027.

Rawle A. Seupaul, MD, of **Roanoke,** Virginia, Member, to serve an unexpired term ending March 31, 2026.

2. Appointment to the Virginia Council for the Interstate Compact for Juveniles pursuant to § 16.1-323.1 of the Code of Virginia:

The Honorable Jennifer D. Carroll Foy, of **Woodbridge,** Virginia, Member, for a term coincident with her term of office.

3. Appointments to the Virginia Retirement System Board of Trustees pursuant to § 51.1-124.20 of the Code of Virginia:

Lawrence A. Bernert, of **Norfolk,** Virginia, Member, for a term of five years beginning March 1, 2024, and ending February 28, 2029.

The Honorable Matthew James, of **Portsmouth,** Virginia, Member, for a term of five years beginning March 1, 2024, and ending February 28, 2029.

Lindsey K. Pantele, of **Glen Allen,** Virginia, Member, for a term of five years beginning March 1, 2022, and ending February 28, 2027.

RESOLVED FURTHER, That the General Assembly confirm the following appointments made by the Speaker of the House of Delegates:

1. Appointments to the Tobacco Region Revitalization Commission pursuant to § 3.2-3102 of the Code of Virginia:

The Honorable Jonathan E. Arnold, of **Saltville,** Virginia, Member, for a term coincident with his term of office.

The Honorable Thomas A. Garrett, Jr., of **Louisa,** Virginia, Member, for a term coincident with his term of office.

The Honorable Terry G. Kilgore, of **Scott,** Virginia, Member, for a term coincident with his term of office.

The Honorable Daniel W. Marshall, III, of **Danville,** Virginia, Member, for a term coincident with his term of office.

The Honorable James W. Morefield, of **Tazewell,** Virginia, Member, for a term coincident with his term of office.

The Honorable Israel D. O'Quinn, of **Washington,** Virginia, Member, for a term coincident with his term of office.

2. An appointment to the Virginia Commonwealth University Health System Authority Board of Directors pursuant to § 23.1-2402 of the Code of Virginia:

The Honorable Rodney T. Willett, of **Henrico,** Virginia, Member, for a term coincident with his term of office.

3. Appointments to the Virginia Conflict of Interest and Ethics Advisory Council pursuant to § 30-355 of the Code of Virginia:

The Honorable M. Keith Hodges, of **Middlesex,** Virginia, Member, for a term coincident with his term of office.

The Honorable Vivian E. Watts, of **Fairfax,** Virginia, Member, for a term coincident with her term of office.

HOUSE JOINT RESOLUTION NO. 403

Commending Mount Vernon at Home.

Agreed to by the House of Delegates, March 5, 2024
Agreed to by the Senate, March 7, 2024

WHEREAS, Mount Vernon at Home, an organization dedicated to supporting senior residents of Fairfax County by helping them maintain their independence and stay engaged with the community, celebrated its 15th anniversary in 2024; and

WHEREAS, Mount Vernon at Home was established by a group of retired friends and neighbors who foresaw the value of a support network that would allow them to age in place and continue enjoying active lives in their community; and

WHEREAS, Mount Vernon at Home fulfills its mission by coordinating services for residents through a team of dedicated volunteers; today, the organization has more than 30 volunteers serving more than 150 seniors in the Fairfax County community; and

WHEREAS, Mount Vernon at Home's volunteers assist residents by providing transportation to appointments, grocery shopping, light home repair, home cleaning and organization, technology support, and friendly visits; and

WHEREAS, Mount Vernon at Home improves the quality of residents' lives by offering them a diverse array of social, cultural, and educational activities, services, and events that are easily accessible from their homes; and

WHEREAS, by fostering a strong sense of community among its members and ensuring that they are able to participate fully in local life, Mount Vernon at Home has helped to make Fairfax County a wonderful place to live, work, raise a family, and age in place; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Mount Vernon at Home on the occasion of its 15th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Mount Vernon at Home as an expression of the General Assembly's admiration for the organization's history and its contributions to the Commonwealth.

HOUSE JOINT RESOLUTION NO. 404

Commending Kwame Alexander.

Agreed to by the House of Delegates, March 5, 2024
Agreed to by the Senate, March 7, 2024

WHEREAS, Kwame Alexander, an acclaimed children's author, poet, and educator, won the Emmy Award for Outstanding Young Teen Series at the Second Annual Children's & Family Emmy Awards presented by the National Academy of Television Arts and Sciences in 2023; and

WHEREAS, Kwame Alexander received two Children's & Family Emmy nominations in the categories of Young Teen Series and Writing for a Young Teen Program for his hit television series, *The Crossover*, which is based on his Newbery Medal–winning novel-in-verse of the same name; and

WHEREAS, *The Crossover* premiered on the Disney Channel and the Disney+ streaming service in April 2023 and was immediately met with rave reviews; and

WHEREAS, Kwame Alexander is a Chesapeake native, a seventh-generation Virginian, and the descendant of an African American patriot and hero who served with the Union Army during the Civil War; and

WHEREAS, Kwame Alexander has authored more than 35 books that have earned accolades such as the Lee Bennett Hopkins Poetry Award, a Coretta Scott King Award honor book mention, NAACP Image Award nominations, and the inaugural Conroy Legacy Award; and

WHEREAS, Kwame Alexander's *The Crossover* is about teen brothers and basketball superstars Josh and Jordan Bell and their experiences as they come of age both on and off the court; and

WHEREAS, in 2019, Kwame Alexander launched Versify, an imprint of Houghton Mifflin Harcourt Books for Young Readers, to support diverse and unconventional authors and to share their stories with a wider readership; and

WHEREAS, Kwame Alexander's other notable ventures include a John F. Kennedy Center for the Performing Arts-commissioned national tour of his children's musical *Acoustic Rooster's Barnyard Boogie: Starring Indigo Blume* and the founding of the Barbara E. Alexander Memorial Library and Health Clinic in Ghana in 2018 as a part of his Livelihood Empowerment Against Poverty for Ghana international literacy program; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Kwame Alexander for the success of *The Crossover* and for winning the Emmy Award for Outstanding Young Teen Series; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Kwame Alexander as an expression of the General Assembly's admiration for his achievements and best wishes for his continued success.

HOUSE JOINT RESOLUTION NO. 405

Commending Grant Holloway.

Agreed to by the House of Delegates, March 5, 2024
Agreed to by the Senate, March 7, 2024

WHEREAS, Grant Holloway, an outstanding track and field athlete who grew up in Chesapeake, broke his own world record in the 60-meter hurdles event at the USA Indoor Track and Field Championships in January 2024; and

WHEREAS, a graduate of Grassfield High School in Chesapeake, Grant Holloway attended the University of Florida, where he was a standout member of both the indoor and outdoor track and field teams, and has achieved great success as a professional athlete over the past several years; and

WHEREAS, at the USA Indoor Track and Field Championships held in New Mexico, Grant Holloway ran the 60-meter hurdles race in 7.27 seconds, shaving two-hundreths of a second off his previous world record; and

WHEREAS, Grant Holloway has been undefeated in the 60-meter hurdles race since 2014, and after notching the win at the USA Indoor Track and Field Championships, he continued the incredible winning streak at the Glasgow Indoor World Championship in March 2024 with yet another victory in the 60-meter hurdles; and

WHEREAS, Grant Holloway previously won gold medals at the 2019, 2022, and 2023 International Association of Athletics Federations World Athletics Championships, and he won a silver medal in the men's 110-meter hurdles event at the 2020 Summer Olympics in Tokyo, Japan; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Grant Holloway for breaking his own world record in the 60-meter hurdles event at the 2024 USA Indoor Track and Field Championships; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Grant Holloway as an expression of the General Assembly's admiration for his exceptional athletic achievements and best wishes for the future.

HOUSE JOINT RESOLUTION NO. 406

Commending Service Employees International Union, Local 32BJ.

Agreed to by the House of Delegates, March 6, 2024
Agreed to by the Senate, March 8, 2024

WHEREAS, Service Employees International Union, Local 32BJ, the largest union of property service workers in the United States, celebrates its 90th anniversary in 2024; and

WHEREAS, the Service Employees International Union, Local 32BJ (SEIU 32BJ) was founded by the merger of the Local 32-B, which was formed by men in 1934, and Local 32-J, which was formed by women in 1936, in recognition of the strength of a unified movement to improve the rights of workers; and

WHEREAS, SEIU 32BJ has been dedicated to building and growing a diverse, effective, politically independent, and democratic organization of workers in order to change their lives for the better, improve their communities, and foster a more just society for present and future generations; and

WHEREAS, SEIU 32BJ operates primarily in the Northeast and Mid-Atlantic United States, including in Massachusetts, New Hampshire, Rhode Island, Connecticut, New Jersey, New York, Delaware, Pennsylvania, Maryland, Virginia, and Washington, D.C., but extends as far south as Florida and as far west as Montana; and

WHEREAS, SEIU 32BJ's members are primarily frontline workers, including cleaners, property maintenance workers, doormen, security officers, window cleaners, building engineers, school and food service workers, and other building professionals, as well as railroad and factory workers; and

WHEREAS, SEIU 32BJ's members have an important role in ensuring the efficient operations of an array of public and private properties, such as office, apartment, and government buildings; airports and shopping malls; public schools, colleges, and universities; and stadiums, theaters, museums, and country clubs; and

WHEREAS, SEIU 32BJ's members have successfully organized and attained historic pay increases, better benefits, and improved working conditions at Ronald Reagan Washington National Airport, Dulles International Airport, and more than 1,500 office buildings in the greater Northern Virginia area; and

WHEREAS, by working in essential, frontline positions throughout the COVID-19 pandemic, SEIU 32BJ's members were instrumental in ensuring the well-being of the community; their continued commitment to excellent customer experience, building management, and public health and safety are critical to the Commonwealth's economic vitality; and

WHEREAS, representing the full breadth of the nation's diversity and embodying the spirit of the American Dream, SEIU 32BJ has played an important part in the history and culture of the United States for nearly a century; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Service Employees International Union, Local 32BJ, on the occasion of its 90th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Service Employees International Union, Local 32BJ, as an expression of the General Assembly's admiration for the organization's history and its contributions to the Commonwealth and the nation.

HOUSE JOINT RESOLUTION NO. 407

Commending the Alpha Kappa Alpha Sorority, Incorporated®, Lambda Omega Chapter.

Agreed to by the House of Delegates, March 6, 2024
Agreed to by the Senate, March 8, 2024

WHEREAS, for 90 years, the Alpha Kappa Alpha Sorority, Incorporated®, Lambda Omega Chapter has cultivated fellowship among its members while working together to address the needs of the community; and

WHEREAS, the Lambda Omega Chapter was chartered in Newport News on January 13, 1934, with the help of other sorority members who lived in Newport News and Hampton; and

WHEREAS, among many notable achievements, the Lambda Omega Chapter played an instrumental role in having the "white" and "colored" signs removed from the restrooms at Nachman's Department Store and supported economic development in the area by supporting Black-owned businesses; and

WHEREAS, in 2015, former Lambda Omega Chapter member Katherine G. Johnson received the Presidential Medal of Freedom from President Barack Obama for her role as a scientist and mathematician at the National Aeronautics and Space Administration; and

WHEREAS, other prominent members of the Lambda Omega Chapter include educator Leah K. Frazier, the first Black woman mayor of Newport News Jessie Rattley, former Mid-Atlantic regional director Clara M. Hines, civil rights activist Flora D. Crittenden, and former member of the Virginia House of Delegates Mamye E. BaCote; and

WHEREAS, over the course of its history, the Lambda Omega Chapter has hosted several Mid-Atlantic Regional Conferences, Founders' Day Ceremonies, and Tidewater Cluster Meetings; the chapter has sponsored health and empowerment fairs, educational programs, seminars, and workshops for members and the community; and

WHEREAS, having maintained a membership of more than 100 women through the years, the Lambda Omega Chapter continues to perpetuate the ideals and principles of Alpha Kappa Alpha Sorority through service in local communities, across the nation, and around the world; and

WHEREAS, as the Lambda Omega Chapter celebrates 90 years of sisterhood and service in 2024, its members will remain focused on improving educational, social, cultural, and economic conditions on the Virginia Peninsula and beyond, while aspiring to promote the sorority's mission to be of "Service to all Mankind"; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Alpha Kappa Alpha Sorority, Incorporated®, Lambda Omega Chapter on the occasion of its 90th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Alpha Kappa Alpha Sorority, Incorporated®, Lambda Omega Chapter as an expression of the General Assembly's admiration for its members' legacy of achievements.

HOUSE JOINT RESOLUTION NO. 408

Commending Bruce Wolff.

Agreed to by the House of Delegates, March 5, 2024
Agreed to by the Senate, March 7, 2024

WHEREAS, Bruce Wolff, an esteemed law-enforcement officer and longtime member of the Leesburg Police Department, retired in 2023; and

WHEREAS, Bruce "Bill" Wolff embarked upon his noble career in law enforcement with the York City Police Department in Pennsylvania in 1982 and also worked for the Marietta Borough Police Department and the Mount Joy Borough Police Department, both of Pennsylvania, before joining the Leesburg Police Department on July 5, 1988; and

WHEREAS, over his 35 years with the Leesburg Police Department, Bill Wolff worked honorably and indefatigably to protect and serve the Leesburg community and to ensure the well-being of its residents and visitors; and

WHEREAS, Bill Wolff has served the Leesburg Police Department in numerous capacities, including as field training officer, member of the Truck Inspection Team, liaison for the Leesburg Police Citizen Support Team, firearms instructor, speed measurement instructor, motor officer, sergeant of the Traffic Management and School Resource Officer Units, member of the Crash Reconstruction Team, and more; and

WHEREAS, Bill Wolff has received several honors in recognition of his service from the Town of Leesburg, as well as organizations such as Special Olympics Virginia and the Northern Virginia Criminal Justice Training Academy; and

WHEREAS, Bill Wolff's dedication and professionalism have helped to make Leesburg a wonderful place to live, work, and raise a family; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Bruce Wolff on the occasion of his retirement; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Bruce Wolff as an expression of the General Assembly's admiration for his career of public service and best wishes for a happy and fulfilling retirement.

HOUSE JOINT RESOLUTION NO. 409

Commending China King's Restaurant.

Agreed to by the House of Delegates, March 5, 2024
Agreed to by the Senate, March 7, 2024

WHEREAS, China King's Restaurant, a beloved, family-owned institution in Leesburg, has served classic Chinese dishes to the community for 35 years; and

WHEREAS, China King's Restaurant was established in 1972 and was the first Chinese restaurant in Leesburg and the first in Loudoun County; and

WHEREAS, located on South King Street, China King's Restaurant's striking storefront has been a hallmark of historic Downtown Leesburg's thoroughfare for decades, and generations of residents and visitors have enjoyed delicious meals in its cozy interior; and

WHEREAS, since 1989, China King's Restaurant has been owned by the Whang family, who have proudly worked with their fellow downtown business owners to enhance the vibrant local economy; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend China King's Restaurant on the occasion of its 35th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to China King's Restaurant as an expression of the General Assembly's admiration for its contributions to the vibrant local economy.

HOUSE JOINT RESOLUTION NO. 410

Commending Newton-Lee Elementary School.

Agreed to by the House of Delegates, March 5, 2024
Agreed to by the Senate, March 7, 2024

WHEREAS, Newton-Lee Elementary School in Ashburn works to honor the memory of the victims of the attacks on September 11, 2001, while providing important historical context to students; and

WHEREAS, Newton-Lee Elementary School, part of Loudoun County Public Schools, opened in 2005 and is named for Christopher C. Newton and Dong Chul Lee, both of whom lived in the area and were passengers aboard American Airlines Flight 77 when it was hijacked and struck the Pentagon; and

WHEREAS, every year, the students and staff of Newton-Lee Elementary School honor the memory of the school's namesakes, and each class receives age-appropriate information about the history and legacy of September 11; and

WHEREAS, as part of the annual September 11 commemoration, Newton-Lee Elementary School raises a freedom flag in a memorial garden also dedicated to Newton and Lee; and

WHEREAS, Newton-Lee Elementary School's unique instructional program has given countless students a better understanding and appreciation for this watershed moment in American history; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Newton-Lee Elementary School for fostering a better understanding of the attacks on September 11, 2001, among its students; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Newton-Lee Elementary School as an expression of the General Assembly's admiration for the school's contributions to young people and commitment to honoring the memory of the victims of September 11, 2001.

HOUSE JOINT RESOLUTION NO. 411

Commending the Loudoun Symphony Orchestra.

Agreed to by the House of Delegates, March 5, 2024
Agreed to by the Senate, March 7, 2024

WHEREAS, the Loudoun Symphony Orchestra, a premier regional symphony dedicated to enriching its community through music, presents *One Planet, One Community* on June 1, 2024, at Ion Arena in Leesburg; and

WHEREAS, the Loudoun Symphony Orchestra (LSO) concert realizes Maestro Kim Allen Kluge's post-pandemic vision of nurturing community resilience by recognizing global connectedness and by embracing care of one another and our planet, with a shared conviction that all humans are innately creative; and

WHEREAS, the LSO's collaborative performing and visual arts project will showcase art submissions from throughout the region, including professional artists and Loudoun County Public Schools students; and

WHEREAS, during the performance, the LSO will perform works including *The Planets* by Gustav Holst and music from *Star Wars*, *Star Trek*, and U2's *Where the Streets Have No Name* alongside world-champion ice dancers, while community art submissions will be projected on a large screen behind the orchestra; and

WHEREAS, the LSO's upcoming performance will contribute to the orchestra's legacy of providing enriching, educational, engaging, and entertaining programs for the enjoyment of the Loudoun County community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Loudoun Symphony Orchestra for its success with the *One Planet, One Community* performance; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Loudoun Symphony Orchestra as an expression of the General Assembly's admiration for the orchestra's achievements and best wishes for its continued success.

HOUSE JOINT RESOLUTION NO. 412

Commending Equality Loudoun.

Agreed to by the House of Delegates, March 5, 2024
Agreed to by the Senate, March 7, 2024

WHEREAS, for more than 20 years, Equality Loudoun has been the voice of the LGBTQ+ community in Loudoun County, working with a broad coalition of allies, groups, and other organizations to promote inclusiveness and build community support; and

WHEREAS, Equality Loudoun traces its deepest roots to the 1980s and the formation of the Loudoun Pioneers, a social club for gay and lesbian community members; and

WHEREAS, Equality Loudoun was formed as a grassroots organization in 2003 to provide much-needed advocacy, education, and community building for LGBTQ+ people and other marginalized groups in the region; and

WHEREAS, in 2005, Equality Loudoun marched for the first time in the Leesburg Independence Day Parade to bring visibility to the LGBTQ+ community and build goodwill; and

WHEREAS, since that time, Equality Loudoun has fostered an active and engaged LGBTQ+ community in Loudoun County through various social events, programs, and activities both during Pride Month and throughout the year; and

WHEREAS, among many achievements, Equality Loudoun was a key advocate in support of decisions by the Loudoun County Board of Supervisors and Loudoun County Public Schools to add gender identity and sexual orientation protections to their equal opportunity policies; and

WHEREAS, to honor victims of anti-transgender violence, Equality Loudoun held its first annual Transgender Day of Remembrance vigil in 2017; and

WHEREAS, Equality Loudoun was officially incorporated as a nonprofit organization in 2020 to better serve its clients and the community as a whole; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Equality Loudoun on the occasion of the 20th anniversary of its formation; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Equality Loudoun as an expression of the General Assembly's admiration for the organization's contributions to the LGBTQ+ community and work to enhance the quality of life of all Loudoun County residents.

HOUSE JOINT RESOLUTION NO. 413

Commending the Loudoun Free Clinic.

Agreed to by the House of Delegates, March 5, 2024
Agreed to by the Senate, March 7, 2024

WHEREAS, for 25 years, the Loudoun Free Clinic has provided free health care to low-income, uninsured, or underinsured adults in Loudoun County; and

WHEREAS, founded in 1998, Loudoun Free Clinic has grown to serve more than 1,100 patients each year by providing free preventative care, sick visits, well-woman care, diagnostic services, lab work, prescription medications, nutritional counseling, immunizations, and case management, among other services; and

WHEREAS, in 2023 alone, Loudoun Free Clinic provided services valued at $4.2 million to its patients, representing 4,419 individual visits and more than 9,000 30-day medication prescriptions; and

WHEREAS, Loudoun Free Clinic provides its services at no cost to patients, ensuring that people in need will not need to choose between receiving vital medical care and other essentials like food, clothing, or housing; and

WHEREAS, by expanding health care access and increasing health care equity, Loudoun Free Clinic has given low-income families a better foundation to achieve self-sufficiency; and

WHEREAS, Loudoun Free Clinic's role as a longstanding partner in the local network of safety net services has significantly enhanced the quality of life for residents of Loudoun County and Northern Virginia; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Loudoun Free Clinic on the occasion of its 25th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Loudoun Free Clinic as an expression of the General Assembly's admiration for the organization's contributions to public health in Loudoun County.

HOUSE JOINT RESOLUTION NO. 414

Commending Josie Stewart.

Agreed to by the House of Delegates, March 5, 2024
Agreed to by the Senate, March 7, 2024

WHEREAS, Josie Stewart has made significant strides in breaking barriers and fostering inclusivity within Loudoun County Public Schools; and

WHEREAS, as the first-ever Black assistant principal in Loudoun County Public Schools, Josie Stewart has demonstrated exemplary leadership and dedication to education; and

WHEREAS, Josie Stewart's journey reflects the resilience and determination required to navigate through the injustices of the Jim Crow era, during which time she faced segregation firsthand; and

WHEREAS, Josie Stewart's tenure as a substitute teacher at Douglass High School in 1977, followed by her service as assistant principal during the 1980s, contributed significantly to the educational landscape of Loudoun County, especially within the alternative high school and special education sectors; and

WHEREAS, Josie Stewart's remarkable achievement as the first Black female principal for secondary schools in Loudoun County marks a historic milestone in the school division's progress toward diversity and equality; and

WHEREAS, in May 2023, Josie Stewart took part in a rededication ceremony for the Historic Douglass High School Education & Development Campus, recognizing the legacy of the school and her enduring commitment to the betterment of education and her community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Josie Stewart for her pioneering contributions to education, her unwavering dedication to fostering inclusivity, and her role as a trailblazer in breaking down barriers in Loudoun County Public Schools; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Josie Stewart as an expression of the General Assembly's admiration for her exemplary service to young people and leadership in the field of education.

HOUSE JOINT RESOLUTION NO. 415

Commending Loudoun County Citizens for Social Justice, Inc.

Agreed to by the House of Delegates, March 5, 2024
Agreed to by the Senate, March 7, 2024

WHEREAS, Loudoun County Citizens for Social Justice, Inc., an organization dedicated to providing victims of domestic violence, sexual assault, and child abuse with safety, hope, and empowerment services to live as survivors free from the effects of violence, celebrates its 40th anniversary in 2024; and

WHEREAS, Loudoun County Citizens for Social Justice, doing business as LAWS, was founded in 1984 by three women in Loudoun County, who a year later opened a shelter to provide refuge to women and children fleeing domestic violence; and

WHEREAS, LAWS has expanded beyond its shelter over the years to provide a full array of comprehensive services to adults and children who are victims of domestic and sexual violence, including therapy, legal services, support groups, advocacy, and community outreach; and

WHEREAS, LAWS has developed into a public-private partnership between Loudoun County agencies and local organizations devoted to caring for and supporting victims of abuse or neglect; and

WHEREAS, as an extension of its mission, LAWS operates the Leesburg thrift store, The Resourceful Woman, and the Loudoun Child Advocacy Center; and

WHEREAS, LAWS provides direct services to more than 1,000 adults and children each year, making an outsized impact on the health and well-being of the community; and

WHEREAS, the accomplishments of LAWS are the result of the leadership of its directors and officers, the tireless efforts of its volunteers and staff, and the unwavering support of its partner organizations and the entire Loudoun County community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Loudoun County Citizens for Social Justice, Inc., for its legacy of service; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Loudoun County Citizens for Social Justice, Inc., as an expression of the General Assembly's admiration for the organization's contributions to the Commonwealth.

HOUSE JOINT RESOLUTION NO. 416

Commending Mobile Hope.

Agreed to by the House of Delegates, March 5, 2024
Agreed to by the Senate, March 7, 2024

WHEREAS, Mobile Hope is a nonprofit organization headquartered in Loudoun County that supports precariously housed, homeless, and at-risk youth, empowering them to become self-sufficient; and

WHEREAS, Mobile Hope grew out of a special project at Inova Loudoun Hospital that the organization's founder, Donna Fortier, established in 2011 after recognizing the concerning number of homeless and at-risk youth residing in Loudoun County; and

WHEREAS, incorporated as a 501(c)(3) nonprofit organization a year later, Mobile Hope is dedicated to supporting youth in need by providing them with emergency shelter and daily essentials like food, clothes, hygiene products, transportation, and school supplies; and

WHEREAS, Mobile Hope operates both out of its headquarters in Leesburg and through a fleet of buses that enhance the organization's ability to reach members of the community; and

WHEREAS, Mobile Hope provided young individuals and families with invaluable assistance during the COVID-19 pandemic, serving those most adversely impacted by the historic health crisis; and

WHEREAS, Mobile Hope recently established the Graffiti & Silk thrift store in Purcellville, where all proceeds are used to fund the organization's programs and services; and

WHEREAS, in 2023, Mobile Hope provided more than 10,000 presents to approximately 2,500 children as part of its 12th annual Christmas Village event; and

WHEREAS, the accomplishments of Mobile Hope are the result of the visionary leadership of its founder and chief executive officer, the tireless efforts of its volunteers and staff, and the unwavering support of its partners and the entire Loudoun County community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Mobile Hope for its legacy of service; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Donna Fortier, chief executive officer and founder of Mobile Hope, as an expression of the General Assembly's admiration for the organization's contributions to the Commonwealth.

HOUSE JOINT RESOLUTION NO. 417

Commending the Fairfax Resolves Chapter of the Virginia Society, Sons of the American Revolution.

Agreed to by the House of Delegates, March 5, 2024
Agreed to by the Senate, March 7, 2024

WHEREAS, the Fairfax Resolves Chapter of the Virginia Society, Sons of the American Revolution is named for the Fairfax Resolves, a set of resolutions adopted at a citizen's convention in Fairfax County in July 1774, which became one of the most consequential documents of the early American Revolution for its clear and detailed rejection of British Parliamentary authority over the Thirteen Colonies; and

WHEREAS, the Fairfax Resolves were developed in response to the Coercive Acts, better known as the Intolerable Acts, passed by British Parliament in early 1774 to reassert its dominance over the colonies after the Boston Tea Party; and

WHEREAS, written primarily by George Mason, with contributions from George Washington and other authors, the Fairfax Resolves asserted the rights of the Thirteen Colonies, challenged the oppressive actions of British Parliament, and called for an association of colonies to enforce measures protesting British authority until demands for autonomy were met, a precursor to revolutionary action; and

WHEREAS, the Fairfax Resolves were adopted on July 18, 1774, at a Fairfax County meeting chaired by George Washington; more than 30 counties in Virginia passed similar resolutions, but the Fairfax Resolves are generally considered the most detailed, the most radical, and the most influential; and

WHEREAS, the Fairfax Resolves clearly stated the American claims to equal rights under the British constitution, including representation in Parliament, control over taxation, control over military forces within their borders, control over judicial powers, and control over commercial actions; and

WHEREAS, the Fairfax Resolves represented a major step toward American independence, containing the implied threat of further actions to enforce American rights and calling for a general congress of the Thirteen Colonies, which took the form of the First Continental Congress later that year; and

WHEREAS, the Fairfax Resolves Chapter of the Virginia Society, Sons of the American Revolution has held reenactments of the reading of the Fairfax Resolves and continues to promote the role these important resolutions played in the foundation of the United States; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Fairfax Resolves Chapter of the Virginia Society, Sons of the American Revolution for honoring the legacy of the Fairfax Resolves on the occasion of the 250th anniversary of their signing; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare copies of this resolution for presentation to the Fairfax Resolves Chapter of the Virginia Society, Sons of the American Revolution and Fairfax County as an expression of the General Assembly's admiration for the historical significance of the Fairfax Resolves.

HOUSE JOINT RESOLUTION NO. 418

Commending Loudoun Hunger Relief.

Agreed to by the House of Delegates, March 5, 2024
Agreed to by the Senate, March 7, 2024

WHEREAS, Loudoun Hunger Relief, a food pantry based in Leesburg, has provided food assistance to the hungry and food insecure in Loudoun County for more than three decades; and

WHEREAS, Loudoun Hunger Relief traces its roots to 1991, when the Loudoun County Department of Social Services called a meeting of local churches that were operating food closets to present an idea for a central food distribution center; and

WHEREAS, a core group of volunteers formed a nonprofit organization after that meeting, and Loudoun Hunger Relief began operating in November 1991; and

WHEREAS, from its humble beginnings as a storefront in the Virginia Village Shopping Center, Loudoun Hunger Relief has grown to serve thousands of clients from two warehouses; and

WHEREAS, in 2023, Loudoun Hunger Relief served more than 13,000 individuals directly and an additional 600 to 800 families each week through distribution partners, representing hundreds of thousands of service interactions; and

WHEREAS, Loudoun Hunger Relief supplies perishable and nonperishable food items as well as non-food necessities as available; volunteers are trained to design packages with healthy ingredients to ensure balanced, nutritious meals; and

WHEREAS, Loudoun Hunger Relief is currently the largest food pantry in Loudoun County and partners with the Blue Ridge Area Food Bank and Feeding America to continue to meet the needs of the community; and

WHEREAS, Loudoun Hunger Relief has fulfilled its vital mission through the hard work of its staff members and volunteers and the support of generous donors and community partners; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Loudoun Hunger Relief for its decades of work to alleviate hunger in Loudoun County; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Loudoun Hunger Relief as an expression of the General Assembly's admiration for the organization's mission to ensure that everyone in the community has a sufficient amount of nutritious food.

HOUSE JOINT RESOLUTION NO. 419

Commending The Arc of Loudoun.

Agreed to by the House of Delegates, March 5, 2024
Agreed to by the Senate, March 7, 2024

WHEREAS, The Arc of Loudoun is an organization dedicated to advocating for, educating, serving, and supporting people with disabilities and their families; and

WHEREAS, the origins of The Arc of Loudoun date to 1967, when a group of parents established a preschool to care for their children with disabilities; and

WHEREAS, from that initial venture, the Arc of Loudoun has grown and matured into a full-service organization that implements a variety of educational and therapeutic programs, creating a lifetime of opportunities for people with disabilities; and

WHEREAS, The Arc of Loudoun provides a wealth of amenities for individuals with disabilities and their families, including its Ability Fitness Center, A Life Like Yours (ALLY) Advocacy Center, Aurora Behavior Clinic, the Aurora School, and the Open Door Learning Center; and

WHEREAS, the activities of The Arc of Loudoun are grounded in the organization's core values of safety, integrity, teamwork, empowerment, and success; and

WHEREAS, the accomplishments of The Arc of Loudoun in bringing about a just, equitable world for all people with disabilities is the result of the visionary leadership of the organization's officers and directors, the tireless efforts of its volunteers and staff, and the unwavering support of its partners and the entire Loudoun County community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend The Arc of Loudoun for its legacy of service in the Loudoun County community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to The Arc of Loudoun as an expression of the General Assembly's admiration for its achievements in the fulfillment of its mission and best wishes for its continued success.

HOUSE JOINT RESOLUTION NO. 420

Commending Esmeralda Ortiz.

Agreed to by the House of Delegates, March 5, 2024
Agreed to by the Senate, March 7, 2024

WHEREAS, Esmeralda Ortiz, director of the Loudoun Child Advocacy Center, an initiative of Loudoun Citizens for Social Justice, Inc., doing business as LAWS Domestic Violence and Sexual Assault Services, has greatly served the Loudoun County community; and

WHEREAS, Esmeralda Ortiz joined LAWS in 2017 as a domestic violence and sexual assault program assistant and served more than 900 children and families impacted by child abuse in her capacity as a victim advocate and forensic interviewer; and

WHEREAS, bilingual in Spanish and English, Esmeralda Ortiz provides invaluable skills and expertise to facilitate LAWS's work with Spanish-language speakers seeking the organization's services; and

WHEREAS, Esmeralda Ortiz has been certified as an expert to provide testimony regarding child sexual abuse and forensic interviewing in court, helping numerous victims receive the justice they deserve; and

WHEREAS, Esmeralda Ortiz has been director of the Loudoun Child Advocacy Center since 2022, leading a multidisciplinary team that addresses child abuse in the community by enhancing the training of partners and by improving coordination and collaboration between stakeholders; and

WHEREAS, in recognition of her accomplishments in protecting and supporting victims, Esmeralda Ortiz was honored by the Loudoun County Commonwealth's Attorney's Office with a Victim Services Award in 2023; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Esmeralda Ortiz for her legacy of service with the Loudoun Child Advocacy Center; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Esmeralda Ortiz as an expression of the General Assembly's admiration for her contributions to Loudoun County and the Commonwealth.

HOUSE JOINT RESOLUTION NO. 421

Commending Josephine Gonzalez.

Agreed to by the House of Delegates, March 5, 2024
Agreed to by the Senate, March 7, 2024

WHEREAS, Josephine Gonzalez, the Domestic Abuse Response Team program manager for Loudoun County and Loudoun Citizens for Social Justice, Inc., doing business as LAWS Domestic Violence and Sexual Assault Services, has greatly served the Loudoun County community; and

WHEREAS, Josephine Gonzalez joined LAWS in 2011 as a volunteer and two years later took a staff role as a bilingual advocate, supporting more than 700 survivors of domestic violence, sexual assault, and stalking with case management, crisis counseling, and advocacy; and

WHEREAS, through a collaborative agreement between LAWS and Loudoun County, Josephine Gonzalez transitioned to serve as the Domestic Abuse Response Team (DART) program manager in 2016; and

WHEREAS, as DART program manager, Josephine Gonzalez has helped Loudoun County enhance its response to domestic violence by coordinating training, offering opportunities for collaboration for allied professionals, and advocating for survivor-led, trauma-informed response across the community; and

WHEREAS, Josephine Gonzalez's major accomplishments with LAWS have included facilitating the large-scale implementation of the Lethality Assessment Program to identify and prioritize especially dangerous situations to improve outcomes for survivors of domestic violence; and

WHEREAS, Josephine Gonzalez's career has been defined by her unwavering commitment to ensuring that everyone feels safe in their homes, helping to make Loudoun County a wonderful place to live, work, and raise a family; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Josephine Gonzalez for her legacy of service with Loudoun Citizens for Social Justice, Inc.; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Josephine Gonzalez as an expression of the General Assembly's admiration for her contributions to Loudoun County and the Commonwealth.

HOUSE JOINT RESOLUTION NO. 422

Commending Rachel Yarnell Thompson.

Agreed to by the House of Delegates, March 5, 2024
Agreed to by the Senate, March 7, 2024

WHEREAS, Rachel Yarnell Thompson, an esteemed employee and historian at the George C. Marshall International Center, has greatly supported the organization's mission to bring to life the timeless values of selfless service and unwavering integrity to develop visionary leaders worldwide; and

WHEREAS, a former high school American history teacher and curriculum specialist, Rachel Thompson has been the Marshall historian at the George C. Marshall International Center for more than 20 years; and

WHEREAS, Rachel Thompson's extensive knowledge of George C. Marshall, who was Chief of Staff of the United States Army during World War II, has provided unique perspectives that inform the organization's presentations and programming; and

WHEREAS, in 2014, the George C. Marshall International Center published Rachel Thompson's highly acclaimed biography of George C. Marshall titled, *Marshall: A Statesman Shaped in the Crucible of War*; and

WHEREAS, Rachel Thompson supports the George C. Marshall International Center's efforts to operate Dodona Manor, a historic house museum in Leesburg that was the home of George C. Marshall from 1941 until his death in 1959, for the benefit of the community; and

WHEREAS, Rachel Thompson facilitates the George C. Marshall International Center's educational programs that explore George C. Marshall's principles and approach to leadership; and

WHEREAS, Rachel Thompson has helped to make the George C. Marshall International Center a leading historical institution in Loudoun County; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Rachel Yarnell Thompson for her legacy of service; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Rachel Yarnell Thompson as an expression of the General Assembly's admiration for her contributions to the George C. Marshall International Center and the Commonwealth.

HOUSE JOINT RESOLUTION NO. 423

Celebrating the life of James Elmore Clem.

Agreed to by the House of Delegates, March 5, 2024
Agreed to by the Senate, March 7, 2024

WHEREAS, James Elmore Clem, an accomplished cartographer and businessman, esteemed public servant, and active and beloved member of the Leesburg community, died on January 26, 2024; and

WHEREAS, James "Jim" Elmore Clem devoted 37 years to the Defense Mapping Agency in Washington, D.C., serving as a cartographer program manager until his retirement from the agency in 1996; and

WHEREAS, Jim Clem subsequently became the owner of Colonial Funeral Home of Leesburg from 1996 to 2013, working tirelessly and with great compassion to assist the families he served in their time of need; since 2010, Jim Clem had served as vice president of business development at SCS Safety Health and Security Associates, LLC, of Leesburg; and

WHEREAS, Jim Clem was appointed to the Leesburg Town Council in 1987, was reelected in 1990, served as vice mayor from then until 1992, then was elected to mayor in 1992 and subsequently reelected to three more two-year terms; he also served his community as the Leesburg District representative on the Loudoun County Board of Supervisors from 2003 to 2007; and

WHEREAS, Jim Clem made an outsized impact on the Leesburg community as a life member and past president of the Leesburg Volunteer Fire Company, a life member of the Olive Branch Lodge No. 114 of the Ancient Free & Accepted Masons in Leesburg, and a member of the Leesburg Host Lions Club for many years; and

WHEREAS, Jim Clem remained an active and engaged member of his community after retiring to Murrells Inlet, South Carolina, in 2009, and enjoyed worship and fellowship with his community at Surfside United Methodist Church in Surfside Beach, South Carolina; and

WHEREAS, Jim Clem will be fondly remembered and dearly missed by his loving wife of 58 years, Connie Leigh; his daughter, Stacy; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of James Elmore Clem, a cherished member and leader of the Leesburg community whose legacy of service is an inspiration to all who knew him; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of James Elmore Clem as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 424

Celebrating the life of Elijah Islam Safadi.

Agreed to by the House of Delegates, March 5, 2024
Agreed to by the Senate, March 7, 2024

WHEREAS, Elijah Islam Safadi, a hardworking member of the Manassas community who was deeply devoted to his family, died on February 13, 2024; and

WHEREAS, Elijah Safadi was a graduate of Patriot High School and was pursuing a career as an electrician through an apprenticeship program; and

WHEREAS, Elijah Safadi was committed to furthering his education to better serve the community and support his family; his focus, ingenuity, and work ethic were inspirational to everyone who knew him; and

WHEREAS, Elijah Safadi's boundless energy and adventurous spirit often led him into the great outdoors, where he enjoyed fishing, camping, target shooting, and paintball; and

WHEREAS, Elijah Safadi brought joy to others through his warmth, kindness, generosity, sense of humor, resilience, and optimism; and

WHEREAS, Elijah Safadi will be fondly remembered and greatly missed by his mother and stepfather, Michelle and William; his father, Hicham; his brothers, Isaiah, Julian, Brandon, Jalen, and Zachariah; his fiancée, Karla, with whom he was expecting his first child; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Elijah Islam Safadi; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Elijah Islam Safadi as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 425

Celebrating the life of Brenton Shaw Halsey, Sr.

Agreed to by the House of Delegates, March 5, 2024
Agreed to by the Senate, March 7, 2024

WHEREAS, Brenton Shaw Halsey, Sr., a highly admired business leader in Richmond who promoted education and economic development as means to reduce poverty and enhance the quality of life for all city residents, died on May 28, 2023; and

WHEREAS, a native of Newport News, Brenton "Brent" Halsey, Sr., attended the United States Merchant Marine Academy in King's Point, New York, then transferred to the University of Virginia (UVA), where he earned a bachelor's degree in chemical engineering and was a member of the Raven Society; and

WHEREAS, Brent Halsey subsequently served the nation as an officer in the United States Navy and completed a deployment to Korea; and

WHEREAS, after his honorable military service, Brent Halsey settled in the Richmond area, where he lived for 70 years and became an integral part of the community as a successful business owner and generous philanthropist; and

WHEREAS, Brent Halsey co-founded the James River Corporation, a manufacturer of consumer, packaging, and communication papers, and grew the business from a small, single-plant operation to a Fortune 100 firm with more than 100 locations in North America and Europe; and

WHEREAS, under Brent Halsey's leadership as chair and chief executive officer, the James River Corporation was ranked as the world's largest paper manufacturer in 1986, and annual sales reached approximately $8 billion prior to his retirement in 1992; and

WHEREAS, Brent Halsey was a respected leader in the paper products industry who served as chair of the American Paper Institute, now known as the American Forest and Paper Association; he was also a champion for conservation and served as chair of the American Forest Resource Council and the American Forest Trust; and

WHEREAS, over the course of his business career, Brenton Halsey adhered to a scrupulous code of ethics and was devoted to serving his employees, shareholders, suppliers, and customers with the utmost integrity; and

WHEREAS, Brent Halsey worked diligently to give back to the Richmond community and address the root causes of poverty in the region by supporting many charitable organizations and promoting economic revitalization and redevelopment; and

WHEREAS, Brent Halsey served as the chair and a member of the executive committee for Richmond Renaissance, now known as Venture Richmond, an organization dedicated to the redevelopment of downtown Richmond; and

WHEREAS, Brent Halsey also led efforts to redevelop the Richmond riverfront as chair of the Richmond Riverfront Corporation for 15 years, overseeing the restoration of the Canal Walk, which resulted in new commercial development; and

WHEREAS, a former chair and longtime board member of the Virginia Historical Society and the Thomas Jefferson Foundation, Brent Halsey greatly admired the life and works of Thomas Jefferson and shared his passion for the important role that education plays in creating a healthy electorate; and

WHEREAS, Brent Halsey offered his wise leadership and expertise to boards at St. Catherine's School, St. Christopher's School, the UVA Darden School of Business, and St. Paul's College; he served on the board of managers for the UVA Alumni Association and established an endowed professorship in chemical engineering at his alma mater; and

WHEREAS, outside of his career and community service, Brent Halsey was a competitive sailboat racer and won numerous premier events on the east coast; he was a commodore of the Fishing Bay Yacht Club in Deltaville, a member of the board of trustees at the New York Yacht Club, and a longtime board member of the Mariner's Museum in Newport News; and

WHEREAS, Brent Halsey earned many awards and accolades for his personal and professional achievements, including the 2001 Outstanding Virginian Award, the Outstanding Alumnus Award from the UVA School of Engineering, the Science Museum of Virginia's inaugural Outstanding Industrialist Award, and induction into the Paper Industry International Hall of Fame; and

WHEREAS, predeceased by his wife of 70 years, Lindsay, and his son, Brenton, Jr., Brent Halsey will be fondly remembered and greatly missed by his daughters, Liza, Kate, and Melanie, and their families; his daughter-in-law, Corell, and her family; and numerous other family members, friends, and colleagues; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Brenton Shaw Halsey, Sr., a pillar of the Richmond community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Brenton Shaw Halsey, Sr., as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 426

Commending the Douglas Freeman High School girls' lacrosse team.

Agreed to by the House of Delegates, March 5, 2024
Agreed to by the Senate, March 7, 2024

WHEREAS, the Douglas Freeman High School girls' lacrosse team earned its third consecutive state title with a victory in the Virginia High School League Class 5 state championship in June 2023; and

WHEREAS, in the state final, the Douglas Freeman High School Mavericks defeated the Independence High School Tigers by a score of 16-10; and

WHEREAS, the Independence Tigers scored first and jumped to an early 2-0 lead, but the Douglas Freeman Mavericks quickly responded with four consecutive goals to pull ahead; and

WHEREAS, late in the game, the Independence Tigers launched a comeback effort, cutting the deficit to three points, but the experienced Douglas Freeman squad, which included seven seniors, kept their composure to seal the win; and

WHEREAS, senior goalie Zara Issak made several crucial saves throughout the game, and senior midfielders Grace Moore and Bridget Wilson, longtime teammates who have played together since elementary school, led the Douglas Freeman Mavericks with six goals each; and

WHEREAS, the victorious season is a tribute to the skill and hard work of all the student-athletes, the leadership and guidance of coaches and staff, and the passionate support of the entire Douglas Freeman High School community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Douglas Freeman High School girls' lacrosse team on winning the Virginia High School League Class 5 state championship in 2023; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Christina D'Angelo, head coach of the Douglas Freeman High School girls' lacrosse team, as an expression of the General Assembly's admiration for the team's incredible achievements.

HOUSE JOINT RESOLUTION NO. 427

Election of Court of Appeals of Virginia Judges, Circuit Court Judges, General District Court Judges, Juvenile and Domestic Relations District Court Judges, and a member of the Judicial Inquiry and Review Commission.

Agreed to by the House of Delegates, March 7, 2024
Agreed to by the Senate, March 7, 2024

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly shall proceed today
To the election of Court of Appeals of Virginia judges for terms of eight years commencing as follows:
One judge, term commencing March 16, 2024.
One judge, term commencing January 1, 2025.

To the election of Circuit Court judges for terms of eight years commencing as follows:
One judge for the First Judicial Circuit, term commencing July 1, 2024.
One judge for the Second Judicial Circuit, term commencing May 1, 2024.
One judge for the Second Judicial Circuit, term commencing April 1, 2024.
One judge for the Second Judicial Circuit, term commencing April 1, 2024.
One judge for the Fifth Judicial Circuit, term commencing July 1, 2024.
One judge for the Fifth Judicial Circuit, term commencing October 1, 2024.
One judge for the Ninth Judicial Circuit, term commencing July 1, 2024.
One judge for the Thirteenth Judicial Circuit, term commencing July 1, 2024.
One judge for the Eighteenth Judicial Circuit, term commencing March 16, 2024.
One judge for the Nineteenth Judicial Circuit, term commencing January 1, 2025.
One judge for the Twenty-second Judicial Circuit, term commencing May 1, 2024.
One judge for the Twenty-third Judicial Circuit, term commencing July 1, 2024.
One judge for the Twenty-sixth Judicial Circuit, term commencing August 1, 2024.
One judge for the Twenty-ninth Judicial Circuit, term commencing July 1, 2024.
To the election of General District Court judges for terms of six years commencing as follows:
One judge for the Second Judicial District, term commencing May 1, 2024.
One judge for the Third Judicial District, term commencing October 1, 2024.
One judge for the Fourth Judicial District, term commencing May 16, 2024.
One judge for the Fifth Judicial District, term commencing July 1, 2024.
One judge for the Sixth Judicial District, term commencing May 1, 2024.
One judge for the Eighth Judicial District, term commencing July 1, 2024.
One judge for the Ninth Judicial District, term commencing July 1, 2024.
One judge for the Twelfth Judicial District, term commencing March 16, 2024.
One judge for the Thirteenth Judicial District, term commencing July 1, 2024.
One judge for the Twentieth Judicial District, term commencing July 1, 2024.
One judge for the Twenty-second Judicial District, term commencing May 1, 2024.
One judge for the Twenty-sixth Judicial District, term commencing August 1, 2024.
To the election of Juvenile and Domestic Relations District Court judges for terms of six years commencing as follows:
One judge for the First Judicial District, term commencing July 1, 2024.
One judge for the Third Judicial District, term commencing April 16, 2024.
One judge for the Sixteenth Judicial District, term commencing July 1, 2024.
One judge for the Twentieth Judicial District, term commencing July 1, 2024.
One judge for the Twentieth Judicial District, term commencing April 1, 2024.
One judge for the Twenty-second Judicial District, term commencing May 1, 2024.
One judge for the Twenty-third Judicial District, term commencing July 1, 2024.
One judge for the Twenty-fifth Judicial District, term commencing July 1, 2024.
One judge for the Twenty-seventh Judicial District, term commencing July 1, 2024.
One judge for the Twenty-seventh Judicial District, term commencing June 1, 2024.
One judge for the Thirty-first Judicial District, term commencing July 1, 2024.
To the election of a member of the Judicial Inquiry and Review Commission for an unexpired term ending June 30, 2027.

And that in the execution of the joint order nominations shall be made in the order herein named, and that each house shall be notified of said nominations, and when the rolls shall be called for the whole number, the presiding officers of each house shall appoint a committee of three, which together shall constitute the joint committee to count the vote of each house in each case and report the results to their respective houses. The joint order may be suspended by the presiding officer of either house at any time but for no longer than twenty-four hours to receive the report of the joint committee.

RESOLVED FURTHER, that the election of (i) one judge for the First Judicial Circuit, (ii) one judge for the Ninth Judicial Circuit, (iii) one judge for the Ninth Judicial General District Court, (iv) one judge for the First Judicial District Juvenile and Domestic Relations District Court, (v) one judge for the Twentieth Judicial District Juvenile and Domestic Relations District Court with a term commencing July 1, 2024, and (vi) one judge for the Thirty-First Judicial District Juvenile and Domestic Relations District Court, shall not be effective until the enactment of Senate Bill No. 710, 2024 Session, as agreed to and adopted by the General Assembly.

HOUSE JOINT RESOLUTION NO. 428

Applying to the Governor to call a special session and establishing a schedule for the conduct of business coming before such special session.

Agreed to by the House of Delegates, April 17, 2024
Agreed to by the Senate, April 17, 2024

RESOLVED by the House of Delegates, the Senate concurring, That pursuant to Section 6 of Article IV of the Constitution of Virginia, which directs that the Governor shall convene a special session upon the application by two-thirds of the members elected to each house, the General Assembly does hereby apply to the Governor to convene the General Assembly in a special session on Monday, May 13, 2024, for the purpose of considering Budget Bills; and be it

RESOLVED FURTHER, That after the Special Session is convened for the first time, it may stand in recess from time to time until reconvened by the joint call of the Speaker of the House of Delegates and Chair of the Senate Committee on Rules to consider such matters as are provided for in the procedural resolution adopted to govern the conduct of business coming before such Special Session; and, be it

RESOLVED FURTHER, That no engrossment of the Budget Bills shall be required in either house, and any conferences on the Budget Bill shall consider, as the basis for their deliberations, the enrolled Budget Bill transmitted to the Governor at the close of the 2024 Regular Session; and, be it

RESOLVED FINALLY, That for the purpose of this resolution;

"Budget Bills" means the general appropriation bill introduced in each house that authorizes the biennial expenditure of public revenues for the period from July 1, 2022, through June 30, 2024, or July 1, 2024, through June 30, 2026.

HOUSE RESOLUTION NO. 1

Celebrating the life of James Anderson Wood.

Agreed to by the House of Delegates, January 15, 2024

WHEREAS, James Anderson Wood, a respected community leader in Virginia Beach and a beloved husband, father, and grandfather, died on March 28, 2023; and

WHEREAS, James "Jim" Anderson Wood grew up in Arlington and graduated from Washington and Lee University in 1959; he served his country as a member of the United States Army Reserve for 10 years before his honorable discharge with the rank of captain; and

WHEREAS, Jim Wood worked in sales and as regional manager for what is now the Exxon Mobil Corporation for three decades; he was also a successful real estate investor and served for more than 20 years as an appointee to the Virginia Beach Board of Zoning Appeals; and

WHEREAS, Jim Wood touched countless lives in the community through his generosity and servant leadership; he volunteered his time and wise insights to the Thalia Elementary School PTA, the local Cub Scout pack and Boy Scout troop, and Thalia Trinity Presbyterian Church; and

WHEREAS, Jim Wood brought joy to others through his kindness, compassion, and sense of humor; he and his wife, Dot, were accomplished world travelers who relished every opportunity to make new memories together; and

WHEREAS, Jim Wood will be fondly remembered and greatly missed by his beloved wife of 64 years, Dot; his sons, James and William, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of James Anderson Wood, a highly admired member of the Virginia Beach community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of James Anderson Wood as an expression of the House of Delegates' respect for his memory.

HOUSE RESOLUTION NO. 2

Celebrating the life of Commander Edward S. Stolle, Jr., USN, Ret.

Agreed to by the House of Delegates, January 15, 2024

WHEREAS, Commander Edward S. Stolle, Jr., USN, Ret., an honorable veteran, esteemed corporate executive, accomplished attorney, beloved husband, father, grandfather, and great-grandfather, and longtime member of the Norfolk community, died on March 20, 2023; and

WHEREAS, after graduating from high school in Lytle, Texas, Edward "Ed" S. Stolle, Jr., attended the Bullis School in Silver Spring, Maryland, before graduating from the United States Naval Academy in 1952; and

WHEREAS, Ed Stolle began his distinguished 22-year career with the United States Navy as one of the branch's first jet fighters and test pilots, becoming a member of the renowned "Caterpillar Club" after successfully ejecting himself from his burning T-2J Buckeye; and

WHEREAS, Ed Stolle subsequently served as naval air and training advisor to the Indonesian Navy, executive officer of the USS *John R. Pierce*, and as chief of staff for the River Patrol Force in the Rung Sat Special Zone and Mekong Delta in Vietnam, participating in more than 100 operations and 37 amphibious assaults with United States Navy Sea, Air, and Land teams and the United States Army Special Forces; and

WHEREAS, after Vietnam, Ed Stolle served on the staff of the North Atlantic Treaty Organization in London before concluding his military career at the former Atlantic Fleet Command Center in Norfolk and retiring at the rank of commander; and

WHEREAS, in recognition of his gallantry and service to the nation, Ed Stolle was the recipient of several awards and honors, including the Bronze Star Medal for valor, the Navy Commendation Medal, the Army Commendation Medal, and five U.S. and Vietnamese citations and ribbons; and

WHEREAS, following his time in the United States Navy, Ed Stolle embarked upon a second career in the private sector, serving for 20 years as the Norfolk director of SAIC International, where he led the corporation's programs for operational command and control centers; and

WHEREAS, in his second retirement, Ed Stolle devoted himself to studying the law under the Virginia Board of Bar Examiners Law Reader Program; after passing the Virginia Bar Exam on his first attempt at the age of 72, he went on to serve as a court-appointed guardian ad litem for children who were suspected to be victims of abuse or neglect; and

WHEREAS, preceded in death by his loving wife of 62 years, Patricia, Ed Stolle will be fondly remembered and dearly missed by his adoring children, Ed, Ken, Bob, Chris, Siobhan, and Colin, and their families, and by numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Commander Edward S. Stolle, Jr., USN, Ret., a member of the Norfolk community whose leadership and integrity were an inspiration to all who knew him; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Commander Edward S. Stolle, Jr., USN, Ret., as an expression of the House of Delegates' respect for his memory.

HOUSE RESOLUTION NO. 3

Celebrating the life of the Honorable Thomas Frank Betz, Jr.

Agreed to by the House of Delegates, January 15, 2024

WHEREAS, the Honorable Thomas Frank Betz, Jr., a distinguished attorney and a former judge of the 2nd Judicial District of Virginia, died on February 22, 2023; and

WHEREAS, Thomas "Tom" Frank Betz, Jr., graduated from Granby High School, where he was a talented multisport athlete and a member of the undefeated state champion football team in 1953; and

WHEREAS, Tom Betz received a scholarship to attend Virginia Polytechnic Institute and State University and played football for the Hokies from 1955 to 1959; he studied electrical engineering before changing his major and graduated with a bachelor's degree in business administration; and

WHEREAS, Tom Betz earned a law degree from the University of Richmond School of Law on a two-year accelerated program, then served his country as a member of the United States Air Force in the Judge Advocate General's Corps; and

WHEREAS, Tom Betz's legal career spanned more than five decades; he served as an associate at Pilcher, Pilcher, Underwood and Byrd, then became an assistant Commonwealth's attorney in the Virginia Beach office; and

WHEREAS, in 1968, Tom Betz was appointed as a judge of the Virginia Beach Juvenile and Domestic Relations District Court; he presided over the court with great fairness and wisdom until 1972, then continued to serve as a substitute judge of the Virginia Beach General District Court until 1984; and

WHEREAS, Tom Betz subsequently worked for the firm Guy, Cromwell, Betz, and Lustig, then joined Mays and Valentine and served as managing partner of the firm's Norfolk office; and

WHEREAS, after Mays and Valentine merged with Troutman Sanders in 2001, Tom Betz served as managing partner of two local offices of Troutman Sanders until his retirement; and

WHEREAS, Tom Betz offered his leadership and expertise to many other local organizations, including as chair of the Tidewater Regional Group Home Board, Tidewater Regional Group Home Commission, and Tidewater Detention Home Board; he also served as a member of the Virginia Beach Planning Commission and the board of directors of the Virginia Beach Forum; and

WHEREAS, among many awards and accolades, Tom Betz received the Distinguished Service Award from the Virginia Beach Bar Association in 2002 and was selected as a Fellow of the Virginia Law Foundation in 2007; and

WHEREAS, outside of his career, Tom Betz enjoyed skeet shooting at the NAS Oceana Skeet Range with his friends Herb Culpepper, Clyde Barnett, and Bob Steinhilber, and he enjoyed numerous hunting trips to Canada with his son Todd Betz and friend Barry Knight; and

WHEREAS, Tom Betz will be fondly remembered and greatly missed by his wife, Carolyn; his children, Kimberly and Todd, and their families; his stepson, Jeffrey, and his family; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of the Honorable Thomas Frank Betz, Jr.; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of the Honorable Thomas Frank Betz, Jr., as an expression of the House of Delegates' respect for his memory.

HOUSE RESOLUTION NO. 4

Celebrating the life of James Douglas Coleburn.

Agreed to by the House of Delegates, January 15, 2024

WHEREAS, the country editor has for centuries been a distinctive personage in the annals of the Commonwealth; and

WHEREAS, it falls to the country editor to master the particularities and idiosyncrasies, the liabilities and also the possibilities of his (or her) community, including a broad and deep and necessarily sympathetic understanding of the heights and depths, the virtues and the vagaries, of human nature; and

WHEREAS, the country editor believes profoundly in the capacity of words to inform the reading public of the truth of things and to form disparate individuals into a harmoniously whole community; and

WHEREAS, when the country editor achieves either of these objectives, the experience is one of exaltation; and

WHEREAS, when the country editor finds that the written word may inform but not form the reading citizenry, the experience is one of misery; and

WHEREAS, controversy is to the country editor an inescapable factor of the calling, though the perils are somewhat less than they were in the days of dueling; and

WHEREAS, James Douglas Coleburn of Blackstone and Nottoway County, a "prolific, persuasive writer, a free-thinking and, at times, fire-breathing conservative," in the words of his son and successor, was—for nearly eight decades—such a country editor; and

WHEREAS, the varied and invariably outstanding achievements of Douglas "Doug" Coleburn as editor and publisher of *The Courier-Record* of Blackstone were acknowledged in 2020 by his induction into the Virginia Communications Hall of Fame; and

WHEREAS, Doug Coleburn was born in Onancock in Accomack County, and came to Blackstone in 1930, at the age of two, with his parents, Curt and Virginia Coleburn, when his father was employed "to get the *Blackstone Courier* print shop back in order"; and

WHEREAS, Curt Coleburn stayed in Blackstone, having acquired the newspaper, and Doug Coleburn began writing "The Southside VA Sportsman's Corner" column for *The Courier-Record* in 1948 under the pen name of "C.D. James"—"for fear that his thoughts and observations on hunting and fishing might not be well received," his son remembers; and

WHEREAS, Doug Coleburn would write "The Sportsman's Corner" in *The Courier-Record* for over 60 years; and

WHEREAS, Doug Coleburn became news editor of *The Courier-Record* in March 1952, and, as he later wrote in a eulogy published after his death, he "wrote all of the news, plus all editorials and three columns each week…[and] took and developed all of the photos," describing himself as "overworked and often miserable during the workday"; and

WHEREAS, Doug Coleburn became a renowned columnist, not only for "The Sportsman's Corner," but for "Around the Town!" (later abbreviated to "Around Town"), "Growing Up in Blackstone," "On the Front Porch," and, for many years in retirement, "Just Hanging On"; and

WHEREAS, Doug Coleburn authored, too, the book *The Japanese Attacked and Then Came Pickett*, and he was influential in placement of an historical marker commemorating the three hundred families forced from their ancestral homes in 1942, during the Second World War, for the creation of Fort Pickett—recently renamed Fort Barfoot; and

WHEREAS, when at 95 years of age he passed away into the next life on September 25, 2023, Doug Coleburn had either edited or written for *The Courier-Record* for 75 years; he had guided the newspaper to win numerous awards from The Virginia Press Association and to achieve one of the largest circulations of any rural newspaper in the Commonwealth; and

WHEREAS, Doug Coleburn complemented his community journalism with community service, having served on Blackstone Town Council from 1953 to 1983, followed by election to three consecutive terms on the Nottoway County Board of Supervisors; and

WHEREAS, after he thought he had concluded his service in elected office, Doug Coleburn was appointed to Blackstone Town Council in 1996 and again elected in both 1998 and 2002, so that when he finally did retire in 2006, he had served for 51 years in local elected office; and

WHEREAS, Doug Coleburn also served 10 years as chair of the Blackstone Planning Commission, led The Schwartz Tavern Authority for 20 years, was a life member of the Blackstone Volunteer Fire Department, which he actively served from 1961 to 1981, and was a founder and first secretary of the Southside Wildlife Association; and

WHEREAS, Doug Coleburn, through his tenacious research and reporting in *The Courier-Record*, helped authorities to solve, in 2000, a double-murder committed in Blackstone in 1953; and

WHEREAS, again through *The Courier-Record*, Doug Coleburn donated to Blackstone a memorial, located in Seay Park, listing the names of the 44 soldiers of Nottoway County killed in battle in one of the four wars in which United States troops fought during the 20th Century; and

WHEREAS, Doug Coleburn served eight years in Company F of the Virginia National Guard and the old Virginia Protective Force; and

WHEREAS, Doug Coleburn was preceded in death by his devoted wife of 69 years, Katherine Harris Coleburn; his parents, Curt and Virginia Coleburn; and two brothers, Billy and Custis Coleburn; and

WHEREAS, Doug Coleburn is survived by his daughter, Virginia Rieger (Larry) of Richmond; his son and successor, Billy "Mr. Blackstone" and wife, Joyce, of Blackstone; four grandchildren, Susan McKenney (Cameron) of Richmond, Caroline Coleburn Noblin (Shawn) of Chesterfield, Mary Katherine Spencer (Ben) of Blackstone, and Robert Motley of Blackstone; and one great-granddaughter, Katherine Anne McKenney, of Richmond; and

WHEREAS, in his final contribution to *The Courier-Record*, published posthumously, Doug Coleburn wrote that he "loved the Lord, his country, his family, his fellowman, and his community"; now, therefore, be it

RESOLVED, That the House of Delegates, hereby note with great sadness the loss of James Douglas Coleburn, who devoted nearly eight decades of exceptional service as a newspaper publisher, editor, and elected official, to the people of Blackstone and Nottoway County; and, be it

RESOLVED FURTHER, That the Clerk of the House prepare copies of this resolution for presentation to the family of Doug Coleburn, as an expression of the House of Delegates' sympathy with their bereavement and admiration for the life and labors of a good and great newspaperman, husband, father, and civic servant.

HOUSE RESOLUTION NO. 6

Commending the Grottoes Volunteer Fire Department.

Agreed to by the House of Delegates, January 15, 2024

WHEREAS, for 75 years, the Grottoes Volunteer Fire Department has served citizens of the Commonwealth while upholding its mission to provide the highest quality fire protection and emergency services in the most effective and efficient manner; and

WHEREAS, in 1947, the Grottoes Volunteer Fire Department was organized with the objective of providing fire protection to the Town of Grottoes and the surrounding communities in the Counties of Augusta and Rockingham; and

WHEREAS, in 1948, the Grottoes Volunteer Fire Department was officially chartered for purposes that included preventing and extinguishing fires in the Town of Grottoes and the surrounding territory and maintaining a modern and efficient fire department at all times for the protection of life and property; and

WHEREAS, Charles Stickley served as the first fire chief for the Grottoes Volunteer Fire Department, establishing a tradition of excellence that has defined the department throughout its history; and

WHEREAS, in August 1948, the Grottoes Volunteer Fire Department responded to its first emergency call in a Hahn Fire Apparatus after a pile of sawdust burst into flames at a nearby silk mill; and

WHEREAS, in 1995, after three additions to the original, white block station located on Aspen Avenue, the Grottoes Volunteer Fire Department broke ground for its current station located on Third Street; and

WHEREAS, in 2012, the Grottoes Volunteer Fire Department opened an onsite museum complete with memorabilia, vintage uniforms, and a 1920s chemical hand cart that had been used to provide firefighters high-pressure water to battle fires; and

WHEREAS, the Grottoes Volunteer Fire Department is currently made up of 90 members, 40 of whom are active volunteer firefighters, who enable the department to respond to 500–700 calls each year; and

WHEREAS, the Grottoes Volunteer Fire Department, a thriving nonprofit organization, continues to uphold its core values of integrity, selfless service, continuous improvement, and pride; now, therefore, be it

RESOLVED by the House of Delegates, That the Grottoes Volunteer Fire Department hereby be commended for its dedication, commitment, and service in protecting the safety and lives of local residents on the occasion of its 75th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Grottoes Volunteer Fire Department as an expression of the House of Delegates' congratulations and appreciation for the department's service and dedication to public safety.

HOUSE RESOLUTION NO. 7

Commending the Culpeper Minute Men Chapter of the National Society Daughters of the American Revolution.

Agreed to by the House of Delegates, January 15, 2024

WHEREAS, May 29, 2023, marked the 100th anniversary of the founding of the Culpeper Minute Men Chapter of the National Society Daughters of the American Revolution, which honors the memory and spirit of the men and women who achieved American independence and promotes an interest in education, genealogy, history, historic preservation, patriotism, and Americanism; and

WHEREAS, the Culpeper Minute Men Chapter was founded in May 1923 by Berkeley Gilkeson Calfee with a charter membership of 19 women to carry out this important service work on the local level; and

WHEREAS, currently, the Culpeper Minute Men Chapter has 67 members who continue this fine tradition, along with the more than one million women who have served in this vibrant service organization's mission to date, promoting patriotism, historic preservation, and education; and

WHEREAS, the members of the Culpeper Minute Men Chapter have provided thousands of hours of service to the Commonwealth and the United States over the past 100 years; they have cleaned roadsides, assisted veterans and older adults, provided classroom volunteer duties, digitized county courthouse records, and placed historical markers at significant sites in the community; and

WHEREAS, the members of the Culpeper Minute Men Chapter maintain the obelisk on Main Street in Culpeper, which was dedicated to the Culpeper Minute Men militia in 1933; the Culpeper gravesite of Betty Washington Lewis, sister of George Washington; and the family plot in Mitchells that is the resting place of Ann Mercer Slaughter, known as a "real daughter" of the American Revolution; and

WHEREAS, the Culpeper Minute Men Chapter also assisted in erecting the first Charters of Freedom in the Commonwealth and commemorates Constitution Week with a public celebration each year; now, therefore, be it

RESOLVED by the House of Delegates, That the Culpeper Minute Men Chapter of the National Society Daughters of the American Revolution hereby be commended on the occasion of its 100th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Culpeper Minute Men Chapter of the National Society Daughters of the American Revolution as an expression of the House of Delegates' admiration for the organization's vital contributions to the preservation of American history and unwavering commitment to community service in Culpeper and throughout the Commonwealth and the nation.

HOUSE RESOLUTION NO. 8

Commending Major General Timothy P. Williams, VNG.

Agreed to by the House of Delegates, January 15, 2024

WHEREAS, Major General Timothy P. Williams, VNG, will retire in 2023 as the Adjutant General of the Virginia National Guard after more than 37 years of service to the Commonwealth and the United States; and

WHEREAS, Timothy Williams is a lifelong Virginian and 1985 graduate of Virginia Polytechnic Institute and State University; he was subsequently commissioned as a field artillery officer in the United States Army and served in staff and command positions at the battery, battalion, and brigade levels beginning with a tour on active duty with what was then the 3rd Armored Cavalry Regiment; and

WHEREAS, Timothy Williams joined the Virginia Army National Guard in 1990 and spent most of his distinguished military career as a traditional status national guard solider while also working as a federal civil servant; his military career culminated in his appointment as director of training support and doctrine at the Combined Arms Support Command at what is now Fort Gregg-Adams; and

WHEREAS, on June 2, 2014, Major General Williams was sworn in to lead the Virginia Army National Guard, Virginia Air National Guard, and Virginia Defense Force, and he was reappointed to that position in 2018; since then, he has led the Virginia National Guard with distinction, maintaining an unprecedented operational tempo at home and abroad and overseeing new force structure innovations and facilities improvements; and

WHEREAS, during his tenure as adjutant general, Major General Williams ensured Virginia National Guard personnel were properly trained and equipped and well prepared to safeguard the lives and property of Virginians and to support law-enforcement organizations during multiple periods of civil unrest in the Commonwealth and Washington, D.C., including the "Unite the Right" rally in August 2017, protests in multiple Virginia locations in June 2020, and the immediate response to the events of January 6, 2021, and with the deployment of more than 2,900 personnel to augment security for the presidential inauguration in January 2021; and

WHEREAS, Major General Williams prioritized readiness for domestic response operations so that when hazardous weather affected the Commonwealth, Virginia National Guard personnel were available to assist local, state, and federal emergency response organizations; he also helped mobilize a response force of nearly 500 troops to assist with hurricane response in the U.S. Virgin Islands in 2017; and

WHEREAS, Major General Williams guided the Virginia National Guard through more than 460 days of support to Virginia's COVID-19 pandemic response, with personnel assisting at vaccination and testing sites and providing administrative, logistics, and planning support at locations across the Commonwealth; during the COVID-19 pandemic response operations, nearly 600 members of the Virginia National Guard and Virginia Defense Force completed more than 1,100 missions to help keep their fellow Virginians safe, and they supported nearly 160 different local, state, and federal agencies over the course of the mobilization; and

WHEREAS, Major General Williams was a driving force behind the creation of the 91st Cyber Brigade, the first Army National Guard cyber brigade, the establishment of the 185th Cyber Operations Squadron, and the reassignment of the United States Air Force F-22 Formal Training Unit to Langley Air Force Base; and

WHEREAS, Major General Williams and the members of the Virginia National Guard provided critical support when what is now Fort Barfoot was selected as one of eight safe havens in the United States designated to provide transportation, temporary housing, medical screening, and general support for Afghan evacuees as part of Operation Allies Welcome; more than 10,000 Afghan guests were processed through the installation during the resettlement effort; and

WHEREAS, Major General Williams set new goals for facilities improvements with the construction of the Virginia National Guard's first purpose-built headquarters building at Defense Supply Center Richmond, the first dedicated headquarters building for the Virginia Air National Guard at Langley Air Force Base, and the new headquarters for the 91st Cyber Brigade and 185th Cyber Operations Squadron; he also spearheaded significant improvements in training capabilities and quality of life facilities at Fort Barfoot and the State Military Reservation; and

WHEREAS, Major General Williams provided leadership and historical perspective in the effort to rename Fort Pickett as Fort Barfoot, helped ensure the 29th Infantry Division retained its insignia, and developed a new insignia for the Virginia National Guard Joint Force Headquarters that is a better representation of Virginia National Guard history with colors linked to the Continental Army and the nation's fight for independence during the Revolutionary War; and

WHEREAS, Major General Williams oversaw the historic federal active duty mobilizations of more than 2,000 soldiers and airmen in the United States and overseas from August 2021 to February 2023, the third most in the last century; during that time, Virginia National Guard soldiers on duty in the United States provided support to a U.S. Department of Defense-approved mission assisting U.S. Customs and Border Protection on the southwest border and to United States Cyber Command, while soldiers and airmen deployed overseas provided support to operations in Iraq, Kuwait, the Horn of Africa, Syria, Jordan, Saudi Arabia, Kosovo, and the United Arab Emirates; and

WHEREAS, Timothy Williams is married to his college sweetheart, Cheryl, who has been the epitome of a military spouse throughout his career; she has been a tireless proponent for the military and especially the National Guard, and her active participation, advocacy, and support have been critical to the Virginia National Guard team; the couple are blessed with three adult children and three adorable grandchildren; now, therefore, be it

RESOLVED by the House of Delegates, That Major General Timothy P. Williams, VNG, hereby be commended on the occasion of his retirement as Adjutant General of the Virginia National Guard; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Major General Timothy P. Williams, VNG, as an expression of the House of Delegates' admiration for his achievements in service to the Commonwealth and the nation.

HOUSE RESOLUTION NO. 10

Establishing the Rules of the House of Delegates for the 2024-2025 Sessions of the General Assembly of Virginia.

Agreed to by the House of Delegates, January 10, 2024

RESOLVED by the House of Delegates, That the House of Delegates shall be governed by the following Rules:

I. Organization.

Elections.

Rule 1. Voting at elections in the House will be by use of the electronic voting system or, if it is inoperable, viva voce by response to the call of names, and the vote will be recorded in the Journal. Except in the case of block voting, only one person will be chosen at a time. If, on the first voting, no one receives a majority, the person having the smallest number of votes will not be voted for on the next voting and so on until someone receives a majority of the whole vote. If the election is by joint vote of the two houses, messages will be exchanged for each voting announcing the names of persons in nomination. A committee of three from each house will compare the votes and ascertain and report the result.

At the election for any judgeship to the Supreme Court of Virginia, the Court of Appeals of Virginia, Circuit Courts, and Courts Not of Record, no nominee will be offered to the House unless that nominee has been interviewed by the House Courts of Justice Committee and subsequently certified as qualified for election. If more than one nominee is offered for any judgeship, a member may cast a vote for only one nominee.

The Speaker.

Rule 2. The House of Delegates will choose its own Speaker from among the members of the House. The Speaker will be elected in even-numbered years for a term of two years. The nominations for Speaker will be viva voce without debate and no second will be required to place a name in nomination. Once nominations are closed, the election of the Speaker will be a matter of privilege and will be conducted immediately and will not be debated. The voting for Speaker will be by use of the electronic voting system or, if it is inoperable, viva voce by response to the call of names, and the vote will be recorded in the Journal. Each member will vote for only one nominee for Speaker in each round of voting. If, on the first voting, no one receives a majority, the person having the smallest number of votes will not be voted for on the next voting and so on until someone will receive a majority of the whole vote. Once elected, the Speaker will not be removed from office during the term except with the concurrence of two-thirds of the elected membership of the House.

The Speaker may appoint to the Chair any member who will exercise its functions for the time. However, no member, by virtue of such appointment, will preside for a longer time than three consecutive days. During such appointment the Speaker may participate in the debates.

If the Speaker is absent and has named no one to act as temporary Speaker, the duties will be performed by the Leader of the Majority Caucus. If the Majority Leader is unable or unwilling to assume the duties of the Speaker, or until the Majority Leader is available, the duties will be performed by the chairman of one of the standing committees taking precedence in the order in which the committees are named in Rule 16. In the event of a vacancy that occurs during a Regular or Special

Session, the House shall elect a successor within seven days of notice of the vacancy. The person receiving a majority of the votes of the members present and voting will be deemed to be elected Speaker.

In the event of a vacancy that occurs during the Interim, the Privileges and Elections Committee will convene at a meeting to be called by the chairman or, in the chairman's absence, the vice chairman or a majority of the membership of the committee to elect a Speaker to serve during the vacancy and until a successor is elected by the House at its next session. At least three working days' notice of the time, place, and purpose of the meeting will be given to all members of the committee. The person receiving a majority of the votes of the members of the committee present and voting will be deemed to be elected Speaker. Pursuant to the provisions of this Rule, the Speaker will serve and perform all the duties of the position until a successor is elected by the House at its next session.

Rule 3. The Speaker will take the Chair every day precisely at the hour to which the House shall have adjourned on the preceding legislative day and will immediately call the House to order. After divine services are performed, the Pledge of Allegiance to the Flag of the United States of America shall be recited, and the roll of members be taken, pursuant to Rule 32, with the names of those members present entered upon the Journal. A quorum being present, the Speaker will proceed with the business of the day. The Speaker will have the power to supervise and correct the Journal. The Speaker, having examined the Journal of the proceedings of the last day's sitting and approved the same, will announce to the House the approval of the Journal. The Speaker's approval of the Journal will be deemed to be agreed to subject to a vote on agreeing to the Speaker's approval on the demand of any member, which vote, if decided in the affirmative, will not be subject to a motion to reconsider. It will be in order to offer one motion that the Journal be read only if the Speaker's approval of the Journal is not agreed to, and such motion will be determined without debate and will not be subject to a motion to reconsider. Upon the last day of the session, the Journal for that day being examined and found correct will be signed by the Speaker and the Clerk. The said Journals, when so signed, will be the authentic record of the proceedings of the House.

Rule 4. The Speaker will have a general direction of the House Chamber with power, in case of disturbance or disorderly conduct in such part thereof as may be appropriated to spectators, to have the same cleared. Representatives of news media, wishing to report the proceedings of the House, may be admitted by the Speaker, who will assign them to such places in the House Chamber as shall not interfere with the convenience of the members.

It is the policy of the House of Delegates, under the direction of the Speaker, to take all reasonable precautions to ensure the safety of every member, full- and part-time employee, page, intern, visitor, and guest of the House of Delegates. In accordance with policy, the Speaker may grant approval for a member to participate via electronic communication means. A member participating in a session of the House via electronic communication means shall be deemed to be in attendance for purposes of the quorum requirements under Article IV, Section 8 of the Constitution of Virginia, or any other provision of the Constitution, regardless of where the member is physically located. A member participating via electronic communication means shall not be required to open their physical location to the public or the media.

In the event of a disaster, natural or otherwise, or other emergency circumstance, the Speaker may convene the House in a location other than the House Chamber. In addition, if a motion to reconvene to a session date and time to be conducted by electronic communication means is adopted by the House by a two-thirds majority, such session of the House shall be conducted by electronic communication means. "Electronic communication means" means the use of technology having electrical, digital, magnetic, wireless, optical, telephonic, electromagnetic, or similar capabilities to transmit or receive information.

During the pendency of such disaster or other emergency circumstance, a session of the House may be conducted by electronic communication means without any requirement that a quorum be physically assembled in a single location.

A member participating in a session of the House conducted via electronic communication means shall be deemed to be in attendance for purposes of the quorum requirements under Article IV, Section 8 of the Constitution of Virginia, or any other provision of the Constitution, regardless of where the member is physically located. A member participating in a session of the House conducted via electronic communication means shall be deemed to be present for any voting requirement under the Constitution of Virginia and may vote on any matter taken up by the House, regardless of where the member is physically located. A member participating via electronic communication means shall not be required to open their physical location to the public or the media.

The Clerk, at the direction of the Speaker, shall determine the methods of electronic communication for any session of the House conducted by electronic communication means, provided that such methods are designed to enable each member participating by electronic communication means to participate as the proceedings are occurring.

Sessions of the House conducted by electronic communication means shall be made digitally available to the public.

To protect the public health and safety during such disaster or other emergency circumstance, the Speaker and Clerk may limit access to the physical location from which the Speaker is presiding to members of the General Assembly and such other persons they deem essential for the proceedings.

Notwithstanding Rule 18(e) or any other Rule, during the pendency of such disaster or other emergency circumstance, the chairman of any standing committee, subcommittee, joint subcommittee, interim study committee, or other legislative branch public body may conduct a meeting by electronic communication means under the same conditions and requirements and with the same powers enumerated above, and without any requirement that a quorum be physically assembled in a single location. Any member of such standing committee, subcommittee, joint subcommittee, interim study

committee, or other legislative branch public body participating in the meeting by electronic communication means shall be deemed to be in attendance for purposes of any quorum requirement and may vote on any matter taken up at the meeting.

Whenever a session of the House or any meeting of a standing committee, subcommittee, joint subcommittee, interim study committee, or other legislative branch public body is conducted by electronic communication means, voting viva voce by response to the call of names shall not be required.

Rule 5. All enrolled bills and joint resolutions proposing amendments to the Constitution will be signed by the Speaker and all writs and warrants issued by order of the House will be under the Speaker's hand and seal, attested by the Clerk.

The Clerk.

Rule 6. A Clerk will be elected by the House in even-numbered years and will be deemed to continue in office until another is chosen. In the event of a vacancy, the Speaker may appoint an acting Clerk until a successor is elected by the House or, if the House is not in session, by the Committee on Rules at a meeting to be called by the chairman or, in the chairman's absence, the vice chairman, or a majority of the membership of the committee. At least three working days' notice of the time, place, and purpose of the meeting will be given to all members of said committee, and the person receiving a majority of the votes of the members of said committee present and voting will be deemed to be elected to fill said vacancy.

Rule 6(a. The Clerk has the authority, with the approval of the Speaker, to employ personnel necessary to accomplish the work of the House subject to such terms and conditions as deemed appropriate by the Speaker; such personnel may be removed by the Clerk with the approval of the Speaker. The Clerk will be charged with the clerical business of the House and its committees.

Pages will be appointed annually by the Speaker and should be thirteen or fourteen years old at the time of their initial appointment. They will be ineligible for reappointment after serving for two years. The Clerk is responsible for the administration of the Page program.

Rule 6(b. The Clerk will be charged with the duty of assigning each member to a seat in the House Chamber and office space. No seat or office space assigned to and occupied by a member who is reelected will be changed without such member's consent, except that members will be moved to the left or right by the Clerk to maintain contiguity in dividing the Chamber along major party caucuses.

Rule 6(c. The Clerk shall prepare a list of the members in order of seniority. Seniority shall be based upon longest continuous service in the House. However, if a member has previous interrupted service in the House, then the beginning date of such previous House service shall qualify the member for seniority before those members elected at the same time not having previous service in the House, and if a member has previous service in the Senate, then seniority shall be based upon longest continuous service in the Senate and shall qualify the member to seniority before those members elected to the House at the same time not having previous service in the House. Members elected at the same time without previous service in the House or Senate shall have their seniority determined by a drawing of lots, conducted by the Clerk, to which all members involved shall be invited to attend.

Rule 7. The Clerk will perform all the duties of the office under the direction of the Speaker. The Clerk will keep a journal of the proceedings of the House, have the same in proper form to be signed as provided by Rule 3, and submit it daily to the Speaker in time to be examined before the next assembling of the House. The Clerk will keep at the Clerk's table, during the sittings of the House, a calendar or docket so arranged as to show the condition and progress of the business of the House and will provide to each member before the assembling of the House each day, a printed calendar of pending bills and a list of all bills offered on the preceding day, under Rule 37, with the names of the patrons, titles of the bills, and the committees to which the same have been referred. After amendments have been agreed to by the House, the Clerk will see that they are handled only by the clerks of the standing committees, if referred or rereferred; clerks at the desk; or the clerks charged with the duty of engrossing bills until such amendments have been duly engrossed and verified.

Rule 8. The Clerk will keep accounts of the compensation of the members, officials and employees of the House, and will from time to time certify the same to the Comptroller. The Clerk will provide the stationery required for the business of the House and for the official use of the members and also will provide postage for the official use of the members within the limitations established by the Rules Committee.

Rule 9. The Clerk will provide to the members, when required, vouchers for mileage and expenses; certify such for payment as provided by law; and pay over to those entitled the money due upon such vouchers and will keep detailed accounts of all transactions pursuant to Rules 8 and 9, which will be open to inspection at all times.

Sergeant at Arms.

Rule 10. A Sergeant at Arms and doorkeepers will be appointed by the Speaker. The Clerk will be responsible for the administration and duties of these positions.

Rule 11. The Sergeant at Arms will, with the doorkeepers, attend upon the House during its sitting, and execute its commands, together with all such process, issued by its authority, as directed by the Speaker and the Clerk.

Rule 12. The Sergeant at Arms will, under the direction of the Speaker and the Clerk, have charge of the supervision of the Chamber and prevent any interruption of the business of the House by disorder within or without. The Sergeant at Arms will distribute among the members all papers printed for their use and give such attendance upon them during the sittings of the House as will promote their comfort and facilitate the business of the House.

Immediately prior to the convening of every session, the Sergeant at Arms will clear the floor of the House of all persons other than those specified under Rule 83 who are authorized to be there during each session.

Rule 13. The Sergeant at Arms will attend to receiving and dispatching all messages in the House Chamber intended for or sent by members and make such arrangement as to promote the convenience of the members and will attend to the display of the Mace during sessions of the House and direct all persons not entitled to privileges on the floor of the House to the gallery.

Oaths of Office.

Rule 14. The oaths which the officers of the House are required by law to take will be administered and certified by a person authorized to administer oaths and will be filed with the Clerk of the House.

Committees.

Rule 15. The Speaker will appoint all committee members and will designate the chairman and vice chairman of each committee provided that no member will be chairman of more than one committee, unless a chairman of a standing committee is serving as Speaker pursuant to Rule 2, and no member will be vice chairman of more than one committee, as designated in Rule 16. If the chairman and vice chairman are absent or excused by the House, one of the members will act as the chairman, taking precedence in the order named by the Speaker. The Speaker will serve as chairman of the

Committee on Rules.

Rule 16. There will be appointed standing committees, to be named and to consist of up to the number of members indicated below:

1.	Privileges and Elections	22 members
2.	Courts of Justice	22 members
3.	Education	22 members
4.	General Laws	22 members
5.	Transportation	22 members
6.	Finance	22 members
7.	Appropriations	22 members
8.	Counties, Cities and Towns	22 members
9.	Labor and Commerce	22 members
10.	Health and Human Services	22 members
11.	Agriculture, Chesapeake and Natural Resources	22 members
12.	Public Safety	22 members
13.	Communications, Technology and Innovation	22 members
14.	Rules	17 members and the Speaker

The Speaker will designate eight members of the House Rules Committee to meet with members of the Senate to constitute the Joint Rules Committee.

Rule 16(a). Except for the Committee on Rules, membership on all standing committees and subcommittees will be contingent upon membership or nonmembership in the majority party caucus. The apportionment of members will be according to the same ratio of members in the House of Delegates who are members or nonmembers of the majority party caucus. If such ratio would represent a fractional number of the committee or subcommittee membership assigned to the majority party caucus, then the number of majority party caucus members will be the next highest whole number of committee or subcommittee members. For the purposes of this rule only, members who do not caucus with the majority party caucus or the largest minority party caucus will be deemed part of the majority party caucus.

Notwithstanding any other provision of law, the Speaker of the House may appoint two more House members to any legislative commission, joint subcommittee of House and Senate committees, or any interim study committee than are appointed by the Senate.

Rule 16(b). The Speaker shall strive to appoint from each congressional district at least one member who represents that congressional district on all standing committees with the exception of Rules.

Rule 17. A majority will constitute a quorum for committees. Each committee will meet pursuant to a regular meeting schedule as approved by the Speaker. In addition to a committee's regular scheduled meeting(s), a committee chairman may call additional meetings. It will be the duty of a committee to meet on call of a majority of the committee's members if the chairman is absent or declines to call a meeting. However, additional committee meetings may not be scheduled that are in conflict with another committee's regularly scheduled meeting time. No committee will meet while the House is in session without special leave granted by the Speaker.

Rule 17(a). The chairman of any standing committee may appoint subcommittees provided any such subcommittee will consist of no fewer than five members, a majority of whom will constitute a quorum for the conduct of business. The chairman of any standing committee may serve as an ex-officio member of any such subcommittee, however the chairman may vote on questions before the subcommittee only if a member of the majority caucus is absent from the meeting at the time the question is before the subcommittee.

Rule 17(b). The chairman of any standing committee may appoint ad hoc subcommittees of less than five members to consider no more than one bill or resolution, a majority of whom will constitute a quorum to conduct business.

Rule 17(c). With the exception of Fridays, on days when the House is in session between the hours of 8:30 a.m. and 4:00 p.m., no subcommittee of a standing committee except for the Appropriations or Rules Committees, will meet opposite a standing committee unless the parent committee foregoes meeting at its designated time to allow its subcommittees to

meet, or as authorized by the Speaker. Subcommittees of standing committees may meet after the House has adjourned for the day on Fridays and weekends upon call of the chairman to consider any such matter as may have been referred to them.

Rule 18. The several standing committees will consider matters specially referred to them and, whenever practicable, suggest such legislation as may be germane to the duties of the committee. The chairman will have discretion to determine when, and if, legislation will be heard before the committee and may refer legislation for consideration to a subcommittee. If referred to a subcommittee, the legislation will be considered by the subcommittee. If the subcommittee does not recommend such legislation by a majority vote, the chairman need not consider the legislation in the full committee. It will be the duty of each committee to inquire into the condition and administration of the laws relating to the subjects which it has in its charge; to investigate the conduct and look to the responsibility of all public officers and agents concerned; and to suggest such measures as will correct abuses, protect the public interests, and promote the public welfare.

Any committee of the House may, at its discretion, confer with a committee of the Senate having under consideration the same subject.

Rule 18(a). When a question is before the committee, no motion will be received unless specially provided for, except to adjourn, lay upon the table, pass by indefinitely, postpone for a specified time or purpose, refer or rerefer, amend or incorporate, strike from the docket, or report; which several motions will have precedence in the order in which they are arranged and each such motion will be required to be seconded.

The Committee on Rules may, on a vote of a majority of the members appointed plus one, send a bill, joint resolution, or resolution to the floor on a motion that "the bill, joint resolution, or resolution be reported to the floor by the committee without specific recommendation." This motion is a special motion and can only be made in the Committee on Rules.

When a question has been decided, it may be reconsidered on the motion of any member who voted with the prevailing side provided it be made on the same day or if such motion has not been communicated to the House, such motion may be made no later than the adjournment of the next regularly scheduled meeting of the full committee, except for those measures continued pursuant to Rule 22.

Rule 18(b). Committees will in all cases report by bill or resolution, with or without amendment or amendments, in such form that, if passed or agreed to, it will carry into effect their recommendations; but no papers returned therewith will be printed unless the committee will so recommend. Every bill will be printed, as provided in Rule 37. Bills may be considered in executive session, but final vote thereon will be in open session.

Rule 18(c). A recorded vote of members of a committee or subcommittee will be taken and the name and number of those voting for, against, or abstaining will be taken upon each measure using an electronic voting system, unless inoperable, in which case the Clerk will record the vote by response to the call of names arranged and called in the order named except that the Chair will be called last. Such recorded vote will be reported with the bill or resolution and ordered printed on the Calendar on any matter reported from committee and sent to the floor, including those measures reported and referred.

A recorded vote of members will not be required on a motion to adjourn, a motion to refer or rerefer administratively, or a motion to pass by for the day or postpone for a specified time or purpose, except upon the call of the chairman or the desire of one-fifth of the members present.

Rule 18(d). Reports of the committees may be handed to the Clerk at any time and may be disposed of in the Morning Hour. If, in the judgment of the Speaker, any report of a committee requires immediate action it may be brought to the attention of the House at any time.

Rule 18(e). No member will be excluded from any meeting of a committee, subcommittee, joint subcommittee, or interim study committee except as hereinafter provided for the maintenance of order. If an electronic meeting is authorized by the chairman, no member will be excluded from participating by electronic communication means, and members participating by electronic communication means will not be counted in attendance for purposes of a quorum. The chairman of the committee will maintain order and decorum, and the business of the committee will be conducted at all times in accordance with the Rules of the House.

Rule 19. The chairman or, in the chairman's absence, the vice chairman, or the majority of the membership of the committee, may call meetings of the committee to study, call hearings, and consider any bill or resolution, or to consider such other matters as may be germane to the duties of the committee.

Rule 20. The chairman of any standing committee is authorized, with the prior approval of the Speaker, to hire, employ, engage or retain such additional clerks, counsel and other staff personnel, whose function will be to participate with such committees or subcommittees thereof in reviewing legislation, rules, House policy, or in performing any referred study or study initiated by the committee or its chairman.

For this purpose and for such other expenses as may be occasioned by the conduct of any committee study, payments will be made from the general appropriations to the House of Delegates.

Persons who are asked by a committee chairman to appear before a committee or subcommittee to offer expert testimony may receive reimbursement for their actual and reasonable expenses if approved by the chairman and the Speaker.

Rule 21. The conduct of the business of any subcommittee of any House committee, any joint subcommittee of House and Senate committees, and any interim study committee created by a House measure will be governed in accordance with the Rules of the House. If a House measure and a Senate measure create the same study, the conduct of business of the study will be governed by the rules of the house of the chairman of the study, or in the case of co-chairmen, the rules of the house as agreed upon by the co-chairmen.

Rule 22. Any bill or resolution introduced in an even-numbered year and not reported to the House of Delegates by the committee to which it has been referred, may be continued on the agenda of the committee for hearings and committee action during the interim between regular sessions and not otherwise. The committee will report, prior to the adjournment sine die of the House of Delegates, such bills or resolutions as will be continued and the Clerk of the House of Delegates will enter upon the Journal the fact that such bill or resolution has been continued. Any bill or resolution that has been continued and subsequently reported from a committee will be placed upon the Calendar of the House of Delegates.

The House of Delegates, upon consideration of any bill or resolution on the Calendar, may rerefer the bill to the committee reporting the same and direct the committee to continue the bill or resolution until the following odd-numbered year regular session and hold such hearings and render such further consideration of the bill or resolution as the committee may deem proper.

(The provisions of any rule relating to legislative continuity between sessions will be subject to the provisions of Article IV, Section 7 of the Constitution of Virginia.)

Standards of Conduct.

Rule 23. There will be a subcommittee on Standards of Conduct of the Rules Committee consisting of four members, two of whom will be members of the majority caucus and two of whom will be nonmembers of the majority caucus, appointed by the chairman, which may review annually members' statements of economic interests and consider any request by a member for an advisory opinion with respect to the general propriety of any current or proposed conduct of such member.

Rule 23(a). The House Committee on Rules will establish, by majority vote, a formal policy for the training, reporting, investigating, and resolving of issues of harassment. The Committee may amend the policy from time to time as appropriate. Copies of the approved policy and any changes or amendments thereof will be provided to every member, full- and part-time employee, page, and intern of the Virginia House of Delegates.

Rule 24. The Privileges and Elections Committee will receive and investigate any charges or complaints brought against any member of the House of Delegates in the performance of their duties or the discharge of their responsibilities and recommend to the House such action as it may deem appropriate to establish and enforce standards of conduct for members.

Committee of the Whole.

Rule 25. When the House will go into the Committee of the Whole, the Speaker may vacate the Chair and appoint a member to preside in Committee; the other officers will attend, and the Rules of the House will be observed and enforced in Committee, as far as applicable, except that the previous question will not be ordered.

Rule 26. If the Committee of the Whole arise before the consideration of the subject referred is concluded, the same will be reported back and have its place in order as unfinished business of the House. When it will be again reached in order, unless it be otherwise disposed of, the House, after making such orders as it may deem proper in relation to the business before the Committee, will stand again resolved into the Committee of the Whole, and so on until the business therein be disposed of.

Rule 27. Nothing will be in order in the Committee of the Whole except such matters as may be specially referred to it by the House.

Rule 28. Whenever the Committee of the Whole will find itself without a quorum, the chairman will cause the roll to be called and thereupon the Committee will rise, and the chairman will report the fact and the names of the absentees, which will be entered upon the Journal of the House.

Rule 29. The motion to go into Committee of the Whole, and the motion to discharge the Committee, will not be debated.

II. Attendance and Adjournment.

Attendance.

Rule 30. No member will be absent from the service of the House unless granted leave by the Speaker or if the member is sick or otherwise unable to attend. Such leave will be entered upon the Journal.

Rule 31. Any ten members or more including the Speaker, if there is one, and the Speaker is present, will be authorized to compel the attendance of absent members by a call of the House.

Rule 32. The roll of the House will be taken by the use of the electronic voting system or, if it is inoperable, by viva voce by response to the call of names arranged and called in alphabetical order except that the Speaker will be called last.

Rule 33. The electronic voting system may be used for a call of the House; however, if it is inoperable, the call of the House will be by viva voce, the names of the members will be first called over by the Clerk, and the absentees noted; after which the names of the absentees will be again called over. The doors will then be shut and those for whom no excuse or insufficient excuses are made may, by order of those present, if ten in number, be taken into custody as they appear or may be sent for and taken into custody, wherever to be found, by the Sergeant at Arms or the doorkeepers, or by special messengers to be appointed for that purpose.

Rule 34. When a member is discharged from custody and admitted to their seat the House will determine whether such discharge will be with or without payment of fees and expenses.

Adjournment.

Rule 35. Any member or members may adjourn from day to day. A motion to adjourn and a motion to fix the time for which the House will adjourn will always be in order and be decided without debate.

III. Introduction of Business.

Messages, Reports, and Communications.

Rule 36. Messages from the Governor and reports and communications from any other public officer or agent may be received at any time. If, in the judgment of the Speaker, they require immediate action, they may be brought at once to the attention of the House. Otherwise, they will lie upon the Speaker's table and be disposed of in the Morning Hour. The same rule will be observed with regard to messages from the Senate.

Introducing Legislation.

Rule 37. Members having bills or resolutions to present may, at any time pursuant to agreed upon deadlines, electronically file (e-file) such legislation via the Bill Drafting System or manually file such legislation with the Clerk, endorsed by one or more members with their names. Any bill or joint resolution introduced in the House may show as "Senate Patrons" the signatures or electronic signatures of members of the Senate. Any bill, joint resolution, or resolution manually filed prior to the commencement of the session in which it is to be considered may have the names of co-patrons signed to the measure by the chief patron, provided that each such co-patron expressly authorized the chief patron to sign for such co-patron and the chief patron plainly marks such signatures on the original copy of the measure as being signed by the chief patron. Any bill, joint resolution, or resolution e-filed prior to the commencement of the session in which it is to be considered may have the names of co-patrons added electronically via the Bill Drafting System.

In an even-numbered year, members are limited to introduction of five bills after the period for prefiling ends. In an odd-numbered year, members are limited to a total of 15 bills during the Regular Session, whether prefiled or not.

No bill expressly amending an existing law will be offered by any member unless or until the e-filed or manually filed copy has been prepared so as to indicate deletions and additions. The form for deletions and additions will set forth the material deleted with lines through such material and by underscoring the words added, before they are received in the Senate or House of Delegates. The stricken material and underscorings or italics in the printed bills, enrolled bills, and printed Acts will not be considered evidence of all amendments to any bill or existing statute but merely as an aid for quick reference to amended portions. Nothing herein contained will be construed as requiring the use of stricken material or underscoring where new words are substituted for existing words and the new words or the omission of words do not change the sense or meaning of the act.

The Clerk will, under the direction of the Speaker, refer all such legislation to the proper committee and enter the fact, with the names of the members presenting them, upon the Journal. Such bills will be printed, unless otherwise ordered by the House, and numbered in the order in which they are filed with the Clerk.

The Speaker will review all legislation introduced in the House or communicated to the House for its action to determine if such legislation is in conflict with Article IV, Section 12 of the Constitution of Virginia. If such legislation is determined to be in conflict, the Speaker may withhold committee referral of the legislation.

The designation of "House Bill," "House Joint Resolution," or "House Resolution" will not be changed after a bill or resolution is introduced in the House. Nor will the designation of "Senate Bill" or "Senate Joint Resolution" be changed or amended after the bill or resolution is received by the House. In addition, no bill or resolution introduced for a purpose other than to direct or request a study shall be amended for the purpose of directing or requesting a study unless authorized by unanimous consent of the members of the House.

Rule 38. No bill, joint resolution, or resolution calling for information from the Governor or other public officer or agent will be introduced, considered, or acted upon otherwise than is provided by Rule 37 and will not be acted upon until it will have been examined and reported upon by a committee.

Rule 39. Any other resolution or motion upon which a member may desire the judgment of the House, or any action other than a reference to a standing committee, may be presented to the House in the Morning Hour after the business on the Speaker's table is disposed of. A recorded vote is required on a resolution authorizing a study or an expenditure of funds. To obtain immediate consideration of any resolution other than a procedural or a memorial or commending resolution, without reference to a standing committee, the vote of two-thirds of the members elected, as required by Rule 81, will be a recorded vote.

Rule 39(a). All memorial or commending joint resolutions or resolutions will conform to the procedure set forth by the Clerk of the House and will not be referred under Rule 37, unless so ordered by the Speaker or by majority vote of the House on motion of a member, but will be placed on the Calendar.

Rule 39(b). No resolution shall be considered that would have the effect of bypassing the process by which the Rules of the House of Delegates may be changed.

IV. Order of Business.

The Morning Hour.

Rule 40. After the approval and signing of the Journal, a time, to be called the Morning Hour, will be devoted to the dispatch of business upon the Speaker's table and to motions and resolutions presented under Rule 39. The business on the Speaker's table will be disposed of in such order as the Speaker deems best, except as may be herein otherwise provided, or as the House may at any time order by a majority vote of the members elected. The Morning Hour will be limited to no more than 60 minutes unless otherwise ordered by the Speaker or a majority vote of the members elected.

The order of business for the Morning Hour as pronounced by the Speaker will be as follows, unless otherwise directed by the Speaker:

· announcements and communications by the Clerk; announcements by members; introduction of guests by members; motions to adjourn in the honor of and/or honor and memory of; motions to take up out of order certain memorial or commending resolutions; motions to dispense with constitutional readings of certain legislation; motions for reconsideration; and announcements by the Speaker of leaves of absence per House practice;

· announcement by the Clerk of member requests to move legislation from any Uncontested Calendar to Regular Calendar per House practice [any relevant legislation not announced may still be moved when considered under the regular order of business pursuant to Rule 49];

· announcement by the Clerk relating to a list of legislation to go By for the Day subsequent to agreement of the motion by the Majority Leader for such legislation to go By for the Day and any additional motions from members for legislation to go By for the Day [any relevant legislation may still be subject to a motion to go By for the Day or any other applicable motion when considered under the regular order of business pursuant to Rule 49];

· recognition of members for points of personal privilege; however, the Speaker may order a time limitation on members' points of personal privilege or the House may order a time limit on members' points of personal privilege by a vote of a majority of the members elected; and

· the Speaker may proceed with or return to any Morning Hour sub category if requested by a member or will return if ordered by a majority vote of the members elected.

Pursuant to Rule 49, the Calendar will be called at the expiration of the Morning Hour unless otherwise directed by a previously agreed to special order or joint order, or when ordered by the House by a majority vote of the members elected and such motion will be in order at any time during the Morning Hour.

Rule 41. The annual message of the Governor will be laid before the House as soon as it is received. It will be printed for the use of the House and be considered by the several standing committees without any special order therefor.

Rule 42. All other messages from the Governor may be referred by the Speaker to the proper committees. The same rule will be observed as to reports and communications from other public officers.

Rule 43. Bills and resolutions originating in the Senate and not requiring immediate action will be read or printed on the Calendar by title the first time when received and referred to their appropriate committees, unless the House directs otherwise.

Rule 44. All bills reported from committee, pursuant to Rule 18(c), will be transferred to the Calendar and the reading or printing on the Calendar of the titles as reported will constitute the first reading or printing of the House bills and the second reading or printing of the Senate bills as required by the Constitution.

Rule 45. All other reports from committees will be considered and disposed of in the order in which the Speaker presents them, unless the House directs otherwise.

Rule 46. A member presenting a resolution under Rule 39 will be allowed five minutes in which to explain their wishes in relation to it, after which the question on referring to a standing committee will be taken without debate.

Rule 47. Printing recommended by committees under Rule 18(b) will be ordered by the Speaker, unless the House directs otherwise.

Rule 48. Once the Morning Hour expires, the House will proceed to the business of the House as defined in Rule 49; however, the Speaker will be permitted, without objection, to return to the Morning Hour for the purpose of recognizing any distinguished visitor or other individual defined in Rule 83 that may be present and seated on the floor or in the gallery.

The Calendar.

Rule 49. At the expiration of the Morning Hour, the House will proceed to consider bills, joint resolutions, and resolutions on the Calendar or any Supplemental Calendar which will be arranged in the following order:

1. Senate bills on third reading.
2. House bills on third reading.
3. House bills on second reading.
4. House bills and joint resolutions returned from Senate with amendments.
5. Resolutions.
6. Memorial and commending resolutions.
7. House bills returned by Governor without approval.
8. House bills returned by Governor with recommendations.
9. Senate bills returned by Governor without approval.
10. Senate bills returned by Governor with recommendations.
11. House bills and resolutions in conference.
12. Senate bills and resolutions in conference.
13. Unfinished business – House and Senate bills and joint resolutions.
14. Senate bills on second reading.
15. House bills on first reading.
16. Resolutions reported.
17. Senate bills and joint resolutions referred.
18. Bills referred.
19. Resolutions referred.
20. Resolutions presented.

The House may direct that bills and resolutions of either house be divided between the designations "Uncontested Calendar" and "Regular Calendar" and be considered in such order. When such a division is directed for bills and resolutions on the Calendar, the Uncontested Calendar will not include any bill or resolution (i) which received a dissenting vote or an abstention in committee, (ii) to which objection is made by any member, or (iii) if any non-technical floor amendment or any floor amendment in the nature of a substitute is offered. Any bill or resolution will be removed from the Uncontested Calendar and placed on the Regular Calendar at the request of any member rising from their seat for that purpose and stating the request for such legislation to be moved. Once legislation is moved to the Regular Calendar there it will remain.

A Pro Forma Calendar prepared for a pro forma session of the House can contain only new legislation reported from committee and Senate Bills on 1st Reading and Referred.

Supplemental Calendars may be prepared for consideration while the House remains in Session for the day and will be considered when called by the Speaker. Any Supplemental Calendar and the measures contained therein will be considered in the same manner as measures on the Calendar.

Rule 50. It will be the duty of the Clerk to see that the printing and engrossing, when ordered, will be done in such time that the bills and resolutions may be acted on according to their priorities on the Calendar.

Rule 51. If any bill or resolution is not ready for consideration when it is reached on the Calendar category it will be passed by temporarily and be allowed to retain its position on the Calendar. When the Calendar category has been called through, it may be called again in order to dispose of any business that may then be ready; otherwise it will be passed by for the day. Upon completion of the business on the Calendar, the business of the Morning Hour will be resumed.

Rule 52. The regular order of business herein established will not be changed, nor will any special order be made, except by vote of two-thirds of the members present. However, a majority may postpone the Calendar not exceeding one day at a time, or postpone for a specified time or purpose any subject coming up in order without changing its place, or agree to a joint order with the Senate, or postpone or discharge any special order.

V. Conduct of Business.

Order and Decorum.

Rule 53. The Speaker will preserve order and decorum, may speak to points of order in preference to other members, rising from their seat for that purpose, and will decide questions of order without debate, subject to an appeal to the House. If the decision relates to a question of decorum or propriety of conduct, it will not be debatable; if it relates to the priority of business or the relevancy or applicability of propositions, the appeal may be debated, but no member will speak on it more than once except by leave of the House.

Rule 54. When a member rises to speak the member will respectfully address, "Mister or Madam Speaker," standing in their place, and will confine their remarks strictly to the question before the House, and when finished, will be seated.

Rule 54(a). The title "Delegate" will be used to address another member during any floor session.

Rule 55. When two or more members request to speak or rise at the same time the Speaker will name the person to speak.

Rule 56. Every motion or proposition will be reduced to writing, if desired by the Speaker or any member, and will be delivered at the Clerk's table to be there read; and the question will be stated by the Chair before the same will be debated. When the reading of any paper in possession of the House, not being the precise matter upon which the House is acting, is called for, and objection is made by any member, the question will be determined by a vote of the House without debate. Any motion or proposition may be withdrawn by the mover at any time before a decision, amendment, or other action of the body upon it, except a motion to reconsider which will not be withdrawn without leave of the House.

Rule 57. No member will in debate use any language or gesture calculated to wound, offend, or insult another member.

Rule 58. If any member, in speaking, transgress the Rules of the House, the Speaker will, or any member may, call the member to order; in which case the member called to order will immediately be seated unless permitted to explain. If there be no appeal, the decision of the Chair will be final. If the decision be in favor of the member called to order, the member will be at liberty to proceed; otherwise, they will not proceed, except by leave of the House. For frequent or repeated violations of order, especially if persisted in after the admonition of the Speaker, a member will be liable to the censure of the House.

Rule 59. If any member be called to order by another member for words spoken, the words excepted to will be immediately taken down in writing in order that the Speaker and House may be better able to judge the matter.

Rule 60. No member will, while the House is sitting, interrupt or hinder its business by standing up, leaving their place, moving about the Chamber, engaging in conversation, expressing approval or disapproval of any of the proceedings, or by any other conduct tending to disorder and confusion.

Rule 61. No member will speak more than once on any question until all others have spoken who desire to do so, nor more than twice, without the consent of a majority of the members present.

Ascertaining the Question.

Rule 62. If the question for decision includes several distinct propositions any member may have the same divided, but a motion to strike out and insert will not be so divided; nor will a motion to strike out, being lost, preclude either amendment or a motion to strike out and insert. In filling blanks, the question will be put first upon the largest sum and the longest time or the broadest question.

Rule 62(a). No motion or proposition, or subject different from that under consideration, will be admitted under color of amendment.

Rule 62(b). The Speaker will determine all questions of germaneness relevant to any legislation under consideration by the House including House legislation and any amendments thereto communicated by the Senate or the Governor to the House for its action.

Rule 63. When a question is before the House, no motion will be received unless specially provided for, except to adjourn, lay upon the table, pass by indefinitely, postpone for a specified time or purpose, refer or rerefer, amend, or strike from the Calendar, which several motions will have precedence in the order in which they are arranged.

Rule 64. Upon the motion to pass by indefinitely, the mover will be allowed two minutes to state the reason for their motion, and one member opposed to the motion will be allowed a like time to object. The motion to lay upon the table, for the previous question, and for the pending question will not be debated; nor will debate be allowed on a motion to take up a subject from the table or to reconsider any question which was not debated. When a question not debatable is before the House all incidental questions arising after it is stated to the House will be decided and settled, whether on appeal or otherwise, without debate; and the same rule will apply to incidental questions rising after any question is put to the House.

Pending and Previous Questions.

Rule 65. Pending a debate, any member who obtains the floor for the purpose only, and submits no other motion or remark, may move for the "previous question" or the "pending question," and in either case the motion will be forthwith put to the House. Two-thirds of the members present will be required to order the main question; however, a majority may require an immediate vote upon the pending question, whatever it may be.

Rule 66. The previous question will be in this form: "Will the main question now be put?" If carried, its effect will be to put an end to all debate and bring the House to a direct vote upon a motion to refer or rerefer, if pending; then upon amendments reported by a committee, if any; then upon pending amendments; and then upon the main question. If upon the motion for the previous question, the main question be not ordered, debate may continue as if the motion had not been made.

Taking the Vote.

Rule 67. The Speaker will rise to put a question, but may state it sitting. Questions will be distinctly put in substantially the following forms, viz.: "As many as agree that, etc. (as the question may be), say 'Aye,'" and "Those opposed say 'No.'" If the Speaker doubts or a division is called for, the House will divide with those in the affirmative of the question rising first from their seats and afterwards those in the negative, or by a show of hands in the affirmative and then in the negative. If required, the Speaker will cause the result to be ascertained by a count.

Rule 68. The yeas and nays on any question may be called for at any time before proceeding to another question or proposition but, being refused, they will not be again demanded on the same question. Any member will have a right to vote at any time before the decision is announced by the Chair.

Rule 69. Upon a division of the House on any question, a member who is present and fails to vote will on the demand of any member be counted on the negative of the question and when the yeas and nays are taken will, in addition, be entered on the Journal as present and not voting. However, no member who has an immediate and personal interest in the result of the question will either vote or be counted upon it.

Reconsideration.

Rule 70. When a question has been decided, it may be reconsidered on the motion of any member who voted with the prevailing side, provided it be made on the same day or within the next two days of actual session, as long as such action has not been communicated to the Senate or the Governor. The motion may be entered as a matter of privilege and will take precedence of everything except special orders and other questions of privilege and be disposed of in the Morning Hour or with the Calendar, as the case may be. All motions to reconsider will be decided by a majority of the votes of the members present.

Bills and Amendments.

Rule 71. Every bill will be read or printed on the Calendar by title on three different calendar days in the House previous to its being passed, and it will be distinctly announced or set out at each reading or printing on the Calendar, whether it is the first, second, or third time. A bill may be referred or rereferred at any time before its passage.

Rule 72. The first reading or printing on the Calendar of the House bill will be for information merely and, notwithstanding a motion to refer or rerefer to a committee or a motion to strike, it will go to second reading or printing on the Calendar without a question. The second reading or printing on the Calendar of a Senate bill will be for information merely and, notwithstanding a motion to refer or rerefer to a committee or a motion to strike, it will go to third reading or printing on the Calendar without a question.

Rule 73. Upon the second reading or printing on the Calendar of a House bill it will be open to amendment or to referral or rereferral or to any of the motions provided for in Rule 63, and the final question will be "Whether it will be engrossed and read or printed on the Calendar a third time?" Upon the third reading or printing on the Calendar of a Senate bill it will be open to amendment or to referral or rereferral or to any of the motions provided in Rule 63.

The Speaker may direct by notice to the House, or the House may determine by a majority vote, that there will be a deadline for the submission of any proposed floor amendment or floor amendment in the nature of a substitute (floor substitute) to the House version of the Budget Bill(s). The deadline for submission of any floor amendment or floor substitute will be 24 hours prior to the commencement of the Special Order set for the consideration of the Budget Bill(s). Any floor amendment or floor substitute offered after the deadline for submission may be considered if (i) it is an amendment that has been approved by the Committee on Appropriations or (ii) it is offered as a technical amendment or

clarifying amendment to a previously submitted floor amendment or floor substitute and is germane to the purpose of the original floor amendment or floor substitute.

Rule 74. A House bill ordered to be engrossed will not have its third reading or printing on the Calendar until the engrossment is actually and properly done. However, in the case of a Senate bill, the engrossment will only apply to such amendments as may have been made in the House.

Rule 75. A House bill on its third reading will not be open for debate; however, any member may be recognized to speak to the legislation or offer motions. No amendment to a House bill will be received upon its third reading or printing on the Calendar by way of rider or otherwise, and no amendment involving an additional appropriation will be added to the general appropriation bill, and no amendment to increase any tax will be added to any tax measure, unless either such amendment be to carry into effect an existing law or unless it received the vote required to pass the bill itself. A Senate amendment to a House bill to be concurred in, a Governor's recommendation to be agreed to, or a conference report to be adopted must receive the same recorded vote as required to pass the bill itself. A Senate amendment to a House bill that is ruled not germane shall be communicated to the Senate with the same effect as if the House rejected the amendment.

Rule 75(a). If the Senate refuses to concur in the amendments of the House and so communicates such action to the House, the House may vote to recede from its amendments and subsequently pass the legislation in the form originally passed by the Senate or insist on its amendments and request a committee of conference with the Senate. Conversely, the House in considering Senate amendments to House legislation will wait for communication by the Senate that they have voted to insist on their amendments and request a committee of conference whereby the House may agree to the request for a committee of conference.

Rule 75(b). Upon an affirmative vote to form a committee of conference, the Speaker will appoint the House membership to the committee. A majority of the members of each house on the committee of conference will agree to the committee of conference report prior to its submission and consideration by the House. If a committee of conference is unable to reach agreement and reports such action to the House, the Speaker may appoint new conferees or, upon the motion of a member and an affirmative vote of the House, a new set of conferees will be appointed. In addition, if a committee of conference report is considered and rejected, the House may agree by a majority vote of the members present to request an additional committee of conference.

Rule 75(c). Any conference committee on the Budget Bill will complete its deliberations and make the report of such conference available to the House as soon as practicable. The House will consider such conference report no earlier than 48 hours after receipt, unless the House determines to proceed earlier by a vote of two-thirds of the members voting. The conference report will clearly state the funding of any nonstate agencies, any item that was not included in the Budget Bill as passed by either house, and any provisions from legislation that failed during that session.

Rule 76. On the third reading or printing on the Calendar of a bill, the question will be, "Shall the bill pass?"

Rule 77. The title of a bill and all amendments offered will be entered upon the Journal, except that amendments in the nature of substitutes may be printed separately and only the titles thereof entered upon the Journal.

Withdrawals of Exhibits.

Rule 78. Original papers, filed as exhibits with any bill or resolution, may be withdrawn by the patron or attested copies may be left, for which the patron will pay the Clerk at the rate provided by law for other copies made.

Messages.

Rule 79. It will be the duty of the Clerk, without any special order therefor, to communicate to the Senate any action of the House upon business coming from the Senate or upon matters requiring the concurrence of that body; however, no such communication will be made in relation to any action of the House while it remains open for consideration.

Manual and Rules.

Rule 80. The rules of parliamentary practice comprised in Jefferson's Manual will govern the House in all cases to which they are applicable and in which they are not inconsistent with the Rules of the House and such joint rules as are or may from time to time be established by the two houses of the General Assembly.

Rule 81. The Rules of the House will be adopted in even-numbered years by a majority vote of members elected and will remain in effect upon adoption and coinciding with the terms of members. The Rules may be suspended by a vote of two-thirds of the members elected to be ascertained by an actual division of the House except as prohibited by the Constitution; provided that a motion to discharge a committee from the consideration of a bill will require a majority of those voting, which will include two-fifths of the members elected to the House, the vote thereon to be taken by yeas and nays and recorded in the Journal; and provided further, that a motion to dispense with the printing and reading of a bill, or its printing on the Calendar, or either, will not be entertained, except as provided by the Constitution.

A proposition to change a rule of the House will be submitted in writing and forthwith printed. In its printed form it will lie upon the Speaker's table for five days and be read by the House during the Morning Hour of each day during that time. At the expiration of five days it will be ready for consideration and may be adopted or rejected by a majority vote of the members elected; provided that as to all resolutions or bills which involve an appropriation or expenditure of money by the Commonwealth, or which may create a charge upon the treasury, the rule of the House will not be changed or suspended save by a vote of two-thirds of the members present to be ascertained by an actual division of the House.

Upon a motion to suspend a rule of the House the mover will be allowed two minutes to state the reasons for their motion, and one member opposed to the motion will be allowed a like time to object.

Chamber of the House of Delegates.

Rule 82. The Chamber of the House of Delegates will be used for no other purpose than the sessions of the House and for meetings of the committees and members of the legislature on public affairs except by vote of the House or the Rules Committee or with the approval of the Speaker during the interim or when the House is not convened at any time during a session of the General Assembly.

Rule 83. Only members of the General Assembly, former members, members of the Congress of the United States, State officers, judges, officers and employees of the General Assembly, and such other persons as the Speaker may designate will be permitted on the floor of the House during the session; however, the privileges granted hereunder will not be exercised by any person having business for compensation before the House or any committee thereof and the officers of this body will enforce this rule under the direction of the Speaker.

Capitol and General Assembly Building.

Rule 84. The areas of the Capitol and the General Assembly Building assigned to the House of Delegates, members of the House of Delegates, their legislative support staff, the clerical staff of the House of Delegates, the Office of the Clerk of the House of Delegates, the facilities and space for those charged with the maintenance, repair, and security of such building, and such space designated for the news media will not be utilized or occupied as office space by any other person or persons, except by vote of the House or the Rules Committee.

HOUSE RESOLUTION NO. 11

Salaries, contingent and incidental expenses.

Agreed to by the House of Delegates, January 10, 2024

RESOLVED by the House of Delegates, That the Comptroller is directed to issue his warrants on the Treasurer, payable from the contingent fund of the House to accomplish the work of the House of Delegates during the 2024 Regular Session of the General Assembly. Necessary payments to cover salaries of temporary employees, as well as contingent and incidental expenses, will be certified by the Clerk or his designee.

HOUSE RESOLUTION NO. 13

Commending Sandra Gioia Treadway.

Agreed to by the House of Delegates, January 15, 2024

WHEREAS, Sandra Gioia Treadway, a distinguished historian who has preserved Virginia's heritage and strengthened educational outreach to communities throughout the Commonwealth, has retired as the Librarian of Virginia after 16 years of outstanding service; and

WHEREAS, Sandra "Sandy" Gioia Treadway holds degrees from Manhattanville College, the University of Virginia, and the University of Tennessee, and she first joined the staff of The Library of Virginia in 1978 as an associate editor of publications; and

WHEREAS, over the course of her career, Sandy Treadway worked in various positions at The Library of Virginia, including deputy librarian; she was selected as the ninth Librarian of Virginia in 2007 and has ably managed The Library of Virginia's comprehensive collection of materials documenting the history, culture, and government of the Commonwealth since that time; and

WHEREAS, under Sandy Treadway's leadership, The Library of Virginia achieved significant growth in the digitization and accessibility of its records, expanded exhibitions, and launched innovative projects like Virginia Untold: The African American Narrative and Making History with LVA, a volunteer transcription program; the Library further expanded public programming statewide through the launch of its mobile van, LVA On the Go; and

WHEREAS, Sandy Treadway has overseen The Library of Virginia's participation in several historical commemorations, including the anniversary of the founding of Jamestown in 2007, the Virginia Sesquicentennial of the American Civil War Commission, the Virginia Bicentennial of the American War of 1812 Commission, and the 2019 Commemoration, American Evolution; she also helped organize a yearlong celebration of the Library's own 200th anniversary; and

WHEREAS, Sandy Treadway strengthened The Library of Virginia's ties to government agencies and officials and to the library community across the Commonwealth and nationwide, ensuring that the Library has the support it needs to continue fulfilling its important mission; she also has served on numerous state advisory groups, including the Virginia Freedom of Information Advisory Council and the Virginia Women's Monument Commission; and

WHEREAS, Sandy Treadway also offered her wisdom and expertise to the American Library Association, the Chief Officers of State Library Agencies, and the Southern Association for Women Historians; and

WHEREAS, during her tenure as the Librarian of Virginia, Sandy Treadway has mentored and inspired countless fellow library professionals and built a capable, dedicated, and highly motived team that will continue to serve the residents of the Commonwealth after her well-earned retirement; now, therefore, be it

RESOLVED by the House of Delegates, That Sandra Gioia Treadway hereby be commended on the occasion of her retirement as the Librarian of Virginia; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Sandra Gioia Treadway as an expression of the House of Delegates' admiration for her achievements in service to the Commonwealth.

HOUSE RESOLUTION NO. 14

Celebrating the life of Tafari Jawara Campbell.

Agreed to by the House of Delegates, January 15, 2024

WHEREAS, Tafari Jawara Campbell of Dumfries, a renowned culinary professional who worked at the White House and later served as the personal chef to President Barack Obama and his family, died in July 2023; and

WHEREAS, Tafari Campbell was born in Brooklyn, New York, and spent much of his childhood living with his maternal grandparents while his mother served in the United States Army; it was from his grandmother that he began to develop a lifelong love for the art of cooking; and

WHEREAS, Tafari Campbell eventually moved to Germany to live with his mother when she was posted to military bases in Karlsruhe and Frankfurt, then returned to the United States in 1994 and settled in the Commonwealth with his family; and

WHEREAS, Tafari Campbell considered studying architecture, but ultimately participated in the American Culinary Federation Apprenticeship Program at Northern Virginia Community College and won the Chuck Y. Wong Student Chef of the Year Award in 2001; and

WHEREAS, after completing his education, Tafari Campbell held several positions in the culinary field, including a rewarding stint under a certified master chef at the Chevy Chase Club in Maryland; he earned numerous awards, medals, and prizes in culinary competitions and was relentless in his pursuit of professional excellence; and

WHEREAS, Tafari Campbell inspired others through his compassion, loyalty, and humility; he made it his personal mission to create meaningful, memorable experiences through his cooking and emphasized the way food can bring people together; and

WHEREAS, in 2007, Tafari Campbell began working as a sous chef at the White House under President George W. Bush and was asked to stay on during the Obama administration; over the course of his career, he routinely prepared meals for the first family, government officials, dignitaries, and foreign heads of state; and

WHEREAS, as a connoisseur of many different styles of cuisine, Tafari Campbell created unique meals, showcasing delectable recipes from across the United States and incorporating national dishes from around the world; and

WHEREAS, from 2017 until the time of his passing, Tafari Campbell worked as a personal chef to the Obama family, creating nutritious and delicious meals for members of the former first family and guests; and

WHEREAS, a man of deep and abiding faith, Tafari Campbell joined Ebenezer Baptist Church at the age of 21 and spent many years offering his leadership and expertise to the congregation, especially the culinary ministry; and

WHEREAS, Tafari Campbell's greatest joy in his life was his beloved family; he relished every opportunity to travel and try new restaurants with them, and he strove to always be a mentor and a positive role model for his sons; and

WHEREAS, Tafari Campbell will be fondly remembered and greatly missed by his loving wife, Sherise; his sons, Xavier and Savon; his mother and stepfather, June and Richard; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Tafari Jawara Campbell; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Tafari Jawara Campbell as an expression of the House of Delegates' respect for his memory.

HOUSE RESOLUTION NO. 15

Commending Michael Charles Huntley II.

Agreed to by the House of Delegates, January 22, 2024

WHEREAS, Michael Charles Huntley II, an accomplished singer-songwriter from Fredericksburg known professionally as Huntley, was named the winner of season 24 of NBC's talent competition television series *The Voice* on December 19, 2023; and

WHEREAS, born in Spring Hill, Florida, Michael Huntley moved to Spotsylvania County in 2004 and graduated from Spotsylvania High School in 2008, during which time he began singing, playing guitar and piano, and recording music; and

WHEREAS, after high school, Michael Huntley moved to Orlando to attend Full Sail University, where he studied music engineering and production before pursuing a full-time music career in Nashville for some time around 2010; and

WHEREAS, Michael Huntley ultimately returned to Fredericksburg and began playing shows at various venues all over the Commonwealth, as well as in Washington, D.C., and the Jersey Shore; and

WHEREAS, in 2011, Michael Huntley won a local Fredericksburg Idol contest and continued to build his fan base by consistently performing throughout the region; and

WHEREAS, motivated by the birth of his daughter in 2016, Michael Huntley redoubled his efforts as a professional musician, forming the band Lucys Letdown and taking solo gigs at weddings and private events; and

WHEREAS, shortly after the birth of his son, Michael Huntley started a local recording studio to support the creative endeavors of other artists in the Fredericksburg area while also beginning to book shows for local talent; and

WHEREAS, several months ago, Michael Huntley was asked by an NBC talent scout to audition for the network's hit show *The Voice*; he would soon find himself performing on television before an audience of millions; and

WHEREAS, with acclaimed singer-songwriter Niall Horan for his coach, Michael Huntley dominated every performance on the show, receiving accolades from established and iconic musicians, creating a dedicated fan base, and winning a recording contract with Universal Music Group along the way; and

WHEREAS, through his steadfast determination, Michael Huntley has achieved the goals he began pursuing nearly two decades ago, earning the praise and admiration of all Virginians; now, therefore, be it

RESOLVED by the House of Delegates, That Michael Charles Huntley II hereby be commended for winning season 24 of *The Voice*; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Michael Charles Huntley II as an expression of the House of Delegates' high regard for his achievement and best wishes for his continued success.

HOUSE RESOLUTION NO. 16

Celebrating the life of Justine Rachel Tilghman.

Agreed to by the House of Delegates, January 22, 2024

WHEREAS, Justine Rachel Tilghman, a highly admired leader in Augusta County who touched countless lives through her generosity and dedication to service, died on September 11, 2023; and

WHEREAS, Justine Tilghman was born to the late Justinian and Rachel Daniel in Craigsville in 1944; she attended local grade schools and the Stuart Hall School in Staunton, then graduated from James Madison University; and

WHEREAS, Justine Tilghman worked as a certified public accountant in the New York and San Francisco metropolitan areas and relocated across the country multiple times over the course of her husband's career in the military; and

WHEREAS, after the death of her father in 1988, Justine Tilghman returned to her hometown and became an active member of the Augusta County community; and

WHEREAS, Justine Tilghman served on the Augusta County Board of Zoning Appeals for 12 years, including three years as chair and two years as vice chair, and she served on the Augusta County Planning Commission for 16 years, including one term as vice chair; and

WHEREAS, Justine Tilghman was well-known for her breadth of expertise and commitment to fairness and common sense in her decisions, earning the respect of fellow county officials and local residents; and

WHEREAS, Justine Tilghman also supported the community as the owner of Daniel Motor Company, founder of the Craigsville Food Pantry, and a supporter of Craigsville Little League; she enjoyed fellowship and worship with the congregation of Craigsville Presbyterian Church, where she served as treasurer; and

WHEREAS, Justine Tilghman will be fondly remembered and greatly missed by her husband of 61 years, Ray; her sons, Timothy, Lance, and Brent, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Justine Rachel Tilghman, a pillar of the Augusta County community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Justine Rachel Tilghman as an expression of the House of Delegates' respect for her memory.

HOUSE RESOLUTION NO. 17

Authorizing the painting of a portrait of former Speaker of the House of Delegates C. Todd Gilbert and allocating funding therefor.

Agreed to by the House of Delegates, February 6, 2024

RESOLVED by the House of Delegates, That the painting of a portrait of former Speaker of the House of Delegates C. Todd Gilbert, such portrait to hang in the Chamber of the House of Delegates in the Capitol of Virginia, hereby be authorized; and, be it

RESOLVED FURTHER, That there hereby be allocated from the general appropriation to the House of Delegates a sum sufficient to cover the cost of such portrait; and, be it

RESOLVED FINALLY, That the Speaker of the House of Delegates appoint a committee composed of three members of the House of Delegates and the Clerk of the House of Delegates to select an artist who shall render the portrait and to

exercise general supervision of the project until the portrait has been hung in the Chamber of the House of Delegates in the Capitol of Virginia.

HOUSE RESOLUTION NO. 18

Celebrating the life of William F. O'Keefe.

Agreed to by the House of Delegates, January 22, 2024

WHEREAS, William F. O'Keefe, an esteemed horseman and fox hunter, prominent steeplechase race caller, and beloved member of the Fauquier County community, died on December 19, 2023; and

WHEREAS, William "Will" F. O'Keefe attended Episcopal High School in Alexandria and later studied at the University of Virginia, where he played rugby; and

WHEREAS, as the son of Dr. Frank O'Keefe, who bred Kauai King, winner of the 1966 Kentucky Derby, Will O'Keefe was destined for horse racing greatness from a young age; and

WHEREAS, Will O'Keefe had a major impact on horse racing in the Commonwealth over his career as secretary of the Virginia Point-to-Point Association, secretary and president of the Virginia Steeplechase Association (VSA), and race director for the Virginia Fall Races; and

WHEREAS, Will O'Keefe called his first race alongside his father when he was the race secretary for the Casanova Hunt Point-to-Point in the late 1970s and ultimately took the reins full time in 1980; and

WHEREAS, over an illustrious four-decade career as a race caller, Will O'Keefe provided commentary to more than 5,000 races, calling his last race in October 2022; and

WHEREAS, Will O'Keefe enjoyed success on the track as the owner and trainer of the steeplechase mare Royal Greed, which was the Virginia Point-to-Point Association champion in 1980; and

WHEREAS, through his dedication to horse racing and commitment to its preservation, Will O'Keefe contributed immensely to a sport that is foundational to the history and culture of the Commonwealth; and

WHEREAS, Will O'Keefe received many accolades for his accomplishments in the sport of horse racing, including the Francis Thornton Green Award from the VSA in 1990, induction into the Virginia Steeplechase Hall of Fame in 2007, and the Monk Noland Award from the Steeplechase Owners and Trainers Association and National Steeplechase Association in 2019; and

WHEREAS, Will O'Keefe will be fondly remembered and dearly missed by his loving wife, Kathleen, and by numerous other family members, friends, and horse racing fans throughout the Commonwealth; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of William F. O'Keefe, a treasured member of Fauquier County and the Commonwealth's horse racing community whose dedication and service touched countless lives; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of William F. O'Keefe as an expression of the House of Delegates' respect for his memory.

HOUSE RESOLUTION NO. 19

Celebrating the life of Henry Clarkson Green.

Agreed to by the House of Delegates, January 22, 2024

WHEREAS, Henry Clarkson Green, an honorable veteran, accomplished farmer, and beloved member of the Markham community, died on May 23, 2023; and

WHEREAS, after earning a bachelor's degree in chemistry at Hampden-Sydney College and a master's degree from Lehigh University, Henry Green worked as a research chemist at the aluminum producer Alcoa before turning down a presidential exemption and joining the United States Navy; and

WHEREAS, Henry Green served his country with honor and distinction in the Pacific Theatre during World War II as a communications officer aboard the aircraft carrier the USS *Belleau Wood*; and

WHEREAS, Henry Green devoted his life to his farm, Hartland Farm and Orchard, which expanded over the years to incorporate various enterprises, including beef cattle, pick-your-own fruits and vegetables, a farm market with activities and entertainment, Christmas trees, and an equine veterinary practice; and

WHEREAS, Henry Green's experience and expertise as a steward of the land led to positions on the John Marshall Soil and Water Conservation District Board of Directors and the Virginia Soil and Water Conservation Board; and

WHEREAS, Henry Green was deeply committed to his community and its well-being and gave generously of his time through service on the boards of the former Marshall National Bank and Trust, Fauquier Hospital, and what was formerly Lord Fairfax Community College, in addition to serving as a charter member of the Leeds Ruritan Club; and

WHEREAS, Henry Green was notably the great-great-grandson of United States Supreme Court Chief Justice John Marshall, and he took great pleasure in watching his own large family remain in the Commonwealth and stay actively involved with Hartland Farm and Orchard; and

WHEREAS, guided throughout his life by his faith, Henry Green enjoyed worship and fellowship with his community at Markham United Methodist Church, where he served as a trustee; and

WHEREAS, preceded in death by his first wife, Grace; his second wife, Harriette; and his daughter, Margaret, Henry Green will be fondly remembered and dearly missed by his children, Grace, Henry, John, Elizabeth, and William, and their families; his stepchildren, Mary, Barry, Michael, Ian, and Cathleen, and their families; his loving companion, Margaret; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Henry Clarkson Green, a treasured member of the Markham community whose kindness and generosity touched countless lives; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Henry Clarkson Green as an expression of the House of Delegates' respect for his memory.

HOUSE RESOLUTION NO. 20

Commending the Council of State Governments Southern Office.

Agreed to by the House of Delegates, January 22, 2024

WHEREAS, the Council of State Governments Southern Office is hosting its 78th Southern Legislative Conference in July 2024; and

WHEREAS, the Council of State Governments Southern Office (CSG South) is a nonpartisan, nonprofit member organization that serves the Southern legislatures of Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, Virginia, and West Virginia; and

WHEREAS, combining regionally based state leadership and perspective with national-level resources, CSG South provides Southern legislators and government staff with a wide variety of programs and services that facilitate regional cooperation and encourage the exchange of information; and

WHEREAS, in pursuit of this mission, CSG South has convened the Southern Legislative Conference for the past 77 years, cultivating decades of fellowship and cooperation between the Southern states; and

WHEREAS, the 78th Southern Legislative Conference will convene in White Sulphur Springs, West Virginia, at The Greenbrier from July 21-25, 2024; and

WHEREAS, more than 1,500 Southern legislators, government staff, and their families will gather to discuss policy matters specifically affecting Southern states to bridge commonalities and discuss solutions for current policy trends, challenges, and opportunities; and

WHEREAS, all legislative, executive, and judicial officials of the Commonwealth are encouraged to attend the 78th Southern Legislative Conference in 2024; now, therefore, be it

RESOLVED by the House of Delegates, That the Council of State Governments Southern Office hereby be commended on the occasion of the 78th Southern Legislative Conference; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Council of State Governments Southern Office as an expression of the House of Delegates' admiration for the organization's important contributions to regional cooperation between governments in the Southern United States.

HOUSE RESOLUTION NO. 21

Commending the Lunenburg County Dixie Youth Baseball Major League All-Star team.

Agreed to by the House of Delegates, January 29, 2024

WHEREAS, the Lunenburg County Dixie Youth Baseball Major League All-Star team capped off a successful season with a victory in the Dixie Youth World Series in 2023; and

WHEREAS, after finishing the 2022 season as the Dixie Youth World Series runners-up, the Lunenburg County Dixie Youth Baseball Major League All-Star team repeated their winning ways in 2023, winning the district championship in Blackstone and the state championship in Prince George County; and

WHEREAS, at the 2023 Dixie Youth World Series, held in Ruston, Louisiana, the Lunenburg County Dixie Youth Baseball Major League All-Star team outscored all their opponents in the Dixie Youth World Series 61 to 18 across seven games and became the first youth baseball team from Lunenburg County to win the tournament; and

WHEREAS, the pitchers for the Dixie Youth World Series, Blake Overby, Bryan Long, Vaden Liles, Reed Nowlin, and Christopher Walker had 63 strikeouts in 37 innings; and

WHEREAS, Colt Camp won the batting title by batting over .600, with several players batting above .500 and the entire team batting over .400; and

WHEREAS, throughout the season, the Lunenburg County Dixie Youth Baseball Major League All-Star team benefited from the leadership and guidance of manager Brian Nowlin and coaches Nate Nowlin and Vance Liles, as well as the dedicated support of family members, friends, and fans; and

WHEREAS, the successful season is a tribute to the skill and hard work of all the team members, Colt Camp, Anthony Elliott, Reed Hite, James Levine, Vaden Liles, Bryan Long, Reed Nowlin, Blake Overby, Landon Parker, Christopher Walker, and Jayden Williams; now, therefore, be it

RESOLVED by the House of Delegates, That the Lunenburg County Dixie Youth Baseball Major League All-Star team hereby be commended on winning the Dixie Youth World Series in 2023; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Lunenburg County Dixie Youth Baseball Major League All-Star team as an expression of the House of Delegates' admiration for the team's achievements and best wishes for the future.

HOUSE RESOLUTION NO. 22

Commending the Culpeper County Volunteer Fire Department.

Agreed to by the House of Delegates, January 29, 2024

WHEREAS, for 100 years, the Culpeper County Volunteer Fire Department has provided critical emergency services and worked diligently to safeguard the lives and property of Culpeper County residents; and

WHEREAS, Company One of the Culpeper Volunteer Fire Department was organized and chartered in January 1924, with an original roster of 19 members and J. William Swan as the first chief; and

WHEREAS, the Culpeper Volunteer Fire Department's first apparatus was a 1923 LaFrance Brockway Torpedo, and the department used commercial pumpers manufactured by Ford, Chevrolet, or Dodge for many years before purchasing a custom pumper in 1979; and

WHEREAS, the Culpeper Volunteer Fire Department firehouse was originally located on West Davis Street in Culpeper; in 1924, the building was razed to accommodate construction of a new municipal building, where the department was located until 1960, when it moved to its current location nearby; and

WHEREAS, in the Culpeper Volunteer Fire Department's early days, members used canvas rain coats and leather gloves from local hardware stores and some members used construction helmets or surplus metal helmets from World War I; and

WHEREAS, the Culpeper Volunteer Fire Department has grown to become the busiest fire company in Culpeper County with a service area covering 383 square miles and more than 50,000 residents; the department answered 913 calls for service in 2023; and

WHEREAS, the members of the Culpeper Volunteer Fire Department are trained to the highest standards and equipped with a full range of firefighting and emergency response equipment, all purchased with donations from community members; and

WHEREAS, the all-volunteer members of the Culpeper Volunteer Fire Department come from many different backgrounds and all walks of life; numerous firefighters have also served the nation in the military, and the department has proudly counted veterans of every major war since World War I among its ranks; and

WHEREAS, over the years the Culpeper County Volunteer Fire Department has benefited from the able leadership of 14 chiefs, all of whom have upheld the department's high standards, commitment to professionalism, and dedication to duty; now, therefore, be it

RESOLVED by the House of Delegates, That the Culpeper County Volunteer Fire Department hereby be commended on the occasion of its 100th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to President Steve Corbin and Chief Kenny Mills of the Culpeper County Volunteer Fire Department, as an expression of the House of Delegates' admiration for the department's long history and legacy of service to the Culpeper County community.

HOUSE RESOLUTION NO. 23

Commending the Wharton Memorial Church Complex.

Agreed to by the House of Delegates, January 29, 2024

WHEREAS, the Wharton Memorial Church Complex, the site of a school, church, and cemetery that was the focal point for the growth of the Averett community in Mecklenburg County during the Reconstruction Era, received a Virginia Historical Marker in 2023; and

WHEREAS, the Wharton Memorial Church Complex traces its roots to the end of the Civil War, when the Reverend Jordan Mosley worked with other area faith leaders to establish Beautiful Plain Baptist Church; and

WHEREAS, in 1880, the Reverend George Douglas Wharton relocated to the area after graduating from what is now Hampton University and began pastoring the small congregation, which met in a two-room log building at the time; and

WHEREAS, over the next 50 years, Reverend Wharton also founded a school, operated a country store, and established a land company to allow freed slaves to purchase property, helping Averett to grow into a largely self-sufficient Black community; and

WHEREAS, the congregation of Beautiful Plain Baptist Church constructed new sanctuaries in 1882 and 1897, and the Averett School, which had been operating in the original two-room log structure, opened in its own new building in 1910; and

WHEREAS, Beautiful Plain Baptist Church was renamed as Wharton Memorial Baptist Church in 1922, and after the building was destroyed by a fire in 1940, the current Gothic Revival-style church was erected on the same site; and

WHEREAS, the Averett School served as the local primary school until 1940; the building was subsequently expanded in 1959 and became a community meeting place and the home of the Averett Union Masonic Lodge; and

WHEREAS, the Wharton Memorial Church Complex also includes the Wharton Cemetery, which was formally organized in 1894 and contains at least 240 marked graves and may hold several unmarked graves; and

WHEREAS, Janet Robinson, whose late uncle lived most of his life on a farm purchased through Reverend Wharton's land company, led efforts to preserve and interpret the Wharton Memorial Church Complex, which was included on the Virginia Landmarks Register in 2020 and the National Register of Historic Places in 2021; and

WHEREAS, the Virginia Historical Marker for the Wharton Memorial Church Complex was placed in between Wharton Memorial Baptist Church and Wharton Cemetery at the intersection of White House Road and Virginia State Route 49 in Nelson and unveiled at a special ceremony in October 2023; and

WHEREAS, the unveiling ceremony featured the presence of direct descendants of Wharton Memorial Baptist Church founders, descendants of former congregants and local residents, and living former students of the Averett School; now, therefore, be it

RESOLVED by the House of Delegates, That the Wharton Memorial Church Complex, which received a Virginia Historical Marker in 2023, hereby be commended for its important contributions to local history; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Wharton Memorial Church Complex as an expression of the General Assembly's admiration for the site's historical significance in the region.

HOUSE RESOLUTION NO. 24

Commending Freedom High School.

Agreed to by the House of Delegates, January 29, 2024

WHEREAS, Freedom High School, an outstanding educational institution in Woodbridge that prides itself on providing exceptional academic opportunities and a positive and inclusive environment for its students, celebrates its 20th anniversary in 2024; and

WHEREAS, the mission statement of Freedom High School is to provide "high quality educational opportunities that prepare students for our global society"; and

WHEREAS, with a diverse student body, Freedom High School fosters a sense of unity and camaraderie that creates a welcoming atmosphere for all; and

WHEREAS, Freedom High School provides a nurturing place for its students to thrive academically, socially, and athletically, facilitating their readiness to lead meaningful and productive lives; and

WHEREAS, one of Freedom High School's notable features is its robust athletics program, which offers a wide range of sports options, allowing students to explore their athletic interests, develop healthy lifestyles, and acquire skills in a supportive setting; and

WHEREAS, Freedom High School's marching band is one of the preeminent high school bands in the region, and it enjoyed the honor of performing at the inauguration of Governor Ralph Northam in 2018; and

WHEREAS, the accomplishments of Freedom High School are the result of the hard work and dedication of the teachers and staff, the experienced leadership of its principal and administrators, and the heartfelt support of the school's Parent Teacher Association and its families; and

WHEREAS, with its strong academics, athletics, and other extracurricular activities, as well as its commitment to building a unified school community, Freedom High School distinguishes itself as a place where students can succeed and embrace their highest potential; now, therefore, be it

RESOLVED by the House of Delegates, That Freedom High School of Woodbridge hereby be commended on the occasion of its 20th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Freedom High School as an expression of the House of Delegates' admiration for the school's history and its contributions to the Commonwealth.

HOUSE RESOLUTION NO. 25

Commending the Freedom High School football team.

Agreed to by the House of Delegates, January 20, 2024

WHEREAS, the Freedom High School football team of Woodbridge won the Virginia High School League Class 6 state championship on December 9, 2023, at the University of Virginia; and

WHEREAS, the Freedom High School Eagles defeated the Highland Springs High School Springers by a score of 42-34 to bring home the program's second consecutive state championship title and to finish the season with a perfect 14-0 record; and

WHEREAS, after seeing a significant lead cut to 35-27 toward the end of the third quarter, the Freedom Eagles turned a fourth-and-1 situation on the ensuing possession into a 49-yard rushing touchdown that all but sealed their victory; and

WHEREAS, the Freedom Eagles saw impressive play on both sides of the ball during the contest, including 264 yards and two rushing touchdowns from Jeff Overton, Jr., 74 yards and two touchdowns from Kam Courtney, and an interception and touchdown from Jachai Hughes; and

WHEREAS, the Freedom Eagles are the first Prince William County high school football program to claim back-to-back state titles since C.D. Hylton High School accomplished the feat in 1998 and 1999; and

WHEREAS, the success of the Freedom Eagles is the result of the hard work and dedication of the student-athletes, the leadership and guidance of their coaches and teachers, and the unwavering support of their families and the entire Freedom High School community; now, therefore, be it

RESOLVED by the House of Delegates, That the Freedom High School football team hereby be commended for winning the 2023 Virginia High School League Class 6 state championship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Darryl Overton, coach of the Freedom High School football team, as an expression of the House of Delegates' admiration for the team's achievement.

HOUSE RESOLUTION NO. 27

Commending the Honorable Dr. Luke E. Torian.

Agreed to by the House of Delegates, February 12, 2024

WHEREAS, the Honorable Dr. Luke E. Torian, an esteemed public servant and faith leader who has spent his 35-year career dedicated to bringing people together to make positive change through his ministry, leadership, and community service, retired from his position as pastor of First Mount Zion Baptist Church of Dumfries in 2024; and

WHEREAS, since 1995, Luke Torian has served as pastor of First Mount Zion Baptist Church, for which his service has been recognized by countless awards and accolades, including the James Floyd Jenkins Pillar of Faith Award from Howard University in 2002, appointment to the Virginia Board of Counseling by Governor Mark R. Warner in 2004, and an honorary doctor of divinity degree from Virginia Union University in 2021; and

WHEREAS, as a community leader in Prince William County, Luke Torian founded Virginians Organized for Interfaith Community Engagement (VOICE), and his strong belief in "ministry beyond the walls" of the church has resulted in the development of ministries such as those designed to provide reduced-cost groceries to families, mentorship and education for pregnant teenagers and teenage parents, and outreach to youth incarcerated in juvenile detention facilities; and

WHEREAS, Luke Torian has given generously of his time to the community through his involvement with a number of organizations, such as the Creative and Performing Arts Center, Project Mend A House, local Boys & Girls Clubs of America, and Action in Community Through Service (ACTS), an organization designed to alleviate hunger, homelessness, and domestic violence in the community; and

WHEREAS, Luke Torian has been awarded three Citizen of the Year Awards and a Man of the Year Award by the Omega Psi Phi Fraternity, Inc., and, in 2019, he was awarded the Founders' Lifetime Achievement Award by the fraternity's Pi Lambda Lambda Chapter; and

WHEREAS, Luke Torian took his dedication to community a step further when he was elected in 2009 to represent the 52nd District of the Virginia House of Delegates; since then, he has worked tirelessly to better the lives of all Virginians through improvements to education, housing, criminal justice, and more; in 2020, he became the first African American to be appointed as chair of the House Appropriations Committee; and

WHEREAS, in addition to the awards he has received from organizations including the Virginia Education Association, the Virginia Chamber of Commerce, and the Prince William County chapter of the National Coalition of 100 Black Women, Luke Torian has earned Legislator of the Year awards from the Virginia Council of Chapters of the Military Officers Association of America, the Virginia Governmental Employees Association, and the Treasurers' Association of Virginia in 2019, 2020, and 2021, respectively; now, therefore, be it

RESOLVED by the House of Delegates, That the Honorable Dr. Luke E. Torian hereby be commended on the occasion of his retirement from the pastorship of First Mount Zion Baptist Church in Prince William County after 35 years of service; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Honorable Dr. Luke E. Torian as an expression of the House of Delegates' admiration for his legacy of service and best wishes for a happy and fulfilling retirement.

HOUSE RESOLUTION NO. 29

Commending the Associated General Contractors of Virginia.

Agreed to by the House of Delegates, January 29, 2024

WHEREAS, the Associated General Contractors of Virginia, established on June 1, 1924, celebrates its 100th anniversary as a membership organization building a stronger community as the leading partner in Virginia's construction industry; and

WHEREAS, the Associated General Contractors of Virginia (AGCVA) serves 500 member companies with a relentless commitment to the ideals of skill, integrity, responsibility, and camaraderie; and

WHEREAS, from its inception to this significant milestone, AGCVA has been instrumental in advancing the construction sector, propelling economic growth, and enriching the lives of Virginians; it has stood as a cornerstone, fostering a community of visionary leaders, skilled workers, and innovative thinkers, driving the Commonwealth towards greater infrastructural advancements and prosperity; and

WHEREAS, from investing millions of dollars to support construction education and developing the next generation of skilled craftsmen, to creating a strategic partnership with state leaders that improves safety practices and reduces injury and illness on worksites while committing to nurture an inclusive environment where diversity thrives, AGCVA continues to focus efforts and energy on longstanding legacies that solidify construction as a model industry; and

WHEREAS, in tribute to the 100 years since the charter signing that established what is now known as the Associated General Contractors of Virginia, AGCVA is hosting events across the Commonwealth that recognize the heritage of its members, celebrate the strides of the industry's innovation, and prepare for future progress; and

WHEREAS, as the members of the organization commemorate this historical moment, they look forward with anticipation and excitement to the next century of advancements, achievements, and milestones that the AGCVA will undoubtedly champion, continuing its steadfast dedication to advocate, grow, and connect the Commonwealth's construction industry; now, therefore, be it

RESOLVED by the House of Delegates, That the Associated General Contractors of Virginia hereby be commended on the occasion of its 100th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Associated General Contractors of Virginia as an expression of the House of Delegates' admiration for the organization's history and its contributions to the Commonwealth.

HOUSE RESOLUTION NO. 30

Commending the Radford High School football team.

Agreed to by the House of Delegates, January 29, 2024

WHEREAS, the Radford High School football team won the Virginia High School League Class 2 state championship on December 9, 2023, at Salem Stadium; and

WHEREAS, the Radford High School Bobcats defeated the Riverheads High School Gladiators of Staunton by a score of 39-21 to bring home the program's first state championship title in more than a half-century; and

WHEREAS, after starting the game by giving up a fumble and a touchdown, the Radford Bobcats regained their composure, mounting a 25-14 lead by the end of the first half and scoring twice more in the second half to secure the win; and

WHEREAS, the Radford Bobcats' victory was a total team effort, led by a standout performance from quarterback Landen Clark, who threw for 260 yards and four touchdowns while also rushing for 99 yards and a touchdown; and

WHEREAS, the Radford Bobcats saw impressive and consistent play on both sides of the ball all season as the team marched confidently to a perfect 15-0 record; and

WHEREAS, the success of the Radford Bobcats is the result of the hard work and dedication of the student-athletes, the leadership and guidance of their coaches and teachers, and the unwavering support of their families and the entire Radford High School community; now, therefore, be it

RESOLVED by the House of Delegates, That the Radford High School football team hereby be commended for winning the 2023 Virginia High School League Class 2 state championship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Michael Crist, coach of the Radford High School football team, as an expression of the House of Delegates' admiration for the team's achievement.

HOUSE RESOLUTION NO. 31

Commending Matt Hagan.

Agreed to by the House of Delegates, January 29, 2024

WHEREAS, Matt Hagan of Christiansburg won his fourth National Hot Rod Association Funny Car World Championship at the Camping World Drag Racing Series finale in Pomona, California, on November 12, 2023; and

WHEREAS, a cattle rancher by trade, Matt Hagan was named as the rookie of the year in the National Hot Rod Association's AMS Pro Mod Challenge in 2006, then joined the Funny Car Series in 2008; funny cars are a specific class of drag racing vehicle with stylized body shells designed to look like manufacturer's showroom models; and

WHEREAS, after his breakout season in 2010, Matt Hagan won Funny Car World Championship titles in 2011, 2014, and 2020; over the course of his career, he has recorded at least 49 overall event titles, 87 final round appearances, and 21 number one qualifying positions; and

WHEREAS, Matt Hagan has broken multiple speed records as the first funny car driver to complete a run under four seconds in 2011, the first funny car driver to complete a run under 3.8 seconds in 2015, and the first funny car driver to reach 330 miles per hour on a 1,000-foot track in 2015, and the first funny car driver to reach 335 miles per hour in 2016; and

WHEREAS, Matt Hagan joined his current team, Tony Stewart Racing Nitro, in 2022, and his most recent world championship victory was the team's first world title; and

WHEREAS, on December 16, 2023, Christiansburg hosted a reception to celebrate Matt Hagan's accomplishments that featured a display of his four world championship trophies and a host of other memorabilia; now, therefore, be it

RESOLVED by the House of Delegates, That Matt Hagan hereby be commended on winning his fourth National Hot Rod Association Funny Car World Championship title in 2023; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Matt Hagan as an expression of the House of Delegates' admiration for his outstanding achievements in racing.

HOUSE RESOLUTION NO. 32

Commending Bridgewater Volunteer Rescue Squad.

Agreed to by the House of Delegates, January 29, 2024

WHEREAS, for 50 years, the Bridgewater Volunteer Rescue Squad has served citizens by carrying out its mission to serve the needs of others in the worst moments of their life; and

WHEREAS, in 1973, the Bridgewater Volunteer Rescue Squad was organized with the objective of providing emergency medical services to the Towns of Bridgewater and Mount Crawford and the surrounding communities of Augusta and Rockingham Counties; and

WHEREAS, the Bridgewater Volunteer Rescue Squad's team of 1973 laid the foundation of community-mindedness, servant leadership, and excellence that has defined the agency throughout its history; and

WHEREAS, the Bridgewater Volunteer Rescue Squad began its operations in a cinder block building that was once part of the former Riddle Lumber Yard, and it now continues serving in the heart of Bridgewater on Volunteer Drive; and

WHEREAS, since the establishment of the Bridgewater Volunteer Rescue Squad, volunteer members have continued to uphold the agency's unwavering mission by providing service to the community; and

WHEREAS, the Bridgewater Volunteer Rescue Squad is a diverse and dynamic team ranging from highly trained paramedics and emergency medical technicians to support members who aid in the functions of the agency; and

WHEREAS, through its dedication, drive, and expertise, the Bridgewater Volunteer Rescue Squad continues to provide the highest level of care to anyone who calls upon the agency; now, therefore, be it

RESOLVED by the House of Delegates, That the Bridgewater Volunteer Rescue Squad hereby be commended for its commitment to protecting the safety and lives of local residents on the occasion of its 50th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Bridgewater Volunteer Rescue Squad as an expression of the House of Delegates' congratulations and appreciation for the agency's dedication and service to public safety.

HOUSE RESOLUTION NO. 33

Commending the Virginia War Museum.

Agreed to by the House of Delegates, January 29, 2024

WHEREAS, the Virginia War Museum, a preeminent institution in Newport News dedicated to preserving and commemorating the history of the United States' wars, celebrated its 100th anniversary in 2023; and

WHEREAS, the entity that would become the Virginia War Museum was originally established by the Braxton-Perkins Post 25 of the American Legion to memorialize the brave veterans who fought in World War I; and

WHEREAS, the Virginia War Museum was later designated the American Legion Memorial Museum of Virginia and chartered in 1936 to serve as the Commonwealth's official repository for war-related artifacts; the institution was renamed twice, first to the War Memorial Museum of Virginia in 1948 and then to the Virginia War Museum in 1996; and

WHEREAS, the Virginia War Museum's collection has grown to more than 45,000 artifacts, featuring items from the American Revolution up to present-day conflicts, including weapons, vehicles, uniforms, propaganda posters, and other memorabilia; and

WHEREAS, in addition to its displays of America's wars from 1775 to today, the Virginia War Museum has galleries exploring the roles of women and African Americans in the United States Armed Forces and the history of Newport News as a port of embarkation; and

WHEREAS, some of the Virginia War Museum's most noteworthy items include Harry Truman's helmet from World War I and sections of both the Berlin Wall and the outer wall of the Dachau concentration camp; and

WHEREAS, the Virginia War Museum commemorated its 100th anniversary with an Armed Forces Day concert, war reenactments, a "100 Years, 100 Artifacts" social media campaign, and other events; and

WHEREAS, for the past century, the Virginia War Museum has provided a solemn and dignified refuge where the public may gather to remember and reflect upon the sacrifices made by many to ensure the freedoms we enjoy today; now, therefore, be it

RESOLVED by the House of Delegates, That the Virginia War Museum in Newport News hereby be commended for its efforts to preserve and honor the history of the United States' wars on the occasion of its 100th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Virginia War Museum as an expression of the House of Delegates' high regard for the institution's contributions to Newport News and the Commonwealth.

HOUSE RESOLUTION NO. 34

Commending Monte Robinson.

Agreed to by the House of Delegates, January 29, 2024

WHEREAS, Monte Robinson is a respected electrical engineer and entrepreneur who served as founder and president of Robinson Engineering, Inc., in York County for 25 years and who recently became a member of the engineering and systems team at Jewett Automation, Inc., in Richmond; and

WHEREAS, after earning a bachelor's degree in electrical engineering from Virginia Polytechnic Institute and State University, Monte Robinson worked at Newport News Shipbuilding and then with a smaller company handling industrial controls as he acquired experience that would enable him to start his own business; and

WHEREAS, Monte Robinson founded Robinson Engineering and built the company into a market leader for the design, specification, and delivery of electrical controls utilized by Original Equipment Manufacturers (OEMs); and

WHEREAS, Monte Robinson and Robinson Engineering have delivered hundreds of electrical control systems across various automation platforms to OEMs around the world, providing a piece that is vital to the effective operation of these companies' products; and

WHEREAS, Monte Robinson and Robinson Engineering built a sterling reputation over the years for quality, efficiency, and reliability, earning the trust of many long-term customers as well as steady referrals for new business; and

WHEREAS, Monte Robinson has given generously of his time to mentor aspiring electrical engineers by providing internship opportunities to students at Christopher Newport University and in the York County School Division; and

WHEREAS, Monte Robinson lent his expertise to Christopher Newport University by helping the school's new electrical engineering program develop its curriculum and receive accreditation, an effort that will contribute greatly to the success of many future electrical engineers; and

WHEREAS, Monte Robinson recently merged Robinson Engineering into Jewett Automation in Richmond, leveraging that company's resources and systems engineering and manufacturing capabilities to better serve his clientele; and

WHEREAS, Monte Robinson has demonstrated the difference a person can make in this world with the attention to detail of an engineer, the drive of an entrepreneur, and an unwavering commitment to helping others; now, therefore, be it

RESOLVED by the House of Delegates, That Monte Robinson hereby be commended for his accomplishments in engineering and business over his career; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Monte Robinson as an expression of the House of Delegates' admiration for his achievements and best wishes in his future endeavors.

HOUSE RESOLUTION NO. 35

Commending ARCI Architects.

Agreed to by the House of Delegates, January 29, 2024

WHEREAS, ARCI Architects, an accomplished architecture firm operating out of York County with projects throughout the Commonwealth, celebrated its 25th anniversary in 2023; and

WHEREAS, the firm was founded by its principal architect, Greg Brezinski, who worked for a number of architecture firms in the Hampton Roads area and started his own firm, GBA Architects, in Yorktown before ultimately starting ARCI Architects; and

WHEREAS, ARCI Architects is guided by the philosophy that the built environment should be sustainable and contribute to people's quality of life, leading the firm to pursue projects that will make lasting and meaningful impacts in the community; and

WHEREAS, ARCI Architects' diverse portfolio includes commercial and educational buildings, research and medical facilities, worship and community centers, hotels and leisure resorts, residences, and more; and

WHEREAS, some of ARCI Architects' marquee projects include Virginia Commonwealth University's Dr. Murry N. DePillars Building in Richmond, the Virginia Institute of Marine Science's Chesapeake Bay Hall in Williamsburg, and Old Dominion University's Oceanography and Physics Building and Applied Research Center in Newport News; and

WHEREAS, ARCI Architects has overseen a number of preservation projects over the years, helping to maintain the appealing character of the Commonwealth's historical architecture for the benefit of future generations; and

WHEREAS, ARCI Architects' founder Greg Brezinski has given generously of his time to mentor aspiring architects through the firm's mentorship program, lending his expertise to prepare students of today to be the architects of tomorrow; and

WHEREAS, ARCI Architects has been recognized for its preservation and design efforts with accolades from distinguished organizations such as the American Institute of Architects Hampton Roads; and

WHEREAS, through its steadfast commitment to its clients and the well-being of the community at large, ARCI Architects has helped to make the Commonwealth a more beautiful and livable place for everyone to enjoy; now, therefore, be it

RESOLVED by the House of Delegates, That ARCI Architects hereby be commended for its service on the occasion of its 25th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Greg Brezinski, founder of ARCI Architects, as an expression of the House of Delegates' admiration for the firm's achievements and best wishes in its future endeavors.

HOUSE RESOLUTION NO. 36

Commending Dylan Olinger.

Agreed to by the House of Delegates, January 29, 2024

WHEREAS, Dylan Olinger, a senior at Bruton High School in Williamsburg, won the Virginia High School League Class 2 state championship on October 10, 2023, making Virginia High School League history as the first golfer to win three consecutive state championships; and

WHEREAS, Dylan Olinger shot a one-under-par 71 at Great Oaks Country Club in Floyd, standing atop a field of 60 golfers and besting the runner-up by two strokes to secure the title; and

WHEREAS, after shooting a 38 on the front nine, including three bogeys, Dylan Olinger rallied to birdie three times on the back nine and topped his previous scores of 72 that he shot in the 2021 and 2022 championship matches at Olde Mill Golf Resort in Laurel Park; and

WHEREAS, coming off a fourth place finish at the Virginia High School League Region 2A tournament, Dylan Olinger's victory at Great Oaks was a triumphant conclusion to his final year of high school play; and

WHEREAS, Dylan Olinger's accomplishments on the links are the result of his hard work and dedication, the leadership and guidance of his coaches and teachers, and the unwavering support of his family and the entire Bruton High School community; now, therefore, be it

RESOLVED by the House of Delegates, That Dylan Olinger hereby be commended for making history in 2023 with his third consecutive Virginia High School League state championship win; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Dylan Olinger as an expression of the House of Delegates' admiration for his achievements and best wishes for his continued success.

HOUSE RESOLUTION NO. 37

Nominating a person to be elected to the Court of Appeals of Virginia.

Agreed to by the House of Delegates, January 24, 2024

RESOLVED by the House of Delegates, That the following person is hereby nominated to be elected to the Court of Appeals of Virginia as follows:

The Honorable Mary Bennett Malveaux, of Henrico, as a judge of the Court of Appeals of Virginia for a term of eight years commencing April 16, 2024.

HOUSE RESOLUTION NO. 38

Nominating persons to be elected to circuit court judgeships.

Agreed to by the House of Delegates, January 24, 2024

RESOLVED by the House of Delegates, That the following persons are hereby nominated to be elected to the respective circuit court judgeships as follows:

The Honorable Marjorie T. Arrington, of Chesapeake, as a judge of the First Judicial Circuit for a term of eight years commencing May 1, 2024.

The Honorable Jamilah D. Le Cruise, of Norfolk, as a judge of the Fourth Judicial Circuit for a term of eight years commencing March 1, 2024.

The Honorable S. Anderson Nelson, of Mecklenburg, as a judge of the Tenth Judicial Circuit for a term of eight years commencing July 1, 2024.

The Honorable J. Overton Harris, of Hanover, as a judge of the Fifteenth Judicial Circuit for a term of eight years commencing May 1, 2024.

The Honorable Ricardo Rigual, of Fredericksburg, as a judge of the Fifteenth Judicial Circuit for a term of eight years commencing July 1, 2024.

Patrick M. L. Blanch, Esquire, of Fairfax, as a judge of the Nineteenth Judicial Circuit for a term of eight years commencing April 1, 2024.

The Honorable Jonathan D. Frieden, of Fairfax, as a judge of the Nineteenth Judicial Circuit for a term of eight years commencing February 1, 2024.

The Honorable J. Christopher Clemens, of Salem, as a judge of the Twenty-third Judicial Circuit for a term of eight years commencing July 1, 2024.

The Honorable John T. Cook, of Lynchburg, as a judge of the Twenty-fourth Judicial Circuit for a term of eight years commencing June 1, 2024.

The Honorable Robert M. D. Turk, of Radford, as a judge of the Twenty-seventh Judicial Circuit for a term of eight years commencing July 1, 2024.

HOUSE RESOLUTION NO. 39

Nominating persons to be elected to general district court judgeships.

Agreed to by the House of Delegates, January 24, 2024

RESOLVED by the House of Delegates, That the following persons are hereby nominated to be elected to the respective general district court judgeships as follows:

The Honorable Michael R. Katchmark, of Chesapeake, as a judge of the First Judicial District for a term of six years commencing July 1, 2024.

The Honorable Daniel R. Lahne, of Virginia Beach, as a judge of the Second Judicial District for a term of six years commencing July 1, 2024.

The Honorable Gordon S. Vincent, of Accomack, as a judge of the Judicial District 2-A for a term of six years commencing July 1, 2024.

The Honorable Selena S. Glenn, of Hampton, as a judge of the Eighth Judicial District for a term of six years commencing July 1, 2024.

The Honorable Theresa W. Carter, of Orange, as a judge of the Sixteenth Judicial District for a term of six years commencing July 1, 2024.

Robert V. Bryan, Jr., Esquire, of Prince William, as a judge of the Nineteenth Judicial District for a term of six years commencing October 1, 2024.

Anthony H. Nourse, Esquire, of Fairfax, as a judge of the Nineteenth Judicial District for a term of six years commencing April 1, 2024.

Leslie R. Adams, Esquire, of Pittsylvania, as a judge of the Twenty-second Judicial District for a term of six years commencing February 1, 2024.

The Honorable Sam D. Eggleston, III, of Nelson, as a judge of the Twenty-fourth Judicial District for a term of six years commencing July 1, 2024.

David B. Spigle, Esquire, of Botetourt, as a judge of the Twenty-fifth Judicial District for a term of six years commencing March 16, 2024.

The Honorable J. D. Bolt, of Grayson, as a judge of the Twenty-seventh Judicial District for a term of six years commencing July 1, 2024.

The Honorable Gerald E. Mabe, II, of Wythe, as a judge of the Twenty-seventh Judicial District for a term of six years commencing July 1, 2024.

Jeffrey L. Campbell, Esquire, of Smyth, as a judge of the Twenty-eighth Judicial District for a term of six years commencing February 1, 2024.

The Honorable William E. Jarvis, of Prince William, as a judge of the Thirty-first Judicial District for a term of six years commencing November 1, 2024.

HOUSE RESOLUTION NO. 40

Nominating persons to be elected to juvenile and domestic relations district court judgeships.

Agreed to by the House of Delegates, January 24, 2024

RESOLVED by the House of Delegates, That the following persons are hereby nominated to be elected to the respective juvenile and domestic relations district court judgeships as follows:

The Honorable David J. Whitted, of Chesapeake, as a judge of the First Judicial District for a term of six years commencing July 1, 2024.

The Honorable Diane P. Griffin, of Portsmouth, as a judge of the Third Judicial District for a term of six years commencing July 1, 2024.

The Honorable Robert M. Smith, III, of Norfolk, as a judge of the Fourth Judicial District for a term of six years commencing July 1, 2024.

The Honorable J. David Rigler, of Chesterfield, as a judge of the Twelfth Judicial District for a term of six years commencing July 1, 2024.

The Honorable Ashley K. Tunner, of Richmond, as a judge of the Thirteenth Judicial District for a term of six years commencing May 16, 2024.

The Honorable Margaret W. Deglau, of Henrico, as a judge of the Fourteenth Judicial District for a term of six years commencing July 1, 2024.

The Honorable Ronald L. Morris, of Greene, as a judge of the Sixteenth Judicial District for a term of six years commencing February 1, 2024.

Razan Fayez, Esquire, of Fairfax, as a judge of the Nineteenth Judicial District for a term of six years commencing February 1, 2024.

Michael C. Sprano, Esquire, of Fairfax, as a judge of the Nineteenth Judicial District for a term of six years commencing August 1, 2024.

The Honorable Brian H. Turpin, of Pittsylvania, as a judge of the Twenty-second Judicial District for a term of six years commencing July 1, 2024.

The Honorable Brooke-Taylor Willse Gaddy, of Campbell, as a judge of the Twenty-fourth Judicial District for a term of six years commencing July 1, 2024.

The Honorable H. Cary Payne, of Bedford, as a judge of the Twenty-fourth Judicial District for a term of six years commencing July 1, 2024.

The Honorable H. Lee Chitwood, of Pulaski, as a judge of the Twenty-seventh Judicial District for a term of six years commencing February 1, 2024.

The Honorable Richard S. Buddington, II, of Washington, as a judge of the Twenty-eighth Judicial District for a term of six years commencing July 1, 2024.

The Honorable Marcus F. McClung, of Scott, as a judge of the Thirtieth Judicial District for a term of six years commencing July 1, 2024.

HOUSE RESOLUTION NO. 41

Nominating a person to be elected as a member of the Judicial Inquiry and Review Commission.

Agreed to by the House of Delegates, January 24, 2024

RESOLVED by the House of Delegates, That the following person is hereby nominated to be elected as a member of the Judicial Inquiry and Review Commission as follows:

Kyung N. Dickerson, Esquire, of Fairfax County, as a member of the Judicial Inquiry and Review Commission for a term of four years commencing July 1, 2024.

HOUSE RESOLUTION NO. 42

Nominating persons to be elected as members of the State Corporation Commission.

Agreed to by the House of Delegates, January 24, 2024

RESOLVED by the House of Delegates, That the following persons are hereby nominated to be elected as members of the State Corporation Commission as follows:

Kelsey A. Bagot, Esquire, of Loudoun, as a member of the State Corporation Commission for a term of six years commencing April 1, 2024.

Samuel T. Towell, Esquire, of the City of Richmond, as a member of the State Corporation Commission for an unexpired term commencing March 17, 2024 and ending January 31, 2028.

HOUSE RESOLUTION NO. 43

Nominating a person to be elected to the Virginia Workers' Compensation Commission.

Agreed to by the House of Delegates, January 24, 2024

RESOLVED by the House of Delegates, That the following person is hereby nominated to be elected to the Virginia Workers' Compensation Commission as follows:

The Honorable Wesley G. Marshall, of the City of Richmond, as a member of the Virginia Workers' Compensation Commission for a term of six years commencing June 1, 2024.

HOUSE RESOLUTION NO. 44

Commending the Bruton High School girls' volleyball team.

Agreed to by the House of Delegates, January 29, 2024

WHEREAS, the Bruton High School girls' volleyball team advanced to the Virginia High School League Class 2 state championship on November 14, 2023; and

WHEREAS, the Bruton High School Panthers earned their spot in the state championship with a commanding three-straight-set victory over the Central High School Falcons of Woodstock; and

WHEREAS, the Bruton Panthers have been on a remarkable run since head coach Charlene Daugherty joined the team in the 2022 season, going from a 5-45 record over three seasons to a 12-13 record in the 2022 season and a 19-7 record this past season; and

WHEREAS, the Bruton Panthers have been aided in their recent ascent by the skilled play of two sets of twin sisters, Gretchen and Savannah Davila and Jolie and Mina Faw, who also joined the team in 2022, and others, including Sienna Owens and Cassie Hall; and

WHEREAS, the Bruton Panthers' string of victories is made all the more impressive by the fact that the team represents the smallest school in the Virginia High School League Bay Rivers District, which has sent six schools to a total of 14 state finals in the past decade; and

WHEREAS, the success of the Bruton Panthers is the result of the hard work and dedication of the student-athletes, the leadership and guidance of their coaches and teachers, and the unwavering support of their families and the entire Bruton High School community; now, therefore, be it

RESOLVED by the House of Delegates, That the Bruton High School girls' volleyball team hereby be commended for reaching the 2023 Virginia High School League Class 2 state championship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Charlene Daugherty, head coach of the Bruton High School girls' volleyball team, as an expression of the House of Delegates' admiration for the team's achievement.

HOUSE RESOLUTION NO. 45

Commending Viccellio Goldsmith.

Agreed to by the House of Delegates, January 29, 2024

WHEREAS, Viccellio Goldsmith, owned and operated by expert jeweler J. Henry Viccellio III, who has been in the trade for a half-century, has served the York County community for more than 25 years; and

WHEREAS, J. Henry "Hank" Viccellio III was first inspired to take up a career as a jeweler while hitchhiking in Albuquerque in 1973, at which point he began an apprenticeship as a silversmith; and

WHEREAS, discovering a passion for the creative process, Hank Viccellio worked under a number of jewelers for the better part of a decade before studying with a master jeweler in Seattle and in time becoming a master jeweler in his own right; and

WHEREAS, several years after starting his own business, Hank Viccellio transferred his operation and established Viccellio Goldsmith in Yorktown, where he had lived in his youth; and

WHEREAS, Viccellio Goldsmith is distinguished by the handwrought care and attention it gives to each and every piece of jewelry, from unique items for special occasions to classic, everyday articles; and

WHEREAS, Hank Viccellio is a founding member of Yorktown's On the Hill artists' cooperative, and Viccellio Goldsmith has been an integral part of the York County arts community for many years; and

WHEREAS, Viccellio Goldsmith's achievements and longevity in the jewelry business are the results of Hank Viccellio's dedication to his work and his commitment to his customers' satisfaction; and

WHEREAS, Viccellio Goldsmith has decorated and adorned an untold number of customers over the years, helping to make York County a wonderful place to live, work, and raise a family; now, therefore, be it

RESOLVED by the House of Delegates, That Viccellio Goldsmith hereby be commended for its service to York County as the business marks more than 25 years in the locality; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to J. Henry Viccellio III, owner of Viccellio Goldsmith, as an expression of the House of Delegates' admiration for his contributions to York County and best wishes for his continued success.

HOUSE RESOLUTION NO. 46

Commending Pop's Drive-In.

Agreed to by the House of Delegates, January 29, 2024

WHEREAS, Pop's Drive-In, a beloved dining establishment in York County, closed its doors for the last time in March 2023 after nearly a half-century in business; and

WHEREAS, owned and operated by the Allen family, Pop's Drive-In was a staple in the lives of many York County residents and visitors, each with their own story of why the restaurant was special to them; and

WHEREAS, Pop's Drive-In served up popular dishes, which earned them regional fame; from omelets and oatmeal for breakfast to country-style steak and crab cakes for dinner, Pop's proved to be a York County staple; and

WHEREAS, Pop's Drive-In maintained its comfortable and understated decor over the years, offering its patrons the opportunity to revisit past memories and luxuriate in the charm of a classic American diner; and

WHEREAS, though the York County community will miss the people and the memories made at Pop's Drive-In, many are also heartened to know its closing provides the Allen family with the chance to enjoy a happy and well-deserved retirement; now, therefore, be it

RESOLVED by the House of Delegates, That Pop's Drive-In hereby be commended for its service to the residents and visitors of York County on the occasion of its closing; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Allen family, owners of Pop's Drive-In, as an expression of the House of Delegates' admiration for its place in the history and culture of York County.

HOUSE RESOLUTION NO. 47

Commending the James Wood High School volleyball team.

Agreed to by the House of Delegates, January 29, 2024

WHEREAS, the James Wood High School volleyball team became the first team in school history to win two consecutive state titles with a victory in the Virginia High School League Class 4 state championship in November 2023; and

WHEREAS, the James Wood High School Colonels defeated the Hanover High School Hawks in three sets, winning with scores of 27-25, 25-20, and 25-14, the team's sixth 3-0 win in postseason matches; and

WHEREAS, sophomore Kennedy Spaid scored the match point with a leaping spike to finish a spectacular play set up by three of the team's four seniors, Ashlynn Spence, Lexi Taylor, and Emma Corker; and

WHEREAS, Kennedy Spaid led the James Wood Colonels with 14 kills and four aces, while senior Hannah McCullough recorded a team-high 15 assists and 17 digs; and

WHEREAS, the James Wood Colonels finished the season with a 27-2 record, setting a school record for wins, and became the first team in the area to win consecutive state championships in more than a decade; and

WHEREAS, the successful season is a testament to the resilience, adaptability, and hard work of all the student-athletes, the leadership and guidance of coaches and staff, and the passionate support of friends, family members, and the entire James Wood High School community; now, therefore, be it

RESOLVED by the House of Delegates, That the James Wood High School volleyball team hereby be commended on winning the Virginia High School League Class 4 state championship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Adrienne Patrick, head coach of the James Wood High School volleyball team, as an expression of the House of Delegates' admiration for the team's record-breaking achievements.

HOUSE RESOLUTION NO. 48

Celebrating the life of Carl David Bevins.

Agreed to by the House of Delegates, February 5, 2024

WHEREAS, Carl David Bevins of Grundy, a longtime educator, author, and devoted father and grandfather, died on January 2, 2024; and

WHEREAS, after receiving a master's degree from the University of Virginia, Carl David "Dave" Bevins pursued a career as a teacher and school administrator in Buchanan County Public Schools; and

WHEREAS, over the course of his long and distinguished tenure, Dave Bevins supported and inspired students at J.M. Bevins Elementary School, Hurley High School, Grundy High School, Whitewood High School, and Russell Prater Elementary School, among others; and

WHEREAS, Dave Bevins also wrote for the Virginia Mountaineer newspaper for more than 30 years and authored two books, *At Random* and *Growing Up in Grundy*; and

WHEREAS, outside of his career, Dave Bevins enjoyed watching football, supporting the Grundy High School wrestling team, and traveling; his greatest joy in life was his beloved family, and he relished every opportunity to pass on his wisdom to his children and grandchildren; and

WHEREAS, predeceased by his wife, Penny, Dave Bevins will be fondly remembered and greatly missed by his sons, David and Bobby, and their families, and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Carl David Bevins; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Carl David Bevins as an expression of the House of Delegates' respect for his memory.

HOUSE RESOLUTION NO. 49

Commending the Shenandoah Apple Blossom Festival.

Agreed to by the House of Delegates, February 5, 2024

WHEREAS, the Shenandoah Apple Blossom Festival, a joyous rite of spring for residents of the Shenandoah Valley held each year in Winchester, commemorates its 100th anniversary in 2024; and

WHEREAS, the first Shenandoah Apple Blossom Festival was on May 3, 1924, and featured a parade through Winchester, the crowning of the first Queen Shenandoah by the Prince of Apple Blossoms, and an interpretive dance program; and

WHEREAS, over the history of the Shenandoah Apple Blossom Festival, 86 individuals have been crowned Queen Shenandoah; initially produced by the John B. Rogers Production Company, the pageant was written and directed from 1931 to 1959 by Dr. Garland Quarles, superintendent of Winchester Public Schools and principal of John Handley High School in Winchester; and

WHEREAS, as the Shenandoah Apple Blossom Festival's pageant grew in later years to include upwards of 1,000 students from Winchester and the surrounding counties of West Virginia, the event gained a national reputation for its extraordinary beauty and grandeur; and

WHEREAS, the Shenandoah Apple Blossom Festival featured its first Torch Light and Mummers' Parade on April 18, 1929, a tradition that would develop into what is today the Firefighters' Parade, the nation's oldest and largest parade of its kind, in which fire companies from throughout the east coast exhibit both antique and cutting-edge firefighting equipment for the enjoyment of festival attendees; and

WHEREAS, in 1964, President Lyndon Baines Johnson became the first United States president to attend the Shenandoah Apple Blossom Festival, followed some years later by President Gerald R. Ford; the event has drawn major celebrities since the 1940s to serve as Grand Marshal of the Grand Feature Parade, as well as Firefighters' Marshal or Sports Marshal in later years; and

WHEREAS, the Shenandoah Apple Blossom Festival has continued to add new events and traditions over the years, including a 10 kilometer race in 1982, a bluegrass festival in 1990, a professional-amateur golf tournament in 1995, and many more, growing from a one-day ceremony to what is today a nine-day celebration; and

WHEREAS, the Shenandoah Apple Blossom Festival is organized by the Shenandoah Apple Blossom Festival, Inc., a 501(c)(3) nonprofit organization dedicated to promoting the beauty of springtime and the apple blossoms in the Commonwealth's Shenandoah Valley through events and initiatives that enhance community spirit and showcase the region's local agricultural heritage; and

WHEREAS, the success of the Shenandoah Apple Blossom Festival is the result of the innumerable volunteers and staff whose tireless efforts over the years have made the festival the preeminent event in Winchester and a highlight of every new spring; now, therefore, be it

RESOLVED by the House of Delegates, That the Shenandoah Apple Blossom Festival hereby be commended on the occasion of its 100th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Shenandoah Apple Blossom Festival, Inc., as an expression of the House of Delegates' admiration for the event's history and its significance in the life and culture of Winchester and the Shenandoah Valley.

HOUSE RESOLUTION NO. 50

Celebrating the life of Charles Jones Davis III.

Agreed to by the House of Delegates, February 5, 2024

WHEREAS, in the economy of The Almighty there are innumerable creatures and, among human beings, countless types of character, sober, silly, humorless, or humorous, yet each bearing the imprint of the *imago Dei*; and

WHEREAS, Charles Jones Davis III, III a fixture in the public life of the Commonwealth for over 50 years, was simultaneously a man of character and also a man who was (and, to those with the eyes of faith, remains) a character; and

WHEREAS, Charles "Charlie" Davis inherited his character from goodly parents, CJ and Marie, and deployed his traits to grow into a character in the salubrious surroundings of Rocky Mount nestled among the foothills of the Blue Ridge Mountains; and

WHEREAS, after graduating from the University of Virginia with a bachelor's degree in history, in 1968, Charlie Davis served in the Audio-Visual Service of the United States Air Force in Mississippi and Ohio and subsequently with the American Forces Network radio and television service in Diyarbakir, Turkey; and

WHEREAS, upon completing his military service, Charlie Davis returned to Virginia, to Richmond, and secured employment with Newsradio WRVA 1140, first as a reporter, then as news editor, and eventually as news anchor, this in the era when radio was a dominant source of news for many Virginians; and

WHEREAS, Charlie Davis from 1978 to 1980 was employed by the Commonwealth as director of information for the Department of Alcoholic Beverage Control, mastering gifts in writing, advertising, and messaging, while beginning what would become a decades-long engagement with members of the Virginia General Assembly; and

WHEREAS, Charlie Davis in 1980 became executive assistant and press secretary to Governor John N. Dalton; and

WHEREAS, it was in 1983 that Charlie Davis entered into the career of government affairs, first as the vice president of government relations for CSX Corporation, a labor, and a profession, by which and for which he would come to be known—and revered—by generations of members of the legislature and of the executive branch of Virginia's government; and

WHEREAS, it was in 1991 that Charlie Davis and his devoted and talented wife, Christine, formed Davis Consultants, a public relations and government affairs firm that would for the next three decades and more manifest, on behalf of his corporate clients and their employees and products, his singular gifts of communication, persuasion, and accomplishment, each and all marked by the colorful character (accentuated by brilliant storytelling and a whiff of cigarette smoke) that was his distinctive own; and

WHEREAS, Charlie Davis in recent years was stricken by pancreatic cancer, an experience he endured with grace and with an ever-deepening understanding of his eternal destiny; and

WHEREAS, Charlie Davis succumbed at last to COVID-19, passing into the next life on September 18, 2023, at the age of 77; and

WHEREAS, Charlie Davis was bereaved by the death in 2019 of his son, Charles J. "Chad" Davis IV; and

WHEREAS, Charlie Davis is survived by his wife of nearly 40 years, Christine; his son Dr. Drew Davis of Atlanta; his faithful Irish Setter, Champ; and by a host of other relatives and friends; and

WHEREAS, Charlie Davis, though no longer a fixture in the temporal corridors of power, is assuredly making his way into the eternal precincts of the Divine, and will long be remembered for the steadfastness of his substance and the singularity of his style; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Charles Jones Davis III and express admiration for his remarkable contributions to the government affairs profession and service to members of the legislature who welcomed, and depended upon, his information and counsel at the Capitol; and, be it

RESOLVED FURTHER, That the Clerk of the House prepare copies of this resolution for presentation to the family of Charles Jones Davis III, as an expression of sympathy with their bereavement and admiration for the life and labors of a journalist and advocate whose like will not soon be seen again.

HOUSE RESOLUTION NO. 51

Commending the John J. Wright Educational and Cultural Center.

Agreed to by the House of Delegates, February 5, 2024

WHEREAS, the John J. Wright Educational and Cultural Center provides engaging exhibits and activities to Spotsylvania County students and preserves the history of the John J. Wright Consolidated School, the first Black high school in Spotsylvania County; and

WHEREAS, the John J. Wright Consolidated School traces its roots to 1905, when members of Black Baptist churches in Spotsylvania County, led by teacher John J. Wright, began collecting money to start a school for their children; and

WHEREAS, in 1910, the Spotsylvania Sunday School Union purchased 158.5 acres of land and Alfred Fairchild oversaw construction of what was originally known as Snell Training School; and

WHEREAS, the two-story structure was destroyed by a fire in 1941 and replaced in 1952 by a larger, sturdier building, the John J. Wright Consolidated School, which served Black children in first through 12th grade and provided much-needed jobs for Black educators; and

WHEREAS, after Virginia schools were racially integrated, John J. Wright Consolidated School became a local intermediate school; after extensive renovations, it became the John J. Wright Educational and Cultural Center in 2008; and

WHEREAS, the John J. Wright Educational and Cultural Center remains part of Spotsylvania County Public Schools and provides alternative education and other programs to all students in the school division; and

WHEREAS, the John J. Wright Educational and Cultural Center houses a museum with permanent and rotating exhibits on the history of the Black community in the region and the unique role of the John J. Wright Consolidated School as an all-Black high school; and

WHEREAS, the John J. Wright Educational and Cultural Center is also a stop on the African American Heritage Trail, a self-guided, 75-mile driving tour of significant historical sites in Spotsylvania County; now, therefore, be it

RESOLVED by the House of Delegates, That the John J. Wright Educational and Cultural Center hereby be commended for preserving the heritage of the John J. Wright Consolidated School and enhancing cultural and historical education in the region; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the John J. Wright Educational and Cultural Center as an expression of the House of Delegates' admiration for the center's legacy of contributions to students in Spotsylvania County.

HOUSE RESOLUTION NO. 52

Commending House of Victory Fredericksburg Church.

Agreed to by the House of Delegates, February 5, 2024

WHEREAS, for seven years, House of Victory Fredericksburg Church has empowered its members to lead lives of faith and purpose, developing a strong and Christ-centered community in the region; and

WHEREAS, House of Victory Fredericksburg Church traces its roots to August 2017, when Dwayne and Markeeta Robinson held an informational meeting about creating a new church community; and

WHEREAS, on September 10, 2017, House of Victory Fredericksburg Church held the first of several soft launches, offering worship services in a small room at Dorothy Hart Community Center; interest was so high that the church quickly outgrew multiple meeting rooms and relocated to the center's auditorium; and

WHEREAS, to better accommodate the growing congregation, House of Victory Fredericksburg Church began holding services at James Monroe High School on November 19, 2017, then held a grand opening weekend beginning on December 9, 2017; and

WHEREAS, currently located on Pine Road, House of Victory Fredericksburg Church maintains a vibrant congregation with people of all ages and backgrounds; and

WHEREAS, in addition to ministries supporting men, women, and youths, House of Victory Fredericksburg Church conducts generous outreach in the community; and

WHEREAS, members of House of Victory Fredericksburg Church have served more than 1,000 meals to displaced people living in hotels, provided more than 1,000 turkey baskets to local families during holiday seasons, donated hundreds of winter coats to school children in need, and purchased gas for families during the COVID-19 pandemic, along with other forms of financial assistance; now, therefore, be it

RESOLVED by the House of Delegates, That House of Victory Fredericksburg Church hereby be commended for its years of service to the Fredericksburg community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Dwayne and Markeeta Robinson, pastors of House of Victory Fredericksburg Church, as an expression of the House of Delegates' admiration for their spiritual leadership and commitment to community outreach.

HOUSE RESOLUTION NO. 53

Commending the Liberty University football team.

Agreed to by the House of Delegates, February 5, 2024

WHEREAS, the Liberty University football team won the National Collegiate Athletic Association's Conference USA Championship on December 1, 2023, at Williams Stadium in Lynchburg; and

WHEREAS, the Liberty University Flames defeated the New Mexico State University Aggies by a score of 49-35 to bring home a title in the program's first appearance in the Conference USA Championship; and

WHEREAS, after a hard fought first half that ended with the score tied 21-21, the Liberty University Flames scored two touchdowns on its first two possessions of the second half and never looked back; and

WHEREAS, with its 42-28 victory over The University of Texas at El Paso on November 25, 2023, the Liberty University football team finished the regular season with a flawless 12-0 record, going undefeated for the first time in the program's 50-year history; and

WHEREAS, the Liberty University Flames are notably the first National Collegiate Athletic Association Division I football program in the Commonwealth and only the third team in Conference USA history to achieve the remarkable feat of winning 12 games in regular season play; and

WHEREAS, the Liberty University Flames' historic season was an extraordinary showing for the program, as it was competing in Conference USA for the first time, and for coach Jamey Chadwell, who was in his first season with the team; and

WHEREAS, the Liberty University Flames were led all season by quarterback Kaidon Salter, who broke school records for total touchdowns in a season and total passing touchdowns in a season during the Conference USA Championship; and

WHEREAS, in recognition of the team's exceptional play all season, the Liberty University Flames earned the opportunity to play in the VRBO Fiesta Bowl on January 1, 2024, one of the most prestigious events on the college football calendar; and

WHEREAS, the success of the Liberty University Flames is the result of the hard work and dedication of the student-athletes, the leadership and guidance of their coaches and professors, and the unwavering support of the entire Liberty University community; now, therefore, be it

RESOLVED by the House of Delegates, That the Liberty University football team hereby be commended for winning the 2023 National Collegiate Athletic Association Conference USA Championship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Jamey Chadwell, coach of the Liberty University football team, as an expression of the House of Delegates' admiration for the team's achievements.

HOUSE RESOLUTION NO. 54

Commending Outside the Cone.

Agreed to by the House of Delegates, February 5, 2024

WHEREAS, Outside the Cone, a cherished ice cream shop in Lynchburg, won four blue ribbons and the Triple Scoop Excellence Award at the North American Ice Cream Association's annual trade show and convention in 2023; and

WHEREAS, Outside the Cone prides itself on producing homemade, handcrafted ice cream, as the owners and staff work tirelessly to ensure everything down to the syrups, sauces, and mix-ins are as fresh and delectable as can be; and

WHEREAS, in addition to its classic flavors, such as cookies and cream and mint chocolate chunk, Outside the Cone also offers seven unique "Flavor Lab" flavors that rotate on a weekly basis, providing even the most experienced ice cream eaters the opportunity to broaden their culinary horizons; and

WHEREAS, Outside the Cone has developed its own vegan and keto ice cream blends to cater to the specific diets of its clientele, creating quality alternatives that are as delicious and enjoyable as traditional ice cream; and

WHEREAS, to compete for the North American Ice Cream Association's recognition, Outside the Cone submitted samples of its ice cream to food scientists at Cornell University, who evaluated the submissions based on their flavor, color, texture, and body; and

WHEREAS, in addition to its recent success at the North American Ice Cream Association's annual trade show and convention, Outside the Cone owner Kyle Spangler was also presented the Grand Master Ice Cream Maker Award at the organization's convention in 2021 for receiving blue ribbons at the event three years in a row; and

WHEREAS, Outside the Cone's accomplishments at the North American Ice Cream Association's annual trade show and convention also included the prize for best new flavor in 2020 for its flavor "Bee My Honeycomb"; and

WHEREAS, with a steadfast commitment to the craft of making ice cream and to the satisfaction of its customers, Outside the Cone has made Lynchburg a sweeter and more joyful place to live, work, and raise a family; now, therefore, be it

RESOLVED by the House of Delegates, That Outside the Cone hereby be commended for winning four blue ribbons and the Triple Scoop Excellence Award at the North American Ice Cream Association's annual trade show and convention in 2023; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Outside the Cone as an expression of the House of Delegates' admiration for the company's achievements and best wishes for the future.

HOUSE RESOLUTION NO. 55

Commending the Virginia Union University football team.

Agreed to by the House of Delegates, February 22, 2024

WHEREAS, the Virginia Union University football team won the Central Intercollegiate Athletic Association championship on November 11, 2023, in Salem; and

WHEREAS, the Virginia Union University Panthers defeated the reigning champion Fayetteville State University Broncos by a score of 21-10 to capture the program's first state championship title since 2001; and

WHEREAS, the Virginia Union Panthers jumped out to an early 14-0 lead that they never relinquished, grinding down their opponent with a stifling defense and unrelenting run game; and

WHEREAS, the Virginia Union Panthers' stout defense impressively held its opponent to only seven first downs and 34 yards rushing in the game and saw a combined four and half sacks from Isaac Anderson, Armonii Burden, Jah'Ke Hilliard, and Jabrill Norman; and

WHEREAS, the Virginia Union Panthers' deft offense was key to the win, with tailback Jada Byers notching 135 yards and two scores to go along with quarterback Christian Reid's one-yard rushing touchdown; and

WHEREAS, the Virginia Union Panthers' triumph was a redemptive moment for a team that had suffered its only loss of the regular season to the Fayetteville State Broncos earlier in the year; and

WHEREAS, for the first time since 2015, the Virginia Union Panthers earned a bid to compete in the National Collegiate Athletic Association Division 2 playoffs at the end of the season; and

WHEREAS, in recognition of their superlative achievement, members of the Virginia Union University football team were honored in 2023 by the Central Intercollegiate Athletic Association (CIAA), including Special Teams Player of the Year Brady Myers, Offensive Lineman of the Year Justin Meade, and Coach of the Year Alvin Parker; and

WHEREAS, several of the Virginia Union Panthers received First-Team All-CIAA accolades as a result of their play this season, including tight end Kalen Carver, offensive linemen Justin Meade and Jamaree Moyer, running back Jada Byers, place kicker Brady Myers, defensive lineman Isaac Anderson, and linebacker Shamar Graham; and

WHEREAS, the accomplishments of the Virginia Union Panthers are the result of the hard work and dedication of the student-athletes, the leadership and guidance of their coaches and professors, and the unwavering support of their families and the entire Virginia Union University community; now, therefore, be it

RESOLVED by the House of Delegates, That the Virginia Union University football team hereby be commended for winning the 2023 Central Intercollegiate Athletic Association championship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Alvin Parker, head coach of the Virginia Union University football team, as an expression of the House of Delegates' admiration for the team's success.

HOUSE RESOLUTION NO. 56

Celebrating the life of Thomas Alvin Lester, Sr.

Agreed to by the House of Delegates, February 5, 2024

WHEREAS, Thomas Alvin Lester, Sr., an honorable veteran, respected operations manager and electrician, and beloved member of the Cedar Bluff community, died on May 28, 2023; and

WHEREAS, a native of Buchanan County, Thomas Lester served his country with honor and distinction as a member of the United States Navy during the Vietnam War; and

WHEREAS, Thomas Lester made meaningful contributions to the concrete industry over an accomplished career as an operations manager and electrician; and

WHEREAS, Thomas Lester supported and enjoyed camaraderie with his fellow veterans as a longstanding member of the Casey-Shortt Veterans of Foreign Wars Post #9640 in Pounding Mill; and

WHEREAS, preceded in death by his loving wife of 50 years, Carolyn, Thomas Lester will be fondly remembered and dearly missed by his son, Thomas, Jr., and his family and by numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Thomas Alvin Lester, Sr., a treasured member of the Cedar Bluff community whose integrity and generous spirit made an impact on all who knew him; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Thomas Alvin Lester, Sr., as an expression of the House of Delegates' respect for his memory.

HOUSE RESOLUTION NO. 57

Commending Jeremy Compton.

Agreed to by the House of Delegates, February 5, 2024

WHEREAS, Jeremy Compton, a dedicated firefighter and emergency medical technician, has served and safeguarded members of the Radford and Christiansburg communities for more than 15 years; and

WHEREAS, Jeremy Compton grew up in Christiansburg and became a firefighter after graduating from Christiansburg High School, originally serving with the Elliston Fire Department; and

WHEREAS, Jeremy Compton subsequently joined the Radford Fire and Rescue Department, and he has also been a volunteer with the Christiansburg Fire Department since 2014; and

WHEREAS, Jeremy Compton currently holds the rank of engineer and has protected the lives and property of numerous community members over the course of his career; and

WHEREAS, Jeremy Compton was diagnosed with cancer in 2021 and has inspired his fellow firefighters, local residents, and others battling cancer through his unwavering positivity and strength of character; and

WHEREAS, in all his endeavors, Jeremy Compton has enjoyed the love and support of his wife and three children; he relishes every opportunity to impart his wisdom to his children and help them achieve their fullest potential; and

WHEREAS, Jeremy Compton is an exemplar of the courage, integrity, and dedication to duty demonstrated by public safety officers throughout the Commonwealth; now, therefore, be it

RESOLVED by the House of Delegates, That Jeremy Compton hereby be commended for his legacy of service as a firefighter and emergency medical technician; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Jeremy Compton as an expression of the House of Delegates' admiration for his exceptional contributions to the community.

HOUSE RESOLUTION NO. 58

Celebrating the life of Donna M. Vaughan.

Agreed to by the House of Delegates, February 5, 2024

WHEREAS, Donna M. Vaughan, a hardworking employee of the City of Virginia Beach, dedicated leader of the Virginia Beach 4-H, and a beloved member of the Pungo and Virginia Beach communities, died on August 1, 2023; and

WHEREAS, a native of Auburn, New York, and the oldest of 10 children, Donna Vaughan moved to Princess Anne County in her youth and graduated from Princess Anne High School, where she was active in the 4-H club; and

WHEREAS, Donna Vaughan devoted more than 40 years to the City of Virginia Beach as a member of the locality's finance department, earning a city manager's award for excellent performance in 2003; and

WHEREAS, Donna Vaughan was closely involved with the Virginia Beach 4-H for many years, cultivating meaningful experiences for young people interested in raising animals, engaging in civic matters, and enjoying the comradery of the club; and

WHEREAS, Donna Vaughan gave generously of her time to the community through events with the Creeds Ruritan Club and Virginia Beach Farm Bureau and as a member of the volunteer committee responsible for organizing the Pungo Strawberry Festival, where she was twice named the festival's honorary "Witch of Pungo"; and

WHEREAS, in recognition of her accomplishments promoting agriculture in Virginia Beach, Donna Vaughan was named Woman of the Year in Agriculture in 1993 and Friend of Agriculture in 2001 by the Virginia Beach Excellence in Agriculture Committee; and

WHEREAS, guided throughout her life by her faith, Donna Vaughan was a longtime member of Charity United Methodist Church in Pungo, where she aided the spiritual growth and maturation of innumerable young people as a Sunday school teacher for more than 30 years; and

WHEREAS, Donna Vaughan will be fondly remembered and dearly missed by her children, Robert, William, and James, and their families; her niece Sarah; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Donna M. Vaughan, a treasured member of the Pungo and Virginia Beach communities whose kindness, generosity, and legacy of service touched countless lives; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Donna M. Vaughan as an expression of the House of Delegates' respect for her memory.

HOUSE RESOLUTION NO. 59

Celebrating the life of Joseph Leslie Hoggard.

Agreed to by the House of Delegates, February 5, 2024

WHEREAS, Joseph Leslie Hoggard, an esteemed restaurateur and culinary expert who owned and operated the beloved Ships Cabin restaurant in Norfolk's East Ocean View neighborhood for more than three decades, died on August 27, 2023; and

WHEREAS, after working in his father's restaurant while attending high school in Norfolk, Joseph "Joe" Leslie Hoggard took control of the family business and renamed it The Ships Cabin, changing the restaurant into a fine dining seafood establishment; and

WHEREAS, from 1967 to 2000, Joe Hoggard built The Ships Cabin into one of the region's most adored eateries, earning the first AAA 4-diamond restaurant distinction in southeastern Virginia; and

WHEREAS, Joe Hoggard drew from his travels throughout the United States and Europe as he sought to bring the residents of Norfolk a taste of the culinary traditions of the world; and

WHEREAS, though he served many celebrities in his time, Joe Hoggard always treated every customer with the utmost hospitality and respect, demonstrating a deep commitment to ensuring their comfort and satisfaction; and

WHEREAS, in his later years, Joe Hoggard enjoyed extended periods of time in France and Mexico, as well as trips to Napa and other food destinations, immersing himself in the cultures of those areas, while also collaborating with culinary luminaries of the day; and

WHEREAS, Joe Hoggard will be fondly remembered and dearly missed by his daughter, Tanya; his sister, Janet; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Joseph Leslie Hoggard, a treasured member of the Norfolk community whose kindness and generosity touched countless lives; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Joseph Leslie Hoggard as an expression of the House of Delegates' respect for his memory.

HOUSE RESOLUTION NO. 60

Commending Makayla Bays.

Agreed to by the House of Delegates, February 5, 2024

WHEREAS, Makayla Bays, a member of the Gate City High School girls' volleyball team, set the Virginia High School League girls' volleyball record for most career kills in 2023; and

WHEREAS, Makayla Bays broke the previous Virginia High School League (VHSL) record of 2003 career kills during the Gate City Lady Blue Devil's victory in the Mountain 7 District semifinals on October 24, 2023; and

WHEREAS, Makayla Bays finished her high school career with a total of 2,145 kills over 347 sets played, notching an impressive kill percentage of 48.8 percent; and

WHEREAS, as a testament to her dominance, Makayla Bays' sophomore, junior, and senior seasons all rank in the top 10 in state history for kills in a season; and

WHEREAS, the daughter of a college volleyball coach, Makayla Bays has been working toward this extraordinary athletic milestone from a young age; and

WHEREAS, Makayla Bays has earned numerous accolades in recognition of her accomplishments on the court, including 2023 VHSL Class 2 All-State Player of the Year, *Times News* Southwest Virginia Player of the Year three times; and VHSL Class 2 All-State team, Region 2D Player of the Year, and Mountain 7 District Player of the Year four times; and

WHEREAS, Makayla Bays' success is the result of her hard work and dedication, the leadership and guidance of her coaches and teachers, and the unwavering support of her family and the entire Gate City High School community; now, therefore, be it

RESOLVED by the House of Delegates, That Makayla Bays hereby be commended for setting the Virginia High School League girls' volleyball record for most career kills; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Makayla Bays as an expression of the House of Delegates' admiration for her achievement and best wishes in her future endeavors.

HOUSE RESOLUTION NO. 62

Commending Masjid Aliya.

Agreed to by the House of Delegates, February 5, 2024

WHEREAS, Masjid Aliya, also known as the Islamic Center of Stafford, is a faith organization providing a safe and inspiring place where members of the local Muslim population and like-minded individuals may gather and pray, as well as ample opportunities for outreach and service; and

WHEREAS, the origins of Masjid Aliya may be traced to a group of Stafford locals who were seeking a space for Friday prayer; after outgrowing a hotel conference room and a Boy Scouts of America meeting lodge, the group sought its own dedicated location to allow its congregation to flourish; and

WHEREAS, Masjid Aliya was established in its own dedicated space in 2018 through the generous support of community members, particularly Hamid Ali Khan, who aspired to establish a masjid in the name of his late wife, Aliya; and

WHEREAS, under the leadership of Imam Sherif Shehata, Masjid Aliya currently supports the spiritual growth of its members and the well-being of the community through a variety of endeavors, including a food bank, youth group, Sunday School program, Eid prayers, Quran Academy, potlucks, barbecues, and a career development speaker series; and

WHEREAS, through the unwavering commitment of its members to the organization's mission and values, Masjid Aliya has made a meaningful and lasting impact on the Stafford community; now, therefore, be it

RESOLVED by the House of Delegates, That Masjid Aliya hereby be commended for its service on the occasion of its fifth anniversary in its new dedicated space; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Masjid Aliya as an expression of the House of Delegates' admiration for the masjid's history and its contributions to the Commonwealth.

HOUSE RESOLUTION NO. 63

Commending Glenn Stuart Settle.

Agreed to by the House of Delegates, February 5, 2024

WHEREAS, Glenn Stuart Settle, a distinguished law-enforcement officer, retired as a deputy sheriff with the Richmond County Sheriff's Department in 2023, after a long and successful career; and

WHEREAS, Glenn Settle was a 1965 graduate of George C. Marshall High School in Falls Church and a 1969 graduate of the University of Richmond, from which he earned a bachelor's degree in business administration; and

WHEREAS, on July 7, 1969, Glenn Settle took the oath of office as a police officer with the Arlington County Police Department; and

WHEREAS, Glenn Settle served as a patrol officer and as a special investigations detective in narcotics and vice, then became a district supervisor, overseeing up to 15 patrol officers per shift, while also responding to serious crime scenes; and

WHEREAS, while serving as a police officer in Arlington, Glenn Settle managed the "Doc Maiden Shoe Fund," a charitable fund started by the department and named in honor of a local physician, that provided money to families in need to purchase clothing, glasses, and other necessities for their children; and

WHEREAS, Glenn Settle retired from the Arlington County Police Department in December 1997 with the rank of sergeant after 28 years and five months of outstanding service; and

WHEREAS, Glenn Settle moved to the village of Sharps in Richmond County for his retirement, but ultimately wished to continue serving and protecting members of the public and returned to police work as a deputy sheriff with the Richmond County Sheriff's Department on February 1, 1998; and

WHEREAS, during his time with the Richmond County Sheriff's Department, Glenn Settle was responsible for courtroom security in the local circuit, general district, and juvenile and domestic relations district courts; in 2004, he was designated head of courtroom security; and

WHEREAS, when not in the courtroom, Glenn Settle served civil process, and he became a mentor to a younger generation of law-enforcement officers by passing on his knowledge of courtroom procedure and the proper role of police in society; and

WHEREAS, on May 1, 2023, Glenn Settle retired for the second time after 25 years and three months of service with the Richmond County Sheriff's Department; now, therefore, be it

RESOLVED by the House of Delegates, That Glenn Stuart Settle hereby be commended for his 54 years of honorable service to the residents of the Commonwealth as a police officer; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Glenn Stuart Settle as an expression of the House of Delegates' admiration for his achievements during his exemplary career in law enforcement.

HOUSE RESOLUTION NO. 64

Commending William A. Webb.

Agreed to by the House of Delegates, February 5, 2024

WHEREAS, William A. Webb, a distinguished law-enforcement officer who served the residents of the Northern Neck for 47 years as a member of several police agencies, retired from the Lancaster County Sheriff's Office on September 20, 2023; and

WHEREAS, William "Bill" A. Webb began his career with the Northumberland County Sheriff's Office on January 1, 1976, and graduated from the police academy the following July; and

WHEREAS, Bill Webb served with the Northumberland County Sheriff's Office until 1985, when he joined the Kilmarnock Police Department, then transferred to the Lancaster County Sheriff's Office in 1986; and

WHEREAS, Bill Webb rose through the ranks of the Lancaster County Sheriff's Office to become lieutenant of the patrol division, then lieutenant of the detective division; and

WHEREAS, beginning in 2008, Bill Webb served the community as a part-time courtroom security deputy for the Lancaster County Sheriff's Office and as a part-time detective for the Northumberland County Sheriff's Office; and

WHEREAS, over the course of his career, Bill Webb also served two stints as chief of the White Stone Police Department from August 1992 to July 2002 and from January 2008 to July 2012; and

WHEREAS, Bill Webb returned to the Lancaster County Sheriff's Office as the full-time chief deputy on January 1, 2016, and served in that capacity for seven years; and

WHEREAS, Bill Webb served and protected the residents of the Northern Neck with the utmost dedication, integrity, and professionalism; now, therefore, be it

RESOLVED by the House of Delegates, That William A. Webb hereby be commended on the occasion of his retirement as a law-enforcement officer in 2023; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to William A. Webb as an expression of the House of Delegates' admiration for his legacy of exceptional service to the Northern Neck community.

HOUSE RESOLUTION NO. 65

Commending M. Scott Miller.

Agreed to by the House of Delegates, February 5, 2024

WHEREAS, M. Scott Miller, an esteemed public servant with nearly a half-century of experience at the state and local level, retired from his position as treasurer of Hanover County on December 31, 2023; and

WHEREAS, over his 28-year tenure as treasurer of Hanover County, Scott Miller became a pillar of the locality's operations as he oversaw the receiving and disbursing of funds and implemented an investment program to safely and productively manage the county's assets; and

WHEREAS, as the banker of Hanover County, Scott Miller was responsible for collecting taxes and outstanding debts on behalf of the locality, and throughout the years, he would incorporate new technology and other innovations to facilitate the process for area residents and businesses; and

WHEREAS, Scott Miller advanced his field through his involvement with the Treasurers' Association of Virginia, in which he served as president in 2005–2006 and in numerous other leadership positions; and

WHEREAS, Scott Miller was the recipient of a plethora of accolades and honors in recognition of his many years of meritorious service, including Treasurer of the Year awards from the Treasurers' Association of Virginia in 2004 and 2016; and

WHEREAS, Scott Miller's tireless efforts, steadfast professionalism, and unwavering commitment to the well-being of his community have helped to make Hanover County a wonderful place to live, work, and raise a family; now, therefore, be it

RESOLVED by the House of Delegates, That M. Scott Miller hereby be commended on the occasion of his retirement from his position as treasurer of Hanover County; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to M. Scott Miller as an expression of the House of Delegates' admiration for his legacy of service and best wishes in his future endeavors.

HOUSE RESOLUTION NO. 66

Commending John B. Poindexter and the Tidewater and Big Bend Foundation.

Agreed to by the House of Delegates, February 5, 2024

WHEREAS, John B. Poindexter and the Tidewater and Big Bend Foundation have undertaken an ambitious enterprise to acquire, restore, landscape, and furnish a number of historic properties in New Kent and Charles City Counties to preserve them for the education and enjoyment of the public; and

WHEREAS, the roots of the Tidewater and Big Bend Foundation trace to 1990, when John B. Poindexter initiated a major restoration of the historic Cibolo Creek Ranch in Presidio County, Texas; and

WHEREAS, motivated by the accomplishments of the Cibolo Creek Ranch project and drawn to the New Kent County area because it is the location of the Poindexter ancestral home, Criss-Cross Farm, John B. Poindexter began acquiring and restoring additional properties in New Kent and Charles City Counties in the early 2010s, an endeavor that would evolve into the Tidewater and Big Bend Foundation in 2020; and

WHEREAS, John B. Poindexter has transferred or plans to transfer his property holdings in New Kent and Charles City Counties and Presidio County, Texas, including his largest and oldest holding in New Kent County, Cumberland Estate, as well as Cibolo Creek Ranch, so that they may be preserved for the benefit of future generations; and

WHEREAS, in 2023, John B. Poindexter and the Tidewater and Big Bend Foundation embarked on a multi-million dollar restoration of Hampstead in New Kent County, an exemplary Greek Revival mansion built in 1825; and

WHEREAS, inspired by other historic attractions in the Commonwealth like Williamsburg and Jamestown, John B. Poindexter and the Tidewater and Big Bend Foundation aspire to transport visitors to a different era by restoring Hampstead and other properties to their original, fully functioning state; and

WHEREAS, John B. Poindexter and the Tidewater and Big Bend Foundation have employed craftsmen, historians, archeologists, and academics to better understand the history of their properties and guide the restoration process, as well as biologists and botanists to conserve the local flora and fauna; and

WHEREAS, with great vision and sense of purpose, John B. Poindexter and the Tidewater and Big Bend Foundation have contributed immeasurably to the nationwide effort to connect the public with historic spaces and to foster a deeper understanding of and appreciation for our country's distinguished history; now, therefore, be it

RESOLVED by the House of Delegates, That John B. Poindexter and the Tidewater and Big Bend Foundation hereby be commended for their efforts to preserve the history of the Commonwealth and the nation and to make meaningful historic sites more accessible to the public; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to John B. Poindexter and the Tidewater and Big Bend Foundation as an expression of the House of Delegates' admiration for their mission and best wishes for their success.

HOUSE RESOLUTION NO. 67

Commending the Liberty Christian Academy football team.

Agreed to by the House of Delegates, February 5, 2024

WHEREAS, the Liberty Christian Academy football team of Lynchburg won the Virginia High School League Class 3 state championship on December 9, 2023, at Liberty University's Williams Stadium; and

WHEREAS, the Liberty Christian Academy Bulldogs defeated the Lafayette High School Rams of Williamsburg by a score of 28-14 to bring home the program's first Virginia High School League state championship title; and

WHEREAS, after going into halftime with a 21-0 lead, the Liberty Christian Bulldogs staved off a late comeback by the Lafayette Rams, sealing the victory with a 44-yard touchdown off a reverse and a series of tough defensive stops toward the end of regulation; and

WHEREAS, the Liberty Christian Bulldogs' victory was a total team effort, with a standout performance from running back Gideon Davidson, who rushed for 302 yards and three touchdowns and also secured two interceptions on defense; and

WHEREAS, the Liberty Christian Bulldogs saw impressive play on both sides of the ball throughout the season as the team marched its way to a perfect 14-0 record and its first undefeated season since joining the Virginia High School League in the 2015-2016 academic year; and

WHEREAS, the Liberty Christian Bulldogs' win marks the first time in the 110-year history of the Virginia High School League that a private school's team won a football championship in any of the league's six classifications; and

WHEREAS, the success of the Liberty Christian Bulldogs is the result of the hard work and dedication of the student-athletes, the leadership and guidance of their coaches and teachers, and the unwavering support of their families and the entire Liberty Christian Academy community; now, therefore, be it

RESOLVED by the House of Delegates, That the Liberty Christian Academy football team hereby be commended for winning the 2023 Virginia High School League Class 3 state championship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Frank Rocco, coach of the Liberty Christian Academy football team, as an expression of the House of Delegates' admiration for the team's achievement.

HOUSE RESOLUTION NO. 68

Commending the S. Delois Mayes Scholarship Foundation.

Agreed to by the House of Delegates, February 5, 2024

WHEREAS, the S. Delois Mayes Scholarship Foundation, a 501(c)(3) public charity supporting the educational ambitions of high school students in Suffolk, commemorates its 10th anniversary in 2023; and

WHEREAS, the S. Delois Mayes Scholarship Foundation was established in 2013 to honor the life and memory of Shontoyia Delois Mayes, an inspirational young woman and graduate of Old Dominion University who tragically lost her life in a car accident in 2002; and

WHEREAS, Shontoyia Delois Mayes' perseverance in the pursuit of her education and desire to help others learn from her experience motivated the founders of the S. Delois Mayes Scholarship Foundation and guides the organization's mission to this day; and

WHEREAS, the S. Delois Mayes Scholarship Foundation offers general scholarships to high school seniors attending one of the three public high schools in Suffolk, contributing greatly to their ability to afford college and pursue their dreams and aspirations; and

WHEREAS, in 2016, the S. Delois Mayes Scholarship Foundation established its Rosie Ellis-Fields Scholarship to annually assist a rising college student from Suffolk with intentions to major in a healthcare field; and

WHEREAS, since its founding, the S. Delois Mayes Scholarship Foundation has gifted more than $100,000 in scholarships to graduates of Suffolk Public Schools, a profound and lasting tribute to the life of Shontoyia Delois Mayes; and

WHEREAS, by unburdening tomorrow's leaders of the financial constraints presented by a college education, the S. Delois Mayes Scholarship Foundation has fostered brighter futures for many young people and made Suffolk a more wonderful place to live, work, and raise a family; now, therefore, be it

RESOLVED by the House of Delegates, That the S. Delois Mayes Scholarship Foundation hereby be commended for its achievements on the occasion of its 10th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the S. Delois Mayes Scholarship Foundation as an expression of the House of Delegates' high regard for its admirable contributions to the success of young people in the Commonwealth.

HOUSE RESOLUTION NO. 69

Commending C. Thomas Tiller, Jr.

Agreed to by the House of Delegates, February 5, 2024

WHEREAS, C. Thomas Tiller, Jr., an esteemed public servant, retired from the New Kent County Board of Supervisors in 2023; and

WHEREAS, since the 1980s, C. Thomas "Tommy" Tiller, Jr., has lived in New Kent County with his family and owned a painting and wallcovering business that operates in the area; and

WHEREAS, Tommy Tiller embarked upon his career in public service following an appointment in 1988 to what was then the New Kent County Safety and Transportation Board; and

WHEREAS, Tommy Tiller was appointed in 2004 to the New Kent County Planning Commission, where he served for eight years before being elected District 2 representative on the New Kent County Board of Supervisors; and

WHEREAS, Tommy Tiller proudly served his constituents and worked tirelessly to advocate on behalf of their interests and concerns over his 12 years on the New Kent County Board of Supervisors; and

WHEREAS, Tommy Tiller was selected to serve as chair of the New Kent County Board of Supervisors in 2015, 2019, and 2023 and also remained on the New Kent County Planning Commission as the board representative for the past 12 years; and

WHEREAS, the accomplishments of the New Kent County Board of Supervisors during Tommy Tiller's tenure include new public facilities, such as a fire station, park, library, school, and medical center, and several notable ventures that have improved the locality's marketability to new businesses; and

WHEREAS, Tommy Tiller's deep commitment to his community and the residents of New Kent County have helped to make the locality a wonderful place to live, work, and raise a family; now, therefore, be it

RESOLVED by the House of Delegates, That C. Thomas Tiller, Jr., hereby be commended for his service on the New Kent County Board of Supervisors; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to C. Thomas Tiller, Jr., as an expression of the House of Delegates' admiration for his contributions to the Commonwealth and best wishes in his future endeavors.

HOUSE RESOLUTION NO. 70

Commending Angela Kelly-Wiecek.

Agreed to by the House of Delegates, February 5, 2024

WHEREAS, Angela Kelly-Wiecek, an esteemed public servant, ended her term on the Hanover County Board of Supervisors upon assuming her role as chief deputy director of the newly formed Department of Workforce Development and Advancement on October 6, 2023; and

WHEREAS, Angela Kelly-Wiecek was elected as the Chickahominy District representative on the Hanover County Board of Supervisors in November 2011 and proudly served her constituents for more than a decade, including terms as board chair in 2017 and 2022; and

WHEREAS, during her tenure with the Hanover County Board of Supervisors, Angela Kelly-Wiecek represented the county as a member of the board of directors of the Greater Richmond Partnership, as well as through her work with the Capital Region Collaborative, Richmond Region Tourism, and other ventures; and

WHEREAS, the Hanover County Board of Supervisors' accomplishments while Angela Kelly-Wiecek was a member include several new public facilities, public safety enhancements, road improvements, high-speed internet development, and other initiatives designed to raise the quality of life in Hanover County; and

WHEREAS, as an industrial marketing consultant professionally, Angela Kelly-Wiecek brought more than 25 years of communications and public relations experience to bear to advance Hanover County's efforts in the areas of communications, citizen engagement, and public transparency; and

WHEREAS, Angela Kelly-Wiecek holds an associate's degree in science from Richard Bland College and a bachelor's degree in business administration from Averett University and is a graduate of Hanover County's Citizens' Planning Academy; and

WHEREAS, Angela Kelly-Wiecek's exemplary leadership and commitment to the health and well-being of Hanover County have helped to make the locality a wonderful place to live, work, and raise a family; now, therefore, be it

RESOLVED by the House of Delegates, That Angela Kelly-Wiecek hereby be commended at the conclusion of her service on the Hanover County Board of Supervisors; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Angela Kelly-Wiecek as an expression of the House of Delegates' admiration for her contributions to Hanover County and best wishes in her future endeavors.

HOUSE RESOLUTION NO. 71

Commending John Joseph McLaughlin, Jr.

Agreed to by the House of Delegates, February 5, 2024

WHEREAS, John Joseph McLaughlin, Jr., an esteemed law-enforcement officer, retired from his position as sheriff of New Kent County on December 31, 2023; and

WHEREAS, John Joseph "Joe" McLaughlin, Jr., joined the New Kent County Sheriff's Office in 1981 after graduating from New Kent High School and earning a bachelor's degree in administration of justice and public safety from Virginia Commonwealth University; and

WHEREAS, Joe McLaughlin began his career with the New Kent County Sheriff's Office as a deputy sheriff and was subsequently promoted to sergeant investigator in 1986, lieutenant in 1991, captain in 1995, and lieutenant colonel and chief deputy in 1998 before being elected sheriff in November 2015; and

WHEREAS, as sheriff, Joe McLaughlin oversaw a department responsible for ensuring the public safety of more than 24,000 residents in New Kent County through a variety of crime reduction endeavors and strategies; and

WHEREAS, Joe McLaughlin has advanced the use of best practices by law-enforcement professionals in the Commonwealth as a member of the Virginia Highway Safety Committee, the Virginia Law Enforcement Professional Standards Commission, and the Virginia Sheriffs' Institute Board of Directors; and

WHEREAS, beyond his work with the New Kent County Sheriff's Office, Joe McLaughlin has supported his community as a longtime member of the Quinton Volunteer Fire Department, Company No. 2, where he served as chief from 1981 to 1985 and is currently a life member; and

WHEREAS, Joe McLaughlin has received several accolades in recognition of his accomplishments as a law-enforcement officer, including the Donald Benson Award from the Virginia Forensic Science Academy in 1986 and the Virginia Law Enforcement Professional Standards Commission Executive Board Award in 2009; and

WHEREAS, through his experienced leadership and devotion to the safety and well-being of others, Joe McLaughlin has enhanced the quality of life in New Kent County and earned the admiration of all Virginians; now, therefore, be it

RESOLVED by the House of Delegates, That John Joseph McLaughlin, Jr., hereby be commended for his 42 years of service with the New Kent County Sheriff's Office on the occasion of his retirement as sheriff; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to John Joseph McLaughlin, Jr., as an expression of the House of Delegates' high regard for his contributions to New Kent County and the Commonwealth.

HOUSE RESOLUTION NO. 72

Commending Ed Clark.

Agreed to by the House of Delegates, February 12, 2024

WHEREAS, Ed Clark, a distinguished conservation advocate and co-founder and longtime president of the Wildlife Center of Virginia, will retire in March 2024; and

WHEREAS, a native of Flint Hill, Ed Clark worked for some time as an educator at the Virginia School for the Deaf and the Blind in Staunton and, in 1979, embarked on his career in conservation as president of the Virginia Wilderness Committee; and

WHEREAS, Ed Clark honed his abilities as a nonprofit leader as the first official executive director of what is now the Virginia Conservation Network and, in 1982, he founded the nonprofit animal hospital for native wildlife that would become the Wildlife Center of Virginia; and

WHEREAS, for the past 41 years, Ed Clark has led the Wildlife Center of Virginia, developing it from a small, local wildlife rehabilitation facility into one of the nation's preeminent training and research centers for the care and treatment of wildlife; and

WHEREAS, under Ed Clark's guidance, the Wildlife Center of Virginia has treated nearly 100,000 wildlife patients, trained more than 1,000 veterinary students and professionals from every veterinary school in the United States and Canada and nearly 40 other countries, and informed millions of people through its in-person and online programs and trainings; and

WHEREAS, Ed Clark led the Wildlife Center of Virginia's development of the first comprehensive national wildlife health database in order to monitor the threat of emerging diseases among wildlife and to investigate environmental and pathological problems impacting their health; and

WHEREAS, with Ed Clark's support, members of the Wildlife Center of Virginia have advanced wildlife scholarship through groundbreaking clinical research and numerous articles in peer-reviewed journals and publications; and

WHEREAS, Ed Clark hosted multiple television series over the years on PBS and Animal Planet and appeared on national programs and channels such as the TODAY show, Larry King Live, and Fox News to promote the work of the Wildlife Center of Virginia and other conservation causes; and

WHEREAS, as a result of Ed Clark's tireless advocacy in the 1980s, the General Assembly voted to amend the Commonwealth's laws regarding the use of pesticides to better protect the health and well-being of wildlife; and

WHEREAS, in his retirement, Ed Clark plans to remain involved in conservation efforts and to continue advocating for the protection of our precious wildlife and natural resources; now, therefore, be it

RESOLVED by the House of Delegates, That Ed Clark, future president emeritus and co-founder of the Wildlife Center of Virginia, hereby be commended on the occasion of his retirement; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Ed Clark as an expression of the House of Delegates' admiration for his remarkable career and many noteworthy contributions to the Commonwealth.

HOUSE RESOLUTION NO. 73

Commending the Weyers Cave Ruritan Club.

Agreed to by the House of Delegates, February 12, 2024

WHEREAS, Weyers Cave Ruritan Club, a noble and distinguished civic organization serving the community of Weyers Cave and beyond through a number of programs and initiatives, celebrates its 85th anniversary on April 13, 2024; and

WHEREAS, with a generous donation from the Houff family, the Weyers Cave Ruritan Club established the Weyers Cave Ruritan Park, a 25-acre park featuring a walking trail, athletic fields, a playground, and other amenities for the community to enjoy; and

WHEREAS, the Weyers Cave Ruritan Club spearheaded the creation of the Weyers Cave Community Center, completed in 1994, which provides a welcoming place for groups and people to gather for recreation, classes, meetings, parties, and more; and

WHEREAS, the Weyers Cave Ruritan Club held its 21st annual American Red Cross summer blood drive on July 29, 2023, greatly aiding area hospitals in their efforts to address the medical needs of their patients; and

WHEREAS, the Weyers Cave Ruritan Club fosters goodwill and festive cheer during the holiday season each year by offering a Breakfast with Santa event that attracts hundreds of children and their families; and

WHEREAS, in its early years, the Weyers Cave Ruritan Club encouraged the health and well-being of Weyers Cave residents by funding the installation of lights at a local ball park; the organization has continued this project over the years through its support of local athletic leagues and youth activities and its annual softball tournament; and

WHEREAS, the Weyers Cave Ruritan Club raises funds for its service projects by selling barbecue chicken and pork, a culinary treat beloved by the community, as well as by hosting entertaining dinners and concerts; and

WHEREAS, the Weyers Cave Ruritan Club strives to ensure that no individual or family goes without food by actively contributing to the Verona Community Food Pantry, which serves nearly 1,000 people per month in the Augusta County, Staunton, and Waynesboro areas; and

WHEREAS, through visionary leadership and the indefatigable efforts of its volunteer members, the Weyers Cave Ruritan Club has helped to make Weyers Cave a wonderful place to live, work, and raise a family; now, therefore, be it

RESOLVED by the House of Delegates, That the Weyers Cave Ruritan Club hereby be commended on the occasion of its 85th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Weyers Cave Ruritan Club as an expression of the House of Delegates' admiration for the organization's history and its legacy of service.

HOUSE RESOLUTION NO. 74

Celebrating the life of Douglas W. Shifflett, Sr.

Agreed to by the House of Delegates, February 12, 2024

WHEREAS, Douglas W. Shifflett, Sr., the former mayor of the Town of Grottoes in the Shenandoah Valley, died on November 24, 2023; and

WHEREAS, Douglas "Doug" W. Shifflett, Sr., grew up in Rockingham County and graduated from Elkton High School, where he was a member of the football, baseball, basketball, and track teams; and

WHEREAS, Doug Shifflett continued to participate in athletics after his school years and remained an avid baseball fan throughout his life; he played for teams in the Valley Baseball League and the Rockingham County Baseball League and also served as manager of the Grottoes Cardinals baseball team; and

WHEREAS, in recognition of his athletic achievements, Doug Shifflett was inducted into the Rockingham County Baseball League Hall of Fame with the Class of 2015; and

WHEREAS, desirous to be of service to the community, Doug Shifflett ran for and was elected as mayor of Grottoes, and in that capacity he provided outstanding leadership to town staff and local residents for 18 years; and

WHEREAS, predeceased by his wife, Kathy, and one daughter, Jeanette, Doug Shifflett will be fondly remembered and greatly missed by his children, Jeff Shifflett, Doug Shifflett, Jr., Tim Nicely, and Jeff Nicely, and their families, and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Douglas W. Shifflett, Sr., a former public servant and highly admired member of the Grottoes community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Douglas W. Shifflett, Sr., as an expression of the House of Delegates' respect for his memory.

HOUSE RESOLUTION NO. 75

Commending the Middle River Church of the Brethren.

Agreed to by the House of Delegates, February 12, 2024

WHEREAS, for 200 years, the Middle River Church of the Brethren in Fort Defiance has provided members of the Augusta County community with uplifting occasions for worship, joyful moments of fellowship, and meaningful opportunities for outreach; and

WHEREAS, the origins of Middle River Church may be traced to the first Brethren to migrate south from Pennsylvania and Maryland into the Commonwealth, who were among the first settlers in the Shenandoah Valley; and

WHEREAS, the first Brethren settlement in Northern Virginia was established by John Garber in 1775; his son, Abraham Garber, then later founded Middle River Church, the first Brethren church in Augusta County, in 1824 after years of leading services in the area; and

WHEREAS, Middle River Church was ably led by a series of ministers in its early years, including Abraham Garber, his son John Garber, Peter Miller, Daniel Brower, Jacob Brower, Martin Garber, and John Miller; and

WHEREAS, Middle River Church was a prominent congregation within the Church of the Brethren by the mid-19th century, hosting the church's annual meeting in 1851; and

WHEREAS, after swelling to more than 500 members across a broad area, the Middle River Church expanded into additional places of worship, the Pleasant Valley church house in 1854 and the Barren Ridge meeting house in 1856; and

WHEREAS, members of the Middle River Church cared for wounded soldiers for a month following the Battle of Piedmont of the Civil War, which took place on June 5, 1864, in proximity of the church; and

WHEREAS, the Middle River Church is currently in its third church building after the first was replaced in 1884 and the second in 1964, providing a warm and accommodating place for the congregation to gather; and

WHEREAS, the Middle River Church has promoted the spiritual growth and development of its members and provided them with moral guidance and a sense of belonging for the past two centuries, contributing greatly to the well-being of the Augusta County community; now, therefore, be it

RESOLVED by the House of Delegates, That the Middle River Church of the Brethren in Fort Defiance hereby be commended on the occasion of its 200th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Middle River Church of the Brethren as an expression of the House of Delegates' admiration for the church's legacy of service in Augusta County and the Commonwealth.

HOUSE RESOLUTION NO. 76

Celebrating the life of Elizabeth Patterson Epps.

Agreed to by the House of Delegates, February 12, 2024

WHEREAS, Elizabeth Patterson Epps, an esteemed federal employee and beloved member of the communities of Prince William and Spotsylvania Counties, died on October 30, 2023; and

WHEREAS, a native of South Carolina, Elizabeth Epps moved to Brooklyn, New York, as a child, where she would go on to graduate from James Madison High School and earn a bachelor's degree in history from Hunter College; she then later obtained master's degrees in history and business administration from George Mason University; and

WHEREAS, Elizabeth Epps devoted 46 years to the United States federal government, starting in 1975 as an archivist with what would become the National Archives and Records Administration; and

WHEREAS, shortly thereafter, Elizabeth Epps transferred to the General Services Administration, working tirelessly to support the agency's operations and finance departments over the next 35 years; and

WHEREAS, Elizabeth Epps ended her career with the U.S. Department of Agriculture, where she continued developing system processes for the federal government while preparing the next generation of government workers, up to her retirement in May 2021; and

WHEREAS, Elizabeth Epps gave generously of her time to her community as an appointee to the Prince William County Area Agency on Aging, as a member of the Stafford County and Spotsylvania County branches of the NAACP, and as a poll worker in Spotsylvania County; and

WHEREAS, guided in life by her faith, Elizabeth Epps enjoyed worship and fellowship with the communities of both Refreshing Spring Church of God in Christ in Riverdale, Maryland, and God Glorified Church of God in Christ in Silver Spring, Maryland, finding immense joy in teaching Sunday school at both churches for decades; and

WHEREAS, preceded in death by her loving husband, Sterling, Elizabeth Epps will be fondly remembered and dearly missed by her children, Veronica, Alyssa, Markus, Elena, Fatima, and Diantha, and their families and by numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Elizabeth Patterson Epps, a cherished member of the communities of Prince William and Spotsylvania Counties whose kindness and generosity touched countless lives; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Elizabeth Patterson Epps as an expression of the House of Delegates' respect for her memory.

HOUSE RESOLUTION NO. 77

Commending the Virginia Black Chamber of Commerce.

Agreed to by the House of Delegates, February 12, 2024

WHEREAS, the Virginia Black Chamber of Commerce was established in 2023 to support and empower Black-owned businesses and foster economic prosperity throughout the Commonwealth; and

WHEREAS, the Virginia Black Chamber of Commerce (VABCC) promotes business development and contributes to the stability of the Commonwealth's small business community through advocacy and various service initiatives benefitting its members; and

WHEREAS, the origins of the VABCC date to the launch of the Virginia Black Business Directory (VBBD) in January 2020, an endeavor that offers a comprehensive resource detailing hundreds of Black-owned businesses; and

WHEREAS, following the success of the VBBD, the VABCC was founded by Tracey J. Hall, Ernisha M. Hall and Michelle M. Riddick to create a more structured entity to broaden and further the initiative's objectives; and

WHEREAS, the VABCC achieves its goals by increasing its members' visibility and exposure and fostering valuable networking opportunities, cultivating an environment in the Commonwealth in which businesses can thrive; and

WHEREAS, the VABCC's efforts in the area of education include the launch of its Empowering Black Entrepreneurs Business Accelerator Pilot Program, implemented with the support of GO Virginia and the Department of Housing and Community Development, which is designed to guide and inspire the next generation of Black entrepreneurs and innovators; and

WHEREAS, the VABCC has continued to flourish since its founding and now has the support of more than 1,000 active members, making it one of the largest chambers of commerce devoted to Black businesses in the Commonwealth; and

WHEREAS, by lifting Black businesses and providing them with the resources they need to succeed, the VABCC has made an immeasurable impact on communities across the Commonwealth; now, therefore, be it

RESOLVED by the House of Delegates, That the Virginia Black Chamber of Commerce hereby be commended for promoting and empowering Black businesses in the Commonwealth; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Virginia Black Chamber of Commerce as an expression of the House of Delegates' admiration for the organization's accomplishments.

HOUSE RESOLUTION NO. 78

Celebrating the life of Lisa Nelson Robertson.

Agreed to by the House of Delegates, February 12, 2024

WHEREAS, Lisa Nelson Robertson, a beloved daughter, wife, mother, and grandmother, renowned faith leader, and member of the Virginia Beach community, died on December 30, 2023; and

WHEREAS, Lisa Robertson graduated from Sweet Briar College in 1976, where an invitation to the Southern Baptist minister and Christian broadcaster Pat Robertson to speak at the annual religious conference she organized changed the trajectory of her life forever, connecting her with her husband, Timothy, Pat Robertson's son, who she married that same year; and

WHEREAS, Lisa Robertson began her successful career in advertising sales in Boston, first in print and soon thereafter in television, serving as the top biller at what was then WXNE-TV; and

WHEREAS, Lisa Robertson retired from advertising after the birth of her first child to devote herself wholeheartedly to the calling of motherhood, working tirelessly to raise and teach her five children; and

WHEREAS, Lisa Robertson was guided by her faith throughout her life and was forever ready and eager to share her wisdom, encouragement, and prayer support with others; and

WHEREAS, Lisa Robertson started a women's Bible study at Galilee Church in Virginia Beach, which has continued for nearly 40 years, and founded the Changing Seasons outreach program, which since the early 2000s has produced an uplifting speaker program featuring acclaimed faith leaders, entertainers, athletes, and others; and

WHEREAS, Lisa Robertson faithfully served with the boards of the Museum of the Bible and the Proverbs 31 Ministries and was a founding board member of the North American branch of Alpha, an outreach program supporting local churches; and

WHEREAS, Lisa Robertson authored a number of publications distilling her wisdom and faith for the benefit of others, including *The Path of Life: Walking in the Loving Presence of God*, *Advent: Making Christmas About Christ*, and a series of Bible study guides; and

WHEREAS, Lisa Robertson advocated effectively for early childhood education through board membership with Elevate Early Education and its predecessor Smart Beginnings South Hampton Roads and, in recognition of her expertise in the area, was appointed by Governor Robert F. McDonnell to serve on the Virginia Advisory Board on Child Abuse and Neglect in 2012; and

WHEREAS, Lisa Robertson will be fondly remembered and dearly missed by her loving husband of 46 years, Timothy; her children, Laura, Elizabeth, Willis, Caroline, and Abigail, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Lisa Nelson Robertson, a cherished member of the Virginia Beach community whose faith and commitment to serving others inspired all who knew her; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Lisa Nelson Robertson as an expression of the House of Delegates' respect for her memory.

HOUSE RESOLUTION NO. 79

Commending the Stafford County Public Schools Teachers of the Year.

Agreed to by the House of Delegates, February 12, 2024

WHEREAS, the Stafford County Public Schools Teachers of the Year are educators who embrace the vital role teachers play in our communities as they guide the intellectual, social, and emotional growth of our young people; and

WHEREAS, Stafford County has benefitted greatly from the work of the educators recently recognized as the Stafford County Public Schools (SCPS) Teachers of the Year, a cadre of exceptional educators who tirelessly pursue excellence both in the classroom and beyond; and

WHEREAS, the SCPS Teachers of the Year exemplify the qualities of great educators and are steadfast advocates for their students, inspiring and encouraging them to reach their potential and achieve their dreams; and

WHEREAS, the SCPS Teachers of the Year are consistently improving and honing their approach to education to meet the needs of their classrooms, while fostering positive and meaningful relationships with students, parents, and colleagues; and

WHEREAS, the SCPS Teachers of the Year have been an integral part of what makes Stafford County a wonderful place to live, work, and raise a family; now, therefore, be it

RESOLVED by the House of Delegates, That the Stafford County Public Schools Teachers of the Year hereby be commended for their efforts to educate Stafford County's students and to prepare them for future success both in and out of the classroom; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Stafford County Public Schools Teachers of the Year as an expression of the House of Delegates' admiration for their contributions to Stafford County and the Commonwealth.

HOUSE RESOLUTION NO. 80

Celebrating the life of Barnabas Stiltner.

Agreed to by the House of Delegates, February 12, 2024

WHEREAS, Barnabas Stiltner, a retired law-enforcement officer, talented musician, and beloved husband, father, and grandfather in Grundy, died on January 11, 2024; and

WHEREAS, a lifelong resident of Buchanan County, Barnabas "Barney" Stiltner was born in Grundy to the late Randolph and Oria Stiltner; and

WHEREAS, Barney Stiltner served his country as a member of the United States Army, then returned to the Commonwealth, where he safeguarded his fellow Grundy residents with the Grundy Police Department for 34 years; and

WHEREAS, Barney Stiltner was a talented musician and vocalist throughout his life, and he shared his gifts with others as the host of a local music show on Saturday nights; and

WHEREAS, Barney Stiltner also enjoyed fellowship and worship with the community at Grundy Bible Church; and

WHEREAS, Barney Stiltner relished every opportunity to spend time with family and friends and imparted his lifetime of wisdom to his daughter and grandchildren; and

WHEREAS, Barney Stiltner will be fondly remembered and greatly missed by his devoted wife of 40 years, Mary Ellen; his daughter, Marilyn, and her family; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Barnabas Stiltner, a highly admired former police officer and active member of the Grundy community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Barnabas Stiltner as an expression of the House of Delegates' respect for his memory.

HOUSE RESOLUTION NO. 81

Commending Friends Uniting Nokesville.

Agreed to by the House of Delegates, February 12, 2024

WHEREAS, Friends Uniting Nokesville, a nonprofit organization dedicated to promoting events and activities that strengthen the Nokesville community, celebrates its 20th anniversary in 2024; and

WHEREAS, founded in 2004, Friends Uniting Nokesville (F.U.N.) lives up to the organization's motto, "Bringing Neighbors Together," by proudly producing the annual Nokesville Day Parade, local Christmas tree lighting event, and the Nokesville Community Christmas Parade; and

WHEREAS, F.U.N. advances the efforts of fellow community organizations such as the Nokesville Business Association and the Nokesville-Bristow Ruritan Club and supports a variety of other local events throughout the year; and

WHEREAS, the accomplishments of F.U.N. are the result of the tireless efforts of the organization's all-volunteer staff and the unwavering support of Nokesville's residents; and

WHEREAS, by fostering a greater sense of community and togetherness, F.U.N. has made Nokesville a more wonderful place to live, work, and raise a family; now, therefore, be it

RESOLVED by the House of Delegates, That Friends Uniting Nokesville hereby be commended on the occasion of the organization's 20th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Friends Uniting Nokesville as an expression of the House of Delegates' admiration for the organization's history and its contributions to the Commonwealth.

HOUSE RESOLUTION NO. 82

Commending the Douglas Alumni Association.

Agreed to by the House of Delegates, February 12, 2024

WHEREAS, the Douglas Alumni Association, a nonprofit organization composed of alumni of the historic Douglas School in Winchester, was instrumental in preserving and honoring the history of African Americans in Winchester through its efforts to establish the Douglas School museum; and

WHEREAS, after years of petitioning the Winchester school board for a better facility to educate the Black students of Winchester, the Douglas School was moved to a new building on North Kent Street in 1927; from then until the integration of Winchester Public Schools in 1966, the building served as the school for Black students in the Winchester area; and

WHEREAS, listed on the Virginia Landmarks Register and the National Register of Historic Places, the Douglas School subsequently served as an intermediate school, elementary school, and community center before becoming offices for Winchester Public Schools administration in 2022; and

WHEREAS, to ensure that the legacy of the Douglas School would be understood and appreciated by future generations, members of the Douglas Alumni Association advocated for dedicating part of the building to a museum about the school's history; and

WHEREAS, members of the Douglas Alumni Association were involved in the museum at every stage of its development, including by collecting artifacts for display and by advising the curatorial decisions for the museum's gallery spaces; and

WHEREAS, the information and signage at the Douglas School museum are largely based off the book *History of Douglas School–Winchester, Virginia: A Tribute to Endurance, Belief, Perseverance, and Success* by Douglas Alumni Association members Judy Humbert and June Gaskins-Davis; in 2023, Judy Humbert was recognized by the Winchester Branch of the American Association of University Women as its Woman of the Year; and

WHEREAS, the Douglas Alumni Association's accomplishments were the result of the tireless devotion of Douglas School alumni, including Carmen Crawford, Tommy Dixon, Sandra Finley, Charles Harris, Sharon Harris, and Judy Humbert; community members such as Becky Ebert; and Winchester Public Schools staff, including Maggie McCampbell Lien, Ed Smith, Clarence Smith, and Veronique N. Walker; and

WHEREAS, the Douglas Alumni Association has helped to create a meaningful place that students and members of the community may visit to reflect on the history of African Americans in Winchester and the role that the Douglas School played in the life and culture of the city in the 20th century; now, therefore, be it

RESOLVED by the House of Delegates, That the Douglas Alumni Association hereby be commended for preserving and honoring the history of African Americans in Winchester through its efforts to establish the Douglas School museum; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Douglas Alumni Association as an expression of the House of Delegates' admiration for its contributions to Winchester and the Commonwealth.

HOUSE RESOLUTION NO. 83

Commending Solenberger's True Value Hardware.

Agreed to by the House of Delegates, February 19, 2024

WHEREAS, for the past 135 years, Solenberger's True Value Hardware in Winchester has met the home and garden needs of the Northern Shenandoah Valley region, while exemplifying a spirit of entrepreneurialism and goodwill that is central to the community's character; and

WHEREAS, Solenberger's True Value Hardware was founded in 1888 by John "JNO" S. Solenberger and his cousin Daniel Stouffer as a store for farm implements and wagons; JNO Solenberger later bought out Daniel Stouffer's share of the business in 1905 and Solenberger and Stouffer became JNO S. Solenberger & Co., Inc.; and

WHEREAS, following a catastrophic fire in 1908, JNO S. Solenberger & Co. moved to a location on Loudoun Street in Winchester, where it would operate for the next 85 years until moving to its current location on Berryville Avenue in 1993; and

WHEREAS, following the death of JNO Solenberger in 1935, JNO S. Solenberger & Co. was owned and operated by his three sons, Howard, Hugh, and Herbert, for several years; the ownership of the store has since passed to Hugh Solenberger's son John T. Solenberger, Sr., and subsequently to John T. Solenberger's children, John T. Solenberger, Jr., and Cyndi Solenberger; and

WHEREAS, from its origins as a farm implement and wagon store to the general hardware and sporting goods store that it is today, Solenberger's True Value Hardware has stayed in business over the years by adopting to the needs and interests of its customers; and

WHEREAS, Solenberger's True Value Hardware was built on the values of trust and integrity and since its founding has maintained an unwavering commitment to being a force for good in the lives of both its customers and employees; and

WHEREAS, today, Solenberger's True Value Hardware offers everything one could want for their home and garden, while its employees, some of whom are either fifth generation Solenberger or have been with the company upwards of a half-century, have the training and expertise necessary to answer any building or repair question a customer may have; and

WHEREAS, Solenberger's True Value Hardware generously gives back to the community through annual fundraising events benefiting the Winchester Area Temporary Thermal Shelter and the Winchester Rescue Mission; and

WHEREAS, in addition to various commemorative events, Solenberger's True Value Hardware has unveiled an in-store museum exhibiting artifacts from the company's past to provide members of the community with the opportunity to reflect upon the store's history and its legacy of service; now, therefore, be it

RESOLVED by the House of Delegates, That Solenberger's True Value Hardware of Winchester hereby be commended on the occasion of its 135th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Solenberger's True Value Hardware as an expression of the House of Delegates' congratulations and best wishes for the store's continued success.

HOUSE RESOLUTION NO. 84

Commending the Fauquier Free Clinic.

Agreed to by the House of Delegates, February 12, 2024

WHEREAS, the Fauquier Free Clinic, a nonprofit organization dedicated to ensuring that uninsured or underinsured individuals and families in Fauquier and Rappahannock Counties receive the comprehensive health care services they need, commemorated its 30th anniversary in 2023; and

WHEREAS, from 1993 through 2006, the Fauquier Free Clinic operated outside of regular business hours in the Fauquier County Health Department building; over that time, the program grew from assisting 490 patients in its first year to more than 839 patients in 2006; and

WHEREAS, to address the increasing need for its services, the Fauquier Free Clinic moved into its own building on West Shirley Avenue in 2006 with the support of Fauquier Hospital and various businesses, foundations, and donors in the community; and

WHEREAS, recognizing the value of consolidating its medical, dental, and mental health services in one location, the Fauquier Free Clinic launched its "Under One Roof" capital campaign in 2013; and

WHEREAS, the Fauquier Free Clinic recently partnered with what is now known as the PATH Foundation to move its medical, dental, and mental health services to a new location at 35 Rock Pointe Lane; and

WHEREAS, the impact of the Fauquier Free Clinic grows with each passing year; in 2022 alone, the clinic saw 1,733 unique patients and provided 9,731 free care visits, 1,489 dental hygienist visits, 406 diabetes and diet teaching visits, and 2,015 mental health clinician visits; and

WHEREAS, the Fauquier Free Clinic annually hosts its Piedmont Smiles event, a free community dental day in which hundreds of patients receive dental care services, including fillings, extractions, surgical care, and cleanings; and

WHEREAS, the accomplishments of the Fauquier Free Clinic are the results of the unwavering commitment of the organization's clinicians, nurses, staff, and volunteers, who work tirelessly to secure positive health outcomes for vulnerable and underserved members of the community; now, therefore, be it

RESOLVED by the House of Delegates, That the Fauquier Free Clinic, an organization providing vital health services to residents of Fauquier and Rappahannock Counties, hereby be commended on the occasion of its 30th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Fauquier Free Clinic as an expression of the House of Delegates' admiration for the organization's history and legacy of service.

HOUSE RESOLUTION NO. 86

Celebrating the life of Roger Allen Welch.

Agreed to by the House of Delegates, February 12, 2024

WHEREAS, Roger Allen Welch, an honorable veteran, accomplished electrical engineer, esteemed public servant and civic leader, and beloved member of the Rappahannock County community, died on December 11, 2023; and

WHEREAS, a native of Front Royal, Roger Welch graduated from Rappahannock County High School and attended Virginia Polytechnic Institute and State University before he was drafted during the Vietnam War; and

WHEREAS, Roger Welch served the country with honor and distinction as a submariner with the United States Navy from 1967 to 1973, during which time he was an electrical technician aboard the USS *Sea Leopard* and the USS *Amberjack*, earning achievement awards in 1970 and 1971; and

WHEREAS, Roger Welch earned a degree in electrical engineering from J. Sargeant Reynolds Community College then worked for more than 35 years at General Electric's factory automation department in Richmond, writing many computer numerical control manuals for the company during that time; and

WHEREAS, Roger Welch's generous spirit extended throughout the community through his involvement with a number of local civic organizations, including terms as president of both the Rappahannock Lions Club and the Rappahannock County High School Boosters Club; and

WHEREAS, for 22 years, Roger Welch proudly represented his constituents as the Wakefield District Supervisor on the Rappahannock County Board of Supervisors, including 10 years as chair and nine years on the Rappahannock-Rapidan Regional Commission, completing his public service on December 31, 2019; and

WHEREAS, while bravely battling Parkinson's disease for 15 years, Roger Welch selflessly volunteered to serve as a case study for doctors at the University of Virginia's Department of Neurology, helping to improve understanding of the disease and care for patients; and

WHEREAS, guided by his faith, Roger Welch was an active member of Washington Baptist Church for more than a half-century, where he served as a deacon for four years; and

WHEREAS, Roger Welch will be fondly remembered and dearly missed by his loving wife of 54 years, Geneva; his children, William and Courtney, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Roger Allen Welch, a cherished member of the Rappahannock County community whose dedication and service left a profound and lasting impression on many lives; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Roger Allen Welch as an expression of the House of Delegates' respect for his memory.

HOUSE RESOLUTION NO. 87

Commending the Lebanon High School boys' cross country team.

Agreed to by the House of Delegates, February 12, 2024

WHEREAS, the Lebanon High School boys' cross country team won the Virginia High School League Class 2 state championship on November 11, 2023, at Green Hill Park in Salem; and

WHEREAS, the Lebanon High School Pioneers tallied a team total of 69 points to bring home the program's second consecutive state championship title and its first since moving into Class 2 competition this year; and

WHEREAS, the Lebanon Pioneers were led to victory by Derek Mitchell, whose time of 15:39.1 earned him the individual state title honor as well as meet and school records; and

WHEREAS, the Lebanon Pioneers also benefitted from strong performances by Eli Taylor, who finished seventh; Alec Deckard, who finished 10th; Carter Dillon, who finished 18th; and Blake Chafin; and

WHEREAS, the success of the Lebanon Pioneers is the result of the hard work and dedication of the student-athletes, the leadership and guidance of their coaches and teachers, and the unwavering support of their families and the entire Lebanon High School community; now, therefore, be it

RESOLVED by the House of Delegates, That the Lebanon High School boys' cross country team hereby be commended for winning the Virginia High School League Class 2 state championship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Travis Hooker, coach of the Lebanon High School boys' cross country team, as an expression of the House of Delegates' admiration for the team's achievement.

HOUSE RESOLUTION NO. 88

Commending the Marion Senior High School girls' tennis team.

Agreed to by the House of Delegates, February 12, 2024

WHEREAS, the Marion Senior High School girls' tennis team won the Virginia High School League Class 2 state championship on June 8, 2023, at Virginia Polytechnic Institute and State University; and

WHEREAS, the Marion Senior High School Scarlet Hurricanes defeated the Poquoson High School Bull Islanders by a score of 5-2 to bring home the first state championship title in program history; and

WHEREAS, the Marion Scarlet Hurricanes' victory was a total team effort, with Ava Austin, Maddie Austin, Raegan Burchett, and Parker White scoring points for the team in the singles events, and Maddie Austin and Parker White closing the match with their doubles win; and

WHEREAS, the Marion Scarlet Hurricanes benefitted throughout the season from the mentorship and experience of senior Sarah Myers, while senior Haley Freeman impressed in her first season with the team; and

WHEREAS, with a roster that featured one freshman and three sophomores, the Marion Scarlet Hurricanes look poised to continue their dominant streak for seasons to come; and

WHEREAS, the accomplishments of the Marion Scarlet Hurricanes are the result of the hard work and dedication of the student-athletes, the leadership and guidance of their coaches and teachers, including Doug Grubb and Mike Robinson, and the unwavering support of the entire Marion Senior High School community; now, therefore, be it

RESOLVED by the House of Delegates, That the Marion Senior High School girls' tennis team hereby be commended for winning the 2023 Virginia High School League Class 2 state championship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Doug Grubb, coach of the Marion Senior High School girls' tennis team, as an expression of the House of Delegates' admiration for the team's achievement.

HOUSE RESOLUTION NO. 89

Commending Dr. Willis L. Lonzer III.

Agreed to by the House of Delegates, February 6, 2024

WHEREAS, Dr. Willis L. Lonzer III, a native of the Richmond area and a respected leader in the pharmaceuticals industry, has devoted decades of service to Alpha Phi Alpha Fraternity and ably served as the organization's general president; and

WHEREAS, Dr. Willis Lonzer is a son of the Commonwealth of Virginia and was raised in Henrico County; he holds a bachelor's degree in chemistry from Delaware State University, where he joined the Gamma Sigma Chapter of Alpha Phi Alpha Fraternity on November 15, 1986, and subsequently served as chapter president; and

WHEREAS, Dr. Willis Lonzer continued his education at the University of Akron, where he earned a doctorate in biochemistry and was awarded a prestigious Patricia Robert Harris Predoctoral Fellowship from the U.S. Department of Education; he later served as a postdoctoral fellow and researcher at the Case Western Reserve University School of Medicine; and

WHEREAS, Dr. Willis Lonzer has cultivated his expertise in the biopharmaceutical medicine and biotechnology fields for more than two decades and currently works as the executive scientist and regional medical director for a global company focused on rare rheumatic diseases; and

WHEREAS, over the course of his distinguished career, Dr. Willis Lonzer has published articles in scientific journals and contributed chapters to several books; he is a member of numerous peer and professional organizations, including the American Society of Human Genetics, the American Chemical Society, the National Organization for the Advancement of Black Chemists and Chemical Engineers, the Society of Critical Care Medicine, and many others; and

WHEREAS, outside of his career, Dr. Willis Lonzer remained highly engaged with Alpha Phi Alpha Fraternity, serving as president of an alumni chapter, then becoming district director for Ohio, regional vice president for the midwest, and a member of the national board of directors; and

WHEREAS, Dr. Willis Lonzer's service to the nation allowed for his elevation to general president of Alpha Phi Alpha Fraternity in 2021; and

WHEREAS, as the 36th general president and chair of the board of directors for Alpha Phi Alpha Fraternity, Dr. Willis Lonzer provided exceptional leadership to his brothers around the country; and

WHEREAS, as general president of Alpha Phi Alpha Fraternity, Dr. Willis Lonzer was also a member and co-chair of the National Pan-Hellenic Council, an organization of nine historically Black fraternities and sororities; and

WHEREAS, a current resident of Chicago, Illinois, Dr. Willis Lonzer volunteers his wise leadership to many local organizations and enjoys fellowship and worship with the congregation of the Greater Institutional AME Church of Chicago; in all of his endeavors, he enjoys the love and support of his wife and their three grown children; now, therefore, be it

RESOLVED by the House of Delegates, That Dr. Willis L. Lonzer III hereby be commended for his legacy of service as general president of Alpha Phi Alpha Fraternity on the occasion of Black History Month 2024; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Dr. Willis L. Lonzer III as an expression of the House of Delegates' admiration for his personal and professional achievements and his outstanding service to humanity.

HOUSE RESOLUTION NO. 90

Celebrating the life of Amy Kristina McFarland.

Agreed to by the House of Delegates, February 12, 2024

WHEREAS, Amy Kristina McFarland, an inspirational member of the Winchester community, died on July 20, 2023; and

WHEREAS, Amy McFarland grew up in Winchester, where she graduated from James Wood High School, and she continued her education at what is now Laurel Ridge Community College; and

WHEREAS, Amy McFarland worked as a greeter at a Walmart Supercenter for 18 years and was a member of the Service Employees International Union; she never met a stranger and brought joy to everyone who knew her through her kindness, cheerful sense of humor, and positivity; and

WHEREAS, Amy McFarland overcame several challenges with her health and disabilities to remain an active and engaged member of the community, participating in many fundraisers and charitable events; and

WHEREAS, in 2010, Amy McFarland and her mother, Mary, were invited to the White House by President Barack Obama in recognition of their passionate advocacy on behalf of elderly and disabled individuals; and

WHEREAS, during the COVID-19 pandemic, Amy McFarland purchased supplies to make bracelets, necklaces, and keychains, and generously donated them to employees at Winchester Medical Center; and

WHEREAS, Amy McFarland was also a champion for animals who supported the Winchester SPCA and dreamed of opening a shelter for homeless animals; she was proud when her dog, Bailey Rain, won the Winchester SPCA Calendar Contest and was featured in the organization's 2023 calendar; and

WHEREAS, outside of her career and volunteer advocacy, Amy McFarland enjoyed participating in pageants and achieved success at local, state, and national levels; she appeared in several Shenandoah Apple Blossom Festivals as a pageant winner; and

WHEREAS, in addition to winning many awards and accolades for her talents and achievements, Amy McFarland was featured in many *Winchester Star* articles and was interviewed on local television; she was honored to provide sign language interpretation for the National Anthem during a National Football League game between what is now the Washington Commanders and the Philadelphia Eagles in 2012; and

WHEREAS, Amy McFarland will be fondly remembered and greatly missed by numerous family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Amy Kristina McFarland, a vibrant member of the Winchester community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Amy Kristina McFarland as an expression of the House of Delegates' respect for her memory.

HOUSE RESOLUTION NO. 91

Celebrating the life of Joe Morris Lucas.

Agreed to by the House of Delegates, February 12, 2024

WHEREAS, Joe Morris Lucas of Blacksburg, a longtime member of the Virginia Tech Police Department and a hardworking farmer who was well known in the agricultural sector for his purebred Angus cattle, died on January 8, 2024; and

WHEREAS, Joe Lucas was born in Giles County and subsequently graduated from Blacksburg High School, where he was a standout athlete; and

WHEREAS, Joe Lucas continued his education at Virginia Polytechnic Institute and State University (Virginia Tech) and studied agriculture; he began his career with ElectroTech, Inc., then returned to his alma mater as a member of the Virginia Tech Police Department; and

WHEREAS, Joe Lucas worked diligently to serve and protect students, faculty, and staff and retired with the rank of sergeant after 25 years of outstanding service; he considered his fellow members of the department as his second family and enjoyed attending annual reunions for years after his well-earned retirement; and

WHEREAS, outside of his law-enforcement career, Joe Lucas established Lucas Farm and grew the business from a few head of cattle to a statewide leader in high-quality brood stock; he was a member of the American Angus Association and the Virginia Beef Cattle Improvement Association; and

WHEREAS, Joe Lucas earned many awards and accolades for his contributions to agriculture and he proudly mentored many young people who worked on his farm, imparting his sense of duty and impeccable work ethic to new generations of community leaders; and

WHEREAS, Joe Lucas enjoyed fellowship and worship with the congregation of Price's Fork Community Church, and he was a member of Hunters Masonic Lodge No. 156 in Blacksburg; and

WHEREAS, Joe Lucas will be fondly remembered and greatly missed by his wife of 58 years, Wanda; his children, David, Timmy, and Amy, and their families; and numerous other family members, friends, and colleagues; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Joe Morris Lucas, a dedicated law-enforcement officer and successful farmer; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Joe Morris Lucas as an expression of the House of Delegates' respect for his memory.

HOUSE RESOLUTION NO. 92

Celebrating the life of James Riley Montgomery.

Agreed to by the House of Delegates, February 12, 2024

WHEREAS, James Riley Montgomery of Blacksburg, a decorated veteran, respected attorney, and distinguished higher education administrator, died on October 24, 2023; and

WHEREAS, James "Jim" Riley Montgomery grew up in Knoxville, Tennessee, where he graduated from the former Knoxville High School; he was active in sports and earned the rank of Eagle Scout in the Boy Scouts of America, then served as the national conference chief of the Order of the Arrow, the Scouting honor society, in 1950; and

WHEREAS, Jim Montgomery received a bachelor's degree from the University of Tennessee, then was commissioned as a second lieutenant in the United States Army; he subsequently served in the United States Army Reserve for 36 years, earning the Distinguished Service Medal for his leadership of the 310th Theater Army Area Command, and retired with the rank of major general; and

WHEREAS, after his active duty military service, Jim Montgomery continued his education by earning a master's degree from the University of Tennessee and a doctoral degree from Columbia University; and

WHEREAS, Jim Montgomery began his career in higher education with the University of Tennessee and later joined Virginia Polytechnic Institute and State University (Virginia Tech); he pioneered the field of institutional research and planning to help colleges and universities gather accurate data to better inform long-term planning and decision-making; and

WHEREAS, Jim Montgomery was selected as a distinguished member of the Association for Institutional Research and helped establish the Southern Association of Institutional Research, which presented to him the inaugural James R. Montgomery Service Award, named in his honor; and

WHEREAS, after leaving academia, Jim Montgomery earned a law degree from the University of Pennsylvania and changed careers, establishing Montgomery Law in Blacksburg, where he served the community for 27 years as an attorney; and

WHEREAS, Jim Montgomery was a generous volunteer leader in Blacksburg, offering his wise counsel to the Virginia Tech YMCA, the local Area Agency on Aging, AARP, the Montgomery County Christmas Store, the Boy Scouts of America, the Rotary Club of Christiansburg-Blacksburg, and the American Legion and other veterans organizations; and

WHEREAS, predeceased by his beloved wife of 59 years, Mary, Jim Montgomery will be fondly remembered and greatly missed by his children, Charles, James, and April, and their families, and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of James Riley Montgomery, who made numerous contributions to the Commonwealth and was a visionary leader in higher education; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of James Riley Montgomery as an expression of the House of Delegates' respect for his memory.

HOUSE RESOLUTION NO. 93

Celebrating the life of Serenity Rayne Hawley.

Agreed to by the House of Delegates, February 12, 2024

WHEREAS, Serenity Rayne Hawley, a beloved daughter, granddaughter, sister, and member of the Blacksburg community, died on November 7, 2023; and

WHEREAS, Serenity Hawley was a student at Blacksburg High School, where she worked hard at her studies and made an impact in the community as vice president of member recruitment for the school's chapter of DECA, Inc.; and

WHEREAS, Serenity Hawley was a treasured employee at Your Pie restaurant in Blacksburg, providing a bright spot in many people's days through her warm and genial nature; and

WHEREAS, guided by her faith, Serenity Hawley enjoyed worship and fellowship with her community as a member of Young Life; and

WHEREAS, Serenity Hawley will be fondly remembered and dearly missed by her mother, Heather; her father and stepmother, John and Katherine; her siblings, Trinity, Harmony, John II, and Zachary; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Serenity Rayne Hawley, a cherished member of the Blacksburg community whose kind and generous spirit touched countless lives; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Serenity Rayne Hawley as an expression of the House of Delegates' respect for her memory.

HOUSE RESOLUTION NO. 94

Celebrating the life of Terry Edward Winkle.

Agreed to by the House of Delegates, February 12, 2024

WHEREAS, Terry Edward Winkle, an accomplished dairy farmer and beloved son, husband, father, and member of the Riner community, died on November 2, 2023; and

WHEREAS, Terry Winkle was the owner of Winkles Dairy Farm in Riner, where he worked tirelessly throughout the year to care for his animals and produce exceptionally high-quality milk and other products; and

WHEREAS, guided throughout his life by his faith, Terry Winkle enjoyed worship and fellowship with his community as a member of Blue Ridge Church in Christiansburg; and

WHEREAS, Terry Winkle will be fondly remembered and dearly missed by his loving wife of 45 years, Brenda; his children, Lee and Melissa, and their families; his mother, Ruby; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Terry Edward Winkle, a cherished member of the Riner community whose light brightened countless lives; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Terry Edward Winkle as an expression of the House of Delegates' respect for his memory.

HOUSE RESOLUTION NO. 95

Celebrating the life of Nell Frances Doss.

Agreed to by the House of Delegates, February 12, 2024

WHEREAS, Nell Frances Doss, a compassionate advocate for the blind and visually impaired and a vibrant member of the Christiansburg community, died on January 1, 2024; and

WHEREAS, Nell Doss grew up in Sandy Level in Henry County and began to cultivate her deep faith at a young age as a member of Sandy Level Baptist Church, where she sang in the vesper choir; and

WHEREAS, Nell Doss and her family demonstrated their commitment to community service by volunteering to clean the church before Sunday services; and

WHEREAS, a dedicated lifelong learner, Nell Doss earned degrees from Bluefield College, Radford University, and Virginia Polytechnic Institute and State University; and

WHEREAS, Nell Doss pursued a fulfilling career as a counselor with the Department for the Blind and Vision Impaired, using Roanoke as a base to serve people in need throughout the city and seven surrounding counties; and

WHEREAS, Nell Doss will be fondly remembered and greatly missed by her husband of seven years, Charles; her siblings, Carlton, Bobby, Jimmie, and Ann, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Nell Frances Doss; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Nell Frances Doss as an expression of the House of Delegates' respect for her memory.

HOUSE RESOLUTION NO. 96

Commending the Suffolk Alumnae Chapter of Delta Sigma Theta Sorority, Inc.

Agreed to by the House of Delegates, February 12, 2024

WHEREAS, the Suffolk Alumnae Chapter of Delta Sigma Theta Sorority, Inc., will celebrate 60 years of heartfelt service to the community on September 12, 2024; and

WHEREAS, the Suffolk Alumnae Chapter of Delta Sigma Theta Sorority was chartered on September 12, 1964, as its members embraced the organization's call to recognize one's civic responsibility and to do all that one can for the well-being of others; and

WHEREAS, the Suffolk Alumnae Chapter of Delta Sigma Theta Sorority carries out a number of innovative programs and events designed to promote educational and economic development, international awareness, physical and mental health, and political involvement, including its regional award-winning arts and letters program and its national award-winning physical and mental health program; and

WHEREAS, every holiday season, the Suffolk Alumnae Chapter of Delta Sigma Theta Sorority sponsors children in Suffolk's foster care system, ensuring that every child in the city has a special and joyful Christmas; and

WHEREAS, in 2024, in addition to its annual distribution of thousands of dollars in college scholarships, the Suffolk Alumnae Chapter of Delta Sigma Theta Sorority will host both a college and career fair and a uniquely prepared students workshop series to connect the city's young people with opportunities and services that will help them achieve their dreams; and

WHEREAS, the Suffolk Alumnae Chapter of Delta Sigma Theta Sorority hosts an annual health fair that fosters public health by offering free health screenings and other services and directing visitors to beneficial health resources in the community; and

WHEREAS, the Suffolk Alumnae Chapter of Delta Sigma Theta Sorority will honor the chapter's 60 years of accomplishments, the result of its members' unwavering commitment to the Christian principles upon which the organization is founded, at a luncheon on September 14, 2024; now, therefore, be it

RESOLVED by the House of Delegates, That the Suffolk Alumnae Chapter of Delta Sigma Theta Sorority, Inc., hereby be commended on the occasion of its 60th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Belinda S. Pitts, president of the Suffolk Alumnae Chapter of Delta Sigma Theta Sorority, Inc., as an expression of the House of Delegates' admiration for the organization's history and its contributions to the Commonwealth.

HOUSE RESOLUTION NO. 97

Commending the Women's Tidewater Golf Association.

Agreed to by the House of Delegates, February 19, 2024

WHEREAS, for 100 years, the Women's Tidewater Golf Association has promoted the sport of golf and empowered women athletes of all ages, backgrounds, and skill levels; and

WHEREAS, the Women's Tidewater Golf Association was founded by a group of 25 women on November 12, 1924; and

WHEREAS, the Women's Tidewater Golf Association has grown to serve more than 100 members at 11 public and private golf clubs in Hampton Roads; and

WHEREAS, throughout its history, the Women's Tidewater Golf Association has inspired interest in the sport of golf, fostered confidence in new players by familiarizing them with rules, etiquette, and good sportsmanship, and facilitated skill building and participation in competitive play; and

WHEREAS, members of the Women's Tidewater Golf Association serve as volunteers at amateur and professional golf events at the 45 public and private golf courses in the Tidewater Region and other locations across the Commonwealth; and

WHEREAS, the Women's Tidewater Golf Association is affiliated with the Virginia State Golf Association and benefits from the resources and support of fellow member clubs statewide; and

WHEREAS, women's golf is the fastest growing division of golf in Virginia thanks to the hard work of organizations like the Women's Tidewater Golf Association, and tourism to the Commonwealth's outstanding golf courses provides a significant economy benefit to the Tidewater Region and beyond; now, therefore, be it

RESOLVED by the House of Delegates, That the Women's Tidewater Golf Association hereby be commended on the occasion of its 100th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Women's Tidewater Golf Association as an expression of the House of Delegates' admiration for the organization's decades of achievements in service to women athletes.

HOUSE RESOLUTION NO. 98

Celebrating the life of Karen Harrison Jones.

Agreed to by the House of Delegates, February 12, 2024

WHEREAS, Karen Harrison Jones, a beloved wife, mother, daughter, sister, and member of the Suffolk community, died on January 12, 2024; and

WHEREAS, a native of Hampton, Karen Jones graduated from Bethel High School in 1976 before attending James Madison University and earning a bachelor's degree with highest honors in gerontology and recreation from what is today Hampton University and a master's degree in agency guidance and counseling from Old Dominion University; and

WHEREAS, Karen Jones was a pharmaceutical sales representative for Procter & Gamble and Westwood Squibb Pharmaceuticals for 10 years before taking on the most fulfilling role of her life, raising and homeschooling her daughter, Kaitlin; and

WHEREAS, for more than 34 years, Karen Jones co-owned and co-operated Bennett's Creek Pharmacy in Suffolk alongside her husband, the Honorable Chris Jones, helping to build it into a treasured staple of the community; and

WHEREAS, Karen Jones provided invaluable wisdom and guidance to her husband, Chris, throughout his political career as a former member of the Virginia House of Delegates and mayor and councilman of the City of Suffolk; and

WHEREAS, Karen Jones savored every opportunity to read, learn, volunteer, and travel, but was happiest spending quality time with family and friends, particularly at her home on the Chuckatuck Creek; and

WHEREAS, Karen Jones gave generously and selflessly of her time for the benefit of others and the community of Suffolk through various endeavors over the years; and

WHEREAS, guided by her great and abiding faith, Karen Jones was most recently a member of Celebration Christian Church in Suffolk, where she enjoyed worship and fellowship with her community; and

WHEREAS, Karen Jones will be fondly remembered and dearly missed by her loving husband of 37 years, Chris; her daughter, Kaitlin; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Karen Harrison Jones, a cherished member of the Suffolk community whose grace, kindness, and generosity touched countless lives; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Karen Harrison Jones as an expression of the House of Delegates' respect for her memory.

HOUSE RESOLUTION NO. 99

Commending Courthouse Restaurant.

Agreed to by the House of Delegates, February 12, 2024

WHEREAS, for nearly 15 years, Courthouse Restaurant in Gloucester County provided delicious meals while serving as a meeting place for local fundraisers and offering generous outreach to community members in need; and

WHEREAS, in 2009, Doug Hibbs was working as a deputy sheriff in Henrico County and his wife, Kim, was working at a local Walmart, when their son, Josh, informed them about a restaurant on Main Street in downtown Gloucester that was for sale; and

WHEREAS, despite having no experience in restaurant ownership, the Hibbs family strongly considered the idea and agreed to purchase the property if it was still available after they completed their upcoming family vacation to Alaska; and

WHEREAS, the Hibbs family quickly turned the Courthouse Restaurant into a fixture of the local community, offering hearty fare for breakfast and lunch, while opening their doors to monthly fundraising events for worthy causes; and

WHEREAS, the Hibbs family also developed a beloved yearly tradition of providing a free Thanksgiving dinner at Courthouse Restaurant; and

WHEREAS, the Hibbs family received many awards and accolades for their efforts to build a stronger community through Courthouse Restaurant, including the Hope Award from Sisters in the Spirit Ministries, the Everyday Hero award from WTKR News 3, and recognition from the Salvation Army; they were also selected as the parade grand marshals for the 29th annual Daffodil Festival; and

WHEREAS, with the retirement of Doug and Kim Hibbs, Courthouse Restaurant closed in 2023, opening for the last time on November 23 to offer its final free Thanksgiving dinner; and

WHEREAS, Doug and Kim Hibbs plan to seek new opportunities to serve the Gloucester community through volunteer work; now, therefore, be it

RESOLVED by the House of Delegates, That Courthouse Restaurant hereby be commended for its nearly 15 years of service to the Gloucester community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Hibbs family, owners of Courthouse Restaurant, as an expression of the House of Delegates' admiration for their contributions to the residents of Gloucester County.

HOUSE RESOLUTION NO. 100

Commending the Northern Virginia Mental Health Foundation.

Agreed to by the House of Delegates, February 12, 2024

WHEREAS, the Northern Virginia Mental Health Foundation, an organization dedicated to providing support to individuals seeking public mental health services on their journeys to wellness and recovery, celebrated its 30th anniversary in 2023; and

WHEREAS, the Northern Virginia Mental Health Foundation (NVMHF) fulfills its mission by expediently delivering micro-grants to individuals in treatment at the Fairfax-Falls Church Community Services Board; and

WHEREAS, over its history, NVMHF has supported more than 6,000 individuals in treatment by facilitating a variety of services, including medical and dental care, subsidized housing, and other wellness and recovery services; and

WHEREAS, NVMHF pursues its objectives with the generous support of individual and corporate donors and incurs minimal operating expenses to ensure that the vast majority of its fundraising goes directly toward meeting the treatment needs of those the organization serves; and

WHEREAS, since its founding, NVMHF has grown to become a vital safety net for individuals in Northern Virginia dealing with serious mental illness and an important ally in the community's effort to help such individuals achieve healthy and productive lives; and

WHEREAS, the accomplishments of NVMHF would not be possible without the tireless efforts of the organization's board members and volunteers, whose commitment to the well-being of others has made a positive and indelible impact on the Northern Virginia community; now, therefore, be it

RESOLVED by the House of Delegates, That the House of Delegates hereby commend the Northern Virginia Mental Health Foundation on the occasion of the organization's 30th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Northern Virginia Mental Health Foundation as an expression of the House of Delegates' admiration for the organization's history and its contributions to the Commonwealth.

HOUSE RESOLUTION NO. 101

Celebrating the life of Richard Carlton Griffin, Sr.

Agreed to by the House of Delegates, February 12, 2024

WHEREAS, Richard Carlton Griffin, Sr., an esteemed educator and education administrator and a beloved member of the Fredericksburg community, died on December 6, 2023; and

WHEREAS, affectionately known by friends and family as "Soup," Carlton Griffin graduated from James Monroe High School in Fredericksburg in 1969 before earning a bachelor's degree in physical education from Norfolk State University and a master's degree in education supervision and administration from the University of Virginia; and

WHEREAS, Carlton Griffin was an offensive lineman for the Norfolk State University Spartans while an undergraduate and was later inducted in 2023 into the Norfolk State University Department of Intercollegiate Athletics Hall of Fame for his role on the 1974-1976 Central Intercollegiate Athletic Association championship-winning football team; and

WHEREAS, Carlton Griffin began his career as a physical education teacher and football coach at his alma mater, James Monroe High School, and ultimately served as the school's assistant principal from 1980 to 1987; and

WHEREAS, after serving as the first principal of Walker-Grant Middle School in Fredericksburg from 1987 to 1991, Carlton Griffin took a position as assistant principal of West Springfield High School in Fairfax County, where he would serve for the next 21 years; and

WHEREAS, after a brief retirement following 34 years in education, Carlton Griffin answered the call to serve again by taking the helm as principal of Caroline High School and Bowling Green Elementary School in Caroline County; and

WHEREAS, Carlton Griffin's commitment to the well-being of his students was evident to all who knew him, as he strived tirelessly year after year to ensure their success both in and out of the classroom; and

WHEREAS, guided by his deep and abiding faith, Carlton Griffin enjoyed worship and fellowship with his community at Union Bell Baptist Church in Stafford County, where he was an active and regular participant on the Tuesday night Griffin family prayer line; and

WHEREAS, Carlton Griffin will be fondly remembered and dearly missed by his children, Katrina and Richard, Jr., and their families and by numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Richard Carlton Griffin, Sr., a cherished member of the Fredericksburg community and respected education administrator whose steadfast dedication to young people of the Commonwealth touched countless lives; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Richard Carlton Griffin, Sr., as an expression of the House of Delegates' respect for his memory.

HOUSE RESOLUTION NO. 102

Commending Olive Chamblin Brown.

Agreed to by the House of Delegates, February 12, 2024

WHEREAS, Olive Chamblin Brown, an esteemed faith leader who has served her community for many years, was named archbishop of International Christian Ministries, Inc., of Chesterfield in 2023; and

WHEREAS, after attending Richmond City Public Schools and the former Van De Vyver Catholic School in Richmond, Olive Brown earned a bachelor's degree in sociology and social work and master's degree in divinity from Virginia Union University; she would also later receive an honorary doctor of theology degree from Trinity Bible College; and

WHEREAS, in 1993, Olive Brown was consecrated to the office of bishop and founded the International Christian Ministries, Inc. (ICM); later, she was promoted to chief apostle and with ICM established churches in and throughout the Commonwealth and North Carolina and as far north as Philadelphia; and

WHEREAS, as the presiding prelate of ICM, Olive Brown has led an ever-expanding congregation that has purchased several acres of land in Chesterfield County to accommodate the ministry's growth and needs; and

WHEREAS, Olive Brown has published eight books and other publications to share her wisdom and understanding of the Bible and its teachings, while also raising five children who are all actively involved in ministry; and

WHEREAS, Olive Brown has assisted families in need over the years through her work with various agencies and organizations, including Virginia Commonwealth University, what is now the Virginia Commonwealth University School of Medicine, and the American Red Cross, and as founder and chief executive officer of Metro-Richmond Community Development Corporation; and

WHEREAS, Olive Brown's myriad efforts to serve others include raising awareness of human trafficking, working with the Yeshua's House domestic violence shelter, spearheading a school supplies and clothing drive for students at George Wythe High School in Richmond, and sponsoring a Christmas toy drive for the youth of Petersburg; and

WHEREAS, Olive Brown has been a positive and transformative influence in countless lives, earning the respect and admiration of all Virginians; now, therefore, be it

RESOLVED by the House of Delegates, That Olive Chamblin Brown hereby be commended for being named archbishop of International Christian Ministries, Inc., of Chesterfield; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Olive Chamblin Brown as an expression of the House of Delegates' high regard for her contributions to the Commonwealth.

HOUSE RESOLUTION NO. 104

Commending Erik M. Pelton & Associates, PLLC.

Agreed to by the House of Delegates, February 12, 2024

WHEREAS, for 25 years, Erik M. Pelton & Associates, PLLC, a boutique trademark law firm in Falls Church, has helped businesses protect their brands and intellectual property, while providing generous outreach to the members of the greater community; and

WHEREAS, founded in Arlington in 1999, Erik M. Pelton & Associates has registered more than 4,000 trademarks with the United States Patent and Trademark Office on behalf of hundreds of businesses in Northern Virginia and clients around the country and the world; and

WHEREAS, Erik M. Pelton & Associates helped secure trademarks for local clients like Sisler Stone, Eden Center, Clare and Don's Beach Shack, Lazy Mike's, Dominion Wine and Beer, Bikenetic, Functional Fitness, Rock Star Realty, Viget, and many others; the firm proudly worked with the Falls Church Economic Development Authority to secure protection for the name and logo of The Little City; and

WHEREAS, Erik M. Pelton & Associates is a recognized leader in the field of trademark law; Erik Pelton teaches law courses at Howard University and Georgetown University, is a sought-after speaker at conferences and events, and has held leadership positions in several peer and professional organizations; and

WHEREAS, Erik M. Pelton & Associates has provided generous pro bono services to dozens of businesses owned by military veterans and their spouses and nonprofit organizations like Creative Cauldron and Tinner Hill Heritage Foundation; and

WHEREAS, the staff of Erik M. Pelton & Associates have further enhanced community life by donating their time and leadership to career fairs and other events, as well as mentoring law students in area schools; now, therefore, be it

RESOLVED by the House of Delegates, That Erik M. Pelton & Associates, PLLC, hereby be commended on the occasion of its 25th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Erik M. Pelton & Associates, PLLC, as an expression of the House of Delegates' admiration for the firm's outstanding service to businesses throughout the Commonwealth and the United States.

HOUSE RESOLUTION NO. 105

Commending Karen Tefelski.

Agreed to by the House of Delegates, February 12, 2024

WHEREAS, for 25 years, Karen Tefelski has served as the executive director of the Virginia Association of Community Rehabilitation Programs, more commonly known as vaACCSES, which provides services and support to enhance the ability of member organizations to fulfill their missions and better serve individuals with disabilities in the Commonwealth; and

WHEREAS, as the executive director of vaACCSES, Karen Tefelski has advocated tirelessly for legislation and budget amendments that benefit the intellectual and developmental disability community; and

WHEREAS, Karen Tefelski played an instrumental role in developing the long-term employment support services program administered by the Department for Aging and Rehabilitative Services, enabling thousands of individuals in need to secure and maintain meaningful employment; and

WHEREAS, under Karen Tefelski's leadership, vaACCSES became one of the first organizations to receive what is today the Work Incentives Planning and Assistance grant from the Social Security Administration (SSA), helping thousands of individuals with disabilities navigate the complex system of SSA entitlements and allowing hundreds to receive training in benefits counseling as part of the Work Incentives Specialist Advocate program; and

WHEREAS, Karen Tefelski's indefatigable efforts advocating on behalf of "employment first" initiatives were a key factor leading to the redesign of the Commonwealth's Medicaid waivers and to increases in waiver rates across the state, improving the quality of life for many; and

WHEREAS, to achieve her organization's goals, Karen Tefelski has effectively collaborated with other advocacy groups, as well as with various state government agencies, including the Department of Social Services, the Department of Medical Assistance Services, and the Department of Behavioral Health and Developmental Services; and

WHEREAS, for nearly 25 years, Karen Tefelski has represented vaACCSES on the steering committee of the annual Collaborations Conference, which facilitates the sharing of knowledge and ideas between rehabilitation and employment professionals, employers, and educators; she has also coordinated many other conferences that promoted professional growth for people working in the disability field; and

WHEREAS, Karen Tefelski has shared her experience and expertise through service on various statewide work groups, task forces, and committees, where her insight into government and ability to advocate for persons with disabilities, as well as the providers who support them, has proven invaluable to the community; now, therefore, be it

RESOLVED by the House of Delegates, That Karen Tefelski hereby be commended for her 25 years of service as executive director of the Virginia Association of Community Rehabilitation Programs; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Karen Tefelski as an expression of the House of Delegates' admiration for her remarkable career serving the disability community of the Commonwealth.

HOUSE RESOLUTION NO. 106

Commending John Ray Grisham, Jr.

Agreed to by the House of Delegates, February 13, 2024

WHEREAS, John Ray Grisham, Jr., the acclaimed best-selling author and longtime resident of the Commonwealth, was presented the Outstanding Virginian Award in 2024; and

WHEREAS, presented by the General Assembly's Outstanding Virginian Committee in conjunction with the University of Virginia's Frank Batten School of Leadership and Public Policy, the Outstanding Virginian Award is considered the Commonwealth's highest civilian honor and is awarded to citizens, such as John Grisham, whose distinguished contributions, outstanding achievements, and dedicated leadership serve as an inspiration to all civic-minded citizens; and

WHEREAS, John Grisham earned a juris doctor degree from the University of Mississippi School of Law in 1981 and returned to his hometown of Southaven, Mississippi, to practice law; and

WHEREAS, motivated by his experiences with his working-class and indigent clients and the fact that Mississippi was the only state in the nation without a public kindergarten system at the time, John Grisham ran for a seat in the Mississippi House of Representatives and was elected in 1983; and

WHEREAS, over his two four-year terms as a member of the Mississippi House of Representatives, John Grisham introduced a number of bills to advance reforms in the areas of education, elections, public health, taxation, and corrections, though many of them never made it out of committee; and

WHEREAS, facing limited success as an attorney and legislator, John Grisham cultivated a secret hobby writing fiction, publishing his first book, *A Time to Kill*, in 1989; and

WHEREAS, John Grisham's second novel, *The Firm*, published in 1991, found a wide audience and launched the author into literary stardom, enabling him to close his law practice and to devote himself to writing full time; and

WHEREAS, with remarkable work ethic and commitment to his craft, John Grisham has published nearly 50 novels over the past three decades, many of which have been adapted into popular films; and

WHEREAS, more than 400 million copies of John Grisham's gripping legal thrillers have been sold worldwide, making him one of the most well-known contemporary American authors and a fixture on *The New York Times* best seller list; and

WHEREAS, John Grisham has used his platform to advocate against wrongful conviction and serves on the boards of the Innocence Project in New York City and Centurion Ministries in Princeton, New Jersey, to advance this cause; and

WHEREAS, alongside his wife, Renee, John Grisham supports several organizations striving to bring an end to childhood hunger; and

WHEREAS, John Grisham has lived part time on a farm outside of Charlottesville for the past 30 years, becoming an active and integral member of the local community, in large part through his efforts as the patron and steward of the Cove Creek Park youth baseball and softball complex in Albemarle County; and

WHEREAS, John Grisham's accomplishments as an author and activist have made a meaningful impact on countless lives and are worthy of the esteem and admiration of all Virginians; now, therefore, be it

RESOLVED by the House of Delegates, That John Ray Grisham, Jr., hereby be commended for receiving the 2024 Outstanding Virginian Award; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to John Ray Grisham, Jr., as an expression of the House of Delegates' admiration for his achievements and appreciation for his contributions to the Commonwealth.

HOUSE RESOLUTION NO. 107

Celebrating the life of Gloria Flanagan.

Agreed to by the House of Delegates, February 12, 2024

WHEREAS, Gloria Flanagan, a beloved wife and mother in Alexandria who touched countless lives throughout the community as the longtime associate director of the Alexandria Small Business Development Center, died on May 15, 2023; and

WHEREAS, Gloria Flanagan grew up in New York and New Jersey, then moved to the Washington, D.C., area, where she earned a bachelor's degree in international affairs and a law degree from Georgetown University; and

WHEREAS, Gloria Flanagan worked in postal rate law for the United States Postal Service until the early 1980s, when she took time off from her career to raise her three children; and

WHEREAS, in the mid-1990s, Gloria Flanagan returned to work as an assistant to a member of the Alexandria City Council, then joined the Alexandria Small Business Development Center, where she served as associate director from 2000 until the time of her passing; and

WHEREAS, Gloria Flanagan served as one of the most prominent faces of the Alexandria Small Business Development Center, working directly with thousands of local entrepreneurs and small business owners to help them start or grow their business; and

WHEREAS, through her passion for entrepreneurship and deep knowledge of city programs and institutions, Gloria Flanagan had a profound and lasting impact on Alexandria's small business community; and

WHEREAS, well-known among friends and family as a talented cook, baker, and hostess, Gloria Flanagan was happiest when entertaining loved ones at her Alexandria home, especially during the holiday season; and

WHEREAS, predeceased by her husband, Bill, Gloria Flanagan will be fondly remembered and greatly missed by her children, Billy, Jim, and Kerry, and their families, and numerous other family members, friends, and colleagues; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Gloria Flanagan, a highly admired member of the Alexandria community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Gloria Flanagan as an expression of the House of Delegates' respect for her memory.

HOUSE RESOLUTION NO. 108

Commending the Tabb High School field hockey team.

Agreed to by the House of Delegates, March 1, 2024

WHEREAS, the Tabb High School field hockey team of York County won the Virginia High School League Class 3 state championship on November 11, 2023, at Floyd E. Kellam High School in Virginia Beach; and

WHEREAS, the Tabb High School Tigers beat the Meridian High School Mustangs of Falls Church by a score of 6-0 to bring home the program's third consecutive state championship title and complete its third consecutive undefeated season; and

WHEREAS, the Tabb Tigers' commanding performance was an impressive showing against an undefeated Meridian Mustangs team that had allowed only four goals over the entire regular season; and

WHEREAS, in recognition of their contributions, the Virginia High School League (VHSL) named junior forward Mika Hilburger its Class 3 Player of the Year and coach Wendy Wilson as its Class 3 Coach of the Year; and

WHEREAS, several members of the Tabb Tigers were honored with VHSL all-state first-team accolades, including Mika Hilburger, Corinne Lombardo, Abbie McGinn, Parker Siegel, Kira Takahashi-Trader, and Libby Yates; and

WHEREAS, the Tabb Tigers have amassed an incredible 68-0 record over the past three seasons and remain poised to continue their reign of dominance into the future; and

WHEREAS, the accomplishments of the Tabb Tigers are the result of the hard work and dedication of the student-athletes, the leadership and guidance of their coaches and teachers, and the unwavering support of their families and the entire Tabb High School community; now, therefore, be it

RESOLVED by the House of Delegates, That the Tabb High School field hockey team hereby be commended for winning the 2023 Virginia High School League Class 3 state championship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Wendy Wilson, coach of the Tabb High School field hockey team, as an expression of the House of Delegates' admiration for the team's extraordinary achievement.

HOUSE RESOLUTION NO. 109

Commending the Graham High School varsity competition cheer squad.

Agreed to by the House of Delegates, February 19, 2024

WHEREAS, the Graham High School varsity competition cheer squad of Bluefield won the Virginia High School League Class 2 state championship at Virginia Commonwealth University's Stuart C. Siegel Center in Richmond on November 4, 2023; and

WHEREAS, after posting a score of 248.25 in the preliminary round and advancing to the second phase of the competition, the Graham High School cheer squad tallied a score of 267.5 to defeat the runner-up Glenvar High School cheer squad of Roanoke County by 29.5 points; and

WHEREAS, the Graham High School cheer squad performed a set of highly synchronized and choreographed routines at the state competition, displaying remarkable finesse and acrobatic ability; and

WHEREAS, the Graham High School cheer squad's victory was a total team effort, with every member contributing to the group's dynamic and awe-inspiring performance; and

WHEREAS, the accomplishments of the Graham High School cheer squad are the result of the hard work and dedication of the student-cheerleaders, the leadership and guidance of their coaches and teachers, and the unwavering support of their families and the entire Graham High School community; now, therefore, be it

RESOLVED by the House of Delegates, That the Graham High School varsity competition cheer squad hereby be commended for winning the 2023 Virginia High School League Class 2 state championship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Graham High School varsity competition cheer squad as an expression of the House of Delegates' admiration for the squad's extraordinary achievement.

HOUSE RESOLUTION NO. 110

Commending Dr. Ben Fitzgerald III.

Agreed to by the House of Delegates, February 19, 2024

WHEREAS, Dr. Ben Fitzgerald III, lead pastor of Zion Community Church in Suffolk, has greatly served his community for many years; and

WHEREAS, as lead pastor of Zion Community Church, Ben Fitzgerald oversees a multisite church that has nine congregations and respective site pastors located throughout the Hampton Roads Region; and

WHEREAS, through his inspired sermons and other cooperative efforts with his congregation, Ben Fitzgerald advances Zion Community Church's mission to "Gather, Give, and Grow"; and

WHEREAS, Ben Fitzgerald regularly broadcasts his "A Slice of Heaven" devotional ministry on either Facebook or YouTube to offer his followers an encouraging and reflective moment to uplift them during their busy days; and

WHEREAS, as an extension of his commitment to community empowerment, Ben Fitzgerald has served on the board of commissioners of the Suffolk Redevelopment and Housing Authority (SRHA) since 2015; and

WHEREAS, together with his fellow SRHA commissioners and the organization's executive director, Ben Fitzgerald works to create and maintain affordable housing, viable neighborhoods, and opportunities for self-sufficiency that enhance the quality of life of all citizens of the Western Tidewater region; and

WHEREAS, Ben Fitzgerald is motivated in his pursuits by the loving counsel and support of his wife, Rhonda D. Fitzgerald, and their three children, Rachael, Ben IV, and Adam; and

WHEREAS, Ben Fitzgerald's tireless efforts to foster the personal and spiritual growth of others has made a profound impact on the Suffolk community, garnering the respect and esteem of all Virginians; now, therefore, be it

RESOLVED by the House of Delegates, That Dr. Ben Fitzgerald III hereby be commended for his legacy of service as lead pastor of Zion Community Church and as a commissioner of the Suffolk Redevelopment and Housing Authority; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Dr. Ben Fitzgerald III as an expression of the House of Delegates' admiration for his contributions to Suffolk and the Commonwealth.

HOUSE RESOLUTION NO. 111

Commending W. Canova Peterson IV.

Agreed to by the House of Delegates, February 19, 2024

WHEREAS, W. Canova Peterson IV, an honorable veteran, accomplished architect, and esteemed public servant, has greatly served the Hanover County community for several years as a member of the Hanover County Board of Supervisors; and

WHEREAS, after graduating from Oak Ridge High School in Oak Ridge, Tennessee, Canova Peterson earned a bachelor's degree in architecture from Virginia Polytechnic Institute and State University's School of Architecture in 1968; and

WHEREAS, that same year, Canova Peterson went on active duty as a second lieutenant in the United States Army, serving his country with honor and distinction until 1970, during which time he earned a Bronze Star for his heroism in the Vietnam War and a promotion to first lieutenant; and

WHEREAS, Canova Peterson ultimately settled in Mechanicsville in 1973 and worked for architecture firms in Richmond before founding his own firm, Canova Associates Architecture, in 1979; and

WHEREAS, as a licensed architect with a certification from the National Council of Architecture Registration Boards and membership with a number of professional associations, Canova Peterson has upheld the highest standards of the architecture profession throughout his career while working tirelessly to advance his field; and

WHEREAS, Canova Peterson has given generously of his time through leadership positions with and as a member of several local organizations, including Bon Secours Memorial Regional Medical Center, Covenant Woods continuing care retirement community in Mechanicsville, and the Hanover County Rotary Club, where he served as president; and

WHEREAS, in recognition of his service to the community, Canova Peterson was named Rotarian of the Year by the Hanover County Rotary Club for 2007-2008; and

WHEREAS, Canova Peterson proudly and ably served his constituents from 2012-2023 as a member of the Hanover County Board of Supervisors, during which time he served on multiple occasions as the board's chair and vice chair; and

WHEREAS, Canova Peterson's government service also included roles with the Richmond Regional Planning District Commission, the Richmond Regional Transportation Planning Organization, and the Virginia Association of Counties' board of directors for Region 3; and

WHEREAS, through his steadfast dedication and commitment to serving others, Canova Peterson has helped to make Hanover County a wonderful place to live, work, and raise a family; now, therefore, be it

RESOLVED by the House of Delegates, That W. Canova Peterson IV hereby be commended for his service on the Hanover County Board of Supervisors; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to W. Canova Peterson IV as an expression of the House of Delegates' admiration for his contributions to Hanover County and the Commonwealth.

HOUSE RESOLUTION NO. 112

Commending Jethro H. Piland III.

Agreed to by the House of Delegates, February 19, 2024

WHEREAS, in 2023, Jethro H. Piland III retired as the chief of the Hanover County Fire-EMS Department, completing an exceptional 33-year career in public safety; and

WHEREAS, Jethro Piland began serving and safeguarding the residents of Hanover County when he was a teenager, joining the East Hanover Volunteer Rescue Squad as a volunteer emergency medical technician in October 1990; and

WHEREAS, after graduating from Virginia Military Institute, Jethro Piland was employed by Hanover County EMS in July 1997; and

WHEREAS, three years later, Jethro Piland became the operations manager of Hanover EMS and served in that capacity until 2002, when the department merged with the Hanover Fire Department to form the Hanover County Fire-EMS Department; and

WHEREAS, Jethro Piland was promoted to the division chief of operations and managed the daily response to common emergencies, while commanding the Special Operation Response Team and serving as a leader in the Central Virginia Technical Rescue Team; and

WHEREAS, during his tenure, Jethro Piland served as the division chief of training and coordinated with Hanover County Public Schools to manage dual enrollment programs; he also served as an adjunct faculty member at the Reynolds Community College School of Nursing & Allied Health and School of Business and Engineering, where he mentored and inspired future emergency medical technicians and paramedics; and

WHEREAS, Jethro Piland next served as the division chief of administration, in which capacity he oversaw the maintenance of 17 existing facilities and was the project manager for the design and construction of Farrington Station 11 and Ashland Fire Station 1; in addition, he managed the procurement and maintenance of the department's fleet of more than 150 vehicles; and

WHEREAS, in February 2013, Jethro Piland was promoted to fire chief of the Hanover County Fire-EMS Department, where he supervised more than 500 professional and volunteer firefighters and was deeply committed to ensuring that local residents received the care and service they needed in a timely and effective manner; and

WHEREAS, Jethro Piland guided significant growth in the department and implemented 24-hour staffed engines, ambulances, and a ladder truck to ensure adequate coverage for all of Hanover County; under his leadership, administrative support functions in the fire marshal's office, as well as emergency management, public information, and information technology functions were enhanced to meet the expanding needs of the department; and

WHEREAS, Jethro Piland oversaw the construction of Black Creek Fire Station 12 and the Tactical Fire Training Tower and the planning for Laurel Meadow Fire Station 17; and

WHEREAS, highly respected in the firefighting profession, Jethro Piland provided his leadership and expertise to the Emergency Medical Services Advisory Board, the Central Virginia Fire Chiefs Association, and the board of directors of the Virginia Fire Chiefs Association; and

WHEREAS, among many awards and accolades, Jethro Piland received the Hanover County Fire-EMS Department's line of duty performance award, meritorious service award, special service award, and the coveted Medal of Valor for his actions during Tropical Storm Gaston; and

WHEREAS, under Jethro Piland's leadership, the department received the Governor's Transportation Safety Award, the Governor's Fire Service Award, the Virginia Fire Chiefs Association's Health and Safety Award, and the Belize National Fire Service Award for its work to train Belizean firefighters; and

WHEREAS, Jethro Piland was a vital source of institutional knowledge and a trusted mentor and friend to generations of public safety officers; he served Hanover County and the Commonwealth with the utmost dedication and distinction; and

WHEREAS, outside of his career in firefighting and emergency medicine, Jethro Piland serves young people in the region as the chair of the board of directors for Grace Christian School in Mechanicsville; now, therefore, be it

RESOLVED by the House of Delegates, That Jethro H. Piland III hereby be commended on the occasion of his retirement as chief of the Hanover County Fire-EMS Department; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Jethro H. Piland III as an expression of the House of Delegates' admiration for his legacy of achievements in service to the residents of Hanover County and best wishes on his well-earned retirement.

HOUSE RESOLUTION NO. 113

Commending Ramon Earl Chalkley III.

Agreed to by the House of Delegates, February 19, 2024

WHEREAS, Ramon Earl Chalkley III, an esteemed attorney, retired from his position as Commonwealth's Attorney of Hanover County in 2023 after serving in that role for more than 15 years; and

WHEREAS, after earning bachelor's degrees in history and political science in 1973 and a juris doctorate in 1976 from the University of Richmond, Ramon Earl "Trip" Chalkley III embarked upon his legal career by entering private practice; and

WHEREAS, Trip Chalkley then served as an assistant attorney for the Commonwealth in Richmond from 1978 to 1979 and in the County of Hanover from 1980 to 1983, aiding the prosecution of cases in these localities; and

WHEREAS, Trip Chalkley returned to private practice from 1984 to 2007, where he focused primarily on criminal defense, before he was elected to serve as Commonwealth's Attorney of Hanover County in 2007; and

WHEREAS, as the minister of justice in Hanover County, Trip Chalkley oversaw the prosecution of criminal cases and other aspects of the judicial process for the locality, including restitution for victims of crimes, while also advising law-enforcement agencies operating within the county; and

WHEREAS, Trip Chalkley has maintained membership with several professional organizations over the years to enhance his credentials as an attorney and prosecutor, including the Virginia State Bar, the Hanover County Bar Association, the Virginia Association of Commonwealth's Attorneys, and the National District Attorneys Association; and

WHEREAS, Trip Chalkley has embodied the ideals and virtues of the legal profession while serving as Commonwealth's Attorney of Hanover County, helping to make the locality a safer and more just place for all; now, therefore, be it

RESOLVED by the House of Delegates, That Ramon Earl Chalkley III hereby be commended for his service as Commonwealth's Attorney of Hanover County; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Ramon Earl Chalkley III as an expression of the House of Delegates' admiration for his contributions to the Commonwealth and best wishes in his future endeavors.

HOUSE RESOLUTION NO. 114

Celebrating the life of Patricia Paige.

Agreed to by the House of Delegates, February 19, 2024

WHEREAS, Patricia Paige, a dedicated community leader who made history as the first Black woman to serve on the New Kent County Board of Supervisors, died on November 28, 2023; and

WHEREAS, after graduating from New Kent High School, Patricia Paige served the nation as a member of the United States Army Reserve for more than two decades; and

WHEREAS, in 2015, Patricia Paige joined the New Kent Clean County Committee, then ran for and was elected to the New Kent County Board of Supervisors; she subsequently won reelection in 2019 and 2023; and

WHEREAS, Patricia Paige represented the residents of District 3 with integrity and dedication, earning the admiration of her colleagues and constituents alike for her commitment to fairness and unwavering positivity; and

WHEREAS, during her tenure on the New Kent County Board of Supervisors, Patricia Paige was a mentor to young people in the community and led efforts to include high school students on county committees; and

WHEREAS, Patricia Paige also oversaw initiatives to keep elderly residents better informed about scams and other dangers inherent in the use of technology, as well as provide safety measures for them; and

WHEREAS, among her proudest achievements, Patricia Paige led a nine-year campaign to enhance highway infrastructure on Interstate 64, which had been the site of several traffic jams and crashes; and

WHEREAS, in December 2022, a $25 million federal aid grant was awarded to widen Interstate 64 between mile markers 205 and 215, and in November 2023, the Commonwealth announced a $756 million project to widen a 29-mile stretch of the highway, most of which is located in New Kent County; Patricia Paige proudly attended a groundbreaking ceremony for the first phase of the project on November 13, 2023; and

WHEREAS, Patricia Paige has been vocal about her previous struggles with cancer and went above and beyond to help others as a volunteer with support groups and advocacy organizations; and

WHEREAS, Patricia Paige served as an ambassador for the American Cancer Society and always took an active role in the Relay for Life New Kent/West Point to provide encouragement to fellow cancer survivors and remember those who had passed with dignity and respect; and

WHEREAS, Patricia Paige will be fondly remembered and greatly missed by numerous family members, friends, and colleagues; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Patricia Paige, a highly admired member of the New Kent County Board of Supervisors; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Patricia Paige as an expression of the House of Delegates' respect for her memory.

HOUSE RESOLUTION NO. 115

Celebrating the life of Donald Wayne Rife.

Agreed to by the House of Delegates, February 26, 2024

WHEREAS, Donald Wayne Rife, respected surface coal miner, esteemed public servant and civic leader, and beloved member of the Dickenson County community, died on December 8, 2023; and

WHEREAS, after graduating from Clintwood High School and attending what is today Carson-Newman University, Donald "Donnie" Wayne Rife found success in a career as a surface coal miner, working tirelessly to support the energy needs of the Commonwealth and beyond; and

WHEREAS, Donnie Rife gave generously of his time in service to the community for more than 30 years as a member of his local Lions Club, which he served as both governor and president; and

WHEREAS, Donnie Rife proudly served the interests of his constituents as a member of the Dickenson County Board of Supervisors, demonstrating an unwavering commitment to the betterment of Dickenson County; and

WHEREAS, Donnie Rife supported the responsible growth and development of the Commonwealth through his involvement with several organizations over the years, including the board of the Virginia Coalfield Economic Development Authority and the Virginia Gas and Oil Board; and

WHEREAS, Donnie Rife's devotion to ensuring the well-being of others was evident in his work with various charitable organizations in Dickenson County, including St. Mary's Health Wagon and the Clintwood Rescue Squad, which he served as chairman of the board; and

WHEREAS, Donnie Rife will be fondly remembered and dearly missed by his loving wife of 43 years, Doris, and by numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Donald Wayne Rife, a treasured member of the Dickenson County community whose kindness and generosity touched countless lives; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Donald Wayne Rife as an expression of the House of Delegates' respect for his memory.

HOUSE RESOLUTION NO. 116

Celebrating the life of Linda B. Jones.

Agreed to by the House of Delegates, February 19, 2024

WHEREAS, Linda B. Jones, a beloved daughter, sister, wife, mother, grandmother, and member of the Williamsburg community, died on January 16, 2024; and

WHEREAS, born and raised in Whitakers, North Carolina, Linda Jones graduated from Swift Creek High School in 1963 before moving to New Jersey to start a career in retail; and

WHEREAS, Linda Jones' love for children led her to open a daycare service in her home in New Jersey and she went on to raise and care for an untold number of young people over more than three decades; and

WHEREAS, after closing her daycare, Linda Jones settled in Williamsburg and soon thereafter brought her cooking talents to her work as a nutrition assistant at D.J. Montague Elementary School and at Golden Corral; and

WHEREAS, Linda Jones cultivated her passion for cooking throughout her life, whether by hosting big family meals or experimenting with new recipes, bringing joy to all those who had the good fortune to be served by her; and

WHEREAS, deeply rooted in her faith, Linda Jones enjoyed worship and fellowship with her community at New Zion Baptist Church in Williamsburg, where she served in the usher ministry; and

WHEREAS, Linda Jones will be fondly remembered and dearly missed by her loving husband, Garland; her children, Sandra, Camila, and Andrea, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Linda B. Jones, a cherished member of the Williamsburg community whose grace, kindness, and generosity left a profound and lasting impact on countless lives; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Linda B. Jones as an expression of the House of Delegates' respect for her memory.

HOUSE RESOLUTION NO. 117

Commending the Honorable Shirley F. Cooper.

Agreed to by the House of Delegates, February 14, 2024

WHEREAS, the Honorable Shirley F. Cooper, an educator who formerly served in the Virginia House of Delegates and as chair of the York County Board of Supervisors, has volunteered extensively with Natasha House in Yorktown in recent years; and

WHEREAS, Shirley Cooper was elected to the Virginia House of Delegates in 1982 and served seven full terms, working tirelessly to support her district and represent her constituents; and

WHEREAS, Shirley Cooper helped to establish Natasha House, an organization dedicated to providing homeless women and children with transitional housing and other rehabilitative services to aid them on their paths to wellness and self-sufficiency; and

WHEREAS, Shirley Cooper has given generously of her time over the last 12 years to build Natasha House and extend its influence throughout the community, making a profound impact on countless women's and children's lives; and

WHEREAS, by attending to the needs of some of the most vulnerable members of society, Shirley Cooper has helped to make Yorktown a more wonderful place to live, work, and raise a family; now, therefore, be it

RESOLVED by the House of Delegates, That the Honorable Shirley F. Cooper hereby be commended for her service with Natasha House; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Honorable Shirley F. Cooper as an expression of the House of Delegates' admiration for her contributions to Yorktown and the Commonwealth.

HOUSE RESOLUTION NO. 118

Commending Donna D. Gammon, RN, BSN.

Agreed to by the House of Delegates, February 19, 2024

WHEREAS, after a distinguished 40-year career in nursing, Donna D. Gammon, RN, BSN, retired as the student health coordinator for Virginia Commonwealth University's MCV Campus; and

WHEREAS, Donna Gammon graduated from what is now Carilion Roanoke Memorial Hospital as a registered nurse in 1983, then joined what is now Virginia Commonwealth University (VCU) Health; and

WHEREAS, while working as a clinical nurse in neurosurgery, Donna Gammon earned a bachelor's degree in nursing from the Harold F. Young Center for Neurosurgery, during which time she also founded the Brain Tumor Support Group in 1990; and

WHEREAS, Donna Gammon subsequently worked in private practice in neurosurgery for a decade, and her Brain Tumor Support Group continues to serve brain tumor patients and their families, promote awareness of brain tumor issues, and advocate for brain tumor research; and

WHEREAS, in the latter half of her career, Donna Gammon worked as a student health nurse at The College of William & Mary and then returned to VCU, where she took charge of the student health center on the MCV Campus and treated a variety of illnesses and conditions for health sciences students; and

WHEREAS, Donna Gammon exemplified the compassion and dedication to duty of the nursing profession and earned the admiration of patients and colleagues alike for her kindness and expertise; and

WHEREAS, Donna Gammon touched countless lives over the course of her long and fulfilling career, serving the Richmond community with integrity and distinction; now, therefore, be it

RESOLVED by the House of Delegates, That Donna D. Gammon, RN, BSN, hereby be commended on the occasion of her retirement; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Donna D. Gammon, RN, BSN, as an expression of the House of Delegates' admiration for her personal and professional achievements.

HOUSE RESOLUTION NO. 119

Commending Blake Corum.

Agreed to by the House of Delegates, February 19, 2024

WHEREAS, Blake Corum, proud son of Marshall and star running back of the University of Michigan football team, led his team to a National Collegiate Athletic Association College Football Playoff National Championship title in 2023; and

WHEREAS, growing up in Marshall, Blake Corum spent countless days running barefoot around his grandfather's farm, where he developed a deep appreciation for hard work and kindled dreams of football greatness; and

WHEREAS, after excelling in the youth football leagues around Marshall, Blake Corum and his family drove four hours every day so he could attend the football powerhouse Saint Frances Academy in Baltimore, which would ultimately lead to a scholarship to the University of Michigan; and

WHEREAS, with the ability to run the 40-yard dash in 4.4 seconds, Blake Corum's stellar play was an integral part of the University of Michigan Wolverines' national championship victory and undefeated season in 2023; and

WHEREAS, Blake Corum ran for 27 rushing touchdowns in the 2023 season, which was the most among Football Bowl Subdivision players for the season and set a University of Michigan program record; and

WHEREAS, in the Michigan Wolverines' College Football Playoff semifinal win over the University of Alabama, Blake Corum ran for 83 yards and scored the winning touchdown on a 17-yard run in overtime; and

WHEREAS, in the 2024 national championship game against the University of Washington, Blake Corum ran for 134 yards and two touchdowns in the team's dominant 34-13 win, earning the game's Most Valuable Player honors; and

WHEREAS, College Sports Communicators in association with The Associated Press and the Fiesta Bowl Organization presented Blake Corum with the Comeback Player of the Year Award in 2023; he also received National Collegiate Athletic Association All-America honors in 2022 and 2023; and

WHEREAS, Blake Corum has excelled off the football field as well, graduating with a 4.0 grade point average while demonstrating the virtues of servant leadership through his unwavering commitment to give back to the community; and

WHEREAS, to the delight of football fans the world over, Blake Corum has declared his intention to enter the 2024 draft of the National Football League, taking the next step in his storied football career; and

WHEREAS, Blake Corum has displayed great character and integrity both on and off the field, earning the praise and admiration of all Virginians; now, therefore, be it

RESOLVED by the House of Delegates, That Blake Corum, a treasured member of the Marshall community, hereby be commended for winning the 2023 National Collegiate Athletic Association College Football Playoff National Championship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Blake Corum as an expression of the House of Delegates' admiration for his accomplishments and best wishes for his continued success in the National Football League.

HOUSE RESOLUTION NO. 120

Commending the Next Generation Choices Foundation.

Agreed to by the House of Delegates, February 19, 2024

WHEREAS, the Next Generation Choices Foundation, commonly known by the name of its Less Cancer campaign, celebrates its 20th anniversary in 2024; and

WHEREAS, founded in 2004 with a vision to lower the risk of cancer in certain health-affected communities such as schools, Next Generation Choices Foundation's Less Cancer campaign has broadened into a multi-pronged approach to shift the paradigm for addressing cancer from treatment to prevention, with a focus on education, advocacy, and public participation; and

WHEREAS, to better inform physicians, nurses, and other health professionals on cancer prevention topics, Less Cancer supports nursing scholarships, as well as continuing education programs in coordination with the University of Virginia School of Medicine and other organizations; and

WHEREAS, Less Cancer has implemented strategies and platforms for public health education that emphasize developing risk-reduction strategies, modifying community or corporate practices and products, forging synergies with business and industry, and creating more options for healthy choices; and

WHEREAS, Less Cancer spearheaded the establishment of National Cancer Prevention Day on February 4 each year, as well as Cancer Prevention Day in the Commonwealth and several other states, creating opportunities to spread awareness of ways to reduce the incidence of cancer with policymakers and the public; and

WHEREAS, Less Cancer connects with its audience through both innovative online programming, such as its LessCancer.com website and blogs, and engaging offline programming, such as fundraisers and panel discussions with health care systems, community organizations, health-affected constituencies, schools, and more; and

WHEREAS, in addressing health and environmental factors, the Less Cancer campaign promises to be particularly beneficial for at-risk and underrepresented communities such as children, low-income families, and workers; and

WHEREAS, the accomplishments of the Less Cancer campaign are the result of the visionary leadership of the founder of the Next Generation Choices Foundation, William U. Couzens, and the organization's board of directors, the tireless efforts of the organization's staff, and the effective collaboration between the organization and its partners; now, therefore, be it

RESOLVED by the House of Delegates, That the Next Generation Choices Foundation hereby be commended for the success of its Less Cancer campaign on the occasion of its 20th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to William U. Couzens, founder of the Next Generation Choices Foundation, as an expression of the House of Delegates' admiration for the organization's efforts to prevent cancer in the United States.

HOUSE RESOLUTION NO. 121

Commending the George Washington Hotel.

Agreed to by the House of Delegates, February 19, 2024

WHEREAS, the George Washington Hotel, a historic property in downtown Winchester currently managed by Wyndham Hotels, has served residents of and visitors to the Shenandoah Valley for 100 years; and

WHEREAS, established in 1924, the George Washington Hotel was built by the American Hotel Company as part of its colonial collection and was situated near a Baltimore and Ohio Railroad station to provide a convenient lodging for passengers; and

WHEREAS, the original George Washington Hotel featured 102 rooms, as well as a barber shop, cafeteria, candy shop, and men's furnishing shop on the ground floor; an annex in 1929 provided an additional 50 rooms, and the hotel was later remodeled to include a Howard Johnson's restaurant; and

WHEREAS, the George Washington Hotel hosted several notable guests, including actress and comedienne Lucille Ball and professional boxer Jack Dempsey; and

WHEREAS, when business slowed with the decline of railroad travel, the George Washington Hotel closed in 1978, but later served the local community as a retirement home, the George Washington Home for Adults, until 1993; and

WHEREAS, currently operating as The George Washington—A Wyndham Grand Hotel, the George Washington Hotel was purchased and renovated in 2004 and reopened in 2008; and

WHEREAS, notable for its Colonial Revival and Neoclassical Revival architecture, the George Washington Hotel is also one of the tallest buildings in Winchester; it was added to the Virginia Landmarks Register and the National Register of Historic Places in 2010; and

WHEREAS, the George Washington Hotel will commemorate its 100th anniversary year with a concert series between April and October 2024 featuring Orleans, John Ford Coley, and Firefall; now, therefore, be it

RESOLVED by the House of Delegates, That the George Washington Hotel hereby be commended on the occasion of its 100th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the George Washington Hotel as an expression of the House of Delegates' admiration for the hotel's storied history and contributions to the Winchester community.

HOUSE RESOLUTION NO. 122

Celebrating the life of Charles Scott Marple.

Agreed to by the House of Delegates, February 19, 2024

WHEREAS, Charles Scott Marple, a beloved resident of Winchester who made numerous contributions to the community and inspired others through his courage, died on December 30, 2023; and

WHEREAS, born in Winchester in 2014, Charles "Charlie" Scott Marple was a fourth-grade student at Indian Hollow Elementary School; and

WHEREAS, Charlie Marple played baseball with the Winchester Wolves travel team, and he enjoyed spending time doing a wide range of activities in the great outdoors and watching Western shows and movies; and

WHEREAS, after being diagnosed with a rare cancer, Charlie Marple demonstrated exceptional kindness, courage, and positivity and developed strong bonds with members of the community; and

WHEREAS, Charlie Marple dreamed of becoming a law-enforcement officer and was deputized as an honorary sergeant with the Frederick County Sheriff's Office; he made lasting memories with his fellow deputies and was appointed as a school resource officer for Indian Hollow Elementary School alongside Deputy Derek Kniceley; and

WHEREAS, in recognition of his baseball skills, Charlie Marple was signed by the Shenandoah University Hornets as a five-star recruit; and

WHEREAS, Charlie Marple was also named the honorary manager of the James Wood High School volleyball team and served as the flagger at the start and finish lines of Winchester Speedway; and

WHEREAS, Charlie Marple will be fondly remembered by his parents, Scott and Stacy; his siblings, Dante, Kenneth, Hayleigh, Katilyn, and Brandi; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Charles Scott Marple, a beloved member of the Winchester community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Charles Scott Marple as an expression of the House of Delegates' respect for his memory.

HOUSE RESOLUTION NO. 123

Commending the Town of Dumfries.

Agreed to by the House of Delegates, February 19, 2024

WHEREAS, the Town of Dumfries, the oldest continuously chartered town in the Commonwealth, celebrates its 275th anniversary in 2024; and

WHEREAS, Dumfries traces its roots as far back as 1690, when Richard Gibson erected a gristmill on Quantico Creek; and

WHEREAS, Dumfries was formally established at the head of the harbor of Quantico Creek on 60 acres of land provided by John Graham, who named the new community after his birthplace of Dumfriesshire, Scotland; and

WHEREAS, Dumfries was established by the General Assembly as the first of seven townships in Prince William County and received its charter on May 11, 1749; and

WHEREAS, in its early years, Dumfries was the second-largest port in Colonial America, receiving tobacco from the upland and rivaling New York, Philadelphia, and Boston; the town was a thriving port for more than 15 years and peaked in size in 1763; and

WHEREAS, located 27 miles south of Washington, D.C., Dumfries is proud of its rich traditions and heritage and maintains its charming local character while offering convenient access to the nation's capital; and

WHEREAS, Dumfries is home to numerous historical sites, including the Weems-Botts Museum and the historic Williams Ordinary hotel; and

WHEREAS, Dumfries has lead the way in municipal government by creating a community that promotes unity and inclusion among all citizens; in 1963, local residents elected John Wilmer Porter, the first Black American to serve in a Virginia local government since the Reconstruction Era, to the Dumfries Town Council; and

WHEREAS, the residents of Dumfries are currently represented by Mayor Derrick Wood; Vice Mayor Monaé Nickerson; Chair Pro Tem Selonia Miles; Councilman Tyrone Brown; Councilman Brian Fields; Councilman Shaun Peet; and Councilwoman Caetrina Peterson, who have adopted a strategic plan that prioritizes a well-managed

government, focused on public safety, economic development, infrastructure, civic engagement, affordability, and livability, that will ensure that Dumfries will continue to thrive; now, therefore, be it

RESOLVED by the House of Delegates, That the Town of Dumfries hereby be commended on the occasion of its 275th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Dumfries Town Council as an expression of the House of Delegates' admiration for rich history of the Town of Dumfries and for the community's legacy of contributions to the Commonwealth.

HOUSE RESOLUTION NO. 124

Celebrating the life of the Reverend Jamie Jerome Duncan.

Agreed to by the House of Delegates, February 19, 2024

WHEREAS, the Reverend Jamie Jerome Duncan, a highly admired spiritual leader who touched countless lives in the Richmond community, died on April 25, 2023; and

WHEREAS, affectionately known to family and friends as "Rome," Jamie Duncan was born in Charlottesville and grew up in Buckingham County, where he attended public schools; and

WHEREAS, Jamie Duncan began to cultivate his deep faith at a young age as a member of Zion Grove Baptist Church in New Canton, where he served as an ordained deacon and assisted the pastor in worship services, revivals, baptisms, counseling, and community outreach; he developed his leadership skills as the chair of the diaconate for three years; and

WHEREAS, after graduating from Buckingham County High School, Jamie Duncan began working for what is now Dominion Energy, where he was admired for his professionalism and rose through the ranks from storeroom supervisor to supply project specialist, senior inventory analyst, and senior materials specialist; and

WHEREAS, Jamie Duncan subsequently continued his education at Liberty University's Rawlings School of Divinity and entered the ministry in 1997; he joined the staff of Saint Paul's Baptist Church, where he was licensed to preach in 2000 and ordained as a minister in 2004; and

WHEREAS, Jamie Duncan served as the campus pastor for the Petersburg and Creighton locations of Saint Paul's Baptist Church, inspiring and empowering members of those congregations through his engaging sermons; and

WHEREAS, Jamie Duncan held other leadership roles as the associate pastor and team leader for congregational care, as well as the assistant director of a counseling center; he also worked directly with congregants between the ages of 50 and 59 as a life stage pastor; and

WHEREAS, Jamie Duncan participated in several mission trips with Saint Paul's Baptist Church, including one to Africa, where he preached before the president of Liberia; and

WHEREAS, outside of his career in ministry, Jamie Duncan was an avid fan of the Washington Commanders, a martial artist who held a brown belt in karate, a talented painter, and an amateur meteorologist; and

WHEREAS, Jamie Duncan was a true family man whose greatest joy in life was spending time with his loved ones, and he relished every opportunity to impart his wisdom and commitment to servant-leadership to his children and grandchildren; and

WHEREAS, Jamie Duncan will be fondly remembered and greatly missed by his devoted wife of 34 years, Brenda; his daughters, LaKeisha and Destiny, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of the Reverend Jamie Jerome Duncan; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of the Reverend Jamie Jerome Duncan as an expression of the House of Delegates' respect for his memory.

HOUSE RESOLUTION NO. 125

Commemorating the 40th anniversary of the Honorable Yvonne Bond Miller's service in the Virginia General Assembly.

Agreed to by the House of Delegates, February 19, 2024

WHEREAS, forty years ago, the Honorable Yvonne Bond Miller was sworn in as a member of the Virginia House of Delegates, becoming the first Black female legislator to serve in the Virginia General Assembly; and

WHEREAS, Yvonne Miller was born on July 4, 1934, in Edenton, North Carolina, the eldest child of 13 born to John and Pency Bond; and

WHEREAS, Yvonne Miller was raised in Norfolk after her family moved to the city and attended local segregated public schools; and

WHEREAS, Yvonne Miller continued her education at the historically Black college Norfolk Division of Virginia State College (now known as Norfolk State University) for two years, then attended the historically Black college Virginia State College (now known as Virginia State University), graduating with her bachelor's degree in 1956; and

WHEREAS, Yvonne Miller began her career as a teacher in the segregated Norfolk Public Schools; witnessing the effects of Massive Resistance sparked her interest in the Civil Rights Movement and equal treatment; and

WHEREAS, Yvonne Miller earned a master's degree at Teachers College, Columbia University in 1962 and a doctorate in education from the University of Pittsburgh in 1973; she subsequently joined the education faculty at Norfolk State, becoming a professor and head of the Department of Early Childhood/Elementary Education; and

WHEREAS, desirous to be of further service to the community and the Commonwealth, Yvonne Miller ran for and was elected to the Virginia House of Delegates in 1983 and became the first Black woman to serve in the Virginia House of Delegates when she began her first term in 1984; and

WHEREAS, in 1988, Yvonne Miller began serving in the Senate of Virginia, also becoming the first Black woman to serve in the Senate; and

WHEREAS, during her tenure, Yvonne Miller was a steadfast champion for civil rights and education, fighting against the radiating effects of poverty; she stood up for voting rights, opposing the Voter ID law in 2012, which she compared to Jim Crow-era efforts to suppress minority votes; and

WHEREAS, in 1996, Yvonne Miller became the first woman to chair a Senate committee when she became chair of the Transportation Committee; and

WHEREAS, at the time her service in the General Assembly ended in 2012, Yvonne Miller was the longest-serving woman in the General Assembly, having served 28 years, and was ranked fourth in overall seniority; and

WHEREAS, Yvonne Miller died while in office on July 3, 2012; and

WHEREAS, Yvonne Miller set an example for those who came after her; 40 years later, her legacy of fighting for equity and fairness, calling out injustice, and working tirelessly toward solutions to issues faced by Virginia's communities continues to be remembered and upheld both within the legislature and among those she inspired across the Commonwealth; now, therefore, be it

RESOLVED by the House of Delegates, That the 40th anniversary of the Honorable Yvonne Bond Miller's service in the Virginia General Assembly hereby be commemorated; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare copies of this resolution for presentation to the family of the Honorable Yvonne Bond Miller and the Virginia Legislative Black Caucus as an expression of the House of Delegates' admiration for her legacy.

HOUSE RESOLUTION NO. 126

Commending Brian Thomas.

Agreed to by the House of Delegates, March 1, 2024

WHEREAS, Brian Thomas, a dedicated law-enforcement officer in the Shenandoah Valley, heroically saved the life of a man who had fallen into Lake St. Clair in 2024; and

WHEREAS, Brian Thomas has more than a decade of experience in law enforcement and previously served as a sergeant with the Middletown Police Department; and

WHEREAS, on January 17, 2024, Brian Thomas arrived at the scene of a man who had fallen through ice into Lake St. Clair while attempting to walk to his nearby home and was submerged up to his head; and

WHEREAS, with temperatures at around 20 degrees, Brian Thomas recognized that the man was in extreme danger and quickly located a kayak and a rope with assistance from Doc Jackson, the assistant chief of the Gainesboro Fire and Rescue Department; and

WHEREAS, Brian Thomas maneuvered the kayak across the frozen lake and retrieved the man, who was later taken to the hospital and ultimately recovered; and

WHEREAS, Brian Thomas is an exemplar of the professionalism and courage demonstrated by public safety officers throughout the Commonwealth, and his quick thinking and selfless actions undoubtedly saved the man's life; now, therefore, be it

RESOLVED by the House of Delegates, That Brian Thomas hereby be commended for his lifesaving actions in January 2024; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Brian Thomas as an expression of the House of Delegates' admiration for his devotion to duty and exceptional service to the community.

HOUSE RESOLUTION NO. 127

Commending Mark DeWayne Moseley.

Agreed to by the House of Delegates, February 19, 2024

WHEREAS, Mark DeWayne Moseley, a former professional football player who has dedicated himself to community service and civic leadership in the Shenandoah Valley, received the prestigious Silver Medal for Citizenship from the Colonel James Wood, II Chapter of the Virginia Society of the Sons of the American Revolution in 2023; and

WHEREAS, Mark Moseley began playing in the National Football League (NFL) in 1970 and enjoyed a long and successful tenure with the Washington Commanders, then known as the Washington Redskins, from 1974 to 1986; and

WHEREAS, in 1982, Mark Moseley became the first ever placekicker to win the Associated Press NFL Most Valuable Player award and helped lead the team to victory in Super Bowl XVII; the following season, he led the league in scoring with an incredible 161 points; and

WHEREAS, after retiring from professional football, Mark Moseley owned several restaurants in Virginia, then worked as the director of franchising for Five Guys; throughout his life, he has been guided by a desire to help others and has supported numerous charitable causes and service organizations; and

WHEREAS, Mark Moseley has volunteered his time and leadership to Mothers Against Drunk Driving, Students Against Destructive Decisions, the Boy Scouts of America, the United Way, and the American Heart Association, among others; and

WHEREAS, along with his former coach, Joe Gibbs, Mark Moseley supports Youth for Tomorrow, which provides behavioral health services to children and adults; he is also an active fundraiser for Ronald McDonald House; and

WHEREAS, Mark Moseley has been a champion for youth athletics and announces a high school football game of the week every Friday in Middletown; and

WHEREAS, Mark Moseley frequently participates in parades and community events in Middletown and throughout the region, and he made significant contributions to the Winchester Model Railroad Club's train station rebuild project; and

WHEREAS, Mark Moseley has significantly enhanced the quality of life in Middletown and the Shenandoah Valley through his kindness, generosity, and dedication to servant-leadership; now, therefore, be it

RESOLVED by the House of Delegates, That Mark DeWayne Moseley hereby be commended for receiving the Silver Medal for Citizenship from the Colonel James Wood, II Chapter of the Virginia Society of the Sons of the American Revolution; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Mark Moseley as an expression of the House of Delegates' admiration for his contributions to the residents of the Shenandoah Valley and the Commonwealth.

HOUSE RESOLUTION NO. 128

Commending Access Independence.

Agreed to by the House of Delegates, March 1, 2024

WHEREAS, for nearly four decades, Access Independence has provided critical services and support to enhance the quality of life for people with disabilities and their families in the Shenandoah Valley; and

WHEREAS, established in 1985, Access Independence serves hundreds of clients in Winchester and the counties of Clarke, Frederick, Page, Shenandoah, and Warren by providing the assistance they need to complete daily tasks and thrive in community life; and

WHEREAS, Access Independence is a consumer-driven organization that understands the unique needs of its clients; more than 60 percent of the staff and board of directors have documented disabilities and two-thirds of the management structure consists of people with disabilities; and

WHEREAS, Access Independence cultivates peer mentoring, provides independent living skills, information and referrals, and works to prevent institutionalization; the organization advocates for people with disabilities at all levels, develops community awareness and education programs, and facilitates compliance with the Americans with Disabilities Act and assistive technology requirements; and

WHEREAS, in the course of one fiscal year, Access Independence also provided tens of thousands of dollars in direct assistance at no charge to clients, including more than 50 wheelchairs, 32 rollator walkers, numerous pieces of medical equipment, and the construction of 21 ramps; and

WHEREAS, Access Independence holds an annual fundraiser to enhance community awareness and support the purchase of assistive items and home modifications; and

WHEREAS, Access Independence has received numerous awards and accolades for its commitment to excellence; now, therefore, be it

RESOLVED by the House of Delegates, That Access Independence hereby be commended for nearly 40 years of outstanding service to people with disabilities and their families; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Access Independence as an expression of the House of Delegates' admiration for the organization's vital contributions toward helping people with disabilities lead full and engaged lives.

HOUSE RESOLUTION NO. 129

Commending the Cedar Creek Battlefield Foundation.

Agreed to by the House of Delegates, February 19, 2024

WHEREAS, for 40 years, the Cedar Creek Battlefield Foundation has acquired, preserved, and protected lands, artifacts, and writings related to the Battle of Cedar Creek in the American Civil War; and

WHEREAS, the Battle of Cedar Creek took place on October 19, 1864, near Middletown in Frederick County and represented a significant turning point in the Civil War, with the Union victory rendering the Confederate Army largely ineffective in the Shenandoah Valley for the remainder of the war; and

WHEREAS, given its historical and cultural significance, the Cedar Creek Battlefield Foundation seeks to protect the site of the battle, which includes an 18th-century homestead, the Heater House, from modern development; and

WHEREAS, the Cedar Creek Battlefield Foundation manages a history museum, walking and hiking trails, and approximately 350 acres of battlefield, where visitors can learn about the Civil War and the history of the Shenandoah Valley or simply enjoy the area's beautiful natural landscape; and

WHEREAS, while Cedar Creek Battlefield is a frequent host of field trips and Scouting excursions, the Cedar Creek Battlefield Foundation's living history programs, presentations, exhibits, and lectures are engaging and educational for people of all ages; and

WHEREAS, the Cedar Creek Battlefield Foundation has fulfilled its mission to preserve the region's historical resources through the hard work and leadership of its board of directors and staff members, as well as the dedication of countless volunteers; and

WHEREAS, as a private nonprofit organization, the Cedar Creek Battlefield Foundation accepts no state or federal funds and is supported entirely by memberships, grants, corporate sponsorships, event proceeds, gift shop sales, local partnerships, and generous donations; and

WHEREAS, in 2024, the Cedar Creek Battlefield Foundation will host its 160th annual reenactment of the Battle of Cedar Creek, the largest military reenactment on the east coast, which generates thousands of dollars in tourism revenue for the region; now, therefore, be it

RESOLVED by the House of Delegates, That the Cedar Creek Battlefield Foundation hereby be commended on the occasion of its 40th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Cedar Creek Battlefield Foundation as an expression of the House of Delegates' admiration for the foundation's important mission to preserve the history and heritage of the Commonwealth.

HOUSE RESOLUTION NO. 130

Celebrating the life of Laura Kirk Fletcher.

Agreed to by the House of Delegates, February 19, 2024

WHEREAS, Laura Kirk Fletcher, a vibrant member of the Smithfield community and a caring wife, mother, and grandmother, died on January 1, 2024; and

WHEREAS, born in Pennsylvania, Laura Fletcher spent much of her early life in Newport News and graduated from Warwick High School; and

WHEREAS, Laura Fletcher continued her education in Alabama, where she earned a bachelor's degree from Auburn University, then ultimately returned to the Commonwealth and settled in Smithfield; and

WHEREAS, Laura Fletcher was guided by her unwavering commitment to her faith, her family, and her community in all her actions and good deeds; and

WHEREAS, Laura Fletcher was deeply committed to civic engagement, and was an integral part of establishing "Breakfast Clubs" across Eastern Virginia to encourage such political engagement; and

WHEREAS, Laura Fletcher was well-known for her incomparable hospitality, and she inspired others through her kindness, generosity, and grace; and

WHEREAS, Laura Fletcher will be fondly remembered and greatly missed by her husband of 31 years, Mark; her children, Elizabeth, David, and Alan, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Laura Kirk Fletcher, a beloved wife, mother, grandmother, and friend in Smithfield; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Laura Kirk Fletcher as an expression of the House of Delegates' respect for her memory.

HOUSE RESOLUTION NO. 131

Commending Nora Mehadi.

Agreed to by the House of Delegates, February 19, 2024

WHEREAS, Nora Mehadi, a student at Patriot High School in Prince William County and a talented author, published a young adult fiction novel, *Rewrite*, in 2023; and

WHEREAS, Nora Mehadi developed a passion for writing stories at a young age and began work on what became her first novel, *Rewrite*, during the summer before she started eighth grade; and

WHEREAS, after matriculating at Patriot High School, Nora Mehadi was inspired by her journalism teacher, Aleda Weathers, and her literature teacher, Andrea Yarbough, to continue improving her writing skills, and she began to revisit *Rewrite* during her high school years; and

WHEREAS, *Rewrite* follows a group of six high school students who become suspects in a murder investigation during their sophomore year of high school and unravel a mystery that spans across three different timelines; the coming of age story reflects Nora Mehadi's own introspection in her childhood, and the writing process helped her learn more about herself as she grew along with the narrative; and

WHEREAS, currently a senior at Patriot High School, Nora Mehadi has long been involved with the student newspaper and was selected as editor-in-chief; she also established a tutoring club to help mentor and inspire local elementary students and is a member of the Girl Scouts of the USA; now, therefore, be it

RESOLVED by the House of Delegates, That Nora Mehadi hereby be commended on the publication of her first book, *Rewrite*, in 2023; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Nora Mehadi as an expression of the House of Delegates' admiration for her achievements and best wishes for the future.

HOUSE RESOLUTION NO. 132

Commending Up Next 2 Vote.

Agreed to by the House of Delegates, February 19, 2024

WHEREAS, Up Next 2 Vote, a newly formed student journalism organization in Prince William County, strives to help young people stay informed on current events and remain engaged with government affairs at all levels; and

WHEREAS, established on July 6, 2023, Up Next 2 Vote (Up Next) is a student-led blog that focuses on young people who are nearing voting age and wish to become better informed and prepared to create social and political change; and

WHEREAS, Up Next, which was the first organization of its kind in Prince William County, was founded by Patriot High School seniors Frankey Ramirez and Abigail Boursiquot, who recognized a need for trusted media sources tailored to high school students; and

WHEREAS, with the help of its talented writing staff, Stephanie Ferguson of Gainesville High School and Lauryn Carr of Patriot High School, Up Next provides accessible, up-to-date news that is both relevant and relatable to members of their age group; and

WHEREAS, offering unique perspectives on news stories of state and national importance, Up Next has written more than 25 articles and recently posted its first podcast episode; now, therefore, be it

RESOLVED by the House of Delegates, That Up Next 2 Vote hereby be commended for helping students in Prince William County stay informed on important issues; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Up Next 2 Vote as an expression of the House of Delegates' admiration for the blog's commitment to high-quality journalism.

HOUSE RESOLUTION NO. 133

Commending Anna Sudha Community Kitchens.

Agreed to by the House of Delegates, February 19, 2024

WHEREAS, Anna Sudha Community Kitchens, a nonprofit organization dedicated to providing healthy, nutritious, and economical food to all, has greatly served the Northern Virginia community since 2021; and

WHEREAS, Anna Sudha Community Kitchens was founded by Nupur Panjabi, with support from other members of the Indian American community in Northern Virginia, during the COVID-19 pandemic; and

WHEREAS, Anna Sudha Community Kitchens served more than 2,000 free meals in its first year and opened a new space in the Dulles Town Center in Loudoun County in January 2023 to broaden and enhance its impact in the community; and

WHEREAS, with the support of more than 300 volunteers, Anna Sudha Community Kitchens has prepared and delivered more than 40,000 meals to individuals and families in need; and

WHEREAS, in addition to serving as a reliable food supplier to local homeless shelters and senior citizens, Anna Sudha Community Kitchens furthers its mission by stocking a free food pantry, where members of the community may acquire essential groceries and nonperishable items such as rice, beans, flour, pasta, and more; and

WHEREAS, Anna Sudha Community Kitchens supports its endeavors through donations, by offering daily vegetarian Indian meals at its store and pickup locations throughout Northern Virginia, and by catering at local events, raising more than $85,000 for its community-giving initiatives since the organization's founding; and

WHEREAS, in addition to supporting local organizations such as Mobile Hope, the Loudoun Literacy Council, the Embry Rucker Community Shelter in Reston, and the Carpenter's Shelter in Alexandria, Anna Sudha Community Kitchens also supports charitable organizations in India, including Sphoorti Foundation, the Lotus Petal Foundation, and the Chinmaya Organization for Rural Development; and

WHEREAS, the accomplishments of Anna Sudha Community Kitchens in combating hunger throughout Northern Virginia are the result of the vision and dedication of its board members, the unwavering support of its community partners, and the tireless and selfless efforts of its many volunteers; now, therefore, be it

RESOLVED by the House of Delegates, That Anna Sudha Community Kitchens hereby be commended for its commitment to ending food insecurity in the Commonwealth; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Anna Sudha Community Kitchens as an expression of the House of Delegates' admiration for the organization's mission and best wishes for its continued success.

HOUSE RESOLUTION NO. 134

Celebrating the life of August Moon.

Agreed to by the House of Delegates, February 19, 2024

WHEREAS, August Moon, a music producer, entertainer, entrepreneur, and volunteer activist, touched countless lives in the Richmond community and beyond through his commitment to excellence in all his endeavors; and

WHEREAS, born Alexander Randolph in the Blackwell neighborhood of Southside Richmond, August Moon grew up during the Great Depression and gained an appreciation for the importance of building a strong sense of community and supporting people in need; and

WHEREAS, after serving the nation as a member of the United States Navy, August Moon returned to the Southside of Richmond and became known as the "Mayor of Hull Street" for his devotion to servant-leadership and his outsized impact on local life; and

WHEREAS, August Moon was a champion for social justice who volunteered his leadership and wisdom to organizations like the Richmond Crusade for Voters, Rainbow Coalition, United Struggle Movement, and Stop the Violence Campaign; and

WHEREAS, over the course of his career, August Moon performed under many other stage names, including Little Red, Dickie Diamond, Chief Comrade, and Mouth of the South; he released several albums as Mr. Wiggles and opened the Mr. Wiggles Restaurant, along with other business ventures; and

WHEREAS, August Moon operated several recording studios and record labels, including Sound of Soul, Urban Beat, and Golden Triangle; and

WHEREAS, as a manager of the Richmond-based soul music group, The Whole Darn Family, August Moon co-produced the hit song "Seven Minutes of Funk," which has been sampled by more than 30 rap and hip hop artists, including Jay-Z, Grandmaster Flash, Coolio, Faith Evans, and the Wu-Tang Clan; and

WHEREAS, August Moon was well-known in Richmond as the host of the "Tell It Like It Is" talk show that ran for more than eight years on public access television and through which he conducted engaging interviews with activists, city officials, and local and national political figures; and

WHEREAS, August Moon will be fondly remembered and greatly missed by his beloved wife of 44 years, Michon; his children, Cheryle, Lorenzo, Alfonso, Sidell, Rochelle, Tiffany, Enjoli, and Sesha, and their families; bonus children, Tiwanda and Ryan; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of August Moon, a pillar of the Richmond community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of August Moon as an expression of the House of Delegates' respect for his memory.

HOUSE RESOLUTION NO. 135

Commending the 2024 inductees into the Virginia Sports Hall of Fame.

Agreed to by the House of Delegates, February 19, 2024

WHEREAS, in 1996, the Virginia Sports Hall of Fame was designated the official Sports Hall of Fame of the Commonwealth; and

WHEREAS, the Virginia Sports Hall of Fame, located in Virginia Beach, has honored hundreds of Virginia's exceptional athletes, coaches, and media personalities since its inception in 1972; and

WHEREAS, the Virginia Sports Hall of Fame celebrates athletic excellence in the Commonwealth, highlights philanthropy through sports, and inspires sports fans through engaging and entertaining programs; and

WHEREAS, the Virginia Sports Hall of Fame will celebrate its 51st Induction Weekend by honoring the Class of 2024 and the Distinguished Virginian Award recipient on April 19–20, 2024, in Henrico County; and

WHEREAS, the Virginia Sports Hall of Fame is honored to present the Class of 2024 inductees as follows:

The Class of 2024

Jill Ellis

Jill Ellis scored 32 goals as forward for the women's soccer team at The College of William & Mary in Virginia in the 1980s, then embarked on a stellar coaching career that led her to the top of her profession. In 14 seasons as an NCAA Division-I head coach with the University of Illinois and the University of California Los Angeles, she compiled a record of 248-63-14, and her teams made eight appearances in the Women's College Cup. Following her collegiate career, she spent the next 20 years with the U.S. Women's National Team (USWNT), including seven years as head coach. She led the USWNT to back-to-back Women's World Cup Championships in 2015 and 2019 and finished her tenure as head coach with a record of 106-7-19. She has previously been inducted into the U.S. Soccer Hall of Fame.

Craig Littlepage

Over the course of 45 years at the University of Virginia (UVA), Craig Littlepage was an assistant coach on the men's basketball team from 1976 to 1982 and 1988 to 1990, worked in athletics administration from 1990 to 2017, then served as the director of athletics for 16 years, during which time the Virginia Cavaliers were one of the most successful programs in the nation, winning 76 Atlantic Coast Conference (ACC) championships, and 13 national championships. The 76 conference championships were the most by an ACC member school during that time. He also chaired the National Collegiate Athletic Association (NCAA) Men's Basketball Tournament Selection Committee, was a member of the USA Basketball Board of Directors, and was inducted into the National Association of Collegiate Directors of Athletics Hall of Fame.

Chris Long

Chris Long was a two-time ACC selection, 2007 ACC Defensive Player of the Year, Dudley Award winner, and First Team All-American for the University of Virginia football team. He was selected by the St. Louis Rams as the number two overall pick in the 2008 National Football League (NFL) Draft and went on to play 11 seasons in the NFL with St. Louis, the New England Patriots, and the Philadelphia Eagles. He registered 332 tackles, 70 sacks, and 15 forced fumbles during his career, while also being a part of two Super Bowl-winning teams: New England in 2017 and Philadelphia in 2018. His impact has extended well beyond the gridiron through his Chris Long Foundation, and for his charitable efforts he received the NFL Players Associations Alan Page Community Award and the Walter Payton NFL Man of the Year Award.

LeShawn Merritt

LeShawn Merritt attended Manor High School in Portsmouth, formerly Woodrow Wilson High School, and became one of the Commonwealth's most decorated track and field athletes. After sweeping the 100, 200, and 400 meter sprints at the 2004 Virginia High School League state championships, he took his success global and appeared in the 2008, 2012, and 2016 Summer Olympic Games, bringing home a total of three gold medals and one bronze medal. His success on the international stage went beyond the Olympics, and as an eight-time world champion, he won an additional 23 medals in international competitions, 19 of which were gold.

Hal Nunnally

Hal Nunnally, who died in 2004, was a native of Petersburg who led the Randolph-Macon College men's basketball team to a 431-232 record over 24 seasons. During that period, he recorded 20 winning seasons, 10 20-win seasons, 10 NCAA tournament appearances, and an appearance in the 1977 NCAA Division II National Championship game. He earned 11 coach of the year awards, including six from the National Association of Basketball Coaches in the South Atlantic District in 1977, 1981, 1983, 1984, 1989, and 1990. He was inducted into the Randolph-Macon Athletics Hall of Fame.

Dave Smith

Dave Smith, a graduate of Virginia Polytechnic Institute and State University, began his career in athletics as the first sports information director in Ferrum College's history. In 1975, he returned to his alma mater where he would stay for the next 40 years. Beginning as an assistant sports information director for the men's basketball and baseball programs, he worked his way up to associate athletics director, then became the primary football communications contact in 1998. Following his retirement in 2015, the College Sports Information Directors of America named him the recipient of its

Lifetime Achievement Award and the Virginia Sports Information Directors presented him with its Distinguished Service Award.

Paul Woody

Paul Woody, a Virginia Commonwealth University alumnus, spent 40 years as a sportswriter and columnist for the *Richmond News Leader* and *Richmond Times-Dispatch*. Beginning in 1980, he served as the Richmond paper's primary beat reporter for coverage of what is now the Washington Commanders. For his coverage of the NFL and other events, he received 15 Pro Football Writers of America awards, 10 Virginia Press Association Awards, three Associated Press Sports Editors Awards, and two U.S. Basketball Writers Association Awards.

Monica Wright Rogers

Monica Wright Rogers graduated from Forest Park High School in Woodbridge, where she won two VHSL state championships and was named the 2006 Gatorade Virginia Player of the Year for women's basketball and was a McDonald's High School and WBCA All-American. After committing to play for the University of Virginia, she rewrote the Virginia Cavaliers' record books, setting program career records for total points (2,540), scoring average (19.1 ppg), field goals made (962), field goal attempts (2,207), and 25-point games (28). A three-time All-American, she was named the 2010 ACC Player of the Year, ACC Defensive Player of the Year and WBCA National Defensive Player of the Year. Following college she played seven seasons in the Women's National Basketball Association (WNBA), was named to the 2010 WNBA All-Rookie Team, and won two WNBA championships; and

WHEREAS, the Virginia Sports Hall of Fame is also honored to present the 2024 Distinguished Virginian Award recipient:

Rick Jeffrey

Rick Jeffrey grew up in Richmond and graduated from Hampden-Sydney College. His impact on sports was felt across the Commonwealth during his 36 years with Special Olympics Virginia, including 22 years as president. Rick Jeffrey was the longest serving president in the organization's history and continually grew its selection of sports offerings and competition experiences, while helping the organization reach never-before-seen financial milestones and community impact measurements; now, therefore, be it

RESOLVED by the House of Delegates, That Jill Ellis, Rick Jeffrey, Craig Littlepage, Chris Long, LeShawn Merritt, Hal Nunnally, Dave Smith, Paul Woody, and Monica Wright Rogers hereby be commended for their outstanding achievements in athletics and philanthropy; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare copies of this resolution for presentation to the Virginia Sports Hall of Fame and its 2024 inductees as an expression of the House of Delegates' congratulations and admiration for their many contributions to the world of sports.

HOUSE RESOLUTION NO. 136

Commending the Old Dominion Barn Dance.

Agreed to by the House of Delegates, February 19, 2024

WHEREAS, the Old Dominion Barn Dance, the oldest country music event in Virginia, has promoted traditional country music and preserved the rich musical heritage of the Commonwealth for more than 70 years; and

WHEREAS, the Old Dominion Barn Dance was originally established in 1946 and featured a regular cast of local performers alongside nationally acclaimed acts, like Andy Griffith, Chet Atkins, Earl Scruggs, Reno and Smiley, Jean Shepard, Hawkshaw Hawkins, Mac Wiseman, Grandpa and Ramona Jones, Jimmy Dean, Joe and Rose Lee Maphis, and the Carter Family; and

WHEREAS, in its first iteration, the Old Dominion Barn Dance was held at the Lyric Theatre in Richmond and was hosted by one of the nation's first female radio emcees, Mary Arlene Higdon, also known as "Sunshine Sue"; and

WHEREAS, Sunshine Sue and her guitar-playing husband, John Workman, provided wholesome, high-quality musical entertainment to audiences in Richmond every Sunday, and the live radio broadcast reached listeners in 38 states and parts of Canada; and

WHEREAS, the Old Dominion Barn Dance put Richmond on the map as a destination for country music, and at the height of its popularity, the show rivaled the Grand Ole Opry in Nashville; and

WHEREAS, after Sunshine Sue's retirement, the show was renamed as the New Dominion Barn Dance and moved to the Bellevue Theater, where host Carlton Haney welcomed multiple famous country music stars, including Johnny Cash, June Carter, and Willie Nelson, until 1964; and

WHEREAS, the Old Dominion Barn Dance was briefly revived for a few months in 1973, when it brought big-name stars like Conway Twitty and Tanya Tucker to Richmond, and again in 1991, at the Carpenter Theatre; and

WHEREAS, in 2015, the Old Dominion Barn Dance resumed continuous operation under the leadership of Donna Dean Stevens, a member of Virginia's Country Music Hall of Fame and former cast member of the show's 1973 production; and

WHEREAS, now located at the Beacon Theatre in Hopewell, the Old Dominion Barn Dance has invigorated local cultural life and promoted tourism while preserving the region's heritage in the country music industry; and

WHEREAS, the Old Dominion Barn Dance kicks off its 2024 season on March 9, 2024, with a performance by Ricky Skaggs; now, therefore, be it

RESOLVED by the House of Delegates, That the Old Dominion Barn Dance hereby be commended for showcasing the finest acts in country music and fostering a strong sense of community in Central Virginia; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Old Dominion Barn Dance as an expression of the House of Delegates' admiration for the event's rich history and legacy of service to country music artists and fans alike.

HOUSE RESOLUTION NO. 137

Commending Donna Dean Stevens.

Agreed to by the House of Delegates, February 19, 2024

WHEREAS, Donna Dean Stevens, a singer, songwriter, musician, and producer in Richmond, has preserved the history and heritage of country music in the Commonwealth while supporting new generations of country music artists as hostess of the Old Dominion Barn Dance; and

WHEREAS, Donna Dean Stevens began her career in the music industry at the age of 14 as a cast member of the 1973 revival of the Old Dominion Barn Dance, a country music variety show that ran in Richmond from 1946 to 1957 and featured the first female emcee of a radio show in the country, Mary Arlene Higdon, also known as "Sunshine Sue"; and

WHEREAS, Donna Dean Stevens won two Virginia Female Vocalist of the Year awards from the Virginia Folk Music Association in 1977 and 1978, and she was later inducted into the Virginia Country Music Hall of Fame; and

WHEREAS, in 1981, Donna Dean Stevens moved to Nashville and made appearances on local and national television, as well as playing headliners at the World Famous Stock-Yard Restaurant & Bull Pen Lounge; she received a recording contract from Mercury-Polygram Records and signed as a songwriter with SonyTree Studios; and

WHEREAS, Donna Dean Stevens returned to the Richmond area after marrying country music legend and businessman Jimmy Dean, who passed away in 2010; she remained in the area and subsequently remarried to her childhood sweetheart, Jayson Stevens, in 2012; and

WHEREAS, the following year, Donna Dean Stevens made her triumphant return to the music scene when she performed at the Virginia State Fair to a packed audience; and

WHEREAS, in 2015, Donna Dean Stevens followed in the footsteps of Sunshine Sue and reestablished the Old Dominion Barn Dance; she wrote the new theme song for the show and serves as the producer and hostess, while her husband, Jayson, serves as production manager; and

WHEREAS, Donna Dean Stevens has guided the Old Dominion Barn Dance, which is currently located at the Beacon Theatre in Hopewell, to once again become a staple of local culture and a major tourism attraction for the Richmond region; and

WHEREAS, in addition to nationally acclaimed headlining acts, Donna Dean Stevens has nurtured and supported local musicians and vocalists by organizing a talent search and providing a platform for artists to hone their skills; and

WHEREAS, through her driven and passionate leadership, Donna Dean Stevens has ensured that the Old Dominion Barn Dance continues to thrive, delivering wholesome entertainment to music fans of all ages and backgrounds while preserving the unique legacy of country music in the Richmond area and the Commonwealth; and

WHEREAS, outside of her work in the music industry, Donna Dean Stevens is a generous community leader, who has dedicated her time and resources to support the Richmond Christmas Mother Fund, the Hopewell Food Pantry, the Historic Hopewell Foundation, and many other organizations, including animal shelters, churches, cancer research organizations, and local families in need; now, therefore, be it

RESOLVED by the House of Delegates, That Donna Dean Stevens hereby be commended for her outstanding achievements as a country music artist and producer and hostess of the Old Dominion Barn Dance; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Donna Dean Stevens as an expression of the House of Delegates' admiration for her contributions to the American musical landscape.

HOUSE RESOLUTION NO. 138

Commending Jeff Morse.

Agreed to by the House of Delegates, February 19, 2024

WHEREAS, Jeff Morse, a longtime member of the Loudoun County School Board who proved to be a fierce advocate and proponent of the Dulles District in which he served, retired from the Loudoun County School Board in 2023; and

WHEREAS, Jeff Morse has always been deeply invested in the students, staff, and community of Loudoun County Public Schools (LCPS), and he worked tirelessly to advance the mission, core beliefs, and strategic goals of the Loudoun County School Board (LCSB); and

WHEREAS, Jeff Morse was elected in 2011 to the LCSB and re-elected in 2015 and 2019; during his tenure with the LCSB, he provided outstanding leadership and guidance to LCPS; and

WHEREAS, Jeff Morse served as chair of the LCSB for four terms, playing a pivotal role in the board's accomplishments over that time; and

WHEREAS, Jeff Morse has served as chair on various LCSB committees, including what is now the Student Behavior and Accountability Committee, the Specialized Programs and Centers Committee, the Human Resources and Talent Development Committee, what is now the Finance and Operations Committee, and the Communications and Outreach Committee; and

WHEREAS, Jeff Morse also served as a member of the Joint Committee with the Board of Supervisors and the Ad Hoc Committee on the Academies of Loudoun and as a liaison to the Loudoun Education Foundation, the LCPS Gifted Education Advisory Committee, and Washington Area Boards of Education; and

WHEREAS, with great honor, integrity, and distinction, Jeff Morse served faithfully as a member of the LCSB for 12 years, demonstrating a deep devotion to LCPS and its students; now, therefore, be it

RESOLVED by the House of Delegates, That Jeff Morse hereby be commended on the occasion of his retirement from the Loudoun County School Board; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Jeff Morse as an expression of the House of Delegates' profound appreciation for his distinguished service.

HOUSE RESOLUTION NO. 139

Commending Brenda Sheridan.

Agreed to by the House of Delegates, February 19, 2024

WHEREAS, Brenda Sheridan, a longtime member of the Loudoun County School Board who proved to be a fierce advocate and proponent of the Sterling District in which she served, retired from the Loudoun County School Board in 2023; and

WHEREAS, Brenda Sheridan has always been deeply invested in the interests of the students, staff, and community of Loudoun County Public Schools (LCPS), and she worked tirelessly to advance the mission, core beliefs, and strategic goals of the Loudoun County School Board (LCSB); and

WHEREAS, Brenda Sheridan was appointed in June 2011 to the LCSB and re-elected in 2011, 2015, and 2019; during her tenure with the LCSB, she provided outstanding leadership and guidance to LCPS; and

WHEREAS, Brenda Sheridan served as vice chair of the LCSB for four terms in 2016, 2017, 2018, and 2019 and then served as the board's chair for two terms in 2020 and 2021, guiding the LCSB through the unprecedented difficulties and challenges of the COVID-19 pandemic; and

WHEREAS, Brenda Sheridan was instrumental to the creation of the LCSB's Equity Committee, which was established to ensure a learning environment that is equitable, responsive, and supportive of all, and served as the committee's founding chair; and

WHEREAS, Brenda Sheridan co-chaired the LCSB's Joint Committee with the Board of Supervisors and also served on various other committees of the LCSB, including what is now the Legislative, Audit, and Policy Committee, the Finance and Operations Committee, the Student Behavior and Accountability Committee, and the Specialized Programs and Centers Committee; and

WHEREAS, Brenda Sheridan was a liaison to the Washington Area Boards of Education and also served with the Virginia School Boards Association (VSBA) as the LCSB's delegate and as a member of VSBA's Legislative Positions Committee; and

WHEREAS, Brenda Sheridan worked closely with LCPS as a member of LCSB's Human Resources and Talent Development Committee and Student Services Committee and as a liaison to the school division's Minority Student Achievement Advisory Committee, the Gifted Education Advisory Committee, the Head Start policy council, and the Loudoun School-Business Partnership Executive Council; and

WHEREAS, with great honor, integrity, and distinction, Brenda Sheridan served faithfully as a member of the LCSB for more than 13 years, demonstrating a deep devotion to LCPS and its students; now, therefore, be it

RESOLVED by the House of Delegates, That Brenda Sheridan hereby be commended on the occasion of her retirement from the Loudoun County School Board; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Brenda Sheridan as an expression of the House of Delegates' profound appreciation for her distinguished service.

HOUSE RESOLUTION NO. 140

Commending the Urban League Greater Richmond and the Urban League Greater Richmond Young Professionals.

Agreed to by the House of Delegates, February 19, 2024

WHEREAS, the Urban League Greater Richmond and the Urban League Greater Richmond Young Professionals have consistently demonstrated their unwavering commitment to the well-being and empowerment of residents in the Richmond community; and

WHEREAS, the Urban League Greater Richmond has been successfully serving the community for an impressive 110 years, advocating for equality, justice, and economic sustainability; and

WHEREAS, the Urban League Greater Richmond Young Professionals have dedicated themselves to promoting personal and professional development within their membership and have recently celebrated 25 years of service; and

WHEREAS, the Urban League Greater Richmond and the Urban League Greater Richmond Young Professionals have played an instrumental role in addressing societal challenges, engaging in community-building initiatives, and fostering positive change in the Greater Richmond area; and

WHEREAS, the impactful work of the Urban League Greater Richmond and the Urban League Greater Richmond Young Professionals has positively influenced countless lives by providing resources, opportunities, and programs that promote education, employment, and personal growth; and

WHEREAS, the Urban League Greater Richmond's continuous efforts have reduced poverty, facilitated access to quality health care, promoted affordable housing, and fostered entrepreneurship, while also ensuring that the voices of marginalized communities are heard; and

WHEREAS, the Urban League Greater Richmond and the Urban League Greater Richmond Young Professionals have demonstrated unflagging dedication to collaborating with various stakeholders to create a more inclusive and equitable Richmond, creating opportunities for all residents to thrive; and

WHEREAS, the Urban League Greater Richmond Young Professionals have been instrumental in providing mentorship, networking opportunities, and professional development programming to empower individuals to excel in their careers; and

WHEREAS, the Urban League Greater Richmond's 110th anniversary and the Urban League Greater Richmond Young Professionals' 25th anniversary provide opportunities to recognize and appreciate the significant impact the organizations have made in uplifting underrepresented communities by fostering economic growth and access to education and advocating for social justice initiatives; now, therefore, be it

RESOLVED by the House of Delegates, That the Urban League Greater Richmond and the Urban League Greater Richmond Young Professionals hereby be commended for their extraordinary dedication, leadership, and contributions to the Richmond community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Urban League Greater Richmond and the Urban League Greater Richmond Young Professionals as an expression of the House of Delegates' gratitude and appreciation for their exceptional service.

HOUSE RESOLUTION NO. 141

Commending Jackie Baker.

Agreed to by the House of Delegates, February 19, 2024

WHEREAS, Jackie Baker, a member of the Youth Services Department at the Norfolk Redevelopment and Housing Authority, has devoted 32 years to ensuring brighter outcomes for Norfolk's youth; and

WHEREAS, as a youth program manager and in other capacities with the Youth Services Department at the Norfolk Redevelopment and Housing Authority (NRHA), Jackie Baker has worked tirelessly to create safe spaces for youth to collaborate and partner with others to enhance their communities; and

WHEREAS, Jackie Baker effectively utilized NRHA grant funding to provide under-resourced youth within each NRHA public housing community with valuable experiences and opportunities to which they may not otherwise have had access, greatly improving their chances for success; and

WHEREAS, Jackie Baker leveraged NRHA grant funds to help Norfolk youth attend business training classes and to create businesses within their NRHA public housing communities, instilling in countless young people the vision and drive needed for them to achieve their dreams; and

WHEREAS, alongside Julius Norman and various other NRHA staff members, Jackie Baker created the "College Here We Come" program for the benefit of NRHA youth, enabling disadvantaged students to spend their spring breaks on college campuses to better understand how to become well-rounded candidates for admittance to college; and

WHEREAS, Jackie Baker has been a persistent advocate for higher education throughout her career and was directly responsible for encouraging thousands of youth to attend and graduate from college, in large part through the college scholarship and internship experiences that she helped many secure; and

WHEREAS, in collaboration with NRHA staff, Jackie Baker founded NRHA's Youth Executive Council, providing youth in NRHA public housing communities a voice and the means to advocate for their interests and to make decisions impacting all youth in their communities; and

WHEREAS, through her steadfast efforts to help young people grow and excel as leaders, Jackie Baker has made Norfolk a better place to live, work, and raise a family; now, therefore, be it

RESOLVED by the House of Delegates, That Jackie Baker hereby be commended for her many years of service to the Norfolk Redevelopment and Housing Authority and the youth of Norfolk; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Jackie Baker as an expression of the House of Delegates' high esteem for her admirable contributions to Norfolk and the Commonwealth.

HOUSE RESOLUTION NO. 142

Commending Julius Norman.

Agreed to by the House of Delegates, February 19, 2024

WHEREAS, Julius Norman, a member of the Youth Services Department at the Norfolk Redevelopment and Housing Authority, has worked tirelessly for several years to ensure brighter futures for Norfolk's youth; and

WHEREAS, as a member of the Norfolk Redevelopment and Housing Authority (NRHA), Julius Norman draws from his first-hand experience of living in NRHA public housing to mentor young people and help them on their paths to success; and

WHEREAS, alongside Jackie Baker and various other NRHA staff members, Julius Norman has endeavored to provide thousands of young people with college and career opportunities that will inspire them to achieve greatness in their lives; and

WHEREAS, through Julius Norman's compassionate leadership, countless young people have been connected with community resources, including college scholarships and internships, that have been instrumental to the development and fulfillment of their personal goals and aspirations; and

WHEREAS, Julius Norman has played a key role in NRHA's "College Here We Come" program, personally coordinating college tours that have inspired and guided thousands of NRHA youth who have graduated from college and become productive members of society in recent years; and

WHEREAS, as an educator, mentor, advisor, and counselor, Julius Norman offers wisdom and support to the many young people he serves, helping to make Norfolk a better place to live, work, and raise a family; now, therefore, be it

RESOLVED by the House of Delegates, That Julius Norman hereby be commended for his many years of service on behalf of the Norfolk Redevelopment and Housing Authority and the youth of Norfolk; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Julius Norman as an expression of the House of Delegates' high esteem for his admirable contributions to Norfolk and the Commonwealth.

HOUSE RESOLUTION NO. 143

Commending Saundra Tomlinson.

Agreed to by the House of Delegates, February 26, 2024

WHEREAS, in 2024, Saundra Tomlinson retired after a long and distinguished career at Virginia State Parks that lasted more than 50 years; and

WHEREAS, Saundra Tomlinson began her career with the staff of Natural Tunnel State Park as a seasonal receptionist in 1974, three years after the park was opened to the public, and was promoted to park ranger two years later, becoming the first female ranger in the park's history; and

WHEREAS, over the years, Saundra Tomlinson spent time working in every facility and department of Natural Tunnel State Park, including the office, visitor center, chairlift, pool, cabins, Cove Ridge Center, and maintenance; and

WHEREAS, Saundra Tomlinson took particular pride in keeping the cabins and facilities clean and well-maintained, which resulted in Natural Tunnel State Park's cabins being rated at or near the top of all Virginia State Park cabins; and

WHEREAS, Saundra Tomlinson's deep knowledge of Natural Tunnel State Park allowed her to share its hidden treasures with guests and make every park visit memorable; and

WHEREAS, Saundra Tomlinson enjoyed acting as a mentor, helping younger park staffers learn and grow, and she directly supported countless rangers' careers over the decades; and

WHEREAS, at the time of her retirement, Saundra Tomlinson was not only the longest-serving park ranger in Virginia State Parks, but also the longest-tenured employee in the entire Department of Conservation and Recreation; and

WHEREAS, over the course of her five decades at Natural Tunnel State Park, Saundra Tomlinson was an invaluable asset to the park, whose unparalleled passion, commitment, and dedication will be missed; now, therefore, be it

RESOLVED by the House of Delegates, That Saundra Tomlinson hereby be commended on the occasion of her retirement from Virginia State Parks; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Saundra Tomlinson as an expression of the House of Delegates' admiration for her decades of contributions to Virginia State Parks and exemplary service to park visitors.

HOUSE RESOLUTION NO. 144

Commending Women of Grace, Strength, and Dignity.

Agreed to by the House of Delegates, February 26, 2024

WHEREAS, Women of Grace, Strength, and Dignity is an esteemed women's organization devoted to serving the needs of the Franklin County community and beyond by fulfilling its mission to cultivate grace, strength, and dignity in all women; and

WHEREAS, Women of Grace, Strength, and Dignity was established by the late Lady Vivian Goodwyn, who had a spiritual vision to create an organization that would make a positive impact in the Franklin, Isle of Wight County, and Southampton County area; and

WHEREAS, guided by an unwavering commitment to integrity, excellence, service, and trustworthiness that is rooted in faith, Women of Grace, Strength, and Dignity strives to empower women to achieve their full potential in all aspects of life; and

WHEREAS, Women of Grace, Strength, and Dignity works in collaboration with its partner men's organization Brothers Keepers to encourage, enable, and facilitate women's active involvement in family, employment, learning, and community life; and

WHEREAS, the members of Women of Grace, Strength, and Dignity come from diverse social and economic backgrounds yet share common goals of making a difference in the lives of others and supporting the community in meaningful ways; and

WHEREAS, through the tireless efforts of its members and the inspired leadership of president-elect Lady Sandra Williams and vice-president-elect Lady Renee Rose, Women of Grace, Strength, and Dignity has helped those it serves achieve a greater sense of purpose and fulfillment in their lives; and

WHEREAS, Women of Grace, Strength, and Dignity is continually seeking new members to join the organization and its cause, greatly extending and enhancing its ability to provide tangible and lasting benefits to the community; and

WHEREAS, with a steadfast commitment to empowering women and promoting social progress, Women of Grace, Strength, and Dignity has been a catalyst for change and made Franklin County and its surrounding areas a more wonderful place to live, work, and raise a family; now, therefore, be it

RESOLVED by the House of Delegates, That Women of Grace, Strength, and Dignity hereby be commended for fulfilling its mission to cultivate grace, strength, and dignity in all women in Franklin County and beyond; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Women of Grace, Strength, and Dignity as an expression of the House of Delegates' admiration for the organization's legacy of service in Franklin County and the Commonwealth.

HOUSE RESOLUTION NO. 145

Commending Brothers Keepers.

Agreed to by the House of Delegates, February 26, 2024

WHEREAS, Brothers Keepers, a men's organization dedicated to serving the community in Franklin, Isle of Wight County, and Southampton County, has fulfilled its mission to positively influence young men and those seeking guidance in their lives; and

WHEREAS, Brothers Keepers was established by the Reverend Dr. Anthony Goodwyn, who had a spiritual vision to form an organization that would benefit and support the residents of Franklin, Isle of Wight County, and Southampton County; and

WHEREAS, Brothers Keepers works closely with its partner women's organization, Women of Grace, Strength, and Dignity, and is guided by core values that are based on God and the principles of integrity, excellence, service to others, and trustworthiness; and

WHEREAS, Brothers Keepers is actively involved with the juvenile and domestic courts, Bon Secours medical group, and other civic organizations in its effort to be an instrument of change for the benefit of others; and

WHEREAS, Brothers Keepers is committed to feeding the community and has regularly held large Thanksgiving and holiday dinners that have been attended by hundreds; and

WHEREAS, Brother Keepers often hosts esteemed guest speakers at its bi-monthly meetings, including pastors, judges, police chiefs, financial advisors, and delegates, whose insightful talks have left a lasting impression not only on the group's members but also on their families and the wider community; and

WHEREAS, the accomplishments of Brothers Keepers are the result of the hard work of its diverse membership of approximately 40 individuals, all of whom are committed to making a meaningful contribution to their community; and

WHEREAS, through steadfast determination and an unwavering commitment to the organization's cause, the members of Brother Keepers have helped to make Franklin, Isle of Wight, and Southampton Counties more wonderful places to live, work, and raise a family; now, therefore, be it

RESOLVED by the House of Delegates, That Brothers Keepers of Franklin County hereby be commended for fulfilling its mission to positively influence young men and those seeking guidance in their lives; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Brothers Keepers as an expression of the House of Delegates' admiration for the organization's legacy of service in Franklin, Isle of Wight, and Southampton Counties.

HOUSE RESOLUTION NO. 146

Commending Social4Good.

Agreed to by the House of Delegates, February 23, 2024

WHEREAS, Social4Good, a local organization dedicated to educating, engaging, and empowering women to make a difference in the Northern Virginia community, celebrates its fifth anniversary in 2024; and

WHEREAS, since its founding in August 2019, Social4Good has provided $215,000 of in-kind and financial support to more than 40 local nonprofit organizations; and

WHEREAS, members of Social4Good gather monthly to learn more about critical needs in the community and to identify organizations and initiatives to assist in an effort to address these needs; and

WHEREAS, with the dedicated support of Social4Good's volunteers, many nonprofits in the Northern Virginia area have been able to identify their goals and work towards their missions more efficiently and effectively; and

WHEREAS, Social4Good supported various projects in 2023 to promote the well-being of others, including stocking food pantries, packing school lunches, and providing funding for scholarships for adult students; and

WHEREAS, the kindness and generosity of Social4Good and its members have helped to make the Northern Virginia area a wonderful place to live, work, and raise a family; now, therefore, be it

RESOLVED by the House of Delegates, That Social4Good hereby be commended for its service on the occasion of its fifth anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Faith Boettger, founder of Social4Good, as an expression of the House of Delegates' admiration for the organization's contributions to the Commonwealth.

HOUSE RESOLUTION NO. 147

Celebrating the life of the Reverend Titus Phillip Horton.

Agreed to by the House of Delegates, February 26, 2024

WHEREAS, the Reverend Titus Phillip Horton, an esteemed educator and faith leader and active and beloved member of the Richlands community, died on October 27, 2023; and

WHEREAS, after graduating from Bluefield State University and teaching for some time at a juvenile correctional center, Titus Horton answered the call to help establish Richlands Tabernacle Christian Academy in the mid-1970s and the school officially opened its doors in 1977; and

WHEREAS, from that year until his retirement in 2014, Titus Horton worked tirelessly to support the academic, social, emotional, and spiritual growth of his students, first in his capacity as high school supervisor and shortly thereafter as principal; and

WHEREAS, Titus Horton gave generously of his time through service in his community, including as chair of the Tazewell County Electoral Board and the Richlands Industrial Development Authority; and

WHEREAS, guided throughout his life by his deep and abiding faith, Titus Horton enjoyed worship and fellowship with his community at Richlands Tabernacle for many years; and

WHEREAS, following the death of his brother and close friend, the Reverend Ralph Horton, who was previously pastor of Richlands Tabernacle, Titus Horton assumed the great responsibility of leading his church's congregation and carried out this purpose for more than a decade with extraordinary grace, compassion, and strength; and

WHEREAS, Titus Horton had prepared for his role as pastor of Richlands Tabernacle through his past work as youth pastor at Keen Mountain Pentecostal Holiness Church in Oakwood from 1977 to 1982 and as co-pastor of Phelps Pentecostal Church in Phelps, Kentucky, in the early 1980s; he also notably served in recent years as vice president of the Free Pentecostal Church of God Association; and

WHEREAS, in every aspect of his life, Titus Horton exuded a servant's heart and was a source of inspiration, stability, and spiritual guidance to countless members of the Richlands community; and

WHEREAS, Titus Horton will be fondly remembered and dearly missed by his loving wife of 52 years, Carolyn Sue, and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of the Reverend Titus Phillip Horton, a treasured member of the Richlands community whose kind and generous spirit made a profound impact on countless lives; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of the Reverend Titus Phillip Horton as an expression of the House of Delegates' respect for his memory.

HOUSE RESOLUTION NO. 148

Commending Mary Katherine Greenlaw.

Agreed to by the House of Delegates, February 26, 2024

WHEREAS, in May 2012, Mary Katherine Greenlaw made history as the first woman elected mayor of the City of Fredericksburg, demonstrating exceptional leadership up to her retirement from the position in December 2023; and

WHEREAS, Mary Greenlaw's dedicated service on the Fredericksburg Planning Commission, and as an at-large member of the Fredericksburg City Council prior to her mayoral tenure, significantly contributed to the city's governance; and

WHEREAS, Mary Greenlaw's active participation in numerous civic events, including 178 ribbon-cutting ceremonies, and her delivery of more than 200 speeches, exemplified her commitment to community engagement; and

WHEREAS, Mary Greenlaw's involvement in various city boards and commissions, notably the Fredericksburg Regional Alliance, Healthy Generations Area Agency on Aging, and the Fredericksburg Arts Commission, showcased her dedication to diverse aspects of city life; and

WHEREAS, Mary Greenlaw's staunch support for and active participation in sister city organizations enhanced Fredericksburg's international relations and cultural exchange; and

WHEREAS, under Mary Greenlaw's leadership, Fredericksburg achieved significant milestones, including the Fredericksburg City Council's 2036 Vision Statement, the enhancement of city infrastructure and quality of life, the establishment of new civic amenities, and adept navigation through challenges such as the COVID-19 pandemic and social unrest; and

WHEREAS, Mary Greenlaw played a pivotal role in bringing the Fredericksburg Nationals baseball team to the city, fostering community spirit and economic growth; now, therefore, be it

RESOLVED by the House of Delegates, That Mary Katherine Greenlaw hereby be commended on the occasion of her retirement as mayor of Fredericksburg for her exemplary leadership, tireless service, and lasting contributions to the City of Fredericksburg and its residents; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Mary Katherine Greenlaw as an expression of the House of Delegates' admiration for her contributions to the City of Fredericksburg and to the Commonwealth.

HOUSE RESOLUTION NO. 149

Commending Jared Antonio Farrow.

Agreed to by the House of Delegates, February 26, 2024

WHEREAS, Jared Antonio Farrow, an internationally acclaimed stand-up comedian, actor, and impressionist hailing from Chesapeake, officially launched the Pharoah Phamily Phoundation at a luncheon on August 5, 2023, at Luce Secondo in Chesapeake; and

WHEREAS, Jared Farrow, better known by his stage name Jay Pharoah, graduated from Indian River High School in Chesapeake and then earned degrees from Tidewater Community College while honing his talents at clubs in the Hampton Roads area; and

WHEREAS, Jay Pharoah's big break into the entertainment business came in September 2010 when he appeared on the legendary sketch comedy show *Saturday Night Live*, where his pitch-perfect impressions of celebrities and public figures would ultimately garner him a spot on the show's primary cast; and

WHEREAS, Jay Pharoah has regularly drawn inspiration for his performances from the individuals he met throughout his childhood, and he maintains a strong connection to his hometown of Chesapeake by giving back to the community whenever he can; and

WHEREAS, 2023 marks the 10th anniversary of the Jay Pharoah Fine Arts Scholarship, which is awarded to graduating seniors at Indian River High School who are interested in pursuing careers in the arts; and

WHEREAS, with the aim of fostering the next generation of creative thought leaders through art program augmentations, curated opportunities, and training camps, Jay Pharoah and his family established the Pharoah Phamily Phoundation in 2023; and

WHEREAS, Jay Pharoah's Pharoah Phamily Phoundation is a nonprofit charity dedicated to narrowing the gap between arts education and science, technology, engineering, and mathematics education, ensuring that artistically inclined students in Chesapeake benefit from myriad opportunities along their educational journeys; and

WHEREAS, Jay Pharoah has demonstrated an extraordinary commitment to his community and an unwavering desire to kindle the creativity and ambitions of young people in Chesapeake, helping to make the city a more wonderful place to live, work, and raise a family; now, therefore, be it

RESOLVED by the House of Delegates, That Jared Antonio Farrow hereby be commended for his philanthropic initiatives that have benefited numerous Chesapeake students in their pursuits of careers in the arts; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Jared Antonio Farrow as an expression of the House of Delegates' admiration for his accomplishments and his contributions to the Commonwealth.

HOUSE RESOLUTION NO. 150

Commending the Portsmouth Invitational Tournament.

Agreed to by the House of Delegates, February 26, 2024

WHEREAS, for 70 years, the Portsmouth Invitational Tournament has showcased some of the best college basketball players from across the nation while supporting young athletes, charitable organizations, and the Portsmouth community; and

WHEREAS, established in 1953, the Portsmouth Invitational Tournament is a four-day, 12-game tournament between 64 of the best college seniors in the country; throughout its history, the tournament has featured players that would go on to become some of the best in professional basketball, including Rick Barry, Earl Monroe, Dave Cowens, John Stockton, Scottie Pippen, Jimmy Butler, Tim Hardaway, and Dennis Rodman; and

WHEREAS, the Portsmouth Invitational Tournament first drew the attention of scouts and general managers from the National Basketball Association (NBA) in the 1970s, and soon after, more than 200 scouts, general managers, and representatives from every NBA team and international leagues began to attend the event every April; and

WHEREAS, the Portsmouth Invitational Tournament strives to be "more than a basketball tournament" and promotes youth sports by awarding seven annual scholarships of $4,000 each to students in Chesapeake, Norfolk, Portsmouth, Suffolk, and Virginia Beach; the tournament also donates $16,000 in proceeds to a local charitable organization each year; and

WHEREAS, the Portsmouth Invitational Tournament has also directly benefited the City of Portsmouth by bringing thousands of visitors to the area, including the players, their families, coaches, scouts, and representatives of national and international media outlets; and

WHEREAS, the Portsmouth Invitational Tournament is operated by the Portsmouth Invitational Tournament Foundation, which has fulfilled its mission to promote the sport of basketball and enhance community life through generous donations from supporters and the hard work of numerous volunteers; now, therefore, be it

RESOLVED by the House of Delegates, That the Portsmouth Invitational Tournament hereby be commended on the occasion of its 70th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Portsmouth Invitational Tournament Foundation as an expression of the House of Delegates' admiration for the Portsmouth Invitational Tournament's contributions to basketball and commitment to philanthropy in the Portsmouth community.

HOUSE RESOLUTION NO. 151

Celebrating the life of Mary Clyde James Carruth.

Agreed to by the House of Delegates, February 26, 2024

WHEREAS, Mary Clyde James Carruth, first lady of the Holy Light Church of Deliverance in Portsmouth and a beloved member of the Portsmouth community, died on August 7, 2023; and

WHEREAS, Mary Carruth co-founded Holy Light Church of Deliverance in 1967 alongside her husband, Bishop Samuel L. Carruth; and

WHEREAS, affectionately known by many as "Mother Carruth," Mary Carruth was actively engaged in the ministry over the years, inspiring countless individuals along their spiritual journeys; and

WHEREAS, Mary Carruth labored tirelessly to aid and support others in need, making a profound and lasting impact that will reverberate for generations; and

WHEREAS, preceded in death by her daughter Linda, Mary Carruth will be fondly remembered and dearly missed by her loving husband of 69 years, Samuel; her children, Fayette, Dorene, and Shorron, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Mary Clyde James Carruth, a pillar of the Holy Light Church of Deliverance community in Portsmouth, whose love and generosity touched many lives; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Mary Clyde James Carruth as an expression of the House of Delegates' respect for her memory.

HOUSE RESOLUTION NO. 152

Celebrating the life of Marie Brinkley Hill.

Agreed to by the House of Delegates, February 21, 2024

WHEREAS, Marie Brinkley Hill, an active and beloved member of the Suffolk community who made a profound and lasting impact on many lives over the past 102 years, died on July 9, 2023; and

WHEREAS, the mother of nine children, Marie Hill played a significant role in the integration of Suffolk Public Schools by being among the first parents to send their children to the recently integrated Chuckatuck Elementary School and through her efforts to integrate the former John Yeates High School Junior-Senior Prom; and

WHEREAS, a longtime member of the NAACP, Marie Hill marched with Dr. Martin Luther King, Jr., in 1968 during his visit to Suffolk and would continue her streak of activism throughout her life, attending city council meetings even while confined to a wheelchair; and

WHEREAS, Marie Hill was a living repository of the culture and history of Hobson Village and proudly represented the historic town at the Smithsonian Institution's Folklife Festival in 2007 and on other occasions; and

WHEREAS, Marie Hill gave generously of her time in support of her community, serving as a resource volunteer for the Virginia Department of Corrections and as a chaplain officer of the Hobson Artesian Well Association, Inc.; and

WHEREAS, a strong believer in the importance of education, Marie Hill was undeterred in her pursuit of a General Educational Development diploma late in life, overcoming disabilities, including blindness in one eye and the limited use of her right arm, to earn her diploma at the age of 94; and

WHEREAS, guided throughout her life by her deep and abiding faith, Marie Hill enjoyed worship and fellowship with others and actively served the community as a member of Macedonia Baptist Church in Suffolk; and

WHEREAS, preceded in death by her loving husband, Ernest, Jr., and her son Joe, Marie Hill will be fondly remembered and dearly missed by her children, Ernest III, Clyde, Julius, Odell, Wendy, Roxanna, Mary, and Veronica, and their families and by numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Marie Brinkley Hill, a treasured member of the Suffolk community whose life of accomplishments and good deeds was an inspiration to all who knew her; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Marie Brinkley Hill as an expression of the House of Delegates' respect for her memory.

HOUSE RESOLUTION NO. 153

Commending the Virginia Chamber of Commerce.

Agreed to by the House of Delegates, February 26, 2024

WHEREAS, for 100 years, the Virginia Chamber of Commerce has been a leading advocate for businesses in the Commonwealth, supporting economic prosperity and enhancing the quality of life for all Virginians; and

WHEREAS, the Virginia Chamber of Commerce has amassed impressive accomplishments by holding fast to its founding principle of promoting the "betterment of the state and its people through the free enterprise system"; and

WHEREAS, since its establishment on January 4, 1924, the Virginia Chamber of Commerce has played a pivotal role in fostering a dynamic business environment, promoting innovation, and advocating for policies that enhance the competitiveness of Virginia businesses; and

WHEREAS, through its strategic document, *Blueprint Virginia*, the Virginia Chamber of Commerce has advocated for investments in education, transportation, economic development, energy, health care, support for military and veterans, sustainability, and housing; and

WHEREAS, the Virginia Chamber of Commerce has been a unifying force, bringing together businesses of all sizes and industries across the Commonwealth to collaborate, share best practices, and address the challenges facing the business community; and

WHEREAS, over the past century, the Virginia Chamber of Commerce has demonstrated unwavering dedication to advancing the interests of its members, contributing to job creation, and driving economic growth throughout the Commonwealth; and

WHEREAS, the Virginia Chamber of Commerce has been at the forefront of shaping public policy, working with government officials, community leaders, and stakeholders to create a business-friendly environment that encourages investment, entrepreneurship, and sustainable development; and

WHEREAS, the Virginia Chamber of Commerce has been a valuable resource for businesses, providing networking opportunities, educational programs, and resources to help them navigate the ever-changing business landscape; and

WHEREAS, as the Virginia Chamber of Commerce celebrates its 100th anniversary, it is an opportune time to reflect on its rich history, acknowledge its accomplishments, and express gratitude for the enduring impact it has had on the economic vitality of the Commonwealth, and its work to ensure that Virginia is the best state for business in the nation; now, therefore, be it

RESOLVED by the House of Delegates, That the Virginia Chamber of Commerce hereby be commended on the occasion of its 100th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Virginia Chamber of Commerce as an expression of the House of Delegates' admiration for its 100 years of vital service to the Commonwealth.

HOUSE RESOLUTION NO. 154

Celebrating the life of Lauretta Atkinson Coleman.

Agreed to by the House of Delegates, February 26, 2024

WHEREAS, Lauretta Atkinson Coleman, a woman of deep faith who touched countless lives as an educator and an entrepreneur, died on May 1, 2023; and

WHEREAS, Lauretta Coleman grew up in Portsmouth and graduated from I.C. Norcom High School before matriculating at Kittrell College in North Carolina, where she sang in the concert choir and was voted as "Miss Kittrell"; and

WHEREAS, Lauretta Coleman next earned a bachelor's degree from Virginia Union University, a master's degree from Virginia State University, and a doctorate from Virginia University of Lynchburg; and

WHEREAS, Lauretta Coleman's doctoral dissertation focused on distribution strategies for Christian-focused publications and she subsequently founded Family Outlook Publishing and served as chief executive officer of a magazine with the support of her husband and son; and

WHEREAS, Lauretta Coleman gave young people the tools and support they needed to achieve success in higher education and careers, as well as to become good citizens of the Commonwealth, as a teacher in New Kent County Public Schools from 1973 to 1991 and Richmond Public Schools from 1991 to 2003; and

WHEREAS, during her 30 years in education, Lauretta Coleman developed a host of school plays and helped countless students prepare for oratorical presentations; and

WHEREAS, after her well-earned retirement as an educator, Lauretta Coleman used her natural talents as a storyteller to pursue another career as a public speaker, and she inspired audiences through her hopeful and engaging presentations; and

WHEREAS, Lauretta Coleman was a devout member of church communities wherever life led her; she notably served as a member of the senior choir at Saint Peter Baptist Church in Glen Allen and performed a solo rendition of the song "Bless This House" at the church's 100th anniversary banquet; and

WHEREAS, in later life, Lauretta Coleman moved to Lynchburg to be closer to her son and could often be found sharing her gifts as a vocalist with the congregation of Providence Transformation Church International; and

WHEREAS, predeceased by her husband of 56 years, James, Lauretta Coleman will be fondly remembered and greatly missed by her son, James, Jr., and his family, and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Lauretta Atkinson Coleman; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Lauretta Atkinson Coleman as an expression of the House of Delegates' respect for her memory.

HOUSE RESOLUTION NO. 155

Celebrating the life of Magnolia Austin Latney.

Agreed to by the House of Delegates, February 26, 2024

WHEREAS, Magnolia Austin Latney, a former educator and beloved member of the Richmond community, died on July 22, 2023; and

WHEREAS, Magnolia Latney graduated from the former Virginia Randolph High School in 1961; and

WHEREAS, Magnolia Latney pursued a long and fulfilling career with Richmond Public Schools and gave generations of students the tools they needed to become lifelong learners; and

WHEREAS, Magnolia Latney retired from Richmond Public Schools after 34 years of service; and

WHEREAS, a woman of deep and abiding faith, Magnolia Latney enjoyed fellowship and worship with the community as a member of New Bridge Baptist Church for 71 years; and

WHEREAS, Magnolia Latney will be fondly remembered and greatly missed by her husband of 51 years, William; her children, Gavin, Michael, Keith, Michelle, and Terri, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Magnolia Austin Latney; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Magnolia Austin Latney as an expression of the House of Delegates' respect for her memory.

HOUSE RESOLUTION NO. 156

Celebrating the life of Stanley Tobias Wilson, Jr.

Agreed to by the House of Delegates, February 26, 2024

WHEREAS, Stanley Tobias Wilson, Jr., a professional athlete who devoted much of his life to helping people in need, died on February 1, 2023; and

WHEREAS, Stanley Wilson was born in Oklahoma City, Oklahoma, and lived in Cincinnati, Ohio, while his father was a member of the Cincinnati Bengals in the National Football League; and

WHEREAS, Stanley Wilson spent time in Boston with his mother while she was attending Harvard University, then lived with his paternal grandparents in Carson, California, where he attended the Frederick K.C. Price III Christian Schools and began to cultivate his talents as an athlete; and

WHEREAS, Stanley Wilson graduated from Bishop Montgomery High School in Torrance, California, where he was a standout member of the football and track teams, performed in theatre productions, supported other students as a tutor, and was crowned homecoming king; and

WHEREAS, Stanley Wilson was recruited by Stanford University and played as a defensive back on the football team from 2001 to 2004; he earned an honorable mention in the All-PAC-10 for his performance on the football field during his senior year, and he was one of the university's top sprinters in track and field, posting impressive times in 100-meter and 200-meter races; and

WHEREAS, during his college years, Stanley Wilson served as vice president of the Alpha Mu Chapter of Omega Psi Phi Fraternity, was elected as a senator in the Associated Student Body, and became a mentor in a program for children with incarcerated parents; and

WHEREAS, Stanley Wilson was drafted by the Detroit Lions as a cornerback in the third round of the 2005 National Football League Draft; over the course of 32 games in three seasons, he recorded 86 tackles, eight deflected passes, and one forced fumble; and

WHEREAS, a passionate lifelong learner, Stanley Wilson pursued a variety of educational opportunities after his football career ended due to injury, completing entrepreneurship programs through Northwestern University and the Aresty Institute of Executive Education at the Wharton School of the University of Pennsylvania; and

WHEREAS, Stanley Wilson earned a bachelor's degree in nursing from the Hunter-Bellevue School of Nursing in New York City, then worked in the health care field in New York and Oregon before returning to California; and

WHEREAS, Stanley Wilson inspired others through his kindness and positivity and he relished opportunities to help others achieve their goals and dreams; and

WHEREAS, Stanley Wilson will be fondly remembered and greatly missed by his father, Stanley Wilson, Sr.; his mother, Pulane Lucas; his grandparents, Beverly Wilson and Deanna and Delbert Evans; his half-siblings, Seth Wilson and Fredericka Lucas; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Stanley Tobias Wilson, Jr., a former professional football player who strove to enhance the lives of others; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Stanley Tobias Wilson, Jr., as an expression of the House of Delegates' respect for his memory.

HOUSE RESOLUTION NO. 157

Celebrating the life of Nessa Baskerville Johnson.

Agreed to by the House of Delegates, February 26, 2024

WHEREAS, Nessa Baskerville Johnson, a beloved mother and friend who made many contributions to the Richmond community, died on April 27, 2023; and

WHEREAS, Nessa Johnson grew up in the Jackson Ward neighborhood of Richmond, graduated from Armstrong High School, and continued her education at Virginia Union University; and

WHEREAS, Nessa Johnson was a passionate advocate for social justice and a respected local historian; and

WHEREAS, Nessa Johnson created several inspiring pieces of art and literature over the course of her life, and she inspired others through her kindness, grace, and commitment to excellence in all her endeavors; and

WHEREAS, predeceased by one daughter, Patrice, Nessa Johnson will be fondly remembered and greatly missed by her children, Abner III, Pierre, Petrea, and Bettina, and their families, and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Nessa Baskerville Johnson; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Nessa Baskerville Johnson as an expression of the House of Delegates' respect for her memory.

HOUSE RESOLUTION NO. 158

Celebrating the life of the Reverend Clifford Boss Chambliss, Jr.

Agreed to by the House of Delegates, February 26, 2024

WHEREAS, the Reverend Clifford Boss Chambliss, Jr., a highly admired spiritual leader who enhanced the quality of life throughout the Richmond region by developing innovative outreach programs, died on March 9, 2023; and

WHEREAS, Clifford Chambliss grew up in Suffolk, where he began to cultivate his deep faith and developed an interest in ministry at a young age; and

WHEREAS, after graduating from the former Booker T. Washington High School and Shaw University, Clifford Chambliss earned a master of divinity degree from Virginia Union University; and

WHEREAS, Clifford Chambliss settled in the Richmond area, and in 1967, he became the executive director of Richmond Opportunities Industrialization Center, Inc. (OIC); and

WHEREAS, under Clifford Chambliss' leadership, OIC created and managed many unique programs that benefited more than 20,000 children and adults in Richmond; and

WHEREAS, Clifford Chambliss was also a trusted faith leader in the region for more than four decades; he pastored Springfield Baptist Church in Henrico County for 32 years and Garland Avenue Baptist Church in Richmond for 10 years; and

WHEREAS, Clifford Chambliss was a lifelong member of Kappa Alpha Psi Fraternity, Inc., and volunteered his time and leadership to the Historic Jackson Ward Association, the North Richmond YMCA, and other local organizations; and

WHEREAS, Clifford Chambliss will be fondly remembered and greatly missed by his wife, Nancy; his children, Clifford III, Melanie, and Bryant; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Clifford Boss Chambliss, Jr.; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of the Reverend Clifford Boss Chambliss, Jr., as an expression of the House of Delegates' respect for his memory.

HOUSE RESOLUTION NO. 159

Celebrating the life of Alberta May Anderson.

Agreed to by the House of Delegates, February 26, 2024

WHEREAS, Alberta May Anderson, a beloved daughter, sister, mother, and grandmother and a vibrant member of the Richmond community, died on September 5, 2023; and

WHEREAS, Alberta Anderson was born in Chesterfield to Louvenia Lee and the late Clarence Lee; in 1959, she and her family moved to Richmond, where she attended Richmond Public Schools; and

WHEREAS, after graduating from the former John F. Kennedy High School in 1972, Alberta Anderson pursued a long and fulfilling career in health care; and

WHEREAS, Alberta Anderson worked at what is now Virginia Commonwealth University Medical Center for 30 years and became the supervisor of processing and administration in the Department of Pediatrics; and

WHEREAS, in addition, Alberta Anderson faithfully served as the primary caregiver to her mother for 20 years; and

WHEREAS, a woman of deep faith, Alberta Anderson joined Mount Olivet Church at a young age and held many leadership roles in the congregation, including as a member of the usher board, the hospitality committee, and the pastor's aide committee; and

WHEREAS, Alberta Anderson shared her sense of style and passion for music and dance with the congregation as the church decorator and the director of the women's praise dance ministry; and

WHEREAS, Alberta Anderson will be fondly remembered and greatly missed by her sons, Benjamin and Jarrad, and their families; her mother, Louvenia; her sisters, Margaret and Charlotte; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Alberta May Anderson; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Alberta May Anderson as an expression of the House of Delegates' respect for her memory.

HOUSE RESOLUTION NO. 160

Celebrating the life of Judith Maxine Nicholson Parker.

Agreed to by the House of Delegates, February 26, 2024

WHEREAS, Judith Maxine Nicholson Parker of Richmond, an esteemed professional in the property management industry, trusted community leader, and beloved wife, mother, and grandmother, died on December 7, 2023; and

WHEREAS, Judith Parker was born in Southampton County and grew up in Richmond, where she graduated from Armstrong High School; and

WHEREAS, a passionate lifelong learner, Judith Parker continued her education at Reynolds Community College, Virginia Commonwealth University, Virginia Union University, and the University of Richmond; and

WHEREAS, Judith Parker worked for the U.S. Department of Housing and Urban Development for 35 years, becoming the account executive branch chief for asset management in the Multifamily Housing: Northeast Region; and

WHEREAS, after her retirement from the public sector, Judith Parker established J&P Asset Management, LLC, and was a consultant to the property management firm Multifamily Select, Inc.; and

WHEREAS, Judith Parker began her faith journey as a member of Cedar Street Baptist Church and later joined Saint Paul's Baptist Church, where she served as a Stephen Minister, providing special one-on-one care to people in need; and

WHEREAS, Judith Parker inspired others through her compassion, wisdom, and grace, and she was uniquely suited to her role in the church community as a counselor, mediator, and mentor because of her natural ability to connect with people on a personal level; and

WHEREAS, Judith Parker will be fondly remembered and greatly missed by her husband of 16 years, James; her children, Anthony, Kelly, and Nichole, and their families; her stepdaughter, Alicia, and her family; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Judith Maxine Nicholson Parker; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Judith Maxine Nicholson Parker as an expression of the House of Delegates' respect for her memory.

HOUSE RESOLUTION NO. 161

Celebrating the life of Joseph C. Flannigan III.

Agreed to by the House of Delegates, February 26, 2024

WHEREAS, Joseph C. Flannigan III of Mechanicsville, a respected veteran, educator, and school administrator, died on March 10, 2023; and

WHEREAS, a native of the Church Hill neighborhood of Richmond, Joseph Flannigan graduated from Armstrong High School and served the nation during the Vietnam War as a member of the United States Army; and

WHEREAS, Joseph Flannigan continued his education at Virginia Union University and Florida International University, and he was a proud lifelong member of Omega Psi Phi Fraternity; and

WHEREAS, Joseph Flannigan relocated to Miami, Florida, where he worked for decades as a teacher, mentor, coach, and school administrator; and

WHEREAS, after his well-earned retirement, Joseph Flannigan returned to the Commonwealth and settled in Mechanicsville; and

WHEREAS, Joseph Flannigan was a passionate lifelong learner and was well-known for his extensive collection of literature, art, and music; and

WHEREAS, Joseph Flannigan will be fondly remembered and greatly missed by his children, his grandchildren, and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Joseph C. Flannigan III; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Joseph C. Flannigan III as an expression of the House of Delegates' respect for his memory.

HOUSE RESOLUTION NO. 162

Commending the Reverend Tyler C. Millner, Sr.

Agreed to by the House of Delegates, February 26, 2024

WHEREAS, for more than 33 years, the Reverend Tyler C. Millner, Sr., has provided wise spiritual leadership and led generous community outreach programs as the pastor of Morning Star Holy Church in Martinsville; and

WHEREAS, Tyler Millner is a graduate of Johnson C. Smith University in North Carolina and the McCormick Theological Seminary in Illinois, and he completed further studies at Harvard University and New York University; and

WHEREAS, Tyler Millner cultivated his administrative skills and leadership abilities as an executive vice president of Virginia Union University and as the director of minority affairs for what is now Dominion Energy; and

WHEREAS, Tyler Millner was ordained as a minister in the United Holy Church of America in 1971, and he returned to Martinsville in 1991 to become the second pastor of Morning Star Holy Church, which had been founded and previously led by his mother, the Reverend Almeda F. Millner; and

WHEREAS, Tyler Millner is passionate about spiritual growth, building inter-faith understanding, and leading by example; he established inspirational ministries for Black youths and encouraged members of the congregation to pursue leadership opportunities in the church and in the region; and

WHEREAS, a gifted public speaker, fundraiser, and community organizer, Tyler Millner has guided the congregation of Morning Star Holy Church to take an active role in local life through unique and engaging programs; and

WHEREAS, Tyler Millner has supported social justice and cultural preservation efforts by launching a citizens' awareness program known as the Blue Ribbon Campaign and establishing the Richmond Community Learning Week, which has become a national model for Martin Luther King, Jr. Day commemorations; and

WHEREAS, over the course of his long career, Tyler Millner has demonstrated an abiding passion for making Martinsville and Henry County strong and welcoming communities with good and responsible governance, balanced media, and high levels of citizen engagement; and

WHEREAS, if an issue is significant for local residents, Tyler Millner can be counted upon to provide a guiding presence, be willing to speak on behalf of those in need, and insist that the people have a voice and be heard; his deep motivation is that his community can be a "Beloved Community" as described by Martin Luther King, Jr.; now, therefore, be it

RESOLVED by the House of Delegates, That the Reverend Tyler C. Millner, Sr., hereby be commended for his decades of service to the Martinsville community as the pastor of Morning Star Holy Church; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Reverend Tyler C. Millner, Sr., as an expression of the House of Delegates' admiration for his commitment to servant-leadership.

HOUSE RESOLUTION NO. 163

Celebrating the life of Lois C. Brown.

Agreed to by the House of Delegates, February 26, 2024

WHEREAS, Lois C. Brown, a beloved mother and friend to many who made countless contributions to local life in Richmond, died on July 2, 2023; and

WHEREAS, Lois Brown grew up in Richmond and graduated from the former Virginia Randolph High School; she developed extensive mathematical skills while helping to manage finances for her parents' business and continued her education at Virginia Union University; and

WHEREAS, over the course of her professional career, Lois Brown provided her leadership and expertise to several corporations, including Chesapeake and Potomac Telephone Company, Life Insurance Company of Virginia, and PMA Insurance Group; and

WHEREAS, Lois Brown delighted others through her many passions and hobbies, and she earned a reputation as the family newscaster for her encyclopedic knowledge of current events; she never forgot a birthday and always went out of her way to make friends and family members feel special; and

WHEREAS, a woman of deep and abiding faith, Lois Brown enjoyed fellowship and worship with the community as a member of Second Baptist Church, West End; and

WHEREAS, predeceased by her husband, Lester, Lois Brown will be fondly remembered and greatly missed by her beloved daughter, Pamela, and her family; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Lois C. Brown; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Lois C. Brown as an expression of the House of Delegates' respect for her memory.

HOUSE RESOLUTION NO. 164

Celebrating the life of Rita Louise Hubbard Russell.

Agreed to by the House of Delegates, February 26, 2024

WHEREAS, Rita Louise Hubbard Russell, a lifelong member of the Richmond community who touched countless lives through her kindness, generosity, and commitment to servant-leadership, died on August 27, 2023; and

WHEREAS, Rita Russell grew up in the Church Hill neighborhood of Richmond and graduated from the former Maggie L. Walker High School, where she was a talented member of the marching band and the majorettes; she later studied nursing at Rutledge College of Richmond; and

WHEREAS, Rita Russell loved to drive and could often be found providing transportation for Richmond Public Schools students and disabled or handicapped members of the community; and

WHEREAS, Rita Russell delighted friends and family members through her creativity, quick wit, passion for music and dance, and incomparable sense of style; and

WHEREAS, Rita Russell was a talented cook, and her caring spirit was evident in the delicious meals she served to guests at her home in Woodcroft Village; and

WHEREAS, Rita Russell began to cultivate her deep faith at a young age and enjoyed fellowship and worship with the Richmond community at Cedar Street Baptist Church for much of her life; and

WHEREAS, predeceased by one child, Yolanda, Rita Russell will be fondly remembered and greatly missed by her children, Andra, Chea, NaTeishia, and LaShell, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Rita Louise Hubbard Russell; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Rita Louise Hubbard Russell as an expression of the House of Delegates' respect for her memory.

HOUSE RESOLUTION NO. 165

Celebrating the life of Brianna Kate Hinton-Lartz.

Agreed to by the House of Delegates, February 26, 2024

WHEREAS, Brianna Kate Hinton-Lartz, a beloved daughter, mother, and friend, died on June 9, 2023; and

WHEREAS, Brianna Hinton-Lartz was born to Bruna Leonard and Lester D. Frye, Jr., on May 14, 1998, in Jeanette, Pennsylvania; and

WHEREAS, Brianna Hinton-Lartz had dreams of becoming an entrepreneur, with plans to own and operate lawn care, cleaning, and car detailing businesses; and

WHEREAS, Brianna Hinton-Lartz inspired others through her kindness, grace, and loving spirit; and

WHEREAS, Brianna Hinton-Lartz's greatest joy in her life was spending time with her beloved sons, and she worked diligently to ensure their safety, happiness, and well-being; and

WHEREAS, Brianna Hinton-Lartz will be fondly remembered and greatly missed by her sons, A'King and K'hari; her mother, Bruna; her father, Lester; her partner, Brianna Smith; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Brianna Kate Hinton-Lartz; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Brianna Kate Hinton-Lartz as an expression of the House of Delegates' respect for her memory.

HOUSE RESOLUTION NO. 166

Celebrating the life of Ethan Matthew Pitts, Jr.

Agreed to by the House of Delegates, February 26, 2024

WHEREAS, Ethan Matthew Pitts, Jr., a dedicated educator, compassionate counselor for children with special needs, and youth athletics coach who was a fixture in the Virginia Special Olympics for 15 years, died on May 31, 2023; and

WHEREAS, a native of Richmond, Ethan Matthew "Matt" Pitts, Jr., was a talented multisport athlete in his youth and graduated from John Marshall High School, where he was a standout member of the football team; he earned all-district, all-metro, and all-state honors for his skill as a placekicker; and

WHEREAS, Matt Pitts earned a scholarship to Hampton University, where he played on the football team for four years while he completed his bachelor's degree; and

WHEREAS, Matt Pitts worked as a physical education and health teacher at Albert Hill Middle School and also served as a part-time counselor for special needs children at the Virginia Home for Boys and Girls; and

WHEREAS, Matt Pitts began his coaching career as a graduate assistant coach at Hampton University; he later coached at Virginia State University, Thomas Jefferson High School, and the Maggie L. Walker Governor's School; and

WHEREAS, Matt Pitts was a member of the RVA Umpire Group and used his expertise to umpire youth baseball games and referee youth basketball games in the area; and

WHEREAS, Matt Pitts was especially active with the Richmond delegation to the Virginia Special Olympics as its longtime track coach and guided his teams to multiple victories; and

WHEREAS, Matt Pitts built strong, lasting relationships with his young athletes and inspired them to achieve their fullest potential in all their endeavors; and

WHEREAS, Matt Pitts enjoyed fellowship and worship with the community as a lifelong member of Bethlehem Baptist Church; and

WHEREAS, Matt Pitts will be fondly remembered and greatly missed by his son, Ethan III; his parents, Ethan, Sr., and Gwendolyn; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Ethan Matthew Pitts, Jr., a dedicated teacher and coach in Richmond; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Ethan Matthew Pitts, Jr., as an expression of the House of Delegates' respect for his memory.

HOUSE RESOLUTION NO. 167

Commending the Honorable Kathy J. Byron.

Agreed to by the House of Delegates, February 26, 2024

WHEREAS, the Honorable Kathy J. Byron, who represented the residents of Central Virginia in the 22nd District for 13 terms, retired from the Virginia House of Delegates in September 2023; and

WHEREAS, Kathy Byron and her husband, Jack, owned and operated a small business for more than 26 years, and she cultivated extensive expertise in telecommunications and marketing prior to joining the General Assembly; and

WHEREAS, desirous to be of service to her community and the Commonwealth, Kathy Byron ran for and was elected to the Virginia House of Delegates in 1997; over the course of her career in the General Assembly, she represented the 22nd District, which changed due to redistricting multiple times and included the residents of the Counties of Pittsylvania, Campbell, Bedford, and Franklin and the City of Lynchburg at various points; and

WHEREAS, over the course of her career in state government, Kathy Byron worked with six speakers of the house and eight governors; shortly after joining the Virginia House of Delegates, she played an important role in engineering the body's first Republican majority since the 19th century in 2000; and

WHEREAS, Kathy Byron was an advocate for conservative values, efficient government, and job creation; she introduced and supported numerous important pieces of legislation to benefit all Virginians; and

WHEREAS, Kathy Byron devoted much of her tenure in the state legislature to the advancement of workforce development initiatives that helped Virginians prepare for successful careers and attracted new businesses to the Commonwealth; and

WHEREAS, Kathy Byron was a longtime member of the Virginia Board of Workforce Development and championed the creation of the Virginia Department of Workforce Development and Advancement, also known as Virginia Works, which streamlined and consolidated several workforce development programs under one agency, making them more accessible to all Virginians; and

WHEREAS, Kathy Byron provided her leadership and expertise to the House Committees on Science and Technology, Finance, and Commerce and Energy, as well as several subcommittees and commissions; and

WHEREAS, in addition, Kathy Byron became the first woman to serve as chair of the House Republican Caucus; and

WHEREAS, Kathy Byron further served the Commonwealth as chair of the Health Insurance Reform Commission and a member of the Tobacco Community Revitalization Commission, where she chaired of its Research and Development Committee, and the American Legislative Exchange Council, where she served on the Communication and Information Task Force; and

WHEREAS, Kathy Byron offered additional insights as a member of the Unemployment Compensation Commission, the Joint Commission On Science and Technology, the Manufacturing Development Commission, and the Broadband Advisory Council; and

WHEREAS, during her long tenure as a state legislator, Kathy Byron served the Commonwealth with dedication, integrity, and distinction; now, therefore, be it

RESOLVED by the House of Delegates, That the Honorable Kathy J. Byron hereby be commended on the occasion of her retirement from the House of Delegates; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Honorable Kathy J. Byron as an expression of the House of Delegates' admiration for her legacy of outstanding service to the residents of Central Virginia and the Commonwealth as a whole.

HOUSE RESOLUTION NO. 168

Celebrating the life of H. Louis Salomonsky.

Agreed to by the House of Delegates, February 26, 2024

WHEREAS, H. Louis Salomonsky, a visionary architect, generous philanthropist, and beloved husband, father, and grandfather in Richmond, died on August 31, 2023; and

WHEREAS, Louis Salomonsky grew up in Richmond, where he attended public schools and was a talented artist from a young age; and

WHEREAS, Louis Salomonsky was a 16-year-old student at Thomas Jefferson High School when his father died unexpectedly in 1955; faced with a need to help support his family, he took samples of his artwork to a local architect and offered to work on a speculative basis; and

WHEREAS, the firm hired Louis Salomonsky on the condition that he stay in school to finish his studies and, recognizing his natural talent, later encouraged him to apply to the University of Virginia (UVA) School of Architecture; and

WHEREAS, a first-generation college student, Louis Salomonsky proudly graduated from the UVA School of Architecture in 1962 and returned to Richmond determined to enhance the quality of life throughout the city; and

WHEREAS, Louis Salomonsky and his longtime business partner, David White, established the firm Historic Housing, LLC, and were at the forefront of using historic tax credits to rehabilitate old buildings for new uses; and

WHEREAS, through Historic Housing and its sister companies SWA Architects, SWA Construction, and Main Street Realty, Louis Salomonsky helped develop millions of dollars' worth of projects and thousands of apartments in Richmond and the Washington, D.C., metropolitan area; and

WHEREAS, among his many achievements, Louis Salomonsky oversaw the renovation projects of the Appomattox Regional Governor's School for the Arts and Technology and the Maggie L. Walker Governor's School for Government and International Studies, both of which relied heavily on the use of historic tax credits and have continued to serve gifted students of all backgrounds; and

WHEREAS, known for his humility, Louis Salomonsky donated generously to many worthy causes without fanfare; he was active in B'nai B'rith and served two terms as president of Congregation Or Atid; and

WHEREAS, Louis Salomonsky was a loyal alumnus of UVA, where he lectured on financial development projects, served on the UVA School of Architecture Foundation Board, and was appointed by Governor Doug Wilder to the Board of Visitors; and

WHEREAS, Louis Salomonsky will be fondly remembered and greatly missed by his wife of 49 years, Anita; his children, Stephen, Mark, Benjamin, Betsy, Daniel, Anita, and Henry, and their families; and numerous other family members, friends, and colleagues; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of H. Louis Salomonsky; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of H. Louis Salomonsky as an expression of the House of Delegates' respect for his memory.

HOUSE RESOLUTION NO. 169

Celebrating the life of James Moore Stokely.

Agreed to by the House of Delegates, February 26, 2024

WHEREAS, James Moore Stokely, a respected leader in the insurance industry and a dedicated volunteer firefighter who used his professional expertise to support his fellow public safety officers in a variety of ways, died on January 23, 2024; and

WHEREAS, James Stokely, best known as "Jim" or "Mo," was born in Del Rio, Tennessee, and later moved to Virginia, where he graduated from what is now John R. Lewis High School in Springfield in 1966; he remained a loyal alumnus of the school and proudly organized class reunions for many years; and

WHEREAS, Jim Stokely earned an associate degree from Chowan College in North Carolina, supporting his education by completing one semester of study, taking time off to work, then returning for another semester; and

WHEREAS, in the early 1970s, Jim Stokely settled in Old Town Manassas with his wife, Mary, to raise a family, and they became active and generous members of the community who always found ways to help others; and

WHEREAS, shortly after moving to the area, Jim Stokely joined the Manassas Volunteer Fire Company; he served in numerous capacities over the next 50 years, including line and administrative officer, president, and chair of the foundation board; he was a regular at training events and competitions, led several outreach programs and fundraisers to stay engaged with the community, and presided over the department's 120th anniversary celebration; and

WHEREAS, Jim Stokely was a dedicated member and past president of the Virginia State Firefighters Association, demonstrating efficient and effective leadership, for which he was inducted into the organization's Hall of Fame; his presidency coincided with the attacks on September 11, 2001, and he fought to ensure affected firefighters received credit and benefits; and

WHEREAS, Jim Stokely provided his expert counsel to the Virginia Insurance Commissioner's Office on matters involving fire service, recognized outstanding firefighters as a member of the Virginia Volunteer Firefighters' & Rescue Squad Workers' Service Award Program Board, and was appointed by Governor Terry McAuliffe to serve on the Virginia Fire Program Board; and

WHEREAS, Jim Stokely was a staunch advocate for firefighters and other public safety officers at the local and state levels; among many policy initiatives, he supported changes to worker's compensation laws related to volunteer firefighters and raised awareness of work-related cancer for firefighters; and

WHEREAS, Jim Stokely was a certified insurance counselor and a certified professional insurance agent and enjoyed a long career in property and casualty insurance; he served as past president of The Independent Insurance Agents of Northern Virginia and on the advisory boards of Utica Mutual Insurance Company and USF&G Insurance Company; and

WHEREAS, Jim Stokely provided insurance to individuals, large and small businesses, school boards, museums, and localities, and he combined his two vocations by developing specialty plans for fire and rescue departments, including both small volunteer departments and large municipal agencies; and

WHEREAS, Jim Stokely worked tirelessly to ensure that firefighters who served and sacrificed on behalf of the members of their community had the support and resources they deserved; and

WHEREAS, among many awards and accolades, Jim Stokely was named Virginia's Agent of the Year by the Insurance Association of Virginia and was featured in Utica Mutual Insurance Company's annual report as Agent of the Year; he also received the 2009 Wade C. House Award for his outstanding contributions to the Manassas Volunteer Fire Company; and

WHEREAS, Jim Stokely was a passionate conservationist who enjoyed spending time in the great outdoors with family and friends, and he and his wife traveled the world after his well-earned retirement; and

WHEREAS, Jim Stokely will be fondly remembered and greatly missed by his wife, Mary; his children, Kathryn and John, and their families; and numerous other family members, friends, and colleagues; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of James Moore Stokely, an accomplished insurance agent who was devoted to community service as a volunteer firefighter; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of James Moore Stokely as an expression of the House of Delegates' respect for his memory.

HOUSE RESOLUTION NO. 170

Commending Liza Burrell-Aldana.

Agreed to by the House of Delegates, February 26, 2024

WHEREAS, Liza Burrell-Aldana, an outstanding educator and school administrator who has gone above and beyond to create an engaging, supportive, and safe learning environment at Mount Vernon Community School, was selected as the 2023 Principal of the Year by *The Washington Post*; and

WHEREAS, Liza Burrell-Aldana was selected for her work to enhance Mount Vernon Community School's curriculum while developing innovative learning programs and guiding critical enhancements to the school building, which is the oldest in the district; she was one of 16 finalists from schools in Virginia, Maryland, and Washington, D.C., to be considered for the prestigious award; and

WHEREAS, Liza Burrell-Aldana was born in Colombia, where she began her teaching career after she graduated college; she subsequently earned a scholarship to pursue her master's degree at the School for International Training in Vermont, then relocated to the Commonwealth, where she taught at a private school in Vienna; and

WHEREAS, after becoming a United States citizen, Liza Burrell-Aldana began working in public education; she joined Mount Vernon Community School as the assistant principal in 2014, then became principal in 2017; and

WHEREAS, Liza Burrell-Aldana has created a culture that emphasizes professional development for teachers, while maintaining a high level of staff retention, and sets high academic expectations for students; her efforts have led to a revamped science curriculum and an increase in math test scores; and

WHEREAS, Liza Burrell-Aldana has led Mount Vernon Community School to become the first English-Spanish dual language immersion school in an effort to better support the school's large Hispanic population, and she has helped increase referrals of Hispanic and Black students from across the district to gifted and talented programs; and

WHEREAS, Liza Burrell-Aldana has managed successful projects to remove mold and asbestos from Mount Vernon Community School, as well as to repair the roof and renovate the playground, cafeteria, and library; and

WHEREAS, Liza Burrell-Aldana has earned the trust and admiration of faculty and parents for her clear, informative, and effective communication style, especially during building renovations, the COVID-19 pandemic, and other challenging circumstances; and

WHEREAS, Liza Burrell-Aldana has touched countless young lives throughout the Alexandria community through her commitment to core academics and passion for creating new and innovative learning opportunities; now, therefore, be it

RESOLVED by the House of Delegates, That Liza Burrell-Aldana hereby be commended on her selection as the 2023 Principal of the Year by *The Washington Post*; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Liza Burrell-Aldana as an expression of the House of Delegates' admiration for her achievements in service to young people in Alexandria.

HOUSE RESOLUTION NO. 171

Commending the Arlington Heights Civic Association and the Bibury Parish Council.

Agreed to by the House of Delegates, February 26, 2024

WHEREAS, the Arlington Heights Civic Association established a Friendship Community relationship with the Bibury Parish Council in Gloucestershire, England, on November 8, 2022, to foster cooperation and communication between the two communities; and

WHEREAS, Bibury Parish's historic Arlington Row in the Village of Arlington is listed on the National Heritage List for England, and the village is the eponym for Arlington County and Arlington Heights; and

WHEREAS, the Village of Arlington was the home of the Custis family, founders of both the Arlington Plantation in Northampton County and the Arlington House in Northern Virginia; and

WHEREAS, since a formal sister city relationship was not possible due to the size difference in jurisdictions, Mark Murawski, a member of the Arlington Heights Civic Association, in partnership with Craig Chapman, chair of the Bibury Parish Council, created and formed a Friendship Community relationship to celebrate the deep historical ties between Arlington County and Bibury Parish; and

WHEREAS, the Friendship Community relationship between Arlington Heights and Bibury Parish, an example of citizen diplomacy, connects people and communities by promoting ideas and enhancing cultural awareness among residents; and

WHEREAS, the Friendship Community relationship between Arlington Heights and Bibury Parish provides opportunities for community members to celebrate the name "Arlington" while promoting both the similarity and diversity that it has come to represent; now, therefore, be it

RESOLVED by the House of Delegates, That the Arlington Heights Civic Association and the Bibury Parish Council hereby be commended for establishing a unique international relationship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare copies of this resolution for presentation to the Arlington Heights Civic Association and the Bibury Parish Council as an expression of the House of Delegates' admiration for the work of both organizations to foster international understanding and strengthen cultural and historical awareness through this unique community engagement program.

HOUSE RESOLUTION NO. 172

Commending Sharon Y. Bowen.

Agreed to by the House of Delegates, February 26, 2024

WHEREAS, Sharon Y. Bowen, an accomplished attorney and government official and native Virginian born in Chesapeake, has served on the board of directors of Intercontinental Exchange, Inc., the company that operates the New York Stock Exchange, since 2017; and

WHEREAS, Sharon Bowen earned a bachelor's degree in economics from the University of Virginia, a master's degree in business administration from the Northwestern University Kellogg School of Management, and a juris doctor degree from the Northwestern University Pritzker School of Law and began her legal career as an associate at Davis Polk & Wardwell LLP in 1982; and

WHEREAS, Sharon Bowen joined Latham & Watkins LLP six years later and soon after became a partner at the firm, where she specialized in a variety of corporate, finance, and securities transactions for large global corporations and financial institutions; and

WHEREAS, on February 12, 2010, Sharon Bowen was appointed by President Barack Obama to serve as vice chair of the Securities Investor Protection Corporation, a federally mandated nonprofit organization dedicated to protecting consumer assets when brokerage firms fail; two years later, she became acting chair of the organization; and

WHEREAS, Sharon Bowen was sworn in as commissioner of the U.S. Commodity Futures Trading Commission on June 9, 2014, bringing decades of regulatory, securities, and public policy expertise to bear as she oversaw the agency responsible for regulating the derivatives markets in the United States; and

WHEREAS, in 2021, Sharon Bowen was named chair of the board of directors of the New York Stock Exchange (NYSE), the first woman and person of color in the history of the NYSE to hold the position; and

WHEREAS, Sharon Bowen also serves as co-chair of the NYSE Board Advisory Council, as well as on the boards of certain NYSE regulated exchanges in the United States, through her work with Intercontinental Exchange; and

WHEREAS, in June 2023, Sharon Bowen received an honorary doctor of laws degree from Northwestern University in recognition of her service; and

WHEREAS, Sharon Bowen's accomplishments are the result of her tireless work ethic, exceptional intelligence and professionalism, and unwavering commitment to her purpose, earning the pride and respect of all Virginians; now, therefore, be it

RESOLVED by the House of Delegates, That Sharon Y. Bowen hereby be commended for her service to the nation and on the board of directors of Intercontinental Exchange, Inc.; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Sharon Y. Bowen as an expression of the House of Delegates' admiration for her achievements and best wishes in her future endeavors.

HOUSE RESOLUTION NO. 173

Commending Melissa Seek.

Agreed to by the House of Delegates, February 28, 2024

WHEREAS, Melissa Seek has provided exceptional leadership to the active transportation community, including pedestrians and people who use bicycles, scooters, and wheelchairs, as a longtime board member and president of Bike Norfolk; and

WHEREAS, Melissa Seek joined the board of directors of Bike Norfolk, an all-volunteer, nonprofit organization, in 2016 and has since participated in numerous initiatives to increase safety and enhance support for active transportation throughout Norfolk; and

WHEREAS, Melissa Seek served as secretary of Bike Norfolk from 2016 to 2021, as vice president in 2022, and as president in 2023; and

WHEREAS, during her tenure with Bike Norfolk, Melissa Seek played a key role in advocating for improved infrastructure in the Granby corridor and the Ocean View corridor, as well as in Park Place, Colonial Place, and Ghent; and

WHEREAS, Melissa Seek worked with the Safe Routes to Schools program at Norfolk Public Schools to develop bike safety films and create a bike rodeo in the underserved community of Young's Terrace; and

WHEREAS, Melissa Seek offered her expertise to Bike Norfolk's bike refurbishing program, through which bikes and gear are recycled and given to those in the community, and she organized volunteers for yearly bike maintenance soup kitchens, where volunteers offer repairs and distribute bikes and gear to people at the Catholic Worker and Urban Renewal Center's soup kitchens; and

WHEREAS, Melissa Seek and her husband, Mike, led efforts to create official mountain bike trails at Northside Park, which included cleaning the wooded area, entering an MOU with City of Norfolk for designing and maintaining trails, and securing sponsorships for tools, trail head signs, and insurance; she also organizes quarterly maintenance days for the trails with dozens of volunteers; and

WHEREAS, Melissa Seek led the fundraising efforts for the family of Michael Shipp, a bicycle shop owner who was killed while riding in South Carolina, which resulted in more than $10,000 in donations; she also led a children's bike race at Northside Park that was part of a larger event organized by I Ride 4 David, a nonprofit organization that raises awareness of childhood cancer; and

WHEREAS, Melissa Seek previously served as a member of the City of Norfolk's Bicycle, Pedestrian, and Active Transportation Committee for five years, including three years as chair; in that capacity, she advocated for improvements to bicycle and pedestrian facilities across the city and facilitated communication between city officials and businesses, civic leagues, community groups, and other stakeholders; now, therefore, be it

RESOLVED by the House of Delegates, That Melissa Seek hereby be commended for her achievements as a board member and president of Bike Norfolk; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Melissa Seek as an expression of the House of Delegates' admiration for her contributions to the active transportation community in Norfolk.

HOUSE RESOLUTION NO. 174

Celebrating the life of Rachel Gayle Davis Fowlkes.

Agreed to by the House of Delegates, February 26, 2024

WHEREAS, Rachel Gayle Davis Fowlkes of Abingdon, a passionate educator and a visionary community leader who enhanced the quality of life in Southwest Virginia by promoting economic development and new opportunities for local residents, died on April 1, 2023; and

WHEREAS, a native of Meridian, Mississippi, Rachel Fowlkes was a first-generation college student and graduated from Millsaps College, where she was a member of Chi Omega, the Millsaps Singers, and the varsity cheerleading squad; and

WHEREAS, Rachel Fowlkes subsequently earned a master's degree from Mississippi State University and a doctoral degree from the University of Virginia; and

WHEREAS, Rachel Fowlkes moved to Abingdon in 1969 and resided on Main Street for many years; she quickly became a fixture of local life and was well-known by generations of families as an elementary school teacher, special education teacher, and special education supervisor throughout Washington County; and

WHEREAS, later in her career, Rachel Fowlkes shifted her focus to post-secondary education and became the director of the University of Virginia's continuing education programs in the region, then the statewide education coordinator; she was an early pioneer in the use of satellite television and online programs for distance learning; and

WHEREAS, Rachel Fowlkes promoted the correlation between education and economic development and played a pivotal role in the creation of the Southwest Virginia Higher Education Center, where she served as founding executive director and guided the agency for 24 years until her retirement in 2015; and

WHEREAS, under the leadership of Rachel Fowlkes, the Southwest Virginia Higher Education Center partnered with 10 colleges and universities throughout the Commonwealth to offer advanced degrees, provide professional development conferences and seminars, and host regional economic development events; and

WHEREAS, Rachel Fowlkes spent countless hours driving around Southwest Virginia to listen to the concerns of residents, students, and businesses so that she could craft programs and strategies that reflected real-world needs; she could be recognized by her custom license plate: CR8JOBS; and

WHEREAS, Rachel Fowlkes provided her expertise to several other local and regional boards and commissions to enhance life in the region; she enjoyed fellowship and worship with the congregation of Sinking Spring Presbyterian Church and was a frequent volunteer at Ecumenical Faith in Action; and

WHEREAS, outside of her career and community service, Rachel Fowlkes enjoyed spending time with friends and family at her farm in Alvarado, where she built two unique treehouses overlooking the Virginia Creeper Trail; and

WHEREAS, Rachel Fowlkes will be fondly remembered and greatly missed by her children, Merrill and John, and their families, and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Rachel Gayle Davis Fowlkes, a highly admired educator and community leader who touched countless lives in Southwest Virginia; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Rachel Gayle Davis Fowlkes as an expression of the House of Delegates' respect for her memory.

HOUSE RESOLUTION NO. 175

Celebrating the life of Phyllis Ann Strouth.

Agreed to by the House of Delegates, February 26, 2024

WHEREAS, Phyllis Ann Strouth, a beloved wife, mother, and grandmother in Wise, died on January 23, 2024; and

WHEREAS, Phyllis Strouth grew up in Kentucky and attended the former Fleming-Neon High School, where she was a talented member of the marching band; and

WHEREAS, Phyllis Strouth was a loyal alumna of Fleming-Neon High School and was inducted into the school's Hall of Fame; in later life, she was reunited with the drum she used during her school years and proudly played it for her family; and

WHEREAS, Phyllis Strouth, best known as "Mom" or "Nan" to her beloved family, was an outstanding cook, who demonstrated her care for others by preparing delicious, nourishing meals and making sure no one left her house hungry; and

WHEREAS, Phyllis Strouth was deeply devoted to the safety and well-being of her children, and she relished every opportunity to share her lifetime of wisdom with them; and

WHEREAS, predeceased by her first husband, Douglas, Phyllis Strouth will be fondly remembered and greatly missed by her husband of 13 years, Philemon; her children, Cuba and Douglas, Jr., and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Phyllis Ann Strouth; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Phyllis Ann Strouth as an expression of the House of Delegates' respect for her memory.

HOUSE RESOLUTION NO. 176

Celebrating the life of Lorraine Burchett Nicewonder.

Agreed to by the House of Delegates, February 26, 2024

WHEREAS, Lorraine Burchett Nicewonder, a beloved wife, mother, and grandmother in Bristol who made many contributions to her community, died on October 11, 2023; and

WHEREAS, Lorraine Nicewonder was born in Dickenson County and was an outstanding student during her school years in Haysi; and

WHEREAS, for many years, Lorraine Nicewonder devoted herself to her family as a caring mother and a skilled and organized housewife, who loved to cook delicious, nourishing meals and tend to roses in her garden; and

WHEREAS, after her children began attending college, Lorraine Nicewonder proudly continued her own education at what is now the University of Virginia's College at Wise; and

WHEREAS, Lorraine Nicewonder and her husband enjoyed supporting local sports teams and took many opportunities to travel, where they collected countless gifts and souvenirs as mementos of their enriching experiences; and

WHEREAS, a woman of deep faith, Lorraine Nicewonder was a longtime member of State Street Methodist Church in Bristol and also attended North Naples Methodist Church in Naples, Florida; and

WHEREAS, Lorraine Nicewonder will be fondly remembered and greatly missed by her husband of 70 years, J.D.; her children, Carolyn, Sherry, and Mark, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Lorraine Burchett Nicewonder; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Lorraine Burchett Nicewonder as an expression of the House of Delegates' respect for her memory.

HOUSE RESOLUTION NO. 177

Commending the Honorable Michael P. Mullin.

Agreed to by the House of Delegates, February 26, 2024

WHEREAS, the Honorable Michael P. Mullin, who represented the residents of the 93rd District, retired from the Virginia House of Delegates in November 2023; and

WHEREAS, Michael "Mike" P. Mullin holds degrees from Christopher Newport University and the Catholic University of America's Columbus School of Law; after completing his education, he settled in Hampton Roads, where he began his legal career as an assistant prosecutor; and

WHEREAS, over the course of his career, Mike Mullin was certified by the Virginia Gang Investigator's Association and was active with the Virginia Bar Association and the Virginia Association of Commonwealth's Attorneys; and

WHEREAS, desirous to be of further service to the Commonwealth, Mike Mullin ran for and was elected to the Virginia House of Delegates in a special election in 2016; he represented the residents of the 93rd District, which at the time included parts of Newport News, Williamsburg, James City County, and York County; and

WHEREAS, during his tenure as a state legislator, Mike Mullin introduced numerous bills to benefit all Virginians, including Heaven's Law, which changed the way social workers investigate child abuse allegations, and a bill to commemorate sites in Virginia's Green Book, which documented businesses that were safe for Black Americans traveling during the Jim Crow era; and

WHEREAS, Mike Mullin supported other measures to enhance protections for children in the justice system, end driver's license suspensions for unpaid fees and fines, and other criminal justice reforms; and

WHEREAS, Mike Mullin offered his leadership and expertise to the House Committee for Courts of Justice and House Committees on Counties, Cities and Towns, and Labor and Commerce, and he served as vice chair of the House Committee on Rules; and

WHEREAS, Mike Mullin plans to seek new opportunities to continue serving his community while spending more time with his beloved children; now, therefore, be it

RESOLVED by the House of Delegates, That the Honorable Michael P. Mullin hereby be commended on the occasion of his retirement from public office; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Honorable Michael P. Mullin as an expression of the House of Delegates' admiration for his service to the residents of the Virginia Peninsula and the Commonwealth.

HOUSE RESOLUTION NO. 178

Commending Alpha Breast Cancer Support Service.

Agreed to by the House of Delegates, February 26, 2024

WHEREAS, for 10 years, Alpha Breast Cancer Support Service in Northern Virginia has promoted breast cancer awareness and worked to provide access to breast cancer treatment and support groups for women in Ethiopia and Eritrea; and

WHEREAS, Alpha Breast Cancer Support Service was founded in 2013 by Veronica Musie after she and her late cousin were diagnosed with breast cancer; having benefited from a local support group, she realized how limited support for breast cancer patients is in Africa, and was determined to make a difference; and

WHEREAS, Veronica Musie sponsored a 5k walk/run to promote breast cancer awareness and ultimately raised more than $20,000 and led to the creation of Alpha Breast Cancer Support Service as an independent organization; and

WHEREAS, Alpha Breast Cancer Support Service strives to create a support system for women and their families in Virginia, Maryland, and Washington, D.C., with teleconferencing available for women outside the region and in other countries; and

WHEREAS, Alpha Breast Cancer Support Service collects donations of breast prostheses, therapeutic bras, bra pads, head scarves, books and informative brochures, and other necessities to send to women at hospitals in Ethiopia and Eritrea; and

WHEREAS, Alpha Breast Cancer Support Service also has goals to purchase mammography devices for hospitals and partner with other nonprofit organizations to send volunteer radiologists to train other healthcare providers; and

WHEREAS, Alpha Breast Cancer Support Service has cultivated strong links between communities and agencies in the United States with those in Ethiopia and Eritrea, and it has supported hundreds of women diagnosed with breast cancer in the Horn of Africa over the course of its history; now, therefore, be it

RESOLVED by the House of Delegates, That Alpha Breast Cancer Support Service hereby be commended on the occasion of its 10th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Alpha Breast Cancer Support Service as an expression of the House of Delegates' admiration for the organization's vital mission to create a world where every woman has the education and resources they need to detect, treat, and overcome breast cancer.

HOUSE RESOLUTION NO. 179

Commending Gilbert A. Smith.

Agreed to by the House of Delegates, February 26, 2024

WHEREAS, for 32 years, Gilbert A. Smith has worked tirelessly to enhance the quality of life throughout Charles City County and represent the residents of District 1 as a member of the Charles City County Board of Supervisors; and

WHEREAS, Gilbert Smith has demonstrated an unwavering commitment to excellence, deep integrity, and a passion for public service over the course of his long and fulfilling career in local government; and

WHEREAS, Gilbert Smith developed a deep understanding of the needs and aspirations of the people of Charles City County, making him a trusted advocate for local residents and an invaluable source of institutional knowledge for his fellow public servants; and

WHEREAS, Gilbert Smith worked diligently to address the concerns of community members and placed a high priority on improving public services and promoting responsible development; and

WHEREAS, Gilbert Smith oversaw vital transportation initiatives, welcomed new businesses, and helped ensure the completion of a new fire station, which was named in his honor in 2023; and

WHEREAS, Gilbert Smith fostered collaboration and cultivated effective decision-making processes within the Charles City County Board of Supervisors, greatly contributing to the overall growth of the community; and

WHEREAS, during his tenure on the Charles City County Board of Supervisors, Gilbert Smith proudly served terms as vice-chair and chair, guiding the board with visionary leadership and wisdom; now, therefore, be it

RESOLVED by the House of Delegates, That Gilbert A. Smith hereby be commended on the occasion of his retirement from the Charles City County Board of Supervisors; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Gilbert A. Smith as an expression of the House of Delegates' admiration for his exceptional service and dedication to the residents of Charles City County.

HOUSE RESOLUTION NO. 180

Commending Denise Burrell Smith.

Agreed to by the House of Delegates, February 26, 2024

WHEREAS, after 42 years of dedicated service, Denise Burrell Smith retired as the commissioner of the revenue for Charles City County; and

WHEREAS, Denise Smith was the first Black woman elected as commissioner of the revenue in the history of Charles City County and of Virginia, and she became the longest-serving commissioner of the revenue in the Commonwealth; and

WHEREAS, Denise Smith has demonstrated exceptional professionalism in the performance of her duties; she earned a certification from the University of Virginia's Weldon Cooper Center for Public Service and received the 2016 President's Service Award from the Commissioner of the Revenue Association of Virginia; and

WHEREAS, Denise Smith has been an active member of her community, engaging in various community service activities, including her involvement as a life member and secretary of the Charles City Branch of the NAACP; she has also served on the board of directors of the Charles City County Civic League, Inc.; and

WHEREAS, Denise Smith has shown great dedication to her church, Elam Baptist Church, where she has served as chair of the usher ministry and as a member of the finance committee; and

WHEREAS, Denise Smith has been a trusted mentor to her fellow local government employees and a role model for many in the community, inspiring others through her kindness, faith, and unwavering commitment to her family, friends, and church; now, therefore, be it

RESOLVED by the House of Delegates, That Denise Burrell Smith hereby be commended on the occasion of her retirement as commissioner of the revenue for Charles City County; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Denise Burrell Smith as an expression of the House of Delegates' admiration for her outstanding contributions to the Charles City County community and best wishes for a happy retirement.

HOUSE RESOLUTION NO. 181

Celebrating the life of Robert Wright Evans, Sr.

Agreed to by the House of Delegates, February 26, 2024

WHEREAS, Robert Wright Evans, Sr., who served generations of Richmond residents as the owner and sole employee of a community newspaper, *Key Awareness*, died on August 30, 2023; and

WHEREAS, Robert Evans grew up in the Gilpin Court neighborhood and enjoyed playing sports in high school; he later counseled and mentored fellow athletes in the Richmond area; and

WHEREAS, for 25 years, Robert Evans fostered dialogue on important issues and highlighted unique people, places, and events in Richmond as the publisher of *Key Awareness*; the newspaper featured local news like graduations, business openings, and community milestones; and

WHEREAS, Robert Evans used *Key Awareness* to inform people in need about helpful programs and opportunities, and he developed a special column that allowed people to write about their challenges with addiction and the road to recovery; and

WHEREAS, *Key Awareness* was a labor of love for Robert Evans, who handled everything from writing, editing, and photography to advertising and delivery; and

WHEREAS, in addition to his work as a journalist and community leader, Robert Evans was a talented songwriter and musician; and

WHEREAS, Robert Evans will be fondly remembered and greatly missed by his wife, Cynthia; his sons, Rodney, Randall, and Ethan, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Robert Wright Evans, Sr.; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Robert Wright Evans, Sr., as an expression of the House of Delegates' respect for his memory.

HOUSE RESOLUTION NO. 182

Commending Gregg D. Kimball.

Agreed to by the House of Delegates, February 26, 2024

WHEREAS, Gregg D. Kimball, an esteemed curator and historian, honorable veteran of the United States Navy, and the director of the Library of Virginia's public services and outreach division for several years, retired in 2023; and

WHEREAS, after earning master's degrees in history and library science from the University of Maryland, Gregg Kimball worked for several years as a curator and historian at the Valentine Museum in Richmond while also pursuing a doctoral degree in American history from the University of Virginia; and

WHEREAS, Gregg Kimball joined the staff of the Library of Virginia in February 1996, was promoted to serve as the director of its publications and educational services division nine years later, and was then named director of the new public services and outreach division following an agency reorganization in 2011; and

WHEREAS, as director of public services and outreach, Gregg Kimball oversaw the library's efforts to provide researchers, educators, and the general public with access to the library's collections and to develop engaging and thought-provoking exhibitions and educational programming; and

WHEREAS, Gregg Kimball's decisive leadership proved invaluable during the COVID-19 pandemic, as the Library of Virginia was able to provide its services to the greatest extent possible while also ensuring the health and safety of library staff and visitors; and

WHEREAS, over his three decades with the Library of Virginia, Gregg Kimball oversaw the planning, installation, and programming of more than a dozen significant exhibitions, including *To Be Sold: Virginia and the American Slave Trade*, *Teetotalers & Moonshiners: Prohibition in Virginia, Distilled*, and *Virginia Roots Music: Creating and Conserving Tradition*; and

WHEREAS, the author of *American City, Southern Place: A Cultural History of Antebellum Richmond* and other works, Gregg Kimball guided the Library of Virginia's production of several noteworthy publications, such as *Virginia in Maps: Four Centuries of Settlement, Growth, and Development*, *A Little Parliament: The Virginia General Assembly in the Seventeenth Century*, and *Changing History: Virginia Women Through Four Centuries*; and

WHEREAS, Gregg Kimball has promoted greater understanding and awareness in the community through his work with various boards, committees, and commissions, including the Richmond Monument Avenue Commission, work groups of

the Dr. Martin Luther King, Jr., Memorial Commission, and the Virginia Indian advisory board under the Secretary of the Commonwealth; and

WHEREAS, Gregg Kimball's exemplary accomplishments in service to the Commonwealth are the result of his dedication to his work and passion for sharing Virginia's local history with the public; now, therefore, be it

RESOLVED by the House of Delegates, That Gregg D. Kimball, director of the Library of Virginia's public services and outreach division hereby be commended on the occasion of his retirement; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Gregg D. Kimball as an expression of the House of Delegates' admiration and appreciation for his service and best wishes for a happy and fulfilling retirement.

HOUSE RESOLUTION NO. 183

Celebrating the life of James Samuel Gillespie, Jr.

Agreed to by the House of Delegates, February 26, 2024

WHEREAS, James Samuel Gillespie, Jr., an honorable veteran, esteemed educator, distinguished coach, accomplished farmer, and beloved member of the Pounding Mill community, died on July 17, 2022; and

WHEREAS, after graduating from Richland High School, James Samuel "Jim Sam" Gillespie earned a degree in civil engineering in 1959 from the Virginia Military Institute, where he also played football and ran track; and

WHEREAS, Jim Sam Gillespie served his country with honor and distinction as a member of the United States Army, attaining the rank of captain and also coaching base football teams; and

WHEREAS, following his service, Jim Sam Gillespie taught mathematics and coached at both Clifton Forge High School and South Hampton High School, contributing greatly to his students' success both in and out of the classroom; and

WHEREAS, Jim Sam Gillespie took his talents as a coach to the collegiate level, supporting the programs at Virginia Military Institute, West Virginia University, and Duke University, and ultimately returned home to Pounding Mill, where he farmed for the rest of his life; and

WHEREAS, Jim Sam Gillespie gave generously to his community through his lifelong involvement with the Tazewell County Fair and service with his local 4-H, Virginia Farm Bureau, and various other organizations; and

WHEREAS, guided throughout his life by his faith, Jim Sam Gillespie grew up in the Pounding Mill Christian Church and later enjoyed worship and fellowship with his community at Richlands Presbyterian Church; and

WHEREAS, Jim Sam Gillespie was a devoted family man who found his greatest joy in spending time with this wife, children, and the many close friends he had made along his way; and

WHEREAS, preceded in death by his loving wife, Lucy, and his son James III, Jim Sam Gillespie will be fondly remembered and dearly missed by his children, Elizabeth and Ann Brett, and their families, and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of James Samuel Gillespie, Jr., a cherished member of the Pounding Mill community whose integrity and kind and generous spirit endeared him to all who knew him; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of James Samuel Gillespie, Jr., as an expression of the House of Delegates' respect for his memory.

HOUSE RESOLUTION NO. 184

Celebrating the life of Phyllis Hatcher.

Agreed to by the House of Delegates, February 26, 2024

WHEREAS, Phyllis Hatcher, an educator and a woman of deep faith who enhanced cultural life in Wise County through her generous servant-leadership, died on December 10, 2023; and

WHEREAS, Phyllis Hatcher grew up in Wise and worked for the U.S. Forest Service in the region while she earned a bachelor's degree from Clinch Valley College; and

WHEREAS, Phyllis Hatcher received a master's degree from the University of Virginia and began a long and fulfilling career as a teacher in 1975; for more than three decades, she taught language arts in public schools and participated in Upward Bound summer programs to help students prepare for higher education; and

WHEREAS, after her well-earned retirement as an educator, Phyllis Hatcher continued to serve as a substitute teacher, tutor, and youth mentor; and

WHEREAS, throughout her life, Phyllis Hatcher was guided by her faith, and her bookmarked and well-worn Bible was always on her bedside; she had many church homes, from Hurricane Baptist Church to Norton United Methodist Church, where she built cherished friendships; and

WHEREAS, Phyllis Hatcher enhanced community life through her volunteer leadership and her passion for the arts; she played an instrumental role in bringing the Pro-Art Association to Wise County and supported the Symphony of the Mountains and the Barter Theatre; and

WHEREAS, Phyllis Hatcher provided her wisdom and expertise to many other local organizations, and she was a loyal alumna of Clinch Valley College, serving as president of its alumni association; and

WHEREAS, Phyllis Hatcher was well-known for her legendary parties and holiday gatherings, and her home was often filled with warmth, laughter, and the aromas of her delicious meals; and

WHEREAS, predeceased by her first husband, Jack, Phyllis Hatcher will be fondly remembered and greatly missed by her husband of 31 years, Lu; her children, Scott and Hunter, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Phyllis Hatcher; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Phyllis Hatcher as an expression of the House of Delegates' respect for her memory.

HOUSE RESOLUTION NO. 185

Commending the Town of Mount Crawford.

Agreed to by the House of Delegates, February 26, 2024

WHEREAS, the Town of Mount Crawford, a charming rural community in Rockingham County, celebrates its 200th anniversary in 2025; and

WHEREAS, one of the oldest communities in Rockingham County, Mount Crawford was established in 1825 and incorporated in 1895; and

WHEREAS, Mount Crawford was originally a turnpike town, offering commercial services to settlers traveling further south; the town was raided during the American Civil War and became known as a flour milling center in the post-war period; and

WHEREAS, located on U.S. Route 11, Mount Crawford remained an important thoroughfare until the construction of Interstate 81; today, the town offers a tranquil atmosphere that is only a short drive to several major urban centers; and

WHEREAS, nestled in the Shenandoah Valley, Mount Crawford provides easy access to a variety of outdoor activities and opportunities to appreciate the Commonwealth's natural and historical resources; and

WHEREAS, Mount Crawford has formed a historical committee to prepare a full slate of commemorative events and develop plans for designating Main Street as a historic district; now, therefore, be it

RESOLVED by the House of Delegates, That the Town of Mount Crawford hereby be commended on the occasion of its 200th anniversary of its establishment; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Town of Mount Crawford as an expression of the House of Delegates' admiration for the town's longevity and contributions to the Commonwealth.

HOUSE RESOLUTION NO. 186

Commending the Honorable Roxann Robinson.

Agreed to by the House of Delegates, March 5, 2024

WHEREAS, the Honorable Roxann Robinson was elected to represent the residents of Chesterfield County in the 27th District through a special election in 2010; and

WHEREAS, Delegate Robinson took her spirit of serving others to the oldest continuing legislative body in the western hemisphere and represented the citizens of Chesterfield County for 14 distinguished years as a member of the Virginia House of Delegates; and

WHEREAS, Delegate Robinson began her career serving the public as an optometrist based in Chesterfield County, providing health care to thousands of residents all over the Richmond region for 30 years; and

WHEREAS, as a health care provider and optometrist, Delegate Robinson donated and participated in several initiatives to provide reduced or free eye care to vulnerable populations, including serving as clinical director for the Special Olympics' Opening Eyes program, which provided quality eye exams, prescription eyeglasses, and sports goggles to Special Olympians; and

WHEREAS, Delegate Robinson served as president of both the Virginia Optometric Association and the Virginia Academy of Optometry; and

WHEREAS, Delegate Robinson served on the Joint Commission on Health Care and the Virginia Commonwealth University Health System Authority Board of Directors, utilizing her decades of experience in the medical field in both positions to promote health and wellness in society from childhood through adulthood; and

WHEREAS, Delegate Robinson valued community service immensely, serving as president of the Rotary Club of James River and on the boards of the Central Virginia Transportation Authority and the Manchester YMCA Board of Directors, as well as on many other boards and charitable organizations; and

WHEREAS, Delegate Robinson proudly served as chair of the House Science and Technology Committee from 2018 to 2020 and chair of the House Finance Committee from 2022 to 2024; and

WHEREAS, Delegate Robinson introduced and oversaw passage of legislation during the 2018 Session of the General Assembly that allowed for nurse practitioners to practice autonomously and expanded health care access to tens of thousands of Virginians; and

WHEREAS, as a state lawmaker, Delegate Robinson authored a resolution which recognized the month of May as Women's Maternal Mental Health Month in an effort to raise awareness of psychological effects that pregnancy, labor, and early childcare can have on a mother; and

WHEREAS, Delegate Robinson successfully amended state law to allow local school divisions to make important decisions regarding the start of their academic year; and

WHEREAS, as chair of the Finance Committee, Delegate Robinson oversaw $4 billion in tax cuts supported by Governor Glenn Youngkin and a bipartisan majority of the General Assembly; and

WHEREAS, the Virginia Chamber of Commerce recognized Delegate Robinson with its Lifetime Achievement Award for her longtime dedication and service to the Commonwealth; and

WHEREAS, Delegate Robinson developed a reputation for designing and lovingly hand making beautiful quilts that she regularly gifted to friends and colleagues and provided to civic organizations as a way for them to raise funds for the important work they performed in the community; and

WHEREAS, Delegate Robinson always worked hand in hand with Chesterfield County elected and appointed officials, helping to achieve legislative successes for the residents of her district and for all residents of Chesterfield County; and

WHEREAS, Delegate Robinson was a mentor, both officially and unofficially, to so many individuals who served and continue to serve in the Virginia House of Delegates, graciously and freely providing her counsel to train and inspire the next generation of leaders; and

WHEREAS, Delegate Robinson's commitment to public service as a champion for the residents of Chesterfield County guided her actions during her tenure in the Virginia General Assembly; and

WHEREAS, all citizens of the Commonwealth benefited from the leadership and service displayed by Delegate Robinson on many issues, notably in education, health, transportation, and business policies; and

WHEREAS, Delegate Robinson will always be known and remembered for her respect for, and devotion to, the institutions of the Virginia House of Delegates and the General Assembly, her willingness to work with those across the aisle for the betterment of her constituents, and the citizens of the Commonwealth, and her genuine desire to leave her district and the Commonwealth better than when she entered public service; now, therefore, be it

RESOLVED by the House of Delegates, That the Honorable Roxann Robinson hereby be commended for her many achievements on behalf of the residents of Chesterfield County and the Commonwealth on the occasion of her retirement from public office; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Honorable Roxann Robinson as an expression of the House of Delegates' appreciation and gratitude for her tenure of distinguished service and contributions to the Commonwealth.

HOUSE RESOLUTION NO. 187

Celebrating the life of Elbert Ray Lawson, Jr.

Agreed to by the House of Delegates, March 4, 2024

WHEREAS, Elbert Ray Lawson, Jr., a successful businessman and an active member of the Wise County community, died on February 25, 2023; and

WHEREAS, Ray Lawson and his brother, Steve, served local residents as the owners of Lawson Water Conditioning and the NAPA Auto Parts store in Wise; and

WHEREAS, Ray Lawson provided his leadership and expertise to the Wise Business Association and was active in many other community events; he was a recipient of the Hometown Hero Award from the Town of Wise for his contributions to local life; and

WHEREAS, Ray Lawson was an avid music lover who shared his passion with listeners as a volunteer radio announcer on WMMT 88.7, just over the border in Whitesburg, Kentucky; and

WHEREAS, Ray Lawson enjoyed playing horseshoes, fishing, and other outdoor activities, and he brought joy to others through his kindness, sense of humor, and penchant for storytelling; and

WHEREAS, predeceased by one son, David, Elbert Lawson will be fondly remembered and greatly missed by his loving wife, Cheryl; his sons, Michael and James, and their families; his stepdaughters, Kim and Gina, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Elbert Ray Lawson, Jr.; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Elbert Ray Lawson, Jr., as an expression of the House of Delegates' respect for his memory.

HOUSE RESOLUTION NO. 188

Celebrating the life of Robert Lee Fultz, Sr.

Agreed to by the House of Delegates, March 4, 2024

WHEREAS, Robert Lee Fultz, Sr., a beloved father and grandfather and respected member of the Norton community, died on April 21, 2023; and

WHEREAS, Robert Fultz grew up in the Dorchester community of Wise County and served the nation as a member of the United States Army; during his military service, he was stationed in Germany shortly after the Korean War; and

WHEREAS, Robert Fultz returned to the United States and married his wife, Faye, then moved to Lorain, Ohio, where he was employed by the Ford Motor Company for seven years; and

WHEREAS, Robert Fultz next worked for Eastman Kodak in Sullivan County, Tennessee, for seven years, then returned to the Commonwealth and pursued a 20-year career with the Westmoreland Coal Company; and

WHEREAS, Robert and Faye Fultz were devout members of church communities wherever they lived, often singing in the choir together or volunteering for other activities and ministries; and

WHEREAS, Robert Fultz was most recently a member of Freedom of Worship Church in Norton, and he supported his fellow congregants as a board member, deacon, Sunday school teacher, and carpenter; and

WHEREAS, predeceased by his wife of 61 years, Faye, Robert Fultz will be fondly remembered and greatly missed by his children, Michelle, Eddie, Robert, Jr., and Andy, and their families, and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Robert Lee Fultz, Sr.; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Robert Lee Fultz, Sr., as an expression of the House of Delegates' respect for his memory.

HOUSE RESOLUTION NO. 189

Celebrating the life of Virginia Belle Honeycutt Meador.

Agreed to by the House of Delegates, March 4, 2024

WHEREAS, Virginia Belle Honeycutt Meador, a longtime public servant who touched countless lives in Big Stone Gap through her commitment to philanthropy and volunteer leadership, died on July 29, 2023, at the age of 99; and

WHEREAS, Virginia "Ginny Belle" Honeycutt Meador was born on her parents' farm near Big Stone Gap and later moved into town, where her father opened a dentistry practice; she spent many idyllic summers back on the farm in her childhood; and

WHEREAS, Ginny Belle Meador graduated from Big Stone Gap High School, where she was voted "Most Talented," served as president of the Beta Club, sang in the glee club, marched as a majorette, and was a member of the debate team with future-Governor Linwood Holton; and

WHEREAS, Ginny Belle Meador earned a degree in education and psychology from what is now Randolph-Macon College, then worked as a teacher and an executive secretary in Annapolis, Maryland, where she met her husband, Harry, a fellow native of Big Stone Gap; and

WHEREAS, Ginny Belle and Harry Meador returned to their hometown to raise a family, and after her children were grown, she led a citizen's group to preserve Big Cherry Lake, then ultimately ran for and was elected to the Wise County Board of Supervisors; and

WHEREAS, Ginny Belle Meador represented her community for 33 years and became the longest-serving member in the history of the Wise County Board of Supervisors; and

WHEREAS, Ginny Belle Meador also provided her leadership and expertise to the Lonesome Pine Youth Services Board, Frontier Health's Planning District One, Lenowisco Planning District Commission, and Mountain Empire Community College Foundation, as well as to the advisory boards of Clinch Valley College, the Pro-Art Association, and Natural Tunnel State Park's Cove Ridge Center; and

WHEREAS, Ginny Belle Meador played an instrumental role in the funding and establishment of C. Bascom Slemp Memorial Library, and she was appointed by Governor Linwood Holton to the Library of Virginia Board; and

WHEREAS, Ginny Belle Meador inspired young people as a Cub Scout Den Mother at First Presbyterian Church, where she also served as an elder and the organist for 63 years; she volunteered her time with local food banks and hospitals and performed as an accompanist in local music productions; and

WHEREAS, Ginny Belle Meador received many accolades for her personal and professional achievements, including the 2011 Virginia Community College Leadership Award in Philanthropy, the 2020 Lonesome Pine Office on Youth and Families Service Award, and induction into the Mountain Empire Community College Foundation Hall of Fame; and

WHEREAS, predeceased by her husband, Harry, Ginny Belle Meador will be fondly remembered and greatly missed by her children, Harry III and Nancy, and their families, and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Virginia Belle Honeycutt Meador; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Virginia Belle Honeycutt Meador as an expression of the House of Delegates' respect for her memory.

HOUSE RESOLUTION NO. 190

Celebrating the life of William Reese Hess.

Agreed to by the House of Delegates, March 4, 2024

WHEREAS, William Reese Hess of Richlands, an honorable veteran, hard-working coal miner, lifelong Virginian, and beloved husband, father, grandfather, uncle, and friend, died on December 9, 2023, at age 96; and

WHEREAS, after attending Richlands High School, William "Bill" Reese Hess began his career as a coal miner in 1945, then was drafted on November 8, 1945, and served as a corporal in the United States Army Air Forces during the Occupation of Japan at the conclusion of World War II; and

WHEREAS, Bill Hess completed training at Fort Meade in Maryland, Fort McClellan in Alabama, and Camp Stoneman in California before departing for Japan; and

WHEREAS, Bill Hess arrived in Yokohama, Japan, on March 30, 1946, and remained there for nine and a half months before being honorably discharged and returning to Richlands in February 1947; and

WHEREAS, upon his return to the United States, Bill Hess resumed his career as a coal miner and ultimately worked 42 years for the Jewell Ridge Coal Corporation, the Pittston Coal Company, and at Sea B Mining No. 2 in addition to the Jewell Valley No. 2 and No. 11 mines, until his retirement in 1987; and

WHEREAS, Bill Hess joined the United Mine Workers of America in 1945 and was a 78-year member of UMWA Local No. 1760 in Seaboard at the time of his death; and

WHEREAS, Bill Hess served the community for five decades as a member of the Richlands Masonic Lodge No. 318 A.F. and A.M., Scottish Rite, Kazim Temple, and the Tazewell-Russell Shrine Club, where he was named Shriner of the Year in 2000; and

WHEREAS, Bill Hess was strong in his faith and enjoyed serving the congregations at the West Fork Presbyterian Chapel and Richlands Presbyterian Church for more than 40 years as an elder, Sunday school superintendent, Sunday school teacher, and chair of various committees; and

WHEREAS, at the time of his death, Bill Hess had been a 23-year member of the First Christian Church in Richlands, where he was an elder and a member of the Christian Men's Fellowship; and

WHEREAS, outside of his career, faith, and community service, Bill Hess enjoyed Virginia Tech football, professional baseball and football, camping, "old-time" country music, working in his garden, and giving away vegetables to his family, friends, neighbors, and church family; and

WHEREAS, predeceased by his wife of more than 70 years, Clara, and one son, William, Jr., Bill Hess will be fondly remembered and greatly missed by his son, John; grandson, Brady; daughter-in-law, Lynnette; sister, Helen; sister-in-law, Peggy; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of William Reese Hess; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of William Reese Hess as an expression of the House of Delegates' respect for his memory.

HOUSE RESOLUTION NO. 191

Commending Shelia Lawson.

Agreed to by the House of Delegates, March 4, 2024

WHEREAS, for 50 years, Shelia Lawson, a school bus driver in Woolwine, has played an important role in the lives of young people, ensuring they travel to and from school safely while setting a good example through her kindness and professionalism; and

WHEREAS, a native of Rocky Mount, Shelia "Cookie" Lawson grew up on her family's farm and learned the value of hard work and responsibility at a young age; she enjoyed working outdoors with her father and especially enjoyed riding the tractor; and

WHEREAS, after graduating from Franklin County High School, Cookie Lawson began work in Bassett, where she met her husband, Ed; the couple ultimately settled in Patrick County and built a house near Fairy Stone State Park; and

WHEREAS, Cookie Lawson began her career at Woolwine Elementary School as a cafeteria worker and later started driving a school bus for additional pay; when her sons reached school age, she began driving the bus full-time; and

WHEREAS, Cookie Lawson's lifetime of driving skills helped her to ensure students reached their destinations safely and efficiently; she played a special role in generations of young people's lives through her kindness, attentiveness, and professionalism; and

WHEREAS, outside of her career, Cookie Lawson has demonstrated an unwavering commitment to enhancing community life; she delivered handmade pies to a local nursing home for many years and always found a way to help a friend or neighbor in need; and

WHEREAS, guided by her faith in all her good deeds, Cookie Lawson enjoys fellowship and worship with the congregation of Christian Faith Baptist Church in Ferrum, where she is a member of the choir and volunteers her time with other ministries; now, therefore, be it

RESOLVED by the House of Delegates, That Shelia Lawson hereby be commended on the occasion of her retirement as a bus driver for Woolwine Elementary School after 50 years of service to the community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Shelia Lawson as an expression of the House of Delegates' admiration for her decades of outstanding service to young people in Woolwine.

HOUSE RESOLUTION NO. 192

Commending the Galax High School football team.

Agreed to by the House of Delegates, March 4, 2024

WHEREAS, the Galax High School football team won the Virginia High School League Class 1 state championship in 2023; and

WHEREAS, the Galax High School Maroon Tide defeated the Essex High School Trojans in a defensive struggle that finished with a score of 7-6; and

WHEREAS, the Essex Trojans scored the first and only touchdown of the game, but made a critical error and missed their two-point conversion attempt; the Galax Maroon Tide responded by pinning the Essex Trojans in their own end zone and forcing a fumble for a safety; and

WHEREAS, Tehdrun Tucker narrowed the lead again with a second safety, then put the Galax Maroon Tide within field goal range after a big run on the team's final drive of the game; and

WHEREAS, freshman kicker Yandel Vera scored the game-winner in dramatic fashion, kicking a 42-yard field goal that hit the crossbar but toppled over the goal posts to give the Galax Maroon Tide the victory; and

WHEREAS, the successful season is a tribute to the hard work and determination of all the student-athletes, the leadership and guidance of coaches and staff, and the passionate support of the entire Galax High School community; now, therefore, be it

RESOLVED by the House of Delegates, That the Galax High School football team hereby be commended on winning the 2023 Virginia High School League Class 1 state championship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Shane Allen, head coach of the Galax High School football team, as an expression of the House of Delegates' admiration for the team's achievements and best wishes for the future.

HOUSE RESOLUTION NO. 193

Commending the Carroll County Middle School Future Farmers of America.

Agreed to by the House of Delegates, March 4, 2024

WHEREAS, the Carroll County Middle School Future Farmers of America was selected by the National Future Farmers of America Organization as the winner of its National Middle School Model of Excellence award in 2023; and

WHEREAS, the National Middle School Model of Excellence award recognizes outstanding Future Farmers of America chapters that actively implement the organization's mission and strategies to facilitate youth leadership and promote agricultural education; and

WHEREAS, the Carroll County Middle School Future Farmers of America competed against 10 other chapters and received high marks for its work to grow young leaders across the county, build a sense of community, and strengthen agriculture; and

WHEREAS, the Carroll County Middle School Future Farmers of America promoted agricultural literacy to children through its "March is Ag Literacy Month" program at the local library by presenting an assortment of agriculture books with accompanying activities and take-home items for attendees; and

WHEREAS, the members of the Carroll County Middle School Future Farmers of America also hosted a petting zoo, which included local farm animals, along with an informative booth at the school's annual Back-to-School Bash as a way to attract more student engagement in agriculture; and

WHEREAS, the Carroll County Middle School Future Farmers of America received the prestigious award at the 96th National Future Farmers of America Convention & Expo, held in Indianapolis, Indiana, on November 1-4, 2023; now, therefore, be it

RESOLVED by the House of Delegates, That the Carroll County Middle School Future Farmers of America hereby be commended on its selection as the recipient of the 2023 National Middle School Model of Excellence award; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Carroll County Middle School Future Farmers of America as an expression of the House of Delegates' admiration for the organization's contributions to the advancement of agricultural education.

HOUSE RESOLUTION NO. 194

Commending Howell's Grocery Store and Restaurant.

Agreed to by the House of Delegates, March 4, 2024

WHEREAS, for 100 years, Howell's Grocery Store and Restaurant has provided groceries and home-cooked meals to local residents while building a strong place of community in Patrick County; and

WHEREAS, founded in 1924, Howell's Grocery is owned and operated by a local family with deep roots in Patrick County and has been a longtime fixture of area life, offering groceries and convenience goods, a unique full-service gas station, and a hot meal with friends and family; and

WHEREAS, located at the intersection of U.S. Route 58 and State Route 8, Howell's Grocery has stood the test of time as a classic highway outpost, serving generations of local families, as well as loggers, mill workers, road crews, tourists, and other travelers; and

WHEREAS, over the course of its history, Howell's Grocery has provided generous outreach to local residents in need, fostering strong relationships within the community to serve others; and

WHEREAS, on May 4, 2024, Howell's Grocery will commemorate its milestone 100th anniversary with a special celebration featuring music, food, door prizes, and stories from years past; now, therefore, be it

RESOLVED by the House of Delegates, That Howell's Grocery and Restaurant hereby be commended on the occasion of its 100th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Howell's Grocery Store and Restaurant as an expression of the House of Delegates' admiration for its legacy of contributions to the Patrick County community.

HOUSE RESOLUTION NO. 195

Commending the Galax High School golf team.

Agreed to by the House of Delegates, March 4, 2024

WHEREAS, the Galax High School golf team earned its second consecutive state title with a victory in the Virginia High School League Class 1 state championship in 2023; and

WHEREAS, the Galax High School Maroon Tide finished the state championship, held at Great Oaks Country Club in Floyd, with three golfers in the top ten and a final tally of 317 points; and

WHEREAS, the Galax Maroon Tide defeated the runners-up from Northumberland High School by 26 points to secure the team state title; and

WHEREAS, Talan Genry led the Galax Maroon Tide in the individual standings, finishing only three over par with a score of 75; and

WHEREAS, the victorious season is a testament to the skill and hard work of all the student-athletes, the leadership and guidance of coaches and staff, and the passionate support of family, friends, and the entire Galax High School community; now, therefore, be it

RESOLVED by the House of Delegates, That the Galax High School golf team hereby be commended on winning the 2023 Virginia High School League Class 1 state championship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Galax High School golf team as an expression of the House of Delegates' admiration for the team's achievements and best wishes for the future.

HOUSE RESOLUTION NO. 196

Commending the Patrick County High School baseball team.

Agreed to by the House of Delegates, March 4, 2024

WHEREAS, the Patrick County High School baseball team earned the program's first state title with a victory in the Virginia High School League Class 2 state championship in June 2023; and

WHEREAS, over the course of the state tournament, the Patrick County High School Cougars outscored their opponents 27-9 and ultimately finished the season with an impressive 25-5 record and the state crown; and

WHEREAS, in the state final at Salem Memorial Ballpark, the Patrick County Cougars defeated the Poquoson High School Islanders by a score of 7-3; and

WHEREAS, the Patrick County Cougars started off strong, taking a 3-0 lead in the first inning and adding two more runs in the second and one in the third before the Poquoson Islanders could respond with a run of their own; and

WHEREAS, junior starting pitcher Tucker Swails struck out five of Poquoson High School's first nine batters, setting the tone for the dominant performance by the Patrick County Cougars, while Stuart Callahan recorded three RBIs and a run and finished the day on the mound as the relief pitcher; and

WHEREAS, the victorious season was a testament to the skill and determination of all the student-athletes, the leadership and guidance of coaches and staff, and the enthusiastic support of friends, family members, and the entire Patrick County High School community; now, therefore, be it

RESOLVED by the House of Delegates, That the Patrick County High School baseball team hereby be commended on winning the Virginia High School League Class 2 state championship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare copies of this resolution for presentation to Tal Swails, head coach of the Patrick County High School baseball team, and to his father and longtime supporter of Patrick County Athletics, Sonny Swails, whose devotion and love of the game can be seen in the legacy he's left for his son and grandson, as an expression of the House of Delegates' admiration for the team's historic accomplishment.

HOUSE RESOLUTION NO. 197

Celebrating the life of Kraig Kirk Kelican.

Agreed to by the House of Delegates, March 4, 2024

WHEREAS, Kraig Kirk Kelican, an esteemed educator and education administrator at Fauquier High School and a beloved member of the Stephens City community, died on September 21, 2023; and

WHEREAS, after graduating in 1979 from James Wood High School in Winchester, Kraig Kelican earned a bachelor's degree from Virginia Polytechnic Institute and State University and a master's degree from George Mason University; and

WHEREAS, Kraig Kelican devoted the entirety of his career in education to Fauquier High School, serving first as an agricultural teacher beginning in 1985, then as assistant principal from 1997 to 2020, and ultimately as principal; and

WHEREAS, over more than 35 years at Fauquier High School, Kraig Kelican's unwavering commitment to his students and their well-being helped countless young people develop the knowledge, skills, confidence, and ambition needed for them to succeed both in and out of the classroom; and

WHEREAS, Kraig Kelican fostered an interest in horticulture from his days as an agricultural teacher and leader of Fauquier High School's Future Farmers of America program and found great joy in cultivating an impressive array of plants around his house year after year; and

WHEREAS, Kraig Kelican relished many of life's pleasures, including fine automobiles, beach trips, and rollercoasters, yet was happiest of all when spending quality time with his family and friends; and

WHEREAS, Kraig Kelican will be fondly remembered and dearly missed by his loving wife of more than 30 years, Susan; his children Kaitlin and Kasey, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Kraig Kirk Kelican, a pillar of the Fauquier High School community whose kindness, generosity, and dedicated service made a deep and lasting impact on countless lives; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Kraig Kirk Kelican as an expression of the House of Delegates' respect for his memory.

HOUSE RESOLUTION NO. 198

Celebrating the life of Salvatore Torelli.

Agreed to by the House of Delegates, March 4, 2024

WHEREAS, Salvatore Torelli, an esteemed law-enforcement officer and active and beloved member of the Fauquier County community, died on July 19, 2023; and

WHEREAS, a native of New Jersey who relocated to Fauquier County as a child, Salvatore "Sal" Torelli embarked upon his career of service when he was only 14 years of age as a volunteer with what was then the Cedar Run Volunteer Rescue Squad in Catlett; and

WHEREAS, as a result of his work ethic and commitment to serving others as a first responder, Sal Torelli quickly rose through the ranks and ultimately became the Cedar Run Volunteer Rescue Squad's chief at a notably young age; and

WHEREAS, after graduating from Fauquier High School and serving briefly with the Prince William County Police Department in the 1980s, Sal Torelli joined the Fauquier County Sheriff's Office in 1990, where he would work in various capacities, including as a school resource officer at Fauquier High School, until his retirement in 2017; and

WHEREAS, in his retirement, Sal Torelli returned to Fauquier High School as a school security officer, filling the halls with his comforting and supportive presence while ensuring the safety and well-being of students, faculty, and staff; and

WHEREAS, over more than three decades protecting and serving the citizens of Fauquier County, Sal Torelli embodied the highest ideals of the law-enforcement profession and forged deep, meaningful bonds throughout the community; and

WHEREAS, Sal Torelli was a mentor to both students and fellow law-enforcement officers and was instrumental to the founding of the Fauquier County Sheriff's Office Explorer Post 1077 in the early 1990s, providing young people with the opportunity to learn more about careers in law enforcement and related fields; and

WHEREAS, Sal Torelli will be fondly remembered and dearly missed by his son, Ian; his brother, Anthony; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Salvatore Torelli, a cherished member of the Fauquier County community whose kindness, generosity, and dedicated service made a profound and lasting impact on countless lives; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Salvatore Torelli as an expression of the House of Delegates' respect for his memory.

HOUSE RESOLUTION NO. 199

Celebrating the life of Patricia Paige.

Agreed to by the House of Delegates, March 4, 2024

WHEREAS, Patricia Paige, a dedicated community leader who made history as the first Black woman to serve on the New Kent County Board of Supervisors, died on November 28, 2023; and

WHEREAS, after graduating from New Kent High School, Patricia Paige served the nation as a member of the United States Army Reserve for more than two decades; and

WHEREAS, in 2015, Patricia Paige joined the New Kent Clean County Committee, then ran for and was elected to the New Kent County Board of Supervisors; she subsequently won reelection in 2019 and 2023; and

WHEREAS, Patricia Paige represented the residents of District 3 with integrity and dedication, earning the admiration of her colleagues and constituents alike for her commitment to fairness and unwavering positivity; and

WHEREAS, during her tenure on the New Kent County Board of Supervisors, Patricia Paige was a mentor to young people in the community and led efforts to include high school students on county committees; and

WHEREAS, Patricia Paige also oversaw initiatives to keep elderly residents better informed about scams and other dangers inherent in the use of technology, as well as provide safety measures for them; and

WHEREAS, among her proudest achievements, Patricia Paige led a nine-year campaign to enhance highway infrastructure on Interstate 64, which had been the site of several traffic jams and crashes; and

WHEREAS, in December 2022, a $25 million federal aid grant was awarded to widen Interstate 64 between mile markers 205 and 215, and in November 2023, the Commonwealth announced a $756 million project to widen a 29-mile stretch of the highway, most of which is located in New Kent County; Patricia Paige proudly attended a groundbreaking ceremony for the first phase of the project on November 13, 2023; and

WHEREAS, Patricia Paige has been vocal about her previous struggles with cancer and went above and beyond to help others as a volunteer with support groups and advocacy organizations; and

WHEREAS, Patricia Paige served as an ambassador for the American Cancer Society and always took an active role in the Relay for Life New Kent/West Point to provide encouragement to fellow cancer survivors and remember those who had passed with dignity and respect; and

WHEREAS, Patricia Paige will be fondly remembered and greatly missed by numerous family members, friends, and colleagues; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Patricia Paige, a highly admired member of the New Kent County Board of Supervisors; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Patricia Paige as an expression of the House of Delegates' respect for her memory.

HOUSE RESOLUTION NO. 200

Celebrating the life of Jesse Lester McReynolds.

Agreed to by the House of Delegates, March 4, 2024

WHEREAS, Jesse Lester McReynolds, a legendary mandolinist and bluegrass musician and beloved member of the communities of Coeburn and Gallatin, Tennessee, died on June 23, 2023; and

WHEREAS, born in Coeburn to a family with ties to the famed Bristol Sessions in 1927, which is often credited with sparking the modern country music movement, Jesse McReynolds' path as a musician was forged from a young age; and

WHEREAS, Jesse McReynolds partnered with his brother, Jim McReynolds, to form the iconic duo, Jim and Jesse, one of the most successful and influential groups in the history of bluegrass music; and

WHEREAS, beginning in the 1950s, Jesse McReynolds enjoyed a prolific recording career, both as Jim and Jesse and as Jim and Jesse and the Virginia Boys, that produced many classics of the bluegrass and country genres, including "Cotton Mill Man," "Diesel on My Tail," and "Are You Missing Me?"; and

WHEREAS, from 1952 to 1954, Jesse McReynolds served his country with honor and distinction as a member of the United States Army during the Korean War, during which time he often played for the entertainment of his fellow troops; and

WHEREAS, Jesse McReynolds' legacy within bluegrass music was cemented by the unique and innovative crosspicking technique he developed on the mandolin, which distinguished his music at the time and inspired future generations of musicians; and

WHEREAS, Jesse McReynolds was a member of the Grand Ole Opry, one of country music's most heralded achievements, since 1964, and was notably the oldest standing Opry member at the time of his death; and

WHEREAS, Jesse McReynolds' impact on the history of American music was recognized through his induction into the International Bluegrass Music Hall of Fame in 1993 and his National Heritage Fellowship Award from the National Endowment for the Arts in 1997; and

WHEREAS, Jesse McReynolds' deep and abiding faith was evidenced by the many uplifting gospel songs he wrote and recorded over the years, including "Jesus is the Key to the Kingdom" and "Two Thousand Years Ago"; and

WHEREAS, preceded in death by his first wife of 41 years, Darlene, and his son Keith, Jesse McReynolds will be fondly remembered and dearly missed by his loving second wife of 27 years, Joy; his children, Gwen, Michael, and Randy, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Jesse Lester McReynolds, a proud son of Coeburn whose musical career transformed bluegrass music and touched countless lives; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Jesse Lester McReynolds as an expression of the House of Delegates' respect for his memory.

HOUSE RESOLUTION NO. 201

Celebrating the life of Danny Ross Lowe.

Agreed to by the House of Delegates, March 4, 2024

WHEREAS, Danny Ross Lowe, a hardworking and dedicated coal miner and corrections officer and beloved husband, father, grandfather, and member of the Vansant community, died on July 9, 2023; and

WHEREAS, after graduating from Grundy High School in 1971, Danny Lowe earned a degree from Southwest Virginia Community College; and

WHEREAS, Danny Lowe worked tirelessly for several years as a coal miner, supporting the energy needs of the Commonwealth and beyond; and

WHEREAS, Danny Lowe served as a corrections officer at the Southwest Virginia Regional Jail, contributing to the safety and well-being of the inmates and his fellow officers; and

WHEREAS, Danny Lowe was chair of the Buchanan County Republican Party and also supported his community as a member of Southwest Virginia Community College board, the Buchanan County Beekeepers Association, and the Buchanan County Historical Society of Virginia; and

WHEREAS, an avid sports fan and reader, Danny Lowe was happiest of all when spending quality time with his family, especially his granddaughter, Kailee; and

WHEREAS, guided throughout his life by his faith, Danny Lowe enjoyed worship and fellowship with his community at Little Prater Church of Christ in Grundy, where he served as deacon; and

WHEREAS, Danny Lowe will be fondly remembered and dearly missed by his loving wife, Peggy; his daughter, Brittney, and her family; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Danny Ross Lowe, a cherished member of the Vansant community whose dedicated service made an impact on countless lives; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Danny Ross Lowe as an expression of the House of Delegates' respect for his memory.

HOUSE RESOLUTION NO. 202

Celebrating the life of Danny Edward Castle.

Agreed to by the House of Delegates, March 4, 2024

WHEREAS, Danny Edward Castle, a hardworking and dedicated coal miner and mine supervisor and beloved member of the communities of Big Stone Gap and Tuscaloosa, Alabama, died on August 21, 2023; and

WHEREAS, born in the Commonwealth and the youngest of nine children, Danny Castle served as a coal miner with Westmoreland Coal Company, Paramount Mining, and Island Creek Coal Company over a period of 40 years, working tirelessly to support the energy needs of the Commonwealth and beyond; and

WHEREAS, Danny Castle later moved with his family to Tuscaloosa, Alabama, and worked as a longwall supervisor for Jim Walter Resources up to his retirement, contributing greatly to the safety of the company's mining operations over more than 20 years; and

WHEREAS, Danny Castle will be fondly remembered and dearly missed by his loving wife, Linda; his daughter, Misty, and her family; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Danny Edward Castle, a cherished member of the Big Stone Gap and Tuscaloosa, Alabama communities whose work ethic and dedication were an inspiration to all who knew him; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Danny Edward Castle as an expression of the House of Delegates' respect for his memory.

HOUSE RESOLUTION NO. 203

Celebrating the life of Ben V. Mullins.

Agreed to by the House of Delegates, March 4, 2024

WHEREAS, Ben V. Mullins, an esteemed mortician and beloved member of the communities of Pennington Gap and Big Stone Gap, died on February 2, 2023; and

WHEREAS, born and raised in Wise County, Ben Mullins was part of the first class to graduate from the former Powell Valley High School; and

WHEREAS, at the age of 16, Ben Mullins began working for the Holding family at their dairy farm in Duffield; and

WHEREAS, as a result of his efforts on the farm, Ben Mullins was promoted to a position at the Holding family's funeral home in Big Stone Gap; and

WHEREAS, after earning a degree from the Cincinnati College of Mortuary Science, Ben Mullins began a partnership with Blake Wilson and devoted the remainder of his career to serving families at Holding Funeral Home, Arney-Mullins Funeral Homes, and Mullins-Sturgill Funeral Home; and

WHEREAS, Ben Mullins demonstrated extraordinary professionalism and compassion as he supported and cared for the families he served during their period of bereavement; and

WHEREAS, Ben Mullins will be fondly remembered and dearly missed by his loving wife of 25 years, Brenda; his children, Lori and Stephanie, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Ben V. Mullins, a cherished member of the Pennington Gap and Big Stone Gap communities whose dedication and service inspired all who knew him; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Ben V. Mullins as an expression of the House of Delegates' respect for his memory.

HOUSE RESOLUTION NO. 204

Celebrating the life of Michael Eugene Holbrook.

Agreed to by the House of Delegates, March 4, 2024

WHEREAS, Michael Eugene Holbrook, honorable veteran, dedicated law-enforcement officer, esteemed public servant, and an active and beloved member of the Wise County community, died on January 20, 2024; and

WHEREAS, after graduating from the former Saint Paul High School in Wise County, Michael Holbrook served his country with honor and distinction as a member of the United States Marine Corps from 1979 to 1983; and

WHEREAS, Michael Holbrook subsequently joined the Wise County Sheriff's Office and served in various positions, including as dispatcher, jailer, road deputy, Drug Abuse Resistance Education officer, sergeant, lieutenant, crisis negotiator, and captain, before retiring from the agency as chief investigator; and

WHEREAS, Michael Holbrook also served as a drug task force officer with the Virginia State Police and was involved with a number of local organizations as an extension of his commitment to the safety and well-being of the Southwest Virginia community; and

WHEREAS, Michael Holbrook proudly served his constituents and their interests as a member of the Coeburn Town Council from 2016 to 2020, demonstrating great concern for his hometown and its residents; and

WHEREAS, Michael Holbrook was a graduate of the Forward Wise County leadership development program sponsored by the Wise County Chamber of Commerce, which named him Citizen of the Year in 2010; and

WHEREAS, Michael Holbrook gave generously of his time to the community as a member of the Kiwanis Club of Coeburn, which he served as treasurer, secretary, and president, and as a member of the board of directors for the Lays Hardware Center for the Arts and the American Legion Post 243; and

WHEREAS, guided throughout his life by his faith, Michael Holbrook enjoyed worship and fellowship with his community at First Baptist Church of Coeburn since 1993, where he served in various leadership positions, including as deacon and trustee; and

WHEREAS, Michael Holbrook will be fondly remembered and dearly missed by his loving wife of 30 years, Rose Mary; his children, Zac and Heather, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Michael Eugene Holbrook, a cherished member of the Wise County community whose dedication and service inspired all who knew him; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Michael Eugene Holbrook as an expression of the House of Delegates' respect for his memory.

HOUSE RESOLUTION NO. 205

Commending Camp HOPE Norfolk.

Agreed to by the House of Delegates, March 4, 2024

WHEREAS, Camp HOPE Norfolk, an overnight, weeklong camping and mentoring program organized by the Norfolk Sheriff's Office and the Norfolk Family Justice Center, provides care and support for child and teenage survivors of primary and secondary trauma; and

WHEREAS, adolescents who witness domestic violence are at an increased risk of drug or alcohol abuse, truancy, declining grades and oppositional or rebellious behavior; studies show these children are at an increased risk for anxiety, depression, and a propensity to perpetuate the cycle of domestic violence; and

WHEREAS, Camp HOPE Norfolk provides trauma-informed care for children and teens who have experienced domestic violence, creating an environment where youths can feel safe, seen, heard, encouraged and cared for; the program strives to cultivate healing and give participants the tools they need to break generational cycles of domestic violence; and

WHEREAS, Camp HOPE Norfolk is based on Camp HOPE America programs around the country; it is the only such camp organized by a sheriff's office and the first camp of its kind in the Commonwealth; and

WHEREAS, Camp HOPE Norfolk has assisted dozens of children in their recovery process, utilizing deputies, therapists, counselors, and other resources to help build hope, resiliency, and a sense of empowerment; and

WHEREAS, in addition to its accredited, evidence-based summer camp, located at YMCA Camp Silver Beach in Jamesville, Camp HOPE Norfolk offers engagement and mentoring programs to ensure that young people receive support year round; and

WHEREAS, the healthy bonds and long-term friendships established at Camp HOPE Norfolk have helped participants to overcome adversity and given them a strong foundation to become a positive influence in their communities; now, therefore, be it

RESOLVED by the House of Delegates, That Camp HOPE Norfolk hereby be commended for making a difference in the lives of children and teenagers who have experienced domestic violence by creating opportunities for healing and building hope for the future; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare copies of this resolution for presentation to the Norfolk Sheriff's Office and the Norfolk Family Justice Center as an expression of the House of Delegates' admiration for Camp HOPE Norfolk's vital contributions to young people in Norfolk.

HOUSE RESOLUTION NO. 206

Commending Cassidy Hutchinson.

Agreed to by the House of Delegates, March 4, 2024

WHEREAS, Cassidy Hutchinson demonstrated courage in keeping with the highest American ideals of honor and integrity when she testified under oath before the United States House Select Committee to Investigate the January 6th Attack on the United States Capitol in 2022; and

WHEREAS, Cassidy Hutchinson is a first-generation college student who attended Christopher Newport University and graduated with a degree in political science; she served as an intern in both chambers of the United States Congress before beginning her career in the White House Office of Legislative Affairs; and

WHEREAS, Cassidy Hutchinson became an aide to White House Chief of Staff Mark Meadows in March 2020 and faithfully served as a primary aide until January 2021; in that capacity, she witnessed the reactions of senior aides and highly placed government officials, including President Donald Trump, to the events of January 6, 2021; and

WHEREAS, Cassidy Hutchinson was subpoenaed by the United States House Select Committee to Investigate the January 6th Attack on the United States Capitol and participated in extensive televised public hearings, beginning on June 28, 2022; and

WHEREAS, Cassidy Hutchinson's testimony provided important insights about the conduct of highly placed government officials and senior aides during the events of January 6, 2021, as well as other important details; and

WHEREAS, with courage and forthrightness, Cassidy Hutchinson outlined her experiences on January 6, 2021, and presented the truth as she witnessed it despite significant outside pressure; and

WHEREAS, Cassidy Hutchinson displayed the utmost honor, loyalty, and integrity in the face of adversity in keeping with the highest ideals of the Commonwealth and the United States; now, therefore, be it

RESOLVED by the House of Delegates, That Cassidy Hutchinson hereby be commended for her courage and honesty during her testimony before the United States House Select Committee to Investigate the January 6th Attack on the United States Capitol; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Cassidy Hutchinson as an expression of the House of Delegates' admiration for her loyal service to the United States.

HOUSE RESOLUTION NO. 207

Commending Kashvi Ramani.

Agreed to by the House of Delegates, March 4, 2024

WHEREAS, Kashvi Ramani, a talented young writer from Ashburn, was selected as the first Virginia Youth Poet Laureate in 2023; and

WHEREAS, the Virginia Youth Poet Laureate program was developed by Teens with a Purpose, Hampton Roads Youth Poets, and Urban World to engage with high schools throughout the Commonwealth to identify students like Kashvi Ramani who were interested in performance poetry and committed to civic engagement and community leadership; and

WHEREAS, Kashvi Ramani began to cultivate her passion for poetry during the COVID-19 pandemic, when she participated in virtual poetry workshops and trainings; and

WHEREAS, Kashvi Ramani further honed her skills by attending poetry open mic nights and poetry competitions, and she has been a member of the DC Youth Slam Team for several years; and

WHEREAS, Kashvi Ramani takes inspiration for her work from the world around her and has experimented with many different styles of poetry writing techniques; and

WHEREAS, Kashvi Ramani previously attended Rock Ridge High School in Ashburn and is a current student at Phillips Academy in Andover, Massachusetts, where she is studying filmmaking; and

WHEREAS, as the Virginia Youth Poet Laureate, Kashvi Ramani will represent the Commonwealth in the 2024 National Youth Poet Laureate competition, competing against 44 other state winners from across the country; now, therefore, be it

RESOLVED by the House of Delegates, That Kashvi Ramani hereby be commended on becoming the first Virginia Youth Poet Laureate in 2023; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Kashvi Ramani as an expression of the House of Delegates' admiration for her achievements and best wishes for the future.

HOUSE RESOLUTION NO. 208

Commending Areen Syed.

Agreed to by the House of Delegates, March 4, 2024

WHEREAS, Areen Syed, a talented young writer in Virginia Beach, was selected as the Hampton Roads Youth Poet Laureate in 2023; and

WHEREAS, the Hampton Roads Youth Poet Laureate program was developed by Teens with a Purpose, Hampton Roads Youth Poets, and Urban World to engage with high schools throughout the Commonwealth to identify students like Areen Syed who were interested in performance poetry and committed to civic engagement and community leadership; and

WHEREAS, Areen Syed was a 17-year-old student at Norfolk Academy and had been honing her writing skills at Teens with a Purpose for about a year when she was awarded the title of Hampton Roads Youth Poet Laureate in April 2023; and

WHEREAS, having suffered persecution over her Muslim faith, Areen Syed often draws upon her life experiences to use poetry as a tool to promote understanding and convince other people to open their hearts and minds to different perspectives; now, therefore, be it

RESOLVED by the House of Delegates, That Areen Syed hereby be commended on her selection as the 2023 Hampton Roads Youth Poet Laureate; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Areen Syed as an expression of the House of Delegates' admiration for her achievements and best wishes for the future.

HOUSE RESOLUTION NO. 209

Commending Sharon Walston.

Agreed to by the House of Delegates, March 4, 2024

WHEREAS, Sharon Walston, an educator in Norfolk Public Schools, worked with local youths at Spiritual Life Family Worship Center to develop Suitcases for Foster Kids, an initiative to provide hope, support, and basic necessities to children in need; and

WHEREAS, Sharon Walston teaches kindergarten at St. Helena Elementary School, working diligently to give her students a strong foundation for lifelong learning, and she has inspired other local young people as the leader of the children's ministry at Spiritual Life Family Worship Center; and

WHEREAS, after three members of the Spiritual Life Family Worship Center children's ministry learned that foster children must sometimes use trash bags to carry their belongings, they approached Sharon Walston with an idea to raise money for suitcases and other items; and

WHEREAS, Sharon Walston helped the children build a plan for the project, which included hosting a performance in front of the church to raise money; and

WHEREAS, Sharon Walston and the children's ministry group put together several suitcases packed with toothbrushes, toothpaste, towels, and motivational messages and donated them to a local foster care facility; and

WHEREAS, an excellent role model, Sharon Walston demonstrated to the young members of Spiritual Life Family Worship Center how easy it is to give back to the community; now, therefore, be it

RESOLVED by the House of Delegates, That Sharon Walston hereby be commended for her work to help young people in her community establish the Suitcases for Foster Kids program; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Sharon Walston as an expression of the House of Delegates' admiration for her accomplishments in service to children in the foster care system.

HOUSE RESOLUTION NO. 210

Commending the Virginia Youth Poet Laureate Ambassadors.

Agreed to by the House of Delegates, March 4, 2024

WHEREAS, the Virginia Youth Poet Laureate program was developed by Teens with a Purpose, Hampton Roads Youth Poets, and Urban World to engage with high schools and identify students who are interested in performance poetry and committed to civic engagement and community leadership; and

WHEREAS, originally limited to Norfolk schools, Teens with a Purpose expanded its Youth Poet Laureate program to all of Hampton Roads in 2016 and launched a statewide program in 2023; and

WHEREAS, after Kashvi Ramani of Ashburn was selected as the inaugural Virginia Youth Poet Laureate, four runners-up were named as Virginia Youth Poet Laureate Ambassadors; and

WHEREAS, the 2023 Virginia Youth Poet Laureate Ambassadors are Amina Adeyloa of Richmond, Shawna Alston of Norfolk, Fairouz Bsharat of Chester, and Areen Syed of Virginia Beach; now, therefore, be it

RESOLVED by the House of Delegates, That the Hampton Roads Youth Poet Laureate Ambassadors—Amina Adeyloa, Shawna Alston, Fairouz Bsharat, and Areen Syed—hereby be commended for their contributions to poetry, humanities education, and community engagement throughout Hampton Roads and the Commonwealth; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare copies of this resolution for presentation to the Hampton Roads Youth Poet Laureate Ambassadors as an expression of the House of Delegates' admiration for their work to promote poetry as an art form and represent the Hampton Roads community.

HOUSE RESOLUTION NO. 211

Commending the Norfolk Family Justice Center.

Agreed to by the House of Delegates, March 4, 2024

WHEREAS, for five years, the Norfolk Family Justice Center has provided victims of trauma with comprehensive support by co-locating a wide range of programs and services to ensure that individuals receive the care and resources they need in a timely manner; and

WHEREAS, established in 2019, the Norfolk Family Justice Center is a multi-agency collaboration that provides centralized access to public and private services and was the first such center in the Commonwealth; and

WHEREAS, the Norfolk Family Justice Center has since served more than 10,000 individuals, addressing both immediate and long-term needs of crime victims, particularly victims of domestic violence, dating violence, sexual assault, and stalking; and

WHEREAS, the trauma-informed care professionals at the Norfolk Family Justice Center are available to contact 24 hours a day to ensure that appropriate assistance is available as soon as possible; and

WHEREAS, the Norfolk Family Justice Center co-locates law-enforcement officers, prosecutors, civil legal attorneys, victim-witness advocates, social service specialists, and staff from culturally specific organizations and faith-based organizations; and

WHEREAS, the Norfolk Family Justice Center maintains a staff of medical professionals trained to care for sexual assault victims and created one of the first forensic programs in the Commonwealth to provide strangulation forensic exams; and

WHEREAS, the Norfolk Family Justice Center's victim services include a crisis hotline and intervention support, counseling, support groups, wellness classes, educational resources, employment resources, housing resources, and childcare assistance; the center also established a domestic violence high-risk team to reduce instances of homicide between intimate partners; and

WHEREAS, outside of its normal operations, the Norfolk Family Justice Center worked with the Norfolk Sheriff's Office and other community partners to establish Camp HOPE, which operates a summer camp and regular activities for children who have been affected by violence; and

WHEREAS, the Norfolk Family Justice Center has successfully improved safety, enhanced access to critical services, and ensured higher offender accountability in the Norfolk community; now, therefore, be it

RESOLVED by the House of Delegates, That the Norfolk Family Justice Center hereby be commended on the occasion of its fifth anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Norfolk Family Justice Center as an expression of the House of Delegates' admiration for the organization's achievements in providing vital services to victims of trauma in need of immediate and lasting support.

HOUSE RESOLUTION NO. 212

Celebrating the life of Vivian Ann Bland.

Agreed to by the House of Delegates, February 27, 2024

WHEREAS, Vivian Ann Bland, a beloved wife, mother, grandmother, and great-grandmother and active and engaged member of the Petersburg community, died on January 30, 2024; and

WHEREAS, a native of Prince George County, Vivian Bland graduated from the former J.E.J. Moore High School before attending what is now Virginia State University and earning a bachelor's degree from the former Saint Paul's College and a master's degree in education from Central Michigan University; and

WHEREAS, Vivian Bland embarked upon her professional career at Brown & Williamson Tobacco Corporation and was employed at Virginia State University for a number of years before ultimately retiring as a supervisor at the Department of Medical Assistance Services; and

WHEREAS, alongside her husband, Wilbert, Vivian Bland helped to grow the family business of Bland's Florist in Petersburg, gracefully serving the floral needs of her customers over several years; and

WHEREAS, Vivian Bland gave generously of her time and talents for the benefit of the community as the treasurer of various local organizations, including the Delta Omega chapter of Alpha Kappa Alpha Sorority, Inc., the Petersburg chapter of The Links, Inc., the Petersburg chapter of the National Epicureans, Inc., and the Women's Committee for the Petersburg Symphony Orchestra; and

WHEREAS, Vivian Bland fostered community ties as president of the Petersburg chapter of The Drifters, Inc., and as a member of the Petersburg chapter of the Pinochle Bugs Social and Civic Club, Inc., and the Wives of Beaux-Twenty Club; and

WHEREAS, baptized in her youth at Providence Baptist Church in Prince George County, Vivian Bland was guided throughout her life by her faith and enjoyed worship and fellowship with her community at First Baptist Church in Petersburg for many years, where she served as a member of the M.M. Clarke Circle, Senior Choir, Senior Citizen Ministry, and MLK Planning Committee and as the chair of the Budget Committee; and

WHEREAS, preceded in death by her loving husband of 56 years, Wilbert, Vivian Bland will be fondly remembered and dearly missed by her children, Sylinda and Wilbert, Jr., and their families and by numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Vivian Ann Bland, a cherished member of the Petersburg community who was a source of joy and inspiration to all who knew her; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Vivian Ann Bland as an expression of the House of Delegates' respect for her memory.

HOUSE RESOLUTION NO. 213

Commending the Liberty Champion.

Agreed to by the House of Delegates, March 4, 2024

WHEREAS, the *Liberty Champion*, the official student newspaper of Liberty University and the largest weekly newspaper in Central Virginia, celebrated its 40th anniversary in 2023; and

WHEREAS, the *Liberty Champion* circulates more than 13,000 weekly issues on the Liberty University campus and in the surrounding community, offering informative and insightful reporting from student journalists on a wide range of stories; and

WHEREAS, while many staff members of the *Liberty Champion* are students in communications or related fields, the newspaper provides undergraduate students of any major with opportunities to enhance their writing, editing, photography, or graphic design skills; and

WHEREAS, Deborah Huff, faculty advisor to the *Liberty Champion*, has been with the newspaper for more than 28 years and has watched countless students develop a passion for journalism or simply build critical skills that will serve them long after graduation; and

WHEREAS, former staff members of the *Liberty Champion* have gone on to achieve success in journalism, social media, communications, graphic design, business, public relations, law enforcement, and many other careers; and

WHEREAS, in 2022, the *Liberty Champion* released a special 20-page edition that commemorated the 50th anniversary of Liberty University, which included profiles of prominent faculty, administrators, and alumni, athletic milestones, a timeline of campus development, and other engaging stories; now, therefore, be it

RESOLVED by the House of Delegates, That the *Liberty Champion* hereby be commended on the occasion of its 40th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Deborah Huff, faculty advisor to the *Liberty Champion*, as an expression of the House of Delegates' admiration for its service to generations of Liberty University students and contributions to journalism in the Lynchburg region.

HOUSE RESOLUTION NO. 214

Commending Karl Wilkins.

Agreed to by the House of Delegates, February 29, 2024

WHEREAS, Karl Wilkins, a respected barber, beloved pastor at The Mount at Suffolk church, and esteemed educator, was recently named the 2024-2025 Teacher of the Year at I.C. Norcom High School in Portsmouth; and

WHEREAS, Karl Wilkins has enjoyed an accomplished career as a barber and owner of Cut In His Image in Suffolk, providing exceptional hair care services to his customers for more than 30 years; and

WHEREAS, dating back to 2012, Karl Wilkins has given generously to his community by offering free haircuts and school supplies to students at the start of the school year, ensuring every young person feels confident and prepared as they embark on the new year; and

WHEREAS, Karl Wilkins heard the call to the ministry and went on to earn master's degrees in both theology and Christian education from Virginia Union University; and

WHEREAS, in 2018, Karl Wilkins assumed the pastorship of what is today The Mount at Suffolk, facilitating a smooth transition as the Mount Lebanon Baptist Church in Chesapeake expanded into Suffolk; and

WHEREAS, as a pastor, Karl Wilkins guides and unites his congregation through his impassioned sermons and motivates them to lead meaningful lives and to make a difference in their communities; and

WHEREAS, with an eye toward helping future generations, Karl Wilkins currently teaches the art of barbering to students at I.C. Norcom High School, offering them valuable professional skills that will foster opportunities for success; and

WHEREAS, Karl Wilkins' boundless commitment to his community has made a profound impact on countless lives and is an inspiration to all Virginians; now, therefore, be it

RESOLVED by the House of Delegates, That Karl Wilkins hereby be commended for his legacy of service on the occasion of being named the 2024-2025 Teacher of the Year at I.C. Norcom High School; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Karl Wilkins as an expression of the House of Delegates' admiration for his achievements.

HOUSE RESOLUTION NO. 215

Celebrating the life of Ronnie Jerome Everette, Jr.

Agreed to by the House of Delegates, March 8, 2024

WHEREAS, Ronnie Jerome Everette, Jr., a talented singer and a beloved member of the Franklin community, died on November 1, 2022; and

WHEREAS, Ronnie Everette attended Franklin High School, where he enjoyed playing sports and was a friend to many; and

WHEREAS, Ronnie Everette began to develop a passion for singing at a young age and later used his talents to proclaim his deep faith and inspire members of his church community at Old Cool Spring Baptist Church; and

WHEREAS, Ronnie Everette was a member of the Dynamic Three, which performed at other churches, both near and far; he also worked to enhance his local community as the youngest member of Franklin Brothers Keepers; and

WHEREAS, affectionately known as "Boosie," Ronnie Everette brought joy to others through his compassion, humility, kindness, and infectious smile; and

WHEREAS, Ronnie Everette will be fondly remembered and greatly missed by his parents, Marchenia and Ronnie, Sr.; his siblings, Trevis and Ma'Ronica; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Ronnie Jerome Everette, Jr., a joyful singer who touched many lives in the Franklin community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Ronnie Jerome Everette, Jr., as an expression of the House of Delegates' respect for his memory.

HOUSE RESOLUTION NO. 216

Commending Monica Wright Rogers.

Agreed to by the House of Delegates, March 4, 2024

WHEREAS, Monica Wright Rogers, a record-breaking basketball player at the University of Virginia who went on to achieve success in the Women's National Basketball Association and inspired other women athletes as a coach, was inducted into the Virginia Sports Hall of Fame in 2024; and

WHEREAS, Monica Wright Rogers grew up in Woodbridge, where she led the Forest Park High School girls' basketball team to Virginia High School League state titles in 2004 and 2006, and tallied 1,913 points during her high school career; and

WHEREAS, Monica Wright Rogers was selected as the Gatorade State Player of the Year in 2005 and 2006, was named to the USA Today All-USA first team in 2006 and was honored as a McDonald's All American and a Women's Basketball Coaches Association (WBCA) All American; and

WHEREAS, Monica Wright Rogers matriculated at the University of Virginia (UVA) and spent four years rewriting the record books in women's basketball; she set program records for scoring average with 19.1 points per game, 25-point games with 28, field goal attempts with 2,207, and field goals made with 962, and her career points total of 2,540 is not only a UVA record, but ranks third in Atlantic Coast Conference (ACC) history; and

WHEREAS, Monica Wright Rogers was a three-time All American and was selected as the 2010 ACC Player of the Year, ACC Defensive Player of the Year, and WBCA National Defensive Player of the Year; and

WHEREAS, during her college years, Monica Wright Rogers was also voted as captain of Team USA in the 2007 FIBA Under-19 World Cup and led the team to a 9-0 record and a gold medal; and

WHEREAS, Monica Wright Rogers was the second overall pick in the 2010 Women's National Basketball Association (WNBA) Draft; she was selected to the 2010 WNBA All-Rookie Team after averaging 11.1 points per game in her first season with the Minnesota Lynx; and

WHEREAS, Monica Wright Rogers went on to win two WNBA championship titles with the Minnesota Lynx in 2011 and 2013; she had a dominant performance during a 3-0 sweep of the Atlanta Dream in the 2013 WNBA Finals, recording 11.7 points per game and 1.7 steals per game; and

WHEREAS, Monica Wright Rogers subsequently played in multiple foreign leagues, was a member of the Seattle Storm in the WNBA and served as secretary/treasurer of the WNBA Players Association during the 2015 season; and

WHEREAS, Monica Wright Rogers began working as a director of student-athlete development at the University of the Incarnate Word in 2017, joined Liberty University as an assistant coach in 2018, then returned to her alma mater as an assistant coach for the UVA women's basketball team in 2019; she specialized in developing wing players and ensuring that her programs recruited top talent to stay competitive; and

WHEREAS, in January 2023, Monica Wright Rogers was hired as the assistant general manager of the Phoenix Mercury; now, therefore, be it

RESOLVED by the House of Delegates, That Monica Wright Rogers hereby be commended on the occasion of her induction into the Virginia Sports Hall of Fame with the Class of 2024; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Monica Wright Rogers as an expression of the House of Delegates' admiration for her legacy of achievements in basketball as both a player and a coach.

HOUSE RESOLUTION NO. 217

Commending the Spirit of Freedom marching band.

Agreed to by the House of Delegates, March 4, 2024

WHEREAS, the Spirit of Freedom marching band, the marching band of Freedom High School in Woodbridge, has earned a reputation as one of Northern Virginia's premier multicultural high stepping marching bands; and

WHEREAS, featuring brass, woodwind, and percussion sections, plus a color guard, the Spirit of Freedom is known for its dynamic and engaging performances at home football games and competitions; and

WHEREAS, with more than 150 members, the Spirit of Freedom represents one of the largest and most popular co-curricular activities at Freedom High School; and

WHEREAS, the Spirit of Freedom was notably one of only two high school bands that performed during the inauguration of Governor Ralph Northam in 2018; and

WHEREAS, the Spirit of Freedom helps students develop confidence and self-esteem, positive and cooperative attitudes, and self-discipline, while offering the rare experience of performing in a great band in front of a legion of enthusiastic fans; and

WHEREAS, the students involved with the Spirit of Freedom live and breathe their pursuit, as they learn what rewards are possible through effort, discipline, and dedication; and

WHEREAS, the Spirit of Freedom has molded many of its members into leaders of their generation, preparing them for success both in the classroom and into the future; now, therefore, be it

RESOLVED by the House of Delegates, That the Spirit of Freedom marching band of Freedom High School in Woodbridge hereby be commended for achieving its reputation as one of Northern Virginia's premier multicultural high stepping marching bands; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Thomas Thorogood, band director of the Spirit of Freedom marching band, as an expression of the House of Delegates' admiration for the group's achievements.

HOUSE RESOLUTION NO. 218

Commending Healthy Families Rappahannock Area.

Agreed to by the House of Delegates, March 4, 2024

WHEREAS, for more than 25 years, Healthy Families Rappahannock Area has provided home-visitation services and other support programs to reduce risk factors and help parents develop safe and loving homes; and

WHEREAS, Healthy Families Rappahannock Area was created through an 18-month planning process after local community leaders recognized a growing need for parent education and support; and

WHEREAS, in November 1998, Healthy Families Rappahannock Area began offering screening, assessment, and home visitation services to at-risk, first-time parents in the region; in 2005, the organization expanded to serve any new parents residing in Planning District 16, which includes the City of Fredericksburg and the Counties of Caroline, King George, Spotsylvania, and Stafford; and

WHEREAS, Healthy Families Rappahannock Area provides intensive home visitations, case management, a fatherhood group, developmental screening, postpartum screening, intimate partner violence screening, positive male role model

screening, monthly playgroups for children, individual services plans, and parent/child interaction development programs; and

WHEREAS, the evidence-based programs at Healthy Families Rappahannock Area are designed to support parents in ways that best suit their unique needs; the organization helps parents identify their own strengths and gain self-confidence, provides the tools and knowledge to achieve success in parenthood, and empowers them to raise healthy, happy children; and

WHEREAS, individuals and families may join Healthy Families Rappahannock Area programs upon learning they are pregnant and continue participating until the child enters school; the organization recognizes that no one should feel that they need to undertake parenthood alone and has the capacity to support nearly 200 families at a time; and

WHEREAS, Healthy Families Rappahannock Area works with the Rappahannock Area Community Services Board, the Rappahannock Area Health District, Mary Washington Hospital, Stafford Hospital, Spotsylvania Regional Medical Center, Project LINK, five local Departments of Social Services, and many other public and private agencies and organizations; the organization is supported by donations, locality funding, and a variety of state and federal grants; and

WHEREAS, Healthy Families Rappahannock Area has fulfilled its mission through the hard work and compassion of its staff members, the leadership and guidance of its board of directors, and generous support from community partners; now, therefore, be it

RESOLVED by the House of Delegates, That Healthy Families Rappahannock Area hereby be commended on the occasion of its 25th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Healthy Families Rappahannock Area as an expression of the House of Delegates' admiration for the organization's achievements in service to families in the region.

HOUSE RESOLUTION NO. 219

Commending Stephon Hicks.

Agreed to by the House of Delegates, March 4, 2024

WHEREAS, Stephon Hicks, a student at Thomas Dale High School in Chester, won the Virginia High School League Class 6 state championship in the boys' high jump event at John B. Todd Stadium in Newport News on June 2, 2023; and

WHEREAS, Stephon Hicks posted a height of six feet, eight inches in the competition, gracefully scaling the bar on his third attempt to ultimately secure the state championship title; and

WHEREAS, at the Virginia High School League Region 6A meet at Landstown High School in Virginia Beach in late May, Stephon Hicks won the high jump event with a height of six feet, zero inches and the long jump event with a distance of 22 feet, 11.5 inches; and

WHEREAS, Stephon Hicks has honed his high jumping and long jumping abilities over two years with the Thomas Dale High School track and field team; and

WHEREAS, Stephon Hicks has also excelled on the gridiron, earning first-team, all-region, and second-team, all-state, honors for his accomplishments in football; and

WHEREAS, Stephon Hicks' success is the result of his work ethic and determination, the motivation and guidance of his coaches and teachers, and the unwavering support of his family and the entire Thomas Dale High School community; now, therefore, be it

RESOLVED by the House of Delegates, That Stephon Hicks hereby be commended for being the 2023 Virginia High School League Class 6 state champion in the boys' high jump event; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Stephon Hicks as an expression of the House of Delegates' admiration for his achievements.

HOUSE RESOLUTION NO. 220

Celebrating the life of William Delancy Frierson III.

Agreed to by the House of Delegates, March 6, 2024

WHEREAS, William Delancy Frierson III, a legendary surfer and surfboard shaper and beloved member of the Virginia Beach community, died on January 24, 2024; and

WHEREAS, the son of a naval engineer, William "Bill" Delancy Frierson III lived in various ocean towns in his youth before settling in Virginia Beach in 1965, where he graduated from Princess Anne High School; and

WHEREAS, as he became a fixture of the nascent surfing scene in Virginia Beach in the late 1960s, Bill Frierson began to experiment with shaping surfboards, developing a craft that would ultimately bring him world renown; and

WHEREAS, Bill Frierson won the men's surfing division in the East Coast Surfing Championships (ECSC) in 1969 then lived for some time in Hawaii before opening a surf shop in Kitty Hawk, North Carolina; and

WHEREAS, Bill Frierson partnered with his friend, Les Shaw, and bought Wave Riding Vehicles (WRV), a Virginia Beach surf shop, in 1974, helping the business grow into the largest surfboard manufacturer on the East Coast over his 25 years with the company; and

WHEREAS, after leaving WRV and going into semi-retirement, Bill Frierson opened Frierson Designs, bringing his rare and well-honed talents to new projects involving custom surfboard shapes and woodworking; and

WHEREAS, Bill Frierson played an instrumental role in the success of the ECSC, the city's annual surf competition and one of the oldest continually run surf competitions in the world, and had an outsized impact on Virginia Beach's reputation as a surfing destination; and

WHEREAS, as a testament to his contributions to the sport of surfing, Bill Frierson was the first Virginian to be inducted into the International Surfboard Builders Hall of Fame, a member of the inaugural class of the ECSC Legends Hall of Fame, and an inductee of the East Coast Surfing Hall of Fame; and

WHEREAS, beyond surfing and spending time with his family, Bill Frierson was an accomplished musician who enjoyed playing music at local charity events with his band Ray and the Ultraviolets; and

WHEREAS, Bill Frierson will be fondly remembered and dearly missed by his loving wife, Grace; his daughter Katherine, and her family; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of William Delancy Frierson III, a cherished member of the Virginia Beach community whose passion and dedication were an inspiration to all who knew him; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of William Delancy Frierson III as an expression of the House of Delegates' respect for his memory.

HOUSE RESOLUTION NO. 221

Commending Chief Master Sergeant Trevor C. Ball, VANG.

Agreed to by the House of Delegates, March 4, 2024

WHEREAS, Chief Master Sergeant Trevor C. Ball, VANG, will retire in 2024 following 32 years of military service, including 28 years with the Virginia Air National Guard; and

WHEREAS, Trevor Ball enlisted in the Michigan Army National Guard in 1991, graduated from Army Basic Training at Fort Dix, New Jersey, attended Advanced Individual Training at Fort Eustis as an aircraft armament missile systems repairer, then transitioned to the New York Air National Guard as a weapons systems technician in 1993; and

WHEREAS, Trevor Ball transferred to the Virginia Air National Guard in 1995 as a weapons system craftsman and subsequently served as weapons quality assurance inspector, weapons system supervisor, and wing weapons manager for the 192nd Maintenance Group at Joint Base Langley-Eustis in Hampton; and

WHEREAS, in May 2023, Trevor Ball was deployed as A4 senior enlisted leader and wing weapons manager with the 332nd Air Expeditionary Wing in Southwest Asia, where he served as a liaison to functional area senior enlisted leaders and provided experienced leadership to weapons personnel across five assigned aircraft weapons systems; and

WHEREAS, Trevor Ball recently returned to his former position as wing weapons manager of the 192nd Maintenance Group to complete an honorable and illustrious military career in service to the Commonwealth and the country; and

WHEREAS, Trevor Ball has worked with the AH-1F, UH-1, F-16C, and F-22A aircraft weapons systems in support of several military operations over the years, including Enduring Freedom, Iraqi Freedom, and Inherent Resolve; and

WHEREAS, Trevor Ball has honed his abilities by completing education programs for noncommissioned officers and aircraft specialists, in addition to earning an associate degree in aircraft armament systems technology from the Community College of the Air Force; and

WHEREAS, in recognition of his extraordinary service, Trevor Ball has been awarded the Meritorious Service Medal with one oak leaf cluster, the Air Force Commendation Medal, and the Air Force Achievement Medal; and

WHEREAS, in his civilian capacity, Trevor Ball serves as a product specialist and quality assurance supervisor at the Defense Logistics Agency, working tirelessly to support the nation's global defense supply chain; and

WHEREAS, as a result of his exceptional dedication and determination, Trevor Ball has been a valued member of the Virginia Air National Guard for nearly three decades, earning the respect and esteem of all Virginians; now, therefore, be it

RESOLVED by the House of Delegates, That Chief Master Sergeant Trevor C. Ball, VANG, hereby be commended on the occasion of his retirement from the Virginia Air National Guard; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Chief Master Sergeant Trevor C. Ball, VANG, as an expression of the House of Delegates' admiration for his service and best wishes in his future endeavors.

HOUSE RESOLUTION NO. 222

Celebrating the life of Jackie Duckette Hunter.

Agreed to by the House of Delegates, March 4, 2024

WHEREAS, Jackie Duckette Hunter, a distinguished veteran of the United States Air Force and a devoted volunteer leader who worked to enhance the quality of life in Newport News and throughout Hampton Roads, died on August 28, 2023; and

WHEREAS, Jackie "Jack" Duckette Hunter grew up in Rock Hill, South Carolina, and attended Emmett Scott High School, where he was a saxophone player in the marching band; he continued his education at Denmark Technical College, earning a degree as a master electrician, then joined the United States Air Force; and

WHEREAS, over the course of his 22-year career in the military, Jack Hunter participated in Operation Desert Shield during the First Gulf War and was posted to bases in Virginia and Florida, as well as England, Panama, and South Korea; and

WHEREAS, in recognition of his outstanding service to the nation, Jack Hunter received the Meritorious Service Medal with two oak leaf clusters, the Air Force Commendation Medal, the Air Force Good Conduct Medal, with six oak leaf clusters, and many other awards and decorations; and

WHEREAS, Jack Hunter retired from the United States Air Force with the rank of master sergeant, then held leadership positions at various companies, including Gateway Computers, where he greatly enjoyed his time supporting team members as a supervisor; and

WHEREAS, in 2005, having earned his real estate license decades earlier, Jack Hunter changed careers and became a full-time certified property manager for REMAX Peninsula in Newport News, where he served until the time of his passing; and

WHEREAS, Jack Hunter volunteered his leadership and expertise to 100 Black Men of Virginia Peninsula, where he served as co-chair of the annual scholarship gala and was passionate about mentoring and inspiring youth members; and

WHEREAS, Jack Hunter also worked to enhance community life through the Virginia Peninsula Association of Realtors, the Hampton Chapter of The Links, Inc., and many other organizations; and

WHEREAS, Jack Hunter cultivated his faith at a young age as a member of Mount Prospect Baptist Church in South Carolina, and he remained an active member of the congregation throughout his life; and

WHEREAS, Jack Hunter was an avid world traveler who visited Jamaica, Mexico, Barbados, Bolivia, Ecuador, Argentina, Germany, France, and many other destinations with a group of close friends; and

WHEREAS, Jack Hunter will be fondly remembered and greatly missed by his beloved wife of 37 years, Bonita; his daughter, Niquel, and her family; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Jackie Duckette Hunter, a respected veteran and a highly admired member of the Newport News community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Jackie Duckette Hunter as an expression of the House of Delegates' respect for his memory.

HOUSE RESOLUTION NO. 223

Commending the Honorable Thomas K. Norment, Jr.

Agreed to by the House of Delegates, March 4, 2024

WHEREAS, the Honorable Thomas K. Norment, Jr., a devoted public servant who represented the residents of Senate District 3 for eight consecutive terms in the Senate of Virginia and ably served for multiple years as majority leader and minority leader, retired from public office in January 2024; and

WHEREAS, Thomas "Tommy" K. Norment, Jr., grew up in Williamsburg, where his political life began early as president of the student council at the former James Blair High School; he continued to develop his leadership abilities at the Virginia Military Institute, then earned a law degree from The College of William & Mary in Virginia; and

WHEREAS, Tommy Norment opened a legal practice in Newport News and cultivated a reputation as an ambitious attorney who was deeply committed to the efficacy of the justice system and ably represented his clients in numerous high-profile criminal defense cases; and

WHEREAS, in addition to his legal career, Tommy Norment volunteered his time and leadership to enhance his community in many ways, including service on the boards of the Colonial Williamsburg Foundation and TowneBank and by serving as an adjunct professor, internship advisor, and counselor at The College of William & Mary; and

WHEREAS, desirous to be of further service to the Commonwealth, Tommy Norment ran for and was elected to the James City County Board of Supervisors and served in that capacity from 1987 through 1991, also serving as chair of the board in 1991, then was elected to the Senate of Virginia, unseating an incumbent senator; and

WHEREAS, Tommy Norment was elected as minority leader of the Senate of Virginia in 2008, then led Republicans to regain the majority of the chamber and became majority leader in 2012; he again served briefly as minority leader before

regaining the majority for a second time and served as majority leader from 2014 to 2020, then finished his career as minority leader from 2020 to 2024; and

WHEREAS, during his storied tenure in the Senate of Virginia, Tommy Norment became the longest-serving Republican leader in Virginia history and the longest-serving Republican senator in Virginia history; he holds a record alongside the Honorable Dick Saslaw as the two senators to switch between majority leader and minority leader the most times; and

WHEREAS, Tommy Norment served as a budget conferee and later co-chair of the Senate Finance Committee, leadership roles that required his talents for reaching consensus by working with members of both the Senate and the Virginia House of Delegates and their staffs to develop balanced budgets that advanced the Commonwealth's priorities; and

WHEREAS, Tommy Norment worked diligently to build bipartisan compromise and consensus and deftly handled disagreements within his own party to promote efficient and effective governance; and

WHEREAS, under the tutelage of Hunter Andrews, Tommy Norment developed a mastery of the Senate's rules, procedures, and traditions and a keen understanding of the legislative process; he introduced and supported many important pieces of legislation to benefit his district and all Virginians; and

WHEREAS, among his proudest achievements, Tommy Norment spearheaded a restructuring of higher education funding to create a three-tiered approach that better directs state resources; he also led efforts to obtain funding for galleries at the Jamestown Settlement, a new Yorktown Victory Center, the Virginia Peninsula Community College Historic Triangle Campus, the Integrated Science Center at The College of William & Mary School of Education, and the construction of a new barracks at Virginia Military Institute; and

WHEREAS, Tommy Norment was at the forefront of developing solutions for costly but urgently needed local infrastructure projects, including the expansion of the Hampton Roads Bridge-Tunnel and the widening of Interstate 64, as well as a dedicated source of funding for the region's tourism industry; and

WHEREAS, Tommy Norment played an important role in the Jamestown 2007 Commemoration and is the only person to serve as chair of the Jamestown-Yorktown Foundation more than once, supporting the preservation of the Commonwealth's history and the vibrant tourism economy in the region; and

WHEREAS, Tommy Norment made insightful contributions to legislation related to school safety, traffic safety, electric utilities and energy policy, criminal justice reform, victim advocacy, ethics, education, and health care; and

WHEREAS, a steward of "the Virginia Way," Tommy Norment was a trusted advisor and confidant to numerous legislators, nine governors of both parties, and countless other Virginia leaders in business, education, and public service; and

WHEREAS, Tommy Norment embodied a true Virginia gentleman and represented Hampton Roads with poise and dignity; and

WHEREAS, after his well-earned retirement, Tommy Norment plans to return to academia and seek new opportunities to serve his community, as well as spend more time with his wife, Angie, and his children and grandchildren; and

WHEREAS, Tommy Norment, renowned for his pink shirts and suspenders, served the Commonwealth and the Historic Triangle with the utmost dedication, integrity, and distinction; now, therefore, be it

RESOLVED by the House of Delegates, That the Honorable Thomas K. Norment, Jr., hereby be commended on the occasion of his retirement from public office; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Honorable Thomas K. Norment, Jr., as an expression of the House of Delegates' admiration for his legacy of achievements in service to the residents of the Commonwealth.

HOUSE RESOLUTION NO. 224

Celebrating the life of William Jesse Choate.

Agreed to by the House of Delegates, March 4, 2024

WHEREAS, William Jesse Choate, a distinguished public servant and beloved community leader of Sugar Grove in Smyth County, died on January 30, 2024; and

WHEREAS, Jesse Choate gave generously of his time in service to others as a longtime member of the Sugar Grove Fire Department and Lifesaving Crew, Rye Valley Ruritan Club, and Sugar Grove Young Farmers; and

WHEREAS, Jesse Choate devoted 33 years to the Smyth County School Board, including 18 as chair, working tirelessly to improve the local school system for the benefit and well-being of its students, teachers, support staff, and administrators; and

WHEREAS, Jesse Choate made a meaningful difference in Smyth County residents' lives through his involvement with the Friends of the Smyth-Bland Regional Library, the local Little League, Rye Valley Young at Heart, Inc., Relay for Life, and the Smyth County Community Hospital; and

WHEREAS, guided throughout his life by his faith, Jesse Choate enjoyed worship and fellowship with his community at Elizabeth Methodist Church in Sugar Grove, where he served as a trustee; and

WHEREAS, Jesse Choate will be fondly remembered and dearly missed by his loving wife of 47 years, Carol, and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of William Jesse Choate, a true servant of God, family, country and his community, who touched countless lives in Smyth County and beyond; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of William Jesse Choate as an expression of the House of Delegates' respect for his memory.

HOUSE RESOLUTION NO. 225

Celebrating the life of Paul O. Bennett.

Agreed to by the House of Delegates, March 4, 2024

WHEREAS, there are throughout the Commonwealth rare individuals whose contributions to their communities will endure for long years after they have passed on into the next life; and

WHEREAS, Paul O. Bennett was, for the village of Burkeville in Nottoway County, such an individual; and

WHEREAS, Paul O. Bennett, whose mortal life concluded at the age of 89 on January 26, 2024, was a son of Nottoway, the child of Crispen Stone and Mary Louise (née Crider) Bennett; and

WHEREAS, Paul O. Bennett, raised three children with his wife, Betty, supporting them as a professional truck driver and, more recently, as an agent with Ellington Realty of Blackstone, and "gave Burkeville his all" for the entirety of his adult years, as the local newspaper editor has observed; and

WHEREAS, Paul O. Bennett was for 63 years an active and devoted member of the Burkeville Volunteer Fire Department; and

WHEREAS, Paul O. Bennett was chief of the Burkeville Volunteer Fire Department for more than 30 years or nearly half of the time he was a volunteer fireman; and

WHEREAS, the civic commitments of Paul O. Bennett extended to the entirety of his community, for he served for over 44 years as an elected member of Burkeville Town Council; and

WHEREAS, as observed by the editor of *The Crewe-Burkeville Journal*, Paul O. Bennett "sought what was best for his town and its people, and, in doing so, won an enduring chapter in any worthy and definitive history of the Town of Burkeville"; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Paul O. Bennett of Burkeville, who touched countless lives through his remarkable life, labors, and legacy of devotion to family and community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare copies of this resolution for presentation to the family of Paul O. Bennett, as an expression of sympathy with their bereavement, and for presentation, too, to the Burkeville Volunteer Fire Department, to honor the life of a volunteer fire department chief and town councilman whose memory will remain green in the hearts of his people unto the last generation.

HOUSE RESOLUTION NO. 226

Commending Paul Laurence Dunbar Middle School for Innovation.

Agreed to by the House of Delegates, March 4, 2024

WHEREAS, Paul Laurence Dunbar Middle School for Innovation, an esteemed institution of Lynchburg City Public Schools, celebrated its 100th anniversary in 2023; and

WHEREAS, after the Black community in Lynchburg petitioned the Lynchburg City School Board for a new Black high school, Dunbar High School opened its doors to students in 1923; up to 90 percent of its graduates in the 1920s went on to higher education; and

WHEREAS, throughout the 1930s, Dunbar High School was increasingly operated under the leadership and authority of Black administrators at the school, including Clarence Williams Seay, who would serve as the school's principal from 1938 to 1968, guiding the school to academic excellence in spite of the segregationist barriers in place at the time; and

WHEREAS, as the faculty at Dunbar High School grew larger and more diverse, the school's curriculum evolved beyond its classical program to include more general and vocationally oriented courses, encouraging a greater number of students to matriculate at the school; and

WHEREAS, Dunbar High School's eminence would continue to grow in the post-war period, as new buildings were constructed, state championships were won, and the school's graduates attended the nation's most prestigious schools and went on to become leaders across various distinguished professions at the local, state, and national level; and

WHEREAS, the desegregation of Lynchburg City Schools through the 1960s would ultimately result in the closure of Dunbar High School in 1970 and its students began attending E.C. Glass High School; and

WHEREAS, in 1994, the school reopened as the Paul Laurence Dunbar Middle School for Innovation, an initiative that was started by a magnet schools continuation grant and that has since been administered by Lynchburg City Schools, with support from the Lynchburg City School Board; and

WHEREAS, for 30 years, Paul Laurence Dunbar Middle School for Innovation has fostered the intellectual, social, and emotional well-being of its students and nurtured the achievements of its faculty and staff, helping to make Lynchburg a wonderful place to live, work, and raise a family; now, therefore, be it

RESOLVED by the House of Delegates, That Paul Laurence Dunbar Middle School for Innovation hereby be commended on the occasion of its 100th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Paul Laurence Dunbar Middle School for Innovation as an expression of the House of Delegates' admiration for the school's history and its contributions to Lynchburg and the Commonwealth.

HOUSE RESOLUTION NO. 227

Commending the Jubilee Family Development Center.

Agreed to by the House of Delegates, March 4, 2024

WHEREAS, the Jubilee Family Development Center, a nonprofit organization in Lynchburg dedicated to providing high quality academic, athletic, and occupational programs to foster the personal, social, and spiritual growth of young people and the stability of families, celebrates its 25th anniversary in 2024; and

WHEREAS, the Jubilee Family Development Center was founded in 1999 to address the need for programs that would target and support at-risk youth and help them achieve their academic and social goals; and

WHEREAS, the Jubilee Family Development Center's services include its Youth Educational Support Program, summer enrichment camps, adult classes and workshops, its 3 Point Play Program, athletic programs, and its science, technology, engineering, and mathematics center and vocational programs, which are carried out in partnership with local community organizations and colleges; and

WHEREAS, through its tutoring services and other forms of mentorship, the Jubilee Family Development Center helps students acquire skills and build confidence so that they can fulfill their potential and achieve their hopes and dreams; and

WHEREAS, the Jubilee Family Development Center strives to assess the unique circumstances and needs of every child it serves and to connect them with programs and role models that will make a profound and lasting difference in their lives; and

WHEREAS, since its founding, the Jubilee Family Development Center has been honored with numerous accolades in recognition of its impact in the community, including the 2016 President's Award from the Lynchburg branch of the NAACP for the organization's executive director Sterling Wilder, as well as the 2004 Make a Difference Day National Award from *USA Weekend*; and

WHEREAS, the accomplishments of the Jubilee Family Development Center in promoting the well-being of young people and families in Lynchburg are the result of the inspired leadership of its founders and staff and the tireless efforts of its tutors, mentors, and volunteers; now, therefore, be it

RESOLVED by the House of Delegates, That the Jubilee Family Development Center hereby be commended on the occasion of its 25th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Jubilee Family Development Center as an expression of the House of Delegates' admiration for the organization's mission and its contributions to the Commonwealth.

HOUSE RESOLUTION NO. 228

Commending Franklin Craig Meadows.

Agreed to by the House of Delegates, March 4, 2024

WHEREAS, Franklin Craig Meadows, a devoted civil servant who has served the public in North Carolina and the Commonwealth for more than 34 years, retired from his longstanding position as county administrator of Montgomery County on November 1, 2023; and

WHEREAS, Craig Meadows became county administrator of Montgomery County on August 1, 2009, and has been a vital member of the locality's leadership team for the past 14 years; and

WHEREAS, Craig Meadows' accomplishments during his tenure as county administrator include more than 20 new construction and renovation projects supporting initiatives in education, public safety, recreation, broadband access, and more; and

WHEREAS, Craig Meadows has consistently advocated with great passion and enthusiasm for developing the region's economy by growing and promoting existing businesses and attracting and retaining new companies; and

WHEREAS, Craig Meadows has made an impact on the regional level through leadership roles with a number of organizations and initiatives, including the New River Valley Emergency Communications Regional Authority, the New River Valley Regional Water Authority, the New River Valley Metropolitan Planning Organization Policy Board, the Western Virginia Regional Jail Authority, and other local groups; and

WHEREAS, Craig Meadows' experience and expertise also proved invaluable on the state and national level through his involvement with organizations such as the Virginia Association of Counties, the Virginia Local Government Management Association, and the International City/County Management Association; and

WHEREAS, Craig Meadows served on the New River Valley Public Health Task Force established in 2020 in response to the COVID-19 pandemic, helping to guide the region through the unprecedented public health crisis; and

WHEREAS, Craig Meadows has been the recipient of many accolades in recognition of his service, including the 2021 Distinguished Government Leader of the Year award from the Montgomery County Chamber of Commerce and the 2021 Champion of the Valley award from the New River Valley Regional Commission; and

WHEREAS, Craig Meadows' tenure as county administrator has been defined by his willingness to collaborate, his attention to efficacy and efficiency, and his unwavering commitment to the well-being of Montgomery County and its residents and businesses; now, therefore, be it

RESOLVED by the House of Delegates, That Franklin Craig Meadows hereby be commended for his exemplary public service and dedication on the occasion of his retirement as county administrator of Montgomery County; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Franklin Craig Meadows as an expression of the House of Delegates' admiration for his contributions to the Commonwealth and best wishes in his future endeavors.

HOUSE RESOLUTION NO. 229

Commending James Flinchum.

Agreed to by the House of Delegates, March 4, 2024

WHEREAS, James Flinchum, an honorable World War II veteran and treasured member of the Christiansburg community, celebrated his 100th birthday in 2023; and

WHEREAS, James Flinchum served his country with great courage and valor during World War II; he served as an aviation engineer for two years and was later stationed in England and served across Europe after D-Day; and

WHEREAS, James Flinchum's remarkable life has spanned from the Great Depression and World War II to the Moon landing and the dawn of the Internet era; and

WHEREAS, James Flinchum's long and fulfilling life serves as an inspiration to all who know him, encouraging many to live well and give their best each and every day; now, therefore, be it

RESOLVED by the House of Delegates, That James Flinchum, a hometown hero of Christiansburg and member of the Greatest Generation, hereby be commended on the occasion of his 100th birthday; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to James Flinchum as an expression of the House of Delegates' admiration for his service and congratulations for reaching this extraordinary milestone.

HOUSE RESOLUTION NO. 230

Celebrating the life of Roger Smith.

Agreed to by the House of Delegates, March 4, 2024

WHEREAS, Roger Smith, an honorable veteran, accomplished electrician and businessman, and beloved member of the Elliston community, died on December 19, 2023; and

WHEREAS, Roger Smith served his country with honor and distinction for four years as a member of the United States Air Force, working in telecommunications at what was formerly Langley Air Force Base; and

WHEREAS, after leaving the service, Roger Smith embarked upon a career as an electrician, working tirelessly for many years at multiple jobs until ultimately starting his own company, Sundown Electric, Inc., in 1976; and

WHEREAS, at Sundown Electric, Roger Smith led a team providing exceptional electrical wiring services to residential, commercial, and industrial clients in Montgomery County and beyond; and

WHEREAS, Roger Smith savored the good life in his free time, playing golf, farming, singing gospel music with his wife, and playing with his grandchildren whenever the opportunity arose; and

WHEREAS, guided throughout his life by his faith, Roger Smith enjoyed worship and fellowship with his community at Piedmont Pentecostal Holiness Church in Shawsville; and

WHEREAS, Roger Smith will be fondly remembered and dearly missed by his loving wife, Nancy; his children, Jeffrey and Andrew, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Roger Smith, a cherished member of the Elliston community who was a source of joy and inspiration to all who knew him; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Roger Smith as an expression of the House of Delegates' respect for his memory.

HOUSE RESOLUTION NO. 231

Commending the Glenvar High School boys' swim and dive team.

Agreed to by the House of Delegates, March 4, 2024

WHEREAS, the Glenvar High School boys' swim and dive team of Roanoke County won the Virginia High School League Class 1/2 combined state championship on February 15, 2024, at the Collegiate School Aquatics Center in Richmond; and

WHEREAS, the Glenvar High School Highlanders tallied 238 points during the meet to outpace the runner-up Radford High School Bobcats by 77 points and bring home a state title; and

WHEREAS, the Glenvar Highlanders' victory was a total team effort, led by an extraordinary performance from Connor Wilkes, who won first place medals in the 50-yard freestyle, 500-yard freestyle, 200-yard freestyle relay, and 200-yard medley relay events; and

WHEREAS, the success of the Glenvar High School Highlanders is the result of the hard work and dedication of the student-athletes, the leadership and guidance of their coaches and teachers, and the unwavering support of their families and the entire Glenvar High School community; now, therefore, be it

RESOLVED by the House of Delegates, That the Glenvar High School boys' swim and dive team hereby be commended for winning the 2024 Virginia High School League Class 1/2 combined state championship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Glenvar High School boys' swim and dive team as an expression of the House of Delegates' admiration for the team's achievement.

HOUSE RESOLUTION NO. 232

Celebrating the life of James Robert Carter, Sr.

Agreed to by the House of Delegates, March 4, 2024

WHEREAS, James Robert Carter, Sr., a convenience store owner in the Lindenwood neighborhood of Norfolk who touched countless lives through his kindness, generosity, and dedication to community service, died on December 20, 2023; and

WHEREAS, James Carter was born in South Boston and ultimately settled in Norfolk, where he was well-known as the longtime owner of Triple C convenience store on Lindenwood Avenue; and

WHEREAS, a true gentleman and a wise steward of the community, James Carter had been called the Grandfather of Norfolk in recognition of his outsized role in local life; and

WHEREAS, James Carter frequently offered discounts and lines of credit to customers in need of assistance; he went above and beyond to help local residents pay utilities or buy food and other necessities; and

WHEREAS, James Carter helped make Triple C convenience store a beloved community meeting place, and he was always ready to offer his counsel and mentorship; and

WHEREAS, James Carter will be fondly remembered and greatly missed by his wife, Edith; his son, Dwayne, and his family; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of James Robert Carter, Sr., a business owner who used his success to help those in need and was a pillar of the Lindenwood community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of James Robert Carter, Sr., as an expression of the House of Delegates' respect for his memory.

HOUSE RESOLUTION NO. 233

Commending Denise Johnson.

Agreed to by the House of Delegates, March 4, 2024

WHEREAS, Denise Johnson, chair of the Transit Riders Advisory Committee, a subcommittee under the executive committee of the Transportation District Commission of Hampton Roads, the governing body of Hampton Roads Transit, has worked tirelessly to improve transit in Hampton Roads for several years; and

WHEREAS, as chair of the Transit Riders Advisory Committee (TRAC), established in 2009, Denise Johnson leads a group of volunteer citizens who provide Hampton Roads Transit (HRT) with feedback and recommendations for improving its operations and service, while also facilitating communication between the agency and its customers; and

WHEREAS, as TRAC chair, Denise Johnson serves as the chief advocate for the concerns expressed by HRT's fixed-route customers and as a primary source of information for all riders; and

WHEREAS, Denise Johnson and TRAC consistently provide meaningful feedback and advice to HRT's Customer Service Division for dissemination to transit service planners and the agency's various departments; and

WHEREAS, Denise Johnson and TRAC function annually as the primary survey data collectors for surveys by the American Bus Benchmarking Group; GOAL–the Benchmarking Group of North American Light Rail Systems; and TransitCenter; and

WHEREAS, Denise Johnson and TRAC routinely assist customers with information on trip planning and transportation options, aiding countless people on their journeys to work and home; and

WHEREAS, in her role as TRAC chair, Denise Johnson periodically engages with key stakeholders and government leaders at the municipal, state, and federal level on behalf of HRT customers, while also attending public and community meetings on behalf of HRT; and

WHEREAS, Denise Johnson also serves as a member of HRT's Smart Cities & Innovation Committee, evaluating and overseeing smart city and innovation policies, projects, and opportunities on behalf of HRT; and

WHEREAS, Denise Johnson has demonstrated exceptional knowledge, care, diligence, dedication, and professionalism in her work as she embodies what is possible through representative volunteer leadership; now, therefore, be it

RESOLVED by the House of Delegates, That Denise Johnson hereby be commended for her service as chair of the Transit Riders Advisory Committee of Hampton Roads Transit; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Denise Johnson as an expression of the House of Delegates' admiration for her noteworthy contributions to the Commonwealth.

HOUSE RESOLUTION NO. 234

Commending the Electric Cooperatives Training Center in Palmyra.

Agreed to by the House of Delegates, March 4, 2024

WHEREAS, for five years, the Electric Cooperatives Training Center in Palmyra, created by the Virginia, Maryland and Delaware Association of Electric Cooperatives, has provided education to utilities workers from throughout the region; and

WHEREAS, the Virginia, Maryland and Delaware Association of Electric Cooperatives was incorporated in Virginia in 1944, to be the common service organization and advocate for electric cooperatives and rural ratepayers; and

WHEREAS, a core component of the mission of the Virginia, Maryland and Delaware Association of Electric Cooperatives has always been education and training, consistent with the Fifth Cooperative Principle, one of the guiding beliefs and values that drive the operation of cooperatives worldwide; and

WHEREAS, safety has always been the foremost concern for any electric cooperative, and the training and education of line workers has been at the forefront of the Virginia, Maryland and Delaware Association of Electric Cooperatives' decades-long educational efforts, including continuing education, on-the-job training, and apprenticeships; and

WHEREAS, in 2016, the Virginia, Maryland and Delaware Association of Electric Cooperatives decided to make a singular investment into the education and training of line workers in the Commonwealth and throughout the region; and

WHEREAS, with the support of its member cooperatives, the leadership of its board of directors, and land leased from Central Virginia Electric Cooperative, the Virginia, Maryland and Delaware Association of Electric Cooperatives erected the region's first and only training center for electric utility line workers in Palmyra; and

WHEREAS, the Virginia, Maryland and Delaware Association of Electric Cooperatives ultimately built a permanent edifice on the site in 2019 and dedicated it as the Electric Cooperatives Training Center; and

WHEREAS, the Electric Cooperatives Training Center is a beacon of instruction, coaching, and preparation for the line workers employed by utilities from throughout the mid-Atlantic region; now, therefore, be it

RESOLVED by the House of Delegates, That the Electric Cooperatives Training Center in Palmyra hereby be commended on the occasion of the fifth anniversary of its establishment; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Electric Cooperatives Training Center in Palmyra as an expression of the House of Delegates' admiration for the hard work and achievements of line workers throughout the Commonwealth and the mid-Atlantic region and best wishes for long and safe careers.

HOUSE RESOLUTION NO. 235

Commending Dave Becker.

Agreed to by the House of Delegates, March 4, 2024

WHEREAS, Dave Becker, a member of the Loudoun County Sheriff's Office crossing guard team, was named one of the Commonwealth's Most Outstanding Crossing Guards by the Department of Transportation in 2023 as part of Crossing Guard Appreciation Day; and

WHEREAS, Dave Becker has served as a crossing guard at Emerick Elementary School and Blue Ridge Middle School for the past 12 years, working tirelessly and with a great sense of purpose to ensure the safety and well-being of the school's students and families; and

WHEREAS, Dave Becker has reliably carried out his post through rain or shine over the years, exuding a positive and encouraging attitude that has been a bright spot in the lives of countless students and parents; and

WHEREAS, Dave Becker demonstrates extraordinary care and attention to the needs of the students and families he assists, as his presence at Emerick Elementary School and Blue Ridge Middle School has become an uplifting part of many people's day; and

WHEREAS, Dave Becker is part of the crossing guard team at the Loudoun County Sheriff's Office that has been a pioneer in crisis intervention training, improving the agency's ability to serve the entire Loudoun County community; and

WHEREAS, through his unflagging commitment to the safety and well-being of the students under his care, Dave Becker has helped to make Loudoun County a more wonderful place to live, work, and learn; now, therefore, be it

RESOLVED by the House of Delegates, That Dave Becker hereby be commended for being named one of the Commonwealth's Most Outstanding Crossing Guards in 2023; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Dave Becker as an expression of the House of Delegates' admiration for his dedicated service in support of students and families of the Commonwealth.

HOUSE RESOLUTION NO. 236

Commending Courtney Markowski.

Agreed to by the House of Delegates, March 4, 2024

WHEREAS, Courtney Markowski, a member of the Loudoun County Sheriff's Office crossing guard team, was named one of the Commonwealth's Most Outstanding Crossing Guards by the Department of Transportation in 2023 as part of Crossing Guard Appreciation Day; and

WHEREAS, Courtney Markowski has served as a crossing guard at Round Hill Elementary School for the past 11 years, working tirelessly and with a great sense of purpose to ensure the safety and well-being of the school's students and families; and

WHEREAS, Courtney Markowski has reliably carried out her post through rain or shine over the years, exuding a positive and encouraging attitude that has been a bright spot in the lives of countless students and parents; and

WHEREAS, Courtney Markowski demonstrates extraordinary care and attention to the needs of the students and families she assists, as her presence at Round Hill Elementary School has become an uplifting part of many people's days; and

WHEREAS, Courtney Markowski announced her intention to retire at the end of the previous school year, but as a testament to her deep commitment to her students, deferred her retirement when a replacement guard was not hired by the start of the next year; and

WHEREAS, Courtney Markowski is part of the crossing guard team at the Loudoun County Sheriff's Office that has been a pioneer in crisis intervention training, improving the agency's ability to serve the entire Loudoun County community; and

WHEREAS, through her unflagging commitment to the safety and well-being of the students under her care, Courtney Markowski has helped to make Loudoun County a more wonderful place to live, work, and learn; now, therefore, be it

RESOLVED by the House of Delegates, That Courtney Markowski hereby be commended for being named one of the Commonwealth's Most Outstanding Crossing Guards in 2023; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Courtney Markowski as an expression of the House of Delegates' admiration for her dedicated service in support of students and families of the Commonwealth.

HOUSE RESOLUTION NO. 237

Commending the JK Community Farm.

Agreed to by the House of Delegates, March 4, 2024

WHEREAS, JK Community Farm, a nonprofit farm in Purcellville dedicated to providing food education and alleviating food insecurity with nutrient dense produce and protein, celebrated its fifth anniversary in 2023; and

WHEREAS, founded in 2018 with a vision for revitalizing the food system and helping food insecure individuals and families in Loudoun, Fairfax, and Arlington Counties and Washington, D.C., access healthy and nutritious food; and

WHEREAS, the JK Community Farm grows over 50 varieties of vegetables, fruits, protein, and herbs and donates its yield to local food pantries in partnership with Loudoun Hunger Relief, Food for Others, Arlington Food Assistance Center, and DC Central Kitchen; and

WHEREAS, JK Community Farm offers educational programs in alignment with the Virginia standards of learning where students and families can visit the farm to learn more about nutrition and agriculture first-hand; and

WHEREAS, JK Community Farm is one of the largest chemical-free nonprofit farms in the country that donates 100 percent of its yield, establishing a model that has the potential to transform the way countless people approach food and nutrition; and

WHEREAS, in its fifth year in operation, JK Community Farm marked another significant milestone by donating its one-millionth pound of food; and

WHEREAS, the JK Community Farm hosts an annual Plant-A-Thon fundraiser where volunteers plant nearly 30,000 seedlings, which will ultimately support upwards of 100,000 meals; and

WHEREAS, the accomplishments of JK Community Farm are the result of the leadership and dedication of its staff, the generous support of its donors, and the tireless efforts of the thousands of volunteers that support the farm annually; now, therefore, be it

RESOLVED by the House of Delegates, That JK Community Farm hereby be commended on the occasion of its fifth anniversary and its one-millionth pound of food donated; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the JK Community Farm as an expression of the House of Delegates' admiration for the organization's mission and its contributions to the Commonwealth.

HOUSE RESOLUTION NO. 239

Commending the Nantucket-Treweryn Beagles.

Agreed to by the House of Delegates, March 4, 2024

WHEREAS, the Nantucket-Treweryn Beagles, a beagle hunting pack based at the historic Institute Farm in Aldie, celebrates its 100th anniversary in 2024; and

WHEREAS, the Nantucket-Treweryn Beagles trace their origins to the Treweryn Beagles in Pennsylvania, founded in 1924 and led by master David B. Sharp, Jr., and the Nantucket Harriers of Massachusetts, founded in 1926 and led by master Rebecca Lanier Trimpi; and

WHEREAS, following the marriage of David Sharp and Rebecca Trimpi in 1964, the Treweryn Beagles and Nantucket Harriers were merged to form the Nantucket-Treweryn Beagles, which were ultimately relocated to Middleburg; and

WHEREAS, David and Rebecca Sharp, who are notably the only Americans to ever judge beagles at the prestigious Peterborough Royal Foxhound Show in Britain, are regarded as legends in the sport of beagling, in large part as a result of their leadership of the Nantucket-Treweryn Beagles; and

WHEREAS, today, the Nantucket-Treweryn Beagles is a subscription pack owned by the Nantucket-Treweryn Corporation, which regularly has approximately 35 beagle hounds supported by more than 80 members; and

WHEREAS, from October through March, the Nantucket-Treweryn Beagles hunt every Sunday and on occasional bye days on various plots in and around Clarke County; and

WHEREAS, the Nantucket-Treweryn Beagles have in recent years been led by masters Peter Cook, Frederic Underwood, Marianne Casey, and Russell Wagner, who have organized the group's hunting schedule and other events and taken great care to ensure enjoyable hunts for all participants; and

WHEREAS, the Nantucket-Treweryn Beagles are a distinguished member of the National Beagle Club of America, the national governing body of the sport of beagling; and

WHEREAS, throughout its history, the masters, staff, members, and subscribers of the Nantucket-Treweryn Beagles have been ardent supporters of land preservation and conservation efforts in Clarke County and beyond, contributing to the enduring beauty and bucolic character of the region; and

WHEREAS, as an exemplar of the sport of beagling, a time-honored tradition in Virginia, the Nantucket-Treweryn Beagles represent an important thread in the cultural fabric of the Commonwealth; now, therefore, be it

RESOLVED by the House of Delegates, That the Nantucket-Treweryn Beagles hereby be commended on the occasion of the pack's 100th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to representatives of the Nantucket-Treweryn Beagles as an expression of the House of Delegates' admiration for the pack's history and contributions to the Commonwealth.

HOUSE RESOLUTION NO. 241

Celebrating the life of Carol DeLong.

Agreed to by the House of Delegates, March 4, 2024

WHEREAS, Carol DeLong, an esteemed public servant and civic leader who made history as the first woman to serve as mayor of the City of Falls Church, died on December 9, 2023; and

WHEREAS, after graduating from what was formerly the New Jersey College for Women with a bachelor's degree in science in 1952, Carol DeLong earned a master's degree in organic chemistry from Washington State University; and

WHEREAS, Carol DeLong settled with her family in Falls Church in 1960 and quickly devoted herself to the betterment of her new home, serving as the Madison High School Parent Teacher Association president from 1969 to 1970 and as a member of the Falls Church Planning Commission from 1971 to 1974; and

WHEREAS, Carol DeLong proudly represented her constituents as a member of the Falls Church City Council from 1974 to 1990 and was selected by her fellow councilmembers to serve as vice mayor from 1976 to 1980 and then as mayor from 1980 to 1988, becoming the first woman to hold this distinguished position; and

WHEREAS, Carol DeLong's work with the Falls Church City Council included representing the locality on the Northern Virginia Transportation Commission and the Metropolitan Washington Council of Governments' Transportation Planning Board; and

WHEREAS, Carol DeLong contributed to the growth and development of Falls Church over the years by advocating for ventures that improved the quality of life in the city, including the Winter Hill Apartments for the elderly and people with disabilities, the residential counseling center Aurora House, the Falls Church Farmers Market, and various infrastructure improvements; and

WHEREAS, Carol DeLong was the recipient of many notable accolades in recognition of her service to the community, such as the 1999 Mattie Gundry Award from the Falls Church Commission on Women and the 2002 Jane and Wayne Dexter Award from Citizens for a Better City, of which she was a longtime member; and

WHEREAS, Carol DeLong will be fondly remembered and dearly missed by her loving husband of 67 years, Chester; her children, Leslie, Alison, and Linda, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Carol DeLong, a trailblazing civic leader whose service and dedication left a profound and lasting impact on the City of Falls Church; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Carol DeLong as an expression of the House of Delegates' respect for her memory.

HOUSE RESOLUTION NO. 242

Commending Zeiders Enterprises.

Agreed to by the House of Delegates, March 4, 2024

WHEREAS, Zeiders Enterprises, a distinguished government contractor based out of Woodbridge dedicated to providing human services solutions to military and veteran communities, celebrates its 40th anniversary in 2024; and

WHEREAS, Zeiders Enterprises was founded in 1984 by Michael Zeiders, a graduate of the United States Naval Academy, who started the company with a vision for providing exceptional and impactful services to improve the quality of life for veterans, members of the military, and their spouses and families; and

WHEREAS, Zeiders Enterprises specializes in delivering a variety of long-term solutions to meet the management, program, and workforce needs of its customers, including behavioral health services, career services, human performance services, and more; and

WHEREAS, Zeiders Enterprises has grown impressively over the years and today employs approximately 1,300 specialists who serve at military sites and other locations around the world; and

WHEREAS, Zeiders Enterprises ably fulfills its purpose of bringing people together while exuding the enthusiasm and skill needed to create new and innovative solutions for the military and veteran communities it serves; and

WHEREAS, Zeiders Enterprises is an active partner in the Prince William County community and has served as a Quality of Life Vision Partner with the Prince William Chamber of Commerce; and

WHEREAS, Zeiders Enterprises' accomplishments over the past four decades are the result of the leadership and guidance of its founder and the tireless efforts of its staff, making a meaningful and lasting difference in the lives of countless veterans, members of the military, and their families; now, therefore, be it

RESOLVED by the House of Delegates, That Zeiders Enterprises hereby be commended on the occasion of its 40th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Zeiders Enterprises as an expression of the House of Delegates' admiration for the organization's history and its contributions to veteran and military families in the Commonwealth.

HOUSE RESOLUTION NO. 243

Commending Sam and Lillian Hill.

Agreed to by the House of Delegates, March 4, 2024

WHEREAS, Sam and Lillian Hill, active and engaged members of the Prince William County community, will be honored for their distinguished service at the Hylton Performing Arts Center's 14th Anniversary Gala on April 27, 2024; and

WHEREAS, Sam and Lillian Hill met during their graduate studies at Gallaudet University, where he earned a master's degree in counseling the deaf and hearing impaired and she earned a master's degree in education of the deaf and hearing

impaired with a specialization in preschool education; Sam Hill also holds a doctorate in higher education administration from Texas Tech University; and

WHEREAS, a member of the San Antonio Ballet Company early in the couple's marriage, Lillian Hill went on to enjoy a storied, 39-year career as a preschool educator in Illinois and the Commonwealth until her retirement in 2018; and

WHEREAS, Sam and Lillian Hill have given generously of their time in support of Prince William County and its residents since 2005, when Sam Hill became provost of the Northern Virginia Community College's Woodbridge Campus, a role in which he thrived for 17 years until his retirement in 2022; and

WHEREAS, Sam and Lillian Hill have supported the Hylton Performing Arts Center since its inception, where their involvement has included being Copper Circle members, participating in the Take a Seat campaign, serving as co-chairs of the center's capital campaign, and attending performances regularly; and

WHEREAS, Sam Hill's engagement in Prince William County extends beyond the Hylton Performing Arts Center through his service on the boards of the Prince William Chamber of Commerce, the Sentara Northern Virginia Medical Center, and the education nonprofit organization Future Kings; and

WHEREAS, Sam Hill's current board and community service includes the Potomac Health Foundation, Manassas Ballet Theatre, Lake Ridge Rotary Club, Northern Virginia Family Service, and the Food Rescue Hero program with Northern Virginia Food Rescue; and

WHEREAS, Sam and Lillian Hill most recently led the effort, with the support of several local businesses and organizations, to bring a traveling exhibit about the men and women of the Tuskegee Airmen program to Manassas Regional Airport; and

WHEREAS, Sam and Lillian Hill's kind and benevolent spirit have helped to make Prince William County a more wonderful place to live, work, and raise a family; now, therefore, be it

RESOLVED by the House of Delegates, That Sam and Lillian Hill hereby be commended for being honored at the Hylton Performing Arts Center's 14th Anniversary Gala in 2024; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Sam and Lillian Hill as an expression of the House of Delegates' admiration for the couple's legacy of service.

HOUSE RESOLUTION NO. 244

Commending Tema Choir USA.

Agreed to by the House of Delegates, March 4, 2024

WHEREAS, Tema Choir USA, a Ghanian American choral group in Woodbridge that has greatly supported community and arts and cultural endeavors in Prince William County, commemorates its fifth anniversary in 2024; and

WHEREAS, Tema Choir USA was founded in 2019 following the relocation of world-class musician, conductor, and educator Ebenezer A. Allotey, who is also the founder of the famous Tema Youth Choir in Ghana; and

WHEREAS, Tema Choir USA specializes in Ghanaian highlife music and hymns and has brought greater attention in the United States to this beloved art form since its founding; and

WHEREAS, from concerts at assisted living centers to a performance at the Embassy of Ghana's Independence Day celebration, Tema Choir USA has uplifted audiences across the Washington, D.C., area with the its bright and joyful singing; and

WHEREAS, founded shortly before the COVID-19 pandemic, Tema Choir USA held two virtual fundraising concerts to support Prince William County aid organizations during the historic public health crisis and also helped raise awareness with its song, "Stay at Home Now"; and

WHEREAS, guided by its mission "to create community, foster unity, and build a better world through music," Tema Choir USA has regularly supported food pantries serving the Prince William County area; and

WHEREAS, Tema Choir USA demonstrates the power of music to inspire emotional and spiritual healing, helping to make Prince William County a wonderful place to live, work, and raise a family; now, therefore, be it

RESOLVED by the House of Delegates, That Tema Choir USA hereby be commended for its success and service to the community on the occasion of its fifth anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Ebenezer A. Allotey, founder of Tema Choir USA, as an expression of the House of Delegates' admiration for the group's contributions to the Commonwealth.

HOUSE RESOLUTION NO. 245

Commending Connor Wright.

Agreed to by the House of Delegates, March 4, 2024

WHEREAS, Connor Wright, a ninth-grade student at Woodbridge Senior High School, achieved the prestigious rank of Eagle Scout, the highest rank conferred by the Boy Scouts of America, in 2023; and

WHEREAS, Connor Wright of Boy Scouts of America Troop 1369, which is sponsored by Veterans of Foreign Wars Post 7916 in Occoquan, achieved the Eagle Scout rank upon completing his service project and was presented the rank at a Court of Honor ceremony on July 20, 2023; and

WHEREAS, in addition to his accomplishments with the Boy Scouts of America, Connor Wright is also active in sports and in his community; and

WHEREAS, by becoming an Eagle Scout at the young age of 14, Connor Wright has demonstrated great promise and he will undoubtedly work tirelessly for the benefit of his community for many years to come; now, therefore, be it

RESOLVED by the House of Delegates, That Connor Wright hereby be commended for achieving the rank of Eagle Scout with the Boy Scouts of America; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Connor Wright as an expression of the House of Delegates' admiration for his achievements.

HOUSE RESOLUTION NO. 246

Celebrating the life of Walter A. Marston, Jr.

Agreed to by the House of Delegates, March 4, 2024

WHEREAS, Walter A. Marston, Jr., an honorable veteran, accomplished attorney, beloved father, grandfather, and friend, and longtime member of the Richmond legal community, died on January 12, 2024; and

WHEREAS, born on March 1, 1944, and raised in Mount Jackson, Walter Marston put himself through college and earned a bachelor's degree in international studies from George Washington University in 1966; and

WHEREAS, Walter Marston earned his law degree from the University of Virginia School of Law in 1969, then began a distinguished legal career that ultimately spanned five decades by prosecuting unscrupulous defense contractors as an attorney with the United States Army; and

WHEREAS, following his honorable discharge, Walter Marston served as an advisor to political campaigns for attorney general and governor before embarking on his career in private practice with the law firm of Hazel & Thomas in 1977; and

WHEREAS, as a partner at the law firms of Hazel & Thomas and Reed Smith LLP, and later as an owner of Marston & McNally, P.C., Walter Marston focused his legal talents on defending the Commonwealth's reserve powers to regulate the manufacture, importation, distribution, and sale of beverage alcohol granted to it under the Twenty-first Amendment to the Constitution of the United States; and

WHEREAS, as legal counsel to the Virginia Beer Wholesalers Association and Virginia Wine Wholesalers Association for more than 40 years, Walter Marston dedicated himself to preserving the ability of independent family-owned businesses to provide Virginia consumers with the wide variety of alcoholic beverage products they enjoy today; and

WHEREAS, as a staunch defender of Virginia's three-tier system of alcohol distribution, Walter Marston was instrumental in the development of the Commonwealth's Beer Franchise Act, the 1993 recodification of the Alcoholic Beverage Control Act; the 2007 Direct-to-Consumer Shipping Act, and the creation of the Virginia Alcoholic Beverage Control Authority in 2015, along with many other achievements to improve and strengthen the Commonwealth's ability to control beverage alcohol within its borders; and

WHEREAS, although Walter Marston was nationally recognized as an expert in the field of alcoholic beverage law, he gave freely of his time and expertise to educate, guide, and mentor generations of family business owners, attorneys, and legislators about the complexities attending this heavily regulated product; and

WHEREAS, even after achieving emeritus status at Marston & McNally in 2021, Walter Marston continued to serve his community pro bono by assisting veterans and health care workers in preparing their wills and estates; and

WHEREAS, despite the demands of his career, Walter Marston still found time to indulge his passion for wood working, gardening and sailing as captain of the *Second Wind*; and

WHEREAS, Walter Marston will be fondly remembered and dearly missed by his children, John and Elizabeth, and his grandchildren, Logan, Mackenzie, and Finley; his fiancé, Mary Lou Magill; her children, Jennifer and Courtney; her grandchildren, Will, Olivia, Jack, Everleigh, and Caroline; his sisters, Phyllis and Dolores; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Walter A. Marston, Jr., a son of the Shenandoah Valley and member of the Richmond legal community whose dedication, integrity, and selflessness were an inspiration to all who knew him; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Walter A. Marston, Jr., as an expression of the House of Delegates' respect for his memory.

HOUSE RESOLUTION NO. 247

Commending Tommy Slaughter.

Agreed to by the House of Delegates, March 4, 2024

WHEREAS, in 2024, Tommy Slaughter retired from the Henry County Board of Supervisors after 16 years of outstanding contributions to public safety and economic development in Henry County; and

WHEREAS, Tommy Slaughter served the community for many years as a law-enforcement officer and retired as a member of the Martinsville Police Department; and

WHEREAS, desirous to be of further service, Tommy Slaughter ran for and was elected to the Henry County Board of Supervisors, representing the Reed Creek District, and first took office on January 1, 2008; and

WHEREAS, during his tenure in local government, Tommy Slaughter invigorated the economy in Henry County by supporting programs to construct shell buildings and grade lots, develop the Dick & Willie Passage Trail, and establish a partnership to develop workforce housing; and

WHEREAS, Tommy Slaughter helped recruit several new businesses to the area, including Press Glass, Crown Holdings, Eastman, Monogram Foods, and Drake Extrusions; and

WHEREAS, Tommy Slaughter oversaw the construction of Meadow View Elementary School and the Henry County Adult Detention Center; and

WHEREAS, Tommy Slaughter spearheaded efforts to rename seven bridges in Henry County after deceased law-enforcement officers to honor their service and sacrifice; and

WHEREAS, Tommy Slaughter's proudest achievement was instituting a professional emergency services department with paid staff and a fleet of ambulances to better serve and safeguard residents of Henry County; and

WHEREAS, Tommy Slaughter also represented Henry County on the West Piedmont Planning District Commission Board for 14 years; and

WHEREAS, after his well-earned retirement, Tommy Slaughter plans to seek new opportunities to continue serving the community and spend more time with his wife, Wanda, and their children and grandchildren; now, therefore, be it

RESOLVED by the House of Delegates, That Tommy Slaughter hereby be commended on the occasion of his retirement from the Henry County Board of Supervisors; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Tommy Slaughter as an expression of the House of Delegates' admiration for his legacy of service to the residents of Henry County.

HOUSE RESOLUTION NO. 248

Commending Lane Perry.

Agreed to by the House of Delegates, March 4, 2024

WHEREAS, Lane Perry, a highly admired law-enforcement officer who worked for the Henry County Sheriff's Office for three decades, including 17 years of outstanding leadership as sheriff, retired in 2023; and

WHEREAS, Lane Perry joined the Henry County Sheriff's Office in 1993 and worked in various capacities, including at the local jail and in the patrol, investigations, and vice departments over the course of his career; and

WHEREAS, in 2006, Lane Perry was elevated to sheriff only two months after his promotion to captain and played an important role in maintaining stability within the department and building trust with members of the public; and

WHEREAS, Lane Perry was a staunch advocate for his deputies and staff members, ensuring they had the best the tools and training they needed to serve and protect the Henry County community; and

WHEREAS, Lane Perry was a trusted mentor who led by example and guided his deputies to foster good will with local residents by promoting the highest standards of professionalism; and

WHEREAS, Lane Perry oversaw the establishment of the new Henry County Adult Detention Center, and he strove to reduce recidivism by supporting programs that helped inmates reintegrate into society; and

WHEREAS, Lane Perry served the residents of Henry with the utmost integrity, honor, dedication, and distinction; and

WHEREAS, after his well-earned retirement, Lane Perry plans to seek new opportunities to serve his community and spend more time with his wife, Sherry, and their daughters, Amanda and Rachel; now, therefore, be it

RESOLVED by the House of Delegates, That Lane Perry hereby be commended for his service to the residents of Henry County on the occasion of his retirement as sheriff; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Lane Perry as an expression of the House of Delegates' admiration for his achievements as a law-enforcement officer and his contributions to the community.

HOUSE RESOLUTION NO. 249

Commending Coretha Gravely.

Agreed to by the House of Delegates, March 4, 2024

WHEREAS, Coretha Gravely, a dedicated law-enforcement officer who built strong bonds based on trust and mutual respect with members of the public during her 32-year career, retired from the Martinsville Police Department in 2023; and

WHEREAS, a graduate of George Washington Carver High School, Coretha Gravely worked at American Furniture for 15 years before changing careers and joining the Martinsville Police Department on March 1, 1991; and

WHEREAS, Coretha Gravely was one of the original officers assigned to the Martinsville Police Department's Community Oriented Policing Unit when it was formed in 1994, and she remained with that unit for 29 years; and

WHEREAS, since joining the Martinsville Police Department, Coretha Gravely has worked hand-in-hand with organizations like the Special Olympics, Relay for Life, the Boys & Girls Club, Martinsville City Public Schools, Seniors and Law Enforcement Together, the Senior Citizens Academy, Night to Shine, and many others; and

WHEREAS, Coretha Gravely has been involved with annual National Night Out events, which bring law-enforcement officers and residents together to promote safety and build a sense of community; she also played an instrumental role in establishing good relationships with neighborhoods throughout the city with the Neighborhood Watch Program; and

WHEREAS, Coretha Gravely was named the Martinsville Police Department's Officer of the Year in 2000, the Exchange Club Officer in 1999 and 2002, and the Fontaine Ruritan Club's Officer of the Year in 2003; she has received dozens of letters of commendation and countless letters of appreciation, earning the utmost respect from the residents of Martinsville and her fellow officers and staff members of the Martinsville Police Department; and

WHEREAS, throughout her career, Coretha Gravely has enjoyed the love and support of her husband, Billy, and her sons, Lee and Corey; now, therefore, be it

RESOLVED by the House of Delegates, That Coretha Gravely hereby be commended on the occasion of her retirement from the Martinsville Police Department; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Coretha Gravely as an expression of the House of Delegates' admiration for her decades of loyal service to the members of the Martinsville community.

HOUSE RESOLUTION NO. 250

Celebrating the life of Samuel Lee Green.

Agreed to by the House of Delegates, March 4, 2024

WHEREAS, Samuel Lee Green, an esteemed mortician and active and beloved member of the Appalachia community, died on January 11, 2024; and

WHEREAS, after graduating from Appalachia High School in 1957, Samuel "Sam" Lee Green earned a degree from the Cincinnati College of Mortuary Science in 1960; and

WHEREAS, Sam Green devoted more than six decades to the Roy A. Green Funeral Home in Appalachia, where he provided innumerable families with exceptional care and compassion as he assisted them during their period of bereavement; and

WHEREAS, a longtime member of the Appalachia Church of Grace, Sam Green was guided throughout his life by his deep and abiding faith; and

WHEREAS, Sam Green was committed to the well-being of his community and gave generously of his time as a member of the Appalachia Lions Club and as a founding member of the Appalachia Rescue Squad; and

WHEREAS, Sam Green will be fondly remembered and dearly missed by his loving wife, Charlotte; his children, Samuel, Jr., and Todd, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Samuel Lee Green, a cherished member of the Appalachia community whose faith and dedication were an inspiration to all who knew him; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Samuel Lee Green as an expression of the House of Delegates' respect for his memory.

HOUSE RESOLUTION NO. 251

Commending the Frank W. Cox High School wrestling team.

Agreed to by the House of Delegates, March 4, 2024

WHEREAS, the Frank W. Cox High School wrestling team of Virginia Beach won the Virginia High School League Class 5 state championship on February 17, 2024, at the Virginia Beach Sports Center; and

WHEREAS, the Cox High School Falcons posted 171 points to best the runner-up by 29 points and become the first Virginia High School League Beach District team to bring home a state championship title since 2010; and

WHEREAS, the Cox Falcons' victory was a total team effort, led by Seth Pringle, Caleb Rafal, and Rudy Wagner, who all triumphed over their opponents to secure individual state championship titles in their respective weight classes; and

WHEREAS, the accomplishments of the Cox Falcons are the result of the hard work and dedication of the student-athletes, the leadership and guidance of their coaches and teachers, and the unwavering support of their families and the entire Frank W. Cox High School community; now, therefore, be it

RESOLVED by the House of Delegates, That the Frank W. Cox High School wrestling team hereby be commended for winning the 2024 Virginia High School League Class 5 state championship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Frank W. Cox High School wrestling team as an expression of the House of Delegates' admiration for the team's achievements.

HOUSE RESOLUTION NO. 252

Commending Kempsville Baptist Church.

Agreed to by the House of Delegates, March 4, 2024

WHEREAS, Kempsville Baptist Church will proudly celebrate 210 years of worship and service in the Virginia Beach area on April 28, 2024; and

WHEREAS, on April 30, 1814, Kempsville Baptist Church began when 14 individuals from London Bridge Baptist Church met at Moseley's Meetinghouse to organize a new church; the church was later accepted into the Baptist Association; and

WHEREAS, in 1826, Kempsville Baptist Church, in the rapidly growing section of Princess Anne County known as Kempsville, purchased the abandoned courthouse building; the building would serve as a place of worship for the next 85 years; and

WHEREAS, in 1911, Kempsville Baptist Church members moved into a newly erected wood-framed church as the congregation continued to grow in faith and numbers; and

WHEREAS, in 1958, Kempsville Baptist Church dedicated a new building that marked the beginning of its ministry services and that continues to serve members today; and

WHEREAS, throughout its long history, Kempsville Baptist Church has been served by inspired leaders who have uplifted congregation members and encouraged outreach to the community; and

WHEREAS, today, Kempsville Baptist Church continues to serve the ever-changing community and looks forward to steadfastly fulfilling its mission; now, therefore, be it

RESOLVED by the House of Delegates, That Kempsville Baptist Church hereby be commended on the occasion of its 210th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Dr. Kelly Burris, senior pastor of Kempsville Baptist Church, as an expression of the House of Delegates' congratulations and admiration for the church's dedication to serving its members and the community.

HOUSE RESOLUTION NO. 253

Commending Sue Sadler.

Agreed to by the House of Delegates, March 4, 2024

WHEREAS, Sue Sadler, an esteemed public servant and active and engaged member of the James City County community, retired from the James City County Board of Supervisors in 2023; and

WHEREAS, for eight years, Sue Sadler proudly and faithfully served her constituents as the Stonehouse District representative on the James City County Board of Supervisors; and

WHEREAS, by virtue of her election to the James City County Board of Supervisors, Sue Sadler also served on the James City County Service Authority, including four years as chair, contributing greatly to the management of the locality's water and wastewater services; and

WHEREAS, Sue Sadler's leadership proved invaluable during the COVID-19 pandemic as she helped guide the locality through the unprecedented public health crisis; and

WHEREAS, Sue Sadler is a devoted wife, mother, and grandmother who in retirement will have more opportunities to spend quality time with her husband, Keith; her daughter, Lauren; and her grandchildren, Evan and Connor; and

WHEREAS, with great strength and determination, Sue Sadler has helped to make James City County a wonderful place to live, work, and raise a family; now, therefore, be it

RESOLVED by the House of Delegates, That Sue Sadler hereby be commended on the occasion of her retirement from the James City County Board of Supervisors; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Sue Sadler as an expression of the House of Delegates' admiration for her legacy of service and best wishes in her future endeavors.

HOUSE RESOLUTION NO. 254

Commending the Reverend Owen C. Cardwell, Jr., Ph.D.

Agreed to by the House of Delegates, March 4, 2024

WHEREAS, the Reverend Owen C. Cardwell, Jr., Ph.D., an accomplished civil rights activist, esteemed faith leader, and the University of Lynchburg's Rosel H. Schewel Distinguished Chair in Education, has greatly served the communities of Lynchburg and the Greater Richmond area over many years; and

WHEREAS, Owen Cardwell made history in January 1962 as one of the first two Black students to desegregate E.C. Glass High School in Lynchburg, and he played a significant role in the civil rights movement of the 1960s by heading his local chapter of the Student Nonviolent Coordinating Committee and by participating in a number of demonstrations to help desegregate public places in the Commonwealth; and

WHEREAS, Owen Cardwell previously served as pastor of New Canaan International Church in Henrico County and currently leads the congregation at Diamond Hill Baptist Church in Lynchburg, providing his congregants with uplifting spiritual guidance and abundant opportunities for fellowship and outreach; and

WHEREAS, as the founder and executive director of the Heroes and Dreams Academy in Richmond, Owen Cardwell has mentored an untold number of at-risk youth, helping them to fulfill their potential and achieve their dreams; and

WHEREAS, Owen Cardwell was the co-founder of the Family Restoration Network in Ashland, an organization dedicated to bringing families together by reconnecting incarcerated fathers with their children; and

WHEREAS, Owen Cardwell holds a master's degree in theology from Boston University, a master's degree in adult education from Cambridge College, and a doctoral degree in interdisciplinary studies with a concentration in creative and ethical leadership from Union Institute and University; and

WHEREAS, Owen Cardwell currently serves as the Rosel H. Schewel Distinguished Chair in Education and as the director of the Center for Leadership at the University of Lynchburg, where he teaches in the leadership studies program and assists the university's dean with the development of leadership opportunities for young people throughout Central Virginia and the Commonwealth; and

WHEREAS, Owen Cardwell was recently appointed to the Virginia African American Advisory Board and will bring valuable experience and leadership to the board's efforts to foster economic, professional, cultural, educational, and governmental links between the Commonwealth and its African American community, making Virginia a better place for everyone to live, work, and raise a family; now, therefore, be it

RESOLVED by the House of Delegates, That the Reverend Owen C. Cardwell, Jr., Ph.D., hereby be commended for his legacy of service in Lynchburg and the Greater Richmond area; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Reverend Owen C. Cardwell, Jr., Ph.D., as an expression of the House of Delegates' admiration for his contributions to the Commonwealth.

HOUSE RESOLUTION NO. 255

Commending Laurice Malbon Yarn.

Agreed to by the House of Delegates, March 4, 2024

WHEREAS, Laurice Malbon Yarn, a dedicated educator and community leader, has demonstrated an unwavering commitment to service on behalf of the residents of Virginia Beach throughout her lifetime; and

WHEREAS, Laurice Yarn's upbringing during the era of segregation in Princess Anne County, now part of Virginia Beach, instilled in her a deep sense of resilience, determination, and advocacy for equality and justice; and

WHEREAS, despite facing challenges during the integration of schools, Laurice Yarn chose to remain at a predominantly Black high school, where she continued her education and emerged as a beacon of inspiration for her peers; and

WHEREAS, Laurice Yarn pursued higher education at Virginia State College, now known as Virginia State University, and Old Dominion University; and

WHEREAS, as the youngest of six children, Laurice Yarn was nurtured by her mother, who instilled in her the value of education and community involvement, fostering a legacy of leadership and service within the family; and

WHEREAS, Laurice Yarn's early experiences of community engagement, including her active participation in political activities encouraged by her mother, laid the foundation for her lifelong dedication to advocating for the rights and empowerment of others; and

WHEREAS, throughout her career as an educator, Laurice Yarn exemplified excellence and dedication, not only in the classroom but also in her efforts to support and uplift her students, often going above and beyond to ensure their success and well-being; and

WHEREAS, Laurice Yarn's commitment to fostering interest in math and science led her to establish the Cooperating Hampton Roads Organization for Minorities in Engineering, which provides opportunities for Black students to pursue careers in science, technology, mathematics, and engineering fields and empowers future generations; and

WHEREAS, Laurice Yarn's involvement in politics, from her high school years to her active participation in various political campaigns, including those of Hillary Clinton and presidents Lyndon B. Johnson and Barack Obama, reflects her dedication to advocating for progressive change and inclusive representation; and

WHEREAS, upon her retirement, Laurice Yarn continued her service to the community through mentoring and tutoring programs, embodying the values of compassion, empathy, and support for those in need; and

WHEREAS, Laurice Yarn's tireless efforts in promoting education, equality, and civic engagement have left an indelible mark on the Virginia Beach community, inspiring countless individuals to strive for excellence and contribute positively to society; now, therefore, be it

RESOLVED by the House of Delegates, That Laurice Malbon Yarn hereby be commended for her outstanding contributions to education, community leadership, and advocacy for social justice; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Laurice Malbon Yarn as an expression of the House of Delegates' admiration for her unwavering dedication to the betterment of society.

HOUSE RESOLUTION NO. 256

Commending the Prince William County 250 Committee.

Agreed to by the House of Delegates, March 4, 2024

WHEREAS, the General Assembly established the Virginia American Revolution 250 Commission in 2020 to commemorate the 250th anniversary of the American Revolution, the Revolutionary War, and the independence of the United States; and

WHEREAS, the Virginia American Revolution 250 Commission granted cities and counties the opportunity to create local committees; and

WHEREAS, the Prince William Board of County Supervisors established the Prince William County 250 Committee in 2022 to educate and commemorate the founding of the United States; and

WHEREAS, in response to Virginia's House of Burgesses vocal support for the people of Massachusetts, Royal Governor Lord Dunmore dissolved the Virginia House of Burgesses on May 26, 1774; and

WHEREAS, the citizens of Prince William County convened on June 6, 1774, in the Town of Dumfries to propose several resolves to protest and resist the actions of British Parliament against the American colonies, which were some of the earliest such resolves passed in Virginia; and

WHEREAS, Prince William County and the Town of Dumfries will host public programming commemorating the Prince William Resolves on June 6-8, 2024 in the Town of Dumfries; now, therefore, be it

RESOLVED by the House of Delegates, That the Prince William County 250 Committee hereby be commended for its work to honor the legacy of the Prince William Resolves and the history of the nation; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Prince William County 250 Committee as an expression of the House of Delegates' appreciation for the role Prince William County and the Town of Dumfries played in the founding of the United States.

HOUSE RESOLUTION NO. 257

Commending Christopher Anthony Lunsford.

Agreed to by the House of Delegates, March 4, 2024

WHEREAS, Christopher Anthony Lunsford, an acclaimed singer and songwriter releasing music under the name Oliver Anthony Music, achieved historic success in 2023 with his hit song, "Rich Men North of Richmond"; and

WHEREAS, born and raised in the Piedmont region and currently residing in Farmville, Christopher Lunsford worked a series of industrial and sales jobs in his early years before he began writing music in 2021 and sharing it online under the name Oliver Anthony Music soon thereafter; and

WHEREAS, on August 8, 2023, Christopher Lunsford released a recording of his song "Rich Men North of Richmond," which he had filmed in a beautiful backcountry setting for the West Virginia social media music channel Radiowv, and within five days the video had more than nine million views; and

WHEREAS, after tallying 147,000 downloads and 17.5 million streams, "Rich Men North of Richmond" debuted at number one on the Billboard Hot 100 chart of August 26, 2023, making Christopher Lunsford the first artist to debut at the top of the chart without charting in any way previously; and

WHEREAS, Christopher Lunsford also made Billboard chart history as the third unsigned artist to have a number-one single and the first solo male artist to reach the number one spot on both the Hot 100 and Hot Country Songs charts simultaneously in their debut week; and

WHEREAS, Christopher Lunsford's "Rich Men North of Richmond" grew to greater prominence on August 23, 2023, when it was referenced during the first Republican Party debate leading up to the 2024 United States presidential election; and

WHEREAS, through his honest and heartfelt approach to his music and his message, Christopher Lunsford has inspired millions and is deserving of the esteem and admiration of all Virginians; now, therefore, be it

RESOLVED by the House of Delegates, That Christopher Anthony Lunsford hereby be commended for his noteworthy contributions to the musical traditions of the Commonwealth; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Christopher Anthony Lunsford as an expression of the House of Delegates' admiration for his achievements and best wishes for his continued success.

HOUSE RESOLUTION NO. 258

Celebrating the life of Hulon L. Willis, Jr.

Agreed to by the House of Delegates, March 4, 2024

WHEREAS, Hulon L. Willis, Jr., a distinguished corrections administrator and beloved member of the Commonwealth, died on January 16, 2024; and

WHEREAS, after growing up on the campus of what is now Virginia State University and graduating from Matoaca High School in Chesterfield County, where he was the first Black student body president in school history, Hulon Willis earned a bachelor's degree in sociology from The College of William & Mary (W&M) in 1977; and

WHEREAS, while still in college, Hulon Willis embarked on a career in corrections as a relief jailer with the Petersburg Sheriff's Office at the Petersburg City Jail; following his graduation, he returned to this position and shortly thereafter was promoted to correctional officer and deputy sheriff; and

WHEREAS, Hulon Willis later joined the Federal Bureau of Prisons as a correctional officer assigned to the Federal Correctional Institution in Petersburg, working in various capacities at the facility before resigning to attend graduate school at Howard University; and

WHEREAS, Hulon Willis received a master's degree in social work with a concentration in social service administration from Howard University in 1985 and that same year joined the former District of Columbia Board of Parole, serving first as a parole analyst and later as the director of administration; and

WHEREAS, Hulon Willis began a long tenure with the District of Columbia Department of Corrections in 1989, fulfilling various roles, including correctional administrator in community corrections, assistant institutional administrator, youth center superintendent, and contract administrator, before retiring in 2008; and

WHEREAS, in his retirement, Hulon Willis supported a number of criminal justice agencies in New Jersey, the Commonwealth, and Washington, D.C., as a consultant, compliance monitor, and program monitor, and he served most recently as assistant superintendent at the Caroline Detention Facility in Caroline County, holding the rank of lieutenant colonel; and

WHEREAS, Hulon Willis contributed to the advancement of his field as an adjunct professor at Howard University's School of Social Work and as a member of the American Correctional Association, American Jail Association, Council of Juvenile Justice Administrators, and National Association of Blacks in Criminal Justice; and

WHEREAS, a proud alumnus of W&M and Howard University, Hulon Willis was a devoted member of the Hulon Willis Association, a Black alumni association at W&M, which was named in honor of his father, Hulon Willis, Sr., the first Black student to attend W&M; and

WHEREAS, Hulon Willis will be fondly remembered and dearly missed by his daughter, Mica, and her family; his sister, Kimberley; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Hulon L. Willis, Jr., a man of exceptional integrity and strength whose dedication to service was an inspiration to all who knew him; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Hulon L. Willis, Jr., as an expression of the House of Delegates' respect for his memory.

HOUSE RESOLUTION NO. 259

Commending Darryll Greg Dowell, Jr.

Agreed to by the House of Delegates, March 4, 2024

WHEREAS, Darryll Greg Dowell, Jr., an honorable veteran, former law-enforcement officer, and esteemed public servant, concluded his term on the Williamsburg-James City County School Board in 2023; and

WHEREAS, from 2002 to 2008, Greg Dowell served his country with honor and distinction as an armament systems specialist in the United States Air Force, overseeing the training and evaluation of fighter squadrons at Royal Air Force Lakenheath in England among other responsibilities; and

WHEREAS, following his military service, Greg Dowell served as the lead patrol investigator on domestic abuse and child neglect and abuse cases for the Nampa Police Department in Nampa, Idaho, until 2013, working tirelessly to promote the safety and security of the community; and

WHEREAS, Greg Dowell attended Liberty University, earning a bachelor's degree in interdisciplinary studies, social science, and aviation in 2016 and a master's degree in public policy and public administration the following year; and

WHEREAS, since 2018, Greg Dowell has served as the executive administrator of Smith Memorial Baptist Church in Williamsburg, effectively guiding the church's staff to ensure the church's well-being and longevity; and

WHEREAS, Greg Dowell was elected to serve as the Stonehouse District representative on the Williamsburg-James City County School Board in November 2019 and proudly and faithfully served the interests of his constituents for the past four years; and

WHEREAS, through his unwavering commitment to the success of the students, faculty, and families he served, Greg Dowell has helped to make Williamsburg and James City County wonderful places to live, work, and raise a family; now, therefore, be it

RESOLVED by the House of Delegates, That Darryll Greg Dowell, Jr., hereby be commended for his service on the occasion of his retirement from the Williamsburg-James City County School Board; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Darryll Greg Dowell, Jr., as an expression of the House of Delegates' admiration for his contributions to Williamsburg and James City County and best wishes in his future endeavors.

HOUSE RESOLUTION NO. 260

Commending the Honorable Dr. Dwight Clinton Jones.

Agreed to by the House of Delegates, March 5, 2024

WHEREAS, the Honorable Dr. Dwight Clinton Jones, a visionary faith leader and esteemed public servant, has served as the Senior Pastor of First Baptist Church of South Richmond for the past 50 years; and

WHEREAS, Dwight Jones holds a bachelor's degree and master of divinity degree from Virginia Union University and a doctoral degree from United Theological Seminary; and

WHEREAS, a diligent advocate for the economic empowerment of underserved communities, Dwight Jones has worked tirelessly at both the local and state level for the benefit of others; and

WHEREAS, Dwight Jones' legacy as a community leader includes the founding of the South Richmond Adult Day Care Center, the First Baptist Church Child Care Center, and the Imani Intergenerational Community Development Corporation, a major initiative in the Blackwell neighborhood of South Richmond that has greatly helped to revitalize the area; and

WHEREAS, as a testament to Dwight Jones' abilities as a faith leader, the First Baptist Church of South Richmond has expanded to a second worship site in Chesterfield County, drawing new individuals and families into the congregation; and

WHEREAS, Dwight Jones began his illustrious career of public service with an appointment to the Richmond City School Board in 1979, and he served as the school board's chair from 1982 to 1985; and

WHEREAS, Dwight Jones was elected to the Virginia House of Delegates and proudly and ably served his constituents in what was then the 70th District from 1994 to 2008, while also serving for some time as chair of the Virginia Legislative Black Caucus; and

WHEREAS, Dwight Jones subsequently served two terms as mayor of the City of Richmond from 2009 through 2016, during which time he advanced efforts to lay a strong foundation for a well-managed government, promote economic growth, build a strong transportation system, create a sustainable and natural environment, and reduce the city's poverty rate; and

WHEREAS, as a faith leader and public servant, Dwight Jones has made significant strides and accomplishments at his church, in his immediate community, and throughout the City of Richmond and the Commonwealth; now, therefore, be it

RESOLVED by the House of Delegates, That the Honorable Dr. Dwight Clinton Jones hereby be commended on the occasion of his 50th anniversary as Senior Pastor of First Baptist Church of South Richmond; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Honorable Dr. Dwight Clinton Jones as an expression of the House of Delegates' admiration for his contributions to both Richmond and the Commonwealth.

HOUSE RESOLUTION NO. 261

Commending the Swift Creek Middle School cheerleading team.

Agreed to by the House of Delegates, March 4, 2024

WHEREAS, the Swift Creek Middle School cheerleading team of Chesterfield County won first place in the Chesterfield County Middle School Cheerleading Competition Championship on February 21, 2024; and

WHEREAS, the Swift Creek Middle School Sailors were the top team among the ten schools that participated in this county-wide competition at Clover Hill High School in Chesterfield County; and

WHEREAS, the Swift Creek Sailors practiced five days a week, averaging two hours each practice and rehearsal, all while completing their usual course of school work and participating in other extracurricular activities; and

WHEREAS, the Swift Creek Sailors' coaches, Katie Coates and Savannah Parker, are also teachers at Swift Creek Middle School and devote their time during and after school to mentoring and training 20 squad members, including 15 competitive members and five alternate-competitive members; and

WHEREAS, Coach Coates and Coach Parker work to ensure a positive and welcoming environment for the Swift Creek Sailors, regardless of their skill level or experience, and foster a team that places respect, determination, perseverance, and kindness at the center of their culture, enabling girls to learn, support each other, and grow in their confidence and leadership skills; and

WHEREAS, cheerleading is a sport that incorporates other disciplines and the Swift Creek Sailors are required to be trained in various athletics, including cardiovascular exercises, gymnastics, tumbling, and dance; and

WHEREAS, according to USA Cheer, the United States governing body for the sport of cheering, cheerleading has gained in popularity over the years and is now one of the most popular activities in the United States with over three million participants; and

WHEREAS, according to USA Cheer, the first "cheer leader" took the field at the University of Minnesota during a game in 1898, leading the crowd in a chant to spur on their team while unknowingly setting the stage for cheerleading as we know it today; and

WHEREAS, cheerleaders consistently perform engaging routines at sports events such as football and basketball games, leading spectators in supporting and encouraging their respective teams; and

WHEREAS, cheerleaders participate in competitions at the county, district, state, collegiate, and national levels that are designed to challenge their physical abilities as they develop and execute complex, rigorous, and demanding competitive routines; and

WHEREAS, the Swift Creek Sailors' victory represents the first time Swift Creek Middle School has taken first place at the Chesterfield County Middle School Cheerleading Competition Championship; and

WHEREAS, the Swift Creek Sailors stand as an example of the excellence that Swift Creek Middle School and Chesterfield County Public Schools strive to achieve every single day; now, therefore, be it

RESOLVED by the House of Delegates, That the Swift Creek Middle School cheerleading team hereby be commended for its outstanding performance and representation of Swift Creek Middle School, Chesterfield County, and the sport of cheerleading; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Swift Creek Middle School cheerleading team as an expression of the House of Delegates' pride and congratulations for their remarkable achievement.

HOUSE RESOLUTION NO. 262

Commending the Blacksburg High School boys' swim and dive team.

Agreed to by the House of Delegates, March 4, 2024

WHEREAS, the Blacksburg High School boys' swim and dive team won the Virginia High School League Class 4 state championship in 2024; and

WHEREAS, with a final score of 284 points, the Blacksburg High School Bruins defeated the runners-up from Jefferson Forest High School by nine points; and

WHEREAS, senior Theo Villanueva led the Blacksburg Bruins by winning his second consecutive state championship in the one-meter diving event; and

WHEREAS, the victory was a true team effort, with multiple Blacksburg Bruins scoring crucial points by finishing in second place, including three such finishes from senior Sam Reilly; and

WHEREAS, the successful season is a testament to the skill and hard work of all the student-athletes, the leadership and guidance of the coaches and staff, and the passionate support of family members, friends, and the entire Blacksburg High School community; now, therefore, be it

RESOLVED by the House of Delegates, That the Blacksburg High School boys' swim and dive team hereby be commended on winning the Virginia High School League Class 4 state championship in 2024; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Blacksburg High School boys' swim and dive team as an expression of the House of Delegates' admiration for the team's athletic accomplishments.

HOUSE RESOLUTION NO. 263

Commending the Fontaine Ruritan Club.

Agreed to by the House of Delegates, March 4, 2024

WHEREAS, the Fontaine Ruritan Club, a local chapter of Ruritan National, Inc., in Martinsville dedicated to bettering its community through fellowship, goodwill, and service, celebrates its 70th anniversary in 2024; and

WHEREAS, on March 26, 1954, the Fontaine Ruritan Club was chartered by the board of directors of Ruritan National, Inc., with 22 charter members on its initial roll; and

WHEREAS, the Fontaine Ruritan Club has greatly supported area youth over the years through various initiatives, including the Ray Martin, Sr., Memorial 4-H Fishing Rodeo and both 4-H camp and education scholarships; and

WHEREAS, the Fontaine Ruritan Club has played a vital role in fighting hunger and promoting public health and wellness in Martinsville by supporting Hunters for the Hungry and other programs; and

WHEREAS, the Fontaine Ruritan Club funds its benevolent efforts in the community through donations and other fundraising activities, which are staffed entirely by volunteers; and

WHEREAS, the accomplishments of the Fontaine Ruritan Club are the result of the unwavering commitment of the organization's volunteer members, who have helped to make Martinsville a wonderful place to live, work, and raise a family; now, therefore, be it

RESOLVED by the House of Delegates, That the Fontaine Ruritan Club hereby be commended for its legacy of service on the occasion of its 70th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Fontaine Ruritan Club as an expression of the House of Delegates' admiration for the organization's contributions to Martinsville and the Commonwealth.

HOUSE RESOLUTION NO. 264

Celebrating the life of Henry Donald Campbell.

Agreed to by the House of Delegates, March 4, 2024

WHEREAS, Henry Donald Campbell of Arlington, a federal government employee who dedicated much of his life to philanthropy and servant-leadership in his community, died on February 5, 2024; and

WHEREAS, a native of Arlington, Henry Campbell was a member of Saint Mary's Episcopal Church in his youth and spent afternoons delivering newspapers; he graduated from what is now Washington-Liberty High School, where he was a percussionist and played the timpani in the school orchestra; and

WHEREAS, Henry Campbell was a skilled mathematician and graduated from the American University with a bachelor's degree in accounting; he subsequently worked as a project administrator in what is now the Government Accountability Office and qualified as a certified public accountant early in his career; and

WHEREAS, after his retirement, Henry Campbell joined the board of the nonprofit organization Communities In Schools as a volunteer treasurer; he also established a foundation to support a wide range of charities that benefitted children in the Commonwealth and around the world; and

WHEREAS, Henry Campbell also contributed to the American Red Cross to support disaster relief and created a scholarship at Mary Baldwin University; and

WHEREAS, a passionate lifelong learner, Henry Campbell loved books, nature shows, and any PBS program; he cultivated an encyclopedic knowledge of professional sports and demonstrated unwavering loyalty to Washington, D.C., teams; and

WHEREAS, Henry Campbell carefully curated his family's history, documenting the contributions of his parents, Edmund and Elizabeth Campbell, to the development of Arlington after World War II, particularly his father's work during the civil rights movement and his mother's achievements as founder of a television station; and

WHEREAS, a man of deep faith, Henry Campbell enjoyed fellowship and worship with the community as a founding member of Saint Peter's Episcopal Church, where he served as treasurer and senior warden; and

WHEREAS, predeceased by two siblings, Edmund and Virginia, Henry Campbell will be fondly remembered and greatly missed by his twin brother, Benjamin, and his family, and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Henry Donald Campbell; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Henry Donald Campbell as an expression of the House of Delegates' respect for his memory.

HOUSE RESOLUTION NO. 265

Celebrating the life of Elmer Taylor Seay, Jr.

Agreed to by the House of Delegates, March 4, 2024

WHEREAS, Elmer Taylor Seay, Jr., an honorable veteran, distinguished social worker and community activist, and beloved son of Richmond, died on January 25, 2024; and

WHEREAS, after graduating from Armstrong High School (AHS) in 1952, Elmer Seay earned a bachelor's degree from Virginia Union University (VUU); he also later earned a master's degree from what is today Virginia Commonwealth University; and

WHEREAS, following his graduation from VUU, Elmer Seay enlisted with the United States Army and served his country with honor and distinction as a member of the military police; and

WHEREAS, upon completing his service, Elmer Seay embarked upon a long and impactful career with the City of Richmond Department of Social Services, working tirelessly to make a difference in the lives of countless individuals and families; and

WHEREAS, Elmer Seay supported social workers in his community and beyond as one of the founders of the Richmond chapter of the National Association of Black Social Workers, Inc.; and

WHEREAS, Elmer Seay was indefatigable in his efforts to advocate for civil rights and racial justice through his longtime involvement with the NAACP and the Richmond Crusade for Voters; and

WHEREAS, Elmer Seay served the community as a member of the Lambda Chapter of the Phi Beta Sigma Fraternity, Inc., at VUU and chaired the committee for the organization's Sigma Beautillion; and

WHEREAS, in his retirement, Elmer Seay continued to contribute to the growth and development of young people in his community as a tutor for Richmond Public Schools and its Head Start program; and

WHEREAS, Elmer Seay was an accomplished artist who honed his talents throughout his life, creating works that would grace the pages of the AHS and VUU yearbooks, as well as the walls of his home and the homes of family; and

WHEREAS, guided throughout his life by his faith, Elmer Seay enjoyed worship and fellowship with his community at First African Baptist Church in Richmond since 1950, where he was recently honored as the father of the church; and

WHEREAS, Elmer Seay will be fondly remembered and dearly missed by his loving wife of 62 years, Shirley; his children, Terri and Jaye, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Elmer Taylor Seay, Jr., a treasured member of the Richmond community who was a source of joy and inspiration to all he knew; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Elmer Taylor Seay, Jr., as an expression of the House of Delegates' respect for his memory.

HOUSE RESOLUTION NO. 266

Celebrating the life of Hulon L. Willis, Jr.

Agreed to by the House of Delegates, March 4, 2024

WHEREAS, Hulon L. Willis, Jr., a distinguished corrections administrator and beloved member of the Northern Virginia community, died on January 16, 2024; and

WHEREAS, after growing up on the campus of what is now Virginia State University and graduating from Matoaca High School in Chesterfield County, where he was the first Black student body president in school history, Hulon Willis earned a bachelor's degree in sociology from The College of William & Mary (W&M) in 1977; and

WHEREAS, while still in college, Hulon Willis embarked on a career in corrections as a relief jailer with the Petersburg Sheriff's Office at the Petersburg City Jail; following his graduation, he returned to this position and shortly thereafter was promoted to correctional officer and deputy sheriff; and

WHEREAS, Hulon Willis later joined the Federal Bureau of Prisons as a correctional officer assigned to the Federal Correctional Institution in Petersburg, working in various capacities at the facility before resigning to attend graduate school at Howard University; and

WHEREAS, Hulon Willis received a master's degree in social work with a concentration in social service administration from Howard University in 1985 and that same year joined the former District of Columbia Board of Parole, serving first as a parole analyst and later as the director of administration; and

WHEREAS, Hulon Willis began a long tenure with the District of Columbia Department of Corrections in 1989, fulfilling various roles, including correctional administrator in community corrections, assistant institutional administrator; youth center superintendent, and contract administrator, before retiring in 2008; and

WHEREAS, in his retirement, Hulon Willis supported a number of criminal justice agencies in New Jersey, the Commonwealth, and Washington, D.C., as a consultant, compliance monitor, and program monitor, and he served most recently as assistant superintendent at the Caroline Detention Facility in Caroline County, holding the rank of lieutenant colonel; and

WHEREAS, Hulon Willis contributed to the advancement of his field as an adjunct professor at Howard University's School of Social Work and as a member of the American Correctional Association, American Jail Association, Council of Juvenile Justice Administrators, and National Association of Blacks in Criminal Justice; and

WHEREAS, a proud alumnus of W&M and Howard University, Hulon Willis was a devoted member of the Hulon Willis Association, a Black alumni association at W&M, which was named in honor of his father, Hulon Willis, Sr., the first Black student to attend W&M; and

WHEREAS, Hulon Willis will be fondly remembered and dearly missed by his daughter, Mica, and her family; his sister, Kimberley; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Hulon L. Willis, Jr., a man of exceptional integrity and strength whose dedication to service was an inspiration to all who knew him; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Hulon L. Willis, Jr., as an expression of the House of Delegates' respect for his memory.

HOUSE RESOLUTION NO. 267

Commending the Gainesville Middle School drama club.

Agreed to by the House of Delegates, March 4, 2024

WHEREAS, the Gainesville Middle School drama club earned a platinum rating at the Virginia Theatre Association's annual conference in Richmond in October 2023; and

WHEREAS, the Gainesville Middle School drama club won the event's top honor with its production of "The Legend of Sleepy Hollow" after competing against other schools from across the Commonwealth; and

WHEREAS, Rachel Fillmore and Sadie Lamb, both eighth-grade students with the Gainesville Middle School drama club, were named best actors at the conference; and

WHEREAS, the Gainesville Middle School drama club's cast for "The Legend of Sleepy Hollow" included Ysabella Nicastro, Calvin Suglo, Rhea Sharma, Jayden Thompson, Koreena Dodson, Sadie Lamb, Sienna Shahateet, Ariana Gopman, Chloe Miller, Rachel Fillmore, Emily Rice, Lucy Anderson, Lili Fulda, Grace Lewis, Zoe Pham, Elizabeth Roberts, Nora El Sayed, and Stella Jones; and

WHEREAS, the Gainesville Middle School drama club has provided its students with an opportunity to explore different stories and perspectives, while fostering their abilities to be creative and collaborative, priming them for successful futures; and

WHEREAS, the accomplishments of the Gainesville Middle School drama club are the result of the hard work and determination of the student-actors, the leadership and guidance of their directors and teachers, and the unwavering support of their families and the entire Gainesville Middle School community; now, therefore, be it

RESOLVED by the House of Delegates, That the Gainesville Middle School drama club hereby be commended for its platinum rating at the 2023 Virginia Theatre Association conference; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Jessica Rodriguez-Snellings, director of the Gainesville Middle School drama club, as an expression of the House of Delegates' admiration for the group's achievement.

HOUSE RESOLUTION NO. 268

Commending Kim Keene.

Agreed to by the House of Delegates, March 4, 2024

WHEREAS, Kim Keene, an accomplished artist and businesswoman and courageous cancer survivor, has made a meaningful impact on the lives of individuals with cancer and their families by founding the organization Paint Pink, Inc., in 2023; and

WHEREAS, Kim Keene is a native of Portsmouth who graduated from Nansemond-Suffolk Academy before earning a degree in fine arts from Virginia Wesleyan University in 1993; and

WHEREAS, Kim Keene spent several years honing her artistic talents, particularly while living along the water, first while owning and operating a frame shop in Manteo, North Carolina, and later while living in Croatia; and

WHEREAS, Kim Keene returned to Hampton Roads in 2014 and a year later opened the Starving Artist Cafe in Norfolk, which started as an art gallery and evolved over time to also function as a cafe and local community hub; and

WHEREAS, Kim Keene's artwork has graced the walls of numerous distinguished galleries and spaces in the Hampton Roads area and beyond, including the d'Art Center in Norfolk, the Hilton hotel in downtown Norfolk, the Beach Art House in Norfolk, The Gallery at Godwin in Suffolk, the Lemon Tree Gallery in Cape Charles, and Gallery 50 in Rehoboth Beach, Delaware; and

WHEREAS, inspired by her experience battling breast cancer, Kim Keene raised more than $12,000 for the American Cancer Society by participating in the organization's Making Strides Against Breast Cancer walk in 2022; and

WHEREAS, with a keen awareness of the challenges cancer patients face, in 2023 Kim Keene founded Paint Pink, an organization that provides services and goods not covered by medical insurance, such as the payment of bills, personal care items, estate planning, yard work, house cleaning, meal delivery, and more, relieving financial stress and enabling individuals to better focus on their healing and recovery; and

WHEREAS, Paint Pink has raised funds through various activities, including art shows, golf tournaments, pickleball tournaments, and cocktail parties, bringing the community together for an important and worthy cause; and

WHEREAS, through her passion, resolve, and determination, Kim Keene has made a difference in countless people's lives and is an inspiration to all Virginians; now, therefore, be it

RESOLVED by the House of Delegates, That Kim Keene hereby be commended for founding Paint Pink, Inc., and for supporting cancer patients throughout the Hampton Roads Region; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Kim Keene as an expression of the House of Delegates' admiration for her dedication and service and best wishes for her success in the pursuit of her goals.

HOUSE RESOLUTION NO. 269

Commending Jessica Burgess, M.D.

Agreed to by the House of Delegates, March 4, 2024

WHEREAS, Jessica Burgess, M.D., an associate professor of surgery at Eastern Virginia Medical School and a trauma and emergency general surgeon at Sentara Norfolk General Hospital, was selected as one of the top "40 under 40" female surgeons in the nation by the Association of Women Surgeons in 2022; and

WHEREAS, a Hampton Roads native, Jessica Burgess graduated from Eastern Virginia Medical School (EVMS) in 2005, where she also completed her surgical residency and fellowship training in trauma and surgical critical care; and

WHEREAS, Jessica Burgess has served as a trauma surgeon at Sentara Norfolk General Hospital (SNGH), the region's only Level I trauma center, for the last 9 years, working tirelessly to provide high-quality and efficient care to her patients; and

WHEREAS, Jessica Burgess played a vital role in the response to the Walmart shooting in Chesapeake on November 22, 2022, helping to lead SNGH's efforts to care for victims of that tragic incident; and

WHEREAS, in addition to her academic and surgical responsibilities, Jessica Burgess serves as chair of the Disaster Committee and as co-chair of the Critical Care Committee at SNGH and is director of the surgical critical care fellowship at EVMS; and

WHEREAS, Jessica Burgess supports advancements in surgery and patient care through her involvement with the American College of Surgeons, serving on its Patient Education Committee and on the governing council of its Young Fellows Association; and

WHEREAS, inspired by the guidance she received during medical school and residency, Jessica Burgess gives generously of her time to mentor and educate the next generation of surgeons and health care professionals; and

WHEREAS, Jessica Burgess has exemplified the highest virtues of the surgical profession through her unwavering commitment to her patients and their well-being, earning the esteem and admiration of all Virginians; now, therefore, be it

RESOLVED by the House of Delegates, That Jessica Burgess, M.D., hereby be commended for being selected as one of the top "40 under 40" female surgeons in the nation by the Association of Women Surgeons; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Jessica Burgess, M.D., as an expression of the House of Delegates' high regard for her dedication and service.

HOUSE RESOLUTION NO. 270

Commending Aliyah Elliott.

Agreed to by the House of Delegates, March 4, 2024

WHEREAS, Aliyah Elliott, a 12th grade student-athlete at Lloyd C. Bird High School in Chesterfield County, was a named a finalist for the 2023 Virginia Sports Hall of Fame Foundation's Student-Athlete of the Year award; and

WHEREAS, Aliyah Elliott was honored alongside 15 other student-athletes from across the Commonwealth at the Virginia Sports Hall of Fame Foundation's 19th annual Student-Athlete Achievement Awards reception and ceremony on February 4, 2024; and

WHEREAS, Aliyah Elliott is the three-time captain of the L.C. Bird High School girls' basketball team and captain of her Amateur Athletic Union team the Fairfax Stars and has been a standout on the basketball court, earning second and third team all-state honors; and

WHEREAS, a vocal leader and great role model for younger players, Aliyah Elliott strives daily to improve her level of play and basketball knowledge; and

WHEREAS, Aliyah Elliott displayed exceptional resilience as she sustained a season ending injury during her sophomore year then returned her junior year and helped lead the L.C. Bird Skyhawks to their second state final in school history; and

WHEREAS, Aliyah Elliott has given generously of her time in support of the community as a volunteer at Chesterfield food banks, as a mentor to young girls learning the game of basketball, as a camp counselor for the L.C. Bird Girls Basketball Summer Camp each year, and by serving as a lifeguard for the City of Richmond Department of Parks and Recreation; and

WHEREAS, Aliyah Elliott has excelled academically and is a member of the National Honor Society and the Chesterfield County Public Schools Superintendent's All-County Team, a junior marshall, and an honor roll student with a 4.3 grade point average, ranking her in the top five percent of her class; and

WHEREAS, in the fall of 2024, Aliyah Elliott will attend Christopher Newport University, where she will be a member of the Honors Program, President's Leadership Program, and women's basketball team; and

WHEREAS, guided by her faith, Aliyah Elliott enjoys worship and fellowship with her community at Riverview Baptist Church in Richmond; and

WHEREAS, Aliyah Elliott has demonstrated extraordinary dedication and determination in her accomplishments on the court, in the classroom, and throughout the community, and is poised to enjoy continued success in college and beyond; now, therefore, be it

RESOLVED by the House of Delegates, That Aliyah Elliott hereby be commended for being named a finalist for the 2023 Virginia Sports Hall of Fame Foundation's Student-Athlete of the Year award; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Aliyah Elliott as an expression of the House of Delegates' congratulations and best wishes in her future endeavors.

HOUSE RESOLUTION NO. 271

Commending Felicia Williams.

Agreed to by the House of Delegates, March 4, 2024

WHEREAS, in 2024, Felicia Williams, an active member of the Hampton community, marks her 10th anniversary as a property manager with Drucker + Falk, LLC; and

WHEREAS, Felicia Williams studied pre-medicine at North Carolina State University; she also studied business administration and management at Fayetteville State University; and

WHEREAS, Felicia Williams worked for CarMax in Charleston for nearly 13 years before joining Drucker + Falk in Hampton as a property manager in 2014; and

WHEREAS, in her role as property manager at Drucker + Falk, Felicia Williams ably oversees a number of responsibilities and tasks, including general administration and maintenance and the management of personnel and resources; and

WHEREAS, through her professionalism and commitment to the residents that she serves, Felicia Williams has helped to ensure that Drucker + Falk's properties are both in good physical condition and operated in a fiscally sound manner; and

WHEREAS, as a testament to Felicia Williams' achievements as a property manager, one of the properties she manages, Buckroe Point Apartment Townhomes in Hampton, received an award for best housing preservation and revitalization project in 2017; and

WHEREAS, Felicia Williams has worked tirelessly to develop a plethora of activities to keep the young people in her community engaged, including a summer academic program; and

WHEREAS, with great compassion and concern for her residents, Felicia Williams has supported a number of families by sending flowers and encouragement during their period of bereavement; and

WHEREAS, when her residents were struggling during the COVID-19 pandemic, Felicia Williams went the extra mile by helping many of them acquire rental assistance so that they could stay in their homes; and

WHEREAS, Felicia Williams has been a generous mentor to the members of her team, inspiring many of them to pursue careers as property managers; and

WHEREAS, through her leadership and caring nature, Felicia Williams has successfully fostered a sense of community at Drucker + Falk's properties, helping to make Hampton a more wonderful place to live, work, and raise a family; now, therefore, be it

RESOLVED by the House of Delegates, That Felicia Williams hereby be commended for her accomplishments over her 10 years with Drucker + Falk, LLC; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Felicia Williams as an expression of the House of Delegates' admiration for her contributions to Hampton and the Commonwealth.

HOUSE RESOLUTION NO. 272

Celebrating the life of Helen Delores Bandy.

Agreed to by the House of Delegates, March 4, 2024

WHEREAS, Helen Delores Bandy, a highly admired member of the community in Hampton Roads, died on June 2, 2023; and

WHEREAS, born in 1926, Helen Bandy witnessed firsthand countless historical events throughout the 20th century, from the Great Depression and World War II to the civil rights movement, the Moon landing, and the dawn of the Internet era; and

WHEREAS, Helen Bandy grew up in Enfield, North Carolina, and was a member of the first graduating class of Peninsula Business College in Newport News; and

WHEREAS, Helen Bandy worked as a cashier in the coffee shop of Fort Eustis in Newport News and rose through the ranks to become the director of finance and accounting for the installation; and

WHEREAS, Helen Bandy inspired others through her sense of humor and zest for life and was an active community leader in Hampton Roads; and

WHEREAS, Helen Bandy was a local sensation as the first person to own a television in the Newsome Park neighborhood; she worked on the Central Intercollegiate Athletic Association basketball tournament and earned several local accolades for her personal and professional achievements; and

WHEREAS, Helen Bandy was also active in local government, and she once received a phone call from then vice president Joseph R. Biden, during which she proudly encouraged him to seek election to the presidency; and

WHEREAS, Helen Bandy was a woman of deep and abiding faith, who enjoyed fellowship and worship with the congregation of First Baptist Church East End, which she supported generously; and

WHEREAS, predeceased by her husband, Ralph, Helen Bandy will be fondly remembered and greatly missed by her daughter, Margaret, and her family, and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Helen Delores Bandy, a vibrant resident of Hampton Roads; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Helen Delores Bandy as an expression of the House of Delegates' respect for her memory.

HOUSE RESOLUTION NO. 273

Celebrating the life of James Marlin Patton.

Agreed to by the House of Delegates, March 4, 2024

WHEREAS, James Marlin Patton of Newport News, a longtime employee of The College of William & Mary in Virginia and a consummate educator who helped enhance diversity and equity in higher education, died on June 17, 2023; and

WHEREAS, James Patton grew up in Kentucky, where he attended Catholic schools, then earned a bachelor's degree from Kentucky State University and a master's degree from the University of Louisville; he subsequently received a doctorate from Indiana University; and

WHEREAS, James Patton began his 40-year career as a special education teacher, then transitioned to higher education, first as a faculty member at Hampton University, then as a faculty member, department chair, interim dean, and assistant to the vice president of academic affairs at Virginia State University; and

WHEREAS, James Patton worked for the Department of Education as director of teacher education for three years, before he joined The College of William & Mary in Virginia as a professor of education; and

WHEREAS, James Patton taught undergraduate and graduate level courses related to curriculum and instruction and educational policy planning and leadership; he inspired hundreds of teachers at the institution by leading the introductory social foundation course and supervising the culminating student teaching experience; and

WHEREAS, James Patton co-authored or directed several grant applications to design and evaluate inclusive educational programs, and as an associate dean at the William & Mary School of Education from 1991 to 1999, he helped build a more diverse and welcoming community through his committee assignments and proactive leadership; and

WHEREAS, James Patton reshaped higher education in the Commonwealth and beyond through his insightful research into the needs of diverse student bodies and practices to more effectively educate all learners; his publications and

presentations addressed the overrepresentation of Black students in special education programs and their underrepresentation in gifted programs; and

WHEREAS, highly admired in his field, James Patton was appointed by the Governor to the Virginia Board for People with Disabilities; he served on a commission to assess the impact of certain court cases on higher education in the Commonwealth and offered his leadership and expertise to the board of An Achievable Dream; and

WHEREAS, a man of deep and abiding faith, James Patton enjoyed fellowship and worship with the community as a devout member of St. Vincent de Paul Catholic Church; and

WHEREAS, James Patton will be fondly remembered and greatly missed by his children, Asha and Ade, and their families, and numerous other family members, friends, colleagues, and former students; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of James Marlin Patton, a distinguished educator who touched countless lives over the course of his exceptional career; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of James Marlin Patton as an expression of the House of Delegates' respect for his memory.

HOUSE RESOLUTION NO. 274

Commending Siren Skate Shop.

Agreed to by the House of Delegates, March 4, 2024

WHEREAS, Siren Skate Shop, an esteemed retailer of skateboards and related equipment, has greatly served the Norfolk community for several years; and

WHEREAS, seeing that Norfolk was in need of a skate shop close to Northside Skate Park, retired United States Navy veteran Michael C. Merritt opened Siren Skate Shop in Ocean View, Norfolk in June 2017; and

WHEREAS, in 2019, Siren Skate Shop relocated to its current location on Tidewater Drive in Norfolk, where it has served the city's community of skating and biking enthusiasts ever since; and

WHEREAS, Siren Skate Shop offers its customers a wide array of skateboards, roller skates, scooters, bicycles, and other equipment and accessories, as well as quality repair services; and

WHEREAS, Siren Skate Shop emphasizes customer service to provide a unique and personalized shopping experience, building a loyal legion of patrons and supporters; and

WHEREAS, Siren Skate Shop supports fellow independent and small businesses like itself whenever it can, sourcing much of its inventory from local and regional vendors; and

WHEREAS, Siren Skate Shop's impact on the skating culture in Norfolk has helped to make the city a wonderful place to live, work, and raise a family; now, therefore, be it

RESOLVED by the House of Delegates, That Siren Skate Shop hereby be commended for its service to the Norfolk community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Michael C. Merritt, owner of Siren Skate Shop, as an expression of the House of Delegates' admiration for his business's contributions to Norfolk and best wishes for its continued success.

HOUSE RESOLUTION NO. 275

Commending the Elizabeth River Trail Foundation.

Agreed to by the House of Delegates, March 4, 2024

WHEREAS, the Elizabeth River Trail Foundation, an organization dedicated to supporting the Elizabeth River Trail, an urban biking and pedestrian trail along Norfolk's waterfront, was named Organization of the Year by tHRive, a young professionals program of the Hampton Roads Chamber of Commerce, in 2024; and

WHEREAS, the Elizabeth River Trail Foundation was formed in 2016 to facilitate the growth and development of the Elizabeth River Trail by spearheading the planning, fundraising, marketing, and programming activities that impact the trail; and

WHEREAS, the Elizabeth River Trail Foundation is guided by its mission "to create an inclusive and resilient urban riverfront trail that connects and inspires people and businesses in the region"; and

WHEREAS, the Elizabeth River Trail Foundation has supported a number of enhancements along the trail, including public art, play structures, kayak launches, picnic tables, bike repair stations and racks, and hundreds of wayfinding signs, while also organizing hundreds of free programs, planting trees and gardens, and more; and

WHEREAS, the Elizabeth River Trail Foundation recognizes the Elizabeth River Trail's potential to unify the communities and neighborhoods of Norfolk and to provide recreational, cultural, and environmental experiences that contribute greatly to the quality of life for the city's residents and visitors; and

WHEREAS, members of tHRive will support the Elizabeth River Trail Foundation's efforts through several initiatives, including beautification projects along the trail, a shoreline restoration at Plum Point Park, fundraising, and community programs; and

WHEREAS, through its unwavering commitment to the future of the Elizabeth River Trail and Norfolk, the Elizabeth River Trail Foundation has helped to make the city a wonderful place to live, work, and raise a family; now, therefore, be it

RESOLVED by the House of Delegates, That the Elizabeth River Trail Foundation hereby be commended for being named the 2024 Organization of the Year by tHRive of the Hampton Roads Chamber of Commerce; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Elizabeth River Trail Foundation as an expression of the House of Delegates' admiration for the organization's contributions to Norfolk and best wishes for its continued success.

HOUSE RESOLUTION NO. 276

Commending Joseph Robinson.

Agreed to by the House of Delegates, March 4, 2024

WHEREAS, Joseph Robinson, a doctor of pharmacy degree candidate in the Class of 2024 at Shenandoah University's Bernard J. Dunn School of Pharmacy, will receive the 2023 Harvey B. Morgan Award for Advancing Health Policy from the Harvey B. Morgan Institute of Government and Public Service on March 12, 2024, at the Virginia Pharmacist Association's annual meeting; and

WHEREAS, Joseph Robinson has demonstrated exceptional service and commitment to public policy by being actively involved in the American Pharmacists Association – Academy of Student Pharmacists (APhA-ASP) chapter at Shenandoah University, serving as its policy vice president; and

WHEREAS, Joseph Robinson spearheaded the creation of a policy to support creating a safe and respectful work environment for pharmacists, student pharmacists, and pharmacy technicians who are members of the LGBTQ+ community; and

WHEREAS, Joseph Robinson also serves as the pharmacy team leader for Primary Care Progress and works with a local women's rescue mission to provide medication reconciliation and increase mental health awareness; and

WHEREAS, Joseph Robinson has served as finance committee chair for the Beta Pi chapter of the professional pharmacy fraternity Phi Delta Chi; is a member of the Phi Lambda Sigma national pharmacy leadership society and the Bernard J. Dunn School of Pharmacy Assessment Committee, and was chosen to serve as the student ambassador for his school; and

WHEREAS, Joseph Robinson has been recognized for his dedication to pharmacy education by being inducted into Rho Chi pharmacy honors society; and

WHEREAS, Joseph Robinson exemplifies the ideals of the pharmacy profession, the Harvey B. Morgan Institute of Government and Public Service, and the Shenandoah University Bernard J. Dunn School of Pharmacy, which has given countless students the tools to support good health and wellness and advocate for patient care; now, therefore, be it

RESOLVED by the House of Delegates, That Joseph Robinson hereby be commended for receiving the 2023 Harvey B. Morgan Award for Advancing Health Policy; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Joseph Robinson as an expression of the House of Delegates' congratulations and best wishes for continued success in his future endeavors in public service and public policy for patient care.

HOUSE RESOLUTION NO. 277

Celebrating the life of Command Sergeant Major Mack F. Rice, Sr., USA, Ret.

Agreed to by the House of Delegates, March 4, 2024

WHEREAS, Command Sergeant Major Mack F. Rice, Sr., USA, Ret., an honorable veteran and beloved member of the Hampton community, died on December 18, 2023; and

WHEREAS, a native of Denmark, South Carolina, Mack Rice enlisted with the United States Army in August 1959 and went on to serve his country with honor and distinction for the next 30 years; and

WHEREAS, Mack Rice began his military career with the 2nd Infantry Brigade and would later serve as a senior drill sergeant at Fort Benning, Georgia, and be deployed with a Military Assistance Command, Vietnam team during the Vietnam War; and

WHEREAS, after returning from Vietnam, Mack Rice served as a drill sergeant at what is now Fort Johnson in Louisiana before being selected to attend the United States Army Sergeants Major Academy, which he graduated from in 1976; and

WHEREAS, Mack Rice carried out assignments in Long Beach, California, and Fort Riley, Kansas before he was promoted to the rank of command sergeant major; and

WHEREAS, after serving as command sergeant major of the 1st Battalion, 18th Infantry Commandant, 8th Infantry Division at the Non-Commissioned Officer Academy in Baumholder, Germany, Mack Rice returned to the United States in 1984 to serve as post command sergeant major at Fort Monroe; and

WHEREAS, in his last assignment, Mack Rice was selected to serve as the first-ever commandant of the newly created Reserve Officers' Training Corps at Fort Monroe, helping to shape the trajectory of the U.S. Army Cadet Command's continued impact on the nation's military; and

WHEREAS, Mack Rice received several awards and decorations in recognition of his valor and service, including the Bronze Star Medal with "V" device and one oak leaf cluster, the Meritorious Service Medal with one oak leaf cluster, the Army Commendation Medal with three oak leaf clusters, and the Air Medal; and

WHEREAS, following his military service, Mack Rice worked tirelessly for what was formerly the Southland Corporation as a regional operations and unit manager for 20 years until his full retirement; and

WHEREAS, Mack Rice gave generously of his time in support of his fellow veterans by volunteering at the military pharmacy at the Langley Air Force Base in Hampton; and

WHEREAS, Mack Rice will be fondly remembered and dearly missed by his loving wife of 51 years, Elizabeth; his children, Barbara, Mack, Jr., Hakim, Rochelle, and Monique, and their families; his first wife, Anna; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Command Sergeant Major Mack F. Rice, Sr., USA, Ret., a cherished member of the Hampton community whose legacy of service is an inspiration to all; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Command Sergeant Major Mack F. Rice, Sr., USA, Ret., as an expression of the House of Delegates' respect for his memory.

HOUSE RESOLUTION NO. 278

Celebrating the life of Joshua Chamberlain Peck.

Agreed to by the House of Delegates, March 4, 2024

WHEREAS, Joshua Chamberlain Peck, a beloved member of the Williamsburg community who made a lasting impact on his family, teammates, and school community through his kindness and unwavering commitment to making a positive difference in the lives of others, died on December 30, 2022; and

WHEREAS, Joshua Peck was born in Landstuhl, Germany, near Ramstein Air Base; as the child of a military family, he traveled often and developed an appreciation for other cultures and world cuisine; and

WHEREAS, Joshua Peck exemplified the ideals of lifelong learning, personal integrity, and servant-leadership, leaving an indelible mark on all who had the privilege of knowing him; and

WHEREAS, Joshua Peck's memory will endure through the countless lives he touched while exploring passions in swimming, cooking, playing guitar, Cub Scouts, photography, and researching old technology, airplanes, and vintage Volkswagens; and

WHEREAS, a cherished member of the campus community at Laurel Lane Elementary School, Joshua Peck's compassion and dedication to the greater good were inspirational for teachers, staff, and fellow students; and

WHEREAS, Joshua Peck's legacy will continue through Josh's Kindness Squad at Laurel Lane Elementary School, an initiative that has inspired thousands of student-led service hours through small acts of kindness, such as writing encouraging notes, making posters to thank bus drivers, delivering hot chocolate and snacks to school staff, and building gardens; and

WHEREAS, Joshua Peck's amazing accomplishments and extraordinary contributions to the community left a lasting imprint on the hearts and minds of all who knew him; and

WHEREAS, Joshua Peck will be fondly remembered and greatly missed by his parents, Christina and Matthew; his siblings, James and Josephine; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Joshua Chamberlain Peck, an inspirational young man whose kindness and selfless contributions shaped his community for years to come; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Joshua Chamberlain Peck as an expression of the House of Delegates' respect for his memory.

HOUSE RESOLUTION NO. 279

Commending the Bold Mariner Brewing Company.

Agreed to by the House of Delegates, March 4, 2024

WHEREAS, the Bold Mariner Brewing Company, a veteran-owned taproom and restaurant, has served the Norfolk community from its current location for five years; and

WHEREAS, the Bold Mariner, originally located at Lambert's Point, opened in 2015 and has been operating from its current location in the Ocean View area of Norfolk since 2019; and

WHEREAS, located right on the waterfront, the Bold Mariner provides visitors and locals with scenic views of the Chesapeake Bay as they enjoy a full range of house-brewed beers, barbecue, and other snacks; and

WHEREAS, the Bold Mariner is 100 percent veteran-owned and is an official partner of the Navy SEAL Foundation, which provides critical support to active duty service members, veterans, and military families; and

WHEREAS, the Bold Mariner plays a crucial role in the protection of the local environment and participated in monthly beach cleanup programs that collected more than 900 pounds of trash in 2023; now, therefore, be it

RESOLVED by the House of Delegates, That the Bold Mariner Brewing Company hereby be commended for its service to the community on the occasion of its fifth anniversary at its current location; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Bold Mariner Brewing Company as an expression of the House of Delegates' admiration for the establishment's contributions to the local economy and community life in Norfolk.

HOUSE RESOLUTION NO. 280

Commending Connie Moslow.

Agreed to by the House of Delegates, March 4, 2024

WHEREAS, the long-established communities of the Commonwealth, especially those of the great Southside, continue to produce, and alternately to attract, in every generation, individuals who have the gift of discerning a public need and the discipline required to bring into being precisely the required remedy; and

WHEREAS, in Powhatan County, and for the people of Powhatan, Connie Moslow is such an individual; and

WHEREAS, it was in 2008 that Connie Moslow, then 69 years young, a wife, mother, homemaker, teacher, and already a deeply engaged citizen of her community, realizing that many of her fellow citizens were having to drive to Richmond in quest of affordable medical care, determined to establish a facility for free medical care in Powhatan, for the people of Powhatan; and

WHEREAS, thus, from the vision and indomitable will of one individual, able to inspire and to secure the assistance and involvement of many other individuals, did Powhatan Free Clinic come to be; and

WHEREAS, the first services arranged for the Powhatan Free Clinic that would come to be was a regular visit to Powhatan County Fairgrounds by the mobile Care-A-Van of Bon Secours Hospital; and

WHEREAS, a year later—for such was the public response to the medical services that Connie Moslow had been instrumental in providing—Powhatan Free Clinic was able to move into donated space in the Powhatan Health Department Building, to hire its first part-time nurse, and, through a partnership with Access Now, a program of the Richmond Academy of Medicine, to link patients with a physician who donated specialty services; and

WHEREAS, across the years since, Powhatan Free Clinic has expanded its care for needy citizens to dental hygiene, dental fillings, extractions, and dentures, mental health, and free eye exams and glasses, through the generous support of partners in those fields; case management linking patients with specialty resources; counseling for students of Powhatan schools; and even translators for Spanish-speaking patients; and

WHEREAS, in March of 2021, having completed a $2 million-plus capital campaign supported by countless citizens, churches, civic associations, and businesses, Powhatan Free Clinic relocated to its own marvelous new facilities at 2320 Skaggs Road in Powhatan Court House; and

WHEREAS, through all of its years of operation, Powhatan Free Clinic, led by Connie Moslow and a dedicated group of voluntary directors, volunteers galore, and devoted doctors, dentists, nurses, and aides, has accomplished and maintained its original goal, namely, to be "the only safety-net provider for the uninsured and low-income residents in the community"; and

WHEREAS, Powhatan Free Clinic treats the whole human being by providing a combination of care that addresses not only primary-care needs but also chronic-care and specialty-care, medication counseling, behavioral and women's health, case management, and health education, as well as dentistry in-house; and

WHEREAS, during the COVID-19 pandemic, Powhatan Free Clinic served 550 individuals in 2020-2021, which increased to 2,200 patient visits during 2022 and to some 3,000 patient visits during 2023; and

WHEREAS, having at age 85 brought, with the aid of countless, admiring others, her vision into a vibrant reality, all the while as a volunteer deriving no salary, Connie Moslow has concluded her services as executive director of Powhatan Free Clinic and secured a splendid successor in Elizabeth Ream; and

WHEREAS, Powhatan Free Clinic is destined to enrich the lives of countless people for decades and decades to come, all owing to the singular response-to-a-challenge of one individual; now, therefore, be it

RESOLVED by the House of Delegates, That Connie Moslow hereby be commended for her remarkable achievements and her long years of devotion to the people of Powhatan; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Connie Moslow as an expression of House of Delegates' admiration for her contributions to the health and well-being of the

countless men, women, and children whose lives are being enriched through the services provided by the doctors, dentists, directors, nurses, aides, and volunteers of Powhatan Free Clinic.

HOUSE RESOLUTION NO. 281

Commending the Honorable Mark Lee Keam.

Agreed to by the House of Delegates, March 8, 2024

WHEREAS, the Honorable Mark Lee Keam, an esteemed public servant, attorney, and public affairs professional, greatly served the citizens of the Commonwealth as a member of the Virginia House of Delegates for nearly 13 years; and

WHEREAS, Mark Keam was born in Seoul, South Korea, and lived with his family in Australia for some time before ultimately settling in Orange County, California; and

WHEREAS, Mark Keam earned a bachelor's degree in political science from the University of California, Irvine, in 1989, followed by a juris doctor degree from what is now the University of California College of the Law, San Francisco, in 1995; and

WHEREAS, after serving as United States Senator Richard J. Durbin's chief counsel from 2001 to 2007, Mark Keam served as the senior advisor for strategic alliances with the telecommunications company Verizon from 2007 to 2015; and

WHEREAS, Mark Keam was elected to serve as the delegate for the 35th District in the Virginia House of Delegates in 2009, becoming the first Korean American and Asian-born immigrant to be elected to a state-level office in the Commonwealth; and

WHEREAS, after being sworn into office on January 13, 2010, Mark Keam worked tirelessly to represent his constituents and their interests in the Virginia House of Delegates, advancing several measures over the years to promote environmental justice and reform, including the Virginia Environmental Justice Act and the Solar Freedom Act, as well as other important causes; and

WHEREAS, in 2021, Mark Keam co-founded the Asian American and Pacific Islander Caucus in the General Assembly to develop and support legislation and policies that enhance support and protections for the Asian American and Pacific Islander community in the Commonwealth; and

WHEREAS, Mark Keam announced his retirement from the Virginia House of Delegates on September 6, 2022, after accepting a position as deputy assistant secretary leading the National Travel and Tourism Office within the International Trade Administration of the United States Department of Commerce; and

WHEREAS, Mark Keam has received numerous honors in recognition of his leadership and service, including a 2020 Fairfax County Environmental Excellence Award and accolades from the Virginia League of Conservation Voters and the Virginia chapter of the Sierra Club; now, therefore, be it

RESOLVED by the House of Delegates, That the Honorable Mark Lee Keam hereby be commended for his legacy of service as a member of the House of Delegates; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Honorable Mark Lee Keam as an expression of the House of Delegates' admiration for his contributions to the Commonwealth.

HOUSE RESOLUTION NO. 282

Celebrating the life of Carlton Haywood, Jr.

Agreed to by the House of Delegates, March 5, 2024

WHEREAS, Carlton Haywood, Jr., an accomplished scholar and professor at Johns Hopkins University and a renowned advocate for patients with sickle cell disease, died on December 31, 2021; and

WHEREAS, despite the challenges he faced after being diagnosed with sickle cell disease at the age of three, Carlton "CJ" Haywood, Jr., graduated with honors from William Byrd High School in Vinton, Virginia, and earned a bachelor's degree in religious studies and a master's degree in bioethics from the University of Virginia in 1999 and 2003, respectively; and

WHEREAS, inspired by his own experiences, Carlton Haywood dedicated himself to becoming an advocate for people living with sickle cell disease and went on to earn a doctoral degree in bioethics and health policy from the Johns Hopkins Bloomberg School of Public Health; and

WHEREAS, Carlton Haywood advanced in academia to become an assistant professor in the Division of Hematology at the Johns Hopkins School of Medicine and core faculty at the institution's Welch Center for Prevention, Epidemiology, and Clinical Research and its Berman Institute of Bioethics; and

WHEREAS, Carlton Haywood's research focused on articulating African American perspectives in bioethics and explored how trust and the relationship between members of the African American community and the medical establishment factor into the treatment and management of sickle cell disease; and

WHEREAS, as a medical researcher living with sickle cell disease, Carlton Haywood was a respected voice in both academic and patient communities, and he generously shared his expertise at plenary sessions and research meetings, served

on many federal and national advisory committees for various sickle cell disease-based initiatives, and authored numerous research-based articles published in leading medical journals; and

WHEREAS, in recognition of his accomplishments, Carlton Haywood was featured by *Ebony Magazine* on its Power 100 list, which honors the most influential and inspiring men and women in the African American community, in 2014; he was also inducted into the Alpha Chapter of the Delta Omega Public Health Honorary Society at Johns Hopkins University; and

WHEREAS, guided by his deep and abiding faith, Carlton Haywood was born again when he accepted Jesus Christ as his Lord and Savior and was baptized at Priest Lake in Nashville, Tennessee; and

WHEREAS, Carlton Haywood is fondly remembered and dearly missed by his parents, Carlton, Sr., and Harriett; his siblings, Tamara, Akiah, and Atu; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Carlton Haywood, Jr., a distinguished bioethics scholar and advocate whose work made a profound and lasting impact on countless lives; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Carlton Haywood, Jr., as an expression of the House of Delegates' respect for his memory.

HOUSE RESOLUTION NO. 283

Celebrating the life of the Reverend Thomas E. Harden, Jr.

Agreed to by the House of Delegates, March 4, 2024

WHEREAS, the Reverend Thomas E. Harden, Jr., a devoted pastor and respected community leader in Suffolk, died on February 26, 2024; and

WHEREAS, Thomas Harden was born in Isle of Wight County and raised by his grandmother in Windsor, where he began his journey in faith as a member of Chapel Grove United Church of Christ; and

WHEREAS, Thomas Harden graduated from Virginia State University and pursued a 24-year career with FedEx; and

WHEREAS, in later life, Thomas Harden answered the call to the ministry and attended the Suffolk campus of the Virginia University of Lynchburg School of Theology; and

WHEREAS, Thomas Harden was installed as the pastor of St. Timothy Baptist Church in Suffolk in February 2002 and served the congregation with dedication and distinction until the time of his passing; and

WHEREAS, under Thomas Harden's leadership, St. Timothy Baptist Church saw an increase in membership, established a weekly food bank program to serve people in need, and provided a welcoming church community where many young pastors could come to learn and grow in the pastoral ministry; and

WHEREAS, Thomas Harden will be fondly remembered and greatly missed by his wife, Yvonne, his son T.J., and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of the Reverend Thomas E. Harden, Jr., a highly admired spiritual leader in Suffolk; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of the Reverend Thomas E. Harden, Jr., as an expression of the House of Delegates' respect for his memory.

HOUSE RESOLUTION NO. 284

Commending the Irish-American diplomatic relationship.

Agreed to by the House of Delegates, March 5, 2024

WHEREAS, a century ago, on October 7, 1924, Ireland formally opened diplomatic relations with the United States of America when Ambassador Timothy Smiddy presented his credentials to President Calvin Coolidge; and

WHEREAS, following the Irish people's long and painful struggle for independence, the United States was one of the first nations to recognize the fledgling Irish state earlier that year, and when Ambassador Smiddy emerged from the White House, he had become Ireland's first ambassador to any country in the world; and

WHEREAS, it was very appropriate that Ireland's first representative overseas should be dispatched to Washington, D.C., because while 1924 marked the beginning of formal diplomatic relations, the deep Irish-American connection had already dated back centuries at that time; and

WHEREAS, today, nearly one-tenth of Americans identify as being of Irish ancestry; Irish immigrants played a critical role in the growth of the nation, from the skyscrapers of Manhattan and the transcontinental railroad to the development of the modern political system; and

WHEREAS, Irish people have made an enormous contribution to public debate and politics in America, from their local communities to the White House; more than 20 American presidents have claimed some Irish ancestry, and the influence of Irish Americans extends well beyond the Oval Office and the United States Capitol to every state in the union, most evident by the significant number of state legislators within the American Ireland State Legislators Caucus; and

WHEREAS, since Timothy Smiddy's momentous audience in the Oval Office 100 years ago, 18 Irish ambassadors have presented credentials to United States presidents; over this time, Ireland's relations with the United States have evolved significantly; and

WHEREAS, from an impoverished and internationally isolated state, scarred by years of conflict, Ireland has transformed over the past century into the economically prosperous and culturally vibrant peaceful nation of today; and

WHEREAS, this transformation is due to the support of friends in the United States, from the crucial role America played in brokering peace in Northern Ireland, culminating with the 1998 Good Friday Agreement, to the substantial American economic investment in Ireland; and

WHEREAS, there are almost 1,000 American companies in Ireland employing more than 200,000 people directly; the economic relationship between the two countries is truly two-way as some 100,000 people are employed in the United States by more than 650 Irish-owned companies in every state, and Ireland is now the ninth largest source of foreign direct investment in the United States; and

WHEREAS, the Irish-American relationship is a shining example of how ancestral ties, historical connections, cultural affinities, and shared values can create a foundation for enduring partnership and mutual prosperity; Irish American state legislators across the United States are playing a vitally important role in fostering this partnership and ensuring that it continues and flourishes for another century to come; now, therefore, be it

RESOLVED by the House of Delegates, That the Irish-American diplomatic relationship hereby be commended on the occasion of the 100th anniversary of the appointment of the first Irish ambassador to the United States for the way diplomatic and cultural relations have benefited both the United States and Ireland; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to representatives of the Irish American community as an expression of the House of Delegates' appreciation for the importance of the ongoing diplomatic partnership between the United States and Ireland.

HOUSE RESOLUTION NO. 285

Commending the Frank W. Cox High School baseball team.

Agreed to by the House of Delegates, March 5, 2024

WHEREAS, the Frank W. Cox High School baseball team earned its second state title in three years with a victory in the Virginia High School League Class 5 state championship in 2023; and

WHEREAS, the Frank W. Cox High School Falcons defeated the nationally ranked Independence High School Tigers 8-0 to finish the season with an impressive 23-3 overall record; and

WHEREAS, the Frank W. Cox Falcons took an early lead in the first inning, but the game stayed close until the sixth inning, when the Falcons batted around to score seven runs; and

WHEREAS, pitcher Riley DeCandido and relief pitcher Jake Colucci shut out the typically high-scoring Independence Tigers for the first time all season; and

WHEREAS, the victorious season is a testament to the skill and perseverance of all the student-athletes, the leadership and guidance of coaches and staff, and the passionate support of family members, friends, and the entire Frank W. Cox High School community; now, therefore, be it

RESOLVED by the House of Delegates, That the Frank W. Cox High School baseball team hereby be commended on winning the Virginia High School League Class 5 state championship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Matt Ittner, head coach of the Frank W. Cox High School baseball team, as an expression of the House of Delegates' admiration for the team's athletic achievements.

HOUSE RESOLUTION NO. 286

Commending the First Colonial High School girls' volleyball team.

Agreed to by the House of Delegates, March 5, 2024

WHEREAS, First Colonial High School girls' volleyball team won the Virginia High School League Class 5 state championship in 2023; and

WHEREAS, in the state final, held at Virginia Commonwealth University's Siegel Center, the First Colonial High School Patriots defeated the Riverside High School Rams 3-1; and

WHEREAS, the First Colonial Patriots won the first set 25-17, but the Riverside Rams equalized, taking the second set 22-25; and

WHEREAS, the First Colonial Patriots responded and won the third and fourth sets 25-15 and 27-25 to secure the state crown and finish the season with an impressive 27-1 overall record; and

WHEREAS, senior libero Kayla Foley was named the All-Tidewater Girls Volleyball Player of the Year and the Class 5 Player of the Year, while head coach Edie Magula was named the Class 5 Coach of the Year; and

WHEREAS, the successful season was a tribute to the skill and hard work of all the student-athletes, the leadership and guidance of coaches and staff, and the passionate support of the entire First Colonial High School community; now, therefore, be it

RESOLVED by the House of Delegates, That the First Colonial High School girls' volleyball team hereby be commended on winning the Virginia High School League Class 5 state championship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Edie Magula, head coach of the First Colonial High School girls' volleyball team, as an expression of the House of Delegates' admiration for the team's achievements.

HOUSE RESOLUTION NO. 287

Commending Korean Central Presbyterian Church.

Agreed to by the House of Delegates, March 5, 2024

WHEREAS, Korean Central Presbyterian Church has provided opportunities for joyful worship and generous outreach to the members of the Centreville community for more than a half-century; and

WHEREAS, Korean Central Presbyterian Church was founded on November 4, 1973, by the Reverend Myung Ho Yoon with 20 Korean American families as the original congregation; and

WHEREAS, the Korean Central Presbyterian Church held its first service in a private home and later moved to a 12-acre campus in Vienna; in July 2010, it relocated to its current location, an 130-acre campus in Centreville; and

WHEREAS, over the course of its history, the Korean Central Presbyterian Church has grown to include approximately 10,000 members with an average of 5,000 worshippers per week; the church remains engaged with the community through numerous outreach initiatives; and

WHEREAS, Korean Central Presbyterian Church leads a biweekly homeless ministry that provides food and clothing to individuals and families in need in the Greater Washington, D.C., area; and

WHEREAS, members of Korean Central Presbyterian Church in the medical professions have provided both vaccination support and standard medical evaluations to individuals in need to promote public health in the community; and

WHEREAS, Korean Central Presbyterian Church sponsored and collaborated with the Centreville Immigration Forum to ensure the stability and sustainability of the members who receive assistance from the organization; and

WHEREAS, Korean Central Presbyterian Church participated in the annual Centreville Day event and also provided parking and bath accessories to participants in the Virginia Run Turkey Trot, an annual running event that supports the organization Life with Cancer; and

WHEREAS, Korean Central Presbyterian Church supports the Korean Community Service Center of Greater Washington, helping all Asian immigrants in need of support and improving the quality of life in the Commonwealth; and

WHEREAS, Korean Central Presbyterian Church supports a senior center by providing meals, skill development, and recreation, as well as practical assistance to immigrant families; and

WHEREAS, Korean Central Presbyterian Church provided financial support to local small community churches experiencing financial difficulties as a result of the COVID-19 pandemic and contributed funds to Western Fairfax Christian Ministries in order to support residents who were in dire need of basic household supplies; and

WHEREAS, Senior Pastor at Korean Central Presbyterian Church, the Reverend Eung Yul Ryoo, has offered the opening prayer for the United States Congress and the invocation for the General Assembly on multiple occasions; and

WHEREAS, in January 2021, Korean Central Presbyterian Church opened a satellite location in Arlington to better serve residents of the Washington, D.C., area; now, therefore, be it

RESOLVED by the House of Delegates, That Korean Central Presbyterian Church hereby be commended for its legacy of service over the past half-century; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Korean Central Presbyterian Church as an expression of the House of Delegates' admiration for the church's contributions to the community and the Commonwealth.

HOUSE RESOLUTION NO. 288

Commending Lauren Gilbert.

Agreed to by the House of Delegates, March 5, 2024

WHEREAS, Lauren Gilbert, a friend to many in the General Assembly, greatly served the Commonwealth during her 12 years as Associate Director and Director of Programs with the Sorensen Institute for Political Leadership at the University of Virginia's Weldon Cooper Center for Public Service; and

WHEREAS, at the Sorensen Institute for Political Leadership, Lauren Gilbert helped develop and facilitate four political programs designed to support the Commonwealth's current and future leaders, working closely with more than 1,200 program participants from high school students to experienced public servants; and

WHEREAS, Lauren Gilbert worked meticulously to develop programs in which diverse, bipartisan groups of current and future leaders from every corner of the Commonwealth could come together to advance their understanding of the issues that impact different regions of the state and to formulate effective policies and strategies that foster healthy and productive governments and communities; and

WHEREAS, through her experience at the Sorensen Institute for Political Leadership, her work in governmental affairs, and her love of baseball, a passion she shared with her late mother, Lauren Gilbert has built strong ties to both the public and private sectors of Virginia, as well as the Washington Nationals' stadium; and

WHEREAS, Lauren Gilbert holds a bachelor's degree in political science and political communications from James Madison University and a master's degree in political administration from the Virginia Polytechnic Institute and State University; now, therefore, be it

RESOLVED by the House of Delegates, That Lauren Gilbert hereby be commended for her service as Associate Director and Director of Programs with the Sorensen Institute for Political Leadership at the University of Virginia's Weldon Cooper Center for Public Service; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Lauren Gilbert as an expression of the House of Delegates' admiration for her contributions to the Commonwealth.

HOUSE RESOLUTION NO. 289

Commending Susan F. Dewey.

Agreed to by the House of Delegates, March 5, 2024

WHEREAS, Susan F. Dewey, chief executive officer of Virginia Housing, formerly the Virginia Housing Development Authority, and longtime state housing leader and advocate, retired on December 31, 2023, after 25 years of outstanding service to the authority, the Commonwealth, and the Virginia housing community; and

WHEREAS, a native of Chesapeake, Susan Dewey earned her bachelor's and master's degrees in business administration from The College of William & Mary and subsequently received her certification as a public accountant; and

WHEREAS, Susan Dewey was appointed to serve as State Treasurer and as an ex officio member of the Virginia Housing Board of Commissioners by Governor Jim Gilmore in 1995; and

WHEREAS, in 1999, Susan Dewey began laying the foundation of her legacy as a champion for affordable housing and forward-looking steward of the Commonwealth's housing finance agency; and

WHEREAS, in 2001, Susan Dewey was appointed by the Virginia Housing Board of Commissioners and began modernizing the authority's business model and system, including the establishment of the Resources Enabling Affordable Community Housing (REACH) Virginia program in 2006, which has allowed the authority to reinvest more than $915 million in excess net revenues for grants, down payment assistance, interest rate buydowns, and other tools and resources for critical housing needs; and

WHEREAS, Susan Dewey has been instrumental in increasing stakeholder input and transparency around Virginia Housing's policies and programs through the creation of six advisory councils, most recently creating the Minority Business Advisory Council and supporting a multifaceted Inclusion, Diversity, Equity, and Access (IDEA) initiative; and

WHEREAS, Susan Dewey oversaw the creation and revitalization of housing across the spectrum of need, helping more than 136,000 Virginians achieve the dream of homeownership, producing almost 101,000 units of rental housing, building the first three-dimensional-printed home in Richmond, and more; and

WHEREAS, under Susan Dewey's leadership, Virginia Housing successfully navigated two generational challenges, the Great Recession and the COVID-19 pandemic, without the disruption of services and while also providing resources to prevent foreclosure and eviction, underscoring the authority's status as a national model for state housing finance agencies; and

WHEREAS, Susan Dewey is a dedicated public servant who has continued to support the people and communities of the Commonwealth as a steward of Virginia Housing's resources and its mission; she has received numerous honors for her work, including a Housing Visionary Award from the National Housing Conference; and

WHEREAS, Susan Dewey is a true titan and innovator of the housing community, whose vision was informed by compassion and focused on delivering meaningful results, and who has fundamentally positioned Virginia Housing for enduring success as an effective and resilient agency and partner and one of the top housing finance agencies in the country; now, therefore, be it

RESOLVED by the House of Delegates, That Susan F. Dewey hereby be commended on the occasion of her retirement from Virginia Housing; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Susan F. Dewey as an expression of the House of Delegates' congratulations and admiration for her distinguished career serving the Commonwealth.

HOUSE RESOLUTION NO. 290

Commending Henry Lee Foiles, Jr.

Agreed to by the House of Delegates, March 5, 2024

WHEREAS, Henry Lee Foiles, Jr., a native of Norfolk, represented the Commonwealth as an outstanding professional athlete for many years and remains an esteemed member of his community in Newport News; and

WHEREAS, Henry "Hank" Lee Foiles, Jr., grew up in the Park Place neighborhood of Norfolk and attended Granby High School, where he starred on the football and baseball teams and was in high demand with other athletics programs; and

WHEREAS, Hank Foiles played at center and linebacker during his high school football career and helped lead the Granby High School Comets to win 32 of 33 games and three state championship titles from 1944 to 1946; he also earned an individual state title and set a state record for the javelin throw; and

WHEREAS, in 1946, Hank Foiles played in the inaugural Oyster Bowl, which is now a regular season college football game, but at the time featured two of the top high school teams in the country, Granby High School and Clifton High School of New Jersey; he proudly returned to the Oyster Bowl in 2023 for the coin toss at the bowl's 73rd iteration; and

WHEREAS, Hank Foiles received more than 50 college football scholarship offers, but was inspired by his father to instead pursue a career in professional baseball and sign with the New York Yankees, where he cultivated a lifelong friendship with baseball legend Joe DiMaggio; and

WHEREAS, Hank Foiles played in the minor leagues for several years before making his Major League Baseball debut with the Cincinnati Reds, then known as the Redlegs, in 1953; he subsequently played for the Cleveland Indians, Pittsburgh Pirates, Kansas City Athletics, Detroit Tigers, Baltimore Orioles, and Los Angeles Angels; and

WHEREAS, Hank Foiles garnered national media attention as the first player in the history of Major League Baseball to wear contact lenses; and

WHEREAS, Hank Foiles had his most productive seasons with the Pittsburgh Pirates, appearing in more than 100 games in 1957 and 1958; he posted career-highs in 1957 with 76 hits and a .270 batting average, including nine home runs and 36 runs batted in; and

WHEREAS, Hank Foiles retired in 1964 with a career .243 batting average, 46 home runs, 166 runs batted in, and a .321 on-base percentage; he earned a reputation as a skilled defensive catcher who called every pitch and had a .986 fielding percentage; and

WHEREAS, Hank Foiles played professional baseball at a time when players often held other jobs to make ends meet; he wrote scripts, sold advertising, and made on-air appearances for WVEC-TV, then worked in life insurance after his retirement from Major League Baseball in 1964; and

WHEREAS, in later life, Hank Foiles was a champion for education and encouraged high school players to attend college rather than joining the major leagues immediately; and

WHEREAS, Hank Foiles and his late wife, Joyce, raised two sons, Hank III and Marc, and he is the proud grandfather of five grandchildren and seven great-grandchildren; now, therefore, be it

RESOLVED by the House of Delegates, That Henry Lee Foiles, Jr., hereby be commended for his accomplishments as an athlete both at the high school level in the Commonwealth and across the country as a member of Major League Baseball; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Henry Lee Foiles, Jr., as an expression of the House of Delegates' admiration for his personal and professional achievements.

HOUSE RESOLUTION NO. 291

Celebrating the life of Edward Paul Goff.

Agreed to by the House of Delegates, March 5, 2024

WHEREAS, Edward Paul Goff, a beloved husband and father and a longtime electrician who was passionate about his craft, died on October 31, 2023; and

WHEREAS, Edward "Eddie" Paul Goff was born in Lowell, Massachusetts, and later settled in Newport News; and

WHEREAS, Eddie Goff pursued a long and fulfilling career as an electrician and was proud of his legacy of service to clients and communities in the Mid-Atlantic region through the electrical contractor Power Solutions; and

WHEREAS, Eddie Goff advanced his career field by teaching electrical apprenticeship with the Hampton Roads Joint Apprenticeship and Training Committee for 28 years, and he was a member of the International Brotherhood of Electrical Workers Local 1340 for 46 years; and

WHEREAS, Eddie Goff had a talent for building and fixing things for himself and others, which led to many lifelong friendships; and

WHEREAS, outside of his career and service to the community, Eddie Goff was also a Harley-Davidson motorcycle enthusiast; and

WHEREAS, Eddie Goff also enjoyed fellowship and worship with the congregation of Our Lady of Mount Carmel Catholic Church, where he was a member of the Circle of Hope group; and

WHEREAS, Eddie Goff was a devoted father who relished every opportunity to support his daughter, Jennifer, in all her endeavors and impart to her his work ethic and commitment to service; and

WHEREAS, Eddie Goff will be fondly remembered and greatly missed by his wife of 44 years, Sandra; his cherished daughter, Jennifer; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Edward Paul Goff, a highly admired member of the community in Newport News; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Edward Paul Goff as an expression of the House of Delegates' respect for his memory.

HOUSE RESOLUTION NO. 292

Celebrating the life of Robert James Kent.

Agreed to by the House of Delegates, March 5, 2024

WHEREAS, Robert James Kent, a respected educator and an active member of his community in Newport News, died on October 8, 2023; and

WHEREAS, Robert "Bob" James Kent was born in Glade Spring and spent his youth exploring the hills and pastures of rural Southwest Virginia, where his countless adventures with friends formed the basis of delightful stories that he told for years to come; and

WHEREAS, after graduating from Glade Spring High School, Bob Kent attended Emory & Henry College, then earned an associate degree from Thomas Nelson Community College in Hampton; and

WHEREAS, Bob Kent worked as a radio announcer for a station in Abingdon and considered working in the recording industry in Nashville until the start of the Vietnam War, when he and several friends moved to Newport News to support the defense industry; and

WHEREAS, Bob Kent served the Commonwealth and the nation at Newport News Shipbuilding for nearly two decades as an electronics technician and an instructor at the Apprentice School; and

WHEREAS, Bob Kent later returned to Thomas Nelson Community College, where he proudly worked as an instructor in the engineering department for more than 10 years and challenged his students to achieve their fullest potential; and

WHEREAS, Bob Kent finished his career working through various contractors at Fort Eustis as a senior network engineer; and

WHEREAS, outside of his career, Bob Kent was involved in local, state, and national service work to help teens and adults whose lives had been affected by a family member with alcoholism; he inspired countless individuals by sharing his message of hope and support; and

WHEREAS, Bob Kent enjoyed fellowship and worship with the congregation of Hidenwood Presbyterian Church, where he served as chair of the board of deacons and a member of the choir, among other leadership roles; and

WHEREAS, Bob Kent's greatest joy in life was his beloved family, and he will be fondly remembered and greatly missed by his wife of more than 40 years, Gail; his sons, Abram, Jordan, and Nathan, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Robert James Kent, a highly admired member of the Newport News community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Robert James Kent as an expression of the House of Delegates' respect for his memory.

HOUSE RESOLUTION NO. 293

Celebrating the life of Dr. Gloria Poarch Hagans.

Agreed to by the House of Delegates, March 5, 2024

WHEREAS, Dr. Gloria Poarch Hagans, a highly admired educator in Norfolk, died on September 11, 2023, surrounded by her loving family; and

WHEREAS, a native of Norfolk, Gloria Hagans was born on June 6, 1943, and was the eldest child of the late Earnest and Dollie Poarch; and

WHEREAS, Gloria Hagans graduated from Booker T. Washington High School in 1961 and subsequently received a bachelor's degree in history from Norfolk State University, a master's degree in social sciences from Old Dominion University, and a doctoral degree from Peabody School of Education at Vanderbilt University; and

WHEREAS, over the course of Gloria Hagans' career, she achieved many academic accomplishments and was often a trailblazer in her quest for lifelong learning; she was a gifted educator and author, who was passionate about youth education and excellence; and

WHEREAS, Gloria Hagans wrote the social studies textbook, *Regions Near and Far (The World Around Us)*, approved for use in fourth-grade classrooms and was devoted to supporting and inspiring students until her retirement from Norfolk Public Schools in 2010 as executive administrator after 44 years of doing what she loved; and

WHEREAS, Gloria Hagans was a member of numerous community and professional organizations throughout her life, including the Norfolk Education Foundation, the Council of Great City Schools, the Norfolk Public Library Board of Trustees, the branch ambassador for the Janaf Branch Library and Jordan-Newby Anchor Branch Library, and the Attucks Cultural Center; and

WHEREAS, in addition, Gloria Hagans served on the Norfolk Sister City Association Board and was a scriptwriter and show host for Teaching Reading in the Content Areas at WHRO-TV; and

WHEREAS, Gloria Hagans received numerous community and professional service awards, including the Norfolk and Portsmouth Bar Association's Liberty Bell and the Norfolk Sister City Association's Citizen Diplomacy Award; and

WHEREAS, Gloria Hagans was an active member of the Norfolk Alumnae Chapter of Delta Sigma Theta Sorority, Inc., and the Norfolk Chapter of The Links, Inc.; and

WHEREAS, Gloria Hagans will be fondly remembered and greatly missed by numerous family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Dr. Gloria Poarch Hagans, an accomplished and gifted educator and community servant; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Dr. Gloria Poarch Hagans as an expression of the House of Delegates' respect for her memory.

HOUSE RESOLUTION NO. 294

Commending the Radford University women's soccer team.

Agreed to by the House of Delegates, March 5, 2024

WHEREAS, the Radford University women's soccer team won the Big South Conference regular season championship and the Big South Conference tournament championship in the 2023 season; and

WHEREAS, the Radford University Highlanders went 8-0 at home in the 2023 season, the fourth perfect home record in the program's history; and

WHEREAS, the Radford University Highlanders brought home their ninth Big South tournament championship title after defeating the University of South Carolina Upstate Spartans by a score of 2-1 on November 5, 2023; and

WHEREAS, this past season, the Radford University Highlanders became the first Big South Conference team to reach the National Collegiate Athletic Association tournament 10 times; and

WHEREAS, in recognition of their exceptional play, eight members of the Radford University Highlanders received Big South all-conference awards, including Eileen Albers, Paige Olson, Helena Willson, Alexeis Kirnos, Jillian Silverstone, Lexi Radvanyi, Katelyn O'Donnell, and coach Ben Sohrabi; and

WHEREAS, the accomplishments of the Radford University Highlanders are the result of the hard work and dedication of the student-athletes, the leadership and guidance of their coaches and professors, and the unwavering support of their families and the entire Radford University community; now, therefore, be it

RESOLVED by the House of Delegates, That the Radford University women's soccer team hereby be commended for winning the 2023 Big South Conference Championship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Ben Sohrabi, head coach of the Radford University women's soccer team, as an expression of the House of Delegates' admiration for the team's achievement.

HOUSE RESOLUTION NO. 295

Commending the Oakton High School marching band.

Agreed to by the House of Delegates, March 5, 2024

WHEREAS, in 2024, the Oakton High School marching band won a grand prize in a marching band competition, For Whom the Band Tolls!, established by heavy metal legends Metallica; and

WHEREAS, For Whom the Band Tolls! was created to inspire young people like the members of the Oakton High School Marching Cougars to develop exciting, unique, and impressive performances using Metallica's vast library of hit songs that stretches back more than 40 years; and

WHEREAS, the Oakton Marching Cougars were one of 450 bands around the country that entered the competition; the band began to formulate the show at its summer camp a few weeks before the start of the 2023-2024 academic year; and

WHEREAS, under the leadership of band director Jamie VanValkenburg, who is a longtime Metallica fan, the Oakton Marching Cougars developed a five-song performance called Parade to Black that featured "The Unforgiven," "For Whom the Bell Tolls," "Turn the Page," "The Memory Remains," and "Enter Sandman"; and

WHEREAS, the Oakton Marching Cougars were supported by parents, friends, and volunteers, many of whom are also Metallica fans, who designed and built props and costumes for use during the performance and assisted with sound and video editing; and

WHEREAS, the Oakton Marching Cougars performed Parade to Black nine times in front of live audiences at football games and other band competitions; the band also recorded two performances with parents and friends serving as an audience to maintain an authentic stadium atmosphere but ensure a high degree of creative excellence; and

WHEREAS, the Oakton Marching Cougars won in the small high school category and were one of only six high school and college bands in the nation selected as grand prize winners; now, therefore, be it

RESOLVED by the House of Delegates, That the Oakton High School marching band hereby be commended on winning a grand prize in For Whom the Band Tolls!; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Jamie VanValkenburg, band director of Oakton High School, as an expression of the House of Delegates' admiration for the Oakton High School marching band's outstanding achievement.

HOUSE RESOLUTION NO. 296

Commending Rustic Love.

Agreed to by the House of Delegates, March 6, 2024

WHEREAS, Rustic Love, a local fundraiser-turned-nonprofit organization in Vienna, has donated hundreds of thousands of dollars to organizations addressing food insecurity in the region since 2020; and

WHEREAS, Rustic Love was established by Vienna resident Michelle Connors as a backyard project using scrap wood to make heart emblem signs for a fundraiser to support food-insecure families; and

WHEREAS, within three months, more families joined Rustic Love, and the original signs were completed with the help of nine local children in fifth through 10th grade; and

WHEREAS, since that time, Scouting groups, youth athletics teams, school clubs, and other individuals and families have participated in waves of sign-making projects for Rustic Love; and

WHEREAS, since its inception, Rustic Love has completed more than 5,000 wooden signs and donated more than $450,000 in proceeds to at least 17 different food pantries and other organizations that help food-insecure members of the communities; and

WHEREAS, Rustic Love hosts pop-up sales and has cultivated partnerships with businesses like Ben and Jerry's, Vienna Vintner, Caboose Brewing Company, Achikian Goldsmiths, the Vienna Arts Society, and the Freeman Store and Museum to expand its community engagement; and

WHEREAS, by creating unique volunteer opportunities, Rustic Love has enhanced local life in Vienna while supporting people in need; the organization has fulfilled its mission through the leadership of its board of directors and the hard work and generosity of countless donors and volunteers; now, therefore, be it

RESOLVED by the House of Delegates, That Rustic Love hereby be commended for its outstanding support for local organizations addressing food insecurity in Northern Virginia; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Michelle Connors, founder and executive director of Rustic Love, as an expression of the House of Delegates' admiration for the organization's commitment to philanthropy and contributions to the community.

HOUSE RESOLUTION NO. 297

Commending The Women's Center.

Agreed to by the House of Delegates, March 6, 2024

WHEREAS, for 50 years, the nonprofit organization The Women's Center has supported the Northern Virginia community by providing quality and affordable mental health counseling services and educational resources as well as care and support for victims of sexual assault and domestic violence; and

WHEREAS, The Women's Center has expanded its services over the years to assist clients of all genders and ages, while ensuring that individuals seeking care are not denied for lack of insurance or payment; and

WHEREAS, operating out of two locations in the Commonwealth and Washington, D.C., as well as in a number of partner locations, The Women's Center and its staff of more than 65 therapists served over 3,000 clients last year, 60 percent of whom received free or subsidized services; and

WHEREAS, The Women's Center has developed into a teaching institution for mental health professionals and built a reputation for being one of the largest and most prestigious training programs of its kind in the country; and

WHEREAS, the accomplishments of The Women's Center are the result of the guidance and support of its leadership, the unwavering dedication of its staff and volunteers, and the generosity of its donors; and

WHEREAS, by serving as a safe haven for those in need, The Women's Center has helped to make Northern Virginia a more wonderful place to live, work, and raise a family; now, therefore, be it

RESOLVED by the House of Delegates, That The Women's Center of Northern Virginia hereby be commended on the occasion of its 50th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to The Women's Center as an expression of the House of Delegates' admiration for the organization's history and mission.

HOUSE RESOLUTION NO. 298

Commending Ocean View Advocates for Reproductive Rights.

Agreed to by the House of Delegates, March 5, 2024

WHEREAS, Ocean View Advocates for Reproductive Rights, a nonpartisan group of concerned residents of Norfolk, strives to uphold women's reproductive rights through advocacy and outreach; and

WHEREAS, after the reversal of *Roe v. Wade* in 2022, Joanne Taylor reached out to like-minded members of the Ocean View community and arranged a meeting to discuss their beliefs and goals which led to the creation of Ocean View Advocates for Reproductive Rights; and

WHEREAS, a beacon of unity and solidarity, Ocean View Advocates for Reproductive Rights now comprises about 60 members from across the political spectrum, all of whom are dedicated to promoting autonomy and dignity for all individuals; and

WHEREAS, Ocean View Advocates for Reproductive Rights harnesses the power of grassroots activism and engages with the community by fostering voter registration, promoting awareness campaigns, and conducting outreach initiatives; now, therefore, be it

RESOLVED by the House of Delegates, That Ocean View Advocates for Reproductive Rights hereby be commended for its achievements in support of women in Norfolk and throughout the Commonwealth; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Ocean View Advocates for Reproductive Rights as an expression of the House of Delegates' admiration for the organization's work to ensure that women's fundamental rights are protected and respected.

HOUSE RESOLUTION NO. 299

Celebrating the life of Commander Douglas Michael Morea, USN.

Agreed to by the House of Delegates, March 5, 2024

WHEREAS, Commander Douglas Michael Morea, USN, an honorable veteran, distinguished naval aviator, and beloved son, husband, and brother, died on January 2, 2024; and

WHEREAS, a native of Port Washington, New York, Douglas "Doug" Michael Morea, known affectionately by his family as "Dougie," and by the United States Navy as "Dorothy," his call sign, discovered a passion for aviation at a young age and attended the United States Naval Academy, where he graduated in 2004 with a degree in aerospace engineering; and

WHEREAS, Doug Morea was an accomplished aviator with the United States Navy, logging over 3,700 flight hours, 675 carrier landings, and more than 80 combat missions in the F/A-18 Hornet and Super Hornet aircraft; and

WHEREAS, Doug Morea's career included tours as a junior officer in the "Golden Warriors" of Strike Fighter Squadron 87, as a training officer for the "Valions" of Strike Fighter Squadron 15, and as department head in the "Sunliners" of Strike Fighter Squadron 81; and

WHEREAS, Doug Morea was a graduate of the prestigious United States Navy Strike Fighter Tactics Instructor program, more commonly known as TOPGUN, where he remained on staff as an instructor and as the standardization officer; and

WHEREAS, Doug Morea admirably served as the commanding officer for the "Blue Blasters" of Strike Fighter Squadron 34 from April 2022 to July 2023; and

WHEREAS, with an unwavering commitment to improving his abilities as an aviator, Doug Morea recently attended the Joint Advanced Warfighting School, from which he will receive a posthumous master's degree; and

WHEREAS, Doug Morea has received several commendation and achievement medals in recognition of his service, including the LCDR Michael Longhardt Leadership Award; and

WHEREAS, Doug Morea will be fondly remembered and dearly missed by his loving wife, Chelsea; his father and stepmother, Jerry and Lynne; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Commander Douglas Michael Morea, USN, who was a source of joy and inspiration to all who knew him; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Commander Douglas Michael Morea, USN, as an expression of the House of Delegates' respect for his memory.

HOUSE RESOLUTION NO. 300

Commending the Norfolk State University women's basketball team.

Agreed to by the House of Delegates, March 5, 2024

WHEREAS, the Norfolk State University women's basketball team earned its second conference title in program history with a victory at the Mid-Eastern Athletic Conference Tournament in 2023; and

WHEREAS, the Norfolk State University Spartans defeated the reigning conference champions from Howard University by a score of 56-52; and

WHEREAS, the Howard University Bison took an early lead, but the Norfolk State Spartans relied on their strong defense and rebounding prowess to keep the game close at half time; and

WHEREAS, the Norfolk State Spartans made crucial defensive adjustments and held Mid-Eastern Athletic Conference Player of the Year, Destiny Howell, to zero points in the third quarter; and

WHEREAS, Niya Fields and Makoya Diawara combined for an 11-0 run that gave the Norfolk State Spartans a cushion in the fourth quarter, and the team held off a late counterattack to seal the victory; and

WHEREAS, Kierra Wheeler received the Outstanding Performer award and was selected to the All-Tournament Team, along with Camille Downs, while head coach Larry Vickers received the Outstanding Coach award; and

WHEREAS, as winners of the Mid-Eastern Athletic Conference Tournament, the Norfolk State Spartans advanced to the National Collegiate Athletic Association Women's Tournament, where they faced the University of South Carolina Gamecocks; and

WHEREAS, the successful season was a tribute to the skill and determination of all the student-athletes, the leadership and guidance of coaches and staff, and the passionate support of the entire Norfolk State University community; now, therefore, be it

RESOLVED by the House of Delegates, That the Norfolk State University women's basketball team hereby be commended for winning the Mid-Eastern Athletic Conference Tournament in 2023; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Larry Vickers, head coach of the Norfolk State University women's basketball team, as an expression of the House of Delegates' admiration for the team's athletic achievements.

HOUSE RESOLUTION NO. 301

Commending the Warrenton Volunteer Fire Company.

Agreed to by the House of Delegates, March 5, 2024

WHEREAS, for 100 years, Warrenton Volunteer Fire Company has protected the lives and property of Warrenton residents by responding to fires and other emergencies with skill and dedication; and

WHEREAS, the Warrenton Volunteer Fire Company draws upon a long history of fire service in the town, beginning in the 1850s with the establishment of volunteer fire patrols, and the purchase of a two-wheel reel and several hundred feet of hose after the installation of a water system in 1891; and

WHEREAS, in 1921, Warrenton purchased its first engine-driven apparatus, a Chevrolet truck, and began holding fireman's carnivals to raise funds for fire service; and

WHEREAS, for many years, Warrenton had a fire chief, but no organized firefighters; when an alarm rang at the local court house, anyone who was able could retrieve the apparatus and proceed to the scene of the fire; and

WHEREAS, in early 1924, a group of citizens met to discuss organizing a fire department, and the Warrenton Volunteer Fire Company was officially established on December 3, 1924, with William Bartenstein as fire chief, B. H. Smith as captain, A. S. Hamilton as first lieutenant, W. A. Ash as second lieutenant, Lester Burke as president, C. Irvin Garrett as secretary-treasurer, and C. C. Butler as official truck driver, as well as several other charter members; and

WHEREAS, throughout its history, the Warrenton Volunteer Fire Company has prided itself on owning and operating the best equipment it can afford, beginning with a 1925 American LaFrance Pumper; the company currently operates two pumpers, a 3,000-gallon tanker, a heavy rescue truck, a 100-foot aerial tower, a brush truck, and two ambulances; and

WHEREAS, in 2023, the highly trained and certified members of the Warrenton Volunteer Fire Company responded to 2,339 calls for fire service and 4,803 medical emergencies; and

WHEREAS, in addition to their regular duties, the members of the Warrenton Volunteer Fire Company provided public fire safety education and they have provided generous outreach in the community through participation in the Toys for Tots program; now, therefore, be it

RESOLVED by the House of Delegates, That the Warrenton Volunteer Fire Company hereby be commended on the occasion of its 100th anniversary of service to the residents of Warrenton; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Warrenton Volunteer Fire Company as an expression of the House of Delegates' admiration for the company's commitment to innovation in fire service and dedication to safeguarding members of the community.

HOUSE RESOLUTION NO. 302

Commending Azar's Mediterranean Specialties.

Agreed to by the House of Delegates, March 5, 2024

WHEREAS, Azar's Mediterranean Specialties is a family-owned and operated business that has served high-quality Mediterranean cuisine to the Virginia Beach community and beyond for 36 years; and

WHEREAS, founded in 1988 by George and Laila Azar, Azar's Mediterranean Specialties began as a store and wholesale business selling natural, prepared food items, and has grown over the years to include two restaurant locations and a catering business; and

WHEREAS, Azar's Mediterranean Specialties manufactures and distributes a variety of Middle Eastern and Mediterranean fare, including three different flavors of hummus, as well as dressings and dips; and

WHEREAS, through its restaurant, retail store, food commissary, and catering service, Azar's Mediterranean Specialties maintains a steadfast commitment to delivering its customers the authentic and appetizing flavors of the Mediterranean; and

WHEREAS, with an emphasis on hospitality and customer service, Azar's Mediterranean Specialties offers its patrons delightful and memorable dining experiences that keeps them returning time and again; and

WHEREAS, the accomplishments of Azar's Mediterranean Specialties are the result of the leadership of its owners, the tireless efforts of its staff, and the unwavering support of the Virginia Beach community; now, therefore, be it

RESOLVED by the House of Delegates, That Azar's Mediterranean Specialties hereby be commended for its legacy of service; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Azar's Mediterranean Specialties as an expression of the House of Delegates' admiration for the business's contributions to the Commonwealth.

HOUSE RESOLUTION NO. 303

Commending Krazy Trompos.

Agreed to by the House of Delegates, March 5, 2024

WHEREAS, Krazy Trompos, a celebrated Mexican restaurant in Virginia Beach, has greatly served its community for several years; and

WHEREAS, Krazy Trompos uses fresh, quality ingredients to serve up delicious street-style Mexican food and Tex-Mex offerings that keep patrons returning time and again; and

WHEREAS, Krazy Trompos has enjoyed remarkable success in its three years in business and has expanded to a second location to better serve the Virginia Beach community; and

WHEREAS, with a great emphasis on hospitality and service, Krazy Trompos has become a favored restaurant of many Virginia Beach residents and a staple of the city's food scene; and

WHEREAS, Krazy Trompos is an important part of what makes Virginia Beach a wonderful place to live, work, and dine; now, therefore, be it

RESOLVED by the House of Delegates, That Krazy Trompos hereby be commended for its service to the Virginia Beach community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Krazy Trompos as an expression of the House of Delegates' admiration for the restaurant's contributions to the Commonwealth.

HOUSE RESOLUTION NO. 304

Commending Chef Skip 757.

Agreed to by the House of Delegates, March 5, 2024

WHEREAS, Chef Skip 757 is a beloved, Black-owned seafood takeout restaurant serving the Virginia Beach and Portsmouth communities; and

WHEREAS, beginning his culinary endeavor in a food truck, Chef Skip has recently expanded Chef Skip 757 into multiple locations in Virginia Beach and Portsmouth; and

WHEREAS, using fresh, quality ingredients, Chef Skip 757 has become celebrated throughout the Hampton Roads Region for its exceptional fried seafood offerings; and

WHEREAS, Chef Skip garnishes his meals with the unique touch of an edible flower and a side of his delicious house sauce; and

WHEREAS, Chef Skip 757 places great emphasis on service and hospitality, providing its customers a satisfying and memorable dining experience; and

WHEREAS, Chef Skip 757 has earned its reputation as one of the exemplars of the Hampton Roads food scene and has helped to make the region a more wonderful place to live, work, and eat; now, therefore, be it

RESOLVED by the House of Delegates, That Chef Skip 757 hereby be commended for its legacy of service in Virginia Beach and Portsmouth; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Chef Skip 757 as an expression of the House of Delegates' admiration for the business's contributions to the Commonwealth.

HOUSE RESOLUTION NO. 305

Celebrating the life of the Reverend Lloyd A. Cosby, Jr.

Agreed to by the House of Delegates, March 5, 2024

WHEREAS, the Reverend Lloyd A. Cosby, Jr., of Richmond, a beloved husband, father, and grandfather and a dedicated pastor and mentor, died on February 15, 2024; and

WHEREAS, Lloyd Cosby, affectionately known to family and friends as Peewee, was born in Richmond and attended local public schools, graduating from Armstrong High School; and

WHEREAS, at the age of 18, Lloyd Cosby was drafted by the United States Army and served the nation in combat during the Vietnam War, earning the Army Commendation Medal and the Air Medal; and

WHEREAS, after his honorable military service, Lloyd Cosby returned to the Commonwealth and pursued a 40-year career with the United States Postal Service; and

WHEREAS, Lloyd Cosby was guided by his faith to begin serving as a Sunday school teacher and deacon at Mount Zion Baptist Church in Powhatan and later enrolled at Virginia Union University, from which he received a master of divinity degree; and

WHEREAS, Lloyd Cosby served as the pastor of Mount Nebo Baptist Church in Midlothian for seven years, then pastored the congregation of Zion Union Baptist Church in Charlottesville for 16 years until his retirement in 2023; and

WHEREAS, Lloyd Cosby strove to build meaningful relationships with everyone around him, and he relished every opportunity to spend time with his beloved family; and

WHEREAS, Lloyd Cosby will be fondly remembered and greatly missed by his wife, Maria; his daughters, Felicia, Chelsea, and Chynna, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of the Reverend Lloyd A. Cosby, Jr.; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of the Reverend Lloyd A. Cosby, Jr., as an expression of the House of Delegates' respect for his memory.

HOUSE RESOLUTION NO. 306

Commending the Reverend Nathan Dell.

Agreed to by the House of Delegates, March 5, 2024

WHEREAS, the Reverend Nathan Dell has touched countless lives in Richmond as an esteemed educator and a dedicated religious leader; and

WHEREAS, Nathan Dell previously served as pastor of All Souls Presbyterian Church and retired as pastor of Woodville Presbyterian Church; and

WHEREAS, Nathan Dell inspired students at Virginia Union University's Samuel DeWitt Proctor School of Theology as a professor of homiletics; and

WHEREAS, as part of Community Learning Week events, presented by the nonprofit Living the Dream, Inc., Nathan Dell was honored with a concert and a tribute to his achievements in February 2024; now, therefore, be it

RESOLVED by the House of Delegates, That the Reverend Nathan Dell hereby be commended for his service as an educator and a pastor; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Reverend Nathan Dell as an expression of the House of Delegates' admiration for his achievements in service to the Richmond community.

HOUSE RESOLUTION NO. 307

Commending the Reverend Dr. James Lewis Sailes.

Agreed to by the House of Delegates, March 5, 2024

WHEREAS, the Reverend Dr. James Lewis Sailes ably served the congregation of Antioch Baptist Church in Henrico County as head pastor for nearly four decades; and

WHEREAS, James Sailes was installed as the eighth pastor of Antioch Baptist Church on October 12, 1986, and oversaw the growth and spiritual development of the congregation, as well as numerous enhancements to the church; and

WHEREAS, James Sailes directed the purchase of land adjoining the church property, which included the historic Chatsworth School, and launched a building and renovation project that resulted in the construction of a new multipurpose room, six classrooms, a library, a kitchen, enlarged offices, and a new parking lot; and

WHEREAS, in 1998, James Sailes' wife, Gail, founded the Antioch Learning Center to better service young people in the community; and

WHEREAS, in 2011, James Sailes led the Antioch Baptist Church congregation into its new sanctuary, featuring a state-of-the-art sound system, a baptistery, stained glass windows, and an administrative wing for offices and classrooms; and

WHEREAS, James Sailes guided the congregation through the COVID-19 pandemic, adapting to the use of virtual services and protective measures to help keep the congregation safe; now, therefore, be it

RESOLVED by the House of Delegates, That the Reverend Dr. James Lewis Sailes hereby be commended for his decades of services as pastor of Antioch Baptist Church; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Reverend Dr. James Lewis Sailes as an expression of the House of Delegates' admiration for his contributions to the Henrico County community as a spiritual leader.

HOUSE RESOLUTION NO. 308

Commending the Reverend Dr. Angelo V. Chatmon.

Agreed to by the House of Delegates, March 5, 2024

WHEREAS, for 25 years, the Reverend Dr. Angelo V. Chatmon has provided wise spiritual counsel and outstanding leadership to the Dumbarton community as senior pastor of Pilgrim Journey Baptist Church; and

WHEREAS, after receiving a bachelor's degree from Yankton College in South Dakota, Angelo Chatmon attended what is now Brown College in Minnesota, earning degrees in radio and television broadcasting and advertising; and

WHEREAS, Angelo Chatmon pursued a career as a radio announcer and producer in Minneapolis, Minnesota, then served as the vice president of promotion and distribution for Cada Records, a gospel music record label; and

WHEREAS, Angelo Chatmon answered the call to the ministry and continued his education at the Samuel DeWitt Proctor School of Theology at Virginia Union University, where he earned a doctor of ministry degree; and

WHEREAS, Angelo Chatmon served as pastor of Antioch Baptist Church in Mathews County from 1985 to 1996, then joined Pilgrim Journey Baptist Church in 1999; and

WHEREAS, from 1985 to 2005, Angelo Chatmon also served as an assistant professor of religious studies at Virginia Union University, then from 2005 to 2021 he served as their university pastor and director of university and church relations, and he became the University's first ever recipient of the Scott & Stringfellow Outstanding Professor Award; and

WHEREAS, in addition to leading the congregation of Pilgrim Journey Baptist Church, Angelo Chatmon currently serves as chair of the Religious Studies Department at Virginia Union University and as a board member of the Baptist General Convention of Virginia; now, therefore, be it

RESOLVED by the House of Delegates, That the Reverend Dr. Angelo V. Chatmon hereby be commended on the occasion of his 25th anniversary as pastor of Pilgrim Journey Baptist Church; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Reverend Dr. Angelo V. Chatmon as an expression of the House of Delegates' admiration for his legacy of contributions to the community.

HOUSE RESOLUTION NO. 309

Celebrating the life of Flaudean Bolling.

Agreed to by the House of Delegates, March 5, 2024

WHEREAS, Flaudean Bolling, a beloved wife, mother, grandmother, great-grandmother, sister, and friend and treasured member of the Pound community, died on November 30, 2023; and

WHEREAS, Flaudean Bolling savored the good life, taking every opportunity to read, dance, travel, and spend quality time with family and friends; and

WHEREAS, known for her adventurous personality and love of laughter, Flaudean Bolling was deeply committed to the well-being and happiness of others; and

WHEREAS, guided throughout her life by her faith, Flaudean enjoyed worship and fellowship with her community at First Presbyterian Church of Pound for many years; and

WHEREAS, preceded in death by her loving husband, Carlos, Flaudean Bolling will be fondly remembered and dearly missed by her children, Paige and Randy, and their families, and by numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Flaudean Bolling, a cherished member of the Pound community whose light brightened countless lives; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Flaudean Bolling as an expression of the House of Delegates' respect for her memory.

HOUSE RESOLUTION NO. 310

Commending E.W. Viar, Jr.

Agreed to by the House of Delegates, March 7, 2024

WHEREAS, E.W. Viar, Jr., a highly experienced law-enforcement officer, retired from the Amherst County Sheriff's Office in 2023 after a distinguished eight-year tenure as sheriff; and

WHEREAS, E.W. Viar's career in law enforcement spanned nearly 40 years, and he used his leadership abilities and experience to implement positive changes in the Amherst County Sheriff's Office, which will continue to enhance its ability to serve the public for years to come; and

WHEREAS, E.W. Viar proudly oversaw the process for the Amherst County Sheriff's Office to achieve full accreditation in 2021; and

WHEREAS, under E.W. Viar's leadership, the Amherst County Sheriff's Office expanded the K-9 program to address a rise in narcotics violations, employed more school resource officers to provide better security in local schools, and adopted new technology, including the use of drones for search and rescue operations and aerial coverage of large events; and

WHEREAS, during his tenure as sheriff, E.W. Viar also advocated for his deputies at the local and state levels to ensure equal pay that reflected years of service, rank, and raises, which ultimately made the Amherst County Sheriff's Office one of the most competitive law-enforcement agencies in the region; and

WHEREAS, E.W. Viar also served as vice chair of the Central Virginia Criminal Justice Academy and was the first Amherst County sheriff to serve in that capacity in the organization's history; and

WHEREAS, E.W. Viar served the Amherst County community with the utmost dedication, integrity, and distinction and looks forward to spending more time with his family after his well-earned retirement; now, therefore, be it

RESOLVED by the House of Delegates, That E.W. Viar, Jr., hereby be commended for his service as a law-enforcement officer on the occasion of his retirement as sheriff of Amherst County; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to E.W. Viar, Jr., as an expression of the House of Delegates' admiration for his legacy of service to the Amherst County community and the Commonwealth.

HOUSE RESOLUTION NO. 311

Celebrating the life of Lonnie Chandell Reavis.

Agreed to by the House of Delegates, March 5, 2024

WHEREAS, Lonnie Chandell Reavis, a beloved son and husband and a respected educator, died on November 4, 2023; and

WHEREAS, Lonnie Reavis graduated a year early from Stuttgart International High School in 1986, then matriculated at Norfolk State University, where he joined Kappa Alpha Psi Fraternity, Inc., and earned a bachelor's degree in sociology with a minor in criminal justice; and

WHEREAS, Lonnie Reavis subsequently graduated from what is now Longwood University with a master's degree in education administration and supervision in 2001; and

WHEREAS, Lonnie Reavis started the Franklin-Southampton (VA) Alumni Chapter of Kappa Alpha Psi Fraternity, where he was known to his brothers as "Serge," or affectionately called "Face"; and

WHEREAS, Lonnie Reavis began his teaching career at Courtland Elementary School, where he taught fifth grade and was a middle school drop-out prevention specialist; and

WHEREAS, Lonnie Reavis provided his expertise to the Virginia Association for Pupil Transportation, climbing through the ranks to become regional director from 2010 to 2013 and vice president from 2013 to 2014; and

WHEREAS, over the course of his career, Lonnie Reavis also served as a sixth-grade math and science teacher at John F. Kennedy Middle School, where he started a Black male youth mentoring program; he later became an assistant principal at John Yeates Middle School, then began focusing on student transportation; and

WHEREAS, Lonnie Reavis accepted an opportunity to drive the yellow school buses that he was so fond of during a short stint in Northern Virginia at Loudoun County Public Schools in 2015 and then at Fairfax County Public Schools; and

WHEREAS, in addition to his work in education, Lonnie Reavis honorably served the nation as a member of the United States Navy Reserve; and

WHEREAS, Lonnie Reavis had a contagious smile, was an avid Dallas Cowboys fan, and also enjoyed golf, billiards, and fishing; and

WHEREAS, Lonnie Reavis will be fondly remembered and greatly missed by numerous family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Lonnie Chandell Reavis, a well-regarded educator and bus driver who served communities across the Commonwealth; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Lonnie Chandell Reavis as an expression of the House of Delegates' respect for his memory.

HOUSE RESOLUTION NO. 312

Commending Xenia Clare.

Agreed to by the House of Delegates, March 5, 2024

WHEREAS, Xenia Clare, an esteemed educator at Mary Whitworth Calcott Elementary School in Norfolk, was named her school's Teacher of the Year for 2023-2024; and

WHEREAS, Xenia Clare has worked tirelessly to cultivate a safe and inclusive learning environment in her classroom that supports the academic, social, and emotional well-being of her students; and

WHEREAS, Xenia Clare inspires confidence in her students that they can overcome any challenge they face, preparing them to succeed both in and out of the classroom; and

WHEREAS, Xenia Clare has built meaningful relationships with her students and their families that facilitate communication and engage all stakeholders in the learning process; and

WHEREAS, Xenia Clare gives generously of her time to develop lesson plans and mentor and assist her fellow educators, contributing greatly to their growth and success; and

WHEREAS, Xenia Clare is a pillar of the Mary Whitworth Calcott Elementary School and an integral part of what makes it a wonderful place for students to learn; and

WHEREAS, Xenia Clare has embodied the highest ideals of the education profession through her unwavering commitment to her students and fellow faculty members, earning the praise and admiration of all Virginians; now, therefore, be it

RESOLVED by the House of Delegates, That Xenia Clare hereby be commended for being named the Mary Whitworth Calcott Elementary School Teacher of the Year for 2023-2024; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Xenia Clare as an expression of the House of Delegates' high regard for her contributions to the education of the Commonwealth's students.

HOUSE RESOLUTION NO. 313

Commending Melissa Marie Hales.

Agreed to by the House of Delegates, March 5, 2024

WHEREAS, Melissa Marie Hales, a special education teacher assisting students with multiple disabilities at Crossroads School, was named a Norfolk City Public Schools citywide Teacher of the Year in 2024; and

WHEREAS, inspired by many of the educators from whom she learned as a student, as well as her grandmother, who was a teacher with Norfolk City Public Schools for 30 years, Melissa Hales has worked tirelessly to cultivate a learning environment at Crossroads School that supports the academic, social, and emotional well-being of her students; and

WHEREAS, over her 25 years as an educator, Melissa Hales has continually honed her teaching abilities through further education and training to make a difference in the lives of the students she serves; and

WHEREAS, Melissa Hales has nurtured the success of her colleagues as her school's multiple disabilities team leader and as a mentor to new teachers who have recently joined Norfolk City Public Schools; and

WHEREAS, Melissa Hales has given generously of her time to assist her community through her involvement with the Norfolk Environmental Commission, the Special Olympics Virginia, and her church; and

WHEREAS, Melissa Hales has embodied the highest ideals of the education profession through her unwavering commitment to her students and fellow faculty members, earning the praise and admiration of all Virginians; now, therefore, be it

RESOLVED by the House of Delegates, That Melissa Marie Hales hereby be commended for being named a 2024 Norfolk City Public Schools citywide Teacher of the Year; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Melissa Marie Hales as an expression of the House of Delegates' admiration for her contributions to the Commonwealth.

HOUSE RESOLUTION NO. 314

Commending CarolAnn Curran.

Agreed to by the House of Delegates, March 5, 2024

WHEREAS, CarolAnn Curran, an autism teacher and maritime science teacher at Ocean View Elementary School in Norfolk, spearheaded a micro wind turbine initiative at her school; and

WHEREAS, as a result of CarolAnn Curran's efforts, Ocean View Elementary received a 30-foot-tall micro wind turbine, along with solar panels and two 12-volt energy storage batteries, which were provided through a partnership between the Dominion Energy Charitable Foundation and the National Energy Education Development Project; and

WHEREAS, CarolAnn Curran's initiative also provided Ocean View Elementary teachers with training on the use of the wind turbine data and related curriculum, enabling them to incorporate it into their lessons for students; and

WHEREAS, CarolAnn Curran, as well as students, teachers, and special guests, celebrated the dedication of Ocean View Elementary School's micro wind turbine on January 25, 2024; and

WHEREAS, CarolAnn Curran's accomplishments at Ocean View Elementary School have engaged her students with the natural world and developed their understanding of conservation and other environmental principles; now, therefore, be it

RESOLVED by the House of Delegates, That CarolAnn Curran hereby be commended for the success of her micro wind turbine initiative at Ocean View Elementary School; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to CarolAnn Curran as an expression of the House of Delegates' admiration for her contributions to Ocean View Elementary School and the Commonwealth.

HOUSE RESOLUTION NO. 315

Commending the Honorable Kenneth R. Plum.

Agreed to by the House of Delegates, March 5, 2024

WHEREAS, the Honorable Kenneth R. Plum, one of the longest-serving members of the Virginia House of Delegates in the history of the body, who represented the residents of parts of Fairfax County with distinction for 44 years, retired from public office in 2024; and

WHEREAS, a native of Shenandoah, Kenneth "Ken" R. Plum graduated from what is now Old Dominion University and earned a master's degree in education from the University of Virginia; and

WHEREAS, Ken Plum pursued a long and fulfilling career as an educator, joining Fairfax County Public Schools in 1965; over the course of his 31-year career, he worked as a teacher, assistant coordinator of adult and community education, director of instruction, and director of adult and community education; and

WHEREAS, under Ken Plum's leadership, the adult education program at Fairfax County Public Schools became one of the largest such programs in the nation, and the Plum Center for Lifelong Learning was named in his honor; and

WHEREAS, desirous to be of further service to his community and the Commonwealth, Ken Plum ran for and was elected to the Virginia House of Delegates for one term from 1978 to 1980, then returned to the Virginia House of Delegates in 1982 and represented part of Fairfax County, including all of Reston, until his retirement in 2024; and

WHEREAS, Ken Plum finished his career as the longest-serving member of the Virginia House of Delegates and the second longest-serving delegate in the history of the body; and

WHEREAS, during his tenure as a state legislator Ken Plum introduced and supported numerous important pieces of legislation to benefit his district and all Virginians in the areas of transportation, conservation, education, health care, human rights, and economic development; and

WHEREAS, Ken Plum offered his expertise to the committees on Appropriations and Public Safety and served as chair of the Agriculture, Chesapeake and Natural Resources Committee and the Joint Legislative Audit and Review Commission; he was the founding chair of the Communications, Innovation and Technology Committee and the Joint Commission on Technology and Science; and

WHEREAS, in 1989, Ken Plum founded the Dulles Corridor Rail Association, which successfully advocated for a 12-mile extension of the Washington Metro to connect the dynamic technology corridor and residential communities in Northern Virginia with the Washington Dulles International Airport and Washington, D.C.; and

WHEREAS, Ken Plum also served as chair of the Virginia Democratic Party from 1998 to 2000 and was honored by the Virginia House of Delegates as the chair emeritus of the House Democratic Caucus; and

WHEREAS, Ken Plum volunteered his wise leadership to the Virginia Literacy Foundation as a charter member of its board of directors and helped preserve the Commonwealth's history and heritage as a former chair of the Jamestown-Yorktown Foundation and former member of the board of trustees of the American Frontier Culture Museum of Virginia; and

WHEREAS, Ken Plum earned countless awards and accolades for his wide range of accomplishments and commitment to servant-leadership; he served the residents of Fairfax County and the Commonwealth with the utmost integrity and dedication, leaving an indelible legacy of excellence to the community; now, therefore, be it

RESOLVED by the House of Delegates, That the Honorable Kenneth R. Plum hereby be commended for his decades of contributions to Virginians on the occasion of his retirement as a member of the House of Delegates; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Honorable Kenneth R. Plum as an expression of the House of Delegates' admiration for his long legacy of service to the residents of Northern Virginia and the Commonwealth as a whole.

HOUSE RESOLUTION NO. 316

Commending Chesapeake Regional Healthcare.

Agreed to by the House of Delegates, March 5, 2024

WHEREAS, Chesapeake Regional Healthcare received Magnet Recognition from the American Nurses Credentialing Center in 2024; and

WHEREAS, the American Nurses Credentialing Center's Magnet Recognition is the highest national honor for nursing excellence and serves as testament to Chesapeake Regional Healthcare's commitment to quality patient care, teamwork, and nursing professionalism; and

WHEREAS, the rigorous accreditation process for Magnet Recognition, in which organizations are evaluated using the American Nurses Credentialing Center's Magnet Model, took the nursing leadership and staff at Chesapeake Regional Healthcare four years to complete; and

WHEREAS, Chesapeake Regional Healthcare is one of less than 10 percent of hospitals in the United States that has received Magnet Recognition; and

WHEREAS, research has shown that Chesapeake Regional Healthcare's Magnet Recognition will correlate with higher patient satisfaction, lower mortality rates, and greater job satisfaction among the nursing staff; and

WHEREAS, Chesapeake Regional Healthcare's accomplishments are the result of the wisdom and guidance of its leaders, the tireless efforts of its nursing staff, and the unwavering support of the entire Chesapeake Regional Healthcare community; now, therefore, be it

RESOLVED by the House of Delegates, That the Chesapeake Regional Healthcare hereby be commended for receiving Magnet Recognition from the American Nurses Credentialing Center; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Chesapeake Regional Healthcare as an expression of the House of Delegates' admiration for the organization's contributions to the Commonwealth.

HOUSE RESOLUTION NO. 317

Commending the Titustown Civic League.

Agreed to by the House of Delegates, March 5, 2024

WHEREAS, the Titustown Civic League stands as a beacon of community unity and empowerment in Norfolk, dedicated to preserving the rich heritage and fostering the continued prosperity of the historic Titustown neighborhood; and

WHEREAS, with a steadfast commitment to preserving, enhancing, and meticulously planning for the orderly development of the area, the Titustown Civic League serves as a guardian of Titustown's legacy; and

WHEREAS, established in 1911, Titustown emerged as an independent African American enclave in Norfolk, distinguished by its proud tradition of homeownership and unwavering sense of identity; and

WHEREAS, as one of the earliest African American neighborhoods in Norfolk, Titustown holds a special place in the city's history, symbolizing the resilience and enduring contributions of its residents; and

WHEREAS, today, the community remains vibrant and thriving, serving as a testament to the spirit of unity and perseverance that defines Titustown; and

WHEREAS, the Titustown Civic League plays a pivotal role in nurturing this spirit, working tirelessly to promote the general welfare, safety, and civic pride of its residents; and

WHEREAS, by actively engaging in initiatives to preserve the neighborhood's history and facilitate its ongoing success, the Titustown Civic League ensures that Titustown will continue to be a cherished home to residents for generations to come; now, therefore, be it

RESOLVED by the House of Delegates, That the Titustown Civic League hereby be commended for its legacy of service to the historic Titustown community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Titustown Civic League as an expression of the House of Delegates' admiration for the organization's history and its contributions to the Commonwealth.

HOUSE RESOLUTION NO. 318

Commending Our Voices.

Agreed to by the House of Delegates, March 5, 2024

WHEREAS, Our Voices is an organization led by and comprised of people with developmental disabilities who live independently in their own homes in communities across Hampton Roads with support from Hope House Foundation; and

WHEREAS, Our Voices engages in self-advocacy and peer support for people with disabilities both regionally and across the Commonwealth; and

WHEREAS, Hope House Foundation is a nonprofit organization that provides in-home supports to adults with developmental and intellectual disabilities living in their own homes; and

WHEREAS, Hope House Foundation serves approximately 125 adults in Hampton Roads, and Our Voices supports people with developmental disabilities to share their stories with community members and local and state officials; and

WHEREAS, Our Voices has supported efforts to enhance provider capacity for individualized, integrated, person-centered support for people with disabilities; and

WHEREAS, Our Voices promotes the belief that people with developmental disabilities have a right to live their lives in the way they choose and inspires other members of the disability community to make their independent living goals a reality; now, therefore, be it

RESOLVED by the House of Delegates, That Our Voices hereby be commended for its work to serve and advocate for people with developmental disabilities in Hampton Roads; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Our Voices as an expression of the House of Delegates' admiration for the organization's accomplishments.

HOUSE RESOLUTION NO. 319

Commending Friends of Homeless Animals.

Agreed to by the House of Delegates, March 6, 2024

WHEREAS, Friends of Homeless Animals, an animal shelter in Loudoun County dedicated to saving the lives of cats and dogs by adhering to a strict no-kill policy while housing and caring for abused, abandoned, and homeless animals, celebrated its 50th anniversary in 2023; and

WHEREAS, the origins of Friends of Homeless Animals date to the 1970s, when the Honorable Anne Lewis, an administrative law judge for the United States Department of the Interior, was drawn into the world of animal rescue after a feral mother dog and her puppies were found on her family's property and, against her wishes, ultimately euthanized; and

WHEREAS, Anne Lewis set out to bring an end to the needless euthanasia of rescued animals, but was unable to find an animal rescue organization that followed a strict no-kill policy, leading her to found her own organization, Friends of the Animal Shelter and Guardians of the Homeless Animals, doing business as Friends of Homeless Animals, in 1973; and

WHEREAS, Friends of Homeless Animals sets itself apart from other animal shelters through its strict no-kill policy, resorting to euthanasia only in instances when animals are suffering and cannot be helped medically; and

WHEREAS, guided by its mission statement, "home with us until they are home with you," Friends of Homeless Animals is defined by its lifetime commitment to every cat and dog that is served by the organization, requiring all individuals who adopt their animals to agree to return the animal if they are no longer able to care for it; and

WHEREAS, Friends of Homeless Animals embraces the responsibility of caring for its less adoptable animals who become long-term residents of the facility, providing them with a plethora of amenities to improve their quality of life; and

WHEREAS, since its founding, Friends of Homeless Animals has rescued and placed more than 17,000 dogs and cats in safe and caring forever homes; and

WHEREAS, the accomplishments of Friends of Homeless Animals are the result of the vision and leadership of its founder and the tireless efforts of the organization's staff and volunteers; now, therefore, be it

RESOLVED by the House of Delegates, That Friends of Homeless Animals hereby be commended on the occasion of its 50th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to representatives of Friends of Homeless Animals as an expression of the House of Delegates' admiration for the organization's history and mission.

HOUSE RESOLUTION NO. 320

Commending Northern Virginia Family Services.

Agreed to by the House of Delegates, March 6, 2024

WHEREAS, Northern Virginia Family Services, a nonprofit organization dedicated to the mission "to empower individuals and families to improve their quality of life, and to promote community cooperation and support in responding to family needs," commemorates its 100th anniversary in 2024; and

WHEREAS, Northern Virginia Family Services (NVFS) was established by a group of volunteers in Alexandria in 1924 to help impoverished families in the area meet their basic and critical needs, such as having coats and coal for heat in winter time; and

WHEREAS, NVFS has blossomed over the years into a multifaceted organization with programs and services addressing an array of issues, including early childhood development, foster care and adoption, homelessness and housing, health and well-being, immigration legal services, mental health, youth initiatives, and workforce development; and

WHEREAS, NVFS has adapted its programs and broadened its service region over the years to meet the problems of the day, with the organization currently serving upwards of 35,000 individuals across the Northern Virginia Region; and

WHEREAS, NVFS has been called upon in times of great tragedy, leading the Survivors' Fund Project to provide direct assistance and long-term case management to 9/11 victims, first responders, and their families, as well as the Katrina Project, in partnership with the American Red Cross, to aid evacuees of New Orleans following Hurricane Katrina; and

WHEREAS, NVFS supports education initiatives at all stages of learning, from managing Arlington County's Head Start preschool program to partnering with Northern Virginia Community College for its Training Futures workforce development program; and

WHEREAS, NVFS has merged with distinguished organizations over the years to diversify and expand its impact in the community, including the Center for Multicultural Human Services and SERVE; and

WHEREAS, the success of NVFS is the result of indefatigable efforts of the organization's staff, volunteers, partners, and supporters, who strive mightily to promote the self-sufficiency and well-being of Northern Virginia's most vulnerable residents; now, therefore, be it

RESOLVED by the House of Delegates, That Northern Virginia Family Services hereby be commended on the occasion of its 100th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Northern Virginia Family Services as an expression of the House of Delegates' admiration for the organization's history and its legacy of service.

HOUSE RESOLUTION NO. 321

Commending Nick Tyree.

Agreed to by the House of Delegates, March 6, 2024

WHEREAS, Nick Tyree, a student at Thomas Dale High School in Chester, won the Virginia High School League Class 6 state championship in the boys' 55-meter dash event at the Virginia Beach Sports Center in February 2023; and

WHEREAS, Nick Tyree sealed victory in the race with an impressive time of 6.4 seconds, setting what was then his personal record; and

WHEREAS, Nick Tyree's accomplishments on the track have earned him recognition as one of the top sprinters in the nation; and

WHEREAS, Nick Tyree has also excelled on his school's football team, earning Virginia High School League Class 6 Offensive Player of the Year honors in 2023, as well as all-region and all-metro accolades; and

WHEREAS, as a testament to his abilities as a leader, Nick Tyree served as captain of the Thomas Dale High School football team in both his junior and senior year; and

WHEREAS, on December 12, 2023, Nick Tyree committed to play football with the University of Delaware Fightin' Blue Hens next season, where he promises to enjoy continued success on the gridiron; and

WHEREAS, Nick Tyree's accomplishments are the result of his work ethic and determination, the motivation and guidance of his coaches and teachers, and the unwavering support of his family and the entire Thomas Dale High School community; now, therefore, be it

RESOLVED by the House of Delegates, That Nick Tyree hereby be commended for being the 2023 Virginia High School League Class 6 state champion in the boys' 55-meter dash event; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Nick Tyree as an expression of the House of Delegates' admiration for his achievements.

HOUSE RESOLUTION NO. 322

Commending Phillip Stevens.

Agreed to by the House of Delegates, March 6, 2024

WHEREAS, Phillip Stevens, pastor of Winfall Baptist Church in Campbell County, recently led the founding of Winfall Christian Academy, an educational organization that plans to open its first school, Brookneal Christian Academy, in the fall of 2024; and

WHEREAS, Phillip Stevens founded Winfall Christian Academy on the belief that the hope for the community is the gospel of Jesus, and he is committed to staffing Brookneal Christian Academy and other schools with teachers who believe in the authority of God's word and who are willing to share God's love with the children of Campbell County; and

WHEREAS, Phillip Stevens strives to foster a learning environment at Brookneal Christian Academy in which its students can thrive academically, socially, emotionally, and morally, preparing them to be the leaders of their generation; and

WHEREAS, Phillip Stevens has achieved the founding of Brookneal Christian Academy by garnering enthusiastic and generous support from the community, which has donated the building that will serve as the school's future home, as well as nearly $100,000 to support the school's launch; and

WHEREAS, in addition to his pastorship at Winfall Baptist Church, Phillip Stevens also serves as an adjunct faculty member at Liberty University, imparting valuable knowledge and sage wisdom in order to guide his students and place them on trajectories for success; and

WHEREAS, through the leadership of Phillip Stevens and Winfall Baptist Church, Brookneal Christian Academy promises to fulfill its mission to empower students to impact the future, helping to make Campbell County a wonderful place to live, work, and raise a family; now, therefore, be it

RESOLVED by the House of Delegates, That Phillip Stevens, pastor of Winfall Baptist Church, hereby be commended for his efforts to establish Brookneal Christian Academy; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Phillip Stevens as an expression of the House of Delegates' admiration for his efforts to edify and educate young people of the Commonwealth.

HOUSE RESOLUTION NO. 323

Commending Carter Elliot.

Agreed to by the House of Delegates, March 6, 2024

WHEREAS, Carter Elliot has served the Campbell County community for more than 45 years as owner and operator of his family farm; and

WHEREAS, Carter Elliot's farm is located on land that has been owned by his family since the late 1800s; and

WHEREAS, Carter Elliot began farming in 1978 and currently manages a herd of dairy cattle; and

WHEREAS, to honor and preserve the agricultural way of life, the Elliot family placed the property under a conservation easement to ensure that it remains in use as farmland; and

WHEREAS, Carter Elliot has been an outstanding steward of the Commonwealth's natural resources and has played an important role in the region's agricultural economy; now, therefore, be it

RESOLVED by the House of Delegates, That Carter Elliot hereby be commended for his service to the Campbell County community as a farmer; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Carter Elliot as an expression of the House of Delegates' admiration for his contributions to the Commonwealth's agricultural sector.

HOUSE RESOLUTION NO. 324

Commending Russell Thurston.

Agreed to by the House of Delegates, March 6, 2024

WHEREAS, Russell Thurston, esteemed town manager of the Town of Brookneal who has overseen the growth and prosperity of the locality for more than 12 years, retired from his position with the locality in 2024; and

WHEREAS, a native of Richmond, Russell Thurston began his career in the mailroom of a Fortune 500 manufacturing company and through his diligence and hard work ultimately earned a promotion to plant manager; and

WHEREAS, in addition to working for other manufacturing companies in the Commonwealth, Russell Thurston also taught business management at several institutions of higher education in Virginia before becoming the town manager of Brookneal; and

WHEREAS, over his 12-year tenure as town manager of Brookneal, Russell Thurston employed a diverse set of skills, including the ability to administer and oversee projects, to communicate effectively, to develop and maintain budgets, to understand and administer town ordinances, and to resolve any number of complaints and issues that would arise; and

WHEREAS, Russell Thurston always gave every project the attention it deserved and has prepared the Town of Brookneal for its next generation of leaders by ensuring the locality has a strong financial footing going forward; and

WHEREAS, Russell Thurston's accomplishments as town manager would not have been possible without the steadfast support of Brookneal's town treasurer, Bobbie Waller; its public works director, Mike Crews; and its chief of police, Robert Kolich; and

WHEREAS, through steadfast dedication and an unwavering commitment to the residents he served, Russell Thurston has helped to make the Town of Brookneal a wonderful place to live, work, and raise a family; now, therefore, be it

RESOLVED by the House of Delegates, That Russell Thurston hereby be commended on the occasion of his retirement as town manager of the Town of Brookneal; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Russell Thurston as an expression of the House of Delegates' admiration for his contributions to the Commonwealth and best wishes in his future endeavors.

HOUSE RESOLUTION NO. 325

Commending Knoll Crest Farms.

Agreed to by the House of Delegates, March 6, 2024

WHEREAS, Knoll Crest Farms, a family-owned farm in Red House, has served the Charlotte County community for 95 years and become a leader in the production of seedstock genetics for Hereford and Gelbvieh cattle both locally and internationally; and

WHEREAS, in the late 1920s, brothers Paul and Earl Bennett left their father's farm and borrowed money from the Federal Land Bank to start a farm business of their own; in 1929, the brothers purchased an 840-acre property in nearby Red House that became Knoll Crest Farm; and

WHEREAS, during the Great Depression, the brothers divided the farm into two parcels, but continued to work closely for the rest of their lives; Paul Bennett built a small three-room farm house on his parcel that was meant to be temporary but ultimately served as his family home until after World War II; and

WHEREAS, Knoll Crest Farm was originally a tobacco farm, but was self-sufficient with a large garden, staple crops, and a few milk cows; as the Great Depression dragged on, Paul Bennett began driving a school bus to help support the family, and his son, James, took over many of the farming duties; and

WHEREAS, after selling commercial calves at a livestock market in Lynchburg, James Bennett began to cultivate an interest and knowledge in seedstock, which remains the core focus of Knoll Crest Farm to this day; and

WHEREAS, in 1944, the Bennett family bought four registered Polled Hereford cows from a local extension agent, which was the beginning of the farm's longstanding registered breeding herd; James Bennett also purchased a few heifers that served as foundation cows and produced important herd sires; and

WHEREAS, James Bennett briefly attended Virginia Polytechnic Institute and State University (Virginia Tech), but returned to the farm after his father suffered multiple heart attacks; he continued his education through the land grant system and later proudly served on the Virginia Tech Board of Visitors; and

WHEREAS, from 1953 to 1957, James Bennett served the nation as a military police officer in the United States Army, during which time he developed a plan to reorient Knoll Crest Farm from a tobacco farm to seedstock cattle operation and a leader in the commercial cattle industry; and

WHEREAS, James Bennett was an early adopter of performance testing and entered the entire Knoll Crest Farm herd in the reporting program at Virginia's Beef Cattle Improvement Association (BCIA), which greatly benefited his herd and led to significant expansion of the farm; and

WHEREAS, James Bennett joined the board of BCIA and served as president of Virginia's BCIA chapter; at the national level, he was also elected to the Beef Improvement Federation board and was a champion for the fledgling performance testing movement around the country; and

WHEREAS, James Bennett also adopted cutting-edge technology offered by the American Polled Hereford Association and the American Hereford Association, such as adjusted weights and ratios, performance pedigrees, ultrasound and genomics, and more, which earned him a reputation as an expert in the science of animal production and agriculture; and

WHEREAS, in the 1970s, James Bennett conducted a survey of his commercial customers to better understand their needs, building strong personal relationships, and by the 1980s, he had been providing exceptional service to the same families for decades, a deep loyalty that helped the farm weather economic downturns; and

WHEREAS, James Bennett's sons, Brian, Jim, and Paul, followed in their father's footsteps and began working on the Knoll Crest Farm, which was incorporated in 1987; and

WHEREAS, having previously established the benefits of breeding Gelbvieh and Polled Herefords, James Bennett began breeding, testing, and marketing Gelbvieh-Angus hybrids, and he approached the American Gelbvieh Association in the 1990s to advocate for the production of genetic predictions for hybrids, another groundbreaking development for the industry; and

WHEREAS, Knoll Crest Farm's cattle and embryos have been marketed in 40 states and live cattle or embryos have been sold in Canada, South America, Australia, and New Zealand, and the farm has earned a reputation for excellence in every major beef-producing country; and

WHEREAS, the Bennett family have been outstanding stewards of the Commonwealth's natural resources and have played a vital role in the region's agricultural economy; now, therefore, be it

RESOLVED by the House of Delegates, That Knoll Crest Farm hereby be commended for 95 years of contributions to the commercial cattle industry and to agriculture in Charlotte County; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Brian Bennett and the Bennett family as an expression of the House of Delegates' admiration for the long history of Knoll Crest Farm and the family's legacy of service to the community.

HOUSE RESOLUTION NO. 326

Commending Smith Mountain Lake Christian Academy.

Agreed to by the House of Delegates, March 6, 2024

WHEREAS, in 2024, Smith Mountain Lake Christian Academy enriched the learning process through opportunities for service by conducting a mission trip to Guatemala; and

WHEREAS, Smith Mountain Lake Christian Academy is an independent Christian school affiliated with EastLake Community Church that serves more than 300 students in kindergarten through 12th grade in Moneta; and

WHEREAS, students, faculty, and staff of Smith Mountain Lake Christian Academy traveled to Guatemala in early 2024 to provide support and assistance to the less fortunate while spreading a message of faith and hope; and

WHEREAS, on the six-day mission trip, the participants from Smith Mountain Lake Christian Academy spent time with schoolchildren and the elderly, completed educational activities, and conducted home visits to help people in need with a variety of tasks; and

WHEREAS, the participants from Smith Mountain Lake Christian Academy also helped with the construction of a new space on the campus of Impacto Ministry, a nonprofit organization founded by Luis and Dinora Martinez that hosts mission teams from around the world; now, therefore, be it

RESOLVED by the House of Delegates, That Smith Mountain Lake Christian Academy hereby be commended for its mission work in Guatemala; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Smith Mountain Lake Christian Academy as an expression of the House of Delegates' admiration for the school's commitment to serving communities in need.

HOUSE RESOLUTION NO. 327

Commending Gary Wisecarver.

Agreed to by the House of Delegates, March 6, 2024

WHEREAS, Gary Wisecarver has served the Campbell County community for many years as the owner and operator of his family's farm; and

WHEREAS, Charlie Wisecarver, Jr., Farms was established in the mid-1800s and was designated as a Virginia Century Farm, having been in continuous operation for well over 100 years; and

WHEREAS, Gary Wisecarver has continued his family's proud legacy in farming and represents the fifth generation of his family to maintain the business; and

WHEREAS, Gary Wisecarver grows barley and sorghum and raises cattle to produce high quality beef for retail sale to customers all over the Commonwealth and the country; and

WHEREAS, Gary Wisecarver has been an outstanding steward of the Commonwealth's natural resources and has played an important role in the region's agricultural economy; now, therefore, be it

RESOLVED by the House of Delegates, That Gary Wisecarver hereby be commended for his service to the Campbell County community as a farmer; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Gary Wisecarver as an expression of the House of Delegates' admiration for his contributions to the Commonwealth's agricultural sector.

HOUSE RESOLUTION NO. 328

Commending Calvary Chapel Smith Mountain Lake.

Agreed to by the House of Delegates, March 6, 2024

WHEREAS, for 237 years, Calvary Chapel Smith Mountain Lake has provided opportunities for joyful worship, fellowship, and study of the teachings of Jesus Christ, as well as conducted generous outreach to enhance the lives of all community members; and

WHEREAS, Calvary Chapel Smith Mountain Lake traces its roots to 1787, when local residents held worship services in a small log structure called Moody Meeting House; and

WHEREAS, Moody Meeting House was originally located at a site on Moody Mill Road on the north side of the Roanoke River, then known as the Staunton River, which is now part of Smith Mountain State Park; and

WHEREAS, on April 11, 1790, 32 people met and formally constituted Staunton Baptist Church under the leadership of the Reverend William Johnson, and the congregation eventually held its first services at Moody Meeting House; and

WHEREAS, over the next few decades, Staunton Baptist Church benefited from the able leadership of several pastors, including the Reverend Abner Anthony, who was born just a few months after the church was formed and whose father had been present at the organizational meeting; he served the congregation from 1827 to 1866; and

WHEREAS, in the spring of 1877, Staunton Baptist Church relocated to the Pleasant Grove School, then secured property for the construction of a new church building from Jordan Martin in 1883; and

WHEREAS, Moody Meeting House was sold in 1885, and the new location of Staunton Baptist Church was directly across from the Pleasant Grove School house, which burned down in 1918; and

WHEREAS, on May 20, 1984, members of Staunton Baptist Church gathered in Smith Mountain State Park for the dedication of a granite stone on the restored foundation of the Moody Meeting House to honor the congregation's history and heritage; and

WHEREAS, in October 2023, Staunton Baptist Church changed its name to Calvary Chapel Smith Mountain Lake; the church continues to provide regular worship services along with men's, women's, and family ministries and opportunities for mission work and outreach; now, therefore, be it

RESOLVED by the House of Delegates, That Calvary Chapel Smith Mountain Lake hereby be commended on the occasion of its 237th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Calvary Chapel Smith Mountain Lake as an expression of the House of Delegates' admiration for the church's long history and legacy of contributions to the community.

HOUSE RESOLUTION NO. 329

Commending Yoders' Farm.

Agreed to by the House of Delegates, March 6, 2024

WHEREAS, Yoders' Farm, a family-owned farm in Rustburg, has provided delicious tomatoes and other fresh produce to local residents and visitors while building a strong sense of community in the region for over 70 years; and

WHEREAS, Yoders' Farm was established in 1952 and operated primarily as a dairy farm until 1994, when Ernest and Lovina Yoder turned dairy production over to their son, Delvin, and started growing hydroponic tomatoes; and

WHEREAS, Yoders' Farm initially sold most of its tomato crop on the wholesale market, but as word spread about the farm's juicy, homegrown tomatoes, retail sales began to expand rapidly; Delvin Yoder and his wife, Barbara, subsequently built a larger greenhouse and added a salesroom to accommodate on-farm customers; and

WHEREAS, in 2011, Yoders' Farm ceased its dairy operations to focus on tomato production and expanding its customer base; the farm maintains a herd of beef cattle, along with soybeans, corn, and other crops; and

WHEREAS, Barbara Yoder manages the Yoders' Farm store, which offers the farm's signature tomatoes and other produce, along with jams, jellies, pickles, honey, and other country products, and Barbara and Delvin's sons, Lowell and Eldon, have also joined the family business; and

WHEREAS, Lowell Yoder and his wife, Juanita, are responsible for the farm's strawberry crop and help host pick-your-own strawberry events in the summer, while Eldon Yoder handles communications and designs and cuts the farm's 12-acre corn maze, which is a defining feature of the farm's annual fall festivities; and

WHEREAS, the Yoder family have been outstanding stewards of the Commonwealth's natural resources and have played a vital role in the region's agricultural economy; now, therefore, be it

RESOLVED by the House of Delegates, That Yoders' Farm hereby be commended for more than 70 years of contributions to agriculture in Campbell County; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Delvin Yoder and the Yoder family as an expression of the House of Delegates' admiration for the long history of Yoders' Farm and the family's legacy of service to the community.

HOUSE RESOLUTION NO. 330

Commending Titus Glick.

Agreed to by the House of Delegates, March 6, 2024

WHEREAS, Titus Glick has served the Campbell County community for many years as the owner and operator of his family's farm in Rustburg; and

WHEREAS, Everbreeze Farms was founded in 1949, and Titus Glick was born in 1952 in the same farmhouse where he currently resides; and

WHEREAS, Titus Glick has maintained his family's proud traditions of farming and currently produces beef, fresh eggs, and hay, while also maintaining a fruit orchard; and

WHEREAS, Titus Glick established the Everbreeze Farms store to better engage with members of the community and deliver the farm's outstanding products to customers far and wide; and

WHEREAS, Titus Glick has been an outstanding steward of the Commonwealth's natural resources and has played an important role in the region's agricultural economy; now, therefore, be it

RESOLVED by the House of Delegates, That Titus Glick hereby be commended for his service to the Campbell County community as a farmer; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Titus Glick as an expression of the House of Delegates' admiration for his contributions to the Commonwealth's agricultural sector.

HOUSE RESOLUTION NO. 331

Commending David Cardwell.

Agreed to by the House of Delegates, March 6, 2024

WHEREAS, David Cardwell has served the Campbell County community for many years as the owner and operator of a longstanding family farm; and

WHEREAS, David Cardwell's family farmstead was established in 1883 and has been in the Cardwell family for five generations; and

WHEREAS, David Cardwell currently grows multiple staple crops, including corn, soybeans, and wheat; and

WHEREAS, to honor and preserve the agricultural way of life, the Cardwell family plans to place the property under a conservation easement to ensure that it remains in use as farmland; and

WHEREAS, David Cardwell has been an outstanding steward of the Commonwealth's natural resources and has played an important role in the region's agricultural economy; now, therefore, be it

RESOLVED by the House of Delegates, That David Cardwell hereby be commended for his service to the Campbell County community as a farmer; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to David Cardwell as an expression of the House of Delegates' admiration for his contributions to the Commonwealth's agricultural sector.

HOUSE RESOLUTION NO. 332

Commending Bobby Nichols.

Agreed to by the House of Delegates, March 6, 2024

WHEREAS, Bobby Nichols has served the Bedford County community for many years as a farmer and business owner; and

WHEREAS, Bobby Nichols has been farming since the 1980s and grows numerous staple crops that are essential for food production; and

WHEREAS, Bobby Nichols also owns B.L. Nichols Logging, Inc., which operates primarily in the area around Huddleston; and

WHEREAS, through his leadership in the forest products industry, Bobby Nichols plays an important role in the creation of countless items that Virginians use every day; and

WHEREAS, Bobby Nichols has been an outstanding steward of the Commonwealth's natural resources and has played an important role in the region's agricultural economy; now, therefore, be it

RESOLVED by the House of Delegates, That Bobby Nichols hereby be commended for his service to the Bedford County community as a farmer and logger; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Bobby Nichols as an expression of the House of Delegates' admiration for his contributions to the Commonwealth's agricultural sector.

HOUSE RESOLUTION NO. 333

Commending Carter's General Store and Deli.

Agreed to by the House of Delegates, March 6, 2024

WHEREAS, Carter's General Store and Deli, a family-owned business in Lynch Station that provides delicious, homemade food, along with groceries and other goods, has served the local community for 145 years; and

WHEREAS, Carter's General Store and Deli (Carter's Store) was established in 1879 by Lewis Crawford Carter in a building that was constructed in the early 1800s and originally served as a store that sold tack, feed, and lumber; and

WHEREAS, ownership passed to Charles Lewis Carter in 1916, and Carter's Store eventually began processing and selling tomatoes and peaches under the Moon's Mountain label; and

WHEREAS, during World War II, the government purchased the Carter's Store's canned goods and shipped them to the Pacific Theater, where, according to family legend, a member of the Carter family ate Moon's Mountain tomatoes in a mess hall in New Guinea; and

WHEREAS, Carter's Store was subsequently owned by Calvin Perrow Carter from 1961 to 2008 and Lee Carter from 2008 to 2011; in 2019, Kyle Hunter Goldsmith, whose mother was a Carter, purchased the store to keep the business in the family; and

WHEREAS, located on Route 43, Carter's Store still sells groceries and general goods and fuel, while operating a full-service deli that serves all-day breakfast and old-fashioned lunch fare; and

WHEREAS, Carter's Store is a staple of community life, serving as a local meeting place and convenient stop for travelers; now, therefore, be it

RESOLVED by the House of Delegates, That Carter's General Store and Deli hereby be commended for its 145 years of contributions to the community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Kyle Hunter Goldsmith, owner of Carter's General Store and Deli, as an expression of the House of Delegates' admiration for the store's long history and legacy of service.

HOUSE RESOLUTION NO. 334

Commending Thomas Taylor, Ed.D.

Agreed to by the House of Delegates, March 6, 2024

WHEREAS, Thomas Taylor, Ed.D., an esteemed education administrator and superintendent of Stafford County Public Schools, was named Superintendent of the Year for Region 3 of the Virginia Association of School Superintendents in 2024; and

WHEREAS, the award marks the second time that Thomas Taylor has been recognized by the Virginia Association of School Superintendents as Superintendent of the Year after he was honored by the organization in 2016 while superintendent of Middlesex County Public Schools; and

WHEREAS, Thomas Taylor took the helm of Stafford County Public Schools in 2021, taking on the responsibility of leading 33 schools, serving more than 31,000 students and a staff of more than 4,300 employees; and

WHEREAS, Thomas Taylor has spearheaded several effective programs to support the growth and development of the school division's students, including specialty centers to foster students' career development, and has worked with the Jed Foundation to address student mental health; and

WHEREAS, Thomas Taylor advances his profession as one of the Commonwealth's commissioners on the Education Commission of the States and through his involvement with a number of local and state educational and community boards; and

WHEREAS, Thomas Taylor holds a bachelor's degree from Virginia Wesleyan University, a master's degree in educational leadership and a doctoral degree in preK-12 education policy from the University of Virginia, and a master's degree in business administration from The College of William & Mary; and

WHEREAS, before becoming an administrator, Thomas Taylor honed his abilities as an education leader over many years as a social studies teacher and coach; and

WHEREAS, Thomas Taylor has embodied the highest virtues of the education profession through his unwavering commitment to his students and teachers, earning the esteem and admiration of all Virginians; now, therefore, be it

RESOLVED by the House of Delegates, That Thomas Taylor, Ed.D., hereby be commended for being named the 2024 Region 3 Superintendent of the Year by the Virginia Association of School Superintendents; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Thomas Taylor, Ed.D., as an expression of the House of Delegates' high regard for his contributions to Stafford County and the Commonwealth.

HOUSE RESOLUTION NO. 335

Commending Veterans of Foreign Wars Post 9954.

Agreed to by the House of Delegates, March 6, 2024

WHEREAS, for 75 years, Veterans of Foreign Wars Post 9954 has supported veterans, active duty service members, and military families, while providing generous outreach to the Lunenburg County community; and

WHEREAS, Veterans of Foreign Wars Post 9954 was chartered on March 30, 1949, with John E. Weeks, Jr., as its original commander; since that time, the post has benefited from the able and dedicated leadership of 39 other commanders; and

WHEREAS, Veterans of Foreign Wars Post 9954 held meetings at Melodee Hall on Route 40 between Kenbridge and Victoria until 1954, when the post purchased a building from local resident R.C. Hamlett that served as its primary location for nearly 40 years; and

WHEREAS, the Veterans of Foreign Wars Post 9954 Auxiliary was organized in 1955 under the leadership of Hellen Ashworth and has supported the post in its activities and sponsored countless fundraisers since that time; and

WHEREAS, in 1992, Veterans of Foreign Wars Post 9954 was forced to relocate due to a road development project and the Town of Victoria generously donated seven acres of land on which the current building was constructed; and

WHEREAS, the current membership of Veterans of Foreign Wars Post 9954 stands at approximately 150, and in 2022-2023, the post was selected as an All-American Post for its outstanding achievements, high rate of membership, and participation in Veterans of Foreign Wars programs and events; and

WHEREAS, Veterans of Foreign Wars Post 9954 has honored many prominent members over the years, including its last surviving charter member, Robert Tomlinson, who died at the age of 97 in 2023; and

WHEREAS, other prominent members of Veterans of Foreign Wars Post 9954 include Horace E. Meyers, who served as quartermaster for 55 years; Cornelius Arvin, who was a driving force behind the construction of the war monument in Victoria; and Louie Overton, the longest serving post chaplain, who visited homebound veterans, attended numerous funerals, and kept records of all veterans buried in local cemeteries; and

WHEREAS, Veterans of Foreign Wars Post 9954 has enhanced the quality of life of all Lunenburg County residents through its members' commitment to volunteer service and philanthropy; the post has donated flags to local town buildings, schools, and organizations, and supports students by sponsoring the Voice of Democracy contest and the Patriots Pen scholarship award; now, therefore, be it

RESOLVED by the House of Delegates, That Veterans of Foreign Wars Post 9954 hereby be commended on the occasion of its 75th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Veterans of Foreign Wars Post 9954 as an expression of the House of Delegates' admiration for the organization's legacy of contributions to current and former members of the military and service to the residents of Lunenburg County.

HOUSE RESOLUTION NO. 336

Celebrating the life of Larry Donnell Winkler, Sr.

Agreed to by the House of Delegates, March 6, 2024

WHEREAS, Larry Donnell Winkler, Sr., a highly admired member of his community and a beloved husband, father, and grandfather, died on February 26, 2024; and

WHEREAS, Larry Donnell "Wink" Winkler, Sr., was born in Meherrin and served the nation as a member of the United States Army; and

WHEREAS, known for his exceptional work ethic, Wink Winkler pursued a 23-year career with the Safeway, Inc., supermarket chain and retired as a produce department manager; he also followed in his father's footsteps to become a barber and helped countless clients from Richmond to Baltimore feel more confident and more stylish; and

WHEREAS, Wink Winkler's proudest achievements in life were those as a caring father and grandfather; and

WHEREAS, Wink Winkler taught his daughter, Renee, everything he knew about good old-fashioned home cooking and the duo enjoyed many culinary adventures together, while he and his sons shared passions for classic cars and football, among other pursuits; and

WHEREAS, Wink Winkler never missed an opportunity to spend time with his beloved grandchildren and kept up with their energy through his boundless love and enthusiasm; and

WHEREAS, Wink Winkler brought joy to everyone he knew through his sense of humor, infectious laugh, and commitment to serving and supporting others; and

WHEREAS, Wink Winkler will be fondly remembered and greatly missed by his wife of 52 years, Inez; his children, Larry, Jr. (Nkechi), Andre (Tanya), Jamaal, and Renee, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Larry Donnell Winkler, Sr.; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Larry Donnell Winkler, Sr., as an expression of the House of Delegates' respect for his memory.

HOUSE RESOLUTION NO. 337

Commending the Loudoun Laurels Foundation.

Agreed to by the House of Delegates, March 6, 2024

WHEREAS, the Loudoun Laurels Foundation, an organization dedicated to developing financial resources and providing mentoring support to underserved students and to identifying and assisting underserved students who appear very capable but require assistance in order to realize their true potential at Loudoun County Public Schools, has greatly served the community for many years; and

WHEREAS, in addition to fostering the academic and personal achievements of students in need, the Loudoun Laurels Foundation honors lifetime stewardship and leadership contributions made by citizens of Loudoun County for the benefit of the community; and

WHEREAS, the Stewardship Trust of the Loudoun Laurels Foundation underscores the organization's commitment to preserving and passing on to future generations its legacy of stewardship and leadership; and

WHEREAS, the Loudoun Laurels Foundation's college scholarship program identifies students who have excelled academically despite hardships and challenges and nurtures their academic advancement and future success; and

WHEREAS, the Loudoun Laurels Foundation works closely with the teachers, counselors, and the staff of Loudoun County Public Schools' CAMPUS and AVID programs to assist historically underrepresented students and first-generation college students with college readiness; and

WHEREAS, through an outreach program in partnership with the Thomas Balch Library in Leesburg, the Loudoun Laurels Foundation records and archives the stories of its Loudoun Laureates to serve as inspiration to others; and

WHEREAS, the leadership and generosity of the Loudoun Laurels Foundation has helped to make Loudoun County a wonderful place to live, work, and learn; now, therefore, be it

RESOLVED by the House of Delegates, That the Loudoun Laurels Foundation hereby be commended for the organization's legacy of service; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Loudoun Laurels Foundation as an expression of the House of Delegates' admiration for the organization's contributions to the Commonwealth.

HOUSE RESOLUTION NO. 338

Commending Megan Tucker.

Agreed to by the House of Delegates, March 7, 2024

WHEREAS, Megan Tucker, an esteemed educator at Hillsboro Charter Academy in Loudoun County was named the A. Scott Crossfield Aerospace Educator of the Year by the National Aviation Hall of Fame in 2023; and

WHEREAS, named for Scott Crossfield, the renowned pilot and aerospace researcher, Megan Tucker became the 36th recipient of this prestigious award, which was established to recognize teachers for remarkable achievements in aerospace education; and

WHEREAS, Megan Tucker was a foundational member of the faculty at Hillsboro Charter Academy, a Loudoun County public charter school founded in 2016 to emphasize science, technology, education, art, and mathematics (STEAM) education and project-based learning; and

WHEREAS, Megan Tucker serves as a STEAM teacher, dean of curriculum, and instructional facilitator for technology at Hillsboro Charter Academy, where she has developed myriad special programs for the benefit of her students in conjunction with prominent aerospace organizations, including the National Aeronautics and Space Administration, the Air & Space Forces Association (AFA), and the Civil Air Patrol (CAP); and

WHEREAS, Megan Tucker works tirelessly to create a learning environment that will ignite her students' curiosity in STEAM and aerospace subjects, cultivate their knowledge and understanding, and motivate them to achieve success both in and out of the classroom; and

WHEREAS, Megan Tucker has helped to train and mentor her colleagues in STEAM and aerospace concepts through teaching workshops and by contributing to the development of new curriculum both locally and nationally; and

WHEREAS, Megan Tucker has also received teacher of the year honors from the National AFA and the CAP and received a Presidential Award for Excellence in Mathematics and Science Teaching from the White House and a Foundation Educator Achievement Award from the American Institute of Aeronautics and Astronautics; and

WHEREAS, Megan Tucker epitomizes the highest virtues of the education profession through her unwavering dedication to her students and fellow educators, earning the praise and admiration of all Virginians; now, therefore, be it

RESOLVED by the House of Delegates, That Megan Tucker hereby be commended for being named the 2023 A. Scott Crossfield Aerospace Educator of the Year by the National Aviation Hall of Fame; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Megan Tucker as an expression of the House of Delegates' appreciation for her efforts to educate and inspire students of the Commonwealth.

HOUSE RESOLUTION NO. 339

Commending student-guitarists of Loudoun County Public Schools.

Agreed to by the House of Delegates, March 7, 2024

WHEREAS, on September 29, 2023, more than 300 student-guitarists of Loudoun County Public Schools participated in a mass guitar performance as part of the World Culture Festival in Washington, D.C.; and

WHEREAS, the Loudoun County Public Schools (LCPS) student-guitarists were among a group of 1,000 guitarists who performed "All You Need Is Love" by the Beatles and "We Are One" by Grammy-winning artist Micki Free; and

WHEREAS, the LCPS student-guitarists' performance was the headlining opening act for the World Culture Festival, which showcased the arts and cultures of 180 countries from September 29-October 1, 2023; and

WHEREAS, the contingent of LCPS student-guitarists performing at the World Culture Festival included 306 students from River Bend Middle School, Freedom High School, Dominion High School, Harper Park Middle School, Heritage High School, Loudoun County High School, Riverside High School, Rock Ridge High School, and Stone Hill Middle School; and

WHEREAS, with great skill and dedication, the LCPS student-guitarists have contributed to a meaningful and unifying moment of collective creativity, garnering the praise and admiration of all Virginians; now, therefore, be it

RESOLVED by the House of Delegates, That the student-guitarists of Loudoun County Public Schools hereby be commended for their participation in the 2023 World Culture Festival; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to representatives of the student-guitarists of Loudoun County Public Schools who participated in the 2023 World Culture Festival as an expression of the House of Delegates' appreciation for the group's achievement.

HOUSE RESOLUTION NO. 340

Commending the Loudoun County Public Schools Mobile Health Clinic.

Agreed to by the House of Delegates, March 7, 2024

WHEREAS, the Loudoun County Public Schools Mobile Health Clinic, an initiative launched in June 2023, has greatly served the community by bringing convenient, quality health care to Loudoun County students and their families; and

WHEREAS, with support from a Virginia Department of Education grant, the Loudoun County Public Schools (LCPS) Mobile Health Clinic has served six schools in the school division, including Forest Grove Elementary School, Guilford Elementary School, Sterling Elementary School, Sully Elementary School, and Sugarland Elementary School; and

WHEREAS, during school visits, the LCPS Mobile Health Clinic offers students physicals and wellness checks and helps connect families with health care resources, including dental services, as necessary; and

WHEREAS, the LCPS Mobile Health Clinic has held more than 25 clinics since the beginning of the 2023-2024 school year, supporting upwards of 175 students and their families; and

WHEREAS, the convenience of the LCPS Mobile Health Clinic has improved the quality of life for many families who face challenges scheduling and traveling to appointments with their standard providers; and

WHEREAS, the LCPS Mobile Health Clinic has provided care to many students without health insurance who might not have received care if not for the support of the clinic; and

WHEREAS, the LCPS Mobile Health Clinic is carried out in partnership with Inova and the George Washington University School of Nursing, which have provided staffing and other support to assist the LCPS nurse practitioner, registrars, and interpreters who serve the clinic; and

WHEREAS, the LCPS Mobile Health Clinic has provided vital health care services to students and families in need, making Loudoun County a more wonderful place to live, work, and raise a family; now, therefore, be it

RESOLVED by the House of Delegates, That the Loudoun County Public Schools Mobile Health Clinic hereby be commended for its service to the community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Loudoun County Public Schools Mobile Health Clinic as an expression of the House of Delegates' admiration for the accomplishments of the initiative and best wishes for its continued success.

HOUSE RESOLUTION NO. 341

Commending Vivian Rivera-Maysonet.

Agreed to by the House of Delegates, March 8, 2024

WHEREAS, Vivian Rivera-Maysonet, a Spanish language teacher at Elizabeth Scott Elementary School in Chesterfield County, was selected as the Bilingual Teacher of the Year by the National Association for Bilingual Education; and

WHEREAS, a veteran educator with more than 20 years of teaching experience, Vivian Rivera-Maysonet began her career in Puerto Rico, moved to the United States after Hurricane Maria in 2017, and joined the faculty of Elizabeth Scott Elementary School in 2020; and

WHEREAS, Vivian Rivera-Maysonet teaches a Spanish dual-language immersion course and is the only teacher to offer such a course in Chesterfield County; and

WHEREAS, Vivian Rivera-Maysonet strives to build deep connections with her students and instill in them her passion for lifelong learning; she previously won the 2022 Teacher of the Year award from Chesterfield County Public Schools; and

WHEREAS, Vivian Rivera-Maysonet will receive the Bilingual Teacher of the Year award at the National Association for Bilingual Education's 53rd Annual Bilingual Education International Conference in New Orleans in March 2024; now, therefore, be it

RESOLVED by the House of Delegates, That Vivian Rivera-Maysonet hereby be commended on the occasion of her selection as the Bilingual Teacher of the Year by the National Association for Bilingual Education; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Vivian Rivera-Maysonet as an expression of the House of Delegates' admiration for her contributions to young language learners in Chesterfield County.

HOUSE RESOLUTION NO. 342

Nominating persons to be elected to the Court of Appeals of Virginia.

Agreed to by the House of Delegates, March 7, 2024

RESOLVED by the House of Delegates, That the following persons are hereby nominated to be elected to the Court of Appeals of Virginia as follows:

The Honorable Steven C. Frucci, of Virginia Beach, as a judge of the Court of Appeals of Virginia for a term of eight years commencing March 16, 2024.

The Honorable David Bernhard, of Fairfax, as a judge of the Court of Appeals of Virginia for a term of eight years commencing January 1, 2025.

HOUSE RESOLUTION NO. 343

Nominating persons to be elected to circuit court judgeships.

Agreed to by the House of Delegates, March 7, 2024

RESOLVED by the House of Delegates, That the following persons are hereby nominated to be elected to the respective circuit court judgeships as follows:

The Honorable David J. Whitted, of Chesapeake, as a judge of the First Judicial Circuit for a term of eight years commencing July 1, 2024.

Scott J. Flax, Esquire, of Virginia Beach, as a judge of the Second Judicial Circuit for a term of eight years commencing May 1, 2024.

The Honorable Salvatore R. Iaquinto, of Virginia Beach, as a judge of the Second Judicial Circuit for a term of eight years commencing April 1, 2024.

Lynwood W. Lewis, Jr., Esquire, of Accomack, as a judge of the Second Judicial Circuit for a term of eight years commencing April 1, 2024.

The Honorable Alfred W. Bates, III, of Suffolk, as a judge of the Fifth Judicial Circuit for a term of eight years commencing July 1, 2024.

The Honorable Helivi L. Holland, of Suffolk, as a judge of the Fifth Judicial Circuit for a term of eight years commencing October 1, 2024.

The Honorable Joshua P. DeFord, of Williamsburg, as a judge of the Ninth Judicial Circuit for a term of eight years commencing July 1, 2024.

The Honorable Devika E. Davis, of Richmond, as a judge of the Thirteenth Judicial Circuit for a term of eight years commencing July 1, 2024.

Rebecca J. Wade, Esquire, of Alexandria, as a judge of the Eighteenth Judicial Circuit for a term of eight years commencing March 16, 2024.

The Honorable Susan J. S. Stoney, of Fairfax, as a judge of the Nineteenth Judicial Circuit for a term of eight years commencing January 1, 2025.

The Honorable Brian H. Turpin, of Pittsylvania, as a judge of the Twenty-second Judicial Circuit for a term of eight years commencing May 1, 2024.

The Honorable Leisa K. Ciaffone, of Salem, as a judge of the Twenty-third Judicial Circuit for a term of eight years commencing July 1, 2024.

The Honorable Christopher E. Collins, of Frederick, as a judge of the Twenty-sixth Judicial Circuit for a term of eight years commencing August 1, 2024.

Elizabeth Reece H. Robertson, Esquire, of Buchanan, as a judge of the Twenty-ninth Judicial Circuit for a term of eight years commencing July 1, 2024.

HOUSE RESOLUTION NO. 344

Nominating persons to be elected to general district court judgeships.

Agreed to by the House of Delegates, March 7, 2024

RESOLVED by the House of Delegates, That the following persons are hereby nominated to be elected to the respective general district court judgeships as follows:

Jonathan L. Stone, Esquire, of Virginia Beach, as a judge of the Second Judicial District for a term of six years commencing May 1, 2024.

Elliott O. Moody, Esquire, of Chesapeake, as a judge of the Third Judicial District for a term of six years commencing October 1, 2024.

Joseph W. Myers, Esquire, of Norfolk, as a judge of the Fourth Judicial District for a term of six years commencing May 16, 2024.

Robert C. Barclay, IV, Esquire, of Suffolk, as a judge of the Fifth Judicial District for a term of six years commencing July 1, 2024.

Patricia T. Watson, Esquire, of Emporia, as a judge of the Sixth Judicial District for a term of six years commencing May 1, 2024.

Steven D. Bond, Esquire, of Hampton, as a judge of the Eighth Judicial District for a term of six years commencing July 1, 2024.

Matthew D. Danielson, Esquire, of New Kent, as a judge of the Ninth Judicial District for a term of six years commencing July 1, 2024.

Shajuan Mason House, Esquire, of Chesterfield, as a judge of the Twelfth Judicial District for a term of six years commencing March 16, 2024.

Ali J. Amirshahi, Esquire, of Chesterfield, as a judge of the Thirteenth Judicial District for a term of six years commencing July 1, 2024.

Eric M. Shamis, Esquire, of Loudoun, as a judge of the Twentieth Judicial District for a term of six years commencing July 1, 2024.

Greg T. Haymore, Esquire, of Pittsylvania, as a judge of the Twenty-second Judicial District for a term of six years commencing May 1, 2024.

Anne M. Williams, Esquire, of Clarke, as a judge of the Twenty-sixth Judicial District for a term of six years commencing August 1, 2024.

HOUSE RESOLUTION NO. 345

Nominating persons to be elected to juvenile and domestic relations district court judgeships.

Agreed to by the House of Delegates, March 7, 2024

RESOLVED by the House of Delegates, That the following persons are hereby nominated to be elected to the respective juvenile and domestic relations district court judgeships as follows:

Chanel Ann Gray, Esquire, of Chesapeake, as a judge of the First Judicial District for a term of six years commencing July 1, 2024.

Solomon H. Ashby, Jr., Esquire, of Portsmouth, as a judge of the Third Judicial District for a term of six years commencing April 16, 2024.

Peter K. Griffith, Esquire, of Charlottesville, as a judge of the Sixteenth Judicial District for a term of six years commencing July 1, 2024.

Charles F. Koehler, Jr., Esquire, of Loudoun, as a judge of the Twentieth Judicial District for a term of six years commencing July 1, 2024.

Rachel D. Robinson, Esquire, of Loudoun, as a judge of the Twentieth Judicial District for a term of six years commencing April 1, 2024.

Pamela Melissa P. Keen, Esquire, of Franklin, as a judge of the Twenty-second Judicial District for a term of six years commencing May 1, 2024.

Rachel L. D. Thompson, Esquire, of Salem, as a judge of the Twenty-third Judicial District for a term of six years commencing July 1, 2024.

Lethia C. Hammond, Esquire, of Botetourt, as a judge of the Twenty-fifth Judicial District for a term of six years commencing July 1, 2024.

The Honorable Monica D. Cox, of Galax, as a judge of the Twenty-seventh Judicial District for a term of six years commencing July 1, 2024.

Ryan D. Hamrick, Esquire, of Montgomery, as a judge of the Twenty-seventh Judicial District for a term of six years commencing June 1, 2024.

Kiah D. Spinks, Esquire, of Prince William, as a judge of the Thirty-first Judicial District for a term of six years commencing July 1, 2024.

HOUSE RESOLUTION NO. 346

Nominating a person to be elected as a member of the Judicial Inquiry and Review Commission.

Agreed to by the House of Delegates, March 7, 2024

RESOLVED by the House of Delegates, That the following person is hereby nominated to be elected as a member of the Judicial Inquiry and Review Commission as follows:

The Honorable Todd G. Petit, of Fairfax County, as a member of the Judicial Inquiry and Review Commission for an unexpired term ending June 30, 2027.

HOUSE RESOLUTION NO. 347

Commending Andrew Edgerton.

Agreed to by the House of Delegates, March 7, 2024

WHEREAS, Andrew Edgerton, chief pilot of the Helicopter Division of the Fairfax County Police Department was presented the Salute to Excellence Law Enforcement Award by Helicopter Association International in 2024; and

WHEREAS, the Salute to Excellence Law Enforcement Award, sponsored by aerospace manufacturer MD Helicopters, recognizes individuals or organizations for their extraordinary efforts toward the promotion and advancement of the use of rotorcraft in the support of law enforcement; and

WHEREAS, after earning his single-engine land and sea airplane ratings in his early 20s, Andrew Edgerton switched to flying helicopters and soon had commercial, instrument, flight instructor, and instrument instructor ratings; and

WHEREAS, Andrew Edgerton served as a part-time helicopter flight instructor, teaching and mentoring fellow pilots, before taking a full-time helicopter position with a news outlet; and

WHEREAS, Andrew Edgerton joined the Fairfax County Police Department (FCPD) Helicopter Division in 2010 as a civilian line pilot flying the agency's Bell 407 helicopter; and

WHEREAS, Andrew Edgerton was a member of the FCPD two years later when it became the first law-enforcement agency or air ambulance service in the country to fly Bell 429 helicopters; and

WHEREAS, after serving as the FCPD Helicopter Division's safety officer for seven years, Andrew Edgerton stepped into the role of chief of the unit in 2021, leading its efforts to provide aerial support to Fairfax County's first responders; and

WHEREAS, as chief, Andrew Edgerton played an invaluable role in rebuilding the department's heliport, enhancing the FCPD Helicopter Division's ability to serve the community; and

WHEREAS, through his leadership, dedication, and service, Andrew Edgerton has helped to make Fairfax County a safer place to live, work, and raise a family; now, therefore, be it

RESOLVED by the House of Delegates, That Andrew Edgerton hereby be commended for receiving the 2024 Salute to Excellence Law Enforcement Award from Helicopter Association International; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Andrew Edgerton as an expression of the House of Delegates' admiration for his contributions to the Commonwealth.

HOUSE RESOLUTION NO. 348

Commending the School of Social Work at Radford University.

Agreed to by the House of Delegates, March 7, 2024

WHEREAS, the School of Social Work at Radford University has provided exceptional education to address the need for professional social workers in the region and beyond; and

WHEREAS, the Master of Social Work (MSW) program at Radford University was only the third MSW program to be developed in the Commonwealth in 1994 and the only one on the western side of the state, employing a curriculum that was focused on meeting the needs of rural, small town Appalachia; and

WHEREAS, the Bachelor of Social Work (BSW) program at Radford University has been consistently accredited by the Council on Social Work Education (CSWE) since 1976, and the MSW program has been consistently accredited by CSWE since 1996; and

WHEREAS, Radford University's School of Social Work was officially established in 1996, and the school joined the newly formed Waldron College of Health and Human Services in 2000 after being housed in the College of Education and Human Development; and

WHEREAS, the School of Social Work is the only school in Waldron College, enrolling 250 to 300 students each year, including students pursuing minors, pre-social work majors, and BSW and MSW degrees; and

WHEREAS, the School of Social Work's students provide over 45,000 hours of professional practice to community agencies in the region through their supervised practicums each year; and

WHEREAS, the School of Social Work's faculty are outstanding, diverse, and committed to the profession, with a wide range of expertise in the areas of child welfare, military families, older adults, mental health, women's health, entrepreneurship, social welfare policy, community action, social justice, research, and clinical practice; and

WHEREAS, upon graduation, students of the School of Social Work become eligible for mental health credentials and social work licensure in all states; and

WHEREAS, in the last 30 years, the School of Social Work has graduated more than 2,500 professionally prepared social workers to contribute to the well-being of those in our communities and around the country; and

WHEREAS, the BSW program option at the Roanoke Higher Education Center (RHEC) officially began in 2000, after existing as a part-time program option at Virginia Western Community College for several years for an easy transition from an associate degree to a BSW degree; and

WHEREAS, after a successful MSW program option was offered at the Southwest Virginia Higher Education Center in Abingdon from 1997 to 2012, a part-time MSW option was offered at the Roanoke Higher Education Center from 2005 to 2024; that part-time option has now transitioned to an online program and was approved by the State Council of Higher Education for Virginia in November 2023; now, therefore, be it

RESOLVED by the House of Delegates, That the School of Social Work at Radford University hereby be commended for its legacy of service; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to representatives of the School of Social Work at Radford University as an expression of the House of Delegates' admiration for its contributions to the Commonwealth.

HOUSE RESOLUTION NO. 349

Commending Lora Bickley.

Agreed to by the House of Delegates, March 7, 2024

WHEREAS, Lora Bickley, office manager and assistant to Dr. John W. "Billy" Haun, Ed.D., executive director of the Virginia High School League, will retire in August 2024 after 55 years of outstanding and meritorious service to the Virginia High School League; and

WHEREAS, Lora Bickley began her career with the Virginia High School League (VHSL) in August of 1969, after graduating from Orange County High School in 1968; and

WHEREAS, as a result of her continued diligent work, demonstrated ability, and congeniality, Lora Bickley advanced from the position of receptionist to senior secretary and office manager, as well as to the role of top assistant to executive director Earl Gillespie in 1974; then, in 1995, she became the top assistant to new executive director Ken Tilley, officially joining the administrative staff; and

WHEREAS, over her 55 years of service, Lora Bickley has been an integral part of all VHSL programs, fulfilling many roles such as liaison, principle point of contact, event coordinator, and clinic administrator; and

WHEREAS, in recognition of her excellent skills, professionalism, and commitment to the member-schools of the VHSL, Lora Bickley's duties and responsibilities expanded over the years to include challenging tasks such as compiling data for the reclassification of schools, coordinating the calendar of events for the VHSL's 24 regions and championship events in 27 athletic activities and 16 academic activities, and maintaining the VHSL's complex football ratings system; and

WHEREAS, in appreciation for her loyal service, positive influence, and service with a smile, Lora Bickley was honored in 2010 with an Award of Excellence from the Virginia Interscholastic Athletic Administrators Association; and

WHEREAS, on October 17, 2011, valuing her loyal years of service, positive influence, and exemplary dedication to serving schools across the Commonwealth with fairness and integrity, the VHSL inducted Lora Bickley into its Virginia High School Hall of Fame; and

WHEREAS, Lora Bickley has faithfully supported and executed the mission of the VHSL and leaves a legacy of excellence after providing professional, respectful, and enthusiastic service to the youth, coaches, administrators, parents, and communities of VHSL member-schools; now, therefore, be it

RESOLVED by the House of Delegates, That Lora Bickley hereby be commended for her dedicated service to the Virginia High School League and the Commonwealth; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Lora Bickley as an expression of the House of Delegates' admiration for her achievements and contributions in service to the Commonwealth, congratulations on her well-earned retirement, and best wishes to her and her family for continued success, happiness, and good health in the years to come.

HOUSE RESOLUTION NO. 350

Commending the Maggie L. Walker Governor's School Mech Tech Dragons.

Agreed to by the House of Delegates, March 7, 2024

WHEREAS, the Maggie L. Walker Governor's School Mech Tech Dragons won numerous awards during the 2022-2023 academic year and have made many contributions to their fellow young people in the Richmond community; and

WHEREAS, the Mech Tech Dragons is a student-led robotics team that promotes interest in science, technology, engineering, and mathematics (STEM) through hands-on learning projects, competitions, and mentorship; and

WHEREAS, in 2022-2023, the Mech Tech Dragons competed in the For Inspiration and Recognition in Science and Technology (FIRST) Robotics Competition for its 24th year; and

WHEREAS, the Mech Tech Dragons won the Quality Award at the Chesapeake District Blacksburg FIRST Event, the Autonomous Award at the Chesapeake District Glen Allen FIRST Event, a Woodie Flowers Finalist Award at the Chesapeake District FIRST Championships, and recognition as one of the top 16 alliances at the FIRST World Championship; and

WHEREAS, the Mech Tech Dragons also received the First Place Alliance award and the Team Captain award at Rumble in the Roads, an off-season FIRST event held in Newport News; and

WHEREAS, over the course of the 2022-2023 school year, the Mech Tech Dragons hosted 29 free events for Richmond students to learn more about STEM fields, mentored two elementary school robotics teams, and logged more than 730 hours as volunteer mentors in the FIRST Lego League; and

WHEREAS, the Mech Tech Dragons have also advocated for STEM opportunities and enhanced STEM education at the local, state, and national levels; and

WHEREAS, since 2020, the Mech Tech Dragons have organized the Virginia Advocacy Conference, which features guest speakers and brings together teams from throughout the region to discuss STEM education and develop support for FIRST; now, therefore, be it

RESOLVED by the House of Delegates, That Maggie L. Walker Governor's School Mech Tech Dragons hereby be commended for its accomplishments during the 2022-2023 academic year; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Maggie L. Walker Governor's School Mech Tech Dragons as an expression of the House of Delegates' admiration for the team's achievements in robotics and youth leadership development.

HOUSE RESOLUTION NO. 351

Celebrating the life of Serafim C. Canavos.

Agreed to by the House of Delegates, March 7, 2024

WHEREAS, Serafim C. Canavos, a successful and enterprising restaurateur and businessman and an active and beloved member of the Virginia Peninsula community, died on August 13, 2023; and

WHEREAS, a proud son of Newport News, Serafim "Sammy" C. Canavos spent his youth in Greece and endured the tribulations of World War II before returning to the United States and joining his father at his family's restaurant, Washington Lunch, in downtown Newport News; and

WHEREAS, after founding his first restaurant in 1952, Sammy Canavos would go on to establish several other restaurants, both independently and in partnership with family, throughout the Virginia Peninsula, including Sammy's Steak House in Newport News, Sammy and Nick's in Hampton, and Capitol Pancake House in Williamsburg; and

WHEREAS, a master of both business and hospitality, Sammy Canavos entered the hotel industry in 1985 with the construction of a 100-room Howard Johnson hotel in Williamsburg and would go on to develop other customer service-oriented commercial real estate projects throughout his career; and

WHEREAS, Sammy Canavos was a kind and generous mentor to his employees and fellow restaurateurs, helping several of them establish restaurants of their own, and supported his industry by serving as a board member and president of the Virginia Restaurant Association; and

WHEREAS, Sammy Canavos' service to the community extended to his work with various state and local organizations, including the Boys & Girls Clubs of the Virginia Peninsula, the NationsBank Advisory Board, and the National Conference for Community and Justice; and

WHEREAS, for 34 years, Sammy Canavos provided the food and labor for the Boys & Girls Clubs of the Virginia Peninsula's Annual Steak 'N Burger Dinner, raising millions of dollars to support young people in the area; and

WHEREAS, Sammy Canavos was the recipient of various honors and accolades throughout his life in recognition of his legacy of service to the community, including the Medallion Award from the Boys & Girls Clubs of America and the Lifetime Achievement Award from the Boys & Girls Clubs of the Virginia Peninsula; he was also notably inducted into the latter's Wall of Fame; and

WHEREAS, guided by his deep and abiding faith, Sammy Canavos was an active member of Saints Constantine & Helen Greek Orthodox Church in Newport News and served several terms on its Parish Council; and

WHEREAS, Sammy Canavos will be fondly remembered and dearly missed by his loving wife of 61 years, Angeliki; his children, Chris, Dean, and Alexis, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Serafim C. Canavos, a treasured member of the Virginia Peninsula community whose munificent spirit and love for his country and community were an inspiration to all who knew him; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Serafim C. Canavos as an expression of the House of Delegates' respect for his memory.

HOUSE RESOLUTION NO. 352

Celebrating the life of Clifford George Mainous.

Agreed to by the House of Delegates, March 7, 2024

WHEREAS, Clifford George Mainous, an esteemed educator and coach and beloved member of the Norton community, died on February 27, 2024; and

WHEREAS, after graduating from the former Appalachia High School, where he was a standout on the football team, Clifford "Chig" George Mainous earned an associate degree from Hiwassee College then attended Emory & Henry College, where he also played football and earned a bachelor's degree; and

WHEREAS, Clifford Mainous next embarked upon a career as an educator and coach, serving first in Council and later in Gate City for several years and contributing greatly to the success of the students he taught and mentored; and

WHEREAS, Clifford Mainous honed his abilities as an educator by earning a master's degree in Illinois, then returned to the Commonwealth to teach and coach at John I. Burton High School in Norton, where he helped lead the football team to a state championship in 1972 and was named head football coach in 1980; and

WHEREAS, in recognition of his efforts as an athlete, educator, and coach, Clifford Mainous was inducted into the Hiwassee College Football Hall of Fame in 2015 and the John I. Burton High School Hall of Fame in 2023; and

WHEREAS, following an accomplished career dedicated to the success and achievements of his students, Clifford Mainous devoted himself to the game of golf at Lonesome Pine Country Club in Wise County and travelled frequently to visit family; and

WHEREAS, Clifford Mainous will be fondly remembered and dearly missed by his loving wife, Jackie; his children, David, Mary, and Martha, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Clifford George Mainous, a cherished member of the Norton community whose legacy of service was an inspiration to all who knew him; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Clifford George Mainous as an expression of the House of Delegates' respect for his memory.

HOUSE RESOLUTION NO. 353

Commending the Reverend Dr. Patricia A. Gould-Champ, Ed.D.

Agreed to by the House of Delegates, March 7, 2024

WHEREAS, the Reverend Dr. Patricia A. Gould-Champ, Ed.D., the visionary founder and esteemed leader of Faith Community Baptist Church in Richmond, recently retired from her role as the church's pastor; and

WHEREAS, Patricia Gould-Champ holds a doctorate in education from Virginia Polytechnic Institute and State University and graduated summa cum laude with a master of divinity degree from the Samuel DeWitt Proctor School of Theology at Virginia Union University (STVU); and

WHEREAS, Patricia Gould-Champ has served as an assistant professor of practical theology at STVU for several years, where she has fostered the growth and development of many faith leaders; and

WHEREAS, Patricia Gould-Champ founded Faith Community Baptist Church in 1995, working with a great sense of purpose and dedication to provide her congregation with spiritual guidance and abundant opportunities for worship, fellowship, and community outreach; and

WHEREAS, Patricia Gould-Champ is an accomplished author who has released three books, *Pamela Goes to Church*, *The Gospel According to Cancer: Reflections for Women with Cancer*, and *Pamela Gets Baptized*, while her senior sermon, "An Unfinished Agenda," is published in Ella Mitchell's *Those Preachin' Women, Volume I: Sermons by Black Women Preachers*; and

WHEREAS, a former moderator of the Shiloh Baptist Association of Virginia, Patricia Gould-Champ made history when she was elected as the 35th and first female president of the Baptist General Convention of Virginia during its 104th Annual Session in 2003; and

WHEREAS, in recognition of her accomplishments as a pastor and educator, Patricia Gould-Champ was named the 1995 Woman of the Year in the area of Religion by the Young Women's Christian Association and STVU Professor of the Year twice and was designated as a Virginia Hero; and

WHEREAS, through her steadfast devotion to both her congregation and her students, Patricia Gould-Champ has demonstrated extraordinary compassion and concern for the well-being of others and her community; now, therefore, be it

RESOLVED by the House of Delegates, That the Reverend Dr. Patricia A. Gould-Champ, Ed.D., hereby be commended on the occasion of her retirement as pastor of Faith Community Baptist Church; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Reverend Dr. Patricia A. Gould-Champ, Ed.D., as an expression of the House of Delegates' admiration for her contributions to the Commonwealth and best wishes in her future endeavors.

HOUSE RESOLUTION NO. 354

Commending the Zeta Epsilon Omega chapter of Alpha Kappa Alpha Sorority, Inc.

Agreed to by the House of Delegates, March 7, 2024

WHEREAS, for 70 years, the Zeta Epsilon Omega chapter of Alpha Kappa Alpha Sorority, Inc., of Suffolk and Smithfield has cultivated fellowship among its members as they work together to address the needs of the community; and

WHEREAS, on February 14, 1954, the Zeta Epsilon Omega chapter of Alpha Kappa Alpha (AKA) Sorority became the first AKA chapter to be chartered in the Mid-Atlantic region; initially serving both the Franklin and Suffolk area, the Lambda Psi Omega chapter of AKA would later branch off from the organization in 1978 to serve the Franklin community; and

WHEREAS, the 12 charter members of the Zeta Epsilon Omega chapter of AKA were a distinguished group of medical doctors and educators and included Pauline C. Morton, Dr. Ernell Harris Holland, Mary Craig, Lola Spease, Alma Diggs, Jeanne Hoffler, Rose Hurst, Annie Newton, Dorothy Rainey, Dr. Margaret Reid, Marilyn Wyatt, and Elva Goode; and

WHEREAS, the Zeta Epsilon Omega chapter of AKA has made a profound and lasting impact in the local community through voter education and registration activities, annual scholarships to high school students, summer reading and math programs, youth leadership programs, back-to-school supply drives, recycling events, tree plantings, health fairs, and other forms of regular support for families, seniors, and area nonprofits; and

WHEREAS, over the years, the Zeta Epsilon Omega chapter of AKA has carried out its mission beyond the local community by supporting civil rights causes, raising millions of dollars for historically Black colleges and universities, advancing health care initiatives, and participating in a variety of clothing drives; and

WHEREAS, through a deep and unwavering commitment to their organization's mission and values, the members of the Zeta Epsilon Omega chapter of AKA have helped to make the Suffolk area a wonderful place to live, work, and raise a family; now, therefore, be it

RESOLVED by the House of Delegates, That the Zeta Epsilon Omega chapter of Alpha Kappa Alpha Sorority, Inc., hereby be commended on the occasion of its 70th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Zeta Epsilon Omega chapter of Alpha Kappa Alpha Sorority, Inc., as an expression of the House of Delegates' admiration for the organization's contributions to the Commonwealth.

HOUSE RESOLUTION NO. 355

Celebrating the life of the Honorable Richard Samuel Reynolds III.

Agreed to by the House of Delegates, March 7, 2024

WHEREAS, the Honorable Richard Samuel Reynolds III, a distinguished businessman and philanthropist, esteemed former member of the Virginia House of Delegates, and a beloved member of the Richmond community, died on September 18, 2023; and

WHEREAS, the Honorable Richard Samuel "Major" Reynolds III, attended St. Christopher's School in Richmond and graduated magna cum laude from Woodberry Forest School before earning a bachelor's degree in history with honors from Princeton University; and

WHEREAS, the grandson of Richard Samuel Reynolds, founder of Reynolds Metals Company, Major Reynolds served as vice president and director of Robertshaw Controls Company, overseeing its mergers and acquisitions; and

WHEREAS, Major Reynolds later became managing director of the Reynolds Trusts and President of the Richard S. Reynolds Foundation, where he worked with his family to provide more than $66 million in grants for initiatives supporting the arts, education, the environment, and health and basic human needs; and

WHEREAS, Major Reynolds advocated tirelessly in support of the civil rights movement and for greater diversity in employment, education, and politics, receiving the William P. Robinson Award from the Virginia Legislative Black Caucus in recognition of his efforts; and

WHEREAS, Major Reynolds contributed greatly to the well-being of the Commonwealth and its citizens over a period of 53 years that included a term in the Virginia House of Delegates and service with various organizations and commissions, including the State Board for Community Colleges, the Virginia Port Authority Board of Commissioners, and the boards of the Jamestown-Yorktown Foundation, the Jamestown-Yorktown Educational Trust, and the Medical College of Virginia Foundation; and

WHEREAS, Major Reynolds also served on the boards of Virginia Union University, Woodberry Forest School, the National Conference of Christians and Jews, Salvation Army, Boys Club of Richmond, the Virginia Advisory Committee to the U.S. Commission on Civil Rights, and the University of Richmond; and

WHEREAS, a gifted and indefatigable fundraiser, Major Reynolds gave abundantly of his time to lead campaigns for several worthy causes and organizations, including what is today the United Way of Greater Richmond and Petersburg, as well as the United Negro College Fund, Jobs for Virginia Graduates, and what was formerly the Richmond Area Mental Health Association; and

WHEREAS, guided in life by his faith, Major Reynolds enjoyed worship and fellowship with his community at Second Presbyterian Church in Richmond, where he served as a trustee; he also devoted more than 30 years as president of the Reynolds Missionary Emergency Fund supporting missions both at home and abroad; and

WHEREAS, Major Reynolds will be fondly remembered and dearly missed by his loving wife, Pamela; his children, Richard IV, Anne, and Katherine, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of the Honorable Richard Samuel Reynolds III, a cherished member of the Richmond community whose legacy of generosity and service will endure for generations to come; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of the Honorable Richard Samuel Reynolds III as an expression of the House of Delegates' respect for his memory.

HOUSE RESOLUTION NO. 356

Celebrating the life of Evelyn Miles.

Agreed to by the House of Delegates, March 7, 2024

WHEREAS, Evelyn Miles, a beloved mother and grandmother and a vibrant member of the community of Virginia Beach, died on March 3, 2024; and

WHEREAS, Evelyn Miles was born in 1944 in the former Princess Anne County and devoted much of her life to caring for others; and

WHEREAS, for more than 40 years, Evelyn proudly served young people at Virginia Beach City Public Schools; and

WHEREAS, Evelyn Miles helped keep students nourished and ready to focus on their studies as a cafeteria manager, preparing students' meals with the same love and care as those she made for her own family; and

WHEREAS, Evelyn Miles enjoyed fellowship and worship with the congregation of New Saint John A.M.E. Church, where she was a member of the New Saint John Nurses Unit and the United Order of Tents; and

WHEREAS, Evelyn Miles will be fondly remembered and greatly missed by her children, Delceno, Thaddeus, and Monica, and their families, and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Evelyn Miles, a highly admired member of her community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Evelyn Miles as an expression of the House of Delegates' respect for her memory.

HOUSE RESOLUTION NO. 357

Commending the Orange County Chamber of Commerce.

Agreed to by the House of Delegates, March 7, 2024

WHEREAS, for 100 years, the Orange County Chamber of Commerce has supported local businesses and worked to enhance the quality of life for all residents of Orange County; and

WHEREAS, the Orange County Chamber of Commerce was established in 1924, and several original member businesses or their successors are still in existence, creating important jobs in the region and providing exceptional service to residents and visitors; and

WHEREAS, the Orange County Chamber of Commerce has attracted many new businesses to the region over the course of its history and remains a robust organization with more than 280 members; and

WHEREAS, in addition to providing many opportunities for area businesses to network and collaborate, the Orange County Chamber of Commerce hosts well-attended annual events, such as the Orange Street Festival and Orange Uncorked Wine Festival; and

WHEREAS, through the hard work of generations of staff members and volunteers, the Orange County Chamber of Commerce has successfully advanced the civic, commercial, industrial, and agricultural interests of the county while promoting the general welfare of area residents; now, therefore, be it

RESOLVED by the House of Delegates, That the Orange County Chamber of Commerce hereby be commended on the occasion of its 100th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Lauren Cotton, board president of the Orange County Chamber of Commerce, as an expression of the House of Delegates' admiration for the organization's contributions to the vibrant local economy.

HOUSE RESOLUTION NO. 358

Commending the NRI Vasavi Association, USA.

Agreed to by the House of Delegates, March 7, 2024

WHEREAS, the NRI Vasavi Association, USA, the United States affiliate of the social and cultural nonprofit organization connecting followers of Vasavi Matha around the globe, has made meaningful contributions to the Commonwealth since its founding; and

WHEREAS, the members of NRI Vasavi Association, USA, are followers of the Hindu goddess Vasavi Kanyakaparameswari Devi, also known as Vasavi Matha, who sacrificed her life to avoid bloodshed and war and left a message for the world underscoring the importance of *Dharmam*-justice and duty, *Seelam*-integrity, and *Ahimsa*-nonviolence; and

WHEREAS, the mission of the NRI Vasavi Association, USA, is to connect all Vasavites globally in service to the community, to help underprivileged people in the areas of education and health, to preserve and promote Vasavi culture and values, and to raise awareness of the history of Vasavi Matha and her message; and

WHEREAS, Vasavi associations like NRI Vasavi Association, USA, have been serving communities in India for centuries and in more recent years have spread to other parts of the globe as non-resident Indians (NRI) immigrate to new locales; and

WHEREAS, the NRI Vasavi Association, USA, is a leading organization for sharing and supporting the traditions and morals of the Vasavi movement outside of India; and

WHEREAS, the NRI Vasavi Association, USA, makes an impact in its local communities through its monthly newsletter that educates and informs its members, its Adopt-A-Student program that helps young people with their education, and other endeavors; and

WHEREAS, founded in 2008, the Virginia–Washington, D.C., chapter of the NRI Vasavi Association, USA, has played a pivotal role within the national organization and had the honor of hosting the organization's first national convention in 2011; and

WHEREAS, the Virginia-Washington, D.C., chapter of the NRI Vasavi Association, USA, has the support of more than 500 families and plays a crucial role in working with and connecting the Vasavi community within the Commonwealth; and

WHEREAS, the NRI Vasavi Association, USA, has partnered with Rise Against Hunger, donating one million meals for the underserved worldwide, and with many other nonprofit organizations in support of the organization's mission to end

hunger; it has also partnered with the American Red Cross, hosting blood drives quarterly across multiple cities in the Commonwealth and beyond; and

WHEREAS, the NRI Vasavi Association, USA, has hosted school supply drives and other donation drives to support local Title 1 schools in the Commonwealth and has supported various sustainability and environmental cleanup initiatives across multiple cities in the United States; and

WHEREAS, by embodying Vasavi Matha's principles of *Dharmam*, *Seelam*, and *Ahimsa*, the NRI Vasavi Association, USA, has made a profound and lasting impact on communities of the Commonwealth; now, therefore, be it

RESOLVED by the House of Delegates, That the NRI Vasavi Association, USA, hereby be commended for its legacy of service; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to representatives of the Virginia–Washington, D.C., chapter of the NRI Vasavi Association, USA, as an expression of the House of Delegates' admiration for the organization's history and mission.

HOUSE RESOLUTION NO. 359

Commending the Washington Metropolitan Cricket Board.

Agreed to by the House of Delegates, March 7, 2024

WHEREAS, for more than two decades, the Washington Metropolitan Cricket Board has promoted the sport of cricket, while facilitating the creation of clubs and supporting tournament-level play for adults and youth; and

WHEREAS, established in 2001, the Washington Metropolitan Cricket Board is now a well-consolidated hard-ball league with more than 1,000 members in Virginia, Maryland, and Washington, D.C.; and

WHEREAS, in 2014, the Washington Metropolitan Cricket Board began offering the use of natural turf wickets to its general membership; it was the only league in the Mid-Atlantic region to offer natural turf wickets and one of the few leagues in the entire country to do so; and

WHEREAS, the Washington Metropolitan Cricket Board primarily holds games at Mark Twain Park in Alexandria and Laurel Cricket Park and Oxon Hill Park in Maryland and consistently seeks new grounds to better serve its player base; and

WHEREAS, the Washington Metropolitan Cricket Board primarily operates in the Mid-Atlantic region but has played games in North Carolina, Pennsylvania, and California; and

WHEREAS, the Washington Metropolitan Cricket Board is affiliated with USA Cricket and welcomes new clubs and players of all skill levels to foster greater participation and grow the sport for future generations; now, therefore, be it

RESOLVED by the House of Delegates, That the Washington Metropolitan Cricket Board hereby be commended for its years of service to players and fans of cricket in Northern Virginia; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Washington Metropolitan Cricket Board as an expression of the House of Delegates' admiration for the organization's accomplishments in service to the cricket community.

HOUSE RESOLUTION NO. 360

Commending the Global Telangana Association.

Agreed to by the House of Delegates, March 7, 2024

WHEREAS, the Global Telangana Association is an organization dedicated to uniting the Telangana community in its efforts to support individuals and families in need in Telangana and the United States and to foster the culture and traditions of Telangana; and

WHEREAS, the Global Telangana Association was founded to promote and encourage the advancement of the culture and traditions of the Telangana region of India by establishing a platform for cultural, educational, social, and development activities in Telangana and the United States; and

WHEREAS, the Global Telangana Association's efforts have multiplied since its founding and its activities and programs now assist the disabled, weaver communities, rural medical care, girls' education, farmers, women, youth, professionals, and other groups and services; and

WHEREAS, the Global Telangana Association serves as a guide to the Telangana community, helping its members join together in support of the goals and aspirations of the organization; and

WHEREAS, the Global Telangana Association organizes a Bathukamma event every year, an annual flower festival that brings the community together to celebrate its culture and traditions; and

WHEREAS, the accomplishments of the Global Telangana Association are the results of the wisdom and guidance of its leaders and the tireless efforts and unwavering commitment of its many volunteers; now, therefore, be it

RESOLVED by the House of Delegates, That the Global Telangana Association hereby be commended for its legacy of service; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Global Telangana Association as an expression of the House of Delegates' admiration for its mission and achievements.

HOUSE RESOLUTION NO. 361

Commending Micaela Pond.

Agreed to by the House of Delegates, March 7, 2024

WHEREAS, Micaela Pond, an esteemed educator with Arlington County Public Schools, retired in 2024 after 30 years of service with the school division; and

WHEREAS, both up to and in the wake of the Space Shuttle *Challenger* disaster, Micaela Pond was inspired to teach by her high school teacher, Christa McAuliffe, who was an astronaut and member of that mission; and

WHEREAS, Micaela Pond earned a bachelor's degree in elementary education from the University of Wisconsin in 1993 and then taught at Dumfries Elementary School before earning a master's degree in curriculum and instruction from George Mason University in 1996; and

WHEREAS, Micaela Pond headed west with her husband, a member of the United States Marine Corps, and taught at Las Palmas Elementary School in San Clemente, California, before returning to Arlington, where she taught at Drew Elementary School from 1998 to 2000 before joining Escuela Key; and

WHEREAS, Micaela Pond taught first grade, then fourth and fifth grade for some years, at Escuela Key, then was a gifted resource teacher, first between Escuela Key and Barcroft Elementary School, then at Gunston Middle School, and ultimately full-time at Escuela Key; and

WHEREAS, for the last 12 years, Micaela Pond has taught at Escuela Key, one of Arlington County's two Spanish language immersion elementary school programs; and

WHEREAS, as a gifted resource teacher, Micaela Pond worked individually and in small groups with students identified as gifted to cultivate their academic development through challenging and enriching educational activities; and

WHEREAS, Micaela Pond was an advocate and champion for her students, particularly those who were underserved or marginalized, helping others to recognize and nurture their strengths and abilities; and

WHEREAS, Micaela Pond actively supported and mentored her fellow teachers, helping to strengthen morale at her school and to lay a strong foundation for its success; and

WHEREAS, Micaela Pond has given generously of her time to the community outside of the school, founding the civic action group We of Action Virginia in 2016; and

WHEREAS, in recognition of her accomplishments as an educator, Micaela Pond was named the Arlington Educator of the Year in 2015 by the American Association of University Women and the Escuela Key Teacher of the Year in 2014; and

WHEREAS, Micaela Pond has embodied the highest virtues of the education profession through her unwavering commitment to her students and colleagues, earning the praise and admiration of all Virginians; now, therefore, be it

RESOLVED by the House of Delegates, That Micaela Pond hereby be commended on the occasion of her retirement; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Micaela Pond as an expression of the House of Delegates' high regard for her contributions to the education of students in the Commonwealth.

HOUSE RESOLUTION NO. 362

Commending the Elizabeth River Project.

Agreed to by the House of Delegates, March 7, 2024

WHEREAS, the Elizabeth River Project, an organization incorporated in 1993 with a mission to restore the environmental health of the Elizabeth River, will host the grand opening of the Pru and Louis Ryan Resilience Lab on June 1, 2024; and

WHEREAS, the Pru and Louis Ryan Resilience Lab, the latest endeavor of the Elizabeth River Project, is an educational facility in Norfolk designed to serve as a global model for urban coastal resilience; and

WHEREAS, the Elizabeth River Project created the Ryan Resilience Lab in response to the Hampton Roads Region experiencing the highest rate of sea level rise on the East Coast, with the Elizabeth River located at the epicenter of this challenge; and

WHEREAS, located on both Knitting Mill Creek and one of Norfolk's busiest commercial corridors, North Colley Avenue, the Ryan Resilience Lab will be the Elizabeth River Project's most compelling platform yet for engaging the Region in environmental stewardship; and

WHEREAS, the Ryan Resilience Lab aims to address sea level rise, one of the most urgent issues impacting the Hampton Roads Region today, by educating visitors on the threats posed by sea level rise and by setting out practical solutions for residents and businesses to employ to mitigate its effects; and

WHEREAS, through its Ryan Resilience Series, an assortment of on-site events, exhibits, and other programs, the Elizabeth River Project intends to bring the community together to promote understanding and awareness of various climate and environmental issues and concerns; and

WHEREAS, by providing a model for a resilient and sustainable future, the Ryan Resilience Lab promises to amplify the Elizabeth River Project's efforts to enhance the environmental health of the Elizabeth River and its ecosystems; now, therefore, be it

RESOLVED by the House of Delegates, That the Elizabeth River Project hereby be commended for its mission and objectives on the occasion of the grand opening of the Pru and Louis Ryan Resilience Lab; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to representatives of the Elizabeth River Project as an expression of the House of Delegates' admiration for the organization's achievements and best wishes for its continued success.

HOUSE RESOLUTION NO. 363

Commending the Prince William Committee of 100.

Agreed to by the House of Delegates, March 7, 2024

WHEREAS, the Prince William Committee of 100, an organization dedicated to providing a nonpartisan, educational forum to explore essential interests, problems, and goals of the residents of Prince William County and the Cities of Manassas and Manassas Park, celebrated its 35th anniversary in 2023; and

WHEREAS, the Prince William Committee of 100 seeks to establish common understanding that facilitates the possibility for reaching meaningful and effective solutions to various issues and concerns; and

WHEREAS, the membership of the Prince William Committee of 100 draws from a diverse group of local businesses, civic, cultural, and government leaders, leveraging a broad range of perspectives and expertise; and

WHEREAS, during meetings of the Prince William Committee of 100, members hear panel presentations by local, regional, and national figures on current issues of importance to the local community; and

WHEREAS, by offering a space in which individuals may come together to gain greater understanding of the matters affecting their community, the Prince William Committee of 100 has helped to make Prince William County and the surrounding areas wonderful places to live, work, and raise a family; now, therefore, be it

RESOLVED by the House of Delegates, That the Prince William Committee of 100 hereby be commended for its legacy of service; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Prince William Committee of 100 as an expression of the House of Delegates' admiration for the organization's history and its contributions to Prince William County and the Commonwealth.

HOUSE RESOLUTION NO. 364

Commending the Rippon Lodge Historic Site.

Agreed to by the House of Delegates, March 7, 2024

WHEREAS, the Rippon Lodge Historic Site, built prior to the American Revolution and currently located in what is now Woodbridge, is the second oldest residence in Prince William County and plays an important role in preserving the history and heritage of the Commonwealth; and

WHEREAS, situated between Neabsco Creek, the Potomac River, and what is now Route 1, Rippon Lodge was built for Richard Blackburn by enslaved workers, with construction commencing in 1747; and

WHEREAS, the Blackburn family maintained extensive land holdings in the region and grew wheat, tobacco, and other crops, and the location of Rippon Lodge allowed the family to easily deliver their commodities to the nearby port in Dumfries for export back to England; and

WHEREAS, Richard Blackburn was an active leader in the community and served as a colonel in the French and Indian War, and his son, Thomas, served as a member of the House of Burgesses and joined the local militia during the Revolutionary War; and

WHEREAS, in 1785, Thomas Blackburn's daughter, Julia, married the nephew of George Washington, Bushrod Washington, who later inherited Rippon Lodge and sold the property to the Atkinson family; and

WHEREAS, Rippon Lodge was subsequently owned by the Marron family from 1911 to 1923, when prominent attorney and former special assistant to the Attorney General of the United States, Wade H. Ellis and his wife, Dessie, purchased the 500-acre property and began extensive renovations that revitalized the home while preserving its unique architectural character; and

WHEREAS, Admiral Richard Blackburn Black, a descendant of the Blackburn family, who served in World War II and the Korean War, became the last private owner of Rippon Lodge in 1952 and continued the preservation efforts begun by

Wade and Dessie Ellis; the site was listed on the Virginia Landmarks Register and the National Register of Historic Places in 1971; and

WHEREAS, Admiral Black's daughter, Debra Black Decko, sold Rippon Lodge to Prince William County in 2000, and the property reopened in 2007 as a historic site consisting of the original home, the Blackburn and Atkinson family cemeteries, and the surrounding 43 acres of land; and

WHEREAS, the purchase of the Rippon Lodge Historic Site spurred the creation of the Prince William County Office of Historic Preservation; and

WHEREAS, since the COVID-19 pandemic, the Rippon Lodge Historic Site has served more than 4,000 Prince William County Public Schools students through special educational programs, field trips, a traveling trunk, and online resources; and

WHEREAS, the Rippon Lodge Historic Site provides a vital connection to the early history and heritage of the Commonwealth and the nation from the Colonial era through the Revolutionary War and beyond, offering interpretation of the property, its owners, and enslaved and indigenous people from the 1700s to the 1970s; and

WHEREAS, the Rippon Lodge Historic Site also strives to protect the Commonwealth's natural resources by using ecologically friendly methods to care for the grounds, using trees from the property to mill lumber for restoration projects, and serving as a sanctuary for animals, honeybees, and other natural pollinators; now, therefore, be it

RESOLVED by the House of Delegates, That the Rippon Lodge Historic Site hereby be commended on the occasion of the 275th anniversary of the construction of Rippon Lodge; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Rippon Lodge Historic Site as an expression of the House of Delegates' appreciation for the historical significance of the property and for its contributions to historical education and interpretation in Prince William County and the Commonwealth.

HOUSE RESOLUTION NO. 365

Commending Patrick Harlow.

Agreed to by the House of Delegates, March 7, 2024

WHEREAS, Patrick Harlow, a junior wrestler for the Goochland High School wrestling team, won the 2024 Virginia High School League Class 3 state championship in the 215 lbs. weight class, becoming the first Bulldog wrestler in the history of the program to bring home a title; and

WHEREAS, as a freshman wrestler, Patrick Harlow demonstrated his potential and skill as he went 2-2 in the Virginia High School League (VHSL) state championship tournament; and

WHEREAS, as a sophomore wrestler, Patrick Harlow continued to show fortitude and focus as he battled to sixth place overall in the state in his weight class; and

WHEREAS, in his junior year, Patrick Harlow exploded onto the scene, dominating his opponents while amassing an amazing record of 31 wins and two losses; and

WHEREAS, in the VHSL Region 3B state qualifying tournament on February 10, 2024, Patrick Harlow continued his relentless drive to the title, posting a 4-0 record by pinning in short order Rene Urquilla Funes of Manassas Park High School, Genowa Lane of Culpeper County High School, Logan Parsons of Skyline High School in Front Royal, and Charlie Lovell of Fauquier High School; and

WHEREAS, in the VHSL Class 3 state championship tournament on February 16-17, 2024, Patrick Harlow went undefeated, pinning two of his opponents and denying his first three adversaries any points as he defeated Anthony Nolan of Northside High School in Roanoke County, Cameran Newsome of Waynesboro High School, Aaden Thomas of Lord Botetourt High School in Daleville, and Keith Melton of Petersburg High School in the finals; and

WHEREAS, with another season ahead of him as a Bulldog wrestler, Patrick Harlow, who finished his junior season with an impressive career record of 82 wins and 13 losses, promises a bright future for the Bulldogs next year; and

WHEREAS, inspired by the historic efforts of Patrick Harlow and under the leadership of head coach Jeremy Wampler, the Goochland High School wrestlers, in only the ninth season of the program, put in a remarkable team effort, racking up a season dual meet record of 13 wins and three losses, which was the best record in the history of Bulldog wrestling, and finishing ninth overall in the VHSL Class 3 state championship tournament; and

WHEREAS, a true scholar-athlete, while marching relentlessly to his first state title on the mat, Patrick Harlow also demonstrated the same focus and dedication in the classroom, maintaining an impressive 4.7 grade point average; now, therefore, be it

RESOLVED by the House of Delegates, That Patrick Harlow of the Goochland High School wrestling team hereby be commended on winning the 2024 Virginia High School League Class 3 state championship in the 215 lbs. weight class; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Patrick Harlow as an expression of the House of Delegates' admiration for his dedication to excellence both on and off the mat.

HOUSE RESOLUTION NO. 366

Commending the Reverend Hassan Abdelrahim Tawor and the Reverend Abdulmonem Abdumalawa.

Agreed to by the House of Delegates, March 7, 2024

WHEREAS, the Reverend Hassan Abdelrahim Tawor and the Reverend Abdulmonem Abdumalawa fled with their families from persecution and imprisonment in the Republic of the Sudan to make their homes in Chesterfield County and Richmond; and

WHEREAS, as ministers of the Gospel of Jesus Christ, Hassan Abdelrahim Tawor and Abdulmonem Abdumalawa not only ministered to their tiny Christian flocks, but also offered food, water, clothing, and medical care to their Muslim brothers and sisters in the overwhelmingly Muslim country, who were suffering during the civil unrest caused by the repression of Sudanese dictator Brigadier General Omar Hassan Ahmad al-Bashir in the regions of Darfur, the Nuba Mountains, and beyond; and

WHEREAS, while working with Czech pastor and journalist Petr Jasek to document the atrocities in Sudan, Hassan Abdelrahim Tawor and Abdulmonem Abdumalawa helped collect funds to pay for the medical treatment of a young student, Ali Omer, who had been seriously burned during a demonstration against the actions of the al-Bashir regime; and

WHEREAS, Hassan Abdelrahim Tawor and Abdulmonem Abdumalawa were arrested on December 18, 2015, and held in prison for almost two years awaiting trial, during which time they suffered persecution and physical abuse on a daily basis for their Christian faith, not only from the police and prison guards, but from their Muslim cellmates as well; and

WHEREAS, on January 29, 2017, Hassan Abdelrahim Tawor and Abdulmonem Abdumalawa were each sentenced to serve 12 years in prison for "aiding and abetting espionage," a verdict so patently unjust and outrageous that Hassan Abdelrahim Tawor's mother, who was present in the courtroom, suffered shock, fainted, and had to be escorted out of the courtroom; and

WHEREAS, the arrest and prosecution of Hassan Abdelrahim Tawor and Abdulmonem Abdumalawa sparked international protest, including an urgent resolution passed in October 2016 by the European Parliament calling for their immediate and unconditional release; and

WHEREAS, despite international pressure, including the issuance by the International Criminal Court of an arrest warrant against the dictator Omar al-Bashir for war crimes in the Darfur region, the Sudanese government stubbornly refused to release Hassan Abdelrahim Tawor and Abdulmonem Abdumalawa; and

WHEREAS, but for the direct personal intervention of a member of the Virginia delegation to the United States House of Representatives, who, on his own initiative, travelled to Sudan to engage in direct negotiations with Omar al-Bashir, which resulted in their release, Hassan Abdelrahim Tawor and Abdulmonem Abdumalawa would very likely have languished for years in prison; and

WHEREAS, on September 27, 2017, the family of Hassan Abdelrahim Tawor, including his wife Awdaia Ismail, his mother, Samia Mahmoud, and his children, Fibe Kodi, Joshua Kodi, Abari Kodi, Philemon Kodi, Joyce Kodi, Tom Kodi, and Tombor Kodi, were admitted to the United States; and

WHEREAS, Hassan Abdelrahim Tawor, in speaking recently about his family's new life here in the Commonwealth said, "We as family are thankful to God for all things that He is doing for us and through us; we are safe, enjoying freedom, and the kids are doing great with their education. That is a blessing"; now, therefore, be it

RESOLVED by the House of Delegates, That the Reverend Hassan Abdelrahim Tawor and the Reverend Abdulmonem Abdumalawa hereby be commended; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare copies of this resolution for presentation to the Reverend Hassan Abdelrahim Tawor and the Reverend Abdulmonem Abdumalawa as an expression of the high esteem of the House of Delegates.

HOUSE RESOLUTION NO. 367

Commending Friends of the Portsmouth Juvenile Court.

Agreed to by the House of Delegates, March 7, 2024

WHEREAS, for more than 20 years, Friends of the Portsmouth Juvenile Court has offered programs to support families and youths transitioning through the juvenile justice and child welfare systems; and

WHEREAS, Friends of the Portsmouth Juvenile Court traces its roots to 1993 when the director of the Juvenile Court Services Unit envisioned a role for volunteers in the unit's work with youth and families; and

WHEREAS, the program was so successful that Friends of the Portsmouth Juvenile Court was established as an independent entity the following year; as its services grew, the need for staff became apparent, leading the organization to file for nonprofit status; and

WHEREAS, in 1997, Friends of the Portsmouth Juvenile Court hired its first executive director; over the following years, the organization supported the creation of Portsmouth Court Appointed Special Advocates, the Community Service Program, and other vital initiatives; and

WHEREAS, over time, Friends of the Portsmouth Juvenile Court's programs and services have evolved in response to the changing needs of the Portsmouth community, but it has remained true to its core mission to make a positive difference in the lives of young people and their families; and

WHEREAS, Friends of the Portsmouth Juvenile Court has built strong relationships with a wide range of community partners, and some of Portsmouth's most respected civic leaders have served on its board of directors over the years; now, therefore, be it

RESOLVED by the House of Delegates, That Friends of the Portsmouth Juvenile Court hereby be commended for its decades of service to young people in Portsmouth; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Friends of the Portsmouth Juvenile Court as an expression of the House of Delegates' admiration for the organization's legacy of achievements.

HOUSE RESOLUTION NO. 368

Commending SiliconAndhra ManaBadi.

Agreed to by the House of Delegates, March 7, 2024

WHEREAS, SiliconAndhra ManaBadi is a global, nonprofit, volunteer-run organization dedicated to teaching students the ancient South Asian language of Telugu and about aspects of Telugu heritage and culture; and

WHEREAS, founded in 2007, SiliconAndhra ManaBadi offers a six-year language learning program in which students develop skills in reading, writing, and speaking Telugu and a deeper understanding of Telugu customs and values; and

WHEREAS, SiliconAndhra ManaBadi currently has more than 10,000 students enrolled at locations in more than 35 states and 12 different countries, including six centers in Northern Virginia and one in Richmond; and

WHEREAS, the first SiliconAndhra ManaBadi center in the Commonwealth was established in Chantilly in 2007 shortly after the global organization was founded; and

WHEREAS, more than 95,000 individuals have graduated from the SiliconAndhra ManaBadi program since its founding, nurturing the vitality of the Telugu community in the United States and abroad; and

WHEREAS, students at SiliconAndhra ManaBadi have the opportunity to earn world language credits to apply toward their high school diplomas and, in many cases, acquire the ability to better communicate and connect with the non-English-speaking members of their families; and

WHEREAS, for graduates of the program, SiliconAndhra ManaBadi offers opportunities to serve as a teaching assistant or to participate in the many cultural programs the organization hosts; and

WHEREAS, the accomplishments of SiliconAndhra ManaBadi are the result of the tireless efforts of the hundreds of volunteers who support the organization's programs; now, therefore, be it

RESOLVED by the House of Delegates, That SiliconAndhra ManaBadi hereby be commended for its legacy of service in teaching young people the Telugu language and about Telugu heritage and culture; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to SiliconAndhra ManaBadi as an expression of the House of Delegates' admiration for the organization's mission and achievements.

HOUSE RESOLUTION NO. 369

Celebrating the life of Betty Jones Bridgers Cullen.

Agreed to by the House of Delegates, March 7, 2024

WHEREAS, Betty Jones Bridgers Cullen, an esteemed educator and beloved member of the Fairfax community, died on June 8, 2023; and

WHEREAS, Betty Cullen earned a bachelor's degree in elementary education from the University of North Carolina at Greensboro, where she embarked upon many adventures as a member of the Outing Club; and

WHEREAS, after graduation, Betty Cullen served as an educator at Princess Anne Elementary School in Virginia Beach, working tirelessly to foster the academic, social, and emotional well-being of her students; and

WHEREAS, Betty Cullen later settled in Annapolis, Maryland, and earned a master's degree in education with a focus on elementary school counseling from the University of Maryland; her commitment to teaching would lead her to continue garnering credits throughout her life at the University of Virginia, the University of North Carolina at Chapel Hill, and Old Dominion University; and

WHEREAS, Betty Cullen ultimately made her home in Fairfax and concluded her teaching career at Churchill Road Elementary School, where her passion and dedication contributed greatly to her students' success both in and out of the classroom; and

WHEREAS, above all else, Betty Cullen was devoted to raising and caring for her daughter, Leigh, instilling in her innumerable life lessons and encouraging her in all her endeavors; and

WHEREAS, Betty Cullen will be fondly remembered and dearly missed by her loving husband, James; her daughter, Leigh; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Betty Jones Bridgers Cullen, a cherished member of the Fairfax community whose kind and generous spirit touched countless lives; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Betty Jones Bridgers Cullen as an expression of the House of Delegates' respect for her memory.

HOUSE RESOLUTION NO. 370

Celebrating the life of Patricia Dianne Redcross.

Agreed to by the House of Delegates, March 8, 2024

WHEREAS, Patricia Dianne Redcross, an esteemed choral director and music educator and a beloved member of the Hampton Roads community, died on May 15, 2023; and

WHEREAS, Dianne Redcross graduated valedictorian from the historic Union High School in Bowling Green and earned a bachelor's degree in music education from Howard University before continuing graduate studies in music education at Teachers College, Columbia University; and

WHEREAS, Dianne Redcross began her career as an educator in Washington, D.C., in 1974 and five years later relocated to Hampton, ultimately joining Newport News Public Schools in 1980 and serving as the choral director of Hines Middle School for 30 of her 31 years with the school system; and

WHEREAS, Dianne Redcross' commitment to the success of her students was evident in the superior ratings she and her students regularly received when performing in choral music festivals over the years; and

WHEREAS, in 1983, Dianne Redcross and her husband, Roscoe, founded R-D Music Studio in Hampton Roads, which later expanded into the Hampton Academy of Music, Dance, and Drama in 2000, providing many young people of Hampton Roads with quality instruction in the performing arts; and

WHEREAS, Dianne Redcross founded the Voices of Unity Choir, composed of children from Carver Memorial Presbyterian Church and St. Augustine's Episcopal Church of Newport News, in the mid-1980s and led the choir for more than 35 years, directing performances at churches and at other distinguished venues around the country; and

WHEREAS, Dianne Redcross will be fondly remembered and dearly missed by her loving husband of 47 years, Roscoe; her children, Jonathan and Julian, and their families; her mother, Doris Nelson; her siblings, Caroline Nelson, Dale Grigsby, and Sharon Nelson-Craig; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Patricia Dianne Redcross, a cherished member of the Hampton Roads community whose legacy of service will be an inspiration to others for years to come; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Patricia Dianne Redcross as an expression of the House of Delegates' respect for her memory.

HOUSE RESOLUTION NO. 371

Commending the Port of Virginia.

Agreed to by the House of Delegates, March 7, 2024

WHEREAS, the Port of Virginia is a critical component of Virginia's economy and has attracted new business investments to the region and the Commonwealth as a worldwide model of efficient and effective intermodal shipping operations; and

WHEREAS, the Port of Virginia comprises the Virginia Port Authority, Virginia International Terminals, and the Hampton Roads Chassis Pool and has consistently ranked as one of the top performing ports in the nation for the past several years; and

WHEREAS, according to an economic impact study by The College of William & Mary, the Port of Virginia accounts for $124.1 billion in output sales, $63 billion in Virginia gross state product, $41.4 billion in Virginia labor income, and $5.8 billion in state and local taxes; and

WHEREAS, these figures represent 12 percent of total output, 10 percent of gross state product, seven percent of labor income, and eight percent of all state and local taxes; and

WHEREAS, the Port of Virginia sustains approximately 565,000 full-time and part-time jobs or 11 percent of total employment in Virginia, meaning more than one in 10 jobs in the Commonwealth are tied to port activity; and

WHEREAS, in 2021, the Port of Virginia was ranked as the best performing port in the United States by the World Bank and S&P Global, meaning the Port of Virginia performed better than any port in the country when the supply chain crisis was at its worst; and

WHEREAS, in 2022, the Port of Virginia was ranked second in the country, behind only Wilmington, North Carolina, which had only around 130 ship calls compared to more than 1,300 in the Port of Virginia; and

WHEREAS, warehouse investments near the Port of Virginia have totaled more than $6 billion in the last three years, led by major companies like Lowe's and Amazon, and the combination of warehouse capacity and easy access to transloading facilities, including major railroads with on-terminal service, makes the port well suited to receive and distribute imported goods; and

WHEREAS, the Port of Virginia also links Virginia-based businesses and manufacturing centers in every corner of the Commonwealth with export markets around the world; and

WHEREAS, in addition, the Port of Virginia became the first port on the East Coast of the United States to be powered by 100 percent clean energy by using electric vehicles, solar power, and innovative processes and procedures; now, therefore, be it

RESOLVED by the House of Delegates, That the Port of Virginia hereby be commended for its achievements as one of the best performing ports in the United States; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Port of Virginia as an expression of the House of Delegates' appreciation for the Port of Virginia's role as a crucial hub in the global intermodal system.

HOUSE RESOLUTION NO. 372

Commending Mills Marine & Ship Repair.

Agreed to by the House of Delegates, March 7, 2024

WHEREAS, Mills Marine & Ship Repair of Suffolk, the first Black-owned ship repair company in the United States, expanded its operational capabilities by opening a new fabrication facility and training center in Portsmouth in 2024; and

WHEREAS, Mills Marine & Ship Repair is a leading provider of comprehensive maritime services, specializing in ship repair, maintenance, and training, that is deeply dedicated to innovation and the continuous development of its workforce; and

WHEREAS, in keeping with its mission to enhance skills, promote safety, and support maritime industrial training requirements, Mills Marine & Ship Repair developed a 1.24-acre expansion, which opened on February 22, 2024; and

WHEREAS, Mills Marine & Ship Repair's new training center includes classroom spaces as well as specialized training areas for critical hands-on learning; and

WHEREAS, Mills Marine & Ship Repair's expansion also includes a fabrication facility capable of manufacturing small piece parts and welding to industry standards, as well as 48,000 square feet of external laydown space; and

WHEREAS, Mills Marine & Ship Repair's commitment to knowledge enhancement and high quality manufacturing will ensure that it remains at the forefront of the maritime sector; now, therefore, be it

RESOLVED by the House of Delegates, That Mills Marine & Ship Repair hereby be commended on the occasion of the grand opening of its new fabrication facility and training center in 2024; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Donald Mills, president of Mills Marine & Ship Repair, as an expression of the House of Delegates' admiration for the organization's commitment to excellence in the maritime industry.

HOUSE RESOLUTION NO. 373

Celebrating the life of Helen V. Davis.

Agreed to by the House of Delegates, March 7, 2024

WHEREAS, Helen V. Davis, a champion for civil rights and a trailblazing community leader in Portsmouth, died on January 24, 2024; and

WHEREAS, Helen Davis was born in Johnstown, Pennsylvania, and moved to Portsmouth with her family at a young age, then graduated from I.C. Norcom High School in 1944; and

WHEREAS, Helen Davis continued her education at Virginia Union University and what is now Norfolk State University, then completed additional studies through an extension program at The College of William & Mary in Virginia; and

WHEREAS, Helen Davis joined the Central Civic Forum and Independent Voter's League, through which helped teach Black community members how to fill out registration forms and exercise their civic duty to vote; and

WHEREAS, Helen Davis served as the first female president of the Central Civic Forum, and her achievements with the organization led to the election of the first two Black members of the Portsmouth City Council, as well as the first Black judge and the first Black attorney for the Commonwealth in the city; and

WHEREAS, in 1960, Helen Davis supported and participated in student protests against discrimination at the local Woolworth store, and she fought to ensure that student protesters were not expelled for their courageous actions; and

WHEREAS, Helen Davis was passionate about the importance of a good education and gave generations of students the support they needed to become lifelong learners as a librarian in Portsmouth Public Schools for more than 30 years; and

WHEREAS, after her well-earned retirement, Helen Davis served as a member and vice chair of the Portsmouth School Board, where she played an important role in the appointment of the first Black superintendent of Portsmouth Public Schools; and

WHEREAS, Helen Davis also volunteered her time and leadership to the Urban League, the Portsmouth Chapter of Jack and Jill, Inc., and what is now Bon Secours Maryview Medical Center as its first Black female member of the board of directors; and

WHEREAS, predeceased by her husband, Howard, Helen Davis will be fondly remembered and greatly missed by her daughters, Dianne and Carolyn, and their families; her adopted daughter, Gayle; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Helen V. Davis, a pillar of the Portsmouth community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Helen V. Davis as an expression of the House of Delegates' respect for her memory.

HOUSE RESOLUTION NO. 374

Commending Elogien I. Ali.

Agreed to by the House of Delegates, March 7, 2024

WHEREAS, Elogien I. Ali, a sixth-grade teacher at Saratoga Elementary School, was selected as the 2023 Outstanding Elementary School New Teacher by Fairfax County Public Schools; and

WHEREAS, Elogien Ali helps Saratoga Elementary School fulfill its mission to adapt to the individual needs of students and assist each one in becoming a resilient, motivated, and responsible citizen of a 21st century global community; and

WHEREAS, Elogien Ali prepares students to be resilient, critical and creative thinkers, collaborators, and communicators who are committed to lifelong learning and feel empowered to take responsibility for their own social and academic development; and

WHEREAS, Elogien Ali strives to create strong relationships with students from the very first day of school, working together with them to develop expectations for the year ahead; and

WHEREAS, Elogien Ali sets high expectations for her Saratoga Stallions and holds them accountable to their goals, while giving them the tools and skills needed to succeed in sixth grade and transition into middle school; and

WHEREAS, Elogien Ali offers students autonomy through student-led conferences and cultivates an inclusive environment, ensuring that every student feels welcomed and valued; and

WHEREAS, Elogien Ali has a passion for family engagement and is a founder of the Family Ambassadors Program at Saratoga Elementary School that is working to create a Family Resource Center; now, therefore, be it

RESOLVED by the House of Delegates, That Elogien I. Ali hereby be commended on the occasion of her selection as the 2023 Outstanding Elementary School New Teacher by Fairfax County Public Schools; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Elogien I. Ali as an expression of the House of Delegates' admiration for her contributions to young people in Fairfax County.

HOUSE RESOLUTION NO. 375

Commending the Honorable Kathleen J. Murphy.

Agreed to by the House of Delegates, March 8, 2024

WHEREAS, the Honorable Kathleen J. Murphy ably represented the residents of McLean, Great Falls, and parts of Vienna and Loudoun County as a member of the Virginia House of Delegates for nine years; and

WHEREAS, after graduating magna cum laude from American University, Kathleen Murphy enjoyed a long and varied professional career; she worked as a writer and producer for Nickelodeon, served as the deputy director of women's outreach for the Democratic National Committee, and played a role in the creation of two veterans service programs, Salute Our Services and Kids Serve Too; and

WHEREAS, in the early 1990s, Kathleen Murphy worked in the office of United States Representative Charlie Wilson of Texas and handled appropriations matters related to national defense and foreign affairs; and

WHEREAS, Kathleen Murphy was subsequently appointed as a congressional liaison for the United States Agency for International Development during the Clinton Administration, then became a senior advisor for international trade issues at the U.S. Department of Commerce; and

WHEREAS, from 2000 to 2014, Kathleen Murphy also served as the president of Johnson Murphy & Associates, a consulting firm in McLean; and

WHEREAS, desirous to be of further service to the Commonwealth, Kathleen Murphy ran for the Virginia House of Delegates in 2013 and nearly unseated an incumbent delegate; she ran again during a special election in January 2015 and won, taking office that same year; and

WHEREAS, Kathleen Murphy represented the residents of McLean, Great Falls, and parts of Vienna and Loudoun County in the 34th District for four and a half terms, winning reelection in 2017, 2019, and 2021; and

WHEREAS, Kathleen Murphy introduced and supported numerous important pieces of legislation to benefit her district and all Virginians; she was an advocate for gun safety, particularly restrictions on gun ownership for individuals convicted of domestic violence, and she was a champion for women in the military, establishing the Virginia Women Veterans Roundtables; and

WHEREAS, during her tenure as a state lawmaker, Kathleen Murphy served as the vice chair of the House Democratic Caucus for four years and the vice chair of the Transportation Committee; she also offered her leadership and expertise to the committees on Finance, General Laws, and Counties, Cities and Towns and established the Rare Disease Council in 2021; and

WHEREAS, throughout her career in state government, Kathleen Murphy served her constituents and the Commonwealth as a whole with dedication, distinction, tenacity, integrity, and grace; and

WHEREAS, Kathleen Murphy has also served on the Human Services Council for Fairfax County, the McLean Community Foundation, the Fairfax County Health Care Task Force, and the fundraising board of the Cystic Fibrosis Foundation; and

WHEREAS, after her retirement from public office, Kathleen Murphy plans to seek new opportunities to serve her community, as well as spend more time with her husband, Bill, and her children, stepchildren, and grandchildren; now, therefore, be it

RESOLVED by the House of Delegates, That the Honorable Kathleen J. Murphy hereby be commended for her years of service to the residents of the 34th District and the Commonwealth as a member of the Virginia House of Delegates; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Honorable Kathleen J. Murphy as an expression of the House of Delegates' admiration for her legacy of personal and professional achievements.

HOUSE RESOLUTION NO. 376

Commending Rural Empowerment.

Agreed to by the House of Delegates, March 8, 2024

WHEREAS, Rural Empowerment, an organization dedicated to expanding economic opportunity in rural areas by providing skill training for the jobs of tomorrow, completed its first pilot program in Danville in 2023; and

WHEREAS, Rural Empowerment was founded by Jay Challa, head of Shivar Consultants, and Vinai Thumalapally, former deputy director and chief operating officer of the U.S. Trade and Development Agency, with a goal of supporting rural communities in the United States through job trainings and other resources that will enable individuals to succeed in the major industries of the 21st century; and

WHEREAS, Rural Empowerment's approach is to establish partnerships with local community organizations, industry leaders, and community and state colleges to develop and deliver training programs that cater to a specific location, the needs of the community, and local industry requirements; and

WHEREAS, Rural Empowerment facilitates its collaborative training programs by offering program coordination, professional development assistance, support with curriculum development, access to a wide network of industry leaders, and need-based financial stipends for participants; and

WHEREAS, Rural Empowerment launched its August 2023 pilot program, a 16-week cybersecurity training course, in coordination with Danville Community College, providing participants with valuable education and expertise to help them make an entry into the information technology industry, and is currently assisting the second cohort; and

WHEREAS, in addition to its training programs, Rural Empowerment is committed to assisting its participants as they take the next steps in their careers through its comprehensive professional development services, including resume crafting, interview preparation, and study support; and

WHEREAS, the accomplishments of Rural Empowerment are the result of the vision and leadership of its founders and the unwavering support of its program partners across the Commonwealth and beyond; now, therefore, be it

RESOLVED by the House of Delegates, That Rural Empowerment hereby be commended for the launch of its pilot training program in 2023; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Jay Challa and Vinai Thumalapally, founders of Rural Empowerment, as an expression of the House of Delegates' admiration for their organization's mission and best wishes for its success.

HOUSE RESOLUTION NO. 377

Commending the James Madison High School girls' basketball team.

Agreed to by the House of Delegates, March 8, 2024

WHEREAS, the James Madison High School girls' basketball team of Fairfax County won the Virginia High School League Class 6 state championship on March 10, 2023, at the Stuart C. Siegel Center in Richmond; and

WHEREAS, the James Madison High School Warhawks defeated the Manchester High School Lancers of Chesterfield County in overtime by a score of 49-46 to capture the program's fourth consecutive state championship title; and

WHEREAS, trailing by seven points with 4:22 left in regulation, the James Madison Warhawks mounted a steady comeback to force overtime and sealed the win with a gritty three-point play by junior forward Stella Gougoufkas; and

WHEREAS, the James Madison Warhawks have appeared in nine state championship finals, the most appearances by a program in the history of the Virginia High School League Class 6 or the former Group AAA; and

WHEREAS, the accomplishments of the James Madison Warhawks are the results of the hard work and determination of the student-athletes, the leadership and guidance of their coaches and teachers, and the unwavering support of their families and the entire James Madison High School community; now, therefore, be it

RESOLVED by the House of Delegates, That the James Madison High School girls' basketball team hereby be commended for winning the 2023 Virginia High School League Class 6 state championship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Kirsten Stone, coach of the James Madison High School girls' basketball team, as an expression of the House of Delegates' admiration for the program's achievements.

HOUSE RESOLUTION NO. 378

Commending Shamari Earls.

Agreed to by the House of Delegates, March 8, 2024

WHEREAS, Shamari Earls, a student at Thomas Dale High School in Chester, won the Virginia High School League Class 6 state championship in the indoor boys' long jump event at the Virginia Beach Sports Center in February 2024; and

WHEREAS, Shamari Earls sealed victory with an impressive leap of 23 feet, 10.75 inches, outjumping the runner-up by nearly two inches; and

WHEREAS, Shamari Earls has also excelled on his school's football team and is a highly touted 4-star recruit for the Class of 2025; and

WHEREAS, a star defensive back, Shamari Earls has received offers from several National Collegiate Athletic Association Division I universities, including the University of Virginia and Virginia Polytechnic Institute and State University; and

WHEREAS, Shamari Earls' accomplishments are the result of his hard work and determination, the motivation and guidance of his coaches and teachers, and the unwavering support of his family and the entire Thomas Dale High School community; now, therefore, be it

RESOLVED by the House of Delegates, That Shamari Earls hereby be commended for being the 2024 Virginia High School League Class 6 state champion in the indoor long jump event; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Shamari Earls as an expression of the House of Delegates' admiration for his achievements.

HOUSE RESOLUTION NO. 379

Commending Mudita Cafe and Bar.

Agreed to by the House of Delegates, March 8, 2024

WHEREAS, Mudita Cafe and Bar, the first coffeehouse in the Ocean View section of Norfolk, has helped cultivate a strong and welcoming sense of community in the area; and

WHEREAS, derived from Sanskrit, "Mudita" embodies the essence of joy and happiness experienced through the well-being of others, and Mudita Cafe and Bar strives to create a sense of belonging and unity among local residents; and

WHEREAS, in addition to providing craft coffee and cocktails, along with delicious food, Mudita Cafe and Bar fosters a community space where inclusivity thrives and all patrons can find empathy and camaraderie; and

WHEREAS, Mudita Cafe and Bar hosts a variety of diversity events, trivia nights, and open microphone sessions to nurture a safe environment that celebrates Norfolk's rich cultural tapestry; now, therefore, be it

RESOLVED by the House of Delegates, That Mudita Cafe and Bar hereby be commended for its contributions to the Ocean View community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Mudita Cafe and Bar as an expression of the House of Delegates' admiration for its commitment to bringing joy to its customers and all local residents.

HOUSE RESOLUTION NO. 380

Commending the Ocean View Business Association.

Agreed to by the House of Delegates, March 8, 2024

WHEREAS, for more than 40 years, the Ocean View Business Association has supported and empowered local businesses in the Ocean View area of Norfolk; and

WHEREAS, originally known as the Ocean View Merchant Association, the Ocean View Business Association was established in 1983 and adopted its current name in 2012; and

WHEREAS, the Ocean View Business Association is committed to fostering an environment where businesses not only survive but thrive and serves as a catalyst for local economic growth; and

WHEREAS, the Ocean View Business Association promotes local enterprises and offers invaluable mentorship programs to new business owners, while facilitating networking opportunities for existing businesses that forge lasting connections; and

WHEREAS, the Ocean View Business Association has helped create a spirit of innovation and a passion for entrepreneurship in the Ocean View area that serves visitors and local residents alike; and

WHEREAS, the Ocean View Business Association brings in guest speakers to educate local business leaders about city processes, business support opportunities, and outreach to nonprofit organizations; and

WHEREAS, during 2023, the Ocean View Business Association had 70 members, donated more than $2,000 to local charitable organizations, and participated in the inaugural Ocean View Mermaid Festival; and

WHEREAS, the Ocean View Business Association has played an integral role in shaping a prosperous and dynamic future for the Ocean View community and looks forward to expanding its network of businesses, as well as its community outreach programs; now, therefore, be it

RESOLVED by the House of Delegates, That the Ocean View Business Association hereby be commended for its work to help businesses in the Ocean View area of Norfolk thrive on the occasion of its 40th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Ocean View Business Association as an expression of the House of Delegates' admiration for the organization's contributions to the vibrant local economy in Norfolk.

HOUSE RESOLUTION NO. 381

Celebrating the life of Dr. Estelle F. Braxton-Davis.

Agreed to by the House of Delegates, March 8, 2024

WHEREAS, Dr. Estelle F. Braxton-Davis, a devoted educator and a vibrant member of the Richmond community, died on October 20, 2023; and

WHEREAS, Estelle Braxton-Davis grew up in the historic Fulton neighborhood of Richmond in the 1930s and cultivated a passion for education at a young age; after graduating from Armstrong High School, she matriculated at what is now Virginia State University in 1946; and

WHEREAS, Estelle Braxton-Davis supported and inspired young people as a teacher at Richmond Public Schools and the former Smith-Madden Business College; during summers, she taught farm education at what are now Fort Gregg-Adams and Fort Barfoot, where she also helped soldiers in need of additional tutelage in reading and writing; and

WHEREAS, Estelle Braxton-Davis was a longtime member of Phi Delta Kappa, a professional organization for educators, and offered her leadership to the organization at the local, regional, and national levels; and

WHEREAS, a woman of deep faith, Estelle Braxton-Davis enjoyed fellowship and worship with the congregation of Mount Calvary Baptist Church; she participated in the Fulton Church Reunion, where former congregants of other local churches, now closed, gathered at Mount Calvary Baptist Church to share stories and visit with old friends; and

WHEREAS, throughout her life, Estelle Braxton-Davis worked diligently to be a positive influence in the community through her involvement with her church and with many other civic and service organizations; and

WHEREAS, Estelle Braxton-Davis will be fondly remembered and greatly missed by numerous family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Dr. Estelle F. Braxton-Davis; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Dr. Estelle F. Braxton-Davis as an expression of the House of Delegates' respect for her memory.

HOUSE RESOLUTION NO. 382

Commending the Highland Springs High School football team.

Agreed to by the House of Delegates, March 8, 2024

WHEREAS, the Highland Springs High School football team won the Virginia High School League Class 6 state semifinal in 2023; and

WHEREAS, the Highland Springs High School Springers defeated the Lake Braddock Secondary School Bruins by a score of 35-10; and

WHEREAS, the Highland Springs Springers took an early lead when running back Eric Byrd broke away on a 54-yard run and scored a touchdown; and

WHEREAS, after Lake Braddock's next possession ended with an interception, the Highland Springs Springers capitalized on the good field position and Cole Varner extended the lead to 14-0 with another rushing touchdown, which turned out to be the game winner; and

WHEREAS, the Highland Springs Springers advanced to the Virginia High School League Class 6 state championship, their seventh trip to a state final in nine seasons, where they faced the Freedom High School Eagles and finished as state runner-up; and

WHEREAS, the successful season was a tribute to the skill and hard work of all the student-athletes, the leadership and guidance of coaches and staff, and the passionate support of the entire Highland Springs High School community; now, therefore, be it

RESOLVED by the House of Delegates, That the Highland Springs High School football team hereby be commended on winning the Virginia High School League Class 6 state semifinal; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Highland Springs High School football team as an expression of the House of Delegates' admiration for the team's achievements.

HOUSE RESOLUTION NO. 383

Commending the Varina High School boys' basketball team.

Agreed to by the House of Delegates, March 8, 2024

WHEREAS, the Varina High School boys' basketball team won its third consecutive regional title after a dominating win in the Virginia High School League Region 4B championship in 2024; and

WHEREAS, with its characteristically sturdy defense and high-tempo offense, the Varina High School Blue Devils defeated the Dinwiddie High School Generals by a score of 91-51; and

WHEREAS, freshman guard Brian Mitchell led the Varina Blue Devils with 23 points, followed by senior guard KJ Wyche with 17 points, senior wing Malachi Cosby with 15 points, and junior guard Dominique Coleman with 11 points; and

WHEREAS, KJ Wyche was selected as the Region 4B Player of the Year, while Kenneth Randolph earned the Region 4B Coach of the Year award; and

WHEREAS, the victory was a tribute to the skill and dedication of all the student-athletes, the leadership and guidance of coaches and staff, and the enthusiastic support of the entire Varina High School community; now, therefore, be it

RESOLVED by the House of Delegates, That the Varina High School boys' basketball team hereby be commended on winning the Virginia High School League Region 4B championship in 2024; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Kenneth Randolph, head coach of the Varina High School boys' basketball team, as an expression of the House of Delegates' admiration for the team's achievements.

HOUSE RESOLUTION NO. 384

Commending Ayana's Hope Cells.

Agreed to by the House of Delegates, March 8, 2024

WHEREAS, Ayana's Hope Cells, a nonprofit organization serving Southeast Virginia, provides support for children with rare diseases and their families; and

WHEREAS, Ayana's Hope Cells was founded by Ayana Johnson of Suffolk, a young woman who has been battling sickle cell disease since birth; and

WHEREAS, Ayana Johnson was inspired to advocate for her fellow sickle cell disease patients and has worked diligently to enhance options for treatment and care, while raising awareness of rare diseases and the impact they can have on patients and their families; and

WHEREAS, Ayana's Hope Cells provides support to patients and families in Southeast Virginia by gifting stuffed animals that patients can reach for when experiencing the chronic pain associated with sickle cell disease; and

WHEREAS, Ayana's Hope Cells participates in outreach and advocacy events throughout the region and the Commonwealth, including commemorations of Rare Disease Day, which takes place on February 29, the rarest day of the year; and

WHEREAS, in recognition of Rare Disease Day, Ayana's Hope Cells visited the Children's Hospital of The King's Daughters in Norfolk to distribute gifts and provide emotional support for children with sickle cell disease, as well as to raise awareness of rare diseases and chronic illnesses that children in Virginia are fighting every day; now, therefore, be it

RESOLVED by the House of Delegates, That Ayana's Hope Cells hereby be commended for its work to support chronically ill children in the Commonwealth on the occasion of Rare Disease Day in 2024; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Ayana's Hope Cells as an expression of the House of Delegates' admiration for the organization's service to the children of the Commonwealth.

HOUSE RESOLUTION NO. 385

Commending Martha S. McClees.

Agreed to by the House of Delegates, March 8, 2024

WHEREAS, Martha S. McClees assumed the position of executive director of Virginia Beach Vision, Inc., in 2008 upon the retirement of its founding director; and

WHEREAS, Martha McClees has been central to growing Virginia Beach Vision's reputation as a visionary, forward-thinking leader of the business community, as a valued partner by the city's elected and administrative leadership, and as a resource for the region's community leaders; and

WHEREAS, building on more than forty years of experience as a governmental affairs specialist and business lobbyist and as a community leader on numerous civic, city, and business committees and commissions, Martha McClees brought to the organization a well-versed understanding of the political systems, climates and challenges, and histories that continue to influence the future of Virginia Beach and its sister cities; and

WHEREAS, at the request of several elected city leaders, Martha McClees led Virginia Beach Vision's efforts to mount the light rail campaign, necessitating the creation of a new board of directors, identification and engagement of grassroots advocates, adherence to regulatory requirements, and work with outside firms in the development of a marketing, advertising, and social media plan; and

WHEREAS, Martha McClees' focus on the internal operations of Virginia Beach Vision led to greater member involvement, heightened communications internally and externally, and expanded ability to identify and focus on emerging issues; and

WHEREAS, Virginia Beach Vision was able to creatively adapt during the COVID-19 pandemic to provide timely information on business relief and granting opportunities, and also used remote access meetings to sustain awareness of and involvement in key issues, thus allowing Virginia Beach Vision to be a partner in the community's recovery; and

WHEREAS, during Martha McClees' tenure, Virginia Beach Vision has influenced many initiatives and decisions that have shaped and will continue to shape the community, including the prioritization of regional road projects and funding and development plans for the former Virginia Beach Dome site, the 31st Street corridor, the city's resort area, Strategic Growth Areas, flood mitigation and bond financing, the regional broadband network, and the emerging offshore wind industry; now, therefore, be it

RESOLVED by the House of Delegates, That Martha S. McClees hereby be commended for her professional guidance and administration of Virginia Beach Vision, Inc., over the past 16 years; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Martha S. McClees as an expression of the House of Delegates' admiration for her lifelong engagement and contributions in making Virginia Beach and the Hampton Roads region economically and culturally desirable communities.

HOUSE RESOLUTION NO. 386

Commending ChildSavers-Memorial Child Guidance Clinic.

Agreed to by the House of Delegates, March 8, 2024

WHEREAS, ChildSavers-Memorial Child Guidance Clinic, a beacon of hope for children and families in the greater Richmond area, proudly celebrates its 100th anniversary in August 2024; and

WHEREAS, ChildSavers, formerly known as the Children's Memorial Clinic, was established in memory of Dr. McGuire Newton, one of Richmond's first pediatricians, and opened on August 8, 1924; and

WHEREAS, as one of the pioneering original 10 child guidance clinics in the United States, ChildSavers was the first of its kind in the South; and

WHEREAS, in the early 1980s, ChildSavers expanded its impact by adding a child development services department to train, coach, and support child care providers, parents, and the community to provide better care for young children; and

WHEREAS, starting in 2004, ChildSavers created the first trauma response program in the Commonwealth, dedicated to immediate response and counseling services for children exposed to trauma; and

WHEREAS, ChildSavers manages all early child care initiatives for Central Virginia and improves access to high quality early learning experiences by enriching learning environments, providing nutritious meals, and enhancing teacher-child interactions; and

WHEREAS, ChildSavers is responding to the youth mental health crisis through partnerships to provide integrated, clinical behavioral health services in 15 public schools in Richmond and five public schools in Hopewell; and

WHEREAS, rooted in the belief that every child has the right to be safe, healthy, happy, and ready to learn, ChildSavers provides trauma response, mental health counseling, and early childhood development services to ensure that children can thrive and reach their fullest potential; and

WHEREAS, through its philosophy of preventing developmental problems to the greatest extent possible and intervening when necessary, ChildSavers serves thousands of children, teenagers, their families, and caregivers each year, regardless of a family's ability to pay; and

WHEREAS, in 2023, ChildSavers provided mental health counseling to 955 children in its guidance clinic, school-based sites, and psychiatry and immediate response programs, and the organization mentored and trained 6,222 child care professionals, improving the quality of care and learning in preschool for 36,727 children five years old and younger; now, therefore, be it

RESOLVED by the House of Delegates, That ChildSavers-Memorial Child Guidance Clinic hereby be commended on the occasion of its 100th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to L. Robert Bolling, chief executive officer of ChildSavers-Memorial Child Guidance Clinic, as an expression of the House of Delegates' congratulations and admiration for its unwavering commitment to young people in Central Virginia and throughout the Commonwealth.

HOUSE RESOLUTION NO. 387

Commending Katelyn Deel.

Agreed to by the House of Delegates, March 8, 2024

WHEREAS, Katelyn Deel, an English teacher at Phoebus High School in Hampton, was announced as the Hampton City Schools citywide Teacher of the Year for 2022–2023 at the meeting of the Hampton School Board on May 4, 2022; and

WHEREAS, a native of Hampton and product of Hampton City Schools, Katelyn Deel earned a bachelor's degree in English from Virginia Commonwealth University and fulfilled a lifelong aspiration when she became an educator with Hampton City Schools; and

WHEREAS, Katelyn Deel fosters a learning environment in which her students feel comfortable being themselves, giving them the confidence to tackle challenges and fulfill their ambitions; and

WHEREAS, Katelyn Deel cultivates meaningful relationships with her students and colleagues, supporting them in their endeavors and creating a sense of community at Phoebus High School; and

WHEREAS, with great wisdom and patience, Katelyn Deel invests herself not only in her students' academic achievements, but also in their social and emotional well-being, preparing them for success both in and out of the classroom; and

WHEREAS, Katelyn Deel has advanced a number of initiatives at Phoebus High School by participating in the Community Priorities Workshop, serving as the school building's Teacher Advisory Committee representative, and co-sponsoring the Model United Nations club and the freshman class; and

WHEREAS, Katelyn Deel has embodied the highest ideals of the education profession through her unwavering commitment to her students, earning the praise and admiration of all Virginians; now, therefore, be it

RESOLVED by the House of Delegates, That Katelyn Deel hereby be commended for being named the 2022-2023 Hampton City Schools citywide Teacher of the Year; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Katelyn Deel as an expression of the House of Delegates' high regard for her contributions to Hampton City Schools and the Commonwealth.

HOUSE RESOLUTION NO. 388

Commending Mike Wallace.

Agreed to by the House of Delegates, March 8, 2024

WHEREAS, Mike Wallace, owner of Salmy Kennel in Frederick County, was inducted into the Field Trial Hall of Fame at the National Bird Dog Museum in Grand Junction, Tennessee, on February 10, 2024; and

WHEREAS, Mike Wallace has been an established breeder of Field Bred English Springer Spaniels since the 1980s and has bred 10 generations of dogs in the Salmy Line; and

WHEREAS, as a professional trainer, Mike Wallace has trained approximately 100 championship-winning dogs and is a five-time winner of the Martin J. Hogan Memorial Award, which recognizes the top professional handler of the year; and

WHEREAS, three dogs that were bred, trained, and campaigned by Mike Wallace have also been inducted into the Field Trial Hall of Fame, and he has volunteered his expertise as a judge for multiple hall of fame trials over the years; and

WHEREAS, Mike Wallace is also the founder of the Central Virginia English Springer Spaniel Field Trial Club and has supported a volunteer club in Tennessee; now, therefore, be it

RESOLVED by the House of Delegates, That Mike Wallace hereby be commended on the occasion of his induction into the Field Trial Hall of Fame in 2024; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Mike Wallace as an expression of the House of Delegates' admiration for his contributions to the world of sporting dogs as a breeder and trainer.

HOUSE RESOLUTION NO. 389

Commending Erik DeTurk.

Agreed to by the House of Delegates, March 8, 2024

WHEREAS, Erik DeTurk, an esteemed government employee and an active and engaged member of the Kings Park community in Fairfax County, was named the Braddock District Citizen of the Year by the Braddock District Council in 2023; and

WHEREAS, Erik DeTurk has served as the first vice president of social outreach for the Kings Park Civic Association in Springfield, helping to promote camaraderie in the neighborhood by organizing the first Kings Park National Night Out and through other endeavors; and

WHEREAS, Erik DeTurk plays an outsized role in the maintenance and beautification of Kings Park as the leader of the park volunteer team; and

WHEREAS, Erik DeTurk supports the students, faculty, staff, and families of Kings Park Elementary School and Kings Glen Elementary School in Springfield as the treasurer of the schools' parent-teacher association; and

WHEREAS, through his unwavering commitment to assisting and supporting his community, Erik DeTurk has helped to make Kings Park and the Braddock District of Fairfax County wonderful places to live, work, and raise a family; now, therefore, be it

RESOLVED by the House of Delegates, That Erik DeTurk hereby be commended for being named the 2023 Braddock District Citizen of the Year by the Braddock District Council; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Erik DeTurk as an expression of the House of Delegates' admiration for his contributions to the Commonwealth.

HOUSE RESOLUTION NO. 390

Commending Sangster Elementary School.

Agreed to by the House of Delegates, March 8, 2024

WHEREAS, Sangster Elementary School of Fairfax County Public Schools received the Highest Achievement Award as part of the Virginia Board of Education's Exemplar School Recognition Program in 2023; and

WHEREAS, the Virginia Board of Education's Exemplar School Recognition Program recognizes schools or school divisions that exceed board-established requirements or show continuous improvement on academic and school quality indicators, as well as schools, school divisions, and school boards that implement effective, innovative practices; and

WHEREAS, Sangster Elementary School was one of four schools in the Fairfax County Public Schools division that received the Highest Achievement Award from the Virginia Board of Education for the 2022-2023 school year; and

WHEREAS, to achieve the Highest Achievement Award, Sangster Elementary School fulfilled a rigorous set of criteria in its most recent state assessments, including being accredited; meeting state benchmarks in reading, math, and science;

having all student groups within the school meet state benchmarks in reading and math; and having minimal divergence in test results between the lowest performing student group and the other students in the school; and

WHEREAS, the Highest Achievement Award is a testament to the efforts of Sangster Elementary School's administrators, educators, and families, who have cultivated a learning environment in which students may reach their potential and thrive; now, therefore, be it

RESOLVED by the House of Delegates, That Sangster Elementary School hereby be commended for receiving the Highest Achievement Award as part of the Virginia Board of Education's Exemplar School Recognition Program in 2023; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Sangster Elementary School as an expression of the House of Delegates' admiration for the school's accomplishment and best wishes for its continued success.

HOUSE RESOLUTION NO. 391

Commending Orange Hunt Elementary School.

Agreed to by the House of Delegates, March 8, 2024

WHEREAS, Orange Hunt Elementary School of Fairfax County Public Schools received the Continuous Improvement Award as part of the Virginia Board of Education's Exemplar School Recognition Program in 2023; and

WHEREAS, the Virginia Board of Education's Exemplar School Recognition Program recognizes schools or school divisions that exceed board-established requirements or show continuous improvement on academic and school quality indicators, as well as schools, school divisions, and school boards that implement effective, innovative practices; and

WHEREAS, Orange Hunt Elementary School was one of 21 schools in the Fairfax County Public Schools division that received the Continuous Improvement Award from the Virginia Board of Education for the 2022-2023 school year; and

WHEREAS, to achieve the Continuous Improvement Award, Orange Hunt Elementary School fulfilled a rigorous set of criteria in its most recent state assessments, including demonstrating an increase in the combined pass rate for math, reading, and science for each of the past three years, with a total increase across the three years of 10 points or more; and

WHEREAS, Orange Hunt Elementary School also demonstrated an increase in the combined pass rate for two or more student groups in reading and math for each of the past three years, with a total increase across the three years of 10 points or more to qualify for the Continuous Improvement Award; and

WHEREAS, the final criteria that Orange Hunt Elementary School met to earn the Continuous Improvement Award was demonstrating an increase in the Graduation and Completion Index for each of the past three years, with a total increase across the three years of four percent or more; and

WHEREAS, the Continuous Improvement Award is a testament to the efforts of Orange Hunt Elementary School's administrators, educators, and families, who have cultivated a learning environment in which students may blossom and thrive; now, therefore, be it

RESOLVED by the House of Delegates, That Orange Hunt Elementary School hereby be commended for receiving the Continuous Improvement Award as part of the Virginia Board of Education's Exemplar School Recognition Program in 2023; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Orange Hunt Elementary School as an expression of the House of Delegates' admiration for the school's accomplishment and best wishes for its continued success.

HOUSE RESOLUTION NO. 392

Commending Kings Park Elementary School.

Agreed to by the House of Delegates, March 8, 2024

WHEREAS, Kings Park Elementary School of Fairfax County Public Schools received the Virginia Purple Star Designation from the Virginia Department of Education and the Virginia Council on the Interstate Compact on Educational Opportunity for Military Children in 2023; and

WHEREAS, Kings Park Elementary School has been designated a Purple Star school in recognition of its efforts to be a military-friendly school that is committed to the needs of military-connected students and their families; and

WHEREAS, to qualify for the Purple Star designation, Kings Park Elementary School was required to have a staff member dedicated to serving as a point of contact for military students and families who had completed certain Virginia Department of Education training modules and who had conducted a school-wide professional development program to inform staff of the unique needs of military-connected students and the supports available to them; and

WHEREAS, Kings Park Elementary School also demonstrated its commitment to meeting the needs of military-connected students and families by providing other resources and programming relevant to their special

circumstances, such as assistance with academic planning and transitions between schools, districts, and states, to earn the Purple Star designation; and

WHEREAS, the extraordinary efforts of administrators, educators, and families at Kings Park Elementary School to make the school a more welcoming and accommodating place for military-connected students and families have improved the quality of life for many and are deserving of the admiration and respect of all Virginians; now, therefore, be it

RESOLVED by the House of Delegates, That Kings Park Elementary School hereby be commended for receiving the Virginia Purple Star Designation from the Virginia Department of Education and the Virginia Council on the Interstate Compact on Educational Opportunity for Military Children in 2023; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Kings Park Elementary School as an expression of the House of Delegates' high regard for the school's accomplishments in service to the Commonwealth's military families.

HOUSE RESOLUTION NO. 393

Commending the Lake Braddock Secondary School girls' gymnastics team.

Agreed to by the House of Delegates, March 8, 2024

WHEREAS, the Lake Braddock Secondary School girls' gymnastics team of Burke won the Virginia High School League Class 6 state championship on February 16, 2023, at Lightridge High School in Aldie; and

WHEREAS, the Lake Braddock Secondary School Bruins tallied 151.85 total points in the competition, squeaking by the runner-up Battlefield High School Bobcats of Haymarket by less than four points to secure the program's second consecutive state title; and

WHEREAS, the Lake Braddock Bruins showed exceptional skill and prowess at the competition, with no gymnast receiving a score lower than 8.975 points out of 10 in any event; and

WHEREAS, on its journey to a state championship title, the Lake Braddock Bruins placed first in both the Patriot District and Occoquan regional meets; and

WHEREAS, the Lake Braddock Bruins were inspired throughout the day by the heroic performance from freshman Abby Parrish, who overcame illness to compete in the meet; and

WHEREAS, the accomplishments of the Lake Braddock Bruins serve as testament to the hard work and dedication of the student-athletes, the leadership and guidance of their coaches and teachers, and the unwavering support of their families and the entire Lake Braddock Secondary School community; now, therefore, be it

RESOLVED by the House of Delegates, That the Lake Braddock Secondary School girls' gymnastics team hereby be commended for winning the 2023 Virginia High School League Class 6 state championship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Mike Cooper, coach of the Lake Braddock Secondary School girls' gymnastics team, as an expression of the House of Delegates' admiration for the team's achievement.

HOUSE RESOLUTION NO. 394

Commending Lake Braddock Secondary School.

Agreed to by the House of Delegates, March 8, 2024

WHEREAS, Lake Braddock Secondary School of Fairfax County Public Schools received the Virginia Purple Star Designation from the Virginia Department of Education and the Virginia Council on the Interstate Compact on Educational Opportunity for Military Children in 2023; and

WHEREAS, Lake Braddock Secondary School has been designated a Purple Star school in recognition of its efforts to be a military-friendly school that is committed to the needs of military-connected students and their families; and

WHEREAS, to qualify for the Purple Star designation, Lake Braddock Secondary School was required to have a staff member dedicated to serving as a point of contact for military students and families who had completed certain Virginia Department of Education training modules and who had conducted a school-wide professional development program to inform staff of the unique needs of military-connected students and the supports available to them; and

WHEREAS, Lake Braddock Secondary School also demonstrated its commitment to meeting the needs of military-connected students and families by providing other resources and programming relevant to their special circumstances, such as assistance with academic planning and transitions between schools, districts, and states, to earn the Purple Star designation; and

WHEREAS, the extraordinary efforts of administrators, educators, and families at Lake Braddock Secondary School to make the school a more welcoming and accommodating place for military-connected students and families have improved the quality of life for many and are deserving of the admiration and respect of all Virginians; now, therefore, be it

RESOLVED by the House of Delegates, That Lake Braddock Secondary School hereby be commended for receiving the Virginia Purple Star Designation from the Virginia Department of Education and the Virginia Council on the Interstate Compact on Educational Opportunity for Military Children in 2023; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Lake Braddock Secondary School as an expression of the House of Delegates' high regard for the school's accomplishments in service to the Commonwealth's military families.

HOUSE RESOLUTION NO. 395

Commending In My Humble Opinion Radio Show.

Agreed to by the House of Delegates, March 8, 2024

WHEREAS, In My Humble Opinion Radio Show, broadcast live weekly on 101.3 FM in Charlottesville, is a show that focuses on discussing and bringing greater attention to issues that impact the local Black community; and

WHEREAS, In My Humble Opinion Radio Show began in 2012 as a class project of Maxicelia Robinson, the show's co-host, while she was studying at the Columbia School of Broadcasting in Vienna; and

WHEREAS, Maxicelia Robinson found a platform for In My Humble Opinion Radio Show when a new hip hop and R&B station in Charlottesville started to air around that time; and

WHEREAS, since its founding, In My Humble Opinion Radio Show has grown its audience to become one of the most popular African American talk radio shows in the local market; and

WHEREAS, In My Humble Opinion Radio Show is a founding partner of the Charlottesville Inclusive Media Project, which was formed with the goal of bringing more inclusive representation to Charlottesville's local media; and

WHEREAS, through its work with the Charlottesville Inclusive Media Project, In My Humble Opinion Radio Show fosters a greater sense of community, elevates conversations and stories of importance to African American audiences, and builds capacity to enable independent Black media companies and professionals to thrive; and

WHEREAS, the team behind In My Humble Opinion Radio Show includes co-host Maxicelia Robinson, co-host and production engineer Charles Lewis, commentator, contributor, and manager Troy Robinson, and community contributor Aaron Simmons; and

WHEREAS, through its thought-provoking and illuminating discussions, In My Humble Opinion Radio Show has become an important and uplifting voice for the Black community in Charlottesville; now, therefore, be it

RESOLVED by the House of Delegates, That In My Humble Opinion Radio Show hereby be commended for its legacy of service; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to In My Humble Opinion Radio Show as an expression of the House of Delegates' admiration for the show's mission and achievements.

HOUSE RESOLUTION NO. 396

Commending Faith Works Fellowship Cathedral.

Agreed to by the House of Delegates, March 8, 2024

WHEREAS, for 10 years, Faith Works Fellowship Cathedral has provided opportunities for joyful worship and spiritual growth to its congregation and generous outreach to the wider community; and

WHEREAS, originally known as Faith Works Fellowship Church, Faith Works Fellowship Cathedral was founded by Bishop D. Stefan Adams on July 20, 2014, and the first service was held under a gazebo in downtown Franklin; and

WHEREAS, as membership grew, Faith Works Fellowship Church began holding services in the New Hope Annex Building while looking for a permanent home; the church adopted its current name to honor Bishop Adams after his death in 2015; and

WHEREAS, Elder Patricia Brown was installed as the new pastor of Faith Works Fellowship Cathedral on July 19, 2015, and announced later that year that she had located a suitable building for the church on South College Drive; and

WHEREAS, Faith Works Fellowship Cathedral moved into its current location on February 7, 2016, and spent the next few years establishing a foundation for its many engaging church ministries, as well as youth Sunday school classes and minister training classes; and

WHEREAS, during the COVID-19 pandemic, the congregation of Faith Works Fellowship Cathedral maintained strong bonds and adapted to continue serving the community; and

WHEREAS, Patricia Brown was elevated to apostle in 2023, and has guided Faith Works Fellowship Cathedral to initiate a host of new programs and outreach ministries to enhance and enrich the spiritual and educational growth of the community; and

WHEREAS, from its original 35 members, Faith Works Fellowship Cathedral has grown to serve more than 150 individuals as of 2024; now, therefore, be it

RESOLVED by the House of Delegates, That Faith Works Fellowship Cathedral hereby be commended on the occasion of its 10th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Apostle Patricia Brown, pastor of Faith Works Fellowship Cathedral, as an expression of the House of Delegates' admiration for the church's contributions to the Franklin community.

HOUSE RESOLUTION NO. 397

Commending Simone Bergeron.

Agreed to by the House of Delegates, March 8, 2024

WHEREAS, Simone Bergeron, formerly of James Madison High School, won her second consecutive individual state title at the Virginia High School League Class 6 state tennis championship in June 2023; and

WHEREAS, during her senior season, Simone Bergeron won Concorde District and Region 6D North individual titles, then defeated Sofia Raval of Battlefield High School in two sets to finish with a perfect 19-0 record; and

WHEREAS, Simone Bergeron compiled an impressive 49-2 record over the course of her high school career and was undefeated both her junior and senior seasons; and

WHEREAS, Simone Bergeron also achieved great success off the tennis court and was selected as the senior class speaker; after graduation, she matriculated at Elon University, where she continues to play tennis; now, therefore, be it

RESOLVED by the House of Delegates, That Simone Bergeron hereby be commended on winning the Virginia High School League Class 6 individual state tennis title in 2023; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Simone Bergeron as an expression of the House of Delegates' admiration for her athletic achievements and best wishes for the future.

HOUSE RESOLUTION NO. 398

Commending the James Madison High School baseball team.

Agreed to by the House of Delegates, March 8, 2024

WHEREAS, the James Madison High School baseball team won the Virginia High School League Class 6 state championship in June 2023; and

WHEREAS, the James Madison High School Warhawks defeated the Westfield High School Bulldogs by a score of 5-4 in the state final, which was the fifth time the Concorde District rivals had met during the season; and

WHEREAS, the James Madison Warhawks took a 4-0 lead in the third inning, but the Westfield Bulldogs rallied to tie the game; the stalemate held until the top of the seventh inning when Eli Novario hit a game-winning line-drive single to left field; and

WHEREAS, the James Madison Warhawks' most recent state title was the program's sixth overall and the fourth under current head coach Mark Gjormand, who notched his 481st career win in the state championship; and

WHEREAS, the victorious season is a tribute to the skill and hard work of all the student-athletes, the leadership and guidance of the coaches and staff, and the enthusiastic support of the entire James Madison High School community; now, therefore, be it

RESOLVED by the House of Delegates, That the James Madison High School baseball team hereby be commended on winning the Virginia High School League Class 6 state championship in 2023; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the James Madison High School baseball team as an expression of the House of Delegates' admiration for the team's achievements and best wishes for the future.

HOUSE RESOLUTION NO. 399

Commending Belong!

Agreed to by the House of Delegates, March 8, 2024

WHEREAS, Belong!, a nonprofit organization in Vienna, is dedicated to empowering underserved communities in the region and has provided the education and support they need to thrive; and

WHEREAS, Belong! traces its roots to 2017, when members of Vienna Presbyterian Church held a series of meetings with local residents, other churches, public entities, nonprofits, and business owners to better understand the needs of the community; and

WHEREAS, as a result of these meetings, Belong! was founded in 2018 with the goal of responding to tangible needs, cultivating strong partnerships, and serving people in need throughout Vienna; and

WHEREAS, Belong! strives to transform the lives of local children and their families through educational initiatives like after-school programs, enrichment activities, nutrition classes, parenting classes, and college scholarships opportunities; and

WHEREAS, Belong! organizes and encourages families to participate in community-building activities and service projects, works to bring additional resources and support networks to the community, and provides emergency relief in times of greatest need; and

WHEREAS, Belong! has fulfilled its mission to offer hope to struggling families through the hard work of its staff members and volunteers, the generosity of donors, and crucial support from other organizations including its ongoing partnership with Vienna Presbyterian Church; now, therefore, be it

RESOLVED by the House of Delegates, That Belong! hereby be commended for its years of service to the Vienna community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Belong! as an expression of the House of Delegates' appreciation for the importance of the organization's vital mission.

HOUSE RESOLUTION NO. 400

Commending Peggy James.

Agreed to by the House of Delegates, March 8, 2024

WHEREAS, Peggy James, a small business advocate and executive director of the Vienna Business Association and the Greater Merrifield Business Association, has greatly served the chambers' respective communities for many years; and

WHEREAS, over her tenure at the Vienna Business Association (VBA), Peggy James has provided many innovative ideas to advocate for local small businesses; and

WHEREAS, Peggy James has overseen and actively supported the VBA in its efforts to host popular events in the Vienna community, such as its Oktoberfest, Church Street Holiday Stroll, and Artisan Holiday Market; and

WHEREAS, Peggy James was instrumental to the development of a local chamber of commerce whose entire focus was helping small and local businesses succeed and also encouraged the chamber to support nonprofit organizations; and

WHEREAS, with deep ties to the Vienna community, Peggy James has helped many local businesses flourish, and she provided particularly vital leadership as she guided many businesses during the COVID-19 pandemic; and

WHEREAS, through her steadfast dedication to the businesses and organizations she serves, Peggy James has helped to make Vienna a more wonderful and prosperous place to live, work, and run a business; now, therefore, be it

RESOLVED by the House of Delegates, That Peggy James hereby be commended for her accomplishments over her tenure with the Vienna Business Association and the Greater Merrifield Business Association; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Peggy James as an expression of the House of Delegates' admiration for her dedication to supporting local businesses in the region.

HOUSE RESOLUTION NO. 401

Commending the James Madison High School boys' lacrosse team.

Agreed to by the House of Delegates, March 8, 2024

WHEREAS, the James Madison High School boys' lacrosse team of Vienna won the Virginia High School League Class 6 state championship on June 10, 2023, at Freedom High School in Chantilly; and

WHEREAS, the James Madison High School Warhawks defeated the Cosby High School Titans of Chesterfield County by a score of 14-4 to bring home the program's second consecutive state championship title and its third in four seasons; and

WHEREAS, the James Madison Warhawks' victory was a total team effort, led by attackman Carter Casto, who had four goals and two assists, and attackman Jake Green, who notched a hat trick; and

WHEREAS, the James Madison Warhawks closed out the 2023 season with a 13-game winning streak, posting an impressive 20-2 record overall; and

WHEREAS, with three championship titles since head coach Aaron Solomon took over the program in 2019, the James Madison Warhawks look poised to enjoy their reign of dominance for seasons to come; and

WHEREAS, the accomplishments of the James Madison Warhawks are the result of the hard work and dedication of the student-athletes, the leadership and guidance of their coaches and teachers, and the unwavering support of their families and the entire James Madison High School community; now, therefore, be it

RESOLVED by the House of Delegates, That the James Madison High School boys' lacrosse team hereby be commended for winning the 2023 Virginia High School League Class 6 state championship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Aaron Solomon, head coach of the James Madison High School boys' lacrosse team, as an expression of the House of Delegates' admiration for the team's achievement.

HOUSE RESOLUTION NO. 402

Commending Fairfax Diapers.

Agreed to by the House of Delegates, March 8, 2024

WHEREAS, for five years, Fairfax Diapers has raised awareness of diaper insecurity among local families and collected and donated diapers to people in need; and

WHEREAS, while volunteering with the charitable organization Food for Others, Christine Kenny was dismayed at the number of clients who frequently asked for diapers, even offering to trade food for diapers; and

WHEREAS, while Food for Others did carry small supplies of diapers at the time, Christine Kenny learned that most clients were not eligible to receive them and that there were no other organizations in Fairfax dedicated to helping families receive regular supplies of clean diapers; and

WHEREAS, Food for Others ultimately agreed to allow Christine Kenny to store donated diapers in and distribute donated diapers from its warehouse, and Fairfax Diapers was officially incorporated as a nonprofit organization in 2019; and

WHEREAS, Fairfax Diapers has held diaper drives at local churches and businesses, and every third Wednesday serves as a diaper packing day, when volunteers pack diapers at Christine Kenny's home; and

WHEREAS, Fairfax Diapers also works with other nonprofit organizations and charities to collect and distribute diapers to diaper banks in the area, partnering with trusted organizations like the Fairfax County Visiting Nurses Association; and

WHEREAS, under Christine Kenny's outstanding leadership, Fairfax Diapers has distributed almost one million diapers since 2019, changing the lives of numerous families; now, therefore, be it

RESOLVED by the House of Delegates, That Fairfax Diapers hereby be commended for its generous work to provide an everyday necessity to families in need; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Fairfax Diapers as an expression of the House of Delegates' admiration for the organization's achievements in service to families in the Fairfax community.

HOUSE RESOLUTION NO. 403

Commending Caffe Amouri.

Agreed to by the House of Delegates, March 8, 2024

WHEREAS, Caffe Amouri, a beloved local business and coffee shop in Vienna, has been providing exceptional coffee and service to the community since it was established in 2010; and

WHEREAS, Caffe Amouri has developed a loyal legion of patrons over the years and built a reputation throughout the local food scene as a place where friends and neighbors can gather to enjoy one another's company; and

WHEREAS, Caffe Amouri has grown beyond the bounds of a standard coffee shop by regularly hosting open mic nights, its Walk to School Wednesdays, and other events and by offering coffee-related classes in subjects such as espresso tasting and latte art; and

WHEREAS, inspired by the Italian practice of *caffe sospeso*, Caffe Amouri established a "Cup on the Wall" program, in which a cup of coffee is paid for in advance and available to anyone in need, as a way to foster goodwill and a greater sense of community during the COVID-19 pandemic; and

WHEREAS, Caffe Amouri has generously supported many local organizations, including Habitat for Humanity, the Women's Center in Vienna, and Bringing Resources to Aid Women's Shelters (BRAWS); and

WHEREAS, Caffe Amouri epitomizes the way in which small local businesses enrich communities and improve the quality of life for many; now, therefore, be it

RESOLVED by the House of Delegates, That Caffe Amouri hereby be commended for its legacy of accomplishments in service to the residents and visitors of Vienna; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Michael Amouri, owner of Caffe Amouri, as an expression of the House of Delegates' admiration for the cafe's contributions to Vienna and the Commonwealth.

HOUSE RESOLUTION NO. 404

Commending the Vienna Arts Society.

Agreed to by the House of Delegates, March 8, 2024

WHEREAS, for 50 years, the Vienna Arts Society has enhanced the quality of life in Vienna by increasing access to the arts and providing outreach programs to members of the public; and

WHEREAS, the Vienna Arts Society is a nonprofit organization supported by generous donations from local individuals and community partners, as well as a grant from the Vienna Business Association and support from ArtsFairfax; and

WHEREAS, the Vienna Arts Society hosts classes and workshops for children and adults of all skill levels and holds regular meetings at its Art Center for members; and

WHEREAS, the Vienna Arts Society Art Center features rotating displays of original artwork by local artists and a gift shop with handmade items from local artisans like jewelry, cards, textiles, ceramics, sculptures, prints, carvings, and more; and

WHEREAS, the Vienna Arts Society also maintains an art gallery and works with multiple venues in the Vienna area and beyond to host annual and special exhibits; and

WHEREAS, to commemorate its 50th anniversary, the Vienna Arts Society engaged in the "take a seat" project, where artists painted unique benches to be auctioned off and placed throughout the town; now, therefore, be it

RESOLVED by the House of Delegates, That the Vienna Arts Society hereby be commended on the occasion of its 50th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Vienna Arts Society as an expression of the House of Delegates' admiration for the organization's contributions to cultural life in Vienna.

HOUSE RESOLUTION NO. 405

Commending JoAnn McCoy.

Agreed to by the House of Delegates, March 8, 2024

WHEREAS, JoAnn McCoy, an esteemed faith leader and pastor of Family Life Worship Center Church in Clifton, has greatly served the ecumenical community of Northern Virginia over many years; and

WHEREAS, JoAnn McCoy has provided her congregation at Family Life Worship Center with insightful spiritual guidance and abundant opportunities for worship, fellowship, and community outreach; and

WHEREAS, JoAnn McCoy holds a master of divinity degree from Richmond Virginia Seminary and is honing her abilities as a faith leader by pursuing a doctor of theology degree with a focus on biblical history from the United Theological Seminary; and

WHEREAS, beyond her pastoral duties, JoAnn McCoy has worked tirelessly for the benefit of others as a community activist advocating for criminal justice and prison reform, environmental causes, children and family services, and education; and

WHEREAS, JoAnn McCoy's triumph over triple-negative breast cancer has inspired her mission to improve people's access to autonomy within the health care system, empowering other women to utilize the resources available to them to identify, treat, and survive cancer; and

WHEREAS, JoAnn McCoy has collaborated with a number of local and state agencies over the years and played a vital role in Northern Virginia's response to the COVID-19 pandemic by personally cooking meals for more than 3,000 families in need; and

WHEREAS, JoAnn McCoy is an accomplished businesswoman in her roles as co-owner of Champion Services, Inc., a solid waste management and recycling company serving the Washington, D.C., metropolitan area and as the managing director at Bion Consulting Group, LLC; and

WHEREAS, JoAnn McCoy's faith, leadership, and steadfast dedication to the well-being of others has been an inspiration to countless Virginians; now, therefore, be it

RESOLVED by the House of Delegates, That JoAnn McCoy hereby be commended for her legacy of service; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to JoAnn McCoy as an expression of the House of Delegates' admiration for her contributions to the Commonwealth.

HOUSE RESOLUTION NO. 406

Commending Westminster at Lake Ridge.

Agreed to by the House of Delegates, March 8, 2024

WHEREAS, Westminster at Lake Ridge, a nonprofit continuing care retirement community located in Prince William County, celebrated its 30th anniversary in 2023; and

WHEREAS, residents of Westminster at Lake Ridge enjoy wellness and lifelong learning opportunities, the choice of maintenance-free cottage or apartment living, housekeeping, dining, parking, transportation, and on-site amenities, all in a beautiful, wooded campus environment featuring two ponds, gardens, and trails to the Occoquan River; and

WHEREAS, the residents of Westminster at Lake Ridge have demonstrated an extraordinary commitment to the betterment of the community through their willingness to assist their fellow residents in need in various capacities and to volunteer at Rockledge Elementary School in Woodbridge for the benefit of its students; and

WHEREAS, the residents of Westminster at Lake Ridge promote sustainability by supporting the recycling and composting initiatives of a number of local organizations; and

WHEREAS, the success of Westminster at Lake Ridge is a result of the care and compassion of the organization's staff, who work tirelessly to foster a community that is a warm and welcoming home for all residents; and

WHEREAS, Westminster at Lake Ridge is guided in all of its pursuits by its mission to provide a continuum of housing, health care, and other services to older adults that promotes their sense of independence, dignity, and personal fulfillment; now, therefore, be it

RESOLVED by the House of Delegates, That Westminster at Lake Ridge hereby be commended on the occasion of its 30th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Westminster at Lake Ridge as an expression of the House of Delegates' admiration for the community's history and its contributions to the Commonwealth.

HOUSE RESOLUTION NO. 407

Commending Jonathan Rigolo.

Agreed to by the House of Delegates, March 8, 2024

WHEREAS, Jonathan Rigolo, an esteemed firefighter, has shown exceptional dedication, exemplary leadership, and an unparalleled commitment to public safety over his 40 years of service with the Virginia Beach Fire Department; and

WHEREAS, throughout his tenure with the Virginia Beach Fire Department (VBFD), Jonathan Rigolo has upheld the highest standards of professionalism, courage, and expertise, while making significant contributions to the department's mission; and

WHEREAS, as a captain and member of Rescue Company 2, Jonathan Rigolo has consistently demonstrated outstanding leadership and technical rescue skills, ensuring the successful execution of complex and challenging rescue operations; and

WHEREAS, Jonathan Rigolo has served around the world as a task force leader and Incident Support Team Division Group supervisor in support of the Urban Search and Rescue program of the Federal Emergency Management Agency (FEMA); and

WHEREAS, through his tireless efforts to train and educate firefighters both at the VBFD and with FEMA and other government and private organizations, Jonathan Rigolo has empowered countless firefighters and rescue personnel with the knowledge and skills they need to save lives and mitigate disasters effectively; and

WHEREAS, Jonathan Rigolo's passion for excellence and for advancing the field of emergency response has helped to make Virginia Beach and the world over safer places to live, work, and raise a family; now, therefore, be it

RESOLVED by the House of Delegates, That Jonathan Rigolo hereby be commended for his legacy of service as a member of the Virginia Beach Fire Department; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Jonathan Rigolo as an expression of the House of Delegates' admiration and appreciation for his contributions to Virginia Beach and the Commonwealth.

HOUSE RESOLUTION NO. 408

Commending New Light Full Gospel Baptist Church.

Agreed to by the House of Delegates, March 8, 2024

WHEREAS, for 138 years, New Light Full Gospel Baptist Church of Virginia Beach has provided its members with uplifting spiritual guidance, occasions of joyful worship, and opportunities for generous community outreach; and

WHEREAS, the mission of New Light Full Gospel Baptist Church is to worship and glorify God, promote the gospel of Jesus Christ, train and equip saints, and minister deliverance to the hurting and lost; and

WHEREAS, New Light Full Gospel Baptist Church is currently led by Pastor Eugene Cowan, who has provided sage counsel to the church's members while working tirelessly to ensure the church's prosperity and longevity; and

WHEREAS, for well over a century, New Light Full Gospel Baptist Church has been a spiritual home for the many individuals who have sought solace and a greater sense of purpose and belonging within its walls; now, therefore, be it

RESOLVED by the House of Delegates, That New Light Full Gospel Baptist Church hereby be commended as its congregation celebrates the church's 138th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to New Light Full Gospel Baptist Church as an expression of the House of Delegates' admiration for the church's history and its contributions to the Commonwealth.

HOUSE RESOLUTION NO. 409

Commending Lucy Anne Blesi.

Agreed to by the House of Delegates, March 8, 2024

WHEREAS, Lucy Anne Blesi, an English teacher at South County High School, was named the Fairfax County Public Schools Region 4 Outstanding Secondary School New Teacher for 2023; and

WHEREAS, Lucy Anne Blesi has worked tirelessly throughout her first year of teaching and contributed to South County High School's vision of creating a learning environment in which all students will have the opportunity to discover their passions in and out of the classroom and have the support they need to succeed; and

WHEREAS, Lucy Anne Blesi has cultivated mutual respect among her students to support their academic, social, and emotional well-being and ensure they feel comfortable expressing their ideas; and

WHEREAS, Lucy Anne Blesi engages her students with thought-provoking questions that encourage them to reflect, analyze, and grow and mature both academically and personally; and

WHEREAS, Lucy Anne Blesi actively collaborates with her colleagues and has developed many meaningful and productive professional relationships throughout South County High School that enhance the school's overall success; and

WHEREAS, Lucy Anne Blesi contributes to the South County High School community beyond the classroom as one of the school's lacrosse coaches, mentoring students and building a strong team environment; and

WHEREAS, Lucy Anne Blesi has embodied the highest ideals of the education profession through her unwavering commitment to her students and fellow faculty members, earning the praise and admiration of all Stallions; now, therefore, be it

RESOLVED by the House of Delegates, That Lucy Anne Blesi hereby be commended for being named the 2023 Fairfax County Public Schools Region 4 Outstanding Secondary School New Teacher; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Lucy Anne Blesi as an expression of the House of Delegates' high regard for her contributions to the Commonwealth.

HOUSE RESOLUTION NO. 410

Commending Antioch Baptist Church.

Agreed to by the House of Delegates, March 8, 2024

WHEREAS, for 35 years, Antioch Baptist Church in Fairfax Station has provided opportunities for spiritual growth and joyful worship to the members of its congregation and generous outreach to the wider community; and

WHEREAS, Antioch Baptist Church was founded on January 8, 1989, and held its first service in the Salvation Army Chapel on Ox Road; the Reverend John Q. Gibbs served as the founding pastor until his death in 1995; and

WHEREAS, the Reverend Dr. Marshal L. Ausberry, who had been mentored by Reverend Gibbs, was selected as the interim pastor and formally elected as pastor of Antioch Baptist Church on September 6, 1995; and

WHEREAS, under the leadership of Reverend Ausberry, the Antioch Baptist Church congregation continued to thrive and became well-known as a warm and welcoming church that was deeply engaged in community life; and

WHEREAS, at the local level, Reverend Ausberry oversaw the creation of ministries to serve the homeless, sick or elderly community members, and incarcerated people, and he directed Antioch Baptist Church to launch missionary programs in Haiti and other countries around the world; and

WHEREAS, prior to his retirement on June 30, 2022, Reverend Ausberry expanded the Antioch Baptist Church campus and presided over the construction of the Ministry Center; and

WHEREAS, on December 1, 2023, the Reverend Dr. Kevin B. Taylor became the pastor-elect of Antioch Baptist Church; his decades of experience in ministry and passionate commitment to education will help the church continue to grow in faith and number and remain an integral part of local life in Fairfax Station; now, therefore, be it

RESOLVED by the House of Delegates, That Antioch Baptist Church hereby be commended on the occasion of its 35th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Reverend Dr. Kevin B. Taylor, pastor of Antioch Baptist Church, as an expression of the House of Delegates' admiration for the church's contributions to the Fairfax Station community.

HOUSE RESOLUTION NO. 411

Commending Katelyn M. Hagen.

Agreed to by the House of Delegates, March 8, 2024

WHEREAS, Katelyn M. Hagen, an intervention specialist at South County Middle School, was named the Fairfax County Public Schools Outstanding School-Based Professional Employee for 2023; and

WHEREAS, in her two years at South County Middle School, Katelyn Hagen has worked to ensure that students at South County Middle School are empowered to be honorable, empathetic, resilient, and dedicated learners; and

WHEREAS, Katelyn Hagen's principle of "Students first, always" is the foundation of her commitment to supporting students' academic success and meeting their behavioral, social, and emotional needs; and

WHEREAS, Katelyn Hagen has built a robust Multi-Tiered System of Supports framework by facilitating data analysis, structuring academic interventions, reinforcing Positive Behavioral Interventions and Supports, and leading programs like Check-In/Check-Out and High Five Partners; and

WHEREAS, Katelyn Hagen collaborates with her fellow educators to identify and remove barriers to learning and to increase access to tools and resources that benefit students; and

WHEREAS, Katelyn Hagen has demonstrated an exceptional ability to bring South County Middle School stakeholders together to explore and implement new ideas and supports for the school's students; and

WHEREAS, Katelyn Hagen is praised for her professionalism and ability to communicate clearly and effectively with colleagues, community members, and students, allowing her to juggle many essential tasks and priorities and implement new and innovative ideas; and

WHEREAS, Katelyn Hagen is a dedicated member of the Lorton community and engages with students as current and future members of her community, including helping students after they have graduated from South County Middle School get the support they need to thrive; now, therefore, be it

RESOLVED by the House of Delegates, That Katelyn M. Hagen hereby be commended for being named the 2023 Fairfax County Public Schools Outstanding School-Based Professional Employee; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Katelyn M. Hagen as an expression of the House of Delegates' high regard for her contributions to the Commonwealth.

HOUSE RESOLUTION NO. 412

Commending the Korean Community Service Center of Greater Washington.

Agreed to by the House of Delegates, March 8, 2024

WHEREAS, the Korean Community Service Center of Greater Washington, an organization dedicated to assisting and empowering Asian Americans and new immigrants through social services, education, advocacy, and other resources, celebrates its 50th anniversary in 2024; and

WHEREAS, the Korean Community Service Center of Greater Washington (KCSC) was founded in 1974 by a pastor and his congregation who helped visitors and immigrants from Korea with basic transportation and interpretation and translation assistance, while also helping newcomers rent apartments, set up phone and utilities services, and enroll their kids in school; and

WHEREAS, over the past 50 years, KCSC has grown and evolved into the largest bilingual and bicultural Korean social service agency in the Washington, D.C., metropolitan area and now provides services to other Asian immigrant communities living in the region; and

WHEREAS, KCSC has served more than 150,000 Asian American immigrant families since it was founded and currently provides services to about 1,000 Asian Americans a month at four different office locations, including its headquarters in Annandale and branch offices in Maryland; and

WHEREAS, KCSC currently offers a variety of services and programs that are person-centered, culturally and linguistically competent, trauma-informed, community-based, and dedicated to developing helpful partnerships, collaborations, and alliances; and

WHEREAS, KCSC's services and programs include comprehensive social services and case management, immigration legal services, housing counseling and a first-time home buyers program, financial literacy classes, employment-counseling and job readiness services, a continuing education program for seniors, comprehensive services for victims of domestic

violence and sexual assault, health care services and health education and outreach, and mental health and substance abuse counseling; and

WHEREAS, KCSC is celebrating its 50th anniversary with a gala on April 21, 2024, at the Hilton McLean Tysons Corner hotel in McLean; now, therefore, be it

RESOLVED by the House of Delegates, That the Korean Community Service Center of Greater Washington hereby be commended on the occasion of its 50th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Korean Community Service Center of Greater Washington as an expression of the House of Delegates' admiration for its contributions to the Commonwealth.

HOUSE RESOLUTION NO. 413

Commending Rashida J. Green

Agreed to by the House of Delegates, March 8, 2024

WHEREAS, Rashida J. Green, principal at Bucknell Elementary School, was named the Fairfax County Public Schools Region 3 Outstanding New Principal for 2023; and

WHEREAS, Rashida Green works tirelessly to realize the vision of Bucknell Elementary School to build collaborative relationships with students, parents, and the community; empower students to be confident lifelong learners; ensure high levels of learning for all students to succeed; and motivate, engage, and inspire students to be leaders that change the world; and

WHEREAS, Rashida Green brings her experience growing up on Route 1 to her service now as principal, lifting up the strengths of the community and striving to ensure her students have equitable access to opportunities that allow them to fulfill their potential; and

WHEREAS, Rashida Green partnered with community members and the nonprofit organization Shoes That Fit to raise enough money to provide every Bucknell Bulldog with a new pair of shoes, bringing immense joy to her students and raising awareness about the need for properly fitting footwear; and

WHEREAS, Rashida Green brings immense passion, positivity, and purpose to fostering meaningful relationships throughout the Bucknell Elementary School community and to creating a strong sense of belonging for all students, families, and staff that serves as the foundation to the school's success; and

WHEREAS, Rashida Green supports and participates in professional training with staff and encourages leadership among teachers and staff so they can continue innovating and helping students achieve; now, therefore, be it

RESOLVED by the House of Delegates, That Rashida J. Green hereby be commended for being named the 2023 Fairfax County Public Schools Region 3 Outstanding New Principal; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Rashida J. Green as an expression of the House of Delegates' high regard for her contributions to the Commonwealth.

HOUSE RESOLUTION NO. 414

Commending Cristina Procaccino.

Agreed to by the House of Delegates, March 8, 2024

WHEREAS, Cristina Procaccino, a Latin language teacher at Edison High School, was named the Fairfax County Public Schools Region 3 Outstanding Secondary School Teacher for 2023; and

WHEREAS, Cristina Procaccino develops lessons that immerse her students in Latin history and culture and improve their understanding of the language, while motivating and engaging their interest through regular contests and competitions; and

WHEREAS, Cristina Procaccino shares her knowledge with students outside of the classroom by mentoring students through the Edison High School Latin Club, Honor Society, Linguistics Club, and Linguistics League; and

WHEREAS, Cristina Procaccino makes learning fun by encouraging her students to take risks, while making sure they feel safe and supported; and

WHEREAS, Cristina Procaccino builds meaningful relationships with her students and their families, her colleagues, and also with feeder schools, universities, professional organizations, and youth and teachers worldwide; and

WHEREAS, Cristina Procaccino leads within her professional communities by presenting on collaboration, multilingualism, linguistics, and engagement in language classrooms; and

WHEREAS, Cristina Procaccino has been recognized for her subject matter expertise by being invited to share her knowledge at multiple national and local conferences, including as guest speaker at a National Science Foundation conference; and

WHEREAS, outside of her classroom, Cristina Procaccino is a lifelong learner, continuing her education and expanding her expertise; now, therefore, be it

RESOLVED by the House of Delegates, That Cristina Procaccino hereby be commended for being named the 2023 Fairfax County Public Schools Region 3 Outstanding Secondary School Teacher; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Cristina Procaccino as an expression of the General Assembly's high regard for her contributions to the Commonwealth.

HOUSE RESOLUTION NO. 415

Commending the Exchange Club of Lynchburg.

Agreed to by the House of Delegates, March 8, 2024

WHEREAS, the Exchange Club of Lynchburg, an organization dedicated to inspiring communities to become better places to live, which has greatly served the Lynchburg community for several decades, held its 62nd annual Pancake Jamboree at the Lynchburg City Armory on November 3, 2023; and

WHEREAS, the Exchange Club of Lynchburg was chartered in 1938 by local business leaders who wanted to promote collaboration and the exchange of ideas to improve the quality of life in the community; and

WHEREAS, guided by its core values of family, community, and country, the Exchange Club of Lynchburg supports youth programs, service projects, its Americanism Program of Service, child abuse prevention initiatives, and more in the furtherance of its mission; and

WHEREAS, the Exchange Club of Lynchburg's beloved Pancake Jamboree draws thousands of visitors each year, raising funds for the organization's programs while also fostering a greater sense of community among its attendees; and

WHEREAS, the accomplishments of the Exchange Club of Lynchburg are the result of the indefatigable efforts of its volunteer members, who have realized the organization's vision by helping to make Lynchburg a more wonderful place to live, work, and raise a family; now, therefore, be it

RESOLVED by the House of Delegates, That the Exchange Club of Lynchburg hereby be commended for its legacy of service on the occasion of its 62nd annual Pancake Jamboree; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to representatives of the Exchange Club of Lynchburg as an expression of the House of Delegates' admiration for the organization's contributions to the Commonwealth.

HOUSE RESOLUTION NO. 416

Commending Geeta Rao Gupta.

Agreed to by the House of Delegates, March 8, 2024

WHEREAS, on July 11, 2023, Geeta Rao Gupta was sworn in as the fourth Ambassador at Large for Global Women's Issues at the U.S. Department of State; and

WHEREAS, Geeta Rao Gupta holds degrees from Bangalore University and the University of Delhi and has dedicated her career to promoting leadership and empowerment among women and girls around the world; and

WHEREAS, Geeta Rao Gupta became a world-renowned expert on cases of HIV among women and AIDS prevention after heading a groundbreaking, 15-country research program in the 1990s that identified the social and economic roots of women's vulnerability to HIV infection; and

WHEREAS, Geeta Rao Gupta has demonstrated a deep commitment to advancing equity and promoting issues that are front and center for women and girls worldwide; she has spent more than 40 years focused on women's issues, from her Women's Studies Program at the Tata Institute of Social Sciences to her role as a Senior Fellow for the Bill & Melinda Gates Foundation and Deputy Executive Director at UNICEF, as well as her more recent role of Executive Director of the United Nations Foundation's 3D Program for Girls and Women; and

WHEREAS, Geeta Rao Gupta has also chaired numerous boards and commissions, including the global advisory board of WomenLift Health, the World Health Organization's independent oversight and advisory committee for health emergencies, the board of the UBS Optimus Foundation, and the advisory board of Merck for Mothers, among many others; and

WHEREAS, Geeta Rao Gupta is the recipient of numerous awards, including the Julia Vadala Taft Outstanding Leadership Award from InterAction, the Anne Roe Award from Harvard University, and the Women Who Mean Business Award from the *Washington Business Journal*; and

WHEREAS, over the course of her career, Geeta Rao Gupta has demonstrated a deep commitment to become a leading global authority on women's role in economic development and a passionate advocate for women's empowerment and the protection and fulfillment of women's rights; and

WHEREAS, Geeta Rao Gupta co-founded Progressives for Equality and Compassion for Everyone (PEACE), a grassroots organization, to engage Asian American women in advocacy on reproductive rights, criminal justice reform, voting rights, and immigrant rights; and

WHEREAS, Geeta Rao Gupta voluntarily helps resettle newly arrived Afghan refugees in Northern Virginia, providing invaluable support and stability during a time of transition by connecting them to resources as they establish new homes and seek education, language assistance, and work opportunities; and

WHEREAS, Geeta Rao Gupta was nominated for the post of Ambassador at Large for Global Women's Issues by President Joseph Biden in November 2021 and confirmed by the United States Senate on May 10, 2023; she is the first woman of color to hold the position; now, therefore, be it

RESOLVED by the House of Delegates, That Geeta Rao Gupta hereby be commended on her selection as Ambassador at Large for Global Women's Issues at the U.S. Department of State; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Geeta Rao Gupta as an expression of the House of Delegates' admiration for her work to empower women and girls around the world.

HOUSE RESOLUTION NO. 417

Commending BAPS Shri Swaminarayan Mandir.

Agreed to by the House of Delegates, March 8, 2024

WHEREAS, BAPS Shri Swaminarayan Mandir is a socio-spiritual organization and temple in Richmond for members of the Hindu denomination Bochasanwasi Akshar Purushottam Swaminarayan Sanstha and a volunteer-driven fellowship dedicated to improving society by promoting individual growth and fostering Hindu values of faith, service, and global harmony; and

WHEREAS, Bochasanwasi Akshar Purushottam Swaminarayan Sanstha (BAPS) currently has more than 100 chapters in more than 30 states, including five chapters in the Commonwealth, located in Richmond, Chantilly, Newport News, Staunton, and Roanoke; and

WHEREAS, BAPS Shri Swaminarayan Mandir was founded in 2005 and currently serves more than 350 members who regularly attend the organization's weekly services and more than 2,000 people who visit the temple on festival days such as Diwali; and

WHEREAS, BAPS Shri Swaminarayan Mandir actively supports the local community through presentations on health care and wellness, walkathons to benefit local and national organizations and agencies, and conferences to empower and uplift women; and

WHEREAS, BAPS Shri Swaminarayan Mandir connects with and nurtures the youth through various activities, preparing them to be upstanding citizens and the leaders of tomorrow; and

WHEREAS, BAPS Shri Swaminarayan Mandir has enriched the lives of its members through spiritual guidance and abundant opportunities for worship, fellowship, and community outreach; now, therefore, be it

RESOLVED by the House of Delegates, That BAPS Shri Swaminarayan Mandir hereby be commended for its legacy of service; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to BAPS Shri Swaminarayan Mandir as an expression of the House of Delegates' admiration for its contributions to the Commonwealth.

HOUSE RESOLUTION NO. 418

Commending the Virginia Beach Lifesaving Service.

Agreed to by the House of Delegates, March 8, 2024

WHEREAS, during the 2023 summer season, the Virginia Beach Lifesaving Service performed more than 800 rescues, a significant increase over previous averages; and

WHEREAS, the Virginia Beach Lifesaving Service is a certified agency of the United States Lifesaving Association that has provided lifeguard services to the City of Virginia Beach since 1930, patrolling more than five miles of oceanfront property and safeguarding thousands of residents and visitors each year; and

WHEREAS, the Virginia Beach Lifesaving Service typically performs 400 to 600 rescues during a summer season, but from May 13 to September 17, 2023, the service completed an incredible 800 rescues; and

WHEREAS, during the Fourth of July holiday weekend alone, the Virginia Beach Lifesaving Service performed 200 rescues in addition to providing first aid and fulfilling other duties like helping lost children locate their families; and

WHEREAS, in August 2023, the Virginia Beach Lifesaving Service also hosted the United States Lifesaving Association National Championships, which brought hundreds of competitors to the Virginia Beach Oceanfront; and

WHEREAS, the Virginia Beach Lifesaving Service is a vital asset to the Virginia Beach community and plays a crucial role in public safety; now, therefore, be it

RESOLVED by the House of Delegates, That the Virginia Beach Lifesaving Service hereby be commended for its extraordinary performance during the 2023 summer season; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Virginia Beach Lifesaving Service as an expression of the House of Delegates' admiration for the organization's overall commitment to beach safety and the courage and dedication of its members.

HOUSE RESOLUTION NO. 419

Commending Youth For Tomorrow-New Life Center, Inc.

Agreed to by the House of Delegates, March 8, 2024

WHEREAS, Youth For Tomorrow-New Life Center, Inc., a Bristow-based nonprofit organization caring for at-risk youth and their families through a broad spectrum of clinical and special education services and programs serving over 39,000 at-risk teenagers and families who came to the organization when their lives were in crisis, has greatly served the Northern Virginia community and beyond for nearly 40 years; and

WHEREAS, founded by National Football League legend and Hall of Fame Coach Joe Gibbs, Youth For Tomorrow enrolled its first male residents in 1986; and

WHEREAS, Youth For Tomorrow has grown significantly over the decades, requiring the construction of more than a dozen new buildings, including the Joe Gibbs Center for Academic and Physical Education in 2003 along with a total of 15 residential homes for children, a chapel, a behavioral health and administration center, and seven outpatient mental health regional offices; and

WHEREAS, to better meet the needs of the community, Youth For Tomorrow has evolved into a co-educational model, with girls representing nearly half of the organization's resident population today, and has served more than 7,400 boys and girls on its campus since 1986; and

WHEREAS, in order to provide secondary education to residential and day school students, Youth For Tomorrow has been accredited by the Virginia Association of Independent Specialized Education Facilities, an accrediting organization of the Virginia Council for Private Education, which is recognized by the Department of Education for the accreditation of private schools; and

WHEREAS, Youth For Tomorrow is licensed by the Department of Social Services and the Department of Behavioral Health and Developmental Services (DBHDS) to accommodate placements in its shelter and residential treatment center, and is also authorized by DBHDS to provide individuals with therapeutic day treatment and intensive-in-home services; additionally, the organization has three national accreditations, including clinical accreditation from The Joint Commission, corporate and residential accreditation from The Council On Accreditation, and educational accreditation from Cognia; and

WHEREAS, Youth For Tomorrow has expanded its behavioral health and therapeutic day treatment services beyond Prince William County into Fairfax, Loudoun, and Fauquier Counties over the years, broadening the organization's ability to make an impact in the lives of Northern Virginians of all ages, and has served over 31,000 emotionally and psychologically traumatized children and adults through more than 206,800 counseling sessions as part of its community services since 2012; and

WHEREAS, the accomplishments of Youth For Tomorrow are the result of the original vision of its founder, Joe Gibbs, and the steadfast leadership and expanded vision of its chief executive officer, Dr. Gary L. Jones, as well as the tireless efforts of its professional staff and the generous support of its funders and partners; and

WHEREAS, Youth For Tomorrow has given thousands of young people the opportunity to develop the confidence, skills, intellectual ability, spiritual insight, and moral integrity they need to lead successful and meaningful lives; now, therefore, be it

RESOLVED by the House of Delegates, That Youth For Tomorrow-New Life Center, Inc., hereby be commended for its efforts as a powerful and positive force for good in the Northern Virginia community; and, be it

RESOLVED FURTHER, That the Clerk of the House Delegates prepare a copy of this resolution for presentation to Joe Gibbs, founder of Youth For Tomorrow-New Life Center, Inc., as an expression of the House of Delegates' admiration for the organization's mission and achievements.

HOUSE RESOLUTION NO. 420

Commending the Fredericksburg Civil Rights Trail.

Agreed to by the House of Delegates, March 8, 2024

WHEREAS, the Fredericksburg Civil Rights Trail, named "Freedom: a Work in Progress," was accepted as part of the United States Civil Rights Trail in 2024; and

WHEREAS, the Fredericksburg Civil Rights Trail became the fourth such site in the Commonwealth to be added to the United States Civil Rights Trail, which features a number of landmarks and sites across 15 states that figure prominently in the history of the civil rights movement; and

WHEREAS, the Fredericksburg Civil Rights Trail was developed in partnership between the City of Fredericksburg and the University of Mary Washington, with particularly strong support from Victoria Matthews, Fredericksburg's tourism

sales manager, and Chris Williams, assistant director at the University of Mary Washington's James Farmer Multicultural Center, and the project benefitted greatly from the Fredericksburg community's input throughout the process; and

WHEREAS, the 21 sites on the Fredericksburg Civil Rights Trail range chronologically from the Civil War to the present and include places noted in history that created educational, housing, and business opportunities during the Jim Crow era, buildings that provided the setting for protests against racial segregation in the 1950s and 1960s, and locations that illuminate the accomplishments of civil rights leaders; and

WHEREAS, by shedding light onto significant aspects of the history of Fredericksburg, the Commonwealth, and the nation, and by fostering a deeper understanding of the hardships Black Americans faced in their pursuit of freedom, justice, and equality, the Fredericksburg Civil Rights Trail promises to enrich and preserve this history and to educate and inspire Virginians for generations to come; now, therefore, be it

RESOLVED by House of Delegates, That the Fredericksburg Civil Rights Trail hereby be commended for its inclusion in the United States Civil Rights Trail; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the representatives of the Fredericksburg Civil Rights Trail as an expression of the House of Delegates' admiration for the endeavor's mission and accomplishments.

HOUSE RESOLUTION NO. 421

Celebrating the life of the Honorable Arthur L. Burnett, Sr.

Agreed to by the House of Delegates, March 8, 2024

WHEREAS, the Honorable Arthur L. Burnett, Sr., a trailblazing jurist who broke down racial barriers over the course of his exceptional career, which included judicial appointments from multiple United States presidents, died on November 20, 2023; and

WHEREAS, Arthur Burnett was born in Spotsylvania County and grew up during the Jim Crow era; he graduated summa cum laude from Howard University and had been tapped by Thurgood Marshall to attempt to integrate the University of Virginia School of Law, but ultimately attended the New York University School of Law, where he completed seven years of coursework in six years and graduated in the top 10 percent of his class; and

WHEREAS, Arthur Burnett was accepted into the Attorney General's Honors Program at the U.S. Department of Justice, but was drafted and served the nation as a member of the military for several years; after returning to civilian life, he served as a liaison to Attorney General Robert F. Kennedy, reporting on significant developments in the civil rights movement, and later became the first general counsel to the Metropolitan Police Department of the District of Columbia; and

WHEREAS, in 1969, at the age of 34, Arthur Burnett was appointed as a United States Magistrate, becoming the first Black American appointed as a magistrate judge in the nation; he oversaw numerous reforms to the judicial system, such as strengthening the quality of arrest and search warrants issued by federal magistrates and reevaluating bail processes; and

WHEREAS, in 1975, Arthur Burnett became the assistant general counsel in charge of the Legal Advisory Division of what was then the United States Civil Service Commission to act on harmonizing the affirmative action and merit systems; and

WHEREAS, after President Jimmy Carter established a major initiative to revise the Federal Civil System, Arthur Burnett was assigned to work with the White House Counsel's Office and was the principal drafter of the legislation that became the Civil Service Reform Act of 1978, leading to the creation of the Office of Personnel Management, the Merit Systems Protection Board, the Federal Labor Relations Authority, and the Office of Special Counsel to deal with Hatch Act allegations; and

WHEREAS, in January 1980, Arthur Burnett was again appointed to an eight-year term as a United States Magistrate in the United States District Court for the District of Columbia, where he served until he was appointed by President Ronald Reagan to the Superior Court of the District of Columbia in November 1987; he began serving as a senior judge in 1998 and continued actively hearing cases until 2004; and

WHEREAS, while retaining his status as a senior judge, Arthur Burnett took a sabbatical in 2004 and assumed the position of national executive director of the National African American Drug Policy Coalition, Inc., in which capacity he advocated for equity in drug policy enforcement and later became one of the leading advisors on drug policy matters to the Obama administration; and

WHEREAS, over the course of his legal career, Arthur Burnett also visited and consulted with judges around the world and served as a briefing judge for the U.S. Department of State, advising foreign judges about the legal and judicial systems of the United States; and

WHEREAS, Arthur Burnett inspired young men and women in the legal field as an adjunct professor in trial advocacy at the Howard University School of Law and as an adjunct professor at the Columbus School of Law at the Catholic University of America; and

WHEREAS, Arthur Burnett officially retired from the Superior Court of the District of Columbia on February 15, 2013, having served the nation with the utmost integrity, dedication, and distinction; and

WHEREAS, among countless awards and accolades for his personal and professional achievements, Arthur Burnett was selected in 2020 as a Top Judge of the Decade by the International Association of Top Professionals, and was inducted into the organization's Hall of Fame, a high honor that recognized his more than 60 years of experience in the legal field; and

WHEREAS, Arthur Burnett will be fondly remembered and greatly missed by his wife of 63 years, Frisbieann; his children, Darnellena, Arthur II, Daryl, Darlisa, and Dionne, and their families; and numerous other family members, friends, and colleagues; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of the Honorable Arthur L. Burnett, Sr., an esteemed former judge of the Superior Court of the District of Columbia who touched countless lives over the course of his incomparable career; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of the Honorable Arthur L. Burnett, Sr., as an expression of the House of Delegates' respect for his memory.

HOUSE RESOLUTION NO. 422

Commending the Martinsville-Henry County Chamber of Commerce.

Agreed to by the House of Delegates, March 8, 2024

WHEREAS, in May 2024, the Martinsville-Henry County Chamber of Commerce proudly celebrates 65 years of uplifting the regional economy and the quality of life in the Martinsville and Henry County community; and

WHEREAS, in 1959, the Martinsville-Henry County Chamber of Commerce was formed as the new "front door" for the community, as envisioned by its first president, Heck Ford, who saw the need for a hub to support existing businesses, attract new enterprises, and facilitate development; and

WHEREAS, comprising 786 businesses, enterprises, civic organizations, educational institutions, and individuals, the Martinsville-Henry County Chamber of Commerce continues its legacy as the voice of the business community and strives to strengthen economic advancement in the area; and

WHEREAS, for 65 years, the Martinsville-Henry County Chamber of Commerce has been a part of the rich fabric of the local business community, essential to elevating the region's promising future; and

WHEREAS, over the years, the Martinsville-Henry County Chamber of Commerce has grown into an organization that exemplifies excellence by achieving five-star accreditation from the U.S. Chamber of Commerce, a high honor that has been achieved by only three chambers in the Commonwealth and only two percent of chambers nationwide; and

WHEREAS, the Martinsville-Henry County Chamber of Commerce works to support local initiatives by providing modern programs supporting tourism, education, talent initiatives, infrastructure development, government advocacy, and more to ensure that Martinsville and Henry County remain outstanding places to live, work, and play; and

WHEREAS, on the occasion of its 65th anniversary, the Martinsville-Henry County Chamber of Commerce will reflect with pride upon its many accomplishments and look forward to continued service to Martinsville and Henry County; now, therefore, be it

RESOLVED by the House of Delegates, That the Martinsville-Henry County Chamber of Commerce hereby be commended for its leadership in fostering local economic growth and success on the occasion of its 65th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Martinsville-Henry County Chamber of Commerce as an expression of the House of Delegates' admiration for its contributions to and support for the Martinsville and Henry County community.

HOUSE RESOLUTION NO. 423

Commending Reuban Rodriguez, Ed.D.

Agreed to by the House of Delegates, March 8, 2024

WHEREAS, Reuban Rodriguez, Ed.D., an esteemed education administrator, retired from his position as associate vice president and dean of students at Virginia Commonwealth University on March 1, 2024; and

WHEREAS, Reuban Rodriguez holds a bachelor's degree from Emory University, a master's degree from Georgia State University, and a doctoral degree from the University of Central Florida; and

WHEREAS, prior to his time at Virginia Commonwealth University (VCU), Reuban Rodriguez worked at Tulane University, the University of Georgia, Emory University, Whittier College, the University of Central Florida, and the University of Scranton; and

WHEREAS, Reuban Rodriguez was notably VCU's first associate vice provost and later its associate vice president and also fulfilled the role of dean of students for the entire university; and

WHEREAS, after joining VCU in 2004, Reuban Rodriguez oversaw many departments that directly served students and spearheaded numerous endeavors to foster a sense of community on campus, including creating a single VCU honor system

and an updated student code of conduct and establishing programs and events such as the Emerging Leaders Program, the Ring Ceremony, Qatar Week, Ram-opoly, Midnight Breakfast, and more; and

WHEREAS, Reuban Rodriguez took enormous pride in his work with the VCU Student Government Association, which strongly empowered the entire student body and brought forth a number of great student leaders and future public servants of the Commonwealth; and

WHEREAS, Reuban Rodriguez's work and leadership has impacted thousands of the Commonwealth's best and brightest students who attended VCU during his almost 20-year tenure; now, therefore, be it

RESOLVED by the House of Delegates, That Reuban Rodriguez, Ed.D., hereby be commended on the occasion of his retirement from Virginia Commonwealth University; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Reuban Rodriguez, Ed.D., as an expression of the House of Delegates' admiration for his legacy of service and best wishes in his future endeavors.

HOUSE RESOLUTION NO. 424

Commending the Republic of Ghana.

Agreed to by the House of Delegates, March 8, 2024

WHEREAS, as of 2024, the Republic of Ghana has reached significant milestones in sustainable development, economic growth, health care improvement, and educational reform; and

WHEREAS, Ghana's visionary approach to these challenges and commitment to enhancing renewable energy, boosting digital literacy, and improving health care access have set precedents for other nations to follow; and

WHEREAS, Ghana's inclusive framework considers the needs of all segments of society, including marginalized and vulnerable groups, and its emphasis on public-private partnerships, community engagement, and international collaboration demonstrates a forward-thinking strategy that leverages collective strengths for the greater good; and

WHEREAS, Ghana's work to enhance environmental protection, digital infrastructure, and public health aligns with global efforts toward achieving sustainable development goals and underscores Ghana's leadership role on the international stage; now, therefore, be it

RESOLVED by the House of Delegates, That the Republic of Ghana hereby be commended for its achievements in sustainable development, economic growth, health care, and education; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Republic of Ghana as an expression of the House of Delegates' admiration for Ghana's commitment to international leadership.

HOUSE RESOLUTION NO. 425

Celebrating the life of Elinor McManus.

Agreed to by the House of Delegates, March 8, 2024

WHEREAS, Elinor McManus, a dedicated wife, mother, and grandmother and beloved member of her local community, died peacefully on December 2, 2023, in Jupiter, Florida; and

WHEREAS, Elinor McManus was born on May 29, 1930, in North Plainfield, New Jersey, and grew up in neighboring Westfield, New Jersey; and

WHEREAS, Elinor McManus received her high school diploma from Mount Saint Mary Academy and a bachelor's degree from Rosemont College in Pennsylvania; and

WHEREAS, after graduation, Elinor McManus pursued a career as a fifth-grade teacher and instilled the importance of lifelong learning in all of her students; and

WHEREAS, in 1955, Elinor McManus met her husband of 56 years, Edwin, and the couple raised six children in La Jolla, California, before returning to New Jersey and later moving to Mt. Lebanon, Pennsylvania; and

WHEREAS, in 1984, Elinor McManus and her late husband retired to Jonathan's Landing in Jupiter, Florida, where they formed a close circle of relatives and great friends; and

WHEREAS, in her retirement, Elinor McManus became an avid traveler, boater, bridge player, and golfer; she particularly excelled in golf by achieving a hole-in-one, winning the Captain's Cup at Jonathan's Landing Golf Club, and leading the Sunbirds League for many years; and

WHEREAS, predeceased by her husband, Edwin, Elinor McManus will be fondly remembered and dearly missed by her brother, Carl; her six children, Ed, Eleanor, Mary, John, Carl, and Matthew, and their families, including eleven grandchildren and seven great-grandchildren; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Elinor McManus, a devoted wife, mother, and grandmother and respected educator; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Elinor McManus as an expression of the General Assembly's respect for her memory.

HOUSE RESOLUTION NO. 426

Commending Gayle Thayer.

Agreed to by the House of Delegates, March 8, 2024

WHEREAS, Gayle Thayer, a German language teacher at Liberty Middle School, was named the Fairfax County Public Schools Region 4 Outstanding Secondary School Teacher for 2023; and

WHEREAS, for over 30 years, Gayle Thayer has demonstrated a deep commitment to helping students recognize and celebrate their growth in language learning and inspiring them to fulfill their potential and pursue their dreams; and

WHEREAS, Gayle Thayer is integral to helping Liberty Middle School fulfill its vision of empowering students and igniting their passion for learning; and

WHEREAS, Gayle Thayer's rigorous yet supportive approach consistently helps students build the confidence they need to succeed both in and out of the classroom; and

WHEREAS, Gayle Thayer facilitates and guides her students' development through engaging teaching methods, including by incorporating "Portrait of a Graduate" skills into her lessons and helping them understand how to apply their learning beyond the classroom; and

WHEREAS, through her passion for teaching, high expectations for her students, and creativity, Gayle Thayer creates a nurturing learning environment where all students feel welcomed; and

WHEREAS, Gayle Thayer has cultivated meaningful relationships with her students and stays in touch with many of her former students after they have graduated from Liberty Middle School; and

WHEREAS, Thayer Gayle has embodied the highest ideals of the education profession through her unwavering commitment to her students and fellow faculty members; now, therefore, be it

RESOLVED by the House of Delegates, That Gayle Thayer hereby be commended for being named the 2023 Fairfax County Public Schools Region 4 Outstanding Secondary School Teacher; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Gayle Thayer as an expression of the House of Delegates' high regard for her contributions to the Commonwealth.

HOUSE RESOLUTION NO. 427

Commending the All Dulles Area Muslim Society Compassionate Healthcare Network.

Agreed to by the House of Delegates, March 8, 2024

WHEREAS, the All Dulles Area Muslim Society Compassionate Healthcare Network, an organization that is dedicated to ensuring every uninsured, low-income individual, regardless of race, religion, ethnicity, or where they reside, has access to primary care and preventative health care services, celebrated its 10th anniversary in 2023; and

WHEREAS, founded in 2013, the All Dulles Area Muslim Society Compassionate Healthcare Network (ACHN) works in partnership with the All Dulles Area Muslim Society (ADAMS) and is hosted at the ADAMS Sully Center in Chantilly; and

WHEREAS, ACHN's comprehensive services are made possible through the devotion and efforts of its community health partners and its network of medical volunteers, which includes primary care physicians, specialists, assistants, and student trainees; and

WHEREAS, with the support of its partners, volunteers, and donors, ACHN provides a wide range of patient services, including primary and eye care, preventative screenings, blood work, imaging, prescriptions, and referrals; and

WHEREAS, the ACHN Clinic and ADAMS, in partnership with various pharmacies and community partners, have facilitated the administration of more than 95,000 COVID-19 vaccines; and

WHEREAS, as part of its mission, ACHN trains students obtaining master's degrees or medical degrees, preparing the next generation of health care professionals; and

WHEREAS, through its commitment to expanding access to high-quality care for those who need it most, ADAMS Compassionate Healthcare Network has helped to make the Northern Virginia Region a healthier and safer place to live, work, and raise a family; now, therefore, be it

RESOLVED by the House of Delegates, That the All Dulles Area Muslim Society Compassionate Healthcare Network hereby be commended for its legacy of service on the occasion of its 10th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the All Dulles Area Muslim Society Compassionate Healthcare Network as an expression of the House of Delegates' admiration for the initiative's contributions to the Commonwealth.

HOUSE RESOLUTION NO. 428

Commending Volunteering Together for Service.

Agreed to by the House of Delegates, March 8, 2024

WHEREAS, Volunteering Together for Service, more commonly known as VT Seva, is a volunteer-driven global nonprofit organization dedicated to promoting understanding and tolerance in society by empowering youth with the values of volunteering and philanthropy; and

WHEREAS, VT Seva was established as a 501(c)(3) nonprofit in 2008 and has several locations throughout the United States, including the Commonwealth; it is the sister organization of Vikasa Tarangini (VT), which was established in India in 1992; and

WHEREAS, VT Seva's primary activities include providing education to underprivileged children and to visually challenged youth, spreading cancer awareness and supporting facilities for early detection and treatment in impoverished communities, promoting environmentally friendly attitudes and initiatives to protect the planet, and disaster relief; and

WHEREAS, the accomplishments of VT Seva are the result of the tireless efforts of its volunteers who make up the entirety of the organization's staff; and

WHEREAS, by striving to ensure that all children and adults in need have access to quality education and health care, VT Seva has fostered the dignity and well-being of countless individuals; now, therefore, be it

RESOLVED by the House of Delegates, That Volunteering Together for Service hereby be commended for its legacy of achievements in the pursuit of its mission; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Volunteering Together for Service as an expression of the House of Delegates' admiration for the organization's contributions to the Commonwealth.

HOUSE RESOLUTION NO. 429

Commending the Tamil Nadu Foundation.

Agreed to by the House of Delegates, March 8, 2024

WHEREAS, the Tamil Nadu Foundation, an organization dedicated to empowering the underserved in the Indian state of Tamil Nadu through education, women's programs, rural development, and health and hygiene initiatives, celebrates its 50th anniversary in 2024; and

WHEREAS, the Tamil Nadu Foundation (TNF) was founded in 1974 by a group of Tamil Americans who wanted to develop ways to support people in need in their native state of Tamil Nadu; and

WHEREAS, today, there are nearly 30 chapters of the Tamil Nadu Foundation in the United States, including a chapter serving the Washington, D.C., metropolitan area, which hosted the organization's 42nd National Convention in May 2016; and

WHEREAS, the Tamil Nadu Foundation seeks to enrich the educational, social, economic, and cultural status of individuals and families in need by establishing educational scholarships, providing technical journals and other educational resources, offering emergency assistance, and acting on a variety of worthy causes impacting Tamil Nadu; and

WHEREAS, since its founding, TNF has assisted nearly a half million beneficiaries through more than a thousand projects, including nearly 100,000 students empowered through the organization's ABC Project, which is designed to help students achieve grade-level proficiency and build confidence and morale; and

WHEREAS, to commemorate its 50th anniversary, the TNF is organizing its Golden Jubilee Celebrations from May 24-26, 2024, at the Rosemont Theatre in Rosemont, Illinois, which will feature many Tamil cultural performances and other attractions to honor and celebrate this important and joyous occasion; now, therefore, be it

RESOLVED by the House of Delegates, That the Tamil Nadu Foundation hereby be commended on the occasion of its 50th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Tamil Nadu Foundation as an expression of the House of Delegates' admiration for the organization's mission and achievements.

HOUSE RESOLUTION NO. 430

Commending Vinegar Hill Magazine.

Agreed to by the House of Delegates, March 8, 2024

WHEREAS, *Vinegar Hill Magazine* is an independent African American publishing company dedicated to giving voice to more inclusive social narratives in politics, art, and culture in Central Virginia and to promoting entrepreneurship in these areas; and

WHEREAS, *Vinegar Hill Magazine* takes its name from the Charlottesville neighborhood Vinegar Hill, which was an economic and cultural hub for the city's Black community for several years beginning in the early 1900s; and

WHEREAS, *Vinegar Hill Magazine* is a founding partner of the Charlottesville Inclusive Media Project, which was formed with the goal of bringing more inclusive representation to Charlottesville's local media; and

WHEREAS, through its work with the Charlottesville Inclusive Media Project, *Vinegar Hill Magazine* fosters a greater sense of community, elevates conversations and stories of importance to African American audiences, and builds capacity to enable independent Black media companies and professionals to thrive; and

WHEREAS, as a beacon for art, culture, and politics in the Central Virginia region and a valued platform for the Black community in Charlottesville, *Vinegar Hill Magazine* has contributed a meaningful thread to the social fabric of the Commonwealth; now, therefore, be it

RESOLVED by the House of Delegates, That *Vinegar Hill Magazine* hereby be commended for its accomplishments in service to the community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to representatives of *Vinegar Hill Magazine* as an expression of the House of Delegates' admiration for the magazine's mission and best wishes for its continued success.

HOUSE RESOLUTION NO. 431

Commending Charlottesville Tomorrow.

Agreed to by the House of Delegates, March 8, 2024

WHEREAS, Charlottesville Tomorrow is a community-driven news organization dedicated to shining light on social awareness and equity issues affecting Charlottesville; and

WHEREAS, founded in 2005, Charlottesville Tomorrow is guided by the organization's values of truth, community, and equity and strives to nurture a healthy local news community and ecosystem through its hiring practices, journalism, and partnerships; and

WHEREAS, as part of its mission, Charlottesville Tomorrow is dedicated to attracting journalists who are persons of color to help address disparities in the journalism profession and to improve representation in the local media; and

WHEREAS, Charlottesville Tomorrow is a founding partner of the Charlottesville Inclusive Media Project, which was formed with the goal of bringing more inclusive representation to Charlottesville's local media; and

WHEREAS, through its work with the Charlottesville Inclusive Media Project, Charlottesville Tomorrow fosters a greater sense of community, elevates conversations and stories of importance to African American audiences, and builds capacity to enable independent Black media companies and professionals to thrive; and

WHEREAS, the success of Charlottesville Tomorrow is a result of the support of approximately 10,000 subscribers, nearly 1,000 donors, and several foundations and companies that have aided the organization's work; and

WHEREAS, recognizing that an informed citizenry is the foundation of all democracies, Charlottesville Tomorrow has made great strides in furthering the pursuit of freedom, justice, and equality for all; now, therefore, be it

RESOLVED by the House of Delegates, That Charlottesville Tomorrow hereby be commended for its legacy of service; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Charlottesville Tomorrow as an expression of the House of Delegates' admiration for the organization's mission and achievements.

HOUSE RESOLUTION NO. 432

Commending The Cavalier Daily.

Agreed to by the House of Delegates, March 8, 2024

WHEREAS, *The Cavalier Daily*, the University of Virginia's independent student-led newspaper, has greatly served the university's community and the community of Charlottesville since its founding in 1890; and

WHEREAS, founded under the name *College Topics*, *The Cavalier Daily* is the Commonwealth's oldest collegiate daily and the oldest daily newspaper in Charlottesville; and

WHEREAS, *The Cavalier Daily* has been the only daily newspaper at the University of Virginia since 1996 and today has a print circulation of 7,500 copies that are distributed on the university's grounds and throughout Charlottesville; and

WHEREAS, *The Cavalier Daily* provides a vital service to the community by keeping its readers informed of news and events of interest to students and other members of the university's community; and

WHEREAS, the accomplishments of *The Cavalier Daily* have been made possible by the tireless efforts of the thousands of students who have staffed the paper over its history; and

WHEREAS, many student journalists with *The Cavalier Daily* have gone on to enjoy noteworthy careers at leading news publications such as *The New York Times*, *The Washington Post*, and the Associated Press; and

WHEREAS, *The Cavalier Daily* has been honored with numerous awards over the years in recognition of its exemplary news writing, editorial writing, feature writing, and overall design; now, therefore, be it

RESOLVED by the House of Delegates, That *The Cavalier Daily* hereby be commended for its legacy of service; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to *The Cavalier Daily* as an expression of the House of Delegates' admiration for the publication's contributions to Charlottesville and the Commonwealth.

HOUSE RESOLUTION NO. 433

Commending Charlottesville Community Engagement.

Agreed to by the House of Delegates, March 8, 2024

WHEREAS, Charlottesville Community Engagement is an initiative started by award-winning journalist Sean Tubbs in 2020 to provide news and information of interest to the Charlottesville community in an accessible and engaging format; and

WHEREAS, operating as a Substack newsletter and a podcast, Charlottesville Community Engagement has produced hundreds of newsletters and podcast episodes that have reached more than 2,000 subscribers, helping this audience better understand the inner workings of their local and state governments; and

WHEREAS, Sean Tubbs, the creator of Charlottesville Community Engagement, is a journalist local to the Charlottesville area with approximately 30 years of experience in local and regional government; and

WHEREAS, from 2007 to 2018, Sean Tubbs was senior reporter for *Charlottesville Tomorrow*, developing skills and experience that would prove vital to his efforts with Charlottesville Community Engagement; and

WHEREAS, recognizing that an informed citizenry is the foundation of all democracies, Charlottesville Community Engagement has provided an invaluable service to the community of Charlottesville and helped to make the city a more luminous place to live, work, and raise a family; now, therefore, be it

RESOLVED by the House of Delegates, That Charlottesville Community Engagement hereby be commended for its contributions to Charlottesville and the Commonwealth; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Sean Tubbs, founder of Charlottesville Community Engagement, as an expression of the House of Delegates' admiration for his mission and achievements.

HOUSE RESOLUTION NO. 434

Commending Terri Allard.

Agreed to by the House of Delegates, March 8, 2024

WHEREAS, Terri Allard, a local television host and country-folk musician, has made significant contributions to the arts and culture of Charlottesville over many years; and

WHEREAS, since 2007, Terri Allard has been the host of the VPM Media television talk show "Charlottesville Inside-Out," an award-winning program on WHTJ-TV that showcases a wide range of topics that are of interest to the Charlottesville community; and

WHEREAS, Terri Allard is an accomplished country and folk singer-songwriter who since the early 1990s has produced five albums, including her most recent album, *Makes No Sense*, all of which shed light on and explore universal themes of love and loss with uncommon grace and soul; and

WHEREAS, Terri Allard regularly performs her blend of country-folk in theaters, coffeehouses, and festivals throughout the United States, bringing attention and pride to the Charlottesville area; and

WHEREAS, Terri Allard has broadened her musical endeavors by forming the Terri Allard Jazz Quartet, drawing in new audiences and fans; and

WHEREAS, Terri Allard's accomplishments as a musician earned her a Washington Area Music Award for Best Female Country Vocalist; and

WHEREAS, Terri Allard's endeavors as a television host and musician have added a meaningful thread to the cultural fabric of Charlottesville and the Commonwealth; now, therefore, be it

RESOLVED by the House of Delegates, That Terri Allard hereby be commended for her achievements as a television host and musician; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Terri Allard as an expression of the House of Delegates' admiration for her contributions to the Commonwealth.

HOUSE RESOLUTION NO. 435

Commending WTJU.

Agreed to by the House of Delegates, March 8, 2024

WHEREAS, WTJU, a community radio station of the University of Virginia dedicated to bringing people together through music and conversation, has greatly served the Charlottesville and Albemarle County communities for many years; and

WHEREAS, founded in 1955 by the University of Virginia's Department of Speech and Drama and airing for the first time in 1957, WTJU began as an educational radio station featuring classical music and has broadened its musical programming over the years to include jazz, folk, rock, blues, and hip-hop; and

WHEREAS, WTJU became a student organization independent from the Department of Speech and Drama in 1963 and has been under direct oversight of the University of Virginia since 1993, when the station hired its first paid staff member, general manager Chuck Taylor, who would guide the station until his retirement in 2010; and

WHEREAS, WTJU's operations today also include student radio station WXTJ 100.1 FM, the Virginia Audio Collective podcasts, CharlottesvilleClassical.org, and a variety of educational programs; and

WHEREAS, WTJU regularly sponsors shows at venues in Charlottesville, including Twisted Branch Tea Bazaar and the Jefferson Theatre, and often hosts live on-air sets by local bands; and

WHEREAS, WTJU has become an integral part of the Charlottesville community over its history, helping to make the city a wonderful place to live, work, and tune in; now, therefore, be it

RESOLVED by the House of Delegates, That WTJU hereby be commended for its legacy of service; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to WTJU as an expression of the House of Delegates' admiration for the station's contributions to Charlottesville and the Commonwealth.

HOUSE RESOLUTION NO. 436

Commending David McNair.

Agreed to by the House of Delegates, March 8, 2024

WHEREAS, David McNair is the creator of the *DTM*, a local online news outlet featuring independent reporting, curated local news, and analysis on a wide variety of topics related to the Charlottesville area; and

WHEREAS, the *DTM* was launched by journalist David McNair in 2012 as a blog and Facebook page and quickly became an important part of the Charlottesville local media scene; and

WHEREAS, David McNair named the *DTM* after Charlottesville's Downtown Mall, which has been a cultural, social, and political focal point of the city since it was established as a pedestrian mall in 1976; and

WHEREAS, the *DTM*'s coverage has expanded beyond the Downtown Mall and the platforms have changed, but the independent-minded approach to journalism remains the same; and

WHEREAS, the *DTM* and other independent journalism efforts have found themselves filling a void in a diminished local news landscape; and

WHEREAS, David McNair, a writer and editor with more than 25 years of experience, including as a writer for *The Hook* for almost a decade, works in affiliation with the Charlottesville Community Engagement outlet led by journalist Sean Tubbs to provide the citizens of Charlottesville with in-depth local analysis and coverage; and

WHEREAS, recognizing that an informed citizenry is the foundation of all democracies, David McNair has provided an invaluable service to the community of Charlottesville; now, therefore, be it

RESOLVED by the House of Delegates, That David McNair hereby be commended for his contributions to Charlottesville and the Commonwealth; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to David McNair as an expression of the House of Delegates' admiration for his journalistic mission and achievements.

HOUSE RESOLUTION NO. 437

Commending Sandy Hausman.

Agreed to by the House of Delegates, March 8, 2024

WHEREAS, Sandy Hausman joined the Radio IQ news team at WVTF in 2008 after living in Chicago for 30 years, where she worked for NBC and CBS in Chicago and was a radio news anchor, news director, and field producer for ABC TV's Midwest bureau and a contributor for National Public Radio programs; and

WHEREAS, Sandy Hausman serves as the Charlottesville bureau chief for Radio IQ/WVTF, delivering up-to-date news and information on all things relevant to Virginia and its residents; and

WHEREAS, since starting with the outlet, Sandy Hausman has won numerous national and regional accolades for her exceptional and prolific coverage of criminal justice, environmental issues, and research and happenings at the University of Virginia, including awards from the Society of Professional Journalists, the Society of Environmental Journalists, and the Radio Television Digital News Association; and

WHEREAS, Sandy Hausman has reported extensively on various issues around the world, traveling as far as Panama, Ecuador, Indonesia, and Hong Kong for her stories, including features on how the expansion of the Panama Canal will impact the Port of Virginia, what Virginians are doing to protect the Galapagos Islands, and how Virginia wines are selling in Asia; and

WHEREAS, with steadfast dedication to her craft and commitment to the community she serves, Sandy Hausman has become an exemplar of effective reporting in the Charlottesville area; now, therefore, be it

RESOLVED by the House of Delegates, That Sandy Hausman hereby be commended for her legacy of service; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Sandy Hausman as an expression of the House of Delegates' admiration for her contributions to Charlottesville and the Commonwealth.

HOUSE RESOLUTION NO. 438

Commending Quinn Evans Architects.

Agreed to by the House of Delegates, March 8, 2024

WHEREAS, Quinn Evans Architects, an architectural firm based in Richmond, received the American Institute of Architects' Architecture Firm Award, the organization's highest honor, for 2024; and

WHEREAS, awarded to only one firm nationally each year, the Architecture Firm Award recognizes firms that have consistently produced distinguished architecture for a period of more than 10 years; and

WHEREAS, Quinn Evans, formerly known as BCWH, was founded in 1984 by its visionary namesakes, Michael Quinn and David Evans, who have led the firm to emphasize scholarship of technical preservation, creativity, and an eager embrace of adaptive reuse; and

WHEREAS, Quinn Evans has developed some of the most recognized architectural projects in the Richmond region, including the recent restoration of Old City Hall on Capitol Square; and

WHEREAS, as its reputation for preservation, design excellence, and expertise in the revitalization of significant places has grown over the years, Quinn Evans has led work on some of the nation's most iconic buildings, such as the Michigan State Capitol and the Eisenhower Executive Office Building in Washington, D.C.; and

WHEREAS, Quinn Evans promotes the environmental benefits of reuse through projects that cleverly incorporate preservation and sustainable design to reimagine existing buildings for new purposes; and

WHEREAS, Quinn Evans' emphasis on reuse and preservation and on connecting with the meaning of place in each of its projects has provided the world of architecture with an innovative and influential perspective and approach; now, therefore, be it

RESOLVED by the House of Delegates, That Quinn Evans Architects hereby be commended for receiving the 2024 Architecture Firm Award from the American Institute of Architects; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Quinn Evans Architects as an expression of the House of Delegates' admiration for the firm's achievements and contributions to the Commonwealth.

HOUSE RESOLUTION NO. 439

Celebrating the life of Philip August Huss.

Agreed to by the House of Delegates, March 8, 2024

WHEREAS, Philip August Huss, an esteemed financial advisor, beloved husband, father, and grandfather, and treasured member of the Richmond community, died on August 13, 2023; and

WHEREAS, for three decades, Philip "Phil" August Huss dedicated himself to his tax practice, working tirelessly to serve his clients with the utmost care and concern for their personal and financial well-being; and

WHEREAS, Phil Huss showed an unwavering commitment to bettering the lives of others and his community through many actions and good deeds; and

WHEREAS, Phil Huss enjoyed nothing more than spending quality time with his family and being "Bop Bop" to his four adoring grandchildren; and

WHEREAS, Phil Huss will be fondly remembered and dearly missed by his loving wife of 40 years, Mary Kay; his children, Alex, Jonathan, and Nena, and their families; his father, George; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Philip August Huss, whose kindness and generosity touched countless lives; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Philip August Huss as an expression of the House of Delegates' respect for his memory.

HOUSE RESOLUTION NO. 440

Commending April Cage.

Agreed to by the House of Delegates, March 8, 2024

WHEREAS, April Cage, principal at Garfield Elementary School, was named the Fairfax County Public Schools Outstanding Principal for 2023; and

WHEREAS, April Cage is a champion of all students and dedicated to fulfilling Garfield Elementary School's vision of cultivating and empowering lifelong learning; and

WHEREAS, April Cage took the helm of Garfield Elementary School shortly before the COVID-19 pandemic and was a voice of strength and support for students, families, teachers, and staff throughout the unprecedented health crisis; and

WHEREAS, April Cage builds a strong learning community where students feel welcomed by establishing meaningful relationships with students and families and ensuring that the best programs and resources are available to all Garfield Eagles so that they have opportunities to fulfill their potential; and

WHEREAS, April Cage has excelled at working with her teachers to identify their needs, foster a collaborative environment, and establish a strong foundation of trust at Garfield Elementary School that has been integral to the school's success; and

WHEREAS, April Cage's efforts to assist her teachers has inspired them to approach their classes with the confidence and certainty that they can make a difference in each of their students' lives, leading to high teacher retention rates and improved performance throughout the school; and

WHEREAS, April Cage is recognized for her impactful leadership and has been invited to provide professional development opportunities for teachers and school division leaders across Fairfax County Public Schools; she has received numerous accolades, such as the Superintendent's Excellence in Equity Award in 2019 and Fairfax County Public Schools Region 4 Outstanding New Principal award in 2019; and

WHEREAS, April Cage has brought a wealth of knowledge and experience from working in diverse communities to the students and staff of Garfield Elementary School, including serving as principal of Bonnie Brae Elementary School, assistant principal of Riverside Elementary School, and assistant principal of Island Creek Elementary School; now, therefore, be it

RESOLVED by the House of Delegates, That April Cage hereby be commended for being named the 2023 Fairfax County Public Schools Outstanding Principal; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to April Cage as an expression of the House of Delegates' high regard for her contributions to the Commonwealth.

HOUSE RESOLUTION NO. 441

Commending Jyothi Raghavan.

Agreed to by the House of Delegates, March 8, 2024

WHEREAS, Jyothi Raghavan, an accomplished patient advocate and resident of Fairfax County, has worked tirelessly to improve health outcomes for brain cancer patients and to advance developments in all aspects of brain cancer research; and

WHEREAS, Jyothi Raghavan was inspired to become a brain cancer patient advocate after witnessing the experiences of her son, who was diagnosed with medulloblastoma at the age of 12, and her brother, who died of glioblastoma in 2019; and

WHEREAS, Jyothi Raghavan's advocacy is focused in particular on supporting the pediatric, young adult, and caregiver communities and in developing ways to improve the quality of life for those groups; and

WHEREAS, since 2016, Jyothi Raghavan has been a wish granter for Make-A-Wish Mid-Atlantic, where she has also served on the board since 2019 and as chair for the organization's annual gala in 2022; and

WHEREAS, Jyothi Raghavan has given generously of her time to volunteer and fundraise for Special Love, an organization based in the Commonwealth that provides financial supports and other services to pediatric cancer families in the Washington, D.C., metropolitan area; and

WHEREAS, Jyothi Raghavan developed the skills and experience to be an effective advocate over her more than two decades in the information technology industry, during which time she held various leadership positions; and

WHEREAS, by serving as a voice for the communities of individuals and families dealing with brain cancer and pediatric cancer, Jyothi Raghavan has earned the esteem and admiration of all Virginians; now, therefore, be it

RESOLVED by the House of Delegates, That Jyothi Raghavan hereby be commended for her legacy of service as a patient advocate; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Jyothi Raghavan as an expression of the House of Delegates' high regard for her efforts in advancing progress in the care and treatment of brain cancers and pediatric cancers.

HOUSE RESOLUTION NO. 442

Commending Ashley Elizabeth Schweizer.

Agreed to by the House of Delegates, March 8, 2024

WHEREAS, Ashley Elizabeth Schweizer, a multiple disabilities teacher at North Springfield Elementary School, was named the Fairfax County Public Schools Region 2 Outstanding Elementary School New Teacher for 2023; and

WHEREAS, Ashley Elizabeth Schweizer helps North Springfield Elementary School fulfill its mission of empowering students to demonstrate social, emotional, and cultural awareness, value diversity of thought, and achieve at their highest academic level; and

WHEREAS, Ashley Elizabeth Schweizer's teaching philosophy is grounded in the ideals of inclusion and acceptance for all students, and she fosters a welcoming environment by extending compassion and kindness to all; and

WHEREAS, Ashley Elizabeth Schweizer always offers her students a helping hand, an encouraging word, or a smile to let them know they are valued and supported, ensuring they flourish and succeed both in and out of the classroom; and

WHEREAS, Ashley Elizabeth Schweizer develops meaningful relationships with her students' families and they appreciate her for her professionalism and knowledge and the support she provides for her students; and

WHEREAS, Ashley Elizabeth Schweizer is an impactful educator and is respected by her peers for collaborating effectively with them to develop lesson plans and instructional assignments that are built around students' needs and interests; and

WHEREAS, Ashley Elizabeth Schweizer is a radiating presence at North Springfield Elementary School and mentors North Springfield Beavers outside of the classroom through her involvement with the Sunshine Committee, Social Emotional Learning Committee, the school play, and Speed Stack Club; and

WHEREAS, as a graduate of Fairfax County Public Schools, Ashley Elizabeth Schweizer strives every day to give back to the community that made her the impactful educator that she is today; now, therefore, be it

RESOLVED by the House of Delegates, That Ashley Elizabeth Schweizer hereby be commended for being named the 2023 Fairfax County Public Schools Region 2 Outstanding Elementary School New Teacher; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Ashley Elizabeth Schweizer as an expression of the House of Delegates' high regard for her contributions to the Commonwealth.

HOUSE RESOLUTION NO. 443

Commending Norfolk Botanical Garden.

Agreed to by the House of Delegates, March 8, 2024

WHEREAS, Norfolk Botanical Garden, a beloved institution that offers a captivating escape into nature across 175 acres of meticulously and naturally crafted landscapes, celebrated its 85th anniversary in 2023; and

WHEREAS, established in 1938 as Azalea Garden, Norfolk Botanical Garden was renamed the Norfolk Municipal Gardens in 1955 to reflect the city's support for the endeavor and three years later assumed its current name under the management of the Old Dominion Horticultural Society; and

WHEREAS, with over 65 distinct collections, Norfolk Botanical Garden offers upwards of 500,000 visitors each year a plethora of ways to immerse themselves in the beauty and biodiversity of this renowned botanical haven; and

WHEREAS, highlights of Norfolk Botanical Garden include themed gardens like its vibrant Rose Garden and the tranquil Japanese Garden, which showcase diverse flora from around the globe; and

WHEREAS, Norfolk Botanical Garden is deeply committed to serving the community and regularly provides educational experiences for visitors of all ages, including programs, classes, and lectures; and

WHEREAS, the accomplishments of Norfolk Botanical Garden are made possible by the unwavering support of its dedicated volunteers, who devote more than 15,000 hours to the institution each year; and

WHEREAS, in recognition of its status as one of the premier botanical gardens in the nation, Norfolk Botanical Garden, an accredited museum, was voted by the public #3 through *Newsweek* in 2024 for Best Botanical Garden in the United States as part of its Readers' Choice Awards; now, therefore, be it

RESOLVED by the House of Delegates, That Norfolk Botanical Garden hereby be commended for its achievements in service to the Norfolk community and nature lovers the world over; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Norfolk Botanical Garden as an expression of the House of Delegates' admiration for the institution's contributions to Norfolk and the Commonwealth.

HOUSE RESOLUTION NO. 444

Commending the Creative and Performing Arts Center.

Agreed to by the House of Delegates, March 8, 2024

WHEREAS, the Creative and Performing Arts Center, a nonprofit dedicated to bridging creative and performing arts opportunity gaps for underinvested communities in Prince William County, celebrates its 20th anniversary in 2024; and

WHEREAS, the mission of the Creative and Performing Arts Center (CAPAC) is to provide underrepresented youth and adults with educational opportunities in theater and in science, technology, engineering, and mathematics (STEM) disciplines to promote problem-solving, collaboration, and leadership skills; and

WHEREAS, formally established as a 501(c)(3) nonprofit in 2004, CAPAC grew out of an exploratory committee that held many discussions with area artists, parents, educators, and community leaders in 2002 about how to close the achievement gap in the creative and performing arts in Prince William County; and

WHEREAS, CAPAC carries out its vision by offering greater opportunities for youth and adults of color to act, direct theatrical productions written by African American playwrights, and provide arts educational programming; and

WHEREAS, CAPAC's endeavors to date have included 25 theatrical productions featuring more than 1,600 performers of all ages that were attended by more than 10,000 members of the community; and

WHEREAS, in 2021, with the support of several partner organizations, CAPAC launched Full STEAM Ahead: A Theater Robotics Summer Day Camp, which provides Prince William County students ages 11 to 14 at Title 1 schools a unique and engaging educational experience; and

WHEREAS, CAPAC's efforts to cultivate an interest in theater and STEM disciplines and to close the achievement gap in those fields is worthy of the esteem and admiration of all Virginians; now, therefore, be it

RESOLVED by the House of Delegates, That the Creative and Performing Arts Center hereby be commended for its legacy of accomplishments in service to students of Prince William County Public Schools; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Creative and Performing Arts Center as an expression of the House of Delegates' high regard for the organization's contributions to Prince William County and the Commonwealth.

HOUSE RESOLUTION NO. 445

Commending women of the African diaspora.

Agreed to by the House of Delegates, March 8, 2024

WHEREAS, the global African diaspora refers to communities worldwide that are descendants of people from Africa, especially those in the Americas; and

WHEREAS, the Commonwealth and the United States are home to African descendants from all over the African continent, as well as new generations of African immigrants; and

WHEREAS, in the African diaspora, there are strong women business owners, doctors, nurses, spiritual leaders, and organization founders who enhance their communities by empowering women and girls; and

WHEREAS, these women provide job opportunities, teach career skills, promote spiritual growth, and more, and they have had a significant positive impact at the local, state, and national levels; and

WHEREAS, Nana Malaya, director of the Nubian Theater Dance and Music Company is one such leader among the women of the African diaspora; she has been performing since early childhood, and her experience in the arts has led to many diverse opportunities; and

WHEREAS, Nana Malaya's first major choreographic work was "The Hallelujah Chorus" in Pittsburgh when she was only 10 years old, and she was selected to be one of the youngest members of Pulitzer Prize-winner August Wilson's first professional theater company, the Black Horizon Theater; and

WHEREAS, through the Nubian Theater Dance and Music Company, Nana Malaya has been a featured performer at the Lincoln Center for the Performing Arts, the John F. Kennedy Center for the Performing Arts, the Smithsonian Institute, the Discovery Theater, the Lincoln Theatre, the National Black Theatre, and more; and

WHEREAS, Nana Malaya has toured and graced the stage with Malcolm-Jamal Warner, Phyllis Yvonne Stickney, Phyllis Hyman, Stevie Wonder, Miriam Makeba, Bill T. Jones, Alice Coltrane, and numerous other performers; and

WHEREAS, Nana Malaya has received local and national media attention, and she was declared "The Dancing Diplomat" as she has performed at venues around the world, including in Scotland, Japan, Hawaii, Ghana, Barbados, Jamaica, and so many more; she has had the honor of being chosen to perform for President Bill Clinton and Rosa Parks, among other prominent figures; and

WHEREAS, Dr. Bridget Nkumbe is another high-performing leader in the African diaspora as an entrepreneur and chief executive officer of two health care organizations; she is also the founder of a nonprofit organization called She Believed, which is dedicated to the empowerment of women and girls, and she enjoys mentoring and supporting women and girls to achieve great heights in their personal or professional lives, along with her equally important role as a mother of two children; and

WHEREAS, Bridget Nkumbe has a doctorate in nursing with a concentration in executive leadership, and she has generously provided scholarships to high school seniors and personally supported girls in leadership roles in Prince William County; and

WHEREAS, Enid Mpumwire Machayo is the chief executive officer and co-founder of The Leading Ladies Initiative, Inc.; she holds a bachelor's degree in human services, a master's degree in human services, marriage, and family counseling, and a master's degree in clinical mental health counseling, and she has certifications related to nonprofit management, career readiness, leadership, and conflict prevention and resolution; and

WHEREAS, Enid Mpumwire Machayo is a member of FemWise-Africa, the Network of African Women in Conflict Prevention and Mediation, and the African Women Leaders Network and currently serves as a board member on the Loudoun County School Business Partnership Council for Loudoun County Public Schools, Family Services Advisory Board for Loudoun County Government, and the Virginia Advisory Board for Service and Volunteerism for the Governor of Virginia; she is originally from Uganda, is blessed with four children, and happily resides in Northern Virginia; and

WHEREAS, Nana Rokosz was originally born and raised in Ghana, West Africa, and moved in 2003 to the United States, where she has actively fostered a culture of servant-leadership within her church and the wider Dumfries and Prince William County communities; her belief in the power of collective action and her enthusiasm for encouraging others to join in exemplify what it means to be a dedicated community volunteer; and

WHEREAS, Nana Rokosz is a breast cancer survivor, and in 2022, she worked with Henry Godwin, pastor of Winners Church for All Nations in Dumfries, and the Hope Alive Foundation of Winners Church to launch the Faith in Action Breast Cancer Awareness Walk; and

WHEREAS, Dr. Amanda F. Standard is a graduate of LaGuardia High School of the Arts and Howard University who currently serves as founder and executive/artistic director for both Divine Dance Institute, Inc., (DDI) and SoundXpressed Dance Company in Washington, D.C.; and

WHEREAS, Amanda Standard provides novice, pre-professional, and professional dancers the opportunity to study and perform all over the Washington, D.C., Metropolitan Area, the United States, and the world; after 20 years of serving the community through DDI, the Maryland Dance Education Association presented her with the Dance Educator of the Year for Private Studios award in 2018 and FAME's Educator of the Year award in 2019; and

WHEREAS, throughout her professional education tenure, Amanda Standard has educated students in kindergarten through 12th grade, while tackling multiple subjects at various levels, and currently serves at Benjamin D. Foulois Creative and Performing Arts Academy, a K-8 specialized program; through DDI, she has launched many other programs, including the Emerging Artists Showcase, The Pneuma Dance Project Summer Intensive, Seedz Summer Dance Lab, PG Powerdanz Project, Divine DESIGN Summer Enrichment Programs, and many more; now, therefore, be it

RESOLVED by the House of Delegates, That women of the African diaspora hereby be commended for their service to communities throughout the Commonwealth and the United States; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Nana Malaya, Dr. Bridget Nkumbe, Enid Mpumwire Machayo, Nana Rokosz, and Dr. Amanda F. Standard, on behalf of women of the African diaspora, as an expression of the House of Delegates' admiration for the group's contributions to the empowerment of women all over the world.

HOUSE RESOLUTION NO. 446

Commending Sangamam Tamil School.

Agreed to by the House of Delegates, March 8, 2024

WHEREAS, Sangamam Tamil School is a nonprofit, volunteer-run organization in Loudoun County dedicated to teaching students the ancient South Asian language of Tamil and about aspects of Tamil heritage and culture; and

WHEREAS, Sangamam Tamil School was founded in 2013 by parents of the Tamil diaspora who wanted their children to learn the Tamil language; and

WHEREAS, Sangamam Tamil School offers a six-level learning program in which students develop skills in reading, writing, and speaking Tamil and a deeper understanding of Tamil customs and values; and

WHEREAS, Sangamam Tamil School immerses students in various aspects of Tamil culture through engaging art, music, drama, and dance activities; and

WHEREAS, the accomplishments of Sangamam Tamil School are the result of the tireless efforts of the many volunteers who support the organization's programs; now, therefore, be it

RESOLVED by the House of Delegates, That Sangamam Tamil School hereby be commended for its legacy of service in teaching young people the Tamil language and about Tamil heritage and culture; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Sangamam Tamil School as an expression of the House of Delegates' admiration for the organization's mission and achievements.

HOUSE RESOLUTION NO. 447

Celebrating the life of Maxine Driskill Woodard.

Agreed to by the House of Delegates, March 8, 2024

WHEREAS, Maxine Driskill Woodard, an accomplished nurse and businesswoman and a beloved wife, mother, grandmother, great-grandmother, and member of the Gainesville community, died on September 4, 2019; and

WHEREAS, a native of Prince Edward County, Maxine Woodard learned to be helpful and resourceful from a young age growing up on the family farm; and

WHEREAS, alongside her sister Audrey, Maxine Woodard attended the former Grace Hospital School of Nursing in Richmond during World War II, which was sponsored by the United States Navy at the time, and graduated in 1945 as a registered nurse; and

WHEREAS, Maxine Woodard would continue to serve as a nurse and to care for people for many years thereafter, both in professional and volunteer capacities, working tirelessly to ensure the well-being of others; and

WHEREAS, Maxine Woodard and her husband, Bill, were partners in business and founded and owned Woodard Builders in Richmond and Storage America in Gainesville, among other enterprises; and

WHEREAS, a fearless and indefatigable adventurer, Maxine Woodard traveled to many corners of the globe over the years and notably went skydiving on her 80th birthday; and

WHEREAS, baptized at Spring Creek Baptist Church in Prince Edward County in the summer of 1936, Maxine Woodard was guided throughout her life by her faith; and

WHEREAS, preceded in death by her husband of 61 years, Bill, Maxine Woodard will be fondly remembered and dearly missed by her children, William, Douglas, Dean, Karen, and Barry, and their families and by numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Maxine Driskill Woodard, a cherished member of the Gainesville community who was a source of joy and inspiration to all who knew her; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Maxine Driskill Woodard as an expression of the House of Delegates' respect for her memory.

HOUSE RESOLUTION NO. 448

Commending the Reverend Dr. Alfred and Goldie Jones.

Agreed to by the House of Delegates, March 8, 2024

WHEREAS, the Reverend Dr. Alfred and Goldie Jones have provided outstanding leadership to the congregation of Mount Zion Baptist Church in Triangle for 50 years; and

WHEREAS, Alfred Jones began to cultivate his deep faith at a young age as a member of Mount Oni Baptist Church, then commenced his career as a minister with Ephesus Baptist Church in West Point in 1963 and Third Mount Zion Baptist Church in Woodford in 1967; and

WHEREAS, Alfred Jones was called to pastor Mount Zion Baptist Church in Triangle in 1974, and he and his wife, Goldie, who serves as a deaconess, have helped the congregation grow in both faith and number over the course of their long tenure as pastor and first lady; and

WHEREAS, under the leadership of Alfred and Goldie Jones, Mount Zion Baptist Church grew from just 35 members to more than 2,000 congregants; they developed five fundamental ministries, Evangelism, Inspired Arts, Christian Education, Discipleship Building, and Family Life Principles, along with dozens of other subordinate ministries; and

WHEREAS, to better serve the community, Alfred and Goldie Jones also launched programs that provide financial assistance, food, clothing, and other necessities to people in need; and

WHEREAS, Alfred and Goldie Jones have proudly raised six children and currently reside in Stafford; now, therefore, be it

RESOLVED by the House of Delegates, That the Reverend Dr. Alfred and Goldie Jones hereby be commended on the occasion of their 50th anniversary as pastor and first lady of Mount Zion Baptist Church; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Reverend Dr. Alfred and Goldie Jones as an expression of the House of Delegates' admiration for their service to the Triangle community.

HOUSE RESOLUTION NO. 449

Celebrating the life of Kenneth Robert Krieger.

Agreed to by the House of Delegates, March 8, 2024

WHEREAS, Kenneth Robert Krieger, one of the most successful coaches in the history of high school soccer in the Commonwealth and a beloved member of the Northern Virginia community, died on March 4, 2024; and

WHEREAS, Kenneth "Ken" Robert Krieger graduated from Aberdeen High School in Maryland in 1972 before earning both a bachelor's degree and master's degree from Frostburg State University; and

WHEREAS, Ken Krieger embarked upon his illustrious coaching career at Osbourn Park High School in Prince William County and later started programs at C.D. Hylton High School and Forest Park High School, also of Prince William County, when those schools opened; and

WHEREAS, over his 30 seasons as a high school coach, Ken Krieger posted a 386-184-37 record, winning 14 district titles, nine region titles, four state titles, and two national championships; and

WHEREAS, Ken Krieger is fourth all-time among high school boys soccer coaches in the Commonwealth and holds the unique distinction of being the first boys soccer coach in Virginia to lead three different programs to the state tournament; and

WHEREAS, Ken Krieger was particularly dominant during his stint with the Hylton Bulldogs from 1992 to 2000, when he won four Group AAA state titles and two national championships and earned National Soccer Coaches Association of America/Adidas Division I High School Coach of the Year honors in 1999; and

WHEREAS, Ken Krieger has coached and mentored many players who went on to enjoy success at the collegiate, professional, and national levels, including his daughter, Ali Krieger, who played for the United States women's national soccer team and Gotham Football Club of the National Women's Soccer League; and

WHEREAS, Ken Krieger has been credited with spearheading the evolution of high school soccer in the Commonwealth by promoting a more paced and tactical style of play that was innovative at the time; and

WHEREAS, Ken Krieger was inducted into the Virginia Youth Soccer Association Hall of Fame in recognition of his accomplishments as a coach; and

WHEREAS, Ken Krieger will be fondly remembered and dearly missed by his loving wife, Alexandra; his children, Kyle and Ali, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Kenneth Robert Krieger, a legend of Virginia high school soccer whose legacy will inspire players and coaches for generations to come; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Kenneth Robert Krieger as an expression of the House of Delegates' respect for his memory.

HOUSE RESOLUTION NO. 450

Commending Polyface Farm.

Agreed to by the House of Delegates, March 8, 2024

WHEREAS, for more than 60 years, Polyface Farm in Augusta County has been owned and operated by the Salatin family; and

WHEREAS, Frederick Salatin of Anderson, Indiana, was a charter subscriber to Robert Rodale's *Organic Gardening and Farming* magazine when it began publication in the mid-1940s and instilled in his son William (Bill) a love of compost, soil, and nutrition; and

WHEREAS, a veteran of the United States Navy who served during World War II, Bill Salatin dreamed of owning a farm in a developing country, and after earning a business degree on the GI Bill from Indiana University, he spent several years in Venezuela as a bilingual accountant with Texas Oil Company to put together equity to buy a rural property, which he did; and

WHEREAS, the Salatin family began direct marketing broilers to the area, with a vision of adding dairy, and with two sons coming on for a bright farming future; and

WHEREAS, with the rise of a military junta and ensuing anarchy, the land was eventually expropriated and the family lost everything, returning stateside on Easter Sunday 1961 and starting over that year by purchasing arguably the most gullied rockpile in Augusta County; and

WHEREAS, all the advice for successful farming included buying chemicals, borrowing money, planting corn, grazing the fragile woodlots, and other unacceptable practices for Bill Salatin, who eschewed orthodoxy and embarked instead on innovations in controlled grazing, composting, portable livestock infrastructure, water protection and enhancement, perennial pastures, and multi-speciation; and

WHEREAS, one of Bill Salatin's children, Joel, loved the homestead the Salatins had created and paid for with off-farm income, with Bill working as an accountant and Lucille as a health and physical education high school teacher, and he dreamed of making farming his full-time career; and

WHEREAS, Joel Salatin joined 4H and won many state honors, partly for developing a direct marketed, pastured poultry enterprise and selling the farm's fledgling wares at the Staunton Curb Market from 1970 to 1975; and

WHEREAS, in 1982, after a two-year stint as an investigative reporter for the *Staunton News Leader*, Joel Salatin left outside employment to see if he and his wife, Teresa Wenger Salatin, could as third-generation farm dreamers, finally make their dreams a reality; and

WHEREAS, to create a brand and identify a vision the Salatin family incorporated Polyface, the Farm of Many Faces, in 1982, with the mission statement "to develop environmentally, economically, and emotionally enhancing agricultural prototypes and facilitate their duplication throughout the world"; and

WHEREAS, Polyface Farm did indeed succeed with pastured poultry, salad bar beef, "pigaerator" pork, rabbits, lamb, duck, and turkeys, the operation gradually scaled up to now support more than 20 full-time salaries and added acreage, including rocks covered with soil, gullies growing trees, and 12 miles of gravity-fed high pressure water from permaculture style high terrain ponds; and

WHEREAS, Joel Salatin has produced 16 books on farming topics and the Polyface Farm information network includes worldwide speaking engagements, on-farm seminars, gatherings in the Lunatic Learning Center, video curricula, podcasts, and blogs; and

WHEREAS, Daniel Salatin, the next generation of the Salatin family to operate Polyface Farm, is now running day-to-day operations, along with directing formal training through stewardship and apprenticeship to germinate new farmers; and

WHEREAS, thousands and thousands of visitors from around the world visit Polyface Farm for ideas, inspiration, and innovation to adapt to their own enterprises; now, therefore, be it

RESOLVED by the House of Delegates, That Polyface Farm hereby be commended for more than 60 years of contributions to the agricultural sector in the Commonwealth; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Salatin family as an expression of the House of Delegates' admiration for the success of Polyface Farm.

HOUSE RESOLUTION NO. 451

Celebrating the life of Fielding Lewis Wilson, Jr.

Agreed to by the House of Delegates, March 9, 2024

WHEREAS, Fielding Lewis Wilson, Jr., a beloved husband, father, grandfather, and member of the Stafford County community, died on June 27, 2023; and

WHEREAS, a native of Fredericksburg, Fielding Wilson was educated in Fredericksburg City Public Schools and attended both Randolph-Macon Academy in Front Royal and the Virginia Military Institute; and

WHEREAS, Fielding Wilson devoted 36 years to the United States government at Fort Belvoir, which took him to many places around the country and the world; and

WHEREAS, Fielding Wilson made his home in a house he built on Potomac Creek and embraced his love for the great outdoors, sharing this passion and reverence for nature with his children and grandson over the years; and

WHEREAS, a successful farmer who raised beef cattle, Fielding Wilson was a regular fixture at the Fredericksburg Livestock Market and a treasured member of the local farming community; and

WHEREAS, guided throughout his life by his faith, Fielding Wilson enjoyed worship and fellowship with his community at Andrew Chapel Methodist Church in Stafford for 45 years; and

WHEREAS, Fielding Wilson will be fondly remembered and dearly missed by his loving wife of 64 years, Bettie; his children, Fielding and Sarah, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Fielding Lewis Wilson, Jr., a cherished member of the communities in Stafford County and Fredericksburg who was a source of joy and inspiration to all who knew him; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Fielding Lewis Wilson, Jr., as an expression of the House of Delegates' respect for his memory.

HOUSE RESOLUTION NO. 452

Celebrating the life of Kenneth Robert Williard.

Agreed to by the House of Delegates, March 9, 2024

WHEREAS, Kenneth Robert Williard, an honorable veteran and a beloved husband, father, grandfather, great-grandfather, and member of the Stafford County community, died on April 11, 2023; and

WHEREAS, after graduating from Pleasantville High School in New Jersey, Kenneth "Ken" Robert Williard enlisted in the United States Navy and served his country with honor and distinction aboard the aircraft carrier USS *Lexington* until his honorable discharge in 1956; and

WHEREAS, Ken Williard embarked upon his professional career with the consumer credit reporting agency Equifax, which took him from Pleasantville, New Jersey, to Philadelphia, to Wilmington, Delaware, to Harrisburg, Pennsylvania, and finally to Richmond as he advanced through a number of managerial positions; and

WHEREAS, in his retirement, Ken Williard built a home in Brooke and became an active and engaged member of the community, serving with the Brooke Volunteer Fire Department; and

WHEREAS, Ken Williard was a trusted mentor and counselor for many over the years, providing informed, sage guidance and advice to others in their times of joy and struggle; and

WHEREAS, guided throughout his life by his faith, Ken Williard enjoyed worship, fellowship, and participating in community outreach with the congregation at Andrew Chapel Methodist Church in Stafford; and

WHEREAS, Ken Williard will be fondly remembered and dearly missed by his loving wife of 68 years, Mary; his children, Kenneth and David, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Kenneth Robert Williard, a cherished member of the Stafford County community whose kindness and generosity touched countless lives; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Kenneth Robert Williard as an expression of the House of Delegates' respect for his memory.

SENATE JOINT RESOLUTION NO. 4

Commending the Westmoreland Volunteer Fire Department.

Agreed to by the Senate, January 11, 2024
Agreed to by the House of Delegates, January 15, 2024

WHEREAS, for 75 years, the Westmoreland Volunteer Fire Department has proudly served Westmoreland County, the Town of Montross, and the surrounding areas, ensuring the safety and well-being of the community's members; and

WHEREAS, founded in 1948, the Westmoreland Volunteer Fire Department (WVFD) has grown and evolved over the years to best meet the needs of its service area; and

WHEREAS, the WVFD currently operates out of both a main station in Montross and a substation in Mt. Holly, which was built in 2005 to improve response times in areas further from the main station; and

WHEREAS, the WVFD has acquired an extensive fleet of rescue engines and other vehicles to uphold the standards of a modern-day fire department and to ensure the department's readiness in the face of a variety of emergencies; and

WHEREAS, the WVFD serves as the first response team for an area that includes over 150 miles of roads, approximately 5,000 people, and historic sites such as Robert E. Lee's birthplace, Stratford Hall; and

WHEREAS, both the WVFD main station and the substation in Mt. Holly are entirely run by volunteers who devote countless hours of their time each year to safeguard their communities; and

WHEREAS, the WVFD is defined by the honor and integrity of its members and their commitment to providing the highest quality of service to the citizens of Westmoreland County and the Town of Montross; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend the Westmoreland Volunteer Fire Department on the occasion of its 75th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the Westmoreland Volunteer Fire Department as an expression of the General Assembly's admiration for the department's legacy of service and its contributions to the Commonwealth.

SENATE JOINT RESOLUTION NO. 5

Celebrating the life of Charles Wayne Payne, Sr.

Agreed to by the Senate, January 11, 2024
Agreed to by the House of Delegates, January 15, 2024

WHEREAS, Charles Wayne Payne, Sr., a former chair of the Stafford County Board of Supervisors, entrepreneur, and active member of his community, died on April 8, 2023; and

WHEREAS, Charles "Togie" Payne grew up in Falmouth and graduated from Stafford Senior High School, where he was a standout basketball and baseball player; and

WHEREAS, well-known for his scoring ability and tenacity on the court, Togie Payne continued to play basketball at what were then known as Chowan College and Mary Washington College; in the 1960s and 1970s, he played for a local semiprofessional team, the Stafford Braves, and later worked as a high school basketball referee; and

WHEREAS, Togie Payne sold sports equipment to high schools, colleges, and professional teams on behalf of several companies over the years, and he supported the local sports community as the owner of Togie's Dugout; and

WHEREAS, desirous to be of further service to the community as a whole, Togie Payne ran for and was elected to the Stafford County Board of Supervisors, serving from 1978 to 1982; he was also elected by his fellow members of the board as chair in 1981; and

WHEREAS, Togie Payne brought joy to others through his kindness, compassion, charm, and quick wit; he was a passionate collector of sports memorabilia and an avid sports fan, who relished every opportunity to watch a good game with family and friends; and

WHEREAS, Togie Payne will be fondly remembered and greatly missed by his children, Charlie, Frank, and Julia, and their families; his stepson, Chip, and his family; and numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Charles Wayne Payne, Sr., a former public servant, entrepreneur, and highly admired member of the Stafford County community; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Charles Wayne Payne, Sr., as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 6

Celebrating the life of John Charles Bucur.

Agreed to by the Senate, January 11, 2024
Agreed to by the House of Delegates, January 15, 2024

WHEREAS, John Charles Bucur, an honorable veteran, esteemed neurosurgeon, and beloved husband, father, papa, grandpa, and friend, died on August 17, 2023; and

WHEREAS, after graduating high school valedictorian a year early and enrolling for a semester at Ohio University, John Bucur enlisted with the United States Army in 1943 to support the Allied war effort during World War II; and

WHEREAS, John Bucur bravely served his country in the European Theatre with the 17th Field Artillery Observation Battalion of V Corps, notably participating in Operation D-Day and later the liberation of Buchenwald; and

WHEREAS, following the war, John Bucur attended the American Biarritz University in France and then Ohio University, acquiring degrees in zoology and mathematics, and then earned a medical degree from the University of Pittsburgh School of Medicine in 1951 and a master's degree in surgery from the University of Pennsylvania in 1953; and

WHEREAS, after completing his neurosurgery residency in 1956 and serving briefly as a staff neurosurgeon at the Veterans Affairs hospital in Long Beach, California, John Bucur relocated to Arlington and established a private practice in neurosurgery; and

WHEREAS, John Bucur dedicated himself to caring for his patients over a long and accomplished career, working tirelessly to achieve positive health outcomes for those he served; and

WHEREAS, John Bucur advanced his field through leadership positions with local and national medical societies and various hospitals, including the former Fairfax Hospital, now Inova Fairfax, which he helped found; and

WHEREAS, a proud veteran, John Bucur gave generously of his time in his later years to share his wartime experiences both with students through a veterans history project in Fairfax County and through an oral history initiative at the United States Holocaust Memorial Museum; and

WHEREAS, guided throughout his life by his faith, John Bucur enjoyed worship and fellowship with his community at the Church of the Good Shepherd in Burke, where he served as an usher; and

WHEREAS, preceded in death by his son, John, John Bucur will be fondly remembered and dearly missed by his loving wife Emily Leanne; his children, Dean, Victoria, Michael, and Teri, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of John Charles Bucur, a distinguished veteran and neurosurgeon who dedicated his life to the safety and well-being of others and inspired all who knew him through his kind and generous nature; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of John Charles Bucur as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 7

Celebrating the life of Granville Edison Fisher, Jr.

Agreed to by the Senate, January 11, 2024
Agreed to by the House of Delegates, January 15, 2024

WHEREAS, Granville Edison Fisher, Jr., an honorable veteran, esteemed businessman and mortician, and beloved member of the Northern Neck community, died on June 5, 2023; and

WHEREAS, after graduating from the historic Armstead T. Johnson High School in Westmoreland County, Granville Fisher briefly attended what is today Virginia State University before joining the United States Army in 1946; and

WHEREAS, Granville Fisher served his country with honor and distinction as a member of the quartermaster's office during the United States' occupation of Japan at the end of World War II; and

WHEREAS, following his service, Granville Fisher studied mortuary science in Philadelphia before ultimately returning to Westmoreland County to join his family's business, then known as Weldon's Funeral Home and later renamed the Weldon-Fisher Funeral Home in 1997; and

WHEREAS, for more than 72 years, Granville Fisher gracefully and compassionately assisted families of the Northern Neck as they honored and remembered their departed loved ones; his dedication to his profession was evidenced by his longstanding membership with the Virginia Morticians' Association and the Northern Neck Funeral Directors Association; and

WHEREAS, Granville Fisher gave generously of his time for the benefit of others through his involvement with various alumni associations and health and medical organizations, including the Westmoreland County Rescue Squad, of which he was a charter member; and

WHEREAS, guided throughout his life by his faith, Granville Fisher enjoyed worship and fellowship with his community at Galilee Baptist Church in Montross, where he was baptized and where he served as a deacon for 66 years; and

WHEREAS, Granville Fisher lived and shared his faith as an active member of what is today the Northern Neck Baptist Deacons' Union, serving as the organization's secretary for more than 35 years, and as a member of the Northern Neck Baptist Association; and

WHEREAS, preceded in death by his loving wife of 45 years, Bernice, Granville Fisher will be fondly remembered and dearly missed by his children, Gary, Cecelia, Darryl, and Wanda, and their families; and by numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Granville Edison Fisher, Jr., a prominent member of the Northern Neck community whose faith, service, and humility inspired all who knew him; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Granville Edison Fisher, Jr., as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 8

Celebrating the life of Ronald Lee Jett.

Agreed to by the Senate, January 11, 2024
Agreed to by the House of Delegates, January 15, 2024

WHEREAS, Ronald Lee Jett, an accomplished businessman, esteemed public servant, dedicated first responder, and beloved member of the Heathsville community, died on August 5, 2023; and

WHEREAS, Ronald "Ronnie" Jett devoted many years to the success of his businesses, Smith Point Seafood and Cockrell's Creek Seafood and Deli in Reedville, providing his customers and clients with a friendly and reliable source for high-quality crab meat and other food items; and

WHEREAS, Ronnie Jett supported the well-being of his community as a life member and former captain of the Northumberland County Rescue Squad, earning the Michael B. Player Award from the Peninsulas Emergency Medical Services Council, Inc., for excellence in emergency medical services; and

WHEREAS, Ronnie Jett joined the Fairfields Volunteer Fire Department in 1981 and became a life member of the organization in 2019 after dedicating nearly four decades to the safety and security of his community; and

WHEREAS, for nearly 28 years, Ronnie Jett proudly served his constituents as the District 5 representative on the Northumberland County Board of Supervisors, including 18 years as chairman, six years as vice chairman, 18 years as emergency services director, and 23 years as the board's liaison to the Northern Neck Regional Jail; and

WHEREAS, in his role as a public servant, Ronnie Jett was instrumental to many important initiatives that enhanced the quality of life in Northumberland County, including the implementation of an enhanced 9-1-1 system, fundraising for a regional fire department burn building, and the construction of new schools, ball fields, and a sheriff's office; and

WHEREAS, when not managing his businesses or serving the community, Ronnie Jett could often be found savoring the good life by spending time with his children and grandchildren or cruising out on his boat; and

WHEREAS, Ronnie Jett will be fondly remembered and dearly missed by his loving wife, Linda; his children, Carrie, Kelly, Kristi, and Carlina; and numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Ronald Lee Jett, a cherished member of the Northumberland County community whose legacy of generosity and service will inspire others for many years to come; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Ronald Lee Jett as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 12

Continuing the Joint Subcommittee to Study the Feasibility of Establishing the Virginia Gaming Commission to regulate and oversee all forms of gaming in the Commonwealth. Report.

Agreed to by the Senate, February 7, 2024
Agreed to by the House of Delegates, February 28, 2024

WHEREAS, House Joint Resolution 548 (2023) established the Joint Subcommittee to Study the Feasibility of Establishing the Virginia Gaming Commission to analyze and make recommendations, as appropriate, with respect to (i) the feasibility of establishing a new agency in the executive branch of state government, to be known as the Virginia Gaming Commission (the Commission), under which all legal forms of gaming in the Commonwealth, except for the state lottery established and operated pursuant to the Virginia Lottery Law (§ 58.1-4000 et seq.), shall be consolidated for the purposes of regulation and oversight; (ii) the timely and orderly transition of the regulatory authority over casino gaming and sports betting, charitable gaming, and pari-mutuel wagering on horse racing from the Virginia Lottery, the Virginia Department of Agriculture and Consumer Services, and the Virginia Racing Commission, respectively, to the Commission; and (iii) ways to effectively prioritize problem gambling prevention and treatment efforts; and

WHEREAS, the Joint Subcommittee to Study the Feasibility of Establishing the Virginia Gaming Commission met in 2023 to (i) review the laws and regulations of the Commonwealth governing the relevant forms of legal gambling, (ii) hear presentations and testimony from experts and interested parties, and (iii) discuss and develop a work plan for the joint subcommittee to carry out its work and stated purpose; and

WHEREAS, the Joint Subcommittee to Study the Feasibility of Establishing the Virginia Gaming Commission was unable to hold a sufficient number of meetings to adequately address the considerable number of issues posed in House Joint Resolution 548 (2023) or the research resulting therefrom, and it has become evident that additional work is required to meet the objectives of House Joint Resolution 548 (2023); now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the Joint Subcommittee to Study the Feasibility of Establishing the Virginia Gaming Commission to regulate and oversee all forms of gaming in the Commonwealth be continued. The joint subcommittee shall have a total membership of eight members that shall consist of two members from each of the following committees, to be appointed by the respective committee chairmen: (i) the Senate Committee on General Laws and Technology, (ii) the Senate Committee on Finance and Appropriations, (iii) the House Committee on General Laws, and (iv) the House Committee on Appropriations. Vacancies shall be filled by the original appointing authority. The joint subcommittee shall elect a chairman and vice-chairman from among its membership, who shall be members of the General Assembly.

In conducting its study, the joint subcommittee shall continue the work it has begun with regard to developing recommendations with respect to (i) the laws of the Commonwealth and agency regulations related to legal forms of gambling; (ii) the feasibility of establishing the Virginia Gaming Commission to oversee and regulate all such legal forms of gambling, other than the lottery; (iii) ways to increase funding to the Problem Gambling Treatment and Support Fund and

for related efforts; and (iv) additional issues recommended by the joint subcommittee to study in relation to gambling and the regulation and oversight thereof in the Commonwealth.

Administrative staff support shall continue to be provided by the Office of the Clerk of the Senate. Legal, research, policy analysis, and other services as requested by the joint subcommittee shall continue to be provided by the Division of Legislative Services. All agencies of the Commonwealth, including (i) the Virginia Lottery, (ii) the Department of Agriculture and Consumer Services' Office of Charitable and Regulatory Programs, and (iii) the Virginia Racing Commission, shall provide assistance to the joint subcommittee for this study, upon request.

The joint subcommittee shall be limited to four meetings for the 2024 interim and four meetings for the 2025 interim. Approval for unbudgeted nonmember-related expenses shall require the written authorization of the chairman of the joint subcommittee and the respective Clerk. If a companion joint resolution of the other chamber is agreed to, written authorization of both Clerks shall be required.

The joint subcommittee shall complete its meetings for the first year by November 30, 2024, and for the second year by November 30, 2025, and the chairman shall submit to the Division of Legislative Automated Systems an executive summary of its findings and recommendations no later than the first day of the next Regular Session of the General Assembly for each year. Each executive summary shall state whether the joint subcommittee intends to submit to the General Assembly and the Governor a report of its findings and recommendations for publication as a House or Senate document. The executive summaries and reports shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.

SENATE JOINT RESOLUTION NO. 13

Commemorating the 40th anniversary of the Honorable Yvonne Bond Miller's service in the Virginia General Assembly.

Agreed to by the Senate, January 25, 2024
Agreed to by the House of Delegates, January 29, 2024

WHEREAS, forty years ago, the Honorable Yvonne Bond Miller was sworn in as a member of the House of Delegates, becoming the first Black female legislator to serve in the Virginia General Assembly; and

WHEREAS, Yvonne Miller was born on July 4, 1934, in Edenton, North Carolina, the eldest child of 13 born to John and Pency Bond; and

WHEREAS, Yvonne Miller was raised in Norfolk after her family moved to the city and attended local segregated public schools; and

WHEREAS, Yvonne Miller continued her education at the historically Black college Norfolk Division of Virginia State College (now known as Norfolk State University) for two years, then attended the historically Black college Virginia State College (now known as Virginia State University), graduating with her bachelor's degree in 1956; and

WHEREAS, Yvonne Miller began her career as a teacher in the segregated Norfolk Public Schools; witnessing the effects of Massive Resistance sparked her interest in the Civil Rights Movement and equal treatment; and

WHEREAS, Yvonne Miller earned a master's degree at Teachers College, Columbia University in 1962 and a doctorate in education from the University of Pittsburgh in 1973; she subsequently joined the education faculty at Norfolk State, becoming a professor and head of the Department of Early Childhood/Elementary Education; and

WHEREAS, desirous to be of further service to the community and the Commonwealth, Yvonne Miller ran for and was elected to the House of Delegates in 1983 and became the first Black woman to serve in the House of Delegates when she began her first term in 1984; and

WHEREAS, in 1988, Yvonne Miller began serving in the Senate of Virginia, also becoming the first Black woman to serve in the Senate; and

WHEREAS, during her tenure, Yvonne Miller was a steadfast champion for civil rights and education, fighting against the radiating effects of poverty; she stood up for voting rights, opposing the Voter ID law in 2012, which she compared to Jim Crow-era efforts to suppress minority votes; and

WHEREAS, in 1996, Yvonne Miller became the first woman to chair a Senate committee when she became chair of the Transportation Committee; and

WHEREAS, at the time her service in the General Assembly ended in 2012, Yvonne Miller was the longest-serving woman in the General Assembly, having served 28 years, and was ranked fourth in overall seniority; and

WHEREAS, Yvonne Miller died while in office on July 3, 2012; and

WHEREAS, Yvonne Miller set an example for those who came after her; 40 years later, her legacy of fighting for equity and fairness, calling out injustice, and working tirelessly toward solutions to issues faced by Virginia's communities continues to be remembered and upheld both within the legislature and among those she inspired across the Commonwealth; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the 40th anniversary of the Honorable Yvonne Bond Miller's service in the Virginia General Assembly hereby be commemorated; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of the Honorable Yvonne Bond Miller and the Virginia Legislative Black Caucus as an expression of the General Assembly's admiration for her legacy.

SENATE JOINT RESOLUTION NO. 15

Requesting the Board of Veterinary Medicine, in consultation with the State Veterinarian, to study the shortage of large animal veterinarians. Report.

Agreed to by the Senate, February 12, 2024

Agreed to by the House of Delegates, March 4, 2024

WHEREAS, as of 2023, the shortage of rural veterinarians has reached an all-time high as 500 counties in 46 states have been deemed to have a critical shortage of large animal veterinarians; and

WHEREAS, only three to four percent of new veterinary graduates have entered food animal-related practice over the past 20 years; and

WHEREAS, by providing preventative care, disease treatment, and strategies for herd health and productivity, large animal veterinarians are a critical resource for farmers; large animal veterinarians can help prevent large-scale loss of herds or flocks when a highly transmissible disease sweeps through an area; and

WHEREAS, if the current downward trend in large animal veterinarians continues, there will be cause for concern for a safe food supply, the potential for widespread animal disease outbreaks, and a decline in the economic vitality of rural communities; and

WHEREAS, while the State Veterinarian designates areas of the Commonwealth that have a shortage of large animal veterinarians so students from such areas can apply for partial federal loan forgiveness programs, the current program fails to attract students in such areas of most need; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the Board of Veterinary Medicine, in consultation with the State Veterinarian, be requested to study the shortage of large animal veterinarians.

In conducting the study, the Board of Veterinary Medicine and the State Veterinarian shall (i) identify ways to strengthen existing debt repayment programs for veterinarians, including making recommendations on how to simplify application criteria, exploring state matching loan repayment programs, limiting barriers for participation, and improving methods for consistent identification of veterinary shortage areas to better target rural communities in need; (ii) examine options for developing programs that offer business support to provide incentives or low-interest business loans for large animal private practices; (iii) identify programs that support a strong pipeline of veterinary students from rural backgrounds and help such students navigate post-secondary education to increase retention; (iv) examine other possible solutions for increasing the number of large animal veterinarians in the Commonwealth, such as expanding veterinary technician-type or physician assistant-type programs to allow large animal veterinarians to expand their scope of practice in rural areas; and (v) reexamine the recommendations from the 2010 study on the shortage of large animal veterinarians published pursuant to House Joint Resolution 730 (2009).

Technical assistance shall be provided to the Board of Veterinary Medicine and the State Veterinarian by the Virginia-Maryland College of Veterinary Medicine at Virginia Polytechnic Institute and State University, the Lincoln Memorial University College of Veterinary Medicine, the Virginia Farm Bureau Federation, the Virginia Veterinary Medical Association, the Virginia Academy of Food Animal Practitioners, the Virginia Agribusiness Council, the Virginia Department of Business Assistance, Virginia Department of Health, the Virginia Economic Development Partnership, and the Virginia Tobacco Region Revitalization Commission and a member of the House of Delegates appointed by the Speaker of the House of Delegates and a member of the Senate of Virginia appointed by the Senate Committee on Rules. All agencies of the Commonwealth shall provide assistance to the Board of Veterinary Medicine for this study, upon request.

Upon completion of the study, the Board of Veterinary Medicine shall submit this report to the House Committees on Agriculture, Chesapeake and Natural Resources and Education and the Senate Committees on Agriculture, Conservation and Natural Resources and Education and Health, and these standing committees shall review the findings and recommendations of the report for appropriate legislative, policy, and budgetary implications and actions, and make such recommendations as necessary.

The Board of Veterinary Medicine shall complete its meetings for the first year by November 30, 2024, and for the second year by November 30, 2025, and the Board of Veterinary Medicine shall submit to the Governor and the General Assembly an executive summary and report of its findings and recommendations for publication as a House or Senate document for each year. The executive summaries and reports shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports no later than the first day of the next Regular Session of the General Assembly and shall be posted on the General Assembly's website.

SENATE JOINT RESOLUTION NO. 16

Acknowledging with profound regret the unethical use of Black bodies by medical institutions in the Commonwealth.

Agreed to by the Senate, January 31, 2024
Agreed to by the House of Delegates, February 28, 2024

WHEREAS, every human being is entitled to ethical treatment in life and in death, and respect for human dignity extends beyond life and to the grave; around the world and through all of human history, cultures have engaged in funeral rituals that honor the dead and bring comfort to the living; and

WHEREAS, in the United States, the sanctity of the human body is acknowledged under law and respected, such that consent is required in order for a person's organs to be donated after death or for a person's body to be given to science; and

WHEREAS, the universal practice of laying loved ones to rest in accordance with tradition and personal wishes has been shamefully disregarded and denied to Black citizens throughout the Commonwealth's history; and

WHEREAS, medical practitioners at the Medical College of Virginia (MCV) in the 1800s, unable to legally obtain cadavers, are known to have acquired remains for instruction in anatomy and surgery by way of employing grave robbers to dig up recently buried bodies in Black cemeteries; and

WHEREAS, in 1994, the East Marshall Street Well was discovered in Richmond during excavation ahead of new construction at MCV; the site contained human remains that had been used and discarded by the medical school, and an examination and analysis revealed that the remains of at least 53 individuals, nine of whom were children under the age of 14, had been disposed of at the site; the analysis also revealed that most of the individuals were African or of African descent; and

WHEREAS, in 1968 when Bruce Tucker, a Black laborer, was admitted to MCV with a severe head injury, doctors at the hospital determined that he would not survive; the medical team at the hospital, led by Dr. Richard Lower and Dr. David Hume, made history by performing the first human-to-human heart transplant in Virginia and in the American South; they did so without the knowledge or consent of Bruce Tucker or his family; and

WHEREAS, Bruce Tucker's heart was transplanted to a white businessman, Joseph Klett, who died one week later; the family of Bruce Tucker was unaware of the transplant until an undertaker who had prepared his body told them that Bruce Tucker's heart and kidneys had been removed; and

WHEREAS, medical institutions in the Commonwealth, the American South, and the nation have repeatedly denied Black individuals the right to choose the ultimate disposition of their own bodies and that of the bodies of their loved ones; and

WHEREAS, the violation of Black bodies, in life and in death, is a recurring atrocity in American history and the history of the Commonwealth, occurring in various forms over centuries of history that have included slavery, racial terror lynchings, mass incarceration, medical experimentation, and disparate and inadequate provision of health care; and

WHEREAS, the most abject apology for past wrongs cannot right them; yet the spirit of true repentance on behalf of a government and, through it, a people can promote reconciliation and healing and avert the repetition of past wrongs and the disregard of manifested injustices; now, therefore, be it

RESOLVED by the Senate of Virginia, the House of Delegates concurring, That the General Assembly acknowledge with profound regret the unethical use of Black bodies by medical institutions in the Commonwealth; and, be it

RESOLVED FURTHER, That the Clerk of the Senate transmit a copy of this resolution to the Executive Director of the Virginia State Conference NAACP and the Executive Director of the American Civil Liberties Union of Virginia, requesting that they further disseminate copies of this resolution to their respective constituents so that they may be apprised of the sense of the General Assembly of Virginia in this matter.

SENATE JOINT RESOLUTION NO. 17

Directing the Joint Legislative Audit and Review Commission to study the salaries, expense allowances, retirement benefits, and other emoluments received by members of the General Assembly. Report.

Agreed to by the Senate, January 31, 2024
Agreed to by the House of Delegates, March 4, 2024

WHEREAS, determining the pay of legislators is one of the most complex and politically sensitive issues faced by state legislatures today; and

WHEREAS, different perceptions about the rewards and sacrifices of public service and the breadth of duties and responsibilities of a part-time legislature contribute to the difficulty in placing a monetary value on legislators' time; and

WHEREAS, a representative government can only flourish when there are no financial barriers to entering and continuing in public service; and

WHEREAS, it is in the best interests of the Commonwealth that there be a fair and adequate compensation plan for legislators in order to attract the highest caliber of candidates to public office; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the Joint Legislative Audit and Review Commission be directed to study the salaries, expense allowances, retirement benefits, and other emoluments received by members of the General Assembly.

In conducting its study, the Joint Legislative Audit and Review Commission (JLARC) shall (i) review the current salaries, expense allowances, retirement benefits, and other emoluments of the members of the General Assembly; (ii) examine the Commonwealth's history of legislative compensation; (iii) review the compensation, expenses, and benefits for legislative service in other states; (iv) assess various state methodologies in determining reasonable legislative compensation, including the tying of salaries to certain indexes or economic indicators; (v) seek the assistance and input of legislators and other citizens by conducting surveys and holding public hearings as may be appropriate; and (vi) make recommendations for any adjustments to such salaries, expenses, benefits, or other emoluments.

Technical assistance shall be provided to JLARC by the Offices of the Clerks of the House of Delegates and the Senate. All agencies of the Commonwealth shall provide assistance to JLARC for this study, upon request.

The Joint Legislative Audit and Review Commission shall complete its meetings by November 30, 2025, and the chairman shall submit to the Division of Legislative Automated Systems an executive summary of its findings and recommendations no later than the first day of the 2026 Regular Session of the General Assembly. The executive summary shall state whether JLARC intends to submit to the General Assembly and the Governor a report of its findings and recommendations for publication as a House or Senate document. The executive summary and report shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.

SENATE JOINT RESOLUTION NO. 23

Designating April 11 through April 17, in 2024 and in each succeeding year, as Black Maternal Health Week in Virginia.

Agreed to by the Senate, January 31, 2024
Agreed to by the House of Delegates, February 28, 2024

WHEREAS, the National Black Maternal Health Week campaign, founded and led by the Black Mamas Matter Alliance, strives to raise awareness and facilitate activism and community building; and

WHEREAS, Black Maternal Health Week serves as a national platform for Black women-led entities and other members of the diaspora to enhance community organization on Black maternal health via community conversations, events, and outreach; as well as efforts on maternal health, birth equity, and reproductive justice, through the Women of African Descent for Reproductive Justice; and

WHEREAS, Black Maternal Health Week is intended to increase awareness about the Black maternal health crisis in the United States, the root causes of poor maternal health outcomes, community-driven policies and programming, and care solutions; and

WHEREAS, a report by the Centers for Disease Control and Prevention (the CDC) indicated that in 2021 the United States had one of the worst rates of maternal mortality in the nation's history: a 40 percent increase from 2020; and

WHEREAS, maternal mortality rates in the United States are among the highest in the developed world and are increasing, according to the CDC; and

WHEREAS, between 2011 and 2018, the maternal mortality rate in Virginia was two times higher for Black and other women of color than that of white women (55.0 vs. 24.6 maternal deaths per 100,000 live births, respectively) and Virginia is among the top 10 states for highest maternal mortality in the nation; and

WHEREAS, Black women in the United States suffer from life-threatening pregnancy complications, known as maternal morbidities, twice as often as white women, and Black women are 55 percent more likely than all other women to deliver prematurely; and

WHEREAS, the disproportionate mortality rate of Black mothers is a significant factor in the high maternal mortality rate in the United States; and

WHEREAS, the high rate of maternal mortality among Black birthing people is consistent across all income, education, and socioeconomic levels; and

WHEREAS, these deaths have devastating effects on Black birthing people, children, and families, and the vast majority are entirely preventable through assertive efforts to ensure Black birthing people can access information, birth worker services, and supports to make their own informed health care decisions, particularly around pregnancy and childbearing; and

WHEREAS, it is imperative to create equitable access to prevention, early identification, and effective treatment services that are delivered in a culturally informed care setting for existing trauma and chronic health conditions to effectively improve maternal health among Black birthing people; and

WHEREAS, a fair distribution of resources, especially with regard to reproductive health care services and maternal health programming, is critical to closing the racial disparity gap in maternal health; and

WHEREAS, maternal mental health has been listed by the CDC as a leading underlying cause of pregnancy-related death, but even with growing concern about improving access to mental health services, Black birthing people are least likely to have access to mental health screenings, treatment, and support before, during, and after pregnancy; and

WHEREAS, Black midwives, doulas, perinatal health workers, community-based organizations, and other birth workers provide holistic maternal care in spite of facing structural and legal barriers to licensure, reimbursement, and provision to provide care; and

WHEREAS, community-based models of perinatal care offer enhanced support throughout the pre-pregnancy to postpartum spectrum, including through doula and midwifery childbirth services, to birthing people who face barriers to care; and

WHEREAS, it is critical to improve access to dignified, high-quality maternal health care across the Commonwealth by expanding access to doula care services for birthing people who are both publicly and privately insured and increasing low Medicaid reimbursement rates for maternity care services performed by obstetrician-gynecologists; and

WHEREAS, in addition, midwives can fill important gaps to eliminate maternity-care deserts and provide life-saving care for mothers and a healthier start for babies; and

WHEREAS, in 2019, Birth in Color RVA commemorated Black Maternal Health Week with a proclamation from Mayor Levar Stoney for the City of Richmond, and in 2020, the organization received a proclamation on the occasion of Black Maternal Health Week from Governor Ralph Northam; and

WHEREAS, Black Maternal Health Week provides an opportunity to raise statewide awareness about the maternal health crisis in the Black community and the importance of reducing maternal mortality and morbidity among Black birthing people throughout the Commonwealth, the United States, and the world; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly designate April 11 through April 17, in 2024 and in each succeeding year, as Black Maternal Health Week in Virginia; and, be it

RESOLVED FURTHER, That the Clerk of the Senate transmit a copy of this resolution to the Black Mamas Matter Alliance so that members of the organization may be apprised of the sense of the General Assembly of Virginia in this matter; and, be it

RESOLVED FINALLY, That the Clerk of the Senate post the designation of this week on the General Assembly's website.

SENATE JOINT RESOLUTION NO. 25

Requesting the Department of Environmental Quality to study the groundwater supply in the Commonwealth east of Interstate 95. Report.

Agreed to by the Senate, March 5, 2024
Agreed to by the House of Delegates, March 4, 2024

WHEREAS, the General Assembly recognizes the critical importance of ensuring a safe and sustainable drinking water supply for its citizens; and

WHEREAS, the Ground Water Management Act of 1992 has served as a foundational framework for the regulation and management of groundwater resources in the Commonwealth; and

WHEREAS, the Commonwealth has experienced changes in its population, industrial development, and technological advancements over the past three decades; and

WHEREAS, it is imperative to assess the effectiveness of the existing regulatory framework in addressing the current and future challenges to the Commonwealth's groundwater supply; and

WHEREAS, newer industrial activities such as data centers have the potential to significantly impact groundwater resources, and it is essential to evaluate the historical, current, and potential future impacts of such activities on the Commonwealth's groundwater supply; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the Department of Environmental Quality be requested to study the groundwater supply in the Commonwealth east of Interstate 95.

In conducting its study, the Department of Environmental Quality shall (i) provide historical and current data and trends relating to groundwater levels and groundwater quality; (ii) to the extent that dedicated funds are available, include future projections for groundwater levels and groundwater quality; (iii) to the extent that dedicated funds are available, evaluate potential future impacts to the groundwater supply as a result of increasing groundwater withdrawals from newer industries such as data centers; (iv) assess the current regulatory effectiveness of the Ground Water Management Act of 1992 (§ 62.1-254 et seq. of the Code of Virginia); and (v) consider and recommend any amendments to the Ground Water Management Act of 1992. If sufficient dedicated funds are not available to fully complete the necessary analysis, the Department of Environmental Quality's report shall include an estimate of the amount of additional funding necessary to complete its analysis.

Technical assistance shall be provided to the Department of Environmental Quality by the State Water Control Board. All agencies of the Commonwealth shall provide assistance to the Department of Environmental Quality for this study, upon request.

The Department of Environmental Quality shall complete its meetings by November 30, 2025, and shall submit to the Governor and the General Assembly an executive summary and a report of its findings and recommendations for publication as a House or Senate document. The executive summary and report shall be submitted as provided in the

procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports no later than the first day of the 2026 Regular Session of the General Assembly and shall be posted on the General Assembly's website.

SENATE JOINT RESOLUTION NO. 27

Designating March 26, in 2024 and in each succeeding year, as Epilepsy Heroes Day in Virginia.

Agreed to by the Senate, January 31, 2024
Agreed to by the House of Delegates, February 28, 2024

WHEREAS, epilepsy awareness days are observed nationwide and around the world to raise awareness of the dangers of epilepsy and seizures and to help give individuals the knowledge to support those living with epilepsy; and

WHEREAS, epilepsy is a brain disorder that affects people of all ages and walks of life, which is characterized by sudden, recurrent, and unprovoked seizures; and

WHEREAS, epilepsy is one of the most common neurological conditions, and approximately 3.4 million people in the United States live with epilepsy and seizures; and

WHEREAS, the Centers for Disease Control and Prevention (CDC) estimate that there are 84,800 individuals in Virginia who live with epilepsy and seizures, 11,000 of whom are children; and

WHEREAS, throughout the United States, an estimated 470,000 children live with epilepsy, and a 2015 CDC study found that 36 percent of students between the ages of six and 17 with epilepsy were more likely than other students to have missed an average of 11 or more days of school in the previous year; and

WHEREAS, one in 10 people will have at least one seizure during their lifetime, and one in 26 people will be diagnosed with epilepsy during their lifetime; and

WHEREAS, members of the public are often unable to recognize common seizure types or do not know how to respond with appropriate first aid; and

WHEREAS, Epilepsy Heroes Day honors those with epilepsy, as well as those who foster a safer and more inclusive experience for those living with epilepsy; and

WHEREAS, Epilepsy Heroes Day provides an opportunity for Virginians to increase their knowledge about epilepsy and seizure first aid, as well as change the way people think about epilepsy and seizures; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly designate March 26, in 2024 and in each succeeding year, as Epilepsy Heroes Day in Virginia; and, be it

RESOLVED FURTHER, That the Clerk of the Senate transmit copies of this resolution to the Epilepsy Foundation of America, the Epilepsy Foundation of Virginia, the Seizure Action Plan Coalition, and Jamie Van Cleave of Yorktown so that they may be apprised of the sense of the General Assembly of Virginia in this matter; and, be it

RESOLVED FINALLY, That the Clerk of the Senate post the designation of this day on the General Assembly's website.

SENATE JOINT RESOLUTION NO. 28

Establishing a joint subcommittee to study long-term, sustainable, dedicated operations and capital funding as well as cost-containment controls and strategies to ensure the Washington Metropolitan Area Transit Authority, the Virginia Railway Express, and the public transit systems that serve the Northern Virginia Transportation Commission and Potomac and Rappahannock Transportation Commission transportation districts meet the growing needs of public transit in the region. Report.

Agreed to by the Senate, March 5, 2024
Agreed to by the House of Delegates, March 4, 2024

WHEREAS, Northern Virginia is served by a network of public transit providers that move more than 1.5 million people each week; and

WHEREAS, the Northern Virginia Transportation Commission (NVTC) found that Northern Virginia's transit network generates $1.5 billion in income and sales tax that goes to the Commonwealth's general fund each year; and

WHEREAS, the Washington Metropolitan Area Transit Authority (WMATA) is the backbone of Northern Virginia's transit system and plays a critical role in the Commonwealth's transportation network and economic growth; and

WHEREAS, the Virginia Railway Express (VRE) provides important commuter rail services that provide access from communities along Interstate 66 and Interstate 95 to the center of the District of Columbia, providing capacity to eliminate at least one highway lane from Interstate 95; and

WHEREAS, the Commonwealth's multibillion dollar investment in Transforming Rail in Virginia enables VRE's and Amtrak Virginia's long-term growth and success; and

WHEREAS, the Northern Virginia Transportation Commission (NVTC) and Potomac and Rappahannock Transportation Commission (PRTC) play important funding, coordination, and governance roles for transit agencies operating within their districts; and

WHEREAS, the COVID-19 pandemic upended the financial operating model of all transit agencies across the United States, including those that serve Northern Virginia, through inflation and reduced ridership; and

WHEREAS, federal pandemic aid, which has supported transit systems across the region since 2020, has already been exhausted or will be exhausted in the coming years; and

WHEREAS, in June 2023, WMATA projected a FY 2025 operating budget gap of $750 million that would grow to $1.2 billion by FY 2035; and

WHEREAS, in June 2023, WMATA projected that dedicated capital funding bond capacity would be exhausted by FY 2029 or earlier, which would constrain the capacity of WMATA's capital program; and

WHEREAS, the existing three percent cap on the annual growth in Virginia's operating assistance to WMATA has been a useful tool to help control costs but has resulted in some unintended consequences that need to be addressed; and

WHEREAS, it is in the public interest to ensure that ongoing vital investments in transit are managed in an accountable and transparent way and that every effort is made to ensure reasonable and effective cost-control measures are in place; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That a joint subcommittee be established to study long-term, sustainable, dedicated operations and capital funding as well as cost-containment controls and strategies to ensure the Washington Metropolitan Area Transit Authority, the Virginia Railway Express, and the public transit systems that serve the Northern Virginia Transportation Commission and Potomac and Rappahannock Transportation Commission transportation districts meet the growing needs of public transit in the region. The joint subcommittee shall consist of 11 members that include seven legislative members, two nonlegislative citizen members, and two ex officio members. Members shall be appointed as follows: three members of the Senate who shall be members of the Senate Committee on Finance and Appropriations, to be appointed by the Senate Committee on Rules; four members of the House of Delegates, two of whom shall be members of the House Committee on Appropriations and two of whom shall be members of the House Committee on Transportation, to be appointed by the Speaker of the House of Delegates in accordance with the principles of proportional representation contained in the Rules of the House of Delegates; and two nonlegislative citizen members, one of whom shall be a member of the WMATA Board of Directors, to be appointed by the Speaker of the House of Delegates, and one of whom shall be a member of the NVTC, with preference given to any such member who is an elected government official, to be appointed by the Senate Committee on Rules. The Executive Director of the NVTC and the Secretary of Transportation, or their designees, shall serve ex officio with voting privileges. Nonlegislative citizen members shall be citizens of the Commonwealth of Virginia. Unless otherwise approved in writing by the chairman of the joint subcommittee and the respective Clerk, nonlegislative citizen members shall be reimbursed only for travel originating and ending within the Commonwealth of Virginia for the purpose of attending meetings. The joint subcommittee shall elect a chairman and vice-chairman from among its membership, who shall be members of the General Assembly.

In conducting its study, the joint subcommittee shall establish a technical working group consisting of representatives from NVTC, PRTC, VRE, WMATA, the Department of Rail and Public Transportation (DRPT), and the Northern Virginia Transportation Authority, a representative from the Amalgamated Transit Union Local 689, and a representative from the Northern Virginia business community appointed by the Speaker of the House of Delegates to further examine the 10 revenue sources identified in NVTC's Metro Operating Funding and Reform Working Group and to propose up to five additional revenue sources that would contribute to a fund or set of funds for new dedicated operating or capital funding, or both, for Northern Virginia transit agencies that leverages, and exists in addition to, current state and local funding commitments. The technical working group shall also examine industry-wide cost-saving and cost-containment tools to ensure the long-term fiscal sustainability of heavy-rail transit operators including an evaluation of the projected revenue growth from each funding source identified and the current projected annual cost growth for each transit system through at least 2037.

To the extent feasible, the joint subcommittee shall incorporate in its study an evaluation of future land use plans for high-capacity transit corridors in Northern Virginia to support continued transit ridership growth, telework impacts on regional transit ridership, appropriate use of local bus services, WMATA's long-term capital funding needs, WMATA's capital funding prioritization process, Virginia's appropriate share of the jurisdictional subsidy based on existing Metrorail stations and Metrobus routes, WMATA's governance and structural issues that contribute to current funding instability, the technical work completed as part of NVTC's Metro Operating Funding and Reform Working Group effort, and the WMATA Funding, Accountability, and Reform Recommendations from NVTC's 2023 Annual Report on the Performance and Condition of WMATA.

Administrative staff support shall be provided by the Office of the Clerk of the chairman of the joint subcommittee. Legal, research, policy analysis, and other services as requested by the joint subcommittee shall be provided by the Division of Legislative Services. Technical assistance shall be provided by the NVTC, PRTC, WMATA, VRE, and DRPT and all other transit agencies operating in these transportation districts. All agencies of the Commonwealth shall provide assistance to the joint subcommittee for this study, upon request.

The joint subcommittee shall be limited to four meetings for the 2024 interim and four meetings for the 2025 interim, and the direct costs of this study shall not exceed $25,000 without approval as set out in this resolution. Approval for unbudgeted nonmember-related expenses shall require the written authorization of the chairman of the joint subcommittee and the respective Clerk.

No recommendation of the joint subcommittee shall be adopted if a majority of the Senate members or a majority of the House members appointed to the joint subcommittee (i) vote against the recommendation and (ii) vote for the recommendation to fail notwithstanding the majority vote of the joint subcommittee.

The joint subcommittee shall complete its meetings for the first year by November 30, 2024, and for the second year by November 30, 2025, and the chairman shall submit to the Division of Legislative Automated Systems an executive summary of its findings and recommendations no later than the first day of the next Regular Session of the General Assembly for each year. Each executive summary shall state whether the joint subcommittee intends to submit to the General Assembly and the Governor a report of its findings and recommendations for publication as a House or Senate document. The executive summaries and reports shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.

Implementation of this resolution is subject to subsequent approval and certification by the Joint Rules Committee. The Committee may approve or disapprove expenditures for this study, extend or delay the period for the conduct of the study, or authorize additional meetings during the 2024 or 2025 interims.

SENATE JOINT RESOLUTION NO. 29

Celebrating the life of George M. Hampton, Ph.D.

Agreed to by the Senate, January 18, 2024
Agreed to by the House of Delegates, January 22, 2024

WHEREAS, George M. Hampton, Ph.D., of Dale City, a patriotic veteran and civic leader who served the Commonwealth under the administrations of five Virginia governors and was an exemplar of servant leadership, died on June 29, 2023; and

WHEREAS, a native of New Jersey, George Hampton grew up in North Carolina, where he graduated from North Carolina Agricultural and Technical State University and was commissioned as a second lieutenant in the United States Army; and

WHEREAS, during his two decades in the military, George Hampton overcame discrimination to serve his country with honor and distinction and retired as a lieutenant colonel in 1971; and

WHEREAS, George Hampton pursued a career with the American Institutes for Research as a research scientist, project director, and human relations specialist, managing research and development projects that dealt with race relations and conflict resolution between Americans and host nationals in Asia and Africa; and

WHEREAS, George Hampton was a longtime advisor to the Prince William County Branch of the NAACP and was subsequently appointed by Governors Charles Robb and Gerald Baliles to the Virginia Parole Board, serving from 1982 to 1990; and

WHEREAS, George Hampton continued to serve the Commonwealth as chair and chief executive officer of the Virginia Alcoholic Beverage Control Board under Governor L. Douglas Wilder, then as an appointee to the State Board of Elections under Governor George Allen; and

WHEREAS, George Hampton subsequently served as a member of the Northern Virginia Community College Board of Directors and was appointed by Governor Mark Warner to the Virginia State University Board of Visitors; and

WHEREAS, George Hampton was the oldest and most senior member of Omega Psi Phi Fraternity, Inc., which established the George M. Hampton Foundation to promote academic achievement, leadership, and youth empowerment by providing scholarships to high school seniors; and

WHEREAS, in recognition of George Hampton's incredible legacy of contributions to the Commonwealth, Mills E. Godwin Middle School in Prince William County was renamed in his honor as George M. Hampton Middle School with a historic ceremony in August 2016; and

WHEREAS, George Hampton will be fondly remembered and greatly missed by numerous family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of George M. Hampton, Ph.D., a distinguished Virginian who touched countless lives through his wisdom and leadership; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of George M. Hampton, Ph.D., as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 30

Commending Debra Hamilton Farley, Ph.D.

Agreed to by the Senate, January 18, 2024
Agreed to by the House of Delegates, January 22, 2024

WHEREAS, since the establishment of the Small Business Development Center of Hampton Roads, Inc. in 1990, Debra Hamilton Farley, Ph.D., has served small business owners throughout the 18 cities and counties of the Hampton Roads region; and

WHEREAS, Debra Hamilton Farley started her career with the Small Business Development Center of Hampton Roads (HRSBDC) as a program coordinator and subsequently advanced to the position of associate executive director; and

WHEREAS, small businesses account for 93 percent of all businesses in the four Congressional districts that represent Hampton Roads, employing more than 513,000 employees and generating over $20.92 billion in annual payroll, and Debra Hamilton Farley provided direct counseling and training services to thousands of these prospective and existing small business owners; and

WHEREAS, Debra Hamilton Farley, on her own time while working full-time and raising school-aged children with her husband, graduated summa cum laude with a bachelor's degree in business management from Hampton University and later earned a master's degree in global management from Cambridge College; and

WHEREAS, on December 3, 2022, Debra Hamilton Farley was awarded an honorary doctor of philosophy degree in entrepreneurship and business administration and a certification as a business and entrepreneurship coach by the T.I.U.A. School of Business in Duluth, Georgia, in recognition of her tireless service and dedication to the region's small businesses; and

WHEREAS, Debra Hamilton Farley's services helped businesses create or save thousands of jobs and generate millions of dollars in debt and equity financing and enabled hundreds of small businesses to start operations in the Hampton Roads region; and

WHEREAS, Debra Hamilton Farley served her community by continuously sharing valuable information as she hosted and presented on multiple small business panels; facilitated workshops and special events educating and empowering entrepreneurs, veterans, women in business, and more; and served within her church, Saint Paul African Methodist Episcopal of Newport News, as one of 19 stewards and as the church school superintendent; and

WHEREAS, during her 33-year tenure with the HRSBDC, Debra Hamilton Farley was recognized by the Virginia Small Business Development Center Network as the organization's "State Star"; by the Virginia Peninsula Chamber of Commerce as its recipient of the Minority Business Advocate of the Year award; by *Inside Business* as one of the 20 women recipients of its Women in Business Achievement award; and by Hampton University as an Outstanding Alumni; and

WHEREAS, Debra Hamilton Farley was key in helping Hampton Roads small businesses recover from the effects of the COVID-19 pandemic by assisting the region's small businesses in obtaining over $3.5 billion in federal, state, and private relief funds; and

WHEREAS, Debra Hamilton Farley and her husband, Tommie, are the proud parents of three daughters who employ the values, service, and leadership they learned from their parents in their respective fields and are the proud and devoted grandparents of two amazing granddaughters who are the lights of their lives; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Debra Hamilton Farley, Ph.D., for her service to the Hampton Roads region and its numerous small business owners; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Debra Hamilton Farley, Ph.D., as an expression of the General Assembly's admiration for her contributions to the Commonwealth.

SENATE JOINT RESOLUTION NO. 31

Confirming appointments by the Governor of certain persons communicated to the General Assembly December 1, 2023.

Agreed to by the Senate, February 6, 2024
Agreed to by the House of Delegates, February 8, 2024

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly confirm the following appointments of certain persons made by Governor Glenn Youngkin and communicated to the General Assembly December 1, 2023.

AGENCY HEADS

Demetrios "Mitch" Melis of **Glen Allen,** Virginia, Commissioner, Virginia Employment Commission, to serve at the pleasure of the Governor beginning October 1, 2023, to succeed Carrie Roth.

Carrie Roth of **Midlothian,** Virginia, Director, Department of Workforce Development and Advancement, to serve at the pleasure of the Governor beginning October 1, 2023, to fill a new position.

Kishore Thota of **Richmond,** Virginia, Director, Department of Professional and Occupational Regulation, to serve at the pleasure of the Governor beginning October 1, 2023, to succeed Demetrios "Mitch" Melis.

ADMINSTRATION

9-1-1 Services Board

Cynthia Gillespie of **Powhatan,** Virginia, Member, appointed November 30, 2023, for a term of five years beginning July 1, 2021, and ending June 30, 2026, to succeed herself.

Cybersecurity Planning Committee

Charles Huntley of **Saluda,** Virginia, Member, appointed November 8, 2023, for a term of four years beginning November 1, 2022, and ending October 31, 2026, to succeed John Harrison.

Modeling and Simulation Advisory Council

Tracy Gregorio of **Virginia Beach,** Virginia, Member, appointed October 10, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed herself.

Virginia Data Advisory Commission

Keith Costello of **Rocky Gap,** Virginia, Member, appointed October 10, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Bryant Hood.

Bojan Duric of **Virginia Beach,** Virginia, Member, appointed November 30, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Bridget Giles.

David Robinson of **Richmond,** Virginia, Member, appointed October 10, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Carrie Gaston.

COMMERCE AND TRADE

Broadband Advisory Council

James Carr of **Richmond,** Virginia, Member, appointed November 8, 2023, for a term of two years beginning July 1, 2023, and ending June 30, 2025, to succeed himself.

Christian R. Goodwin of **Mineral,** Virginia, Member, appointed November 8, 2023, for a term of two years beginning July 1, 2023, and ending June 30, 2025, to succeed Michael Culp.

Raphael LaMura of **Richmond,** Virginia, Member, appointed November 8, 2023, for a term of two years beginning July 1, 2023, and ending June 30, 2025, to succeed himself.

Casey Logan of **Boydton,** Virginia, Member, appointed November 8, 2023, for a term of two years beginning July 1, 2023, and ending June 30, 2025, to succeed himself.

Steven Sandy of **Vinton,** Virginia, Member, appointed November 8, 2023, for a term of two years beginning July 1, 2023, and ending June 30, 2025, to succeed himself.

Richard Schollmann of **Glen Allen,** Virginia, Member, appointed November 8, 2023, for a term of two years beginning July 1, 2023, and ending June 30, 2025, to succeed himself.

COMMONWEALTH

Latino Advisory Board

Roberto Coquis of **Falls Church,** Virginia, Member, appointed November 2, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Karina Kline-Gabel.

Eduardo Gil of **Falls Church,** Virginia, Member, appointed October 31, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Rosa Cecilia Williams.

Virginia African American Advisory Board

Monica Hall of **Chesterfield,** Virginia, Member, appointed November 8, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Cheryl Ann Ivey Green.

Virginia-Asian Advisory Board

Minesh Patel of **Powhatan,** Virginia, Member, appointed November 1, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Carla Okouchi.

Virginia LGBTQ+ Advisory Board

Teri Brown of **Cedar Bluff,** Virginia, Member, appointed November 8, 2023, to serve an unexpired term beginning July 1, 2022, and ending June 30, 2026, to succeed Keri Vornadore.

Carson Cox of **Richmond,** Virginia, Member, appointed November 2, 2023, to serve an unexpired term beginning July 1, 2021, and ending June 30, 2025, to succeed Austin Palmore.

Jeffrey Hoeflich-Nickels of **Roanoke,** Virginia, Member, appointed November 2, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Kyle Mason.

COMPACTS

Atlantic States Marine Fisheries Commission

Jamie Green of **Richmond,** Virginia, Member, appointed November 13, 2023, to serve at the pleasure of the Governor beginning November 13, 2023, to succeed Steve Bowman.

Legislative Advisory Council to the Southern Regional Education Board

The Honorable Mike Cherry of **Colonial Heights,** Virginia, Member, appointed November 2, 2023, to serve at the pleasure of the Governor beginning November 2, 2023, to succeed the Honorable Jennifer McClellan.

EDUCATION

Board of Trustees of the A. L. Philpott Manufacturing Extension Partnership, Board of Trustees - GENEDGE Alliance

Tracy Fitzsimmons of **Winchester,** Virginia, Member, appointed November 21, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Tiffany Frank.

John Gaskins of **Charlottesville,** Virginia, Member, appointed November 13, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Douglas Frost.

Quentin Johnson of **Alberta,** Virginia, Member, appointed November 20, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Shannon Kennedy.

Cathy Roberts of **Meadows of Dan,** Virginia, Member, appointed November 15, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Peter Bale.

Board of Trustees of the Frontier Culture Museum of Virginia

Milton Franklin of **Bridgewater,** Virginia, Member, appointed November 13, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Kevin Callanan.

Joan Hughes of **Rockingham,** Virginia, Member, appointed November 14, 2023, for a term of four years beginning July 1, 2022, and ending June 30, 2026, to succeed Kenneth Lee Venable.

Peggy Sheets of **Staunton,** Virginia, Member, appointed November 13, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed herself.

Timothy Simmons of **Churchville,** Virginia, Member, appointed November 13, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Frank Nolen.

Board of Trustees of the Southwest Virginia Higher Education Center

Steve Ahn of **Damascus,** Virginia, Member, appointed November 3, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed himself.

Board of Trustees of the Virginia Museum of Fine Arts

Gilbert Bland of **Virginia Beach,** Virginia, Member, appointed October 27, 2023, for a term of five years beginning July 1, 2023, and ending June 30, 2028, to succeed himself.

Whitney Murphy of **Charlottesville,** Virginia, Member, appointed September 25, 2023, for a term of five years beginning July 1, 2023, and ending June 30, 2028, to succeed Susan Palmer.

Amanda Qreitem of **Clifton,** Virginia, Member, appointed October 10, 2023, for a term of five years beginning July 1, 2023, and ending June 30, 2028, to succeed Joan Brock.

Board of Visitors of the Virginia School for the Deaf and the Blind

Scott Alleman of **Fishersville,** Virginia, Member, appointed October 11, 2023, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed Michael Asip.

Carolyn Berry of **Charlottesville,** Virginia, Member, appointed October 11, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed herself.

J.H. Cline of **Staunton,** Virginia, Member, appointed October 31, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed himself.

Board of Visitors of Virginia Military Institute

Kate Todd of **McLean,** Virginia, Member, appointed October 26, 2023, to serve an unexpired term beginning July 1, 2020, and ending June 30, 2024, to succeed Charles Dominy.

Board of Visitors of Virginia State University

Dennis Via of **McLean,** Virginia, Member, appointed October 26, 2023, to serve an unexpired term beginning July 1, 2020, and ending June 30, 2024, to succeed Christine Darden.

Southwest Virginia Cultural Heritage Foundation Board of Trustees

Sharon Buchanan of **Cleveland,** Virginia, Member, appointed October 11, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Pat Sharkey.

Kevin Byrd of **Blacksburg,** Virginia, Member, appointed October 12, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed himself.

Michael Cochran of **Abingdon,** Virginia, Member, appointed October 11, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed James Morani.

Saul Hernandez of **Bristol,** Virginia, Member, appointed October 11, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Mary Anne Holbrook.

Joshua Hess of **Christiansburg,** Virginia, Member, appointed October 11, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed William J. Smith.

Deborah Milton of **Lebanon,** Virginia, Member, appointed October 16, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Ellen Reynolds.

Amanda Pillion of **Abingdon,** Virginia, Member, appointed October 19, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed herself.

Sandy Ratliff of **Abingdon,** Virginia, Member, appointed October 13, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Kathy Shearer.

Ruby Rogers of **Gate City,** Virginia, Member, appointed October 23, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Dean Chiapetto.

Julie Steele of **Stuart,** Virginia, Member, appointed October 11, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed herself.

Scott Wampler of **Davenport,** Virginia, Member, appointed October 16, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Duane Miller.

Student Advisory Board to the Board of Education

Arrow Brooks of **Bristol,** Virginia, Member, appointed October 31, 2023, for a term of one year beginning July 1, 2023, and ending June 30, 2024, to fill a new seat.

Sarah Byman of **Virginia Beach,** Virginia, Member, appointed October 31, 2023, for a term of one year beginning July 1, 2023, and ending June 30, 2024, to fill a new seat.

Elizabeth Cobb of **Henrico,** Virginia, Member, appointed October 31, 2023, for a term of one year beginning July 1, 2023, and ending June 30, 2024, to fill a new seat.

Rafael Ibanez of **Crozet,** Virginia, Member, appointed October 31, 2023, for a term of one year beginning July 1, 2023, and ending June 30, 2024, to fill a new seat.

Yordanose Moges of **Fairfax County,** Virginia, Member, appointed October 31, 2023, for a term of one year beginning July 1, 2023, and ending June 30, 2024, to fill a new seat.

Abubakkar Rahim of **Stafford,** Virginia, Member, appointed October 31, 2023, for a term of one year beginning July 1, 2023, and ending June 30, 2024, to fill a new seat.

Preston Riddle of **Halifax County,** Virginia, Member, appointed October 31, 2023, for a term of one year beginning July 1, 2023, and ending June 30, 2024, to fill a new seat.

Lance Toapanta of **Salem,** Virginia, Member, appointed October 31, 2023, for a term of one year beginning July 1, 2023, and ending June 30, 2024, to fill a new seat.

The Library Board

Mary Prentice of **Powhatan,** Virginia, Member, appointed November 20, 2023, for a term of five years beginning July 1, 2023, and ending June 30, 2028, to succeed Martha Sims.

Blythe Scott of **Norfolk,** Virginia, Member, appointed November 20, 2023, for a term of five years beginning July 1, 2023, and ending June 30, 2028, to succeed herself.

HEALTH AND HUMAN RESOURCES

Advisory Board on Athletic Training

David Pawlowski of **Henrico,** Virginia, Member, appointed October 26, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed himself.

Virginia Wells of **Williamsburg,** Virginia, Member, appointed October 26, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Jeff Roberts.

Larry D'Shawn Wright of **Yorktown,** Virginia, Member, appointed October 25, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Trillzsa Ann Trent.

Advisory Board on Behavior Analysis

Mark Llobell of **Virginia Beach,** Virginia, Member, appointed November 2, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed himself.

Advisory Board on Genetic Counseling

Dr. Richard Lucidi of **Midlothian,** Virginia, Member, appointed October 19, 2023, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed Marilyn Jerome Foust.

Advisory Board on Massage Therapy

Ann Lively of **Richmond,** Virginia, Member, appointed November 17, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Erin Osiol.

Shawnte Peterson of **Chesapeake,** Virginia, Member, appointed November 30, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed herself.

Advisory Board on Polysomnographic Technology

Ronnie Hayes of **Midlothian,** Virginia, Member, appointed October 30, 2023, for a term of four years beginning July 1, 2022, and ending June 30, 2026, to succeed himself.

Hannah Tyler of **Chester,** Virginia, Member, appointed October 30, 2023, for a term of four years beginning July 1, 2022, and ending June 30, 2026, to succeed herself.

Board of Audiology and Speech-Language Pathology

Lisa Wallace-Davis of **Newport News,** Virginia, Member, appointed October 23, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Kyttra Burge.

James Wells of **Front Royal,** Virginia, Member, appointed October 19, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Corliss Booker.

Board of Counseling

Nakeisha Gordon of **Richmond,** Virginia, Member, appointed October 10, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Danielle Hunt.

Board of Directors of the Assistive Technology Loan Fund Authority

Monique Ford of **Fredericksburg,** Virginia, Member, appointed October 30, 2023, for a term of four years beginning July 1, 2022, and ending June 30, 2026, to succeed Elise Nelson.

Tyler Pieron of **Palmyra,** Virginia, Member, appointed November 1, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Ronald Lanier.

Board of Funeral Directors and Embalmers

Jason Graves of **Chesapeake,** Virginia, Member, appointed October 4, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed himself.

Robert Slusser of **Clifton Forge,** Virginia, Member, appointed October 4, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Joseph Francis Walton.

Eric Wray of **Virginia Beach,** Virginia, Member, appointed October 4, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Blair Nelsen.

Board of Long-Term Care Administrators

Lynn Campbell of **Richmond,** Virginia, Member, appointed November 8, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Ali Faruk.

Latonya Hughes of **Hampton,** Virginia, Member, appointed October 23, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Mitchell Patrick Davis.

Board of Medicine

Thomas Corry of **Alexandria,** Virginia, Member, appointed October 26, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Alvin Edwards.

Deborah Fonseca of **Springfield,** Virginia, Member, appointed October 26, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Jane Hickey.

Elliott Lucas of **Hampton,** Virginia, Member, appointed October 25, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Ryan P. Williams.

Board of Optometry

Corliss Booker of **Chester,** Virginia, Member, appointed October 30, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Devon Cabot.

Shawn Hobbs of **Richmond,** Virginia, Member, appointed October 30, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Lisa Wallace-Davis.

Board of Pharmacy

Michelle Hoffer of **Richmond,** Virginia, Member, appointed October 30, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed James Jenkins.

Board of Physical Therapy

Megan Bureau of **Winchester,** Virginia, Member, appointed November 8, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Arkena Dailey.

Srilekha Palle of **Fairfax,** Virginia, Member, appointed October 30, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Tracey Adler.

Board of Psychology

Danielle Spearman-Camblard of **Chesterfield,** Virginia, Member, appointed October 12, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Kathryn Zeanah.

Board of Social Work

Ruth Ann Smulik of **Forest,** Virginia, Member, appointed October 12, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Angelia Allen.

Board of Veterinary Medicine

Jeffery Newman of **Alexandria,** Virginia, Member, appointed October 13, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed himself.

Patricia Seeger of **Hampton,** Virginia, Member, appointed October 16, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Autumn Nicolle Halsey.

Child Support Guidelines Review Panel

Nupur Bal of **Manakin Sabot,** Virginia, Member, appointed November 8, 2023, to serve at the pleasure of the Governor beginning November 8, 2023, to succeed Daniel Gray.

Christian Paasch of **Alexandria,** Virginia, Member, appointed November 8, 2023, to serve at the pleasure of the Governor beginning November 8, 2023, to succeed Ryan Johnston.

Maternal Mortality Review Team

Kelly Fried of **South Chesterfield,** Virginia, Member, appointed November 15, 2023, for a term of three years beginning July 1, 2021, and ending June 30, 2024, to succeed Daphne Cunningham.

Office of New Americans Advisory Board

Zarmina Ahmed-Yusufi of **Fairfax Station,** Virginia, Member, appointed October 31, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Bo Machayo.

Karina Martich of **Midlothian,** Virginia, Member, appointed November 1, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Fern Hauck.

Daniel Villar of **Henrico,** Virginia, Member, appointed November 1, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Dora Muhammad.

Public Guardian and Conservator Advisory Board

MacKay Boyer of **Irvington,** Virginia, Member, appointed November 20, 2023, for a term of four years beginning July 1, 2022, and ending June 30, 2026, to succeed Latroyal Roxburgh.

Susan Elmore of **Colonial Heights,** Virginia, Member, appointed November 20, 2023, for a term of four years beginning July 1, 2022, and ending June 30, 2026, to succeed herself.

Angela Phelon of **Henrico,** Virginia, Member, appointed November 27, 2023, for a term of four years beginning July 1, 2022, and ending June 30, 2026, to succeed George Arthur McAndrews.

Lindsay Pickral of **Midlothian,** Virginia, Member, appointed November 20, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed herself.

Cristen Zedd of **Mechanicsville,** Virginia, Member, appointed November 17, 2023, for a term of four years beginning July 1, 2022, and ending June 30, 2026, to succeed herself.

Rare Disease Council

John Feore of **Arlington,** Virginia, Member, appointed October 19, 2023, for a term of three years beginning July 1, 2021, and ending June 30, 2024, to fill a new seat.

Sharon Kopis of **Forest,** Virginia, Member, appointed October 10, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Sarah Paciulli.

Leslie Mehta of **Moseley,** Virginia, Member, appointed October 23, 2023, for a term of four years beginning July 1, 2022, and ending June 30, 2026, to succeed Megan O'Boyle.

Angela Olmsted of **Lynchburg,** Virginia, Member, appointed October 23, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Richard Nicholas.

Gwen Traficant of **Lorton,** Virginia, Member, appointed October 26, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Jana Monaco.

Renal Disease Council

Sara Froelich of **McLean,** Virginia, Member, appointed September 22, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to fill a new seat.

State Emergency Medical Services Advisory Board

Melissa Meador of **Orange,** Virginia, Member, appointed October 3, 2023, for a term of three years beginning July 1, 2023, and ending June 30, 2026, to succeed Valerie Quick.

State Executive Council for Children's Services

Nancy Robbins of **Chesterfield,** Virginia, Member, appointed October 30, 2023, for a term of three years beginning July 1, 2022, and ending June 30, 2025, to succeed Jessica Stern.

Task Force on Services for Survivors of Sexual Assault

Ashley Balcombe of **Midlothian,** Virginia, Member, appointed October 10, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Melissa Harper.

Michele Laaksonen of **Onancock,** Virginia, Member, appointed October 11, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Patricia Hall.

Genevieve Lohr of **Prince George,** Virginia, Member, appointed November 17, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Jeanne Parrish.

Ariel Ward of **Falls Church,** Virginia, Member, appointed October 18, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Dawn Scaff.

Caitlin Yerkes of **Falls Church,** Virginia, Member, appointed October 19, 2023, for a term of four years beginning July 1, 2022, and ending June 30, 2026, to succeed Sara Jennings.

State Rehabilitation Council

Becky Alwood of **Midlothian,** Virginia, Member, appointed November 8, 2023, for a term of three years beginning October 1, 2023, and ending September 30, 2026, to succeed Billy Cook.

Ken Jessup of **Virginia Beach,** Virginia, Member, appointed November 30, 2023, to serve an unexpired term beginning October 1, 2021, and ending September 30, 2024, to succeed Karen Michalski-Karney.

Heidi Lawyer of **Henrico,** Virginia, Member, appointed November 8, 2023, for a term of three years beginning October 1, 2022, and ending September 30, 2025, to succeed herself.

Joliefawn Liddell of **Richmond,** Virginia, Member, appointed November 28, 2023, for a term of three years beginning October 1, 2022, and ending September 30, 2025, to succeed herself.

Talisha McAuley-Davis of **Chesterfield,** Virginia, Member, appointed November 20, 2023, for a term of three years beginning October 1, 2023, and ending September 30, 2026, to succeed herself.

Marianne Moore of **North Chesterfield,** Virginia, Member, appointed November 8, 2023, for a term of three years beginning October 1, 2023, and ending September 30, 2026, to succeed Daniel Irwin.

Brandy Schantz of **Alexandria,** Virginia, Member, appointed November 8, 2023, for a term of three years beginning October 1, 2022, and ending September 30, 2025, to succeed Garrett Shane Brumfield.

State Rehabilitation Council for the Blind and Vision Impaired

Christine Appert of **Charlottesville,** Virginia, Member, appointed November 8, 2023, for a term of three years beginning October 1, 2023, and ending September 30, 2026, to succeed Edna Johnson.

Rebecca Ceja of **Richmond,** Virginia, Member, appointed November 20, 2023, for a term of three years beginning October 1, 2023, and ending September 30, 2026, to succeed Marianne Moore.

Jennifer Sellers of **Harrisonburg,** Virginia, Member, appointed November 8, 2023, for a term of three years beginning October 1, 2022, and ending September 30, 2025, to succeed Irene Conlin.

Mark Roane of **Richmond,** Virginia, Member, appointed November 8, 2023, for a term of three years beginning October 1, 2022, and ending September 30, 2025, to succeed himself.

Milford Stern of **Roanoke,** Virginia, Member, appointed November 15, 2023, for a term of three years beginning October 1, 2023, and ending September 30, 2026, to succeed himself.

Statewide Independent Living Council

Daniel Aranda of **Alexandria,** Virginia, Member, appointed November 16, 2023, for a term of three years beginning October 1, 2023, and ending September 30, 2026, to succeed himself.

Wilfredo Benavides of **Herndon,** Virginia, Member, appointed November 13, 2023, for a term of three years beginning October 1, 2022, and ending September 30, 2025, to succeed himself.

Leelynn Brady of **Suffolk,** Virginia, Member, appointed November 13, 2023, for a term of three years beginning October 1, 2022, and ending September 30, 2025, to succeed herself.

Christopher Grandle of **Stuarts Draft,** Virginia, Member, appointed November 16, 2023, for a term of three years beginning October 1, 2022, and ending September 30, 2025, to succeed Chandra Robinson.

Harry Henderson of **Alexandria,** Virginia, Member, appointed November 16, 2023, for a term of three years beginning October 1, 2023, and ending September 30, 2026, to succeed Vasantha Rayman.

Ken Jessup of **Virginia Beach,** Virginia, Member, appointed November 13, 2023, for a term of three years beginning October 1, 2022, and ending September 30, 2025, to succeed himself.

Sarah Liddle of **Waynesboro,** Virginia, Member, appointed November 17, 2023, for a term of three years beginning October 1, 2022, and ending September 30, 2025, to succeed Shawn Utt.

Karen Michalski-Karney of **Glade Hill,** Virginia, Member, appointed November 13, 2023, for a term of three years beginning October 1, 2022, and ending September 30, 2025, to succeed herself.

Gary Talley of **Petersburg,** Virginia, Member, appointed November 16, 2023, for a term of three years beginning October 1, 2023, and ending September 30, 2026, to succeed himself.

Virginia Board for People with Disabilities

Conner Cummings of **Fairfax,** Virginia, Member, appointed October 11, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Chandra Robinson.

Cathy Edwards of **Aldie,** Virginia, Member, appointed November 8, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Dianna Banks.

Adrian Frierson of **Mechanicsville,** Virginia, Member, appointed October 30, 2023, for a term of four years beginning July 1, 2022, and ending June 30, 2026, to succeed Dawn Missory.

Virginia Health Benefit Exchange Advisory Committee

Craig Connors of **Toano,** Virginia, Member, appointed October 30, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Elizabeth Cunningham.

Virginia Health Workforce Development Authority Board of Directors

Karen Faison of **Hopewell,** Virginia, Member, appointed October 25, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Woodriff Sprinkel.

INDEPENDENT

Virginia Foundation for the Humanities and Public Policy Board of Directors

Martin Martinez of **Fredericksburg,** Virginia, Member, appointed November 8, 2023, to serve an unexpired term beginning July 1, 2020, and ending June 30, 2024, to succeed Megan Beyer.

LABOR

Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects

Justina Vasquez of **Yorktown,** Virginia, Member, appointed October 11, 2023, for a term of four years beginning July 1, 2022, and ending June 30, 2026, to succeed Karen Reynes.

Board for Contractors

Alex White of **Luray,** Virginia, Member, appointed November 17, 2023, to serve an unexpired term beginning July 1, 2020, and ending June 30, 2024, to succeed Satish Korpe.

Board for Waste Management Facility Operators

Joshua Byerly of **Powhatan,** Virginia, Member, appointed October 16, 2023, for a term of four years beginning July 1, 2022, and ending June 30, 2026, to succeed Jason Mitchell.

Board for Waterworks and Wastewater Works Operators and Onsite Sewage System Professionals

Alvin Christian of **Midlothian,** Virginia, Member, appointed October 12, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Wesley Jordan Evans.

Common Interest Community Board

Joyce Wolfe of **King William,** Virginia, Member, appointed November 28, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Scott Sterling.

Real Estate Appraiser Board

Joyce Bonilla of **Chester,** Virginia, Member, appointed November 28, 2023, to serve an unexpired term beginning April 3, 2022, and ending April 2, 2026, to succeed Edythe Frankel Kelleher.

Safety and Health Codes Board

Audrey Janosik of **Dewitt,** Virginia, Member, appointed November 2, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Charles Stiff.

LEGISLATIVE

American Revolution 250 Commission

Gloria Marrero Chambers of **McLean,** Virginia, Member, appointed October 11, 2023, to serve an unexpired term beginning July 1, 2020, and ending June 30, 2027, to succeed Kimberly Hall.

Elizabeth McClanahan of **Christiansburg,** Virginia, Member, appointed October 11, 2023, to serve an unexpired term beginning July 1, 2020, and ending June 30, 2027, to succeed Leslie Neuhoff.

Brown v. Board of Education Scholarship Awards Committee

Barbara Inman of **Newport News,** Virginia, Member, appointed November 8, 2023, for a term of two years beginning July 1, 2023, and ending June 30, 2025, to succeed Marcella Vishon Luck.

Geneda Kearney of **Chester,** Virginia, Member, appointed October 31, 2023, for a term of two years beginning July 1, 2023, and ending June 30, 2025, to succeed Karen Eley Sanders.

Cameron Patterson of **Farmville,** Virginia, Member, appointed November 8, 2023, for a term of two years beginning July 1, 2023, and ending June 30, 2025, to succeed Joan Marie Cobbs.

Commission on Electric Utility Regulation

Howard Shafferman of **Richmond,** Virginia, Member, appointed October 31, 2023, for a term of two years beginning July 1, 2023, and ending June 30, 2025, to fill a new seat.

Conflict of Interest and Ethics Advisory Council

Adam Kinsman of **Williamsburg,** Virginia, Member, appointed November 8, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Sharon Elizabeth Pandak.

Small Business Commission

Giuseppe Lanzone of **Great Falls,** Virginia, Member, appointed September 27, 2023, for a term of two years beginning July 1, 2022, and ending June 30, 2024, to succeed Vickie Rene Williams.

State Water Commission

Brian Bayford of **Gloucester,** Virginia, Member, appointed November 29, 2023, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed Victor Vilchiz.

Virginia Freedom of Information Advisory Council

Corrine Louden of **Chesterfield,** Virginia, Member, appointed October 19, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Matt Conrad.

NATURAL AND HISTORIC RESOURCES

Litter Control and Recycling Fund Advisory Board

Robert Greg Cross of **Wise,** Virginia, Member, appointed November 28, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Kathleen Register.

Michael O'Connor of **Richmond,** Virginia, Member, appointed November 20, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed himself.

State Water Control Board

Michelle Johnson of **Providence Forge,** Virginia, Member, appointed November 28, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Heather Wood.

Virginia Land Conservation Foundation Board of Trustees

Edward Scott of **Rochelle,** Virginia, Member, appointed November 28, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Katherine Imhoff.

PUBLIC SAFETY AND HOMELAND SECURITY

Advisory Committee on Juvenile Justice and Prevention

Demetria Davis of **Chesterfield,** Virginia, Member, appointed November 27, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Shelly Lena Baker-Scott.

Maria Sandra Lawyer of **Ashburn,** Virginia, Member, appointed November 27, 2023, to serve an unexpired term beginning July 1, 2021, and ending June 30, 2025, to succeed Cecelia Gomez-Brown.

Samuel Perez of **Bealeton,** Virginia, Member, appointed November 17, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed himself.

Advisory Committee on Sexual and Domestic Violence

Toni Zollicoffer of **Fort Belvoir,** Virginia, Member, appointed October 3, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed herself.

Board of Juvenile Justice

Lisa Cason of **Fairfax Station,** Virginia, Member, appointed November 27, 2023, to serve an unexpired term beginning July 1, 2023, and ending June 30, 2027, to succeed Kenneth Feng.

Criminal Justice Services Board

Russell McGuire of **Louisa,** Virginia, Member, appointed November 27, 2023, to serve an unexpired term beginning July 1, 2021, and ending June 30, 2025, to succeed Abbey Phillips.

Scientific Advisory Committee

Kenneth Zercie of **West Haven, Connecticut,** Member, appointed November 28, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed himself.

State Board of Local and Regional Jails

Charles Carey of **Fredericksburg,** Virginia, Member, appointed October 4, 2023, to serve an unexpired term beginning July 1, 2020, and ending June 30, 2024, to succeed Christopher Storm.

Virginia Geographic Information Network Advisory Board

Matthew Wells of **Richmond,** Virginia, Member, appointed November 21, 2023, to serve an unexpired term beginning July 1, 2020, and ending June 30, 2025, to succeed Clyde Cristman.

VETERANS AND DEFENSE AFFAIRS

Board of Veterans Services

Scott Davidson of **Leesburg,** Virginia, Member, appointed October 3, 2023, to serve an unexpired term beginning July 1, 2022, and ending June 30, 2026, to succeed Jamie Inman.

Joint Leadership Council of Veterans Service Organizations

Vernon Peters of **Chester,** Virginia, Member, appointed October 12, 2023, for a term of three years beginning July 1, 2022, and ending June 30, 2025, to succeed himself.

Veterans Services Foundation Board of Trustees

Marc Andersen of **Great Falls,** Virginia, Member, appointed October 3, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Michael Coleman.

Virginia Military Advisory Council

Justin Freeh of **Washington, District of Columbia,** Member, appointed October 3, 2023, to serve at the pleasure of the Governor beginning October 3, 2023, to succeed Charles Quillin.

SENATE JOINT RESOLUTION NO. 32

Confirming appointments by the Governor of certain persons communicated to the General Assembly August 1, 2023.

Agreed to by the Senate, February 6, 2024
Agreed to by the House of Delegates, February 8, 2024

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly confirm the following appointments of certain persons made by Governor Glenn Youngkin and communicated to the General Assembly August 1, 2023.

ADMINISTRATION

9-1-1 Services Board

Kendrick Todd Brewster of **Blacksburg,** Virginia, Member, appointed July 27, 2023, to serve an unexpired term beginning July 1, 2020, and ending June 30, 2025, to succeed Jeffrey Dodson.

Gary P. Critzer of **Waynesboro,** Virginia, Member, appointed July 24, 2023, for a term of five years beginning July 1, 2023, and ending June 30, 2028, to succeed himself.

John DiBacco of **Norfolk,** Virginia, Member, appointed July 24, 2023, for a term of five years beginning July 1, 2023, and ending June 30, 2028, to succeed himself.

Pete Hatcher of **Chesterfield County,** Virginia, Member, appointed July 24, 2023, for a term of five years beginning July 1, 2023, and ending June 30, 2028, to succeed himself.

Julie Henry of **Hanover,** Virginia, Member, appointed July 27, 2023, for a term of five years beginning July 1, 2023, and ending June 30, 2028, to succeed Thomas Bradshaw.

Justin Martin of **Max Meadows,** Virginia, Member, appointed July 27, 2023, for a term of five years beginning July 1, 2023, and ending June 30, 2028, to succeed Mary M. Blowe.

Matthew Ogburn of **Henrico,** Virginia, Member, appointed July 24, 2023, for a term of five years beginning July 1, 2023, and ending June 30, 2028, to succeed himself.

Patricia Turner of **Kearneysville,** Virginia, Member, appointed July 27, 2023, for a term of five years beginning July 1, 2023, and ending June 30, 2028, to succeed Donald Hall.

Art and Architectural Review Board

Anca Lipan of **Henrico,** Virginia, Member, appointed on July 1, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Aimee Jorjani.

Information Technology Advisory Council

Phea Ram of **Powhatan,** Virginia, Member, appointed on July 1, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed himself.

AGRICULTURE AND FORESTRY

Board of Agriculture and Consumer Services

Kailee Tkacz Buller of **Alexandria,** Virginia, Member, appointed on July 1, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed herself.

Keith Harris of **Heathsville,** Virginia, Member, appointed on July 1, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Oscar Bryan Taliaferro.

Raymond Keating of **Norfolk,** Virginia, Member, appointed on July 1, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Shelley S. Butler Barlow.

Margaret Ann Smith of **Lexington,** Virginia, Member, appointed on July 1, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed herself.

Charitable Gaming Board

Tyrone Foster of **Bristol,** Virginia, Member, appointed July 1, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to fill a new seat.

Michael Kimlick of **Burke,** Virginia, Member, appointed July 27, 2023, to serve an unexpired term beginning July 1, 2021, and ending June 30, 2025, to succeed Clay Dawson.

Bonnie Whitlock of **Ashland,** Virginia, Member, appointed July 27, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed James Lewis.

Horse Industry Board

Amy Moore of **Millwood,** Virginia, Member, appointed July 1, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Janie Shrader.

Wine Board

Megan Seibel of **Roanoke,** Virginia, Member, appointed July 1, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed herself.

Anne Shelton of **North Garden,** Virginia, Member, appointed July 1, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Courtney Mailey.

AUTHORITIES

Board of Directors of the Virginia Alcoholic Beverage Control Authority

Robert Sledd of **Manakin Sabot,** Virginia, Member, appointed July 14, 2023, for a term of five years beginning July 1, 2023, and ending June 30, 2028, to succeed Maria Everett.

Board of Directors of the Virginia Cannabis Control Authority

Anthony D. Williams of **Virginia Beach,** Virginia, Member, appointed July 1, 2023, for a term of five years beginning July 1, 2023, and ending June 30, 2028, to succeed Rasheeda Creighton.

Fort Monroe Authority Board of Trustees

Charletta H. Barringer-Brown of **Lexington,** Virginia, Member, appointed July 1, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed herself.

Season Roberts of **Virginia Beach,** Virginia, Member, appointed July 1, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Thomas Jarvis.

Hampton Roads Sanitation District Commission

Michael Glenn of **Norfolk,** Virginia, Member, appointed July 18, 2023, for a term of four years beginning June 8, 2023, and ending June 7, 2027, to succeed himself.

Willie Levenston, Jr., of **Portsmouth,** Virginia, Member, appointed July 18, 2023, for a term of four years beginning June 8, 2023, and ending June 7, 2027, to succeed himself.

Virginia Biotechnology Research Partnership Authority Board of Directors

Garrison Coward of **Richmond,** Virginia, Member, appointed July 1, 2023, for a term of three years beginning July 1, 2023, and ending June 30, 2026, to succeed Kenneth Ampy.

Donna Edmonds of **Richmond,** Virginia, Member, appointed July 1, 2023, for a term of three years beginning July 1, 2023, and ending June 30, 2026, to succeed Eric Edwards.

Virginia Public Building Authority

Michelle Attreed of **Prince William County,** Virginia, Member, appointed July 1, 2023, for a term of five years beginning July 1, 2023, and ending June 30, 2028, to succeed Ann Shawver.

Virginia Resources Authority Board of Directors

Maria Tedesco of **Richmond,** Virginia, Member, appointed July 1, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Cynthia Bailey.

Virginia Small Business Financing Authority Board of Directors

Myron G. Nahra of **Virginia Beach,** Virginia, Member, appointed July 24, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Ronnie Johnson.

Kwesi Robotham of **Woodbridge,** Virginia, Member, appointed July 24, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Michael Joyce.

COMMERCE AND TRADE

Board of Housing and Community Development

Lynne M. Goldberg of **Alexandria,** Virginia, Member, appointed July 1, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Patricia Shields.

Roger Jones of **Nokesville,** Virginia, Member, appointed July 28, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Brett E. Meringoff.

Scott Stosser of **Blacksburg,** Virginia, Member, appointed July 28, 2023, for an unexpired term beginning July 1, 2020, and ending June 30, 2024, to succeed Mark Jackson.

Commonwealth of Virginia Innovation Partnership Authority Board of Directors

Kelley Powell of **Manakin Sabot,** Virginia, Member, appointed July 25, 2023, to serve an unexpired term beginning July 1, 2022, and ending June 30, 2026, to succeed Juan Pablo Segura.

Rita Roy of **Great Falls,** Virginia, Member, appointed July 25, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Paula Sorrell.

Lindsay Winter of **Virginia Beach,** Virginia, Member, appointed July 27, 2023, to serve an unexpired term beginning July 1, 2020, and ending June 30, 2024, to succeed Kurt John.

Tobacco Region Revitalization Commission

Randy Everett of **Kenbridge,** Virginia, Member, appointed July 14, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Coley Drinkwater.

Richard Thomas Hite, Jr., of **Kenbridge,** Virginia, Member, appointed July 1, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed himself.

Arthur Dale Moore of **Campbell County,** Virginia, Member, appointed July 14, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Thomas Miles.

Virginia Growth and Opportunity Board

Cliff Fleet of **Williamsburg,** Virginia, Member, appointed July 27, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Douglas B. Juanarena.

Virginia Tourism Authority Board of Directors

Justin Beale of **Virginia Beach,** Virginia, Member, appointed July 21, 2023, to serve an unexpired term beginning July 1, 2019, and ending June 30, 2025, to succeed Taylor Adams.

COMMONWEALTH

Latino Advisory Board

Saul Hernandez of **Bristol,** Virginia, Member, appointed July 1, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Paul Berry.

Leslie Sanchez of **Lynchburg,** Virginia, Member, appointed July 1, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Walewska M. Watkins.

Virginia African American Advisory Board

Owen Cardwell of **Lynchburg,** Virginia, Member, appointed July 1, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Van Wilson.

Shannon Kendrick of **Virginia Beach,** Virginia, Member, appointed July 1, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Monica Reid.

Clarence "C.J." Sailor of **Chesterfield,** Virginia, Member, appointed July 1, 2023, to serve an unexpired term beginning July 1, 2020, and ending June 30, 2024, to succeed Precious Muhammad.

Virginia-Asian Advisory Board

Harshad Barot of **Virginia Beach,** Virginia, Member, appointed July 1, 2023, to serve an unexpired term beginning July 1, 2021, and ending June 30, 2025, to succeed Lisa Chen.

Felipe "Pepe" Cacaboy of **Norfolk,** Virginia, Member, appointed July 1, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Jewan Tiwari.

Kamlesh Dave of **Chester,** Virginia, Member, appointed July 1, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Melody Agbist.

Shakira Khan of **Henrico,** Virginia, Member, appointed July 1, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Yash P. Chhabra.

Xiawei Lin of **Virginia Beach,** Virginia, Member, appointed July 1, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Suja Amir.

Tian Olson of **McLean,** Virginia, Member, appointed July 1, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Praveendharan Meyyan.

Dokmai Webster of **Falls Church,** Virginia, Member, appointed July 1, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Justin Lo.

Virginia Indian Advisory Board

Jana McKeag of **Alexandria,** Virginia, Member, appointed July 21, 2023, for a term of two years beginning August 25, 2022, and ending August 24, 2024, to succeed Young Brinson.

Virginia LGBTQ+ Advisory Board

Kerry Flynn of **Midlothian,** Virginia, Member, appointed July 1, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed himself.

Tuan Ho of **McLean,** Virginia, Member, appointed July 1, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Patricia A. Smith.

Joanna Keller of **Staunton,** Virginia, Member, appointed July 1, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed herself.

Derrick Pitts of **Arlington,** Virginia, Member, appointed July 1, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed himself.

COMPACTS

Washington Metrorail Safety Commission Interstate Compact Board of Directors

Robert C. Lauby of **Falls Church,** Virginia, Member, appointed July 1, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Michael Rush.

EDUCATION

Board of Education

Mashea Ashton of **McLean,** Virginia, Member, appointed July 1, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Tammy Mann.

Debbie Kilgore of **Gate City,** Virginia, Member, appointed July 1, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Pamela Davis-Vaught.

Amber Northern of **Glen Allen,** Virginia, Member, appointed July 1, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Daniel Gecker.

Board of Regents of the James Monroe Law Office-Museum and Memorial Library

Paige Backus of **Manassas,** Virginia, Member, appointed July 1, 2023, for a term of two years beginning July 1, 2023, and ending June 30, 2025, to succeed herself.

Erma Baker of **Fredericksburg,** Virginia, Member, appointed July 1, 2023, for a term of two years beginning July 1, 2023, and ending June 30, 2025, to succeed herself.

Mary Anna Broadbent of **Richmond,** Virginia, Member, appointed July 1, 2023, for a term of two years beginning July 1, 2023, and ending June 30, 2025, to succeed herself.

Sara Cox of **King George,** Virginia, Member, appointed July 1, 2023, for a term of two years beginning July 1, 2023, and ending June 30, 2025, to succeed herself.

Shelby Chandler Gonzalez of **Louisa,** Virginia, Member, appointed July 1, 2023, for a term of two years beginning July 1, 2023, and ending June 30, 2025, to succeed himself.

Vincent Di Benedetto of **Winchester,** Virginia, Member, appointed July 1, 2023, for a term of two years beginning July 1, 2023, and ending June 30, 2025, to succeed himself.

Susan Henderson of **Falmouth,** Virginia, Member, appointed July 1, 2023, for a term of two years beginning July 1, 2023, and ending June 30, 2025, to succeed herself.

Lee Langston-Harrison of **Culpeper,** Virginia, Member, appointed July 1, 2023, for a term of two years beginning July 1, 2023, and ending June 30, 2025, to succeed herself.

Jeffrey McClurken of **Springfield,** Virginia, Member, appointed July 1, 2023, for a term of two years beginning July 1, 2023, and ending June 30, 2025, to succeed himself.

Patrick McSweeney of **Powhatan,** Virginia, Member, appointed July 1, 2023, for a term of two years beginning July 1, 2023, and ending June 30, 2025, to succeed himself.

Casper L. Sigmon II of **Richmond,** Virginia, Member, appointed July 1, 2023, for a term of two years beginning July 1, 2023, and ending June 30, 2025, to succeed himself.

Daniel Steen of **Arlington,** Virginia, Member, appointed July 1, 2023, for a term of two years beginning July 1, 2023, and ending June 30, 2025, to succeed himself.

Cristina Turdean of **Fredericksburg,** Virginia, Member, appointed July 1, 2023, for a term of two years beginning July 1, 2023, and ending June 30, 2025, to succeed herself.

LTC Ronald O. White, USA (Retired) of **Midlothian,** Virginia, Member, appointed July 1, 2023, for a term of two years beginning July 1, 2023, and ending June 30, 2025, to succeed himself.

Board of Trustees of the Science Museum of Virginia

Karey Malyszko of **Norfolk,** Virginia, Member, appointed on July 1, 2023, for a term of five years beginning July 1, 2023, and ending June 30, 2028, to succeed Lauren Mathena.

Robert A. Winn of **Chesterfield,** Virginia, Member, appointed on July 1, 2023, for a term of five years beginning July 1, 2023, and ending June 30, 2028, to succeed Glenn Davidson.

Board of Visitors of Christopher Newport University

Brentley Archer of **Midlothian,** Virginia, Member, appointed on June 30, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Robert Hatten.

William A. Estrada of **Loudoun,** Virginia, Member, appointed on June 30, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Steven Sheldon Kast.

Christy Morton of **Gloucester,** Virginia, Member, appointed on June 30, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed herself.

Board of Visitors of George Mason University

Armand Alacbay of **Centreville,** Virginia, Member, appointed on June 30, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Simran Bhuller.

The Honorable Jeffrey Rosen of **McLean,** Virginia, Member, appointed on June 30, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Carolyn Moss.

Charles "Cully" Stimson of **Falls Church,** Virginia, Member, appointed on June 30, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Juan C. Iturregui.

Board of Visitors of James Madison University

Carly Fiorina of **Mason Neck,** Virginia, Member, appointed on June 30, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Jeffrey Elton Grass.

Steven C. Smith of **Bristol, Tennessee,** Member, appointed on June 30, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Matthew Gray.

Jeff Tickle of **Bristol, Tennessee,** Member, appointed on June 30, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Maria Jankowski.

Nicole Palya Wood of **Ashland,** Virginia, Member, appointed on June 30, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Deborah Tompkins Johnson.

Board of Visitors of Longwood University

Jeffrey Nottingham of **Raleigh, North Carolina,** Member, appointed on June 30, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed N. H. Scott.

Kathryn Roberts of **South Boston,** Virginia, Member, appointed on June 30, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Rhodes B. Ritenour**.**

Brian Schmalzbach of **Midlothian,** Virginia, Member, appointed on June 30, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Michael Alan Evans.

Board of Visitors of Norfolk State University

Heidi Abbott of **Richmond,** Virginia, Member, appointed on June 30, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed herself.

T. Michael Andrews of **Springfield,** Virginia, Member, appointed on June 30, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Mary Blunt.

Kim Brown of **Chesapeake,** Virginia, Member, appointed on June 30, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed himself.

Board of Visitors of Old Dominion University

Susan Allen of **Virginia Beach,** Virginia, Member, appointed on June 30, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Yvonne Toms Allmond

Andrew Hodge of **Virginia Beach,** Virginia, Member, appointed on June 30, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Armistead D. Williams.

Juan Montero of **Chesapeake,** Virginia, Member, appointed on June 30, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Peter G. Decker.

Rick Wyatt of **Norfolk,** Virginia, Member, appointed on July 1, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Robert A. Broermann.

Board of Visitors of Radford University

Joann Craig of **Radford,** Virginia, Member, appointed on June 30, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Lisa K. Throckmorton.

Betty Jo Foster of **Ringgold,** Virginia, Member, appointed on June 30, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Mark S. Lawrence.

David Smith of **Roanoke,** Virginia, Member, appointed on June 30, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed himself.

Board of Visitors of The College of William & Mary

AnnaMaria DeSalva of **Greenwich, Connecticut,** Member, appointed on June 30, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed herself.

Courtney Malveaux, Esq., of **Richmond,** Virginia, Member, appointed on June 30, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Karen Kennedy Schultz.

The Honorable Charles Poston of **Norfolk,** Virginia, Member, appointed on June 30, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed himself.

Board of Visitors of University of Mary Washington

John Anstey of **Roanoke,** Virginia, Member, appointed on June 30, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Heather M. Crislip.

Nicole Neily of **Arlington,** Virginia, Member, appointed on June 30, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Kerri Barile.

Dean Nelson of **Montgomery Village, Maryland,** Member, appointed on June 30, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Deborah Santiago.

Board of Visitors of University of Virginia and Affiliated Schools

Paul C. Harris of **Richmond,** Virginia, Member, appointed on June 30, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Louis S. Haddad.

Paul B. Manning of **Charlottesville,** Virginia, Member, appointed on June 30, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed James V. Reyes.

John L. Nau, III, of **Houston, Texas,** Member, appointed on June 30, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Angela Hucles Mangano.

Rachel Sheridan of **McLean,** Virginia, Member, appointed on June 30, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Whittington W. Clement.

Board of Visitors of Virginia Commonwealth University

Anthony Bedell of **Ashburn,** Virginia, Member, appointed on June 30, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed himself.

Rooz Dadabhoy of **Glen Allen,** Virginia, Member, appointed on June 30, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Shantaram Talegaonkar.

Steven DeLuca of **Richmond,** Virginia, Member, appointed on June 30, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Carolina Espinal.

Gurpreet "P2" Sandhu of **Manakin Sabot,** Virginia, Member, appointed on June 30, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Alexis N. Swann.

Board of Visitors of Virginia Military Institute

James Inman of **Moseley,** Virginia, Member, appointed on June 30, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Lara Tyler Chambers.

LTC Jim Joustra, USA (Retired) of **Orlando, Florida,** Member, appointed on June 30, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed David Lewis Miller.

Rear Admiral Terence E. McKnight, USN (Retired) of **Fairfax Station,** Virginia, Member, appointed on June 30, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Eugene Scott.

Nancy Williams Phillips of **Blacksburg,** Virginia, Member, appointed on July 1, 2023, for a term of four years beginning June 30, 2023, and ending June 30, 2027, to succeed Michael L. Hamlar.

Board of Visitors of Virginia Polytechnic Institute and State University

Nancy Dye of **Roanoke,** Virginia, Member, appointed on June 30, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Sharon B. Martin.

William Holtzman of **Edinburg,** Virginia, Member, appointed on June 30, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Charles Thomas Hill.

John Rocovich of **Roanoke,** Virginia, Member, appointed on June 30, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Melissa Byrne Nelson.

Board of Visitors of Virginia State University

Bishop Joseph A. Chase, Jr., of **Chesapeake,** Virginia, Member, appointed on June 30, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Michael David Fleming.

Daphne Meeks of **Suffolk,** Virginia, Member, appointed on June 30, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Glenn D. Sessoms.

Kishore S. Thota of **Richmond,** Virginia, Member, appointed on June 30, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Wayne M. Turnage.

Institute for Advanced Learning and Research

Ben Davenport of **Chatham,** Virginia, Member, appointed July 1, 2023, for a term of three years beginning July 1, 2023, and ending June 30, 2026, to succeed himself.

Jamestown-Yorktown Foundation Board of Trustees

Julie Dime of **Richmond,** Virginia, Member, appointed July 1, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Ervin Jordan.

Victoria Vesques of **Alexandria,** Virginia, Member, appointed July 1, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Suzanne Flippo.

State Board for Community Colleges

Sasha Gong of **Falls Church,** Virginia, Member, appointed July 1, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Richard Reynolds.

Mark Hourigan of **Richmond,** Virginia, Member, appointed July 1, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Douglas Garcia.

Wiley Johnson of **Madison Heights,** Virginia, Member, appointed July 1, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Rajiv Narang.

Michel Zajur of **Glen Allen,** Virginia, Member, appointed July 1, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed David Ez Broder.

State Council of Higher Education for Virginia

Scott Fleming of **Springfield,** Virginia, Member, appointed July 1, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Alvin J. Schexnider.

General John Jumper of **Spotsylvania,** Virginia, Member, appointed July 1, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Katherine Webb.

Delceno Miles of **Virginia Beach,** Virginia, Member, appointed July 3, 2023, to serve an unexpired term beginning July 1, 2020, and ending June 30, 2024, to succeed Mirza Baig.

J. Douglas Straley of **Louisa County,** Virginia, Member, appointed July 6, 2023, to serve an unexpired term beginning July 1, 2021, and ending June 30, 2025, to succeed Jeffrey Smith.

FINANCE

Advisory Council on Revenue Estimates

William Foster of **Richmond,** Virginia, Member, appointed on July 24, 2023, to serve at the pleasure of the Governor, beginning July 24, 2023, to succeed James Davis.

Jason Greene of **Lynchburg,** Virginia, Member, appointed on June 28, 2023, to serve at the pleasure of the Governor, beginning June 28, 2023, to succeed Alison Corazzini.

Board of Accountancy

Nadia Rogers of **Blacksburg,** Virginia, Member, appointed on July 1, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed herself.

Angela Rudolph-Wiseman of **Frederick County,** Virginia, Member, appointed July 1, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed D. Brian Carson.

Debt Capacity Advisory Committee

Harold "Chip" Hughey of **Midlothian,** Virginia, Member, appointed July 1, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Hossein Sadid.

HEALTH AND HUMAN RESOURCES

Advisory Board for the Virginia Department for the Deaf and Hard-of-Hearing

Traci Branch of **Chester,** Virginia, Member, appointed July 28, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed herself.

Chris Gregory of **Roanoke,** Virginia, Member, appointed July 28, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed himself.

Andrew J. Nash of **Norfolk,** Virginia, Member, appointed July 28, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Carrie Humphrey.

Advisory Board on Behavior Analysis

Emily Wilson of **Newport News,** Virginia, Member, appointed July 1, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Autumn Kaufman.

Advisory Board on Service and Volunteerism

Clovia Lawrence of **Henrico,** Virginia, Member, appointed July 27, 2023, to serve an unexpired term beginning July 1, 2021, and ending June 30, 2024, to succeed Lorna E. Campbell Clarke.

The Honorable Sam Parham of **Petersburg,** Virginia, Member, appointed July 27, 2023, for a term of three years beginning July 1, 2023, and ending June 30, 2026, to succeed Bryan R. Pearce-Gonzales.

Dominick A. Rascona, of **Norfolk,** Virginia, Member, appointed July 27, 2023, for a term of three years beginning July 1, 2023, and ending June 30, 2026, to succeed Jessica Bowser.

Clifford Yee of **Fairfax,** Virginia, Member, appointed July 1, 2023, for a term of three years beginning July 1, 2023, and ending June 30, 2026, to succeed himself.

Board for the Blind and Vision Impaired

Joe Ashley of **Henrico County,** Virginia, Member, appointed July 1, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Debra Helms.

Board of Directors of the Assistive Technology Loan Fund Authority

Vanessa S. Rakestraw of **Henrico**, Virginia, Member, appointed June 7, 2023, for a term of four years beginning July 1, 2022, and ending June 30, 2026, to succeed herself.

Board of Health Professions

Krishna P. Madiraju of **Ashburn,** Virginia, Member, appointed July 21, 2023, for an unexpired term beginning July 1, 2020, and ending June 30, 2024, to succeed Brenda Stokes.

Gerald Neidigh of **Powhatan,** Virginia, Member, appointed July 8, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Helene Clayton-Jeter.

Board of Medical Assistance Services

Elwood B. Boone, III, of **Virginia Beach,** Virginia, Member, appointed July 8, 2023, to serve an unexpired term beginning March 8, 2023, and ending March 7, 2027, to succeed Lisa Price Stevens.

Board of Nursing

Victoria Cox of **Roanoke,** Virginia, Member, appointed July 17, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed James Hermansen-Parker.

Pamela Davis of **Powhatan,** Virginia, Member, appointed July 17, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Brandon Jones.

Shantell Kinchen of **Richmond,** Virginia, Member, appointed July 27, 2023, to serve an unexpired term beginning July 1, 2021, and ending June 30, 2025, to succeed Jennifer Marie Phelps.

Robert Scott of **Mechanicsville,** Virginia, Member, appointed July 17, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Felisa Smith.

Board of Pharmacy

Shannon Dowdy of **Henrico,** Virginia, Member, appointed July 1, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed William T. Lee.

Board of Social Work

Martha A. Meadows of **Lynchburg,** Virginia, Member, appointed July 1, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Jamie Clancey.

Child Support Guidelines Review Panel

The Honorable Bryan K. Meals of **Portsmouth,** Virginia, Member, appointed July 27, 2023, to serve at the pleasure of the Governor, to succeed Deborah Vatidis Bryan.

Maternal Mortality Review Team

Angela M. Greene of **Lexington,** Virginia, Member, appointed July 27, 2023, for a term of three years beginning July 1, 2023, and ending June 30, 2026, to succeed James Brown.

Renal Disease Council

Lesley McPhatter of **Madison Heights,** Virginia, Member, appointed on June 20, 2023, for a term of four years beginning July 1, 2022, and ending June 30, 2026, to fill a new seat.

State Board of Behavioral Health and Developmental Services

Varun Choudhary of **Glen Allen,** Virginia, Member, appointed July 1, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed himself.

Cindy Lamb of **Fredericksburg,** Virginia, Member, appointed July 1, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Jerome Hughes.

State Board of Health

Douglas K. Daniels of **Manakin Sabot,** Virginia, Member, appointed July 1, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed James M. Shuler.

Melissa B. Nelson of **Richmond,** Virginia, Member, appointed July 1, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Wendy Simons Klein.

State Executive Council for Children's Services

Chad Logan of **Shenandoah County,** Virginia, Member, appointed July 1, 2023, for a term of three years beginning July 1, 2023, and ending June 30, 2026, to succeed himself.

Virginia Addiction Recovery Council

Jill Cichowicz of **Midlothian,** Virginia, Member, appointed July 1, 2023, for a term of three years beginning July 1, 2023, and ending June 30, 2026, to succeed Marjorie Yates.

The Honorable Kevin W. Hall of **Covington,** Virginia, Member, appointed July 1, 2023, for a term of three years beginning July 1, 2023, and ending June 30, 2026, to succeed himself.

Jim LaGraffe of **Boston,** Virginia, Member, appointed July 1, 2023, for a term of three years beginning July 1, 2023, and ending June 30, 2026, to succeed Sandra O'Dell.

Lisa "Mimi" Sedjat of **Franktown,** Virginia, Member, appointed July 8, 2023, for a term of three years beginning July 1, 2022, and ending June 30, 2025, to succeed Natale Christian.

Denise Thomas-Brown of **Chester,** Virginia, Member, appointed July 1, 2023, for a term of three years beginning July 1, 2023, and ending June 30, 2026, to succeed Peter Breslin.

Virginia Board for People with Disabilities

Allison Kay Coles-Johnson of **Henrico County,** Virginia, Member, appointed July 1, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed herself.

Melinda Hanko of **Roanoke,** Virginia, Member, appointed July 1, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Theresa Simonds Casselman.

Lindsay Pearse of **Arlington,** Virginia, Member, appointed July 1, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed herself.

Virginia Foundation for Healthy Youth

Annette Ansong of **Fairfax,** Virginia, Member, appointed July 24, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Keith Newby.

Patrick Hughes of **Richmond,** Virginia, Member, appointed July 1, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed himself.

Delaine Mazich of **Ashburn,** Virginia, Member, appointed July 1, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Andrew Goodwin.

Zubin Mehta of **Glen Allen,** Virginia, Member, appointed July 1, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Jerrin Norton.

Virginia Health Workforce Development Authority Board of Directors

Shanna Akers of **Madison Heights,** Virginia, Member, appointed July 1, 2023, for a term of two years beginning July 1, 2023, and ending June 30, 2025, to succeed Marjorie Yates.

Sharon Alexander of **Glen Allen,** Virginia, Member, appointed July 1, 2023, for a term of two years beginning July 1, 2023, and ending June 30, 2025, to succeed Alan Dow.

Alexis Gerdes of **Virginia Beach,** Virginia, Member, appointed July 1, 2023, for a term of two years beginning July 1, 2023, and ending June 30, 2025, to succeed Joseph D. Wilkins.

INDEPENDENT

Chesapeake Bay Bridge and Tunnel Commission

George B. Clarke, IV, of **Virginia Beach,** Virginia, Member, appointed July 1, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed John Malbon.

Patrick Corbin of **Chesapeake,** Virginia, Member, appointed July 1, 2023, for a term of four years beginning May 15, 2023, and ending May 14, 2027, to succeed Jeffrey Rowland.

Virginia College Savings Plan Board

Ricardo Chamorro of **Great Falls,** Virginia, Member, appointed July 26, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Reginald Delrae Samuel.

Susan Ferguson of **Rockingham,** Virginia, Member, appointed July 26, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Lauren K. Stack.

Virginia Commonwealth University Health System Authority Board of Directors

Diana Cantor of **Richmond,** Virginia, Member, appointed July 1, 2023, for a term of three years beginning July 1, 2023, and ending June 30, 2026, to succeed Timothy McDermott

Bimaljit Singh Sandhu of **Glen Allen,** Virginia, Member, appointed July 10, 2023, to serve an unexpired term beginning July 1, 2022, and ending June 30, 2025, to succeed Steven DeLuca.

Ray Wes Shepherd of **Richmond,** Virginia, Member, appointed July 1, 2023, for a term of three years beginning July 1, 2023, and ending June 30, 2026, to succeed Alice Coombs.

Gary Thomson of **Chester,** Virginia, Member, appointed July 1, 2023, for a term of three years beginning July 1, 2023, and ending June 30, 2026, to succeed Clyde T. Clark.

LABOR

Apprenticeship Council

Latitia McCane of **Suffolk,** Virginia, Member, appointed July 1, 2023, for a term of three years beginning July 1, 2023, and ending June 30, 2026, to succeed herself.

Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects

Troy Arnold of **Richmond,** Virginia, Member, appointed June 28, 2023, for a term of four years beginning July 1, 2022, and ending June 30, 2026, to succeed Lorena Rios.

Kevin D. Shreiner of **Winchester,** Virginia, Member, appointed June 14, 2023, for a term of four years beginning July 1, 2022, and ending June 30, 2026, to succeed Michael William Zmuda.

Board for Contractors

Tripp Costen of **Henrico,** Virginia, Member, appointed July 21, 2023, for an unexpired term beginning July 1, 2020, and ending June 30, 2024, to succeed Deborah Lynn Tomlin.

Basil Crider of **Keezletown,** Virginia, Member, appointed July 21, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Randy Haddock.

Board for Professional and Occupational Regulation

Alice Kendrick of **Midlothian,** Virginia, Member, appointed July 1, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Jose Montano.

Fair Housing Board

Owen Roy Morgan of **Alexandria,** Virginia, Member, appointed July 21, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed himself.

Angelo Phillos of **Richmond,** Virginia, Member, appointed July 21, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Colin Arnold.

Angela West of **Chesapeake,** Virginia, Member, appointed July 21, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Sherman Gillums.

Real Estate Board

Kermit "Kit" Hale of **Roanoke,** Virginia, Member, appointed July 6, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Sharon P. Johnson.

Douglas Roth of **Midlothian,** Virginia, Member, appointed July 6, 2023, for a term of four years beginning July 1, 2022, and ending June 30, 2026, to succeed Ibrahim Moiz.

Safety and Health Codes Board

Kevin Battle of **Chesterfield,** Virginia, Member, appointed June 12, 2023, for a term of four years beginning July 1, 2022, and ending June 30, 2026, to succeed Louis Cernak.

Larry James of **Augusta County,** Virginia, Member, appointed July 21, 2023, to serve an unexpired term beginning July 1, 2020, and ending June 30, 2024, to succeed Noe Fe Franco.

Jeffrey Rowe of **Newport News,** Virginia, Member, appointed June 13, 2023, for a term of four years beginning July 1, 2022, and ending June 30, 2026, to succeed Thomas A. Thurston.

Lou Spencer of **Caret,** Virginia, Member, appointed July 6, 2023, for a term of four years beginning July 1, 2022, and ending June 30, 2026, to succeed Travis Parsons.

Virginia Board of Workforce Development

Hobart Bauhan of **Harrisonburg,** Virginia, Member, appointed July 1, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed himself.

Andrew Glowatsky of **Moseley,** Virginia, Member, appointed July 1, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Lane Seawell Hopkins.

Richard Hatch of **Richmond,** Virginia, Member, appointed July 1, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed himself.

Kunal Kumar of **Richmond,** Virginia, Member, appointed July 1, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Edward Caldwell.

The Honorable Lara Overy of **Williamsburg,** Virginia, Member, appointed July 1, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Ann Mallek.

Jason Parker of **Seaford,** Virginia, Member, appointed July 1, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Lee Worley.

Padmanabhan Seshaiyer of **Chantilly,** Virginia, Member, appointed July 1, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed John Dougherty.

Yolanda Shields of **Shenandoah County,** Virginia, Member, appointed July 1, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Brian Warner.

LEGISLATIVE

Small Business Commission

Harshad Barot of **Virginia Beach,** Virginia, Member, appointed July 1, 2023, for a term of two years beginning July 1, 2023, and ending June 30, 2025, to succeed Jayanth Challa.

Thomas Leonard of **Henrico,** Virginia, Member, appointed July 1, 2023, for a term of two years beginning July 1, 2023, and ending June 30, 2025, to succeed Jorge Yinat.

NATURAL AND HISTORIC RESOURCES

Board of Conservation and Recreation

Susan Allen of **Virginia Beach,** Virginia, Member, appointed July 1, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Dexter Hurt.

The Honorable Kyle Kilgore of **Gate City,** Virginia, Member, appointed July 1, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Cisco Minthorn.

Board of Historic Resources

Mary Pope Hutson of **Sweet Briar,** Virginia, Member, appointed July 1, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Karice Luck-Brimmer.

Martin Townes of **Henrico,** Virginia, Member, appointed July 1, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Jeffrey Harris.

Board of Wildlife Resources

Marley A. "Woody" Woodall, Jr., of **Chesapeake,** Virginia, Member, appointed July 1, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Catherine Harrison Claiborne.

Mount Vernon Board of Visitors

John Gerber of **McLean,** Virginia, Member, appointed July 10, 2023, for a term of four years beginning May 1, 2023, and ending April 30, 2027, to succeed Sheila Bryant Coates.

State Air Pollution Control Board

Kimberly Beamer of **Roanoke,** Virginia, Member, appointed July 1, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Staci Rijal.

State Water Control Board

Reece Hale Robertson of **Grundy,** Virginia, Member, appointed July 1, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Jillian Cohen.

Virginia Soil and Water Conservation Board

Jason De La Cruz of **Richmond,** Virginia, Member, appointed July 1, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Dahlia O'Brien.

John Schick of **Louisa County,** Virginia, Member, appointed July 1, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Anna Killius.

PUBLIC SAFETY AND HOMELAND SECURITY

Advisory Committee on Juvenile Justice and Prevention

Sallie Amos of **Farmville,** Virginia, Member, appointed July 26, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Marilyn Grace Brown.

Teresa Berry of **Hardy,** Virginia, Member, appointed July 26, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Ngan Bui.

Valerie Coley of **Chesterfield,** Virginia, Member, appointed July 26, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Amy Wollard.

The Honorable Dana Partin of **Christiansburg,** Virginia, Member, appointed July 26, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Sherri Blevins.

Kathryn Rowell of **Hanover,** Virginia, Member, appointed July 26, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Morgan L. Faulkner.

Alexandria Wall of **Caroline,** Virginia, Member, appointed July 26, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Jeffrey Charity.

Advisory Committee on Sexual and Domestic Violence

Marybeth Matthews Adkins of **Norton,** Virginia, Member, appointed July 27, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Teresa Berry.

Marva Dunn of **Emporia,** Virginia, Member, appointed July 31, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed herself.

Pyowook Han of **Fairfax County,** Virginia, Member, appointed July 27, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Unique Phillips.

Krista Martinez of **Chesapeake,** Virginia, Member, appointed July 27, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Autumn Jones.

Tammy Sharpe of **Front Royal,** Virginia, Member, appointed July 27, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Kathleen Anderson.

Board of Juvenile Justice

David Mick of **Chesapeake,** Virginia, Member, appointed July 1, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed himself.

Scientific Advisory Committee

Jennifer Breaux of **Mt. Airy, Maryland,** Member, appointed July 27, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Kristin Schelling.

Erin Forry of **South Boston, Massachusetts,** Member, appointed July 25, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed herself.

George Maha of **Chapel Hill, North Carolina,** Member, appointed July 27, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed himself.

Secure and Resilient Commonwealth Panel

John English of **McLean,** Virginia, Member, appointed July 27, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Elizabeth Leffel.

Ross Stolle of **Virginia Beach,** Virginia, Member, appointed July 27, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Karl Colder.

State Board of Local and Regional Jails

David Hackworth of **Chesapeake,** Virginia, Member, appointed July 27, 2023, for a term of five years beginning July 1, 2023, and ending June 30, 2027, to fill a new seat.

Virginia Fire Services Board

William L. "Billy" Hanks of **Christiansburg,** Virginia, Member, appointed July 1, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Ronald Garber.

Jerome Williams of **Centreville,** Virginia, Member, appointed July 1, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed himself.

TRANSPORTATION

Aerospace Advisory Council

Kurt Eberly of **Arlington,** Virginia, Member, appointed July 27, 2023, for a term of two years beginning July 1, 2022, and ending June 30, 2024, to succeed himself.

Tombo Jones of **Blacksburg,** Virginia, Member, appointed July 27, 2023, for a term of two years beginning July 1, 2022, and ending June 30, 2024, to succeed Jon Greene.

Joseph H. Oyler, IV, of **Stafford,** Virginia, Member, appointed July 27, 2023, for a term of two years beginning July 1, 2022, and ending June 30, 2024, to succeed Todd Yeatts.

Commonwealth Transportation Board

Joel "Rex" Davis of **Glen Allen,** Virginia, Member, appointed July 1, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Carlos Brown.

Linda Green of **Dry Fork,** Virginia, Member, appointed July 1, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Bertram Dodson.

Virginia Aviation Board

Craig Parisot of **Great Falls,** Virginia, Member, appointed July 1, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Vanessa Christie.

Virginia Commercial Space Flight Authority Board of Directors

James D. McArthur, Jr., of **Suffolk,** Virginia, Member, appointed July 1, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed himself.

Edward L. Bolton of **Alexandria,** Virginia, Member, appointed July 1, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed himself.

Virginia Passenger Rail Authority

Sandy Bushue of **Arlington,** Virginia, Member, appointed July 1, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Jay Fisette.

Beth Rhinehart of **Bristol,** Virginia, Member, appointed July 1, 2023, for a term of four years beginning July 1, 2022, and ending June 30, 2026, to fill a new seat.

VETERANS AND DEFENSE AFFAIRS

Board of Veterans Services

Robert Eisiminger of **Fairfax Station,** Virginia, Member, appointed July 1, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Kathleen Owens.

Rear Admiral Vincent L. Griffith, USN (Retired) of **Alexandria,** Virginia, Member, appointed July 1, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Thurray S. Kent.

Matthew Miller of **Arlington,** Virginia, Member, appointed June 7, 2023, to serve an unexpired term beginning July 1, 2021, and ending June 30, 2025, to succeed Susan Riveland.

Joint Leadership Council of Veterans Service Organizations

Carl Holcomb of **Hanover,** Virginia, Member, appointed July 27, 2023, for a term of three years beginning July 1, 2022, and ending June 30, 2025, to Robert Barnette.

Thad A. Jones of **Richmond,** Virginia, Member, appointed July 27, 2023, for a term of three years beginning July 1, 2022, and ending June 30, 2025, to John Manning.

Katherine Martinez of **Arlington,** Virginia, Member, appointed July 1, 2023, for a term of three years beginning July 1, 2023, and ending June 30, 2026, to fill a new seat.

Virginia Military Advisory Council

Megan Oswald of **Chesapeake,** Virginia, Member, appointed on June 7, 2023, to serve at the pleasure of the Governor, to fill a new seat.

SENATE JOINT RESOLUTION NO. 33

Confirming appointments by the Governor of certain persons communicated to the General Assembly October 1, 2023.

Agreed to by the Senate, February 6, 2024
Agreed to by the House of Delegates, February 8, 2024

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly confirm the following appointments of certain persons made by Governor Glenn Youngkin and communicated to the General Assembly October 1, 2023.

CABINET

Kelly Gee of **Richmond,** Virginia, Secretary of the Commonwealth, to serve at the pleasure of the Governor beginning September 1, 2023, to succeed Kay Coles James.

AGENCY HEADS

Chadwick Dotson of **Richmond,** Virginia, Director of the Department of Corrections, to serve at the pleasure of the Governor beginning September 11, 2023, to succeed Harold Clarke.

Gerald F. Lackey of **Richmond,** Virginia, Commissioner of the Department of Motor Vehicles, to serve at the pleasure of the Governor beginning March 22, 2023, to succeed Rick Holcomb.

BOARD APPOINTMENTS

ADMINISTRATION

Information Technology Advisory Council

Cherif Kane of **Glen Allen,** Virginia, Member, appointed August 22, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed himself.

AGRICULTURE AND FORESTRY

Board of Forestry

Andrew Brown of **Appomattox,** Virginia, Member, appointed September 26, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Greg Alan Sheerer.

William Godwin of **Franklin,** Virginia, Member, appointed September 26, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Elizabeth Flippo Hutchins.

Scott Shallenberger of **Concord,** Virginia, Member, appointed September 26, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Brian Irvine.

Charitable Gaming Board

Anthony Amos of **Fairfax,** Virginia, Member, appointed August 3, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Samuel Kaufman.

Dirksen Compton of **Draper,** Virginia, Member, appointed September 28, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Mark Cooper.

Joanne Smith of **Sandston,** Virginia, Member, appointed August 3, 2023, for a term of four years beginning July 1, 2022, and ending June 30, 2026, to succeed Amy Lynn Solares.

Anthony C. Williams of **Petersburg,** Virginia, Member, appointed September 28, 2023, for a term of four years beginning July 1, 2022, and ending June 30, 2026, to succeed Tanta Ann Conrad.

Milk Commission

Kevin Craun of **Bridgewater,** Virginia, Member, appointed September 28, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed himself.

Robert Watters of **Great Falls,** Virginia, Member, appointed September 28, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Rodrigo Velasquez.

Wine Board

Kerem Baki of **Purcellville,** Virginia, Member, appointed September 27, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Kirk Wiles.

AUTHORITIES

Central Virginia Transportation Authority

Joel "Rex" Davis of **Glen Allen,** Virginia, Member, appointed August 30, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Carlos Brown.

Opioid Abatement Authority

James Holland of **North Chesterfield,** Virginia, Member, appointed August 3, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed himself.

Daryl Washington of **Clifton,** Virginia, Member, appointed August 3, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed himself.

Virginia Small Business Financing Authority Board of Directors

Vanitha Khera of **McLean,** Virginia, Member, appointed September 28, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Ronald Hobson.

Virginia Solar Energy Development and Energy Storage Authority

Robert Birdsey of **Richmond,** Virginia, Member, appointed September 20, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Cliona Mary Robb.

COMMONWEALTH

Latino Advisory Board

Marcia Donovan of **Fairfax,** Virginia, Member, appointed August 15, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Rodrigo Soto.

Virginia African American Advisory Board

Deventae Mooney of **Coeburn,** Virginia, Member, appointed August 14, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Larry Boone.

Virginia-Asian Advisory Board

Tony Yeh of **Gainesville,** Virginia, Member, appointed September 26, 2023, to serve an unexpired term beginning July 1, 2021, and ending June 30, 2025, to succeed Rowena Finn.

COMPACTS

Compact for Education: Education Commission of the States

Thomas Taylor of **Stafford,** Virginia, Member, appointed August 30, 2023, to serve at the pleasure of the Governor beginning August 30, 2023, to succeed John Gordan.

Potomac River Fisheries Commission

Sandra Lynn Kellum of **Reedville,** Virginia, Member, appointed August 16, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Glen W. France.

Washington Metrorail Safety Commission Compact Board of Directors

Jennifer DeBruhl of **Hanover,** Virginia, Member, appointed September 25, 2023, to serve an unexpired term beginning July 1, 2020, and ending June 30, 2024, to succeed Robert Lauby.

Devin Rouse of **Ashburn,** Virginia, Member, appointed August 2, 2023, to serve an unexpired term beginning July 1, 2021, and ending June 30, 2025, to succeed John Gregory Hull.

EDUCATION

Board of Trustees of the Science Museum of Virginia

Amishi Amin of **Richmond,** Virginia, Member, appointed August 23, 2023, to serve an unexpired term beginning July 1, 2022, and ending June 30, 2027, to succeed Kathy Lu.

Thomas D. Gottwald of **Richmond,** Virginia, Member, appointed September 6, 2023, to serve an unexpired term beginning July 1, 2023, and ending June 30, 2028, to succeed Surendra Ganeriwala.

Board of Trustees of the Southern Virginia Higher Education Center

Angela Hairston of **Danville,** Virginia, Member, appointed August 15, 2023, to serve an unexpired term beginning July 1, 2021, and ending June 30, 2025, to succeed Paul Nichols.

Annie Wimbish of **Vernon Hill,** Virginia, Member, appointed August 15, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Mattie Cowan.

Dennis Witt of **Danville,** Virginia, Member, appointed August 15, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed himself.

Board of Trustees of the Southwest Virginia Higher Education Center

Olivia Bailey of **Abingdon,** Virginia, Member, appointed August 17, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Hannah Ingram.

April Crabtree of **Abingdon,** Virginia, Member, appointed September 26, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Lennie Mitcham.

Board of Trustees of the Virginia Museum of Fine Arts

Loran Brueggen of **Alexandria,** Virginia, Member, appointed September 12, 2023, for a term of five years beginning July 1, 2023, and ending June 30, 2028, to succeed Andrew M. Lewis.

Emily Franklin of **Virginia Beach,** Virginia, Member, appointed September 14, 2023, for a term of five years beginning July 1, 2023, and ending June 30, 2028, to succeed Monroe Harris.

Pamela Royal of **Richmond,** Virginia, Member, appointed September 14, 2023, for a term of five years beginning July 1, 2023, and ending June 30, 2028, to succeed herself.

Christina Shin of **McLean,** Virginia, Member, appointed September 26, 2023, for a term of five years beginning July 1, 2023, and ending June 30, 2028, to succeed Jeffrey Humber.

Board of Visitors of James Madison University

Jeff Bolander of **McGaheysville,** Virginia, Member, appointed September 25, 2023, to serve an unexpired term beginning July 1, 2023, and ending June 30, 2027, to succeed Jeff Tickle.

The Honorable Kay Coles James of **Midlothian,** Virginia, Member, appointed September 1, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Craig Welburn.

Jamestown-Yorktown Foundation Board of Trustees

Leslie Sanchez of **Alexandria,** Virginia, Member, appointed September 21, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Jeffrey Trammell.

Virginia Commission for the Arts

Mary Louise Flowers of **Virginia Beach,** Virginia, Member, appointed August 30, 2023, for a term of five years beginning July 1, 2023, and ending June 30, 2028, to succeed Terry E. Buntrock.

Vanessa Thaxton-Ward of **Hampton,** Virginia, Member, appointed September 19, 2023, for a term of five years beginning July 1, 2023, and ending June 30, 2028, to succeed Asa Jackson.

FINANCE

Advisory Council on Revenue Estimates

Shane McCullar of **Alexandria,** Virginia, Member, appointed September 25, 2023, to serve at the pleasure of the Governor, beginning September 25, 2023, to succeed Ron Tillett.

HEALTH AND HUMAN RESOURCES

Advisory Board for the Virginia Department for the Deaf and Hard-of-Hearing

Cathee Wolford of **Newport News,** Virginia, Member, appointed August 15, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Roy Martin.

Advisory Board on Service and Volunteerism

Jason Ascher of **Arlington,** Virginia, Member, appointed September 26, 2023, for a term of three years beginning July 1, 2023, and ending June 30, 2026, to succeed Priscilla Martinez.

Shane Roberts-Thomas of **Richmond,** Virginia, Member, appointed September 25, 2023, for a term of three years beginning July 1, 2023, and ending June 30, 2026, to succeed Zachary Leonsis.

Elizabeth Schultz of **Lynchburg,** Virginia, Member, appointed September 18, 2023, for a term of three years beginning July 1, 2021, and ending June 30, 2024, to succeed Jenne Nurse.

Board of Counseling

L. Paul Bernard of **Lynchburg,** Virginia, Member, appointed August 15, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Johnston Brendel.

Board of Dentistry

J. Michael Martinez de Andino of **Henrico,** Virginia, Member, appointed September 25, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed himself.

Jennifer Szakaly of **Suffolk,** Virginia, Member, appointed September 25, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Dagoberto Zapatero.

Board of Nursing

Delia Acuna of **Quinton,** Virginia, Member, appointed August 3, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Dixie McElfresh.

Maternal Mortality Review Team

George Saade of **Virginia Beach,** Virginia, Member, appointed August 21, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Susan Lanni.

Renal Disease Council

Stephen Anderson of **Forest,** Virginia, Member, appointed September 22, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed himself.

Jennifer Jones of **Chesterfield,** Virginia, Member, appointed September 27, 2023, for a term of four years beginning July 1, 2022, and ending June 30, 2024, to fill a new seat.

Kinjal Patel of **Lorton,** Virginia, Member, appointed September 22, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to fill a new seat.

Anthony Reed of **Stuarts Draft,** Virginia, Member, appointed September 25, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed himself.

State Emergency Medical Services Advisory Board

Rebecca Branch-Griffin of **Chester,** Virginia, Member, appointed September 22, 2023, for a term of three years beginning July 1, 2023, and ending June 30, 2026, to succeed herself.

Brian Frankel of **Fredericksburg,** Virginia, Member, appointed September 22, 2023, for a term of three years beginning July 1, 2023, and ending June 30, 2026, to succeed himself.

Robert Lipscomb of **Lynchburg,** Virginia, Member, appointed September 22, 2023, for a term of three years beginning July 1, 2023, and ending June 30, 2026, to succeed Robert Ferguson.

Elizabeth Matish of **Henrico,** Virginia, Member, appointed September 22, 2023, for a term of three years beginning July 1, 2023, and ending June 30, 2026, to succeed Jeremiah O'Shea.

Patrick McLaughlin of **Midlothian,** Virginia, Member, appointed September 27, 2023, for a term of three years beginning July 1, 2023, and ending June 30, 2026, to succeed himself.

Marlon Rickman of **Roanoke,** Virginia, Member, appointed September 15, 2023, for a term of three years beginning July 1, 2023, and ending June 30, 2026, to succeed himself.

Victoria Smith of **Boydton,** Virginia, Member, appointed September 22, 2023, for a term of three years beginning July 1, 2023, and ending June 30, 2026, to succeed herself.

Robert Bruce Stratton of **Lynchburg,** Virginia, Member, appointed September 15, 2023, for a term of three years beginning July 1, 2023, and ending June 30, 2026, to succeed Dreama Chandler.

State Executive Council for Children's Services

Melvin Roy of **Washington, District of Colombia,** Member, appointed August 17, 2023, for a term of three years beginning July 1, 2023, and ending June 30, 2026, to succeed Sophia Booker.

Virginia Board for People with Disabilities

Melanie Rice of **Roanoke,** Virginia, Member, appointed August 3, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Molly Korte.

INDEPENDENT

Chesapeake Bay Bridge and Tunnel Commission

Thomas Meehan of **Newport News,** Virginia, Member, appointed August 3, 2023, to serve an unexpired term beginning May 15, 2021, and ending May 14, 2025, to succeed William Ferguson III.

JUDICIAL

Virginia Indigent Defense Commission

S. Mario Lorello of **Virginia Beach,** Virginia, Member, appointed September 1, 2023, for a term of three years beginning July 1, 2022, and ending June 30, 2025, to succeed Henry Lawrence Chambers.

LABOR

Apprenticeship Council

William Dunn of **Boones Mill,** Virginia, Member, appointed August 7, 2023, to serve an unexpired term beginning June 21, 2022, and ending June 20, 2025, to succeed Michael Lee Mays.

Steve Masterson of **Chesapeake,** Virginia, Member, appointed August 14, 2023, for a term of three years beginning June 21, 2023, and ending June 20, 2026, to succeed Steve Martin.

Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects

Erik Bootsma of **Richmond,** Virginia, Member, appointed August 16, 2023, to serve an unexpired term beginning July 1, 2021, and ending June 30, 2025, to succeed April Drake.

John Claytor of **Henrico,** Virginia, Member, appointed August 17, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Doyle Allen.

Susan P. Dibble of **Glen Allen,** Virginia, Member, appointed September 20, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Frank Hancock.

Helene Dreiling of **Roanoke,** Virginia, Member, appointed August 18, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Mary Price.

Catherine Stanley of **New Kent,** Virginia, Member, appointed August 17, 2023, for a term of four years beginning July 1, 2022, and ending June 30, 2026, to succeed Cameron Stiles.

Board for Barbers and Cosmetology

Kailey Blakeney of **Virginia Beach,** Virginia, Member, appointed August 23, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Renee Gilanshah.

Board for Contractors

Jacalyn Jones of **Stephenson,** Virginia, Member, appointed August 18, 2023, for a term of four years beginning July 1, 2022, and ending June 30, 2026, to succeed John O'Dell.

Board for Hearing Aid Specialists and Opticians

Desire'e Lewis-Nelson of **Henrico,** Virginia, Member, appointed September 1, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Melissa Gill.

Board for Professional Soil Scientists, Wetland Professionals, and Geologists

Justin Brown of **Glen Allen,** Virginia, Member, appointed September 22, 2023, for a term of four years beginning July 1, 2022, and ending June 30, 2026, to succeed himself.

Shannon George of **Harrisonburg,** Virginia, Member, appointed August 16, 2023, for a term of four years beginning July 1, 2022, and ending June 30, 2026, to succeed Warren Dean.

Board for Waste Management Facility Operators

Donald Lawhorne of **Bedford,** Virginia, Member, appointed August 18, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed himself.

Matthew Terrell of **Glen Allen,** Virginia, Member, appointed August 21, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Sathish Anabathula.

Brent Williams of **Christiansburg,** Virginia, Member, appointed August 21, 2023, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed Leslie D. Beckwith.

Jason Williams of **Midlothian,** Virginia, Member, appointed August 18, 2023, for a term of four years beginning July 1, 2022, and ending June 30, 2026, to succeed Toby Edwards.

Board for Waterworks and Wastewater Works Operators and Onsite Sewage System Professionals

Erica Duncan of **Ashland,** Virginia, Member, appointed September 15, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed herself.

Joshua Kirtley of **Keswick,** Virginia, Member, appointed September 1, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Rosa-lee Cooke.

Caleb Taylor of **Christiansburg,** Virginia, Member, appointed September 22, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed himself.

Common Interest Community Board

Deborah Casey of **Virginia Beach,** Virginia, Member, appointed September 21, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed David Mercer.

Catherine Noonan of **Henrico,** Virginia, Member, appointed August 17, 2023, for a term of four years beginning July 1, 2022, and ending June 30, 2026, to succeed Eileen Greenberg.

Tracey Talbert of **Glen Allen,** Virginia, Member, appointed August 18, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed James Foley.

Fair Housing Board

Shion Fenty of **Midlothian,** Virginia, Member, appointed September 6, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Amanda Pohl.

John Scott of **Glen Allen,** Virginia, Member, appointed September 1, 2023, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed Larry Murphy.

Rachael Wright of **Newport News,** Virginia, Member, appointed August 28, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Candice Bennett.

Safety and Health Codes Board

Michael Everett of **Christiansburg,** Virginia, Member, appointed August 3, 2023, to serve an unexpired term beginning July 1, 2020, and ending June 30, 2024, to succeed Milagro Rodriguez.

Virginia Board for Asbestos, Lead, and Home Inspectors

Michael Baum of **Midlothian,** Virginia, Member, appointed August 21, 2023, for a term of four years beginning July 1, 2020, and ending June 30, 2024, to succeed Chadwick Bowman.

Ralph Tripp Costen of **Henrico,** Virginia, Member, appointed September 18, 2023, for a term of four years beginning July 1, 2022, and ending June 30, 2026, to succeed Gene Edward Magruder.

Robert Shackford of **Mechanicsville,** Virginia, Member, appointed September 20, 2023, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed Rick Holtz.

Virginia Board of Workforce Development

Mark Dreyfus of **Virginia Beach,** Virginia, Member, appointed August 14, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed himself.

Debora Harvey of **Fairfax,** Virginia, Member, appointed August 22, 2023, to serve an unexpired term beginning July 1, 2021, and ending June 30, 2025, to succeed Becky Sawyer.

NATURAL RESOURCES

Mount Vernon Board of Visitors

Raynard Jackson of **Arlington,** Virginia, Member, appointed September 1, 2023, for a term of four years beginning May 1, 2023, and ending April 30, 2027, to succeed Beau Blevins.

Virginia Marine Resources Commission

Jeannette Edwards of **Onley,** Virginia, Member, appointed August 8, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Glen France.

Patrick Hand of **Cape Charles,** Virginia, Member, appointed August 8, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed John Tankard.

PUBLIC SAFETY AND HOMELAND SECURITY

Advisory Committee on Juvenile Justice and Prevention

Bridgette Bowman of **Chester,** Virginia, Member, appointed August 3, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Julie McConnell.

Board of Juvenile Justice

Kenneth Feng of **Herndon,** Virginia, Member, appointed August 3, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Anita Price.

Laura O'Quinn of **Clintwood,** Virginia, Member, appointed August 1, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Dana Schrad.

Criminal Justice Services Board

Jagdish Katyal of **Arlington,** Virginia, Member, appointed August 16, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed himself.

Secure and Resilient Commonwealth Panel

Adam Lee of **Glen Allen,** Virginia, Member, appointed August 17, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Paula Loomis.

State Board of Local and Regional Jails

Jessica Vermont of **Richmond,** Virginia, Member, appointed August 17, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to fill a new seat.

Virginia Parole Board

Lloyd Banks, Jr., of **Cumberland,** Virginia, Member, appointed August 25, 2023, to serve at the pleasure of the Governor beginning August 25, 2023, to succeed Howard Vick.

Patricia West of **Virginia Beach,** Virginia, Member, appointed September 18, 2023, to serve at the pleasure of the Governor beginning September 18, 2023, to succeed Chadwick Dotson.

TRANSPORTATION

Virginia Aviation Board

Vanessa Christie of **Virginia Beach,** Virginia, Member, appointed August 3, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Roderick Hall.

Virginia Passenger Rail Authority

John Delandro of **Glen Allen,** Virginia, Member, appointed August 16, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed himself.

SENATE JOINT RESOLUTION NO. 34

Confirming appointments by the Governor of certain persons communicated to the General Assembly June 1, 2023.

Agreed to by the Senate, February 6, 2024
Agreed to by the House of Delegates, February 8, 2024

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly confirm the following appointments of certain persons made by Governor Glenn Youngkin and communicated to the General Assembly June 1, 2023.

CABINET

Terrance Cole of **Louisa,** Virginia, Secretary of Public Safety and Homeland Security, to serve at the pleasure of the Governor beginning May 30, 2023, to succeed Robert Mosier.

Travis Voyles of **Richmond,** Virginia, Secretary of Natural and Historic Resources, to serve at the pleasure of the Governor beginning May 1, 2023, to succeed Andrew Wheeler.

AGENCY HEADS

Lisa Coons of **Gallatin, Tennessee,** Superintendent of Public Instruction of the Department of Education, to serve at the pleasure of the Governor beginning April 17, 2023, to succeed Jillian Ballow.

Glenn Davis of **Virginia Beach,** Virginia, Director of the Department of Energy, to serve at the pleasure of the Governor beginning April 25, 2023, to succeed John Warren.

Karen Shelton of **Bristol,** Virginia, State Health Commissioner of the Department of Health, to serve at the pleasure of the Governor beginning May 1, 2023, to succeed Colin Greene.

ADMINISTRATION

Board of Elections

The Honorable Rosalyn Dance of **Petersburg,** Virginia, Member, appointed March 14, 2023, to serve an unexpired term beginning February 1, 2021, and ending January 31, 2025, to succeed Angela H. Chiang.

Citizens' Advisory Council on Furnishing and Interpreting the Executive Mansion

Betsy Beamer of **Henrico,** Virginia, Member, appointed April 26, 2023, for a term of five years beginning April 1, 2023, and ending March 31, 2028, to succeed herself.

Judy Stovall Boland of **Richmond,** Virginia, Member, appointed April 26, 2023, for a term of five years beginning April 1, 2023, and ending March 31, 2028, to succeed herself.

David Botkins of **Henrico,** Virginia, Member, appointed April 26, 2023, for a term of five years beginning April 1, 2023, and ending March 31, 2028, to succeed himself.

Flora S. Cardwell of **Richmond,** Virginia, Member, appointed April 26, 2023, for a term of five years beginning April 1, 2023, and ending March 31, 2028, to succeed herself.

Gloria Marrero Chambers of **McLean,** Virginia, Member, appointed April 26, 2023, for a term of five years beginning April 1, 2023, and ending March 31, 2028, to succeed herself.

Winona Waddy Coles of **Fredericksburg,** Virginia, Member, appointed April 26, 2023, for a term of five years beginning April 1, 2023, and ending March 31, 2028, to succeed herself.

Donnalyn W. Ennels of **Norfolk,** Virginia, Member, appointed April 25, 2023, for a term of five years beginning April 1, 2023, and ending March 31, 2028, to succeed Lauranett Lee.

Mary C. Frediani of **Richmond,** Virginia, Member, appointed March 14, 2023, to serve an unexpired term beginning April 1, 2019, and ending March 31, 2024, to succeed Margaret Milner Richardson.

Linda H. Garbee of **Salem,** Virginia, Member, appointed April 26, 2023, for a term of five years beginning April 1, 2023, and ending March 31, 2028, to succeed herself.

Ann Goettman of **McLean,** Virginia, Member, appointed April 26, 2023, for a term of five years beginning April 1, 2023, and ending March 31, 2028, to succeed herself.

Kirsti Goodwin of **Richmond,** Virginia, Member, appointed April 26, 2023, for a term of five years beginning April 1, 2023, and ending March 31, 2028, to succeed herself.

Hunter H. Ihrman of **Herndon,** Virginia, Member, appointed May 4, 2023, for a term of five years beginning April 1, 2023, and ending March 31, 2028, to succeed Julia-Anna Marsden.

Court Manning of **Charlottesville,** Virginia, Member, appointed April 20, 2023, for a term of five years beginning April 1, 2023, and ending March 31, 2028, to succeed Anne Cross.

Christine Marscheider of **Virginia Beach,** Virginia, Member, appointed April 25, 2023, for a term of five years beginning April 1, 2023, and ending March 31, 2028, to succeed Peggy Layne.

Sarah Scarbrough of **Richmond,** Virginia, Member, appointed to April 27, 2023, for a term of five years beginning April 1, 2023, and ending March 31, 2028, to succeed herself.

Melissa Stoltzfus of **Bridgewater,** Virginia, Member, appointed April 26, 2023, for a term of five years beginning April 1, 2023, and ending March 31, 2028, to succeed herself.

Lauren B. Woodson of **Roanoke,** Virginia, Member, appointed April 27, 2023, for a term of five years beginning April 1, 2023, and ending March 31, 2028, to succeed Andrew Davenport.

AGRICULTURE AND FORESTRY

Board of Agriculture and Consumer Services

Kailee M. Tkacz Buller of **Alexandria,** Virginia, Member, appointed March 13, 2023, to serve an unexpired term beginning July 1, 2019, and ending June 30, 2023, to succeed Allyson Jones Brimmer.

Egg Board

Kenneth "Lee" Underwood of **McKenney,** Virginia, Member, appointed March 21, 2023, for a term of four years beginning January 15, 2022, and ending January 14, 2026, to succeed Ellen Baber.

Small Grains Board

David Hula of **Charles City,** Virginia, Member, appointed March 21, 2023, for a term of three years beginning September 1, 2022, and ending August 31, 2025, to succeed himself.

James Hundley of **Champlain,** Virginia, Member, appointed March 17, 2023, for a term of three years beginning September 1, 2022, and ending August 31, 2025, to succeed himself.

AUTHORITY

Virginia Biotechnology Research Partnership Authority (Activation Capital)

John Gerber of **McLean,** Virginia, Member, appointed March 31, 2023, for a term of three years beginning July 1, 2022, and ending June 30, 2025, to succeed James Robert Mooney.

Jennifer "DJ" Nordquist of **Alexandria,** Virginia, Member, appointed April 6, 2023, for a term of three years beginning July 1, 2022, and ending June 30, 2025, to succeed Vida Williams Logan.

COMMERCE AND TRADE

Virginia Economic Development Partnership Committee on International Trade

Anne Marie Lacourse of **McLean,** Virginia, Member, appointed April 5, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Stuart Malawer.

Virginia Growth and Opportunity Board

Nancy Agee of **Roanoke,** Virginia, Member, appointed March 29, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed herself.

Emily O'Quinn of **Bristol,** Virginia, Member, appointed March 27, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Marilyn West.

Virginia Housing Development Authority Commissioners

Davon Gray of **Manassas,** Virginia, Member, appointed April 6, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Lisa Porter.

Sarah Barrie Stedfast of **Norfolk,** Virginia, Member, appointed April 6, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Michael Schewel.

Virginia Nuclear Energy Consortium Authority Board of Directors

Rhonnie Smith of **Moneta,** Virginia, Member, appointed March 15, 2023, to serve an unexpired term beginning July 1, 2019, and ending June 30, 2023, to succeed David Christian.

Virginia Tourism Authority Board of Directors

Taylor Adams of **Virginia Beach,** Virginia, Member, appointed March 31, 2023, to serve an unexpired term beginning July 1, 2019, and ending June 30, 2025, to succeed Jean Ann Bolling.

Jill Mills of **Alexandra,** Virginia, Member, appointed April 12, 2023, to serve an unexpired term beginning July 1, 2018, and ending June 30, 2024, to succeed Calvin D. Jamison.

COMMONWEALTH

Virginia-Asian Advisory Board

Srilekha Palle of **Fairfax,** Virginia, Member, appointed March 10, 2023, to serve an unexpired term beginning July 1, 2020, and ending June 30, 2024, to succeed Razi Hashmi.

My Lan Tran of **Glen Allen,** Virginia, Member, appointed March 7, 2023, to serve an unexpired term beginning July 1, 2020, and ending June 30, 2024, to succeed Da L. Sheth.

Virginia LGBTQ+ Advisory Board

Thomas "Neil" Butler of **Topping,** Virginia, Member, appointed March 8, 2023, to serve an unexpired term beginning July 1, 2021, and ending June 30, 2025, to succeed Stephanie Merlo.

Rene "Clarke" Cooper of **Front Royal,** Virginia, Member, appointed March 7, 2023, for a term of four years beginning July 1, 2022, and ending June 30, 2026, to succeed Matthew Banfield.

Austin Palmore of **Charlottesville,** Virginia, Member, appointed March 8, 2023, to serve an unexpired term beginning July 1, 2021, and ending June 30, 2025, to succeed Charley Burton.

Derrick Pitts of **Arlington,** Virginia, Member, appointed March 14, 2023, to serve an unexpired term beginning July 1, 2021, and ending June 30, 2023, to succeed Tracy Monegain.

Keri Vornadore of **Arlington,** Virginia, Member, appointed March 7, 2023, for a term of four years beginning July 1, 2022, and ending June 30, 2026, to succeed Lisa A. Turner.

COMPACTS

Interstate Commission on Educational Opportunity for Military Children

Shawnee Edwards-Zollar of **Mechanicsville,** Virginia, Member, appointed March 27, 2023, to serve at the pleasure of the Governor beginning March 27, 2023, to succeed Dede R. Bailer.

Michelle Norman of **Virginia Beach,** Virginia, Member, appointed March 22, 2023, to serve at the pleasure of the Governor beginning March 22, 2023, to succeed Martha Jallim Hall.

Tian Olson of **McLean,** Virginia, Member, appointed March 22, 2023, to serve at the pleasure of the Governor beginning March 22, 2023, to succeed Patricia M. Schnabel.

Victor D. Shandor of **York County,** Virginia, Member, appointed March 17, 2023, to serve at the pleasure of the Governor beginning March 17, 2023, to succeed Joey L. Frantzen.

Danny Vargas of **Fairfax,** Virginia, Member, appointed March 15, 2023, to serve at the pleasure of the Governor beginning March 15, 2023, to succeed Barry C. Brown.

Legislative Advisory Council to the Southern Regional Education Board

The Honorable Carrie Coyner of **Chesterfield,** Virginia, Member, appointed April 25, 2023, to serve at the pleasure of the Governor beginning April 25, 2023, to succeed the Honorable Janet Howell.

The Honorable Siobhan Dunnavant of **Henrico,** Virginia, Member, appointed May 10, 2023, to serve at the pleasure of the Governor beginning May 10, 2023, to succeed the Honorable Mamie Locke.

The Honorable Nick Freitas of **Culpeper,** Virginia, Member, appointed May 10, 2023, to serve at the pleasure of the Governor beginning May 10, 2023, to succeed the Honorable David Bulova.

Live Horseracing Compact Committee

David Lermond of **Sandston,** Virginia, Member, appointed March 21, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2024, to succeed himself.

Southern Regional Education Board

The Honorable Carrie Coyner of **Chesterfield,** Virginia, Member, appointed April 25, 2023, to serve at the pleasure of the Governor beginning April 25, 2023, to succeed the Honorable Janet Howell.

DESIGNATED

Poet Laureate of Virginia

Margaret O. Daramola of **Hampton,** Virginia, appointed May 5, 2023, to serve at the pleasure of the Governor beginning May 5, 2023, to succeed Luisa A. Igloria.

EDUCATION

Board of Education

Dale L. Sturdifen of **Clarksville,** Virginia, Member, appointed March 18, 2023, to serve an unexpired term beginning July 1, 2022, and ending June 30, 2024, to succeed Suparna Dutta.

Board of Regents of Gunston Hall

Jeanne Goodwin of **Dover Plains, New York,** Member, appointed March 20, 2023, for a term of five years beginning October 26, 2022, and ending October 25, 2027, to succeed Torrey Cooke.

Kathleen Ray of **Auburn, Alabama,** Member, appointed March 20, 2023, for a term of five years beginning October 26, 2022, and ending October 25, 2027, to succeed Elizabeth Morris Kingston.

Carol Rush of **Fort Washington, Pennsylvania,** Member, appointed March 20, 2023, for a term of five years beginning October 26, 2022, and ending October 25, 2027, to succeed herself.

Board of Trustees of the Virginia Museum of Fine Arts

Marcia Adams Gilliam of **Bristol,** Virginia, Member, appointed March 7, 2023, to serve an unexpired term beginning July 1, 2021, and ending June 30, 2026, to succeed the Honorable Aubrey Lane.

Board of Visitors of Christopher Newport University

The Honorable Ronald L. Tillett of **Midlothian,** Virginia, Member, appointed March 29, 2023, to serve an unexpired term beginning July 1, 2022, and ending June 30, 2026, to succeed The Honorable Richard Bray.

Board of Visitors of Radford University

The Honorable Betsy D. Beamer of **Henrico,** Virginia, Member, appointed May 26, 2023, for an unexpired term beginning July 1, 2020, and ending June 30, 2024, to succeed Rachel D. Fowlkes.

FINANCE

Advisory Council on Revenue Estimates

Dennis Matheis of **Virginia Beach,** Virginia, Member, appointed March 16, 2023, to serve at the pleasure of the Governor, beginning March 16, 2023, to succeed Howard Kern.

HEALTH AND HUMAN RESOURCES

Advisory Board on Acupuncture

Haley Parker of **Alexandria,** Virginia, Member, appointed March 17, 2023, for a term of four years beginning July 1, 2022, and ending June 30, 2026, to succeed Sharon Crowell.

Shannon Shorter of **Chatham,** Virginia, Member, appointed March 17, 2023, for a term of four years beginning July 1, 2022, and ending June 30, 2026, to succeed Beth Rodgers.

Board for the Blind and Vision Impaired

Paul W. D'Addario of **Arlington,** Virginia, Member, appointed March 14, 2023, for a term of four years beginning July 1, 2022, and ending June 30, 2026, to succeed himself.

Board of Health Professions

Claire Wulf Winiarek of **Arlington,** Virginia, Member, appointed March 8, 2023, for a term of four years beginning July 1, 2022, and ending June 30, 2026, to succeed Sahil Chaudhary.

Board of Medical Assistance Services

Jason Brewster of **Charlottesville,** Virginia, Member, appointed March 7, 2023, for a term of four years beginning March 8, 2023, and ending March 7, 2027, to succeed Michael H. Cook.

Basim Khan of **Arlington,** Virginia, Member, appointed March 7, 2023, for a term of four years beginning March 8, 2023, and ending March 7, 2027, to succeed himself.

Lisa Price Stevens of **Norfolk,** Virginia, Member, appointed March 7, 2023, for a term of four years beginning March 8, 2023, and ending March 7, 2027, to succeed Maureen Hollowell.

Employment Service Organization Steering Committee

Alan Hargraves of **Richmond,** Virginia, Member, appointed March 17, 2023, for a term of three years beginning July 1, 2022, and ending June 30, 2025, to succeed himself.

Virginia Addiction Recovery Council

The Honorable Kevin W. Hall of **Covington,** Virginia, Member, appointed March 14, 2023, to serve an unexpired term, beginning July 1, 2020, and ending June 30, 2023, to succeed Robert Mosier.

Henrietta Lacks Commission

Jeri Lacks-Whye of **Reisterstown**, **Maryland,** Member, appointed April 4, 2023, for a term of two years beginning July 1, 2022, and ending June 30, 2024, to succeed herself.

Adele Newsom-Horst of **Parksville,** Maryland, Member, appointed April 4, 2023, for a term of two years beginning July 1, 2022, and ending June 30, 2024, to succeed herself.

Nettie Simon-Owens of **South Boston,** Virginia, Member, appointed April 4, 2023, for a term of two years beginning July 1, 2022, and ending June 30, 2024, to succeed herself.

Maternal Mortality Review Team

Russell "Rusty" McGuire of **Louisa County,** Virginia, Member, appointed April 13, 2023, for a term of three years beginning July 1, 2022, and ending June 30, 2025, to succeed Colette W. McEachin.

Meghan Sylvester of **Falls Church,** Virginia, Member, appointed April 13, 2023, to serve an unexpired term, beginning July 1, 2021, and ending June 30, 2024, to succeed Elizabeth K. Newton.

Deanna Wagstaff Lester of **South Hill,** Virginia, Member, appointed April 18, 2023, for a term of three years beginning July 1, 2022, and ending June 30, 2025, to fill a new seat.

Renal Disease Council

Ted Chambers of **McLean,** Virginia, Member, appointed April 25, 2023, for a term of two years beginning July 1, 2022, and ending June 30, 2024, to fill a new seat.

State Emergency Medical Services Advisory Board

James Reynolds of **Chesapeake,** Virginia, Member, appointed March 8, 2023, to serve an unexpired term, beginning July 1, 2021, and ending June 30, 2025, to succeed Thomas Schwalenberg.

INDEPENDENT

Virginia Lottery Board

Jonathan Comer of **Shenandoah,** Virginia, Member, appointed March 31, 2023, for a term of five years beginning January 15, 2023, and ending January 14, 2028, to succeed John Powell.

JUDICIAL

Virginia Criminal Sentencing Commission

The Honorable Bethany Harrison of **Lynchburg,** Virginia, Member, appointed March 6, 2023, for a term of three years beginning January 1, 2023, and ending December 31, 2026, to succeed Linda Brown.

LABOR

Board for Contractors

Jerry Heinline of **Christiansburg,** Virginia, Member, appointed March 7, 2023, for a term of four years beginning July 1, 2022, and ending June 30, 2026, to succeed Vernell A. Woods.

Virginia Board for Asbestos, Lead, and Home Inspectors

Douglas "Scooter" Burgess of **Powhatan,** Virginia, Member, appointed March 21, 2023, for a term of four years beginning July 1, 2022, and ending June 30, 2026, to succeed Kenneth Nash.

NATURAL AND HISTORIC RESOURCES

Board of Historic Resources

Ken Rutherford of **Harrisonburg,** Virginia, Member, appointed March 8, 2023, for a term of four years beginning July 1, 2022, and ending June 30, 2026, to succeed Ashley Spivey.

PUBLIC SAFETY AND HOMELAND SECURITY

Criminal Justice Services Board

Robin Deiulio of **Montgomery County,** Virginia, Member, appointed May 5, 2023, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed Angie Carrera.

TRANSPORTATION

Metropolitan Washington Airports Authority

Taylor Chess of **Fairfax,** Virginia, Member, appointed April 14, 2023, to serve an unexpired term beginning November 24, 2020, and ending November 23, 2026, to succeed David G. Speck.

Motor Vehicle Dealer Board

Donald Sullivan of **Fredericksburg,** Virginia, Member, appointed March 13, 2023, to serve an unexpired term, beginning July 1, 2021, and ending June 30, 2025, to succeed Luther S. Farmer.

VETERANS AND DEFENSE AFFAIRS

Board of Veterans Services

RDML Terence E. McKnight, USN (Retired), of **Fairfax Station,** Virginia, Member, appointed March 6, 2023, for a term of four years beginning July 1, 2022, and ending June 30, 2026, to succeed Jenny Dye.

Virginia Military Advisory Council

The Honorable Terry Yonkers of **Mineral,** Virginia, Member, appointed March 24, 2023, to serve at the pleasure of the Governor beginning March 24, 2023, to succeed Susan Moyer.

SENATE JOINT RESOLUTION NO. 35

Celebrating the life of Debra Jane Griggs.

Agreed to by the Senate, January 18, 2024
Agreed to by the House of Delegates, January 22, 2024

WHEREAS, Debra Jane Griggs of Norfolk, a passionate advocate for animal welfare who enhanced the lives of thousands of animals across the Commonwealth, died on November 2, 2023; and

WHEREAS, Debra Griggs grew up in Peterstown, West Virginia, and began cultivating her talents as a vocalist at a young age; she performed with various musical groups and studied vocal performance at Converse College, Radford University, Memphis State University, and the Vienna International Music Center, where she focused on opera; and

WHEREAS, Debra Griggs pursued a career as an opera singer and performed in numerous productions, including "Madama Butterfly" and "La Tosca"; in 1982, she settled in Norfolk and began working in real estate sales for which she earned several awards and accolades; and

WHEREAS, shortly after moving to Norfolk, Debra Griggs and her husband, Steve, adopted a dog named Jasper from the Norfolk SPCA, which rekindled her love of animals and ultimately opened a new chapter in her life; and

WHEREAS, Debra Griggs began rescuing, caring for, and helping stray dogs find forever homes; she could often be seen dressed to the nines as she climbed fences to save neglected or abused animals; and

WHEREAS, Debra Griggs was a force to be reckoned with in a kind and thoughtful way; she worked with like-minded community members to establish Animal Rescue of Tidewater and served as its longtime president; and

WHEREAS, under the leadership of Debra Griggs, Animal Rescue of Tidewater changed its name to Animal Resources of Tidewater and refocused its mission on providing financial resources to people who needed help paying for medical care for their pets; the organization enabled countless animal owners to keep their pets healthy and ensure they remained with their families; and

WHEREAS, Debra Griggs subsequently embarked on a mission to enhance the conditions, operational practices, and save rates in the Commonwealth's public and private animal shelters; she worked with local and state leaders to successfully improve living conditions and adoption rates at shelters statewide; and

WHEREAS, a fierce advocate for animal rights, Debra Griggs championed policy changes to improve the lives of all animals in the Commonwealth, not just those in shelters; she supported efforts to eliminate animal fighting, ban fox penning, and prohibit leaving animals outside in extreme weather, among many other initiatives; and

WHEREAS, Debra Griggs served for many years as president of the Virginia Federation of Humane Societies, receiving a Lifetime Achievement Award from the organization for her legacy of accomplishments; and

WHEREAS, Debra was a consummate professional in everything she did; she commanded respect while always listening to and considering all sides of an issue before seeking a fair and reasonable resolution to a conflict; and

WHEREAS, Debra Griggs relished opportunities to fight for justice for an underdog, and she had a talent for making everyone feel heard and valued; and

WHEREAS, Debra Griggs was always more interested in recognizing and applauding the work of others than receiving praise for her own efforts, and she inspired others through her genuine compassion for all living things; and

WHEREAS, Debra Griggs enjoyed fellowship and worship with the congregation of Ascension Episcopal Church, where she volunteered with the altar guild, sang in the choir, and served as a senior warden on the vestry; and

WHEREAS, Debra Griggs was a beloved, admired, and respected friend and mentor who will be remembered as an exceptional leader in the animal welfare community, whose life ended much too soon; and

WHEREAS, Debra Griggs was a loving, thoughtful, and dependable friend and family member; she will be fondly remembered and greatly missed by her husband of 43 years, Steve; her sister, Brenda, and her family; and numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Debra Jane Griggs, a champion for animal welfare who touched countless lives throughout the Commonwealth; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Debra Jane Griggs as an expression of the General Assembly's respect for her memory.

SENATE JOINT RESOLUTION NO. 36

Confirming appointments by the Governor of certain persons communicated to the General Assembly January 12, 2024.

Agreed to by the Senate, February 6, 2024
Agreed to by the House of Delegates, February 8, 2024

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly confirm the following appointments of certain persons made by Governor Glenn Youngkin and communicated to the General Assembly January 12, 2024.

ADMINISTRATION

9-1-1 Services Board

Michael Barakey of **Suffolk,** Virginia, Member, appointed January 3, 2024, for a term of five years beginning July 1, 2023, and ending June 30, 2028, to succeed John Dibacco.

AGRICULTURE AND FORESTRY

Board of Agriculture and Consumer Services

Brittany Jones of **Blackstone,** Virginia, Member, appointed January 8, 2024, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed Clifton Slade.

Charitable Gaming Board

Mark Biladeau of **Ashburn**, Virginia, Member, appointed December 23, 2023, for a term of four years beginning July 1, 2022, and ending June 30, 2026, to succeed Lea Roberts.

Soybean Board

Harrison Moody of **Blackstone,** Virginia, Member, appointed January 4, 2024, for a term of three years beginning October 1, 2023, and ending September 30, 2026, to succeed himself.

Susan Watkins of **Sutherland,** Virginia, Member, appointed January 3, 2024, for a term of three years beginning October 1, 2023, and ending September 30, 2026, to succeed herself.

Robert White of **Virginia Beach,** Virginia, Member, appointed January 4, 2024, for a term of three years beginning October 1, 2023, and ending September 30, 2026, to succeed himself.

J. Colin Whittington of **Amelia Court House,** Virginia, Member, appointed January 3, 2024, for a term of three years beginning October 1, 2023, and ending September 30, 2026, to succeed himself.

Virginia Racing Commission

Gillian Gordon-Moore of **Berryville,** Virginia, Member, appointed January 3, 2024, for a term of four years beginning January 1, 2024, and ending December 31, 2028, to succeed Marsha Hudgins.

Virginia Spirits Board

Jeffrey Bloem of **Charlottesville,** Virginia, Member, appointed January 10, 2024, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed himself.

Thomas Murray of **Gainesville,** Virginia, Member, appointed January 2, 2024, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed David Cuttino.

AUTHORITY

Virginia Recreational Facilities Authority Board of Directors

Megan Baker of **Salem,** Virginia, Member, appointed January 9, 2024, to serve an unexpired term beginning July 1, 2019, and ending June 30, 2024, to succeed Victoria McNiff.

Phillip North of **Roanoke,** Virginia, Member, appointed January 10, 2024, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed Michelle Dykstra.

COMMERCE AND TRADE

Board of Coal Mining Examiners

Phillip Hale of **North Tazewell,** Virginia, Member, appointed January 3, 2024, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed himself.

Casey Mooneyhan of **Pennington Gap,** Virginia, Member, appointed January 10, 2024, to serve an unexpired term beginning July 1, 2022, and ending June 30, 2026, to succeed Mark McCoy.

Clean Energy Advisory Board

Kwasi Fraser of **Purcellville,** Virginia, Member, appointed January 9, 2024, for a term of three years beginning July 1, 2022, and ending June 30, 2025, to succeed Janaka Casper.

Taylor Williams of **Richmond,** Virginia, Member, appointed January 10, 2024, for a term of three years beginning July 1, 2022, and ending June 30, 2025, to succeed Katherine Bleile.

Coal Surface Mining Reclamation Fund Advisory Board

Barbara Altizer of **Richlands,** Virginia, Member, appointed December 14, 2023, for a term of five years beginning July 1, 2023, and ending June 30, 2028, to succeed herself.

Chris Stanley of **Clintwood,** Virginia, Member, appointed January 3, 2024, for a term of five years beginning July 1, 2023, and ending June 30, 2028, to succeed himself.

Commission on Local Government

Terry Payne of **Fredericksburg,** Virginia, Member, appointed January 1, 2023, for a term of five years beginning January 1, 2024, and ending December 31, 2028, to succeed Stephanie Davis.

Virginia Coal Mine Safety Board

Christopher Lester of **Abingdon,** Virginia, Member, appointed December 22, 2023, for a term of four years beginning January 18, 2023, and ending January 17, 2027, to succeed himself.

Danny Mann of **Dungannon,** Virginia, Member, appointed December 14, 2023, for a term of four years beginning January 18, 2023, and ending January 17, 2027, to succeed himself.

Harless Mullins of **Big Stone Gap,** Virginia, Member, appointed December 22, 2023, for a term of four years beginning January 18, 2023, and ending January 17, 2027, to succeed himself.

Michael G. Prater of **Grundy,** Virginia, Member, appointed December 22, 2023, for a term of four years beginning January 18, 2023, and ending January 17, 2027, to succeed himself.

Victoria Ratliff of **Big Stone Gap,** Virginia, Member, appointed December 14, 2023, for a term of four years beginning January 18, 2023, and ending January 17, 2027, to succeed herself.

Joshua West of **Pound,** Virginia, Member, appointed December 14, 2023, for a term of four years beginning January 18, 2023, and ending January 17, 2027, to succeed himself.

Virginia Economic Development Partnership Committee on Business Development and Marketing

Shannon Kane of **Virginia Beach,** Virginia, Member, appointed January 3, 2024, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Amy Parkhurst.

Christopher Winslow of **Midlothian,** Virginia, Member, appointed December 8, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Leonard Sledge.

Virginia Growth and Opportunity Board

James Cheng of **Charlottesville,** Virginia, Member, appointed December 8, 2023, to serve an unexpired term beginning July 1, 2020, and ending June 30, 2024, to succeed John O. Wynne.

Virginia Nuclear Energy Consortium Authority Board of Directors

Tom DePonty of **Alexandria,** Virginia, Member, appointed January 3, 2024, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed himself.

Calvin Lowe of **Hampton,** Virginia, Member, appointed January 11, 2024, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed William John Briscoe.

Mary Neumayr of **Arlington,** Virginia, Member, appointed January 3, 2024, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Dayton Lawman.

Rhonnie Smith of **Moneta,** Virginia, Member, appointed January 3, 2024, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed himself.

Brian Vella of **The Plains,** Virginia, Member, appointed January 4, 2024, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Michael Lempke.

COMPACTS

Chesapeake Executive Council Stakeholders Advisory Committee

William Noftsinger of **Henrico,** Virginia, Member, appointed January 3, 2024, to serve an unexpired term beginning January 1, 2021, and ending December 31, 2024, to succeed Esi Langston.

Potomac River Fisheries Commission

James Wesson of **Gloucester,** Virginia, Member, appointed December 1, 2023, for a term of four years beginning September 10, 2022, and ending September 9, 2026, to succeed Ronald Owens.

Southern Regional Education Board

Jennifer Nichols of **Bristol,** Virginia, Member, appointed December 8, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Dietra Trent.

EDUCATION

Board of Visitors of Christopher Newport University

Daniel Gade of **Alexandria,** Virginia, Member, appointed January 5, 2024, to serve an unexpired term beginning July 1, 2021, and ending June 30, 2025, to succeed Judy Watson.

State Board for Community Colleges

Jeff Haley of **Danville,** Virginia, Member, appointed January 3, 2024, to serve an unexpired term beginning July 1, 2022, and ending June 30, 2026, to succeed Deborah DiCroce.

Alethea Robinson of **Bluefield,** Virginia, Member, appointed January 3, 2024, to serve an unexpired term beginning July 1, 2020, and ending June 30, 2024, to succeed Dana Beckton.

State Historical Records Advisory Board

Bernadette Battle of **Emporia,** Virginia, Member, appointed December 13, 2023, for a term of three years beginning November 1, 2023, and ending October 31, 2026, to succeed herself.

Christopher Bissex of **Alexandria,** Virginia, Member, appointed December 13, 2023, for a term of three years beginning November 1, 2023, and ending October 31, 2026, to succeed Joshua Howard.

Heather Bollinger of **Aldie,** Virginia, Member, appointed December 13, 2023, for a term of three years beginning November 1, 2023, and ending October 31, 2026, to succeed herself.

Ervin Jordan of **Charlottesville,** Virginia, Member, appointed December 13, 2023, for a term of three years beginning November 1, 2023, and ending October 31, 2026, to succeed Kimberly Curtis.

Ruth Welch of **Castleton,** Virginia, Member, appointed January 2, 2024, for a term of three years beginning November 1, 2023, and ending October 31, 2026, to succeed Katherine Gruber.

Virginia Commission for the Arts

Roxana Jordan of **Alexandria,** Virginia, Member, appointed January 2, 2024, to serve an unexpired term beginning July 1, 2019, and ending June 30, 2024, to succeed Sushmita Mazumdar.

Virginia Commission on Higher Education Board Appointments

Lisa Hicks-Thomas of **Glen Allen,** Virginia, Member, appointed January 10, 2024, to serve at the pleasure of the Governor beginning January 10, 2024, to succeed Paul Harris.

Virginia STEM Education Advisory Board

Amy Thompson of **McLean,** Virginia, Member, appointed December 13, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Gary Artybridge.

HEALTH AND HUMAN RESOURCES

Alzheimer's Disease and Related Disorders Commission

Michael Watson of **Lorton,** Virginia, Member, appointed January 4, 2024, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Laura Bowser.

Board of Counseling

Luanne Griffin of **Alexandria,** Virginia, Member, appointed December 1, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Angela Charlton.

Board of Medicine

Patrick McManus of **Fredericksburg,** Virginia, Member, appointed December 7, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Joel Silverman.

Child Support Guidelines Review Panel

Erica Baez of **Richmond,** Virginia, Member, appointed January 4, 2024, to serve at the pleasure of the Governor beginning January 4, 2024, to succeed Kimberlee Ramsey.

Lauren Roaseau of **Yorktown,** Virginia, Member, appointed January 4, 2024, to serve at the pleasure of the Governor beginning January 4, 2024, to succeed Kim-marie Brown.

Van Smith of **Glen Allen,** Virginia, Member, appointed January 4, 2024, to serve at the pleasure of the Governor beginning January 4, 2024, to succeed Dennis Hottell.

Commonwealth Health Research Board

Neelam Azad of **Yorktown,** Virginia, Member, appointed January 2, 2024, for a term of five years beginning April 1, 2023, and ending March 31, 2028, to succeed Eric Lowe.

Andrew Kohler of **Amissville,** Virginia, Member, appointed December 14, 2023, for a term of five years beginning April 1, 2022, and ending March 31, 2027, to succeed Julia Spicer.

Public Guardian and Conservator Advisory Board

Katherine Harkey of **Beaverdam,** Virginia, Member, appointed December 12, 2023, for a term of four years beginning July 1, 2022, and ending June 30, 2026, to succeed herself.

Reynold Jordan of **Portsmouth,** Virginia, Member, appointed January 4, 2024, for a term of four years beginning July 1, 2022, and ending June 30, 2026, to succeed Betty Dougherty.

Rare Disease Council

Hermoione Johnson of **Suffolk,** Virginia, Member, appointed January 3, 2024, to serve an unexpired term beginning July 1, 2023, and ending June 30, 2027, to succeed Gwen Traficant.

Gwen Traficant of **Lorton,** Virginia, Member, appointed January 3, 2024, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Lisa Kaplowitz.

State Rehabilitation Advisory Council

Marco Callender of **Chester,** Virginia, Member, appointed January 8, 2024, for a term of three years beginning October 1, 2021, and ending September 30, 2024, to succeed Linda Garris-Bright.

Travis Staton of **Abingdon,** Virginia, Member, appointed January 3, 2024, for a term of three years beginning October 1, 2023, and ending September 30, 2026, to succeed Daniel Lufkin.

State Rehabilitation Council for the Blind and Vision Impaired

David Andrews of **Hampton,** Virginia, Member, appointed January 3, 2024, for a term of three years beginning October 1, 2023, and ending September 30, 2026, to succeed Christine Appert.

Susan Bowmaster of **Annandale,** Virginia, Member, appointed January 5, 2024, for a term of three years beginning October 1, 2023, and ending September 30, 2026, to succeed Chanthen Nene.

LaSonya Jackson of **Crozet,** Virginia, Member, appointed January 3, 2024, for a term of three years beginning October 1, 2023, and ending September 30, 2026, to succeed Liang Liao.

Elizabeth Klein of **Stafford,** Virginia, Member, appointed January 4, 2024, for a term of three years beginning October 1, 2023, and ending September 30, 2026, to succeed Elizabeth Horn.

Chanthen Nene of **Manassas,** Virginia, Member, appointed December 1, 2023, for a term of three years beginning October 1, 2023, and ending September 30, 2026, to succeed Julie Akers.

Virginia Board for People with Disabilities

Matthew Shapiro of **Glen Allen,** Virginia, Member, appointed December 1, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Alexus Smith.

Virginia Foundation for Healthy Youth Board of Trustees

Riley Shaia of **Henrico,** Virginia, Member, appointed January 3, 2024, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Teresa Tyson.

Virginia Interagency Coordinating Council

Kirsten Hodge of **Midlothian,** Virginia, Member, appointed January 5, 2024, for a term of three years beginning October 1, 2023, and ending September 30, 2026, to succeed Tabatha Carroll.

Tricia Peny of **Haymarket,** Virginia, Member, appointed January 9, 2024, for a term of three years beginning October 1, 2023, and ending September 30, 2026, to succeed Jaylene Joy Trueblood.

Stephanie Tharp of **Charlottesville,** Virginia, Member, appointed January 5, 2024, for a term of three years beginning October 1, 2023, and ending September 30, 2026, to succeed Courtney Pugh.

INDEPENDENT

Task Force to Assist in Identification of the History of Formerly Enslaved African Americans in Virginia

Makola Abdullah of **Richmond,** Virginia, Member, appointed January 3, 2024, for a term of two years beginning July 1, 2023, and ending June 30, 2025, to succeed himself.

Verndell Robinson of **Triangle,** Virginia, Member, appointed January 3, 2024, for a term of two years beginning July 1, 2023, and ending June 30, 2025, to succeed Corey Walker.

Virginia Birth-Related Neurological Injury Compensation Program Board of Directors

James Camm of **Lynchburg,** Virginia, Member, appointed January 3, 2024, for a term of three years beginning July 1, 2023, and ending June 30, 2026, to succeed Rhonda Russell.

Michael Hoover of **Manakin Sabot,** Virginia, Member, appointed January 10, 2024, for a term of three years beginning July 1, 2022, and ending June 30, 2025, to succeed himself.

Dawn McCoy of **Chesterfield,** Virginia, Member, appointed January 10, 2024, for a term of three years beginning July 1, 2023, and ending June 30, 2026, to succeed herself.

Ronald Ramus of **Richmond,** Virginia, Member, appointed January 10, 2024, for a term of three years beginning July 1, 2022, and ending June 30, 2025, to succeed himself.

Virginia Lottery Board

Adam Tolbert of **Saltville,** Virginia, Member, appointed January 2, 2024, for a term of five years beginning January 15, 2024, and ending January 14, 2029, to succeed himself.

Sherry Williams of **Henrico,** Virginia, Member, appointed January 2, 2024, for a term of five years beginning January 15, 2024, and ending January 14, 2029, to succeed Vonda Collins.

LABOR

Board for Hearing Aid Specialists and Opticians

Judith Canty of **Virginia Beach,** Virginia, Member, appointed January 8, 2024, to serve an unexpired term beginning July 1, 2021, and ending June 30, 2025, to succeed June Rogers.

Board for Professional Soil Scientists, Wetland Professionals, and Geologists

Steven Yob of **Glen Allen,** Virginia, Member, appointed January 3, 2024, for a term of four years beginning July 1, 2022, and ending June 30, 2026, to succeed Mary Parker.

Board for Waste Management Facility Operators

Wade Bailey of **Mechanicsville,** Virginia, Member, appointed December 12, 2023, for a term of four years beginning July 1, 2022, and ending June 30, 2026, to succeed Timothy Patrick Torrez.

Virginia Board for Asbestos, Lead, and Home Inspectors

Jesse Phillips of **Roanoke,** Virginia, Member, appointed December 1, 2023, for a term of four years beginning July 1, 2022, and ending June 30, 2026, to succeed James Haltigan.

Robin Wilder of **Sandston,** Virginia, Member, appointed December 12, 2023, for a term of four years beginning July 1, 2021, and ending June 30, 2025, to succeed Sandra Baynes.

LEGISLATIVE

Brown v. Board of Education Scholarship Awards Committee

Paris Turner of **Norfolk,** Virginia, Member, appointed January 4, 2024, for a term of two years beginning July 1, 2023, and ending June 30, 2025, to succeed Robert Leroy Hamlin.

Capitol Square Preservation Council

Sarah Scarbrough of **Chesterfield,** Virginia, Member, appointed January 9, 2024, for a term of three years beginning July 1, 2021, and ending June 30, 2024, to succeed Robert Brink.

Manufacturing Development Commission

Kimberlee Humphrey of **Hampton,** Virginia, Member, appointed December 13, 2023, for a term of four years beginning July 1, 2022, and ending June 30, 2026, to succeed Jill B. Loope.

Brett Vassey of **Richmond,** Virginia, Member, appointed December 12, 2023, for a term of four years beginning July 1, 2022, and ending June 30, 2026, to succeed himself.

Michael Watson of **Gloucester,** Virginia, Member, appointed December 8, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Lorraine An Amesbury Holder.

NATURAL AND HISTORIC RESOURCES

Board of Wildlife Resources

James Edmunds of **Halifax,** Virginia, Member, appointed January 10, 2024, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Gerald Washington.

William Wampler of **Abingdon,** Virginia, Member, appointed January 10, 2024, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Tammy Jo Grimes.

Virginia Land Conservation Foundation Board of Trustees

Stewart Leeth of **Richmond,** Virginia, Member, appointed December 6, 2023, for a term of four years beginning July 1, 2022, and ending June 30, 2026, to succeed Susan Edmonds Donner.

Virginia Soil and Water Conservation Board

Robert Mills of **Callands,** Virginia, Member, appointed December 1, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Kathleen Maybury.

PUBLIC SAFETY AND HOMELAND SECURITY

Scientific Advisory Committee

Aine Ramirez of **Burke,** Virginia, Member, appointed December 8, 2023, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Patricia Manzolillo.

TRANSPORTATION

Motor Vehicle Dealer Board

Andrew Wiley of **Staunton,** Virginia, Member, appointed January 9, 2024, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed himself.

VETERANS AND DEFENSE AFFAIRS
Virginia Military Advisory Council

Jon Ganues of **Henrico,** Virginia, Member, appointed January 2, 2024, to serve at the pleasure of the Governor beginning January 2, 2024, to succeed James Albino.

SENATE JOINT RESOLUTION NO. 37

Celebrating the life of Tafari Jawara Campbell.

Agreed to by the Senate, January 18, 2024
Agreed to by the House of Delegates, January 22, 2024

WHEREAS, Tafari Jawara Campbell of Dumfries, a renowned culinary professional who worked at the White House and later served as the personal chef to former President Barack Obama and his family, died in July 2023; and

WHEREAS, Tafari Campbell was born in Brooklyn, New York, and spent much of his childhood living with his maternal grandparents while his mother served in the United States Army; it was from his grandmother that he began to develop a lifelong love for the art of cooking; and

WHEREAS, Tafari Campbell eventually moved to Germany to live with his mother when she was posted to military bases in Karlsruhe and Frankfurt, then returned to the United States in 1994 and settled in the Commonwealth with his family; and

WHEREAS, Tafari Campbell considered studying architecture, but ultimately participated in the American Culinary Federation Apprenticeship Program at Northern Virginia Community College and won the Chuck Y. Wong Student Chef of the Year Award in 2001; and

WHEREAS, after completing his education, Tafari Campbell held several positions in the culinary field, including a rewarding stint under a certified master chef at the Chevy Chase Club in Maryland; he earned numerous awards, medals, and prizes in culinary competitions and was relentless in his pursuit of professional excellence; and

WHEREAS, Tafari Campbell inspired others through his compassion, loyalty, and humility; he made it his personal mission to create meaningful, memorable experiences through his cooking and emphasized the way food can bring people together; and

WHEREAS, in 2007, Tafari Campbell began working as a sous chef at the White House for former President George W. Bush and was asked to stay on during the Obama administration; over the course of his career, he routinely prepared meals for the first family, government officials, dignitaries, and foreign heads of state; and

WHEREAS, as a connoisseur of many different styles of cuisine, Tafari Campbell created unique meals showcasing delectable recipes from across the United States and incorporated national dishes from around the world; and

WHEREAS, from 2017 until the time of his passing, Tafari Campbell worked as a personal chef to the Obama family, creating nutritious and delicious meals for members of the former first family and guests; and

WHEREAS, a man of deep and abiding faith, Tafari Campbell joined Ebenezer Baptist Church at the age of 21 and spent many years offering his leadership and expertise to the congregation, especially the culinary ministry; and

WHEREAS, Tafari Campbell's greatest joy in life was his beloved family; he relished every opportunity to travel and try new restaurants with them, and he strove to always be a mentor and a positive role model for his sons; and

WHEREAS, Tafari Campbell will be fondly remembered and greatly missed by his loving wife, Sherise; his sons, Xavier and Savon; his mother and stepfather, June and Richard; and numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Tafari Jawara Campbell; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Tafari Jawara Campbell as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 38

Commending Amanda L. Newins.

Agreed to by the Senate, January 18, 2024
Agreed to by the House of Delegates, January 22, 2024

WHEREAS, Amanda L. Newins, an attorney and a member of the Chesapeake City Council, was selected as the 2023 Woman of the Year by the Women's Division Chamber of Commerce Chesapeake; and

WHEREAS, a native of Hampton Roads, Amanda Newins worked as a 911 dispatcher in the Harrisonburg and Rockingham County region while she was attending James Madison University, then returned to Virginia Beach to earn a law degree from Regent University; and

WHEREAS, Amanda Newins stayed in Hampton Roads to complete an internship with the United States Coast Guard Legal Service Command, then served as an assistant attorney for the Commonwealth in Chesapeake; and

WHEREAS, as a prosecutor, Amanda Newins handled complex felony and misdemeanor cases, offenses related to driving under the influence and developed an interest in animal law; she currently works as an attorney at Shannon & Associates, P.C., specializing in traffic cases and criminal defense; and

WHEREAS, Amanda Newins has helped nonviolent offenders with substance abuse issues pursue rehabilitation as a member of the Chesapeake Drug Treatment Court team; she also serves as a court-appointed attorney, representing individuals who could not otherwise afford legal counsel; and

WHEREAS, desirous to be of further service to the community, Amanda Newins ran for and was elected to the Chesapeake City Council in 2022; and

WHEREAS, Amanda Newins has offered her time and talents to numerous other boards, committees, and service organizations to enhance the quality of life throughout Chesapeake; she often volunteers at animal shelters and has fostered several cats and dogs in need of permanent homes; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Amanda L. Newins on her selection as the 2023 Woman of the Year by the Women's Division Chamber of Commerce Chesapeake; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Amanda L. Newins as an expression of the General Assembly's admiration for her service to the Chesapeake community.

SENATE JOINT RESOLUTION NO. 39

Commending Scott Chambers.

Agreed to by the Senate, January 18, 2024
Agreed to by the House of Delegates, January 22, 2024

WHEREAS, Scott Chambers, a dedicated and highly admired deputy with the Chesapeake Sheriff's Office who was wounded in the line of duty in January 2023, was selected as the 2023 Deputy of the Year by the Virginia Sheriff's Association for his bravery and professionalism; and

WHEREAS, Scott Chambers is a former United States Army Ranger and has worked in law enforcement for more than two decades; he is a member of the Criminal Apprehension Unit of the Chesapeake Sheriff's Office and a sworn deputy with the U.S. Marshals Service; and

WHEREAS, as part of his work with the U.S. Marshals Service, Scott Chambers was assigned to a task force that was tracking a homicide suspect who had been on the loose for two weeks; and

WHEREAS, on January 11, 2023, Scott Chambers and the members of the task force located the suspect, who leapt out of a vehicle, firing two handguns at the officers; and

WHEREAS, Scott Chambers returned fire, but was shot three times and had to rely on his emergency medical training to apply a tourniquet before the scene was secured and assistance arrived; he was transported to a local hospital, where he underwent several surgeries and was released two weeks later; and

WHEREAS, admired by his fellow officers for his toughness, determination, and cool-headedness under pressure, Scott Chambers received the Wounded in Combat and Combat Cross medals, two of the highest honors of the Chesapeake Sheriff's Office; and

WHEREAS, Scott Chambers was selected as the Deputy of the Quarter by the Chesapeake Sheriff's Office, before earning the statewide Deputy of the Year award the following July; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Scott Chambers, a courageous law-enforcement officer in Chesapeake, on the occasion of his selection as the 2023 Deputy of the Year by the Virginia Sheriff's Association; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Scott Chambers as an expression of the General Assembly's admiration for his commitment to serving and protecting the members of the Chesapeake community.

SENATE JOINT RESOLUTION NO. 40

Commending the Honorable Grace Burke Carroll.

Agreed to by the Senate, January 18, 2024
Agreed to by the House of Delegates, January 22, 2024

WHEREAS, after a long and distinguished career as an attorney and jurist, the Honorable Grace Burke Carroll will retire as a judge of the Fairfax Circuit Court of the 19th Judicial Circuit of Virginia in 2024; and

WHEREAS, Grace Carroll grew up in Virginia Beach and studied psychology and English at Randolph-Macon College, where she co-founded a chapter of the Kappa Alpha Theta women's fraternity and earned all-conference honors three times as a member of the field hockey team; and

WHEREAS, after receiving her law degree from George Mason University, Grace Carroll began her career in private practice, representing small businesses in and around Washington, D.C.; she subsequently became an assistant attorney for the Commonwealth in Fairfax County under Robert F. Horan; and

WHEREAS, Grace Carroll served as a trial attorney for 25 years, started her own firm, Grace Burke Carroll, P.C., in 2004, then formed Carroll & Carroll, P.C., with her husband, John; she cultivated years of expertise in the areas of medical malpractice defense and nursing home malpractice; and

WHEREAS, while working as an attorney, Grace Carroll also served as a substitute judge in local district courts and gained valuable experience from several sitting judges; and

WHEREAS, in 2014, Grace Carroll was appointed as a judge of the Fairfax Circuit Court, the busiest circuit court in the Commonwealth and one of the busiest in the nation; she presided over the court with great fairness and wisdom and helped the court maintain its reputation for efficiency; and

WHEREAS, during her tenure on the bench, Grace Carroll served as one of the two presiding judges of the Fairfax County Veterans Treatment Docket, which helps veterans in the criminal justice system to overcome mental health and substance abuse issues; the committee chair for tax appeal cases; and the court's representative to the Community Criminal Justice Board; and

WHEREAS, Grace Carroll is a sought-after speaker and a member of several peer and professional organizations; she routinely volunteers for moot court competitions and other activities, and she served as a faculty member of the Virginia State Bar's Harry L. Carrico Professionalism Course; and

WHEREAS, Grace Carroll has remained a loyal alumna of her alma mater, serving on the Randolph-Macon College Board of Associates, the Women of Randolph-Macon Steering Committee, the Presidents Society, and the Yellow Jacket Club, where she mentored student-athletes interested in summer internships related to the legal field; and

WHEREAS, Grace Carroll has served Fairfax County and the Commonwealth with the utmost integrity, dedication, and distinction; and

WHEREAS, after her well-earned retirement, Grace Carroll plans to spend more time with her husband, John, and their three children, Jack, Maeve, and Burke, as well as to seek new opportunities to continue serving the community; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend the Honorable Grace Burke Carroll on the occasion of her retirement as a judge of the Fairfax Circuit Court; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the Honorable Grace Burke Carroll as an expression of the General Assembly's admiration for her outstanding service to the residents of the City of Fairfax, Fairfax County, and the Commonwealth.

SENATE JOINT RESOLUTION NO. 41

Commending the Honorable Gayl Y. Branum Carr.

Agreed to by the Senate, January 18, 2024
Agreed to by the House of Delegates, January 22, 2024

WHEREAS, the Honorable Gayl Y. Branum Carr, the first Black female judge in Fairfax County history, will retire as a judge of the Fairfax Juvenile and Domestic Relations District Court of the 19th Judicial District of Virginia in 2024; and

WHEREAS, Gayl Carr grew up in Los Angeles, California, and came to Virginia as a student at Virginia Commonwealth University where she earned a bachelor's degree in social work; she subsequently worked in the child protective section at the Department of Social Services, then earned a law degree from the University of Richmond; and

WHEREAS, after graduating from law school, Gayl Carr handled criminal and civil cases in private practice and represented parents and children in child dependency matters in courts across the Commonwealth; and

WHEREAS, Gayl Carr was next appointed as a state assistant attorney general, representing the Department of Corrections and the Virginia Parole Board in state and federal courts, then became an assistant attorney general for Fairfax County, where she represented the local child welfare agency; and

WHEREAS, in 1994, Gayl Carr was appointed as a judge of the Fairfax Juvenile and Domestic Relations District Court of the 19th Judicial District of Virginia; she presided over the court with great fairness and wisdom and was selected to serve as chief judge from 2004 to 2006; and

WHEREAS, Gayl Carr has offered her leadership and expertise to a wide range of committees, commissions, boards, and professional organizations to enhance the legal profession, support fellow judges in the Commonwealth, and raise awareness of important issues related to children and families in the legal system; and

WHEREAS, in 2019, Gayl Carr was elected to the Board of Directors of the National Council of Juvenile and Family Court Judges, the oldest judicial membership organization in the country, and she was elected as president of the organization for 2023-2024; and

WHEREAS, Gayl Carr serves as a mentor to newly appointed judges in Virginia and frequently trains judges, lawyers, teachers, social workers, law-enforcement officers, clerks of court, probation officers, and court-appointed special advocates on child support and other relevant issues; and

WHEREAS, Gayl Carr previously served as adjunct faculty at George Mason University, Northern Virginia Community College, and Strayer University; she was also a past faculty member of the Virginia State Bar's Harry L. Carrico Professionalism Course and a past chair of the Education Committee of the Judicial Conference for District Court Judges; and

WHEREAS, among many awards and accolades for her personal and professional achievements, Gayl Carr received the 2023 Vanguard Award from the Fairfax County Department of Family Services and Domestic and Sexual Violence Services for her longstanding work to enhance procedures and support services related to domestic and sexual violence; she was also inducted into the Virginia Lawyers Hall of Fame in 2023; and

WHEREAS, over the course of her career, Gayl Carr has served the Fairfax community and the Commonwealth with the utmost dedication, integrity, and distinction; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend the Honorable Gayl Y. Branum Carr, who broke down barriers as the first Black female judge in Fairfax County, on the occasion of her retirement as a judge of the 19th Judicial District of Virginia; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the Honorable Gayl Y. Branum Carr as an expression of the General Assembly's admiration for her outstanding service to the Fairfax community and to children and families throughout the Commonwealth.

SENATE JOINT RESOLUTION NO. 42

Celebrating the life of Patricia Paige.

Agreed to by the Senate, January 25, 2024
Agreed to by the House of Delegates, January 29, 2024

WHEREAS, Patricia Paige, a dedicated community leader who made history as the first Black woman to serve on the New Kent County Board of Supervisors, died on November 28, 2023; and

WHEREAS, after graduating from New Kent High School, Patricia Paige served the nation as a member of the United States Army Reserve for more than two decades; and

WHEREAS, in 2015, Patricia Paige joined the New Kent Clean County Committee, then ran for and was elected to the New Kent County Board of Supervisors; she subsequently won reelection in 2019 and 2023; and

WHEREAS, Patricia Paige represented the residents of District 3 with integrity and dedication, earning the admiration of her colleagues and constituents alike for her commitment to fairness and unwavering positivity; and

WHEREAS, during her tenure on the New Kent County Board of Supervisors, Patricia Paige was a mentor to young people in the community and led efforts to include high school students on county committees; and

WHEREAS, Patricia Paige also oversaw initiatives to keep elderly residents better informed about scams and other dangers inherent in the use of technology, as well as to provide safety measures for them; and

WHEREAS, among her proudest achievements, Patricia Paige led a nine-year campaign to enhance highway infrastructure on Interstate 64, which had been the site of several traffic jams and crashes; and

WHEREAS, in December 2022, a $25 million federal aid grant was awarded to widen Interstate 64 between mile markers 205 and 215, and in November 2023, the Commonwealth announced a $756 million project to widen a 29-mile stretch of the highway, most of which is located in New Kent County; Patricia Paige proudly attended a groundbreaking ceremony for the first phase of the project on November 13, 2023; and

WHEREAS, Patricia Paige was vocal about her previous struggles with cancer and went above and beyond to help others as a volunteer with support groups and advocacy organizations; and

WHEREAS, Patricia Paige served as an ambassador for the American Cancer Society and always took an active role in the Relay for Life New Kent/West Point to provide encouragement to fellow cancer survivors and remember those who had passed with dignity and respect; and

WHEREAS, Patricia Paige will be fondly remembered and greatly missed by numerous family members, friends, and colleagues; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Patricia Paige, a highly admired member of the New Kent County Board of Supervisors; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Patricia Paige as an expression of the General Assembly's respect for her memory.

SENATE JOINT RESOLUTION NO. 43

Celebrating the life of Janet Marie Brooking.

Agreed to by the Senate, February 1, 2024
Agreed to by the House of Delegates, February 5, 2024

WHEREAS, Janet Marie Brooking, executive director of DRIVE SMART Virginia, a nonprofit organization that promotes road safety, died on November 13, 2023; and

WHEREAS, Janet Brooking grew up in Orange, Virginia, and received a bachelor's degree from what is now Mary Baldwin University and a certificate in philanthropy from the University of Richmond; and

WHEREAS, Janet Brooking also graduated from the Virginia Collaborative Leaders Program at the Institute for Educational Leadership, the Sorensen Institute for Political Leadership at the University of Virginia, and the Center for Creative Leadership; and

WHEREAS, Janet Brooking began serving as executive director of DRIVE SMART Virginia in 2005; in that capacity, she advocated for families of victims of traffic crashes and spearheaded efforts to enact Virginia's hands-free driving law; and

WHEREAS, during Janet Brooking's tenure as executive director, DRIVE SMART Virginia won dozens of awards from the Public Relations Society of America, as well as Governor's Transportation Awards and Telly Awards; and

WHEREAS, under Janet Brooking's leadership, DRIVE SMART reached tens of thousands of teens with interactive educational experiences and delivered safe driving messages to millions of racing and sports fans; and

WHEREAS, Janet Brooking also served for 10 years as state campaign director for the Commonwealth of Virginia Campaign and helped raise more than $28 million for charity; and

WHEREAS, outside of her career, Janet Brooking served as a member of the board of the Virginia Service Foundation and the Advisory Board of Visitors at Mary Baldwin College; she also served as president of the American Society of Safety Engineers Colonial Chapter; and

WHEREAS, Janet Brooking was the recipient of the Drive Safe Hampton Roads 2022 Lifetime Safety Achievement Award; and

WHEREAS, Janet Brooking appreciated music and was an accomplished pianist; she also enjoyed traveling and spending time with loved ones; and

WHEREAS, Janet Brooking will be fondly remembered and greatly missed by numerous family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Janet Marie Brooking, a respected nonprofit leader and advocate for roadway safety who left an indelible mark on the Commonwealth; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family and colleagues of Janet Marie Brooking as an expression of the General Assembly's appreciation of her contributions to the Commonwealth and respect for her memory.

SENATE JOINT RESOLUTION NO. 44

Commending the Honorable Mark C. Simmons.

Agreed to by the Senate, January 25, 2024
Agreed to by the House of Delegates, January 29, 2024

WHEREAS, after a distinguished legal career, the Honorable Mark C. Simmons will retire as a judge of the Fairfax General District Court of the 19th Judicial District of Virginia in 2024; and

WHEREAS, Mark Simmons is a lifelong Virginian who grew up in Arlington and Alexandria and graduated from T.C. Williams High School; he continued his education by earning a bachelor's degree from the University of Virginia and a law degree from The College of William and Mary in Virginia; and

WHEREAS, in between attending college and law school, Mark Simmons worked as a radio reporter and announcer for WRXL and WRNL in Richmond, as well as the Virginia News Network; in addition to general news reporting, he was a member of the Virginia Capitol Correspondents Association and covered all aspects of state government; and

WHEREAS, Mark Simmons began his legal career with the U.S. Department of Labor, then joined the Office of the Fairfax Commonwealth's Attorney in 1987; in that capacity, he prosecuted a wide range of more than 1,000 cases, including 125 that ended with a jury trial, and successfully represented Fairfax County in a voting rights challenge that was heard before the Supreme Court of Virginia; and

WHEREAS, in 2000, Mark Simmons was appointed as a judge of the Fairfax General District Court of the 19th Judicial District of Virginia and presided over the court with great fairness and wisdom for more than two decades; and

WHEREAS, during his time on the bench, Mark Simmons served on numerous committees and was a faculty member of the Virginia State Bar's Harry L. Carrico Professionalism Course and the National Judicial College at the University of Nevada in Reno; and

WHEREAS, in all of his endeavors, Mark Simmons has enjoyed the love and support of his wife of 29 years, Tracey, and their daughter, Casey; outside of his career, he is an avid fan of the Washington Nationals and has held season tickets since the team relocated to Washington, D.C., in 2005; and

WHEREAS, Mark Simmons has served the Commonwealth and the Fairfax community with the utmost dedication, integrity, and distinction; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend the Honorable Mark C. Simmons on the occasion of his retirement as a judge of the 19th Judicial District of Virginia; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the Honorable Mark C. Simmons as an expression of the General Assembly's admiration for his legacy of achievements and best wishes on a well-earned retirement.

SENATE JOINT RESOLUTION NO. 45

Commending Kathy Mack.

Agreed to by the Senate, January 25, 2024
Agreed to by the House of Delegates, January 29, 2024

WHEREAS, Kathy Mack has provided delicious cuisine to the Alexandria community, as an owner of Via Veneto, a local institution that has served generations of Northern Virginia families from its location in the Hollin Hall Shopping Center for nearly 40 years; and

WHEREAS, Via Veneto was established in 1984 by Kathy Mack's mother and aunt, Marisa Fleck and Guiliana Austin, who immigrated to the United States from Marotta, Italy, and enhanced local life by serving authentic Northern Italian dishes in a warm and welcoming atmosphere; and

WHEREAS, Kathy Mack spent many years working at Via Veneto, learning every aspect of the business, which became one of the oldest family-owned and operated restaurants in Alexandria; and

WHEREAS, Kathy Mack ultimately followed in her mother's footsteps as the owner of Via Veneto, which had been named for one of the most famous and elegant streets in Rome, and continued the restaurant's traditions of excellence; and

WHEREAS, Kathy Mack often greeted regular customers by name and ensured that every guest got a true taste of Italian hospitality along with homemade pasta and other traditional family recipes, creating an incomparable dining experience for residents and visitors to the region; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Kathy Mack for her service to Alexandria residents as a restauranteur on the occasion of her retirement as owner of Via Veneto; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Kathy Mack as an expression of the Senate of Virginia's admiration for her contributions to the community.

SENATE JOINT RESOLUTION NO. 46

Designating December, in 2024 and in each succeeding year, as Chest Wall Deformity Awareness Month in Virginia.

Agreed to by the Senate, February 7, 2024
Agreed to by the House of Delegates, February 28, 2024

WHEREAS, chest wall deformities, or abnormally shaped chests, are a common condition that affect about one in 500 people; and

WHEREAS, the two most common types of chest wall deformities are pectus excavatum, also known as funnel chest or concave chest, which occurs when the breastbone pushes inward, and pectus carinatum, also known as pigeon chest or raised chest, which is a condition where the breastbone and ribs protrude; and

WHEREAS, chest wall deformities often first become noticeable early in a child's life when the child is one or two years of age; the deformity may be mild at first and become more severe during puberty, when a child's bones and cartilage are growing rapidly; and

WHEREAS, the Nuss procedure, invented in 1987 by Dr. Donald Nuss at Children's Hospital of The King's Daughters in Norfolk, is a minimally invasive procedure for treating pectus excavatum that has improved the lives of patients across the world; and

WHEREAS, it is fitting and proper to recognize the efforts of organizations and families working to ensure a better life for those affected by chest wall deformities; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly designate December, in 2024 and in each succeeding year, as Chest Wall Deformity Awareness Month in Virginia; and, be it

RESOLVED FURTHER, That the Clerk of the Senate transmit a copy of this resolution to the Nuss Center at Children's Hospital of The King's Daughters in Norfolk so that members of the organization may be apprised of the sense of the General Assembly of Virginia in this matter; and, be it

RESOLVED FINALLY, That the Clerk of the Senate post the designation of this month on the General Assembly's website.

SENATE JOINT RESOLUTION NO. 47

Requesting the State Corporation Commission, in collaboration with the Department of Energy, to study performance-based regulatory tools for investor-owned electric utilities in the Commonwealth. Report.

Agreed to by the Senate, March 5, 2024
Agreed to by the House of Delegates, March 4, 2024

WHEREAS, energy is essential to the health, safety, and welfare of the people of the Commonwealth and to the Commonwealth's economy; and

WHEREAS, a well-capitalized utility that is financially stable is vital to every aspect of the Commonwealth; and

WHEREAS, performance-based regulation and alternative regulatory tools represent a potential opportunity for the Commonwealth to further align the financial incentives of investor-owned utilities with public interest goals, including reliability, customer satisfaction, and the deployment of the best-available and lowest-cost energy technologies, in meeting the policies of the Commonwealth; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the State Corporation Commission, in collaboration with the Department of Energy, be requested to study performance-based regulatory tools for investor-owned electric utilities. Such study shall evaluate the potential of such tools and alternative regulatory tools to modernize the legal or regulatory framework relevant to such utilities and competitive service providers. Such review shall consider the long-term financial stability of investor-owned utilities and balance the interests of all stakeholders for the benefit of the Commonwealth. For purposes of this resolution, "competitive service providers" means entities with generation or transmission and licensed suppliers that sell electricity to end-use customers.

In conducting its study, the State Corporation Commission (the Commission) shall evaluate the potential of performance-based regulatory tools and alternative regulatory tools to assist in the regulation of investor-owned electric utilities by (i) tracking and achieving improved performance in affordability, reliability, customer service, and resiliency; (ii) enhancing cost-containment incentives; (iii) streamlining planning and resource procurement to secure competitive prices for energy infrastructure; (iv) harmonizing financial incentives created through regulation with the Commonwealth's energy policy goals; (v) eliminating disincentives for utilities to deploy third-party and customer-owned generation, energy efficiency savings, and peak-load reduction; and (vi) making progress toward the Commonwealth's decarbonization goals. The Commission shall (a) provide an analysis of the current regulatory framework and the financial incentives such framework creates for investor-owned electric utilities and competitive service providers in the Commonwealth; (b) identify possible misalignments between such incentives for investor-owned utilities and competitive service providers and the Commonwealth's energy policy goals; (c) analyze performance-based and alternative regulatory tools used in other jurisdictions to correct such misalignments; (d) review the varying obligations on investor-owned utilities and competitive service providers; (e) analyze the potential impact of competitive service providers to all customers in the Commonwealth; (f) propose reforms to the current regulatory framework; (g) identify reforms that could be implemented under the current authority vested in the Commission, as well as reforms requiring additional enabling legislation; and (h) consider whether and how these tools assist in preventing carbon leakage from the manufacturing sector. Tools the Commission shall consider in its study include reporting metrics, scorecards, performance-incentive mechanisms, the decoupling of electricity sales from utility revenues, multiyear rate plans, fuel cost-sharing mechanisms, best practices for all-source competitive procurement, and strategies to equalize financial incentives to deploy capital expenditures and operating expenses and any other information deemed relevant or helpful by the Commission in its review. Performance areas the Commission shall consider in conducting such study include (1) reliability and resiliency; (2) affordability for customers; (3) emergency response and safety; (4) cost-efficient utility investments and operations; (5) customer service; (6) savings maximization from energy efficiency and exceedance of statutorily required savings levels; (7) peak-demand reductions; (8) integration of distributed energy resources, including the quality and timeliness of interconnection of customer-owned and third-party-owned resources; (9) environmental justice and equity; (10) beneficial electrification, including in the transportation and buildings sectors; (11) maximization of available federal funding; (12) decarbonization of the Commonwealth's electricity sector; (13) cyber and physical security of the grid; (14) annual and monthly generation and resource needs in addition to hourly generation and resource needs on the 10 hottest and coldest days of the year; and (15) any other topics deemed relevant and useful to the Commission in its review of performance areas.

In conducting its study, the Commission shall gather comments and include the input and recommendations of a stakeholder process that shall be developed by the Department of Energy (the Department). The Department shall create and facilitate such stakeholder process and shall include as stakeholders electric utilities in the Commonwealth, competitive service suppliers in the Commonwealth, representatives of all customer classes, Commission staff, the Office of the Attorney General, environmental organizations, consumer protection groups, and local communities. Such stakeholder process shall engage stakeholders in the Commission's study of alternative regulatory tools and other jurisdictions' experiences, successes, and failures in implementing such tools, and such process shall lead to the development and proposal of potential reforms to the current regulatory framework of investor-owned electric utilities in the Commonwealth that shall inform the Commission's final report. The activities of such stakeholder group shall include (A) facilitated workshops and presentations on alternative regulatory tools, (B) opportunities for open dialogue and meaningful input,

(C) access to the information and other resources necessary for robust engagement, and (D) the opportunity to respond to proposals, as appropriate.

Technical assistance shall be provided to the Commission by the Department. In conducting its study, the Commission may engage consultants with experience in alternative utility regulation and performance-based regulation. All agencies of the Commonwealth shall provide assistance to the Commission for this study, upon request.

The Commission shall complete its meetings by September 30, 2025, and shall submit to the Governor and the General Assembly an executive summary and report of its findings and recommendations for publication as a House or Senate document by October 15, 2025. The executive summary and report shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports no later than the first day of the next Regular Session of the General Assembly and shall be posted on the General Assembly's website. The Commission and the Department shall report their findings and recommendations to the Senate Committee on Commerce and Labor and the House Committee on Labor and Commerce and shall additionally present their findings and recommendations in a public meeting to the Commission on Electric Utility Regulation by November 15, 2025.

SENATE JOINT RESOLUTION NO. 48

Designating March 31, in 2024 and in each succeeding year, as FIRST Robotics Day in Virginia.

Agreed to by the Senate, February 7, 2024
Agreed to by the House of Delegates, February 28, 2024

WHEREAS, For the Inspiration and Recognition of Science and Technology, or FIRST, is a global nonprofit organization dedicated to preparing young people for the future through a suite of inclusive, team-based robotics programs for ages four through 18; and

WHEREAS, robotics is rapidly proving to be one of the most effective, compelling, and engaging means for teaching and reinforcing fundamental science, technology, engineering, and mathematics (STEM) concepts as well as inspiring the nation's youth to pursue STEM-related careers, thereby helping to create a highly skilled, 21st-century American workforce; and

WHEREAS, there is a strong need to recognize America's leadership in robotics technology; educate the public on robotics technology's broad potential, growing importance, and future impact on American society; underscore the need for increased investment in robotics technology research and development; and inspire the nation's youth to pursue careers in robotics and other STEM-related fields; and

WHEREAS, the United States has the largest number of academic and research organizations with dedicated programs focused on the advancement of robotics technology; and

WHEREAS, aptitude in mathematics, science, and engineering is essential for a knowledge-based society; and

WHEREAS, deep, hands-on STEM experiences at school districts around the country hold the potential to build strong foundations for STEM literacy; increase diversity, equity, and inclusion in STEM; and prepare the STEM workforce for the future; and

WHEREAS, not all STEM jobs require a traditional four-year degree, so a greater and more diverse array of pathways toward STEM education should be encouraged; and

WHEREAS, FIRST has a unique relationship with the Commonwealth and businesses and organizations operating in the Commonwealth, with the organization being sponsored by NASA Langley, Dominion Energy, Inc., Booz Allen Hamilton Holding Corporation, Bechtel Corporation, Leidos, and Newport News Shipbuilding, among other partners; and

WHEREAS, FIRST is partnered with several public colleges in the Commonwealth, including Virginia Polytechnic Institute and State University, George Mason University, James Madison University, Virginia State University, Virginia Commonwealth University, and the University of Virginia; and

WHEREAS, FIRST Chesapeake, a regional district of FIRST, supports more than 300 robotics teams, totaling over 6,700 kindergarten through 12th grade students and 650 volunteer mentors; and

WHEREAS, FIRST robotics has developed deep partnerships across the Commonwealth's education, nonprofit, economic development, government, and industry sectors since receiving its originating state support from the former Virginia Business-Education Partnership (VBEP) in 2000; and

WHEREAS, the emerging market for robotics and related technology in various sectors, including health care, national defense, homeland security, energy, manufacturing, logistics, transportation, agriculture, education, consumer goods, and others is expected to grow at a compound annual growth rate of nearly 20 percent over the next few years to become a $27 billion industry worldwide; and

WHEREAS, robotics is a critical technology capable in the near term of contributing to the economic recovery by creating new jobs, increasing productivity, improving quality of life, and increasing worker safety; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly designate March 31, in 2024 and in each succeeding year, as FIRST Robotics Day in Virginia; and, be it

RESOLVED FURTHER, That the Clerk of the Senate transmit a copy of this resolution to For the Inspiration and Recognition of Science and Technology so that members of the organization may be apprised of the sense of the General Assembly of Virginia in this matter; and, be it

RESOLVED FINALLY, That the Clerk of the Senate post the designation of this day on the General Assembly's website.

SENATE JOINT RESOLUTION NO. 50

Commending John T. Frey.

Agreed to by the Senate, January 25, 2024
Agreed to by the House of Delegates, January 29, 2024

WHEREAS, John T. Frey, a dedicated and highly respected public servant, retired as the clerk of the Fairfax Circuit Court after 32 years of exceptional contributions to the residents of the City of Fairfax and Fairfax County; and

WHEREAS, John Frey became the clerk of the Fairfax Circuit Court in 1992 and pioneered the use of electronic systems for filing and recording land records; he oversaw the digitization of existing records and implemented secure, remote access to the system; and

WHEREAS, John Frey's efforts revolutionized the real estate industry by allowing title searches, settlements, and the recording of transactions to be conducted remotely; he subsequently served on statewide work groups to develop the Virginia Information Technologies Agency's Secure Remote Access Standards, which were modeled on the Fairfax system, and the Land Records Electronic Filing Standards; and

WHEREAS, during the COVID-19 pandemic, John Frey worked diligently to ensure that the Fairfax Circuit Court continued serving members of the public by drawing on his experience with land records e-filing to develop virtual processes for probate and marriage licenses; and

WHEREAS, among many other achievements, John Frey also reduced the on-call period for jury duty from eight weeks to one day or the length of one trial; and

WHEREAS, respected in his field, John Frey served on the board of directors of the National Association of County Recorders, Election Officials, and Clerks for several years, including a term as president in 2002-2003, and as president of the Virginia Court Clerks Association in 2017; and

WHEREAS, John Frey provided his wise leadership and expertise to the legal community as a board member of the Fairfax Bar Foundation and as a governor's appointee to the State Public Records Advisory Board and the Virginia Board for People with Disabilities; and

WHEREAS, over the course of his distinguished career, John Frey was named the Public Official of the Year by the National Association of County Recorders, Election Officials, and Clerks in 2006, and he was selected as one of the Leaders in Law by *Lawyers Weekly* in 2015; and

WHEREAS, during his long tenure as a clerk of court, John Frey served the Fairfax community with the utmost integrity, professionalism, and distinction, and he helped the Fairfax Circuit Court maintain its reputation as one of the most efficient and effective courts in the Commonwealth; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend John T. Frey on the occasion of his retirement as clerk of the Fairfax Circuit Court; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to John T. Frey as an expression of the General Assembly's admiration for his exceptional service to the residents of the City of Fairfax, Fairfax County, and the Commonwealth.

SENATE JOINT RESOLUTION NO. 51

Celebrating the life of James Marlin Patton.

Agreed to by the Senate, January 25, 2024
Agreed to by the House of Delegates, January 29, 2024

WHEREAS, James Marlin Patton of Newport News, a longtime employee of The College of William and Mary in Virginia and a consummate educator who helped enhance diversity and equity in higher education, died on June 17, 2023; and

WHEREAS, James Patton grew up in Kentucky, where he attended Catholic schools, then earned a bachelor's degree from Kentucky State University and a master's degree from the University of Louisville; he subsequently received a doctorate from Indiana University; and

WHEREAS, James Patton began his 40-year career as a special education teacher, then transitioned to higher education, first as a faculty member at Hampton University, then as a faculty member, department chair, interim dean, and assistant to the vice president of academic affairs at Virginia State University; and

WHEREAS, James Patton worked for the Department of Education as director of teacher education for three years, before he joined The College of William and Mary in Virginia as a professor of education; and

WHEREAS, James Patton taught undergraduate and graduate level courses related to curriculum and instruction and educational policy planning and leadership; he inspired hundreds of teachers at the institution by leading the introductory social foundation course and supervising the culminating student teaching experience; and

WHEREAS, James Patton co-authored or directed several grant applications to design and evaluate inclusive educational programs, and as an associate dean at The College of William and Mary School of Education from 1991 to 1999, he helped build a more diverse and welcoming community through his committee assignments and proactive leadership; and

WHEREAS, James Patton reshaped higher education in the Commonwealth and beyond through his insightful research into the needs of diverse student bodies and practices to more effectively educate all learners; his publications and presentations addressed the overrepresentation of Black students in special education programs and their underrepresentation in gifted programs; and

WHEREAS, highly admired in his field, James Patton was appointed by the governor to the Virginia Board for People with Disabilities; he served on a commission to assess the impact of certain court cases on higher education in the Commonwealth and offered his leadership and expertise to the board of An Achievable Dream; and

WHEREAS, a man of deep and abiding faith, James Patton enjoyed fellowship and worship with the community as a devout member of St. Vincent de Paul Catholic Church; and

WHEREAS, James Patton will be fondly remembered and greatly missed by his children, Asha and Ade, and their families; and numerous other family members, friends, colleagues, and former students; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of James Marlin Patton, a distinguished educator who touched countless lives over the course of his exceptional career; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of James Marlin Patton as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 52

Celebrating the life of Jackie (Jack) Duckette Hunter.

Agreed to by the Senate, January 25, 2024
Agreed to by the House of Delegates, January 29, 2024

WHEREAS, Jackie Duckette Hunter, a distinguished veteran of the United States Air Force and a devoted volunteer leader who worked to enhance the quality of life in Newport News and throughout Hampton Roads, died on August 28, 2023; and

WHEREAS, Jackie "Jack" Hunter grew up in Rock Hill, South Carolina, and attended Emmett Scott High School, where he was a saxophone player in the marching band; he continued his education at Denmark Technical College, earning a degree as a master electrician, then joined the United States Air Force; and

WHEREAS, over the course of his 22-year career in the military, Jack Hunter participated in Operation Desert Shield during the First Gulf War and was posted to bases in Virginia and Florida, as well as England, Panama, and South Korea; and

WHEREAS, in recognition of his outstanding service to the nation, Jack Hunter received the Meritorious Service Medal with two oak leaf clusters, the Air Force Commendation Medal, the Air Force Good Conduct Medal, with six oak leaf clusters, and many other awards and decorations; and

WHEREAS, Jack Hunter retired from the United States Air Force with the rank of master sergeant, then held leadership positions at various companies, including Gateway Computers, where he greatly enjoyed his time supporting team members as a supervisor; and

WHEREAS, in 2005, having earned his real estate license decades earlier, Jack Hunter changed careers and became a full-time certified property manager for REMAX Peninsula in Newport News, where he served until the time of his passing; and

WHEREAS, Jack Hunter volunteered his leadership and expertise to 100 Black Men of Virginia Peninsula, where he served as co-chair of the annual scholarship gala and was passionate about mentoring and inspiring youth members; and

WHEREAS, Jack Hunter also worked to enhance community life through the Virginia Peninsula Association of Realtors, the Hampton Chapter of The Links, Inc., and many other organizations; and

WHEREAS, Jack Hunter cultivated his faith at a young age as a member of Mount Prospect Baptist Church in South Carolina, and he remained an active member of the congregation throughout his life; and

WHEREAS, Jack Hunter was an avid world traveler who visited Jamaica, Mexico, Barbados, Bolivia, Ecuador, Argentina, Germany, France, and many other destinations with a group of close friends; and

WHEREAS, Jack Hunter will be fondly remembered and greatly missed by his beloved wife of 37 years, Bonita; his daughter, Niquel, and her family; and numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Jackie Duckette Hunter, a respected veteran and a highly admired member of the Newport News community; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Jackie Duckette Hunter as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 53

Celebrating the life of Helen Delores Bandy.

Agreed to by the Senate, January 25, 2024
Agreed to by the House of Delegates, January 29, 2024

WHEREAS, Helen Delores Bandy, a highly admired member of the community in Hampton Roads, died on June 2, 2023; and

WHEREAS, born in 1926, Helen Bandy witnessed firsthand countless historical events throughout the 20th century, from the Great Depression and World War II to the civil rights movement, the moon landing, and the dawn of the Internet era; and

WHEREAS, Helen Bandy grew up in Enfield, North Carolina, and was a member of the first graduating class of Peninsula Business College in Newport News; and

WHEREAS, Helen Bandy worked as a cashier in the coffee shop of Fort Eustis in Newport News and rose through the ranks to become the director of finance and accounting for the installation; and

WHEREAS, Helen Bandy inspired others through her sense of humor and zest for life, and was an active community leader in Hampton Roads; and

WHEREAS, Helen Bandy was a local sensation as the first person to own a television in the Newsome Park neighborhood, worked on the Central Intercollegiate Athletic Association basketball tournament, and earned several local accolades for her personal and professional achievements; and

WHEREAS, Helen Bandy was also active in local government, and she once received a phone call from then Vice President Joseph R. Biden, during which she proudly encouraged him to seek election to the presidency; and

WHEREAS, Helen Bandy was a woman of deep and abiding faith, who enjoyed fellowship and worship with the congregation of First Baptist Church East End, which she supported generously; and

WHEREAS, predeceased by her husband, Ralph, Helen Bandy will be fondly remembered and greatly missed by her daughter, Margaret, and her family; and numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Helen Delores Bandy, a vibrant resident of Hampton Roads; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Helen Delores Bandy as an expression of the General Assembly's respect for her memory.

SENATE JOINT RESOLUTION NO. 54

Celebrating the life of the Reverend Dr. Salathiel J. Henderson.

Agreed to by the Senate, January 25, 2024
Agreed to by the House of Delegates, January 29, 2024

WHEREAS, the Reverend Dr. Salathiel J. Henderson, a religious leader in Hampton who enhanced community life through his inspirational faith and dedication to service, died on November 10, 2023; and

WHEREAS, Salathiel Henderson grew up in Key West, Florida, where he graduated from Frederick Douglass High School; and

WHEREAS, after his high school graduation, Salathiel Henderson served the nation as a member of the United States Air Force for 23 years, during which time he continued his education by earning associate and bachelor's degrees from what is now Saint Leo University; and

WHEREAS, Salathiel Henderson served as the longtime president of the Ministers' Coalition for Hampton and Vicinity, and in 2010 received an honorary doctor of divinity degree from Canaan Theological Seminary in recognition of his contributions to the faith community in the region; and

WHEREAS, beginning in 2012, Salathiel Henderson served as pastor of New Beginning Faith Community Baptist Church in Wakefield for many years; he was also an active member of Antioch Baptist Church in Hampton as an associate minister and a member of the music ministry, bereavement ministry, and military ministry; and

WHEREAS, Salathiel Henderson further served his fellow residents of Hampton Roads as president of the board of directors for Hampton V.A. Federal Credit Union and a life member and chaplain of the Hampton Branch of the NAACP; and

WHEREAS, Salathiel Henderson will be fondly remembered and greatly missed by his devoted wife of more than 54 years, Mary Louise; his sons Salathiel II and Shane, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of the Reverend Dr. Salathiel J. Henderson; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of the Reverend Dr. Salathiel J. Henderson as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 55

Celebrating the life of Zenobia Helen Miller Taylor.

Agreed to by the Senate, January 25, 2024
Agreed to by the House of Delegates, January 29, 2024

WHEREAS, Zenobia Helen Miller Taylor, a former educator and a vibrant member of the Hampton community who touched countless lives through her kindness and grace, died on June 4, 2023; and

WHEREAS, Zenobia Taylor grew up in Fort Valley, Georgia, where she attended public schools; she later earned a bachelor's degree in early childhood education from what is now Hampton University and ultimately stayed in Hampton for more than 70 years; and

WHEREAS, after her youngest child started kindergarten, Zenobia Taylor began working for Hampton City Schools as a teacher's aide and an early childhood educator; she also worked at Hampton University's laboratory school, an elementary school run by the institution; and

WHEREAS, Zenobia Taylor offered her time and talents to the Gamma Upsilon Chapter of Alpha Kappa Alpha Sorority, Inc., the American Association of University Women, and the National Association of Letter Carriers Auxiliary; and

WHEREAS, a woman of deep and abiding faith, Zenobia Taylor enjoyed fellowship and worship with the Hampton community as an active member of Saint Vincent de Paul Catholic Church; and

WHEREAS, Zenobia Taylor brought joy to others through her warm spirit and generosity; she went out of her way to make everyone feel special and worked to find beauty in everyday life; and

WHEREAS, through her wisdom and personal strength, Zenobia Taylor helped countless family members and friends stay positive during challenging times; and

WHEREAS, predeceased by her husband of 67 years, Wilford, Sr., and one son, James, Zenobia Taylor will be fondly remembered and greatly missed by her children, Wilford, Jr., Jill, and Michelle, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Zenobia Helen Miller Taylor, a beloved member of the Hampton community; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Zenobia Helen Miller Taylor as an expression of the General Assembly's respect for her memory.

SENATE JOINT RESOLUTION NO. 56

Celebrating the life of Michael Anthony Harper.

Agreed to by the Senate, January 25, 2024
Agreed to by the House of Delegates, January 29, 2024

WHEREAS, Michael Anthony Harper, a champion for the Aberdeen neighborhood in Hampton who dedicated his time and talents to community and civic service throughout the region, died on April 13, 2023; and

WHEREAS, Michael Harper studied computer technology at ECPI University and marketing management at Norfolk State University; and

WHEREAS, Michael Harper served the residents of Hampton as the city planning commissioner and District 10 neighborhood commissioner; he was particularly passionate about promoting and enhancing the quality of life in Aberdeen; and

WHEREAS, Michael Harper supported local young people as an executive board member of Deen Ball Sports, Inc., which provides youth athletics programs to hundreds of participants each year; and

WHEREAS, Michael Harper was also a prolific writer with a masterful command of the English language who could captivate readers with his vibrant tales of the Aberdeen community and other stories; and

WHEREAS, Michael Harper will be fondly remembered and greatly missed by his beloved daughter, Jordin; and numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Michael Anthony Harper; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Michael Anthony Harper as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 57

Commending Dementi Studio.

Agreed to by the Senate, January 25, 2024
Agreed to by the House of Delegates, January 29, 2024

WHEREAS, Dementi Studio, a photography studio in Richmond offering a range of services, including portraiture, business headshots, school photos, engagement and bridal portraits, commercial and event photography, drone photography, and photograph and print restoration, celebrates 100 years of service to its customers in 2024; and

WHEREAS, Anthony "Tony" L. Dementi, the founder of Dementi Studio, started his career working at W. W. Foster Studio, which was established in 1881 and located across from the Virginia State Capitol, focusing in his early years on commercial photography in addition to covering events for the *Richmond News Leader*; and

WHEREAS, Tony Dementi helped pioneer the use of self-contained flash bulbs, an innovation that transformed the photographic industry, by testing some of the first flash bulbs when capturing an event at the John Marshall Hotel in Richmond in 1928; and

WHEREAS, Tony Dementi trained and worked alongside his brother Frank Dementi and then his son Robert "Bob" Dementi, who went on to earn a master's degree in photography from the Professional Photographers of America, to be elected as a member of the Royal Photographic Society of Great Britain, and to serve as the president of the Virginia Professional Photographers Association; and

WHEREAS, Bob Dementi, who was recognized repeatedly over the course of his career for the quality of his portraiture, expanded Dementi Studio by acquiring Foster Studio of Richmond in 1972, uniting two of the city's historic photography firms; and

WHEREAS, Dementi Studio donated an extensive glass plate negative collection to what is now the Virginia Museum of History and Culture and other negatives of local interest to the Valentine Museum; and

WHEREAS, upon Tony Dementi's retirement, Bob Dementi and his wife, Elisabeth "Betty" Dementi, continued operating Dementi Studio and were later joined by their son Anthony "Rob" Dementi after he graduated from Washington and Lee University; and

WHEREAS, after Bob Dementi's passing in 1988, Betty and Rob Dementi assumed leadership of Dementi Studio, continuing the family tradition while initiating a transition to digital photography; and

WHEREAS, after Rob Dementi established another photography business in Salem, Betty Dementi carried on the business of Dementi Studio and was joined for several years by Wayne Dementi, Frank Dementi's son; and

WHEREAS, Dementi Studio has continued to operate since 2010 under the ownership of a member of the third generation of the Dementi family, Bob and Betty Dementi's daughter, Margit Dementi Rankin, with able leadership from David Miller, who joined the staff in 2005 and who in 2010 became principal photographer and studio director; and

WHEREAS, over its century-long history, Dementi Studio has employed over 150 artists and photographic technicians, many of whom established their own practices; meanwhile, the studio has both pioneered new technologies and continued to adapt to the latest technologies as the field has changed radically from glass plates to digital photography; and

WHEREAS, the Dementi family and Dementi Studio staff have always maintained a profound sense of the historic importance of documenting the people, history, and significant events of the region, including portraits of members of the General Assembly and governors of the Commonwealth; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Dementi Studio, a photography business in Richmond, on the occasion of its 100th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Dementi Studio as an expression of the General Assembly's admiration for the company's longevity and high-quality services.

SENATE JOINT RESOLUTION NO. 58

Commending LeadingAge Virginia.

Agreed to by the Senate, January 25, 2024
Agreed to by the House of Delegates, January 29, 2024

WHEREAS, for the past 50 years, the tireless efforts of countless individuals and members of LeadingAge Virginia have expanded the world of possibilities for all aging adults in the Commonwealth and improved their quality of life through compassionate care; and

WHEREAS, these efforts, made with open hearts and minds, have taken many expanding forms since LeadingAge Virginia's outset in 1973, including programs that provide housing, specialized physical and emotional care, and other services to Virginia's aging population, as well as initiatives that promote awareness of the unique contributions, distinctions, and value of nonprofit organizations in serving older adults; and

WHEREAS, LeadingAge Virginia has made a profound and lasting impact by creating a positive aging experience for Virginians, addressing their unique aging needs and helping them to live with dignity, respect, and independence, all while embracing their diverse perspectives; and

WHEREAS, LeadingAge Virginia has fulfilled its mission through the tremendous contributions of employees and volunteers who have dedicated their time, resources, and energy to the aging services field; their achievements have helped create a better future for older adults and promoted a culture of respect, compassion, and inclusivity for all; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend LeadingAge Virginia on the occasion of its 50th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to LeadingAge Virginia as an expression of the General Assembly's admiration for the organization's important mission to support older adults and ensure that all Virginians maintain opportunities to continue to participate fully in their communities as they age.

SENATE JOINT RESOLUTION NO. 59

Commending Pohick Church.

Agreed to by the Senate, January 25, 2024
Agreed to by the House of Delegates, January 29, 2024

WHEREAS, Pohick Episcopal Church, the home church of George Washington and George Mason, has provided inspirational religious leadership and transformative outreach to the members of the Lorton community and the Commonwealth from its current location for 250 years; and

WHEREAS, Pohick Church is listed on the Virginia Landmarks Register and the National Register of Historic Places and bears historical significance as an elegant specimen of Georgian-style architecture, reflecting its Colonial-era origins, while continuing to serve as an active Episcopal Church; and

WHEREAS, originally known as the Occoquan Church, Pohick Church was established around 1724, and as the first permanent church established north of the Occoquan River, it has been called "the Mother Church of Northern Virginia"; and

WHEREAS, Pohick Church played a pivotal role as the spiritual sanctuary of George Washington; as a Truro Parish vestryman, he assumed responsibilities for overseeing financial matters, church and community leadership, and clergy elections, and was himself elected as church warden; and

WHEREAS, George Washington surveyed the land and played a crucial part in the relocation, design, and construction of the current Pohick Church, which was completed in 1774; and

WHEREAS, in addition to George Washington, fellow vestryman George Mason and other significant figures of the era claimed Pohick Church as their spiritual home; their faith and unwavering commitment to individual liberties were a fundamental and integral component of the drafting of the Virginia Declaration of Rights, and the church was the location of the early discussions leading to the Fairfax Resolves; and

WHEREAS, Pohick Church stands as a testament to the collective endeavors and achievements of its congregants, including noteworthy individuals like George Washington and George Mason, other local tradespeople and business owners, community members, and numerous enslaved Africans, and in 2023, the church immortalized many of their names in bronze to serve as a commemoration and a lasting reminder of their contributions to the early history of the nation; and

WHEREAS, Pohick Church has solidified its role as a spiritual haven and welcoming community for military veterans, reflecting its historical association with George Washington in its present-day congregation, which has counted veterans of every branch of service among its membership, as well as numerous alumni from institutions such as the United States Military Academy, the United States Naval Academy, the United States Coast Guard Academy, the Citadel, and Virginia Military Institute; and

WHEREAS, Pohick Church continues to welcome seekers and newcomers of all backgrounds, races, and cultures, reaching out to the wider community through a variety of ministries in the spirit of its forebears; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Pohick Episcopal Church, one of the most historically significant churches in the Commonwealth and the nation, on the occasion of its 250th anniversary of the completion of its 1774 church building; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Pohick Episcopal Church on Presidents' Day 2024 as an expression of the General Assembly's admiration for the church's unique role in American history as the home church of George Washington, and for the ways the church has carried forward the spiritual legacy of its founders to current and future generations.

SENATE JOINT RESOLUTION NO. 60

Celebrating the life of Annie Delilah Jones Doggett.

Agreed to by the Senate, January 25, 2024
Agreed to by the House of Delegates, January 29, 2024

WHEREAS, Annie Delilah Jones Doggett, a beloved wife, mother, grandmother, sister, and member of the Surry County community, died on November 4, 2023; and

WHEREAS, raised on a small farm outside of Smithfield, Delilah Doggett graduated from Smithfield High School in 1941 and afterward worked for some time in the accounting department of a local packing plant, V.W. Joyner & Co.; and

WHEREAS, from 1952 to 1990, Delilah Doggett served as bookkeeper, accountant, and payroll master of her husband Everett's farm operation in Surry County, helping to manage the family business; and

WHEREAS, Delilah Doggett devoted herself to her community in many ways, including as a longtime member of the Bethany Home Demonstration Club and as an election official at the Bacon's Castle precinct in Surry County for more than 30 years; and

WHEREAS, revered for her sweet and hospitable nature, Delilah Doggett had a reputation among those who knew her as one who would always readily come to the aid of another in their time of need; and

WHEREAS, a lifelong member of the Bethany United Methodist Church in Smithfield, Delilah Doggett found great joy in teaching primary grade Sunday school for more than 30 years and was also active in the ladies Bible class and what is now known as United Methodist Women; and

WHEREAS, preceded in death by her loving husband of 65 years, Everett, and her daughter Sandra, Delilah Doggett will be fondly remembered and dearly missed by her children, Ruth and Everett III, and their families; and by numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Annie Delilah Jones Doggett, a treasured member of the Surry County community whose kindness and generosity touched countless lives; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Annie Delilah Jones Doggett as an expression of the General Assembly's respect for her memory.

SENATE JOINT RESOLUTION NO. 61

Designating May, in 2024 and in each succeeding year, as Progressive Supranuclear Palsy Month of Awareness in Virginia.

Agreed to by the Senate, February 7, 2024
Agreed to by the House of Delegates, February 28, 2024

WHEREAS, progressive supranuclear palsy, also known as PSP, is a neurodegenerative disease affecting the brain cells, particularly in areas that control mobility, balance, walking, speech, swallowing, vision, behavior, and cognitive abilities; and

WHEREAS, while estimates vary and are often undercounted and misdiagnosed, more than 20,000 Americans are diagnosed with progressive supranuclear palsy in the United States; and

WHEREAS, on average, symptoms manifest after age 60 and can have a severe impact on an individual's quality of life; and

WHEREAS, there is currently no known effective treatment, no known cure, and no known cause of progressive supranuclear palsy; some symptoms may be managed with medication and care, but the lack of understanding about the disease has often led to misdiagnosis, which has in turn caused significant delays in proper intervention and hindered clinical trials; and

WHEREAS, the National Institutes of Health has made strides in the understanding and treatment of progressive supranuclear palsy; and

WHEREAS, it is vital to continue supporting research on progressive supranuclear palsy, as people with the disease can become severely disabled within three to five years of the first onset of symptoms; and

WHEREAS, CurePSP is the leading nonprofit organization dedicated to raising awareness and promoting care programs and cure research for progressive supranuclear palsy and two other neurodegenerative diseases: corticobasal degeneration and multiple system atrophy; and

WHEREAS, in September 2023, United States Representative Jennifer Wexton, a friend and former colleague who previously served in the Senate of Virginia, announced that she had been diagnosed with progressive supranuclear palsy; and

WHEREAS, like many individuals with progressive supranuclear palsy, Congresswoman Wexton was initially diagnosed with Parkinson's disease; she is courageously fighting the disease and has pledged to amplify the voices of those suffering from progressive supranuclear palsy and to raise awareness of the disease both among members of the public and in the health care community; and

WHEREAS, Progressive Supranuclear Palsy Month of Awareness provides an opportunity for all Virginians to learn more about progressive supranuclear palsy and seek ways to support research into treatment and cures or to provide hope and assistance to people living with the disease and their families; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly designate May, in 2024 and in each succeeding year, as Progressive Supranuclear Palsy Month of Awareness in Virginia; and, be it

RESOLVED FURTHER, That the Clerk of the Senate transmit a copy of this resolution to CurePSP so that members of the organization may be apprised of the sense of the General Assembly of Virginia in this matter; and, be it

RESOLVED FINALLY, That the Clerk of the Senate post the designation of this month on the General Assembly's website.

SENATE JOINT RESOLUTION NO. 62

Celebrating the life of the Reverend Henry C. Lee.

Agreed to by the Senate, January 25, 2024
Agreed to by the House of Delegates, January 29, 2024

WHEREAS, the Reverend Henry C. Lee, an inspirational religious leader who touched countless lives while pastoring churches throughout the Northern Neck, died on October 19, 2023; and

WHEREAS, Henry Lee grew up in Westmoreland County, where he attended public schools and graduated from A.T. Johnson High School; he subsequently attended what is now Wilberforce University for one year, then trained as an airplane mechanic; and

WHEREAS, Henry Lee was drafted into the United States Navy and stationed at Naval Surface Warfare Center Dahlgren Division (NSWCDD); he was promoted several times, becoming the first Black supply clerk, the first Black stockman, and the first Black supply foreman; and

WHEREAS, Henry Lee continued to serve the nation as a member of the Navy Reserve and retired from military and government work in 1982 after 30 years of service; and

WHEREAS, Henry Lee was first licensed to preach in January 1958 and ordained as a minister in March 1969; he was installed as pastor of the New Zion Baptist Church in Richmond County in 1970, while still working full time at NSWCDD; and

WHEREAS, Henry Lee simultaneously pastored New Zion Baptist Church and Jerusalem Baptist Church in Westmoreland County from 1975 until 2000; over the course of his career, he also served as an assistant to his father, the Reverend J. B. Lee, at Second Baptist Church and Siloam Baptist Church; and

WHEREAS, Henry Lee further enhanced the quality of life in the region by delivering for Meals on Wheels for more than 30 years, volunteering at the Westmoreland Housing Coalition for 15 years, and chopping and delivering free firewood to local people in need; and

WHEREAS, after his well-earned retirement as a pastor, Henry Lee remained an active community leader in the Northern Neck; and

WHEREAS, predeceased by his wife of 58 years, Ellen, Henry Lee will be fondly remembered and greatly missed by his five children and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of the Reverend Henry C. Lee, a respected religious leader in the Northern Neck; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of the Reverend Henry C. Lee as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 63

Commending Peter A. Blake.

Agreed to by the Senate, February 1, 2024
Agreed to by the House of Delegates, February 5, 2024

WHEREAS, Peter A. Blake, the recently retired director of the State Council of Higher Education for Virginia, served the Commonwealth for 38 years in various capacities in the executive and legislative branches, including as Secretary and Deputy Secretary of Education, as staff to the House Committee on Appropriations, and as vice chancellor at the Virginia Community College System; and

WHEREAS, Peter Blake provided outstanding service to the State Council of Higher Education for Virginia (SCHEV) throughout his tenure and strong leadership of the agency since 2011; and

WHEREAS, Peter Blake forged strong relationships with and unwavering responsiveness to the administrations of 10 governors of the Commonwealth and members of the General Assembly for 39 sessions; and

WHEREAS, Peter Blake brought unparalleled excellence and integrity to his work on behalf of SCHEV to develop innovative statewide postsecondary policies and to manage its system-wide planning, academic, budgetary, consumer-protection, and student service functions; and

WHEREAS, Peter Blake earned the respect of SCHEV members, executive and legislative staff, institutional chief executive officers, and his agency colleagues for his vision, knowledge, compassion, steadfast work ethic, and experience; and

WHEREAS, Peter Blake worked tirelessly for almost four decades to bring together constituencies from across the Commonwealth to promote and improve higher education; and

WHEREAS, Peter Blake was recognized by his national peers in 2022 with the Exceptional Leader Award from the State Higher Education Executive Officers Association; and

WHEREAS, Peter Blake left an indelible legacy, not only at his agency but on all of Virginia higher education, to the benefit of students, their families, and all citizens of the Commonwealth for generations to come; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Peter A. Blake for his exceptional service to the Commonwealth; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Peter A. Blake as an expression of the General Assembly's admiration for his dedication and service.

SENATE JOINT RESOLUTION NO. 64

Confirming appointments by the Governor of agency heads communicated to the General Assembly January 15 and 16, 2024, and reconfirming the appointment of the Director of Department of Wildlife Resources.

Agreed to by the Senate, February 6, 2024
Agreed to by the House of Delegates, February 8, 2024

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly confirm the following appointments of certain persons made by Governor Glenn Youngkin and communicated to the General Assembly January 15 and 16, 2024.

Linda Jackson of **Chesterfield County,** Virginia, Director, Department of Forensic Science, appointed January 15, 2024, for a term of six years beginning December 26, 2023, and ending December 25, 2029, to succeed herself.

Brigadier General James W. Ring of **Midlothian,** Virginia, Adjutant General, Virginia Department of Military Affairs, to serve at the pleasure of the Governor beginning June 3, 2023, to succeed Major General Timothy Williams.

Charles Zingler of **Burke,** Virginia, Commissioner of the Department of Veterans Services, to serve at the pleasure of the Governor beginning January 8, 2024, to succeed Daniel Gade.

RESOLVED FURTHER, That the General Assembly reconfirm the following appointment by the Board of Wildlife Resources pursuant to §§ 29.1-103 and 29.1-109 of the Code of Virginia:

Ryan Brown of **Goochland,** Virginia, Director of the Department of Wildlife Resources effective July 8, 2019.

SENATE JOINT RESOLUTION NO. 65

Celebrating the life of Ivan Herman Tepper.

Agreed to by the Senate, January 25, 2024
Agreed to by the House of Delegates, January 29, 2024

WHEREAS, Ivan Herman Tepper, a highly admired entrepreneur who served the Lynchburg community for three decades as the owner of the industrial supplier Delta Star, Inc., died on August 7, 2023; and

WHEREAS, Ivan Tepper grew up in Chicago, Illinois, and was a lifelong fan of the Chicago Bears; and

WHEREAS, after graduating from the John Marshall Law School in Chicago, Ivan Tepper worked as an attorney for nearly 25 years; and

WHEREAS, Ivan Tepper later relocated to Lynchburg, where he served as chief executive officer and chair of the board of Delta Star, Inc., which he guided to become a national leader in transformer manufacturing and other industrial power supply needs; and

WHEREAS, admired for his strategic mind, compassion, and thoughtful leadership, Ivan Tepper earned many accolades during his 30-year tenure with Delta Star, Inc., including a statewide entrepreneur of the year award; and

WHEREAS, outside of his career, Ivan Tepper had a keen ear for music and was passionate about playing the piano, especially the works of Scott Joplin and other ragtime composers; he was also an avid traveler and relished every opportunity to explore new places, meet new people, and share stories with friends and family; and

WHEREAS, the proud patriarch of a large family, Ivan Tepper will be fondly remembered and greatly missed by his beloved wife, Liliana; his children and stepchildren, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Ivan Herman Tepper, a respected business owner who made many contributions to the Lynchburg community; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Ivan Herman Tepper as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 66

Celebrating the life of Charles Cragg Hines.

Agreed to by the Senate, January 25, 2024
Agreed to by the House of Delegates, January 29, 2024

WHEREAS, Charles Cragg Hines of Arlington, an incomparable journalist and former Washington, D.C., bureau chief who covered major world events for more than three decades, and who later became an inspirational volunteer and activist in Northern Virginia, died on December 16, 2023; and

WHEREAS, a native Texan, Cragg Hines grew up in Dallas, where he graduated from Highland Park High School; he earned a bachelor's degree from the University of North Texas and covered the 1964 Texas Republican Convention as a student journalist; and

WHEREAS, after graduation, Cragg Hines fulfilled his dream to pursue a career in journalism and worked for United Press International in Dallas and Austin, Texas, and Little Rock, Arkansas, where he met future president Bill Clinton when he was an intern for a United States senator; and

WHEREAS, Cragg Hines was awarded a Congressional Fellowship by the American Political Science Association for the 1970–1971 academic year, then joined the *Houston Chronicle* at its Washington, D.C., bureau in 1972; he hit the ground running, helping cover the Watergate break-in during his very first week at the bureau and later meeting Hunter S. Thompson while they were both covering George McGovern's unsuccessful campaign for president; and

WHEREAS, in recognition of his keen instincts and charismatic leadership, the *Houston Chronicle* promoted Cragg Hines to bureau chief in 1983, a position he held until 2000, when he became a part-time opinion columnist for seven more years, before his well-earned retirement in 2007; and

WHEREAS, over the course of his storied 35-year career with the *Houston Chronicle*, Cragg Hines covered 18 national Democratic and Republican conventions; flew on Air Force One multiple times and asked questions at presidential news conferences of Ronald Reagan, George H.W. Bush, Bill Clinton, and George W. Bush; covered Barack Obama's campaign for United States Senate in 2004; and covered Terry McAuliffe's work as chair of the Democratic National Committee; and

WHEREAS, Cragg Hines provided an important voice for the LGBTQ community, reporting on the significance of the LGBTQ vote as early as 1976, during Jimmy Carter's presidential campaign; and

WHEREAS, Cragg Hines traveled the country and the world, following stories of national and global import; he reported on summits between the United States and the Soviet Union in the 1980s, was present for Ronald Reagan's Berlin Wall speech in 1987 and the removal of Checkpoint Charlie in 1991, and subsequently covered the opening salvos of Operation Desert Storm from Saudi Arabia; he authored the main story in the special edition of the *Houston Chronicle* after the attacks on September 11, 2001, for which he won first place in the Texas Associated Press Managing Editors annual journalism competition; and

WHEREAS, known for his witty, sophisticated writing and clear, effective reporting, Cragg Hines was deeply respected by readers, colleagues, and government officials alike; he was a trusted mentor and friend who not only maintained critical institutional knowledge for the press corps on Capitol Hill, but was always quick to recommend the best routes and restaurants to his fellow journalists who were traveling on assignment; and

WHEREAS, after his retirement from the *Houston Chronicle*, Cragg Hines became a freelance writer for *Washingtonian* magazine and immediately began a second chapter of his career as an activist and advocate, joining the Arlington County Democratic Committee as a precinct captain in 2007; he went on to hold leadership positions in the Eighth Congressional District Democratic Committee and the Democratic State Central Committee and provided his insights and wise counsel to many Democratic candidates running for elected office; and

WHEREAS, Cragg Hines served as a state convention delegate for Barack Obama in 2008 and 2012, a national convention delegate for Hillary Clinton in 2016, and a member of the Electoral College for Joe Biden in 2020; and

WHEREAS, Cragg Hines earned several awards and accolades over the years, including his selection by *Washingtonian* as one of the top 50 reporters in Washington, D.C., in 2001 and the Outstanding Democrat award from the Arlington County Democratic Committee in 2019; and

WHEREAS, Cragg Hines will be fondly remembered and greatly missed by his partner of 45 years, Bruce Crane, and numerous other family members, friends, and colleagues; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Charles Cragg Hines, an acclaimed journalist and highly regarded community activist in Northern Virginia; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Charles Cragg Hines as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 67

Commending Sandra Gioia Treadway.

Agreed to by the Senate, February 1, 2024
Agreed to by the House of Delegates, February 5, 2024

WHEREAS, Sandra Gioia Treadway, a distinguished historian who has preserved Virginia's heritage and strengthened educational outreach to communities throughout the Commonwealth, has retired as the Librarian of Virginia after 16 years of outstanding service; and

WHEREAS, Sandra "Sandy" Treadway holds degrees from Manhattanville College, the University of Virginia, and the University of Tennessee, and she first joined the staff of the Library of Virginia in 1978 as an associate editor of publications; and

WHEREAS, over the course of her career, Sandy Treadway worked in various positions at the Library of Virginia, including deputy librarian; she was selected as the ninth Librarian of Virginia in 2007 and has ably managed the Library of Virginia's comprehensive collection of materials documenting the history, culture, and government of the Commonwealth since that time; and

WHEREAS, under Sandy Treadway's leadership, the Library of Virginia achieved significant growth in the digitization and accessibility of its records, expanded exhibitions, and launched innovative projects like Virginia Untold: The African American Narrative and Making History with LVA, a volunteer transcription program; the library further expanded public programming statewide through the launch of its mobile van, LVA On the Go; and

WHEREAS, Sandy Treadway has overseen the Library of Virginia's participation in several historical commemorations, including the anniversary of the founding of Jamestown in 2007, the Virginia Sesquicentennial of the American Civil War Commission, the Virginia Bicentennial of the American War of 1812 Commission, and the 2019 Commemoration, American Evolution; she also helped organize a yearlong celebration of the library's own 200th anniversary; and

WHEREAS, Sandy Treadway strengthened the Library of Virginia's ties to government agencies and officials and to the library community across the Commonwealth and nationwide, ensuring that the Library has the support it needs to continue fulfilling its important mission; she also has served on numerous state advisory groups, including the Virginia Freedom of Information Advisory Council and the Virginia Women's Monument Commission; and

WHEREAS, Sandy Treadway also offered her wisdom and expertise to the American Library Association, the Chief Officers of State Library Agencies, and the Southern Association for Women Historians; and

WHEREAS, during her tenure as the Librarian of Virginia, Sandy Treadway has mentored and inspired countless fellow library professionals and built a capable, dedicated, and highly motivated team that will continue to serve the residents of the Commonwealth after her well-earned retirement; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Sandra Gioia Treadway on the occasion of her retirement as the Librarian of Virginia; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Sandra Gioia Treadway as an expression of the General Assembly's admiration for her achievements in service to the Commonwealth.

SENATE JOINT RESOLUTION NO. 68

Celebrating the life of Thomas Alvin Lester, Sr.

Agreed to by the Senate, February 1, 2024
Agreed to by the House of Delegates, February 5, 2024

WHEREAS, Thomas Alvin Lester, Sr., an honorable veteran, respected operations manager and electrician, and beloved member of the Cedar Bluff community, died on May 28, 2023; and

WHEREAS, a native of Buchanan County, Thomas Lester served his country with honor and distinction as a member of the United States Navy during the Vietnam War; and

WHEREAS, Thomas Lester made meaningful contributions to the concrete industry over an accomplished career as an operations manager and electrician; and

WHEREAS, Thomas Lester supported and enjoyed camaraderie with his fellow veterans as a longstanding member of the Casey-Shortt Veterans of Foreign Wars Post #9640 in Pounding Mill; and

WHEREAS, preceded in death by his loving wife of 50 years, Carolyn, Thomas Lester will be fondly remembered and dearly missed by his son, Thomas, Jr., and his family and by numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Thomas Alvin Lester, Sr., a treasured member of the Cedar Bluff community whose integrity and generous spirit made an impact on all who knew him; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Thomas Alvin Lester, Sr., as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 69

Commending Scott McGeary.

Agreed to by the Senate, February 1, 2024
Agreed to by the House of Delegates, February 5, 2024

WHEREAS, for a total of 20 years over a 29-year period, Scott McGeary ably represented the residents of Arlington as a member of the Arlington Electoral Board; and

WHEREAS, a native of Northern Virginia, Scott McGeary pursued a career as an attorney after graduating from George Washington University and George Mason University; he currently serves as the director of state public policy for Washington Gas, a public utility and energy services company operating in Virginia, Maryland, and Washington, D.C.; and

WHEREAS, Scott McGeary moved to Arlington in 1961 and began volunteering in local government in the early 1960s, serving as secretary of the Arlington County Republican Committee, followed by a term as party chair; and

WHEREAS, Scott McGeary first joined the Arlington Electoral Board in 1994 and served as vice chair; he became chair from 1995 to 2002, vice chair again from 2010 to 2013, then secretary from 2016 to 2023; and

WHEREAS, during his long tenure on the Arlington Electoral Board, Scott McGeary witnessed significant growth and change in the community; he worked diligently to ensure electoral integrity and efficiency and oversaw the development of new processes and procedures, such as the implementation of ranked choice voting; and

WHEREAS, Scott McGeary also provided his expertise to the Arlington County Board of Zoning Appeals, the Arlington County Civic Federation, the Northern Virginia Building Industry Association, the Kiwanis Club of Arlington, and numerous other civic and service organizations; and

WHEREAS, Scott McGeary chaired the Arlington Chamber of Commerce and worked with the Northern Virginia Chamber of Commerce, the Loudoun County Chamber of Commerce, the Prince William County Chamber of Commerce, and the Virginia Chamber of Commerce; and

WHEREAS, Scott McGeary earned several awards and accolades over the course of his career and was inducted into the Arlington Business Hall of Fame for his contributions to business in Northern Virginia and across the Commonwealth; and

WHEREAS, in the summer of 2023, Scott McGeary, his wife Linda, and son Joey, relocated to Frederick County, Virginia; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Scott McGeary for his two decades of service as a member of the Arlington Electoral Board; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Scott McGeary as an expression of the General Assembly's admiration for his achievements on behalf of the residents of Arlington.

SENATE JOINT RESOLUTION NO. 70

Commending the Urban League Greater Richmond and the Urban League Greater Richmond Young Professionals.

Agreed to by the Senate, February 1, 2024
Agreed to by the House of Delegates, February 5, 2024

WHEREAS, the Urban League Greater Richmond and the Urban League Greater Richmond Young Professionals have consistently demonstrated their unwavering commitment to the well-being and empowerment of residents in the Richmond community; and

WHEREAS, the Urban League Greater Richmond has been successfully serving the community for an impressive 110 years, advocating for equality, justice, and economic sustainability; and

WHEREAS, the Urban League Greater Richmond Young Professionals have dedicated themselves to promoting personal and professional development within their membership and have recently celebrated 25 years of service; and

WHEREAS, the Urban League Greater Richmond and the Urban League Greater Richmond Young Professionals have played an instrumental role in addressing societal challenges, engaging in community-building initiatives, and fostering positive change in the Greater Richmond area; and

WHEREAS, the impactful work of the Urban League Greater Richmond and the Urban League Greater Richmond Young Professionals has positively influenced countless lives by providing resources, opportunities, and programs that promote education, employment, and personal growth; and

WHEREAS, the Urban League Greater Richmond's continuous efforts have reduced poverty, facilitated access to quality health care, promoted affordable housing, fostered entrepreneurship, and ensured the voices of marginalized communities are heard; and

WHEREAS, the Urban League Greater Richmond and the Urban League Greater Richmond Young Professionals have demonstrated unflagging dedication to collaborating with various stakeholders to create a more inclusive and equitable Richmond, creating opportunities for all residents to thrive; and

WHEREAS, the Urban League Greater Richmond Young Professionals have been instrumental in providing mentorship, networking opportunities, and professional development programming to empower individuals to excel in their careers; and

WHEREAS, the Urban League Greater Richmond's 110th anniversary and the Urban League Greater Richmond Young Professionals' 25th anniversary provide opportunities to recognize and appreciate the significant impact the organizations have made in uplifting underrepresented communities by fostering economic growth and access to education and advocating for social justice initiatives; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend the Urban League Greater Richmond and the Urban League Greater Richmond Young Professionals for their extraordinary dedication, leadership, and contributions to the Richmond community; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the Urban League Greater Richmond and the Urban League Greater Richmond Young Professionals as an expression of the General Assembly's gratitude and appreciation for their exceptional service.

SENATE JOINT RESOLUTION NO. 71

Celebrating the life of Pablo Teodoro III.

Agreed to by the Senate, February 1, 2024
Agreed to by the House of Delegates, February 5, 2024

WHEREAS, Pablo Teodoro III, owner of the Great Harvest Bread Company in Warrenton and a beloved son, brother, father, grandfather, and member of his community, died on July 19, 2023; and

WHEREAS, Pablo Teodoro devoted the first 22 years of his career to working for a car dealership, but ultimately found his true calling in the world of sustainable food and agriculture; and

WHEREAS, after foraying into farming and establishing a popular farmers market in Warrenton, Pablo Teodoro opened a Great Harvest Bread Company franchise on Main Street in Warrenton in 2010; and

WHEREAS, Pablo Teodoro's vocation as a baker aligned with his passion for nurturing and caring for others, and his Great Harvest Bread Company grew over the years into a thriving and supportive gathering place; and

WHEREAS, Pablo Teodoro's charitable and benevolent spirit could not be extinguished even in the most difficult times; as the COVID-19 pandemic disrupted food supply chains and livelihoods, his Great Harvest Bread Company baked and donated approximately 30,000 loaves of bread to support the community, while free loaves of bread were always made available at his store to those in need; and

WHEREAS, Pablo Teodoro's influence extended beyond his businesses, as his mentorship of his staff, advocacy for causes important to him, and support for various local events and organizations left a positive and indelible impression on many; and

WHEREAS, Pablo Teodoro will be fondly remembered and dearly missed by his loving fiancée, Brittany; his children, Pablo IV, Joshua, Sarah, and Abigail, and their families; his parents, Patricia and Pablo, Jr.; and numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Pablo Teodoro III, a treasured member of the Warrenton community whose kind, generous, and joyous nature left a lasting and meaningful impact on countless lives; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Pablo Teodoro III as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 72

Celebrating the life of Staff Sergeant Craig Aaron Pruden, USA.

Agreed to by the Senate, February 1, 2024
Agreed to by the House of Delegates, February 5, 2024

WHEREAS, Staff Sergeant Craig Aaron Pruden, USA, a beloved husband and father and a decorated combat engineer who served multiple tours of duty during the Global War on Terror, died on September 15, 2021; and

WHEREAS, Craig Pruden grew up in Woodbridge and volunteered for the United States Army at the age of 18; and

WHEREAS, highly admired for his drive and determination, Craig Pruden graduated from the Sapper Leader Course at the United States Army Engineer School at Fort Leonard Wood in Missouri, and he courageously served on two deployments to Afghanistan and one to Iraq; and

WHEREAS, in August 2011, while serving as a member of the 4th Cavalry Regiment in Afghanistan, Craig Pruden participated in a mission to clear fields of fire and create a defensible position in an area highly contested by Taliban forces; and

WHEREAS, Craig Pruden earned the Bronze Star with the "V" device for valor after his unit was ambushed, and he willingly placed himself in harm's way to successfully recover an explosive initiator device critical to the mission that had been lost during the firefight; and

WHEREAS, Craig Pruden inspired family members, friends, and members of his unit through his selflessness and incredible work ethic; he consistently encouraged others to pursue their goals and become the best versions of themselves; and

WHEREAS, Craig Pruden also earned the Meritorious Service Medal, the Army Commendation Medal, seven Army Achievement Medals, four Good Conduct Medals, and the De Fleury Medal from the Army Engineer Association, among many other awards and decorations; and

WHEREAS, Craig Pruden will be fondly remembered and greatly missed by his wife, Mariah; his sons, Trey and Tristin; his father, Rickie; his mother, Elizabeth; and numerous other family members, friends, and fellow soldiers; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Staff Sergeant Craig Aaron Pruden, USA; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Staff Sergeant Craig Aaron Pruden, USA, as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 73

Commending Daniel M. Gade.

Agreed to by the Senate, February 1, 2024
Agreed to by the House of Delegates, February 5, 2024

WHEREAS, on January 15, 2024, after two years of outstanding service to the Commonwealth, Daniel M. Gade completed his term as commissioner of the Department of Veterans Services; and

WHEREAS, under Daniel Gade's direction, the Department of Veterans Services successfully provided numerous critical programs and support services to the Commonwealth's 700,000 veterans and their families; and

WHEREAS, during Daniel Gade's tenure as commissioner, the influence of the Department of Veterans Services with the Virginia congressional delegation has grown significantly, and the Commonwealth has become a prominent national leader in addressing the needs of veterans and their families; and

WHEREAS, at Daniel Gade's insistence, the Department of Veterans Services has conducted unprecedented outreach to state officials and state agencies to assist them in understanding, reaching, and serving veterans and their families; and

WHEREAS, under Daniel Gade's visionary leadership, the Department of Veterans Services completed its first ever Strategic Plan, plotting a course to continued excellence in care for veterans, active duty service members, and their families; and

WHEREAS, prior to becoming the commissioner of the Department of Veterans Services, Daniel Gade served in the United States Army for more than 25 years and retired with the rank of lieutenant colonel; over the course of his distinguished military career, he was an exemplar of courage, selflessness, and sacrifice and was wounded in combat twice; and

WHEREAS, Daniel Gade's contributions to the Commonwealth have been numerous and significant, and his dedication to veterans and their families has never wavered; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Daniel M. Gade for his exceptional leadership of the Virginia Department of Veterans Services; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Daniel M. Gade as an expression of the General Assembly's admiration for his years of service on behalf of the veterans of the Commonwealth.

SENATE JOINT RESOLUTION NO. 74

Celebrating the life of Annie Walker.

Agreed to by the Senate, February 1, 2024
Agreed to by the House of Delegates, February 5, 2024

WHEREAS, Annie Walker, a retired member of the United States Army, who supported her fellow veterans in the Commonwealth for over two decades, including 17 years as a deputy commissioner of the Department of Veterans Services, died in November 2023; and

WHEREAS, over the course of her distinguished military career, Annie Walker served as a fire control instrument repairer, Pershing missile electronics material specialist, multiple launch rocket systems repairer, and a unit supply specialist; her last duty assignment was at Fort Lee as a drill sergeant, and she completed her military career in 1997 as the director for the Instructor Development Course at the United States Army Quartermaster Center and School; and

WHEREAS, among her many awards and accolades, Annie Walker received the Meritorious Service Medal, the Army Commendation Medal, the National Defense Service Medal, the Humanitarian Service Medal, the Good Conduct Award, the Overseas Service Ribbon, and the Distinguished Instructor Award; and

WHEREAS, Annie Walker gained experience in education and social services in Petersburg, then began working for the Commonwealth as an education specialist with the Virginia State Approving Agency (SAA) for Veterans Education and Training (GI Bill) under the Virginia Department of Education; the SAA subsequently became part of the Department of Veterans Services in 2004; and

WHEREAS, as a deputy commissioner of the Department of Veterans Services, Annie Walker provided general counsel and guidance to the commissioner on agency strategy and administration and helped veterans and their families find resources to receive state benefits, recognition, and quality care; and

WHEREAS, Annie Walker oversaw numerous programs at the Department of Veterans Services, including Benefits, Virginia Veterans and Family Support, the Veterans Education, Transition & Employment directorate, which includes the SAA, the Virginia Military Survivors and Dependents Education Program, Military Education & Workforce Initiative, the

Virginia Values Veterans Employment (V3) Program, the V3 Transition Program, the Military Medics and Corpsmen Program, the Virginia Women Veterans Program, and the Military Spouse Liaison program; and

WHEREAS, at the national level, Annie Walker served as a past president of the National Association of State Approving Agencies (NASAA), a past member of the Department of Veterans Affairs (DVA), Veterans Advisory Council on Education, and a past member of the DVA/NASAA Joint Advisory Council; and

WHEREAS, Annie Walker touched countless lives and helped make the Commonwealth one of the best places for veterans and their families to live, work, and thrive; and

WHEREAS, Annie Walker will be fondly remembered and greatly missed by numerous family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Annie Walker, a consummate professional, distinguished military veteran, and devoted public servant who touched countless lives throughout the Commonwealth; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Annie Walker as an expression of the General Assembly's respect for her memory.

SENATE JOINT RESOLUTION NO. 75

Celebrating the life of Ben Judson Honaker, Jr.

Agreed to by the Senate, February 1, 2024
Agreed to by the House of Delegates, February 5, 2024

WHEREAS, Ben Judson Honaker, Jr., a highly respected real estate developer who helped reshape the Fredericksburg region through his legacy of achievements with the Silver Companies, died on September 22, 2023; and

WHEREAS, a lifelong resident of Fredericksburg, Judson "Jud" Honaker cultivated an appreciation for the value of hard work and responsibility at the age of eight, when he began working on a nearby farm; and

WHEREAS, Jud Honaker graduated from James Monroe High School in 1982, then pursued higher education at East Carolina University, Old Dominion University, and the University of Mary Washington; and

WHEREAS, Jud Honaker began his career with Mary Washington Healthcare, then joined the Silver Companies, where he worked closely with his mentor the late Carl D. Silver and longtime business partner and friend, Larry Silver; and

WHEREAS, Jud Honaker ultimately became president of commercial development at the Silver Companies, in which capacity he oversaw sales, leasing, construction, engineering, and property development for a wide range of commercial projects; and

WHEREAS, over the course of his nearly 40-year career, Jud Honaker developed, leased, or sold projects that amounted to more than four million square feet of retail and commercial space, including Harrison's Crossing, Cosner's Corner, Doc Stone Commons, Celebrate Virginia North and South, Cowan Crossing, and Quantico Corporate Center; and

WHEREAS, in 1995, Jud Honaker notably oversaw the development of Central Park, which was the largest retail development on the east coast of the United States at the time; among his many other proud achievements, he secured a deal with the Fredericksburg Nationals to bring professional baseball to his hometown; and

WHEREAS, Jud Honaker also volunteered his leadership and expertise to the Fredericksburg Regional Alliance, the Fredericksburg Industrial Development Authority, and the Rappahannock United Way, and in 2011, he was appointed to the Board of Visitors of the University of Mary Washington; and

WHEREAS, in 2017, Jud Honaker received the Prince B. Woodard Leadership Award from the Fredericksburg Regional Chamber of Commerce in recognition of his dedicated leadership in his field, commitment to ethics, and unwavering service to the community; and

WHEREAS, Jud Honaker will be fondly remembered and greatly missed by his beloved wife of 29 years, Christy; his children, Paige and Grant, and their families; and numerous other family members, friends, and colleagues; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Ben Judson Honaker, Jr., an accomplished real estate developer who made many contributions to the Fredericksburg community; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Ben Judson Honaker, Jr., as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 76

Commending Travis G. Hill.

Agreed to by the Senate, February 1, 2024
Agreed to by the House of Delegates, February 5, 2024

WHEREAS, Travis G. Hill, former chief executive officer of the Virginia Alcoholic Beverage Control Authority, stepped down from his position with the state organization on November 10, 2023; and

WHEREAS, Travis Hill previously served as the deputy secretary of agriculture and forestry under Governors Robert McDonnell and Terry McAuliffe and was appointed chief operating officer of the Virginia Alcoholic Beverage Control Authority (Virginia ABC) in 2014 when it was still a state agency; and

WHEREAS, after leading the Virginia ABC through its transition from a state department to an independent authority, Travis Hill was appointed the authority's first chief executive officer in 2018; and

WHEREAS, as chief executive officer of the Virginia ABC, Travis Hill ably led an organization that operates nearly 400 stores statewide, provides alcohol education and prevention programs for people of all ages, and oversees approximately 19,000 licensed establishments; and

WHEREAS, Travis Hill was instrumental to the Virginia ABC's recent efforts to modernize its technology system, build a new central office and distribution center, and reform its licensing structure, enhancing the authority's ability to serve citizens and businesses of the Commonwealth while ensuring public safety; and

WHEREAS, over Travis Hill's tenure with the Virginia ABC, the state organization netted more than $4 billion in the form of profits and tax collections for the benefit of the Commonwealth, while earning recognition for its accomplishments in the areas of innovation, education, and enforcement; and

WHEREAS, under Travis Hill's visionary and effective leadership, the Virginia ABC was twice named the Alcohol Law Enforcement Agency of the Year by the National Liquor Law Enforcement Association; and

WHEREAS, Travis Hill has made an impact on alcohol regulation nationwide by serving both as president and as a member of the National Conference of State Liquor Administrators Executive Committee; and

WHEREAS, through his steadfast professionalism, Travis Hill has left an indelible mark both on the Virginia ABC and the Commonwealth, earning the praise and esteem of all Virginians; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Travis G. Hill for his service as chief executive officer of the Virginia Alcoholic Beverage Control Authority; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Travis G. Hill as an expression of the General Assembly's admiration for his contributions to the Commonwealth and best wishes in his future endeavors.

SENATE JOINT RESOLUTION NO. 77

Celebrating the life of Leri Melissa Thomas.

Agreed to by the Senate, February 1, 2024
Agreed to by the House of Delegates, February 5, 2024

WHEREAS, Leri Melissa Thomas, an accomplished writer and educator, enterprising business consultant and advocate, and beloved member of the Madison County community, died on August 23, 2023; and

WHEREAS, Leri Thomas contributed deeply to community affairs through her work with MadisonMatters, which focuses on local government employees and budgeting, and through MadisonCares, which addresses the most pertinent issues and curative possibilities for K-12 education; and

WHEREAS, Leri Thomas also focused her energies on the future of her community through participation in economic development and policy and the development of a comprehensive plan; and

WHEREAS, Leri Thomas dealt with issues of state and national import, including property rights and election integrity research and advocacy; and

WHEREAS, Leri Thomas was a lifelong learner whose educational pursuits included a bachelor's degree from what was then Mary Washington College and a master's degree and doctoral degree in the social foundations of education from the University of Virginia; and

WHEREAS, Leri Thomas achieved success as a consultant in various fields over her career, helping several small businesses, nonprofit organizations, and private clients improve their operations and achieve their goals; and

WHEREAS, Leri Thomas demonstrated a deep commitment to the well-being of her community during her life, serving as chair of the Madison County Electoral Board, as treasurer of the Madison County Republican Committee, and as director of the Madison County Commonwealth Attorney's Office's Victim/Witness Assistance Program; and

WHEREAS, Leri Thomas served as a mentor to students, educators, candidates for office, elected officials, and all within her sphere, providing wise and unobtrusive counseling and promoting the self-worth and esteem of others; and

WHEREAS, between 1993 and 2008, Leri Thomas lent her artistic and creative talents to numerous theater productions at Woodberry Forest School in her capacity as a scenic artist, designer, and instructor, helping countless children discover their love for the theater; and

WHEREAS, an expert communicator with a background in newspapers and advertising, Leri Thomas provided freelance publishing, graphic design, public relations, and research and writing services for the benefit of both individuals and corporations over the years; and

WHEREAS, in recognition of her knowledge and understanding of the mountain regions that comprise a significant portion of the Commonwealth, Leri Thomas was appointed by Governor George Allen in 1994 to serve on the Board of Trustees of the Virginia Outdoors Foundation; and

WHEREAS, possessed with an unerring sense of fairness that was consistent with her doctoral dissertation on bullying, when asked what she wished to be remembered for, Leri Thomas responded "standing up for rights"; and

WHEREAS, preceded in death by her loving partner of 30 years, James, Leri Thomas will be fondly remembered and dearly missed by her daughter, Shyla, and her family; and by numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Leri Melissa Thomas, a Renaissance woman of many gifts and interests who left an indelible impact on the Madison County community; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Leri Melissa Thomas as an expression of the General Assembly's respect for her memory.

SENATE JOINT RESOLUTION NO. 78

Celebrating the life of William David Lamb.

Agreed to by the Senate, February 1, 2024
Agreed to by the House of Delegates, February 5, 2024

WHEREAS, William David Lamb of Gordonsville, one of the most well-known horsemen in Virginia, who helped promote and preserve equestrian sports in the Commonwealth and advocated for the interests of the equine industry as a whole, died on May 20, 2023; and

WHEREAS, David Lamb grew up in Craig County and began to cultivate his horsemanship skills at a young age; he often rode a pony to school and once organized a trail ride for his senior high school class; and

WHEREAS, David Lamb began his career in the equine industry working for a quarter horse farm in Northern Virginia, where he developed an interest in equestrian competitions, particularly the sport of cutting, which has its roots in the cattle ranching industry; and

WHEREAS, in the 1970s, David Lamb managed cattle on a farm in Albemarle County, for which he was named the 1973 Farmer of the Year for Albemarle County; during that time, he also trained and showed cutting horses and received numerous accolades for his success in equestrian sports; and

WHEREAS, David Lamb acquired Oakland Heights Farm in 1979, and he and his wife, Sally, began their horse operation by green breaking young and troubled horses; as his reputation for excellence grew, he began exporting horses to England and South America, then became the premier trainer for trail riding horses on the east coast of the United States; and

WHEREAS, at Oakland Heights Farm, David Lamb continued to run a cattle operation while teaching both Western-style and English-style horseback riding, organizing professional bull riding shows, and offering riding lessons and trail rides year round; and

WHEREAS, known for his affinity for the cowboy lifestyle of the American West, David Lamb could be seen mounted atop an American quarter horse in his trademark hat, boots, and blue jeans almost every day; he organized an annual Cowboy Camp to teach young people about horse knowledge and history and was a leader in the local 4-H program for more than 25 years; and

WHEREAS, David Lamb gave back to the community by hosting charity events at Oakland Heights Farm, supporting worthy causes and organizations like the Wounded Warrior Project, St. Jude's Children's Research Hospital, and research into juvenile diabetes; and

WHEREAS, over the years, David Lamb hosted movie stars, an astronaut, and other celebrities at Oakland Heights Farm, and he organized special trail rides for state and national elected officials to help them better understand the equine industry; and

WHEREAS, David Lamb offered his wise insights to several policy efforts related to the equine industry, including the creation of the Commonwealth's equine liability law, the establishment of the Virginia Horse Center, the founding of the Virginia Horse Industry Board, and the enactment of other important changes related to agriculture and agritourism laws; and

WHEREAS, highly admired in the equine industry, David Lamb was a lifetime member of the American Quarter Horse Association, Virginia Quarter Horse Association (VQHA), National Cutting Horse Association, East Coast Cutting Horse Association, and the New Castle Historical Society; and

WHEREAS, in 2022, David Lamb was inducted into the VQHA Board of Directors Hall of Fame for his decades of contributions to promoting the sale, breeding, exhibition, and ownership of the American quarter horse; and

WHEREAS, David Lamb was a proud patriot who served the nation as a member of the United States Army Reserve, and he provided horses for, or participated in, many commemorative events at the state and national levels; and

WHEREAS, David Lamb inspired others through his integrity, humility, and pride in his work; he touched countless lives by helping visitors to Oakland Heights Farm gain an appreciation for the joys of horseback riding; and

WHEREAS, predeceased by his wife of 52 years, Sally, David Lamb will be fondly remembered and greatly missed by his son, Matthew, and his family; and by numerous other family members, friends, and fellow leaders in the equine industry; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of William David Lamb, an incomparable horseman and a true Virginia gentleman; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of William David Lamb as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 79

Commending the Culpeper County Volunteer Fire Department.

Agreed to by the Senate, February 1, 2024
Agreed to by the House of Delegates, February 5, 2024

WHEREAS, for 100 years, the Culpeper County Volunteer Fire Department has provided critical emergency services and worked diligently to safeguard the lives and property of Culpeper County residents; and

WHEREAS, Company One of the Culpeper Volunteer Fire Department was organized and chartered in January 1924, with an original roster of 19 members and J. William Swan as the first chief; and

WHEREAS, the Culpeper Volunteer Fire Department's first apparatus was a 1923 LaFrance Brockway Torpedo, and the department used commercial pumpers manufactured by Ford, Chevrolet, or Dodge for many years before purchasing a custom pumper in 1979; and

WHEREAS, the Culpeper Volunteer Fire Department firehouse was originally located on West Davis Street in Culpeper; in 1924, the building was razed to accommodate construction of a new municipal building, where the department was located until 1960, when it moved to its current location nearby; and

WHEREAS, in the Culpeper Volunteer Fire Department's early days, members used canvas rain coats and leather gloves from local hardware stores, and some members used construction helmets or surplus metal helmets from World War I; and

WHEREAS, the Culpeper Volunteer Fire Department has grown to become the busiest fire company in Culpeper County with a service area covering 383 square miles and more than 50,000 residents; the department answered 913 calls for service in 2023; and

WHEREAS, the members of the Culpeper Volunteer Fire Department are trained to the highest standards and equipped with a full range of firefighting and emergency response equipment, all purchased with donations from community members; and

WHEREAS, the all-volunteer members of the Culpeper Volunteer Fire Department come from many different backgrounds and all walks of life; numerous firefighters have also served the nation in the military, and the department has proudly counted veterans of every major war since World War I among its ranks; and

WHEREAS, over the years the Culpeper County Volunteer Fire Department has benefited from the able leadership of 14 chiefs, all of whom have upheld the department's high standards, commitment to professionalism, and dedication to duty; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend the Culpeper County Volunteer Fire Department on the occasion of its 100th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to President Steve Corbin and Chief Kenny Mills of the Culpeper County Volunteer Fire Department, as an expression of the General Assembly's admiration for the department's long history and legacy of service to the Culpeper County community.

SENATE JOINT RESOLUTION NO. 80

Commending Stuart S. Malawer.

Agreed to by the Senate, February 1, 2024
Agreed to by the House of Delegates, February 5, 2024

WHEREAS, Stuart S. Malawer, a highly respected attorney specializing in international trade and a distinguished professor of law and international trade at the Law School and the School of Policy and Government at George Mason University, retired from the institution in 2023, completing more than five decades of service as an educator; and

WHEREAS, Stuart Malawer holds a law degree from Cornell University and a doctorate in international relations from the University of Pennsylvania; he conducted additional studies at Harvard University, St. Peter's College Oxford, and at the Hague Academy of International Law; and

WHEREAS, Stuart Malawer joined George Mason University in the late 1970s and was a founding member of what is now the Antonin Scalia Law School and the Schar School of Policy and Government; and

WHEREAS, Stuart Malawer was the founder and director of the Graduate International Transactions Program and the Oxford Summer Trade Program at George Mason University; and

WHEREAS, Stuart Malawer inspired generations of students at George Mason University, was consistently rated as one of the best professors at the institution by students, and received the Distinguished Faculty Member of the Year Award; and

WHEREAS, well-known in the legal profession, Stuart Malawer has been a member of the Virginia State Bar since 1979 and served as chair of the International Practice Section, winning the Hardy Cross Dillard Award for his commitment to excellence; and

WHEREAS, in 2009, Stuart Malawer was appointed to the board of directors of the Virginia Economic Development Partnership (VEDP) by Governor Tim Kaine; he was subsequently appointed by Governor Terry McAuliffe and reappointed by Governor Ralph Northam to the VEDP Advisory Committee on International Trade; and

WHEREAS, Stuart Malawer is an accomplished world traveler who has visited several nations around the world, and he ably represented the Commonwealth as a delegate on trade missions to China, Japan, and India; and

WHEREAS, Stuart Malawer served as the only American editor for China and WTO Review, the leading international law journal in the Republic of Korea; he has written numerous books and journal articles on international law, international trade, foreign policy, and national security; and

WHEREAS, in addition, Stuart Malawer serves as an international arbitrator for the American Arbitration Association, offering his wisdom and expertise to law firms and companies engaged in international transactions; and

WHEREAS, Stuart Malawer currently lives in Great Falls, and both of his children have followed in his footsteps and entered public service as attorneys with the federal government; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Stuart S. Malawer, a distinguished attorney and educator, on the occasion of his retirement from George Mason University; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Stuart S. Malawer as an expression of the General Assembly's admiration for his personal and professional achievements and best wishes on his well-earned retirement.

SENATE JOINT RESOLUTION NO. 81

Commending the City of Alexandria.

Agreed to by the Senate, February 8, 2024
Agreed to by the House of Delegates, February 12, 2024

WHEREAS, in 2024, the City of Alexandria will mark 275 years since its founding by celebrating, sharing, learning, and reflecting on its centuries of history while looking ahead toward a brilliant future; and

WHEREAS, the shoreline of the Potomac River, where the City of Alexandria is located today, was a lush and resourceful home for centuries to Indigenous peoples before they were displaced by European settlement; and

WHEREAS, the land used for the City of Alexandria was surveyed for cultivation by George Washington and, on July 13, 1749, the first lot was sold; and

WHEREAS, during its long history, the City of Alexandria has been a tobacco trading post, one of the ten busiest ports in America, a part of the District of Columbia, home to both the largest slave-trading firm in the country and a large free Black community, a Civil War supply center for troops of the United States, and a street-car suburb for federal workers; and

WHEREAS, the City of Alexandria is now a vibrant municipality that has continued to evolve into a diverse community of more than 145 nationalities and ethnic backgrounds; and

WHEREAS, the City of Alexandria will be commemorating this incredible milestone all across its neighborhoods, with activities that include exhibitions, the collecting and sharing of oral histories, and community events like an expanded Portside in Old Town Summer Festival and an Alexandria birthday celebration; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend the City of Alexandria on the occasion of its 275th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the City of Alexandria as an expression of the General Assembly's appreciation for the city's history and its contributions to the Commonwealth.

SENATE JOINT RESOLUTION NO. 82

Confirming appointments by the Governor of certain persons communicated to the General Assembly January 26, 2024.

Agreed to by the Senate, February 8, 2024
Agreed to by the House of Delegates, March 6, 2024

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly confirm the following appointments of certain persons made by Governor Glenn Youngkin and communicated to the General Assembly January 26, 2024.

ADMINISTRATION

Virginia Data Advisory Commission

Suzanne Tills of **Elkton,** Virginia, Member, appointed January 23, 2024, to serve an unexpired term beginning July 1, 2021, and ending June 30, 2024, to succeed Tyler Schenck.

AUTHORITY

Southwest Virginia Energy Research and Development Authority

Brad Kreps of **Abingdon,** Virginia, Member, appointed January 24, 2024, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed himself.

COMMERCE AND TRADE

Clean Energy Advisory Board

C. Meade Browder of **Richmond,** Virginia, Member, appointed January 23, 2024, for a term of three years beginning July 1, 2022, and ending June 30, 2025, to succeed Samuel Towell.

Thomas Turner of **Suffolk,** Virginia, Member, appointed January 23, 2024, for a term of three years beginning July 1, 2022, and ending June 30, 2025, to succeed Susan Kruse.

COMMONWEALTH

Virginia-Asian Advisory Board

Go Eun Kang of **McLean,** Virginia, Member, appointed January 22, 2024, to serve an unexpired term beginning July 1, 2020, and ending June 30, 2024, to succeed Pient Tran.

COMPACT

Local Government Advisory Committee to the Chesapeake Bay Executive Council

Sheila Noll of **Yorktown,** Virginia, Member, appointed January 25, 2024, to serve at the pleasure of the Governor beginning January 25, 2024, to succeed Robin Rich-Coates.

DESIGNATED

EDUCATION

Board of Regents of Gunston Hall

Susan Aselage of **St. Louis, Missouri,** Member, appointed January 24, 2024, for a term of five years beginning October 26, 2023, and ending October 25, 2028, to succeed Rowena Day Bond Van Dyke.

Virginia Doughton Finley of **Raleigh, North Carolina,** Member, appointed January 24, 2024, for a term of five years beginning October 26, 2023, and ending October 25, 2028, to succeed herself.

Nancy Stutsman Lamb of **Barnstable, Massachusetts,** Member, appointed January 24, 2024, for a term of five years beginning October 26, 2023, and ending October 25, 2028, to succeed Virginia Simonds White.

Claudia Lane of **Northfield, Illinois,** Member, appointed January 24, 2024, for a term of five years beginning October 26, 2023, and ending October 25, 2028, to succeed Barbara Camp Linville.

Ashley Merrill of **Tampa, Florida,** Member, appointed January 24, 2024, for a term of five years beginning October 26, 2023, and ending October 25, 2028, to succeed Harrison Flynn Giddens.

Virginia Nicholson of **Marietta, Georgia,** Member, appointed January 24, 2024, for a term of five years beginning October 26, 2023, and ending October 25, 2028, to succeed herself.

Nancy Kelly White of **Knoxville, Tennessee,** Member, appointed January 24, 2024, for a term of five years beginning October 26, 2023, and ending October 25, 2028, to succeed herself.

Board of Trustees of the Frontier Culture Museum of Virginia

Ned Ruby of **Staunton,** Virginia, Member, appointed January 25, 2024, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed himself.

Board of Visitors of The College of William and Mary

Thomas Norment of **Williamsburg,** Virginia, Member, appointed January 17, 2024, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed James A. Hixon.

Virginia STEM Education Advisory Board

Rashid Farrell of **Arlington,** Virginia, Member, appointed January 16, 2024, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Susheela Shanta.

HEALTH AND HUMAN RESOURCES

Alzheimer's Disease and Related Disorders Commission

Leslie Bowie of **Williamsburg,** Virginia, Member, appointed January 24, 2024, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Carol Anne Manning.

Office of New Americans Advisory Board

Cuong Nguyen of **Glen Allen,** Virginia, Member, appointed January 25, 2024, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Eva Stitt.

Public Guardian and Conservator Advisory Board

Mary Jane Hall of **Norfolk,** Virginia, Member, appointed January 16, 2024, for a term of four years beginning July 1, 2022, and ending June 30, 2026, to succeed James Frederick Almand.

State Rehabilitation Council for the Blind and Vision Impaired

Gerald Meredith of **South Chesterfield,** Virginia, Member, appointed January 17, 2024, for a term of three years beginning October 1, 2023, and ending September 30, 2026, to succeed Ricardo Montecino.

Francisco Semiao of **Fairfax,** Virginia, Member, appointed January 25, 2024, for a term of three years beginning October 1, 2023, and ending September 30, 2026, to succeed Annette Hyde.

Virginia Interagency Coordinating Council

Dawn Ault of **Ashland,** Virginia, Member, appointed January 22, 2024, for a term of three years beginning October 1, 2023, and ending September 30, 2026, to succeed Wyvonnie Veronica Harsley.

Christina Harrison of **Bristol,** Virginia, Member, appointed January 16, 2024, for a term of three years beginning October 1, 2023, and ending September 30, 2026, to succeed herself.

INDEPENDENT

Task Force to Assist in Identification of the History of Formerly Enslaved African Americans in Virginia

Roger Cheeks of **Chesapeake,** Virginia, Member, appointed January 22, 2024, for a term of two years beginning July 1, 2023, and ending June 30, 2025, to succeed Jalane Schmidt.

Brenton Hammond of **Alexandria,** Virginia, Member, appointed January 18, 2024, for a term of two years beginning July 1, 2022, and ending June 30, 2024, to succeed Khadijah Miller.

Jonathan White of **Newport News,** Virginia, Member, appointed January 22, 2024, for a term of two years beginning July 1, 2023, and ending June 30, 2025, to succeed Audrey Davis.

LABOR

Auctioneers Board

Adrianna Cowan-Waddy of **Orange,** Virginia, Member, appointed January 24, 2024, to serve an unexpired term beginning July 1, 2020, and ending June 30, 2024, to succeed Andrew Walton Smith.

Board for Waste Management Facility Operators

Ellen Thacker of **Yorktown,** Virginia, Member, appointed January 18, 2024, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed herself.

Board for Waterworks and Wastewater Works Operators and Onsite Sewage System Professionals

Pamela Pruett of **Warrenton,** Virginia, Member, appointed January 16, 2024, for a term of four years beginning July 1, 2022, and ending June 30, 2026, to succeed herself.

LEGISLATIVE

Brown v. Board of Education Scholarship Awards Committee

Joan Johns Cobbs of **Farmville,** Virginia, Member, appointed January 22, 2024, for a term of two years beginning July 1, 2023, and ending June 30, 2025, to succeed Joy Speakes.

TRANSPORTATION

Motor Vehicle Dealer Board

M'Lissa Dunn of **Weems,** Virginia, Member, appointed January 19, 2024, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Robert Fisher.

Chip Lindsay of **Alexandria,** Virginia, Member, appointed January 22, 2024, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Geoffrey Michael Malloy.

Timothy Pohanka of **Fredericksburg,** Virginia, Member, appointed January 24, 2024, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Ron Kody.

Transportation District Commission of Hampton Roads

Anthony Goodwin of **Portsmouth,** Virginia, Member, appointed January 22, 2024, for a term of four years beginning July 1, 2022, and ending June 30, 2026, to succeed Charles Hunter.

VETERANS AND DEFENSE AFFAIRS

Veterans Services Foundation Board of Trustees

Craig Colucci of **Virginia Beach,** Virginia, Member, appointed January 24, 2024, for a term of four years beginning July 1, 2023, and ending June 30, 2027, to succeed Nicole Carry.

Virginia Military Advisory Council

Jennifer Jacobs of **Williamsburg,** Virginia, Member, appointed January 22, 2024, to serve at the pleasure of the Governor beginning January 22, 2024, to succeed herself.

SENATE JOINT RESOLUTION NO. 83

Commending Susan F. Dewey.

Agreed to by the Senate, February 8, 2024
Agreed to by the House of Delegates, February 12, 2024

WHEREAS, Susan F. Dewey, chief executive officer of Virginia Housing, formerly the Virginia Housing Development Authority, and longtime state housing leader and advocate, retired on December 31, 2023, after 25 years of outstanding service to the authority, the Commonwealth, and the Virginia housing community; and

WHEREAS, a native of Chesapeake, Susan Dewey earned her bachelor's and master's degrees in business administration from The College of William and Mary and subsequently received her certification as a public accountant; and

WHEREAS, Susan Dewey was appointed to serve as State Treasurer and as an exofficio member of the Virginia Housing Board of Commissioners by Governor Jim Gilmore in 1995; and

WHEREAS, in 1999, Susan Dewey began laying the foundation of her legacy as a champion for affordable housing and a forward-looking steward of the Commonwealth's housing finance agency; and

WHEREAS, in 2001, Susan Dewey was appointed by the Virginia Housing Board of Commissioners and began modernizing the authority's business model and system, including the establishment of the Resources Enabling Affordable Community Housing (REACH) *Virginia* program in 2006, which has allowed the authority to reinvest more than $915 million in excess net revenues for grants, down payment assistance, interest rate buydowns, and other tools and resources for critical housing needs; and

WHEREAS, Susan Dewey has been instrumental in increasing stakeholder input and transparency around Virginia Housing's policies and programs through the creation of six advisory councils, most recently creating the Minority Business Advisory Council and supporting a multifaceted Inclusion, Diversity, Equity, and Access (IDEA) initiative; and

WHEREAS, Susan Dewey oversaw the creation and revitalization of housing across the spectrum of need, helping more than 136,000 Virginians achieve the dream of homeownership, producing almost 101,000 units of rental housing, building the first three-dimensional-printed home in Richmond, and more; and

WHEREAS, under Susan Dewey's leadership, Virginia Housing successfully navigated two generational challenges, the Great Recession and the COVID-19 pandemic, without the disruption of services and also provided resources to prevent foreclosure and eviction, underscoring the authority's status as a national model for state housing finance agencies; and

WHEREAS, Susan Dewey is a dedicated public servant who has continued to support the people and communities of the Commonwealth as a steward of Virginia Housing's resources and its mission; she has received numerous honors for her work, including a Housing Visionary Award from the National Housing Conference; and

WHEREAS, Susan Dewey is a true titan and innovator of the housing community, whose vision was informed by compassion; she delivered meaningful results and fundamentally positioned Virginia Housing for enduring success as an effective, resilient agency and partner, and one of the top housing finance agencies in the country; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Susan F. Dewey on the occasion of her retirement from Virginia Housing; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Susan F. Dewey as an expression of the General Assembly's congratulations and admiration for her distinguished career serving the Commonwealth.

SENATE JOINT RESOLUTION NO. 84

Commending the Auburn High School girls' volleyball team.

Agreed to by the Senate, February 8, 2024
Agreed to by the House of Delegates, February 12, 2024

WHEREAS, the Auburn High School girls' volleyball team of Riner won the Virginia High School League Class 1 state championship on November 18, 2023; and

WHEREAS, the Auburn High School Eagles defeated the Altavista High School Colonels in four sets, 25-16, 25-11, 23-25, and 25-12, to secure the program's fifth consecutive state championship title; and

WHEREAS, after commanding the first two sets of the match, the Auburn Eagles dropped a close set before rallying for a triumphant win in the fourth set; and

WHEREAS, the Auburn High School Eagles' victory was a total team effort and the product of stellar play on both offense and defense; and

WHEREAS, the Auburn High School Eagles finished the season with an impressive 25-3 overall record and a 14-2 record in district play; and

WHEREAS, the accomplishments of the Auburn Eagles are the result of the hard work and dedication of the student-athletes, the leadership and guidance of their coaches and teachers, and the unwavering support of the entire Auburn High School community; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend the Auburn High School girls' volleyball team for winning the 2023 Virginia High School League Class 1 state championship; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the Auburn High School girls' volleyball team as an expression of the General Assembly's admiration for their extraordinary achievement.

SENATE JOINT RESOLUTION NO. 85

Commending the Orange County Chamber of Commerce.

Agreed to by the Senate, February 8, 2024
Agreed to by the House of Delegates, February 12, 2024

WHEREAS, for 100 years, the Orange County Chamber of Commerce has supported local businesses and worked to enhance the quality of life for all residents of Orange County; and

WHEREAS, the Orange County Chamber of Commerce was established in 1924, and several original member businesses or their successors are still in existence, creating important jobs in the region and providing exceptional service to residents and visitors; and

WHEREAS, the Orange County Chamber of Commerce has attracted many new businesses to the region over the course of its history and remains a robust organization with more than 280 members; and

WHEREAS, in addition to providing many opportunities for area businesses to network and collaborate, the Orange County Chamber of Commerce hosts well-attended annual events, such as the Orange Street Festival and Orange Uncorked Wine Festival; and

WHEREAS, through the hard work of generations of staff members and volunteers, the Orange County Chamber of Commerce has successfully advanced the civic, commercial, industrial, and agricultural interests of the county while promoting the general welfare of area residents; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend the Orange County Chamber of Commerce on the occasion of its 100th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Lauren Cotton, board president of the Orange County Chamber of Commerce, as an expression of the General Assembly's admiration for the organization's contributions to the vibrant local economy.

SENATE JOINT RESOLUTION NO. 86

Celebrating the life of Karen Harrison Jones.

Agreed to by the Senate, February 8, 2024
Agreed to by the House of Delegates, February 12, 2024

WHEREAS, Karen Harrison Jones, a beloved wife, mother, daughter, sister, and member of the Suffolk community, died on January 12, 2024; and

WHEREAS, a native of Hampton, Karen Jones graduated from Bethel High School in 1976; she attended James Madison University, earned a bachelor's degree with highest honors in gerontology and recreation from what is now Hampton University, and a master's degree in agency guidance and counseling from Old Dominion University; and

WHEREAS, Karen Jones was a pharmaceutical sales representative for Procter & Gamble and Westwood Squibb Pharmaceuticals for ten years before taking on the most fulfilling role of her life, raising and homeschooling her daughter, Kaitlin; and

WHEREAS, for more than 34 years, Karen Jones co-owned and co-operated Bennett's Creek Pharmacy in Suffolk alongside her husband, the Honorable Chris Jones, helping to build it into a treasured staple of the community; and

WHEREAS, Karen Jones provided invaluable wisdom and guidance to her husband throughout his political career as a former member of the House of Delegates, and mayor and councilman of the City of Suffolk; and

WHEREAS, Karen Jones savored every opportunity to read, learn, volunteer, and travel but was happiest spending quality time with family and friends, particularly at her home on the Chuckatuck Creek; and

WHEREAS, Karen Jones gave generously and selflessly of her time for the benefit of others and the community of Suffolk through various endeavors over the years; and

WHEREAS, guided by her great and abiding faith, Karen Jones was most recently a member of Celebration Christian Church in Suffolk, where she enjoyed worship and fellowship with her community; and

WHEREAS, Karen Jones will be fondly remembered and dearly missed by her loving husband of 37 years, Chris; her daughter, Kaitlin; and numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Karen Harrison Jones, a cherished member of the Suffolk community whose grace, kindness, and generosity touched countless lives; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Karen Harrison Jones as an expression of the General Assembly's respect for her memory.

SENATE JOINT RESOLUTION NO. 87

Commending Major General Timothy P. Williams, VNG.

Agreed to by the Senate, February 8, 2024
Agreed to by the House of Delegates, February 12, 2024

WHEREAS, Major General Timothy P. Williams, VNG, retired on July 1, 2023, as the Adjutant General of the Virginia National Guard after more than 37 years of service to the Commonwealth and the United States; and

WHEREAS, Major General Williams is a lifelong Virginian and 1985 graduate of Virginia Polytechnic Institute and State University; he was subsequently commissioned as a field artillery officer in the United States Army and served in staff and command positions at the battery, battalion, and brigade levels beginning with a tour on active duty with what was then the 3rd Armored Cavalry Regiment; and

WHEREAS, Major General Williams joined the Virginia Army National Guard in 1990 and spent most of his distinguished military career as a traditional status national guard soldier while also working as a federal civil servant; his military career culminated in his appointment as director of training support and doctrine at the Combined Arms Support Command at what is now Fort Gregg-Adams; and

WHEREAS, on June 2, 2014, Major General Williams was sworn in to lead the Virginia Army National Guard, Virginia Air National Guard, and Virginia Defense Force, and he was reappointed to that position in 2018; since then, he has led the Virginia National Guard with distinction, maintaining an unprecedented operational tempo at home and abroad and overseeing new force structure innovations and facilities improvements; and

WHEREAS, during his tenure as adjutant general Major General Williams ensured Virginia National Guard personnel were properly trained and equipped and well prepared to safeguard the lives and property of Virginians and to support law-enforcement organizations during multiple periods of civil unrest in the Commonwealth and Washington, D.C., including the "Unite the Right" rally in August 2017, protests in multiple Virginia locations in June 2020, and the immediate response to the events of January 6, 2021, and with the deployment of more than 2,900 personnel to augment security for the presidential inauguration in January 2021; and

WHEREAS, Major General Williams prioritized readiness for domestic response operations so that when hazardous weather affected the Commonwealth, Virginia National Guard personnel were available to assist local, state, and federal emergency response organizations; he also helped mobilize a response force of nearly 500 troops to assist with hurricane response in the U.S. Virgin Islands in 2017; and

WHEREAS, Major General Williams guided the Virginia National Guard through more than 460 days of support to Virginia's COVID-19 pandemic response, with personnel assisting at vaccination and testing sites and providing administrative, logistics, and planning support at locations across the Commonwealth; during the COVID-19 pandemic response operations, nearly 600 members of the Virginia National Guard and Virginia Defense Force completed more than 1,100 missions to help keep their fellow Virginians safe, and they supported nearly 160 local, state, and federal agencies over the course of the mobilization; and

WHEREAS, Major General Williams was a driving force behind the creation of the 91st Cyber Brigade, the first Army National Guard cyber brigade, the establishment of the 185th Cyber Operations Squadron, and the reassignment of the United States Air Force F-22 Formal Training Unit to Langley Air Force Base; and

WHEREAS, Major General Williams and the members of the Virginia National Guard provided critical support when Fort Barfoot was selected as one of eight safe havens in the United States designated to provide transportation, temporary housing, medical screening, and general support for Afghan evacuees as part of Operation Allies Welcome; more than 10,000 Afghan guests were processed through the installation during the resettlement effort; and

WHEREAS, Major General Williams set new goals for facilities improvements with the construction of the Virginia National Guard's first purpose-built headquarters building at Defense Supply Center Richmond, the first dedicated headquarters building for the Virginia Air National Guard at Langley Air Force Base, and the new headquarters for the 91st Cyber Brigade and 185th Cyber Operations Squadron; he also spearheaded significant improvements in training capabilities and quality of life facilities at Fort Barfoot and the State Military Reservation; and

WHEREAS, Major General Williams provided leadership and historical perspective in the effort to rename Fort Pickett as Fort Barfoot, helped ensure the 29th Infantry Division retain its insignia, and developed a new insignia for the Virginia National Guard Joint Force Headquarters that is a better representation of Virginia National Guard history with colors linked to the Continental Army and the nation's fight for independence during the Revolutionary War; and

WHEREAS, Major General Williams oversaw the historic federal active duty mobilizations of more than 2,000 soldiers and airmen in the United States and overseas from August 2021 to February 2023, the third most in the last century; during that time, Virginia National Guard soldiers on duty in the United States provided support to a U.S. Department of Defense-approved mission assisting U.S. Customs and Border Protection on the southwest border and to United States Cyber Command, while soldiers and airmen deployed overseas provided support to operations in Iraq, Kuwait, the Horn of Africa, Syria, Jordan, Saudi Arabia, Kosovo, and the United Arab Emirates; and

WHEREAS, Major General Williams is married to his college sweetheart, Cheryl, who has been the epitome of a military spouse throughout his career; she has been a tireless proponent for the military and especially the National Guard,

and her active participation, advocacy, and support have been critical to the Virginia National Guard team; the couple are blessed with three adult children and three adorable grandchildren; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Major General Timothy P. Williams, VNG, on the occasion of his retirement as adjutant general of the Virginia National Guard; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Major General Timothy P. Williams, VNG, as an expression of the General Assembly's admiration for his achievements in service to the Commonwealth and the nation.

SENATE JOINT RESOLUTION NO. 89

Commending Edmund Elliott.

Agreed to by the Senate, February 8, 2024
Agreed to by the House of Delegates, February 12, 2024

WHEREAS, Edmund Elliott retired as the chief of the Chesapeake Fire Department after an exceptional career in firefighting that spanned more than five decades; and

WHEREAS, a lifelong resident of the Deep Creek area of Chesapeake, Edmund "Ed" Elliott is a graduate of Deep Creek High School and holds degrees from Tabernacle Baptist Bible College, Tidewater Community College, and what is now Bluefield University; he also completed the Executive Fire Officer Program at the National Fire Academy; and

WHEREAS, Ed Elliott joined the Chesapeake Fire Department in 1974 and rose through the ranks to become deputy fire chief in 1996; in January 2010, he became chief of the Chesapeake Fire Department and the emergency management coordinator for the city; and

WHEREAS, as chief, Ed Elliott transformed the organizational culture of the Chesapeake Fire Department and worked diligently to ensure that the members of the department had the tools and training they needed to effectively safeguard the lives and property of local residents; and

WHEREAS, Ed Elliott provided his leadership and expertise to the International Association of Fire Chiefs and the Virginia Fire Chiefs Association; he is also a board member of Healthy Chesapeake and a founding member of the Hampton Roads Regional Incident Management Team; and

WHEREAS, Ed Elliott has inspired future generations of firefighters as chair of the Fire Science Programs Advisory Board and an adjunct fire sciences instructor at Tidewater Community College; and

WHEREAS, Ed Elliott enjoys fellowship and worship with the congregation of Wayside Baptist Church, where he serves as a Bible teacher and lay preacher; and

WHEREAS, in his well-earned retirement, Ed Elliott plans to spend more time with his wife, Teresa, and their children and grandchildren, while seeking new opportunities to serve the community; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Edmund Elliott on the occasion of his retirement as chief of the Chesapeake Fire Department; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Edmund Elliott as an expression of the General Assembly's admiration for his commitment to public safety and accomplishments in service to the Chesapeake community.

SENATE JOINT RESOLUTION NO. 90

Celebrating the life of the Honorable Edward DeJarnette Berry.

Agreed to by the Senate, February 8, 2024
Agreed to by the House of Delegates, February 12, 2024

WHEREAS, the Honorable Edward DeJarnette Berry, a retired judge of the 16th Judicial District of Virginia who was highly admired for his contributions to children and families in the region, died on March 1, 2023; and

WHEREAS, a lifelong resident of Madison County, Edward DeJ. Berry attended Madison County High School, then subsequently earned a law degree from the University of Richmond; and

WHEREAS, beginning in 1973, Edward DeJ. Berry practiced law in Madison for two decades, earning a reputation as a caring and determined advocate for his clients; and

WHEREAS, Edward DeJ. Berry served as a substitute judge from 1990 until 1993, when he was appointed as a Juvenile and Domestic Relations District Court judge of the 16th Judicial District of Virginia; he presided over courts in the City of Charlottesville and the Counties of Albemarle, Culpeper, Fluvanna, Goochland, Greene, Louisa, Madison, and Orange with fairness and wisdom during his tenure on the bench; and

WHEREAS, Edward DeJ. Berry took great pride in his work with Court Appointed Special Advocates (CASA), a national organization that ensures children have proper support and representation in the legal system, and he helped create CASA chapters throughout the region; and

WHEREAS, Edward DeJ. Berry also proudly supported the Charlottesville/Albemarle Family Treatment Court, which has allowed numerous children to be returned to their biological families, and he was a sought-after speaker on its success; and

WHEREAS, after serving the Commonwealth with distinction for 24 years, Edward DeJ. Berry retired as a judge in July 2017; and

WHEREAS, in later life, Edward DeJ. Berry continued supporting his community by serving as a substitute judge and as an active volunteer with local organizations; he was a tireless volunteer for the Madison County Historical Society, spending countless hours in the Circuit Court Record Room and, among other local records, compiling detailed information for the society and its members, and was well-known for his extensive knowledge of the history of Madison County and the surrounding region; he was also an enthusiastic volunteer for the Madison County Fair, serving as a cook and assisting with the livestock sale and the Madison County Young Farmers; and

WHEREAS, Edward DeJ. Berry will be fondly remembered and greatly missed by his wife, Sarah "Essie" Berry; his children, Shawn Woodfolk and Sarah Brown Owens, and their families; and numerous other family members, friends, and colleagues; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of the Honorable Edward DeJarnette Berry, a retired judge of the 16th Judicial District of Virginia and respected member of the Madison community; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of the Honorable Edward DeJarnette Berry as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 91

Commending Virginia's forest products industry.

Agreed to by the Senate, February 8, 2024
Agreed to by the House of Delegates, February 12, 2024

WHEREAS, Virginia's forest products industry is the third largest private sector industry in the Commonwealth and makes essential contributions to the vitality of the overall economy and good stewardship of the environment, while promoting a high quality of life for all Virginians; and

WHEREAS, Virginia's forest products industry generates $23.6 billion in goods and services annually and employs more than 108,000 people in approximately 1,500 facilities across the Commonwealth; and

WHEREAS, Virginia's forest products industry promotes the planting and maintenance of forested land, and the Commonwealth's Forest Products Tax helps fund reforestation efforts; and

WHEREAS, Virginia's 16 million acres of forested land provide environmental benefits by cleaning the air and purifying the water and facilitate diverse recreational opportunities for the residents of the Commonwealth; and

WHEREAS, Virginia's sustainable forest resources are critical to the Commonwealth's environmental integrity, economic viability, and quality of life in both rural and urban areas; and

WHEREAS, products from privately-owned forests serve diverse end markets and provide critical sources of revenue that enable 400,000 landowners to protect and manage their forests; and

WHEREAS, these privately-owned and managed forests provide habitat, carbon sequestration, and renewable energy, in addition to countless products that Virginians use every day; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Virginia's forest products industry, one of the oldest, largest, and most important private sector industries in the Commonwealth; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Ron Jenkins, executive director, and Frank Myers, board president of the Virginia Loggers Association, as an expression of the General Assembly's admiration for the important contributions of Virginia's forest products industry to all Virginians.

SENATE JOINT RESOLUTION NO. 92

Celebrating the life of the Honorable Bernard Waugh Crigler.

Agreed to by the Senate, February 8, 2024
Agreed to by the House of Delegates, February 12, 2024

WHEREAS, the Honorable Bernard Waugh Crigler, a retired federal judge of the United States District Court for the Western District of Virginia and a highly admired member of the Charlottesville community, died on April 26, 2023; and

WHEREAS, Waugh Crigler graduated from Randolph-Macon Academy and earned a bachelor's degree from Washington and Lee University before pursuing a law degree from the University of Tennessee, where he was a member of the Tennessee Law Review and was admitted to the Order of the Coif and the Phi Delta Phi honor society; and

WHEREAS, Waugh Crigler served as a law clerk for a judge of the Eastern District of Tennessee, then began practicing law in Culpeper in 1974 as a principal in the firm formerly known as Davies, Crigler, Barrell and Will; and

WHEREAS, in 1981, Waugh Crigler was appointed as a judge of the United States District Court for the Western District of Virginia, and he presided over the court with great fairness and wisdom for more than three decades; and

WHEREAS, during his tenure as a judge, Waugh Crigler was appointed to serve two terms as a member of the U.S. Judicial Conference Criminal Rules Committee and offered his leadership to the Virginia State Bar (VSB) sections on litigation and education; he also founded and chaired the VSB Professionalism for Law Students Program and was a member of the Virginia Bar Association's Commission on Professionalism; and

WHEREAS, after his well-earned retirement from the bench in 2013, Waugh Crigler joined the McCammon Group as a certified mediator serving attorneys in Virginia, West Virginia, North Carolina, and Washington, D.C.; and

WHEREAS, over the course of his career, Waugh Crigler inspired young attorneys as an adjunct faculty member at the University of Virginia (UVA) School of Law for more than 30 years and taught the Virginia State Bar's Harry L. Carrico Mandatory Professionalism Course; and

WHEREAS, among many awards and accolades, Waugh Crigler received the William J. Brennan, Jr. Trial Advocacy Award from the National Trial Advocacy College at the UVA School of Law and the William R. Rakes Leadership in Education Award from the VSB; he was honored as a judicial member of the Charlottesville Bar Association and was the founding president and an emeritus member of the Thomas Jefferson Inn of Court; and

WHEREAS, Waugh Crigler developed his deep faith through Bible studies with Precept Ministries, and he was an active member of Trinity Presbyterian Church, where he served as an elder and elder emeritus; for more than 17 years, he led a men's Bible study program, which continued to meet electronically during the COVID-19 pandemic; and

WHEREAS, predeceased by his wife of 50 years, Anne, Waugh Crigler will be fondly remembered and greatly missed by his children, Kendall, Jason, and Stuart, and their families; and numerous other family members, friends, and colleagues; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of the Honorable Bernard Waugh Crigler; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of the Honorable Bernard Waugh Crigler as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 93

Commending John S. Nicholls.

Agreed to by the Senate, February 8, 2024
Agreed to by the House of Delegates, February 12, 2024

WHEREAS, John S. Nicholls, the president of Nicholls Auction Marketing Group, Inc., who has exemplified dedication and leadership in the auction profession, was inducted into the National Auctioneers Association Hall of Fame in 2023; and

WHEREAS, John Nicholls, a second-generation auctioneer, has demonstrated his commitment by overseeing all day-to-day operations of Nicholls Auction Marketing Group and conducting over 350 auctions annually for esteemed Fortune 500 companies; and

WHEREAS, under the leadership of John Nicholls, Nicholls Auction Marketing Group earned the prestigious Business of the Year award from the Fredericksburg Regional Chamber of Commerce; and

WHEREAS, John Nicholls has served as an influential figure in the National Auctioneers Association, holding the position of past president and contributing significantly as an instructor at the World Wide College of Auctioneering; and

WHEREAS, John Nicholls is an esteemed graduate of the Certified Auctioneers Institute and has achieved designations as an accredited auctioneer of real estate and auction technology specialist; and

WHEREAS, John Nicholls has been a distinguished speaker at numerous state auctioneer associations, representing the auction profession on national platforms such as the TODAY Show and the National Association of Realtors Convention, and undertaking a real estate auction consulting trip to South Africa; and

WHEREAS, John Nicholls has garnered numerous awards and accolades, including the titles of 1994 Virginia State Champion Auctioneer, 2003 Virginia Auctioneer of the Year, 2003 World Automobile Auctioneer Champion, and inductions into both the Virginia Auctioneers Association Hall of Fame in 2016 and the National Auctioneers Association Hall of Fame in 2023; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend John S. Nicholls for his exceptional achievements, leadership, and unparalleled dedication to the auction profession on the occasion of his induction into the National Auctioneers Association Hall of Fame in 2023; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to John S. Nicholls as an expression of the General Assembly's admiration for his legacy of outstanding contributions to the auction industry.

SENATE JOINT RESOLUTION NO. 94

Commending Beulah Baptist Church.

Agreed to by the Senate, February 15, 2024
Agreed to by the House of Delegates, February 19, 2024

WHEREAS, for 160 years, Beulah Baptist Church of Alexandria has provided its members with uplifting spiritual guidance, countless moments of joy, fellowship, worship, and opportunities for generous community outreach; and

WHEREAS, with roots that trace back to a school for former enslaved African Americans, Beulah Baptist Church was founded on October 19, 1863, by the Reverend Clem Robinson, who also served as the congregation's first pastor; and

WHEREAS, started by free-born men and women, Beulah Baptist Church was the first Black Baptist church founded after the start of the Civil War and is today the second oldest Baptist church in the City of Alexandria; and

WHEREAS, Beulah Baptist Church stands proudly as a house of freedom and faith where all are welcomed and its members are committed to engaging in projects and services that will make an impact at the church, in the Alexandria community, and beyond; and

WHEREAS, following the Reverend Clem Robinson, Beulah Baptist Church has been led by several other accomplished pastors, including the Reverend Dr. Columbus Watson, who worked tirelessly as pastor for more than a half-century to provide sage counsel to the church's members and ensure the church's prosperity and longevity; and

WHEREAS, since 2017, Beulah Baptist Church has thrived under the thoughtful stewardship of its current pastor, the Reverend Quardricos Bernard Driskell, a legislative affairs and public policy expert in the areas of education and health whose efforts have improved the quality of life for others and advanced a number of social justice and human rights causes; and

WHEREAS, over the past 160 years, Beulah Baptist Church has been a spiritual home for its many members, who have found community and a greater sense of purpose within its walls; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Beulah Baptist Church as its congregation celebrates the church's 160th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the Reverend Quardricos Bernard Driskell, pastor of Beulah Baptist Church, as an expression of the General Assembly's admiration for the church's history and its contributions to the Commonwealth.

SENATE JOINT RESOLUTION NO. 95

Celebrating the life of Commander Edward S. Stolle, Jr., USN, Ret.

Agreed to by the Senate, February 15, 2024
Agreed to by the House of Delegates, February 19, 2024

WHEREAS, Commander Edward S. Stolle, Jr., USN, Ret., an honorable veteran, esteemed corporate executive, accomplished attorney, beloved husband, father, grandfather, great-grandfather, and longtime member of the Norfolk community, died on March 20, 2023; and

WHEREAS, after graduating from high school in Lytle, Texas, Edward "Ed" Stolle attended the Bullis School in Silver Spring, Maryland, before graduating from the United States Naval Academy in 1952; and

WHEREAS, Ed Stolle began his distinguished 22-year career with the United States Navy as one of the branch's first jet fighters and test pilots, becoming a member of the renowned "Caterpillar Club" after successfully ejecting himself from his burning T-2J Buckeye; and

WHEREAS, Ed Stolle subsequently served as naval air and training advisor to the Indonesian Navy, executive officer of the USS *John R. Pierce*, and as chief of staff for the River Patrol Force in the Rung Sat Special Zone and Mekong Delta in Vietnam, participating in more than 100 operations and 37 amphibious assaults with United States Navy Sea, Air, and Land teams and the United States Army Special Forces; and

WHEREAS, after Vietnam, Ed Stolle served on the staff of the North Atlantic Treaty Organization in London before concluding his military career at the former Atlantic Fleet Command Center in Norfolk and retiring at the rank of commander; and

WHEREAS, in recognition of his gallantry and service to the nation, Ed Stolle was the recipient of several awards and honors, including the Bronze Star Medal for valor, the Navy Commendation Medal, the Army Commendation Medal, and five U.S. and Vietnamese citations and ribbons; and

WHEREAS, following his time in the United States Navy, Ed Stolle embarked upon a second career in the private sector, serving for 20 years as the Norfolk director of SAIC International, where he led the corporation's programs for operational command and control centers; and

WHEREAS, in his second retirement, Ed Stolle devoted himself to studying the law under the Virginia Board of Bar Examiners Law Reader Program; after passing the Virginia Bar Exam on his first attempt at the age of 72, he went on to serve as a court-appointed guardian ad litem for children who were suspected to be victims of abuse or neglect; and

WHEREAS, preceded in death by his loving wife of 62 years, Patricia, Ed Stolle will be fondly remembered and dearly missed by his adoring children, Ed, Ken, Bob, Chris, Siobhan, and Colin, and their families; and by numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Commander Edward S. Stolle, Jr., USN, Ret., a member of the Norfolk community whose leadership and integrity were an inspiration to all who knew him; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Commander Edward S. Stolle, Jr., USN, Ret., as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 96

Commending Claudia Flores.

Agreed to by the Senate, February 15, 2024
Agreed to by the House of Delegates, February 19, 2024

WHEREAS, for nearly seven years, Claudia Flores provided exceptional service to the Commonwealth's veterans and helped state officials stay better informed about military issues as a member of the Department of Veterans Services; and

WHEREAS, Claudia Flores served the nation from 1988 to 2017 as a member of the United States Navy; she began her decorated career as an enlisted cryptologist and served as a linguist before earning her commission as an intelligence officer; and

WHEREAS, Claudia Flores directed intelligence support operations in combat zones and held many different leadership positions, including special aide to the assistant chair of the Joint Chiefs of Staff; and

WHEREAS, Claudia Flores joined the Department of Veterans Services on June 10, 2017, and was an invaluable resource to veterans, active duty service members, and military families during her tenure with the agency; and

WHEREAS, Claudia Flores worked as an outreach coordinator and veterans service representative for the North Region, then was promoted to benefits director for the North Region; she later served as the deputy director of benefits statewide before becoming the director of policy and planning; and

WHEREAS, Claudia Flores tracked all legislation related to active duty soldiers, veterans, military installations, and partner communities and worked closely with the General Assembly Military and Veterans Caucus by preparing regular reports and offering her knowledge and expertise on these issues to state legislators; and

WHEREAS, having served the Commonwealth with the utmost integrity and professionalism, Claudia Flores began a new chapter of her career in 2024, when she accepted a fellowship to complete her doctoral degree at Liberty University; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Claudia Flores for her years of service as a member of the Department of Veterans Services; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Claudia Flores as an expression of the General Assembly's admiration for her outstanding contributions to veterans in the Commonwealth.

SENATE JOINT RESOLUTION NO. 97

Celebrating the life of Patricia Dianne Redcross.

Agreed to by the Senate, February 15, 2024
Agreed to by the House of Delegates, February 19, 2024

WHEREAS, Patricia Dianne Redcross, an esteemed choral director and music educator and a beloved member of the Hampton Roads community, died on May 15, 2023; and

WHEREAS, Dianne Redcross graduated valedictorian from the historic Union High School in Bowling Green and earned a bachelor's degree in music education from Howard University before continuing graduate studies in music education at Teachers College, Columbia University; and

WHEREAS, Dianne Redcross began her career as an educator in Washington, D.C., in 1974 and five years later relocated to Hampton, ultimately joining Newport News Public Schools in 1980 and serving as the choral director of Hines Middle School for 30 of her 31 years with the school system; and

WHEREAS, Dianne Redcross' commitment to the success of her students was evident in the superior ratings she and her students regularly received when performing in choral music festivals over the years; and

WHEREAS, in 1983, Dianne Redcross and her husband, Roscoe, founded R-D Music Studio in Hampton Roads, which later expanded into the Hampton Academy of Music, Dance, and Drama in 2000, providing many young people of Hampton Roads with quality instruction in the performing arts; and

WHEREAS, Dianne Redcross founded the Voices of Unity Choir, composed of children from Carver Memorial Presbyterian Church and St. Augustine's Episcopal Church of Newport News, in the mid-1980s and led the choir for more than 35 years, directing performances at churches and other distinguished venues around the country; and

WHEREAS, Dianne Redcross will be fondly remembered and dearly missed by her loving husband of 47 years, Roscoe; her children, Jonathan and Julian, and their families; her mother, Doris; and numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Patricia Dianne Redcross, a cherished member of the Hampton Roads community whose legacy of service will be an inspiration to others for years to come; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Patricia Dianne Redcross as an expression of the General Assembly's respect for her memory.

SENATE JOINT RESOLUTION NO. 98

Celebrating the life of Bernice Davis Willey.

Agreed to by the Senate, February 15, 2024
Agreed to by the House of Delegates, February 19, 2024

WHEREAS, Bernice Davis Willey, a beloved daughter, wife, mother, grandmother, great-grandmother, and member of the Norfolk community, died on July 8, 2023; and

WHEREAS, after overcoming discrimination and hardship to become the first of her siblings to graduate from the former Greeleyville High School in Washington County, South Carolina, in 1953, Bernice Willey moved to Norfolk, where she met and married her husband, Edward; and

WHEREAS, as a mother of ten children, Bernice Willey devoted herself to nurturing her family and supporting them in their many endeavors, preparing them to lead successful and fulfilling lives; and

WHEREAS, over the years, Bernice Willey pursued bookkeeping and typing to assist her husband in his business, E.L. Willey Electrical Contractor in Norfolk, and when he passed away in 1996, she assumed ownership of the company, which continues to be operated by her sons, Edward, Jr., and Michael, to this day; and

WHEREAS, Bernice Willey earned a certified nursing assistant diploma later in her career and subsequently worked tirelessly to ensure the well-being of those in her care both at various institutions and as a private duty nurse until her retirement in 2005; and

WHEREAS, Bernice Willey gave abundantly of her time and energy through her involvement with the Titustown Community Center in Norfolk, where she regularly participated in gatherings such as quilting classes, birthdays, local cruises, concerts, and fashion shows; and

WHEREAS, guided by her deep and abiding faith, Bernice Willey was an active member of what was formerly the Greater United Mission Pentecostal Church in South Norfolk for 65 years, where she enjoyed worship and fellowship with her community and served as a missionary and Sunday school teacher; and

WHEREAS, preceded in death by her loving husband, Edward, Sr., and her youngest child, Esther, Bernice Willey will be fondly remembered and dearly missed by her children, Violet, Edward, Jr., Michael, David, Ellen, Regina, Marietta, Allen, and Max, and their families; and by numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Bernice Davis Willey, a cherished member of the Norfolk community whose kindness and generosity touched countless lives; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Bernice Davis Willey as an expression of the General Assembly's respect for her memory.

SENATE JOINT RESOLUTION NO. 99

Commending the Virginia Society of Association Executives.

Agreed to by the Senate, February 15, 2024
Agreed to by the House of Delegates, February 19, 2024

WHEREAS, for 75 years the Virginia Society of Association Executives has served the Commonwealth's association management industry by promoting professional development and providing educational and networking opportunities to its members; and

WHEREAS, established in 1949, the Virginia Society of Association Executives is the only organization in the Commonwealth that exclusively serves the association management industry; and

WHEREAS, over the course of its history, the Virginia Society of Association Executives has increased the effectiveness and professionalism of executives from various trade, technical, and professional associations and currently serves more than 400 members; and

WHEREAS, the Virginia Society of Association Executives offers and maintains a career center and an online knowledge hub to help members grow in their professional lives; the organization also hosts engaging events like luncheons, seminars, conferences, interest groups, and community service opportunities; and

WHEREAS, the members of the Virginia Society of Association Executives have given back to their communities through volunteerism and donations to local charities; and

WHEREAS, the Virginia Society of Association Executives has inspired and supported generations of leaders in the Commonwealth's association management industry and looks to continue doing so for many years to come; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend the Virginia Society of Association Executives on the occasion of its 75th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the Virginia Society of Association Executives as an expression of the General Assembly's admiration for the organization's contributions to the association management industry.

SENATE JOINT RESOLUTION NO. 100

Commending the Bath County Fair Association, Inc.

Agreed to by the Senate, February 15, 2024
Agreed to by the House of Delegates, February 19, 2024

WHEREAS, the Bath County Fair Association, Inc., will celebrate the 10th anniversary of the Bath County Fair, regarded by many as the "Best Little One Day Fair in Virginia," at this year's event on September 21, 2024; and

WHEREAS, tracing its origins to a fair at Millboro Elementary School, the first official Bath County Fair was held in 2014 as a partnership between the Millboro Ruritan Club, the Bath County office of Virginia Cooperative Extension, and Millboro Elementary School; and

WHEREAS, the Bath County Fair draws residents from Bath, Highland, Alleghany, Rockbridge, and Augusta Counties to Millboro each year for a delightful day of arts and crafts, baked and canned goods contests, agricultural exhibits, amusement rides, and more; and

WHEREAS, as a testament to its commitment to excellence, the Bath County Fair Association recently won several blue ribbons in a communications contest organized by the Virginia Association of Fairs; and

WHEREAS, the accomplishments of the Bath County Fair over the past decade are the result of the tireless efforts of the Bath County Fair Association's staff and volunteers and the generous support of the organization's partners, sponsors, and attendees; and

WHEREAS, the Bath County Fair has grown over the years into a beloved occasion for the community to come together to honor what makes Bath County a wonderful place to live, work, and raise a family; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend the Bath County Fair Association, Inc., on the occasion of the 10th anniversary of the Bath County Fair; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the Bath County Fair Association, Inc., as an expression of the General Assembly's admiration for the organization's contributions to Bath County and the Commonwealth.

SENATE JOINT RESOLUTION NO. 101

Commending the ASK Childhood Cancer Foundation.

Agreed to by the Senate, February 15, 2024
Agreed to by the House of Delegates, February 19, 2024

WHEREAS, since 2022, the ASK Childhood Cancer Foundation has greatly supported children diagnosed with or recovering from cancer and their families through its Education Support Navigator program; and

WHEREAS, more than 350 children are diagnosed with cancer every year in the Commonwealth, while more than 2,500 survivors are coping with late effects from treatment, which include cognitive, physical, and emotional issues that will impact their ability to learn; and

WHEREAS, the ASK Childhood Cancer Foundation and its five primary cancer treatment centers are working collaboratively to find solutions that will help raise the level of care for all children with cancer; and

WHEREAS, the ASK Childhood Cancer Foundation's new Education Support Navigator program is helping the Commonwealth's young cancer patients and survivors move forward with their lives during and after treatment; and

WHEREAS, in the last 12 months, ASK Childhood Cancer Foundation's Education Support Navigator program has helped 519 pediatric cancer patients and survivors transition back to school with the support they need to be successful; and

WHEREAS, the accomplishments of the ASK Childhood Cancer Foundation are the result of the tireless efforts of its advocates, who have been a voice for Virginia's children battling cancer; and

WHEREAS, many of the advocates supporting the ASK Childhood Cancer Foundation have faced the fight against cancer firsthand and are working to make the journey easier for the children and families who follow them; and

WHEREAS, the ASK Childhood Cancer Foundation has led the effort to build impactful programs that provide family support, back-to-school support, and community and connection for patients, survivors, and families across the Commonwealth; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend the ASK Childhood Cancer Foundation for its efforts to support the Commonwealth's youngest cancer patients and survivors through its Education Support Navigator program, which will help them navigate their treatment and move forward after their devastating diagnosis; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the ASK Childhood Cancer Foundation as an expression of the General Assembly's admiration for the organization's mission and best wishes for its continued success.

SENATE JOINT RESOLUTION NO. 102

Commending New Calvary Baptist Church.

Agreed to by the Senate, February 15, 2024
Agreed to by the House of Delegates, February 19, 2024

WHEREAS, for 90 years, New Calvary Baptist Church has provided wise spiritual leadership, opportunities for joyful worship in the Baptist tradition, and generous outreach to the residents of Norfolk; and

WHEREAS, New Calvary Baptist Church traces its origins to Second Calvary Baptist Church, which was formed in 1879 and served the community for decades until it was forced to briefly close during the Great Depression; and

WHEREAS, members of the Second Calvary Baptist Church congregation worked diligently to reorganize and reopen the church as New Calvary Baptist Church on May 16, 1934; and

WHEREAS, since that time, New Calvary Baptist Church has benefited from the stable and inspirational leadership of five pastors, including the Reverend Dr. D.Y. Campbell, the Reverend Dr. Samuel A. Wilson, the Reverend Dr. Milton Reid, the Reverend Dr. Gilbert G. Campbell, Jr., and the Reverend Dr. William Marcus Small; and

WHEREAS, over the course of its long history, New Calvary Baptist Church has grown with the Norfolk community, providing outstanding services and ministries to the members of the congregation, while working to enhance the quality of life throughout the city; and

WHEREAS, New Calvary Baptist Church's outreach ministry has provided food, groceries, clothing, and other necessities to more than 900 people, and the church operates a community development corporation that helps those in need find affordable housing, support services, and job opportunities; and

WHEREAS, New Calvary Baptist Church has done astounding work for its members and the community for the past 90 years and is well poised to continue fulfilling its mission; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend New Calvary Baptist Church on the occasion of its 90th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the Reverend Dr. William Marcus Small, pastor of New Calvary Baptist Church, as an expression of the General Assembly's admiration for the church's work to revitalize the community.

SENATE JOINT RESOLUTION NO. 103

Commending Lucille Carter Boone.

Agreed to by the Senate, February 15, 2024
Agreed to by the House of Delegates, February 19, 2024

WHEREAS, Lucille Carter Boone, a vibrant member of the Portsmouth community, celebrated her 100th birthday on January 24, 2024; and

WHEREAS, born in 1924, Lucille Boone was a witness to historic events throughout the 20th century, from the Great Depression and World War II to the moon landing and the rise of modern technology in the Internet era; and

WHEREAS, a native of North Carolina, Lucille Boone moved to Portsmouth when she was orphaned after the death of her mother; she devoted herself to faith and has made numerous contributions to people in need throughout the region; and

WHEREAS, for several decades, Lucille Boone participated in the Cottage Prayer Band, a weekly community prayer group established in the 1960s, and in 1987, she joined Faith Deliverance Christian Center in Norfolk; and

WHEREAS, Lucille Boone has been a vital member of the Faith Deliverance Christian Center congregation, teaching Sunday school, participating in prayer ministries, building a strong sense of fellowship among members, and mentoring others in their journey of spiritual development; and

WHEREAS, a nurturing and family-oriented community leader, Lucille Boone takes a special interest in caring for and inspiring local children, but also relishes every opportunity to share her lifetime of wisdom with adults; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Lucille Carter Boone on the occasion of her 100th birthday; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Lucille Carter Boone as an expression of the General Assembly's admiration for her achievements and commitment to her community.

SENATE JOINT RESOLUTION NO. 104

Commending Bishop B. Courtney McBath.

Agreed to by the Senate, February 15, 2024
Agreed to by the House of Delegates, February 19, 2024

WHEREAS, Bishop B. Courtney McBath, a visionary spiritual leader and philanthropist, has touched countless lives throughout Hampton Roads through his generosity and commitment to service; and

WHEREAS, Courtney McBath is a passionate lifelong learner and holds degrees from Regent University and Providence Bible College and Theological Seminary; he recently also completed a post-graduate program in organizational leadership through Oxford University; and

WHEREAS, in 1990, Courtney McBath founded Calvary Revival Church, which has become one of the largest and fastest-growing churches in the country, with more than 7,000 congregants across multiple locations; and

WHEREAS, Courtney McBath and Calvary Revival Church have reached tens of thousands of viewers through Voice of Revival, a television ministry that airs on a local Fox affiliate station as well as online; and

WHEREAS, Courtney McBath has created several church-supported entities addressing business, educational, and cultural needs, including a kindergarten through 12th grade school system and a federal credit union; and

WHEREAS, Courtney McBath has provided his insights and expertise to other churches throughout the Commonwealth, the United States, and abroad, demonstrating how active ministry can create positive change in the wider community; and

WHEREAS, desirous to be of further service to the residents of Hampton Roads, Courtney McBath established the nonprofit organization Revive Community, which has helped people in need lead healthy, full, and enriched lives; and

WHEREAS, under Courtney McBath's leadership, Revive Community has developed a food pantry that feeds more than 700 families per week, an educational program that has provided free financial literacy tools to more than 200 individuals and families, a scholarship program, and an annual festival called Summer Homies that provides free resources to people in at-risk communities; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Bishop B. Courtney McBath on the occasion of his retirement; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Bishop B. Courtney McBath as an expression of the General Assembly's admiration for his outstanding accomplishments over the course of his career.

SENATE JOINT RESOLUTION NO. 105

Commending Jan Wynn House.

Agreed to by the Senate, February 15, 2024
Agreed to by the House of Delegates, February 19, 2024

WHEREAS, Jan Wynn House has touched countless lives in Norfolk through her kindness, generosity, and commitment to community leadership; and

WHEREAS, Jan House works as a housing coordinator for previously incarcerated women and has given countless individuals the tools and support they needed to transition to life outside of prison and become productive members of society; and

WHEREAS, a champion for the importance of a good education, Jan House has also provided her leadership and expertise to Norfolk Public Schools as a parent engagement specialist and the coordinator of the After the Bell program; and

WHEREAS, Jan House has further supported young people as a longtime troop leader with the Girl Scout Council of Colonial Coast, where she has proudly imparted to generations of girls and young women the values of integrity, honesty, and self-worth; and

WHEREAS, in addition to her work with youths, Jan House advocates for the elderly population and cofounded Seniors Aging Gracefully in 2018; the organization strives to ensure the health and wellness of local seniors in a dignified and respectful manner and encourages them to stay engaged in community life; and

WHEREAS, Jan House has also held leadership positions with the Passion Committee of the American Heart Association, the Norfolk Chapter of the National Council of Negro Women, the Garden of Hope Leaders of Tomorrow Youth Summer Program, and the NAACP; and

WHEREAS, possessed of a servant's heart, Jan House has helped people in need feel valued, understood, and accepted, and she has inspired many people around her to take a more active role in volunteer leadership; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Jan Wynn House for her legacy of outstanding contributions to the Norfolk community; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Jan Wynn House as an expression of the General Assembly's admiration for her personal and professional achievements and dedication to enhancing the quality of life in Norfolk.

SENATE JOINT RESOLUTION NO. 106

Celebrating the life of Everett Earl Walle, Jr.

Agreed to by the Senate, February 15, 2024
Agreed to by the House of Delegates, February 19, 2024

WHEREAS, Everett Earl Walle, Jr., of Mechanicsville, a patriotic veteran and a beloved husband, father, and grandfather, died on July 27, 2023; and

WHEREAS, Everett Walle was born in Van Nuys, California, and grew up in Chicago, Illinois, where he cultivated his passion for the sport of baseball and became a lifelong fan of the Chicago Cubs; and

WHEREAS, Everett Walle graduated from Lane Tech College Prep High School in Chicago and attended North Carolina State University; and

WHEREAS, Everett Walle proudly joined the United States Marine Corps and was stationed at Marine Corps Air Station Cherry Point in North Carolina and Joint Base Andrews in Maryland, where he worked on the plane of the commandant of the Marine Corps'; and

WHEREAS, over the course of his military service, Everett Walle also served on an atomic, biological, and chemical defense team; and

WHEREAS, Everett Walle subsequently pursued a career in marketing and management for more than 50 years; and

WHEREAS, in addition, Everett Walle played semi-professional baseball and later played softball in Henrico County and Hanover County for more than two decades; he served as president of the Hanover Senior Softball League for eight years; and

WHEREAS, Everett Walle's proudest achievements were those as husband, father, and grandfather, and he will be fondly remembered and greatly missed by his wife of 49 years, Kathleen; his daughter, Jennifer, and her family; and numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Everett Earl Walle, Jr., a veteran and a highly admired member of the Mechanicsville community; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Everett Earl Walle, Jr., as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 107

Commending Michael E. Stone.

Agreed to by the Senate, February 15, 2024
Agreed to by the House of Delegates, February 19, 2024

WHEREAS, Michael E. Stone, an esteemed non-profit and faith community organizer who has advocated for a consistent ethic of life for more than four decades, including nine years as executive director of Virginians for Alternatives to the Death Penalty, retired in 2023; and

WHEREAS, after serving for two years in Maine as a parish social ministry coordinator responsible for parish leadership training, development of service and action projects, and education in 35 Catholic parishes, Michael Stone arrived in Virginia where he would assist efforts in strengthening social justice engagement within the faith-based community; and

WHEREAS, as a director of the office of Justice & Peace for the Catholic Diocese of Richmond, Michael Stone coordinated the Catholic social mission in southern Virginia, leading 12 staff members, providing leadership development in social ministry in 152 churches over a 33,000 square mile area, and mobilizing volunteers to advocate and educate on a diverse range of issues with members of the Virginia General Assembly and the United States Congress; and

WHEREAS, Michael Stone has been a tireless and visionary advocate, leading the way in promoting programs that support life-affirming decisions and advocating in the public policy arena to protect human life at every stage; and

WHEREAS, Michael Stone played a central role in establishing the Virginia Catholic Conference as a public policy voice for the Catholic faith community; and

WHEREAS, as a leader in the Virginia Interfaith Center for Public Policy, Michael Stone helped harness the strength of a diverse faith community representing a powerful moral voice for social change, particularly on behalf of low-income communities; and

WHEREAS, as executive director of Virginians for Alternatives to the Death Penalty, Michael Stone reached across political and philosophical lines to identify and engage with opponents to the death penalty, including violent crime victims able to offer personal testimony to the futility of the death penalty; and

WHEREAS, Michael Stone established a reputation for an honest exchange of ideas with elected officials throughout the Commonwealth, a benefit to both the abolition movement and an understanding of the issues surrounding abolition; and

WHEREAS, the coalition of Virginians organized by Michael Stone played a critical role in the repeal of Virginia's death penalty law; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Michael E. Stone on his retirement as executive director of Virginians for Alternatives to the Death Penalty; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Michael E. Stone as an expression of the General Assembly's admiration and gratitude for his contributions to the Commonwealth and best wishes for a long and fulfilling retirement.

SENATE JOINT RESOLUTION NO. 108

Commending Christ Church.

Agreed to by the Senate, February 15, 2024
Agreed to by the House of Delegates, February 19, 2024

WHEREAS, Christ Church of Alexandria, which has provided uplifting spiritual guidance, innumerable moments of joyful fellowship and worship, and abundant opportunities for outreach to the Alexandria community since before the founding of the United States, commemorated its 250th anniversary in 2023; and

WHEREAS, as the local population grew in the 1760s, a new parish under the Church of England including Alexandria was created by the General Assembly, prompting the establishment of Christ Church, with the first services being offered in 1773; and

WHEREAS, following the Revolutionary War, Christ Church became part of the Episcopal Church in the United States of America and grew in its membership, counting among its parishioners President George Washington and other prominent individuals from the nation's early history; and

WHEREAS, from 1779 to 1789, Christ Church was led by the Reverend Dr. David Griffith, who would play a significant role in the founding of the Episcopal Church in the United States; and

WHEREAS, in 1823, Rector William Meade and other members of Christ Church founded Virginia Theological Seminary in Alexandria, which is today the largest accredited Episcopal seminary in the United States; and

WHEREAS, during the Civil War, Christ Church served as a chapel for United States Army chaplains and was spared the fate of becoming a hospital or stable as many other local churches were during wartime; and

WHEREAS, Christ Church has received many presidents of the United States since serving as George Washington's place of worship, including a visit from President Franklin Delano Roosevelt with British Prime Minister Winston Churchill during World War II; and

WHEREAS, the members of Christ Church have maintained an unwavering commitment to justice and public good as the church has engaged with the pressing issues of the day over the past several decades; and

WHEREAS, for 250 years, Christ Church has served as a beacon in the Alexandria community and as a spiritual home for its many devoted members; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Christ Church of Alexandria on the occasion of its 250th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Christ Church as an expression of the General Assembly's admiration for the organization's history and its contributions to the Commonwealth.

SENATE JOINT RESOLUTION NO. 109

Celebrating the life of Nelson Greene, Jr.

Agreed to by the Senate, February 15, 2024
Agreed to by the House of Delegates, February 19, 2024

WHEREAS, Nelson Greene, Jr., an honorable veteran, co-owner and president of Greene Funeral Home in Alexandria, and an active and beloved member of the Alexandria community, died on March 14, 2023; and

WHEREAS, Nelson Greene briefly attended the historic Parker-Gray High School and graduated from what is today the Duke Ellington School of the Arts in Washington, D.C., before serving his country with honor and distinction as an officer in the United States Army for three years; and

WHEREAS, Nelson Greene returned home to join the family business, Greene Funeral Home, founded by his father, Nelson, Sr., in 1954, studying mortuary science at what was then John Tyler Community College and earning a bachelor's degree in biology from what was then Virginia State College; and

WHEREAS, at Greene Funeral Home, Nelson Greene worked tirelessly to serve families as they mourned and paid tribute to their loved ones; in 2014, he assumed ownership of the business and continued the tradition of excellence established by his father more than a half-century before; and

WHEREAS, in recognition of his accomplishments as a mortician, Nelson Greene held a lifetime designation as a Certified Funeral Service Practitioner from the Academy of Professional Funeral Service Practice; and

WHEREAS, Nelson Greene made an outsized impact on the funeral industry through leadership positions with the Epsilon Nu Delta Mortuary Fraternity, National Funeral Directors & Morticians Association, and Virginia Morticians Association and as a founding member of the Northern Virginia District of the Virginia Morticians Association; and

WHEREAS, Nelson Greene's contributions to the community included three terms on the Alexandria City School Board and service as president of the Departmental Progressive Club, a social organization in Alexandria that collaborates frequently with local organizations to address the needs of the community; and

WHEREAS, Nelson Greene showed a commitment to nurturing future generations of morticians as an adjunct professor in the mortuary science program at the University of the District of Columbia; and

WHEREAS, guided throughout his life by his faith, Nelson Greene enjoyed worship and fellowship with his community at Meade Memorial Episcopal Church in Alexandria, where he served as a licensed lay preacher and as a junior warden and senior warden on multiple occasions; and

WHEREAS, Nelson Greene will be fondly remembered and dearly missed by his loving wife, Donita; his children, Nina, Nelson III, Derrick, and James, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Nelson Greene, Jr., a cherished member of the Alexandria community whose dedication and service touched countless lives; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Nelson Greene, Jr., as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 110

Commending the Arlington Chamber of Commerce.

Agreed to by the Senate, February 15, 2024
Agreed to by the House of Delegates, February 19, 2024

WHEREAS, since 1924, the Arlington Chamber of Commerce has strengthened the business and economic environment for those who live, work, and do business in Arlington County; and

WHEREAS, in that time, the Arlington Chamber has developed a membership of more than 700 members spanning businesses of all sizes, including more than 100 nonprofit organizations; and

WHEREAS, the Arlington Chamber serves as a catalyst for businesses, filling crucial needs in the Arlington community through programs, such as its Arlington Chamber Volunteer Day, nonprofit forum, and Job Shadow Day for Arlington high school students; and

WHEREAS, the Arlington Chamber provides educational resources to thousands of employers and employees, assisting them with successfully operating their businesses; and

WHEREAS, the Arlington Chamber connects thousands of businesspeople with clients, customers, donors, and vendors through numerous events and programs; and

WHEREAS, the Arlington Chamber serves as the voice for Arlington businesses and organizations in government and advocacy matters both at the local and state level, advocating for businesses collectively as well as supporting individual member businesses; and

WHEREAS, the Arlington Chamber tirelessly supported and advocated for businesses during the COVID-19 pandemic, offering business resources and timely business updates and virtual events for the benefit of its membership and the broader business community; and

WHEREAS, for the past 100 years, the Arlington Chamber of Commerce has been a vital part of what makes Arlington County a wonderful place to live, work, and conduct business; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend the Arlington Chamber of Commerce on the occasion of its 100th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the Arlington Chamber of Commerce as an expression of the General Assembly's admiration for its history and contributions to the Commonwealth.

SENATE JOINT RESOLUTION NO. 111

Commending Simpson Development Company, Inc.

Agreed to by the Senate, February 15, 2024
Agreed to by the House of Delegates, February 19, 2024

WHEREAS, over the past 100 years, Simpson Development Company, Inc., a family-owned business in Alexandria, has grown from a small masonry company into a company that currently provides a range of real estate development and property management services; and

WHEREAS, Simpson Development Company traces its roots to 1924, when five brothers formed Simpson Masonry Company; the original crew consisted of the five Simpson brothers and six other employees; and

WHEREAS, Simpson Masonry Company completed more than 100 masonry and stone building projects, including churches, warehouses, residential apartment buildings, and single-family dwellings; and

WHEREAS, in 1950, Eugene and Clarence Simpson greatly expanded the business, forming a full-service general contracting firm that was responsible for 400 commercial projects throughout Virginia, Maryland, and Washington, D.C., including offices, hotels, schools, shopping centers, warehouses, apartments, and government buildings; and

WHEREAS, Simpson Development Company and Simpson Properties, Ltd., were subsequently formed to strengthen the business's portfolio with corporate real estate and property management services; and

WHEREAS, Donald "Don" Simpson, Jr., the grandson of Clarence Simpson, currently serves as president of Simpson Development Company and vice president of Simpson Properties; under his leadership, the family business manages more than one million square feet of office space and develops tens of thousands of square feet each year; and

WHEREAS, a graduate of T.C. Williams High School and Virginia Polytechnic Institute and State University, Don Simpson, Jr., has helped Simpson Development Company continue to provide outstanding service to clients while supporting the local community; and

WHEREAS, Don Simpson, Jr., has guided Simpson Development Company to provide generous donations to several nonprofit organizations, including Senior Services of Alexandria and the Scholarship Fund of Alexandria; he is also the chair of the INOVA Alexandria Hospital Foundation board and an active member of the Alexandria Youth Sports Commission and the Rotary Club of Alexandria; and

WHEREAS, in recognition of his personal and professional accomplishments, Don Simpson, Jr., was selected as a Living Legend of Alexandria in 2020 and was named the Business Leader of the Year by the Alexandria Chamber of Commerce in 2023; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Simpson Development Company, Inc., on the occasion of its 100th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Don Simpson, Jr., president of Simpson Development Company, Inc., as an expression of the General Assembly's admiration for the company's long history and numerous accomplishments in service to the Alexandria community.

SENATE JOINT RESOLUTION NO. 112

Commending Glenn Stuart Settle.

Agreed to by the Senate, February 15, 2024
Agreed to by the House of Delegates, February 19, 2024

WHEREAS, Glenn Stuart Settle, a distinguished law-enforcement officer, retired as a deputy sheriff with the Richmond County Sheriff's Department in 2023, after a long and successful career; and

WHEREAS, Glenn Settle was a 1965 graduate of George C. Marshall High School in Falls Church and a 1969 graduate of the University of Richmond, from which he earned a bachelor's degree in business administration; and

WHEREAS, on July 7, 1969, Glenn Settle took the oath of office as a police officer with the Arlington County Police Department; and

WHEREAS, Glenn Settle served as a patrol officer and as a special investigations detective in narcotics and vice, then became a district supervisor, overseeing up to 15 patrol officers per shift, while also responding to serious crime scenes; and

WHEREAS, while serving as a police officer in Arlington, Glenn Settle managed the "Doc Maiden Shoe Fund," a charitable fund started by the department and named in honor of a local physician that provided money to families in need to purchase clothing, glasses, and other necessities for their children; and

WHEREAS, Glenn Settle retired from the Arlington County Police Department in December 1997 with the rank of sergeant after 28 years and five months of outstanding service; and

WHEREAS, Glenn Settle moved to the village of Sharps in Richmond County for his retirement but ultimately wished to continue serving and protecting members of the public and returned to police work as a deputy sheriff with the Richmond County Sheriff's Department on February 1, 1998; and

WHEREAS, during his time with the Richmond County Sheriff's Department, Glenn Settle was responsible for courtroom security in the local circuit, general district, and juvenile and domestic relations district courts; in 2004, he was designated head of courtroom security; and

WHEREAS, when not in the courtroom, Glenn Settle served civil process, and he became a mentor to a younger generation of law-enforcement officers by passing on his knowledge of courtroom procedure and the proper role of police in society; and

WHEREAS, on May 1, 2023, Glenn Settle retired for the second time after 25 years and three months of service with the Richmond County Sheriff's Department; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That Glenn Stuart Settle hereby be commended for his 54 years of honorable service to the residents of the Commonwealth as a police officer; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Glenn Stuart Settle as an expression of the General Assembly's admiration for his achievements during his exemplary career in law enforcement.

SENATE JOINT RESOLUTION NO. 113

Commending Elmer Rudolph Morris, Jr.

Agreed to by the Senate, February 15, 2024
Agreed to by the House of Delegates, February 19, 2024

WHEREAS, Elmer Rudolph Morris, Jr., was born on February 12, 1924, at home at Edge Hill in King George County; and

WHEREAS, Elmer "Juney" Morris graduated from King George High School in 1941 and attended The College of William and Mary in Virginia for a year and a half until the beginning of World War II; and

WHEREAS, Juney Morris enlisted in the United States Navy and served in the medical corps as a pharmacist mate, beginning his service in Newport, Rhode Island; and

WHEREAS, Juney Morris bravely served aboard the destroyer DD-630, the USS *Braine*, as part of the Little Beaver Squadron in the South Pacific; and

WHEREAS, during his service on the USS *Braine*, Juney Morris was wounded during kamikaze attacks on May 27, 1945, east of Okinawa; he earned a Purple Heart and later received the Navy and Marine Corps Medal for his service; and

WHEREAS, Juney Morris returned to King George County after the war and completed his business degree on the GI Bill at what is now the University of Mary Washington, where he met his wife, Marceline "Marcy" Weatherly Morris; and

WHEREAS, Juney Morris taught seventh grade for a year, served on the King George County School Board for 20 years, and was a founding member of King George State Bank in 1974 through its merger with Union Bank & Trust in 1999, chairing its board of directors for 24 years; and

WHEREAS, in addition, Juney Morris served the community as the owner of Morris Chevrolet for 47 years; and

WHEREAS, Juney Morris has enjoyed the love and support of his beloved wife, Marcy, for 73 years, as well as the love and support of their children, grandchildren, great-grandchildren, and great-great-grandchildren; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Elmer Rudolph Morris, Jr., on the occasion of his 100th birthday; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Elmer Rudolph Morris, Jr., as an expression of the General Assembly's admiration for his achievements in service to King George County, the Commonwealth, and the United States of America.

SENATE JOINT RESOLUTION NO. 114

Commending the Honorable Charles Vic Mason.

Agreed to by the Senate, February 15, 2024
Agreed to by the House of Delegates, February 19, 2024

WHEREAS, the Honorable Charles Vic Mason, longtime Clerk of the King George County Circuit Court and the third generation of the Mason family to hold this distinguished position, retired in 2023; and

WHEREAS, Vic Mason was elected to serve as Clerk of the King George County Circuit Court in 1994 and for nearly three decades thereafter oversaw the effective and efficient administration of the court's procedures and operations; and

WHEREAS, in his role as clerk of the court, Vic Mason ably managed hundreds of different responsibilities, including serving as the recorder of deeds, probate judge and as the official court administrator for all of the circuit court's civil and criminal cases; and

WHEREAS, Vic Mason greatly supported the mission of the Virginia Court Clerks Association as its president from 2009-2010 and in other leadership roles with the organization; and

WHEREAS, Vic Mason is an avid sportsman who from 2010 to 2020 shared his expertise as a hunter education instructor with the agency formerly known as the Department of Game and Inland Fisheries; he also fostered his interest in hunting through affiliations with the National Rifle Association and Ducks Unlimited; and

WHEREAS, Vic Mason has worked to support our nation's veterans through his involvement with Sons of The American Legion, the Veterans of Foreign Wars Auxiliary, and the Fredericksburg Guard Association Foundation and as a volunteer with the annual Disabled Veterans Hunt at Caledon Natural Area in King George County; and

WHEREAS, Vic Mason served as director and treasurer of the Frazier-Mason Some Gave All Memorial Foundation, which was established in 2007 in memory of his son, United States Army Sergeant Nicholas Conan Mason of King George County, as well as United States Marine Corps Sergeant Joshua James Frazier of Spotsylvania County; the organization has awarded nearly $500,000 since its founding to individuals and organizations in support of disabled veterans; and

WHEREAS, Vic Mason established and has served as director of the Sgt. Nicholas C. Mason Memorial Scholarship Fund, which has awarded more than $150,000 in scholarships to King George High School graduates since 2005; and

WHEREAS, through his tireless efforts and unwavering commitment to his purpose, Vic Mason has made a profound and lasting impact on the community of King George County; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend the Honorable Charles Vic Mason on the occasion of his retirement as Clerk of the King George County Circuit Court; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the Honorable Charles Vic Mason as an expression of the General Assembly's admiration for his legacy of service and best wishes for a happy and fulfilling retirement.

SENATE JOINT RESOLUTION NO. 115

Celebrating the life of Douglas Durrell Monroe, Jr.

Agreed to by the Senate, February 15, 2024
Agreed to by the House of Delegates, February 19, 2024

WHEREAS, Douglas Durrell Monroe, Jr., a respected banking executive and a community leader who enhanced the quality of life in the Northern Neck through his commitment to philanthropy and servant-leadership, died on August 31, 2023; and

WHEREAS, Douglas "Doug" Monroe grew up in Pelham, New York, and spent summers in his youth on a farm in Irvington, gaining a lifelong appreciation for the natural beauty of the Northern Neck; and

WHEREAS, Doug Monroe earned a bachelor's degree from Washington and Lee University and a master's degree from Purdue University, then continued his graduate studies at Rutgers University; and

WHEREAS, Doug Monroe proudly served his country as a member of the United States Navy from 1955 to 1959 and was stationed aboard the destroyers USS *McNair* and USS *Pillsbury*; he also taught courses for the United States Navy at Purdue University; and

WHEREAS, after his honorable military service, Doug Monroe pursued a long and successful career in commercial banking and financial services, first with Wachovia Bank in Winston-Salem, North Carolina; and

WHEREAS, in 1965, Doug Monroe returned to the Commonwealth, moving his family to Irvington, and joined Lancaster National Bank, which soon after became Chesapeake Bank; and

WHEREAS, Doug Monroe devoted 58 years of service to Chesapeake Bank and ultimately became chief executive officer and chair of the board; under his innovative leadership, the bank created many new programs to better serve the community, including the nation's first bank branch on a boat; and

WHEREAS, highly admired in the banking industry, Doug Monroe was a member of the board of directors of the Federal Reserve Bank of Richmond and was a past president of the Virginia Bankers Association; and

WHEREAS, Doug Monroe worked diligently to support the community in the Northern Neck and was a founding board member of the Chesapeake Academy, Rappahannock Westminster-Canterbury retirement home, and Virginia Quality Life, Inc., a multi-faceted health, recreation, and education center, co-locating the Lower Northern Neck YMCA, the Lancaster County chapter of the American Red Cross, the Northern Neck Free Health Clinic, and the Rappahannock General Hospital on a single campus; and

WHEREAS, outside of his career and community service, Doug Monroe enjoyed fishing, boating, and playing golf; he was a former club champion at Indian Creek Country Club, where he proudly shot his age several times between 68 and 87; he also worked with Tides Inn Resort to preserve the Golden Eagle Golf Course created by the prolific golf course designer George W. Cobb; and

WHEREAS, a man of deep faith, Doug Monroe enjoyed fellowship and worship with the community as a member of Campbell Memorial Presbyterian Church, where he had served as a deacon and an elder; and

WHEREAS, Doug Monroe will be fondly remembered and greatly missed by his children, Douglas III, Margaret, Kathy, Wende, and John, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Douglas Durrell Monroe, Jr., a longtime banking executive and pillar of his community in the Northern Neck; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Douglas Durrell Monroe, Jr., as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 116

Celebrating the life of Mia Ethridge.

Agreed to by the Senate, February 15, 2024
Agreed to by the House of Delegates, February 19, 2024

WHEREAS, Mia Ethridge, a beloved daughter and sister and a highly admired member of the Louisa County Department of Fire and Emergency Medical Services, died on September 1, 2023, from injuries sustained in the line of duty; and

WHEREAS, Mia Ethridge was born in Frederick, Maryland, and grew up in Maryland and Virginia; and

WHEREAS, a 2021 homeschool graduate, Mia Ethridge was known for her kindness and cheerful sense of humor; she was driven to pursue a career in public safety by her passion for helping others; and

WHEREAS, Mia Ethridge safeguarded the lives and property of Louisa County residents as a firefighter and emergency medical technician, and she inspired her colleagues through her enthusiasm for learning the craft of firefighting; and

WHEREAS, Mia Ethridge led by example, demonstrating the utmost courage, dedication, and compassion while serving members of the public; and

WHEREAS, Mia Ethridge touched countless lives through her commitment to service, and her passing is a reminder of the dangers bravely faced by firefighters throughout the Commonwealth every day; and

WHEREAS, Mia Ethridge will be fondly remembered and greatly missed by her parents, Mark and Grace Ethridge; her siblings, Nolan and Taylor; and numerous other family members, friends, and fellow public safety officers; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Mia Ethridge, a member of the Louisa County Department of Fire and Emergency Medical Services and a vibrant member of her community; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Mia Ethridge as an expression of the General Assembly's respect for her memory.

SENATE JOINT RESOLUTION NO. 117

Commending the Reverend Dr. Keith Ivan Jones.

Agreed to by the Senate, February 15, 2024
Agreed to by the House of Delegates, February 19, 2024

WHEREAS, after a distinguished 41-year career in ministry, the Reverend Dr. Keith Ivan Jones retired as the senior pastor of Shiloh Baptist Church in Norfolk; and

WHEREAS, Keith Jones previously served the nation as a quartermaster officer and a chaplain in the United States Army; he was selected to serve as pastor of the United States Army War College Memorial Chapel, the most prestigious posting for an Army chaplain; and

WHEREAS, after joining Shiloh Baptist Church, Keith Jones invigorated the congregation through his engaging sermons and commitment to religious education; he established several community-focused ministries, with a particular emphasis on social justice; and

WHEREAS, highly admired throughout the region for his spiritual counsel and wise leadership, Keith Jones also served as the 57th President of the Tidewater Metro Baptist Ministers' Conference of Virginia; and

WHEREAS, in addition to his outreach work through the church, Keith Jones has devoted himself to enhancing the quality of life of all Norfolk residents by offering his expertise to several boards and nonprofit organizations; and

WHEREAS, Keith Jones has received numerous military and civilian awards and accolades for his outstanding personal and professional achievements; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend the Reverend Dr. Keith Ivan Jones on the occasion of his retirement; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the Reverend Dr. Keith Ivan Jones as an expression of the General Assembly's admiration for his legacy of contributions to the Norfolk community.

SENATE JOINT RESOLUTION NO. 118

Commending Geline Bowman Williams.

Agreed to by the Senate, February 22, 2024
Agreed to by the House of Delegates, February 26, 2024

WHEREAS, Geline Bowman Williams, a lifelong resident of Richmond and a dedicated civic leader with a servant's soul, celebrates her 100th birthday on February 27, 2024; and

WHEREAS, a graduate of St. Catherine's School, Geline Williams attended Goucher College, then raised five children with her late husband, Alexander; and

WHEREAS, an active and engaged citizen, Geline Williams has devoted her life to serving people in need in communities throughout the Commonwealth; and

WHEREAS, devoted to the well-being and prosperity of her hometown, Geline Williams served four terms on the Richmond City Council; she was appointed as mayor from 1988 to 1990 and was the second woman in city history to hold the office; and

WHEREAS, during her tenure in local government, Geline Williams worked tirelessly on behalf of her constituents, coordinating with local, state, and federal officials to ensure the construction of a flood wall that continues to protect businesses and residents today; and

WHEREAS, Geline Williams served two terms on the Virginia Commission on Local Government, providing unique and invaluable insights to the commission and facilitating its work to assist counties, cities, and towns across the state; and

WHEREAS, Geline Williams has selflessly given of her time and talents in a variety of leadership roles with private and nonprofit organizations, such as the Instructive Visiting Nurse Association, United Way, Richmond Catholic Family and Children's Services, and ChildFund International; and

WHEREAS, in 1967, Geline and Alexander Williams founded the Virginia Society for Human Life, the oldest state-level pro-life organization in the nation; and

WHEREAS, for over three decades, Geline Williams served as the board chair of the National Right to Life Committee, providing strong and stable leadership; and

WHEREAS, a member of Saint Bridget Catholic Church, Geline Williams has been an active leader for generations in the Roman Catholic community, serving as president of the Richmond Diocesan Council of Catholic Women and on the board of directors of the McMahon Parater Foundation for Education; and

WHEREAS, in recognition of her long and exceptional service to religious and civic life, in 1985, Geline Williams was honored by Pope John Paul II with the Benemerenti Medal, the highest papal honor awarded to a Catholic layperson; and

WHEREAS, over the course of her long and fruitful life, Geline Williams has sought to serve Christ by serving her brothers and sisters throughout Richmond, the Commonwealth, and the nation; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Geline Bowman Williams on the occasion of her 100th birthday; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Geline Bowman Williams as an expression of the General Assembly's admiration, congratulations, and appreciation for her lifetime of selfless service to the residents of the Commonwealth.

SENATE JOINT RESOLUTION NO. 119

Celebrating the life of James Timothy Dalke.

Agreed to by the Senate, February 22, 2024
Agreed to by the House of Delegates, February 26, 2024

WHEREAS, James Timothy Dalke, a patriotic veteran and dedicated public servant who made countless contributions to his beloved home community of Woodstock, died on December 23, 2023; and

WHEREAS, a lifelong resident of Woodstock, Timothy "Tim" Dalke gained a sense of duty, honor, and commitment to service from his parents, the late William and Kathryn Dalke; and

WHEREAS, Tim Dalke served the nation as a sergeant in the United States Army and was deployed to Vietnam with the 101st Airborne Division, where he earned the Bronze Star, the Army Commendation Medal, the Air Medal, and other decorations for his meritorious achievements; and

WHEREAS, after his honorable military service, Tim Dalke graduated from Shippensburg University, then returned to Woodstock and eventually became the owner of his family's businesses, the Community Theatre and the Family Drive-In, which have provided entertainment to generations of local residents and visitors; and

WHEREAS, highly respected in his profession, Tim Dalke served as a past secretary and treasurer of the National Association of Theatre Owners of Virginia and a past president of the Woodstock Chamber of Commerce; and

WHEREAS, desirous to be of further service to the community, Tim Dalke ran for and was elected to the Woodstock Town Council; he provided outstanding leadership to his fellow residents as a council member for eight years and as mayor for another nine; and

WHEREAS, outside of his career and public service, Tim Dalke volunteered his time with the Rotary Club of Woodstock, Woodstock American Legion Post No. 199, Veterans of Foreign Wars Post 2447, and Woodstock Moose Lodge 575; he was also an avid outdoorsman who spent as much time hunting and fishing as he could; and

WHEREAS, a man of deep faith, Tim Dalke enjoyed fellowship and worship with the congregation of Saint Paul's United Church of Christ, where he served as a greeter and was a trustee from 2014 to 2023; and

WHEREAS, in his youth, Tim Dalke played guitar in a band called The Shifters, and his love of music endured throughout his life; he made many fond memories with his children and grandchildren by playing carols on his piano every Christmas; and

WHEREAS, Tim Dalke will be fondly remembered and greatly missed by his wife of 51 years, Catherine; his children, Leah, Amy, and Eric, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of James Timothy Dalke, a pillar of the Woodstock community; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of James Timothy Dalke as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 120

Commending Peter Reynolds.

Agreed to by the Senate, February 22, 2024
Agreed to by the House of Delegates, February 26, 2024

WHEREAS, Peter Reynolds, a patriotic veteran and a cherished member of the community in Henrico County, celebrates his 100th birthday in 2024; and

WHEREAS, Peter Reynolds was born at his grandparents' home in Port Reading, New Jersey, on July 11, 1924; the simple brick and stucco house was located on Roosevelt Avenue in a rural area then known as East Rahway; and

WHEREAS, growing up during the Great Depression, Peter Reynolds learned the value of hard work and responsibility at a young age; after graduating from Woodbridge High School in 1942, he signed up for the draft, and ultimately served the nation as a member of the United States Army during World War II; and

WHEREAS, Peter Reynolds completed his training at various camps around the southeast United States, then deployed to England where, in 1944, a few days after his twentieth birthday, he boarded a cargo ship and crossed the English Channel as part of General George S. Patton's Third United States Army; and

WHEREAS, Peter Reynolds served as cannoneer for an M7 Priest self-propelled artillery vehicle in the Fourth Armored Division and participated in the dash across France after the breakout from Normandy; and

WHEREAS, Peter Reynolds saw combat during the Battle of the Bulge in Bastogne, Belgium, and was wounded in action on February 24, 1945, when he was hit by mortar fire in Trier, Germany; he underwent surgery in England and still carries a small fragment of mortar shell in his chest; and

WHEREAS, after his honorable military service, Peter Reynolds earned a degree in journalism from Rutgers University through the GI Bill, and he enjoyed a long and successful career in the newspaper, magazine, and public relations industries; and

WHEREAS, Peter Reynolds married his late wife, Phyllis, in 1954, and the couple proudly raised four children, all of whom attended colleges and universities in Virginia; and

WHEREAS, Peter Reynolds and his family moved to Annandale in 1974, and after his retirement from the U.S. Department of Commerce in 1990, he and Phyllis settled in Port Royal, where he served as president of the Portobago Bay Homeowners Association; and

WHEREAS, Peter Reynolds is a current resident of the Discovery Village at West End in Henrico County, where he leads a poetry circle and is an enthusiastic participant of singalong sessions; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Peter Reynolds on the occasion of his 100th birthday in 2024; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Peter Reynolds as an expression of the General Assembly's admiration for his legacy of service to the Commonwealth and the nation.

SENATE JOINT RESOLUTION NO. 121

Commending Ammon G. Dunton, Jr.

Agreed to by the Senate, February 22, 2024
Agreed to by the House of Delegates, February 26, 2024

WHEREAS, Ammon G. Dunton, Jr., a respected attorney and active community leader, has made numerous contributions to the residents of the Northern Neck and the Commonwealth; and

WHEREAS, a native of Lancaster County, Ammon Dunton graduated from Yale University in 1957, then served the nation as an officer in the United States Army; he subsequently graduated from the University of Virginia School of Law, where he served as an associate editor of the *Virginia Journal of International Law*; and

WHEREAS, Ammon Dunton began his career with Shearman & Sterling, a firm in New York City, then returned to the Northern Neck, where he currently focuses his practice on the administration of trusts and estates; as a registered investment advisor, he also has clients in numerous other states; and

WHEREAS, Ammon Dunton has offered his leadership and expertise to businesses in the region as chair of the Bay Banks of Virginia, chair of the Bank of Lancaster, chair of the Northern Neck Insurance Company, president of the Virginia Association of Mutual Insurance Companies, and vice president of the Virginia Chamber of Commerce; and

WHEREAS, outside of his career, Ammon Dunton generously supports many worthy charitable causes and serves as the president of the Tidewater Foundation; and

WHEREAS, Ammon Dunton has preserved the historical resources of the Northern Neck as president of the Mary Ball Washington Museum & Library, president of the Northern Neck Historical Society, chair of the Lancaster County Landmarks Commission, and former chair of the Lancaster County Bicentennial Commission; and

WHEREAS, Ammon Dunton also supports local cultural life as chair of the board of the Northern Neck Symphony Orchestra; and

WHEREAS, Ammon Dunton enjoys fellowship and worship with the congregation of Grace Episcopal Church in Kilmarnock, where he has served as a member of the vestry and was elected as senior warden three times; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Ammon G. Dunton, Jr., an attorney and community leader in the Northern Neck, for his many contributions to his profession and his fellow residents; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Ammon G. Dunton, Jr., as an expression of the General Assembly's admiration for his personal and professional achievements.

SENATE JOINT RESOLUTION NO. 122

Commending the Virginia Chamber of Commerce.

Agreed to by the Senate, February 22, 2024
Agreed to by the House of Delegates, February 26, 2024

WHEREAS, for 100 years, the Virginia Chamber of Commerce has been a leading advocate for businesses in the Commonwealth, supporting economic prosperity and enhancing the quality of life for all Virginians; and

WHEREAS, the Virginia Chamber of Commerce has amassed impressive accomplishments by holding fast to its founding principle of promoting the "betterment of the state and its people through the free enterprise system"; and

WHEREAS, since its establishment on January 4, 1924, the Virginia Chamber of Commerce has played a pivotal role in fostering a dynamic business environment, promoting innovation, and advocating for policies that enhance the competitiveness of Virginia businesses; and

WHEREAS, through its strategic document, *Blueprint Virginia*, the Virginia Chamber of Commerce has advocated for investments in education, transportation, economic development, energy, health care, support for military and veterans, sustainability, and housing; and

WHEREAS, the Virginia Chamber of Commerce has been a unifying force, bringing together businesses of all sizes and industries across the Commonwealth to collaborate, share best practices, and address the challenges facing the business community; and

WHEREAS, over the past century, the Virginia Chamber of Commerce has demonstrated unwavering dedication to advancing the interests of its members, contributing to job creation, and driving economic growth throughout the Commonwealth; and

WHEREAS, the Virginia Chamber of Commerce has been at the forefront of shaping public policy, working with government officials, community leaders, and stakeholders to create a business-friendly environment that encourages investment, entrepreneurship, and sustainable development; and

WHEREAS, the Virginia Chamber of Commerce has been a valuable resource for businesses, providing networking opportunities, educational programs, and resources to help them navigate the ever-changing business landscape; and

WHEREAS, as the Virginia Chamber of Commerce celebrates its 100th anniversary, it is an opportune time to reflect on its rich history, acknowledge its accomplishments, and express gratitude for the enduring impact it has had on the economic vitality of the Commonwealth and its work to ensure that Virginia is the best state for business in the nation; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend the Virginia Chamber of Commerce on the occasion of its 100th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the Virginia Chamber of Commerce as an expression of the General Assembly's admiration for its 100 years of vital service to the Commonwealth.

SENATE JOINT RESOLUTION NO. 123

Commending the Virginia Alcoholic Beverage Control Authority.

Agreed to by the Senate, February 22, 2024
Agreed to by the House of Delegates, February 26, 2024

WHEREAS, the Virginia Alcoholic Beverage Control Authority will celebrate its 90th anniversary on March 22, 2024; and

WHEREAS, following the end of national Prohibition, the Commonwealth chose to become a control state for the sale, consumption, and regulation of alcohol; and

WHEREAS, over the course of the past 90 years, the Virginia Alcoholic Beverage Control Authority has grown with the alcohol industry to become a leader among the 17 control states in the United States, consistently ranking above the national average in alcohol-related health, regulation, education, prevention, and public safety; and

WHEREAS, the mission of the Virginia Alcoholic Beverage Control Authority is to strengthen the Commonwealth through public safety, education, and revenue from the responsible regulation and sale of alcoholic beverages; and

WHEREAS, the Virginia Alcoholic Beverage Control Authority is a leading revenue producer for the Commonwealth and source of future economic growth and innovation for the state; the authority administers and regulates alcohol-related laws, while prioritizing public safety and fairness by embracing the authority's values of accountability, service, integrity, and performance excellence for a stronger and safer Commonwealth; and

WHEREAS, the Virginia Alcoholic Beverage Control Authority contributes to community health through expansive community partnerships and K-12 and higher education prevention programs for Virginians of all ages; and

WHEREAS, the Virginia Alcoholic Beverage Control Authority's special agents work with more than 19,000 licensed businesses to achieve compliance with alcohol-related laws and regulations and to address noncompliance issues in a collaborative and thorough manner; and

WHEREAS, the Virginia Alcoholic Beverage Control Authority works frequently with other state and local law-enforcement agencies to reduce criminal activities involving alcohol, and in the past year alone, this work has resulted in more than 500 public safety investigations and dozens of summary suspensions to enhance public safety; and

WHEREAS, the Virginia Alcoholic Beverage Control Authority is primarily focused on alcohol-related regulatory matters, achieving compliance, and continuous improvement; and

WHEREAS, the Virginia Alcoholic Beverage Control Authority's Bureau of Law Enforcement has achieved and sustained accreditation through the Virginia Law Enforcement Professional Standards Commission, has been recognized twice as Liquor Law Enforcement Agency of the Year, and has exceeded training requirements to ensure agents remain equipped to successfully execute on the Authority's mission now and into the future; and

WHEREAS, the Virginia Alcoholic Beverage Control Authority has evolved from six initial stores in Richmond to over 400 throughout the Commonwealth and has contributed $13.2 billion to the Commonwealth's general fund supporting major education, health, and prevention initiatives; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend the Virginia Alcoholic Beverage Control Authority for its progress and growth over the last 90 years and for its continuing efforts on behalf of the Commonwealth and its residents that will continue well into the future; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the leadership of the Virginia Alcoholic Beverage Control Authority as an expression of the General Assembly's admiration for nine decades of exemplary service to the Commonwealth and its residents.

SENATE JOINT RESOLUTION NO. 124

Commending George Teague, Jr.

Agreed to by the Senate, February 22, 2024
Agreed to by the House of Delegates, February 22, 2024

WHEREAS, in 2022, George Teague, Jr., a native of Accomack County and an accomplished owner, trainer, and driver in the sport of harness horse racing, was inducted into the Harness Racing Museum's Living Hall of Fame; and

WHEREAS, George Teague was born in Melfa and learned about harness horse racing at a young age from his parents, who worked as horse trainers at the Keller Fair Grounds; and

WHEREAS, in 1976, George Teague and his family settled in Harrington, Delaware, where he and his sister, Brenda, have now been training and racing horses at Teague Stables for decades; and

WHEREAS, throughout his career, George Teague has earned respect and admiration for his humility, professionalism, and incomparable work ethic, and has garnered a reputation for a keen eye when it comes to picking horses with championship potential; and

WHEREAS, George Teague campaigned with some of the top harness racing horses of the 21st century, including the 2004 Horse of the Year, Rainbow Blue, who won 30 of her 32 lifetime starts; Total Truth, the 2006 Pacer of the Year and winner of the North America Cup; and Wiggle It Jiggleit, who was named the 2015 Horse of the Year after winning 22 of 26 starts; and

WHEREAS, Team Teague also campaigned with Lather Up, the 2018 North America Cup and world champion who later equaled the 1:46 record for the fastest mile ever; and

WHEREAS, George Teague broke down barriers as one of the few prominent Black members of the harness horse racing community, and he earned numerous awards and accolades over the course of his career; and

WHEREAS, George Teague received the William R. Haughton Good Guy Award in 2004 and 2016, the Dominic Frinzi Person of the Year Award from Harness Horse International in 2016, and the Stan Bergstein Proximity Award, the highest honor given by the United States Harness Writers Association, in 2016; and

WHEREAS, George Teague enjoys the love and support of his wife, Joy; his son, Montrell; and his stepdaughters, Shanika and Shamika in all his endeavors; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend George Teague, Jr., on his induction into the Harness Racing Museum's Living Hall of Fame in 2022; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to George Teague, Jr., as an expression of the General Assembly's admiration for his incredible achievements and contributions to harness horse racing.

SENATE JOINT RESOLUTION NO. 125

Commending the Honorable Lisa A. Mayne.

Agreed to by the Senate, February 22, 2024
Agreed to by the House of Delegates, February 26, 2024

WHEREAS, the Honorable Lisa A. Mayne retires as a judge of the Fairfax County General District Court of the 19th Judicial District of Virginia in 2024; and

WHEREAS, Lisa Mayne grew up in Los Angeles, California, and graduated from Pitzer College in nearby Claremont; she subsequently earned a law degree from George Mason University, during which time she worked as a law clerk for local firms and the U.S. Attorney's Office in Alexandria; and

WHEREAS, Lisa Mayne began practicing law with the firm Kelly & Morris and became a partner at Kelly, Mayne & Daughtrey, specializing in the areas of insurance subrogation, creditor's rights, and collections; and

WHEREAS, Lisa Mayne was selected as a substitute judge of the Fairfax Circuit Court in 2004 and served in that capacity until she was appointed as a judge of the Fairfax County General District Court of the 19th Judicial District of Virginia in 2006; and

WHEREAS, Lisa Mayne presided over the court with great fairness and wisdom and ably served as chief judge of the Fairfax County General District Court from 2018 to 2023; during her tenure as chief judge, she led efforts to increase the number of judges on the court and developed policies and procedures to keep the court open and operating safely during the COVID-19 pandemic; and

WHEREAS, as a longtime member of the Fairfax County Veterans Treatment Docket, Lisa Mayne helped place veterans with substance abuse or mental health issues in a specialized treatment program; she also served as a trusted mentor for fellow general district court judges in Harrisonburg and the counties of Arlington, Loudoun, and Prince William; and

WHEREAS, Lisa Mayne served as a lecturer for the Fairfax Bar Association on a variety of topics, provided her leadership to the George Mason American Inn of Court, completed a term on the Virginia State Bar's Harry L. Carrico Professionalism Course, and is a current faculty member of the Professionalism for Law Students Course; and

WHEREAS, Lisa Mayne received numerous awards and accolades for her achievements as an attorney and a jurist, including the George Mason University Alumni Service Award, an AV rating from Martindale-Hubbell for her legal expertise and professionalism, and the 2013 Influential Woman of Virginia award for her leadership in establishing best practices for default judgment scenarios involving purchased debt cases; and

WHEREAS, over the course of her career, Lisa Mayne has served the Fairfax community and the Commonwealth with the utmost integrity, dedication, and distinction; after her well-earned retirement, she plans to continue serving as a recall judge, travel with her husband, Paul, and spend time visiting her stepdaughters and grandchildren; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend the Honorable Lisa A. Mayne on the occasion of her retirement as a judge; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the Honorable Lisa A. Mayne as an expression of the General Assembly's admiration for her service to the Fairfax community.

SENATE JOINT RESOLUTION NO. 126

Commending the Northern Virginia Transportation Commission.

Agreed to by the Senate, February 22, 2024
Agreed to by the House of Delegates, February 26, 2024

WHEREAS, the Northern Virginia Transportation Commission, created by the General Assembly in 1964, will celebrate its 60th anniversary on September 5, 2024; and

WHEREAS, the Northern Virginia Transportation Commission (NVTC) began with an initial district of five jurisdictions, including the Counties of Arlington and Fairfax and the Cities of Alexandria, Fairfax, and Falls Church, with 11 elected officials from those jurisdictions and the chair of the State Highway Commission serving jointly as commissioners; and

WHEREAS, NVTC membership has grown to include Loudoun County and now has 21 commissioners, including six members of the General Assembly and a designee of the Secretary of Transportation; and

WHEREAS, the NVTC district now has a population of approximately two million people in a territory covering 1,000 square miles, connected by a robust transit network providing residents with 1.5 million transit trips each week on Metrorail, Virginia Railway Express (VRE), local and express bus services, and paratransit services; and

WHEREAS, the public transit network serving the NVTC district is a vital component of the region's transportation system that supports its overall quality of life and economic competitiveness, generating more than $1.5 billion in annual sales and income tax revenue for the Commonwealth, a 160 percent return on the state investment in these transit systems; and

WHEREAS, NVTC played a pivotal role in creating the Washington Metropolitan Area Transit Authority (WMATA), whereby the resulting interstate compact requires WMATA's Virginia board members to be appointed from among the NVTC's commissioners, who now provide additional oversight and reporting responsibilities as directed by an update to state code in 2018; and

WHEREAS, NVTC began to plan for commuter rail service at its first business meeting in 1964 and persevered until VRE began operations in 1992, a system now co-owned with the Potomac and Rappahannock Transportation Commission that has carried more than 95 million riders; and

WHEREAS, NVTC initiated the first transit service to run on dedicated bus lanes with the NVTC Shirley Highway Express-Bus-on-Freeway Demonstration Project, serving as a model for future Express and Bus Rapid Transit (BRT) corridors, including the regional Envision Route 7 BRT planned for the Cities of Alexandria and Falls Church and the Counties of Arlington and Fairfax; and

WHEREAS, NVTC launched the innovative Commuter Choice program in 2017, which has invested more than $150 million in toll revenues for projects that have moved more than five million people through the congested Interstate-66 and Interstate-395/95 corridors while reducing vehicle emissions by 69 percent, saving 1.1 million hours of travel time and $14.5 million in fuel costs, and preventing more than 130 vehicle crashes; and

WHEREAS, NVTC manages financial resources from federal, state, regional, and local partners exceeding $400 million annually, while demonstrating sound fiscal management of public funds and establishing a set of stringent internal controls to manage NVTC's complex financial role in the region, resulting in unblemished independent audits; and

WHEREAS, NVTC consistently promotes transit innovations leading to improved efficiency, environmental stewardship, and customer service, including advanced fare payment systems, hybrid and zero-emission bus technologies, improved bus speeds on local and interstate routes, bus stop improvements, and policy considerations for fare-free transit; and

WHEREAS, NVTC has managed numerous successful public transit marketing campaigns in coordination with the Department of Rail and Public Transportation, the jurisdictions that make up NVTC, the local bus systems in Northern Virginia, and VRE to promote transit use throughout the region; and

WHEREAS, NVTC routinely leads regional planning efforts to provide coordinated emergency responses by Northern Virginia's transit systems to facilitate faster transit reactions and better communication with customers, police, fire departments, and other public safety personnel during emergencies and transit system shutdowns; and

WHEREAS, NVTC provides ongoing and extensive data analysis of Northern Virginia public transit trends to better understand how our transit network serves our region in terms of service area coverage, connectivity, ridership, service levels, and accessibility; and

WHEREAS, NVTC conducts policy and financial analyses to support funding and legislative actions including conducting regional transit needs assessments, regional economic impact studies, and evaluation of the impact of federal and state policy and funding actions on the public transit systems that serve Northern Virginia; and

WHEREAS, in 60 years of leadership in transit system development, expansion, funding, and research, each of the current and former board members and staff of the NVTC have played an integral role in building and operating the transit network required to sustain the regional economy; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend the Northern Virginia Transportation Commission on the occasion of its 60th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare copies of this resolution for presentation to Matt de Ferranti, chair, and Kate Mattice, executive director, of the Northern Virginia Transportation Commission as an

expression of the General Assembly's congratulations on reaching this landmark in the commission's history and appreciation for the leadership of the commission in promoting public transit and other sustainable commuting options in Northern Virginia to the benefit of the region and the entire Commonwealth.

SENATE JOINT RESOLUTION NO. 128

Celebrating the life of James Patrick McGuire.

Agreed to by the Senate, February 22, 2024
Agreed to by the House of Delegates, February 26, 2024

WHEREAS, James Patrick McGuire, a patriotic veteran, devoted public safety officer, and trusted community leader in Henrico County, passed away on December 17, 2023; and

WHEREAS, James Patrick McGuire was born on March 16, 1950, and was best known as "Pat" to some and "Mac" to others; and

WHEREAS, Pat "Mac" McGuire enlisted in the United States Army at age 18; he honorably served on active duty during the Vietnam War, then served for 45 years in the United States Army Reserve, retiring as a member of the 80th Training Command with the rank of Chief Warrant Officer 4, AG; and

WHEREAS, over the course of his military career, Pat "Mac" McGuire received many forms of recognition, including the Legion of Merit with four oak leaf clusters, the Army Commendation Medal with three oak leaf clusters, the National Defense Service Medal with two bronze stars, the Vietnam Service Medal, and numerous other awards and accolades for his outstanding service to the nation; and

WHEREAS, in 1975, Pat "Mac" McGuire joined the Forest View Volunteer Rescue Squad (FVVRS) and remained a member for 48 years; within a year of joining, he became a squad leader and a junior squad advisor and, in 1977, he was elected captain of the FVVRS, in which capacity he served for six years, before serving an additional four years as president; and

WHEREAS, Pat "Mac" McGuire was a dedicated and highly skilled squad leader and junior squad advisor, who qualified as an advanced first aid instructor, CPR instructor, and vehicle extrication instructor for the Virginia Association of Volunteer Rescue Squads (VAVRS); and

WHEREAS, after becoming involved with the VAVRS, Pat "Mac" McGuire served District 3 as vice president for two years, deputy rescue officer for four years, and rescue officer for three years; he also served as chair of the First Aid Contest committee and the District Mock Disaster committee; and

WHEREAS, Pat "Mac" McGuire chaired the Chesterfield County Association of Volunteer Rescue Squads, the state Haz-Mat Committee, and the Julian Stanley Wise Foundation Board for eight years, and he served on the Governor's EMS Advisory Board for three years; and

WHEREAS, Pat "Mac" McGuire made numerous contributions to how the VAVRS operates today, including by developing instructor workshops and coordinating with the Office of Emergency Medical Services to develop workshops on recruitment and retention; and

WHEREAS, Pat "Mac" McGuire served the VAVRS as training officer, secretary, vice president, and president; during his tenure as president, he was instrumental in the opening of the "To the Rescue" museum in Roanoke in June 1991; and

WHEREAS, in recognition of his extraordinary service to the VAVRS, Pat "Mac" McGuire was elected by his peers as a life member of the organization in September 1991 and was inducted into the Virginia Life Saving and Rescue Hall of Fame in September 1998; he continued to serve the FVVRS and VAVRS until his passing; and

WHEREAS, Pat "Mac" McGuire was very enthusiastic about coaching high school softball and "his girls" at J.R. Tucker High School in Henrico County; he also founded the West End Waves fastpitch softball organization; and he coached countless softball players over the years, impacted many lives, and advocated on behalf of his players to help them achieve success in college programs; and

WHEREAS, Pat "Mac" McGuire was extremely active in his church, Skipwith Baptist Church in Henrico County, where he held many leadership positions and improved so many lives by mentoring those who needed guidance, as well as expanding access to scholastic and employment opportunities; and

WHEREAS, Pat "Mac" McGuire will be affectionately remembered and greatly missed by his wife, Linda; his children, Ashley and James Patrick McGuire, Jr.; his grandchildren; other family members; friends in the military ranks, softball, and emergency medical services; and colleagues throughout the Commonwealth, who will forever cherish his memory; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of James Patrick McGuire, a retired military hero, community leader, instructor, coach, and mentor to others in the Commonwealth; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of James Patrick McGuire as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 129

Commending Brian Luciano.

Agreed to by the Senate, February 22, 2024
Agreed to by the House of Delegates, February 26, 2024

WHEREAS, after a distinguished 27-year career, Brian Luciano retired as a master police officer with the Virginia Beach Police Department in February 2024; and

WHEREAS, Brian Luciano, known to friends and fellow officers as "Lucky," joined the Virginia Beach Police Department in February 1997; and

WHEREAS, over the course of his career, Brian Luciano served as a patrol officer for the Second Precinct; he promoted strong relationships built on trust and respect with members of the public as a community-oriented policing officer, worked day and night beats on the oceanfront, and served in operations and administration at the department headquarters; and

WHEREAS, Brian Luciano achieved certifications in motorcycle and all-terrain vehicle operations, highway interdiction, gang investigation, and crisis intervention; he mentored younger officers as a field trainer and a crisis intervention team trainer; and

WHEREAS, Brian Luciano also supported his fellow officers as a longtime member of the Virginia Beach Police Benevolent Association, including terms as vice president and president, and as vice president of Region 10 for the International Union of Police Associations; and

WHEREAS, in the course of his duties, Brian Luciano touched countless lives throughout Virginia Beach and served the community with the utmost dedication and professionalism; and

WHEREAS, among numerous awards and accolades, Brian Luciano earned four Virginia Beach Police Department Lifesaving Medals and four Virginia Beach Emergency Medical Services Lifesaving Awards, as well as one Service Medal, one Officer of the Quarter Award, three Class Act Awards, and 42 letters of appreciation or recognition; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Brian Luciano on the occasion of his retirement from the Virginia Beach Police Department; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Brian Luciano as an expression of the General Assembly's admiration for his achievements in service to the residents of Virginia Beach.

SENATE JOINT RESOLUTION NO. 130

Celebrating the life of John F. Benton.

Agreed to by the Senate, February 22, 2024
Agreed to by the House of Delegates, February 26, 2024

WHEREAS, John F. Benton, longtime executive at the Smithsonian Institution and a beloved member of the Arlington community, died on September 20, 2023; and

WHEREAS, a native of Hopewell, John Benton graduated from Dinwiddie High School before earning a bachelor's degree in business administration and economics from the Robins School of Business of the University of Richmond in 1973; and

WHEREAS, John Benton held a series of increasingly senior positions in public service in Washington, D.C., before embarking on an illustrious 20-year career at the Smithsonian Institution; and

WHEREAS, in 2001, John Benton became associate director for management and public programs at the Smithsonian's National Air and Space Museum, guiding the growth and development of the institution until his first retirement in 2013; and

WHEREAS, John Benton was recruited out of retirement four times by the Smithsonian to take high-level positions within the organization, including to serve as deputy undersecretary for finance and administration; and

WHEREAS, John Benton generously devoted himself to supporting a number of local organizations, including the Arlington Community Foundation, the Arlington Free Clinic, the Signature Theatre, the Arlington Commission for the Arts, and the Federal City Performing Arts Association; and

WHEREAS, John Benton was a proud University of Richmond "Spider," having recently been elected to the University of Richmond Alumni Board; he had recently supported his cherished alma mater by serving as co-chair of his class's 50th anniversary reunion committee; and

WHEREAS, in recognition of his leadership and experience, John Benton was appointed by Governor Ralph Northam to sit on the Board of Trustees of the Science Museum of Virginia, serving as its finance committee chair; and

WHEREAS, John Benton will be fondly remembered and dearly missed by his loving husband and partner of 45 years, David, and numerous other family members and friends in Richmond, Rehoboth Beach, and the Greater Washington area; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of John F. Benton, a treasured member of the Arlington community whose kind and energetic spirit touched countless lives; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of John F. Benton as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 131

Celebrating the life of Captain Anderson Keaton King, USAR.

Agreed to by the Senate, February 29, 2024
Agreed to by the House of Delegates, March 4, 2024

WHEREAS, Captain Anderson Keaton King, USAR, an honorable member of the United States Army Reserve, accomplished businessman, and beloved husband, father, brother, and member of the Woodstock community, died on November 2, 2023; and

WHEREAS, after graduating from Clarke County High School, Anderson "Andy" King earned a degree in agricultural studies in 2018 from the Virginia Polytechnic Institute and State University, where he was a member of the Virginia Tech Corps of Cadets; and

WHEREAS, Andy King was commissioned as an officer in the United States Army Reserve and served his country with unwavering dedication, rising to the rank of captain; and

WHEREAS, Andy King excelled in business as a top-selling branch manager of Helena Agri-Enterprises, a leading distributor of seed, fertilizer, and other agricultural products, helping countless farmers achieve success in their endeavors; and

WHEREAS, Andy King was a passionate and engaged member of the Woodstock community, giving generously of his time to support the Central High School football team among other activities; and

WHEREAS, guided throughout his life by his faith, Andy King enjoyed worship and fellowship with his community at Emanuel Lutheran Church in Woodstock; and

WHEREAS, Andy King was serving his country faithfully the weekend of November 2, 2023, drilling with the United States Army Reserve, when he lost his life in the line of duty during a training accident; and

WHEREAS, Andy King will be lovingly remembered and dearly missed by his wife and the love of his life, Amy; his daughter, Adalyn; his brothers, Alexander, Adam, and Ash; and numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Captain Anderson Keaton King, USAR, a cherished member of the Woodstock community who was a source of joy and inspiration to all who knew him; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Captain Anderson Keaton King, USAR, as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 132

Commending the Stafford High School competition cheer team.

Agreed to by the Senate, February 29, 2024
Agreed to by the House of Delegates, March 1, 2024

WHEREAS, the Stafford High School competition cheer team earned its second consecutive state title with a victory in the Virginia High School League Class 6 state championship in November 2023; and

WHEREAS, the Stafford High School Indians previously won the 2022 Class 5 state championship before moving up to the Commonwealth's top classification for the 2023 season; and

WHEREAS, on the road to the 2023 state tournament, the Stafford Indians team won the district championship and placed second in the Region 6B championship; and

WHEREAS, the Stafford Indians scored 280.25 points in the state final to seal the win; the team was made up of seniors Reese Barbee, Kennedy Beggan, Natalie Beggan, Lily Bonner, and Brooke Lowry; juniors Mackenzie Barham, Annaka Boncich, Addison Cooper, Nyra Foosness, Dalton Gallahan, Malaya Johnson, and Riley Proudfoot; sophomores Lauren Harris, Jayda Jones, Ava Lengle, and Ella Pefoubou; and freshmen Anna Caple, Madison Craddock, Lilia Palmer, and Alyvia Stanley; and

WHEREAS, the Stafford Indians benefited from the exceptional leadership of co-head coach Janet Barham, who was selected as coach of the year, co-head coach Kristi Proudfoot, and assistant coaches Alyssa Guthrie, Taylor Rossi, and Ashley Bolinsky; and

WHEREAS, the victorious season is a testament to the skill and hard work of all the student-athletes and the passionate support of their families, friends, and the entire Stafford High School community; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend the Stafford High School competition cheer team on winning the Virginia High School League Class 6 state championship; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the Stafford High School competition cheer team as an expression of the General Assembly's admiration for the team's outstanding achievements.

SENATE JOINT RESOLUTION NO. 133

Celebrating the life of the Reverend Jamie Jerome Duncan.

Agreed to by the Senate, February 29, 2024
Agreed to by the House of Delegates, March 4, 2024

WHEREAS, the Reverend Jamie Jerome Duncan, a highly admired spiritual leader who touched countless lives in the Richmond community, died on April 25, 2023; and

WHEREAS, affectionately known to family and friends as "Rome," Jamie Duncan was born in Charlottesville and grew up in Buckingham County, where he attended public schools; and

WHEREAS, Jamie Duncan began to cultivate his deep faith at a young age as a member of Zion Grove Baptist Church in New Canton, where he served as an ordained deacon and assisted the pastor in worship services, revivals, baptisms, counseling, and community outreach; he developed his leadership skills as the chair of the diaconate for three years; and

WHEREAS, after graduating from Buckingham County High School, Jamie Duncan began working for what is now Dominion Energy, where he was admired for his professionalism and rose through the ranks from storeroom supervisor to supply project specialist, senior inventory analyst, and senior materials specialist; and

WHEREAS, Jamie Duncan subsequently continued his education at Liberty University's Rawlings School of Divinity and entered the ministry in 1997; he joined the staff of Saint Paul's Baptist Church, where he was licensed to preach in 2000 and ordained as a minister in 2004; and

WHEREAS, Jamie Duncan served as the campus pastor for the Petersburg and Creighton locations of Saint Paul's Baptist Church, inspiring and empowering members of those congregations through his engaging sermons; and

WHEREAS, Jamie Duncan held other leadership roles as the associate pastor and team leader for congregational care, as well as the assistant director of a counseling center; he also worked directly with congregants between the ages of 50 and 59 as a life stage pastor; and

WHEREAS, Jamie Duncan participated in several mission trips with Saint Paul's Baptist Church, including one to Africa, where he preached before the president of Liberia; and

WHEREAS, outside of his career in ministry, Jamie Duncan was an avid fan of the Washington Commanders, a martial artist who held a brown belt in karate, a talented painter, and an amateur meteorologist; and

WHEREAS, Jamie Duncan was a true family man whose greatest joy in life was spending time with his loved ones, and he relished every opportunity to impart his wisdom and commitment to servant-leadership to his children and grandchildren; and

WHEREAS, Jamie Duncan will be fondly remembered and greatly missed by his devoted wife of 34 years, Brenda; his daughters, LaKeisha and Destiny, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of the Reverend Jamie Jerome Duncan; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of the Reverend Jamie Jerome Duncan as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 134

Commending Colonel Elizabeth A. Sydow.

Agreed to by the Senate, February 29, 2024
Agreed to by the House of Delegates, March 4, 2024

WHEREAS, Colonel Elizabeth A. Sydow, who has served as the commander of the Virginia Wing of the Civil Air Patrol, U.S. Air Force Auxiliary since April 11, 2021, will relinquish her command on April 6, 2024; and

WHEREAS, Colonel Sydow broke barriers when she was selected and appointed as the first female wing commander for the Virginia Wing of the Civil Air Patrol, U.S. Air Force Auxiliary (the Virginia Wing); and

WHEREAS, under her leadership, the Virginia Wing saw tremendous growth, with a 47 percent increase in cadet membership and 13 percent increase in adult membership; the Virginia Wing now has more members than at any other time in the 21st century; and

WHEREAS, Colonel Sydow's focus ensured that the Virginia Wing was well-trained and equipped, and she enabled the Virginia Wing to earn an effective rating during its 2024 compliance inspection with a number of superior programs identified; and

WHEREAS, the Virginia Wing was recognized during all three years of Colonel Sydow's command for superior performance in the Civil Air Patrol's missions; in particular, it was recognized all three years for its work in disaster relief; and

WHEREAS, as a direct result of Colonel Sydow's leadership and the partnerships she fostered, the Virginia Wing supported disaster relief efforts during the COVID-19 pandemic at the state and local levels, with volunteers collectively contributing more than 470 days of work and handling more than 430,000 pounds of bulk food, medical supplies, and community support goods over a nine-month period; and

WHEREAS, under Colonel Sydow's command, the Virginia Wing responded to the winter storm in February 2021, Hurricane Ida damage assessment in September 2021, and Kentucky floods damage assessment in August 2022; the Virginia Wing executed aerial photography, on-the-ground assessments, and online geospatial damage assessments to support FEMA's disaster response; and

WHEREAS, Colonel Sydow oversaw the expansion of the Virginia Wing's small unmanned aerial systems capabilities and the achievement of full operational capability, with cadets integrated into mission teams as pilots and technicians, enhancing capabilities for disaster response and aerospace education outreach; and

WHEREAS, under Colonel Sydow's leadership, the Virginia Wing flew orientation flights for over 500 cadets in 2021, a 50 percent increase from 2020; 15 cadets received flight instruction in 2022, with nine soloing and two earning their private pilot licenses; and

WHEREAS, under Colonel Sydow's command, the Virginia Wing produced nine Spaatz Award winners, the highest cadet achievement award attainable, earned by less than one percent of the nation's cadets; and

WHEREAS, Colonel Sydow helped the Virginia Wing earn recognition in the National Aerospace Education High-Altitude Balloon Challenge multiple years, including the Kittinger Cup as the overall winner in 2022 for the William P. Knight Composite Squadron's experiment on the effectiveness of diabetes test strips at high altitudes; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Colonel Elizabeth A. Sydow for her commitment to the Commonwealth and the nation during her tour as the commander of the Virginia Wing of the Civil Air Patrol, U.S. Air Force Auxiliary; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Colonel Elizabeth A. Sydow as an expression of the General Assembly's admiration for her dedication and assistance to the Commonwealth.

SENATE JOINT RESOLUTION NO. 135

Commending First Sergeant Macky J. Cottongim, USMC.

Agreed to by the Senate, February 29, 2024
Agreed to by the House of Delegates, March 4, 2024

WHEREAS, after an outstanding career that spanned more than 20 years and included several postings in the Commonwealth, First Sergeant Macky J. Cottongim, USMC, will retire from military service in 2024; and

WHEREAS, Macky Cottongim grew up in Lakeland, Florida, and enlisted in the United States Marine Corps in May 2003; he completed basic training at Marine Corps Recruit Depot, Parris Island in South Carolina and infantry training at Camp Geiger in North Carolina; and

WHEREAS, Macky Cottongim subsequently reported to Naval Support Activity Hampton Roads Northwest Annex in Chesapeake, where he completed the basic security guard course; he was assigned to Marine Corps Security Force Battalion Bangor in Washington, then returned to the Commonwealth to attend Close Quarters Battle School in Chesapeake; and

WHEREAS, Macky Cottongim continued to rise through the ranks, and in February 2006, he reported to the Anti-Terrorism Battalion in Camp Lejune, North Carolina, as a section leader; from October 2006 to May 2007, he deployed to Camp Ashraf, Iraq, where he carried out duties as a convoy commander and sergeant of the guard; and

WHEREAS, after his overseas deployment, Macky Cottongim joined the Marine Corps Security Forces Training Company in Chesapeake, where he primarily served as a chief instructor for close quarters battle courses and took part in rewriting the curriculum for the Close Quarters Battle School; and

WHEREAS, Macky Cottongim's next posting took him to Camp Pendleton, California, where he attended the Infantry Unit Leaders Course and served as a squad leader in 2nd Battalion, Fourth Marines, and a platoon sergeant with 1st Battalion, 1st Marines; and

WHEREAS, in August 2012, Macky Cottongim volunteered for an individual augmentation and deployed to Kabul, Afghanistan, where he served as the staff noncommissioned officer in charge of the Joint Operation Center, trained personnel throughout Afghanistan in quick reaction drills, and revised the Quick Reaction Drill Course; and

WHEREAS, in October 2013, Macky Cottongim attended the Staff Noncommissioned Officers Career Course, and the following year, he began training as a drill instructor, then served as a drill instructor, senior drill instructor, chief drill instructor, and operations chief at Marine Corps Recruit Depot, Parris Island, until 2018, when he reported to The Basic School in Quantico; and

WHEREAS, while assigned to The Basic School, Macky Cottongim held numerous leadership positions and used his wide range of experience to teach and mentor newly commissioned and appointed marine officers; and

WHEREAS, Macky Cottongim reported to his current posting, Detachment 1, Supply Company, Combat Logistics Battalion 453 in Topeka, Kansas, in April 2021 and serves as the inspector instructor first sergeant; and

WHEREAS, after his retirement from military service, Macky Cottongim looks forward to spending time with his wife, Paula, and their daughter, Mackenzie, and seeking new opportunities to serve his community; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend First Sergeant Macky J. Cottongim, USMC, on the occasion of his retirement from the military; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to First Sergeant Macky J. Cottongim, USMC, as an expression of the General Assembly's admiration for his outstanding achievements in service to the United States.

SENATE JOINT RESOLUTION NO. 136

Commending Jethro H. Piland III.

Agreed to by the Senate, February 29, 2024
Agreed to by the House of Delegates, March 4, 2024

WHEREAS, in 2023, Jethro H. Piland III retired as the chief of the Hanover County Fire-EMS Department, completing an exceptional 33-year career in public safety; and

WHEREAS, Jethro Piland began serving and safeguarding the residents of Hanover County when he was a teenager, joining the East Hanover Volunteer Rescue Squad as a volunteer emergency medical technician in October 1990; and

WHEREAS, after graduating from Virginia Military Institute, Jethro Piland was employed by Hanover County EMS in July 1997; and

WHEREAS, three years later, Jethro Piland became the operations manager of Hanover EMS and served in that capacity until 2002, when the department merged with the Hanover Fire Department to form the Hanover County Fire-EMS Department; and

WHEREAS, Jethro Piland was promoted to the division chief of operations and managed the daily response to common emergencies, while commanding the Special Operation Response Team and serving as a leader in the Central Virginia Technical Rescue Team; and

WHEREAS, during his tenure, Jethro Piland served as the division chief of training and coordinated with Hanover County Public Schools to manage dual enrollment programs; he also served as an adjunct faculty member at the Reynolds Community College School of Nursing & Allied Health and School of Business and Engineering, where he mentored and inspired future emergency medical technicians and paramedics; and

WHEREAS, Jethro Piland next served as the division chief of administration, in which capacity he oversaw the maintenance of 17 existing facilities and was the project manager for the design and construction of Farrington Station 11 and Ashland Fire Station 1; in addition, he managed the procurement and maintenance of the department's fleet of more than 150 vehicles; and

WHEREAS, in February 2013, Jethro Piland was promoted to fire chief of the Hanover County Fire-EMS Department, where he supervised more than 500 professional and volunteer firefighters and was deeply committed to ensuring that local residents receive the care and service they needed in a timely and effective manner; and

WHEREAS, Jethro Piland guided significant growth in the department and implemented 24-hour staffed engines, ambulances, and a ladder truck to ensure adequate coverage for all of Hanover County; under his leadership, administrative support functions in the fire marshal's office, as well as emergency management, public information, and information technology functions were enhanced to meet the expanding needs of the department; and

WHEREAS, Jethro Piland oversaw the construction of Black Creek Fire Station 12 and the Tactical Fire Training Tower and the planning for Laurel Meadow Fire Station 17; and

WHEREAS, highly respected in the firefighting profession, Jethro Piland provided his leadership and expertise to the Emergency Medical Services Advisory Board, the Central Virginia Fire Chiefs Association, and the board of directors of the Virginia Fire Chiefs Association; and

WHEREAS, among many awards and accolades, Jethro Piland received the Hanover County Fire-EMS Department's line of duty performance award, meritorious service award, special service award, and the coveted Medal of Valor for his actions during Tropical Storm Gaston; and

WHEREAS, under Jethro Piland's leadership, the department received the Governor's Transportation Safety Award, the Governor's Fire Service Award, the Virginia Fire Chiefs Association's Health and Safety Award, and the Belize National Fire Service Award for its work to train Belizean firefighters; and

WHEREAS, Jethro Piland was a vital source of institutional knowledge and a trusted mentor and friend to generations of public safety officers; he served Hanover County and the Commonwealth with the utmost dedication and distinction; and

WHEREAS, outside of his career in firefighting and emergency medicine, Jethro Piland serves young people in the region as the chair of the board of directors for Grace Christian School in Mechanicsville; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Jethro H. Piland III on the occasion of his retirement as chief of the Hanover County Fire-EMS Department; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Jethro H. Piland III as an expression of the General Assembly's admiration for his legacy of achievements in service to the residents of Hanover County and best wishes on his well-earned retirement.

SENATE JOINT RESOLUTION NO. 137

Commending Risa Goluboff.

Agreed to by the Senate, February 29, 2024
Agreed to by the House of Delegates, March 4, 2024

WHEREAS, Risa Goluboff, a renowned legal historian, professor, and education administrator, will step down from her position as dean of the University of Virginia School of Law on June 30, 2024; and

WHEREAS, Risa Goluboff joined the faculty of the University of Virginia School of Law (UVA Law) in 2002 and became its dean in 2016; in addition to her deanship, she is currently the Arnold H. Leon Professor of Law, teaching courses on American constitutional and civil rights law; and

WHEREAS, Risa Goluboff is an award-winning scholar whose publications include *Vagrant Nation: Police Power, Constitutional Change, and the Making of the 1960s* and *The Lost Promise of Civil Rights*; and

WHEREAS, Risa Goluboff made history at UVA Law both by becoming the school's first female dean and through her achievements in the areas of faculty hiring, fundraising, and student experience; and

WHEREAS, over her eight-year tenure, Risa Goluboff secured the hiring of 34 new faculty members and established 13 new centers to advance their scholarship, contributing greatly to the academic rigor of UVA Law and to the impact the school has on the broader legal community; and

WHEREAS, under Risa Goluboff's leadership, UVA Law has increased its endowment by more than 76 percent to $831 million, with historic donations from Martha and Bruce Karsh resulting in the establishment of the Karsh-Dillard Scholarships, the Karsh Center for Law and Democracy, and the Karsh Institute of Democracy; and

WHEREAS, Risa Goluboff has shaped UVA Law into one of the preeminent law schools in the country, garnering the institution top rankings across various categories measuring academics and student life, including recognition as the number one school for Best Quality of Life by *The Princeton Review* each year of her tenure as dean; and

WHEREAS, through myriad initiatives, Risa Goluboff has bolstered opportunities for students seeking careers in both the public and private sectors and for those seeking court clerkships, leading UVA Law to recently post the nation's highest percentage of graduates obtaining full-time, long-term jobs requiring bar passage; and

WHEREAS, Risa Goluboff served as chair of the UVA Deans Working Group following the 2017 Unite the Right rally in Charlottesville and has fostered a positive and supportive community at UVA throughout her tenure by championing accessibility and inclusivity at the school; and

WHEREAS, Risa Goluboff will remain a professor at UVA Law following her term as dean, ensuring the school will continue to benefit from her compassionate and visionary leadership for years to come; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Risa Goluboff, Arnold H. Leon Professor of Law at the University of Virginia School of Law, as she concludes her tenure as the school's dean; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Risa Goluboff as an expression of the General Assembly's admiration for her accomplishments in service to the University of Virginia and the Commonwealth.

SENATE JOINT RESOLUTION NO. 138

Commending Virginia S. Perrin.

Agreed to by the Senate, February 29, 2024
Agreed to by the House of Delegates, March 4, 2024

WHEREAS, Virginia S. Perrin has served the members of Deep Run Hunt Club in Goochland County as the master of foxhounds for more than two decades, and promoted fair and safe hunting throughout the Commonwealth; and

WHEREAS, Virginia "Ginny" Perrin is a highly respected foxhound breeder, with a crossbred pack that adheres to strict guidelines, reflecting excellent pedigree and performance; and

WHEREAS, Ginny Perrin promotes the preservation of open spaces and the conservation of wildlife and the Commonwealth's valuable natural resources; and

WHEREAS, over the course of her career, Ginny Perrin has been a trusted source of institutional knowledge at Deep Run Hunt Club, keeping alive traditions that stretch back decades to the club's founding in the late 1800s; and

WHEREAS, Ginny Perrin has been a mentor to countless young people, imparting both her love of hunting and her appreciation for the great outdoors to new generations of hunters; and

WHEREAS, through her inspirational leadership, perseverance, and strength of character, Ginny Perrin has maintained and enhanced the sport of fox hunting in the Commonwealth; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Virginia S. Perrin for her outstanding service as master of foxhounds at Deep Run Hunt Club and her legacy of contributions to the hunting community; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Virginia S. Perrin as an expression of the General Assembly's admiration for her personal and professional achievements.

SENATE JOINT RESOLUTION NO. 139

Celebrating the life of Matthew White Paxton, Jr.

Agreed to by the Senate, February 29, 2024
Agreed to by the House of Delegates, March 4, 2024

WHEREAS, Matthew White Paxton, Jr., longtime editor and publisher of *The News-Gazette* in Lexington and an influential and beloved member of the communities of Lexington and Rockbridge County, died on September 23, 2023; and

WHEREAS, after serving in the United States Navy at the end of World War II, Matthew Paxton graduated from Washington and Lee University in 1949, where he was valedictorian and a member of the Phi Beta Kappa honor society; and

WHEREAS, after a stint as an educator, Matthew Paxton earned a master's degree in journalism from Columbia University and worked briefly for the *Lynchburg News* before becoming editor of the *Rockbridge County News*, which had been owned by his father and grandfather; and

WHEREAS, following the merger of the *Rockbridge County News* and the *Lexington Gazette* in 1962, Matthew Paxton served tirelessly as editor and publisher of *The News-Gazette* from its founding until his retirement in 1994, driven by an unwavering passion for informing his readers and contributing to the public discourse; and

WHEREAS, inspired by his love for his hometown and his dedication to its growth and development, Matthew Paxton helped to form both the Historic Lexington Foundation and the Lexington Downtown Development Association and served terms as president of each; and

WHEREAS, Matthew Paxton's unflagging concern for the health and well-being of others led him to support the creation of a continuing care retirement community in Lexington and to chair the first capital campaign for the Rockbridge Area Free Clinic, now the Rockbridge Area Health Center; and

WHEREAS, Matthew Paxton brought a knowledgeable perspective to a range of issues, leading him to serve on various boards over the years, including the Lexington-Rockbridge Chamber of Commerce, the Virginia Press Association, and the former Stonewall Jackson Hospital, now Carilion Rockbridge Community Hospital; and

WHEREAS, in recognition of his years of service to the community, Matthew Paxton was named "Business Individual of the Year" by the Lexington-Rockbridge Chamber of Commerce in 1994; and

WHEREAS, Matthew Paxton was a lifelong member of Lexington Presbyterian Church, where he enjoyed worship and fellowship with his community, sang in the choir, and served as an elder and deacon; and

WHEREAS, Matthew Paxton will be fondly remembered and dearly missed by his loving wife of 70 years, Mary Raine; his children, Matthew IV, William, Macon, and Nell, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Matthew White Paxton, Jr., a venerable newsman and community leader whose commitment to Lexington and Rockbridge County made an impact on countless lives; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Matthew White Paxton, Jr., as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 140

Commending Linsey Chen Marr, Ph.D.

Agreed to by the Senate, February 29, 2024
Agreed to by the House of Delegates, March 4, 2024

WHEREAS, Linsey Chen Marr, Ph.D., an esteemed environmental engineer and the Charles P. Lunsford Professor in the Department of Civil and Environmental Engineering at Virginia Polytechnic Institute and State University, was named a MacArthur Fellow by the John D. and Catherine T. MacArthur Foundation in 2023; and

WHEREAS, Linsey Marr joined the faculty at Virginia Polytechnic Institute and State University after graduating summa cum laude with a bachelor's degree in engineering science from Harvard University, earning a doctorate in environmental engineering from the University of California at Berkeley, and completing postdoctoral training in earth, atmospheric, and planetary science at the Massachusetts Institute of Technology; and

WHEREAS, Linsey Marr's research interests incorporate atmospheric science, public health, nanomaterials, and infectious disease as her studies investigate indoor and outdoor air quality and the ways in which airborne pathogens move through the environment and affect human health; and

WHEREAS, by drawing from both research on traditional particulate pollutants and chemical and biological studies of pathogens, Linsey Marr has helped to uncover how time, atmospheric conditions, and particle size determine virus viability in aerosols, greatly enhancing our ability to combat airborne infectious diseases; and

WHEREAS, from determining how humidity levels shape influenza virus stability and infectiousness to highlighting how COVID-19 may be carried by small aerosol particles, Linsey Marr has made significant contributions to our understanding of how infectious diseases are spread, leading to improved public health strategies and outcomes; and

WHEREAS, in addition to publishing her research in preeminent academic journals such as *Science*, *Proceedings of the National Academy of Sciences*, *Clinical Infectious Diseases*, and *Environmental Science & Technology*, Linsey Marr has also made an impact by effectively communicating her ideas to policymakers around the globe; and

WHEREAS, the COVID-19 pandemic and the threat of future pandemics underscore the importance of Linsey Marr's work, as her efforts carry with them the potential to improve quality of life and save lives around the world; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Linsey Chen Marr, Ph.D., a leading environmental engineer and the Charles P. Lunsford Professor in the Department of Civil and Environmental Engineering at Virginia Polytechnic Institute and State University, for being named a 2023 MacArthur Fellow; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Linsey Chen Marr, Ph.D., as an expression of the General Assembly's high regard for her contributions to science and to the health and well-being of our world.

SENATE JOINT RESOLUTION NO. 141

Celebrating the life of the Honorable George James Kostel.

Agreed to by the Senate, February 29, 2024
Agreed to by the House of Delegates, March 1, 2024

WHEREAS, the Honorable George James Kostel, a lifelong resident of Clifton Forge, respected attorney, and dedicated public servant who helped guide the creation of the Virginia Community College System as a member of the House of Delegates, died on June 21, 2023; and

WHEREAS, George Kostel attended Clifton Forge High School and Fork Union Military Academy, then received a bachelor's degree from Hampden-Sydney College, where he earned the prestigious Gammon Cup award for character, scholarship, and athletic ability; and

WHEREAS, George Kostel continued his education at the Washington and Lee University School of Law, then served the nation as an officer in the Judge Advocate General's Corps of the United States Marine Corps for two years; he returned to Clifton Forge and worked as an attorney until his well-earned retirement in 1997; and

WHEREAS, desirous to be of further service to the residents of Clifton Forge and the Commonwealth, George Kostel ran for and was elected to the House of Delegates in 1963; he represented the residents of District 6 until 1971, introducing and supporting many important pieces of legislation to benefit all Virginians; and

WHEREAS, among his proudest achievements, George Kostel was a member of the House Committee on Education and a co-patron of the bill that created the Virginia Community College System during the 1966 Session of the General Assembly; the Clifton Forge-Covington Branch of the Virginia Polytechnic Institute, now known as Mountain Gateway Community College, was one of the original branch colleges included in the nascent college system; and

WHEREAS, in 1983, George Kostel made additional contributions to higher education in the Commonwealth when he was appointed to the State Board of Community Colleges by Governor Charles Robb, and in 1985, he was elected as chair of the board; and

WHEREAS, thanks to the support of visionary leaders like George Kostel, the Virginia Community College System has become a hub of excellence and innovation that has provided an outstanding education to hundreds of thousands of students across the Commonwealth; and

WHEREAS, in addition, George Kostel offered his leadership and expertise to the joint committee between Alleghany Memorial Hospital and Emmett Memorial Hospital that studied health care needs in the Alleghany Highlands, leading to the creation of Alleghany Regional Hospital; and

WHEREAS, George Kostel subsequently served as the first president of the board of directors for Alleghany Regional Hospital, guiding the institution through its financing and construction phases, as well as its early years of operation; and

WHEREAS, George Kostel also enjoyed a long association with the First National Bank of Clifton Forge; he began serving as board chair in 1968, became president in 1997, and later oversaw the sale of the bank to MainStreet Bank; and

WHEREAS, a man of deep faith, George Kostel enjoyed fellowship and worship with the Clifton Forge community as a lifelong member of St. Andrew's Episcopal Church, where he first enrolled as a member of the choir in 1937 and retired as a member of the vestry in 2019; and

WHEREAS, George Kostel will be fondly remembered and greatly missed by his wife of 60 years, Helen; his children, Mary, Elizabeth, and David, and their families; and numerous other family members, friends, and colleagues on both sides of the aisle; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of the Honorable George James Kostel, a highly admired attorney and public servant from Clifton Forge; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of the Honorable George James Kostel as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 142

Commending the Honorable Robert J. Smith.

Agreed to by the Senate, February 29, 2024
Agreed to by the House of Delegates, March 4, 2024

WHEREAS, the Honorable Robert J. Smith, a distinguished jurist and a dedicated veteran of the United States Army, retired as a judge of the Fairfax Circuit Court of the 19th Judicial Circuit of Virginia on January 31, 2024; and

WHEREAS, Robert Smith grew up in Homer, Illinois, a small rural town south of Chicago, where he graduated from Homer High School; he subsequently earned a bachelor's degree from the University of Illinois and a law degree from what was then known as the John Marshall Law School; and

WHEREAS, having previously received a commission as a second lieutenant in the United States Army, Robert Smith began his active duty military service in 1978 and reported to the Judge Advocate General's Legal Center and School in Charlottesville for training; and

WHEREAS, Robert Smith was assigned to the Fort Stewart Legal Assistance Office, where he provided general legal advice to service members, their families, and retired personnel and represented hundreds of soldiers as defense counsel at courts-martial for various offenses from 1978 to 1982; and

WHEREAS, Robert Smith carried out similar duties on deployments to Pirmasens, Germany, and Kaiserslautern, Germany, until he was reassigned in 1985 to the Administrative Law Office at Fort Belvoir, where he taught military law to soldiers and served as the Freedom of Information Act officer; and

WHEREAS, when the Fairfax County Public Defender Office opened in 1987, Robert Smith became its first senior assistant public defender and played a critical role in the growth and operation of the new agency, defending clients in at least 60 jury trials over the course of three years; and

WHEREAS, Robert Smith was selected as a judge of the Fairfax County General District Court of the 19th Judicial District of Virginia in 1990 and served in that capacity until 2008, when he became a judge of the Fairfax Circuit Court of the 19th Judicial Circuit of Virginia; and

WHEREAS, Robert Smith presided over both courts with great fairness and wisdom during his 33 years and two months on the bench; he offered his leadership and expertise to various committees and was in charge of the group of judges who heard mental commitment hearings during his time in the district court; and

WHEREAS, in the late 1980s, Robert Smith transitioned from active duty military service to the United States Army Reserve and continued his meritorious service to the nation; in 1997, he began teaching a criminal law advocacy course twice yearly at the Judge Advocate General's Legal Center and School, then held several postings over the next several years; and

WHEREAS, Robert Smith was assigned to the 150th Judge Advocate General Detachment in Alexandria and the 154th Judge Advocate General Detachment at Fort Hood, Texas, then was mobilized to the Army Trial Judiciary in 2003, in which capacity he presided over trials in Virginia, New York, and Guantanamo Bay, Cuba; and

WHEREAS, Robert Smith held positions in the reserve judiciary in Washington, Alaska, and California, until he was mobilized again in 2005 and joined the Army Court of Criminal Appeals, which hears court-martial appeals from around the country; and

WHEREAS, in 2016, Robert Smith was assigned to the chief judge of the army and held the only reserve position in which a reservist may preside over the highest level of court-martial, the general court-martial; and

WHEREAS, Robert Smith finished his military career as the commander of the 154th Judge Advocate General Detachment, which is the chief trial judge of the United States Army Reserve, and was responsible for overseeing military judges around the world until his retirement in 2009; and

WHEREAS, among many awards and accolades, Robert Smith received the Legion of Merit for his outstanding conduct and accomplishments; over the course of his long and storied career, he served the Commonwealth and the United States with the utmost dedication, honor, and integrity; and

WHEREAS, Robert Smith has enjoyed the love and support of his wife, Dorothy, and their children, Alexandra and Peter, and looks forward to seeking new opportunities to serve his community; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend the Honorable Robert J. Smith on the occasion of his retirement as a judge of the Fairfax Circuit Court of the 19th Judicial Circuit of Virginia; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the Honorable Robert J. Smith as an expression of the General Assembly's admiration for his legacy of service to the Fairfax community, the Commonwealth, and the nation.

SENATE JOINT RESOLUTION NO. 143

Celebrating the life of Stanley William Roberts.

Agreed to by the Senate, February 29, 2024
Agreed to by the House of Delegates, March 4, 2024

WHEREAS, Stanley William Roberts, a health care professional and highly admired member of the Fredericksburg community, died on February 12, 2024; and

WHEREAS, Stanley "Stan" Roberts was born in Lanham, Maryland, to the late William and Frieda Roberts; and

WHEREAS, Stan Roberts moved to the Commonwealth with his family in his youth and graduated from Osbourn High School in Manassas; and

WHEREAS, Stan Roberts joined Phillips Medical Systems and supported the health care industry as a biomedical technician for 35 years; and

WHEREAS, outside of his career, Stan Roberts was an amateur shortwave radio operator and train enthusiast; and

WHEREAS, Stan Roberts enjoyed fellowship and worship with the Fredericksburg community as an active member of New Life in Christ Church; and

WHEREAS, Stan Roberts will be fondly remembered and greatly missed by his wife of 49 years, Eileen; his children, Jennifer, Jessica, and Jason, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Stanley William Roberts; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Stanley William Roberts as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 144

Commending Zoie Lamanna.

Agreed to by the Senate, February 29, 2024
Agreed to by the House of Delegates, March 4, 2024

WHEREAS, Zoie Lamanna, an outstanding cross country runner at Jefferson Forest High School, earned her second consecutive state title with a victory in the Virginia High School League Class 4 state championship in November 2023; and

WHEREAS, on the road to the state championship, Zoie Lamanna also repeated as the victor of the Virginia High School League Region 4D tournament, finishing nearly 30 seconds ahead of the second-place runner and leading the Jefferson Forest High School Cavaliers to a fourth-place finish in the team standings; and

WHEREAS, in the state final at Oatlands Plantation in Leesburg, Zoie Lamanna finished first with an impressive time of 17:53; she won by a comfortable 28-second margin and was the only runner to finish in under 18 minutes; and

WHEREAS, Zoie Lamanna maintained her strategy from the 2022 state championship and stayed with the pack for the first two miles before breaking away; she demonstrated both mental preparedness and physical endurance to overcome the course's challenging terrain; and

WHEREAS, in the same week as her state championship victory, Zoie Lamanna committed to the University of Tennessee, where she will continue her cross country career; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Zoie Lamanna on winning the Virginia High School League Class 4 state championship in 2023; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Zoie Lamanna as an expression of the General Assembly's admiration for her achievements and best wishes for the future.

SENATE JOINT RESOLUTION NO. 145

Commending Sunshine R. Huggins.

Agreed to by the Senate, February 29, 2024
Agreed to by the House of Delegates, March 4, 2024

WHEREAS, Sunshine R. Huggins, a musical prodigy and student at Smithfield High School, was named the Inaugural Miss Juneteenth Virginia Queen in 2023 and Miss Juneteenth USA for 2023-2024; and

WHEREAS, Sunshine Huggins is an accomplished harpist who taught herself the instrument and cultivated a love for playing the harp from a young age; and

WHEREAS, Sunshine Huggins has performed on numerous occasions before prominent individuals and organizations, as well as local historical and community groups, making important contributions to the arts and culture of Hampton Roads and the Commonwealth; and

WHEREAS, Sunshine Huggins strives to use her musical gifts, especially since the COVID-19 pandemic, to bring a sense of peace, joy, and tranquility to her listeners; and

WHEREAS, guided by her life's motto, "I am the product of my ancestors' wildest dreams," Sunshine Huggins has steadfastly devoted herself to fulfilling her grandest artistic and professional ambitions; and

WHEREAS, Sunshine Huggins is an honor roll student at Smithfield High School and plans to pursue a major in music therapy and a certification as a surgical technician at Norfolk State University after she graduates in 2024; and

WHEREAS, Sunshine Huggins has demonstrated a deep commitment to the betterment of society through her involvement with organizations dedicated to women's empowerment and environmental stewardship; and

WHEREAS, with a passion for both healing and uplifting others through her music and good deeds, and embracing and celebrating her African American heritage, Sunshine Huggins has embodied the values of the Miss Juneteenth pageant and is an inspiration to all Virginians; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Sunshine R. Huggins for being named the Inaugural Miss Juneteenth Virginia Queen and the reigning Miss Juneteenth USA for 2023-2024; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Sunshine R. Huggins as an expression of the General Assembly's admiration for her achievements and best wishes in her future endeavors.

SENATE JOINT RESOLUTION NO. 146

Commending the Brunswick Academy football team.

Agreed to by the Senate, February 29, 2024
Agreed to by the House of Delegates, March 4, 2024

WHEREAS, the Brunswick Academy football team of Lawrenceville capped off an undefeated season with a victory in the Virginia Independent Schools Football League Division II state championship in 2023; and

WHEREAS, in the state final, the Brunswick Academy Vikings dominated their opponents from Broadwater Academy by a score of 70-0; and

WHEREAS, in addition to securing the state crown for the second consecutive year, the Brunswick Vikings finished the season with a perfect 13-0 record; and

WHEREAS, the victorious season is a testament to the skill and hard work of all the student-athletes, the leadership and guidance of the coaches and staff, and the passionate support of family members, friends, and the entire Brunswick Academy community; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend the Brunswick Academy football team on winning the 2023 Virginia Independent Schools Football League Division II state championship; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Andrew Weidman, head coach of the Brunswick Academy football team, as an expression of the General Assembly's admiration for the team's exceptional athletic achievements.

SENATE JOINT RESOLUTION NO. 147

Celebrating the life of George Thomas Garten.

Agreed to by the Senate, February 29, 2024
Agreed to by the House of Delegates, March 4, 2024

WHEREAS, George Thomas Garten of Covington, an entrepreneur who served residents of the Alleghany Highlands for more than three decades as the owner of Greenway's Real Estate and Auction, Inc., died on January 24, 2024; and

WHEREAS, Thomas "Tommy" Garten was born in Covington and graduated from Covington High School; he subsequently received an associate degree from Ferrum College and a bachelor's degree from James Madison University, then completed his education at the Reppert School of Auctioneering; and

WHEREAS, Tommy Garten owned and managed several successful businesses in the Alleghany Highlands, including Garten Trucking, and he became a partner in Greenway's Real Estate and Auction in 1974; and

WHEREAS, after his father's death in 1986, Tommy Garten became the owner, broker, and auctioneer of Greenway's Real Estate and Auction, where he earned admiration for his professionalism, integrity, and attention to detail; and

WHEREAS, Tommy Garten's personal experience in owning and managing livestock and agricultural real estate helped him better serve clients, and in recognition of his expertise, he was appointed by the governor to the state Auctioneers Board; and

WHEREAS, Tommy Garten also served on the Ferrum College Board of Trustees and received the Alumni of the Year Award from Covington High School; and

WHEREAS, Tommy Garten will be fondly remembered and greatly missed by his wife of 45 years, Mary Beth; his sons, George and Robert, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of George Thomas Garten; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of George Thomas Garten as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 148

Celebrating the life of Trevor Bryan Brown.

Agreed to by the Senate, February 28, 2024
Agreed to by the House of Delegates, February 28, 2024

WHEREAS, Trevor Bryan Brown, an honorable veteran, esteemed member of the Sterling Volunteer Fire Company of the Loudoun County Combined Fire and Rescue System, and a beloved husband, father, and member of the Ashburn community, died in the line of duty on February 16, 2024; and

WHEREAS, Trevor Brown served his country with honor and distinction as a member of the United States Marine Corps; and

WHEREAS, Trevor Brown joined the Loudoun County Combined Fire and Rescue System in 2016 and for several years dedicated himself to ensuring the safety and security of the county's residents and visitors; and

WHEREAS, Trevor Brown embodied the highest ideals of fatherhood in his life and was deeply committed to supporting his wife and family and to raising and caring for his children; and

WHEREAS, Trevor Brown gave generously of his time to promote the health and well-being of young people in the community as a volunteer soccer coach and baseball coach; and

WHEREAS, on February 20, 2024, first responders and other members of the community gathered along a processional route from Prince William County to Loudoun County to honor Trevor Brown's life and legacy; and

WHEREAS, Trevor Brown will be fondly remembered and dearly missed by his loving wife; his three children; his parents; and numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Trevor Bryan Brown, a cherished member of the Ashburn and Sterling communities whose heroism and sacrifice will never be forgotten; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Trevor Bryan Brown as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 149

Celebrating the life of William Thomas Greer, Jr.

Agreed to by the Senate, February 29, 2024
Agreed to by the House of Delegates, March 4, 2024

WHEREAS, William Thomas Greer, Jr., an inspirational faith leader and distinguished higher education administrator who served as president of what is now Virginia Wesleyan University for more than two decades, died on August 30, 2023; and

WHEREAS, William "Billy" Greer grew up in Georgia and graduated from Valdosta State University; he heard the call to the ministry and studied at Emory University's Chandler School of Theology before earning a master of divinity degree from Drew University; and

WHEREAS, Billy Greer served as a research assistant at the University of Glasgow, then returned to Emory University to receive a doctor of sacred theology degree; he also earned a doctorate in higher education administration from Georgia State University and conducted additional studies at the Institute for Educational Management at the Harvard Graduate School of Education; and

WHEREAS, while completing his education, Billy Greer was ordained as an elder in the South Georgia Conference of the United Methodist Church and offered his wise leadership to several congregations over the course of 12 years; and

WHEREAS, after a successful stint as the chaplain and a member of the Board of Trustees at Andrew College in Cuthbert, Georgia, Billy Greer was selected as the institution's new president in 1980; and

WHEREAS, Billy Greer enjoyed five years at the helm of Andrew College, then became president of Brevard College in North Carolina for seven years, before joining Virginia Wesleyan University, then known as Virginia Wesleyan College, in 1992; and

WHEREAS, under Billy Greer's leadership, Virginia Wesleyan University increased enrollment, expanded its endowment, created new and innovative degree programs, and launched several construction and renovation initiatives to enhance facilities; and

WHEREAS, among Bill Greer's proudest achievements at Virginia Wesleyan University, was the establishment of the Center for the Study of Religious Freedom to promote interfaith cooperation and understanding; he also guided the creation of the Birdsong Community Service Program, now Wesleyan Engaged, which increased opportunities for student volunteerism and has become a cornerstone of the university's mission; and

WHEREAS, Billy Greer was a lifelong basketball fan who excelled at the sport in his school years and earned top honors in athletics during his time at the University of Glasgow; he could often be seen personally leading cheers during games at his schools, and he was a champion for Virginia Wesleyan University's athletic teams; and

WHEREAS, during Billy Greer's 23-year tenure as president, Virginia Wesleyan University won a men's basketball national championship in 2006 and a prestigious Old Dominion Athletic Conference Commissioner's Cup in 2014-2015, along with 46 team national championship appearances, seven individual national championship appearances, 29 conference championships, and 51 All-American honorees; and

WHEREAS, Billy Greer was named president emeritus after his retirement in 2015, and the Greer Environmental Sciences Center—a unique learning center modeled thematically around the earth's four spheres: the atmosphere, hydrosphere, lithosphere, and biosphere, to promote hands-on learning and interdisciplinary research—was dedicated in his honor in 2017; and

WHEREAS, Billy Greer built strong relationships based on trust and mutual understanding with students, faculty, and staff, and he enjoyed holding barbecues at his home to create a sense of community; and

WHEREAS, highly admired in the field of higher education, Billy Greer served as president of Leadership Georgia and held other leadership positions in the Virginia Foundation for Independent Colleges, the National Association of Independent Colleges and Universities, the Southern Association of Colleges and Schools Commission on Colleges, and the former National Association of Schools and Colleges of the United Methodist Church; and

WHEREAS, outside of his career, Billy Greer was passionate about protecting the Commonwealth's natural resources and served on the Virginia Commission of Game and Inland Fisheries; he and his wife, Fann, were also once named Environmentalists of the Year on the Eastern Shore; and

WHEREAS, Billy Greer will be fondly remembered and greatly missed by his wife of 58 years, Fann; his sons, William III, Robert, and David, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of William Thomas Greer, Jr., the former longtime president of Virginia Wesleyan University; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of William Thomas Greer, Jr., as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 150

Commending the Tidewater EMS Council.

Agreed to by the Senate, February 29, 2024
Agreed to by the House of Delegates, March 4, 2024

WHEREAS, the Tidewater EMS Council, a nonprofit organization dedicated to supporting the emergency medical services systems in the cities of Chesapeake, Franklin, Norfolk, Portsmouth, Suffolk, and Virginia Beach and the counties of Accomack, Isle of Wight, Northampton, and Southampton, celebrates its 50th anniversary in 2024; and

WHEREAS, the Emergency Medical Services System Act of 1973 was passed when there was growing recognition that prompt medical treatment in the field, followed by appropriate hospital care, could greatly reduce the incidence of death and disability; and

WHEREAS, the Tidewater EMS Council was incorporated in 1974 to serve as an entity that could obtain funding through the Emergency Medical Services System Act, with a board that included emergency medical services (EMS) providers and consumers from 10 different jurisdictions in the region; and

WHEREAS, early accomplishments of the Tidewater EMS Council included establishing a regional EMS communication system and acquiring ambulances and other EMS equipment, including Nightingale, a hospital-based helicopter ambulance that was the first of its kind in the Commonwealth; and

WHEREAS, the Tidewater EMS Council facilitated the introduction of the universal emergency number 9-1-1 and established the standards and procedures that were necessary to properly integrate and coordinate the various facilities, personnel, vehicles, equipment, and more that make up an effective EMS system; and

WHEREAS, over the ensuing decades, the Tidewater EMS Council has continued to diversify and evolve its training, protocols, and services to respond to new challenges and maximize advances in health care and technology, maintaining its status as a model EMS system at the forefront of patient care; and

WHEREAS, the achievements of the Tidewater EMS Council in improving public health and safety are the result of the visionary leadership of its founders, officers, and directors; the unwavering support of its health care partners and the Tidewater community; and the tireless efforts of the region's EMS personnel; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend the Tidewater EMS Council on the occasion of its 50th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the Tidewater EMS Council as an expression of the General Assembly's admiration for the organization's history and its contributions to the Commonwealth.

SENATE JOINT RESOLUTION NO. 151

Commending Mark E. Smith.

Agreed to by the Senate, February 29, 2024
Agreed to by the House of Delegates, March 1, 2024

WHEREAS, Mark E. Smith, who served the Commonwealth in various capacities for nearly 45 years, celebrated his retirement from state service on December 24, 2023; and

WHEREAS, Mark Smith served as chief liaison between George Mason University (GMU) and government entities of the Commonwealth, including elected and appointed officials in the executive and legislative branches, as well as numerous state agencies that interface with the university; and

WHEREAS, in concert with GMU's leadership team, Mark Smith established the university's legislative priorities and planned and executed strategies to advance GMU's interests in Richmond year-round; and

WHEREAS, Mark Smith secured several key priorities for GMU, including the capital projects that delivered Peterson Family Health Sciences Hall, Horizon Hall, the Fuse Building, and the Life Sciences and Engineering Building; and

WHEREAS, Mark Smith worked to secure pay raises and increases in operating funds; his effort to deliver significant increases in financial aid at levels previously unseen in the Commonwealth was perhaps his greatest success; and

WHEREAS, Mark Smith joined GMU as executive director of state government relations in August of 2013, having previously spent nearly two decades leading government relations efforts at Virginia Commonwealth University (VCU); and

WHEREAS, in addition to his experience in academia, Mark Smith completed an additional decade of service to the Commonwealth as assistant secretary of education, executive assistant for the Secretary of Transportation and Public Safety, division administrative manager in the Attorney General's Office, and as a staffer for both the House Clerk's Office and Senate Clerk's Office, which are responsible for the daily operations of the General Assembly; and

WHEREAS, Mark Smith's career in public service began as an intern in the Lieutenant Governor's Office in the summer of 1979 and culminated in the 2023 Session of the General Assembly, the 44th session in which he served; and

WHEREAS, Mark Smith is active in his community as a member of the advisory committee for the Commonwealth of Virginia Campaign and as a member of the Review Committee for the Virginia State Employee Emergency Fund; and

WHEREAS, Mark Smith served on the Virginia Board of Conservation and Recreation, the advisory committee for the YMCA Model General Assembly, the Virginia YMCA Board of Directors, and the National Kidney Foundation and its Virginia affiliate; and

WHEREAS, Mark Smith graduated with honors from VCU with a major in administration of justice and public safety and a minor in political science; he later earned a master's degree from VCU in public administration; and

WHEREAS, Mark Smith served his community and the Commonwealth with the utmost integrity, dedication, and distinction, and he has earned several awards for distinguished leadership, including recognition from the Richmond Jaycees; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Mark E. Smith on the occasion of his retirement; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Mark E. Smith as an expression of the General Assembly's admiration for his legacy of contributions to the Commonwealth.

SENATE JOINT RESOLUTION NO. 152

Celebrating the life of the Honorable Robison Brown James.

Agreed to by the Senate, February 29, 2024
Agreed to by the House of Delegates, March 4, 2024

WHEREAS, the Honorable Robison Brown James, a distinguished religious scholar and talented musician who proudly represented the residents of Henrico County in the House of Delegates, died on February 8, 2024; and

WHEREAS, Robison "Rob" James was born in Dade City, Florida, and grew up in Tuscaloosa, Alabama, where he began to cultivate the deep faith and unwavering sense of optimism that served him well throughout his life; and

WHEREAS, Rob James graduated from the University of Alabama, where he was the first chair trumpet on the Million Dollar Band; and

WHEREAS, Rob James received a Rotary Fellowship to study at the University of Edinburgh from 1955 to 1956, and while returning to the United States aboard the ocean liner *Liberté*, he met his future wife, Anne; the couple bonded over their passion for music and delighted their fellow passengers by standing in for the ship's band, with him playing trumpet and her playing piano; and

WHEREAS, Rob James worked in church ministry for a year, then matriculated at Duke University to pursue a doctoral degree; he joined the faculty of the University of Richmond in 1962 and taught courses in biblical scholarship, theology, and ethics until his well-earned retirement in 2000; and

WHEREAS, Rob James developed a lifelong academic interest in the works of Paul Tillich and published more than 50 articles and books including *Tillich and World Religions* in 2003; he also served as president of the North American Paul Tillich Society; and

WHEREAS, desirous to be of further service to his community, Rob James ran for and was elected to the House of Delegates in 1975 and represented the residents of Henrico County in what was originally the 34th District and later became the 32nd District after redistricting; and

WHEREAS, Rob James served a total of four terms in the House of Delegates and relished opportunities to foster strong relationships with his constituents; he introduced and supported many important pieces of legislation to benefit his district and all Virginians; and

WHEREAS, during his tenure as a state lawmaker, Rob James authored a pamphlet called "The Ethics of Politics," in which he addressed questions of ethical compromise and the need to account for different viewpoints in a vibrant and healthy democracy; and

WHEREAS, Rob James enjoyed fellowship and worship with the congregation of River Road Church, and he was a staunch advocate for religious freedom who resisted the fundamentalist movement in the Southern Baptist Convention in the 1980s; and

WHEREAS, outside of his career in education and public service, Rob James honed his musical talents throughout his life; in 1983, he joined a group of fellow University of Richmond professors to form the Doctors of Jazz, with whom he performed for the next 40 years; and

WHEREAS, Rob James will be fondly remembered and greatly missed by his beloved wife of 64 years, Anne; his daughters, Sara, Elizabeth, and Susan, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of the Honorable Robison Brown James, an insightful religious scholar, passionate musician, and dedicated public servant; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of the Honorable Robison Brown James as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 153

Commending the Fairfax County Public Library.

Agreed to by the Senate, February 29, 2024
Agreed to by the House of Delegates, March 4, 2024

WHEREAS, for 85 years, the Fairfax County Public Library, now the largest library system in the Commonwealth, has provided essential resources to inform, engage with, and inspire members of the Fairfax County community; and

WHEREAS, established in 1939, the Fairfax County Public Library was originally a bookmobile program with a budget of $250 and has grown to serve more than 578,000 cardholders at eight regional branches, 14 community branches, and a special access branch for people with disabilities; and

WHEREAS, Fairfax County Public Library promotes and strengthens literacy through comprehensive collections of educational and recreational resources and further serves members of the public by offering community spaces, innovative programming, and access to technology; and

WHEREAS, during fiscal year 2023, the Fairfax County Public Library recorded 2,805,516 branch visits, 373,882 Wi-Fi sessions, a program attendance of 217,719, and an overall circulation of 11,220,910 print and electronic materials, all of which were increases from the previous year; and

WHEREAS, in fiscal year 2023, Fairfax County Public Library's programs and services represented a significant return on investment for the county and well over $200 million in value to the community; and

WHEREAS, Fairfax County has fulfilled its mission through the hard work and expertise of its staff members and tens of thousands of hours of support from generous volunteers; and

WHEREAS, over the course of its history, Fairfax County Public Library has built meaningful relationships with members of the public and local partners, fostered personal growth and educational achievement, and embraced innovation and creativity to better serve its members; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend the Fairfax County Public Library on the occasion of its 85th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the Fairfax County Public Library as an expression of the General Assembly's admiration for the library system's vital work to promote literacy among generations of Fairfax County residents.

SENATE JOINT RESOLUTION NO. 154

Commending the Reverend Dr. Harold James Cobb, Jr.

Agreed to by the Senate, February 29, 2024
Agreed to by the House of Delegates, March 4, 2024

WHEREAS, the Reverend Dr. Harold James Cobb, Jr., a trusted spiritual leader in Norfolk, retired as the rector of Grace Episcopal Church after 29 years of inspirational service to the community; and

WHEREAS, Harold Cobb previously served as the founding minister of the Good Samaritan Church, in Durham, North Carolina, then joined Saint Stephen's Episcopal Church, in Winston-Salem, North Carolina, as rector; and

WHEREAS, in 1995, Harold Cobb relocated to the Commonwealth as the eighth rector of Grace Episcopal Church in Norfolk; and

WHEREAS, striving to enhance the quality of life for all community members, Harold Cobb is active in many business and community endeavors; he has served as chair of the Norfolk International Airport Authority and as a board member of the Hampton Roads Community Foundation, Children's Health Systems, Saint Paul's College, and Westminster-Canterbury on the Chesapeake Bay; and

WHEREAS, Harold Cobb currently serves on the board of the Protestant Episcopal Theological Seminary in Alexandria, the General Episcopal Theological Seminary in New York City, the Slover Library Foundation, and the Chrysler Museum of Art; and

WHEREAS, Harold Cobb is the recipient of numerous awards and accolades, including the 2013 Humanitarian Award from the Virginia Center for Inclusive Communities, previously known as the National Conference of Christians and Jews; and

WHEREAS, in 2019, Harold Cobb was nominated as the 11th diocesan bishop of the Episcopal Diocese of Southern Virginia, and his historic candidacy marked the first time a Black American was nominated as a bishop of one of the Episcopal dioceses in the Commonwealth; and

WHEREAS, Harold Cobb has touched countless lives in Hampton Roads through his wise spiritual counsel and commitment to transformational outreach; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend the Reverend Dr. Harold James Cobb, Jr., on the occasion of his retirement; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the Reverend Dr. Harold James Cobb, Jr., as an expression of the General Assembly's admiration for his accomplishments and legacy of community service in Hampton Roads.

SENATE JOINT RESOLUTION NO. 155

Commending Denise Burrell Smith.

Agreed to by the Senate, February 29, 2024
Agreed to by the House of Delegates, March 4, 2024

WHEREAS, after 42 years of dedicated service, Denise Burrell Smith retired as the commissioner of the revenue for Charles City County; and

WHEREAS, Denise Smith was the first Black woman elected as commissioner of the revenue in the history of Charles City County and in Virginia, and she became the longest-serving commissioner of the revenue in the Commonwealth; and

WHEREAS, Denise Smith has demonstrated exceptional professionalism in the performance of her duties; she earned a certification from the University of Virginia's Weldon Cooper Center for Public Service and received the 2016 President's Service Award from the Commissioner of the Revenue Association of Virginia; and

WHEREAS, Denise Smith has been an active member of her community, engaging in various community service activities, including her involvement as a life member and secretary of the Charles City Branch of the NAACP; she has also served on the board of directors of the Charles City County Civic League, Inc.; and

WHEREAS, Denise Smith has shown great dedication to her church, Elam Baptist Church, where she has served as chair of the usher ministry and as a member of the finance committee; and

WHEREAS, Denise Smith has been a trusted mentor to her fellow local government employees and a role model for many in the community, inspiring others through her kindness, faith, and unwavering commitment to her family, friends, and church; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Denise Burrell Smith on the occasion of her retirement as commissioner of the revenue for Charles City County; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Denise Burrell Smith as an expression of the General Assembly's admiration for her outstanding contributions to the Charles City County community and best wishes for a happy retirement.

SENATE JOINT RESOLUTION NO. 156

Commending William G. Coada.

Agreed to by the Senate, February 29, 2024
Agreed to by the House of Delegates, March 4, 2024

WHEREAS, for 12 years, William G. Coada served as a member and former chair of the Charles City County Board of Supervisors, demonstrating steadfast dedication to the residents of District Two and exceptional leadership to the community as a whole; and

WHEREAS, during his tenure in local government, William "Bill" Coada spearheaded numerous projects and initiatives aimed at fostering economic development, improving schools, and enhancing the lives of all residents of Charles City County; and

WHEREAS, Bill Coada oversaw significant advancements in land purchases, transportation improvements, emergency services, waste management, budget controls, and the creation of new jobs; and

WHEREAS, a champion for lifelong learning, Bill Coada implemented innovative programs related to school infrastructure and the enhancement of academic resources, ensuring that Charles City County students receive the best possible education; and

WHEREAS, over the course of his career, Bill Coada placed a high priority on the well-being of community members by advocating for their rights, addressing their concerns with utmost diligence and compassion, and participating in countless local activities and events; and

WHEREAS, respected for his integrity and expertise, Bill Coada fostered a culture of collaboration and supported effective decision-making processes within the Charles City County Board of Supervisors, greatly contributing to the overall growth of the community; and

WHEREAS, through his visionary leadership, Bill Coada earned the respect and admiration of his colleagues, constituents, and the community; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend William G. Coada for his 12 years of service as a member of the Charles City County Board of Supervisors; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to William G. Coada as an expression of the General Assembly's admiration for his achievements in service to the Charles City County community.

SENATE JOINT RESOLUTION NO. 157

Commending Gilbert A. Smith.

Agreed to by the Senate, February 29, 2024
Agreed to by the House of Delegates, March 4, 2024

WHEREAS, for 32 years, Gilbert A. Smith has worked tirelessly to enhance the quality of life throughout Charles City County and represent the residents of District 1 as a member of the Charles City County Board of Supervisors; and

WHEREAS, Gilbert Smith has demonstrated an unwavering commitment to excellence, deep integrity, and a passion for public service over the course of his long and fulfilling career in local government; and

WHEREAS, Gilbert Smith developed a deep understanding of the needs and aspirations of the people of Charles City County, making him a trusted advocate for local residents and an invaluable source of institutional knowledge for his fellow public servants; and

WHEREAS, Gilbert Smith worked diligently to address the concerns of community members and placed a high priority on improving public services and promoting responsible development; and

WHEREAS, Gilbert Smith oversaw vital transportation initiatives, welcomed new businesses, and helped ensure the completion of a new fire station, which was named in his honor in 2023; and

WHEREAS, Gilbert Smith fostered collaboration and cultivated effective decision-making processes within the Charles City County Board of Supervisors, greatly contributing to the overall growth of the community; and

WHEREAS, during his tenure on the Charles City County Board of Supervisors, Gilbert Smith proudly served terms as vice chair and chair, guiding the board with visionary leadership and wisdom; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Gilbert A. Smith on the occasion of his retirement from the Charles City County Board of Supervisors; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Gilbert A. Smith as an expression of the General Assembly's admiration for his exceptional service and dedication to the residents of Charles City County.

SENATE JOINT RESOLUTION NO. 158

Celebrating the life of Richard Gale Elliott.

Agreed to by the Senate, February 29, 2024
Agreed to by the House of Delegates, March 4, 2024

WHEREAS, Richard Gale Elliott, a beloved husband, father, and grandfather, esteemed community leader and deacon, dedicated firefighter, and an active and beloved member of the Mecklenburg County community, died on August 7, 2023; and

WHEREAS, a native of Mecklenburg County, Richard Elliott served his country and the Commonwealth with honor and distinction for eight years as a member of the Virginia National Guard, attaining the rank of sergeant; and

WHEREAS, Richard Elliott began his 34-year career with the Town of Clarksville as a wastewater operator and through his work ethic and commitment to excellence rose through the ranks to serve as director of utilities and then as director of operations; and

WHEREAS, in his capacity as director of operations of the Town of Clarksville, Richard Elliott oversaw nearly every operational aspect of the locality, playing a vital role in ensuring the town was effectively managed and maintained for the benefit of its residents and businesses; and

WHEREAS, Richard Elliott bravely devoted himself to the safety of his community as a member of the Clarksville Volunteer Fire Department for 43 years, including 16 years as president and five years as assistant chief, and as a member of the Mecklenburg County Lifesaving and Rescue Squad for more than 15 years; and

WHEREAS, guided by his faith, Richard Elliott was a lifelong member of Buffalo Baptist Church in Buffalo Junction, where he served as a deacon and on the youth committee, and he later enjoyed worship and fellowship with his community at nearby Grace Baptist Church; and

WHEREAS, Richard Elliott will be fondly remembered and dearly missed by his loving wife of 43 years, Wanda; his children, Ricky and Andy, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Richard Gale Elliott, a cherished member of the Mecklenburg County community whose kindness and generosity touched countless lives; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Richard Gale Elliott as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 159

Celebrating the life of George Declan O'Reilly.

Agreed to by the Senate, February 29, 2024
Agreed to by the House of Delegates, March 4, 2024

WHEREAS, George Declan O'Reilly, an honorable veteran, beloved son, brother, uncle, and friend, and treasured member of the Fredericksburg community, died on March 27, 2023; and

WHEREAS, George O'Reilly graduated with honors from Mountain View High School (MVHS) in 2018 and, in 2022, earned a bachelor's degree in criminal justice from James Madison University (JMU), where he was a member of the school's United States Army Reserve Officers' Training Corps; and

WHEREAS, George O'Reilly served his country with honor and distinction as second lieutenant of the battalion maintenance officer and maintenance platoon leader for Echo Forward Support Company of the 40th Brigade Engineer Battalion in the 2nd Armored Brigade Combat Team of the 1st Armored Division at Fort Bliss, Texas; and

WHEREAS, George O'Reilly excelled at both athletics and music, swimming for four years on the MVHS varsity swim team and later on the JMU club swim team, while playing trumpet for nearly a decade and competing with the MVHS marching band; and

WHEREAS, George O'Reilly would never hesitate to go out of his way to help someone in need and was admired by all who knew him for his thoughtfulness, strength, dedication, and kindness; and

WHEREAS, George O'Reilly had a passion for weightlifting, running, and video games, but most of all enjoyed spending quality time with his family and friends; and

WHEREAS, George O'Reilly will be fondly remembered and dearly missed by his parents, Shawn and Jessica; his siblings, Flora, Gina, Macy, John, and Henry; and numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of George Declan O'Reilly, a cherished member of the Fredericksburg community whose light brightened countless lives; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of George Declan O'Reilly as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 160

Celebrating the life of Paul Otie Bennett.

Agreed to by the Senate, February 29, 2024
Agreed to by the House of Delegates, March 4, 2024

WHEREAS, Paul Otie Bennett, a highly respected resident of the Town of Burkeville who touched many lives in his community and beyond through his humanity, kindness, and thoughtful leadership, died on January 26, 2024; and

WHEREAS, a lifelong resident of Nottoway County, Paul Bennett was born in Jennings Ordinary on September 3, 1934, and lived in Burkeville for 64 years; and

WHEREAS, Paul Bennett served as an active member of the Burkeville Volunteer Fire Department for 63 years and served as its chief for 30 years; and

WHEREAS, Paul Bennett was the recipient of eight Firefighter of the Year awards from the Burkeville Volunteer Fire Department and also received the Lifetime Achievement Award in 2007; and

WHEREAS, in 2021, the Burkeville Volunteer Fire Department created the Paul O. Bennett Distinguished Service Award in honor of Paul Bennett's 60-plus years of volunteer service to serve as a symbol of exemplary service and leadership to the community, going above and beyond the call of duty; and

WHEREAS, Paul Bennett served continuously as a member of the Burkeville Town Council for over 44 years from May 1976 to December 2020, making him one of the longest serving council members in the town's history; and

WHEREAS, in January 2011, Paul Bennett was recognized by the Nottoway County Board of Supervisors for his outstanding service to the citizens of Nottoway County; and

WHEREAS, Paul Bennett was a founding member of the Nottoway County Crime Solvers program, the Medical Foundation of Burkeville, and the Crewe-Burkeville Youth Recreation Association; and

WHEREAS, Paul Bennett was a retired professional truck driver for Pilot Freight Carriers, a real estate agent, and the owner of a Sinclair Oil Company distributorship; and

WHEREAS, Paul Bennett was a lifelong member of Ward's Chapel United Methodist Church in Jennings Ordinary; and

WHEREAS, Paul Bennett has been and always will be remembered as an enduring pillar of the Burkeville community and as fire chief, councilman, and citizen extraordinaire; and

WHEREAS, the greatest joy in Paul Bennett's life was his beloved family, and he will be fondly remembered and greatly missed by his wife of 65 years, Betty V. Bennett; his children, Dale, Christy, and Eddie; and his grandchildren, Elizabeth, Kaylie Edwards, and Brayden; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Paul Otie Bennett; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Paul Otie Bennett as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 161

Commending John Carlton Phillips.

Agreed to by the Senate, February 29, 2024
Agreed to by the House of Delegates, March 4, 2024

WHEREAS, hearing the call to serve his community and provide thoughtful and compassionate care, John Carlton Phillips joined the Junior Red Cross and Virginia National Guard while still in high school and later served with the United States Army after graduation, including duty assignments at Fort Knox, Kentucky, and Fort Dix, New Jersey; and

WHEREAS, John "J.C." Phillips joined the Forest View Volunteer Rescue Squad (FVVRS) in Richmond in 1965 and soon thereafter earned the historic distinction of being elected to the executive board as secretary while still a probationary member; he would go on to serve in many leadership capacities with the department over the years and ultimately be named a life member; and

WHEREAS, in 1972, J.C. Phillips was elected as the District 3 vice president for the Virginia Association of Volunteer Rescue Squads, Inc. (VAVRS), beginning a long and illustrious tenure with the organization that would include two years as its president and numerous other leadership positions; and

WHEREAS, J.C. Phillips was elected by his peers as a life member of the VAVRS in 1982, and in September 1994, he was inducted into the Virginia Life Saving and Rescue Hall of Fame; and

WHEREAS, J.C. Phillips would play an outsized role in VAVRS' accomplishments throughout the 1970s and 1980s, helping to restructure the organization's bylaws to improve representation, enhance its training course, develop its first Personnel Committee, and promote awareness of the organization; and

WHEREAS, J.C. Phillips trained basic and light duty rescue instructors for more than 30 years; he was also an advanced first aid instructor for over 12 years and taught cardiopulmonary resuscitation (CPR) for over 13 years; in 1970, he was one of the first to enroll in both a CPR instructors' course in the Richmond area and the first emergency medical training course in Chesterfield County; and

WHEREAS, J.C. Phillips not only volunteered his time as a pre-hospital provider for his squad, but also contributed greatly to the development of a medical emergency response team to handle injuries and illness at the DuPont plant in Richmond; and

WHEREAS, J.C. Phillips was involved in accident and injury prevention talks, demonstrations, and safety audits both in the community and at work, and he was a member of the Forest View Clowns, known as the "Worst Aid Squad," which entertained children and raised money for the American Heart Association; and

WHEREAS, J.C. Phillips was team captain for FVVRS for the first rescue contest at the VAVRS convention, at which the team won first place, and he went on to compete at the organization's international convention; and

WHEREAS, after more than a half-century with the FVVRS and the VAVRS, J.C. Phillips continues to be active with both organizations as a parliamentarian and chaplain and is recognized as the VAVRS parliamentarian emeritus; and

WHEREAS, through his professionalism and tenacity as an instructor, squad leader, and officer, J.C. Phillips has left an indelible mark on the VAVRS's leadership and training, earning him the praise and esteem of all emergency medical services providers in the Commonwealth; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend John Carlton Phillips for his many years of service; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to John Carlton Phillips as an expression of the General Assembly's admiration for his contributions to the emergency medical services field in the Commonwealth and best wishes for his future endeavors.

SENATE JOINT RESOLUTION NO. 162

Celebrating the life of James Douglas Coleburn.

Agreed to by the Senate, February 29, 2024
Agreed to by the House of Delegates, March 4, 2024

WHEREAS, James Douglas Coleburn, an accomplished newspaperman and writer, esteemed public servant, and beloved member of the Blackstone community, died on September 25, 2023; and

WHEREAS, James "Doug" Coleburn began his journalism career in 1948, writing under the pen name C.D. James for his father's newspaper, the *Courier-Record*, in Blackstone, where he would go on to become editor and publisher; and

WHEREAS, over his distinguished 75-year career with the *Courier-Record*, Doug Coleburn earned various awards for writing and photography and for growing the newspaper's circulation, including induction into the Virginia Communications Hall of Fame in 2020; and

WHEREAS, Doug Coleburn achieved widespread acclaim for his early columns on hunting and fishing, and in 1968, he published a cover story for *Outdoor Life* magazine on spring gobbler hunting in Virginia; and

WHEREAS, Doug Coleburn proudly and ably served for a combined 51 years as a member of the Blackstone Town Council and the Nottoway County Board of Supervisors, working tirelessly to address the needs and concerns of his constituents; and

WHEREAS, Doug Coleburn gave generously of his time to his community, serving as a longtime member and former president of the Blackstone chapter of Rotary International, as a founding member and first secretary of the Blackstone Chamber of Commerce, and as chairman of the Blackstone Planning Commission; and

WHEREAS, Doug Coleburn helped to ensure the safety and security of others as a life member of the Blackstone Volunteer Fire Department, which he served from 1961 to 1981, and as a member of the Virginia National Guard and the former Virginia Protective Force; and

WHEREAS, guided throughout his life by his faith, Doug Coleburn enjoyed worship and fellowship with his community at Blackstone Presbyterian Church, where he sang in the choir for many years; and

WHEREAS, preceded in death by his beloved wife of 69 years, Katherine, Doug Coleburn will be fondly remembered and dearly missed by his children, Virginia and Billy, and their families; and by numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of James Douglas Coleburn, a pillar of the Blackstone community whose leadership and service touched countless lives; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of James Douglas Coleburn as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 163

Commending Neil A. Morgan.

Agreed to by the Senate, February 29, 2024
Agreed to by the House of Delegates, March 4, 2024

WHEREAS, after a long and distinguished career in local government service that spanned four decades, Neil A. Morgan retired in 2023; and

WHEREAS, Neil Morgan served as the community development project coordinator, manager of development, assistant director of planning and development, and assistant/deputy city manager for the City of Newport News; and

WHEREAS, as city manager of Newport News, Neil Morgan was responsible for more than 3,500 employees and an annual budget of $433 million; and

WHEREAS, Neil Morgan contributed to the development of City Center at Oyster Point, including City Center Boulevard, Port Warwick, 311 Information Center, Newport News Shipbuilding Apprentice School, and the Amtrak Multi-modal Station on Bland Boulevard; and

WHEREAS, Neil Morgan also served as the county administrator of York County, and in that capacity he helped manage more than 1,000 employees and oversaw an annual budget of $250 million; and

WHEREAS, during Neil Morgan's tenure as city manager, York County enhanced infrastructure, increased staffing levels, installed generators in county buildings, and opened a library, two fire stations, and a law-enforcement center; and

WHEREAS, Neil Morgan offered his leadership and expertise to the Hampton Roads Planning District Commission, the Hampton Roads Transportation Planning Organization, the Virginia Peninsula Regional Jail, the Virginia Peninsula Mayors and Chairs, the Historic Triangle Recreational Facilities Authority, and the Peninsula COVID Operations Center; and

WHEREAS, Neil Morgan holds degrees from the University of Virginia and West Virginia University and completed postgraduate work at Virginia Polytechnic Institute and State University (Virginia Tech); and

WHEREAS, in addition to his work in local government, Neil Morgan was a social studies teacher for Newport News Public Schools and a senior fellow for the Virginia Tech Center for Organizational and Technological Advancement, where he taught the master of public administration degree program; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Neil A. Morgan, a former chief administrative officer for both the City of Newport News and York County, on the occasion of his retirement in 2023; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Neil A. Morgan as an expression of the General Assembly's admiration for his legacy of achievements in local government.

SENATE JOINT RESOLUTION NO. 164

Commending Citizens Bank & Trust Company.

Agreed to by the Senate, February 29, 2024
Agreed to by the House of Delegates, March 4, 2024

WHEREAS, Citizens Bank & Trust Company, a distinguished financial institution serving residents and businesses throughout Central Virginia, celebrated its 150th anniversary in 2023; and

WHEREAS, the Circuit Court of Nottoway County granted a charter of incorporation for Citizens Bank & Trust Company on August 4, 1873; and

WHEREAS, Citizens Bank & Trust Company established its original office in Blackstone, where it continues to be headquartered today; and

WHEREAS, the first act of Citizens Bank & Trust Company was the adoption of its policy, which was and has been, that it would not prosper on the misfortunes of its customers or the community in which it was located, but would use its resources and whatever ability was possessed by its officers and directors for the benefit of the community and share the prosperity to which it contributed; and

WHEREAS, Citizens Bank & Trust Company's first president was William Hodges Mann, who served with the bank until he was elected Governor of the Commonwealth in 1910; and

WHEREAS, through its history, Citizens Bank & Trust Company has established 12 locations in Nottoway, Prince Edward, Amelia, Mecklenburg, Powhatan, and Chesterfield counties and the city of Colonial Heights; and

WHEREAS, Citizens Bank & Trust Company has served as an instrumental financial asset for the businesses and families in its region; and

WHEREAS, Citizens Bank & Trust Company is celebrating 150 years of service to its community as the second-oldest independent bank in the Commonwealth; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Citizens Bank & Trust Company on the occasion of its 150th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Citizens Bank & Trust Company as an expression of the General Assembly's admiration for the bank's history and its many contributions to the Commonwealth.

SENATE JOINT RESOLUTION NO. 165

Commending the Honorable Kenneth William Stolle.

Agreed to by the Senate, February 29, 2024
Agreed to by the House of Delegates, March 4, 2024

WHEREAS, the Honorable Kenneth William Stolle, who has greatly served the interests of the Commonwealth and his community in his capacity as a law-enforcement leader and officer, public servant, and attorney, retired from his position as sheriff of the City of Virginia Beach in 2023; and

WHEREAS, Kenneth "Ken" Stolle graduated from Frank W. Cox High School in Virginia Beach and earned a bachelor's degree in criminal justice before embarking upon a long and illustrious career in service to others as a law-enforcement officer with the Virginia Beach Police Department (VBPD); and

WHEREAS, Ken Stolle rose to the rank of sergeant with the VPBD between 1976 and 1987 and was also commissioned in the United States Naval Reserve in 1983, serving his country with honor and distinction as an intelligence officer for eight years; and

WHEREAS, Ken Stolle read law and was admitted to the Virginia State Bar in 1983, four years before he would leave the VBPD to practice law full time, first with the firm Bennett and Stolle, P.C., and later with Kaufman and Conoles; and

WHEREAS, Ken Stolle's deep commitment to the well-being of the Commonwealth and its residents led him to serve as a member of the Senate of Virginia, representing the 8th Senatorial District from 1992 to 2010; and

WHEREAS, as a member of the Senate of Virginia, Ken Stolle served as majority whip and Republican Leader pro tempore and also chaired the Senate Committee for Courts of Justice, the Virginia State Crime Commission, and the Public Safety Subcommittee of the Senate Committee on Finance and Appropriations; and

WHEREAS, Ken Stolle championed a number of measures in the Senate of Virginia to improve public safety, support law-enforcement officers and other first responders, promote small businesses, protect consumers, reduce taxes, ensure a robust education system for Virginia's students and families, and more; and

WHEREAS, Ken Stolle was elected sheriff of the City of Virginia Beach in 2009 and has proudly and faithfully served the city and its residents until retiring in 2023; and

WHEREAS, over his tenure as sheriff, Ken Stolle implemented an array of innovative new programs and initiatives to enhance public safety and the quality of life in Virginia Beach and to bolster his agency's ability to carry out its mission; and

WHEREAS, Ken Stolle's service to the Commonwealth has included a strong commitment to the preservation of its natural resources and wildlife, and he has been a lifelong champion for programs that improve the health of game species by reducing overpopulation; and

WHEREAS, in recognition of his tireless advocacy and service, Ken Stolle has received numerous accolades over the years, including prestigious awards from the Virginia Sheriffs' Association, Virginia State Lodge Fraternal Order of Police, Virginia Association of Campus Law Enforcement Administrators, Virginia Association of Chiefs of Police, and Virginia State Police Association; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend the Honorable Kenneth William Stolle, a pillar of the Virginia Beach community, on the occasion of his retirement as sheriff of the City of Virginia Beach; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the Honorable Kenneth William Stolle as an expression of the General Assembly's admiration for his remarkable legacy of service and best wishes in his future endeavors.

SENATE JOINT RESOLUTION NO. 166

Commending the Central Virginia Cricket Association.

Agreed to by the Senate, February 29, 2024
Agreed to by the House of Delegates, March 4, 2024

WHEREAS, the Central Virginia Cricket Association has been tremendously successful in organizing and raising awareness for the sport of cricket in the Richmond area; and

WHEREAS, with exceptional help from Chesterfield and Henrico Counties, the Central Virginia Cricket Association (CVCA) has been instrumental to developing facilities to ensure the highest possible standards of play and officiating; and

WHEREAS, composed from different social leagues developed over the last 30 years, the CVCA facilitates and organizes competitive amateur cricket in the region; and

WHEREAS, CVCA tournament games are organized in Henrico and Chesterfield Counties, with teams and players from Henrico County, Chesterfield County, Richmond, Chesapeake, Hampton, Virginia Beach, Williamsburg, Charlottesville, and the Washington, D.C. area; and

WHEREAS, uniting individuals from very diverse backgrounds, the CVCA draws players from many different ethnicities; and

WHEREAS, historical records indicate that early Virginians William Byrd of Westover and Thomas Jefferson, grandfather of President Thomas Jefferson, played cricket; and

WHEREAS, the CVCA coordinates with other leagues in organizing and promoting different tournaments; and

WHEREAS, the CVCA works within its communities to promote youth cricket by facilitating and organizing youth tournaments; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend the Central Virginia Cricket Association for its years of promoting, organizing, and encouraging cricket in the Richmond area; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare copies of this resolution for presentation to Zulfi Khan for distribution to regional teams as an expression of the General Assembly's admiration for the Central Virginia Cricket Association's efforts to encourage growth in local cricket and best wishes for the organization's future.

SENATE JOINT RESOLUTION NO. 167

Commending the Virginia, Maryland and Delaware Association of Electric Cooperatives.

Agreed to by the Senate, February 29, 2024
Agreed to by the House of Delegates, March 4, 2024

WHEREAS, electric cooperatives were formed during the 1930s and 1940s in hundreds of communities across the United States by rural citizens who joined together to provide themselves with the reliable electric service that their urban neighbors had enjoyed for years, thereby making farm life more comfortable and efficient, ultimately enabling American farmers to feed the world; and

WHEREAS, the Virginia REA Association was incorporated on July 7, 1944, by more than a dozen member-owned electric cooperatives in the Commonwealth to empower themselves and enable them to work together more effectively; and

WHEREAS, the Virginia REA Association advocated for cooperative members at the state level, facilitated the training of cooperative line workers, provided continuing education for cooperative engineers and other professionals, and, starting in 1946, communicated regularly with cooperative members through the *Rural Virginia* home-delivered newspaper, a periodical which is today known as *Cooperative Living* magazine and reaches millions of subscribers throughout the mid-Atlantic; and

WHEREAS, in the late 1940s, the Virginia REA Association began efforts to amalgamate the power purchases of its member cooperatives, and the power supply committee of the association eventually became Old Dominion Electric Cooperative, the cooperative-owned generation and transmission provider for the region, which the association and its member cooperatives incorporated in 1948; and

WHEREAS, the Virginia REA Association was later joined by electric cooperatives from neighboring states and became the Virginia, Maryland and Delaware Association of Electric Cooperatives; and

WHEREAS, the Virginia, Maryland and Delaware Association of Electric Cooperatives has worked tirelessly and effectively for 80 years to provide high-quality services to its 16 member electric cooperatives, adding over the years to its original portfolio such additional services as mutual aid and recovery following natural disasters and regulatory and legal support programs; and

WHEREAS, the Virginia, Maryland and Delaware Association of Electric Cooperatives coordinates what is now one of the largest regional line worker rodeos in the nation, thereby burnishing its reputation as an excellent example of the Seven Cooperative Principles, in particular the principle of advocating Cooperation Among Cooperatives; and

WHEREAS, in the process of providing these crucial services for many decades, the Virginia, Maryland and Delaware Association of Electric Cooperatives has been and remains an important partner to the member systems it serves, facilitating

reliable, affordable, environmentally sensitive, and safely delivered electricity that benefits 1.4 million Virginians and a total of two million citizens in the three states; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend the Virginia, Maryland and Delaware Association of Electric Cooperatives on the occasion of its 80th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the Virginia, Maryland and Delaware Association of Electric Cooperatives as an expression of the General Assembly's admiration for the association's achievements in service to its member cooperatives and communities throughout the Commonwealth.

SENATE JOINT RESOLUTION NO. 168

Celebrating the life of the Honorable Clarence A. Holland, M.D.

Agreed to by the Senate, February 29, 2024
Agreed to by the House of Delegates, March 4, 2024

WHEREAS, the Honorable Clarence A. Holland, M.D., of Windsor, a dedicated public servant and trusted physician who was motivated by his love of medicine and strong convictions to advocate for his patients and community, died on November 11, 2023; and

WHEREAS, Clarence Holland was born and raised in Windsor to parents Shirley T. and Gladys Holland; he inherited his appreciation for the importance of public service from his father, who served in the Virginia House of Delegates for almost 30 years; and

WHEREAS, as a youth, Clarence Holland excelled in sports, leading to a full scholarship to play football at Hampden-Sydney College; he earned all-state and all-conference honors and was invited to try out for the Green Bay Packers of the National Football League after his senior year; and

WHEREAS, Clarence Holland served in the United States Navy and achieved the rank of lieutenant; he was deployed at sea for three years before taking assignment as an admiral's aide for an additional year; and

WHEREAS, after his military service, Clarence Holland studied medicine in Richmond at the Medical College of Virginia and graduated with his medical degree in 1962; along with his partners, he built a successful family medicine practice in Virginia Beach, where he served the community for 53 years; and

WHEREAS, Clarence Holland was the recipient of many awards and honors, including distinctions from the American Medical Association, the Medical Society of Virginia, and the Virginia Family Practice Society, among others; and

WHEREAS, Clarence Holland was elected to the Virginia Beach City Council in 1970, where he served for 12 years, including two years as the mayor of Virginia Beach; and

WHEREAS, Clarence Holland ran for and was elected to the Senate of Virginia in 1983 and went on to represent the residents of Senate District 7 for 12 years, while continuing to practice medicine; and

WHEREAS, during his tenure as a state legislator, Clarence Holland focused on public safety, beach conservation, and transportation; he also advocated for the creation of the Virginia Marine Science Museum, now known as the Virginia Aquarium; and

WHEREAS, after his retirement, Clarence Holland remained active in both medicine and government, and his generosity was extended to many people and communities in so many ways, with special consideration for the Virginia Aquarium and the Cystic Fibrosis Foundation; and

WHEREAS, Clarence Holland was deeply devoted to his family, his community, and his church, and he served the Commonwealth with distinction and integrity; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of the Honorable Clarence A. Holland, M.D., a beloved physician and dedicated public servant; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of the Honorable Clarence A. Holland, M.D., as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 169

Celebrating the life of Patricia Elizabeth Clifton Harwood, Ph.D.

Agreed to by the Senate, February 29, 2024
Agreed to by the House of Delegates, March 4, 2024

WHEREAS, Patricia Elizabeth Clifton Harwood, Ph.D., a trailblazing education administrator and an active and beloved member of the Richmond community, died on December 13, 2023; and

WHEREAS, Patricia Harwood earned bachelor's degrees in French and English and a certification in secondary education in 1967 from what is today Longwood University, followed by a master's degree in psychology with a counseling certification from Middle Tennessee State University in 1970 and a doctoral degree in higher education administration with a counseling minor from The College of William and Mary in 1976; and

WHEREAS, Patricia Harwood embarked upon her illustrious education career as a teacher of French and English at Donelson High School in Nashville, Tennessee, from 1967 to 1971, where she contributed greatly to her students' success; and

WHEREAS, Patricia Harwood subsequently served as director of career planning and placement from 1971 to 1978 at Paul D. Camp Community College and then as dean of student services at the North Carolina School of the Arts from 1978 to 1985; and

WHEREAS, Patricia Harwood served as dean of Westhampton College at the University of Richmond from 1985 to 2000, fulfilling a longstanding goal to educate and inspire young women to overcome barriers and achieve their dreams; and

WHEREAS, Patricia Harwood advanced her field through leadership roles with professional organizations, such as the National Association of Student Personnel Administrators and the Southern Association of College Student Affairs, which she served as president, and through many presentations and articles over the years; and

WHEREAS, Patricia Harwood was notably the first woman member of the Rotary Club of West Richmond, and she would later be named a Paul Harris Fellow by Rotary International and receive the Distinguished Service Award from the Board of Trustees of the University of Richmond in recognition of her contributions to the community; and

WHEREAS, guided throughout her life by her faith, Patricia Harwood enjoyed worship and fellowship with her community at River Road Church, Baptist in Richmond, where she served as chair of the board of administration and as a member on various committees; and

WHEREAS, Patricia Harwood will be fondly remembered and dearly missed by her loving husband, Richard; her stepchildren, Robert, Katherine, and Elizabeth, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Patricia Elizabeth Clifton Harwood, Ph.D., a cherished member of the Richmond community who made a profound and lasting impact on countless lives; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Patricia Harwood as an expression of the General Assembly's respect for her memory.

SENATE JOINT RESOLUTION NO. 170

Celebrating the life of James "Jim" Horace Hinshaw.

Agreed to by the Senate, March 6, 2024
Agreed to by the House of Delegates, March 7, 2024

WHEREAS, James "Jim" Horace Hinshaw, a distinguished educator, esteemed civic leader, and beloved member of the Norfolk community, died on January 18, 2024; and

WHEREAS, after graduating from Shades Valley High School in Birmingham, Alabama, Jim Hinshaw earned a bachelor's degree from the University of Alabama ("Roll Tide!"), followed by a teaching degree from the former Southeastern Bible College and a master's degree from Old Dominion University; and

WHEREAS, over his 40 years as an educator at Norfolk Christian Schools, Jim Hinshaw taught various subjects, served as chairman of the social studies department and as coach of the girls' softball team, and helped thousands of students realize their potential and achieve success both in and out of the classroom; and

WHEREAS, Jim Hinshaw's legacy at Norfolk Christian Schools will endure for years to come through the school's Hinshaw Chapel and Hinshaw Technology Fund that are named in his honor; and

WHEREAS, Jim Hinshaw served as chairman of the City of Norfolk Electoral Board and, with a profound sense of duty and purpose, worked tirelessly ensuring the locality's elections were carried out in a fair and orderly manner; and

WHEREAS, Jim Hinshaw made a meaningful and lasting impact on his community as a founding member of the Roland Park Civic League, which he served as chairman from 2004 to 2008; and

WHEREAS, Jim Hinshaw has advanced his field as a member of the Association of Christian Schools International since 1999, and he received many accolades in recognition of his accomplishments as an educator and civic leader, including awards from the University of Richmond, the Veterans of Foreign Wars, and Virginians for Integrity in Government; and

WHEREAS, inspired and comforted throughout his life by his faith, Jim Hinshaw enjoyed worship and fellowship with his community at Tabernacle Church of Norfolk for almost 60 years, where he served as a deacon, elder, and Sunday school teacher; and

WHEREAS, Jim Hinshaw will be fondly remembered and dearly missed by his loving wife of more than 55 years, Evelyn; his children, John, David, and Joy, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of James "Jim" Horace Hinshaw, a man of extraordinary integrity whose commitment to his faith, his family, and his Norfolk community was an inspiration to all who knew him; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of James "Jim" Horace Hinshaw as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 171

Commending Jennifer McCall.

Agreed to by the Senate, March 6, 2024
Agreed to by the House of Delegates, March 7, 2024

WHEREAS, Jennifer McCall, an esteemed mathematics educator at North Stafford High School, was named the Stafford County Public Schools Teacher of the Year in 2022-2023; and

WHEREAS, Jennifer "Jenni" McCall joined the faculty at North Stafford High School (NSHS) in 2012, where she teaches Algebra 1, taking great care to guide her students during a crucial phase in their mathematics education; and

WHEREAS, Jenni McCall has been recognized for her dedication to helping at-risk students at NSHS, including students receiving special education or English language learner services, pass the Algebra 1 Standards of Learning exam, an important step on their paths to graduation; and

WHEREAS, Jenni McCall's resolute faith in her students has instilled in them the confidence they need to succeed, preparing them to achieve greatness both in and out of the classroom; and

WHEREAS, Jenni McCall was also recently recognized as the North Stafford High School Teacher of the Year for 2022-2023 and by *Northern Virginia Magazine* as its 2023 Teacher of the Year; and

WHEREAS, Jenni McCall has exemplified the highest virtues of the education profession through her unwavering commitment to her students, earning the respect and admiration of all Virginians; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Jennifer McCall of North Stafford High School for being named the 2022-2023 Stafford County Public Schools Teacher of the Year; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Jennifer McCall as an expression of the General Assembly's admiration for her devotion to her students and for her contributions to Stafford County Public Schools and the Commonwealth.

SENATE JOINT RESOLUTION NO. 172

Commending United We Light: Project Guatemala.

Agreed to by the Senate, March 6, 2024
Agreed to by the House of Delegates, March 7, 2024

WHEREAS, in October 2023, 18 lineworkers representing electric cooperatives in Virginia and Maryland traveled to Santa Isabel, Ixcán, Guatemala, to provide electricity infrastructure for the rural village as part of United We Light: Project Guatemala; and

WHEREAS, the Virginia, Maryland and Delaware Association of Electric Cooperatives sponsored United We Light: Project Guatemala in conjunction with NRECA International, a division of the National Rural Electric Cooperative Association that has brought electric power to more than 160 million people in 45 developing nations; and

WHEREAS, from October 4 to October 22, 2023, the United We Light: Project Guatemala crew members installed more than five miles of primary conductors, transformers, breaker boxes, wired lights, switches and electrical boxes with assistance from the local municipal utility, Empresa Municipal Rural de Electricidad; and

WHEREAS, United We Light: Project Guatemala had an immediate impact on the village it served; in total, 103 connections, including homes, businesses, a church, and a school, were electrified for the first time ever, bringing reliable power to more than 500 people in Santa Isabel; and

WHEREAS, the United We Light: Project Guatemala crew members showed exceptional fortitude and dedication to their mission, adapting to the challenges of working in extreme heat and humidity while navigating eroded dirt roads and political protest blockades; and

WHEREAS, the members of the United We Light: Project Guatemala crew were Denny Crockett of A&N Electric Cooperative; Allan Thacker of Central Virginia Electric Cooperative; Casey Butler and Brandon Thompson of Choptank Electric Cooperative; Mark Bandy and Jason Holley of Mecklenburg Electric Cooperative; Genevie Boarman of Northern Neck Electric Cooperative; Blake Sparling and Mauricio Paz of Northern Virginia Electric Cooperative; Addison Spicer, Drew Leake, and John Medved of Rappahannock Electric Cooperative; Luke Swanson and Tim Wright of Shenandoah Valley Electric Cooperative; John Johnston, the on-site media contact, Jared Stern, and John Meade of Southern Maryland Electric Cooperative; Scott Geovannello of Southside Electric Cooperative; and J.T. Jacobs of the Virginia, Maryland and Delaware Association of Electric Cooperatives; and

WHEREAS, Genevie Boarman of Northern Neck Electric Cooperative became the first-ever female crew member to participate in a NRECA International trip; and

WHEREAS, United We Light: Project Guatemala provided a sense of hope and security by helping to ensure that residents can choose to stay in their home villages; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend United We Light: Project Guatemala for its life-changing service to Santa Isabel, Ixcán, in rural Guatemala; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the Virginia, Maryland and Delaware Association of Electric Cooperatives as an expression of the General Assembly's admiration for the hard work and sacrifices of the United We Light: Project Guatemala crew members.

SENATE JOINT RESOLUTION NO. 173

Commending Nancy Collins.

Agreed to by the Senate, March 6, 2024
Agreed to by the House of Delegates, March 7, 2024

WHEREAS, Nancy Collins, an esteemed math specialist at Hugh Mercer Elementary School, was named the Fredericksburg City Public Schools Division Teacher of the Year in 2024-2025; and

WHEREAS, Nancy Collins has worked tirelessly to cultivate a learning environment at Hugh Mercer Elementary School in which her students feel both challenged and supported, priming them for success both in and out of the classroom; and

WHEREAS, with exceptional attention to detail and preparation, as well as a firm, yet gentle spirit, Nancy Collins carries out her lesson plans and manages her classes with aplomb, maximizing the opportunities for her students' growth and development; and

WHEREAS, Nancy Collins exudes a passion for math and has a talent for explaining complex concepts to her students, connecting with them through innovative and engaging activities that explore real world applications and encourage critical thinking; and

WHEREAS, Nancy Collins supports her colleagues at Hugh Mercer Elementary School in any way she can, developing clubs, remediation plans, and other resources as needed to help both students and teachers achieve their full potential; and

WHEREAS, Nancy Collins has exemplified the highest virtues of the education profession through her unwavering commitment to her students and fellow teachers, earning the respect and admiration of all Virginians; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Nancy Collins of Hugh Mercer Elementary School for being named the 2024 Fredericksburg City Public Schools Division Teacher of the Year; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Nancy Collins as an expression of the General Assembly's admiration for her devotion to her students and for her contributions to Fredericksburg City Public Schools and the Commonwealth.

SENATE JOINT RESOLUTION NO. 174

Commending John Shinholser.

Agreed to by the Senate, March 6, 2024
Agreed to by the House of Delegates, March 7, 2024

WHEREAS, John Shinholser, senior peer, board member emeritus, president emeritus, and co-founder of the McShin Foundation, retired on December 31, 2023, from the organization he helped start nearly two decades ago; and

WHEREAS, an honorable veteran of the United States Marine Corps, John Shinholser began his path to recovery in 1982 while in the service and drew from that experience to become a pioneer of the peer recovery movement; and

WHEREAS, after years of informally assisting other individuals in different stages of recovery, John Shinholser and his wife, Carol McDaid, founded the McShin Foundation in 2004 with the belief that one can better sustain one's own recovery when helping others find and maintain their recovery; and

WHEREAS, in establishing the McShin Foundation, John Shinholser founded the first recovery community organization (RCO) in the Commonwealth, which is also the only RCO in Virginia to be nationally accredited by the Council on Accreditation of Peer Recovery Support Services; and

WHEREAS, John Shinholser has seen the McShin Foundation grow into an organization operating with more than 25 employees, managing a number of jail peer recovery programs, 16 residential recovery homes, and other full-time programs; and

WHEREAS, John Shinholser's jail peer recovery programs were among the first in the Commonwealth and today are regarded as models for other programs both in Virginia and nationwide; and

WHEREAS, John Shinholser has become a prominent advocate for recovery services, serving as former president of the Central Virginia affiliate of Substance Abuse and Addiction Recovery Alliance (SAARA), as a former board member of SAARA of Virginia, and as former chairman of the board of Rubicon, Inc.; and

WHEREAS, outside of his work with the McShin Foundation, John Shinholser owned and managed a successful contracting business for more than 30 years and contributed to his industry locally by serving as president of the Richmond chapter of the Painting and Decorating Contractors Association; and

WHEREAS, John Shinholser's unwavering dedication to supporting and mentoring individuals in or seeking recovery has saved lives and brightened countless futures, leaving an indelible impact on the Richmond community; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend John Shinholser on the occasion of his retirement from the McShin Foundation; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to John Shinholser as an expression of the General Assembly's admiration for his legacy of service and best wishes in his future endeavors.

SENATE JOINT RESOLUTION NO. 175

Celebrating the life of the Honorable Richard Samuel Reynolds III.

Agreed to by the Senate, March 6, 2024
Agreed to by the House of Delegates, March 7, 2024

WHEREAS, the Honorable Richard Samuel Reynolds III, a distinguished businessman and philanthropist, esteemed former member of the House of Delegates, and a beloved member of the Richmond community, died on September 18, 2023; and

WHEREAS, "Major" Reynolds attended St. Christopher's School in Richmond and graduated magna cum laude from Woodberry Forest School before earning a bachelor's degree in history with honors from Princeton University; and

WHEREAS, the grandson of Richard Samuel Reynolds, founder of Reynolds Metals Company, Major Reynolds served as vice president and director of Robertshaw Controls Company, overseeing its mergers and acquisitions; and

WHEREAS, Major Reynolds later became managing director of the Reynolds Trusts and president of the Richard S. Reynolds Foundation, where he worked with his family to provide more than $66 million in grants for initiatives supporting the arts, education, the environment, and health and basic human needs; and

WHEREAS, Major Reynolds advocated tirelessly in support of the civil rights movement and for greater diversity in employment, education, and politics, receiving the William P. Robinson Award from the Virginia Legislative Black Caucus in recognition of his efforts; and

WHEREAS, Major Reynolds contributed greatly to the well-being of the Commonwealth and its citizens over a period of 53 years that included a term in the House of Delegates and service with various organizations and commissions, including the State Board for Community Colleges, the Virginia Port Authority Board of Commissioners, and the boards of the Jamestown-Yorktown Foundation, the Jamestown-Yorktown Educational Trust, and the Medical College of Virginia Foundation; and

WHEREAS, Major Reynolds also served on the boards of Virginia Union University, Woodberry Forest School, the National Conference of Christians and Jews, Salvation Army, Boys Club of Richmond, the Virginia Advisory Committee to the U.S. Commission on Civil Rights, and the University of Richmond; and

WHEREAS, a gifted and indefatigable fundraiser, Major Reynolds gave abundantly of his time to lead campaigns for several worthy causes and organizations, including what is today United Way of Greater Richmond and Petersburg, as well as the United Negro College Fund, Jobs for Virginia Graduates, and what was formerly the Richmond Area Mental Health Association; and

WHEREAS, guided in life by his faith, Major Reynolds enjoyed worship and fellowship with his community at Second Presbyterian Church in Richmond, where he served as a trustee; he also devoted more than 30 years as president of the Reynolds Missionary Emergency Fund, supporting missions both at home and abroad; and

WHEREAS, Major Reynolds will be fondly remembered and dearly missed by his loving wife, Pamela; his children, Richard IV, Anne, and Katherine, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of the Honorable Richard Samuel Reynolds III, a cherished member of the Richmond community whose legacy of generosity and service will endure for generations to come; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of the Honorable Richard Samuel Reynolds III as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 176

Commending Neighborhood Health.

Agreed to by the Senate, March 6, 2024
Agreed to by the House of Delegates, March 7, 2024

WHEREAS, Neighborhood Health, a primary healthcare safety net nonprofit organization in Northern Virginia is celebrating more than two and a half decades of service; and

WHEREAS, Neighborhood Health's mission is to improve health and advance health equity in Alexandria, Arlington, and Fairfax County by providing high quality primary care regardless of ability to pay; and

WHEREAS, in its 26 years of service, Neighborhood Health has remained committed to the vision that everyone in the community deserves access to high quality health care; and

WHEREAS, Neighborhood Health traces its roots to the Arlandria Clinic for Women and Children and was subsequently known as Alexandria Neighborhood Health Services, Inc., which became Northern Virginia's first federally qualified health center in 2004; and

WHEREAS, Neighborhood Health has worked tirelessly to increase access to care for the most underserved individuals in Northern Virginia, serving more than 37,000 patients in 2023 compared to 1,500 patients during its first year; and

WHEREAS, Neighborhood Health's patients are predominately low-income, uninsured, or underinsured, ethnically and racially diverse, and have few other options for accessing high-quality care; and

WHEREAS, Neighborhood Health provides primary medical care for adults and children, chronic disease care, pediatrics and newborn care, women's health care, prenatal care, dental care, behavioral health, family planning, HIV care and prevention, optometry, pharmacy, lab services, immunizations, nutrition and health education, cancer screenings, family support services, health insurance enrollment, and COVID-19 testing and vaccinations; and

WHEREAS, Neighborhood Health operates 15 clinics in high-need areas in Alexandria, Arlington, and Fairfax County; and

WHEREAS, Neighborhood Health is accredited by The Joint Commission, certified as a Patient-Centered Medical Home, and has been recognized nationally by the Health Resources and Services Administration for its high-quality care; and

WHEREAS, Neighborhood Health played a leading role in the response to the COVID-19 pandemic, administering more than 76,000 tests, distributing 30,000 self-tests and 13,000 N95 masks, and administering over 95,000 vaccines in underserved communities through mobile vaccinations in partnership with faith organizations, food banks, nonprofit organizations, and local agencies; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Neighborhood Health for providing critical primary health care and improving the lives of thousands of families in Alexandria, Arlington, and Fairfax County for more than 25 consecutive years; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Neighborhood Health as an expression of the General Assembly's admiration for the organization's significant contributions to public health in Northern Virginia.

SENATE JOINT RESOLUTION NO. 177

Commending Alvin D. Parker.

Agreed to by the Senate, March 6, 2024
Agreed to by the House of Delegates, March 7, 2024

WHEREAS, in 2023, Alvin D. Parker, head coach of the Virginia Union University football team, earned his second consecutive Coach of the Year award after leading the team to its first Central Intercollegiate Athletic Association championship victory in 20 years; and

WHEREAS, a proud alumnus of Virginia Union University (VUU), Alvin Parker was a standout member of the football team, who was selected as most valuable offensive player in 1996 and 1998 and holds the record for the longest touchdown reception in Gold Bowl history; and

WHEREAS, Alvin Parker subsequently pursued a master's degree from Virginia Commonwealth University and a doctorate from the former Northcentral University; he previously served as an assistant football coach at VUU and a head football coach at Saint Augustine's University and Elizabeth City State University; and

WHEREAS, Alvin Parker returned to his alma mater as head football coach in 2017 and has led the VUU Panthers to new heights over the course of his seven-year tenure; during that time, his teams have ranked in the top 25 in the nation in turnover margin, total defense, scoring defense, scoring offense, rushing offense, and blocked punts and kicks; and

WHEREAS, Alvin Parker is a trusted mentor to the student-athletes in his care, and he has inspired them to achieve their fullest potential in the classroom and as community leaders, in addition to their success on the football field; and

WHEREAS, in 2022, Alvin Parker led the VUU Panthers to a 9-1 record and a trip to the playoffs, for which he was named Central Intercollegiate Athletic Association (CIAA) Coach of the Year; the team finished the season ranked 16th in the country, its highest-ever national ranking in modern history; and

WHEREAS, in 2023, Alvin Parker followed up by leading the VUU Panthers to a 10-2 record, their first CIAA conference title since 2001, and a trip to the National Collegiate Athletics Association Division II Playoffs; and

WHEREAS, under Alvin Parker's leadership, the 2023 VUU Panthers achieved multiple school, conference, and national records and ranked in the top 15 of 15 different statistical categories nationwide; the team also earned recognition for having the highest team grade point average in the conference; and

WHEREAS, Alvin Parker has also served the VUU community as associate director of athletics since 2021, and he is a leader in college athletics locally and nationally as a member of the American Football Coaches Association Board of Trustees, president of the CIAA Coaches Association, and founding president of the Home Team Foundation; and

WHEREAS, a resident of Richmond, Alvin Parker enjoys the love and support of his wife, LaToya, and their children, Alan and Lani; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Alvin D. Parker for leading the Virginia Union University football team to a conference title and being selected as Coach of the Year for the second consecutive year; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Alvin D. Parker as an expression of the General Assembly's admiration for his achievements as a college football coach and outstanding contributions to the Virginia Union University community.

SENATE JOINT RESOLUTION NO. 178

Celebrating the life of Michael Scott Hoover.

Agreed to by the Senate, March 6, 2024
Agreed to by the House of Delegates, March 7, 2024

WHEREAS, Michael Scott Hoover, an accomplished business executive, former chief of the Broadway Volunteer Fire Department, and beloved member of the Broadway community, died on December 26, 2023; and

WHEREAS, as president and procurement manager at Neff Lumber Mills, a manufacturer of quality Appalachian hardwoods, Michael "Mike" Hoover supported the endeavors of countless builders in the Shenandoah Valley and beyond; and

WHEREAS, Mike Hoover advanced his industry as chair of Appalachian Hardwood Manufacturers, Inc., and as a member of the Virginia Forestry Association, the West Virginia Forestry Association, and the National Hardwood Lumber Association; and

WHEREAS, Mike Hoover was a lifetime member and former president and chief of the Broadway Volunteer Fire Department, where he implemented a number of initiatives over the years to enhance the department's safety, efficiency, and efficacy; and

WHEREAS, Mike Hoover's commitment to public safety led him to serve as president of the Rockingham County Firefighters Association and to spearhead the development of the area's 9-1-1 system as well as the establishment of the Bergton Volunteer Fire Company; and

WHEREAS, Mike Hoover gave generously of his time to mentor younger firefighters, and he also served the community as a member of what is now the Broadway Emergency Squad; and

WHEREAS, Mike Hoover was an avid golfer and also found great joy in coaching his sons' Little League baseball teams in their youth; and

WHEREAS, guided throughout his life by his faith, Mike Hoover enjoyed worship and fellowship with his local church community, read daily from his Bible, and previously served on the board of the Fellowship of Christian Athletes; and

WHEREAS, Mike Hoover will be fondly remembered and dearly missed by his loving wife of more than 48 years, Anne; his children, Matthew and Mark, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Michael Scott Hoover, a treasured member of the Broadway community whose kindness, dedication, and legacy of service were an inspiration to all who knew him; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Michael Scott Hoover as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 179

Celebrating the life of Joshua Chamberlain Peck.

Agreed to by the Senate, March 6, 2024
Agreed to by the House of Delegates, March 7, 2024

WHEREAS, Joshua Chamberlain Peck, a beloved member of the Williamsburg community who made a lasting impact on his family, teammates, and school community through his kindness and unwavering commitment to making a positive difference in the lives of others, died on December 30, 2022; and

WHEREAS, Joshua Peck was born in Landstuhl, Germany, near Ramstein Air Base; as the child of a military family, he traveled often and developed an appreciation for other cultures and world cuisine; and

WHEREAS, Joshua Peck exemplified the ideals of lifelong learning, personal integrity, and servant-leadership, leaving an indelible mark on all who had the privilege of knowing him; and

WHEREAS, Joshua Peck's memory will endure through the countless lives he touched while exploring passions in swimming, cooking, playing guitar, Cub Scouts, photography, and researching old technology, airplanes, and vintage Volkswagens; and

WHEREAS, a cherished member of the campus community at Laurel Lane Elementary School, Joshua Peck's compassion and dedication to the greater good were inspirational for teachers, staff, and fellow students; and

WHEREAS, Joshua Peck's legacy will continue through Josh's Kindness Squad at Laurel Lane Elementary School, an initiative that has inspired thousands of student-led service hours through small acts of kindness, such as writing encouraging notes, making posters to thank bus drivers, delivering hot chocolate and snacks to school staff, and building gardens; and

WHEREAS, Joshua Peck's amazing accomplishments and extraordinary contributions to the community left a lasting imprint on the hearts and minds of all who knew him; and

WHEREAS, Joshua Peck will be fondly remembered and greatly missed by his parents, Christina and Matthew; his siblings, James and Josephine; and numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Joshua Chamberlain Peck, an inspirational young man whose kindness and selfless contributions shaped his community for years to come; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Joshua Chamberlain Peck as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 180

Celebrating the life Walter A. Marston, Jr.

Agreed to by the Senate, March 6, 2024
Agreed to by the House of Delegates, March 7, 2024

WHEREAS, Walter A. Marston, Jr., an honorable veteran, accomplished attorney, beloved father, grandfather, and friend, and longtime member of the Richmond legal community, died on January 12, 2024; and

WHEREAS, born on March 1, 1944, and raised in Mount Jackson, Walter Marston put himself through college and earned a bachelor's degree in international studies from George Washington University in 1966; and

WHEREAS, Walter Marston earned his law degree from the University of Virginia School of Law in 1969, then began a distinguished legal career that ultimately spanned five decades by prosecuting unscrupulous defense contractors as an attorney with the United States Army; and

WHEREAS, following his honorable discharge, Walter Marston served as an advisor to political campaigns for attorney general and governor before embarking on his career in private practice with the law firm of Hazel & Thomas in 1977; and

WHEREAS, as a partner at the law firms of Hazel & Thomas and Reed Smith LLP, and later as an owner of Marston & McNally, P.C., Walter Marston focused his legal talents on defending the Commonwealth's reserve powers to regulate the manufacture, importation, distribution, and sale of beverage alcohol granted to it under the Twenty-first Amendment to the Constitution of the United States; and

WHEREAS, as legal counsel to the Virginia Beer Wholesalers Association and Virginia Wine Wholesalers Association for more than 40 years, Walter Marston dedicated himself to preserving the ability of independent family-owned businesses to provide Virginia consumers with the wide variety of alcoholic beverage products they enjoy today; and

WHEREAS, as a staunch defender of Virginia's three-tier system of alcohol distribution, Walter Marston was instrumental in the development of the Commonwealth's Beer Franchise Act, the 1993 recodification of the Alcoholic Beverage Control Act; the 2007 Direct-to-Consumer Shipping Act, and the creation of the Virginia Alcohol Beverage Control Authority in 2015, along with many other achievements to improve and strengthen the Commonwealth's ability to control beverage alcohol within its borders; and

WHEREAS, although Walter Marston was nationally recognized as an expert in the field of alcoholic beverage law, he gave freely of his time and expertise to educate, guide, and mentor generations of family business owners, attorneys, and legislators about the complexities attending this heavily regulated product; and

WHEREAS, even after achieving emeritus status at Marston & McNally in 2021, Walter Marston continued to serve his community pro bono by assisting veterans and health care workers in preparing their wills and estates; and

WHEREAS, despite the demands of his career, Walter Marston still found time to indulge his passion for wood working, gardening and sailing as captain of the *Second Wind*; and

WHEREAS, Walter Marston will be fondly remembered and dearly missed by his children, John and Elizabeth, and his grandchildren, Logan, Mackenzie, and Finley; his fiancé, Mary Lou Magill; her children, Jennifer and Courtney; her grandchildren, Will, Olivia, Jack, Everleigh, and Caroline; his sisters, Phyllis and Dolores; and numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Walter A. Marston, Jr., a son of the Shenandoah Valley and member of the Richmond legal community whose dedication, integrity, and selflessness were an inspiration to all who knew him; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Walter A. Marston, Jr., as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 181

Commending Michael F. Murn.

Agreed to by the Senate, March 6, 2024
Agreed to by the House of Delegates, March 7, 2024

WHEREAS, in December 2023, Michael F. Murn retired as a senior police officer with Herndon Police Department after 16 years of service to the Herndon community and more than four decades as a law-enforcement officer; and

WHEREAS, Michael Murn previously served as a law-enforcement officer in Fairfax County for 25 years, then joined the Herndon Police Department on August 13, 2007; and

WHEREAS, Michael Murn engaged with community members to cultivate positive interactions with law enforcement and built strong relationships based on trust and mutual respect with members of the public; and

WHEREAS, in August 2017, Michael Murn was selected as Herndon's first school resource officer and was assigned to both Herndon High School and Herndon Middle School; he went above and beyond his duties to ensure the safety and security of the school community and was a beneficial influence in the lives of many young people; and

WHEREAS, Michael Murn safeguarded school dances, fundraisers, parent meetings, food drives, and sporting events; he participated in summer camps to stay engaged with students throughout the year and often rode the bus at the beginning of the school year to help new students feel comfortable; and

WHEREAS, Michael Murn facilitated traffic safety and met regularly with school counselors to identify students in need of transportation to after-school programs or places of employment; and

WHEREAS, during the COVID-19 pandemic, Michael Murn helped families in need receive assistance and support, driving counselors, teachers, and information technology staff to students' homes to address a wide range of issues; and

WHEREAS, Michael Murn also played a critical role in the establishment of Herndon's Project Hope programs, after-school clubs that help build trust between elementary school students from immigrant families and police officers; and

WHEREAS, through Project Hope, Michael Murn fostered understanding with children through social activities, helping at-risk youths avoid destructive behaviors, while giving others an opportunity to help serve as role models for their peers; and

WHEREAS, in addition to his work in Fairfax County Public Schools, Michael Murn provided security and threat assessments to Saint Joseph's Catholic School and participated in fundraising events for Herndon United Methodist Church and Dranesville Baptist Church; and

WHEREAS, throughout his career, Michael Murn developed deep bonds with members of the community, and in 2020 he was honored to be recognized as "A True American Hero" by Webelos Den 1, Pack 913 of the Boy Scouts of America; and

WHEREAS, Michael Murn earned the respect and admiration of his colleagues for his high character, personal integrity, enthusiasm for his work, and commitment to service; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Michael F. Murn on the occasion of his retirement from the Herndon Police Department; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Michael F. Murn as an expression of the General Assembly's admiration for his legacy of contributions to the Herndon community and best wishes on a well-earned retirement.

SENATE JOINT RESOLUTION NO. 182

Celebrating the life of Arthur Stuart Nachman.

Agreed to by the Senate, March 6, 2024
Agreed to by the House of Delegates, March 7, 2024

WHEREAS, Arthur Stuart Nachman, a real estate professional, a proud member of the Rotary Club of Herndon-Reston who touched countless lives through his commitment to philanthropy, and a beloved husband, father, and grandfather, died on July 25, 2023; and

WHEREAS, in 1919, Arthur Nachman's grandparents, Julius and Anna, purchased a building on Lynn Street in Herndon to open Nachman's clothing store, a momentous decision that ensured the Nachman family would be a fixture of local life for more than a century; and

WHEREAS, Arthur Nachman was born in Washington, D.C., and grew up in Herndon, where he worked at Nachman's clothing store in his youth; the business served local residents for 75 years and ownership of the building eventually passed down to Arthur's father, Melvin; and

WHEREAS, Arthur Nachman attended Herndon High School and was a talented bass drummer in the school band; he continued to hone his musical abilities as a student of the University of Wisconsin; and

WHEREAS, Arthur Nachman was a partner in the firm Nachman's, Inc., and a commercial real estate broker with Long & Foster, and after inheriting their family's building on Lynn Street, he and his brother, Howard, located their real estate firm on the top floor and turned the ground floor into commercial space, which is now home to Green Lizard Cycling; and

WHEREAS, highly admired in his career field, Arthur Nachman provided his expertise to the Fairfax County Board of Equalization of Real Estate Assessments; and

WHEREAS, Arthur Nachman was a past president of the Rotary Club of Herndon-Reston and the winner of the club's 2012 Citizen of the Year award; he applied the Rotary Four-Way Test to all his personal and professional endeavors, adhering to the principles of truth, fairness, building good will, and benefiting others; and

WHEREAS, Arthur Nachman took great pride in giving back to his community; he was a loyal alumnus of Herndon High School and facilitated hundreds of thousands of dollars in donations for music scholarships, tuition, instruments, instructors, field trips, and other initiatives that greatly benefited local young people; and

WHEREAS, Arthur Nachman regularly visited band rooms throughout Herndon schools and frequently attended concerts, rehearsals, and sporting events; he organized a coalition to build one of the first turf fields in Fairfax County at Herndon High School after once watching an event that was affected by heavy rains; and

WHEREAS, Arthur Nachman arranged for professional musicians to visit local elementary schools as part of a master clinician program he helped create, and he was a strong advocate for the arts, providing generous assistance to the Council for the Arts of Herndon and its public art projects, including murals that grace the outdoor walls of downtown Herndon businesses; and

WHEREAS, Arthur Nachman was deeply dedicated to enhancing the quality of life for all his fellow Herndon residents and often attended Herndon Town Council meetings, where he earned the admiration of council members for his courteousness, curiosity, and wise insights; and

WHEREAS, Arthur Nachman will be fondly remembered and greatly missed by his wife, Sharon; his children, Grace and Stuart, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Arthur Stuart Nachman, a pillar of the Herndon community; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Arthur Stuart Nachman as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 183

Celebrating the life of Julie Clemente.

Agreed to by the Senate, March 6, 2024
Agreed to by the House of Delegates, March 7, 2024

WHEREAS, Julie Clemente, an accomplished developer and active and beloved member of the Fairfax County community, died on January 19, 2024; and

WHEREAS, after graduating from what is now Justice High School in Falls Church in 1981, Julie Clemente attended American University for a year before going into a career in sales with Cellular One; as a testament to her determination, she returned to American University years later and earned her degree in 2006; and

WHEREAS, in 2002, Julie Clemente married Dan Clemente, founder and chairman of Clemente Development Company (CDC), one of the Greater Washington, D.C., area's leading development firms, and devoted two decades to caring for and raising their two daughters; and

WHEREAS, Julie Clemente gave generously of her time in the interest of the Commonwealth through appointments to serve as a trustee for the Jamestown-Yorktown Foundation and as a commissioner of the Virginia Port Authority; and

WHEREAS, in 2017, Julie Clemente became president of CDC, spearheading innovative and transformative projects, including The View at Tysons, which is expected to be the tallest building in the region when completed; and

WHEREAS, Julie Clemente was co-chair of the Friends of Clemyjontri, an organization dedicated to supporting Clemyjontri Park in McLean, which features a specialized all-accessible playground and ample green spaces for the benefit of the community; and

WHEREAS, Julie Clemente received several honors and accolades over her life in recognition of her service, including being named Lady Fairfax by the Fairfax County Board of Supervisors and Fairfax County's Volunteer of the Year in 2004 and receiving the Community Champion award from Volunteer Fairfax in 2012; and

WHEREAS, Julie Clemente will be fondly remembered and dearly missed by her loving husband, Dan; her children, Natalie and Samantha; and numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Julie Clemente, a cherished member of the Fairfax County community whose kind and generous spirit brought joy and inspiration to everyone she knew; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Julie Clemente as an expression of the General Assembly's respect for her memory.

SENATE JOINT RESOLUTION NO. 184

Commending the Cooper Middle School symphonic band.

Agreed to by the Senate, March 6, 2024
Agreed to by the House of Delegates, March 7, 2024

WHEREAS, the Cooper Middle School symphonic band of Fairfax County was selected to perform at the Midwest Clinic International Band and Orchestra Festival in Chicago on December 21-22, 2023; and

WHEREAS, the Cooper Middle School symphonic band was chosen to be part of what is one of the world's largest and most prestigious instrumental music education conferences after successfully passing through a rigorous audition process; and

WHEREAS, the Cooper Middle School symphonic band is the first scholastic band from the Commonwealth to be invited to the Midwest Clinic International Band and Orchestra Festival in nearly 20 years; and

WHEREAS, the Cooper Middle School symphonic band played among leading bands and orchestras from around the world at an event that drew more than 16,000 attendees from all 50 states and more than 40 countries; and

WHEREAS, during the conference, the Cooper Middle School symphonic band performed at three demonstration sessions designed for music educators, including a "Rehearsal Lab" with Midwest Clinic board member Corey Graves, a "Music Technology Spotlight" with Brian Balmages and MakeMusic Cloud; and a music-reading session for Randall Standridge Music Publishing Company; and

WHEREAS, the Cooper Middle School symphonic band comprises 180 student-musicians across three concert ensembles, a jazz band, and a percussion ensemble, who learned 14 pieces of music over four months in preparation for the conference; and

WHEREAS, the accomplishments of the Cooper Middle School symphonic band are the result of the hard work and dedication of the student-musicians, the leadership and guidance of their director and teachers, and the unwavering support of their families and the entire Cooper Middle School community; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend the Cooper Middle School symphonic band for performing at the 2023 Midwest Clinic International Band and Orchestra Festival; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Matthew C. Baker, director of the Cooper Middle School symphonic band, as an expression of the General Assembly's admiration for the band's achievements and best wishes for its continued success.

SENATE JOINT RESOLUTION NO. 185

Celebrating the life of Harris Nathan Miller.

Agreed to by the Senate, March 6, 2024
Agreed to by the House of Delegates, March 7, 2024

WHEREAS, Harris Nathan Miller, an esteemed trade association executive and public policy expert and an active and beloved member of the McLean community, died on September 15, 2022; and

WHEREAS, born in Pittsburgh, Harris Miller graduated summa cum laude from the University of Pittsburgh before earning a master's degree in political science from Yale University; and

WHEREAS, Harris Miller embarked upon his illustrious career in public policy in the administration of President Jimmy Carter, helping to design the Senior Executive Service; and

WHEREAS, Harris Miller worked on the House Judiciary Committee for United States Congressman Ron Mazzoli, contributing to the development of the Immigration Reform and Control Act of 1986, commonly known as the Simpson-Mazzoli Act; and

WHEREAS, Harris Miller headed the Information Technology Association of America, playing a key role in shaping the relationship between the federal government and the technology sector in the early years of the Internet age and facilitating the public-private response to the Y2K threat in the late 1990s; and

WHEREAS, Harris Miller served as president and chief executive officer of the Career College Association, later the Association of Private Sector Colleges and Universities, fulfilling his lifelong passion for expanding educational opportunities, which he advanced further by cofounding the Campaign for Free College Tuition; and

WHEREAS, Harris Miller was chair of the Fairfax County Democratic Committee from 1986 to 1993 and also held leadership positions with various organizations in the areas of education, the arts, veterans' affairs, and politics, including the Virginia Opera, the National Philharmonic, the American Heart Association, the George Washington University Heart and Vascular Institute, and the Virginia Lottery Board; and

WHEREAS, Harris Miller ran a reputable campaign in the 2006 Virginia Democratic primary election for a seat in the United States Senate, earning an endorsement from *The Washington Post* and placing second to Senator Jim Webb, who went on to win the general election; and

WHEREAS, Harris Miller will be fondly remembered and dearly missed by his wife of 42 years, Deborah; his children, Derek and Alexis, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Harris Nathan Miller, a cherished member of the McLean community whose service and dedication was an inspiration to all who knew him; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Harris Nathan Miller as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 187

Celebrating the life of Richard Robert Paradis.

Agreed to by the Senate, March 6, 2024
Agreed to by the House of Delegates, March 7, 2024

WHEREAS, Richard Robert Paradis, a longtime civilian employee of the United States Navy, engineering expert, and supportive husband and father, died on September 14, 2023; and

WHEREAS, Richard Paradis grew up in Massachusetts and graduated from the University of Massachusetts Dartmouth; and

WHEREAS, Richard Paradis worked as an electrical engineer and criteria manager for the United States Navy's Naval Facilities Engineering Command for 36 years, then joined the private sector as a senior engineer and manager of federal buildings programs for Steven Winter Associates; and

WHEREAS, Richard Paradis later worked for the National Institute of Building Sciences in Washington, D.C., and was a sought-after speaker and independent consultant on a wide range of topics, including acoustics, noise control, facility security, resilience and sustainability, and procurement; and

WHEREAS, highly respected in the field of engineering, Richard Paradis was a senior member of the Institute of Electrical and Electronics Engineers and a member of the Institute of Noise Control Engineering; and

WHEREAS, Richard Paradis relished every opportunity to pass on his lifetime of wisdom to new generations; he was a kind and loving father, and he supported foster children through the Virginia Beach Department of Social Services; and

WHEREAS, Richard Paradis also supported young people as a youth athletics coach and volunteered his time and leadership abilities to the Special Olympics and the Knights of Columbus; and

WHEREAS, after his well-earned retirement, Richard Paradis and his wife, Dianne, enjoyed road trips around the country in their motorhome; and

WHEREAS, predeceased by one daughter, Irene, Richard Paradis will be fondly remembered and greatly missed by his wife of 54 years, Dianne; his children, Lisa, Richard, Jr., Michael, and Randy, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Richard Robert Paradis; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Richard Robert Paradis as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 188

Commending Willie L. Gentry.

Agreed to by the Senate, March 6, 2024
Agreed to by the House of Delegates, March 7, 2024

WHEREAS, Willie L. Gentry, a dedicated public servant who worked diligently to enhance the quality of life for his fellow Louisa County residents as a member of the Louisa County Board of Supervisors for two decades, retired from public office at the end of December 2023; and

WHEREAS, a graduate of Virginia Polytechnic Institute and State University, Willie Gentry worked for the Virginia Department of Transportation as an engineer for 35 years; he arrived in Louisa County in 1980 to handle regional operations for the department and worked with several local governments over the course of his career; and

WHEREAS, Willie Gentry was first elected to the Louisa County Board of Supervisors in 2003 and represented the Cuckoo District for the next 20 years; he completed extensive coursework to become a certified supervisor through the Virginia Association of Counties and served five terms as vice chair and three terms as chair; and

WHEREAS, during his tenure on the Louisa County Board of Supervisors, Willie Gentry promoted fiscal stability, planned for responsible growth, and facilitated the development of critical infrastructure; and

WHEREAS, Willie Gentry provided his leadership and expertise to a wide range of local, regional, and statewide boards and commissions, ably representing the needs and concerns of Louisa County residents; and

WHEREAS, Willie Gentry helped resolve longstanding boundary issues with Goochland County, and served on the Thomas Jefferson Regional Planning District Commission, where he oversaw important regional initiatives, including transportation enhancements in the Zion Crossroads area; and

WHEREAS, Willie Gentry played an instrumental role in the update process for the 2040 Louisa County Comprehensive Plan, setting in motion crucial efforts to guide future growth, and was pivotal in the expansion of broadband Internet service across the county; and

WHEREAS, during his tenure as chair in 2011, Willie Gentry led his fellow supervisors to plan and execute recovery and reconstruction efforts after an earthquake; he built strong relationships with stakeholders and other government agencies to ensure that residents' needs and concerns were addressed efficiently and effectively; and

WHEREAS, Willie Gentry led by example, offering unique insights and working to achieve consensus in challenging situations; in all his interactions, he demonstrated kindness, compassion, and courtesy toward both his fellow government officials and members of the public; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Willie L. Gentry on the occasion of his retirement from the Louisa County Board of Supervisors; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Willie L. Gentry as an expression of the General Assembly's admiration for his contributions to the Louisa County community.

SENATE JOINT RESOLUTION NO. 189

Commending the Community Development Block Grant Program.

Agreed to by the Senate, March 6, 2024
Agreed to by the House of Delegates, March 7, 2024

WHEREAS, April 2024 has been designated as Community Development Month to celebrate the federal Community Development Block Grant Program's 50th anniversary; and

WHEREAS, the Community Development Block Grant (CDBG) Program is a partnership of federal, state, and local governments and community, nonprofit, and business organizations to support the development of affordable housing benefiting low-to-moderate-income individuals and households, including older adults, children, people with disabilities, residents of manufactured housing communities, the workforce essential to economic health and growth, and those experiencing chronic and frequent homelessness; and

WHEREAS, the supply of affordable housing opportunities is the critical foundation to support the stability and success of all residents, neighborhoods, and communities within Fairfax County and across the Commonwealth; and

WHEREAS, the CDBG Program has facilitated the implementation of local strategies and initiatives to increase the availability of adequate and affordable housing and to improve access to amenities that promote healthy neighborhoods; and

WHEREAS, people of color are disproportionately negatively impacted by the lack of available affordable housing within Fairfax County; and

WHEREAS, the CDBG Program is critical to effecting racial and social equity policies prioritizing inclusivity and shared prosperity for all Fairfax County residents; and

WHEREAS, the CDBG Program has been essential to the development of projects, such as North Hill, The Arden, and Little River Glen, as well as nonprofit, scattered-site acquisitions for affordable rental housing; and

WHEREAS, for five decades, the CDBG Program has contributed to the development of public facilities, infrastructure, and supportive services, including the Hybla Valley Community Center, home repair for the elderly, and homeownership down payment assistance; and

WHEREAS, the CDBG Program has provided important resources to Fairfax County's Consolidated Community Funding Pool (CCFP), a competitive funding process for human services programs developed and administered by nonprofits and community-based organizations; and

WHEREAS, CDBG funding allocated to organizations through the CCFP serves as an investment and catalyst for strengthening the human services network of programs available for Fairfax County residents; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend the Community Development Block Grant Program on the occasion of its 50th anniversary for the important contributions this landmark program has made to the Commonwealth, Fairfax County, and its residents; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare copies of this resolution for presentation to the appropriate elected and appointed officials of Fairfax County as an expression of the General Assembly's admiration for the county's commitment to leveraging Community Development Block Grant Program funding to develop affordable housing production, preservation, and financing for its residents over the past 50 years.

SENATE JOINT RESOLUTION NO. 190

Commending Edward E. Clark, Jr.

Agreed to by the Senate, March 6, 2024
Agreed to by the House of Delegates, March 7, 2024

WHEREAS, Edward E. Clark, Jr., a distinguished conservation advocate and co-founder and longtime president of the Wildlife Center of Virginia, will retire in March 2024; and

WHEREAS, a native of Flint Hill, Edward "Ed" Clark worked for some time as an educator at the Virginia School for the Deaf and the Blind in Staunton and, in 1979, embarked on his career in conservation as president of the Virginia Wilderness Committee; and

WHEREAS, Ed Clark honed his abilities as a nonprofit leader as the first official executive director of what is now the Virginia Conservation Network and, in 1982, founded the nonprofit hospital for native wildlife that would become the Wildlife Center of Virginia; and

WHEREAS, for the past 41 years, Ed Clark has led the Wildlife Center of Virginia, developing it from a small, local wildlife rehabilitation facility into one of the nation's preeminent training and research centers for the care and treatment of wildlife; and

WHEREAS, under Ed Clark's guidance, the Wildlife Center of Virginia has treated nearly 100,000 wildlife patients, trained more than 1,000 veterinary students and professionals from every veterinary school in the United States and Canada and nearly 40 other countries, and informed millions of people through its in-person and online programs and trainings; and

WHEREAS, Ed Clark led the Wildlife Center of Virginia's development of the first comprehensive national wildlife health database in order to monitor the threat of emerging diseases among wildlife and to investigate environmental and pathological issues impacting their health; and

WHEREAS, with Ed Clark's support, members of the Wildlife Center of Virginia staff have advanced wildlife scholarship through groundbreaking clinical research and numerous articles in peer-reviewed journals and publications; and

WHEREAS, Ed Clark hosted multiple television series over the years on PBS and Animal Planet and appeared on national programs and channels such as the TODAY show, Larry King Live, and Fox News to promote the work of the Wildlife Center of Virginia and other conservation causes; and

WHEREAS, as a result of Ed Clark's tireless advocacy in the 1980s, the General Assembly voted to amend the Commonwealth's laws regarding the use of pesticides to better protect the health and well-being of wildlife; and

WHEREAS, in his retirement, Ed Clark plans to remain involved in conservation efforts and to continue advocating for the protection of our precious wildlife and natural resources; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Edward E. Clark, Jr., co-founder and future president emeritus of the Wildlife Center of Virginia, on the occasion of his retirement; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Edward E. Clark, Jr., as an expression of the General Assembly's admiration for his remarkable career and many noteworthy contributions to the Commonwealth.

SENATE JOINT RESOLUTION NO. 191

Commending the Glenvar High School boys' swim and dive team.

Agreed to by the Senate, March 6, 2024
Agreed to by the House of Delegates, March 7, 2024

WHEREAS, the Glenvar High School boys' swim and dive team of Roanoke County won the Virginia High School League Class 1/2 combined state championship on February 15, 2024, at the Collegiate School Aquatics Center in Richmond; and

WHEREAS, the Glenvar High School Highlanders tallied 238 points during the meet to outpace the runner-up Radford High School Bobcats by 77 points and bring home a state title; and

WHEREAS, the Glenvar Highlanders' victory was a total team effort, led by an extraordinary performance from Connor Wilkes, who won first place medals in the 50-yard freestyle, 500-yard freestyle, 200-yard freestyle relay, and 200-yard medley relay events; and

WHEREAS, the success of the Glenvar High School Highlanders is the result of the hard work and dedication of the student-athletes, the leadership and guidance of their coaches and teachers, and the unwavering support of their families and the entire Glenvar High School community; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend the Glenvar High School boys' swim and dive team for winning the 2024 Virginia High School League Class 1/2 combined state championship; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the Glenvar High School boys' swim and dive team as an expression of the General Assembly's admiration for the team's achievement.

SENATE JOINT RESOLUTION NO. 192

Commending the Tuckahoe Volunteer Rescue Squad.

Agreed to by the Senate, March 6, 2024
Agreed to by the House of Delegates, March 7, 2024

WHEREAS, for more than 70 years, the Tuckahoe Volunteer Rescue Squad has provided emergency medical services, 24 hours a day, seven days a week, to residents of Henrico County and Richmond; and

WHEREAS, the Tuckahoe Volunteer Rescue Squad was established on December 7, 1953, and originally operated out of the garage at Epiphany Lutheran Church near the intersection of Horsepen Road and Monument Avenue; and

WHEREAS, in its first year of operation, the 42 members of the Tuckahoe Volunteer Rescue Squad responded to more than 300 calls for service with only one ambulance; and

WHEREAS, to better serve the community, the Tuckahoe Volunteer Rescue Squad moved further down Horsepen Road and operated out of two trailers, one for dispatch and one for crews, until work on a new station was completed in 1956; and

WHEREAS, as the community continued to grow, the Tuckahoe Volunteer Rescue Squad added more vehicles to its fleet and began receiving regular calls for specialized rescue operations like water rescues, aircraft emergencies, construction site accidents, and other situations where specialized equipment was required; and

WHEREAS, the Tuckahoe Volunteer Rescue Squad adapted to meet these and other needs, ensuring its crews had the best tools and training to respond to any emergency situation; the squad began offering an emergency medical technician training course in 1972 and helped Richmond and Henrico County become some of the first localities in the Commonwealth to adopt the emergency 911 system in 1977; and

WHEREAS, in the 1980s, the Tuckahoe Volunteer Rescue Squad began admitting women as emergency medical technicians and adopted new technology like its first computer-aided dispatch system; the squad also received a donated plot of land on which it constructed its second station on Pump Road in Short Pump; and

WHEREAS, in 2023, the 120 highly trained and certified volunteer members of the Tuckahoe Volunteer Rescue Squad answered more than 4,000 calls for service; and

WHEREAS, the Tuckahoe Volunteer Rescue Squad has always been staffed entirely by volunteers; this includes staffing on all holidays, through major storms and weather events, and during the COVID-19 pandemic; and

WHEREAS, the Tuckahoe Volunteer Rescue Squad regularly provides extra units as requested by Henrico County for special standby duties, such as line-of-duty death services or coverage of stations, sporting events, and other large functions; and

WHEREAS, countless members of the Tuckahoe Volunteer Rescue Squad have gone on to pursue careers in the healthcare profession, including as doctors, nurse practitioners, physician assistants, and nurses; members have worked for state and federal entities and have been appointed to state and federal committees, all in the quest to guarantee quality medical services; and

WHEREAS, the Tuckahoe Volunteer Rescue Squad has never billed a patient or their insurance company and still continues to provide all services free of charge, with operations funded by donations from local residents and community partners; the squad also sponsors a four-month emergency medical technician course for its members; and

WHEREAS, the Tuckahoe Volunteer Rescue Squad works closely with local fire departments to provide efficient and effective service and recently entered into an agreement enabling the Henrico County Fire Department to use the squad's Pump Road station and one of its ambulances for their medical transport truck on a daily basis; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend the Tuckahoe Volunteer Rescue Squad on the occasion of its 70th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the Tuckahoe Volunteer Rescue Squad as an expression of the General Assembly's admiration for the squad's legacy of service to the residents of Henrico County.

SENATE JOINT RESOLUTION NO. 193

Commending Eugene E. Gerald.

Agreed to by the Senate, March 6, 2024
Agreed to by the House of Delegates, March 7, 2024

WHEREAS, Eugene E. Gerald, who responded to countless emergencies, led generations of firefighters, and supported his community with integrity and distinction, retired as assistant chief of the Henrico Division of Fire after more than 46 years of service; and

WHEREAS, Eugene "Cricket" Gerald began his career as a firefighter in 1976 and previously served as chief of the Beaverdam Volunteer Fire Department in Hanover County and the part-time operations chief for New Kent Fire-Rescue; and

WHEREAS, at the time of his retirement, Cricket Gerald was the longest serving member of the Henrico Division of Fire; he had been stationed at numerous firehouses throughout the county and spent decades developing, refining, and delivering operational doctrine to enhance engine, special service, and fire medic operations; and

WHEREAS, Cricket Gerald helped establish company officer training and mentoring programs to better prepare his fellow firefighters for the challenges of their profession, and he promoted the importance of servant-leadership in fire service to build strong relationships between public safety officers and the communities they serve; and

WHEREAS, Cricket Gerald was a practicing emergency medical technician before the Henrico Division of Fire was officially involved in emergency medical services, and he served as one of the division's original ambulance attendants-in-charge; and

WHEREAS, Cricket Gerald was active in a wide range of division activities, including the standards of response coverage group, and facilitated the development of a rural water supply procedure; and

WHEREAS, in recognition of his accomplishments, Cricket Gerald received the 2022 Glenn Gaines Leadership Legacy Award from the Virginia Fire Chiefs Association and the Henrico County Manager's Medal of Honor, a prestigious award that has been presented to fewer than five recipients; and

WHEREAS, Cricket Gerald also earned the Richmond Jaycees Community Service Award, the Ruritan Firefighter of the Year Award, the EMS Lifesaver Award, the Michael Holder Leadership Award, and the Fire Medal of Valor, among many other accolades; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Eugene E. Gerald on the occasion of his retirement as assistant chief of the Henrico Division of Fire; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Eugene E. Gerald as an expression of the General Assembly's admiration for his contributions to fire service at the local, regional, and state levels and legacy of service to the Henrico County community.

SENATE JOINT RESOLUTION NO. 194

Celebrating the life of John Randolph Francis, Jr.

Agreed to by the Senate, March 6, 2024
Agreed to by the House of Delegates, March 7, 2024

WHEREAS, John Randolph Francis, Jr., an esteemed banker and an active and beloved member of the Roanoke community, died on February 3, 2024; and

WHEREAS, after graduating from Patrick Henry High School in Roanoke, John Francis worked his way through college and earned a bachelor's degree in business and economics from Radford University in 1976; and

WHEREAS, John Francis embarked upon his long and distinguished career in commercial banking with the Bank of Virginia in Roanoke and subsequently joined First National Exchange Bank, which later became First Union Bank, serving as president of its Western Virginia region; and

WHEREAS, John Francis joined First Citizens Bank in 1993, and after demonstrating exceptional banking prowess and leadership qualities during a brief stint in Greensboro, North Carolina, he returned to Roanoke as the bank's executive vice president; and

WHEREAS, through his dedication and professionalism, John Francis advanced to become regional executive vice president of the Mid-Atlantic region for First Citizens Bank, overseeing the bank's activities in the Commonwealth, West Virginia, Maryland, and the District of Columbia; he ultimately retired from banking in 2017 after working tirelessly in support of his clients and their financial well-being for 41 years; and

WHEREAS, John Francis contributed greatly to cultural, economic, and civic endeavors in the Roanoke Valley through his involvement with a number of organizations, including the board of The Virginia Bankers Association, the Roanoke Valley Greenway Commission, the Greater Roanoke Development Foundation, The Good Samaritan Hospice, the Shenandoah Club, and the Roanoke Regional Chamber of Commerce, which he served as chair in 2012; and

WHEREAS, John Francis was deeply devoted to promoting literacy and education initiatives in his community through his service on the board of the Roanoke Public Library Foundation and as a member and the chair of the Local Advisory Board of Virginia Western Community College; and

WHEREAS, John Francis will be fondly remembered and dearly missed by his loving wife of 47 years, Rosemary; his son, Neil, and his family; and numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of John Randolph Francis, Jr., a cherished member of the Roanoke community whose leadership and service touched countless lives; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of John Randolph Francis, Jr., as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 195

Commending the Glenvar High School boys' soccer team.

Agreed to by the Senate, March 6, 2024
Agreed to by the House of Delegates, March 7, 2024

WHEREAS, the Glenvar High School boys' soccer team earned the program's first-ever state title with a victory in the Virginia High School League Class 2 state championship in July 2023; and

WHEREAS, the Glenvar High School Highlanders faced the defending state champions, the Clarke County High School Eagles, in a rematch of the 2022 state final; and

WHEREAS, the Clarke County Eagles pressed the attack early and often, but Marco Gustafson, goalie for the Glenvar Highlanders, weathered the storm and made several crucial saves throughout the game; and

WHEREAS, the Glenvar Highlanders recorded only one shot on goal, but made it count, winning 1-0 after Jake Williams headed in a corner kick from Colin Clapper in the 78th minute; and

WHEREAS, the game winner by Glenvar's Jake Williams was also his first goal of his high school career; and

WHEREAS, the Glenvar Highlanders finished the season with an impressive 20-1-1 record, along with the state crown; and

WHEREAS, the victorious season is a testament to the skill and determination of all the student-athletes, the leadership and guidance of the coaches and staff, and the passionate support of friends, family members, and the entire Glenvar High School community; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend the Glenvar High School boys' soccer team on winning the Virginia High School League Class 2 state championship in 2023; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Josh Jones, head coach of the Glenvar High School boys' soccer team, as an expression of the General Assembly's admiration for the team's historic achievement and best wishes for the future.

SENATE JOINT RESOLUTION NO. 196

Commending the Glenvar High School boys' tennis team.

Agreed to by the Senate, March 6, 2024
Agreed to by the House of Delegates, March 7, 2024

WHEREAS, the Glenvar High School boys' tennis team secured the program's first state title since 1996 with a victory in the Virginia High School League Class 2 state championship in 2023; and

WHEREAS, the Glenvar High School Highlanders took an early 4-2 lead in singles matches, then clinched the win in doubles matches against the Bruton High School Panthers; and

WHEREAS, senior Marco Gustafson set the tone early, winning two sets 6-2 and 6-1 to secure the Glenvar Highlanders' first point of the day; and

WHEREAS, Logan Garner scored another point with 6-0 and 6-2 wins, followed by Alec McIlwain with 6-4 and 6-4 wins, and Blaine Bishop, who won his first set 6-3, then recovered from a deficit in his second set to win 7-5; and

WHEREAS, Blaine Bishop and Alec McIlwain sealed the overall win in doubles play with dominant 6-0 and 6-1 victories against Bruton High School's top doubles team; and

WHEREAS, the successful season was a tribute to the skill and hard work of all the student-athletes, the leadership and guidance of coaches and staff, and the enthusiastic support of friends, family members, and the entire Glenvar High School community; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend the Glenvar High School boys' tennis team on winning the Virginia High School League Class 2 state championship in 2023; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Bob Haynie, head coach of the Glenvar High School boys' tennis team, as an expression of the General Assembly's admiration for the team's athletic accomplishments.

SENATE JOINT RESOLUTION NO. 197

Commending the Parry McCluer High School boys' cross country team.

Agreed to by the Senate, March 6, 2024
Agreed to by the House of Delegates, March 7, 2024

WHEREAS, the Parry McCluer High School boys' cross country team secured its third state title in five years by winning the Virginia High School League Class 1 state championship in November 2023; and

WHEREAS, the Parry McCluer High School Fighting Blues scored 61 points to defeat the runners-up from Mathews High School by an 18-point margin in the team standings; and

WHEREAS, senior Kovyk Chandler also earned his first individual state title, finishing in first place with a time of 15:54.1 on the five-kilometer course at Green Hill Park in Salem; his brother, freshman Kebryl Chandler, finished in second place with a personal record of 15:59.1; and

WHEREAS, the three other members of the Parry McCluer Fighting Blues to score points were sophomore Logan Wheelock in seventh place with a personal record of 16:44.6, sophomore Josh Cooper in 12th place with a time of 17:30.4, and freshman Sam Carpenter in 52nd place with a time of 19:11.1; and

WHEREAS, the successful season is a tribute to the perseverance and hard work of all the student-athletes, the leadership and guidance of coaches and staff, and the passionate support of the entire Parry McCluer High School community; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend the Parry McCluer High School boys' cross country team on winning the Virginia High School League Class 1 state championship in 2023; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the Parry McCluer High School boys' cross country team as an expression of the General Assembly's admiration for the team's athletic accomplishments.

SENATE JOINT RESOLUTION NO. 198

Commending the Town of Louisa.

Agreed to by the Senate, March 6, 2024
Agreed to by the House of Delegates, March 7, 2024

WHEREAS, the Town of Louisa, a vibrant community in Central Virginia and the county seat of Louisa County, was chartered more than 150 years ago; and

WHEREAS, Louisa County, named for Princess Louisa, the daughter of King George II and Queen Caroline of England, was founded in 1742, and the county seat, then known as Louisa Courthouse, was established in 1757; and

WHEREAS, in its early years, county residents would travel to Louisa Courthouse for monthly court sessions, while travelers would pass through the area on their way between Richmond and Charlottesville; and

WHEREAS, a local tavern in Louisa Courthouse posted legal notices, distributed mail and newspapers, sold small stocks of necessities, and provided a place of fellowship for the community; and

WHEREAS, Patrick Henry, who regularly practiced law in Louisa Courthouse, represented Louisa County in the House of Burgesses from 1765 to 1768; the Louisa County community fully supported the American Revolution, led by local heroes like Dabney Carr and Jack Jouett; and

WHEREAS, a postal road was constructed in 1800 along what is now State Route 208, which connected villages between the Rappahannock River and the James River until the landmark establishment of the Louisa Railroad in 1838; the railroad became a major factor in the growth of the community over the next several decades; and

WHEREAS, in June 1864, during the American Civil War, the Battle of Trevilian Station took place near Louisa, and the site has been preserved by the Trevilian Station Battlefield Foundation; and

WHEREAS, by the early 1870s, the village around Louisa Courthouse had grown to 250 residents, enough to justify incorporation of the Town of Louisa on March 8, 1873; the first meeting of the Louisa Town Council was held that day to discuss bylaws and local ordinances; and

WHEREAS, Louisa continued to grow and thrive, until 1888 when a tragic fire wiped out the east side of Main Street and paralyzed the town's business district; the long rebuilding process was accompanied by the installation of town water systems and other enhancements, along with the arrival in 1921 of what was then State Route 39, the first hard-surfaced road in town history; and

WHEREAS, from the late 1890s through the 1920s, Louisa earned a reputation as a summer resort town, where people from Richmond and the Virginia Peninsula came to enjoy country living away from the heat and humidity of the cities; and

WHEREAS, Louisa is home to numerous historic buildings, including four churches that existed at the time of the town's incorporation, as well as the 1905 Louisa County Courthouse, the 1907 Louisa High School building, and Boxley Place, a historic home dating to 1860; and

WHEREAS, in the modern era, Louisa has remained the chief commercial, legal, and professional center for all of Louisa County; since the 1870s, the town has grown through annexation multiple times, including the most recent expansion in 1977, which more than tripled the town's acreage and increased the population by 50 percent; and

WHEREAS, the Louisa community officially commemorated the 150th anniversary of the town charter during a special celebration on September 30, 2023; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend the Town of Louisa on the occasion of its 150th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Liz Nelson, town manager, and Garland Nuckols, mayor of the Town of Louisa, as an expression of the General Assembly's admiration for the town's rich history and legacy of contributions to the region and the Commonwealth.

SENATE JOINT RESOLUTION NO. 199

Commending the Honorable Frank W. Somerville.

Agreed to by the Senate, March 6, 2024
Agreed to by the House of Delegates, March 7, 2024

WHEREAS, the Honorable Frank W. Somerville has served with distinction the residents of the 16th Judicial District of Virginia and the Commonwealth for three decades as a juvenile and domestic relations district court judge; and

WHEREAS, Judge Somerville was born and raised in Orange County and graduated from Woodberry Forest School; he subsequently earned a bachelor's degree in education from Davidson College in North Carolina, then taught history and government at a private day school for two years before attending law school at the University of Virginia; and

WHEREAS, Judge Somerville began his legal career as an associate attorney with the Orange County law firm of Somerville, Carter, Wilkinson & Wheeler, until he received his appointment to the bench in 1994; and

WHEREAS, Judge Somerville has served on numerous committees, including the Court Improvement Program Advisory Committee, the Virginia State Executive Counsel for Children's Services, and the Schools and Courts Committee; he is a current member of the National Council of Juvenile and Family Court Judges, and he previously served as president of the Virginia Council of Juvenile and Domestic Relations District Court Judges; and

WHEREAS, Judge Somerville is the lead judge for the Culpeper Best Practices Team and has been so since the Culpeper Juvenile and Domestic Relations District Court was designated as a Best Practice Court in 2002; and

WHEREAS, Judge Somerville was the recipient of the 2020 Lelia Baum Hopper Service Award given by the Virginia Council of Juvenile and Domestic Relations District Courts for his years of dedication; and

WHEREAS, Judge Somerville was appointed to serve on Governor Glenn Youngkin's Safe and Sound Task Force in 2022 with the aim to find placement for displaced children in Virginia's foster care system; and

WHEREAS, Judge Somerville was one of five core team members for the Three Branch Institute, which addressed implementation of the Family First Prevention Services Act in Virginia and adopted new court processes for the approval and monitoring of the placement of children in foster care; and

WHEREAS, Judge Somerville has organized and led several continuing legal education training seminars for area bar members and various community stakeholders to address the ever-emerging and diverse issues that the judicial system encounters; and

WHEREAS, Judge Somerville has regularly taught at national judicial conventions across the United States; and

WHEREAS, Judge Somerville has served the judiciary as an instructor for the pre-bench training that all newly appointed juvenile judges are required to attend; and

WHEREAS, Judge Somerville continues to serve his colleagues by providing mentorship and oversight to their continued training and maturation as judges; and

WHEREAS, Judge Somerville is revered among his contemporaries who regularly seek him out for his wisdom and guidance and who have marveled at his work ethic and untiring dedication to the work of the judiciary; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend the Honorable Frank W. Somerville on the occasion of his retirement as a juvenile and domestic relations district court judge of the 16th Judicial District of Virginia; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the Honorable Frank W. Somerville as an expression of the General Assembly's admiration for his achievements and service to the Commonwealth.

SENATE JOINT RESOLUTION NO. 200

Celebrating the life of Locke A. Taylor, DVM.

Agreed to by the Senate, March 6, 2024
Agreed to by the House of Delegates, March 7, 2024

WHEREAS, Locke A. Taylor, DVM, a trusted veterinarian in Richmond who was passionate about providing the finest care to animals and their families and touched countless lives through his compassion, generosity, and professionalism, died on November 30, 2023; and

WHEREAS, Locke Taylor grew up in Richmond and knew from a young age that he wanted to care for animals; at the age of 13, he began working for a veterinarian near his home, assisting with anything he could, like cleaning the kennels and traveling with the doctor to local farms; and

WHEREAS, Locke Taylor attended Hermitage High School, where he was elected as senior class president, then graduated from Virginia Polytechnic Institute and State University as a member of the Corps of Cadets; and

WHEREAS, Locke Taylor continued his education at the University of Georgia College of Veterinary Medicine, then returned to Richmond, where he opened his own veterinary practice in a small cinderblock building and began his life's work; and

WHEREAS, over the next 54 years, Locke Taylor provided his knowledge and expertise to veterinary hospitals throughout Central Virginia and grew his practice, Locke A. Taylor Veterinary Hospital, to become one of the most highly recommended veterinary centers in the region; and

WHEREAS, Locke Taylor cared for thousands of animals in Richmond and the surrounding region, from cats, dogs, birds, reptiles, and other pets to livestock and farm animals; and

WHEREAS, known for his unmatched kindness toward both people and animals, Locke Taylor ensured that his practice continued to provide compassionate, personalized service to its patients, along with a comprehensive range of treatment options, knowledge, and support; and

WHEREAS, outside of his career, Locke Taylor loved dancing and stayed fit through distance running and finished several marathons; and

WHEREAS, Locke Taylor also had a fond appreciation for the great outdoors and enjoyed hunting, fishing, skiing, waterskiing, gardening, and other activities; he was a proud steward of the environment and recycled everything he could; and

WHEREAS, in later life, Locke Taylor and his wife, Becky, were avid travelers who visited many exciting destinations, but he was quick to point out that his favorite moments were spent at home, making memories with family and friends; and

WHEREAS, Locke Taylor will be fondly remembered and greatly missed by his beloved wife, Becky; his children, Wendy, Allen, and Bo, and their families; and numerous other family members, friends, and members of the community; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Locke A. Taylor, DVM, a trusted and respected medical professional who enhanced the lives of countless animals throughout Central Virginia; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Locke A. Taylor, DVM, as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 201

Commending Fredericksburg Fallen Heroes.

Agreed to by the Senate, March 6, 2024
Agreed to by the House of Delegates, March 7, 2024

WHEREAS, Fredericksburg Fallen Heroes is a 501(c)(3) nonprofit organization that has greatly served the Fredericksburg community by supporting its veterans and first responders; and

WHEREAS, Fredericksburg Fallen Heroes was founded in 2016 with an initial objective to support the Wreaths Across America program, which carries out wreath-laying ceremonies at cemeteries to honor the sacrifices made by our nation's veterans; and

WHEREAS, recognizing the need to assist veterans and first responders, Fredericksburg Fallen Heroes diversified its efforts and began providing monetary support and other opportunities to veterans and first responders, including its Fallen Heroes 5 Miler race and annual barbecue; and

WHEREAS, since its founding, Fredericksburg Fallen Heroes has made a difference in the lives of more than 10,000 families, while also providing physical assistance to hundreds of veterans and first responders; and

WHEREAS, driven by their mission to support those who dedicate their lives to service, the members of Fredericksburg Fallen Heroes, including President Leisa Billington, Vice President Jimmy Werling, and Treasurer Lorijean Brady, have made a profound and lasting impact on the Fredericksburg community; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Fredericksburg Fallen Heroes for its legacy of service to veterans and first responders; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Fredericksburg Fallen Heroes as an expression of the General Assembly's admiration for the organization's mission and best wishes for its continued success.

SENATE JOINT RESOLUTION NO. 202

Celebrating the life of the Reverend Dr. Douglas Kittredge.

Agreed to by the Senate, March 6, 2024
Agreed to by the House of Delegates, March 7, 2024

WHEREAS, the Reverend Dr. Douglas Kittredge, pastor of New Life in Christ Church of Fredericksburg and a beloved member of the Fredericksburg community, died on February 10, 2024; and

WHEREAS, Douglas "Doug" Kittredge was inspired to commit his life to the ministry as a teenager after meeting the evangelist Billy Graham and hearing him address the Harvard Law School Forum; and

WHEREAS, with his wife, Mary Jane, Doug Kittredge settled in Fredericksburg in 1975 to found a new evangelical church, later called New Life in Christ Church, where he worked tirelessly over many years to provide his congregation with insightful spiritual guidance and abundant opportunities for worship, fellowship, and community outreach; and

WHEREAS, Doug Kittredge contributed to the launch of many Christian ministries in the local Fredericksburg area, including Fredericksburg Christian School, the Fredericksburg branch of Bethany Christian Services adoption agency, the "90 Joy" Christian radio station, and an extension campus of New Geneva Theological Seminary; and

WHEREAS, motivated by his deep and abiding faith, Doug Kittredge dedicated himself to supporting both new and existing churches in Fredericksburg and around the world, including congregations in Israel through New Life in Christ Church's Jerusalem Gateway Partnership; and

WHEREAS, with great love and compassion, Doug Kittredge spearheaded interfaith efforts in the community, including the Meetings for Better Understanding held in coordination with the Manassas Mosque in the aftermath of 9/11; and

WHEREAS, Doug Kittredge's book, *Pray for the Peace of Jerusalem*, reveals his decades-long passion for advancing true spiritual reconciliation in the Middle East through the Gospel of Christ; and

WHEREAS, in all his endeavors, Doug Kittredge was unwavering in his devotion to loving his family, leading his church, and sharing his faith globally; and

WHEREAS, Doug Kittredge will be fondly remembered and dearly missed by his loving wife of 54 years, Mary Jane; his children, Douglas, Rachel, Andrew, and Naomi, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of the Reverend Dr. Douglas Kittredge, a cherished member of the Fredericksburg community whose leadership and faith inspired all who knew him; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of the Reverend Dr. Douglas Kittredge as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 203

Commending Beth Marshall.

Agreed to by the Senate, March 6, 2024
Agreed to by the House of Delegates, March 7, 2024

WHEREAS, Beth Marshall, a distinguished French educator and leader at Riverbend High School, was named the Spotsylvania County Public Schools Division Teacher of the Year for 2023-2024; and

WHEREAS, a 27-year veteran of teaching, Beth Marshall is renowned at Riverbend High School for her innovative instructional techniques and her dedication to fostering profound and enduring relationships with her students and colleagues; and

WHEREAS, Beth Marshall works tirelessly to cultivate a learning environment that supports the academic, social, and emotional well-being of her students and is a beacon of inspiration for both her students and peers; and

WHEREAS, Beth Marshall is committed to sharing her knowledge with her fellow world language educators and readily imparts her expertise and resources through presentations at regional and statewide conferences; and

WHEREAS, Beth Marshall was recently appointed to serve as the president of the Foreign Language Association of Virginia, where her experience will be an invaluable asset to the organization in its future endeavors; and

WHEREAS, Beth Marshall exemplifies excellence in the field of education and language instruction through her leadership and unwavering commitment to her students and colleagues, earning the esteem and admiration of all Virginians; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Beth Marshall for being named the 2023-2024 Spotsylvania County Public Schools Division Teacher of the Year; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Beth Marshall as an expression of the General Assembly's admiration for her contributions to Spotsylvania County Public Schools and the Commonwealth.

SENATE JOINT RESOLUTION NO. 204

Celebrating the life of Teresa Darlene McDowney.

Agreed to by the Senate, March 6, 2024
Agreed to by the House of Delegates, March 7, 2024

WHEREAS, Teresa Darlene McDowney, an esteemed member of the Westmoreland County Sheriff's Office and beloved member of the Colonial Beach community, died on February 22, 2024; and

WHEREAS, from 2013 to 2020, Teresa McDowney served as an animal control officer with the King George County Sheriff's Office, working tirelessly to ensure the safety of King George County residents and the humane treatment of animals in her jurisdiction; and

WHEREAS, Teresa McDowney most recently served as the animal shelter manager, animal control officer, and animal advocate at the Westmoreland County Sheriff's Office, where her experience and expertise proved vital to the agency's mission; and

WHEREAS, Teresa McDowney's dedication to the care of animals and the safety of her community was unwavering, and she would often answer calls at all hours of the night to assist others with their animal-related matters; and

WHEREAS, Teresa McDowney never hesitated to support her family, friends, and the community, and was admired for her straightforward approach to any challenge she faced; and

WHEREAS, Teresa McDowney will be fondly remembered and dearly missed by her loving husband, Kevin; her son, Nathaniel; and numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Teresa Darlene McDowney, a cherished member of the Colonial Beach community whose kindness and generosity touched countless lives; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Teresa Darlene McDowney as an expression of the General Assembly's respect for her memory.

SENATE JOINT RESOLUTION NO. 205

Commending William B. Downey.

Agreed to by the Senate, March 6, 2024
Agreed to by the House of Delegates, March 7, 2024

WHEREAS, William B. Downey is a faithful and dedicated health care and community leader who devoted more than 40 years to improving health care in the Commonwealth; and

WHEREAS, in his early years, William Downey earned a bachelor's degree from James Madison University and a master's degree in health administration from the Medical College of Virginia campus of Virginia Commonwealth University; and

WHEREAS, William Downey first joined Riverside Health System in 1981 as an administrative extern, and after completing his graduate degree, he returned to Riverside in 1985 and held numerous executive roles until 1995, when he left to become president and chief executive officer (CEO) of Lewis-Gale Medical Center in Salem, then CEO of Regional Medical Center Bayonet Point in Hudson, Florida; and

WHEREAS, William Downey returned again to Riverside in 2001, then became president and CEO in 2012, and executive vice chair and special advisor to the board in 2023, with plans to retire in January 2025; and

WHEREAS, under William Downey's steady leadership, Riverside completed several major capital projects, including a $90 million expansion of its flagship Riverside Regional Medical Center in Newport News, a $50 million renovation and expansion of Riverside Walter Reed Hospital in Gloucester, the construction of a replacement hospital for Riverside Shore Memorial Hospital on Virginia's Eastern Shore, a $35 million expansion at Patriots Colony in Williamsburg, and significant growth of Riverside Medical Group to more than 700 providers; and

WHEREAS, William Downey guided Riverside through the COVID-19 pandemic and also helped to steer a collective regional and Commonwealth-wide coordinated mobilization that was instrumental to the effective response to the historic public health crisis; and

WHEREAS, William Downey has been a valued servant and leader in numerous community organizations over the years, including as a board member of Christopher Newport University, the Jamestown-Yorktown Foundation, Inc., and the Hampton Roads Economic Development Authority; and

WHEREAS, William Downey is past chair of United Way of the Virginia Peninsula, the Virginia Living Museum, the Virginia Hospital and Healthcare Association, the Virginia Chamber of Commerce, the Hampton Roads Business Roundtable, the Virginia Business Council, TowneBank-Peninsula, An Achievable Dream, and Greater Peninsula Now; and

WHEREAS, in recognition of William Downey's leadership and dedication to improving the community, he has received numerous accolades, including recognition at the 50th Annual Peninsula Humanitarian Awards presented by the Peninsula Chapter of the Virginia Center for Inclusive Communities for his commitment to promoting respect and understanding among people of diverse racial, ethnic, and religious backgrounds in the Peninsula community; the Community Builders award from the Hampton Roads Community Action Program in recognition of his positive impact on the Hampton Roads Region; and the Lifetime Service and Achievement Award from the Virginia Commonwealth University Department of Health Administration; and

WHEREAS, William Downey was further honored by the Urban League of Hampton Roads with its Martin Luther King, Jr., Community Leaders Award, by the Virginia Peninsula Chamber of Commerce with its Citizen of the Year award, and by *Virginia Business* magazine, which named him to the Virginia 500 Power List and as one of its 50 Most Influential Virginians; and

WHEREAS, William Downey embodies the values of a Virginia gentleman and has earned the respect and esteem of countless Virginians; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend William B. Downey for his exemplary career as a health care and community leader on the occasion of his retirement; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to William B. Downey as an expression of the General Assembly's admiration for his contributions to the Commonwealth and best wishes for a happy and fulfilling retirement.

SENATE JOINT RESOLUTION NO. 206

Commending ArtsLIVE!

Agreed to by the Senate, March 6, 2024
Agreed to by the House of Delegates, March 7, 2024

WHEREAS, ArtsLIVE!, an organization in Fredericksburg dedicated to inspiring and educating audiences and celebrating the performing arts in the Rappahannock region, celebrated its 35th anniversary in 2023; and

WHEREAS, ArtsLIVE! was originally founded in 1988 as the Fredericksburg Festival of the Arts by internationally renowned harpist Heidi Lehwalder and other visionary arts lovers of the Fredericksburg community; and

WHEREAS, the Fredericksburg Festival of the Arts evolved from a small, world-class chamber music festival into a premier, year-round presenter of the performing arts in the Rappahannock region; the name was changed to the Fredericksburg Festival of the Performing Arts in 2011 and again to ArtsLIVE! in 2017; and

WHEREAS, ArtsLIVE! is committed to providing high-quality performances in theatre, dance, vocal, and instrumental music for all members of the community; promoting local, state, national, and international artists; fostering partnerships with schools, businesses, civic organizations, and other arts groups; and engaging diverse audiences with a rich array of programming; and

WHEREAS, ArtsLIVE! is one of the longest continuously active performing arts nonprofit organizations in the Fredericksburg region and has successfully enchanted audiences with its ambitious calendar of musical and theatrical performances of the highest artistic integrity for the past 35 years; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend ArtsLIVE! on the occasion of its 35th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to ArtsLIVE! as an expression of the General Assembly's admiration for the organization's history and its contributions to the Commonwealth.

SENATE JOINT RESOLUTION NO. 207

Commemorating the legacy of the Alexandria Library sit-in.

Agreed to by the Senate, March 6, 2024
Agreed to by the House of Delegates, March 7, 2024

WHEREAS, Alexandria established a public library in 1937, limiting access to only white citizens of Alexandria; and

WHEREAS, the African American citizens of Alexandria were not only denied access to the library but were also denied an equal facility dedicated to the African American community; and

WHEREAS, United States Army sergeant George Wilson and attorney Samuel W. Tucker applied for and were refused library cards in 1937, leading Samuel W. Tucker to plan and organize a peaceful protest at the library; and

WHEREAS, six courageous young African American men, William Evans, Otto Tucker, Edward Gaddis, Morris Murray, and Clarence Strange, as well as Robert Strange, who ran to notify Samuel Tucker that the police were arriving at the library, put Samuel Tucker's plan into action; and

WHEREAS, on August 21, 1939, five of the young men applied for and were denied library privileges at what is today Alexandria's Kate Waller Barrett Branch Library; and

WHEREAS, these men refused to comply with an order to leave the building and were arrested while reading in silent protest in the library's public reading room; and

WHEREAS, the City of Alexandria, after numerous delays and negotiations, established the Robinson Library in 1940, which was the "separate but equal" facility that purportedly served the "colored community" of Alexandria for more than 20 years after the 1939 sit-in; and

WHEREAS, the Alexandria Library and the City of Alexandria acknowledge and apologize for their roles in these events and pledge to ensure that all residents have access to the public library, providing materials to meet their informational, recreational, and educational needs, regardless of age, race, gender, and socioeconomic status; and

WHEREAS, the Alexandria Library is commemorating the 85th anniversary of the sit-in throughout 2024 by celebrating the "legacy of courage" of William Evans, Otto Tucker, Edward Gaddis, Morris Murray, Clarence Strange, and Robert Strange through programming, guest speaker talks, book displays, performances, and other ceremonial events; and

WHEREAS, the Alexandria Library will continue to honor this legacy of the historic peaceful protest, which was ahead of its time, by establishing a "Sit-In Meeting Room" at the Kate Waller Barrett Library to remember the courageous actions of those men; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commemorate the legacy of the Alexandria Library sit-in on the occasion of its 85th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to representatives of the Alexandria Library as an expression of the General Assembly's appreciation for the role of that event in setting the Alexandria Library, the City of Alexandria, the Commonwealth, and the United States on a correct course toward respecting all people and supporting them in their pursuit of knowledge and happiness.

SENATE JOINT RESOLUTION NO. 208

Commending the Reverend Dr. Raymond R. Roberts.

Agreed to by the Senate, March 6, 2024
Agreed to by the House of Delegates, March 7, 2024

WHEREAS, the Reverend Dr. Raymond R. Roberts, an esteemed spiritual leader in Richmond, retired as the pastor of River Road Presbyterian Church after nine years of service to the community; and

WHEREAS, Raymond Roberts began his career in the ministry as pastor of Amherst Presbyterian Church from 1984 to 1993; membership more than doubled during his tenure, and for his last two years as pastor, attendance often exceeded membership; and

WHEREAS, during that time, Raymond Roberts led the Community Revitalization Team for the Town of Amherst and the Amherst County Citizen Advisory Team, which implemented family life education programs; and

WHEREAS, when family life education became a state mandate, the Commonwealth sent out the Amherst County Citizen Advisory Team's statement of values to every school division across the state, and nearly all of them adopted a version of the shared values statement Raymond Roberts led in creating; and

WHEREAS, from 1993 to 1999, Raymond Roberts pursued a doctorate in history and theology from Union Presbyterian Seminary, and from 1998 to 2005, he served as pastor of Grace Presbyterian Church in Jenkintown, Pennsylvania, where he again presided over a significant growth in attendance and led the Community Revitalization Team; and

WHEREAS, Raymond Roberts next served as pastor of the Presbyterian Church in Westfield in New Jersey from 2005 to 2015 and served two terms on the board of the Presbyterian Historical Society in Philadelphia, Pennsylvania, from 2006 to 2010; and

WHEREAS, Raymond Roberts returned to the Commonwealth to pastor River Road Presbyterian Church in 2015; he shepherded the congregation through the COVID-19 pandemic and oversaw significant growth in overall attendance and Sunday school attendance; and

WHEREAS, Raymond Roberts served two terms and was the co-chair of the Advisory Committee for Social Witness Policy of the Presbyterian Church USA General Assembly, and he has authored numerous articles and reviews, along with two books on religion in education and religion and public policy; and

WHEREAS, Raymond Roberts mentored and inspired students as an adjunct professor of ethics at Union Presbyterian Seminary and was a member of the institution's board of trustees from 2020 to 2022; and

WHEREAS, outside of his career, Raymond Roberts has been a member of the Richmond-based band Reckless and Wild since 2005; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend the Reverend Dr. Raymond R. Roberts on the occasion of his retirement as pastor of River Road Presbyterian Church; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the Reverend Dr. Raymond R. Roberts as an expression of the General Assembly's admiration for his distinguished career in the ministry and legacy of servant-leadership.

SENATE JOINT RESOLUTION NO. 209

Celebrating the life of Devin Michael Riley.

Agreed to by the Senate, March 6, 2024
Agreed to by the House of Delegates, March 7, 2024

WHEREAS, Devin Michael Riley, an esteemed firefighter, beloved son, and treasured member of the Goshen community, died on May 7, 2023; and

WHEREAS, a native of Lexington, Devin Riley graduated from Rockbridge County High School in 2023, where he excelled both academically and on the football and baseball teams; and

WHEREAS, Devin Riley dedicated himself to the safety and well-being of others as a member of the Goshen Volunteer Fire Department and was deeply devoted to helping his community; and

WHEREAS, Devin Riley will be fondly remembered and dearly missed by his father, Brian; his mother and stepfather, Tammy and Eddie; his siblings, Keith and Rebecca, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Devin Michael Riley, a cherished member of the Goshen community whose light brightened countless lives and who brought joy to all who knew him; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Devin Michael Riley as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 210

Commending William A. Pruitt.

Agreed to by the Senate, March 6, 2024
Agreed to by the House of Delegates, March 7, 2024

WHEREAS, William A. Pruitt, former commissioner of the Virginia Marine Resources Commission, has served the Commonwealth with unwavering commitment and dedication; and

WHEREAS, William "Bill" Pruitt grew up on Tangier Island in the Chesapeake Bay, where in his youth he spent summers catching menhaden for crab-pot bait with his grandfather; and

WHEREAS, Bill Pruitt devoted five years of his life in service to the United States Army, demonstrating his patriotism and dedication to the defense of the nation; and

WHEREAS, Bill Pruitt served with valor and distinction in combat during the Vietnam War; he demonstrated exceptional bravery and dedication during the Tet Offensive in 1968 and earned the Bronze Star for his meritorious actions; and

WHEREAS, from 1976 to 1983, Bill Pruitt served as the county administrator of Richmond County, contributing to the local community's growth and development; and

WHEREAS, Bill Pruitt further demonstrated his commitment to public service after he was appointed by Governor Charles Robb as commissioner of the Virginia Marine Resources Commission, which maintains the Commonwealth's aquatic resources in coastal areas and inland waterways by establishing commercial fishing regulations and zoning for state-owned waters; and

WHEREAS, Bill Pruitt ably led the Virginia Marine Resources Commission from February 1983 to July 2006, serving under seven governors from both parties and building a strong network of friends and colleagues in local, regional, and state agencies; and

WHEREAS, Bill Pruitt's childhood experiences helped him cultivate relationships based on trust and mutual respect with working fishermen, and he treated everyone who came before the Virginia Marine Resources Commission, from residents and watermen to scientists and government officials, with fairness and understanding; and

WHEREAS, Bill Pruitt enabled the Virginia Marine Resources Commission to function efficiently and effectively and received many accolades for his professionalism, wise leadership, sense of responsibility, and devotion to public service; and

WHEREAS, in July 2023, Bill Pruitt attended a special ceremony on Tangier Island, where he was honored by the Virginia Marine Police and Virginia Marine Resources Commission with the unveiling of a new police boat, the *W.A. Pruitt*, which will patrol the area around the island; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend William A. Pruitt, former commissioner of the Virginia Marine Resources Commission, for his exemplary service to the Commonwealth and the United States; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to William A. Pruitt as an expression of the General Assembly's admiration for his steady leadership and outstanding contributions to safety and security on the Commonwealth's waterways.

SENATE JOINT RESOLUTION NO. 211

Celebrating the life of the Honorable Anne Jackson Gregory Rhodes.

Agreed to by the Senate, March 6, 2024
Agreed to by the House of Delegates, March 7, 2024

WHEREAS, the Honorable Anne Jackson Gregory Rhodes, an active community leader who proudly represented the residents of Richmond in the House of Delegates for a decade, died on October 5, 2023; and

WHEREAS, Anne "Panny" Rhodes grew up in Durham, North Carolina, where she attended Durham Academy and Durham High School; and

WHEREAS, Panny Rhodes first came to Richmond as a boarding student at St. Catherine's School in 1958 and remained an active alumna of the school throughout her life; and

WHEREAS, Panny Rhodes was an Angier B. Duke Scholar at Duke University and moved to Baltimore to work for the Martin Marietta Corporation after graduation; she ultimately worked for several defense firms and was one of the few prominent women in the field at the time; and

WHEREAS, after briefly living in Indiana, Panny Rhodes returned to Richmond, where she spent the rest of her life and was a highly engaged member of the community, offering her leadership and expertise to many civic organizations; and

WHEREAS, Panny Rhodes served as chair of the Board of Governors of the Community Foundation of Richmond, the Metropolitan Business League, the Richmond Community Services Board, and the United Way Services Board; and

WHEREAS, desirous to be of further service to her community and the Commonwealth, Panny Rhodes ran for and was elected to the House of Delegates and served five terms from 1992 to 2002; and

WHEREAS, Panny Rhodes introduced and supported many important pieces of legislation to benefit the residents of her district and all Virginians; she was a champion for women's issues and a passionate advocate for strengthening public education, broadening access to health care, and responsible tax reform; and

WHEREAS, Panny Rhodes was an ardent supporter of Virginia Commonwealth University (VCU) and was a founding trustee of the VCU School of Engineering Foundation; after her service as a state legislator, she was appointed to the VCU Board of Visitors in 2003, reappointed in 2007, and served as rector from 2009 to 2011; and

WHEREAS, among many awards and accolades for her personal and professional achievements, Panny Rhodes received the Outstanding Woman of Richmond award from the YWCA in 1990, the Legislator of the Year award from the Virginia Interfaith Center for Public Policy in 1998, and the Distinguished Alumna Award from St. Catherine's School in 2015; and

WHEREAS, Panny Rhodes will be fondly remembered and greatly missed by her husband of 58 years, Jim; her children, Tom and Annie, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of the Honorable Anne Jackson Gregory Rhodes; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of the Honorable Anne Jackson Gregory Rhodes as an expression of the General Assembly's respect for her memory.

SENATE JOINT RESOLUTION NO. 212

Celebrating the life of Harold A. Deane, Sr.

Agreed to by the Senate, March 6, 2024
Agreed to by the House of Delegates, March 7, 2024

WHEREAS, Harold A. Deane, Sr., an honorable veteran, esteemed basketball coach at Virginia State University, and beloved member of the Roanoke and Petersburg communities, died on February 3, 2024; and

WHEREAS, Harold Deane graduated at the age of 16 from the historic Lucy Addison High School in Roanoke in 1956 and went on to pursue a degree at what was then Virginia State College, where he excelled in both basketball and track and field and earned a bachelor's degree in health, physical education, and recreation in 1961; and

WHEREAS, Harold Deane turned down offers to play professional basketball to accept a United States Army Reserve Officers' Training Corps commission, serving his country with honor and distinction as a first lieutenant in the United States Army Medical Service Corps at Fort Benning in Georgia; and

WHEREAS, during two years of active duty, Harold Deane received a letter of commendation for displaying outstanding leadership during Exercise Swift Strike III and was captain of the Third United States Army basketball team; and

WHEREAS, Harold Deane served as an instructor, assistant track and field coach, and junior varsity basketball coach at Howard University and earned a master's degree in education from the institution; and

WHEREAS, Harold Deane was head coach of the basketball team at Cardozo High School in Washington, D.C., from 1965-1969, leading the squad to an impressive 69-12 record; and

WHEREAS, Harold Deane went on to become head basketball coach and an assistant professor at Virginia State University, where he led the men's basketball team to a championship at Fort Eustis in 1972, a National Association of Intercollegiate Athletics District 29 tournament win in 1974, and a Central Intercollegiate Athletic Association (CIAA) championship in 1988; and

WHEREAS, in recognition of his accomplishments as a coach, Harold Deane received Virginia College Athletic Association coach of the year honors and was named CIAA Coach of the Year in 1972, 1974, 1976, and 1988; he was also inducted into the CIAA Hall of Fame in 2014 and honored as a Living Legend by Virginia State University in 2023; and

WHEREAS, guided throughout his life by his faith, Harold Deane was baptized at First Baptist Church in Gainsboro at an early age and later enjoyed worship and fellowship with his community at Zion Baptist Church in Petersburg; and

WHEREAS, Harold Deane will be fondly remembered and dearly missed by his devoted and loving wife, Thelma; his children, Benita and Harold Deane, Jr., and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Harold A. Deane, Sr., a cherished member of the Roanoke and Petersburg communities who was a source of joy and inspiration to all who knew him; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Harold A. Deane, Sr., as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 213

Celebrating the life of Richard A. Stewart.

Agreed to by the Senate, March 6, 2024
Agreed to by the House of Delegates, March 7, 2024

WHEREAS, Richard A. Stewart, a passionate local historian who founded the Pocahontas Island Black History Museum and a devoted advocate for the Petersburg community, died on April 13, 2023; and

WHEREAS, Richard Stewart was born and raised on Pocahontas Island, a historic district in Petersburg that was the first predominately free Black community in the Commonwealth prior to the Civil War and served as a stop on the Underground Railroad; and

WHEREAS, Richard Stewart served the nation as a member of the military for several years, with postings around the country and the world; after his honorable discharge, he passed the civil service exam and joined what is now known as Defense Supply Center Richmond, where he worked for 41 years and made lifelong friendships; and

WHEREAS, known to many in the Petersburg community as "Uncle Richard," Richard Stewart worked diligently to give a voice to people in need and supported efforts to enhance the quality of life for all Petersburg residents; and

WHEREAS, Richard Stewart was well known for his service to Pocahontas Island residents after an F4 tornado heavily damaged more than 80 percent of the homes in the neighborhood and caused numerous injuries in August 1993; he fostered strong ties between Pocahontas Island and the rest of Petersburg to help the community recover; and

WHEREAS, a champion for the teaching of Black American history, Richard Stewart led efforts to rename a street on Pocahontas Island for Joseph Jenkins Roberts, the first president of Liberia, who had once visited the area; and

WHEREAS, Richard Stewart subsequently founded the Pocahontas Island Black History Museum at his house on Witten Street in 2003; the museum is home to a treasure trove of artifacts and stories, offering interpretation on the life of Pocahontas, the history of Petersburg, the Atlantic slave trade, the Underground Railroad, and more; and

WHEREAS, in recognition of his service and achievements, the City of Petersburg bestowed upon Richard Stewart the honorary title "Mayor of Pocahontas Island"; and

WHEREAS, Richard Stewart will be fondly remembered and greatly missed by his daughter, Cynthia, and her family; his partner, Amanda; and numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Richard A. Stewart, a pillar of the community in Petersburg; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Richard A. Stewart as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 214

Commending Virginia Humanities.

Agreed to by the Senate, March 6, 2024
Agreed to by the House of Delegates, March 7, 2024

WHEREAS, Virginia Humanities, an organization dedicated to connecting Virginians by exploring their history, literature, and cultural traditions and the issues that matter to them, celebrates its 50th anniversary in 2024; and

WHEREAS, founded in 1974, Virginia Humanities is one of 56 humanities councils created by the United States Congress with funding and support from the National Endowment for the Humanities; and

WHEREAS, Virginia Humanities' numerous programs and services include the online Encyclopedia Virginia, which has over two million visitors annually, the award-winning "With Good Reason" radio program, which airs weekly on 129 public stations across the country, the Virginia Folklife Program, which has hosted over 147 apprenticeship teams, and the Virginia Festival of the Book, which brings together thousands of book lovers in Charlottesville and at literary events across the Commonwealth; and

WHEREAS, since 1974, Virginia Humanities has awarded more than 3,500 grants to the Commonwealth's cultural nonprofits, enriching the state's cultural economy, and has also awarded over 400 fellowships to support projects that help Virginians better understand their history, culture, and each other; and

WHEREAS, over the last three years alone, Virginia Humanities has invested almost $3 million, including $1.5 million from the Coronavirus Aid, Relief, and Economic Security Act and American Rescue Plan Act, to help humanities organizations in the Commonwealth thrive during the COVID-19 pandemic and beyond; and

WHEREAS, through its Office of Education and Community Initiatives, Virginia Humanities has created a K-12 Educator Fellowship and a Virginia HBCU Scholars Fellowship, each which supports a cohort of multiple fellows each year; and

WHEREAS, since its founding, Virginia Humanities has received state funding to supplement its federal and private funding sources, demonstrating the accomplishments that can be achieved through effective public-private investment; and

WHEREAS, in celebration of its 50th anniversary, Virginia Humanities has planned two years of programs across the Commonwealth focused on the themes of democracy and civic engagement, cultures and communities, and education and life-long learning, underscoring the need for the humanities in public life as a vital tool for civic engagement and life preparedness; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Virginia Humanities on the occasion of its 50th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Virginia Humanities as an expression of the General Assembly's admiration for the organization's history and appreciation for its contributions to the Commonwealth.

SENATE JOINT RESOLUTION NO. 215

Commending George Harrison Gilliam.

Agreed to by the Senate, March 6, 2024
Agreed to by the House of Delegates, March 7, 2024

WHEREAS, George Harrison Gilliam has been a lifelong leader in public service, as well as an attorney, author, historian, and teacher of the history of the Commonwealth at the University of Virginia; and

WHEREAS, a graduate of Columbia University and the University of Virginia (UVA) School of Law, George Gilliam was a lawyer in private practice in Charlottesville from 1968 to 1996 and served as assistant attorney for the Commonwealth in Charlottesville from 1968 to 1970; and

WHEREAS, from 1972 to 1976, George Gilliam served on the Charlottesville City Council, and he was the Democratic candidate for the U.S. House of Representatives from Virginia's Seventh Congressional District in 1974; and

WHEREAS, George Gilliam was the chair of the State Board for Community Colleges, the governing body for Virginia's 23 community colleges, to which he was appointed by Governor Charles S. Robb in 1982 and reappointed by Governor Gerald L. Baliles in 1986; and

WHEREAS, from 1986 to 1993, George Gilliam represented the Commonwealth as a commissioner on the Education Commission of the States; and

WHEREAS, from 1989 to 1993, George Gilliam served as the chair of the Pesticide Control Board, a regulatory board created in 1989 by the Virginia General Assembly; and

WHEREAS, George Gilliam offered his leadership to numerous volunteer organizations as an officer or board member, including as president of Camp Holiday Trails, a camp for medically handicapped children, and the first chair of a regional community mental health services board in the Commonwealth; and

WHEREAS, George Gilliam was a member of the Thomas Jefferson Planning District Commission from 1975 to 1978, and was a member of the Board of Piedmont Virginia Community College from 1976 to 1982, serving as chair from 1980 to 1982; he also served on the vestry of St. Paul's Memorial Church, which is adjacent to UVA's campus and the church home to many UVA students; and

WHEREAS, George Gilliam was the producer, writer, and narrator of the five-part series, "The Ground Beneath Our Feet: Virginia's History After the Civil War," produced and broadcast beginning in 1999 in cooperation with WCVE-TV, Central Virginia's PBS member station, and the Virginia Department of Education; and

WHEREAS, in continuation of his deep commitment to racial equity and community understanding, George Gilliam created and co-directed the Race and Sports/No Playbook oral history project at the Albemarle/Charlottesville Historical Society; the project preserved the stories of the first people who integrated local schools and is available to the public through the No Playbook website; and

WHEREAS, George Gilliam is the author of *Business Entities—A Virginia Law Practice System* and *Racin'*, a collaboration with photographer Mark Martin, that tells the story of the NASCAR Winston Cup Series era of stock car racing; and

WHEREAS, after 25 years in private law practice, George Gilliam returned to UVA at age 55 and earned a master's degree in history in 1997, and a doctorate in history in 2013; and

WHEREAS, George Gilliam's master's thesis, "Making Virginia Progressive: Courts and Parties, Railroads and Regulators, 1890-1910" was published in the *Virginia Magazine of History and Biography*; his doctoral dissertation, "Building a Modern South: Political Economy in Nineteenth-Century Virginia," directed by Edward L. Ayers, examines the economic history of Virginia during the 19th century; and

WHEREAS, George Gilliam taught history at Piedmont Virginia Community College, Washington and Lee University, and UVA from 1999 until his retirement in 2022; he taught Virginia politics and government, the American history survey, seminars in Southern progressivism, and Virginia history; and

WHEREAS, over the course of his teaching career, George Gilliam taught history to hundreds of UVA students, a good number of whom were varsity athletes on scholarships; he believed that mentorship is integral to good teaching, and he took a personal interest in his students, going beyond the subject to teach basic writing skills required for success in college work, careers, and for adult life in general; and

WHEREAS, from 2003 to 2011, George Gilliam was the director of the Miller Center Forum at UVA's Miller Center and hosted approximately 400 guests for the one-hour public affairs program, which was taped before a live audience and is carried by more than 100 PBS member stations around the country; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend George Harrison Gilliam for his dedication and leadership in civic life on the local level and beyond, and for his love of teaching the history of the Commonwealth at the University of Virginia; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to George Harrison Gilliam as an expression of the General Assembly's admiration for his many years of public service and his contributions to students of the University of Virginia and the Commonwealth as a whole.

SENATE JOINT RESOLUTION NO. 216

Commending William G. Crutchfield, Jr.

Agreed to by the Senate, March 6, 2024
Agreed to by the House of Delegates, March 7, 2024

WHEREAS, William G. Crutchfield, Jr., founder and sole stockholder of Crutchfield Corporation, a leading electronics retailer based in Charlottesville, celebrates his company's 50th anniversary in 2024; and

WHEREAS, William "Bill" Crutchfield, a veteran of the United States Air Force who served in the Vietnam War, was working as vice president and general manager of a company that sold and serviced forklifts when his inability to find a modern stereo for the Porsche 356 he was restoring inspired him to found Crutchfield Corporation in 1974; and

WHEREAS, operating at first out of his mother's basement, Bill Crutchfield published the first car audio mail order catalog, which soon evolved from a simple listing of parts and prices into a "magalog" publication that also featured articles describing products and instructing readers on how to install certain items; and

WHEREAS, Bill Crutchfield would continue to guide Crutchfield Corporation's development over the years by establishing its new headquarters, diversifying its inventory, and reinforcing the core values upon which the company was founded, watching the company grow from one employee to more than 650; and

WHEREAS, in 1995, Bill Crutchfield launched Crutchfield.com, making Crutchfield Corporation the first authorized online retailer of consumer electronics and a pioneer of the online shopping industry; and

WHEREAS, two years later, Bill Crutchfield set out to open a call center for Crutchfield Corporation in Norton, an initiative that would ultimately have a profound impact on the economic vitality of Southwest Virginia; and

WHEREAS, in recognition of his professional achievements, Bill Crutchfield was named Ernst & Young's Master Entrepreneur of the Year for Virginia in 1999 and was inducted into the Consumer Electronics Hall of Fame in 2007; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend William G. Crutchfield, Jr., for the stellar success of Crutchfield Corporation on the occasion of its 50th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to William G. Crutchfield, Jr., as an expression of the General Assembly's admiration for his contributions to the Commonwealth.

SENATE JOINT RESOLUTION NO. 217

Celebrating the life of Neverett Alexander Eggleston, Jr.

Agreed to by the Senate, March 6, 2024
Agreed to by the House of Delegates, March 7, 2024

WHEREAS, Neverett Alexander Eggleston, Jr., a well-known community leader in the Jackson Ward neighborhood of Richmond who supported his fellow Black entrepreneurs in the city as the cofounder of a trade association for Black-owned businesses, died on September 8, 2023; and

WHEREAS, born during the Great Depression, Neverett Eggleston was the son of a waiter and country club chef who later became the owner of the Eggleston Hotel, formerly Miller's Hotel, in Jackson Ward; and

WHEREAS, Neverett Eggleston graduated from Armstrong High School and earned a bachelor's degree in business administration from North Carolina Agricultural and Technical State University; he subsequently received a certificate from the General Motors Training School and participated in training and professional development programs throughout his life; and

WHEREAS, over the course of his career in business, Neverett Eggleston owned an office building, a gas station, and an automobile repair shop, and was involved with several family-owned restaurants; and

WHEREAS, Neverett Eggleston managed Eggleston Hotel for nine years and helped the business become a destination for Black entertainers, sports stars, political figures, and other travelers who were barred from segregated establishments in the city; guests included Red Foxx, Count Basie, Louis Armstrong, Duke Ellington, Moms Mabley, and Dr. Martin Luther King, Jr., who visited the hotel for breakfast prior to the March on Washington for Jobs and Freedom in 1963; and

WHEREAS, Neverett Eggleston ran for Richmond City Council in 1964 and later supported the Richmond Crusade for Voters; and

WHEREAS, Neverett Eggleston was one of four influential local businessmen who founded the Metropolitan Business League, a local trade association with national ties that served Black business owners who were not permitted to join the Richmond Chamber of Commerce or the Virginia Chamber of Commerce at the time; and

WHEREAS, Neverett Eggleston's son, Neverett Eggleston III, followed in his father's footsteps as an entrepreneur and has established several restaurants, including Croaker's Spot and Sugar's Crab Shack; and

WHEREAS, predeceased by his wife, Jean, Neverett Eggleston will be fondly remembered and greatly missed by his children, Neverett III, Jayne, and Shakita, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Neverett Alexander Eggleston, Jr., a business owner and local leader who supported economic empowerment in Richmond's Black community; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Neverett Alexander Eggleston, Jr., as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 218

Celebrating the life of Emily Beer.

Agreed to by the Senate, March 6, 2024
Agreed to by the House of Delegates, March 7, 2024

WHEREAS, Emily Beer, a member of the Richmond community who devoted her life to helping and supporting others, died on January 1, 2024; and

WHEREAS, Emily Beer lived in the Commonwealth for more than a decade and was a talented entrepreneur who owned a successful graphic design business; and

WHEREAS, outside of her career, Emily Beer was a passionate activist who supported a number of nonprofit organizations, charities, and causes at the local, state, and national levels; and

WHEREAS, Emily Beer was a longtime volunteer with the Virginia Young Democrats, Member Services Director for the Virginia House Democratic Caucus, and design consultant for many campaigns, causes, and local businesses; and

WHEREAS, Emily Beer was deeply spiritual, a fiercely loyal friend, boundless in her kindness and service to others, unselfish with her time and with sharing the wit, good humor, and wisdom she accumulated over her years in politics; and

WHEREAS, Emily Beer found great joy in spending time with her beloved dog, Honey, and sampling the Commonwealth's many fine restaurants, with a penchant for dim sum, hot pot, and dessert; and

WHEREAS, Emily Beer spent her life ensuring that other people were happy, healthy, and successful; she never said "no" to a friend, was quick to empathize when there was a challenge, and the first to offer assistance or unfiltered advice, asking for nothing in return; and

WHEREAS, Emily Beer mentored the next generation of leaders to act with empathy and purpose toward giving back to their communities through acts of service; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Emily Beer; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Emily Beer as an expression of the General Assembly's respect for her memory.

SENATE JOINT RESOLUTION NO. 219

Celebrating the life of Claude Nelson Smith.

Agreed to by the Senate, March 6, 2024
Agreed to by the House of Delegates, March 7, 2024

WHEREAS, Claude Nelson Smith of Roanoke, an esteemed business leader who worked diligently to enhance local life through his active role in the community, died on February 25, 2024; and

WHEREAS, a native of Lynchburg, Claude Smith was a member of the "Greatest Generation," who grew up during the Great Depression and served the nation during World War II; and

WHEREAS, as a member of the United States Army, Claude Smith achieved the rank of staff sergeant and was stationed in the Philippines and Korea; and

WHEREAS, after returning to the Commonwealth, Claude Smith became a prominent businessman and entrepreneur in Roanoke, where he dealt in billiards tables, jukeboxes, and other recreational equipment as the owner of State Amusement Company for 72 years; and

WHEREAS, Claude Smith served as president of the Amusement and Music Operators of Virginia and was on the National Board of Directors of the Amusement and Music Operators of America; and

WHEREAS, Claude Smith helped many fellow Roanoke Valley entrepreneurs launch their businesses, and he provided his leadership and expertise to many civic and service organizations; he was president of the Fraternal Order of Police, supported the local DARE program, and was a member of the Roanoke Regional Airport Commission for 25 years; and

WHEREAS, outside of his career, Claude Smith was a private pilot and lived a life of adventure, experiencing water skiing, scuba diving, ziplining, parasailing, hang gliding, and more; he took up snow skiing at the age of 63 and continued to ski until he was 85; and

WHEREAS, Claude Smith enjoyed fellowship and worship with the community as a longtime member of Hollins Road Baptist Church; and

WHEREAS, predeceased by his first wife, Madeleine, Claude Smith will be fondly remembered and greatly missed by his son, Kenneth, and his family; his wife, Fei; her son, Andy; and numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Claude Nelson Smith; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Claude Nelson Smith as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 220

Commending Greg Nuckols.

Agreed to by the Senate, March 6, 2024
Agreed to by the House of Delegates, March 7, 2024

WHEREAS, Greg Nuckols, a dedicated public safety officer and an advocate for firefighters around the Commonwealth, retired from the Henrico County Division of Fire as a battalion chief after more than 34 years of service; and

WHEREAS, Greg Nuckols held numerous operational and administrative assignments in the Henrico County Division of Fire over the course of his distinguished career; and

WHEREAS, as a lieutenant, Greg Nuckols served at some of the busiest stations in Henrico County and mentored many younger firefighters, earning the Henrico Holder Leadership Award for his commitment to training and education; and

WHEREAS, Greg Nuckols spent the last four years of his career as the battalion chief for health and wellness in the Henrico County Division of Fire; and

WHEREAS, Greg Nuckols played a pivotal role in a firefighter cancer screening initiative, for which he was recognized by the Virginia Fire Chiefs Association; his perseverance and dedication to the project saved the lives of countless firefighters; and

WHEREAS, Greg Nuckols has served the residents of Henrico County and the Commonwealth with integrity and distinction; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Greg Nuckols, an esteemed firefighter in Henrico County, on the occasion of his retirement; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Greg Nuckols as an expression of the General Assembly's admiration for his accomplishments on behalf of his fellow firefighters and the Henrico County community.

SENATE JOINT RESOLUTION NO. 221

Celebrating the life of Hugh John Morris Jones III.

Agreed to by the Senate, March 6, 2024
Agreed to by the House of Delegates, March 7, 2024

WHEREAS, Hugh John Morris Jones III, an esteemed attorney who strengthened the Lynchburg community through his commitment to servant-leadership, died on January 21, 2024; and

WHEREAS, Hugh Jones was born on June 8, 1944, just two days after his father landed on the beaches of Normandy, France, during the D-Day invasion; and

WHEREAS, growing up in Montpelier, Vermont, Hugh Jones made countless memories in the snowy New England winters and often harvested maple sugar in the spring; and

WHEREAS, Hugh Jones graduated from Virginia Military Institute, where he was a member of the football team, and earned a law degree from Washington and Lee University, where he began to develop a lifelong passion for rugby; and

WHEREAS, from 1969 to 1974, Hugh Jones followed in his father's footsteps and joined the military; he served in the United States Army Judge Advocate General's Corps with postings in Germany and Tacoma, Washington; and

WHEREAS, after his honorable discharge, Hugh Jones settled in Lynchburg and served the community as a general legal practitioner for more than four decades; he later served as a founding partner in the firm Jones, Johnston & White, P.C., from which he retired in 2023; and

WHEREAS, Hugh Jones was well known for his vast expertise in real estate law, earning the nickname "the Godfather of Real Estate," and he was consistently voted as the Top Real Estate Lawyer in Lynchburg by his peers; and

WHEREAS, Hugh Jones was a proud patriot who believed in the importance of the rule of law and the Constitution of the United States; he inspired young people by participating in Law Day events at local middle schools and was a trusted mentor to students at Central Virginia Community College; and

WHEREAS, Hugh Jones volunteered with legal aid programs throughout his career and always took the time to meet with a client in need of advice; his friends and family could always count on his honesty and sound judgment; and

WHEREAS, Hugh Jones offered his wise leadership to many local organizations, including as a board member of Westminster Canterbury Lynchburg, as president of the board of the Anne Spencer House and Garden Museum, and as an active participant in Big Brothers Big Sisters; and

WHEREAS, Hugh Jones enjoyed fellowship and worship with the Lynchburg community as a member of First Presbyterian Church; and

WHEREAS, Hugh Jones will be fondly remembered and greatly missed by his wife of 54 years, Betsy; his daughters, Brandom and Caroline, and their families; and numerous other family members, friends, and colleagues; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Hugh John Morris Jones III, a highly admired attorney in Lynchburg; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Hugh John Morris Jones III as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 222

Commending the Reverend Dr. Angelo V. Chatmon.

Agreed to by the Senate, March 6, 2024
Agreed to by the House of Delegates, March 7, 2024

WHEREAS, for 25 years, the Reverend Dr. Angelo V. Chatmon has provided wise spiritual counsel and outstanding leadership to the Dumbarton community as senior pastor of Pilgrim Journey Baptist Church; and

WHEREAS, after receiving a bachelor's degree from Yankton College in South Dakota, Angelo Chatmon attended what is now Brown College in Minnesota, earning degrees in radio and television broadcasting and advertising; and

WHEREAS, Angelo Chatmon pursued a career as a radio announcer and producer in Minneapolis, Minnesota, then served as the vice president of promotion and distribution for Cada Records, a gospel music record label; and

WHEREAS, Angelo Chatmon answered the call to the ministry and continued his education at the Samuel DeWitt Proctor School of Theology at Virginia Union University, where he earned a doctor of ministry degree; and

WHEREAS, Angelo Chatmon served as pastor of Antioch Baptist Church in Mathews County from 1985 to 1996, then joined Pilgrim Journey Baptist Church in 1999; and

WHEREAS, from 1985 to 2005, Angelo Chatmon also served as an assistant professor of religious studies at Virginia Union University, then from 2005 to 2021, he served as its university pastor and director of university and church relations, and he became the university's first ever recipient of the Scott & Stringfellow Outstanding Professor Award; and

WHEREAS, in addition to leading the congregation of Pilgrim Journey Baptist Church, Angelo Chatmon currently serves as chair of the Religious Studies Department at Virginia Union University and as a board member of the Baptist General Convention of Virginia; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend the Reverend Dr. Angelo V. Chatmon on the occasion of his 25th anniversary as pastor of Pilgrim Journey Baptist Church; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the Reverend Dr. Angelo V. Chatmon as an expression of the General Assembly's admiration for his legacy of contributions to the community.

SENATE JOINT RESOLUTION NO. 223

Commending Thomas Taylor, Ed.D.

Agreed to by the Senate, March 6, 2024
Agreed to by the House of Delegates, March 7, 2024

WHEREAS, Thomas Taylor, Ed.D., an esteemed education administrator and superintendent of Stafford County Public Schools, was named Superintendent of the Year for Region 3 of the Virginia Association of School Superintendents in 2024; and

WHEREAS, the award marks the second time that Thomas Taylor has been recognized by the Virginia Association of School Superintendents as Superintendent of the Year after he was honored by the organization in 2016 while superintendent of Middlesex County Public Schools; and

WHEREAS, Thomas Taylor took the helm of Stafford County Public Schools in 2021, taking on the responsibility of leading 33 schools serving more than 31,000 students and a staff of more than 4,300 employees; and

WHEREAS, Thomas Taylor has spearheaded several effective programs to support the growth and development of the school division's students, including specialty centers to foster students' career development, and has worked with the Jed Foundation to address student mental health; and

WHEREAS, Thomas Taylor advances his profession as one of the Commonwealth's commissioners on the Education Commission of the States and through his involvement with a number of local and state educational and community boards; and

WHEREAS, Thomas Taylor holds a bachelor's degree from Virginia Wesleyan University, a master's degree in educational leadership and a doctoral degree in preK-12 education policy from the University of Virginia, and a master's degree in business administration from The College of William & Mary; and

WHEREAS, before becoming an administrator, Thomas Taylor honed his abilities as an education leader over many years as a social studies teacher and coach; and

WHEREAS, Thomas Taylor has embodied the highest virtues of the education profession through his unwavering commitment to his students and teachers, earning the esteem and admiration of all Virginians; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Thomas Taylor, Ed.D., for being named the 2024 Region 3 Superintendent of the Year by the Virginia Association of School Superintendents; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Thomas Taylor, Ed.D., as an expression of the General Assembly's high regard for his contributions to Stafford County and the Commonwealth.

SENATE JOINT RESOLUTION NO. 224

Commending Mount Eagle Elementary School.

Agreed to by the Senate, March 6, 2024
Agreed to by the House of Delegates, March 7, 2024

WHEREAS, Mount Eagle Elementary School, an outstanding public primary school in Fairfax County, celebrates its 75th anniversary in 2024; and

WHEREAS, with the significant growth of the Fairfax County community after the end of World War II, Mount Eagle Elementary School was one of four "emergency schools" built by Fairfax County Public Schools to address overcrowding; and

WHEREAS, Mount Eagle Elementary School took its name from the nearby Mount Eagle mansion, former home of the Reverend Bryan Fairfax, the first American-born Lord Fairfax, who was a contemporary of George Washington; and

WHEREAS, originally just a cement building with only four classrooms, Mount Eagle Elementary School opened in 1949 and enrolled about 100 students; by the start of the next school year, enrollment had doubled to more than 200 children, and it became necessary to operate school on a half-day basis, splitting the students into two groups who attended classes in separate morning and afternoon shifts; and

WHEREAS, in its first year of operation, Mount Eagle Elementary School's head teacher, Josephine Gutshall Fox, was named the school's first principal; she oversaw several additions to the original school building to accommodate the continuous student growth during the beginning of the Baby Boom; and

WHEREAS, Mount Eagle Elementary School was racially segregated until the 1965-1966 school year, when all Fairfax County public schools were integrated; today, 70 percent of the student body is Latino and 12 percent is African American; and

WHEREAS, Mount Eagle Elementary School currently enrolls about 330 students, all of whom are inspired by the school's focus on the Three C's: College-bound, Community, and Collaboration; and

WHEREAS, Mount Eagle Elementary School has benefited from the hard work of countless educators and staff members and the leadership of exceptional administrators like its current principal Jean Consolla; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Mount Eagle Elementary School on the occasion of its 75th anniversary in 2024; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Mount Eagle Elementary School as an expression of the General Assembly's admiration for the school's legacy of service to young people in Fairfax County.

SENATE JOINT RESOLUTION NO. 225

Commending Bucknell Elementary School.

Agreed to by the Senate, March 6, 2024

Agreed to by the House of Delegates, March 7, 2024

WHEREAS, Bucknell Elementary School, an outstanding public primary school in Fairfax County, celebrates its 70th anniversary in 2024; and

WHEREAS, Bucknell Elementary School is the smallest elementary school in Fairfax County, serving approximately 300 students; the school includes seven preschool classrooms and accommodates students with autism, students with disabilities, and students from low-income households; and

WHEREAS, 60 percent of the student body at Bucknell Elementary School is Hispanic, and many students speak Spanish at home; nearly the same percentage of students qualify for free or reduced-price lunch, meaning their family's income is very close to the federal poverty guidelines; and

WHEREAS, in 2015, state officials worked with a private donor, Cox Communications, and Christian Relief Services to deliver 120 new laptop computers for students to check out; this was one of the earliest one-to-one computer programs in Fairfax County and was particularly notable because many of the other programs were at schools serving more affluent populations; and

WHEREAS, the schedule at Bucknell Elementaty School includes Bulldog Time, a 30-minute block of time that gives every student a chance to receive individual or small-group support and academic intervention in math or reading, as well as extension activities for students who are at or above grade level; and

WHEREAS, family involvement is a key part of the instructional program at Bucknell Elementary School; the school recently formed its first-ever parent-teacher association and plans many family activities, including field trips to the zoo and to a Washington Nationals baseball game; and

WHEREAS, the Bucknell Elementary School Parent Center is open daily and serves as a community and educational resource for parents, as well as a place where parents can sign up for volunteer opportunities; and

WHEREAS, building relationships across grade levels is a benefit of Bucknell Elementary School's small size; sixth graders are paired with preschoolers for mentorship opportunities, and students can match with other peer mentors at West Potomac High School to receive homework help and school-success coaching; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Bucknell Elementary School on the occasion of its 70th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Bucknell Elementary School as an expression of the General Assembly's admiration for its service to generations of students in Fairfax County.

SENATE JOINT RESOLUTION NO. 226

Commending Hybla Valley Elementary School.

Agreed to by the Senate, March 6, 2024
Agreed to by the House of Delegates, March 7, 2024

WHEREAS, Hybla Valley Elementary School, an outstanding public primary school in Fairfax County, celebrates its 60th anniversary during the 2024-2025 academic year; and

WHEREAS, Hybla Valley Elementary School was constructed on land that was originally part of Hybla Valley Airport and officially opened in 1964; and

WHEREAS, Hybla Valley Elementary School opened at a time when Fairfax County Schools was implementing racial integration, and it accepted students from the all-Black Drew-Smith Elementary School, laying the foundations of what is now a diverse and inclusive school community; and

WHEREAS, in January 2024, the Hybla Valley Elementary School student body consisted of 888 students in prekindergarten through sixth grade; 571 of those students, more than 60 percent of the school, receive English learner services, while 117 students receive special education support and 82 percent of students qualify for free or reduced price lunch; and

WHEREAS, Hybla Valley Elementary School recently completed a three-year renovation project, which added 31,000 square feet of additional classroom and learning space; and

WHEREAS, Hybla Valley Elementary School's mascot is the Huskies, and the school motto is "Hybla Valley Believes in All Our Huskies"; and

WHEREAS, family involvement is an important component of the sense of community at Hybla Valley Elementary School, with regular social events like family game nights; the school has also cultivated strong relationships with partners like Alfred Street Baptist Church and Lockheed Martin to further enhance the learning process; and

WHEREAS, Hybla Valley Elementary School has benefited from the hard work of countless educators and staff members and the leadership of exceptional administrators like its first principal, Harriett G. Trites, former principal Nellie B. Quander, who was the president of the National Association of Elementary School Principals and appointed to the Virginia State Board for Community Colleges, and current principal Lauren Sheehy; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Hybla Valley Elementary School on the occasion of its 60th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Hybla Valley Elementary School as an expression of the General Assembly's admiration for the school's decades of contributions to young people in the Fairfax County community.

SENATE JOINT RESOLUTION NO. 227

Commending Daniel G. "Bud" Oakey.

Agreed to by the Senate, March 6, 2024
Agreed to by the House of Delegates, March 7, 2024

WHEREAS, Daniel G. "Bud" Oakey, chair, founder, and managing director of Advantus Strategies, LLC, a Richmond-based government affairs firm that specializes in providing business-to-government consulting services at the local, state, and federal level, has made a lasting and meaningful impact on the Commonwealth over his career; and

WHEREAS, Bud Oakey attended Purdue University Northwest, majoring in manufacturing engineering; and

WHEREAS, Bud Oakey worked for various companies as a shop foreman, field engineer, and manager before landing a job as the director of the 1984 Louisiana World Exposition and transitioning to a career in consulting; and

WHEREAS, Bud Oakey acquired valuable consulting experience over the years in distinguished roles, including as Louisiana press secretary for President George H.W. Bush's 1988 election campaign, vice president of the Roanoke Regional Chamber of Commerce, and member of Governor James S. Gilmore's transition team; and

WHEREAS, Bud Oakey has represented business interests before the General Assembly since 1989 and established Advantus Strategies in 1998 to further these efforts; and

WHEREAS, over the past several decades, Bud Oakey has worked tirelessly as an advocate and advisor to numerous clients with a connection to the government at the local, state, or federal level, and he has been an active participant in numerous transportation and economic development projects in the Commonwealth and other states; and

WHEREAS, Bud Oakey has offered his knowledge and expertise as an appointed member of several advisory committees of the Joint Commission on Science and Technology and has served as president of the Virginia Aviation Business Association since 2016; and

WHEREAS, Bud Oakey is a pilot and a lieutenant colonel in the Virginia Wing, Civil Air Patrol, United States Air Force Auxiliary, and he has created a public policy internship program to introduce Civil Air Patrol cadets to the significance of citizen involvement in a bicameral legislative process; and

WHEREAS, in 2024, Bud Oakey worked with Lt. Governor Winsome Earle-Sears to re-establish the Virginia General Assembly Aviation and Aerospace Caucus to explore growth opportunities for these important sectors in the Commonwealth; and

WHEREAS, whether by developing business strategies, managing public relations, or influencing public policy, Bud Oakey secures results for his clients that advance their missions and improve their bottom lines, contributing greatly to the growth and prosperity of the Commonwealth; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Daniel G. "Bud" Oakey for his legacy of service as chair, founder, and managing director of Advantus Strategies, LLC; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Daniel G. "Bud" Oakey as an expression of the General Assembly's admiration for his contributions to the Commonwealth.

SENATE JOINT RESOLUTION NO. 228

Commending Lula Bauer.

Agreed to by the Senate, March 6, 2024
Agreed to by the House of Delegates, March 7, 2024

WHEREAS, Lula Bauer, a youth athletics coach and the executive director of the Lee Mount Vernon Sports Club, was inducted into the Virginia-DC Soccer Hall of Fame in the Meritorious Service Category at the 2024 Virginia Youth Soccer Association Awards Gala; and

WHEREAS, Lula Bauer's remarkable journey with Lee Mount Vernon Sports Club spans more than 30 years; she initially started as a recreational soccer coach and equipment manager, and under her leadership as executive director, the club has flourished, creating travel soccer, travel basketball, recreational basketball, flag football, and lacrosse programs; and

WHEREAS, throughout her tenure, Lula Bauer has coached countless young athletes, with some later returning to coach their own children, a true testament to the positive influence she had on their lives; and

WHEREAS, Lula Bauer has worked tirelessly to ensure that no player is left out due to financial constraints, and her impact on the community extends far beyond the playing fields, such as during the COVID-19 pandemic, when she organized food drives for people in need; and

WHEREAS, Lula Bauer's advocacy for women and girls in sports has been unparalleled; in 2004, she played a pivotal role in introducing small-sided soccer for girls, marking a significant milestone in the region, and in 2006, she championed the inclusion of U9 and U10 girls in a non-result-oriented division, further breaking down barriers; and

WHEREAS, Lula Bauer paved the way for all-female coaching education and referee certification courses in 2018, then orchestrated an all-female international coaching education trip with female coaching education instructors in 2019; and

WHEREAS, Lula Bauer has earned many other awards and accolades over the course of her distinguished career, including the High School Girls Coach of the Year, Virginia State Girls Coach of the Year, and Regional Girls Coach of the Year; and

WHEREAS, Lula Bauer is a pillar of strength and leadership in the Franconia and Mount Vernon communities, and her induction into the Virginia-DC Soccer Hall of Fame is a testament to her unwavering dedication to young people and contributions to the game of soccer; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Lula Bauer on the occasion of her induction into the Virginia-DC Soccer Hall of Fame in 2024; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Lula Bauer as an expression of the General Assembly's admiration for her inspirational legacy of contributions to young athletes in Franconia and Mount Vernon.

SENATE JOINT RESOLUTION NO. 229

Commending the Virginia-Taiwan Trade Office.

Agreed to by the Senate, March 7, 2024
Agreed to by the House of Delegates, March 8, 2024

WHEREAS, on April 24, 2023, Governor Glenn Youngkin established the Virginia-Taiwan Trade Office to serve as the official representation of the Commonwealth in Taiwan and to facilitate services related to economic development and trade; and

WHEREAS, the Virginia-Taiwan Trade Office is designed to promote the Commonwealth's agricultural, industrial, and commercial products and services to Taiwan, as well as generate new business opportunities, sales, and investments across various industries, serving the interests of both the residents of the Commonwealth and the people of Taiwan; and

WHEREAS, the Virginia-Taiwan Trade Office is the Commonwealth's fourth international office, joining offices in Germany, Japan, and South Korea; and

WHEREAS, Virginia's relationship with Taiwan is a meaningful driver of the overall partnership between the United States and Taiwan, with recent growth in annual product exports from the Commonwealth significantly outpacing that of the broader nation; and

WHEREAS, international trade plays an essential role in maintaining the vitality of Virginia's economy, and the Commonwealth and Taiwan share numerous common values; and

WHEREAS, Taiwan is a thriving democracy of 23.5 million people with a dynamic and growing economy that produces many of the items essential for 21st-century life, a strong culture of innovation, the infrastructure to support cutting-edge advancements in a variety of sectors, and a longstanding reputation as a trusted partner in a rules-based global order; and

WHEREAS, the establishment of the Virginia-Taiwan Trade Office, coupled with the historic investments in infrastructure improvements at the Port of Virginia, will position Virginia and Taiwan to increase TEU container traffic and strengthen supply chain relationships; and

WHEREAS, the total value of Virginia and Taiwan's trade in 2022 amounted to $1.73 billion in goods, and increasing opportunities for international trade will continue to position companies in both the Commonwealth and Taiwan for future success; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend the Virginia-Taiwan Trade Office for the opening of its office and commencement of its important work to strengthen the Commonwealth's economy by facilitating international trade; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the Virginia-Taiwan Trade Office as an expression of the General Assembly's admiration for the opening of the office and for its ongoing achievements.

SENATE JOINT RESOLUTION NO. 230

Commending Josh and Barbara Shifflett.

Agreed to by the Senate, March 6, 2024
Agreed to by the House of Delegates, March 7, 2024

WHEREAS, Josh and Barbara Shifflett have provided wise spiritual counsel and served communities in need for 47 years; and

WHEREAS, Josh Shifflett was saved nearly 48 years ago and tells the story that God called him to the ministry and had an eight-hour conversation with him, wherein he said no for seven hours, then said yes on the eighth hour; and

WHEREAS, since that conversation, Josh Shifflett has been preaching the Gospel and a message of salvation throughout the Shenandoah Valley; and

WHEREAS, aside from his decision to dedicate his life to God, Josh Shifflett states his second greatest joy in life was taking Barbara Shifflett as his beautiful bride; the couple have worked together in ministry for decades and proudly raised several children, grandchildren, and great-grandchildren; and

WHEREAS, Josh Shifflett previously drove a youth church bus for over 25 years; and

WHEREAS, Josh Shifflett was selected as interim pastor of Stanardsville Baptist Church in August 2022, then became the senior pastor of Stanardsville Baptist Church in April 2023; and

WHEREAS, as an evangelist, Josh Shifflett saved souls in Guyana and Haiti and learned from great men in the ministry like the late Don McCann; and

WHEREAS, as a proud mountain man with roots in Shifflett Holler, Josh Shifflett's family was one of the nearly 500 families who were forced off their land to create the Shenandoah National Park; and

WHEREAS, Josh Shifflett proudly tells his siblings that he was their grandma's favorite and an authentic aficionado on biscuits, gravy, and banana pudding; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Josh and Barbara Shifflett, senior pastor and first lady of Stanardsville Baptist Church, for their 47 years of service in the ministry in the Commonwealth and abroad; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Josh and Barbara Shifflett as an expression of the General Assembly's respect and admiration for their work in soul winning and leading people to Jesus Christ.

SENATE JOINT RESOLUTION NO. 232

Commending William A. Webb.

Agreed to by the Senate, March 6, 2024
Agreed to by the House of Delegates, March 7, 2024

WHEREAS, William A. Webb, a distinguished law-enforcement officer who served the residents of the Northern Neck for 47 years as a member of several police agencies, retired from the Lancaster County Sheriff's Office on September 20, 2023; and

WHEREAS, William "Bill" Webb began his career with the Northumberland County Sheriff's Office on January 1, 1976, and graduated from the police academy the following July; and

WHEREAS, Bill Webb served with the Northumberland County Sheriff's Office until 1985, when he joined the Kilmarnock Police Department, then transferred to the Lancaster County Sheriff's Office in 1986; and

WHEREAS, Bill Webb rose through the ranks of the Lancaster County Sheriff's Office to become lieutenant of the patrol division, then lieutenant of the detective division; and

WHEREAS, beginning in 2008, Bill Webb served the community as a part-time courtroom security deputy for the Lancaster County Sheriff's Office and as a part-time detective for the Northumberland County Sheriff's Office; and

WHEREAS, over the course of his career, Bill Webb also served two stints as chief of the White Stone Police Department from August 1992 to July 2002 and from January 2008 to July 2012; and

WHEREAS, Bill Webb returned to the Lancaster County Sheriff's Office as the full-time chief deputy on January 1, 2016, and served in that capacity for seven years; and

WHEREAS, Bill Webb served and protected the residents of the Northern Neck with the utmost dedication, integrity, and professionalism; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend William A. Webb on the occasion of his retirement as a law-enforcement officer in 2023; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to William A. Webb as an expression of the General Assembly's admiration for his legacy of exceptional service to the Northern Neck community.

SENATE JOINT RESOLUTION NO. 233

Celebrating the life of Barbara Berry Jenkins.

Agreed to by the Senate, March 6, 2024
Agreed to by the House of Delegates, March 7, 2024

WHEREAS, Barbara Berry Jenkins, a beloved wife, mother, and grandmother and an active resident of the Northern Neck, died on December 27, 2023; and

WHEREAS, Barbara Jenkins was a representative for the Mary Kay cosmetics company for many years; and

WHEREAS, Barbara Jenkins generously volunteered her time to the community as a member of the Westmoreland Ruritan Club and served as the organization's treasurer; and

WHEREAS, Barbara Jenkins enjoyed fellowship and worship with the community as a member of St. James Episcopal Church in Montross; and

WHEREAS, Barbara Jenkins' greatest joy in life was her family, and she relished every opportunity to pass along her wisdom to her children and grandchildren; and

WHEREAS, Barbara Jenkins will be fondly remembered and greatly missed by her husband, John; her children, Beth and Johnny, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Barbara Berry Jenkins, a vibrant member of the Westmoreland County community; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Barbara Berry Jenkins as an expression of the General Assembly's respect for her memory.

SENATE JOINT RESOLUTION NO. 234

Celebrating the life of John Kenner Marlow.

Agreed to by the Senate, March 6, 2024
Agreed to by the House of Delegates, March 7, 2024

WHEREAS, John Kenner Marlow, a longtime resident of Front Royal and a beloved husband, father, grandfather, uncle, and friend, died on February 4, 2023; and

WHEREAS, born on March 28, 1939, in Washington, D.C., John Marlow spent most of his 84 years as a proud resident of the Shenandoah Valley; he graduated from Warren County High School, where he played on Warren County's only undefeated and un-tied football team, held the high scoring record for the Warren County basketball team for decades, and was a district champion in the discus throw; and

WHEREAS, continuing his athletic career, John Marlow attended the University of Virginia (UVA) on a football scholarship, where he served as co-captain of the football team, lettered three times in track, and played basketball as a freshman; and

WHEREAS, an accomplished member of the UVA student body, John Marlow was the president of the V-Club, a member of the Pi Kappa Alpha Fraternity, and a member of the Lawn Society; and

WHEREAS, John Marlow graduated from the UVA McIntyre School of Commerce before serving in the United States Army, where he achieved the rank of lieutenant; and

WHEREAS, John Marlow returned home to Front Royal and began an illustrious business career, which included home building and real estate development, as well as the growth of the Marlow Auto Group, beginning with its original dealership, Marlow Motor Company, which he purchased from his father and which remains a family legacy run by his daughter, Emily Marlow Beck; and

WHEREAS, an active and dedicated member of his community, John Marlow supported a wide array of business and community causes for many years; and

WHEREAS, John Marlow was a founding director of Peoples Bank of Front Royal, a director at Jefferson Bank, a director of First Bank, and served as a director of the Museum of the Shenandoah Valley and as chair of the Board of Trustees at Shenandoah University; and

WHEREAS, John Marlow was the initial visionary and a founder of the Warren County Educational Endowment, which through the years has provided nearly $1 million dollars in grants for the benefit of Warren County students; and

WHEREAS, with the strong belief that he lived in the most beautiful area in the country, John Marlow was driven by duty to serve his community; and

WHEREAS, after a run for lieutenant governor of Virginia, John Marlow decided he could have the greatest impact in local office where he could always do what he felt was right, free from the pressures of the larger political arena; and

WHEREAS, in 1968, John Marlow was elected to the Warren County Board of Supervisors, on which he served for 14 years as one of the first Republicans elected to office in Warren County since Reconstruction and was a founding director of the Lord Fairfax Planning District Commission; and

WHEREAS, John Marlow was a visionary mayor of Front Royal from 1982 to 1990, during which time Front Royal's Main Street was redeveloped, including the design and construction of the Gazebo in Downtown and the renovation of the former train station into the Front Royal Visitors Center; and

WHEREAS, among all of his achievements, John Marlow would confidently say that the best decision he ever made was to marry the love of his life, Joyce Allison Marlow, with whom he shared 58 legendary years and a great partnership in service to their community; and

WHEREAS, John and Joyce Marlow were honored as the 2024 Community Stars at the Community Foundation of the Northern Shenandoah Valley's seventh annual Evening with Our Community Stars on January 11, 2024, for their exceptional acts of philanthropy; and

WHEREAS, John Marlow will be deeply missed by his family, including his wife, his four daughters, five grandchildren and four great-grandchildren, as well as several beloved nieces and nephews and great-nieces and great-nephews; and

WHEREAS, John Marlow will also be fondly remembered and greatly missed by numerous friends and colleagues; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of John Kenner Marlow, a respected member of the Front Royal community; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of John Kenner Marlow as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 235

Commending Rabbi Israel Zoberman.

Agreed to by the Senate, March 7, 2024
Agreed to by the House of Delegates, March 8, 2024

WHEREAS, Rabbi Israel Zoberman, founding rabbi of Congregation Beth Chaverim and Temple Lev Tikvah, both of Virginia Beach, commemorates 50 years in the Rabbinic ministry in 2024; and

WHEREAS, born in Kazakhstan to Polish Holocaust survivors, Israel Zoberman spent his early years in transit and displaced persons camps in Austria and Germany before his family later settled in Haifa, Israel; and

WHEREAS, Israel Zoberman made history as the first rabbi to earn a doctor of ministry degree from McCormick Theological Seminary, a seminary affiliated with the Presbyterian Church, USA, foretelling a career dedicated to fostering interfaith ties throughout the community; and

WHEREAS, Israel Zoberman founded Congregation Beth Chaverim in the early 1980s, a reform synagogue that met at the Church of the Ascension in Virginia Beach from 1985 to 1995, making it one of the only synagogues in the world at the time to meet in a Catholic facility; and

WHEREAS, while at the Church of the Ascension, Israel Zoberman exemplified his commitment to interfaith relations by inviting Muslim members of the community to join his congregation in the first Jewish-Muslim joint prayer to be held in the Tidewater area; and

WHEREAS, Israel Zoberman is notably the first rabbi to serve as chair of the Jewish Community Relations Council of the United Jewish Federation of Tidewater; the first rabbi from Hampton Roads to serve on the board of directors of the Jewish Council for Public Affairs; and the first rabbi to serve as president of the Virginia Beach Clergy Association; and

WHEREAS, Israel Zoberman has served his community as president of what is today the Board of Rabbis and Cantors of Hampton Roads and as a volunteer police chaplain with the Virginia Beach Police Department; and

WHEREAS, Israel Zoberman has received numerous honors in recognition of his efforts as a faith and civic leader, including the 1989 Great Citizen of Hampton Roads award from Cox Cable and an honorary doctor of divinity degree from his alma mater, the Jewish Institute of Religion at Hebrew Union College in Cincinnati; and

WHEREAS, in 1999, as a testament to his impact, Mayor Meyera Oberndorf of Virginia Beach proclaimed April 23rd as "Israel Zoberman Day" in honor of his 25th anniversary in the Rabbinic ministry; and

WHEREAS, in 2019, Israel Zoberman founded Temple Lev Tikvah, a reform Jewish congregation, where he has continued his mission to provide the community with spiritual guidance and opportunities for fellowship and outreach; and

WHEREAS, over the past half-century, Israel Zoberman has remained steadfast in his efforts to promote positive interfaith relations and to support leaders and congregations of other faiths, while remaining equally devoted to the betterment and well-being of the entire Hampton Roads community; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Rabbi Israel Zoberman on the occasion of his 50th anniversary in the Rabbinic ministry; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Rabbi Israel Zoberman as an expression of the General Assembly's admiration for his legacy of service and for his many contributions to the Commonwealth.

SENATE JOINT RESOLUTION NO. 236

Commending John C. Lee, Jr.

Agreed to by the Senate, March 6, 2024
Agreed to by the House of Delegates, March 7, 2024

WHEREAS, John C. Lee, Jr., the respected and admired president and chief executive officer of Mecklenburg Electric Cooperative and EMPOWER Broadband, will retire from both organizations effective June 30, 2024, after 16 years of exemplary service to the Cooperative; and

WHEREAS, John Lee began his 32-year cooperative career in 1992 at Old Dominion Electric Cooperative during the construction of the Clover Power Station and has continuously supported economic development throughout the Commonwealth; and

WHEREAS, John Lee has been an extraordinary leader at Mecklenburg Electric Cooperative, one of the most respected electric cooperatives in the nation, and he helped navigate the organization through the many challenges of the complex and ever-changing energy environment; and

WHEREAS, in 2016, John Lee co-founded the Southside Virginia Community College Power Line Worker Training Program at Fort Barfoot which celebrated its 500th graduate in 2023, and he continues to serve on the advisory board; and

WHEREAS, in 2018, John Lee provided the vision and leadership to launch EMPOWER Broadband, which is now bridging the digital divide and bringing world-class, fast, and affordable internet service to rural Southside Virginia, with more than 5,000 homes and businesses connected; and

WHEREAS, John Lee has served on numerous electric cooperative boards, including the Virginia, Maryland & Delaware Association of Electric Cooperatives, the National Rural Electric Cooperative Association, the National Cooperative Services Corporation, the Alliance For Cooperative Energy Services Power Marketing, and the National Renewables Cooperative Organization; and

WHEREAS, John Lee's concern and desire to serve were not exclusive to cooperative-served communities but included service on state and national stages, as he served on the boards of the Southern Virginia Higher Education Foundation and Virginia Commonwealth University Community Memorial Hospital; and

WHEREAS, an outdoor enthusiast and conservationist, John Lee has been a strong advocate and volunteer for Ducks Unlimited, the National Wild Turkey Federation, and the former Quail Unlimited over many years; and

WHEREAS, John Lee is a beloved husband to Terri, father to Jake and Kaitie, grandfather to McInnis, and a role model to his family and community; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend John C. Lee, Jr., for his outstanding service to Mecklenburg Electric Cooperative, his community, and the Commonwealth; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to John C. Lee, Jr., as an expression of the General Assembly's appreciation for his many accomplishments and his many contributions to his community and his fellow citizens.

SENATE JOINT RESOLUTION NO. 237

Celebrating the life of the Honorable Onzlee Ware.

Agreed to by the Senate, March 6, 2024
Agreed to by the House of Delegates, March 7, 2024

WHEREAS, the Honorable Onzlee Ware, a highly admired former member of the House of Delegates who later served as a district and circuit court judge in Roanoke, died on February 10, 2024; and

WHEREAS, Onzlee Ware was born in Greensboro, North Carolina, and attended North Carolina Agricultural and Technical State University; and

WHEREAS, after an incident in which he was shot and severely wounded for being a police informant, Onzlee Ware resolved to change his life for the better and rededicated himself to the service of others; and

WHEREAS, in the 1980s, Onzlee Ware earned a law degree from North Carolina Central University and relocated to Roanoke to open a private practice; and

WHEREAS, Onzlee Ware was one of the few Black attorneys operating in the Roanoke Valley at the time, and he became a pivotal leader in the local Black community; and

WHEREAS, desirous to be of further service to the Commonwealth, Onzlee Ware ran for and was elected to the House of Delegates in 2003, becoming the first Black delegate from a district west of the Blue Ridge Mountains; and

WHEREAS, Onzlee Ware ably represented the residents of the 11th District for 10 years; he introduced and supported many important pieces of legislation to benefit his district and all Virginians, and he offered his leadership and expertise to the committees on Appropriations, Counties, Cities and Towns, and Education; and

WHEREAS, Onzlee Ware was known as a "quiet giant" who worked to build consensus and understanding, forging many strong friendships across party lines, and he proudly served as a mentor to new legislators and younger members of the General Assembly; and

WHEREAS, among many achievements, Onzlee Ware helped secure funding for the transportation plan that restored passenger rail service to Roanoke; and

WHEREAS, after his tenure as a state lawmaker, Onzlee Ware was selected as a judge of the Roanoke City Juvenile and Domestic Relations District Court of the 23rd Judicial District of Virginia; he presided over the court with great fairness and wisdom and was elected as chief judge; and

WHEREAS, Onzlee Ware was subsequently elevated to the Roanoke City Circuit Court and made history as the first Black circuit court judge in the city; in all his endeavors, he served the Commonwealth and the residents of the Roanoke Valley with the utmost dedication and distinction; and

WHEREAS, Onzlee Ware will be fondly remembered and greatly missed by numerous family members, friends, and colleagues on both sides of the aisle; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of the Honorable Onzlee Ware; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of the Honorable Onzlee Ware as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 238

Commending Yvonne Bunn.

Agreed to by the Senate, March 6, 2024
Agreed to by the House of Delegates, March 7, 2024

WHEREAS, for 35 years, Yvonne Bunn has supported home-educating parents across the Commonwealth by providing her wise counsel and breadth of expertise to the Home Educators Association of Virginia in a variety of leadership roles; and

WHEREAS, a veteran educator, Yvonne Bunn taught high school for 18 years before developing a passion for homeschooling; in 1988, she founded and led a homeschool support group in Chesapeake, the Home Educators Association for Restoration and Teaching (HEART); and

WHEREAS, Yvonne Bunn joined the Home Educators Association of Virginia (HEAV) Board of Directors in August 1989, was elected president of the organization in 1991, then became its first executive director, serving from 1999 to 2005; and

WHEREAS, Yvonne Bunn served as Director of Government Affairs and Homeschool Support from 1994 to 2024, leading all legislative initiatives in the ensuing years and testifying before committees of the Virginia General Assembly whenever necessary, advocating to protect and promote home education, providing countless interviews and articles for the media, and offering guidance to tens of thousands of her fellow homeschool families across the Commonwealth with her insights, instruction, and leadership; and

WHEREAS, Yvonne Bunn delivers accurate, up-to-date information for parents through her popular seminar, "How to Homeschool: What You Really Need to Know," writes for the Virginia Home Educator magazine, responds to emails in a

weekly Q&A, spearheads academic and achievement studies related to home education, and hosts a webinar series for new homeschooling parents; and

WHEREAS, Yvonne Bunn led HEAV's efforts to create the first homeschool license plate in the nation, "Education Begins at Home," launched the first "Day at the Capitol" and Virginia Home Education Week in 1995, initiated partnerships with museums and historical venues to create the first Homeschool Day events, and acted as the homeschool liaison on the Parent-Community Advisory Board at the Virginia Department of Education; and

WHEREAS, Yvonne Bunn continues to serve on the HEAV Advisory Board and is an invaluable source of institutional knowledge who remains committed to the organization's important mission; and

WHEREAS, among many awards and accolades for her achievements on behalf of home-educating parents, Yvonne Bunn received the Outstanding Service Award from the Home School Legal Defense Association; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Yvonne Bunn for her 35 years of contributions to homeschool families as a leader in the Home Educators Association of Virginia; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Yvonne Bunn as an expression of the General Assembly's admiration for her exceptional service to the homeschool community and her work to advance the field of education throughout the Commonwealth.

SENATE JOINT RESOLUTION NO. 239

Commending the Virginia Law Foundation.

Agreed to by the Senate, March 6, 2024
Agreed to by the House of Delegates, March 7, 2024

WHEREAS, the Virginia Law Foundation, an initiative of the Virginia State Bar dedicated to promoting, through philanthropy, the Rule of Law, access to justice, and law-related education, celebrates its 50th anniversary in 2024; and

WHEREAS, the Virginia Law Foundation (VLF) was chartered by the State Corporation Commission on March 4, 1974, to act as the vehicle for financing the acquisition of land and the construction of a headquarters building to serve law-related organizations in the Commonwealth; and

WHEREAS, in 1981, the corporation's board voted to change the name of the corporation to the Virginia Law Foundation, signaling a shift from a focus on building a bar headquarters to the broader agenda of supporting access to justice, law-related education, and Rule of Law projects; and

WHEREAS, that same year, at the behest of the Virginia State Bar and the Virginia Bar Association (VBA), the VLF began supervising the operations of Virginia continuing legal education (CLE) to ensure the provision of the finest in CLE services to the Commonwealth's legal community; and

WHEREAS, from 1983 through 1995, the VLF served as the entity designated by the Supreme Court of Virginia to administer the interest received from the Interest on Lawyers Trust Accounts program and handled this fiduciary responsibility with great care and effect; and

WHEREAS, in 1984, the VLF instituted its fellows program to recognize the top one percent of lawyers in the Commonwealth who have demonstrated excellence in all endeavors associated with the profession and who have made outstanding contributions to their communities; to date the VLF has bestowed this honor on approximately 775 lawyers who meet the ideals of citizen lawyers; and

WHEREAS, through its robust grant program initiated in 1984, the VLF has awarded more than $28 million in grants to myriad programs that support the VLF's mission; and

WHEREAS, over the last decade, the VLF has financially supported several notable signature projects to leave a lasting impact on the Commonwealth, including the Nuremberg Trials Courtroom exhibit at the Virginia Holocaust Museum, the Supreme Court of Virginia's Judicial Learning Center, and the Library of Virginia's program to restore various original governing documents of Virginia; and

WHEREAS, in addition to providing outstanding legal education through its educational division Virginia CLE, the VLF supports other educational organizations and institutions, particularly those that provide educational programming in the areas of civics and constitutional history; and

WHEREAS, in the last five years, the VLF has pioneered its own tremendously successful educational initiatives, including the Constitutional Law Institute, the Civil Rights Law Institute, and the Wellness Institute, and has launched a prestigious professional recognition, the Qualified Counselor and Qualified Master Counselor Designation Program, to assist the public in securing competent legal representation; and

WHEREAS, over the past 50 years, the Virginia Law Foundation has been a constant clarion for justice and a force for good within the Commonwealth; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend the Virginia Law Foundation on the occasion of its 50th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the Virginia Law Foundation as an expression of the General Assembly's admiration for the organization's contributions to the Commonwealth.

SENATE JOINT RESOLUTION NO. 240

Commending the McLean High School journalism program.

Agreed to by the Senate, March 6, 2024
Agreed to by the House of Delegates, March 7, 2024

WHEREAS, the McLean High School journalism program received the First Amendment Press Freedom Award from the Journalism Education Association in 2024; and

WHEREAS, the McLean High School journalism program was one of three Fairfax County schools and one of 28 schools nationwide to receive the First Amendment Press Freedom Award, which recognizes schools that actively promote an understanding of the First Amendment rights and responsibilities of students and teachers, particularly by supporting an independent student-run media; and

WHEREAS, the McLean High School journalism program's most recent First Amendment Press Freedom Award marks the seventh consecutive time the program has received this prestigious honor; and

WHEREAS, the McLean High School journalism program produces *The Highlander*, a student-run news magazine providing coverage of news and community events, as well as other features, that are of interest to McLean High School's students, faculty, and families and the wider McLean community; and

WHEREAS, the McLean High School journalism program will be officially presented with the First Amendment Press Freedom Award at the Journalism Education Association–National Scholastic Press Association's national high school journalism convention in April 2024; and

WHEREAS, the accomplishments of the McLean High School journalism program are the result of the hard work and dedication of the student-journalists, the leadership and guidance of their teachers, and the unwavering support of their families and the entire McLean High School community; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend the McLean High School journalism program for receiving the 2024 First Amendment Press Freedom Award; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the McLean High School journalism program as an expression of the General Assembly's admiration for the program's achievements.

SENATE JOINT RESOLUTION NO. 241

Commending Jack Norcross.

Agreed to by the Senate, March 6, 2024
Agreed to by the House of Delegates, March 7, 2024

WHEREAS, in 2024, Jack Norcross, an alumnus of Herndon High School, won a Regional Emmy Award for his role as supervising producer of the morning show on WCNC Charlotte in Charlotte, North Carolina; and

WHEREAS, Jack Norcross grew up in Reston, graduated from Herndon High School, and previously worked as an executive producer and anchor for Herndon Community Television; and

WHEREAS, a graduate of the Elon University School of Communications, Jack Norcross settled in Charlotte where he joined the local NBC affiliate WCNC Charlotte as a producer-in-residence, then became supervising producer of the 6:00 a.m. morning show "Wake Up Charlotte"; and

WHEREAS, in May 2023, Jack Norcross and his team reported on a fire that resulted in the deaths of two construction workers; his exceptional leadership helped the team respond to the developing story and provide timely and effective coverage; and

WHEREAS, for his outstanding performance, Jack Norcross and the "Wake Up Charlotte" team were recognized at the 38th Annual Nashville/Midsouth Emmy Awards on February 17, 2024, earning a Regional Emmy Award in the Morning Newscast category; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Jack Norcross, winner of a 2024 Regional Emmy Award, for his commitment to high-quality journalism; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Jack Norcross as an expression of the General Assembly's admiration for his accomplishments and best wishes.

SENATE JOINT RESOLUTION NO. 242

Commending Frances W. Ivey.

Agreed to by the Senate, March 6, 2024
Agreed to by the House of Delegates, March 7, 2024

WHEREAS, Frances W. Ivey, an esteemed education administrator who served Fairfax County Public Schools with excellence and dedication for 30 years, including most recently as deputy superintendent, retired from the school division in 2023; and

WHEREAS, Frances Ivey was an educator for 25 years in various school divisions across the country, including in San Diego, California; Beaverton, Oregon; Pittsburgh, Pennsylvania; and Columbus, Ohio; she later served as a special education department chair at several Fairfax County Public Schools (FCPS) and as assistant principal and principal of Herndon High School; and

WHEREAS, after serving as director for pre-kindergarten through 12th grade curriculum and instruction in the FCPS Instructional Services Department, Frances Ivey served as assistant superintendent of FCPS in Cluster 5 and Region 5 before becoming deputy superintendent in 2018; and

WHEREAS, Frances Ivey worked tirelessly throughout her career to cultivate a safe and inclusive learning environment that supports the academic, social, and emotional well-being of her students; and

WHEREAS, Frances Ivey developed many productive and meaningful relationships with the students, families, faculty, and staff she worked with over her career, which served as the foundation for her success as an education administrator; and

WHEREAS, Frances Ivey's leadership and support proved vital to the growth and development of the students and faculty of Fairfax County Public Schools and to the fulfillment of the school division's mission; and

WHEREAS, Frances Ivey embodied the highest ideals of the education profession through her unwavering commitment to her students and faculty members, earning the praise and admiration of all Virginians; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Frances W. Ivey on the occasion of her retirement from Fairfax County Public Schools; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Frances W. Ivey as an expression of the General Assembly's admiration for her contributions to the Commonwealth and best wishes in her future endeavors.

SENATE JOINT RESOLUTION NO. 243

Commending the Loudoun County Combined Fire and Rescue System.

Agreed to by the Senate, March 7, 2024
Agreed to by the House of Delegates, March 8, 2024

WHEREAS, members of the Loudoun County Combined Fire and Rescue System demonstrated extraordinary bravery and courage in their response to a gas leak and home explosion that occurred in Sterling on February 16, 2024; and

WHEREAS, after receiving notice that there was a suspected gas leak at a property in Sterling, several units of the Loudoun County Combined Fire and Rescue System responded and were on the scene when a 500-gallon propane tank that was the source of the leak exploded; and

WHEREAS, upon receiving multiple maydays and calls for help, additional units from the Fairfax County Fire and Rescue Department and the Metropolitan Washington Airports Authority responded and began working diligently alongside members of the Loudoun County Combined Fire and Rescue System to locate and rescue individuals trapped by the debris; and

WHEREAS, the Loudoun County Combined Fire and Rescue System tragically suffered several casualties as a result of this incident, with 11 first responders hospitalized and one firefighter, Trevor Brown of the Sterling Volunteer Fire Department, killed in the line of duty; and

WHEREAS, the events of February 16, 2024, serve as a reminder to all that each and every day the members of the Loudoun County Combined Fire and Rescue System risk their lives as they endeavor to provide fire protection and rescue and emergency medical services (EMS) to the Loudoun County community; and

WHEREAS, with a staff of approximately 500 career first responders and 1,500 volunteer personnel, the Loudoun County Combined Fire and Rescue System provides round-the-clock service at several strategically located facilities in order to respond to Loudoun residents, businesses, and visitors in their time of need; and

WHEREAS, the Loudoun County Combined Fire and Rescue System oversees a broad array of other services as Loudoun County's primary emergency response system, including firefighting and EMS training, the coordination and mitigation of large-scale emergencies and disasters, the E-911 Emergency Communications Center, fire prevention and investigation, hazardous materials response, public education and community outreach programs, swift water rescue, and wildland firefighting; and

WHEREAS, between July 1, 2022 and June 30, 2023, the Loudoun County Combined Fire and Rescue System responded to a total of 35,766 incidents, of which 27,024 were EMS incidents and 8,742 were fire incidents, averaging nearly 100 incidents per day; and

WHEREAS, the members of the Loudoun County Combined Fire and Rescue System make unparalleled sacrifices to ensure the health and safety of the Loudoun County community, earning the esteem and admiration of all Virginians; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend the Loudoun County Combined Fire and Rescue System for the heroism its members displayed on February 16, 2024; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the Loudoun County Combined Fire and Rescue System as an expression of the General Assembly's high regard for the agency's contributions to Loudoun County and the Commonwealth and sincerest condolences for the families of those impacted by this tragic event.

SENATE JOINT RESOLUTION NO. 244

Commending Service Employees International Union, Local 32BJ.

Agreed to by the Senate, March 6, 2024
Agreed to by the House of Delegates, March 7, 2024

WHEREAS, Service Employees International Union, Local 32BJ, the largest union of property service workers in the United States, celebrates its 90th anniversary in 2024; and

WHEREAS, the Service Employees International Union, Local 32BJ (SEIU 32BJ) was founded by the merger of the Local 32-B, which was formed by men in 1934, and Local 32-J, which was formed by women in 1936, in recognition of the strength of a unified movement to improve the rights of workers; and

WHEREAS, SEIU 32BJ has been dedicated to building and growing a diverse, effective, politically independent, and democratic organization of workers in order to change their lives for the better, improve their communities, and foster a more just society for present and future generations; and

WHEREAS, SEIU 32BJ operates primarily in the Northeast and Mid-Atlantic United States, including in Massachusetts, New Hampshire, Rhode Island, Connecticut, New Jersey, New York, Delaware, Pennsylvania, Maryland, Virginia, and Washington, D.C., but extends as far south as Florida and as far west as Montana; and

WHEREAS, SEIU 32BJ's members are primarily frontline workers, including cleaners, property maintenance workers, doormen, security officers, window cleaners, building engineers, school and food service workers, and other building professionals, as well as railroad and factory workers; and

WHEREAS, SEIU 32BJ's members have an important role in ensuring the efficient operations of an array of public and private properties, such as office, apartment, and government buildings; airports and shopping malls; public schools, colleges, and universities; and stadiums, theaters, museums, and country clubs; and

WHEREAS, SEIU 32BJ's members have successfully organized and attained historic pay increases, better benefits, and improved working conditions at Ronald Reagan Washington National Airport, Dulles International Airport, and more than 1,500 office buildings in the greater Northern Virginia area; and

WHEREAS, by working in essential, frontline positions throughout the COVID-19 pandemic, SEIU 32BJ's members were instrumental in ensuring the well-being of the community; their continued commitment to excellent customer experience, building management, and public health and safety are critical to the Commonwealth's economic vitality; and

WHEREAS, representing the full breadth of the nation's diversity and embodying the spirit of the American Dream, SEIU 32BJ has played an important part in the history and culture of the United States for nearly a century; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Service Employees International Union, Local 32BJ, on the occasion of its 90th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Service Employees International Union, Local 32BJ, as an expression of the General Assembly's admiration for the organization's history and its contributions to the Commonwealth and the nation.

SENATE JOINT RESOLUTION NO. 245

Commending the Honorable Avelina S. Jacob.

Agreed to by the Senate, March 6, 2024
Agreed to by the House of Delegates, March 7, 2024

WHEREAS, the Honorable Avelina S. Jacob, an esteemed jurist in Northern Virginia, retired as a judge of the 20th Judicial District of Virginia on January 1, 2024; and

WHEREAS, after graduating from The College of William and Mary in Virginia and receiving a law degree from George Mason University, Avelina Jacob was licensed to practice law in the Commonwealth in 1978; and

WHEREAS, Avelina Jacob was appointed as a Juvenile and Domestic Relations District Court judge of the 20th Judicial District of Virginia, which encompasses the counties of Fauquier, Loudoun, and Rappahannock; and

WHEREAS, Avelina Jacob presided over the court with great fairness and wisdom and was at times the court's only full-time judge, ably handling a heavy caseload; and

WHEREAS, during her tenure on the bench, which included terms as chief judge, Avelina Jacob served the Commonwealth with the utmost integrity, dedication, distinction, and a good sense of humor; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend the Honorable Avelina S. Jacob on the occasion of her retirement as a judge; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the Honorable Avelina S. Jacob as an expression of the General Assembly's admiration for her service to the residents of Northern Virginia and the Commonwealth as a whole.

SENATE JOINT RESOLUTION NO. 246

Commending the Fairfax County Fire and Rescue Department.

Agreed to by the Senate, March 6, 2024
Agreed to by the House of Delegates, March 7, 2024

WHEREAS, for 75 years, the Fairfax County Fire and Rescue Department has safeguarded the residents and property of the Fairfax County community; and

WHEREAS, the Fairfax County Fire and Rescue Department trains firefighters to provide a full complement of fire suppression, technical rescue, swift water rescue, hazardous materials remediation, and emergency medical services, including basic and advanced life support and emergency medical transportation; and

WHEREAS, the Fairfax County Fire and Rescue Department is a career and volunteer all hazards department, ready to respond to any crisis or emergency the county may face; and

WHEREAS, since its humble beginning in July 1949, the Fairfax County Fire and Rescue Department has evolved from 10 skilled members to a complex agency responsible for meeting the emergency needs of more than one million residents; and

WHEREAS, today, nearly 1,400 uniformed men and women of the Fairfax County Fire and Rescue Department operate from 39 fire and rescue stations strategically positioned throughout Fairfax County, while approximately 180 civilians provide key support functions from headquarters and other locations; and

WHEREAS, the courageous, highly trained members of the Fairfax County Fire and Rescue Department have served residents with dedication and distinction and helped make the Fairfax County community a safe place to live, work, and raise a family; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend the Fairfax County Fire and Rescue Department for its legacy of service on the occasion of its 75th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the Fairfax County Fire and Rescue Department as an expression of the General Assembly's admiration for the department's history and its contributions to the Commonwealth.

SENATE RESOLUTION NO. 2

2024 Session operating resolution.

Agreed to by the Senate, January 10, 2024

RESOLVED by the Senate of Virginia, That the Comptroller is directed to issue his warrants on the Treasurer, payable from the contingent fund of the Senate, to accomplish the work of the Senate of Virginia as reported by the Clerk of the Senate to the Senate Committee on Rules during the 2024 Session. Necessary payments to cover salaries of temporary employees and the Pages, per diem for legislative assistants who establish a temporary residence, per diem for Pages and certain employees designated by the Clerk and reported to the Chair of the Senate Committee on Rules, as well as other contingent and incidental expenses, will be certified by the Clerk of the Senate or her designee. Per diem for orientation will be paid as approved by the Clerk.

SENATE RESOLUTION NO. 3

Establishing the Rules of the Senate.

Agreed to by the Senate, January 10, 2024

RESOLVED by the Senate of Virginia, That the following are adopted as the Rules of the Senate to supersede all previous Rules of the Senate:

RULES OF THE SENATE

I.

Presiding Officer.

1. The presiding officer of the Senate shall be the Lieutenant Governor of the Commonwealth as the President of the Senate in accordance with Article V, Section 14, of the Constitution.

2 (a). There shall be elected by the Senate, on the first day of the session following the election of the Senate, a President pro tempore who shall serve for a term coincident with the member's current term of office and be a senior member in the Senate.

2 (b). In the event of the absence, disability, or vacancy in the office of the Lieutenant Governor, the President pro tempore shall carry out the duties of the Lieutenant Governor as presiding officer.

2 (c). The President pro tempore shall have the right to name in open session, or if the President pro tempore is absent, in writing, a Senator to perform the duties of the presiding officer, but such substitution shall not extend beyond an adjournment of a daily session, except by unanimous consent of those present.

2 (d). In the event of a vacancy in the office of the Lieutenant Governor, or whenever the powers and duties of the Governor shall devolve upon the Lieutenant Governor, the President pro tempore shall have the right to name, in writing, a Senator to perform the duties of the presiding officer during the absence of the President pro tempore; and the Senator so named shall have the right to name, in open session, or in writing, if he is absent, a Senator to perform the duties of the presiding officer, but such substitution shall not extend beyond adjournment of a daily session, except by unanimous consent of those present.

3. The presiding officer, after taking the Chair pursuant to these Rules, and a quorum being present, shall cause the Journal of the preceding day to be read. The reading of the Journal may be waived by a majority of those Senators present and voting. The reading of the Journal may be waived at a reconvened session of a special session by at least two members present and voting, only if there is no business to consider in accordance to Article IV, Section 6 of the Constitution of Virginia. Any errors in the entries shall be corrected, and the Journal being found correct, shall be signed by the presiding officer for that day and the Clerk of the Senate. The Journals, when so signed, shall be the official records of the proceedings of the Senate.

4. If any question is put upon a bill or resolution, the presiding officer shall state the same without argument.

II.

Membership, Attendance, and Adjournment.

5. A member of the Senate shall be a Senator elected to represent one of the 40 senatorial districts. A majority of Senators shall constitute a quorum to do business; two may adjourn, and nine may order a call of the Senate, send for absentees, and make any order for their censure or discharge. However, not less than 16 may meet by proclamation of the Governor under the provisions of Article IV, Section 8 of the Constitution. At a special session or a reconvened session of a special session when there is no business to consider in accordance with Article IV, Section 6 of the Constitution of Virginia, two members may convene the Senate, dispense with the reading of the Journal, recess or adjourn the Senate.

6. No Senator shall absent himself from the service of the Senate without leave.

III.

The Pages.

7. The Senate shall elect 20 Pages in accordance with an appointment process approved by the Clerk, in consultation with the Chair of the Committee on Rules, that includes geographical diversity and ensures that each Senator has an appointment for one long (60 days) session and one short (46 days) session during a term. Six Pages shall be appointed by the following: one by the Lieutenant Governor; one by the President pro tempore; one by the chair of the caucus of the majority party; one by the majority leader; one by the chair of the caucus of the minority party; and one by the minority leader. The Clerk may also appoint such number of additional Pages as may be required. The Pages shall be no less than 13 and no more than 14 years of age at the time of election or appointment, shall be residents of the Commonwealth of Virginia, and shall be elected or appointed for a term of one year. No Page shall be eligible for reelection. Any such Page so elected or appointed may be suspended or dismissed for cause by the Clerk of the Senate.

IV.

The Clerk of the Senate.

8 (a). A Clerk of the Senate shall be elected by the Senate for a term of four years and shall thereafter continue in office until another is chosen. The oath of office shall be administered to the Clerk of the Senate by any person qualified by law to administer oaths. If a vacancy in the office of Clerk of the Senate occurs when the General Assembly is not in session, a successor shall be elected by the Committee on Rules to serve until the first day of the next session, at a meeting to be called by the Chair, or in his absence or inability to act, the next senior member of such Committee able and willing to do so. At least five days' notice by certified mail of the time, place and purpose of the meeting shall be given all members of the Committee, and, at such meeting, the person receiving the votes of a majority of the members present and voting shall be elected to fill the vacancy.

8 (b). The Clerk of the Senate shall be the custodian of the public seal and design of armorial bearings of the Senate.

8 (c). The Clerk of the Senate shall be the custodian of all records and papers of the Senate and the Clerk shall not suffer any such records or papers to be taken from the Clerk's desk or out of the Clerk's custody by any person except the Chair or

the clerk of a Committee, or any Senator on taking receipts for same. Amendments agreed to by the Senate shall be handled only by the Clerk of the Senate, or staff members designated by the Clerk.

8 (d). It shall be the duty of the Clerk of the Senate to refer all bills and resolutions to the appropriate standing Committee or the Committee on Rules as provided in these Rules. If there is any objection as to the referral by the Clerk of the Senate of any bill or resolution to any standing committee or the Committee on Rules, the Committee on Rules shall hear the same, resolve the issue and report to the Senate.

8 (e). The Clerk of the Senate shall prepare a list of the Senators in order of seniority. Seniority shall be based upon longest continuous service in the Senate. However, if a Senator has previous interrupted service in the Senate, then the beginning date of such previous Senate service shall qualify the Senator for seniority before those Senators elected at the same time not having previous service in the Senate, and if a Senator has previous service in the House of Delegates then seniority shall be based upon longest continuous service in the House of Delegates and shall qualify the Senator to seniority before those Senators elected to the Senate at the same time not having previous service in the House of Delegates. Senators elected at the same time without previous service in the Senate or House of Delegates shall have their seniority determined by a public drawing of lots, conducted by the Clerk of the Senate, to which all Senators involved shall be invited to attend. After the name of each Senator there shall be indicated the name of the political party under which the Senator was elected or abbreviation of the same; e.g., "Rep." or "Dem." If a Senator was not elected as a nominee of a political party, then such Senator shall be listed as an Independent, or "Ind."; however, if any Senator is elected at a special or general election and such Senator has, prior to such election, declared himself in writing a member of a political party during and prior to such election and the political party of his choice did not hold a convention or call a primary election for such election, such Senator shall be listed as a member of the party of which he declared himself a member.

8 (f). The Clerk of the Senate, after the election of Senators, shall assign chamber desks to the individual Senators with the Senators elected as members of the majority party in the Senate in the chamber area beginning at the north side of the chamber until all such desks have been assigned, and then the Senators elected as members of the minority party in the Senate, and then any Senator not elected as a member of the two major political parties. The Clerk of the Senate shall also assign office space in such buildings as may be made available for the use of the Senate. Whenever feasible, the Clerk of the Senate shall give due consideration in assigning chamber desks and office space to the seniority and request of a Senator. However, the chamber desk or office space of a Senator having immediate prior service in the Senate shall not be reassigned unless he shall so request the Clerk of the Senate.

Should any Senator, however, during his term of office, cease to be a member of the political party of which he was a member at the time of his election or the caucus of such party either by self-declaration or through other conduct, or if a special election results in a change of political party membership, the Clerk of the Senate, upon such change in political party membership or the caucus of such party, is authorized to reassign chamber desks and office space accordingly.

8 (g). The area of the General Assembly Building assigned to the members of the Senate, their legislative support staff, the staff of the Senate, the facilities and space for those charged with the maintenance, repair, and security of such building, and such space designated for the news media shall not be utilized or occupied as office space by any other person or persons, except by vote of the Committee on Rules.

8 (h). During the sessions, the Clerk shall provide office supplies for official use by the Senators.

9. The Journal of the Senate shall be daily drawn up by the Clerk of the Senate, and shall be read the succeeding day, unless the reading thereof is waived as provided in these Rules; it shall be printed under the supervision of the Clerk of the Senate and delivered to the Senators without delay.

10 (a). The Clerk of the Senate shall appoint a chief deputy clerk and such staff as necessary to perform the work of the Senate. The Clerk may also appoint such number of additional Pages as may be required. The Clerk of the Senate shall also appoint such committee clerks as may be necessary after consultation with, and the approval of, the Chair of the Committee on Rules and the Chairs of the several Committees. The Clerk of the Senate shall also appoint such additional committee staff as may be necessary after consultation with, and the approval of, the Chair of the Committee on Rules. All committee clerks so appointed shall remain in the Capitol or other legislative facilities during the daily sessions of the Senate, and committee clerks shall be assigned for duties with various standing Committees by the Clerk of the Senate, after consultation by the Clerk of the Senate and with the approval of the Chair of each such Committee. Additional committee staff shall be assigned for duties with various standing Committees by the Clerk of the Senate, after consultation with, and the approval of, the Chair of the Committee on Rules and the Chair of the respective Committee. Each clerk shall perform any other duties that the Clerk of the Senate shall require, when not employed by their respective standing Committees. Clerks may be removed by the Clerk of the Senate, after consultation with, and the approval of, the Chair of the Committee on Rules. Additional committee staff may be removed by the Clerk of the Senate, after consultation with, and the approval of, the Chair of the Committee on Rules. The Clerk of the Senate shall have supervision over all employees of the Senate.

10 (b). The Clerk of the Senate shall be the clerk to the Committee on Rules.

11 (a). Before reading each bill or resolution by title, the Clerk of the Senate shall announce, either by individual bill or resolution or en bloc, whether it is the first, second, or third time of such reading.

11 (b). The Clerk of the Senate shall keep at the Clerk's desk, during the sittings of the Senate, a calendar that shows the business of the Senate. The Clerk shall make available to each member, before the assembling of the Senate each day, a calendar of pending bills and resolutions. The Clerk shall prepare a list of all bills and resolutions offered on the preceding

day, with the names of the patrons, titles of the bills or resolutions, and the Committees to which the same have been referred under these Rules.

12. It shall be the duty of the Clerk of the Senate, without special order therefor, to communicate to the House of Delegates any action of the Senate upon business coming from the House of Delegates, or upon matters requiring the concurrence of that body, but no such communication shall be made in relation to any action of the Senate while it remains open for consideration.

13. The Clerk of the Senate shall, at the beginning of the term after the election of Senators, have printed the Senate manual and rules, the Constitution of Virginia, and the Constitution of the United States for the use of the Senators.

14 (a). Whenever the Clerk of the Senate is absent, the chief deputy clerk appointed pursuant to law and these Rules shall exercise the powers and perform the duties conferred and imposed upon the Clerk of the Senate by law and these Rules, by and with the consent of the Committee on Rules.

14 (b). In the discharge of all the duties assigned to the Clerk, and such other duties as the Clerk may from time to time undertake, the Clerk shall be subject to the direction of the Committee on Rules.

V.

Sergeant-at-Arms ~~and Doorkeepers~~.

15. A Sergeant-at-Arms shall be elected by the Senate, and shall continue in office at the pleasure of the Committee on Rules for a term not exceeding four years. Except as otherwise provided by these Rules, his duties shall be prescribed by the Committee on Rules.

16. Except by order of the Senate, no Senator shall be taken into custody by the Sergeant-at-Arms on any grounds other than to quell a breach of the peace until the matter is examined by the Committee on Privileges and Elections and reported to the Senate.

17 (a). ~~The Doorkeepers shall be constantly at their post during the daily sessions of the Senate and shall permit no one~~ *No one shall be permitted* to enter freely or remain upon the floor of the Senate during the daily session, except the President of the Senate; members of the General Assembly; officers and employees of the Clerk of the Senate and the Clerk of the House of Delegates; and representatives of the news media in such numbers as may be seated in accommodations provided for them at the press tables. The Committee on Rules shall consider and determine all matters concerning the news media in the Senate Chamber.

17 (b). Members of a Senator's family and such persons whom a Senator may invite shall be entitled to seats in a reserved section of the gallery. Representatives of the news media who cannot be accommodated with seats at press tables on the floor may also be entitled to seats in a reserved section of the gallery.

17 (c). Fifteen minutes prior to the convening of every daily session, the Sergeant-at-Arms shall clear the floor of the Senate of all persons other than those who are authorized to be there during each session and shall not permit unauthorized persons upon the floor of the Senate for five minutes following the conclusion of every daily session.

17 (d). Interviews are not allowed in the Senate Chamber during the daily session or during the recesses during the daily session. Interviews in the Senate Chamber shall end 15 minutes prior to the scheduled start of the daily session and shall not commence until five minutes after the adjournment of the daily session.

17 (e). ~~Whenever any person requests an interview with a Senator or the Clerk of the Senate, a Doorkeeper shall send the request by a Page.~~

~~17 (f). A Doorkeeper shall direct all~~ *All* persons not entitled to entry on the floor of the Senate, as set out above, *shall be directed* to the gallery of the Senate.

VI.

Standing Committees.

18. At the commencement of each session after the election of Senators, a nominations report shall be submitted by the majority caucus to elect members to the standing Committees and the Committee on Rules for terms coincident with their terms of office in such numbers as hereinafter set forth. Such members shall be elected by a majority vote of those present and voting. Each standing Committee and the Committee on Rules shall consist of 15 Senators~~, except the Committee on Finance and Appropriations shall consist of 16 Senators~~.

18 (a). A Committee on Agriculture, Conservation and Natural Resources to consider matters concerning agriculture; air and water pollution and solid waste disposal; conservation of land and water resources; crustaceans and bivalves; all matters of environment, forest, fresh and saltwater fishing, game, mining, parks and recreation, and petroleum products.

18 (b). A Committee on Commerce and Labor to consider all matters concerning banking; commerce; commercial law; corporations; economic development; industry; insurance; labor; manufacturing; partnerships; public utilities, except matters relating to transportation; tourism; workmen's compensation and unemployment matters.

18 (c). A Committee for Courts of Justice to consider matters relating to the Courts of the Commonwealth and the Justices and Judges thereof, including the nominations of such Justices and Judges where provided by the Constitution and statutes of Virginia; and all matters concerning the criminal laws of the Commonwealth; together with all matters concerning the contracts, domestic relations, eminent domain, fiduciaries, firearms, garnishments, homestead and all other exemptions, immigration (with the exception of matters relating to the powers of the Governor or education), magistrates, mechanics' and other liens, notaries public and out-of-state commissioners, property and conveyances (except landlord and tenant and condominium matters), wills and decedents' estates.

It shall report to the Senate the names of such persons as it shall find qualified for election as a Justice or Judge of the Commonwealth. Senators, all or part of whose Senate Districts are within the Circuit or District for which a Judge is to be elected, shall nominate a qualified person for such election by affirmation of a majority of such Senators on a form provided by the Clerk of the Senate. If such Senators are unable to agree on a nominee, a Senator shall only nominate a person deemed qualified by the Committee for Courts of Justice for any judicial position.

Whenever a vacancy in the office of a justice of the Supreme Court or judge of the Court of Appeals is announced, the Chair of the Committee for Courts of Justice shall establish a date certain by which any Senator may forward the name of any potential nominee for such office to the Chair.

18 ~~(c).~~ *(d)*. A Committee on Education and Health to consider matters concerning education; human reproduction; life support; persons under disability; public buildings; public health; mental health; intellectual disability and health professions.

18 ~~(d).~~ *(e)*. A Committee on Finance and Appropriations to consider matters concerning auditing; bills and resolutions for appropriations; the budget of the Commonwealth; claims; general and special revenues of the Commonwealth; all taxation and all matters concerning the expenditure of funds of the Commonwealth.

18 ~~(e).~~ *(f)*. A Committee on General Laws and Technology to consider matters concerning affirmation and bonds; the boundaries, jurisdiction and emblems of the Commonwealth; cemeteries; condominiums; consumer affairs; fire protection; gaming and wagering; housing; inter- or intra-government information technology applications and uses other than those proposed or used to support the operations of the General Assembly or the Senate; land offices; landlord and tenant; libraries; military and war emergency; nuisances; oaths; professions and occupations (except the health and legal professions); religious and charitable matters; state governmental reorganization; veterans' affairs; warehouses; and matters not specifically referable to other Committees, including, but not limited to, matters relating to technology, engineering, or electronic research, development, policy, standards, measurements, or definitions, or the scientific, technical, or technological requirements thereof, except for those affecting the operations of the General Assembly or the Senate.

~~18 (f). A Committee on the Judiciary to consider matters relating to the Courts of the Commonwealth and the Justices and Judges thereof, including the nominations of such Justices and Judges where provided by the Constitution and statutes of Virginia; and all matters concerning the criminal laws of the Commonwealth; together with all matters concerning the contracts, domestic relations, eminent domain, fiduciaries, firearms, garnishments, homestead and all other exemptions, immigration (with the exception of matters relating to the powers of the Governor or education), magistrates, mechanics' and other liens, notaries public and out-of-state commissioners, property and conveyances (except landlord and tenant and condominium matters), wills and decedents' estates.~~

~~It shall report to the Senate the names of such persons as it shall find qualified for election as a Justice or Judge of the Commonwealth. Senators, all or part of whose Senate Districts are within the Circuit or District for which a Judge is to be elected, shall nominate a qualified person for such election by affirmation of a majority of such Senators on a form provided by the Clerk of the Senate. If such Senators are unable to agree on a nominee, a Senator shall only nominate a person deemed qualified by the Committee on the Judiciary for any judicial position.~~

~~Whenever a vacancy in the office of a justice of the Supreme Court or judge of the Court of Appeals is announced, the Chair of the Committee on the Judiciary shall establish a date certain by which any Senator may forward the name of any potential nominee for such office to the Chair.~~

18 (g). A Committee on Local Government to consider matters of local government in the counties, cities, towns, regions or districts, planning boards and commissions and authorities, except matters relating to the compensation of elected officeholders, where funds of the Commonwealth are involved.

18 (h). A Committee on Privileges and Elections to consider matters concerning voting; apportionment; conflict of interests, except those concerning members of the judiciary or solely the legal profession, provided that any such matter, after being reported by the Committee, shall be rereferred by the Committee to the Committee ~~on the Judiciary~~ *for Courts of Justice* for consideration of the matters relating only to members of the judiciary or solely to the legal profession; constitutional amendments; elections; elected officeholders; reprimand, censure, or expulsion of a Senator; and nominations and appointments to any office or position in the Commonwealth (except Justices and Judges of the Commonwealth). It shall consider all grievances and propositions, federal relations and interstate matters. It shall examine the oath taken by each Senator and the certificate of election furnished by the proper office and report thereon to the Senate. It shall review and report as may be required in cases involving financial disclosure statements and shall recommend disciplinary action by majority vote where appropriate. It shall report in all cases involving contested elections the principles and reasons upon which their resolves are founded. It shall determine and report on all matters referred to it by the Senate Ethics Advisory Panel as set forth in the statutes.

Whenever the Clerk receives a report of the Senate Ethics Advisory Panel or a resolution seeking the reprimand, censure, or expulsion of a Senator, the report shall be referred forthwith to the Committee on Privileges and Elections. The Committee shall consider the matter, conduct such hearings as it shall deem necessary, and, in all cases report its determination of the matter, together with its recommendations and reasons for its resolves, to the Senate. If the Committee deems disciplinary action warranted, it shall report a resolution offered by a member of the Committee to express such action. Any such resolution reported by the Committee shall be a privileged matter. The Senate as a whole shall then consider the resolution, and, by recorded vote, either defeat the resolution or take one or more of the following actions: (i) reprimand the Senator with a majority vote of the Senators present and voting; (ii) censure the Senator and place the

Senator last in seniority with a majority vote of the elected membership of the Senate; (iii) expel the Senator with a two-thirds vote of the elected membership of the Senate; or (iv) refer the matter to the Attorney General for appropriate action with a majority vote of the Senators present and voting, in the event the Senate finds a knowing violation of § 30-108 or subsection C of § 30-110 of the Code of Virginia.

18 (i). A Committee on Rehabilitation and Social Services to consider matters concerning alcoholic beverages *and cannabis*; correctional and penal institutions; morals; social services and welfare; and substance abuse.

18 (j). A Committee on Transportation to consider matters concerning airports; airspaces; airways; the laws concerning motor vehicles relating to rules of the road or traffic regulations; heliports; highways; port facilities; public roads and streets; transportation safety; public waterways; railways; seaports; transportation companies or corporations; and transportation public utilities. Any matter relating to rules of the road or traffic regulations which include a change in a penalty shall be rereferred by the Committee to the Committee on the Judiciary.

VII.

Committee on Rules.

19 (a). A Committee on Rules, which shall be in addition to the foregoing standing Committees, consisting of the standing Committee Chairs; the President pro tempore, if the person is not a Chair; the Majority Leader, if the person is not a Chair; the Minority Leader; and other Senators. The Chair of the Committee on Rules shall not be Chair of any standing Committee. The Chair of the Committee on Rules shall be the Chair of the Commission on Interstate Cooperation of the Senate. The Committee shall consider all resolutions amending or altering the Rules of the Senate; all joint rules with the House of Delegates; all bills and resolutions creating study committees ~~or~~, commissions *or work groups*; and all other resolutions (except those of a purely procedural nature, those concerning nominations and appointments to any office or position in the Commonwealth including the nominations of Justices and Judges, and those concerning constitutional amendments). The Committee may report such bills or resolutions with the recommendation that they be passed, or that they be rereferred to another Committee. In considering a bill or resolution, the Committee is empowered to sit while the Senate is in session. There shall be a subcommittee of the Committee, consisting of the Chair and members appointed by the Chair to equal the number of House members appointed to the subcommittee, which shall exercise on behalf of the Committee such powers as are delegated to the Committee when acting jointly with the Committee on Rules of the House of Delegates or a subcommittee thereof.

19 (b). If there is any objection as to the referral by the Clerk of the Senate of any bill or resolution to any standing Committee or any matter relating to the Office of the Clerk, the Committee on Rules shall hear the same, resolve the issue and report to the Senate.

19 (c). The Chair of the Committee on Rules, in consultation with the Clerk, shall consider and determine all matters concerning the news media in the Senate Chamber; all policies concerning travel expenses and reimbursements; all matters concerning joint assemblies with the House of Delegates and such persons, not members of the Senate, who are to be permitted to address the Senate; and all matters concerning the utilization of the facilities available to the Senate and its membership. The Chair, in consultation with the Clerk, shall prescribe the duties not otherwise prescribed for the Clerk, Sergeant-at-Arms, and Doorkeepers. The Chair, in consultation with the Clerk, shall approve the appointment, removal, and assignment for duties of the additional committee staff authorized in Rule 10 (a).

19 (d). The Committee on Rules shall from time to time prescribe such requirements as will expedite the flow of the work of the Senate, all such requirements being subject to the approval of the Senate.

19 (e). The Chair of the Committee on Rules shall appoint a subcommittee to review the financial disclosure statements filed annually by members or candidates and shall determine whether each statement is correct and complete as filed or requires correction, augmentation, or revision by the member or candidate involved, who shall be directed in writing to make the changes required within such time as shall be set by the Committee.

Additional review shall be made of any financial disclosure statement by the Committee on Rules upon a request in writing by 20 percent of the membership of the Senate on the basis of newly discovered evidence. This review shall be made promptly, the adequacy of filing determined, and notice of the determination of the Committee sent in writing to the member involved. If a financial disclosure statement is found to need correction, augmentation, or revision, the member or candidate involved shall be directed in writing to make the changes required within such time as shall be set by the Committee. Failure to make the correction shall result in the matter being referred to the Committee on Privileges and Elections for disciplinary action pursuant to Rules 18 (h) and 53 (b).

19 (f). There shall be a Subcommittee on Standards of Conduct of the Committee on Rules, consisting of three members, one of whom shall be a member of the minority party, appointed by the Chair. The Subcommittee shall consider any request by a Senator for an advisory opinion as to whether the facts in a particular case would constitute a violation of the Rules of the Senate or any statute enacted relative to conflicts of interests, and may consider any other matters assigned to it by the Committee on Rules. Any Senator requesting such an advisory opinion shall submit the request in writing, addressed to the Chair of the Committee on Rules, and shall set forth specifically the facts relative to the opinion sought. The Subcommittee shall convene as soon as practicable, granting the Senator requesting the opinion the right to appear and, upon the conclusion of its deliberations, the Subcommittee shall submit its written opinion to the full Committee on Rules. The Committee on Rules shall consider the written opinion submitted by the Subcommittee and, if accepted, the same shall constitute an advisory opinion for the conduct of the members of the Senate on the issues set forth. The Clerk of the Senate shall maintain a record of such advisory opinions, which shall be available to any member of the Senate.

19 (g). Any Senator who wishes to present a person to the Senate shall first seek the approval of the Chair of the Committee on Rules. The Senator shall submit a written request to the Chair of the Committee and a copy of the request to the Clerk of the Senate, at least 48 hours prior to the time of the presentation. The Chair shall determine the merit of the presentation and notify the Senator of the decision. The submission of the written request and the approval of the Chair shall not be required to present members of the Virginia Congressional Delegation and former members of the Virginia Senate. The Chair, in consultation with the Clerk, shall approve the dates for the presentations. During the regular session, presentations shall not be made on Fridays, crossover, or any day involving action on the appropriation act.

19 (h). The Committee on Rules shall make all Senate appointments to study committees ~~and~~, commissions*, or work groups* in the number authorized for the Senate, whether the authority is limited to Senate members or other persons. It shall appoint members of the Senate to such other committees as may be required to serve as joint committees with the House of Delegates under its Rules, and shall appoint members of the Senate to serve as Senate members on any Committee or Commission required by statute. ~~Senate membership on half of the joint subcommittees and commissions created each session with the House of Delegates shall be of equal membership.~~ *All recommendations by subcommittees and commissions should be by a majority of both House and Senate members respectively.* If no member of a standing Committee of the Senate specified in a study resolution is able to serve, the Committee on Rules may appoint a member of the Senate at large to the study notwithstanding the provisions of the enabling resolution.

VIII.

Composition and Procedures of Committees.

20 (a). The total membership of all Committees and the membership of each standing Committee shall be composed of members of the two major political parties in the Commonwealth and consideration shall be given to the geographic balance in the membership of each standing Committee. Senators shall serve terms on such Committees coincident with their current terms of office. No member shall be removed from a Committee, except by a majority vote of the members present and voting or by forfeiture under these rules or upon submission of the member's resignation from the Committee.

The standing Committees may also include any Senator not elected as a member of the two major political parties. All members of the Senate shall be elected to the standing Committees, where practicable. When the Committees are elected, the Senator first named shall be the Chair. ~~A~~ *However, a* Senator shall serve as Chair of only one of the standing Committees. Next shall be listed the members, listed by seniority and by the date elected to the Committee. At the first meeting of the Committee, the Chair may appoint and announce a vice chair. *The vice chair shall serve at the pleasure of the Chair.*

Should any Senator, during his term of office, cease to be a member of the political party of which he was a member at the time of his election or the caucus of such party either by self-declaration or through other conduct, he shall be deemed, thereby, to have forfeited all Committee memberships to which he may have been elected.

20 (b). Any vacancy in Committee membership during the four-year term of the Committee members shall be filled in the manner in which Committee members are elected in the first instance.

20 (c). The standing Committees shall meet at such time and place as shall be designated by the Committee on Rules, after consultation with the respective Committee Chair, and the fixed time and place of Committee meetings shall be published. All committees shall be governed by the Rules of the Senate.

20 (d). All Committee meetings shall be held in public. All votes on bills shall be recorded.

However, executive sessions may be held pursuant to applicable provisions of law upon a recorded vote. Except as provided herein, a recorded vote of members upon each measure shall be taken and the name and number of those voting for, against or abstaining reported with the bill or resolution and ordered printed on the Calendar. A recorded vote shall not be necessary to report a resolution, if that resolution does not have a specific vote requirement pursuant to these Rules. A Senator who has a personal interest in the transaction, as defined in § 30-101 of the Code of Virginia, shall neither vote nor be counted upon it, and he shall withdraw, or invoke this Rule not to be counted, prior to the taking of any vote upon it, by stating the same before the Committee, and the fact shall be recorded by the Committee Clerk and reported along with the votes of the Committee members on the bill or resolution. If a Senator invokes this rule, the Senator shall not participate, directly or indirectly, in the matter wherein the rule is invoked. Pairs may be taken in Committee voting as provided in Rule 36.

20 (e). The majority of any Committee shall constitute a quorum. Any Senator attending and recorded as present at a Committee meeting who must depart prior to the rising of the Committee, may designate, ~~in writing~~ on committee proxy forms *in writing or electronically*, one member of the Committee to vote his proxy for the duration of his absence, but for no longer than the meeting of the Committee at which the proxy is given and only for the duration during which the Senator leaving the proxy is within the confines of Capitol Square. Proxies are not transferable. The Chair shall be informed in open session of the proxy authority prior to the departure of the Senator so leaving.

20 (f). Any bill or resolution introduced in an even-numbered year, and not reported to the Senate by a Committee may, upon the majority vote of the elected membership of the Committee to which it has been referred, be continued on the agenda of the Committee for hearings and Committee action during the interim between sessions or for future action by the Committee during the following odd numbered year regular sessions. A bill or resolution may be continued only one year from an even-numbered year session and not otherwise. The Committee shall report, prior to the adjournment sine die of the Senate, such bills or resolutions as shall be continued and the Clerk of the Senate shall enter upon the Journal the fact that such bill or resolution has been continued.

20 (g). The Senate, upon consideration of any bill or resolution on the Calendar, may recommit, in accordance with these Rules, the bill or resolution to the Committee reporting the same, and direct the Committee to continue the bill or resolution until the following odd-numbered year regular session, and hold such hearings or render such further consideration of the bill or resolution as the Committee may deem proper.

20 (h). The Chair of the Committee, or the majority of the elected membership of a Committee, may call meetings of the Committee during the interim between sessions to study, call hearings, and consider any bill or resolution continued for further action at the odd-numbered year session, or to consider such other matters as may be germane to the duties of the Committee.

20 (i). The provisions of this Rule relating to legislative continuity between sessions shall be subject to the provisions of Article IV, Section 7 of the Constitution of Virginia.

20 (j). Each Committee shall have a clerk appointed by the Clerk of the Senate, after consultation with the Chair of the Committee on Rules and the Chair of the respective Committee. The Clerk of the Senate shall be the clerk to the Committee on Rules.

20 (k). The Chair of any Committee may appoint subcommittees to consider a particular bill or resolution or to consider matters relative to a portion of the work of the Committee. Such subcommittees shall not take final votes and shall only make recommendations to the Committee. The Chair of the full Committee shall be an ex officio member of all subcommittees and entitled to vote, but shall not be counted as a member for purposes of a quorum. All subcommittees shall be governed by the Rules of the Senate.

20 (l). Any Committee of the Senate may, at its discretion, confer with any Committee of the House of Delegates having under consideration the same subject and arrange joint meetings, hearings or studies, as the Committees deem appropriate.

20 (m). A Committee, after considering a bill or resolution referred to it may:

A. Rerefer the same to another Committee, in the same form received, to consider applicable portions of such bill or resolution as are germane to another Committee under the Rules, or may

B. Report it to the Senate

(i) without amendment,

(ii) with recommendation that a Committee amendment(s) be adopted, or

(iii) with recommendation that it be rereferred to another Committee (either with or without amendment), in which latter event the Clerk of the Senate shall so rerefer unless the Senate shall otherwise direct.

A recorded vote of members shall be taken upon any motion listed in A and B above and the name and number of those voting for, against or abstaining reported with the bill or resolution and ordered printed on the Calendar. The report recorded by the Committee Clerk shall be the recorded vote on the motion and cannot be changed unless the vote is reconsidered and voted upon again. A recorded vote shall not be necessary to report or rerefer a resolution, if that resolution does not have a specific vote requirement pursuant to these Rules.

20 (n). Any bill, except the budget bill sent down by the Governor, whose principal objective is taxation or which establishes a special fund or any type of nonreverting fund, whether or not such bill may also require an appropriation, tax, special or general revenue, shall first be referred to the Standing Committee which has jurisdiction of the subject matter of the bill as defined in rules 18 (a) through 18 (j) of the Rules of the Senate. If said bill is reported by the Committee of original jurisdiction then said bill shall be rereferred by the Committee to the Committee on Finance and Appropriations.

20 (o). A Committee may refer the subject matter of a bill or resolution to any agency, board, commission, council, or other governmental or nongovernmental entity for comment, but the bill or resolution shall remain with the Committee. The Chair of the Committee shall direct the Clerk of the Senate to prepare the appropriate letter and the action of the Committee shall be made available to the public.

20 (p). Committees of the Senate are authorized to seek and obtain, in the period of time between sessions of the General Assembly, the services of citizens of the Commonwealth whose function will be to participate with such Committees or Subcommittees thereof in reviewing legislation or in performing any referred study or study initiated by the Committee or its Chair.

Persons appointed to serve shall receive reimbursement for their actual and reasonable expenses incurred in the performance of services for the Committees. For such other expenses as may be occasioned by the conduct of any Committee study, payments shall have approval in advance by the Chair of the Committee on Rules in consultation with the Clerk and shall be made from the general appropriation to the Senate.

20 (q). Persons who are asked by a Committee Chair to appear before a Committee or subcommittee or study to offer expert testimony may receive reimbursement for their actual and reasonable expenses if approved in advance by the Chair of the Committee on Rules, in consultation with the Clerk.

IX.
Order of Business.

21. At the appointed hour, the presiding officer of the Senate shall take the chair and call the Senate to order, and the order of business thereafter shall be as follows:

(a) A period of devotions.

(b) The recitation of the Pledge of Allegiance to the flag of the United States of America.

(c) A roll call of members present.

(d) The reading of the Journal.

(e) A period to be called the "morning hour," for the following purposes:

i. to dispose of communications from the House of Delegates, the Executive, and the Judiciary.

ii. to recognize and welcome visitors to the Senate.

iii. to receive resolutions and bills, but such resolutions and bills may be received at the Clerk's desk at any time after the "morning hour," with leave of the Senate.

(f) Consideration of unfinished business. (Unfinished business is legislation before the Senate as a result of or pending action by the House of Delegates.)

(g) Consideration of the Calendar of the Senate for that day, for which purpose the Calendar shall be called by the Clerk of the Senate.

(h) Upon completion of the Calendar and then Senators expressing Point(s) of Personal Privilege and such other business as may come before the Senate, a recess or adjournment shall then be taken.

22. To expedite the business of the Senate, it may order the convening of a "special morning session," at which session no vote shall be taken or other business transacted except the introduction of bills and resolutions. Upon the completion thereof, such session shall recess to such time as the Senate may have theretofore ordered. Such "special morning session" shall be convened by the presiding officer or President pro tempore unless otherwise designated. The "special morning session" shall be considered adjourned upon the convening of the daily session.

23 (a). Notwithstanding Rule 21 and Rule 22, any subject may, by a recorded vote of a majority of the members present and voting, be made a special and continuing order, to commence at a time to be fixed by the Senate, and when the time so fixed for its consideration arises, the presiding officer shall lay it before the Senate.

23 (b). When two or more special and continuing orders have been made for the same time, they shall have precedence according to the order in which they were severally assigned, and that order shall only be changed by majority of those present and voting. All motions to change such order shall be decided without debate.

24. When a bill or resolution of the House of Delegates is passed or rejected by the Senate, the fact of the passage or rejection, with the bill or resolution, shall be communicated to the House of Delegates.

25 (a). All bills, resolutions or other business originating in the Senate and all bills, resolutions or other business sent from the House of Delegates shall be dispatched in the order in which they are introduced or received, unless the Senate shall otherwise direct.

25 (b). Bills or resolutions of either house shall be divided on the Calendar between the designations "Uncontested Calendar" and "Regular Calendar" and shall be considered in such order. When such a division is made for bills or resolutions, the Uncontested Calendar shall not include any bills or resolutions (i) that receive a dissenting vote or abstention in Committee, or (ii) to which objection is made by any Senator on first reading. Any bills or resolutions shall be removed from the Uncontested Calendar at any time at the request of any Senator. Resolutions that do not have a specific vote requirement pursuant to these Rules shall not be placed on the Uncontested Calendar but may be divided separately.

25 (c). It shall be the duty of the Clerk to see that the printing and engrossing, when ordered, shall be done in such time that the bills and resolutions may be acted upon according to their priorities upon the Calendar. If, however, any bill or resolution is not ready when it is reached upon the Calendar, it shall be passed by, and be allowed to retain its place upon the Calendar.

25 (d). When the Calendar has been called through, it may be called again in order to dispose of any business that may be ready, and if there is none, the business of the "morning hour" shall be resumed and disposed of; but the business of the "morning hour" shall in no case be allowed to interfere with that of the Calendar without the unanimous consent of the members present.

26 (a). No law shall be enacted except by bill. Every bill, upon its introduction, shall be referred to the appropriate Committee. No bill shall become a law until the procedures required by Article IV, Section 11 of the Constitution of Virginia have been observed.

26 (b). No bill expressly amending any existing law shall be offered by any member unless or until the original and all copies thereof have been prepared so as to indicate deletions and additions. Each bill or resolution shall be signed by at least one Senator or by the Clerk of the Senate upon authorization of a member who has become incapacitated or who is unavailable to sign the legislation. Upon the approval of the Committee on Rules, electronic filing of bills and resolutions and electronic patronage may be permitted. Any bill or resolution offered for introduction in the Senate may show two or more Senators as chief patrons and as "House Patrons" the signatures of members of the House of Delegates. The title of any bill having any provisions pertaining to taxation or revenues shall so indicate. The form for deletions and additions shall be to set forth the material deleted with lines through such material, e.g., ~~deleted~~ ~~material~~ ~~or~~ ~~words~~, and to underscore the words added, before they are received in the Senate. However, the stricken material and underscoring and italics in the printed bill, enrolled bills, and printed Acts shall not be considered evidence of all amendments to any bill or existing statute, but merely as an aid for quick reference to amended portions. Nothing herein contained shall be construed as requiring the use of stricken material or underscoring when new words are substituted for existing words where the new words or the omission of words does not change the sense or meaning of the act.

26 (c). The title of a bill or resolution and all amendments offered thereto shall be entered upon the Journal, except the amendments in the nature of a substitute shall be printed separately, and only the titles thereof entered upon the Journal.

26 (d). Any Senate bill or resolution which has been amended during the legislative process by the Senate shall be engrossed and reproduced by the Clerk of the Senate, as soon as practicable, in sufficient numbers for the members of the Senate and House of Delegates.

26 (e). The designation of "Senate Bill" or "Senate Resolution" or "Senate Joint Resolution" shall not be changed nor amended after a bill or resolution is introduced in the Senate. Nor shall the designation of "House Bill" or "House Joint Resolution" be changed or amended after the bill or resolution is received by the Senate.

26 (f). Any member of the Senate or House of Delegates may request in writing to the Clerk to be added as a co-patron to any Senate bill or joint resolution, provided that the first vote on the passage of the bill or agreement to the joint resolution has not occurred, or, if the bill or joint resolution is not reported from Committee, then prior to the last action on such legislation. A Senator may also request in writing to the Clerk to be added to a Senate resolution within the same timeframe. A co-patron added pursuant to this Rule shall be listed in the Journal as a co-patron of such bill, joint resolution, or resolution, and shall be so listed on such bill, joint resolution, or resolution at its next printing, if any.

Any member of the Senate or House of Delegates may also request in writing to the Clerk to be removed as a co-patron of any bill or joint resolution prior to the deadline set by the General Assembly. A Senator may also request in writing to the Clerk to be removed from a Senate resolution provided that the first vote on the passage of the resolution has not occurred, or, if the resolution is not reported from Committee, then prior to the last action on such resolution. A co-patron removed pursuant to this Rule shall thereafter not be listed in the Journal as a co-patron of such bill, joint resolution, or resolution, nor shall the co-patron's name be listed on such bill, joint resolution, or resolution at its next printing, if any. This Rule shall not apply to the addition or removal of co-patrons to commending and memorial joint resolutions and resolutions.

26 (g). Any memorial or commending resolutions shall conform to the form and procedure set forth by the Clerk of the Senate and shall not be referred to the Committee on Rules, but shall be placed upon the Calendar on the next Thursday of the session and shall be considered for approval on said day; however, any one member may object to such consideration and the same shall be continued to the next Thursday session or any member may move that the same be referred to the Committee on Rules. Any member of the Senate or House of Delegates may request in writing to the Clerk to be added or removed as a co-patron to a Senate commending or memorial joint resolution until one hour after the adjournment of the House of Delegates on the day of the joint resolution's final agreement. A Senator may also request in writing to the Clerk to be added or removed as a co-patron to a Senate commending and memorial resolution until one hour after the adjournment of the Senate on the day of the resolution's final agreement. A co-patron added pursuant to this Rule shall be listed in the Journal as a co-patron of such joint resolution or resolution and so listed on the joint resolution or resolution at its next printing, if any. A co-patron removed pursuant to this Rule shall thereafter not be listed in the Journal as a co-patron of such joint resolution or resolution, nor shall the co-patron's name be listed on such joint resolution or resolution at its next printing, if any.

27. Bills or resolutions originating in the House of Delegates and communicated to the Senate shall be read by title the first time when received and referred to the appropriate Committee unless otherwise directed by the Senate.

28 (a). No bill or resolution reported from a Committee of the Senate shall be recommitted or amended until it has been twice read by title, nor shall any Senate bill or resolution be amended after its third reading, except by the unanimous consent of the Senate. House bills or resolutions may be recommitted or amended at any time before their final passage, but a bill or resolution that has been recommitted to a Committee, when reported by Committee, shall be restored on the Calendar to the status it had before it was recommitted.

28 (b). In the case of a House bill or resolution, engrossment shall only apply to such amendments as may have been made in the Senate.

29. Whenever a Senate bill or resolution is reported to the Senate with one or more House amendments, copies of all such amendments shall be furnished to each Senator. The same shall apply to amendments proposed by a Senate Committee or by a Senator, unless otherwise ordered by the Senate.

30. Every question shall be put in the affirmative and the presiding officer shall declare whether the yeas or the nays have it, which declaration shall stand as the judgment of the Senate. The yeas and nays on any question shall, at the desire of one-fifth of those present, be entered on the Journal. On the final vote of any bill, and on the vote in any election or impeachment conducted in the General Assembly or on the expulsion of a Senator, the name of each Senator voting, and how he voted shall be recorded in the Journal. After the roll has been taken, and before the vote is announced by the presiding officer, any Senator shall have the right to correct any mistake committed in enrolling his name and the presiding officer shall order the vote to be stricken.

31. Any Senator may call for a division of the question, which shall be divided if it comprehends propositions so distinct in substance that, one being taken away, a substantive proposition shall remain for the decision of the Senate.

32. Upon the determination of a question, any Senator may enter his protest upon the Journal, with the consent of one-third of the Senators present; and on the question "Shall the protest be entered on the Journal?", no privileged motion as set out in Rule 47 (a) or Rule 47 (b) shall be in order except to adjourn.

33. Whenever the Senate proceeds to consider any nominations or appointments after the same have been reported by the appropriate Committee, which are subject to the choice or ratification of the Senate, and when it is so ordered by the Senate pursuant to Chapter 37 of Title 2.2 of the Code of Virginia, the same shall be considered in executive session.

X.
The Pending and Previous Question.

34. Upon a motion for the pending question, agreed to by a majority of the Senators present, as indicated by a recorded vote, and there being no other motions afforded priority by these Rules, the presiding officer shall immediately put the pending question. All incidental questions of order arising after a motion for the pending question is made, and pending such motion, shall be decided, whether on appeal or otherwise, without debate.

35. Upon a motion for the previous question, agreed to by a majority of the Senators present, as indicated by a recorded vote, and there being no other motions afforded priority by these Rules, the presiding officer shall immediately put the question, first upon the amendments in the order prescribed in the Rules, and then upon the main question. If the previous question be not ordered, debate may continue as if the motion had not been made.

XI.
Taking the Vote.

36. Every Senator present in the Chamber, when any question is put or vote taken, shall vote or be counted as voting on one side or the other, except in the case of pairs, as hereinafter provided. A Senator who has a personal interest in the transaction, as defined in § 30-101 of the Code of Virginia, shall neither vote nor be counted upon it, and he shall withdraw, or invoke this rule not to be counted, prior to the division and the fact shall be recorded on the voting machine. If a Senator invokes this rule, the Senator shall not participate, directly or indirectly, in the matter wherein the rule is invoked. Pairs upon any question pending may be made and entered upon the Journal, and in such cases shall be announced immediately upon completion of the roll call, and before the announcement of its result. Pairs may be general or special. General pairs shall extend to and include all motions, amendments, or other proceedings in aid of or against the question pending, and which is the subject of the pairs. Special pairs shall depend in their scope upon the agreement between the Senators making the same, but in absence of a specific agreement, the presumption shall be conclusive that the pairs are general. The Senator announcing a pair shall be counted as present for the purposes of establishing a quorum. Pairs may be taken in Committee votes under this rule herein set forth.

37. The voting machine may be used for the call of the roll, for recording abstentions under Rule 36, or for the affirmative and the negative of the question.

38 (a). No Senator shall be allowed to vote or submit a vote statement unless he is in attendance at the daily session at the time the Senate is being divided, or before a determination of the question upon a call of the roll, and is physically present in the Chamber, or one of its anterooms. A Senator may submit a vote statement if he was not recorded as voting or if his recorded vote does not reflect his intention. The statement shall be limited to the fact that his vote was not recorded or that his vote did not reflect his intention and must be submitted to the Clerk of the Senate by the adjournment of the daily session.

38 (b). In cases where the presiding officer is also a member of the Senate at the time a recorded vote is being taken, the presiding officer shall request another Senator to cast his vote for him or shall cast his vote from the Chair.

XII.
Committees of Conference.

39 (a). The Senate members of any committee of conference with the House of Delegates shall be designated by the Chair of the Committee to which the bill or resolution in conference was first referred by the Clerk of the Senate. If a Senate bill or resolution is in conference, the lead chief patron of the same shall be a conferee and, where feasible, members of a Committee to which the bill or resolution was referred or rereferred shall comprise the conferees.

Any conference report must be agreed to by the majority of the members of each house on the conference committee before it may be filed with the Senate. If the report of the first named conference is rejected by the Senate or the conferees cannot agree, the Chair shall designate the same or new conferees in the event a second conference is formed.

Conferees shall not insert in their report matters not committed to them by either house, nor shall they strike from the bill or resolution in conference matters agreed to by both houses.

39 (b). When a committee of conference is meeting it shall inform the Clerk of the place of meeting; and, when a vote be put, the presiding officer shall, before calling the vote, inform the Senate conferees of the pending vote and grant them a reasonable opportunity to return to the Chamber to vote.

XIII.
Debate.

40 (a). While the presiding officer is reporting or putting any question, or the Clerk of the Senate is reporting a bill or resolution or calling the roll, or a Senator is addressing the Chair, strict order shall be observed. No Senator or other person shall give audible expression to his or her approval or disapproval of any proceeding before the Senate. The use of props is prohibited on the floor of the Senate.

40 (b). The use of electronic devices for making and receiving phone calls is prohibited in Senate committee rooms and the Senate Chamber. Violations of this rule shall be punishable as prescribed by the Committee on Rules.

41. If words are spoken in debate that give offense, exception thereto shall be taken the same day, and be stated in writing; and in such case, if the words are decided by the presiding officer, or by the Senate, upon an appeal, to be offensive, and they are not explained or retracted by the Senator who uttered them, he shall be subject to such action as the Senate may deem necessary.

42. When any member is about to speak in debate or deliver any matter to the Senate, he shall rise from his seat, and without advancing, with due respect, address "Mr. President," confining himself strictly to the point in debate, and avoiding all disrespectful language.

43. No member shall speak more than twice upon the same subject without leave of the Senate, nor more than once, until every member choosing to speak has spoken.

44. No question shall be debated until it has been stated by the presiding officer, and the mover shall have the right to explain his views in preference to any Senator.

45. During any debate any Senator, though he has spoken to the matter, may rise and speak to the orders of the Senate if they are transgressed, in case the presiding officer does not so rise and speak, but if the presiding officer stands up at any time, he is first to be heard, and while he is standing Senators shall keep their seats.

46. No Senator shall be allowed to be interrupted while speaking, except on points of order, to correct erroneous statements, or for a Senator to answer any questions that may be stated by the Senator speaking.

47 (a). The following motions shall not be debated or spoken to except as hereinafter provided:

(i) A motion to adjourn.

(ii) A motion calling for a vote on the pending question.

(iii) A motion calling for a vote on the previous question.

(iv) A motion to suspend the Rules.

(v) A motion to close debate.

(vi) A motion to limit debate.

(vii) A motion to extend the limit of debate.

(viii) A motion to reconsider matters not debatable.

(ix) A motion to change, in case of two or more special and continuing orders.

47 (b). Upon the following motions, the mover shall be allowed five minutes to speak to his motion, to state the reasons therefor, and one member opposed to the motion shall be allowed a like time to speak to the motion, to state his objections:

(i) A motion for a special and continuing order.

(ii) A motion to appeal a ruling of the Chair.

47 (c). When a question not debatable is before the Senate, all incidental questions arising after it is stated shall be decided and settled without debate, whether on appeal or otherwise. This same Rule shall apply to all incidental questions arising after the presiding officer has put any question to the Senate.

47 (d). A motion to strike out, being lost, shall preclude neither amendment nor a motion to insert, nor a motion to strike out and insert.

47 (e). When a question is pending, no motion shall be received but to adjourn, to pass by for the day, *to recommit, to rerefer,* for the pending question, for the previous question, or to amend; which several motions shall have precedence in the order in which they are herein set out.

47 (f). Except as otherwise provided herein, the provisions of Rule 47 (e), a primary motion may be substituted once.

XIV.

Reconsideration.

48 (a). A question arising on a Senate Bill, Senate Resolution or Senate Joint Resolution being once determined must stand as the judgment of the Senate, and cannot during the course of that session of the General Assembly be drawn again into debate, unless a motion to reconsider a question which has been decided has been made by a Senator voting with the prevailing side on the same day on which the vote was taken. However, if such action has not been communicated to the House, a motion to reconsider may be made within the next two days of actual session of the Senate thereafter. Unless unanimous consent of the members of the Senate present and voting on a motion for a second or subsequent reconsideration be granted, no measure being once determined may be reconsidered more than once by the Senate during that session of the General Assembly.

When any question is decided in the negative simply for the want of a majority of the whole Senate, any Senator who was absent from the city of Richmond or detained from his seat by sickness at the time of the vote sought to be reconsidered may move its reconsideration.

A Senator desiring such reconsideration shall confer with the Chair of the Committee on Rules, or in his absence the next listed available member of the Committee on Rules, who shall consult with the chief spokesman for and against the measure, if there is any, and thereafter such Chair or next listed member may direct the Clerk to defer or expedite the transmittal of the action of the Senate on the measure to the House of Delegates to permit the making of such motion for reconsideration; however, in no event shall such deferral of transmittal hereunder be for more than one legislative day.

This rule shall not preclude consideration of any House Bill, House Joint Resolution, or House amendment to a Senate Bill or a Senate Joint Resolution, regardless of whether such House measure involves a question already determined.

48 (b). If the Committee has possession of a bill or resolution, a motion to reconsider in Committee may be made no later than the next Committee meeting.

However, a motion to reconsider at a second or subsequent meeting may be made with unanimous consent if the Committee has possession of the bill or resolution.

XV.

Suspension of Rules.

49. Any rule of the Senate may only, except where otherwise provided by the Constitution of Virginia, be amended by a vote of two-thirds of the Senators present and voting. These Rules may be suspended by a vote of two-thirds of the Senators present and voting. If the Senate is meeting due to a state emergency or enemy attack pursuant to Article IV, Section 8 of the Constitution, then the Rules of the Senate may be suspended by a vote of two-thirds of the quorum.

XVI.

Appeals.

50. If the presiding officer rules on any matter under these Rules by his own act, or upon request of any Senator, and if any Senator objects to the ruling of the presiding officer, then an appeal to the Senate shall lie. The appeal shall be stated as a motion to sustain the ruling of the Chair. To overrule the ruling of the Chair shall require a majority of those present and voting. A ruling of the Chair shall not be overruled on appeal by a tie vote.

XVII.

Committee of the Whole.

51. The Senate may go into the Committee of the Whole only upon the affirmative vote of a majority of the members present and voting. When the Senate shall resolve itself into the Committee of the Whole, the President shall leave the Chair and the President pro tempore shall preside in the Committee. If the President pro tempore is absent from the Senate, then the Senate shall elect a chair to preside therein.

The Committee of the Whole shall consider and report on such subjects as may be committed to it by the Senate. The Rules of the Senate shall be observed in the Committee of the Whole, so far as they are applicable. The proceedings in the Committee of the Whole shall not be recorded on the Journal of the Senate, except so far as reported to the Senate by the Chair of the Committee.

XVIII.

Campaign Advocacy Contribution Limitations.

52. During any regular, special, or reconvened session of the General Assembly, no member of the Senate shall use his name or title or authorize another person to use the Senator's name or title, orally or in writing, to solicit monetary contributions if any part of the contributions would be used to pay for an advocacy campaign conducted through mass mailings, e-mails, telephone calls or other communication media to influence the outcome of legislative action by the General Assembly. This rule shall not apply during any recess of a special session. Nothing in this rule shall prohibit a Senator from using his name or title or authorizing another person to use the Senator's name or title in the letterhead or roster listing the membership of an organization.

XIX.

Senate Ethics and Senate Ethics Advisory Panel.

53 (a). The Senate Ethics Advisory Panel shall be composed of five members: three of whom shall be former members of the Senate; and two of whom shall be citizens of the Commonwealth who have not previously held such office. No member shall engage in activities requiring him to register as a lobbyist under § 2.2-422 of the Code of Virginia during his tenure on the Panel. The members shall be nominated by the Committee on Rules of the Senate and confirmed by the Senate. Nominations shall be made so as to assure bipartisan representation on the Panel.

53 (b). Whenever the Clerk receives a report of the Senate Ethics Advisory Panel or a resolution seeking the reprimand, censure, or expulsion of a Senator, the report shall be referred forthwith to the Committee on Privileges and Elections. The Committee shall consider the matter, conduct such hearings as it shall deem necessary, and, in all cases report its determination of the matter, together with its recommendations and reasons for its resolves, to the Senate. If the Committee deems disciplinary action warranted, it shall report a resolution offered by a member of the Committee to express such action. Any such resolution reported by the Committee shall be a privileged matter. The Senate as a whole shall then consider the resolution, and, by recorded vote, either defeat the resolution or take one or more of the following actions: (i) reprimand the Senator with a majority vote of the Senators present and voting; (ii) censure the Senator and place the Senator last in seniority with a majority vote of the elected membership of the Senate; (iii) expel the Senator with a two-thirds vote of the elected membership of the Senate; or (iv) refer the matter to the Attorney General for appropriate action with a majority vote of the Senators present and voting, in the event the Senate finds a knowing violation of § 30-108 or subsection C of § 30-110 of the Code of Virginia.

XX.

Court of Impeachment.

54. When, pursuant to the Constitution, the Senate sits as a Court for the trial of impeachments, the Rules covering the same shall be as the Rules of Procedure and Practice in the United States Senate when sitting on Impeachment Trials.

XXI.

Votes Required.

55. The votes required shall be as set forth in the Appendix to these Rules.

XXII.
Construction of Rules.

56. The Rules of the Senate shall be adopted at the commencement of the first regular session of the General Assembly after the election of the Senate, and shall be in force for the succeeding four years unless amended or suspended as provided by these Rules. In the construction of the Rules, reference shall be had to the following sources in the following order:

(a) Jefferson's Manual of Parliamentary Practice.

(b) Mason's Manual of Legislative Procedure.

(c) Standing Rules for Conducting Business in the Senate of the United States.

APPENDIX
VOTES REQUIRED PURSUANT TO CONSTITUTION OR RULES OF THE SENATE

(1)	Adjournment		
(a)	Daily Session	-- at least 2 Senators (Rule 5)	
(b)	Certain Special Session	-- at least 2 Senators (Rule 5)	
(c)	Certain Reconvened Session of a Special Session	-- at least 2 Senators (Rule 5)	
(2)	Amend Senate bill or resolution after third reading	-- unanimous consent (Rule 28(a))	
(3)	Appeals from ruling of chair to overrule chair	-- a majority of the members present and voting, not less than (Rule 50)	11
(4)	Bills:		
(a)	Ordinary bills	-- a majority of the members voting, not less than (Const. Art. IV, Sec. 11) (Same for House amendment or Conference report)	16
(b)	Appropriation, Claim or Demand of State, Debt or Charge, New Office, Tax	-- a majority of the members elected, not less than (Const. Art. IV, Sec. 11) (Same for House amendment or Conference report)	21
(c)	(1) Bonds, general obligation	-- a majority of the members elected, not less than (Const. Art. X, Sec. 9(b))	21
	(2) Bonds, revenue	-- 2/3 of the members elected, not less than (Const. Art. X, Sec. 9(c))	27
(d)	Charter or "Special Act" for county, city, town or regional government	-- 2/3 of the members elected, not less than (Const. Art. VII, Sec. 1) (Same for House amendment or Conference report)	27
(e)	Printing or Reading dispensed	-- 4/5 of the members voting, not less than (Const. Art. IV, Sec. 11)	17
(f)	Creating new office	-- a majority of the members elected, not less than (Const. Art. IV, Sec. 11)	21
(5)	Call of the Senate to send for absentee(s)	-- at least 9 Senators (Rule 5)	
(6)	Censure of a Senator	-- a majority of the members elected, not less than (Rule 18(h) and Rule 52(b))	21
(7)	Committee of the Whole, to go into	-- a majority of the members present and voting, not less than (Rule 51)	11
(8)	Confirmation of Virginia Conflict of Interest and Ethics Advisory Council and Senate Ethics Panel Appointments	-- a majority vote of (i) the members present of the majority party and (ii) the members present of the minority party	
(9)	Constitution, amending		
(a)	Virginia Constitution Bills or Resolutions proposing to amend	-- a majority of the members elected, not less than (Const. Art. XII, Sec. 1)	21
(b)	Amendment to Bill or Resolution proposing to amend Virginia Constitution	-- a majority of the members elected, not less than (Const. Art. XII, Sec. 1)	21
(c)	Virginia Constitutional Convention, calling of	-- 2/3 of the members elected, not less than (Const. Art. XII, Sec. 2)	27
(d)	United States Constitution, Resolutions proposing to ratify and amend	-- a majority of the members present and voting, not less than	11

(e)	United States Constitution, Resolutions proposing calling of a convention to amend	-- a majority of the members present and voting, not less than	11
(10)	Discharging Committee	-- a majority of the members voting, not less than 2/5 of the members elected (Const. Art. IV, Sec. 11)	16
(11)	Division of question required	-- 1 Senator (Rule 31)	1
(12)	Election of "Interim" Clerk	-- a majority of Committee members present and voting, at least 5 Senators	
(13)	Emergency Clause	-- 4/5 of the members voting, not less than (Const. Art. IV, Sec. 13)	17
(14)	Expulsion of a Senator	-- 2/3 of the members elected, not less than (Const. Art. IV, Sec. 7; Sec. 10; Rule 18(h) and Rule 53(b))	27
(15)	Extended Session 30 days	-- 2/3 of the members elected, not less than (Const. Art. IV, Sec. 6)	27
(16)	Governor, disability of	-- 3/4 of the members elected, not less than (Const. Art. V, Sec. 16)	30
(17)	Governor's recommendation for amending bill	-- a majority of the members present. In case of refusal, bill again sent to Governor (Const. Art. V, Sec. 6)	
(18)	Impeachment	-- 2/3 of the members present, not less than (Const. Art. IV, Sec. 17; Sec. 10)	14
(19)	Interruption of the Calendar	-- unanimous consent of members present (Rule 25(d))	
(20)	Journal, reading waived		
(a)	All sessions except reconvened special sessions with no business	-- a majority of the members voting, not less than (Rule 3)	11
(b)	Reconvened special sessions with no business	-- 2 Senators (Rules 3 and 5)	2
(21)	President pro tempore's substitute to continue to preside over the Senate	-- unanimous consent of members present (Rule 2(c))	
(22)	Protest entered upon Journal	-- 1/3 of the members present, not less than (Rule 32)	7
(23)	Quorum		
(a)	Emergency	-- at least 16 Senators (Const. Art. IV, Sec. 8)	
(b)	Daily Session	-- a majority of members elected, not less than (Const. Art. IV, Sec. 8; Rule 5)	21
(c)	Reconvened Session	-- a majority of members elected, not less than	21
(d)	Certain Special Session	-- at least 2 Senators (Rule 5)	
(e)	Certain Reconvened Session of a Special Session	-- at least 2 Senators (Rule 5)	
(f)	Committee	-- a majority of the Committee (Rule 20(e))	
(24)	Reading or printing of a Bill dispensed	-- 4/5 of the members voting, not less than (Const. Art. IV, Sec. 11)	17
(25)	Reconsideration		
(a)	Floor (Second and subsequent Reconsideration)	-- unanimous consent of members present (Rule 48(a))	

(b)	Committee	-- unanimous consent of the committee if later than the next meeting (Rule 48(b))	
(26)	Recorded vote, yeas and nays		
(a)	Floor	-- 1/5 of the members present (Const. Art. IV, Sec. 10 and Rule 30)	
(b)	Committee	-- 1/5 of the Committee members present	
(27)	Referring certain violations of Conflicts of Interests Act to Attorney General	-- a majority of the members voting, not less than (Rule 18(h) and Rule 53 (b))	11
(28)	Reprimand of a Senator	-- a majority of the members present and voting, not less than (Rule 18(h) and Rule 53(b))	11
(29)	Resolutions other than those proposing a Constitutional amendment	-- a majority of the members voting, not less than	16
(30)			
(a)	Special and Continuing Order	-- a majority of the members present and voting, not less than (Rule 23(a))	11
(b)	Changing Special and Continuing Order	-- a majority of the members present and voting, not less than (Rule 23(b))	11
(31)	Supreme Court, Increase size of	-- 3/5 of the members elected, voting at 2 consecutive regular sessions, not less than (Const. Art. VI, Sec. 2)	24
(32)	Suspending or amending Rules		
(a)	Regular quorum	-- 2/3 of the members present and voting, not less than Rule (49)	14
(b)	Lesser quorum pursuant to Art. IV, Sec. 8 of the Constitution	-- 2/3 of the quorum, not less than (Rule 49)	11
(33)	Veto, to override	-- 2/3 of the members present, not less than a majority of the members elected (Const. Art. V, Sec. 6)	21
(34)	Vote to elect Senator(s) to Committee	-- a majority of the members present and voting, not less than (Rule 18)	11
(35)	Vote to remove Senator from a Committee	-- a majority of the members present and voting, not less than (Rule 20(a))	11
(36)	Votes on elections, impeachments or expulsions of a Senator	-- names to be recorded in Journal (Const. Art. IV, Sec. 10) (also see Secs. 7 & 17)	

SENATE RESOLUTION NO. 4

Commending Terry Woods.

Agreed to by the Senate, January 18, 2024

WHEREAS, Terry Woods, the chief animal control officer of Carroll County, retired in 2023 after a long and distinguished career lasting more than 34 years; and

WHEREAS, Terry Woods graduated from Carroll County High School and studied at Cardinal Criminal Justice Academy; he began serving as the chief animal control officer of Carroll County in May 1989 and became a respected authority on animal control throughout the region and the Commonwealth; and

WHEREAS, over the years, Terry Woods worked with local, state, and federal law-enforcement agencies to investigate reports of animal cruelty, and he achieved numerous animal cruelty convictions; he was also a member of the Virginia Animal Control Association for more than a decade; and

WHEREAS, animal control officers in the region frequently contacted Terry Woods for advice on handling specific animal welfare issues, and during his tenure, other localities often sent their animal control officers to be trained in Carroll County; and

WHEREAS, Terry Woods is a tireless advocate for animals, and he led efforts to change laws on puppy mills in the Commonwealth and received an award for his work to end animal fighting; and

WHEREAS, among many other accolades, Terry Woods was selected as 1998 Animal Control Officer of the Year by the Virginia Animal Control Association for developing procedures related to large animals involved in accidents; and

WHEREAS, Terry Woods also received the A. Clark Slaymaker Award from the Virginia Environmental Health Association and awards from the Carroll County Board of Supervisors, the Federal Emergency Management Agency, the Virginia State Police, and many others; and

WHEREAS, outside of his career, Terry Woods was an active leader in the community and supported the local Boy Scout troop; now, therefore, be it

RESOLVED by the Senate of Virginia, That Terry Woods, chief animal control officer of Carroll County, hereby be commended on the occasion of his retirement as chief animal control officer; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Terry Woods as an expression of the Senate of Virginia's admiration for his commitment to animal welfare and contributions to the Carroll County community.

SENATE RESOLUTION NO. 5

Celebrating the life of Jack William Nurney, Jr.

Agreed to by the Senate, January 25, 2024

WHEREAS, Jack William Nurney, Jr., a highly admired member of the Suffolk community who touched countless lives through his generosity, civic-minded leadership, and personal integrity, died on September 29, 2023; and

WHEREAS, Jack Nurney grew up in Suffolk and spent his summers on the Nansemond River in Bennett's Creek; he attended Suffolk High School, then earned a bachelor's degree from Virginia Military Institute before serving on active duty in the United States Army during the Korean War; and

WHEREAS, after his honorable military service, Jack Nurney attended the Wharton School of Business at the University of Pennsylvania and pursued a long and successful career in the insurance industry; and

WHEREAS, Jack Nurney worked for Woodward and Elam Insurance Agency for 18 years, served as president of Nurney-Stephenson Insurance Company for 23 years, and subsequently retired as a member of J. Walter Hosier & Son, Inc.; and

WHEREAS, outside of his career, Jack Nurney offered his wisdom and expertise to the Suffolk Highway Safety Commission and the Suffolk Board of Zoning Appeals; and

WHEREAS, Jack Nurney also served community members in need as a leader in the Suffolk chapter of the American Red Cross, the Nansemond-Suffolk United Way, the Suffolk Rotary Club, and the Louise Obici Memorial Hospital, among many other organizations; and

WHEREAS, in recognition of his legacy of contributions to the residents of Suffolk, Jack Nurney received the First Citizen of Suffolk award in 1997; he inspired members of the community through his exceptional character and his servant's heart, humility, and genuine grace; and

WHEREAS, Jack Nurney was a loyal alumnus of Virginia Military Institute, who counseled many young people about their plans for higher education and military service, participated in recruiting events throughout Hampton Roads, and supported current cadets; and

WHEREAS, a man of deep and abiding faith, Jack Nurney was a lifelong member of Suffolk Christian Church, where he volunteered his leadership to several church boards and committees over the years; and

WHEREAS, predeceased by his loving wife of 64 years, Ann, Jack Nurney will be fondly remembered and greatly missed by his children, Ann, Susan, and William, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of Jack William Nurney, Jr., a pillar of the Suffolk community and a true Virginia gentleman; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Jack William Nurney, Jr., as an expression of the Senate of Virginia's respect for his memory.

SENATE RESOLUTION NO. 6

Commending the Honorable Dr. Luke E. Torian.

Agreed to by the Senate, February 8, 2024

WHEREAS, the Honorable Dr. Luke E. Torian, an esteemed public servant and faith leader who has spent his career dedicated to bringing people together to make positive change through his ministry, leadership, and community service, retired from his position as pastor of First Mount Zion Baptist Church of Dumfries after 28 years on December 31, 2023; and

WHEREAS, since 1995, Luke Torian has served as pastor of First Mount Zion Baptist Church, for which his service has been recognized by countless awards and accolades, including the James Floyd Jenkins Pillar of Faith Award from Howard University in 2002, appointment to the Virginia Board of Counseling by Governor Mark R. Warner in 2004, and an honorary doctor of divinity degree from Virginia Union University in 2021; and

WHEREAS, as a community leader in Prince William County, Luke Torian founded Virginians Organized for Interfaith Community Engagement (VOICE), and his strong belief in "ministry beyond the walls" of the church has resulted in the development of ministries such as those designed to provide reduced-cost groceries to families, mentorship and education for pregnant teenagers and teenage parents, and outreach to youth incarcerated in juvenile detention facilities; and

WHEREAS, Luke Torian has given generously of his time to the community through his involvement with a number of organizations, such as the Creative and Performing Arts Center, Project Mend A House, local Boys and Girls Clubs of America, and Action in Community Through Service (ACTS), an organization designed to alleviate hunger, homelessness, and domestic violence in the community; and

WHEREAS, Luke Torian has been awarded three Citizen of the Year awards and a Man of the Year award by the Omega Psi Phi Fraternity, Inc., and, in 2019, he was awarded the Founders' Lifetime Achievement Award by the fraternity's Pi Lambda Lambda Chapter; and

WHEREAS, Luke Torian took his dedication to community a step further when he was elected in 2009 to represent the 52nd District of the House of Delegates; since then, he has worked tirelessly to better the lives of all Virginians through improvements to education, housing, criminal justice, and more; in 2020, he became the first African American to be appointed as chair of the House Appropriations Committee; and

WHEREAS, in addition to the awards he has received from organizations including the Virginia Education Association, the Virginia Chamber of Commerce, and the Prince William County chapter of the National Coalition of 100 Black Women, Luke Torian has earned Legislator of the Year awards from the Virginia Council of Chapters of the Military Officers Association of America, the Virginia Governmental Employees Association, and the Treasurers' Association of Virginia in 2019, 2020, and 2021, respectively; now, therefore, be it

RESOLVED by the Senate of Virginia, That the Honorable Dr. Luke E. Torian hereby be commended on the occasion of his retirement from the pastorship of First Mount Zion Baptist Church in Prince William County; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the Honorable Dr. Luke E. Torian as an expression of the Senate of Virginia's admiration for his legacy of service and best wishes for a happy and fulfilling retirement.

SENATE RESOLUTION NO. 7

Commending the Freedom High School football team.

Agreed to by the Senate, January 25, 2024

WHEREAS, the Freedom High School football team of Woodbridge won the Virginia High School League Class 6 state championship on December 9, 2023, at the University of Virginia; and

WHEREAS, the Freedom High School Eagles defeated the Highland Springs High School Springers by a score of 42-34 to bring home the program's second consecutive state championship title and to finish the season with a perfect 14-0 record; and

WHEREAS, after seeing a significant lead cut to 35-27 toward the end of the third quarter, the Freedom Eagles turned a fourth-and-1 situation on the ensuing possession into a 49-yard rushing touchdown that all but sealed their victory; and

WHEREAS, the Freedom Eagles saw impressive play on both sides of the ball during the contest, including 264 yards and two rushing touchdowns from Jeff Overton, Jr., 74 yards and two touchdowns from Kam Courtney, and an interception and touchdown from Jachai Hughes; and

WHEREAS, the Freedom Eagles are the first Prince William County high school football program to claim back-to-back state titles since C.D. Hylton High School accomplished the feat in 1998 and 1999; and

WHEREAS, the success of the Freedom Eagles is the result of the hard work and dedication of the student-athletes, the leadership and guidance of their coaches and teachers, and the unwavering support of their families and the entire Freedom High School community; now, therefore, be it

RESOLVED by the Senate of Virginia, That the Freedom High School football team hereby be commended for winning the 2023 Virginia High School League Class 6 state championship; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Darryl Overton, coach of the Freedom High School football team, as an expression of the Senate of Virginia's admiration for the team's achievement.

SENATE RESOLUTION NO. 8

Commending the Reverend Tyler C. Millner, Sr.

Agreed to by the Senate, January 25, 2024

WHEREAS, for more than 33 years, the Reverend Tyler C. Millner, Sr., has provided wise spiritual leadership and led generous community outreach programs as the pastor of Morning Star Holy Church in Martinsville; and

WHEREAS, Tyler Millner is a graduate of Johnson C. Smith University in North Carolina and the McCormick Theological Seminary in Illinois, and he completed further studies at Harvard University and New York University; and

WHEREAS, Tyler Millner cultivated his administrative skills and leadership abilities as an executive vice president of Virginia Union University and as the director of minority affairs for what is now Dominion Energy; and

WHEREAS, Tyler Millner was ordained as a minister in the United Holy Church of America in 1971, and he returned to Martinsville in 1991 to become the second pastor of Morning Star Holy Church, which had been founded and previously led by his mother, the Reverend Almeda F. Millner; and

WHEREAS, Tyler Millner is passionate about spiritual growth, building inter-faith understanding, and leading by example; he established inspirational ministries for Black youths and encouraged members of the congregation to pursue leadership opportunities in the church and in the region; and

WHEREAS, a gifted public speaker, fundraiser, and community organizer, Tyler Millner has guided the congregation of Morning Star Holy Church to take an active role in local life through unique and engaging programs; and

WHEREAS, Tyler Millner has supported social justice and cultural preservation efforts by launching a citizens' awareness program known as the Blue Ribbon Campaign and establishing the Richmond Community Learning Week, which has become a national model for Martin Luther King, Jr. Day commemorations; and

WHEREAS, over the course of his long career, Tyler Millner has demonstrated an abiding passion for making Martinsville and Henry County strong and welcoming communities with good and responsible governance, balanced media, and high levels of citizen engagement; and

WHEREAS, if an issue is significant for local residents, Tyler Millner can be counted upon to provide a guiding presence, be willing to speak on behalf of those in need, and insist that the people have a voice and be heard; his deep motivation is that his community can be a "Beloved Community" as described by Martin Luther King, Jr.; now, therefore, be it

RESOLVED by the Senate of Virginia, That the Reverend Tyler C. Millner, Sr., hereby be commended for his decades of service to the Martinsville community as the pastor of Morning Star Holy Church; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the Reverend Tyler C. Millner, Sr., as an expression of the Senate of Virginia's admiration for his commitment to servant-leadership.

SENATE RESOLUTION NO. 9

Celebrating the life of Jon Robert Tabb.

Agreed to by the Senate, January 25, 2024

WHEREAS, Jon Robert Tabb, an honorable veteran, accomplished information technology manager, and beloved member of the Prince George County community, died on August 29, 2023; and

WHEREAS, a graduate of Matthew Fontaine Maury High School in Norfolk, where he set multiple swimming records, Jon Tabb attended Old Dominion University for a year before enlisting in the United States Navy in 1967; and

WHEREAS, after proudly serving his country with the United States Navy for six years, Jon Tabb returned to Old Dominion University and earned a bachelor's degree; and

WHEREAS, following graduation, Jon Tabb worked for some time in the computer sciences department at Old Dominion University before moving to Colonial Heights to serve as an information technology manager for Philip Morris International until his retirement in 2009; and

WHEREAS, Jon Tabb became an Eagle Scout with the Boy Scouts of America in 1966 and throughout his life encouraged others to join the organization and seek the elite distinction of Eagle Scout; and

WHEREAS, Jon Tabb found great joy in researching his family history and over the years developed and maintained meticulous records detailing the generations on both sides of his family, the Tabbs and Buzzards; and

WHEREAS, among his interests and hobbies, Jon Tabb particularly enjoyed traveling the world with his wife Barbara and spending time with his friends at the Tar Bay Gun Club; and

WHEREAS, Jon Tabb will be fondly remembered and dearly missed by his loving wife of 45 years, Barbara; his children, Melisa and Kristen, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of Jon Robert Tabb, a treasured member of the Prince George County community whose kind and generous spirit touched countless lives; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Jon Robert Tabb as an expression of the Senate of Virginia's respect for his memory.

SENATE RESOLUTION NO. 10

Celebrating the life of Alan Earl Casteen.

Agreed to by the Senate, January 25, 2024

WHEREAS, Alan Earl Casteen, an honorable member of the Army National Guard, accomplished financial advisor, dedicated public servant, and a beloved member of the Isle of Wight community, died on September 15, 2023; and

WHEREAS, Alan "Al" Casteen was eager to serve his country and ensure the safety and well-being of his community, joining the Army National Guard after graduating high school; and

WHEREAS, Al Casteen developed expertise in computers in the early years of the technology and would ultimately go on to leverage that experience to become an independent financial advisor to several Fortune 25 companies; and

WHEREAS, Al Casteen proudly served his constituents over multiple terms as the Smithfield District supervisor on the Isle of Wight County Board of Supervisors, bringing his extensive knowledge of the locality to bear in making decisions for its growth and betterment; and

WHEREAS, an honorary member of the Isle of Wight Volunteer Rescue Squad, Al Casteen was heralded around town for his generous tendency to gift free ice cream vouchers to every police officer, city worker, trooper, and first responder he encountered; and

WHEREAS, Al Casteen was a founder and multi-term president of the Portsmouth Street Rod Association, a local club of automobile enthusiasts, which provided him an outlet for his passion for cars and a network of close friends over the past half century; and

WHEREAS, Al Casteen will be fondly remembered and dearly missed by his loving wife of 54 years, Newanna; his children, Taraleigh and Lana, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of Alan Earl Casteen, a cherished member of the Isle of Wight community whose kindness and generosity were an inspiration to all who knew him; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Alan Earl Casteen as an expression of the Senate of Virginia's respect for his memory.

SENATE RESOLUTION NO. 11

Celebrating the life of Richard Edward Railey, Jr.

Agreed to by the Senate, January 25, 2024

WHEREAS, Richard Edward Railey, Jr., an esteemed trial attorney and beloved son, brother, husband, father, grandfather, and member of the Courtland community, died on July 4, 2023; and

WHEREAS, born in Franklin, Richard Railey graduated from Southampton High School in 1967 before earning a bachelor's degree in government from the University of Virginia in 1971 and a juris doctor degree from the Cumberland School of Law at Samford University in 1974; and

WHEREAS, upon graduating from law school, Richard Railey formed Railey & Railey, a law partnership with his father, Richard, Sr., and he later carried on this family tradition by practicing alongside his son, Richard III; and

WHEREAS, Richard Railey touched on a wide array of legal areas in his practice as an attorney, including personal injury, juvenile and domestic relations, and criminal defense, and worked tirelessly to secure positive outcomes for his clients; and

WHEREAS, from 1988 until his death, Richard Railey proudly served as the county attorney of Southampton County, providing astute legal counsel for the benefit of the locality and its residents; and

WHEREAS, Richard Railey supported the legal profession through his membership in several legal organizations, including as past president and member of the Virginia Trial Lawyers Association; and

WHEREAS, Richard Railey gave generously of his time in service to others as a longtime member of the Courtland Ruritan Club and Virginia Hound Heritage, Inc.; and

WHEREAS, guided by his deep and abiding faith, Richard Railey was a lifelong member of the Courtland United Methodist Church, where he enjoyed worship and fellowship with his community; and

WHEREAS, an avid sportsman and hunter, Richard Railey was a two-time appointee of Governor Mark R. Warner to what was formerly the Board of Game and Inland Fisheries, contributing to the responsible management of the Commonwealth's wildlife resources; and

WHEREAS, Richard Railey will be fondly remembered and dearly missed by his loving wife of 44 years, Anne; his children, Richard III and Benjamin, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of Richard Edward Railey, Jr., a treasured member of the Courtland community whose kindness and legacy of service inspired all who knew him; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Richard Edward Railey, Jr., as an expression of the Senate of Virginia's respect for his memory.

SENATE RESOLUTION NO. 12

Commending Rick and Cheryl Rowlands.

Agreed to by the Senate, January 25, 2024

WHEREAS, Rick and Cheryl Rowlands, active volunteers with the Isle of Wight Christian Outreach Program, were named Citizens of the Year by the Smithfield Ruritan Club and the Smithfield Rotary Club on December 11, 2023; and

WHEREAS, in 2020, Rick and Cheryl Rowlands joined the Isle of Wight Christian Outreach Program (COP), an organization of local church members and businesses dedicated to collecting and distributing food, furniture, diapers, children's books, and other forms of emergency assistance to Isle of Wight County residents in need; and

WHEREAS, Rick and Cheryl Rowlands quickly became invaluable members of COP, with Rick Rowlands serving as executive director and Cheryl Rowlands co-leading the organization's food distribution and "Food For Thought" children's book distribution programs since 2021; and

WHEREAS, Rick and Cheryl Rowlands have worked tirelessly to address a nearly 50 percent increase in clients served by COP over the past three years, thoughtfully adapting the organization's operations at times to better meet the needs of the community; and

WHEREAS, Cheryl Rowlands has been instrumental to the success of COP's programs, overseeing a significant rise in the number of diapers and books distributed to families and the number of clients receiving assistance for rent or utility bills; and

WHEREAS, Rick Rowlands has been an invaluable mechanic and handyman for COP, guiding the installation and maintenance of new equipment to improve the organization's service capacity; and

WHEREAS, through their leadership and dedication, Rick and Cheryl Rowlands have improved the quality of life for countless residents of Isle of Wight County, earning the praise and esteem of all Virginians; now, therefore, be it

RESOLVED by the Senate of Virginia, That Rick and Cheryl Rowlands hereby be commended for being named 2023 Citizens of the Year by the Smithfield Ruritan Club and the Smithfield Rotary Club; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Rick and Cheryl Rowlands as an expression of the Senate of Virginia's admiration for their contributions to the Commonwealth.

SENATE RESOLUTION NO. 13

Commending the Smithfield Packers Youth Sports 06U Blue team.

Agreed to by the Senate, January 25, 2024

WHEREAS, the Smithfield Packers Youth Sports 06U Blue team won the Peninsula Youth Football and Cheerleading Organization super bowl championship on November 18, 2023, at Poquoson Middle School; and

WHEREAS, Smithfield Packers Youth Sports draws student-athletes from the Isle of Wight County school system, including Carrollton Elementary School, Hardy Elementary School, and Westside Elementary School; Isle of Wight Academy; and beyond; and

WHEREAS, the Smithfield Packers include Elliot Alvarado, Paxton Brake, Weston Brake, Wyatt Brake, CaTai Clary, Boyce Farmer, Nelson Jackson IV, Charles Jenkins IV, Calvin Martin, Jr., Sutton McCormick, Kaysen Oliver, Jeremiah Pierce, Axel Snyder, Jayce Townsend, and Kyrie Wiggins; and

WHEREAS, the Smithfield Packers defeated the Grafton-Tabb Tigers by a score of 12-6 in double overtime to bring home the program's second consecutive state title; and

WHEREAS, the Smithfield Packers' victory was a total team effort, with Kyrie Wiggins scoring a touchdown on the first possession in the first quarter, followed by CaTai Clary scoring the game-winning touchdown and the defense holding their opponents scoreless in the final minutes of the second overtime; and

WHEREAS, the Smithfield Packers concluded its season with an impressive 12-1 record, a testament to the teamwork, dedication, and perseverance the team and program have enjoyed over the past few years; and

WHEREAS, the success of the Smithfield Packers is the result of the hard work and dedication of the student-athletes; the leadership and guidance of their coaches, parents, and the faculty and staff of Isle of Wight County Public Schools and Isle of Wight Academy; and the unwavering support of the entire Smithfield Packers family and the communities of the Town of Smithfield and Isle of Wight County; now, therefore, be it

RESOLVED by the Senate of Virginia, That the Smithfield Packers Youth Sports 06U Blue team hereby be commended for winning the 2023 Peninsula Youth Football and Cheerleading Organization super bowl; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the Smithfield Packers Youth Sports 06U Blue team as an expression of the Senate of Virginia's admiration for the team's achievement.

SENATE RESOLUTION NO. 14

Commending Master Sergeant Jack Dixon Peed, Jr., VA VNG.

Agreed to by the Senate, January 25, 2024

WHEREAS, Master Sergeant Jack Dixon Peed, Jr., VA VNG, an honorable veteran and distinguished member of the Virginia Air National Guard, has nobly served the country and the Commonwealth for many years; and

WHEREAS, Jack Peed embarked upon his military career as a member of the United States Marine Corps in January 1994, attending boot camp at Parris Island, South Carolina, and graduating as a private first class in April of the same year; he then honed his skills by completing an aviation electronics mate course in Millington, Tennessee, a light attack helicopter aviation technician course in Camp Pendleton, California, and several other trainings over the years; and

WHEREAS, Jack Peed's assignments during his six-year career with the United States Marine Corps included Marine Aviation & Logistics Squadron 29 of Marine Aircraft Group 29, Marine Expeditionary Unit 26 aboard the USS *Nassau*, Marine Aviation & Logistics Squadron 16 of Marine Aircraft Group 16 in Tustin, California, and Marine Aviation & Logistics Squadron 39 of Marine Aircraft Group 39 in Camp Pendleton, California; and

WHEREAS, Jack Peed transitioned to the United States Marine Corps Reserve in 2000, serving with Marine Medium Helicopter Squadron 774 out of Virginia Beach, and a year later enlisted with the Virginia Air National Guard 203rd Rapid Engineer Deployable Heavy Operational Repair Squadron Engineer (RED HORSE) Squadron, also of Virginia Beach; and

WHEREAS, in November 2006, Jack Peed was deployed to Balad Air Base in Iraq for one year to support Operation Iraqi Freedom as the electrical systems shop non-commissioned officer in charge (NCOIC) with the 557th RED HORSE Squadron; and

WHEREAS, Jack Peed then served for one year beginning in March 2011 as the electrical distribution shop NCOIC with the 809th RED HORSE Squadron at Camp Dwyer in Afghanistan as part of Operation Enduring Freedom; and

WHEREAS, Jack Peed most recently served in 2016 as the electrical systems NCOIC for the 203rd RED HORSE Squadron in Virginia Beach; and

WHEREAS, as a member of the United States Marine Corps, Jack Peed obtained the rank of sergeant and was awarded several medals and commendations, including the Marine Corps Good Conduct Medal; and

WHEREAS, in recognition of his service as a member of the Virginia Air National Guard, including his deployments to Iraq and Afghanistan, Jack Peed obtained the rank of master sergeant and was decorated with several additional medals and awards; now, therefore, be it

RESOLVED by the Senate of Virginia, That Master Sergeant Jack Dixon Peed, Jr., VA VNG, hereby be commended for his dedication to the country and the Commonwealth; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Master Sergeant Jack Dixon Peed, Jr., VA VNG, as an expression of the Senate of Virginia's admiration for his service.

SENATE RESOLUTION NO. 15

Nominating a person to be elected to the Court of Appeals of Virginia.

Agreed to by the Senate, January 24, 2024

RESOLVED by the Senate of Virginia, That the following person is hereby nominated to be elected to the Court of Appeals of Virginia as follows:

The Honorable Mary Bennett Malveaux, of Henrico, as a judge of the Court of Appeals of Virginia for a term of eight years commencing April 16, 2024.

SENATE RESOLUTION NO. 16

Nominating persons to be elected to circuit court judgeships.

Agreed to by the Senate, January 24, 2024

RESOLVED by the Senate of Virginia, That the following persons are hereby nominated to be elected to the respective circuit court judgeships as follows:

The Honorable Marjorie T. Arrington, of Chesapeake, as a judge of the First Judicial Circuit for a term of eight years commencing May 1, 2024.

The Honorable Jamilah D. Le Cruise, of Norfolk, as a judge of the Fourth Judicial Circuit for a term of eight years commencing March 1, 2024.

The Honorable S. Anderson Nelson, of Mecklenburg, as a judge of the Tenth Judicial Circuit for a term of eight years commencing July 1, 2024.

The Honorable J. Overton Harris, of Hanover, as a judge of the Fifteenth Judicial Circuit for a term of eight years commencing May 1, 2024.

The Honorable Ricardo Rigual, of Fredericksburg, as a judge of the Fifteenth Judicial Circuit for a term of eight years commencing July 1, 2024.

Patrick M. L. Blanch, Esquire, of Fairfax, as a judge of the Nineteenth Judicial Circuit for a term of eight years commencing April 1, 2024.

The Honorable Jonathan D. Frieden, of Fairfax, as a judge of the Nineteenth Judicial Circuit for a term of eight years commencing February 1, 2024.

The Honorable J. Christopher Clemens, of Salem, as a judge of the Twenty-third Judicial Circuit for a term of eight years commencing July 1, 2024.

The Honorable John T. Cook, of Lynchburg, as a judge of the Twenty-fourth Judicial Circuit for a term of eight years commencing June 1, 2024.

The Honorable Robert M. D. Turk, of Radford, as a judge of the Twenty-seventh Judicial Circuit for a term of eight years commencing July 1, 2024.

SENATE RESOLUTION NO. 17

Nominating persons to be elected to general district court judgeships.

Agreed to by the Senate, January 24, 2024

RESOLVED by the Senate of Virginia, That the following persons are hereby nominated to be elected to the respective general district court judgeships as follows:

The Honorable Michael R. Katchmark, of Chesapeake, as a judge of the First Judicial District for a term of six years commencing July 1, 2024.

The Honorable Daniel R. Lahne, of Virginia Beach, as a judge of the Second Judicial District for a term of six years commencing July 1, 2024.

The Honorable Gordon S. Vincent, of Accomack, as a judge of the Judicial District 2-A for a term of six years commencing July 1, 2024.

The Honorable Selena S. Glenn, of Hampton, as a judge of the Eighth Judicial District for a term of six years commencing July 1, 2024.

The Honorable Theresa W. Carter, of Orange, as a judge of the Sixteenth Judicial District for a term of six years commencing July 1, 2024.

Robert V. Bryan, Jr., Esquire, of Prince William, as a judge of the Nineteenth Judicial District for a term of six years commencing October 1, 2024.

Anthony H. Nourse, Esquire, of Fairfax, as a judge of the Nineteenth Judicial District for a term of six years commencing April 1, 2024.

Leslie R. Adams, Esquire, of Pittsylvania, as a judge of the Twenty-second Judicial District for a term of six years commencing February 1, 2024.

The Honorable Sam D. Eggleston, III, of Nelson, as a judge of the Twenty-fourth Judicial District for a term of six years commencing July 1, 2024.

David B. Spigle, Esquire, of Botetourt, as a judge of the Twenty-fifth Judicial District for a term of six years commencing March 16, 2024.

The Honorable J. D. Bolt, of Grayson, as a judge of the Twenty-seventh Judicial District for a term of six years commencing July 1, 2024.

The Honorable Gerald E. Mabe, II, of Wythe, as a judge of the Twenty-seventh Judicial District for a term of six years commencing July 1, 2024.

Jeffrey L. Campbell, Esquire, of Smyth, as a judge of the Twenty-eighth Judicial District for a term of six years commencing February 1, 2024.

The Honorable William E. Jarvis, of Prince William, as a judge of the Thirty-first Judicial District for a term of six years commencing November 1, 2024.

SENATE RESOLUTION NO. 18

Nominating persons to be elected to juvenile and domestic relations district court judgeships.

Agreed to by the Senate, January 24, 2024

RESOLVED by the Senate of Virginia, That the following persons are hereby nominated to be elected to the respective juvenile and domestic relations district court judgeships as follows:

The Honorable David J. Whitted, of Chesapeake, as a judge of the First Judicial District for a term of six years commencing July 1, 2024.

The Honorable Diane P. Griffin, of Portsmouth, as a judge of the Third Judicial District for a term of six years commencing July 1, 2024.

The Honorable Robert M. Smith, III, of Norfolk, as a judge of the Fourth Judicial District for a term of six years commencing July 1, 2024.

The Honorable J. David Rigler, of Chesterfield, as a judge of the Twelfth Judicial District for a term of six years commencing July 1, 2024.

The Honorable Ashley K. Tunner, of Richmond, as a judge of the Thirteenth Judicial District for a term of six years commencing May 16, 2024.

The Honorable Margaret W. Deglau, of Henrico, as a judge of the Fourteenth Judicial District for a term of six years commencing July 1, 2024.

The Honorable Ronald L. Morris, of Greene, as a judge of the Sixteenth Judicial District for a term of six years commencing February 1, 2024.

Razan Fayez, Esquire, of Fairfax, as a judge of the Nineteenth Judicial District for a term of six years commencing February 1, 2024.

Michael C. Sprano, Esquire, of Fairfax, as a judge of the Nineteenth Judicial District for a term of six years commencing August 1, 2024.

The Honorable Brian H. Turpin, of Pittsylvania, as a judge of the Twenty-second Judicial District for a term of six years commencing July 1, 2024.

The Honorable Brooke-Taylor Willse Gaddy, of Campbell, as a judge of the Twenty-fourth Judicial District for a term of six years commencing July 1, 2024.

The Honorable H. Cary Payne, of Bedford, as a judge of the Twenty-fourth Judicial District for a term of six years commencing July 1, 2024.

The Honorable H. Lee Chitwood, of Pulaski, as a judge of the Twenty-seventh Judicial District for a term of six years commencing February 1, 2024.

The Honorable Richard S. Buddington, II, of Washington, as a judge of the Twenty-eighth Judicial District for a term of six years commencing July 1, 2024.

The Honorable Marcus F. McClung, of Scott, as a judge of the Thirtieth Judicial District for a term of six years commencing July 1, 2024.

SENATE RESOLUTION NO. 19

Nominating a person to be elected as a member of the Judicial Inquiry and Review Commission.

Agreed to by the Senate, January 24, 2024

RESOLVED by the Senate of Virginia, That the following person is hereby nominated to be elected as a member of the Judicial Inquiry and Review Commission as follows:

Kyung N. Dickerson, Esquire, of Fairfax County, as a member of the Judicial Inquiry and Review Commission for a term of four years commencing July 1, 2024.

SENATE RESOLUTION NO. 20

Nominating persons to be elected as members of the State Corporation Commission.

Agreed to by the Senate, January 24, 2024

RESOLVED by the Senate of Virginia, That the following persons are hereby nominated to be elected as members of the State Corporation Commission as follows:

Kelsey A. Bagot, Esquire, of Loudoun, as a member of the State Corporation Commission for a term of six years commencing April 1, 2024.

Samuel T. Towell, Esquire, of the City of Richmond, as a member of the State Corporation Commission for an unexpired term commencing March 17, 2024 and ending January 31, 2028.

SENATE RESOLUTION NO. 21

Nominating a person to be elected to the Virginia Workers' Compensation Commission.

Agreed to by the Senate, January 24, 2024

RESOLVED by the Senate of Virginia, That the following person is hereby nominated to be elected to the Virginia Workers' Compensation Commission as follows:

The Honorable Wesley G. Marshall, of the City of Richmond, as a member of the Virginia Workers' Compensation Commission for a term of six years commencing June 1, 2024.

SENATE RESOLUTION NO. 22

Commemorating the life and legacy of Susan G. Gibson.

Agreed to by the Senate, January 25, 2024

WHEREAS, Susan G. Gibson, a pioneering education administrator and community activist, played a pivotal role in advancing the education of Black children in Bedford County in the first half of the 20th century; and

WHEREAS, born on October 29, 1878, in the Oak Mountain community of Bedford County to parents who were formerly enslaved, Susan "Susie" Gibson went on to earn a certificate from the former Virginia Seminary and College in Lynchburg and later a degree from what is today Virginia State University; and

WHEREAS, after serving as an educator for several years, Susie Gibson became what was known at the time as a Jeanes Supervisor, a position supported by the Jeanes Foundation in which she effectively served as the superintendent of segregated Black schools in the Bedford County area; and

WHEREAS, as Jeanes Supervisor, Susie Gibson surveyed and assessed the schools in her district while also offering lessons to students in various edifying subjects and supporting teachers through the provision of materials; and

WHEREAS, recognizing the importance of a quality education, Susie Gibson regularly spoke at area churches to encourage young people to attend school; and

WHEREAS, beyond her work in education, Susie Gibson was actively involved in civic affairs through various organizations in Bedford County, including the American Red Cross and the Bedford County Tuberculosis Association, which she served as chair; and

WHEREAS, when a new high school was opened for Black students in Bedford County in 1954, five years after Susie Gibson had passed away, the local school board named the institution in her honor, making it the only school in the Commonwealth at the time to be named for a Black woman; and

WHEREAS, following the desegregation of the Commonwealth's schools, Susie G. Gibson High School was renamed the Bedford Educational Center in 1970; however, in 2020, the Bedford County School Board voted unanimously to rechristen the school the Susie G. Gibson Science and Technology Center to honor her memory; and

WHEREAS, in 2022, a Virginia Department of Historic Resources highway marker was unveiled to memorialize Susie Gibson and Susie G. Gibson High School, recognizing the important roles they played in the local history of Bedford County; and

WHEREAS, Susie Gibson will long be remembered for her unwavering efforts to lift up Black students and educators and to promote unity and reconciliation in the community of Bedford County; now, therefore, be it

RESOLVED by the Senate of Virginia, That the life and legacy of Susie G. Gibson hereby be commemorated on the occasion of the 75th anniversary of her death; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to descendants of Susie G. Gibson as an expression of the Senate of Virginia's high esteem for her contributions to Bedford County and the Commonwealth.

SENATE RESOLUTION NO. 23

Celebrating the life of Corporal Spencer Roman Bartley Collart, USMC.

Agreed to by the Senate, February 1, 2024

WHEREAS, Corporal Spencer Roman Bartley Collart, USMC, a highly admired native of Arlington who served the nation as an aircraft crew chief in the United States military, died in the line of duty on August 27, 2023; and

WHEREAS, Spencer Collart grew up in Arlington and attended Taylor Elementary School and Swanson Middle School; he began high school with the inaugural class of Arlington Tech, where he earned an Academic Merit Award and took his first aviation class; and

WHEREAS, throughout his youth, Spencer Collart participated in the Cub Scouts and the Boy Scouts, and he was a talented multisport athlete, playing baseball, soccer, flag football, taekwondo, wrestling, basketball, and lacrosse; and

WHEREAS, Spencer Collart ultimately graduated from Washington Liberty High School, then found his true calling and enlisted in the United States Marine Corps; and

WHEREAS, Spencer Collart completed basic training and combat training at Parris Island, South Carolina, then trained in basic water survival in Pensacola, Florida, and basic mechanical training and flight training in New River, North Carolina; and

WHEREAS, after earning his gold wings as an air crew member, Spencer Collart was stationed in Kaneohe Bay, Hawaii, with Marine Medium Tiltrotor Squadron 363 (VMM-363), which operates the MV-22 Osprey amphibious assault aircraft; in the course of his duties, he earned the admiration of others for his leadership abilities, commanding presence, and expertise; and

WHEREAS, in August 2023, Spencer Collart was serving as the forward crew chief of an MV-22 Osprey as part of a training exercise between the United States, Australia, Indonesia, the Philippines, and Timor-Leste; and

WHEREAS, during the exercise, Spencer Collart died in the line of duty when his aircraft crashed on Melville Island, Australia; and

WHEREAS, the quick thinking and heroic actions of Spencer Collart and his crew saved the lives of the 20 Marines in the aircraft's passenger compartment; and

WHEREAS, according to the senior infantry marine aboard the aircraft, "Spencer died a hero. It is because of Spencer and the rest of the crew's bravery, skill, and training, with zero doubt in my mind, that 20 marines are alive today. It is because of them that the 160 marines in Lima Company get to see their brothers again. It is because of them that 20 mothers get to see their sons again. It is because of them that six wives will see their husbands again. It is because of them that four kids get to see their dads again. Spencer and the crew are responsible for saving our lives and are my heroes."; and

WHEREAS, Spencer Collart earned the National Defense Service Medal, the Global War on Terrorism Service Medal, and the Sea Service Deployment Ribbon; he had recently also qualified as an instructor and was enjoying opportunities to mentor other crew chiefs; and

WHEREAS, Spencer Collart enjoyed fellowship and worship with the congregations of St. Mary's Episcopal Church and Cherrydale Baptist Church; and

WHEREAS, Spencer Collart will be fondly remembered and greatly missed by his parents, Bartley and Alexia; his sister, Gwyneth; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of Corporal Spencer Roman Bartley Collart, USMC; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Corporal Spencer Roman Bartley Collart, USMC, as an expression of the Senate of Virginia's respect for his memory.

SENATE RESOLUTION NO. 24

Commending the Suffolk Alumnae Chapter of Delta Sigma Theta Sorority, Inc.

Agreed to by the Senate, February 1, 2024

WHEREAS, the Suffolk Alumnae Chapter of Delta Sigma Theta Sorority, Inc., will celebrate 60 years of heartfelt service to the community on September 12, 2024; and

WHEREAS, the Suffolk Alumnae Chapter of Delta Sigma Theta Sorority was chartered on September 12, 1964, as its members embraced the organization's call to recognize their civic responsibility and to do all that one can for the well-being of others; and

WHEREAS, the Suffolk Alumnae Chapter of Delta Sigma Theta Sorority carries out a number of innovative programs and events designed to promote educational and economic development, international awareness, physical and mental health, and political involvement, including its regional award-winning arts and letters program and its national award-winning physical and mental health program; and

WHEREAS, every holiday season, the Suffolk Alumnae Chapter of Delta Sigma Theta Sorority sponsors children in Suffolk's foster care system, ensuring that every child in the city has a special and joyful Christmas; and

WHEREAS, in 2024, in addition to its annual distribution of thousands of dollars in college scholarships, the Suffolk Alumnae Chapter of Delta Sigma Theta Sorority will host both a college and career fair and a uniquely prepared student workshop series to connect the city's young people with opportunities and services that will help them achieve their dreams; and

WHEREAS, the Suffolk Alumnae Chapter of Delta Sigma Theta Sorority hosts an annual health fair that fosters public health by offering free health screenings and other services and directing visitors to beneficial health resources in the community; and

WHEREAS, the Suffolk Alumnae Chapter of Delta Sigma Theta Sorority will honor the chapter's 60 years of accomplishments, the result of its members' unwavering commitment to the Christian principles upon which the organization is founded, at a luncheon on September 14, 2024; now, therefore, be it

RESOLVED by the Senate of Virginia, That the Suffolk Alumnae Chapter of Delta Sigma Theta Sorority, Inc., hereby be commended on the occasion of its 60th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Belinda S. Pitts, president of the Suffolk Alumnae Chapter of Delta Sigma Theta Sorority, Inc., as an expression of the Senate of Virginia's admiration for the organization's history and its contributions to the Commonwealth.

SENATE RESOLUTION NO. 25

Commending R. McKenna Brown.

Agreed to by the Senate, February 1, 2024

WHEREAS, R. McKenna Brown, an expert in Maya culture and language who expanded opportunities for students at Virginia Commonwealth University by establishing the School of World Studies and other engaging programs, retired in 2023 after nearly three decades of exceptional service; and

WHEREAS, having previously taught at the University of Wisconsin-Green Bay, McKenna Brown joined the faculty of Virginia Commonwealth University as an associate professor in the foreign language department in 1995; and

WHEREAS, in 1998, McKenna Brown created an international studies major that was inspired by his own transformative experiences of linguistic and cultural immersion while serving as a member of the Peace Corps in Ecuador; and

WHEREAS, the international studies major was extremely popular and led to the creation in 2003 of the School of World Studies, with McKenna Brown as its founding director; the school is now part of the College of Humanities and Sciences and offers degrees in foreign languages, international studies, religious studies, and anthropology, as well as a certificate program in Spanish-English Translation and Interpretation; and

WHEREAS, through the School of World Studies, McKenna Brown oversaw the expansion of language courses to include Arabic, Chinese, Hindi, and Zulu and hosted public events on world affairs with distinguished speakers like the former head of the International Atomic Energy Agency, Hans Blix, and the Nobel Prize-winning former president of Costa Rica, Ôscar Arias Sánchez; and

WHEREAS, McKenna Brown subsequently led what is now Virginia Commonwealth University's Global Education Office, where he developed strong international partnerships and encouraged faculty development through travel abroad; and

WHEREAS, over the course of his career, McKenna Brown taught a wide range of undergraduate and graduate courses, including every level of Spanish language course and multiple topics on Latin America; he specialized in the history and culture of the Maya and often invited Maya scholars, writers, and poets to enrich his classes; and

WHEREAS, McKenna Brown has been a trusted friend and mentor to many of his colleagues at Virginia Commonwealth University, and he has touched the lives of countless students through his commitment to academic excellence, professionalism, and advocacy; now, therefore, be it

RESOLVED by the Senate of Virginia, That R. McKenna Brown hereby be commended on the occasion of his retirement from Virginia Commonwealth University; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to R. McKenna Brown as an expression of the Senate of Virginia's admiration for his achievements in service to Virginia Commonwealth University and its students.

SENATE RESOLUTION NO. 26

Commending Margaret L. Sanner.

Agreed to by the Senate, February 8, 2024

WHEREAS, Margaret L. Sanner, an accomplished attorney and nonprofit executive, recently retired from the Chesapeake Bay Foundation, a regional nonprofit organization dedicated to saving the Chesapeake Bay through environmental advocacy, restoration, and education; and

WHEREAS, Margaret "Peggy" Sanner received her law degree from Rutgers University and also holds graduate and undergraduate degrees from the University of Pennsylvania and Swarthmore College, respectively; and

WHEREAS, Peggy Sanner is a member of the Virginia State Bar and has practiced before state and federal courts, agencies, and boards on key legal and policy issues; and

WHEREAS, Peggy Sanner began her law career in Philadelphia at Morgan, Lewis & Bockius LLP and served most recently as counsel with Reed Smith LLP in Richmond; and

WHEREAS, Peggy Sanner joined the Chesapeake Bay Foundation in 2010 as senior attorney, eventually assuming the role of Virginia Executive Director in 2020; she has played a pivotal role in building partnerships and advancing legislative and regulatory policy in the Commonwealth during her 13 years working at the organization; and

WHEREAS, Peggy Sanner has educated members of the General Assembly, countless members of various gubernatorial administrations, staff at numerous state agencies, decision makers, and the general public about water quality and habitat issues throughout her tenure at the Chesapeake Bay Foundation; and

WHEREAS, highlights that were spearheaded by Peggy Sanner include accelerating fencing cattle out of streams, banning phosphorus from lawn fertilizer, establishing a comprehensive nutrient trading program, expanding tree cover,

securing additional wastewater treatment plant upgrades, and transferring menhaden fishery management from the General Assembly to the Virginia Marine Resources Commission; and

WHEREAS, Peggy Sanner has been a leading advocate for the environmental community in the development and maturation of the Commonwealth's clean water regulatory programs, including improving and protecting wetland preservation and mitigation policies, advocating for effective implementation and enforcement of the Chesapeake Bay Preservation Act, and ensuring stormwater and erosion and sediment control programs are backed by the best available science; and

WHEREAS, Peggy Sanner regularly appeared before the State Water Control Board to prevent harmful projects like the Atlantic Coast Pipeline and Fones Cliff development and to hold Clean Water Act permittees accountable; she has also led collaborative efforts to ensure historic levels of funding for state clean-water programs to reduce pollution from wastewater, stormwater, and agriculture; and

WHEREAS, Peggy Sanner has overseen the Chesapeake Bay Foundation's restoration programs in the Commonwealth in her role as Virginia Executive Director, including facilitating the plantings of thousands of trees and millions of native oysters; and

WHEREAS, Peggy Sanner has led efforts to educate residents of the Commonwealth for more than 13 years and is dedicated to increasing knowledge about the restoration and protection of the Chesapeake Bay, a national treasure and one of the Commonwealth's greatest natural resources; now, therefore, be it

RESOLVED by the Senate of Virginia, That Margaret L. Sanner hereby be commended on the occasion of her retirement for her efforts to improve the Commonwealth's waterways and, specifically, for leading the Chesapeake Bay Foundation's Save the Bay initiatives; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Margaret L. Sanner as an expression of the Senate of Virginia's admiration for her career of outstanding public service to the Commonwealth and the Chesapeake Bay and gratitude for her fine work to advance restoration and protection of both the Chesapeake Bay and the Commonwealth's rivers and streams.

SENATE RESOLUTION NO. 27

Commending the Graham High School varsity competition cheer squad.

Agreed to by the Senate, February 8, 2024

WHEREAS, the Graham High School varsity competition cheer squad of Bluefield won the Virginia High School League Class 2 state championship at Virginia Commonwealth University's Stuart C. Siegel Center in Richmond on November 4, 2023; and

WHEREAS, after posting a score of 248.25 in the preliminary round and advancing to the second phase of the competition, the Graham High School cheer squad tallied a score of 267.5 to defeat the runner-up Glenvar High School cheer squad of Roanoke County by 29.5 points; and

WHEREAS, the Graham High School cheer squad performed a set of highly synchronized and choreographed routines at the state competition, displaying remarkable finesse and acrobatic ability; and

WHEREAS, the Graham High School cheer squad's victory was a total team effort, with every member contributing to the group's dynamic and awe-inspiring performance; and

WHEREAS, the accomplishments of the Graham High School cheer squad are the result of the hard work and dedication of the student-cheerleaders, the leadership and guidance of their coaches and teachers, and the unwavering support of their families and the entire Graham High School community; now, therefore, be it

RESOLVED by the Senate of Virginia, That the Graham High School varsity competition cheer squad hereby be commended for winning the 2023 Virginia High School League Class 2 state championship; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the Graham High School varsity competition cheer squad as an expression of the Senate of Virginia's admiration for the squad's extraordinary achievement.

SENATE RESOLUTION NO. 28

Celebrating the life of James Curtis Gillespie.

Agreed to by the Senate, February 8, 2024

WHEREAS, James Curtis Gillespie, an esteemed public servant, honorable veteran, and beloved member of the Bluefield community, died on November 19, 2023; and

WHEREAS, James Gillespie served his country with honor and valor as a member of the United States Army during the Korean War; and

WHEREAS, James Gillespie worked for many years at what was formerly known as Pemco Corporation in Bluefield, helping the company design, engineer, and manufacture state-of-the-art electrical and power distribution equipment; and

WHEREAS, James Gillespie proudly served his constituents as a member of the Tazewell County Board of Supervisors, working tirelessly to ensure the best for Tazewell County and its residents; and

WHEREAS, James Gillespie gave generously of his time to the community through his involvement with the Clinch Valley Community Action board and the Tazewell County Airport Authority; and

WHEREAS, James Gillespie found camaraderie and friendship among his fellow veterans at Veterans of Foreign Wars Post 9696 in Bluefield and at the American Legion post in Pocahontas; and

WHEREAS, James Gillespie discovered a deep passion for flying and for more than 30 years would take to the skies as a private pilot; and

WHEREAS, preceded in death by his loving wife, Billie Jean, James Gillespie will be fondly remembered and dearly missed by his children, Debbie and David, and their families; and by numerous other family members and friends; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of James Curtis Gillespie, a treasured member of the Bluefield community whose kindness and generosity touched countless lives; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of James Curtis Gillespie as an expression of the Senate of Virginia's respect for his memory.

SENATE RESOLUTION NO. 29

Commending Xcellerated Offshore.

Agreed to by the Senate, February 8, 2024

WHEREAS, Xcellerated Offshore, a manufacturer of high-performance boats based in Hopewell, won first place and the "Best in Show" overall title at the 2023 Virginia Manufacturing Cup with its XLR3800R high-performance marine pleasure craft; and

WHEREAS, Xcellerated Offshore's achievement highlights its commitment to innovation and world-class technology in waterborne transport and the noncommercial boating industry; and

WHEREAS, the Virginia Manufacturing Cup is an annual competition hosted by the Virginia Manufacturers Association that recognizes the hard work and ingenuity of the Virginia manufacturing sector, which has long served as the backbone of the Commonwealth's economy, driving economic growth, capital investment, job creation, and innovation; and

WHEREAS, the Virginia Manufacturing Cup recognizes "the Coolest Things Made in Virginia" by selecting top products in nine industry categories that range from ships and chips to electric trucks and space exploration technology, reflecting the Commonwealth's diverse manufacturing sector; and

WHEREAS, as a testament to its mastery as a manufacturer of high-performance boats, Xcellerated Offshore was duly nominated for the 2023 Virginia Manufacturing Cup and received the highest number of votes out of the 75,000 total votes cast by the public; now, therefore, be it

RESOLVED by the Senate of Virginia, That Xcellerated Offshore hereby be commended for winning first place and the "Best in Show" overall title at the 2023 Virginia Manufacturing Cup; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Xcellerated Offshore as an expression of the Senate of Virginia's admiration for its excellence in manufacturing.

SENATE RESOLUTION NO. 30

Commending Harrison A. Moody.

Agreed to by the Senate, February 8, 2024

WHEREAS, Harrison A. Moody, an esteemed public servant who has dedicated nearly four decades to the growth and prosperity of Dinwiddie County, retired from the Dinwiddie County Board of Supervisors in 2023; and

WHEREAS, from 1986 to 2023, Harrison Moody proudly and faithfully represented his constituents as a member of the Dinwiddie County Board of Supervisors, a period spanning nine consecutive terms in office; and

WHEREAS, significant accomplishments of the Dinwiddie County Board of Supervisors during Harrison Moody's tenure include the creation of a Department of Parks and Recreation and the nationally recognized Dinwiddie Sports Complex, which have contributed greatly to the health and wellness of thousands of Dinwiddie County residents; and

WHEREAS, Harrison Moody's effective leadership was instrumental to a number of significant economic development projects that benefitted the region, including the establishment of Walmart, Amazon, and ALDI distribution centers in Dinwiddie County, as well as a manufacturing plant for Gerdau, a leading global steel producer; and

WHEREAS, Harrison Moody extended his service through his involvement with the Virginia Association of Counties (VACo), working on a variety of committees and subcommittees and serving as the organization's president in 2014; and

WHEREAS, Harrison Moody ably represented Dinwiddie County on the Virginia Tobacco Region Revitalization Commission, the Virginia Soybean Board, and the Virginia Cooperative Extension Leadership Council; and

WHEREAS, Harrison Moody was a voice for Dinwiddie County and the Commonwealth on the national level through service with the National Association of Counties (NACo), specifically as a member of its board of directors and Rural Action Caucus and as chair of its Agriculture and Rural Affairs Policy Steering Committee and Food Safety Committee; and

WHEREAS, Harrison Moody's steadfast dedication to the well-being of the Dinwiddie County community has improved the quality of life for many, earning him the praise and admiration of all Virginians; now, therefore, be it

RESOLVED by the Senate of Virginia, That Harrison A. Moody hereby be commended for his legacy of service on the occasion of his retirement from the Dinwiddie County Board of Supervisors; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Harrison A. Moody as an expression of the Senate of Virginia's high regard for his many contributions to Dinwiddie County and the Commonwealth over a remarkable career of public service.

SENATE RESOLUTION NO. 31

Celebrating the life of Camille Annette Harrell.

Agreed to by the Senate, February 8, 2024

WHEREAS, Camille Annette Harrell, a beloved wife and mother and a compassionate member of the Suffolk community, died on December 26, 2023; and

WHEREAS, Camille Harrell grew up in Tulsa, Oklahoma, where she graduated from Bishop Kelley High School; she continued her education at Colorado State University, then moved to San Francisco, where she met the love of her life, Ryan; and

WHEREAS, Camille and Ryan Harrell relocated to the Commonwealth and settled in Suffolk to raise their family; Camille Harrell's greatest joy in life was supporting her daughters in all their endeavors and imparting to them her inspirational kindness and generosity; and

WHEREAS, Camille Harrell volunteered her time and leadership to the American Cancer Society, Relay for Life, Party with a Purpose, the Westover Garden Club, and the Nansemond-Suffolk Academy Development Advisory Committee, among other civic and service organizations; and

WHEREAS, Camille Harrell was a dedicated patron of the arts, serving as a member of the Suffolk Art League and longtime co-chair of the Nansemond-Suffolk Academy Art Show and Sale; and

WHEREAS, Camille Harrell will be fondly remembered and greatly missed by her husband of 26 years, Ryan; her daughters, Peyton and Anne-Perry; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of Camille Annette Harrell; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Camille Annette Harrell as an expression of the Senate of Virginia's respect for her memory.

SENATE RESOLUTION NO. 32

Commending the Isle of Wight County Museum and the Smithfield community.

Agreed to by the Senate, February 8, 2024

WHEREAS, in 2024, the Isle of Wight County Museum and the Smithfield community, including local businesses, churches, and other organizations, marked the 160th anniversary of the Battle of Smithfield with a full program of events; and

WHEREAS, the Battle of Smithfield took place from January 31 to February 1, 1864, when Union troops were spotted marching south of Smithfield, then were forced to withdraw to the Pagan River; over the course of the dramatic skirmish, musket and cannon fire rang up and down Main Street, and at one point, the church janitor interrupted services to announce that gunboats were approaching; and

WHEREAS, the USS *Smith Briggs* attempted a rescue but was hit in its exposed boiler and ran aground, leading to the capture of the stranded Union troops; and

WHEREAS, local residents helped unload supplies from the USS *Smith Briggs*, which included coffee, tea, and other provisions that had been in short supply in Smithfield with Union ships blockading nearby ports; after the battle, many residents happily tasted real coffee for the first time in many months; and

WHEREAS, on February 4, 2024, the Isle of Wight County Museum and the Smithfield community commemorated the Battle of Smithfield with events all over town, including services at Christ Episcopal Church, which rang its bells at different points throughout the day; and

WHEREAS, the Isle of Wight County Museum provided its usual exhibits and interpreters and served as the starting point for a walking tour down Wharf Hill, with an informal Civil War discussion at Wharf Hill Brewing taking place later in the day; participants were also able to tour Ivy Hill Cemetery, where numerous Civil War veterans are buried, and meet with a living historian at the 1750 Courthouse; and

WHEREAS, in addition, Cure Coffeehouse and several other establishments provided coffee or coffee substitutes made from peanuts, acorns, beets, or chicory roots, similar to drinks that the residents of Smithfield would have made during the Civil War; now, therefore, be it

RESOLVED by the Senate of Virginia, That the Isle of Wight County Museum and the Smithfield community hereby be commended on the occasion of the 160th anniversary of the Battle of Smithfield; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the Isle of Wight County Museum on behalf of the entire Smithfield community as an expression of the Senate of Virginia's appreciation for the historical significance of the Battle of Smithfield and admiration for the community's commitment to preserving the history of the Commonwealth.

SENATE RESOLUTION NO. 33

Commending the Plumbing Heating Cooling Contractors of Virginia.

Agreed to by the Senate, February 8, 2024

WHEREAS, the Plumbing Heating Cooling Contractors of Virginia, one of the nation's oldest trade associations, celebrates its 100th anniversary in 2024; and

WHEREAS, established in 1924, the Plumbing Heating Cooling Contractors of Virginia (PHCCVA) was created to support the mission of the Plumbing Heating Cooling Contractors National Association and provide educational resources for the plumbing and mechanical trades in the Commonwealth; and

WHEREAS, members of the PHCCVA are committed to adhering to a code of ethics that encourages integrity, quality, workplace safety, training, education, preservation and promotion of health and safety, and demonstration of dignity and respect; and

WHEREAS, the PHCCVA supports the preservation of trade integrity by encouraging apprenticeship and continuing education and actively develops future licensed tradesmen by teaching in public schools and proprietary programs and by providing professional support to those enrolled in the PHCC Academy; and

WHEREAS, the PHCCVA offers testing and certification programs, performance evaluations of products, and training programs and helps establish standards and guidelines to preserve the safety of Virginians; and

WHEREAS, the PHCCVA presents a unified representation to deliver a common message, enhance industry credibility, and act as a qualified industry spokesperson; and

WHEREAS, the PHCCVA is an organization with member-owned governance that provides representation, empowerment, and recognition to its members, creating a sense of belonging and a sense that members are contributing to an important endeavor; and

WHEREAS, nearly three dozen Virginia-based plumbing and heating, ventilation, and air conditioning contractors have been recognized by the Plumbing Heating Cooling Contractors National Association as contractors of the year for their leadership, community involvement, and business success; and

WHEREAS, the PHCCVA has more than 100 members and two local chapters representing an estimated 4,000 employees throughout the Commonwealth; and

WHEREAS, the PHCCVA will commemorate the association's centennial with special events throughout 2024; now, therefore, be it

RESOLVED by the Senate of Virginia, That the Plumbing Heating Cooling Contractors of Virginia hereby be commended on the occasion of its 100th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Anthony Bertolino, president of the Plumbing Heating Cooling Contractors of Virginia, as an expression of the Senate of Virginia's admiration for the association's legacy of service to the Commonwealth and the United States.

SENATE RESOLUTION NO. 34

Celebrating the life of Geraldine Boyd Cole.

Agreed to by the Senate, February 8, 2024

WHEREAS, Geraldine Boyd Cole, a vital member of the communities at Richlands Christian Academy and Richlands Tabernacle and a beloved wife, mother, grandmother, and great-grandmother, died on July 31, 2023; and

WHEREAS, after graduating from Richlands High School in 1959, Geraldine Cole dedicated more than 50 years to Richlands Christian Academy as its secretary and bookkeeper, working tirelessly to support the school's students, faculty, and staff; and

WHEREAS, Geraldine Cole devoted herself over the years to raising her children and grandchildren, contributing immeasurably to their spiritual journeys and future success; and

WHEREAS, guided throughout her life by her deep and abiding faith, Geraldine Cole enjoyed worship and fellowship with her community at Richlands Tabernacle Church for many years; and

WHEREAS, Geraldine Cole gave abundantly to her community and, through her calm and gentle demeanor and fierce love for her family and church, made a positive and lasting impression on everyone she met; and

WHEREAS, preceded in death by her loving husband, Stuart, and her daughter Sandra, Geraldine Cole will be fondly remembered and dearly missed by her children, Darrell, Karen, Kimberly, and Rebecca, and their families; and by numerous other family members and friends; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of Geraldine Boyd Cole, a cherished member of the Richlands community, whose kindness and generosity touched countless lives; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Geraldine Boyd Cole as an expression of the Senate of Virginia's respect for her memory.

SENATE RESOLUTION NO. 35

Celebrating the life of Wanda Sue Varney.

Agreed to by the Senate, February 8, 2024

WHEREAS, Wanda Sue Varney, a beloved wife, mother, sister, grandmother, and member of the Tazewell County community, died on August 9, 2023; and

WHEREAS, a member of the Honaker High School Class of 1963, Wanda Varney worked tirelessly over the years to raise her children and prepare them to lead successful and meaningful lives; and

WHEREAS, Wanda Varney gave generously of herself in supporting and caring for her loved ones and members of the community and was cherished by all who knew her for her gentle and selfless manner; and

WHEREAS, devoted to her faith throughout her life, Wanda Varney was a member of Richlands Tabernacle Church since 1974, where she enjoyed worship and fellowship with her family and community; and

WHEREAS, Wanda Varney will be fondly remembered and dearly missed by her loving husband of 51 years, Keith; her children, Timothy and Sarah, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of Wanda Sue Varney, a treasured member of the Richlands community whose kindness and generosity touched countless lives; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Wanda Sue Varney as an expression of the Senate of Virginia's respect for her memory.

SENATE RESOLUTION NO. 36

Celebrating the life of Donald Wayne Rife.

Agreed to by the Senate, February 8, 2024

WHEREAS, Donald Wayne Rife, respected surface coal miner, esteemed public servant and civic leader, and beloved member of the Dickenson County community, died on December 8, 2023; and

WHEREAS, after graduating from Clintwood High School and attending what is today Carson-Newman University, Donald "Donnie" Rife found success in a career as a surface coal miner, working tirelessly to support the energy needs of the Commonwealth and beyond; and

WHEREAS, Donnie Rife gave generously of his time in service to the community for more than 30 years as a member of his local Lions Club, which he served as both governor and president; and

WHEREAS, Donnie Rife proudly served the interests of his constituents as a member of the Dickenson County Board of Supervisors, demonstrating an unwavering commitment to the betterment of Dickenson County; and

WHEREAS, Donnie Rife supported the responsible growth and development of the Commonwealth through his involvement with several organizations over the years, including the board of the Virginia Coalfield Economic Development Authority and the Virginia Gas and Oil Board; and

WHEREAS, Donnie Rife's devotion to ensuring the well-being of others was evident in his work with various charitable organizations in Dickenson County, including St. Mary's Health Wagon and the Clintwood Rescue Squad, which he served as chairman of the board; and

WHEREAS, Donnie Rife will be fondly remembered and dearly missed by his loving wife of 43 years, Doris; and by numerous other family members and friends; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of Donald Wayne Rife, a treasured member of the Dickenson County community, whose kindness and generosity touched countless lives; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Donald Wayne Rife as an expression of the Senate of Virginia's respect for his memory.

SENATE RESOLUTION NO. 37

Celebrating the life of the Reverend Titus Phillip Horton.

Agreed to by the Senate, February 8, 2024

WHEREAS, the Reverend Titus Phillip Horton, an esteemed educator and faith leader and active and beloved member of the Richlands community, died on October 27, 2023; and

WHEREAS, after graduating from Bluefield State University and teaching for some time at a juvenile correctional center, Titus Horton answered the call to help establish Richlands Tabernacle Christian Academy in the mid 1970s and the school officially opened its doors in 1977; and

WHEREAS, from that year until his retirement in 2014, Titus Horton worked tirelessly to support the academic, social, emotional, and spiritual growth of his students, first in his capacity as high school supervisor and shortly thereafter as principal; and

WHEREAS, Titus Horton gave generously of his time through service in his community, including as chair of the Tazewell County Electoral Board and the Richlands Industrial Development Authority; and

WHEREAS, guided throughout his life by his deep and abiding faith, Titus Horton enjoyed worship and fellowship with his community at Richlands Tabernacle for many years; and

WHEREAS, following the death of his brother and close friend, the Reverend Ralph Horton, who was previously pastor of Richlands Tabernacle, Titus Horton assumed the great responsibility of leading his church's congregation and carried out this purpose for more than a decade with extraordinary grace, compassion, and strength; and

WHEREAS, Titus Horton had prepared for his role as pastor of Richlands Tabernacle through his past work as youth pastor at Keen Mountain Pentecostal Holiness Church in Oakwood from 1977 to 1982 and as co-pastor of Phelps Pentecostal Church in Phelps, Kentucky, in the early 1980s; he also notably served in recent years as vice-president of the Free Pentecostal Church of God Association; and

WHEREAS, in every aspect of his life, Titus Horton exuded a servant's heart and was a source of inspiration, stability, and spiritual guidance to countless members of the Richlands community; and

WHEREAS, Titus Horton will be fondly remembered and dearly missed by his loving wife of 52 years, Carolyn Sue; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of the Reverend Titus Phillip Horton, a treasured member of the Richlands community whose kind and generous spirit made a profound impact on countless lives; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of the Reverend Titus Phillip Horton as an expression of the Senate of Virginia's respect for his memory.

SENATE RESOLUTION NO. 38

Celebrating the life of James Samuel Gillespie, Jr.

Agreed to by the Senate, February 8, 2024

WHEREAS, James Samuel Gillespie, Jr., an honorable veteran, esteemed educator, distinguished coach, accomplished farmer, and beloved member of the Pounding Mill community, died on July 17, 2022; and

WHEREAS, after graduating from Richlands High School, James "Jim Sam" Gillespie earned a degree in civil engineering in 1959 from Virginia Military Institute, where he also played football and ran track; and

WHEREAS, Jim Sam Gillespie served his country with honor and distinction as a member of the United States Army, attaining the rank of captain and also coaching base football teams; and

WHEREAS, following his service, Jim Sam Gillespie taught mathematics and coached at both Clifton Forge High School and South Hampton High School, contributing greatly to his students' success both in and out of the classroom; and

WHEREAS, Jim Sam Gillespie took his talents as a coach to the collegiate level, supporting the programs at Virginia Military Institute, West Virginia University, and Duke University, and ultimately returned home to Pounding Mill, where he farmed for the rest of his life; and

WHEREAS, Jim Sam Gillespie gave generously to his community through his lifelong involvement with the Tazewell County Fair and service with his local 4-H, Virginia Farm Bureau, and various other organizations; and

WHEREAS, guided throughout his life by his faith, Jim Sam Gillespie grew up in the Pounding Mill Christian Church and later enjoyed worship and fellowship with his community at Richlands Presbyterian Church; and

WHEREAS, Jim Sam Gillespie was a devoted family man who found his greatest joy in spending time with his wife, children, and the many close friends he made along the way; and

WHEREAS, preceded in death by his loving wife, Lucy, and his son, James III, Jim Sam Gillespie will be fondly remembered and dearly missed by his children, Elizabeth and Ann Brett, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of James Samuel Gillespie, Jr., a cherished member of the Pounding Mill community whose integrity and kind and generous spirit endeared him to all who knew him; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of James Samuel Gillespie, Jr., as an expression of the Senate of Virginia's respect for his memory.

SENATE RESOLUTION NO. 39

Celebrating the life of Barnabas Stiltner.

Agreed to by the Senate, February 8, 2024

WHEREAS, Barnabas Stiltner, an honorable veteran, esteemed law-enforcement officer, and beloved member of the Grundy community, died on January 11, 2024; and

WHEREAS, a lifelong resident of Buchanan County, Barnabas "Barney" Stiltner served his country with honor and distinction as a member of the United States Army; and

WHEREAS, Barney Stiltner worked tirelessly to ensure the safety and protection of his community for 34 years as an officer with the Grundy Police Department; and

WHEREAS, Barney Stiltner was an accomplished musician and singer who regularly played shows on Saturday nights to the delight of his audiences and fans; and

WHEREAS, guided throughout his life by his faith, Barney Stiltner was a devoted member of the Grundy Bible Church, where he enjoyed worship and fellowship with his community; and

WHEREAS, Barney Stiltner was happiest when spending time with his family, especially his grandsons, Jacob and Odin; and

WHEREAS, Barney Stiltner will be fondly remembered and dearly missed by his loving wife of 40 years, Mary Ellen; his daughter, Marilyn, and her family; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of Barnabas Stiltner, a cherished member of the Grundy community whose service and dedication were an inspiration to all who knew him; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Barnabas Stiltner as an expression of the Senate of Virginia's respect for his memory.

SENATE RESOLUTION NO. 40

Celebrating the life of Joan Simpkins Jett.

Agreed to by the Senate, February 8, 2024

WHEREAS, Joan Simpkins Jett of Radford, a highly admired nurse and a loving wife, mother, and grandmother, died on January 3, 2024; and

WHEREAS, Joan Jett attended the school of nursing at what is now Radford University and earned a bachelor's degree from Mary Baldwin University; and

WHEREAS, Joan Jett spent most of her career as the inservice director at Radford Community Hospital, where she trained and educated hospital employees and provided outstanding service to countless patients and their families; and

WHEREAS, in recognition of her expertise and leadership abilities, Joan Jett was appointed to a four-year term on the Virginia Board of Nursing by Governor Mills Godwin and reappointed to a second term by Governor John Dalton; and

WHEREAS, Joan Jett was also engaged in local civics as the chair of the Radford City Republican Committee for more than two decades; and

WHEREAS, Joan Jett will be fondly remembered and greatly missed by her husband, Daniel; her children, Bonnie, Danette, and Bruce, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of Joan Simpkins Jett, a dedicated and compassionate nurse in Radford; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Joan Simpkins Jett as an expression of the Senate of Virginia's respect for her memory.

SENATE RESOLUTION NO. 41

Celebrating the life of Shawn Soares.

Agreed to by the Senate, February 8, 2024

WHEREAS, Shawn Soares, a master's degree student at Virginia Commonwealth University who was active in state government and was a passionate advocate for clean energy and environmental conservation, died on May 4, 2023; and

WHEREAS, a native of India, Shawn Soares spent much of his childhood in Qatar, then relocated to the United States; he lived in Florida until 2010, when he moved to Virginia; and

WHEREAS, Shawn Soares began his career in government as an intern for the late United States Representative Donald McEachin, for whom he later served as director of outreach; he also provided his expertise to then-Delegate Suhas Subramanyam as a legislative aide; and

WHEREAS, in addition, Shawn Soares served as the deputy director of Asian American and Pacific Islander outreach and the deputy director of appointments under Governor Ralph Northam; at the age of 24, he was the youngest member of the administration at the time; and

WHEREAS, Shawn Soares subsequently joined the Virginia Conservation Network, a partnership of more than 150 nonprofit organizations dedicated to protecting and preserving the Commonwealth's natural resources, and worked as a policy manager on clean energy and climate change issues; and

WHEREAS, Shawn Soares was well known as a talented and dedicated professional, who brightened the days of his colleagues through his kindness and enthusiasm for making the world a better place; and

WHEREAS, outside of his career, Shawn Soares performed as a DJ, and in 2019, he opened a show in Washington, D.C., for his favorite artist, Tipper; and

WHEREAS, Shawn Soares will be fondly remembered and greatly missed by his parents, Alec and Nimmi; and his numerous beloved family members and friends; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of Shawn Soares; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Shawn Soares as an expression of the Senate of Virginia's respect for his memory.

SENATE RESOLUTION NO. 42

Commending Sharon Morrissey.

Agreed to by the Senate, February 8, 2024

WHEREAS, at the end of 2023, Sharon Morrissey retired as the senior vice chancellor for academic and workforce programs at the Virginia Community College System, the culmination of a decades-long career in higher education; and

WHEREAS, a graduate of the University of North Carolina at Chapel Hill, Western Carolina University, and North Carolina State University, Sharon Morrissey began her education career in North Carolina as an English instructor at Central Carolina Community College; and

WHEREAS, Sharon Morrissey subsequently served as a vice president at Fayetteville Technical Community College and Asheville-Buncombe Technical Community College, president of Richmond Community College, and executive vice president for programs and chief academic officer of the North Carolina Community College System; and

WHEREAS, Sharon Morrissey joined the Virginia Community College System (VCCS) in 2014; she led initiatives to enhance student outcomes throughout the system by developing direct enrollment with co-requisite learning supports, creating stackable workforce credentials, offering credit for prior learning, implementing new technology to streamline processes, and improving pathways for students to transfer to four-year colleges and universities; and

WHEREAS, Sharon Morrissey oversaw the implementation of a new program allowing low-income and middle-income students to pursue education in high-demand career fields; and

WHEREAS, Sharon Morrissey co-chaired the task force that developed the Opportunity 2027 strategic plan, which will guide the VCCS to achieve better equity in access, learning, and success for diverse students from every race, ethnicity, gender, and socioeconomic group; and

WHEREAS, in 2022, Sharon Morrissey was also appointed as interim chancellor of the VCCS and provided able leadership to the Commonwealth's 23 community colleges; during her tenure as interim chancellor, she spearheaded the HIRE Virginia campaign to promote the significant role that the VCCS plays in workforce and economic development in the Commonwealth; now, therefore, be it

RESOLVED by the Senate of Virginia, That Sharon Morrissey hereby be commended on the occasion of her retirement as the senior vice chancellor for academic and workforce programs at the Virginia Community College System; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Sharon Morrissey as an expression of the Senate of Virginia's admiration for her courage and commitment to all students and her legacy of contributions to higher education and workforce development.

SENATE RESOLUTION NO. 43

Celebrating the lives of Omar, Marieme, and Aicha Wade.

Agreed to by the Senate, February 8, 2024

WHEREAS, Omar, Marieme, and Aicha Wade, three young members of the Albemarle County community who brought joy to others through their kindness, positivity, and commitment to their community, died on August 4, 2023; and

WHEREAS, a recent graduate of Albemarle High School, Omar Wade was a proactive lifelong learner who often helped other students achieve their fullest potential; and

WHEREAS, Omar Wade was passionate about science, technology, engineering, and mathematics and was planning to attend Old Dominion University to study computer science; and

WHEREAS, Marieme Wade was a rising 11th-grade student at Albemarle High School; she was a talented athlete who achieved success on the basketball and track and field teams and inspired her teammates through her energy, enthusiasm, and natural leadership abilities; and

WHEREAS, Marieme Wade consistently worked to improve herself and sought opportunities to support and care for family members and friends; and

WHEREAS, Aicha Wade, a rising sixth-grade student at Lakeside Middle School, was an engaging conversationalist who was well known for her warmth, compassion, and infectious smile; and

WHEREAS, Omar, Marieme, and Aicha Wade were active members of the Islamic Society of Central Virginia, participating in numerous activities to enhance cultural and religious life in their mosque community; and

WHEREAS, Omar, Marieme, and Aicha Wade were all involved with local Scouting organizations and all practiced Tae Kwon Do, where they excelled at both competition and instruction and were admired for their intensity and fairness; and

WHEREAS, Omar, Marieme, and Aicha Wade were role models for many other local children, demonstrating generosity, empathy, and the importance of self-respect through their many volunteer activities; and

WHEREAS, Omar, Marieme, and Aicha Wade will be fondly remembered and greatly missed by their parents, Deedee and Papa Wade; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of Omar, Marieme, and Aicha Wade, beloved members of the Albemarle County community; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Omar, Marieme, and Aicha Wade as an expression of the Senate of Virginia's respect for their memories.

SENATE RESOLUTION NO. 44

Commending ReEstablish Richmond.

Agreed to by the Senate, February 8, 2024

WHEREAS, ReEstablish Richmond, a 501(c)(3) nonprofit dedicated to connecting refugees and new immigrants to the resources they need to establish roots, build community, and become self-sufficient, celebrated its 10th anniversary in 2023; and

WHEREAS, the story of ReEstablish Richmond began in 2010, when founder Patrick Braford was working with recently resettled families from Myanmar in the Richmond area and recognized the need for greater support beyond initial settlement services to ensure these families found adequate housing; and

WHEREAS, since 2013, ReEstablish Richmond has worked to overcome the challenges that refugees and immigrants face upon arriving in a new and unfamiliar place, connecting them with resources that will help them learn, work, and rebuild their lives in Richmond; and

WHEREAS, ReEstablish Richmond achieves its goals today by helping those it serves learn English, become transportation independent, find employment, become digitally and financially literate, navigate legal matters, and improve their health and wellness; and

WHEREAS, ReEstablish Richmond has ably responded to the ever-changing needs of those it serves and the increasing demand for its services, which has doubled each year since 2020; from its founding to today, the organization's annual budget has grown from less than $20,000 to $1 million as the organization continues to increase its staff and scale its programs; and

WHEREAS, on November 4, 2023, nearly 100 of ReEstablish Richmond's staff, volunteers, partners, and donors gathered to witness the organization's impact, honor individuals and organizations that have been vital to its success, and celebrate its 10 years of service to the community; and

WHEREAS, the accomplishments of ReEstablish Richmond would not have been possible without the meaningful contributions of the organization's partners, donors, and volunteers and their unwavering commitment to the organization's mission; and

WHEREAS, by easing the transition for individuals and families fleeing conflicts and other difficult circumstances, ReEstablish Richmond has made both the Commonwealth and the world a more welcoming and harmonious place to live, work, and raise a family; now, therefore, be it

RESOLVED by the Senate of Virginia, That ReEstablish Richmond hereby be commended on the occasion of its 10th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Patrick Braford, founder of ReEstablish Richmond, as an expression of the Senate of Virginia's admiration for his organization's efforts to promote the well-being of immigrants and refugees in the Richmond area as they become integrated and thriving members of the community.

SENATE RESOLUTION NO. 45

Commending the Radford High School football team.

Agreed to by the Senate, February 8, 2024

WHEREAS, the Radford High School football team won the Virginia High School League Class 2 state championship on December 9, 2023, at Salem Stadium; and

WHEREAS, the Radford High School Bobcats defeated the Riverheads High School Gladiators of Staunton by a score of 39-21 to bring home the program's first state championship title in more than a half-century; and

WHEREAS, after starting the game by giving up a fumble and a touchdown, the Radford Bobcats regained their composure, mounting a 25-14 lead by the end of the first half and scoring twice more in the second half to secure the win; and

WHEREAS, the Radford Bobcats' victory was a total team effort, led by a standout performance from quarterback Landen Clark, who threw for 260 yards and four touchdowns while also rushing for 99 yards and a touchdown; and

WHEREAS, the Radford Bobcats saw impressive and consistent play on both sides of the ball all season as the team marched confidently to a perfect 15-0 record; and

WHEREAS, the success of the Radford Bobcats is the result of the hard work and dedication of the student-athletes, the leadership and guidance of their coaches and teachers, and the unwavering support of their families and the entire Radford High School community; now, therefore, be it

RESOLVED by the Senate of Virginia, That the Radford High School football team hereby be commended for winning the 2023 Virginia High School League Class 2 state championship; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Michael Crist, coach of the Radford High School football team, as an expression of the Senate of Virginia's admiration for the team's achievement.

SENATE RESOLUTION NO. 46

Celebrating the life of Rocky S. Wood.

Agreed to by the Senate, February 8, 2024

WHEREAS, Rocky S. Wood, a seven-year Virginia Department of Forestry employee who worked in the Western Region's Vansant Office, died on March 9, 2023, while fighting a 15-acre wildfire along Lester's Fork Road near the Roseann community in Buchanan County; and

WHEREAS, Rocky Wood was scouting the area to determine where to create a containment line around the perimeter of the fire when the all-terrain vehicle he was driving overturned and he perished as a result of his injuries; and

WHEREAS, Rocky Wood served 30 years as a wildland firefighter and was a member of the Virginia Department of Forestry honor guard, an instructor for wildland fire investigation and suppression, and a leader and mentor of his peers; and

WHEREAS, Rocky Wood had an outsized impact on the Haysi community as a 1987 graduate of Haysi High School, vice mayor of Haysi, chief of the Haysi Volunteer Fire Department, chairman of the building code committee of Dickenson County, owner and operator of Wood Construction Company, and member of the Grace Fellowship Baptist Church in Haysi; and

WHEREAS, Rocky Wood was born and raised in Wise County and was the son of Nina Wood and the late Lacy Wood; in addition to his father, he was preceded in death by his grandparents, John Gartin and Alta Gartin Charles and Earl and Edna Ramey; and

WHEREAS, Rocky Wood will be fondly remembered and dearly missed by his loving wife, Debbie; his daughters, Lindsey and Lauren, and their families; his mother, Nina; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of Rocky S. Wood, a cherished member of the Haysi community whose success in his public service career brought great pride to the Commonwealth; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Rocky S. Wood as an expression of the Senate of Virginia's respect for his memory.

SENATE RESOLUTION NO. 47

Celebrating the life of Rachel Gayle Davis Fowlkes.

Agreed to by the Senate, February 8, 2024

WHEREAS, Rachel Gayle Davis Fowlkes, an accomplished educator, founding executive director of the Southwest Virginia Higher Education Center, and active and beloved member of the Abingdon community, died on April 1, 2023; and

WHEREAS, a native of Meridian, Mississippi, Rachel Fowlkes graduated from Millsaps College and later earned a master's degree from Mississippi State University and a doctoral degree in education from the University of Virginia; and

WHEREAS, in the early years of her career, Rachel Fowlkes served as an elementary school teacher, special education teacher, and supervisor for special education for Washington County, working tirelessly to foster a learning environment in which her students could grow and thrive; and

WHEREAS, after completing her doctoral work, Rachel Fowlkes focused her career on post-secondary education, taking a position as director of the University of Virginia's division of continuing education in Southwest Virginia and later as the state coordinator of the university's education programs; and

WHEREAS, recognizing the need for greater higher education resources in Southwest Virginia to foster economic development, Rachel Fowlkes played an instrumental role in the creation of the Southwest Virginia Higher Education Center and served as its executive director from its founding in 1991 until her retirement in 2015; and

WHEREAS, Rachel Fowlkes' tenure as executive director of the Southwest Virginia Higher Education Center was characterized by her willingness to embrace technology and other innovations and her unwavering determination to understand the area's students and businesses to improve the organization's programs and services; and

WHEREAS, Rachel Fowlkes gave generously of her time and offered insightful leadership as a board member with various local and regional organizations supporting missions in the areas of education, health care, business development, heritage preservation, and more; and

WHEREAS, guided throughout her life by her faith, Rachel Fowlkes enjoyed worship and fellowship with her community at Sinking Spring Presbyterian Church in Abingdon and volunteered regularly with the organization Ecumenical Faith in Action; and

WHEREAS, Rachel Fowlkes will be lovingly remembered and dearly missed by her children, Merrill and John, and their families; and by numerous other family members and friends; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of Rachel Gayle Davis Fowlkes, a cherished member of the Abingdon community whose dedication and service made a profound and lasting impact on countless lives; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Rachel Gayle Davis Fowlkes as an expression of the Senate of Virginia's respect for her memory.

SENATE RESOLUTION NO. 48

Celebrating the life of Jack D. Cole, D.D.S.

Agreed to by the Senate, February 8, 2024

WHEREAS, Jack D. Cole, D.D.S., a distinguished dentist and active and beloved member of the Abingdon community, died on January 11, 2024; and

WHEREAS, Jack Cole graduated in 1951 from Chilhowie High School, where he excelled as a trombonist in the school band and lettered in four different sports; and

WHEREAS, after earning a bachelor's degree in chemistry and mathematics from what is today the University of Lynchburg, Jack Cole worked briefly as a high school basketball coach, teacher, research chemist, graduate school instructor, and registered nurse; and

WHEREAS, Jack Cole fulfilled a lifelong dream of a career in medicine by attaining a doctor of dental surgery degree from what was then the Medical College of Virginia School of Dentistry; and

WHEREAS, Jack Cole embarked upon a dental career that would span nearly a half-century when he joined the staff at what was formerly the Southwestern Virginia State Hospital in Marion in 1960; and

WHEREAS, a year later, Jack Cole opened his own private practice in Glade Spring, and in 1970, moved his office to Abingdon, where he would masterfully serve the dental hygiene and surgery needs of the community until his retirement in 2008; and

WHEREAS, Jack Cole gave generously of his time to support the Southwest Virginia community by serving with a number of professional and charitable associations and societies on both the local and state levels; and

WHEREAS, Jack Cole was an avid golfer whose love for the game led him to serve two terms as president of Glenrochie Country Club in Abingdon; and

WHEREAS, guided by his faith, Jack Cole rededicated his life to God at the age of 73 and was baptized in South Holston Lake; and

WHEREAS, Jack Cole will be lovingly remembered and dearly missed by his wife, Joy; his children, James, Anthony, and Jennifer, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of Jack D. Cole, D.D.S., a cherished member of the Abingdon community whose dedication and service were an inspiration to all who knew him; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Jack D. Cole, D.D.S., as an expression of the Senate of Virginia's respect for his memory.

SENATE RESOLUTION NO. 49

Celebrating the life of James Warren Huff.

Agreed to by the Senate, February 8, 2024

WHEREAS, James Warren Huff, an accomplished educator and coach, devoted husband, father, and brother, and beloved member of the Big Stone Gap community, died on January 26, 2024; and

WHEREAS, a native of Pennington Gap, James "Jim" Huff graduated from the former Pennington High School before earning a degree from Lincoln Memorial University; and

WHEREAS, as a high school educator and coach with Wise County Public Schools, Jim Huff worked tirelessly to enable his students to fulfill their potential and achieve their dreams; and

WHEREAS, Jim Huff saw tremendous success as an assistant coach in football, leading five teams to state championship titles, while instilling in every player he worked with an appreciation for the value of hard work; and

WHEREAS, guided in his life by his faith, Jim Huff was a born-again Baptist who enjoyed worship and fellowship with his community; and

WHEREAS, Jim Huff never met a stranger, and his unwavering eagerness to help others made a profound and lasting impact on the Wise County community; and

WHEREAS, Jim Huff will be fondly remembered and dearly missed by his loving wife, Pamela; his son, Jacob, and his family; his sister, Anita; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of James Warren Huff, a cherished member of the Big Stone Gap community whose kindness, generosity, and dedication to the well-being of others touched countless lives; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of James Warren Huff as an expression of the Senate of Virginia's respect for his memory.

SENATE RESOLUTION NO. 50

Commending John Ray Grisham, Jr.

Agreed to by the Senate, February 8, 2024

WHEREAS, John Ray Grisham, Jr., the acclaimed best-selling author and longtime resident of the Commonwealth, was presented the Outstanding Virginian Award in 2024; and

WHEREAS, presented by the General Assembly's Outstanding Virginian Committee in conjunction with the University of Virginia's Frank Batten School of Leadership and Public Policy, the Outstanding Virginian Award is considered the Commonwealth's highest civilian honor and is awarded to citizens, such as John Grisham, whose distinguished contributions, outstanding achievements, and dedicated leadership serve as an inspiration to all civic-minded citizens; and

WHEREAS, John Grisham earned a juris doctor degree from the University of Mississippi School of Law in 1981 and returned to his hometown of Southaven, Mississippi, to practice law; and

WHEREAS, motivated by his experiences with his working-class and indigent clients and the fact that Mississippi was the only state in the nation without a public kindergarten system at the time, John Grisham ran for a seat in the Mississippi House of Representatives and was elected in 1983; and

WHEREAS, over his two four-year terms as a member of the Mississippi House of Representatives, John Grisham introduced a number of bills to advance reforms in the areas of education, elections, public health, taxation, and corrections, though many of them never made it out of committee; and

WHEREAS, facing limited success as an attorney and legislator, John Grisham cultivated a secret hobby writing fiction, publishing his first book, *A Time to Kill*, in 1989; and

WHEREAS, John Grisham's second novel, *The Firm*, published in 1991, found a wide audience and launched the author into literary stardom, enabling him to close his law practice and devote himself to writing full time; and

WHEREAS, with remarkable work ethic and commitment to his craft, John Grisham has published nearly 50 novels over the past three decades, many of which have been adapted for popular films; and

WHEREAS, more than 400 million copies of John Grisham's gripping legal thrillers have been sold worldwide, making him one of the most well-known contemporary American authors and a fixture on *The New York Times* best seller list; and

WHEREAS, John Grisham has used his platform to advocate against wrongful convictions and serves on the boards of the Innocence Project in New York City and Centurion Ministries in Princeton, New Jersey, to advance this cause; and

WHEREAS, alongside his wife, Renee, John Grisham supports several organizations striving to bring an end to childhood hunger; and

WHEREAS, John Grisham has lived part time on a farm outside of Charlottesville for the past 30 years, becoming an active and integral member of the local community, in large part through his efforts as the patron and steward of the Cove Creek Park youth baseball and softball complex in Albemarle County; and

WHEREAS, John Grisham's accomplishments as an author and activist have made a meaningful impact on countless lives and are worthy of the esteem and admiration of all Virginians; now, therefore, be it

RESOLVED by the Senate of Virginia, That John Ray Grisham, Jr., hereby be commended for receiving the 2024 Outstanding Virginian Award; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to John Ray Grisham, Jr., as an expression of the Senate of Virginia's admiration for his achievements and appreciation for his contributions to the Commonwealth.

SENATE RESOLUTION NO. 51

Celebrating the life of Hawes Campbell III, MD.

Agreed to by the Senate, February 15, 2024

WHEREAS, Hawes Campbell III, MD, a trusted physician who touched the lives of countless patients in Yorktown and Gloucester Point, died on January 18, 2024; and

WHEREAS, Hawes Campbell was a high-achieving student in his school years and knew from a young age that he wanted to become a doctor; and

WHEREAS, after graduating from Thomas Jefferson High School in Richmond, Hawes Campbell continued his education at Hampden-Sydney College and what is now the Virginia Commonwealth University School of Medicine; and

WHEREAS, Hawes Campbell served the nation as a captain in the United States Army Medical Corps and was stationed in Korea; and

WHEREAS, Hawes Campbell spent most of his career as a general practitioner in Yorktown; he worked with other local doctors and was a member of the Tidewater Physicians Multispecialty Group network; and

WHEREAS, Hawes Campbell was well known for his bedside manner and commitment to the ethos of a community doctor; he was on call 24 hours a day, seven days a week, and always prepared to help patients with their medical needs, large or small; and

WHEREAS, generations of Yorktown and Gloucester Point residents benefited from Hawes Campbell's wisdom, expertise, and devotion to his patients; and

WHEREAS, Hawes Campbell will be fondly remembered and greatly missed by his wife, Candy; his children, Loughan and Hank, and their families; and numerous other family members, friends, and former patients; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of Hawes Campbell III, MD, a highly admired caregiver in Gloucester Point; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Hawes Campbell III, MD, as an expression of the Senate of Virginia's respect for his memory.

SENATE RESOLUTION NO. 52

Commending Bruton Parish Episcopal Church.

Agreed to by the Senate, February 15, 2024

WHEREAS, for 350 years, Bruton Parish Episcopal Church in Williamsburg has preserved the history of the nation while providing opportunities for joyful worship and offering generous outreach to the community; and

WHEREAS, Bruton Parish Episcopal Church traces its earliest roots to 1633, when an Anglican parish church named after the Middle Plantation was constructed somewhere in the area; and

WHEREAS, in 1658, Middle Plantation Parish merged with Harrop Parish in James City County to form Middletown Parish, which in turn merged with Marston Parish in 1674 to form Bruton Parish; and

WHEREAS, Bruton Parish Episcopal Church was named for the community of Bruton in County Somerset, England, the ancestral home of the colonial governor, Sir William Berkeley, and the colonial secretary, Thomas Ludwell, who was also a parish member at the time; and

WHEREAS, the Reverend Roland Jones was selected as the first pastor of Bruton Parish Episcopal Church and, in 1677, the vestry agreed to build a new brick church to better serve the consolidated parish; the Gothic-style building was situated northwest of the current location on land donated by Colonel John Page and completed in 1683; and

WHEREAS, with the establishment of The College of William and Mary in Virginia and the relocation of the colonial capital from Jamestown to the Middle Plantation, which was renamed as Williamsburg shortly thereafter, Bruton Parish Episcopal Church experienced significant growth in the 1690s; and

WHEREAS, in the early 1700s, the Bruton Parish Episcopal Church vestry again discussed a new church building; the cruciform-shaped church, designed by Governor Alexander Spotswood, was the first of its kind in Virginia, and it was completed in 1715 under the oversight of James Blair, who was serving as both rector of the church and president of The College of William and Mary in Virginia; and

WHEREAS, over the course of the 18th century, Bruton Parish Episcopal Church flourished as a house of worship and an important meeting place for students, townspeople, and government officials; the church received numerous additions, including a new steeple, the historic Tarpley Bell, and a prized organ that was played by the professionally trained musician Peter Pelham for 46 years; and

WHEREAS, during this time, Bruton Parish Episcopal Church also received several important artifacts, including copies of the Book of Common Prayer and the Holy Bible, as well as three sets of silver communion services, including the Jamestown Church communion service, which is now typically on display at the Jamestown Settlement; and

WHEREAS, several founding fathers, including George Washington, Thomas Jefferson, and Patrick Henry attended Bruton Parish Episcopal Church while serving as members of the House of Burgesses, and the church was the site of heated debate in the lead-up to the American Revolution; and

WHEREAS, the Reverend John Bracken, who served as rector of Bruton Parish Episcopal Church from 1773 to 1818 and president of The College of William and Mary in Virginia from 1812 to 1814, guided the community through the Revolutionary War; he is most likely responsible for crossing out the prayer for the king in the church's Book of Common Prayer and replacing it with a prayer for the president of the United States; and

WHEREAS, Bruton Parish Episcopal Church broke from the Church of England and joined the Episcopal Church in the United States; in the post-war period, the church endured financial hardship and sold numerous furnishings to generate operating funds and allow for necessary remodeling; and

WHEREAS, during the American Civil War, Bruton Parish Episcopal Church served as a hospital for wounded soldiers after the Battle of Williamsburg; the parish continued to struggle until the 1880s, when the Catherine Memorial Society, a forerunner of what is now Preservation Virginia, raised funds to repair church furnishings and restore tombstones and monuments in the parish's historic cemetery; and

WHEREAS, the Reverend William T. Roberts and the Reverend W.A.R. Goodwin led additional restoration efforts, and by the early 1900s, Bruton Parish Episcopal Church had regained much of its original character and played a role in the commemoration of the 300th anniversary of the Jamestown Settlement in 1907; and

WHEREAS, from 1926 to 1928, Reverend Goodwin was instrumental in convincing John D. Rockefeller, Jr., to restore Williamsburg's colonial heritage, leading to a complete renovation of Bruton Parish Episcopal Church; and

WHEREAS, under the leadership of the Reverend Francis H. Craighill, the Reverend Cotesworth Pinckney Lewis, the Reverend Richard L. May, the Reverend Herman Hollerith IV, and the Reverend Christopher L. Epperson, Bruton Parish Episcopal Church has thrived in the modern era; membership has remained high, programs and services have multiplied, and the church has given back to the community in myriad ways, including religious education, community festivals, and the annual Rockefeller Concert; and

WHEREAS, in January 2024, Bruton Parish Episcopal Church kicked off the commemorative events for its milestone 350th anniversary with a presentation by Carl Lounsbury, the former senior architectural historian of the Colonial Williamsburg Foundation, and a special worship service celebrated with a prayer book from 1662 and the Jamestown Church communion silver; and

WHEREAS, Bruton Parish Episcopal Church's yearlong anniversary program will feature more historical presentations, along with fellowship and social events, to educate, enlighten, and engage with members of the public; the program divides the year into four quarters, focusing on the beginning of the church from 1674 to 1789, the evolution of the church from 1789 to 1900, the modern era from 1900 to 2023, and the church's future; now, therefore, be it

RESOLVED by the Senate of Virginia, That Bruton Parish Episcopal Church hereby be commended on the occasion of its 350th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Bruton Parish Episcopal Church as an expression of the Senate of Virginia's admiration for the church's storied history and legacy of service to the Commonwealth.

SENATE RESOLUTION NO. 53

Celebrating the life of T.K. Weiler.

Agreed to by the Senate, February 15, 2024

WHEREAS, T.K. Weiler, the highly respected former fire chief of Williamsburg and a loving husband, father, and friend, died on January 23, 2024; and

WHEREAS, T.K. "Buz" Weiler served the nation as a member of the United States Navy and was stationed aboard the USS *Little Rock*; and

WHEREAS, Buz Weiler served and safeguarded the residents of Williamsburg and the surrounding counties for 43 years as a firefighter and a dynamic, forward-thinking leader in public safety; and

WHEREAS, as fire chief, Buz Weiler modernized the Williamsburg Fire Department and ensured that his troops, as he called them, had the tools and training they needed to protect the lives and property of local residents; and

WHEREAS, Buz Weiler served the Williamsburg community with dedication, integrity, and distinction, earning countless certifications, awards, accolades, and honors over the course of his career; and

WHEREAS, guided by his faith in all his actions, Buz Weiler enjoyed fellowship and worship with the community as a member of Saint Bede Catholic Church, where he served as a lector, Eucharistic minister, and Rite of Christian Initiation of Adults teacher; he also attended CrossWalk Church in Norge, where he was active in the men's ministry; and

WHEREAS, predeceased by his first wife, Audrey, Buz Weiler will be fondly remembered and greatly missed by his beloved wife of 44 years, Margie; his children and their families; and numerous other family members, friends, and fellow firefighters; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of T.K. Weiler, a longtime firefighter who made many contributions to the Williamsburg community; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of T.K. Weiler as an expression of the Senate of Virginia's respect for his memory.

SENATE RESOLUTION NO. 54

Commending the Prince William County Chapter of the National Coalition of 100 Black Women, Inc.

Agreed to by the Senate, February 15, 2024

WHEREAS, the Prince William County Chapter of the National Coalition of 100 Black Women, Inc., is a 501(c)(3) nonprofit organization dedicated to advocating on behalf of Black women and girls to promote leadership development and gender equity in the areas of health, education, and economic empowerment; and

WHEREAS, the Prince William County Chapter of the National Coalition of 100 Black Women (PWCC NCBW) was established on November 17, 2012, shortly after its organizer, Dr. Alice H. Howard, presented a letter to the national organization requesting the formation of a new chapter in Prince William County; and

WHEREAS, as a testament to its success in the pursuit of its goals, the PWCC NCBW has grown from its initial roster of 71 members to a membership of more than 120 in 2022; and

WHEREAS, the PWCC NCBW's health programs include its community health vaccine expo, a 5 kilometer and 10 kilometer walk or run to help prevent diabetes, and the "Stop the Stigma" mental health awareness workshop; and

WHEREAS, the PWCC NCBW helps young people develop the skills and knowledge they need to achieve their dreams and become the leaders of tomorrow through scholarships for graduating high school seniors and a mentoring program for girls ages 13 through 18; and

WHEREAS, the PWCC NCBW promotes economic empowerment through programs and workshops that teach financial literacy, family wealth building, entrepreneurship, and economic self-sufficiency; and

WHEREAS, the PWCC NCBW takes an active role in advocating for change at the local, state, and federal level, supporting a number of causes that are important to the organization and its members; and

WHEREAS, with a commitment to the organization's core values of gender equality, inclusion, respect, racial and social justice, integrity and accountability, economic empowerment, and collaboration, the PWCC NCBW has helped to make Prince William County a wonderful place to live, work, and raise a family; now, therefore, be it

RESOLVED by the Senate of Virginia, That the Prince William County Chapter of the National Coalition of 100 Black Women, Inc., hereby be commended for more than a decade of service and advocacy; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the Prince William County Chapter of the National Coalition of 100 Black Women, Inc., as an expression of the Senate of Virginia's admiration for the organization's contributions to the Commonwealth.

SENATE RESOLUTION NO. 55

Commending the Phi Kappa Zeta chapter of Zeta Phi Beta Sorority, Inc.

Agreed to by the Senate, February 15, 2024

WHEREAS, the Phi Kappa Zeta chapter of Zeta Phi Beta Sorority, Inc., has greatly served the Woodbridge community for many years; and

WHEREAS, the Phi Kappa Zeta chapter of Zeta Phi Beta Sorority was chartered on December 5, 2007, by a group of eight visionary women who recognized an opportunity to meet the needs of the Woodbridge community; and

WHEREAS, the Phi Kappa Zeta chapter has grown over the years and includes professional women of all ages and backgrounds as part of its membership; and

WHEREAS, the Phi Kappa Zeta chapter engages in numerous programs with a focus on literacy, women, children, and wellness, making a meaningful impact on the lives of others; and

WHEREAS, the Phi Kappa Zeta chapter's annual service activities include its Bowling for Literacy events, read-ins at local libraries, book giveaways, scholarship awards, and support of women and children at local homeless shelters; and

WHEREAS, as part of its elder care initiative, the Phi Kappa Zeta chapter partners with the elder care facility Potomac Place in Woodbridge, visiting residents regularly and providing stimulating activities, such as bingo, arts and crafts, and other special events for their benefit; and

WHEREAS, the Phi Kappa Zeta chapter proudly sponsors four auxiliary groups: Amicae, a service group for women who are not members of a Greek-letter organization; Archonettes, a group for high school-aged girls; Amicettes, a group of girls ages nine to 13; and Pearlettes, a group of girls under the age of nine; and

WHEREAS, with a deep and unwavering commitment to their organization's mission and values, the members of the Phi Kappa Zeta chapter have helped to make Woodbridge a wonderful place to live, work, and raise a family; now, therefore, be it

RESOLVED by the Senate of Virginia, That the Phi Kappa Zeta chapter of Zeta Phi Beta Sorority, Inc., hereby be commended for its service in the Woodbridge community; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the Phi Kappa Zeta chapter of Zeta Phi Beta Sorority, Inc., as an expression of the Senate of Virginia's admiration for the organization's contributions to the Commonwealth.

SENATE RESOLUTION NO. 56

Celebrating the life of Michelle Antonette Leete.

Agreed to by the Senate, February 15, 2024

WHEREAS, Michelle Antonette Leete, a passionate champion for civil rights, equity, and social justice, who was serving as president of the Fairfax County Branch of the NAACP, died on January 4, 2024; and

WHEREAS, a native of Portsmouth, Michelle Leete received a bachelor's degree in computer science from Elizabeth City State University and a master's degree from Villanova University; she subsequently earned a master of business administration degree in strategic leadership from Amberton University; and

WHEREAS, Michelle Leete began her career at the New York Stock Exchange, then supported the maintenance, operation, development, and preservation of the United States Capitol Complex as a member of the Office of the Architect of the Capitol for 17 years; and

WHEREAS, Michelle Leete settled in Alexandria, where she was an active participant in local education, serving on parent-teacher associations at Weyanoke Elementary School, Holmes Middle School, and Edison High School; she also served as vice president of the Virginia PTA and the Fairfax County Council PTA; and

WHEREAS, Michelle Leete's true calling was civic leadership, and she supported reform in housing, education, criminal justice, and environmental and economic policies for the betterment of all; and

WHEREAS, Michelle Leete was the longest-serving board member of the Fairfax County Branch of the NAACP and had previously served as treasurer; she inspired others through her determined advocacy and genuine commitment to enhancing community life and was elected as president in 2023; and

WHEREAS, Michelle Leete was well known for her incredible organizational skills and could take command of any situation through her proactive management style; and

WHEREAS, predeceased by her son, Myles, Michelle Leete will be fondly remembered and greatly missed by her daughter, Sydney; her mother, Lynda; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of Michelle Antonette Leete, the highly admired president of the Fairfax County Branch of the NAACP; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Michelle Antonette Leete as an expression of the Senate of Virginia's respect for her memory.

SENATE RESOLUTION NO. 57

Commending the Omicron Chi Omega chapter of Alpha Kappa Alpha Sorority, Inc.

Agreed to by the Senate, February 15, 2024

WHEREAS, the Omicron Chi Omega chapter of Alpha Kappa Alpha Sorority, Inc., has admirably served the Greater Prince William County community and beyond for nearly 40 years; and

WHEREAS, the Omicron Chi Omega chapter of Alpha Kappa Alpha Sorority (OCO) traces its roots to August 26, 1984, shortly after the 51st International Convention of Alpha Kappa Alpha Sorority, when Rosyln Dunn, Venus Miller, Jannette Smithson, Alice Taylor, and Mary Williams met to discuss establishing a new local chapter; and

WHEREAS, this group formed an official interest group of Alpha Kappa Alpha Sorority that they called the Princesses of Pearls and, on May 19, 1985, under the leadership of Mid-Atlantic regional director Barbara W. Davis, the OCO was officially chartered; and

WHEREAS, the OCO has made a profound and positive impact on the community through its myriad local and international programs and services, including its back-to-school and stay-in-school programs and its support of the organizations Sexual Assault Victim's Advocacy Services and Action in the Community Through Service; and

WHEREAS, the OCO hosts a number of local activities and events in the Prince William County area in coordination with the Ivy Foundation of Greater Prince William County, Inc., the nonprofit affiliate of the OCO, such as its Little Miss AKA Pageant, Gospel Fest, and Big Hat Brunch; and

WHEREAS, the OCO has received numerous awards and accolades at the local, state, regional, and national levels in recognition of its accomplishments in service to the community; and

WHEREAS, through a deep and unwavering commitment to their organization's mission and values, the members of the OCO have helped to make the Greater Prince William County area a wonderful place to live, work, and raise a family; now, therefore, be it

RESOLVED by the Senate of Virginia, That the Omicron Chi Omega chapter of Alpha Kappa Alpha Sorority, Inc., hereby be commended for its decades of service; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the Omicron Chi Omega chapter of Alpha Kappa Alpha Sorority, Inc., as an expression of the Senate of Virginia's admiration for the organization's contributions to the Commonwealth.

SENATE RESOLUTION NO. 58

Commending the Prince William County Alumnae Chapter of Delta Sigma Theta Sorority, Inc.

Agreed to by the Senate, February 15, 2024

WHEREAS, the Prince William County Alumnae Chapter of Delta Sigma Theta Sorority, Inc., a sisterhood of college-educated women actively engaged in serving the communities of Prince William County, Manassas, and Manassas Park, celebrates its 40th anniversary in 2024; and

WHEREAS, the Prince William County Alumnae Chapter (PWCAC) of Delta Sigma Theta Sorority, Inc., became the 740th chapter of the distinguished and historically African American national sorority when it was chartered on December 1, 1984; and

WHEREAS, from a group of 15 charter members and six chapter members, the PWCAC has grown considerably in its membership over the years and expanded and diversified the ways in which the organization makes an impact on the lives of others; and

WHEREAS, the PWCAC supports local homeless shelters, carries out food and toy drives, and spearheads numerous other projects and initiatives in the areas of education and literacy, health and wellness, arts and culture, and business, building a remarkable legacy of service in the interest of the public good; and

WHEREAS, through a deep and unwavering commitment to their organization's mission and values, the members of the PWCAC have helped to make Prince William County, Manassas, and Manassas Park wonderful places to live, work, and raise a family; now, therefore, be it

RESOLVED by the Senate of Virginia, That the Prince William County Alumnae Chapter of Delta Sigma Theta Sorority, Inc., hereby be commended on the occasion of its 40th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the Prince William County Alumnae Chapter of Delta Sigma Theta Sorority, Inc., as an expression of the Senate of Virginia's admiration for the group's history and its many accomplishments in service to the community.

SENATE RESOLUTION NO. 59

Commending Joann S.M. Bagnerise.

Agreed to by the Senate, February 15, 2024

WHEREAS, Joann S.M. Bagnerise, a dedicated grassroots community leader and activist and longtime resident of Prince William County has made meaningful contributions to the civil rights movement and the Prince William County community; and

WHEREAS, Joann Bagnerise's efforts at both the local and national level during the civil rights movement have earned her praise from several prominent individuals, including Coretta Scott King, Myrlie Evers-Williams, and Alma and Colin Powell; and

WHEREAS, Joann Bagnerise formerly served as a volunteer at the White House for more than 22 years, as a member of the Jennie Dean Memorial Committee, and as a volunteer for the dedication of the Martin Luther King, Jr. Memorial on the National Mall; and

WHEREAS, Joann Bagnerise co-founded Prince William County's Martin Luther King, Jr. Day celebration and has been instrumental in the event's success as it has grown into one of the largest commemorations of its kind in the nation; and

WHEREAS, as a charter member of the Prince William County Alumnae Chapter of Delta Sigma Theta Sorority, Inc., Joann Bagnerise has been actively involved in the organization's Delta Days in the Nation's Capital and Delta Days at the General Assembly events; and

WHEREAS, Joann Bagnerise has supported various organizations by offering her leadership and expertise, including the Phyllis Wheatley Young Women's Christian Association, the National Council of Negro Women, Unity in the Community, the National Museum of African American History and Culture, and the Prince William County Chapter of Jack and Jill of America, Inc.; and

WHEREAS, to better preserve the history and heritage of the Commonwealth, Joann Bagnerise participated in George Mason University's Northern Virginia Civil Rights Archive Oral Histories project; and

WHEREAS, as a testament to her impact in the community, Joann Bagnerise has received many awards and accolades over the years, including the Lifetime Humanitarian Award at the 2019 Dale City Multicultural Achievement Awards and Scholarship Banquet, the 2012 President's Volunteer Service Award from President Barack Obama, the Prince William County Human Rights Award, and the Distinguished Service Award from the NAACP; now, therefore, be it

RESOLVED by the Senate of Virginia, That Joann S.M. Bagnerise hereby be commended for her remarkable accomplishments as a community leader and activist; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Joann S.M. Bagnerise as an expression of the Senate of Virginia's admiration for her contributions to the civil rights movement and the Prince William County community.

SENATE RESOLUTION NO. 61

Commending Sergeant Major Nathaniel Frost, USA, Ret.

Agreed to by the Senate, February 15, 2024

WHEREAS, Sergeant Major Nathaniel Frost, USA, Ret., has inspired countless young people through his patriotism, leadership, and dedication to duty as a cofounder of the Junior Reserve Officers Training Corps program at Petersburg High School; and

WHEREAS, Nathaniel "Jack" Frost served with the United States Army Special Forces, better known as the Green Berets, and deployed to Vietnam for multiple tours of duty, including as a member of MACV-SOG, a highly selective unit that completed some of the most dangerous clandestine missions of the war; and

WHEREAS, by establishing the Junior Reserve Officers Training Corps program at Petersburg High School, Jack Frost has helped young men and women cultivate a sense of responsibility, self-confidence, and self-worth and promoted physical fitness, an appreciation for teamwork, and leadership development; and

WHEREAS, many former participants in the Petersburg High School Junior Reserve Officers Training Corps program have joined the military, and all participants have benefited greatly from Jack Frost's mentorship and valuable life lessons; now, therefore, be it

RESOLVED by the Senate of Virginia, That Sergeant Major Nathaniel Frost, USA, Ret., hereby be commended for his service to the nation and contributions to young people in Petersburg; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Sergeant Major Nathaniel Frost, USA, Ret., as an expression of the Senate of Virginia's admiration for his legacy of service to the Commonwealth and the nation.

SENATE RESOLUTION NO. 62

Commending Lillie G. Jessie.

Agreed to by the Senate, February 15, 2024

WHEREAS, Lillie G. Jessie, a distinguished educator and education administrator, retired from her position as the Occoquan District representative on the Prince William County School Board in 2023; and

WHEREAS, Lillie Jessie formerly served as an educator and education administrator with Prince William County Public Schools for 35 years, including two decades as principal of Elizabeth Vaughan Elementary School; and

WHEREAS, as a result of Lillie Jessie's visionary leadership and commitment to ensuring her students' success, Elizabeth Vaughan Elementary School received national and international recognition for its accomplishments in closing the achievement gap during her tenure as principal; and

WHEREAS, Lillie Jessie is a nationally acclaimed author and education consultant whose publications and videos, including *10 Principal's Principles for High Performance in Diverse, Low-Income Schools*, have made an impact at schools across the country; and

WHEREAS, Lillie Jessie is the creator of the Dr. Martin Luther King, Jr., Youth Oratorical Competition in Prince William County, an annual event that draws thousands to watch the next generation's leaders respond to prompts inspired by the legacy of the civil rights hero; and

WHEREAS, Lillie Jessie was elected to the Prince William County School Board in 2012 and reelected in 2015 and 2019; over her terms, she served twice as vice chair and once as acting chair; and

WHEREAS, during her time with the Prince William County School Board, Lillie Jessie worked tirelessly to improve educational outcomes in Prince William County Public Schools by supporting initiatives to reduce the use of trailers, build new schools and facilities, advise parents on college and career decisions for their children, and more; and

WHEREAS, to honor her work in the community, Lillie Jessie has received a plethora of accolades and awards from many prominent organizations over the years, including the Prince William County Committee of 100, *The Washington*

Post, the Prince William County Board of Supervisors, the NAACP, and the Prince William County Human Rights Commission; and

WHEREAS, through her indefatigable efforts in support of Prince William County Public Schools, Lillie Jessie has helped to foster brighter futures for countless young people in the Commonwealth; now, therefore, be it

RESOLVED by the Senate of Virginia, That Lillie G. Jessie hereby be commended on the occasion of her retirement from the Prince William County School Board; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Lillie G. Jessie as an expression of the Senate of Virginia's admiration for her contributions to the education of the Commonwealth's youth.

SENATE RESOLUTION NO. 63

Commending I.C. Norcom High School.

Agreed to by the Senate, February 15, 2024

WHEREAS, I.C. Norcom High School of Portsmouth City Public Schools, a distinguished academic institution and one of the oldest historically Black high schools in the United States, celebrated its 145th anniversary in 2023; and

WHEREAS, the origins of I.C. Norcom High School date to 1878 when the construction of Chestnut Street Colored School, formerly the Chestnut Street Academy at Zion Baptist Church, established the first school building for African Americans in the City of Portsmouth; and

WHEREAS, from 1883 to 1916, the Chestnut Street Colored School was guided by principal Israel Charles Norcom, a pioneering educator whose visionary leadership left a profound and lasting impact on the Portsmouth community; and

WHEREAS, when the Chestnut Street Colored School moved to a new building in 1920, it was renamed I.C. Norcom High School in recognition of the enduring legacy of its former principal; and

WHEREAS, after relocating in 1937 and again in 1953, I.C. Norcom High School settled at its location on London Boulevard in 1998, where it has shined as a beacon of academic and athletic excellence ever since; and

WHEREAS, succeeding principals have upheld the virtues and traditions established by I.C. Norcom throughout the school's history, including W.E. Waters, A.T. Edwards, E. Blair, L. Wallace, V. Randall, DeWayne Jeter, Walter Taylor, Timothy Johnson, Lynn Briley, Rosalynn Sanderlin, Shameka Pollard, Laguna Foster, and Teesha Sanders; and

WHEREAS, I.C. Norcom High School consistently provides its students with an exceptional learning environment where they may cultivate their curiosity and spark their success; over its long history, the school has produced scores of local leaders in the areas of politics, education, and athletics; and

WHEREAS, members of the I.C. Norcom High School Alumni Association sought, with great purpose and zeal, to champion their alma mater and honor its history throughout the anniversary year; and

WHEREAS, the accomplishments of I.C. Norcom High School are the result of the hard work and dedication of its leaders and educators, the spirit and commitment of its students, and the extraordinary support of the entire Portsmouth community; now, therefore, be it

RESOLVED by the Senate of Virginia, That I.C. Norcom High School hereby be commended on the occasion of its 145th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to I.C. Norcom High School as an expression of the Senate of Virginia's high regard for the institution's contributions to the Commonwealth.

SENATE RESOLUTION NO. 64

Celebrating the life of John Oliver Wynne.

Agreed to by the Senate, February 15, 2024

WHEREAS, John Oliver Wynne, the former president and chief executive officer of Landmark Communications, Inc., who had a profound impact on the Commonwealth through his innovative leadership on economic development, education, regional collaboration, governmental performance, and civic and cultural initiatives, died on October 26, 2023; and

WHEREAS, John "Dubby" Wynne was born in Norfolk on July 6, 1945, and graduated from Norfolk Academy, where he was captain of the tennis, football, and basketball teams; he earned a bachelor's degree from Princeton University, then, after interrupting his legal studies for active duty in the United States Army Reserve, earned his law degree from the University of Virginia; he was also later awarded an honorary doctorate of humane letters by Old Dominion University; and

WHEREAS, after completing his legal studies, Dubby Wynne joined the Willcox Savage law firm, then moved to Landmark Communications, a Norfolk-based media company, to work as an attorney on significant litigation matters; he rose to the company's executive ranks, where he was mentored by Frank Batten, Sr., and after a fruitful career, he retired as the company's president and chief executive officer in 2001, while continuing to serve on its board of directors; and

WHEREAS, Dubby Wynne's productive tenure at Landmark Communications included his primary role in launching The Weather Channel cable network, for which he received numerous national awards, including the Governor's Award

from the National Academy of Cable Programming for "his leadership and insight in making The Weather Channel the preeminent provider of weather information, and one of the most innovative and popular networks on television," as well as induction into the Cable Hall of Fame; during this time he also served in leadership roles in the National Cable Television Association and National Satellite Programmers Group; and

WHEREAS, Dubby Wynne gave back generously to each of the educational institutions that helped prepare him for success in business and in life, serving as a trustee and president of the board of trustees of Norfolk Academy, as a charter trustee and executive committee member of the board of trustees and national chair of giving campaigns for Princeton University, and as member and rector of the board of visitors of the University of Virginia and chair of the University of Virginia Investment Management Company; and

WHEREAS, perceiving a crucial connection between education and economic development in the Commonwealth, Dubby Wynne dedicated his time, talent, and experience to service on the State Council of Higher Education for Virginia, the Virginia Business Higher Education Council (VBHEC), the Council on Virginia's Future, and the Virginia Growth and Opportunity Board and Foundation, selflessly devoting hundreds of his retirement hours to travel throughout the Commonwealth for meetings and presentations; and

WHEREAS, under Dubby Wynne's leadership, the Council on Virginia's Future examined best practices from other states and the private sector to enhance the efficiency, effectiveness, and accountability of state government and made extensive and detailed recommendations on actions to improve the quality of life for Virginians through initiatives in economic and talent development, human services, health care, and government reform; and

WHEREAS, the work of the Council on Virginia's Future under Dubby Wynne's direction documented the steps needed to make Virginia the national leader in educational attainment, laying the intellectual foundation for VBHEC's initiative to add 100,000 bachelor's and associate degrees by 2025 with a focus on science, technology, engineering, mathematics, and health care; as a member of Governor Robert McDonnell's higher education commission and business advocate, he also helped weave that initiative into the Commonwealth's law and policy through passage of the landmark Higher Education Opportunity Act of 2011, known as the "Top Jobs Act"; and

WHEREAS, reflecting his conviction that the economic growth of the Commonwealth depend on strong regional cooperation, Dubby Wynne galvanized the state's senior business community to develop and promote the collaborative regional program known as GO Virginia, which aimed to bring business, education, and government leaders together in each region for cooperative effort on business recruitment and retention, job creation, entrepreneurship, and workforce development; and

WHEREAS, after leading efforts to secure passage of the GO Virginia legislation, Dubby Wynne served as founding chair of the Virginia Growth and Opportunity Board; he then took the reins of the business-led GO Virginia Foundation, spearheading the talent pathways initiative designed to meet the workforce needs of the highest growth industry clusters in each region and to help keep young people in Virginia for post-graduation employment; and

WHEREAS, the Joint Legislative Audit and Review Commission report on the GO Virginia program in 2023 found that it was fulfilling its intended purpose by facilitating greater collaboration among key stakeholders within the state's regional economies and offered suggestions for expanding the program's impact by accelerating its grant awards; and

WHEREAS, Dubby Wynne enhanced the well-being of people in his home region of Hampton Roads and throughout the Commonwealth by his exceedingly generous philanthropic activity and by his personal involvement in numerous worthy civic and cultural causes; and

WHEREAS, Dubby Wynne served as chair of the Virginia Business Council, co-chair of the Hampton Roads Business Partnership, chair of the Hampton Roads Community Foundation; he was a founding member of the Hampton Roads Business Roundtable, served on the governing boards of the Eastern Virginia Medical School Foundation and the Children's Hospital of the King's Daughters, and provided his leadership to Junior Achievement of Tidewater, the United Way of South Hampton Roads Capital Campaign, and the board of the Colonial Williamsburg Foundation; and

WHEREAS, faith and family were of primary importance to Dubby Wynne; he was devoted to his wife of more than 50 years, Susan, and to his sons, John and Bradford, and their families; and

WHEREAS, the loss of Dubby Wynne's son Lee to leukemia in 1984 at age six profoundly fortified his faith; he was a lifelong member of Galilee Episcopal Church in Virginia Beach, where he served on the vestry and in other key roles, and he sought to live out his faith by devoting himself tirelessly to serving others in his community and the Commonwealth; and

WHEREAS, Dubby Wynne improved the lives of countless young Virginians of all backgrounds, regions, and circumstances by expanding their educational and employment opportunities, and he will be fondly remembered and greatly missed by his family and friends as well as colleagues throughout Virginia; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of John Oliver Wynne, a former executive of Landmark Communications and transformational servant-leader in Hampton Roads and throughout the Commonwealth; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of John Oliver Wynne as an expression of the Senate of Virginia's respect for his memory.

SENATE RESOLUTION NO. 65

Celebrating the life of John Benjamin Graham, Jr.

Agreed to by the Senate, February 15, 2024

WHEREAS, John Benjamin Graham, Jr., a former employee of the National Aeronautics and Space Administration who played an important role in early space exploration and who as a business owner made numerous contributions to Hampton Roads, died on January 25, 2024; and

WHEREAS, John Graham graduated from Poquoson High School, where he was a talented multisport athlete and was elected as senior class president; and

WHEREAS, John Graham was a four-time letterman and a two-time captain of the football team at Randolph-Macon College, from which he earned a bachelor's degree in physics; he was a member of Lambda Chi Fraternity as an undergraduate and later joined the Boydton Society alumni group; and

WHEREAS, John Graham joined the National Aeronautics and Space Administration (NASA) at the height of the space race and worked alongside the seven original American astronauts on Project Mercury and made vital contributions to Project Gemini and Project Apollo; and

WHEREAS, John Graham was responsible for reconstructing images which were taken from deep space for orbital tracking purposes, and he was the first person to ever view a photograph of the earth from the moon's surface; and

WHEREAS, in 1973, John Graham had been selected as the mission operations manager for the Viking program to land probes on Mars, when he learned that his father had passed away, leaving the state of the family business in doubt; and

WHEREAS, John Graham ultimately retired early from NASA and assumed ownership of Graham & Rollins Seafood Market; he not only preserved the family legacy but also guided the business to achieve significant growth through his outstanding leadership; and

WHEREAS, highly respected in the industry, John Graham offered his expertise to the Virginia Seafood Council and helped build a strong sense of community by participating in the Poquoson Seafood Festival each year; and

WHEREAS, outside of his career, John Graham developed a passion for the sport of wrestling and played an integral role in the creation of the Peninsula Wrestling Association and the establishment of the Virginia Duals, a unique dual tournament where college and high school wrestlers compete side by side; and

WHEREAS, John Graham began following Olympic wrestling in 1984 and served as a team leader for Team USA wrestling during the 1988 Summer Olympics and the 1996 Summer Olympics; one of his proudest memories was representing the Commonwealth and the United States during the opening ceremonies; and

WHEREAS, John Graham earned numerous awards and accolades for his personal and professional achievements, including recognition as a Paul Harris Fellow by Rotary International and the Order of Merit from the National Wrestling Hall of Fame; he was inducted into the Randolph-Macon College Hall of Fame, the Virginia Wrestling Hall of Fame, and the Lower Peninsula Hall of Fame; and

WHEREAS, predeceased by his wife of 37 years, Sandra, John Graham will be fondly remembered and greatly missed by his children, Terri, John III, and Casey, and their families; his partner of 21 years, Trish; and numerous other family members, friends, and colleagues; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of John Benjamin Graham, Jr., a distinguished former employee of the National Aeronautics and Space Administration and a leader in the seafood industry in Hampton Roads; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of John Benjamin Graham, Jr., as an expression of the Senate of Virginia's respect for his memory.

SENATE RESOLUTION NO. 66

Commending Robert A. Braxton.

Agreed to by the Senate, February 15, 2024

WHEREAS, Robert A. Braxton, a passionate advocate for members of the Williamsburg community, received the 2023 Mace Bearer's Award from the Williamsburg City Council for his commitment to civic improvement and leadership; and

WHEREAS, Robert "Bobby" Braxton grew up in Braxton Court, which is named in honor of his grandfather, who built many of the houses in the neighborhood beginning in the 1920s; and

WHEREAS, Bobby Braxton attended what is now Hampton University and served his country as a member of the United States Air Force, then pursued a career in electrical engineering and moved outside of Williamsburg; and

WHEREAS, Bobby Braxton stayed engaged with his home community, and when the city received federal grants to rehabilitate Braxton Court in the early 2000s, he closely followed the project and advocated for its completion; and

WHEREAS, Bobby Braxton ultimately moved back to Williamsburg after his retirement and won election to the Williamsburg City Council; since then, he has remained active on several boards and commissions, including the Community Action Agency and the Truth and Reconciliation Committee; and

WHEREAS, Bobby Braxton has also volunteered his leadership and expertise to the Let Freedom Ring Foundation, the Kiwanis Club of Williamsburg, and the Rotary Club of Williamsburg, among other civic and service organizations; and

WHEREAS, the Mace Bearer's Award is the only award conferred by the Williamsburg City Council to a member of the community and was named for the Mace of the City, a Colonial-era artifact that was used to convey the importance of municipal functions; Bobby Braxton is the second recipient of the award, which was established in 2022; and

WHEREAS, Bobby Braxton received the prestigious award at the One Williamsburg Holiday Reception on December 14, 2023; now, therefore, be it

RESOLVED by the Senate of Virginia, That Robert A. Braxton, the recipient of the 2023 Mace Bearer's Award from the Williamsburg City Council, hereby be commended for his outstanding community service; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Robert A. Braxton as an expression of the Senate of Virginia's admiration for his achievements in service to the residents of Williamsburg.

SENATE RESOLUTION NO. 67

Commending Earth Force.

Agreed to by the Senate, February 15, 2024

WHEREAS, Earth Force, an organization dedicated to engaging young people as active citizens who improve the environment and their communities now and in the future, celebrated its 30th anniversary in 2023; and

WHEREAS, inspired by the work of a group of elementary school students from Freeport, Maine, the Pew Charitable Trusts founded Earth Force in 1993 with the aim to provide young people with civic experiences that will motivate them to become active citizens in addressing environmental challenges; and

WHEREAS, through the Earth Force process, which combines best practices from environmental education, service-learning, experiential civics education, and youth development, young individuals gain direct experience in addressing environmental and community issues, developing valuable leadership skills along the way; and

WHEREAS, Earth Force's approach has evolved over the years in collaboration with other environmental organizations--such as Global Rivers Environmental Education Network and the National Oceanic and Atmospheric Administration's Chesapeake Bay Office--and in 2019 launched its innovative Environmental Action Civics program; and

WHEREAS, with adults guiding young people through the process of investigating environmental problems, identifying issues that affect their lives, and developing and implementing a course of action, Earth Force's Environmental Action Civics program helps students develop a range of essential skills and most importantly, inspires them to become involved in the environmental decision-making that will impact their futures; and

WHEREAS, building on its success over the past three decades, Earth Force announced its TenFold program in 2021, a five-year strategic plan to expand the organization's reach from 15,000 to 150,000 students; and

WHEREAS, today, Earth Force has programs in 28 states, with more than 750 educators empowering nearly 50,000 students to become agents of change for the benefit of the environment and the future of the planet; and

WHEREAS, local chapters of Earth Force have collaborated with Caring for our Watersheds, an education program that encourages students to participate in efforts to preserve and improve local watersheds through student-led solutions; and

WHEREAS, members of Earth Force at George Washington Middle School in Alexandria were recently successful in their efforts to address the issue of mold in schools, an accomplishment that will improve the quality of life for thousands of young people in the Commonwealth; now, therefore, be it

RESOLVED by the Senate of Virginia, That Earth Force hereby be commended on the occasion of the organization's 30th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Earth Force as an expression of the Senate of Virginia's admiration for the organization's mission and best wishes for its continued success.

SENATE RESOLUTION NO. 68

Commending Francisco Buxo, M.D.

Agreed to by the Senate, February 15, 2024

WHEREAS, Francisco Buxo, M.D., a distinguished obstetrician and gynecologist serving the Alexandria community, retired in 2023; and

WHEREAS, after graduating from the School of Medicine at the Universidad Central del Caribe in 1984, Francisco Buxo completed a obstetrics and gynecology (OB-GYN) residency program at Jamaica Hospital Medical Center in Queens, New York; and

WHEREAS, Francisco Buxo established a successful OB-GYN practice in Alexandria in 1994 that offers comprehensive women's health care services; and

WHEREAS, as a practicing obstetrician and gynecologist, Francisco Buxo's clinical interests included fibroids, infertility, minimally invasive surgery, uterine problems and surgery and treatments, and women's health; and

WHEREAS, Francisco Buxo's career has been defined by his unwavering dedication to the well-being of his patients and his unflagging commitment to the mission of providing personalized, high-quality care on an as-needed or preventative basis; and

WHEREAS, over the past three decades, Francisco Buxo has become an integral part of the Commonwealth's health care landscape; and

WHEREAS, Francisco Buxo's noteworthy contributions to the community are deserving of the respect and esteem of all Virginians; now, therefore, be it

RESOLVED by the Senate of Virginia, That Francisco Buxo, M.D., hereby be commended for his exceptional service and care on the occasion of his retirement; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Francisco Buxo, M.D., as an expression of the Senate of Virginia's admiration for his exemplary career and best wishes for a happy and fulfilling retirement.

SENATE RESOLUTION NO. 69

Celebrating the life of Helen V. Davis.

Agreed to by the Senate, February 15, 2024

WHEREAS, Helen V. Davis, a champion for civil rights and a trailblazing community leader in Portsmouth, died on January 24, 2024; and

WHEREAS, Helen Davis was born in Johnstown, Pennsylvania, and moved to Portsmouth with her family at a young age, then graduated from I.C. Norcom High School in 1944; and

WHEREAS, Helen Davis continued her education at Virginia Union University and what is now Norfolk State University, then completed additional studies through an extension program at The College of William and Mary in Virginia; and

WHEREAS, Helen Davis joined the Central Civic Forum and Independent Voters League which helped teach Black community members how to fill out registration forms and exercise their civic duty to vote; and

WHEREAS, Helen Davis served as the first female president of the Central Civic Forum, and her achievements with the organization led to the election of the first two Black members of the Portsmouth City Council, as well as the first Black judge and the first Black attorney for the Commonwealth in the city; and

WHEREAS, in 1960, Helen Davis supported and participated in student protests against discrimination at the local Woolworth store, and she fought to ensure that student protesters were not expelled for their courageous actions; and

WHEREAS, Helen Davis was passionate about the importance of a good education and gave generations of students the support they needed to become lifelong learners as a librarian in Portsmouth Public Schools for more than 30 years; and

WHEREAS, after her well-earned retirement, Helen Davis served as a member and vice-chair of the Portsmouth School Board, where she played an important role in the appointment of the first Black superintendent of Portsmouth Public Schools; and

WHEREAS, Helen Davis also volunteered her time and leadership to the Urban League, the Portsmouth Chapter of Jack and Jill, Inc., and what is now Bon Secours Maryview Medical Center as its first Black female member of the board of directors; and

WHEREAS, predeceased by her husband, Howard, Helen Davis will be fondly remembered and greatly missed by her daughters, Dianne and Carolyn, and their families; her adopted daughter, Gayle; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of Helen V. Davis, a pillar of the Portsmouth community; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Helen V. Davis as an expression of the Senate of Virginia's respect for her memory.

SENATE RESOLUTION NO. 70

Celebrating the life of Mary Clyde James Carruth.

Agreed to by the Senate, February 15, 2024

WHEREAS, Mary Clyde James Carruth, first lady of the Holy Light Church of Deliverance in Portsmouth and a beloved member of the Portsmouth community, died on August 7, 2023; and

WHEREAS, Mary Carruth co-founded Holy Light Church of Deliverance in 1967 alongside her husband, Bishop Samuel L. Carruth; and

WHEREAS, affectionately known by many as "Mother Carruth," Mary Carruth was actively engaged in the ministry over the years, inspiring countless individuals along their spiritual journeys; and

WHEREAS, Mary Carruth labored tirelessly to aid and support others in need, making a profound and lasting impact that will reverberate for generations; and

WHEREAS, preceded in death by her daughter, Linda, Mary Carruth will be fondly remembered and dearly missed by her loving husband of 69 years, Samuel; her children, Fayette, Dorene, and Shorron, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of Mary Clyde James Carruth, a pillar of the Holy Light Church of Deliverance community in Portsmouth, whose love and generosity touched many lives; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Mary Clyde James Carruth as an expression of the Senate of Virginia's respect for her memory.

SENATE RESOLUTION NO. 71

Commending the Women's Tidewater Golf Association.

Agreed to by the Senate, February 15, 2024

WHEREAS, for 100 years, the Women's Tidewater Golf Association has promoted the sport of golf and empowered women athletes of all ages, backgrounds, and skill levels; and

WHEREAS, the Women's Tidewater Golf Association was founded by a group of 25 women on November 12, 1924; and

WHEREAS, the Women's Tidewater Golf Association has grown to serve more than 100 members at 11 public and private golf clubs in Hampton Roads; and

WHEREAS, throughout its history, the Women's Tidewater Golf Association has inspired interest in the sport of golf, fostered confidence in new players by familiarizing them with rules, etiquette, and good sportsmanship, and facilitated skill building and participation in competitive play; and

WHEREAS, members of the Women's Tidewater Golf Association serve as volunteers at amateur and professional golf events at the 45 public and private golf courses in the Tidewater region and other locations across the Commonwealth; and

WHEREAS, the Women's Tidewater Golf Association is affiliated with the Virginia State Golf Association and benefits from the resources and support of fellow member clubs statewide; and

WHEREAS, women's golf is the fastest growing division of golf in Virginia thanks to the hard work of organizations like the Women's Tidewater Golf Association; and

WHEREAS, the Commonwealth's outstanding golf courses provide a significant economic benefit to the Tidewater region and beyond; now, therefore, be it

RESOLVED by the Senate of Virginia, That the Women's Tidewater Golf Association hereby be commended on the occasion of its 100th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the Women's Tidewater Golf Association as an expression of the Senate of Virginia's admiration for the organization's decades of achievements in service to women athletes.

SENATE RESOLUTION NO. 72

Celebrating the life of Vivian Ann Bland.

Agreed to by the Senate, February 15, 2024

WHEREAS, Vivian Ann Bland, a beloved wife, mother, grandmother, and great-grandmother and active and engaged member of the Petersburg community, died on January 30, 2024; and

WHEREAS, a native of Prince George County, Vivian Bland graduated from the former J.E.J. Moore High School before attending what is now Virginia State University and earning a bachelor's degree from the former Saint Paul's College and a master's degree in education from Central Michigan University; and

WHEREAS, Vivian Bland embarked upon her professional career at Brown & Williamson Tobacco Corporation and was employed at Virginia State University for a number of years before ultimately retiring as a supervisor at the Department of Medical Assistance Services; and

WHEREAS, alongside her husband, Wilbert, Vivian Bland helped to grow the family business of Bland's Florist in Petersburg, gracefully serving the floral needs of her customers over several years; and

WHEREAS, Vivian Bland gave generously of her time and talents for the benefit of the community as the treasurer of various local organizations, including the Delta Omega chapter of Alpha Kappa Alpha Sorority, Inc., the Petersburg chapter of The Links, Inc., the Petersburg chapter of the National Epicureans, Inc., and the Women's Committee for the Petersburg Symphony Orchestra; and

WHEREAS, Vivian Bland fostered community ties as president of the Petersburg chapter of The Drifters, Inc., and as a member of the Petersburg chapter of the Pinochle Bugs Social and Civic Club, Inc., and the Wives of Beaux-Twenty Club; and

WHEREAS, baptized in her youth at Providence Baptist Church in Prince George County, Vivian Bland was guided throughout her life by her faith and enjoyed worship and fellowship with her community at First Baptist Church in Petersburg for many years, where she served as a member of the M.M. Clarke Circle, Senior Choir, Senior Citizen Ministry, and MLK Planning Committee and as the chair of the Budget Committee; and

WHEREAS, preceded in death by her loving husband of 56 years, Wilbert, Vivian Bland will be fondly remembered and dearly missed by her children, Sylinda and Wilbert, Jr., and their families; and by numerous other family members and friends; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of Vivian Ann Bland, a cherished member of the Petersburg community who was a source of joy and inspiration to all who knew her; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Vivian Ann Bland as an expression of the Senate of Virginia's respect for her memory.

SENATE RESOLUTION NO. 73

Commending Everly-Wheatley Funeral Home.

Agreed to by the Senate, February 15, 2024

WHEREAS, for 150 years, Everly-Wheatley Funeral Home has provided dignified and compassionate service to Alexandria families in their time of greatest need; and

WHEREAS, Everly-Wheatley Funeral Home traces its origins to 1849, when Benjamin Wheatley opened Wheatley Funeral Home on the waterfront in Alexandria; and

WHEREAS, Benjamin Wheatley subsequently relocated Wheatley Funeral Home to King Street, where he served the community for many years; the Wheatley family were well-known for the high quality of their handmade coffins and were industry leaders in embalming; and

WHEREAS, during the American Civil War, the Wheatley family helped prepare and preserve the remains of both Union and Confederate soldiers so they could be returned home for burial; and

WHEREAS, Benjamin Wheatley's son, Ben, operated Wheatley Funeral Home from 1909 until his death in 1919, at which time his widow sold the business to another family-owned funeral home, Stover's Funeral Home in Strasburg; and

WHEREAS, Josiah Stickley Everly, a former apprentice at Stover's Funeral Home, purchased Wheatley Funeral Home in 1933; a few years later, he also purchased the former E.W. Groff Funeral Home and renamed it as Everly Funeral Home, which was managed by Julian Wilson Everly, Sr.; and

WHEREAS, in 1959, Josiah Everly renamed Wheatley Funeral Home as Everly-Wheatley Funeral Home and moved the business to its current location on Braddock Road, where his son, John C. Everly, maintained the family traditions of professionalism and a commitment to excellence; and

WHEREAS, both Everly-Wheatley Funeral Home and Everly Funeral Home were sold to Stewart Enterprises, Inc., in 1990; both Julian and John Everly passed down their expertise to new generations of employees and continued to work as funeral directors until their retirements; and

WHEREAS, Everly-Wheatley Funeral Home continues to provide comprehensive programs to shepherd families through the grieving process and ensure that their deceased loved ones are treated with the utmost care and respect; and

WHEREAS, Everly-Wheatley Funeral Home has built a strong support network with local caregivers, first responders, clergy, hospices, veterans' groups, and charitable organizations, and the business encourages its employees to give back to the community by volunteering with such organizations; and

WHEREAS, in honor of its dedication to enhancing the Alexandria community, Everly-Wheatley Funeral Home was selected as the Best Small Business of the Year by the Alexandria Chamber of Commerce in 2022; now, therefore, be it

RESOLVED by the Senate of Virginia, That Everly-Wheatley Funeral Home hereby be commended on the occasion of its 150th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Everly-Wheatley Funeral Home as an expression of the Senate of Virginia's admiration for its contributions to generations of families in Alexandria.

SENATE RESOLUTION NO. 74

Celebrating the life of Louis Anderson, Jr.

Agreed to by the Senate, February 15, 2024

WHEREAS, Louis Anderson, Jr., a highly admired football coach who inspired generations of student-athletes in Central Virginia to achieve greatness in sports and in the classroom, died on October 13, 2023; and

WHEREAS, Louis "Lou" Anderson grew up in Richmond and graduated from Maggie L. Walker High School; he continued his education by earning an associate degree from Kittrell College in North Carolina and a bachelor's degree from what is now Clafin University in South Carolina, where he was captain of both the football and basketball teams; and

WHEREAS, Lou Anderson began his career at Luther H. Foster High School in Nottoway County working as a government teacher, assistant football coach, and assistant basketball coach until 1970, when he returned to his alma mater to replace his own former mentor, Fred Cooper, as head coach of the Maggie L. Walker High School football team; and

WHEREAS, in 1979, Lou Anderson became the head football coach of John Marshall High School, which later merged with Maggie L. Walker High School to form Marshall-Walker High School; over the course of a decade, he led the football team to six district championships, two regional championships, and two state semifinal appearances; and

WHEREAS, Lou Anderson subsequently coached at Armstrong High School for one season, then became the first local high school coach to transition to the college level when he joined Virginia State University in 1991; and

WHEREAS, Lou Anderson led the Virginia State University Trojans to an impressive 10-1 record in 1993 and back-to-back Colonial Intercollegiate Athletic Association (CIAA) championship titles in 1995 and 1996; and

WHEREAS, Lou Anderson encouraged his players to reach their fullest academic potential and gain the tools they needed to become leaders in their communities and career fields, and he proudly helped student-athletes from the Richmond region achieve college scholarships; and

WHEREAS, among many accolades over the course of his career, Lou Anderson was twice named the CIAA Coach of the Year and received the Richmond Touchdown Club Coach of the Year Award and the Richmond City Outstanding Citizen Award; he was inducted into athletic halls of fame at Virginia State University, Clafin University, and Marshall-Walker High School, as well as the CIAA John B. McLendon Hall of Fame; and

WHEREAS, after his well-earned retirement in 2001, Lou Anderson served as a mentor to former coaches and players through an annual football camp, and he offered his wise insights as a frequent guest on a sports talk radio station, where he was hailed as the godfather of local athletics; and

WHEREAS, a man of deep and abiding faith throughout his life, Lou Anderson served as a trustee at Cedar Street Baptist Church and was ordained as a deacon at Second Baptist Church, where he was also a member of the men's choir, sports ministry, and men's fellowship group; and

WHEREAS, Lou Anderson will be fondly remembered and greatly missed by his children, Cynthia, Brenda, Glenn, and Keesha, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of Louis Anderson, Jr., a longtime fixture of high school and college football in the Richmond region who touched the lives of countless young people in Central Virginia; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Louis Anderson, Jr., as an expression of the Senate of Virginia's respect for his memory.

SENATE RESOLUTION NO. 75

Commending Jill D. Neice.

Agreed to by the Senate, February 15, 2024

WHEREAS, Jill D. Neice, a distinguished law-enforcement officer, retired as chief of the Pulaski Police Department in January 2024; and

WHEREAS, a graduate of New River Community College, Radford University, and the New River Criminal Justice Training Academy, Jill Neice spent her entire 25-year career in law enforcement with the Pulaski Police Department; and

WHEREAS, after joining the department as a patrol officer in 1998, Jill Neice worked her way up through the ranks to become a detective sergeant, then lieutenant of the patrol division, in which capacity she served for six years; and

WHEREAS, Jill Neice built strong relationships based on mutual trust and respect with members of the community and was highly admired by her fellow officers and local officials for her professionalism and dedication to duty; and

WHEREAS, Jill Neice began serving as interim chief of the Pulaski Police Department in June 2021, then was officially selected as chief the following September; and

WHEREAS, Jill Neice served the Pulaski community with integrity and distinction; she received two Distinguished Service Awards, an Officer of the Year award, and many other accolades and commendations over the course of her career; now, therefore, be it

RESOLVED by the Senate of Virginia, That Jill D. Neice hereby be commended on the occasion of her retirement as chief of the Pulaski Police Department; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Jill D. Neice as an expression of the Senate of Virginia's admiration for her many years serving and protecting the residents of Pulaski and her outstanding legacy of contributions to the community.

SENATE RESOLUTION NO. 76

Commending Matt Hagan.

Agreed to by the Senate, February 15, 2024

WHEREAS, Matt Hagan of Christiansburg won his fourth National Hot Rod Association Funny Car World Championship at the Camping World Drag Racing Series finale in Pomona, California, on November 12, 2023; and

WHEREAS, a cattle rancher by trade, Matt Hagan was named as the rookie of the year in the National Hot Rod Association's AMS Pro Mod Challenge in 2006, then joined the Funny Car Series in 2008; funny cars are a specific class of drag racing vehicle with stylized body shells designed to look like manufacturers' showroom models; and

WHEREAS, after his breakout season in 2010, Matt Hagan won Funny Car World Championship titles in 2011, 2014, and 2020; over the course of his career, he has recorded at least 49 overall event titles, 87 final round appearances, and 21 number one qualifying positions; and

WHEREAS, Matt Hagan has broken multiple speed records as the first funny car driver to complete a run under four seconds in 2011, the first funny car driver to complete a run under 3.8 seconds in 2015, and the first funny car driver to reach 330 miles per hour on a 1,000-foot track in 2015, and the first funny car driver to reach 335 miles per hour in 2016; and

WHEREAS, Matt Hagan joined his current team, Tony Stewart Racing Nitro, in 2022, and his most recent world championship victory was the team's first world title; and

WHEREAS, on December 16, 2023, Christiansburg hosted a reception to celebrate Matt Hagan's accomplishments that featured a display of his four world championship trophies and a host of other memorabilia; now, therefore, be it

RESOLVED by the Senate of Virginia, That Matt Hagan hereby be commended on winning his fourth National Hot Rod Association Funny Car World Championship title in 2023; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Matt Hagan as an expression of the Senate of Virginia's admiration for his outstanding achievements in racing.

SENATE RESOLUTION NO. 77

Celebrating the life of Serenity Rayne Hawley.

Agreed to by the Senate, February 15, 2024

WHEREAS, Serenity Rayne Hawley, a beloved daughter, granddaughter, sister, and member of the Blacksburg community, died on November 7, 2023; and

WHEREAS, Serenity Hawley was a student at Blacksburg High School, where she worked hard at her studies and made an impact on the community as vice president of member recruitment for the school's chapter of DECA, Inc.; and

WHEREAS, Serenity Hawley was a treasured employee at Your Pie restaurant in Blacksburg, providing a bright spot in many people's days through her warm and genial nature; and

WHEREAS, guided by her faith, Serenity Hawley enjoyed worship and fellowship with her community as a member of Young Life; and

WHEREAS, Serenity Hawley will be fondly remembered and dearly missed by her mother, Heather; her father and stepmother, John and Katherine; her siblings, Trinity, Harmony, John II, and Zachary; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of Serenity Rayne Hawley, a cherished member of the Blacksburg community whose kind and generous spirit touched countless lives; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Serenity Rayne Hawley as an expression of the Senate of Virginia's respect for her memory.

SENATE RESOLUTION NO. 78

Celebrating the life of Joe Morris Lucas.

Agreed to by the Senate, February 15, 2024

WHEREAS, Joe Morris Lucas of Blacksburg, a longtime member of the Virginia Tech Police Department and a hardworking farmer who was well known in the agricultural sector for his purebred Angus cattle, died on January 8, 2024; and

WHEREAS, Joe Lucas was born in Giles County and subsequently graduated from Blacksburg High School, where he was a standout athlete; and

WHEREAS, Joe Lucas continued his education at Virginia Polytechnic Institute and State University (Virginia Tech) and studied agriculture; he began his career with ElectroTech, Inc., then returned to his alma mater as a member of the Virginia Tech Police Department; and

WHEREAS, Joe Lucas worked diligently to serve and protect students, faculty, and staff and retired with the rank of sergeant after 25 years of outstanding service; he considered his fellow members of the department as his second family and enjoyed attending annual reunions for years after his well-earned retirement; and

WHEREAS, outside of his law-enforcement career, Joe Lucas established Lucas Farm and grew the business from a few head of cattle to a statewide leader in high-quality brood stock; he was a member of the American Angus Association and the Virginia Beef Cattle Improvement Association; and

WHEREAS, Joe Lucas earned many awards and accolades for his contributions to agriculture, and he proudly mentored many young people who worked on his farm, imparting his sense of duty and impeccable work ethic to new generations of community leaders; and

WHEREAS, Joe Lucas enjoyed fellowship and worship with the congregation of Price's Fork Community Church, and he was a member of Hunters Masonic Lodge No. 156 in Blacksburg; and

WHEREAS, Joe Lucas will be fondly remembered and greatly missed by his wife of 58 years, Wanda; his children, David, Timmy, and Amy, and their families; and numerous other family members, friends, and colleagues; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of Joe Morris Lucas, a dedicated law-enforcement officer and successful farmer; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Joe Morris Lucas as an expression of the Senate of Virginia's respect for his memory.

SENATE RESOLUTION NO. 79

Celebrating the life of Terry Edward Winkle.

Agreed to by the Senate, February 15, 2024

WHEREAS, Terry Edward Winkle, an accomplished dairy farmer and beloved son, husband, father, and member of the Riner community, died on November 2, 2023; and

WHEREAS, Terry Winkle was the owner of Winkles Dairy Farm in Riner, where he worked tirelessly throughout the year to care for his animals and produce exceptionally high-quality milk and other products; and

WHEREAS, guided throughout his life by his faith, Terry Winkle enjoyed worship and fellowship with his community as a member of Blue Ridge Church in Christiansburg; and

WHEREAS, Terry Winkle will be fondly remembered and dearly missed by his loving wife of 45 years, Brenda; his children, Lee and Melissa, and their families; his mother, Ruby; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of Terry Edward Winkle, a cherished member of the Riner community whose light brightened countless lives; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Terry Edward Winkle as an expression of the Senate of Virginia's respect for his memory.

SENATE RESOLUTION NO. 80

Commending Kevin Harvick.

Agreed to by the Senate, February 22, 2024

WHEREAS, Kevin Harvick, one of the most successful drivers in the history of the National Association for Stock Car Auto Racing, retired from racing in 2023; and

WHEREAS, Kevin Harvick received a go-kart at the age of five and soon after discovered his talents as a driver, going on to win several national championships on the go-kart racing circuit; and

WHEREAS, Kevin Harvick began racing late model cars in what was formerly the National Association for Stock Car Auto Racing (NASCAR) Featherlite Southwest Series while still in high school and made his NASCAR Craftsman Truck Series debut in 1995; and

WHEREAS, Kevin Harvick began competing in what was then the NASCAR Busch Grand National Series, today the NASCAR Xfinity Series, in 1999 and the following year signed with Richard Childress Racing, winning Rookie of the Year honors that year; and

WHEREAS, following the tragic death of Dale Earnhardt at the 2001 Daytona 500, Kevin Harvick was tapped to replace the legendary driver for Richard Childress Racing; and

WHEREAS, Kevin Harvick won his third race in the NASCAR Cup Series and would go on to become the first driver to win the NASCAR Xfinity Series championship and NASCAR Cup Series Rookie of the Year honors in the same season; and

WHEREAS, Kevin Harvick tallied 60 wins, 444 top-ten finishes, and 31 poles over his illustrious 23-year career in the NASCAR Cup Series, including the prestigious Daytona 500 in 2007 and the cup championship in 2014 in his first year with Stewart-Haas Racing; he would also win a second NASCAR Xfinity Series championship in 2006; and

WHEREAS, Kevin Harvick is third all-time for combined wins across the NASCAR Cup Series, the NASCAR Xfinity Series, and the NASCAR Truck Series with 121 wins, and he holds the all-time record for most wins at the Phoenix Raceway with nine wins; and

WHEREAS, Kevin Harvick won a total of five NASCAR Cup Series races in the Commonwealth, once at the Martinsville Speedway and four times at the Richmond Raceway; and

WHEREAS, Kevin Harvick also won eight NASCAR Xfinity Series races in the Commonwealth, including seven races at the Richmond Raceway and the only NASCAR Xfinity Series race he entered at the Martinsville Speedway; and

WHEREAS, with three NASCAR Truck Series wins at the Martinsville Speedway, Kevin Harvick tallied a total of 16 NASCAR series wins on racetracks in the Commonwealth over his storied career; and

WHEREAS, in 2023, Kevin Harvick was named one of NASCAR's 75 Greatest Drivers as part of the auto racing company's 75th anniversary commemoration; and

WHEREAS, in 2010, Kevin Harvick and his wife, DeLana, established the Kevin Harvick Foundation with a mission to support programs that positively enrich the lives of children throughout the United States; and

WHEREAS, Kevin Harvick recently signed on to call NASCAR Cup Series races for the Fox Broadcasting Company beginning in 2024, ensuring that he will continue to make meaningful contributions to the sport for years to come; now, therefore, be it

RESOLVED by the Senate of Virginia, That Kevin Harvick, championship driver with the National Association for Stock Car Auto Racing, hereby be commended on the occasion of his retirement; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Kevin Harvick as an expression of the Senate of Virginia's admiration for his remarkable career and best wishes in his future endeavors.

SENATE RESOLUTION NO. 81

Celebrating the life of James Moore Stokely.

Agreed to by the Senate, February 22, 2024

WHEREAS, James Moore Stokely, a respected leader in the insurance industry and a dedicated volunteer firefighter who used his professional expertise to support his fellow public safety officers in a variety of ways, died on January 23, 2024; and

WHEREAS, James Stokely, best known as "Jim" or "Mo," was born in Del Rio, Tennessee, and later moved to Virginia, where he graduated from what is now John R. Lewis High School in Springfield in 1966; he remained a loyal alumnus of the school and proudly organized class reunions for many years; and

WHEREAS, Jim Stokely earned an associate degree from Chowan College in North Carolina, supporting his education by completing one semester of study, taking time off to work, then returning for another semester; and

WHEREAS, in the early 1970s, Jim Stokely settled in Old Town Manassas with his wife, Mary, to raise a family, and they became active and generous members of the community who always found ways to help others; and

WHEREAS, shortly after moving to the area, Jim Stokely joined the Manassas Volunteer Fire Company; he served in numerous capacities over the next 50 years, including line and administrative officer, president, and chair of the foundation board; he regularly attended training events and competitions, led several outreach programs and fundraisers to stay engaged with the community, and presided over the department's 120th anniversary celebration; and

WHEREAS, Jim Stokely was a dedicated member and past president of the Virginia State Firefighters Association, demonstrating efficient and effective leadership, for which he was inducted into the organization's Hall of Fame; his presidency coincided with the attacks on September 11, 2001, and he fought to ensure affected firefighters received credit and benefits; and

WHEREAS, Jim Stokely provided his expert counsel to the Virginia Insurance Commissioner's Office on matters involving fire service, recognized outstanding firefighters as a member of the Virginia Volunteer Firefighters' & Rescue Squad Workers' Service Award Program Board, and was appointed by Governor Terry McAuliffe to serve on the Virginia Fire Program Board; and

WHEREAS, Jim Stokely was a staunch advocate for firefighters and other public safety officers at the local and state levels; among many policy initiatives, he supported changes to workers' compensation laws related to volunteer firefighters and raised awareness of work-related cancer for firefighters; and

WHEREAS, Jim Stokely was a certified insurance counselor and a certified professional insurance agent and enjoyed a long career in property and casualty insurance; he served as past president of The Independent Insurance Agents of Northern Virginia and on the advisory boards of Utica Mutual Insurance Company and USF&G Insurance Company; and

WHEREAS, Jim Stokely provided insurance to individuals, large and small businesses, school boards, museums, and localities, and he combined his two vocations by developing specialty plans for fire and rescue departments, including both small volunteer departments and large municipal agencies; and

WHEREAS, Jim Stokely worked tirelessly to ensure that firefighters who served and sacrificed on behalf of the members of their community had the support and resources they deserved; and

WHEREAS, among many awards and accolades, Jim Stokely was named Virginia's Agent of the Year by the Insurance Association of Virginia and was featured in Utica Mutual Insurance Company's annual report as Agent of the Year; he also received the 2009 Wade C. House Award for his outstanding contributions to the Manassas Volunteer Fire Company; and

WHEREAS, Jim Stokely was a passionate conservationist who enjoyed spending time in the great outdoors with family and friends, and he and his wife traveled the world after his well-earned retirement; and

WHEREAS, Jim Stokely will be fondly remembered and greatly missed by his wife, Mary; his children, Kathryn and John, and their families; and numerous other family members, friends, and colleagues; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of James Moore Stokely, an accomplished insurance agent who was devoted to community service as a volunteer firefighter; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of James Moore Stokely as an expression of the Senate of Virginia's respect for his memory.

SENATE RESOLUTION NO. 82

Commending the Honorable Jennifer Wexton.

Agreed to by the Senate, February 19, 2024

WHEREAS, the Honorable Jennifer Wexton has been serving the Commonwealth for over two decades as a prosecutor, attorney, advocate for abused children, Senator of Virginia, and United States Congresswoman; and

WHEREAS, a native of the Washington area, Jennifer Wexton graduated with honors from the University of Maryland in College Park and earned her law degree in 1995 from The College of William and Mary; she lives in Leesburg with her husband, two sons, and two unruly, but exceedingly sweet rescued lab mix mutts; and

WHEREAS, from 2001 to 2005, Jennifer Wexton served as an assistant Commonwealth's attorney for Loudoun County, prosecuting felony and misdemeanor criminal and traffic cases in all of the Loudoun courts; she successfully prosecuted hundreds of trials, including those of criminals who committed domestic violence, sexual offenses, and murder; and

WHEREAS, after leaving the prosecutor's office, Jennifer Wexton went into private law practice, but remained committed to public service; she served as a court-appointed guardian ad litem, representing children who had been abused or neglected and also served as a special justice in mental commitment hearings and as a substitute judge in proceedings in Loudoun County's district courts; and

WHEREAS, Jennifer Wexton took her passion for protecting others to the Senate of Virginia, winning a special election in January 2014; in her five years in Richmond, she passed more than 40 bills and found bipartisan support for legislation that made children safer online, combats the heroin and opioid epidemic, increases access to affordable health care, prepares children for jobs of the future, eases traffic congestion, and brings more businesses to Northern Virginia; and

WHEREAS, during her time in the Senate of Virginia, Jennifer Wexton served on the General Laws and Technology, Rehabilitation and Social Services, and Transportation committees; she also served on the State Executive Council for Children's Services, the Joint Commission on Technology and Science, the Northern Virginia Transportation Commission, the Substance Abuse Services Council, and the Board of Veterans Services; and

WHEREAS, Jennifer Wexton has represented the Commonwealth's 10th District in the U.S. House of Representatives since 2019, where she has found success in working across the aisle to deliver results to improve the lives of Virginia's children and families; and

WHEREAS, Jennifer Wexton has been a leader on many issues, including supporting survivors of abuse and domestic violence, enhancing research for childhood cancer, holding the Chinese government accountable on human rights, expanding mental health resources for the U.S. Capitol Police, standing up for transgender rights, and protecting the integrity of the federal workforce; and

WHEREAS, Jennifer Wexton passed bipartisan legislative initiatives to expand funding for opioid addiction research, safeguard Americans' retirement savings during the COVID-19 crisis, protect leave benefits for federal workers, modernize the Financial Crimes Enforcement Network, allow student veterans to use their benefits to study overseas, and ensure that leaders receive information about foreign disinformation campaigns on social media aimed at undermining U.S. elections; her team has successfully helped more than 11,000 constituents receive assistance from federal agencies, returning more than $20 million to taxpayers; and

WHEREAS, Jennifer Wexton serves on the powerful House Appropriations Committee, where she is responsible for securing funding for all of the government's spending programs; specifically, her subcommittee assignments focus on funding for transportation and housing and the legislative branch; she is also a member of the House Budget Committee, which provides oversight of the legislative budget process; and

WHEREAS, Jennifer Wexton is the founder of the Congressional Task Force on Digital Citizenship, which aims to help better equip Americans with tools and resources to use technology and engage online responsibly in an increasingly digital world, and the bipartisan Congressional Agritourism Caucus, which supports the agritourism industry and highlights its importance to local economies and communities; she is also a member of the Congressional-Executive Commission on China, where she has worked to combat human rights abuses; now, therefore, be it

RESOLVED by the Senate of Virginia, That the Honorable Jennifer Wexton hereby be commended for her service as a prosecutor, attorney, advocate for abused children, Senator of Virginia, and United States Congresswoman; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the Honorable Jennifer Wexton as an expression of the Senate of Virginia's admiration for her dedication to the Commonwealth and the country.

SENATE RESOLUTION NO. 83

Commending Barbara Kingsolver.

Agreed to by the Senate, February 22, 2024

WHEREAS, Barbara Kingsolver, an acclaimed author and longtime resident of Washington County, received the Pulitzer Prize for Fiction in 2023 for her latest novel, *Demon Copperhead*; and

WHEREAS, after growing up in rural Kentucky, earning degrees in biology from DePauw University and the University of Arizona, and living in Tucson for two decades, Barbara Kingsolver settled with her family on a farm in Washington County in 2004; and

WHEREAS, Barbara Kingsolver began her career as a freelance writer and author in 1985 and published her first novel, *The Bean Trees*, in 1988 to wide acclaim; she has since published several bestselling novels, including *Pigs in Heaven* in 1993, *The Poisonwood Bible* in 1998, and *The Lacuna* in 2009; and

WHEREAS, in her celebrated nonfiction work *Animal, Vegetable, Miracle: A Year of Food Life* from 2007, Barbara Kingsolver detailed a year of her life growing vegetables and raising animals on her Washington County farm; and

WHEREAS, Barbara Kingsolver's *Demon Copperhead*, which artfully transposes aspects of Charles Dickens' *David Copperfield* onto the story of a boy from modern-day Appalachia, also received Britain's prestigious Women's Prize for Fiction, making her the first author to receive the award twice, having also won it in 2010 for *The Lacuna*; and

WHEREAS, Barbara Kingsolver has garnered a number of prestigious honors in recognition of her accomplishments as a writer, including the National Humanities Medal in 2000 and the Dayton Literary Peace Prize in 2011; and

WHEREAS, Barbara Kingsolver's contributions to both the American and world literary canons are evidenced by her works' inclusion in many high school and college curriculums around the country and translated into more than 30 languages; and

WHEREAS, in 1998, Barbara Kingsolver established the Bellwether Prize for Fiction, now known as the PEN/Bellwether Prize for Socially Engaged Fiction, which has since helped to launch the careers of several new writers; and

WHEREAS, Barbara Kingsolver's efforts as an author, as an active and engaged member of her Washington County community, and as a voice for Appalachia, have made an impact on countless lives and continue to bring great pride to the Commonwealth; now, therefore, be it

RESOLVED by the Senate of Virginia, That Barbara Kingsolver hereby be commended for receiving the 2023 Pulitzer Prize for Fiction; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Barbara Kingsolver as an expression of the Senate of Virginia's admiration for her achievements.

SENATE RESOLUTION NO. 84

Commending the 2024 inductees into the Virginia Sports Hall of Fame.

Agreed to by the Senate, February 22, 2024

WHEREAS, in 1996, the Virginia Sports Hall of Fame was designated the official Sports Hall of Fame of the Commonwealth; and

WHEREAS, the Virginia Sports Hall of Fame, located in Virginia Beach, has honored hundreds of Virginia's exceptional athletes, coaches, and media personalities since its inception in 1972; and

WHEREAS, the Virginia Sports Hall of Fame celebrates athletic excellence in the Commonwealth, highlights philanthropy through sports, and inspires sports fans through engaging and entertaining programs; and

WHEREAS, the Virginia Sports Hall of Fame will celebrate its 51st Induction Weekend by honoring the Class of 2024 and the Distinguished Virginian Award recipient on April 19-20, 2024, in Henrico County; and

WHEREAS, the Virginia Sports Hall of Fame is honored to present the Class of 2024 inductees as follows:

The Class of 2024

Jill Ellis

Jill Ellis scored 32 goals as forward for the women's soccer team at The College of William and Mary in Virginia in the 1980s then embarked on a stellar coaching career that led her to the top of her profession. In 14 seasons as an NCAA Division-I head coach with the University of Illinois and the University of California Los Angeles, she compiled a record of 248-63-14, and her teams made eight appearances in the Women's College Cup. Following her collegiate career, she spent the next 20 years with the U.S. Women's National Team (USWNT), including seven years as head coach. She led the

USWNT to back-to-back Women's World Cup Championships in 2015 and 2019 and finished her tenure as head coach with a record of 106-7-19. She has previously been inducted into the U.S. Soccer Hall of Fame.

Craig Littlepage

Over the course of 45 years at the University of Virginia (UVA), Craig Littlepage was an assistant coach on the men's basketball team from 1976 to 1982 and 1988 to 1990, worked in athletics administration from 1990 to 2017, then served as the director of athletics for 16 years, during which time the Virginia Cavaliers were one of the most successful programs in the nation, winning 76 Atlantic Coast Conference (ACC) championships, and 13 national championships. The 76 conference championships were the most by an ACC member school during that time. He also chaired the National Collegiate Athletic Association (NCAA) Men's Basketball Tournament Selection Committee, was a member of the USA Basketball Board of Directors, and was inducted into the National Association of Collegiate Directors of Athletics Hall of Fame.

Chris Long

Chris Long was a two-time ACC selection, 2007 ACC Defensive Player of the Year, Dudley Award winner, and First Team All-American for the University of Virginia football team. He was selected by the St. Louis Rams as the number two overall pick in the 2008 National Football League (NFL) Draft and went on to play 11 seasons in the NFL with St. Louis, the New England Patriots, and the Philadelphia Eagles. He registered 332 tackles, 70 sacks, and 15 forced fumbles during his career, while also being a part of two Super Bowl-winning teams: New England in 2017 and Philadelphia in 2018. His impact has extended well beyond the gridiron through his Chris Long Foundation, and for his charitable efforts he received the NFL Players Associations Alan Page Community Award and the Walter Payton NFL Man of the Year Award.

LaShawn Merritt

LaShawn Merritt attended Manor High School in Portsmouth, formerly Woodrow Wilson High School, and became one of the Commonwealth's most decorated track and field athletes. After sweeping the 100, 200, and 400 meter sprints at the 2004 Virginia High School League state championships, he took his success global and appeared in the 2008, 2012, and 2016 Summer Olympic Games, bringing home a total of three gold medals and one bronze medal. His success on the international stage went beyond the Olympics, and as an eight-time world champion, he won an additional 23 medals in international competitions, 19 of which were gold.

Hal Nunnally

Hal Nunnally, who died in 2004, was a native of Petersburg who led the Randolph-Macon College men's basketball team to a 431-232 record over 24 seasons. During that period, he recorded 20 winning seasons, 10 20-win seasons, 10 NCAA tournament appearances, and an appearance in the 1977 NCAA Division II National Championship game. He earned 11 coach of the year awards, including six from the National Association of Basketball Coaches in the South Atlantic District in 1977, 1981, 1983, 1984, 1989, and 1990. He was inducted into the Randolph-Macon Athletics Hall of Fame.

Dave Smith

Dave Smith, a graduate of Virginia Polytechnic Institute and State University, began his career in athletics as the first sports information director in Ferrum College's history. In 1975, he returned to his alma mater where he would stay for the next 40 years. Beginning as an assistant sports information director for the men's basketball and baseball programs, he worked his way up to associate athletics director, then became the primary football communications contact in 1998. Following his retirement in 2015, the College Sports Information Directors of America named him the recipient of its Lifetime Achievement Award, and the Virginia Sports Information Directors presented him with its Distinguished Service Award.

Paul Woody

Paul Woody, a Virginia Commonwealth University alumnus, spent 40 years as a sportswriter and columnist for the *Richmond News Leader* and *Richmond Times-Dispatch*. Beginning in 1980, he served as the Richmond paper's primary beat reporter for coverage of what is now the Washington Commanders. For his coverage of the NFL and other events, he received 15 Pro Football Writers of America Awards, 10 Virginia Press Association Awards, three Associated Press Sports Editors Awards, and two U.S. Basketball Writers Association Awards.

Monica Wright Rogers

Monica Wright Rogers graduated from Forest Park High School in Woodbridge, where she won two VHSL state championships and was named the 2006 Gatorade Virginia Player of the Year for women's basketball and was a McDonald's High School and WBCA All-American. After committing to play for the University of Virginia, she rewrote the Virginia Cavaliers' record books, setting program career records for total points (2,540), scoring average (19.1 ppg), field goals made (962), field goal attempts (2,207), and 25-point games (28). A three-time All-American, she was named the 2010 ACC Player of the Year, ACC Defensive Player of the Year, and WBCA National Defensive Player of the Year. Following college she played seven seasons in the Women's National Basketball Association (WNBA), was named to the 2010 WNBA All-Rookie Team, and won two WNBA championships; and

WHEREAS, the Virginia Sports Hall of Fame is also honored to present the 2024 Distinguished Virginian Award recipient:

Rick Jeffrey

Rick Jeffrey grew up in Richmond and graduated from Hampden-Sydney College. His impact on sports was felt across the Commonwealth during his 36 years with Special Olympics Virginia, including 22 years as president. Rick Jeffrey was the longest serving president in the organization's history and continually grew its selection of sports offerings and

competition experiences, while helping the organization reach never-before-seen financial milestones and community impact measurements; now, therefore, be it

RESOLVED by the Senate of Virginia, That Jill Ellis, Rick Jeffrey, Craig Littlepage, Chris Long, LaShawn Merritt, Hal Nunnally, Dave Smith, Paul Woody, and Monica Wright Rogers hereby be commended for their outstanding achievements in athletics and philanthropy; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare copies of this resolution for presentation to the Virginia Sports Hall of Fame and its 2024 inductees as an expression of the Senate of Virginia's congratulations and admiration for their many contributions to the world of sports.

SENATE RESOLUTION NO. 85

Celebrating the life of Marie Brinkley Hill.

Agreed to by the Senate, February 29, 2024

WHEREAS, Marie Brinkley Hill, an active and beloved member of the Suffolk community who made a profound and lasting impact on many lives over the past 102 years, died on July 9, 2023; and

WHEREAS, the mother of nine children, Marie Hill played a significant role in the integration of Suffolk Public Schools by being among the first parents to send their children to the recently integrated Chuckatuck Elementary School and through her efforts to integrate the former John Yeates High School Junior-Senior Prom; and

WHEREAS, a longtime member of the NAACP, Marie Hill marched with Dr. Martin Luther King, Jr., in 1968 during his visit to Suffolk and would continue her streak of activism throughout her life, attending city council meetings even while confined to a wheelchair; and

WHEREAS, Marie Hill was a living repository of the culture and history of Hobson Village and proudly represented the historic town at the Smithsonian Institution's Folklife Festival in 2007 and on other occasions; and

WHEREAS, Marie Hill gave generously of her time in support of her community, serving as a resource volunteer for the Virginia Department of Corrections and as a chaplain officer of the Hobson Artesian Well Association, Inc.; and

WHEREAS, a strong believer in the importance of education, Marie Hill was undeterred in her pursuit of a General Educational Development diploma late in life, overcoming disabilities, including blindness in one eye and the limited use of her right arm, to earn her diploma at the age of 94; and

WHEREAS, guided throughout her life by her deep and abiding faith, Marie Hill enjoyed worship and fellowship with others and actively served the community as a member of Macedonia Baptist Church in Suffolk; and

WHEREAS, preceded in death by her loving husband, Ernest, Jr., and her son Joe, Marie Hill will be fondly remembered and dearly missed by her children, Ernest III, Clyde, Julius, Odell, Wendy, Roxanna, Mary, and Veronica, and their families; and by numerous other family members and friends; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of Marie Brinkley Hill, a treasured member of the Suffolk community whose life of accomplishments and good deeds was an inspiration to all who knew her; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Marie Brinkley Hill as an expression of the Senate of Virginia's respect for her memory.

SENATE RESOLUTION NO. 86

Commending Michael Charles Huntley II.

Agreed to by the Senate, February 29, 2024

WHEREAS, Michael Charles Huntley II, an accomplished singer-songwriter from Fredericksburg known professionally as Huntley, was named the winner of season 24 of NBC's talent competition television series *The Voice* on December 19, 2023; and

WHEREAS, born in Spring Hill, Florida, Michael Huntley moved to Spotsylvania County in 2004 and graduated from Spotsylvania High School in 2008, during which time he began singing, playing guitar and piano, and recording music; and

WHEREAS, after high school, Michael Huntley moved to Orlando to attend Full Sail University, where he studied music engineering and production before pursuing a full-time music career in Nashville for some time around 2010; and

WHEREAS, Michael Huntley ultimately returned to Fredericksburg and began playing shows at various venues all over the Commonwealth, as well as in Washington, D.C., and the Jersey Shore; and

WHEREAS, in 2011, Michael Huntley won a local Fredericksburg Idol contest and continued to build his fan base by consistently performing throughout the region; and

WHEREAS, motivated by the birth of his daughter in 2016, Michael Huntley redoubled his efforts as a professional musician, forming the band Lucys Letdown and taking solo gigs at weddings and private events; and

WHEREAS, shortly after the birth of his son, Michael Huntley started a local recording studio to support the creative endeavors of other artists in the Fredericksburg area while also beginning to book shows for local talent; and

WHEREAS, several months ago, Michael Huntley was asked by an NBC talent scout to audition for the network's hit show *The Voice*; he would soon find himself performing on television before an audience of millions; and

WHEREAS, with acclaimed singer-songwriter Niall Horan as his coach, Michael Huntley dominated every performance on the show, receiving accolades from established and iconic musicians, creating a dedicated fan base, and winning a recording contract with Universal Music Group along the way; and

WHEREAS, through his steadfast determination, Michael Huntley has achieved the goals he began pursuing nearly two decades ago, earning the praise and admiration of all Virginians; now, therefore, be it

RESOLVED by the Senate of Virginia, That Michael Charles Huntley II hereby be commended for winning season 24 of *The Voice*; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Michael Charles Huntley II as an expression of the Senate of Virginia's high regard for his achievement and best wishes for his continued success.

SENATE RESOLUTION NO. 87

Celebrating the life of Patrick Albert Lewis.

Agreed to by the Senate, February 29, 2024

WHEREAS, Patrick Albert Lewis, who served his home country of Antigua and Barbuda with distinction as a government official and a diplomat for many years before settling in Hampton, died on January 5, 2024; and

WHEREAS, Patrick Lewis was born in St. John's, Antigua, and received a bachelor's degree from what is now Hampton University in 1966; he continued his education at the University of Cincinnati, where he earned a master's degree in 1968 and a doctorate in 1974; and

WHEREAS, Patrick Lewis relished every opportunity to share his passion for history and government with others and served as an assistant professor of history at the University of Cincinnati while he was conducting his postgraduate work, then worked as a professor of history at Hampton University for more than a decade; and

WHEREAS, in 1984, Patrick Lewis was called home to Antigua and Barbuda to serve as an advisor to the deputy prime minister; he was later selected as Antigua and Barbuda's ambassador to the United States and the Organization of American States from 1991 to 1995, then became the country's permanent representative to the United Nations from 1995 to 2004; and

WHEREAS, over the course of his diplomatic career, Patrick Lewis was an advocate for the full participation of smaller countries in international affairs, exemplified by his role as vice chair of the Special Committee on Hemispheric Security of the Organization of American States; and

WHEREAS, Patrick Lewis returned to Hampton University in 2005 and used his experiences to enrich the learning process as the chair of the Department of History and Political Science; he retired as professor emeritus in 2013; and

WHEREAS, Patrick Lewis supported people in need by donating to many worthy charitable organizations and causes, including Doctors Without Borders, UNICEF, and childhood cancer research; and

WHEREAS, Patrick Lewis was a devout Christian who was raised in the Moravian Church and enjoyed fellowship and worship with the Hampton community at Fox Hill Baptist Church for many years; and

WHEREAS, aside from his career and community service, Patrick Lewis was fond of traveling and experiencing new cultures and cuisine, and he was a lifelong fan of cricket, which he played in his youth; and

WHEREAS, predeceased by his daughter Zahlia, Patrick Lewis will be fondly remembered and greatly missed by his wife, Michele; his children, Pascal and Danielle, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of Patrick Albert Lewis, a diplomat, educator, and respected member of the Hampton community; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Patrick Albert Lewis as an expression of the Senate of Virginia's respect for his memory.

SENATE RESOLUTION NO. 88

Celebrating the life of Mary L. Woodhouse.

Agreed to by the Senate, February 29, 2024

WHEREAS, Mary L. Woodhouse, a trailblazing religious leader in Chesapeake who enhanced local life through her commitment to service, died on December 30, 2023; and

WHEREAS, guided by her deep and abiding faith throughout her life, Mary Woodhouse preached her first sermon in 1964, then was ordained as a minister in January 1965 and began holding worship services in her home under the name Church of Christ Prayer Mission; and

WHEREAS, on May 15, 1966, Mary Woodhouse officially established Philippians Church of Christ Holy Disciples in the Berkley neighborhood of Norfolk; after seven years the congregation moved to a small storefront location on Liberty Street in Chesapeake; and

WHEREAS, under Mary Woodhouse's leadership, Philippians Church of Christ Holy Disciples continued to grow over the next two decades, and in the 1980s, she initiated a process to build a permanent home for the congregation; and

WHEREAS, Philippians Church of Christ Holy Disciples opened at its current location on Liberty Street in 1995; Mary Woodhouse was one of the first female pastors to initiate the construction of a new church in the region and the first female pastor to oversee the completion and opening of a new church in Chesapeake; and

WHEREAS, Mary Woodhouse was an exemplar of servant-leadership and supported generous outreach programs to enhance the quality of life in Chesapeake; she was also a member of the Chesapeake Humane Society, Chesapeake Branch of the NAACP, Urban League of Hampton Roads, and the National Association for Female Executives; and

WHEREAS, among many awards and accolades for her personal and professional achievements, Mary Woodhouse received an honorary doctorate from Providence Bible College and Theological Seminary and several certificates of appreciation from the Chesapeake Juvenile and Domestic Relations District Court; and

WHEREAS, predeceased by her husband of 69 years, Thomas, Mary Woodhouse will be fondly remembered and greatly missed by her children, Reginald, Mary, Gwendolyn, Deborah, and Thomas, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of Mary L. Woodhouse, a highly admired spiritual leader who made many contributions to the Chesapeake community; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Mary L. Woodhouse as an expression of the Senate of Virginia's respect for her memory.

SENATE RESOLUTION NO. 89

Celebrating the life of the Honorable Thomas J. Bliley, Jr.

Agreed to by the Senate, February 29, 2024

WHEREAS, the Honorable Thomas J. Bliley, Jr., a well-known business owner in Richmond and a dedicated public servant who was elected as mayor of Richmond and served the Commonwealth and the nation as a member of the U.S. House of Representatives, died on November 16, 2023; and

WHEREAS, Thomas "Tom" Bliley grew up in Chesterfield, where he attended Catholic schools; he graduated from what is now known as Benedictine College Preparatory and Georgetown University, served his country as a member of the United States Navy, then joined the family business, Joseph W. Bliley Company, known today as Bliley Funeral Homes; and

WHEREAS, Tom Bliley helped Bliley Funeral Homes maintain its reputation for excellence, treating families in need with the utmost professionalism, dignity, and respect, and he rose through the ranks to become the third generation of his family to serve as president of the company; and

WHEREAS, desirous to be of further service to the community, Tom Bliley ran for and was elected to the Richmond City Council; he served city residents in that capacity for many years, including terms as mayor from 1970 to 1977; and

WHEREAS, Tom Bliley next served 10 terms in the U.S. House of Representatives from 1981 to 2001; he was well known on Capitol Hill for his signature bow tie and for his commitment to building bipartisan consensus and respect; and

WHEREAS, Tom Bliley introduced and supported many important pieces of legislation to benefit Virginians and all Americans; early in his tenure, he served as a key conferee for updates to the Clean Air Act and sought funding for the construction of Richmond's flood wall; and

WHEREAS, in 1994, Tom Bliley became chair of the House Committee on Energy and Commerce, where he oversaw high-profile economic legislation like the Telecommunications Act of 1996 and the Food and Drug Administration Modernization Act of 1997; and

WHEREAS, throughout his career, Tom Bliley served the Richmond community, the Commonwealth, and the nation with the utmost integrity, dedication, and distinction; and

WHEREAS, Tom Bliley also offered his leadership to many civic and service organizations, including the Rotary Club of Richmond, the Knights of Columbus, and the Knights of Malta; and

WHEREAS, predeceased by his son, Thomas J. Bliley III, Tom Bliley will be fondly remembered and greatly missed by his wife of 66 years, Mary Virginia Kelley Bliley; his daughter, Mary Vaughn Bliley Utter; his grandchildren, Jennifer Vick, Mary Kathryn Davies, Thomas J. Bliley IV, Shawn Patrick Bliley, and Joseph Utter III; and numerous other family members, friends, and colleagues; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of the Honorable Thomas J. Bliley, Jr., a respected business leader, a distinguished public servant, and a true Virginia gentleman; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of the Honorable Thomas J. Bliley, Jr., as an expression of the Senate of Virginia's respect for his memory.

SENATE RESOLUTION NO. 90

Celebrating the life of Evelyn Flengas.

Agreed to by the Senate, February 29, 2024

WHEREAS, Evelyn Flengas, a wildlife rehabilitator in Hampton Roads who rescued countless animals over the years and inspired others through her compassion and dedication to service, died on January 25, 2024; and

WHEREAS, Evelyn Flengas was born in England and traveled the world with her husband, James, while he was serving as an officer in the United States Navy; she served as a radio show host for the American Forces Network in Rota, Spain, and worked for what was then known as Naval Air Federal Credit Union; and

WHEREAS, after settling in Hampton Roads, Evelyn Flengas became an active member of the community and supported the Kempsville High School band while her children were students there; and

WHEREAS, in 1988, after finding a mallard duck in need of care, Evelyn Flengas discovered her passion for wildlife rehabilitation, and her home-based refuge operation soon included numerous cages and enclosures to temporarily house injured or orphaned squirrels, rabbits, snakes, foxes, possums, and raccoons before releasing them back into their natural habitat; and

WHEREAS, Evelyn and James Flengas incorporated Evelyn's Wildlife Refuge as a nonprofit organization in 2005; the refuge holds local, state, and federal licenses to handle wildlife and has provided exceptional care to thousands of animals in its history; and

WHEREAS, Evelyn Flengas promoted awareness and appreciation of native and migratory wildlife through education and outreach and helped foster a lifelong sense of care and respect for the Commonwealth's natural resources among young people; and

WHEREAS, over the course of her career, Evelyn Flengas trained at least 30 volunteer rehabilitators, including Meredith Broadhurst, who has served as president of Evelyn's Wildlife Refuge since 2017; and

WHEREAS, Evelyn Flengas authored her memoir, *A Ride on the Wildside*, in 2011, and she was featured in a National Geographic documentary titled "Backyard Bandit" in 2015; and

WHEREAS, Evelyn Flengas will be fondly remembered and greatly missed by her husband, James; her three children; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of Evelyn Flengas; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Evelyn Flengas as an expression of the Senate of Virginia's respect for her memory.

SENATE RESOLUTION NO. 91

Celebrating the life of Riley C. Cole.

Agreed to by the Senate, February 29, 2024

WHEREAS, Riley C. Cole, an entrepreneur who made many contributions to communities throughout Southwest Virginia and a beloved husband, father, and grandfather, died on November 27, 2023; and

WHEREAS, Riley "RC" Cole served the nation as a member of the United States Army, then met the love of his life, Peggy, and moved to District Heights, Maryland, where he worked as the manager of a 7-Eleven; and

WHEREAS, RC Cole and his family settled in Whitewood in Buchanan County, and in 1970, he opened RC Cole's Grocery, which later become Double R Grocery; and

WHEREAS, RC Cole established a few other businesses in the region before his retirement; in later life, he worked at a Save-A-Lot food store and was a highly admired employee of Hurst-Scott Funeral Home, where he developed many strong friendships with his colleagues; and

WHEREAS, RC Cole was a longtime member of the Independent Order of Odd Fellows in Grundy, and he supported young people in local schools and athletic programs; and

WHEREAS, RC Cole enjoyed fellowship and worship with the congregation of Oak Grove Church of Christ, where he and his wife loved to sing; and

WHEREAS, RC Cole will be fondly remembered and greatly missed by his wife of nearly 62 years, Peggy; his children, Peggy Ann, Linda, Pamela, and Joshua, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of Riley C. Cole, a hardworking member of the Southwest Virginia community; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Riley C. Cole as an expression of the Senate of Virginia's respect for his memory.

SENATE RESOLUTION NO. 92

Commending K9 Batman.

Agreed to by the Senate, February 29, 2024

WHEREAS, K9 Batman, an explosives and weapons detection canine with the Virginia State Police, retired on January 31, 2024, after seven years of outstanding service; and

WHEREAS, a nine-year-old shepherd mix, K9 Batman graduated from Virginia State Police Explosives and Weapons Detection Canine Basic School in December 2017 with his handler, Senior Trooper Christopher R. Turner; and

WHEREAS, K9 Batman was primarily assigned to Virginia State Police Division Five in Chesapeake but traveled throughout the Commonwealth for special assignments; and

WHEREAS, K9 Batman patrolled grade schools, colleges and universities, court houses, military bases, prisons, and businesses in search of explosives and weapons and conducted pre-event security sweeps at graduations, football games, conferences, concerts, political rallies, dignitary visits, and other special events; and

WHEREAS, K9 Batman assisted other Virginia State Police investigators and local law-enforcement officers by successfully locating firearms and firearm casings used in robberies and shootings; and

WHEREAS, K9 Batman engaged with members of the public by demonstrating his skills at schools, churches, and other neighborhood and community events; and

WHEREAS, throughout his career, K9 Batman fulfilled his duties with dedication and distinction; now, therefore, be it

RESOLVED by the Senate of Virginia, That K9 Batman hereby be commended for his exceptional service to the Chesapeake community and the Commonwealth; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Senior Trooper Christopher R. Turner as an expression of the Senate of Virginia's admiration for K9 Batman's contributions to public safety.

SENATE RESOLUTION NO. 93

Celebrating the life of Zachary Andrew Carter.

Agreed to by the Senate, February 29, 2024

WHEREAS, Zachary Andrew Carter, a brave young man with an unwavering and indomitable spirit who was a beloved member of the Springville community, died on November 3, 2023; and

WHEREAS, despite enduring unimaginable difficulties and adversities in his life, Zachary "Zac" Carter remained ever faithful, courageous, and optimistic; and

WHEREAS, Zac Carter's light brightened countless lives as his kind nature and good humor could fill any room he was in with laughter and joy; and

WHEREAS, Zac Carter was a video game aficionado who enjoyed Nintendo, Pokémon, and Mario Bros. games, yet he was happiest of all when spending quality time with his family and friends; and

WHEREAS, Zac Carter was supported throughout his life by his deep and abiding faith, and he enjoyed worship and fellowship with his communities at Mudford Church of Christ and Springville Christian Church in Tazewell County; and

WHEREAS, Zac Carter will be fondly remembered and dearly missed by his loving parents, Jeff and Amy; his sister and best friend, Rachel; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of Zachary Andrew Carter, a cherished member of the Springville community who demonstrated the power of faith to others and who was an inspiration to all who knew him; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Zachary Andrew Carter as an expression of the Senate of Virginia's respect for his memory.

SENATE RESOLUTION NO. 94

Celebrating the life of William Reese Hess.

Agreed to by the Senate, February 29, 2024

WHEREAS, William Reese Hess of Richlands, an honorable veteran, hard-working coal miner, life-long Virginian, and beloved husband, father, grandfather, uncle, and friend, died on December 9, 2023, at age 96; and

WHEREAS, after attending Richlands High School, William "Bill" Hess began his career as a coal miner in 1945, then was drafted on November 8, 1945, and served as a corporal in the United States Army Air Forces during the Occupation of Japan at the conclusion of World War II; and

WHEREAS, Bill Hess completed training at Fort Meade in Maryland, Fort McClellan in Alabama, and Camp Stoneman in California before departing for Japan; and

WHEREAS, Bill Hess arrived in Yokohama, Japan, on March 30, 1946, and remained there for nine and a half months before being honorably discharged and returning to Richlands in February 1947; and

WHEREAS, upon his return to the United States, Bill Hess resumed his career as a coal miner and ultimately worked 42 years for the Jewell Ridge Coal Corporation, the Pittston Coal Company, and at Sea B Mining No. 2 in addition to the Jewell Valley No. 2 and No. 11 mines, until his retirement in 1987; and

WHEREAS, Bill Hess joined the United Mine Workers of America in 1945 and was a 78-year member of UMWA Local No. 1760 in Seaboard at the time of his death; and

WHEREAS, Bill Hess served the community for five decades as a member of the Richlands Masonic Lodge No. 318 A.F. and A.M., Scottish Rite, Kazim Temple, and the Tazewell-Russell Shrine Club, where he was named Shriner of the Year in 2000; and

WHEREAS, Bill Hess was strong in his faith and enjoyed serving the congregations at the West Fork Presbyterian Chapel and Richlands Presbyterian Church for more than 40 years as an elder, Sunday school superintendent, Sunday school teacher, and chair of various committees; and

WHEREAS, at the time of his death, Bill Hess had been a 23-year member of the First Christian Church in Richlands, where he was an elder and a member of the Christian Men's Fellowship; and

WHEREAS, outside of his career, faith, and community service, Bill Hess enjoyed Virginia Tech football, professional baseball and football, camping, "old-time" country music, working in his garden, and giving away vegetables to his family, friends, neighbors, and church family; and

WHEREAS, predeceased by his wife of more than 70 years, Clara, and one son, William, Jr., Bill Hess will be fondly remembered and greatly missed by his son, John; grandson, Brady; daughter-in-law, Lynnette; sister, Helen; sister-in-law, Peggy; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of William Reese Hess; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of William Reese Hess as an expression of the Senate of Virginia's respect for his memory.

SENATE RESOLUTION NO. 95

Celebrating the life of Flaudean Bolling.

Agreed to by the Senate, February 29, 2024

WHEREAS, Flaudean Bolling, a beloved wife, mother, grandmother, great-grandmother, sister, and friend and treasured member of the Pound community, died on November 30, 2023; and

WHEREAS, Flaudean Bolling savored the good life, taking every opportunity to read, dance, travel, and spend quality time with family and friends; and

WHEREAS, known for her adventurous personality and love of laughter, Flaudean Bolling was deeply committed to the well-being and happiness of others; and

WHEREAS, guided throughout her life by her faith, Flaudean enjoyed worship and fellowship with her community at First Presbyterian Church of Pound for many years; and

WHEREAS, preceded in death by her loving husband, Carlos, Flaudean Bolling will be fondly remembered and dearly missed by her children, Paige and Randy, and their families; and by numerous other family members and friends; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of Flaudean Bolling, a cherished member of the Pound community whose light brightened countless lives; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Flaudean Bolling as an expression of the Senate of Virginia's respect for her memory.

SENATE RESOLUTION NO. 96

Celebrating the life of Edwin L. Barnes.

Agreed to by the Senate, February 29, 2024

WHEREAS, Edwin L. Barnes, a longtime leader within the Virginia Community College System and a beloved member of the Winston-Salem, North Carolina community, died on February 7, 2024; and

WHEREAS, raised in eastern North Carolina, Edwin "Ed" Barnes attended college part-time while working full-time for a period of 20 years, ultimately earning three degrees, including a doctoral degree from Virginia Polytechnic Institute and State University; and

WHEREAS, after working in the textile industry for 10 years with Cone Mills Corporation and what is now Burlington Industries, Ed Barnes devoted the remainder of his career to supporting the community college systems in North Carolina and the Commonwealth; and

WHEREAS, Ed Barnes faithfully served with the Virginia Community College System for several decades, fulfilling various leadership roles with the agency, including serving as president of New River Community College and Paul D. Camp Community College and as interim president of Wytheville Community College; and

WHEREAS, Ed Barnes invested extraordinary time and energy to ensure that VCCS students achieved success both in and out of the classroom and that the institutions he served thrived both during his tenures and after; and

WHEREAS, shortly after the announcement of his departure from Wytheville Community College (WCC) in 2006, the Dr. Edwin L. Barnes Scholarship Endowment was established by WCC faculty and staff to honor his legacy at the school; in further recognition of his stellar leadership, he received the Distinguished Service Award from WCC in 2010; and

WHEREAS, inspired by his own experience, Ed Barnes was a passionate believer in the power of education to transform lives, leading him and his wife, Shirley, to create the Barnes Family Scholarship Endowment at WCC to benefit hardworking students in need; and

WHEREAS, preceded in death by his loving wife, Shirley, Ed Barnes will be fondly remembered and dearly missed by his children, Stephen, Michael, and Cynthia, and their families and by numerous other family members and friends; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of Edwin L. Barnes, a cherished member of the Virginia Community College System community whose dedication and service made an impact on countless lives; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Edwin L. Barnes as an expression of the Senate of Virginia's respect for his memory.

SENATE RESOLUTION NO. 97

Commending Boyd T. Allison, Jr.

Agreed to by the Senate, February 29, 2024

WHEREAS, Boyd T. Allison, Jr., an honorable veteran and esteemed mortgage banker, greatly served the Commonwealth as longtime legislative chair of the Virginia Mortgage Bankers Association; and

WHEREAS, after graduating from Old Dominion University in 1979, where he was a member of the Sigma Nu fraternity, Boyd Allison worked for Federated Department Stores, Inc., in loss prevention before commissioning in the United States Navy; and

WHEREAS, Boyd Allison served his country with honor and distinction as a naval aviator in the United States Navy and then later as a member of the United States Coast Guard Reserve from 1990 to 2003; and

WHEREAS, Boyd Allison worked for some time as a licensed stockbroker in both New York City and Richmond before beginning his career in the mortgage industry as a senior account executive with Triad Guaranty; and

WHEREAS, over his illustrious 36-year career in the mortgage industry, Boyd Allison worked for several distinguished companies, including Triad Guaranty, Republic Mortgage Insurance Company, United Guaranty, Radian, United First Mortgage, and Integrity Home Mortgage Corporation; and

WHEREAS, Boyd Allison greatly aided the advancement of the mortgage industry in the Commonwealth as the legislative chair of the Virginia Mortgage Bankers Association (VMBA) from 1994 to 2023; and

WHEREAS, in recognition of his efforts, Boyd Allison was the recipient of the VMBA President's Award in 2004, 2008, and 2015; the inaugural VMBA Bill Axselle Lifetime Achievement Award in 2018; and the VMBA Alex McCrone Award in 1995, 2006, 2011, and 2019; and

WHEREAS, beyond the VMBA, Boyd Allison also served his professional community locally as the president of the Richmond Mortgage Bankers Association in 2006; and

WHEREAS, Boyd Allison has supported and enjoyed camaraderie with his fellow veterans as a member and past post commander of the American Legion Post 354 in Chesterfield County; and

WHEREAS, in addition to his work in the mortgage industry, Boyd Allison has also worked as a licensed auctioneer since 2005 and was a licensed realtor from 1991 to 1999 and 2008 to 2020; and

WHEREAS, a proud alumnus, Boyd Allison served as president of the Old Dominion University Alumni Association and as a member of the Old Dominion University Educational Foundation Board of Trustees from 2003 to 2004; and

WHEREAS, with an unwavering commitment to the mission and values of the VMBA, Boyd Allison has contributed immeasurably to the well-being and prosperity of the Commonwealth; now, therefore, be it

RESOLVED by the Senate of Virginia, That Boyd T. Allison, Jr., hereby be commended for his service and dedication as a veteran of the United States Navy and as legislative chair of the Virginia Mortgage Bankers Association; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Boyd T. Allison, Jr., as an expression of the Senate of Virginia's admiration for his contributions to the country and the Commonwealth.

SENATE RESOLUTION NO. 98

Celebrating the life of Marion Gertrude Oyer.

Agreed to by the Senate, February 29, 2024

WHEREAS, Marion Gertrude Oyer, a beloved wife, mother, grandmother, great-grandmother, and member of the Williamsburg community, died in February 2024; and

WHEREAS, affectionately known by family and friends as "Tiger," Marion Oyer graduated from high school in Providence, Rhode Island, and worked for some time in the insurance industry before marrying Lieutenant Edwin C. Oyer of the United States Navy; and

WHEREAS, Marion Oyer devoted herself for many years to supporting her husband and raising her two sons while the family lived in various duty stations around the world, including Rhode Island, New Jersey, Hawaii, Florida, Ohio, Sicily, Guam, Iceland, Greenland, South Carolina, and Virginia; and

WHEREAS, Marion Oyer volunteered thousands of hours over several years at the Eastern State Hospital in Williamsburg, helping an untold number of patients find joy, build confidence, and be active and integrated members of the community; and

WHEREAS, Marion Oyer cultivated her talents as a cook and gardener throughout her life and relished every opportunity to travel, but was dedicated most of all to caring for her family; and

WHEREAS, preceded in death by her loving husband of 65 years, Edwin, Marion Oyer will be fondly remembered and dearly missed by her sons, Brian and Steven, and their families; and by numerous other family members and friends; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of Marion Gertrude Oyer, a cherished member of the Williamsburg community whose kindness and generosity touched countless lives; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Marion Gertrude Oyer as an expression of the Senate of Virginia's respect for her memory.

SENATE RESOLUTION NO. 99

Commending the Weyers Cave Ruritan Club.

Agreed to by the Senate, February 29, 2024

WHEREAS, the Weyers Cave Ruritan Club, a noble and distinguished civic organization serving the community of Weyers Cave and beyond through a number of programs and initiatives, celebrates its 85th anniversary on April 13, 2024; and

WHEREAS, with a generous donation from the Houff family, the Weyers Cave Ruritan Club established the Weyers Cave Ruritan Park, a 25-acre park featuring a walking trail, athletic fields, a playground, and other amenities for the community to enjoy; and

WHEREAS, the Weyers Cave Ruritan Club spearheaded the creation of the Weyers Cave Community Center, completed in 1994, which provides a welcoming place for people to gather for recreation, classes, meetings, parties, and more; and

WHEREAS, the Weyers Cave Ruritan Club held its 21st annual American Red Cross summer blood drive on July 29, 2023, greatly aiding area hospitals in their efforts to address the medical needs of their patients; and

WHEREAS, the Weyers Cave Ruritan Club fosters goodwill and festive cheer during the holiday season each year by offering a Breakfast with Santa event that attracts hundreds of children and their families; and

WHEREAS, in its early years, the Weyers Cave Ruritan Club encouraged the health and well-being of Weyers Cave residents by funding the installation of lights at a local ballpark; the organization has continued this project over the years through its support of local athletic leagues and youth activities and its annual softball tournament; and

WHEREAS, the Weyers Cave Ruritan Club raises funds for its service projects by selling barbecue chicken and pork, a culinary treat beloved by the community, as well as by hosting entertaining dinners and concerts; and

WHEREAS, the Weyers Cave Ruritan Club strives to ensure no individual or family goes without by actively contributing to the Verona Community Food Pantry, which serves nearly 1,000 people per month in the Augusta County, Staunton, and Waynesboro areas; and

WHEREAS, through visionary leadership and the indefatigable efforts of its volunteer members, the Weyers Cave Ruritan Club has helped to make Weyers Cave a wonderful place to live, work, and raise a family; now, therefore, be it

RESOLVED by the Senate of Virginia, That the Weyers Cave Ruritan Club hereby be commended on the occasion of its 85th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the Weyers Cave Ruritan Club as an expression of the Senate of Virginia's admiration for the organization's history and its legacy of service.

SENATE RESOLUTION NO. 100

Commending the Grottoes Volunteer Fire Department.

Agreed to by the Senate, February 29, 2024

WHEREAS, for 75 years, the Grottoes Volunteer Fire Department has served citizens of the Commonwealth while upholding its mission to provide the highest quality fire protection and emergency services in the most effective and efficient manner; and

WHEREAS, in 1947, the Grottoes Volunteer Fire Department was organized with the objective of providing fire protection to the Town of Grottoes and the surrounding communities in the counties of Augusta and Rockingham; and

WHEREAS, in 1948, the Grottoes Volunteer Fire Department was officially chartered for purposes that included preventing and extinguishing fires in the Town of Grottoes and the surrounding territory and maintaining a modern and efficient fire department at all times for the protection of life and property; and

WHEREAS, Charles Stickley served as the first fire chief for the Grottoes Volunteer Fire Department, establishing a tradition of excellence that has defined the department throughout its history; and

WHEREAS, in August 1948, the Grottoes Volunteer Fire Department responded to its first emergency call in a Hahn Fire Apparatus after a pile of sawdust burst into flames at a nearby silk mill; and

WHEREAS, in 1995, after three additions to the original white block station located on Aspen Avenue, the Grottoes Volunteer Fire Department broke ground for its current station located on Third Street; and

WHEREAS, in 2012, the Grottoes Volunteer Fire Department opened an onsite museum complete with memorabilia, vintage uniforms, and a 1920s chemical hand cart that had been used to provide firefighters high-pressure water to battle fires; and

WHEREAS, the Grottoes Volunteer Fire Department is currently made up of 90 members, 40 of whom are active volunteer firefighters, who enable the department to respond to 500-700 calls each year; and

WHEREAS, the Grottoes Volunteer Fire Department, a thriving nonprofit organization, continues to uphold its core values of integrity, selfless service, continuous improvement, and pride; now, therefore, be it

RESOLVED by the Senate of Virginia, That the Grottoes Volunteer Fire Department hereby be commended for its dedication, commitment, and service in protecting the safety and lives of local residents on the occasion of its 75th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the Grottoes Volunteer Fire Department as an expression of the Senate of Virginia's congratulations and appreciation for the department's service and dedication to public safety.

SENATE RESOLUTION NO. 101

Commending M. Siddique Sheikh.

Agreed to by the Senate, February 29, 2024

WHEREAS, M. Siddique Sheikh of Occoquan is an esteemed businessman who has used his success to empower and uplift his fellow members of the Pakistani American community while enhancing the quality of life for all residents of Northern Virginia; and

WHEREAS, Siddique Sheikh grew up in Pakistan and immigrated to the United States in 1969; he has since become an engaged member of the Northern Virginia community, a champion for business in the region, and a staunch advocate for Pakistani Americans; and

WHEREAS, as the founder of what is now the United States Pakistan International Chamber of Commerce (USPICC), Siddique Sheikh has represented Pakistani American entrepreneurs and promoted business cooperation between the United States and Pakistan as chair, president, and executive director of the organization; and

WHEREAS, under Siddique Sheikh's leadership, the USPICC received the rare honor of becoming the only organization to perform bell ceremonies at the Nasdaq stock exchange twice, both times to celebrate Pakistan's Independence Day; and

WHEREAS, Siddique Sheikh maintains a wide range of other business interests and has hosted multiple career fairs and trade shows throughout Northern Virginia; he previously held several leadership positions with BB&T Bank, which merged with SunTrust Banks to form Truist Bank, where he continues to offer his wise counsel; and

WHEREAS, Siddique Sheikh has served as a member of the Northern Virginia Community College Board of Visitors and as a member of the George Mason University Board of Visitors, through which he promotes ties with higher education institutions in Pakistan, including the National University of Sciences and Technology (NUST) and the University of Karachi, creating myriad new opportunities for faculty and students; and

WHEREAS, Siddique Sheikh played a role in the establishment of the Virginia Lottery and was appointed by Governor Jim Gilmore to serve on the Virginia Lottery Commission, then appointed by Governor Tim Kaine to serve on the Transportation Accountability Commission; and

WHEREAS, Siddique Sheikh has volunteered his wise leadership to support the Muslim community in the Washington, D.C., Metropolitan Area and has promoted a strong sense of community spirit among Pakistani Americans in the region; and

WHEREAS, Siddique Sheikh serves as the chair of the Chief's Council on Diversity of the Fairfax County Police Department, which builds trust and understanding between law-enforcement officers and community members; and

WHEREAS, a practicing Muslim, Siddique Sheikh has supported the development of various mosques throughout the Commonwealth, while also promoting interfaith cooperation and supporting linkages between multicultural communities; and

WHEREAS, Siddique Sheikh is a founding member of the Muslim Community Center in Maryland, which offers free medical services to Muslims throughout the Washington, D.C. area, and a founding member of the Islamic Circle of North America Sunday School program that also serves families in the region; and

WHEREAS, Siddique Sheikh has also been a prominent leader at the international level, facilitating diplomacy between the United States and Pakistan; after the attacks on September 11, 2001, he advocated on behalf of Pakistani Americans to dispel misinformation and led several delegations in meetings with the U.S. Department of State; and

WHEREAS, in 2004, Siddique Sheikh organized a USPICC convention in Islamabad, Pakistan, which was attended by the nation's prime minister and led to the signing of nine memoranda of understanding between officials from the United States, the United Kingdom, and Germany; and

WHEREAS, Siddique Sheikh was previously appointed by the prime minister to serve on the board of the Overseas Pakistanis Foundation, and in 2006, he was one of only three individuals in the United States to be nominated for the prestigious President of Pakistan Award; now, therefore, be it

RESOLVED by the Senate of Virginia, That M. Siddique Sheikh hereby be commended for his accomplishments as an entrepreneur who has achieved success in a wide range of businesses and touched countless lives as a generous community leader; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to M. Siddique Sheikh as an expression of the Senate of Virginia's admiration for his growing legacy of personal and professional achievements.

SENATE RESOLUTION NO. 102

Commending the Richmond Canes.

Agreed to by the Senate, February 29, 2024

WHEREAS, the Richmond Canes, a flag football team of third and fourth graders in the Richmond Under the Lights league won the Under Armour-Under the Lights Winter National Championship for their division in 2023; and

WHEREAS, Under the Lights (UTL) is the original youth flag football partner of Under Armour, Inc., and the Richmond UTL league was established in 2020 under the leadership of the league's commissioner, Jason Butler; and

WHEREAS, the UTL league offers both boys and girls from pre-kindergarten through eighth grade the opportunity to play flag football at a level that is safe, competitive, and enjoyable for all, fostering participants' confidence and love for the game; and

WHEREAS, the Richmond Canes won all six regular season games, two playoff games, and the championship games in the fall of 2023; and

WHEREAS, as a result of their accomplishments, the Richmond Canes earned an invitation to the 2023 National UTL Tournament in San Antonio; and

WHEREAS, the success of the Richmond Canes is the result of the hard work and dedication of the young athletes, the leadership and guidance of head coach Joe Lewis and assistant coach Jamie Green, and the unwavering support of their families and the entire Richmond UTL community; now, therefore, be it

RESOLVED by the Senate of Virginia, That the Richmond Canes of the Richmond Under the Lights league hereby be commended for winning the 2023 Under Armour-Under the Lights Winter National Championship; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Joe Lewis, head coach of the Richmond Canes, as an expression of the Senate of Virginia's admiration for the team's achievement.

SENATE RESOLUTION NO. 103

Celebrating the life of Charles Lee Thomas.

Agreed to by the Senate, March 6, 2024

WHEREAS, Charles Lee Thomas, a standout basketball player at Virginia Polytechnic Institute and State University, who went on to inspire countless young athletes as a basketball coach and mentor, died on November 5, 2023; and

WHEREAS, Charles "Charlie" Thomas grew up in Harrisonburg, where he attended public schools and graduated from Harrisonburg High School; and

WHEREAS, Charlie Thomas was a member of the Harrisonburg High School basketball team from 1966 to 1970, earning numerous accolades, including selection to the All-State first team and an honorable mention as an All-American in his senior year; he recorded the second-most career points in school history with 1,119; and

WHEREAS, Charlie Thomas attended Ferrum College for two years, continuing to excel on the basketball court, then transferred to Virginia Polytechnic Institute and State University, where he was a member of the 1973 National Invitational Tournament championship squad and was selected to the National Collegiate Athletics Association (NCAA) All-South first teams in 1973 and 1974; and

WHEREAS, after graduating college, Charlie Thomas played and coached basketball in Europe and South America for a few years, then returned to the United States and served young people as a college coach for more than three decades; and

WHEREAS, Charlie Thomas notably spent 17 years as the head basketball coach at San Francisco State University; he led the team to the Western Region semi-finals of the NCAA Tournament in 1994 and was twice named as the Northern California Athletic Conference Coach of the Year; and

WHEREAS, Charlie Thomas originally retired from coaching in 2005, but returned for a stint as an assistant coach at West Hills College in Coalinga, California, from 2007 to 2010; and

WHEREAS, in later life, Charlie Thomas settled in Visalia, California, where he enjoyed attending sporting events, watching NASCAR races, cheering for the Pittsburgh Steelers, and sharing his love of soul music and trivia with family and friends; and

WHEREAS, Charlie Thomas will be fondly remembered and greatly missed by his wife, Brianna; his children, Shonda and Chaz, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of Charles Lee Thomas, a highly admired college basketball coach; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Charles Lee Thomas as an expression of the Senate of Virginia's respect for his memory.

SENATE RESOLUTION NO. 104

Commending the Warm Springs Valley Garden Club.

Agreed to by the Senate, March 6, 2024

WHEREAS, the Warm Springs Valley Garden Club, an organization dedicated to its mission "to promote greater knowledge of horticulture, stimulate interest in conservation and historic preservation, encourage community environmental education, and participate in civic planning and planting programs," celebrates its 100th anniversary in 2024; and

WHEREAS, the Warm Springs Valley Garden Club was established in 1924 by 13 prominent Bath County women, and its membership grew to 21 within the first year and has remained at 30 to 50 members ever since; and

WHEREAS, the Warm Springs Valley Garden Club has greatly supported the community over the years through a number of projects and initiatives, including the restoration of the Warm Springs Valley Cemetery between the 1940s and 1980s; and

WHEREAS, the Warm Springs Valley Garden Club has contributed greatly to the beautification, landscaping, and maintenance of prominent sites in Bath County, including the local welcome center, hospital, elementary school, airport, courthouse, post office, library, government buildings, nursing home, historical society, and highway markers at entrances to the county; and

WHEREAS, the Warm Springs Valley Garden Club has cultivated an interest in horticulture, gardening, and the environment among young people of the community by sending local students to nature camp for more than a half-century, donating books to the Bath County Public Library, and supporting the wind turbine program at the area high school; and

WHEREAS, the Warm Springs Valley Garden Club encourages community involvement in support of its mission through special prizes and awards, including its annual Golden Trowel Award; and

WHEREAS, the Warm Springs Valley Garden Club hosts regular meetings, field trips, and presentations for its members to inform and enrich their understanding of the endless facets of horticulture and gardening; and

WHEREAS, the Warm Springs Valley Garden Club's longstanding commitment to horticulture, conservation, historic preservation, and the environment, and the impressive efforts of its members have helped to make Bath County a wonderful and more beautiful place to live, work, and raise a family; now, therefore, be it

RESOLVED by the Senate of Virginia, That the Warm Springs Valley Garden Club hereby be commended on the occasion of its 100th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the Warm Springs Valley Garden Club as an expression of the Senate of Virginia's admiration for the organization's history and its contributions to Bath County and the Commonwealth.

SENATE RESOLUTION NO. 106

Celebrating the life of Carol DeLong.

Agreed to by the Senate, March 6. 2024

WHEREAS, Carol DeLong, an esteemed public servant and civic leader who made history as the first woman to serve as mayor of the City of Falls Church, died on December 9, 2023; and

WHEREAS, after graduating from what was formerly the New Jersey College for Women with a bachelor's degree in science in 1952, Carol DeLong earned a master's degree in organic chemistry from Washington State University; and

WHEREAS, Carol DeLong settled with her family in Falls Church in 1960 and quickly devoted herself to the betterment of her new home, serving as the Madison High School Parent Teacher Association president from 1969 to 1970 and as a member of the Falls Church Planning Commission from 1971 to 1974; and

WHEREAS, Carol DeLong proudly represented her constituents as a member of the Falls Church City Council from 1974 to 1990 and was selected by her fellow councilmembers to serve as vice mayor from 1976 to 1980 and then as mayor from 1980 to 1988, becoming the first woman to hold this distinguished position; and

WHEREAS, Carol DeLong's work with the Falls Church City Council included representing the locality on the Northern Virginia Transportation Commission and the Metropolitan Washington Council of Governments' Transportation Planning Board; and

WHEREAS, Carol DeLong contributed to the growth and development of Falls Church over the years by advocating for ventures that improved the quality of life in the city, including the Winter Hill Apartments for the elderly and people with disabilities, the residential counseling center Aurora House, the Falls Church Farmers Market, and various infrastructure improvements; and

WHEREAS, Carol DeLong was the recipient of many notable accolades in recognition of her service to the community, such as the 1999 Mattie Gundry Award from the Falls Church Commission on Women and the 2002 Jane and Wayne Dexter Award from Citizens for a Better City, of which she was a longtime member; and

WHEREAS, Carol DeLong will be fondly remembered and dearly missed by her loving husband of 67 years, Chester; her children, Leslie, Alison, and Linda, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of Carol DeLong, a trailblazing civic leader whose service and dedication left a profound and lasting impact on the City of Falls Church; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Carol DeLong as an expression of the Senate of Virginia's respect for her memory.

SENATE RESOLUTION NO. 107

Commending Zoya Bitici.

Agreed to by the Senate, March 6, 2024

WHEREAS, Zoya Bitici, an esteemed clothing designer and co-founder of Zoya's Atelier in Falls Church, has greatly served the Northern Virginia community for several years; and

WHEREAS, Zoya Bitici was born in Montenegro to Albanian parents and immigrated to the United States with her family as a young girl; and

WHEREAS, Zoya Bitici cultivated her passion for fashion from an early age by recreating gowns she saw in magazines and later honed her pattern-making, draping, and couture techniques at the Fashion Institute of Technology (FIT); and

WHEREAS, after working for some time as an accessories designer and graduating from FIT, Zoya Bitici opened her own design studio in New York City in the fall of 1993, where she concentrated on custom-made couture and evening gowns; and

WHEREAS, in addition to running her New York studio, Zoya Bitici also taught advanced couture classes at the Parsons School of Design for some time, providing valuable mentorship to the next generation of fashion designers; and

WHEREAS, in 2001, Zoya Bitici relocated to New Jersey and opened a boutique featuring ready-to-wear clothing for women, beautiful handbags and accessories, wedding gowns, and custom-made designs; and

WHEREAS, building on her decades of industry knowledge and experience, Zoya Bitici co-founded Zoya's Atelier in Falls Church in 2016, which quickly became a premier destination in the region for bridal and evening wear; and

WHEREAS, as a testament to Zoya Bitici's success, Zoya's Atelier has been recognized as a top wedding vendor and bridal boutique by a number of prominent publications and websites, including *Virginia Living*, *Arlington Magazine*, WeddingWire, *Washingtonian* magazine, and The Knot; and

WHEREAS, Zoya Bitici's efforts have helped countless individuals feel beautiful and confident at their weddings and other special events, earning her the respect and admiration of all Virginians; now, therefore, be it

RESOLVED by the Senate of Virginia, That Zoya Bitici hereby be commended for her accomplishments with Zoya's Atelier; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Zoya Bitici as an expression of the Senate of Virginia's appreciation for her contributions to the Northern Virginia community.

SENATE RESOLUTION NO. 108

Celebrating the life of John Mason.

Agreed to by the Senate, March 6, 2024

WHEREAS, John Mason, a distinguished veteran, generous community leader, and visionary public servant who transformed the Fairfax community as mayor for more than a decade, died on February 7, 2024; and

WHEREAS, John Mason grew up in Springfield, Massachusetts, attended Classical High School, and earned the prestigious rank of Eagle Scout in the Boy Scouts of America; and

WHEREAS, John Mason earned a bachelor's degree from the University of Massachusetts Amherst, where he served as a member of the Reserve Officer Training Corps; he later continued his education by earning a master's degree from New York University; and

WHEREAS, in 1956, John Mason was commissioned as an officer in the United States Army, completed Jump School, and was stationed at bases in Texas and Hawaii; he subsequently deployed to Vietnam in 1965 as an advisor to a Vietnamese railway security battalion; and

WHEREAS, John Mason next served as a senior armor instructor at the United States Military Academy, then returned to Vietnam in 1970 as commander of the 1st Squadron, 10th Cavalry Regiment; he completed a follow-on command tour with the 5th Battalion, 68th Armor Regiment, 8th Infantry Division, then served as a staff officer of the 1st Armored Division in Germany; and

WHEREAS, John Mason's final assignment before his retirement with the rank of colonel was as the assistant director of operations and readiness in the Office of the Deputy Chief of Staff at the Department of the Army Headquarters; and

WHEREAS, desirous to be of further service to his community, John Mason ran for and was elected to the Fairfax City Council from 1986 to 1990, then served as mayor from 1990 to 2002; and

WHEREAS, as the longest-serving mayor in city history, John Mason oversaw critical enhancements to transportation, housing, commercial development, and local amenities like parks and trails; his investments helped reposition Fairfax as a leader in the region and an excellent place to live and work; and

WHEREAS, John Mason supported the Arts Council of Fairfax County, the Fairfax Symphony, and the Workhouse Arts Center in Lorton, and he guided the creation of innovative programs like Spotlight on the Arts, a collaboration with George Mason University, to invigorate local culture; and

WHEREAS, John Mason provided his leadership and expertise to many other regional and national boards and commissions, including as executive director of the Northern Virginia Transportation Authority and the board chair of the American Metropolitan Planning Organization; and

WHEREAS, John Mason inspired others through his humility, selflessness, commitment to duty, and genuine care for the community; his contributions to the residents of Fairfax will be felt throughout the city for generations; and

WHEREAS, John Mason will be fondly remembered and greatly missed by his wife of 60 years, Jeanette; their three children, John, Joanna, and Jeffrey, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of John Mason, the highly respected former mayor of the City of Fairfax; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of John Mason as an expression of the Senate of Virginia's respect for his memory.

SENATE RESOLUTION NO. 109

Commending the Charles J. Colgan Sr. High School girls' soccer team.

Agreed to by the Senate, March 6, 2024

WHEREAS, the Charles J. Colgan Sr. High School girls' soccer team of Prince William County won the Virginia High School League Class 6 state championship at John Champe High School in Loudoun County on June 11, 2023; and

WHEREAS, the Colgan High School Sharks defeated the Battlefield High School Bobcats of Prince William County by a score of 1-0, bringing home the first state championship title in program history; and

WHEREAS, after several close misses and with six minutes remaining in regulation, the match remained scoreless when Colgan High School's Tiana Cruz stepped onto the pitch; one minute later, she headed a cross from Samantha Deguzman for the lone goal of the game; and

WHEREAS, the Colgan Sharks were propelled throughout the season by strong play on both sides of the ball, finishing the year with an extraordinary and historic record of 21-1-1; and

WHEREAS, the success of the Colgan Sharks is the result of the work ethic and dedication of the student-athletes, the leadership and guidance of their coaches and teachers, and the unwavering support of their families and the entire Colgan High School community; now, therefore, be it

RESOLVED by the Senate of Virginia, That the Charles J. Colgan Sr. High School girls' soccer team hereby be commended for winning the 2023 Virginia High School League Class 6 state championship; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Tom Warzywak, coach of the Charles J. Colgan Sr. High School girls' soccer team, as an expression of the Senate of Virginia's admiration for the team's achievements.

SENATE RESOLUTION NO. 110

Commending the Tazewell High School Class of 1973.

Agreed to by the Senate, March 6, 2024

WHEREAS, the members of the Tazewell High School Class of 1973 celebrated their 50th high school graduation anniversary on September 9, 2023, marking a significant milestone in their lives and demonstrating their enduring bonds of friendship and camaraderie; and

WHEREAS, the motto of the Tazewell High School Class of 1973, "Today we follow, tomorrow we lead," embodies their commitment to leadership and excellence; and

WHEREAS, the members of the Tazewell High School Class of 1973 have excelled in numerous fields and endeavors in Tazewell County, throughout the Commonwealth, and beyond, making substantial contributions to their communities; and

WHEREAS, recognizing the importance of preserving their legacy, the members of the Tazewell High School Class of 1973 embarked on the commendable initiative of producing a documentary and a 250-page book to chronicle their journey and contributions over the past five decades, which archives the varied achievements, outlooks, and memories of the class; and

WHEREAS, the Tazewell High School Class of 1973 compiled 25 hours of video interviews of members of the class as part of the documentary and publication project, which serves as a testament to the resilience, success, and enduring spirit of the Tazewell High School Class of 1973, as well as a record of their positions of leadership and their numerous prestigious accolades and awards within the Commonwealth and beyond; and

WHEREAS, the 50th anniversary of the Tazewell High School Class of 1973, Tazewell High School's centennial class, offers an opportunity to reflect on the school's legacy during the school's 150th year as well as on the accomplishments of many of the members of the class; now, therefore, be it

RESOLVED by the Senate of Virginia, That the Tazewell High School Class of 1973 hereby be commended on the occasion of its 50th anniversary for its members' dedication to preserving their history and inspiring future generations; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the Tazewell High School Class of 1973 as an expression of the Senate of Virginia's admiration for the class's contributions to the Commonwealth.

SENATE RESOLUTION NO. 111

Celebrating the life of Jordyn Paige Rasnake.

Agreed to by the Senate, March 6, 2024

WHEREAS, Jordyn Paige Rasnake of Richlands, a student at Southwest Virginia Community College, and a beloved daughter, sister, and friend, died on February 18, 2024; and

WHEREAS, Jordyn Rasnake was born to Angel and Eric Rasnake of Brown Mountain on December 29, 2003; and

WHEREAS, Jordyn Rasnake inherited her father's passion for music and was a talented instrumentalist who enjoyed playing guitar at Keen Mountain Pentecostal Holiness Church in her youth; and

WHEREAS, Jordyn Rasnake excelled in academics and graduated from Keen Mountain Christian Academy as the class salutatorian; and

WHEREAS, Jordyn Rasnake was deeply motivated to serve and safeguard others and planned to follow in her father's footsteps as a law-enforcement officer; and

WHEREAS, at the time of her passing, Jordyn Rasnake was enrolled in the criminal justice program at Southwest Virginia Community College and was serving in an internship as an auxiliary police officer with the Richlands Police Department; and

WHEREAS, Jordyn Rasnake brought joy to family and friends through her bright smile and infectious laughter, and she touched countless lives through her kindness and grace; and

WHEREAS, Jordyn Rasnake will be fondly remembered and greatly missed by her parents, Angel and Eric; her siblings, Tyler and Kylee; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of Jordyn Paige Rasnake, a cherished member of the Richlands community; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Jordyn Paige Rasnake as an expression of the Senate of Virginia's respect for her memory.

SENATE RESOLUTION NO. 112

Celebrating the life of Charles Cameron Ballard.

Agreed to by the Senate, March 6, 2024

WHEREAS, Charles Cameron Ballard, an accomplished academic, esteemed public servant, and active and beloved member of the Luray and Page County communities, died on November 5, 2023; and

WHEREAS, after graduating with honors from Page County High School in 1968, Charles Ballard earned a bachelor's degree in modern European and West African history from James Madison University and a doctoral degree in African history from the former University of Natal in South Africa; and

WHEREAS, a leading academic in the study of South African history, Charles Ballard served as a senior lecturer at the University of Natal before returning to the Commonwealth and teaching at James Madison University, the University of Mary Washington, and Laurel Ridge Community College; and

WHEREAS, Charles Ballard published a plethora of scholarly articles and books over his career, including a major study of South African frontiersman John Dunn and *The House of Shaka: The Zulu Monarchy Illustrated*; and

WHEREAS, after holding positions as economic development director and county administrator of Page County, Charles Ballard faithfully served his constituents as the District 3 Supervisor on the Page County Board of Supervisors; and

WHEREAS, Charles Ballard served as president of the Page County Heritage Association, which published his research into various local history topics, and was an ardent advocate for historical preservation, helping to place Graves Chapel in Stanley on the National Register of Historic Places in 2008; and

WHEREAS, Charles Ballard was also a proud member of the Sigma Phi Epsilon fraternity, the Page County Republican Party, and the Page County Civil War Commission; and

WHEREAS, guided throughout his life by his faith, Charles Ballard enjoyed worship and fellowship with his community at Mount Carmel Baptist Church in Luray for many years; and

WHEREAS, Charles Ballard will be fondly remembered and dearly missed by his loving wife of 32 years, Shirron; his children, Julia Ann and Ben, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of Charles Cameron Ballard, a treasured member of the Page County community whose dedicated service touched countless lives; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Charles Cameron Ballard as an expression of the Senate of Virginia's respect for his memory.

SENATE RESOLUTION NO. 113

Commending Jeff Bourne.

Agreed to by the Senate, March 6, 2024

WHEREAS, Jeff Bourne, longtime athletic director at James Madison University and a champion of collegiate athletics in the Commonwealth, will retire in 2024; and

WHEREAS, after graduating with a degree in business and accounting from Bridgewater College in 1981, Jeff Bourne joined the Virginia Polytechnic Institute and State University as an auditor, where he would ultimately work full-time in athletics for approximately a decade; and

WHEREAS, following a brief stint at the Georgia Institute of Technology, Jeff Bourne became the athletics director of James Madison University (JMU) on July 15, 1999; and

WHEREAS, over Jeff Bourne's tenure at JMU, which is currently the seventh longest at one school among active National Collegiate Athletic Association Division I athletic directors, JMU teams have won three national titles, 77 conference championships, and 60 regular season conference titles; and

WHEREAS, Jeff Bourne's legacy at JMU includes the construction of the Atlantic Union Bank Center in 2020 and renovation of the Convocation Center in 2023, as well as numerous upgrades and improvements to other athletic facilities; and

WHEREAS, Jeff Bourne has demonstrated an unwavering commitment to his student-athletes and their future success, working tirelessly to ensure that they excel not only in their sports, but in the classroom as well; and

WHEREAS, Jeff Bourne has courageously led the JMU athletic department through periods of growth and change over the years in response to the needs of the day, creating an environment in which all 18 of the university's teams can thrive; and

WHEREAS, JMU's accomplishments both as a charter member of the Colonial Athletic Association and following its transition to the Sun Belt Conference in 2022 are a testament to the culture that Jeff Bourne has fostered during his time at the school, and a reflection of the impact he has had on countless lives; now, therefore, be it

RESOLVED by the Senate of Virginia, That Jeff Bourne, esteemed athletic director of James Madison University, hereby be commended on the occasion of his retirement; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Jeff Bourne as an expression of the Senate of Virginia's admiration for his career in service to the Commonwealth's young people and best wishes for a happy and fulfilling retirement.

SENATE RESOLUTION NO. 114

Celebrating the life of Nancy Lee Revercomb Brubaker.

Agreed to by the Senate, March 6, 2024

WHEREAS, Nancy Lee Revercomb Brubaker, an accomplished farmer and beloved wife, mother, grandmother, great-grandmother, and member of the Harrisonburg community, died on August 19, 2023; and

WHEREAS, after graduating from the former Dayton High School and earning a bachelor's degree in education from what was then Madison College, today James Madison University (JMU), Nancy Brubaker devoted herself to caring for and supporting her family; and

WHEREAS, alongside her husband, Daniel, Nancy Brubaker worked to improve and enlarge her grandfather's farm, which she renamed Shenmont, where generations of family members have raised award-winning Guernsey cattle for years; and

WHEREAS, Nancy and Daniel Brubaker also founded the Virginia Silo Company and Rockingham Redi-Mix, facilitating the operations and endeavors of farmers and builders in the Central Shenandoah Valley region; and

WHEREAS, Nancy Brubaker enjoyed hosting foreign exchange students over the years and supported many young people through the Nancy Revercomb Brubaker '56 Endowed Scholarship for Foreign Exchange Students in the College of Business at JMU and by teaching high school English as a Second Language classes to Vietnamese refugees; and

WHEREAS, a passionate leader of her local 4-H, Nancy Brubaker contributed greatly to the Rockingham County Fair over many years, where she showed cattle and judged the canning and home goods competition; and

WHEREAS, Nancy Brubaker gave generously of her time for the benefit of her community as a member of her local Ruritan club, where she was recognized as a Tom Downing Fellow, as a longstanding volunteer at the Bridgewater Retirement Community and the former Rockingham Memorial Hospital, and as a member of the board of the Fort Harrison museum in Dayton; and

WHEREAS, in recognition of her service and support, Nancy and Daniel Brubaker were named Philanthropists of the Year in 2019 by the Shenandoah chapter of the Association of Fundraising Professionals; and

WHEREAS, Nancy Brubaker will be fondly remembered and dearly missed by her loving husband of more than 70 years, Daniel; her children, Barry, Lynn, Thomas, and Lisa, and their families; and numerous other family member and friends; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of Nancy Lee Revercomb Brubaker, a cherished member of the Harrisonburg community who was a source of joy and inspiration to all who knew her; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Nancy Lee Revercomb Brubaker as an expression of the Senate of Virginia's respect for her memory.

SENATE RESOLUTION NO. 115

Commending Eagle Carpets.

Agreed to by the Senate, March 6, 2024

WHEREAS, Eagle Carpets, a flooring company serving the communities of Harrisonburg and the Shenandoah Valley, celebrates its 60th anniversary in 2024; and

WHEREAS, the origin of Eagle Carpets dates to a fateful trip to Kennesaw, Georgia, when the company's co-founder, Rodney Eagle, purchased a single roll of carpet on a whim while he was assisting with the delivery of styrofoam egg cartons; and

WHEREAS, Rodney Eagle made return trips to Georgia, negotiated terms with carpet mills in Cartersville and Dalton, rented warehouse space, and began selling and installing carpet in the Harrisonburg area; and

WHEREAS, Eagle Carpets has grown from a single roll of carpet to a 16,000-square-foot storeroom featuring carpet, hardwood, laminate, tile, luxury vinyl, and waterproof flooring options and area rugs; and

WHEREAS, Eagle Carpets has supported the development of Harrisonburg over the past half-century by providing and installing quality flooring products for its clients and has established its reputation as one of the city's leading flooring companies; and

WHEREAS, Eagle Carpets has promoted a positive and supportive work place for its employees and shown great care and compassion for their well-being; and

WHEREAS, following a devastating fire in 2003, many local businesses in Harrisonburg rallied to aid Eagle Carpets in its recovery, a testament to the goodwill the company had acquired after decades of serving the community; and

WHEREAS, the accomplishments of Eagle Carpets are the result of the vision and dedication of its founders and owners, the tireless efforts of its employees, and the overwhelming support of its customers and the Harrisonburg community; now, therefore, be it

RESOLVED by the Senate of Virginia, That Eagle Carpets hereby be commended on the occasion of its 60th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Rodney and Sylvia Eagle, founders and owners of Eagle Carpets, as an expression of the Senate of Virginia's admiration for the company's history and best wishes for many years of continued success.

SENATE RESOLUTION NO. 116

Celebrating the life of Richard E. Lyons.

Agreed to by the Senate, March 6, 2024

WHEREAS, Richard E. Lyons, a champion for older Virginians, who served as the longtime president and chief executive officer of Sunnyside Retirement Community in Harrisonburg, died on July 23, 2023; and

WHEREAS, Richard "Dick" Lyons grew up in Baltimore, Maryland, and spent summers in Mount Storm, West Virginia, in his youth; he later lived in Mount Storm after his parents opened the Stony River Lodge restaurant there; and

WHEREAS, Dick Lyons matriculated at what is now Potomac State College of West Virginia University, then transferred to the West Virginia University main campus in Morgantown two years later; and

WHEREAS, after graduation, Dick Lyons worked as a high school teacher until he met his wife, Virginia; he subsequently worked in management, sales, and other positions in Maryland, West Virginia, and Tennessee; and

WHEREAS, while living in Petersburg, West Virginia, Dick Lyons learned through connections at his church about an opening for an administrator-in-training position at a Presbyterian-affiliated retirement community in the Shenandoah Valley; and

WHEREAS, in February 1984, Dick Lyons was offered a job as an admissions assistant and went on to devote the rest of his professional career to Sunnyside Retirement Community, rising through the ranks and learning every aspect of the business to become president and chief executive officer; and

WHEREAS, Dick Lyons was a proactive advocate for programs and policies at the local, state, and national levels related to compassionate and dignified care for seniors; he was a trusted mentor to many colleagues and built strong working relationships with health care organizations, government officials, and partner organizations; and

WHEREAS, Dick Lyons also provided his leadership and expertise to many civic and service organizations, including the local Masonic lodge, where he achieved the rank of worshipful master and district deputy grand master; and

WHEREAS, after his well-earned retirement, Dick Lyons resided at Sunnyside Retirement Community for two years; and

WHEREAS, Dick Lyons will be fondly remembered and greatly missed by his wife, Virginia; his children, Amy, Josh, and Betsy, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of Richard E. Lyons; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Richard E. Lyons as an expression of the Senate of Virginia's respect for his memory.

SENATE RESOLUTION NO. 117

Commending Jim Snavely.

Agreed to by the Senate, March 6, 2024

WHEREAS, Jim Snavely, a radio personality and local legend who has delighted generations of listeners in the Shenandoah Valley as a morning show host on WBTX 1470, retired in 2023 after 56 years of service; and

WHEREAS, Jim Snavely grew up on a dairy farm in Lancaster County, Pennsylvania, and developed a love of country music and a passion for radio from a young age; and

WHEREAS, in the mid-1960s, Jim Snavely learned more about the radio industry when he developed a group of friends who worked part-time at a nearby Christian radio station, and a few years later, he began working at a station based in Boyertown, Pennsylvania; and

WHEREAS, Jim Snavely excelled in his new career and inherited the lead position for a morning show called the Milk Bucket Serenade, which he hosted for several years; and

WHEREAS, after the radio station was sold to new ownership, Jim Snavely followed his former boss to Broadway in Rockingham County and joined WBTX 1470; and

WHEREAS, Jim Snavely hosted the morning show from 5:00 a.m. to 1:00 p.m., programming gospel and bluegrass music and using his own experiences with farm life to provide outstanding journalism focused on local and agricultural news; and

WHEREAS, Jim Snavely adapted to significant changes in the radio industry, from the use of vinyl records to compact discs to digital automation, but always maintained his passion for service and appreciated the importance of developing relevant and engaging content to connect with listeners; now, therefore, be it

RESOLVED by the Senate of Virginia, That Jim Snavely hereby be commended on the occasion of his retirement as a radio host and journalist; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Jim Snavely as an expression of the Senate of Virginia's admiration for his decades of contributions to the residents of the Shenandoah Valley.

SENATE RESOLUTION NO. 118

Commending Marie Ridder.

Agreed to by the Senate, March 6, 2024

WHEREAS, Marie Ridder of McLean, a distinguished journalist and passionate environmental conservationist, celebrated her 99th birthday on January 27, 2024; and

WHEREAS, Marie Ridder began her career in journalism as a correspondent for the *Philadelphia Bulletin*, covering reconstruction in post-World War II Europe; and

WHEREAS, Marie Ridder subsequently served as an editor for *Condé Nast* magazine and the Washington, D.C., editor for *Vogue*, *Mademoiselle*, and *Glamour* magazines; and

WHEREAS, Marie Ridder wrote for the *Washington Post* and the *Boston Globe* and worked as the Washington correspondent for Ridder Publications, which later became Knight Ridder; and

WHEREAS, over the course of her career, Marie Ridder also supported early childhood education as deputy to the national director of Project Head Start and served as a liaison to Claudia Alta "Lady Bird" Johnson, first lady of the United States, from 1964 to 1968; and

WHEREAS, Marie Ridder was a champion for environmental protection and served on the boards of the Piedmont Environmental Council, the Trust for Public Land, and the League of Conservation Voters; and

WHEREAS, in addition, Marie Ridder provided her leadership and expertise to the Sasha Bruce House, which offers compassionate care to abused, abandoned, neglected, and runaway children in Washington, D.C.; and

WHEREAS, in 2019, Marie Ridder received the Clara Mortenson Beyer Women and Children First Award from U.S. Representative Don Beyer for her outstanding accomplishments and commitment to empowering women; now, therefore, be it

RESOLVED by the Senate of Virginia, That Marie Ridder hereby be commended on the occasion of her 99th birthday in 2024; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Marie Ridder as an expression of the Senate of Virginia's admiration for her lifetime of personal and professional achievements.

SENATE RESOLUTION NO. 119

The annual House Senate Basketball Game.

Agreed to by the Senate, March 1, 2024

WHEREAS, on February 29, 2024 the annual House Senate Basketball Game ("The Game") was held at the Stuart Siegel Center to benefit the Massie Cancer Center; and

WHEREAS, during such game the House of Delegates scored a 2-point basket while only having two elected members of the House of Delegates on the floor in violation of the previously agreed rules of the game; and

WHEREAS, the House of Delegates claims to have "won" the game only by virtue of the illegal basket; and

RESOLVED by the Senate of Virginia being the upper chamber and the superior body hereby declares that the outcome of the 2024 House-Senate Basketball Game was a tie; and be it

RESOLVED FURTHER that Clerk of the Senate and Clerk of the House of Delegates shall jointly determine a location for the trophy for such game to reside at a neutral location pending next year's game; and

BE IT FURTHER RESOLVED that the Clerk of the Senate shall transmit a copy of this resolution to the Clerk of the House of Delegates and all of its members.

SENATE RESOLUTION NO. 120

Commending the Swift Creek Middle School cheerleading team.

Agreed to by the Senate, March 6, 2024

WHEREAS, the Swift Creek Middle School cheerleading team of Chesterfield County won first place in the Chesterfield County Middle School Cheerleading Competition Championship on February 21, 2024; and

WHEREAS, the Swift Creek Middle School Sailors were the top team among the ten schools that participated in this county-wide competition at Clover Hill High School in Chesterfield County; and

WHEREAS, the Swift Creek Sailors practiced five days a week, averaging two hours each practice and rehearsal, all while completing their usual course of school work and participating in other extracurricular activities; and

WHEREAS, the Swift Creek Sailors' coaches, Katie Coates and Savannah Parker, are also teachers at Swift Creek Middle School and devote their time during and after school to mentoring and training 20 squad members, including 15 competitive members and five alternate-competitive members; and

WHEREAS, Coach Coates and Coach Parker work to ensure a positive and welcoming environment for the Swift Creek Sailors, regardless of their skill level or experience, and foster a team that places respect, determination, perseverance, and kindness at the center of their culture, enabling girls to learn, support each other, and grow in their confidence and leadership skills; and

WHEREAS, cheerleading is a sport that incorporates other disciplines, and the Swift Creek Sailors are required to be trained in various athletics, including cardiovascular exercises, gymnastics, tumbling, and dance; and

WHEREAS, according to USA Cheer, the United States governing body for the sport of cheering, cheerleading has gained in popularity over the years and is now one of the most popular activities in the United States with over three million participants; and

WHEREAS, according to USA Cheer, the first "cheer leader" took the field at the University of Minnesota during a game in 1898, leading the crowd in a chant to spur on their team while unknowingly setting the stage for cheerleading as we know it today; and

WHEREAS, cheerleaders consistently perform engaging routines at sports events such as football and basketball games, leading spectators in supporting and encouraging their respective teams; and

WHEREAS, cheerleaders participate in competitions at the county, district, state, collegiate, and national levels that are designed to challenge their physical abilities as they develop and execute complex, rigorous, and demanding competitive routines; and

WHEREAS, the Swift Creek Sailors' victory represents the first time Swift Creek Middle School has taken first place at the Chesterfield County Middle School Cheerleading Competition Championship; and

WHEREAS, the Swift Creek Sailors stand as an example of the excellence that Swift Creek Middle School and Chesterfield County Public Schools strive to achieve every single day; now, therefore, be it

RESOLVED by the Senate of Virginia, That the Swift Creek Middle School cheerleading team hereby be commended for its outstanding performance and representation of Swift Creek Middle School, Chesterfield County, and the sport of cheerleading; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the Swift Creek Middle School cheerleading team as an expression of the Senate of Virginia's pride and congratulations for its remarkable achievement.

SENATE RESOLUTION NO. 121

Relating to a portrait of Senator Richard L. "Dick" Saslaw.

Agreed to by the Senate, March 8, 2024

RESOLVED by the Senate, That the President pro tempore of the Senate, the Chair of the Senate Committee on Rules, the Majority Leader of the Senate, the Minority Leader of the Senate, and the Clerk of the Senate are constituted a committee to contract for, have painted, and have appropriately framed and placed in the Capitol a portrait of Senator Richard L. "Dick" Saslaw commemorating his 44 years of service in the Senate and 48 years in the General Assembly. The Clerk is further authorized to expend a sum sufficient from the contingent fund of the Senate to carry out the duty imposed hereunder.

SENATE RESOLUTION NO. 122

Celebrating the life of the Reverend Dr. Marcellus Lee Harris, Jr.

Agreed to by the Senate, March 6, 2024

WHEREAS, the Reverend Dr. Marcellus Lee Harris, Jr., an honorable veteran, esteemed pastor, devoted civil rights activist and advocate, and beloved member and leader of the Newport News community, died on February 10, 2024; and

WHEREAS, a native of Newport News, Marcellus Harris worked at the Newport News Shipyard as a teenager and graduated from the historic Collis P. Huntington High School in 1960; and

WHEREAS, Marcellus Harris enlisted with the United States Navy and served his country with honor and distinction during the war in Vietnam, where he heard his calling to preach and serve others as a faith leader; and

WHEREAS, Marcellus Harris attended West Virginia State University and earned degrees from Norfolk State University, United Christian College, National Theological Seminary and College, Richmond Virginia Seminary, and Canaan Theological Seminary and College, with his highest educational achievement being a doctor of ministry degree; and

WHEREAS, after returning to Newport News in 1969, Marcellus Harris began his ministry work at Ivy Baptist Church and two years later became the pastor of First Baptist Church Morrison, where he led the congregation until his retirement in 2016; and

WHEREAS, as the pastor of First Baptist Church Morrison, Marcellus Harris provided his congregation with uplifting spiritual guidance and abundant opportunities for worship, fellowship, and community outreach; and

WHEREAS, Marcellus Harris's indefatigable efforts at First Baptist Church Morrison were vital to the church's growth and development over the years, contributing greatly to its prosperity and longevity; and

WHEREAS, Marcellus Harris was a tireless advocate for racial justice, equality, and civil rights and a valuable voice in the community at countless school board meetings, city council sessions, and other occasions; and

WHEREAS, Marcellus Harris extended his ministry beyond the church in various ways, including as the host of a radio show on the Christian station WTJZ, as a frequent contributor to The New Journal and Guide, as founder of United Campus Ministries at Christopher Newport University, as vice president of the Virginia Baptist State Convention, and as a member of the Hampton Roads chapter of the Southern Christian Leadership Conference; and

WHEREAS, Marcellus Harris was dedicated to the well-being of young people in the Newport News community, coaching youth basketball and serving as a mentor to many over the years; and

WHEREAS, Marcellus Harris will be fondly remembered and dearly missed by his loving wife, Annette; his six children and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of the Reverend Dr. Marcellus Lee Harris, Jr., a treasured member of the Newport News community who was a source of joy and inspiration to all who knew him; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of the Reverend Dr. Marcellus Lee Harris, Jr., as an expression of the Senate of Virginia's respect for his memory.

SENATE RESOLUTION NO. 123

Celebrating the life of Edgar Van Horn.

Agreed to by the Senate, March 6, 2024

WHEREAS, Edgar Van Horn, a longtime member of the Dale City Volunteer Fire Department and a beloved member of the Dale City community, died in February 2024; and

WHEREAS, Edgar Van Horn joined the Dale City Volunteer Fire Department (DCVFD) in 1972 and dedicated more than a half-century to protecting the residents and property of Dale City; and

WHEREAS, Edgar Van Horn rose to the rank of deputy chief with the DCVFD and was the longest-serving active member and longest-serving deputy chief of the department at the time of his passing; and

WHEREAS, Edgar Van Horn contributed greatly to the growth of the DCVFD over the years, seeing the department expand from one station to four stations with 43 pieces of apparatus; and

WHEREAS, Edgar Van Horn's leadership extended to the board of directors of the DCVFD and to several committees overseeing new station construction, apparatus purchases, equipment and fleet maintenance, fundraisers, and more; and

WHEREAS, in recognition of Edgar Van Horn's many years of service with the DCVFD, the department's new Fire Station 10 was dedicated in his name in 2009; and

WHEREAS, Edgar Van Horn will be fondly remembered and dearly missed by his family and friends and the entire DCVFD community; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of Edgar Van Horn, a cherished leader and member of the Dale City Volunteer Fire Department whose legacy of service inspired all who knew him; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Edgar Van Horn as an expression of the Senate of Virginia's respect for his memory.

SENATE RESOLUTION NO. 124

Commending Ann Cannon Taylor.

Agreed to by the Senate, March 6, 2024

WHEREAS, Ann Cannon Taylor, an esteemed educator and education administrator and an active and engaged member of the Petersburg community, has made a profound and lasting impact on countless lives through her service and dedication; and

WHEREAS, a native of Danville, Ann Taylor earned a bachelor's degree and master's degree from Virginia State University and also furthered her education at the University of South Carolina, the University of Georgia, and the University of Seoul in South Korea; and

WHEREAS, Ann Taylor contributed to the success of thousands of students over her career as a teacher, counselor, and administrator at the high school and collegiate level and ultimately retired as a counselor from Chesterfield County Public Schools; and

WHEREAS, in the early 1970s, Ann Taylor played a pivotal role in helping to desegregate schools in South Carolina; and

WHEREAS, Ann Taylor is married to Colonel Porcher L. Taylor, Jr., and she served as president of the Officers' Wives Club, as a volunteer for the American Red Cross, and as an Army Community Service counselor for military families during her husband's tenure in the military; and

WHEREAS, Ann Taylor is the mother of five children, Vernita, Porcher III, the late Nolani, Angela, and Cheryl; grandmother to four; and great-grandmother to two, and she worked tirelessly over the years to support her family; and

WHEREAS, Ann Taylor has given generously of her time to various civic organizations and activities in the Tri-Cities area, including the American Heart Association, the American Cancer Society, the Arthritis Foundation, United Way, a number of local homeless shelters, and the P.T. Taylor/Downtown Churches United Walk Against Hunger; and

WHEREAS, Ann Taylor previously served as chair of the Cameron Foundation Board of Directors, which led to the establishment of the Ann Cannon Taylor Tri-Cities Region Academic Scholarship Fund; and

WHEREAS, Ann Taylor serves as vice-chair of the Petersburg Library Foundation and is a member of the Southside Virginia Emergency Crew Board of Trustees, the Ivy Community Foundation, and the Women's Committee for the Petersburg Symphony Orchestra; and

WHEREAS, Ann Taylor has promoted health and public safety in Petersburg as a life member of the Southside Virginia Emergency Crew; and

WHEREAS, Ann Taylor has fostered community as a member of the executive board of the Delta Omega Chapter of Alpha Kappa Alpha Sorority, Inc., and the Petersburg chapter of The Links, Inc., serving both organizations at the local, regional, and national levels; and

WHEREAS, a life member of the Virginia State University Alumni Association and the recipient of 2013 Alumnus of the Year honors, Ann Taylor serves as one of the class coordinators for the Class of 1956, which has the largest class endowment at the school; and

WHEREAS, in recognition of her service, Ann Taylor was awarded the Fort Lee Good Neighbor Award by Major General Mark T. Simerly in August 2022, as well as the key to the City of Petersburg on her 89th birthday; and

WHEREAS, guided by her faith, Ann Taylor enjoys worship and fellowship with her community at St. Stephen's Episcopal Church in Petersburg, where she serves with the outreach ministry and in other leadership positions; and

WHEREAS, Ann Taylor's indefatigable efforts and unwavering commitment to the well-being of others have helped to make Petersburg a wonderful place to live, work, and raise a family; now, therefore, be it

RESOLVED by the Senate of Virginia, That Ann Cannon Taylor hereby be commended for her legacy of service; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Ann Cannon Taylor as an expression of the Senate of Virginia's admiration for her contributions to Petersburg and the Commonwealth.

SENATE RESOLUTION NO. 125

Commending the Virginia State University marching band.

Agreed to by the Senate, March 6, 2024

WHEREAS, in 2023, the Virginia State University marching band was selected by ESPN as the best marching band from a historically Black college or university in National Collegiate Athletic Association Division II; and

WHEREAS, throughout the 2023 season, the Virginia State University (VSU) marching band, known as the Trojan Explosion, was graded by a panel of judges in the areas of auxiliaries, drum majors, percussion, musicality, marching and maneuvering, and other band components; and

WHEREAS, over the course of the year, the VSU Trojan Explosion was invited to perform at the White House and on the NBC TODAY Show; the band competed in the National Battle of the Bands in Houston, Texas, and was featured in a Fox Sports segment about bands from historically Black colleges and universities (HBCU); and

WHEREAS, ably led by Taylor Whitehead, VSU's director of marching and pep bands, the VSU Trojan Explosion ranked first in the nation in drum majors, percussion, and auxiliaries at different points in the year; and

WHEREAS, as the top National Collegiate Athletic Association Division II band, the VSU Trojan Explosion was selected to perform in ESPN's inaugural HBCU Band of the Year competition on December 15, 2023, in Atlanta, Georgia; and

WHEREAS, the VSU Trojan Explosion finished in second place, earning accolades for its crisp choreography, in which members of the marching band spelled out ATL on the field of Mercedes-Benz Stadium; and

WHEREAS, in addition to their musical talents, the members of the VSU Trojan Explosion have demonstrated high academic achievement and are committed to leadership on campus; now, therefore, be it

RESOLVED by the Senate of Virginia, That the Virginia State University marching band hereby be commended for representing the Commonwealth as one of the top marching bands in the country as selected by ESPN; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Taylor Whitehead, director of the Virginia State University marching band, as an expression of the Senate of Virginia's admiration for the band's achievements and best wishes for the future.

SENATE RESOLUTION NO. 126

Celebrating the life of Roy Britton Scherer.

Agreed to by the Senate, March 6, 2024

WHEREAS, Roy Britton Scherer, a passionate advocate for the legalization of marijuana and a beloved husband and friend to many in the Richmond community, died on December 8, 2023; and

WHEREAS, Roy Scherer was born in Richmond, attended military schools in his youth, and ultimately graduated from the Miller School of Albemarle; and

WHEREAS, Roy Scherer served the nation as a member of the United States Air Force, then volunteered with numerous organizations in the pursuit of social justice and civil rights; and

WHEREAS, Roy Scherer formed Virginians for the Study of Marijuana Laws and was at the forefront of advocacy for the legalization of marijuana in the Commonwealth; and

WHEREAS, from 1985 to the time of his passing, Roy Scherer worked for Virginians Against Drug Violence, cultivating strong working relationships with government agencies, nonprofit organizations, and stakeholders; and

WHEREAS, Roy Scherer impressed colleagues and state officials alike with his expertise, analytical mind, unwavering convictions, and persistence; and

WHEREAS, Roy Scherer was a longtime member and volunteer of the Libertarian Party of Virginia, and a fixture of the Richmond community who touched countless lives through his kindness and generosity; and

WHEREAS, Roy Scherer will be fondly remembered and greatly missed by his wife of 20 years, Sally; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of Roy Britton Scherer; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Roy Britton Scherer as an expression of the Senate of Virginia's respect for his memory.

SENATE RESOLUTION NO. 127

Commending Olivia LoBalbo.

Agreed to by the Senate, March 6, 2024

WHEREAS, Olivia LoBalbo is the founder of the Animal Education and Rescue Organization, a nonprofit organization dedicated to the rescue and rehabilitation of orphaned, injured, and sick wildlife in Northern Virginia; and

WHEREAS, after several years working in veterinary clinics as an inventory manager and in other capacities, as well as volunteering with nonprofit organizations, Olivia LoBalbo founded the Animal Education and Rescue Organization (A.E.R.O.) in 2013; and

WHEREAS, at A.E.R.O., Olivia LoBalbo leads staff members licensed by the Department of Wildlife Resources to serve as wildlife rehabilitators, apprentices, and care providers; and

WHEREAS, under Olivia LoBalbo's guidance, A.E.R.O. staff devote hundreds of hours to helping wildlife in their care recover to good health so that they may survive on their own, enabling them to return to their native habitats in the wild; and

WHEREAS, Olivia LoBalbo has overseen the admission of thousands of animals from the public, animal control officers, humane societies, local wildlife centers, and veterinary clinics since the founding of A.E.R.O., making an outsized impact on the health and well-being of the Commonwealth's wildlife; and

WHEREAS, in addition to A.E.R.O.'s care services, Olivia LoBalbo also spearheads the organization's efforts to advise the public on how to assist animals in need of support and to promote awareness and understanding of how to coexist with wildlife in the suburban environs of Northern Virginia; and

WHEREAS, with great vision and determination, Olivia LoBalbo has made impressive strides in the care and rehabilitation of the Commonwealth's wild fauna through her work with A.E.R.O., earning the esteem and admiration of all Virginians; now, therefore, be it

RESOLVED by the Senate of Virginia, That Olivia LoBalbo hereby be commended for her accomplishments as the founder of the Animal Education and Rescue Organization; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Olivia LoBalbo as an expression of the Senate of Virginia's high regard for her mission and best wishes for her continued success.

SENATE RESOLUTION NO. 128

Commending the Brentsville District High School girls' soccer team.

Agreed to by the Senate, March 6, 2024

WHEREAS, the Brentsville District High School girls' soccer team of Nokesville won the Virginia High School League Class 3 state championship on June 10, 2023, at Riverbend High School in Spotsylvania County; and

WHEREAS, the Brentsville District High School Tigers defeated the Lafayette High School Rams of James City County by a score of 1-0, bringing home the program's second state championship title and its first since 2003; and

WHEREAS, with approximately 20 minutes left in regulation and the match scoreless, Peyton McGovern of the Brentsville Tigers dribbled deftly through a series of Lafayette defenders before finding the back of the net with a 10-yard strike toward the right post, her 31st goal of the season; and

WHEREAS, the Brentsville Tigers were carried all year by a tough and impenetrable defense, which notched its 16th shutout of the season in the championship match; and

WHEREAS, the Brentsville Tigers' championship victory was a redemptive moment for a program that had reached three consecutive state finals between 2017 and 2019 without securing a title and that lost in the state semifinals in double overtime the previous season; and

WHEREAS, boasting an all-underclassmen roster, the Brentsville Tigers stand poised to continue their reign of dominance for years to come; and

WHEREAS, the success of the Brentsville Tigers is the result of the hard work and dedication of the student-athletes, the leadership and guidance of their coaches and teachers, and the unwavering support of their families and the entire Brentsville District High School community; now, therefore, be it

RESOLVED by the Senate of Virginia, That the Brentsville District High School girls' soccer team hereby be commended for winning the 2023 Virginia High School League Class 3 state championship; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Scott Kerns, coach of the Brentsville District High School girls' soccer team, as an expression of the Senate of Virginia's admiration for the team's achievement.

SENATE RESOLUTION NO. 129

Celebrating the life of Priit Juho Vesilind.

Agreed to by the Senate, March 6, 2024

WHEREAS, Priit Juho Vesilind, an honorable veteran, distinguished writer and journalist, and beloved member of the Manassas community, died on November 3, 2023; and

WHEREAS, a native of Estonia born during World War II, Priit Vesilind and his family escaped their homeland on the eve of the Soviet re-occupation, and he spent four years as a preschooler in a displaced persons camp in Geislingen, Germany, before his family ultimately settled in the town of Beaver, Pennsylvania; and

WHEREAS, Priit Vesilind earned a bachelor's degree in English from Colgate University in 1964, then served the country with honor and distinction as a member of the United States Navy for four years during the Vietnam War; years later, he also earned a master's degree in communications photography from Syracuse University with support from the Servicemen's Readjustment Act of 1944; and

WHEREAS, after leaving the military, Priit Vesilind embarked upon his illustrious career as a writer and journalist by covering sports for what was then the *Atlanta Journal* and by serving as outdoor editor for the *Providence Journal*; and

WHEREAS, Priit Vesilind joined *National Geographic* in 1973 and settled in the Commonwealth, devoting three decades to the magazine and ultimately serving as the publication's adventure and expeditions editor and its European specialist; and

WHEREAS, Priit Vesilind's work with *National Geographic*, including approximately 40 features stories and many articles, took him around the world several times and to the bottom of the ocean as he researched and crafted compelling stories that would educate and enchant legions of readers; and

WHEREAS, Priit Vesilind daringly reported from inside Soviet Estonia during the later years of the Cold War, offering Americans a deeper understanding of the Baltic States at a pivotal moment in history, while cultivating a sense of hope and

optimism among his fellow Estonians; he was then notably on hand reporting from Germany during the emotional dismantling of the Berlin Wall in 1989, using a sledge hammer to help knock it down; and

WHEREAS, Priit Vesilind wrote a number of books over his career, including *On Assignment U.S.A.*, which detailed the adventures of *National Geographic* writers and photographers, as well as *Lost Gold of the Republic: The Remarkable Quest for the Greatest Shipwreck Treasure of the Civil War Era* and *The Singing Revolution: How Culture Saved a Nation*, which chronicled Estonia's journey to independence from the Soviet Union; and

WHEREAS, in 2003, Priit Vesilind enjoyed the distinct honor of receiving the Order of the White Star, Third Class, from Lennart Meri, the first president of Estonia following its departure from the Soviet Union, in recognition of his contributions to the liberation of the country; and

WHEREAS, Priit Vesilind will be fondly remembered and dearly missed by his loving wife of 57 years, Rima; his children, Paul, Emili, and William, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of Priit Juho Vesilind, a celebrated journalist and cherished member of the Manassas community who touched countless lives through his writing and good deeds; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Priit Juho Vesilind as an expression of the Senate of Virginia's respect for his memory.

SENATE RESOLUTION NO. 130

Celebrating the life of Lawrence Melvin Smith, Jr.

Agreed to by the Senate, March 6, 2024

WHEREAS, Lawrence Melvin Smith, Jr., an accomplished educator and a beloved husband, father, grandfather, great-grandfather, and member of the Manassas community; died on February 9, 2024; and

WHEREAS, after graduating from Sacramento State University in 1964, Lawrence "Larry" Smith earned a master's degree in parks and recreation with a concentration in outdoor education from Pennsylvania State University in 1970; and

WHEREAS, from 1973 to 1993, Larry Smith led the Recreation and Parks program at Northern Virginia Community College (NVCC), working tirelessly to foster his students' knowledge and appreciation for all aspects of the parks and recreation movement; and

WHEREAS, after retiring for several years to care for his aging parents, Larry Smith returned to NVCC as an adjunct faculty member and taught periodically until 2020; and

WHEREAS, in the early 2000s, Larry Smith and his wife, Sharon, established a bed and breakfast in New Market, where he would become an active member of the local rotary club and serve as mayor from 2008 to 2012; and

WHEREAS, Larry Smith relocated to Manassas in 2014 to be close to family and quickly became an active member of the community, serving with the Manassas and Manassas Park Cities Democratic Committee and the City of Manassas Parks and Recreation Committee and as president of the Rotary Club of Manassas; and

WHEREAS, guided throughout his life by his faith, Larry Smith enjoyed worship and fellowship with his community at Trinity Episcopal Church in the City of Manassas; and

WHEREAS, Larry Smith will be fondly remembered and dearly missed by his loving wife, Sharon; his children, Gary, Larissa, and Laryn, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of Lawrence Melvin Smith, Jr., a cherished member of the Manassas community who was a source of joy and inspiration to all who knew him; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Lawrence Melvin Smith, Jr., as an expression of the Senate of Virginia's respect for his memory.

SENATE RESOLUTION NO. 131

Celebrating the life of Samuel Smallwood Ellis.

Agreed to by the Senate, March 6, 2024

WHEREAS, Samuel Smallwood Ellis, an honorable veteran, esteemed law-enforcement officer, former chief of the Manassas City Police Department, and a beloved member of the Manassas community, died on December 10, 2023; and

WHEREAS, after attending the University of Maryland on an athletic scholarship, Samuel "Sam" Ellis served his country with honor and distinction as a member of the United States Marine Corps; and

WHEREAS, Sam Ellis devoted 20 years to protecting and serving the citizens of Fairfax as an officer with Fairfax City Police Department, including 10 years as its deputy chief; and

WHEREAS, despite the arduous demands of a career in law enforcement, Sam Ellis earned a bachelor's degree in the administration of justice from The American University and also graduated from the FBI National Academy; and

WHEREAS, from 1984 to 1992, Sam Ellis served as chief of the Manassas City Police Department, where he contributed greatly to the modernization of the police force in several areas, enabling the department to handle the six-fold increase in service calls it experienced over his tenure and to enhance its interactions with the community; and

WHEREAS, Sam Ellis was a mentor to many officers of the Manassas City Police Department and helped guide them through a number of tragedies the agency faced during his time as chief; and

WHEREAS, Sam Ellis will be fondly remembered and dearly missed by his loving wife; his children, Cheryl, Darlene, and Rachel, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of Samuel Smallwood Ellis, a cherished member of the Manassas community whose leadership and integrity were an inspiration to all who knew him; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Samuel Smallwood Ellis as an expression of the Senate of Virginia's respect for his memory.

SENATE RESOLUTION NO. 132

Commending Sarah Everhardt.

Agreed to by the Senate, March 6, 2024

WHEREAS, Sarah Everhardt, a junior at Battlefield High School in Haymarket, earned a pewter medal at the Prevagen U.S. Figure Skating Championships in Columbus, Ohio, in January 2024; and

WHEREAS, Sarah Everhardt grew up in Haymarket and has been ice skating since the age of five; she currently trains in Reston and is a member of the Washington Figure Skating Club; and

WHEREAS, Sarah Everhardt qualified for her first senior nationals tournament by winning a gold medal at the 2024 Eastern Sectional Singles Final in Coral Springs, Florida, in November 2023; and

WHEREAS, in her national debut at the Prevagen U.S. Figure Skating Championships, Sarah Everhardt finished third in the free skate portion with a personal best of 130.16 points and finished sixth in the short program with 63.21 points; and

WHEREAS, with 193.37 points overall, Sarah Everhardt finished in fourth place to secure the pewter medal; and

WHEREAS, Sarah Everhardt is supported by her parents, Jonathan and Ekaterina Everhardt, and by her dedicated coaches, Tatyana Malinina, Roman Skornyakov, and Alexei Kiliakov, and choreographer, Nadezhda Kanaeva; now, therefore, be it

RESOLVED by the Senate of Virginia, That Sarah Everhardt hereby be commended on winning a pewter medal at the 2024 Prevagen U.S. Figure Skating Championships; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Sarah Everhardt as an expression of the Senate of Virginia's admiration for her achievements and best wishes for the future.

SENATE RESOLUTION NO. 133

Commending the Honorable Ashby R. Pritchett.

Agreed to by the Senate, March 6, 2024

WHEREAS, the Honorable Ashby R. Pritchett, clerk of the Martinsville Circuit Court, retired as of January 2023; and

WHEREAS, Ashby Pritchett was the Martinsville Circuit Court clerk for nearly four decades, during which time he oversaw the effective and efficient administration of the court's procedures and operations; and

WHEREAS, Ashby Pritchett oversaw the digitization of existing records, converting civil and criminal cases into the Circuit Case Management System and converting manual bookkeeping records into the Financial Accounting System, and he was a pioneer in imaging records of the Martinsville Circuit Court, including deed recordings, probate matters, and case records; and

WHEREAS, Ashby Pritchett greatly supported the mission of the Virginia Court Clerks Association by serving as the chair of its Education Committee, which supports the Office of The Executive Secretary Circuit Team by creating and maintaining programs and resource materials that educate and train clerks and deputy clerks in the Commonwealth's circuit court system; and

WHEREAS, Ashby Pritchett also greatly supported the mission of the Virginia Court Clerks Association by serving as the chair of its Career Development Committee, creating and updating the Career Development Plan, whereby clerks and deputy clerks could become certified as master clerks or master deputy clerks, and his office was the first office in the Commonwealth to have all of its staff earn designation as master deputy clerks; and

WHEREAS, Ashby Pritchett was widely known among clerks and deputy clerks as the probate and estate expert in the Commonwealth, providing guidance and expert opinions to other court clerks and deputy clerks; and

WHEREAS, Ashby Pritchett was a member of the Martinsville-Henry County Bar Association, maintaining his law credentials during his tenure as clerk; and

WHEREAS, during his tenure as a clerk of court, Ashby Pritchett served with the utmost integrity and made a profound and lasting impact on both the Martinsville community and the Commonwealth; now, therefore, be it

RESOLVED by the Senate of Virginia, That the Honorable Ashby R. Pritchett hereby be commended on the occasion of his retirement; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the Honorable Ashby R. Pritchett as an expression of the Senate of Virginia's admiration for his legacy of service and best wishes in his future endeavors.

SENATE RESOLUTION NO. 134

Nominating persons to be elected to the Court of Appeals of Virginia.

Agreed to by the Senate, March 7, 2024

RESOLVED by the Senate of Virginia, That the following persons are hereby nominated to be elected to the Court of Appeals of Virginia as follows:

The Honorable Steven C. Frucci, of Virginia Beach, as a judge of the Court of Appeals of Virginia for a term of eight years commencing March 16, 2024.

The Honorable David Bernhard, of Fairfax, as a judge of the Court of Appeals of Virginia for a term of eight years commencing January 1, 2025.

SENATE RESOLUTION NO. 135

Nominating persons to be elected to circuit court judgeships.

Agreed to by the Senate, March 7, 2024

RESOLVED by the Senate of Virginia, That the following persons are hereby nominated to be elected to the respective circuit court judgeships as follows:

The Honorable David J. Whitted, of Chesapeake, as a judge of the First Judicial Circuit for a term of eight years commencing July 1, 2024.

Scott J. Flax, Esquire, of Virginia Beach, as a judge of the Second Judicial Circuit for a term of eight years commencing May 1, 2024.

The Honorable Salvatore R. Iaquinto, of Virginia Beach, as a judge of the Second Judicial Circuit for a term of eight years commencing April 1, 2024.

Lynwood W. Lewis, Jr., Esquire, of Accomack, as a judge of the Second Judicial Circuit for a term of eight years commencing April 1, 2024.

The Honorable Alfred W. Bates, III, of Suffolk, as a judge of the Fifth Judicial Circuit for a term of eight years commencing July 1, 2024.

The Honorable Helivi L. Holland, of Suffolk, as a judge of the Fifth Judicial Circuit for a term of eight years commencing October 1, 2024.

The Honorable Joshua P. DeFord, of Williamsburg, as a judge of the Ninth Judicial Circuit for a term of eight years commencing July 1, 2024.

The Honorable Devika E. Davis, of Richmond, as a judge of the Thirteenth Judicial Circuit for a term of eight years commencing July 1, 2024.

Rebecca J. Wade, Esquire, of Alexandria, as a judge of the Eighteenth Judicial Circuit for a term of eight years commencing March 16, 2024.

The Honorable Susan J. S. Stoney, of Fairfax, as a judge of the Nineteenth Judicial Circuit for a term of eight years commencing January 1, 2025.

The Honorable Brian H. Turpin, of Pittsylvania, as a judge of the Twenty-second Judicial Circuit for a term of eight years commencing May 1, 2024.

The Honorable Leisa K. Ciaffone, of Salem, as a judge of the Twenty-third Judicial Circuit for a term of eight years commencing July 1, 2024.

The Honorable Christopher E. Collins, of Frederick, as a judge of the Twenty-sixth Judicial Circuit for a term of eight years commencing August 1, 2024.

Elizabeth Reece H. Robertson, Esquire, of Buchanan, as a judge of the Twenty-ninth Judicial Circuit for a term of eight years commencing July 1, 2024.

SENATE RESOLUTION NO. 136

Nominating persons to be elected to general district court judgeships.

Agreed to by the Senate, March 7, 2024

RESOLVED by the Senate of Virginia, That the following persons are hereby nominated to be elected to the respective general district court judgeships as follows:

Jonathan L. Stone, Esquire, of Virginia Beach, as a judge of the Second Judicial District for a term of six years commencing May 1, 2024.

Elliott O. Moody, Esquire, of Chesapeake, as a judge of the Third Judicial District for a term of six years commencing October 1, 2024.

Joseph W. Myers, Esquire, of Norfolk, as a judge of the Fourth Judicial District for a term of six years commencing May 16, 2024.

Robert C. Barclay, IV, Esquire, of Suffolk, as a judge of the Fifth Judicial District for a term of six years commencing July 1, 2024.

Patricia T. Watson, Esquire, of Emporia, as a judge of the Sixth Judicial District for a term of six years commencing May 1, 2024.

Steven D. Bond, Esquire, of Hampton, as a judge of the Eighth Judicial District for a term of six years commencing July 1, 2024.

Matthew D. Danielson, Esquire, of New Kent, as a judge of the Ninth Judicial District for a term of six years commencing July 1, 2024.

Shajuan Mason House, Esquire, of Chesterfield, as a judge of the Twelfth Judicial District for a term of six years commencing March 16, 2024.

Ali J. Amirshahi, Esquire, of Chesterfield, as a judge of the Thirteenth Judicial District for a term of six years commencing July 1, 2024.

Eric M. Shamis, Esquire, of Loudoun, as a judge of the Twentieth Judicial District for a term of six years commencing July 1, 2024.

Greg T. Haymore, Esquire, of Pittsylvania, as a judge of the Twenty-second Judicial District for a term of six years commencing May 1, 2024.

Anne M. Williams, Esquire, of Clarke, as a judge of the Twenty-sixth Judicial District for a term of six years commencing August 1, 2024.

SENATE RESOLUTION NO. 137

Nominating persons to be elected to juvenile and domestic relations district court judgeships.

Agreed to by the Senate, March 7, 2024

RESOLVED by the Senate of Virginia, That the following persons are hereby nominated to be elected to the respective juvenile and domestic relations district court judgeships as follows:

Chanel Ann Gray, Esquire, of Chesapeake, as a judge of the First Judicial District for a term of six years commencing July 1, 2024.

Solomon H. Ashby, Jr., Esquire, of Portsmouth, as a judge of the Third Judicial District for a term of six years commencing April 16, 2024.

Peter K. Griffith, Esquire, of Charlottesville, as a judge of the Sixteenth Judicial District for a term of six years commencing July 1, 2024.

Charles F. Koehler, Jr., Esquire, of Loudoun, as a judge of the Twentieth Judicial District for a term of six years commencing July 1, 2024.

Rachel D. Robinson, Esquire, of Loudoun, as a judge of the Twentieth Judicial District for a term of six years commencing April 1, 2024.

Pamela Melissa P. Keen, Esquire, of Franklin, as a judge of the Twenty-second Judicial District for a term of six years commencing May 1, 2024.

Rachel L. D. Thompson, Esquire, of Salem, as a judge of the Twenty-third Judicial District for a term of six years commencing July 1, 2024.

Lethia C. Hammond, Esquire, of Botetourt, as a judge of the Twenty-fifth Judicial District for a term of six years commencing July 1, 2024.

The Honorable Monica D. Cox, of Galax, as a judge of the Twenty-seventh Judicial District for a term of six years commencing July 1, 2024.

Ryan D. Hamrick, Esquire, of Montgomery, as a judge of the Twenty-seventh Judicial District for a term of six years commencing June 1, 2024.

Kiah D. Spinks, Esquire, of Prince William, as a judge of the Thirty-first Judicial District for a term of six years commencing July 1, 2024.

SENATE RESOLUTION NO. 138

Nominating a person to be elected as a member of the Judicial Inquiry and Review Commission.

Agreed to by the Senate, March 7, 2024

RESOLVED by the Senate of Virginia, That the following person is hereby nominated to be elected as a member of the Judicial Inquiry and Review Commission as follows:

The Honorable Todd G. Petit, of Fairfax County, as a member of the Judicial Inquiry and Review Commission for an unexpired term ending June 30, 2027.

SENATE RESOLUTION NO. 139

Celebrating the life of David Wiett Reed.

Agreed to by the Senate, March 7, 2024

WHEREAS, David Wiett Reed, an honorable veteran, distinguished advocate for the nation's servicemen and servicewomen, and beloved member of the Virginia Beach community, died on February 12, 2024; and

WHEREAS, a proud combat veteran of the United States Navy, David Reed served his country with honor and distinction as an aviation machinist's mate second class and plane captain; and

WHEREAS, David Reed worked for many years in real estate and mortgage banking before his passion for the nation's military and the well-being of its veterans led him to devote many years to the organization Concerned Veterans for America (CVA); and

WHEREAS, David Reed was a tireless advocate for the nation's veterans on Capitol Hill in Washington, D.C., in his capacity as the CVA's Virginia State Director; and

WHEREAS, in his personal time, David Reed was a motorcycle enthusiast who honored his fellow veterans and fostered community as a member of the Virginia Patriot Guard and the Boneshakers Social Club of Hampton Roads; and

WHEREAS, David Reed will be fondly remembered and dearly missed by his loving wife, Michele; his children, Sidney, Megan, and A.J.; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of David Wiett Reed, a cherished member of the Virginia Beach community and true patriot whose leadership, integrity, and service inspired all who knew him; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of David Wiett Reed as an expression of the Senate of Virginia's respect for his memory.

SENATE RESOLUTION NO. 140

Commending the Assistance League of Northern Virginia.

Agreed to by the Senate, March 7, 2024

WHEREAS, the Assistance League of Northern Virginia, a chapter of the National Assistance League, celebrates its 20th anniversary in 2024; and

WHEREAS, beginning as a guild in 1999 and formally chartered as a chapter of the National Assistance League in 2004, the Assistance League of Northern Virginia has demonstrated a deep commitment to addressing the needs of its community since its founding; and

WHEREAS, the Assistance League of Northern Virginia, like every chapter of the National Assistance League, designs, organizes, and implements service programs and other initiatives that best address the unique needs of the local community; and

WHEREAS, early endeavors of the Assistance League of Northern Virginia included its Weekend Food for Kids and Hugs Pillows endeavors, and the organization has continued to develop new programs over the years to expand its impact in the community; and

WHEREAS, the Assistance League of Northern Virginia advances its philanthropic efforts by providing opportunities in which its friends and supporters may purchase items from wish lists to donate to the organization's beneficiaries; and

WHEREAS, the accomplishments of the Assistance League of Northern Virginia have been made possible by the overwhelming support and generosity of its member volunteers; and

WHEREAS, the commitment of the Assistance League of Northern Virginia's members to the well-being, self-esteem, and education of at-risk youth in Northern Virginia has helped to make the region a more wonderful place to live, work, and raise a family; now, therefore, be it

RESOLVED by the Senate of Virginia, That the Assistance League of Northern Virginia hereby be commended on the occasion of its 20th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the Assistance League of Northern Virginia as an expression of the Senate of Virginia's admiration for the organization's history and its contributions to the Commonwealth.

SENATE RESOLUTION NO. 141

Celebrating the life of Marvin Joseph Weniger.

Agreed to by the Senate, March 7, 2024

WHEREAS, Marvin Joseph Weniger of Virginia Beach, a patriotic veteran who worked diligently to maintain trust and integrity in the electoral process, died on February 28, 2024; and

WHEREAS, Marvin Weniger grew up in Wahpeton, North Dakota, and graduated from Saint John's Preparatory School in Collegeville, Minnesota, where he was a member of the debate club; and

WHEREAS, Marvin Weniger enlisted in the United States Navy after high school and continued his education by studying electrical engineering at the University of Idaho and later earning a master's degree in international studies from Salve Regina University in Rhode Island; and

WHEREAS, during his long career in the United States Navy, Marvin Weniger specialized in surface warfare and achieved the rank of captain; he served during the Vietnam War and later became the executive officer of the USS *Truxton*, and the commanding officer of the USS *Harold E. Holt*, then the USS *Long Beach*; and

WHEREAS, in recognition of his outstanding service to the nation, Marvin Weniger received the Defense Distinguished Service Medal, the Legion of Merit, the Navy and Marine Corps Commendation Medal, and the Navy and Marine Corps Achievement Medal; and

WHEREAS, after his retirement from the military in 1991, Marvin Weniger and his family lived aboard a sailboat for 11 years before settling in Virginia Beach; and

WHEREAS, Marvin Weniger was an active leader in the Virginia Beach community who served on the Virginia Beach Electoral Board and was a passionate advocate for election integrity; and

WHEREAS, Marvin Weniger will be fondly remembered and greatly missed by his wife, Christine; his 10 children and their families, including 29 grandchildren; his sister, Teresa; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of Marvin Joseph Weniger; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Marvin Joseph Weniger as an expression of the Senate of Virginia's respect for his memory.

SENATE RESOLUTION NO. 142

Celebrating the life of Phyllis Ann Strouth.

Agreed to by the Senate, March 8, 2024

WHEREAS, Phyllis Ann Strouth, a beloved wife, mother, and grandmother in Wise, died on January 23, 2024; and

WHEREAS, Phyllis Strouth grew up in Kentucky and attended the former Fleming-Neon High School, where she was a talented member of the marching band; and

WHEREAS, Phyllis Strouth was a loyal alumna of Fleming-Neon High School and was inducted into the school's Hall of Fame; in later life, she was reunited with the drum she used during her school years and proudly played it for her family; and

WHEREAS, Phyllis Strouth, best known as "Mom" or "Nan" to her beloved family, was an outstanding cook, who demonstrated her care for others by preparing delicious, nourishing meals and making sure no one left her house hungry; and

WHEREAS, Phyllis Strouth was deeply devoted to the safety and well-being of her children, and she relished every opportunity to share her lifetime of wisdom with them; and

WHEREAS, predeceased by her first husband, Douglas, Phyllis Strouth will be fondly remembered and greatly missed by her husband of 13 years, Philemon; her children, Cuba and Douglas, Jr., and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of Phyllis Ann Strouth; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Phyllis Ann Strouth as an expression of the Senate of Virginia's respect for her memory.

SENATE RESOLUTION NO. 143

Commending Saundra Tomlinson.

Agreed to by the Senate, March 8, 2024

WHEREAS, in 2024, Saundra Tomlinson retired after a long and distinguished career in Virginia State Parks that lasted more than 50 years; and

WHEREAS, Saundra Tomlinson began her career with the staff of Natural Tunnel State Park as a seasonal receptionist in 1974, three years after the park was opened to the public, and was promoted to park ranger two years later, becoming the first female ranger in the park's history; and

WHEREAS, over the years, Saundra Tomlinson spent time working in every facility and department of Natural Tunnel State Park, including the office, visitor center, chairlift, pool, cabins, Cove Ridge Center, and maintenance; and

WHEREAS, Saundra Tomlinson took particular pride in keeping the cabins and facilities clean and well-maintained, which resulted in Natural Tunnel State Park's cabins being rated at or near the top of all Virginia State Park cabins; and

WHEREAS, Saundra Tomlinson's deep knowledge of Natural Tunnel State Park allowed her to share its hidden treasures with guests and make every park visit memorable; and

WHEREAS, Saundra Tomlinson enjoyed acting as a mentor, helping younger park staffers learn and grow, and she directly supported countless rangers' careers over the decades; and

WHEREAS, at the time of her retirement, Saundra Tomlinson was not only the longest-serving park ranger in Virginia State Parks, but also the longest-tenured employee in the entire Department of Conservation and Recreation; and

WHEREAS, over the course of her five decades at Natural Tunnel State Park, Saundra Tomlinson was an invaluable asset to the park, whose unparalleled passion, commitment, and dedication will be sorely missed; now, therefore, be it

RESOLVED by the Senate of Virginia, That Saundra Tomlinson hereby be commended on the occasion of her retirement from Virginia State Parks; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Saundra Tomlinson as an expression of the Senate of Virginia's admiration for her decades of contributions to Virginia State Parks and exemplary service to park visitors.

SENATE RESOLUTION NO. 144

Celebrating the life of Aaron Buchanan.

Agreed to by the Senate, March 8, 2024

WHEREAS, Aaron Buchanan, an accomplished educator and an active and beloved member of the Russell County community, died on February 16, 2024; and

WHEREAS, after dedicating himself for several years to a career in sales, Aaron Buchanan found his calling as a building trades instructor at the Russell County Career and Technology Center; and

WHEREAS, in his capacity as an educator and as a bus driver, Aaron Buchanan fostered his students' sense of confidence and their willingness to pursue their aspirations and achieve their dreams; and

WHEREAS, Aaron Buchanan's legacy will be felt throughout Lebanon and Russell County for years to come through the many projects his vocational classes took on in service to the community; and

WHEREAS, above all else, Aaron Buchanan was a loving and devoted husband and father to his four children, whom he supported in all their endeavors; and

WHEREAS, guided throughout his life by his faith, Aaron Buchanan enjoyed worship and fellowship with his community at Free Hill Baptist Church in Nickelsville; and

WHEREAS, Aaron Buchanan will be fondly remembered and dearly missed by his wife of 31 years, Stephanie; his children, Cole, Matthew, Seth, and Rileigh; his parents, Aaron and Olga; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of Aaron Buchanan, a cherished member of the Russell County community who was a source of joy and inspiration to all who knew him; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Aaron Buchanan as an expression of the Senate of Virginia's respect for his memory.

SENATE RESOLUTION NO. 145

Celebrating the life of Allan Roberts.

Agreed to by the Senate, March 8, 2024

WHEREAS, Allan Roberts, a public servant, entrepreneur, and man of deep faith who touched countless lives in the Gate City community through his leadership and kindness, died on October 6, 2023; and

WHEREAS, Allan "Cotton" Roberts grew up in Kingsport, Tennessee, and graduated from Ketron High School; he subsequently earned a bachelor's degree from Steed College, then served his country in the United States Army as an MGM-31 Pershing missile crew member stationed in Germany during the Cold War; and

WHEREAS, Cotton Roberts joined Eastman Chemical Company in an entry-level position and retired as a senior team manager after a distinguished career; and

WHEREAS, in later life Cotton Roberts and his wife, Vickie, opened The Family Bakery, a beloved local business that contributed to the revitalization of downtown Gate City; they subsequently opened two other businesses and renovated other properties for retail development in the area; and

WHEREAS, Cotton Roberts was also a founding member of Gate City Frontier, a nonprofit organization dedicated to promoting downtown Gate City; and

WHEREAS, Cotton Roberts further supported the community as a member of the Gate City Town Council for more than a decade, including a term as vice mayor; and

WHEREAS, Cotton Roberts supported young people by coaching the Colonial Heights Optimist Club football team and a baseball travel team for the American Amateur Baseball Congress; he also relished every opportunity to support his sons and nephews when they played for Gate City High School teams; and

WHEREAS, Cotton Roberts enjoyed fellowship and worship with the community as a member of First Baptist Church Gate City, where he served as a deacon, started a youth program, was active in missionary work, and was a coach and referee in the Upward Basketball program for many years; and

WHEREAS, Cotton Roberts will be fondly remembered and greatly missed by his wife of 45 years, Vickie; his children, Elizabeth, Aaron, and Christopher, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of Allan Roberts; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Allan Roberts as an expression of the Senate of Virginia's respect for his memory.

SENATE RESOLUTION NO. 146

Commending Makayla Bays.

Agreed to by the Senate, March 8, 2024

WHEREAS, Makayla Bays, a member of the Gate City High School girls' volleyball team, set the Virginia High School League girls' volleyball record for most career kills in 2023; and

WHEREAS, Makayla Bays broke the previous Virginia High School League (VHSL) record of 2003 career kills during the Gate City Lady Blue Devil's victory in the Mountain 7 District semifinals on October 24, 2023; and

WHEREAS, Makayla Bays finished her high school career with a total of 2,145 kills over 347 sets played, notching an impressive kill percentage of 48.8 percent; and

WHEREAS, as a testament to her dominance, Makayla Bays' sophomore, junior, and senior seasons all rank in the top 10 in state history for kills in a season; and

WHEREAS, the daughter of a college volleyball coach, Makayla Bays has been working toward this extraordinary athletic milestone from a young age; and

WHEREAS, Makayla Bays has earned numerous accolades in recognition of her accomplishments on the court, including 2023 VHSL Class 2 All-State Player of the Year, Times News Southwest Virginia Player of the Year three times; and VHSL Class 2 All-State team, Region 2D Player of the Year, and Mountain 7 district Player of the Year four times; and

WHEREAS, Makayla Bays' success is the result of her hard work and dedication, the leadership and guidance of her coaches and teachers, and the unwavering support of her family and the entire Gate City High School community; now, therefore, be it

RESOLVED by the Senate of Virginia, That Makayla Bays hereby be commended for setting the Virginia High School League girls' volleyball record for most career kills; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Makayla Bays as an expression of the Senate of Virginia's admiration for her achievement and best wishes in her future endeavors.

SENATE RESOLUTION NO. 147

Celebrating the life of Lorraine Burchett Nicewonder.

Agreed to by the Senate, March 8, 2024

WHEREAS, Lorraine Burchett Nicewonder, a beloved wife, mother, and grandmother in Bristol who made many contributions to her community, died on October 11, 2023; and

WHEREAS, Lorraine Nicewonder was born in Dickenson County and was an outstanding student during her school years in Haysi; and

WHEREAS, for many years, Lorraine Nicewonder devoted herself to her family as a caring mother and a skilled and organized housewife, who loved to cook delicious, nourishing meals and tend to roses in her garden; and

WHEREAS, after her children began attending college, Lorraine Nicewonder proudly continued her own education at what is now the University of Virginia's College at Wise; and

WHEREAS, Lorraine Nicewonder and her husband enjoyed supporting local sports teams and took many opportunities to travel, where they collected countless gifts and souvenirs as mementos of their enriching experiences; and

WHEREAS, a woman of deep faith, Lorraine Nicewonder was a longtime member of State Street Methodist Church in Bristol and also attended North Naples Methodist Church in Naples, Florida; and

WHEREAS, Lorraine Nicewonder will be fondly remembered and greatly missed by her husband of 70 years, J.D.; her children, Carolyn, Sherry, and Mark, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of Lorraine Burchett Nicewonder; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Lorraine Burchett Nicewonder as an expression of the Senate of Virginia's respect for her memory.

SENATE RESOLUTION NO. 148

Celebrating the life of Phyllis Hatcher.

Agreed to by the Senate, March 8, 2024

WHEREAS, Phyllis Hatcher, an educator and a woman of deep faith who enhanced cultural life in Wise County through her generous servant-leadership, died on December 10, 2023; and

WHEREAS, Phyllis Hatcher grew up in Wise and worked for the U.S. Forest Service in the region while she earned a bachelor's degree from Clinch Valley College; and

WHEREAS, Phyllis Hatcher received a master's degree from the University of Virginia and began a long and fulfilling career as a teacher in 1975; for more than three decades, she taught language arts in public schools and participated in Upward Bound summer programs to help students prepare for higher education; and

WHEREAS, after her well-earned retirement as an educator, Phyllis Hatcher continued to serve as a substitute teacher, tutor, and youth mentor; and

WHEREAS, throughout her life, Phyllis Hatcher was guided by her faith, and her bookmarked and well-worn Bible was always on her bedside; she had many church homes, from Hurricane Baptist Church to Norton United Methodist Church, where she built cherished friendships; and

WHEREAS, Phyllis Hatcher enhanced community life through her volunteer leadership and her passion for the arts; she played an instrumental role in bringing the Pro-Art Association to Wise County and supported the Symphony of the Mountains and the Barter Theatre; and

WHEREAS, Phyllis Hatcher provided her wisdom and expertise to many other local organizations, and she was a loyal alumna of Clinch Valley College, serving as president of its alumni association; and

WHEREAS, Phyllis Hatcher was well known for her legendary parties and holiday gatherings, and her home was often filled with warmth, laughter, and the aromas of her delicious meals; and

WHEREAS, predeceased by her first husband, Jack, Phyllis Hatcher will be fondly remembered and greatly missed by her husband of 31 years, Lu; her children, Scott and Hunter, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of Phyllis Hatcher; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Phyllis Hatcher as an expression of the Senate of Virginia's respect for her memory.

SENATE RESOLUTION NO. 149

Celebrating the life of Elbert Ray Lawson, Jr.

Agreed to by the Senate, March 8, 2024

WHEREAS, Elbert Ray Lawson, Jr., a successful businessman and an active member of the Wise County community, died on February 25, 2023; and

WHEREAS, Ray Lawson and his brother, Steve, served local residents as the owners of Lawson Water Conditioning and the NAPA Auto Parts store in Wise; and

WHEREAS, Ray Lawson provided his leadership and expertise to the Wise Business Association and was active in many other community events; he was a recipient of the Hometown Hero Award from the Town of Wise for his contributions to local life; and

WHEREAS, Ray Lawson was an avid music lover who shared his passion with listeners as a volunteer radio announcer on WMMT 88.7, just over the border in Whitesburg, Kentucky; and

WHEREAS, Ray Lawson enjoyed playing horseshoes, fishing, and other outdoor activities, and he brought joy to others through his kindness, sense of humor, and penchant for storytelling; and

WHEREAS, predeceased by one son, David, Elbert Lawson will be fondly remembered and greatly missed by his loving wife, Cheryl; his sons, Michael and James, and their families; his stepdaughters, Kim and Gina, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of Elbert Ray Lawson, Jr.; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Elbert Ray Lawson, Jr., as an expression of the Senate of Virginia's respect for his memory.

SENATE RESOLUTION NO. 150

Celebrating the life of Virginia Belle Honeycutt Meador.

Agreed to by the Senate, March 8, 2024

WHEREAS, Virginia Belle Honeycutt Meador, a longtime public servant who touched countless lives in Big Stone Gap through her commitment to philanthropy and volunteer leadership, died on July 29, 2023, at the age of 99; and

WHEREAS, Virginia "Ginny Belle" Honeycutt Meador was born on her parents' farm near Big Stone Gap and later moved into town, where her father opened a dentistry practice; she spent many idyllic summers back on the farm in her childhood; and

WHEREAS, Ginny Belle Meador graduated from Big Stone Gap High School, where she was voted "Most Talented," served as president of the Beta Club, sang in the glee club, marched as a majorette, and was a member of the debate team with future-Governor Linwood Holton; and

WHEREAS, Ginny Belle Meador earned a degree in education and psychology from what is now Randolph-Macon College, then worked as a teacher and an executive secretary in Annapolis, Maryland, where she met her husband, Harry, a fellow native of Big Stone Gap; and

WHEREAS, Ginny Belle and Harry Meador returned to their hometown to raise a family, and after her children were grown, she led a citizen's group to preserve Big Cherry Lake, then ultimately ran for and was elected to the Wise County Board of Supervisors; and

WHEREAS, Ginny Belle Meador represented her community for 33 years and became the longest-serving member in the history of the Wise County Board of Supervisors; and

WHEREAS, Ginny Belle Meador also provided her leadership and expertise to the Lonesome Pine Youth Services Board, Frontier Health's Planning District One, Lenowisco Planning District Commission, and Mountain Empire Community College Foundation, as well as to the advisory boards of Clinch Valley College, the Pro-Art Association, and Natural Tunnel State Park's Cove Ridge Center; and

WHEREAS, Ginny Belle Meador played an instrumental role in the funding and establishment of C. Bascom Slemp Memorial Library, and she was appointed by Governor Linwood Holton to the Library of Virginia Board; and

WHEREAS, Ginny Belle Meador inspired young people as a Cub Scout Den Mother at First Presbyterian Church, where she also served as an elder and the organist for 63 years; she volunteered her time with local food banks and hospitals and performed as an accompanist in local music productions; and

WHEREAS, Ginny Belle Meador received many accolades for her personal and professional achievements, including the 2011 Virginia Community College Leadership Award in Philanthropy, the 2020 Lonesome Pine Office on Youth and Families Service Award, and induction into the Mountain Empire Community College Foundation Hall of Fame; and

WHEREAS, predeceased by her husband, Harry, Ginny Belle Meador will be fondly remembered and greatly missed by her children, Harry III and Nancy, and their families, and numerous other family members and friends; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of Virginia Belle Honeycutt Meador; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Virginia Belle Honeycutt Meador as an expression of the Senate of Virginia's respect for her memory.

SENATE RESOLUTION NO. 151

Celebrating the life of Jesse Lester McReynolds.

Agreed to by the Senate, March 8, 2024

WHEREAS, Jesse Lester McReynolds, a legendary mandolinist and bluegrass musician and beloved member of the communities of Coeburn and Gallatin, Tennessee, died on June 23, 2023; and

WHEREAS, born in Coeburn to a family with ties to the famed Bristol Sessions in 1927, which is often credited with sparking the modern country music movement, Jesse McReynolds' path as a musician was forged from a young age; and

WHEREAS, Jesse McReynolds partnered with his brother, Jim McReynolds, to form the iconic duo, Jim and Jesse, one of the most successful and influential groups in the history of bluegrass music; and

WHEREAS, beginning in the 1950s, Jesse McReynolds enjoyed a prolific recording career, both as Jim and Jesse and as Jim and Jesse and the Virginia Boys, that produced many classics of the bluegrass and country genres, including "Cotton Mill Man," "Diesel on My Tail," and "Are You Missing Me?"; and

WHEREAS, from 1952 to 1954, Jesse McReynolds served his country with honor and distinction as a member of the United States Army during the Korean War, during which time he often played for the entertainment of his fellow troops; and

WHEREAS, Jesse McReynolds' legacy within bluegrass music was cemented by the unique and innovative crosspicking technique he developed on the mandolin, which distinguished his music at the time and inspired future generations of musicians; and

WHEREAS, Jesse McReynolds had been a member of the Grand Ole Opry since 1964, one of country music's most heralded achievements, and was notably the oldest standing Opry member at the time of his death; and

WHEREAS, Jesse McReynolds' impact on the history of American music was recognized through his induction into the International Bluegrass Music Hall of Fame in 1993 and his National Heritage Fellowship Award from the National Endowment for the Arts in 1997; and

WHEREAS, Jesse McReynolds' deep and abiding faith was evidenced by the many uplifting gospel songs he wrote and recorded over the years, including "Jesus is the Key to the Kingdom" and "Two Thousand Years Ago"; and

WHEREAS, preceded in death by his first wife of 41 years, Darlene, and his son Keith, Jesse McReynolds will be fondly remembered and dearly missed by his loving second wife of 27 years, Joy; his children, Gwen, Michael, and Randy, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of Jesse Lester McReynolds, a proud son of Coeburn whose musical career transformed bluegrass music and touched countless lives; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Jesse Lester McReynolds as an expression of the Senate of Virginia's respect for his memory.

SENATE RESOLUTION NO. 152

Celebrating the life of Danny Ross Lowe.

Agreed to by the Senate, March 8, 2024

WHEREAS, Danny Ross Lowe, a hardworking and dedicated coal miner and corrections officer, and beloved husband, father, grandfather, and member of the Vansant community, died on July 9, 2023; and

WHEREAS, after graduating from Grundy High School in 1971, Danny Lowe earned a degree from Southwest Virginia Community College; and

WHEREAS, Danny Lowe worked tirelessly for several years as a coal miner, supporting the energy needs of the Commonwealth and beyond; and

WHEREAS, Danny Lowe served as a corrections officer at the Southwest Virginia Regional Jail, contributing to the safety and well-being of the inmates and his fellow officers; and

WHEREAS, Danny Lowe was chair of the Buchanan County Republican Party and also supported his community as a member of the Southwest Virginia Community College board, the Buchanan County Beekeepers Association, and the Buchanan County Historical Society of Virginia; and

WHEREAS, an avid sports fan and reader, Danny Lowe was happiest of all when spending quality time with his family, especially his granddaughter, Kailee; and

WHEREAS, guided throughout his life by his faith, Danny Lowe enjoyed worship and fellowship with his community at Little Prater Church of Christ in Grundy, where he served as deacon; and

WHEREAS, Danny Lowe will be fondly remembered and dearly missed by his loving wife, Peggy; his daughter, Brittney, and her family; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of Danny Ross Lowe, a cherished member of the Vansant community whose dedicated service made an impact on countless lives; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Danny Ross Lowe as an expression of the Senate of Virginia's respect for his memory.

SENATE RESOLUTION NO. 153

Celebrating the life of Robert Lee Fultz, Sr.

Agreed to by the Senate, March 8, 2024

WHEREAS, Robert Lee Fultz, Sr., a beloved father and grandfather and respected member of the Norton community, died on April 21, 2023; and

WHEREAS, Robert Fultz grew up in the Dorchester community of Wise County and served the nation as a member of the United States Army; during his military service, he was stationed in Germany shortly after the Korean War; and

WHEREAS, Robert Fultz returned to the United States and married his wife, Faye, then moved to Lorain, Ohio, where he was employed by the Ford Motor Company for seven years; and

WHEREAS, Robert Fultz next worked for Eastman Kodak in Sullivan County, Tennessee, for seven years, then returned to the Commonwealth and pursued a 20-year career with the Westmoreland Coal Company; and

WHEREAS, Robert and Faye Fultz were devout members of church communities wherever they lived, often singing in the choir together or volunteering for other activities and ministries; and

WHEREAS, Robert Fultz was most recently a member of Freedom of Worship Church in Norton, and he supported his fellow congregants as a board member, deacon, Sunday school teacher, and carpenter; and

WHEREAS, predeceased by his wife of 61 years, Faye, Robert Fultz will be fondly remembered and greatly missed by his children, Michelle, Eddie, Robert, Jr., and Andy, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of Robert Lee Fultz, Sr.; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Robert Lee Fultz, Sr., as an expression of the Senate of Virginia's respect for his memory.

SENATE RESOLUTION NO. 154

Celebrating the life of Danny Edward Castle.

Agreed to by the Senate, March 8, 2024

WHEREAS, Danny Edward Castle, a hardworking and dedicated coal miner and mine supervisor and beloved member of the communities of Big Stone Gap and Tuscaloosa, Alabama, died on August 21, 2023; and

WHEREAS, born in the Commonwealth and the youngest of nine children, Danny Castle served as a coal miner with Westmoreland Coal Company, Paramount Mining, and Island Creek Coal Company over a period of 40 years, working tirelessly to support the energy needs of the Commonwealth and beyond; and

WHEREAS, Danny Castle later moved with his family to Tuscaloosa, Alabama, and worked as a longwall supervisor for Jim Walter Resources until his retirement, contributing greatly to the safety of the company's mining operations over more than 20 years; and

WHEREAS, Danny Castle will be fondly remembered and dearly missed by his loving wife, Linda; his daughter, Misty, and her family; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of Danny Edward Castle, a cherished member of the Big Stone Gap and Tuscaloosa, Alabama, communities whose work ethic and dedication were an inspiration to all who knew him; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Danny Edward Castle as an expression of the Senate of Virginia's respect for his memory.

SENATE RESOLUTION NO. 155

Commending People Incorporated.

Agreed to by the Senate, March 8, 2024

WHEREAS, People Incorporated, one of the first community action agencies in the Commonwealth and one of the first rural community action agencies in the United States, celebrates its 60th anniversary in 2024; and

WHEREAS, known originally as the Hayters Gap Community Club, what is today People Inc. was incorporated by Joseph P. Johnson, Jr., on August 11, 1964, as the Progressive Community Club of Washington County; and

WHEREAS, founded with a vision for building and sustaining a vibrant community for the residents of Washington County, the Progressive Community Club of Washington County extended its service to the Bristol area and became People Incorporated in 1974; and

WHEREAS, People Inc. has steadily expanded its service area over the past half-century and today offers programs and services in 16 cities and counties of the Commonwealth; and

WHEREAS, the founders of People Inc. believed that everyone, no matter their circumstances, deserves access to opportunities to improve their lives, their families, and their communities, principles which guide the organization to this day as its staff works tirelessly to make the Commonwealth a better place to live, work, and raise a family; and

WHEREAS, People Inc. has developed more than 30 services and programs to meet the needs of individuals and families, including affordable housing development and management, community development, community services, economic development, early childhood education, and workforce development; and

WHEREAS, in 2023 alone, People Inc.'s services reached more than 7,000 people across the Commonwealth, while the organization was one of the leading employers in Washington County, striving to create better opportunities for not just the community, but its employees; and

WHEREAS, in the last 60 years, People Inc. has grown from a small community organization to a nationally recognized service agency and community development corporation that is regarded as one of the most innovative and successful community action agencies in the nation; now, therefore, be it

RESOLVED by the Senate of Virginia, That People Incorporated hereby be commended on the occasion of its 60th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to People Incorporated as an expression of the Senate of Virginia's admiration for the organization's history and its contributions to the Commonwealth.

SENATE RESOLUTION NO. 156

Celebrating the life of Ben V. Mullins.

Agreed to by the Senate, March 8, 2024

WHEREAS, Ben V. Mullins, an esteemed mortician and beloved member of the communities of Pennington Gap and Big Stone Gap, died on February 2, 2023; and

WHEREAS, born and raised in Wise County, Ben Mullins was part of the first class to graduate from the former Powell Valley High School; and

WHEREAS, at the age of 16, Ben Mullins began working for the Holding family at their dairy farm in Duffield; and

WHEREAS, as a result of his efforts on the farm, Ben Mullins was promoted to a position at the Holding family's funeral home in Big Stone Gap; and

WHEREAS, after earning a degree from the Cincinnati College of Mortuary Science, Ben Mullins began a partnership with Blake Wilson and devoted the remainder of his career to serving families at Holding Funeral Home, Arney-Mullins Funeral Homes, and Mullins-Sturgill Funeral Home; and

WHEREAS, Ben Mullins demonstrated extraordinary professionalism and compassion as he supported and cared for the families he served during their periods of bereavement; and

WHEREAS, Ben Mullins will be fondly remembered and dearly missed by his loving wife of 25 years, Brenda; his children, Lori and Stephanie, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of Ben V. Mullins, a cherished member of the Pennington Gap and Big Stone Gap communities, whose dedication and service inspired all who knew him; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Ben V. Mullins as an expression of the Senate of Virginia's respect for his memory.

SENATE RESOLUTION NO. 157

Celebrating the life of Michael Eugene Holbrook.

Agreed to by the Senate, March 8, 2024

WHEREAS, Michael Eugene Holbrook, honorable veteran, dedicated law-enforcement officer, esteemed public servant, and an active and beloved member of the Wise County community, died on January 20, 2024; and

WHEREAS, after graduating from the former Saint Paul High School in Wise County, Michael Holbrook served his country with honor and distinction as a member of the United States Marine Corps from 1979 to 1983; and

WHEREAS, Michael Holbrook subsequently joined the Wise County Sheriff's Office and served in various positions, including as dispatcher, jailer, road deputy, Drug Abuse Resistance Education officer, sergeant, lieutenant, crisis negotiator, and captain, before retiring from the agency as chief investigator; and

WHEREAS, Michael Holbrook also served as a drug task force officer with the Virginia State Police and was involved with a number of local organizations as an extension of his commitment to the safety and well-being of the Southwest Virginia community; and

WHEREAS, Michael Holbrook proudly served his constituents and their interests as a member of the Coeburn Town Council from 2016 to 2020, demonstrating great concern for his hometown and its residents; and

WHEREAS, Michael Holbrook was a graduate of the Forward Wise County leadership development program sponsored by the Wise County Chamber of Commerce, which named him Citizen of the Year in 2010; and

WHEREAS, Michael Holbrook gave generously of his time to the community as a member of the Kiwanis Club of Coeburn, which he served as treasurer, secretary, and president, and as a member of the board of directors for the Lays Hardware Center for the Arts and the American Legion Post 243; and

WHEREAS, guided throughout his life by his faith, Michael Holbrook enjoyed worship and fellowship with his community at First Baptist Church of Coeburn since 1993, where he served in various leadership positions, including as deacon and trustee; and

WHEREAS, Michael Holbrook will be fondly remembered and dearly missed by his loving wife of 30 years, Rose Mary; his children, Zac and Heather, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of Michael Eugene Holbrook, a cherished member of the Wise County community whose dedication and service inspired all who knew him; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Michael Eugene Holbrook as an expression of the Senate of Virginia's respect for his memory.

SENATE RESOLUTION NO. 158

Celebrating the life of Samuel Lee Green.

Agreed to by the Senate, March 8, 2024

WHEREAS, Samuel Lee Green, an esteemed mortician and active and beloved member of the Appalachia community, died on January 11, 2024; and

WHEREAS, after graduating from Appalachia High School in 1957, Samuel "Sam" Green earned a degree from the Cincinnati College of Mortuary Science in 1960; and

WHEREAS, Sam Green devoted more than six decades to the Roy A. Green Funeral Home in Appalachia, where he provided innumerable families with exceptional care and compassion as he assisted them during their period of bereavement; and

WHEREAS, a longtime member of the Appalachia Church of Grace, Sam Green was guided throughout his life by his deep and abiding faith; and

WHEREAS, Sam Green was committed to the well-being of his community and gave generously of his time as a member of the Appalachia Lions Club and as a founding member of the Appalachia Rescue Squad; and

WHEREAS, Sam Green will be fondly remembered and dearly missed by his loving wife, Charlotte; his children, Samuel, Jr., and Todd, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of Samuel Lee Green, a cherished member of the Appalachia community whose faith and dedication were an inspiration to all who knew him; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Samuel Lee Green as an expression of the Senate of Virginia's respect for his memory.

SENATE RESOLUTION NO. 159

Commending Muhammad Mosque No. 57.

Agreed to by the Senate, March 8, 2024

WHEREAS, Muhammad Mosque No. 57 provides opportunities for worship, fellowship, and spiritual growth to members of the Norfolk community; and

WHEREAS, Muhammad Mosque No. 57 is also an active participant in events to commemorate the Holy Day of Atonement; and

WHEREAS, on October 16, 1995, hundreds of Black residents of Norfolk and Hampton Roads joined together and traveled to Washington, D.C., as part of the Million Man March, organized to protest the violence affecting Black youths and the Black community; and

WHEREAS, as part of the event, participants sought atonement from God and reconciliation with those they may have wronged by mending family and community divisions and taking responsibility for actions that had sowed discord, pain, and hurt among us; and

WHEREAS, what is now celebrated as the Holy Day of Atonement marked the start of the healing process, where the community grew together as a whole; at the event, men solemnly pledged to become better fathers, better men, builders of

communities and a better world, and to respect and protect women and children, all while committing to nonviolence, except in self-defense; and

WHEREAS, mass voter registration took place, leading to an additional 1.7 million Black men participating in the 1996 national elections, where they significantly impacted the outcome, according to studies; and

WHEREAS, the members of Muhammad Mosque No. 57 commemorate the Holy Day of Atonement as a time to rededicate themselves to the important core values of nonviolence and community growth; now, therefore, be it

RESOLVED by the Senate of Virginia, That Muhammad Mosque No. 57 hereby be commended on the occasion of the anniversary of the Holy Day of Atonement for its service to the residents of Norfolk; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Muhammad Mosque No. 57 as an expression of the Senate of Virginia's admiration for the mosque's contributions to the community.

SENATE RESOLUTION NO. 160

Commending Andrea F. Warren.

Agreed to by the Senate, March 8, 2024

WHEREAS, in 2022, Andrea F. Warren made history when she was selected as the first Black chief executive officer of the Virginia Symphony Orchestra; and

WHEREAS, Andrea Warren is a veteran educator who worked at Virginia Beach City Public Schools for more than 20 years before joining the Governor's School for the Arts in Norfolk; and

WHEREAS, during her 13-year tenure at the Governor's School for the Arts, Andrea Warren oversaw the creation and expansion of numerous arts programs for middle school and high school students across the Commonwealth, including a visual and performing arts college fair and summer camps focused on arts and music; and

WHEREAS, upon her selection as chief executive officer of the Virginia Symphony Orchestra, Andrea Warren became the first Black woman ever to serve as the leading executive of a symphony orchestra in the United States or Canada; and

WHEREAS, the Virginia Symphony Orchestra, the largest performing arts organization in southeastern Virginia, was founded more than 100 years ago, and Andrea Warren has maintained the orchestra's long traditions of excellence in the performing arts; and

WHEREAS, under Andrea Warren's leadership, the Virginia Symphony Orchestra has presented hundreds of concerts and events to educate, enlighten, and entertain tens of thousands of local residents and visitors; now, therefore, be it

RESOLVED by the Senate of Virginia, That Andrea F. Warren hereby be commended for her service and leadership as chief executive officer of the Virginia Symphony Orchestra; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Andrea Warren as an expression of the Senate of Virginia's admiration for her achievements in service to students as an educator and commitment to promoting and advancing the performing arts in the region.

SENATE RESOLUTION NO. 161

Commending Sarah Thomas Mayhew.

Agreed to by the Senate, March 8, 2024

WHEREAS, Sarah Thomas Mayhew, who was named the president of the Fairfax Chapter of the Virginia Master Naturalists in 2023, has served the Fairfax County community for 20 years in various volunteering capacities related to protecting Fairfax County's natural habitat and the Chesapeake Bay watershed; and

WHEREAS, since 2003, Sarah Mayhew has been an ambassador in the Audubon at Home program with the Audubon Society of Northern Virginia; the program works with property owners and managers to design outdoor landscapes with native plants to conserve and restore Fairfax County's natural habitat to support bird and wildlife populations and enhance biodiversity; and

WHEREAS, Sarah Mayhew has volunteered since 2003 with the Fairfax County Park Authority, organizing volunteer trash cleanups at Middleridge Park and Woodglen Lake Park; these trash clean ups helped remove plastics and other pollutants from the Chesapeake Bay watershed; and

WHEREAS, Sarah Mayhew has provided educational enrichment to groups, including local Boy Scout troops, teaching participants how to identify invasive plants and the best techniques for their removal, as well as how to identify and properly care for appropriate native plants; and

WHEREAS, as the president of the Fairfax Chapter of the Virginia Master Naturalists, Sarah Mayhew manages nearly 300 volunteers who work on numerous projects to preserve habitat space and protect the Chesapeake Bay watershed and provide training for volunteers to become certified master naturalists; and

WHEREAS, the Fairfax Chapter of the Virginia Master Naturalists has a cooperative agreement with Fairfax County Park Authority, which allows members to choose from a list of more than 20 county projects and volunteer to support the

preservation of environmentally sensitive lands and historically significant sites; the organization also provides equitable education opportunities for the public; now, therefore, be it

RESOLVED by the Senate of Virginia, That Sarah Thomas Mayhew hereby be commended on the occasion of her selection as president of the Fairfax Chapter of the Virginia Master Naturalists for her exceptional achievements in environmental preservation; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Sarah Thomas Mayhew as an expression of the Senate of Virginia's admiration for her dedication and service to the Commonwealth.

SENATE RESOLUTION NO. 162

Commending Rachel Grover.

Agreed to by the Senate, March 8, 2024

WHEREAS, Rachel Grover, a librarian at Rocky Run Middle School, earned the 2023 Librarian of the Year Award from the Virginia Association of School Librarians for her innovative programs; and

WHEREAS, Rachel Grover previously worked as an elementary and middle school teacher and relished opportunities to weave material from different subjects into one cohesive and engaging lesson; and

WHEREAS, Rachel Grover became a librarian to collaborate with more teachers and students across different subject areas and promote critical thinking and creativity; and

WHEREAS, through a grant from the Asha-Jyothi Foundation, Rachel Grover created two makerspaces, the Inspiration Studio and the Tech Den, in the Rocky Run Middle School library to enhance the learning process and give students opportunities to explore passion projects; and

WHEREAS, Rachel Grover's Inspiration Studio offers supplies like cardboard and crafting materials, while the Tech Den is equipped with a green screen, podcasting equipment, and graphic design resources; and

WHEREAS, students can use Rachel Grover's makerspaces individually, with groups of friends, or as part of class lessons; and

WHEREAS, Rachel Grover has also volunteered her expertise to several school committees and has published articles in library journals like *School Library Connection* and *Knowledge Quest*, while presenting on library science topics at the district, state, and national levels; and

WHEREAS, throughout her career as an educator and librarian, Rachel Grover has demonstrated proactive leadership and a commitment to lifelong learning; now, therefore, be it

RESOLVED by the Senate of Virginia, That Rachel Grover hereby be commended on the occasion of her selection as the 2023 Librarian of the Year by the Virginia Association of School Librarians; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Rachel Grover as an expression of the Senate of Virginia's admiration for her outstanding contributions to young people in Chantilly.

SENATE RESOLUTION NO. 163

Commending Asha-Jyothi.

Agreed to by the Senate, March 8, 2024

WHEREAS, Asha-Jyothi, a volunteer-based global nonprofit organization based in Chantilly that is dedicated to supporting the community through health care and education initiatives, has greatly supported the Fairfax County community by donating more than $250,000 to Fairfax County Public Schools; and

WHEREAS, Asha-Jyothi supported Fairfax County Public Schools (FCPS) through its Educate-Innovate program, which provides grants for schools to enhance their technology education, particularly by building innovation labs and makerspaces; and

WHEREAS, Asha-Jyothi's Educate-Innovate program cultivates in students the desire and drive to design, experiment, build, and invent, instilling in them the skills and confidence needed to become technology leaders of tomorrow; and

WHEREAS, Asha-Jyothi promotes community interest in and support of technology education for young people through its annual five kilometer walk-run, and the organization matches and distributes thousands of dollars in registration fees for the event to FCPS; and

WHEREAS, in 2018, Asha-Jyothi's Educate-Innovate program gave $106,000 to build the innovation lab at Chantilly High School, offering students access to state-of-the-art 3D printing, audiovisual technology and recording equipment, and more; and

WHEREAS, a year later, Rocky Run Middle School received $60,000 to build a makerspace that features a LEGO wall, a podcasting and recording studio, and a modular workspace with dry erase tabletops and flexible seating; and

WHEREAS, in 2021, Asha-Jyothi donated a total of $18,000 to FCPS, including individual grants to Katherine Johnson Middle School and Little Run Elementary School; and

WHEREAS, Asha-Jyothi has shown a steadfast commitment to inspiring and educating Fairfax County's young people, preparing them for future success in a variety of technology-related fields; now, therefore, be it

RESOLVED by the Senate of Virginia, That Asha-Jyothi hereby be commended for its legacy of generosity and service; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Asha-Jyothi as an expression of the Senate of Virginia's admiration for the organization's contributions to Fairfax County Public Schools and the Commonwealth.

SENATE RESOLUTION NO. 164

Commending Friends of Fairfax Station.

Agreed to by the Senate, March 8, 2024

WHEREAS, for 50 years, Friends of Fairfax Station has served the community by maintaining and operating the former Fairfax Station Railroad Museum, which preserves and interprets the region's rich history; and

WHEREAS, when the Fairfax Station Railroad Depot closed in 1973, it was the last operating railroad depot in Fairfax County; a group of local citizens worked to preserve the site for use as a museum; and

WHEREAS, led by Lena Wyckoff, a former educator who grew up in a railroading family, and the Clifton Community Woman's Club, the Friends of Fairfax Station was founded later that year and was supported by Southern Railway, the Fairfax County Board of Supervisors, the Fairfax County Vocational Education Foundation, and members of the Fried and Moore families; and

WHEREAS, the Friends of Fairfax Station successfully remodeled and reopened the property at the Fairfax Station Railroad Museum in 1987; and

WHEREAS, the Fairfax Station area is rich in history related to the Civil War and the railroad industry, and the Friends of Fairfax Station and the Fairfax Station Railroad Museum have fostered a greater appreciation and understanding of that history through engaging programs, displays, and special exhibits; and

WHEREAS, the Fairfax Station Railroad Museum is the only non-park site that participates in the National Park Service's Traveling Clara Barton program, which is aimed at helping younger visitors learn more about the Civil War; now, therefore, be it

RESOLVED by the Senate of Virginia, That Friends of Fairfax Station hereby be commended on the occasion of its 50th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Friends of Fairfax Station as an expression of the Senate of Virginia's admiration for the Fairfax Station Railroad Museum's contributions to education and historical preservation in the area.

SENATE RESOLUTION NO. 165

Commending the Fairfax Beekeepers Club.

Agreed to by the Senate, March 8, 2024

WHEREAS, in 2023, four members of the Fairfax Beekeepers Club won awards in the Open Honey Competition at the Virginia State Fair; and

WHEREAS, the Fairfax Beekeepers Club was founded in 2017 and promotes responsible honey production and beekeeping in urban and suburban communities in northern and western Fairfax County; and

WHEREAS, the Fairfax Beekeepers Club has more than 70 members with approximately 300 domestic hives producing thousands of pounds of honey throughout the spring and summer months each year; and

WHEREAS, the Fairfax Beekeepers Club provides mentorship, training, and beekeeping equipment and offers educational seminars on beekeeping to local schools, private groups, and community events; and

WHEREAS, the four members of the Fairfax Beekeepers Club to earn top honey honors at the Virginia State Fair were Tagg A. Timm, Nathaniel Muller, Karla Eissen, and Zubair Vaid; and

WHEREAS, Tagg A. Timm earned first place in the dark extracted honey category, sixth place in beeswax single mold, ninth place in light amber extracted honey, and 15th place in amber extracted honey; and

WHEREAS, Nathanial Muller earned first place in the display of amber/dark chunk honey in glass jar category, second place in dark extracted honey, second place in amber extracted honey, fourth place in beeswax single mold, and fifth place in beeswax pair candles dipped or poured; and

WHEREAS, Karla Eissen earned third place in the display of light/light amber cut comb honey in plastic boxes category, 10th place in light amber extracted honey, 11th place in beeswax single mold, and 12th place in amber extracted honey; and

WHEREAS, Zubair Vaid earned seventh place in the amber extracted honey category and eighth place in beeswax single mold; now, therefore, be it

RESOLVED by the Senate of Virginia, That the Fairfax Beekeepers Club hereby be commended for its members' outstanding performance in the Open Honey Competition at the Virginia State Fair; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the Fairfax Beekeepers Club as an expression of the Senate of Virginia's admiration for the organization's work to enhance the environment by supporting natural pollinators in urban and suburban areas.

SENATE RESOLUTION NO. 166

Celebrating the life of Dana Bertrand Hamel.

Agreed to by the Senate, March 8, 2024

WHEREAS, Dana Bertrand Hamel, an esteemed educator who guided the creation of the Virginia Community College System, died on June 23, 2023; and

WHEREAS, Dana Hamel was born in Rumford, Maine, in 1923, and moved to East Conemaugh, Pennsylvania, with his family at a young age; and

WHEREAS, Dana Hamel helped his father run the family jewelry store, where their skills at watch repair were in high demand among the local railroad and mine workers; and

WHEREAS, during World War II, Dana Hamel joined many young men of his generation in service to the nation as a member of the United States Army Air Forces and deployed to the Pacific Theater as a chaplain's assistant; and

WHEREAS, after his honorable military service, Dana Hamel returned to Pennsylvania, married his wife, Shirley, and opened his own store, Hamel's Jewelers, which he operated until his twin brother convinced him to enroll at Ashland College, now Ashland University, in Ohio; and

WHEREAS, Dana Hamel earned a bachelor's degree from Ashland College, received a master's degree and completed additional postgraduate studies in psychology, then subsequently completed a doctorate in education at the University of Cincinnati, cultivating a passion for higher education that informed the rest of his professional career; and

WHEREAS, Dana Hamel taught management for General Motors in Dayton, Ohio, until he became the dean of students at the Ohio Mechanics Institute, then later served as acting president of the institution after it became the Ohio College of Applied Science; and

WHEREAS, in 1963, Dana Hamel came to the Commonwealth as the director of the Roanoke Technical Institute, a division of what is now Virginia Polytechnic Institute and State University; and

WHEREAS, the following year, Governor Albertis Harrison selected Dana Hamel to develop a system of technical schools throughout the Commonwealth, which quickly became the basis of the Virginia Community College System; and

WHEREAS, Dana Hamel's experience and expertise were critical to the early foundation of the Virginia Community College System, and he was proud to watch his successors take the system to greater heights year after year, changing the lives of generations of students for the better; and

WHEREAS, in 1984, Dana Hamel was called upon again, this time by Governor Chuck Robb, who asked him to create and serve as the director of the Virginia Center for Public and Private Initiatives, which was instrumental to the establishment of what is now the Thomas Jefferson National Accelerator Facility; and

WHEREAS, Dana Hamel inspired others through his integrity, humility, unfailing optimism, and enthusiasm for the future, demonstrated by his signature phrase, "It's a great day to be alive in the Commonwealth"; and

WHEREAS, predeceased by his beloved wife of 61 years, Shirley, Dana Hamel will be fondly remembered and greatly missed by his children, Randy, Michelle, and April, and their families; and numerous other family members, friends, and colleagues; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of Dana Bertrand Hamel, a distinguished servant-leader who reshaped higher education in the Commonwealth through his role in the establishment of the Virginia Community College System; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Dana Bertrand Hamel as an expression of the Senate of Virginia's respect for his memory.

SENATE RESOLUTION NO. 167

Commending the Middleburg Charitable Foundation.

Agreed to by the Senate, March 8, 2024

WHEREAS, the Health Center Advisory Board of the Town of Middleburg was dissolved in 2023 after 30 years of operation, and the Middleburg Charitable Foundation, a nonprofit entity, was established in its place; and

WHEREAS, the vision of the Middleburg Charitable Foundation is to ensure that members of the community have equal access to opportunity, regardless of socioeconomic background, and to ensure their basic needs are fulfilled through the provision of food, personal safety, education, and health care; and

WHEREAS, the mission of the Middleburg Charitable Foundation is to provide for disadvantaged and vulnerable communities; and

WHEREAS, the Middleburg Charitable Foundation is committed to the ideals of diversity, equity, and inclusion and strives to create a culture of inclusivity; and

WHEREAS, the Middleburg Charitable Foundation has provided grants to a wide variety of charitable causes within the Commonwealth, including the LAWS Domestic Violence and Sexual Assault Services Crisis Center for Loudoun County, the Middleburg Community Center, and the Middleburg Library Advisory Board; now, therefore, be it

RESOLVED by the Senate of Virginia, That the Middleburg Charitable Foundation hereby be commended for its efforts to provide for its community and residents of the Commonwealth; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the Middleburg Charitable Foundation as an expression of the Senate of Virginia's admiration for its dedication to providing its community with the funds needed to ensure strong community engagement, health, safety, and education.

SENATE RESOLUTION NO. 168

Commending Emily Fox.

Agreed to by the Senate, March 8, 2024

WHEREAS, Emily Fox, a 25-year-old native of Ashburn and graduate of Stone Bridge High School, was able to pave her way to the United States women's national soccer team at a very young age; and

WHEREAS, Emily Fox was first added to the U-20 roster for the women's youth national team in 2015 at the age of 17; and

WHEREAS, Emily Fox made her international debut when she was added to the roster for the 2015 CONCACAF Women's U-20 Championship tournament; she was also a pivotal player in both the 2016 and 2018 FIFA U-20 Women's World Cup tournaments; and

WHEREAS, Emily Fox was recruited by the University of North Carolina and started numerous times for the team after overcoming the adversity of an anterior cruciate ligament tear during her freshman year at Chapel Hill; during her time as a Tar Heel, she was placed on the United States women's national soccer team (USWNT) in 2018; and

WHEREAS, in 2021, Emily Fox was selected by Racing Louisville Football Club as the first overall pick of the 2021 National Women's Soccer League (NWSL) Draft, and she would go on to become a finalist for the NWSL Rookie of the Year Award; and

WHEREAS, Emily Fox continued her NWSL career with the North Carolina Courage as a pivotal defensive player and, in early January 2024, began her Women's Super League career with the Arsenal Women Football Club, making her debut on the pitch against the Watford Football Club Women; and

WHEREAS, in 2023, Emily Fox was named to the USWNT roster for the 2023 Women's World Cup in Australia and New Zealand; now, therefore, be it

RESOLVED by the Senate of Virginia, That Emily Fox hereby be commended for representing Ashburn during her time playing international soccer for the United States; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Emily Fox as an expression of the Senate of Virginia's admiration for her achievements in professional soccer.

SENATE RESOLUTION NO. 169

Commending Sewa International.

Agreed to by the Senate, March 8, 2024

WHEREAS, Sewa International is a Hindu faith-based, humanitarian, nonprofit organization founded in 2003 that serves 20 countries around the world through disaster relief, rehabilitation, and development programs; and

WHEREAS, Sewa International strives to address issues related to refugees, tribal welfare, female empowerment, health, and education and carries out these goals by mobilizing donors, volunteers, and more than 700 partner organizations; and

WHEREAS, Sewa International has various chapters throughout the world, including its Washington, D.C., Chapter, led by Vishal Khera, that provides many opportunities for volunteers to serve communities throughout the region; and

WHEREAS, Sewa International's volunteers participate in many projects in Virginia, Maryland, and Washington, D.C., such as clothing and food drives, planting trees, and cleaning up temples and public spaces; and

WHEREAS, the Washington, D.C., Chapter of Sewa International has recently instituted a program known as LEAD that allows for youths in the region to participate in volunteer activities with the organization as well as to engage with and meet community and business leaders; and

WHEREAS, Sewa International has served countless communities throughout the world and has recently expanded into Colombia, Guyana, India, Kenya, Pakistan, and Sri Lanka; now, therefore, be it

RESOLVED by the Senate of Virginia, That Sewa International hereby be commended for its efforts in community engagement and its assistance to underserved communities in the Commonwealth; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Sewa International as an expression of the Senate of Virginia's admiration for the organization's commitment to humanitarian programs and efforts to serve communities in need.

SENATE RESOLUTION NO. 170

Celebrating the life of Jeanette Lucille Graves White.

Agreed to by the Senate, March 8, 2024

WHEREAS, Jeanette Lucille Graves White was born Jeanette Lucille Graves on July 25, 1926, in Richmond to the late Randolph Graves, Sr., and Ida Kenney Graves, and passed away on January 28, 2024, at the age of 97; and

WHEREAS, Jeanette White was a product of the Richmond Public Schools system, graduating from Armstrong High School in 1944; she studied to become a nurse and became a licensed practical nurse; she also received a certificate in pharmacology; and

WHEREAS, on November 4, 1950, Jeanette White married the love of her life, Obadiah Benjamin White; they were blessed with three children, Evelyn, Stanley, and Roderick; and

WHEREAS, Jeanette White began her professional career as a nurse at the Medical College of Virginia, now a part of the Virginia Commonwealth University Health system, and was employed there for 40 years, retiring in 1996; and

WHEREAS, at an early age, Jeanette White joined Sixth Mount Zion Baptist Church in Richmond, laying her spiritual foundation; later, she became a member of Holy Rosary Catholic Church in Richmond under Father Raymond Schantz; and

WHEREAS, Jeanette White was a person of strong spiritual faith who was involved in several ministries of Holy Rosary Catholic Church, serving as an extraordinary minister of the Eucharist, as a religious education teacher, and as a member of the Ladies Sodality; she was also a member of the Catholic Daughters of the Americas, Court #1210; and

WHEREAS, Jeanette White loved her church and will always be remembered for her many gifts, especially the Paschal candle, which is placed at the head of every departed soul; she was a welcoming presence for those joining the church and a rock for many souls trying to navigate through the maze of spiritual life as they found their way to a greater purpose; and

WHEREAS, with her close friends, Jeanette White was a founding member of the Kings and Queens Pokeno Club, which brought fun and enjoyment to those who took part in the organization's festivities; and

WHEREAS, Jeanette White leaves to forever to cherish her legacy her children, Evelyn, Stanley, and Roderick, and their families; as well as numerous other family members and friends; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of Jeanette Lucille Graves White, a cherished member of the Richmond community whose kindness and generosity touched countless lives; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Jeanette Lucille Graves White as an expression of the Senate of Virginia's respect for her memory.

SENATE RESOLUTION NO. 171

Celebrating the life of Jasmin Sadé Thomas.

Agreed to by the Senate, March 8, 2024

WHEREAS, Jasmin Sadé Thomas was a lifelong Virginian who was born and raised in Richmond, graduated from Virginia Polytechnic Institute and State University in Blacksburg, and lived for a time in Arlington; and

WHEREAS, Jasmin S. Thomas carried unselfish love for those around her in all aspects of her life, which manifested in her community service, professional life, and relationships with her family and friends; and

WHEREAS, by performing more than 700 hours of community service during her time at Virginia Polytechnic Institute and State University (Virginia Tech), Jasmin S. Thomas had a profound impact on the Blacksburg community, and she started many community service initiatives that are still in existence today; and

WHEREAS, Jasmin S. Thomas demonstrated her passion for service by organizing a group of other Virginia Tech students to travel to New Jersey to provide relief to those impacted by Hurricane Sandy; and

WHEREAS, through her work after college as a banker and assistant branch manager in both Blacksburg and Roanoke, Jasmin S. Thomas provided trusted guidance and education to her many clients, helping them to make sound financial decisions; and

WHEREAS, in her work as the vice-president of operations and editor for the Capitol News at Capitol Services Management, Inc., in Washington, D.C., Jasmin S. Thomas was known for her passionate advocacy on behalf of workers' rights; the president of the company often referred to her as a "one-woman union," due to her constant insistence that all workers be paid fairly and given access to a safe and positive work environment; and

WHEREAS, one of Jasmin S. Thomas's greatest ambitions was to find an innovative way to invest in her community by founding a nonprofit or small business with community impact; and

WHEREAS, Jasmin S. Thomas's friends and family remember her as someone who never wanted to miss a moment of the joy of life and inspired them to connect to the present and cherish every experience with the people they love; and

WHEREAS, in 2020, Jasmin S. Thomas moved back to Richmond and became a primary caretaker for her aging grandmother; her love for the woman who helped raise her was evident from the sacrifice of her own time to make sure her grandmother was safe, healthy, and comfortable; and

WHEREAS, Jasmin S. Thomas's legacy will continue to echo in the lives of all those she loved, encouraging them to live lives centered around finding joy by serving others; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of Jasmin Sadé Thomas; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Jasmin Sadé Thomas as an expression of the Senate of Virginia's respect for her memory.

SENATE RESOLUTION NO. 172

Commending the South Loudoun Youth Chorale.

Agreed to by the Senate, March 8, 2024

WHEREAS, the South Loudoun Youth Chorale is a nonprofit organization based in Loudoun County that provides children in Northern Virginia with the opportunity to perform in their community, engage with peers of all backgrounds, and experience diverse forms of music; and

WHEREAS, the South Loudoun Youth Chorale is a new nonprofit organization, which had its first season in the summer of 2023, and it has already executed a successful summer camp program with more than 90 students, as well as a winter concert; and

WHEREAS, the South Loudoun Youth Chorale provides students with a premium musical education and opportunities to perform music beyond the school setting; and

WHEREAS, the South Loudoun Youth Chorale encourages youth of all genders, ethnicities, religions, and racial backgrounds to engage in personal growth through the study of music and exposes its students to music in diverse languages and by underrepresented composers; and

WHEREAS, the South Loudoun Youth Chorale is dedicated to ensuring that all youth have the opportunity to participate in the joys of music by offering scholarships to disadvantaged students and those who are otherwise unable to access music education; and

WHEREAS, the South Loudoun Youth Chorale is committed to the core values of service, leadership, joy, and caring; now, therefore, be it

RESOLVED by the Senate of Virginia, That the South Loudoun Youth Chorale hereby be commended for its commitment to musical performance, youth development, and community service; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the South Loudoun Youth Chorale as an expression of the Senate of Virginia's admiration for its achievements in the arts, musical performance, and student leadership.

SENATE RESOLUTION NO. 173

Commending T. Vishnudatta Jayaraman, Ph.D.

Agreed to by the Senate, March 8, 2024

WHEREAS, T. Vishnudatta Jayaraman, Ph.D., a resident of the Commonwealth, was recently presented the esteemed and well-deserved Ashoka Award for Social Change by the Charles Walter's Society for Innovation & Research at the India Habitat Centre in New Delhi on December 17, 2023; and

WHEREAS, Vishnudatta Jayaraman was a beneficiary of this award, owing to his position as Washington bureau chief and White House and United Nations correspondent for the *News India Times*; and

WHEREAS, this award was extended to Vishnudatta Jayaraman by the former governor of Arunachal Pradesh and former Chief of Army Staff of the Indian Army, General J. J. Singh, and the India National Congress's former cabinet minister for tourism, Subodh Kant Sahay; and

WHEREAS, Vishnudatta Jayaraman has considerable experience in the fields of journalism, policy, and communication, and works specifically on United States and South Asian political and foreign policy; and

WHEREAS, Vishnudatta Jayaraman is a graduate of the University of Madras, where he received a master's in journalism and mass communication, as well as a doctoral degree in international relations in 2011; and

WHEREAS, Vishnudatta Jayaraman continued his educational career at Seton Hall University, receiving a master's degree in diplomacy and international relations after focusing on United States foreign policy analysis and global negotiation and conflict management; and

WHEREAS, Vishnudatta Jayaraman has dedicated his life to journalism and foreign policy, resulting in his well-deserved induction into the Ashoka Hall of Fame; and

WHEREAS, Vishnudatta Jayaraman also received the Distinguished Service Award "For Advancing Media Coverage for the Indian Diaspora and Fostering US-India Relations" from the Indian Ambassador to the United States, Taranjit Sandhu, and Lieutenant Governor of Virginia, Winsome Earle-Sears, on January 27, 2024, in Virginia; now; therefore, be it

RESOLVED by the Senate of Virginia, That T. Vishnudatta Jayaraman, Ph.D., hereby be commended for his induction into the Ashoka Hall of Fame, and for being the recipient of the Ashoka Award for Social Change; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to T. Vishnudatta Jayaraman, Ph.D., as an expression of the Senate of Virginia's admiration for his dedication to journalism and foreign policy.

SENATE RESOLUTION NO. 174

Commending the NRI Vasavi Association, USA.

Agreed to by the Senate, March 8, 2024

WHEREAS, the NRI Vasavi Association, USA, the United States affiliate of the social and cultural nonprofit organization connecting followers of Vasavi Matha around the globe, has made meaningful contributions to the Commonwealth since its founding; and

WHEREAS, the members of NRI Vasavi Association, USA, are followers of the Hindu goddess Vasavi Kanyakaparameswari Devi, also known as Vasavi Matha, who sacrificed her life to avoid bloodshed and war and left a message for the world underscoring the importance of *Dharmam*-justice and duty, *Seelam*-integrity, and *Ahimsa*–nonviolence; and

WHEREAS, the mission of the NRI Vasavi Association, USA, is to connect all Vasavites globally in service to the community, to help underprivileged people in the areas of education and health, to preserve and promote Vasavi culture and values, and to raise awareness of the history of Vasavi Matha and her message; and

WHEREAS, Vasavi associations like NRI Vasavi Association, USA, have been serving communities in India for centuries and in more recent years have spread to other parts of the globe as non-resident Indians (NRI) immigrate to new locales; and

WHEREAS, the NRI Vasavi Association, USA, is a leading organization for sharing and supporting the traditions and mores of the Vasavi movement outside India; and

WHEREAS, the NRI Vasavi Association, USA, makes an impact in its local communities through its monthly newsletter that educates and informs its members, its Adopt-A-Student program that helps young people with their education, and other endeavors; and

WHEREAS, founded in 2008, the Virginia-Washington, D.C., chapter of the NRI Vasavi Association, USA, has played a pivotal role within the national organization and had the honor of hosting the organization's first national convention in 2011; and

WHEREAS, the Virginia-Washington, D.C., chapter of the NRI Vasavi Association, USA, has the support of more than 500 families and plays a crucial role in working with and connecting the Vasavi community within the Commonwealth; and

WHEREAS, the NRI Vasavi Association, USA, has partnered with Rise Against Hunger, donating one million meals for the underserved worldwide, and with many other nonprofit organizations in support of the organization's mission to end hunger; it has also partnered with the American Red Cross, hosting blood drives quarterly across multiple cities in the Commonwealth and beyond; and

WHEREAS, the NRI Vasavi Association, USA, has hosted school supply drives and other donation drives to support local Title 1 schools in the Commonwealth and has supported various sustainability and environmental cleanup initiatives across multiple cities in the United States; and

WHEREAS, by embodying Vasavi Matha's principles of *Dharmam*, *Seelam*, and *Ahimsa*, the NRI Vasavi Association, USA, has made a profound and lasting impact on communities of the Commonwealth; now, therefore, be it

RESOLVED by the Senate of Virginia, That the NRI Vasavi Association, USA, hereby be commended for its legacy of service; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to representatives of the Virginia-Washington, D.C., chapter of the NRI Vasavi Association, USA, as an expression of the Senate of Virginia's admiration for the organization's history and mission.

SENATE RESOLUTION NO. 175

Commending Linda Deans, Ph.D.

Agreed to by the Senate, March 8, 2024

WHEREAS, Linda Deans, Ph.D., a distinguished educator and education administrator and consultant, made history in 2023 by becoming the first African American woman to be elected to serve on the Loudoun County School Board; and

WHEREAS, after enduring many hardships growing up in segregated Goldsboro, North Carolina, Linda Deans earned a scholarship to North Carolina Central University, where she earned a bachelor's degree in biology; and

WHEREAS, Linda Deans taught science for a number of years in Goldsboro before earning a doctoral degree in urban education and leadership and a master's degree in guidance and counseling at Old Dominion University; and

WHEREAS, for 30 years, Linda Deans served Hampton City Schools (HCS) as a science and special education teacher, assistant principal, principal, and assistant superintendent, working tirelessly to foster the growth and development of her students and to support her fellow faculty members; and

WHEREAS, Linda Deans returned to North Carolina after retiring from HCS and served as the education director for an adolescent psychiatric unit at Cherry Hospital in Goldsboro, where she was recognized for her leadership and accomplishments, including enabling approximately 50 young adults to achieve their high school or General Educational Development diplomas; and

WHEREAS, Linda Deans moved to Loudoun County in 2015 and continues to serve as an education consultant, offering exceptional experience and expertise on a volunteer and professional basis to organizations committed to improving education and the quality of life of all children and families; and

WHEREAS, as chair of the Loudoun County School Board's Equity Committee, Linda Dean advocates for equitable educational opportunities and for learning environments that are inclusive, safe, caring, and supportive of all students; and

WHEREAS, Linda Deans has exemplified the highest virtues of the education profession throughout her career and promises to make a meaningful and lasting impact on Loudoun County Public Schools during her tenure on the Loudoun County School Board; now, therefore, be it

RESOLVED by the Senate of Virginia, That Linda Deans, Ph.D., hereby be commended for her legacy of service and for making history as the first African American woman on the Loudoun County School Board; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Linda Deans, Ph.D., as an expression of the Senate of Virginia's admiration for her contributions to the Commonwealth and best wishes for her continued success.

SENATE RESOLUTION NO. 176

Commending students at Farmwell Station Middle School.

Agreed to by the Senate, March 8, 2024

WHEREAS, students at Farmwell Station Middle School in Ashburn, including Liam Gandhi, Anvi Allada, Yuki Vadlamudi, Arjun Deo, Trisha Kamat, and Ethan Mills, are interested in pursuing future careers in health care; and

WHEREAS, these students organized at their school to begin a chapter of HOSA-Future Health Professionals to learn more about future health careers, but were unable to do so under current Virginia law; and

WHEREAS, these students showed an incredible commitment to their education by advocating for new legislation in the Commonwealth that would expand access to career and technical student organizations like HOSA in Virginia middle and high schools; and

WHEREAS, these students testified before the K-12 Subcommittee of the House Committee on Education in support of the legislation on February 27, 2024, showing an impressive amount of dedication and drive; and

WHEREAS, thanks to their testimony, the legislation passed the House Committee on Education unanimously; now, therefore, be it

RESOLVED by the Senate of Virginia, That Liam Gandhi, Anvi Allada, Yuki Vadlamudi, Arjun Deo, Trisha Kamat, and Ethan Mills, students at Farmwell Station Middle School, hereby be commended for their commitment to student advocacy; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare copies of this resolution for presentation to Liam Gandhi, Anvi Allada, Yuki Vadlamudi, Arjun Deo, Trisha Kamat, and Ethan Mills as an expression of the Senate of Virginia's admiration for their dedication to improving access to career and technical student organizations in the Commonwealth.

SENATE RESOLUTION NO. 177

Commending the United States Foreign Service.

Agreed to by the Senate, March 8, 2024

WHEREAS, for 100 years, the United States Foreign Service has carried out vital diplomacy, implemented the foreign policy of the United States, and provided assistance to American citizens living, working, and traveling abroad; and

WHEREAS, in the early history of the United States, the diplomatic service provided ambassadors and ministers to staff overseas embassies, while the consular service provided consuls to assist American mariners in foreign ports and promote international trade and commerce; and

WHEREAS, in 1924, the United States Congress passed the Rogers Act, introduced by Representative John Jacobs Rogers, merging the duties, responsibilities, and personnel of the diplomatic and consular services into a single administrative unit, the United States Foreign Service, under the U.S. Department of State; and

WHEREAS, prior to the creation of the United States Foreign Service, ambassadors and consuls were appointed by the president and, for many years, earned no salary due to an expectation that they would support themselves through private business or by collecting fees; and

WHEREAS, the United States Foreign Service reshaped the institutions of American diplomacy by developing a rigorous examination to ensure the recruitment of the most outstanding individuals and implementing a merit-based promotion system; and

WHEREAS, the United States Foreign Service has grown steadily over the years, and there are currently more than 13,900 Foreign Service professionals stationed at the 279 diplomatic missions around the world, including embassies, consulates, and other facilities, or in Washington, D.C.; and

WHEREAS, in the course of American history, more than 321 diplomats and Foreign Service professionals have died in the line duty; their names are inscribed on memorial plaques in the lobby of the U.S. Department of State office to honor their sacrifice; and

WHEREAS, members of the United States Foreign Service continue to provide accurate information, expert counsel, and wise guidance to policymakers, the media, and scholars; their accomplishments and critical insights on foreign events are often recorded in oral histories that are managed by the Association for Diplomatic Studies and Training and filed with the Frontline Diplomacy Collection at the Library of Congress; and

WHEREAS, shortly after the creation of the United States Foreign Service, the Consular Association was reestablished as the American Foreign Service Association, which has operated as the primary professional association of the Foreign Service community since that time and as a labor union for more than 50 years; and

WHEREAS, the American Foreign Service Association will celebrate the milestone 100th anniversary of the United States Foreign Service with a variety of events, including a special commemorative edition of *The Foreign Service Journal* in May 2024; now, therefore, be it

RESOLVED by the Senate of Virginia, That the United States Foreign Service hereby be commended on the occasion of its 100th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare copies of this resolution for presentation to the American Foreign Service Association and the Association for Diplomatic Studies and Training as an expression of the Senate of Virginia's admiration for the important mission and outstanding achievements of American diplomats and Foreign Service members around the globe.

SENATE RESOLUTION NO. 178

Commending Anthony Onianwah.

Agreed to by the Senate, March 8, 2024

WHEREAS, Anthony Onianwah is a prominent entrepreneur, philanthropist, and leader who is dedicated to international business development; and

WHEREAS, Anthony Onianwah received acclaim for his accomplishments in the United States and Nigeria, including a personal letter of praise from the previous president of Nigeria; and

WHEREAS, Anthony Onianwah's company received the Minority Business Enterprise Energy Company of the Year award in 2008 from Maryland governors Robert L. Ehrlich and Martin O'Malley; and

WHEREAS, Anthony Onianwah serves as a member of the African Business Roundtable, the African Business Owners Forum, and Support for Improvement in Governance and Management; now, therefore, be it

RESOLVED by the Senate of Virginia, That Anthony Onianwah hereby be commended for his contributions to the African business community; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Anthony Onianwah as an expression of the Senate of Virginia's admiration for his entrepreneurship, philanthropy, and leadership.

SENATE RESOLUTION NO. 179

Celebrating the life of Kenneth Robert Krieger.

Agreed to by the Senate, March 8, 2024

WHEREAS, Kenneth Robert Krieger, one of the most successful coaches in the history of high school soccer in the Commonwealth and a beloved member of the Northern Virginia community, died on March 4, 2024; and

WHEREAS, Kenneth "Ken" Krieger graduated from Aberdeen High School in Maryland in 1972 before earning both a bachelor's degree and master's degree from Frostburg State University; and

WHEREAS, Ken Krieger embarked upon his illustrious coaching career at Osbourn Park High School in Prince William County and later started programs at C.D. Hylton High School and Forest Park High School, also of Prince William County, when those schools opened; and

WHEREAS, over his 30 seasons as a high school coach, Ken Krieger posted a 386-184-37 record, winning 14 district titles, nine region titles, four state titles, and two national championships; and

WHEREAS, Ken Krieger is fourth all-time among high school boys' soccer coaches in the Commonwealth and holds the unique distinction of being the first boys' soccer coach in Virginia to lead three different programs to the state tournament; and

WHEREAS, Ken Krieger was particularly dominant during his stint with the Hylton Bulldogs from 1992 to 2000, when he won four Group AAA state titles and two national championships and earned National Soccer Coaches Association of America/Adidas Division I High School Coach of the Year honors in 1999; and

WHEREAS, Ken Krieger has coached and mentored many players who went on to enjoy success at the collegiate, professional, and national levels, including his daughter, Ali Krieger, who played for the United States women's national soccer team and Gotham Football Club of the National Women's Soccer League; and

WHEREAS, Ken Krieger has been credited with spearheading the evolution of high school soccer in the Commonwealth by promoting a more paced and tactical style of play that was innovative at the time; and

WHEREAS, Ken Krieger was inducted into the Virginia Youth Soccer Association Hall of Fame in recognition of his accomplishments as a coach; and

WHEREAS, Ken Krieger will be fondly remembered and dearly missed by his loving wife, Alexandra; his children, Kyle and Ali, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of Kenneth Robert Krieger, a legend of Virginia high school soccer whose legacy will inspire players and coaches for generations to come; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Kenneth Robert Krieger as an expression of the Senate of Virginia's respect for his memory.

SENATE RESOLUTION NO. 180

Commending Archi Marrapu.

Agreed to by the Senate, March 8, 2024

WHEREAS, Archi Marrapu, a student at Thomas Jefferson High School for Science and Technology in Fairfax County, was chosen as the Eighth Congressional District of Virginia's winner in the 2023 Congressional App Challenge; and

WHEREAS, established in 2014, the annual Congressional App Challenge is an official initiative of the United States House of Representatives and one of the nation's most prestigious competitions for K-12 computer science, with more than 11,300 students from 374 Congressional districts submitting 3,645 mobile applications in 2023; and

WHEREAS, for her entry in the Congressional App Challenge, Archi Marrapu, who has presented multiple TEDx Talks in the past, developed VOYCE, a mobile application designed to help individuals overcome their fear of public speaking; and

WHEREAS, Archi Marrupu's VOYCE app provides valuable feedback and analytics and training courses to help users improve their public speaking abilities, encouraging individuals to find their voice and to share their ideas with their communities; and

WHEREAS, Archi Marrapu has displayed tremendous talent, creativity, and dedication through her development of VOYCE and shows great promise for a future as an app developer and technology leader; now, therefore, be it

RESOLVED by the Senate of Virginia, That Archi Marrapu hereby be commended for her selection as the Eighth Congressional District of Virginia's winner in the 2023 Congressional App Challenge; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Archi Marrapu as an expression of the Senate of Virginia's admiration for her impressive achievement and best wishes for her continued success.

SENATE RESOLUTION NO. 181

Commending Ryan Jisup Kim.

Agreed to by the Senate, March 8, 2024

WHEREAS, Ryan Jisup Kim, a student at Thomas Jefferson High School for Science and Technology in Fairfax County, was named a Regeneron Science Talent Search Scholar by the Society for Science in 2024; and

WHEREAS, Ryan Kim was selected as one of the top 300 scholars in the Regeneron Science Talent Search (STS) for his project titled, "Hybrid Quantum-Classical Machine Learning for Dementia Detection"; and

WHEREAS, the Regeneron STS is one of the nation's oldest and most prestigious science and math competitions for high school seniors and offers students a national platform for presenting their original research, honoring the determination and innovation of young scientists who are working to address major global challenges; and

WHEREAS, Ryan Kim was selected as a Regeneron STS Scholar from 2,162 total applicants who hailed from 712 high schools across 46 states, Guam, Puerto Rico, and ten other countries; and

WHEREAS, Ryan Kim received this distinguished accolade in recognition of his extraordinary research skills, dedication to academics, creativity, and promise as a future scientist; now, therefore, be it

RESOLVED by the Senate of Virginia, That Ryan Jisup Kim hereby be commended for being named a 2024 Regeneron Science Talent Search Scholar by the Society for Science; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Ryan Jisup Kim as an expression of the Senate of Virginia's admiration for his achievement and best wishes for his continued success.

SENATE RESOLUTION NO. 182

Commending Physician-Parent Caregivers.

Agreed to by the Senate, March 8, 2024

WHEREAS, Physician-Parent Caregivers is a nonprofit organization and think tank that is devoted to the study of chronic medical conditions and works diligently to enhance the quality of life for young adults living with chronic medical conditions; and

WHEREAS, the young adult population of the United States, which includes those between the ages of 18 and 34, is increasingly living with serious chronic medical conditions that impact their daily life; and

WHEREAS, young adults are the least likely age group in the United States to have health insurance; 14 percent of young adults between the ages of 19 and 25 are uninsured and 12.5 percent of young adults between the ages of 26 and 34 are uninsured; and

WHEREAS, Physician-Parent Caregivers is the first and only nonprofit organization of its kind, exclusively devoted to analyzing quality health care and quality of life for young people with chronic conditions; and

WHEREAS, Physician-Parent Caregivers helps identify and address the specific needs of young adults with chronic conditions, as they are often not considered as a demographic susceptible to these conditions; providers are often untrained in treating childhood-onset conditions, and young adults with chronic conditions often face barriers to acquiring long-term quality care into adulthood; and

WHEREAS, Physician-Parent Caregivers supports additional research on this specific age group and promotes the need for proactive and preventative care to improve their quality of life and to reduce their overall cost of care; and

WHEREAS, Physician-Parent Caregivers recognizes that the fulfillment and success of young adults with chronic medical conditions is vital to the success of the Commonwealth and the United States as a whole and strives to ensure that these individuals can participate fully in their communities; now, therefore, be it

RESOLVED by the Senate of Virginia, That Physician-Parent Caregivers hereby be commended for its efforts to increase awareness of young adults with chronic illnesses and support research that will improve their quality of life and medical outcomes; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Physician-Parent Caregivers as an expression of the Senate of Virginia's admiration for its achievements and dedication to supporting these young adults.

SENATE RESOLUTION NO. 183

Commending Jean Shrewsbury.

Agreed to by the Senate, March 8, 2024

WHEREAS, on December 31, 2023, Jean Shrewsbury retired as commissioner of the revenue for Augusta County after 28 years of outstanding contributions to her colleagues and service to local residents; and

WHEREAS, shortly after becoming commissioner of the revenue, Jean Shrewsbury recognized that numerous members of the office were fulfilling various roles and responsibilities outside of their normal duties and advocated for fair salaries that were equal to those of other county employees at the time; and

WHEREAS, leading the office for nearly three decades, Jean Shrewsbury witnessed growth and change in the community and helped the office adapt to new technology and procedures to better serve residents; and

WHEREAS, Jean Shrewsbury helped the office become more involved in regional and state affairs by joining the West District Central Commissioners Association and the Virginia Commissioner of the Revenue Association; and

WHEREAS, Jean Shrewsbury served as president of the Virginia Commissioner of the Revenue Association and offered her leadership and expertise to several committees, including the Career Development Committee, where she was a mentor to fellow commissioners of the revenue across the Commonwealth; and

WHEREAS, Jean Shrewsbury also taught classes on all areas of tax assessment through the Weldon Cooper Center for Public Service at the University of Virginia for more than a decade; and

WHEREAS, Jean Shrewsbury earned the 2010 Sam T. Barfield Award of Excellence for her legacy of accomplishments on behalf of the Virginia Commissioner of the Revenue Association; and

WHEREAS, after her well-earned retirement, Jean Shrewsbury plans to spend more time with her son, Charles, and his family, and travel across the country with her husband, Craig; now, therefore, be it

RESOLVED by the Senate of Virginia, That Jean Shrewsbury hereby be commended on the occasion of her retirement as commissioner of the revenue for Augusta County; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Jean Shrewsbury as an expression of the Senate of Virginia's admiration for her personal and professional achievements and service to Augusta County.

SENATE RESOLUTION NO. 184

Celebrating the life of David R. Rathburn.

Agreed to by the Senate, March 8, 2024

WHEREAS, David R. Rathburn, a highly respected Virginia businessman, community leader, and philanthropist, passed away on February 6, 2024; and

WHEREAS, David Rathburn was born in Denver, Colorado, on July 7, 1957, and graduated from Grove City College in 1979 with degrees in accounting, business administration, and political science; and

WHEREAS, David Rathburn began his professional career at Price Waterhouse before joining Hopeman Brothers Marine Division of AWH Corporation as assistant to the president; and

WHEREAS, at the age of 33, David Rathburn was named president of Hopeman Brothers and led it for 22 years before forming marine interior outfitter US Joiner LLC in Crozet; and

WHEREAS, David Rathburn was guided through life by his strong Christian faith that led him to serve as a Ruling Elder at First Presbyterian Church of Charlottesville and a leader of Junior Achievement of Augusta County, the Waynesboro and East Augusta United Way, and the Virginia Institute of Autism; and

WHEREAS, David Rathburn was elected to the Grove City College Board of Trustees in 1992 and in 2003 became the youngest person to serve as the Board's chairman; and

WHEREAS, David Rathburn served as interim president of Grove City College, making many important operational decisions in 2003; and

WHEREAS, during David Rathburn's 28 years as a trustee, Grove City College provided quality Christian higher education to thousands of students, extricated itself from the federal student loan program, and raised half a dozen new buildings, including Rathburn Hall; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of David R. Rathburn, a respected Virginian; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare copies of this resolution for presentation to the family of David R. Rathburn and to Grove City College as an expression of the Senate of Virginia's respect for his memory.

SENATE RESOLUTION NO. 185

Celebrating the life of Antoinette Owens Ashworth.

Agreed to by the Senate, March 8, 2024

WHEREAS, Antoinette Owens Ashworth, a beloved wife, mother, and grandmother in Richmond who played a leading role in the creation of the Virginia Women's Monument at the Virginia State Capitol, died on January 25, 2024; and

WHEREAS, Antoinette "Toni" Ashworth grew up in Portsmouth and enjoyed many family outings on the Elizabeth River and nearby beaches in her youth; and

WHEREAS, Toni Ashworth was accepted at the Columbia University School of Nursing in New York City, where she met her husband, Jack, who was also a native of Virginia and was studying at the Columbia University College of Physicians and Surgeons; and

WHEREAS, Toni and Jack Ashworth's New York love story included countless last-minute tickets to standing-room-only concerts and theatre shows, along with many other experiences that fueled their lifelong thirst for adventure; and

WHEREAS, Toni Ashworth cared for sick and elderly patients in Brooklyn and Harlem as a member of the Visiting Nurse Association until her husband secured a position as the residing physician on the Papago Indian Reservation in Arizona; and

WHEREAS, after two years in Arizona, Toni Ashworth and her growing family returned to the Commonwealth and settled in Richmond, where she pursued passions for fashion, design, and entrepreneurship during her daughters' childhood years; and

WHEREAS, Toni Ashworth's keen eye and creative talents led her to develop an additional interest in art history, through which she developed lifelong friendships; she ultimately served on the committee that developed and proposed the Virginia Women's Monument, which is now located on Capitol Square and honors the contributions of creative, brave, and wise women from throughout Virginia History; and

WHEREAS, Toni Ashworth inspired others through her elegance and grace; she relished every opportunity to support her daughters and grandchildren and instill in them her compassion, kindness, and positivity; and

WHEREAS, Toni Ashworth will be fondly remembered and greatly missed by her beloved husband of 65 years, Jack; her daughters, Carolyn and Amy, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of Antoinette Owens Ashworth, a vibrant member of the Richmond community; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Antoinette Owens Ashworth as an expression of the Senate of Virginia's respect for her memory.

SUMMARY OF 2024 REGULAR SESSION LEGISLATION

TOTAL INTRODUCED LEGISLATION 3595

House Bills 1547
Senate Bills 737

House Joint Resolutions 428
Senate Joint Resolutions 246

House Resolutions 452
Senate Resolutions 185

TOTAL LEGISLATION PASSED AND/OR AGREED TO 2281

House Bills 656
Senate Bills 390

House Joint Resolutions 383
Senate Joint Resolutions 228

House Resolutions 442
Senate Resolutions 182

TOTAL BILLS ENACTED INTO LAW 843

House Bills 528
Senate Bills 315

House Joint Resolutions 1
Senate Joint Resolutions 1

TOTAL CHAPTERS 845

BILLS VETOED BY GOVERNOR 201

House Bills 126
Senate Bills 75

HOUSE BILLS APPROVED SHOWING CHAPTERS AND PAGE NUMBERS

HOUSE									HOUSE		
HB	Chapter	Page	HB	Chapter	Page	HB	Chapter	Page	HB	Chapter	Page
5	265	680	136	19	34	285	806	1819	438	809	1821
14	165	407	140	69	168	287	23	36	441	191	432
15	76	175	143	271	698	288	186	423	444	41	96
18	266	684	144	272	698	291	24 E	37	446	810	1821
22	163	406	149	632	1397	292	25	39	452	811	1823
24	95	199	150	435	927	294	26	41	453	529	1150
25	628	1392	151	687	1577	299	187	424	456	608	1285
27	629	1393	155	175	414	306	524	1137	459	691	1593
34	800	1806	156	71	170	309	278	707	460	192	434
35	522	1136	159	99	203	310	525	1138	462	388	877
36	161	402	160	430	922	311	438	931	464	287	725
42	96	200	163	176	415	312	27	43	467	724	1647
48	15	30	168	370	864	313	638	1404	468	91	187
54	630	1396	171	20	34	314	279	708	472	102	215
55	166	410	172	273	699	315	807	1820	474	640	1404
57	16	30	174	21	35	317	280	710	477	42	98
59	167	410	184	803	1810	320	720	1645	478	692	1596
61	631	1397	188	274	702	321	380	874	479	193	439
62	712	1636	191	804	1811	322	281	712	501	194	440
66	432	923	194	22	36	324	439	933	503	288	726
69	168	411	199	100	204	326	690	1581	508	289	726
70	267	689	200	275	703	327	721	1646	509	444	956
71	97	202	201	633	1398	329	431	922	511	390	878
73	372	866	202	718	1644	330	382	875	514	391	879
74	134	308	203	367	857	332	282	722	515	290	728
76	713	1636	204	376	867	336	283	722	516	725	1648
78	523	1137	205	177	415	342	440	942	517	43	98
85	135	309	213	634	1400	349	284	723	522	139	313
86	268	691	214	839	1904	350	383	875	523	445	957
90	169	411	215	805	1818	352	28 E	43	525	291	728
91	269	693	218	377	869	353	441	947	555	392	879
92	373	867	220	178	416	355	442	956	558	394	890
93	375	867	223	179	417	356	65	160	561	429	920
98	433	923	225	101	205	358	285	724	566	195	440
100	369	863	227	180	419	361	526	1140	572	726	1648
102	714	1636	233	378	872	368	384	876	574	140	315
103	136	309	234	436	929	374	527	1144	577	103	215
105	170	412	237	276	703	376	528	1146	578	641	1405
106	715	1639	238	181	421	380	188	424	580	693	1596
108	716	1641	242	688	1579	383	29	44	581	366	839
111	801	1806	252	437	930	392	639	1404	583	196	441
114	98	203	253	689	1580	407	286	724	586	141	315
115	17	31	255	182	421	415	386	876	589	292	729
120	18	34	257	635	1401	419	722	1646	591	293	731
121	171	412	258	636	1402	425	189	426	592	727 E	1649
122	717	1644	264	277	705	426	443	956	595	197	441
123	270	694	266	719	1644	428	39	96	596	198	443
124	137	310	268	365	836	430	74	172	599	294	732
125	802	1809	269	183	422	431	723	1647	601	199	444
128	172	413	275	637	1403	432	40	96	603	812	1824
131	173	413	279	184	422	434	808	1820	605	295	733
133	174	413	281	185	423	435	190	430	607	296	735
134	434	927	282	138	312	436	81	177	611	813	1824

Note: E signifies emergency status

HOUSE BILLS APPROVED SHOWING CHAPTERS AND PAGE NUMBERS

HOUSE			HOUSE			HOUSE			HOUSE		
HB	Chapter	Page	HB	Chapter	Page	HB	Chapter	Page	HB	Chapter	Page
613	297	736	779	50	112	926	697	1605	1083	410	904
615	814	1825	782	819	1838	928	403	898	1084	411	905
617	694	1597	783	90	184	933	698	1607	1085	316	754
619	298	736	784	51	113	934	58	136	1087	647	1413
625	815	1826	786	820	1840	935	460	988	1089	468	1008
626	299	737	790	821	1842	937	535	1157	1099	611	1288
632	642	1407	794	454	977	940	461	990	1103	215	470
633	368	862	800	822	1854	943	309	747	1106	84	179
634	300	738	801	455	981	944	699	1612	1107	86	181
639	142	320	804	145	326	947	536	1158	1108	469	1021
640	396	892	806	304	743	957	825	1859	1109	67	161
641	143	321	807	456	982	959	537	1158	1110	470	1025
647	44	99	814	531	1153	960	462	991	1112	216	471
648	728	1650	815	732	1655	964	463	992	1113	60	137
649	45	105	816	305	744	967	826	1859	1114	109	248
650	301	738	818	733	1660	971	404	898	1116	544	1163
652	200	449	820	306	744	980	405	901	1125	471	1029
656	104	216	823	643	1410	985	736	1663	1126	412	906
673	816	1826	827	644	1412	986	310	751	1127	317	757
678	446	961	830	398	895	987	538	1159	1128	829	1870
679	201	450	831	457	982	989	406	901	1131	318	758
682	447	961	832	208	458	991	311	751	1132	319	759
688	105	217	836	52	116	994	737	1664	1133	217	472
690	202	450	839	400	896	995	464	992	1134	320	761
692	530	1152	840	106	241	998	738	1669	1135	218	507
699	448	963	843	53	118	1002	539	1160	1138	114	279
700	449	963	844	107	241	1003	312	752	1139	115	281
701	46	106	845	645	1412	1005	93	190	1146	413	906
707	840	1906	848	307	744	1014	313	752	1157	830	1877
711	450 E	964	852	823	1857	1015	212	464	1163	414	908
712	203	451	855	734	1662	1018	540	1160	1165	648	1423
713	204	451	862	532	1154	1019	541	1161	1182	545	1165
715	205	452	870	209	459	1022	542	1162	1186	321	763
719	144	321	876	54	120	1024	609	1286	1187	472	1030
723	82	178	879	73	171	1025	83	179	1199	739	1671
728	47	107	880	55	123	1035	465	993	1203	322	763
729	48 E	109	888	696	1600	1039	466	1002	1208	323 E	765
730	206	453	892	146	328	1040	610	1286	1209	324	766
731	729	1650	893	428	918	1044	59	136	1210	219	508
732	451	966	894	56	134	1053	314	753	1211	740	1671
736	730	1653	895	108	247	1055	841	1909	1215	473	1030
738	817	1827	896	735	1662	1058	213	468	1217	325	770
739	49	111	898	210	462	1060	315	753	1221	741	1671
744	452	973	901	57	135	1062	827	1860	1224	474	1031
746	818	1833	906	824	1857	1067	214	468	1231	326	773
755	731	1654	908	211	464	1068	407	902	1237	327	773
759	131	304	909	646	1413	1069	828	1864	1241	546	1165
763	207	454	912	402	897	1071	842	1910	1242	649	1425
764	302	741	913	458	983	1073	409	903	1243	328	774
769	397	894	914	533	1155	1075	147	335	1246	742	1672
772	695	1598	917	459	983	1076	148	336	1247	743	1676
777	303	741	919	534	1157	1080	543	1162	1248	744	1679
778	453	977	925	308	745	1082	467	1008	1249	745	1680

Note: E signifies emergency status

HOUSE BILLS APPROVED SHOWING CHAPTERS AND PAGE NUMBERS

HOUSE			HOUSE		
HB	Chapter	Page	HB	Chapter	Page
1254	415	909	1402	329	779
1256	475	1032	1404	834	1889
1257	547	1167	1409	79	176
1261	746	1681	1410	483	1040
1268	650	1429	1412	64	158
1269	651	1431	1415	835	1896
1270	476	1032	1417	558	1187
1272	831	1885	1418	559	1188
1277	477	1036	1419	418	911
1278	548	1167	1423	484	1041
1279	478	1037	1425	78	175
1286	652	1436	1427	485	1042
1287	653	1488	1429	87	182
1301	549	1173	1430	486	1042
1309	550	1176	1431	419	911
1312	416	910	1433	560	1189
1317	61	137	1435	487	1042
1318	551	1176	1443	561	1191
1324	552	1177	1451	612	1291
1330	553	1179	1452	659	1509
1331	479	1037	1453	562	1191
1333	62	139	1455	330	781
1335	480	1038	1457	563	1194
1336	63 E	152	1458	753	1694
1337	654	1489	1460	420	912
1338	655	1498	1461	700	1612
1339	656	1498	1466	224	515
1342	554	1180	1469	89	184
1345	657	1501	1473	564	1197
1346	110	249	1477	421	912
1349	111	250	1482	331	782
1351	747	1684	1486	613	1291
1354	748	1687	1487	332	783
1357	220	509	1488	225	515
1361	749	1688	1491	836	1898
1362	221	510	1496	614	1292
1365	750	1689	1498	150	337
1366	555	1181	1499	754	1699
1369	556	1181	1502	660	1510
1370	751	1689	1503	488	1043
1372	832	1886	1505	837	1899
1376	557	1186	1508	113	278
1377	149	336	1511	565	1197
1379	112	278	1512	566	1198
1381	132	305	1513	226	555
1388	658	1508	1518	661	1510
1389	222	511	1519	838	1900
1392	481	1038	1526	227	556
1395	752	1693	1531	333	783
1396	482	1039	1538	567	1200
1397	833	1889	1542	615	1292
1399	223	514	**HJR**	**Chapter**	**Page**
1401	417	910	45	777	1735

Note: E signifies emergency status

SENATE BILLS APPROVED SHOWING CHAPTERS AND PAGE NUMBERS

SENATE						SENATE					
SB	Chapter	Page	SB	Chapter	Page	SB	Chapter	Page	SB	Chapter	Page
4	395	891	125	496	1068	242	705	1629	367	771	1724
5	151	369	129	703	1617	243	343	796	372	6	6
6	568	1201	131	230	571	244	344	798	375	590	1236
7	334	784	132	36	61	245	706	1630	379	7	6
8	569	1203	133	116	282	248	668	1526	381	236	577
9	570	1203	134	75	173	250	585	1225	382	591	1240
11	489	1045	135	379	873	253	763	1712	386	237	580
12	779	1736	138	340	793	254	764	1715	389	708	1632
13	263	680	142	845	1915	255	765	1715	391	674	1542
16	571	1204	145	577	1210	256	781	1754	392	505	1091
17	572	1205	150	77	175	257	345	798	394	592	1241
18	490	1046	151	497	1068	260	782	1759	397	593	1242
19	30	45	154	231	572	261	232	572	398	594	1248
20	755	1703	155	761	1707	262	387	877	399	238	580
21	491	1050	156	92	189	271	783	1759	400	622	1330
22	31	46	157	341	794	272	766	1718	401	239	580
24	152 E	369	158	618	1297	277	423	913	402	240	581
25	1	1	159	3	2	281	767	1721	403	595	1255
26	492	1051	165	498	1070	283	586	1230	405	788	1767
34	780	1743	166	422	913	290	156	374	411	675	1542
36	756	1704	169	117	284	291	587	1231	412	241	582
39	662	1513	173	37	62	292	588	1234	413	242	582
44	162	404	174	578	1213	296	346	800	420	351	815
46	2	2	175	499	1071	297	233	573	424	243	622
48	616	1294	176	579	1214	298	234	575	425	244	623
49	701	1613	177	342	796	308	347	803	426	506	1100
50	32	56	178	664	1517	309	348	803	433	623	1358
51	573	1205	179	153	371	314	399	895	435	122	294
54	757	1705	180	619	1297	321	589	1235	436	507	1102
59	335	789	182	38	94	323	374	867	437	352	816
60	493	1051	184	4	3	324	669	1526	439	709	1633
63	336	789	186	620	1325	325	119	286	441	508	1108
66	574	1205	194	665	1518	330	120	287	443	8	11
74	33	56	195	385	876	336	670	1529	450	245	627
85	617	1294	199	666	1518	337	768	1721	452	85	180
87	575	1206	201	667	1525	339	707	1631	453	676	1543
88	494	1052	204	580	1219	340	671	1535	454	789	1768
89	34	58	205	68	164	341	349	804	456	393	884
90	35	60	207	581	1221	342	235	577	458	353	818
93	758	1706	209	70	169	343	350	814	460	710	1633
94	337	789	210	164	407	344	504	1087	461	354	819
95	759	1706	211	118	285	350	784	1764	463	677	1544
98	338	790	213	154 E	373	352	672	1538	464	246	627
101	760	1707	214	500	1072	353	121	288	469	371	865
102	576	1208	215	582	1221	354	769	1722	470	123	295
106	339 E	792	216	155	373	355	673	1541	471	355	820
109	264	680	217	501	1073	356	770	1722	474	389	877
111	228	556	220	502	1074	358	621	1325	475	356	821
112	229	569	222	503	1086	361			480	790	1768
116	663	1517	232	762	1711	362	785	1765	483	88	183
117	401	897	239	704	1617	363	786	1766	484	357	822
118	495	1066	240	583	1223	364	787	1766	487	678	1553
121	702	1614	241	584	1225	365	5	4	488	679	1553

Note: E signifies emergency status

SENATE BILLS APPROVED SHOWING CHAPTERS AND PAGE NUMBERS

SENATE			SENATE			SENATE	
SB	Chapter	Page	SB	Chapter	Page		
489	509	1108	616	10	13		
495	596	1259	618	11	20		
496	624	1358	620	517 E	1125		
497	680	1554	624	12	21		
498	843	1911	625	775	1733		
508	597	1259	626	683	1562		
509	424	914	627	684	1567		
510	66	160	628	798	1801		
513	598	1269	629	126	297		
516	510	1108	630	253	639		
521	247	628	635	159	378		
526	511	1109	637	518	1126		
530	248	630	638	72	171		
534	791	1770	644	160	401		
536	772	1724	645	426	914		
537	249	631	646	254	640		
538	681	1555	649	381	874		
540	358	823	650	363	835		
541	359	823	655	603	1273		
543	360	824	657	255	640		
544	792	1777	658	256	668		
545	250	635	660	626	1363		
546	682	1557	663	604	1276		
547	773	1728	672	685	1576		
550	793	1777	674	13	27		
553	425	914	676	257	669		
554	157	376	677	14	29		
556	512	1112	679	686	1577		
560	94	194	683	427	917		
564	599	1270	691	127	300		
565	794	1783	692	258	670		
566	600	1270	701	605	1276		
568	513 E	1113	702	259	670		
569	795	1788	704	133	307		
572	361	830	705	364	835		
574	601	1271	706	260	672		
576	362	830	707	776	1734		
577	124	296	709	128	300		
580	774	1733	710	606	1278		
581	251	636	713	799	1803		
582	796	1789	724	627	1365		
585	252	637	725	130	302		
589	158	377	726	519	1127		
598	711	1635	727	520	1134		
599	514 E	1120	728	261	674		
600	602	1271	731	262	679		
603	625	1362	732	80	177		
605	515	1122	734	129	301		
607	408	903	736	521	1135		
608	797	1800	737	607	1280		
610	125	297	**SJR**	**Chapter**	**Page**		
613	9	12	3	778	1735		
614	516	1124					

Note: E signifies emergency status

BILLS VETOED BY THE GOVERNOR

(Communications from the Governor, relating to the bills that were vetoed, may be found in the Journals of the House of Delegates and the Senate for the 2024 Regular Session.)

The following vetoed bills were returned unsigned by Governor Glenn Youngkin:

HOUSE BILLS

HB 1 Minimum wage; increases wage to $13.50 per hour effective January 1, 2025, and to $15.00 per hour effective January 1, 2026. Chief Patron: Ward

HB 2 Assault firearms and certain ammunition feeding devices; purchase, possession, sale, transfer, etc., such firearms manufactured before July 1, 2024, person purchasing firearms shall be 21 years of age or older, clarifies definition of "assault firearm," penalty. Chief Patron: Helmer

HB 4 Plastic bag tax; any town located within a county that has imposed a disposable tax shall receive a distribution of revenues collected by the county, etc. Chief Patron: Martinez

HB 26 Voter identification; accepted forms of identification, private entities licensed or certified by certain state agencies. Chief Patron: Reid

HB 45 Earned sentence credits; incarceration prior to entry of final order of conviction, eligibility for credits, effective date. Chief Patron: Seibold

HB 46 Firearms; transfers to another person from a person prohibited from possessing because of protective order, etc. Chief Patron: Bennett-Parker

HB 47 Invasive plant species; no retail establishment shall sell or offer for retail sale for outdoor use a plant that is on the list of invasive plants, civil penalty. Chief Patron: Seibold

HB 63 Criminal cases; right to examine jurors, request for a jury to ascertain punishment, accused may withdraw request. Chief Patron: Simon

HB 77 Robbery; conforms certain provisions of the Code of Virginia to the degrees of robbery offenses, etc., earned sentence credit system, requirement of reentry programs. Chief Patron: Watts

HB 81 Suicide; abolishes common-law crime, delayed effective date, report. Chief Patron: Simon

HB 110 Surrogacy brokers; repeals statute of prohibition. Chief Patron: Sullivan

HB 157 Minimum wage; eliminates the exemptions from Virginia's requirements for persons employed as farm laborers or farm employees and certain temporary foreign workers. Chief Patron: McClure

HB 161 Individuals experiencing or reporting overdoses while incarcerated; arrest, prosecution, and disciplinary or administrative procedures and penalties. Chief Patron: Seibold

HB 173 Plastic firearms and unfinished frames or receivers and unserialized firearms; definitions, manufacture, import, sale, transfer, or possession, prohibited, penalties. Chief Patron: Simon

HB 175 Assault firearms; carrying in public areas prohibited, shall not apply to any member of a cadet corps in performance of sanctioned military training, includes a semi-automatic center-fire rifle, etc. Chief Patron: Simon

HB 183 Firearms; storage in residence where a minor or person prohibited from possessing is present, penalty. Chief Patron: Simon

HB 187 Teachers; establishing a process and timeline for increasing average salary in the Commonwealth to at least the national average teacher salary. Chief Patron: Clark

HB 208 Comprehensive plan; locality may consider adopting a healthy communities strategy, including low-cost broadband Internet programs, etc. Chief Patron: Simonds

HB 212 MEI Project Approval Commission; board-level gender and diversity requirements, incentive packages, board diversity disclosure statement. Chief Patron: Watts

HB 224 Public schools; mental health awareness training. Chief Patron: Henson

HB 243 Judicial Inquiry and Review Commission; availability of complaint forms in courthouses, filing of complaint against a magistrate. Chief Patron: Martinez

HB 246 Fines, restitution, forfeiture, penalties, other costs; clerk of the court shall provide an itemized statement to any defendant convicted of a traffic infraction or a violation of any criminal law or of any political subdivision thereof, etc., effective date. Chief Patron: Jones

HB 250 Law-enforcement officers; interrogation practices, training requirements. Chief Patron: Glass

HB 265 Removal of public officers from office; petition requirements, procedure, attorney for the Commonwealth shall represent the Commonwealth. Chief Patron: Simon

HB 267 Assault or assault and battery; affirmative defense to prosecution of an individual if such individual proves, by a preponderance of the evidence, that at the time the individual's behaviors were a result of a neurocognitive disorder, etc., mental illness, penalty. Chief Patron: Watts

HB 318 Firearm industry members; definitions, creates standards of responsible conduct, civil liability. Chief Patron: Helmer

HB 333 Environmental Justice, Virginia Council on; meetings and staffing, appointment of members. Chief Patron: Jones

HB 335 Tipped employees; Department of Labor and Industry to study increasing wages and address wage theft by employers. Chief Patron: Gardner

HB 351 Firearms; locking device required for purchase, households where minor resides, warning against accessibility to children, penalty. Chief Patron: Clark

HB 354 Public pools; Board of Health to adopt regulations. Chief Patron: Hope

HB 362 Firearms; purchase, possession, or transportation following an assault and battery of a family or household member or an intimate partner, clarifies definition of "family or household member," penalties. Chief Patron: McClure

HB 385 Railroad safety; use of train, locomotive, etc., for movement of freight, required minimum train crew, civil penalties. Chief Patron: Simonds

HB 398 Public elementary and secondary schools; student discipline, evidence-based restorative disciplinary practices. Chief Patron: McQuinn

HB 405 Electric vehicle charging facilities; State Corporation Commission and Department of Housing and Community Development to provide assistance to Commission on Electric Utility Regulation if it evaluates design and deployment of infrastructure necessary to support installation in certain residential developments. Chief Patron: McClure

HB 416 Virginia Beach, City of; amending charter, transition of city council. Chief Patron: Convirs-Fowler

HB 418 Civil actions filed on behalf of multiple persons; types of class actions, certification order, etc., effective date. Chief Patron: Simon

HB 442 Virginia Residential Landlord and Tenant Act; landlord remedies, noncompliance with rental agreement, landlord shall not charge any additional late fees during payment plan period in connection with the unpaid rental amount. Chief Patron: Bennett-Parker

HB 454 Firearm or explosive material; carrying within Capitol Square or building owned or leased by the Commonwealth, exception. Chief Patron: Callsen

HB 455 Controlled substances; possession of an item containing residue of a substance, penalty. Chief Patron: Callsen

HB 457 Decreasing probation period; establishes criteria for mandatory reduction, defendant's supervised probation, report. Chief Patron: Callsen

HB 466 Concealed handgun permits; reciprocity agreements with other states. Chief Patron: Helmer

HB 498 School board policies; parental notification of responsibility of safe storage of firearms in household to be sent by email and, if applicable, SMS text message, etc. Chief Patron: Cohen

HB 519 Unprofessional conduct; prohibits Board of Medicine from taking disciplinary action against a doctor based on the alleged provision or receipt of abortion care that is not prohibited under law. Chief Patron: Mundon King

HB 529 Trees; any locality may adopt an ordinance providing for replacement and planting during development process. Chief Patron: Hope

HB 536 Student bullying; adjusts definition, characteristics of victim. Chief Patron: Cole

HB 568 Confederacy organizations; eliminates various exemptions from state recordation taxes, repealing provisions related to various properties which are exempted from taxation. Chief Patron: Askew

HB 569 Employment discrimination; employee notification of federal and state statute of limitations. Chief Patron: Henson

HB 570 Prescription Drug Affordability Board; established, membership, drug cost affordability review, report, effective date. Chief Patron: Delaney

HB 571 Sexually explicit content; policies on parental notification of instructional material. Chief Patron: Delaney

HB 576 Contractors, Board for; required regulations and disclosures, residential rooftop solar installation, installation of solar energy facilities, report, delayed effective date. Chief Patron: Glass

HB 585 Home-based firearms dealers; prohibited near schools, penalties. Chief Patron: Mundon King

HB 588 Virginia Residential Landlord and Tenant Act; fire or casualty damage, landlord requirements for termination. Chief Patron: McClure

HB 597 Virginia Residential Landlord and Tenant Act; enforcement by localities. Chief Patron: Price

HB 598 Virginia Residential Landlord and Tenant Act; landlord remedies, noncompliance with rental agreement. Chief Patron: Price

HB 609 Contraception; establishes right to obtain, applicability, enforcement. Chief Patron: Price

HB 612 Fines, costs, forfeitures, penalties, and restitution; collection fees, assessment against incarcerated defendant, deferred payment agreement, effective date. Chief Patron: Price

HB 614 Community service work in lieu of payment of fines and costs; work performed while incarcerated, local, regional, or state correctional facility shall provide confirmation of hours. Chief Patron: Price

HB 623 Rights of voters; covered practices, civil cause of action, standing, jurisdiction, and venue, voter satellite offices. Chief Patron: Price

HB 624 English language learner students; ratios of instructional positions, At-Risk Program established, special education staffing, report. Chief Patron: Rasoul

HB 637 Substantial Risk Order Training Program; Department of Criminal Justice Services shall establish, report. Chief Patron: Sullivan

HB 645 Electric vehicles; signs for parking spaces reserved for charging vehicles. Chief Patron: Reaser

HB 651 Cyber civilian corps; Virginia Information Technologies Agency shall assess creation of corps to provide mutual aid to Commonwealth, report. Chief Patron: Feggans

HB 653 Adoption of initial discretionary sentencing guideline midpoints; violent felony offenses. Chief Patron: Coyner

HB 698 Cannabis control; establishes a framework for creation of a retail marijuana market in the Commonwealth, penalties, report. Chief Patron: Krizek

HB 740 Unlawful detainer; bifurcation of case. Chief Patron: Cousins

HB 770 Retaliatory action against employee prohibited; remedies available. Chief Patron: Delaney

HB 776 Law-enforcement officers; minimum qualifications, citizenship, waiver. Chief Patron: Herring

HB 781 Maternal Health Data and Quality Measures, Task Force on; State Health Commissioner to reestablish, Task Force to conclude work by December 1, 2025, report. Chief Patron: Herring

HB 797 Concealed handguns; demonstrated competence for a permit, firearms instructors and safety programs, delayed effective date. Chief Patron: Hope

HB 798 Firearms; purchase, possession, or transportation following an assault and battery or stalking violation, prohibition period, penalty. Chief Patron: Hope

HB 799 Concealed handgun permit applications; fingerprints required by local governments, costs shall be responsibility of and assessed by applicant, delayed effective date. Chief Patron: Hope

HB 803 Juveniles; expungement of court records. Chief Patron: Rasoul

HB 805 Sales and use tax, local; definition of "qualifying town," additional tax authorized in all counties and cities to support schools, revenues from this tax may be used for repayment of existing indebtedness incurred from capital projects, etc., approval of extension of local sales or use tax beyond expiration date. Chief Patron: Rasoul

HB 812 License plates, special; repeals provision relating to plates for members of Sons of Confederate Veterans and plates honoring Robert E. Lee. Chief Patron: Mundon King

HB 817 Virginia Residential Landlord and Tenant Act and Manufactured Home Lot Rental Act; retaliatory conduct prohibited. Chief Patron: McClure

HB 819 Health insurance; definitions, coverage for contraceptive drugs and devices. Chief Patron: Mundon King

HB 824 Indigent defendant; rate of fees for legal representation, repayment of costs by convicted persons. Chief Patron: Cousins

HB 833 Child abuse and neglect; custody and visitation, possession or consumption of authorized substances. Chief Patron: Cousins

HB 838 Police and court records; expungement, definition of "otherwise dismissed," certain provisions shall become effective on January 1, 2026. Chief Patron: Hope

HB 857 Fines and costs; changes period of limitations for collection, amounts assessed but not yet due under a deferred payment agreement. Chief Patron: Hernandez

HB 861 Weapons; possession or transportation into hospital that provides mental health or developmental services, penalty. Chief Patron: Hernandez

HB 904 Voter registration; list maintenance activities, annual review, cancellation procedures, required record matches, required identification information, data standards, report. Chief Patron: Price

HB 916 Substantial Risk Order Reporting System; established. Chief Patron: Srinivasan

HB 924 Transportation network companies; publishing and disclosure requirements. Chief Patron: Srinivasan

HB 938 Unemployment insurance; benefit eligibility conditions, lockout exception to labor dispute disqualification. Chief Patron: LeVere Bolling

HB 939 Elections administration; certain activities or conduct prohibited at polling places, prohibits possession of firearm within 100 feet of locations used for certain voting- and elections-related activities, penalty. Chief Patron: Shin

HB 949 Hazardous Substance Facility Response Plans; definitions, reporting of substance discharge, etc., civil penalties. Chief Patron: Lopez

HB 950 Uniform Statewide Building Code; temporarily prohibit modifications to Code. Chief Patron: Lopez

HB 953 Local Environmental Impact Fund; localities to create a permanent and perpetual fund. Chief Patron: Lopez

HB 955 Virginia Residential Landlord and Tenant Act; summary of rental agreement provisions, powers and duties of Director of Department of Housing and Community Development. Chief Patron: Lopez

HB 958 School boards; Commission on Civic Education to create model guidance on inclusion and involvement of enrolled students in work of local boards. Chief Patron: Lopez

HB 962 Noncitizens of the United States; removes term aliens throughout Code. Chief Patron: Lopez

HB 972 Defendant; prohibiting inquiry into immigration status, court shall advise person that outcome of criminal proceedings may have federal immigration and naturalization consequences. Chief Patron: Lopez

HB 974 Workers' compensation; employee may satisfy burden of proof by circumstantial evidence, testimony of others, etc. Chief Patron: Keys-Gamarra

HB 990 Employer seeking wage or salary history of prospective employees; prohibited, wage or salary range transparency, cause of action. Chief Patron: Maldonado

HB 992 Social services, local departments of; agreements with local workforce development boards, coordinated workforce development services for certain public benefits program participants. Chief Patron: Tran

HB 993 Virginia Residential Landlord and Tenant Act; prohibited provisions, fees for maintenance or repair of any dwelling unit, periodic rent payments. Chief Patron: Tran

HB 996 Virginia Residential Landlord and Tenant Act and Manufactured Home Lot Rental Act; definitions, notice of tenant screening criteria. Chief Patron: Anthony

HB 1028 Affordable housing; localities that have adopted a program may by ordinance require that in an application for a special use permit that affordable rental units be included for any proposed development of a licensed assisted living facility. Chief Patron: Reaser

HB 1088 Climate change and environmental literacy; instructional materials, model policies and procedures for selection. Chief Patron: Carr

HB 1098 Family bereavement leave; definitions, employee restoration of position, health benefit plan, retaliatory action prohibited. Chief Patron: Rasoul

HB 1100 Trees; certain localities in Planning District 8 (Northern Virginia) may, by ordinance, require conservation during land development process. Chief Patron: Carr

HB 1130 Unconscious bias and cultural competency; Board of Medicine shall require certain licensees to complete training as part of their continuing education and continuing competency requirements for licensure. Chief Patron: Hayes

HB 1167 English ivy; local prohibition on sale, civil penalty. Chief Patron: Krizek

HB 1174 Assault firearms; age requirement for purchase, penalty. Chief Patron: Sickles

HB 1177 Voter registration; list maintenance, data sharing, requiring membership in the Electronic Registration Information Center (ERIC). Chief Patron: Sickles

HB 1178 Commonwealth of Virginia Innovation Partnership Authority; increases membership of board of directors. Chief Patron: Sickles

HB 1190 Contractors, Board for; offering exams, certain exams made available in any language that meets the threshold for having election materials. Chief Patron: Thomas

HB 1195 Firearms; waiting period for purchases, penalty. Chief Patron: Hayes

HB 1207 Virginia Residential Landlord and Tenant Act; affordable housing, criminal record screening model policy. Chief Patron: Hayes

HB 1244 Restorative housing and isolated confinement; restrictions on use, new, documented incident of behavioral misconduct occurs after completion of initial period. Chief Patron: Cole

HB 1251 Virginia Residential Landlord and Tenant Act; material noncompliance by landlord, court escrow account. Chief Patron: Cousins

HB 1252 Limitation on sentence upon revocation of suspension of sentence; defendant that has been taken into custody for an alleged technical violation. Chief Patron: McClure

HB 1264 Traffic infractions; discretionary juvenile fines, costs, and fees. Chief Patron: Shin

HB 1386 Firearms; workplace rules of localities, ordinance prohibiting public carrying. Chief Patron: Convirs-Fowler

HB 1398 Affordable housing; creates a framework for localities to preserve housing by exercising a right of first refusal on publicly supported housing. Chief Patron: Bennett-Parker

HB 1408 Voter satellite offices; standards and guidelines for determining number and location. Chief Patron: Srinivasan

HB 1420 Juveniles; specifies that a delinquent child is a child 11 years of age or older who has committed a delinquent act. Chief Patron: Watts

HB 1454 Limited-duration licenses and driver privilege cards and permits; extends validity, issuance of identification cards, confidentiality. Chief Patron: Lopez

HB 1462 Firearm in unattended motor vehicle; civil penalty. Chief Patron: Laufer

HB 1467 Higher educational institutions, baccalaureate public; membership of governing boards. Chief Patron: Laufer

HB 1475 Uniform Statewide Building Code; Board of Housing and Community Development amending Code to require owners and operators of certain apartment buildings to supply cooling and heating during certain times of year. Chief Patron: Keys-Gamarra

HB 1504 School-connected overdose policies; Board of Education shall establish guidelines, parental notification and response. Chief Patron: Seibold

HB 1515 Discovery; attorneys for the Commonwealth shall provide materials for all courts to counsel of record for the accused by electronic means, etc., delayed effective date, report. Chief Patron: Srinivasan

HB 1534 Voter or voter's registration; challenges to candidate qualifications or eligibility. Chief Patron: Sickles

HB 1539 Abortion or other reproductive health care services; prohibitions on extradition for certain crimes, prohibited practices under Virginia Consumer Protection Act. Chief Patron: Simon

SENATE BILLS

SB 1 Minimum wage; increases wage to $13.50 per hour effective January 1, 2025, and to $15.00 per hour effective January 1, 2026. Chief Patron: Lucas

SB 2 Assault firearms and certain ammunition feeding devices; purchase, possession, sale, transfer, etc., such firearms manufactured before July 1, 2024, person purchasing firearms shall be 21 years of age or older, clarifies definition of "assault firearm," penalty. Chief Patron: Deeds

SB 14 Sales and use tax, local; definition of "qualifying town," additional tax authorized in all counties and cities to support schools, revenues from this tax may be used for repayment of existing indebtedness incurred from capital projects, etc., approval of extension of local sales or use tax beyond expiration date. Chief Patron: McPike

SB 15 Reproductive health care services; prohibitions on extradition for certain criminal violations. Chief Patron: Favola

SB 23 Juveniles; specifies that a delinquent child is a child 11 years of age or older who has committed a delinquent act. Chief Patron: Locke

SB 35 Unconscious bias and cultural competency; Board of Medicine shall require certain licensees to complete training as part of their continuing education and continuing competency requirements for licensure. Chief Patron: Locke

SB 47 Firearms; transfers to another person from a person prohibited from possessing because of protective order, etc. Chief Patron: Favola

SB 69 Law-enforcement officers; individuals who have been granted Deferred Action for Childhood Arrivals by U.S. Citizenship and Immigration Services allowed to qualify for the positions of chief of police, etc. Chief Patron: McPike

SB 80 Decreasing probation period; establishes criteria for mandatory reduction, defendant's supervised probation, report. Chief Patron: Favola

SB 99 Assault firearms; carrying in public areas prohibited, shall not apply to any member of a cadet corps in performance of sanctioned military training, includes a semi-automatic center-fire rifle, etc. Chief Patron: Ebbin

SB 100 Plastic firearms and unfinished frames or receivers and unserialized firearms; definitions, manufacture, import, sale, transfer, or possession, prohibited, penalties. Chief Patron: Ebbin

SB 104 Teachers; establishing a process and timeline for increasing average salary in the Commonwealth to at least the national average teacher salary. Chief Patron: Lucas

SB 105 English language learner students; ratios of instructional positions, At-Risk Program established, special education staffing, report. Chief Patron: Lucas

SB 115 Child abuse and neglect; custody and visitation, possession or consumption of authorized substances. Chief Patron: Lucas

SB 119 Drug manufacturers; permitting and registration, certain conditions related to 340B-covered drugs. Chief Patron: Lucas

SB 143 Railroad safety; use of train, locomotive, etc., for movement of freight, required minimum train crew, civil penalties. Chief Patron: Carroll Foy

SB 144 Preliminary hearing; nolle prosequi prior to hearing, person arrested on a felony charge, waiver, finding of probable cause. Chief Patron: Carroll Foy

SB 188 Election of certain governing bodies; locality that has been subject to a court order imposing a remedial election system under voting rights laws to adopt an ordinance to convert one or more at-large seats to single-member districts. Chief Patron: Rouse

SB 189 Virginia Beach, City of; amending charter, transition of city council. Chief Patron: Rouse

SB 196 Voter registration; list maintenance data standards, challenges to a voter's registration, repeals provisions related to appeal from decision of court, etc. Chief Patron: VanValkenburg

SB 212 Virginia Small Business Economic Development Act; established, regulation of skill game machines, tax on gross receipts, penalties, Virginia Lottery Board shall adopt necessary regulations to implement provisions by January 1, 2027, repeals provision related to amusement devices. Chief Patron: Rouse

SB 225 School board policies; parental notification of responsibility of safe storage of firearms in household to be sent by email and, if applicable, SMS text message, etc. Chief Patron: Pekarsky

SB 235 Sexually explicit content; policies on parental notification of instructional material. Chief Patron: Hashmi

SB 236 Aggregated, nonconfidential case data; requests for reports of data, approval of academic research. Chief Patron: Hashmi

SB 237 Contraception; establishes right to obtain, applicability, enforcement. Chief Patron: Hashmi

SB 238 Health insurance; definitions, coverage for contraceptive drugs and devices. Chief Patron: Hashmi

SB 246 Limited-duration licenses and driver privilege cards and permits; extends validity, issuance of identification cards, confidentiality. Chief Patron: McPike

SB 258 Substantial risk orders or factors; factors that a judge or magistrate must consider for purpose of determining probable cause prior to issuing an emergency order, firearm that is located or stored at residence of person who is subject to an order, etc. Chief Patron: Surovell

SB 259 Civil actions filed on behalf of multiple persons; types of class actions, certification order, etc., effective date. Chief Patron: Surovell

SB 273 Firearms; waiting period for purchases, penalty. Chief Patron: Subramanyam

SB 274 Prescription Drug Affordability Board; established, membership, drug cost affordability review, report, effective date. Chief Patron: Deeds

SB 276 Phase I and Phase II Utilities; State Corporation Commission to study feasibility of an energy upgrade program. Chief Patron: Hashmi

SB 300 Voter registration; list maintenance activities, annual review, cancellation procedures, required record matches, required identification information, data standards, report. Chief Patron: Rouse

SB 306 Invasive plant species; no retail establishment shall sell or offer for retail sale for outdoor use a plant that is on the list of invasive plants, civil penalty. Chief Patron: Salim

SB 313 Contractors, Board for; required regulations and disclosures, residential rooftop solar installation, installation of solar energy facilities, report, delayed effective date. Chief Patron: VanValkenburg

SB 327 Assault firearms; age requirement for purchase, penalty. Chief Patron: Salim

SB 329 Compost and other products containing organic soil amendments infrastructure; localities may require separation of organic waste, civil penalty. Chief Patron: Surovell

SB 334 Plea agreements and court orders; prohibited provisions. Chief Patron: Salim

SB 338 Gun violence; Joint Legislative Audit and Review Commission to study social, physical, emotional, and economic effects on communities across the Commonwealth, firearm homicide rate, etc. Chief Patron: Salim

SB 357 Assault or assault and battery; affirmative defense to prosecution of an individual if such individual proves, by a preponderance of the evidence, that at the time the individual's behaviors were a result of a neurocognitive disorder, etc., mental illness, penalty. Chief Patron: Boysko

SB 368 Firearms; storage in residence where a minor or person prohibited from possessing is present, penalty. Chief Patron: Boysko

SB 370 Employer seeking wage or salary history of prospective employees; prohibited, wage or salary range transparency, cause of action. Chief Patron: Boysko

SB 373 Paid family and medical leave insurance program; definitions, notice requirements, civil action, etc., Family and Medical Leave Insurance Trust Fund created, advisory board established, report. Chief Patron: Boysko

SB 383 Firearm or explosive material; carrying within Capitol Square or building owned or leased by the Commonwealth, exception. Chief Patron: Deeds

SB 393 MEI Project Approval Commission; board-level gender and diversity requirements, incentive packages, board diversity disclosure statement. Chief Patron: Pekarsky

SB 422 Virginia Residential Landlord and Tenant Act; prohibited provisions, fees for maintenance or repair of any dwelling unit, periodic rent payments. Chief Patron: Ebbin

SB 428 Elections; ranked choice voting may be conducted for certain locally elected offices, local electoral board may request a risk-limiting audit, etc., report. Chief Patron: VanValkenburg

SB 447 Firearm in unattended motor vehicle; civil penalty. Chief Patron: Marsden

SB 448 Cannabis control; establishes a framework for creation of a retail marijuana market in the Commonwealth, penalties, report. Chief Patron: Rouse

SB 449 Juveniles; juvenile correctional centers, eligibility for parole. Chief Patron: Marsden

SB 477 Blighted and derelict properties in certain localities; clarifies definitions, rate of tax. Chief Patron: Aird

SB 479 Virginia Residential Landlord and Tenant Act; enforcement by localities. Chief Patron: Aird

SB 491 Firearm industry members; definitions, creates standards of responsible conduct, civil liability. Chief Patron: Carroll Foy

SB 494 Live-in domestic workers; overtime pay for certain employees. Chief Patron: Aird

SB 504 Police and court records; expungement, term "otherwise dismissed," delayed effective date. Chief Patron: Surovell

SB 505 Limitation on sentence upon revocation of suspension of sentence; no defendant shall be held in custody awaiting adjudication, etc., for an alleged technical violation for longer than 30 days without his consent. Chief Patron: Subramanyam

SB 506 Higher educational institutions, public; duties and powers of governing board, legal service in civil matters. Chief Patron: Surovell

SB 514 Fines and costs; changes period of limitations for collection, amounts assessed but not yet due under a deferred payment agreement. Chief Patron: Williams Graves

SB 515 Weapons; possession or transportation into hospital that provides mental health or developmental services, penalty. Chief Patron: Williams Graves

SB 517 Confederacy organizations; eliminates various exemptions from state recordation taxes, repealing provisions related to various properties which are exempted from taxation. Chief Patron: Williams Graves

SB 542 Unemployment insurance; benefit eligibility conditions, lockout exception to labor dispute disqualification. Chief Patron: Bagby

SB 570 Virginia Human Rights Act; definitions of "employer," use of "person" in the Act. Chief Patron: Ebbin

SB 584 General Services Board; established. Chief Patron: Deeds

SB 586 Public elementary and secondary schools; student discipline, evidence-based restorative disciplinary practices. Chief Patron: Pekarsky

SB 588 Virginia Residential Landlord and Tenant Act; affordable housing, criminal record screening model policy. Chief Patron: Lucas

SB 595 Comprehensive plan; locality may consider adopting a healthy communities strategy, including low-cost broadband Internet programs, etc. Chief Patron: Bagby

SB 597 Affordable housing; local zoning ordinance authority, dwelling unit program shall address housing needs for older residents to live independently, housing inspections, etc., localities shall create an advisory committee, effective date. Chief Patron: McPike

SB 606 Voter registration; list maintenance, data sharing, requiring membership in the Electronic Registration Information Center (ERIC). Chief Patron: VanValkenburg

SB 634 State Corporation Commission; powers and duties. Chief Patron: Rouse

SB 642 Firearms; purchase, possession, or transportation following an assault and battery of a family or household member or an intimate partner, clarifies definition of "family or household member," penalties. Chief Patron: Perry

SB 654 Fines, costs, forfeitures, penalties, and restitution; collection fees, assessment against incarcerated defendant, deferred payment agreement, effective date. Chief Patron: Williams Graves

SB 696 Marijuana-related offenses; modification of sentence, sunset date. Chief Patron: Williams Graves

SB 716 Unprofessional conduct; prohibits Board of Medicine from taking disciplinary action against a doctor based on the alleged provision or receipt of abortion care that is not prohibited under law. Chief Patron: Carroll Foy

SB 719 Restorative housing and isolated confinement; restrictions on use, new, documented incident of behavioral misconduct occurs after completion of initial period. Chief Patron: Bagby

SB 729 Virginia Clean Energy Innovation Bank; created, definitions, powers and duties, strategic planning, report, membership. Chief Patron: Surovell

THE HOUSE OF DELEGATES
2024 REGULAR SESSION

District Number	Name	County and/or City Represented
92	Anthony, Bonita G. (D)	Cities of Chesapeake (part) and Norfolk (part)
46	Arnold, Jonathan E. (R)	Counties of Grayson, Pulaski (part), Smyth, and Wythe
95	Askew, Alex Q. (D)	Cities of Norfolk (part) and Virginia Beach (part)
37	Austin, Terry L. (R)	Counties of Alleghany, Botetourt, Craig, and Rockbridge (part); Cities of Buena Visa, Covington, and Lexington
42	Ballard, Jason S. (R)	Counties of Giles, Montgomery (part), and Pulaski (part); City of Radford
71	Batten, Amanda E. (R)	Counties of James City (part) and New Kent (part); City of Williamsburg
5	Bennett-Parker, Elizabeth B. (D)	City of Alexandria (part)
100	Bloxom, Robert S., Jr. (R)	Counties of Accomack and Northampton; City of Virginia Beach (part)
11	Bulova, David L. (D)	County of Fairfax (part); City of Fairfax
54	Callsen, Katrina E. (D)	County of Albemarle (part); City of Charlottesville
36	Campbell, Ellen H. (R)	Counties of Augusta (part) and Rockbridge (part); Cities of Staunton and Waynesboro
78	Carr, Betsy B. (D)	City of Richmond (part)
74	Cherry, Mike A. (R)	County of Chesterfield (part); City of Colonial Heights
84	Clark, Nadarius E. (D)	County of Isle of Wight (part); Cities of Franklin and Suffolk (part)
15	Cohen, Laura Jane (D)	County of Fairfax (part)
65	Cole, Joshua G. (D)	Counties of Spotsylvania (part) and Stafford (part); City of Fredericksburg
96	Convirs-Fowler, Kelly K. (D)	City of Virginia Beach (part)
86	Cordoza, A.C. (R)	County of York (part); Cities of Hampton (part) and Poquoson
79	Cousins, Rae C. (D)	City of Richmond (part)
75	Coyner, Carrie E. (R)	Counties of Chesterfield (part) and Prince George (part); City of Hopewell
39	Davis, Will P. (R)	Counties of Franklin and Roanoke (part)
9	Delaney, Karrie K. (D)	County of Fairfax (part)
73	Earley, Mark L., Jr. (R)	County of Chesterfield (part)
89	Ennis, N. Baxter (R)	Cities of Chesapeake (part) and Suffolk (part)

THE HOUSE OF DELEGATES
2024 REGULAR SESSION

District Number	Name	County and/or City Represented
97	Feggans, Michael (D)	City of Virginia Beach (part)
59	Fowler, Hyland F., Jr. (R)	Counties of Hanover (part), Henrico (part), and Louisa (part)
62	Freitas, Nicholas J. (R)	Counties of Culpeper (part), Greene, Madison, and Orange (part)
76	Gardner, Debra D. (D)	County of Chesterfield (part)
56	Garrett, Thomas A., Jr. (R)	Counties of Appomattox, Buckingham, Cumberland, Fluvanna (part), Goochland (part), Louisa (part), and Prince Edward (part)
33	Gilbert, C. Todd (R)	Counties of Page, Rockingham (part), Shenandoah, and Warren (part)
93	Glass, Jackie Hope (D)	City of Norfolk (part)
69	Green, W. Chad, Sr. (R)	Counties of Gloucester (part), James City (part), and York (part); City of Newport News (part)
53	Griffin, Timothy P. (R)	Counties of Amherst, Bedford (part), and Nelson (part)
91	Hayes, C.E., Jr. (D)	Cities of Chesapeake (part) and Portsmouth (part)
10	Helmer, Dan (D)	County of Fairfax (part)
19	Henson, Rozia A., Jr. (D)	Counties of Fairfax (part) and Prince William (part)
94	Hernandez, Phil M. (D)	City of Norfolk (part)
4	Herring, Charniele L. (D)	County of Fairfax (part); City of Alexandria (part)
30	Higgins, Geary M. (R)	Counties of Fauquier (part) and Loudoun (part)
68	Hodges, M. Keith (R)	Counties of Essex, Gloucester, King and Queen, King William, Mathews, and Middlesex
1	Hope, Patrick A. (D)	County of Arlington (part)
77	Jones, Michael J. (D)	County of Chesterfield (part); City of Richmond (part)
67	Kent, Hillary Pugh (R)	Counties of Caroline (part), King George, Lancaster, Northumberland, Richmond, and Westmoreland
7	Keys-Gamarra, Karen (D)	County of Fairfax (part)
45	Kilgore, Terry G. (R)	Counties of Dickenson (part), Lee, Scott, and Wise; City of Norton
98	Knight, Barry D. (R)	City of Virginia Beach (part)
16	Krizek, Paul E. (D)	County of Fairfax (part)
55	Laufer, Amy J. (D)	Counties of Albemarle (part), Fluvanna (part), Louisa (part), and Nelson (part)

THE HOUSE OF DELEGATES
2024 REGULAR SESSION

District Number	Name	County and/or City Represented
90	Leftwich, James A., Jr. (R)	City of Chesapeake (part)
80	LeVere Bolling, Destiny L. (D)	County of Henrico (part)
3	Lopez, Alfonso H. (D)	County of Arlington (part); City of Alexandria (part)
22	Lovejoy, Ian T. (R)	County of Prince William (part)
20	Maldonado, Michelle Lopes (D)	County of Prince William (part); Cities of Manassas and Manassas Park
49	Marshall, Daniel W., III (R)	Counties of Halifax (part) and Pittsylvania (part); City of Danville
29	Martinez, Fernando J. (D)	County of Loudoun (part)
2	McClure, Adele Y. (D)	County of Arlington (part)
40	McNamara, Joseph P. (R)	County of Roanoke (part); Cities of Roanoke (part) and Salem
81	McQuinn, Delores L. (D)	Counties of Charles City, Chesterfield (part), and Henrico (part)
64	Milde, Paul V., III (R)	County of Stafford (part)
43	Morefield, James W. (R)	Counties of Bland, Buchanan, Dickenson (part), Russell (part), and Tazewell
23	Mundon King, Candi (D)	Counties of Prince William (part) and Stafford (part)
31	Oates, Delores (R)	Counties of Clarke, Frederick (part), and Warren (part)
41	Obenshain, Joseph C. (R)	Counties of Montgomery (part) and Roanoke (part)
44	O'Quinn, Israel D. (R)	Counties of Russell (part), and Washington (part); City of Bristol
66	Orrock, Robert D., Sr. (R)	Counties of Caroline (part) and Spotsylvania (part)
57	Owen, David L. (R)	Counties of Goochland (part) and Henrico (part)
48	Phillips, Eric J. (R)	Counties of Henry (part) and Pittsylvania (part); City of Martinsville
85	Price, Marcia S. (D)	City of Newport News (part)
38	Rasoul, Sam (D)	City of Roanoke (part)
27	Reaser, Atoosa R. (D)	County of Loudoun (part)
28	Reid, David A. (D)	County of Loudoun (part)
35	Runion, Chris (R)	Counties of Augusta (part), Bath, Highland, and Rockingham (part)
88	Scott, Don (D)	City of Portsmouth (part)
63	Scott, Phillip A. (R)	Counties of Orange (part) and Spotsylvania (part)

THE HOUSE OF DELEGATES
2024 REGULAR SESSION

District Number	Name	County and/or City Represented
12	Seibold, Holly M. (D)	County of Fairfax (part)
25	Sewell, Briana D. (D)	County of Prince William (part)
8	Shin, Irene (D)	County of Fairfax (part)
17	Sickles, Mark D. (D)	County of Fairfax (part)
13	Simon, Marcus B. (D)	County of Fairfax (part); City of Falls Church
70	Simonds, Shelly A. (D)	City of Newport News (part)
26	Srinivasan, Kannan (D)	County of Loudoun (part)
6	Sullivan, Richard C., Jr. (D)	County of Fairfax (part)
99	Tata, Anne Ferrell H. (R)	City of Virginia Beach (part)
82	Taylor, Kimberly A. (R)	Counties of Dinwiddie (part), Prince George (part), and Surry; City of Petersburg
21	Thomas, Josh (D)	County of Prince William (part)
24	Torian, Luke E. (D)	County of Prince William (part)
18	Tran, Kathy KL (D)	County of Fairfax (part)
83	Wachsmann, Howard Otto, Jr. (R)	Counties of Brunswick, Dinwiddie (part), Greensville, Isle of Wight (part), Southampton, and Sussex; City of Emporia
52	Walker, Wendell S. (R)	County of Campbell (part); City of Lynchburg
87	Ward, Jeion A. (D)	City of Hampton (part)
72	Ware, R. Lee (R)	Counties of Amelia, Chesterfield (part), Nottoway, and Powhatan
14	Watts, Vivian E. (D)	County of Fairfax (part)
61	Webert, Michael J. (R)	Counties of Culpeper (part), Fauquier (part), and Rappahannock
32	Wiley, William D. (R)	Counties of Frederick (part); City of Winchester
58	Willett, Rodney T. (D)	County of Henrico (part)
47	Williams, Wren M. (R)	Counties of Carroll, Floyd, Henry (part), and Patrick; City of Galax
34	Wilt, Tony O. (R)	County of Rockingham (part); City of Harrisonburg
50	Wright, Thomas C., Jr. (R)	Counties of Charlotte, Halifax (part), Lunenburg, Mecklenburg, and Prince Edward (part)
60	Wyatt, Scott A. (R)	Counties of Hanover (part) and New Kent (part)
51	Zehr, Eric (R)	Counties of Bedford (part), Campbell (part), and Pittsylvania (part)

THE SENATE
2024 REGULAR SESSION

District Number	Name	County and/or City Represented
13	Aird, Lashrecse D. (D)	Counties of Charles City, Dinwiddie (part), Henrico (part), Prince George, Surry, and Sussex; Cities of Hopewell and Petersburg
14	Bagby, Lamont (D)	County of Henrico (part); City of Richmond (part)
38	Boysko, Jennifer B. (D)	County of Fairfax (part)
33	Carroll Foy, Jennifer D. (D)	Counties of Fairfax (part) and Prince William (part)
19	Craig, Christie New (R)	Cities of Chesapeake (part) and Virginia Beach (part)
11	Deeds, R. Creigh (D)	Counties of Albemarle, Amherst, Louisa (part), and Nelson; City of Charlottesville
20	DeSteph, Bill (R)	Counties of Accomack and Northampton; Cities of Norfolk (part) and Virginia Beach (part)
24	Diggs, J.D. (R)	Counties of James City (part) and York; Cities of Newport News (part), Poquoson, and Williamsburg
27	Durant, Tara A. (R)	Counties of Spotsylvania (part) and Stafford (part); City of Fredericksburg
39	Ebbin, Adam P. (D)	Counties of Arlington (part) and Fairfax (part); City of Alexandria
40	Favola, Barbara A. (D)	County of Arlington (part)
1	French, Timmy (R)	Counties of Clarke, Frederick, Shenandoah, and Warren; City of Winchester
5	Hackworth, T. Travis (R)	Counties of Bland, Giles, Montgomery (part), Pulaski, Smyth, Tazewell, and Wythe (part); City of Radford
15	Hashmi, Ghazala F. (D)	County of Chesterfield (part); City of Richmond (part)
3	Head, Christopher T. (R)	Counties of Alleghany, Augusta (part), Botetourt, Craig, Roanoke (part), and Rockbridge; Cities of Buena Vista, Covington, Lexington, Staunton, and Waynesboro
17	Jordan, Emily M. (R)	Counties of Brunswick, Dinwiddie (part), Greensville, Isle of Wight, and Southampton; Cities of Emporia, Franklin, Portsmouth (part), and Suffolk
23	Locke, Mamie E. (D)	Cities of Hampton and Newport News (part)
18	Lucas, L. Louise (D)	Cities of Chesapeake (part) and Portsmouth (part)
35	Marsden, David W. (D)	County of Fairfax (part)
26	McDougle, Ryan T. (R)	Counties of Gloucester, Hanover (part), James City (part), King and Queen (part), Mathews, and New Kent
10	McGuire, John J., III (R)	Counties of Amelia, Appomattox, Buckingham, Cumberland, Fluvanna, Goochland, Hanover (part), Louisa (part), Powhatan, and Prince Edward (part)
29	McPike, Jeremy S. (D)	Counties of Prince William (part) and Stafford (part)

THE SENATE
2024 REGULAR SESSION

District Number	Name	County and/or City Represented
9	Mulchi, Tammy Brankley (R)	Counties of Charlotte, Halifax, Lunenburg, Mecklenburg, Nottoway, Pittsylvania, and Prince Edward (part); City of Danville
2	Obenshain, Mark D. (R)	Counties of Augusta (part), Bath, Highland, Page, and Rockingham; City of Harrisonburg
8	Peake, Mark J. (R)	Counties of Bedford and Campbell; City of Lynchburg
36	Pekarsky, Stella G. (D)	County of Fairfax (part)
31	Perry, Russet W. (D)	Counties of Fauquier and Loudoun
6	Pillion, Todd E. (R)	Counties of Buchanan, Dickenson, Lee, Russell, Scott, Washington, and Wise; Cities of Bristol and Norton
28	Reeves, Bryce E. (R)	Counties of Culpeper, Fauquier (part), Greene, Madison, Orange, Rappahannock, and Spotsylvania (part)
30	Roem, Danica A. (D)	County of Prince William (part); Cities of Manassas and Manassas Park
22	Rouse, Aaron R. (D)	City of Virginia Beach (part)
37	Salim, Saddam Azlan (D)	County of Fairfax (part); Cities of Fairfax and Falls Church
7	Stanley, William M., Jr. (R)	Counties of Carroll, Floyd, Franklin, Grayson, Henry, Patrick, and Wythe (part); Cities of Galax and Martinsville
25	Stuart, Richard H. (R)	Counties of Caroline, Essex, King and Queen (part) King George, King William, Lancaster, Middlesex, Northumberland, Richmond, Spotsylvania (part), and Westmoreland
12	Sturtevant, Glen H., Jr. (R)	County of Chesterfield (part); City of Colonial Heights
32	Subramanyam, Suhas (D)	County of Loudoun (part)
4	Suetterlein, David R. (R)	Counties of Montgomery (part) and Roanoke (part); Cities of Roanoke and Salem
34	Surovell, Scott A. (D)	County of Fairfax (part)
16	VanValkenburg, Schuyler T. (D)	County of Henrico (part)
21	Williams Graves, Angelia (D)	City of Norfolk (part)

SENATORS AND DELEGATES BY COUNTIES
2024 REGULAR SESSION

COUNTIES	SENATORS	DELEGATES
Accomack	Bill DeSteph (R)	Robert S. Bloxom, Jr. (R)
Albemarle	R. Creigh Deeds (D)	Katrina E. Callsen (D)
		Amy J. Laufer (D)
Alleghany	Christopher R. Head (R)	Terry L. Austin (R)
Amelia	John J. McGuire III (R)	R. Lee Ware (R)
Amherst	R. Creigh Deeds (D)	Timothy P. Griffin (R)
Appomattox	John J. McGuire III (R)	Thomas A. Garrett, Jr. (R)
Arlington	Adam P. Ebbin (D)	Patrick A. Hope (D)
	Barbara A. Favola (D)	Alfonso H. Lopez (D)
		Adele Y. McClure (D)
Augusta	Christopher R. Head (R)	Ellen H. Campbell (R)
	Mark D. Obenshain (R)	Chris Runion (R)
Bath	Mark D. Obenshain (R)	Chris Runion (R)
Bedford	Mark J. Peake (R)	Timothy P. Griffin (R)
		Eric Zehr (R)
Bland	T. Travis Hackworth (R)	James W. Morefield (R)
Botetourt	Christopher R. Head (R)	Terry L. Austin (R)
Brunswick	Emily M. Jordan (R)	Howard Otto Wachsmann, Jr. (R)
Buchanan	Todd E. Pillion (R)	James W. Morefield (R)
Buckingham	John J. McGuire III (R)	Thomas A. Garrett, Jr. (R)
Campbell	Mark J. Peake (R)	Wendall S. Walker (R)
		Eric Zehr (R)
Caroline	Richard H. Stuart (R)	Hillary Pugh Kent (R)
		Robert D. Orrock, Sr. (R)
Carroll	William M. Stanley, Jr. (R)	Wren M. Williams (R)
Charles City	Lashrecse D. Aird (D)	Delores L. McQuinn (D)
Charlotte	Tammy Brankley Mulchi (R)	Thomas C. Wright, Jr. (R)
Chesterfield	Ghazala F. Hashmi (D)	Mike A. Cherry (R)
	Glen H. Sturtevant, Jr. (R)	Carrie E. Coyner (R)
		Mark L. Early, Jr. (R)
		Debra D. Gardner (D)
		Michael J. Jones (D)
		Delores L. McQuinn (D)
		R. Lee Ware (R)
Clarke	Timmy French (R)	Delores Oates (R)
Craig	Christopher R. Head (R)	Terry L. Austin (R)
Culpeper	Bryce E. Reeves (R)	Nicholas J. Freitas (R)
		Michael J. Webert (R)
Cumberland	John J. McGuire III (R)	Thomas A. Garrett, Jr. (R)
Dickenson	Todd E. Pillion (R)	Terry G. Kilgore (R)
		James W. Morefield (R)
Dinwiddie	Lashrecse D. Aird (D)	Kimberly A. Taylor (R)
	Emily M. Jordan (R)	Howard Otto Wachsmann, Jr. (R)
Essex	Richard H. Stuart (R)	M. Keith Hodges (R)
Fairfax	Jennifer B. Boysko (D)	David L. Bulova (D)
	Jennifer D. Carroll Foy (D)	Laura Jane Cohen (D)
	Adam P. Ebbin (D)	Karrie K. Delaney (D)
	David W. Marsden (D)	Dan Helmer (D)
	Stella G. Pekarsky (D)	Rozia A. Henson, Jr. (D)
	Saddam Azlan Salim (D)	Charniele L. Herring (D)
	Scott A. Surovell (D)	Karen Keys-Gamarra (D)
		Paul E. Krizek (D)
		Holly M. Seibold (D)
		Irene Shin (D)

SENATORS AND DELEGATES BY COUNTIES
2024 REGULAR SESSION

COUNTIES	SENATORS	DELEGATES
		Mark D. Sickles (D)
		Marcus B. Simon (D)
		Richard C. Sullivan, Jr. (D)
		Kathy KL Tran (D)
		Vivian E. Watts (D)
Fauquier	Russet W. Perry (D)	Geary M. Higgins (R)
	Bryce E. Reeves (R)	Michael J. Webert (R)
Floyd	William M. Stanley, Jr. (R)	Wren M. Williams (R)
Fluvanna	John J. McGuire III (R)	Thomas A. Garrett, Jr. (R)
		Amy J. Laufer (D)
Franklin	William M. Stanley, Jr. (R)	Will P. Davis (R)
Frederick	Timmy French (R)	Delores Oates (R)
		William D. Wiley (R)
Giles	T. Travis Hackworth (R)	Jason S. Ballard (R)
Gloucester	Ryan T. McDougle (R)	W. Chad Green, Sr. (R)
		M. Keith Hodges (R)
Goochland	John J. McGuire III (R)	Thomas A. Garrett, Jr. (R)
		David L. Owen (R)
Grayson	William M. Stanley, Jr. (R)	Jonathan E. Arnold (R)
Greene	Bryce E. Reeves (R)	Nicholas J. Freitas (R)
Greensville	Emily M. Jordan (D)	Howard Otto Wachsmann, Jr. (R)
Halifax	Tammy Brankley Mulchi (R)	Daniel W. Marshall III (R)
		Thomas C. Wright, Jr. (R)
Hanover	Ryan T. McDougle (R)	Hyland F. Fowler, Jr. (R)
	John J. McGuire III (R)	Scott A. Wyatt (R)
Henrico	Lashrecse D. Aird (D)	Hyland F. Fowler, Jr. (R)
	Lamont Bagby (D)	Destiny L. LeVere Bolling (D)
	Schuyler T. VanValkenburg (D)	Delores L. McQuinn (D)
		David L. Owen (R)
		Rodney T. Willett (D)
Henry	William M. Stanley, Jr. (R)	Eric J. Phillips (R)
		Wren M. Williams (R)
Highland	Mark D. Obenshain (R)	Chris Runion (R)
Isle of Wight	Emily M. Jordan (D)	Nadarius E. Clark (D)
		Howard Otto Wachsmann, Jr. (R)
James City	J.D. Diggs (R)	Amanda E. Batten (R)
	Ryan T. McDougle (R)	W. Chad Green, Sr. (R)
King and Queen	Ryan T. McDougle (R)	M. Keith Hodges (R)
	Richard H. Stuart (R)	
King George	Richard H. Stuart (R)	Hillary Pugh Kent (R)
King William	Richard H. Stuart (R)	M. Keith Hodges (R)
Lancaster	Richard H. Stuart (R)	Hillary Pugh Kent (R)
Lee	Todd E. Pillion (R)	Terry G. Kilgore (R)
Loudoun	Russet W. Perry (D)	Geary M. Higgins (R)
	Suhas Subramanyam (D)	Fernando J. Martinez (D)
		Atoosa R. Reaser (D)
		David A. Reid (D)
		Kannan Srinivasan (D)
Louisa	R. Creigh Deeds (D)	Hyland F. Fowler, Jr. (R)
	John J. McGuire III (R)	Thomas A. Garrett, Jr. (R)
		Amy J. Laufer (D)
Lunenburg	Tammy Brankley Mulchi (R)	Thomas C. Wright, Jr. (R)
Madison	Bryce E. Reeves (R)	Nicholas J. Freitas (R)
Mathews	Ryan T. McDougle (R)	M. Keith Hodges (R)
Mecklenburg	Tammy Brankley Mulchi (R)	Thomas C. Wright, Jr. (R)

SENATORS AND DELEGATES BY COUNTIES
2024 REGULAR SESSION

COUNTIES	SENATORS	DELEGATES
Middlesex	Richard H. Stuart (R)	M. Keith Hodges (R)
Montgomery	T. Travis Hackworth (R)	Jason S. Ballard (R)
	David R. Suetterlein (R)	Joseph C. Obenshain (R)
Nelson	R. Creigh Deeds (D)	Timothy P. Griffin (R)
		Amy J. Laufer (D)
New Kent	Ryan T. McDougle (R)	Amanda E. Batten (R)
		Scott A. Wyatt (R)
Northampton	Bill DeSteph (R)	Robert S. Bloxom, Jr. (R)
Northumberland	Richard H. Stuart (R)	Hillary Pugh Kent (R)
Nottoway	Tammy Brankley Mulchi (R)	R. Lee Ware (R)
Orange	Bryce E. Reeves (R)	Nicholas J. Freitas (R)
		Phillip A. Scott (R)
Page	Mark D. Obenshain (R)	C. Todd Gilbert (R)
Patrick	William M. Stanley, Jr. (R)	Wren M. Williams (R)
Pittsylvania	Tammy Brankley Mulchi (R)	Daniel W. Marshall III (R)
		Eric J. Phillips (R)
		Eric Zehr (R)
Powhatan	John J. McGuire III (R)	R. Lee Ware (R)
Prince Edward	John J. McGuire III (R)	Thomas A. Garrett, Jr. (R)
	Tammy Brankley Mulchi (R)	Thomas C. Wright, Jr. (R)
Prince George	Lashrecse D. Aird (D)	Carrie E. Coyner (R)
		Kimberly A. Taylor (R)
Prince William	Jennifer D. Carroll Foy (D)	Rozia A. Henson, Jr. (D)
	Jeremy S. McPike (D)	Ian T. Lovejoy (R)
	Danica A. Roem (D)	Michelle Lopes Maldonado (D)
		Candi Mundon King (D)
		Briana D. Sewell (D)
		Josh Thomas (D)
		Luke E. Torian (D)
Pulaski	T. Travis Hackworth (R)	Jonathan E. Arnold (R)
		Jason S. Ballard (R)
Rappahannock	Bryce E. Reeves (R)	Michael J. Webert (R)
Richmond	Richard H. Stuart (R)	Hillary Pugh Kent (R)
Roanoke	Christopher T. Head (R)	Will P. Davis (R)
	David R. Suetterlein (R)	Joseph P. McNamara (R)
		Joseph C. Obenshain (R)
Rockbridge	Christopher T. Head (R)	Terry L. Austin (R)
		Ellen H. Campbell (R)
Rockingham	Mark D. Obenshain (R)	C. Todd Gilbert (R)
		Chris Runion (R)
		Tony O. Wilt (R)
Russell	Todd E. Pillion (R)	James W. Morefield (R)
		Israel D. O'Quinn (R)
Scott	Todd E. Pillion (R)	Terry G. Kilgore (R)
Shenandoah	Timmy French (R)	C. Todd Gilbert (R)
Smyth	T. Travis Hackworth (R)	Jonathan E. Arnold (R)
Southampton	Emily M. Jordan (R)	Howard Otto Wachsmann, Jr. (R)
Spotsylvania	Tara A. Durant (R)	Joshua G. Cole (D)
	Bryce E. Reeves (R)	Robert D. Orrock, Sr. (R)
	Richard H. Stuart (R)	Phillip A. Scott (R)
Stafford	Tara A. Durant (R)	Joshua G. Cole (D)
	Jeremy S. McPike (D)	Paul V. Milde III (R)
		Candi Mundon King (D)
Surry	Lashrecse D.Aird (D)	Kimberly A. Taylor (R)

SENATORS AND DELEGATES BY COUNTIES
2024 REGULAR SESSION

COUNTIES	SENATORS	DELEGATES
Sussex	Lashrecse D.Aird (D)	Howard Otto Wachsmann, Jr. (R)
Tazewell	T. Travis Hackworth (R)	James W. Morefield (R)
Warren	Timmy French (R)	C. Todd Gilbert (R)
		Delores Oates (R)
Washington	Todd E. Pillion (R)	Israel D. O'Quinn (R)
Westmoreland	Richard H. Stuart (R)	Hillary Pugh Kent (R)
Wise	Todd E. Pillion (R)	Terry G. Kilgore (R)
Wythe	T. Travis Hackworth (R)	Jonathan E. Arnold (R)
	William M. Stanley, Jr. (R)	
York	J.D. Diggs (R)	A.C. Cordoza (R)
		W. Chad Green, Sr. (R)

SENATORS AND DELEGATES BY CITIES
2024 REGULAR SESSION

CITIES	SENATORS	DELEGATES
Alexandria	Adam P. Ebbin (D)	Elizabeth B. Bennett-Parker (D)
		Charniele L. Herring (D)
		Alfonso H. Lopez (D)
Bristol	Todd E. Pillion (R)	Israel D. O'Quinn (R)
Buena Vista	Christopher T. Head (R)	Terry L. Austin (R)
Charlottesville	R. Creigh Deeds (D)	Katrina E. Callsen (D)
Chesapeake	Christie New Craig (R)	Bonita G. Anthony (D)
	L. Louise Lucas (D)	N. Baxter Ennis (R)
		C.E. Hayes, Jr. (D)
		James A. Leftwich, Jr. (R)
Colonial Heights	Glen H. Sturtevant, Jr. (R)	Mike A. Cherry (R)
Covington	Christopher T. Head (R)	Terry L. Austin (R)
Danville	Tammy Brankley Mulchi (R)	Daniel W. Marshall III (R)
Emporia	Emily M. Jordan (R)	Howard Otto Wachsmann, Jr. (R)
Fairfax	Saddam Azlan Salim (D)	David L. Bulova (D)
Falls Church	Saddam Azlan Salim (D)	Marcus D. Simon (D)
Franklin	Emily M. Jordan (R)	Nadarius E. Clark (D)
Fredericksburg	Tara A. Durant (R)	Joshua G. Cole (D)
Galax	William M. Stanley, Jr. (R)	Wren M. Williams (R)
Hampton	Mamie E. Locke (D)	A.C. Cordoza (R)
		Jeion A. Ward (D)
Harrisonburg	Mark D. Obenshain (R)	Tony O. Wilt (R)
Hopewell	Lashrecse D. Aird (D)	Carrie E. Coyner (R)
Lexington	Christopher T. Head (R)	Terry L. Austin (R)
Lynchburg	Mark J. Peake (R)	Wendell S. Walker (R)
Manassas	Danica A. Roem (D)	Michelle Lopes Maldonado (D)
Manassas Park	Danica A. Roem (D)	Michelle Lopes Maldonado (D)
Martinsville	William M. Stanley, Jr. (R)	Eric J. Phillips (R)
Newport News	J.D. Diggs (R)	W. Chad Green, Sr. (R)
	Mamie E. Locke (D)	Marcia S. Price (D)
		Shelly A. Simonds (D)
Norfolk	Bill DeSteph (R)	Bonita G. Anthony (D)
	Angelia Williams Graves (D)	Alex Q. Askew (D)
		Jackie Hope Glass (D)
		Phil M. Hernandez (D)
Norton	Todd E. Pillion (R)	Terry G. Kilgore (R)
Petersburg	Lashrecse D. Aird (D)	Kimberly A. Taylor (R)
Poquoson	J.D. Diggs (R)	A.C. Cordoza (R)
Portsmouth	Emily M. Jordan (R)	C.E. Hayes, Jr. (D)
	L. Louise Lucas (D)	Don Scott (D)
Radford	T. Travis Hackworth (R)	Jason S. Ballard (R)
Richmond	Lamont Bagby (D)	Betsy B. Carr (D)
	Ghazala F. Hashmi (D)	Rae C. Cousins (D)
		Michael J. Jones (D)
Roanoke	David R. Suetterlein (R)	Joseph P. McNamara (R)
		Sam Rasoul (D)
Salem	David R. Suetterlein (R)	Joseph P. McNamara (R)
Staunton	Christopher T. Head (R)	Ellen H. Campbell (R)
Suffolk	Emily M. Jordan (R)	Nadarius E. Clark (D)
		N. Baxter Ennis (R)
Virginia Beach	Christie New Craig (R)	Alex Q. Askew (D)
	Bill DeSteph (R)	Robert S. Bloxom, Jr. (R)
	Aaron R. Rouse (D)	Kelly K. Convirs-Fowler (D)
		Michael Feggans (D))

SENATORS AND DELEGATES BY CITIES
2024 REGULAR SESSION

CITIES	SENATORS	DELEGATES
		Barry D. Knight (R)
		Anne Ferrell H. Tata (R)
Waynesboro	Christopher T. Head (R)	Ellen H. Campbell (R)
Williamsburg	J.D. Diggs (R)	Amanda E. Batten (R)
Winchester	Timmy French (R)	William D. Wiley (R)

COUNTIES AND CITIES--LAND AREA AND POPULATION

United States Census of 2020 (December 21, 2021)

COUNTIES	Land Area in Square Miles	Population	COUNTIES	Land Area in Square Miles	Population
Accomack	449	33,413	Pittsylvania	969	60,501
Albemarle	720	112,395	Powhatan	260	30,333
Alleghany	446	15,233	Prince Edward	350	21,849
Amelia	355	13,265	Prince George	265	43,010
Amherst	474	31,307	Prince William	336	482,204
Appomattox	334	16,119	Pulaski	320	33,800
Arlington	26	238,643	Rappahannock	266	7,348
Augusta	967	77,487	Richmond	191	8,923
Bath	529	4,209	Roanoke	251	96,929
Bedford	760	79,462	Rockbridge	596	22,650
Bland	358	6,270	Rockingham	850	83,757
Botetourt	541	33,596	Russell	473	25,781
Brunswick	566	15,849	Scott	536	21,576
Buchanan	503	20,355	Shenandoah	508	44,186
Buckingham	580	16,824	Smyth	451	29,800
Campbell	503	55,696	Southampton	599	17,996
Caroline	528	30,887	Spotsylvania	401	140,032
Carroll	475	29,155	Stafford	269	156,927
Charles City	183	6,773	Surry	279	6,651
Charlotte	475	11,529	Sussex	490	10,829
Chesterfield	423	364,548	Tazewell	519	40,429
Clarke	176	14,783	Warren	215	40,727
Craig	328	4,892	Washington	561	53,935
Culpeper	379	52,552	Westmoreland	229	18,477
Cumberland	297	9,675	Wise	403	36,130
Dickenson	330	14,124	Wythe	462	28,290
Dinwiddie	504	27,947	York	105	70,045
Essex	257	10,599			
Fairfax	391	1,150,309	**CITIES**		
Fauquier	648	72,972	Alexandria	15	159,467
Floyd	381	15,476	Bedford*	7	6,657
Fluvanna	287	27,249	Bristol	13	17,219
Franklin	690	54,477	Buena Vista	6	6,641
Frederick	413	91,419	Charlottesville	10	46,553
Giles	357	16,787	Chesapeake	338	249,422
Gloucester	218	38,711	Colonial Heights	8	18,170
Goochland	281	24,727	Covington	5	5,737
Grayson	442	15,333	Danville	43	42,590
Greene	156	20,552	Emporia	7	5,766
Greensville	295	11,391	Fairfax	6	24,146
Halifax	818	34,022	Falls Church	2	14,658
Hanover	469	109,979	Franklin	8	8,180
Henrico	234	334,389	Fredericksburg	10	27,982
Henry	382	50,948	Galax	8	6,720
Highland	415	2,232	Hampton	51	137,148
Isle of Wight	315	38,606	Harrisonburg	17	51,814
James City	142	78,254	Hopewell	10	23,033
King and Queen	315	6,608	Lexington	2	7,320
King George	180	26,723	Lynchburg	49	79,009
King William	273	17,810	Manassas	10	42,772
Lancaster	133	10,919	Manassas Park	3	17,219
Lee	435	22,173	Martinsville	11	13,485
Loudoun	515	420,959	Newport News	69	186,247
Louisa	496	37,596	Norfolk	53	238,005
Lunenburg	431	11,936	Norton	7	3,687
Madison	320	13,837	Petersburg	23	33,458
Mathews	86	8,533	Poquoson	15	12,460
Mecklenburg	625	30,319	Portsmouth	33	97,915
Middlesex	130	10,625	Radford	10	16,070
Montgomery	387	99,721	Richmond	60	226,610
Nelson	471	14,775	Roanoke	43	100,011
New Kent	210	22,945	Salem	14	25,346
Northampton	212	12,282	Staunton	20	25,750
Northumberland	191	11,839	Suffolk	399	94,324
Nottoway	314	15,642	Virginia Beach	245	459,470
Orange	341	36,254	Waynesboro	15	22,196
Page	310	23,709	Williamsburg	9	15,425
Patrick	483	17,608	Winchester	9	28,120

Population of Virginia, 2020 Census, 8,631,393.

COUNTIES AND CITIES--RANKED BY POPULATION

United States Census of 2020 (As of December 21, 2021)

Population	County
2,232	Highland
4,209	Bath
4,892	Craig
6,270	Bland
6,608	King and Queen
6,651	Surry
6,773	Charles City
7,348	Rappahannock
8,533	Mathews
8,923	Richmond
9,675	Cumberland
10,599	Essex
10,625	Middlesex
10,829	Sussex
10,919	Lancaster
11,391	Greensville
11,529	Charlotte
11,839	Northumberland
11,936	Lunenburg
12,282	Northampton
13,265	Amelia
13,837	Madison
14,124	Dickenson
14,775	Nelson
14,783	Clarke
15,233	Alleghany
15,333	Grayson
15,476	Floyd
15,642	Nottoway
15,849	Brunswick
16,119	Appomattox
16,787	Giles
16,824	Buckingham
17,608	Patrick
17,810	King William
17,996	Southampton
18,477	Westmoreland
20,355	Buchanan
20,552	Greene
21,576	Scott
21,849	Prince Edward
22,173	Lee
22,650	Rockbridge
22,945	New Kent
23,709	Page
24,727	Goochland
25,781	Russell
27,249	Fluvanna
27,947	Dinwiddie
26,723	King George
28,290	Wythe
29,155	Carroll
29,800	Smyth
30,319	Mecklenburg
30,333	Powhatan
30,887	Caroline
31,307	Amherst
33,413	Accomack
33,596	Botetourt
33,800	Pulaski
34,022	Halifax
36,130	Wise
36,254	Orange
37,596	Louisa
38,606	Isle of Wight
38,711	Gloucester
40,429	Tazewell
40,727	Warren
43,010	Prince George
44,186	Shenandoah
50,948	Henry
52,552	Culpeper
53,935	Washington
54,477	Franklin
55,696	Campbell
60,501	Pittsylvania
70,045	York
72,972	Fauquier
77,487	Augusta
78,254	James City
79,462	Bedford
83,757	Rockingham
91,419	Frederick
96,929	Roanoke
99,721	Montgomery
109,979	Hanover
112,395	Albemarle
140,032	Spotsylvania
156,927	Stafford
238,643	Arlington
334,389	Henrico
364,548	Chesterfield
420,959	Loudoun
482,204	Prince William
1,150,309	Fairfax

Population	Cities
3,687	Norton
5,737	Covington
5,766	Emporia
6,641	Buena Vista
6,657	Bedford*
6,720	Galax
7,320	Lexington
8,180	Franklin
12,460	Poquoson
13,485	Martinsville
14,658	Falls Church
15,425	Williamsburg
16,070	Radford
17,219	Manassas Park
17,219	Bristol
18,170	Colonial Heights
22,196	Waynesboro
23,033	Hopewell
25,346	Salem
25,750	Staunton
24,146	Fairfax
27,982	Fredericksburg
28,120	Winchester
33,458	Petersburg
42,590	Danville
42,772	Manassas
46,553	Charlottesville
51,814	Harrisonburg
79,009	Lynchburg
94,324	Suffolk
97,915	Portsmouth
100,011	Roanoke
137,148	Hampton
159,467	Alexandria
186,247	Newport News
226,610	Richmond
238,005	Norfolk
249,422	Chesapeake
459,470	Virginia Beach

INDEX

Table of Titles

CODE OF VIRGINIA

1950

TITLE
1. GENERAL PROVISIONS.
2. ADMINISTRATION OF THE GOVERNMENT GENERALLY [Repealed].
2.1. ADMINISTRATION OF THE GOVERNMENT GENERALLY [Repealed].
2.2. ADMINISTRATION OF GOVERNMENT.
3. AGRICULTURE, HORTICULTURE AND FOOD [Repealed].
3.1. AGRICULTURE, HORTICULTURE AND FOOD [Repealed].
3.2. AGRICULTURE, ANIMAL CARE, AND FOOD.
4. ALCOHOLIC BEVERAGES AND INDUSTRIAL ALCOHOL [Repealed].
4.1. ALCOHOLIC BEVERAGE AND CANNABIS CONTROL.
5. AVIATION [Repealed].
5.1. AVIATION.
6. BANKING AND FINANCE [Repealed].
6.1. BANKING AND FINANCE [Repealed].
6.2. FINANCIAL INSTITUTIONS AND SERVICES.
7. BOUNDARIES, JURISDICTION AND EMBLEMS OF THE COMMONWEALTH [Repealed].
7.1. BOUNDARIES, JURISDICTION AND EMBLEMS OF THE COMMONWEALTH [Repealed].
8. CIVIL REMEDIES AND PROCEDURE; EVIDENCE GENERALLY [Repealed].
8.01. CIVIL REMEDIES AND PROCEDURE.
8.1. COMMERCIAL CODE - GENERAL PROVISIONS [Repealed].
8.1A. UNIFORM COMMERCIAL CODE - GENERAL PROVISIONS.
8.2. COMMERCIAL CODE - SALES.
8.2A. COMMERCIAL CODE - LEASES.
8.3. COMMERCIAL CODE - COMMERCIAL PAPER [Repealed].
8.3A. COMMERCIAL CODE - NEGOTIABLE INSTRUMENTS.
8.4. COMMERCIAL CODE - BANK DEPOSITS AND COLLECTIONS.
8.4A. COMMERCIAL CODE - FUNDS TRANSFERS.
8.5. COMMERCIAL CODE - LETTERS OF CREDIT [Repealed].
8.5A. UNIFORM COMMERCIAL CODE - LETTERS OF CREDIT.
8.6. COMMERCIAL CODE - BULK TRANSFERS [Repealed].
8.6A. COMMERCIAL CODE - BULK TRANSFERS [Repealed].
8.7. COMMERCIAL CODE - WAREHOUSE RECEIPTS, BILLS OF LADING AND OTHER DOCUMENTS OF TITLE.
8.8. COMMERCIAL CODE - INVESTMENT SECURITIES [Repealed].
8.8A. COMMERCIAL CODE - INVESTMENT SECURITIES.
8.9. COMMERCIAL CODE - SECURED TRANSACTIONS; SALES OF ACCOUNTS, CONTRACT RIGHTS AND CHATTEL PAPER [Repealed].
8.9A. COMMERCIAL CODE - SECURED TRANSACTIONS.
8.10. COMMERCIAL CODE - EFFECTIVE DATE - TRANSITIONAL PROVISIONS.
8.11. 1973 AMENDATORY ACT - EFFECTIVE DATE AND TRANSITION PROVISIONS.
8.12. CONTROLLABLE ELECTRONIC RECORDS.
8.13. 2022 AMENDMENTS - EFFECTIVE DATE AND TRANSITION PROVISIONS.
9. COMMISSIONS, BOARDS AND INSTITUTIONS GENERALLY [Repealed].
9.1. COMMONWEALTH PUBLIC SAFETY.
10. CONSERVATION GENERALLY [Repealed].
10.1. CONSERVATION.
11. CONTRACTS.
12. CORPORATION COMMISSION [Repealed].

12.1. STATE CORPORATION COMMISSION.
13. CORPORATIONS GENERALLY [Repealed].
13.1. CORPORATIONS.
14. COSTS, FEES, SALARIES AND ALLOWANCES [Repealed].
14.1. COSTS, FEES, SALARIES AND ALLOWANCES [Repealed].
15. COUNTIES, CITIES AND TOWNS [Repealed].
15.1. COUNTIES, CITIES AND TOWNS [Repealed].
15.2. COUNTIES, CITIES AND TOWNS.
16. COURTS NOT OF RECORD [Repealed].
16.1. COURTS NOT OF RECORD.
17. COURTS OF RECORD [Repealed].
17.1. COURTS OF RECORD.
18. CRIMES AND OFFENSES GENERALLY [Repealed].
18.1. CRIMES AND OFFENSES GENERALLY [Repealed].
18.2. CRIMES AND OFFENSES GENERALLY.
19. CRIMINAL PROCEDURE [Repealed].
19.1. CRIMINAL PROCEDURE [Repealed].
19.2. CRIMINAL PROCEDURE.
20. DOMESTIC RELATIONS.
21. DRAINAGE, SOIL CONSERVATION, SANITATION AND PUBLIC FACILITIES DISTRICTS.
22. EDUCATION [Repealed].
22.1. EDUCATION.
23. EDUCATIONAL INSTITUTIONS [Repealed].
23.1. INSTITUTIONS OF HIGHER EDUCATION; OTHER EDUCATIONAL AND CULTURAL INSTITUTIONS.
24. ELECTIONS [Repealed].
24.1. ELECTIONS [Repealed].
24.2. ELECTIONS.
25. EMINENT DOMAIN. [Repealed].
25.1. EMINENT DOMAIN.
26. FIDUCIARIES GENERALLY. [Repealed].
27. FIRE PROTECTION.
28. FISH, OYSTERS AND SHELLFISH [Repealed].
28.1. FISH, OYSTERS, SHELLFISH AND OTHER MARINE LIFE [Repealed].
28.2. FISHERIES AND HABITAT OF THE TIDAL WATERS.
29. GAME, INLAND FISHERIES AND DOGS [Repealed].
29.1. GAME, INLAND FISHERIES AND BOATING [Repealed].
29.1 WILDLIFE, INLAND FISHERIES AND BOATING.
30. GENERAL ASSEMBLY.
31. GUARDIAN AND WARD. [Repealed].
32. HEALTH [Repealed].
32.1. HEALTH.
33. HIGHWAYS, BRIDGES AND FERRIES [Repealed].
33.1. HIGHWAYS, BRIDGES AND FERRIES [Repealed].
33.2. HIGHWAYS AND OTHER SURFACE TRANSPORTATION SYSTEMS.
34. HOMESTEAD AND OTHER EXEMPTIONS.
35. HOTELS, RESTAURANTS AND CAMPS [Repealed].
35.1. HOTELS, RESTAURANTS, SUMMER CAMPS, AND CAMPGROUNDS.
36. HOUSING.
37. INSANE, EPILEPTIC, FEEBLE-MINDED AND INEBRIATE PERSONS [Repealed].
37.1. INSTITUTIONS FOR THE MENTALLY ILL; MENTAL HEALTH GENERALLY [Repealed].
37.2 BEHAVIORAL HEALTH AND DEVELOPMENTAL SERVICES.
38. INSURANCE [Repealed].
38.1. INSURANCE [Repealed].
38.2. INSURANCE.
39. JUSTICES OF THE PEACE [Repealed].
39.1. JUSTICES OF THE PEACE [Repealed].
40. LABOR AND EMPLOYMENT [Repealed].
40.1. LABOR AND EMPLOYMENT.
41. LAND OFFICE [Repealed].
41.1. LAND OFFICE.
42. LIBRARIES [Repealed].

42.1. LIBRARIES.
43. MECHANICS' AND CERTAIN OTHER LIENS.
44. MILITARY AND EMERGENCY LAWS.
45. MINES AND MINING [Repealed].
45.1. MINES AND MINING [Repealed].
45.2. MINES, MINERALS, AND ENERGY.
46. MOTOR VEHICLES [Repealed].
46.1. MOTOR VEHICLES [Repealed].
46.2. MOTOR VEHICLES.
47. NOTARIES AND OUT-OF-STATE COMMISSIONERS [Repealed].
47.1. NOTARIES AND OUT-OF-STATE COMMISSIONERS.
48. NUISANCES.
49. OATHS, AFFIRMATIONS AND BONDS.
50. PARTNERSHIPS.
51. PENSIONS AND RETIREMENT [Repealed].
51.01. PERSONS WITH DISABILITIES [Recodified].
51.1. PENSIONS, BENEFITS, AND RETIREMENT.
51.5. PERSONS WITH DISABILITIES.
52. POLICE (STATE).
53. PRISONS AND OTHER METHODS OF CORRECTION [Repealed].
53.1. PRISONS AND OTHER METHODS OF CORRECTION.
54. PROFESSIONS AND OCCUPATIONS [Repealed].
54.1. PROFESSIONS AND OCCUPATIONS.
55. PROPERTY AND CONVEYANCES. [Repealed]
55.1. PROPERTY AND CONVEYANCES.
56. PUBLIC SERVICE COMPANIES.
57. RELIGIOUS AND CHARITABLE MATTERS; CEMETERIES.
58. TAXATION [Repealed].
58.1. TAXATION.
59. TRADE AND COMMERCE [Repealed].
59.1. TRADE AND COMMERCE.
60. UNEMPLOYMENT COMPENSATION [Repealed].
60.1. UNEMPLOYMENT COMPENSATION [Repealed].
60.2. UNEMPLOYMENT COMPENSATION.
61. WAREHOUSES, COLD STORAGE AND REFRIGERATED LOCKER PLANTS [Repealed].
61.1. WAREHOUSES, COLD STORAGE AND REFRIGERATED LOCKER PLANTS.
62. WATERS OF THE STATE, PORTS AND HARBORS [Repealed].
62.1. WATERS OF THE STATE, PORTS AND HARBORS.
63. WELFARE [Repealed].
63.1. WELFARE (SOCIAL SERVICES) [Repealed].
63.2. WELFARE (SOCIAL SERVICES).
64. WILLS AND DECEDENTS' ESTATES [Repealed].
64.1. WILLS AND DECEDENTS' ESTATES [Repealed].
64.2. WILLS, TRUSTS, AND FIDICUARIES.
65. WORKMEN'S COMPENSATION [Repealed].
65.1. WORKERS' COMPENSATION [Repealed].
65.2. WORKERS' COMPENSATION.
66. JUVENILE JUSTICE.
67. VIRGINIA ENERGY PLAN [Repealed].

	BILL OR RES.	NO.	CHAP. NO.	PAGE NO.
ABANDONED MOTOR VEHICLES				
Abandoned vehicles; owner and lienholder information. (Patron–Austin)	HB	845	645	1412
ABBYCAKES				
AbbyCakes; commending. (Patron–Feggans)	HJR	222		2025
ABDUCTION				
Address Confidentiality Program; expands to victims of child abduction. Patron–Cordoza	HB	1146	413	906
ABDUMALAWA, ABDULMONEM				
Tawor, Hassan Abdelrahim, and Abdulmonem Abdumalawa; commending. Patron–Garrett	HR	366		2338
ABSENTEE BALLOTS				
Absentee voting; persons confined awaiting trial or for conviction of a misdemeanor may vote by absentee ballot. (Patron–Ward)	HB	1330	553	1179
ACCESS INDEPENDENCE				
Access Independence; commending. (Patron–Oates)	HR	128		2216
ACCOUNTANTS AND ACCOUNTING				
Accountancy, Board of; powers and duties, definitions, repeals requirement for an annual audit of the Board.				
Patron–Runion	HB	1337	654	1489
Patron–Hackworth	SB	463	677	1544
ADMINISTRATION OF GOVERNMENT				
Accountancy, Board of; powers and duties, definitions, repeals requirement for an annual audit of the Board.				
Patron–Runion	HB	1337	654	1489
Patron–Hackworth	SB	463	677	1544
Address Confidentiality Program; expands to victims of child abduction.				
Patron–Cordoza	HB	1146	413	906
Administrative Process Act; exempts certain rules of the Virginia Workers' Compensation Commission. (Patron–Kilgore)	HB	1418	559	1188
Artificial intelligence by public bodies; Joint Commission on Technology and Science, et al., to examine use, creation of Commission on Artificial Intelligence, report. (Patron–Aird)	SB	487	678	1553
Capital outlay plan; repeals existing six-year capital outlay for projects to be funded.				
Patron–Torian	HB	715	205	452
Patron–Deeds	SB	585	252	637
Chief Resilience Officer of the Commonwealth; created within Office of Governor, duties, Advisory Review Committee to assist in distribution of loans and grants, etc., report. (Patron–Hernandez)	HB	1458	753	1694
Children's residential facility; Office of the Children's Ombudsman authorized to request that Department of Social Services, et al., grant access and provide consent to interview children in foster care who are the subject of or the complainant in an investigation. (Patron–Gardner)	HB	317	280	710
Commonwealth information security; definitions, requirements. (Patron–McGuire)	SB	222	503	1086
Data Governance and Analytics, Office of; reciprocal data-sharing agreements, veteran-specific data. (Patron–Glass)	HB	589	292	729
Energy, Department of; building standards for certain local buildings, technical assistance to localities.				
Patron–Helmer	HB	151	687	1577
Patron–McPike	SB	245	706	1630
Federally recognized Tribal Nations in the Commonwealth; policies for consultation, various agencies to consult with Nations when evaluating permits and reviews with potential impacts on environmental, cultural, and historic resources.				
Patron–Krizek	HB	1157	830	1877
Fort Monroe Authority; land and utility ownership validly vested, land records of the City of Hampton, etc.				
Patron–Cordoza	HB	1139	115	281
Patron–Locke	SB	90	35	60

	BILL OR RES.	NO.	CHAP. NO.	PAGE NO.
ADMINISTRATION OF GOVERNMENT - Continued				
Fort Monroe Authority; renames the executive director of the Authority as the chief executive officer.				
Patron–Cordoza	HB	1138	114	279
Patron–Locke	SB	89	34	58
Hate crimes and discrimination; ethnic animosity, nondiscrimination in places of public accommodation and employment, penalties.				
Patron–Helmer	HB	18	266	684
Patron–Reeves	SB	7	334	784
Henrietta Lacks Commission; changes sunset date. (Patron–Price)	HB	613	297	736
Home care services; Department of Medical Assistance Services shall annually publish on its website average hourly payment rates. (Patron–Cole)	HB	1423	484	1041
Housing and Community Development, Department of; translation of certain forms and documents posted on its website into five non-English languages, etc.				
Patron–Tran	HB	1487	332	783
Human trafficking; attorneys for the Commonwealth to establish multidisciplinary response teams. (Patron–Simonds)	HB	581	366	839
Investigators; powers, enforcement of certain tobacco laws. (Patron–Wilt)	HB	1018	540	1160
Investment of Public Funds Act; investment of funds in asset-backed securities, etc.				
Patron–Fowler	HB	356	65	160
Patron–Stanley	SB	510	66	160
Medical Assistance Services, Department of; creates a process by which a lien in favor of the Department on a claim for personal injuries may be satisfied, report, effective date. (Patron–Simon)	HB	315	807	1820
Medical cannabis program; product expiration, confidentiality of reports, etc., penalty. (Patron–Cherry)	HB	815	732	1655
Naloxone or other opioid antagonists; possession and administration by state agencies, guidelines for private employer, report. (Patron–Hope)	HB	342	440	942
1915(c) Home and Community Based Services Medicaid Waivers; Department of Medical Assistance Services and Department of Behavioral Health and Developmental Services shall seek federal authority to modify program rules, respite services.				
Patron–Shin	HB	909	646	1413
Patron–Aird	SB	488	679	1553
1915(c) Home and Community-Based Services Medicaid Waivers; state plan amendments, program rule modifications. (Patron–Cole)	HB	1318	551	1176
Quitclaim and release property rights; Department of Conservation and Recreation to release property rights related to a portion of real estate owned by Department related to an offsite ingress and egress easement serving Biscuit Run Property in Albemarle County. (Patron–Callsen)	HB	778	453	977
Rural Virginia, Center for; renames Center the Senator Frank M. Ruff, Jr. Center for Rural Virginia.				
Patron–Runion	HB	1381	132	305
Patron–Mulchi	SB	704	133	307
Six-year financial plan; modifies requirements for plans submitted by Governor to General Assembly, plan shall ensure a structural balance between projected revenues.				
Patron–Torian	HB	712	203	451
Patron–McDougle	SB	399	238	580
Small SWaM Business Procurement Enhancement Program; established, definitions, report, effective clause, disparity study. (Patron–Ward)	HB	1404	834	1889
State agencies and their appointing authorities; duties, diversity, equity, and inclusion strategic plans. (Patron–Askew)	HB	1452	659	1509
Surplus technological equipment; Department of General Services to establish procedures for disposition of materials. (Patron–Maldonado)	HB	728	47	107
Virginia Business Ready Expedited Permitting Program; definitions, created, report.				
Patron–Carr	HB	1125	471	1029
Patron–Locke	SB	217	501	1073
Virginia College Savings Plan; renamed Commonwealth Savers Plan. (Patron–Carr)	HB	1133	217	472

	BILL OR RES.	NO.	CHAP. NO.	PAGE NO.
ADMINISTRATION OF GOVERNMENT - Continued				
Virginia Economic Development Partnership Authority; eligible site for site development grant, Authority may determine a site of at least 50 contiguous acres to be an eligible site, etc.				
Patron–Campbell	HB	233	378	872
Patron–Head	SB	135	379	873
Virginia Freedom of Information Act; amends definition of meeting, clarifies the term "public business," provisions of this act are declarative of existing law.				
Patron–Cherry	HB	818	733	1660
Patron–Locke	SB	36	756	1704
Virginia Freedom of Information Act; amends the number of all-virtual public meetings that public bodies may convene in a calendar year.				
Patron–Bennett-Parker	HB	894	56	134
Patron–Marsden	SB	734	129	301
Virginia Freedom of Information Act; charges for production of public records, report. (Patron–Roem)	SB	324	669	1526
Virginia Freedom of Information Act; definition of "caregiver," remote participation in meetings by persons with disabilities and caregivers, time of meeting preventing attendance, remote voting.				
Patron–Bennett-Parker	HB	1040	610	1286
Patron–Favola	SB	85	617	1294
Virginia Freedom of Information Act; exclusions from mandatory disclosure, purchase card statement. (Patron–Salim)	SB	340	671	1535
Virginia Freedom of Information Act; exemption for complainant personal contact information. (Patron–Cherry)	HB	1412	64	158
Virginia Freedom of Information Act; release of criminal investigative files exception. (Patron–Diggs)	SB	204	580	1219
Virginia Freedom of Information Act; removal of Virginia residency requirement for access to certain criminal investigation files. (Patron–Perry)	SB	215	582	1221
Virginia Growth and Opportunity Board; increases membership, certain provisions expire on July 1, 2028. (Patron–Austin)	HB	237	276	703
Virginia Growth and Opportunity Board; increases membership, Virginia investment performance grants, Virginia economic development incentive grants, certain provisions expire on July 1, 2028, aggregate amount of grants payable in a fiscal year. (Patron–Carroll Foy)	SB	496	624	1358
Virginia Health Workforce Development Authority; powers and duties, Virginia Health Care Career and Technical Training and Education Fund created, definitions, licensure of psychological practitioners, etc. (Patron–Head)	SB	155	761	1707
Virginia Human Rights Act; complaint or charge of discrimination, right to file civil action. (Patron–Herring)	HB	782	819	1838
Virginia Human Rights Act; right to sue, procedures for a change of unlawful discrimination, civil actions. (Patron–Perry)	SB	350	784	1764
Virginia Investment Performance Grant; for the purpose of any Grant award determination that includes a job creation requirement, the manufacturer or research and development service shall pay an average wage, etc. (Patron–Carr)	HB	1457	563	1194
Virginia Longitudinal Data System and Virginia Workforce Data Trust; Secretary of Education shall convene a work group to review current capabilities and future needs, etc., report. (Patron–Coyner)	HB	1083	410	904
Virginia Public Procurement Act; all local public bodies shall provide option to submit bids or proposals through eVA or other electronic means. (Patron–Hope)	HB	311	438	931
Virginia Public Procurement Act; competitive negotiation, exceptions to contractual terms or conditions including any liability provisions contained in the Request for Proposal in writing at time of responding to such Proposal if so requested by the public body.				
Patron–Bulova	HB	242	688	1579
Patron–McPike	SB	242	705	1629
Virginia Public Procurement Act; construction management or design-build contracts for local and state public bodies and covered institutions, report.				
Patron–Carr	HB	1108	469	1021
Patron–Locke	SB	18	490	1046
Virginia Public Procurement Act; job order contracting, limitations. (Patron–Carr)	HB	1113	60	137

	BILL OR RES.	NO.	CHAP. NO.	PAGE NO.
ADMINISTRATION OF GOVERNMENT - Continued				
Virginia Public Procurement Act; methods of procurement, certain construction projects. (Patron–Carr)	HB	1116	544	1163
Virginia Public Procurement Act; preference for goods produced in Virginia, United States, and Virginia resident bidders, sunset date, report.				
Patron–Feggans	HB	1361	749	1688
Patron–DeSteph	SB	260	782	1759
Virginia Tourism Authority; powers, historically accurate advertising. (Patron–Mundon King)	HB	814	531	1153
Workforce Development and Advancement, Department of; changes title of Director to Commissioner of the Department of Workforce Development and Advancement. (Patron–Suetterlein)	SB	436	507	1102
ADMINISTRATIVE PROCESS ACT				
Administrative Process Act; exempts certain rules of the Virginia Workers' Compensation Commission. (Patron–Kilgore)	HB	1418	559	1188
ADOPTION				
Adoption; award of damages, death by wrongful act, provisions shall apply to any adoption finalized on or after July 1, 2024.				
Patron–Reid	HB	140	69	168
Patron–Perry	SB	209	70	169
Adoption; prospective adoptive parent, parental placement and agency adoptions, discharge of newborn infant. (Patron–Herring)	HB	783	90	184
Certain individuals in foster care, in the custody of the Department of Social Services, or considered a special-needs adoption; parameters of higher education grants, point of contact for support and guidance. (Patron–Tata)	HB	700	449	963
Vital records; State Registrar to expedite issuance of new birth certificate upon receipt of adoption records with notice that at least one adoptive parent is an active duty or retired member of the military or military reserves, etc.				
Patron–Coyner	HB	649	45	105
Patron–Roem	SB	325	119	286
ADULTS, HOMES AND SERVICES FOR				
Adult day care centers; name changes to adult day centers throughout the Code.				
Patron–Willett	HB	1498	150	337
Patron–Craig	SB	173	37	62
AFFIDAVITS				
Foreclosure procedures; subordinate mortgage, affidavit required, certain provisions shall not apply to subordinate lienholders who are either the original creditor, federal or state chartered credit union, etc. (Patron–Simon)	HB	184	803	1810
AFFORDABLE HOUSING				
Affordable and inclusive housing; Commissioner of Department of Behavioral Health and Developmental Services to develop a plan to ensure people with disabilities have an opportunity to access. (Patron–Feggans)	HB	327	721	1646
AGING AND REHABILITATIVE SERVICES, DEPARTMENT FOR				
Online transition resources; Department for Aging and Rehabilitative Services, et al., to ensure dissemination and availability to all individuals, etc. (Patron–Favola)	SB	51	573	1205
AGRICULTURE, ANIMAL CARE AND FOOD				
Agricultural best management practices; extends sunset date of individual and corporate income tax credits. (Patron–French)	SB	297	233	573
Agricultural best management practices and agricultural equipment purchase; extends sunset date for individual and corporate income tax credits. (Patron–Wilt)	HB	1015	212	464
Cruelty to animals; possession and ownership of companion or equine animals by persons convicted of felony or misdemeanor, violation of any prohibition or restriction imposed by sentencing court is a Class 1 misdemeanor, etc., person may petition the court for restoration of rights after five years from date of conviction.				
Patron–Orrock	HB	223	179	417
Patron–Favola	SB	11	489	1045
Cruelty to elephants; pain-inflicting training tools prohibited, civil penalty.				
Patron–Tran	HB	1531	333	783
Dangerous dog; extending the time for adjudication. (Patron–Rasoul)	HB	804	145	326
Dog or cat; financing prohibited unless complies with certain provisions and any other law related to consumer credit. (Patron–Orrock)	HB	330	382	875

	BILL OR RES.	NO.	CHAP. NO.	PAGE NO.
AGRICULTURE, ANIMAL CARE AND FOOD - Continued				
Farmland Preservation, Office of; transfers Office to Department of Forestry, renamed Office of Working Lands Preservation, report.				
Patron–Bulova	HB	892	146	328
Patron–Pillion	SB	616	10	13
Food inspections; removes the $3,000 gross sales annual revenue cap for sales of pickles and other acidified vegetables that are processed and prepared in a private home without an inspection, prohibits resident selling certain food product from advertising product on the Internet. (Patron–Freitas)	HB	759	131	304
License tax; locality allowed by ordinance to exempt any dog that served as a police or law-enforcement or military working dog from tax on ownership, ordinance shall include a verification process for vaccination records. (Patron–Ballard)	HB	299	187	424
Local animal cruelty registries; any locality may establish, organize, and maintain a computerized registry as a database of information, etc.				
Patron–Campbell	HB	62	712	1636
Patron–Stanley	SB	93	758	1706
Pesticide control exemptions; herbicide applications by unpaid volunteers.				
Patron–Bulova	HB	320	720	1645
Potato Board; reduces membership. (Patron–Bloxom)	HB	1399	223	514
Rabies clinics; animal vaccination and microchip services. (Patron–Boysko)	SB	412	241	582
Soybean Board; assessment from sale of soybeans. (Patron–Webert)	HB	1377	149	336
Transparency in Publicly Funded Animal Testing Facilities, Task Force on; Department of Agriculture and Consumer Services, et al., shall convene for purpose of identifying potential deficiencies in publicly funded animal testing facilities, report.				
Patron–Simonds	HB	580	693	1596
Patron–Boysko	SB	411	675	1542
Virginia Verified Meat; certification, labeling of product. (Patron–Webert)	HB	1460	420	912
AIRCRAFT AND AIRPORTS				
Aircraft; an airport has a lien on an abandoned or derelict aircraft on its property for all fees and charges for the use of the airport. (Patron–Williams)	HB	446	810	1821
ALBEMARLE COUNTY				
Quitclaim and release property rights; Department of Conservation and Recreation to release property rights related to a portion of real estate owned by Department related to an offsite ingress and egress easement serving Biscuit Run Property in Albemarle County. (Patron–Callsen)	HB	778	453	977
ALCOHOLIC BEVERAGE AND CANNABIS CONTROL				
Alcoholic beverage control; Board of Directors of the Virginia Alcoholic Beverage Control Authority to promulgate regulations that prescribe the terms and conditions under which manufacturers, etc., may advertise and promote alcoholic beverages via Internet, social media, etc.				
Patron–Krizek	HB	522	139	313
Patron–Rouse	SB	182	38	94
Alcoholic beverage control; definitions, annual mixed beverage performing arts facility and sports facility licenses, on-and-off premises wine and beer licenses, sunset provision.				
Patron–Krizek	HB	1349	111	250
Patron–DeSteph	SB	180	619	1297
Patron–Deeds	SB	400	622	1330
Patron–Reeves	SB	657	255	640
Patron–Stanley	SB	724	627	1365
Alcoholic beverage control; prohibition on drinking or offering to another an alcoholic beverage in public shall not apply when such acts are conducted on the premises of a campground located on private property. (Patron–Stanley)	SB	26	492	1051
Alcoholic beverage control; sale and delivery of mixed beverages and pre-mixed wine for off-premises consumption, third-party delivery license, repeals sunset, etc.				
Patron–Leftwich	HB	688	105	217
Patron–Rouse	SB	635	159	378
Alcoholic beverage control; summary suspension, timeline. (Patron–Reeves)	SB	658	256	668
Investigators; powers, enforcement of certain tobacco laws. (Patron–Wilt)	HB	1018	540	1160

	BILL OR RES.	NO.	CHAP. NO.	PAGE NO.
ALCOHOLIC BEVERAGE AND CANNABIS CONTROL - Continued				
Medical cannabis program; product expiration, confidentiality of reports, etc., penalty. (Patron–Cherry)	HB	815	732	1655
ALEXANDER, KWAME				
Alexander, Kwame; commending. (Patron–Hayes)	HJR	404		2131
ALEXANDRIA CITY HIGH SCHOOL				
Alexandria City High School Theatre program; commending. (Patron–Lopez)	HJR	385		2121
ALEXANDRIA, CITY OF				
Alexandria, City of; commemorating its 275th anniversary. (Patron–Ebbin)	SJR	81		2452
Alexandria City Public Schools' recipients of The Posse Foundation and QuestBridge scholarships; commending. (Patron–Lopez)	HJR	313		2079
ALEXANDRIA COMMISSION FOR WOMEN				
Alexandria Commission for Women; commemorating its 50th anniversary. Patron–Herring	HJR	368		2111
ALEXANDRIA LIBRARY SIT-IN				
Alexandria Library sit-in; commemorating the legacy of the sit-in on the occasion of its 85th anniversary.				
Patron–Herring	HJR	345		2098
Patron–Ebbin	SJR	207		2526
ALI, ELOGIEN I.				
Ali, Elogien I.; commending. (Patron–Tran)	HR	374		2342
ALL DULLES AREA MUSLIM SOCIETY COMPASSIONATE HEALTHCARE NETWORK				
All Dulles Area Muslim Society Compassionate Healthcare Network; commemorating its 10th anniversary. (Patron–Srinivasan)	HR	427		2367
ALL-TERRAIN VEHICLES (ATVS)				
All-terrain vehicles and off-road motorcycles; local governing body of any city may provide by ordinance for the lawful seizure, impounding, and disposition of an unlawfully operated vehicle or motorcycle operated on a highway or sidewalk within such city.				
Patron–Ward	HB	234	436	929
Patron–Williams Graves	SB	516	510	1108
ALLARD, TERRI				
Allard, Terri; commending. (Patron–Callsen)	HR	434		2370
ALLISON, BOYD T., JR.				
Allison, Boyd T., Jr.; commending. (Patron–Sturtevant)	SR	97		2614
ALPHA BREAST CANCER SUPPORT SERVICE				
Alpha Breast Cancer Support Service; commemorating its 10th anniversary. Patron–Thomas	HR	178		2243
ALPHA KAPPA ALPHA SORORITY, INCORPORATED ®, LAMBDA OMEGA CHAPTER				
Alpha Kappa Alpha Sorority, Incorporated ®, Lambda Omega Chapter; commemorating its 90th anniversary. (Patron–Price)	HJR	407		2132
ALPHA KAPPA ALPHA SORORITY, INC., OMICRON CHI OMEGA CHAPTER OF				
Alpha Kappa Alpha Sorority, Inc., Omicron Chi Omega Chapter of; commending. Patron–Carroll Foy	SR	57		2591
ALPHA KAPPA ALPHA SORORITY, INC., ZETA EPSILON OMEGA CHAPTER OF				
Alpha Kappa Alpha Sorority, Inc., Zeta Epsilon Omega Chapter of; commemorating its 70th anniversary. (Patron–Clark)	HR	354		2331
ALZHEIMER'S DISEASE				
Alzheimer's disease and dementia; training for dispatchers, firefighters, and emergency medical personnel. (Patron–LeVere Bolling)	HB	933	698	1607
AMAZON'S METROPOLITAN PARK				
Amazon's Metropolitan Park (HQ2); commending. (Patron–Shin)	HJR	393		2125
ANCIENT FREE AND ACCEPTED MASONS, LAFAYETTE LODGE NO. 137 OF THE				
Ancient Free and Accepted Masons, Lafayette Lodge No. 137 of the; commemorating its 200th anniversary. (Patron–Gilbert)	HJR	141		1979
ANDERSON, ALBERTA MAY				
Anderson, Alberta May; recording sorrow upon death. (Patron–McQuinn)	HR	159		2233
ANDERSON, JOANNA				
Anderson, Joanna; commending. (Patron–Bennett-Parker)	HJR	156		1988

	BILL OR RES.	NO.	CHAP. NO.	PAGE NO.
ANDERSON, LOUIS, JR.				
Anderson, Louis, Jr.; recording sorrow upon death. (Patron–Hashmi)	SR	74		2600
ANNA SUDHA COMMUNITY KITCHENS				
Anna Sudha Community Kitchens; commending. (Patron–Srinivasan)	HR	133		2218
ANNANDALE HIGH SCHOOL				
Annandale High School; commemorating its 70th anniversary. (Patron–Watts)	HJR	372		2114
ANTIOCH BAPTIST CHURCH				
Antioch Baptist Church; commemorating its 35th anniversary. (Patron–Helmer)	HR	410		2358
APPOINTMENTS				
Governor; confirming appointments.				
Patron–Rouse	SJR	31		2392
Patron–Rouse	SJR	32		2400
Patron–Rouse	SJR	33		2411
Patron–Rouse	SJR	34		2416
Patron–Rouse	SJR	36		2421
Patron–Rouse	SJR	82		2452
Governor; confirming appointments and reconfirming appointment of Director of Department of Wildlife Resources. (Patron–Rouse)	SJR	64		2442
Rules, Joint Committee on, and the Speaker of the House of Delegates; confirming various appointments. (Patron–Herring)	HJR	402		2130
APPROPRIATIONS				
Abuse and neglect of children; causing or enabling child to gain possession of a firearm, penalty.				
Patron–Willett	HB	36	161	402
Patron–VanValkenburg	SB	44	162	404
Auto sears and trigger activators; prohibition on manufacture, importation, sale, etc., forfeiture of weapons that are concealed, etc., in violation of law, penalty.				
Patron–Jones	HB	22	163	406
Patron–Perry	SB	210	164	407
Carnal knowledge and sexual battery; persons detained or arrested by a law-enforcement officer, definition of confidential informant, pretrial defendants or post-trial offenders, penalty. (Patron–Perry)	SB	394	592	1241
Child pornography; production, publication, sale, financing, etc., penalty.				
Patron–Durant	SB	731	262	679
Controlled substances; manufacturing, selling, giving, distributing, etc., adulterated or misbranded drugs, prohibited equipment, penalties. (Patron–Obenshain)	SB	469	371	865
Elections; protection of election officials, intimidation and threats, penalty, definitions.				
Patron–Ebbin	SB	364	787	1766
Family or household member; clarifies definition, penalty. (Patron–Hope)	HB	172	273	699
Firearm; removing, altering, selling, etc., or possessing with removed, etc., serial number, penalties. (Patron–Ebbin)	SB	363	786	1766
Forced labor or service; civil action for trafficking, penalties. (Patron–Cherry)	HB	633	368	862
Hate crimes and discrimination; ethnic animosity, nondiscrimination in places of public accommodation and employment, penalties.				
Patron–Helmer	HB	18	266	684
Patron–Reeves	SB	7	334	784
Virginia Gaming Commission, Joint Subcommittee studying feasibility of establishing; continued. (Patron–Krizek)	HJR	10		1923
Xylazine; penalty for manufacturing, selling, etc., for human consumption.				
Patron–Hodges	HB	1187	472	1030
Patron–Pillion	SB	614	516	1124
ARCHITECTS				
Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects, Board for; quorum and signature requirements, sunset date. (Patron–Owen)	HB	350	383	875
ARCI ARCHITECTS				
ARCI Architects; commending. (Patron–Green)	HR	35		2171
ARLINGTON CHAMBER OF COMMERCE				
Arlington Chamber of Commerce; commemorating its 100th anniversary.				
Patron–Ebbin	SJR	110		2469

	BILL OR RES.	NO.	CHAP. NO.	PAGE NO.
ARLINGTON FREE CLINIC				
Arlington Free Clinic; commemorating its 30th anniversary. (Patron–Hope)	HJR	246		2040
ARLINGTON HEIGHTS CIVIC ASSOCIATION				
Arlington Heights Civic Association and Bibury Parish Council; commending. Patron–Lopez	HR	171		2240
ARLINGTON PUBLIC SCHOOLS				
Arlington Public Schools' recipients of the Amazon Future Engineer Scholarship; commending. (Patron–Lopez)	HJR	386		2121
Arlington Public Schools' recipients of The Posse Foundation and QuestBridge scholarships; commending. (Patron–Lopez)	HJR	252		2043
ARMED FORCES				
Constitutional amendment; expands real property tax exemption for surviving spouses of soldiers who died in the line of duty (second reference), Chapter 739, 2023 Acts (first reference).				
Patron–Tran	HJR	45	777	1735
Patron–McPike	SJR	3	778	1735
Constitutional amendment; expands real property tax exemption for surviving spouses of soldiers who died in the line of duty (submitting to qualified voters).				
Patron–Hernandez	HB	558	394	890
Patron–McPike	SB	4	395	891
License plates, special; issuance to certain active duty members, honorably discharged veterans, and retirees from the United States Air Force. (Patron–Cherry)	HB	380	188	424
Property tax; exemption for surviving spouses of armed forces members who died in the line of duty. (Patron–McPike)	SB	240	583	1223
Service members; active-duty status for any member injured while in the line of duty.				
Patron–Fowler	HB	1513	226	555
Space Force; clarifies definition of "military medical personnel," extension of certain benefits and privileges for persons serving in a branch of the Armed Forces.				
Patron–Sewell	HB	738	817	1827
Virginia Residential Landlord and Tenant Act; early termination for military personnel, stop movement order.				
Patron–Glass	HB	352	28	43
Patron–Perry	SB	213	154	373
Virginia Retirement System; allows members of the System to purchase service credit for prior full-time active duty military service, etc.				
Patron–Bulova	HB	70	267	689
Patron–Marsden	SB	458	353	818
Vital records; State Registrar to expedite issuance of new birth certificate upon receipt of adoption records with notice that at least one adoptive parent is an active duty or retired member of the military or military reserves, etc.				
Patron–Coyner	HB	649	45	105
Patron–Roem	SB	325	119	286
ARMY NAVY COUNTRY CLUB				
Army Navy Country Club; commemorating its 100th anniversary. (Patron–Sullivan)	HJR	70		1940
ARREST				
Civilian deaths in custody; every law-enforcement agency and state or juvenile correctional facility shall report to the Department of Criminal Justice Services and every local or regional adult correctional facility shall report to State Board of Local and Regional Jails certain information regarding death of any person who is detained, under arrest, or in the process of being arrested, etc., annual report. (Patron–Price)	HB	611	813	1824
ARTSLIVE!				
ArtsLIVE!; commemorating its 35th anniversary. (Patron–Durant)	SJR	206		2526
ASBESTOS				
Asbestos and lead project permit; usage of licensing fees. (Patron–Higgins)	HB	1215	473	1030
Asbestos, Lead, and Home Inspectors, Virginia Board for; removes responsibility of Board to promulgate regulations concerning dust sampling technicians, renovators, and accredited renovation training programs.				
Patron–Owen	HB	1005	93	190
Patron–Hackworth	SB	560	94	194

	BILL OR RES.	NO.	CHAP. NO.	PAGE NO.
ASHA-JYOTHI				
Asha-Jyothi; commending. (Patron–Pekarsky)	SR	163		2646
ASHWORTH, ANTOINETTE OWENS				
Ashworth, Antoinette Owens; recording sorrow upon death. (Patron–Locke)	SR	185		2657
ASHWORTH, JAMES G., JR.				
Ashworth, James G., Jr.; commending. (Patron–Hodges)	HJR	122		1968
ASK CHILDHOOD CANCER FOUNDATION				
ASK Childhood Cancer Foundation; commending.				
Patron–Rasoul	HJR	120		1967
Patron–Williams Graves	SJR	101		2464
ASSESSMENTS				
Orange County; authorization to establish a department of real estate assessment and to enter into an agreement with a contiguous county or city to establish a joint department of real estate assessment. (Patron–Reeves)	SB	9	570	1203
ASSISTED LIVING FACILITIES				
Out-of-state health care practitioners; temporary authorization to practice in assisted living facilities. (Patron–Cohen)	HB	511	390	878
ASSOCIATED GENERAL CONTRACTORS OF VIRGINIA				
Associated General Contractors of Virginia; commemorating its 100th anniversary.				
Patron–Runion	HR	29		2168
AUBURN HIGH SCHOOL				
Auburn High School girls' volleyball team; commending. (Patron–Hackworth)	SJR	84		2455
AUDITOR OF PUBLIC ACCOUNTS				
Local fiscal distress; determination by Auditor of Public Accounts, state intervention, powers and duties of Commission on Local Government. (Patron–Aird)	SB	645	426	914
AUGUSTA HEALTH				
Augusta Health; commemorating its 30th anniversary. (Patron–Runion)	HJR	126		1971
AUTHORITIES				
Advanced Learning and Research, Institute for; powers and duties, specialized noncredit workforce training, Roanoke Higher Education Authority, powers of board.				
Patron–Marshall	HB	1357	220	509
Alcoholic beverage control; Board of Directors of the Virginia Alcoholic Beverage Control Authority to promulgate regulations that prescribe the terms and conditions under which manufacturers, etc., may advertise and promote alcoholic beverages via Internet, social media, etc.				
Patron–Krizek	HB	522	139	313
Patron–Rouse	SB	182	38	94
Chesapeake Bay Public Access Authorities; singular license for waterfowl blinds, Department shall develop fee schedule for such license. (Patron–Hodges)	HB	1058	213	468
Economic Development Authority; board of supervisors of Craig County may appoint one of its members to the Authority. (Patron–Head)	SB	134	75	173
Fort Monroe Authority; land and utility ownership validly vested, land records of the City of Hampton, etc.				
Patron–Cordoza	HB	1139	115	281
Patron–Locke	SB	90	35	60
Fort Monroe Authority; renames the executive director of the Authority as the chief executive officer.				
Patron–Cordoza	HB	1138	114	279
Patron–Locke	SB	89	34	58
Northern Virginia Transportation Authority; technical advisory committee appointed by Authority. (Patron–Boysko)	SB	158	618	1297
Public transit systems; joint subcommittee to study long-term, sustainable, dedicated operations and capital funding as well as cost-containment controls and strategies to ensure Washington Metropolitan Area Transit Authority, Virginia Railway Express, et al., meet growing needs. (Patron–Ebbin)	SJR	28		2389

	BILL OR RES.	NO.	CHAP. NO.	PAGE NO.
AUTHORITIES - Continued				
Russell County Industrial Development Authority; board of supervisors may appoint members to its authority, which shall consist of two members from the governing body of a town.				
Patron–O'Quinn	HB	1410	483	1040
Patron–Pillion	SB	727	520	1134
Town of Leesburg Parking Authority; created. (Patron–Martinez)	HB	5	265	680
Virginia Economic Development Partnership Authority; eligible site for site development grant, Authority may determine a site of at least 50 contiguous acres to be an eligible site, etc.				
Patron–Campbell	HB	233	378	872
Patron–Head	SB	135	379	873
Virginia Employment Commission; provision of certain confidential information to Virginia Port Authority. (Patron–Wyatt)	HB	1103	215	470
Virginia Health Workforce Development Authority; powers and duties, Virginia Health Care Career and Technical Training and Education Fund created, definitions, licensure of psychological practitioners, etc.				
Patron–Willett	HB	1499	754	1699
Patron–Head	SB	155	761	1707
Virginia Passenger Rail Authority; exempts railway tunnels and bridges owned by Authority from Uniform Statewide Building Code and Statewide Fire Prevention Code Act. (Patron–Austin)	HB	1425	78	175
Virginia Tourism Authority; powers, historically accurate advertising.				
Patron–Mundon King	HB	814	531	1153
AUTISM				
Autism Advisory Council; reestablished, report, sunset date. (Patron–Pekarsky)	SB	389	708	1632
Civil commitments and temporary detention orders; behaviors or symptoms that manifest from neurocognitive disorders and neurodevelopmental disabilities, including a developmental or intellectual disability, such as autism spectrum disorder, Secretary of Health and Human Resources to evaluate placements for certain individuals, report.				
Patron–Watts	HB	888	696	1600
Patron–Favola	SB	176	579	1214
Law-enforcement training; compulsory minimum and in-service training standards on communicating with individuals with an intellectual or developmental disability such as autism spectrum disorder.				
Patron–Willett	HB	1246	742	1672
Patron–Bagby	SB	547	773	1728
AVIATION				
Aircraft; an airport has a lien on an abandoned or derelict aircraft on its property for all fees and charges for the use of the airport. (Patron–Williams)	HB	446	810	1821
AYANA'S HOPE CELLS				
Ayana's Hope Cells; commending. (Patron–Clark)	HR	384		2346
AZAR'S MEDITERRANEAN SPECIALTIES				
Azar's Mediterranean Specialties; commending. (Patron–Feggans)	HR	302		2307
BAGNERISE, JOANN S.M.				
Bagnerise, Joann S.M.; commending. (Patron–Carroll Foy)	SR	59		2592
BAKER, JACKIE				
Baker, Jackie; commending. (Patron–Glass)	HR	141		2224
BALL, TREVOR C.				
Ball, Trevor C.; commending. (Patron–Ennis)	HR	221		2265
BALLARD, CHARLES CAMERON				
Ballard, Charles Cameron; recording sorrow upon death. (Patron–Obenshain)	SR	112		2622
BALLARD, LANNIE DAVIS				
Ballard, Lannie Davis; recording sorrow upon death. (Patron–Hope)	HJR	243		2037
BALUTIS, MIRIAM ZOGBY				
Balutis, Miriam Zogby; recording sorrow upon death. (Patron–Hope)	HJR	238		2035

	BILL OR RES.	NO.	CHAP. NO.	PAGE NO.
BANDY, HELEN DELORES				
Bandy, Helen Delores; recording sorrow upon death.				
Patron–Ward	HR	272		2291
Patron–Locke	SJR	53		2436
BAPS SHRI SWAMINARAYAN MANDIR				
BAPS Shri Swaminarayan Mandir; commending. (Patron–Srinivasan)	HR	417		2362
BARNES, EDWIN L.				
Barnes, Edwin L.; recording sorrow upon death. (Patron–Hackworth)	SR	96		2613
BARNETT, JAMES E.				
Barnett, James E.; commending. (Patron–Green)	HJR	106		1960
BARRICK, MARK				
Barrick, Mark; commending. (Patron–Hodges)	HJR	142		1980
BARTON, RICHARD ALAN				
Barton, Richard Alan; recording sorrow upon death. (Patron–Hope)	HJR	245		2039
BATH COUNTY				
Bath County Fair Association, Inc.; commemorating its 10th anniversary.				
Patron–Obenshain	SJR	100		2464
BAUER, LULA				
Bauer, Lula; commending. (Patron–Surovell)	SJR	228		2539
BAYS, MAKAYLA				
Bays, Makayla; commending.				
Patron–Kilgore	HR	60		2182
Patron–Pillion	SR	146		2638
BEARS				
Deer, bear, turkey, or elk; claiming after struck by motor vehicle. (Patron–Wilt)	HB	1025	83	179
BECKER, DAVE				
Becker, Dave; commending. (Patron–Reid)	HR	235		2272
BEER				
Alcoholic beverage control; definitions, annual mixed beverage performing arts facility and sports facility licenses, on-and-off premises wine and beer licenses, sunset provision.				
Patron–Krizek	HB	1349	111	250
Patron–DeSteph	SB	180	619	1297
Patron–Deeds	SB	400	622	1330
Patron–Reeves	SB	657	255	640
Patron–Stanley	SB	724	627	1365
BEER, EMILY				
Beer, Emily; recording sorrow upon death.				
Patron–Herring	HJR	287		2063
Patron–Bagby	SJR	218		2533
BEHAVIORAL HEALTH AND DEVELOPMENTAL SERVICES				
Affordable and inclusive housing; Commissioner of Department of Behavioral Health and Developmental Services to develop a plan to ensure people with disabilities have an opportunity to access. (Patron–Feggans)	HB	327	721	1646
Barrier crimes; adult substance abuse and mental health services, hiring person who was convicted of certain misdemeanor violation, etc., exception.				
Patron–Price	HB	1269	651	1431
Patron–Pillion	SB	626	683	1562
Behavioral Health Commission; changes composition of membership.				
Patron–Rasoul	HB	807	456	982
Patron–Favola	SB	125	496	1068
Behavioral Health Commission; Commission shall study how to effectively align current civil admissions laws and processes with new behavioral health and crisis response services and resources. (Patron–Deeds)	SB	574	601	1271
Behavioral health technicians and technician assistants and qualified mental health professionals and trainees; definitions, scope of practice, supervision, and qualifications, Department of Behavioral Health and Developmental Services shall promulgate regulations that align with those adopted by Board of Counseling, etc.				
Patron–Durant	SB	403	595	1255

	BILL OR RES.	NO.	CHAP. NO.	PAGE NO.
BEHAVIORAL HEALTH AND DEVELOPMENTAL SERVICES - Continued				
Civil commitments and temporary detention orders; behaviors or symptoms that manifest from neurocognitive disorders and neurodevelopmental disabilities, including a developmental or intellectual disability, such as autism spectrum disorder, Secretary of Health and Human Resources to evaluate placements for certain individuals, report.				
Patron–Watts	HB	888	696	1600
Patron–Favola	SB	176	579	1214
Crisis receiving centers and crisis stabilization units; State Board of Behavioral Health and Developmental Services shall amend its regulations to ensure that its licensing and human rights regulations support high-quality crisis services, safe use of seclusion, report. (Patron–Deeds)	SB	569	795	1788
Crisis stabilization services; facilities licensed by Department of Behavioral Health and Developmental Services, nursing homes, remote dispensing systems, and administration of drugs.				
Patron–Sickles	HB	1336	63	152
Patron–Deeds	SB	568	513	1113
Emergency custody and temporary detention orders; evaluations, presence of others.				
Patron–Willett	HB	1242	649	1425
Patron–Bagby	SB	546	682	1557
Health insurance provider panels; panel contract between carrier and primary care provider may include provisions that promote comprehensive screening for mental health needs. (Patron–Favola)	SB	87	575	1206
Higher educational institutions; students who report acts of hazing or bullying, information about on-campus mental and behavioral health support. (Patron–Tran)	HB	980	405	901
Inpatient or residential substance use disorder treatment; Department of Behavioral Health and Developmental Services shall amend regulations to require licensed facilities to provide and require facility to prepare and record a valid discharge plan.				
Patron–Arnold	HB	434	808	1820
Minors; parental admission for inpatient treatment related to mental illness, which may include substance abuse.				
Patron–Delaney	HB	772	695	1598
Patron–Marsden	SB	460	710	1633
Nursing staff at state psychiatric hospitals; Department of Human Resource Management shall amend its policies relating to employee designations, payment policies, and benefits, 12-hour shifts for staff, etc.				
Patron–Rasoul	HB	806	304	743
Patron–Favola	SB	177	342	796
1915(c) Home and Community Based Services Medicaid Waivers; Department of Medical Assistance Services and Department of Behavioral Health and Developmental Services shall seek federal authority to modify program rules, respite services.				
Patron–Shin	HB	909	646	1413
Patron–Aird	SB	488	679	1553
Public elementary and secondary schools; programs of health instruction on certain topics related to mental health. (Patron–Price)	HB	603	812	1824
Recovery residences; death and serious injury reports. (Patron–Favola)	SB	19	30	45
School boards; model memorandum of understanding, partnerships with certain mental health services providers, provision and expansion of virtual mental health services. (Patron–Srinivasan)	HB	919	534	1157
Slot-retention requests; Developmental Disability waiver slots, sunset date.				
Patron–Runion	HB	577	103	215
Patron–Suetterlein	SB	610	125	297
Special justices and independent evaluator fees; emergency custody and voluntary and involuntary civil admissions, increases fees, any necessary expenses incurred shall be paid in accordance with guidelines established by the Supreme Court of Virginia. (Patron–Watts)	HB	125	802	1809
State hospitals; appropriate community services board shall implement discharge plan developed by the state facility, report, effective date. (Patron–Favola)	SB	179	153	371

	BILL OR RES.	NO.	CHAP. NO.	PAGE NO.
BEHAVIORAL HEALTH AND DEVELOPMENTAL SERVICES - Continued				
State hospitals; Department of Behavioral Health and Developmental Services shall develop and implement a pilot program relating to discharge of individuals at one state hospital, report. (Patron–Hope)	HB	515	290	728
State hospitals; discharge planning, report, delayed effective date. (Patron–Hope)	HB	314	279	708
State Inspector General, Office of the; investigations of abuse or neglect at state psychiatric hospitals, annual report on or before December 1. (Patron–Favola)	SB	178	664	1517
State Inspector General, Office of the; investigations of abuse or neglect at state psychiatric hospitals, annual report on or before November 1. (Patron–Hope)	HB	313	638	1404
Temporary detention; certified evaluators, definitions, report, participating hospitals with emergency psychiatric departments in the City of Hampton shall be responsible for all costs associated with hiring, training, etc., sunset provision. (Patron–Locke)	SB	34	780	1743
Temporary detention order; alternative transportation, law-enforcement agency elects to provide transportation.				
Patron–Cherry	HB	823	643	1410
Patron–Carroll Foy	SB	497	680	1554
BELONG!				
Belong!; commending. (Patron–Seibold)	HR	399		2353
BENJAMIN, GRACE				
Benjamin, Grace; commending. (Patron–Torian)	HJR	366		2110
BENNETT, PAUL O.				
Bennett, Paul O.; recording sorrow upon death. (Patron–Ware)	HR	225		2268
BENNETT, PAUL OTIE				
Bennett, Paul Otie; recording sorrow upon death. (Patron–Mulchi)	SJR	160		2499
BENTON, JOHN F.				
Benton, John F.; recording sorrow upon death.				
Patron–McClure	HJR	201		2012
Patron–Ebbin	SJR	130		2481
BERGERON, SIMONE				
Bergeron, Simone; commending. (Patron–Seibold)	HR	397		2353
BERRY, EDWARD DEJARNETTE				
Berry, Edward DeJarnette; recording sorrow upon death. (Patron–Reeves)	SJR	90		2458
BERRY, JACK				
Berry, Jack; commending. (Patron–Carr)	HJR	358		2105
BETZ, THOMAS FRANK, JR.				
Betz, Thomas Frank, Jr.; recording sorrow upon death. (Patron–Knight)	HR	3		2145
BEULAH BAPTIST CHURCH				
Beulah Baptist Church; commemorating its 160th anniversary. (Patron–Ebbin)	SJR	94		2461
BEVINS, CARL DAVID				
Bevins, Carl David; recording sorrow upon death. (Patron–Morefield)	HR	48		2176
BIBURY PARISH COUNCIL				
Arlington Heights Civic Association and Bibury Parish Council; commending.				
Patron–Lopez	HR	171		2240
BICKLEY, LORA				
Bickley, Lora; commending. (Patron–Cousins)	HR	349		2328
BIG BROTHERS BIG SISTERS OF DANVILLE AREA				
Big Brothers Big Sisters of Danville Area; commemorating its 50th anniversary.				
Patron–Marshall	HJR	289		2064
BITICI, ZOYA				
Bitici, Zoya; commending. (Patron–Salim)	SR	107		2619
BLACK MATERNAL HEALTH WEEK				
Black Maternal Health Week; designating as April 11 through April 17, 2024, and each succeeding year thereafter.				
Patron–LeVere Bolling	HJR	44		1931
Patron–Aird	SJR	23		2387
BLACK WOMEN'S HISTORY MONTH				
Black Women's History Month; designating as April 2024 and each succeeding year thereafter. (Patron–Cole)	HJR	8		1923

	BILL OR RES.	NO.	CHAP. NO.	PAGE NO.
BLACKSBURG HIGH SCHOOL				
Blacksburg High School boys' swim and dive team; commending.				
Patron–Obenshain	HR	262		2285
BLAKE, PETER A.				
Blake, Peter A.; commending.				
Patron–Carr	HJR	101		1958
Patron–Hashmi	SJR	63		2441
BLAND, VIVIAN ANN				
Bland, Vivian Ann; recording sorrow upon death.				
Patron–Scott, D.	HR	212		2260
Patron–Lucas	SR	72		2599
BLESI, LUCY ANNE				
Blesi, Lucy Anne; commending. (Patron–Tran)	HR	409		2358
BLILEY, THOMAS J., JR.				
Bliley, Thomas J., Jr.; recording sorrow upon death. (Patron–Sturtevant)	SR	89		2610
BLIND PERSONS				
Virginia School for the Deaf and the Blind, Board of Visitors of; expands membership, powers and duties. (Patron–Head)	SB	420	351	815
BLUE CATFISH				
Blue catfish; Department of Agriculture and Consumer Services, et al., shall review past and ongoing efforts to promote creation of a market, etc., report.				
Patron–Hodges	HB	1135	218	507
Patron–Stuart	SB	402	240	581
BLUE RIDGE BAPTIST CHURCH				
Blue Ridge Baptist Church; commemorating its 150th anniversary. (Patron–Rasoul)	HJR	119		1967
BOLD MARINER BREWING COMPANY				
Bold Mariner Brewing Company; commemorating its fifth anniversary.				
Patron–Hernandez	HR	279		2294
BOLLING, FLAUDEAN				
Bolling, Flaudean; recording sorrow upon death.				
Patron–Morefield	HR	309		2309
Patron–Hackworth	SR	95		2613
BOND ISSUES				
Commonwealth of Virginia Higher Educational Institutions Bond Act of 2024; created.				
Patron–Torian	HB	711	450	964
Patron–Lucas	SB	599	514	1120
BONDURANT, THOMAS O.				
Bondurant, Thomas O.; recording sorrow upon death. (Patron–Willett)	HJR	356		2104
BOONE, LUCILLE CARTER				
Boone, Lucille Carter; commending. (Patron–Williams Graves)	SJR	103		2465
BOSWELL, FRANCES M.				
Boswell, Frances M.; commending. (Patron–Fowler)	HJR	129		1972
BOUNDARIES, JURISDICTION, AND EMBLEMS OF THE COMMONWEALTH				
European honey bee; designating as the official state pollinator. (Patron–Hope)	HB	517	43	98
BOURNE, JEFF				
Bourne, Jeff; commending. (Patron–Obenshain)	SR	113		2622
BOWEN, SHARON Y.				
Bowen, Sharon Y.; commending. (Patron–Mundon King)	HR	172		2240
BOY SCOUTS OF AMERICA, TROOP 103				
Boy Scouts of America, Troop 103; commending. (Patron–Batten)	HJR	300		2071
BOY SCOUTS OF AMERICA, TROOP 710				
Boy Scouts of America, Troop 710; commending. (Patron–Garrett)	HJR	140		1979
BOYD, KELLY				
Boyd, Kelly; commending. (Patron–Feggans)	HJR	258		2046
BRADDOCK ELEMENTARY SCHOOL				
Braddock Elementary School; commemorating its 65th anniversary. (Patron–Watts)	HJR	371		2113

	BILL OR RES.	NO.	CHAP. NO.	PAGE NO.
BRADLEY FREE CLINIC				
Bradley Free Clinic; commemorating its 50th anniversary. (Patron–Rasoul)	HJR	118		1967
BRANSCOME, JULIUS L.				
Branscome, Julius L.; recording sorrow upon death. (Patron–Austin)	HJR	71		1941
BRANSCOME, LILA V.				
Branscome, Lila V.; recording sorrow upon death. (Patron–Lovejoy)	HJR	132		1974
BRAXTON, ROBERT A.				
Braxton, Robert A.; commending. (Patron–Diggs)	SR	66		2596
BRAXTON-DAVIS, ESTELLE F.				
Braxton-Davis, Estelle F.; recording sorrow upon death. (Patron–McQuinn)	HR	381		2345
BRENTSVILLE DISTRICT HIGH SCHOOL				
Brentsville District High School girls' soccer team; commending. (Patron–Roem)	SR	128		2630
BRIDGEWATER VOLUNTEER RESCUE SQUAD				
Bridgewater Volunteer Rescue Squad; commemorating its 50th anniversary.				
Patron–Runion	HR	32		2169
BRISTOL, CITY OF				
Bristol, City of; amending charter, increases voting precincts.				
Patron–O'Quinn	HB	682	447	961
Patron–Pillion	SB	618	11	20
BRITEPATHS, INC.				
Britepaths, Inc.; commemorating its 40th anniversary. (Patron–Bulova)	HJR	299		2070
BRODIE FARM				
Brodie Farm; commending. (Patron–Scott, P.A.)	HJR	324		2086
BROOKING, JANET MARIE				
Brooking, Janet Marie; recording sorrow upon death. (Patron–Surovell)	SJR	43		2429
BROTHERS KEEPERS				
Brothers Keepers; commending. (Patron–Clark)	HR	145		2226
BROWN, KIM W.				
Brown, Kim W.; commending. (Patron–Hayes)	HJR	192		2006
BROWN, LOIS C.				
Brown, Lois C.; recording sorrow upon death. (Patron–McQuinn)	HR	163		2235
BROWN, OLIVE CHAMBLIN				
Brown, Olive Chamblin; commending. (Patron–Cole)	HR	102		2203
BROWN, R. MCKENNA				
Brown, R. McKenna; commending. (Patron–Hashmi)	SR	25		2575
BROWN, TREVOR BRYAN				
Brown, Trevor Bryan; recording sorrow upon death. (Patron–Perry)	SJR	148		2492
BRUBAKER, NANCY LEE REVERCOMB				
Brubaker, Nancy Lee Revercomb; recording sorrow upon death. (Patron–Obenshain)	SR	114		2623
BRUNSWICK ACADEMY				
Brunswick Academy football team; commending. (Patron–Jordan)	SJR	146		2491
BRUNSWICK GARDEN CLUB				
Brunswick Garden Club; commemorating its 100th anniversary.				
Patron–Wachsmann	HJR	130		1973
BRUTON HIGH SCHOOL				
Bruton High School girls' volleyball team; commending. (Patron–Green)	HR	44		2174
BRUTON PARISH EPISCOPAL CHURCH				
Bruton Parish Episcopal Church; commemorating its 350th anniversary.				
Patron–Batten	HJR	213		2019
Patron–Diggs	SR	52		2588
BUCHANAN, AARON				
Buchanan, Aaron; recording sorrow upon death.				
Patron–O'Quinn	HJR	378		2117
Patron–Pillion	SR	144		2637
BUCKNELL ELEMENTARY SCHOOL				
Bucknell Elementary School; commemorating its 70th anniversary.				
Patron–Surovell	SJR	225		2537

	BILL OR RES.	NO.	CHAP. NO.	PAGE NO.
BUCUR, JOHN CHARLES				
Bucur, John Charles; recording sorrow upon death. (Patron–Stuart)	SJR	6		2381
BUILDING CODE				
Uniform Statewide Building Code; Board of Housing and Community Development shall convene a stakeholder advisory group including fire code officials to evaluate and recommend revisions.				
Patron–McClure	HB	368	384	876
Patron–VanValkenburg	SB	195	385	876
Uniform Statewide Building Code; enforcement of Code for bus shelters to be constructed for transit agencies receiving state funds from the Commonwealth Mass Transit Fund, etc., sunset date. (Patron–McQuinn)	HB	285	806	1819
Uniform Statewide Building Code; violations, increases fines.				
Patron–McQuinn	HB	578	641	1405
Patron–Bagby	SB	538	681	1555
Virginia Passenger Rail Authority; exempts railway tunnels and bridges owned by Authority from Uniform Statewide Building Code and Statewide Fire Prevention Code Act. (Patron–Austin)	HB	1425	78	175
BUNN, YVONNE				
Bunn, Yvonne; commending. (Patron–McGuire)	SJR	238		2544
BURCHUK, AMY				
Burchuk, Amy; commending. (Patron–Feggans)	HJR	254		2044
BURGESS, JESSICA				
Burgess, Jessica; commending. (Patron–Hernandez)	HR	269		2289
BURHANS, DAVID DOUGLAS				
Burhans, David Douglas; recording sorrow upon death. (Patron–Carr)	HJR	360		2106
BURN AWARENESS WEEK				
Burn Awareness Week; designating as first full week of February 2024 and each succeeding year thereafter. (Patron–Cousins)	HJR	83		1948
BURNETT, ARTHUR L., SR.				
Burnett, Arthur L., Sr.; recording sorrow upon death. (Patron–Cole)	HR	421		2364
BURNS, CRAIG M.				
Burns, Craig M.; commending. (Patron–Watts)	HJR	369		2112
BURRELL-ALDANA, LIZA				
Burrell-Aldana, Liza; commending. (Patron–Lopez)	HR	170		2239
BUSINESSES				
Research and development; creates a step-rate reimbursement structure for major research and development expenses tax credit. (Patron–Glass)	HB	1518	661	1510
BUSSEY, LAWRENCE				
Bussey, Lawrence; recording sorrow upon death. (Patron–Keys-Gamarra)	HJR	319		2083
BUXO, FRANCISCO				
Buxo, Francisco; commending. (Patron–Ebbin)	SR	68		2597
BYRD, CLAUDIA				
Byrd, Claudia; commending. (Patron–O'Quinn)	HJR	135		1976
BYRON, KATHY J.				
Byron, Kathy J.; commending. (Patron–Walker)	HR	167		2237
CABLE TELEVISION				
Public service companies; pole attachments to accommodate cable television systems and telecommunications service providers, public utility shall establish and adhere to practices and procedures for attachments, report.				
Patron–Herring	HB	800	822	1854
Patron–Marsden	SB	713	799	1803
CAFFE AMOURI				
Caffe Amouri; commending. (Patron–Seibold)	HR	403		2355
CAGE, APRIL				
Cage, April; commending. (Patron–Tran)	HR	440		2373
CALVARY CHAPEL SMITH MOUNTAIN LAKE				
Calvary Chapel Smith Mountain Lake; commemorating its 237th anniversary.				
Patron–Zehr	HR	328		2319

	BILL OR RES.	NO.	CHAP. NO.	PAGE NO.
CAMELOT ELEMENTARY SCHOOL				
Camelot Elementary School; commemorating its 55th anniversary. (Patron–Watts)	HJR	373		2114
CAMP HOPE NORFOLK				
Camp HOPE Norfolk; commending. (Patron–Glass)	HR	205		2257
CAMPAIGN PRACTICES				
Campaign finance; exemption for candidates for local office or directors of soil and water conservation districts.				
Patron–Bloxom	HB	1346	110	249
Patron–Obenshain	SB	577	124	296
Campaign finance; independent expenditure reports, electronic filing required, delayed effective date.				
Patron–Sickles	HB	730	206	453
Patron–Perry	SB	692	258	670
CAMPBELL COUNTY				
Campbell County; conveyance of easement by Departments of State Police and Transportation. (Patron–Walker)	HB	1331	479	1037
CAMPBELL, HAWES, III				
Campbell, Hawes, III; recording sorrow upon death. (Patron–Diggs)	SR	51		2588
CAMPBELL, HENRY DONALD				
Campbell, Henry Donald; recording sorrow upon death. (Patron–McQuinn)	HR	264		2286
CAMPBELL, TAFARI JAWARA				
Campbell, Tafari Jawara; recording sorrow upon death.				
Patron–Torian	HR	14		2161
Patron–McPike	SJR	37		2426
CANAVOS, SERAFIM C.				
Canavos, Serafim C.; recording sorrow upon death.				
Patron–Batten	HJR	214		2020
Patron–Simonds	HR	351		2329
CANCER				
Health insurance; coverage for colorectal cancer screening. (Patron–McQuinn)	HB	238	181	421
CANDIDATES IN ELECTIONS				
Candidates; declaration of candidacy for primary.				
Patron–McNamara	HB	90	169	411
Patron–Suetterlein	SB	109	264	680
Candidates for office; clarifies date from which valid signatures for petitions of qualified voters can be collected for persons seeking to become candidates.				
Patron–Reeves	SB	165	498	1070
Primary elections; candidates for nomination, withdrawal of candidacy resulting in unopposed primary, primary cancellation and nomination procedure.				
Patron–Wright	HB	55	166	410
Patron–Ruff	SB	131	230	571
CANNABIS				
Employee protections; definitions, amends provision that prohibits an employer from discriminating against an employee for such employee's lawful use of cannabis oil.				
Patron–Helmer	HB	149	632	1397
Patron–Pekarsky	SB	391	674	1542
CAPE HENRY COLLEGIATE				
Cape Henry Collegiate baseball team; commending. (Patron–Tata)	HJR	335		2092
CAPITAL OUTLAY				
Capital outlay plan; repeals existing six-year capital outlay for projects to be funded.				
Patron–Torian	HB	715	205	452
Patron–Deeds	SB	585	252	637
CAPITOL AREA TELUGU SOCIETY				
Capitol Area Telugu Society; commemorating its 20th anniversary. (Patron–Reid)	HJR	95		1954
CAPITOL REGION MILITARY ALLIANCE OF VIRGINIA				
Capitol Region Military Alliance of Virginia; commending. (Patron–Coyner)	HJR	337		2093
CARDWELL, DAVID				
Cardwell, David; commending. (Patron–Zehr)	HR	331		2320

	BILL OR RES.	NO.	CHAP. NO.	PAGE NO.
CARDWELL, OWEN C., JR.				
Cardwell, Owen C., Jr.; commending. (Patron–Walker)	HR	254		2281
CAREER AND TECHNICAL EDUCATION				
Public middle schools and high schools; career and technical education organizations permitted. (Patron–Subramanyam)	SB	707	776	1734
CARR, GAYL Y. BRANUM				
Carr, Gayl Y. Branum; commending. (Patron–Surovell)	SJR	41		2428
CARROLL COUNTY				
Carroll County Middle School Future Farmers of America; commending. Patron–Williams	HR	193		2251
CARROLL, GRACE BURKE				
Carroll, Grace Burke; commending. (Patron–Surovell)	SJR	40		2427
CARRUTH, MARY CLYDE JAMES				
Carruth, Mary Clyde James; recording sorrow upon death.				
Patron–Clark	HR	151		2229
Patron–Lucas	SR	70		2598
CARTER, JAMES ROBERT, SR.				
Carter, James Robert, Sr.; recording sorrow upon death. (Patron–Glass)	HR	232		2271
CARTER MYERS AUTOMOTIVE				
Carter Myers Automotive; commemorating its 100th anniversary. (Patron–Coyner)	HJR	197		2009
CARTER'S GENERAL STORE AND DELI				
Carter's General Store and Deli; commending. (Patron–Zehr)	HR	333		2321
CARTER, ZACHARY ANDREW				
Carter, Zachary Andrew; recording sorrow upon death. (Patron–Hackworth)	SR	93		2612
CARVER, JANET AMEND				
Carver, Janet Amend; recording sorrow upon death. (Patron–Krizek)	HJR	376		2116
CASTEEN, ALAN EARL				
Casteen, Alan Earl; recording sorrow upon death. (Patron–Jordan)	SR	10		2568
CASTLE, DANNY EDWARD				
Castle, Danny Edward; recording sorrow upon death.				
Patron–Kilgore	HR	202		2256
Patron–Pillion	SR	154		2642
CASTRILLON, MARCELINE				
Castrillon, Marceline; commending. (Patron–Lopez)	HJR	389		2123
CATS				
Cats; prohibition on declawing. (Patron–Martinez)	HB	1354	748	1687
Dog or cat; financing prohibited unless complies with certain provisions and any other law related to consumer credit. (Patron–Orrock)	HB	330	382	875
CEDAR CREEK BATTLEFIELD FOUNDATION				
Cedar Creek Battlefield Foundation; commemorating its 40th anniversary. Patron–Oates	HR	129		2217
CELL PHONES				
Cell phone records; investigation of missing persons, critically missing adult. Patron–Zehr	HB	1217	325	770
CENTRAL VIRGINIA CRICKET ASSOCIATION				
Central Virginia Cricket Association; commending. (Patron–VanValkenburg)	SJR	166		2503
CHALKLEY, RAMON EARL, III				
Chalkley, Ramon Earl, III; commending. (Patron–Wyatt)	HR	113		2208
CHAMBERS, SCOTT				
Chambers, Scott; commending.				
Patron–Leftwich	HJR	73		1942
Patron–Craig	SJR	39		2427
CHAMBLISS, CLIFFORD BOSS, JR.				
Chambliss, Clifford Boss, Jr.; recording sorrow upon death. (Patron–McQuinn)	HR	158		2233
CHANG, MING ERH				
Chang, Ming Erh; recording sorrow upon death. (Patron–Tata)	HJR	178		1999

	BILL OR RES. NO.		CHAP. NO.	PAGE NO.
CHARITABLE GAMING				
Charitable gaming; clarifies definition of "social organization," regulations of the Department of Agriculture and Consumer Services.				
Patron–Krizek	HB	523	445	957
Patron–Reeves	SB	344	504	1087
CHARLES J. COLGAN SR. HIGH SCHOOL				
Charles J. Colgan Sr. High School girls' soccer team; commending.				
Patron–McPike	SR	109		2620
CHARLOTTESVILLE COMMUNITY ENGAGEMENT				
Charlottesville Community Engagement; commending. (Patron–Callsen)	HR	433		2370
CHARLOTTESVILLE FREE CLINIC				
Charlottesville Free Clinic; commending. (Patron–Callsen)	HJR	390		2123
CHARLOTTESVILLE TOMORROW				
Charlottesville Tomorrow; commending. (Patron–Callsen)	HR	431		2369
CHARTERS				
Bristol, City of; amending charter, increases voting precincts.				
Patron–O'Quinn	HB	682	447	961
Patron–Pillion	SB	618	11	20
Colonial Heights, City of; amending charter, relating to duties of city manager, etc.				
Patron–Cherry	HB	227	180	419
Patron–Sturtevant	SB	112	229	569
Falls Church, City of; amending charter, qualifications of members of boards and commissions. (Patron–Simon)	HB	54	630	1396
Martinsville, City of; amending charter, granting of town status. (Patron–Phillips)	HB	1511	565	1197
Martinsville, City of; amending charter, notice of special meetings to council members. (Patron–Phillips)	HB	1512	566	1198
New Market, Town of; new charter (previous charter repealed).				
Patron–Gilbert	HB	376	528	1146
Patron–French	SB	375	590	1236
Portsmouth, City of; amending charter, aligning dates for nomination of candidates and filling of city council vacancies.				
Patron–Hayes	HB	1208	323	765
Patron–Lucas	SB	106	339	792
Pulaski, Town of; amending charter, municipal elections.				
Patron–Arnold	HB	1127	317	757
Patron–Hackworth	SB	475	356	821
Smithfield, Town of; amending charter, municipal elections, repealing outdated provisions.				
Patron–Wachsmann	HB	91	269	693
Patron–Jordan	SB	309	348	803
Virginia Beach, City of; amending charter, expansion of board of equalization.				
Patron–Convirs-Fowler	HB	415	386	876
Patron–Craig	SB	262	387	877
CHASE CITY, TOWN OF				
Chase City, Town of; commemorating its 150th anniversary. (Patron–Wright)	HJR	66		1939
CHATMON, ANGELO V.				
Chatmon, Angelo V.; commending.				
Patron–McQuinn	HR	308		2309
Patron–VanValkenburg	SJR	222		2535
CHEF SKIP 757				
Chef Skip 757; commending. (Patron–Feggans)	HR	304		2307
CHESAPEAKE BAY				
Chesapeake Bay Public Access Authorities; singular license for waterfowl blinds, Department shall develop fee schedule for such license. (Patron–Hodges)	HB	1058	213	468
Combined sewer overflow outfalls; compliance with regulations, outfalls that discharge into the Chesapeake Bay Watershed.				
Patron–Bulova	HB	71	97	202
Patron–Ebbin	SB	372	6	6
CHESAPEAKE REGIONAL HEALTHCARE				
Chesapeake Regional Healthcare; commending. (Patron–Leftwich)	HR	316		2313

	BILL OR RES.	NO.	CHAP. NO.	PAGE NO.
CHEST WALL DEFORMITY AWARENESS MONTH				
Chest Wall Deformity Awareness Month; designating as December 2024 and each succeeding year thereafter. (Patron–Williams Graves)	SJR	46		2431
CHILD ABUSE OR NEGLECT				
Child abuse and neglect; adds aggravated sexual battery of a child and attempted rape, etc., of a child to the list of offenses for which a failure to report subjects a mandatory reporter to criminal liability. (Patron–Mundon King)	HB	1542	615	1292
CHILD CARE				
Child care; background checks for applicants to serve as volunteers at centers, family day homes, etc. (Patron–Laufer)	HB	1277	477	1036
Early childhood care and education; exemption from licensure for certain child day programs.				
Patron–Sewell	HB	739	49	111
Patron–Subramanyam	SB	702	259	670
Temporary Assistance for Needy Families Program; repeals requirement that the Department of Social Services identify strategies for Virginia to obtain the maximum amount of federal funds available for child care services for Program recipients.				
Patron–Gardner	HB	472	102	215
Virginia Preservice Training for Child Care Staff; Department of Education shall review course for appropriateness based on age range of children served.				
Patron–Wilt	HB	1024	609	1286
CHILD DAY PROGRAMS				
Child day program employees and volunteers; background checks, dissemination of information. (Patron–Cohen)	HB	508	289	726
Child day programs; use of office buildings, waiver of zoning requirements.				
Patron–Reaser	HB	281	185	423
Patron–Favola	SB	13	263	680
Early childhood care and education; exemption from licensure for certain child day programs.				
Patron–Sewell	HB	739	49	111
Patron–Subramanyam	SB	702	259	670
CHILD PORNOGRAPHY				
Child pornography; production, publication, sale, financing, etc., penalty.				
Patron–Durant	SB	731	262	679
CHILD SUPPORT				
Child and spousal support; entry or modification of orders, determination of support overages. (Patron–Herring)	HB	784	51	113
Protective order in case of family abuse; termination of temporary order of child support. (Patron–Ballard)	HB	294	26	41
CHILDREN				
Abuse and neglect of children; causing or enabling child to gain possession of a firearm, penalty.				
Patron–Willett	HB	36	161	402
Patron–VanValkenburg	SB	44	162	404
Address Confidentiality Program; expands to victims of child abduction.				
Patron–Cordoza	HB	1146	413	906
Child labor offenses; increases civil penalties, work group to develop education and outreach plans, etc. (Patron–Seibold)	HB	100	369	863
Children's residential facility; Office of the Children's Ombudsman authorized to request that Department of Social Services, et al., grant access and provide consent to interview children in foster care who are the subject of or the complainant in an investigation. (Patron–Gardner)	HB	317	280	710
Consumer Data Protection Act; definitions, protections for children, data controller responsibilities, effective date.				
Patron–Maldonado	HB	707	840	1906
Patron–VanValkenburg	SB	361	844	1912

	BILL OR RES. NO.		CHAP. NO.	PAGE NO.
CHILDREN - Continued				
Virginia Critical Operation for a Disappeared Child Initiative (Codi) Alert Program; established, alert for missing or endangered children, Virginia State Police shall ensure Program is available and operational no later than July 1, 2025.				
Patron–Anthony	HB	1388	658	1508
Patron–Diggs	SB	201	667	1525
CHILDSAVERS-MEMORIAL CHILD GUIDANCE CLINIC				
ChildSavers-Memorial Child Guidance Clinic; commemorating its 100th anniversary. (Patron–Cousins)	HR	386		2347
CHILHOWIE HIGH SCHOOL				
Chilhowie High School girls' track and field team; commending. (Patron–Arnold)	HJR	174		1997
CHINA KING'S RESTAURANT				
China King's Restaurant; commemorating its 35th anniversary. (Patron–Martinez)	HJR	409		2133
CHOATE, WILLIAM JESSE				
Choate, William Jesse; recording sorrow upon death. (Patron–Arnold)	HR	224		2267
CHRIST CHURCH				
Christ Church; commemorating its 250th anniversary. (Patron–Ebbin)	SJR	108		2468
CHURCHVILLE RURITAN CLUB				
Churchville Ruritan Club; commemorating its 80th anniversary. (Patron–Runion)	HJR	379		2117
CIGARETTES				
Heated tobacco; definitions, definition of "cigarette intended to be heated," tax levied.				
Patron–Kilgore	HB	1099	611	1288
CIMINO, VICTORIA				
Cimino, Victoria; commending. (Patron–Green)	HJR	177		1999
CIRCUIT COURTS				
Clerks' offices; clerk of the circuit court of any county or city may close such office on Christmas Eve.				
Patron–Hope	HB	1396	482	1039
Patron–McDougle	SB	736	521	1135
Environmental Quality, Department of; any party seeking judicial review for final decision shall file such action in the Circuit Court of City of Richmond within 30 days of decision.				
Patron–Sullivan	HB	122	717	1644
Patron–Deeds	SB	580	774	1733
Fines, costs, forfeitures, penalties, etc.; duty of attorneys for the Commonwealth, at least 30 days prior to execution of a contract the attorney shall consult with the clerk of the circuit court. (Patron–Jordan)	SB	637	518	1126
Guardians and conservators; order of appointment and certificate of qualification, annual report, clerk of circuit court establishing and maintaining his own case management system.				
Patron–Sullivan	HB	115	17	31
Patron–Roem	SB	290	156	374
Judges; election in circuit court, general district court, juvenile and domestic relations district court, and a member of the Judicial Inquiry and Review Commission.				
Patron–Maldonado	HJR	427		2142
Judges; election in Court of Appeals of Virginia, circuit court, general district court, juvenile and domestic relations district court, a member of the Judicial Inquiry and Review Commission, members of the State Corporation Commission, and a member of the Virginia Workers' Compensation Commission. (Patron–Maldonado)	HJR	99		1956
Judges; increases the maximum member of authorized juvenile and domestic relations district court judges in the Twentieth and Thirty-first Judicial Districts and circuit court judges in the First, Ninth, Fifteenth, and Twenty-fifth Judicial Circuits.				
Patron–Hope	HB	310	525	1138
Patron–Deeds	SB	710	606	1278
Judges; nominations for election to circuit court.				
Patron–Maldonado	HR	38		2172
Patron–Maldonado	HR	343		2325
Patron–Surovell	SR	16		2570
Patron–Surovell	SR	135		2633

	BILL OR RES.	NO.	CHAP. NO.	PAGE NO.
CIRCUIT COURTS - Continued				
Persons other than ministers who may perform rites of marriage; former statewide legislators and officials or clerk of circuit court who is a resident of the Commonwealth. (Patron–DeSteph)	SB	175	499	1071
CITIZENS BANK & TRUST COMPANY				
Citizens Bank & Trust Company; commemorating its 150th anniversary. Patron–Mulchi	SJR	164		2501
CIVIL REMEDIES AND PROCEDURE				
Adoption; award of damages, death by wrongful act, provisions shall apply to any adoption finalized on or after July 1, 2024. Patron–Reid	HB	140	69	168
Patron–Perry	SB	209	70	169
Common interest communities; foreclosure, lien for assessments, unit owners' association records. Patron–Bulova	HB	880	55	123
Patron–Surovell	SB	341	349	804
Contract actions; collection of medical debt, definition, breach of payment plan by debtor. (Patron–Clark)	HB	34	800	1806
Corporation, limited liability company, etc.; service of garnishment summons, garnishment designee, delayed effective date. (Patron–Sturtevant)	SB	214	500	1072
Debtor interrogatories; fieri facias, proceedings by interrogatories to ascertain estate of debtor, against whom a summons shall be issued. (Patron–Williams)	HB	1248	744	1679
Dentists and dental hygienists; added to list of providers who are immune from civil liability for any act done or made in performance of his duties, etc. Patron–Hope	HB	42	96	200
Patron–Pillion	SB	629	126	297
Forced labor or service; civil action for trafficking, penalties. (Patron–Cherry)	HB	633	368	862
Householder; increases amount that may hold exempt from creditor process for real or personal property, exemptions from lien and garnishment. (Patron–Simon)	HB	1339	656	1498
Interlocutory ruling, order, or action; motion to reconsider. (Patron–Srinivasan)	HB	901	57	135
J.D. Power Official Used Car Guide; added to list of publications from which retail value of an automobile is admissible. (Patron–Webert)	HB	1335	480	1038
Jurors; availability of copy of jury panel to counsel. (Patron–Arnold)	HB	432	40	96
Jury service; increases from 70 to 73 the age at which a person is exempt from service upon request. Patron–Green	HB	156	71	170
Patron–Jordan	SB	638	72	171
Legal notices and publications; online-only news publications, requirements. Patron–Hope	HB	264	277	705
Patron–Boysko	SB	157	341	794
Medical Assistance Services, Department of; creates a process by which a lien in favor of the Department on a claim for personal injuries may be satisfied, report, effective date. (Patron–Simon)	HB	315	807	1820
Motor vehicle insurance; remedies for bad faith for refusal of claims, certain provisions shall apply to any claim for personal injury or wrongful death arising out of a motor vehicle accident that occurs on or after July 1, 2024. (Patron–Surovell)	SB	256	781	1754
Optometrists; expert witness testimony. Patron–Williams	HB	202	718	1644
Patron–Surovell	SB	254	764	1715
Permissible venue; personal injury and wrongful death actions, appointment of administrator on behalf of estate of decedent. Patron–Callsen	HB	779	50	112
Patron–Carroll Foy	SB	138	340	793
Places of public accommodation; possession and administration of epinephrine. (Patron–Bennett-Parker)	HB	1035	465	993
Relief; Kingrea, David Wayne, compensation for wrongful inclusion on sex offender registry. (Patron–Sullivan)	HB	641	143	321
Signing of pleadings, motions, and other papers; electronic signatures. Patron–Keys-Gamarra	HB	171	20	34
Space Force; clarifies definition of "military medical personnel," extension of certain benefits and privileges for persons serving in a branch of the Armed Forces. Patron–Sewell	HB	738	817	1827

	BILL OR RES.	NO.	CHAP. NO.	PAGE NO.
CIVIL REMEDIES AND PROCEDURE - Continued				
Statutory agents; adds Clerk of the State Corporation Commission to the definition of "statutory agent," repeals provision relating to service of process. (Patron–Henson)	HB	794	454	977
Subpoenas; release of witness. (Patron–Anthony)	HB	1435	487	1042
Summons for unlawful detainer; specifies a process by which a plaintiff in an unlawful detainer action may amend amount due to him in an action, subsequent filings. (Patron–Hope)	HB	86	268	691
Unlawful detainer; expungement of action, entering of an order without further petition or hearing, court shall not automatically expunge certain records in an action where a judgment is entered in favor of the defendant, etc. (Patron–Hope)	HB	73	372	866
Unlawful detainer actions; no rental agreement between owner and occupant. Patron–Leftwich	HB	1482	331	782
Virginia Freedom of Information Act; removal of Virginia residency requirement for access to certain criminal investigation files. (Patron–Perry)	SB	215	582	1221
Wrongful incarceration; awarded compensation. (Patron–Sullivan)	HB	640	396	892
CLAIMS				
Relief; Kingrea, David Wayne, compensation for wrongful inclusion on sex offender registry. (Patron–Sullivan)	HB	641	143	321
CLARE, XENIA				
Clare, Xenia; commending. (Patron–Hernandez)	HR	312		2311
CLARK, CHARLES STUART				
Clark, Charles Stuart; recording sorrow upon death. (Patron–Hope)	HJR	244		2038
CLARK, ED				
Clark, Ed; commending. (Patron–Campbell)	HR	72		2188
CLARK, EDWARD E., JR.				
Clark, Edward E., Jr.; commending. (Patron–Head)	SJR	190		2517
CLARK, M. B.				
Clark, M. B.; commending. (Patron–Green)	HJR	103		1959
CLAYBROOK, HERBERT SIMON, JR.				
Claybrook, Herbert Simon, Jr.; recording sorrow upon death. (Patron–Austin)	HJR	139		1978
CLAYTOR, WALTER SPEARS				
Claytor, Walter Spears; recording sorrow upon death. (Patron–Rasoul)	HJR	320		2084
CLEM, JAMES ELMORE				
Clem, James Elmore; recording sorrow upon death. (Patron–Martinez)	HJR	423		2140
CLEMENTE, JULIE				
Clemente, Julie; recording sorrow upon death. (Patron–Boysko)	SJR	183		2513
CLEMENTS, JOHN PETER				
Clements, John Peter; recording sorrow upon death. (Patron–Wachsmann)	HJR	182		2001
CLERKS OF COURTS				
Clerks' offices; clerk of the circuit court of any county or city may close such office on Christmas Eve.				
Patron–Hope	HB	1396	482	1039
Patron–McDougle	SB	736	521	1135
Guardians and conservators; order of appointment and certificate of qualification, annual report, clerk of circuit court establishing and maintaining his own case management system.				
Patron–Sullivan	HB	115	17	31
Patron–Roem	SB	290	156	374
COACH APPRECIATION WEEK				
Coach Appreciation Week; designating as week of October 6, 2024, and each succeeding year thereafter. (Patron–Price)	HJR	27		1927
COADA, WILLIAM G.				
Coada, William G.; commending.				
Patron–McQuinn	HJR	198		2010
Patron–Aird	SJR	156		2497
COBB, HAROLD JAMES, JR.				
Cobb, Harold James, Jr.; commending. (Patron–Williams Graves)	SJR	154		2496
CODE OF VIRGINIA				
§ 1-211.1, amending	HB	1338	655	1498

	BILL OR RES.	NO.	CHAP. NO.	PAGE NO.
CODE OF VIRGINIA - Continued				
§ 1-510, amending	HB	517	43	98
§ 2.2-203.2:4, amending	HB	589	292	729
§ 2.2-204, amending	HB	1337	654	1489
	SB	463	677	1544
§ 2.2-211, amending	HB	1337	654	1489
	SB	463	677	1544
§ 2.2-220.5, amending	HB	1458	753	1694
§ 2.2-401.01, amending	HB	1157	830	1877
§ 2.2-435.11, repealing	HB	1458	753	1694
§ 2.2-438, amending	HB	317	280	710
§ 2.2-442, amending	HB	317	280	710
§ 2.2-445, amending	HB	317	280	710
§ 2.2-447, amending	HB	317	280	710
§ 2.2-509.1, amending	HB	1018	540	1160
§ 2.2-515.2, amending	HB	1146	413	906
§ 2.2-602, amending	HB	1452	659	1509
§ 2.2-1124, amending	HB	728	47	107
§ 2.2-1503.1, amending	HB	712	203	451
	SB	399	238	580
§ 2.2-1509.4, amending	HB	892	146	328
	SB	616	10	13
§§ 2.2-1604 and 2.2-1605, amending	HB	1404	834	1889
§ 2.2-1610, amending	HB	1404	834	1889
§§ 2.2-1618, 2.2-1619, and 2.2-1620, adding	HB	1404	834	1889
§ 2.2-1622, adding	HB	1404	834	1889
§ 2.2-2001.4, amending	HB	738	817	1827
§§ 2.2-2035 and 2.2-2036, amending	SB	436	507	1102
§ 2.2-2040.1, adding	HB	1499	754	1699
	SB	155	761	1707
§ 2.2-2041, amending	SB	436	507	1102
§§ 2.2-2043 through 2.2-2046, amending	SB	436	507	1102
§§ 2.2-2049 and 2.2-2050, amending	SB	436	507	1102
§ 2.2-2052, amending	SB	436	507	1102
§ 2.2-2240.2:1, amending	HB	233	378	872
	SB	135	379	873
§ 2.2-2240.2:2, adding	HB	1125	471	1029
	SB	217	501	1073
§ 2.2-2318, amending	HB	814	531	1153
§§ 2.2-2339 and 2.2-2340, amending	HB	1138	114	279
	SB	89	34	58
§ 2.2-2345, amending	HB	1138	114	279
	SB	89	34	58
§ 2.2-2348.1, amending	HB	1139	115	281
	SB	90	35	60
§ 2.2-2472.2, amending	SB	436	507	1102
§ 2.2-2485, amending	HB	237	276	703
	SB	496	624	1358
§ 2.2-2489, amending	HB	237	276	703
	SB	496	624	1358
§ 2.2-2543, amending	HB	613	297	736
§ 2.2-2699.3, amending	HB	1381	132	305
	SB	704	133	307
§ 2.2-2720, amending	HB	1381	132	305
	SB	704	133	307
§ 2.2-2744, amending	HB	1133	217	472
§ 2.2-2753, amending	HB	1133	217	472
§ 2.2-2833, adding	HB	342	440	942
§ 2.2-2905, amending	HB	1133	217	472

	BILL OR RES.	NO.	CHAP. NO.	PAGE NO.
CODE OF VIRGINIA - Continued				
§ **2.2-3114, amending**	HB	1133	217	472
§ **2.2-3701, amending**	HB	818	733	1660
	HB	1040	610	1660
	SB	36	756	1704
	SB	85	617	1294
§ **2.2-3703, amending**	HB	581	366	839
§ **2.2-3704, amending**	SB	324	669	1526
§ **2.2-3705.2, amending**	SB	340	671	1535
§ **2.2-3705.3, amending**	HB	815	732	1655
	HB	1412	64	1655
§ **2.2-3705.4, amending**	HB	1133	217	472
§ **2.2-3705.7, amending**	HB	581	366	839
	HB	1133	217	472
§ **2.2-3706.1, amending**	SB	204	580	1219
	SB	215	582	1221
§ **2.2-3708.3, amending**	HB	894	56	134
	HB	1040	610	1286
	SB	85	617	1294
	SB	734	129	1294
§ **2.2-3711, amending**	HB	581	366	839
	HB	1133	217	472
	SB	88	494	1052
§ **2.2-3900, amending**	HB	18	266	684
	SB	7	334	784
§ **2.2-3901, amending**	HB	782	819	1838
§ **2.2-3902, amending**	HB	18	266	684
	SB	7	334	784
§§ **2.2-3904 and 2.2-3905, amending**	HB	18	266	684
	SB	7	334	784
§§ **2.2-3907 and 2.2-3908, amending**	HB	782	819	1838
	SB	350	784	1764
§ **2.2-4006, amending**	HB	1133	217	472
	HB	1418	559	1188
§ **2.2-4302.2, amending**	HB	242	688	1579
	SB	242	705	1629
§ **2.2-4303, amending**	HB	311	438	931
	HB	1116	544	1163
§ **2.2-4303.2, amending**	HB	1113	60	137
§ **2.2-4310, amending**	HB	1404	834	1889
§ **2.2-4310.3, amending**	HB	1404	834	1889
§ **2.2-4324, amending**	HB	1361	749	1688
	SB	260	782	1759
§ **2.2-4343, amending**	HB	1133	217	472
§§ **2.2-4378, 2.2-4379, and 2.2-4380, amending**	HB	1108	469	1021
	SB	18	490	1046
§ **2.2-4383, amending**	HB	1108	469	1021
	SB	18	490	1046
§ **2.2-4511, amending**	HB	356	65	160
	SB	510	66	160
§ **2.2-5101, amending**	HB	1457	563	1194
	SB	496	624	1358
§ **2.2-5102.1, amending**	HB	1457	563	1194
	SB	496	624	1358
§ **2.2-5514, amending**	SB	222	503	1086
§ **3.2-102, amending**	HB	892	146	328
	SB	616	10	13
§§ **3.2-200 through 3.2-205, repealing**	HB	892	146	328
	SB	616	10	13
§ **3.2-1801, amending**	HB	1399	223	514
§ **3.2-2307, amending**	HB	1377	149	336

	BILL OR RES.	NO.	CHAP. NO.	PAGE NO.
CODE OF VIRGINIA - Continued				
§ **3.2-2312, amending**	HB	1377	149	336
§ **3.2-3103, amending**	HB	1381	132	305
	SB	704	133	307
§ **3.2-3403, adding**	HB	1460	420	912
§ **3.2-3931, amending**	HB	320	720	1645
§ **3.2-5130, amending**	HB	759	131	304
§ **3.2-6513.2, amending**	HB	330	382	875
§ **3.2-6521, amending**	SB	412	241	582
§ **3.2-6528, amending**	HB	299	187	424
§ **3.2-6540, amending**	HB	804	145	326
§ **3.2-6540.03, amending**	HB	804	145	326
§ **3.2-6570, amending**	HB	223	179	417
	SB	11	489	1045
§ **3.2-6573.1, adding**	HB	62	712	1636
	SB	93	758	1706
§ **3.2-6589.1, adding**	HB	1531	333	783
§ **4.1-100, amending**	HB	1349	111	250
	SB	180	619	1297
	SB	400	622	1330
	SB	657	255	640
	SB	724	627	1365
§ **4.1-103, amending**	HB	1349	111	250
	SB	180	619	1297
	SB	400	622	1330
	SB	657	255	640
	SB	724	627	1365
§ **4.1-105, amending**	HB	1018	540	1160
§ **4.1-111, amending**	HB	522	139	313
	SB	182	38	94
§ **4.1-128, amending**	SB	26	492	1051
§ **4.1-204, amending**	HB	688	105	217
	SB	635	159	378
§ **4.1-206.3, amending**	HB	688	105	217
	HB	1349	111	250
	SB	180	619	1297
	SB	400	622	1330
	SB	635	159	378
	SB	657	255	640
	SB	724	627	1365
§ **4.1-209, amending**	HB	1349	111	250
	SB	180	619	1297
	SB	400	622	1330
	SB	657	255	640
	SB	724	627	1365
§ **4.1-212.1, amending**	HB	688	105	217
	SB	635	159	378
§ **4.1-212.2, repealing**	HB	688	105	217
	SB	635	159	378
§ **4.1-225.1, amending**	SB	658	256	668
§ **4.1-230, amending**	HB	688	105	217
	SB	635	159	378
§ **4.1-231.1, amending**	HB	688	105	217
	HB	1349	111	250
	SB	180	619	1297
	SB	400	622	1330
	SB	635	159	378
	SB	657	255	640
	SB	724	627	1365
§ **4.1-233.1, amending**	HB	1349	111	250
	SB	180	619	1297

	BILL OR RES.	NO.	CHAP. NO.	PAGE NO.
CODE OF VIRGINIA - Continued				
	SB	400	622	1330
	SB	657	255	640
	SB	724	627	1365
§ **4.1-308, amending**	SB	26	492	1051
§ **4.1-309, amending**	HB	1349	111	250
	SB	180	619	1297
	SB	400	622	1330
	SB	657	255	640
	SB	724	627	1365
§ **4.1-325, amending**	HB	1349	111	250
	SB	180	619	1297
	SB	400	622	1330
	SB	657	255	640
	SB	724	627	1365
§ **4.1-1600, amending**	HB	1498	150	337
	SB	173	37	62
§§ **4.1-1602 and 4.1-1603, amending**	HB	815	732	1655
§ **4.1-1606, adding**	HB	815	732	1655
§ **5.1-2.25, adding**	HB	446	810	1821
§ **6.2-103.2, adding**	HB	692	530	1152
	SB	174	578	1213
§ **6.2-107.1, adding**	SB	166	422	913
§ **6.2-303, amending**	HB	648	728	1650
§ **6.2-1616, amending**	HB	917	459	983
	SB	358	621	1325
§ **8.01-42.4, amending**	HB	633	368	862
§ **8.01-49.1, amending**	HB	18	266	684
	SB	7	334	784
§ **8.01-53, amending**	HB	140	69	168
	SB	209	70	169
§ **8.01-66.1, amending**	SB	256	781	1754
§ **8.01-66.9:2, adding**	HB	315	807	1820
§ **8.01-126, amending**	HB	86	268	691
	HB	1482	331	782
§ **8.01-130.01, amending**	HB	73	372	866
§§ **8.01-195.10 through 8.01-195.13, amending**	HB	640	396	866
§ **8.01-225, amending**	HB	1035	465	993
§ **8.01-225.03, amending**	HB	1498	150	337
	SB	173	37	62
§ **8.01-246, amending**	HB	34	800	1806
§ **8.01-262, amending**	HB	779	50	112
	SB	138	340	793
§ **8.01-271.1, amending**	HB	171	20	34
§ **8.01-285, amending**	HB	794	454	977
§ **8.01-287, amending**	HB	794	454	977
§ **8.01-296, amending**	HB	794	454	977
§ **8.01-299, amending**	HB	794	454	977
§ **8.01-301, amending**	HB	794	454	977
§ **8.01-304, amending**	HB	794	454	977
§ **8.01-304.1, adding**	HB	794	454	977
§ **8.01-306, amending**	HB	794	454	977
§§ **8.01-310 through 8.01-313, amending**	HB	794	454	977
§ **8.01-324, amending**	HB	264	277	705
	SB	157	341	794
§ **8.01-326.1, repealing**	HB	794	454	977
§ **8.01-337, amending**	HB	738	817	1827
§ **8.01-341.1, amending**	HB	156	71	170
	SB	638	72	171
§ **8.01-353, amending**	HB	432	40	96

	BILL OR RES.	NO.	CHAP. NO.	PAGE NO.
CODE OF VIRGINIA - Continued				
§ 8.01-384, amending	HB	901	57	135
§ 8.01-401.2, amending	HB	202	718	1644
	SB	254	764	1715
§ 8.01-407, amending	HB	1435	487	1042
§ 8.01-419.1, amending	HB	1335	480	1038
§ 8.01-424, amending	HB	1133	217	472
§ 8.01-454, amending	HB	86	268	691
§ 8.01-463, amending	HB	880	55	123
	SB	341	349	804
§ 8.01-506, amending	HB	1248	744	1679
§ 8.01-512.4, amending	HB	1339	656	1498
§ 8.01-513, amending	SB	214	500	1072
§ 8.01-581.16, amending	HB	42	96	200
	SB	629	126	297
§ 8.01-622.2, amending	SB	215	582	1221
§ 8.1A-201, amending	HB	1286	652	1436
§ 8.1A-204, amending	HB	1286	652	1436
§ 8.1A-301, amending	HB	1286	652	1436
§ 8.1A-306, amending	HB	1286	652	1436
§ 8.2-102, amending	HB	1286	652	1436
§ 8.2-106, amending	HB	1286	652	1436
§§ 8.2-201, 8.2-202, and 8.2-203, amending	HB	1286	652	1436
§ 8.2-205, amending	HB	1286	652	1436
§ 8.2-209, amending	HB	1286	652	1436
§§ 8.2A-102 and 8.2A-103, amending	HB	1286	652	1436
§ 8.2A-107, amending	HB	1286	652	1436
§§ 8.2A-201, 8.2A-202, and 8.2A-203, amending	HB	1286	652	1436
§ 8.2A-205, amending	HB	1286	652	1436
§ 8.2A-208, amending	HB	1286	652	1436
§§ 8.3A-104 and 8.3A-105, amending	HB	1286	652	1436
§ 8.3A-401, amending	HB	1286	652	1436
§ 8.3A-604, amending	HB	1286	652	1436
§ 8.4A-103, amending	HB	1286	652	1436
§§ 8.4A-201, 8.4A-202, and 8.4A-203, amending	HB	1286	652	1436
§§ 8.4A-207 and 8.4A-208, amending	HB	1286	652	1436
§§ 8.4A-210 and 8.4A-211, amending	HB	1286	652	1436
§ 8.4A-305, amending	HB	1286	652	1436
§ 8.5A-104, amending	HB	1286	652	1436
§ 8.5A-116, amending	HB	1286	652	1436
§ 8.7-102, amending	HB	1286	652	1436
§ 8.7-106, amending	HB	1286	652	1436
§§ 8.8A-102 and 8.8A-103, amending	HB	1286	652	1436
§ 8.8A-106, amending	HB	1286	652	1436
§ 8.8A-110, amending	HB	1286	652	1436
§ 8.8A-303, amending	HB	1286	652	1436
§ 8.9A-102, amending	HB	1286	652	1436
§§ 8.9A-104 and 8.9A-105, amending	HB	1286	652	1436
§ 8.9A-105.1, adding	HB	1286	652	1436
§§ 8.9A-107.1 and 8.9A-107.2, adding	HB	1286	652	1436
§§ 8.9A-203 and 8.9A-204, amending	HB	1286	652	1436
§§ 8.9A-207 through 8.9A-210, amending	HB	1286	652	1436
§ 8.9A-301, amending	HB	1286	652	1436
§§ 8.9A-304 and 8.9A-305, amending	HB	1286	652	1436
§§ 8.9A-306.1 and 8.9A-306.2, adding	HB	1286	652	1436
§ 8.9A-310, amending	HB	1286	652	1436
§§ 8.9A-312, 8.9A-313, and 8.9A-314, amending	HB	1286	652	1436
§ 8.9A-314.1, adding	HB	1286	652	1436

	BILL OR RES.	NO.	CHAP. NO.	PAGE NO.
CODE OF VIRGINIA - Continued				
§§ 8.9A-316 and 8.9A-317, amending	HB	1286	652	1436
§§ 8.9A-323 and 8.9A-324, amending	HB	1286	652	1436
§ 8.9A-326.1, adding	HB	1286	652	1436
§§ 8.9A-330, 8.9A-331, and 8.9A-332, amending	HB	1286	652	1436
§ 8.9A-334, amending	HB	1286	652	1436
§ 8.9A-341, amending	HB	1286	652	1436
§ 8.9A-404, amending	HB	1286	652	1436
§ 8.9A-406, amending	HB	1286	652	1436
§ 8.9A-408, amending	HB	1286	652	1436
§ 8.9A-509, amending	HB	1286	652	1436
§ 8.9A-513, amending	HB	1286	652	1436
§ 8.9A-601, amending	HB	1286	652	1436
§ 8.9A-605, amending	HB	1286	652	1436
§ 8.9A-608, amending	HB	1286	652	1436
§ 8.9A-611, amending	HB	1286	652	1436
§§ 8.9A-613 through 8.9A-616, amending	HB	1286	652	1436
§§ 8.9A-619, 8.9A-620, and 8.9A-621, amending	HB	1286	652	1436
§ 8.9A-624, amending	HB	1286	652	1436
§ 8.9A-628, amending	HB	1286	652	1436
§§ 8.12-101 through 8.12-107, adding	HB	1286	652	1436
§§ 8.13-101 and 8.13-102, adding	HB	1286	652	1436
§ 8.13-201, adding	HB	1286	652	1436
§§ 8.13-301 through 8.13-306, adding	HB	1286	652	1436
§ 8.13-401, adding	HB	1286	652	1436
§ 9.1-102, amending	HB	203	367	857
	HB	581	366	839
	HB	586	141	315
	HB	933	698	1607
	HB	1246	742	1672
	HB	1369	556	1181
	SB	88	494	1052
	SB	547	773	1728
§ 9.1-112.1, amending	HB	1369	556	1181
§ 9.1-116.01, adding	HB	1022	542	1162
	SB	207	581	1221
§ 9.1-116.9, adding	HB	1496	614	1292
	SB	367	771	1724
§ 9.1-141, amending	HB	203	367	857
§ 9.1-192, amending	HB	611	813	1824
§ 9.1-192.1, adding	HB	611	813	1824
§ 9.1-203.2, adding	HB	933	698	1607
§ 9.1-400, amending	HB	1433	560	1189
§ 9.1-402, amending	HB	321	380	874
	SB	649	381	874
§ 9.1-800, amending	SB	630	253	639
§ 9.1-1104, amending	HB	898	210	462
§ 9.1-1111, amending	HB	898	210	462
§ 10.1-104.02, adding	HB	1157	830	1877
§ 10.1-104.6:1, amending	HB	1458	753	1694
§ 10.1-603.25, amending	HB	1458	753	1694
§ 10.1-603.29, amending	HB	673	816	1826
	HB	1458	753	1694
§ 10.1-659, amending	HB	1458	753	1694
	SB	674	13	27
§ 10.1-660, amending	SB	674	13	27
§ 10.1-1003, amending	HB	1157	830	1877
§ 10.1-1103.1, adding	HB	309	278	707
	SB	461	354	819

	BILL OR RES.	NO.	CHAP. NO.	PAGE NO.
CODE OF VIRGINIA - Continued				
§ 10.1-1105.1, amending	HB	892	146	328
	SB	616	10	13
§§ 10.1-1119.2 through 10.1-1119.7, adding	HB	892	146	328
	SB	616	10	13
§ 10.1-1183.1, adding	HB	1379	112	278
§ 10.1-1186.3:1, adding	HB	1157	830	1877
§ 10.1-1188, amending	HB	1157	830	1877
§ 10.1-1197.7, amending	HB	122	717	1644
	SB	580	774	1733
§ 10.1-2205.1, adding	HB	1157	830	1877
§ 10.1-2206.1, amending	HB	1157	830	1877
§ 10.1-2214, amending	HB	1157	830	1877
§ 10.1-2305, amending	HB	1157	830	1877
§ 10.1-2500, amending	HB	985	736	1663
§ 11-2, amending	HB	917	459	983
	SB	358	621	1325
§ 12.1-19.1, amending	HB	794	454	977
§ 13.1-604, amending	HB	124	137	310
§ 13.1-804, amending	HB	124	137	310
§ 15.2-107, amending	HB	1488	225	515
	SB	413	242	582
§§ 15.2-201 and 15.2-202, amending	HB	1488	225	515
	SB	413	242	582
§ 15.2-301, amending	HB	1488	225	515
	SB	413	242	582
§ 15.2-503, amending	HB	1488	225	515
	SB	413	242	582
§ 15.2-603, amending	HB	1488	225	515
	SB	413	242	582
§ 15.2-716, amending	HB	1488	225	515
	SB	413	242	582
§ 15.2-749, amending	HB	1488	225	515
	SB	413	242	582
§ 15.2-901, amending	HB	755	731	1654
§ 15.2-903, amending	HB	1488	225	515
	SB	413	242	582
§ 15.2-907.2, amending	HB	1488	225	515
	SB	413	242	582
§ 15.2-909, amending	HB	1488	225	515
	SB	413	242	582
§ 15.2-912.4, adding	HB	947	536	1158
§ 15.2-913, amending	HB	128	172	413
§ 15.2-958.3, amending	HB	1488	225	515
	SB	413	242	582
§ 15.2-958.5, amending	HB	478	692	1596
	SB	49	701	1613
§ 15.2-958.6, amending	HB	1488	225	515
	SB	413	242	582
§ 15.2-961.1, amending	HB	459	691	1593
	SB	121	702	1614
§ 15.2-983, amending	HB	1461	700	1612
	SB	544	792	1777
§ 15.2-983.1, adding	HB	467	724	1647
	SB	354	769	1722
§ 15.2-987, adding	HB	634	300	738
	SB	308	347	803
§ 15.2-1127, amending	HB	1486	613	1291
	SB	48	616	1294

	BILL OR RES.	NO.	CHAP. NO.	PAGE NO.
CODE OF VIRGINIA - Continued				
§ 15.2-1201, amending	HB	1488	225	515
	SB	413	242	582
§ 15.2-1301, amending	HB	1488	225	515
	SB	413	242	582
§ 15.2-1414.6, amending	HB	456	608	1285
§ 15.2-1427, amending	HB	1488	225	515
	SB	413	242	582
§ 15.2-1517, amending	HB	1019	541	1161
	HB	1392	481	1038
§ 15.2-1627.5, amending	HB	1128	829	1870
	SB	12	779	1736
§ 15.2-1627.6, adding	HB	581	366	839
§§ 15.2-1702 and 15.2-1703, amending	HB	1488	225	515
	SB	413	242	582
§§ 15.2-1707 and 15.2-1708, amending	SB	88	494	1052
§ 15.2-1719, amending	HB	1488	225	515
	SB	413	242	582
§ 15.2-1804.1, amending	HB	151	687	1577
	SB	245	706	1630
§ 15.2-2006, amending	HB	1488	225	515
	SB	413	242	582
§ 15.2-2101, amending	HB	1488	225	515
	SB	413	242	582
§ 15.2-2105, amending	HB	1488	225	515
	SB	413	242	582
§ 15.2-2108.7, amending	HB	1488	225	515
	SB	413	242	582
§ 15.2-2108.21, amending	HB	1488	225	515
	SB	413	242	582
§ 15.2-2114, amending	HB	1488	225	515
	SB	413	242	582
§§ 15.2-2121.1, 15.2-2121.2, and 15.2-2121.3, adding	HB	906	824	1857
	SB	480	790	1768
§ 15.2-2204, amending	HB	1488	225	515
	SB	413	242	582
§ 15.2-2209.1:2, amending	HB	650	301	738
§§ 15.2-2259 and 15.2-2260, amending	SB	296	346	800
§§ 15.2-2270, 15.2-2271, and 15.2-2272, amending	HB	1488	225	515
	SB	413	242	582
§ 15.2-2286, amending	HB	650	301	738
§ 15.2-2292.2, adding	HB	281	185	423
	SB	13	263	680
§ 15.2-2306, amending	HB	914	533	1155
	HB	1395	752	1693
	HB	1415	835	1896
§ 15.2-2307, amending	SB	701	605	1276
§ 15.2-2316.2, amending	HB	1488	225	515
	SB	413	242	582
§ 15.2-2321, amending	HB	1488	225	515
	SB	413	242	582
§§ 15.2-2400 and 15.2-2401, amending	HB	1488	225	515
	SB	413	242	582
§ 15.2-2405, amending	HB	1211	740	1671
§ 15.2-2409, amending	HB	1488	225	515
	SB	413	242	582
§§ 15.2-2506 and 15.2-2507, amending	HB	1488	225	515
	SB	413	242	582
§ 15.2-2512.1, adding	SB	645	426	914
§ 15.2-2606, amending	HB	1488	225	515
	SB	413	242	582

	BILL OR RES.	NO.	CHAP. NO.	PAGE NO.
CODE OF VIRGINIA - Continued				
§ 15.2-2610, amending	HB	1488	225	515
	SB	413	242	582
§§ 15.2-2652 and 15.2-2653, amending	HB	1488	225	515
	SB	413	242	582
§ 15.2-2903, amending	SB	645	426	914
§ 15.2-3236, amending	HB	1488	225	515
	SB	413	242	582
§ 15.2-3242, amending	HB	1488	225	515
	SB	413	242	582
§§ 15.2-3400 and 15.2-3401, amending	HB	1488	225	515
	SB	413	242	582
§ 15.2-3504, amending	HB	1488	225	515
	SB	413	242	582
§ 15.2-3600, amending	HB	1488	225	515
	SB	413	242	582
§ 15.2-3805, amending	HB	1488	225	515
	SB	413	242	582
§ 15.2-3913, amending	HB	1488	225	515
	SB	413	242	582
§ 15.2-4311, amending	HB	1488	225	515
	SB	413	242	582
§ 15.2-4313, amending	HB	1488	225	515
	SB	413	242	582
§ 15.2-4405, amending	HB	1488	225	515
	SB	413	242	582
§ 15.2-4904, amending	HB	1410	483	1040
	SB	134	75	173
	SB	727	520	1134
§ 15.2-5136, amending	HB	1488	225	515
	SB	413	242	582
§ 15.2-5156, amending	HB	1488	225	515
	SB	413	242	582
§ 15.2-5403, amending	HB	1488	225	515
	SB	413	242	582
§ 15.2-5431.25, amending	HB	1488	225	515
	SB	413	242	582
§ 15.2-5704, amending	HB	1488	225	515
	SB	413	242	582
§ 15.2-5806, amending	HB	1488	225	515
	SB	413	242	582
§ 15.2-6402, amending	HB	59	167	410
§ 15.2-7502, amending	HB	1488	225	515
	SB	413	242	582
§ 16.1-69.6:1, amending	HB	310	525	1138
	SB	710	606	1278
§ 16.1-69.9:2, amending	HB	431	723	1647
§ 16.1-122.4, amending	HB	934	58	136
§ 16.1-228, amending	HB	172	273	699
§ 16.1-241, amending	HB	994	737	1664
§ 16.1-247.1, amending	HB	266	719	1644
§ 16.1-253.1, amending	SB	398	594	1248
§ 16.1-253.2, amending	HB	895	108	247
	SB	211	118	285
§ 16.1-266.1, amending	HB	893	428	918
§ 16.1-267, amending	HB	893	428	918
§§ 16.1-269.1 and 16.1-269.2, amending	HB	268	365	836
§ 16.1-272, amending	HB	268	365	836
§ 16.1-279.1, amending	HB	294	26	41
	SB	398	594	1248

	BILL OR RES.	NO.	CHAP. NO.	PAGE NO.
CODE OF VIRGINIA - Continued				
§ 16.1-305.1, amending	HB	1317	61	137
	SB	443	8	11
§ 16.1-331, amending	HB	994	737	1664
§ 16.1-333, amending	HB	994	737	1664
§ 16.1-333.1, repealing	HB	994	737	1664
§ 16.1-334, amending	HB	994	737	1664
§§ 16.1-338 and 16.1-339, amending	HB	772	695	1598
	SB	460	710	1633
§ 17.1-207, amending	HB	1396	482	1039
	SB	736	521	1135
§ 17.1-405, amending	SB	509	424	914
§ 17.1-507, amending	HB	310	525	1138
	SB	710	606	1278
§ 17.1-607, amending	HB	1249	745	1680
§ 18.2-47, amending	HB	633	368	862
§ 18.2-57, amending	HB	18	266	684
	SB	7	334	784
§ 18.2-60.4, amending	HB	895	108	247
	SB	211	118	285
§ 18.2-64.2, amending	SB	394	592	1241
§ 18.2-67.4, amending	SB	394	592	1241
§ 18.2-95, amending	HB	1256	475	1032
§ 18.2-111, amending	HB	1256	475	1032
§ 18.2-121, amending	HB	18	266	684
	SB	7	334	784
§ 18.2-146.2, adding	HB	928	403	898
§ 18.2-246.8, amending	HB	790	821	1842
	SB	582	796	1789
§ 18.2-248.02, amending	SB	469	371	865
§ 18.2-248.05, adding	SB	469	371	865
§ 18.2-251, amending	HB	452	811	1823
	SB	362	785	1765
§ 18.2-251.02, amending	HB	292	25	39
	SB	725	130	302
§ 18.2-251.5, adding	HB	1187	472	1030
	SB	614	516	1124
§ 18.2-254.1, amending	HB	292	25	39
	SB	706	260	672
	SB	725	130	302
§ 18.2-267, amending	SB	95	759	1706
§ 18.2-308.5:1, amending	HB	22	163	406
	SB	210	164	407
§ 18.2-311.1, amending	SB	363	786	1766
§ 18.2-334.3, amending	HB	991	311	751
	SB	540	358	823
§ 18.2-340.16, amending	HB	523	445	957
	SB	344	504	1087
§ 18.2-340.19, amending	HB	523	445	957
	SB	344	504	1087
	SB	397	593	1242
§ 18.2-356, amending	HB	633	368	862
§ 18.2-371.1, amending	HB	36	161	402
	SB	44	162	404
§ 18.2-371.2, amending	HB	790	821	1842
	SB	582	796	1789
§ 18.2-374.1, amending	SB	731	262	679
§ 18.2-386.2, amending	HB	926	697	1605
§ 18.2-456, amending	HB	1114	109	248
§ 18.2-465.2, adding	HB	1443	561	1191

	BILL OR RES.	NO.	CHAP. NO.	PAGE NO.
CODE OF VIRGINIA - Continued				
§ 19.2-8, amending	HB	926	697	1605
§ 19.2-13, amending	SB	145	577	1210
§ 19.2-48.1, amending	HB	679	201	450
	SB	386	237	580
§ 19.2-53, amending	HB	78	523	1137
	SB	16	571	1204
§ 19.2-60.2, adding	HB	78	523	1137
	SB	16	571	1204
§ 19.2-70.3, amending	HB	1217	325	770
§ 19.2-72, amending	HB	438	809	1821
§ 19.2-83.7, amending	SB	88	494	1052
§ 19.2-120, amending	SB	424	243	622
§ 19.2-123, amending	HB	430	74	172
§ 19.2-128, amending	HB	1114	109	248
§§ 19.2-152.9 and 19.2-152.10, amending	SB	398	594	1248
§ 19.2-159, amending	HB	306	524	1137
§ 19.2-163, amending	HB	102	714	1636
	SB	356	770	1722
§ 19.2-163.04, amending	HB	1014	313	752
§ 19.2-163.4, amending	HB	306	524	1137
§ 19.2-187.01, amending	HB	898	210	462
§ 19.2-197, amending	HB	76	713	1636
§ 19.2-215.1, amending	HB	769	397	894
§ 19.2-270.5, amending	HB	898	210	462
§ 19.2-271.5, amending	SB	321	589	1235
§ 19.2-298.02, amending	SB	20	755	1703
§ 19.2-303.1, amending	HB	1427	485	1042
§§ 19.2-310.4 and 19.2-310.5, amending	HB	898	210	462
§ 19.2-316.4, amending	HB	1268	650	1429
§ 19.2-349, amending	SB	637	518	1126
§ 19.2-354.1, amending	HB	896	735	1662
	SB	625	775	1733
§ 19.2-368.5, amending	HB	155	175	414
	SB	646	254	640
§ 19.2-386.28, amending	HB	22	163	406
	SB	210	164	407
§ 19.2-389, amending	HB	361	526	1140
	HB	1337	654	1489
	HB	1498	150	337
	SB	173	37	62
	SB	463	677	1544
§ 20-13.2, adding	HB	174	21	35
	SB	101	760	1707
§ 20-25, amending	HB	1126	412	906
	SB	175	499	1071
§ 20-45.1, amending	HB	994	737	1664
§ 20-48, amending	HB	994	737	1664
§ 20-60.3, amending	HB	784	51	113
§§ 20-89.1 and 20-90, amending	HB	994	737	1664
§ 20-107.1, amending	HB	784	51	113
§ 20-108, amending	HB	194	22	36
	HB	738	817	1827
§ 20-124.7, amending	HB	194	22	36
	HB	738	817	1827
§§ 20-166 and 20-167, amending	HB	783	90	184
§ 21-114, amending	HB	1488	225	515
	SB	413	242	582
§ 21-117.1, amending	HB	1488	225	515
	SB	413	242	582

	BILL OR RES.	NO.	CHAP. NO.	PAGE NO.
CODE OF VIRGINIA - Continued				
§ 21-146, amending	HB	1488	225	515
	SB	413	242	582
§ 21-229, amending	HB	1488	225	515
	SB	413	242	582
§ 21-393, amending	HB	1488	225	515
	SB	413	242	582
§ 21-420, amending	HB	1488	225	515
	SB	413	242	582
§ 22.1-1, amending	HB	647	44	99
	HB	1087	647	1413
	SB	624	12	21
	SB	627	684	1567
§ 22.1-3, amending	HB	168	370	864
	HB	777	303	741
§ 22.1-3.4, amending	HB	777	303	741
§ 22.1-23.4, adding	HB	215	805	1818
	HB	830	398	895
	SB	314	399	895
§ 22.1-37, amending	HB	1488	225	515
	SB	413	242	582
§ 22.1-79, amending	HB	150	435	927
	HB	253	689	1580
§ 22.1-79.5, amending	HB	790	821	1842
	SB	582	796	1789
§§ 22.1-100 and 22.1-100.1, amending	HB	599	294	732
§ 22.1-137, amending	HB	66	432	923
§ 22.1-137.4, adding	HB	501	194	440
§ 22.1-140.1, amending	HB	462	388	877
	SB	474	389	877
§ 22.1-199.7, amending	HB	625	815	1826
	SB	608	797	1800
§ 22.1-200.3, adding	HB	1477	421	912
§ 22.1-206, amending	HB	790	821	1842
	SB	582	796	1789
§ 22.1-206.01, adding	HB	732	451	966
	HB	1473	564	1197
	SB	726	519	1127
§ 22.1-206.3, amending	HB	1087	647	1413
	SB	627	684	1567
§ 22.1-207, amending	HB	603	812	1824
	HB	719	144	321
	HB	1221	741	1671
	SB	379	7	6
§ 22.1-211.1, adding	HB	626	299	737
	SB	484	357	822
§ 22.1-212.2:4, adding	HB	617	694	1597
§ 22.1-213, amending	HB	1089	468	1008
	SB	220	502	1074
§ 22.1-214.4, amending	HB	1089	468	1008
	SB	220	502	1074
§ 22.1-214.5, adding	HB	1089	468	1008
	SB	220	502	1074
§ 22.1-217.03, amending	SB	60	493	1051
§ 22.1-227.1, amending	SB	707	776	1734
§§ 22.1-237.1 through 22.1-237.5, adding	HB	1087	647	1413
	SB	627	684	1567
§ 22.1-253.13:1, amending	HB	98	433	923
	HB	647	44	99

	BILL OR RES.	NO.	CHAP. NO.	PAGE NO.
CODE OF VIRGINIA - Continued				
	HB	719	144	321
	HB	1087	647	1413
	HB	1345	657	1501
	SB	199	666	1518
	SB	379	7	6
	SB	624	12	21
	SB	627	684	1567
§ 22.1-253.13:2, amending	HB	1089	468	1008
	HB	1247	743	1676
	SB	220	502	1074
	SB	272	766	1718
§ 22.1-253.13:4, amending	HB	1089	468	1008
	HB	1345	657	1501
	SB	199	666	1518
	SB	220	502	1074
§ 22.1-253.13:5, amending	HB	1089	468	1008
	SB	220	502	1074
§ 22.1-253.13:6, amending	HB	647	44	99
	SB	624	12	21
§ 22.1-272.1:1, adding	SB	498	843	1911
§ 22.1-272.2, amending	HB	919	534	1157
§ 22.1-274.2, amending	HB	1039	466	1002
§ 22.1-274.2:1, adding	HB	121	171	412
§ 22.1-274.4:1, adding	HB	732	451	966
	SB	726	519	1127
§ 22.1-279.6, amending	HB	790	821	1842
	SB	582	796	1789
§ 22.1-279.8, amending	HB	561	429	920
§ 22.1-279.9, amending	HB	719	144	321
	SB	379	7	6
§ 22.1-287.04, amending	HB	738	817	1827
§ 22.1-289, amending	HB	1089	468	1008
	HB	1317	61	137
	SB	220	502	1074
	SB	443	8	11
§ 22.1-289.03, amending	HB	419	722	1646
	SB	54	757	1705
§ 22.1-289.030, amending	HB	739	49	111
	SB	702	259	670
§ 22.1-289.035, amending	HB	508	289	726
	HB	1277	477	1036
§ 22.1-289.08:2, adding	HB	407	286	724
§ 22.1-291.1, amending	HB	583	196	441
§ 22.1-296.5, adding	HB	355	442	956
	SB	441	508	1108
§ 22.1-298.1, amending	HB	632	642	1407
	HB	731	729	1650
	SB	142	845	1915
	SB	352	672	1538
§ 22.1-299, amending	SB	142	845	1915
§ 22.1-346.2, amending	SB	420	351	815
§ 22.1-367, amending	HB	615	814	1825
§§ 22.1-381, 22.1-382, and 22.1-383, adding	HB	1075	147	335
	SB	5	151	369
§ 23.1-100, amending	HB	1087	647	1413
	SB	627	684	1567
§ 23.1-200, amending	HB	566	195	440
	HB	1044	59	136
	SB	159	3	2
§ 23.1-306, amending	HB	1133	217	472

	BILL OR RES.	NO.	CHAP. NO.	PAGE NO.
CODE OF VIRGINIA - Continued				
§ **23.1-407.2, adding**	HB	48	15	30
	SB	46	2	2
§ **23.1-408.1, amending**	HB	1505	837	1899
§ **23.1-508.1, amending**	HB	738	817	1827
§ **23.1-601, amending**	HB	700	449	963
§ **23.1-627.3, amending**	SB	436	507	1102
§§ **23.1-700 and 23.1-701, amending**	HB	1133	217	472
§ **23.1-802.1, amending**	HB	163	176	415
§ **23.1-807.1, adding**	HB	1342	554	1180
§ **23.1-808.2, adding**	HB	713	204	451
§ **23.1-818, amending**	HB	690	202	450
	SB	613	9	12
§ **23.1-819, amending**	HB	980	405	901
§ **23.1-821, amending**	HB	980	405	901
§ **23.1-900.2, adding**	HB	1365	750	1689
§ **23.1-902.1, amending**	HB	1089	468	1008
	SB	220	502	1074
§ **23.1-907, amending**	HB	1087	647	1413
	SB	627	684	1567
§ **23.1-1004, amending**	HB	1133	217	472
§ **23.1-1017, amending**	HB	1404	834	1889
§ **23.1-2002, amending**	HB	1055	841	1909
§ **23.1-2311.1, adding**	HB	1455	330	781
§ **23.1-2911.2, amending**	SB	436	507	1102
§ **23.1-3100.1, adding**	HB	690	202	450
	SB	613	9	12
§ **23.1-3107, amending**	HB	1357	220	509
§ **23.1-3109, amending**	HB	1357	220	509
§ **23.1-3118, amending**	HB	1357	220	509
§ **23.1-3222, amending**	HB	832	208	458
	SB	530	248	630
§ **24.2-101, amending**	HB	441	191	432
	SB	605	515	1122
§ **24.2-105.1, amending**	HB	989	406	901
§ **24.2-106, amending**	HB	943	309	747
§ **24.2-110, amending**	HB	943	309	747
§ **24.2-112, amending**	HB	943	309	747
§ **24.2-115, amending**	HB	943	309	747
§§ **24.2-202 through 24.2-205, repealing**	HB	111	801	1806
§ **24.2-228, amending**	HB	69	168	411
§§ **24.2-240 through 24.2-246, adding**	HB	111	801	1806
§ **24.2-306, amending**	HB	940	461	990
	HB	1003	312	752
§ **24.2-311, amending**	HB	111	801	1806
§ **24.2-418, amending**	HB	943	309	747
	SB	364	787	1766
§ **24.2-452, amending**	HB	738	817	1827
§ **24.2-506, amending**	SB	165	498	1070
§ **24.2-520, amending**	HB	90	169	411
	SB	109	264	680
§ **24.2-521, amending**	SB	165	498	1070
§ **24.2-538.1, adding**	HB	55	166	410
	SB	131	230	571
§§ **24.2-542, 24.2-542.1, and 24.2-543, repealing**	HB	111	801	1806
§ **24.2-612.2, amending**	HB	55	166	410
	SB	131	230	571
§ **24.2-614, amending**	HB	111	801	1806

	BILL OR RES.	NO.	CHAP. NO.	PAGE NO.
CODE OF VIRGINIA - Continued				
§ 24.2-649.1, amending	HB	441	191	432
	SB	605	515	1122
§ 24.2-653.01, amending	HB	998	738	1669
§ 24.2-671, amending	HB	998	738	1669
§ 24.2-678, amending	HB	998	738	1669
§ 24.2-700.1, adding	HB	1330	553	1179
§ 24.2-701, amending	HB	1330	553	1179
§ 24.2-945.2, amending	HB	730	206	453
	SB	692	258	670
§§ 24.2-948.1 and 24.2-948.2, amending	HB	1346	110	249
	SB	577	124	296
§ 24.2-1000, amending	SB	364	787	1766
§ 24.2-1005.2, amending	HB	1330	553	1179
§ 27-14, amending	HB	852	823	1857
§ 28.2-104.01, adding	HB	1157	830	1877
§ 28.2-208.1, amending	HB	596	198	443
	SB	464	246	627
§ 28.2-208.3, adding	HB	596	198	443
	SB	464	246	627
§ 28.2-1208, amending	HB	596	198	443
	SB	464	246	627
§§ 29.1-344 and 29.1-345, amending	HB	288	186	423
§ 29.1-350.1, adding	HB	1058	213	468
§ 29.1-539, amending	HB	1025	83	179
§ 29.1-733.25, amending	HB	1053	314	753
§ 30-87, amending	HB	1199	739	1671
§ 30-140, amending	HB	1488	225	515
	SB	413	242	582
§§ 30-329.1 through 30-329.4, adding	SB	389	708	1632
§§ 30-330 through 30-333, amending	HB	1133	217	472
§ 30-335, amending	HB	1133	217	472
§ 30-339, amending	HB	114	98	203
§ 30-343, amending	HB	1210	219	508
	SB	132	36	61
§ 30-403, amending	HB	807	456	982
	SB	125	496	1068
§ 30-420, amending	HB	200	275	703
§ 30-422, amending	HB	839	400	896
	SB	117	401	897
§ 30-426, amending	HB	839	400	896
	SB	117	401	897
§§ 30-430, 30-431, and 30-432, adding	HB	374	527	1144
	HB	607	296	735
§§ 30-433, 30-434, and 30-435, adding	HB	607	296	735
§ 30-436, adding	HB	374	527	735
§ 32.1-23.7, adding	HB	150	435	927
§ 32.1-45.1, amending	HB	435	190	430
§ 32.1-73.11, amending	HB	514	391	879
§ 32.1-73.21, adding	HB	252	437	930
	HB	255	182	421
§§ 32.1-73.22 through 32.1-73.26, adding	HB	252	437	930
§ 32.1-111.5:2, adding	HB	933	698	1607
§§ 32.1-122.7, 32.1-122.7:1, and 32.1-122.7:2, amending	HB	1499	754	1699
	SB	155	761	1707
§ 32.1-127, amending	HB	353	441	947
	HB	763	207	454
	HB	1498	150	337
	SB	173	37	62

	BILL OR RES.	NO.	CHAP. NO.	PAGE NO.
CODE OF VIRGINIA - Continued				
	SB	392	505	1091
	SB	537	249	631
§ **32.1-164.10, adding**	HB	1431	419	911
§ **32.1-172.1, adding**	HB	220	178	416
§ **32.1-261, amending**	HB	649	45	105
	SB	325	119	286
§ **32.1-283.8, amending**	HB	204	376	867
§ **32.1-325, amending**	SB	250	585	1225
§ **32.1-330, amending**	HB	291	24	37
	HB	729	48	109
	SB	24	152	369
	SB	620	517	1125
§ **32.1-331.06, adding**	HB	820	306	744
§ **33.2-280.2, adding**	HB	143	271	698
§ **33.2-331, amending**	HB	1488	225	515
	SB	413	242	582
§ **33.2-359, amending**	HB	74	134	308
	SB	644	160	401
§ **33.2-369, amending**	HB	1254	415	909
§ **33.2-373, amending**	SB	336	670	1529
§ **33.2-723, amending**	HB	1488	225	515
	SB	413	242	582
§ **33.2-909, amending**	HB	1488	225	515
	SB	413	242	582
§ **33.2-1904, amending**	HB	201	633	1398
§ **33.2-1907, amending**	HB	201	633	1398
§ **33.2-2001, amending**	HB	1488	225	515
	SB	413	242	582
§ **33.2-2101, amending**	HB	1488	225	515
	SB	413	242	582
§ **33.2-2502, amending**	HB	201	633	1398
§ **33.2-2507, amending**	SB	158	618	1297
§ **33.2-2701, amending**	HB	1488	225	515
	SB	413	242	582
§ **34-4, amending**	HB	1339	656	1498
§ **34-13, amending**	HB	1339	656	1498
§ **34-26, amending**	HB	1339	656	1498
§ **35.1-1, amending**	HB	1498	150	337
	SB	173	37	62
§ **35.1-25, amending**	HB	57	16	30
§ **36-98.1, amending**	HB	285	806	1819
	HB	1425	78	175
§ **36-99.5:1, amending**	HB	1498	150	337
	SB	173	37	62
§ **36-106, amending**	HB	578	641	1405
	SB	538	681	1555
§ **37.2-314, amending**	HB	1269	651	1431
	SB	626	683	1562
§ **37.2-416.1, amending**	HB	1269	651	1431
	SB	626	683	1562
§ **37.2-431.1, amending**	SB	19	30	45
§ **37.2-505, amending**	HB	314	279	708
	SB	179	153	371
§ **37.2-506.1, amending**	HB	1269	651	1431
	SB	626	683	1562
§ **37.2-800, amending**	SB	34	780	1743
§ **37.2-804, amending**	HB	125	802	1809
§§ **37.2-804.2 and 37.2-805, amending**	SB	34	780	1743

	BILL OR RES.	NO.	CHAP. NO.	PAGE NO.
CODE OF VIRGINIA - Continued				
§ 37.2-808, amending	HB	1242	649	1425
	SB	34	780	1743
	SB	546	682	1557
§ 37.2-809, amending	HB	888	696	1600
	HB	1242	649	1425
	SB	34	780	1743
	SB	176	579	1214
	SB	546	682	1557
§ 37.2-809.1, amending	HB	888	696	1600
	SB	34	780	1743
	SB	176	579	1214
§ 37.2-810, amending	HB	823	643	1410
	SB	34	780	1743
	SB	497	680	1554
§§ 37.2-813 and 37.2-814, amending	SB	34	780	1743
§ 37.2-815, amending	HB	888	696	1600
	SB	176	579	1214
§§ 37.2-816 and 37.2-817, amending	HB	888	696	1600
	SB	34	780	1743
	SB	176	579	1214
§ 37.2-837, amending	HB	314	279	708
	SB	179	153	371
§ 37.2-1104, amending	SB	34	780	1743
§ 38.2-316.2, adding	HB	1132	319	759
	SB	257	345	798
§ 38.2-325, amending	HB	595	197	441
§ 38.2-1867, amending	SB	705	364	835
§ 38.2-2120, amending	HB	1257	547	1167
§ 38.2-2206, amending	SB	256	781	1754
§ 38.2-3407.10, amending	HB	218	377	869
	SB	87	575	1206
§ 38.2-3407.14:1, amending	HB	987	538	1159
§ 38.2-3407.15, amending	HB	123	270	694
	SB	425	244	623
§ 38.2-3407.15:2, amending	HB	1134	320	761
	SB	98	338	790
§ 38.2-3412.1, amending	HB	601	199	444
	SB	543	360	824
§ 38.2-3414.2, adding	HB	935	460	988
	SB	118	495	1066
§ 38.2-3418.7:1, amending	HB	238	181	421
§ 38.2-3438, amending	HB	601	199	444
	SB	543	360	824
§ 38.2-3445, amending	HB	601	199	444
	SB	543	360	824
§§ 38.2-3465 and 38.2-3466, amending	HB	1402	329	779
	SB	660	626	1363
§ 38.2-3468, amending	HB	1402	329	779
	SB	660	626	1363
§ 38.2-3521.1, amending	HB	917	459	983
	SB	358	621	1325
§ 38.2-4214, amending	HB	1132	319	759
	SB	257	345	798
§ 38.2-4319, amending	HB	218	377	869
	HB	935	460	988
	HB	1132	319	759
	SB	118	495	1066
	SB	257	345	798

	BILL OR RES.	NO.	CHAP. NO.	PAGE NO.
CODE OF VIRGINIA - Continued				
§ **38.2-4509, amending**	HB	595	197	441
	HB	1132	319	759
	SB	257	345	798
§ **38.2-5206.1, adding**	HB	1060	315	753
§ **38.2-6602, amending**	HB	591	293	731
§ **40.1-27.4, amending**	HB	149	632	1397
	SB	391	674	1542
§ **40.1-28.7:11, adding**	HB	160	430	922
§ **40.1-51.20, amending**	HB	1215	473	1030
§ **40.1-113, amending**	HB	100	369	863
§ **42.1-36, amending**	HB	1430	486	1042
§ **44-93, amending**	HB	279	184	422
	SB	401	239	580
§ **44-93.1, amending**	HB	738	817	1827
§ **44-102.1:1, amending**	HB	1513	226	555
§ **44-146.19, amending**	HB	1498	150	337
	SB	173	37	62
§ **44-146.29:4, adding**	HB	906	824	1857
	SB	480	790	1768
§ **44-204, amending**	HB	279	184	422
	SB	401	239	580
§ **45.2-1105, amending**	HB	85	135	309
§ **45.2-1200, amending**	HB	1466	224	515
§ **45.2-1701, amending**	HB	1002	539	1160
§ **45.2-1725, amending**	HB	199	100	204
	SB	25	1	1
§ **46.2-105.2, amending**	HB	1469	89	184
§ **46.2-118, amending**	HB	1073	409	903
	SB	66	574	1205
	SB	94	337	789
§ **46.2-204, amending**	HB	1163	414	908
§ **46.2-208, amending**	HB	425	189	426
	SB	336	670	1529
§ **46.2-301, amending**	HB	1080	543	1162
§ **46.2-315, amending**	HB	1163	414	908
§ **46.2-322, amending**	HB	1163	414	908
§ **46.2-341.4, amending**	HB	844	107	241
	SB	353	121	288
§ **46.2-341.12, amending**	HB	844	107	241
	SB	353	121	288
§ **46.2-345.2, amending**	HB	1224	474	1031
	SB	151	497	1068
§ **46.2-373, amending**	HB	1409	79	176
	SB	732	80	177
§ **46.2-379, amending**	HB	1409	79	176
	SB	732	80	177
§ **46.2-391, amending**	HB	1324	552	1177
	SB	6	568	1201
§ **46.2-427, amending**	HB	1082	467	1008
§ **46.2-631.1, adding**	HB	1419	418	911
§ **46.2-653.1, amending**	HB	1538	567	1200
§ **46.2-743, amending**	HB	380	188	424
§ **46.2-749.102, amending**	HB	892	146	328
	SB	616	10	13
§ **46.2-808.3, adding**	HB	282	138	312
§ **46.2-819.3:1, amending**	HB	1109	67	161
	HB	1110	470	1025
	SB	205	68	164
§ **46.2-844, amending**	HB	1362	221	510

	BILL OR RES.	NO.	CHAP. NO.	PAGE NO.
CODE OF VIRGINIA - Continued				
§ 46.2-878, amending	HB	144	272	698
	HB	1071	842	1910
§ 46.2-882.1, amending	SB	336	670	1529
§ 46.2-915.1, amending	HB	234	436	929
	SB	516	510	1108
§ 46.2-1024, amending	HB	15	76	175
	SB	150	77	175
§ 46.2-1025, amending	HB	24	95	199
§ 46.2-1025.1, adding	HB	24	95	199
§ 46.2-1105, amending	SB	572	361	830
§ 46.2-1145.1, adding	HB	1526	227	556
§ 46.2-1150, amending	HB	925	308	745
§ 46.2-1177.1, amending	HB	213	634	1400
	SB	453	676	1543
§ 46.2-1182, amending	HB	213	634	1400
	SB	453	676	1543
§ 46.2-1202, amending	HB	845	645	1412
§ 46.2-1209, amending	SB	261	232	572
§ 46.2-1231, amending	HB	925	308	745
§ 46.2-1232, amending	HB	925	308	745
	HB	959	537	1158
	HB	1287	653	1488
§ 46.2-1233.3, amending	HB	959	537	1158
§ 46.2-1241, amending	HB	1084	411	905
§ 46.2-1300, amending	HB	1071	842	1910
§ 46.2-1528, amending	HB	1107	86	181
§ 46.2-1569, amending	HB	191	804	1811
	SB	534	791	1770
§ 46.2-1575, amending	HB	1107	86	181
§ 46.2-1583, amending	HB	1106	84	179
	SB	452	85	180
§ 46.2-1586, amending	HB	1106	84	179
	SB	452	85	180
§ 46.2-1589, amending	HB	1106	84	179
	SB	452	85	180
§ 46.2-1608.2, amending	HB	1112	216	471
	SB	545	250	635
§ 46.2-1700, amending	HB	844	107	241
	SB	353	121	288
§ 46.2-1708, amending	HB	844	107	241
	SB	353	121	288
§ 47.1-2, amending	HB	1372	832	1886
§ 47.1-5.1, amending	SB	8	569	1203
§ 47.1-16, amending	HB	1372	832	1886
§ 47.1-19, amending	HB	986	310	751
§ 47.1-20.1, amending	HB	1372	832	1886
§ 51.1-142.2, amending	HB	70	267	689
	SB	458	353	818
§ 51.1-212, amending	HB	1312	416	910
	HB	1401	417	910
§ 51.1-505.01, amending	HB	1133	217	472
§ 51.5-40.1, amending	HB	1165	648	1423
§ 51.5-44, amending	HB	1165	648	1423
§ 51.5-150, amending	SB	291	587	1231
§ 51.5-150.1, adding	SB	291	587	1231
§§ 51.5-182 and 51.5-183, amending	HB	1498	150	337
	SB	173	37	62
§§ 52-34.3:1, 52-34.3:2, and 52-34.3:3, adding	HB	1388	658	1508
	SB	201	667	1525

	BILL OR RES.	NO.	CHAP. NO.	PAGE NO.
CODE OF VIRGINIA - Continued				
§ 52-46, amending	HB	444	41	97
	SB	169	117	284
§ 53.1-1.1, amending	HB	801	455	981
§ 53.1-5, amending	HB	103	136	309
§§ 53.1-17.2 through 53.1-17.10, adding	HB	555	392	879
	SB	456	393	884
§ 53.1-33, amending	HB	479	193	439
§ 53.1-35.1, amending	HB	801	455	981
§ 53.1-39.3, adding	HB	159	99	203
§ 53.1-115.2, amending	HB	912	402	897
§§ 53.1-127.1 and 53.1-127.2, amending	HB	912	402	897
§ 53.1-134.1, adding	HB	913	458	983
§ 53.1-202.3, amending	HB	36	161	402
	SB	44	162	404
§ 54.1-104, amending	HB	120	18	34
§ 54.1-205, amending	SB	554	157	376
§ 54.1-403, amending	HB	350	383	875
§ 54.1-405, amending	HB	350	383	875
§§ 54.1-500, 54.1-500.1, and 54.1-501, amending	HB	1005	93	190
	SB	560	94	194
§ 54.1-503, amending	HB	1005	93	190
	SB	560	94	194
§ 54.1-512, amending	HB	1005	93	190
	SB	560	94	194
§§ 54.1-516 and 54.1-517, amending	HB	1005	93	190
	SB	560	94	194
§ 54.1-700.1, adding	HB	322	281	712
§ 54.1-2100, amending	HB	917	459	983
	HB	1237	327	773
	SB	358	621	1325
	SB	437	352	816
§ 54.1-2101, repealing	HB	917	459	983
	SB	358	621	1325
§ 54.1-2103, amending	HB	917	459	983
	SB	358	621	1325
§ 54.1-2105.03, amending	HB	383	29	44
	SB	330	120	287
§ 54.1-2106.1, amending	HB	1237	327	773
	SB	437	352	816
§ 54.1-2107, repealing	HB	917	459	983
	SB	358	621	1325
§ 54.1-2110, amending	HB	1237	327	773
	SB	437	352	816
§ 54.1-2200, amending	HB	287	23	36
	SB	184	4	3
§ 54.1-2206.2, amending	HB	1182	545	1165
§ 54.1-2347, amending	HB	214	839	1904
§ 54.1-2400.6, amending	HB	42	96	200
	SB	629	126	297
§ 54.1-2408.4, amending	HB	511	390	878
§ 54.1-2522.1, amending	HB	257	635	1401
§ 54.1-2523, amending	SB	74	33	56
§ 54.1-2701, amending	HB	738	817	1827
§ 54.1-2722, amending	HB	605	295	733
§ 54.1-2729.02, adding	HB	225	101	205
	SB	22	31	46
§ 54.1-2800, amending	SB	513	598	1269
	SB	521	247	628
§ 54.1-2807.01, amending	HB	652	200	449

	BILL OR RES.	NO.	CHAP. NO.	PAGE NO.
CODE OF VIRGINIA - Continued				
§ 54.1-2807.03, adding	HB	652	200	449
§ 54.1-2820, amending	SB	521	247	628
§ 54.1-2900, amending	HB	1278	548	1167
	HB	1389	222	511
§ 54.1-2901, amending	HB	738	817	1827
	HB	1278	548	1167
§ 54.1-2911, amending	HB	964	463	992
§ 54.1-2933.1, amending	HB	995	464	992
§ 54.1-2951.1, amending	SB	133	116	282
§§ 54.1-2952, 54.1-2952.1, and 54.1-2953, amending	SB	133	116	282
§ 54.1-2953.1, adding	HB	324	439	933
§ 54.1-2957, amending	HB	971	404	898
§ 54.1-2985, amending	HB	436	81	177
§§ 54.1-2994 and 54.1-2995, amending	HB	188	274	702
	SB	154	231	572
§§ 54.1-3041 and 54.1-3042, amending	HB	349	284	723
§ 54.1-3300, amending	HB	1067	214	468
§§ 54.1-3320 and 54.1-3321, amending	HB	1067	214	468
§ 54.1-3401, amending	HB	1336	63	152
	SB	568	513	1113
§ 54.1-3408, amending	HB	342	440	942
	HB	732	451	966
	HB	1035	465	993
	HB	1039	466	1002
	HB	1498	150	337
	SB	173	37	62
	SB	726	519	1127
§ 54.1-3408.5, amending	HB	1035	465	993
§ 54.1-3410.3, adding	HB	516	725	1648
§ 54.1-3423, amending	HB	1336	63	152
	SB	568	513	1113
§ 54.1-3434.02, amending	HB	1336	63	152
	SB	568	513	1113
§ 54.1-3446, amending	HB	1333	62	139
	SB	111	228	556
§ 54.1-3448, amending	HB	1333	62	139
	SB	111	228	556
§ 54.1-3452, amending	HB	1333	62	139
	SB	111	228	556
§ 54.1-3454, amending	HB	1333	62	139
	SB	111	228	556
§ 54.1-3458, amending	SB	469	371	865
§ 54.1-3500, amending	SB	403	595	1255
§ 54.1-3505, amending	SB	403	595	1255
§§ 54.1-3518 through 54.1-3521, adding	SB	403	595	1255
§ 54.1-3600, amending	HB	1499	754	1699
	SB	155	761	1707
§ 54.1-3601, amending	HB	738	817	1827
§ 54.1-3606, amending	HB	1499	754	1699
	SB	155	761	1707
§ 54.1-3606.3, adding	HB	1499	754	1699
	SB	155	761	1707
§ 54.1-3709.4, adding	HB	326	690	1581
	SB	239	704	1617
§ 54.1-3804, amending	SB	663	604	1276
§ 54.1-3805.3, adding	HB	848	307	744
§ 54.1-3814, adding	HB	1354	748	1687
§ 54.1-4400, amending	HB	1337	654	1489
	SB	463	677	1544

	BILL OR RES.	NO.	CHAP. NO.	PAGE NO.
CODE OF VIRGINIA - Continued				
§§ 54.1-4402 and 54.1-4403, amending	HB	1337	654	1489
	SB	463	677	1544
§ 54.1-4407, amending	HB	1337	654	1489
	SB	463	677	1544
§ 54.1-4412.1, amending	HB	1337	654	1489
	SB	463	677	1544
§ 54.1-4413.4, amending	HB	1337	654	1489
	SB	463	677	1544
§ 54.1-4420, repealing	HB	1337	654	1489
	SB	463	677	1544
§ 54.1-4421, amending	HB	1337	654	1489
	SB	463	677	1544
§ 54.1-4425, amending	HB	1337	654	1489
	SB	463	677	1544
§§ 55.1-124 and 55.1-125, amending	HB	836	52	116
	SB	470	123	295
§§ 55.1-127 and 55.1-128, amending	HB	836	52	116
	SB	470	123	295
§ 55.1-321, amending	HB	184	803	1810
§ 55.1-601, amending	SB	598	711	1635
§ 55.1-615, amending	HB	738	817	1827
§ 55.1-1204, amending	HB	1272	831	1885
§ 55.1-1204.1, adding	HB	967	826	1859
	SB	405	788	1767
§ 55.1-1208, amending	HB	1519	838	1900
§ 55.1-1229, amending	HB	701	46	106
§ 55.1-1235, amending	HB	352	28	43
	SB	213	154	373
§ 55.1-1236, amending	HB	764	302	741
§ 55.1-1243.2, adding	HB	957	825	1859
§ 55.1-1302, amending	HB	572	726	1648
	SB	232	762	1711
§ 55.1-1308, amending	HB	572	726	1648
	SB	232	762	1711
§ 55.1-1308.1, amending	HB	1397	833	1889
§ 55.1-1311, amending	HB	572	726	1648
	SB	232	762	1711
§ 55.1-1315, amending	HB	572	726	1648
	SB	232	762	1711
§§ 55.1-1406 through 55.1-1409, repealing	HB	312	27	43
	SB	589	158	377
§§ 55.1-1606 through 55.1-1609, adding	HB	312	27	43
	SB	589	158	377
§ 55.1-1800, amending	HB	1209	324	766
§ 55.1-1805, amending	SB	672	685	1576
§ 55.1-1815, amending	HB	880	55	123
	SB	341	349	804
§ 55.1-1816, amending	HB	723	82	178
§§ 55.1-1825 and 55.1-1826, amending	HB	1209	324	766
§ 55.1-1833, amending	HB	880	55	123
	SB	341	349	804
§ 55.1-1900, amending	HB	1209	324	766
§ 55.1-1904, amending	SB	672	685	1576
§ 55.1-1945, amending	HB	880	55	123
	SB	341	349	804
§§ 55.1-1964 and 55.1-1965, amending	HB	1209	324	766
§ 55.1-1966, amending	HB	880	55	123
	SB	341	349	804

	BILL OR RES.	NO.	CHAP. NO.	PAGE NO.
CODE OF VIRGINIA - Continued				
§ 55.1-2148, amending	HB	880	55	123
	SB	341	349	804
§ 55.1-2151, amending	HB	880	55	123
	SB	341	349	804
§ 55.1-2216, amending	HB	1241	546	1165
	SB	600	602	1271
§ 55.1-2305, amending	HB	880	55	123
	SB	341	349	804
§§ 55.1-2308, 55.1-2309, and 55.1-2310, amending	HB	876	54	120
	SB	526	511	1109
§ 55.1-2311, amending	SB	526	511	1109
§ 55.1-2312, amending	HB	876	54	120
	SB	526	511	1109
§ 55.1-2316, amending	HB	105	170	412
	HB	876	54	120
	SB	526	511	1109
§ 55.1-2317, amending	HB	876	54	120
	SB	526	511	1109
§ 55.1-2544, amending	HB	70	267	689
	SB	458	353	818
§§ 55.1-2900 and 55.1-2901, amending	SB	355	673	1541
§§ 55.1-3200 through 55.1-3206, adding	HB	1243	328	774
	SB	576	362	830
§ 56-46.1, amending	HB	1157	830	1877
§§ 56-245.1:3 and 56-245.1:4, adding	HB	906	824	1857
	SB	480	790	1768
§ 56-245.3, amending	HB	1376	557	1186
§ 56-466.1, amending	HB	800	822	1854
	SB	713	799	1803
§ 56-576, amending	HB	746	818	1833
	SB	508	597	1259
	SB	565	794	1783
	SB	737	607	1280
§ 56-585.1:14, adding	HB	1491	836	1898
	SB	454	789	1768
§ 56-585.5, amending	SB	508	597	1259
§ 56-585.7, amending	SB	737	607	1280
§ 56-594, amending	HB	1062	827	1860
	SB	271	783	1759
§ 56-594.02, amending	HB	1062	827	1860
	SB	271	783	1759
§ 56-594.3, amending	HB	106	715	1639
	SB	253	763	1712
§ 56-594.4, adding	HB	108	716	1641
	SB	255	765	1715
§ 56-596.2, amending	HB	746	818	1833
	SB	565	794	1783
§ 56-597, amending	HB	862	532	1154
§ 56-599, amending	HB	862	532	1154
§ 57-27.1:1, adding	SB	281	767	1721
§§ 58.1-322.02 and 58.1-322.03, amending	HB	1133	217	472
§ 58.1-337, amending	HB	1015	212	464
	SB	298	234	575
§ 58.1-339.2, amending	HB	960	462	991
	SB	556	512	1112
§ 58.1-339.3, amending	HB	1015	212	464
	SB	297	233	573
§ 58.1-339.14, amending	HB	35	522	1136
§ 58.1-344.4, amending	HB	1133	217	472

	BILL OR RES.	NO.	CHAP. NO.	PAGE NO.
CODE OF VIRGINIA - Continued				
§ **58.1-436, amending**	HB	1015	212	464
	SB	298	234	575
§ **58.1-439.5, amending**	HB	1015	212	464
	SB	297	233	573
§ **58.1-439.12:04, amending**	HB	1203	322	763
§ **58.1-439.12:08, amending**	HB	1518	661	1510
§ **58.1-439.12:11, amending**	HB	1518	661	1510
§ **58.1-512, amending**	HB	892	146	328
	SB	616	10	13
§ **58.1-609.11, amending**	HB	464	287	725
§ **58.1-639.1, adding**	HB	25	628	1392
	SB	116	663	1517
§ **58.1-801, amending**	HB	574	140	315
§§ **58.1-1000 and 58.1-1001, amending**	HB	1099	611	1288
§ **58.1-1021.01, amending**	HB	790	821	1842
	HB	1099	611	1288
	SB	582	796	1789
§ **58.1-1021.02, amending**	HB	790	821	1842
	SB	582	796	1789
§ **58.1-1021.04:1, amending**	HB	790	821	1842
	SB	582	796	1789
§ **58.1-1021.04:5, amending**	HB	790	821	1842
	SB	582	796	1789
§§ **58.1-1021.06 through 58.1-1021.09, adding**	HB	790	821	1842
	SB	582	796	1789
§ **58.1-1812, amending**	HB	1508	113	278
	SB	709	128	300
§§ **58.1-3219.9 and 58.1-3219.10, amending**	SB	240	583	1223
§ **58.1-3228.2, repealing**	SB	240	583	1223
§ **58.1-3242.1, amending**	HB	944	699	1612
	SB	129	703	1617
§ **58.1-3245.2, amending**	HB	1488	225	515
	SB	413	242	582
§ **58.1-3245.8, amending**	HB	1488	225	515
	SB	413	242	582
§ **58.1-3274, amending**	SB	9	570	1203
§ **58.1-3321, amending**	HB	1488	225	515
	SB	413	242	582
§ **58.1-3330, amending**	HB	639	142	320
	SB	677	14	29
§ **58.1-3505, amending**	HB	1429	87	182
	SB	483	88	183
§ **58.1-3714, amending**	HB	1417	558	1187
§ **58.1-3853.1, adding**	HB	619	298	736
	SB	343	350	814
§ **58.1-3916, amending**	HB	1503	488	1043
§ **58.1-3975, amending**	HB	258	636	1402
§ **58.1-4007.3, adding**	SB	397	593	1242
§ **58.1-4107, amending**	HB	1131	318	758
	SB	541	359	823
	SB	628	798	1801
§ **58.1-4122.1, adding**	SB	397	593	1242
§ **58.1-4123, amending**	HB	525	291	728
	SB	628	798	1801
§ **59.1-21.11:2, adding**	HB	392	639	1404
	SB	248	668	1526
§ **59.1-199, amending**	HB	1243	328	774
	HB	1519	838	1900
	SB	576	362	830

	BILL OR RES.	NO.	CHAP. NO.	PAGE NO.
CODE OF VIRGINIA - Continued				
§ 59.1-200, amending	HB	744	452	973
	HB	1069	828	1864
	HB	1243	328	774
	HB	1270	476	1032
	HB	1301	549	1173
	HB	1351	747	1684
	HB	1370	751	1689
	HB	1519	838	1900
	SB	550	793	1777
	SB	576	362	830
§§ 59.1-207.45 and 59.1-207.46, amending	HB	744	452	973
§ 59.1-284.43, adding	HB	468	91	187
	SB	156	92	189
§ 59.1-293.10, amending	HB	790	821	1842
	HB	1069	828	1864
	SB	550	793	1777
	SB	582	796	1789
§ 59.1-293.11, amending	HB	790	821	1842
	SB	582	796	1789
§§ 59.1-293.12, 59.1-293.13, and 59.1-293.14, adding	HB	790	821	1842
	HB	1069	828	1864
	SB	550	793	1777
	SB	582	796	1789
§§ 59.1-293.15 through 59.1-293.19, adding	HB	1069	828	1864
	SB	550	793	1777
§ 59.1-369, amending	SB	397	593	1242
§ 59.1-392, amending	HB	843	53	118
	SB	426	506	1100
§ 59.1-444.1, amending	HB	1370	751	1689
§ 59.1-444.4, adding	HB	1370	751	1689
§ 59.1-526, amending	HB	1301	549	1173
§ 59.1-542, amending	HB	61	631	1397
	SB	679	686	1577
§ 59.1-542.1, adding	SB	17	572	1205
§ 59.1-575, amending	HB	707	840	1906
	SB	361	844	1912
§ 59.1-578, amending	HB	707	840	1906
	SB	361	844	1912
§ 59.1-580, amending	HB	707	840	1906
	SB	361	844	1912
§§ 59.1-603 through 59.1-606, adding	HB	474	640	1404
§ 60.2-114, amending	HB	1103	215	470
§ 60.2-210, amending	HB	214	839	1904
§ 60.2-528, amending	HB	1261	746	1681
	SB	536	772	1724
§ 60.2-528.1, amending	HB	14	165	407
	SB	381	236	577
§ 60.2-608, amending	HB	1453	562	1191
	SB	655	603	1273
§ 60.2-612.1, amending	HB	1261	746	1681
	SB	536	772	1724
§ 60.2-613, amending	HB	1453	562	1191
	SB	655	603	1273
§ 60.2-619, amending	HB	14	165	407
	HB	1261	746	1681
	HB	1453	562	1191
	SB	381	236	577
	SB	536	772	1724
	SB	655	603	1273

	BILL OR RES.	NO.	CHAP. NO.	PAGE NO.
CODE OF VIRGINIA - Continued				
§ 60.2-620, amending	HB	1453	562	1191
	SB	655	603	1273
§ 60.2-621, repealing	HB	1453	562	1191
	SB	655	603	1273
§§ 60.2-622 and 60.2-623, amending	HB	1453	562	1191
	SB	655	603	1273
§ 60.2-625, amending	HB	1453	562	1191
	SB	655	603	1273
§ 60.2-630, amending	HB	1453	562	1191
	SB	655	603	1273
§ 60.2-631, repealing	HB	1453	562	1191
	SB	655	603	1273
§ 60.2-633, amending	HB	1261	746	1681
	SB	382	591	1240
	SB	536	772	1724
§ 62.1-44.15:22, amending	SB	581	251	636
§ 62.1-44.15:33, amending	HB	1488	225	515
	SB	413	242	582
§ 62.1-44.15:55, amending	HB	656	104	216
	SB	365	5	4
§ 62.1-44.19:3, amending	HB	870	209	459
§ 62.1-44.19:3.5, adding	HB	220	178	416
§§ 62.1-44.34:29 through 62.1-44.34:33, adding	HB	1085	316	754
	SB	243	343	796
§ 62.1-196.1, adding	HB	985	736	1663
§ 62.1-223.2, amending	SB	674	13	27
§ 62.1-262.2, amending	SB	337	768	1721
§ 62.1-263, amending	SB	581	251	636
§ 62.1-266, amending	HB	1157	830	1877
§ 63.2-100, amending	HB	1128	829	1870
	HB	1498	150	337
	SB	12	779	1736
	SB	173	37	62
§ 63.2-325.1, adding	HB	1366	555	1181
§ 63.2-620, repealing	HB	472	102	215
§ 63.2-801, amending	HB	150	435	927
§ 63.2-900.1, amending	HB	27	629	1393
	SB	39	662	1513
§ 63.2-901.1, amending	HB	453	529	1150
§ 63.2-1201.1, amending	HB	783	90	184
§ 63.2-1215, amending	HB	140	69	168
	SB	209	70	169
§ 63.2-1230, amending	HB	783	90	184
§ 63.2-1505, amending	HB	1128	829	1870
	SB	12	779	1736
§ 63.2-1506.1, amending	HB	1128	829	1870
	SB	12	779	1736
§ 63.2-1509, amending	HB	1542	615	1292
§§ 63.2-1531, 63.2-1532, and 63.2-1533, adding	HB	27	629	1393
	SB	39	662	1513
§ 63.2-1536, adding	HB	27	629	1393
	SB	39	662	1513
§§ 63.2-1700 and 63.2-1701, amending	HB	1498	150	337
	SB	173	37	62
§§ 63.2-1705 and 63.2-1706, amending	HB	1498	150	337
	SB	173	37	62
§§ 63.2-1708 and 63.2-1709, amending	HB	1498	150	337
	SB	173	37	62

	BILL OR RES.	NO.	CHAP. NO.	PAGE NO.
CODE OF VIRGINIA - Continued				
§ 63.2-1709.2, amending	HB	1498	150	337
	SB	173	37	62
§ 63.2-1710, amending	HB	1498	150	337
	SB	173	37	62
§§ 63.2-1710.2 through 63.2-1713, amending	HB	1498	150	337
	SB	173	37	62
§ 63.2-1720, amending	HB	1498	150	337
	SB	173	37	62
§ 63.2-1722, amending	HB	1498	150	337
	SB	173	37	62
§§ 63.2-1728 through 63.2-1731, amending	HB	1498	150	337
	SB	173	37	62
§ 63.2-1733, amending	HB	1498	150	337
	SB	173	37	62
§§ 63.2-2101, 63.2-2102, and 63.2-2103, amending	SB	683	427	917
§ 64.2-400, amending	SB	102	576	1208
§ 64.2-454, amending	HB	779	50	112
	SB	138	340	793
§ 64.2-531, amending	SB	102	576	1208
§ 64.2-732, amending	HB	332	282	722
	SB	63	336	789
§ 64.2-800, amending	HB	678	446	961
	SB	566	600	1270
§ 64.2-1625, amending	HB	336	283	722
	SB	471	355	820
§ 64.2-2002, amending	HB	115	17	31
	SB	290	156	374
§ 64.2-2003, amending	SB	292	588	1234
§ 64.2-2009, amending	HB	786	820	1840
§ 64.2-2011, amending	HB	115	17	31
	SB	290	156	374
§ 64.2-2012, amending	HB	786	820	1840
§ 64.2-2019, amending	SB	291	587	1231
§ 64.2-2020, amending	HB	115	17	31
	SB	290	156	374
	SB	291	587	1231
§ 65.2-601.3, adding	SB	241	584	1225
§ 65.2-605.1, amending	HB	205	177	415
§ 65.2-703, amending	HB	1418	559	1188
§ 66-21.1, adding	HB	159	99	203
COLE, GERALDINE BOYD				
Cole, Geraldine Boyd; recording sorrow upon death. (Patron–Hackworth)	SR	34		2579
COLE, JACK D.				
Cole, Jack D.; recording sorrow upon death.				
Patron–O'Quinn	HJR	167		1994
Patron–Pillion	SR	48		2586
COLE, RILEY C.				
Cole, Riley C.; recording sorrow upon death. (Patron–Hackworth)	SR	91		2611
COLEBURN, JAMES DOUGLAS				
Coleburn, James Douglas; recording sorrow upon death.				
Patron–Ware	HR	4		2146
Patron–Mulchi	SJR	162		2500
COLEMAN, LAURETTA ATKINSON				
Coleman, Lauretta Atkinson; recording sorrow upon death. (Patron–McQuinn)	HR	154		2231
COLLART, SPENCER ROMAN BARTLEY				
Collart, Spencer Roman Bartley; recording sorrow upon death. (Patron–Favola)	SR	23		2573
COLLINS, DEBRA				
Collins, Debra; commending. (Patron–Bennett-Parker)	HJR	157		1988

	BILL OR RES.	NO.	CHAP. NO.	PAGE NO.
COLLINS, NANCY				
Collins, Nancy; commending. (Patron–Durant)	SJR	173		2507
COLONIAL HEIGHTS, CITY OF				
Colonial Heights, City of; amending charter, relating to duties of city manager, etc.				
Patron–Cherry	HB	227	180	419
Patron–Sturtevant	SB	112	229	569
COLUMBIA GAS OF VIRGINIA				
Columbia Gas of Virginia; commending. (Patron–Walker)	HJR	169		1995
COMMENDATIONS AND COMMEMORATIONS				
AbbyCakes; commending. (Patron–Feggans)	HJR	222		2025
Access Independence; commending. (Patron–Oates)	HR	128		2216
Alexander, Kwame; commending. (Patron–Hayes)	HJR	404		2131
Alexandria City High School Theatre program; commending. (Patron–Lopez)	HJR	385		2121
Alexandria, City of; commemorating its 275th anniversary. (Patron–Ebbin)	SJR	81		2452
Alexandria City Public Schools' recipients of The Posse Foundation and QuestBridge scholarships; commending. (Patron–Lopez)	HJR	313		2079
Alexandria Commission for Women; commemorating its 50th anniversary.				
Patron–Herring	HJR	368		2111
Alexandria Library sit-in; commemorating the legacy of the sit-in on the occasion of its 85th anniversary.				
Patron–Herring	HJR	345		2098
Patron–Ebbin	SJR	207		2526
Ali, Elogien I.; commending. (Patron–Tran)	HR	374		2342
All Dulles Area Muslim Society Compassionate Healthcare Network; commemorating its 10th anniversary. (Patron–Srinivasan)	HR	427		2367
Allard, Terri; commending. (Patron–Callsen)	HR	434		2370
Allison, Boyd T., Jr.; commending. (Patron–Sturtevant)	SR	97		2614
Alpha Breast Cancer Support Service; commemorating its 10th anniversary.				
Patron–Thomas	HR	178		2243
Alpha Kappa Alpha Sorority, Incorporated ®, Lambda Omega Chapter; commemorating its 90th anniversary. (Patron–Price)	HJR	407		2132
Alpha Kappa Alpha Sorority, Inc., Omicron Chi Omega Chapter of; commending.				
Patron–Carroll Foy	SR	57		2591
Alpha Kappa Alpha Sorority, Inc., Zeta Epsilon Omega Chapter of; commemorating its 70th anniversary. (Patron–Clark)	HR	354		2331
Amazon's Metropolitan Park (HQ2); commending. (Patron–Shin)	HJR	393		2125
Ancient Free and Accepted Masons, Lafayette Lodge No. 137 of the; commemorating its 200th anniversary. (Patron–Gilbert)	HJR	141		1979
Anderson, Joanna; commending. (Patron–Bennett-Parker)	HJR	156		1988
Anna Sudha Community Kitchens; commending. (Patron–Srinivasan)	HR	133		2218
Annandale High School; commemorating its 70th anniversary. (Patron–Watts)	HJR	372		2114
Antioch Baptist Church; commemorating its 35th anniversary. (Patron–Helmer)	HR	410		2358
ARCI Architects; commending. (Patron–Green)	HR	35		2171
Arlington Chamber of Commerce; commemorating its 100th anniversary.				
Patron–Ebbin	SJR	110		2469
Arlington Free Clinic; commemorating its 30th anniversary. (Patron–Hope)	HJR	246		2040
Arlington Heights Civic Association and Bibury Parish Council; commending.				
Patron–Lopez	HR	171		2240
Arlington Public Schools' recipients of the Amazon Future Engineer Scholarship; commending. (Patron–Lopez)	HJR	386		2121
Arlington Public Schools' recipients of The Posse Foundation and QuestBridge scholarships; commending. (Patron–Lopez)	HJR	252		2043
Army Navy Country Club; commemorating its 100th anniversary. (Patron–Sullivan)	HJR	70		1940
ArtsLIVE!; commemorating its 35th anniversary. (Patron–Durant)	SJR	206		2526
Asha-Jyothi; commending. (Patron–Pekarsky)	SR	163		2646
Ashworth, James G., Jr.; commending. (Patron–Hodges)	HJR	122		1968
ASK Childhood Cancer Foundation; commending.				
Patron–Rasoul	HJR	120		1967
Patron–Williams Graves	SJR	101		2464

	BILL OR RES.	NO.	CHAP. NO.	PAGE NO.
COMMENDATIONS AND COMMEMORATIONS - Continued				
Assistance League of Northern Virginia; commemorating its 20th anniversary.				
Patron–Shin	HJR	395		2125
Patron–Pekarsky	SR	140		2635
Associated General Contractors of Virginia; commemorating its 100th anniversary.				
Patron–Runion	HR	29		2168
Auburn High School girls' volleyball team; commending. (Patron–Hackworth)	SJR	84		2455
Augusta Health; commemorating its 30th anniversary. (Patron–Runion)	HJR	126		1971
Ayana's Hope Cells; commending. (Patron–Clark)	HR	384		2346
Azar's Mediterranean Specialties; commending. (Patron–Feggans)	HR	302		2307
Bagnerise, Joann S.M.; commending. (Patron–Carroll Foy)	SR	59		2592
Baker, Jackie; commending. (Patron–Glass)	HR	141		2224
Ball, Trevor C.; commending. (Patron–Ennis)	HR	221		2265
BAPS Shri Swaminarayan Mandir; commending. (Patron–Srinivasan)	HR	417		2362
Barnett, James E.; commending. (Patron–Green)	HJR	106		1960
Barrick, Mark; commending. (Patron–Hodges)	HJR	142		1980
Bath County Fair Association, Inc.; commemorating its 10th anniversary.				
Patron–Obenshain	SJR	100		2464
Bauer, Lula; commending. (Patron–Surovell)	SJR	228		2539
Bays, Makayla; commending.				
Patron–Kilgore	HR	60		2182
Patron–Pillion	SR	146		2638
Becker, Dave; commending. (Patron–Reid)	HR	235		2272
Belong!; commending. (Patron–Seibold)	HR	399		2353
Benjamin, Grace; commending. (Patron–Torian)	HJR	366		2110
Bergeron, Simone; commending. (Patron–Seibold)	HR	397		2353
Berry, Jack; commending. (Patron–Carr)	HJR	358		2105
Beulah Baptist Church; commemorating its 160th anniversary. (Patron–Ebbin)	SJR	94		2461
Bickley, Lora; commending. (Patron–Cousins)	HR	349		2328
Big Brothers Big Sisters of Danville Area; commemorating its 50th anniversary.				
Patron–Marshall	HJR	289		2064
Bitici, Zoya; commending. (Patron–Salim)	SR	107		2619
Blacksburg High School boys' swim and dive team; commending.				
Patron–Obenshain	HR	262		2285
Blake, Peter A.; commending.				
Patron–Carr	HJR	101		1958
Patron–Hashmi	SJR	63		2441
Blesi, Lucy Anne; commending. (Patron–Tran)	HR	409		2358
Blue Ridge Baptist Church; commemorating its 150th anniversary. (Patron–Rasoul)	HJR	119		1967
Bold Mariner Brewing Company; commemorating its fifth anniversary.				
Patron–Hernandez	HR	279		2294
Boone, Lucille Carter; commending. (Patron–Williams Graves)	SJR	103		2465
Boswell, Frances M.; commending. (Patron–Fowler)	HJR	129		1972
Bourne, Jeff; commending. (Patron–Obenshain)	SR	113		2622
Bowen, Sharon Y.; commending. (Patron–Mundon King)	HR	172		2240
Boy Scouts of America, Troop 103; commending. (Patron–Batten)	HJR	300		2071
Boy Scouts of America, Troop 710; commending. (Patron–Garrett)	HJR	140		1979
Boyd, Kelly; commending. (Patron–Feggans)	HJR	258		2046
Braddock Elementary School; commemorating its 65th anniversary. (Patron–Watts)	HJR	371		2113
Bradley Free Clinic; commemorating its 50th anniversary. (Patron–Rasoul)	HJR	118		1967
Braxton, Robert A.; commending. (Patron–Diggs)	SR	66		2596
Brentsville District High School girls' soccer team; commending. (Patron–Roem)	SR	128		2630
Bridgewater Volunteer Rescue Squad; commemorating its 50th anniversary.				
Patron–Runion	HR	32		2169
Britepaths, Inc.; commemorating its 40th anniversary. (Patron–Bulova)	HJR	299		2070
Brodie Farm; commending. (Patron–Scott, P.A.)	HJR	324		2086
Brothers Keepers; commending. (Patron–Clark)	HR	145		2226
Brown, Kim W.; commending. (Patron–Hayes)	HJR	192		2006
Brown, Olive Chamblin; commending. (Patron–Cole)	HR	102		2203
Brown, R. McKenna; commending. (Patron–Hashmi)	SR	25		2575

	BILL OR RES.	NO.	CHAP. NO.	PAGE NO.
COMMENDATIONS AND COMMEMORATIONS - Continued				
Brunswick Academy football team; commending. (Patron–Jordan)	SJR	146		2491
Brunswick Garden Club; commemorating its 100th anniversary. Patron–Wachsmann	HJR	130		1973
Bruton High School girls' volleyball team; commending. (Patron–Green)	HR	44		2174
Bruton Parish Episcopal Church; commemorating its 350th anniversary. Patron–Batten	HJR	213		2019
Patron–Diggs	SR	52		2588
Bucknell Elementary School; commemorating its 70th anniversary. Patron–Surovell	SJR	225		2537
Bunn, Yvonne; commending. (Patron–McGuire)	SJR	238		2544
Burchuk, Amy; commending. (Patron–Feggans)	HJR	254		2044
Burgess, Jessica; commending. (Patron–Hernandez)	HR	269		2289
Burns, Craig M.; commending. (Patron–Watts)	HJR	369		2112
Burrell-Aldana, Liza; commending. (Patron–Lopez)	HR	170		2239
Buxo, Francisco; commending. (Patron–Ebbin)	SR	68		2597
Byrd, Claudia; commending. (Patron–O'Quinn)	HJR	135		1976
Byron, Kathy J.; commending. (Patron–Walker)	HR	167		2237
Caffe Amouri; commending. (Patron–Seibold)	HR	403		2355
Cage, April; commending. (Patron–Tran)	HR	440		2373
Calvary Chapel Smith Mountain Lake; commemorating its 237th anniversary. Patron–Zehr	HR	328		2319
Camelot Elementary School; commemorating its 55th anniversary. (Patron–Watts)	HJR	373		2114
Camp HOPE Norfolk; commending. (Patron–Glass)	HR	205		2257
Cape Henry Collegiate baseball team; commending. (Patron–Tata)	HJR	335		2092
Capitol Area Telugu Society; commemorating its 20th anniversary. (Patron–Reid)	HJR	95		1954
Capitol Region Military Alliance of Virginia; commending. (Patron–Coyner)	HJR	337		2093
Cardwell, David; commending. (Patron–Zehr)	HR	331		2320
Cardwell, Owen C., Jr.; commending. (Patron–Walker)	HR	254		2281
Carr, Gayl Y. Branum; commending. (Patron–Surovell)	SJR	41		2428
Carroll County Middle School Future Farmers of America; commending. Patron–Williams	HR	193		2251
Carroll, Grace Burke; commending. (Patron–Surovell)	SJR	40		2427
Carter Myers Automotive; commemorating its 100th anniversary. (Patron–Coyner)	HJR	197		2009
Carter's General Store and Deli; commending. (Patron–Zehr)	HR	333		2321
Castrillon, Marceline; commending. (Patron–Lopez)	HJR	389		2123
Cedar Creek Battlefield Foundation; commemorating its 40th anniversary. Patron–Oates	HR	129		2217
Central Virginia Cricket Association; commending. (Patron–VanValkenburg)	SJR	166		2503
Chalkley, Ramon Earl, III; commending. (Patron–Wyatt)	HR	113		2208
Chambers, Scott; commending. Patron–Leftwich	HJR	73		1942
Patron–Craig	SJR	39		2427
Charles J. Colgan Sr. High School girls' soccer team; commending. Patron–McPike	SR	109		2620
Charlottesville Community Engagement; commending. (Patron–Callsen)	HR	433		2370
Charlottesville Free Clinic; commending. (Patron–Callsen)	HJR	390		2123
Charlottesville Tomorrow; commending. (Patron–Callsen)	HR	431		2369
Chase City, Town of; commemorating its 150th anniversary. (Patron–Wright)	HJR	66		1939
Chatmon, Angelo V.; commending. Patron–McQuinn	HR	308		2309
Patron–VanValkenburg	SJR	222		2535
Chef Skip 757; commending. (Patron–Feggans)	HR	304		2307
Chesapeake Regional Healthcare; commending. (Patron–Leftwich)	HR	316		2313
ChildSavers-Memorial Child Guidance Clinic; commemorating its 100th anniversary. (Patron–Cousins)	HR	386		2347
Chilhowie High School girls' track and field team; commending. (Patron–Arnold)	HJR	174		1997
China King's Restaurant; commemorating its 35th anniversary. (Patron–Martinez)	HJR	409		2133
Christ Church; commemorating its 250th anniversary. (Patron–Ebbin)	SJR	108		2468
Churchville Ruritan Club; commemorating its 80th anniversary. (Patron–Runion)	HJR	379		2117

	BILL OR RES.	NO.	CHAP. NO.	PAGE NO.
COMMENDATIONS AND COMMEMORATIONS - Continued				
Cimino, Victoria; commending. (Patron–Green)	HJR	177		1999
Citizens Bank & Trust Company; commemorating its 150th anniversary.				
Patron–Mulchi	SJR	164		2501
Clare, Xenia; commending. (Patron–Hernandez)	HR	312		2311
Clark, Ed; commending. (Patron–Campbell)	HR	72		2188
Clark, Edward E., Jr.; commending. (Patron–Head)	SJR	190		2517
Clark, M. B.; commending. (Patron–Green)	HJR	103		1959
Coada, William G.; commending.				
Patron–McQuinn	HJR	198		2010
Patron–Aird	SJR	156		2497
Cobb, Harold James, Jr.; commending. (Patron–Williams Graves)	SJR	154		2496
Collins, Debra; commending. (Patron–Bennett-Parker)	HJR	157		1988
Collins, Nancy; commending. (Patron–Durant)	SJR	173		2507
Columbia Gas of Virginia; commending. (Patron–Walker)	HJR	169		1995
Communities in Schools of Appalachian Highlands; commemorating its 10th anniversary. (Patron–O'Quinn)	HJR	274		2056
Community Development Block Grant Program; commemorating its 50th anniversary.				
Patron–Sickles	HJR	326		2087
Patron–Ebbin	SJR	189		2516
Compton, Jeremy; commending. (Patron–Obenshain)	HR	57		2181
Cooper Middle School symphonic band; commending. (Patron–Boysko)	SJR	184		2514
Cooper, Shirley F.; commending. (Patron–Green)	HR	117		2210
Cormany, Rick; commending. (Patron–Ballard)	HJR	90		1951
Corum, Blake; commending. (Patron–Webert)	HR	119		2211
Cottongim, Macky J.; commending. (Patron–Reeves)	SJR	135		2484
Courthouse Restaurant; commending. (Patron–Hodges)	HR	99		2201
Creative and Performing Arts Center; commending. (Patron–Mundon King)	HR	444		2375
Crutchfield, William G., Jr.; commending. (Patron–Deeds)	SJR	216		2532
Culpeper County Volunteer Fire Department; commemorating its 100th anniversary.				
Patron–Freitas	HR	22		2165
Patron–Reeves	SJR	79		2451
Curran, CarolAnn; commending. (Patron–Hernandez)	HR	314		2312
Damico, Joseph F.; commending. (Patron–Carr)	HJR	297		2068
DC's Wine Country®; commemorating its 40th anniversary. (Patron–Reid)	HJR	183		2002
Deans, Linda; commending.				
Patron–Reid	HJR	259		2047
Patron–Subramanyam	SR	175		2652
DeBruhl, Jennifer; commending. (Patron–McQuinn)	HJR	199		2011
Deck, Julian C.; commending. (Patron–Simonds)	HJR	346		2099
Deel, Katelyn; commending. (Patron–Ward)	HR	387		2348
Dell, Nathan; commending. (Patron–McQuinn)	HR	306		2308
Delta Sigma Theta Sorority, Inc., Prince William County Alumnae Chapter of; commemorating its 40th anniversary. (Patron–Carroll Foy)	SR	58		2592
Delta Sigma Theta Sorority, Inc., Suffolk Alumnae Chapter of; commemorating its 60th anniversary.				
Patron–Clark	HR	96		2199
Patron–Jordan	SR	24		2574
Dementi Studio; commemorating its 100th anniversary.				
Patron–Carr	HJR	294		2066
Patron–Bagby	SJR	57		2437
Dempsey-Waters, Antoinette; commending. (Patron–Lopez)	HJR	173		1997
DeTurk, Erik; commending. (Patron–Cohen)	HR	389		2349
Dewey, Susan F.; commending.				
Patron–Willett	HR	289		2300
Patron–Hackworth	SJR	83		2454
Douglas Alumni Association; commending. (Patron–Wiley)	HR	82		2193
Douglas Freeman High School girls' lacrosse team; commending. (Patron–Willett)	HJR	426		2142
Dowell, Darryll Greg, Jr.; commending. (Patron–Batten)	HR	259		2284

	BILL OR RES.	NO.	CHAP. NO.	PAGE NO.
COMMENDATIONS AND COMMEMORATIONS - Continued				
Downey, William B.; commending.				
Patron–Green	HJR	317		2082
Patron–McDougle	SJR	205		2525
Drakes, Stephen; commending. (Patron–Feggans)	HJR	189		2005
Dumfries, Town of; commemorating its 275th anniversary. (Patron–Mundon King)	HR	123		2213
Duncan, Phillip; commending. (Patron–Simon)	HJR	276		2057
Dunton, Ammon G., Jr.; commending.				
Patron–Kent	HJR	116		1966
Patron–Stuart	SJR	121		2475
Dwyer-Gianoli, Brittany; commending. (Patron–Reid)	HJR	149		1984
Eagle Carpets; commemorating its 60th anniversary. (Patron–Obenshain)	SR	115		2623
Earls, Shamari; commending. (Patron–Coyner)	HR	378		2344
Earth Force; commemorating its 30th anniversary. (Patron–Ebbin)	SR	67		2597
Edgerton, Andrew; commending. (Patron–Simon)	HR	347		2327
Electric Cooperatives Training Center in Palmyra; commemorating its fifth anniversary. (Patron–Laufer)	HR	234		2272
Elizabeth River Project; commending. (Patron–Hernandez)	HR	362		2335
Elizabeth River Trail Foundation; commending. (Patron–Hernandez)	HR	275		2292
Elliot, Carter; commending. (Patron–Zehr)	HR	323		2316
Elliott, Aliyah; commending. (Patron–Gardner)	HR	270		2289
Elliott, Edmund; commending. (Patron–Craig)	SJR	89		2458
Equality Loudoun; commemorating its 20th anniversary. (Patron–Martinez)	HJR	412		2135
Erik M. Pelton & Associates, PLLC; commemorating its 25th anniversary.				
Patron–Simon	HR	104		2203
Everhardt, Sarah; commending. (Patron–Roem)	SR	132		2632
Everly-Wheatley Funeral Home; commemorating its 150th anniversary.				
Patron–Ebbin	SR	73		2600
Exchange Club of Lynchburg; commending. (Patron–Walker)	HR	415		2361
Fairfax Beekeepers Club; commending. (Patron–Pekarsky)	SR	165		2647
Fairfax County Fire and Rescue Department; commemorating its 75th anniversary.				
Patron–Pekarsky	SJR	246		2549
Fairfax County Public Library; commemorating its 85th anniversary.				
Patron–Sickles	HJR	257		2046
Patron–Ebbin	SJR	153		2495
Fairfax Diapers; commending. (Patron–Seibold)	HR	402		2355
Faith Works Fellowship Cathedral; commemorating its 10th anniversary.				
Patron–Cole	HR	396		2352
Farley, Debra Hamilton; commending. (Patron–Locke)	SJR	30		2391
Farmwell Station Middle School; commending. (Patron–Subramanyam)	SR	176		2653
Farrow, Jared Antonio; commending. (Patron–Hayes)	HR	149		2228
Fauquier Free Clinic; commemorating its 30th anniversary. (Patron–Webert)	HR	84		2194
Fay, Christopher; commending. (Patron–Simon)	HJR	279		2059
First Baptist Church of West Point; commemorating its 150th anniversary.				
Patron–Hodges	HJR	72		1942
First Colonial High School girls' volleyball team; commending. (Patron–Tata)	HR	286		2298
Fitzgerald, Ben, III; commending. (Patron–Clark)	HR	110		2206
Fitzsimmons, Ron; commending. (Patron–Krizek)	HJR	374		2115
Flinchum, James; commending. (Patron–Obenshain)	HR	229		2270
Flores, Claudia; commending. (Patron–Reeves)	SJR	96		2462
Foiles, Henry Lee, Jr.; commending. (Patron–Simonds)	HR	290		2301
Fontaine Ruritan Club; commemorating its 70th anniversary. (Patron–Williams)	HR	263		2286
Fort Gregg-Adams; commending. (Patron–Coyner)	HJR	342		2096
49 Winchester; commending. (Patron–O'Quinn)	HJR	134		1975
Fowler, Elizabeth; commending. (Patron–Green)	HJR	98		1955
Fox, Emily; commending. (Patron–Subramanyam)	SR	168		2649
Frank W. Cox High School baseball team; commending. (Patron–Tata)	HR	285		2298
Frank W. Cox High School wrestling team; commending. (Patron–Tata)	HR	251		2279
Frey, John T., commending. (Patron–Surovell)	SJR	50		2434
Fredericksburg Civil Rights Trail; commending. (Patron–Cole)	HR	420		2363

	BILL OR RES.	NO.	CHAP. NO.	PAGE NO.
COMMENDATIONS AND COMMEMORATIONS - Continued				
Fredericksburg Fallen Heroes; commending. (Patron–Durant)	SJR	201		2523
Free and Charitable Clinics, Virginia Association of; commemorating its 30th anniversary. (Patron–Willett)	HJR	340		2094
Freedom High School; commemorating its 20th anniversary. (Patron–Mundon King)	HR	24		2166
Freedom High School football team; commending.				
Patron–Mundon King	HR	25		2167
Patron–Carroll Foy	SR	7		2566
Friends of Fairfax Station; commemorating its 50th anniversary. (Patron–Pekarsky)	SR	164		2647
Friends of Homeless Animals; commemorating its 50th anniversary.				
Patron–Srinivasan	HR	319		2314
Friends of the Portsmouth Juvenile Court; commending. (Patron–Scott, D.)	HR	367		2338
Friends Uniting Nokesville; commemorating its 20th anniversary. (Patron–Lovejoy)	HR	81		2192
Frost, Nathaniel; commending. (Patron–Carroll Foy)	SR	61		2593
Gade, Daniel M.; commending.				
Patron–Reid	HJR	92		1952
Patron–Reeves	SJR	73		2447
Gainesville Middle School drama club; commending. (Patron–Lovejoy)	HR	267		2288
Galax High School football team; commending. (Patron–Williams)	HR	192		2251
Galax High School golf team; commending. (Patron–Williams)	HR	195		2252
Gammon, Donna D.; commending. (Patron–Batten)	HR	118		2211
Garfield, Tina; commending. (Patron–Feggans)	HJR	255		2045
Gavin, Mary; commending. (Patron–Simon)	HJR	285		2061
Gentry, Willie L.; commending. (Patron–McGuire)	SJR	188		2515
George Washington Hotel; commemorating its 100th anniversary. (Patron–Wiley)	HR	121		2212
George Wythe High School quiz bowl team; commending. (Patron–Arnold)	HJR	175		1998
Gerald, Eugene E.; commending. (Patron–VanValkenburg)	SJR	193		2518
Gilbert, Lauren; commending. (Patron–Williams)	HR	288		2299
Gilliam, George Harrison; commending. (Patron–Deeds)	SJR	215		2531
Glenvar High School boys' soccer team; commending. (Patron–Head)	SJR	195		2520
Glenvar High School boys' swim and dive team; commending.				
Patron–Obenshain	HR	231		2271
Patron–Head	SJR	191		2517
Glenvar High School boys' tennis team; commending. (Patron–Head)	SJR	196		2520
Glick, Titus; commending. (Patron–Zehr)	HR	330		2320
Global Telangana Association; commending. (Patron–Srinivasan)	HR	360		2334
Glory's Bakery; commemorating its 40th anniversary. (Patron–Feggans)	HJR	224		2026
Goldsmith, Viccellio; commending. (Patron–Green)	HR	45		2174
Goluboff, Risa; commending. (Patron–Deeds)	SJR	137		2486
Gonzalez, Josephine; commending. (Patron–Martinez)	HJR	421		2139
Good Shepherd Housing; commemorating its 50th anniversary. (Patron–Henson)	HJR	282		2060
Gould-Champ, Patricia A.; commending. (Patron–McQuinn)	HR	353		2330
Graham High School varsity competition cheer squad; commending.				
Patron–Morefield	HR	109		2206
Patron–Hackworth	SR	27		2576
Grainer, Joshua; commending. (Patron–Shin)	HJR	392		2124
Gravely, Coretha; commending. (Patron–Phillips)	HR	249		2279
Green, Janet V.; commending. (Patron–Price)	HJR	397		2127
Green, Rashida J.; commending. (Patron–Tran)	HR	413		2360
Greenlaw, Mary Katherine; commending. (Patron–Cole)	HR	148		2228
Gressitt, Alexandra; commending. (Patron–Reid)	HJR	148		1983
Grice, Richard L.; commending. (Patron–Wachsmann)	HJR	290		2064
Grisham, John Ray, Jr.; commending.				
Patron–Laufer	HR	106		2204
Patron–Deeds	SR	50		2587
Grottoes Volunteer Fire Department; commemorating its 75th anniversary.				
Patron–Runion	HR	6		2147
Patron–Obenshain	SR	100		2616
Grover, Rachel; commending. (Patron–Pekarsky)	SR	162		2646
Gupta, Geeta Rao; commending. (Patron–Tran)	HR	416		2361

	BILL OR RES.	NO.	CHAP. NO.	PAGE NO.
COMMENDATIONS AND COMMEMORATIONS - Continued				
Hagan, Matt; commending.				
Patron–Ballard	HR	31		2169
Patron–Hackworth	SR	76		2602
Hagen, Katelyn M.; commending. (Patron–Tran)	HR	411		2359
Hales, Melissa Marie; commending. (Patron–Hernandez)	HR	313		2311
Hall, Blake; commending. (Patron–Arnold)	HJR	176		1998
Harlow, Patrick; commending. (Patron–Garrett)	HR	365		2337
Harvick, Kevin; commending. (Patron–Stanley)	SR	80		2603
Hausman, Sandy; commending. (Patron–Callsen)	HR	437		2372
Healthy Families Rappahannock Area; commemorating its 25th anniversary.				
Patron–Cole	HR	218		2263
Hershberger, Nathan; commending. (Patron–Bennett-Parker)	HJR	154		1987
Hicks, Stephon; commending. (Patron–Coyner)	HR	219		2264
Highland Springs High School football team; commending. (Patron–McQuinn)	HR	382		2346
Hill, Sam and Lillian; commending. (Patron–Sewell)	HR	243		2275
Hill, Travis G.; commending.				
Patron–Krizek	HJR	104		1959
Patron–Reeves	SJR	76		2448
Holloway, Grant; commending. (Patron–Hayes)	HJR	405		2131
Hopewell Rotary Club; commemorating its 100th anniversary. (Patron–Coyner)	HJR	338		2093
Horton, Lee William; commending. (Patron–Garrett)	HJR	219		2023
House, Jan Wynn; commending. (Patron–Williams Graves)	SJR	105		2466
House of Victory Fredericksburg Church; commending. (Patron–Cole)	HR	52		2178
Howell's Grocery Store and Restaurant; commemorating its 100th anniversary.				
Patron–Williams	HR	194		2252
Huggins, Sunshine R.; commending. (Patron–Jordan)	SJR	145		2491
Hunt Smile Design; commemorating its 100th anniversary. (Patron–Green)	HJR	108		1961
Hunter, Lynne; commending. (Patron–Shin)	HJR	399		2128
Huntley, Michael Charles, II; commending.				
Patron–Cole	HR	15		2161
Patron–Durant	SR	86		2608
Hutchinson, Cassidy; commending. (Patron–Glass)	HR	206		2258
Hybla Valley Elementary School; commemorating its 60th anniversary.				
Patron–Surovell	SJR	226		2538
I.C. Norcom High School; commemorating its 145th anniversary. (Patron–Lucas)	SR	63		2594
In My Humble Opinion Radio Show; commending. (Patron–Callsen)	HR	395		2352
Iridium Communications, Inc.; commemorating its 25th anniversary.				
Patron–Sullivan	HJR	91		1951
Irish-American diplomatic relationship; commemorating the 100th anniversary of the appointment of the first Irish ambassador to the United States. (Patron–O'Quinn)	HR	284		2297
Isle of Wight County Museum and the Smithfield community; commemorating the 160th anniversary of the Battle of Smithfield. (Patron–Jordan)	SR	32		2578
Ivey, Frances W.; commending. (Patron–Boysko)	SJR	242		2547
Jacob, Avelina S.; commending. (Patron–Perry)	SJR	245		2548
James Madison High School baseball team; commending. (Patron–Seibold)	HR	398		2353
James Madison High School boys' lacrosse team; commending. (Patron–Seibold)	HR	401		2354
James Madison High School girls' basketball team; commending. (Patron–Seibold)	HR	377		2344
James, Peggy; commending. (Patron–Seibold)	HR	400		2354
James Wood High School volleyball team; commending. (Patron–Wiley)	HR	47		2175
Jayaraman, T. Vishnudatta; commending. (Patron–Subramanyam)	SR	173		2651
Jennifer Bush-Lawson Foundation; commemorating its 10th anniversary.				
Patron–Hope	HJR	380		2118
Jessie, Lillie G.; commending. (Patron–Carroll Foy)	SR	62		2593
JK Community Farm; commemorating its fifth anniversary. (Patron–Reid)	HR	237		2273
John Henry Printing; commemorating its 45th anniversary. (Patron–Green)	HJR	102		1958
John J. Wright Educational and Cultural Center; commending. (Patron–Cole)	HR	51		2178
Johnson, Denise; commending. (Patron–Glass)	HR	233		2271
Jones, Alfred and Goldie; commending. (Patron–Sewell)	HR	448		2378
Jones, Bernard L., Sr.; commending. (Patron–Wachsmann)	HJR	204		2014

	BILL OR RES.	NO.	CHAP. NO.	PAGE NO.
COMMENDATIONS AND COMMEMORATIONS - Continued				
Jones, Carolyn; commending. (Patron–Wachsmann)	HJR	202		2013
Jones, Debbie; commending. (Patron–Wachsmann)	HJR	327		2087
Jones, Dwight Clinton; commending. (Patron–Gardner)	HR	260		2284
Jones, Jeff; commending. (Patron–Anthony)	HJR	352		2102
Jones, Keith Ivan; commending. (Patron–Williams Graves)	SJR	117		2473
Jones, Robert; commending. (Patron–Anthony)	HJR	349		2101
Joyce, Patrick A.; commending. (Patron–Reid)	HJR	150		1984
Jubilee Family Development Center; commemorating its 25th anniversary. Patron–Walker	HR	227		2269
Keam, Mark Lee; commending. (Patron–Seibold)	HR	281		2296
Keene, Kim; commending. (Patron–Hernandez)	HR	268		2288
Kelly-Wiecek, Angela; commending. (Patron–Wyatt)	HR	70		2187
Kempsville Baptist Church; commemorating its 210th anniversary. (Patron–Knight)	HR	252		2280
Kenbridge Construction Company, Inc.; commemorating its 75th anniversary. Patron–Wright	HJR	80		1946
Keyes, Michael W.; commending. (Patron–Feggans)	HJR	223		2026
Khymchenko, Kostiantyn; commending. (Patron–Feggans)	HJR	188		2004
Kim, Ryan Jisup; commending. (Patron–Pekarsky)	SR	181		2655
Kimball, Gregg D.; commending. (Patron–McQuinn)	HR	182		2245
King, Charles R.; commending. (Patron–Morefield)	HJR	331		2089
King, John G.; commending. (Patron–Batten)	HJR	170		1996
Kings Park Elementary School; commending. (Patron–Cohen)	HR	392		2350
Kingsolver, Barbara; commending. (Patron–Pillion)	SR	83		2606
K9 Batman; commending. (Patron–Jordan)	SR	92		2612
Knoll Crest Farms; commending. (Patron–Zehr)	HR	325		2317
Korean Central Presbyterian Church; commending. (Patron–Delaney)	HR	287		2299
Korean Community Service Center of Greater Washington; commemorating its 50th anniversary. (Patron–Helmer)	HR	412		2359
KORUS Festival; commemorating its 20th anniversary. (Patron–Shin)	HJR	394		2125
Krazy Trompos; commending. (Patron–Feggans)	HR	303		2307
Lafayette High School; commemorating its 50th anniversary. (Patron–Batten)	HJR	210		2017
Lake Braddock Secondary School; commending. (Patron–Cohen)	HR	394		2351
Lake Braddock Secondary School girls' gymnastics team; commending. Patron–Cohen	HR	393		2351
Lake Taylor High School basketball program; commending. (Patron–Anthony)	HJR	347		2099
Lamanna, Zoie; commending. (Patron–Peake)	SJR	144		2490
Langley High School boys' swim and dive team; commending. (Patron–Sullivan)	HJR	264		2050
Lawson, Shelia; commending. (Patron–Williams)	HR	191		2250
LeadingAge Virginia; commemorating its 50th anniversary. Patron–Orrock	HJR	16		1925
Patron–VanValkenburg	SJR	58		2438
Lebanon High School boys' cross country team; commending. (Patron–O'Quinn)	HR	87		2195
LeBlanc, Courtney; commending. (Patron–Lopez)	HJR	270		2054
Lee, John C., Jr.; commending. (Patron–Stanley)	SJR	236		2543
Leese, Benjamin; commending. (Patron–Henson)	HJR	336		2092
Lewis, Annette; commending. (Patron–Rasoul)	HJR	354		2103
Liberty Champion; commemorating its 40th anniversary. (Patron–Walker)	HR	213		2261
Liberty Christian Academy football team; commending. (Patron–Walker)	HR	67		2185
Liberty University football team; commending. (Patron–Walker)	HR	53		2179
Lionsbridge Football Club; commending. (Patron–Price)	HJR	305		2074
LoBalbo, Olivia; commending. (Patron–Roem)	SR	127		2629
Lonzer, Willis L., III; commending. (Patron–McQuinn)	HR	89		2196
Loudoun County Citizens for Social Justice, Inc.; commending. (Patron–Martinez)	HJR	415		2136
Loudoun County Combined Fire and Rescue System; commending. (Patron–Perry)	SJR	243		2547
Loudoun County Public Schools Mobile Health Clinic; commending. Patron–Reaser	HR	340		2324
Loudoun County Public Schools, student-guitarists of; commending. Patron–Reaser	HR	339		2324

	BILL OR RES.	NO.	CHAP. NO.	PAGE NO.
COMMENDATIONS AND COMMEMORATIONS - Continued				
Loudoun Free Clinic; commemorating its 25th anniversary. (Patron–Martinez)	HJR	413		2135
Loudoun Hunger Relief; commending. (Patron–Martinez)	HJR	418		2138
Loudoun Impact Fund; commending. (Patron–Reid)	HJR	147		1983
Loudoun Laurels Foundation; commending. (Patron–Srinivasan)	HR	337		2323
Loudoun Symphony Orchestra; commending. (Patron–Martinez)	HJR	411		2134
Louisa, Town of; commemorating its 150th anniversary. (Patron–Reeves)	SJR	198		2521
Luciano, Brian; commending. (Patron–DeSteph)	SJR	129		2481
Lucy Addison High School; commemorating the occasion of the 50th anniversary of its last graduating class. (Patron–Rasoul)	HJR	226		2027
Lunenburg County Dixie Youth Baseball Major League All-Star team; commending. (Patron–Wright)	HR	21		2164
Lunsford, Christopher Anthony; commending. (Patron–Freitas)	HR	257		2282
Lyles, Noah; commending. (Patron–Lopez)	HJR	328		2088
Lynchburg Museum System; commending. (Patron–Walker)	HJR	184		2002
Mack, Kathy; commending. (Patron–Surovell)	SJR	45		2431
Maggie L. Walker Governor's School Mech Tech Dragons; commending. Patron–Cousins	HR	350		2329
Malawer, Stuart S.; commending. (Patron–Favola)	SJR	80		2451
ManaBadi, SiliconAndhra; commending. (Patron–Srinivasan)	HR	368		2339
Marion Senior High School girls' tennis team; commending. (Patron–Arnold)	HR	88		2196
Markowski, Courtney; commending. (Patron–Reid)	HR	236		2273
Marr, Linsey Chen; commending.				
Patron–Obenshain	HJR	312		2078
Patron–Hashmi	SJR	140		2487
Marrapu, Archi; commending. (Patron–Pekarsky)	SR	180		2655
Marshall, Beth; commending. (Patron–Durant)	SJR	203		2524
Martinsville-Henry County Chamber of Commerce; commemorating its 65th anniversary. (Patron–Phillips)	HR	422		2365
Masjid Aliya; commemorating its 5th anniversary. (Patron–Cole)	HR	62		2183
Mason, Charles Vic; commending.				
Patron–Kent	HJR	114		1964
Patron–Stuart	SJR	114		2471
Matthew Fontaine Maury High School; commending. (Patron–Anthony)	HJR	351		2102
Maury High School football team; commending. (Patron–Anthony)	HJR	249		2041
Mayhew, Sarah Thomas; commending. (Patron–Pekarsky)	SR	161		2645
Mayne, Lisa A.; commending. (Patron–Surovell)	SJR	125		2478
McBath, B. Courtney; commending. (Patron–Williams Graves)	SJR	104		2466
McCain, Dyrri; commending. (Patron–Anthony)	HJR	248		2041
McCall, Jennifer; commending. (Patron–Durant)	SJR	171		2506
McClees, Martha S.; commending. (Patron–Tata)	HR	385		2347
McCoy, JoAnn; commending. (Patron–Cole)	HR	405		2356
McGeary, Scott; commending.				
Patron–Hope	HJR	235		2033
Patron–Favola	SJR	69		2444
McLaughlin, John Joseph, Jr.; commending. (Patron–Wyatt)	HR	71		2187
McLean High School journalism program; commending. (Patron–Boysko)	SJR	240		2546
McLean High School softball team; commending. (Patron–Sullivan)	HJR	85		1949
McNair, David; commending. (Patron–Callsen)	HR	436		2371
Meadows, Franklin Craig; commending. (Patron–Obenshain)	HR	228		2269
Mehadi, Nora; commending. (Patron–Lovejoy)	HR	131		2218
Merchants Square Baskin-Robbins; commemorating its 50th anniversary. Patron–Batten	HJR	212		2018
Meyyan, Praveendharan; commending. (Patron–Maldonado)	HJR	323		2085
Middle River Church of the Brethren; commemorating its 200th anniversary. Patron–Runion	HR	75		2189
Middleburg Charitable Foundation; commending. (Patron–Subramanyam)	SR	167		2648
Mill Mountain Theatre; commemorating its 60th anniversary. (Patron–Rasoul)	HJR	231		2030
Miller, Doris; commemorating her life and legacy. (Patron–Hope)	HJR	266		2051
Miller, M. Scott; commending. (Patron–Wyatt)	HR	65		2184

	BILL OR RES.	NO.	CHAP. NO.	PAGE NO.
COMMENDATIONS AND COMMEMORATIONS - Continued				
Miller, Yvonne Bond; commemorating the 40th anniversary of her service in the Virginia General Assembly.				
Patron–McQuinn	HR	125		2214
Patron–Locke	SJR	13		2384
Millner, Tyler C., Sr.; commending.				
Patron–McQuinn	HR	162		2234
Patron–Stanley	SR	8		2567
Mills Marine & Ship Repair; commending. (Patron–Scott, D.)	HR	372		2341
Mobile Hope; commending. (Patron–Martinez)	HJR	416		2137
Monticello American Viticultural Area; commending. (Patron–Laufer)	HJR	124		1970
Montoya, Jacquelyn N.; commending. (Patron–Feggans)	HJR	190		2005
Moody, Harrison A.; commending. (Patron–Aird)	SR	30		2577
Morgan, G. Kenneth; commending. (Patron–Willett)	HJR	343		2096
Morgan, Neil; commending. (Patron–Green)	HJR	100		1957
Morgan, Neil A.; commending. (Patron–Diggs)	SJR	163		2501
Morris, Elmer Rudolph, Jr.; commending. (Patron–Stuart)	SJR	113		2471
Morrissey, Sharon; commending. (Patron–Hashmi)	SR	42		2583
Morse, Jeff; commending. (Patron–Reaser)	HR	138		2222
Moseley, Mark DeWayne; commending. (Patron–Oates)	HR	127		2216
Moslow, Connie; commending. (Patron–Ware)	HR	280		2295
Motor Vehicles, Virginia Department of; commemorating its 100th anniversary.				
Patron–Austin	HJR	180		2000
Mount Crawford, Town of; commemorating its 200th anniversary. (Patron–Runion)	HR	185		2247
Mount Eagle Elementary School; commemorating its 75th anniversary.				
Patron–Surovell	SJR	224		2536
Mount Sidney Ruritan Club; commemorating its 85th anniversary. (Patron–Runion)	HJR	400		2128
Mount Vernon at Home; commemorating its 15th anniversary. (Patron–Krizek)	HJR	403		2130
Mudita Cafe and Bar; commending. (Patron–Hernandez)	HR	379		2344
Muhammad Mosque No. 57; commending. (Patron–Williams Graves)	SR	159		2644
Mullin, Michael P.; commending. (Patron–Green)	HR	177		2243
Murn, Michael F.; commending. (Patron–Boysko)	SJR	181		2512
Murphy, Kathleen J.; commending. (Patron–Srinivasan)	HR	375		2342
Nantucket-Treweryn Beagles; commemorating its 100th anniversary. (Patron–Oates)	HR	239		2274
Nash, Johnnie; commending. (Patron–McNamara)	HJR	275		2056
National Coalition of 100 Black Women, Inc., Prince William County Chapter of the; commending. (Patron–Carroll Foy)	SR	54		2590
National Organization for Women, Charlottesville chapter of the; commending.				
Patron–Laufer	HJR	382		2119
National Society Daughters of the American Revolution, Culpeper Minute Men Chapter of the; commemorating its 100th anniversary. (Patron–Freitas)	HR	7		2147
Neice, Jill D.; commending.				
Patron–Ballard	HJR	88		1950
Patron–Hackworth	SR	75		2601
Neighborhood Health; commemorating its 25th anniversary.				
Patron–Krizek	HJR	200		2011
Patron–Ebbin	SJR	176		2508
Nelson, Barry; commending. (Patron–Phillips)	HJR	315		2080
Nesmith, Steve; commending. (Patron–McQuinn)	HJR	384		2120
New Calvary Baptist Church; commemorating its 90th anniversary.				
Patron–Williams Graves	SJR	102		2465
New Hope Ruritan Club; commemorating its 85th anniversary. (Patron–Runion)	HJR	401		2129
New Light Full Gospel Baptist Church; commemorating its 138th anniversary.				
Patron–Feggans	HR	408		2357
Newins, Amanda L.; commending.				
Patron–Leftwich	HJR	185		2003
Patron–Craig	SJR	38		2426
Newton-Lee Elementary School; commending. (Patron–Martinez)	HJR	410		2134
Next Generation Choices Foundation; commemorating its 20th anniversary.				
Patron–Webert	HR	120		2212

	BILL OR RES. NO.	CHAP. NO.	PAGE NO.
COMMENDATIONS AND COMMEMORATIONS - Continued			
Nicholls, John S.; commending. (Patron–Reeves)	SJR	93	2460
Nichols, Bobby; commending. (Patron–Zehr)	HR	332	2320
Norcross, Jack; commending. (Patron–Boysko)	SJR	241	2546
Norfolk Botanical Garden; commending. (Patron–Hernandez)	HR	443	2375
Norfolk Family Justice Center; commemorating its fifth anniversary. (Patron–Glass)	HR	211	2260
Norfolk State University men's basketball team; commending. (Patron–Anthony)	HJR	350	2101
Norfolk State University women's basketball team; commending. (Patron–Glass)	HR	300	2306
Norfolk Tides; commending. (Patron–Anthony)	HJR	250	2042
Norman, Julius; commending. (Patron–Glass)	HR	142	2225
Norment, Thomas K., Jr.; commending. (Patron–Green)	HR	223	2266
Northern Virginia Family Services; commemorating its 100th anniversary.			
Patron–Sewell	HR	320	2315
Northern Virginia Mental Health Foundation; commemorating its 30th anniversary.			
Patron–Simon	HR	100	2202
Northern Virginia Transportation Commission; commemorating its 60th anniversary.			
Patron–Krizek	HJR	218	2022
Patron–Ebbin	SJR	126	2479
Nothin' Fancy; commemorating its 30th anniversary. (Patron–Thomas)	HJR	330	2089
NRI Vasavi Association, USA; commending.			
Patron–Srinivasan	HR	358	2333
Patron–Subramanyam	SR	174	2652
Nuckols, Greg; commending. (Patron–VanValkenburg)	SJR	220	2534
Oakey, Daniel G.; commending. (Patron–DeSteph)	SJR	227	2538
Oakton High School marching band; commending. (Patron–Seibold)	HR	295	2303
Ocean View Advocates for Reproductive Rights; commending. (Patron–Hernandez)	HR	298	2305
Ocean View Business Association; commemorating its 40th anniversary.			
Patron–Hernandez	HR	380	2345
Oertel, Richard C.; commending. (Patron–Cherry)	HJR	310	2077
Old Dominion Barn Dance; commending. (Patron–Coyner)	HR	136	2221
Old Dominion Hounds hunting club; commemorating its 100th anniversary.			
Patron–Reid	HJR	145	1982
Olinger, Dylan; commending. (Patron–Green)	HR	36	2171
1619 Thanksgiving Prayer; commending the 2022 and 2023 seaplane flybys in honor of the Prayer. (Patron–Coyner)	HJR	339	2094
Onianwah, Anthony; commending. (Patron–Subramanyam)	SR	178	2654
Orange County Chamber of Commerce; commemorating its 100th anniversary.			
Patron–Freitas	HR	357	2333
Patron–Reeves	SJR	85	2456
Orange Hunt Elementary School; commending. (Patron–Cohen)	HR	391	2350
Ortiz, Esmeralda; commending. (Patron–Martinez)	HJR	420	2139
Our Voices; commending. (Patron–Hernandez)	HR	318	2314
Outside the Cone; commending. (Patron–Walker)	HR	54	2179
Parker, Alvin D.; commending. (Patron–Bagby)	SJR	177	2509
Parrish, Harry J., II; commending. (Patron–Lovejoy)	HJR	131	1973
Parry McCluer High School boys' cross country team; commending.			
Patron–Head	SJR	197	2520
Patrick County High School baseball team; commending. (Patron–Williams)	HR	196	2253
Paul Laurence Dunbar Middle School for Innovation; commemorating its 100th anniversary. (Patron–Walker)	HR	226	2268
Peed, Jack Dixon, Jr.; commending. (Patron–DeSteph)	SR	14	2570
People Incorporated; commemorating its 60th anniversary.			
Patron–O'Quinn	HJR	273	2055
Patron–Pillion	SR	155	2642
Perrin, Virginia S.; commending.			
Patron–Fowler	HJR	208	2016
Patron–McGuire	SJR	138	2486
Perry, Lane; commending. (Patron–Phillips)	HR	248	2278
Peterson, W. Canova, IV; commending. (Patron–Wyatt)	HR	111	2207

	BILL OR RES.	CHAP. NO.	PAGE NO.
COMMENDATIONS AND COMMEMORATIONS - Continued			
Phillips, Britney; commending. (Patron–Feggans)	HJR	191	2006
Phillips, John Carlton; commending. (Patron–Sturtevant)	SJR	161	2499
Physician-Parent Caregivers; commending. (Patron–Subramanyam)	SR	182	2656
Piedmont Housing Alliance; commending. (Patron–Callsen)	HJR	391	2123
Piland, Jethro H., III; commending.			
Patron–Wyatt	HR	112	2207
Patron–McDougle	SJR	136	2485
Plum, Kenneth R.; commending. (Patron–Keys-Gamarra)	HR	315	2312
Plumbing Heating Cooling Contractors of Virginia; commemorating its 100th anniversary. (Patron–Sturtevant)	SR	33	2579
Pohick Episcopal Church; commemorating its 250th anniversary.			
Patron–Henson	HJR	162	1991
Patron–Surovell	SJR	59	2439
Poindexter, John B., and Tidewater and Big Bend Foundation; commending.			
Patron–Wyatt	HR	66	2185
Polyface Farm; commending. (Patron–Zehr)	HR	450	2379
Pond, Micaela; commending. (Patron–McClure)	HR	361	2335
Pop's Drive-In; commending. (Patron–Green)	HR	46	2175
Port of Virginia; commending. (Patron–Scott, D.)	HR	371	2340
Portsmouth Invitational Tournament; commemorating its 70th anniversary.			
Patron–Hayes	HR	150	2229
Prince William Committee of 100; commending. (Patron–Sewell)	HR	363	2336
Prince William County 250 Committee; commending. (Patron–Mundon King)	HR	256	2282
Pritchett, Ashby R.; commending. (Patron–Stanley)	SR	133	2632
Procaccino, Cristina; commending. (Patron–Tran)	HR	414	2360
Providence Baptist Church; commemorating its 60th anniversary. (Patron–Price)	HJR	396	2126
Pruitt, William A.; commending. (Patron–DeSteph)	SJR	210	2528
Psaris, John George; commending. (Patron–Reid)	HJR	94	1953
Quinn Evans Architects; commending. (Patron–Carr)	HR	438	2372
Radford High School football team; commending.			
Patron–Ballard	HR	30	2168
Patron–Hackworth	SR	45	2585
Radford University College of Nursing; commemorating its 50th anniversary.			
Patron–Rasoul	HJR	230	2029
Radford University, School of Social Work; commending. (Patron–Rasoul)	HR	348	2328
Radford University women's soccer team; commending. (Patron–Ballard)	HR	294	2303
Raghavan, Jyothi; commending. (Patron–Srinivasan)	HR	441	2374
Rahimi, Zahra; commending. (Patron–Bennett-Parker)	HJR	158	1989
Ramani, Kashvi; commending. (Patron–Glass)	HR	207	2258
Rappahannock Coffee and Roasting; commending. (Patron–Lopez)	HJR	271	2054
Ray, Annie; commending. (Patron–Watts)	HJR	186	2003
ReEstablish Richmond; commemorating its 10th anniversary. (Patron–Hashmi)	SR	44	2584
Republic of Ghana; commending. (Patron–Mundon King)	HR	424	2366
Reynolds, Peter; commending. (Patron–McGuire)	SJR	120	2475
Richmond Canes; commending. (Patron–Sturtevant)	SR	102	2617
Ridder, Marie; commending.			
Patron–Sullivan	HJR	172	1996
Patron–Boysko	SR	118	2625
Rigolo, Jonathan; commending. (Patron–Feggans)	HR	407	2357
Rippon Lodge Historic Site; commemorating its 275th anniversary. (Patron–Sewell)	HR	364	2336
River Basin Grand Winners of the Clean Water Farm Award; commending.			
Patron–Lopez	HJR	269	2053
Rivera-Maysonet, Vivian; commending. (Patron–Coyner)	HR	341	2325
Roanoke-Blacksburg Regional Airport; commemorating its 90th anniversary.			
Patron–Austin	HJR	181	2001
Roanoke Valley Chess Club; commemorating its 75th anniversary. (Patron–Rasoul)	HJR	113	1964
Roberts, Raymond R.; commending. (Patron–VanValkenburg)	SJR	208	2527
Robinson, Joseph; commending. (Patron–Hodges)	HR	276	2293
Robinson, Monte; commending. (Patron–Green)	HR	34	2170

	BILL OR RES.	NO.	CHAP. NO.	PAGE NO.
COMMENDATIONS AND COMMEMORATIONS - Continued				
Robinson, Roxann; commending. (Patron–Earley)	HR	186		2247
Rocktown History; commemorating its 125th anniversary. (Patron–Runion)	HJR	215		2021
Rodriguez, Reuban; commending. (Patron–LeVere Bolling)	HR	423		2365
Rogers, Monica Wright; commending. (Patron–Mundon King)	HR	216		2262
Roller, Mark; commending. (Patron–Gilbert)	HJR	284		2061
Roofing Professionals, Virginia Association of; commending. (Patron–Wyatt)	HJR	159		1989
Rossmann, John; commending. (Patron–Reid)	HJR	151		1985
Rowlands, Rick and Cheryl; commending. (Patron–Jordan)	SR	12		2569
Rural Empowerment; commending. (Patron–Srinivasan)	HR	376		2343
Rustic Love; commending. (Patron–Seibold)	HR	296		2304
Rx Partnership; commending. (Patron–Willett)	HJR	332		2090
S. Delois Mayes Scholarship Foundation; commending. (Patron–Clark)	HR	68		2186
Sadler, Sue; commending. (Patron–Batten)	HR	253		2280
Sailes, James Lewis; commending. (Patron–McQuinn)	HR	307		2309
Saltzberg, Ed; commending. (Patron–Simon)	HJR	277		2057
Sangamam Tamil School; commending. (Patron–Srinivasan)	HR	446		2377
Sangaré, Yahney-Marie; commending. (Patron–Lopez)	HJR	387		2122
Sangster Elementary School; commending. (Patron–Cohen)	HR	390		2349
Sanner, Margaret L.; commending.				
Patron–Bulova	HJR	136		1977
Patron–Hashmi	SR	26		2575
Schweizer, Ashley Elizabeth; commending. (Patron–Tran)	HR	442		2374
Scouts BSA Troop 128; commemorating its 100th anniversary. (Patron–Sullivan)	HJR	272		2055
Secretariat; commemorating his life and legacy on the occasion of the 50th anniversary of his American Triple Crown victory. (Patron–Freitas)	HJR	225		2027
Secretariat Racing Into History; commending. (Patron–Fowler)	HJR	205		2014
Seek, Melissa; commending. (Patron–Glass)	HR	173		2241
Service Employees International Union, Local 32BJ; commemorating its 90th anniversary.				
Patron–Tran	HJR	406		2132
Patron–Hashmi	SJR	244		2548
Settle, Glenn Stuart; commending.				
Patron–Kent	HR	63		2183
Patron–Stuart	SJR	112		2470
Sewa International; commending. (Patron–Subramanyam)	SR	169		2649
Seward, Susan B.; commending. (Patron–Wachsmann)	HJR	322		2085
Sheikh, M. Siddique; commending. (Patron–Carroll Foy)	SR	101		2616
Shenandoah Apple Blossom Festival; commemorating its 100th anniversary.				
Patron–Wiley	HR	49		2176
Sheridan, Brenda; commending. (Patron–Reaser)	HR	139		2223
Shifflett, Josh and Barbara; commending. (Patron–Reeves)	SJR	230		2540
Shinholser, John; commending.				
Patron–Carr	HJR	292		2065
Patron–VanValkenburg	SJR	174		2507
Short, Shirley; commending. (Patron–Krizek)	HJR	375		2115
Shrewsbury, Jean; commending. (Patron–Obenshain)	SR	183		2656
Simmons, Mark C.; commending. (Patron–Surovell)	SJR	44		2430
Simpson Development Company, Inc.; commemorating its 100th anniversary.				
Patron–Ebbin	SJR	111		2470
Siren Skate Shop; commending. (Patron–Hernandez)	HR	274		2292
Slaughter, Tommy; commending. (Patron–Phillips)	HR	247		2278
Smith, Denise Burrell; commending.				
Patron–McQuinn	HR	180		2244
Patron–Aird	SJR	155		2496
Smith, Gilbert A.; commending.				
Patron–McQuinn	HR	179		2244
Patron–Aird	SJR	157		2497
Smith, Mark E.; commending. (Patron–Hashmi)	SJR	151		2494
Smith Mountain Lake Christian Academy; commending. (Patron–Zehr)	HR	326		2318

	BILL OR RES.	NO.	CHAP. NO.	PAGE NO.
COMMENDATIONS AND COMMEMORATIONS - Continued				
Smith, Robert J.; commending. (Patron–Surovell)	SJR	142		2489
Smithfield Packers Youth Sports 06U Blue team; commending. (Patron–Jordan)	SR	13		2569
Snavely, Jim; commending. (Patron–Obenshain)	SR	117		2624
Social4Good; commemorating its fifth anniversary. (Patron–Seibold)	HR	146		2227
Solenberger's True Value Hardware; commemorating its 135th anniversary. Patron–Wiley	HR	83		2193
Somerville, Frank W.; commending. (Patron–Reeves)	SJR	199		2522
Sons of the American Revolution, Fairfax Resolves Chapter of the Virginia Society; commemorating its 250th anniversary. (Patron–Krizek)	HJR	417		2137
South Loudoun Youth Chorale; commending. (Patron–Subramanyam)	SR	172		2651
Southside Youth Football League; commending. (Patron–Anthony)	HJR	353		2102
Spencer, Henry; commending. (Patron–Lopez)	HJR	388		2122
Spirit of Freedom marching band of Freedom High School; commending. Patron–Mundon King	HR	217		2263
Stafford County Public Schools Teachers of the Year; commending. Patron–Mundon King	HR	79		2192
Stafford High School competition cheer team; commending. (Patron–Durant)	SJR	132		2482
State Governments Southern Office, Council of; commending. (Patron–Sewell)	HR	20		2164
Stevens, Donna Dean; commending. (Patron–Coyner)	HR	137		2222
Stevens, Phillip; commending. (Patron–Zehr)	HR	322		2316
Stewart, Josie; commending. (Patron–Martinez)	HJR	414		2136
Stolle, Kenneth William; commending. (Patron–DeSteph)	SJR	165		2502
Stone, Michael E.; commending. (Patron–Surovell)	SJR	107		2467
Super Carlin Brothers; commending. (Patron–Rasoul)	HJR	367		2110
Superheroes Ice Cream; commending. (Patron–Feggans)	HJR	194		2007
Swift Creek Middle School cheerleading team; commending. Patron–Earley	HR	261		2285
Patron–Sturtevant	SR	120		2626
Sydow, Elizabeth A.; commending. (Patron–Reeves)	SJR	134		2483
Syed, Areen; commending. (Patron–Glass)	HR	208		2259
Tabb High School field hockey team; commending. (Patron–Cordoza)	HR	108		2205
Tamil Nadu Foundation; commemorating its 50th anniversary. (Patron–Srinivasan)	HR	429		2368
Tarter, P. David; commending. (Patron–Simon)	HJR	278		2058
Tawor, Hassan Abdelrahim, and Abdulmonem Abdumalawa; commending. Patron–Garrett	HR	366		2338
Taylor, Ann Cannon; commending. (Patron–Aird)	SR	124		2628
Taylor, Thomas; commending. Patron–Cole	HR	334		2321
Patron–Durant	SJR	223		2536
Tazewell High School Class of 1973; commemorating its 50th anniversary. Patron–Morefield	HJR	306		2075
Patron–Hackworth	SR	110		2621
Teague, George, Jr.; commending. (Patron–DeSteph)	SJR	124		2477
Tefelski, Karen; commending. (Patron–Sickles)	HR	105		2204
Tema Choir USA; commemorating its fifth anniversary. (Patron–Sewell)	HR	244		2276
Thayer, Gayle; commending. (Patron–Tran)	HR	426		2367
The Arc of Greater Prince William/INSIGHT, Inc.; commemorating its 60th anniversary. (Patron–Torian)	HJR	314		2079
The Arc of Loudoun; commending. (Patron–Martinez)	HJR	419		2138
The Cavalier Daily; commending. (Patron–Callsen)	HR	432		2369
The Closet of the Greater Herndon Area, Inc.; commemorating its 50th anniversary. Patron–Shin	HJR	398		2127
The Crooked Road: Virginia's Heritage Music Trail; commemorating its 20th anniversary. (Patron–Kilgore)	HJR	216		2021
The Peanut Shop of Williamsburg; commemorating its 50th anniversary. Patron–Batten	HJR	211		2018
The Shepherd's Center of Richmond; commemorating its 40th anniversary. Patron–Carr	HJR	293		2066

	BILL OR RES.	NO.	CHAP. NO.	PAGE NO.
COMMENDATIONS AND COMMEMORATIONS - Continued				
The Women's Center of Northern Virginia; commemorating its 50th anniversary.				
Patron–Seibold	HR	297		2304
Thomas, Ann; commending. (Patron–Green)	HJR	97		1955
Thomas, Brian; commending. (Patron–Oates)	HR	126		2215
Thompson, Mickey; commending. (Patron–Reid)	HJR	260		2048
Thompson, Rachel Yarnell; commending. (Patron–Martinez)	HJR	422		2140
Thurston, Russell; commending. (Patron–Zehr)	HR	324		2316
Tidewater EMS Council; commemorating its 50th anniversary. (Patron–DeSteph)	SJR	150		2493
Tiller, C. Thomas, Jr.; commending. (Patron–Wyatt)	HR	69		2186
Tilth & Oak; commending. (Patron–Feggans)	HJR	187		2004
Titustown Civic League; commending. (Patron–Hernandez)	HR	317		2313
Tomlinson, Saundra; commending.				
Patron–Kilgore	HR	143		2225
Patron–Pillion	SR	143		2637
Torian, Luke E.; commending.				
Patron–Mundon King	HR	27		2167
Patron–Carroll Foy	SR	6		2566
Treadway, Sandra Gioia; commending.				
Patron–Carr	HJR	69		1940
Patron–Gilbert	HR	13		2160
Patron–Hashmi	SJR	67		2443
Triangle Volunteer Fire Department; commemorating its 50th anniversary.				
Patron–Wright	HJR	79		1946
Trinity United Methodist Church; commemorating its 250th anniversary.				
Patron–Lopez	HJR	127		1971
Tuckahoe Volunteer Rescue Squad; commemorating its 70th anniversary.				
Patron–Willett	HJR	298		2069
Patron–VanValkenburg	SJR	192		2518
Tucker, Megan; commending. (Patron–Reaser)	HR	338		2323
2024 House-Senate basketball game; commending annual fundraiser for Massey Cancer Center. (Patron–Rouse)	SR	119		2625
Tyree, Nick; commending. (Patron–Coyner)	HR	321		2315
United Network for Organ Sharing; commemorating its 40th anniversary.				
Patron–Carr	HJR	362		2107
United States Foreign Service; commemorating its 100th anniversary.				
Patron–Reid	HJR	206		2015
Patron–Subramanyam	SR	177		2653
United Way of Roanoke Valley; commemorating its 100th anniversary.				
Patron–Rasoul	HJR	265		2050
United We Light: Project Guatemala; commending. (Patron–Reeves)	SJR	172		2506
Up Next 2 Vote; commending. (Patron–Lovejoy)	HR	132		2218
Urban League Greater Richmond; commemorating its 110th anniversary and Urban League Greater Richmond Young Professionals, commemorating its 25th anniversary.				
Patron–Jones	HR	140		2224
Patron–Bagby	SJR	70		2445
Vale United Methodist Church; commending. (Patron–Keys-Gamarra)	HJR	227		2028
Vardavas, Alex; commending. (Patron–Marshall)	HJR	288		2063
Varina High School boys' basketball team; commending. (Patron–McQuinn)	HR	383		2346
Veterans of Foreign Wars Post 9954; commemorating its 75th anniversary.				
Patron–Wright	HR	335		2322
Viar, E.W., Jr.; commending. (Patron–Griffin)	HR	310		2310
Vienna Arts Society; commemorating its 50th anniversary. (Patron–Seibold)	HR	404		2356
Vinegar Hill Magazine; commending. (Patron–Callsen)	HR	430		2369
Virginia Alcoholic Beverage Control Authority; commending.				
Patron–Bulova	HJR	233		2032
Patron–Favola	SJR	123		2477
Virginia Beach Lifesaving Service; commending. (Patron–Tata)	HR	418		2362
Virginia Beach Medical Reserve Corps; commending. (Patron–Feggans)	HJR	286		2062
Virginia Black Chamber of Commerce; commending. (Patron–Cole)	HR	77		2190

	BILL OR RES.	NO.	CHAP. NO.	PAGE NO.
COMMENDATIONS AND COMMEMORATIONS - Continued				
Virginia Chamber of Commerce; commemorating its 100th anniversary.				
Patron–Scott, D.	HR	153		2230
Patron–Surovell	SJR	122		2476
Virginia Commonwealth University Massey Comprehensive Cancer Center; commemorating its 50th anniversary. (Patron–Carr)	HJR	296		2068
Virginia Humanities; commemorating its 50th anniversary. (Patron–Deeds)	SJR	214		2530
Virginia Law Foundation; commemorating its 50th anniversary.				
Patron–Herring	HJR	344		2097
Patron–McGuire	SJR	239		2545
Virginia, Maryland and Delaware Association of Electric Cooperatives; commemorating its 80th anniversary. (Patron–VanValkenburg)	SJR	167		2503
Virginia Museum of History & Culture; commending. (Patron–Carr)	HJR	363		2108
Virginia Polytechnic Institute and State University women's basketball team; commending. (Patron–Obenshain)	HJR	302		2072
Virginia Professional Photographers Association; commemorating its 125th anniversary. (Patron–Carr)	HJR	359		2106
Virginia School Boards Association; commending. (Patron–Laufer)	HJR	153		1986
Virginia Society of Association Executives; commemorating its 75th anniversary.				
Patron–Williams Graves	SJR	99		2463
Virginia Sports Hall of Fame, 2024 Inductees; commending.				
Patron–Hayes	HR	135		2220
Patron–Rouse	SR	84		2606
Virginia State University marching band; commending. (Patron–Aird)	SR	125		2628
Virginia Union University football team; commending. (Patron–Clark)	HR	55		2180
Virginia War Museum; commemorating its 100th anniversary. (Patron–Green)	HR	33		2170
Virginia Youth Poet Laureate ambassadors; commending. (Patron–Glass)	HR	210		2259
Virginians for High Speed Rail; commemorating its 30th anniversary.				
Patron–Willett	HJR	333		2090
Virginia's forest products industry; commending. (Patron–Reeves)	SJR	91		2459
Virginia-Taiwan Trade Office; commending. (Patron–Surovell)	SJR	229		2539
Volunteering Together for Service; commending. (Patron–Srinivasan)	HR	428		2368
Voodoo Brewing Company Virginia Beach; commending. (Patron–Feggans)	HJR	196		2009
Wallace, Mike; commending. (Patron–Wyatt)	HR	388		2349
Walston, Sharon; commending. (Patron–Glass)	HR	209		2259
Walton, J.S.; commending. (Patron–Hodges)	HJR	123		1969
Warm Springs Valley Garden Club; commemorating its 100th anniversary.				
Patron–Obenshain	SR	104		2618
Warren, Andrea F.; commending. (Patron–Williams Graves)	SR	160		2645
Warrenton Horse Show; commemorating its 125th anniversary. (Patron–Webert)	HJR	364		2109
Warrenton Volunteer Fire Company; commemorating its 100th anniversary.				
Patron–Webert	HR	301		2306
Washington Metropolitan Cricket Board; commending. (Patron–Srinivasan)	HR	359		2334
Washington, Patricia; commending. (Patron–Bennett-Parker)	HJR	155		1987
Webb, William A.; commending.				
Patron–Kent	HR	64		2184
Patron–Stuart	SJR	232		2540
Western Branch High School boys' track and field team; commending.				
Patron–Ennis	HJR	381		2118
Westminster at Lake Ridge; commemorating its 30th anniversary. (Patron–Sewell)	HR	406		2357
Westmoreland Volunteer Fire Department; commemorating its 75th anniversary.				
Patron–Stuart	SJR	4		2380
Wexton, Jennifer; commending. (Patron–Perry)	SR	82		2605
Weyers Cave Ruritan Club; commemorating its 85th anniversary.				
Patron–Runion	HR	73		2188
Patron–Obenshain	SR	99		2615
WFIR; commemorating its 100th anniversary. (Patron–Rasoul)	HJR	232		2031
Wharton Memorial Church Complex; commending. (Patron–Wright)	HR	23		2165
White, Kathleen; commending. (Patron–Cherry)	HJR	301		2072
Wilkins, Karl; commending. (Patron–Clark)	HR	214		2261

	BILL OR RES.	NO.	CHAP. NO.	PAGE NO.
COMMENDATIONS AND COMMEMORATIONS - Continued				
Williams, Felicia; commending. (Patron–Cordoza)	HR	271		2290
Williams, Geline Bowman; commending.				
Patron–Garrett	HJR	143		1980
Patron–McGuire	SJR	118		2474
Williams, Timothy P.; commending.				
Patron–Freitas	HR	8		2148
Patron–Reeves	SJR	87		2457
Williamsburg Community Foundation; commending. (Patron–Batten)	HJR	311		2077
Wilson, Pearl Mae; commending. (Patron–Carr)	HJR	383		2119
Wisecarver, Gary; commending. (Patron–Zehr)	HR	327		2318
WLNI; commemorating its 30th anniversary. (Patron–Walker)	HJR	220		2024
Wolff, Bruce; commending. (Patron–Martinez)	HJR	408		2133
Women of Grace, Strength, and Dignity; commending. (Patron–Clark)	HR	144		2226
Women of the African diaspora; commending. (Patron–Mundon King)	HR	445		2376
Women's Tidewater Golf Association; commemorating its 100th anniversary.				
Patron–Bloxom	HR	97		2200
Patron–Lucas	SR	71		2599
Woodgrove High School wrestling team; commending. (Patron–Higgins)	HJR	329		2088
Woods, Terry; commending. (Patron–Stanley)	SR	4		2564
Wreaths Across Southern Fauquier; commending. (Patron–Reid)	HJR	146		1982
Wright, Connor; commending. (Patron–Sewell)	HR	245		2276
WTJU; commending. (Patron–Callsen)	HR	435		2371
Xcellerated Offshore; commending.				
Patron–Coyner	HJR	121		1968
Patron–Aird	SR	29		2577
Yarn, Laurice Malbon; commending. (Patron–Feggans)	HR	255		2281
Yew, Michael S.; commending. (Patron–Gilbert)	HJR	283		2060
Yoders' Farm; commending. (Patron–Zehr)	HR	329		2319
York County Little League 9-11 All-Stars baseball team; commending.				
Patron–Green	HJR	105		1960
Yorktown High School girls' swim and dive team; commending. (Patron–Hope)	HJR	355		2103
Yorktown ReStore; commending. (Patron–Green)	HJR	107		1961
Youth For Tomorrow-New Life Center, Inc.; commending. (Patron–Lovejoy)	HR	419		2363
Zaremba, Walter C.; commending. (Patron–Green)	HJR	96		1954
Zeiders Enterprises; commemorating its 40th anniversary. (Patron–Sewell)	HR	242		2275
Zeta Phi Beta Sorority, Inc., Phi Kappa Zeta chapter of; commending.				
Patron–Carroll Foy	SR	55		2590
Zoberman, Israel; commending. (Patron–Craig)	SJR	235		2542
Zubrod, John W.; commending. (Patron–Wachsmann)	HJR	261		2048
COMMERCIAL VEHICLES				
Commercial driver's licenses and learner's permits; definitions, training, drug and alcohol violations, erroneously identified as prohibited from operating vehicle, removal of any reference to driver's status expeditiously but not later than 10 days after notification.				
Patron–Austin	HB	844	107	241
Patron–French	SB	353	121	288
COMMISSIONS, BOARDS, AND INSTITUTIONS GENERALLY				
Accountancy, Board of; powers and duties, definitions, repeals requirement for an annual audit of the Board.				
Patron–Runion	HB	1337	654	1489
Patron–Hackworth	SB	463	677	1544
Administrative Process Act; exempts certain rules of the Virginia Workers' Compensation Commission. (Patron–Kilgore)	HB	1418	559	1188
Advanced registered medication aides; aides who administer drugs in a certified nursing facility licensed by Department of Health to register with Board of Nursing, report. (Patron–Henson)	HB	349	284	723
Alpha-gal syndrome; Board of Health shall adopt regulations to include on reportable disease list, effective date. (Patron–Wachsmann)	HB	93	375	867

	BILL OR RES.	NO.	CHAP. NO.	PAGE NO.
COMMISSIONS, BOARDS, AND INSTITUTIONS GENERALLY - Continued				
American Revolution 250 Commission; amends membership and staffing.				
Patron–Austin	HB	839	400	896
Patron–Locke	SB	117	401	897
Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects, Board for; quorum and signature requirements, sunset date. (Patron–Owen)	HB	350	383	875
Artificial intelligence by public bodies; Joint Commission on Technology and Science, et al., to examine use, creation of Commission on Artificial Intelligence, report. (Patron–Aird)	SB	487	678	1553
Arts, Virginia Commission for the; reduces membership.				
Patron–McQuinn	HB	832	208	458
Patron–Jordan	SB	530	248	630
Asbestos, Lead, and Home Inspectors, Virginia Board for; removes responsibility of Board to promulgate regulations concerning dust sampling technicians, renovators, and accredited renovation training programs.				
Patron–Owen	HB	1005	93	190
Patron–Hackworth	SB	560	94	194
Behavioral Health Commission; changes composition of membership.				
Patron–Rasoul	HB	807	456	982
Patron–Favola	SB	125	496	1068
Behavioral Health Commission; Commission shall study how to effectively align current civil admissions laws and processes with new behavioral health and crisis response services and resources. (Patron–Deeds)	SB	574	601	1271
Behavioral health technicians and technician assistants and qualified mental health professionals and trainees; definitions, scope of practice, supervision, and qualifications, Department of Behavioral Health and Developmental Services shall promulgate regulations that align with those adopted by Board of Counseling, etc.				
Patron–Durant	SB	403	595	1255
Blockchain and cryptocurrency; Joint Commission on Technology and Science, et al., to examine use and creation of Blockchain and Cryptocurrency Commission, report. (Patron–Salim)	SB	439	709	1633
Blockchain technology, digital asset mining, and cryptocurrency; Joint Commission on Technology and Science, et al., to analyze use. (Patron–Salim)	SB	339	707	1631
Bridges; state of good repair, allocation of funds, provisions shall apply to new project allocations made by the Commonwealth Transportation Board. (Patron–Runion)	HB	1254	415	909
Civilian deaths in custody; every law-enforcement agency and state or juvenile correctional facility shall report to the Department of Criminal Justice Services and every local or regional adult correctional facility shall report to State Board of Local and Regional Jails certain information regarding death of any person who is detained, under arrest, or in the process of being arrested, etc., annual report. (Patron–Price)	HB	611	813	1824
Crisis receiving centers and crisis stabilization units; State Board of Behavioral Health and Developmental Services shall amend its regulations to ensure that its licensing and human rights regulations support high-quality crisis services, safe use of seclusion, report. (Patron–Deeds)	SB	569	795	1788
Cumberlands Airport Commission; establishes a new charter, powers, duties, repeals current charter.				
Patron–Kilgore	HB	460	192	434
Patron–Pillion	SB	728	261	674
Distressed localities, certain double; Department of Taxation and Commission on Local Government shall assess need for income tax relief. (Patron–Hackworth)	SB	564	599	1270
Education, Board of; school boards to administer through-year growth assessment system, alternatives during 2024-2026 school years.				
Patron–Rasoul	HB	1076	148	336
Patron–Suetterlein	SB	435	122	294
End Hunger, Virginia Commission to; established, report, sunset date.				
Patron–Price	HB	607	296	735
Health Insurance Reform Commission; assessment of certain legislation, report.				
Patron–Hayes	HB	1210	219	508
Patron–Head	SB	132	36	61
Health Insurance Reform Commission; increases membership. (Patron–Ware)	HB	114	98	203
Henrietta Lacks Commission; changes sunset date. (Patron–Price)	HB	613	297	736

	BILL OR RES.	NO.	CHAP. NO.	PAGE NO.
COMMISSIONS, BOARDS, AND INSTITUTIONS GENERALLY - Continued				
Large animal veterinarians; Board of Veterinary Medicine, et al., to study shortage.				
Patron–Lopez	HJR	43		1931
Patron–Hackworth	SJR	15		2385
Local and Regional Jails, State Board of; powers and duties. (Patron–Hope)	HB	103	136	309
Local fiscal distress; determination by Auditor of Public Accounts, state intervention, powers and duties of Commission on Local Government. (Patron–Aird)	SB	645	426	914
Marriage and family therapists; Board of Counseling to amend regulations related to process for licensure by endorsement. (Patron–Sickles)	HB	329	431	922
Medicine, Board of; an attorney is allowed to serve as executive director for the Board.				
Patron–Willett	HB	964	463	992
Medicine, Board of; temporary licensure of physicians licensed in a foreign country.				
Patron–Tran	HB	995	464	992
Motor Vehicle Dealer Board; authorizes Board to establish cost of an examination of licensee records. (Patron–Wyatt)	HB	1107	86	181
Nursing education programs; Board of Nursing to permit contracts with out-of-state clinical sites. (Patron–Hackworth)	SB	553	425	914
Parole Board; voting requirements for decisions to grant discretionary parole or conditional release. (Patron–Shin)	HB	913	458	983
Pharmacy outsourcing and pharmacy technician remote database access; Board of Pharmacy shall promulgate regulations authorizing pharmacies located in Commonwealth or out-of-state to outsource tasks associated with dispensing a prescription drug, etc., maximum number of persons performing duties of technician and support personnel a pharmacist may supervise at one time.				
Patron–Hodges	HB	1068	407	902
Patron–McDougle	SB	607	408	903
Potato Board; reduces membership. (Patron–Bloxom)	HB	1399	223	514
Professional counselors; Board of Counseling shall recognize the National Counselor Examination (NCE) as a valid examination for licensure. (Patron–Cole)	HB	426	443	956
Provisional (Career Switcher) License; Board of Education to amend its relevant regulation to permit any career switcher who seeks a teaching endorsement pre-K through grade 12, including any career switcher who seeks a teaching endorsement in special education, to pursue License, requirements. (Patron–McQuinn)	HB	269	183	422
Reciprocal licensing for neighboring states; Board for Waste Management Facility Operators, et al., shall immediately recognize licenses or certificates issued as fulfillment of qualifications, etc. (Patron–Jordan)	SB	554	157	376
School-connected overdose policies; Board of Education shall establish guidelines, parental notification and response.				
Patron–Carroll Foy	SB	498	843	1911
Soybean Board; assessment from sale of soybeans. (Patron–Webert)	HB	1377	149	336
Standards of Learning assessment; Board of Education shall revise its regulations relating to student eligibility for an expedited retake, report. (Patron–Phillips)	HB	1451	612	1291
State Corporation Commission; annual report filing requirements. (Patron–Sullivan)	HB	124	137	310
Students with Limited and/or Interrupted Formal Education (SLIFE); Board of Education shall develop and adopt policies relating to supporting students.				
Patron–Suetterlein	SB	433	623	1358
Teachers; assessments, Board of Education shall eliminate certain requirements for renewal of license. (Patron–Sewell)	HB	731	729	1650
Technology and Science, Joint Commission on; authority to appoint, employ, and remove staff. (Patron–Hayes)	HB	1199	739	1671
Treatment with opioids; Board of Medicine, et al., to amend their regulations, implementation of provisions to be effective within 280 days of its enactment.				
Patron–Maldonado	HB	699	448	963
Uniform Statewide Building Code; Board of Housing and Community Development shall convene a stakeholder advisory group including fire code officials to evaluate and recommend revisions.				
Patron–McClure	HB	368	384	876
Patron–VanValkenburg	SB	195	385	876
Updating Virginia Law to Reflect Federal Recognition of Virginia Tribes, Commission on; extends sunset date. (Patron–Krizek)	HB	200	275	703

	BILL OR RES.	NO.	CHAP. NO.	PAGE NO.
COMMISSIONS, BOARDS, AND INSTITUTIONS GENERALLY - Continued				
Veterinary Medicine, Board of; powers and duties, satellite offices.				
Patron–Hackworth	SB	663	604	1276
Virginia Consumer Protection Act; prohibited practices, advertising an ignition interlock system in Virginia by a vendor not approved by Commission on the Virginia Alcohol Safety Action Program, etc. (Patron–Williams)	HB	1351	747	1684
Virginia Employment Commission; appeals proceedings, electronic delivery shall include confirmation of receipt, repeals provisions related to appeal tribunals and Commission-appointed Board of Review.				
Patron–Price	HB	1453	562	1191
Patron–DeSteph	SB	655	603	1273
Virginia Gaming Commission, Joint Subcommittee studying feasibility of establishing; continued.				
Patron–Krizek	HJR	10		1923
Patron–Reeves	SJR	12		2383
Virginia Growth and Opportunity Board; increases membership, certain provisions expire on July 1, 2028. (Patron–Austin)	HB	237	276	703
Virginia Growth and Opportunity Board; increases membership, Virginia investment performance grants, Virginia economic development incentive grants, certain provisions expire on July 1, 2028, aggregate amount of grants payable in a fiscal year. (Patron–Carroll Foy)	SB	496	624	1358
Virginia Minority Business Commission; established, membership, report, sunset date. (Patron–Feggans)	HB	374	527	1144
Virginia STEM Education Advisory Board; powers and duties, participation of historically underrepresented students in STEM education. (Patron–Price)	HB	615	814	1825
Virginia Waste Management Board; regulations for open burning of solid wastes, transportation of vegetative waste. (Patron–Stuart)	SB	342	235	577
Virginia Workers' Compensation Commission; nomination for election of member.				
Patron–Ward	HR	43		2174
Patron–Deeds	SR	21		2573
COMMONWEALTH PUBLIC SAFETY				
Alzheimer's disease and dementia; training for dispatchers, firefighters, and emergency medical personnel. (Patron–LeVere Bolling)	HB	933	698	1607
Civilian deaths in custody; every law-enforcement agency and state or juvenile correctional facility shall report to the Department of Criminal Justice Services and every local or regional adult correctional facility shall report to State Board of Local and Regional Jails certain information regarding death of any person who is detained, under arrest, or in the process of being arrested, etc., annual report. (Patron–Price)	HB	611	813	1824
Commonwealth Public Safety Medal of Valor; Governor may award a dispatcher for performance above and beyond call of duty. (Patron–McGuire)	SB	630	253	639
Criminal justice training academies; curriculum. (Patron–Gardner)	HB	1369	556	1181
Fentanyl and Heroin Enforcement, Task Force on; established, report.				
Patron–DeSteph	SB	367	771	1724
Forensic Science, Department of; laboratory procedures, requirements regarding DNA profiles. (Patron–Kent)	HB	898	210	462
Human trafficking; attorneys for the Commonwealth to establish multidisciplinary response teams. (Patron–Simonds)	HB	581	366	839
Law-enforcement and jail officers; closed meetings for certain limited purposes, various changes to provisions related to decertification, review process, penalties for violations. (Patron–Locke)	SB	88	494	1052
Law-enforcement officers; training standards. (Patron–McClure)	HB	586	141	315
Law-enforcement officers, certain; universal certification, necessary training, requested information by hiring law-enforcement agency.				
Patron–Wilt	HB	1022	542	1162
Patron–Diggs	SB	207	581	1221
Law-enforcement training; compulsory minimum and in-service training standards on communicating with individuals with an intellectual or developmental disability such as autism spectrum disorder.				
Patron–Willett	HB	1246	742	1672
Patron–Bagby	SB	547	773	1728
Line of Duty Act; clarifies definition of eligible dependent. (Patron–Hodges)	HB	1433	560	1189

	BILL OR RES.	NO.	CHAP. NO.	PAGE NO.
COMMONWEALTH PUBLIC SAFETY - Continued				
Line of Duty Act; increases payment of benefits if deceased person's death occurred on or after January 1, 2025, $75,000 is applicable.				
Patron–McQuinn	HB	321	380	874
Patron–Salim	SB	649	381	874
Private security services business; training requirements for human trafficking.				
Patron–Simonds	HB	203	367	857
Surveillance technology; reporting by state and local law-enforcement agencies and sheriffs' departments, definitions, report. (Patron–Rasoul)	HB	1496	614	1292
COMMONWEALTH'S ATTORNEYS				
Admission to bail; person charged with act of violence, notice to Commonwealth attorney. (Patron–McDougle)	SB	424	243	622
Fines, costs, forfeitures, penalties, etc.; duty of attorneys for the Commonwealth, at least 30 days prior to execution of a contract the attorney shall consult with the clerk of the circuit court. (Patron–Jordan)	SB	637	518	1126
Human trafficking; attorneys for the Commonwealth to establish multidisciplinary response teams. (Patron–Simonds)	HB	581	366	839
Law-enforcement officers; exposure to bodily fluids, petition to the general district court by local attorney for the Commonwealth. (Patron–Arnold)	HB	435	190	430
COMMUNITIES IN SCHOOLS OF APPALACHIAN HIGHLANDS				
Communities in Schools of Appalachian Highlands; commemorating its 10th anniversary. (Patron–O'Quinn)	HJR	274		2056
COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM				
Community Development Block Grant Program; commemorating its 50th anniversary.				
Patron–Sickles	HJR	326		2087
Patron–Ebbin	SJR	189		2516
COMPACTS				
Cosmetology Compact; established, any applicant for a multistate license shall pay costs of performing any background check required. (Patron–Glass)	HB	322	281	712
Dentist and Dental Hygienist Compact; authorizes Virginia to become a signatory to the Compact.				
Patron–Sickles	HB	225	101	205
Patron–Locke	SB	22	31	46
PA Licensure Compact; authorizes Virginia to become a signatory to Compact, applicant for multistate license shall pay costs of performing any background check required by Compact. (Patron–Glass)	HB	324	439	933
Social Work Licensure Compact; authorizes Virginia to become a signatory to Compact, applicants for a Multistate License shall pay for cost of fingerprinting.				
Patron–Glass	HB	326	690	1581
Patron–Hashmi	SB	239	704	1617
COMPANION ANIMALS				
Cruelty to animals; possession and ownership of companion or equine animals by persons convicted of felony or misdemeanor, violation of any prohibition or restriction imposed by sentencing court is a Class 1 misdemeanor, etc., person may petition the court for restoration of rights after five years from date of conviction.				
Patron–Orrock	HB	223	179	417
Patron–Favola	SB	11	489	1045
COMPTON, JEREMY				
Compton, Jeremy; commending. (Patron–Obenshain)	HR	57		2181
COMPUTER SERVICES AND USES				
Alcoholic beverage control; Board of Directors of the Virginia Alcoholic Beverage Control Authority to promulgate regulations that prescribe the terms and conditions under which manufacturers, etc., may advertise and promote alcoholic beverages via Internet, social media, etc.				
Patron–Krizek	HB	522	139	313
Patron–Rouse	SB	182	38	94
Courthouses; website posting of notices, repeals provision of posting electronically and notice being posted by circuit court clerk. (Patron–Hope)	HB	1338	655	1498

	BILL OR RES.	NO.	CHAP. NO.	PAGE NO.
COMPUTER SERVICES AND USES - Continued				
Electronic communication systems within state correctional facilities; telephone calls and communication services, established using lowest available rates.				
Patron–Rasoul	HB	801	455	981
Legal notices and publications; online-only news publications, requirements.				
Patron–Hope	HB	264	277	705
Patron–Boysko	SB	157	341	794
CONDOMINIUMS				
Property Owners' Association Act or Virginia Condominium Act; assessments for legal obligations of associations, association charges. (Patron–Ebbin)	SB	672	685	1576
Resale Disclosure Act; adds condominium associations and real estate cooperative associations to the types of associations under the Act that are prohibited from collecting certain fees, option to receive resale certificate electronically.				
Patron–Reaser	HB	105	170	412
CONSERVATION				
Chief Resilience Officer of the Commonwealth; created within Office of Governor, duties, Advisory Review Committee to assist in distribution of loans and grants, etc., report. (Patron–Hernandez)	HB	1458	753	1694
Conservation tillage and precision agricultural application equipment; extends sunset date of individual and corporate tax credit for purchase. (Patron–French)	SB	298	234	575
Environmental Quality, Department of; any party seeking judicial review for final decision shall file such action in the Circuit Court of City of Richmond within 30 days of decision.				
Patron–Sullivan	HB	122	717	1644
Patron–Deeds	SB	580	774	1733
Environmental Quality, Department of; consolidation of annual report.				
Patron–Lovejoy	HB	1379	112	278
Farmland Preservation, Office of; transfers Office to Department of Forestry, renamed Office of Working Lands Preservation, report.				
Patron–Bulova	HB	892	146	328
Patron–Pillion	SB	616	10	13
Federally recognized Tribal Nations in the Commonwealth; policies for consultation, various agencies to consult with Nations when evaluating permits and reviews with potential impacts on environmental, cultural, and historic resources.				
Patron–Krizek	HB	1157	830	1877
Forestland and Urban Tree Canopy Conservation Plan; Department of Forestry shall establish.				
Patron–Hope	HB	309	278	707
Patron–Marsden	SB	461	354	819
High polycyclic aromatic hydrocarbon; prohibits pavement sealants that contains products, civil penalty. (Patron–Tran)	HB	985	736	1663
Resilient Virginia Revolving Fund; additional weight shall be given to those projects that are in a locality designated as having a very low community resilience rating.				
Patron–Feggans	HB	673	816	1826
Virginia Coastal Resilience Collaborative at The College of William & Mary in Virginia; changes references relating to coastal resilience policy.				
Patron–McDougle	SB	674	13	27
CONSERVATORS OF THE PEACE				
Special conservators of the peace; armed security officer registration. (Patron–Head)	SB	145	577	1210
CONSTITUTIONAL AMENDMENTS				
Constitutional amendment; expands real property tax exemption for surviving spouses of soldiers who died in the line of duty (second reference), Chapter 739, 2023 Acts (first reference).				
Patron–Tran	HJR	45	777	1735
Patron–McPike	SJR	3	778	1735
Constitutional amendment; expands real property tax exemption for surviving spouses of soldiers who died in the line of duty (submitting to qualified voters).				
Patron–Hernandez	HB	558	394	890
Patron–McPike	SB	4	395	891

	BILL OR RES.	NO.	CHAP. NO.	PAGE NO.
CONSUMER PROTECTION				
Consumer Data Protection Act; definitions, protections for children, data controller responsibilities, effective date.				
Patron–Maldonado	HB	707	840	1906
Patron–VanValkenburg	SB	361	844	1912
Consumer protection; clarifies "consumer transaction," definition of small business, automatic renewal or continuous service offers. (Patron–Maldonado)	HB	744	452	973
Public utilities; municipal utilities, disconnection suspension for utilities, consumer protections, each utility shall provide notice procedures in English and Spanish.				
Patron–Shin	HB	906	824	1857
Patron–Aird	SB	480	790	1768
Unfair Real Estate Service Agreement Act; created, consumer protections.				
Patron–Maldonado	HB	1243	328	774
Patron–Ebbin	SB	576	362	830
Virginia Consumer Protection Act; mold remediation, prohibited acts.				
Patron–McQuinn	HB	1270	476	1032
Virginia Consumer Protection Act; no landlord shall charge the tenant any transaction or processing fee for use of an electronic fund transfer, prohibited practices, effective clause, report. (Patron–Srinivasan)	HB	1519	838	1900
Virginia Consumer Protection Act; prohibited practices, advertising an ignition interlock system in Virginia by a vendor not approved by Commission on the Virginia Alcohol Safety Action Program, etc. (Patron–Williams)	HB	1351	747	1684
CONTINUING EDUCATION				
Insurance; adds member to continuing education board. (Patron–Bagby)	SB	705	364	835
Real estate board; continuing education requirements for real estate brokers and salespersons.				
Patron–Reaser	HB	383	29	44
Patron–Jordan	SB	330	120	287
CONTRACTORS AND SUBCONTRACTORS				
Contractors; workers' compensation requirements. (Patron–Kilgore)	HB	1417	558	1187
CONTROLLED SUBSTANCES				
Controlled substances; manufacturing, selling, giving, distributing, etc., adulterated or misbranded drugs, prohibited equipment, penalties. (Patron–Obenshain)	SB	469	371	865
COOPER MIDDLE SCHOOL				
Cooper Middle School symphonic band; commending. (Patron–Boysko)	SJR	184		2514
COOPER, SHIRLEY F.				
Cooper, Shirley F.; commending. (Patron–Green)	HR	117		2210
CORMANY, RICK				
Cormany, Rick; commending. (Patron–Ballard)	HJR	90		1951
CORNWELL, RICHARD THOMAS				
Cornwell, Richard Thomas; recording sorrow upon death. (Patron–Ware)	HJR	256		2045
CORPORATIONS				
Agricultural best management practices; extends sunset date of individual and corporate income tax credits. (Patron–French)	SB	297	233	573
Agricultural best management practices and agricultural equipment purchase; extends sunset date for individual and corporate income tax credits. (Patron–Wilt)	HB	1015	212	464
Conservation tillage and precision agricultural application equipment; extends sunset date of individual and corporate tax credit for purchase. (Patron–French)	SB	298	234	575
Corporation, limited liability company, etc.; service of garnishment summons, garnishment designee, delayed effective date. (Patron–Sturtevant)	SB	214	500	1072
State Corporation Commission; annual report filing requirements. (Patron–Sullivan)	HB	124	137	310
CORRECTIONAL ENTERPRISES				
Civilian deaths in custody; every law-enforcement agency and state or juvenile correctional facility shall report to the Department of Criminal Justice Services and every local or regional adult correctional facility shall report to State Board of Local and Regional Jails certain information regarding death of any person who is detained, under arrest, or in the process of being arrested, etc., annual report. (Patron–Price)	HB	611	813	1824
Correctional facilities, local; stores and telephone systems, fees. (Patron–Shin)	HB	912	402	897

	BILL OR RES.	NO.	CHAP. NO.	PAGE NO.
CORRECTIONAL ENTERPRISES - Continued				
Electronic communication systems within state correctional facilities; telephone calls and communication services, established using lowest available rates.				
Patron–Rasoul	HB	801	455	981
State correctional and juvenile correctional facilities; use of canines, policies and regulations made public, prohibited acts. (Patron–Seibold)	HB	159	99	203
CORRECTIONS, BOARD OF OR DEPARTMENT OF				
Corrections Ombudsman, Office of the Department of; created, powers and duties, authority to investigate complaints, Office shall enter into a memorandum of agreement with Department of Corrections, etc., report.				
Patron–Hope	HB	555	392	879
Patron–Marsden	SB	456	393	884
Craigsville, Town of; conveyance of certain property from Department of Corrections to the Town. (Patron–Obenshain)	SB	691	127	300
CORUM, BLAKE				
Corum, Blake; commending. (Patron–Webert)	HR	119		2211
COSBY, LLOYD A., JR.				
Cosby, Lloyd A., Jr.; recording sorrow upon death. (Patron–McQuinn)	HR	305		2308
COSMETOLOGISTS				
Cosmetology Compact; established, any applicant for a multistate license shall pay costs of performing any background check required. (Patron–Glass)	HB	322	281	712
COTTONGIM, MACKY J.				
Cottongim, Macky J.; commending. (Patron–Reeves)	SJR	135		2484
COUNTIES, CITIES, AND TOWNS				
Abandoned watercraft; destruction and disposal by localities and state agencies.				
Patron–Knight	HB	1053	314	753
All-terrain vehicles and off-road motorcycles; local governing body of any city may provide by ordinance for the lawful seizure, impounding, and disposition of an unlawfully operated vehicle or motorcycle operated on a highway or sidewalk within such city.				
Patron–Ward	HB	234	436	929
Patron–Williams Graves	SB	516	510	1108
Campaign finance; exemption for candidates for local office or directors of soil and water conservation districts.				
Patron–Bloxom	HB	1346	110	249
Patron–Obenshain	SB	577	124	296
Casino gaming; limits on required local referendums. (Patron–Krizek)	HB	525	291	728
Child day programs; use of office buildings, waiver of zoning requirements.				
Patron–Reaser	HB	281	185	423
Patron–Favola	SB	13	263	680
Children's advocacy centers; definitions, investigations by local departments of social services.				
Patron–Bennett-Parker	HB	1128	829	1870
Patron–Favola	SB	12	779	1736
City council salaries; permitted salaries, maximum annual salaries may be adjusted by ordinance. (Patron–Callsen)	HB	456	608	1285
Clerks' offices; clerk of the circuit court of any county or city may close such office on Christmas Eve.				
Patron–Hope	HB	1396	482	1039
Patron–McDougle	SB	736	521	1135
Community revitalization fund; expanding use for all localities.				
Patron–Coyner	HB	478	692	1596
Patron–Locke	SB	49	701	1613
Distressed localities, certain double; Department of Taxation and Commission on Local Government shall assess need for income tax relief. (Patron–Hackworth)	SB	564	599	1270
Door-to-door vendors; local regulation, political parties exempted. (Patron–Watts)	HB	128	172	413
Economic Development Authority; board of supervisors of Craig County may appoint one of its members to the Authority. (Patron–Head)	SB	134	75	173

	BILL OR RES.	NO.	CHAP. NO.	PAGE NO.
COUNTIES, CITIES, AND TOWNS - Continued				
Energy, Department of; building standards for certain local buildings, technical assistance to localities.				
Patron–Helmer	HB	151	687	1577
Patron–McPike	SB	245	706	1630
Health insurance; locality may allow participation in its group insurance programs by any non-benefited employee, reimbursement for cost of participation. (Patron–Wilt)	HB	1019	541	1161
Historic preservation; filing of the building permit or demolition application shall stay the locality from issuing any permit to raze or demolish the historic landmark, etc.				
Patron–Hope	HB	1395	752	1693
Historic structures; civil penalty for demolition, penalty shall not exceed twice the market value, etc. (Patron–McQuinn)	HB	1415	835	1896
Human trafficking; attorneys for the Commonwealth to establish multidisciplinary response teams. (Patron–Simonds)	HB	581	366	839
Industrial and commercial areas; civil penalties for certain local property violations.				
Patron–Walker	HB	755	731	1654
Law-enforcement and jail officers; closed meetings for certain limited purposes, various changes to provisions related to decertification, review process, penalties for violations. (Patron–Locke)	SB	88	494	1052
License tax; locality allowed by ordinance to exempt any dog that served as a police or law-enforcement or military working dog from tax on ownership, ordinance shall include a verification process for vaccination records. (Patron–Ballard)	HB	299	187	424
Local animal cruelty registries; any locality may establish, organize, and maintain a computerized registry as a database of information, etc.				
Patron–Campbell	HB	62	712	1636
Patron–Stanley	SB	93	758	1706
Local fiscal distress; determination by Auditor of Public Accounts, state intervention, powers and duties of Commission on Local Government. (Patron–Aird)	SB	645	426	914
Local government; any locality may by ordinance regulate retail sale locations of tobacco, nicotine vapor, alternative nicotine, and hemp products. (Patron–Lopez)	HB	947	536	1158
Local government; employee insurance programs. (Patron–Jones)	HB	1392	481	1038
Local government; standardization of public notice requirements for certain meetings, hearings, etc.				
Patron–Henson	HB	1488	225	515
Patron–Head	SB	413	242	582
Local government employees; Department of Fire Programs shall convene work group to identify and analyze options to provide preemptive and ongoing health care to employees exposed to toxic materials.				
Patron–Convirs-Fowler	HB	133	174	413
Patron–Rouse	SB	650	363	835
Local government ordinances related to fire departments; billing on behalf of volunteer fire departments for support of a licensed emergency medical services agency. (Patron–Williams)	HB	852	823	1857
Local historic district; locality that establishes a district may provide tax incentives for the conservation and renovation of structures. (Patron–Shin)	HB	914	533	1155
Local library boards; adds King and Queen County to list of localities that are not required to establish. (Patron–Hodges)	HB	1430	486	1042
Local planning commission; action on proposed plats, site plans, and development plans, residential use. (Patron–VanValkenburg)	SB	296	346	800
Military centered community zones; localities may establish, by ordinance, one or more zones.				
Patron–Price	HB	619	298	736
Patron–Rouse	SB	343	350	814
Motor sports facilities; local incentives. (Patron–Stanley)	SB	17	572	1205
Omitted taxes; local government to allow its treasurer or other collecting official to enter into an installment agreement. (Patron–Jones)	HB	1503	488	1043
Orange County; authorization to establish a department of real estate assessment and to enter into an agreement with a contiguous county or city to establish a joint department of real estate assessment. (Patron–Reeves)	SB	9	570	1203

	BILL OR RES.	NO.	CHAP. NO.	PAGE NO.
COUNTIES, CITIES, AND TOWNS - Continued				
Public utilities; municipal utilities, disconnection suspension for utilities, consumer protections, each utility shall provide notice procedures in English and Spanish.				
Patron–Shin	HB	906	824	1857
Patron–Aird	SB	480	790	1768
Real estate contract disclosures, certain; establishment by localities prohibited.				
Patron–Simon	HB	467	724	1647
Patron–Locke	SB	354	769	1722
Real property tax; notice of rate and assessment changes.				
Patron–Sullivan	HB	639	142	320
Patron–Durant	SB	677	14	29
Residential dwelling units; rentals for 30 consecutive days or longer.				
Patron–Simon	HB	634	300	738
Patron–McPike	SB	308	347	803
Resilient Virginia Revolving Fund; additional weight shall be given to those projects that are in a locality designated as having a very low community resilience rating.				
Patron–Feggans	HB	673	816	1826
Russell County Industrial Development Authority; board of supervisors may appoint members to its authority, which shall consist of two members from the governing body of a town.				
Patron–O'Quinn	HB	1410	483	1040
Patron–Pillion	SB	727	520	1134
Short-term rental property; locality's ability to prohibit lessee or sublessee operator, localities may enact an ordinance that limits to one short-term rental within applicable locality. (Patron–Mundon King)	HB	1461	700	1612
Short-term rental property; no local ordinance enacted after December 31, 2023, or any subsequent amendment, shall require that a special exception, conditional use, etc., permit be obtained for use of a residential dwelling as a rental. (Patron–Bagby)	SB	544	792	1777
Speed limits; expands authority of any locality to reduce limit to less than 25 miles per hour, prior notice to Commissioner of Highways before change. (Patron–Carr)	HB	1071	842	1910
Speed limits; if the Commissioner of Highways increases or decreases a speed limit, Department of Transportation shall notify the primary liaison with the Department in each locality in which such speed limit change will occur. (Patron–Reid)	HB	144	272	698
Staunton, City of; City allowed to reduce or waive utility connection fees in certain designated areas. (Patron–Campbell)	HB	136	19	34
Surveillance technology; reporting by state and local law-enforcement agencies and sheriffs' departments, definitions, report. (Patron–Rasoul)	HB	1496	614	1292
Tax assessment districts; establishes, petition by parcel owners. (Patron–Hayes)	HB	1211	740	1671
Towing companies; provision of existing law authorizing localities in Planning District 8 (Northern Virginia). (Patron–McClure)	HB	1287	653	1488
Town of Leesburg Parking Authority; created. (Patron–Martinez)	HB	5	265	680
Trees; conservation during land development process in certain localities.				
Patron–Sullivan	HB	459	691	1593
Patron–Subramanyam	SB	121	702	1614
Vacant buildings; any county, city, or town may require, by ordinance, the owner of any building that has been vacant for at least 12 months, etc., to register such building annually.				
Patron–Thomas	HB	1486	613	1291
Patron–Locke	SB	48	616	1294
Vested rights; building permits. (Patron–French)	SB	701	605	1276
Virginia Public Procurement Act; all local public bodies shall provide option to submit bids or proposals through eVA or other electronic means. (Patron–Hope)	HB	311	438	931
Virginia Regional Industrial Facilities Act; adds Planning Districts 13 (Southside) and 14 (Commonwealth Regional Council) to list of areas where localities may create a regional industrial facility authority, etc. (Patron–Wright)	HB	59	167	410
Zoning; extension of land use approvals for solar photovoltaic and energy storage projects, period of validity for certain projects. (Patron–Coyner)	HB	650	301	738
COURT OF APPEALS OF VIRGINIA				
Court of Appeals; appeal of interlocutory orders. (Patron–Surovell)	SB	509	424	914
Judge; nomination for election to Court of Appeals of Virginia.				
Patron–Maldonado	HR	37		2172
Patron–Surovell	SR	15		2570

	BILL OR RES.	NO.	CHAP. NO.	PAGE NO.
COURT OF APPEALS OF VIRGINIA - Continued				
Judges; election in circuit court, general district court, juvenile and domestic relations district court, and a member of the Judicial Inquiry and Review Commission. Patron–Maldonado	HJR	427		2142
Judges; election in Court of Appeals of Virginia, circuit court, general district court, juvenile and domestic relations district court, a member of the Judicial Inquiry and Review Commission, members of the State Corporation Commission, and a member of the Virginia Workers' Compensation Commission. (Patron–Maldonado)	HJR	99		1956
Judges; nominations for election to Court of Appeals of Virginia.				
Patron–Maldonado	HR	342		2325
Patron–Surovell	SR	134		2633
COURTHOUSE RESTAURANT				
Courthouse Restaurant; commending. (Patron–Hodges)	HR	99		2201
COURTHOUSES AND COURTROOMS				
Courthouses; website posting of notices, repeals provision of posting electronically and notice being posted by circuit court clerk. (Patron–Hope)	HB	1338	655	1498
COURTS NOT OF RECORD				
Attorneys appointed to represent parents or guardians; qualifications and performance, child dependency cases, compensation, pilot multidisciplinary law offices, report, effective clause. (Patron–McClure)	HB	893	428	918
Custodial interrogation of a child; failure to comply with section, inadmissibility of statement. (Patron–Watts)	HB	266	719	1644
Drug Treatment Court Act; renames the Act as the Recovery Court Act.				
Patron–Ballard	HB	292	25	39
Patron–Pillion	SB	725	130	302
Family or household member; clarifies definition, penalty. (Patron–Hope)	HB	172	273	699
Fines, costs, forfeitures, penalties, etc.; duty of attorneys for the Commonwealth, at least 30 days prior to execution of a contract the attorney shall consult with the clerk of the circuit court. (Patron–Jordan)	SB	637	518	1126
Judges; election in circuit court, general district court, juvenile and domestic relations district court, and a member of the Judicial Inquiry and Review Commission. Patron–Maldonado	HJR	427		2142
Judges; election in Court of Appeals of Virginia, circuit court, general district court, juvenile and domestic relations district court, a member of the Judicial Inquiry and Review Commission, members of the State Corporation Commission, and a member of the Virginia Workers' Compensation Commission. (Patron–Maldonado)	HJR	99		1956
Judges; increases the maximum member of authorized juvenile and domestic relations district court judges in the Twentieth and Thirty-first Judicial Districts and circuit court judges in the First, Ninth, Fifteenth, and Twenty-fifth Judicial Circuits.				
Patron–Hope	HB	310	525	1138
Patron–Deeds	SB	710	606	1278
Judges; nominations for election to general district court.				
Patron–Maldonado	HR	39		2172
Patron–Maldonado	HR	344		2326
Patron–Surovell	SR	17		2571
Patron–Surovell	SR	136		2634
Judges; nominations for election to juvenile and domestic relations district court.				
Patron–Maldonado	HR	40		2173
Patron–Maldonado	HR	345		2326
Patron–Surovell	SR	18		2571
Patron–Surovell	SR	137		2634
Juveniles; evidence of trafficking, sexual abuse, or rape by the alleged victim prior to or during the commission of the alleged offense, etc., court may conduct a hearing to allow the juvenile to present any evidence, treatment and rehabilitation.				
Patron–Watts	HB	268	365	836
Marriage; establishes legal age to be 18 years. (Patron–Keys-Gamarra)	HB	994	737	1664
Minors; parental admission for inpatient treatment related to mental illness, which may include substance abuse.				
Patron–Delaney	HB	772	695	1598
Patron–Marsden	SB	460	710	1633
Pro tempore judicial appointments; criminal background checks, financial disclosure. (Patron–Arnold)	HB	431	723	1647

	BILL OR RES.	NO.	CHAP. NO.	PAGE NO.
COURTS NOT OF RECORD - Continued				
Protective order in case of family abuse; termination of temporary order of child support. (Patron–Ballard)	HB	294	26	41
Protective orders; person allowed to be prosecuted for a violation of an order charge in the jurisdiction where the party protected by the order resided at the time.				
Patron–Bennett-Parker	HB	895	108	247
Patron–Perry	SB	211	118	285
Protective orders; respondent to notify court in writing within seven days of any change of residence. (Patron–Perry)	SB	398	594	1248
Public schools; transfer and management of scholastic records, disclosure of information in court notices, transfer of disciplinary records.				
Patron–Cole	HB	1317	61	137
Patron–Durant	SB	443	8	11
Small claims court; representation of certain entities. (Patron–LeVere Bolling)	HB	934	58	136
COURTS OF RECORD				
Clerks' offices; clerk of the circuit court of any county or city may close such office on Christmas Eve.				
Patron–Hope	HB	1396	482	1039
Patron–McDougle	SB	736	521	1135
Court of Appeals; appeal of interlocutory orders. (Patron–Surovell)	SB	509	424	914
Drug Treatment Court Act; renames the Act as the Recovery Court Act.				
Patron–Ballard	HB	292	25	39
Patron–Pillion	SB	725	130	302
Judge; nomination for election to Court of Appeals of Virginia.				
Patron–Maldonado	HR	37		2172
Patron–Surovell	SR	15		2570
Judges; election in circuit court, general district court, juvenile and domestic relations district court, and a member of the Judicial Inquiry and Review Commission.				
Patron–Maldonado	HJR	427		2142
Judges; election in Court of Appeals of Virginia, circuit court, general district court, juvenile and domestic relations district court, a member of the Judicial Inquiry and Review Commission, members of the State Corporation Commission, and a member of the Virginia Workers' Compensation Commission. (Patron–Maldonado)	HJR	99		1956
Judges; increases the maximum member of authorized juvenile and domestic relations district court judges in the Twentieth and Thirty-first Judicial Districts and circuit court judges in the First, Ninth, Fifteenth, and Twenty-fifth Judicial Circuits.				
Patron–Hope	HB	310	525	1138
Patron–Deeds	SB	710	606	1278
Judges; nominations for election to circuit court.				
Patron–Maldonado	HR	38		2172
Patron–Maldonado	HR	343		2325
Patron–Surovell	SR	16		2570
Patron–Surovell	SR	135		2633
Judges; nominations for election to Court of Appeals of Virginia.				
Patron–Maldonado	HR	342		2325
Patron–Surovell	SR	134		2633
Nonresident plaintiff; security for costs upon suit. (Patron–Williams)	HB	1249	745	1680
CRAIG COUNTY				
Economic Development Authority; board of supervisors of Craig County may appoint one of its members to the Authority. (Patron–Head)	SB	134	75	173
CRAIGSVILLE, TOWN OF				
Craigsville, Town of; conveyance of certain property from Department of Corrections to the Town. (Patron–Obenshain)	SB	691	127	300
CREATIVE AND PERFORMING ARTS CENTER				
Creative and Performing Arts Center; commending. (Patron–Mundon King)	HR	444		2375
CREDIT CARDS, CREDIT SERVICES, AND CREDIT UNIONS				
Foreclosure procedures; subordinate mortgage, affidavit required, certain provisions shall not apply to subordinate lienholders who are either the original creditor, federal or state chartered credit union, etc. (Patron–Simon)	HB	184	803	1810
CRIGLER, BERNARD WAUGH				
Crigler, Bernard Waugh; recording sorrow upon death. (Patron–Reeves)	SJR	92		2459

	BILL OR RES.	NO.	CHAP. NO.	PAGE NO.
CRIMES AND OFFENSES GENERALLY				
Abuse and neglect of children; causing or enabling child to gain possession of a firearm, penalty.				
Patron–Willett	HB	36	161	402
Patron–VanValkenburg	SB	44	162	404
Auto sears and trigger activators; prohibition on manufacture, importation, sale, etc., forfeiture of weapons that are concealed, etc., in violation of law, penalty.				
Patron–Jones	HB	22	163	406
Patron–Perry	SB	210	164	407
Carnal knowledge and sexual battery; persons detained or arrested by a law-enforcement officer, definition of confidential informant, pretrial defendants or post-trial offenders, penalty. (Patron–Perry)	SB	394	592	1241
Charitable gaming; clarifies definition of "social organization," regulations of the Department of Agriculture and Consumer Services.				
Patron–Krizek	HB	523	445	957
Patron–Reeves	SB	344	504	1087
Child pornography; production, publication, sale, financing, etc., penalty.				
Patron–Durant	SB	731	262	679
Controlled substances; manufacturing, selling, giving, distributing, etc., adulterated or misbranded drugs, prohibited equipment, penalties. (Patron–Obenshain)	SB	469	371	865
Drug Treatment Court Act; eligibility. (Patron–Stuart)	SB	706	260	672
Drug Treatment Court Act; renames the Act as the Recovery Court Act.				
Patron–Ballard	HB	292	25	39
Patron–Pillion	SB	725	130	302
Failure to appear; contempt of court, provisions shall not apply to any person who is incarcerated in any correctional facility, etc., penalties. (Patron–Simon)	HB	1114	109	248
Firearm; removing, altering, selling, etc., or possessing with removed, etc., serial number, penalties. (Patron–Ebbin)	SB	363	786	1766
First offender drug program; previous misdemeanor marijuana conviction, etc., persons charged with first offense may be placed on probation.				
Patron–Callsen	HB	452	811	1823
Patron–Ebbin	SB	362	785	1765
Forced labor or service; civil action for trafficking, penalties. (Patron–Cherry)	HB	633	368	862
Gambling data; use of Cloud Technology. (Patron–Maldonado)	HB	991	311	751
Gaming; posting of illegal gaming tip line information. (Patron–Ebbin)	SB	397	593	1242
Hate crimes and discrimination; ethnic animosity, nondiscrimination in places of public accommodation and employment, penalties.				
Patron–Helmer	HB	18	266	684
Patron–Reeves	SB	7	334	784
Illegal gambling; exemptions, placement or operation of or communication to and from data center equipment, etc. (Patron–Bagby)	SB	540	358	823
Interference with commercial fishing vessels or activity; penalty. (Patron–Kent)	HB	928	403	898
Larceny and embezzlement offenses; prosecution may be had in any venue or any county or city where the victim resides. (Patron–Kent)	HB	1256	475	1032
Preliminary analysis of breath to determine alcoholic content of blood; failure to advise person of rights. (Patron–Stanley)	SB	95	759	1706
Protective orders; person allowed to be prosecuted for a violation of an order charge in the jurisdiction where the party protected by the order resided at the time.				
Patron–Bennett-Parker	HB	895	108	247
Patron–Perry	SB	211	118	285
Restricted driver's license; issuance to person for multiple convictions of driving while intoxicated, completion of specialty dockets, petition for restricted license.				
Patron–Fowler	HB	1324	552	1177
Patron–Reeves	SB	6	568	1201
Retail tobacco products; purchase, possession, and sale, definitions, retail tobacco products and liquid nicotine tax, restrictions for sale of products to minors, safety requirements for vapor products, penalties.				
Patron–Hope	HB	790	821	1842
Patron–Ebbin	SB	582	796	1789
Trial by jury; no defendant shall knowingly and intentionally contact, with intent to harass, intimidate, or threaten, a juror after trial, penalty. (Patron–Davis)	HB	1443	561	1191

	BILL OR RES.	NO.	CHAP. NO.	PAGE NO.
CRIMES AND OFFENSES GENERALLY - Continued				
Unlawful dissemination or sale of images of another; prosecution for a misdemeanor violation shall be commenced within five years of commission of offense or within one year of date victim discovers offense, etc., penalty. (Patron–Shin)	HB	926	697	1605
CRIMINAL HISTORY INFORMATION				
Child care; background checks for applicants to serve as volunteers at centers, family day homes, etc. (Patron–Laufer)	HB	1277	477	1036
Child day program employees and volunteers; background checks, dissemination of information. (Patron–Cohen)	HB	508	289	726
Cosmetology Compact; established, any applicant for a multistate license shall pay costs of performing any background check required. (Patron–Glass)	HB	322	281	712
Criminal history record information; Department of Social Services to obtain information for screening individuals as a condition of licensure, etc., on a regular basis in a licensed child welfare agency or foster or adoptive home. Patron–Simonds	HB	361	526	1140
PA Licensure Compact; authorizes Virginia to become a signatory to Compact, applicant for multistate license shall pay costs of performing any background check required by Compact. (Patron–Glass)	HB	324	439	933
Pro tempore judicial appointments; criminal background checks, financial disclosure. (Patron–Arnold)	HB	431	723	1647
Social services, local departments of; employee criminal background checks. Patron–Delaney	HB	1366	555	1181
CRIMINAL JUSTICE SERVICES				
Civilian deaths in custody; every law-enforcement agency and state or juvenile correctional facility shall report to the Department of Criminal Justice Services and every local or regional adult correctional facility shall report to State Board of Local and Regional Jails certain information regarding death of any person who is detained, under arrest, or in the process of being arrested, etc., annual report. (Patron–Price)	HB	611	813	1824
Incarcerated women who are pregnant and in need of substance abuse treatment; Department of Criminal Justice Services, et al., to study and make recommendations related to prioritizing treatment. (Patron–McGuire)	SB	603	625	1362
CRIMINAL PROCEDURE				
Administrative, civil, or criminal proceedings; protected information, newspersons engaged in journalism. (Patron–Roem)	SB	321	589	1235
Admission to bail; person charged with act of violence, notice to Commonwealth attorney. (Patron–McDougle)	SB	424	243	622
Auto sears and trigger activators; prohibition on manufacture, importation, sale, etc., forfeiture of weapons that are concealed, etc., in violation of law, penalty.				
Patron–Jones	HB	22	163	406
Patron–Perry	SB	210	164	407
Bail; violation of any pretrial condition of release, report available to attorney for the Commonwealth and counsel of record. (Patron–Arnold)	HB	430	74	172
Cell phone records; investigation of missing persons, critically missing adult. Patron–Zehr	HB	1217	325	770
Community corrections alternative program; evaluation and diagnosis to determine eligibility for participation. (Patron–Delaney)	HB	1268	650	1429
Court-appointed counsel; raises the limitation of fees, delayed effective date.				
Patron–Reaser	HB	102	714	1636
Patron–Perry	SB	356	770	1722
Criminal history record information; Department of Social Services to obtain information for screening individuals as a condition of licensure, etc., on a regular basis in a licensed child welfare agency or foster or adoptive home. Patron–Simonds	HB	361	526	1140
Criminal Injuries Compensation Fund; claims for an award under Fund involving claims of sexual abuse of a minor where conduct constitutes a felony, the passage of time shall not be a barrier to when the victim can file a claim.				
Patron–Green	HB	155	175	414
Patron–French	SB	646	254	640
Deferred dispositions; original charges that were reduced or a charge that is dismissed after a plea or stipulation of the facts that would justify a finding of guilt, expungement of police and court records. (Patron–Stuart)	SB	20	755	1703

	BILL OR RES.	NO.	CHAP. NO.	PAGE NO.
CRIMINAL PROCEDURE - Continued				
Deferred or installment payment agreements; if defendant's sole financial resource is a Social Security benefit, etc., then such defendant shall be exempt from making payments until he has another source of income.				
Patron–Hernandez	HB	896	735	1662
Patron–Bagby	SB	625	775	1733
Failure to appear; contempt of court, provisions shall not apply to any person who is incarcerated in any correctional facility, etc., penalties. (Patron–Simon)	HB	1114	109	248
Fines, costs, forfeitures, penalties, etc.; duty of attorneys for the Commonwealth, at least 30 days prior to execution of a contract the attorney shall consult with the clerk of the circuit court. (Patron–Jordan)	SB	637	518	1126
Fixing period of suspension of sentence; sexual abuse of a child 13 years of age or older but under 15 years of age. (Patron–Webert)	HB	1427	485	1042
Forensic Science, Department of; laboratory procedures, requirements regarding DNA profiles. (Patron–Kent)	HB	898	210	462
Grand jury; clarifies oaths of foreman, jurors, and witnesses. (Patron–Watts)	HB	76	713	1636
Magistrates; certain minimum standards for security and accessibility in quarters.				
Patron–Leftwich	HB	679	201	450
Patron–Deeds	SB	386	237	580
Multi-jurisdiction grand jury; elder abuse crimes. (Patron–Delaney)	HB	769	397	894
Protective orders; respondent to notify court in writing within seven days of any change of residence. (Patron–Perry)	SB	398	594	1248
Public defender offices; establishes in City of Harrisonburg and County of Rockingham. (Patron–Wilt)	HB	1014	313	752
Public defenders; appointment of counsel, caseload exception. (Patron–Ballard)	HB	306	524	1137
Search warrants, subpoenas, court orders, or other process; menstrual health data prohibited.				
Patron–Watts	HB	78	523	1137
Patron–Favola	SB	16	571	1204
Special conservators of the peace; armed security officer registration. (Patron–Head)	SB	145	577	1210
Unlawful dissemination or sale of images of another; prosecution for a misdemeanor violation shall be commenced within five years of commission of offense or within one year of date victim discovers offense, etc., penalty. (Patron–Shin)	HB	926	697	1605
Written complaints; requires complaint for any felony offenses to be provided to any officer authorized to issue criminal warrants. (Patron–Arnold)	HB	438	809	1821
CRUELTY TO ANIMALS				
Cruelty to animals; possession and ownership of companion or equine animals by persons convicted of felony or misdemeanor, violation of any prohibition or restriction imposed by sentencing court is a Class 1 misdemeanor, etc., person may petition the court for restoration of rights after five years from date of conviction.				
Patron–Orrock	HB	223	179	417
Patron–Favola	SB	11	489	1045
Cruelty to elephants; pain-inflicting training tools prohibited, civil penalty.				
Patron–Tran	HB	1531	333	783
Local animal cruelty registries; any locality may establish, organize, and maintain a computerized registry as a database of information, etc.				
Patron–Campbell	HB	62	712	1636
Patron–Stanley	SB	93	758	1706
CRUTCHFIELD, WILLIAM G., JR.				
Crutchfield, William G., Jr.; commending. (Patron–Deeds)	SJR	216		2532
CULLEN, BETTY JONES BRIDGERS				
Cullen, Betty Jones Bridgers; recording sorrow upon death. (Patron–Helmer)	HR	369		2339
CULPEPER COUNTY				
Culpeper County Volunteer Fire Department; commemorating its 100th anniversary.				
Patron–Freitas	HR	22		2165
Patron–Reeves	SJR	79		2451
CUMBERLANDS AIRPORT COMMISSION				
Cumberlands Airport Commission; establishes a new charter, powers, duties, repeals current charter.				
Patron–Kilgore	HB	460	192	434
Patron–Pillion	SB	728	261	674

	BILL OR RES.	NO.	CHAP. NO.	PAGE NO.
CURRAN, CAROLANN				
Curran, CarolAnn; commending. (Patron–Hernandez)	HR	314		2312
DALKE, JAMES TIMOTHY				
Dalke, James Timothy; recording sorrow upon death. (Patron–French)	SJR	119		2474
DAMICO, JOSEPH F.				
Damico, Joseph F.; commending. (Patron–Carr)	HJR	297		2068
DATA CENTERS				
Illegal gambling; exemptions, placement or operation of or communication to and from data center equipment, etc. (Patron–Bagby)	SB	540	358	823
DATABASES				
Auto recyclers; clarifies databases to be searched by DMV, delayed effective date.				
Patron–Wyatt	HB	1112	216	471
Patron–Bagby	SB	545	250	635
Pharmacy outsourcing and pharmacy technician remote database access; Board of Pharmacy shall promulgate regulations authorizing pharmacies located in Commonwealth or out-of-state to outsource tasks associated with dispensing a prescription drug, etc., maximum number of persons performing duties of technician and support personnel a pharmacist may supervise at one time.				
Patron–Hodges	HB	1068	407	902
Patron–McDougle	SB	607	408	903
DAVIS, CHARLES JONES, III				
Davis, Charles Jones, III; recording sorrow upon death. (Patron–Ware)	HR	50		2177
DAVIS, HELEN V.				
Davis, Helen V.; recording sorrow upon death.				
Patron–Scott, D.	HR	373		2341
Patron–Lucas	SR	69		2598
DC'S WINE COUNTRY®				
DC's Wine Country®; commemorating its 40th anniversary. (Patron–Reid)	HJR	183		2002
DEANE, HAROLD A., SR.				
Deane, Harold A., Sr.; recording sorrow upon death. (Patron–Aird)	SJR	212		2529
DEANS, LINDA				
Deans, Linda; commending.				
Patron–Reid	HJR	259		2047
Patron–Subramanyam	SR	175		2652
DEATH BY WRONGFUL ACT				
Adoption; award of damages, death by wrongful act, provisions shall apply to any adoption finalized on or after July 1, 2024.				
Patron–Reid	HB	140	69	168
Patron–Perry	SB	209	70	169
DEATHS				
Anderson, Alberta May; recording sorrow upon death. (Patron–McQuinn)	HR	159		2233
Anderson, Louis, Jr.; recording sorrow upon death. (Patron–Hashmi)	SR	74		2600
Ashworth, Antoinette Owens; recording sorrow upon death. (Patron–Locke)	SR	185		2657
Ballard, Charles Cameron; recording sorrow upon death. (Patron–Obenshain)	SR	112		2622
Ballard, Lannie Davis; recording sorrow upon death. (Patron–Hope)	HJR	243		2037
Balutis, Miriam Zogby; recording sorrow upon death. (Patron–Hope)	HJR	238		2035
Bandy, Helen Delores; recording sorrow upon death.				
Patron–Ward	HR	272		2291
Patron–Locke	SJR	53		2436
Barnes, Edwin L.; recording sorrow upon death. (Patron–Hackworth)	SR	96		2613
Barton, Richard Alan; recording sorrow upon death. (Patron–Hope)	HJR	245		2039
Beer, Emily; recording sorrow upon death.				
Patron–Herring	HJR	287		2063
Patron–Bagby	SJR	218		2533
Bennett, Paul O.; recording sorrow upon death. (Patron–Ware)	HR	225		2268
Bennett, Paul Otie; recording sorrow upon death. (Patron–Mulchi)	SJR	160		2499
Benton, John F.; recording sorrow upon death.				
Patron–McClure	HJR	201		2012
Patron–Ebbin	SJR	130		2481

	BILL OR RES.	NO.	CHAP. NO.	PAGE NO.
DEATHS - Continued				
Berry, Edward DeJarnette; recording sorrow upon death. (Patron–Reeves)	SJR	90		2458
Betz, Thomas Frank, Jr.; recording sorrow upon death. (Patron–Knight)	HR	3		2145
Bevins, Carl David; recording sorrow upon death. (Patron–Morefield)	HR	48		2176
Bland, Vivian Ann; recording sorrow upon death.				
Patron–Scott, D.	HR	212		2260
Patron–Lucas	SR	72		2599
Bliley, Thomas J., Jr.; recording sorrow upon death. (Patron–Sturtevant)	SR	89		2610
Bolling, Flaudean; recording sorrow upon death.				
Patron–Morefield	HR	309		2309
Patron–Hackworth	SR	95		2613
Bondurant, Thomas O.; recording sorrow upon death. (Patron–Willett)	HJR	356		2104
Branscome, Julius L.; recording sorrow upon death. (Patron–Austin)	HJR	71		1941
Branscome, Lila V.; recording sorrow upon death. (Patron–Lovejoy)	HJR	132		1974
Braxton-Davis, Estelle F.; recording sorrow upon death. (Patron–McQuinn)	HR	381		2345
Brooking, Janet Marie; recording sorrow upon death. (Patron–Surovell)	SJR	43		2429
Brown, Lois C.; recording sorrow upon death. (Patron–McQuinn)	HR	163		2235
Brown, Trevor Bryan; recording sorrow upon death. (Patron–Perry)	SJR	148		2492
Brubaker, Nancy Lee Revercomb; recording sorrow upon death. (Patron–Obenshain)	SR	114		2623
Buchanan, Aaron; recording sorrow upon death.				
Patron–O'Quinn	HJR	378		2117
Patron–Pillion	SR	144		2637
Bucur, John Charles; recording sorrow upon death. (Patron–Stuart)	SJR	6		2381
Burhans, David Douglas; recording sorrow upon death. (Patron–Carr)	HJR	360		2106
Burnett, Arthur L., Sr.; recording sorrow upon death. (Patron–Cole)	HR	421		2364
Bussey, Lawrence; recording sorrow upon death. (Patron–Keys-Gamarra)	HJR	319		2083
Campbell, Hawes, III; recording sorrow upon death. (Patron–Diggs)	SR	51		2588
Campbell, Henry Donald; recording sorrow upon death. (Patron–McQuinn)	HR	264		2286
Campbell, Tafari Jawara; recording sorrow upon death.				
Patron–Torian	HR	14		2161
Patron–McPike	SJR	37		2426
Canavos, Serafim C.; recording sorrow upon death.				
Patron–Batten	HJR	214		2020
Patron–Simonds	HR	351		2329
Carruth, Mary Clyde James; recording sorrow upon death.				
Patron–Clark	HR	151		2229
Patron–Lucas	SR	70		2598
Carter, James Robert, Sr.; recording sorrow upon death. (Patron–Glass)	HR	232		2271
Carter, Zachary Andrew; recording sorrow upon death. (Patron–Hackworth)	SR	93		2612
Carver, Janet Amend; recording sorrow upon death. (Patron–Krizek)	HJR	376		2116
Casteen, Alan Earl; recording sorrow upon death. (Patron–Jordan)	SR	10		2568
Castle, Danny Edward; recording sorrow upon death.				
Patron–Kilgore	HR	202		2256
Patron–Pillion	SR	154		2642
Chambliss, Clifford Boss, Jr.; recording sorrow upon death. (Patron–McQuinn)	HR	158		2233
Chang, Ming Erh; recording sorrow upon death. (Patron–Tata)	HJR	178		1999
Choate, William Jesse; recording sorrow upon death. (Patron–Arnold)	HR	224		2267
Clark, Charles Stuart; recording sorrow upon death. (Patron–Hope)	HJR	244		2038
Claybrook, Herbert Simon, Jr.; recording sorrow upon death. (Patron–Austin)	HJR	139		1978
Claytor, Walter Spears; recording sorrow upon death. (Patron–Rasoul)	HJR	320		2084
Clem, James Elmore; recording sorrow upon death. (Patron–Martinez)	HJR	423		2140
Clemente, Julie; recording sorrow upon death. (Patron–Boysko)	SJR	183		2513
Clements, John Peter; recording sorrow upon death. (Patron–Wachsmann)	HJR	182		2001
Cole, Geraldine Boyd; recording sorrow upon death. (Patron–Hackworth)	SR	34		2579
Cole, Jack D.; recording sorrow upon death.				
Patron–O'Quinn	HJR	167		1994
Patron–Pillion	SR	48		2586
Cole, Riley C.; recording sorrow upon death. (Patron–Hackworth)	SR	91		2611

	BILL OR RES.	NO.	CHAP. NO.	PAGE NO.
DEATHS - Continued				
Coleburn, James Douglas; recording sorrow upon death.				
Patron–Ware	HR	4		2146
Patron–Mulchi	SJR	162		2500
Coleman, Lauretta Atkinson; recording sorrow upon death. (Patron–McQuinn)	HR	154		2231
Collart, Spencer Roman Bartley; recording sorrow upon death. (Patron–Favola)	SR	23		2573
Cornwell, Richard Thomas; recording sorrow upon death. (Patron–Ware)	HJR	256		2045
Cosby, Lloyd A., Jr.; recording sorrow upon death. (Patron–McQuinn)	HR	305		2308
Crigler, Bernard Waugh; recording sorrow upon death. (Patron–Reeves)	SJR	92		2459
Cullen, Betty Jones Bridgers; recording sorrow upon death. (Patron–Helmer)	HR	369		2339
Dalke, James Timothy; recording sorrow upon death. (Patron–French)	SJR	119		2474
Davis, Charles Jones, III; recording sorrow upon death. (Patron–Ware)	HR	50		2177
Davis, Helen V.; recording sorrow upon death.				
Patron–Scott, D.	HR	373		2341
Patron–Lucas	SR	69		2598
Deane, Harold A., Sr.; recording sorrow upon death. (Patron–Aird)	SJR	212		2529
DeLong, Carol; recording sorrow upon death.				
Patron–Simon	HR	241		2274
Patron–Salim	SR	106		2619
Dillard, Richard Henry Wilde; recording sorrow upon death. (Patron–Rasoul)	HJR	112		1963
Doggett, Annie Delilah Jones; recording sorrow upon death. (Patron–Jordan)	SJR	60		2439
Doss, Nell Frances; recording sorrow upon death. (Patron–Obenshain)	HR	95		2199
Duncan, Jamie Jerome; recording sorrow upon death.				
Patron–McQuinn	HR	124		2214
Patron–Bagby	SJR	133		2483
Dungan, Bruce Cecil; recording sorrow upon death. (Patron–Davis)	HJR	377		2116
Easter, Peter; recording sorrow upon death. (Patron–Austin)	HJR	217		2022
Eggleston, Neverett Alexander, Jr.; recording sorrow upon death. (Patron–Bagby)	SJR	217		2533
Elliott, Richard Gale; recording sorrow upon death. (Patron–Mulchi)	SJR	158		2498
Ellis, Samuel Smallwood; recording sorrow upon death. (Patron–Roem)	SR	131		2631
Epps, Elizabeth Patterson; recording sorrow upon death. (Patron–Cole)	HR	76		2190
Ethridge, Mia; recording sorrow upon death. (Patron–Durant)	SJR	116		2473
Evans, Robert Wright, Sr.; recording sorrow upon death. (Patron–McQuinn)	HR	181		2245
Everette, Ronnie Jerome, Jr.; recording sorrow upon death. (Patron–Clark)	HR	215		2262
Fisher, Granville Edison, Jr.; recording sorrow upon death. (Patron–Stuart)	SJR	7		2382
Flanagan, Diane Gay; recording sorrow upon death. (Patron–Cherry)	HJR	281		2059
Flanagan, Gloria; recording sorrow upon death. (Patron–Bennett-Parker)	HR	107		2205
Flanagan, William Joseph, Jr.; recording sorrow upon death. (Patron–Cherry)	HJR	267		2052
Flannigan, Joseph C., III; recording sorrow upon death. (Patron–McQuinn)	HR	161		2234
Flengas, Evelyn; recording sorrow upon death.				
Patron–Ennis	HJR	253		2044
Patron–Jordan	SR	90		2611
Fletcher, Laura Kirk; recording sorrow upon death. (Patron–Green)	HR	130		2217
Fowlkes, Rachel Gayle Davis; recording sorrow upon death.				
Patron–O'Quinn	HJR	168		1994
Patron–Kilgore	HR	174		2241
Patron–Pillion	SR	47		2585
Francis, John Randolph, Jr.; recording sorrow upon death. (Patron–Head)	SJR	194		2519
Frierson, William Delancy, III; recording sorrow upon death. (Patron–Tata)	HR	220		2264
Fultz, Robert Lee, Sr.; recording sorrow upon death.				
Patron–Kilgore	HR	188		2249
Patron–Pillion	SR	153		2642
Garten, George Thomas; recording sorrow upon death. (Patron–Deeds)	SJR	147		2491
Gibson, Susan G.; commemorating the life and legacy on the occasion of the 75th anniversary of her death. (Patron–Peake)	SR	22		2573
Gillespie, James Curtis; recording sorrow upon death. (Patron–Hackworth)	SR	28		2576
Gillespie, James Samuel, Jr.; recording sorrow upon death.				
Patron–Morefield	HR	183		2246
Patron–Hackworth	SR	38		2581
Goff, Edward Paul; recording sorrow upon death. (Patron–Simonds)	HR	291		2301

	BILL OR RES.	NO.	CHAP. NO.	PAGE NO.
DEATHS - Continued				
Gordy, Laura Belle; recording sorrow upon death. (Patron–Bloxom)	HJR	138		1978
Graham, John Benjamin, Jr.; recording sorrow upon death. (Patron–Diggs)	SR	65		2596
Granger, Gilbert Lofton; recording sorrow upon death. (Patron–Batten)	HJR	209		2017
Grant, Charles D.; recording sorrow upon death. (Patron–Higgins)	HJR	137		1977
Gravatt, Emerson Latham; recording sorrow upon death. (Patron–Kent)	HJR	152		1985
Green, Henry Clarkson; recording sorrow upon death. (Patron–Webert)	HR	19		2163
Green, Samuel Lee; recording sorrow upon death.				
Patron–Kilgore	HR	250		2279
Patron–Pillion	SR	158		2644
Greene, Nelson, Jr.; recording sorrow upon death. (Patron–Ebbin)	SJR	109		2468
Greer, William Thomas, Jr.; recording sorrow upon death. (Patron–DeSteph)	SJR	149		2492
Griffin, Richard Carlton, Sr.; recording sorrow upon death. (Patron–Cole)	HR	101		2202
Griffith, John R.; recording sorrow upon death. (Patron–Rasoul)	HJR	109		1962
Griggs, Debra Jane; recording sorrow upon death. (Patron–Stanley)	SJR	35		2420
Gross, Harold Martin; recording sorrow upon death. (Patron–Watts)	HJR	165		1993
Hagans, Gloria Poarch; recording sorrow upon death. (Patron–Anthony)	HR	293		2302
Hairston, Rosalind Moats; recording sorrow upon death. (Patron–Anthony)	HJR	348		2100
Halsey, Brenton Shaw, Sr.; recording sorrow upon death. (Patron–Willett)	HJR	425		2141
Hamel, Dana Bertrand; recording sorrow upon death. (Patron–Hashmi)	SR	166		2648
Hampton, George M.; recording sorrow upon death. (Patron–McPike)	SJR	29		2391
Hannigan, Joseph Brian; recording sorrow upon death. (Patron–Hope)	HJR	4		1921
Harden, Thomas E., Jr.; recording sorrow upon death. (Patron–Scott, D.)	HR	283		2297
Harper, Michael Anthony; recording sorrow upon death. (Patron–Locke)	SJR	56		2437
Harrell, Camille Annette; recording sorrow upon death. (Patron–Jordan)	SR	31		2578
Harris, Marcellus Lee, Jr.; recording sorrow upon death.				
Patron–Green	HJR	262		2049
Patron–Locke	SR	122		2627
Harris, Shirley Estelle Savage; recording sorrow upon death. (Patron–McQuinn)	HJR	163		1992
Harwood, Patricia Elizabeth Clifton; recording sorrow upon death.				
Patron–VanValkenburg	SJR	169		2504
Haskins, Robert W.; recording sorrow upon death. (Patron–Marshall)	HJR	325		2086
Hatcher, Phyllis; recording sorrow upon death.				
Patron–Kilgore	HR	184		2246
Patron–Pillion	SR	148		2639
Hawley, Serenity Rayne; recording sorrow upon death.				
Patron–Obenshain	HR	93		2198
Patron–Hackworth	SR	77		2602
Hayden, Nancy Soaper; recording sorrow upon death. (Patron–Kent)	HJR	303		2073
Haywood, Carlton, Jr.; recording sorrow upon death. (Patron–Phillips)	HR	282		2296
Henderson, Salathiel J.; recording sorrow upon death. (Patron–Locke)	SJR	54		2436
Hess, William Reese; recording sorrow upon death.				
Patron–Kilgore	HR	190		2250
Patron–Hackworth	SR	94		2612
Hill, Marie Brinkley; recording sorrow upon death.				
Patron–Clark	HR	152		2230
Patron–Jordan	SR	85		2608
Hines, Charles Cragg; recording sorrow upon death. (Patron–Ebbin)	SJR	66		2442
Hinshaw, James Horace; recording sorrow upon death. (Patron–DeSteph)	SJR	170		2505
Hinton-Lartz, Brianna Kate; recording sorrow upon death. (Patron–McQuinn)	HR	165		2236
Hobart, George Samuel; recording sorrow upon death. (Patron–Hope)	HJR	236		2034
Hoggard, Joseph Leslie; recording sorrow upon death. (Patron–Knight)	HR	59		2182
Holbrook, Michael Eugene; recording sorrow upon death.				
Patron–Kilgore	HR	204		2257
Patron–Pillion	SR	157		2643
Holland, Clarence A.; recording sorrow upon death. (Patron–Rouse)	SJR	168		2504
Honaker, Ben Judson, Jr.; recording sorrow upon death. (Patron–Reeves)	SJR	75		2448
Hoover, Michael Scott; recording sorrow upon death. (Patron–Obenshain)	SJR	178		2510

	BILL OR RES.	NO.	CHAP. NO.	PAGE NO.
DEATHS - Continued				
Horton, Titus Phillip; recording sorrow upon death.				
Patron–Morefield	HR	147		2227
Patron–Hackworth	SR	37		2581
Huff, James Warren; recording sorrow upon death. (Patron–Pillion)	SR	49		2587
Hunter, Jackie Duckette; recording sorrow upon death.				
Patron–Ward	HR	222		2266
Patron–Locke	SJR	52		2435
Huss, Philip August; recording sorrow upon death. (Patron–Carr)	HR	439		2373
Irving, Susan Pope; recording sorrow upon death. (Patron–Wachsmann)	HJR	321		2084
James, Robison Brown; recording sorrow upon death.				
Patron–Willett	HJR	334		2091
Patron–VanValkenburg	SJR	152		2495
Jenkins, Barbara Berry; recording sorrow upon death. (Patron–Stuart)	SJR	233		2541
Jensen, Brian Juel; recording sorrow upon death. (Patron–Green)	HJR	263		2049
Jett, Joan Simpkins; recording sorrow upon death. (Patron–Hackworth)	SR	40		2582
Jett, Ronald Lee; recording sorrow upon death. (Patron–Stuart)	SJR	8		2382
Johnson, Nessa Baskerville; recording sorrow upon death. (Patron–McQuinn)	HR	157		2232
Jones, Hugh John Morris, III; recording sorrow upon death. (Patron–Peake)	SJR	221		2535
Jones, Karen Harrison; recording sorrow upon death.				
Patron–Gilbert	HR	98		2200
Patron–Jordan	SJR	86		2456
Jones, Linda B.; recording sorrow upon death. (Patron–McQuinn)	HR	116		2210
Journell, Joseph Brown; recording sorrow upon death. (Patron–Ballard)	HJR	89		1950
Kahane, Robert Ira Bryan; recording sorrow upon death. (Patron–Watts)	HJR	370		2113
Kelican, Kraig Kirk; recording sorrow upon death. (Patron–Webert)	HR	197		2253
Kent, Robert James; recording sorrow upon death. (Patron–Simonds)	HR	292		2302
King, Anderson Keaton; recording sorrow upon death. (Patron–French)	SJR	131		2482
King, Robert S.; recording sorrow upon death. (Patron–Hope)	HJR	193		2007
Kittredge, Douglas; recording sorrow upon death. (Patron–Durant)	SJR	202		2524
Knapp, Elizabeth Burgoyne; recording sorrow upon death. (Patron–Keys-Gamarra)	HJR	228		2028
Kohler, Gina Elizabeth; recording sorrow upon death. (Patron–Rasoul)	HJR	111		1963
Kostel, George James; recording sorrow upon death. (Patron–Deeds)	SJR	141		2488
Krieger, Kenneth Robert; recording sorrow upon death.				
Patron–Sewell	HR	449		2378
Patron–Roem	SR	179		2654
Lacy, Warren H.; recording sorrow upon death. (Patron–Willett)	HJR	268		2053
Lamb, William David; recording sorrow upon death.				
Patron–Freitas	HJR	133		1975
Patron–Reeves	SJR	78		2450
Latney, Magnolia Austin; recording sorrow upon death. (Patron–McQuinn)	HR	155		2231
Lawson, Elbert Ray, Jr.; recording sorrow upon death.				
Patron–Kilgore	HR	187		2248
Patron–Pillion	SR	149		2640
Lee, Henry C.; recording sorrow upon death. (Patron–Stuart)	SJR	62		2441
Lee, William Louis; recording sorrow upon death. (Patron–Kent)	HJR	304		2073
Leete, Michelle Antonette; recording sorrow upon death.				
Patron–Watts	HJR	166		1993
Patron–Carroll Foy	SR	56		2591
Lester, Thomas Alvin, Sr.; recording sorrow upon death.				
Patron–Obenshain	HR	56		2180
Patron–Hackworth	SJR	68		2444
Lewis, Patrick Albert; recording sorrow upon death. (Patron–Locke)	SR	87		2609
Lowe, Danny Ross; recording sorrow upon death.				
Patron–Kilgore	HR	201		2255
Patron–Pillion	SR	152		2641
Lucas, Joe Morris; recording sorrow upon death.				
Patron–Obenshain	HR	91		2197
Patron–Hackworth	SR	78		2602
Lyons, Richard E.; recording sorrow upon death. (Patron–Obenshain)	SR	116		2624
Mainous, Clifford George; recording sorrow upon death. (Patron–Kilgore)	HR	352		2330

	BILL OR RES.	NO.	CHAP. NO.	PAGE NO.
DEATHS - Continued				
Manning, Donald Owen; recording sorrow upon death. (Patron–Hope)	HJR	247		2040
Marlow, John Kenner; recording sorrow upon death.				
Patron–Oates	HJR	316		2081
Patron–Obenshain	SJR	234		2541
Marple, Charles Scott; recording sorrow upon death. (Patron–Wiley)	HR	122		2213
Marshall, Emmitt Bruce; recording sorrow upon death. (Patron–Orrock)	HJR	11		1924
Marston, Walter A., Jr.; recording sorrow upon death.				
Patron–Sullivan	HR	246		2277
Patron–McDougle	SJR	180		2511
Mason, John; recording sorrow upon death.				
Patron–Bulova	HJR	234		2032
Patron–Salim	SR	108		2620
McCandless, Peter Lee; recording sorrow upon death. (Patron–Keys-Gamarra)	HJR	229		2029
McDowney, Teresa Darlene; recording sorrow upon death. (Patron–McDougle)	SJR	204		2525
McFarland, Amy Kristina; recording sorrow upon death. (Patron–Wiley)	HR	90		2197
McGuire, James Patrick; recording sorrow upon death. (Patron–McGuire)	SJR	128		2480
McKinney, Victor Blake; recording sorrow upon death. (Patron–O'Quinn)	HJR	59		1938
McManus, Elinor; recording sorrow upon death. (Patron–Austin)	HR	425		2366
McReynolds, Jesse Lester; recording sorrow upon death.				
Patron–Kilgore	HR	200		2255
Patron–Pillion	SR	151		2641
Meador, Virginia Belle Honeycutt; recording sorrow upon death.				
Patron–Kilgore	HR	189		2249
Patron–Pillion	SR	150		2640
Melesco, David A.; recording sorrow upon death. (Patron–Marshall)	HJR	309		2076
Miles, Evelyn; recording sorrow upon death. (Patron–Scott, D.)	HR	356		2332
Miller, Bryan Kelly; recording sorrow upon death. (Patron–O'Quinn)	HJR	221		2025
Miller, Harris Nathan; recording sorrow upon death. (Patron–Boysko)	SJR	185		2514
Monroe, Douglas Durrell, Jr.; recording sorrow upon death.				
Patron–Kent	HJR	115		1965
Patron–Stuart	SJR	115		2472
Montgomery, James Riley; recording sorrow upon death. (Patron–Obenshain)	HR	92		2198
Moon, August; recording sorrow upon death. (Patron–McQuinn)	HR	134		2219
Morea, Douglas Michael; recording sorrow upon death. (Patron–Thomas)	HR	299		2305
Morgan, Robert Peter; recording sorrow upon death. (Patron–Hope)	HJR	239		2035
Mullins, Ben V.; recording sorrow upon death.				
Patron–Kilgore	HR	203		2256
Patron–Pillion	SR	156		2643
Nachman, Arthur Stuart; recording sorrow upon death. (Patron–Boysko)	SJR	182		2512
Nash, Francine Pannell; recording sorrow upon death. (Patron–Rasoul)	HJR	318		2082
Nicewonder, Lorraine Burchett; recording sorrow upon death.				
Patron–Kilgore	HR	176		2242
Patron–Pillion	SR	147		2639
Nicholson, Agnes Wilder; recording sorrow upon death. (Patron–Carr)	HJR	295		2067
Nurney, Jack William, Jr.; recording sorrow upon death. (Patron–Jordan)	SR	5		2565
O'Keefe, William F.; recording sorrow upon death. (Patron–Webert)	HR	18		2163
Olson, William Arthur; recording sorrow upon death. (Patron–Henson)	HJR	160		1990
O'Neil, Janet Mary Corcoran; recording sorrow upon death. (Patron–Hope)	HJR	237		2034
O'Reilly, George Declan; recording sorrow upon death. (Patron–Durant)	SJR	159		2498
Oyer, Marion Gertrude; recording sorrow upon death. (Patron–Diggs)	SR	98		2615
Paige, Patricia; recording sorrow upon death.				
Patron–Wyatt	HR	114		2209
Patron–Batten	HR	199		2254
Patron–McDougle	SJR	42		2429
Paradis, Richard Robert; recording sorrow upon death. (Patron–DeSteph)	SJR	187		2515
Parker, Forrest A., Sr.; recording sorrow upon death. (Patron–Cole)	HJR	144		1981
Parker, Judith Maxine Nicholson; recording sorrow upon death. (Patron–McQuinn)	HR	160		2234
Patton, James Marlin; recording sorrow upon death.				
Patron–Ward	HR	273		2291
Patron–Locke	SJR	51		2434

	BILL OR RES.	NO.	CHAP. NO.	PAGE NO.
DEATHS - Continued				
Paxton, Matthew White, Jr.; recording sorrow upon death. (Patron–Deeds)	SJR	139		2487
Payne, Charles Wayne, Sr.; recording sorrow upon death.				
Patron–Milde	HJR	62		1938
Patron–Stuart	SJR	5		2381
Peck, Joshua Chamberlain; recording sorrow upon death.				
Patron–Green	HR	278		2294
Patron–McDougle	SJR	179		2510
Phillippe, Carroll Lane, Jr.; recording sorrow upon death. (Patron–Webert)	HJR	307		2075
Pitts, Ethan Matthew, Jr.; recording sorrow upon death. (Patron–McQuinn)	HR	166		2236
Pruden, Craig Aaron; recording sorrow upon death. (Patron–Reeves)	SJR	72		2446
Railey, Richard Edward, Jr.; recording sorrow upon death. (Patron–Jordan)	SR	11		2568
Randolph-King, Gloria; recording sorrow upon death. (Patron–Rasoul)	HJR	110		1962
Rasnake, Jordyn Paige; recording sorrow upon death. (Patron–Hackworth)	SR	111		2621
Rathburn, David R.; recording sorrow upon death. (Patron–Suetterlein)	SR	184		2657
Reavis, Lonnie Chandell; recording sorrow upon death. (Patron–Jones)	HR	311		2310
Redcross, Patricia Dianne; recording sorrow upon death.				
Patron–Price	HR	370		2340
Patron–Locke	SJR	97		2462
Redford, Susan Jane; recording sorrow upon death. (Patron–Cherry)	HJR	203		2013
Reed, David Wiett; recording sorrow upon death. (Patron–DeSteph)	SR	139		2635
Reynolds, Richard Samuel, III; recording sorrow upon death.				
Patron–McQuinn	HR	355		2332
Patron–VanValkenburg	SJR	175		2508
Rhodes, Anne Jackson Gregory; recording sorrow upon death.				
Patron–VanValkenburg	SJR	211		2529
Rice, Lee Penington; recording sorrow upon death. (Patron–Carr)	HJR	357		2105
Rice, Mack F., Sr.; recording sorrow upon death. (Patron–Cordoza)	HR	277		2293
Rife, Donald Wayne; recording sorrow upon death.				
Patron–Morefield	HJR	128		1972
Patron–Kilgore	HR	115		2209
Patron–Hackworth	SR	36		2580
Riley, Devin Michael; recording sorrow upon death. (Patron–Head)	SJR	209		2528
Roberts, Allan; recording sorrow upon death.				
Patron–Kilgore	HJR	75		1943
Patron–Pillion	SR	145		2638
Roberts, Stanley William; recording sorrow upon death.				
Patron–Scott, P.A.	HJR	207		2016
Patron–Reeves	SJR	143		2490
Robertson, Lisa Nelson; recording sorrow upon death. (Patron–Tata)	HR	78		2191
Russell, Rita Louise Hubbard; recording sorrow upon death. (Patron–McQuinn)	HR	164		2235
Safadi, Elijah Islam; recording sorrow upon death. (Patron–Thomas)	HJR	424		2141
Salomonsky, H. Louis; recording sorrow upon death. (Patron–McQuinn)	HR	168		2238
Scherer, Roy Britton; recording sorrow upon death. (Patron–Aird)	SR	126		2629
Seay, Elmer Taylor, Jr.; recording sorrow upon death. (Patron–McQuinn)	HR	265		2287
Shifflett, Douglas W., Sr.; recording sorrow upon death. (Patron–Runion)	HR	74		2189
Slough, Ronald Lewis; recording sorrow upon death. (Patron–Campbell)	HJR	125		1970
Smith, Claude Nelson; recording sorrow upon death. (Patron–Head)	SJR	219		2534
Smith, Lawrence Melvin, Jr.; recording sorrow upon death. (Patron–Roem)	SR	130		2631
Smith, Roger; recording sorrow upon death. (Patron–Obenshain)	HR	230		2270
Soares, Shawn; recording sorrow upon death.				
Patron–Carr	HJR	291		2065
Patron–Hashmi	SR	41		2582
Stewart, Richard A.; recording sorrow upon death. (Patron–Aird)	SJR	213		2530
Stiltner, Barnabas; recording sorrow upon death.				
Patron–Morefield	HR	80		2192
Patron–Hackworth	SR	39		2582
Stokely, James Moore; recording sorrow upon death.				
Patron–Maldonado	HR	169		2238
Patron–McPike	SR	81		2604

	BILL OR RES.	NO.	CHAP. NO.	PAGE NO.
DEATHS - Continued				
Stolle, Edward S., Jr.; recording sorrow upon death.				
Patron–Knight	HR	2		2144
Patron–DeSteph	SJR	95		2461
Strother, Bernard A., Jr.; recording sorrow upon death. (Patron–Ennis)	HJR	251		2043
Stroth, Phyllis Ann; recording sorrow upon death.				
Patron–Kilgore	HR	175		2242
Patron–Pillion	SR	142		2636
Sutton, Bennett Warburton; recording sorrow upon death. (Patron–Hope)	HJR	242		2037
Tabb, Jon Robert; recording sorrow upon death. (Patron–Jordan)	SR	9		2567
Taylor, Locke A.; recording sorrow upon death.				
Patron–Willett	HJR	341		2095
Patron–VanValkenburg	SJR	200		2522
Taylor, Zenobia Helen Miller; recording sorrow upon death. (Patron–Locke)	SJR	55		2437
Teodoro, Pablo, III; recording sorrow upon death.				
Patron–Webert	HJR	68		1939
Patron–Reeves	SJR	71		2446
Tepper, Ivan Herman; recording sorrow upon death. (Patron–Peake)	SJR	65		2442
Thomas, Charles Lee; recording sorrow upon death. (Patron–Obenshain)	SR	103		2617
Thomas, Jasmin Sadé; recording sorrow upon death. (Patron–Favola)	SR	171		2650
Thomas, Leri Melissa; recording sorrow upon death.				
Patron–Freitas	HJR	31		1929
Patron–Reeves	SJR	77		2449
Thompson, Edward; recording sorrow upon death. (Patron–Rasoul)	HJR	117		1966
Tilghman, Justine Rachel; recording sorrow upon death. (Patron–Runion)	HR	16		2162
Torelli, Salvatore; recording sorrow upon death. (Patron–Webert)	HR	198		2254
Valentine, Henry Lee, II; recording sorrow upon death. (Patron–Carr)	HJR	361		2107
Van Horn, Edgar; recording sorrow upon death. (Patron–McPike)	SR	123		2627
Varney, Wanda Sue; recording sorrow upon death. (Patron–Hackworth)	SR	35		2580
Vaughan, Donna M.; recording sorrow upon death. (Patron–Knight)	HR	58		2181
Vesilind, Priit Juho; recording sorrow upon death. (Patron–Roem)	SR	129		2630
Viventi, Anthony Stewart; recording sorrow upon death. (Patron–Cherry)	HJR	308		2076
Wade, Omar, Marieme, and Aicha; recording sorrow upon deaths. (Patron–Hashmi)	SR	43		2583
Walker, Annie; recording sorrow upon death.				
Patron–Reid	HJR	93		1952
Patron–Reeves	SJR	74		2447
Walle, Everett Earl, Jr.; recording sorrow upon death. (Patron–Reeves)	SJR	106		2467
Ware, Onzlee; recording sorrow upon death.				
Patron–Rasoul	HJR	365		2109
Patron–Suetterlein	SJR	237		2544
Weiler, T.K.; recording sorrow upon death. (Patron–Diggs)	SR	53		2589
Welch, Roger Allen; recording sorrow upon death. (Patron–Webert)	HR	86		2195
Weniger, Marvin Joseph; recording sorrow upon death. (Patron–DeSteph)	SR	141		2636
White, Jeanette Lucille Graves; recording sorrow upon death. (Patron–Favola)	SR	170		2650
Wholey, Joseph S., Jr.; recording sorrow upon death. (Patron–Hope)	HJR	240		2036
Wholey, Margaret Smith; recording sorrow upon death. (Patron–Hope)	HJR	241		2036
Willard, Kenneth Robert; recording sorrow upon death. (Patron–Milde)	HR	452		2380
Willey, Bernice Davis; recording sorrow upon death. (Patron–Locke)	SJR	98		2463
Willis, Hulon L., Jr.; recording sorrow upon death.				
Patron–Sewell	HR	258		2283
Patron–McQuinn	HR	266		2287
Wilson, Donald Lee; recording sorrow upon death. (Patron–Henson)	HJR	161		1990
Wilson, Fielding Lewis, Jr.; recording sorrow upon death. (Patron–Milde)	HR	451		2379
Wilson, Stanley Tobias, Jr.; recording sorrow upon death. (Patron–McQuinn)	HR	156		2232
Winkle, Terry Edward; recording sorrow upon death.				
Patron–Obenshain	HR	94		2199
Patron–Hackworth	SR	79		2603
Winkler, Larry Donnell, Sr.; recording sorrow upon death. (Patron–McQuinn)	HR	336		2322
Wood, James Anderson; recording sorrow upon death. (Patron–Knight)	HR	1		2144
Wood, Rocky S.; recording sorrow upon death. (Patron–Pillion)	SR	46		2585

	BILL OR RES.	NO.	CHAP. NO.	PAGE NO.
DEATHS - Continued				
Woodard, Maxine Driskill; recording sorrow upon death. (Patron–Zehr)	HR	447		2377
Woodbury, Gerard Everett; recording sorrow upon death. (Patron–Green)	HJR	164		1992
Woodhouse, Mary L.; recording sorrow upon death. (Patron–Locke)	SR	88		2609
Wynne, John Oliver; recording sorrow upon death.				
Patron–Knight	HJR	195		2008
Patron–Lucas	SR	64		2594
DEBRUHL, JENNIFER				
DeBruhl, Jennifer; commending. (Patron–McQuinn)	HJR	199		2011
DECK, JULIAN C.				
Deck, Julian C.; commending. (Patron–Simonds)	HJR	346		2099
DEEL, KATELYN				
Deel, Katelyn; commending. (Patron–Ward)	HR	387		2348
DEER				
Deer, bear, turkey, or elk; claiming after struck by motor vehicle. (Patron–Wilt)	HB	1025	83	179
DEFENDANTS				
Carnal knowledge and sexual battery; persons detained or arrested by a law-enforcement officer, definition of confidential informant, pretrial defendants or post-trial offenders, penalty. (Patron–Perry)	SB	394	592	1241
Deferred or installment payment agreements; if defendant's sole financial resource is a Social Security benefit, etc., then such defendant shall be exempt from making payments until he has another source of income.				
Patron–Hernandez	HB	896	735	1662
Patron–Bagby	SB	625	775	1733
Trial by jury; no defendant shall knowingly and intentionally contact, with intent to harass, intimidate, or threaten, a juror after trial, penalty. (Patron–Davis)	HB	1443	561	1191
Unlawful detainer; expungement of action, entering of an order without further petition or hearing, court shall not automatically expunge certain records in an action where a judgment is entered in favor of the defendant, etc. (Patron–Hope)	HB	73	372	866
DELL, NATHAN				
Dell, Nathan; commending. (Patron–McQuinn)	HR	306		2308
DELONG, CAROL				
DeLong, Carol; recording sorrow upon death.				
Patron–Simon	HR	241		2274
Patron–Salim	SR	106		2619
DELTA SIGMA THETA SORORITY, INC., PRINCE WILLIAM COUNTY ALUMNAE CHAPTER OF				
Delta Sigma Theta Sorority, Inc., Prince William County Alumnae Chapter of; commemorating its 40th anniversary. (Patron–Carroll Foy)	SR	58		2592
DELTA SIGMA THETA SORORITY, INC., SUFFOLK ALUMNAE CHAPTER OF				
Delta Sigma Theta Sorority, Inc., Suffolk Alumnae Chapter of; commemorating its 60th anniversary.				
Patron–Clark	HR	96		2199
Patron–Jordan	SR	24		2574
DEMENTI STUDIO				
Dementi Studio; commemorating its 100th anniversary.				
Patron–Carr	HJR	294		2066
Patron–Bagby	SJR	57		2437
DEMPSEY-WATERS, ANTOINETTE				
Dempsey-Waters, Antoinette; commending. (Patron–Lopez)	HJR	173		1997
DENTISTS AND DENTISTRY				
Dental hygienists; extends period during which a hygienist practicing under remote supervision may continue to treat a patient. (Patron–Price)	HB	605	295	733
Dentist and Dental Hygienist Compact; authorizes Virginia to become a signatory to the Compact.				
Patron–Sickles	HB	225	101	205
Patron–Locke	SB	22	31	46
Dentists and dental hygienists; added to list of providers who are immune from civil liability for any act done or made in performance of his duties, etc.				
Patron–Hope	HB	42	96	200
Patron–Pillion	SB	629	126	297

	BILL OR RES.	NO.	CHAP. NO.	PAGE NO.
DETURK, ERIK				
DeTurk, Erik; commending. (Patron–Cohen)	HR	389		2349
DEWEY, SUSAN F.				
Dewey, Susan F.; commending.				
Patron–Willett	HR	289		2300
Patron–Hackworth	SJR	83		2454
DILLARD, RICHARD HENRY WILDE				
Dillard, Richard Henry Wilde; recording sorrow upon death. (Patron–Rasoul)	HJR	112		1963
DISABILITY PRIDE MONTH				
Disability Pride Month; designating as July 2024 and each succeeding year thereafter.				
Patron–Cole	HJR	17		1926
DISASTER				
Virginia Post-Disaster Anti-Price Gouging Act; prohibited practices, clarifies definition of consumer transaction, etc. (Patron–Kilgore)	HB	1301	549	1173
DISCRIMINATION				
Employee protections; definitions, amends provision that prohibits an employer from discriminating against an employee for such employee's lawful use of cannabis oil.				
Patron–Helmer	HB	149	632	1397
Patron–Pekarsky	SB	391	674	1542
Hate crimes and discrimination; ethnic animosity, nondiscrimination in places of public accommodation and employment, penalties.				
Patron–Helmer	HB	18	266	684
Patron–Reeves	SB	7	334	784
Virginia Human Rights Act; complaint or charge of discrimination, right to file civil action. (Patron–Herring)	HB	782	819	1838
Virginia Human Rights Act; right to sue, procedures for a change of unlawful discrimination, civil actions. (Patron–Perry)	SB	350	784	1764
DISTRICT COURTS				
Judges; election in circuit court, general district court, juvenile and domestic relations district court, and a member of the Judicial Inquiry and Review Commission.				
Patron–Maldonado	HJR	427		2142
Judges; election in Court of Appeals of Virginia, circuit court, general district court, juvenile and domestic relations district court, a member of the Judicial Inquiry and Review Commission, members of the State Corporation Commission, and a member of the Virginia Workers' Compensation Commission. (Patron–Maldonado)	HJR	99		1956
Judges; nominations for election to general district court.				
Patron–Maldonado	HR	39		2172
Patron–Maldonado	HR	344		2326
Patron–Surovell	SR	17		2571
Patron–Surovell	SR	136		2634
Law-enforcement officers; exposure to bodily fluids, petition to the general district court by local attorney for the Commonwealth. (Patron–Arnold)	HB	435	190	430
DIVORCE				
Advance directive; revocation of directive upon filing of divorce or annulment of marriage, etc. (Patron–Arnold)	HB	436	81	177
DNA				
Forensic Science, Department of; laboratory procedures, requirements regarding DNA profiles. (Patron–Kent)	HB	898	210	462
DOGGETT, ANNIE DELILAH JONES				
Doggett, Annie Delilah Jones; recording sorrow upon death. (Patron–Jordan)	SJR	60		2439
DOGS AND DOG LAWS				
Dangerous dog; extending the time for adjudication. (Patron–Rasoul)	HB	804	145	326
Dog or cat; financing prohibited unless complies with certain provisions and any other law related to consumer credit. (Patron–Orrock)	HB	330	382	875
License tax; locality allowed by ordinance to exempt any dog that served as a police or law-enforcement or military working dog from tax on ownership, ordinance shall include a verification process for vaccination records. (Patron–Ballard)	HB	299	187	424
State Emergency Medical Services Advisory Board; guidelines for provision of emergency treatment of fire, police, and search and rescue dogs. (Patron–Campbell)	HB	1309	550	1176

	BILL OR RES.	NO.	CHAP. NO.	PAGE NO.
DOMESTIC RELATIONS				
Adoption; prospective adoptive parent, parental placement and agency adoptions, discharge of newborn infant. (Patron–Herring)	HB	783	90	184
Child and spousal support; entry or modification of orders, determination of support overages. (Patron–Herring)	HB	784	51	113
Marriage; establishes legal age to be 18 years. (Patron–Keys-Gamarra)	HB	994	737	1664
Marriage and family therapists; Board of Counseling to amend regulations related to process for licensure by endorsement. (Patron–Sickles)	HB	329	431	922
Marriage lawful regardless of sex, gender, or race of parties; issuance of marriage license.				
Patron–Henson	HB	174	21	35
Patron–Ebbin	SB	101	760	1707
Persons other than ministers who may perform rites of marriage; adds current Virginia members of Congress. (Patron–Carr)	HB	1126	412	906
Persons other than ministers who may perform rites of marriage; former statewide legislators and officials or clerk of circuit court who is a resident of the Commonwealth. (Patron–DeSteph)	SB	175	499	1071
Protective order in case of family abuse; termination of temporary order of child support. (Patron–Ballard)	HB	294	26	41
Virginia Military Parents Equal Protection Act; adds members of Space Force to list of service members included in definition of deploying parent or guardian for purposes of the Act. (Patron–Martinez)	HB	194	22	36
DOMESTIC WORKERS DAY				
Domestic Workers Day; designating as June 16, 2024, and each succeeding year thereafter. (Patron–Mundon King)	HJR	87		1949
DOSS, NELL FRANCES				
Doss, Nell Frances; recording sorrow upon death. (Patron–Obenshain)	HR	95		2199
DOUGLAS ALUMNI ASSOCIATION				
Douglas Alumni Association; commending. (Patron–Wiley)	HR	82		2193
DOUGLAS FREEMAN HIGH SCHOOL				
Douglas Freeman High School girls' lacrosse team; commending. (Patron–Willett)	HJR	426		2142
DOWELL, DARRYLL GREG, JR.				
Dowell, Darryll Greg, Jr.; commending. (Patron–Batten)	HR	259		2284
DOWNEY, WILLIAM B.				
Downey, William B.; commending.				
Patron–Green	HJR	317		2082
Patron–McDougle	SJR	205		2525
DRAKES, STEPHEN				
Drakes, Stephen; commending. (Patron–Feggans)	HJR	189		2005
DRIVERS' LICENSES				
Commercial driver's licenses and learner's permits; definitions, training, drug and alcohol violations, erroneously identified as prohibited from operating vehicle, removal of any reference to driver's status expeditiously but not later than 10 days after notification.				
Patron–Austin	HB	844	107	241
Patron–French	SB	353	121	288
Driver's license; changes standard for being denied or having license reviewed or revoked for medical reasons, defines term "impairment." (Patron–Sickles)	HB	1163	414	908
Judgments, certain; debtor may petition court for restricted license. (Patron–Carr)	HB	1082	467	1008
License suspensions; driving during a period of suspension or revocation, extension.				
Patron–Carr	HB	1080	543	1162
Restricted driver's license; issuance to person for multiple convictions of driving while intoxicated, completion of specialty dockets, petition for restricted license.				
Patron–Fowler	HB	1324	552	1177
Patron–Reeves	SB	6	568	1201

	BILL OR RES.	NO.	CHAP. NO.	PAGE NO.
DRUG ABUSE				
Barrier crimes; adult substance abuse and mental health services, hiring person who was convicted of certain misdemeanor violation, etc., exception.				
Patron–Price	HB	1269	651	1431
Patron–Pillion	SB	626	683	1562
First offender drug program; previous misdemeanor marijuana conviction, etc., persons charged with first offense may be placed on probation.				
Patron–Callsen	HB	452	811	1823
Patron–Ebbin	SB	362	785	1765
DRUNK DRIVING				
Restricted driver's license; issuance to person for multiple convictions of driving while intoxicated, completion of specialty dockets, petition for restricted license.				
Patron–Fowler	HB	1324	552	1177
Patron–Reeves	SB	6	568	1201
DUMFRIES, TOWN OF				
Dumfries, Town of; commemorating its 275th anniversary. (Patron–Mundon King)	HR	123		2213
DUNCAN, JAMIE JEROME				
Duncan, Jamie Jerome; recording sorrow upon death.				
Patron–McQuinn	HR	124		2214
Patron–Bagby	SJR	133		2483
DUNCAN, PHILLIP				
Duncan, Phillip; commending. (Patron–Simon)	HJR	276		2057
DUNGAN, BRUCE CECIL				
Dungan, Bruce Cecil; recording sorrow upon death. (Patron–Davis)	HJR	377		2116
DUNTON, AMMON G., JR.				
Dunton, Ammon G., Jr.; commending.				
Patron–Kent	HJR	116		1966
Patron–Stuart	SJR	121		2475
DWYER-GIANOLI, BRITTANY				
Dwyer-Gianoli, Brittany; commending. (Patron–Reid)	HJR	149		1984
EAGLE CARPETS				
Eagle Carpets; commemorating its 60th anniversary. (Patron–Obenshain)	SR	115		2623
EARLS, SHAMARI				
Earls, Shamari; commending. (Patron–Coyner)	HR	378		2344
EARTH FORCE				
Earth Force; commemorating its 30th anniversary. (Patron–Ebbin)	SR	67		2597
EASEMENTS				
Campbell County; conveyance of easement by Departments of State Police and Transportation. (Patron–Walker)	HB	1331	479	1037
Land's End Wildlife Management Area; Department of Wildlife Resources to grant and convey an easement and right-of-way. (Patron–Kent)	HB	879	73	171
EASTER, PETER				
Easter, Peter; recording sorrow upon death. (Patron–Austin)	HJR	217		2022
ECONOMIC DEVELOPMENT				
Economic Development Authority; board of supervisors of Craig County may appoint one of its members to the Authority. (Patron–Head)	SB	134	75	173
Virginia Economic Development Partnership Authority; eligible site for site development grant, Authority may determine a site of at least 50 contiguous acres to be an eligible site, etc.				
Patron–Campbell	HB	233	378	872
Patron–Head	SB	135	379	873
Virginia Growth and Opportunity Board; increases membership, Virginia investment performance grants, Virginia economic development incentive grants, certain provisions expire on July 1, 2028, aggregate amount of grants payable in a fiscal year. (Patron–Carroll Foy)	SB	496	624	1358
EDGERTON, ANDREW				
Edgerton, Andrew; commending. (Patron–Simon)	HR	347		2327

	BILL OR RES.	NO.	CHAP. NO.	PAGE NO.
EDUCATION				
Annual school safety audits; items to be reviewed, technology systems.				
Patron–Askew	HB	561	429	920
Child care; background checks for applicants to serve as volunteers at centers, family day homes, etc. (Patron–Laufer)	HB	1277	477	1036
Child Care Subsidy Program; income eligibility requirements for certain families.				
Patron–Hernandez	HB	407	286	724
Child day program employees and volunteers; background checks, dissemination of information. (Patron–Cohen)	HB	508	289	726
College and Career Ready Virginia Program and Fund; established and created, report.				
Patron–Coyner	HB	1087	647	1413
Patron–Lucas	SB	627	684	1567
Community Schools, Office of; established within Department of Education.				
Patron–Rasoul	HB	625	815	1826
Patron–Aird	SB	608	797	1800
Dolly Parton's Imagination Library of Virginia Program; established, report, sunset date. (Patron–Coyner)	HB	1075	147	335
Early childhood care and education; exemption from licensure for certain child day programs.				
Patron–Sewell	HB	739	49	111
Patron–Subramanyam	SB	702	259	670
Early childhood care and education system; need- and demand-based funding, report.				
Patron–Bulova	HB	419	722	1646
Patron–Locke	SB	54	757	1705
Education, Board of; school boards to administer through-year growth assessment system, alternatives during 2024-2026 school years.				
Patron–Rasoul	HB	1076	148	336
Patron–Suetterlein	SB	435	122	294
Farm to School Program Task Force; Department of Education shall establish and appoint members as it deems necessary.				
Patron–Cousins	HB	830	398	895
Patron–Roem	SB	314	399	895
Fentanyl education and awareness informational one-sheet; Department of Education shall develop and post in a publicly accessible location on its website.				
Patron–Clark	HB	1473	564	1197
Free school meals; Superintendent of Public Instruction shall convene work group to study and make recommendations on offering to students statewide. (Patron–Roem)	SB	283	586	1230
Health education; each school board may provide, as part of health instruction, a program of instruction on menstrual education. (Patron–Seibold)	HB	1221	741	1671
High school graduation requirements; satisfaction of elective course credits with workforce credentials, development and maintenance of lists of accepted credentials.				
Patron–Anthony	HB	1345	657	1501
Patron–Diggs	SB	199	666	1518
High school student-athletes; use of name, image, or likeness. (Patron–Price)	HB	617	694	1597
Homeless students; Department of Education shall develop a resource document on supports and services. (Patron–Keys-Gamarra)	HB	168	370	864
Individualized education program; guidelines for teams relating to certain age-appropriate and developmentally appropriate instruction, availability and posting. (Patron–Favola)	SB	60	493	1051
Innovative alternative school transportation options; school boards encouraged to implement low-cost or no-cost alternatives to transporting students to and from school on school buses, etc. (Patron–LeVere Bolling)	HB	937	535	1157
Junior Reserve Officers' Training Corps (JROTC); Department of Education shall notify school boards of any federal legal obligation relating to program participation.				
Patron–Higgins	HB	1231	326	773
Learning needs dashboard; Department of Education shall continue to maintain, sunset date. (Patron–Convirs-Fowler)	HB	131	173	413
Online transition resources; Department for Aging and Rehabilitative Services, et al., to ensure dissemination and availability to all individuals, etc. (Patron–Favola)	SB	51	573	1205

	BILL OR RES.	NO.	CHAP. NO.	PAGE NO.
EDUCATION - Continued				
Opioids; Department of Education shall develop education materials and guidelines for school boards concerning risks. (Patron–Convirs-Fowler)	HB	134	434	927
Provisional (Career Switcher) License; Board of Education to amend its relevant regulation to permit any career switcher who seeks a teaching endorsement pre-K through grade 12, including any career switcher who seeks a teaching endorsement in special education, to pursue License, requirements. (Patron–McQuinn)	HB	269	183	422
Public education; amends definition of evidence-based literacy instruction, student literacy measures.				
Patron–Coyner	HB	647	44	99
Patron–Lucas	SB	624	12	21
Public elementary and secondary schools; possession and administration of undesignated glucagon, school board policies. (Patron–Bennett-Parker)	HB	1039	466	1002
Public elementary and secondary schools; programs of health instruction on certain topics related to mental health. (Patron–Price)	HB	603	812	1824
Public elementary school teachers; data collection on length of daily lunch breaks.				
Patron–Simonds	HB	583	196	441
Public high schools; Standards of Learning for physical and health education shall include research-based hazing prevention instruction in accordance with curriculum guidelines.				
Patron–Reaser	HB	719	144	321
Patron–Boysko	SB	379	7	6
Public middle schools and high schools; career and technical education organizations permitted. (Patron–Subramanyam)	SB	707	776	1734
Public school funding; ratios of instructional positions to English language learner students.				
Patron–Maldonado	HB	1247	743	1676
Patron–Hashmi	SB	272	766	1718
Public school teachers; licensure requirements, issuance of a one-year local eligibility license, alternate routes and flexibility, sunset date. (Patron–Ruff)	SB	142	845	1915
Public schools; fire drills during school session in accordance with requirements of State Fire Prevention Code. (Patron–Campbell)	HB	66	432	923
Public schools; opioid antagonist procurement, etc., school board employee training and certification, guidelines and requirements, provisions shall be implemented by each local school board by beginning of 2025-2026 school year.				
Patron–Sewell	HB	732	451	966
Patron–Pillion	SB	726	519	1127
Public schools; transfer and management of scholastic records, disclosure of information in court notices, transfer of disciplinary records.				
Patron–Cole	HB	1317	61	137
Patron–Durant	SB	443	8	11
Public schools; youth and community violence prevention, Community Builders Pilot Program established, report, sunset provision.				
Patron–Rasoul	HB	626	299	737
Patron–Aird	SB	484	357	822
Public secondary schools; satisfaction of physical education requirements, participation in Junior Reserve Officer's Training Corps. (Patron–Green)	HB	98	433	923
School board employees; school board shall respond within 10 working days of receiving a request for employment verification.				
Patron–Cole	HB	355	442	956
Patron–Durant	SB	441	508	1108
School boards; enrolled students present at meetings, public comment or citizen participation. (Patron–Cole)	HB	253	689	1580
School boards; model memorandum of understanding, partnerships with certain mental health services providers, provision and expansion of virtual mental health services. (Patron–Srinivasan)	HB	919	534	1157
School boards; unexpended local funds, capital reserve fund permitted.				
Patron–Simonds	HB	599	294	732
School building evacuation plans, policies, and protocols; students with mobility impairments. (Patron–Cohen)	HB	501	194	440

	BILL OR RES.	NO.	CHAP. NO.	PAGE NO.
EDUCATION - Continued				
School Construction Fund and Program; definitions.				
Patron–Runion	HB	462	388	877
Patron–Obenshain	SB	474	389	877
School health entrance form; Departments of Education and Health to streamline such form and make it available in both digital and print formats. (Patron–Hayes)	HB	1279	478	1037
School-connected overdose policies; Board of Education shall establish guidelines, parental notification and response.				
Patron–Carroll Foy	SB	498	843	1911
Science, Technology, Engineering, Mathematics, and Computing (STEM+C) Competition Team Grant Program; established. (Patron–Stanley)	SB	5	151	369
Special education and related services; definitions, duties of Department of Education, utilization of Virginia IEP, special education family support centers, education preparation program, coursework, reports.				
Patron–Coyner	HB	1089	468	1008
Patron–Favola	SB	220	502	1074
Standards of Learning; grades nine and 10 health education instruction shall include severe allergic reaction awareness training, Department of Education shall develop and post on its official website guidance documents, etc. (Patron–Sullivan)	HB	121	171	412
Standards of Learning assessment; Board of Education shall revise its regulations relating to student eligibility for an expedited retake, report. (Patron–Phillips)	HB	1451	612	1291
Student instruction; local alternative instructional time models permitted.				
Patron–Rasoul	HB	1477	421	912
Students, certain; enrollment and provision of free public education. (Patron–Callsen)	HB	777	303	741
Students in the ninth and tenth grades; development of Title IX and sexual harassment prevention training modules, policies. (Patron–Watts)	HB	215	805	1818
Students with Limited and/or Interrupted Formal Education (SLIFE); Board of Education shall develop and adopt policies relating to supporting students.				
Patron–Suetterlein	SB	433	623	1358
Teachers; assessments, Board of Education shall eliminate certain requirements for renewal of license. (Patron–Sewell)	HB	731	729	1650
Teachers; changes to provisions relating to licensure and certification, definition of "universal licensure by reciprocity," Department of Education shall compile and publicly post on its website in a format conducive to comparison to standards and requirements for licensure.				
Patron–Rasoul	HB	632	642	1407
Patron–Peake	SB	352	672	1538
Virginia Preservice Training for Child Care Staff; Department of Education shall review course for appropriateness based on age range of children served.				
Patron–Wilt	HB	1024	609	1286
Virginia School for the Deaf and the Blind, Board of Visitors of; expands membership, powers and duties. (Patron–Head)	SB	420	351	815
Virginia STEM Education Advisory Board; powers and duties, participation of historically underrepresented students in STEM education. (Patron–Price)	HB	615	814	1825
Voluntary Registration Health and Safety Checklist; Department of Education shall update for certain family day homes. (Patron–Simonds)	HB	358	285	724
EDUCATION, SECRETARY OF				
Virginia Longitudinal Data System and Virginia Workforce Data Trust; Secretary of Education shall convene a work group to review current capabilities and future needs, etc., report. (Patron–Coyner)	HB	1083	410	904
EGGLESTON, NEVERETT ALEXANDER, JR.				
Eggleston, Neverett Alexander, Jr.; recording sorrow upon death. (Patron–Bagby)	SJR	217		2533
ELECTIONS				
Absentee voting; persons confined awaiting trial or for conviction of a misdemeanor may vote by absentee ballot. (Patron–Ward)	HB	1330	553	1179
Campaign finance; exemption for candidates for local office or directors of soil and water conservation districts.				
Patron–Bloxom	HB	1346	110	249
Patron–Obenshain	SB	577	124	296

	BILL OR RES.	NO.	CHAP. NO.	PAGE NO.
ELECTIONS - Continued				
Campaign finance; independent expenditure reports, electronic filing required, delayed effective date.				
Patron–Sickles	HB	730	206	453
Patron–Perry	SB	692	258	670
Candidates; declaration of candidacy for primary.				
Patron–McNamara	HB	90	169	411
Patron–Suetterlein	SB	109	264	680
Candidates for office; clarifies date from which valid signatures for petitions of qualified voters can be collected for persons seeking to become candidates.				
Patron–Reeves	SB	165	498	1070
Conduct of elections; electoral board to meet and ascertain results, abstracts of votes to be received within 10 days after election. (Patron–Anthony)	HB	998	738	1669
Constitutional amendment; expands real property tax exemption for surviving spouses of soldiers who died in the line of duty (submitting to qualified voters).				
Patron–Hernandez	HB	558	394	890
Patron–McPike	SB	4	395	891
Elections; protection of election officials, intimidation and threats, penalty, definitions.				
Patron–Ebbin	SB	364	787	1766
Elections administration; duties of Department of Elections, required election and voter participation information on the Internet. (Patron–Tran)	HB	989	406	901
Elections administration; notice of a change in location of polling place, additional notice requirement shall include information on how voters may find their polling places. (Patron–Shin)	HB	940	461	990
Polling place; assistance for certain voters, clarifies definition of "person with a disability."				
Patron–Bennett-Parker	HB	441	191	432
Patron–Subramanyam	SB	605	515	1122
Precincts and polling places; notice of changes mailed at least 30 days prior to election. (Patron–Anthony)	HB	1003	312	752
President and Vice President; binding of electors, filling vacancies, repeals certain provisions related to federal offices and nominations for Presidential elections.				
Patron–Sullivan	HB	111	801	1806
Primary elections; candidates for nomination, withdrawal of candidacy resulting in unopposed primary, primary cancellation and nomination procedure.				
Patron–Wright	HB	55	166	410
Patron–Ruff	SB	131	230	571
Vacancies in elected local offices; interim appointments, notice requirement.				
Patron–Bulova	HB	69	168	411
Voter registration; protected voter status, elections officials. (Patron–Shin)	HB	943	309	747
ELECTRIC COMPANIES				
Electric utilities; clarifies definition of "energy efficiency programs," definition of "electrification," on-bill tariff program. (Patron–Surovell)	SB	737	607	1280
Electric utilities; definitions, recovery of development costs associated with small modular reactor, sunset date. (Patron–Marsden)	SB	454	789	1768
Electric utilities; integrated resource plans, definitions, grid-enhancing technologies and advanced conductors. (Patron–Hernandez)	HB	862	532	1154
ELECTRIC COOPERATIVES TRAINING CENTER				
Electric Cooperatives Training Center in Palmyra; commemorating its fifth anniversary. (Patron–Laufer)	HR	234		2272
ELECTRONIC PROCESSES				
Electronic sales by dealers; titling. (Patron–Kilgore)	HB	1419	418	911
Financial institutions; institutions shall make available to consumer option of completing certain payments electronically. (Patron–Reeves)	SB	166	422	913
Insurance; conducting business by electronic means, notice or document delivered, upon request, in paper form free of charge. (Patron–Sullivan)	HB	595	197	441
Virginia Freedom of Information Act; effective date of procedures for conducting meetings held through electronic communication means during declared states of emergency.				
Patron–Cherry	HB	816	305	744
Patron–McPike	SB	244	344	798

	BILL OR RES.	NO.	CHAP. NO.	PAGE NO.
ELECTRONIC PROCESSES - Continued				
Virginia Public Procurement Act; all local public bodies shall provide option to submit bids or proposals through eVA or other electronic means. (Patron–Hope)	HB	311	438	931
Virginia Self-Service Storage Act; rental agreement may be delivered and accepted electronically. (Patron–Rouse)	SB	355	673	1541
ELEMENTARY SCHOOLS				
Public elementary and secondary schools; possession and administration of undesignated glucagon, school board policies. (Patron–Bennett-Parker)	HB	1039	466	1002
Public elementary and secondary schools; programs of health instruction on certain topics related to mental health. (Patron–Price)	HB	603	812	1824
Public elementary school teachers; data collection on length of daily lunch breaks. Patron–Simonds	HB	583	196	441
ELIZABETH RIVER PROJECT				
Elizabeth River Project; commending. (Patron–Hernandez)	HR	362		2335
ELIZABETH RIVER TRAIL FOUNDATION				
Elizabeth River Trail Foundation; commending. (Patron–Hernandez)	HR	275		2292
ELLIOT, CARTER				
Elliot, Carter; commending. (Patron–Zehr)	HR	323		2316
ELLIOTT, ALIYAH				
Elliott, Aliyah; commending. (Patron–Gardner)	HR	270		2289
ELLIOTT, EDMUND				
Elliott, Edmund; commending. (Patron–Craig)	SJR	89		2458
ELLIOTT, RICHARD GALE				
Elliott, Richard Gale; recording sorrow upon death. (Patron–Mulchi)	SJR	158		2498
ELLIS, SAMUEL SMALLWOOD				
Ellis, Samuel Smallwood; recording sorrow upon death. (Patron–Roem)	SR	131		2631
EMERGENCY LEGISLATION				
Commonwealth of Virginia Higher Educational Institutions Bond Act of 2024; created.				
Patron–Torian	HB	711	450	964
Patron–Lucas	SB	599	514	1120
Crisis receiving centers and crisis stabilization units; State Board of Behavioral Health and Developmental Services shall amend its regulations to ensure that its licensing and human rights regulations support high-quality crisis services, safe use of seclusion, report. (Patron–Deeds)	SB	569	795	1788
Crisis stabilization services; facilities licensed by Department of Behavioral Health and Developmental Services, nursing homes, remote dispensing systems, and administration of drugs.				
Patron–Sickles	HB	1336	63	152
Patron–Deeds	SB	568	513	1113
Long-term services and supports screening; modifies existing provisions regarding expedited screening and screening exemption.				
Patron–Cherry	HB	291	24	37
Patron–Locke	SB	24	152	369
PACE programs; long-term services and support screening, screening team determines it is unable to complete services and support within 30 days, etc.				
Patron–Sickles	HB	729	48	109
Patron–Pillion	SB	620	517	1125
Portsmouth, City of; amending charter, aligning dates for nomination of candidates and filling of city council vacancies.				
Patron–Hayes	HB	1208	323	765
Patron–Lucas	SB	106	339	792
Prescription drugs; emergency regulations related to price transparency, effective period. (Patron–Sickles)	HB	592	727	1649
Virginia Residential Landlord and Tenant Act; early termination for military personnel, stop movement order.				
Patron–Glass	HB	352	28	43
Patron–Perry	SB	213	154	373

	BILL OR RES.	NO.	CHAP. NO.	PAGE NO.
EMERGENCY SERVICES AND VEHICLES				
Alzheimer's disease and dementia; training for dispatchers, firefighters, and emergency medical personnel. (Patron–LeVere Bolling)	HB	933	698	1607
State Emergency Medical Services Advisory Board; guidelines for provision of emergency treatment of fire, police, and search and rescue dogs. (Patron–Campbell)	HB	1309	550	1176
Warning light units, certain; increases from two to four the number of flashing or steady-burning red or red and white combination units with which a member of a fire department, volunteer fire company, etc., may equip one vehicle owned by him.				
Patron–McNamara	HB	15	76	175
Patron–Suetterlein	SB	150	77	175
EMISSIONS STANDARDS				
Emissions inspections; fees, agreement for services and service charge fees.				
Patron–Watts	HB	213	634	1400
Patron–Marsden	SB	453	676	1543
EMPLOYEES AND EMPLOYMENT COMMISSION				
Virginia Employment Commission; provision of certain confidential information to Virginia Port Authority. (Patron–Wyatt)	HB	1103	215	470
ENERGY EFFICIENCY DAY				
Energy Efficiency Day; designating as October 4, 2024, and each succeeding year thereafter. (Patron–Sullivan)	HJR	6		1921
ENGINEERS, PROFESSIONAL				
Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects, Board for; quorum and signature requirements, sunset date. (Patron–Owen)	HB	350	383	875
ENTERPRISE ZONES				
Enterprise zones; any zone in existence as of June 30, 2024, shall be extended for an additional four-year period in addition to any renewal periods. (Patron–Head)	SB	679	686	1577
Enterprise zones; renewal periods. (Patron–Wright)	HB	61	631	1397
EPILEPSY HEROES DAY				
Epilepsy Heroes Day; designating as March 26, 2024, and each succeeding year thereafter. (Patron–Diggs)	SJR	27		2389
EPINEPHRINE				
Places of public accommodation; possession and administration of epinephrine.				
Patron–Bennett-Parker	HB	1035	465	993
EPPS, ELIZABETH PATTERSON				
Epps, Elizabeth Patterson; recording sorrow upon death. (Patron–Cole)	HR	76		2190
EQUALITY LOUDOUN				
Equality Loudoun; commemorating its 20th anniversary. (Patron–Martinez)	HJR	412		2135
ERIK M. PELTON & ASSOCIATES, PLLC				
Erik M. Pelton & Associates, PLLC; commemorating its 25th anniversary.				
Patron–Simon	HR	104		2203
EROSION AND SEDIMENT CONTROL				
Regulated land-disturbing activities; submission and approval of erosion and sediment control plan.				
Patron–Wiley	HB	656	104	216
Patron–DeSteph	SB	365	5	4
ETHNIC GROUPS				
Unethical use of Black bodies by medical institutions; General Assembly acknowledging with profound regret. (Patron–Boysko)	SJR	16		2386
ETHRIDGE, MIA				
Ethridge, Mia; recording sorrow upon death. (Patron–Durant)	SJR	116		2473
EUROPEAN HONEY BEE				
European honey bee; designating as the official state pollinator. (Patron–Hope)	HB	517	43	98
EVANS, ROBERT WRIGHT, SR.				
Evans, Robert Wright, Sr.; recording sorrow upon death. (Patron–McQuinn)	HR	181		2245
EVERETTE, RONNIE JEROME, JR.				
Everette, Ronnie Jerome, Jr.; recording sorrow upon death. (Patron–Clark)	HR	215		2262

	BILL OR RES.	NO.	CHAP. NO.	PAGE NO.
EVERHARDT, SARAH				
Everhardt, Sarah; commending. (Patron–Roem)	SR	132		2632
EVERLY-WHEATLEY FUNERAL HOME				
Everly-Wheatley Funeral Home; commemorating its 150th anniversary. Patron–Ebbin	SR	73		2600
EVIDENCE				
Juveniles; evidence of trafficking, sexual abuse, or rape by the alleged victim prior to or during the commission of the alleged offense, etc., court may conduct a hearing to allow the juvenile to present any evidence, treatment and rehabilitation. Patron–Watts	HB	268	365	836
EXCHANGE CLUB OF LYNCHBURG				
Exchange Club of Lynchburg; commending. (Patron–Walker)	HR	415		2361
FAIRFAX BEEKEEPERS CLUB				
Fairfax Beekeepers Club; commending. (Patron–Pekarsky)	SR	165		2647
FAIRFAX COUNTY				
Fairfax County Fire and Rescue Department; commemorating its 75th anniversary. Patron–Pekarsky	SJR	246		2549
Fairfax County Public Library; commemorating its 85th anniversary. Patron–Sickles	HJR	257		2046
Patron–Ebbin	SJR	153		2495
FAIRFAX DIAPERS				
Fairfax Diapers; commending. (Patron–Seibold)	HR	402		2355
FAITH WORKS FELLOWSHIP CATHEDRAL				
Faith Works Fellowship Cathedral; commemorating its 10th anniversary. Patron–Cole	HR	396		2352
FALLS CHURCH, CITY OF				
Falls Church, City of; amending charter, qualifications of members of boards and commissions. (Patron–Simon)	HB	54	630	1396
FARLEY, DEBRA HAMILTON				
Farley, Debra Hamilton; commending. (Patron–Locke)	SJR	30		2391
FARMWELL STATION MIDDLE SCHOOL				
Farmwell Station Middle School; commending. (Patron–Subramanyam)	SR	176		2653
FARROW, JARED ANTONIO				
Farrow, Jared Antonio; commending. (Patron–Hayes)	HR	149		2228
FAUQUIER FREE CLINIC				
Fauquier Free Clinic; commemorating its 30th anniversary. (Patron–Webert)	HR	84		2194
FAY, CHRISTOPHER				
Fay, Christopher; commending. (Patron–Simon)	HJR	279		2059
FENTANYL				
Fentanyl and Heroin Enforcement, Task Force on; established, report. Patron–DeSteph	SB	367	771	1724
Fentanyl crisis; Joint Commission on Health Care to study policy solutions. Patron–Srinivasan	HJR	41		1929
Fentanyl education and awareness informational one-sheet; Department of Education shall develop and post in a publicly accessible location on its website. Patron–Clark	HB	1473	564	1197
FINANCIAL INSTITUTIONS AND SERVICES				
Blockchain and cryptocurrency; Joint Commission on Technology and Science, et al., to examine use and creation of Blockchain and Cryptocurrency Commission, report. (Patron–Salim)	SB	439	709	1633
Blockchain technology, digital asset mining, and cryptocurrency; Joint Commission on Technology and Science, et al., to analyze use. (Patron–Salim)	SB	339	707	1631
Contracts assigning rights to inheritance funds; contracts entered into on or after July 1, 2024, legal rate of interest. (Patron–Coyner)	HB	648	728	1650
Financial institutions; institutions shall make available to consumer option of completing certain payments electronically. (Patron–Reeves)	SB	166	422	913

	BILL OR RES.	NO.	CHAP. NO.	PAGE NO.
FINANCIAL INSTITUTIONS AND SERVICES - Continued				
Financial institutions; reporting financial exploitation of elderly or vulnerable adults, Bureau of Financial Institutions of the State Corporation Commission shall develop guidelines for institutions to provide training.				
Patron–Maldonado	HB	692	530	1152
Patron–Favola	SB	174	578	1213
FINES AND COSTS				
Fines, costs, forfeitures, penalties, etc.; duty of attorneys for the Commonwealth, at least 30 days prior to execution of a contract the attorney shall consult with the clerk of the circuit court. (Patron–Jordan)	SB	637	518	1126
FINGERPRINTING				
Social Work Licensure Compact; authorizes Virginia to become a signatory to Compact, applicants for a Multistate License shall pay for cost of fingerprinting.				
Patron–Glass	HB	326	690	1581
Patron–Hashmi	SB	239	704	1617
FIRE PROTECTION				
Local government ordinances related to fire departments; billing on behalf of volunteer fire departments for support of a licensed emergency medical services agency. (Patron–Williams)	HB	852	823	1857
Virginia Passenger Rail Authority; exempts railway tunnels and bridges owned by Authority from Uniform Statewide Building Code and Statewide Fire Prevention Code Act. (Patron–Austin)	HB	1425	78	175
FIREARMS				
Abuse and neglect of children; causing or enabling child to gain possession of a firearm, penalty.				
Patron–Willett	HB	36	161	402
Patron–VanValkenburg	SB	44	162	404
Auto sears and trigger activators; prohibition on manufacture, importation, sale, etc., forfeiture of weapons that are concealed, etc., in violation of law, penalty.				
Patron–Jones	HB	22	163	406
Patron–Perry	SB	210	164	407
Firearm; removing, altering, selling, etc., or possessing with removed, etc., serial number, penalties. (Patron–Ebbin)	SB	363	786	1766
Firearm safety device tax credit; expands definition of device, provisions shall be effective for taxable years beginning on and after January 1, 2024. (Patron–Clark)	HB	35	522	1136
Gun violence; Joint Legislative Audit and Review Commission to study social, physical, emotional, and economic effects on communities across the Commonwealth, firearm homicide rate, etc.				
Patron–Anthony	HJR	76		1944
FIREFIGHTERS AND FIRE MARSHALS				
Alzheimer's disease and dementia; training for dispatchers, firefighters, and emergency medical personnel. (Patron–LeVere Bolling)	HB	933	698	1607
Local government ordinances related to fire departments; billing on behalf of volunteer fire departments for support of a licensed emergency medical services agency. (Patron–Williams)	HB	852	823	1857
Military leaves of absence for employees of the Commonwealth or political subdivisions; includes professional firefighters.				
Patron–Helmer	HB	279	184	422
Patron–Durant	SB	401	239	580
Virginia Law Officers' Retirement System; adds full-time firefighters employed by Department of Military Affairs, delayed effective date. (Patron–Clark)	HB	1401	417	910
FIRST BAPTIST CHURCH OF WEST POINT				
First Baptist Church of West Point; commemorating its 150th anniversary.				
Patron–Hodges	HJR	72		1942
FIRST COLONIAL HIGH SCHOOL				
First Colonial High School girls' volleyball team; commending. (Patron–Tata)	HR	286		2298
FIRST ROBOTICS DAY				
FIRST Robotics Day; designating as March 31, 2024, and each succeeding year thereafter.				
Patron–Carr	HJR	78		1945
Patron–Stanley	SJR	48		2433

	BILL OR RES.	NO.	CHAP. NO.	PAGE NO.
FISHER, GRANVILLE EDISON, JR.				
Fisher, Granville Edison, Jr.; recording sorrow upon death. (Patron–Stuart)	SJR	7		2382
FISHERIES AND HABITAT OF THE TIDAL WATERS				
Blue catfish; Department of Agriculture and Consumer Services, et al., shall review past and ongoing efforts to promote creation of a market, etc., report.				
Patron–Hodges	HB	1135	218	507
Patron–Stuart	SB	402	240	581
Fisheries Innovation for Sustainable Harvest Fund; created for purposes of supporting, etc., growth of Virginia's seafood economy.				
Patron–Askew	HB	596	198	443
Patron–Stuart	SB	464	246	627
Interference with commercial fishing vessels or activity; penalty. (Patron–Kent)	HB	928	403	898
FITZGERALD, BEN, III				
Fitzgerald, Ben, III; commending. (Patron–Clark)	HR	110		2206
FITZSIMMONS, RON				
Fitzsimmons, Ron; commending. (Patron–Krizek)	HJR	374		2115
FLANAGAN, DIANE GAY				
Flanagan, Diane Gay; recording sorrow upon death. (Patron–Cherry)	HJR	281		2059
FLANAGAN, GLORIA				
Flanagan, Gloria; recording sorrow upon death. (Patron–Bennett-Parker)	HR	107		2205
FLANAGAN, WILLIAM JOSEPH, JR.				
Flanagan, William Joseph, Jr.; recording sorrow upon death. (Patron–Cherry)	HJR	267		2052
FLANNIGAN, JOSEPH C., III				
Flannigan, Joseph C., III; recording sorrow upon death. (Patron–McQuinn)	HR	161		2234
FLENGAS, EVELYN				
Flengas, Evelyn; recording sorrow upon death.				
Patron–Ennis	HJR	253		2044
Patron–Jordan	SR	90		2611
FLETCHER, LAURA KIRK				
Fletcher, Laura Kirk; recording sorrow upon death. (Patron–Green)	HR	130		2217
FLINCHUM, JAMES				
Flinchum, James; commending. (Patron–Obenshain)	HR	229		2270
FLORES, CLAUDIA				
Flores, Claudia; commending. (Patron–Reeves)	SJR	96		2462
FOILES, HENRY LEE, JR.				
Foiles, Henry Lee, Jr.; commending. (Patron–Simonds)	HR	290		2301
FONTAINE RURITAN CLUB				
Fontaine Ruritan Club; commemorating its 70th anniversary. (Patron–Williams)	HR	263		2286
FOREIGN GOVERNMENTS AND COUNTRIES				
Republic of Ghana; commending. (Patron–Mundon King)	HR	424		2366
FORENSIC SCIENCE				
Forensic Science, Department of; laboratory procedures, requirements regarding DNA profiles. (Patron–Kent)	HB	898	210	462
FORESTS AND FORESTRY				
Forest Sustainability Fund; fund allocation.				
Patron–Lopez	HB	944	699	1612
Patron–Ruff	SB	129	703	1617
Forestland and Urban Tree Canopy Conservation Plan; Department of Forestry shall establish.				
Patron–Hope	HB	309	278	707
Patron–Marsden	SB	461	354	819
Virginia's forest products industry; commending. (Patron–Reeves)	SJR	91		2459
FORT GREGG-ADAMS				
Fort Gregg-Adams; commending. (Patron–Coyner)	HJR	342		2096
49 WINCHESTER				
49 Winchester; commending. (Patron–O'Quinn)	HJR	134		1975

	BILL OR RES.	NO.	CHAP. NO.	PAGE NO.
FOSTER CARE				
Certain individuals in foster care, in the custody of the Department of Social Services, or considered a special-needs adoption; parameters of higher education grants, point of contact for support and guidance. (Patron–Tata)	HB	700	449	963
Children's residential facility; Office of the Children's Ombudsman authorized to request that Department of Social Services, et al., grant access and provide consent to interview children in foster care who are the subject of or the complainant in an investigation. (Patron–Gardner)	HB	317	280	710
Kinship foster care; local boards of social services or child-placing agencies allowed to approve parent applicants who have been convicted of certain felony drug offenses. (Patron–Callsen)	HB	453	529	1150
Kinship foster care; placement of child with foster parent, Parental Child Safety Placement Program established.				
Patron–Callsen	HB	27	629	1393
Patron–Favola	SB	39	662	1513
FOWLER, ELIZABETH				
Fowler, Elizabeth; commending. (Patron–Green)	HJR	98		1955
FOWLKES, RACHEL GAYLE DAVIS				
Fowlkes, Rachel Gayle Davis; recording sorrow upon death.				
Patron–O'Quinn	HJR	168		1994
Patron–Kilgore	HR	174		2241
Patron–Pillion	SR	47		2585
FOX, EMILY				
Fox, Emily; commending. (Patron–Subramanyam)	SR	168		2649
FRANCIS, JOHN RANDOLPH, JR.				
Francis, John Randolph, Jr.; recording sorrow upon death. (Patron–Head)	SJR	194		2519
FRANK W. COX HIGH SCHOOL				
Frank W. Cox High School baseball team; commending. (Patron–Tata)	HR	285		2298
Frank W. Cox High School wrestling team; commending. (Patron–Tata)	HR	251		2279
FREDERICKSBURG CIVIL RIGHTS TRAIL				
Fredericksburg Civil Rights Trail; commending. (Patron–Cole)	HR	420		2363
FREDERICKSBURG FALLEN HEROES				
Fredericksburg Fallen Heroes; commending. (Patron–Durant)	SJR	201		2523
FREE AND CHARITABLE CLINICS, VIRGINIA ASSOCIATION OF				
Free and Charitable Clinics, Virginia Association of; commemorating its 30th anniversary. (Patron–Willett)	HJR	340		2094
FREEDOM HIGH SCHOOL				
Freedom High School; commemorating its 20th anniversary. (Patron–Mundon King)	HR	24		2166
Freedom High School football team; commending.				
Patron–Mundon King	HR	25		2167
Patron–Carroll Foy	SR	7		2566
Spirit of Freedom marching band of Freedom High School; commending.				
Patron–Mundon King	HR	217		2263
FREEDOM OF INFORMATION				
Virginia Freedom of Information Act; amends definition of meeting, clarifies the term "public business," provisions of this act are declarative of existing law.				
Patron–Cherry	HB	818	733	1660
Patron–Locke	SB	36	756	1704
Virginia Freedom of Information Act; amends the number of all-virtual public meetings that public bodies may convene in a calendar year.				
Patron–Bennett-Parker	HB	894	56	134
Patron–Marsden	SB	734	129	301
Virginia Freedom of Information Act; charges for production of public records, report. (Patron–Roem)	SB	324	669	1526
Virginia Freedom of Information Act; definition of "caregiver," remote participation in meetings by persons with disabilities and caregivers, time of meeting preventing attendance, remote voting.				
Patron–Bennett-Parker	HB	1040	610	1286
Patron–Favola	SB	85	617	1294

	BILL OR RES.	NO.	CHAP. NO.	PAGE NO.
FREEDOM OF INFORMATION - Continued				
Virginia Freedom of Information Act; effective date of procedures for conducting meetings held through electronic communication means during declared states of emergency.				
Patron–Cherry	HB	816	305	744
Patron–McPike	SB	244	344	798
Virginia Freedom of Information Act; exclusions from mandatory disclosure, purchase card statement. (Patron–Salim)	SB	340	671	1535
Virginia Freedom of Information Act; exemption for complainant personal contact information. (Patron–Cherry)	HB	1412	64	158
Virginia Freedom of Information Act; release of criminal investigative files exception. (Patron–Diggs)	SB	204	580	1219
Virginia Freedom of Information Act; removal of Virginia residency requirement for access to certain criminal investigation files. (Patron–Perry)	SB	215	582	1221
FREY, JOHN T.				
Frey, John T., commending. (Patron–Surovell)	SJR	50		2434
FRIENDS OF FAIRFAX STATION				
Friends of Fairfax Station; commemorating its 50th anniversary. (Patron–Pekarsky)	SR	164		2647
FRIENDS OF HOMELESS ANIMALS				
Friends of Homeless Animals; commemorating its 50th anniversary.				
Patron–Srinivasan	HR	319		2314
FRIENDS OF THE PORTSMOUTH JUVENILE COURT				
Friends of the Portsmouth Juvenile Court; commending. (Patron–Scott, D.)	HR	367		2338
FRIENDS UNITING NOKESVILLE				
Friends Uniting Nokesville; commemorating its 20th anniversary. (Patron–Lovejoy)	HR	81		2192
FRIERSON, WILLIAM DELANCY, III				
Frierson, William Delancy, III; recording sorrow upon death. (Patron–Tata)	HR	220		2264
FROST, NATHANIEL				
Frost, Nathaniel; commending. (Patron–Carroll Foy)	SR	61		2593
FULTZ, ROBERT LEE, SR.				
Fultz, Robert Lee, Sr.; recording sorrow upon death.				
Patron–Kilgore	HR	188		2249
Patron–Pillion	SR	153		2642
FUNERAL HOME DIRECTORS AND SERVICES				
Funeral arrangements; disputes between next of kin, proof of designated person to make funeral arrangements and priority next of kin status. (Patron–Coyner)	HB	652	200	449
Funeral services; transportation protection agreements. (Patron–Williams Graves)	SB	513	598	1269
Preneed funeral contracts; declinable preneed funeral guarantee.				
Patron–Williams Graves	SB	521	247	628
GADE, DANIEL M.				
Gade, Daniel M.; commending.				
Patron–Reid	HJR	92		1952
Patron–Reeves	SJR	73		2447
GAINESVILLE MIDDLE SCHOOL				
Gainesville Middle School drama club; commending. (Patron–Lovejoy)	HR	267		2288
GALAX HIGH SCHOOL				
Galax High School football team; commending. (Patron–Williams)	HR	192		2251
Galax High School golf team; commending. (Patron–Williams)	HR	195		2252
GAMBLING, LOTTERIES, ETC.				
Casino gaming; amends lists of cities eligible to host a casino in the Commonwealth by replacing City of Richmond with City of Petersburg, local referendum required.				
Patron–Aird	SB	628	798	1801
Casino gaming; limits on required local referendums. (Patron–Krizek)	HB	525	291	728
Casino gaming; removes the City of Richmond as an eligible host city.				
Patron–Carr	HB	1131	318	758
Patron–Bagby	SB	541	359	823
Gambling data; use of Cloud Technology. (Patron–Maldonado)	HB	991	311	751
Gaming; posting of illegal gaming tip line information. (Patron–Ebbin)	SB	397	593	1242

	BILL OR RES.	NO.	CHAP. NO.	PAGE NO.
GAMBLING, LOTTERIES, ETC. - Continued				
Illegal gambling; exemptions, placement or operation of or communication to and from data center equipment, etc. (Patron–Bagby)	SB	540	358	823
Virginia Gaming Commission, Joint Subcommittee studying feasibility of establishing; continued.				
Patron–Krizek	HJR	10		1923
Patron–Reeves	SJR	12		2383
GAMMON, DONNA D.				
Gammon, Donna D.; commending. (Patron–Batten)	HR	118		2211
GARFIELD, TINA				
Garfield, Tina; commending. (Patron–Feggans)	HJR	255		2045
GARTEN, GEORGE THOMAS				
Garten, George Thomas; recording sorrow upon death. (Patron–Deeds)	SJR	147		2491
GAVIN, MARY				
Gavin, Mary; commending. (Patron–Simon)	HJR	285		2061
GENERAL ASSEMBLY				
American Revolution 250 Commission; amends membership and staffing.				
Patron–Austin	HB	839	400	896
Patron–Locke	SB	117	401	897
Autism Advisory Council; reestablished, report, sunset date. (Patron–Pekarsky)	SB	389	708	1632
Behavioral Health Commission; changes composition of membership.				
Patron–Rasoul	HB	807	456	982
Patron–Favola	SB	125	496	1068
End Hunger, Virginia Commission to; established, report, sunset date.				
Patron–Price	HB	607	296	735
General Assembly; applying to the Governor to call a special session and establishing a schedule for the conduct of business. (Patron–Herring)	HJR	428		2143
General Assembly; establishes a schedule for the conduct of business before the 2024 Session. (Patron–Herring)	HJR	48		1933
General Assembly; establishes a schedule for the prefiling period for the 2025 Regular Session. (Patron–Herring)	HJR	49		1936
General Assembly; Joint Legislative Audit and Review Commission to study salaries, expense allowances, retirement benefits, and other emoluments received by members. (Patron–Reeves)	SJR	17		2386
General Assembly; notifying Governor of organization. (Patron–Herring)	HJR	47		1933
Health Insurance Reform Commission; assessment of certain legislation, report.				
Patron–Hayes	HB	1210	219	508
Patron–Head	SB	132	36	61
Health Insurance Reform Commission; increases membership. (Patron–Ware)	HB	114	98	203
House of Delegates; establishing the Rules for the 2024-2025 Sessions of the General Assembly. (Patron–Herring)	HR	10		2149
Rules, Joint Committee on, and the Speaker of the House of Delegates; confirming various appointments. (Patron–Herring)	HJR	402		2130
Six-year financial plan; modifies requirements for plans submitted by Governor to General Assembly, plan shall ensure a structural balance between projected revenues.				
Patron–Torian	HB	712	203	451
Patron–McDougle	SB	399	238	580
Technology and Science, Joint Commission on; authority to appoint, employ, and remove staff. (Patron–Hayes)	HB	1199	739	1671
Unethical use of Black bodies by medical institutions; General Assembly acknowledging with profound regret. (Patron–Boysko)	SJR	16		2386
Updating Virginia Law to Reflect Federal Recognition of Virginia Tribes, Commission on; extends sunset date. (Patron–Krizek)	HB	200	275	703
Virginia College Savings Plan; renamed Commonwealth Savers Plan. (Patron–Carr)	HB	1133	217	472
Virginia Minority Business Commission; established, membership, report, sunset date. (Patron–Feggans)	HB	374	527	1144
GENERAL PROVISIONS				
Courthouses; website posting of notices, repeals provision of posting electronically and notice being posted by circuit court clerk. (Patron–Hope)	HB	1338	655	1498
European honey bee; designating as the official state pollinator. (Patron–Hope)	HB	517	43	98

	BILL OR RES.	NO.	CHAP. NO.	PAGE NO.
GENERAL SERVICES, DEPARTMENT OF				
Surplus technological equipment; Department of General Services to establish procedures for disposition of materials. (Patron–Maldonado)	HB	728	47	107
GENTRY, WILLIE L.				
Gentry, Willie L.; commending. (Patron–McGuire)	SJR	188		2515
GEOLOGY				
Geology; definition of geological mapping, expands definition of practice of geology.				
Patron–Wiley	HB	287	23	36
Patron–Rouse	SB	184	4	3
GEORGE WASHINGTON HOTEL				
George Washington Hotel; commemorating its 100th anniversary. (Patron–Wiley)	HR	121		2212
GEORGE WYTHE HIGH SCHOOL				
George Wythe High School quiz bowl team; commending. (Patron–Arnold)	HJR	175		1998
GERALD, EUGENE E.				
Gerald, Eugene E.; commending. (Patron–VanValkenburg)	SJR	193		2518
GIBSON, SUSAN G.				
Gibson, Susan G.; commemorating the life and legacy on the occasion of the 75th anniversary of her death. (Patron–Peake)	SR	22		2573
GILBERT, C. TODD				
Gilbert, C. Todd; authorizes and allocates funding for the painting of a portrait of former Speaker of the House of Delegates to be hung in the Chamber of the House of Delegates. (Patron–Herring)	HR	17		2162
GILBERT, LAUREN				
Gilbert, Lauren; commending. (Patron–Williams)	HR	288		2299
GILLESPIE, JAMES CURTIS				
Gillespie, James Curtis; recording sorrow upon death. (Patron–Hackworth)	SR	28		2576
GILLESPIE, JAMES SAMUEL, JR.				
Gillespie, James Samuel, Jr.; recording sorrow upon death.				
Patron–Morefield	HR	183		2246
Patron–Hackworth	SR	38		2581
GILLIAM, GEORGE HARRISON				
Gilliam, George Harrison; commending. (Patron–Deeds)	SJR	215		2531
GLENVAR HIGH SCHOOL				
Glenvar High School boys' soccer team; commending. (Patron–Head)	SJR	195		2520
Glenvar High School boys' swim and dive team; commending.				
Patron–Obenshain	HR	231		2271
Patron–Head	SJR	191		2517
Glenvar High School boys' tennis team; commending. (Patron–Head)	SJR	196		2520
GLICK, TITUS				
Glick, Titus; commending. (Patron–Zehr)	HR	330		2320
GLOBAL TELANGANA ASSOCIATION				
Global Telangana Association; commending. (Patron–Srinivasan)	HR	360		2334
GLORY'S BAKERY				
Glory's Bakery; commemorating its 40th anniversary. (Patron–Feggans)	HJR	224		2026
GLUCAGON				
Public elementary and secondary schools; possession and administration of undesignated glucagon, school board policies. (Patron–Bennett-Parker)	HB	1039	466	1002
GOFF, EDWARD PAUL				
Goff, Edward Paul; recording sorrow upon death. (Patron–Simonds)	HR	291		2301
GOLDSMITH, VICCELLIO				
Goldsmith, Viccellio; commending. (Patron–Green)	HR	45		2174
GOLUBOFF, RISA				
Goluboff, Risa; commending. (Patron–Deeds)	SJR	137		2486
GONZALEZ, JOSEPHINE				
Gonzalez, Josephine; commending. (Patron–Martinez)	HJR	421		2139
GOOD SHEPHERD HOUSING				
Good Shepherd Housing; commemorating its 50th anniversary. (Patron–Henson)	HJR	282		2060

	BILL OR RES.	NO.	CHAP. NO.	PAGE NO.
GORDY, LAURA BELLE				
Gordy, Laura Belle; recording sorrow upon death. (Patron–Bloxom)	HJR	138		1978
GOULD-CHAMP, PATRICIA A.				
Gould-Champ, Patricia A.; commending. (Patron–McQuinn)	HR	353		2330
GOVERNOR				
Chief Resilience Officer of the Commonwealth; created within Office of Governor, duties, Advisory Review Committee to assist in distribution of loans and grants, etc., report. (Patron–Hernandez)	HB	1458	753	1694
Commonwealth Public Safety Medal of Valor; Governor may award a dispatcher for performance above and beyond call of duty. (Patron–McGuire)	SB	630	253	639
General Assembly; applying to the Governor to call a special session and establishing a schedule for the conduct of business. (Patron–Herring)	HJR	428		2143
General Assembly; notifying Governor of organization. (Patron–Herring)	HJR	47		1933
Governor; confirming appointments.				
Patron–Rouse	SJR	31		2392
Patron–Rouse	SJR	32		2400
Patron–Rouse	SJR	33		2411
Patron–Rouse	SJR	34		2416
Patron–Rouse	SJR	36		2421
Patron–Rouse	SJR	82		2452
Governor; confirming appointments and reconfirming appointment of Director of Department of Wildlife Resources. (Patron–Rouse)	SJR	64		2442
Six-year financial plan; modifies requirements for plans submitted by Governor to General Assembly, plan shall ensure a structural balance between projected revenues.				
Patron–Torian	HB	712	203	451
Patron–McDougle	SB	399	238	580
GRAHAM HIGH SCHOOL				
Graham High School varsity competition cheer squad; commending.				
Patron–Morefield	HR	109		2206
Patron–Hackworth	SR	27		2576
GRAHAM, JOHN BENJAMIN, JR.				
Graham, John Benjamin, Jr.; recording sorrow upon death. (Patron–Diggs)	SR	65		2596
GRAINER, JOSHUA				
Grainer, Joshua; commending. (Patron–Shin)	HJR	392		2124
GRAND JURIES				
Multi-jurisdiction grand jury; elder abuse crimes. (Patron–Delaney)	HB	769	397	894
GRANGER, GILBERT LOFTON				
Granger, Gilbert Lofton; recording sorrow upon death. (Patron–Batten)	HJR	209		2017
GRANT, CHARLES D.				
Grant, Charles D.; recording sorrow upon death. (Patron–Higgins)	HJR	137		1977
GRAVATT, EMERSON LATHAM				
Gravatt, Emerson Latham; recording sorrow upon death. (Patron–Kent)	HJR	152		1985
GRAVELY, CORETHA				
Gravely, Coretha; commending. (Patron–Phillips)	HR	249		2279
GREEN, HENRY CLARKSON				
Green, Henry Clarkson; recording sorrow upon death. (Patron–Webert)	HR	19		2163
GREEN, JANET V.				
Green, Janet V.; commending. (Patron–Price)	HJR	397		2127
GREEN, RASHIDA J.				
Green, Rashida J.; commending. (Patron–Tran)	HR	413		2360
GREEN, SAMUEL LEE				
Green, Samuel Lee; recording sorrow upon death.				
Patron–Kilgore	HR	250		2279
Patron–Pillion	SR	158		2644
GREENE, NELSON, JR.				
Greene, Nelson, Jr.; recording sorrow upon death. (Patron–Ebbin)	SJR	109		2468
GREENLAW, MARY KATHERINE				
Greenlaw, Mary Katherine; commending. (Patron–Cole)	HR	148		2228

	BILL OR RES.	NO.	CHAP. NO.	PAGE NO.
GREENSVILLE COUNTY				
Percy Lee House, III Memorial Bridge; designating as the bridge on Otterdam Road over Interstate 95 in Greensville County.				
Patron–Wachsmann	HB	92	373	867
Patron–Jordan	SB	323	374	867
GREER, WILLIAM THOMAS, JR.				
Greer, William Thomas, Jr.; recording sorrow upon death. (Patron–DeSteph)	SJR	149		2492
GRESSITT, ALEXANDRA				
Gressitt, Alexandra; commending. (Patron–Reid)	HJR	148		1983
GRICE, RICHARD L.				
Grice, Richard L.; commending. (Patron–Wachsmann)	HJR	290		2064
GRIFFIN, RICHARD CARLTON, SR.				
Griffin, Richard Carlton, Sr.; recording sorrow upon death. (Patron–Cole)	HR	101		2202
GRIFFITH, JOHN R.				
Griffith, John R.; recording sorrow upon death. (Patron–Rasoul)	HJR	109		1962
GRIGGS, DEBRA JANE				
Griggs, Debra Jane; recording sorrow upon death. (Patron–Stanley)	SJR	35		2420
GRISHAM, JOHN RAY, JR.				
Grisham, John Ray, Jr.; commending.				
Patron–Laufer	HR	106		2204
Patron–Deeds	SR	50		2587
GROSS, HAROLD MARTIN				
Gross, Harold Martin; recording sorrow upon death. (Patron–Watts)	HJR	165		1993
GROTTOES VOLUNTEER FIRE DEPARTMENT				
Grottoes Volunteer Fire Department; commemorating its 75th anniversary.				
Patron–Runion	HR	6		2147
Patron–Obenshain	SR	100		2616
GROUNDWATER				
Eastern Virginia Groundwater Management Area; continued withdrawal permit for residential well. (Patron–Stuart)	SB	337	768	1721
Environmental Quality, Department of; groundwater and surface water withdrawal permits. (Patron–Stuart)	SB	581	251	636
Groundwater; Department of Environmental Quality to study supply in the Commonwealth east of Interstate 95. (Patron–Stuart)	SJR	25		2388
GROVER, RACHEL				
Grover, Rachel; commending. (Patron–Pekarsky)	SR	162		2646
GUARDIAN AD LITEM				
Guardianship and conservatorship; report of guardian ad litem. (Patron–Roem)	SB	292	588	1234
GUNS				
Gun violence; Joint Legislative Audit and Review Commission to study social, physical, emotional, and economic effects on communities across the Commonwealth, firearm homicide rate, etc.				
Patron–Anthony	HJR	76		1944
GUPTA, GEETA RAO				
Gupta, Geeta Rao; commending. (Patron–Tran)	HR	416		2361
HAGAN, MATT				
Hagan, Matt; commending.				
Patron–Ballard	HR	31		2169
Patron–Hackworth	SR	76		2602
HAGANS, GLORIA POARCH				
Hagans, Gloria Poarch; recording sorrow upon death. (Patron–Anthony)	HR	293		2302
HAGEN, KATELYN M.				
Hagen, Katelyn M.; commending. (Patron–Tran)	HR	411		2359
HAIRSTON, ROSALIND MOATS				
Hairston, Rosalind Moats; recording sorrow upon death. (Patron–Anthony)	HJR	348		2100
HALES, MELISSA MARIE				
Hales, Melissa Marie; commending. (Patron–Hernandez)	HR	313		2311

	BILL OR RES. NO.		CHAP. NO.	PAGE NO.
HALL, BLAKE				
Hall, Blake; commending. (Patron–Arnold)	HJR	176		1998
HALSEY, BRENTON SHAW, SR.				
Halsey, Brenton Shaw, Sr.; recording sorrow upon death. (Patron–Willett)	HJR	425		2141
HAMEL, DANA BERTRAND				
Hamel, Dana Bertrand; recording sorrow upon death. (Patron–Hashmi)	SR	166		2648
HAMPTON, CITY OF				
Fort Monroe Authority; land and utility ownership validly vested, land records of the City of Hampton, etc.				
Patron–Cordoza	HB	1139	115	281
Patron–Locke	SB	90	35	60
Temporary detention; certified evaluators, definitions, report, participating hospitals with emergency psychiatric departments in the City of Hampton shall be responsible for all costs associated with hiring, training, etc., sunset provision. (Patron–Locke)	SB	34	780	1743
HAMPTON, GEORGE M.				
Hampton, George M.; recording sorrow upon death. (Patron–McPike)	SJR	29		2391
HANNIGAN, JOSEPH BRIAN				
Hannigan, Joseph Brian; recording sorrow upon death. (Patron–Hope)	HJR	4		1921
HARASSMENT				
Students in the ninth and tenth grades; development of Title IX and sexual harassment prevention training modules, policies. (Patron–Watts)	HB	215	805	1818
HARDEN, THOMAS E., JR.				
Harden, Thomas E., Jr.; recording sorrow upon death. (Patron–Scott, D.)	HR	283		2297
HARLOW, PATRICK				
Harlow, Patrick; commending. (Patron–Garrett)	HR	365		2337
HARPER, MICHAEL ANTHONY				
Harper, Michael Anthony; recording sorrow upon death. (Patron–Locke)	SJR	56		2437
HARRELL, CAMILLE ANNETTE				
Harrell, Camille Annette; recording sorrow upon death. (Patron–Jordan)	SR	31		2578
HARRIS, MARCELLUS LEE, JR.				
Harris, Marcellus Lee, Jr.; recording sorrow upon death.				
Patron–Green	HJR	262		2049
Patron–Locke	SR	122		2627
HARRIS, SHIRLEY ESTELLE SAVAGE				
Harris, Shirley Estelle Savage; recording sorrow upon death. (Patron–McQuinn)	HJR	163		1992
HARRISONBURG, CITY OF				
Public defender offices; establishes in City of Harrisonburg and County of Rockingham. (Patron–Wilt)	HB	1014	313	752
HARVICK, KEVIN				
Harvick, Kevin; commending. (Patron–Stanley)	SR	80		2603
HARWOOD, PATRICIA ELIZABETH CLIFTON				
Harwood, Patricia Elizabeth Clifton; recording sorrow upon death.				
Patron–VanValkenburg	SJR	169		2504
HASKINS, ROBERT W.				
Haskins, Robert W.; recording sorrow upon death. (Patron–Marshall)	HJR	325		2086
HATCHER, PHYLLIS				
Hatcher, Phyllis; recording sorrow upon death.				
Patron–Kilgore	HR	184		2246
Patron–Pillion	SR	148		2639
HATE CRIMES				
Hate crimes and discrimination; ethnic animosity, nondiscrimination in places of public accommodation and employment, penalties.				
Patron–Helmer	HB	18	266	684
Patron–Reeves	SB	7	334	784
HAUSMAN, SANDY				
Hausman, Sandy; commending. (Patron–Callsen)	HR	437		2372

	BILL OR RES.	NO.	CHAP. NO.	PAGE NO.
HAWLEY, SERENITY RAYNE				
Hawley, Serenity Rayne; recording sorrow upon death.				
Patron–Obenshain	HR	93		2198
Patron–Hackworth	SR	77		2602
HAYDEN, NANCY SOAPER				
Hayden, Nancy Soaper; recording sorrow upon death. (Patron–Kent)	HJR	303		2073
HAYWOOD, CARLTON, JR.				
Haywood, Carlton, Jr.; recording sorrow upon death. (Patron–Phillips)	HR	282		2296
HAZING				
Public high schools; Standards of Learning for physical and health education shall include research-based hazing prevention instruction in accordance with curriculum guidelines.				
Patron–Reaser	HB	719	144	321
Patron–Boysko	SB	379	7	6
HEALTH				
Adult wellness screening; tests for sickle cell disease or sickle cell trait at time of physical examination, health care professional shall provide education and appropriate counseling regarding test results. (Patron–Mundon King)	HB	255	182	421
Advance Health Care Planning Registry; amends list of documents that may be submitted to the Registry to include any other document that supports advance health care planning.				
Patron–Hope	HB	188	274	702
Patron–Head	SB	154	231	572
Alpha-gal syndrome; Board of Health shall adopt regulations to include on reportable disease list, effective date. (Patron–Wachsmann)	HB	93	375	867
Alternative onsite sewage systems; approval of treatment units. (Patron–Hodges)	HB	1431	419	911
Alzheimer's disease and dementia; training for dispatchers, firefighters, and emergency medical personnel. (Patron–LeVere Bolling)	HB	933	698	1607
Certificate of public need; State Health Services Plan Task Force to develop recommendations on expedited review of project types subject to requirements, etc.				
Patron–Hashmi	SB	277	423	913
Chief Medical Examiner, Office of, and Maternal Mortality Review Team; work group shall develop methods for collecting information about maternal morbidity, etc., report. (Patron–Cousins)	HB	831	457	982
Credentialed addiction treatment professionals; definition to include licensed behavior analysts. (Patron–Cohen)	HB	503	288	726
Fentanyl crisis; Joint Commission on Health Care to study policy solutions.				
Patron–Srinivasan	HJR	41		1929
Health care providers, certain; reporting of medical debt to consumer reporting agencies prohibited, clarifies definition of "medical debt," civil penalties.				
Patron–Delaney	HB	1370	751	1689
Hospital regulations; use of smoke evacuation systems during surgical procedures, delayed effective date.				
Patron–Delaney	HB	763	207	454
Patron–Bagby	SB	537	249	631
Hospitals; emergency departments to have at least one licensed physician on duty at all times, delayed effective date.				
Patron–Hope	HB	353	441	947
Patron–Pekarsky	SB	392	505	1091
Law-enforcement officers; exposure to bodily fluids, petition to the general district court by local attorney for the Commonwealth. (Patron–Arnold)	HB	435	190	430
Long-term services and supports screening; modifies existing provisions regarding expedited screening and screening exemption.				
Patron–Cherry	HB	291	24	37
Patron–Locke	SB	24	152	369
Maternal Mortality Review Team; membership. (Patron–Simonds)	HB	204	376	867
Medical Assistance Services, Department of; creates a process by which a lien in favor of the Department on a claim for personal injuries may be satisfied, report, effective date. (Patron–Simon)	HB	315	807	1820

	BILL OR RES.	NO.	CHAP. NO.	PAGE NO.
HEALTH - Continued				
Out-of-state health care practitioners; temporary authorization to practice in assisted living facilities. (Patron–Cohen)	HB	511	390	878
PACE programs; long-term services and support screening, screening team determines it is unable to complete services and support within 30 days, etc.				
Patron–Sickles	HB	729	48	109
Patron–Pillion	SB	620	517	1125
Pediatric Autoimmune Neuropsychiatric Disorders Associated with Streptococcal Infections and Pediatric Acute-Onset Neuropsychiatric Syndrome, Advisory Council on; extends sunset date. (Patron–Hope)	HB	514	391	879
Professional and Occupational Regulation and Health Professions, Departments of; certain suspensions not considered disciplinary action. (Patron–Sullivan)	HB	120	18	34
Remote ultrasound procedures and remote fetal non-stress tests; Department of Medical Assistance Services to modify state plan for assistance. (Patron–Hashmi)	SB	250	585	1225
School health entrance form; Departments of Education and Health to streamline such form and make it available in both digital and print formats. (Patron–Hayes)	HB	1279	478	1037
Search warrants, subpoenas, court orders, or other process; menstrual health data prohibited.				
Patron–Watts	HB	78	523	1137
Patron–Favola	SB	16	571	1204
Sickle cell disease; annual review of medication and treatment, report.				
Patron–Mundon King	HB	820	306	744
Sickle cell disease; statewide registry created, collection of disease case information, report. (Patron–Cole)	HB	252	437	930
Supplemental Nutrition Assistance Program; Department of Social Services may not require persons who are applying to participate or renewing their participation in program to appear in person. (Patron–Helmer)	HB	150	435	927
Virginia Health Workforce Development Authority; powers and duties, Virginia Health Care Career and Technical Training and Education Fund created, definitions, licensure of psychological practitioners, etc. (Patron–Head)	SB	155	761	1707
Vital records; State Registrar to expedite issuance of new birth certificate upon receipt of adoption records with notice that at least one adoptive parent is an active duty or retired member of the military or military reserves, etc.				
Patron–Coyner	HB	649	45	105
Patron–Roem	SB	325	119	286
Water facilities; staffing of licensed operators, remote monitoring of facilities.				
Patron–Orrock	HB	220	178	416
HEALTH AND HUMAN RESOURCES, SECRETARY OF				
Civil commitments and temporary detention orders; behaviors or symptoms that manifest from neurocognitive disorders and neurodevelopmental disabilities, including a developmental or intellectual disability, such as autism spectrum disorder, Secretary of Health and Human Resources to evaluate placements for certain individuals, report.				
Patron–Watts	HB	888	696	1600
Patron–Favola	SB	176	579	1214
Wholesale prescription drug importation program; Secretary of Health and Human Resources shall convene work group to investigate programs in other states, etc., report. (Patron–Subramanyam)	SB	186	620	1325
HEALTH INSURANCE				
Commonwealth Health Reinsurance Program; payment parameters.				
Patron–Sickles	HB	591	293	731
Health insurance; coverage for colorectal cancer screening. (Patron–McQuinn)	HB	238	181	421
Health insurance; coverage for doula care services, new essential health benefits benchmark plan.				
Patron–LeVere Bolling	HB	935	460	988
Patron–Locke	SB	118	495	1066
Health insurance; ethics and fairness in carrier business practices, beginning no later than January 1, 2026, all required notifications and information shall be delivered electronically. (Patron–Favola)	SB	425	244	623
Health insurance; ethics and fairness in carrier business practices, recovery or refund of a previously paid claim, etc. (Patron–Sullivan)	HB	123	270	694

	BILL OR RES.	NO.	CHAP. NO.	PAGE NO.
HEALTH INSURANCE - Continued				
Health insurance; health care provider panels, continuity of care, discontinuing services due to misconduct, etc. (Patron–Orrock)	HB	218	377	869
Health insurance; if prior authorization request is approved for prescription drugs, etc., have been scheduled, etc., to patient consistent with authorization, carrier shall not revoke, etc., that authorization.				
Patron–Willett	HB	1134	320	761
Patron–Favola	SB	98	338	790
Health insurance; locality may allow participation in its group insurance programs by any non-benefited employee, reimbursement for cost of participation. (Patron–Wilt)	HB	1019	541	1161
Health insurance; patient access to emergency services, mobile crisis response services.				
Patron–Kilgore	HB	601	199	444
Patron–Bagby	SB	543	360	824
Health insurance; pharmacy benefits managers, reporting requirements, person that violates certain provisions may be subject to a civil penalty.				
Patron–Reaser	HB	1402	329	779
Patron–Carroll Foy	SB	660	626	1363
Health insurance provider panels; panel contract between carrier and primary care provider may include provisions that promote comprehensive screening for mental health needs. (Patron–Favola)	SB	87	575	1206
Health Insurance Reform Commission; assessment of certain legislation, report.				
Patron–Hayes	HB	1210	219	508
Patron–Head	SB	132	36	61
Health Insurance Reform Commission; increases membership. (Patron–Ware)	HB	114	98	203
Line of Duty Act; clarifies definition of eligible dependent. (Patron–Hodges)	HB	1433	560	1189
HEALTHY FAMILIES RAPPAHANNOCK AREA				
Healthy Families Rappahannock Area; commemorating its 25th anniversary.				
Patron–Cole	HR	218		2263
HEARING-IMPAIRED PERSONS				
Virginia School for the Deaf and the Blind, Board of Visitors of; expands membership, powers and duties. (Patron–Head)	SB	420	351	815
HENDERSON, SALATHIEL J.				
Henderson, Salathiel J.; recording sorrow upon death. (Patron–Locke)	SJR	54		2436
HENRY COUNTY				
Martinsville-Henry County Chamber of Commerce; commemorating its 65th anniversary. (Patron–Phillips)	HR	422		2365
HEROIN				
Fentanyl and Heroin Enforcement, Task Force on; established, report.				
Patron–DeSteph	SB	367	771	1724
HERSHBERGER, NATHAN				
Hershberger, Nathan; commending. (Patron–Bennett-Parker)	HJR	154		1987
HESS, WILLIAM REESE				
Hess, William Reese; recording sorrow upon death.				
Patron–Kilgore	HR	190		2250
Patron–Hackworth	SR	94		2612
HICKS, STEPHON				
Hicks, Stephon; commending. (Patron–Coyner)	HR	219		2264
HIGH SCHOOLS				
High school graduation requirements; satisfaction of elective course credits with workforce credentials, development and maintenance of lists of accepted credentials.				
Patron–Anthony	HB	1345	657	1501
Patron–Diggs	SB	199	666	1518
High school student-athletes; use of name, image, or likeness. (Patron–Price)	HB	617	694	1597
Public high schools; Standards of Learning for physical and health education shall include research-based hazing prevention instruction in accordance with curriculum guidelines.				
Patron–Reaser	HB	719	144	321
Patron–Boysko	SB	379	7	6
Public middle schools and high schools; career and technical education organizations permitted. (Patron–Subramanyam)	SB	707	776	1734

	BILL OR RES.	NO.	CHAP. NO.	PAGE NO.
HIGHER EDUCATION				
Certain individuals in foster care, in the custody of the Department of Social Services, or considered a special-needs adoption; parameters of higher education grants, point of contact for support and guidance. (Patron–Tata)	HB	700	449	963
Higher Education for Virginia, State Council of; membership, effective date.				
Patron–Rasoul	HB	1044	59	136
Patron–Boysko	SB	159	3	2
Higher Education for Virginia, State Council of; membership to include representative of a historically black college or university, effective date.				
Patron–Askew	HB	566	195	440
Higher educational institutions; campus safety, governing board of certain educational institutions, employment of security services and personnel authorized.				
Patron–O'Quinn	HB	690	202	450
Patron–Pillion	SB	613	9	12
Higher educational institutions; students who report acts of hazing or bullying, information about on-campus mental and behavioral health support. (Patron–Tran)	HB	980	405	901
Higher educational institutions, certain baccalaureate public; staff health center with one on-campus certified sexual assault forensic examiner, physical evidence recovery kits. (Patron–Shin)	HB	1342	554	1180
Higher educational institutions, public; admissions applications, legacy admissions and admissions based on donor status prohibited.				
Patron–Helmer	HB	48	15	30
Patron–VanValkenburg	SB	46	2	2
Higher educational institutions, public; campus safety and emergency preparedness training, first-year completion and biennial review. (Patron–Torian)	HB	713	204	451
Higher educational institutions, public; displaying VA250 Commemoration Commission logo on all men's and women's athletic uniforms for 2025-2026 academic year. (Patron–Austin)	HJR	84		1948
Higher educational institutions, public; release of student transcripts. (Patron–Carr)	HB	1365	750	1689
Higher educational institutions, public; student identification cards, emergency services website page and telephone numbers. (Patron–Cole)	HB	163	176	415
Students with disabilities; State Council of Higher Education for Virginia, et al., shall study processes by which each public institution of higher education determines eligibility for accommodations and make recommendations to reduce any barriers to establish.				
Patron–Cohen	HB	509	444	956
Patron–Salim	SB	21	491	1050
HIGHLAND SPRINGS HIGH SCHOOL				
Highland Springs High School football team; commending. (Patron–McQuinn)	HR	382		2346
HIGHWAYS AND OTHER SURFACE TRANSPORTATION SYSTEMS				
All-terrain vehicles and off-road motorcycles; local governing body of any city may provide by ordinance for the lawful seizure, impounding, and disposition of an unlawfully operated vehicle or motorcycle operated on a highway or sidewalk within such city.				
Patron–Ward	HB	234	436	929
Patron–Williams Graves	SB	516	510	1108
Bridges; state of good repair, allocation of funds, provisions shall apply to new project allocations made by the Commonwealth Transportation Board. (Patron–Runion)	HB	1254	415	909
Highway work zones; creates a traffic infraction for any moving violation in a work zone. (Patron–Seibold)	HB	282	138	312
Local government; standardization of public notice requirements for certain meetings, hearings, etc.				
Patron–Henson	HB	1488	225	515
Patron–Head	SB	413	242	582
Motor vehicles; overweight permits for certain trucks operated by electric utilities, no such permit shall authorize violation of any weight limitation applicable to bridges or culverts. (Patron–Sewell)	HB	1526	227	556
Northern Virginia Transportation Authority; technical advisory committee appointed by Authority. (Patron–Boysko)	SB	158	618	1297

	BILL OR RES.	NO.	CHAP. NO.	PAGE NO.
HIGHWAYS AND OTHER SURFACE TRANSPORTATION SYSTEMS - Continued				
Speed limits; if the Commissioner of Highways increases or decreases a speed limit, Department of Transportation shall notify the primary liaison with the Department in each locality in which such speed limit change will occur. (Patron–Reid)	HB	144	272	698
Transportation entities, certain; appointed members to be members of House of Delegates. (Patron–Krizek)	HB	201	633	1398
Unpaved secondary highway funds; improvement of nonsurface treated secondary highways includes improvements other than paving, improvements shall be designed and implemented utilizing project standards that conform to then-existing federal and state requirements, etc.				
Patron–Reid	HB	74	134	308
Patron–Perry	SB	644	160	401
Utility work database; definitions, Department of Transportation shall establish and maintain a publicly accessible database and map of all utility work that has been approved, delayed effective date. (Patron–Reid)	HB	143	271	698
HILL, LILLIAN				
Hill, Sam and Lillian; commending. (Patron–Sewell)	HR	243		2275
HILL, MARIE BRINKLEY				
Hill, Marie Brinkley; recording sorrow upon death.				
Patron–Clark	HR	152		2230
Patron–Jordan	SR	85		2608
HILL, SAM				
Hill, Sam and Lillian; commending. (Patron–Sewell)	HR	243		2275
HILL, TRAVIS G.				
Hill, Travis G.; commending.				
Patron–Krizek	HJR	104		1959
Patron–Reeves	SJR	76		2448
HINES, CHARLES CRAGG				
Hines, Charles Cragg; recording sorrow upon death. (Patron–Ebbin)	SJR	66		2442
HINSHAW, JAMES HORACE				
Hinshaw, James Horace; recording sorrow upon death. (Patron–DeSteph)	SJR	170		2505
HINTON-LARTZ, BRIANNA KATE				
Hinton-Lartz, Brianna Kate; recording sorrow upon death. (Patron–McQuinn)	HR	165		2236
HISTORIC AREAS, LANDMARKS, AND MONUMENTS				
Federally recognized Tribal Nations in the Commonwealth; policies for consultation, various agencies to consult with Nations when evaluating permits and reviews with potential impacts on environmental, cultural, and historic resources.				
Patron–Krizek	HB	1157	830	1877
Historic preservation; filing of the building permit or demolition application shall stay the locality from issuing any permit to raze or demolish the historic landmark, etc.				
Patron–Hope	HB	1395	752	1693
Historic rehabilitation; amount of tax credit shall not exceed $7.5 million in any taxable year.				
Patron–Lopez	HB	960	462	991
Patron–Williams Graves	SB	556	512	1112
Historic structures; civil penalty for demolition, penalty shall not exceed twice the market value, etc. (Patron–McQuinn)	HB	1415	835	1896
Local historic district; locality that establishes a district may provide tax incentives for the conservation and renovation of structures. (Patron–Shin)	HB	914	533	1155
HOBART, GEORGE SAMUEL				
Hobart, George Samuel; recording sorrow upon death. (Patron–Hope)	HJR	236		2034
HOGGARD, JOSEPH LESLIE				
Hoggard, Joseph Leslie; recording sorrow upon death. (Patron–Knight)	HR	59		2182
HOLBROOK, MICHAEL EUGENE				
Holbrook, Michael Eugene; recording sorrow upon death.				
Patron–Kilgore	HR	204		2257
Patron–Pillion	SR	157		2643

	BILL OR RES.	NO.	CHAP. NO.	PAGE NO.
HOLIDAYS, SPECIAL DAYS, ETC.				
Black Maternal Health Week; designating as April 11 through April 17, 2024, and each succeeding year thereafter.				
Patron–LeVere Bolling	HJR	44		1931
Patron–Aird	SJR	23		2387
Black Women's History Month; designating as April 2024 and each succeeding year thereafter. (Patron–Cole)	HJR	8		1923
Burn Awareness Week; designating as first full week of February 2024 and each succeeding year thereafter. (Patron–Cousins)	HJR	83		1948
Chest Wall Deformity Awareness Month; designating as December 2024 and each succeeding year thereafter. (Patron–Williams Graves)	SJR	46		2431
Coach Appreciation Week; designating as week of October 6, 2024, and each succeeding year thereafter. (Patron–Price)	HJR	27		1927
Disability Pride Month; designating as July 2024 and each succeeding year thereafter.				
Patron–Cole	HJR	17		1926
Domestic Workers Day; designating as June 16, 2024, and each succeeding year thereafter. (Patron–Mundon King)	HJR	87		1949
Energy Efficiency Day; designating as October 4, 2024, and each succeeding year thereafter. (Patron–Sullivan)	HJR	6		1921
Epilepsy Heroes Day; designating as March 26, 2024, and each succeeding year thereafter. (Patron–Diggs)	SJR	27		2389
FIRST Robotics Day; designating as March 31, 2024, and each succeeding year thereafter.				
Patron–Carr	HJR	78		1945
Patron–Stanley	SJR	48		2433
International Dark Sky Week; designating as week of the new moon April 2024 and each succeeding year thereafter. (Patron–Reid)	HJR	74		1943
Kidney Disease Awareness Month; designating as March 2024 and each succeeding year thereafter. (Patron–Price)	HJR	28		1927
Nepali American Heritage Day; designating as April 15, 2024, and each succeeding year thereafter. (Patron–Shin)	HJR	42		1930
Postural Orthostatic Tachycardia Syndrome Awareness Day; designating as October 25, 2024, and each succeeding year thereafter. (Patron–Sullivan)	HJR	7		1922
Progressive Supranuclear Palsy Month of Awareness; designating as May 2024 and each succeeding year thereafter.				
Patron–Sullivan	HJR	13		1925
Patron–Perry	SJR	61		2440
Recovery Day; designating as Monday, January 22, 2024. (Patron–Coyner)	HJR	77		1945
6888th Central Postal Directory Battalion Day; designating as September 16, 2024, and each succeeding year thereafter. (Patron–Glass)	HJR	57		1937
Student Appreciation Week; designating as week of March 20, 2024, and each succeeding year thereafter. (Patron–Bennett-Parker)	HJR	52		1936
Tardive Dyskinesia Awareness Week; designating as the first week in May 2024 and each succeeding year thereafter. (Patron–Campbell)	HJR	81		1947
Uterine Fibroids Awareness Month; designating as July 2024 and each succeeding year thereafter. (Patron–Henson)	HJR	26		1926
HOLLAND, CLARENCE A.				
Holland, Clarence A.; recording sorrow upon death. (Patron–Rouse)	SJR	168		2504
HOLLOWAY, GRANT				
Holloway, Grant; commending. (Patron–Hayes)	HJR	405		2131
HOMESTEAD AND OTHER EXEMPTIONS				
Householder; increases amount that may hold exempt from creditor process for real or personal property, exemptions from lien and garnishment. (Patron–Simon)	HB	1339	656	1498
HONAKER, BEN JUDSON, JR.				
Honaker, Ben Judson, Jr.; recording sorrow upon death. (Patron–Reeves)	SJR	75		2448
HOOVER, MICHAEL SCOTT				
Hoover, Michael Scott; recording sorrow upon death. (Patron–Obenshain)	SJR	178		2510
HOPEWELL ROTARY CLUB				
Hopewell Rotary Club; commemorating its 100th anniversary. (Patron–Coyner)	HJR	338		2093

	BILL OR RES.	NO.	CHAP. NO.	PAGE NO.
HORSE RACING				
Pari-mutuel wagering; historical horse racing, percentage retained for distribution.				
Patron–Austin	HB	843	53	118
Patron–Deeds	SB	426	506	1100
HORTON, LEE WILLIAM				
Horton, Lee William; commending. (Patron–Garrett)	HJR	219		2023
HORTON, TITUS PHILLIP				
Horton, Titus Phillip; recording sorrow upon death.				
Patron–Morefield	HR	147		2227
Patron–Hackworth	SR	37		2581
HOSPITALS AND HOSPITALIZATION				
Hospital regulations; use of smoke evacuation systems during surgical procedures, delayed effective date.				
Patron–Delaney	HB	763	207	454
Patron–Bagby	SB	537	249	631
Hospitals; emergency departments to have at least one licensed physician on duty at all times, delayed effective date.				
Patron–Hope	HB	353	441	947
Patron–Pekarsky	SB	392	505	1091
Nursing staff at state psychiatric hospitals; Department of Human Resource Management shall amend its policies relating to employee designations, payment policies, and benefits, 12-hour shifts for staff, etc.				
Patron–Rasoul	HB	806	304	743
Patron–Favola	SB	177	342	796
State hospitals; appropriate community services board shall implement discharge plan developed by the state facility, report, effective date. (Patron–Favola)	SB	179	153	371
State hospitals; Department of Behavioral Health and Developmental Services shall develop and implement a pilot program relating to discharge of individuals at one state hospital, report. (Patron–Hope)	HB	515	290	728
State hospitals; discharge planning, report, delayed effective date. (Patron–Hope)	HB	314	279	708
Temporary detention; certified evaluators, definitions, report, participating hospitals with emergency psychiatric departments in the City of Hampton shall be responsible for all costs associated with hiring, training, etc., sunset provision. (Patron–Locke)	SB	34	780	1743
HOTELS, RESTAURANTS, SUMMER CAMPS, AND CAMPGROUNDS				
Alcoholic beverage control; prohibition on drinking or offering to another an alcoholic beverage in public shall not apply when such acts are conducted on the premises of a campground located on private property. (Patron–Stanley)	SB	26	492	1051
Restaurant exemptions; certain organizations participating in fundraising events.				
Patron–Wright	HB	57	16	30
HOUSE, JAN WYNN				
House, Jan Wynn; commending. (Patron–Williams Graves)	SJR	105		2466
HOUSE OF VICTORY FREDERICKSBURG CHURCH				
House of Victory Fredericksburg Church; commending. (Patron–Cole)	HR	52		2178
HOUSING				
Eviction Diversion Pilot Program; extends expiration of Program to July 1, 2025.				
Patron–Coyner	HB	477	42	98
Patron–Locke	SB	50	32	56
Uniform Statewide Building Code; enforcement of Code for bus shelters to be constructed for transit agencies receiving state funds from the Commonwealth Mass Transit Fund, etc., sunset date. (Patron–McQuinn)	HB	285	806	1819
Uniform Statewide Building Code; violations, increases fines.				
Patron–McQuinn	HB	578	641	1405
Patron–Bagby	SB	538	681	1555
Virginia Passenger Rail Authority; exempts railway tunnels and bridges owned by Authority from Uniform Statewide Building Code and Statewide Fire Prevention Code Act. (Patron–Austin)	HB	1425	78	175
Virginia residential development infrastructure fund; Department of Housing and Community Development shall convene a work group to assess feasibility of and options for establishing, report. (Patron–Carroll Foy)	SB	489	509	1108

	BILL OR RES.	NO.	CHAP. NO.	PAGE NO.
HOWELL'S GROCERY STORE AND RESTAURANT				
Howell's Grocery Store and Restaurant; commemorating its 100th anniversary.				
Patron–Williams	HR	194		2252
HUFF, JAMES WARREN				
Huff, James Warren; recording sorrow upon death. (Patron–Pillion)	SR	49		2587
HUGGINS, SUNSHINE R.				
Huggins, Sunshine R.; commending. (Patron–Jordan)	SJR	145		2491
HUMAN RIGHTS				
Virginia Human Rights Act; complaint or charge of discrimination, right to file civil action. (Patron–Herring)	HB	782	819	1838
Virginia Human Rights Act; right to sue, procedures for a change of unlawful discrimination, civil actions. (Patron–Perry)	SB	350	784	1764
HUMAN TRAFFICKING				
Human trafficking; attorneys for the Commonwealth to establish multidisciplinary response teams. (Patron–Simonds)	HB	581	366	839
Private security services business; training requirements for human trafficking.				
Patron–Simonds	HB	203	367	857
HUNT SMILE DESIGN				
Hunt Smile Design; commemorating its 100th anniversary. (Patron–Green)	HJR	108		1961
HUNTER, JACKIE DUCKETTE				
Hunter, Jackie Duckette; recording sorrow upon death.				
Patron–Ward	HR	222		2266
Patron–Locke	SJR	52		2435
HUNTER, LYNNE				
Hunter, Lynne; commending. (Patron–Shin)	HJR	399		2128
HUNTLEY, MICHAEL CHARLES, II				
Huntley, Michael Charles, II; commending.				
Patron–Cole	HR	15		2161
Patron–Durant	SR	86		2608
HUSS, PHILIP AUGUST				
Huss, Philip August; recording sorrow upon death. (Patron–Carr)	HR	439		2373
HUTCHINSON, CASSIDY				
Hutchinson, Cassidy; commending. (Patron–Glass)	HR	206		2258
HYBLA VALLEY ELEMENTARY SCHOOL				
Hybla Valley Elementary School; commemorating its 60th anniversary.				
Patron–Surovell	SJR	226		2538
I.C. NORCOM HIGH SCHOOL				
I.C. Norcom High School; commemorating its 145th anniversary. (Patron–Lucas)	SR	63		2594
IGNITION INTERLOCK DEVICES				
Virginia Consumer Protection Act; prohibited practices, advertising an ignition interlock system in Virginia by a vendor not approved by Commission on the Virginia Alcohol Safety Action Program, etc. (Patron–Williams)	HB	1351	747	1684
IN MY HUMBLE OPINION RADIO SHOW				
In My Humble Opinion Radio Show; commending. (Patron–Callsen)	HR	395		2352
INCOME TAX				
Agricultural best management practices; extends sunset date of individual and corporate income tax credits. (Patron–French)	SB	297	233	573
Agricultural best management practices and agricultural equipment purchase; extends sunset date for individual and corporate income tax credits. (Patron–Wilt)	HB	1015	212	464
Conservation tillage and precision agricultural application equipment; extends sunset date of individual and corporate tax credit for purchase. (Patron–French)	SB	298	234	575
Distressed localities, certain double; Department of Taxation and Commission on Local Government shall assess need for income tax relief. (Patron–Hackworth)	SB	564	599	1270
INDIAN TRIBES				
Federally recognized Tribal Nations in the Commonwealth; policies for consultation, various agencies to consult with Nations when evaluating permits and reviews with potential impacts on environmental, cultural, and historic resources.				
Patron–Krizek	HB	1157	830	1877

	BILL OR RES.	NO.	CHAP. NO.	PAGE NO.
INDIAN TRIBES - Continued				
Updating Virginia Law to Reflect Federal Recognition of Virginia Tribes, Commission on; extends sunset date. (Patron–Krizek)	HB	200	275	703
INDUSTRIAL DEVELOPMENT				
Russell County Industrial Development Authority; board of supervisors may appoint members to its authority, which shall consist of two members from the governing body of a town.				
Patron–O'Quinn	HB	1410	483	1040
Patron–Pillion	SB	727	520	1134
INSTITUTIONS OF HIGHER EDUCATION; OTHER EDUCATIONAL AND CULTURAL INSTITUTIONS				
Advanced Learning and Research, Institute for; powers and duties, specialized noncredit workforce training, Roanoke Higher Education Authority, powers of board.				
Patron–Marshall	HB	1357	220	509
Arts, Virginia Commission for the; reduces membership.				
Patron–McQuinn	HB	832	208	458
Patron–Jordan	SB	530	248	630
Certain individuals in foster care, in the custody of the Department of Social Services, or considered a special-needs adoption; parameters of higher education grants, point of contact for support and guidance. (Patron–Tata)	HB	700	449	963
College and Career Ready Virginia Program and Fund; established and created, report.				
Patron–Coyner	HB	1087	647	1413
Patron–Lucas	SB	627	684	1567
Commonwealth of Virginia Higher Educational Institutions Bond Act of 2024; created.				
Patron–Torian	HB	711	450	964
Patron–Lucas	SB	599	514	1120
Eastern Virginia Health Sciences Center at Old Dominion University, board of directors of; membership, meetings. (Patron–Knight)	HB	1055	841	1909
Higher Education for Virginia, State Council of; membership, effective date.				
Patron–Rasoul	HB	1044	59	136
Patron–Boysko	SB	159	3	2
Higher Education for Virginia, State Council of; membership to include representative of a historically black college or university, effective date.				
Patron–Askew	HB	566	195	440
Higher educational institutions; campus safety, governing board of certain educational institutions, employment of security services and personnel authorized.				
Patron–O'Quinn	HB	690	202	450
Patron–Pillion	SB	613	9	12
Higher educational institutions; students who report acts of hazing or bullying, information about on-campus mental and behavioral health support. (Patron–Tran)	HB	980	405	901
Higher educational institutions, certain baccalaureate public; staff health center with one on-campus certified sexual assault forensic examiner, physical evidence recovery kits. (Patron–Shin)	HB	1342	554	1180
Higher educational institutions, public; admissions applications, legacy admissions and admissions based on donor status prohibited.				
Patron–Helmer	HB	48	15	30
Patron–VanValkenburg	SB	46	2	2
Higher educational institutions, public; campus safety and emergency preparedness training, first-year completion and biennial review. (Patron–Torian)	HB	713	204	451
Higher educational institutions, public; displaying VA250 Commemoration Commission logo on all men's and women's athletic uniforms for 2025-2026 academic year. (Patron–Austin)	HJR	84		1948
Higher educational institutions, public; release of student transcripts. (Patron–Carr)	HB	1365	750	1689
Higher educational institutions, public; student identification cards, emergency services website page and telephone numbers. (Patron–Cole)	HB	163	176	415
Intercollegiate athletics; student-athletes, compensation for name, image, or likeness, institutional policies and procedures that govern compensation, report.				
Patron–Austin	HB	1505	837	1899
Liberty University football team; commending. (Patron–Walker)	HR	53		2179
Norfolk State University men's basketball team; commending. (Patron–Anthony)	HJR	350		2101

	BILL OR RES.	NO.	CHAP. NO.	PAGE NO.
INSTITUTIONS OF HIGHER ED; OTHER EDUCATIONAL AND CULTURAL INSTITUTIONS - Cont				
Norfolk State University women's basketball team; commending. (Patron–Glass)	HR	300		2306
On-campus food insecurity; State Council of Higher Education for Virginia shall survey each public higher educational institution to determine how they are addressing issue, report. (Patron–Cousins)	HB	827	644	1412
Radford University College of Nursing; commemorating its 50th anniversary. Patron–Rasoul	HJR	230		2029
Radford University, School of Social Work; commending. (Patron–Rasoul)	HR	348		2328
Radford University women's soccer team; commending. (Patron–Ballard)	HR	294		2303
Small SWaM Business Procurement Enhancement Program; established, definitions, report, effective clause, disparity study. (Patron–Ward)	HB	1404	834	1889
Special education and related services; definitions, duties of Department of Education, utilization of Virginia IEP, special education family support centers, education preparation program, coursework, reports.				
Patron–Coyner	HB	1089	468	1008
Patron–Favola	SB	220	502	1074
Students with disabilities; State Council of Higher Education for Virginia, et al., shall study processes by which each public institution of higher education determines eligibility for accommodations and make recommendations to reduce any barriers to establish.				
Patron–Cohen	HB	509	444	956
Patron–Salim	SB	21	491	1050
Virginia College Savings Plan; renamed Commonwealth Savers Plan. (Patron–Carr)	HB	1133	217	472
Virginia Memory Project; established. (Patron–Carr)	HB	1455	330	781
Virginia Polytechnic Institute and State University women's basketball team; commending. (Patron–Obenshain)	HJR	302		2072
Virginia Public Procurement Act; construction management or design-build contracts for local and state public bodies and covered institutions, report.				
Patron–Carr	HB	1108	469	1021
Patron–Locke	SB	18	490	1046
Virginia State University marching band; commending. (Patron–Aird)	SR	125		2628
Virginia Union University football team; commending. (Patron–Clark)	HR	55		2180
INSURANCE				
Commonwealth Health Reinsurance Program; payment parameters. (Patron–Sickles)	HB	591	293	731
Health insurance; coverage for colorectal cancer screening. (Patron–McQuinn)	HB	238	181	421
Health insurance; coverage for doula care services, new essential health benefits benchmark plan.				
Patron–LeVere Bolling	HB	935	460	988
Patron–Locke	SB	118	495	1066
Health insurance; ethics and fairness in carrier business practices, beginning no later than January 1, 2026, all required notifications and information shall be delivered electronically. (Patron–Favola)	SB	425	244	623
Health insurance; ethics and fairness in carrier business practices, recovery or refund of a previously paid claim, etc. (Patron–Sullivan)	HB	123	270	694
Health insurance; health care provider panels, continuity of care, discontinuing services due to misconduct, etc. (Patron–Orrock)	HB	218	377	869
Health insurance; if prior authorization request is approved for prescription drugs, etc., have been scheduled, etc., to patient consistent with authorization, carrier shall not revoke, etc., that authorization.				
Patron–Willett	HB	1134	320	761
Patron–Favola	SB	98	338	790
Health insurance; patient access to emergency services, mobile crisis response services.				
Patron–Kilgore	HB	601	199	444
Patron–Bagby	SB	543	360	824
Health insurance; pharmacy benefits managers, reporting requirements, person that violates certain provisions may be subject to a civil penalty.				
Patron–Reaser	HB	1402	329	779
Patron–Carroll Foy	SB	660	626	1363

	BILL OR RES.	NO.	CHAP. NO.	PAGE NO.
INSURANCE - Continued				
Health insurance provider panels; panel contract between carrier and primary care provider may include provisions that promote comprehensive screening for mental health needs. (Patron–Favola)	SB	87	575	1206
Insurance; adds member to continuing education board. (Patron–Bagby)	SB	705	364	835
Insurance; annual actual loss ratio report by dental carriers, report.				
Patron–Hayes	HB	1132	319	759
Patron–Surovell	SB	257	345	798
Insurance; conducting business by electronic means, notice or document delivered, upon request, in paper form free of charge. (Patron–Sullivan)	HB	595	197	441
Insurance; optional coverage for the diminished value of personal property.				
Patron–Milde	HB	1257	547	1167
Local government; employee insurance programs. (Patron–Jones)	HB	1392	481	1038
Long-term care insurance; rate increases, notice requirements. (Patron–Tran)	HB	1060	315	753
Motor vehicle insurance; remedies for bad faith for refusal of claims, certain provisions shall apply to any claim for personal injury or wrongful death arising out of a motor vehicle accident that occurs on or after July 1, 2024. (Patron–Surovell)	SB	256	781	1754
Proton radiation therapy; clinical evidence for decisions on coverage.				
Patron–Maldonado	HB	987	538	1159
INTERNATIONAL DARK SKY WEEK				
International Dark Sky Week; designating as week of the new moon April 2024 and each succeeding year thereafter. (Patron–Reid)	HJR	74		1943
INTERNET				
Alcoholic beverage control; Board of Directors of the Virginia Alcoholic Beverage Control Authority to promulgate regulations that prescribe the terms and conditions under which manufacturers, etc., may advertise and promote alcoholic beverages via Internet, social media, etc.				
Patron–Krizek	HB	522	139	313
Patron–Rouse	SB	182	38	94
Elections administration; duties of Department of Elections, required election and voter participation information on the Internet. (Patron–Tran)	HB	989	406	901
Food inspections; removes the $3,000 gross sales annual revenue cap for sales of pickles and other acidified vegetables that are processed and prepared in a private home without an inspection, prohibits resident selling certain food product from advertising product on the Internet. (Patron–Freitas)	HB	759	131	304
INTERROGATORIES				
Debtor interrogatories; fieri facias, proceedings by interrogatories to ascertain estate of debtor, against whom a summons shall be issued. (Patron–Williams)	HB	1248	744	1679
INTERSTATE ROUTE 95				
Groundwater; Department of Environmental Quality to study supply in the Commonwealth east of Interstate 95. (Patron–Stuart)	SJR	25		2388
Percy Lee House, III Memorial Bridge; designating as the bridge on Otterdam Road over Interstate 95 in Greensville County.				
Patron–Wachsmann	HB	92	373	867
Patron–Jordan	SB	323	374	867
IRIDIUM COMMUNICATIONS, INC.				
Iridium Communications, Inc.; commemorating its 25th anniversary.				
Patron–Sullivan	HJR	91		1951
IRISH-AMERICAN DIPLOMATIC RELATIONSHIP				
Irish-American diplomatic relationship; commemorating the 100th anniversary of the appointment of the first Irish ambassador to the United States. (Patron–O'Quinn)	HR	284		2297
IRVING, SUSAN POPE				
Irving, Susan Pope; recording sorrow upon death. (Patron–Wachsmann)	HJR	321		2084
ISLE OF WIGHT COUNTY				
Isle of Wight County Museum and the Smithfield community; commemorating the 160th anniversary of the Battle of Smithfield. (Patron–Jordan)	SR	32		2578
IVEY, FRANCES W.				
Ivey, Frances W.; commending. (Patron–Boysko)	SJR	242		2547
JACOB, AVELINA S.				
Jacob, Avelina S.; commending. (Patron–Perry)	SJR	245		2548

	BILL OR RES. NO.		CHAP. NO.	PAGE NO.
JAILS AND PRISONS				
Law-enforcement and jail officers; closed meetings for certain limited purposes, various changes to provisions related to decertification, review process, penalties for violations. (Patron–Locke)	SB	88	494	1052
Local and Regional Jails, State Board of; powers and duties. (Patron–Hope)	HB	103	136	309
JAMES MADISON HIGH SCHOOL				
James Madison High School baseball team; commending. (Patron–Seibold)	HR	398		2353
James Madison High School boys' lacrosse team; commending. (Patron–Seibold)	HR	401		2354
James Madison High School girls' basketball team; commending. (Patron–Seibold)	HR	377		2344
JAMES, PEGGY				
James, Peggy; commending. (Patron–Seibold)	HR	400		2354
JAMES, ROBISON BROWN				
James, Robison Brown; recording sorrow upon death.				
Patron–Willett	HJR	334		2091
Patron–VanValkenburg	SJR	152		2495
JAMES WOOD HIGH SCHOOL				
James Wood High School volleyball team; commending. (Patron–Wiley)	HR	47		2175
JAYARAMAN, T. VISHNUDATTA				
Jayaraman, T. Vishnudatta; commending. (Patron–Subramanyam)	SR	173		2651
JENKINS, BARBARA BERRY				
Jenkins, Barbara Berry; recording sorrow upon death. (Patron–Stuart)	SJR	233		2541
JENNIFER BUSH-LAWSON FOUNDATION				
Jennifer Bush-Lawson Foundation; commemorating its 10th anniversary.				
Patron–Hope	HJR	380		2118
JENSEN, BRIAN JUEL				
Jensen, Brian Juel; recording sorrow upon death. (Patron–Green)	HJR	263		2049
JESSIE, LILLIE G.				
Jessie, Lillie G.; commending. (Patron–Carroll Foy)	SR	62		2593
JETT, JOAN SIMPKINS				
Jett, Joan Simpkins; recording sorrow upon death. (Patron–Hackworth)	SR	40		2582
JETT, RONALD LEE				
Jett, Ronald Lee; recording sorrow upon death. (Patron–Stuart)	SJR	8		2382
JK COMMUNITY FARM				
JK Community Farm; commemorating its fifth anniversary. (Patron–Reid)	HR	237		2273
JOHN HENRY PRINTING				
John Henry Printing; commemorating its 45th anniversary. (Patron–Green)	HJR	102		1958
JOHN J. WRIGHT EDUCATIONAL AND CULTURAL CENTER				
John J. Wright Educational and Cultural Center; commending. (Patron–Cole)	HR	51		2178
JOHNSON, DENISE				
Johnson, Denise; commending. (Patron–Glass)	HR	233		2271
JOHNSON, NESSA BASKERVILLE				
Johnson, Nessa Baskerville; recording sorrow upon death. (Patron–McQuinn)	HR	157		2232
JOINT LEGISLATIVE AUDIT AND REVIEW COMMISSION (JLARC)				
General Assembly; Joint Legislative Audit and Review Commission to study salaries, expense allowances, retirement benefits, and other emoluments received by members. (Patron–Reeves)	SJR	17		2386
Gun violence; Joint Legislative Audit and Review Commission to study social, physical, emotional, and economic effects on communities across the Commonwealth, firearm homicide rate, etc.				
Patron–Anthony	HJR	76		1944
JONES, ALFRED				
Jones, Alfred and Goldie; commending. (Patron–Sewell)	HR	448		2378
JONES, BERNARD L., SR.				
Jones, Bernard L., Sr.; commending. (Patron–Wachsmann)	HJR	204		2014
JONES, CAROLYN				
Jones, Carolyn; commending. (Patron–Wachsmann)	HJR	202		2013

	BILL OR RES.	NO.	CHAP. NO.	PAGE NO.
JONES, DEBBIE				
Jones, Debbie; commending. (Patron–Wachsmann)	HJR	327		2087
JONES, DWIGHT CLINTON				
Jones, Dwight Clinton; commending. (Patron–Gardner)	HR	260		2284
JONES, GOLDIE				
Jones, Alfred and Goldie; commending. (Patron–Sewell)	HR	448		2378
JONES, HUGH JOHN MORRIS, III				
Jones, Hugh John Morris, III; recording sorrow upon death. (Patron–Peake)	SJR	221		2535
JONES, JEFF				
Jones, Jeff; commending. (Patron–Anthony)	HJR	352		2102
JONES, KAREN HARRISON				
Jones, Karen Harrison; recording sorrow upon death.				
Patron–Gilbert	HR	98		2200
Patron–Jordan	SJR	86		2456
JONES, KEITH IVAN				
Jones, Keith Ivan; commending. (Patron–Williams Graves)	SJR	117		2473
JONES, LINDA B.				
Jones, Linda B.; recording sorrow upon death. (Patron–McQuinn)	HR	116		2210
JONES, ROBERT				
Jones, Robert; commending. (Patron–Anthony)	HJR	349		2101
JOURNELL, JOSEPH BROWN				
Journell, Joseph Brown; recording sorrow upon death. (Patron–Ballard)	HJR	89		1950
JOYCE, PATRICK A.				
Joyce, Patrick A.; commending. (Patron–Reid)	HJR	150		1984
JUBILEE FAMILY DEVELOPMENT CENTER				
Jubilee Family Development Center; commemorating its 25th anniversary.				
Patron–Walker	HR	227		2269
JUDGES, JUSTICES, AND OTHER ELECTIVE OFFICERS				
Judge; nomination for election to Court of Appeals of Virginia.				
Patron–Maldonado	HR	37		2172
Patron–Surovell	SR	15		2570
Judges; election in circuit court, general district court, juvenile and domestic relations district court, and a member of the Judicial Inquiry and Review Commission.				
Patron–Maldonado	HJR	427		2142
Judges; election in Court of Appeals of Virginia, circuit court, general district court, juvenile and domestic relations district court, a member of the Judicial Inquiry and Review Commission, members of the State Corporation Commission, and a member of the Virginia Workers' Compensation Commission. (Patron–Maldonado)	HJR	99		1956
Judges; increases the maximum member of authorized juvenile and domestic relations district court judges in the Twentieth and Thirty-first Judicial Districts and circuit court judges in the First, Ninth, Fifteenth, and Twenty-fifth Judicial Circuits.				
Patron–Hope	HB	310	525	1138
Patron–Deeds	SB	710	606	1278
Judges; nominations for election to circuit court.				
Patron–Maldonado	HR	38		2172
Patron–Maldonado	HR	343		2325
Patron–Surovell	SR	16		2570
Patron–Surovell	SR	135		2633
Judges; nominations for election to Court of Appeals of Virginia.				
Patron–Maldonado	HR	342		2325
Patron–Surovell	SR	134		2633
Judges; nominations for election to general district court.				
Patron–Maldonado	HR	39		2172
Patron–Maldonado	HR	344		2326
Patron–Surovell	SR	17		2571
Patron–Surovell	SR	136		2634
Judges; nominations for election to juvenile and domestic relations district court.				
Patron–Maldonado	HR	40		2173
Patron–Maldonado	HR	345		2326

	BILL OR RES.	NO.	CHAP. NO.	PAGE NO.
JUDGES, JUSTICES, AND OTHER ELECTIVE OFFICERS - Continued				
Patron–Surovell	SR	18		2571
Patron–Surovell	SR	137		2634
Judicial Inquiry and Review Commission; nomination for election of member.				
Patron–Maldonado	HR	41		2173
Patron–Maldonado	HR	346		2327
Patron–Surovell	SR	19		2572
Patron–Surovell	SR	138		2635
Pro tempore judicial appointments; criminal background checks, financial disclosure. (Patron–Arnold)	HB	431	723	1647
Special justices and independent evaluator fees; emergency custody and voluntary and involuntary civil admissions, increases fees, any necessary expenses incurred shall be paid in accordance with guidelines established by the Supreme Court of Virginia. (Patron–Watts)	HB	125	802	1809
State Corporation Commission; nomination for election of members.				
Patron–Ward	HR	42		2174
Patron–Deeds	SR	20		2572
JUDGMENT				
Judgments, certain; debtor may petition court for restricted license. (Patron–Carr)	HB	1082	467	1008
Unlawful detainer; expungement of action, entering of an order without further petition or hearing, court shall not automatically expunge certain records in an action where a judgment is entered in favor of the defendant, etc. (Patron–Hope)	HB	73	372	866
JUDICIAL CIRCUITS				
Judges; increases the maximum member of authorized juvenile and domestic relations district court judges in the Twentieth and Thirty-first Judicial Districts and circuit court judges in the First, Ninth, Fifteenth, and Twenty-fifth Judicial Circuits.				
Patron–Hope	HB	310	525	1138
Patron–Deeds	SB	710	606	1278
JUDICIAL INQUIRY AND REVIEW COMMISSION				
Judges; election in circuit court, general district court, juvenile and domestic relations district court, and a member of the Judicial Inquiry and Review Commission.				
Patron–Maldonado	HJR	427		2142
Judges; election in Court of Appeals of Virginia, circuit court, general district court, juvenile and domestic relations district court, a member of the Judicial Inquiry and Review Commission, members of the State Corporation Commission, and a member of the Virginia Workers' Compensation Commission. (Patron–Maldonado)	HJR	99		1956
Judicial Inquiry and Review Commission; nomination for election of member.				
Patron–Maldonado	HR	41		2173
Patron–Maldonado	HR	346		2327
Patron–Surovell	SR	19		2572
Patron–Surovell	SR	138		2635
JUDICIAL NOMINATIONS				
Judges; election in circuit court, general district court, juvenile and domestic relations district court, and a member of the Judicial Inquiry and Review Commission.				
Patron–Maldonado	HJR	427		2142
Judges; nominations for election to circuit court.				
Patron–Maldonado	HR	38		2172
Patron–Maldonado	HR	343		2325
Patron–Surovell	SR	16		2570
Patron–Surovell	SR	135		2633
Judges; nominations for election to Court of Appeals of Virginia.				
Patron–Maldonado	HR	342		2325
Patron–Surovell	SR	134		2633
Judges; nominations for election to general district court.				
Patron–Maldonado	HR	39		2172
Patron–Maldonado	HR	344		2326
Patron–Surovell	SR	17		2571
Patron–Surovell	SR	136		2634
Judges; nominations for election to juvenile and domestic relations district court.				
Patron–Maldonado	HR	40		2173
Patron–Maldonado	HR	345		2326

	BILL OR RES.	NO.	CHAP. NO.	PAGE NO.
JUDICIAL NOMINATIONS - Continued				
Patron–Surovell	SR	18		2571
Patron–Surovell	SR	137		2634
JURY SERVICE AND JURORS				
Grand jury; clarifies oaths of foreman, jurors, and witnesses. (Patron–Watts)	HB	76	713	1636
Jurors; availability of copy of jury panel to counsel. (Patron–Arnold)	HB	432	40	96
Jury service; increases from 70 to 73 the age at which a person is exempt from service upon request.				
Patron–Green	HB	156	71	170
Patron–Jordan	SB	638	72	171
Trial by jury; no defendant shall knowingly and intentionally contact, with intent to harass, intimidate, or threaten, a juror after trial, penalty. (Patron–Davis)	HB	1443	561	1191
JUVENILE AND DOMESTIC RELATIONS DISTRICT COURTS				
Judges; election in circuit court, general district court, juvenile and domestic relations district court, and a member of the Judicial Inquiry and Review Commission.				
Patron–Maldonado	HJR	427		2142
Judges; election in Court of Appeals of Virginia, circuit court, general district court, juvenile and domestic relations district court, a member of the Judicial Inquiry and Review Commission, members of the State Corporation Commission, and a member of the Virginia Workers' Compensation Commission. (Patron–Maldonado)	HJR	99		1956
Judges; increases the maximum member of authorized juvenile and domestic relations district court judges in the Twentieth and Thirty-first Judicial Districts and circuit court judges in the First, Ninth, Fifteenth, and Twenty-fifth Judicial Circuits.				
Patron–Hope	HB	310	525	1138
Patron–Deeds	SB	710	606	1278
Judges; nominations for election to juvenile and domestic relations district court.				
Patron–Maldonado	HR	40		2173
Patron–Maldonado	HR	345		2326
Patron–Surovell	SR	18		2571
Patron–Surovell	SR	137		2634
JUVENILE JUSTICE				
State correctional and juvenile correctional facilities; use of canines, policies and regulations made public, prohibited acts. (Patron–Seibold)	HB	159	99	203
JUVENILES				
Juveniles; evidence of trafficking, sexual abuse, or rape by the alleged victim prior to or during the commission of the alleged offense, etc., court may conduct a hearing to allow the juvenile to present any evidence, treatment and rehabilitation.				
Patron–Watts	HB	268	365	836
KAHANE, ROBERT IRA BRYAN				
Kahane, Robert Ira Bryan; recording sorrow upon death. (Patron–Watts)	HJR	370		2113
KEAM, MARK LEE				
Keam, Mark Lee; commending. (Patron–Seibold)	HR	281		2296
KEENE, KIM				
Keene, Kim; commending. (Patron–Hernandez)	HR	268		2288
KELICAN, KRAIG KIRK				
Kelican, Kraig Kirk; recording sorrow upon death. (Patron–Webert)	HR	197		2253
KELLY-WIECEK, ANGELA				
Kelly-Wiecek, Angela; commending. (Patron–Wyatt)	HR	70		2187
KEMPSVILLE BAPTIST CHURCH				
Kempsville Baptist Church; commemorating its 210th anniversary. (Patron–Knight)	HR	252		2280
KENBRIDGE CONSTRUCTION COMPANY, INC.				
Kenbridge Construction Company, Inc.; commemorating its 75th anniversary.				
Patron–Wright	HJR	80		1946
KENT, ROBERT JAMES				
Kent, Robert James; recording sorrow upon death. (Patron–Simonds)	HR	292		2302
KEYES, MICHAEL W.				
Keyes, Michael W.; commending. (Patron–Feggans)	HJR	223		2026
KHYMCHENKO, KOSTIANTYN				
Khymchenko, Kostiantyn; commending. (Patron–Feggans)	HJR	188		2004

	BILL OR RES.	NO.	CHAP. NO.	PAGE NO.
KIDNEY DISEASE AWARENESS MONTH				
Kidney Disease Awareness Month; designating as March 2024 and each succeeding year thereafter. (Patron–Price)	HJR	28		1927
KIM, RYAN JISUP				
Kim, Ryan Jisup; commending. (Patron–Pekarsky)	SR	181		2655
KIMBALL, GREGG D.				
Kimball, Gregg D.; commending. (Patron–McQuinn)	HR	182		2245
KING AND QUEEN COUNTY				
Local library boards; adds King and Queen County to list of localities that are not required to establish. (Patron–Hodges)	HB	1430	486	1042
KING, ANDERSON KEATON				
King, Anderson Keaton; recording sorrow upon death. (Patron–French)	SJR	131		2482
KING, CHARLES R.				
King, Charles R.; commending. (Patron–Morefield)	HJR	331		2089
KING, JOHN G.				
King, John G.; commending. (Patron–Batten)	HJR	170		1996
KING, ROBERT S.				
King, Robert S.; recording sorrow upon death. (Patron–Hope)	HJR	193		2007
KINGREA, DAVID WAYNE				
Relief; Kingrea, David Wayne, compensation for wrongful inclusion on sex offender registry. (Patron–Sullivan)	HB	641	143	321
KINGS PARK ELEMENTARY SCHOOL				
Kings Park Elementary School; commending. (Patron–Cohen)	HR	392		2350
KINGSOLVER, BARBARA				
Kingsolver, Barbara; commending. (Patron–Pillion)	SR	83		2606
KITTREDGE, DOUGLAS				
Kittredge, Douglas; recording sorrow upon death. (Patron–Durant)	SJR	202		2524
KNAPP, ELIZABETH BURGOYNE				
Knapp, Elizabeth Burgoyne; recording sorrow upon death. (Patron–Keys-Gamarra)	HJR	228		2028
K9 BATMAN				
K9 Batman; commending. (Patron–Jordan)	SR	92		2612
KNOLL CREST FARMS				
Knoll Crest Farms; commending. (Patron–Zehr)	HR	325		2317
KOHLER, GINA ELIZABETH				
Kohler, Gina Elizabeth; recording sorrow upon death. (Patron–Rasoul)	HJR	111		1963
KOREAN CENTRAL PRESBYTERIAN CHURCH				
Korean Central Presbyterian Church; commending. (Patron–Delaney)	HR	287		2299
KOREAN COMMUNITY SERVICE CENTER OF GREATER WASHINGTON				
Korean Community Service Center of Greater Washington; commemorating its 50th anniversary. (Patron–Helmer)	HR	412		2359
KORUS FESTIVAL				
KORUS Festival; commemorating its 20th anniversary. (Patron–Shin)	HJR	394		2125
KOSTEL, GEORGE JAMES				
Kostel, George James; recording sorrow upon death. (Patron–Deeds)	SJR	141		2488
KRAZY TROMPOS				
Krazy Trompos; commending. (Patron–Feggans)	HR	303		2307
KRIEGER, KENNETH ROBERT				
Krieger, Kenneth Robert; recording sorrow upon death.				
Patron–Sewell	HR	449		2378
Patron–Roem	SR	179		2654
LABOR AND EMPLOYMENT				
Asbestos and lead project permit; usage of licensing fees. (Patron–Higgins)	HB	1215	473	1030
Child labor offenses; increases civil penalties, work group to develop education and outreach plans, etc. (Patron–Seibold)	HB	100	369	863

	BILL OR RES.	NO.	CHAP. NO.	PAGE NO.
LABOR AND EMPLOYMENT - Continued				
Employee protections; definitions, amends provision that prohibits an employer from discriminating against an employee for such employee's lawful use of cannabis oil.				
Patron–Helmer	HB	149	632	1397
Patron–Pekarsky	SB	391	674	1542
Veterans; Department of Labor and Industry shall create a poster describing benefits and services available, employers may request from Department and display such poster in the workplace. (Patron–Seibold)	HB	160	430	922
LACY, WARREN H.				
Lacy, Warren H.; recording sorrow upon death. (Patron–Willett)	HJR	268		2053
LAFAYETTE HIGH SCHOOL				
Lafayette High School; commemorating its 50th anniversary. (Patron–Batten)	HJR	210		2017
LAKE BRADDOCK SECONDARY SCHOOL				
Lake Braddock Secondary School; commending. (Patron–Cohen)	HR	394		2351
Lake Braddock Secondary School girls' gymnastics team; commending.				
Patron–Cohen	HR	393		2351
LAKE TAYLOR HIGH SCHOOL				
Lake Taylor High School basketball program; commending. (Patron–Anthony)	HJR	347		2099
LAMANNA, ZOIE				
Lamanna, Zoie; commending. (Patron–Peake)	SJR	144		2490
LAMB, WILLIAM DAVID				
Lamb, William David; recording sorrow upon death.				
Patron–Freitas	HJR	133		1975
Patron–Reeves	SJR	78		2450
LAND DEVELOPMENT AND USE				
Trees; conservation during land development process in certain localities.				
Patron–Sullivan	HB	459	691	1593
Patron–Subramanyam	SB	121	702	1614
LANDLORD AND TENANT				
Eviction Diversion Pilot Program; extends expiration of Program to July 1, 2025.				
Patron–Coyner	HB	477	42	98
Patron–Locke	SB	50	32	56
Housing and Community Development, Department of; translation of certain forms and documents posted on its website into five non-English languages, etc.				
Patron–Tran	HB	1487	332	783
Virginia Consumer Protection Act; no landlord shall charge the tenant any transaction or processing fee for use of an electronic fund transfer, prohibited practices, effective clause, report. (Patron–Srinivasan)	HB	1519	838	1900
Virginia Residential Landlord and Tenant Act; landlord shall provide a copy of signed written rental agreement to tenant, an additional electronic copy of agreement shall be provided at no charge to the tenant. (Patron–Callsen)	HB	1272	831	1885
Virginia Residential Landlord and Tenant Act; routine maintenance, notice to tenant. (Patron–Feggans)	HB	701	46	106
LANDSCAPE ARCHITECTS				
Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects, Board for; quorum and signature requirements, sunset date. (Patron–Owen)	HB	350	383	875
LANGLEY HIGH SCHOOL				
Langley High School boys' swim and dive team; commending. (Patron–Sullivan)	HJR	264		2050
LARCENY				
Larceny and embezzlement offenses; prosecution may be had in any venue or any county or city where the victim resides. (Patron–Kent)	HB	1256	475	1032
LATNEY, MAGNOLIA AUSTIN				
Latney, Magnolia Austin; recording sorrow upon death. (Patron–McQuinn)	HR	155		2231
LAW-ENFORCEMENT OFFICERS				
Carnal knowledge and sexual battery; persons detained or arrested by a law-enforcement officer, definition of confidential informant, pretrial defendants or post-trial offenders, penalty. (Patron–Perry)	SB	394	592	1241

	BILL OR RES.	NO.	CHAP. NO.	PAGE NO.
LAW-ENFORCEMENT OFFICERS - Continued				
Law-enforcement and jail officers; closed meetings for certain limited purposes, various changes to provisions related to decertification, review process, penalties for violations. (Patron–Locke)	SB	88	494	1052
Law-enforcement officers; exposure to bodily fluids, petition to the general district court by local attorney for the Commonwealth. (Patron–Arnold)	HB	435	190	430
Law-enforcement officers; training standards. (Patron–McClure)	HB	586	141	315
Law-enforcement officers, certain; universal certification, necessary training, requested information by hiring law-enforcement agency.				
Patron–Wilt	HB	1022	542	1162
Patron–Diggs	SB	207	581	1221
LAWSON, ELBERT RAY, JR.				
Lawson, Elbert Ray, Jr.; recording sorrow upon death.				
Patron–Kilgore	HR	187		2248
Patron–Pillion	SR	149		2640
LAWSON, SHELIA				
Lawson, Shelia; commending. (Patron–Williams)	HR	191		2250
LEADINGAGE VIRGINIA				
LeadingAge Virginia; commemorating its 50th anniversary.				
Patron–Orrock	HJR	16		1925
Patron–VanValkenburg	SJR	58		2438
LEBANON HIGH SCHOOL				
Lebanon High School boys' cross country team; commending. (Patron–O'Quinn)	HR	87		2195
LEBLANC, COURTNEY				
LeBlanc, Courtney; commending. (Patron–Lopez)	HJR	270		2054
LEE, HENRY C.				
Lee, Henry C.; recording sorrow upon death. (Patron–Stuart)	SJR	62		2441
LEE, JOHN C., JR.				
Lee, John C., Jr.; commending. (Patron–Stanley)	SJR	236		2543
LEE, WILLIAM LOUIS				
Lee, William Louis; recording sorrow upon death. (Patron–Kent)	HJR	304		2073
LEESBURG, TOWN OF				
Town of Leesburg Parking Authority; created. (Patron–Martinez)	HB	5	265	680
LEESE, BENJAMIN				
Leese, Benjamin; commending. (Patron–Henson)	HJR	336		2092
LEETE, MICHELLE ANTONETTE				
Leete, Michelle Antonette; recording sorrow upon death.				
Patron–Watts	HJR	166		1993
Patron–Carroll Foy	SR	56		2591
LESTER, THOMAS ALVIN, SR.				
Lester, Thomas Alvin, Sr.; recording sorrow upon death.				
Patron–Obenshain	HR	56		2180
Patron–Hackworth	SJR	68		2444
LEWIS, ANNETTE				
Lewis, Annette; commending. (Patron–Rasoul)	HJR	354		2103
LEWIS, PATRICK ALBERT				
Lewis, Patrick Albert; recording sorrow upon death. (Patron–Locke)	SR	87		2609
LIBERTY CHAMPION				
Liberty Champion; commemorating its 40th anniversary. (Patron–Walker)	HR	213		2261
LIBERTY CHRISTIAN ACADEMY				
Liberty Christian Academy football team; commending. (Patron–Walker)	HR	67		2185
LIBERTY UNIVERSITY				
Liberty University football team; commending. (Patron–Walker)	HR	53		2179
LIBRARIES				
Dolly Parton's Imagination Library of Virginia Program; established, report, sunset date. (Patron–Coyner)	HB	1075	147	335
Local library boards; adds King and Queen County to list of localities that are not required to establish. (Patron–Hodges)	HB	1430	486	1042

	BILL OR RES.	NO.	CHAP. NO.	PAGE NO.
LICENSE PLATES AND REGISTRATION				
License plates, special; issuance of plates marking 250th anniversary of the American Revolution, sunset date.				
Patron–Austin	HB	840	106	241
Patron–Locke	SB	216	155	373
License plates, special; issuance to certain active duty members, honorably discharged veterans, and retirees from the United States Air Force. (Patron–Cherry)	HB	380	188	424
LICENSE TAX				
License tax; locality allowed by ordinance to exempt any dog that served as a police or law-enforcement or military working dog from tax on ownership, ordinance shall include a verification process for vaccination records. (Patron–Ballard)	HB	299	187	424
LINE OF DUTY ACT				
Line of Duty Act; clarifies definition of eligible dependent. (Patron–Hodges)	HB	1433	560	1189
Line of Duty Act; increases payment of benefits if deceased person's death occurred on or after January 1, 2025, $75,000 is applicable.				
Patron–McQuinn	HB	321	380	874
Patron–Salim	SB	649	381	874
LIONSBRIDGE FOOTBALL CLUB				
Lionsbridge Football Club; commending. (Patron–Price)	HJR	305		2074
LOBALBO, OLIVIA				
LoBalbo, Olivia; commending. (Patron–Roem)	SR	127		2629
LOCAL GOVERNMENT AND OFFICIALS				
All-terrain vehicles and off-road motorcycles; local governing body of any city may provide by ordinance for the lawful seizure, impounding, and disposition of an unlawfully operated vehicle or motorcycle operated on a highway or sidewalk within such city.				
Patron–Ward	HB	234	436	929
Patron–Williams Graves	SB	516	510	1108
Local government; any locality may by ordinance regulate retail sale locations of tobacco, nicotine vapor, alternative nicotine, and hemp products. (Patron–Lopez)	HB	947	536	1158
Local government; employee insurance programs. (Patron–Jones)	HB	1392	481	1038
Local government; standardization of public notice requirements for certain meetings, hearings, etc.				
Patron–Henson	HB	1488	225	515
Patron–Head	SB	413	242	582
Local government employees; Department of Fire Programs shall convene work group to identify and analyze options to provide preemptive and ongoing health care to employees exposed to toxic materials.				
Patron–Convirs-Fowler	HB	133	174	413
Patron–Rouse	SB	650	363	835
Local government ordinances related to fire departments; billing on behalf of volunteer fire departments for support of a licensed emergency medical services agency. (Patron–Williams)	HB	852	823	1857
Omitted taxes; local government to allow its treasurer or other collecting official to enter into an installment agreement. (Patron–Jones)	HB	1503	488	1043
Vacancies in elected local offices; interim appointments, notice requirement.				
Patron–Bulova	HB	69	168	411
LONG-TERM CARE				
Long-term care insurance; rate increases, notice requirements. (Patron–Tran)	HB	1060	315	753
Long-term services and supports screening; modifies existing provisions regarding expedited screening and screening exemption.				
Patron–Cherry	HB	291	24	37
Patron–Locke	SB	24	152	369
LONZER, WILLIS L., III				
Lonzer, Willis L., III; commending. (Patron–McQuinn)	HR	89		2196
LOUDOUN COUNTY				
Loudoun County Citizens for Social Justice, Inc.; commending. (Patron–Martinez)	HJR	415		2136
Loudoun County Combined Fire and Rescue System; commending. (Patron–Perry)	SJR	243		2547
Loudoun County Public Schools Mobile Health Clinic; commending.				
Patron–Reaser	HR	340		2324

	BILL OR RES.	NO.	CHAP. NO.	PAGE NO.
LOUDOUN COUNTY - Continued				
Loudoun County Public Schools, student-guitarists of; commending.				
Patron–Reaser	HR	339		2324
LOUDOUN FREE CLINIC				
Loudoun Free Clinic; commemorating its 25th anniversary. (Patron–Martinez)	HJR	413		2135
LOUDOUN HUNGER RELIEF				
Loudoun Hunger Relief; commending. (Patron–Martinez)	HJR	418		2138
LOUDOUN IMPACT FUND				
Loudoun Impact Fund; commending. (Patron–Reid)	HJR	147		1983
LOUDOUN LAURELS FOUNDATION				
Loudoun Laurels Foundation; commending. (Patron–Srinivasan)	HR	337		2323
LOUDOUN SYMPHONY ORCHESTRA				
Loudoun Symphony Orchestra; commending. (Patron–Martinez)	HJR	411		2134
LOUISA, TOWN OF				
Louisa, Town of; commemorating its 150th anniversary. (Patron–Reeves)	SJR	198		2521
LOWE, DANNY ROSS				
Lowe, Danny Ross; recording sorrow upon death.				
Patron–Kilgore	HR	201		2255
Patron–Pillion	SR	152		2641
LUCAS, JOE MORRIS				
Lucas, Joe Morris; recording sorrow upon death.				
Patron–Obenshain	HR	91		2197
Patron–Hackworth	SR	78		2602
LUCIANO, BRIAN				
Luciano, Brian; commending. (Patron–DeSteph)	SJR	129		2481
LUCY ADDISON HIGH SCHOOL				
Lucy Addison High School; commemorating the occasion of the 50th anniversary of its last graduating class. (Patron–Rasoul)	HJR	226		2027
LUNENBURG COUNTY				
Lunenburg County Dixie Youth Baseball Major League All-Star team; commending. (Patron–Wright)	HR	21		2164
LUNSFORD, CHRISTOPHER ANTHONY				
Lunsford, Christopher Anthony; commending. (Patron–Freitas)	HR	257		2282
LYLES, NOAH				
Lyles, Noah; commending. (Patron–Lopez)	HJR	328		2088
LYNCHBURG MUSEUM SYSTEM				
Lynchburg Museum System; commending. (Patron–Walker)	HJR	184		2002
LYONS, RICHARD E.				
Lyons, Richard E.; recording sorrow upon death. (Patron–Obenshain)	SR	116		2624
MACK, KATHY				
Mack, Kathy; commending. (Patron–Surovell)	SJR	45		2431
MAGGIE L. WALKER GOVERNOR'S SCHOOL				
Maggie L. Walker Governor's School Mech Tech Dragons; commending.				
Patron–Cousins	HR	350		2329
MAGISTRATES				
Magistrates; certain minimum standards for security and accessibility in quarters.				
Patron–Leftwich	HB	679	201	450
Patron–Deeds	SB	386	237	580
MAINOUS, CLIFFORD GEORGE				
Mainous, Clifford George; recording sorrow upon death. (Patron–Kilgore)	HR	352		2330
MALAWER, STUART S.				
Malawer, Stuart S.; commending. (Patron–Favola)	SJR	80		2451
MANABADI, SILICONANDHRA				
ManaBadi, SiliconAndhra; commending. (Patron–Srinivasan)	HR	368		2339
MANNING, DONALD OWEN				
Manning, Donald Owen; recording sorrow upon death. (Patron–Hope)	HJR	247		2040
MANUFACTURED HOUSING				
Manufactured home; conversion to real property. (Patron–Kilgore)	HB	1538	567	1200

	BILL OR RES.	NO.	CHAP. NO.	PAGE NO.
MANUFACTURED HOUSING - Continued				
Manufactured Home Lot Rental Act; manufactured home parks, notice of sale and relocation expenses. (Patron–Krizek)	HB	1397	833	1889
Manufactured home parks; resident rights, terms of rental agreement.				
Patron–Delaney	HB	572	726	1648
Patron–Hashmi	SB	232	762	1711
MARION SENIOR HIGH SCHOOL				
Marion Senior High School girls' tennis team; commending. (Patron–Arnold)	HR	88		2196
MARKOWSKI, COURTNEY				
Markowski, Courtney; commending. (Patron–Reid)	HR	236		2273
MARLOW, JOHN KENNER				
Marlow, John Kenner; recording sorrow upon death.				
Patron–Oates	HJR	316		2081
Patron–Obenshain	SJR	234		2541
MARPLE, CHARLES SCOTT				
Marple, Charles Scott; recording sorrow upon death. (Patron–Wiley)	HR	122		2213
MARR, LINSEY CHEN				
Marr, Linsey Chen; commending.				
Patron–Obenshain	HJR	312		2078
Patron–Hashmi	SJR	140		2487
MARRAPU, ARCHI				
Marrapu, Archi; commending. (Patron–Pekarsky)	SR	180		2655
MARRIAGE				
Advance directive; revocation of directive upon filing of divorce or annulment of marriage, etc. (Patron–Arnold)	HB	436	81	177
Marriage; establishes legal age to be 18 years. (Patron–Keys-Gamarra)	HB	994	737	1664
Marriage and family therapists; Board of Counseling to amend regulations related to process for licensure by endorsement. (Patron–Sickles)	HB	329	431	922
Marriage lawful regardless of sex, gender, or race of parties; issuance of marriage license.				
Patron–Henson	HB	174	21	35
Patron–Ebbin	SB	101	760	1707
Persons other than ministers who may perform rites of marriage; adds current Virginia members of Congress. (Patron–Carr)	HB	1126	412	906
Persons other than ministers who may perform rites of marriage; former statewide legislators and officials or clerk of circuit court who is a resident of the Commonwealth. (Patron–DeSteph)	SB	175	499	1071
MARSHALL, BETH				
Marshall, Beth; commending. (Patron–Durant)	SJR	203		2524
MARSHALL, EMMITT BRUCE				
Marshall, Emmitt Bruce; recording sorrow upon death. (Patron–Orrock)	HJR	11		1924
MARSTON, WALTER A., JR.				
Marston, Walter A., Jr.; recording sorrow upon death.				
Patron–Sullivan	HR	246		2277
Patron–McDougle	SJR	180		2511
MARTINSVILLE, CITY OF				
Martinsville, City of; amending charter, granting of town status. (Patron–Phillips)	HB	1511	565	1197
Martinsville, City of; amending charter, notice of special meetings to council members. (Patron–Phillips)	HB	1512	566	1198
Martinsville-Henry County Chamber of Commerce; commemorating its 65th anniversary. (Patron–Phillips)	HR	422		2365
MASJID ALIYA				
Masjid Aliya; commemorating its 5th anniversary. (Patron–Cole)	HR	62		2183
MASON, CHARLES VIC				
Mason, Charles Vic; commending.				
Patron–Kent	HJR	114		1964
Patron–Stuart	SJR	114		2471

	BILL OR RES. NO.	CHAP. NO.	PAGE NO.
MASON, JOHN			
Mason, John; recording sorrow upon death.			
Patron–Bulova	HJR	234	2032
Patron–Salim	SR	108	2620
MATTHEW FONTAINE MAURY HIGH SCHOOL			
Matthew Fontaine Maury High School; commending. (Patron–Anthony)	HJR	351	2102
MAURY HIGH SCHOOL			
Maury High School football team; commending. (Patron–Anthony)	HJR	249	2041
MAYHEW, SARAH THOMAS			
Mayhew, Sarah Thomas; commending. (Patron–Pekarsky)	SR	161	2645
MAYNE, LISA A.			
Mayne, Lisa A.; commending. (Patron–Surovell)	SJR	125	2478
MCBATH, B. COURTNEY			
McBath, B. Courtney; commending. (Patron–Williams Graves)	SJR	104	2466
MCCAIN, DYRRI			
McCain, Dyrri; commending. (Patron–Anthony)	HJR	248	2041
MCCALL, JENNIFER			
McCall, Jennifer; commending. (Patron–Durant)	SJR	171	2506
MCCANDLESS, PETER LEE			
McCandless, Peter Lee; recording sorrow upon death. (Patron–Keys-Gamarra)	HJR	229	2029
MCCLEES, MARTHA S.			
McClees, Martha S.; commending. (Patron–Tata)	HR	385	2347
MCCOY, JOANN			
McCoy, JoAnn; commending. (Patron–Cole)	HR	405	2356
MCDOWNEY, TERESA DARLENE			
McDowney, Teresa Darlene; recording sorrow upon death. (Patron–McDougle)	SJR	204	2525
MCFARLAND, AMY KRISTINA			
McFarland, Amy Kristina; recording sorrow upon death. (Patron–Wiley)	HR	90	2197
MCGEARY, SCOTT			
McGeary, Scott; commending.			
Patron–Hope	HJR	235	2033
Patron–Favola	SJR	69	2444
MCGUIRE, JAMES PATRICK			
McGuire, James Patrick; recording sorrow upon death. (Patron–McGuire)	SJR	128	2480
MCKINNEY, VICTOR BLAKE			
McKinney, Victor Blake; recording sorrow upon death. (Patron–O'Quinn)	HJR	59	1938
MCLAUGHLIN, JOHN JOSEPH, JR.			
McLaughlin, John Joseph, Jr.; commending. (Patron–Wyatt)	HR	71	2187
MCLEAN HIGH SCHOOL			
McLean High School journalism program; commending. (Patron–Boysko)	SJR	240	2546
McLean High School softball team; commending. (Patron–Sullivan)	HJR	85	1949
MCMANUS, ELINOR			
McManus, Elinor; recording sorrow upon death. (Patron–Austin)	HR	425	2366
MCNAIR, DAVID			
McNair, David; commending. (Patron–Callsen)	HR	436	2371
MCREYNOLDS, JESSE LESTER			
McReynolds, Jesse Lester; recording sorrow upon death.			
Patron–Kilgore	HR	200	2255
Patron–Pillion	SR	151	2641
MEADOR, VIRGINIA BELLE HONEYCUTT			
Meador, Virginia Belle Honeycutt; recording sorrow upon death.			
Patron–Kilgore	HR	189	2249
Patron–Pillion	SR	150	2640
MEADOWS, FRANKLIN CRAIG			
Meadows, Franklin Craig; commending. (Patron–Obenshain)	HR	228	2269

	BILL OR RES.	NO.	CHAP. NO.	PAGE NO.
MEDICAID AND MEDICARE PROGRAMS				
Child Care Subsidy Program; income eligibility requirements for certain families.				
Patron–Hernandez	HB	407	286	724
Federal Medicaid Works program; Department of Medical Assistance Services shall convene a work group to study and make recommendations to improve access to and successful utilization. (Patron–Favola)	SB	59	335	789
1915(c) Home and Community Based Services Medicaid Waivers; Department of Medical Assistance Services and Department of Behavioral Health and Developmental Services shall seek federal authority to modify program rules, respite services.				
Patron–Shin	HB	909	646	1413
Patron–Aird	SB	488	679	1553
1915(c) Home and Community-Based Services Medicaid Waivers; state plan amendments, program rule modifications. (Patron–Cole)	HB	1318	551	1176
MEDICAL TREATMENT, CARE, AND ASSISTANCE				
Home care services; Department of Medical Assistance Services shall annually publish on its website average hourly payment rates. (Patron–Cole)	HB	1423	484	1041
Remote ultrasound procedures and remote fetal non-stress tests; Department of Medical Assistance Services to modify state plan for assistance. (Patron–Hashmi)	SB	250	585	1225
MEHADI, NORA				
Mehadi, Nora; commending. (Patron–Lovejoy)	HR	131		2218
MELESCO, DAVID A.				
Melesco, David A.; recording sorrow upon death. (Patron–Marshall)	HJR	309		2076
MERCHANTS SQUARE BASKIN-ROBBINS				
Merchants Square Baskin-Robbins; commemorating its 50th anniversary.				
Patron–Batten	HJR	212		2018
MEYYAN, PRAVEENDHARAN				
Meyyan, Praveendharan; commending. (Patron–Maldonado)	HJR	323		2085
MIDDLE RIVER CHURCH OF THE BRETHREN				
Middle River Church of the Brethren; commemorating its 200th anniversary.				
Patron–Runion	HR	75		2189
MIDDLEBURG CHARITABLE FOUNDATION				
Middleburg Charitable Foundation; commending. (Patron–Subramanyam)	SR	167		2648
MILES, EVELYN				
Miles, Evelyn; recording sorrow upon death. (Patron–Scott, D.)	HR	356		2332
MILITARY AND EMERGENCY LAWS				
Military leaves of absence for employees of the Commonwealth or political subdivisions; includes professional firefighters.				
Patron–Helmer	HB	279	184	422
Patron–Durant	SB	401	239	580
Service members; active-duty status for any member injured while in the line of duty.				
Patron–Fowler	HB	1513	226	555
MILL MOUNTAIN THEATRE				
Mill Mountain Theatre; commemorating its 60th anniversary. (Patron–Rasoul)	HJR	231		2030
MILLER, BRYAN KELLY				
Miller, Bryan Kelly; recording sorrow upon death. (Patron–O'Quinn)	HJR	221		2025
MILLER, DORIS				
Miller, Doris; commemorating her life and legacy. (Patron–Hope)	HJR	266		2051
MILLER, HARRIS NATHAN				
Miller, Harris Nathan; recording sorrow upon death. (Patron–Boysko)	SJR	185		2514
MILLER, M. SCOTT				
Miller, M. Scott; commending. (Patron–Wyatt)	HR	65		2184
MILLER, YVONNE BOND				
Miller, Yvonne Bond; commemorating the 40th anniversary of her service in the Virginia General Assembly.				
Patron–McQuinn	HR	125		2214
Patron–Locke	SJR	13		2384

	BILL OR RES.	NO.	CHAP. NO.	PAGE NO.
MILLNER, TYLER C., SR.				
Millner, Tyler C., Sr.; commending.				
Patron–McQuinn	HR	162		2234
Patron–Stanley	SR	8		2567
MILLS MARINE & SHIP REPAIR				
Mills Marine & Ship Repair; commending. (Patron–Scott, D.)	HR	372		2341
MINES, MINERALS, AND ENERGY				
Mineral mines; clarifies definition of "mining," farm pond construction or expansion.				
Patron–Bloxom	HB	1466	224	515
Mineral mining and processing; use of cyanide or a cyanide compound prohibited.				
Patron–Simonds	HB	85	135	309
Renewable Energy and Energy Efficiency, Division of; powers and duties.				
Patron–Anthony	HB	1002	539	1160
Virginia Brownfield and Coal Mine Renewable Energy Grant Fund and Program; allocation of funds.				
Patron–Krizek	HB	199	100	204
Patron–Hackworth	SB	25	1	1
MINORITY BUSINESSES				
Virginia Minority Business Commission; established, membership, report, sunset date. (Patron–Feggans)	HB	374	527	1144
MINORS				
Criminal Injuries Compensation Fund; claims for an award under Fund involving claims of sexual abuse of a minor where conduct constitutes a felony, the passage of time shall not be a barrier to when the victim can file a claim.				
Patron–Green	HB	155	175	414
Patron–French	SB	646	254	640
Custodial interrogation of a child; failure to comply with section, inadmissibility of statement. (Patron–Watts)	HB	266	719	1644
Minors; parental admission for inpatient treatment related to mental illness, which may include substance abuse.				
Patron–Delaney	HB	772	695	1598
Patron–Marsden	SB	460	710	1633
MISDEMEANORS				
Absentee voting; persons confined awaiting trial or for conviction of a misdemeanor may vote by absentee ballot. (Patron–Ward)	HB	1330	553	1179
Cruelty to animals; possession and ownership of companion or equine animals by persons convicted of felony or misdemeanor, violation of any prohibition or restriction imposed by sentencing court is a Class 1 misdemeanor, etc., person may petition the court for restoration of rights after five years from date of conviction.				
Patron–Orrock	HB	223	179	417
Patron–Favola	SB	11	489	1045
First offender drug program; previous misdemeanor marijuana conviction, etc., persons charged with first offense may be placed on probation.				
Patron–Callsen	HB	452	811	1823
Patron–Ebbin	SB	362	785	1765
Unlawful dissemination or sale of images of another; prosecution for a misdemeanor violation shall be commenced within five years of commission of offense or within one year of date victim discovers offense, etc., penalty. (Patron–Shin)	HB	926	697	1605
MIXED BEVERAGES, ALCOHOLIC				
Alcoholic beverage control; definitions, annual mixed beverage performing arts facility and sports facility licenses, on-and-off premises wine and beer licenses, sunset provision.				
Patron–Krizek	HB	1349	111	250
Patron–DeSteph	SB	180	619	1297
Patron–Deeds	SB	400	622	1330
Patron–Reeves	SB	657	255	640
Patron–Stanley	SB	724	627	1365

	BILL OR RES.	NO.	CHAP. NO.	PAGE NO.
MIXED BEVERAGES, ALCOHOLIC - Continued				
Alcoholic beverage control; sale and delivery of mixed beverages and pre-mixed wine for off-premises consumption, third-party delivery license, repeals sunset, etc.				
Patron–Leftwich	HB	688	105	217
Patron–Rouse	SB	635	159	378
MOBILE HOPE				
Mobile Hope; commending. (Patron–Martinez)	HJR	416		2137
MONROE, DOUGLAS DURRELL, JR.				
Monroe, Douglas Durrell, Jr.; recording sorrow upon death.				
Patron–Kent	HJR	115		1965
Patron–Stuart	SJR	115		2472
MONTGOMERY, JAMES RILEY				
Montgomery, James Riley; recording sorrow upon death. (Patron–Obenshain)	HR	92		2198
MONTICELLO AMERICAN VITICULTURAL AREA				
Monticello American Viticultural Area; commending. (Patron–Laufer)	HJR	124		1970
MONTOYA, JACQUELYN N.				
Montoya, Jacquelyn N.; commending. (Patron–Feggans)	HJR	190		2005
MOODY, HARRISON A.				
Moody, Harrison A.; commending. (Patron–Aird)	SR	30		2577
MOON, AUGUST				
Moon, August; recording sorrow upon death. (Patron–McQuinn)	HR	134		2219
MOREA, DOUGLAS MICHAEL				
Morea, Douglas Michael; recording sorrow upon death. (Patron–Thomas)	HR	299		2305
MORGAN, G. KENNETH				
Morgan, G. Kenneth; commending. (Patron–Willett)	HJR	343		2096
MORGAN, NEIL				
Morgan, Neil; commending. (Patron–Green)	HJR	100		1957
MORGAN, NEIL A.				
Morgan, Neil A.; commending. (Patron–Diggs)	SJR	163		2501
MORGAN, ROBERT PETER				
Morgan, Robert Peter; recording sorrow upon death. (Patron–Hope)	HJR	239		2035
MORRIS, ELMER RUDOLPH, JR.				
Morris, Elmer Rudolph, Jr.; commending. (Patron–Stuart)	SJR	113		2471
MORRISSEY, SHARON				
Morrissey, Sharon; commending. (Patron–Hashmi)	SR	42		2583
MORSE, JEFF				
Morse, Jeff; commending. (Patron–Reaser)	HR	138		2222
MORTGAGES				
Foreclosure procedures; subordinate mortgage, affidavit required, certain provisions shall not apply to subordinate lienholders who are either the original creditor, federal or state chartered credit union, etc. (Patron–Simon)	HB	184	803	1810
MOSELEY, MARK DEWAYNE				
Moseley, Mark DeWayne; commending. (Patron–Oates)	HR	127		2216
MOSLOW, CONNIE				
Moslow, Connie; commending. (Patron–Ware)	HR	280		2295
MOTOR VEHICLE INSURANCE				
Motor vehicle insurance; remedies for bad faith for refusal of claims, certain provisions shall apply to any claim for personal injury or wrongful death arising out of a motor vehicle accident that occurs on or after July 1, 2024. (Patron–Surovell)	SB	256	781	1754
MOTOR VEHICLES				
Abandoned vehicles; owner and lienholder information. (Patron–Austin)	HB	845	645	1412
All-terrain vehicles and off-road motorcycles; local governing body of any city may provide by ordinance for the lawful seizure, impounding, and disposition of an unlawfully operated vehicle or motorcycle operated on a highway or sidewalk within such city.				
Patron–Ward	HB	234	436	929
Patron–Williams Graves	SB	516	510	1108
Amber warning lights; flashing lights on certain fox hunting vehicles. (Patron–Reid)	HB	24	95	199

	BILL OR RES.	NO.	CHAP. NO.	PAGE NO.
MOTOR VEHICLES - Continued				
Auto recyclers; clarifies databases to be searched by DMV, delayed effective date.				
Patron–Wyatt	HB	1112	216	471
Patron–Bagby	SB	545	250	635
Commercial driver's licenses and learner's permits; definitions, training, drug and alcohol violations, erroneously identified as prohibited from operating vehicle, removal of any reference to driver's status expeditiously but not later than 10 days after notification.				
Patron–Austin	HB	844	107	241
Patron–French	SB	353	121	288
Crash reports; contracted service providers to forward reports electronically to Department.				
Patron–Reid	HB	1409	79	176
Patron–Pillion	SB	732	80	177
Deer, bear, turkey, or elk; claiming after struck by motor vehicle. (Patron–Wilt)	HB	1025	83	179
Disabled parking placards; extends validity, eliminates fees. (Patron–Carr)	HB	1084	411	905
Driver's license; changes standard for being denied or having license reviewed or revoked for medical reasons, defines term "impairment." (Patron–Sickles)	HB	1163	414	908
Electronic sales by dealers; titling. (Patron–Kilgore)	HB	1419	418	911
Emissions inspections; fees, agreement for services and service charge fees.				
Patron–Watts	HB	213	634	1400
Patron–Marsden	SB	453	676	1543
Highway work zones; creates a traffic infraction for any moving violation in a work zone. (Patron–Seibold)	HB	282	138	312
J.D. Power Official Used Car Guide; added to list of publications from which retail value of an automobile is admissible. (Patron–Webert)	HB	1335	480	1038
Judgments, certain; debtor may petition court for restricted license. (Patron–Carr)	HB	1082	467	1008
License plates, special; issuance to certain active duty members, honorably discharged veterans, and retirees from the United States Air Force. (Patron–Cherry)	HB	380	188	424
License suspensions; driving during a period of suspension or revocation, extension.				
Patron–Carr	HB	1080	543	1162
Manufactured home; conversion to real property. (Patron–Kilgore)	HB	1538	567	1200
Motor Vehicle Dealer Board; authorizes Board to establish cost of an examination of licensee records. (Patron–Wyatt)	HB	1107	86	181
Motor vehicle dealers; exam for independent dealer-operator recertification.				
Patron–Wyatt	HB	1106	84	179
Patron–Marsden	SB	452	85	180
Motor vehicle dealers; sale of franchise, notice by dealer shall be deemed complete when it includes a copy of the full agreement for the proposed transaction, etc.				
Patron–Austin	HB	191	804	1811
Patron–Bagby	SB	534	791	1770
Motor vehicles; overweight permits for certain trucks operated by electric utilities, no such permit shall authorize violation of any weight limitation applicable to bridges or culverts. (Patron–Sewell)	HB	1526	227	556
Motor Vehicles, Department of; release of privileged information. (Patron–Green)	HB	425	189	426
Photo speed monitoring devices; definitions, high-risk intersection segments, civil penalties collected. (Patron–Roem)	SB	336	670	1529
Restricted driver's license; issuance to person for multiple convictions of driving while intoxicated, completion of specialty dockets, petition for restricted license.				
Patron–Fowler	HB	1324	552	1177
Patron–Reeves	SB	6	568	1201
School bus video-monitoring system; no contract entered into shall require a minimum quota of violations captured or citations issued in order for system to be deployed. (Patron–Maldonado)	HB	1362	221	510
School buses; increases maximum width of vehicles. (Patron–Obenshain)	SB	572	361	830
Special identification cards; reduces fee for issuance, renewal, etc.				
Patron–Runion	HB	1224	474	1031
Patron–Suetterlein	SB	151	497	1068
Speed limits; expands authority of any locality to reduce limit to less than 25 miles per hour, prior notice to Commissioner of Highways before change. (Patron–Carr)	HB	1071	842	1910

	BILL OR RES.	NO.	CHAP. NO.	PAGE NO.
MOTOR VEHICLES - Continued				
Speed limits; if the Commissioner of Highways increases or decreases a speed limit, Department of Transportation shall notify the primary liaison with the Department in each locality in which such speed limit change will occur. (Patron–Reid)	HB	144	272	698
Tangible personal property tax; classification of certain vehicles, removes sunset date.				
Patron–Willett	HB	1502	660	1510
Patron–VanValkenburg	SB	194	665	1518
Toll facilities; requirements related to handling toll invoices on rented or leased vehicles. (Patron–Wyatt)	HB	1110	470	1025
Toll invoices; use of trackable correspondence equivalent to certified mail for sending invoices for unpaid tolls.				
Patron–Wyatt	HB	1109	67	161
Patron–Diggs	SB	205	68	164
Tow truck drivers; prohibited acts. (Patron–Carr)	HB	1073	409	903
Tow truck drivers and towing and recovery operators; prohibited acts, certain solicitation and offering of services, penalty. (Patron–Stanley)	SB	94	337	789
Towed vehicles; owner shall provide report number and name of law-enforcement agency receiving report that motor vehicle was stolen, etc. (Patron–DeSteph)	SB	261	232	572
Towing; vehicles with expired registration, posting of notice on vehicle by towing operator, definitions, civil penalty. (Patron–Shin)	HB	925	308	745
Towing and recovery operators; local ordinance may regulate monitoring practices that may be used by operators in Planning District 8 (Northern Virginia), fuel surcharge fee, extends sunset date. (Patron–Lopez)	HB	959	537	1158
Towing companies; provision of existing law authorizing localities in Planning District 8 (Northern Virginia). (Patron–McClure)	HB	1287	653	1488
Towing fees; State Corporation Commission shall examine existing regulation of fees charged for removal of vehicles, report. (Patron–Marsden)	SB	450	245	627
Towing without consent of vehicle owner; prohibited acts by towing and recovery operator. (Patron–Peake)	SB	66	574	1205
Venue; obtaining documents from DMV when not entitled thereto, penalty.				
Patron–Cherry	HB	1469	89	184
Warning light units, certain; increases from two to four the number of flashing or steady-burning red or red and white combination units with which a member of a fire department, volunteer fire company, etc., may equip one vehicle owned by him.				
Patron–McNamara	HB	15	76	175
Patron–Suetterlein	SB	150	77	175
MOTOR VEHICLES, VIRGINIA DEPARTMENT OF				
Motor Vehicles, Virginia Department of; commemorating its 100th anniversary.				
Patron–Austin	HJR	180		2000
MOTORCYCLES				
All-terrain vehicles and off-road motorcycles; local governing body of any city may provide by ordinance for the lawful seizure, impounding, and disposition of an unlawfully operated vehicle or motorcycle operated on a highway or sidewalk within such city.				
Patron–Ward	HB	234	436	929
Patron–Williams Graves	SB	516	510	1108
MOUNT CRAWFORD, TOWN OF				
Mount Crawford, Town of; commemorating its 200th anniversary. (Patron–Runion)	HR	185		2247
MOUNT EAGLE ELEMENTARY SCHOOL				
Mount Eagle Elementary School; commemorating its 75th anniversary.				
Patron–Surovell	SJR	224		2536
MOUNT SIDNEY RURITAN CLUB				
Mount Sidney Ruritan Club; commemorating its 85th anniversary. (Patron–Runion)	HJR	400		2128
MOUNT VERNON AT HOME				
Mount Vernon at Home; commemorating its 15th anniversary. (Patron–Krizek)	HJR	403		2130
MUDITA CAFE AND BAR				
Mudita Cafe and Bar; commending. (Patron–Hernandez)	HR	379		2344
MUHAMMAD MOSQUE NO. 57				
Muhammad Mosque No. 57; commending. (Patron–Williams Graves)	SR	159		2644

	BILL OR RES.	NO.	CHAP. NO.	PAGE NO.
MULLIN, MICHAEL P.				
Mullin, Michael P.; commending. (Patron–Green)	HR	177		2243
MULLINS, BEN V.				
Mullins, Ben V.; recording sorrow upon death.				
Patron–Kilgore	HR	203		2256
Patron–Pillion	SR	156		2643
MURN, MICHAEL F.				
Murn, Michael F.; commending. (Patron–Boysko)	SJR	181		2512
MURPHY, KATHLEEN J.				
Murphy, Kathleen J.; commending. (Patron–Srinivasan)	HR	375		2342
NACHMAN, ARTHUR STUART				
Nachman, Arthur Stuart; recording sorrow upon death. (Patron–Boysko)	SJR	182		2512
NANTUCKET-TREWERYN BEAGLES				
Nantucket-Treweryn Beagles; commemorating its 100th anniversary. (Patron–Oates)	HR	239		2274
NARCOTICS AND DRUGS				
Crisis stabilization services; facilities licensed by Department of Behavioral Health and Developmental Services, nursing homes, remote dispensing systems, and administration of drugs.				
Patron–Sickles	HB	1336	63	152
Patron–Deeds	SB	568	513	1113
Drug Control Act; adds certain chemicals to Schedules I, II, IV, and V of Act.				
Patron–Wachsmann	HB	1333	62	139
Patron–Peake	SB	111	228	556
Fentanyl crisis; Joint Commission on Health Care to study policy solutions.				
Patron–Srinivasan	HJR	41		1929
Xylazine; penalty for manufacturing, selling, etc., for human consumption.				
Patron–Hodges	HB	1187	472	1030
Patron–Pillion	SB	614	516	1124
NASH, FRANCINE PANNELL				
Nash, Francine Pannell; recording sorrow upon death. (Patron–Rasoul)	HJR	318		2082
NASH, JOHNNIE				
Nash, Johnnie; commending. (Patron–McNamara)	HJR	275		2056
NATIONAL COALITION OF 100 BLACK WOMEN, INC., PRINCE WILLIAM COUNTY CHAPTER OF THE				
National Coalition of 100 Black Women, Inc., Prince William County Chapter of the; commending. (Patron–Carroll Foy)	SR	54		2590
NATIONAL ORGANIZATION FOR WOMEN, CHARLOTTESVILLE CHAPTER OF THE				
National Organization for Women, Charlottesville chapter of the; commending.				
Patron–Laufer	HJR	382		2119
NATIONAL SOCIETY DAUGHTERS OF THE AMERICAN REVOLUTION, CULPEPER MINUTE MEN CHAPTER OF THE				
National Society Daughters of the American Revolution, Culpeper Minute Men Chapter of the; commemorating its 100th anniversary. (Patron–Freitas)	HR	7		2147
NEICE, JILL D.				
Neice, Jill D.; commending.				
Patron–Ballard	HJR	88		1950
Patron–Hackworth	SR	75		2601
NEIGHBORHOOD HEALTH				
Neighborhood Health; commemorating its 25th anniversary.				
Patron–Krizek	HJR	200		2011
Patron–Ebbin	SJR	176		2508
NELSON, BARRY				
Nelson, Barry; commending. (Patron–Phillips)	HJR	315		2080
NEPALI AMERICAN HERITAGE DAY				
Nepali American Heritage Day; designating as April 15, 2024, and each succeeding year thereafter. (Patron–Shin)	HJR	42		1930
NESMITH, STEVE				
Nesmith, Steve; commending. (Patron–McQuinn)	HJR	384		2120

	BILL OR RES.	NO.	CHAP. NO.	PAGE NO.
NEW CALVARY BAPTIST CHURCH				
New Calvary Baptist Church; commemorating its 90th anniversary.				
Patron–Williams Graves	SJR	102		2465
NEW HOPE RURITAN CLUB				
New Hope Ruritan Club; commemorating its 85th anniversary. (Patron–Runion)	HJR	401		2129
NEW LIGHT FULL GOSPEL BAPTIST CHURCH				
New Light Full Gospel Baptist Church; commemorating its 138th anniversary.				
Patron–Feggans	HR	408		2357
NEW MARKET, TOWN OF				
New Market, Town of; new charter (previous charter repealed).				
Patron–Gilbert	HB	376	528	1146
Patron–French	SB	375	590	1236
NEWINS, AMANDA L.				
Newins, Amanda L.; commending.				
Patron–Leftwich	HJR	185		2003
Patron–Craig	SJR	38		2426
NEWS MEDIA				
Legal notices and publications; online-only news publications, requirements.				
Patron–Hope	HB	264	277	705
Patron–Boysko	SB	157	341	794
NEWTON-LEE ELEMENTARY SCHOOL				
Newton-Lee Elementary School; commending. (Patron–Martinez)	HJR	410		2134
NEXT GENERATION CHOICES FOUNDATION				
Next Generation Choices Foundation; commemorating its 20th anniversary.				
Patron–Webert	HR	120		2212
NICEWONDER, LORRAINE BURCHETT				
Nicewonder, Lorraine Burchett; recording sorrow upon death.				
Patron–Kilgore	HR	176		2242
Patron–Pillion	SR	147		2639
NICHOLLS, JOHN S.				
Nicholls, John S.; commending. (Patron–Reeves)	SJR	93		2460
NICHOLS, BOBBY				
Nichols, Bobby; commending. (Patron–Zehr)	HR	332		2320
NICHOLSON, AGNES WILDER				
Nicholson, Agnes Wilder; recording sorrow upon death. (Patron–Carr)	HJR	295		2067
NONPROFIT ORGANIZATIONS				
Retail Sales and Use Tax; exemptions for nonprofit entities. (Patron–Runion)	HB	464	287	725
NORCROSS, JACK				
Norcross, Jack; commending. (Patron–Boysko)	SJR	241		2546
NORFOLK BOTANICAL GARDEN				
Norfolk Botanical Garden; commending. (Patron–Hernandez)	HR	443		2375
NORFOLK FAMILY JUSTICE CENTER				
Norfolk Family Justice Center; commemorating its fifth anniversary. (Patron–Glass)	HR	211		2260
NORFOLK STATE UNIVERSITY				
Norfolk State University men's basketball team; commending. (Patron–Anthony)	HJR	350		2101
Norfolk State University women's basketball team; commending. (Patron–Glass)	HR	300		2306
NORFOLK TIDES				
Norfolk Tides; commending. (Patron–Anthony)	HJR	250		2042
NORMAN, JULIUS				
Norman, Julius; commending. (Patron–Glass)	HR	142		2225
NORMENT, THOMAS K., JR.				
Norment, Thomas K., Jr.; commending. (Patron–Green)	HR	223		2266
NORTHERN VIRGINIA				
Assistance League of Northern Virginia; commemorating its 20th anniversary.				
Patron–Shin	HJR	395		2125
Patron–Pekarsky	SR	140		2635
Northern Virginia Family Services; commemorating its 100th anniversary.				
Patron–Sewell	HR	320		2315

	BILL OR RES.	NO.	CHAP. NO.	PAGE NO.
NORTHERN VIRGINIA - Continued				
Northern Virginia Mental Health Foundation; commemorating its 30th anniversary. Patron–Simon	HR	100		2202
Northern Virginia Transportation Authority; technical advisory committee appointed by Authority. (Patron–Boysko)	SB	158	618	1297
Northern Virginia Transportation Commission; commemorating its 60th anniversary. Patron–Krizek	HJR	218		2022
Patron–Ebbin	SJR	126		2479
The Women's Center of Northern Virginia; commemorating its 50th anniversary. Patron–Seibold	HR	297		2304
Towing and recovery operators; local ordinance may regulate monitoring practices that may be used by operators in Planning District 8 (Northern Virginia), fuel surcharge fee, extends sunset date. (Patron–Lopez)	HB	959	537	1158
Towing companies; provision of existing law authorizing localities in Planning District 8 (Northern Virginia). (Patron–McClure)	HB	1287	653	1488
Virginia Petroleum Products Franchise Act; agreements between jobber/distributors and dealers, market valuation study, provisions limited to Planning District 8 (Northern Virginia) and shall apply to initial franchise agreements, etc. Patron–Reaser	HB	392	639	1404
Patron–McPike	SB	248	668	1526
NOTARIES AND OUT-OF-STATE COMMISSIONERS				
Notarial acts; knowledge-based authentication assessment, requirements. Patron–Simon	HB	1372	832	1886
Notaries; raises amount a notary may charge. (Patron–Tran)	HB	986	310	751
Notary public or electronic notary public; application for recommission. Patron–Reeves	SB	8	569	1203
NOTHIN' FANCY				
Nothin' Fancy; commemorating its 30th anniversary. (Patron–Thomas)	HJR	330		2089
NRI VASAVI ASSOCIATION, USA				
NRI Vasavi Association, USA; commending. Patron–Srinivasan	HR	358		2333
Patron–Subramanyam	SR	174		2652
NUCKOLS, GREG				
Nuckols, Greg; commending. (Patron–VanValkenburg)	SJR	220		2534
NURNEY, JACK WILLIAM, JR.				
Nurney, Jack William, Jr.; recording sorrow upon death. (Patron–Jordan)	SR	5		2565
NURSE PRACTITIONERS				
Nurse practitioners; patient care team provider, autonomous practice. (Patron–Tran)	HB	971	404	898
Prisoner; physical examination by a licensed physician, licensed nurse practitioner, or licensed physician assistant upon his arrival. (Patron–Coyner)	HB	479	193	439
NURSES				
Nursing education programs; Board of Nursing to permit contracts with out-of-state clinical sites. (Patron–Hackworth)	SB	553	425	914
Nursing staff at state psychiatric hospitals; Department of Human Resource Management shall amend its policies relating to employee designations, payment policies, and benefits, 12-hour shifts for staff, etc. Patron–Rasoul	HB	806	304	743
Patron–Favola	SB	177	342	796
NURSING FACILITIES				
Advanced registered medication aides; aides who administer drugs in a certified nursing facility licensed by Department of Health to register with Board of Nursing, report. (Patron–Henson)	HB	349	284	723
NURSING HOMES				
Crisis stabilization services; facilities licensed by Department of Behavioral Health and Developmental Services, nursing homes, remote dispensing systems, and administration of drugs. Patron–Sickles	HB	1336	63	152
Patron–Deeds	SB	568	513	1113

	BILL OR RES.	NO.	CHAP. NO.	PAGE NO.
O'KEEFE, WILLIAM F.				
O'Keefe, William F.; recording sorrow upon death. (Patron–Webert)	HR	18		2163
O'NEIL, JANET MARY CORCORAN				
O'Neil, Janet Mary Corcoran; recording sorrow upon death. (Patron–Hope)	HJR	237		2034
O'REILLY, GEORGE DECLAN				
O'Reilly, George Declan; recording sorrow upon death. (Patron–Durant)	SJR	159		2498
OAKEY, DANIEL G.				
Oakey, Daniel G.; commending. (Patron–DeSteph)	SJR	227		2538
OAKTON HIGH SCHOOL				
Oakton High School marching band; commending. (Patron–Seibold)	HR	295		2303
OCEAN VIEW ADVOCATES FOR REPRODUCTIVE RIGHTS				
Ocean View Advocates for Reproductive Rights; commending. (Patron–Hernandez)	HR	298		2305
OCEAN VIEW BUSINESS ASSOCIATION				
Ocean View Business Association; commemorating its 40th anniversary. Patron–Hernandez	HR	380		2345
OERTEL, RICHARD C.				
Oertel, Richard C.; commending. (Patron–Cherry)	HJR	310		2077
OLD DOMINION BARN DANCE				
Old Dominion Barn Dance; commending. (Patron–Coyner)	HR	136		2221
OLD DOMINION HOUNDS				
Old Dominion Hounds hunting club; commemorating its 100th anniversary. Patron–Reid	HJR	145		1982
OLD DOMINION UNIVERSITY				
Eastern Virginia Health Sciences Center at Old Dominion University, board of directors of; membership, meetings. (Patron–Knight)	HB	1055	841	1909
OLINGER, DYLAN				
Olinger, Dylan; commending. (Patron–Green)	HR	36		2171
OLSON, WILLIAM ARTHUR				
Olson, William Arthur; recording sorrow upon death. (Patron–Henson)	HJR	160		1990
1619 THANKSGIVING PRAYER				
1619 Thanksgiving Prayer; commending the 2022 and 2023 seaplane flybys in honor of the Prayer. (Patron–Coyner)	HJR	339		2094
ONIANWAH, ANTHONY				
Onianwah, Anthony; commending. (Patron–Subramanyam)	SR	178		2654
OPIOIDS				
Naloxone or other opioid antagonists; possession and administration by state agencies, guidelines for private employer, report. (Patron–Hope)	HB	342	440	942
Opioids; Department of Education shall develop education materials and guidelines for school boards concerning risks. (Patron–Convirs-Fowler)	HB	134	434	927
Public schools; opioid antagonist procurement, etc., school board employee training and certification, guidelines and requirements, provisions shall be implemented by each local school board by beginning of 2025-2026 school year.				
Patron–Sewell	HB	732	451	966
Patron–Pillion	SB	726	519	1127
Sickle cell anemia; prescription of opioids for pain management.				
Patron–Mundon King	HB	257	635	1401
Treatment with opioids; Board of Medicine, et al., to amend their regulations, implementation of provisions to be effective within 280 days of its enactment.				
Patron–Maldonado	HB	699	448	963
OPTICIANS AND OPTOMETRISTS				
Optometrists; expert witness testimony.				
Patron–Williams	HB	202	718	1644
Patron–Surovell	SB	254	764	1715
ORANGE COUNTY				
Orange County; authorization to establish a department of real estate assessment and to enter into an agreement with a contiguous county or city to establish a joint department of real estate assessment. (Patron–Reeves)	SB	9	570	1203

	BILL OR RES.	NO.	CHAP. NO.	PAGE NO.
ORANGE COUNTY - Continued				
Orange County Chamber of Commerce; commemorating its 100th anniversary.				
Patron–Freitas	HR	357		2333
Patron–Reeves	SJR	85		2456
ORANGE HUNT ELEMENTARY SCHOOL				
Orange Hunt Elementary School; commending. (Patron–Cohen)	HR	391		2350
ORDINANCES				
All-terrain vehicles and off-road motorcycles; local governing body of any city may provide by ordinance for the lawful seizure, impounding, and disposition of an unlawfully operated vehicle or motorcycle operated on a highway or sidewalk within such city.				
Patron–Ward	HB	234	436	929
Patron–Williams Graves	SB	516	510	1108
City council salaries; permitted salaries, maximum annual salaries may be adjusted by ordinance. (Patron–Callsen)	HB	456	608	1285
License tax; locality allowed by ordinance to exempt any dog that served as a police or law-enforcement or military working dog from tax on ownership, ordinance shall include a verification process for vaccination records. (Patron–Ballard)	HB	299	187	424
Local government; any locality may by ordinance regulate retail sale locations of tobacco, nicotine vapor, alternative nicotine, and hemp products. (Patron–Lopez)	HB	947	536	1158
Local government ordinances related to fire departments; billing on behalf of volunteer fire departments for support of a licensed emergency medical services agency. (Patron–Williams)	HB	852	823	1857
Military centered community zones; localities may establish, by ordinance, one or more zones.				
Patron–Price	HB	619	298	736
Patron–Rouse	SB	343	350	814
Short-term rental property; locality's ability to prohibit lessee or sublessee operator, localities may enact an ordinance that limits to one short-term rental within applicable locality. (Patron–Mundon King)	HB	1461	700	1612
Short-term rental property; no local ordinance enacted after December 31, 2023, or any subsequent amendment, shall require that a special exception, conditional use, etc., permit be obtained for use of a residential dwelling as a rental. (Patron–Bagby)	SB	544	792	1777
Towing and recovery operators; local ordinance may regulate monitoring practices that may be used by operators in Planning District 8 (Northern Virginia), fuel surcharge fee, extends sunset date. (Patron–Lopez)	HB	959	537	1158
Vacant buildings; any county, city, or town may require, by ordinance, the owner of any building that has been vacant for at least 12 months, etc., to register such building annually.				
Patron–Thomas	HB	1486	613	1291
Patron–Locke	SB	48	616	1294
ORTIZ, ESMERALDA				
Ortiz, Esmeralda; commending. (Patron–Martinez)	HJR	420		2139
OUR VOICES				
Our Voices; commending. (Patron–Hernandez)	HR	318		2314
OUTSIDE THE CONE				
Outside the Cone; commending. (Patron–Walker)	HR	54		2179
OYER, MARION GERTRUDE				
Oyer, Marion Gertrude; recording sorrow upon death. (Patron–Diggs)	SR	98		2615
PAIGE, PATRICIA				
Paige, Patricia; recording sorrow upon death.				
Patron–Wyatt	HR	114		2209
Patron–Batten	HR	199		2254
Patron–McDougle	SJR	42		2429
PARADIS, RICHARD ROBERT				
Paradis, Richard Robert; recording sorrow upon death. (Patron–DeSteph)	SJR	187		2515
PARI-MUTUEL BETTING				
Pari-mutuel wagering; historical horse racing, percentage retained for distribution.				
Patron–Austin	HB	843	53	118
Patron–Deeds	SB	426	506	1100

	BILL OR RES.	NO.	CHAP. NO.	PAGE NO.
PARKER, ALVIN D.				
Parker, Alvin D.; commending. (Patron–Bagby)	SJR	177		2509
PARKER, FORREST A., SR.				
Parker, Forrest A., Sr.; recording sorrow upon death. (Patron–Cole)	HJR	144		1981
PARKER, JUDITH MAXINE NICHOLSON				
Parker, Judith Maxine Nicholson; recording sorrow upon death. (Patron–McQuinn)	HR	160		2234
PARRISH, HARRY J., II				
Parrish, Harry J., II; commending. (Patron–Lovejoy)	HJR	131		1973
PARRY MCCLUER HIGH SCHOOL				
Parry McCluer High School boys' cross country team; commending.				
Patron–Head	SJR	197		2520
PATRICK COUNTY				
Patrick County High School baseball team; commending. (Patron–Williams)	HR	196		2253
PATTON, JAMES MARLIN				
Patton, James Marlin; recording sorrow upon death.				
Patron–Ward	HR	273		2291
Patron–Locke	SJR	51		2434
PAUL LAURENCE DUNBAR MIDDLE SCHOOL FOR INNOVATION				
Paul Laurence Dunbar Middle School for Innovation; commemorating its 100th anniversary. (Patron–Walker)	HR	226		2268
PAXTON, MATTHEW WHITE, JR.				
Paxton, Matthew White, Jr.; recording sorrow upon death. (Patron–Deeds)	SJR	139		2487
PAYNE, CHARLES WAYNE, SR.				
Payne, Charles Wayne, Sr.; recording sorrow upon death.				
Patron–Milde	HJR	62		1938
Patron–Stuart	SJR	5		2381
PECK, JOSHUA CHAMBERLAIN				
Peck, Joshua Chamberlain; recording sorrow upon death.				
Patron–Green	HR	278		2294
Patron–McDougle	SJR	179		2510
PEED, JACK DIXON, JR.				
Peed, Jack Dixon, Jr.; commending. (Patron–DeSteph)	SR	14		2570
PENSIONS, BENEFITS, AND RETIREMENT				
Virginia Law Officers' Retirement System; adds full-time firefighters employed by Department of Military Affairs, delayed effective date. (Patron–Clark)	HB	1401	417	910
Virginia Law Officers' Retirement System; extends membership to conservation officers, delayed effective date, reenactment clause. (Patron–Orrock)	HB	1312	416	910
Virginia Retirement System; allows members of the System to purchase service credit for prior full-time active duty military service, etc.				
Patron–Bulova	HB	70	267	689
Patron–Marsden	SB	458	353	818
PEOPLE INCORPORATED				
People Incorporated; commemorating its 60th anniversary.				
Patron–O'Quinn	HJR	273		2055
Patron–Pillion	SR	155		2642
PERCY LEE HOUSE, III MEMORIAL BRIDGE				
Percy Lee House, III Memorial Bridge; designating as the bridge on Otterdam Road over Interstate 95 in Greensville County.				
Patron–Wachsmann	HB	92	373	867
Patron–Jordan	SB	323	374	867
PERRIN, VIRGINIA S.				
Perrin, Virginia S.; commending.				
Patron–Fowler	HJR	208		2016
Patron–McGuire	SJR	138		2486
PERRY, LANE				
Perry, Lane; commending. (Patron–Phillips)	HR	248		2278
PERSONAL PROPERTY AND PERSONAL PROPERTY TAX				
Insurance; optional coverage for the diminished value of personal property.				
Patron–Milde	HB	1257	547	1167

	BILL OR RES.	NO.	CHAP. NO.	PAGE NO.
PERSONAL PROPERTY AND PERSONAL PROPERTY TAX - Continued				
Tangible personal property tax; classification of certain vehicles, removes sunset date.				
Patron–Willett	HB	1502	660	1510
Patron–VanValkenburg	SB	194	665	1518
Tangible personal property tax; exemption for indoor agriculture equipment and machinery.				
Patron–Laufer	HB	1429	87	182
Patron–Aird	SB	483	88	183
Wills and trusts; tangible personal property, nonexoneration. (Patron–Sturtevant)	SB	102	576	1208
PERSONS WITH DISABILITIES				
Affordable and inclusive housing; Commissioner of Department of Behavioral Health and Developmental Services to develop a plan to ensure people with disabilities have an opportunity to access. (Patron–Feggans)	HB	327	721	1646
All-terrain power wheelchairs in state parks; Department of Conservation and Recreation shall establish a two-year pilot program to enhance accessibility for individuals with limited mobility in Virginia's state parks by providing wheelchairs, Department shall make a report available to the public on its website. (Patron–Tran)	HB	1186	321	763
Court-appointed guardians; training, powers and duties. (Patron–Roem)	SB	291	587	1231
Disabled parking placards; extends validity, eliminates fees. (Patron–Carr)	HB	1084	411	905
Individualized education program; guidelines for teams relating to certain age-appropriate and developmentally appropriate instruction, availability and posting. (Patron–Favola)	SB	60	493	1051
Individuals with developmental disabilities; Department of Medical Assistance Services shall amend financial eligibility standards for certain waivers providing services, report, sunset provision.				
Patron–Shin	HB	908	211	464
Patron–Ebbin	SB	676	257	669
Law-enforcement training; compulsory minimum and in-service training standards on communicating with individuals with an intellectual or developmental disability such as autism spectrum disorder.				
Patron–Willett	HB	1246	742	1672
Patron–Bagby	SB	547	773	1728
Online transition resources; Department for Aging and Rehabilitative Services, et al., to ensure dissemination and availability to all individuals, etc. (Patron–Favola)	SB	51	573	1205
Persons with disabilities; adds definitions related to rights. (Patron–Sickles)	HB	1165	648	1423
Polling place; assistance for certain voters, clarifies definition of "person with a disability."				
Patron–Bennett-Parker	HB	441	191	432
Patron–Subramanyam	SB	605	515	1122
Prescription drugs; accessible labels provided for blind and disabled users.				
Patron–Hope	HB	516	725	1648
School building evacuation plans, policies, and protocols; students with mobility impairments. (Patron–Cohen)	HB	501	194	440
Students with disabilities; State Council of Higher Education for Virginia, et al., shall study processes by which each public institution of higher education determines eligibility for accommodations and make recommendations to reduce any barriers to establish.				
Patron–Cohen	HB	509	444	956
Patron–Salim	SB	21	491	1050
Virginia Freedom of Information Act; definition of "caregiver," remote participation in meetings by persons with disabilities and caregivers, time of meeting preventing attendance, remote voting.				
Patron–Bennett-Parker	HB	1040	610	1286
Patron–Favola	SB	85	617	1294
PESTS AND PESTICIDES				
Pesticide control exemptions; herbicide applications by unpaid volunteers.				
Patron–Bulova	HB	320	720	1645

	BILL OR RES.	NO.	CHAP. NO.	PAGE NO.
PETERSBURG, CITY OF				
Casino gaming; amends lists of cities eligible to host a casino in the Commonwealth by replacing City of Richmond with City of Petersburg, local referendum required. Patron–Aird	SB	628	798	1801
PETERSON, W. CANOVA, IV				
Peterson, W. Canova, IV; commending. (Patron–Wyatt)	HR	111		2207
PHARMACIES				
Pharmacy outsourcing and pharmacy technician remote database access; Board of Pharmacy shall promulgate regulations authorizing pharmacies located in Commonwealth or out-of-state to outsource tasks associated with dispensing a prescription drug, etc., maximum number of persons performing duties of technician and support personnel a pharmacist may supervise at one time. Patron–Hodges	HB	1068	407	902
Patron–McDougle	SB	607	408	903
Pharmacy technicians; expansion of allowable duties. (Patron–Hodges)	HB	1067	214	468
PHILLIPPE, CARROLL LANE, JR.				
Phillippe, Carroll Lane, Jr.; recording sorrow upon death. (Patron–Webert)	HJR	307		2075
PHILLIPS, BRITNEY				
Phillips, Britney; commending. (Patron–Feggans)	HJR	191		2006
PHILLIPS, JOHN CARLTON				
Phillips, John Carlton; commending. (Patron–Sturtevant)	SJR	161		2499
PHOTO-MONITORING				
Photo speed monitoring devices; definitions, high-risk intersection segments, civil penalties collected. (Patron–Roem)	SB	336	670	1529
PHYSICIAN ASSISTANTS				
PA Licensure Compact; authorizes Virginia to become a signatory to Compact, applicant for multistate license shall pay costs of performing any background check required by Compact. (Patron–Glass)	HB	324	439	933
Physician assistants; practice agreement exemption. (Patron–Head)	SB	133	116	282
Prisoner; physical examination by a licensed physician, licensed nurse practitioner, or licensed physician assistant upon his arrival. (Patron–Coyner)	HB	479	193	439
PHYSICIAN-PARENT CAREGIVERS				
Physician-Parent Caregivers; commending. (Patron–Subramanyam)	SR	182		2656
PHYSICIANS AND SURGEONS				
Hospitals; emergency departments to have at least one licensed physician on duty at all times, delayed effective date. Patron–Hope	HB	353	441	947
Patron–Pekarsky	SB	392	505	1091
Medicine, Board of; temporary licensure of physicians licensed in a foreign country. (Patron–Tran)	HB	995	464	992
Prisoner; physical examination by a licensed physician, licensed nurse practitioner, or licensed physician assistant upon his arrival. (Patron–Coyner)	HB	479	193	439
PIEDMONT HOUSING ALLIANCE				
Piedmont Housing Alliance; commending. (Patron–Callsen)	HJR	391		2123
PILAND, JETHRO H., III				
Piland, Jethro H., III; commending. Patron–Wyatt	HR	112		2207
Patron–McDougle	SJR	136		2485
PITTS, ETHAN MATTHEW, JR.				
Pitts, Ethan Matthew, Jr.; recording sorrow upon death. (Patron–McQuinn)	HR	166		2236
PLATS				
Local planning commission; action on proposed plats, site plans, and development plans, residential use. (Patron–VanValkenburg)	SB	296	346	800
PLUM, KENNETH R.				
Plum, Kenneth R.; commending. (Patron–Keys-Gamarra)	HR	315		2312
PLUMBING HEATING COOLING CONTRACTORS OF VIRGINIA				
Plumbing Heating Cooling Contractors of Virginia; commemorating its 100th anniversary. (Patron–Sturtevant)	SR	33		2579

	BILL OR RES.	NO.	CHAP. NO.	PAGE NO.
POHICK EPISCOPAL CHURCH				
Pohick Episcopal Church; commemorating its 250th anniversary.				
Patron–Henson	HJR	162		1991
Patron–Surovell	SJR	59		2439
POINDEXTER, JOHN B.				
Poindexter, John B., and Tidewater and Big Bend Foundation; commending.				
Patron–Wyatt	HR	66		2185
POLICE				
Civilian deaths in custody; every law-enforcement agency and state or juvenile correctional facility shall report to the Department of Criminal Justice Services and every local or regional adult correctional facility shall report to State Board of Local and Regional Jails certain information regarding death of any person who is detained, under arrest, or in the process of being arrested, etc., annual report. (Patron–Price)	HB	611	813	1824
Law-enforcement training; compulsory minimum and in-service training standards on communicating with individuals with an intellectual or developmental disability such as autism spectrum disorder.				
Patron–Willett	HB	1246	742	1672
Patron–Bagby	SB	547	773	1728
Surveillance technology; reporting by state and local law-enforcement agencies and sheriffs' departments, definitions, report. (Patron–Rasoul)	HB	1496	614	1292
Temporary detention order; alternative transportation, law-enforcement agency elects to provide transportation.				
Patron–Cherry	HB	823	643	1410
Patron–Carroll Foy	SB	497	680	1554
Written complaints; requires complaint for any felony offenses to be provided to any officer authorized to issue criminal warrants. (Patron–Arnold)	HB	438	809	1821
POLICE, STATE				
Campbell County; conveyance of easement by Departments of State Police and Transportation. (Patron–Walker)	HB	1331	479	1037
Virginia Critical Operation for a Disappeared Child Initiative (Codi) Alert Program; established, alert for missing or endangered children, Virginia State Police shall ensure Program is available and operational no later than July 1, 2025.				
Patron–Anthony	HB	1388	658	1508
Patron–Diggs	SB	201	667	1525
Virginia Rap Back Service; changes time frame for which a participating entity in the Service is required to disenroll any individual who is deceased or no longer qualifies as an individual for purposes of the Service.				
Patron–Williams	HB	444	41	96
Patron–Reeves	SB	169	117	284
POLLING PLACES				
Elections administration; notice of a change in location of polling place, additional notice requirement shall include information on how voters may find their polling places. (Patron–Shin)	HB	940	461	990
Polling place; assistance for certain voters, clarifies definition of "person with a disability."				
Patron–Bennett-Parker	HB	441	191	432
Patron–Subramanyam	SB	605	515	1122
Precincts and polling places; notice of changes mailed at least 30 days prior to election. (Patron–Anthony)	HB	1003	312	752
POLYFACE FARM				
Polyface Farm; commending. (Patron–Zehr)	HR	450		2379
POND, MICAELA				
Pond, Micaela; commending. (Patron–McClure)	HR	361		2335
POP'S DRIVE-IN				
Pop's Drive-In; commending. (Patron–Green)	HR	46		2175
PORT OF VIRGINIA				
Port of Virginia; commending. (Patron–Scott, D.)	HR	371		2340

	BILL OR RES.	NO.	CHAP. NO.	PAGE NO.
PORTSMOUTH, CITY OF				
Portsmouth, City of; amending charter, aligning dates for nomination of candidates and filling of city council vacancies.				
Patron–Hayes	HB	1208	323	765
Patron–Lucas	SB	106	339	792
PORTSMOUTH INVITATIONAL TOURNAMENT				
Portsmouth Invitational Tournament; commemorating its 70th anniversary.				
Patron–Hayes	HR	150		2229
POSTURAL ORTHOSTATIC TACHYCARDIA SYNDROME AWARENESS DAY				
Postural Orthostatic Tachycardia Syndrome Awareness Day; designating as October 25, 2024, and each succeeding year thereafter. (Patron–Sullivan)	HJR	7		1922
PRESCRIPTION MEDICINES				
Health insurance; if prior authorization request is approved for prescription drugs, etc., have been scheduled, etc., to patient consistent with authorization, carrier shall not revoke, etc., that authorization.				
Patron–Willett	HB	1134	320	761
Patron–Favola	SB	98	338	790
Pharmacy outsourcing and pharmacy technician remote database access; Board of Pharmacy shall promulgate regulations authorizing pharmacies located in Commonwealth or out-of-state to outsource tasks associated with dispensing a prescription drug, etc., maximum number of persons performing duties of technician and support personnel a pharmacist may supervise at one time.				
Patron–Hodges	HB	1068	407	902
Patron–McDougle	SB	607	408	903
Prescription drugs; accessible labels provided for blind and disabled users.				
Patron–Hope	HB	516	725	1648
Prescription drugs; emergency regulations related to price transparency, effective period. (Patron–Sickles)	HB	592	727	1649
Prescription Monitoring Program; release of records to drug court administrators and behavioral health docket administrators. (Patron–Durant)	SB	74	33	56
Wholesale prescription drug importation program; Secretary of Health and Human Resources shall convene work group to investigate programs in other states, etc., report. (Patron–Subramanyam)	SB	186	620	1325
PRESIDENT OR VICE PRESIDENT				
President and Vice President; binding of electors, filling vacancies, repeals certain provisions related to federal offices and nominations for Presidential elections.				
Patron–Sullivan	HB	111	801	1806
PRIMARIES				
Candidates; declaration of candidacy for primary.				
Patron–McNamara	HB	90	169	411
Patron–Suetterlein	SB	109	264	680
Primary elections; candidates for nomination, withdrawal of candidacy resulting in unopposed primary, primary cancellation and nomination procedure.				
Patron–Wright	HB	55	166	410
Patron–Ruff	SB	131	230	571
PRINCE WILLIAM COMMITTEE OF 100				
Prince William Committee of 100; commending. (Patron–Sewell)	HR	363		2336
PRINCE WILLIAM COUNTY				
Prince William County 250 Committee; commending. (Patron–Mundon King)	HR	256		2282
PRISONERS				
Prisoner; physical examination by a licensed physician, licensed nurse practitioner, or licensed physician assistant upon his arrival. (Patron–Coyner)	HB	479	193	439
PRISONS AND OTHER METHODS OF CORRECTION				
Abuse and neglect of children; causing or enabling child to gain possession of a firearm, penalty.				
Patron–Willett	HB	36	161	402
Patron–VanValkenburg	SB	44	162	404
Community corrections alternative program; evaluation and diagnosis to determine eligibility for participation. (Patron–Delaney)	HB	1268	650	1429
Correctional facilities, local; stores and telephone systems, fees. (Patron–Shin)	HB	912	402	897

	BILL OR RES.	NO.	CHAP. NO.	PAGE NO.
PRISONS AND OTHER METHODS OF CORRECTION - Continued				
Corrections Ombudsman, Office of the Department of; created, powers and duties, authority to investigate complaints, Office shall enter into a memorandum of agreement with Department of Corrections, etc., report.				
Patron–Hope	HB	555	392	879
Patron–Marsden	SB	456	393	884
Electronic communication systems within state correctional facilities; telephone calls and communication services, established using lowest available rates.				
Patron–Rasoul	HB	801	455	981
Local and Regional Jails, State Board of; powers and duties. (Patron–Hope)	HB	103	136	309
Parole Board; voting requirements for decisions to grant discretionary parole or conditional release. (Patron–Shin)	HB	913	458	983
Prisoner; physical examination by a licensed physician, licensed nurse practitioner, or licensed physician assistant upon his arrival. (Patron–Coyner)	HB	479	193	439
State correctional and juvenile correctional facilities; use of canines, policies and regulations made public, prohibited acts. (Patron–Seibold)	HB	159	99	203
PRITCHETT, ASHBY R.				
Pritchett, Ashby R.; commending. (Patron–Stanley)	SR	133		2632
PROCACCINO, CRISTINA				
Procaccino, Cristina; commending. (Patron–Tran)	HR	414		2360
PROFESSIONAL AND OCCUPATIONAL REGULATION				
Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects, Board for; quorum and signature requirements, sunset date. (Patron–Owen)	HB	350	383	875
Asbestos, Lead, and Home Inspectors, Virginia Board for; removes responsibility of Board to promulgate regulations concerning dust sampling technicians, renovators, and accredited renovation training programs.				
Patron–Owen	HB	1005	93	190
Patron–Hackworth	SB	560	94	194
Cosmetology Compact; established, any applicant for a multistate license shall pay costs of performing any background check required. (Patron–Glass)	HB	322	281	712
Geology; definition of geological mapping, expands definition of practice of geology.				
Patron–Wiley	HB	287	23	36
Patron–Rouse	SB	184	4	3
Professional and Occupational Regulation and Health Professions, Departments of; certain suspensions not considered disciplinary action. (Patron–Sullivan)	HB	120	18	34
Professional wetland delineator; certification requirements. (Patron–Ennis)	HB	1182	545	1165
Real estate board; continuing education requirements for real estate brokers and salespersons.				
Patron–Reaser	HB	383	29	44
Patron–Jordan	SB	330	120	287
Real estate broker; definition.				
Patron–Shin	HB	917	459	983
Patron–VanValkenburg	SB	358	621	1325
Real estate brokers; definitions, prohibits certain locations from being used as places of business.				
Patron–Willett	HB	1237	327	773
Patron–Suetterlein	SB	437	352	816
Reciprocal licensing for neighboring states; Board for Waste Management Facility Operators, et al., shall immediately recognize licenses or certificates issued as fulfillment of qualifications, etc. (Patron–Jordan)	SB	554	157	376
Sickle cell anemia; prescription of opioids for pain management.				
Patron–Mundon King	HB	257	635	1401
Social Work Licensure Compact; authorizes Virginia to become a signatory to Compact, applicants for a Multistate License shall pay for cost of fingerprinting.				
Patron–Glass	HB	326	690	1581
Patron–Hashmi	SB	239	704	1617
Veterinary Medicine, Board of; powers and duties, satellite offices.				
Patron–Hackworth	SB	663	604	1276

	BILL OR RES.	NO.	CHAP. NO.	PAGE NO.
PROFESSIONS AND OCCUPATIONS				
Accountancy, Board of; powers and duties, definitions, repeals requirement for an annual audit of the Board.				
Patron–Runion	HB	1337	654	1489
Patron–Hackworth	SB	463	677	1544
Advance directive; revocation of directive upon filing of divorce or annulment of marriage, etc. (Patron–Arnold)	HB	436	81	177
Advance Health Care Planning Registry; amends list of documents that may be submitted to the Registry to include any other document that supports advance health care planning.				
Patron–Hope	HB	188	274	702
Patron–Head	SB	154	231	572
Advanced registered medication aides; aides who administer drugs in a certified nursing facility licensed by Department of Health to register with Board of Nursing, report. (Patron–Henson)	HB	349	284	723
Auricular acupuncture; use of the five needle protocol. (Patron–Zehr)	HB	1278	548	1167
Behavioral health technicians and technician assistants and qualified mental health professionals and trainees; definitions, scope of practice, supervision, and qualifications, Department of Behavioral Health and Developmental Services shall promulgate regulations that align with those adopted by Board of Counseling, etc.				
Patron–Durant	SB	403	595	1255
Cats; prohibition on declawing. (Patron–Martinez)	HB	1354	748	1687
Common interest communities; residents providing certain services exemption.				
Patron–Watts	HB	214	839	1904
Credentialed addiction treatment professionals; definition to include licensed behavior analysts. (Patron–Cohen)	HB	503	288	726
Crisis stabilization services; facilities licensed by Department of Behavioral Health and Developmental Services, nursing homes, remote dispensing systems, and administration of drugs.				
Patron–Sickles	HB	1336	63	152
Patron–Deeds	SB	568	513	1113
Dental hygienists; extends period during which a hygienist practicing under remote supervision may continue to treat a patient. (Patron–Price)	HB	605	295	733
Dentist and Dental Hygienist Compact; authorizes Virginia to become a signatory to the Compact.				
Patron–Sickles	HB	225	101	205
Patron–Locke	SB	22	31	46
Dentists and dental hygienists; added to list of providers who are immune from civil liability for any act done or made in performance of his duties, etc.				
Patron–Hope	HB	42	96	200
Patron–Pillion	SB	629	126	297
Drug Control Act; adds certain chemicals to Schedules I, II, IV, and V of Act.				
Patron–Wachsmann	HB	1333	62	139
Patron–Peake	SB	111	228	556
Funeral arrangements; disputes between next of kin, proof of designated person to make funeral arrangements and priority next of kin status. (Patron–Coyner)	HB	652	200	449
Funeral services; transportation protection agreements. (Patron–Williams Graves)	SB	513	598	1269
Medicine, Board of; an attorney is allowed to serve as executive director for the Board.				
Patron–Willett	HB	964	463	992
Medicine, Board of; temporary licensure of physicians licensed in a foreign country.				
Patron–Tran	HB	995	464	992
Naloxone or other opioid antagonists; possession and administration by state agencies, guidelines for private employer, report. (Patron–Hope)	HB	342	440	942
Nurse practitioners; patient care team provider, autonomous practice. (Patron–Tran)	HB	971	404	898
Out-of-state health care practitioners; temporary authorization to practice in assisted living facilities. (Patron–Cohen)	HB	511	390	878
PA Licensure Compact; authorizes Virginia to become a signatory to Compact, applicant for multistate license shall pay costs of performing any background check required by Compact. (Patron–Glass)	HB	324	439	933
Pharmacy technicians; expansion of allowable duties. (Patron–Hodges)	HB	1067	214	468
Physician assistants; practice agreement exemption. (Patron–Head)	SB	133	116	282

	BILL OR RES.	NO.	CHAP. NO.	PAGE NO.
PROFESSIONS AND OCCUPATIONS - Continued				
Places of public accommodation; possession and administration of epinephrine.				
Patron–Bennett-Parker	HB	1035	465	993
Practice of athletic training; amends definition. (Patron–Maldonado)	HB	1389	222	511
Preneed funeral contracts; declinable preneed funeral guarantee fee.				
Patron–Williams Graves	SB	521	247	628
Prescription drugs; accessible labels provided for blind and disabled users.				
Patron–Hope	HB	516	725	1648
Prescription Monitoring Program; release of records to drug court administrators and behavioral health docket administrators. (Patron–Durant)	SB	74	33	56
Professional counselors; Board of Counseling shall recognize the National Counselor Examination (NCE) as a valid examination for licensure. (Patron–Cole)	HB	426	443	956
Public elementary and secondary schools; possession and administration of undesignated glucagon, school board policies. (Patron–Bennett-Parker)	HB	1039	466	1002
Public schools; opioid antagonist procurement, etc., school board employee training and certification, guidelines and requirements, provisions shall be implemented by each local school board by beginning of 2025-2026 school year.				
Patron–Sewell	HB	732	451	966
Patron–Pillion	SB	726	519	1127
Space Force; clarifies definition of "military medical personnel," extension of certain benefits and privileges for persons serving in a branch of the Armed Forces.				
Patron–Sewell	HB	738	817	1827
Veterinary medicine; traineeships. (Patron–Davis)	HB	848	307	744
Virginia Health Workforce Development Authority; powers and duties, Virginia Health Care Career and Technical Training and Education Fund created, definitions, licensure of psychological practitioners, etc.				
Patron–Willett	HB	1499	754	1699
Patron–Head	SB	155	761	1707
PROGRESSIVE SUPRANUCLEAR PALSY MONTH OF AWARENESS				
Progressive Supranuclear Palsy Month of Awareness; designating as May 2024 and each succeeding year thereafter.				
Patron–Sullivan	HJR	13		1925
Patron–Perry	SJR	61		2440
PROPERTY AND CONVEYANCES				
Campbell County; conveyance of easement by Departments of State Police and Transportation. (Patron–Walker)	HB	1331	479	1037
Common interest communities; foreclosure, lien for assessments, unit owners' association records.				
Patron–Bulova	HB	880	55	123
Patron–Surovell	SB	341	349	804
Common interest communities; reserve studies, special assessment rescission or reduction. (Patron–Bulova)	HB	1209	324	766
Craigsville, Town of; conveyance of certain property from Department of Corrections to the Town. (Patron–Obenshain)	SB	691	127	300
Foreclosure procedures; subordinate mortgage, affidavit required, certain provisions shall not apply to subordinate lienholders who are either the original creditor, federal or state chartered credit union, etc. (Patron–Simon)	HB	184	803	1810
Land's End Wildlife Management Area; Department of Wildlife Resources to grant and convey an easement and right-of-way. (Patron–Kent)	HB	879	73	171
Manufactured Home Lot Rental Act; manufactured home parks, notice of sale and relocation expenses. (Patron–Krizek)	HB	1397	833	1889
Manufactured home parks; resident rights, terms of rental agreement.				
Patron–Delaney	HB	572	726	1648
Patron–Hashmi	SB	232	762	1711
Property Owners' Association Act; meeting of board of directors, requirements governing conduct of meetings. (Patron–Webert)	HB	723	82	178
Property Owners' Association Act or Virginia Condominium Act; assessments for legal obligations of associations, association charges. (Patron–Ebbin)	SB	672	685	1576
Quitclaim and release property rights; Department of Conservation and Recreation to release property rights related to a portion of real estate owned by Department				

	BILL OR RES.	NO.	CHAP. NO.	PAGE NO.
PROPERTY AND CONVEYANCES - Continued				
related to an offsite ingress and egress easement serving Biscuit Run Property in Albemarle County. (Patron–Callsen)	HB	778	453	977
Recordation of documents; name changes. (Patron–Ebbin)	SB	598	711	1635
Rental conveyances; relocates certain provisions related to assignments of rent.				
Patron–Gardner	HB	312	27	43
Patron–Stanley	SB	589	158	377
Resale Disclosure Act; adds condominium associations and real estate cooperative associations to the types of associations under the Act that are prohibited from collecting certain fees, option to receive resale certificate electronically.				
Patron–Reaser	HB	105	170	412
Resale Disclosure Act; delivery of resale certificate, updated certificate, fees, remedies. (Patron–Bulova)	HB	876	54	120
Resale Disclosure Act; fees charged for delivery of resale certificate, financial updates, exemptions. (Patron–Williams Graves)	SB	526	511	1109
Unfair Real Estate Service Agreement Act; created, consumer protections.				
Patron–Maldonado	HB	1243	328	774
Patron–Ebbin	SB	576	362	830
Uniform Statutory Rule Against Perpetuities; trusts, certain nonvested property interests or powers of appointment over property or property interests.				
Patron–Cousins	HB	836	52	116
Patron–Obenshain	SB	470	123	295
Virginia Consumer Protection Act; no landlord shall charge the tenant any transaction or processing fee for use of an electronic fund transfer, prohibited practices, effective clause, report. (Patron–Srinivasan)	HB	1519	838	1900
Virginia Real Estate Time-Share Act; partial termination of certain time-shares.				
Patron–Wilt	HB	1241	546	1165
Patron–Obenshain	SB	600	602	1271
Virginia Residential Landlord and Tenant Act; early termination for military personnel, stop movement order.				
Patron–Glass	HB	352	28	43
Patron–Perry	SB	213	154	373
Virginia Residential Landlord and Tenant Act; early termination of rental agreement, issuance of a permanent protective order. (Patron–Delaney)	HB	764	302	741
Virginia Residential Landlord and Tenant Act; fee disclosure statement.				
Patron–Lopez	HB	967	826	1859
Patron–Boysko	SB	405	788	1767
Virginia Residential Landlord and Tenant Act; landlord shall provide a copy of signed written rental agreement to tenant, an additional electronic copy of agreement shall be provided at no charge to the tenant. (Patron–Callsen)	HB	1272	831	1885
Virginia Residential Landlord and Tenant Act; routine maintenance, notice to tenant. (Patron–Feggans)	HB	701	46	106
Virginia Residential Landlord and Tenant Act; tenant's remedies from exclusion from dwelling unit due to condemnation. (Patron–Lopez)	HB	957	825	1859
Virginia Self-Service Storage Act; rental agreement may be delivered and accepted electronically. (Patron–Rouse)	SB	355	673	1541
PROPERTY, GROUNDS, AND BUILDINGS, STATE-OWNED				
All-terrain power wheelchairs in state parks; Department of Conservation and Recreation shall establish a two-year pilot program to enhance accessibility for individuals with limited mobility in Virginia's state parks by providing wheelchairs, Department shall make a report available to the public on its website. (Patron–Tran)	HB	1186	321	763
Uniform Statewide Building Code; enforcement of Code for bus shelters to be constructed for transit agencies receiving state funds from the Commonwealth Mass Transit Fund, etc., sunset date. (Patron–McQuinn)	HB	285	806	1819
PROPERTY OWNERS				
Property Owners' Association Act; meeting of board of directors, requirements governing conduct of meetings. (Patron–Webert)	HB	723	82	178
Property Owners' Association Act or Virginia Condominium Act; assessments for legal obligations of associations, association charges. (Patron–Ebbin)	SB	672	685	1576
PROTECTIVE ORDERS				
Protective order in case of family abuse; termination of temporary order of child support. (Patron–Ballard)	HB	294	26	41

	BILL OR RES.	NO.	CHAP. NO.	PAGE NO.
PROTECTIVE ORDERS - Continued				
Protective orders; person allowed to be prosecuted for a violation of an order charge in the jurisdiction where the party protected by the order resided at the time.				
Patron–Bennett-Parker	HB	895	108	247
Patron–Perry	SB	211	118	285
Protective orders; respondent to notify court in writing within seven days of any change of residence. (Patron–Perry)	SB	398	594	1248
Virginia Residential Landlord and Tenant Act; early termination of rental agreement, issuance of a permanent protective order. (Patron–Delaney)	HB	764	302	741
PROVIDENCE BAPTIST CHURCH				
Providence Baptist Church; commemorating its 60th anniversary. (Patron–Price)	HJR	396		2126
PRUDEN, CRAIG AARON				
Pruden, Craig Aaron; recording sorrow upon death. (Patron–Reeves)	SJR	72		2446
PRUITT, WILLIAM A.				
Pruitt, William A.; commending. (Patron–DeSteph)	SJR	210		2528
PSARIS, JOHN GEORGE				
Psaris, John George; commending. (Patron–Reid)	HJR	94		1953
PUBLIC DEFENDERS				
Public defender offices; establishes in City of Harrisonburg and County of Rockingham. (Patron–Wilt)	HB	1014	313	752
Public defenders; appointment of counsel, caseload exception. (Patron–Ballard)	HB	306	524	1137
PUBLIC SCHOOLS				
Public elementary and secondary schools; possession and administration of undesignated glucagon, school board policies. (Patron–Bennett-Parker)	HB	1039	466	1002
Public elementary and secondary schools; programs of health instruction on certain topics related to mental health. (Patron–Price)	HB	603	812	1824
Public high schools; Standards of Learning for physical and health education shall include research-based hazing prevention instruction in accordance with curriculum guidelines.				
Patron–Reaser	HB	719	144	321
Patron–Boysko	SB	379	7	6
Public middle schools and high schools; career and technical education organizations permitted. (Patron–Subramanyam)	SB	707	776	1734
Public school funding; ratios of instructional positions to English language learner students.				
Patron–Maldonado	HB	1247	743	1676
Patron–Hashmi	SB	272	766	1718
Public school teachers; licensure requirements, issuance of a one-year local eligibility license, alternate routes and flexibility, sunset date. (Patron–Ruff)	SB	142	845	1915
Public schools; fire drills during school session in accordance with requirements of State Fire Prevention Code. (Patron–Campbell)	HB	66	432	923
Public schools; opioid antagonist procurement, etc., school board employee training and certification, guidelines and requirements, provisions shall be implemented by each local school board by beginning of 2025-2026 school year.				
Patron–Sewell	HB	732	451	966
Patron–Pillion	SB	726	519	1127
Public schools; transfer and management of scholastic records, disclosure of information in court notices, transfer of disciplinary records.				
Patron–Cole	HB	1317	61	137
Patron–Durant	SB	443	8	11
Public schools; youth and community violence prevention, Community Builders Pilot Program established, report, sunset provision.				
Patron–Rasoul	HB	626	299	737
Patron–Aird	SB	484	357	822
Public secondary schools; satisfaction of physical education requirements, participation in Junior Reserve Officer's Training Corps. (Patron–Green)	HB	98	433	923
PUBLIC SERVICE COMPANIES				
Electric utilities; clarifies definition of "energy efficiency programs," definition of "electrification," on-bill tariff program. (Patron–Surovell)	SB	737	607	1280
Electric utilities; definitions, recovery of development costs associated with small modular reactor, sunset date. (Patron–Marsden)	SB	454	789	1768

	BILL OR RES.	NO.	CHAP. NO.	PAGE NO.
PUBLIC SERVICE COMPANIES - Continued				
Electric utilities; integrated resource plans, definitions, grid-enhancing technologies and advanced conductors. (Patron–Hernandez)	HB	862	532	1154
Energy efficiency programs; definitions, incremental annual savings, State Corporation Commission, in its sole discretion, may consider reasonableness, prudence, etc., in determining cost-effectiveness test for use in evaluating proposed energy efficiency programs.				
Patron–Webert	HB	746	818	1833
Patron–Deeds	SB	565	794	1783
Investor-owned electric utilities; State Corporation Commission, et al., to study performance-based regulatory tools.				
Patron–Sullivan	HJR	30		1928
Patron–Surovell	SJR	47		2432
Motor vehicles; overweight permits for certain trucks operated by electric utilities, no such permit shall authorize violation of any weight limitation applicable to bridges or culverts. (Patron–Sewell)	HB	1526	227	556
Net energy metering; eligible customer-generators and agricultural customer-generators, SCC shall make all reasonable efforts to ensure that program does not result in unreasonable cost-shifting to nonparticipating electric utility customers.				
Patron–Willett	HB	1062	827	1860
Patron–Subramanyam	SB	271	783	1759
Phase I Utility; definitions, recovery of development costs associated with small modular nuclear facility, sunset date. (Patron–O'Quinn)	HB	1491	836	1898
Public service companies; pole attachments to accommodate cable television systems and telecommunications service providers, public utility shall establish and adhere to practices and procedures for attachments, report.				
Patron–Herring	HB	800	822	1854
Patron–Marsden	SB	713	799	1803
Public utilities; municipal utilities, disconnection suspension for utilities, consumer protections, each utility shall provide notice procedures in English and Spanish.				
Patron–Shin	HB	906	824	1857
Patron–Aird	SB	480	790	1768
Public utilities and cooperatives; delay of termination of service for certain residential customers, report. (Patron–Helmer)	HB	275	637	1403
Renewable energy portfolio standard; geothermal heating and cooling systems, report, delayed effective date. (Patron–Surovell)	SB	508	597	1259
RPS eligible sources; falling water generation facilities. (Patron–Carroll Foy)	SB	495	596	1259
Shared solar programs; amends existing program provisions to apply to Dominion Energy Virginia (Phase II Utility), report.				
Patron–Sullivan	HB	106	715	1639
Patron–Surovell	SB	253	763	1712
Shared solar programs; State Corporation Commission to establish by regulation a program that allows customers of American Electric Power (Phase I Utility) opportunity to purchase electric power through a subscription in a shared solar facility, Commission shall initiate a proceeding to recalculate minimum bill within 30 days of its final order, report.				
Patron–Sullivan	HB	108	716	1641
Patron–Surovell	SB	255	765	1715
Submetering or energy allocation equipment; billing requirements, unit owners.				
Patron–Reid	HB	1376	557	1186
Utility work database; definitions, Department of Transportation shall establish and maintain a publicly accessible database and map of all utility work that has been approved, delayed effective date. (Patron–Reid)	HB	143	271	698
PULASKI, TOWN OF				
Pulaski, Town of; amending charter, municipal elections.				
Patron–Arnold	HB	1127	317	757
Patron–Hackworth	SB	475	356	821
QUINN EVANS ARCHITECTS				
Quinn Evans Architects; commending. (Patron–Carr)	HR	438		2372

	BILL OR RES.	NO.	CHAP. NO.	PAGE NO.
RADFORD HIGH SCHOOL				
Radford High School football team; commending.				
Patron–Ballard	HR	30		2168
Patron–Hackworth	SR	45		2585
RADFORD UNIVERSITY				
Radford University College of Nursing; commemorating its 50th anniversary.				
Patron–Rasoul	HJR	230		2029
Radford University, School of Social Work; commending. (Patron–Rasoul)	HR	348		2328
Radford University women's soccer team; commending. (Patron–Ballard)	HR	294		2303
RAGHAVAN, JYOTHI				
Raghavan, Jyothi; commending. (Patron–Srinivasan)	HR	441		2374
RAHIMI, ZAHRA				
Rahimi, Zahra; commending. (Patron–Bennett-Parker)	HJR	158		1989
RAILEY, RICHARD EDWARD, JR.				
Railey, Richard Edward, Jr.; recording sorrow upon death. (Patron–Jordan)	SR	11		2568
RAILROADS				
Virginia Passenger Rail Authority; exempts railway tunnels and bridges owned by Authority from Uniform Statewide Building Code and Statewide Fire Prevention Code Act. (Patron–Austin)	HB	1425	78	175
RAMANI, KASHVI				
Ramani, Kashvi; commending. (Patron–Glass)	HR	207		2258
RANDOLPH-KING, GLORIA				
Randolph-King, Gloria; recording sorrow upon death. (Patron–Rasoul)	HJR	110		1962
RAPE				
Juveniles; evidence of trafficking, sexual abuse, or rape by the alleged victim prior to or during the commission of the alleged offense, etc., court may conduct a hearing to allow the juvenile to present any evidence, treatment and rehabilitation.				
Patron–Watts	HB	268	365	836
RAPPAHANNOCK COFFEE AND ROASTING				
Rappahannock Coffee and Roasting; commending. (Patron–Lopez)	HJR	271		2054
RASNAKE, JORDYN PAIGE				
Rasnake, Jordyn Paige; recording sorrow upon death. (Patron–Hackworth)	SR	111		2621
RATHBURN, DAVID R.				
Rathburn, David R.; recording sorrow upon death. (Patron–Suetterlein)	SR	184		2657
RAY, ANNIE				
Ray, Annie; commending. (Patron–Watts)	HJR	186		2003
REAL ESTATE AND REAL ESTATE TAX				
Orange County; authorization to establish a department of real estate assessment and to enter into an agreement with a contiguous county or city to establish a joint department of real estate assessment. (Patron–Reeves)	SB	9	570	1203
REAL ESTATE BROKERS				
Real estate brokers; definitions, prohibits certain locations from being used as places of business.				
Patron–Willett	HB	1237	327	773
Patron–Suetterlein	SB	437	352	816
REAL PROPERTY				
Constitutional amendment; expands real property tax exemption for surviving spouses of soldiers who died in the line of duty (second reference), Chapter 739, 2023 Acts (first reference).				
Patron–Tran	HJR	45	777	1735
Patron–McPike	SJR	3	778	1735
Constitutional amendment; expands real property tax exemption for surviving spouses of soldiers who died in the line of duty (submitting to qualified voters).				
Patron–Hernandez	HB	558	394	890
Patron–McPike	SB	4	395	891
Manufactured home; conversion to real property. (Patron–Kilgore)	HB	1538	567	1200
Nonjudicial sale of tax delinquent real properties; unimproved properties within urban redevelopment or revitalization zone. (Patron–Simonds)	HB	258	636	1402

	BILL OR RES.	NO.	CHAP. NO.	PAGE NO.
REAL PROPERTY - Continued				
Property tax; exemption for surviving spouses of armed forces members who died in the line of duty. (Patron–McPike)	SB	240	583	1223
Real property; Department of Conservation and Recreation authorized to quitclaim and release certain rights related to a portion of real estate owned by the Department in Wythe County. (Patron–Arnold)	HB	428	39	96
Real property tax; notice of rate and assessment changes.				
Patron–Sullivan	HB	639	142	320
Patron–Durant	SB	677	14	29
REAVIS, LONNIE CHANDELL				
Reavis, Lonnie Chandell; recording sorrow upon death. (Patron–Jones)	HR	311		2310
RECORDATION TAX				
Recordation tax; value of interest conveyed. (Patron–Thomas)	HB	574	140	315
RECOVERY DAY				
Recovery Day; designating as Monday, January 22, 2024. (Patron–Coyner)	HJR	77		1945
REDCROSS, PATRICIA DIANNE				
Redcross, Patricia Dianne; recording sorrow upon death.				
Patron–Price	HR	370		2340
Patron–Locke	SJR	97		2462
REDFORD, SUSAN JANE				
Redford, Susan Jane; recording sorrow upon death. (Patron–Cherry)	HJR	203		2013
REED, DAVID WIETT				
Reed, David Wiett; recording sorrow upon death. (Patron–DeSteph)	SR	139		2635
REESTABLISH RICHMOND				
ReEstablish Richmond; commemorating its 10th anniversary. (Patron–Hashmi)	SR	44		2584
REFERENDUMS				
Casino gaming; amends lists of cities eligible to host a casino in the Commonwealth by replacing City of Richmond with City of Petersburg, local referendum required.				
Patron–Aird	SB	628	798	1801
Casino gaming; limits on required local referendums. (Patron–Krizek)	HB	525	291	728
RELIGIOUS AND CHARITABLE MATTERS; CEMETERIES				
Family cemeteries; interment rights, proof of kinship. (Patron–Roem)	SB	281	767	1721
RENTAL PROPERTY				
Residential dwelling units; rentals for 30 consecutive days or longer.				
Patron–Simon	HB	634	300	738
Patron–McPike	SB	308	347	803
Short-term rental property; locality's ability to prohibit lessee or sublessee operator, localities may enact an ordinance that limits to one short-term rental within applicable locality. (Patron–Mundon King)	HB	1461	700	1612
Short-term rental property; no local ordinance enacted after December 31, 2023, or any subsequent amendment, shall require that a special exception, conditional use, etc., permit be obtained for use of a residential dwelling as a rental. (Patron–Bagby)	SB	544	792	1777
REPUBLIC OF GHANA				
Republic of Ghana; commending. (Patron–Mundon King)	HR	424		2366
RETAIL SALES AND USE TAX				
Retail Sales and Use Tax; establishes an annual tax holiday that takes place the first full weekend in August, effective July 1, 2025, through July 1, 2030.				
Patron–Reid	HB	25	628	1392
Patron–Lucas	SB	116	663	1517
Retail Sales and Use Tax; exemptions for nonprofit entities. (Patron–Runion)	HB	464	287	725
RETIREMENT SYSTEMS				
Virginia Law Officers' Retirement System; adds full-time firefighters employed by Department of Military Affairs, delayed effective date. (Patron–Clark)	HB	1401	417	910
Virginia Law Officers' Retirement System; extends membership to conservation officers, delayed effective date, reenactment clause. (Patron–Orrock)	HB	1312	416	910
Virginia Retirement System; allows members of the System to purchase service credit for prior full-time active duty military service, etc.				
Patron–Bulova	HB	70	267	689
Patron–Marsden	SB	458	353	818

	BILL OR RES.	NO.	CHAP. NO.	PAGE NO.
REYNOLDS, PETER				
Reynolds, Peter; commending. (Patron–McGuire)	SJR	120		2475
REYNOLDS, RICHARD SAMUEL, III				
Reynolds, Richard Samuel, III; recording sorrow upon death.				
Patron–McQuinn	HR	355		2332
Patron–VanValkenburg	SJR	175		2508
RHODES, ANNE JACKSON GREGORY				
Rhodes, Anne Jackson Gregory; recording sorrow upon death.				
Patron–VanValkenburg	SJR	211		2529
RICE, LEE PENINGTON				
Rice, Lee Penington; recording sorrow upon death. (Patron–Carr)	HJR	357		2105
RICE, MACK F., SR.				
Rice, Mack F., Sr.; recording sorrow upon death. (Patron–Cordoza)	HR	277		2293
RICHMOND CANES				
Richmond Canes; commending. (Patron–Sturtevant)	SR	102		2617
RICHMOND, CITY OF				
Casino gaming; amends lists of cities eligible to host a casino in the Commonwealth by replacing City of Richmond with City of Petersburg, local referendum required.				
Patron–Aird	SB	628	798	1801
Casino gaming; removes the City of Richmond as an eligible host city.				
Patron–Carr	HB	1131	318	758
Patron–Bagby	SB	541	359	823
Environmental Quality, Department of; any party seeking judicial review for final decision shall file such action in the Circuit Court of City of Richmond within 30 days of decision.				
Patron–Sullivan	HB	122	717	1644
Patron–Deeds	SB	580	774	1733
RIDDER, MARIE				
Ridder, Marie; commending.				
Patron–Sullivan	HJR	172		1996
Patron–Boysko	SR	118		2625
RIFE, DONALD WAYNE				
Rife, Donald Wayne; recording sorrow upon death.				
Patron–Morefield	HJR	128		1972
Patron–Kilgore	HR	115		2209
Patron–Hackworth	SR	36		2580
RIGOLO, JONATHAN				
Rigolo, Jonathan; commending. (Patron–Feggans)	HR	407		2357
RILEY, DEVIN MICHAEL				
Riley, Devin Michael; recording sorrow upon death. (Patron–Head)	SJR	209		2528
RIPPON LODGE HISTORIC SITE				
Rippon Lodge Historic Site; commemorating its 275th anniversary. (Patron–Sewell)	HR	364		2336
RIVER BASIN GRAND WINNERS OF THE CLEAN WATER FARM AWARD				
River Basin Grand Winners of the Clean Water Farm Award; commending.				
Patron–Lopez	HJR	269		2053
RIVERA-MAYSONET, VIVIAN				
Rivera-Maysonet, Vivian; commending. (Patron–Coyner)	HR	341		2325
ROANOKE VALLEY CHESS CLUB				
Roanoke Valley Chess Club; commemorating its 75th anniversary. (Patron–Rasoul)	HJR	113		1964
ROANOKE-BLACKSBURG REGIONAL AIRPORT				
Roanoke-Blacksburg Regional Airport; commemorating its 90th anniversary.				
Patron–Austin	HJR	181		2001
ROBERTS, ALLAN				
Roberts, Allan; recording sorrow upon death.				
Patron–Kilgore	HJR	75		1943
Patron–Pillion	SR	145		2638
ROBERTS, RAYMOND R.				
Roberts, Raymond R.; commending. (Patron–VanValkenburg)	SJR	208		2527

	BILL OR RES.	NO.	CHAP. NO.	PAGE NO.
ROBERTS, STANLEY WILLIAM				
Roberts, Stanley William; recording sorrow upon death.				
Patron–Scott, P.A.	HJR	207		2016
Patron–Reeves	SJR	143		2490
ROBERTSON, LISA NELSON				
Robertson, Lisa Nelson; recording sorrow upon death. (Patron–Tata)	HR	78		2191
ROBINSON, JOSEPH				
Robinson, Joseph; commending. (Patron–Hodges)	HR	276		2293
ROBINSON, MONTE				
Robinson, Monte; commending. (Patron–Green)	HR	34		2170
ROBINSON, ROXANN				
Robinson, Roxann; commending. (Patron–Earley)	HR	186		2247
ROCKINGHAM COUNTY				
Public defender offices; establishes in City of Harrisonburg and County of Rockingham. (Patron–Wilt)	HB	1014	313	752
ROCKTOWN HISTORY				
Rocktown History; commemorating its 125th anniversary. (Patron–Runion)	HJR	215		2021
RODRIGUEZ, REUBAN				
Rodriguez, Reuban; commending. (Patron–LeVere Bolling)	HR	423		2365
ROGERS, MONICA WRIGHT				
Rogers, Monica Wright; commending. (Patron–Mundon King)	HR	216		2262
ROLLER, MARK				
Roller, Mark; commending. (Patron–Gilbert)	HJR	284		2061
ROOFING PROFESSIONALS, VIRGINIA ASSOCIATION OF				
Roofing Professionals, Virginia Association of; commending. (Patron–Wyatt)	HJR	159		1989
ROSSMANN, JOHN				
Rossmann, John; commending. (Patron–Reid)	HJR	151		1985
ROWLANDS, CHERYL				
Rowlands, Rick and Cheryl; commending. (Patron–Jordan)	SR	12		2569
ROWLANDS, RICK				
Rowlands, Rick and Cheryl; commending. (Patron–Jordan)	SR	12		2569
RURAL EMPOWERMENT				
Rural Empowerment; commending. (Patron–Srinivasan)	HR	376		2343
RUSSELL COUNTY				
Russell County Industrial Development Authority; board of supervisors may appoint members to its authority, which shall consist of two members from the governing body of a town.				
Patron–O'Quinn	HB	1410	483	1040
Patron–Pillion	SB	727	520	1134
RUSSELL, RITA LOUISE HUBBARD				
Russell, Rita Louise Hubbard; recording sorrow upon death. (Patron–McQuinn)	HR	164		2235
RUSTIC LOVE				
Rustic Love; commending. (Patron–Seibold)	HR	296		2304
RX PARTNERSHIP				
Rx Partnership; commending. (Patron–Willett)	HJR	332		2090
S. DELOIS MAYES SCHOLARSHIP FOUNDATION				
S. Delois Mayes Scholarship Foundation; commending. (Patron–Clark)	HR	68		2186
SADLER, SUE				
Sadler, Sue; commending. (Patron–Batten)	HR	253		2280
SAFADI, ELIJAH ISLAM				
Safadi, Elijah Islam; recording sorrow upon death. (Patron–Thomas)	HJR	424		2141
SAILES, JAMES LEWIS				
Sailes, James Lewis; commending. (Patron–McQuinn)	HR	307		2309
SALES AND USE TAX				
Retail Sales and Use Tax; establishes an annual tax holiday that takes place the first full weekend in August, effective July 1, 2025, through July 1, 2030.				

	BILL OR RES.	NO.	CHAP. NO.	PAGE NO.
SALES AND USE TAX - Continued				
Patron–Reid	HB	25	628	1392
Patron–Lucas	SB	116	663	1517
Retail Sales and Use Tax; exemptions for nonprofit entities. (Patron–Runion)	HB	464	287	725
SALOMONSKY, H. LOUIS				
Salomonsky, H. Louis; recording sorrow upon death. (Patron–McQuinn)	HR	168		2238
SALTZBERG, ED				
Saltzberg, Ed; commending. (Patron–Simon)	HJR	277		2057
SANGAMAM TAMIL SCHOOL				
Sangamam Tamil School; commending. (Patron–Srinivasan)	HR	446		2377
SANGARÉ, YAHNEY-MARIE				
Sangaré, Yahney-Marie; commending. (Patron–Lopez)	HJR	387		2122
SANGSTER ELEMENTARY SCHOOL				
Sangster Elementary School; commending. (Patron–Cohen)	HR	390		2349
SANNER, MARGARET L.				
Sanner, Margaret L.; commending.				
Patron–Bulova	HJR	136		1977
Patron–Hashmi	SR	26		2575
SASLAW, RICHARD L.				
Saslaw, Richard L.; establishes a committee to contract for a portrait to be painted, framed, and installed in the Capitol. (Patron–Locke)	SR	121		2626
SCHERER, ROY BRITTON				
Scherer, Roy Britton; recording sorrow upon death. (Patron–Aird)	SR	126		2629
SCHOOL BOARDS				
Education, Board of; school boards to administer through-year growth assessment system, alternatives during 2024-2026 school years.				
Patron–Rasoul	HB	1076	148	336
Patron–Suetterlein	SB	435	122	294
Health education; each school board may provide, as part of health instruction, a program of instruction on menstrual education. (Patron–Seibold)	HB	1221	741	1671
Innovative alternative school transportation options; school boards encouraged to implement low-cost or no-cost alternatives to transporting students to and from school on school buses, etc. (Patron–LeVere Bolling)	HB	937	535	1157
Junior Reserve Officers' Training Corps (JROTC); Department of Education shall notify school boards of any federal legal obligation relating to program participation.				
Patron–Higgins	HB	1231	326	773
Opioids; Department of Education shall develop education materials and guidelines for school boards concerning risks. (Patron–Convirs-Fowler)	HB	134	434	927
Public elementary and secondary schools; possession and administration of undesignated glucagon, school board policies. (Patron–Bennett-Parker)	HB	1039	466	1002
Public schools; opioid antagonist procurement, etc., school board employee training and certification, guidelines and requirements, provisions shall be implemented by each local school board by beginning of 2025-2026 school year.				
Patron–Sewell	HB	732	451	966
Patron–Pillion	SB	726	519	1127
School board employees; school board shall respond within 10 working days of receiving a request for employment verification.				
Patron–Cole	HB	355	442	956
Patron–Durant	SB	441	508	1108
School boards; enrolled students present at meetings, public comment or citizen participation. (Patron–Cole)	HB	253	689	1580
School boards; model memorandum of understanding, partnerships with certain mental health services providers, provision and expansion of virtual mental health services. (Patron–Srinivasan)	HB	919	534	1157
School boards; unexpended local funds, capital reserve fund permitted.				
Patron–Simonds	HB	599	294	732
SCHOOL BUSES				
Innovative alternative school transportation options; school boards encouraged to implement low-cost or no-cost alternatives to transporting students to and from school on school buses, etc. (Patron–LeVere Bolling)	HB	937	535	1157

	BILL OR RES.	NO.	CHAP. NO.	PAGE NO.
SCHOOL BUSES - Continued				
School bus video-monitoring system; no contract entered into shall require a minimum quota of violations captured or citations issued in order for system to be deployed. (Patron–Maldonado)	HB	1362	221	510
School buses; increases maximum width of vehicles. (Patron–Obenshain)	SB	572	361	830
SCHWEIZER, ASHLEY ELIZABETH				
Schweizer, Ashley Elizabeth; commending. (Patron–Tran)	HR	442		2374
SCIENCE AND TECHNOLOGY				
Technology and Science, Joint Commission on; authority to appoint, employ, and remove staff. (Patron–Hayes)	HB	1199	739	1671
SCOUTS BSA TROOP 128				
Scouts BSA Troop 128; commemorating its 100th anniversary. (Patron–Sullivan)	HJR	272		2055
SEAFOOD				
Fisheries Innovation for Sustainable Harvest Fund; created for purposes of supporting, etc., growth of Virginia's seafood economy.				
Patron–Askew	HB	596	198	443
Patron–Stuart	SB	464	246	627
SEARCH WARRANTS				
Search warrants, subpoenas, court orders, or other process; menstrual health data prohibited.				
Patron–Watts	HB	78	523	1137
Patron–Favola	SB	16	571	1204
SEAY, ELMER TAYLOR, JR.				
Seay, Elmer Taylor, Jr.; recording sorrow upon death. (Patron–McQuinn)	HR	265		2287
SECONDARY SCHOOLS				
Public elementary and secondary schools; possession and administration of undesignated glucagon, school board policies. (Patron–Bennett-Parker)	HB	1039	466	1002
Public elementary and secondary schools; programs of health instruction on certain topics related to mental health. (Patron–Price)	HB	603	812	1824
Public secondary schools; satisfaction of physical education requirements, participation in Junior Reserve Officer's Training Corps. (Patron–Green)	HB	98	433	923
SECRETARIAT				
Secretariat; commemorating his life and legacy on the occasion of the 50th anniversary of his American Triple Crown victory. (Patron–Freitas)	HJR	225		2027
SECRETARIAT RACING INTO HISTORY				
Secretariat Racing Into History; commending. (Patron–Fowler)	HJR	205		2014
SEEK, MELISSA				
Seek, Melissa; commending. (Patron–Glass)	HR	173		2241
SENATE OF VIRGINIA				
Rules of the Senate; established. (Patron–Locke)	SR	3		2549
Saslaw, Richard L.; establishes a committee to contract for a portrait to be painted, framed, and installed in the Capitol. (Patron–Locke)	SR	121		2626
Senate; 2024 operating resolution. (Patron–Locke)	SR	2		2549
2024 House-Senate basketball game; commending annual fundraiser for Massey Cancer Center. (Patron–Rouse)	SR	119		2625
SENIOR CITIZENS				
Financial institutions; reporting financial exploitation of elderly or vulnerable adults, Bureau of Financial Institutions of the State Corporation Commission shall develop guidelines for institutions to provide training.				
Patron–Maldonado	HB	692	530	1152
Patron–Favola	SB	174	578	1213
Multi-jurisdiction grand jury; elder abuse crimes. (Patron–Delaney)	HB	769	397	894
SERVICE EMPLOYEES INTERNATIONAL UNION, LOCAL 32BJ				
Service Employees International Union, Local 32BJ; commemorating its 90th anniversary.				
Patron–Tran	HJR	406		2132
Patron–Hashmi	SJR	244		2548
SERVICE OF PROCESS				
Statutory agents; adds Clerk of the State Corporation Commission to the definition of "statutory agent," repeals provision relating to service of process. (Patron–Henson)	HB	794	454	977

	BILL OR RES. NO.		CHAP. NO.	PAGE NO.
SETTLE, GLENN STUART				
Settle, Glenn Stuart; commending.				
Patron–Kent	HR	63		2183
Patron–Stuart	SJR	112		2470
SEWA INTERNATIONAL				
Sewa International; commending. (Patron–Subramanyam)	SR	169		2649
SEWAGE DISPOSAL AND SEWERAGE SYSTEMS				
Alternative onsite sewage systems; approval of treatment units. (Patron–Hodges)	HB	1431	419	911
Combined sewer overflow outfalls; compliance with regulations, outfalls that discharge into the Chesapeake Bay Watershed.				
Patron–Bulova	HB	71	97	202
Patron–Ebbin	SB	372	6	6
Sewage sludge regulations; relief from administrative requirements, adverse and unusual weather events. (Patron–Bulova)	HB	870	209	459
SEWARD, SUSAN B.				
Seward, Susan B.; commending. (Patron–Wachsmann)	HJR	322		2085
SEXUAL OFFENSES				
Child abuse and neglect; adds aggravated sexual battery of a child and attempted rape, etc., of a child to the list of offenses for which a failure to report subjects a mandatory reporter to criminal liability. (Patron–Mundon King)	HB	1542	615	1292
Criminal Injuries Compensation Fund; claims for an award under Fund involving claims of sexual abuse of a minor where conduct constitutes a felony, the passage of time shall not be a barrier to when the victim can file a claim.				
Patron–Green	HB	155	175	414
Patron–French	SB	646	254	640
Juveniles; evidence of trafficking, sexual abuse, or rape by the alleged victim prior to or during the commission of the alleged offense, etc., court may conduct a hearing to allow the juvenile to present any evidence, treatment and rehabilitation.				
Patron–Watts	HB	268	365	836
SHEIKH, M. SIDDIQUE				
Sheikh, M. Siddique; commending. (Patron–Carroll Foy)	SR	101		2616
SHENANDOAH APPLE BLOSSOM FESTIVAL				
Shenandoah Apple Blossom Festival; commemorating its 100th anniversary.				
Patron–Wiley	HR	49		2176
SHERIDAN, BRENDA				
Sheridan, Brenda; commending. (Patron–Reaser)	HR	139		2223
SHIFFLETT, BARBARA				
Shifflett, Josh and Barbara; commending. (Patron–Reeves)	SJR	230		2540
SHIFFLETT, DOUGLAS W., SR.				
Shifflett, Douglas W., Sr.; recording sorrow upon death. (Patron–Runion)	HR	74		2189
SHIFFLETT, JOSH				
Shifflett, Josh and Barbara; commending. (Patron–Reeves)	SJR	230		2540
SHINHOLSER, JOHN				
Shinholser, John; commending.				
Patron–Carr	HJR	292		2065
Patron–VanValkenburg	SJR	174		2507
SHORT, SHIRLEY				
Short, Shirley; commending. (Patron–Krizek)	HJR	375		2115
SHREWSBURY, JEAN				
Shrewsbury, Jean; commending. (Patron–Obenshain)	SR	183		2656
SICKLE CELL DISEASE				
Adult wellness screening; tests for sickle cell disease or sickle cell trait at time of physical examination, health care professional shall provide education and appropriate counseling regarding test results. (Patron–Mundon King)	HB	255	182	421
Sickle cell anemia; prescription of opioids for pain management.				
Patron–Mundon King	HB	257	635	1401
Sickle cell disease; annual review of medication and treatment, report.				
Patron–Mundon King	HB	820	306	744

	BILL OR RES.	NO.	CHAP. NO.	PAGE NO.
SICKLE CELL DISEASE - Continued				
Sickle cell disease; statewide registry created, collection of disease case information, report. (Patron–Cole)	HB	252	437	930
SIMMONS, MARK C.				
Simmons, Mark C.; commending. (Patron–Surovell)	SJR	44		2430
SIMPSON DEVELOPMENT COMPANY, INC.				
Simpson Development Company, Inc.; commemorating its 100th anniversary. Patron–Ebbin	SJR	111		2470
SIREN SKATE SHOP				
Siren Skate Shop; commending. (Patron–Hernandez)	HR	274		2292
6888TH CENTRAL POSTAL DIRECTORY BATTALION DAY				
6888th Central Postal Directory Battalion Day; designating as September 16, 2024, and each succeeding year thereafter. (Patron–Glass)	HJR	57		1937
SLAUGHTER, TOMMY				
Slaughter, Tommy; commending. (Patron–Phillips)	HR	247		2278
SLOUGH, RONALD LEWIS				
Slough, Ronald Lewis; recording sorrow upon death. (Patron–Campbell)	HJR	125		1970
SMALL BUSINESSES				
Small SWaM Business Procurement Enhancement Program; established, definitions, report, effective clause, disparity study. (Patron–Ward)	HB	1404	834	1889
SMITH, CLAUDE NELSON				
Smith, Claude Nelson; recording sorrow upon death. (Patron–Head)	SJR	219		2534
SMITH, DENISE BURRELL				
Smith, Denise Burrell; commending.				
Patron–McQuinn	HR	180		2244
Patron–Aird	SJR	155		2496
SMITH, GILBERT A.				
Smith, Gilbert A.; commending.				
Patron–McQuinn	HR	179		2244
Patron–Aird	SJR	157		2497
SMITH, LAWRENCE MELVIN, JR.				
Smith, Lawrence Melvin, Jr.; recording sorrow upon death. (Patron–Roem)	SR	130		2631
SMITH, MARK E.				
Smith, Mark E.; commending. (Patron–Hashmi)	SJR	151		2494
SMITH MOUNTAIN LAKE CHRISTIAN ACADEMY				
Smith Mountain Lake Christian Academy; commending. (Patron–Zehr)	HR	326		2318
SMITH, ROBERT J.				
Smith, Robert J.; commending. (Patron–Surovell)	SJR	142		2489
SMITH, ROGER				
Smith, Roger; recording sorrow upon death. (Patron–Obenshain)	HR	230		2270
SMITHFIELD PACKERS YOUTH SPORTS 06U BLUE TEAM				
Smithfield Packers Youth Sports 06U Blue team; commending. (Patron–Jordan)	SR	13		2569
SMITHFIELD, TOWN OF				
Smithfield, Town of; amending charter, municipal elections, repealing outdated provisions.				
Patron–Wachsmann	HB	91	269	693
Patron–Jordan	SB	309	348	803
SNAVELY, JIM				
Snavely, Jim; commending. (Patron–Obenshain)	SR	117		2624
SOARES, SHAWN				
Soares, Shawn; recording sorrow upon death.				
Patron–Carr	HJR	291		2065
Patron–Hashmi	SR	41		2582
SOCIAL SERVICES, BOARD OF OR DEPARTMENT OF				
Certain individuals in foster care, in the custody of the Department of Social Services, or considered a special-needs adoption; parameters of higher education grants, point of contact for support and guidance. (Patron–Tata)	HB	700	449	963
Children's residential facility; Office of the Children's Ombudsman authorized to request that Department of Social Services, et al., grant access and provide consent to				

	BILL OR RES.	NO.	CHAP. NO.	PAGE NO.
SOCIAL SERVICES, BOARD OF OR DEPARTMENT OF - Continued				
interview children in foster care who are the subject of or the complainant in an investigation. (Patron–Gardner)	HB	317	280	710
Criminal history record information; Department of Social Services to obtain information for screening individuals as a condition of licensure, etc., on a regular basis in a licensed child welfare agency or foster or adoptive home. Patron–Simonds	HB	361	526	1140
Home Energy Assistance Program; State Board of Social Services is authorized to promulgate regulations to allow applications to be submitted over an application period that provides adequate time for individuals to apply, etc. (Patron–Hernandez)	HB	855	734	1662
Supplemental Nutrition Assistance Program; Department of Social Services may not require persons who are applying to participate or renewing their participation in program to appear in person. (Patron–Helmer)	HB	150	435	927
Temporary Assistance for Needy Families Program; repeals requirement that the Department of Social Services identify strategies for Virginia to obtain the maximum amount of federal funds available for child care services for Program recipients. Patron–Gardner	HB	472	102	215
SOCIAL4GOOD				
Social4Good; commemorating its fifth anniversary. (Patron–Seibold)	HR	146		2227
SOLAR ENERGY				
Shared solar programs; amends existing program provisions to apply to Dominion Energy Virginia (Phase II Utility), report. Patron–Sullivan	HB	106	715	1639
Patron–Surovell	SB	253	763	1712
Shared solar programs; State Corporation Commission to establish by regulation a program that allows customers of American Electric Power (Phase I Utility) opportunity to purchase electric power through a subscription in a shared solar facility, Commission shall initiate a proceeding to recalculate minimum bill within 30 days of its final order, report. Patron–Sullivan	HB	108	716	1641
Patron–Surovell	SB	255	765	1715
Zoning; extension of land use approvals for solar photovoltaic and energy storage projects, period of validity for certain projects. (Patron–Coyner)	HB	650	301	738
SOLENBERGER'S TRUE VALUE HARDWARE				
Solenberger's True Value Hardware; commemorating its 135th anniversary. Patron–Wiley	HR	83		2193
SOMERVILLE, FRANK W.				
Somerville, Frank W.; commending. (Patron–Reeves)	SJR	199		2522
SONS OF THE AMERICAN REVOLUTION, FAIRFAX RESOLVES CHAPTER OF THE VIRGINIA SOCIETY				
Sons of the American Revolution, Fairfax Resolves Chapter of the Virginia Society; commemorating its 250th anniversary. (Patron–Krizek)	HJR	417		2137
SOUTH LOUDOUN YOUTH CHORALE				
South Loudoun Youth Chorale; commending. (Patron–Subramanyam)	SR	172		2651
SOUTHSIDE YOUTH FOOTBALL LEAGUE				
Southside Youth Football League; commending. (Patron–Anthony)	HJR	353		2102
SPEAKER OF THE VIRGINIA HOUSE OF DELEGATES				
Gilbert, C. Todd; authorizes and allocates funding for the painting of a portrait of former Speaker of the House of Delegates to be hung in the Chamber of the House of Delegates. (Patron–Herring)	HR	17		2162
Rules, Joint Committee on, and the Speaker of the House of Delegates; confirming various appointments. (Patron–Herring)	HJR	402		2130
SPECIAL EDUCATION				
Special education and related services; definitions, duties of Department of Education, utilization of Virginia IEP, special education family support centers, education preparation program, coursework, reports. Patron–Coyner	HB	1089	468	1008
Patron–Favola	SB	220	502	1074

	BILL OR RES.	NO.	CHAP. NO.	PAGE NO.
SPEED LIMITS				
Speed limits; expands authority of any locality to reduce limit to less than 25 miles per hour, prior notice to Commissioner of Highways before change. (Patron–Carr)	HB	1071	842	1910
Speed limits; if the Commissioner of Highways increases or decreases a speed limit, Department of Transportation shall notify the primary liaison with the Department in each locality in which such speed limit change will occur. (Patron–Reid)	HB	144	272	698
SPENCER, HENRY				
Spencer, Henry; commending. (Patron–Lopez)	HJR	388		2122
SPORTING EXHIBITIONS, EVENTS, AND FACILITIES				
Motor sports facilities; local incentives. (Patron–Stanley)	SB	17	572	1205
SPOUSAL SUPPORT				
Child and spousal support; entry or modification of orders, determination of support overages. (Patron–Herring)	HB	784	51	113
STAFFORD COUNTY				
Stafford County Public Schools Teachers of the Year; commending.				
Patron–Mundon King	HR	79		2192
STAFFORD HIGH SCHOOL				
Stafford High School competition cheer team; commending. (Patron–Durant)	SJR	132		2482
STANDARDS OF LEARNING				
Public high schools; Standards of Learning for physical and health education shall include research-based hazing prevention instruction in accordance with curriculum guidelines.				
Patron–Reaser	HB	719	144	321
Patron–Boysko	SB	379	7	6
Standards of Learning; grades nine and 10 health education instruction shall include severe allergic reaction awareness training, Department of Education shall develop and post on its official website guidance documents, etc. (Patron–Sullivan)	HB	121	171	412
Standards of Learning assessment; Board of Education shall revise its regulations relating to student eligibility for an expedited retake, report. (Patron–Phillips)	HB	1451	612	1291
STATE AGENCIES				
Abandoned watercraft; destruction and disposal by localities and state agencies.				
Patron–Knight	HB	1053	314	753
Naloxone or other opioid antagonists; possession and administration by state agencies, guidelines for private employer, report. (Patron–Hope)	HB	342	440	942
State agencies and their appointing authorities; duties, diversity, equity, and inclusion strategic plans. (Patron–Askew)	HB	1452	659	1509
STATE CORPORATION COMMISSION				
Energy efficiency programs; definitions, incremental annual savings, State Corporation Commission, in its sole discretion, may consider reasonableness, prudence, etc., in determining cost-effectiveness test for use in evaluating proposed energy efficiency programs.				
Patron–Webert	HB	746	818	1833
Patron–Deeds	SB	565	794	1783
Financial institutions; reporting financial exploitation of elderly or vulnerable adults, Bureau of Financial Institutions of the State Corporation Commission shall develop guidelines for institutions to provide training.				
Patron–Maldonado	HB	692	530	1152
Patron–Favola	SB	174	578	1213
Investor-owned electric utilities; State Corporation Commission, et al., to study performance-based regulatory tools.				
Patron–Sullivan	HJR	30		1928
Patron–Surovell	SJR	47		2432
Judges; election in Court of Appeals of Virginia, circuit court, general district court, juvenile and domestic relations district court, a member of the Judicial Inquiry and Review Commission, members of the State Corporation Commission, and a member of the Virginia Workers' Compensation Commission. (Patron–Maldonado)	HJR	99		1956
Net energy metering; eligible customer-generators and agricultural customer-generators, SCC shall make all reasonable efforts to ensure that program				

	BILL OR RES.	NO.	CHAP. NO.	PAGE NO.
STATE CORPORATION COMMISSION - Continued				
does not result in unreasonable cost-shifting to nonparticipating electric utility customers.				
Patron–Willett	HB	1062	827	1860
Patron–Subramanyam	SB	271	783	1759
Shared solar programs; State Corporation Commission to establish by regulation a program that allows customers of American Electric Power (Phase I Utility) opportunity to purchase electric power through a subscription in a shared solar facility, Commission shall initiate a proceeding to recalculate minimum bill within 30 days of its final order, report.				
Patron–Sullivan	HB	108	716	1641
Patron–Surovell	SB	255	765	1715
State Corporation Commission; annual report filing requirements. (Patron–Sullivan)	HB	124	137	310
State Corporation Commission; nomination for election of members.				
Patron–Ward	HR	42		2174
Patron–Deeds	SR	20		2572
Statutory agents; adds Clerk of the State Corporation Commission to the definition of "statutory agent," repeals provision relating to service of process. (Patron–Henson)	HB	794	454	977
Towing fees; State Corporation Commission shall examine existing regulation of fees charged for removal of vehicles, report. (Patron–Marsden)	SB	450	245	627
STATE GOVERNMENTS SOUTHERN OFFICE, COUNCIL OF				
State Governments Southern Office, Council of; commending. (Patron–Sewell)	HR	20		2164
STATE INSPECTOR GENERAL, OFFICE OF THE				
State Inspector General, Office of the; investigations of abuse or neglect at state psychiatric hospitals, annual report on or before December 1. (Patron–Favola)	SB	178	664	1517
State Inspector General, Office of the; investigations of abuse or neglect at state psychiatric hospitals, annual report on or before November 1. (Patron–Hope)	HB	313	638	1404
STATE PARKS				
All-terrain power wheelchairs in state parks; Department of Conservation and Recreation shall establish a two-year pilot program to enhance accessibility for individuals with limited mobility in Virginia's state parks by providing wheelchairs, Department shall make a report available to the public on its website. (Patron–Tran)	HB	1186	321	763
STAUNTON, CITY OF				
Staunton, City of; City allowed to reduce or waive utility connection fees in certain designated areas. (Patron–Campbell)	HB	136	19	34
STEVENS, DONNA DEAN				
Stevens, Donna Dean; commending. (Patron–Coyner)	HR	137		2222
STEVENS, PHILLIP				
Stevens, Phillip; commending. (Patron–Zehr)	HR	322		2316
STEWART, JOSIE				
Stewart, Josie; commending. (Patron–Martinez)	HJR	414		2136
STEWART, RICHARD A.				
Stewart, Richard A.; recording sorrow upon death. (Patron–Aird)	SJR	213		2530
STILTNER, BARNABAS				
Stiltner, Barnabas; recording sorrow upon death.				
Patron–Morefield	HR	80		2192
Patron–Hackworth	SR	39		2582
STOKELY, JAMES MOORE				
Stokely, James Moore; recording sorrow upon death.				
Patron–Maldonado	HR	169		2238
Patron–McPike	SR	81		2604
STOLLE, EDWARD S., JR.				
Stolle, Edward S., Jr.; recording sorrow upon death.				
Patron–Knight	HR	2		2144
Patron–DeSteph	SJR	95		2461
STOLLE, KENNETH WILLIAM				
Stolle, Kenneth William; commending. (Patron–DeSteph)	SJR	165		2502
STONE, MICHAEL E.				
Stone, Michael E.; commending. (Patron–Surovell)	SJR	107		2467

	BILL OR RES.	NO.	CHAP. NO.	PAGE NO.
STROTHER, BERNARD A., JR.				
Strother, Bernard A., Jr.; recording sorrow upon death. (Patron–Ennis)	HJR	251		2043
STROUTH, PHYLLIS ANN				
Strouth, Phyllis Ann; recording sorrow upon death.				
Patron–Kilgore	HR	175		2242
Patron–Pillion	SR	142		2636
STUDENT APPRECIATION WEEK				
Student Appreciation Week; designating as week of March 20, 2024, and each succeeding year thereafter. (Patron–Bennett-Parker)	HJR	52		1936
STUDENTS				
Free school meals; Superintendent of Public Instruction shall convene work group to study and make recommendations on offering to students statewide. (Patron–Roem)	SB	283	586	1230
High school student-athletes; use of name, image, or likeness. (Patron–Price)	HB	617	694	1597
Higher educational institutions; students who report acts of hazing or bullying, information about on-campus mental and behavioral health support. (Patron–Tran)	HB	980	405	901
Higher educational institutions, public; release of student transcripts. (Patron–Carr)	HB	1365	750	1689
Higher educational institutions, public; student identification cards, emergency services website page and telephone numbers. (Patron–Cole)	HB	163	176	415
Homeless students; Department of Education shall develop a resource document on supports and services. (Patron–Keys-Gamarra)	HB	168	370	864
Innovative alternative school transportation options; school boards encouraged to implement low-cost or no-cost alternatives to transporting students to and from school on school buses, etc. (Patron–LeVere Bolling)	HB	937	535	1157
Intercollegiate athletics; student-athletes, compensation for name, image, or likeness, institutional policies and procedures that govern compensation, report.				
Patron–Austin	HB	1505	837	1899
Public school funding; ratios of instructional positions to English language learner students.				
Patron–Maldonado	HB	1247	743	1676
Patron–Hashmi	SB	272	766	1718
School boards; enrolled students present at meetings, public comment or citizen participation. (Patron–Cole)	HB	253	689	1580
School building evacuation plans, policies, and protocols; students with mobility impairments. (Patron–Cohen)	HB	501	194	440
Standards of Learning assessment; Board of Education shall revise its regulations relating to student eligibility for an expedited retake, report. (Patron–Phillips)	HB	1451	612	1291
Student instruction; local alternative instructional time models permitted.				
Patron–Rasoul	HB	1477	421	912
Students, certain; enrollment and provision of free public education. (Patron–Callsen)	HB	777	303	741
Students in the ninth and tenth grades; development of Title IX and sexual harassment prevention training modules, policies. (Patron–Watts)	HB	215	805	1818
Students with disabilities; State Council of Higher Education for Virginia, et al., shall study processes by which each public institution of higher education determines eligibility for accommodations and make recommendations to reduce any barriers to establish.				
Patron–Cohen	HB	509	444	956
Patron–Salim	SB	21	491	1050
Students with Limited and/or Interrupted Formal Education (SLIFE); Board of Education shall develop and adopt policies relating to supporting students.				
Patron–Suetterlein	SB	433	623	1358
Virginia STEM Education Advisory Board; powers and duties, participation of historically underrepresented students in STEM education. (Patron–Price)	HB	615	814	1825
STUDY COMMISSIONS, COMMITTEES, AND REPORTS				
Advanced registered medication aides; aides who administer drugs in a certified nursing facility licensed by Department of Health to register with Board of Nursing, report. (Patron–Henson)	HB	349	284	723
Alcoholic beverage control; sale and delivery of mixed beverages and pre-mixed wine for off-premises consumption, third-party delivery license, repeals sunset, etc.				
Patron–Leftwich	HB	688	105	217
Patron–Rouse	SB	635	159	378

	BILL OR RES.	NO.	CHAP. NO.	PAGE NO.
STUDY COMMISSIONS, COMMITTEES, AND REPORTS - Continued				
All-terrain power wheelchairs in state parks; Department of Conservation and Recreation shall establish a two-year pilot program to enhance accessibility for individuals with limited mobility in Virginia's state parks by providing wheelchairs, Department shall make a report available to the public on its website. (Patron–Tran)	HB	1186	321	763
Artificial intelligence by public bodies; Joint Commission on Technology and Science, et al., to examine use, creation of Commission on Artificial Intelligence, report. (Patron–Aird)	SB	487	678	1553
Attorneys appointed to represent parents or guardians; qualifications and performance, child dependency cases, compensation, pilot multidisciplinary law offices, report, effective clause. (Patron–McClure)	HB	893	428	918
Autism Advisory Council; reestablished, report, sunset date. (Patron–Pekarsky)	SB	389	708	1632
Behavioral Health Commission; Commission shall study how to effectively align current civil admissions laws and processes with new behavioral health and crisis response services and resources. (Patron–Deeds)	SB	574	601	1271
Blockchain and cryptocurrency; Joint Commission on Technology and Science, et al., to examine use and creation of Blockchain and Cryptocurrency Commission, report. (Patron–Salim)	SB	439	709	1633
Blockchain technology, digital asset mining, and cryptocurrency; Joint Commission on Technology and Science, et al., to analyze use. (Patron–Salim)	SB	339	707	1631
Blue catfish; Department of Agriculture and Consumer Services, et al., shall review past and ongoing efforts to promote creation of a market, etc., report.				
Patron–Hodges	HB	1135	218	507
Patron–Stuart	SB	402	240	581
Certificate of public need; State Health Services Plan Task Force to develop recommendations on expedited review of project types subject to requirements, etc.				
Patron–Hashmi	SB	277	423	913
Chief Medical Examiner, Office of, and Maternal Mortality Review Team; work group shall develop methods for collecting information about maternal morbidity, etc., report. (Patron–Cousins)	HB	831	457	982
Chief Resilience Officer of the Commonwealth; created within Office of Governor, duties, Advisory Review Committee to assist in distribution of loans and grants, etc., report. (Patron–Hernandez)	HB	1458	753	1694
Civil commitments and temporary detention orders; behaviors or symptoms that manifest from neurocognitive disorders and neurodevelopmental disabilities, including a developmental or intellectual disability, such as autism spectrum disorder, Secretary of Health and Human Resources to evaluate placements for certain individuals, report.				
Patron–Watts	HB	888	696	1600
Patron–Favola	SB	176	579	1214
Civilian deaths in custody; every law-enforcement agency and state or juvenile correctional facility shall report to the Department of Criminal Justice Services and every local or regional adult correctional facility shall report to State Board of Local and Regional Jails certain information regarding death of any person who is detained, under arrest, or in the process of being arrested, etc., annual report. (Patron–Price)	HB	611	813	1824
College and Career Ready Virginia Program and Fund; established and created, report.				
Patron–Coyner	HB	1087	647	1413
Patron–Lucas	SB	627	684	1567
Corrections Ombudsman, Office of the Department of; created, powers and duties, authority to investigate complaints, Office shall enter into a memorandum of agreement with Department of Corrections, etc., report.				
Patron–Hope	HB	555	392	879
Patron–Marsden	SB	456	393	884
Crisis receiving centers and crisis stabilization units; State Board of Behavioral Health and Developmental Services shall amend its regulations to ensure that its licensing and human rights regulations support high-quality crisis services, safe use of seclusion, report. (Patron–Deeds)	SB	569	795	1788
Dolly Parton's Imagination Library of Virginia Program; established, report, sunset date. (Patron–Coyner)	HB	1075	147	335

	BILL OR RES.	NO.	CHAP. NO.	PAGE NO.
STUDY COMMISSIONS, COMMITTEES, AND REPORTS - Continued				
Early childhood care and education system; need- and demand-based funding, report.				
Patron–Bulova	HB	419	722	1646
Patron–Locke	SB	54	757	1705
End Hunger, Virginia Commission to; established, report, sunset date.				
Patron–Price	HB	607	296	735
Environmental Quality, Department of; consolidation of annual report.				
Patron–Lovejoy	HB	1379	112	278
Farmland Preservation, Office of; transfers Office to Department of Forestry, renamed Office of Working Lands Preservation, report.				
Patron–Bulova	HB	892	146	328
Patron–Pillion	SB	616	10	13
Federal Medicaid Works program; Department of Medical Assistance Services shall convene a work group to study and make recommendations to improve access to and successful utilization. (Patron–Favola)	SB	59	335	789
Fentanyl and Heroin Enforcement, Task Force on; established, report.				
Patron–DeSteph	SB	367	771	1724
Fentanyl crisis; Joint Commission on Health Care to study policy solutions.				
Patron–Srinivasan	HJR	41		1929
Forestland and Urban Tree Canopy Conservation Plan; Department of Forestry shall establish.				
Patron–Hope	HB	309	278	707
Patron–Marsden	SB	461	354	819
Free school meals; Superintendent of Public Instruction shall convene work group to study and make recommendations on offering to students statewide. (Patron–Roem)	SB	283	586	1230
General Assembly; Joint Legislative Audit and Review Commission to study salaries, expense allowances, retirement benefits, and other emoluments received by members. (Patron–Reeves)	SJR	17		2386
Groundwater; Department of Environmental Quality to study supply in the Commonwealth east of Interstate 95. (Patron–Stuart)	SJR	25		2388
Gun violence; Joint Legislative Audit and Review Commission to study social, physical, emotional, and economic effects on communities across the Commonwealth, firearm homicide rate, etc.				
Patron–Anthony	HJR	76		1944
Health Insurance Reform Commission; assessment of certain legislation, report.				
Patron–Hayes	HB	1210	219	508
Patron–Head	SB	132	36	61
Incarcerated women who are pregnant and in need of substance abuse treatment; Department of Criminal Justice Services, et al., to study and make recommendations related to prioritizing treatment. (Patron–McGuire)	SB	603	625	1362
Individuals with developmental disabilities; Department of Medical Assistance Services shall amend financial eligibility standards for certain waivers providing services, report, sunset provision.				
Patron–Shin	HB	908	211	464
Patron–Ebbin	SB	676	257	669
Insurance; annual actual loss ratio report by dental carriers, report.				
Patron–Hayes	HB	1132	319	759
Patron–Surovell	SB	257	345	798
Intercollegiate athletics; student-athletes, compensation for name, image, or likeness, institutional policies and procedures that govern compensation, report.				
Patron–Austin	HB	1505	837	1899
Investor-owned electric utilities; State Corporation Commission, et al., to study performance-based regulatory tools.				
Patron–Sullivan	HJR	30		1928
Patron–Surovell	SJR	47		2432
Large animal veterinarians; Board of Veterinary Medicine, et al., to study shortage.				
Patron–Lopez	HJR	43		1931
Patron–Hackworth	SJR	15		2385

	BILL OR RES.	NO.	CHAP. NO.	PAGE NO.
STUDY COMMISSIONS, COMMITTEES, AND REPORTS - Continued				
Liquid nicotine and nicotine vapor products; certification and directory, penalties, report, effective date.				
Patron–Willett	HB	1069	828	1864
Patron–Deeds	SB	550	793	1777
Local fiscal distress; determination by Auditor of Public Accounts, state intervention, powers and duties of Commission on Local Government. (Patron–Aird)	SB	645	426	914
Local government employees; Department of Fire Programs shall convene work group to identify and analyze options to provide preemptive and ongoing health care to employees exposed to toxic materials.				
Patron–Convirs-Fowler	HB	133	174	413
Patron–Rouse	SB	650	363	835
Medical Assistance Services, Department of; creates a process by which a lien in favor of the Department on a claim for personal injuries may be satisfied, report, effective date. (Patron–Simon)	HB	315	807	1820
Naloxone or other opioid antagonists; possession and administration by state agencies, guidelines for private employer, report. (Patron–Hope)	HB	342	440	942
On-campus food insecurity; State Council of Higher Education for Virginia shall survey each public higher educational institution to determine how they are addressing issue, report. (Patron–Cousins)	HB	827	644	1412
1915(c) Home and Community Based Services Medicaid Waivers; Department of Medical Assistance Services and Department of Behavioral Health and Developmental Services shall seek federal authority to modify program rules, respite services.				
Patron–Shin	HB	909	646	1413
Patron–Aird	SB	488	679	1553
PFAS Expert Advisory Committee; established, monitoring of PFAS sources for assessments, identification of sources, reports.				
Patron–Rasoul	HB	1085	316	754
Patron–McPike	SB	243	343	796
Public schools; opioid antagonist procurement, etc., school board employee training and certification, guidelines and requirements, provisions shall be implemented by each local school board by beginning of 2025-2026 school year.				
Patron–Sewell	HB	732	451	966
Patron–Pillion	SB	726	519	1127
Public schools; youth and community violence prevention, Community Builders Pilot Program established, report, sunset provision.				
Patron–Rasoul	HB	626	299	737
Patron–Aird	SB	484	357	822
Public service companies; pole attachments to accommodate cable television systems and telecommunications service providers, public utility shall establish and adhere to practices and procedures for attachments, report.				
Patron–Herring	HB	800	822	1854
Patron–Marsden	SB	713	799	1803
Public transit systems; joint subcommittee to study long-term, sustainable, dedicated operations and capital funding as well as cost-containment controls and strategies to ensure Washington Metropolitan Area Transit Authority, Virginia Railway Express, et al., meet growing needs. (Patron–Ebbin)	SJR	28		2389
Public utilities and cooperatives; delay of termination of service for certain residential customers, report. (Patron–Helmer)	HB	275	637	1403
Renewable energy portfolio standard; geothermal heating and cooling systems, report, delayed effective date. (Patron–Surovell)	SB	508	597	1259
Shared solar programs; amends existing program provisions to apply to Dominion Energy Virginia (Phase II Utility), report.				
Patron–Sullivan	HB	106	715	1639
Patron–Surovell	SB	253	763	1712
Shared solar programs; State Corporation Commission to establish by regulation a program that allows customers of American Electric Power (Phase I Utility) opportunity to purchase electric power through a subscription in a shared solar				

	BILL OR RES.	NO.	CHAP. NO.	PAGE NO.
STUDY COMMISSIONS, COMMITTEES, AND REPORTS - Continued				
facility, Commission shall initiate a proceeding to recalculate minimum bill within 30 days of its final order, report.				
Patron–Sullivan	HB	108	716	1641
Patron–Surovell	SB	255	765	1715
Sickle cell disease; annual review of medication and treatment, report.				
Patron–Mundon King	HB	820	306	744
Sickle cell disease; statewide registry created, collection of disease case information, report. (Patron–Cole)	HB	252	437	930
Small SWaM Business Procurement Enhancement Program; established, definitions, report, effective clause, disparity study. (Patron–Ward)	HB	1404	834	1889
Special education and related services; definitions, duties of Department of Education, utilization of Virginia IEP, special education family support centers, education preparation program, coursework, reports.				
Patron–Coyner	HB	1089	468	1008
Patron–Favola	SB	220	502	1074
Standards of Learning assessment; Board of Education shall revise its regulations relating to student eligibility for an expedited retake, report. (Patron–Phillips)	HB	1451	612	1291
State hospitals; appropriate community services board shall implement discharge plan developed by the state facility, report, effective date. (Patron–Favola)	SB	179	153	371
State hospitals; Department of Behavioral Health and Developmental Services shall develop and implement a pilot program relating to discharge of individuals at one state hospital, report. (Patron–Hope)	HB	515	290	728
State hospitals; discharge planning, report, delayed effective date. (Patron–Hope)	HB	314	279	708
State Inspector General, Office of the; investigations of abuse or neglect at state psychiatric hospitals, annual report on or before December 1. (Patron–Favola)	SB	178	664	1517
State Inspector General, Office of the; investigations of abuse or neglect at state psychiatric hospitals, annual report on or before November 1. (Patron–Hope)	HB	313	638	1404
Student instruction; local alternative instructional time models permitted.				
Patron–Rasoul	HB	1477	421	912
Students with disabilities; State Council of Higher Education for Virginia, et al., shall study processes by which each public institution of higher education determines eligibility for accommodations and make recommendations to reduce any barriers to establish.				
Patron–Cohen	HB	509	444	956
Patron–Salim	SB	21	491	1050
Surveillance technology; reporting by state and local law-enforcement agencies and sheriffs' departments, definitions, report. (Patron–Rasoul)	HB	1496	614	1292
Temporary detention; certified evaluators, definitions, report, participating hospitals with emergency psychiatric departments in the City of Hampton shall be responsible for all costs associated with hiring, training, etc., sunset provision. (Patron–Locke)	SB	34	780	1743
Towing fees; State Corporation Commission shall examine existing regulation of fees charged for removal of vehicles, report. (Patron–Marsden)	SB	450	245	627
Transparency in Publicly Funded Animal Testing Facilities, Task Force on; Department of Agriculture and Consumer Services, et al., shall convene for purpose of identifying potential deficiencies in publicly funded animal testing facilities, report.				
Patron–Simonds	HB	580	693	1596
Patron–Boysko	SB	411	675	1542
Uniform Statewide Building Code; Board of Housing and Community Development shall convene a stakeholder advisory group including fire code officials to evaluate and recommend revisions.				
Patron–McClure	HB	368	384	876
Patron–VanValkenburg	SB	195	385	876
Veterans; Department of Law's Division of Consumer Counsel shall convene work group to examine practice of persons receiving compensation for providing certain services regarding benefits matter, report. (Patron–Sewell)	HB	736	730	1653
Virginia Business Ready Expedited Permitting Program; definitions, created, report.				
Patron–Carr	HB	1125	471	1029
Patron–Locke	SB	217	501	1073

	BILL OR RES.	NO.	CHAP. NO.	PAGE NO.
STUDY COMMISSIONS, COMMITTEES, AND REPORTS - Continued				
Virginia Consumer Protection Act; no landlord shall charge the tenant any transaction or processing fee for use of an electronic fund transfer, prohibited practices, effective clause, report. (Patron–Srinivasan)	HB	1519	838	1900
Virginia Freedom of Information Act; charges for production of public records, report. (Patron–Roem)	SB	324	669	1526
Virginia Gaming Commission, Joint Subcommittee studying feasibility of establishing; continued.				
Patron–Krizek	HJR	10		1923
Patron–Reeves	SJR	12		2383
Virginia Longitudinal Data System and Virginia Workforce Data Trust; Secretary of Education shall convene a work group to review current capabilities and future needs, etc., report. (Patron–Coyner)	HB	1083	410	904
Virginia Minority Business Commission; established, membership, report, sunset date. (Patron–Feggans)	HB	374	527	1144
Virginia Public Procurement Act; construction management or design-build contracts for local and state public bodies and covered institutions, report.				
Patron–Carr	HB	1108	469	1021
Patron–Locke	SB	18	490	1046
Virginia Public Procurement Act; preference for goods produced in Virginia, United States, and Virginia resident bidders, sunset date, report.				
Patron–Feggans	HB	1361	749	1688
Patron–DeSteph	SB	260	782	1759
Virginia residential development infrastructure fund; Department of Housing and Community Development shall convene a work group to assess feasibility of and options for establishing, report. (Patron–Carroll Foy)	SB	489	509	1108
Wholesale prescription drug importation program; Secretary of Health and Human Resources shall convene work group to investigate programs in other states, etc., report. (Patron–Subramanyam)	SB	186	620	1325
SUBPOENAS				
Search warrants, subpoenas, court orders, or other process; menstrual health data prohibited.				
Patron–Watts	HB	78	523	1137
Patron–Favola	SB	16	571	1204
Subpoenas; release of witness. (Patron–Anthony)	HB	1435	487	1042
SUMMONS AND PROCESS				
Corporation, limited liability company, etc.; service of garnishment summons, garnishment designee, delayed effective date. (Patron–Sturtevant)	SB	214	500	1072
Debtor interrogatories; fieri facias, proceedings by interrogatories to ascertain estate of debtor, against whom a summons shall be issued. (Patron–Williams)	HB	1248	744	1679
Summons for unlawful detainer; specifies a process by which a plaintiff in an unlawful detainer action may amend amount due to him in an action, subsequent filings. (Patron–Hope)	HB	86	268	691
SUPER CARLIN BROTHERS				
Super Carlin Brothers; commending. (Patron–Rasoul)	HJR	367		2110
SUPERHEROES ICE CREAM				
Superheroes Ice Cream; commending. (Patron–Feggans)	HJR	194		2007
SUPREME COURT OF VIRGINIA				
Special justices and independent evaluator fees; emergency custody and voluntary and involuntary civil admissions, increases fees, any necessary expenses incurred shall be paid in accordance with guidelines established by the Supreme Court of Virginia. (Patron–Watts)	HB	125	802	1809
SUTTON, BENNETT WARBURTON				
Sutton, Bennett Warburton; recording sorrow upon death. (Patron–Hope)	HJR	242		2037
SWIFT CREEK MIDDLE SCHOOL				
Swift Creek Middle School cheerleading team; commending.				
Patron–Earley	HR	261		2285
Patron–Sturtevant	SR	120		2626
SYDOW, ELIZABETH A.				
Sydow, Elizabeth A.; commending. (Patron–Reeves)	SJR	134		2483

	BILL OR RES.	NO.	CHAP. NO.	PAGE NO.
SYED, AREEN				
Syed, Areen; commending. (Patron–Glass)	HR	208		2259
TABB HIGH SCHOOL				
Tabb High School field hockey team; commending. (Patron–Cordoza)	HR	108		2205
TABB, JON ROBERT				
Tabb, Jon Robert; recording sorrow upon death. (Patron–Jordan)	SR	9		2567
TAMIL NADU FOUNDATION				
Tamil Nadu Foundation; commemorating its 50th anniversary. (Patron–Srinivasan)	HR	429		2368
TARDIVE DYSKINESIA AWARENESS WEEK				
Tardive Dyskinesia Awareness Week; designating as the first week in May 2024 and each succeeding year thereafter. (Patron–Campbell)	HJR	81		1947
TARTER, P. DAVID				
Tarter, P. David; commending. (Patron–Simon)	HJR	278		2058
TAWOR, HASSAN ABDELRAHIM				
Tawor, Hassan Abdelrahim, and Abdulmonem Abdumalawa; commending. Patron–Garrett	HR	366		2338
TAXATION				
Agricultural best management practices; extends sunset date of individual and corporate income tax credits. (Patron–French)	SB	297	233	573
Agricultural best management practices and agricultural equipment purchase; extends sunset date for individual and corporate income tax credits. (Patron–Wilt)	HB	1015	212	464
Assessment of omitted taxes; erroneous payments.				
Patron–Wilt	HB	1508	113	278
Patron–Obenshain	SB	709	128	300
Casino gaming; amends lists of cities eligible to host a casino in the Commonwealth by replacing City of Richmond with City of Petersburg, local referendum required.				
Patron–Aird	SB	628	798	1801
Casino gaming; limits on required local referendums. (Patron–Krizek)	HB	525	291	728
Casino gaming; removes the City of Richmond as an eligible host city.				
Patron–Carr	HB	1131	318	758
Patron–Bagby	SB	541	359	823
Conservation tillage and precision agricultural application equipment; extends sunset date of individual and corporate tax credit for purchase. (Patron–French)	SB	298	234	575
Constitutional amendment; expands real property tax exemption for surviving spouses of soldiers who died in the line of duty (second reference), Chapter 739, 2023 Acts (first reference).				
Patron–Tran	HJR	45	777	1735
Patron–McPike	SJR	3	778	1735
Constitutional amendment; expands real property tax exemption for surviving spouses of soldiers who died in the line of duty (submitting to qualified voters).				
Patron–Hernandez	HB	558	394	890
Patron–McPike	SB	4	395	891
Contractors; workers' compensation requirements. (Patron–Kilgore)	HB	1417	558	1187
Distressed localities, certain double; Department of Taxation and Commission on Local Government shall assess need for income tax relief. (Patron–Hackworth)	SB	564	599	1270
Firearm safety device tax credit; expands definition of device, provisions shall be effective for taxable years beginning on and after January 1, 2024. (Patron–Clark)	HB	35	522	1136
Forest Sustainability Fund; fund allocation.				
Patron–Lopez	HB	944	699	1612
Patron–Ruff	SB	129	703	1617
Heated tobacco; definitions, definition of "cigarette intended to be heated," tax levied.				
Patron–Kilgore	HB	1099	611	1288
Historic rehabilitation; amount of tax credit shall not exceed $7.5 million in any taxable year.				
Patron–Lopez	HB	960	462	991
Patron–Williams Graves	SB	556	512	1112
Landlords, participating; definitions, increases tax credit that may be issued.				
Patron–Willett	HB	1203	322	763

	BILL OR RES.	NO.	CHAP. NO.	PAGE NO.
TAXATION - Continued				
Military centered community zones; localities may establish, by ordinance, one or more zones.				
Patron–Price	HB	619	298	736
Patron–Rouse	SB	343	350	814
Nonjudicial sale of tax delinquent real properties; unimproved properties within urban redevelopment or revitalization zone. (Patron–Simonds)	HB	258	636	1402
Omitted taxes; local government to allow its treasurer or other collecting official to enter into an installment agreement. (Patron–Jones)	HB	1503	488	1043
Orange County; authorization to establish a department of real estate assessment and to enter into an agreement with a contiguous county or city to establish a joint department of real estate assessment. (Patron–Reeves)	SB	9	570	1203
Property tax; exemption for surviving spouses of armed forces members who died in the line of duty. (Patron–McPike)	SB	240	583	1223
Real property tax; notice of rate and assessment changes.				
Patron–Sullivan	HB	639	142	320
Patron–Durant	SB	677	14	29
Recordation tax; value of interest conveyed. (Patron–Thomas)	HB	574	140	315
Research and development; creates a step-rate reimbursement structure for major research and development expenses tax credit. (Patron–Glass)	HB	1518	661	1510
Retail Sales and Use Tax; establishes an annual tax holiday that takes place the first full weekend in August, effective July 1, 2025, through July 1, 2030.				
Patron–Reid	HB	25	628	1392
Patron–Lucas	SB	116	663	1517
Retail Sales and Use Tax; exemptions for nonprofit entities. (Patron–Runion)	HB	464	287	725
Retail tobacco products; purchase, possession, and sale, definitions, retail tobacco products and liquid nicotine tax, restrictions for sale of products to minors, safety requirements for vapor products, penalties.				
Patron–Hope	HB	790	821	1842
Patron–Ebbin	SB	582	796	1789
Tangible personal property tax; classification of certain vehicles, removes sunset date.				
Patron–Willett	HB	1502	660	1510
Patron–VanValkenburg	SB	194	665	1518
Tangible personal property tax; exemption for indoor agriculture equipment and machinery.				
Patron–Laufer	HB	1429	87	182
Patron–Aird	SB	483	88	183
Tax assessment districts; establishes, petition by parcel owners. (Patron–Hayes)	HB	1211	740	1671
TAYLOR, ANN CANNON				
Taylor, Ann Cannon; commending. (Patron–Aird)	SR	124		2628
TAYLOR, LOCKE A.				
Taylor, Locke A.; recording sorrow upon death.				
Patron–Willett	HJR	341		2095
Patron–VanValkenburg	SJR	200		2522
TAYLOR, THOMAS				
Taylor, Thomas; commending.				
Patron–Cole	HR	334		2321
Patron–Durant	SJR	223		2536
TAYLOR, ZENOBIA HELEN MILLER				
Taylor, Zenobia Helen Miller; recording sorrow upon death. (Patron–Locke)	SJR	55		2437
TAZEWELL HIGH SCHOOL				
Tazewell High School Class of 1973; commemorating its 50th anniversary.				
Patron–Morefield	HJR	306		2075
Patron–Hackworth	SR	110		2621
TEACHERS				
Public elementary school teachers; data collection on length of daily lunch breaks.				
Patron–Simonds	HB	583	196	441
Public school teachers; licensure requirements, issuance of a one-year local eligibility license, alternate routes and flexibility, sunset date. (Patron–Ruff)	SB	142	845	1915

	BILL OR RES.	NO.	CHAP. NO.	PAGE NO.
TEACHERS - Continued				
Teachers; assessments, Board of Education shall eliminate certain requirements for renewal of license. (Patron–Sewell)	HB	731	729	1650
Teachers; changes to provisions relating to licensure and certification, definition of "universal licensure by reciprocity," Department of Education shall compile and publicly post on its website in a format conducive to comparison to standards and requirements for licensure.				
Patron–Rasoul	HB	632	642	1407
Patron–Peake	SB	352	672	1538
TEAGUE, GEORGE, JR.				
Teague, George, Jr.; commending. (Patron–DeSteph)	SJR	124		2477
TEFELSKI, KAREN				
Tefelski, Karen; commending. (Patron–Sickles)	HR	105		2204
TELECOMMUNICATIONS				
Public service companies; pole attachments to accommodate cable television systems and telecommunications service providers, public utility shall establish and adhere to practices and procedures for attachments, report.				
Patron–Herring	HB	800	822	1854
Patron–Marsden	SB	713	799	1803
TEMA CHOIR USA				
Tema Choir USA; commemorating its fifth anniversary. (Patron–Sewell)	HR	244		2276
TEODORO, PABLO, III				
Teodoro, Pablo, III; recording sorrow upon death.				
Patron–Webert	HJR	68		1939
Patron–Reeves	SJR	71		2446
TEPPER, IVAN HERMAN				
Tepper, Ivan Herman; recording sorrow upon death. (Patron–Peake)	SJR	65		2442
THAYER, GAYLE				
Thayer, Gayle; commending. (Patron–Tran)	HR	426		2367
THE ARC OF GREATER PRINCE WILLIAM/INSIGHT, INC.				
The Arc of Greater Prince William/INSIGHT, Inc.; commemorating its 60th anniversary. (Patron–Torian)	HJR	314		2079
THE ARC OF LOUDOUN				
The Arc of Loudoun; commending. (Patron–Martinez)	HJR	419		2138
THE CAVALIER DAILY				
The Cavalier Daily; commending. (Patron–Callsen)	HR	432		2369
THE CLOSET OF THE GREATER HERNDON AREA, INC.				
The Closet of the Greater Herndon Area, Inc.; commemorating its 50th anniversary.				
Patron–Shin	HJR	398		2127
THE CROOKED ROAD: VIRGINIA'S HERITAGE MUSIC TRAIL				
The Crooked Road: Virginia's Heritage Music Trail; commemorating its 20th anniversary. (Patron–Kilgore)	HJR	216		2021
THE PEANUT SHOP OF WILLIAMSBURG				
The Peanut Shop of Williamsburg; commemorating its 50th anniversary.				
Patron–Batten	HJR	211		2018
THE SHEPHERD'S CENTER OF RICHMOND				
The Shepherd's Center of Richmond; commemorating its 40th anniversary.				
Patron–Carr	HJR	293		2066
THOMAS, ANN				
Thomas, Ann; commending. (Patron–Green)	HJR	97		1955
THOMAS, BRIAN				
Thomas, Brian; commending. (Patron–Oates)	HR	126		2215
THOMAS, CHARLES LEE				
Thomas, Charles Lee; recording sorrow upon death. (Patron–Obenshain)	SR	103		2617
THOMAS, JASMIN SADÉ				
Thomas, Jasmin Sadé; recording sorrow upon death. (Patron–Favola)	SR	171		2650

	BILL OR RES. NO.		CHAP. NO.	PAGE NO.
THOMAS, LERI MELISSA				
Thomas, Leri Melissa; recording sorrow upon death.				
Patron–Freitas	HJR	31		1929
Patron–Reeves	SJR	77		2449
THOMPSON, EDWARD				
Thompson, Edward; recording sorrow upon death. (Patron–Rasoul)	HJR	117		1966
THOMPSON, MICKEY				
Thompson, Mickey; commending. (Patron–Reid)	HJR	260		2048
THOMPSON, RACHEL YARNELL				
Thompson, Rachel Yarnell; commending. (Patron–Martinez)	HJR	422		2140
THURSTON, RUSSELL				
Thurston, Russell; commending. (Patron–Zehr)	HR	324		2316
TIDEWATER AND BIG BEND FOUNDATION				
Poindexter, John B., and Tidewater and Big Bend Foundation; commending.				
Patron–Wyatt	HR	66		2185
TIDEWATER EMS COUNCIL				
Tidewater EMS Council; commemorating its 50th anniversary. (Patron–DeSteph)	SJR	150		2493
TILGHMAN, JUSTINE RACHEL				
Tilghman, Justine Rachel; recording sorrow upon death. (Patron–Runion)	HR	16		2162
TILLER, C. THOMAS, JR.				
Tiller, C. Thomas, Jr.; commending. (Patron–Wyatt)	HR	69		2186
TILTH & OAK				
Tilth & Oak; commending. (Patron–Feggans)	HJR	187		2004
TIME-SHARE PROGRAMS				
Virginia Real Estate Time-Share Act; partial termination of certain time-shares.				
Patron–Wilt	HB	1241	546	1165
Patron–Obenshain	SB	600	602	1271
TITUSTOWN CIVIC LEAGUE				
Titustown Civic League; commending. (Patron–Hernandez)	HR	317		2313
TOBACCO AND TOBACCO PRODUCTS				
Heated tobacco; definitions, definition of "cigarette intended to be heated," tax levied.				
Patron–Kilgore	HB	1099	611	1288
Investigators; powers, enforcement of certain tobacco laws. (Patron–Wilt)	HB	1018	540	1160
Liquid nicotine and nicotine vapor products; certification and directory, penalties, report, effective date.				
Patron–Willett	HB	1069	828	1864
Patron–Deeds	SB	550	793	1777
Local government; any locality may by ordinance regulate retail sale locations of tobacco, nicotine vapor, alternative nicotine, and hemp products. (Patron–Lopez)	HB	947	536	1158
Retail tobacco products; purchase, possession, and sale, definitions, retail tobacco products and liquid nicotine tax, restrictions for sale of products to minors, safety requirements for vapor products, penalties.				
Patron–Hope	HB	790	821	1842
Patron–Ebbin	SB	582	796	1789
TOLL FACILITIES				
Toll facilities; requirements related to handling toll invoices on rented or leased vehicles. (Patron–Wyatt)	HB	1110	470	1025
TOLLS				
Toll invoices; use of trackable correspondence equivalent to certified mail for sending invoices for unpaid tolls.				
Patron–Wyatt	HB	1109	67	161
Patron–Diggs	SB	205	68	164
TOMLINSON, SAUNDRA				
Tomlinson, Saundra; commending.				
Patron–Kilgore	HR	143		2225
Patron–Pillion	SR	143		2637
TORELLI, SALVATORE				
Torelli, Salvatore; recording sorrow upon death. (Patron–Webert)	HR	198		2254

	BILL OR RES.	NO.	CHAP. NO.	PAGE NO.
TORIAN, LUKE E.				
Torian, Luke E.; commending.				
Patron–Mundon King	HR	27		2167
Patron–Carroll Foy	SR	6		2566
TOURISTS AND TOURIST INDUSTRY				
Virginia Tourism Authority; powers, historically accurate advertising.				
Patron–Mundon King	HB	814	531	1153
TOWING SERVICES AND TOW TRUCKS				
Tow truck drivers; prohibited acts. (Patron–Carr)	HB	1073	409	903
Tow truck drivers and towing and recovery operators; prohibited acts, certain solicitation and offering of services, penalty. (Patron–Stanley)	SB	94	337	789
Towing; vehicles with expired registration, posting of notice on vehicle by towing operator, definitions, civil penalty. (Patron–Shin)	HB	925	308	745
Towing and recovery operators; local ordinance may regulate monitoring practices that may be used by operators in Planning District 8 (Northern Virginia), fuel surcharge fee, extends sunset date. (Patron–Lopez)	HB	959	537	1158
Towing companies; provision of existing law authorizing localities in Planning District 8 (Northern Virginia). (Patron–McClure)	HB	1287	653	1488
Towing fees; State Corporation Commission shall examine existing regulation of fees charged for removal of vehicles, report. (Patron–Marsden)	SB	450	245	627
Towing without consent of vehicle owner; prohibited acts by towing and recovery operator. (Patron–Peake)	SB	66	574	1205
TRADE AND COMMERCE				
Consumer Data Protection Act; definitions, protections for children, data controller responsibilities, effective date.				
Patron–Maldonado	HB	707	840	1906
Patron–VanValkenburg	SB	361	844	1912
Consumer protection; clarifies "consumer transaction," definition of small business, automatic renewal or continuous service offers. (Patron–Maldonado)	HB	744	452	973
Enterprise zones; any zone in existence as of June 30, 2024, shall be extended for an additional four-year period in addition to any renewal periods. (Patron–Head)	SB	679	686	1577
Enterprise zones; renewal periods. (Patron–Wright)	HB	61	631	1397
Financial Services Expansion Grant Fund; established.				
Patron–McNamara	HB	468	91	187
Patron–Head	SB	156	92	189
Gaming; posting of illegal gaming tip line information. (Patron–Ebbin)	SB	397	593	1242
Health care providers, certain; reporting of medical debt to consumer reporting agencies prohibited, clarifies definition of "medical debt," civil penalties.				
Patron–Delaney	HB	1370	751	1689
Liquid nicotine and nicotine vapor products; certification and directory, penalties, report, effective date.				
Patron–Willett	HB	1069	828	1864
Patron–Deeds	SB	550	793	1777
Motor sports facilities; local incentives. (Patron–Stanley)	SB	17	572	1205
Pari-mutuel wagering; historical horse racing, percentage retained for distribution.				
Patron–Austin	HB	843	53	118
Patron–Deeds	SB	426	506	1100
Restroom Access Act; definitions, customer access to toilet facility, civil liability.				
Patron–Coyner	HB	474	640	1404
Unfair Real Estate Service Agreement Act; created, consumer protections.				
Patron–Maldonado	HB	1243	328	774
Patron–Ebbin	SB	576	362	830
Virginia Consumer Protection Act; mold remediation, prohibited acts.				
Patron–McQuinn	HB	1270	476	1032
Virginia Consumer Protection Act; no landlord shall charge the tenant any transaction or processing fee for use of an electronic fund transfer, prohibited practices, effective clause, report. (Patron–Srinivasan)	HB	1519	838	1900
Virginia Consumer Protection Act; prohibited practices, advertising an ignition interlock system in Virginia by a vendor not approved by Commission on the Virginia Alcohol Safety Action Program, etc. (Patron–Williams)	HB	1351	747	1684

	BILL OR RES.	NO.	CHAP. NO.	PAGE NO.
TRADE AND COMMERCE - Continued				
Virginia Petroleum Products Franchise Act; agreements between jobber/distributors and dealers, market valuation study, provisions limited to Planning District 8 (Northern Virginia) and shall apply to initial franchise agreements, etc.				
Patron–Reaser	HB	392	639	1404
Patron–McPike	SB	248	668	1526
Virginia Post-Disaster Anti-Price Gouging Act; prohibited practices, clarifies definition of consumer transaction, etc. (Patron–Kilgore)	HB	1301	549	1173
TRANSIT SYSTEMS				
Public transit systems; joint subcommittee to study long-term, sustainable, dedicated operations and capital funding as well as cost-containment controls and strategies to ensure Washington Metropolitan Area Transit Authority, Virginia Railway Express, et al., meet growing needs. (Patron–Ebbin)	SJR	28		2389
TRANSPORTATION				
Campbell County; conveyance of easement by Departments of State Police and Transportation. (Patron–Walker)	HB	1331	479	1037
Transportation entities, certain; appointed members to be members of House of Delegates. (Patron–Krizek)	HB	201	633	1398
TREADWAY, SANDRA GIOIA				
Treadway, Sandra Gioia; commending.				
Patron–Carr	HJR	69		1940
Patron–Gilbert	HR	13		2160
Patron–Hashmi	SJR	67		2443
TREES				
Trees; conservation during land development process in certain localities.				
Patron–Sullivan	HB	459	691	1593
Patron–Subramanyam	SB	121	702	1614
TRIANGLE VOLUNTEER FIRE DEPARTMENT				
Triangle Volunteer Fire Department; commemorating its 50th anniversary.				
Patron–Wright	HJR	79		1946
TRINITY UNITED METHODIST CHURCH				
Trinity United Methodist Church; commemorating its 250th anniversary.				
Patron–Lopez	HJR	127		1971
TUCKAHOE VOLUNTEER RESCUE SQUAD				
Tuckahoe Volunteer Rescue Squad; commemorating its 70th anniversary.				
Patron–Willett	HJR	298		2069
Patron–VanValkenburg	SJR	192		2518
TUCKER, MEGAN				
Tucker, Megan; commending. (Patron–Reaser)	HR	338		2323
TURKEYS				
Deer, bear, turkey, or elk; claiming after struck by motor vehicle. (Patron–Wilt)	HB	1025	83	179
TYREE, NICK				
Tyree, Nick; commending. (Patron–Coyner)	HR	321		2315
UNCODIFIED LEGISLATION				
Affordable and inclusive housing; Commissioner of Department of Behavioral Health and Developmental Services to develop a plan to ensure people with disabilities have an opportunity to access. (Patron–Feggans)	HB	327	721	1646
All-terrain power wheelchairs in state parks; Department of Conservation and Recreation shall establish a two-year pilot program to enhance accessibility for individuals with limited mobility in Virginia's state parks by providing wheelchairs, Department shall make a report available to the public on its website. (Patron–Tran)	HB	1186	321	763
Alpha-gal syndrome; Board of Health shall adopt regulations to include on reportable disease list, effective date. (Patron–Wachsmann)	HB	93	375	867
Artificial intelligence by public bodies; Joint Commission on Technology and Science, et al., to examine use, creation of Commission on Artificial Intelligence, report. (Patron–Aird)	SB	487	678	1553
Behavioral Health Commission; Commission shall study how to effectively align current civil admissions laws and processes with new behavioral health and crisis response services and resources. (Patron–Deeds)	SB	574	601	1271

	BILL OR RES.	NO.	CHAP. NO.	PAGE NO.
UNCODIFIED LEGISLATION - Continued				
Blockchain and cryptocurrency; Joint Commission on Technology and Science, et al., to examine use and creation of Blockchain and Cryptocurrency Commission, report. (Patron–Salim)	SB	439	709	1633
Blockchain technology, digital asset mining, and cryptocurrency; Joint Commission on Technology and Science, et al., to analyze use. (Patron–Salim)	SB	339	707	1631
Blue catfish; Department of Agriculture and Consumer Services, et al., shall review past and ongoing efforts to promote creation of a market, etc., report.				
Patron–Hodges	HB	1135	218	507
Patron–Stuart	SB	402	240	581
Campbell County; conveyance of easement by Departments of State Police and Transportation. (Patron–Walker)	HB	1331	479	1037
Capital outlay plan; repeals existing six-year capital outlay for projects to be funded.				
Patron–Torian	HB	715	205	452
Patron–Deeds	SB	585	252	637
Certificate of public need; State Health Services Plan Task Force to develop recommendations on expedited review of project types subject to requirements, etc.				
Patron–Hashmi	SB	277	423	913
Chief Medical Examiner, Office of, and Maternal Mortality Review Team; work group shall develop methods for collecting information about maternal morbidity, etc., report. (Patron–Cousins)	HB	831	457	982
Combined sewer overflow outfalls; compliance with regulations, outfalls that discharge into the Chesapeake Bay Watershed.				
Patron–Bulova	HB	71	97	202
Patron–Ebbin	SB	372	6	6
Commonwealth of Virginia Higher Educational Institutions Bond Act of 2024; created.				
Patron–Torian	HB	711	450	964
Patron–Lucas	SB	599	514	1120
Craigsville, Town of; conveyance of certain property from Department of Corrections to the Town. (Patron–Obenshain)	SB	691	127	300
Credentialed addiction treatment professionals; definition to include licensed behavior analysts. (Patron–Cohen)	HB	503	288	726
Crisis receiving centers and crisis stabilization units; State Board of Behavioral Health and Developmental Services shall amend its regulations to ensure that its licensing and human rights regulations support high-quality crisis services, safe use of seclusion, report. (Patron–Deeds)	SB	569	795	1788
Cumberlands Airport Commission; establishes a new charter, powers, duties, repeals current charter.				
Patron–Kilgore	HB	460	192	434
Patron–Pillion	SB	728	261	674
Distressed localities, certain double; Department of Taxation and Commission on Local Government shall assess need for income tax relief. (Patron–Hackworth)	SB	564	599	1270
Education, Board of; school boards to administer through-year growth assessment system, alternatives during 2024-2026 school years.				
Patron–Rasoul	HB	1076	148	336
Patron–Suetterlein	SB	435	122	294
Eviction Diversion Pilot Program; extends expiration of Program to July 1, 2025.				
Patron–Coyner	HB	477	42	98
Patron–Locke	SB	50	32	56
Federal Medicaid Works program; Department of Medical Assistance Services shall convene a work group to study and make recommendations to improve access to and successful utilization. (Patron–Favola)	SB	59	335	789
Free school meals; Superintendent of Public Instruction shall convene work group to study and make recommendations on offering to students statewide. (Patron–Roem)	SB	283	586	1230
Home care services; Department of Medical Assistance Services shall annually publish on its website average hourly payment rates. (Patron–Cole)	HB	1423	484	1041
Home Energy Assistance Program; State Board of Social Services is authorized to promulgate regulations to allow applications to be submitted over an application period that provides adequate time for individuals to apply, etc. (Patron–Hernandez)	HB	855	734	1662

	BILL OR RES.	NO.	CHAP. NO.	PAGE NO.
UNCODIFIED LEGISLATION - Continued				
Housing and Community Development, Department of; translation of certain forms and documents posted on its website into five non-English languages, etc.				
Patron–Tran	HB	1487	332	783
Incarcerated women who are pregnant and in need of substance abuse treatment; Department of Criminal Justice Services, et al., to study and make recommendations related to prioritizing treatment. (Patron–McGuire)	SB	603	625	1362
Individuals with developmental disabilities; Department of Medical Assistance Services shall amend financial eligibility standards for certain waivers providing services, report, sunset provision.				
Patron–Shin	HB	908	211	464
Patron–Ebbin	SB	676	257	669
Innovative alternative school transportation options; school boards encouraged to implement low-cost or no-cost alternatives to transporting students to and from school on school buses, etc. (Patron–LeVere Bolling)	HB	937	535	1157
Inpatient or residential substance use disorder treatment; Department of Behavioral Health and Developmental Services shall amend regulations to require licensed facilities to provide and require facility to prepare and record a valid discharge plan.				
Patron–Arnold	HB	434	808	1820
Junior Reserve Officers' Training Corps (JROTC); Department of Education shall notify school boards of any federal legal obligation relating to program participation.				
Patron–Higgins	HB	1231	326	773
Land's End Wildlife Management Area; Department of Wildlife Resources to grant and convey an easement and right-of-way. (Patron–Kent)	HB	879	73	171
Learning needs dashboard; Department of Education shall continue to maintain, sunset date. (Patron–Convirs-Fowler)	HB	131	173	413
License plates, special; issuance of plates marking 250th anniversary of the American Revolution, sunset date.				
Patron–Austin	HB	840	106	241
Patron–Locke	SB	216	155	373
Local government employees; Department of Fire Programs shall convene work group to identify and analyze options to provide preemptive and ongoing health care to employees exposed to toxic materials.				
Patron–Convirs-Fowler	HB	133	174	413
Patron–Rouse	SB	650	363	835
Marriage and family therapists; Board of Counseling to amend regulations related to process for licensure by endorsement. (Patron–Sickles)	HB	329	431	922
Nursing education programs; Board of Nursing to permit contracts with out-of-state clinical sites. (Patron–Hackworth)	SB	553	425	914
Nursing staff at state psychiatric hospitals; Department of Human Resource Management shall amend its policies relating to employee designations, payment policies, and benefits, 12-hour shifts for staff, etc.				
Patron–Rasoul	HB	806	304	743
Patron–Favola	SB	177	342	796
On-campus food insecurity; State Council of Higher Education for Virginia shall survey each public higher educational institution to determine how they are addressing issue, report. (Patron–Cousins)	HB	827	644	1412
1915(c) Home and Community Based Services Medicaid Waivers; Department of Medical Assistance Services and Department of Behavioral Health and Developmental Services shall seek federal authority to modify program rules, respite services.				
Patron–Shin	HB	909	646	1413
Patron–Aird	SB	488	679	1553
1915(c) Home and Community-Based Services Medicaid Waivers; state plan amendments, program rule modifications. (Patron–Cole)	HB	1318	551	966
Online transition resources; Department for Aging and Rehabilitative Services, et al., to ensure dissemination and availability to all individuals, etc. (Patron–Favola)	SB	51	573	1205
Opioids; Department of Education shall develop education materials and guidelines for school boards concerning risks. (Patron–Convirs-Fowler)	HB	134	434	927
Pharmacy outsourcing and pharmacy technician remote database access; Board of Pharmacy shall promulgate regulations authorizing pharmacies located in Commonwealth or out-of-state to outsource tasks associated with dispensing a				

	BILL OR RES.	NO.	CHAP. NO.	PAGE NO.
UNCODIFIED LEGISLATION - Continued				
prescription drug, etc., maximum number of persons performing duties of technician and support personnel a pharmacist may supervise at one time.				
Patron–Hodges	HB	1068	407	902
Patron–McDougle	SB	607	408	903
Prescription drugs; emergency regulations related to price transparency, effective period. (Patron–Sickles)	HB	592	727	1649
Professional counselors; Board of Counseling shall recognize the National Counselor Examination (NCE) as a valid examination for licensure. (Patron–Cole)	HB	426	443	956
Provisional (Career Switcher) License; Board of Education to amend its relevant regulation to permit any career switcher who seeks a teaching endorsement pre-K through grade 12, including any career switcher who seeks a teaching endorsement in special education, to pursue License, requirements. (Patron–McQuinn)	HB	269	183	422
Public utilities and cooperatives; delay of termination of service for certain residential customers, report. (Patron–Helmer)	HB	275	637	1403
Quitclaim and release property rights; Department of Conservation and Recreation to release property rights related to a portion of real estate owned by Department related to an offsite ingress and egress easement serving Biscuit Run Property in Albemarle County. (Patron–Callsen)	HB	778	453	977
Real property; Department of Conservation and Recreation authorized to quitclaim and release certain rights related to a portion of real estate owned by the Department in Wythe County. (Patron–Arnold)	HB	428	39	96
RPS eligible sources; falling water generation facilities. (Patron–Carroll Foy)	SB	495	596	1259
School health entrance form; Departments of Education and Health to streamline such form and make it available in both digital and print formats. (Patron–Hayes)	HB	1279	478	1037
Slot-retention requests; Developmental Disability waiver slots, sunset date.				
Patron–Runion	HB	577	103	215
Patron–Suetterlein	SB	610	125	297
Standards of Learning assessment; Board of Education shall revise its regulations relating to student eligibility for an expedited retake, report. (Patron–Phillips)	HB	1451	612	1291
State Emergency Medical Services Advisory Board; guidelines for provision of emergency treatment of fire, police, and search and rescue dogs. (Patron–Campbell)	HB	1309	550	1176
State hospitals; Department of Behavioral Health and Developmental Services shall develop and implement a pilot program relating to discharge of individuals at one state hospital, report. (Patron–Hope)	HB	515	290	728
State Inspector General, Office of the; investigations of abuse or neglect at state psychiatric hospitals, annual report on or before December 1. (Patron–Favola)	SB	178	664	1517
State Inspector General, Office of the; investigations of abuse or neglect at state psychiatric hospitals, annual report on or before November 1. (Patron–Hope)	HB	313	638	1404
Staunton, City of; City allowed to reduce or waive utility connection fees in certain designated areas. (Patron–Campbell)	HB	136	19	34
Students with disabilities; State Council of Higher Education for Virginia, et al., shall study processes by which each public institution of higher education determines eligibility for accommodations and make recommendations to reduce any barriers to establish.				
Patron–Cohen	HB	509	444	956
Patron–Salim	SB	21	491	1050
Students with Limited and/or Interrupted Formal Education (SLIFE); Board of Education shall develop and adopt policies relating to supporting students.				
Patron–Suetterlein	SB	433	623	1358
Tangible personal property tax; classification of certain vehicles, removes sunset date.				
Patron–Willett	HB	1502	660	1510
Patron–VanValkenburg	SB	194	665	1518
Towing fees; State Corporation Commission shall examine existing regulation of fees charged for removal of vehicles, report. (Patron–Marsden)	SB	450	245	627
Town of Leesburg Parking Authority; created. (Patron–Martinez)	HB	5	265	680
Transparency in Publicly Funded Animal Testing Facilities, Task Force on; Department of Agriculture and Consumer Services, et al., shall convene for purpose				

	BILL OR RES.	NO.	CHAP. NO.	PAGE NO.
UNCODIFIED LEGISLATION - Continued				
of identifying potential deficiencies in publicly funded animal testing facilities, report.				
Patron–Simonds	HB	580	693	1596
Patron–Boysko	SB	411	675	1542
Treatment with opioids; Board of Medicine, et al., to amend their regulations, implementation of provisions to be effective within 280 days of its enactment.				
Patron–Maldonado	HB	699	448	963
Uniform Statewide Building Code; Board of Housing and Community Development shall convene a stakeholder advisory group including fire code officials to evaluate and recommend revisions.				
Patron–McClure	HB	368	384	876
Patron–VanValkenburg	SB	195	385	876
Veterans; Department of Law's Division of Consumer Counsel shall convene work group to examine practice of persons receiving compensation for providing certain services regarding benefits matter, report. (Patron–Sewell)	HB	736	730	1653
Virginia Freedom of Information Act; effective date of procedures for conducting meetings held through electronic communication means during declared states of emergency.				
Patron–Cherry	HB	816	305	744
Patron–McPike	SB	244	344	798
Virginia Longitudinal Data System and Virginia Workforce Data Trust; Secretary of Education shall convene a work group to review current capabilities and future needs, etc., report. (Patron–Coyner)	HB	1083	410	904
Virginia Preservice Training for Child Care Staff; Department of Education shall review course for appropriateness based on age range of children served.				
Patron–Wilt	HB	1024	609	1286
Virginia residential development infrastructure fund; Department of Housing and Community Development shall convene a work group to assess feasibility of and options for establishing, report. (Patron–Carroll Foy)	SB	489	509	1108
Virginia Waste Management Board; regulations for open burning of solid wastes, transportation of vegetative waste. (Patron–Stuart)	SB	342	235	577
Voluntary Registration Health and Safety Checklist; Department of Education shall update for certain family day homes. (Patron–Simonds)	HB	358	285	724
Wholesale prescription drug importation program; Secretary of Health and Human Resources shall convene work group to investigate programs in other states, etc., report. (Patron–Subramanyam)	SB	186	620	1325
UNEMPLOYMENT COMPENSATION				
Common interest communities; residents providing certain services exemption. (Patron–Watts)	HB	214	839	1904
Unemployment compensation; benefit overpayments, Commission finds overpayments to be uncollectible or recovery to be administratively impracticable.				
Patron–Ebbin	SB	382	591	1240
Unemployment compensation; continuation of benefits, repayment of overpayments, presumptive payment shall be made no later than 21 days after issue arises, sunset date.				
Patron–Tran	HB	1261	746	1681
Patron–Bagby	SB	536	772	1724
Unemployment compensation; employer's failure to respond to requests for information, determinations and decisions by deputy, delayed effective date, certain provisions shall apply to erroneous payments established on or after July 1, 2025.				
Patron–Ware	HB	14	165	407
Patron–Ebbin	SB	381	236	577
Virginia Employment Commission; appeals proceedings, electronic delivery shall include confirmation of receipt, repeals provisions related to appeal tribunals and Commission-appointed Board of Review.				
Patron–Price	HB	1453	562	1191
Patron–DeSteph	SB	655	603	1273
Virginia Employment Commission; provision of certain confidential information to Virginia Port Authority. (Patron–Wyatt)	HB	1103	215	470

	BILL OR RES.	NO.	CHAP. NO.	PAGE NO.
UNIFORM COMMERCIAL CODE				
Uniform Commercial Code; amendments to provisions, effective date.				
Patron–Hayes	HB	1286	652	1436
UNITED NETWORK FOR ORGAN SHARING				
United Network for Organ Sharing; commemorating its 40th anniversary.				
Patron–Carr	HJR	362		2107
UNITED STATES FOREIGN SERVICE				
United States Foreign Service; commemorating its 100th anniversary.				
Patron–Reid	HJR	206		2015
Patron–Subramanyam	SR	177		2653
UNITED WAY OF ROANOKE VALLEY				
United Way of Roanoke Valley; commemorating its 100th anniversary.				
Patron–Rasoul	HJR	265		2050
UNITED WE LIGHT: PROJECT GUATEMALA				
United We Light: Project Guatemala; commending. (Patron–Reeves)	SJR	172		2506
UP NEXT 2 VOTE				
Up Next 2 Vote; commending. (Patron–Lovejoy)	HR	132		2218
URBAN LEAGUE GREATER RICHMOND				
Urban League Greater Richmond; commemorating its 110th anniversary and Urban League Greater Richmond Young Professionals, commemorating its 25th anniversary.				
Patron–Jones	HR	140		2224
Patron–Bagby	SJR	70		2445
URBAN LEAGUE GREATER RICHMOND YOUNG PROFESSIONALS				
Urban League Greater Richmond; commemorating its 110th anniversary and Urban League Greater Richmond Young Professionals, commemorating its 25th anniversary. (Patron–Jones				
Patron–Jones	HR	140		2224
Patron–Bagby	SJR	70		2445
UTERINE FIBROIDS AWARENESS MONTH				
Uterine Fibroids Awareness Month; designating as July 2024 and each succeeding year thereafter. (Patron–Henson)	HJR	26		1926
VALE UNITED METHODIST CHURCH				
Vale United Methodist Church; commending. (Patron–Keys-Gamarra)	HJR	227		2028
VALENTINE, HENRY LEE, II				
Valentine, Henry Lee, II; recording sorrow upon death. (Patron–Carr)	HJR	361		2107
VAN HORN, EDGAR				
Van Horn, Edgar; recording sorrow upon death. (Patron–McPike)	SR	123		2627
VARDAVAS, ALEX				
Vardavas, Alex; commending. (Patron–Marshall)	HJR	288		2063
VARINA HIGH SCHOOL				
Varina High School boys' basketball team; commending. (Patron–McQuinn)	HR	383		2346
VARNEY, WANDA SUE				
Varney, Wanda Sue; recording sorrow upon death. (Patron–Hackworth)	SR	35		2580
VAUGHAN, DONNA M.				
Vaughan, Donna M.; recording sorrow upon death. (Patron–Knight)	HR	58		2181
VESILIND, PRIIT JUHO				
Vesilind, Priit Juho; recording sorrow upon death. (Patron–Roem)	SR	129		2630
VETERANS				
Data Governance and Analytics, Office of; reciprocal data-sharing agreements, veteran-specific data. (Patron–Glass)	HB	589	292	729
License plates, special; issuance to certain active duty members, honorably discharged veterans, and retirees from the United States Air Force. (Patron–Cherry)	HB	380	188	424
Veterans; Department of Labor and Industry shall create a poster describing benefits and services available, employers may request from Department and display such poster in the workplace. (Patron–Seibold)	HB	160	430	922

	BILL OR RES.	NO.	CHAP. NO.	PAGE NO.
VETERANS - Continued				
Veterans; Department of Law's Division of Consumer Counsel shall convene work group to examine practice of persons receiving compensation for providing certain services regarding benefits matter, report. (Patron–Sewell)	HB	736	730	1653
VETERANS OF FOREIGN WARS POST 9954				
Veterans of Foreign Wars Post 9954; commemorating its 75th anniversary. Patron–Wright	HR	335		2322
VETERINARIANS				
Large animal veterinarians; Board of Veterinary Medicine, et al., to study shortage. Patron–Lopez	HJR	43		1931
Patron–Hackworth	SJR	15		2385
Veterinary medicine; traineeships. (Patron–Davis)	HB	848	307	744
Veterinary Medicine, Board of; powers and duties, satellite offices. Patron–Hackworth	SB	663	604	1276
VIAR, E.W., JR.				
Viar, E.W., Jr.; commending. (Patron–Griffin)	HR	310		2310
VIENNA ARTS SOCIETY				
Vienna Arts Society; commemorating its 50th anniversary. (Patron–Seibold)	HR	404		2356
VINEGAR HILL MAGAZINE				
Vinegar Hill Magazine; commending. (Patron–Callsen)	HR	430		2369
VIRGINIA ALCOHOLIC BEVERAGE CONTROL AUTHORITY				
Virginia Alcoholic Beverage Control Authority; commending. Patron–Bulova	HJR	233		2032
Patron–Favola	SJR	123		2477
VIRGINIA BEACH, CITY OF				
Virginia Beach, City of; amending charter, expansion of board of equalization. Patron–Convirs-Fowler	HB	415	386	876
Patron–Craig	SB	262	387	877
VIRGINIA BEACH LIFESAVING SERVICE				
Virginia Beach Lifesaving Service; commending. (Patron–Tata)	HR	418		2362
VIRGINIA BEACH MEDICAL RESERVE CORPS				
Virginia Beach Medical Reserve Corps; commending. (Patron–Feggans)	HJR	286		2062
VIRGINIA BLACK CHAMBER OF COMMERCE				
Virginia Black Chamber of Commerce; commending. (Patron–Cole)	HR	77		2190
VIRGINIA CHAMBER OF COMMERCE				
Virginia Chamber of Commerce; commemorating its 100th anniversary. Patron–Scott, D.	HR	153		2230
Patron–Surovell	SJR	122		2476
VIRGINIA COMMONWEALTH UNIVERSITY MASSEY COMPREHENSIVE CANCER CENTER				
Virginia Commonwealth University Massey Comprehensive Cancer Center; commemorating its 50th anniversary. (Patron–Carr)	HJR	296		2068
VIRGINIA HOUSE OF DELEGATES				
Gilbert, C. Todd; authorizes and allocates funding for the painting of a portrait of former Speaker of the House of Delegates to be hung in the Chamber of the House of Delegates. (Patron–Herring)	HR	17		2162
House of Delegates; establishing the Rules for the 2024–2025 Sessions of the General Assembly. (Patron–Herring)	HR	10		2149
House of Delegates; salaries, contingent and incidental expenses. (Patron–Torian)	HR	11		2160
Transportation entities, certain; appointed members to be members of House of Delegates. (Patron–Krizek)	HB	201	633	1398
2024 House-Senate basketball game; commending annual fundraiser for Massey Cancer Center. (Patron–Rouse)	SR	119		2625
VIRGINIA HUMANITIES				
Virginia Humanities; commemorating its 50th anniversary. (Patron–Deeds)	SJR	214		2530
VIRGINIA LAW FOUNDATION				
Virginia Law Foundation; commemorating its 50th anniversary. Patron–Herring	HJR	344		2097
Patron–McGuire	SJR	239		2545

	BILL OR RES.	NO.	CHAP. NO.	PAGE NO.
VIRGINIA, MARYLAND AND DELAWARE ASSOCIATION OF ELECTRIC COOPERATIVES				
Virginia, Maryland and Delaware Association of Electric Cooperatives; commemorating its 80th anniversary. (Patron–VanValkenburg)	SJR	167		2503
VIRGINIA MUSEUM OF HISTORY & CULTURE				
Virginia Museum of History & Culture; commending. (Patron–Carr)	HJR	363		2108
VIRGINIA POLYTECHNIC INSTITUTE AND STATE UNIVERSITY				
Virginia Polytechnic Institute and State University women's basketball team; commending. (Patron–Obenshain)	HJR	302		2072
VIRGINIA PROFESSIONAL PHOTOGRAPHERS ASSOCIATION				
Virginia Professional Photographers Association; commemorating its 125th anniversary. (Patron–Carr)	HJR	359		2106
VIRGINIA PUBLIC PROCUREMENT ACT				
Virginia Public Procurement Act; all local public bodies shall provide option to submit bids or proposals through eVA or other electronic means. (Patron–Hope)	HB	311	438	931
Virginia Public Procurement Act; competitive negotiation, exceptions to contractual terms or conditions including any liability provisions contained in the Request for Proposal in writing at time of responding to such Proposal if so requested by the public body.				
Patron–Bulova	HB	242	688	1579
Patron–McPike	SB	242	705	1629
Virginia Public Procurement Act; construction management or design-build contracts for local and state public bodies and covered institutions, report.				
Patron–Carr	HB	1108	469	1021
Patron–Locke	SB	18	490	1046
Virginia Public Procurement Act; job order contracting, limitations. (Patron–Carr)	HB	1113	60	137
Virginia Public Procurement Act; methods of procurement, certain construction projects. (Patron–Carr)	HB	1116	544	1163
Virginia Public Procurement Act; preference for goods produced in Virginia, United States, and Virginia resident bidders, sunset date, report.				
Patron–Feggans	HB	1361	749	1688
Patron–DeSteph	SB	260	782	1759
VIRGINIA RESIDENTIAL LANDLORD AND TENANT ACT				
Virginia Residential Landlord and Tenant Act; early termination for military personnel, stop movement order.				
Patron–Glass	HB	352	28	43
Patron–Perry	SB	213	154	373
Virginia Residential Landlord and Tenant Act; early termination of rental agreement, issuance of a permanent protective order. (Patron–Delaney)	HB	764	302	741
Virginia Residential Landlord and Tenant Act; fee disclosure statement.				
Patron–Lopez	HB	967	826	1859
Patron–Boysko	SB	405	788	1767
Virginia Residential Landlord and Tenant Act; landlord shall provide a copy of signed written rental agreement to tenant, an additional electronic copy of agreement shall be provided at no charge to the tenant. (Patron–Callsen)	HB	1272	831	1885
Virginia Residential Landlord and Tenant Act; routine maintenance, notice to tenant. (Patron–Feggans)	HB	701	46	106
Virginia Residential Landlord and Tenant Act; tenant's remedies from exclusion from dwelling unit due to condemnation. (Patron–Lopez)	HB	957	825	1859
VIRGINIA SCHOOL BOARDS ASSOCIATION				
Virginia School Boards Association; commending. (Patron–Laufer)	HJR	153		1986
VIRGINIA SOCIETY OF ASSOCIATION EXECUTIVES				
Virginia Society of Association Executives; commemorating its 75th anniversary.				
Patron–Williams Graves	SJR	99		2463
VIRGINIA SPORTS HALL OF FAME				
Virginia Sports Hall of Fame, 2024 Inductees; commending.				
Patron–Hayes	HR	135		2220
Patron–Rouse	SR	84		2606
VIRGINIA STATE UNIVERSITY				
Virginia State University marching band; commending. (Patron–Aird)	SR	125		2628

	BILL OR RES.	NO.	CHAP. NO.	PAGE NO.
VIRGINIA UNION UNIVERSITY				
Virginia Union University football team; commending. (Patron–Clark)	HR	55		2180
VIRGINIA WAR MUSEUM				
Virginia War Museum; commemorating its 100th anniversary. (Patron–Green)	HR	33		2170
VIRGINIA YOUTH POET LAUREATE				
Virginia Youth Poet Laureate ambassadors; commending. (Patron–Glass)	HR	210		2259
VIRGINIANS FOR HIGH SPEED RAIL				
Virginians for High Speed Rail; commemorating its 30th anniversary.				
Patron–Willett	HJR	333		2090
VIRGINIA-TAIWAN TRADE OFFICE				
Virginia-Taiwan Trade Office; commending. (Patron–Surovell)	SJR	229		2539
VITAL STATISTICS				
Vital records; State Registrar to expedite issuance of new birth certificate upon receipt of adoption records with notice that at least one adoptive parent is an active duty or retired member of the military or military reserves, etc.				
Patron–Coyner	HB	649	45	105
Patron–Roem	SB	325	119	286
VIVENTI, ANTHONY STEWART				
Viventi, Anthony Stewart; recording sorrow upon death. (Patron–Cherry)	HJR	308		2076
VOLUNTEERING TOGETHER FOR SERVICE				
Volunteering Together for Service; commending. (Patron–Srinivasan)	HR	428		2368
VOODOO BREWING COMPANY VIRGINIA BEACH				
Voodoo Brewing Company Virginia Beach; commending. (Patron–Feggans)	HJR	196		2009
VOTER REGISTRATION				
Voter registration; protected voter status, elections officials. (Patron–Shin)	HB	943	309	747
VOTERS AND VOTING				
Absentee voting; persons confined awaiting trial or for conviction of a misdemeanor may vote by absentee ballot. (Patron–Ward)	HB	1330	553	1179
Elections administration; duties of Department of Elections, required election and voter participation information on the Internet. (Patron–Tran)	HB	989	406	901
Elections administration; notice of a change in location of polling place, additional notice requirement shall include information on how voters may find their polling places. (Patron–Shin)	HB	940	461	990
Polling place; assistance for certain voters, clarifies definition of "person with a disability."				
Patron–Bennett-Parker	HB	441	191	432
Patron–Subramanyam	SB	605	515	1122
WADE, AICHA				
Wade, Omar, Marieme, and Aicha; recording sorrow upon deaths. (Patron–Hashmi)	SR	43		2583
WADE, MARIEME				
Wade, Omar, Marieme, and Aicha; recording sorrow upon deaths. (Patron–Hashmi)	SR	43		2583
WADE, OMAR				
Wade, Omar, Marieme, and Aicha; recording sorrow upon deaths. (Patron–Hashmi)	SR	43		2583
WALKER, ANNIE				
Walker, Annie; recording sorrow upon death.				
Patron–Reid	HJR	93		1952
Patron–Reeves	SJR	74		2447
WALLACE, MIKE				
Wallace, Mike; commending. (Patron–Wyatt)	HR	388		2349
WALLE, EVERETT EARL, JR.				
Walle, Everett Earl, Jr.; recording sorrow upon death. (Patron–Reeves)	SJR	106		2467
WALSTON, SHARON				
Walston, Sharon; commending. (Patron–Glass)	HR	209		2259
WALTON, J.S.				
Walton, J.S.; commending. (Patron–Hodges)	HJR	123		1969

	BILL OR RES.	NO.	CHAP. NO.	PAGE NO.
WARE, ONZLEE				
Ware, Onzlee; recording sorrow upon death.				
Patron–Rasoul	HJR	365		2109
Patron–Suetterlein	SJR	237		2544
WARM SPRINGS VALLEY GARDEN CLUB				
Warm Springs Valley Garden Club; commemorating its 100th anniversary.				
Patron–Obenshain	SR	104		2618
WARRANTS				
Written complaints; requires complaint for any felony offenses to be provided to any officer authorized to issue criminal warrants. (Patron–Arnold)	HB	438	809	1821
WARREN, ANDREA F.				
Warren, Andrea F.; commending. (Patron–Williams Graves)	SR	160		2645
WARRENTON HORSE SHOW				
Warrenton Horse Show; commemorating its 125th anniversary. (Patron–Webert)	HJR	364		2109
WARRENTON VOLUNTEER FIRE COMPANY				
Warrenton Volunteer Fire Company; commemorating its 100th anniversary.				
Patron–Webert	HR	301		2306
WASHINGTON, D.C. METROPOLITAN AREA				
Public transit systems; joint subcommittee to study long-term, sustainable, dedicated operations and capital funding as well as cost-containment controls and strategies to ensure Washington Metropolitan Area Transit Authority, Virginia Railway Express, et al., meet growing needs. (Patron–Ebbin)	SJR	28		2389
WASHINGTON METROPOLITAN CRICKET BOARD				
Washington Metropolitan Cricket Board; commending. (Patron–Srinivasan)	HR	359		2334
WASHINGTON, PATRICIA				
Washington, Patricia; commending. (Patron–Bennett-Parker)	HJR	155		1987
WASTE MANAGEMENT				
Virginia Waste Management Board; regulations for open burning of solid wastes, transportation of vegetative waste. (Patron–Stuart)	SB	342	235	577
WATER AND SEWER SYSTEMS				
Water facilities; staffing of licensed operators, remote monitoring of facilities.				
Patron–Orrock	HB	220	178	416
WATERCRAFT				
Abandoned watercraft; destruction and disposal by localities and state agencies.				
Patron–Knight	HB	1053	314	753
WATERFOWL				
Chesapeake Bay Public Access Authorities; singular license for waterfowl blinds, Department shall develop fee schedule for such license. (Patron–Hodges)	HB	1058	213	468
Stationary blinds for waterfowl; providing location of blinds to Department of Wildlife Resources. (Patron–Wiley)	HB	288	186	423
WATERS OF THE STATE, PORTS, AND HARBORS				
Combined sewer overflow outfalls; compliance with regulations, outfalls that discharge into the Chesapeake Bay Watershed.				
Patron–Bulova	HB	71	97	202
Patron–Ebbin	SB	372	6	6
Eastern Virginia Groundwater Management Area; continued withdrawal permit for residential well. (Patron–Stuart)	SB	337	768	1721
Environmental Quality, Department of; groundwater and surface water withdrawal permits. (Patron–Stuart)	SB	581	251	636
High polycyclic aromatic hydrocarbon; prohibits pavement sealants that contains products, civil penalty. (Patron–Tran)	HB	985	736	1663
PFAS Expert Advisory Committee; established, monitoring of PFAS sources for assessments, identification of sources, reports.				
Patron–Rasoul	HB	1085	316	754
Patron–McPike	SB	243	343	796
Regulated land-disturbing activities; submission and approval of erosion and sediment control plan.				
Patron–Wiley	HB	656	104	216
Patron–DeSteph	SB	365	5	4

	BILL OR RES.	NO.	CHAP. NO.	PAGE NO.
WATERS OF THE STATE, PORTS, AND HARBORS - Continued				
Sewage sludge regulations; relief from administrative requirements, adverse and unusual weather events. (Patron–Bulova)	HB	870	209	459
Virginia Coastal Resilience Collaborative at The College of William & Mary in Virginia; changes references relating to coastal resilience policy. Patron–McDougle	SB	674	13	27
Water facilities; staffing of licensed operators, remote monitoring of facilities. Patron–Orrock	HB	220	178	416
WEAPONS				
Auto sears and trigger activators; prohibition on manufacture, importation, sale, etc., forfeiture of weapons that are concealed, etc., in violation of law, penalty. Patron–Jones	HB	22	163	406
Patron–Perry	SB	210	164	407
WEATHER				
Sewage sludge regulations; relief from administrative requirements, adverse and unusual weather events. (Patron–Bulova)	HB	870	209	459
WEBB, WILLIAM A.				
Webb, William A.; commending. Patron–Kent	HR	64		2184
Patron–Stuart	SJR	232		2540
WEILER, T.K.				
Weiler, T.K.; recording sorrow upon death. (Patron–Diggs)	SR	53		2589
WELCH, ROGER ALLEN				
Welch, Roger Allen; recording sorrow upon death. (Patron–Webert)	HR	86		2195
WELFARE (SOCIAL SERVICES)				
Adoption; award of damages, death by wrongful act, provisions shall apply to any adoption finalized on or after July 1, 2024. Patron–Reid	HB	140	69	168
Patron–Perry	SB	209	70	169
Adoption; prospective adoptive parent, parental placement and agency adoptions, discharge of newborn infant. (Patron–Herring)	HB	783	90	184
Adult day care centers; name changes to adult day centers throughout the Code. Patron–Willett	HB	1498	150	337
Patron–Craig	SB	173	37	62
Child abuse and neglect; adds aggravated sexual battery of a child and attempted rape, etc., of a child to the list of offenses for which a failure to report subjects a mandatory reporter to criminal liability. (Patron–Mundon King)	HB	1542	615	1292
Children's advocacy centers; definitions, investigations by local departments of social services. Patron–Bennett-Parker	HB	1128	829	1870
Patron–Favola	SB	12	779	1736
Criminal history record information; Department of Social Services to obtain information for screening individuals as a condition of licensure, etc., on a regular basis in a licensed child welfare agency or foster or adoptive home. Patron–Simonds	HB	361	526	1140
Family and Children's Trust Fund; modifies membership, powers and duties, appointment of nonlegislative citizen members to Board of Trustees of Fund. Patron–McDougle	SB	683	427	917
Kinship foster care; local boards of social services or child-placing agencies allowed to approve parent applicants who have been convicted of certain felony drug offenses. (Patron–Callsen)	HB	453	529	1150
Kinship foster care; placement of child with foster parent, Parental Child Safety Placement Program established. Patron–Callsen	HB	27	629	1393
Patron–Favola	SB	39	662	1513
Social services, local departments of; employee criminal background checks. Patron–Delaney	HB	1366	555	1181
Supplemental Nutrition Assistance Program; Department of Social Services may not require persons who are applying to participate or renewing their participation in program to appear in person. (Patron–Helmer)	HB	150	435	927

	BILL OR RES.	NO.	CHAP. NO.	PAGE NO.
WELFARE (SOCIAL SERVICES) - Continued				
Temporary Assistance for Needy Families Program; repeals requirement that the Department of Social Services identify strategies for Virginia to obtain the maximum amount of federal funds available for child care services for Program recipients. Patron–Gardner	HB	472	102	215
WELLS				
Eastern Virginia Groundwater Management Area; continued withdrawal permit for residential well. (Patron–Stuart)	SB	337	768	1721
WENIGER, MARVIN JOSEPH				
Weniger, Marvin Joseph; recording sorrow upon death. (Patron–DeSteph)	SR	141		2636
WESTERN BRANCH HIGH SCHOOL				
Western Branch High School boys' track and field team; commending. Patron–Ennis	HJR	381		2118
WESTMINSTER AT LAKE RIDGE				
Westminster at Lake Ridge; commemorating its 30th anniversary. (Patron–Sewell)	HR	406		2357
WESTMORELAND VOLUNTEER FIRE DEPARTMENT				
Westmoreland Volunteer Fire Department; commemorating its 75th anniversary. Patron–Stuart	SJR	4		2380
WETLANDS				
Professional wetland delineator; certification requirements. (Patron–Ennis)	HB	1182	545	1165
WEXTON, JENNIFER				
Wexton, Jennifer; commending. (Patron–Perry)	SR	82		2605
WEYERS CAVE RURITAN CLUB				
Weyers Cave Ruritan Club; commemorating its 85th anniversary. Patron–Runion	HR	73		2188
Patron–Obenshain	SR	99		2615
WFIR				
WFIR; commemorating its 100th anniversary. (Patron–Rasoul)	HJR	232		2031
WHARTON MEMORIAL CHURCH COMPLEX				
Wharton Memorial Church Complex; commending. (Patron–Wright)	HR	23		2165
WHITE, JEANETTE LUCILLE GRAVES				
White, Jeanette Lucille Graves; recording sorrow upon death. (Patron–Favola)	SR	170		2650
WHITE, KATHLEEN				
White, Kathleen; commending. (Patron–Cherry)	HJR	301		2072
WHOLEY, JOSEPH S., JR.				
Wholey, Joseph S., Jr.; recording sorrow upon death. (Patron–Hope)	HJR	240		2036
WHOLEY, MARGARET SMITH				
Wholey, Margaret Smith; recording sorrow upon death. (Patron–Hope)	HJR	241		2036
WILDLIFE, INLAND FISHERIES AND BOATING				
Abandoned watercraft; destruction and disposal by localities and state agencies. Patron–Knight	HB	1053	314	753
Chesapeake Bay Public Access Authorities; singular license for waterfowl blinds, Department shall develop fee schedule for such license. (Patron–Hodges)	HB	1058	213	468
Deer, bear, turkey, or elk; claiming after struck by motor vehicle. (Patron–Wilt)	HB	1025	83	179
Interference with commercial fishing vessels or activity; penalty. (Patron–Kent)	HB	928	403	898
Stationary blinds for waterfowl; providing location of blinds to Department of Wildlife Resources. (Patron–Wiley)	HB	288	186	423
WILKINS, KARL				
Wilkins, Karl; commending. (Patron–Clark)	HR	214		2261
WILLARD, KENNETH ROBERT				
Willard, Kenneth Robert; recording sorrow upon death. (Patron–Milde)	HR	452		2380
WILLEY, BERNICE DAVIS				
Willey, Bernice Davis; recording sorrow upon death. (Patron–Locke)	SJR	98		2463
WILLIAM & MARY, THE COLLEGE OF				
Virginia Coastal Resilience Collaborative at The College of William & Mary in Virginia; changes references relating to coastal resilience policy. Patron–McDougle	SB	674	13	27

	BILL OR RES.	NO.	CHAP. NO.	PAGE NO.
WILLIAMS, FELICIA				
Williams, Felicia; commending. (Patron–Cordoza)	HR	271		2290
WILLIAMS, GELINE BOWMAN				
Williams, Geline Bowman; commending.				
Patron–Garrett	HJR	143		1980
Patron–McGuire	SJR	118		2474
WILLIAMS, TIMOTHY P.				
Williams, Timothy P.; commending.				
Patron–Freitas	HR	8		2148
Patron–Reeves	SJR	87		2457
WILLIAMSBURG COMMUNITY FOUNDATION				
Williamsburg Community Foundation; commending. (Patron–Batten)	HJR	311		2077
WILLIS, HULON L., JR.				
Willis, Hulon L., Jr.; recording sorrow upon death.				
Patron–Sewell	HR	258		2283
Patron–McQuinn	HR	266		2287
WILLS AND DECEDENTS' ESTATES				
Trusts; release or ratification of trustee by beneficiary, response of beneficiary in writing within 60 days of objection.				
Patron–Leftwich	HB	678	446	961
Patron–Deeds	SB	566	600	1270
WILLS, TRUSTS, AND FIDUCIARIES				
Court-appointed guardians; training, powers and duties. (Patron–Roem)	SB	291	587	1231
Guardians and conservators; order of appointment and certificate of qualification, annual report, clerk of circuit court establishing and maintaining his own case management system.				
Patron–Sullivan	HB	115	17	31
Patron–Roem	SB	290	156	374
Guardianship and conservatorship; report of guardian ad litem. (Patron–Roem)	SB	292	588	1234
Guardianship and conservatorship; restoration or modification or termination of order, informal written communication. (Patron–Hope)	HB	786	820	1840
Permissible venue; personal injury and wrongful death actions, appointment of administrator on behalf of estate of decedent.				
Patron–Callsen	HB	779	50	112
Patron–Carroll Foy	SB	138	340	793
Powers of attorney, certain; transfer on death deeds.				
Patron–Jones	HB	336	283	722
Patron–Obenshain	SB	471	355	820
Uneconomic trust; modification or termination, notice.				
Patron–Jones	HB	332	282	722
Patron–McDougle	SB	63	336	789
Wills and trusts; tangible personal property, nonexoneration. (Patron–Sturtevant)	SB	102	576	1208
WILSON, DONALD LEE				
Wilson, Donald Lee; recording sorrow upon death. (Patron–Henson)	HJR	161		1990
WILSON, FIELDING LEWIS, JR.				
Wilson, Fielding Lewis, Jr.; recording sorrow upon death. (Patron–Milde)	HR	451		2379
WILSON, PEARL MAE				
Wilson, Pearl Mae; commending. (Patron–Carr)	HJR	383		2119
WILSON, STANLEY TOBIAS, JR.				
Wilson, Stanley Tobias, Jr.; recording sorrow upon death. (Patron–McQuinn)	HR	156		2232
WINE				
Alcoholic beverage control; definitions, annual mixed beverage performing arts facility and sports facility licenses, on-and-off premises wine and beer licenses, sunset provision.				
Patron–Krizek	HB	1349	111	250
Patron–DeSteph	SB	180	619	1297
Patron–Deeds	SB	400	622	1330
Patron–Reeves	SB	657	255	640
Patron–Stanley	SB	724	627	1365

	BILL OR RES.	NO.	CHAP. NO.	PAGE NO.
WINE - Continued				
Alcoholic beverage control; sale and delivery of mixed beverages and pre-mixed wine for off-premises consumption, third-party delivery license, repeals sunset, etc.				
Patron–Leftwich	HB	688	105	217
Patron–Rouse	SB	635	159	378
WINKLE, TERRY EDWARD				
Winkle, Terry Edward; recording sorrow upon death.				
Patron–Obenshain	HR	94		2199
Patron–Hackworth	SR	79		2603
WINKLER, LARRY DONNELL, SR.				
Winkler, Larry Donnell, Sr.; recording sorrow upon death. (Patron–McQuinn)	HR	336		2322
WISECARVER, GARY				
Wisecarver, Gary; commending. (Patron–Zehr)	HR	327		2318
WITNESSES				
Subpoenas; release of witness. (Patron–Anthony)	HB	1435	487	1042
WLNI				
WLNI; commemorating its 30th anniversary. (Patron–Walker)	HJR	220		2024
WOLFF, BRUCE				
Wolff, Bruce; commending. (Patron–Martinez)	HJR	408		2133
WOMEN				
Incarcerated women who are pregnant and in need of substance abuse treatment; Department of Criminal Justice Services, et al., to study and make recommendations related to prioritizing treatment. (Patron–McGuire)	SB	603	625	1362
WOMEN OF GRACE, STRENGTH, AND DIGNITY				
Women of Grace, Strength, and Dignity; commending. (Patron–Clark)	HR	144		2226
WOMEN OF THE AFRICAN DIASPORA				
Women of the African diaspora; commending. (Patron–Mundon King)	HR	445		2376
WOMEN'S TIDEWATER GOLF ASSOCIATION				
Women's Tidewater Golf Association; commemorating its 100th anniversary.				
Patron–Bloxom	HR	97		2200
Patron–Lucas	SR	71		2599
WOOD, JAMES ANDERSON				
Wood, James Anderson; recording sorrow upon death. (Patron–Knight)	HR	1		2144
WOOD, ROCKY S.				
Wood, Rocky S.; recording sorrow upon death. (Patron–Pillion)	SR	46		2585
WOODARD, MAXINE DRISKILL				
Woodard, Maxine Driskill; recording sorrow upon death. (Patron–Zehr)	HR	447		2377
WOODBURY, GERARD EVERETT				
Woodbury, Gerard Everett; recording sorrow upon death. (Patron–Green)	HJR	164		1992
WOODGROVE HIGH SCHOOL				
Woodgrove High School wrestling team; commending. (Patron–Higgins)	HJR	329		2088
WOODHOUSE, MARY L.				
Woodhouse, Mary L.; recording sorrow upon death. (Patron–Locke)	SR	88		2609
WOODS, TERRY				
Woods, Terry; commending. (Patron–Stanley)	SR	4		2564
WORKERS' COMPENSATION				
Administrative Process Act; exempts certain rules of the Virginia Workers' Compensation Commission. (Patron–Kilgore)	HB	1418	559	1188
Judges; election in Court of Appeals of Virginia, circuit court, general district court, juvenile and domestic relations district court, a member of the Judicial Inquiry and Review Commission, members of the State Corporation Commission, and a member of the Virginia Workers' Compensation Commission. (Patron–Maldonado)	HJR	99		1956
Virginia Workers' Compensation Commission; nomination for election of member.				
Patron–Ward	HR	43		2174
Patron–Deeds	SR	21		2573
Workers' compensation; notice of right to dispute claim. (Patron–McPike)	SB	241	584	1225
Workers' compensation; prompt payment, limitation on claims. (Patron–Simonds)	HB	205	177	415

	BILL OR RES.	NO.	CHAP. NO.	PAGE NO.
WORKFORCE				
Advanced Learning and Research, Institute for; powers and duties, specialized noncredit workforce training, Roanoke Higher Education Authority, powers of board.				
Patron–Marshall	HB	1357	220	509
High school graduation requirements; satisfaction of elective course credits with workforce credentials, development and maintenance of lists of accepted credentials.				
Patron–Anthony	HB	1345	657	1501
Patron–Diggs	SB	199	666	1518
Virginia Health Workforce Development Authority; powers and duties, Virginia Health Care Career and Technical Training and Education Fund created, definitions, licensure of psychological practitioners, etc.				
Patron–Willett	HB	1499	754	1699
Patron–Head	SB	155	761	1707
WREATHS ACROSS SOUTHERN FAUQUIER				
Wreaths Across Southern Fauquier; commending. (Patron–Reid)	HJR	146		1982
WRIGHT, CONNOR				
Wright, Connor; commending. (Patron–Sewell)	HR	245		2276
WTJU				
WTJU; commending. (Patron–Callsen)	HR	435		2371
WYNNE, JOHN OLIVER				
Wynne, John Oliver; recording sorrow upon death.				
Patron–Knight	HJR	195		2008
Patron–Lucas	SR	64		2594
WYTHE COUNTY				
Real property; Department of Conservation and Recreation authorized to quitclaim and release certain rights related to a portion of real estate owned by the Department in Wythe County. (Patron–Arnold)	HB	428	39	96
XCELLERATED OFFSHORE				
Xcellerated Offshore; commending.				
Patron–Coyner	HJR	121		1968
Patron–Aird	SR	29		2577
XYLAZINE				
Xylazine; penalty for manufacturing, selling, etc., for human consumption.				
Patron–Hodges	HB	1187	472	1030
Patron–Pillion	SB	614	516	1124
YARN, LAURICE MALBON				
Yarn, Laurice Malbon; commending. (Patron–Feggans)	HR	255		2281
YEW, MICHAEL S.				
Yew, Michael S.; commending. (Patron–Gilbert)	HJR	283		2060
YODERS' FARM				
Yoders' Farm; commending. (Patron–Zehr)	HR	329		2319
YORK COUNTY				
York County Little League 9-11 All-Stars baseball team; commending.				
Patron–Green	HJR	105		1960
YORKTOWN HIGH SCHOOL				
Yorktown High School girls' swim and dive team; commending. (Patron–Hope)	HJR	355		2103
YORKTOWN RESTORE				
Yorktown ReStore; commending. (Patron–Green)	HJR	107		1961
YOUTH FOR TOMORROW-NEW LIFE CENTER, INC.				
Youth For Tomorrow-New Life Center, Inc.; commending. (Patron–Lovejoy)	HR	419		2363
ZAREMBA, WALTER C.				
Zaremba, Walter C.; commending. (Patron–Green)	HJR	96		1954
ZEIDERS ENTERPRISES				
Zeiders Enterprises; commemorating its 40th anniversary. (Patron–Sewell)	HR	242		2275
ZETA PHI BETA SORORITY, INC., PHI KAPPA ZETA CHAPTER OF				
Zeta Phi Beta Sorority, Inc., Phi Kappa Zeta Chapter of; commending.				
Patron–Carroll Foy	SR	55		2590

	BILL OR RES.	NO.	CHAP. NO.	PAGE NO.
ZOBERMAN, ISRAEL				
Zoberman, Israel; commending. (Patron–Craig)	SJR	235		2542
ZONING				
Child day programs; use of office buildings, waiver of zoning requirements.				
Patron–Reaser	HB	281	185	423
Patron–Favola	SB	13	263	680
Zoning; extension of land use approvals for solar photovoltaic and energy storage projects, period of validity for certain projects. (Patron–Coyner)	HB	650	301	738
ZUBROD, JOHN W.				
Zubrod, John W.; commending. (Patron–Wachsmann)	HJR	261		2048